

Books, Manuscripts, Pamphlets & Ephemera: 15th to 20th Centuries

CATALOGUE 87

THE
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Distinctio

Quoniam nouis supuenientibus causis nouis est
remedijs succurrēdū. idcirco ego Bartholo
meus brixienſis cōfidēs & magnificētia crea
toris apparatū decretorū duxi in meli⁹ reſor
mandum. non detrahēdo alicui. nec attribuēdo mihi.

gloſas q̄s nō fe
ci. ſed ſupplēdo
defectū ſolūmo
do. vbi correctō
neceſſaria vide
batur. vel pp̄
ſubtractionē de
cretalū & dimi
nutionē earū dē
vel pp̄ter iura q̄
ſupueniunt de
nouo. Interduz
etiā ſolutiōes
interpoſui. q̄ pre
termiſſe fuerant
a iohanne. Hoc
feci ad honores
oīpotētis dei &
eccleſie romane
et ad cōmunem
vtilitatē omniū
ſtudentiū in iu
re canōico. bar.

Manum gen⁹
Tractatur⁹ grā
n⁹ d iure canoni
co. primo inci
pit a ſimpliciōri
bus fm naturaz
ſc3 a iure natu

In nomine ſancte & indi
uidue trinitatis. Incipit cō
cordia diſcordantiū canonū:
facta & compilata per vene
randum fratrem: magiſtrum
Bartianū ſacre pagine ac iu
rium p̄feſſorē eximiū. Alci
mū de iure p̄ſtitutionis na
ture: & hūane. **Distinctio. I**



Manum gen⁹
duobus regitur: naturali vī
delicet iure: & moribus. Ius
naturale eſt qđ in lege & in

homicidas. & c. cū hō. vel intelligas hec oīa de opib⁹
miſericordie ad q̄ q̄libet teneſ. vt. lxxvj. di. nō ſat. io.
h **I**n euāgelio matthei. i **D**ulcis. i. deberis
velle. k **H**ec eſt enī. i. in his p̄ſiſtit. ſic ponit ibi
deū time. & mādata eius obſerua. hoc eſt oīs homo.

i q̄cunq; vult vt faciāt vobis
hoīes: & vos eadem facite il
lis. Hec eſt enī lex & prophe
ite. **I**nc iſido. i. q̄nto li. ety
mologiaz ait **Diuine leges
natura: humane morib⁹ cō**

Omnēs leges: ſunt
aut diuine ſūt: aut hu
mane. Diuine natura: hūa
ne moribus conſtant. Iōq;
ne diſcrepant: quoniam alie
o alijs gentibus placent. Fas
lex diuina eſt: ius lex huma
na. Transire per agrum alie
q̄num fas eſt: ius nō eſt. **E**x
his verbis huius auctōrita
tis: euidenter datur intelli
gi: in quo differant inter ſe
lex diuina & humana: cum
omne qđ fas eſt: noīe diuine
vel naturalis legis accipia
tur: noīe xō legis humane:
mores iure p̄ſcripti & traditi
intelligant. Eſt autē ius ge
nerale nomē: multas ſub ſe
cōtinēs ſpecies. **U**nde in
eodem libro etymologiaz

Inc ad p
bandam diuiſio
nem ſupradictā

Omnēs le
ges. id eſt
omnis lex. & po
nitur plurale p
ſingulari. ſi enī
demonſtrares du
as leges vnā di
uinā & aliā hūa
nam. nō pōt ve
re dici iſte leges
aut ſunt huma
ne aut diuine. &
valet talis inter
pretatio in re
ſcriptis q̄nq; cū
ita ſcribaſ ſi ve
ra ſunt. id eſt. ſi
hoc verū eſt. ſic
ex de ap. ſignifi
cavit. in fi. & ex
de p̄ben. cū iam
dudū. & ex de re
ſcrip. ex parte.
ſic. j. ij. q. j. in p̄
miſ. & ff. d. p̄di.
et de fal. & ff. de
ſta. ho. ſumma.
n **D**iſcrepāt.
non tamen ſunt
p̄terite. nā tran
ſire per agrum

Gratianus compiler Decreti.

Hieronymus

Augustinus

Moses

Job

David

Isaias

Jeremias

Johannes

Matheus

Lucas

Marcus

Paulus



Ambrosius

Gregorius

Carmina Sebastiani Brant ad Lectorem.

Aspice doctorem dederat cui Gratia nomen:
 Qui vario presens stamine textit opus.
 En sibi contestes quales habet ille pbatos:
 E quibus excerpfit forte magister opus.
 Paul⁹ adest: cuneusq; ingēs doctissim⁹ olim.
 Quos schola vel christi: vel tulit ecclesia.
 Pagina docta patrū: sacriq; enigmata iur⁹:
 Hic quicquid totus p̄tinet orbis: adest.
 Sed tibi qd referam: q̄tum bonitate libellus
 Prestat: ab artifice noster amice manu?
 Respice cuncta velim lector decreta p̄ orbem:
 Que vel pressa prius: que vel arata manu.
 Non tamen inuenies dignū p̄ferrier vsq;
 Huic nostro: vicijs quod neq; subiaceat.

An⁹ habet nimīū distātē a tramite glosam.
 In textu ⁊ glosis deficit alteruter.
 Ille caret rubro: titulis caret alter ⁊ atro.
 Quā male correctas curticat ille quotas.
 Quo fit vt e cūct⁹: quē sedula turba r̄poscat
 Integer a mēdis rarus vbiq; liber.
 Hic tamē ad textū q̄drat sua glosa: nec vnq;
 Alterere opus foliū: non labor ille grauat.
 Aspice litterulas q̄s margine cernis: ⁊ inde
 Ad facile inuenies queq; cupita manū.
 Inueies veterē atq; nouā sine murmure legē
 Nō bene cum textu hoc: illa vel illa sonet.
 Credere quis posset cūcta hec p̄stare libello
 Tam p̄te exiguo? laus Basilea tua est.

Quoniam noua supuenientibus causis noua est remedijs succurrēdū. idcirco ego Bartholomaeus bixiensis cōfides d magnificētia creatoris apparatū decretorū duxi in meli⁹ refozmandum. non detrahēdo alicui. nec attribuēdo mihi

glosas q̄s nō fecit. sed supplēdo defectū solūmodo. vbi correctō necessaria videbatur. vel pp̄ subtractionē de cretaliū z dimi-
nutionē earūde vel pp̄ter iura q̄ supuenerunt de nouo. Interduz etiam solutiōes interposui. q̄ pretermisse fuerant a iohanne. Hoc feci ad honorez oīpotentis dei z ecclesie romane et ad cōmunem utilitatē omnium studentū in iure canōico. bar.

Hma nū ge/ n⁹

Tractatur gra n⁹ d iure canonicō. primo incipit a simplicioribus fm naturaz scz a iure naturali qd antiqui⁹ et digni⁹ est. Ce-
pit enī ab ipa rationabili creatura. vt insti. d. re. di. s. cōmodius assignat s mul-
tas differentias iuris naturalis ad alia iura vsqz ad. xv. di. in q̄ aggre-
dis principale ppositū de iure canonico origines eius assignans. b **D**uob. signatur perariū. j. xvj. di. duo. sed de illis duobus regitur tanqz auctorib. istis tanqz instrumentis. c **N**aturali. id est. diuino. d **M**ozibus. id est. p̄suetudinario iure. vel etiā iure humano siue scripto siue non scripto. xxv. q. ij. insti-
tutionis. e **V**ult. Sed nōne ego volo q̄ alē det mihi rem suam. non tamē egovolo ei dare rē meā. Ex-
pone ergo vult. i. debet velle. z sic exponitur ibi. habe
charitatē z fac qd vis. z sic exponit lex. ff. de sol. l. j. vt
expone iubet. i. p̄suli. sic ecōuerso kbū rogādi p ver-
bo p̄cipiendi ponitur. xi. q. iij. rogo. f **P**rohibe-
tur. nunqz inuenim⁹ exp̄sse phibitū in lege vel i euan-
gelio nisi p qndā psequētiā. Nam vbi vnu perariorū
p̄cipit p cōsequēs aliud phibet. sic vbi iudicat aliqd
mē eē. p psequēs iudicat tuū nō esse. vt. ff. d. pcura.
pomponi. s. ij. g **I**nferre. S3 nōne iudex vult
inferre mortē reo. sed tñ nō vult vt sibi mors inferat⁹
sed dic q iudex nō infligit mortē sed lex. vt. xxij. q. v

In nomine sancte z indi-
uidue trinitatis. Incipit cō-
cordia discordantiū canonū:
facta z compilata per vene-
randum fratrem: magistrū
Briatianū sacre pagine ac iu-
rium p̄fessorē eximīū. Alci-
mū de iure p̄stitutionis na-
tura: z hūane. **Distinctio. I**



Amanum gen⁹

Duobus regitur: naturali vi-
delicet iure: z moribus. Ius
naturale est qd in lege z in
euāgelio p̄tinetur: quo q̄sqz
iubetur alij facere quod sibi
vult fieri: z prohibet alij in-
ferre: qd sibi nolit fieri. An-
de christ⁹ in euangelio: **D**ia-

homicidas. z. c. cū hō. vel intelligas hec oīa de opib⁹
misericordie ad q̄ dlibet tenet. vt. lxxvj. di. nō sat. io.
h **I**n euāgelio marthei. i **V**ultis. i. deberis
velle. k **H**ec est enī. i. in his p̄sistit. sic ponit ibi
deū time. z mādata eius obserua. hoc est oīs homo.

Quicunqz vult vt faciāt vobis
hoīes: z vos eadem facite il-
lis. **H**ec est enī lex z prophe-
te. **I**nc isido. i. q̄nto li. ety-
mologiaz ait **D**iuine leges
natura: humane morib⁹ cō-

Mnes leges: stant
aut diuine sūt: aut hu-
mane. Diuine natura: hūa-
ne moribus constant. **I**ōqz
he discrepant: quoniam alie
o alijs gentibus placent. Fas
lex diuina est: ius lex huma-
na. Transire per agrum alie
q̄num fas est: ius nō est. **E**x
his verbis huius auctori-
tis: euidenter datur intelli-
gi: in quo differant inter se
lex diuina z humana: cum
omne qd fas est: noīe diuine
vel naturalis legis accipia-
tur: noīe hō legis humane:
mores iure p̄scripti z traditi
intelligant. Est autē ius ge-
nerale nomē: multas sub se
cōtinēs species. **U**nde in
eodem libro etymologiaz
isidorus ait. **I**us genus: lex
autem species eius est.
Ius generale nomen est
lex autem iuris est species.
Ius autē ē dictū: qz iustū est.

Inc ad p
bandam diuisione
nem supradictā

Ones le
ges. id est
omnis lex. z po-
nitur plurale p
singulari. si enī
demonstrares du-
as leges vnā di-
uinā z aliā hūa-
nam. nō pōt ve-
re dici iste leges
aut sunt huma-
ne aut diuine. z
valet talis inter-
pretatio in re /
scriptis q̄qz. cū
ita scribat si ve-
ra sunt. id est. si
hoc verū est. sic
eē de ap. signifi-
cavit. in fi. z eē
de p̄ben. cū iam
dudū. z eē de re
scrip. ex parte.
sic. ij. q. j. in p̄-
mis. z. ff. d. p̄di.
et de fal. z. ff. de
sta. hō. summa.
n **D**iscrepāt.
non tamen sunt
perarie. nā tran-
sire per agrum
alienum diuina
lex p̄mittit. hu-
mana phibet. s3
phibitio z p̄mis-
sio nō sūt p̄ria.
naz dñs p̄mittit
v̄corē infidelem
dimitti. apls p

hibet. vt. xxvij. q. j. iam nūc. o **A**lijs. vt. ij. di.
illa. vt. ij. xvj. di. placuit. p **A**lienū. s3 nōne iu-
re naturali oīa sūt cōia. vt. j. c. ius naturale. z. ij. di. viij.
q̄ iure nō s3 aliqz ager ē alien⁹. iō expone alienū. i. qd
alien⁹ mō. q **I**fas ē. i. equū est. cū subest cā. z in-
uoxi⁹ est transire. vt. xxij. q. ij. c. vl. **I**re iure dīno lici-
tū ē comedere vnas in agro alteri⁹. sed nō exportare
pterere spicas. z comedere licitū est. vi. q. iij. c. j. s3 non
mittere falcē. vt. j. de p̄se. dist. v. discipulos. sed licet sic
equū iure dīno. tñ nō est ius. i. ius nō dat ciuile actio-
nem. **V**bi enī aliqd mihi p̄dest z tibi nō nocet. equum
est vt mihi n phibeas. s3 ius ibi d̄ficiat. vt. ff. d. aq̄ plu.
ar. i. summa. s. itē varijs. **T**ransire tñ p agrū alienū s3 i ca-
sib⁹. s3 si fuiturē debeat. vt. C. d. ser. p agrū. **I**re si the-
saurū suū d̄s vult effodere. ff. ad eph. thesaur⁹. i. si. **I**re
si glās mea d̄cidit i agrū tuū. ff. d. glāde legē. l. vnica.
et dū qro hoīez fugitiuū. ff. d. ser. fu. diu⁹. z i alio casu
xxij. q. ij. c. vl. **I**re dū via publica destructa est. vt. ff.

Ius gñale. qz iustū ē (quēad. f. a. si loc⁹. s. vl. io. r
nec iudex d̄s nisi iust⁹ sit. vt. xxij. q. ij. c. j. q̄qz est



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CATALOGUE 87



Highlights include:

- ♥ A 1478 printing of Bartolus's important commentary on the first part of the *Digest* (Item 3)
- ♥ A first edition of Blackstone's *Discourse on the Study of Law* (1758), a work that formed the basis of the *Commentaries on the Laws of England* (1764-1769) (Item 8)
- ♥ An illustrated 1871 anti-suffrage tale of a woman in "search of her rights" (Item 19)
- ♥ *The Proctor and Parator* (1641), a satirical tract about English court officers (Item 21, shown above)
- ♥ The first edition of *Magna Carta* printed with a title page and the *Secunda Pars* (Item 57)

THE
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Clark, New Jersey
2017

Bartholomei Heroneñ. vulgariter

nūcupati. Cepelle/vtriusq; iuris doctoris aduocati consistorialis Padue
legentis/cautele vtilissime feliciter incipiunt.



Prima cautela

Otandum singulariter/q; si filius commisit aliquod cri-
men puta lese maiestatis/et pater ipse offerat siue exbi-
beat eum iudici/filius non debet mori/nec est ita puniē-
dus sicut si fuisset accusatus et ductus per aliū/vt est tex.
notabilis in l. milites agris. §. deserto rem. ff. de re mili-
tari fm Salice. in l. p. propter insidias. C. qui accusare nō
pos. Et per illum tex. Raynerius ostendit se fuisse cōsul-
tum de facto in ciuitate forlinij. Et ita respōdit. Questio

ibi erat talis/filius interfecerat vnum ex quo veniebat decapitandus/et pa-
ter p. auctoritate cepit filium et duxit ad iudicium/vtrum sit decapitand⁹
Cōdusit q; nō/p illū tex. Et adde tu silez tex. i. l. q; cū vno. §. q; filiū. eo. ti. de re
milita. Et in ciuitate forlinij Pau. de castro p. sulu. Cum quidam mercator
veniret de alamania interrogauit eū de quibusdam dubijs/inter q; erat istud
Quidam filius cuiusdam comitis palatini cōmiserat crimen lese maiestatis
pater p. auctoritate presentauit eum imperatori/dubitabat nūquid esset
decapitandus/et cōsultuit dñs Paul. q; non. et mouebatur auctoritate Ray-
ne. et Salice. Et quando ille mercator redijt dixit q; imperator viso consilio
voluit ipsemet videre tectum/quo viso eum liberauit a pena mortis/relega-
uit eum per decennium. Ita dicit Paul. in dicta. l. p. propter insidias. C. qui accu-
sa. non pos. Quod singulariter tenemēti; q; si pater videt filium commisisse
delictum capitale/et sperat iudicem velle sequi iura q; ipsemet pater eum of-
ferat iudici vel superiori/tamen ista cautela est periculosa in crimine lese ma-
iestatis licet imperator p. dictus obseruauerit/est tamen vtilis si occurreret ca-
sus sicut fuit Paul. et Rayne. quod mora.

Secunda cautela

Cautela liberandi aliquem a morte iuste condemnatum est vt quādo du-
citur ad iusticiā vel ad patibulū p. curet vt ducat p. viam vbi transit facit ali-
quis cardinalis/nam si obuiam facit aliquis cardinalis ducto ad mortē ipse
reus condemnatus liberabitur. Habent enim cardinales ex consuetudine et
p. uilegio vt semper possint ad mortem condemnatos eis obuiam liberare.

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Exterior Front Cover: Item 34 (enlarged to show detail).

Exterior Rear Cover: Item 34 (shown actual size).

Interior Front Spread: Item 34.

Interior Rear Spread: Item 3.

Title Page: Item 21.

Digital images of all items in this catalogue can be found on our website.
Additional images of any item can be supplied upon request.
Item depictions in this catalogue are not to scale.

See pages 79–80
for an index
to this catalogue.

Because of space limitations,
we have not included all images
that are available to describe each
book. For additional images,
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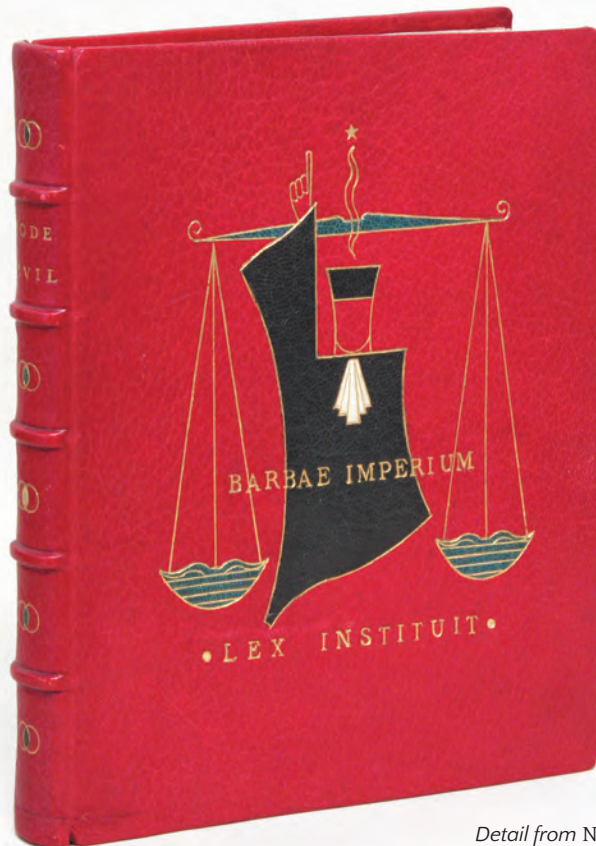
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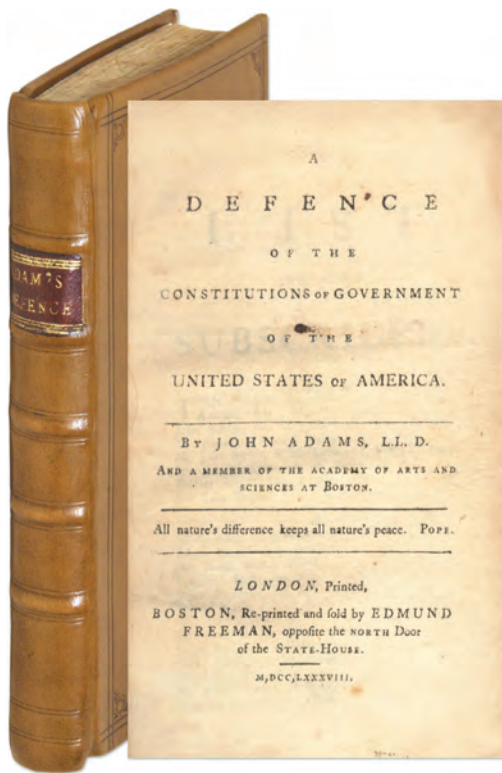
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Detail from N° 42



Detail from N° 67



N°1

FIRST BOSTON EDITION OF ADAMS'S DEFENCE OF THE CONSTITUTIONS

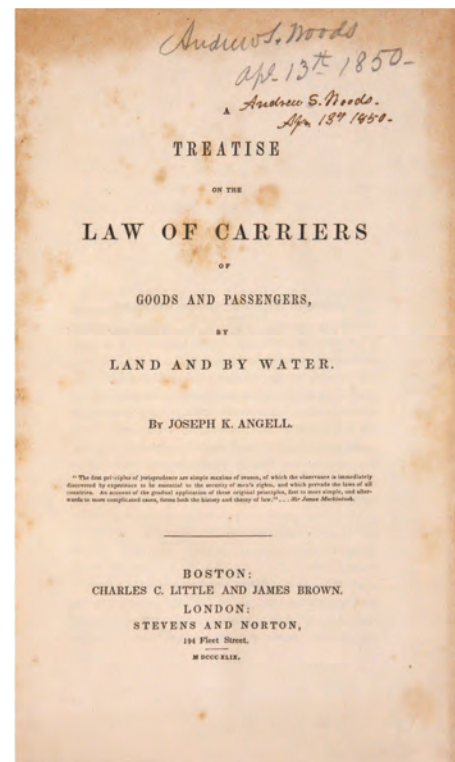
1 ADAMS, JOHN [1735-1826].

A Defence of the Constitutions of Government of the United States of America.

London, Printed; Boston: Re-Printed and Sold by Edmund Freeman, 1788. xxx, 317 pp. 12mo (6-1/2" x 4").

Recent period-style calf, blind rules and corner fleurons to boards, raised bands and existing lettering piece to spine. Moderate toning to text, somewhat heavier in places, faint dampstaining and ink smudges to a few leaves, section of fore-edge of leaf T4 (pp. 193-194) lacking with loss to text, facsimile leaves laid-in. Early owner signature (David Shepherd/ Dedham) to front endleaf, interior otherwise clean. A handsome copy. \$3,000.

FIRST BOSTON EDITION. With six-page subscriber list that includes John Hancock, Levi Lincoln, Theophilus Parsons, Theodore Sedgwick and other distinguished New Englanders. Adams wrote this fundamental contribution to American political theory when he was the American ambassador at the Court of St. James. First published in London, the *Defence* was a profound influence on the delegates to the Constitutional Convention of 1787 and the framers of several post-Revolutionary state constitutions. It also did much to familiarize Europeans with the novel political events taking place in America. Adams intended the *Defence* to be a one-volume work. He added two more volumes in 1787 and 1788 to offer more examples and address issues raised by critics. The first volume, reprinted from the London edition, was reprinted in New York and Philadelphia in 1787 and Boston in 1788. OCLC locates 4 copies of the 1788 Boston edition in North American law libraries (Harvard, Library of Congress, Social Law, University of Maine). Cohen 2734. Sabin 233n.



N° 2

THE FIRST AMERICAN TREATISE TO DISCUSS RAILROADS

2 ANGELL, JOSEPH K. [1794-1857].

A Treatise on the Law of Carriers of Goods and Passengers, by Land and Water.

Boston: Little, Brown and Company, 1849. xxiv, 647, lxxxix, [763]-791 pp. Octavo (9" x 6").

Contemporary sheep, blind rules to boards, raised bands and lettering piece to spine. Light rubbing to boards and extremities, somewhat heavier rubbing to spine. Light toning to text, light foxing in some places, two early owner signatures to head of title page, another faint signature to head of spine. A well-preserved copy. \$750.

FIRST EDITION. *Angell on Carriers* was highly esteemed in its day. It went through three editions, the last one in 1857. It is notable as the first American treatise to discuss railroads. It was also one of the first treatises to discuss steamboats. Cohen 10942.

3 BARTOLO OF SASSOFERRATO [1314-1357].

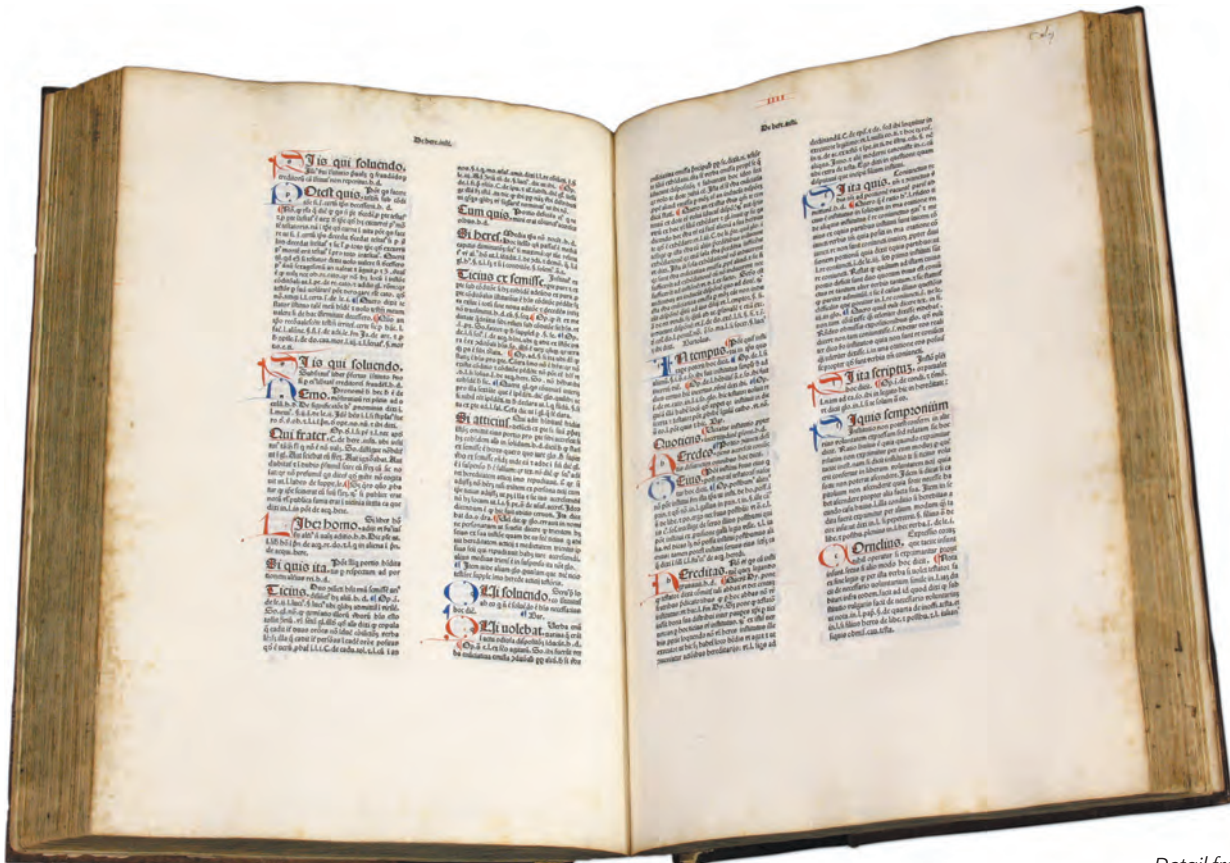
[*Infortiatum: Super Prima Parte Infortiati*].

[Venice, Nicholaus Jenson, 28 March 1478]. Collation: a10, b-z8, A-C8, D-E6. 221 leaves forming 442 pages. Complete except for the final blank. Folio (16-1/2" x 11-1/4").

Contemporary half pigskin over wooden boards, raised bands and later hand-lettered title label to spine, clasps lacking. Several tiny wormholes, a few cracks to spine, chip to foot of spine. Signatures a and E6 partially detached, pastedowns lacking (or never present). Bookplate of Robert Proctor as well as the 1942 bookseller description to the inside front board, from The Rosenbach Company, one of the most famous dealer in rare books and manuscripts in the first half of the 20th century. Pastedowns lacking (or never present). Text printed in 60-line gothic type on wide-margined paper, initial spaces filled in alternate red and blue, most with flourishes, seven-line initial "Q" at beginning of text in red and blue with flourish in the margin, chapter numerals at head in red. Light toning to text, occasional discoloration to outer margins, minor worming in places. Contemporary (or early) manuscript table of contents to initial blank, annotations in similar hand to a few other leaves, interior otherwise clean. A handsome copy and a fine specimen of Jenson's Gothic typeface. \$30,000.

BETWEEN 1250 AND 1450 the Post-Glossators, a group of legal scholars and teachers in Italy, initiated the recovery of Roman law texts from the corruptions of the medieval Glossators. Their efforts to apply Roman law to the jurisprudence of their day also prepared the way for the natural law school of the seventeenth century and helped to lay the foundations of the modern state. The greatest member of this group was Bartolo of Sassoferrato. Better known as Bartolus, he was a practicing lawyer and professor at the University of Perugia. His unrivalled reputation derives from his enormous literary output, much of it dealing with the texts later collected as the *Corpus Juris Civilis*. He produced commentaries on most of these texts. The most notable are the ones dealing with the *Digest* and *Code*; all of them went through numerous editions and issues. *Super Prima Parte Infortiati* is a commentary on a group of books from the *Digest* concerning donations between husband and wife, divorce, curatorship, wills and testaments and trusts and legacies. (The Medieval Glossators divided the 50 books of the *Digest* into three parts: *Digestum Vetus*, I-XXIV, Title 2, *Infortiatum*, XXIV, Title 3-XXXVIII, and *Digestum Novum*, XXXIX-L.) Robert Proctor [1868-1903] was the bibliographer and book collector who established the "Proctor order" for cataloguing incunabula at the British and Bodleian Libraries. A bookseller catalogue description of this book (purchased from The Rosenbach Company) shows it was purchased on June 15, 1942, from their Catalogue 33, item 40, *Selections from Our Shelves*, 1942. Rosenbach's description mentions "the only copy [of this imprint] recorded in America by the New Census is in the Morgan Library." The *ISTC* locates 3 copies of this imprint in North America (Harvard Law School, Morgan Library, New York Public Library). Goff B233. GW 3616.





Detail from N° 3

AN IMPORTANT TRACT ON SPANISH LAND CLAIMS
IN MISSOURI AND ARKANSAS

- 4 BATES, EDWARD [1793-1869].
[BENTON, THOMAS HART (1782-1858)].

Edward Bates Against Thomas H. Benton.

St. Louis: Charless & Paschall, Printers, 1828. 12 pp. 12mo. (7-1/2" x 4-3/4").

Stab-stitched pamphlet in recent plain wrappers, untrimmed edges. Moderate toning, faint spotting and "201" in small early hand to title page. \$1,250.

ONLY EDITION. Bates accuses Benton, the important Missouri politician and United States Senator, of political opportunism and corruption and refutes Benton's charge that he failed to protect his constituents against Spanish land claims in Missouri and Arkansas as a member of the U.S. Congress. Despite the topicality of this pamphlet and its political motivation, it makes a number of useful observations about the nature of land claims. Bates later served as the first attorney general of Missouri after it was admitted as a state and the U.S. attorney general under President Lincoln. This pamphlet is also notable as an early Missouri imprint by Missouri's first printer, Joseph Charless, who introduced printing there in 1808. He established his partnership with Paschall in 1828. *Streeter* 1853. Cohen 7901.50.

FIRST AMERICAN EDITION OF BENTHAM'S
CLASSIC ESSAY ON USURY

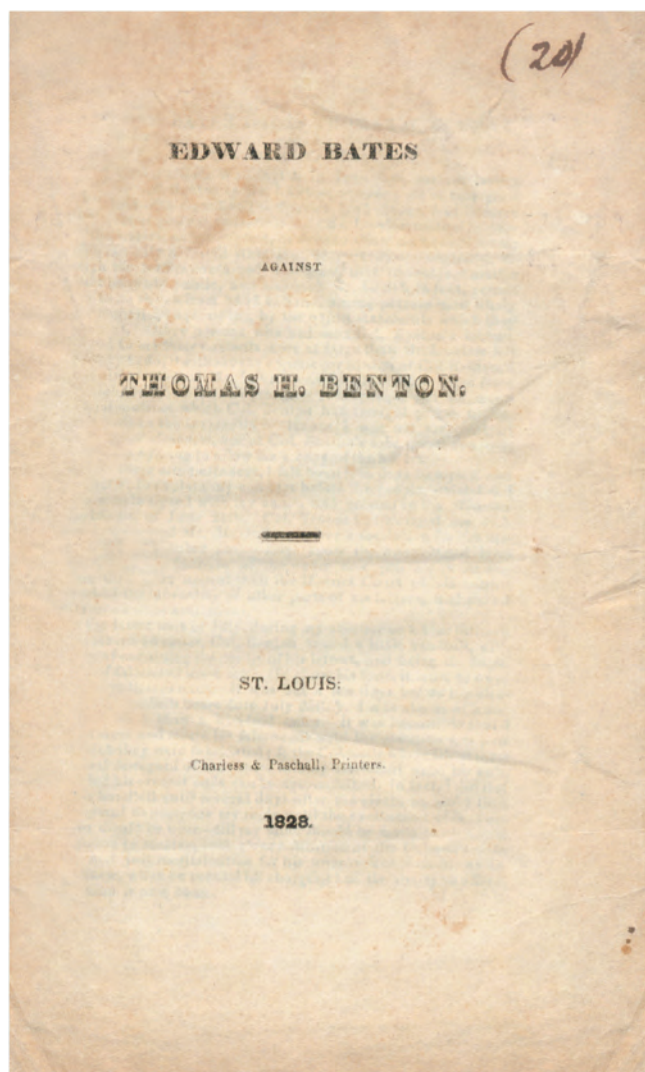
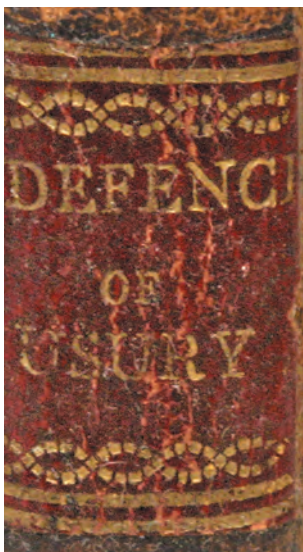
- 5 BENTHAM, JEREMY
[1748-1832].

Defence of Usury; Shewing the Impolicy of the Present Legal Restraints on the Terms of Pecuniary Bargains.

Philadelphia: Printed for Matthew Carey, 1796. [iv], [5]-149, [3] pp. Includes 2 pp. publisher advertisement. 12mo. (5-3/4" x 3-1/2").

Contemporary tree sheep, lettering piece and gilt fillets to spine. Moderate rubbing to extremities, front joint just starting at ends. Light toning to text, light foxing to a few leaves, early owner signature to head of title page and left-hand margin of p. 50. An attractive copy. \$2,500.

FIRST AMERICAN EDITION. Bentham's celebrated essay on the usury laws as an attack on liberty. It began as a series of letters written between January and April 1787 during his long stay with his brother Samuel at his house at Zadobras, near Crichoff in Russia. The letters (13 in all) were written to his friend, George Wilson, in London, largely in response to reports (later to be unconfirmed) that Pitt was then contemplating a reduction of the rate of interest from 5 to 4%. Bentham took the opportunity to write about the commercially thorny interest-rate question including, of course, what he regarded as the stupidity of the government controlled interest rates. He early on took issue with Adam Smith, who seemed, in the *Wealth of Nations*, to approve the 5% limitation. In May 1787, the manuscript was sent to Wilson. It was published in 1788 through the agency of Jeremiah Bentham. Cohen 2641.



Nº 4

A DURABLE SIXTEENTH-CENTURY TREATISE ON CRIMINAL LAW

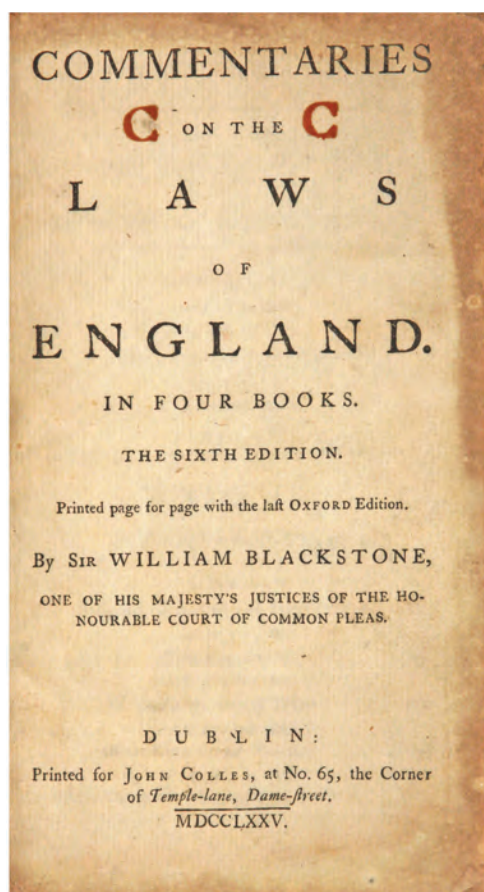
- 6 BIANCHI, MARCANTONIO [1498-1548].
ZILETTI, GIOVANNI BATTISTA [16TH. C.].

Practica Criminalis. Aurea et Perutilis cum Singularibus Cautelis pro Reorum Defensionibus, Nunc Primùm in Lucem Panditur.

Venice: Apud Cominum de Tridino Montisferrati, 1567. [xxxii], 160 ff. Octavo (6" x 4").

Contemporary vellum, faint early calligraphic title to spine, endleaves added, some restoration to pastedowns. Light soiling and spotting, spine darkened. Light toning to text, somewhat heavier in places, occasional faint dampstaining to lower margins, later doodles to front pastedown, eighteenth-century signatures and annotations in tiny hand to title page. An attractive copy of a scarce title. \$1,500.

LATER EDITION. Bianchi was a professor of law at the University of Padua. First published in 1547, his durable treatise on criminal law according to the *ius Commune* as practiced in Northern Italy went through nine editions, the last one in 1598. All editions are scarce. OCLC locates 1 copy of the 1567 edition in North America (Harvard Law School). EDIT16 CNCE5737.



Nº 7

EARLY DUODECIMO EDITION OF BLACKSTONE'S COMMENTARIES

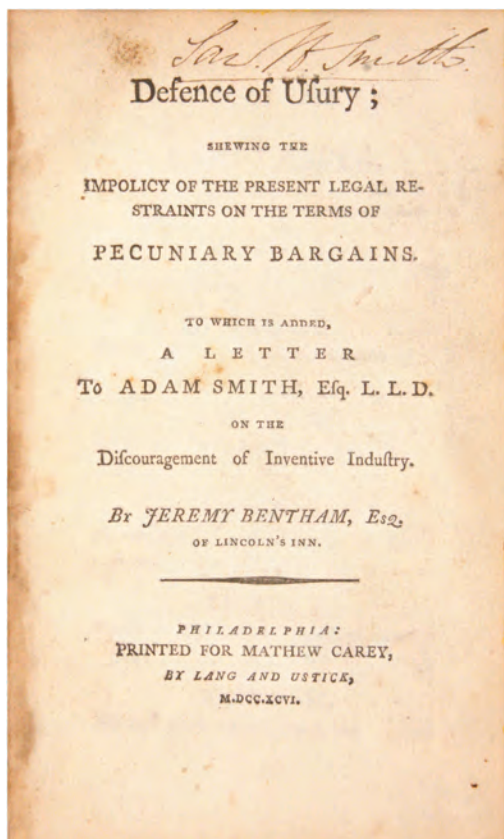
7 BLACKSTONE, SIR WILLIAM [1723-1780].

Commentaries on the Laws of England, In Four Books.

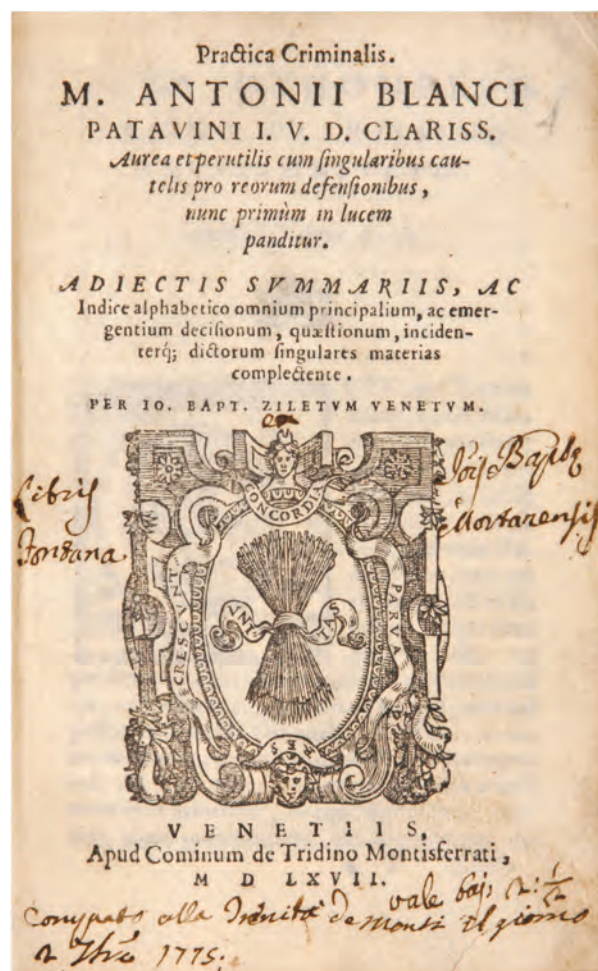
Dublin: Printed for the Company of Booksellers, 1775. Four volumes. Copperplate frontispiece portrait, Table of Consanguinity, folding Table of Descents. 12mo. (6-1/2" x 3-3/4").

