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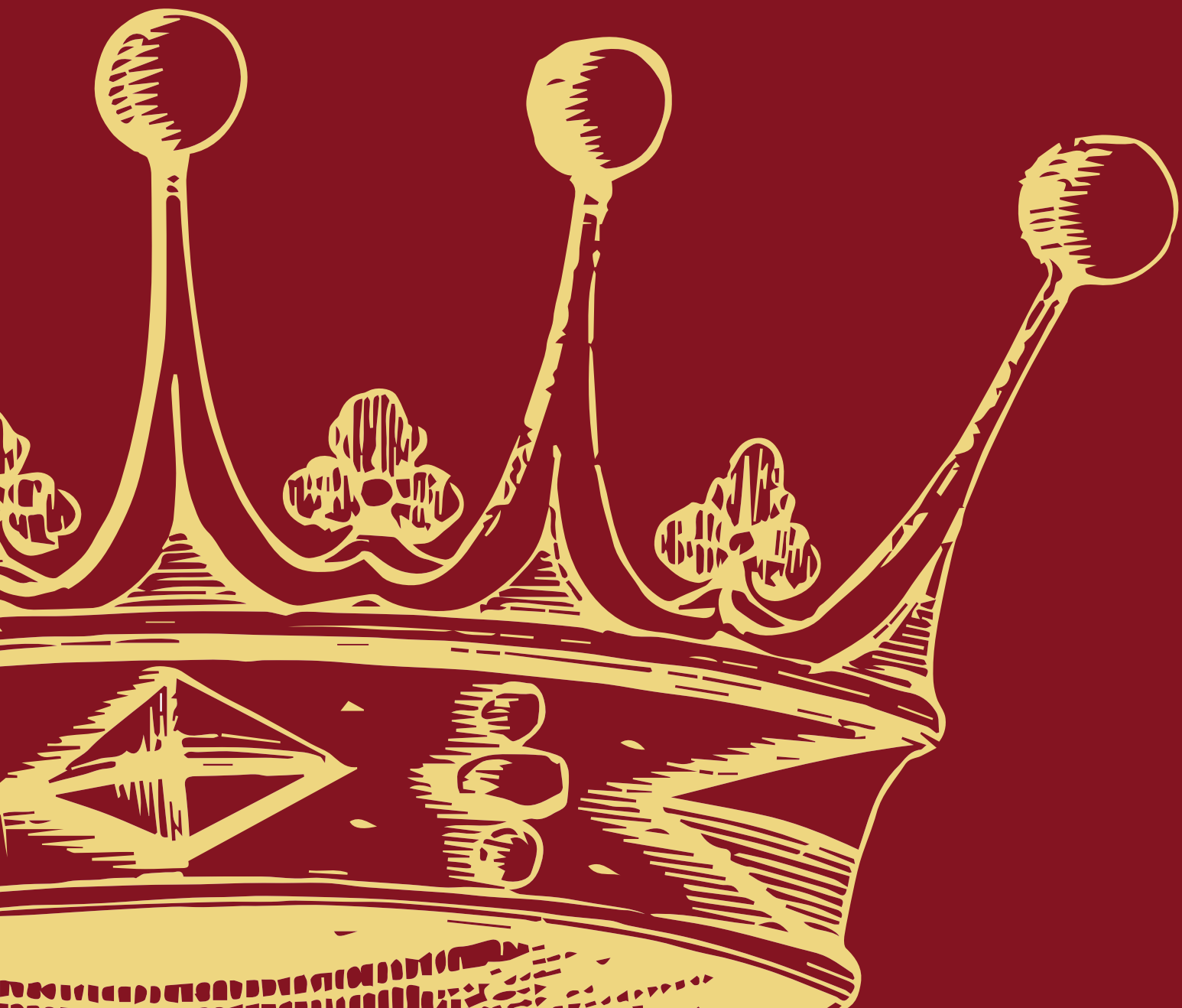

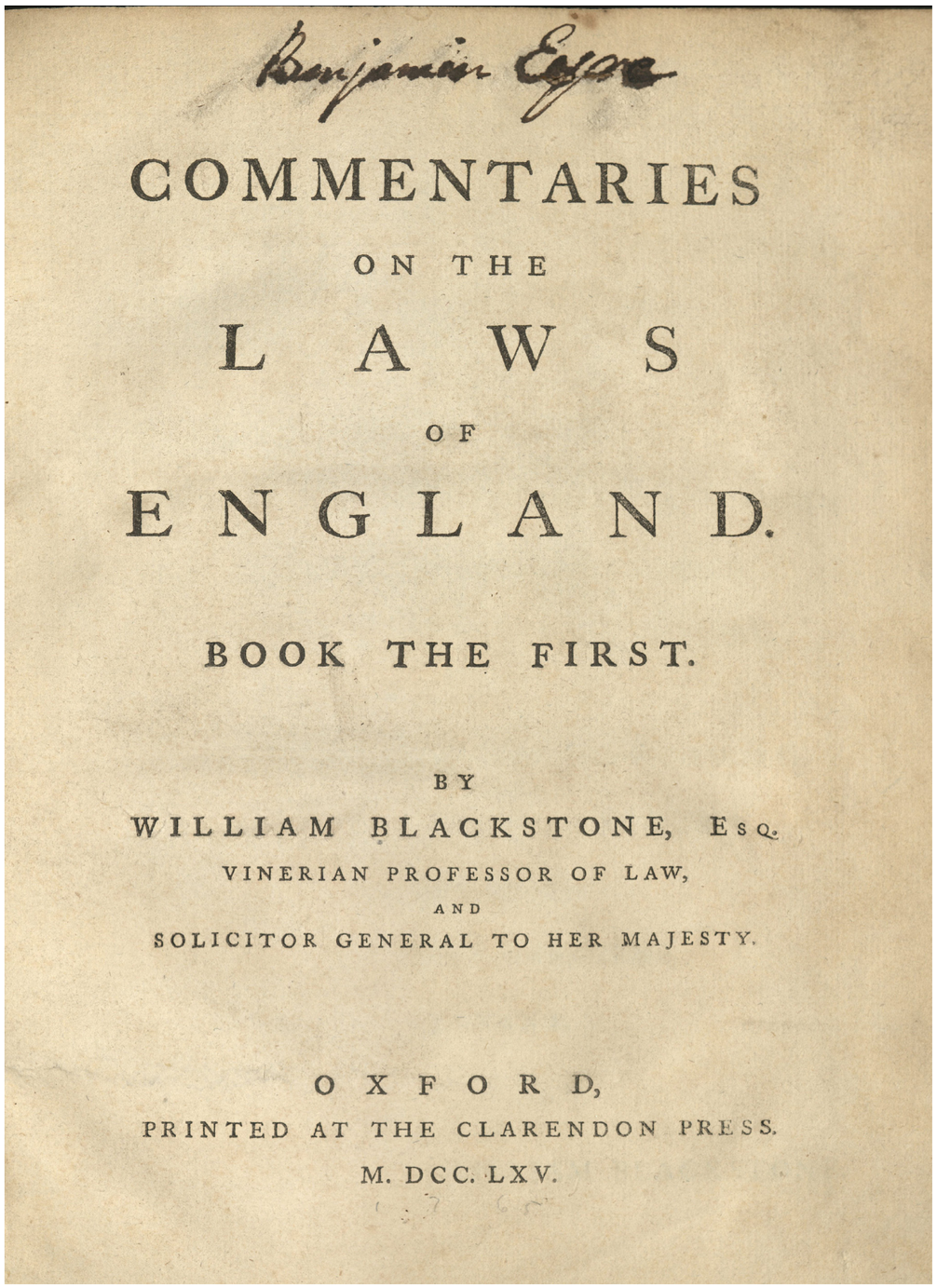
Benjamin Eyre

COMMENTARIES

ON THE

LAWS

OF

ENGLAND.

BOOK THE FIRST.

BY

WILLIAM BLACKSTONE, Esq.

VINERIAN PROFESSOR OF LAW,

AND

SOLICITOR GENERAL TO HER MAJESTY.

OXFORD,

PRINTED AT THE CLARENDON PRESS.

M. DCC. LXV.

William Blackstone, *Commentaries on the Laws of England.*
Item no. 66.

JEWELS OF THE COLLECTION

TREASURES OF THE
RIESENFELD RARE BOOKS
RESEARCH CENTER

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Acknowledgments

It is a pleasure and a privilege to share a few of the highlights from the special collections of the University of Minnesota Law Library. These rare books and archives, located in the Law Library's Stefan A. Riesenfeld Rare Books Research Center, are a world-class treasure matched by few other historical legal collections.

We would like to express our deepest appreciation to Dean Garry W. Jenkins for his strong and continued support of the Law Library. We would also like to express our sincere gratitude to Associate Dean Joan S. Howland, who has provided wise counsel and assistance in the process of creating this conspectus. Her support over the years has been a beacon for the Riesenfeld Center and for us. This work was a collaborative effort that could not have been completed without the editorial skills and guidance of our colleagues Michael Hannon, Connie Lenz, and Sarah Yates.

Ryan Greenwood, Curator of Rare Books and Special Collections
Patrick Graybill, Digital Technology Specialist

Introduction

The University of Minnesota Law Library holds one of the preeminent collections of rare and historical legal literature in the United States. The Arthur C. Pulling Rare Books Collection, housed in the Stefan A. Riesenfeld Rare Books Research Center, showcases the depth of the legal heritage preserved by the Law Library. The Pulling Collection represents more than 35,000 volumes printed across six continents between the fifteenth century and today. The Riesenfeld Center also contains the Law School archives, including publications and photographs, as well as historical documents and manuscripts. The Center's collections, unique resources for the study of law and history, are utilized by students and scholars throughout the world.

The Pulling Collection is named for the Law Library's first director, Arthur C. Pulling (1887–1963). As a young man hired away from Harvard Law School, Pulling built one of the premier research facilities in the nation at the University of Minnesota, adding more than one hundred thousand volumes to the Law Library between 1912 and 1942. Significantly, Pulling also acquired an extensive body of rare legal literature that had outstanding research value. He developed a preeminent collection of historical Anglo-American law and made important acquisitions in rare foreign and international law, Native American law, and Roman and canon law. By 1942, when Arthur Pulling returned to Harvard, the rare books collection was the jewel in the Law Library's crown.

Under the supervision of succeeding directors, the rare books collection and archives have been further enhanced. In 2004, the Law Library passed the significant milestone of one million volumes under the leadership of Joan S. Howland, the Roger F. Noreen Professor of Law and Associate Dean for Information and Technology. The millionth volume was fittingly celebrated with a cornerstone addition to the Law Library and Riesenfeld Center: the acquisition of a previously undiscovered trove, comprising hundreds of manuscript letters to and from America's greatest trial attorney, Clarence Darrow (1857–1938). By casting new light on Darrow's trials, clients, life, and personal relationships, the letters have opened important new avenues for scholarly research and have underscored the exceptional character of the Library's special collections.

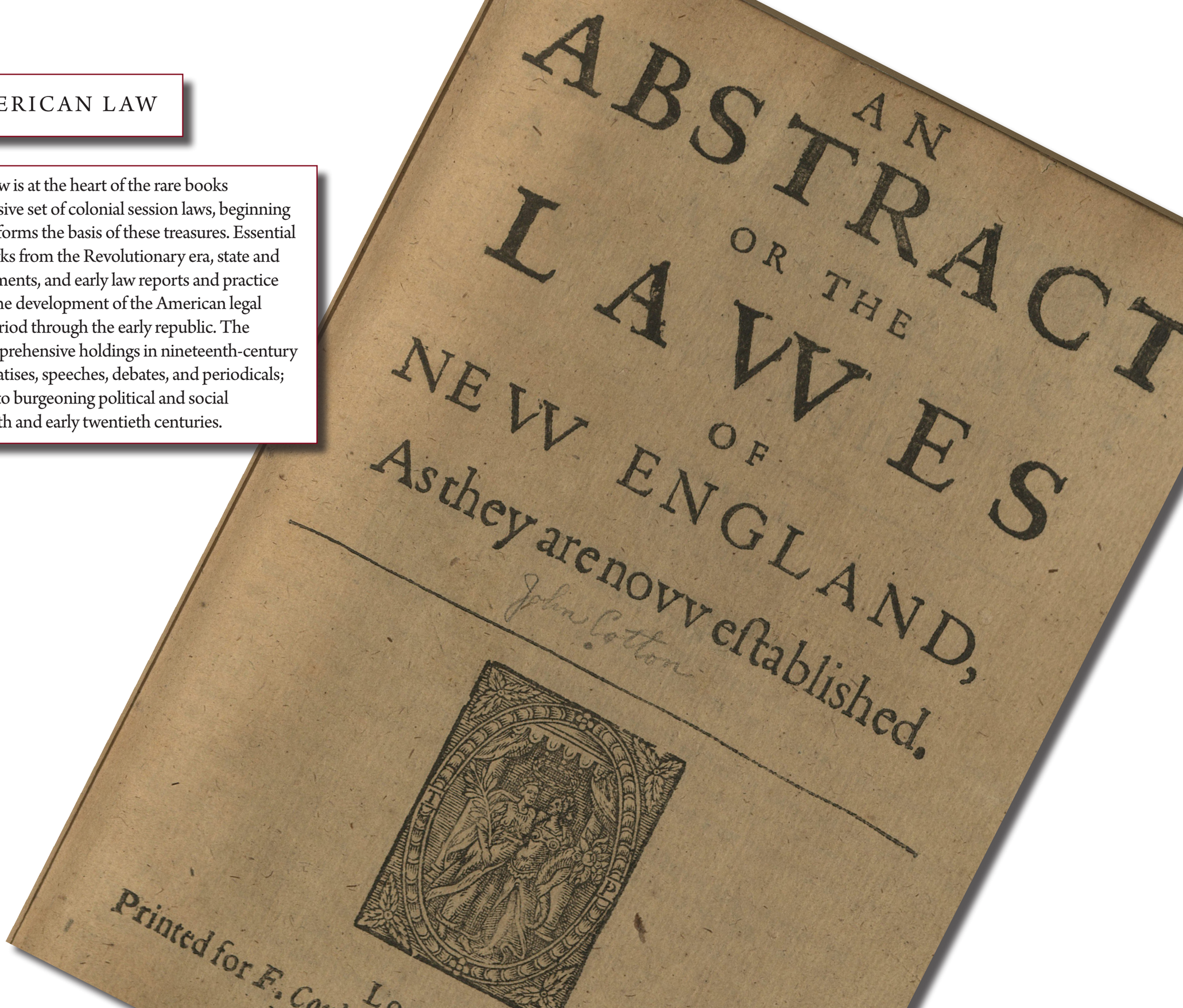
The Riesenfeld Center features several smaller collections of note, including works on anti-slavery movements, law-related fiction and satire, colonial South Asian law, and Russian imperial law. In addition, the Center holds the extensive personal library of Hermann Kantorowicz (1877–1940), one of the outstanding legal scholars of the twentieth century. The judicial papers of several influential federal judges have recently strengthened the archives. The Center's collections continue to be developed today through careful selections that complement existing and emerging strengths. Maintained in the Riesenfeld Center's modern facility, completed under the guidance of Dean E. Thomas Sullivan in 2001, the research material is well-situated for preservation and access within Walter F. Mondale Hall.

This conspectus highlights the diverse strengths of the Law Library and introduces the treasures found within the Riesenfeld Center. One hundred items of special rarity, interest, and historical value have been included in the following pages. Some of these have been selected as important contributions to law and history, or as landmark "firsts" of legal literature. Others are notable for their associations with famous authors and owners, or because they stand as unique artifacts and works of art. Section introductions and descriptions place the works in their historical contexts and indicate their enduring value. The items reflect a historical legal legacy that is both national and global in its scope.

We invite readers to browse through this conspectus to learn more about the richness of the Law Library's collections.

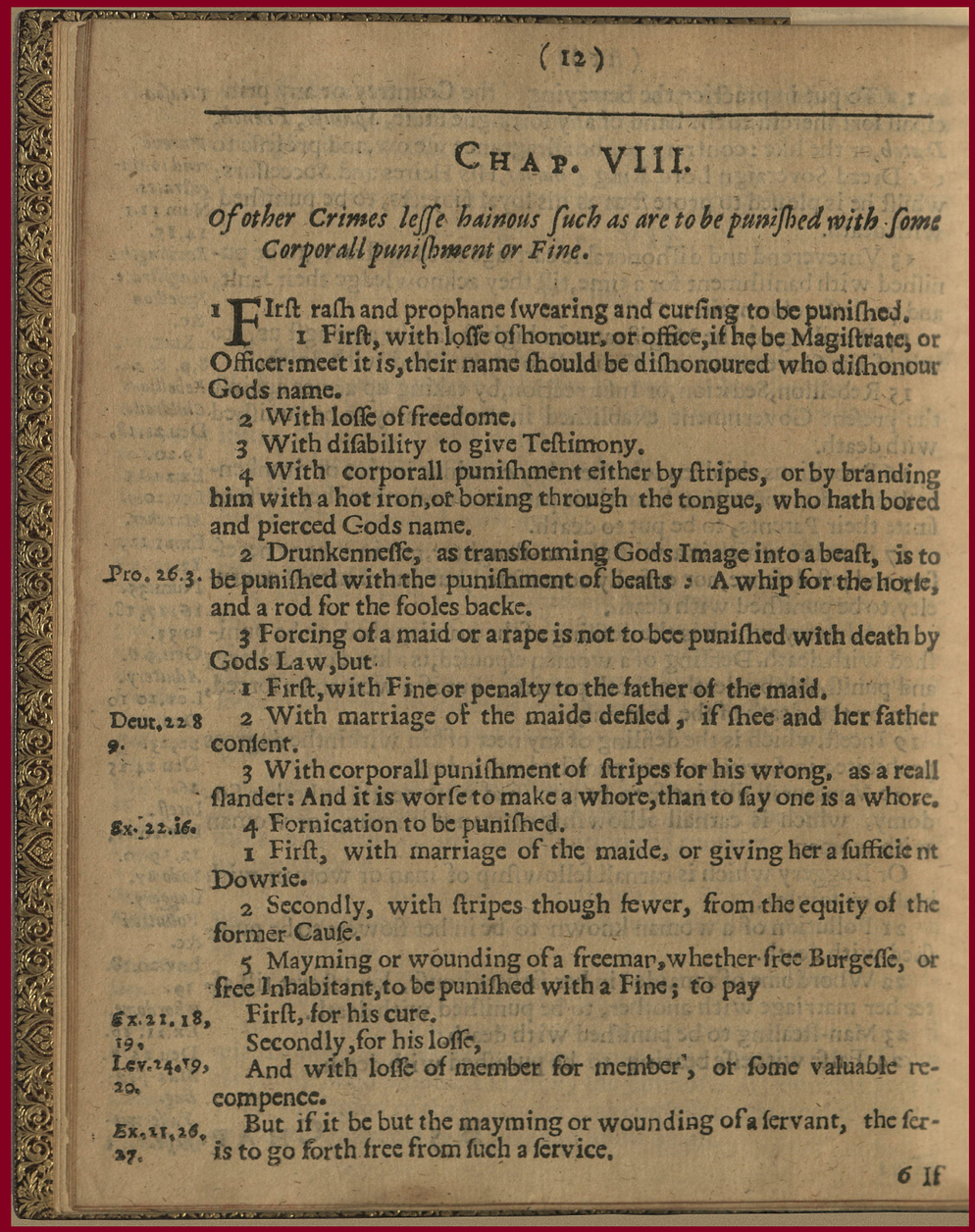
AMERICAN LAW

Historical American law is at the heart of the rare books collection. An extensive set of colonial session laws, beginning in the seventeenth century, forms the basis of these treasures. Essential pamphlets and political works from the Revolutionary era, state and federal constitutional documents, and early law reports and practice guides, substantially chart the development of the American legal system from the colonial period through the early republic. The collection also features comprehensive holdings in nineteenth-century American law, including treatises, speeches, debates, and periodicals; and contains works related to burgeoning political and social movements of the nineteenth and early twentieth centuries.



1 John Cotton. *An Abstract or the Lawes of New England*. London: Printed for F. Coules, and W. Ley at Paules Chain, 1641.

An Abstract or the Lawes of New England is a rare treasure and the earliest book of American law in the collection. Puritan minister John Cotton (1585–1652) immigrated in 1633 to Boston, where he became a leading divine. Cotton was soon asked to draw up a framework of laws, based on Biblical precepts, for approval by the General Court of the Massachusetts Bay Colony. Though never formally adopted (despite the printed title), the work had influence in Massachusetts and in the New Haven Colony. The Library's copy of the *Abstract* features an elegant brown morocco binding by the renowned English binder, Robert Riviere (1808–1882).



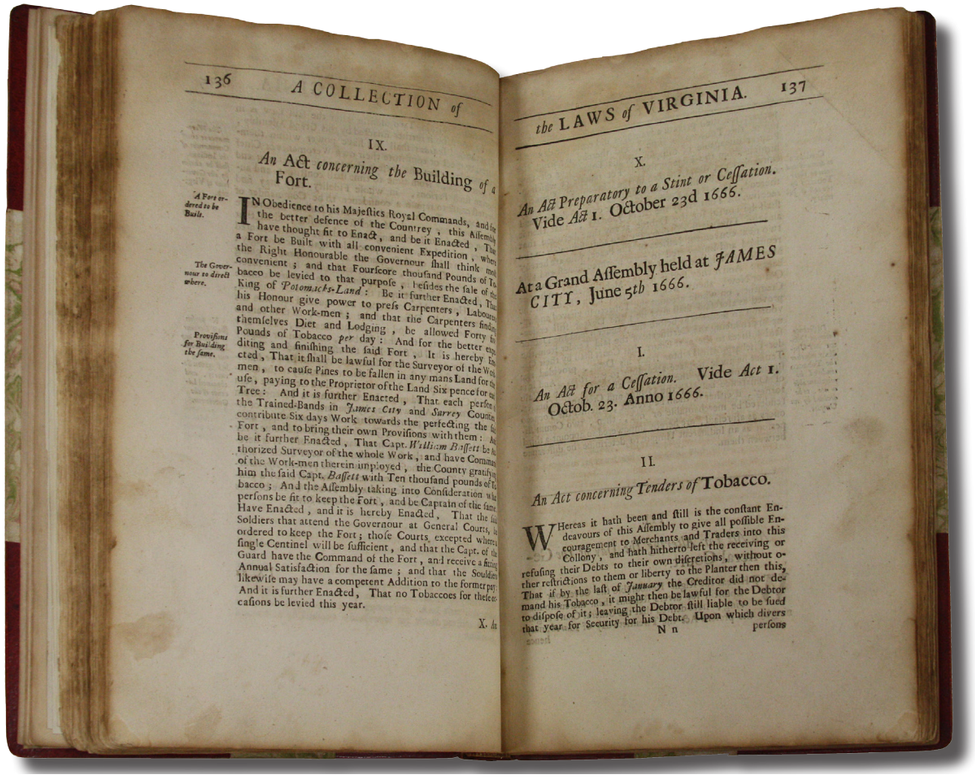
(12)

CHAP. VIII.

Of other Crimes leſſe hainous ſuch as are to be puniſhed with ſome Corporall puniſhment or Fine.

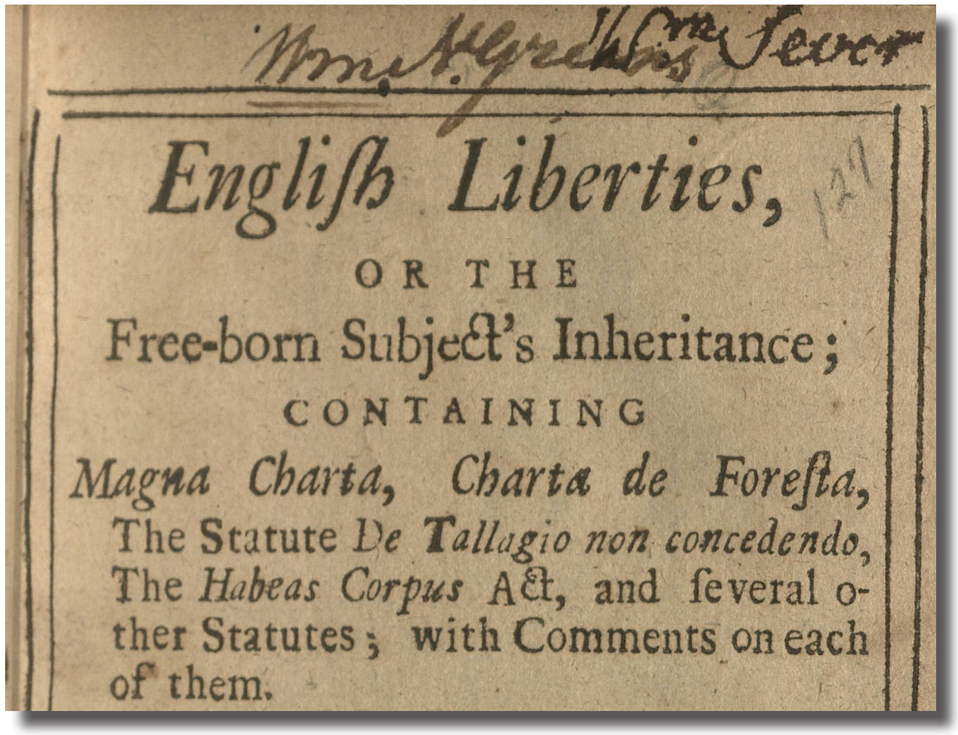
1 FIrſt raſh and prophane ſwearing and curſing to be puniſhed.
1 Firſt, with loſſe of honour, or office, if he be Magiſtrate, or Officer: meet it is, their name ſhould be diſhonoured who diſhonour Gods name.
2 With loſſe of freedome.
3 With diſability to give Teſtimony.
4 With corporall puniſhment either by ſtripes, or by branding him with a hot iron, or boring through the tongue, who hath bored and pierced Gods name.
2 Drunkenneſſe, as transforming Gods Image into a beaſt, is to Pro. 26.3. be puniſhed with the puniſhment of beaſts: A whip for the horſe, and a rod for the fooles backe.
3 Forcing of a maid or a rape is not to bee puniſhed with death by Gods Law, but
1 Firſt, with Fine or penalty to the father of the maid.
Deut. 22 8 9. 2 With marriage of the maide defiled, if ſhee and her father conſent.
3 With corporall puniſhment of ſtripes for his wrong, as a reall ſlander: And it is worſe to make a whore, than to ſay one is a whore.
Ex. 22.16. 4 Fornication to be puniſhed.
1 Firſt, with marriage of the maide, or giving her a ſufficient Dowrie.
2 Secondly, with ſtripes though fewer, from the equity of the former Cauſe.
5 Mayming or wounding of a freeman, whether free Burgeſſe, or free Inhabitant, to be puniſhed with a Fine; to pay
Ex. 21. 18, 19. Firſt, for his cure.
Secondly, for his loſſe,
Lev. 24. 19, 20. And with loſſe of member for member, or ſome valuable recompence.
Ex. 21. 26, 27. But if it be but the mayming or wounding of a ſervant, the ſer- is to go forth free from ſuch a ſervice.