Contemporary mottled calf, rebaked in period style with raised bands and retained contemporary lettering pieces, hinges mended. Light rubbing and a few scratches and scuffs to boards, moderate rubbing to board edges, corners bumped and somewhat worn, faint early owner stamp to top-edges of text block. Moderate toning to text, somewhat heavier in places, faint dampstaining to margins of some leaves, early annotations and signatures to endleaves, light edgewear to Table of Descents, a few endleaves have moderate edgewear. An attractive set. \$1,350.

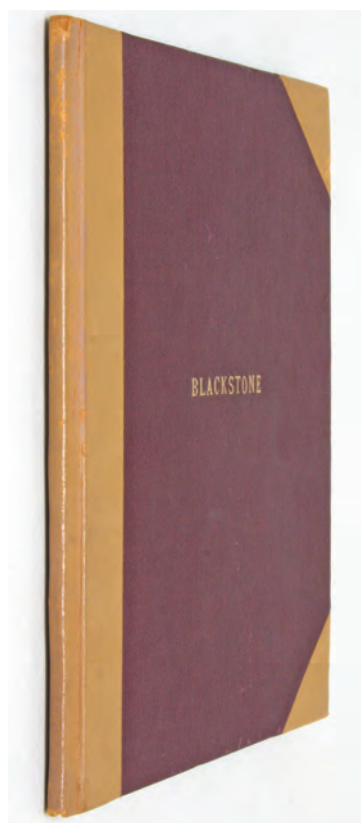
"SIXTH EDITION." This pirated Dublin edition follows the text of the fourth Oxford edition, 1770. It is similar to another pirated Dublin edition published by John Colles, also in 1775. Not in Eller. Laeuchli 14.



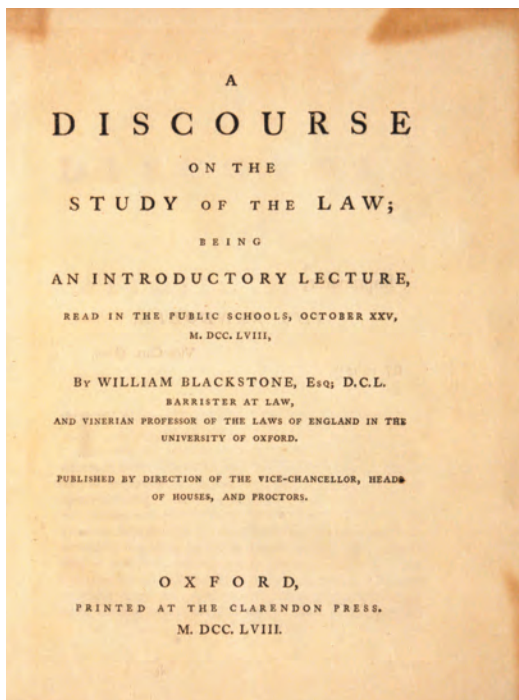
Nº 5



Nº 6



THE GENESIS OF BLACKSTONE'S COMMENTARIES



N° 8

THE LAWS, RIGHTS AND LIBERTIES OF LONDON

8 BLACKSTONE, SIR WILLIAM.

A Discourse on the Study of the Law; Being an Introductory Lecture, Read in the Public Schools, October XXV, M.DCC. LVIII.

Oxford: Printed at the Clarendon Press, 1758. 40 pp. Quarto (10" x 8"). Later three-quarter calf over pebbled cloth, "Blackstone" gilt-stamped to center of front board. Light rubbing to extremities with minor wear to spine ends and corners, small bookseller ticket to front pastedown, light toning to text, a bit of offsetting to corners of title page and verso of final leaf. \$5,000.

FIRST EDITION. This is the published version of Blackstone's inaugural lecture as Vinerian professor of English law. Presented to a large audience, it was "[h]astened into print less than a fortnight later as *A Discourse on the Study of the Law*, by late December a London correspondent claimed to hear Blackstone's lecture 'commended wherever I go.' What one reviewer terms 'this sensible, spirited, and manly exhortation to the study of the law' was reprinted in a further thousand copies next year; it also prefaced subsequent editions of the *Analysis of the Laws*, and eventually the first volume of the *Commentaries*": Prest 151. Eller 233. Laeuchli 542.

9 BOHUN, WILLIAM.

Privilegia Londini: Or, The Rights, Liberties, Privileges, Laws, And Custom of the City of London. (...) With Large Additions.

London: Printed for D. John Walthoe Junr., 1723. xvi, 272, 273-296, 273-498, [22] pp. Signatures *T-*U4 (pp.273-296) have been inserted; textis continuus (and complete). Octavo (7-1/2" x 4-3/4").

Contemporary calf, blind frames to boards, later calf rebacking with blind fillets and red and black lettering pieces, endpapers renewed. Rubbing to extremities with light wear, a few minor scuffs to boards. Woodcut head-pieces, tail-pieces and decorated initials. Moderate toning to text, occasional light dampspotting. Early owner name to head of title page, annotations to margins of a few leaves. Ex-library. Inkstamps to boards, bookplate to front pastedown, perforated stamps to title page and a few other leaves. A solid copy. \$500.

THIRD AND FINAL EDITION. "Having observed in the Course of our English History many Attempts made (by the Ministers of some artful and designing Princes) to weaken and undermine the ancient, legal, and fundamental Rights, Liberties, and Privileges of the City and Citizens of London: I thought myself obliged to Endeavor to collect and ascertain such Laws, Customs, and Usages of the said City, Wherein the Original Constitution and Foundation of its Government seem to have been laid; and whereby its Happiness, Opulency, and Glory do (under God and his present Majesty) evidently subsist" (Preface). Though little is known about him personally, Bohun was an attorney and prolific author who published well-received treatises on legal education, pleading, ecclesiastical law and other subjects. The first and second editions of *Privilegia Londini* were published in 1702 and 1716. ESTC T130094.

A SCARCE TREATISE ON THEFT

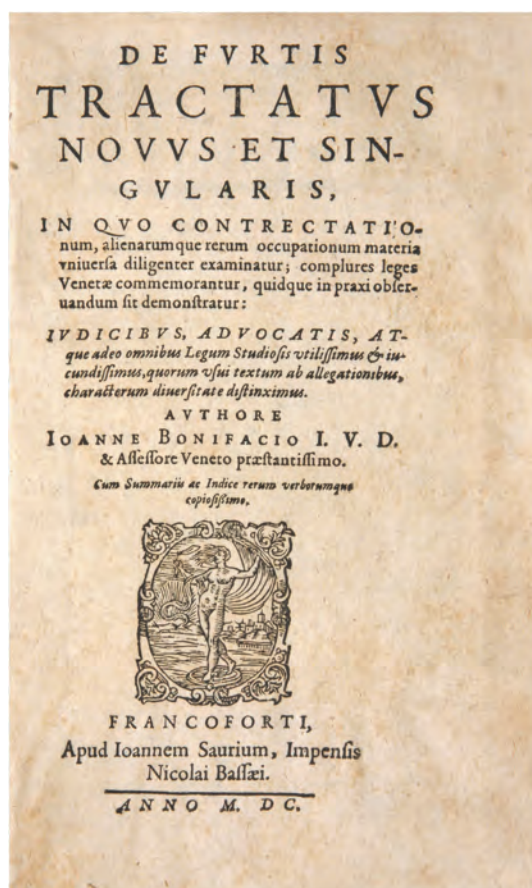
10 BONIFACIO, GIOVANNI [1547-1635].

De Furtis Tractatus, Novus et Singularis, In Quo Contractationum, Alienarumque Rerum Occupationum Materia Universa Diligenter Examinatur.

Frankfurt: Typis Apud Ioannem Saurium, Impensis Nicolai Bassaei, 1600. [viii], 550, [48] pp. Octavo (6-1/4" x 3-3/4").

Contemporary vellum with lapped edges, edges of text block colored green, early hand-lettered title to spine. Light soiling and a few minor stains, later armorial bookplate (of Alexander Grant) to verso of title page. Woodcut title-page device, head-piece and tail-piece. Light toning to text, somewhat heavier in places, small contemporary owners signature to front free paper. A handsome copy of a scarce title. \$1,250.

SECOND EDITION. This treatise on theft in Roman and civil law, a topic that includes rape, adultery, fraud and piracy, was first published in 1599. Its third and final edition was published in 1646. The author was a Venetian, but his text was aimed at a pan-European audience. All editions of this work are scarce. OCLC locates 1 copy of this title in North America at the Library of Congress, which has a copy of the third edition. Our copy belonged to Alexander Grant, a military officer from the distinguished Scottish family who served in the Scots Parliament and the first five Parliaments of Great Britain. VD16 B6613. See page 6.



Nº 10

FINAL EDITION OF BONIFACIO'S TREATISE ON THEFT

11 BONIFACIO, GIOVANNI.

Tractatus de Furtis....

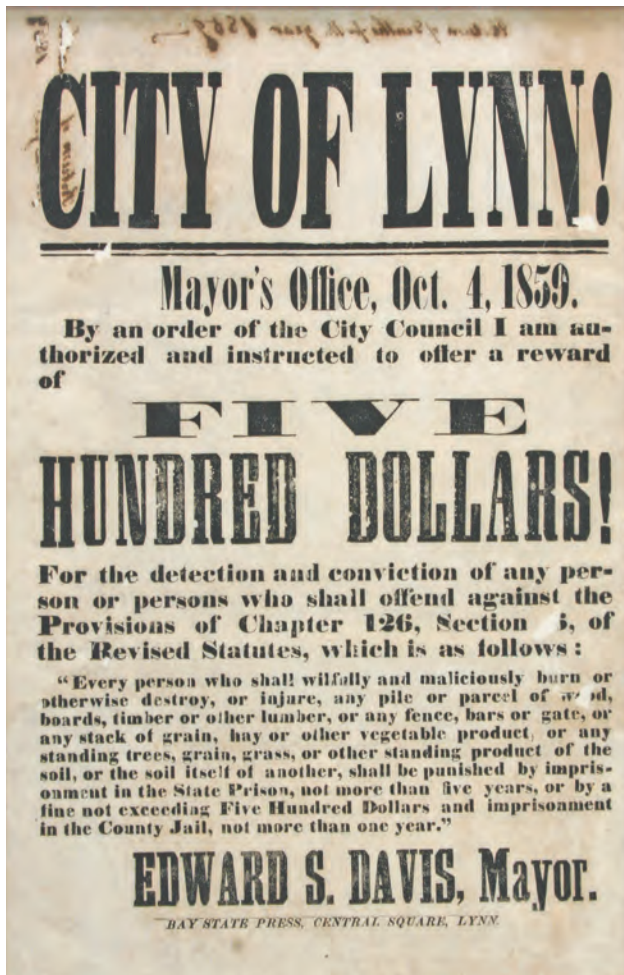
Frankfurt: Typis Iohannis Friderici Weissii Apud Petrum Hauboldum, 1646. [viii], 550, [48] pp. Octavo (6" x 4").

Later speckled vellum, raised bands and lettering piece to spine. Light rubbing to extremities, corner slightly bumped, owner bookplate to front pastedown. Woodcut title-page device, head-piece and tail-piece. Moderate toning to text, somewhat heavier in places, some leaves have dampstaining and light foxing, owner signature dated 1718 in tiny hand to foot of title page. A nice copy of a scarce title. \$1,250.

THIRD AND FINAL EDITION. OCLC locates 1 copy of this title in North America at the Library of Congress, which has a copy of the third edition. VD17 3:621453H.



Nº 11



N° 12

A MEASURE TO REDUCE INCIDENTS OF ARSON
IN LYNN, MASSACHUSETTS

- 12 [BROADSIDE].
[MASSACHUSETTS].
DAVIS, EDWARD S., MAYOR.

City of Lynn! Mayor's Office, Oct. 4, 1859. By an Order of the City Council I Am Authorized and Instructed to Offer an Award of Five Hundred Dollars!...

Lynn, MA: Bay State Press, Central Square, October 4, 1859.

19" x 13" broadside, text below headline. Light toning, some minor chips and tear, faint show-through from early annotations in ink to verso. Item attractively glazed and framed. \$650.

THIS NOTICE OFFERS A SUBSTANTIAL REWARD "for the detection and conviction" of people guilty of burning or otherwise harming "any pile or parcel of wood, boards, timber or other lumber, or any fence, bars or gate, or any stack of grain, hay or other vegetable product, or any standing trees, grain, grass, or other standing product of the soil, or the soil itself." This appears to be an unrecorded imprint. No copies located on OCLC.

RIGHTS RESERVED BY THE CROWN:
JEFFERSON OWNED A COPY OF THIS BOOK

- 13 [BRYDALL, JOHN (B.1635?)].

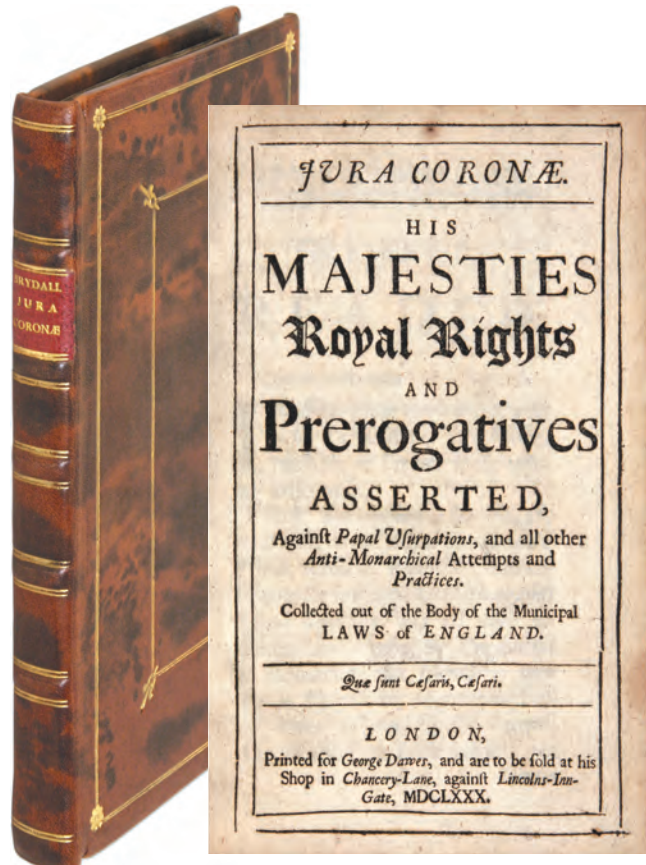
Jura Coronae. His Majesties Royal Rights and Prerogatives Asserted, Against Papal Usurpations, And All Other Anti-Monarchical Attempts and Practices. Collected Out of the Body of the Municipal Laws of England.

London: Printed for George Dawes, 1680. [xvi], 147, [5] pp. Copperplate frontispiece (of the royal arms of Great Britain). Includes five-page publisher catalogue. Octavo (6-1/2" x 4-1/2").



Recent period-style calf, gilt frames to boards, lettering piece and gilt-edged raised bands to spine. Light toning to text, somewhat heavier in places, light foxing to a few leaves, internally clean. Ex-library. Very faint inkstamp to top-edge of text block. A handsome copy. \$950.

ONLY EDITION. Brydall was a fellow of Queen's College, Oxford, and a bencher of Lincoln's Inn. A remarkably prolific writer, he published 36 legal treatises, and left 30 others in manuscript at the time of his death. All of these are brief, synthetic works. Holdsworth says they are good summaries that are "clearly arranged and based on the leading authorities." Written near the end of the Stuart Monarchy, *Jura Coronae* is a strongly monarchist overview of the laws and legal rights reserved by the Crown. Thomas Jefferson owned a copy of this work. OCLC locates 10 copies in North American law libraries. Holdsworth VI:605. Sowerby 2706. ESTC R36323.



N° 13

LAWS RELATING TO THE STUART-ERA NOBILITY

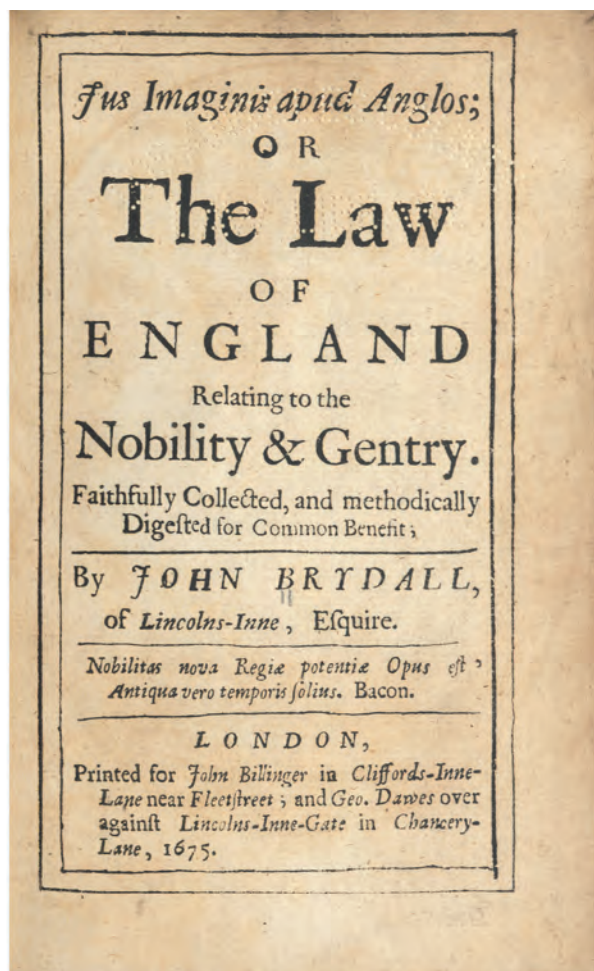
14 BRYDALL, JOHN.

Jus Imaginis Apud Anglos; Or the Law of England Relating to the Nobility & Gentry. Faithfully Collected and Methodically Digested for Common Benefit.

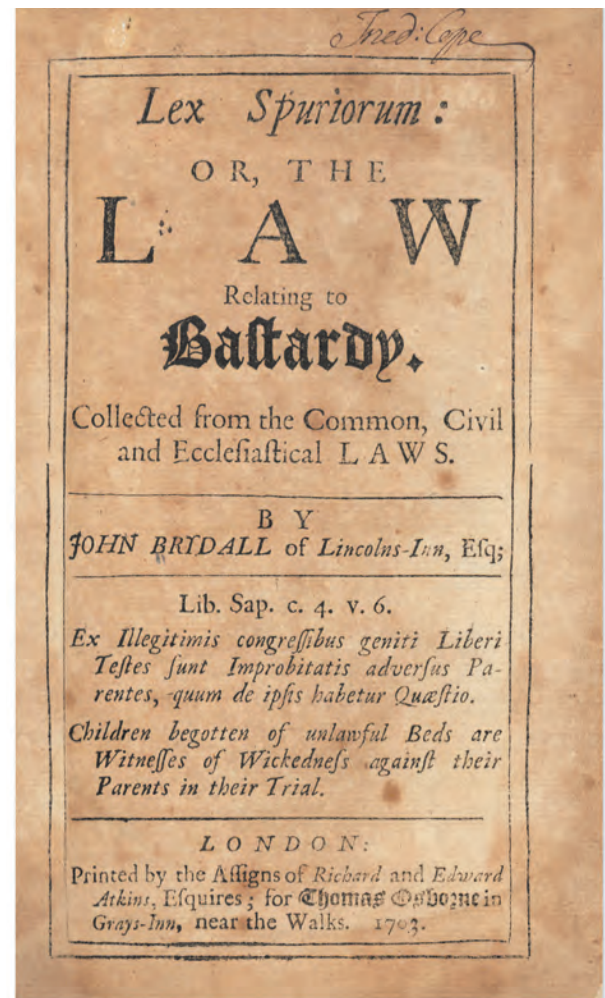
London: Printed for John Billinger, 1675. [xvi], 76, [1] pp. Blank inter-leaves throughout without annotations. Copperplate frontispiece (Arms of Great Britain). Folding table. Collates complete. Octavo (6-1/2" x 4-1/4").

Nineteenth-century three-quarter calf over marbled boards, raised bands and gilt title to spine. Moderate rubbing to extremities, corners bumped, hinges cracked, armorial bookplate to front pastedown, small early owner (or bookseller) stamp to verso of frontispiece. Moderate toning to text, occasional faint dampspotting, internally clean. Ex-library. Faint inkstamps to boards, another stamp to rear free endpaper, bookplate to front free endpaper, perforated stamp to head of title page. A solid copy of a scarce title. \$500.

ONLY EDITION. OCLC locates 12 copies in North American law libraries. Holdsworth VI:605. Sweet & Maxwell 1:203 (9).



Nº 14



Nº 15

1703 TREATISE ON THE LAW RELATING TO BASTARDY

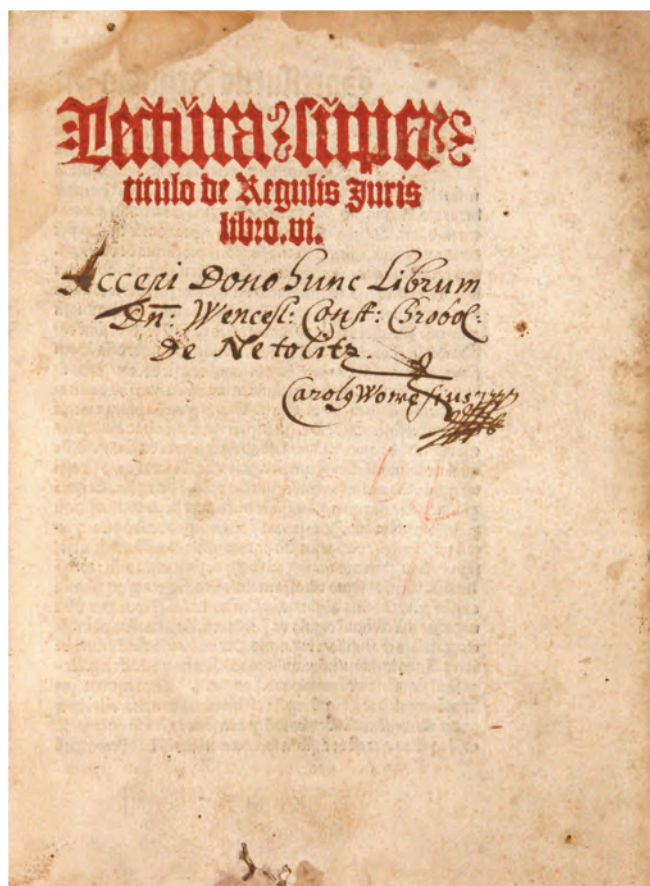
15 BRYDALL, JOHN.

Lex Spuriorum: Or, The Law Relating to Bastardy. Collected from the Common, Civil and Ecclesiastical Laws.

London: Printed by the assigns of Richard and Edward Atkins, Esquires; For Thomas Osborne, 1703. [viii], 127, [9] pp. Octavo (6-3/4" x 4-1/2").

Contemporary calf, blind rules to boards, blind fillets along joints, rebaked, raised bands and lettering piece to spine, endpapers renewed. Some rubbing to extremities, corners worn, a few minor scuffs to boards, crack in text block between title page and following leaf. Light browning and foxing to text. Small early owner signature to head of title page, interior otherwise clean. Ex-library. Bookplate to front pastedown. \$850.

ONLY EDITION. *Lex Spuriorum*, a handbook of English laws concerning illegitimacy, is cited in Holdsworth's review of legal writings of the seventeenth and eighteenth centuries. OCLC locates 6 copies in North American law libraries (Harvard, NY State Appellate Division, Ohio State, Southern Methodist University, University of Michigan, US Supreme Court). Holdsworth VI:605, 607. ESTC T116601.



N° 16

A RARE 1507 COMMENTARY ON WORDS, MAXIMS AND PHRASES
IN CANON LAW

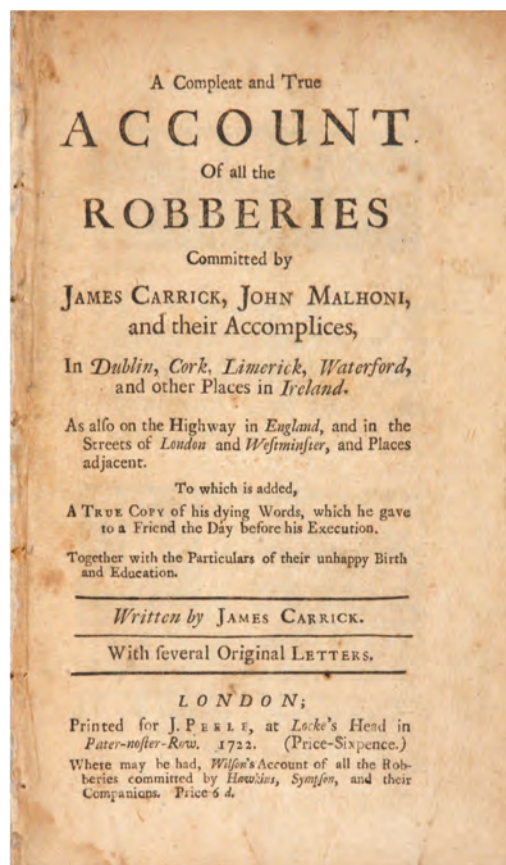
16 [CANON LAW].

Lectura Super Titulo de Regulis Juris: Libro VI.

[Leipzig: Vuolfgangus Monacensis, 1507]. 140, [12] ff. Quarto (7-3/4" x 6").

Recent paper-covered boards. Title page printed in red and black, guide spaces not illuminated. Moderate toning to text, occasional faint dampstaining to head of text block, minor worming to margins in a few places with minor loss to text, light soiling and early owner inscription to title page. \$2,500.

ONLY EDITION LOCATED. An anonymous commentary on De Regulis Juris, a collection of 88 words, maxims and phrases in Book 5, Title 12 of the *Liber Sextus Decretalium*, one of the four components of the *Corpus Juris Canonici*. Complete in itself and bibliographically distinct, this book has a companion volume with additional commentary that was published in 1508. Both are rare. OCLC locates 6 copies of the 1507 *Lectura*, 1 in North America (UC-Berkeley Law School). VD16 L902.



N° 17

AN IRISH HIGHWAYMAN DISCUSSES HIS CRIMINAL LIFE

17 CARRICK, JAMES.

A Compleat and True Account of All the Robberies Committed by James Carrick, John Malhoni, And Their Accomplices, In Dublin, Cork, Limerick, Waterford, And Other Places in Ireland. As Also on the High Way in England, And in the Streets of London and Westminster, And Places Adjacent. To Which is Added, A True Copy of His Dying Words, Which he Gave to a Friend the Day Before his Execution. Together with the Particulars of Their Unhappy Birth and Education. With Several Original Letters.

London: Printed for J. Peele, At Locke's Head in Pater-Noster-Row, 1722. [ii], 30 pp. Octavo (7-1/2" x 4-3/4").

Stab-stitched pamphlet bound into recent buckram, gilt title to spine. Light browning to text, light foxing to a few leaves, brief early owner annotation to front endleaf, small owner bookplate to rear pastedown. \$850.

ONLY EDITION. This account of the famed Irish highwaymen James Carrick and John Malhoni is an early example of English true crime literature, a popular genre that reflected the public's intense fascination in the psychological and sociological facets of criminal life. ESTC T9735.

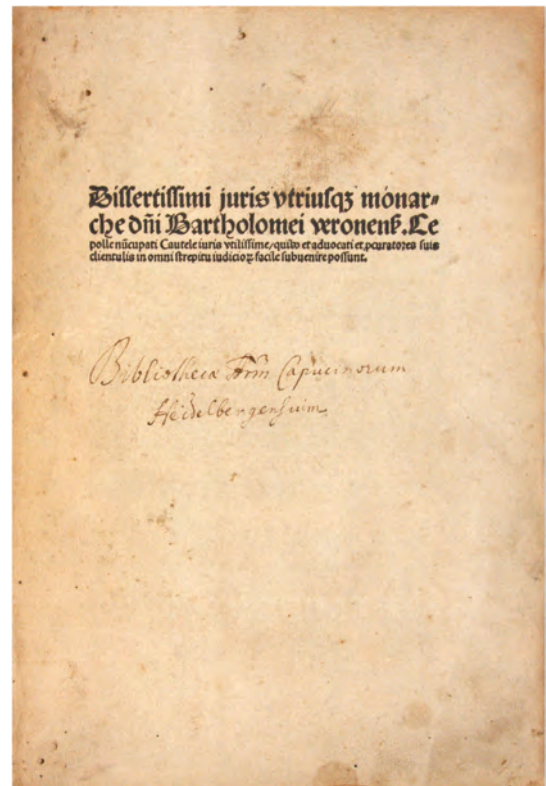
18 CIPOLLA, BARTOLOMEO [1420-1475].

Cautelae iuris.

[Strasbourg: Johann Prüss, 25 February 1490]. [i]. 85 ff. Collation: [a8, b-c6,d8], e-f6, g8, h-m6, n8. Complete. Quarto (9-1/4" x 6-1/2").

Contemporary quarter pigskin with elaborate blind tooling over wooden boards, clasp (at center of boards) lacking, buckle present, early hand-lettered author name and "X" to spine. Binding slightly cocked, soiling to spine, some wear to corners, second work removed from rear of text block, early owner signature of Philipp von Flersheim to front pastedown, later library stamp of Heidelberg Capuchin Library to front free endpaper, early manuscript index and a few other annotations to rear pastedown. 44-line text in single column, comprising 325 numbered sections, text begins with 12-line multi-color illuminated initial depicting a scribe. Moderate toning, slightly heavier in places, brief early annotations in a few places, faint dampstaining to margins of a few leaves, light soiling to title page. \$15,000.

THIRD EDITION, AND THE LAST INCUNABLE edition. Cipolla was a professor of law at the University of Padua, Venetian diplomat and one of the greatest Italian Jurists of the fifteenth century. His works are notable for their humanistic scholarship and coordination of theoretical and practical concerns. *Cautelae iuris* is a set of 325 knotty legal points, i.e. "legal cautions," concerning servitudes and real property under Roman and canon law. It was first printed in Perugia by Petrus Petri de Colonia and Johannes Nicolai de Bambergia around 1474 and reached its tenth edition in 1577. Philipp von Flersheim [1481-1522] was the bishop of Speyer. OCLC locates 5 copies of this imprint in North America, 1 in a law library (Library of Congress). Goff V381. GW M6484. (See page 2 for an additional image.)



Details from N° 18



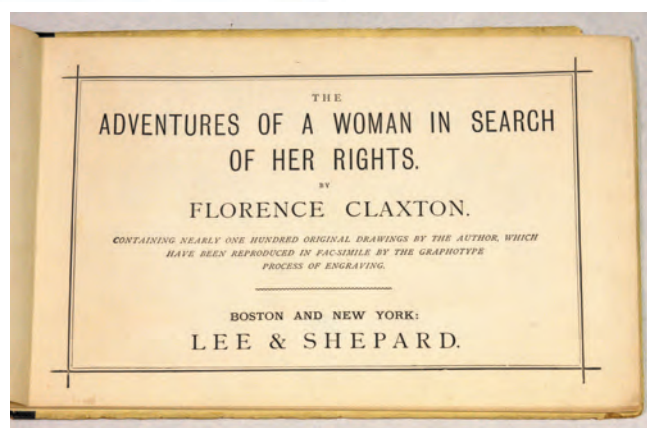
19 CLAXTON, FLORENCE [1839-1879].

The Adventures of a Woman in Search of Her Rights: Containing Nearly One Hundred Original Drawings by the Author, Which Have Been Reproduced in Fac-Simile by the Graphotype Process of Engraving.

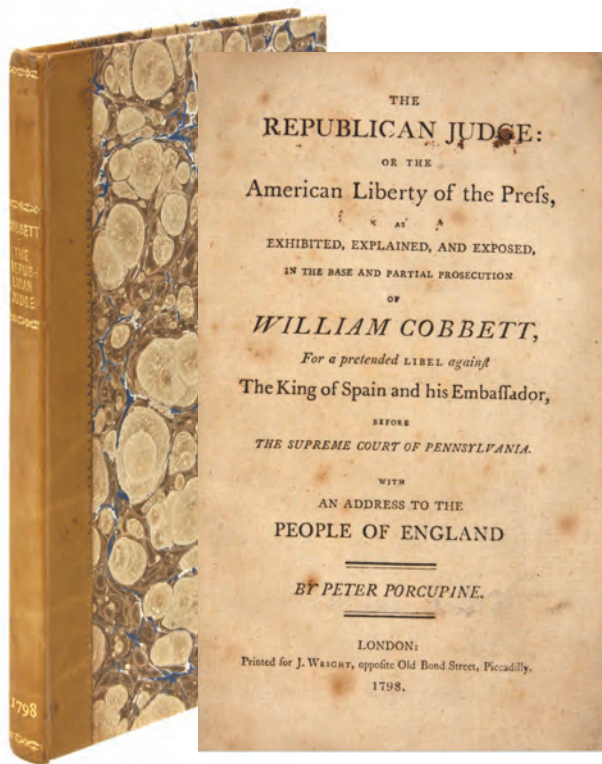
Boston and New York: Lee & Shepard, [1871]. [1], [16] ff. Content is a series of illustrations with caption texts. Oblong octavo (8" x 13-1/4").

Stiff full-color pictorial boards, recent pebbled-cloth spine, advertisements (for household products) to verso of rear board, text re-cased, upper corner of rear board mended. Light soiling, moderate rubbing to extremities with some wear and chipping to corners, light toning to margins of interior. An attractive copy of a scarce title. \$1,850.

LATER EDITION. Trained by her father, the painter Marshall Claxton, Florence Claxton enjoyed a successful career as a book and magazine illustrator. She was the first woman to produce a woodblock cut for publication. She often worked alongside with her sister, Adelaide, who was also trained by her father. Both sisters had similar styles, and sometimes worked together, often caricaturing British society. First published in London the 1860s (in an undated edition), *The Adventures of a Woman in Search of Her Rights*, a satirical view of the role of women, was Florence's last book. The protagonist pursues a traditional male education centered on the writings of John Stuart Mill, which destroys her looks. Since she is now ugly, she must make her way as first a lawyer, then a politician and finally a doctor. Failing at all three professions, she moves to the United States and marries the polygamous leader of the Latter Day Saints, Brigham Young. The last two illustrations are of a letter to "Mrs. Brigham Young," and an attractive young woman rising from her slumber, who says: "Thank goodness it's only a midsummer night's dream and I'm not emancipated."



Details from N° 19



N° 20

FREEDOM OF THE PRESS DURING THE FEDERALIST PERIOD

20 [COBBETT, WILLIAM (1763-1835)].

The Republican Judge: Or the American Liberty of the Press, As Exhibited, Explained, And Exposed, In the Base and Partial Prosecution of William Cobbett, For a Pretended Libel Against The King of Spain and His Embassador, Before the Supreme Court of Pennsylvania. With an Address to the People of England By Peter Porcupine.

London: Printed for J. Wright, opposite Old Bond Street, Piccadilly, 1798. [11], 96, [2] pp. With a half-title, advertisement leaves on recto and verso of rear wrapper. Octavo (8" x 5").

Stab-stitched pamphlet in original printed wrappers bound into recent period-style quarter calf over marbled boards. Some soiling and edgewear to wrappers, "William Cobbett" and struck-through "Cobdett" in large early hand to front wrapper, moderate toning and light foxing to text. \$1,250.

ONLY ENGLISH EDITION, one of four issues from 1798. Cobbett was an important liberal English pamphleteer and journalist, later a Member of Parliament. A former soldier, he wrote *The Soldier's Friend* (1792), a protest against the poor treatment of enlisted men. Fearing reprisal from a group of officers, he moved to the United States, where he lived from 1792 to 1800. He established a career in Philadelphia as a pro-British journalist and pamphleteer under the pseudonym "Peter Porcupine." Also printed in 1798, *The Republican Judge* was originally published in Philadelphia as *The Democratic Judge*. As indicated by its subtitle, it is an account of a unsuccessful libel case against Cobbett and an essay on freedom of the press. A notable historical document about the role of a partisan journalist in the early days of the Republic, it also provides insights into the kind and degree of newspaper censorship exerted by the federal government during the Federalist period. ESTC T13713.



N° 21

RARE SIXTEENTH-CENTURY SATIRICAL TRACT ABOUT THE COURT OFFICERS OF DOCTORS' COMMONS

21 [COURTS].
[GREAT BRITAIN].

The Proctor and Parator Their Mourning: Or, The Lamentation of the Doctors Commons for their Downfall. Being a True Dialogue, Relating the Fearfull Abuses and Exorbitancies of Those Spirituall Courts, under the Names of Sponge the Proctor, And Hunter the Parator.

[London]: S.n., 1641. [16] pp. Large woodcut vignette to title page. Quarto (7" x 5-1/4").

Stab-stitched pamphlet bound into recent cloth, gilt title to spine. Binding slightly cocked, a bit of fading to spine, small owner bookplate to foot of rear pastedown. Moderate toning, recent paper repair to Leaf B1, with negligible loss to a few letters, a few tiny markings to title page, which is lightly soiled. A nice copy of a rare title. \$1,750.

FIRST EDITION. A satirical tract about the lawyer and court officers of Doctor's Commons, who had the exclusive right to try matrimonial, testamentary and probate cases, which were heard in the civil-law based ecclesiastical courts. It takes issue with the high fees and protracted legal proceedings endemic in those courts, especially with cases involving probate. In this anonymous work, "Sponge, the Proctor," a lawyer, and "Hunter, the Parator," a combination of bailiff and sheriff, discuss the best ways to profit from the abuses of the Ecclesiastical Courts and celebrate the exclusive power of the Doctors' Commons. To quote Sponge, it is "like a wilderness for wilde beasts, then men." This work had a second edition in 1642. The first edition was reprinted in 1820. Both editions and the reprint are scarce. OCLC locates 7 copies of the first edition in North America, 3 in law libraries (Boston College, Harvard, Yale). ESTC R19853.

THE ADVENTURES OF A NEW ENGLAND HIGHWAYMAN

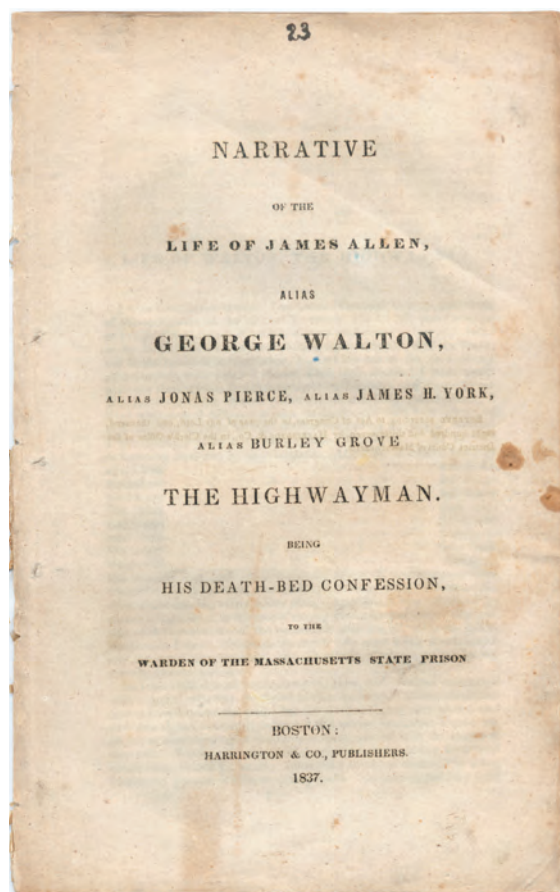
22 [CRIMINALS].
[MASSACHUSETTS].
[ALLAN, JAMES (1809-1837)].

Narrative of the Life of James Allen, Alias George Walton, Alias James H. York, Alias Burley Grove, The Highwayman. Being his Death-Bed Confession, To the Warden of the Massachusetts State Prison.