6 If



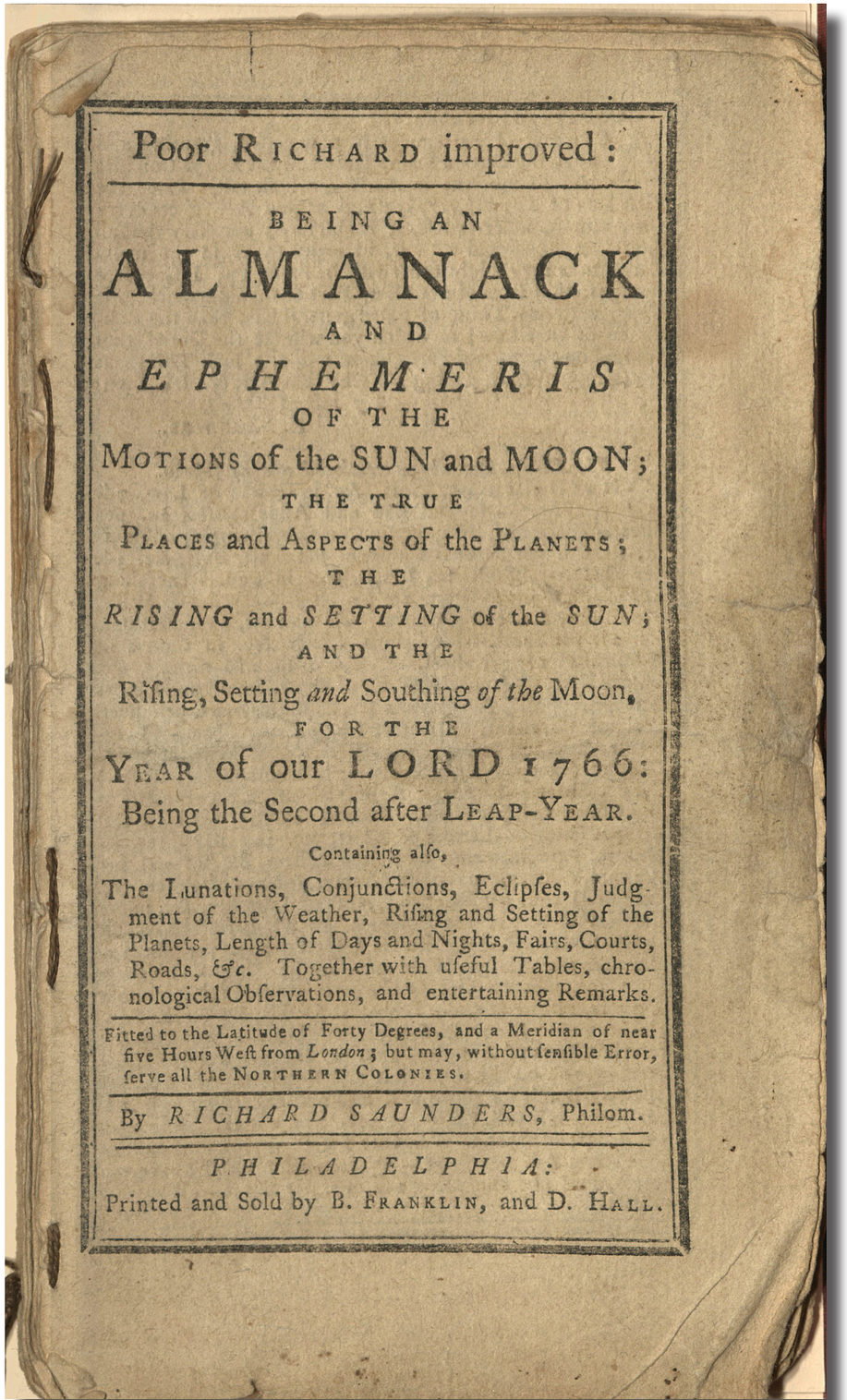
2 John Purvis. *A Complete Collection of All the Laws of Virginia Now in Force*. London: Printed by T. J. for J. P. and Are to Be Sold by Tho. Mercer at the Sign of the Half Moon the Corner Shop of the Royal-Exchange in Cornhil, [ca. 1684].

Early statute collections, of which this Virginia collection is an important example, offer remarkable insight into the development of the colonies. The laws touch on almost every aspect of colonial American life, including government, courts, and the economy. The statutes also deal with religious strictures, conflict with American Indians, and the institution of slavery. The collection was dedicated to the unpopular Virginia governor Francis Howard (ca. 1643–1694), who limited the legislature's power during his tenure. A manuscript copy of this rare work is held at the Library of Congress among the papers of Thomas Jefferson.



3 Henry Care. *English Liberties, or The Free-Born Subject's Inheritance: Containing Magna Charta, Charta de Foresta ... with Many Law-Cases Throughout the Whole*. 5th ed. Boston: Printed by J. Franklin, for N. Buttolph, B. Eliot, and D. Henchman, and Sold at Their Shops, 1721.

Some books have a symbolic value that is transformed over time. *English Liberties* was first published in London in 1680, motivated in part by anti-Catholic sentiment. The popular work included essential documents of the "English constitution," such as Magna Carta and the Habeas Corpus Act. This first American edition was published by Benjamin Franklin's older brother, James, at a time when the British Parliament considered annulling colonial charters. On the eve of the American Revolution, colonists again reprinted the work, with its guarantees of English rights, to show their opposition to parliamentary taxes and legislation.



Poor RICHARD improved:

BEING AN

ALMANACK

AND

EPHEMERIS

OF THE

MOTIONS of the SUN and MOON;

THE TRUE

PLACES and ASPECTS of the PLANETS;

THE

RISING and *SETTING* of the *SUN*;

AND THE

Rising, Setting *and* Southing *of the* Moon,

FOR THE

YEAR of our LORD 1766:

Being the Second after LEAP-YEAR.

Containing also,

The Lunations, Conjunctions, Eclipses, Judgment of the Weather, Rising and Setting of the Planets, Length of Days and Nights, Fairs, Courts, Roads, &c. Together with useful Tables, chronological Observations, and entertaining Remarks.

Fitted to the Latitude of Forty Degrees, and a Meridian of near five Hours West from *London*; but may, without sensible Error, serve all the NORTHERN COLONIES.

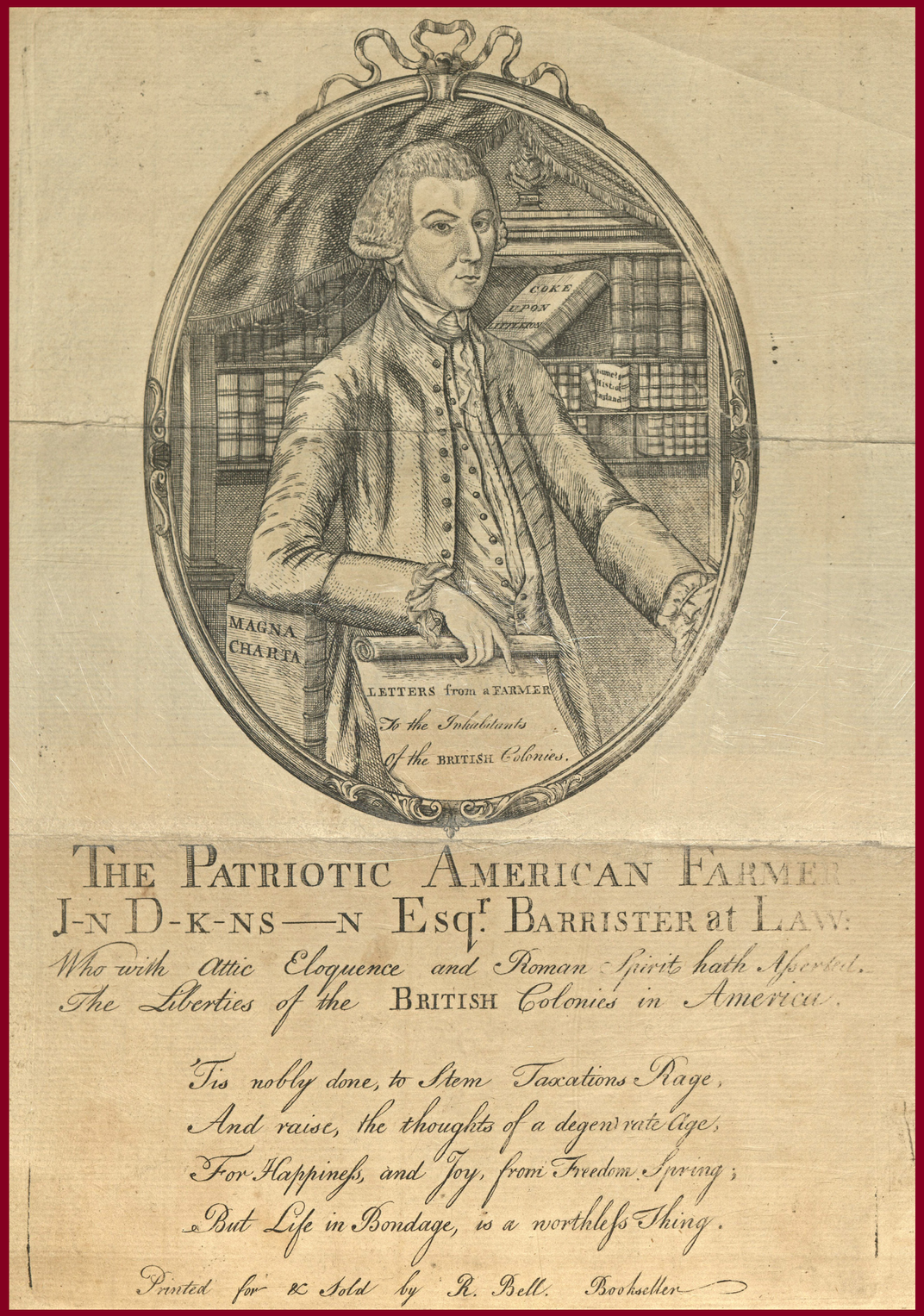
By *RICHARD SAUNDERS*, Philom.

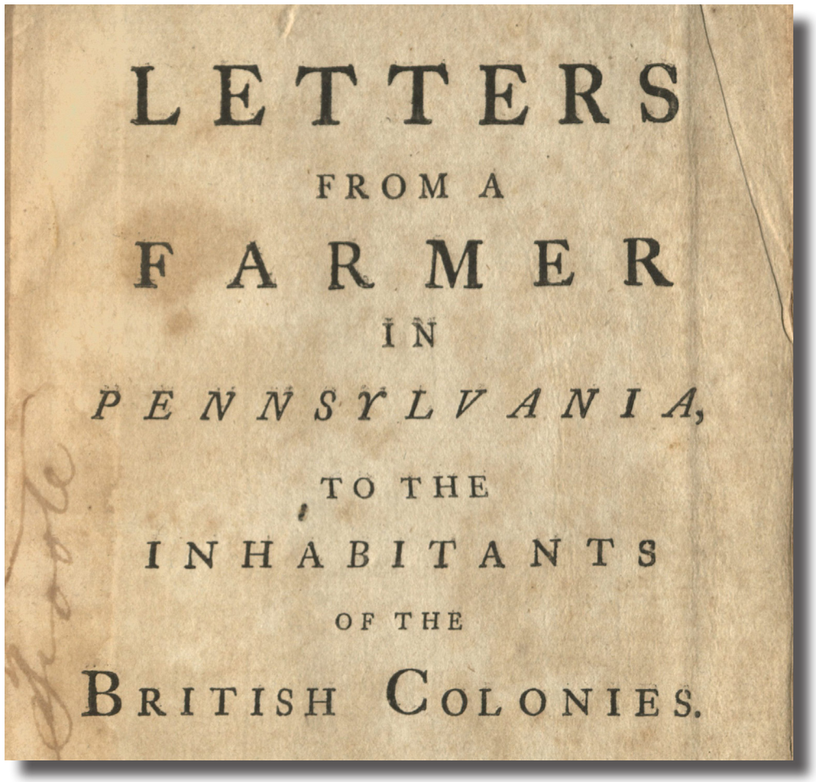
PHILADELPHIA:

Printed and Sold by B. FRANKLIN, and D. HALL.

4 *Poor Richard Improved: Being an Almanack and Ephemeris ... for the Year of Our Lord 1766.* Philadelphia: Printed and Sold by B. Franklin, and D. Hall, 1765.

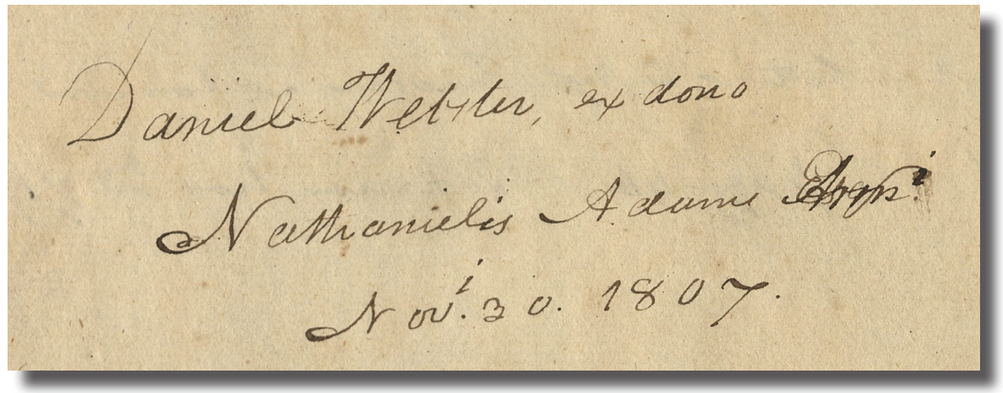
No almanac was more popular in the colonies than *Poor Richard's*, which made Benjamin Franklin (1706–1790) a successful Philadelphia printer. With details on astrology, astronomy, agriculture, and colonial affairs, together with Franklin's witty advice, the almanac appealed to a wide audience, selling thousands of copies annually. These compact almanacs are ephemeral works that are today scarce. This edition is remarkable for its inclusion of the new Stamp Act (1765), which kindled many colonists' ire. Franklin, after hearing of colonial opposition while resident in London, made a speech before Parliament in early 1766 against the law, which was repealed soon after.




LETTERS
FROM A
FARMER
IN
PENNSYLVANIA,
TO THE
INHABITANTS
OF THE
BRITISH COLONIES.

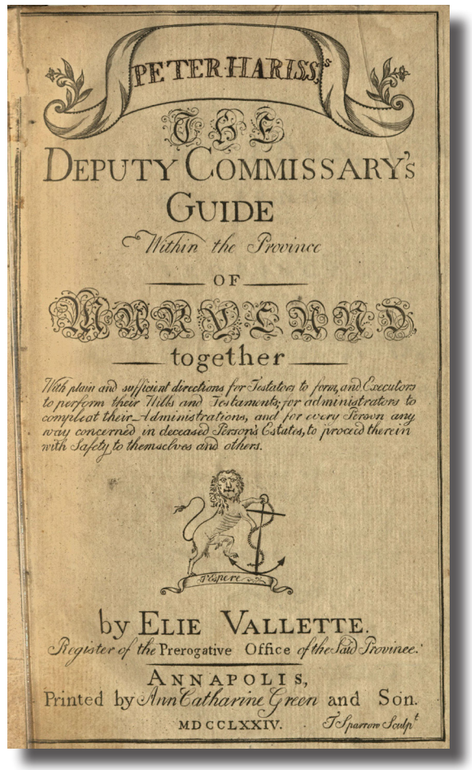
5 John Dickinson. *Letters from a Farmer in Pennsylvania, to the Inhabitants of the British Colonies*. Philadelphia: Printed by William and Thomas Bradford, at the London Coffee-House, 1769.

The scion of a wealthy Maryland family, John Dickinson (1732–1808) completed his legal education in London at the Inns of Court. Dubbed the "Penman of the Revolution," he drafted colonial petitions to Britain before the war and wrote a draft of the Articles of Confederation (1777). *Letters from a Farmer in Pennsylvania*, one of the most influential colonial pamphlets, outlined Dickinson's opposition to the Townshend Acts (1767). The work's finely-engraved, fold-out frontispiece shows the author with Magna Carta at his elbow and Edward Coke's commentary on Littleton's *Tenures* nearby on a shelf. Wealthy colonists considered both works to be symbols of their English rights and law.



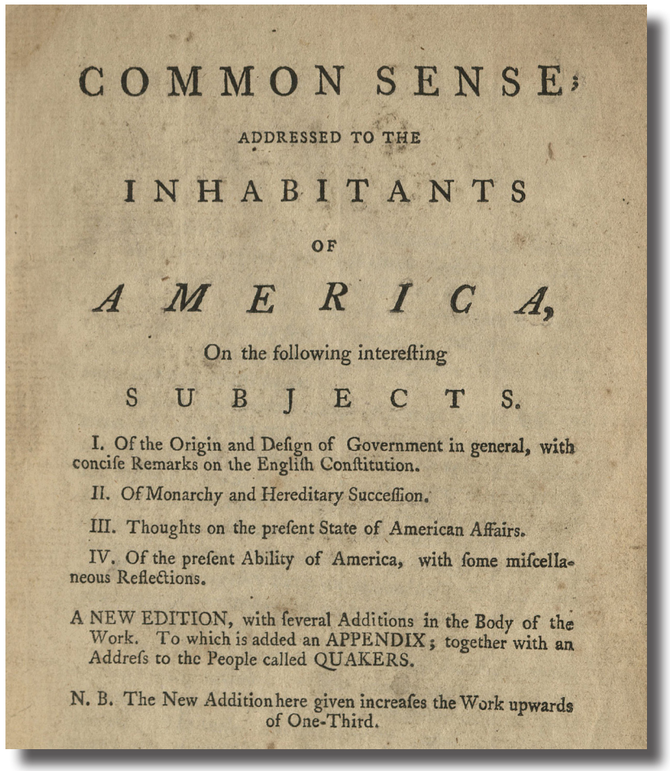
6 *Acts and Laws of His Majesty's Province of New-Hampshire in New-England.* Portsmouth: Printed by Daniel and Robert Fowle, and Sold at their Office near the State-House, 1771.

Famed orator, flawed politician, and influential statesman Daniel Webster (1782–1852) owned this colonial New Hampshire statute book as a young lawyer. He received it as a gift in 1807, the year after he moved to Portsmouth, the state's first capital. The donor, Nathaniel Adams (1756–1829), served as a clerk of the state's superior court, wrote a history of Portsmouth, and headed its member library. A man of books, Adams retired as a justice of the peace not long before gifting this volume. Webster honed his legal skills in Portsmouth in the next decade, taking over a thousand cases before launching himself as a national political figure.



7 Elie Vallette. *The Deputy Commissary's Guide within the Province of Maryland: Together with Plain and Sufficient Directions for Testators to Form, and Executors to Perform Their Wills and Testaments* ... Annapolis: Printed by Ann Catharine Green and Son, 1774.

Women were significant figures in early American printing. The first colonial publisher, Elizabeth Glover, oversaw the printing of the historic *Bay Psalm Book* (1640). Mary Katharine Goddard undertook the second printing of the Declaration of Independence, and the first to include its signatories. Anne Catharine Green (ca. 1720–1775), like Goddard a printer in Maryland, published newspapers and books with her husband and later with her children. *The Deputy Commissary's Guide*, the first colonial work on wills and estates, features the only engraved title page from colonial Maryland.



COMMON SENSE;

ADDRESSED TO THE

INHABITANTS

OF

AMERICA,

On the following intereſting

SUBJECTS.

I. Of the Origin and Deſign of Government in general, with conciſe Remarks on the Engliſh Conſtitution.

II. Of Monarchy and Hereditary Succeſſion.

III. Thoughts on the preſent State of American Affairs.

IV. Of the preſent Ability of America, with ſome miſcellaneous Reflections.

A NEW EDITION, with ſeveral Additions in the Body of the Work. To which is added an APPENDIX; together with an Addreſs to the People called QUAKERS.

N. B. The New Addition here given increaſes the Work upwards of One-Third.

8 Thomas Paine. *Common Sense: Addressed to the Inhabitants of America* ... London: Re-printed for J. Almon, opposite Burlington-House in Piccadilly, 1776.

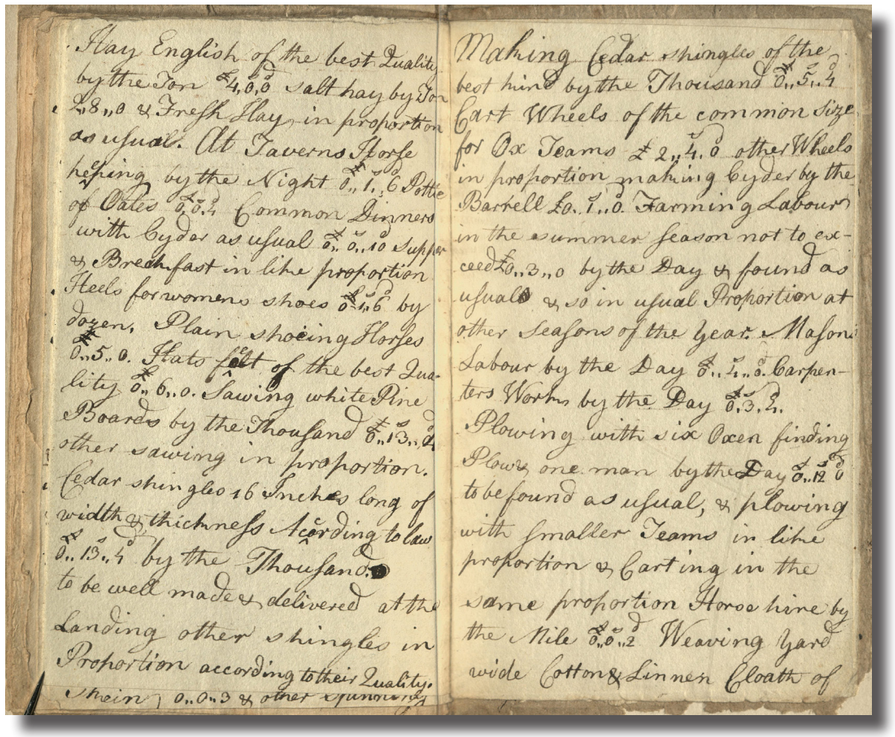
Thomas Paine's immortal pamphlet mobilized support for the American Revolution like no other writing, selling several hundred thousand copies in America and Europe in its first year. Paine rejected monarchy and nobility entirely, calling for independence, a republic, and a national constitution for the new states. In June of 1776, five months after its American debut, controversial British printer John Almon published the first London edition of *Common Sense* with expurgations to avoid charges of seditious libel against the king. The textual hiatuses make a stark visual impact and indicate Paine's most direct barbs. A copy of the second American edition of *Common Sense*, published in February 1776, is also in the collection.

ſwer, that England being the king's reſidence, and America not ſo, makes quite another caſe. The king's negative *here* is ten times more dangerous than it can be in England, for *there* he will ſcarcely refuſe his conſent to a bill for putting England into as ſtrong a ſtate of defence as poſſible, and in America he would never ſuffer ſuch a bill to be paſſed.

America is only a ſecondary object in the ſyſtem of Britiſh politics, England conſults the good of this country, no farther than it anſwers her own purpoſe. Wherefore her own intereſt leads her to ſuppreſs the growth of *ours* in every caſe which doth not promote her advantage, or in the leaſt interfere with it. A pretty ſtate we ſhould ſoon be in under ſuch a ſecond-hand government, conſidering what has happened! Men do not change from enemies to friends by the alteration of a name: and in order to ſhew that reconciliation *now* is a dangerous doctrine, I affirm, *that it would be policy at this time to repeal the acts for the ſake of re-inſtating the government of the provinces*; in order,

Secondly, That as even the beſt terms which we can expect to obtain, can amount to no more than a temporary expedient, or a kind of government by guardianſhip, which can laſt no longer than 'till the colonies come of age, ſo the general face and ſtate of things in the interim, will be unſettled and unpromiſing. Emigrants of property will not chooſe to come to a country whoſe form of government hangs but by a thread, and who is every day tottering on the brink of commotion and diſturbance; and numbers of the preſent inhabitants would lay hold of the interval, to diſpoſe of their effects, and quit the continent.

But the moſt powerful of all arguments, is, that nothing but independance, i. e. a continental form of government, can keep the peace of the continent and preſerve it inviolate from civil wars. I dread the event of a reconciliation with Britain now, as it is more than probable, that it will be followed by a revolt ſomewhere or other, the conſequences of which may be far more fatal than all the malice of Britain.

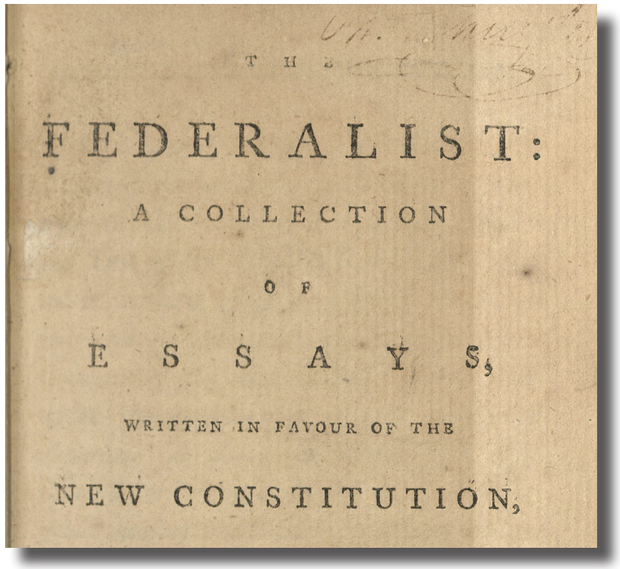

Hay English of the best Quality by the Ton £4.0.0 Salt hay by Do £8,,0 & Fresh Hay in proportion as usual. At Taverns Horse keeping by the Night 0,,1,,6 Bottle of Oales 0,,0,,4 Common Dinners with Cyder as usual 0,,0,,10 Supper & Breakfast in like proportion Heels for womens shoes 0,,1,,6 by dozen. Plain shoeing Horses 0,,5,,0. Plate fitt of the best Quality 0,,6,,0. Sawing white Pine Boards by the Thousand 0,,13,,4 other sawing in proportion. Cedar shingles 16 Inches long of width & thickness According to law 0,,13,,4 by the Thousand to be well made & delivered at the Landing other shingles in Proportion according to their Quality. Rhein 0,,0,,2 & other equivocal

Making Cedar shingles of the best hind by the Thousand 0,,5,,4 Cart Wheels of the common size for Ox Teams £2,,4,,0 other Wheels in proportion making Cyder by the Barrell £0,,1,,0 Farming Labour in the summer season not to exceed £0,,3,,0 by the Day & found as usual & so in usual Proportion at other Seasons of the year. Mason Labour by the Day 0,,5,,0. Carpenters Work by the Day 0,,3,,4. Plowing with six Oxen finding Plow & one man by the Day 0,,12,,0 to be found as usual, & plowing with smaller Teams in like proportion & Carting in the same proportion Horse hire by the Mile 0,,0,,2 Weaving yard wide Cotton & Linnen Cloath of

9

In the Year of Our Lord, One Thousand Seven Hundred and Seventy-Seven: An Act to Prevent Monopoly and Oppression. Boston: Printed by B. Edes and Sons, 1777.

During the Revolution, the Massachusetts legislature enacted a law to control prices in the face of unscrupulous selling. In part, the law empowered towns to set prices based on "ancient usage and custom." In this copy of the law, lists of goods and prices have been elegantly written at the back on blank leaves. Listed are prices for goods such as tallow, duck fat, heels for women's shoes, and felt hats, and those for tools and services. It would be little surprise if the unknown writer ran a household. The unique notes open a vivid window onto daily economics in the midst of the Revolutionary War.


THE

FEDERALIST:

A COLLECTION

OF

ESSAYS,

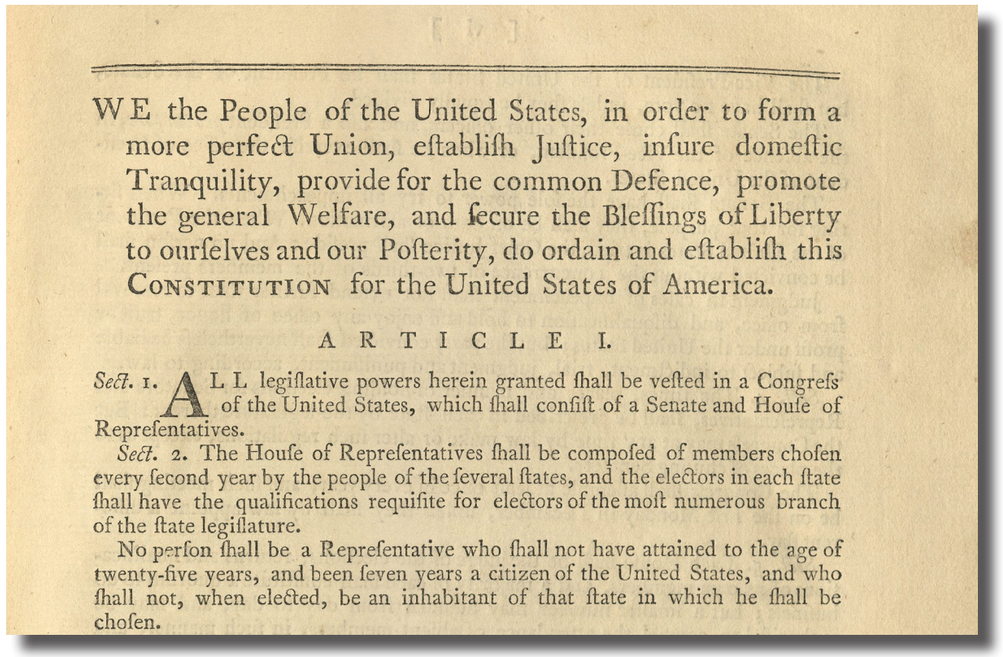
WRITTEN IN FAVOUR OF THE

NEW CONSTITUTION,

10

Alexander Hamilton, James Madison, and John Jay. *The Federalist: A Collection of Essays Written in Favour of the New Constitution, as Agreed upon by the Federal Convention, September 17, 1787*. 2 vols. New-York: Printed and Sold by J. and A. McLean, 1788.

The Federalist, published as articles in several New York state newspapers between October 1787 and April 1788, sought to persuade New York lawmakers to support the new Constitution. Alexander Hamilton (1755–1804) initiated the project and contributed the bulk of the essays. James Madison (1751–1836) added views in favor of minority rights and a system based on checks and balances, while John Jay (1745–1829) addressed the need for a unified federal government. The first edition of collected essays was published in March 1788, without authorial attribution, as new essays were appearing. The second volume was published in May. *The Federalist* remains the centerpiece of early American political theory.



WE the People of the United States, in order to form a more perfect Union, eſtabliſh Juſtice, inſure domeſtic Tranquility, provide for the common Defence, promote the general Welfare, and ſecure the Bleſſings of Liberty to ourſelves and our Poſterity, do ordain and eſtabliſh this CONSTITUTION for the United States of America.

ARTICLE I.

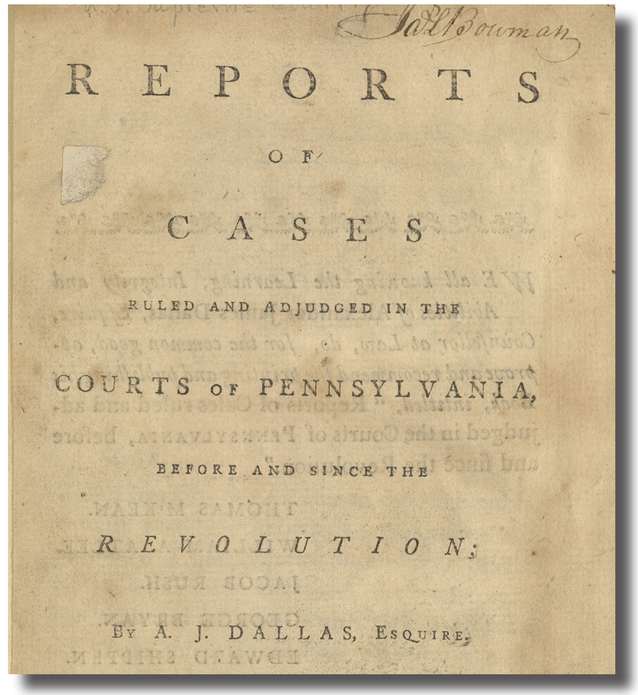
Sect. 1. ALL legiſlative powers herein granted ſhall be veſted in a Congreſs of the United States, which ſhall conſiſt of a Senate and Houſe of Repreſentatives.

Sect. 2. The Houſe of Repreſentatives ſhall be compoſed of members choſen every ſecond year by the people of the ſeveral ſtates, and the electors in each ſtate ſhall have the qualifications requiſite for electors of the moſt numerous branch of the ſtate legiſlature.

No perſon ſhall be a Repreſentative who ſhall not have attained to the age of twenty-five years, and been ſeven years a citizen of the United States, and who ſhall not, when elected, be an inhabitant of that ſtate in which he ſhall be choſen.

11 *Acts Passed at a Congress of the United States of America: Begun and Held at the City of New-York, on Wednesday the Fourth of March, in the Year MDCCLXXXIX ...* New-York: Printed by Francis Childs and John Swaine, Printers to the United States, 1789.

The Constitutional Convention adopted the federal Constitution in 1787. Many delegates were not fully satisfied with the text, and Anti-Federalists demanded a Bill of Rights, following the example of several state constitutions. The issue was addressed at the First United States Congress, where James Madison, who first opposed a Bill of Rights, proposed draft amendments in June 1789. The twelve amendments approved by Congress are found at the end of this printing of the *Acts*. The original first amendment was not ratified by the necessary states and the second amendment, concerning compensation for Congress, only became law in 1992.



REPORTS

OF

CASES

RULED AND ADJUDGED IN THE

COURTS OF PENNSYLVANIA,

BEFORE AND SINCE THE

REVOLUTION;

BY A. J. DALLAS, ESQUIRE.

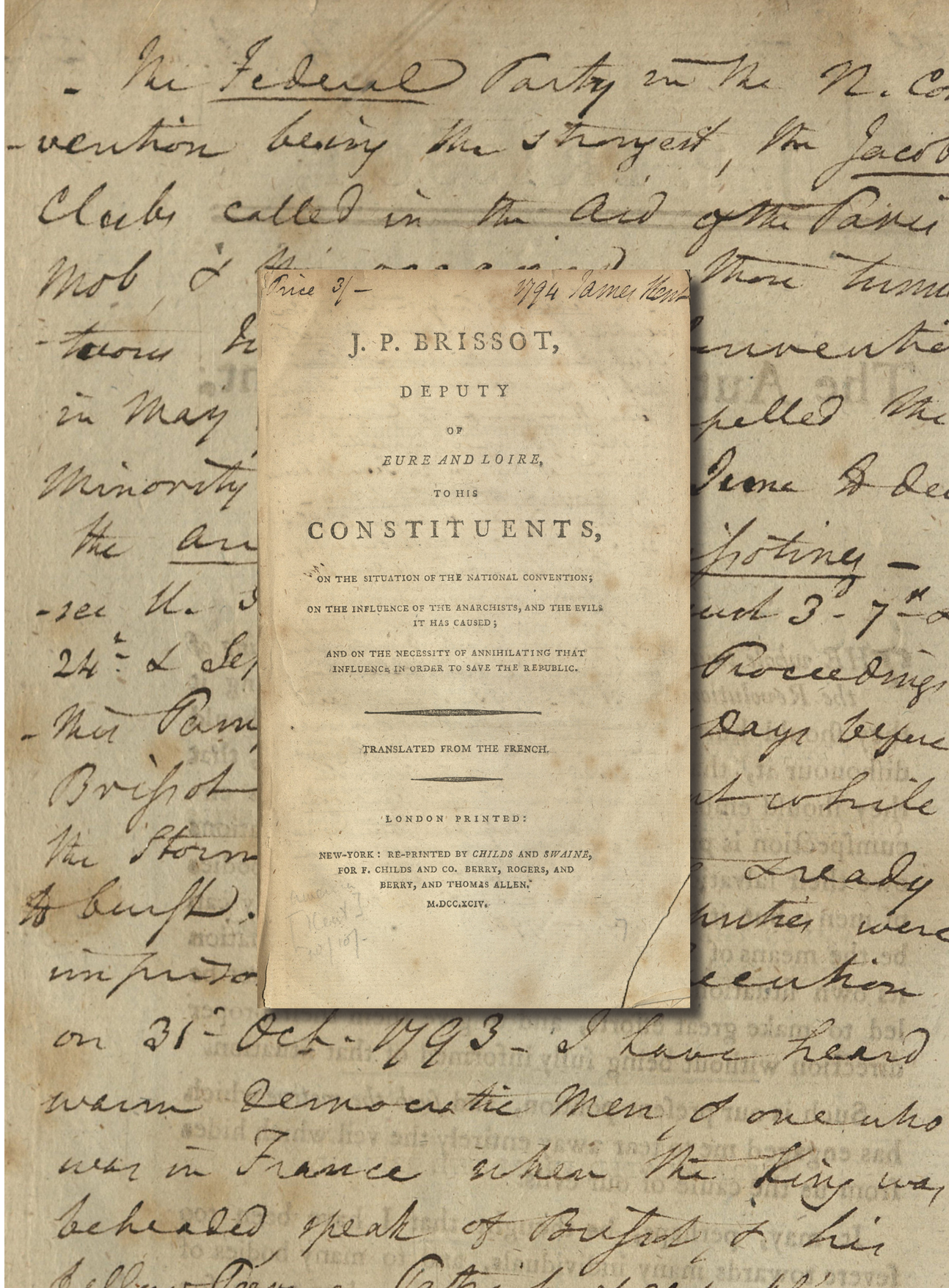
12 Alexander Dallas. *Reports of Cases Ruled and Adjudged in the Courts of Pennsylvania: Before and Since the Revolution.* Philadelphia: T. Bradford, 1790.

Lawyer and statesman Alexander Dallas (1759–1817) was the first United States Supreme Court reporter and later Secretary of the Treasury under President James Madison. He began his industrious career in Philadelphia, where the Court sat from 1790 to 1800. Dallas reported the first Supreme Court decision, *West v. Barnes* (1791), and eventually compiled four volumes of cases, though he was criticized for delayed publications and inaccuracies. Dallas also represented Georgia in the noted constitutional case, *Chisholm v. Georgia* (1793), a separately-printed edition of which is also in the rare books collection.

13 Jacques-Pierre Brissot. *J.P. Brissot, Deputy of Eure and Loire, to His Constituents, on the Situation of the National Convention* ... New York: Reprinted by Childs and Swain, 1794.

Jacques-Pierre Brissot (1754–1793) was an admirer of the American Revolution who wrote about his 1788 sojourn in America. In this later pamphlet, Brissot defends his conduct as a leader of the more moderate Girondin faction during the French Revolution. The trial and execution of Brissot and other Girondins in 1793 marked the beginning of the Terror.

The New York edition of the pamphlet suggests how keenly Americans followed events in France. The copy contains extensive annotations by the famous jurist James Kent (1763–1847). In 1794 Kent served as the first law professor at Columbia College, where his lectures would form the basis of his landmark *Commentaries on American Law* (1826–1830). Kent here notes Brissot's comparative moderation but calls him a "fanatical" republican, indicating his reaction to the course, and perhaps aims, of the French Revolution.


Price 3/– 1794 James Kent

J. P. BRISSOT,

DEPUTY

OF

EURE AND LOIRE,

TO HIS

CONSTITUENTS,

ON THE SITUATION OF THE NATIONAL CONVENTION;

ON THE INFLUENCE OF THE ANARCHISTS, AND THE EVILS IT HAS CAUSED;

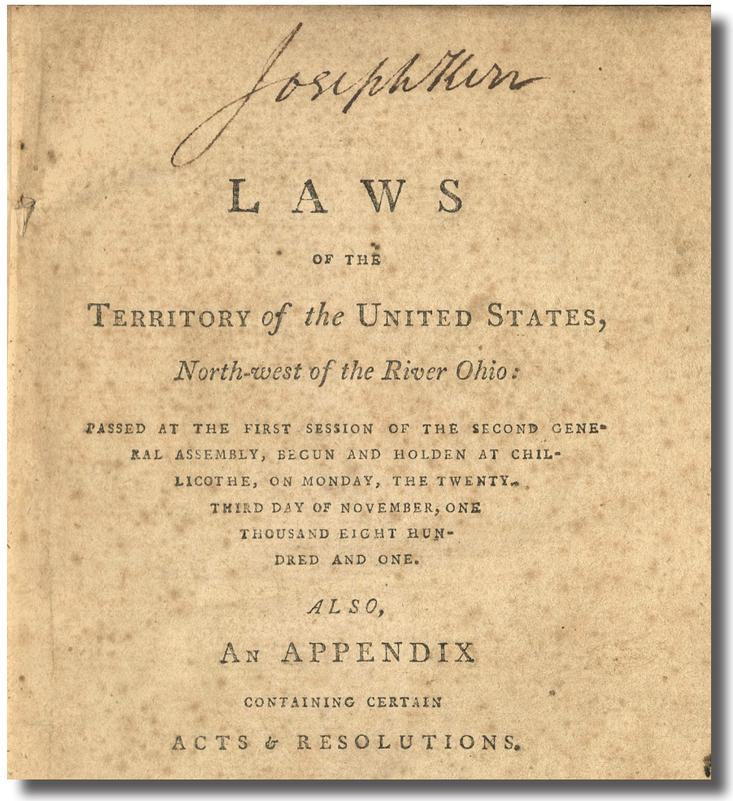
AND ON THE NECESSITY OF ANNIHILATING THAT INFLUENCE IN ORDER TO SAVE THE REPUBLIC.

TRANSLATED FROM THE FRENCH.

LONDON PRINTED:

NEW-YORK: RE-PRINTED BY *CHILDS* AND *SWAINE*, FOR F. CHILDS AND CO. BERRY, ROGERS, AND BERRY, AND THOMAS ALLEN.

M.DCC.XCIV.


Joseph Barr

LAWS

OF THE

TERRITORY *of the* UNITED STATES,

North-west of the River Ohio:

PASSED AT THE FIRST SESSION OF THE SECOND GENERAL ASSEMBLY, BEGUN AND HOLDEN AT CHILLICOTHE, ON MONDAY, THE TWENTY-THIRD DAY OF NOVEMBER, ONE THOUSAND EIGHT HUNDRED AND ONE.

ALSO,

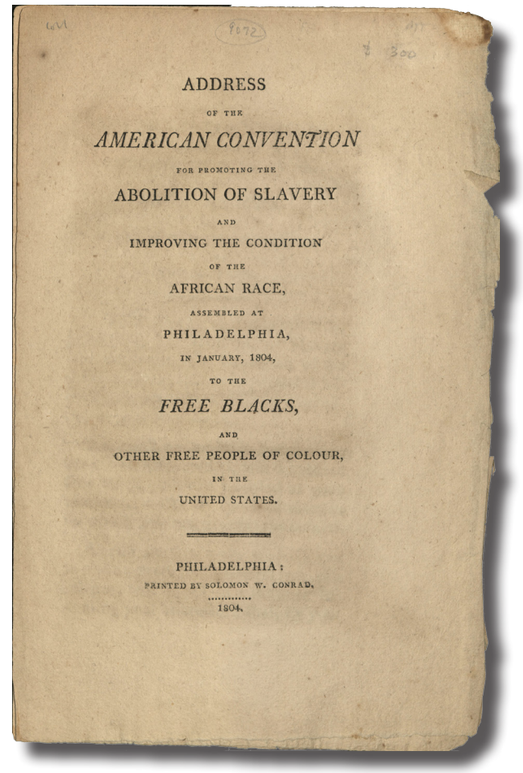
AN APPENDIX

CONTAINING CERTAIN

ACTS & RESOLUTIONS.

14 *Laws of the Territory of the United States North-west of the River Ohio: Passed at the First Session of the General Assembly.* 3 vols. Cincinnati: From the Press of Carpenter & Findlay, Printers to the Territory, 1800–1802.

Minnesota traces part of its origin to the Northwest Territory, created by Congress through the Northwest Ordinance of 1787. The region encompassed Ohio, Indiana, Illinois, Michigan, Wisconsin, and Minnesota east of the Mississippi. Slavery was prohibited in the Territory and property law was simplified to aid land transactions. The Ordinance encouraged westward expansion despite American Indian land claims, which led to several wars and periods of strife. These rare volumes include laws passed at the first sessions of the Territory's General Assembly, between 1799 and 1802, before Ohio became a state in 1803.


ADDRESS

OF THE

AMERICAN CONVENTION

FOR PROMOTING THE

ABOLITION OF SLAVERY

AND

IMPROVING THE CONDITION

OF THE

AFRICAN RACE,

ASSEMBLED AT

PHILADELPHIA,

IN JANUARY, 1804,

TO THE

FREE BLACKS,

AND

OTHER FREE PEOPLE OF COLOUR,

IN THE

UNITED STATES.

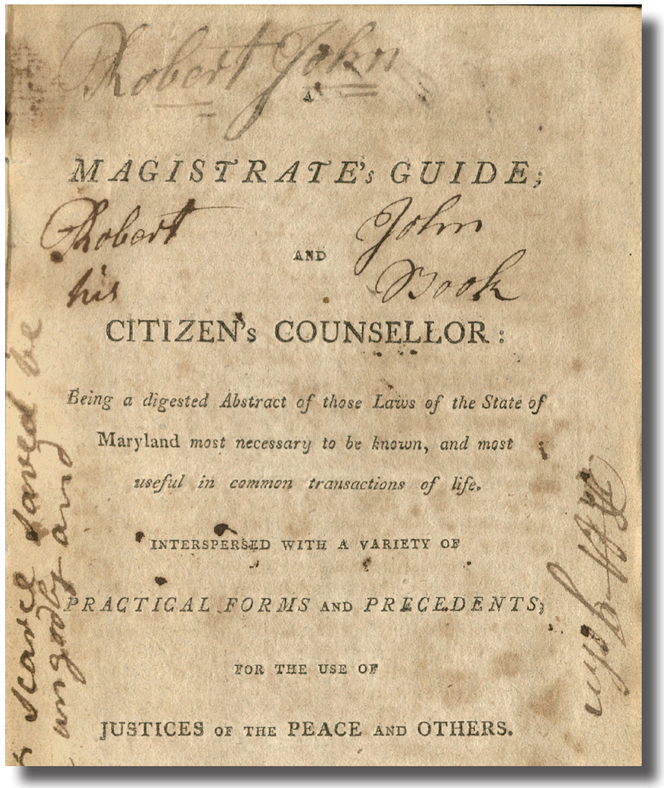
PHILADELPHIA:

PRINTED BY SOLOMON W. CONRAD.

1804.

15 Matthew Franklin. *Address of the American Convention for Promoting the Abolition of Slavery and Improving the Condition of the African Race: Assembled at Philadelphia, in January, 1804, to the Free Blacks, and Other Free People of Colour, in the United States.* Philadelphia: Printed by Solomon W. Conrad, 1804.

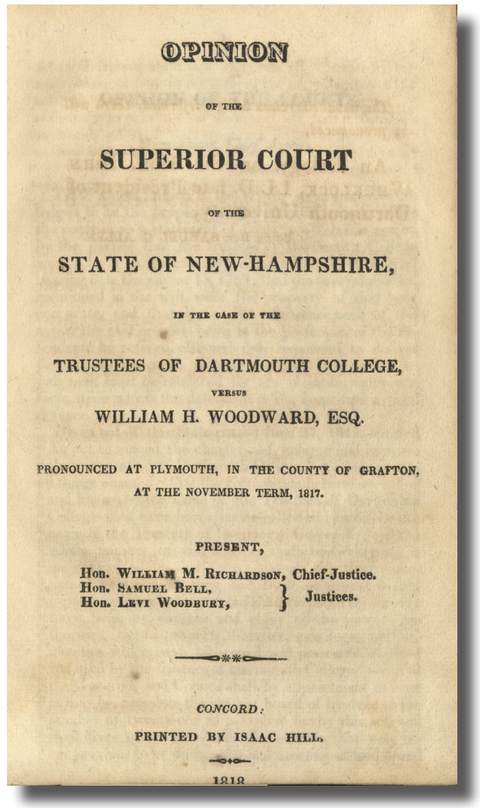
Slavery in America and elsewhere in the hemisphere belied the developing rhetoric of universal rights often espoused in written constitutions. Pennsylvania Quakers were among the earliest anti-slavery activists, and Philadelphia was the leading center of American abolitionism when this speech, *The Address of the American Convention*, was published in 1804. It is addressed to "free blacks, and other free people of colour," who were actively involved in the struggle to end slavery in the early United States. In 1780, Pennsylvania passed the first statute to abolish slavery, though it provided no general, immediate emancipation.