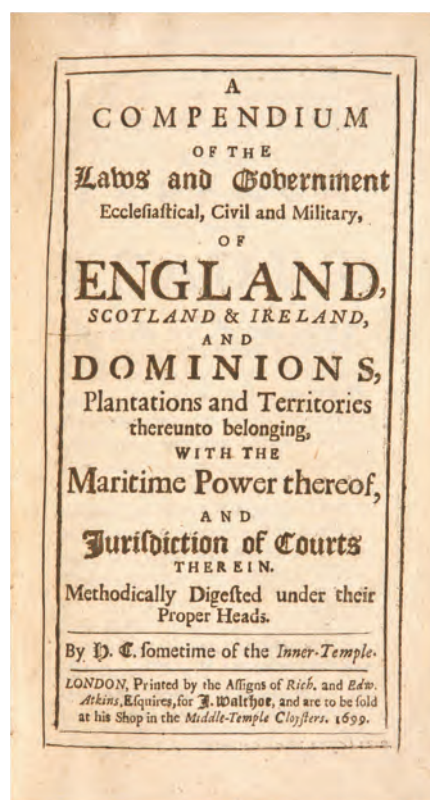
Boston: Harrington & Co., Publishers, 1837. 32 pp. Octavo (9-1/4" x 5-3/4").

Disbound stab-stitched pamphlet. Light soiling, a few tiny stains and edgewear to exterior, "23" in small early hand to head of title page, a few signatures starting to detach, moderate toning to text, light foxing to a few leaves. Ex-library. Small bookplate to verso of title page. \$500.

ONLY EDITION. This pamphlet details the colorful criminal adventures of a highwayman in Massachusetts and other New England States. It is apparently based on a deathbed confession to the warden of the Massachusetts State Prison, where he spent the last two years of his life. OCLC locates 18 copies, 3 in law libraries (Harvard, Library of Congress, Northeastern, University of Missouri).



N° 22



N° 23

WITH INTERESTING NOTES ON ENGLAND'S COLONIES

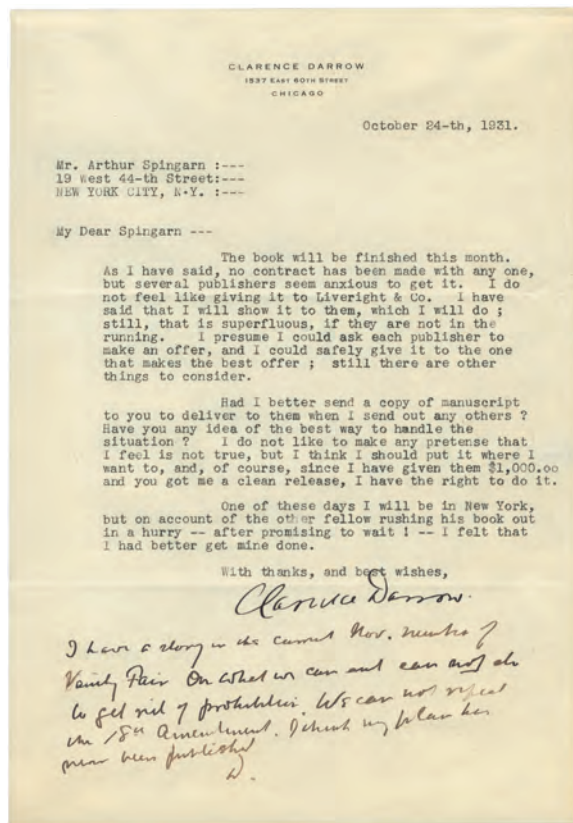
23 [CURSON, HENRY].

A Compendium of the Laws and Government Ecclesiastical, Civil and Military, of England, Scotland & Ireland, And Dominions, Plantations and Territories Thereunto Belonging, With the Maritime Power Thereof, and Jurisdiction of Courts Therein: Methodically Digested Under Their Proper Heads..

London: Printed by the Assigns of Rich. And Edw. Atkins, Esquires, for J. Walthoe, 1699. [xvii], 642, [14] pp. Four parts, each with title page. Variant cancel title page with horizontal chain lines. Title preceded by publisher advertisement. Final leaf is a blank. 12mo. (6-1/2" x 4-3/4").

Contemporary calf, blind rules to boards, blind fillets along spine, raised bands and recent lettering piece to spine, gilt fillets along board edges. A few minor scratches and a few inkspots to boards, moderate rubbing to extremities, small chip to head of spine, front hinge cracked. Light toning to text, somewhat heavier in places. An attractive copy. \$1,500.

FIRST EDITION, ONE OF TWO ISSUES FROM 1699. This compendium of English law during the early years of the Restoration is perhaps most notable for its three appendices: "A Compendium of the Laws and Government of Scotland, With the Islands Thereunto Belonging", "A Compendium of the Laws and Government of Ireland, With the Islands Thereunto Belonging," "A Compendious Description of the English Plantations in Asia, Africa and America" and "Addenda, Or, A Supplement of Things Omitted in the Impression of the Book." A second edition was published in 1732. This is a scarce title. OCLC locates 7 copies of the first edition in North American law libraries (Columbia, Furman, Harvard, Library of Congress, University of Cincinnati, University of Michigan, University of Pennsylvania). Sabin15046. ESTC R9670.



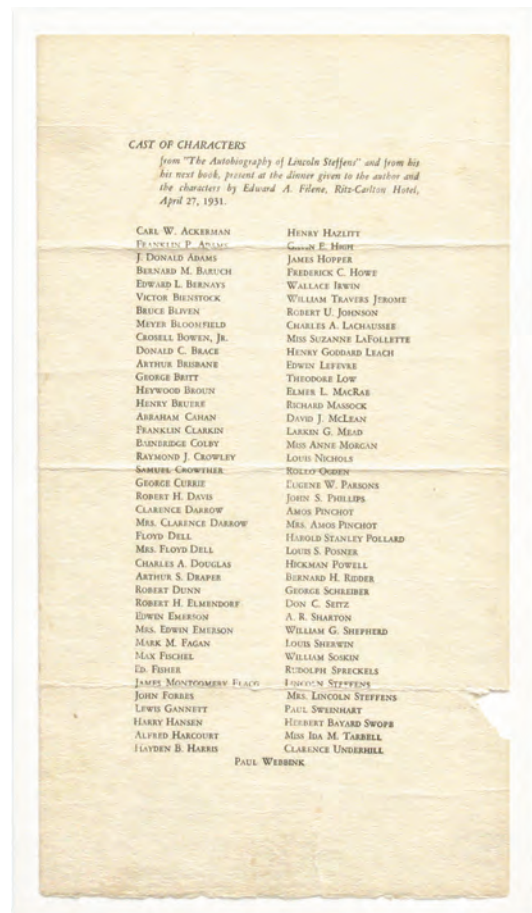
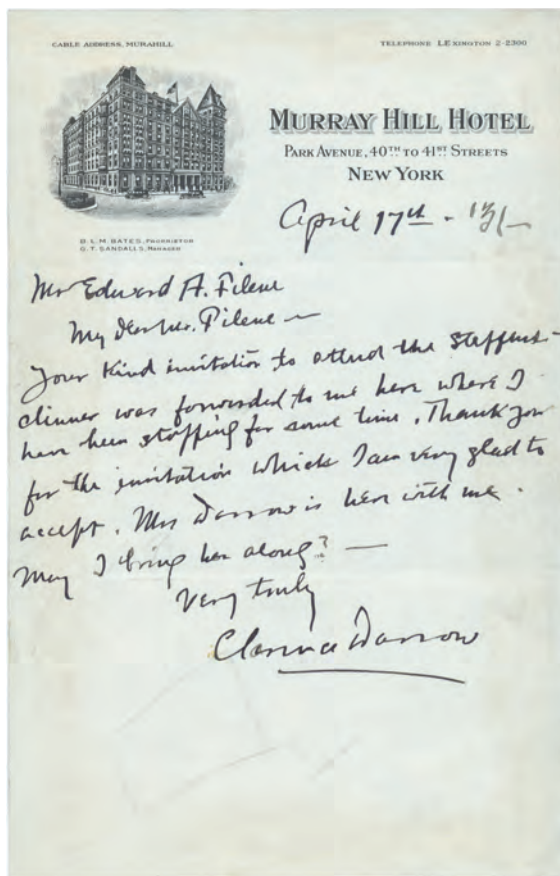
DARROW DISCUSSES AN ISSUE CONCERNING THE PUBLICATION OF HIS AUTOBIOGRAPHY

24 DARROW, CLARENCE [1857-1938].
[SPINGARN, ARTHUR (1878-1971)].

[Typed Letter, Signed, To Spingarn, On His Personal Letterhead, October 24, 1931, With Five-Line Holograph Postscript, Signed "D"].

Single 10-1/2" x 7-1/4" sheet. Some toning, two horizontal fold lines, otherwise fine. \$2,500.

DARROW DISCUSSES A SENSITIVE ISSUE concerning the placement of *The Story of My Life*, then in manuscript. He is looking for a publisher and is troubled by the interest shown by his former publisher, Horace Liveright. Darrow wants advice on the best way to push him away. Spingarn was contacted because he assisted Darrow with a related issue. In the previous month he negotiated Darrow's release from a contract with Liveright. (Darrow sought this release because he wasn't happy with the promotional efforts for, or sales of, its edition of *Farmington*.) The holograph postscript refers to the article "Why the 18th Amendment Cannot Be Repealed," which appeared in the November 1931 issue of *Vanity Fair*: "I have a story...on what one can and can not do to get rid of prohibition. We can not repeal the 18th Amendment." Spingarn, an attorney, was a civil rights pioneer and president of the NAACP from 1940 to 1965. He helped coordinate the defense team for Dr. Ossian Sweet, which was led by Darrow. See the letter of September 25, 1931 to Spingarn in Darrow, *In the Clutches of the Law* 425.



Details from N° 24



Darrow is seated at the center of the main table next to Steffens; Ruby Darrow is sitting at the right end.

Detail from N° 25

DARROW ATTENDS A BANQUET IN HONOR OF LINCOLN STEFFENS

25 DARROW, CLARENCE.

[STEFFENS, LINCOLN (1866-1936)].

[12" x 20" Photograph of a Banquet Honoring Steffens, Party Includes Clarence and Ruby Darrow] New York: Standard Flashlight Company, 27 April 1931.

[WITH]

[11" x 6" Printed List of People Who Attended the Banquet].

[AND]

DARROW, CLARENCE.

[FILENE, EDWARD A. (1860-1937)].

[Autograph Letter, Signed, To Filene, On the Letterhead of the Murray Hill Hotel, New York, New York, April 17, 1931].

Single 9-1/2" x 6" sheet.

Some edgewear to photo, upper left corner of image repaired, light toning and fold lines to list, early annotations to photograph.

a few chips and nicks to edges of both. Items mounted on 16" x 32" foam-core board. Letter, which is not mounted, has some toning, two horizontal fold lines, a few light pencil lines (offsetting from another document) and glue residue to verso, probably from mounting in an album, otherwise fine. Three items in all. \$1,750.

THERE ARE TWO CAPTIONS at the foot of the image. One identifies the photography company, the other reads "Dinner to Lincoln Steffens and Characters in His Book Given by Edward A. Filene. Ritz Carlton Hotel April 27, 1931." The list, which includes several media people, social reformers and reform-minded politicians, such as Ida Tarbell and Bernard Baruch, is captioned: "Cast of Characters from 'The Autobiography of Lincoln Steffens' and from his next book, present at the dinner given to the author and his characters by Edward A. Filene, Ritz-Carlton Hotel, April 27, 1931." Some of the attendees are identified in a contemporary hand. Darrow is seated at the center of the main table next to Steffens; Ruby Darrow is sitting at the right end. Darrow, in his letter, thanks Filene for the invitation to the event, "which I am very glad to accept" and adds: "Mrs. Darrow is here with me. May I bring her along?" This late request may be the reason why Ruby Darrow is seated several places away from Clarence.

A DICTIONARY AND DIGEST OF THE CODE NAPOLEON

26 DAUBANTON, A[NTOINE]-G[REGOIRE]
[1752-1813].

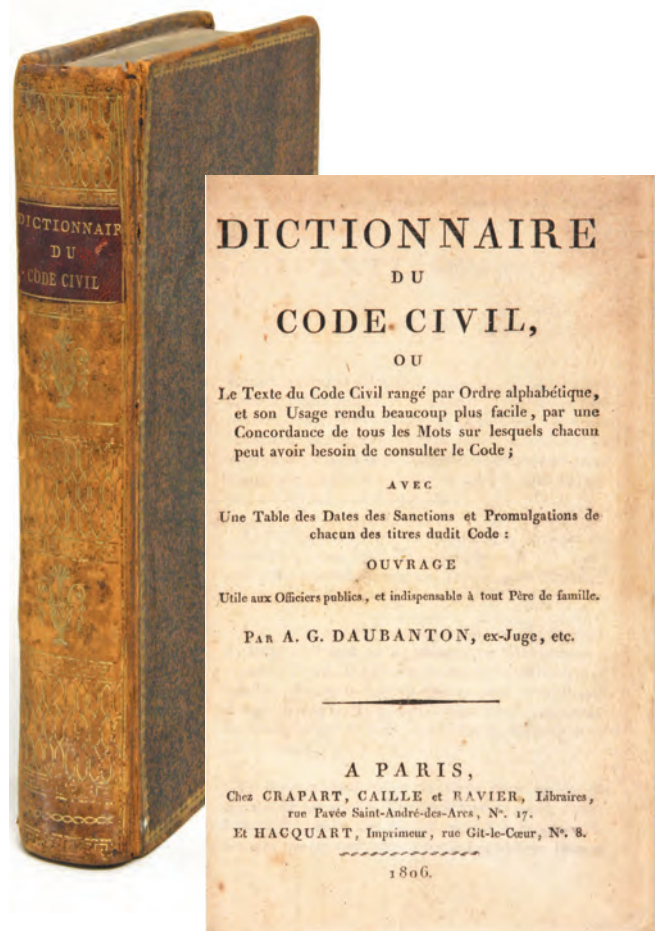
Dictionnaire du Code Civil, Ou, Le Texte du Code Civil Rangé par Ordre Alphabétique, Et son Usage Rendu Beaucoup plus Facile, Par une Concordance de Tous les Mots sur Lesquels Chacun peut Avoir Besoin de Consulter le Code; Avec une Table des Dates des Sanctions et Promulgations de Chacun des Titres Dudit Code: Ouvrage Utile aux Officiers Publics, Et Indispensable à tout Père de Famille.

Paris: Chez Crapart, Caille et Ravier, 1806. vi, 479 pp. Main text in parallel columns. Octavo (7-1/2" x 5-1/4").

Contemporary speckled calf, gilt fillets to boards, rebaked retaining existing spine with lettering piece and gilt ornaments, hinges mended. Moderate toning to text, some leaves have light foxing, light soiling to title page. A handsome copy of a rare title.

\$950.

ONLY EDITION. This book was published two years after the enactment of the Code Napoleon. Intended to familiarize readers with the new code of laws, the book contains a comprehensive dictionary of its terms, each citing the appropriate paragraph. This is followed by a tabular outline summary of the code. This is a scarce title. OCLC locates 8 copies, 1 in North America, at the Library of Congress. Another copy located at George Washington University Law School.



N° 26

ROMAN LAWS CONCERNING DOWRY

27 DELLA VALLE, ROLANDO.

Quaestiones CXI Perutiles, Quotidianaeque, Super Statuto de Lucro Dotis, Ad Communem Omnium Utilitatem Editae, Et Copiosissimo Indice Instructae.

Venice: Apud Franciscum Bindonum, 1562. [lxiv], 349, [3] pp. Octavo (5-3/4" x 4").

Recent paper-covered boards, gilt-stamped calf lettering piece to spine. Light soiling, some rubbing to extremities, corners bumped. Moderate toning to text, light foxing in a few places, small faint stains to a few leaves, light soiling to title page.

\$1,250.

THIRD EDITION. This humanistic treatise on the Roman marriage law concerning dowry by a noble and state official from Montferrat appears to have been a well-received book. First published in 1559, it went through four more editions, the last in 1567. All editions are scarce. OCLC locates 5 copies in North America, 2 in law libraries (Harvard, University of Minnesota), none of the third edition. EDIT16 CNCE16597.



N° 27

28 DONEAU, HUGUES [1527-1591].

Commentarii ad Titulum Digestorum de Verborum Obligationibus: Praepositae Sunt Singulis Legibus et Paragraphis Summae, Capita Rerum Unoquoque Loco Tractatarum Commode et Fideliter Indicantes: Adjecto Omnium in hoc Opere Contentorum Indice Triplici, Eoque Accuratissime Confecto.

Frankfurt: [Apud Joannem Feyerabendt, Impensis Sigismundi Feyerabendts], 1577. [vi], 266, [13] ff. Lacking ff. 198-199. Main text in Parallel columns. Copperplate pictorial title page.

[BOUND WITH]

PINHEL, AIRES [16TH C.].

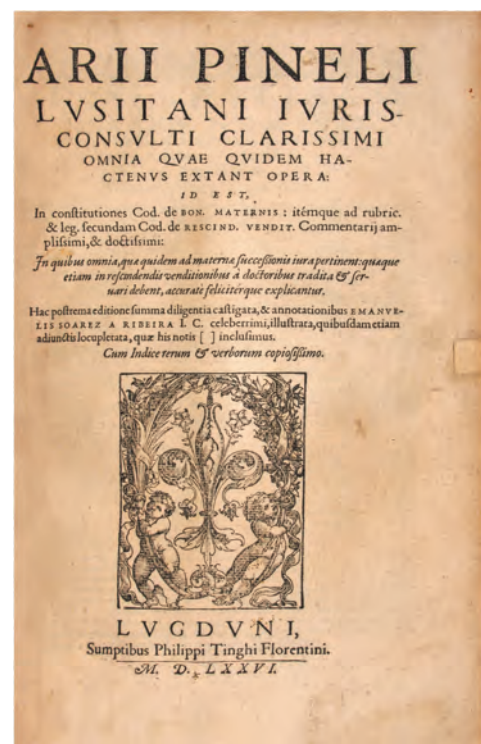
SOAREZ DE RIBEIRA, MANUEL [16TH C.], EDITOR.

In Constitutiones Cod. de Bon. Maternis: Itémque ad Rubric. & Leg. Secundam Cod. De Rescind. Vendit. Commentarii Amplissimi, & Doctissimi: In Quibus Omnia, Quae Quidem ad Maternae Successionis Iura Pertinent: Quaeque Etiam in Rescindendis Venditionibus a Doctoribus Tradita & Servari Debent, Accuratè Feliciterque Explicantur. Hac Postrema Editione Summa Diligentia Castigata, & Annotationibus Emanuelis Soarez a Ribeira Illustrata, Quibusdam Etiam Adiunctis Locupletata, Quae his Notis // Inclusimus. Cum Indice Rerum & Verborum Copiosissimo.

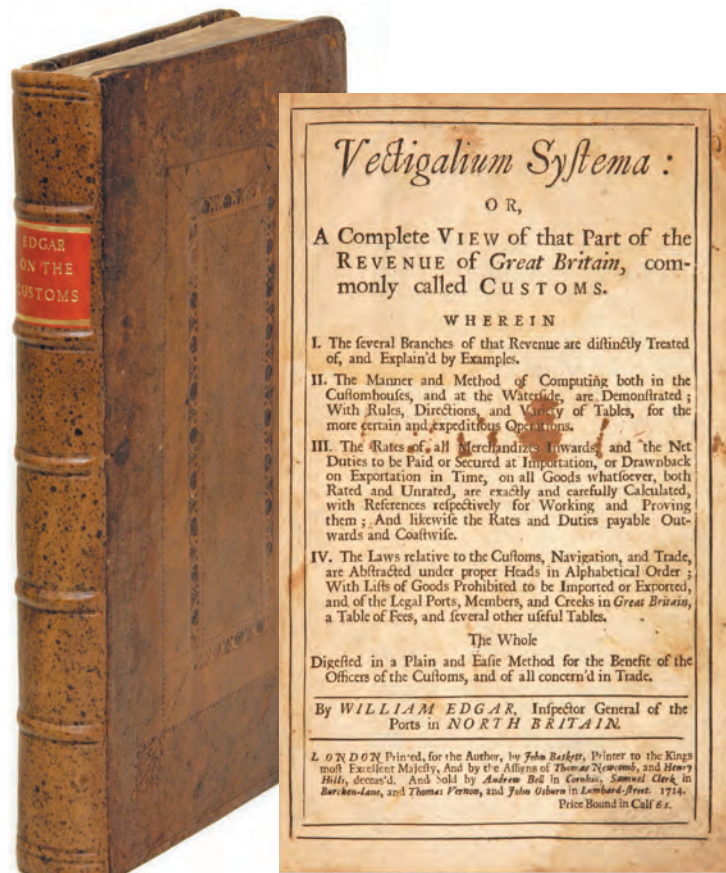
Lyons: Sumptibus Philippi Tinghi Florentini, 1576. [xii], 428, [12] pp. Main text in parallel columns.

Folio (13-3/4" x 8-3/4"). Contemporary paneled pigskin, raised bands and early hand-lettered title to spine. Moderate soiling, some rubbing to extremities, spine ends bumped with minor chipping, some chipping to board edges, corners bumped and somewhat worn, front free endpaper edgeworn and partially detached, bottom edge removed below image. Moderate toning to text, somewhat heavier in places, occasional faint dampstaining, minor worming in a few places (with no loss to text). Early signatures and annotations to front free endpaper and title page of *Commentarii ad Titulum Digestorum*, interior otherwise clean. \$1,500.

DONEAU: FIRST EDITION; Pinhel: later edition. Doneau was a French humanist jurist and scholar. A worthy antagonist of Cujas, he applied the latest philological methods to Roman law and attempted to organize its texts in a systematic fashion. A staunch Calvinist, he fled France after the St. Bartholomew's Night Massacre. He went on to become a professor at the Universities of Heidelberg and Leiden, where his teaching and numerous studies made a tremendous contribution to the promotion of Roman Law in the Netherlands. *Commentarii ad Titulum Digestorum de Verborum Obligationibus* is one of his principal works. It is a treatise on Book 45 of Justinian's *Digest*, which deals with contracts and other obligations. Later editions were published in 1599 and 1622. Our copy is bound to Pinhel's distinguished commentary on Book VI, Title 60 of Justinian's *Code*, which addresses the inheritance and succession of maternal property (or property through a family's maternal side). It also considers this topic according to Spanish and Portuguese civil law. Originally published in 1557, it went through several issues and editions throughout Europe, the final published in Frankfurt in 1614. Neither imprint listed in Adams.



Details from N° 28



Nº 29

CUSTOMS HANDBOOK WITH INFORMATION ABOUT COLONIAL PRODUCTS

29 EDGAR, WILLIAM.

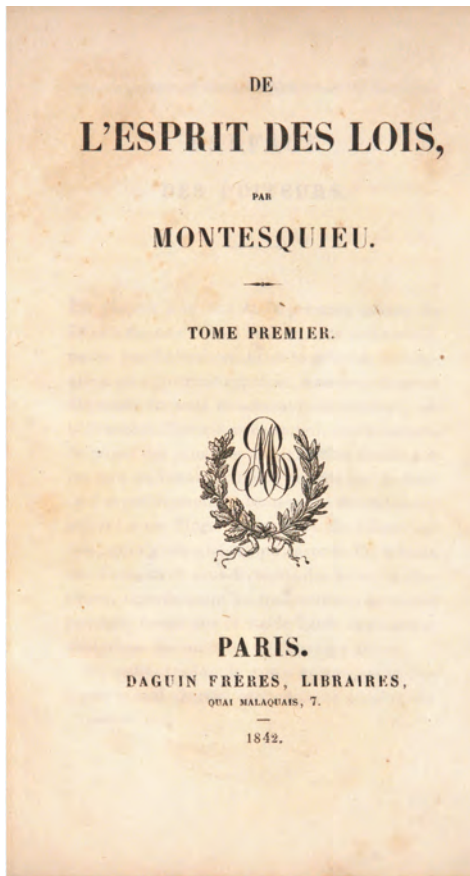
Vectigalium Systema: Or, A Complete View of That Part of the Revenue of Great Britain, Commonly Called Customs. Wherein I. The Several Branches of that Revenue are Distinctly Treated of, And Explain'd by Examples. II. The Manner and Method of Computing Both in the Customhouses, And at the Waterside, Are Demonstrated; With Rules, Directions, And Variety of Tables, For the More Certain and Expeditious Operations. III. The Rates of all Merchandizes Inwards, and the Net Duties to be Paid or Secured at Importation, Or Drawback on Exportation in Time, On all Goods Whatsoever, Both Rated and Unrated, Are Exactly and Carefully Calculated, With References Respectively for Working and Proving Them; And Likewise the Rates and Duties Payable Outwards and Coastwise. IV. The Laws Relative to the Customs, Navigation, And Trade, Are Abstracted Under Proper Heads in Alphabetical Order; With Lists of Goods Prohibited to be Imported or Exported, And of the Legal Ports, Members, And Creeks in Great Britain, A Table of Fees, And Several Other Useful Tables. The Whole Digested in a Plain and Easie Method for the Benefit of the Officers of the Customs, And of All Concern'd in Trade.

London: Printed, For the author, by John Baskett, 1714. [vi], 330 pp. Folding table. Dedication leaf lacking. Octavo (7-3/4" x 4-3/4").

Contemporary paneled calf, rebacked in period style with raised bands and lettering piece, blind tooling to board edges, hinges mended. Light rubbing and a few minor nicks and scuffs to boards, corners bumped and somewhat worn. Moderate toning, somewhat heavier in places, occasional faint dampstaining, light foxing to a few leaves, minor edgewear to folding table, later annotation to rear endleaf. \$1,000.

REISSUE OF THE FIRST EDITION, one of two reissues, published the same year as the first edition. Edgar was inspector general of the ports in North-Britain. Enriched with numerous with rates and tables, this handbook offers excellent insights into English trade in the early eighteenth century. It includes a good deal of information about products from colonies of West Indies and North America, such as sugar, tobacco and animal hides. A second edition was published in 1718. OCLC locates 2 copies in North American law libraries (Library of Congress, Yale, Which has a second edition). ESTC T136751.

Stephen J. Field.
Paris Nov. 1848.



Details from N° 30

FROM THE LIBRARY OF U.S. SUPREME COURT JUSTICE STEPHEN J. FIELD

- 30 [FIELD, STEPHEN J. (1816-1899)].
MONTESQUIEU, CHARLES-LOUIS DE SECONDAT [1689-1755].

De L'Esprit des Lois par Montesquieu.

Paris: Daguin Frères, Libraires, 1842. Three volumes. [iv], vi, 508; [iv], 559; [iv], 476 pp. Volume I has portrait frontispiece with tissue overlay. Quarter calf over marbled boards, gilt titles, gilt-edged blind fillets and gilt ornaments to spine, marbled endpapers.

[AND]

[DESTUTT DE TRACY, ANTOINE LOUIS CLAUDE (1754-1836)].

Commentaire sur L'Esprit des Lois de Montesquieu; Suivi d'Observations Inédites de Condorcet, Sur le Vingt-Neuvième Livre du Même Ouvrage. Édition Entièrement Conforme à celle Publiée à Liege en 1817.

Paris: Delaunay, Libraire, Palais-Royal, 1819. xvi, 476 pp. Quarter morocco over textured cloth, raised bands, gilt title and gilt ornament to spine, marbled endpapers.

Octavo (8" x 5"). Light rubbing to boards, moderate rubbing to extremities, some wear to spine ends and corners, a few

hinges starting. Light toning to text, somewhat heavier in places, occasional light foxing, faint dampstaining to a few leaves, lower corners of rear free endpaper of each book removed, fragments of later owner label to foot of spines, fragments of later bookplates to front pastedowns, another later bookplate to each front free endpaper. Book ticket of Stephen J. Field to front pastedowns of Volume I and II of *De L'Esprit des Lois* and *Commentaire*, his signature and "Paris/ Nov 1848" to front endleaf of each volume of *De L'Esprit des Lois*. \$1,500.

L'ESPRIT: LATER EDITION; *Commentaire*: third edition. Montesquieu's classic study of the English Constitution and the most important commentary on that work were acquired during a trip to Paris by Stephen Johnson Field, then a lawyer about to move to California. Following the Gold Rush to California in 1848, Field served in local government, the California's state legislature and the Supreme Court of California. He was the principal draftsman of the 1851 California Practice Act. Appointed to the United States Supreme Court in 1863, he remained on the bench until 1897. One of the great justices of the nineteenth century, he had a lasting influence on Constitutional law through his contributions to Fourteenth Amendment jurisprudence and its Due Process Clause. Someone tried to remove Field's book tickets and erase his signatures, but almost all of the tickets and signatures remain. A letter offering these books to a client from San Francisco bookseller Warren R. Howell laid in to Volume I of *De L'Esprit des Lois*.

ANNOTATED COPY OF A WORK HIGHLY ESTEEMED BY COKE AND BLACKSTONE

- 31 FITZHERBERT, ANTHONY [1470-1538].
RASTELL, WILLIAM [1508?-1565].

La Novel Natura Brevium du ludge Tresreverend Monsieur Anthony Fitzherbert Dernierement Reviu & Corrigeé per Lauteur, Avecques un Table Perfect, Des Choses Notables Contenus en Ycel, Novelment Compose per Guillaulme Rastall.

London: In Edibus Thomae Wight, & Bonhami Norton, 1598. [xxxii], 271, [1] ff. Final leaf, a blank, lacking. Octavo (6-1/2" x 4").

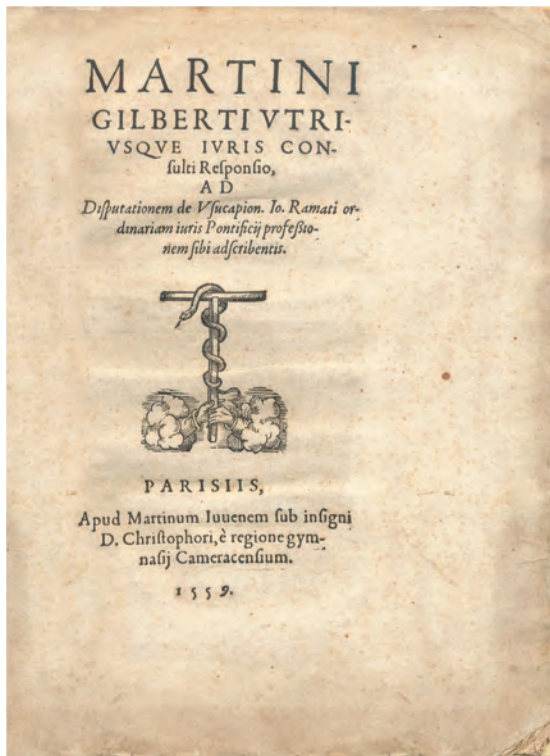
Recent period-style paneled calf, raised bands and blind ornaments to spine, endpapers renewed. Negligible light fading to spine. Title printed within woodcut architectural border. Moderate toning to text, early owner annotations to title page in neat small hand, early annotations to margins in several places, some slightly affected by trimming, but legible. A handsome copy. \$2,500.

FIRST PUBLISHED IN 1534, the *Nouvelle Natura Brevium* is a manual of procedure 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. A popular work, it went through numerous editions in Law French and English, the final appearing in 1794. It remains significant to this day for its descriptions of writs that were becoming obsolete in the early sixteenth century. The annotations range from few words to a sentence. They are mostly summaries of legal points. Most of the others are bibliographical references and case citations. Winfield, *Chief Sources of English Legal History* 303. ESTC S102179. Beale T351.



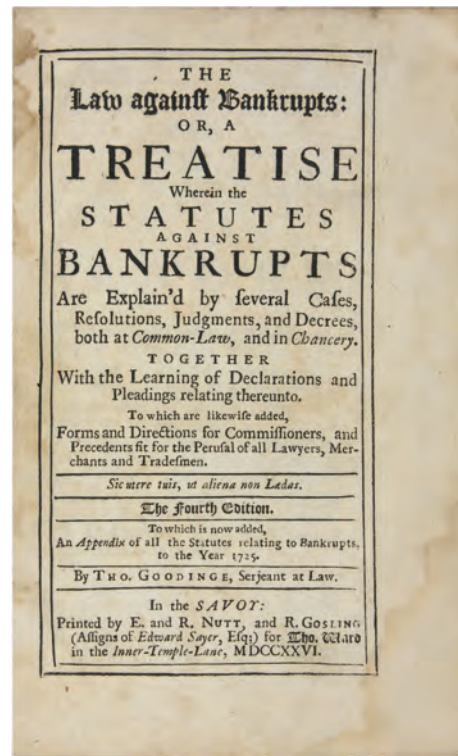
Details from N° 31





N° 32

A DIFFICULT CONCEPT IN THE ROMAN LAW OF POSSESSION



N° 33

THE FIRST ENGLISH TREATISE ON BANKRUPTCY

32 GILBERT, MARTIN.

Responsio ad Disputationem de Usucapion[ibus] Io[anni] Ramati Ordinariam Iuris Pontificii Professionem Sibi Adscribentis.

Paris: Apud Martin Le Jeune, 1559. 22 pp. Quarto (8-3/4" x 6-1/4").

Stab-stitched pamphlet in later wrappers, untrimmed edges. Negligible light edgewear to wrappers, moderate toning and faint dampspotting to text, light soiling to title page. \$950.

ONLY EDITION. This *responsio* concerns usucapion, a concept on Roman law concerning the acquisition of ownership by continuous possession over a long period of time. An important feature of an early-modern trial, a *responsio* is a court-ordered opinion relating to a thorny legal issue relating to the case by a disinterested jurist, most often a legal scholar. OCLC locates 1 copy (at the Bibliothèque Nationale de France). No copies located in North America. *USTC* 206127.

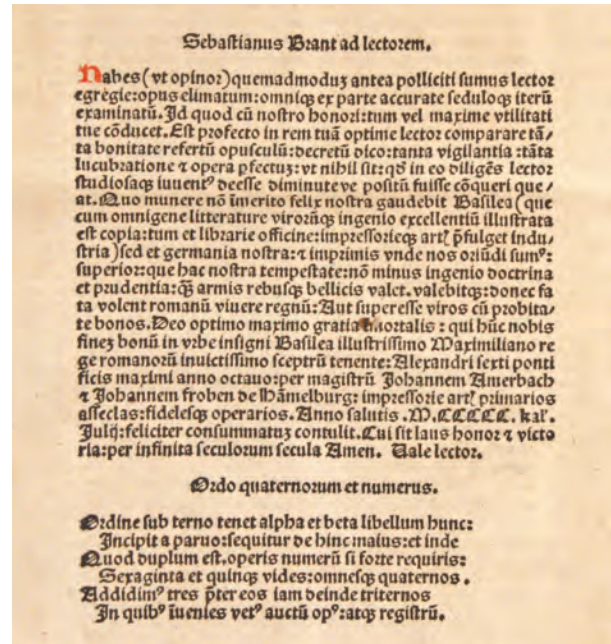
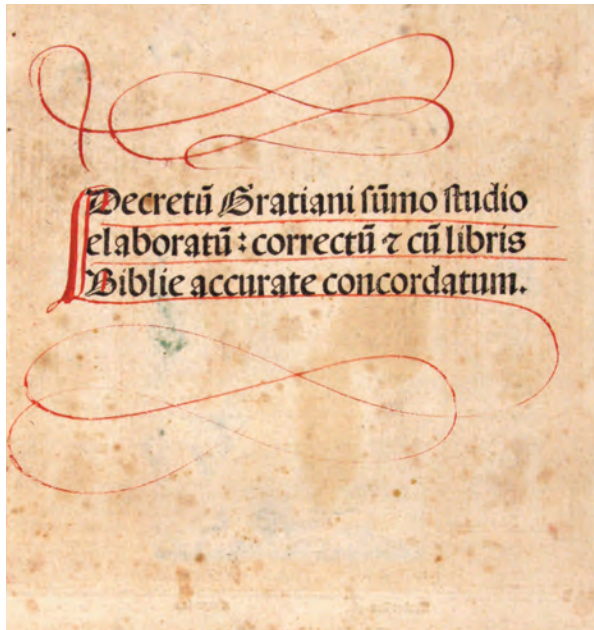
33 GOODINGE, THOMAS.

The Law Against Bankrupts: Or, A Treatise Wherein the Statutes Against Bankrupts are Explain'd, By Several Cases, Resolutions, Judgments and Decrees, Both at Common-Law and in Chancery. Together with the Learning of Declarations and Pleadings Relating Thereunto. To Which are Likewise Added, Forms and Directions for Commissioners, And Precedents Fit for the Perusal of All Lawyers, Merchants and Tradesmen. To Which is Now Added, An Appendix of All the Statutes Relating to Bankrupts, To the Year 1725.

[London]: Printed by E. and R. Nutt, and R. Gosling (Assigns of Edward Sayer), 1726. [xxiii], 296, [36], 50, [2]; [28] pp. One-page publisher list at the beginning of text, two-page and 28-page catalogues at the end. Octavo (8" x 5").

Contemporary calf, blind rules and fillets to boards, raised bands and fragment of paper label to spine. Spine ends worn, corners bumped, boards beginning to separate, but still quite secure, a few minor scuffs and scratches to boards. Some toning and faint dampspotting to text, dampstaining to lower corners of preliminaries, internally clean. \$2,500.

FOURTH AND FINAL EDITION. An enlarged work with an appendix of statutes. The first English treatise on bankruptcy, it was first published in 1694 and reissued in 1695. The second edition was published in 1701, with a 1704 reissue. The third edition followed in 1713, with a 1719 reissue; a fourth in 1726. All are scarce. OCLC locates 4 copies of the fourth edition, all in law libraries (Georgetown, Ohio State, UC-Berkeley, University of Pennsylvania). *ESTC* T90159.



Details from N° 34

HANDSOME INCUNABLE EDITION OF GRATIAN

34 GRATIAN THE CANONIST

[C. 1090–C. 1160].

[JOHANNES TEUTONICUS (OR ZENEKA) (D.1253), GLOSSATOR].

[BARTOLOMEO DA BRESCIA (D.1258), GLOSSATOR].

[BRANT, SEBASTIAN [1458–1521], EDITOR].

Decretum Gratiani.

[Basel: Johann Froben, 13 June 1493]. [520] ff. Main text in parallel columns with linear gloss. Collation: a–z, 78, A–Z8, AA–SS8. Signatures RR–SS replaced with signatures from the 1500 Froben edition. Added signatures aA–bB6 from the Froben edition of 1500 before main text (signature a), woodcut portrait of Gratian in duplicate, both hand-coloured. Quarto (8-1/4" x 6").

Contemporary calf with elaborate blind-tooling over wooden boards, title, brass bosses to corners and centers of boards, raised bands and small later shelf label to spine, "Decretu" blind-stamped to head of front board, 55" in early hand to fore-edge of text block, clasps lacking, pastedowns renewed. Moderate rubbing, chip to head of spine. 67-line text printed in red and black, occasional capitals spaces, mostly with guide-letter, 13-line illuminated initial N on a2r, supplied leaf Aa2 with illuminated initial and flourish at margin. Moderate toning, occasional faint dampstaining to margins, light soiling to a few leaves. \$30,000.

THE FIRST OF TWO FROBEN EDITIONS, a composite copy brought together c. 1500. The *Decretum Gratiani*, is the cornerstone of modern canon law. The first work of its kind, it was compiled by Gratian, a Camaldolese monk, around 1140. Using the latest scholastic and juristic techniques from Bologna, he attempted to harmonize these disparate texts. Like the *Corpus Juris Civilis* in the study of the civil law, it became the basic text for the study of canon law for many centuries. In the following century an extensive gloss was added by Teutonicus, a German prior living in Bologna. Known as the *Glossa Ordinaria*, it was later revised and enriched by another Bolognese prior, Bartholomew of Brescia. The gloss and its revisions become a standard feature of subsequent manuscripts and printings. Though never an official edition of canon law, it was a standard work for nearly 800 years until it was superseded in 1918 by the Code of Canon Law (*Codex Iuris Canonici*). Remembered today as the moral and satirical poet of Das Narrenschiff [The Ship of Fools], Brant was also a noted legal scholar and humanist. He studied at Basel, where he completed a doctor of laws degree. After serving on Basel's law faculty he moved to Strasbourg, his birthplace, where he became city clerk and enjoyed a position of great prominence. Brant was later appointed imperial councillor by the Holy Roman Emperor Maximilian I, who elevated him to the nobility.

In this copy all but the final two signatures are from the 1493 edition. It is augmented by the first two signatures of the 1500 edition, which contain a table of contents that does not appear in the 1493 edition, along with a duplicate title page and author portrait. The uniformity of decoration and the contemporary binding make it clear this marriage occurred around 1500. Goff, *Incunabula in American Libraries* G384. *Gesamtkatalog der Wiegendrucke* 11377.

Annotatio titulorum et capitulorum decreti

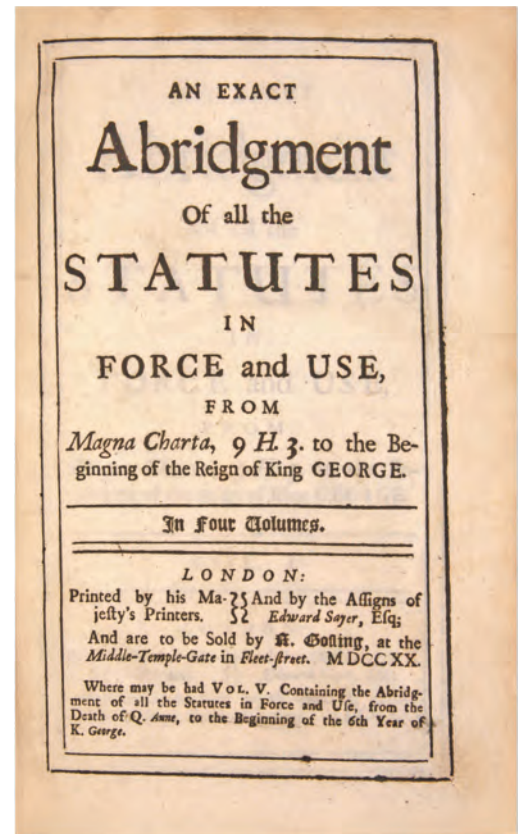
Prima di-
stinctio tra-
ctat de diuisione
iuris.
Numanum ge-
nus duobus.
Omnes leges
Ius generale
Reperit institutio
Mos est longa
Consuetudo aut
Ius aut
Ius naturale ē
Ius ciuile est
Ius gentium est
Ius militare. i.
Ius publicum est
Ius quiritium est
II. Distinctio. de
iure quiritium
Cōstat autē ius
Lex est institutio
Plebiscita sunt
Senatuscōsul.
Constitutio vel
Parsa prouidentia
Quedā etiā le.
Satyra hō lex
Mōdie leges
III. Distinctio. de
iure canonico
Dēs hēc species
Canon grece
Regula dicta ē
Pars illegia sūt
Omnis aut lex
III. Distinctio
Quid. II. qd. ca-
nones mādēt.
Causa hō pōt.
Facere sunt autē
Erit aut lex
In istis rpalib⁹
Statuimus: vt
Quadragesima
Deniq; sacerdo.
V. Distinctio. de
dignitate iuris
naturalis
Hec qd de pūle.
Cū enira fuerit
Baptizari autē
Ad ei⁹ hō pēu.
VI. Dist. de no-
cturna pollutioe

Quia vero de
Testamentū ve.
Sed pensandū
Hō est peccatū
VII. Distinctio. de
legislatoribus
Ius aut institū.
Moyse gētis
Fuerūt autē hi
VIII. Dist. Ius
naturale pōt⁹
omni iure et con-
suetudine.
Differt aut ius
Quo iure defē.
Que ptra mo.
Mala aut p sue.
Veritate mani.
Si consuetudine
Qui pceptave.
Frustra inquit
Consuetudo que
Si solus christ⁹
IX. Distinctio. pro-
pter cōstitutōes
hōm cedere iur-
ri naturali.
Quod aut cō.
Impatores qh
Iustū est pnci.
Holi iuris lris
Regare nō pos.
Ego solis eis
Arvetez libror
Si ad scpturas
Quis nesciat
Holi frater
Hec qd libet
Sana pperō
X. Dist. Qd le-
ges canonibus
nō puidant.
Constitutiones
Rege impatorū
Hō l3 impatori
Certū est hoc
Cōstitutōes
Imperū vrm
Suscipitis ne li
Si in adlutorū
Qm idē media
De capitulis vl
Aides fili cha.
Quis aut legis
Certū est mag.

Electam fla.
XI. Dist. p̄suetu-
dine cedere legi
b⁹ approbatis
Qd hō legib⁹
Usus ancti ce.
Cōsequens est
Holite errare
Consuetudinis
Ecclesiasticar in.
Consuetudinem
In his rebus
Catholica eccle
Palā est q in
hoc vre indicl.
Quis nesciat
XII. Dist. que
consuetudo ser-
uanda sit
Quod absq;
Hō decet a ca.
Preceptū apli.
Scit scā roma.
Illud breuiter
Ridiculū est et
Diuturni more
Consuetudo p̄ce.
Mos p̄suetudi.
Quāmodū
Hōuit fraterni.
Illa autē q non
Dia talia q ne.
De his q cōtra
Placuit oibus
XIII. Dist. nulla
dispensatio con-
tra ius naturale
Item aduersus
Duo mala licz
Merui testificor
XIII. Distinctio.
Qd mala nul-
lo intuitu debēt
admitti
Verum hoc ita
Qd alt sodomi
Sicut qdā sunt
XV. Distinctio.
quo tpe canōes
et libri et cōcilia
celebrata
Qm d naturali
Canones gene.
Sicut scī euā.
Scā romana.

XVI. Dist. de h⁹
pocriph⁹ sc̄ptu-
ris aut synodis
Aploz canōes
Canōes q dicit
Sexaginta sen.
Clemētis librū
Placuit huic
Prop̄ cor au.
Sexta synoduz
Habeo librū p.
Quonā sancte
Scā. viij. vniū.
Sexta synodus
Prima autē sy.
Prima ānota.
Septuaginta
Viginti tñ ca.
Qd dicit neq;
XVII. Dist. cō-
cilia sine consen-
su pape non cele-
branda
Generalia q;
Synodū epōrū
Regula vestra
Huic sedi p̄cessa
Recituit ali.
Multis denuo
Cōcilia sacerdo.
Epōs fm ordi.
XVIII. Dist. de
prāte concilij
Episcopoz iglī
Placuit vt cō.
De p̄cilijs autē
Habeat semel
Prop̄ ecclesia.
Hō opteat vo.
Peruenit ad
Qm quidē re.
De eulogijs ad
Epōs ad synodū
Placuit vt qti.
Epōs non debet
Si qd aut syno.
Si epō metro.
Si quis epōuz
Prop̄ ecclesiast.
Annis singlis
Decernimus vt
XIX. Dist. eccle-
siastica manda-
ta seruanda
De ep̄lis vero

Si romanorum
Sic oēs sancti.
In memoriā bñ
Enimvero quia
Nulli fas est vl
In canonicis
Ita dñs n̄r ihs
Scdm eccle ca.
Anastasi⁹. q.
Propter totius
XX. Dist. qñ ca-
nonibus vel qñ
sc̄tis scripturis
stetur
Decretales ita.
De libellis et
Si decreta ro.
De qbus causis
XXI. Dist. de vi-
ueris ordinib⁹
clericorum
Decretis ergo
Cleros et clericos
In nouo testa.
Quāuis vniū.
Inferior sedes
Holite nos exi.
Deniq; si i ep̄la
Hūc autē diuina
Submittit ig.
Intantū hāc p.
XXII. Dist. de di-
gnitate roma. et
aliarū ecclesiarū
Quia ergo
Dēs sue p̄lar.
Sacrosctā ro.
Cōstātinopol.
De p̄stātinopo.
Qua traditōe
Renouātes sc̄ti
Diffinimus ne.
XXIII. Dist. de
ordinatōe mini-
strom ecclesie
Breuiter quel.
In noie dñi n̄r
Qui ep̄s ordi.
His igitur lege
Tales ad mini.
Illud statuēdū
Quāq; omnes
Ep̄s cū ordiat
P̄fessz cū ordi.
Ecclesiastica.



Details from N° 35

A HANDSOMELY BOUND DIGEST OF ENGLISH STATUTES FROM MAGNA CARTA TO 1720

35 [GREAT BRITAIN].

An Exact Abridgment of All the Statutes in Force and Use, From Magna Charta, 9 H. 3. To the Beginning of the Reign of King George. In Four Volumes.

London: Printed by His Majesty's Printers, 1720. Four volumes. Complete set. Volume I has folding "Table of the Assize of Bread."

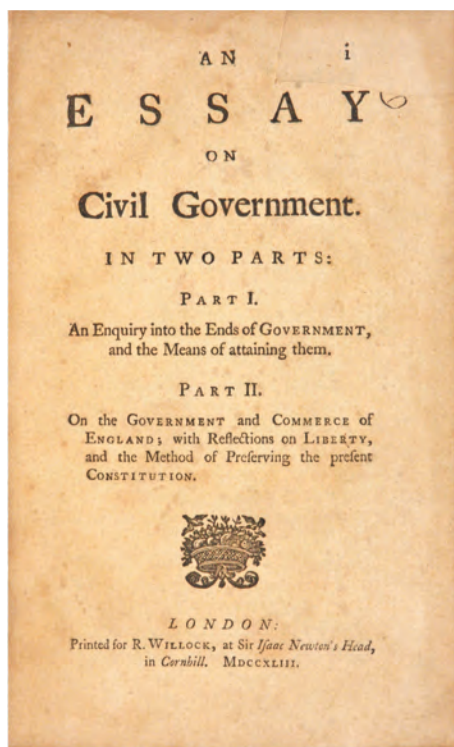
[WITH]

An Exact Abridgment of All the Statutes in Force and Use, From the End of the Reign of Queen Anne, To the Beginning of the Sixth Year of King George. Vol. V.

London: Printed by His Majesty's Printers, 1720. [xxxii], 368, [20] pp.

Five volumes in all. Complete as issued. Volume I has an added title page with an advertisement for Volume V. Octavo (7-1/2" x 4-3/4"). Contemporary paneled calf, raised bands and lettering pieces to spines, blind tooling to board edges. Some minor nicks and scuffs to boards and lettering pieces, light rubbing to extremities, corners bumped and lightly worn, front joint of Volume II starting, a few hinges cracked or starting, early armorial bookplate (of Scot of Ancrum) to front pastedown of each volume. Light toning to text, slightly heavier in places, foxing to some leaves, minor tear to folding table in Volume I. A handsome set. \$2,500.

ONLY EDITION. With indexes. Offering a panorama of English life from a statutory perspective, this set collects in force from 1215 to 1720. The contents are digested alphabetically by topic. These range from strictly legal matters to aspects of everyday life, such as bread and drinking water. The fifth volume is a collection of statutes overlooked in the first four volumes. ESTC N308, N309.



N° 36

WITH INTERESTING REMARKS ABOUT JOHN LOCKE

36 [GREAT BRITAIN].
[POLITICS AND GOVERNMENT].

An Essay on Civil Government in Two Parts: Part I. An Enquiry into the Ends of Government, And the Means of Attaining Them. Part II. On the Government and Commerce of England; With Reflections on Liberty, And the Method of Preserving the Present Constitution.

London: Printed for R. Willock, At Sir Isaac Newton's Head, In Cornhill, 1743. [iv], ix, [15], 363, [1] pp. With a half-title. Octavo (7-3/4" x 4-3/4").

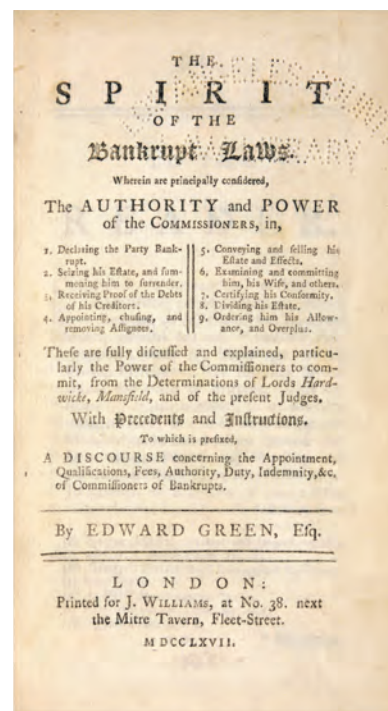
Recent period-style calf, blind rules to boards, raised bands, blind ornaments and lettering piece to spine, endpapers renewed. Moderate toning to text, somewhat heavier in places, light foxing in a few places, contemporary pen marks and brief annotations to a few leaves, signature clipped from upper right-hand corner of title page with no loss to text. \$1,500.

ONLY EDITION. Completed in 1739, this book is a spirited attack on the Whig administration of Robert Walpole, which had recently fallen. It is notable for its conservative view of civil government and pointed criticism of John Locke's ideas concerning the rejection of patriarchal authority, the purely civil authority of the magistrate, the right of resistance and taxation. This is a scarce title. OCLC locates 11 copies in North America, none in law libraries. ESTC T55970.

IMPORTANT EIGHTEENTH-CENTURY TREATISE
ON ENGLISH BANKRUPTCY LAW

37 GREEN, EDWARD.

The Spirit of the Bankrupt Laws. Wherein are Principally Considered, The Power and Authority of the Commissioners,



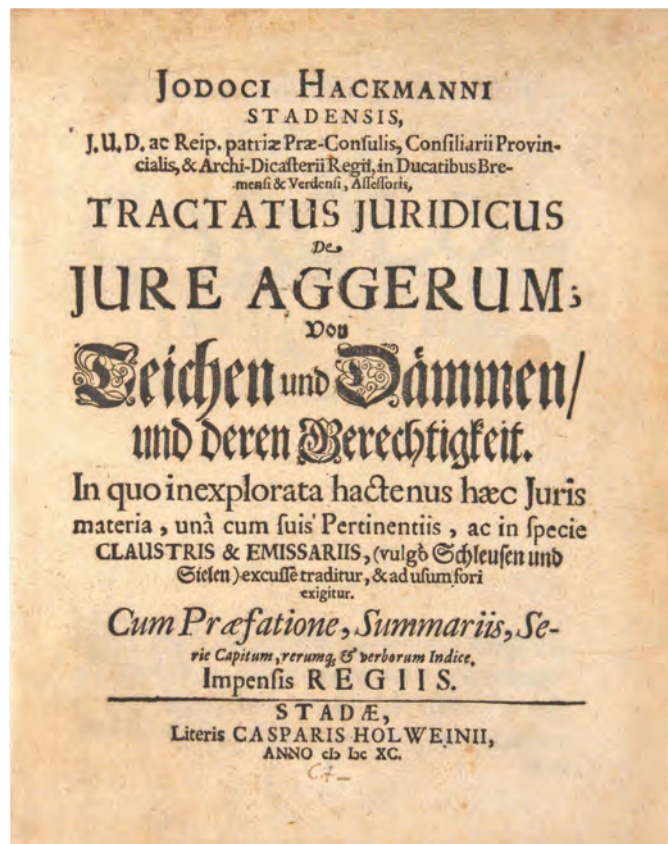
N° 37

In, 1. Declaring the Party Bankrupt. 2. Seizing His Estate, And Summoning Him to Surrender. 3. Receiving Proof of the Debts of His Creditors. 4. Appointing, Chusing, and Removing Assignees. 5. Conveying and Selling his Estate and Effects. 6. Examining and Committing Him, His Wife, and Others. 7. Certifying His Conformity. 8. Dividing the Estate. 9. Ordering Him His Allowance, And Overplus. These are Fully Discussed and Explained, Particularly the Power of the Commissioners to Commit, From the Determinations of Lords Hardwicke, Mansfield, And of the Present Judges. With Precedents and Instructions. To Which is Prefix'd, A Discourse Concerning the Appointment, Qualifications, Fees, Authority, Duty, Indemnity, &c. of Commissioners of Bankrupts.

London: Printed for J. Williams, 1767. viii, xii, [10], 434, [14] pp. Includes four-page publisher catalogue. 12mo. (6-3/4" x 4").

Contemporary calf, blind frames to boards, blind fillets along joints, raised bands and lettering piece to spine. Some rubbing to extremities, a few shallow scuffs to boards, small chip to head of spine, corners bumped, front board beginning to separate (but still quite secure), rear hinge cracked. Light toning to text, darker in places, spotting to a few leaves, internally clean. Ex-library. Stamps to boards, edges and free endpapers, brief annotation to front free endpaper, perforated stamp to title page and following leaf. A solid copy. \$750.

FIRST EDITION. "The book is clearly written and well arranged. It states the effect of the modern cases and statutes; but it is not a mere digest. It explains underlying principles, and gives a good account of the way in which the commissioners in practice conducted their business" (Holdsworth). The first edition was published in 1767, the final edition (the fourth) in 1780. All are scarce. OCLC locates ~2 copies of the first edition in North America, 1 in a law library (University of Pennsylvania). Holdsworth XII:388. ESTC T146676.



Nº 38

THE FIRST SIGNIFICANT TREATISE DEVOTED TO LAWS CONCERNING DIKES AND DAMS

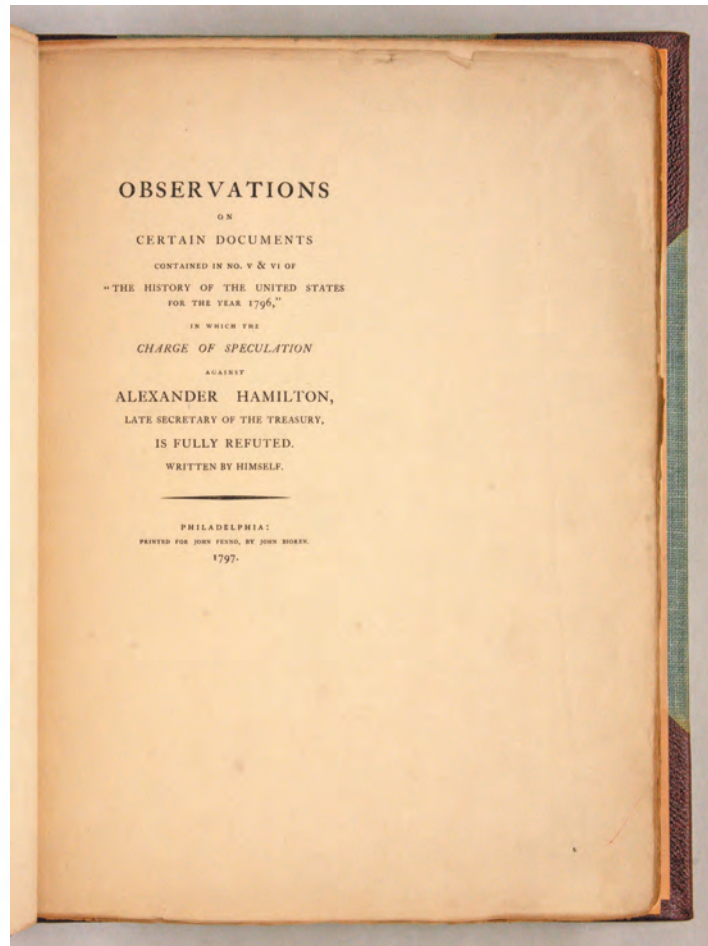
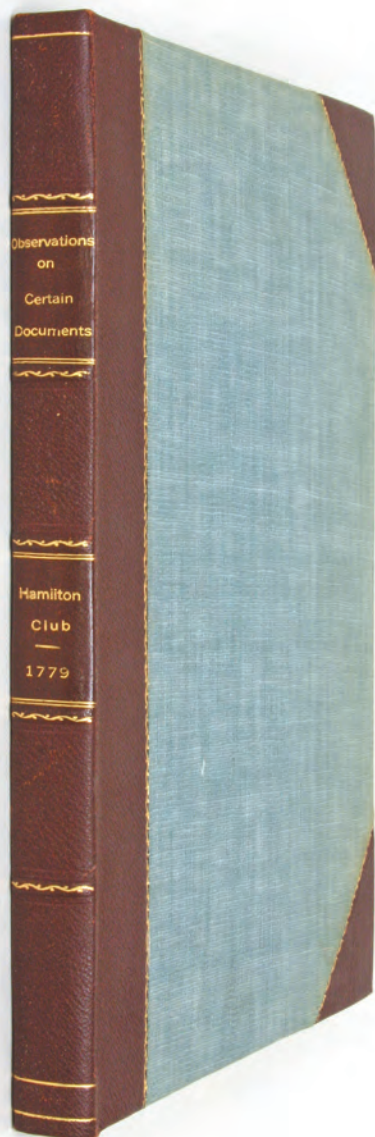
38 HACKMANN, JODOCUS [1642-1710].

Tractatus Juridicus de Jure Aggerum; Von Teichen und Dämmen und deren Gerechtigkeit: In quo Inexplorata Hactenus Haec Juris Materia, Una cum Suis Pertinentiis, Ac in Specie Claustri & Emissariis, (Vulgo Schleusen und Sielen) Excusse Traditur, & ad Usum fori Exigitur. Cum Praefatione, Summariis, Serie Captum, Rerumq. & Verborum Indice.

Stade: Literis Casparis Holweinii, 1690. [viii], 516, [40]; [8], 136 pp. Two parts in one volume. The second part, *Mantissa ad Tractatum Juridicum De Jure Aggerum: Continens Selectas Quasdam Constitutiones Aggerales*. Has individual title page and pagination. Quarto (8" x 6-1/2").

Contemporary vellum with lapped edges, lettering piece to spine. Light soiling to boards, spine and lapped edges darkened, rear joint starting. Moderate toning to text, faint dampstaining to foot of text block, light foxing in a few places, light soiling to title page. Early owner signature to front free endpaper, recent annotations in pencil to ten leaves. A nice copy of a scarce title. \$1,500.

ONLY EDITION. According to the *Allgemeine Deutsche Biographie*, this was the first significant treatise devoted to dikes, dams and man-made watercourses. It also addresses other aspects of shore protection and land reclamation. The text is mainly in Latin with some sections in German, which are mostly the texts of city statutes and ordinances. Hackman was the burgomeister of Stade, a Hanse city near Hamburg that has a system of canals and land reclaimed by dikes. OCLC locates 4 copies in North America, 1 in a law library (Harvard). ADB X:298. VD17 23:239375L.



Nº 39

LIMITED FINE-PRESS EDITION OF HAMILTON'S "REYNOLDS PAMPHLET"

39 HAMILTON, ALEXANDER [1757-1804].

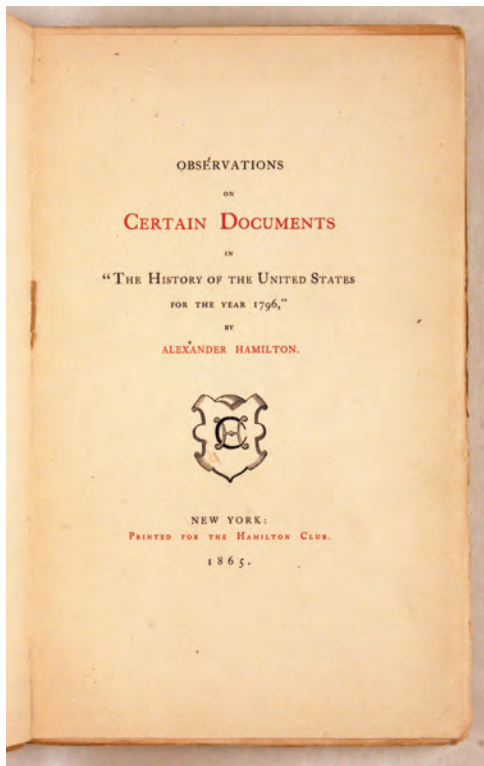
Observations on Certain Documents Contained in No. V & VI of "The History of the United States for the Year 1796," In Which the Charge of Speculation Against Alexander Hamilton, Late Secretary of the Treasury, Is Fully Refuted.

Philadelphia: Printed for James Fenno, 1797. [New York: Printed for the Hamilton Club, 1865]. [x], 157 pp. Page 3 has an announcement for the Hamilton Club's next publication. Quarto (12" x 9-1/2").

Later three-quarter morocco over cloth, gilt fillets along edges of morocco, lettering pieces and gilt-edged raised bands to spine, deckle edges. Negligible light rubbing to spine ends and corners, light toning to text, early cello tape repairs to foot of final text leaf (with no damage to text). An attractive copy. \$1,250.

FROM AN EDITION OF 25, this is number 10. This remarkable work, better known as the "Reynolds Pamphlet," relates to one of the first sex scandals in American political history. While secretary of the treasury, Hamilton had a three-year affair with a woman named Maria Reynolds. This affair was instigated and encouraged

by her husband, James, as a way to extort hush money from Hamilton. Jailed for his participation in a shady speculative scheme, Reynolds attempted to implicate Hamilton in exchange for his freedom, through the help of political enemies, believing Hamilton would claim responsibility if he threatened with public exposure of the affair. In the meantime rumors linking Hamilton to the speculative scheme began to circulate and find their way into print, most notably in Callender's *History of the United States*. In a bold move to protect his public reputation, Hamilton addressed the rumors and prevented a political scandal by confessing the truth. Denying any charges of public financial impropriety, he admitted his "amorous connection" with Maria Reynolds with her husband's "privity and connivance." According to Sabin, Mrs. Hamilton tried to buy up all copies of the 1797 pamphlet, but some escaped. A second edition was reprinted in 1800 in the midst of the Jefferson-Burr election by a group of anti-Federalists. As one would expect, a small number of first editions exist today. The Hamilton Club reprint of the first edition was also issued as an octavo in 1865 in an edition limited to 50 copies.



N° 40

OCTAVO-SIZED LIMITED FINE-PRESS EDITION OF HAMILTON'S
"REYNOLDS PAMPHLET"

40 HAMILTON, ALEXANDER.

Observations on Certain Documents Contained in No. V & VI of "The History of the United States for the Year 1796," In Which the Charge of Speculation Against Alexander Hamilton, Late Secretary of the Treasury, Is Fully Refuted.

Philadelphia: Printed for James Fenno, 1797. [New York: Printed for the Hamilton Club, 1865]. [viii], 157 pp. Octavo (9-1/2" x 6").

Later stiff-paper wrappers, original title panel affixed to front cover, deckle edges. Very light soiling, negligible light rubbing to extremities, faint offsetting from bookend to front cover, front free endpaper detached. Light toning to interior, early presentation inscription to front free endpaper. \$750.

FROM AN EDITION OF 50, this is number 15.

FIRST POST-REVOLUTION EDITION OF AN IMPORTANT WORK
ON THE RIGHT TO TRIAL BY JURY

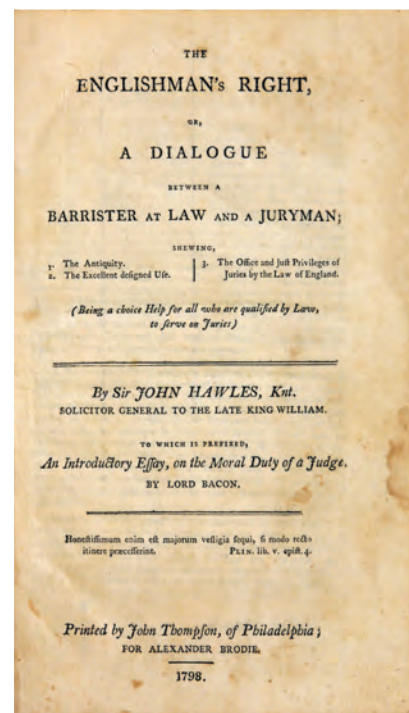
41 HAWLES, SIR JOHN (1645-1716). [BACON, FRANCIS (1561-1626)]. BRODIE, ALEXANDER, BOOKSELLER.

The Englishman's Right; A Dialogue Between a Barrister at Law and a Juryman; Shewing, I. The Antiquity, II. The Excellent Designed Use, III. The Office and Just Privileges of Juries by the Law of England (Being a Choice Help for All Who Are Qualified by Law to Serve on Juries). To Which is Prefixed, An Introductory Essay, On the Moral Duty of a Judge. By Lord Bacon.

Philadelphia: Printed by John Thompson, of Philadelphia; For Alexander Brodie, 1798. 6, [vii]-viii, [1], [17]-70 pp. Octavo (7-1/2" x 4-1/2").

Contemporary marbled sheep over marbled boards. Light rubbing to extremities, heavier rubbing and a few minor stains to boards, hinges starting. Moderate toning to text, dampstaining in a few places, internally clean. An appealing copy. \$750.

THIRD AMERICAN EDITION. First published in London in 1680, and in Boston in 1693 and 1772, this 1798 Philadelphia edition was the first printed after the Revolution. Possibly a response to the recent passage of the Alien and Sedition Acts, it has an interesting preface by the bookseller, Alexander Brodie: "But lest (sic) the title 'The Englishman's Right' should give offence to any, it is proper to observe that the Charter of the Liberties of England is a grant from their kings obtained by force. This charter is the fountain of all their Rights; and among others of the Englishman's Right to be tried by a Jury of his Equals. As Americans we possess the same Right, and Juries by our Laws have the same powers and privileges, as by the Law of England. Neither we or our Ancestors ever were Slaves. We hold our Liberties from God alone, and to him alone are we accountable for the use or abuse of them. It is no mark of Vassalage to borrow instructions from English Jurisprudence. To understand our rights well, we must study them, and endeavour to profit by the experience of other Nations. The better to enable Jurymen to discern between Judge and Prisoner, if a lawless stretch of power should be attempted, of which at present there appears no danger, from the high character of our American Judges, I have prefixed by way of Introduction, Lord Bacon's Essay on the Moral duty of a Judge. And let it be remembered, that Judges are appointed to interpret the Laws faithful but Juries were instituted to watch and restrain Judges; so may the blessing "Him That Was Ready To Perish Upon Them!" A staunch Whig, Hawles wrote *The Englishman's Right* to outline the rights, duties and proper behavior of a jurymen and to promote the jury system as a bulwark against tyranny. Immediately successful among Whigs and others who saw themselves as defenders of English liberties, it was received with great enthusiasm in America, where it was reprinted several times well into the nineteenth century. According to Cohen, it was probably the first English law book reprinted in the American colonies. Cohen 1481.



N° 41

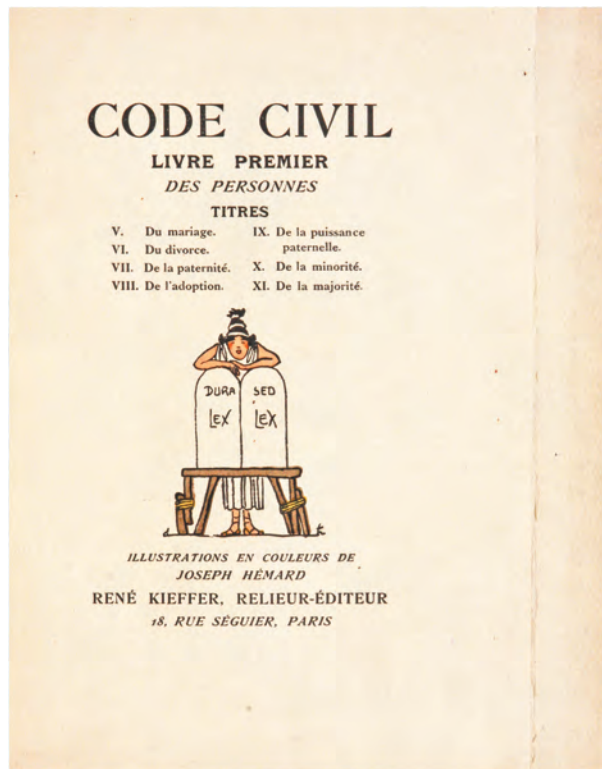
42 HÉMARD, JOSEPH [1880-1961], ILLUSTRATOR.

Code Civil: Livre Premier, Des Personnes: Titres V. Du Mariage. VI. Du Divorce. VII. De la Paternité. VIII. De l'Adoption. IX. De la Puissance Paternelle. X. De la Minorité. XI. De la Majorité.

Paris: Rene Kieffer, [1925]. [vi], 126, [4] pp. Pochoir color text illustrations. Quarto (8" x 6-1/2").

Original publisher wrappers bound into signed red morocco binding by H. Hoorneart, gilt title over an inlaid vignette of a judge and the scales of justice to front board, raised bands, gilt title and black and gilt ornaments to spine, top-edge gilt, marbled endpapers. Very light fading to spine, light toning to text, vivid illustrations. A nice copy in a notably handsome binding. \$1,500.

FROM AN EDITION LIMITED TO 800 COPIES, this is number 492. Hémard presents the official text of the sections of the French Civil Code dealing with family law with witty, and often mildly erotic, color pochoir illustrations. Hémard applied this treatment to two other legal works *Code Penal* (1940) and *Code General des Impôts Directs et Taxes Assimilées* (1944). Hémard, a prolific artist, illustrator, designer and author, is best-known for his humorously illustrated editions of serious non-fiction books. See *illustration of binding on page 6*.

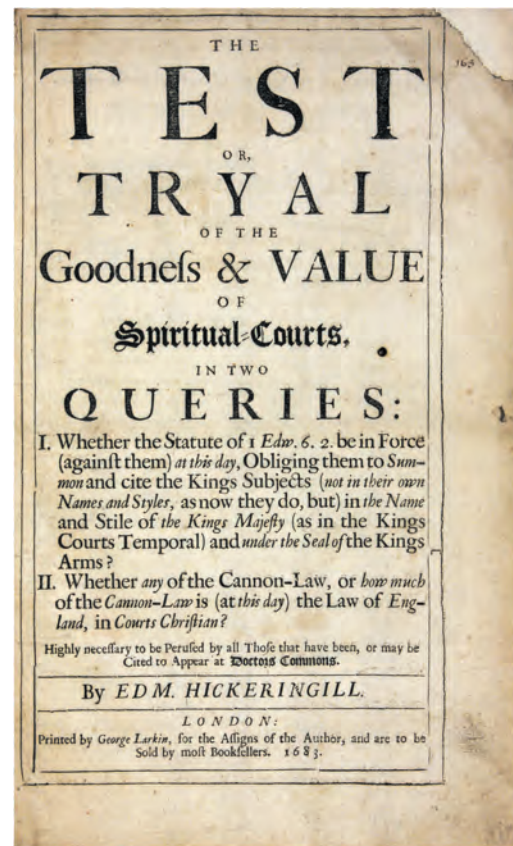


N° 42

AN IMPORTANT RESTORATION-ERA CRITIQUE OF GREAT
BRITAIN'S ECCLESIASTICAL COURTS

43 HICKERINGILL, EDM[UND] [1631-1708].

The Test or, Tryal of the Goodness & Value of Spiritual-Courts in Two Queries I. Whether the Statute of 1 Edw. 6.2. be in Force (Against Them) at This Day, Obliging Them to



N° 43

Summon and Cite the Kings Subjects (Not in Their Own Names and Styles, As Now They do, But) In the Name and Stile of the Kings Majesty (As in the Kings Courts Temporal) and Under the Seal of the Kings Arms? II. Whether Any of the Cannon-Law, Or How Much of the Cannon-Law is (At this Day) the Law of England, In Courts Christian, Highly Necessary to be Perused by All Those That Have Been, Or May be Cited to Appear at Doctors Commons.

London: Printed by George Larkin, 1683. [iv], 22, 18 pp. Lacking final leaf, a blank. Folio (11-3/4" x 5-1/2").

Stab-stitched pamphlet bound into recent cloth, gilt title to spine, endpapers renewed. Negligible light rubbing to extremities. Light toning to text, some edgewear and light soiling to first and final leaves, faint dampstaining in a few places, chip to fore-edge of leaf with some loss to side-notes. Early manuscript page numbers added to upper corners of leaves, showing this item was once part of a bound volume, interior otherwise clean. Ex-library. Bookplate to front pastedown. \$500.

FIRST EDITION. Britain's ecclesiastical courts received a great deal of scrutiny in early years of the Restoration. Dissenters, Parliamentarians and others who feared the power of the Church of England under the control of a Catholic or crypto-Catholic king, believed it was necessary to limit the scope of its courts. The work of an idiosyncratic Anglican Churchman who supported the Commonwealth, Hickeringill's pamphlet was one of the most important and legally detailed contributions to this argument. Recognized as an important work, a second edition was issued in 1683, a third in 1706. All are scarce. OCLC locates 2 copies of the first edition in North American law libraries (University of Michigan, University of Pennsylvania). ESTC R2631.



OWNED BY A SIGNER OF THE DECLARATION OF INDEPENDENCE

- 44 [HOPKINSON, FRANCIS (1739-1791)].
PARK, JAMES ALLAN [1763-1838].

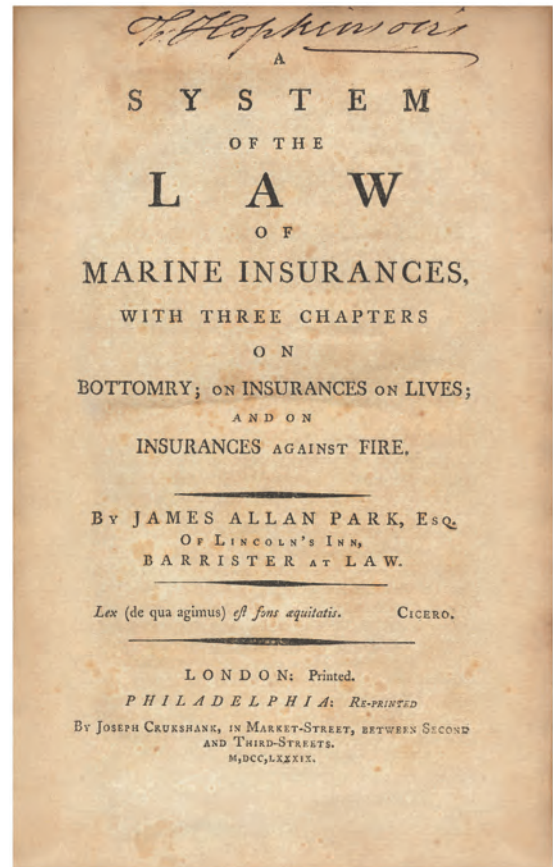
A System of the Law of Marine Insurances: With Three Chapters On Bottomry; On Insurances on Lives; and On Insurances Against Fire.

Philadelphia: Joseph Cruikshank, 1789. xvi, [8], xlv, 530, [45] pp.
Octavo (7-1/2" x 5").

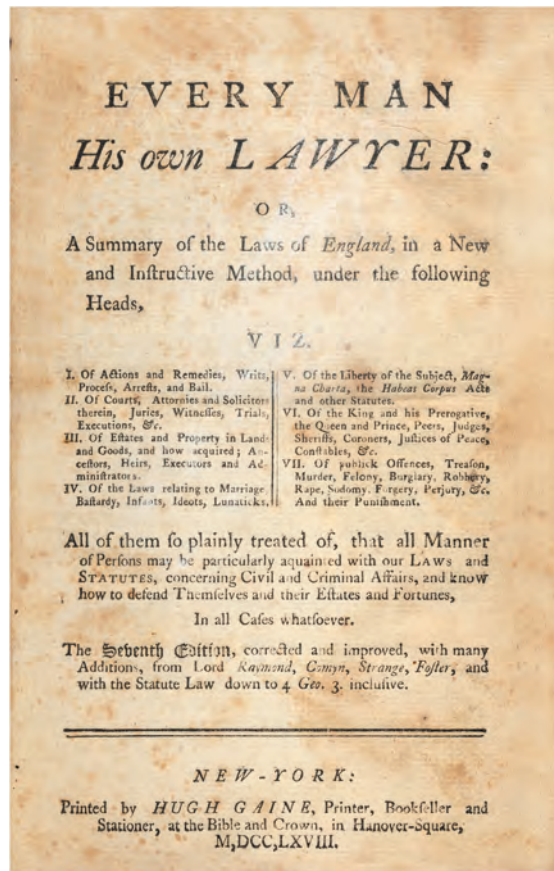
Contemporary sheep, lettering piece and gilt fillets to spine. Moderate rubbing, a few shallow scuffs to boards, minor chipping to head of spine, joints just starting at ends, corners bumped, hinges starting. Armorial bookplate of Francis Hopkinson to front pastedown, his signature to head of title page. Light toning to text, foxing in a few places. A nice copy with an appealing association.

\$9,500.

FIRST AMERICAN EDITION. Lawyer, judge, merchant, author and musician, Hopkinson represented New Jersey in the Second Continental Congress and was a signer of the Declaration of Independence. He served the Continental Congress as a member of the Navy Board and was the treasurer of the Continental Loan Office. Leaving Congress, he was appointed judge of the Admiralty Court of Pennsylvania. While he was not a member of the Constitutional Convention, he played a leading role in the debates leading to ratification in Pennsylvania. Appointed by Washington, he became judge of the United States District Court for the District of Pennsylvania in 1789, the year he acquired his copy of Park's *Marine Insurance*. Unfortunately, Hopkinson only held the post for a few years. He died at the age of 53 from a sudden epileptic seizure. First published in 1787, Park's was the first legal work on insurance written by an English lawyer and the first book on the subject to appear in America. Holdsworth called it "the best text-book upon the law of insurance." A work of great authority, it went through numerous English and American editions and remained the standard text until the middle of the nineteenth century. Holdsworth XII: 390. Cohen 7071.



Details from N° 44



N° 46

A CONTEMPORARY RESPONSE
TO THE CHESAPEAKE-LEOPARD AFFAIR

THE FIRST LAYMAN'S GUIDE PUBLISHED IN AMERICA

45 [IMPRESSMENT].
[UNITED STATES].*All Impressments Unlawful and Inadmissible.*

Boston: Published and Sold by William Pelham, [c. 1808]. 12 pp. Octavo (9-1/4" x 5-3/4").