Robert John
MAGISTRATE's GUIDE;
Robert John
AND
his Book
CITIZEN's COUNSELLOR:
Being a digested Abstract of those Laws of the State of Maryland most necessary to be known, and most useful in common transactions of life.
INTERSPERSED WITH A VARIETY OF
PRACTICAL FORMS AND PRECEDENTS;
FOR THE USE OF
JUSTICES OF THE PEACE AND OTHERS.

16

John B. Colvin. *A Magistrate's Guide and Citizen's Counsellor: Being a Digested Abstract of Those Laws of the State of Maryland … Interspersed with a Variety of Practical Forms and Precedents …* Fredrick-Town, Md., 1805.

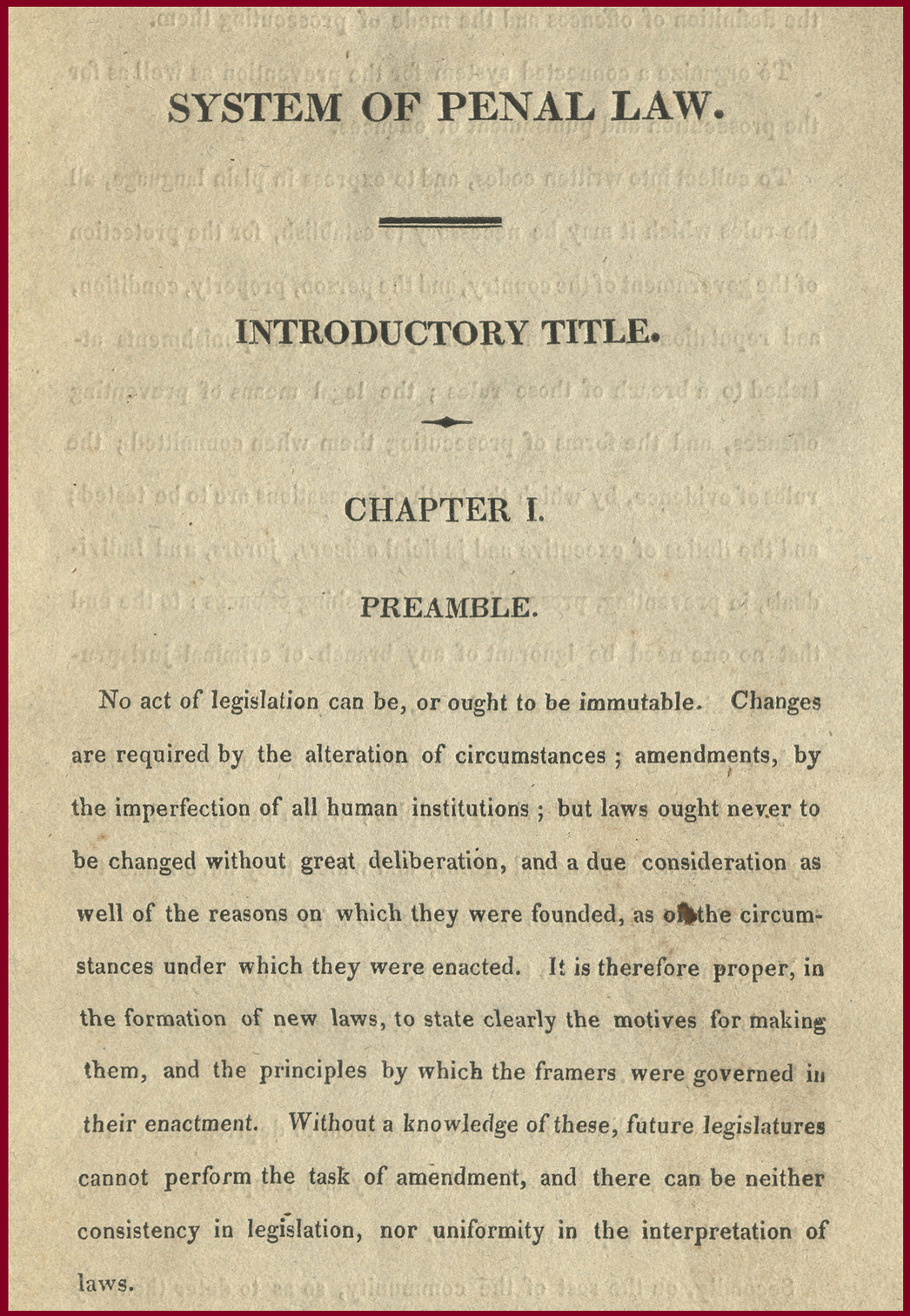
Practice guides were essential compendiums of law for justices of the peace and other laymen integral to the early American legal system. Colvin's popular work includes guidance on writs, procedure, and legal forms. It also reviews state and common law on topics like homicide and debt. A note in this copy reads: "To lend this book I am very free and will not refuse, if you return it back again and do it not abuse; steal not this book for fear of shame, for look above and you will see the owner's name." The quaint epigram nods toward the scarcity of law books in many early American communities.


OPINION
OF THE
SUPERIOR COURT
OF THE
STATE OF NEW-HAMPSHIRE,
IN THE CASE OF THE
TRUSTEES OF DARTMOUTH COLLEGE,
VERSUS
WILLIAM H. WOODWARD, ESQ.
PRONOUNCED AT PLYMOUTH, IN THE COUNTY OF GRAFTON,
AT THE NOVEMBER TERM, 1817.
PRESENT,
Hon. William M. Richardson, Chief-Justice.
Hon. Samuel Bell, } Justices.
Hon. Levi Woodbury, }
CONCORD:
PRINTED BY ISAAC HILL.
1818

17

Opinion of the Superior Court of the State of New-Hampshire, in the Case of the Trustees of Dartmouth College, versus William H. Woodward, Esq. … Concord: Printed by Isaac Hill, 1818.

When the New Hampshire legislature tried to change the charter of Dartmouth College, the trustees of the college sued. Daniel Webster famously argued the case, *Trustees of Dartmouth College v. Woodward* (1819), for his alma mater. This is a rare copy of the opinion from the Superior Court of New Hampshire, which ruled in favor of Woodward and the state's position. The ruling was soon overturned by the Marshall Court, whose decision became a foundation of modern corporation law. The Supreme Court ruled that a legislature's grant governing a corporation was a contract protected from unwanted government alteration.



SYSTEM OF PENAL LAW.

INTRODUCTORY TITLE.

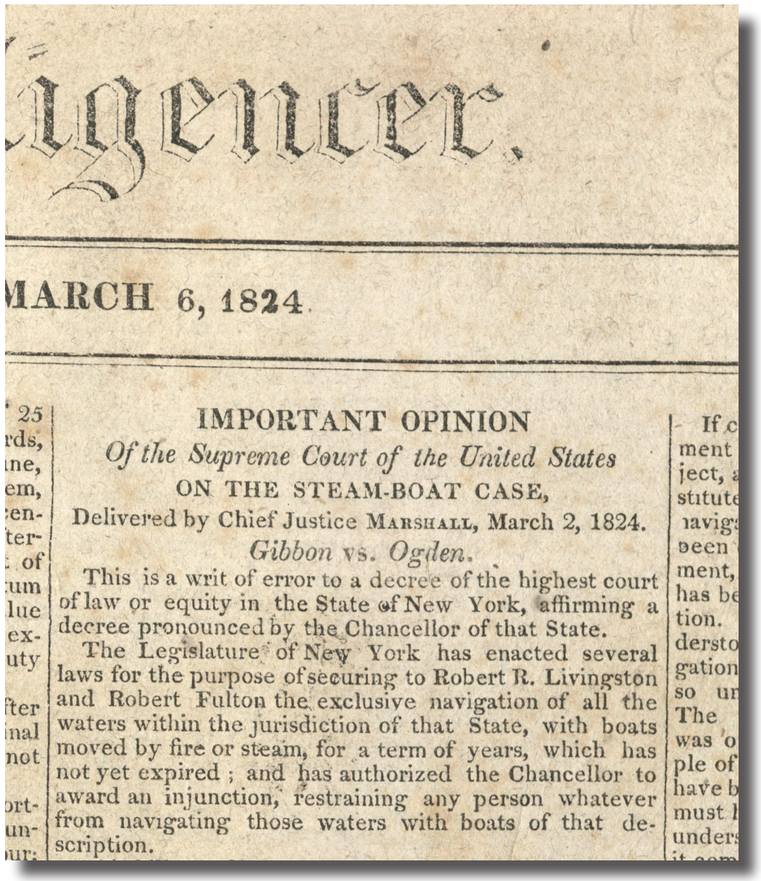
CHAPTER I.

PREAMBLE.

No act of legislation can be, or ought to be immutable. Changes are required by the alteration of circumstances; amendments, by the imperfection of all human institutions; but laws ought never to be changed without great deliberation, and a due consideration as well of the reasons on which they were founded, as of the circumstances under which they were enacted. It is therefore proper, in the formation of new laws, to state clearly the motives for making them, and the principles by which the framers were governed in their enactment. Without a knowledge of these, future legislatures cannot perform the task of amendment, and there can be neither consistency in legislation, nor uniformity in the interpretation of laws.

18 Edward Livingston. *System of Penal Law, Prepared for the State of Louisiana: Comprising Codes of Offences and Punishments, of Procedure, of Prison Discipline, and of Evidence* ... New Orleans: Printed by Benjamin Levy, 1824.

Edward Livingston (1764–1836) was a wealthy New Yorker, an enterprising lawyer and politician, and President Jackson's Secretary of State (1831–1833). In 1821 he was commissioned by Louisiana to produce a new code of criminal law. Although never enacted, the groundbreaking "Livingston Code," based partly on Jeremy Bentham's project for legal codification, was admired in Europe and America for its clarity and reforming spirit. Livingston's laws made no provision for the death penalty and guaranteed strong procedural rights to the accused. The first volume of the code, shown here, in fact deals only with offenses and punishments.



ngener.

MARCH 6, 1824.

IMPORTANT OPINION

Of the Supreme Court of the United States

ON THE STEAM-BOAT CASE,

Delivered by Chief Justice MARSHALL, March 2, 1824.

Gibbon vs. *Ogden.*

This is a writ of error to a decree of the highest court of law or equity in the State of New York, affirming a decree pronounced by the Chancellor of that State.

The Legislature of New York has enacted several laws for the purpose of securing to Robert R. Livingston and Robert Fulton the exclusive navigation of all the waters within the jurisdiction of that State, with boats moved by fire or steam, for a term of years, which has not yet expired; and has authorized the Chancellor to award an injunction, restraining any person whatever from navigating those waters with boats of that description.

19 *National Intelligencer. Vol. XXV, No. 3566, Saturday, March 6, 1824.* Washington: Gales & Seaton, 1824.

The long-running *National Intelligencer* is notable for providing a consistent record of Congressional debates. In 1824, it produced the first public, printed announcement of the Supreme Court's decision in *Gibbons v. Ogden.* The ruling in *Gibbons* stemmed from a dispute between Aaron Ogden and Thomas Gibbons, steamboat operators and former business partners. The latter successfully claimed that New York could not grant a monopoly over a steamboat service between New York and New Jersey. The high court, in the foundational interpretation of the Commerce Clause, found that Congress had a reserved authority to regulate interstate commerce.

LEY

Para la Proteccion de la Caza.

El Pueblo del Estado de California, representado en el Senado y Asamblea, decreta lo siguiente:

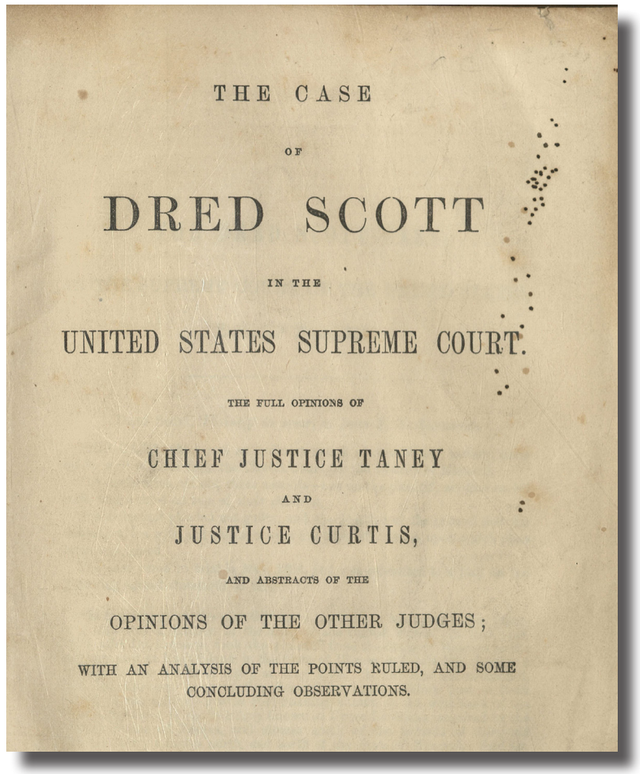
§ 1. Ninguna persona tendra facultad desde esta fecha en adelante, de matar ó destruir ninguna caza mencionada en adelante, dentro de los tiempos señalados en esta, á saber: Las codornices ó perdices, los anades y patos de bosque ó de verano, (wood or summer duck,) no se mataran entre el primer dia de Marzo y el dia veinte de Setiembre de cada año; los ciervos, los venados y los berrendos, no se mataran en ningum tiempo entre el dia primero de Enero y el dia primero de Junio de cada año.

§ 2. Toda persona que salga convicta de alguna ofensa contra las disposiciones de la seccion antecedente, ó que compre, venda ó esponga para que se compre ó se venda, cualquier clase de caza arriba mencionada, sera multada por cada ofensa, en la suma de cincuenta pesos, la mitad de cuya multa, se pagara en todo caso al denunciante.

§ 3. Los jueces de paz tendran la obligacion de conocer en todas las ofensas cometidas en contra de esta ley.

20 *Los Estatutos de California Aprobados a la Tercera Sesion de la Legislatura: Comenzada en el Cuinto Dia Enero 1852* ... San Francisco: G.K. Fitch y Ca., y V.E. Geiger y Ca., 1852.

By the Treaty of Guadalupe Hildago (1848) that ended the Mexican-American War (1846–1848), California became part of the United States. Statehood followed in 1850, during the Gold Rush that greatly increased California's population. The laws in this volume deal with agriculture, mining, courts, schools, and the essentials of government. This rare, Spanish-language edition is provided for in the same statutes, which orders the printing of three hundred copies, along with seven hundred in English. The volume was important for a population of Spanish speakers. Spanish property law also had an important influence in early California.


THE CASE

OF

DRED SCOTT

IN THE

UNITED STATES SUPREME COURT.

THE FULL OPINIONS OF

CHIEF JUSTICE TANEY

AND

JUSTICE CURTIS,

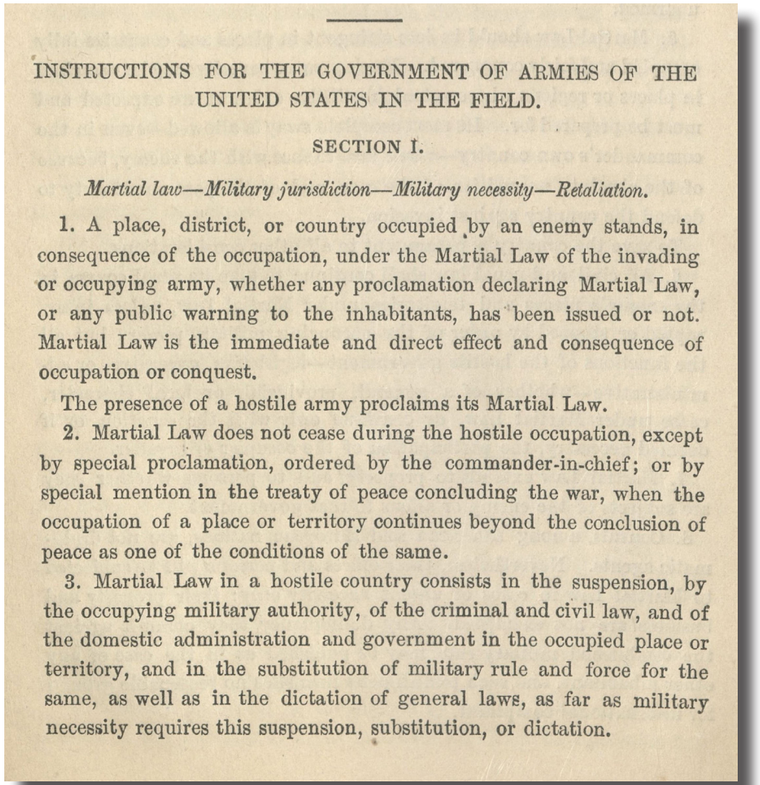
AND ABSTRACTS OF THE

OPINIONS OF THE OTHER JUDGES;

WITH AN ANALYSIS OF THE POINTS RULED, AND SOME CONCLUDING OBSERVATIONS.

21 *The Case of Dred Scott in the United States Supreme Court: The Full Opinions of Chief Justice Taney and Justice Curtis, and Abstracts of the Opinions of the Other Judges: With an Analysis of the Points Ruled, and Some Concluding Observations.* New York: Horace Greeley & Co., 1860.

Dred Scott v. Sandford (1857) denied citizenship to African Americans in a Supreme Court opinion by Chief Justice Roger Taney that represents the nadir of the Court's history. A majority of justices, all slaveholders, upheld chattel slavery. The Court further ruled the Missouri Compromise unconstitutional, allowing slave states to expand westward. The judgment helped to pave the road to the Civil War. This rare edition, printed by Horace Greeley's *New York Tribune*, includes Justice Curtis's full dissent and the reaction of the New York state legislature. Like several legislatures, New York voted on resolutions to defy the decision.


INSTRUCTIONS FOR THE GOVERNMENT OF ARMIES OF THE UNITED STATES IN THE FIELD.

SECTION I.

Martial law—Military jurisdiction—Military necessity—Retaliation.

1. A place, district, or country occupied by an enemy stands, in consequence of the occupation, under the Martial Law of the invading or occupying army, whether any proclamation declaring Martial Law, or any public warning to the inhabitants, has been issued or not. Martial Law is the immediate and direct effect and consequence of occupation or conquest.

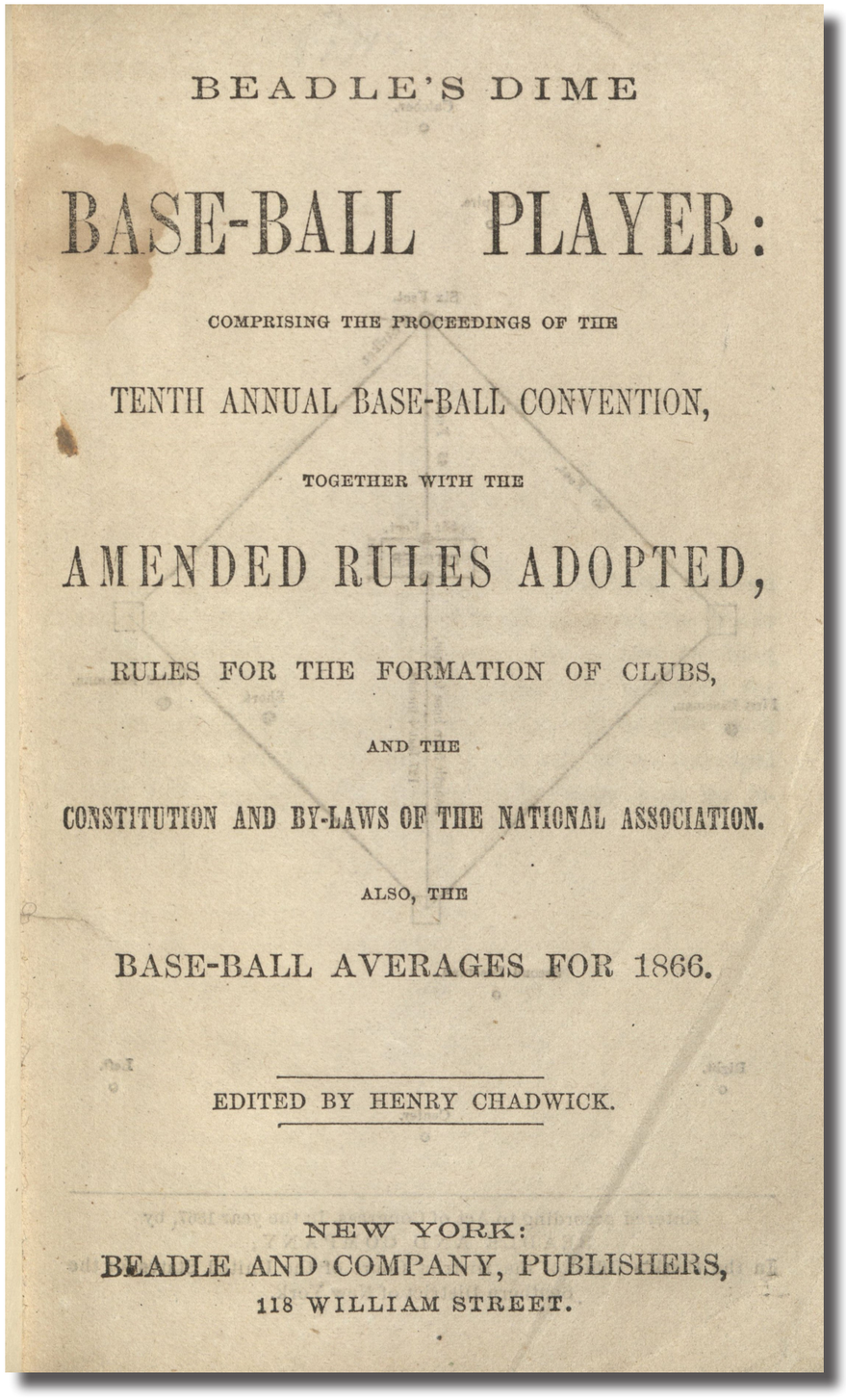
The presence of a hostile army proclaims its Martial Law.

2. Martial Law does not cease during the hostile occupation, except by special proclamation, ordered by the commander-in-chief; or by special mention in the treaty of peace concluding the war, when the occupation of a place or territory continues beyond the conclusion of peace as one of the conditions of the same.

3. Martial Law in a hostile country consists in the suspension, by the occupying military authority, of the criminal and civil law, and of the domestic administration and government in the occupied place or territory, and in the substitution of military rule and force for the same, as well as in the dictation of general laws, as far as military necessity requires this suspension, substitution, or dictation.

22 Francis Lieber. *Instructions for the Government of Armies of the United States in the Field.* Washington, D.C.: War Department, Adjutant General's Office, 1863.

Francis Lieber's code of conduct in war, known as the Lieber Code, was commissioned by the Union Army for use in the Civil War. Lieber (1800–1872) was a German immigrant who had served as a soldier and later became a prominent scholar and educator. The Code aimed to regulate the conduct of modern warfare in new detail. Its rules were not fully implemented, especially toward the end of the war. The Code was a key source, however, for the 1899 and 1907 Hague Conventions, and it has been recognized as an important foundation for twentieth-century laws of war.



BEADLE'S DIME

BASE-BALL PLAYER:

COMPRISING THE PROCEEDINGS OF THE

TENTH ANNUAL BASE-BALL CONVENTION,

TOGETHER WITH THE

AMENDED RULES ADOPTED,

RULES FOR THE FORMATION OF CLUBS,

AND THE

CONSTITUTION AND BY-LAWS OF THE NATIONAL ASSOCIATION.

ALSO, THE

BASE-BALL AVERAGES FOR 1866.

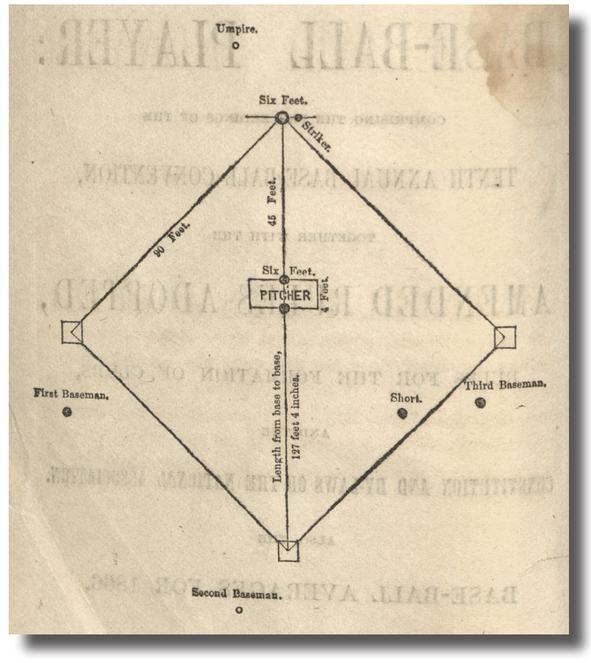
EDITED BY HENRY CHADWICK.