Stab-stitched pamphlet in self wrappers, untrimmed edges. Light browning, light soiling to exterior, a few minor stains, upper corner lacking from margin of final leaf, two small holes to final leaf with negligible loss to text, no loss to legibility. \$500.

ONE OF TWO ISSUES, BOTH PRINTED C. 1808. This pamphlet addresses the Chesapeake-Leopard Affair, a naval engagement off the coast of Norfolk, Virginia between the HMS Leopard and USS Chesapeake. The Leopard pursued, attacked and boarded the Chesapeake to capture four deserters from the Royal Navy. This incident created an uproar among Americans and was one of the incidents that led to the War of 1812. The main part of this pamphlet is a letter from extracted from then Secretary of State James Madison to James Monroe, minister to Great Britain. The creation of this pamphlet is attributed in some sources to Tench Coxe. Cohen 7308.

46 JACOB, GILES [1686-1744].

Every Man His Own Lawyer: Or, A Summary of the Laws of England, In a New and Instructive Method....

New-York: Printed by Hugh Gaine, 1768. iv, 289, [13] pp. Octavo (7-1/4" x 4-1/2").

Contemporary sheep, blind fillets to boards, rebaced retaining original spine with raised bands and lettering piece, original endpapers retained. Moderate rubbing to extremities with some wear to corners, some scuffing to boards and evidence of wear to joints and edges of lettering piece, hinges cracked but secure, upper portion lacking from front free endpaper. Some toning to text, darker in places, negligible light foxing to most of text, internally clean. A desirable copy. \$2,200.

FIRST AMERICAN EDITION, designated the seventh on the title page in reference to the prior six editions published in London. This popular layman's guide by one of the most prolific legal writers of eighteenth-century England went through ten English editions between 1736 and 1788. The mention of "All Manner of Persons" in the subtitle is significant. Jacob, though certainly interested in boosting sales by attracting the widest audience possible, was an idealist who believed that widespread knowledge of the law would help create a more just society. This is also evident in his other publications, such as *The Common Law Common-Placed* (1726) and *Treatise of Laws* (1721). According to Cohen, this was the first laymen's guide published in America. The next two, which were intended also for aspiring lawyers, were *The Young Clerk's Magazine* (Philadelphia, 1774) and *The Young Clerk's Vade Mecum* (New York, 1776). Cohen 8202.

A LEGAL GUIDE FOR "GENTLEMEN OF ALL RANKS"

47 JACOB, GILES.

Lex Constitutionis: Or, The Gentleman's Law.

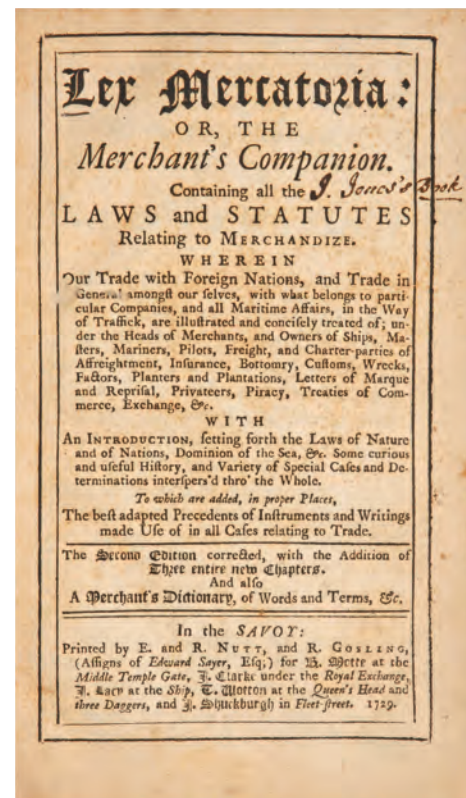
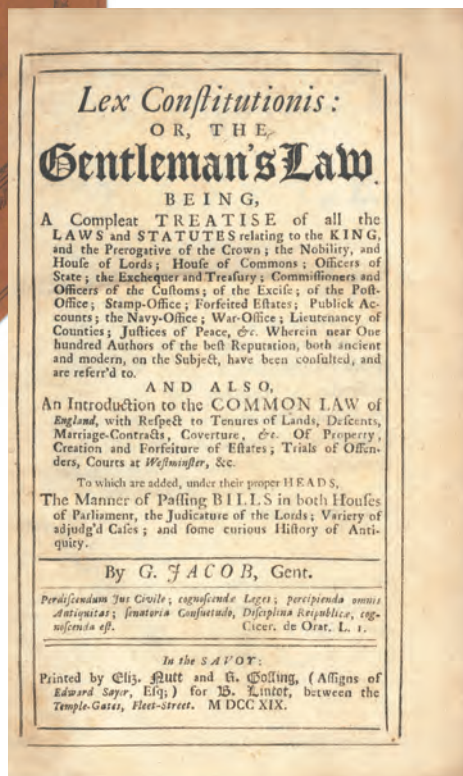
[London]: Printed by Eliz. Nutt and R. Gosling, (Assigns of Edward Sayer, Esq;) for B. Lintot, 1719. [ii], [v]-xiv, 360, [12] pp. Octavo (7-1/2" x 4-3/4").

Recent period-style calf, blind panels to boards, raised bands and lettering piece to spine, endpapers renewed. Moderate toning to text, faint dampspotting in places, internally clean. A handsome copy. \$1,000.

FIRST EDITION. In his preface, Jacob indicates that he did not write this treatise on England's Constitution for the landed gentry exclusively, but for "gentlemen of all ranks," that is, the literate general public. Another edition of the *Lex Constitutionis* was published in 1737. Sweet & Maxwell 1:102 (48). ESTC T137002.



N° 47



N° 48

WITH A "MERCHANTS'S DICTIONARY OF WORDS AND TERMS"

48 [JACOB, GILES].

Lex Mercatoria: or, The Merchant's Companion. Containing all the Laws and Statutes Relating to Merchandize.

[London]: Printed by E. and R. Nutt, 1729. [xii], 404, [12] pp. Octavo (7-1/2" x 5").

Recent period-style calf, raised bands and lettering piece to spine, endpapers renewed. Some toning, light foxing to portions of text. Early annotations and signatures, including that of Thomas Carpenter, to preliminaries, two tiny glue spots to title page. A handsome copy. \$1,750.

SECOND, AND FINAL, EDITION, "Corrected, with the Addition of Three Entire New Chapters. And Also A Merchant's Dictionary, of Words and Terms, &c." Thomas Carpenter [1804-1876] was a prominent New Jersey attorney and a judge of that state's Supreme Court. ESTC T137820.

49 [JODOCUS OF ERFURT, ATTRIBUTED].

[*Vocabularius Juris Utriusque*].

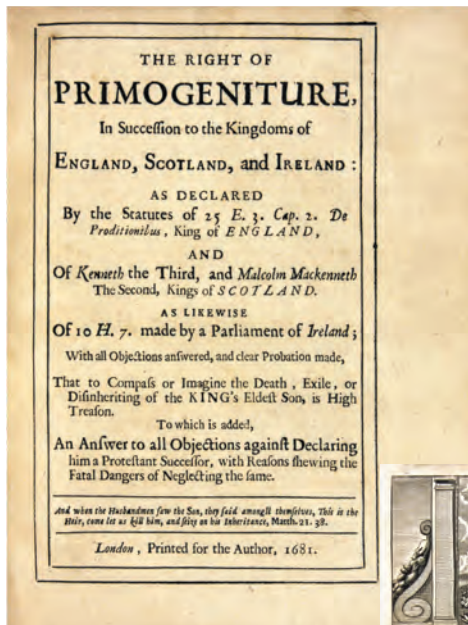
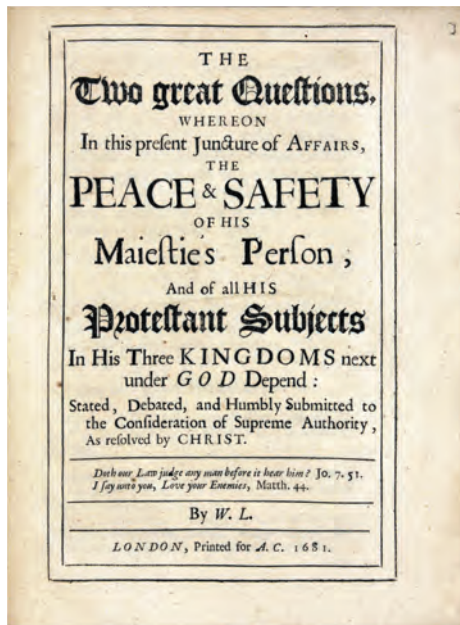
[Basel: Michael Wenssler, not after 1474]. [309] ff. First leaf, a blank, lacking. Collation: [a-m10 n-p8 q-A10 B8 C-H10 I8]. Folio (11" x 7-1/2").

Eighteenth-century three-quarter calf over speckled boards, raised bands, blind ornaments and lettering piece to spine, later repair to front board, endpapers added. Moderate rubbing to extremities with some wear to corners, joints cracked, minor worming to spine, pastedowns, hinges and margins of some leaves, a few partial cracks to text block, eighteenth-century owner inscription (of the Bibliotheca Theresiana, Mantua) to front free endpaper. 34-line single-column text, vivid eight-line initial opening initial in colors and matte gold with floral decoration extending into margin, other initials and paragraph marks in red and blue. Light toning, somewhat heavier in places, faint spotting to margins in a few places. Leaf 11 reinforced in gutter, Leaf 18 cropped below text and mounted. A handsome copy. SOLD

FIRST OR SECOND EDITION, PRIORITY UNKNOWN, one of the first two undated editions published between 1473-1474, the date given from acquisition inscriptions in the copies at Munich and Klosterneuburg. A work of great authority, the *Vocabularius*, as it is popularly known, is usually attributed to Jodocus, a jurist associated with the University of Erfurt. First published by Wenssler in Basel, it went through more than seventy editions over the following 150 years. (It had a second life as the first section of the 1559 edition of Elio Antonio de Nebrija's *Lexicon Juris Civilis*, a work that was reissued into the seventeenth century.) A useful and highly respected reference work, the *Vocabularius* is a collection of terms dealing with the *Ius Commune* taken from such late-scholastic texts as the *Vocabularius Stuttgardiensis* (1432), the *Collectio Terminorum Legalium* (c. 1400), and the *Introduitorium pro Studio Sacrorum Canonum* of Hermann von Schildesch (c. 1330). OCLC locates 8 copies of this imprint, none in North America. Goff V335. GW M12625.



Details from N° 49



"...one of the most iconographic title pages ever to grace an English law book."

Michael Widener and Mark S. Weiner, *Law's Picture Books: The Yale Law Library Collection* (Clark, NJ, 2017) 45

BACKGROUND TO THE GLORIOUS REVOLUTION

50 [LAWRENCE, WILLIAM (1613 OR 14-1681 OR 2)].

Marriage by the Morall Law of God Vindicated Against all Ceremonial Laws of Popes and Bishops Destructive to Filiation Alimant and Succession and the Government of Families and Kingdoms.

[London: s.n.], 1680. [xii], 136, [8], 137-422, [2] pp. Copperplate pictorial title page.

[BOUND WITH]
[LAWRENCE, WILLIAM].

The Right of Primogeniture, In Succession to the Kingdoms of England, Scotland, and Ireland: As Declared by the Statutes of 25 E.3. Cap. 2. De Proditionibus, King of England, And of Kenneth the Third, And Malcolm Mackenneth the Second, Kings of Scotland. As Likewise of 1 H.7. Made by a Parliament of Ireland; With all Objections Answered, and Clear Probation Made, That to Compass or Imagine the Death, Exile, or Disinheriting of the King's Eldest Son, Is High Treason. To Which is Added, An Answer to All Objections Against Declaring Him a Protestant Successor, With Reasons Shewing the Fatal Dangers of Neglecting the Same.

London: Printed for the A.C., 1681. [xxiv], 199, [39] pp. Leaves in Signature C (pp. 9-16) bound out of order.

[AND]
[LAWRENCE, WILLIAM].

The Two Great Questions, Whereon in this Present Juncture of Affairs, the Peace & Safety of His Maestie's Person; And of All His Protestant Subjects in His Three Kingdoms Next Under God Depend: Stated, Debated, and Humbly Submitted to the Consideration of Supreme Authority, As Resolved by Christ.

London: Printed for the Author, 1681. [iii], 14 pp.



Details from N° 50

Quarto (8" x 6"). Contemporary calf, raised bands, lettering piece and blind tooling to spine, speckled edges. Moderate rubbing, a few scuffs to boards, which are beginning to separate but still secured by cords, some chipping to spine ends, corners bumped, front free endpaper lacking, some edgewear to title page of *Marriage*, facing leaf starting to detach, a few cracks to text block. Moderate toning, somewhat heavier in places, occasional light foxing. Inkspots to a few leaves and title page of *Marriage*, interior otherwise clean. Ex-library. Bookplate to front pastedown. \$1,250.

ONLY EDITIONS (*Questions* one of two issues from 1681). This volume collects the principal writings of a notable Protestant attorney and Member of Parliament. They reflect the anxieties of Protestants living in England under the reign of the Catholic monarch James II. *Marriage*, which was published as an unfinished work due to "disturbances at the press," is an anti-Catholic theological and legal essay that may have been inspired by an unpleasant episode in Lawrence's marriage. The other titles are an argument in support of the Protestant Duke of Monmouth's succession to the English throne. (Monmouth's claim resulted in the Monmouth Rebellion, a failed attempt in 1685 to remove James II from power; James II was ousted in 1688 and replaced by the joint monarchs William and Mary.) Copies in North American law libraries listed on OCLC: *Marriage*, Library of Congress, UC-Berkeley, Yale; *Right*, Harvard, Library of Congress, UC-Berkeley, University of Michigan, Yale; *Questions*, UC-Berkeley, Yale. DNB XI:726. ESTC R7113 (*Marriage*), R1575 (*Right*), R43358 (*Questions*).



N° 52

INTERESTING FRENCH COMMENTARY ON PENOLOGY BY TWO FORMER PRISONERS, INCLUDES A CHAPTER ON NEW YORK'S NEWGATE PRISON

- 51 JOUY, ETIENNE DE [1769-1846].
JAY, ANTOINE [1770-1854].

Les Hermites en Prison, Ou Consolations de Sainte-Pélagie.

Paris: Chez Ladvocat, 1823. Two volumes. 238; 267 pp. Main text of each volume preceded by four-page publisher catalogue. Two lithographed portraits, two lithograph plates, several small woodcut vignettes and spot tail-pieces. Octavo (7-3/4" x 5").

Contemporary three-quarter calf over marbled boards with small central crests (a crowned letter J), lettering pieces and gilt ornaments to spine, speckled edges. Light rubbing to boards, somewhat heavier rubbing to extremities with some wear to edges and corners. Light toning to text, somewhat heavier in places, light foxing to some leaves. A handsome set. \$500.

FIRST EDITION. Etienne de Jouy is a pseudonym for Victor-Joseph-Etienne de Jouy. Jouy and Jay both served short sentences in Sainte-Pélagie, Paris, for political offences. A great deal of this interesting work is devoted to discussions of penology. Volume II includes an account of New York's Newgate State Prison. One of the plates shows a white man and a black man handcuffed together. A second edition was published in 1829. Jouy and Jay published a sequel in 1824 titled *Les Hermites en Liberté*.



N° 51

NINETEENTH-CENTURY SIGN FROM A LAWYER'S OFFICE

- 52 [LAWYERS].
[UNITED STATES].

[Black-Painted and Gilt-Lettered Tinned Sheet Iron Sign, With Gilt Pointing Hand, Reading: John George's Law Office].
United States, Mid- to late-nineteenth century.

6-1/4" x 17," light rubbing and a few minor scratches, tiny nail-holes at corners and centers of top and bottom edges. \$500.

THE POINTING HAND indicates this sign was posted near the entrance of a Mr. George's office.

NORMAN W. DOWNES, LAWYER

- 53 [LAWYERS].
[UNITED STATES].

[Gilt-Lettered, Black-Background Wooden Sign Reading: Norman W. Downes, Lawyer].

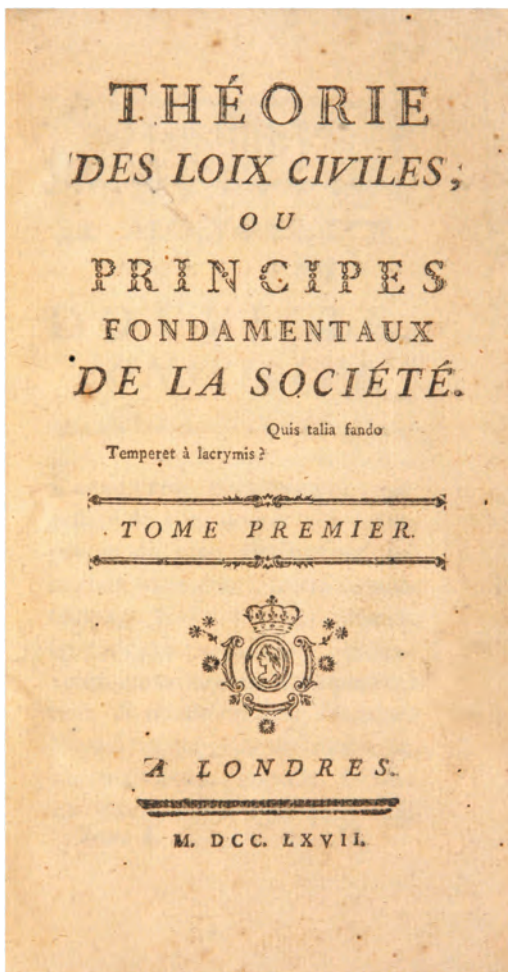
Vermont?, Mid- to late-nineteenth century.

8-1/4" x 26," gilt letters on rough black-sand surface, beveled edges, two eyelet screws at ends (for hanging). Rubbing around edges with some wear, mostly around bottom corners. \$350.

A NOTE ON THE VERSO READS: "Seller said from VT. His joke: Don't see many of these without bullet holes in them!"



N° 53



N° 54

AN IDEAL FORM OF GOVERNMENT

- 54 LINGUET, SIMON NICOLAS HENRI
[1736-1794].

Théorie des Loix Civiles, Ou, Principes Fondamentaux de la Société.

a "A Londres" (i.e. Paris): S.n., 1767. Two volumes [iv], 496; [iv], 528 pp. 12mo. (6-1/2" x 3-3/4").

Contemporary mottled calf, red and green lettering pieces and gilt ornaments to spine, edges rouged, marbled endpapers, ribbon markers. Light rubbing and a few tiny scuffs to boards, somewhat heavier rubbing to spine and extremities, corners bumped. Light toning to text, slightly heavier in places, light foxing to a few leaves in each volume, tiny inkspot to title page of Volume II. An attractive set. \$850.

FROM THE SAME YEAR AS THE FIRST EDITION with corrections. Linguet was a conservative lawyer and journalist who was executed during the Reign of Terror. *Théorie des Loix Civiles*, perhaps the author's most important work, went through several editions and issues, the last in 1787. It outlines an ideal form of government and proposes reforms in taxation, customs and the law. It also defends absolutism and attacks the politics of Montesquieu. Volume I contains extensive discussion of divorce and the position of women in society. *Goldsmiths'* 10377.

"THE MOST COMPREHENSIVE AND ENLIGHTENED SYSTEM OF CRIMINAL LAW THAT HAS EVER BEEN PRESENTED TO THE WORLD"

55 LIVINGSTON, EDWARD

[1764-1836].

A System of Penal Law for the United States of America: Consisting of A Code of Crimes and Punishments; A Code of Procedure in Criminal Cases; A Code of Prison Discipline; and A Book of Definitions. Prepared and Presented to the House of Representatives of the United States. Printed by Order of the House of Representatives.

Washington, D.C.: Printed by Gales & Seaton, 1828. x, [1], 142, 187, 45, 21 pp.

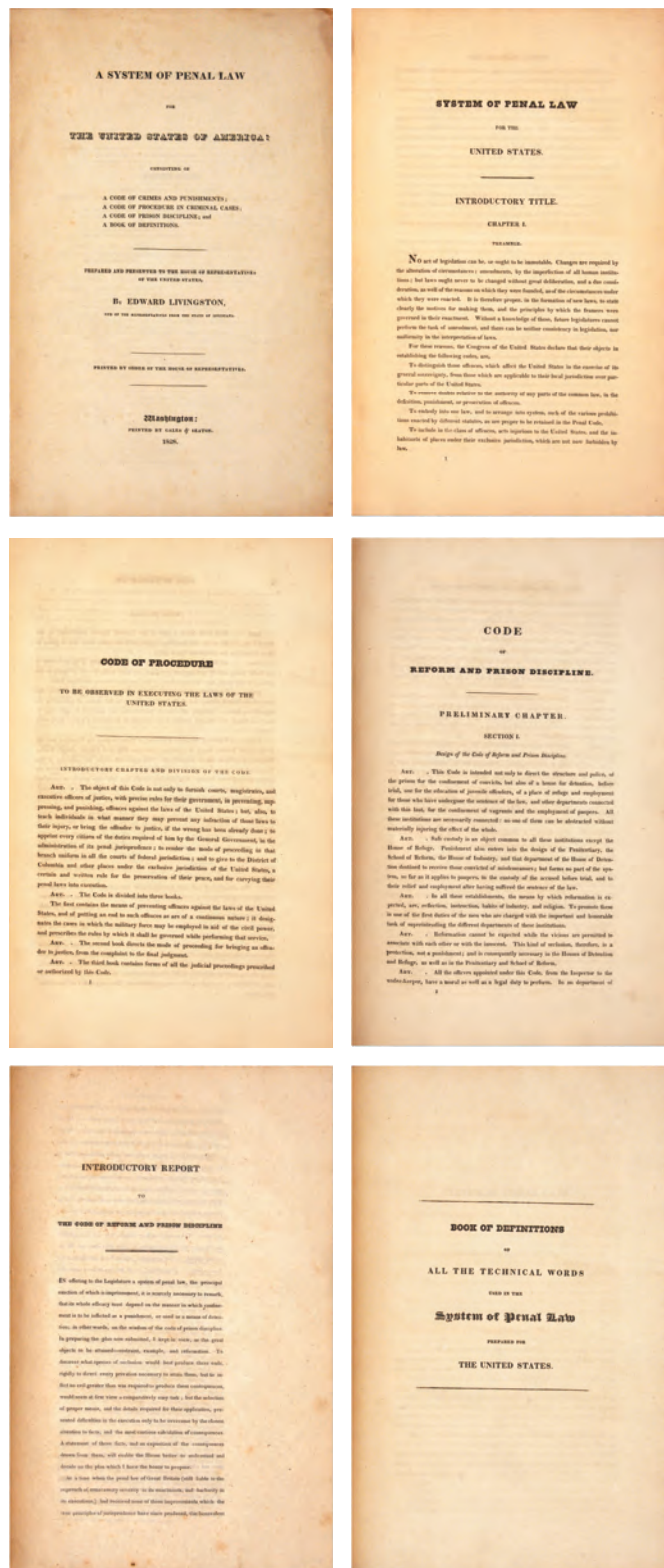
[BOUND WITH]

Introductory Report to the Code of Reform and Prison Discipline.

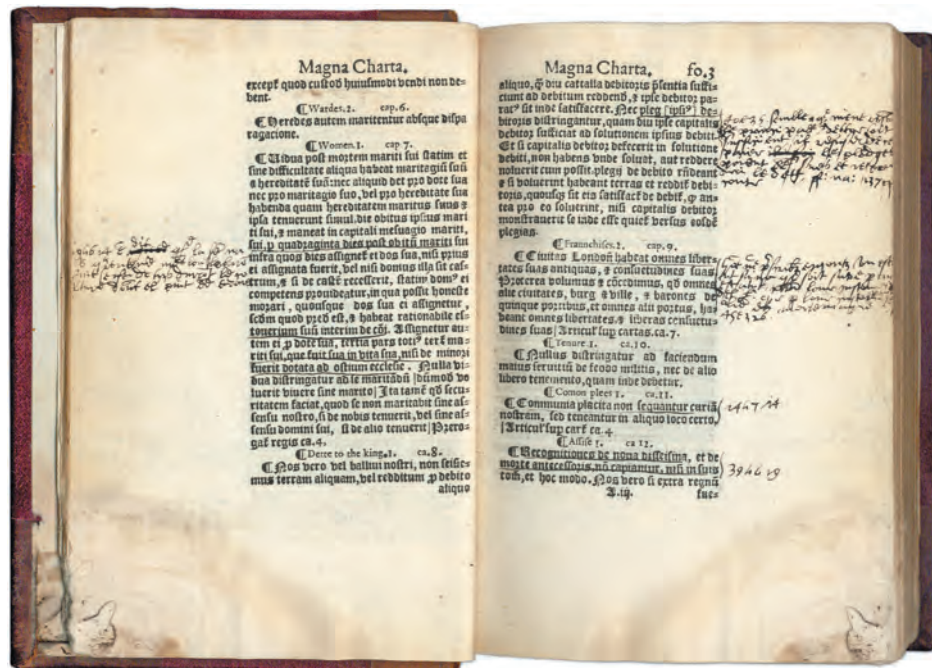
[New Orleans: Printed by Benjamin Levy, c.1827]. 71 pp.

Overall collation: x, 142, 187, 71, 45, 21 pp. Folio (12" x 7-3/4"). Recent period-style three-quarter calf over marbled boards, raised bands, lettering piece, and blind and gilt ornaments to spine, endpapers renewed, hinges reinforced. Moderate toning to text, light foxing to a few leaves, heavier foxing to endleaves. \$3,750.

FIRST EDITION. Livingston's criminal codes for Louisiana and the United States mark an epoch in the broad international movement for penal reform. Profoundly influenced by Bentham, they stressed prevention over vengeance. These codes were never adopted, but they were profoundly influential. "[I]t is probably safe now to say that these Codes embody the most comprehensive and enlightened system of criminal law that has ever been presented to the world. They constitute a thesaurus from which the world has ever since been drawing ideas and principles. The Code of Reform and Prison Discipline is especially striking from its breadth of its view, and in some particulars its wisdom is yet in advance of even the present age" (Hicks). Bound in the correct place, the Introductory Report in our copy is the version printed to accompany the Louisiana Code. The text is identical in both codes; the only difference is the pagination. (The text in the U.S. Code is 51 pp; that of the Louisiana Code is 71 pp.) Hicks, *Men and Books Famous in the Law* 180. Cohen 10311, 10344.



Details from N° 55



Details from N° 56



1576 PRINTING OF MAGNA CARTA AND LATER STATUTES WITH CONTEMPORARY ANNOTATIONS

56 [MAGNA CARTA].

Magna Charta, Cum Statutis, Tum Antiquis, Tum Recentibus, Maximopere, Animo Tenendis nunc Demum ad Unum, Tipis Aedita, Per Richardum Tottell. Anno Domini. 1576. Cum Privilegio ad Imprimendum Solum.

[Imprinted at London: In Fleetestrete Within Temple Barre at the Signe of the Hand and Starre, By Richard Tottell, The 8. Day of March. 1576]. [xvi], 247 ff. Initial blank endleaves lacking. Octavo (6-1/4" x 4-1/4").

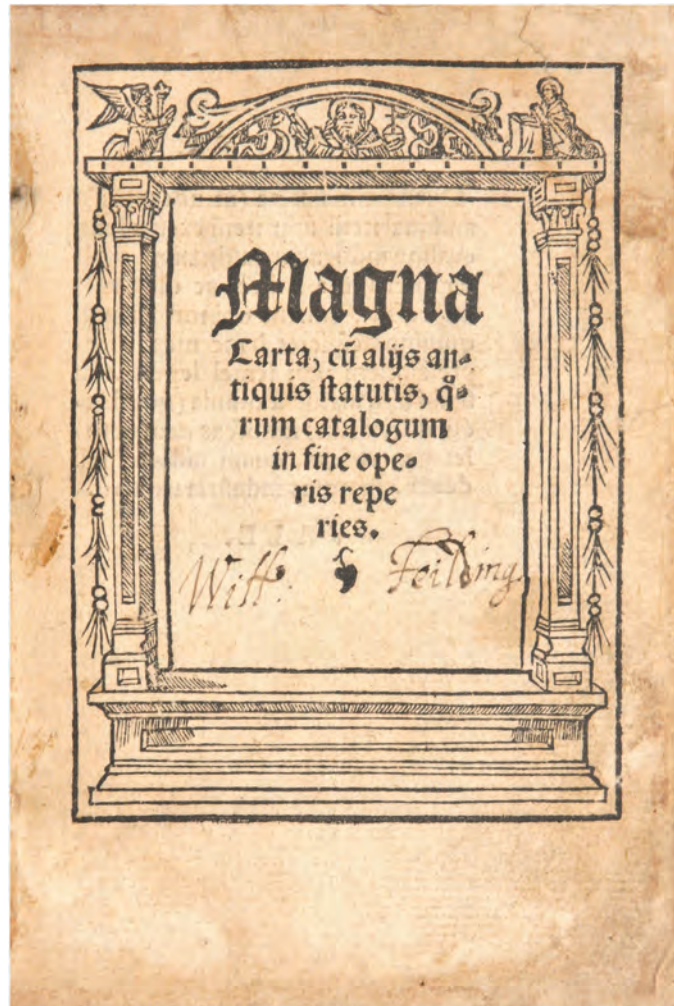
Later three-quarter calf over cloth, endpapers renewed, all edges gilt. Light rubbing to boards, some rubbing to extremities, a few minor scuffs near spine ends, corners bumped. Text printed on wide-margined paper. Light toning, dampstaining to lower corner

of text block, some loss to corners of preliminaries and rear free endpaper. Early signature dated 1578 to head of title page, text annotated throughout in same hand. Another later signature to title page, a few notes in that hand. A few annotations affected by dampstaining or trimming, but without loss of legibility. \$4,500.

AN EARLY PRINTING OF THE MAGNA CARTA, which was first printed around 1508 by Richard Pynson. It also includes the Charta de Foresta of Henry III, the Statutes of Merton and Marlebridge, the Statutes of Edward I and other statutes, which are digested by topic. Among the most notorious statutes are those of Edward concerning Jews, including the Edict of Expulsion (1290), which banished them from England. Other statutes relate to women, wills, forcible entry, "Fraudulent Deedes" and other topics. The annotations are quite extensive and interpretive in nature. Some of these include references to cases in the Year Books. Beale S18.



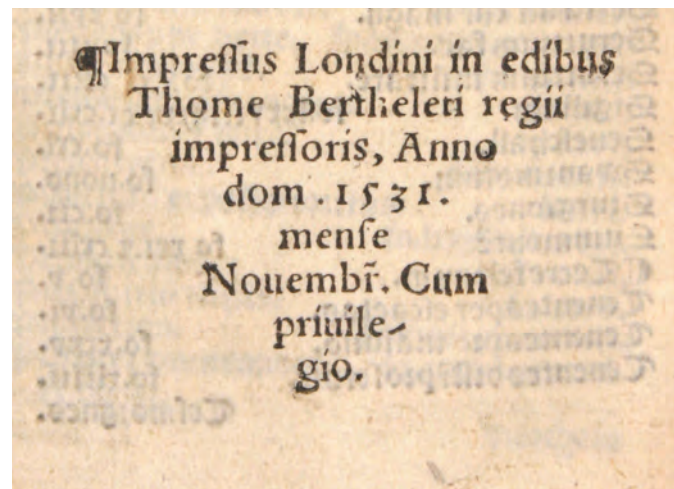
Actual size



57 [MAGNA CARTA].

Magna Carta Cu[m] Aliis Antiquis Statutis, Q[u]orum Catalogum in Fine Operis Reperies.

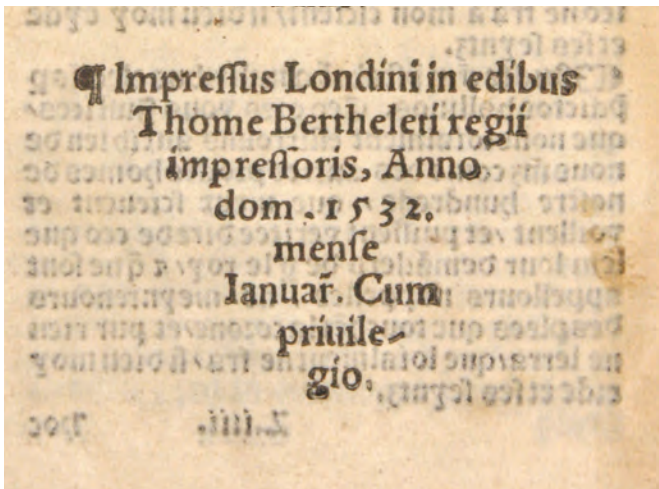
[London: Thomas Berthelet, November 1531]. 150 [i.e. 149], [3]; [iv], 76 ff. Two parts, each with title page, table and individual pagination. Second part, dated 1532 (on colophon), titled *Secunda Pars Veterum Statutorum*. Octavo (5" x 3-1/4").



Details from N° 57

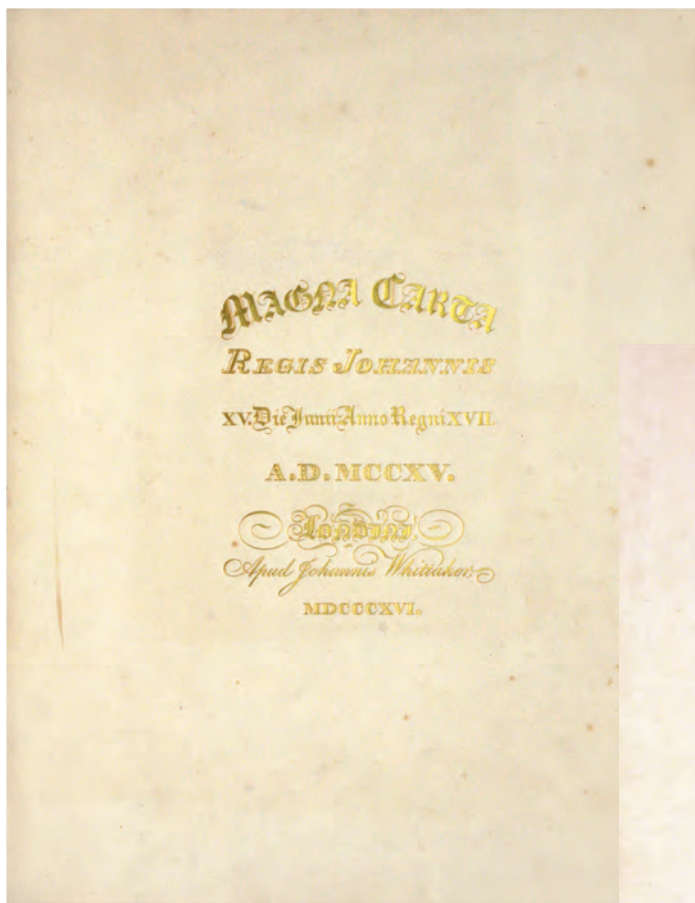


Contemporary calf blind panels to boards, raised bands and later lettering piece to spine, early hand-lettered title to fore-edge of text block, ties lacking. A few minor nicks and scuffs to boards, light gatering to spine, moderate rubbing to extremities, corners worn, hinges partially cracked, endpapers lacking. Titles printed within architectural borders, woodcut decorated initials. Light toning to text, light soiling and finger smudges to a few leaves, later owner annotations to front pastedown, later signature to foot of title page (of *Magna Carta*). A handsome copy of an important, and rare, edition. \$20,000.

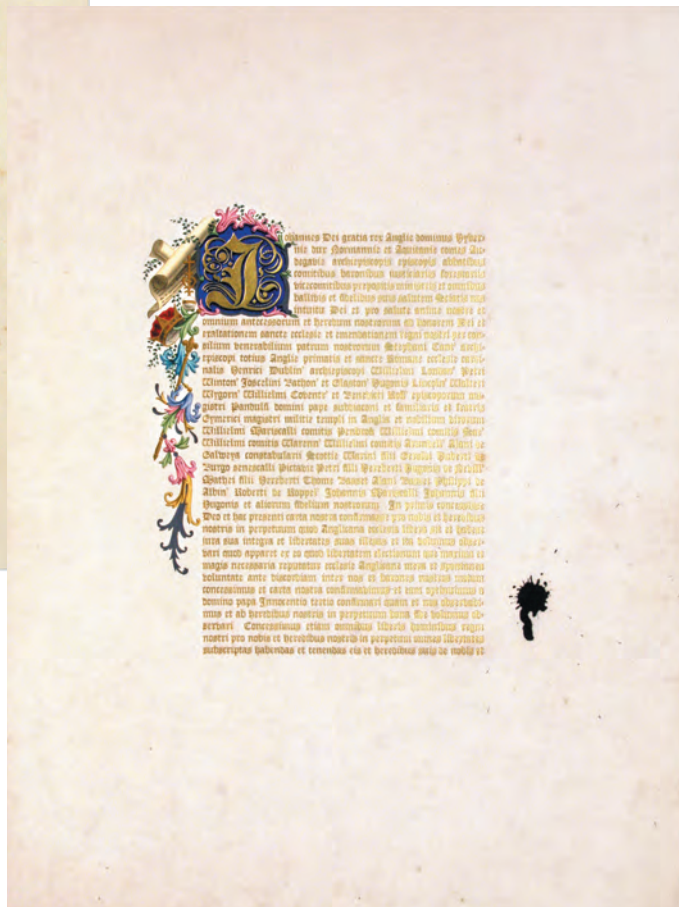


Details from N° 57

FIRST EDITION ISSUED WITH a title page and the *Secunda Pars Veterum Statutorum*, which was published for the first time with this edition. The text of *Magna Carta* is a close reprinting of the 1527 edition by Richard Pynson with additional material. (Pynson printed the first edition around 1508.) It also includes the *Charta de Foresta* and statutes passed before the reign of Edward III. Among the most notorious statutes are those of Edward I concerning Jews, which condemned them for irreverence and prevented them from practicing usury or acquiring land from Christians through pledges. Other "Antique Statutes" relate to women, wills, forcible entry, "Fraudulent Deedes" and other topics. Some sources say incorrectly that the 1539 edition was the first issued with a title page. The source of the confusion is the title page's false imprint date: 1529. (The colophon has the correct date: 1539.) To confuse matters further, Beale, who arranges imprints chronologically, lists that edition according to the date on the title page rather than its colophon (S8). OCLC locates 13 copies of this imprint in North America. Beale, *A Bibliography of Early English Law Books* S9 and S21. *English Short-Title Catalogue* S101049.



Details from N° 58



PRINTED IN LETTERS OF GOLD - "THE MOST MAGNIFICENT OF ALL EDITIONS"

58 [MAGNA CARTA].
[WHITTAKER, JOHN, PUBLISHER].

Magna Carta: Regis Johannis XV. Die Junii Anno Regni XVII. A.D. MCCXV.

London: Apud Johannis Whittaker, 1816. 12 ff. Folio (17" x 14").

Contemporary gilt-tooled morocco, textured-cloth central panels to boards, the front has a central gilt-tooled title panel (reading Magna Carta, Printed in Letters of Gold), patterned lilac-colored endpapers, ribbon marker. Moderate rubbing to extremities, corners and spine ends bumped, soiling, a few stains and a few scuffs to boards, cracks in text block between front free endpaper and title page and final leaf and free endpaper. Printed in gold on card, initial at beginning of text decorated by hand in watercolor with royal regalia and floral border, probably designed by Thomas Willement. Light toning, occasional finger smudges, small inkspot to first text leaf (with offsetting to verso of title page). \$10,000.

THE FIRST BOOK PRINTED IN GOLD IN ENGLAND. As Lowndes has pointed out, Whittaker published "the most magnificent of all editions of the Magna Carta." Although all are printed in gold, rarely are two copies alike. Some were printed on colored vellum and even jeweled, all have different levels of ornamentation. Some have a list of Barons. The present copy contains the text of Magna Carta only, printed on glazed card, and is richly bound. Lowndes II:1450.



N° 60

THE CASTRATION OF SEXUAL DELINQUENTS

17TH-CENTURY ENGLISH MANUSCRIPT LAW DICTIONARY

59 [MANUSCRIPT].
GOLDBERG, ERICO [ERIK].

La Castrazioni dei Delinquenti Sessuali. Pisa, July, 1934. [ii], 167 ff.

Carbon-paper copy of typescript bound into contemporary three-quarter cloth over patterned paper, calf lettering piece to spine. Light soiling, front joint just starting at head, corners bumped. Moderate toning, numerous penciled corrections and annotations to versos of 31 leaves, presumably in the author's hand. \$750.