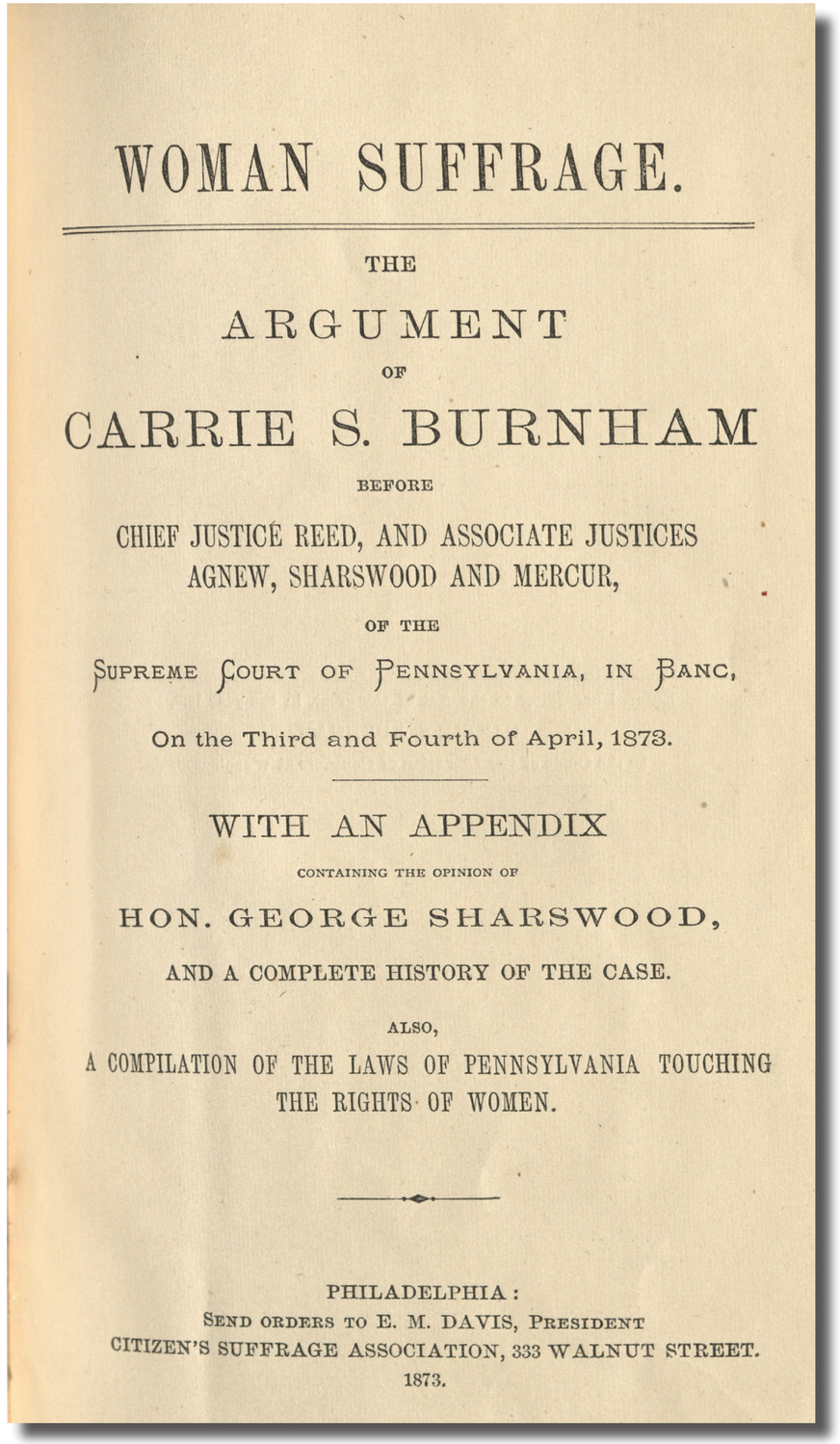
NEW YORK:
BEADLE AND COMPANY, PUBLISHERS,
118 WILLIAM STREET.

23 Henry Chadwick. *Beadle's Dime Base-ball Player: Comprising the Proceedings of the Tenth Annual Base-ball Convention ... for 1866.* New York: Beadle and Company, 1867.

Published between 1860 and 1881, *Beadle's* was the earliest yearly guide for baseball enthusiasts. Information on teams and player statistics can be found here, with the rules of the new game. Among these is the requirement for a wooden bat of no more than forty inches (today it is forty-two). The booklet also includes the constitution and bylaws of the National Association of Baseball Players. By 1867, over four thousands clubs were part of the association. In 1869, the first all-professional team, the Cincinnati Red Stockings, helped to initiate a national pastime.

This treasured item was acquired through a gift of Joan and Bill Kildow, in memory of Law Library colleague Dawn Kildow.





WOMAN SUFFRAGE.

THE

ARGUMENT

OF

CARRIE S. BURNHAM

BEFORE

CHIEF JUSTICE REED, AND ASSOCIATE JUSTICES
AGNEW, SHARSWOOD AND MERCUR,

OF THE

SUPREME COURT OF PENNSYLVANIA, IN BANC,

On the Third and Fourth of April, 1873.

WITH AN APPENDIX

CONTAINING THE OPINION OF

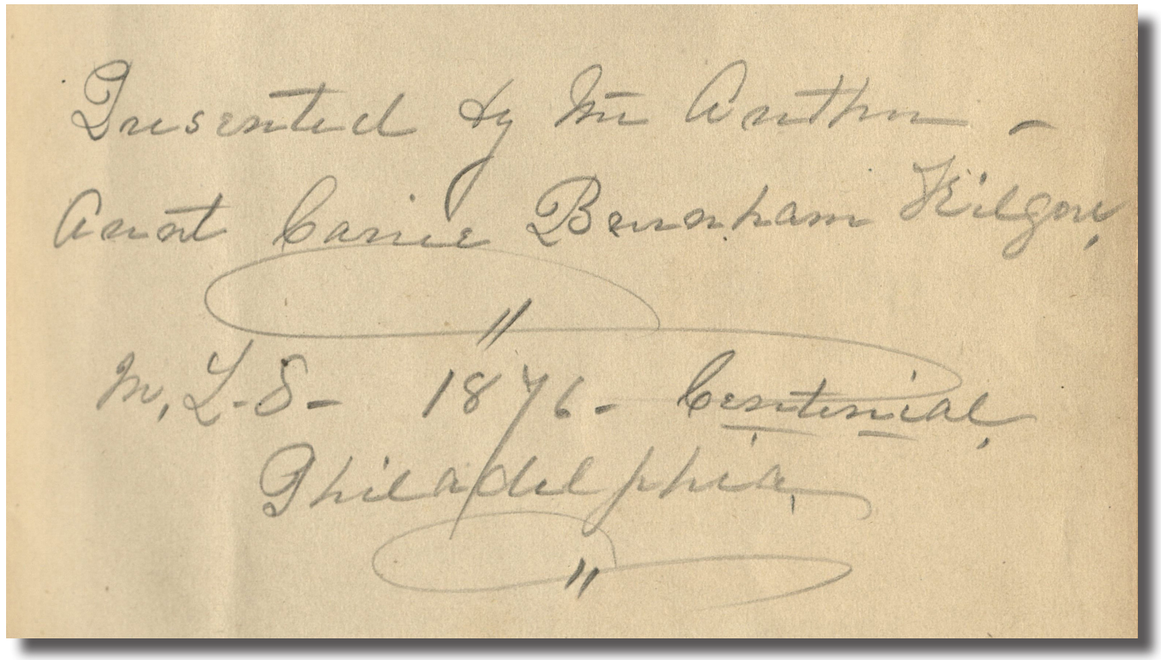
HON. GEORGE SHARSWOOD,

AND A COMPLETE HISTORY OF THE CASE.

ALSO,

A COMPILATION OF THE LAWS OF PENNSYLVANIA TOUCHING
THE RIGHTS OF WOMEN.

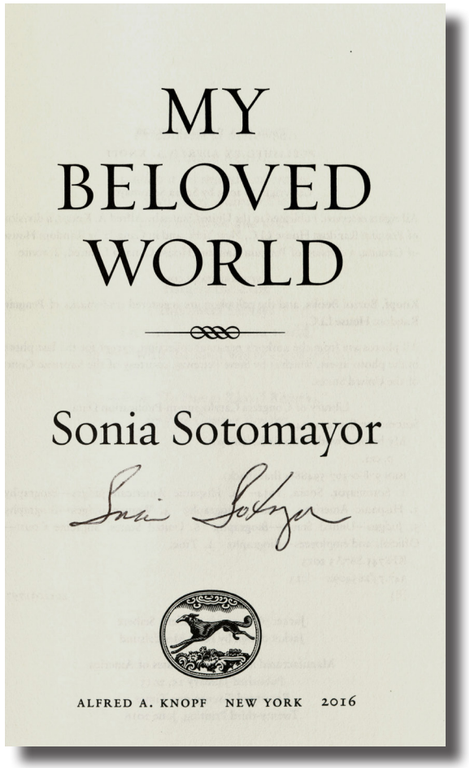
PHILADELPHIA:
SEND ORDERS TO E. M. DAVIS, PRESIDENT
CITIZEN'S SUFFRAGE ASSOCIATION, 333 WALNUT STREET.
1873.

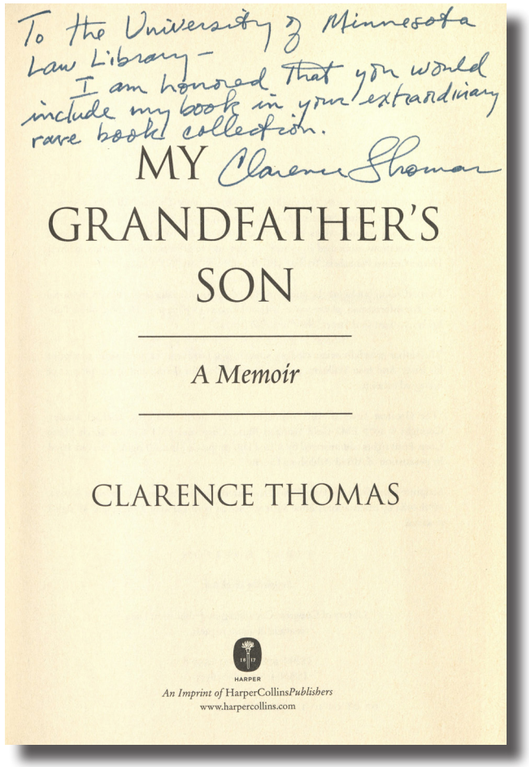


Presented by the Author -
Aunt Carrie Burnham Kilgore,
"
In U.S. - 1876 - Centennial,
Philadelphia
"

24 Carrie S. Burnham. *Woman Suffrage: The Argument of Carrie S. Burnham before Chief Justice Reed, and Associate Justices Agnew, Sharswood and Mercur of the Supreme Court of Pennsylvania, in Banc, on the Third and Fourth of April, 1873* ... Philadelphia: Citizen's Suffrage Association, 1873.

Carrie S. Burnham (1838–1909) was an outstanding pioneer for women's suffrage. After her attempt to vote was rejected in 1871, Burnham brought her case before the Pennsylvania Supreme Court, arguing that a nation founded on justice and equality could not exclude half the population from the vote based on sex. In the face of opposition, she became the first woman to graduate from the University of Pennsylvania's law school (1883) and the first woman admitted to the Pennsylvania bar (1886). This book is an inscribed presentation copy by the author. Contemporary newspaper clippings regarding the case and Burnham's career are pasted into the volume.





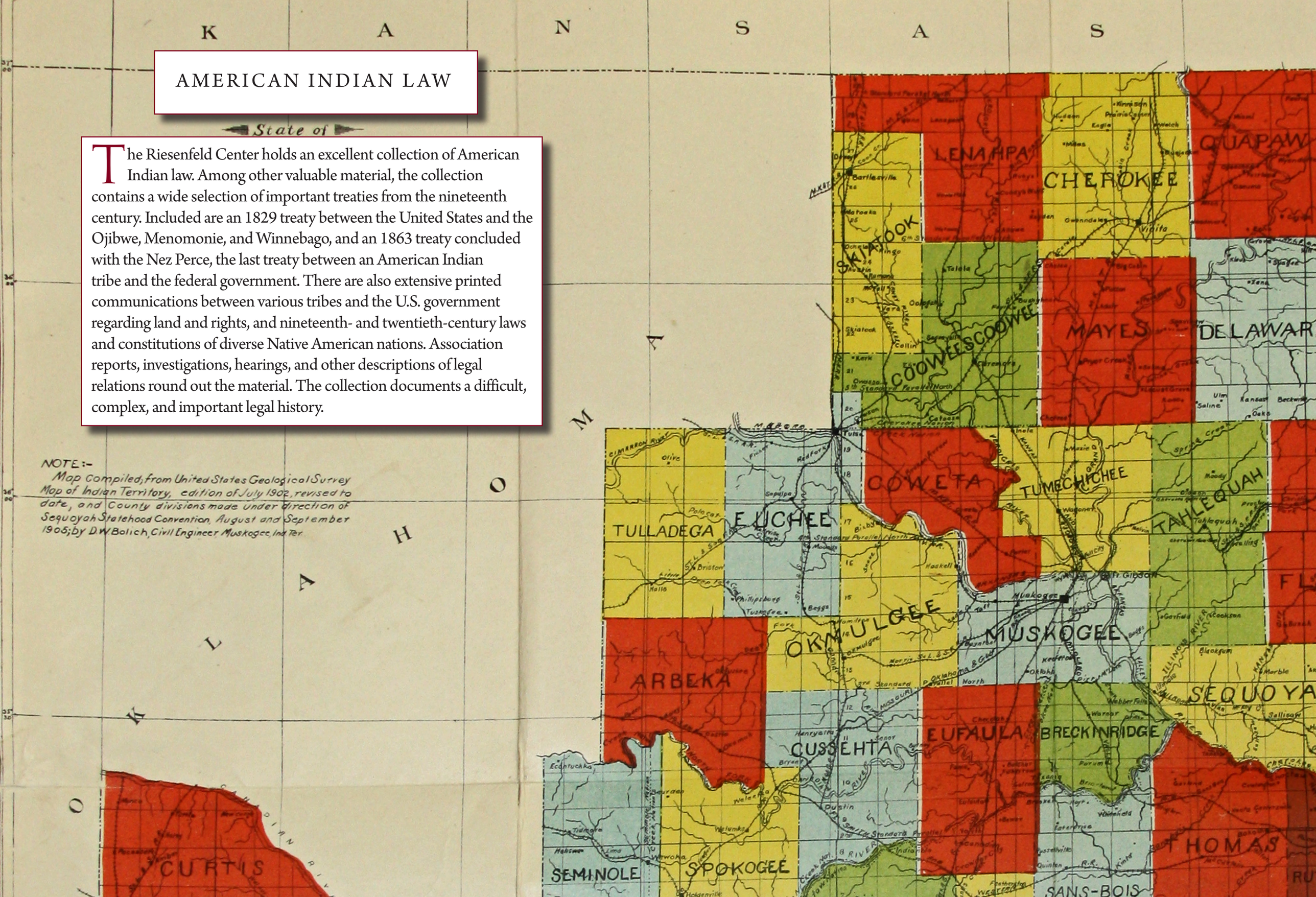
25 Sonia Sotomayor. *My Beloved World.* New York: Alfred A. Knopf, 2013.

Clarence Thomas. *My Grandfather's Son: A Memoir.* New York: Harper, 2007.

The rare books collection includes signed and inscribed books from notable public figures. The evocative memoirs of Justices Sotomayor and Thomas, centering on the authors' formative years, quickly became best sellers on their publication. The copies held in the Riesenfeld Center were signed by the Justices during visits to the Library. Other signed books, sometimes inscribed to the Law School and Law Library, include a series of novels by Scott Turow and the memoirs of President Jimmy Carter.

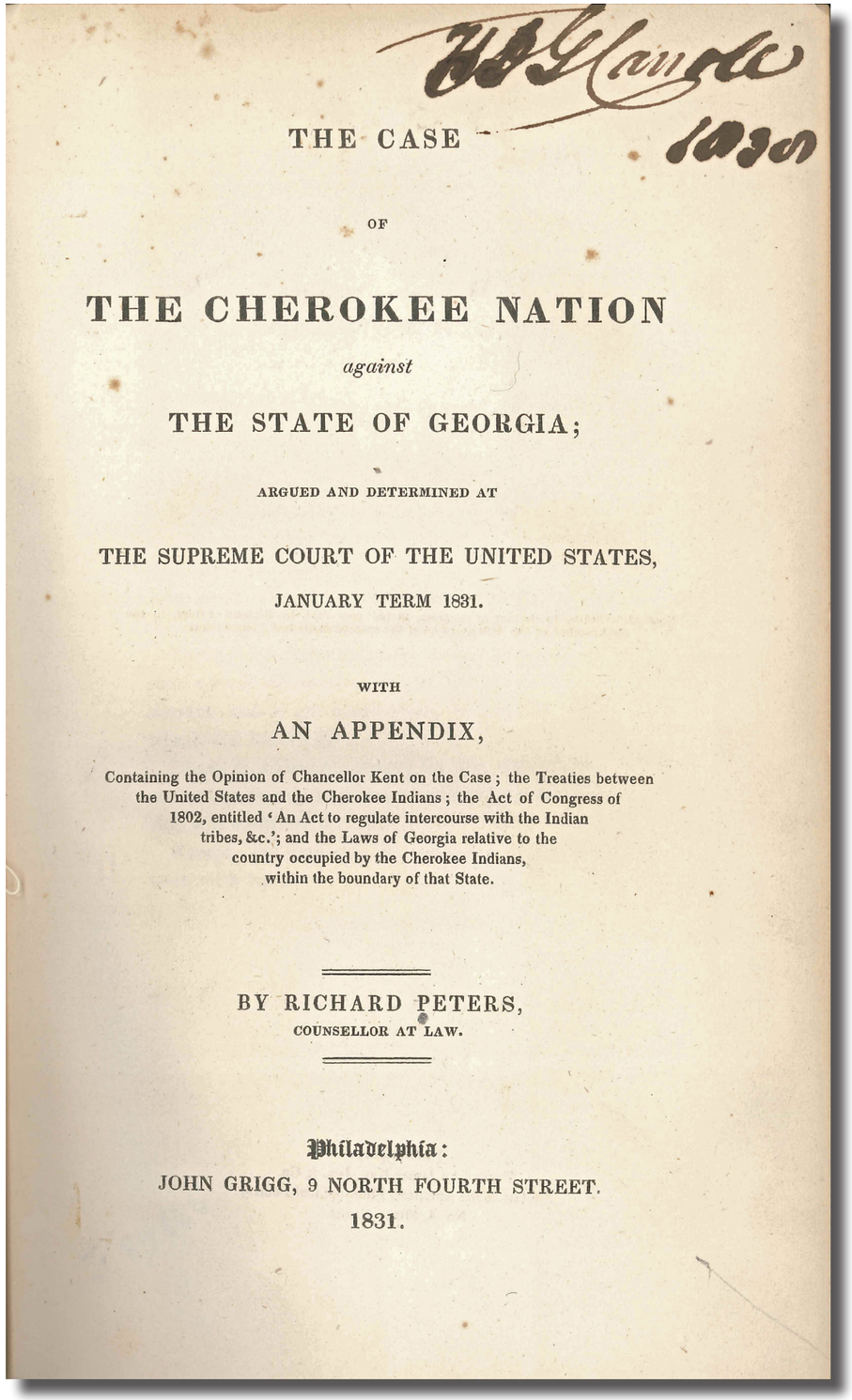
AMERICAN INDIAN LAW

The Riesenfeld Center holds an excellent collection of American Indian law. Among other valuable material, the collection contains a wide selection of important treaties from the nineteenth century. Included are an 1829 treaty between the United States and the Ojibwe, Menomonie, and Winnebago, and an 1863 treaty concluded with the Nez Perce, the last treaty between an American Indian tribe and the federal government. There are also extensive printed communications between various tribes and the U.S. government regarding land and rights, and nineteenth- and twentieth-century laws and constitutions of diverse Native American nations. Association reports, investigations, hearings, and other descriptions of legal relations round out the material. The collection documents a difficult, complex, and important legal history.



26 Richard Peters. *The Case of the Cherokee Nation against the State of Georgia* ... Philadelphia: John Grigg, 1831.

In *Cherokee Nation v. Georgia* (1831), the Nation sought an injunction to protect its sovereignty against Georgia law, but the Supreme Court declined to accept jurisdiction. The case captures part of the difficult history of the Cherokee under the federal policy of Indian removal that culminated in the "Trail of Tears." The Cherokee attempted again to invalidate encroaching Georgia law in *Worcester v. Georgia* (1832), when the Supreme Court ruled in their favor. But Georgia ignored the decision and Presidents Jackson and Van Buren continued to pursue a policy that displaced some 60,000 Cherokee west of the Mississippi.



THE CASE

OF

THE CHEROKEE NATION

against

THE STATE OF GEORGIA;

ARGUED AND DETERMINED AT

THE SUPREME COURT OF THE UNITED STATES,

JANUARY TERM 1831.

WITH

AN APPENDIX,

Containing the Opinion of Chancellor Kent on the Case; the Treaties between the United States and the Cherokee Indians; the Act of Congress of 1802, entitled 'An Act to regulate intercourse with the Indian tribes, &c.'; and the Laws of Georgia relative to the country occupied by the Cherokee Indians, within the boundary of that State.

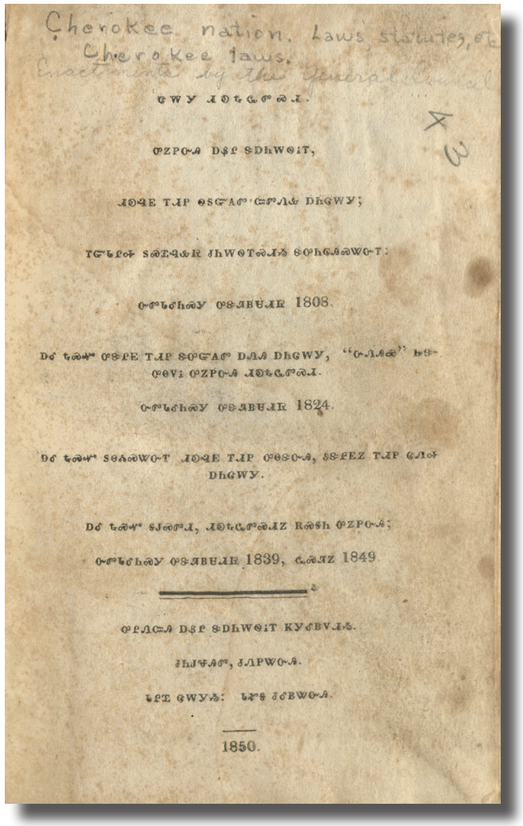
BY RICHARD PETERS,

COUNSELLOR AT LAW.

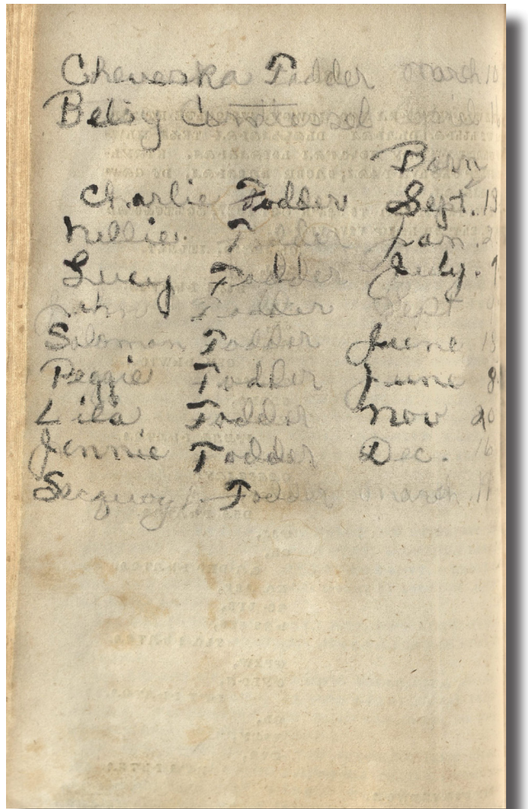
Philadelphia:

JOHN GRIGG, 9 NORTH FOURTH STREET.

1831.