THIS THESIS ON THE "CASTRATION of sexual delinquents" was presented by Dr. Goldberg to the Institute of Legal Medicine of the University of Pisa, most likely for a Dottore di Ricerca, a secondary thesis that is a prerequisite for a professorship in Italy. The thesis, which discusses the laws of several Continental European countries, Great Britain, the United States and Canada, was produced at a time when Nazi Germany and Fascist Italy were exploring the usefulness of sterilization to further their political and racial goals. No copies located on OCLC.

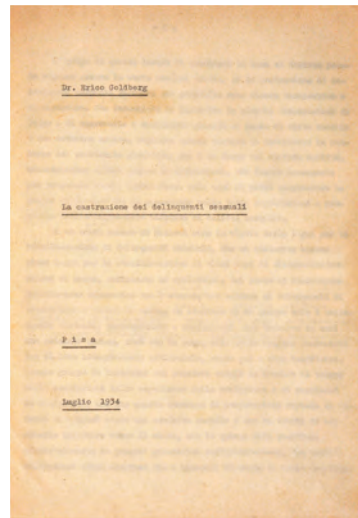
60 [MANUSCRIPT].
[GREAT BRITAIN].

[*Manuscript Law Dictionary*].

[England, c.1680]. 270 pp. Folio (12-3/4" x 8").

Recent period-style quarter calf over marbled boards, raised bands and lettering piece to spine. Light toning and some inkspots and smudges to text, some edgwear to initial and final leaves, light soiling to exterior of text block, a few signatures loose. English text in small neat hand within red-ruled borders of most leaves, all leaves numbered on rectos and versos. \$3,000.

PRESUMABLY PART OF A MULTI-VOLUME manuscript, this alphabetically digested collection has definitions ranging from Abatement to Forfeiture. The entries are detailed and often accompanied by additional side-notes, some of them case citations. Some appear to be original; others are commonplace or partially commonplace. Most end with a reference to a reporter or treatise, several include one or more case citations.



N° 59



MANUSCRIPT C.1673 PARLIAMENTARY MANUAL FOR A MEMBER OF THE HOUSE OF LORDS

- 61 [MANUSCRIPT].
[GREAT BRITAIN].
[PARLIAMENT].
[HOUSE OF LORDS].

Remembrances for Order and Decency to be Kept in Super House of Parliament, By the Lords when His Majestie is not There; Leaving the Solemnities Belonging to His Self Coming to Be Marshall'd by Those Lords to Whom it More Properly Apertains.

[London, c.1673]. 83, [5] pp. Octavo (5-1/4" x 3").

Contemporary morocco, recently rebacked, gilt frames with corner fleurons enclosed by gilt rules, gilt-edged raised bands to

spine, all edges gilt. Negligible light rubbing to boards, moderate rubbing to board edges, corners bumped and somewhat worn, front hinge cracked, rear, rear free endpaper lacking. Content in fine secretarial hand to rectos and versos of most leaves. (32 are blank.) Negligible light toning to interior. A well-preserved item.

\$1,500.

WITH AN INDEX. This is a fair copy of a compilation of parliamentary procedure and rules of conduct for a member of the House of Lords extracted from the journals of that house. The latest order is dated 1673. OCLC and COPAC record a small number of similar manuscripts from the eighteenth century, but only a few compiled before 1700.



Details from N° 62

DIARY OF A PROMINENT YONKERS, NEW YORK, LAWYER, JUDGE AND POLITICIAN

62 [MANUSCRIPT].
 SCRUGHAM, WILLIAM WARBURTON [1820-1867].

[*Diary of William Warburton Scrugham*].

[Yonkers, NY, February 1, 1844--March 31, 1845 19, [120] pp. 12mo.
 (6-1/4" x 3-3/4").

Quarter sheep over marbled boards, printed paper title panel to front board (reading *Diary for 1844*. Published by Jansen & Bell, 158 Nassau-Street, New York). Light rubbing to boards, moderate rubbing to extremities with wear to spine ends and corners, spine abraded, a few cracks to text block. Light toning to text, some leaves have light foxing, a few have faint dampstains. "Scrugham 1844" to front free endpaper, rectos and versos of most leaves filled in small neat hand.

\$1,500.

SCRUGHAM STUDIED AT COLUMBIA COLLEGE and read law in the office of Samuel E. Lyon, in White Plains, New York, around 1836. When he was accepted to the County Board at White Plains as the supervisor for Yonkers, he was the youngest member, but he was popular and eventually became chairman. He continued to represent Yonkers for several years. In 1848 he was elected District Attorney of the county and in 1849 appointed lieutenant colonel of the 17th Regiment of State Militia, and the following year he was promoted to colonel. He infused new life into the regiment and was soon put in command of the Brigade as a Brigadier General. In 1849 he was nominated for Justice of the

Supreme Court of the State, and upon taking his seat on the court, resigned his commission. In politics he was always a Democrat, but sided with the "Free Soilers" in 1848. A businessman and civic leader, he was the founder, Director and Secretary of the Yonkers Gas Light Company, an original trustee of the Yonkers Savings Bank, a director of the First National Bank of Yonkers, a director of the Yonkers and New York Fire Insurance Company, a trustee of the Yonkers Cemetery Association, one of the vestrymen of St. John's Church and a Mason.

The majority of entries in his diary concern his work as an attorney. They cover the time period after he left the office of Samuel E. Lyon in White Plains and set up his own practice. Scrugham's entries concern cases, searching out property records, writing up leases, wills and codicils and meetings with clients. Scrugham mentions several meetings with Lyon. The diary also includes an almost separate manuscript account of two transatlantic crossings. He left for Liverpool, England, on August 6th, 1844, arriving there on the 2nd of September. He visited some local sites but headed to London, where he explored the city until the middle of October. He then traveled to France, visiting Paris. After Paris and stops at other cities, he sailed back to America on November 18th, after spending over three months in Europe. He returned to America in early January, 1845. He describes his sailing voyages in great detail (gale winds, masts breaking, waves washing over the decks, ship is blown off course, becalmed, etc.) as well as the various places he visited and the people he either met, or called upon. The entries for the last couple of months (January-March 1845) resume descriptions of his daily life and law practice.

63 [MANUSCRIPT].
SCUDDER, S., JUSTICE.

Justice Docket [Spine Title].

Cattaraugus County, NY, 1861-1862.
[xxiv], 396 pp. 61 pp. Folio (14" x 9").

Reversed calf, black-stamped fillets to boards, raised bands and lettering pieces to spine, marbled endpapers. Moderate rubbing to boards, heavier rubbing to extremities with wear to board edges and corners, spine abraded, chipping to spine ends, joints starting. 61 pp. of manuscript entries plus, 24 pp. thumb-tabbed alphabetical index of names, all in a neat hand, light toning to text. \$1,250.

CATTARAUGUS COUNTY IS LOCATED in north-western New York, directly south of Buffalo with one side bordering Pennsylvania. The county was created in 1808 and later organized in 1817. Little Valley is the county seat and possibly the place where the Justice's Court was located. As indicated by the number of prominent people recorded in out 1861-1862 docket, this court was a principal venue for settling legal disputes. Some of the more distinguished parties are Albert G. Dow [1808-1908], a noted merchant, president of the First National Bank of Salamanca and state senator, Benjamin F. Franklin [1791-1868], a notable abolitionist, county judge, Cuba Bank president and co-founder of Randolph Academy (later known as the Chamberlain Institute) and attorney Benjamin Mosher [1802-1868], a leading practitioner of the Justice's Court. *Historical Gazetteer and Biographical Memorial of Cattaraugus County, N.Y.* 341.



Nº 63

LATE-EIGHTEENTH CENTURY ENGLISH MANUSCRIPT BOOK OF PRECEDENTS

64 [MANUSCRIPT].
[SMITH, JOSEPH].

Precedents.

Southern England, c. 1795. Approximately 200 ff. with content, most leaves have content to rectos and versos. Folio (12-1/2" x 8").

Contemporary flexible sheep, blind rules to boards, "Precedents" in early hand to head of front cover. Moderate rubbing and scuffing to boards, heavier wear to extremities, corners worn away, spine mostly perished, covers and text block secure, a few leaves loose or partially detached, later armorial bookplate of Hubert Smith-Stanier to front pastedown, a leaf of notes in his hand laid in. "Joseph Smith/ 1795" to recto of first leaf, light toning to text, content written in elegant hand, some edgewear to laid-in leaf of notes. An interesting item. \$1,500.

JOSEPH SMITH WAS A TOWN CLERK in southern England. Carefully compiled in an elegant hand, his book of precedents consists mostly of indentures and articles of agreement. The first 181 leaves are numbered. There are a few blank leaves in the sequence and several un-numbered leaves at the rear of the book. The neat hand, which is free of corrections, numbered blank leaves and other blank leaves suggest this manuscript was an incomplete fair copy of a reference work. The laid-in notes are a biography of Smith by Smith-Stanier [1823-1911], a relative of Smith and notable English folklorist.



Nº 64

65 [MANUSCRIPTS].

BLACKSTONE, SIR WILLIAM [1723-1780].
[STEEVENS, GEORGE (1736-1800)].

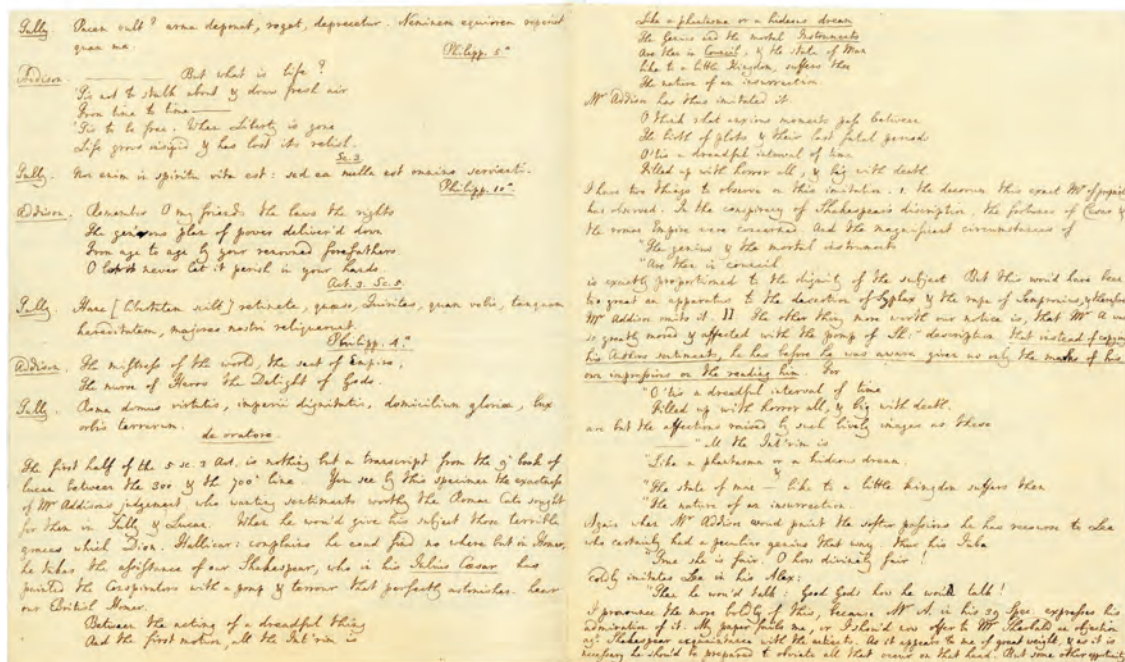
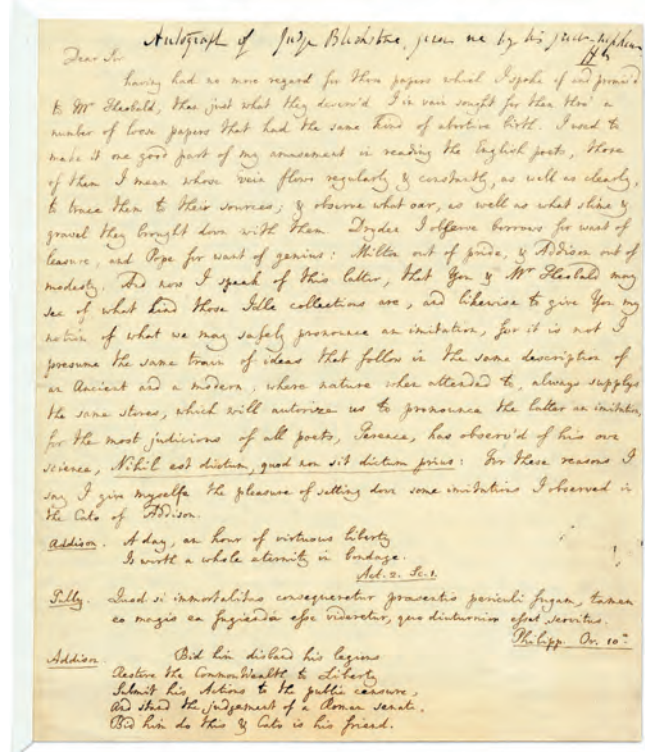
[Autograph Letter (in Third Person) to George Stevens,
London, Lincoln's Inn Fields, 26 April 1779].

[AND]

[Autograph Transcription Signed ("W.B."), 1 April 1779,
London, Lincoln's Inn Fields, 26 April 1779].

Two 9-1/2" x 7-1/2" bifolia, five pages of text (both with archival guard at inner edge). Light toning, vertical and horizontal fold lines. "Autograph of Judge Blackstone, given me by his great-nephew" to head of autograph transcription. \$12,500.

BLACKSTONE'S OBSERVATIONS ON SHAKESPEARE. Addressed to the eminent Shakespearean George Stevens, the letter discusses Blackstone's critical notes on Shakespeare, which were ultimately published the following year (after his death) in Edmund Malone's supplement to the 1778 edition of Shakespeare's plays by Samuel Johnson and George Stevens. Blackstone returns a transcription of the notes "together with the new ones that have occurred on a transient Perusal of Mr Stevens's second edition. He will see that Sir W[illiam]m (Author-like) continues a little prejudiced in favour of One of his Emendations, which Mr Stevens is afraid of proposing: but, to make amends, he has given up another to Mr Stevens's more accurate Judgement." He adds that there is no need to send a transcript of the new "observations," and concludes with a note on a legal case: "Inquiry has been made at the Exchequer; - & [the] Result is, that nothing can be done there till the Fine is estreated, & then it may be discharged upon Motion supported by Affidavit." The autograph transcription that accompanies the letter is a carefully exact copy of a letter written by William Warburton [1698-1779], the churchman, writer and literary critic best known for his editions of Pope and Shakespeare, in 1726. It discusses literary imitation in the works of English poets, especially Addison's *Cato*.



Details from N° 65. See page 54 for additional details.

with present stuff. You may see, it's just complais of my ill success in defining till now, what should have been first of all acknowledged due to you. what is my thanks for all your favours when in town, particularly for introducing me to the knowledge of those worthy & most ingenious Gentlemen that made up our last night's conversation. I am, Sir, with all esteem your most obliged friend & humble servant
W. Warburton.

Newark Jan. 2. 1726.

[The Superscription is thus] For
Mr. M. Curcassan at
Mr. Woodwards at the
Hall in Fleetstreet
London.

The foregoing Letter was found about the Year 1728, by Dr. James Smith, first Librarian to the British Museum, in fitting up a House which he had taken in Great Court Fleetstreet. The House had, for a long time before, been let in lodgings; & in all probability, Curcassan had lodged there. The original Letter has been many years in my possession, & is here most exactly copied, with the several little particularities in grammar, spelling, & punctuation. Apr. 30. 1766. M.A.

The above is copied from an Adornment of Dr. Mark Astle, as is the preceding Letter from a copy given by him to Mr. Gough by — I have carefully retained all the particularities above mentioned. Geo. Steevens.

Manuscript Hall
May 10th 1772.

Transcribed (& paraphrased) from his Copy, written in the Black Letters at the End of "Miscellaneous Translations in Verse & Prose from Roman Poets, Ovid, & Horace, &c. &c. &c." and is said to be a MS. Note on a Black Leaf preceding it. It is said to have been "seen" by Dr. Warburton's first Publication, to be very scarce, & to be brought up by his Son after he it appears in my Catalogue public Catalogue. &c. &c." In another MS. Note on the back of "I have said it is said that" The Author was Son of George Warburton, (Attorney, & Lordship of Newark upon Trent) who died 1706, by his Wife Elizabeth Daughter of William Gouman, Attorney of Newark.

J.B.
1 April 1773.

Sir William Blackstone presents his Compliments to Mr. Steevens, & returns him his Transcript of Sir W^m Blackstone's, together with the new ones that have occurred on a transient Perusal of Mr. Steevens's second Edition. He will see that Sir W^m (Author lib.) continues a little prejudiced in favour of One of his Conjectures, which Mr. Steevens is afraid of proposing: but, to make amends, he has given up another to Mr. Steevens's more accurate Judgment.

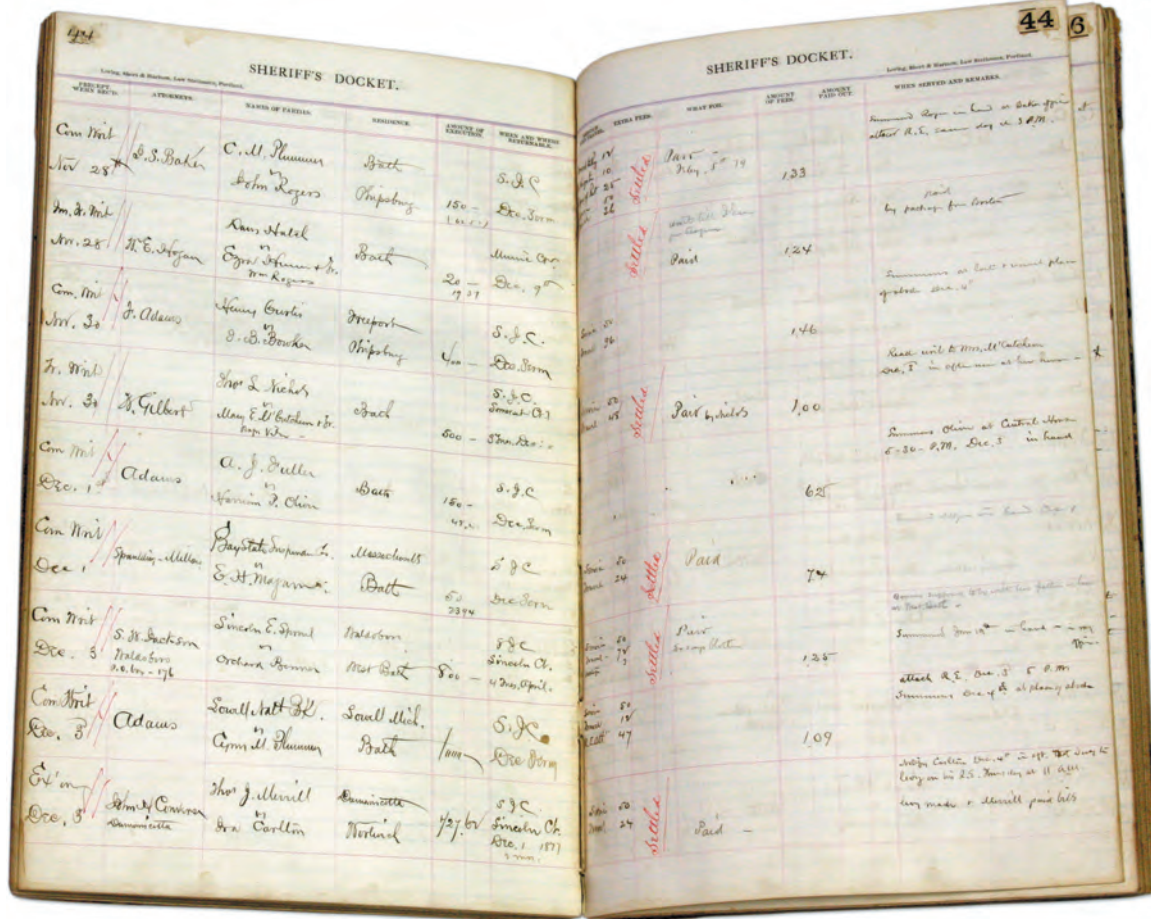
Sir William would not give Mr. Steevens the Trouble to send him any Transcripts of these new Observations; having had sufficient Proof of his Accuracy, to trust them intirely to his Care, and sufficient Knowledge of his Learning & Penetration, to carry them wholly to his Decision, whether or not they should be allowed or published.

Inquiry has been made at the Exchequer; — & I Result is, that nothing can be done there till the Fine is extracted, & then it may be discharged upon Motion supported by Affidavit.

London Jan. 26th

26 Apr. 1773.

Details from N° 65



A SET OF DOCKETS OF A MAINE SHERIFF, 1876-1912

66 [MANUSCRIPTS].
[MAINE].

[*Sheriff's Dockets*].

Sagadahoc County, Maine, 1876-1912. 8 ledgers (14" x 8-1/2") and 1 Index volume (14" x 4").

Ledgers: three-quarter sheep over marbled or cloth boards, printed volume numbers to spines and front board of six volumes; index volume; Marbled stiff wrappers with cloth-reinforced spines, thumb-tabbed. Varying degrees of wear to extremities, text blocks secure, some scuffing to boards. Moderate toning, occasional faint dampstaining minor, various related clippings pasted in or laid in. An unusually large manuscript record. \$1,250.

A COMPELLING COLLECTION of low-level legal activity in Sagadahoc County, Maine, from 1876 to 1912. These ledgers record thousands of forms, costs and legal actions throughout the county, such as writs, injunctions, subpoenas, summons and warrants. Each ledger contains an alphabetical index of names. Printed column headings include "Precept When Rec'd," "Attorneys," "Names of Parties," "Residence," "Amount of Execution," "When and Where Returnable," "Service and Travel," "Extra Fees," "What For," "Amount of Fees," "Amount Paid Out" and "When Served and Remarks." In total, these ledgers comprise a comprehensive repository of legal activity in Sagadahoc County over a period of 35 years.

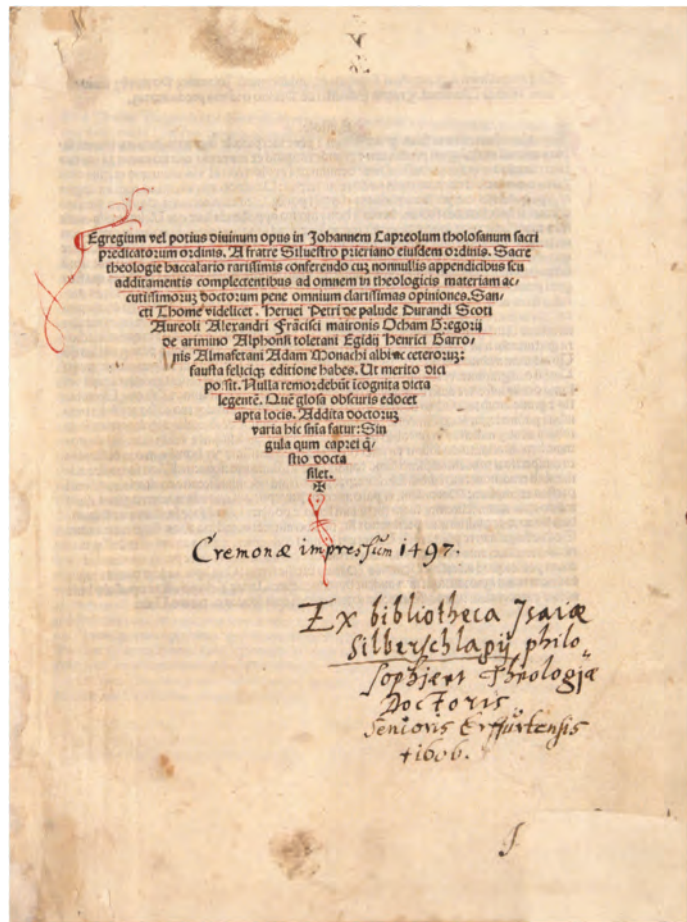
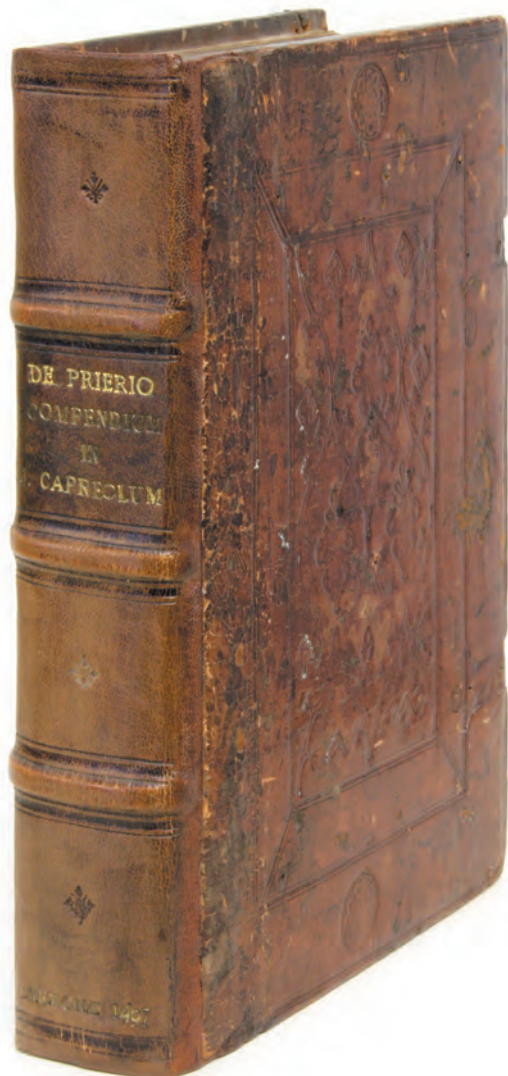
67 MAZZOLINI, SILVERSTRO, DA PRIERIO
[1456-1527].

Compendium in Johannem Capreolum cum Additionibus.

[Cremona: Carolus de Darleriis, 15 and 28 Apr. 1497]. [320] ff.
Collation: [*4], a-n8, aa-kk8, ll-mm4, A-C8, D6, E4, AA-DD8, EE-
GG6, HH4, (1-9)4. Complete. Quarto (9-1/4" x 7").

Contemporary calf with elaborate blind stamping, over wooden boards, rebaked with raised bands, blind ornaments and gilt title, traces of clasps. Light rubbing and minor worming to boards, moderate rubbing to board edges, hinges cracked. 46-line text in parallel columns, occasionally rubricated in red, with 8 initials in interlocking red and blue with fine purple penwork decoration, other initials in red. Light toning to text, somewhat heavier in places, early annotations to front pastedown, other annotations and owner signature dated 1606 of Isaías Silberschlag, to title page, occasional annotations in his hand to text. A handsome copy of a rare imprint. \$10,000.

FIRST EDITION. Mazzolini, a theologian and wide-ranging scholar, was an inquisitor and censor of books for Rome. An early opponent of Martin Luther, he was involved in the juridical process against him. (Mazzolini was also involved in cases against Johann Reuchlin, Pietro Pomponazzi and Erasmus). A great deal of his scholarship was devoted to the works of St. Thomas Aquinas. Also known as the *Egregium vel Potius Divinum Opus in Iohannem Capreolum*, Mazzolini's *Compendium* is a commentary on the works of another Aquinas scholar, Jean Capreolus [c.1380-c.1444]. Silberschlag, the former owner of this copy, was a professor of theology at the University of Erfurt. This is a scarce imprint. We located only two auction records for it, one in 1991, the other in 2002. OCLC locates 5 copies in North America (Cornell, Library of Congress, Morgan Library, St. Bonaventure University, Yale). Goff, *Incunabula in American Libraries* V519. *Gesamtkatalog der Wiegendrucke* M642160. See additional illustration on page 6.



Details from N° 67





N° 68

EARLY ENGLISH-LANGUAGE EDITION OF A LANDMARK IN
EIGHTEENTH-CENTURY POLITICAL SCIENCE

- 68 MONTESQUIEU, CHARLES LOUIS DE
SECONDAT, BARON DE [1689-1755].
[NUGENT, THOMAS (C.1700-1772), TRANSLATOR].

The Spirit of Laws. Translated from the French of M. de Secondat, Baron de Montesquieu. Corrected and Considerably Improved.

London: Printed for J. Nourse, And P. Vaillant, 1758. Two volumes. xl, [20], 451, [1]; [iii], xvi, 483, 49 pp. Text in Volume I followed by one-page publisher advertisement; Volume II followed by three pages of publisher advertisements. Octavo (7-3/4" x 5").

Contemporary calf, gilt double rules to boards, lettering pieces, gilt-edges raised bands and gilt ornaments to spines. Some minor nicks and scuffs to boards, moderate rubbing to extremities, a bit of chipping to spine ends, boards beginning to separate, but secured by cords, corners bumped and somewhat worn. Light toning, somewhat heavier in places, some places have faint, mostly very faint, dampstaining. An attractive set. \$500.

THIRD ENGLISH EDITION. *De L'Esprit des Lois* was one of the landmark works of eighteenth-century political science and an immeasurable influence on jurisprudence and political thought, especially in the Americas. It was a profound influence on the founding fathers, such as Thomas Jefferson, and the framers of the U.S. Constitution. It contained provocative and wide-ranging ideas on the sociology of law, the separation of political powers and the need for checks on a powerful executive office. First published in Geneva in 1748, and first translated into English in 1750, it remains one of the most significant studies of political and legal theory ever written. Based on Montesquieu's study of the English Constitution, this work is important as the first work to propose the separation of powers, an idea incorporated into the U.S. Constitution. "In many ways one of the most remarkable works of the eighteenth century": Carter and Muir, *Printing and the Mind of Man* 197. Sowerby 2325. ESTC T90871.



N° 69

AN IMPORTANT EARLY LAW DICTIONARY

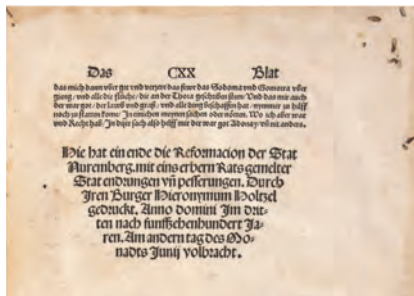
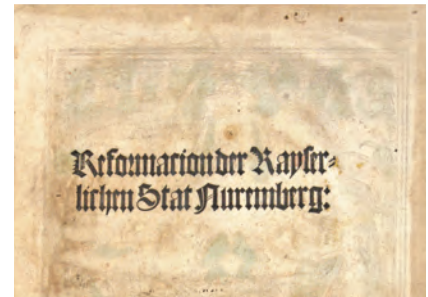
- 69 NEBRIJA, ANTONIO DE [C.1444-1522], COMPILER.
CACCIALUPI, GIOVANNI BATTISTA [C. 1420-1496].
ALBERICO, DA ROSATE [C.1290-1360].

Vocabularius Utriusque Iuris Difficillimas Quasque Voces iuxta Receptos Iuris Interpretes Edifferens: Nunc Demum Exactissima Cura Recognitus: Ac (Velut e Sordibus Errorum Erutus) Supraq; Cuiusuis Alterius Editionis Auxesinb non Paucis Vocabulis Elegantissimis hac Ultima Impressione Locupletatus. Adiectae Sunt Etiam Quamplurimaenon Solum Dictiones, Verumetiam Lineae: Qua in Studiosorum Gratiam Suis Locis Nuper Appositae hoc Signo)(Praefixae Fuerunt.

Venice: Apud Hieronymum Scotum, 1547. 471, [1] pp. Main text in parallel columns. Octavo (6" x 4").

Later diced quarter calf over marbled boards, gilt title and ornaments to spine, speckled edges, endpapers renewed. Light rubbing to boards and extremities, corners bumped and somewhat worn, recent owner stamp to verso of front free endpaper. Light toning to text, a bit heavier in places, worming to top-edges of 28 leaves with minor loss to headlines, light foxing to a few leaves. An attractive copy. \$1,750.

LATER EDITION. A work of great authority, this popular dictionary was first published in 1506 as part of a volume of collected works. It went through more than twenty-five editions, with several variations in content, during the sixteenth and seventeenth centuries. It is a humanistic work grounded in philology and historical commentary. Nebrija was an important Spanish scholar and educator. Educated at the universities of Salamanca and Bologna, he read widely in law, medicine and theology. His philological work, which included the first Spanish grammar and dictionary, led to the standardization of the language. In 1502 he was a member of a group of scholars gathered by Cardinal Ximenes de Cisneros at Alcalá to produce the Complutensian Polyglot Bible. This edition also includes Caccialupi's *Tractatus de Modo Studendi in Utroque Iure*, an introductory textbook for law students, and Rosate's *Breve Compendium de Orthographia*, a guide to legal writing. OCLC locates 1 copy of this edition, in Italy (Universita Cattolica del Sacro Cuore). This edition not in Adams. EDIT16 CNCE31731.



Details from N° 70. See page 60 for additional details.

RARE 1503 EDITION OF THE NUREMBERG CIVIC CODE WITH A HANDSOME HAND-COLORED WOODCUT LEAF

70 [NUREMBERG].

Reformacion der Kayserlichen Stat Nuremberg.

[Nuremberg: Hieronymus Hölzel, 1503]. [x], XVIII, CXX ff. Folio (12-1/2" x 8-1/2").

Contemporary paneled calf, bosses to corners and centers of boards, raised bands and blind-stamped ornaments to spine, clasps lacking, buckles present. Boards rubbed, heavier rubbing to spine and extremities with wear to bottom edge, chipping to head of spine, lower half lacking, pastedowns loose, early owner signature and recent owner bookplate to front pastedown. Hand-colored full-page woodcut to verso of title page, wide-margined text. Light toning to text, slightly heavier in places, faint dampstaining to margins of a few leaves, light soiling to title page. A handsome copy of a rare imprint. \$7,000.

THE SECOND "OFFICIAL" or fourth edition of the Nuremberg city code. Nuremberg was the center of the Renaissance in Germany

and was its leading cultural and intellectual center until the end of the sixteenth century. These qualities are reflected in the contents and design of this volume. Enacted in 1479 and first printed in 1484, with two unauthorized issues printed in Augsburg in 1488 and 1489, the *Reformacion*, or Reformed Civic Legal Code, of Nuremberg is known for its humanistic orientation, straightforward language and elegant production. It is also notable as the collection of German city laws to be issued in print. For these reasons, and its circulation in print, it became, as Stobbe notes, it "the most important and most influential" collection of city laws during the early modern period. The large hand-colored woodcut Hieronymus Hölzel's verso title is a modified version of the first edition of Koberger. It shows the crowned imperial coat of arms between the civic coats of arms, which are held by an angel, St. Lawrence, with the gridiron on which he was martyred, and St. Sebaldus, holding a model of his namesake church in Nuremberg, and an angel with a banner. Stobbe, *Geschichte der Deutschen Rechtsquellen* II:297. OCLC locates 6 copies, 2 in North America (Michigan State University, New York Public Library). VD16 N2026.



Detail from N° 70



Nº 71

THE ROMAN LAW OF HIGHWAYS

71 OTTO, EVERHARD [1686-1756].

De Tutela Viarum Publicarum Liber Singularis; Cujus Pars I. Est de Diis Vialibus, II. De Magistratibus Viocuris, & III. De Legibus ad Viarum Securitatem Pertinentibus.

Utrecht: Apud A. Hofmans et J.S. Bosch, 1731. [xiv], 570, [8] pp. Copperplate allegorical frontispiece. Octavo (7-1/4" x 4-1/2").

Contemporary vellum, early hand-lettered title to spine, edges rouged. Light soiling to boards and spine, spine ends lightly bumped. Moderate toning to text, faint stains from laid-in flowers in a few places, some leaves have recent notes in faint pencil. An attractive copy of a scarce title. \$1,250.

FIRST EDITION. An interesting treatise on laws concerning roadways or actions committed on them according to Roman law. A second edition was published in 1734. Otto was a leading jurist of the Dutch Elegant School of Jurisprudence, which was distinguished by its commitment to humanist ideals and polished Latin prose. Both editions of this work are scarce. OCLC locates 7 copies of the first edition in North America, 3 in law libraries (Columbia, Library of Congress, UC-Berkeley). Dekkers 127.

RARE IMPRINT OF A PROFITABLE BOOKE
THAT IS NOT LISTED IN BEALE

72 PERKINS, JOHN [D. 1545].

A Profitable Booke of Maister Iohn Perkins, Fellowe of the Inner Temple Treating of the Lawes of Englande.

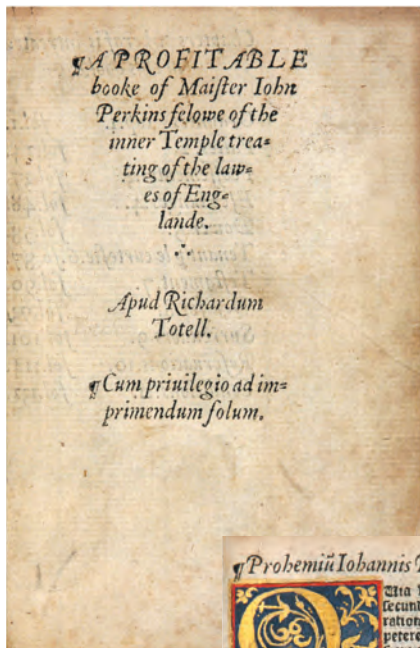
[London]: Apud Richardum Totell, [c.1560-1565]. 19, 168 ff. Complete except for blank leaf C4, which precedes Fol. 1. Octavo (5-1/4" x 3-3/4").

Attractive late-nineteenth century maroon polished calf, blind frames to boards, raised bands and gilt titles to spine, endpapers renewed. Negligible light rubbing to spine ends and joints. Top edge gilt. The first leaf of the proem has a splendid decorated initial illuminated in gold against a blue background, main text has a woodcut decorated initial. Early underlining and brief annotations to a few leaves. Offsetting to margins of endleaves, negligible light wear and browning to a few leaves, interior otherwise fresh. A desirable copy of a rare imprint. \$3,500.

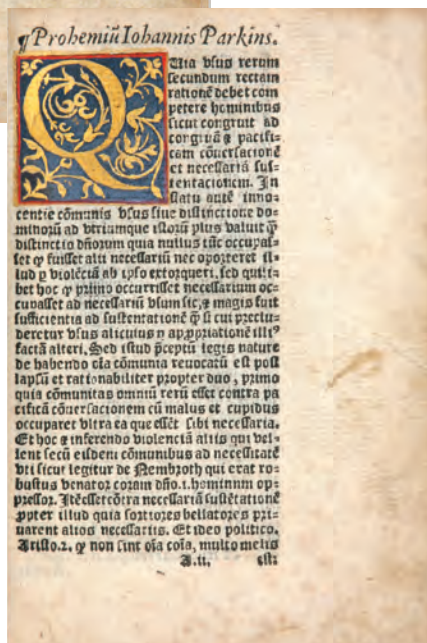
EARLY EDITION of a work first published in 1528. Main text in Law-French, preface in Latin. A popular work during the sixteenth

and early seventeenth centuries that was held in high regard by Coke, Perkins' *Profitable Booke* went through numerous editions in both English and Law-French. Devoted mostly to the land law as developed in the Year Books, it is divided into the following topics: grants, deeds, feoffments, exchanges, dower, curtesy, wills, devises, surrenders, reservations, and conditions. According to Marvin, "the English translations are, more or less, inaccurate, and have accumulated errors...the French editions, therefore, are generally to be preferred" (563).

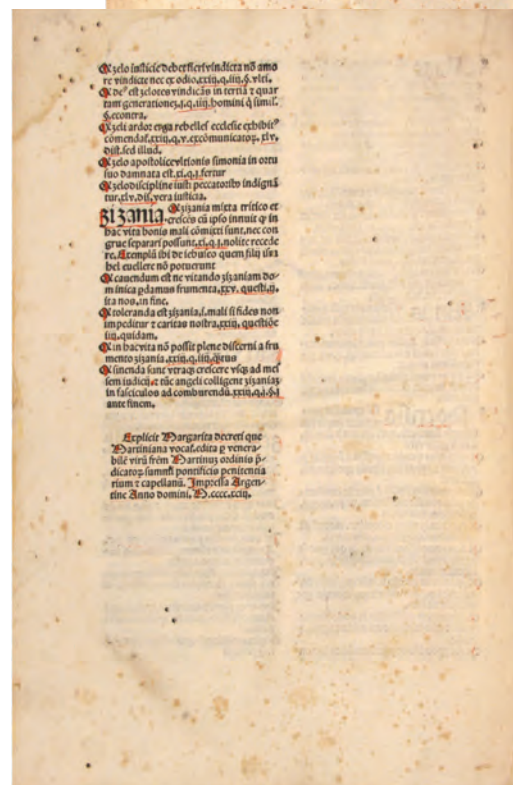
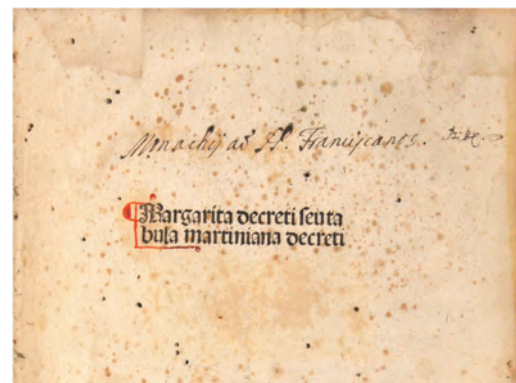
This copy does not have a publication date, but its colophon, pagination (stated above) and printing errors suggest either 1560 or 1565. The colophon reads: "Imprinted at Lon-/ don in fletestrete with-/ in temple barre, at the signe of/ the hande and starre, by/ Richarde Tottle"; leaf 154 is numbered 167. All of the imprints listed in Beale have printed dates. However, Pollard and Redgrave list two undated imprints with the provisional dates of 1560 and 1565. Records on OCLC with an identical colophon, pagination and printing errors of our copy state 1560, except for Harvard, which gives a provisional date of 1559. Our copy thus falls between the 1555 and 1567 Tottel editions. OCLC locates 7 copies. Holdsworth, *History of English Law* V:388. Pollard & Redgrave 19634/19634.5. ESTC S4042.



Details from N° 72



Details from N° 75



RARE IMPRINT OF A PROFITABLE BOOK
"ONE OF THE HANDFUL OF FIRST-RATE ECONOMIC TREATISES
AND A CLASSIC ON ITS SUBJECT"

73 [PETTY, SIR WILLIAM (1623-1687)].

A Discourse of Taxes and Contributions: Shewing the Nature and Measures of Crown-Lands, Assessments, Customs, Poll-Moneys, Lotteries, Benevolence, Penalties, Monopolies, Offices, Tythes, Hearth, Excise, &c. With Several Intersperst Discourses and Digressions Concerning Wars, The Church, Universities, Rents and Purchases, Usury and Exchange, Banks and Lombards, Registries for Conveyances, Beggars, Ensurance, Exportation of Money, Wooll, Free Ports, Coins, Housing, Liberty of Conscience, &c. The Same Being Frequently Applied to the State and Affairs of Ireland, And is Now Thought Seasonable for the Present Affairs of England; Humbly Recommended to the Present Parliament.

London: Printed for Edward Poole, 1689. [x], 72 pp. Lacking half-title and two initial blank leaves. Quarto (7-3/4" x 6").

Stab-stitched pamphlet bound into later cloth, gilt title to spine, endleaves renewed. Light rubbing, a few minor stains, spine ends and corners bumped. Very light browning and light foxing to text, early repairs to margins of a few leaves. \$3,500.

SIXTH AND FINAL EDITION. Petty, an economist, scientist and philosopher, is considered the father of laissez-faire economic policy and an important theorist of the division of labor. Originally published in 1662, *A Discourse of Taxes and Contributions*, addresses the theoretical foundations of value and wages, profit or surplus, interest, the value of land, and foreign exchange. "Written in the midst of urgent practical tasks, the *Treatise* was plainly occasioned by another question of great immediate importance – the reorganisation of the Revenue by the Restoration Parliament. However, in contrast to the many economic treatises written in defence of concrete interests, while professing to be unbiased theoretical pronouncements, Petty's work is even more remarkable for its theoretical digressions than for its acute and important analysis of its immediate subject. So far from making any claim to scientific detachment, it contains a devastating attack on his bêtes noires, the parasites on the body politic, primarily the clergy and the lawyers, but its greatest achievement is his searching treatment of the main problems of scientific economics. The book is brimful of brilliant ideas, although it inevitably suffers from the defects of its qualities – lack of system, prejudice and sometimes inconsistency. These blemishes cannot shake its position as one of the handful of first-rate economic treatises and a classic on its subject" (Strauss). All editions of this work are scarce. OCLC locates 16 copies of the sixth edition, 9 in North America, none in law libraries. Strauss, *Sir William Petty: Portrait of a Genius* 176. ESTC R20953.

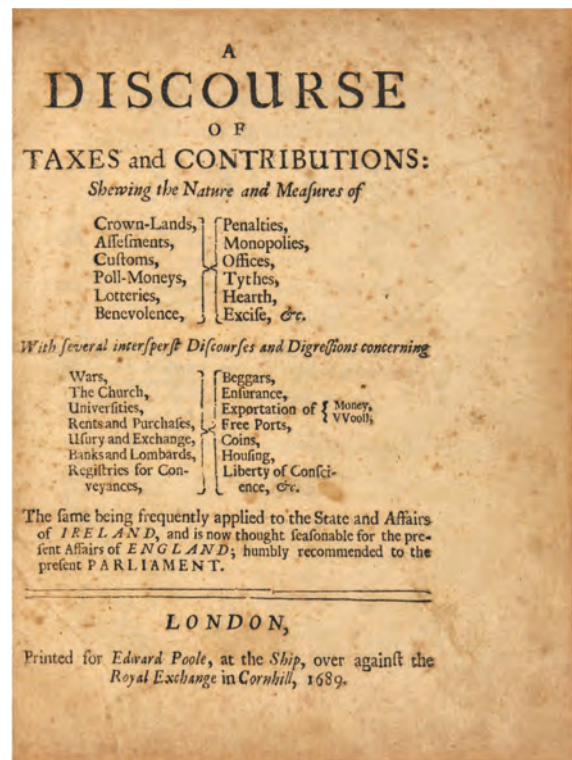
A SCARCE MCDADE ITEM

74 PHILLIPS, JAMES JETER, DEFENDANT.

The Drinker Farm Tragedy. Trial and Conviction of James Jeter Phillips, For the Murder of His Wife. With Portraits.

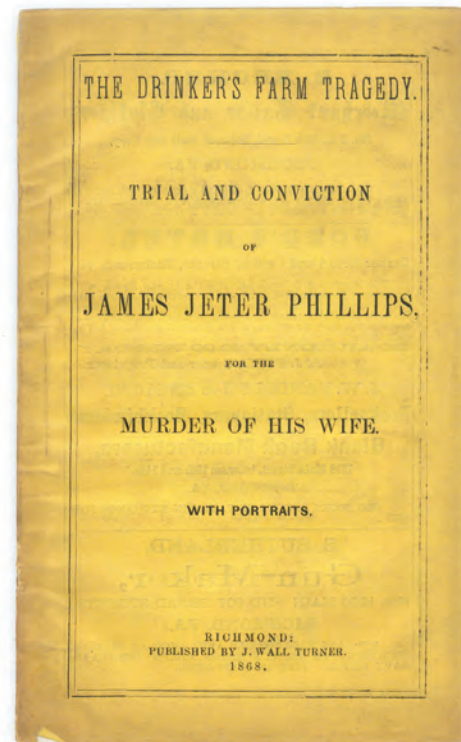
Richmond: Published by J. Wall Turner, V.L. Fore, Printer, 1868. 96 pp. 2 full-page woodcut portraits (of Phillips and his wife, Mrs. Mary Emma Phillips). Octavo (7-1/2" x 4-1/2").

Original printed wrappers, with advertisements for various Richmond businesses rear and inside front covers. Negligible light soiling and shelfwear, light toning to interior. An exceptionally well preserved copy. \$750.



Nº 73

ONLY EDITION. "Phillips, a scion of a 'good' Virginia family, twenty-four years old, murdered his wife Emily, who was ten years older, on a Henrico County, Virginia, roadside near Drinker's farm. He shot her with a small pistol, and her body was unidentified for three months" (McDade). OCLC locates 4 copies in North American law libraries (Duke, Harvard, University of Virginia, Yale). McDade 747.



Nº 74

75 [POLONUS, MARTINUS (D.1278)].

Margarita Decreti Seu Tabula Martiniana.

[Strassburg: Printer of the 'Casus Breves Decretalium' (Georg Husner?)], 1493. [106] ff. Final leaf blank. Thumb-tabbed. Collation: a8 b-q6 r8. Complete. Folio (11" x 7-1/2").

With final blank, initials and capital strokes rubricated throughout (some wormholes, a few minor marginal holes, occasional spotting or staining).

Contemporary quarter calf with elaborate blind-tooling over wooden boards, two contemporary diagrams relating to horizontal sundials to front board, clasp lacking. Moderate rubbing, minor worming, light scuffing to calf-covered sections of boards, light gatoring to spine, early owner inscription dated 1528 to front, owner inscription of the Franciscan convent of Munich to head of title page. 52-line text in parallel columns, initials and capital strokes in red. Moderate toning, occasional spotting or staining, negligible minor worming in places. \$13,500.

LATER EDITION. An important early legal reference work, The *Margarita Decretalium*, i.e. "Pearls of the Decretals," is the index to the decretals of the Decretals of Gregory IX (or Liber Extra). First printed in 1481, the *Margarita* was probably assembled during the late thirteenth century, some time before the appearance of the *Liber Sextus* in 1298. There are twelve incunable editions. Our 1493 imprint is the tenth. OCLC locates 3 copies in North America (Huntington Library, Library of Congress, Yale Law School). Goff, *Incunabula in American Libraries* V327. *Gesamtkatalog der Wiegendrucke* M21422.



Details from N° 75

Dargarita decreti seu tabula martiniana edita p. fratre Martinu ordinis pdicatorum domini pape penitentiarii z capellani.

Pter alia que

cumq. ad fidelium xpi doctri-
nam scripta sunt liber decre-
torum ad ipsorum doctrinam z co-
solatiem conscriptus reperitur. Huius em
libri doctrina ad hoc est tradita, vt p. ipsam
tam clerici q. laici regulent. p. ipsam em cu
ca fidem sacramentorum z circa scientias scri-
pturarum repulsa falsitate iniquitatis per-
ducitur quilibet ad veram pfectam cogni-
tionem veritatis. Item per ipsam animatur
quilibet ne frangatur in aduersis. z ne dis-
soluatur in prosperis. Recordationes habe-
at de pteritis z cautelam de futuris. Item
per ipsam inserit quilibet ad exemplum san-
cte imitationis. Instruitur ad exercitiu vir-
tutis atq. ad executionem cuiuslibet bone ope-
rationis. Et q. tam utilis huius libri do-
ctrina q. plurimu diffusa cognoscitur. Ago
frater. D. de ordine pdicatorum dñi pape pe-
nitentiarii z capellani p. et facilius ingre-
diere z comprehendere ad mea potissime utilitatem
dictiones quilibet huius libri cu suis signifi-
cationibus p. alphabetum fm ordinem cum
multa diligentia z magno labore studui co-
pilare. Q. q. forte huius compilationis aliq.
voluit esse principes, vt circa op. hmoi mea
intentione z modum aduertet. huc plures p.
mittendū curari. Flouet q. lector q. nō fu-
it pncipaliter mee intentionis huius libri de-
creti determinare sillas. s. potius p. distinctio-
nes alphabeti ipsius libri intinere materias.
Et vbi in h. libro decreti aliqua sub q. stioe
ponunt. etiā in h. opusculo sub q. stioe insi-
nuant. Nec mire lector si qñ capitula in h.
libro decreti p. posita posterius allegent. q.
illa capitula q. magis ad ppositū faciebant.
vbiq. in h. libro essent p. posui. alia ad
idē fm magis z min. facienda posterius allegā-
do. Fateor aut me aliqua ex certa scia dimi-
sisse ne plicitas op. legentibus reditu genera-
ret. In xpo g. omnium bonorum auctore. q. sicut
dicit Hieronimus. dis. xxxv. c. ab exordio. i. si
ne temporis veniens. z o. que est grecoz lra vl-
tima reduxit ad a. q. est latinoz pma. q. ex-
trematē q. est o. retraxit ad pncipiū q. est

alpha. z pncipiū ad extrematē q. est alpha
z o. pncipiū z finis spem ponendo. h. opus
ab a. pma littera inchoans vsq. ad extremam
deduxit litterā alphabeti. ipso adiutuē qui
est pncipiū z finis.

Aaron. Charitas aaron
multipliciter insinu-
atur. c. vt cognouerit. de. pe. di. q.
s. opponitur ante medium.

Ite ipsi sacerdotii approbatur. xxi. dis. sa-
crofancia

Ite q. in suo sacerdotio stat. sui hmi potissi-
cis representatur. xxi. dis. c. j. s. j.

Ite ponit in exemplū terroris p. usurpates
platuras. vii. q. i. deniq. post mediū

Ite ponit in exemplū q. nemo honore pla-
tionis assumat nisi a deo vocal. viii. q. j.
in scripturis. in pncipio

Ite ponit in exemplū q. nullus hō pōt esse
sine peccato. de. pe. di. ij. s. opponitur. cir-
ca medium.

Ite ponit in exēplum lapsis post pñas ad
plature restitutionē. l. dis. si. pe. ordinatōes
s. ecclia exēplis.

Ite cū filiis suis in exēplū ponit episcopis
z clericis de mutua inuice honoratōe. xxi.
dis. c. i.

Oblatōes ecclesiarum solis sacerdotibus
debentur pfiguratur. q. i. hanc

Est in argumentū q. de dat grām subdi-
tis p orationē sacerdotii. i. q. i. dictū est

Virga Aaron deuorauit virgas mago-
rum. xxi. q. v. nec mirū ante mediū.

Abbas. Abbas nō ab epō poni-
tur s. a monachorum congre-
gatōe eligitur. xxi. q. ij. abbas. el. p. z. ij. c. se

In abbate. eligi d. q. sit dign. morib. at-
q. actib. monastice discipline. xxi. q. ij. ab-
batez. cuiuslibet

In abbate elect. debet esse caut. in regi-
mine humilis. cast. misericors. discret. z
sobrius. xxi. q. ij. si q. abbas

Abbate exempto irrequisito nil d. ep. in
monasterio ei. exercere. xxi. q. ij. humiloso

Subest correctiōi z dispositiōi ep. nō ex-
emptus. xxi. q. ij. abbates. z. c. abbas. p. z.
c. si quis abbas

Solus habet potestatem in monasterio suo
xxi. q. ij. nullam.

Potest cōsecrare duos ordines. pmo sa-
cerdos existēs. dis. xxi. quoniam

Non d. regere plures abbatias. xxi. q. i.
a 2



Details from N° 76

HUMANISTIC COMMENTARIES ON THE FIRST AND SECOND PARTS OF THE *INFORTIATUM*

- 76 RIVA DI SAN NAZARRO, GIANFRANCESCO [C.1480-1535] (RIPA, GIOVANNI FRANCESCO DA).

In Primam, & Secundam Infortiati Partem Commentaria: Quibus Quid Nuper Accesserit, Quod Hactenus in Caeteris Prioribus Editionibus Desiderabatur....

Venice: Apud Iuntas, 1575. 143 ff. Main text in parallel columns.

[BOUND AFTER].

RIVA DI SAN NAZARRO, GIANFRANCESCO.
(RIPA, GIOVANNI FRANCESCO DA).

Repertorium in Omnia Opera Praestantissimi Iurisconsulti D. Ioannis Francisci Ripae à S. Nazario, Papiensis, Ordine Elementario Singulas Quascunque tum Verborum....

Venice: Apud Iuntas, 1575. 56 ff. Main text in parallel columns.

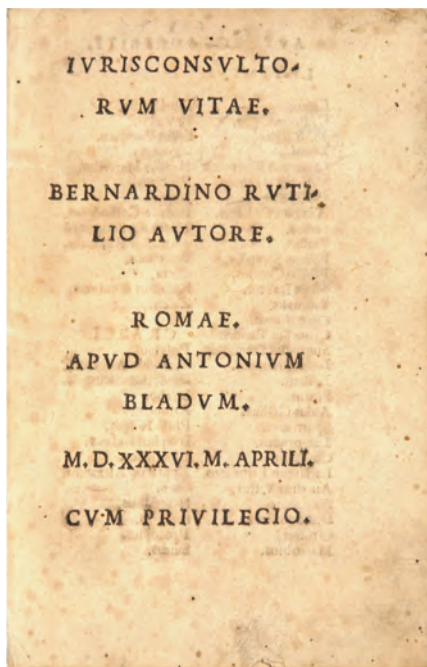
Folio (16-1/2" x 11"). Contemporary vellum, raised bands and calligraphic title to spine, ties lacking. Light rubbing, some staining and minor worming to boards, rubbing to extremities with wear to spine bands, spine ends and corners, which are bumped, front pastedown loose, some worming to hinges and rear pastedown. Each title page features large woodcut Giunta device in architectural border. Moderate toning, minor dampstaining and foxing in a few places, early owner inscription to front free endpaper. Ex-private (?) library. Tiny inkstamp to foot of title page of *Repertorium*. \$2,000.

LATER EDITIONS. Riva di San Nazarro, a Lombard noble, was a learned jurist and humanist scholar. His many works, all commentaries on aspects of Roman and canon law, went through several editions and were often excerpted and anthologized. The

two titles in this volume are from a deluxe series published by Giunta in 1575-1576. (All but the *Repertorium* are bibliographically distinct.) The *Repertorium* is an index to this set. *In Primam, & Secundam Infortiati* is a commentary on the books from the *Digest* of the *Corpus Juris Civilis* concerning aspects of personal and family law, such as donations between husband and wife, divorce, curatorship, wills and testaments and trusts and legacies. (The Medieval Glossators divided the 50 books of the *Digest* into three parts: *Digestum Vetus*, I-XXIV, Title 2, *Infortiatum*, XXIV, Title 3-XXXVIII, and *Digestum Novum*, XXXIX-L. This division was observed into the early modern era.) EDIT16 CNCE36378, CNCE36379.



N° 78



N° 77

HUMANISTIC BIOGRAPHIES
OF THE GREAT JURISTS OF ANCIENT ROME

77 RUTILIO, BERNARDINO [1504-1538].

Iurisconsultorum Vitae.

Rome: Romae: Apud Antonium Bladum, 1536. [xvi], CCCLXVII, [1] pp. Octavo (6" x 4").

Contemporary limp boards, later hand-lettered title to spine. Light soiling, moderate rubbing to extremities, spine darkened, hinges cracked, upper section lacking from front free endpaper, which is pasted to front pastedown. Light toning to text, somewhat heavier in places, occasional brief early annotations, minor worming to a few leaves, light soiling to title page. \$2,000.

FIRST EDITION. Rutilio was Italian jurist and humanist scholars. He was also one of the first authors to compile biographies of lawyers. *Iurisconsultorum Vitae* describes the lives and achievements of 77 Roman jurists, from Papirius to Tribonian. Distinguished by its discerning criticism and careful use of sources, the work was well-received. It went through later editions in 1537, 1538, 1539, 1545, 1584 and 1718. All editions are scarce. OCLC locates 2 copies of the first edition in North America (University of Minnesota Law School, Yale). *EDIT16* CNCE24161.

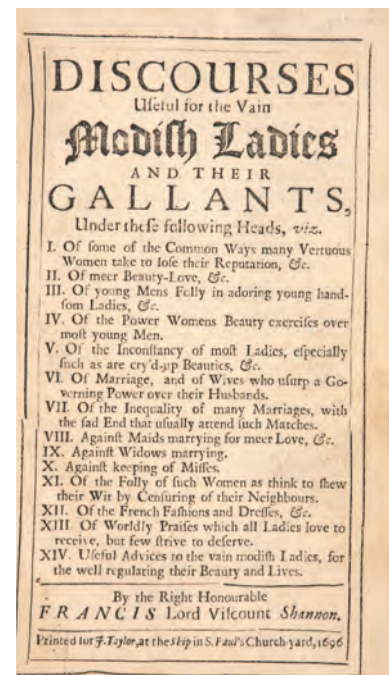
HANDSOME PORTRAIT OF BRANDEIS, SIGNED BY THE ARTIST

78 RUTMAN, HERMAN S. [1889-1952].
[BRANDEIS, LOUIS D. (1856-1941)].

[Portrait of Brandeis].

[Washington, DC?, 1933]. 23-1/4" x 18" pencil portrait on arches paper, signed by Rutman, laid down on illustration board. Light toning, small chip to edge near bottom, easily covered by a matte, otherwise fine. Handsome. \$500.

RUTMAN WAS AN ARTIST and illustrator who worked in Philadelphia. Probably based on a photograph, this portrait appears to have been an illustration for a newspaper or magazine. Brandeis was an associate justice of the U.S. Supreme Court at the time of this portrait.



N° 79

VAIN MODISH LADIES

79 SHANNON, FRANCIS BOYLE, VISCOUNT
[1623-1699].

Discourses Useful for the Vain Modish Ladies and their Gallants Under these Following Heads, Viz I. Of Some of the Common Ways Many Vertuous Women Take to Lose their Reputation, &c. II. Of Meer Beauty-Love, &c. III. Of Young Mens Folly in Adoring Young Handsom Ladies, &c. IV. Of the Power Womens Beauty Exercises Over Most Young Men. V. Of the Inconstancy of Most Ladies, Especially Such as are Cry'd-up Beauties, &c. VI. Of Marriage, and of Wives who Usurp a Governing Power over their Husbands. VII. Of the Inequality of Many Marriages, With the Sad End that Usually Attend Such Matches. VIII. Against Maids Marrying for Meer Love, &c. IX. Against Keeping of Misses. XI. Of the Folly of Such Women as Think to Shew Their Wit By Censuring of Their Neighbours. XII. Of the French Fashions and Dresses, &c. XIII. Of Wordly Praises Which All Ladies Love to Receive, but Few Strive to Deserve. XIV. Useful Advices to the Vain Modish Ladies, for the Well-Regulating Their Beauty and Lives.

[London]: Printed for J. Taylor, At the Ship in S. Paul's Church-Yard, 1696. [xx], 60, 199, [1] pp. Each discourse has caption title; register and pagination begin anew with the third discourse. Octavo (6-3/4" x 4").

Contemporary mottled calf, blind rules to boards, raised bands and lettering piece to spine, hinges mended. A few minor nicks, light rubbing to extremities, corners bumped and somewhat worn. Light toning to text, somewhat heavier in places, early inkstains to rear free endpaper. A handsome, well-preserved copy of a rare title. \$3,500.

ONLY EDITION. ONE OF TWO issues from 1696. Boyle was a privy councillor of Ireland and held the office of governor of County Cork. He was married to Elizabeth, daughter of Sir Robert Killigrew and sister of the dramatist Thomas Killigrew. His wife had a daughter by Charles II, Charlotte Jemima Fitzroy [ca. 1650-1684]. Counting both issues, OCLC locates 10 copies worldwide. *ESTC* R222490.

VOLUME OF 27 ITEMS CONCERNING THE ADMISSION OF KANSAS TO THE UNION AS EITHER A SLAVE OR FREE STATE, INCLUDES A FIRST EDITION OF THE DRED SCOTT REPORT AND 2 ITEMS WITH THE SIGNATURE OF STEPHEN A. DOUGLAS

80 [SLAVERY].

[KANSAS].

[HOPKINS, JAMES HERRON [1832-1904].

HOWARD, BENJAMIN C., REPORTER.

Report of the Decision of the Supreme Court of the United States, and the Opinions of the Judges Thereof, in the Case of Dred Scott Versus John F.A. Sandford. December Term 1856.

Washington: Cornelius Wendell, 1857. 289 pp.

FIRST EDITION.

[BOUND WITH]

"Minority Report of Hon. William H. Welsh, From the Select Committee to Which was Referred the Resolutions Relative to the Decision of the Supreme Court of the United States in the Dred Scott Case," *Daily Legislative Record*, No. 99, [Harrisburg]: Published by Geo. Bergner & Co., For the Legislature of Pennsylvania, May 11, 1857. pp. 1-6

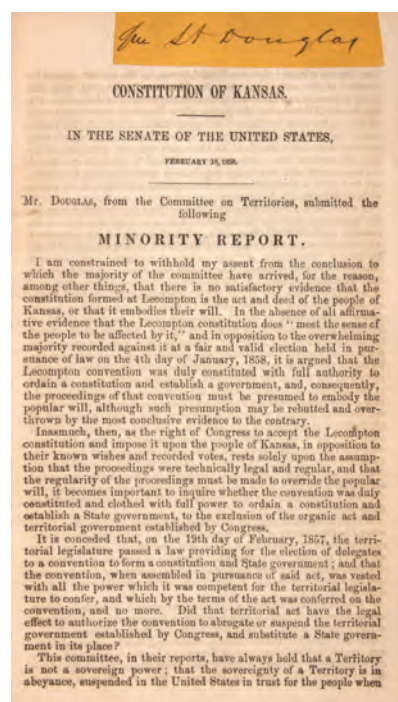
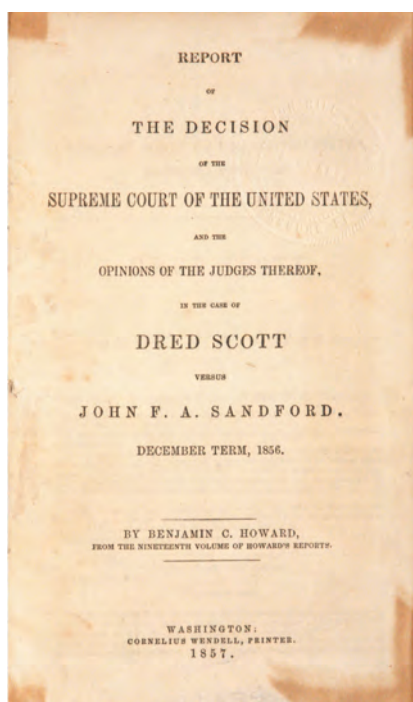
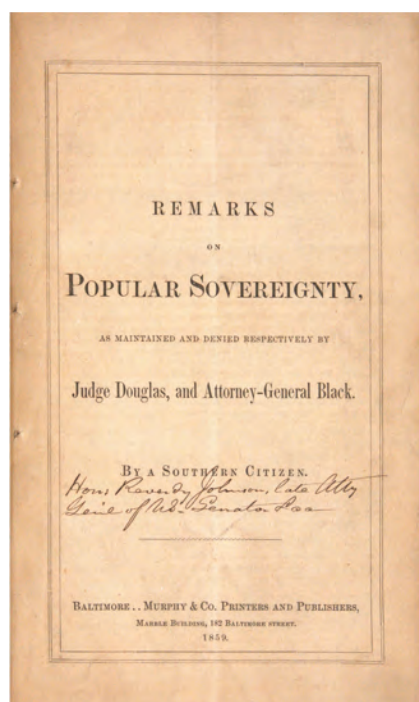
[AND]

25 Speeches and Articles on Issues Relating to the Admission to Kansas to the Union.

27 items in all. Octavo (8-1/2" x 5-1/2"). Stab-stitched pamphlets and newspaper articles bound into recent cloth, gilt title to spine (reading *Howard, Report of the Decision of Supreme Court in*

Dred Scott Case). Light rubbing to extremities, light toning to contents, somewhat heavier in places, occasional clean tears, a few repaired with archival tape. Some items have annotations. A few clipped signatures, including those of Stephen Douglas and Simon Cameron, tipped-in. Ex-library. Location number to spine, small stamps to front endleaves, embossed stamp to title page of the *Dred Scott Report*. \$3,500.

FIRST EDITION. Later re-bound, this volume was compiled by Hopkins, a prominent Pittsburgh lawyer and businessman, later a Democratic member of the U.S. House of Representatives who represented the district surrounding Pittsburgh in 1875-1877 and 1883-1885. The contents relate to the debate over the admission of Kansas to the Union as either a slave or free state. It includes the U.S. Supreme Court decision in the Dred Scott Case, which invalidated the Missouri Compromise, the act intended to balance the number of slave and free states. Dred Scott's precedent enabled the passage of the Kansas-Nebraska Act, which declared that the people of Kansas should decide whether to enter the Union as a free or slave state. (This act led to several months of civil war between pro and anti-slavery settlers, the era known as "Bleeding Kansas.") Several items appear to have been sent to Hopkins; affixed to these are the signed transmittal and return addresses by legislators, some of them authors. The most prominent of these are Stephen A. Douglas [1813-1861], Senator, designer of the Kansas-Nebraska Act and rival of Abraham Lincoln, whose signature is affixed to two items, and Simon Cameron [1799-1889], Pennsylvania senator and Lincoln's first secretary of war. A complete list of the contents is available on request.



Details from N° 80



Details from N° 81

AN ELIZABETHAN LAW STUDENT WORKS HIS WAY THROUGH STAUNFORD'S PLEES AND KINGS PREROGATIVE

81 STAUNFORD, SIR WILLIAM [1509-1558].

Les Plees del Coron, Divisees in Plusors Titles & Comen Lieux. Per Queux Home Plus Redement & Plenairement Trovera Quelque Chose quil Quira, Touchant les Dits Plees. Dernierment Corrigees Avecques un Table Parfaite des Choses Notables Contenues en Ycelle, Nouvelment Revue et Corrigees.

[London]: In Aedibus Richardi Tottelli, 1574. [xiv], 198 ff. Collates complete.

[BOUND WITH]

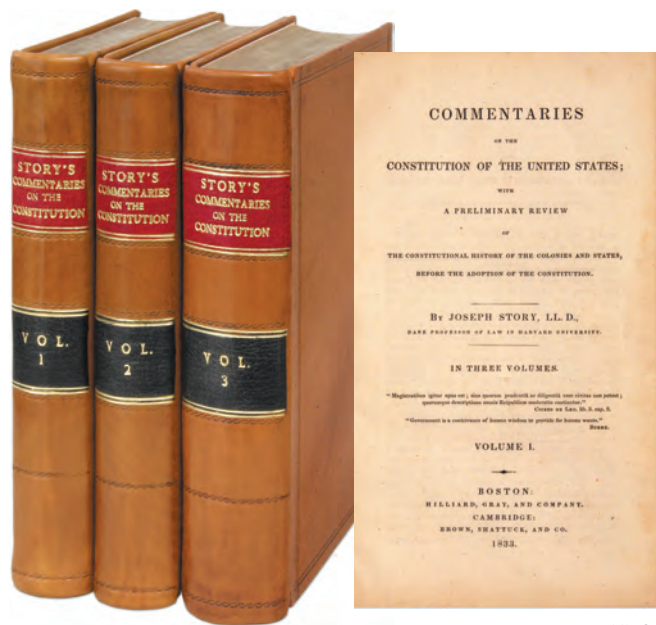
An Exposition of the Kinges Prerogative Collected Out of the Great Abridgement of Iustice Fitzherbert, And Other Olde Writers of the Lawes of England. Whereunto is Annexed the Proces to the Same Prerogative Appertaynyng.

[London]: Richarde Tottle, 1573. [i], 85 ff. Collates complete.

Quarto (7-3/4" x 5-1/2"). Contemporary calf, blind frames and large arabesques to boards, rebaked in period style with blind fillets and raised bands, early hand-lettered title to fore-edge, ties lacking, corners repaired, hinges mended. Title page of *Plees*

printed within large woodcut architectural border, woodcut decorated initials to both works. Light toning, underlining and annotations throughout in contemporary hand. \$4,000.

THIS HEAVILY ANNOTATED VOLUME, which contains two standard works of the Elizabethan era, provides excellent insights into the study habits of a contemporary law student, Henry Tilston, whose name appears on the title page of *Plees*. (He also notes that he purchased the book on 15 November 1604 for 12 shillings.) First published in 1557, Staunford's *Plees* is divided into three parts. The first treats offences, the second treats jurisdiction, appeals, indictments, and defenses. The third addresses trials and convictions. *Exposition of the Kinges Prerogative* was first published in 1567. It addresses discretionary rights enjoyed by the monarchy in foreign policy, domestic affairs, legal and governmental administration, religion and economic matters. The annotations, some in English, some in law-French, include extensive underlining, case citations, cross-references, references to other legal texts, glosses and analytical comments. He also added a list of twelve principles to a rear endleaf. He even records the dates when he completed the two books: "1 February" at the end of *Plees* and "24 february 1604 (i.e. 1604/5)" at the end of *Exposition*. The owner was probably Henry Tilston of Cheshire [b.1589]. He matriculated at Brasenose College, Oxford, in 1600 and became a barrister of the Inner Temple in 1610. Beale T489 (*Plees*), T493 (*Kinges Prerogative*).



N° 82

HANDSOME FIRST EDITION OF THE FIRST IMPORTANT WORK ON THE AMERICAN CONSTITUTION

82 STORY, JOSEPH [1779-1845].

Commentaries on the Constitution of the United States; With a Preliminary Review of the Constitutional History of the Colonies and States, Before the Adoption of the Constitution.

Boston: Hilliard, Gray and Company, 1833. Three volumes. xxxiv, [ii], 494; [ii], 555; [ii], 776 pp. Octavo (8-1/2" x 5-1/2").

Recent period-style calf, blind rules to boards, red and black lettering pieces and blind fillets to spine, endpapers renewed. Internally clean and bright. A handsome set. \$7,500.

FIRST EDITION. Story's *Commentaries* was the most substantial and influential work written on the American Constitution before the Civil War, and it remains an important work

today. Written while Story was Dane Professor at Harvard Law School and an Associate Justice of the Supreme Court, it presented a strongly Nationalist interpretation. It is divided into three books. Book I contains a history of the colonies and discussion of their charters. Book II discusses the Continental Congress and analyzes the flaws that crippled the Articles of Confederation. Book III begins with a history of the Constitution and its ratification. This is followed by a brilliant line-by-line exposition of each of its articles and amendments. Comparing it to the *Federalist*, James Kent said that Story's work was "written in the same free and liberal spirit, with equal exactness and soundness of doctrine, and with great beauty and eloquence of composition. (...) Whoever seeks...a complete history and exposition of this branch of our jurisprudence, will have recourse to [this] work, which is written with great candor, and characterized by extended research, and a careful examination of the vital principles upon which our government reposes.": cited in Marvin 669-670. Cohen 2914.

ATTRACTIVE THIRD EDITION OF STORY'S COMMENTARIES ON THE CONSTITUTION

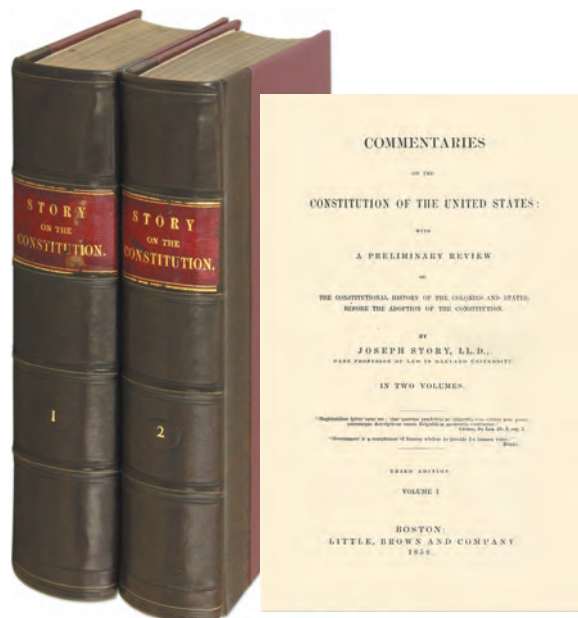
83 STORY, JOSEPH.
[BENNETT, E.H., EDITOR].

Commentaries on the Constitution of the United States: With a Preliminary Review of the Constitutional History of the Colonies and States, Before the Adoption of the Constitution.

Boston: Little, Brown and Company, 1858. Two volumes. 8, xxxiii, [ii], 735; [ii], 702 pp. (Eight-page publisher catalogue at beginning of Volume I.) Octavo (9" x 5-1/2").

Recent period-style quarter calf over cloth, raised bands, retaining original red morocco lettering pieces, endpapers renewed. Light to moderate toning, negligible foxing to a few leaves, some offsetting to margins of Volume I title page, internally clean. A nice copy in a handsome binding. \$1,500.

THIRD EDITION. Cohen 2917.



N° 83

EARLY FRENCH EDITION OF STORY'S
COMMENTARIES ON THE CONSTITUTION

84 STORY, JOSEPH.
ODENT, PAUL, EDITOR AND TRANSLATOR.

Commentaire Sur la Constitution des Etats-Unis Traduit du Commentaire de J. Story, Professeur de Droit a L'Universite de Harvard, Et Augmente des Observations de Mm. Jefferson, Rawle, De Tocqueville, Etc., Et de Notes Sur la Jurisprudence et L'Organisation Judiciaire, par Paul Odent, Docteur en Droit, Avocat a la Cour Royale de Paris, Ancien Avocat aux Conseils du Roi et a la Cour de Cassation.

Paris: Joubert, 1845. Two volumes. ix, lxxi, 390; [iii], 498, [1] pp. Octavo (8" x 5").

Contemporary quarter sheep over marbled boards, raised bands and lettering pieces to spines. Light rubbing to boards and extremities, a few minor nicks to spines, corners bumped. Moderate toning, occasional light foxing, internally clean. A handsome copy of an uncommon title. \$1,500.

REISSUE OF THE FIRST FRENCH EDITION (1843) with a slightly different title. (The first is entitled *Commentaire Sur la Constitution Federale des Etats-Unis*.) The first complete translation into a foreign language, it is taken from Story's first abridged edition (1833). Along with Franz Joseph Buss's *Über die Verfassungs-Urkunde der Vereinigten Staaten von Nord Amerika. Historischer Teil, Nach Story's Commentarien Bearbeitet* (1838), Odent's preface is an important source of information on the European reception of Story's work and the American Constitution. In addition to original notes Odent added relevant commentary by Jefferson, Rawle, Tocqueville and others and discussed aspects of the American government that could be adopted in Europe. OCLC locates 2 copies in North American law libraries (University of Alabama and University of Michigan). Cohen 2918.

STORY ON BAILMENTS, FIRST EDITION

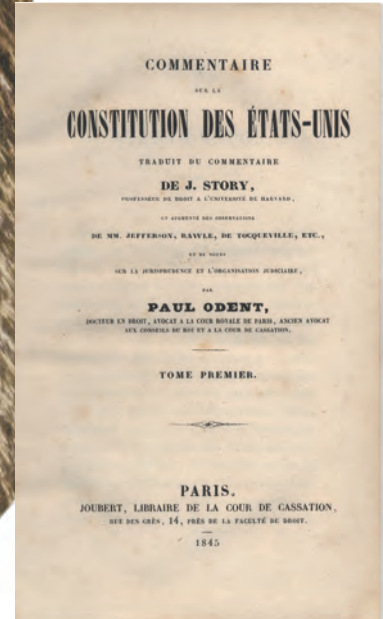
85 STORY, JOSEPH.

Commentaries on the Law of Bailments, With Illustrations from the Civil and Foreign Law.

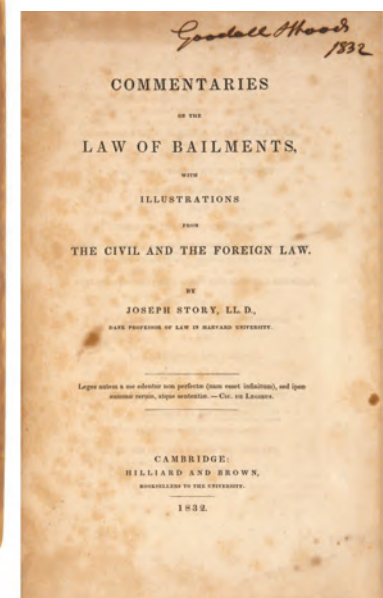
Cambridge: Hilliard and Brown, 1832. xxxiv, 411 pp. Two tipped in leaves at rear with notes on both sides in an early hand. Octavo (8" x 5").

Contemporary sheep, blind fillets to boards, lettering piece and blind fillets to spine. Light rubbing and a few minor scuffs to boards, moderate rubbing to extremities, somewhat heavier rubbing to spine, corners bumped, hinges starting, minor worming to rear hinge. Moderate toning to text, somewhat heavier in places, a few sections of text have light foxing, upper corners of some leaves have fold lines, a few leaves have minor inkspatters. Early owner signature to head of title page, early marks in pencil to a few passages. A nice copy. \$950.

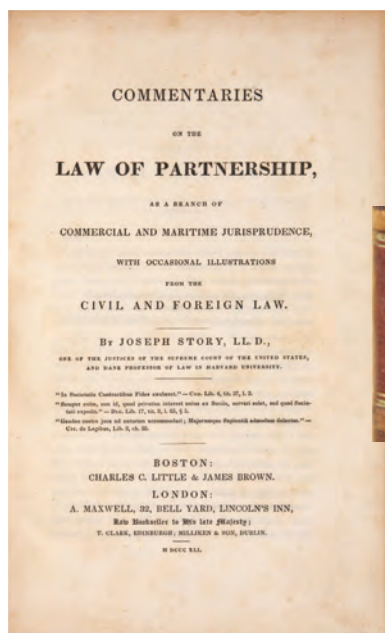
FIRST EDITION. "Whatever was to be found in the English and American decisions, whatever Roman and Continental jurisprudence afforded on illustration of the law of bailments, Joseph Story collected and combined with surprising industry, and wonderful learning...Story's *Bailments* affords one of the best examples, in modern times, of the illustration which our laws are susceptible of, by the aid of foreign jurisprudence." Marvin, *Legal Bibliography* 668-669. Cohen 2451.