Cherokee nation. Laws statutes, &c
Cherokee laws.
Enactments by the General Council

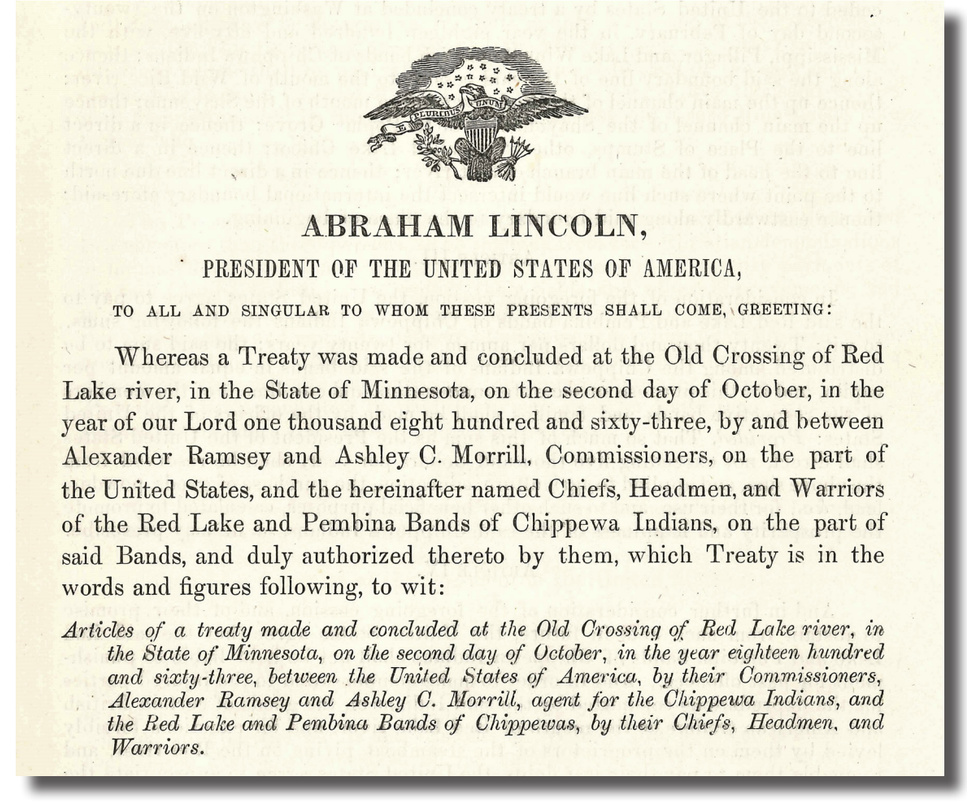
1850.


Charoska Fodder March
Betsy Sarawood
Born
Charlie Fodder Sept. 13
Nellie. " Jan. 2
Lucy " July. 7
Sallie " June 13
Peggie " June 8
Lila " Nov 20
Jennie " Dec. 16
Sequoyah " March 11

27

[Laws of the Cherokee Nation: Adopted by the Council at Various Periods (1839–1851)]. [Tahlequah, Cherokee Nation: Damaga Publisher, 1852].

This extremely rare collection of laws was published at Tahlequah, the Cherokee Nation's capital. The laws are printed in the Cherokee language, using a syllabary adopted by the Nation in 1825. Joseph Blackbird and Hercules Martin compiled the laws in Cherokee. The printers were John Candy and Mark Tyger. As in some family Bibles, a handwritten list of one generation of the Fodder family appears here. One family member, Sequoyah, was likely named after the founder of the Cherokee writing system. The book's significance extends to aspects of familial, linguistic, and tribal identity.



ABRAHAM LINCOLN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

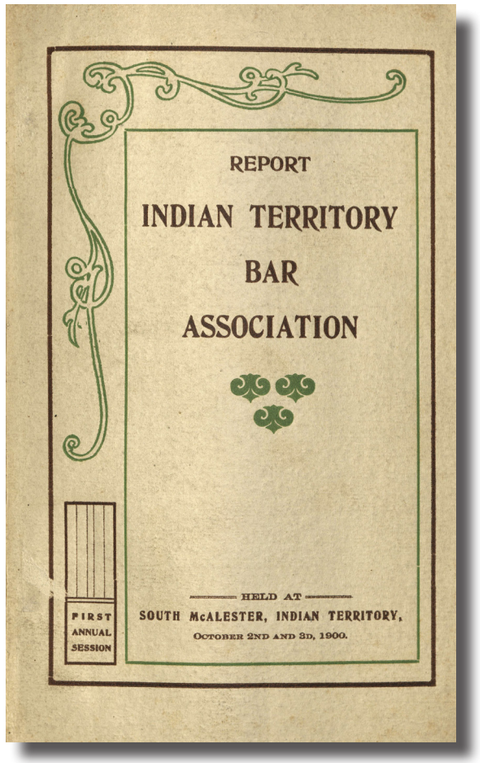
Whereas a Treaty was made and concluded at the Old Crossing of Red Lake river, in the State of Minnesota, on the second day of October, in the year of our Lord one thousand eight hundred and sixty-three, by and between Alexander Ramsey and Ashley C. Morrill, Commissioners, on the part of the United States, and the hereinafter named Chiefs, Headmen, and Warriors of the Red Lake and Pembina Bands of Chippewa Indians, on the part of said Bands, and duly authorized thereto by them, which Treaty is in the words and figures following, to wit:

Articles of a treaty made and concluded at the Old Crossing of Red Lake river, in the State of Minnesota, on the second day of October, in the year eighteen hundred and sixty-three, between the United States of America, by their Commissioners, Alexander Ramsey and Ashley C. Morrill, agent for the Chippewa Indians, and the Red Lake and Pembina Bands of Chippewas, by their Chiefs, Headmen, and Warriors.

28

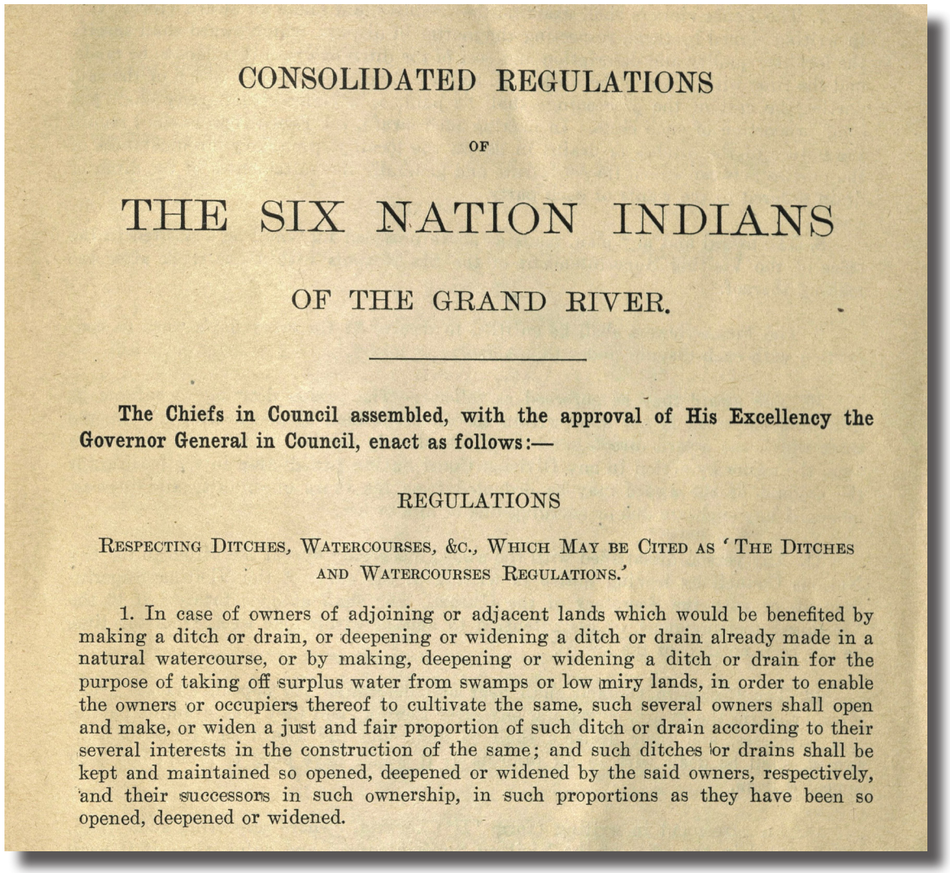
Treaty between the United States of America and the Red Lake and Pembina Bands of Chippewas, Concluded October 2, 1863, at the Old Crossing of Red Lake River, State of Minnesota. Washington, D.C., 1864.

By this treaty, the Red Lake and Pembina bands of Chippewa (or Ojibwe) ceded some five million acres in northwest Minnesota and adjacent North Dakota, but retained a large tract surrounding Lower Red Lake and a portion of Upper Red Lake. Unlike most reservations, this land was never ceded to the United States government. Rather it is held by the band by right of conquest and aboriginal title. Among Minnesota reservations, the Red Lake Reservation is uniquely a "closed" reservation. Most reservations in the country today are "open" reservations, which include non-Indian land as a result of allotment.



29 *Report, Indian Territory Bar Association: First Annual Session, Held at South McAlester, Indian Territory, October 2nd and 3rd, 1900.* Vinita, Indian Territory: Leader Printing Co., 1900.

These rare proceedings of the Indian Territory Bar Association date to its early organization and first annual meeting. Part of present-day Oklahoma, Indian Territory became subject to special U.S. courts by an act of Congress in 1889. At the 1900 meeting, the bar's president and members discussed relevant treaties and recent federal legislation. One critical observation was that the Secretary of the Interior exercised an unwarranted power to make rules for Indian Territory and to enforce penalties for violations, without Congressional approval. The association would merge with the Oklahoma Bar Association in 1904.


CONSOLIDATED REGULATIONS

OF

THE SIX NATION INDIANS

OF THE GRAND RIVER.

The Chiefs in Council assembled, with the approval of His Excellency the Governor General in Council, enact as follows:—

REGULATIONS

RESPECTING DITCHES, WATERCOURSES, &C., WHICH MAY BE CITED AS 'THE DITCHES AND WATERCOURSES REGULATIONS.'

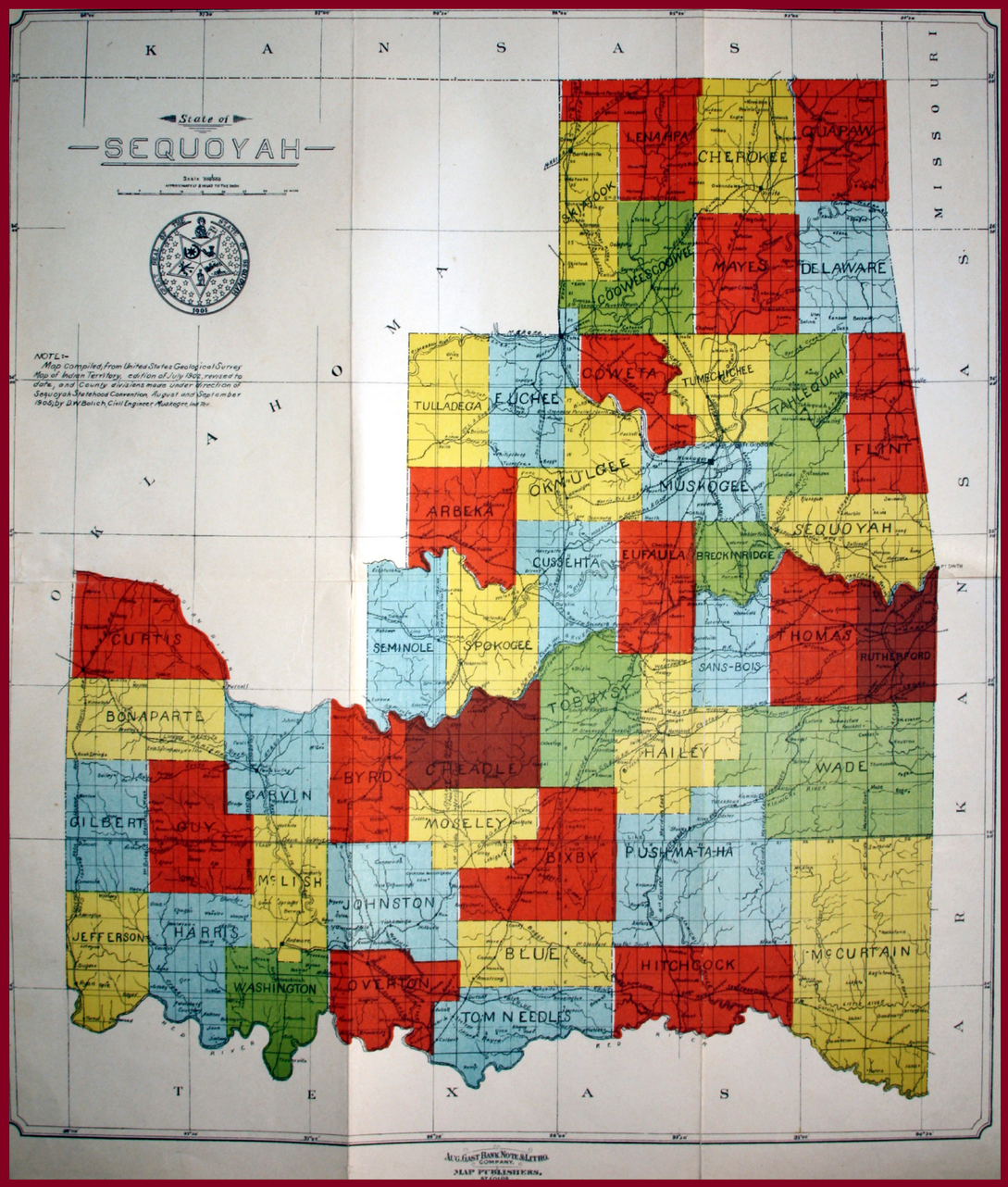
1. In case of owners of adjoining or adjacent lands which would be benefited by making a ditch or drain, or deepening or widening a ditch or drain already made in a natural watercourse, or by making, deepening or widening a ditch or drain for the purpose of taking off surplus water from swamps or low miry lands, in order to enable the owners or occupiers thereof to cultivate the same, such several owners shall open and make, or widen a just and fair proportion of such ditch or drain according to their several interests in the construction of the same; and such ditches or drains shall be kept and maintained so opened, deepened or widened by the said owners, respectively, and their successors in such ownership, in such proportions as they have been so opened, deepened or widened.

30 *Consolidated Regulations of the Six Nation Indians of the Grand River.* Ottawa: Government Printing Bureau, 1910.

The league of the Six Nations of the Iroquois has sometimes been described as the world's oldest federated democracy. A majority of the Nations (Mohawk, Cayuga, Seneca, Onondaga, Oneida, and Tuscarora) supported the British in the American Revolution and lost substantial lands afterwards. A group under Mohawk leader Joseph Brant (1743–1807) were resettled by the British at Grand River, today Canada's largest First Nations reserve. This is the only printed copy of such early regulations for the Nations of the Grand River. The laws relate to land use and boundaries, livestock, and rules for council meetings.

31 *Constitution of the State of Sequoyah.* Muskogee, Indian Territory: Phoenix Printing Co., 1905.

In 1890 Congress created Oklahoma Territory from the western part of Indian Territory. In the same period, the federal Dawes Act (1887) and Curtis Act (1898) aimed to eliminate communal tribal landholding and jurisdiction. In response, the Five Tribes (Cherokee, Choctaw, Chickasaw, Creek, and Seminole) and others attempted to create a new American state, named Sequoyah after the founder of the Cherokee writing system, to retain control of their Oklahoma lands. A constitution was drafted in 1905, with a Bill of Rights that reflected provisions of the federal Bill of Rights. The proposal was not considered by Congress but the document provided a foundation for Oklahoma's constitution. This sole edition of Sequoyah's constitution includes a vivid map of its territory and counties.



ARCHIVES and MANUSCRIPTS

The rich and diverse archives of the University of Minnesota Law School are housed in the Library's Riesenfeld Center. Documenting the Law School's history, the archives contain publications and records dating back to the school's founding in 1888. The archives include a growing collection of faculty monographs, law student notebooks, and photographs and other media recording Law School history and events. There are also collections of papers, including several collections of judicial papers by notable alumni. Other unique material includes a collection of historical English deeds and the Law Library's popular Supreme Court bobblehead collection.

the wifes debts
the wifes contract
except as they arise for necessaries
wife for
from yest
any more
for them
ones for the
show that h
it was for
show that Def did not supply the necessaries
for his wife & family and this he cond
but relied on Def to prov the affirmative &
not Defs task.

TUESDAY, 5.

Principle:- To the same point as above: Wife & Husb
living apart.

Facts:- Def without any reason left his wife and
went to live with his mother. He paid for the
necessaries for a long time and then went to
house and demanded that they come to live
him. He threatened violence even death to any
her relatives who should come near them. He refus
and he put a notice in the paper not to trust her
but Pl did and now seeks to recover.

Decision:- If he wilfully deserted her he is liable

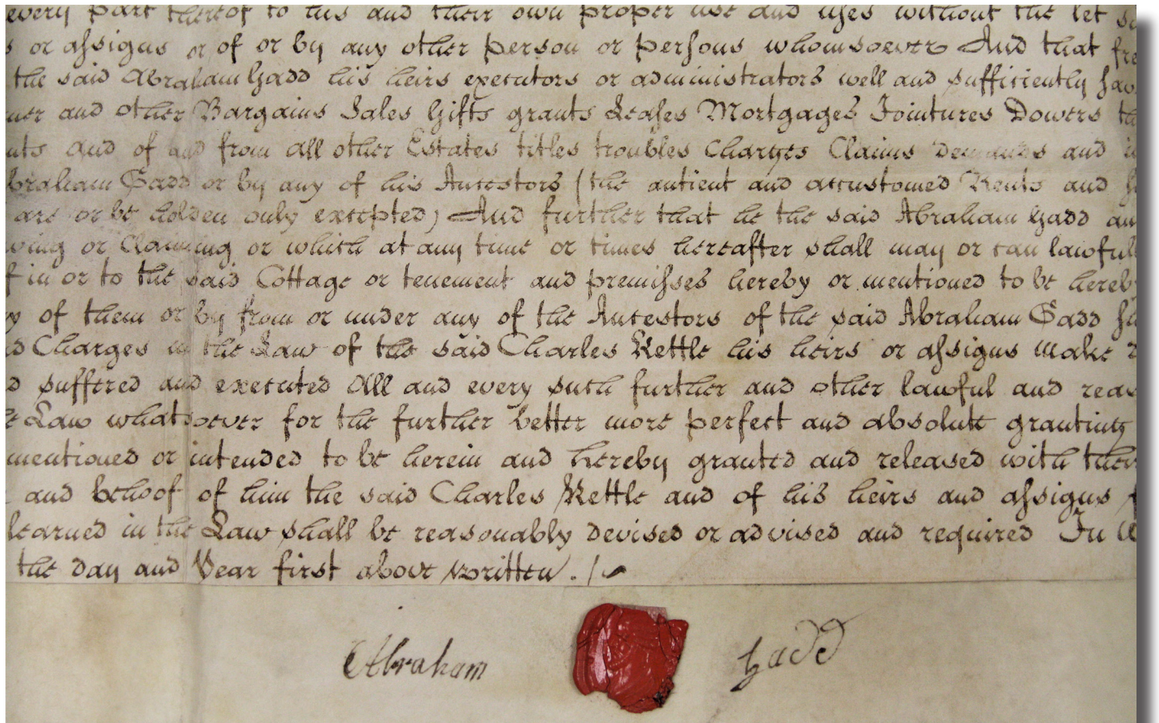
Principle:- The husband is liable for all of the injur
and frauds of the wife, befor or after marriage of th
were committed out of his presence both must join
as defs. If in his presence, he alone is liable. (unle
it appears that the wife was the prime mover instigato
Facts:- Defs wife claiming title in a sheep, when
Def was present, she took the same from Pl. Pl
and asks that as Def was present he alone was liab
Decision:- The law is plain on this point that if
the husband is absent he must be joined nevertheless
as a def. Again if he was present from a fact
he alone is liable but he may be acquitted in co
it can be proved she was the prime mover and
instigator. The evidence is prima facie may be overcom

THURSDAY, 7.

The Statutes of the state have in some cases abroga
the liability and in others modified it.

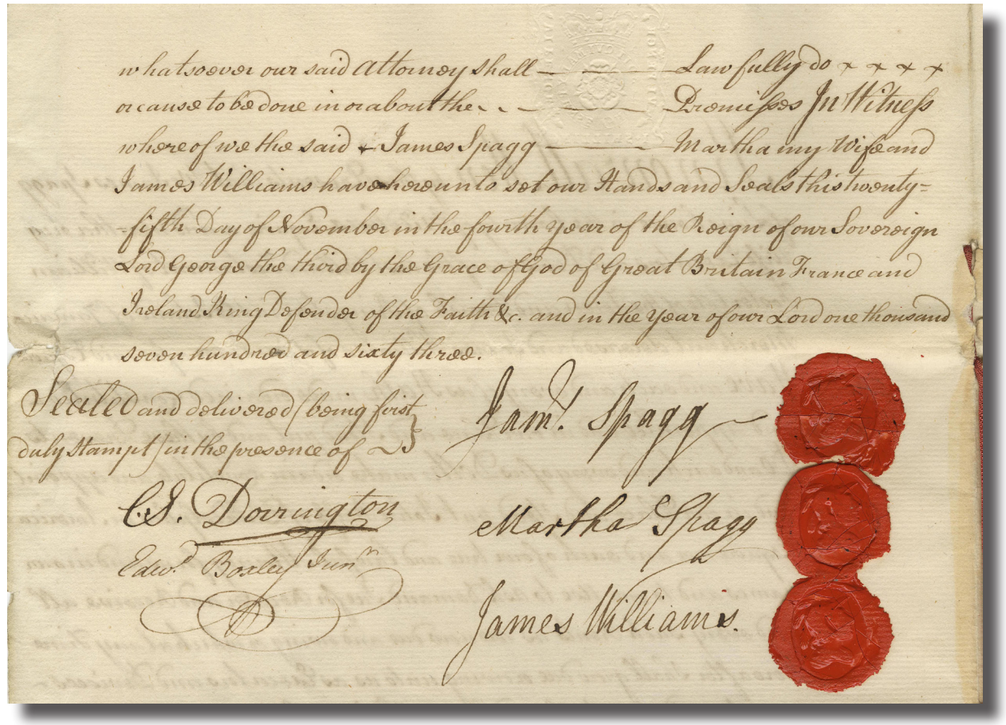
Facts:- Wife of Pl accused Pl of having committe
fornication. Def sued Pl and wife and in
the lower court obtained a verdict.

Decision:- Today the husband is no way
liable for the torts of his wife i.e. in Ill (this
however is not true in Mich Stat '78 Chap 69 sec 6)
the husband is not chargeable with the damag
sustained by the libel by his wife.



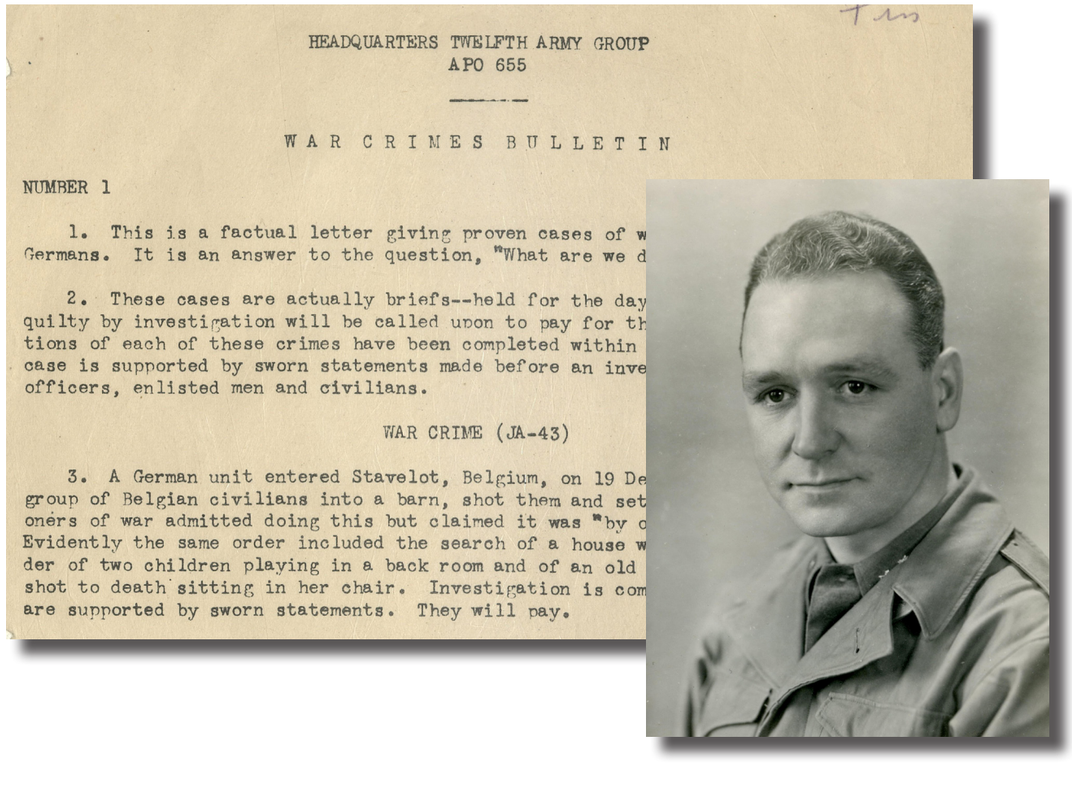
32 Henton Deeds Collection. 9 boxes of English manuscript deeds on vellum, dated 1609–1890.

Law School alumni Helen Spink Henton ('25) and Robert Henton ('25) were outstanding collectors of historical maps and books. One collection, of books with fore-edge paintings, was later purchased by the Huntington Library. On a fortuitous trip in the 1930s, the couple began a collection of manuscript English deeds. The approximately 500 documents date from the seventeenth through nineteenth centuries and include wills, probate documents, letters of attorney, and indentures for marriage and the conveyance of property. In 1980 Ms. Spink Henton donated this extensive collection to the Law School.