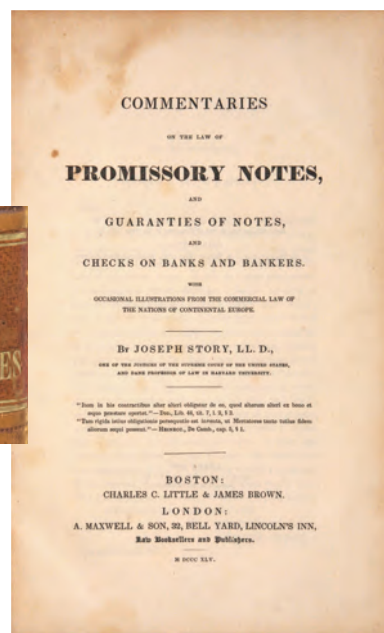
N° 84



Details from N° 85



Details from N° 86



Details from N° 87

"A TRULY LUMINOUS EXPOSITION"

86 STORY, JOSEPH.

Commentaries on the Law of Partnership as a Branch of Commercial and Maritime Jurisprudence. With Occasional Illustrations from the Civil and Foreign Law.

Boston: Charles C. Little & James Brown/London: A. Maxwell, 1841. xxi, 690 pp. Octavo (9" x 6").

Contemporary sheep, blind fillets to boards, raised bands and small lettering piece to spine. Light rubbing and some shallow scuffing to boards, moderate rubbing to extremities, somewhat heavier rubbing to spine, corners bumped. Moderate toning to text, light foxing in places, upper corners of some leaves have fold lines, a few have early underlining and other marks in pencil. An appealing copy. \$950.

FIRST EDITION OF ONE OF STORY'S great treatises. Like the others, it was a standard work in the United States and, to some extent, Great Britain. In his *Law Studies* Samuel Warren said the *Commentaries on the Law of Partnership* is "a truly luminous exposition of a subject noted for its intricacy, and the subtlety of the rules upon which the system depends" (451). It was a deeply influential work as well. Indeed, Pound mentions it his list of texts that were "a significant force in our legal development": *The Formative Era of American Law* 140. Cohen 9321.

FIRST EDITION OF STORY'S FINAL TREATISE

87 STORY, JOSEPH.

Commentaries on the Law of Promissory Notes, And Guaranties of Notes, And Checks on Banks and Bankers. With Occasional Illustrations from the Commercial Law of the Nations of Continental Europe.

Boston: Charles C. Little & James Brown, 1845. xxviii, 675 pp. Two tipped-in leaves of notes in an early hand. Octavo (9-1/2" x 6").

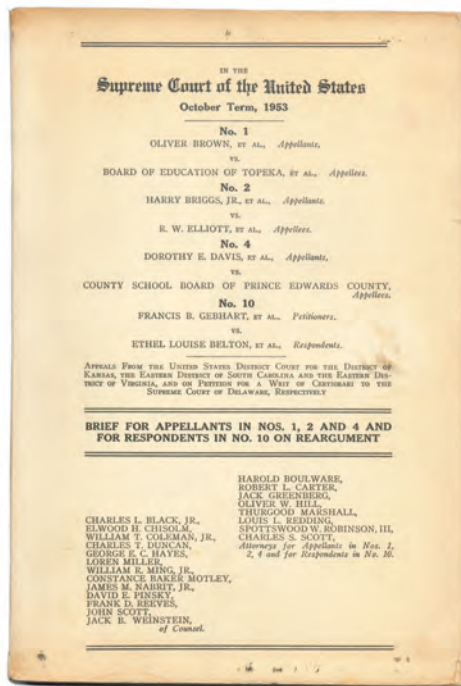
Contemporary sheep, blind fillets to boards, raised bands, blind fillets and lettering piece to spine. Light rubbing and a few minor nicks to boards, moderate rubbing to spine and extremities, small chip to head of spine, front joint and hinge partially cracked. Light toning to text, somewhat heavier in places, light foxing and faint dampstaining to a few leaves. \$950.

FIRST EDITION OF THE LAST TREATISES published by Story. "Joseph Story's work on promissory notes was the last of his great treatises. (...) Unlike many of his predecessors, Story treated each aspect of commercial law separately in a series of works which included his treatises on agency (1839), partnership (1841), bills of exchange (1843) and finally the one on promissory notes. The inclusion of comparative sources from the commercial law of other countries reflects Story's view, expressed in his opinion for the Supreme Court in *Swift v. Tyson* (1842) that commercial law was international, not the 'law of a single country only, but of the commercial world': Cohen 2561.

A TURNING POINT IN THE STRUGGLE TO DE-SEGREGATE AMERICAN SCHOOLS

88 [TRIAL].
[BROWN V. BOARD OF EDUCATION].
[NAACP LEGAL DEFENSE AND EDUCATIONAL FUND].

In the Supreme Court of the United States, October Term, 1953: No. 1, Oliver Brown, Et al., Appellants, Vs. Board of Education of Topeka, Et al., Appellees: No. 2, Harry Briggs, Jr., Et al., Appellants, vs. R.W. Elliott, et al., Appellees: No. 4, Dorothy E. Davis, Et al., Appellants, vs. County School Board of Prince Edwards County, Appellees: No. 10, Francis B. Gebhart, Et al., Petitioners, vs. Ethel Louise Belton, Et al., Respondents. Appeals from the United States District Court for the District of Kansas, The Eastern District of South Carolina and the Eastern District of Virginia, And on Petition for a Writ of Certiorari to the Supreme Court of Delaware, Respectively. Brief for Appellants in Nos. 1, 2 and 4 and for Respondents in No. 10 on Reargument.



N° 88

[New York: Supreme Printing Company, 1953]. xxxii, 235 pp. Octavo. (9" x 6.")

Glued pamphlet in stiff self-wrappers. Negligible light soiling to exterior, binding slightly cocked, minor wear to spine ends and corners, light toning to interior. Early owner signature, and a bit of cello tape residue, with offsetting to facing leaf, to inside front cover, underlining and notes in pencil to a few passages. A well-preserved copy overall. \$1,250.

ISSUED BY THE NAACP, this is a reprint of the brief filed in the U.S. Supreme Court on November 16, 1953, in response to the Court's order to set *Brown v. Board of Education* down for reargument after it was unable to decide the issue. The case was reargued on December, 9-11, 1953 and decided on May 17, 1954. The Court's unanimous decision stated that "separate educational facilities are inherently unequal." This landmark ruling paved the way for integration, was a major victory of the Civil Rights Movement and the model for several later cases. However, the decision did not specify ways to end racial segregation in schools. This resulted in the Court's second decision on May 31, 1955, also known as *Brown II*, which ordered states to desegregate "with all deliberate speed," an ambiguous order that remains a matter of debate.

BROUGHT TO JUSTICE BY THE PINKERTONS

- 89 [TRIAL].
CALDWELL, OSCAR T., DEFENDANT.
SMITH, J. VICTOR, REPORTER.

Trial of Oscar T. Caldwell, Late a Conductor on the Chicago and Burlington Railroad Line, For Embezzlement: Before the Recorders Court of the City of Chicago at the September Term, 1855.

Chicago: Daily Democratic Press Steam Print, 1855. 35 pp. Text in parallel columns. Octavo (8-1/2" x 5-1/2").

Stab-stitched pamphlet in printed wrappers, spine reinforced. Light soiling, minor edgewear, spine abraded (but secure), some toning to text. \$650.

ONLY EDITION. Caldwell's trial was the result of an investigation by the Pinkerton detective agency, then a five-year old company. Caldwell was convicted. The rear wrapper carries an advertisement for the Pinkerton & Company. OCLC locates 6 copies in law libraries (Harvard, Library of Congress, Rutgers, St. John's University, Social Law, University of Missouri). Cohen 13985.

A BOTCHED ROBBERY LEADS TO MANSLAUGHTER

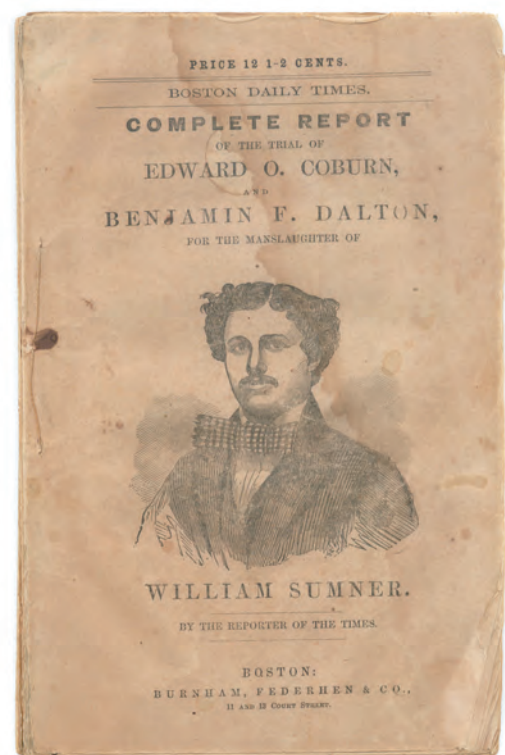
- 90 [TRIAL].
COBURN, EDWARD O., DEFENDANT.
DALTON, BENJAMIN F., DEFENDANT.

Complete Report of the Trial of Edward O. Coburn, And Benjamin F. Dalton, For the Manslaughter of William Sumner.

Boston: Burnham, Federhen, 1856. 58 pp. 4 woodcut portrait plates. Includes 4 pages of advertisements. Text in parallel columns. Octavo (8-3/4" x 5-3/4").

Stab-stitched pamphlet in pictorial wrappers. Light soiling to wrappers, some edgewear, light browning and faint dampstaining to wrappers and text. \$650.

ONLY EDITION. Coburn and Dalton encountered Sumner when they were attempting to rob his house. They attacked Sumner and escaped. After Sumner died as a result of the assault, Coburn and Dalton were charged with manslaughter and tried at the Boston Municipal Court. They were acquitted of manslaughter, but convicted on a charge of assault and battery. This case was published by the Boston Daily Times and reported by that paper's court reporter. OCLC locates 7 copies in law libraries (Columbia, Essex Law Library, Library of Congress, Harvard, Social Law, University of Minnesota, Washington University). Not in McDade. Cohen 12438.



N° 90

A PROTRACTED PLAGIARISM CASE
AGAINST RICHARD HENRY DANA

91 [TRIAL].

CURTIS, BENJAMIN ROBBINS [1809-1874].
DANA, RICHARD HENRY [1815-1882], DEFENDANT.

Circuit Court of the United States. District of Massachusetts. William Beach Lawrence (in Equity) vs. R.H. Dana, Jr., Et Als. Closing Argument for the Complainant on the Question of Piracy. B.R. Curtis, J.J. Storrow, For the Complainant on the Question of Piracy.

Boston: Alfred Mudge & Son, 1868. vii, [3]-255 pp. Octavo (10-1/2" x 7").

Original printed wrappers. Spine abraded, a few chips to edges, light toning to text. Ex-library. Shelf number and hand-lettered institution name to head of front wrapper, small inkstamp to title page.

\$650.

ONLY EDITION. William Beach Lawrence edited two editions of Henry Wheaton's *Elements of International Law*. Dana, then the U.S. District Attorney for Massachusetts, was the editor of a later edition. Lawrence accused Dana of plagiarism and initiated a copyright lawsuit that lasted 13 years. The court supported Lawrence in minor matters, such as the arrangement of notes and verification of citations, but maintained that Dana's notes were original. The trial brought together some of the finest legal minds of the era, including Curtis, the former U.S. Supreme Court justice who had dissented in the Dred Scott Case and then resigned from the Court. OCLC locates 11 copies. HLC II:129.

"THE MOST MYSTERIOUS OF ALL THE CASES
WHICH HAVE BAPTIZED CONNECTICUT IN BLOOD"

92 [TRIAL].

[HAYDEN, HERBERT H. (B.1850), DEFENDANT].
STANNARD, MARY [1856-1878].

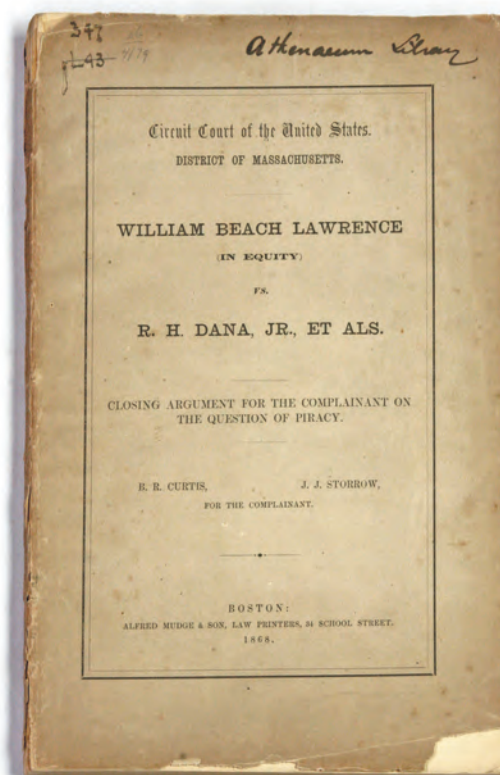
Poor Mary Stannard! Full and Thrilling Story of the Circumstances Connected with Her Murder. History of the Monstrous Madison Crime. The Most Mysterious of All the Cases Which have Baptized Connecticut in Blood. The Only True and Reliable Account. The Clairvoyant's Wonderful Story.

New Haven: Stafford Print. Co., 1879. 47 pp. Octavo (9" x 5-1/2").

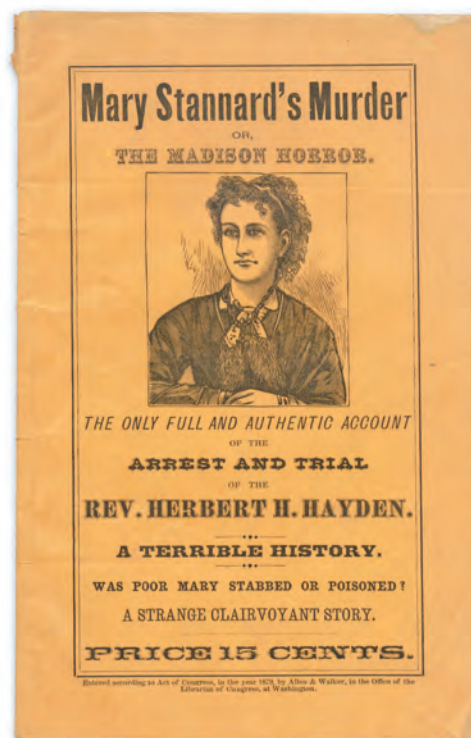
Stab-stitched pamphlet in printed wrappers with a woodcut portrait of Stannard. Faint fold lines, some wear to spine ends, a few small chips to edges, small dampstain to upper corner of front wrapper, some browning to text. A well-preserved copy.

\$850.

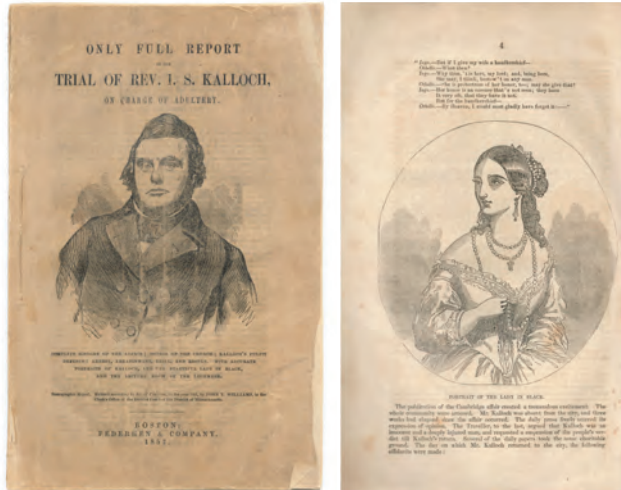
ONLY EDITION. "In 1879, the body of Mary Stannard, twenty-two, once the servant of Reverend Herbert H. Hayden, was found in one of Hayden's fields in Madison, Conn. Her throat was cut, her skull was fractured, and there was arsenic in her stomach. Stannard had spoken to several people about her recent pregnancy by Hayden, and explained that he was going to give her something to induce an abortion. She said also that she was planning to meet Hayden in the field to pick berries and discuss their future. Unable to account for himself during the time of the killing, Hayden was arrested after it was discovered that he had purchased an ounce of arsenic "to kill rats" the day of his former servant's death.... At the three-month trial, a clairvoyant testified to the defendant's innocence, the first such incident in an American courtroom. A hung jury resulted in Hayden's release" (Nash). OCLC locates 12 copies, 2 in law libraries (University of Missouri, Yale). Nash 1493. McDade 449.



Nº 91



Nº 92



Details from N° 93

AN ACCUSED ADULTERER DEFENDED
BY RICHARD HENRY DANA

- 93 [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. 2 woodcuts. Octavo (9" x 5-3/4").

Stab-stitched pamphlet in pictorial wrappers. Moderate soiling, a few chips and tears to edges of wrappers. Moderate toning to text, somewhat heavier in places, some leaves have light foxing. \$750.

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 trial resulted in a hung jury. Kalloch later moved to San Francisco and became that city's mayor in 1879. The *Full Report* includes the judge's charge, but not the jury's final verdict. Cohen 13700.

A PREACHER MURDERED BY THREE MEN
AND A "BLOODY WOMAN"

- 94 [TRIAL].
[MURDER].
[GREAT BRITAIN].

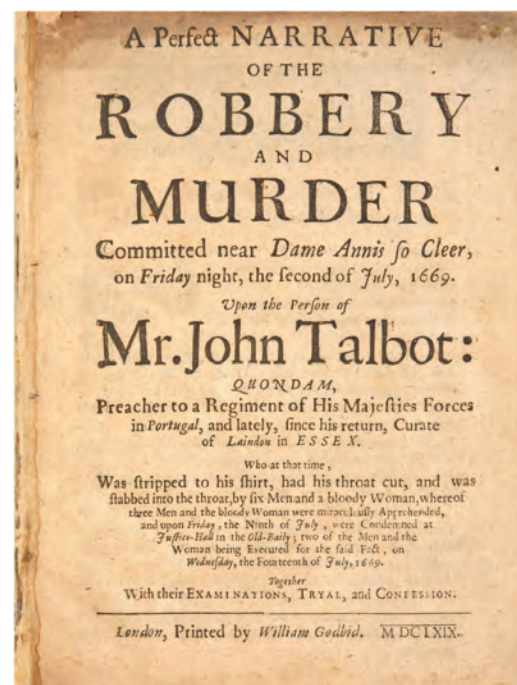
A Perfect Narrative of the Robbery and Murder Committed near Dame Annis so Cleer, On Friday Night, The Second of July, 1669. Upon the Person of Mr. John Talbot: Quondam, Preacher to a Regiment of His Majesties Forces in Portugal, And Lately, Since his Return, Curate of Laindon in Essex. Who at that Time, Was Stripped to His Shirt, Had his Throat Cut, And was Stabbed into the Throat, By Six Men and a Bloody Woman, Whereof Three Men and the Bloody Woman were Miraculously Apprehended, And Upon Friday, The Ninth of July, Were Condemned at Justice-Hall in the Old-Baily; Two of the Men and the Woman Being Executed for the Said Fact, On Wednesday, The Fourteenth of July, 1669. Together With Their Examinations, Tryal, And Confession.

London: Printed by William Godbid, 1669. 38 pp. Quarto (7-1/4" x 5-1/4").

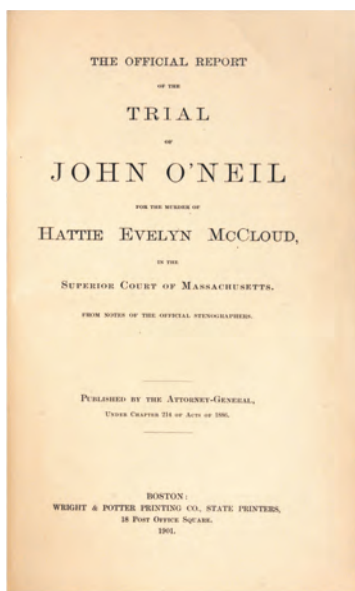
Stab-stitched pamphlet bound into recent cloth, gilt title to spine. Light fading to spine, small owner bookplate to rear pastedown, moderate toning to text, light foxing to a few leaves. A rare title.

\$1,500.

ONLY EDITION. A vivid account of the robbery and murder of a regimental minister in Finsbury, then a borough of London, by a gang consisting of five men and one woman. Four of the attackers, Stephen Eaton, Henry Pritchard, George Rhodes and Sarah Swift, were convicted and hanged. OCLC locates 2 copies in North America at the Huntington Library and Yale University. The ESTC adds copies at the British Library, Folger Shakespeare Library and University of Illinois. ESTC R36665.



N° 94



MURDER, RAPE AND NECROPHILIA
ON A COUNTRY LANE IN MASSACHUSETTS

95 [TRIAL].
O'NEIL, JOHN [1873?-1908], DEFENDANT.

The Official Report of the Trial of John O'Neil for the Murder of Hattie Evelyn McCloud, In the Superior Court of Massachusetts. From Notes of the Official Stenographers. Published by the Attorney-General, Under Chapter 214 of Acts of 1886.

Boston: Wright & Potter Printing Co., 1901. Octavo (9" x 5-3/4"), [iv], 730 pp. Color map.

Recent period-style calf, blind rules to boards, blind fillets and original lettering pieces to spine, endpapers renewed. Light toning to text, negligible edgewear to preliminaries. \$950.

ONLY EDITION. O'Neil, an unemployed machinist with a drinking problem, strangled Mrs. McCloud, then raped her corpse, on a country lane near Shelburne Falls, Massachusetts, on January 8, 1897. Convicted later than year, O'Neil was executed on January 7, 1898. McDade 722.

THE DEEDS OF A FAMOUS ENGLISH HIGHWAYMAN
AS TOLD BY ONE OF HIS ASSOCIATES

96 WILSON, RALPH.

A Full and Impartial Account of All the Robberies Committed by John Hawkins, George Sympson, (Lately Executed for Robbing the Bristol Mails) and Their Companions. Particularly the Robbing of General Evans on Putney-Common, Where his Man was Killed; The Robbing the Bristol, Worcester, Oxford, Bath, Gloucester, Ipswich, Bury, &c. Stage-Coaches; As also, The Earl of Burlington and Lord Bruce: With the Case of Butler Fox, Who was Executed for Robbing Colonel Archibald Hamilton; and the Robberies of the Earl of Westmoreland, And Others, In the Streets in and About London; And Remarks on the Tryal of the Above Persons. With an Account of Hawkins's Defacing Several Pictures in the Bodleian Library at Oxford: With a Proposed Project of Robbing the Harwich Mail. Written by Ralph Wilson, Late one of Their Confederates.

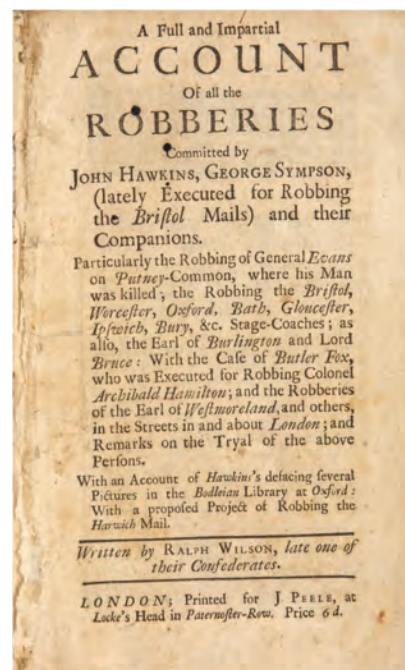


Details from N° 95

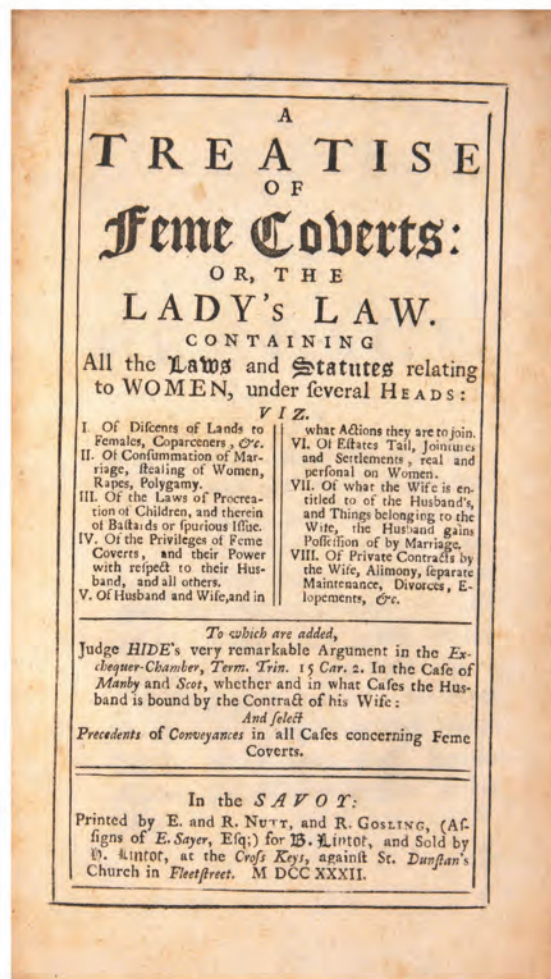
London: Printed for J. Peele, At Locke's Head in Paternoster-Row, [1722?]. [ii], 29, [1] pp. Octavo (7-1/2" x 4-3/4").

Stab-stitched pamphlet bound into recent buckram, gilt title to spine. Moderate toning to text, light foxing to a few leaves, some soiling to title page, small owner bookplate to rear pastedown. \$950.

FIRST EDITION. John Hawkins was one of the great highwaymen of his day. Wilson gave evidence against Hawkins and Simpson (Sympson), an associate, when they were tried for the notorious Bristol Mail Robbery. (They were convicted and hanged.) As an interesting aside, the pamphlet discusses a time when Hawkins and Wilson visited Oxford and vandalized several paintings in the Bodleian Library. This account went through three more editions in 1722, another in 1723. All are scarce. OCLC Locates 2 copies of the first edition in North America (University of Minnesota, Yale Law School). ESTC T115877.



N° 96



Nº 97

"THE LADY'S LAW": ONE OF THE VERY FIRST TREATISES ON LAWS CONCERNING WOMEN

97 [WOMEN].
[GREAT BRITAIN].

A Treatise of Feme Coverts: Or, The Lady's Law. Containing All the Laws and Statutes Relating to Women, and Several Heads: I. Of Dissents of Lands to Females, Coparceners, Etc. II. Of Consummation of Marriage, Stealing of Women, Rapes, Polygamy. III. Of the Laws of Procreation of Children, and Therein of Bastards or Spurious Issue. IV. Of the Privileges of Feme Coverts, and Their Power with Respect to Their Husband, and All Others. V. Of Husband and Wife, and in What Actions They Are to Join. VI. Of Estates Tail, Jointures and Settlements, Real and Personal on Women. VII. Of What the Wife is Entitled to of the Husband's, and Things Belonging to the Wife, the Husband Gains Possession of by Marriage. VIII. Of Private Contracts by the Wife, Alimony, Separate Maintenance, Divorces, Elopements, Etc. To Which are Added, Judge Hide's very Remarkable Argument in the Exchequer-Chamber, Term. Trin. 15 Car. 2 In the Case of Manby and Scot, Whether and in What Cases the Husband is Bound by the Contract of His Wife: And Select Precedents of Conveyances in all Cases Concerning Feme Coverts.

[London]: E. and R. Nutt, and R. Gosling, 1732. [viii], 264, [16] pp. Octavo (8-1/4" x 5").

Recent period-style calf, blind rules to boards, lettering piece and raised bands to spine, endpapers renewed. Moderate toning to text, faint dampspotting in places. \$6,500.

FIRST EDITION. One of the first of four books of the subject, *A Treatise of Feme Coverts* examines the doctrines of English Common Law relating to a "feme covert," that is a woman under the legal guardianship of the man who heads the household she belongs to. (Stated simply, this group included all females except divorced women and widows.) Written from a perspective sympathetic to women, it deals with precedents of conveyances not covered in *The Law of Baron and Feme* (1700), and as such can be seen as a companion volume. The treatise concludes with an account of Robert Hyde's argument in the case of *Manby v. Scott* (1663), in which he argued that a husband who is separated from his wife is not liable to a vendor for goods the wife purchased from the vendor. Commenting on the case in his diary, Samuel Pepys referred to Hyde's judgment as "most amusing." *Diary of Samuel Pepys*, January 28, 1663. Robert Hyde was a Chief Justice of the King's Bench from 1663-1665, having gained appointment through the influence of his cousin, Edward Hyde, first Earl of Clarendon. A second edition of *The Lady's Law* was published in 1737. Both editions of this work are scarce. ESTC T72208.

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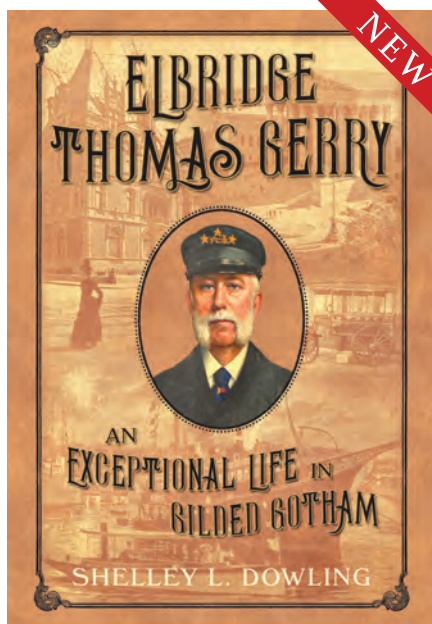
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Shelly L. Dowling

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Hardcover 2017 ISBN 978-1-61619-387-4 \$95.



ELBRIDGE T. GERRY [1837–1927], grandson of Founding Father Elbridge Gerry who signed the Declaration of Independence, was a prominent and influential Gilded Age New York trial lawyer, philanthropist and bibliophile whose 30,000 volume library became the foundation of the United States Supreme Court Library. Dowling's extensively illustrated biography of Gerry highlights the influence of his family and its links to other prominent New York families, the Gallatins, Goelets and Livingstons.

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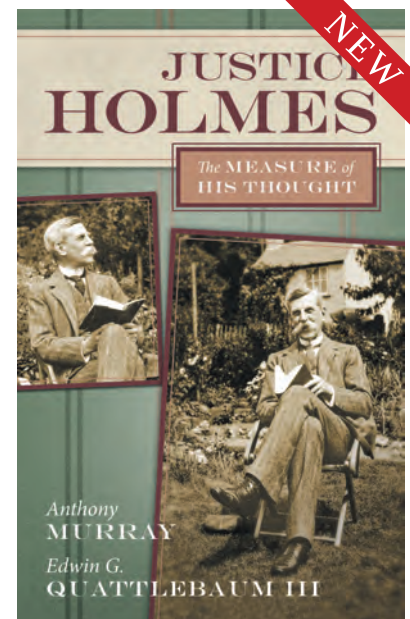
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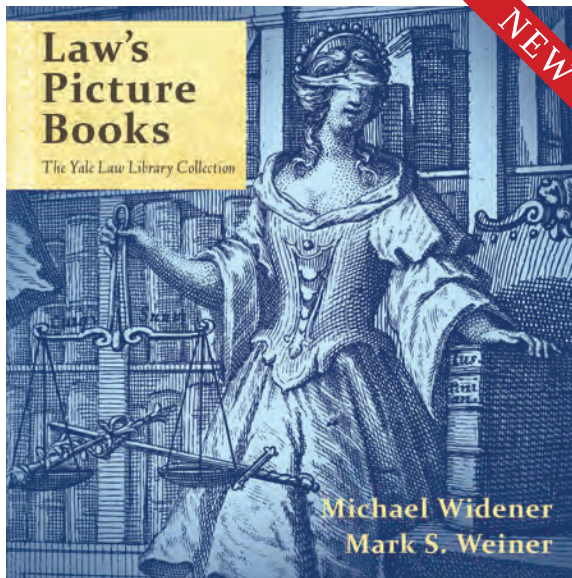
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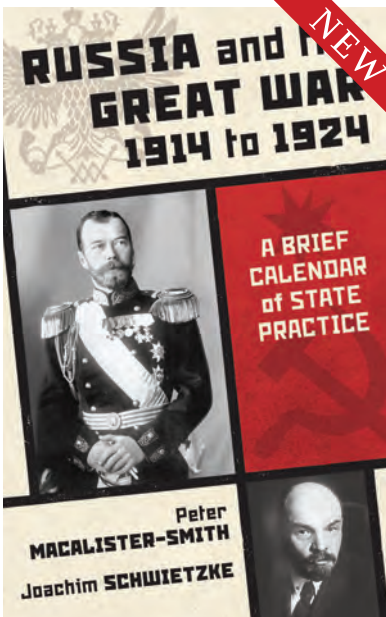
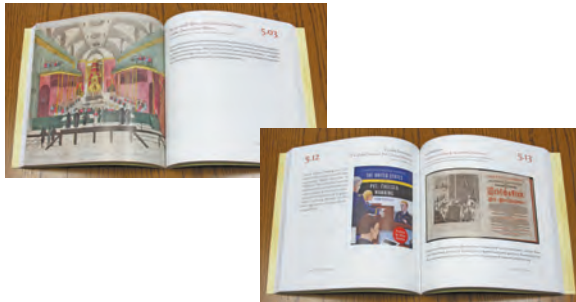
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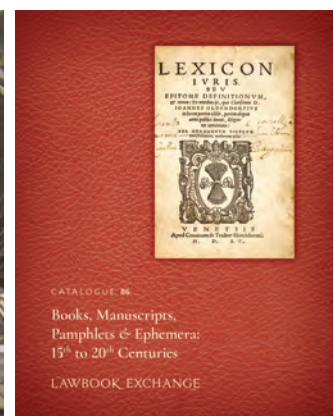
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enūciatua emissa pncipalr pp se. dixit. n. testor
te filiā exheredare. ista se verba emissa prop se q
iducunt dispositōz et subiunxit hoc ideo feci
qz volo te dote pēta eē. Ista ei se vba enūciatua
pp aliud emissa p mōz eē an inducūt dispōez
dicā statim. ¶ Quero an ex istis vbiis qm te con
tentā ex dote eē volui iducat dispōez. qz aut qris
vtrū ex hoc vbi filiā exheredare et gl. inuit q sic ga
dicendo hec vba vtrū eā facē alienā a sua hereditate
te qd ē exheredare. vt. l. iij. C. de li. pte. quā glo. i
tellige q ista vba cū alijs pcedētibz inducunt
exheredationē qz etiā sola vba pcedētia sufficiēt
vt dixi. Ista at sola exheredationē nō inducerent
qz sunt vba enūciatua emissa pp aliud. et sic nō
sufficerēt ad exheredationē cū nō inducerent nec
sufficerēt ad instōnē. vt. b. l. ex facto. Scōo est
videndūz an inducūt dispōnē quo ad dotē. qz
ista vba enūciatua emissa p mōz eē non indu
cūt dispōnē qm ad ius dñij. vt. l. emptor. §. si.
s. de rei vendi. l. qm ad ac. psonalē et etiā exc.
inducunt dispōnē. vt. j. de do. exd. l. si. §. si. et j.
s. col. do. l. penul. nō. s. lo. ma. l. si focer. §. luer.
et ibi dixi. Bartolus.

Tempus. ¶ Pot quis insti
tui in ipso quo
capere poterit hoc dicit. ¶ Op. de. l. si
alienū. §. i. s. e. lo. ibi fuit institutus simplr b ad
incertū diē. ¶ Op. de. l. hereditas s. e. lo. ibi fuit
dies certus hic incertus. rōnē dixi ibi. ¶ Op.
j. de re. cato. in. l. i. lo. glo. hic testator voluit re
gulā illā habē locū qd appet qz instituit in die
icerta et testator pōt phibē regulā catho. vt. nō.
s. eo. l. pōt quis et hic. Bar.

Quotiens. ¶ Ciciatur institutio ppter
incertitudinē psonē. b. d.

Eredes. ¶ Portio pñcti defi
ciens accrescit coniūc
tis disianctim omnibus hoc dicit.

Eius. ¶ Pot institui frus eius q
post mortē testatoris nasce
tur hoc dicit. ¶ Op. posthumus alienus
nō pōt institui fm ista ipa ut insti. de bo. poss. i
prin. et qd nō. in. l. gallus in prin. et in. §. ille cā.
s. de libe. et po. ergo nec frus posthūi. vt. s. e. l.
i. s. e. sol. intellige de seruo illius posthūi qui
pōt institui ex pñsione galli legis velle. et l. in
lia. vel dicas l. nō possit institui posthumus ali
enus: tamen potest institui seruus eius scōz ea
q dixi i fili l. i. fu. a. de acq. heredi.

Ereditas. ¶ Nō vtrū eū insti
tue quez legando
grauauit. b. d. ¶ Querit Dy. pone
q testator dixit cōmūg tali abbati vt det centūz
fratribz pñicatoribz q p hoc abbas nō vtrū
institutus. vt. hac. l. fm Dy. Sz pone q testatō
iussu bona sua distribui inter paupes xpi p tici
um: an p hoc ticius vtrū institutus. qz ex istis ver
bis pprie loquendo nō vtrū heres institutus ille
executor ut hic l. i. habet loco hēdis vt agat et ut
pueniatur actōibz hereditarijs. vt. l. si qz ad

declinandā. C. de epis. et de. sed ibi loquitur in
executore legitimo. vt. l. nulli eo. ti. et hoc etz ros.
in ti. de ac. ex testō et spe. in ti. de instru. edi. §. nē
aliqua. Inno. et alij moderni canoniste in. c. cū
tibi extra de testa. Ego dixi in questione quam
disputauit que incipit filium institui.

Ita quis. ¶ Coniunctus re
bis tm ad portionē vacantē parit ad
mittunt. b. d. ¶ Querit q ē ratio h. l. rñdeo ti
cius ē institutus in solidum in vna oratione vn
de aliquis institutus ē re coniunctus gal. et me
uius ex equis partibus instituti sunt iuicem cō
iuncti verbis tm quia positi in vna oratione cō
iuncti re non sunt coniuncti iuicem. ppter diui
sionem portionū quia dixit equis partibus: ut
l. re coniuncti. j. de le. iij. sed primo instituti sūt
re coniuncti. Restat qz quātum ad istam cuius
portio deficit sunt duo quorum vnus est coniū
ctus re tantum alter verbis tantum. et sic statuit
qz pariter admittūt. et sic ē casus illius questōis
difficilis que ponitur in. l. re coniuncti. j. de le.
iij. in glo. ¶ Querit quid vult dicere tex. in fi.
non tam cōiūxisse qz celeriter dixisse videbat.
Rñdeo obmissis expositionibus glo. qd vult
dicere non tam coniūxisse. s. videtur eos reali
ter dico fo institutos quia non sunt re coniūcti
qz celeriter dixisse. i. in una oratione eos posui
se propter qd sunt verbis tm coniuncti.

Ita scriptus. ¶ Instō plē
or pñctualit
hoc dicit. ¶ Op. i. de condi. et dñō.
l. nam ad ea. lo. ibi in legato hic in hereditate:
vt dicit glo. in. l. si te solum s. eo.

Quis semproum

Institutio non potest conferri in alte
rius voluntatem expressam sed relata sic hoc
dicit. Ratio huius ē quia quando exprimitur
relativum non exprimitur per eum modū p quē
tacite inest. nam si dicit instituo te si ticius volu
erit confertur in liberam voluntatem tici quia
forte non poterat ascendere. Idem si dicat si ca
pitulum non ascenderit quia forte necesse ha
bet ascendere propter alia facta sua. Item in se
cundo casu huius. l. illa conditio si hereditas a
dita fuerit exprimitur per alium modum qz ta
cite insit: ut dixi in. l. si pepererit. §. filius s. de
libe. et posthu. plenius in. l. hec verba. j. de le. i.

Orndius. ¶ Expressio eorum
que tacite insunt
nihil operatur si exprimentur prout
insunt. secus si alio modo hoc dicit. ¶ Nota
ex fine legis qz per ista verba si uolet testator fa
cit de necessario uoluntarium simile in. l. i. az du
bitari infra eodem. facit ad id quod dixi qz sub
stitutio vulgaris facit de necessario uoluntariū
ut nota. in. l. pap. §. de quarta de inoffi. testa. et
in. l. si filius heres de libe. et posthu. et l. iulianus
si quis obmis. cau. testa.



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