33 Woodart Collection. 11 manuscript documents on vellum and paper, dated 1756–1769.

The life of Anna Petronella Woodart, a woman born into slavery in eighteenth-century Jamaica, was extraordinary. Her father, William Foster, a slaveowner and wealthy planter, manumitted his only natural daughter and made her his sole heir. Anna was naturalized as a British citizen, moved to London, and was married to an Englishman, with whom she had children. Anna's uncle also willed his Jamaican estate, leaving Anna and her husband with extensive properties, and slaves. The documents in this collection include wills, naturalization records, articles of marriage, and documents related to the estates.



HEADQUARTERS TWELFTH ARMY GROUP
APO 655

WAR CRIMES BULLETIN

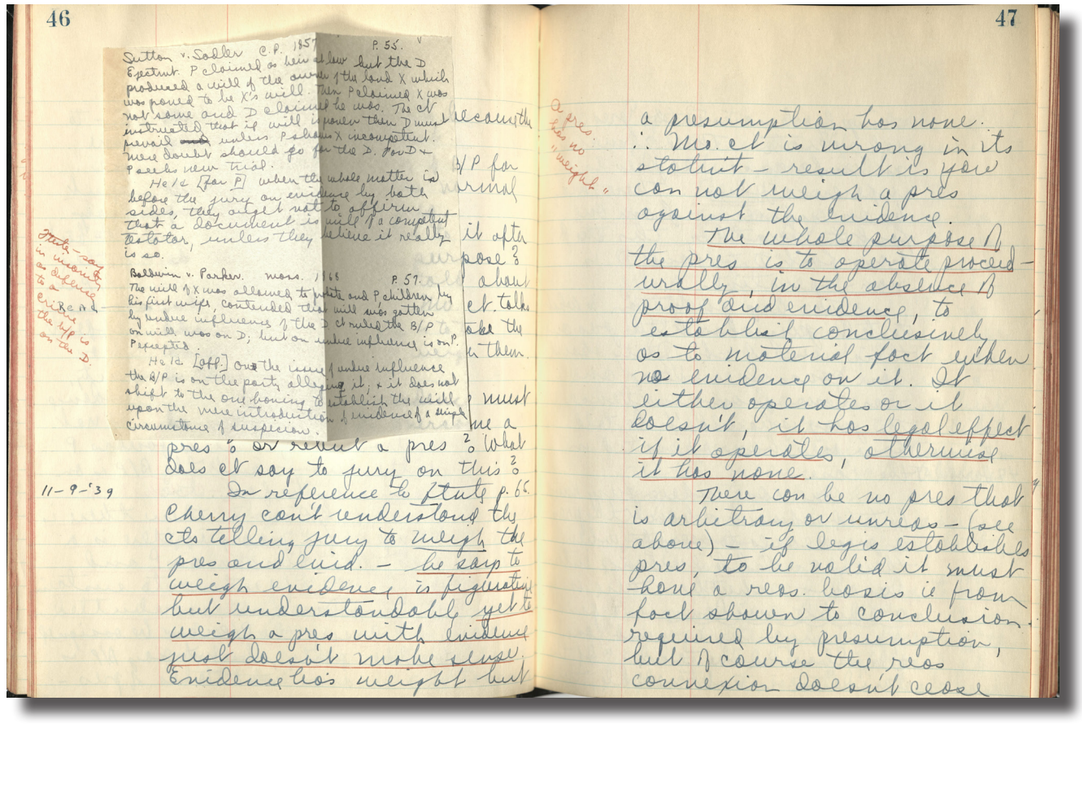
NUMBER 1

1. This is a factual letter giving proven cases of w
Germans. It is an answer to the question, "What are we d

2. These cases are actually briefs--held for the day
quilty by investigation will be called upon to pay for th
tions of each of these crimes have been completed within
case is supported by sworn statements made before an inve
officers, enlisted men and civilians.

WAR CRIME (JA-43)

3. A German unit entered Stavelot, Belgium, on 19 De
group of Belgian civilians into a barn, shot them and set
oners of war admitted doing this but claimed it was "by o
Evidently the same order included the search of a house w
der of two children playing in a back room and of an old
shot to death sitting in her chair. Investigation is com
are supported by sworn statements. They will pay.



46 47

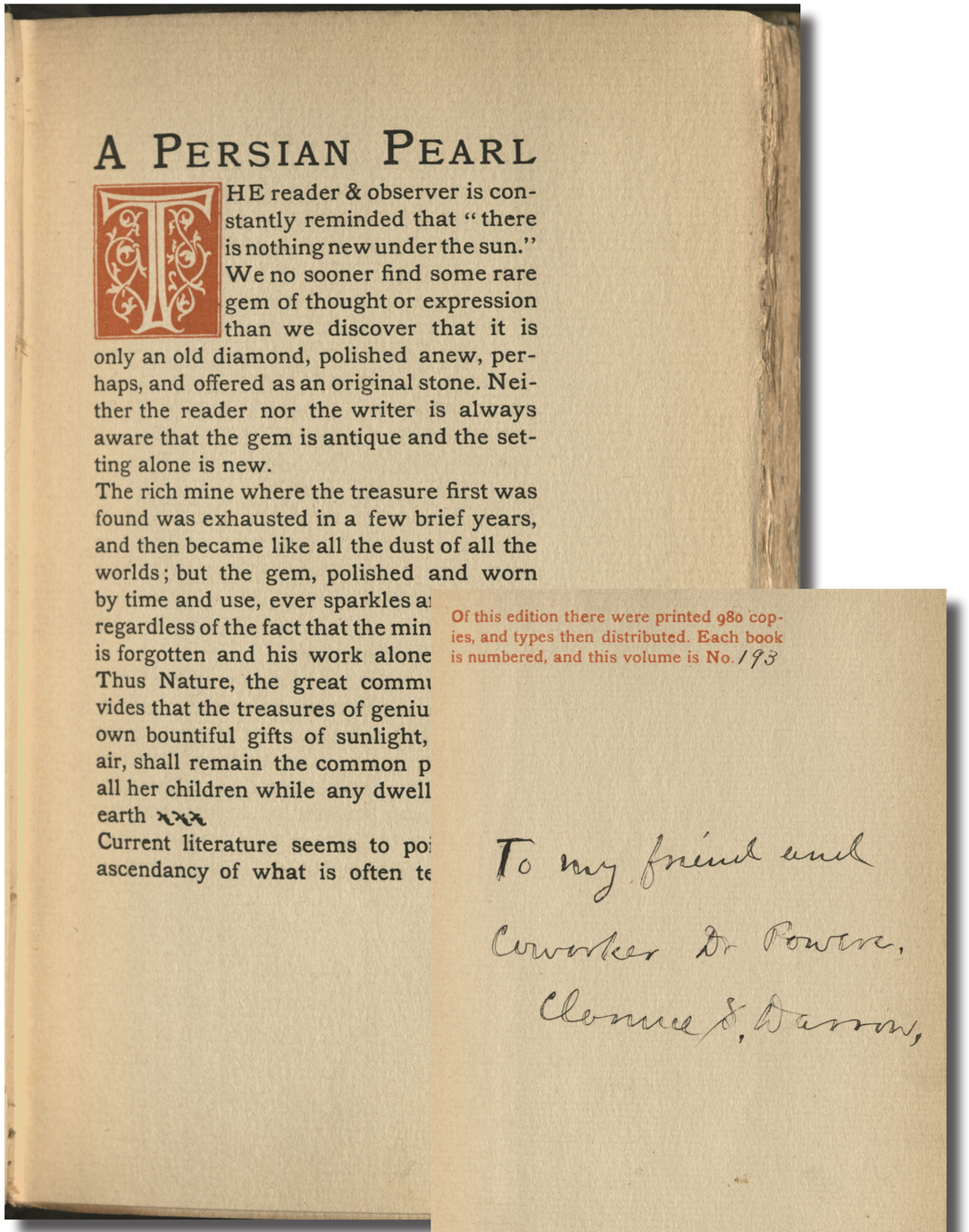
Sutton v. Sadler C.P. 1857 P. 55.
Ejectment. P claimed as heir at law that the D
Ejectment. P claimed as heir at law that the D
Ejectment. P claimed as heir at law that the D

36 Supreme Court Bobbleheads Collection. 32 ceramic figurines of United States Supreme Court Justices, produced 2003–2022.

Artful and whimsical, Supreme Court bobbleheads depict the "Supremes" in miniature, bobbling form, with witty references to their notable opinions. The ceramic figurines are the creations of Professor Ross Davies and *The Green Bag*, a humorous journal for the bench and bar. Since 2003, figures of current and former justices, including the popular Justices Bader Ginsburg and Scalia, have been regularly produced. These items have become prized collectibles, due in part to their limited production runs. The Library holds a complete collection, based on a generous donation from the Honorable James M. Rosenbaum ('69), Federal District Court Judge for the District of Minnesota (ret.).

CLARENCE DARROW COLLECTION

The Clarence Darrow Collection is prized as the preeminent national collection of letters, printed speeches, debates, and other writings related to the life and career of Clarence Darrow (1857–1938), the great American trial lawyer. Darrow was America's most fearsome and relentless criminal defense attorney during a legendary career that spanned six decades. He successfully represented defendants in some of the twentieth century's most famous cases, and remains today an unparalleled American iconoclast. The Library's collection centers on more than one thousand letters to and from Darrow, particularly family letters, which shed light on Darrow's life in and out of the spotlight. Rare and unique material related to his life and legal career round out this remarkable collection.



A Persian Pearl

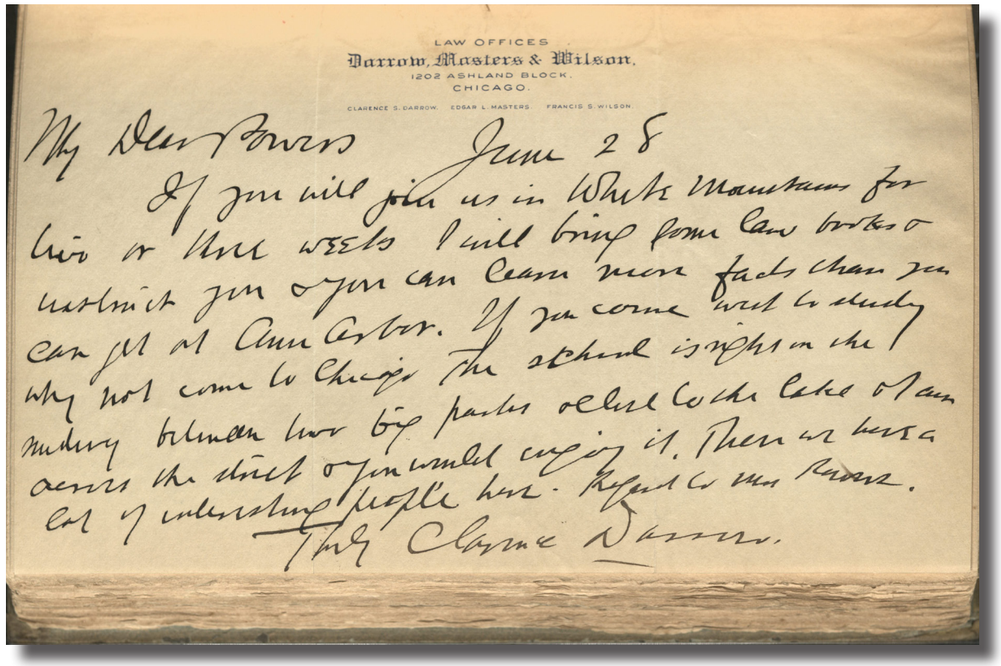
THE reader & observer is constantly reminded that "there is nothing new under the sun." We no sooner find some rare gem of thought or expression than we discover that it is only an old diamond, polished anew, perhaps, and offered as an original stone. Neither the reader nor the writer is always aware that the gem is antique and the setting alone is new.

The rich mine where the treasure first was found was exhausted in a few brief years, and then became like all the dust of all the worlds; but the gem, polished and worn by time and use, ever sparkles a regardless of the fact that the min is forgotten and his work alone Thus Nature, the great commu vides that the treasures of geniu own bountiful gifts of sunlight, air, shall remain the common p all her children while any dwell earth

Current literature seems to poi ascendancy of what is often te

Of this edition there were printed 980 copies, and types then distributed. Each book is numbered, and this volume is No. 193

To my friend and
Coworker Dr Powers,
Clarence S. Darrow,



LAW OFFICES
Darrow, Masters & Wilson,
1202 ASHLAND BLOCK,
CHICAGO.
CLARENCE S. DARROW. EDGAR L. MASTERS. FRANCIS S. WILSON.

My Dear Powers June 28

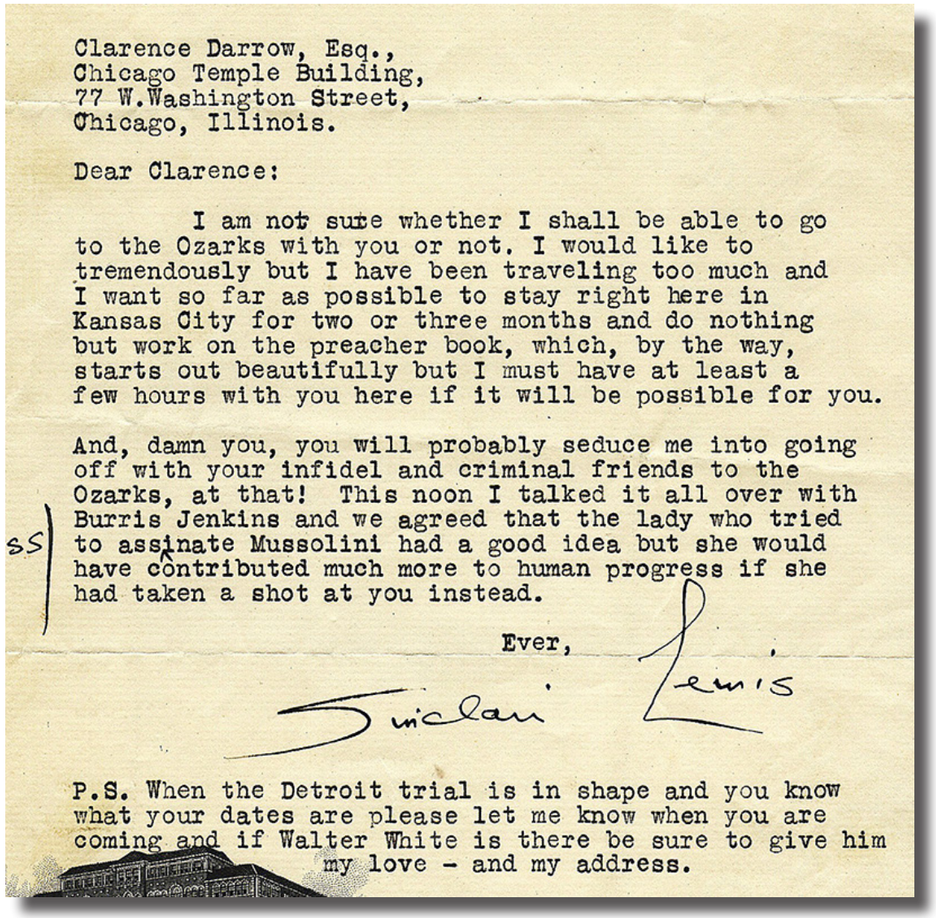
If you will join us in White Mountains for two or three weeks I will bring some law books & instruct you & you can learn more facts than you can get at Ann Arbor. If you come west to study why not come to Chicago the school is right in the midst between two big parties & I'll take care of you across the street & you could enjoy it. There are lots of interesting people here. Regards to Mrs Powers.

Yrs Clarence Darrow.

37 Clarence Darrow. *A Persian Pearl, and Other Essays.* East Aurora, NY: Done into a Book at the Roycroft Shop, 1899.

Darrow's first foray into literature and his earliest book-length publication, *A Persian Pearl* contains five essays on literary subjects that sum up his philosophy of life. Steeped in pessimism and realism, Darrow rejects religious dogma, questions human free will, and argues for forbearance in response to human frailties. The work's title is a reference to the *Rubiayat*, a poem attributed to Omar Khayyam (1048–1141). The essays reflect a poetic sensibility that would figure into many of Darrow's closing arguments.

This attractive first edition was printed by the Roycroft Press, notable in the American Arts and Crafts movement. The inscribed copy includes several letters of Darrow to his friend, the Reverend Levi Moore Powers (1864–1920).



Clarence Darrow, Esq.,
Chicago Temple Building,
77 W.Washington Street,
Chicago, Illinois.

Dear Clarence:

I am not sure whether I shall be able to go to the Ozarks with you or not. I would like to tremendously but I have been traveling too much and I want so far as possible to stay right here in Kansas City for two or three months and do nothing but work on the preacher book, which, by the way, starts out beautifully but I must have at least a few hours with you here if it will be possible for you.

And, damn you, you will probably seduce me into going off with your infidel and criminal friends to the Ozarks, at that! This noon I talked it all over with Burris Jenkins and we agreed that the lady who tried to assinate Mussolini had a good idea but she would have contributed much more to human progress if she had taken a shot at you instead.

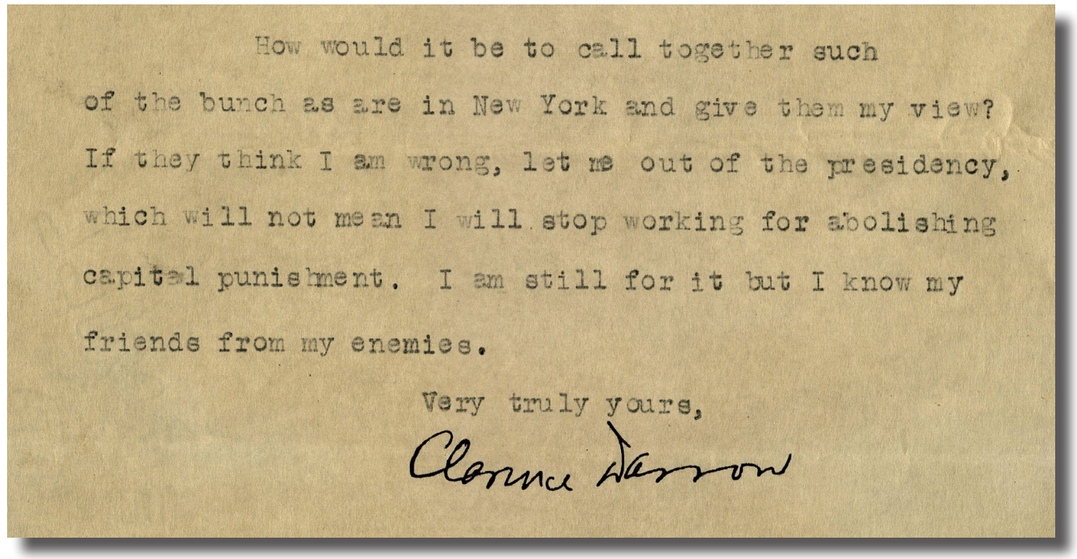
Ever,

Sinclair Lewis

P.S. When the Detroit trial is in shape and you know what your dates are please let me know when you are coming and if Walter White is there be sure to give him my love - and my address.

38 Letter from Sinclair Lewis to Clarence Darrow. April 7, 1926.

This letter reveals a playful friendship between two celebrities at center stage in America during the 1920s. Sinclair Lewis (1885–1951), a native of Sauk Center, Minnesota, won the Nobel Prize for Literature in 1930. Lewis touches on his novel-in-progress, *Elmer Gantry* (1926), and Burris Jenkins, the minister on whom he modelled his charismatic protagonist. In the postscript, Lewis mentions Darrow's upcoming defense of African American physician Ossian Sweet and his family. They were tried for murder after defending their Detroit home from a white mob. Darrow's extraordinary defense resulted in the Sweet family's acquittal.



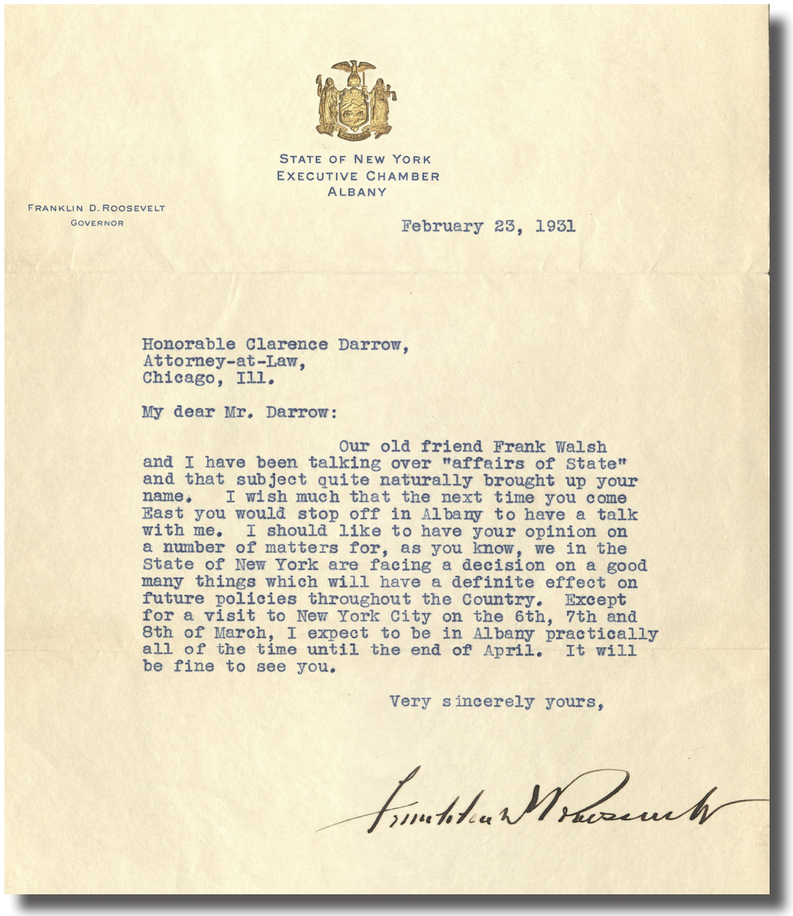
How would it be to call together such of the bunch as are in New York and give them my view? If they think I am wrong, let me out of the presidency, which will not mean I will stop working for abolishing capital punishment. I am still for it but I know my friends from my enemies.

Very truly yours,

Clarence Darrow

39 Letter from Clarence Darrow to Maria Sweet Smith. August 27, 1930.

Darrow responds in this letter to Maria Sweet Smith's plan for a campaign against the death penalty. Although a strong opponent of the death penalty, and president of the American League to Abolish Capital Punishment, Darrow vehemently rejects the plan, which was premised on economic benefits expected from a predicted drop in crime. For Darrow, crime was caused by larger social forces and the abolition of the death penalty had to be based in compassion. The three-page critique shows Darrow at his acerbic best.



STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY

FRANKLIN D. ROOSEVELT
GOVERNOR

February 23, 1931

Honorable Clarence Darrow,
Attorney-at-Law,
Chicago, Ill.

My dear Mr. Darrow:

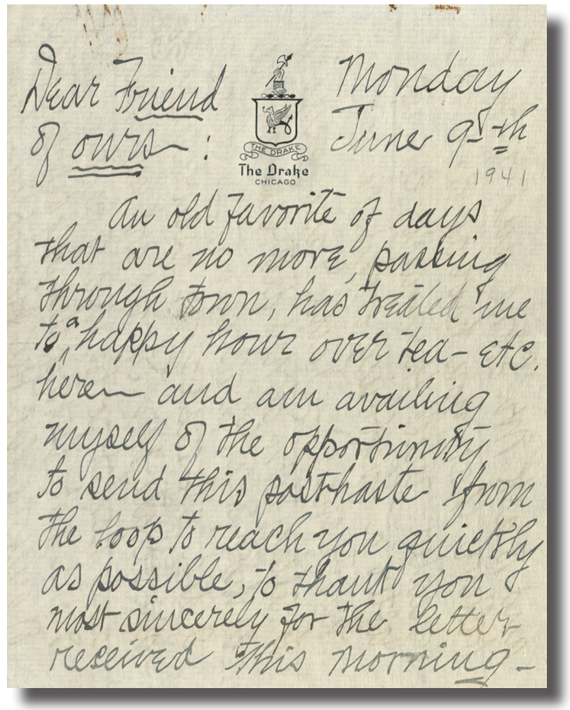
Our old friend Frank Walsh and I have been talking over "affairs of State" and that subject quite naturally brought up your name. I wish much that the next time you come East you would stop off in Albany to have a talk with me. I should like to have your opinion on a number of matters for, as you know, we in the State of New York are facing a decision on a good many things which will have a definite effect on future policies throughout the Country. Except for a visit to New York City on the 6th, 7th and 8th of March, I expect to be in Albany practically all of the time until the end of April. It will be fine to see you.

Very sincerely yours,

Franklin D. Roosevelt

40 Letter from Franklin Roosevelt to Clarence Darrow. February 23, 1931.

Franklin Delano Roosevelt's invitation to Darrow to discuss "affairs of State" with "our old friend" Frank Walsh (1864–1939) makes for an intriguing treasure. Walsh was a prominent lawyer who headed a commission, created after the Los Angeles Times bombing (1910), to study the conflict between organized labor and industry. Darrow represented the defendants at the bombing trial, though his reputation was damaged by guilty pleas and charges of jury bribery. The letter may relate to Roosevelt's potential candidacy for U.S. president. In a letter to Walsh a year earlier, Darrow wrote that Roosevelt would make a good candidate. Roosevelt later announced his run and won his first national election in 1932.



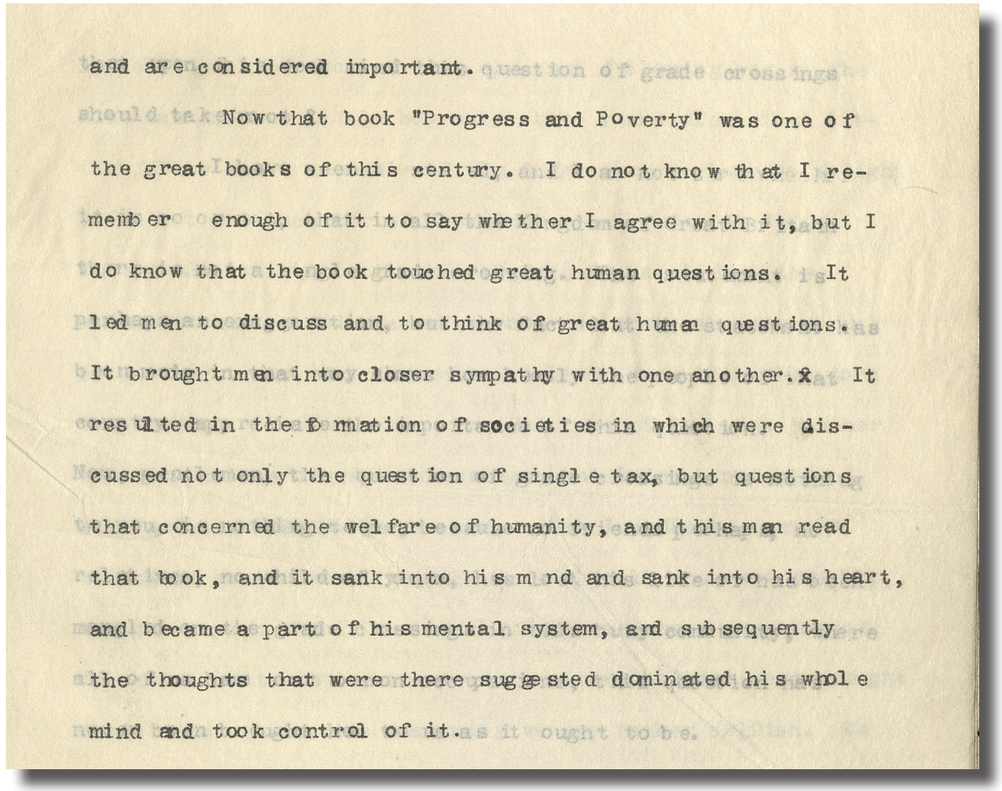
Dear Friend of ours: Monday June 9th 1941

The Drake
CHICAGO

An old favorite of days that are no more passing through town, has trailed me to a happy hour over tea - etc. here and am availing myself of the opportunity to send this birthnote from the loop to reach you quickly as possible, to thank you most sincerely for the letter received this morning -

41 Letter from Ruby Darrow to an unknown friend. February 23, 1931.

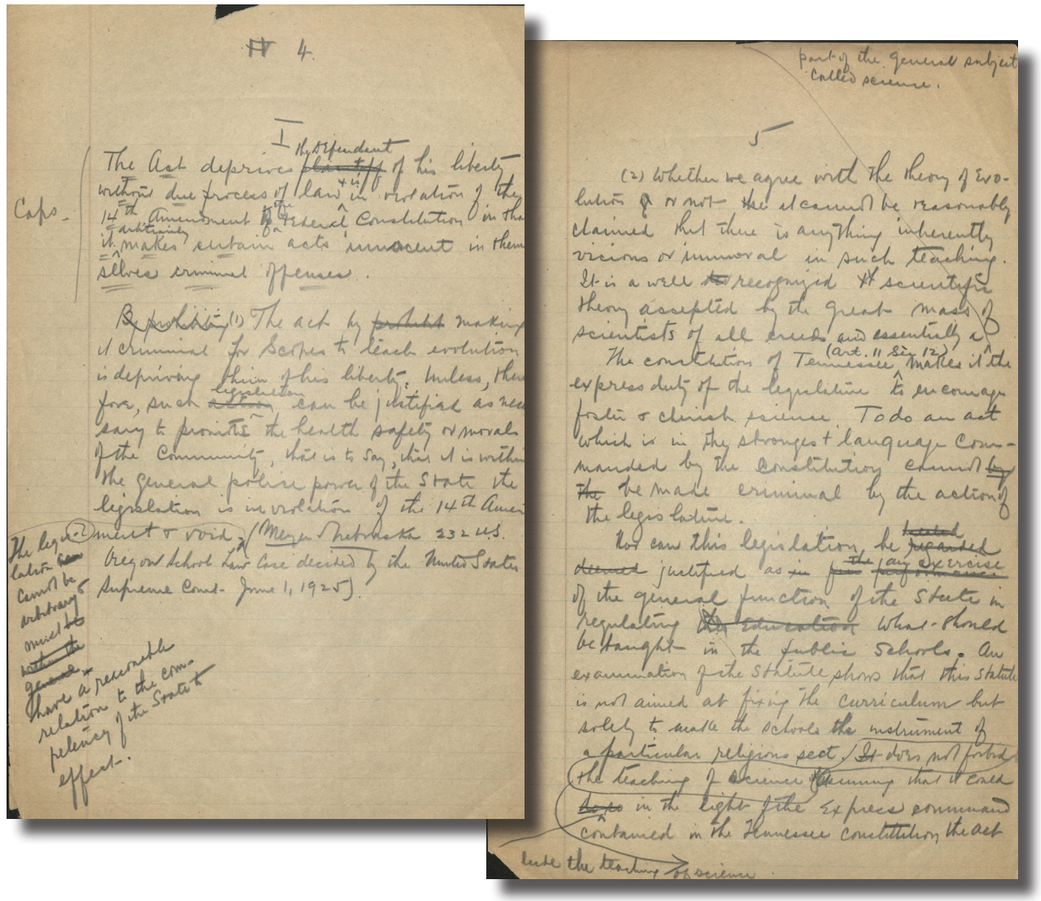
Ruby Darrow's letter three years after her husband's death reflects her affection for her husband and care for his legacy. The letter addresses Irving Stone's forthcoming book, *Clarence Darrow for the Defense* (1941), the first important biography of Darrow. Ruby trusts the work will be a fitting tribute to her husband's career and their long partnership, though notes that she has not been privy to the book manuscript. She encloses with the letter a rare photograph of herself with Clarence. A private couple, they were not often photographed together.



and are considered important. Now that book "Progress and Poverty" was one of the great books of this century. I do not know that I remember enough of it to say whether I agree with it, but I do know that the book touched great human questions. It led men to discuss and to think of great human questions. It brought men into closer sympathy with one another. It resulted in the formation of societies in which were discussed not only the question of single tax, but questions that concerned the welfare of humanity, and this man read that book, and it sank into his mind and sank into his heart, and became a part of his mental system, and subsequently the thoughts that were there suggested dominated his whole mind and took control of it.

42 Clarence Darrow. *In Re Prendergast: Address to the Jury, 1894.*

In 1893, Eugene Prendergast shot and killed Carter Harrison, Sr. (1825–1893), a popular mayor of Chicago. Although not initially involved in the case, Darrow argued at a hearing to have the penalty stayed, pleading the defendant's insanity. Still early in his career, Darrow had come to sympathize with criminal defendants. His unsuccessful plea on behalf of Prendergast is preserved here in the court's typescript original. The arguments were judged in one newspaper to be "brilliant and eloquent," qualities that typified Darrow's courtroom rhetoric throughout his career. Darrow never lost a client to the death penalty when he was the trial lawyer.



4

I

Cops. The Act deprives [illegible] of his liberty without due process of law in violation of the 14th Amendment of the Federal Constitution, in that it makes certain acts innocent in themselves criminal offenses.

By prohibiting (1) The act by making it criminal for Scopes to teach evolution is depriving them of this liberty. Unless, therefore, such legislation can be justified as necessary to promote the health safety or morals of the Community, that is to say, that it is within the general police power of the State the legislation is in violation of the 14th Amendment & void (Meyer v Nebraska 262 U.S. Oregon School Case decided by the United States Supreme Court June 1, 1925).

The legislature cannot be arbitrary and must be reasonable. There must be a reasonable relation to the accomplishment of the State's effort.

part of the general subject called science.

5

(2) Whether we agree with the theory of evolution or not the statement cannot be reasonably claimed that there is anything inherently vicious or immoral in such teaching. It is a well recognized scientific theory accepted by the great majority of scientists of all creeds and essentially so.

The constitution of Tennessee (Art. 11 Sec. 12) makes it the express duty of the legislature to encourage forever & cherish science. To do an act which is in the strongest language commanded by the constitution cannot be made criminal by the action of the legislature.

How can this legislation be [illegible] justified as in the exercise of the general function of the State in regulating education What should be taught in the public Schools. An examination of the statute shows that the statute is not aimed at fixing the curriculum but solely to make the schools the instrument of a particular religious sect. It does not forbid the teaching of science inasmuch as it does not go in the light of the express command contained in the Tennessee constitution, the act [illegible] the teaching of science

43 Arthur Garfield Hays. Draft brief for defendant, in *Tennessee v. John Thomas Scopes*. Manuscript on paper, 1925.

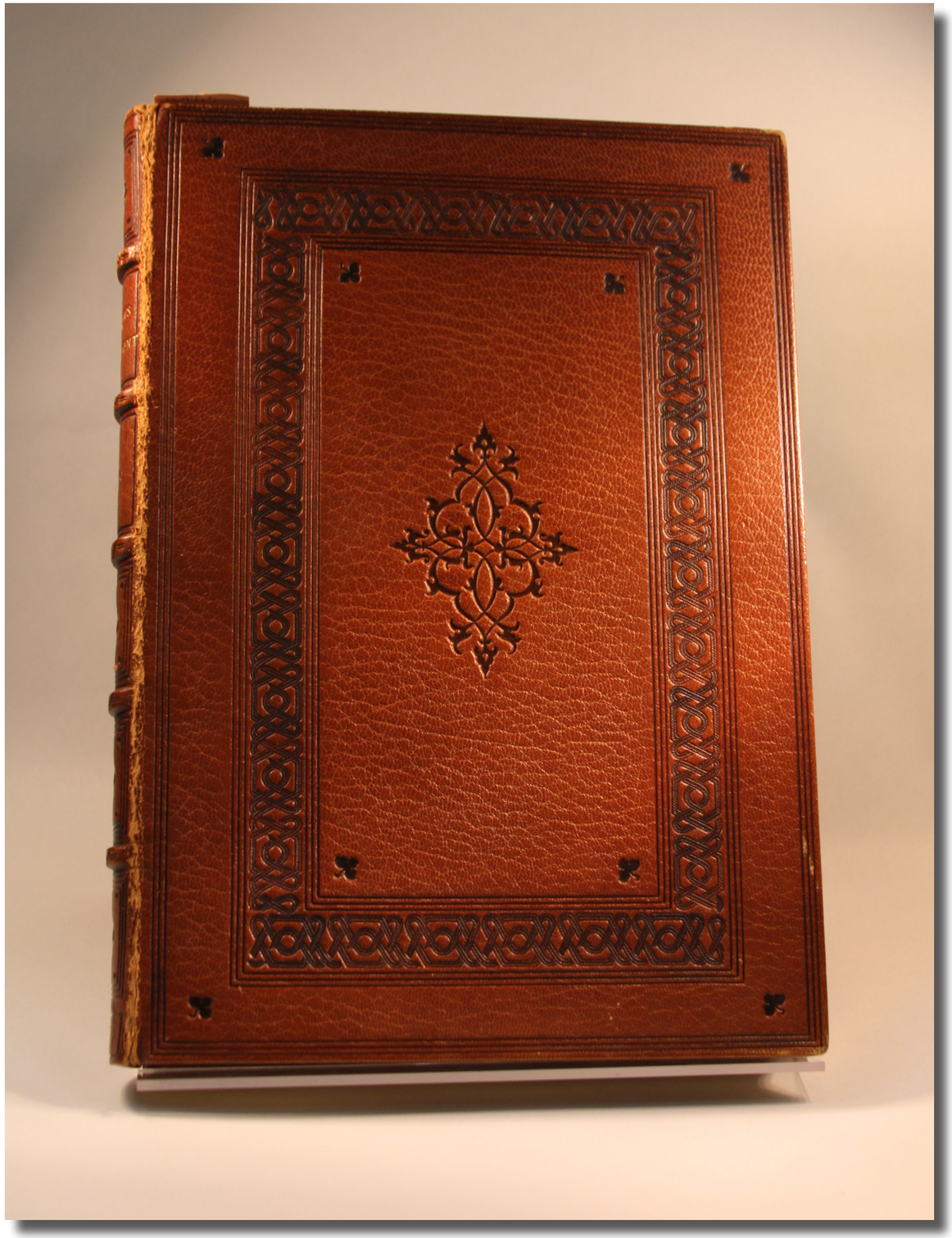
Darrow was involved in several "trials of the century," but none earned the literary and popular legacy of the 1925 Scopes "Monkey" Trial. In *Tennessee v. John Thomas Scopes*, a high school biology teacher was tried in Tennessee for violating the Butler Act, prohibiting the teaching of evolution in school. Darrow was hired to defend Scopes, opposing prosecution counsel William Jennings Bryan, among others. The trial reached a climax with Darrow's dramatic cross examination of Bryan and his literalist interpretation of the Bible. This manuscript draft brief from the case is likely in the hand of Darrow's co-counsel and general counsel of the ACLU, Arthur Garfield Hays (1881–1954).

ENGLISH LAW

The collection of early English law, printed between 1490 and 1600, is one of the finest in North America, featuring over half of the titles found in Joseph Beale's benchmark *A Bibliography of Early English Law Books* (1926). Among these titles are rare editions of standout works by Bracton, Littleton, Fitzherbert, and Lambarde. Particular treasures include fourteen editions of Magna Carta, and more than twenty-five editions of Littleton's *Tenures*, printed before 1600. Representing works published from the fifteenth through nineteenth centuries are a wide variety of English statutes, Year Books, nominative reports, abridgements, practice guides, treatises, trial accounts, and dictionaries. The collection is a rich resource for historical study.

44 [Abridgement of Cases to the End of Henry VI]. [Rouen: Guillaume Le Talleur for Richard Pynson, 1490?].

Statham's abridgement is one of the earliest printed works of English law, comprising cases decided between the fourteenth and fifteenth centuries. Arranged by subject heading, the digest is attributed to the English lawyer, Nicholas Statham (d. 1472). It was printed for Richard Pynson (ca. 1449–1529), the first significant printer of English law. Originally from Normandy, Pynson opened a shop near London's Inns of Court and served as the king's printer from 1506 to 1529, publishing several hundred books over his career. The Library's copy is especially notable for its fine binding by Robert Riviere (1808–1882).



Constitutio dñi Othoboni.

De abstrahētibus cōsuetas ad eccl̄iā. Ad tutelā. Fo. lxxix.

45 *Constitutiones Legitime Seu Legatine Regionis Anglicane: Cu[m] Subtilissima Interpretatione D[omi]ni Johannis De Athon* ... Paris: Wulfgangi Hopilii et prouissimi bibliopole Joannis Confluentini, 1504.

The "Legatine Constitutions" were a key source of medieval English church law. The constitutions were produced by English church synods, presided over by papal legates, in 1237 and 1268. The laws are printed with the influential comments, or gloss, of the ecclesiastical lawyer John Acton (d. 1349). Acton's work explained the constitutions with reference to Roman and canon law and contemporary English practice. The text and gloss, together with William Lyndwood's later *Provinciale*, remained influential for English church law into the Renaissance. In the woodcut image at left, Saint George, the patron saint of England, is slaying the mythical dragon.

Consentiam cum Scientiâ des servo Domine.

P: Warburton

En Dieu est tout.

INtrationū excellentissimus liber per q̄ necessarius oībus legis ho
minib⁹: here in se continens oēm medullam diuersar materiar/
ac plit/tam realiū/personalium/q̄ mixt. Necnō multorum bre
uium tam executionū q̄ aliorum valde vtilium illis hunc librum
inspecturis aut inscrutandis. Que quidē sup̄adicta facilit̄ pos
sunt inueniri p̄ indicē alphabeticū puigilāti studio cōfectū
& p̄ordinē lr̄arū redactū. Videlz oēs mat̄ie/narrat/& ple
plit̄ in hoc volumine ꝛtent q̄ incipiūt cū hac lr̄a. A.
adiuicē ponunt. Sill oēs añdicte mat̄ie de
hac lr̄a. B. sili forma lituant. Acetiā i
dcā lr̄a. B. hēnt oia bria cuiuscūq;
effect⁹ aut nature existēt p̄ter
bria de Ue. kaē. q̄ ponūt
sub hac lr̄a de. U.
vt euidenti i di
cto indice
apper.

Hoc lib⁹ editus fuit. Ao. Salutis. 1510. Ao. H. 8ti. 2do. vt hic fol. 8th⁰

¶ Intrationū libri Index Alphabetic⁹.

¶ Acompt

Compt versus ballm vn⁹ mes
loto xbi.
Accōpt vbi def⁹ die q̄ liberauit
sūmā alt fo.xx.
Alit vb⁹ ball⁹ ꝛ receptor⁹ ibid⁹
Accōpt vb⁹ auto de i locagio. fo.l.

Accōpt def⁹ ꝛmittit⁹ plōe ꝛ ꝓpurat⁹ fleit fo.cbi.
Accōpt def⁹ die quo ad p̄te ple⁹ ꝓput̄ault cozā audit⁹ ꝛ quo ad resp⁹ gar⁹ ꝓputare fo.cbii.

¶ Actiones super calum.

Actio sup casū filius hospitator⁹ fo.xb.
Acc̄ lugeali sur decem eo q̄ vbdo⁹ (ſp⁹.ttt.acp
t⁹ p̄ dā pecunie sūma ꝑ manub⁹ solut.f.xxxir.
Acc̄ sup cas p̄ remotiōe le merton fo.xxxir.
Acc̄ sup ercalum fo.lxbiii.
Acc̄ sup casū vbi vn⁹ plitat⁹ ē in cur̄ pliantat⁹
de catall⁹ debit⁹ ꝛtra ꝓhibitionē regis fo.lxx.
Acc̄ sup calu⁹ veriūs molendinariū eo q̄ cepit
tolnetum excellium fo.cxlb.
Ac sup cas p̄ nō reparatiōe guttur⁹ fo.clxbii.
Acc̄ sup cas vb⁹ eū q̄ fac̄ trecheā vbi viā.clxbiii.
Acc̄ sup cas vb⁹ eū q̄ cōpellit residē ire ꝓ certū
dm⁹ lete sequi curiā alter⁹ lete fo.clxxb.

¶ Alloc.

Alloc̄ p̄tectionis fo.b.
Alloc̄ carte. fo.xxbi.
Alit q̄ ds ꝓlagat ad cert̄ duoz⁹ vb.tit.dxiv
Alit ligmortuus ēt fo.eodem.

¶ Allett⁹ p̄ delcent.

Allett⁹ delcēt cū fallc̄ in feod⁹ simplici fo.xiii.

¶ Attinct.

Attincta cozam iustic̄ de banco fo.xix.
Attincta cozā iustic̄ ad assias. fo.xix.
Attinct dello Hedcō i alia iuſtic̄mode. f.xlix.

¶ Auow.

Auow⁹ p̄ dam fclaunt fo.xxxbiii.
Auow⁹ vbi quer⁹ clam⁹ coiam ad aucria sua cu
dane⁹ sleuane fo.xxxir.
Auow⁹ p̄fecta curie infra ibidem.
Auow⁹ p̄ alijs seruicijs infra fo.eodem.
Auow⁹ alit p⁹ dam fclaunt. fo.xlii.
Auow⁹ vbi def⁹ die q̄ ꝓpietas do. fuit alteri
ꝛ nō querenti fo.xlii.
Auow⁹ p.f.en taill sup̄ ten en tail fo.lxxbii.
Auow⁹ p̄ homagiū de reddit ꝛ quo ad reddiū
tien arere ꝛ trauſs le iſſm del homage fo.eod⁹.
Auow⁹ fcā in alio loco eo q̄ equus eualit vbi q̄
locā in nat⁹ ſpecifie ibid⁹

Auow⁹ vbi def⁹ die quo ad reddit nihil arectro
q̄ quo ad fidelit̄ obtulit ꝛ def⁹ recepit recusā⁹ ibid⁹
Auow⁹ p̄ reddit (ſp⁹ die q̄ loc⁹ in quo ꝛc. nō est
p̄cella loci in aduocatiōe fo.lxxbiii.
Auow⁹ vbi luy p̄cit i erde die q̄ accesso reddit i
aduocar def⁹ fuit media int dūs ꝛ itrar⁹ ibid⁹.
Auow⁹ vbi quer⁹ die q̄ def⁹ fuit seit⁹ de ſeruit⁹ p̄ cohere de dist⁹. fo.eodem.
Alit ꝑ ballm vbi (ſp⁹ die q̄ def⁹ cepit aūa de in
turta sua ꝓpria ablq; hoc q̄ fuit ballus ibid⁹.
Auow⁹ vbi def⁹ die q̄ ꝓpietas fuit alteri q̄
querenti fo.eodem.
Auow⁹ p̄ plurib⁹ aūis vbi quer⁹ fac̄ querelas
et def⁹ die q̄ quer⁹ fuit replegiare in coiā alio
q̄ in nat⁹ fo.lxxir.
Auow⁹ vbi scīā seruitii trauerſatur quia per eo
here dilt⁹. fo.lxxir.
Auow⁹ p̄ amerciamēto in hundr⁹ concesso per
Regē p̄o non comparent residendo ꝛ moza i le
ge. fo.clxi ꝛ ds esse fo.clxri.
Auow⁹ p̄ dam fclaūt (ſ) die q̄ loc⁹ i q⁹ ꝛc. doc
tā q̄ nomē de. B. (ſ) q̄ nomē ne. C. ꝛc. fo.clxxx.

¶ Admallatio carte.

Admall cart sup̄ fac̄ ꝛ mortu⁹ est fo.xxbi.
Alit sup̄ cart fac̄ ꝛ mortu⁹ est fo.eodem.

¶ Actiōs.

Acc̄ vb⁹. tt. vn⁹ ptlagat ꝛ alit⁹ hs sup̄s fo.xxxii.
Acc̄ p̄ bladis declatis caciabis fo.xxxir.
Acc̄ alit cōtra eū q̄ tenet canes molosos q̄ mo
rdent oues fo.eodem.
Acc̄ vbi (ſ) clam⁹ hēt strap a tpe me⁹ fo.xxxir.
Acc̄ vlus medicū eo q̄ allūplit sup̄ le ad curan
dū patientē ꝛ nō fec fo.eodem.
Acc̄ de furda ꝛ muta vbi ꝓs⁹ amic⁹ lesit.lxb.
Acc̄ vbi p̄dta teneant in marescalchia (ſ) nō fu
er infra bregam fo.lxr.

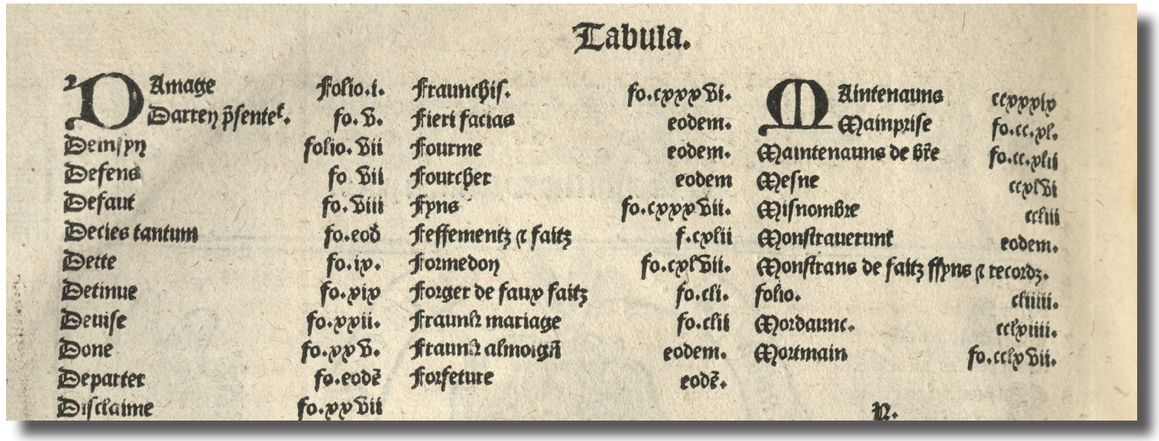
¶ Assia no. dis. fo.cxx.

Assia no. dis. p̄ delatā de terra fo.xlii.
Assia no. dis. p̄ def⁹ ꝛ resn⁹ p̄ def⁹ vltra ibid⁹.
Assia no. dis. de redditu sicco p̄ delatā fo.xlii.
Assia missa i bācā cū bāpnis exeūnor⁹ f.lxxbii.
Alit⁹ milla i bāc eo q̄ f. p̄dta⁹ fozmā⁹ relat⁹ ibid⁹.
Assia remittit⁹ in patriā fo.lxxir.
Assia ad largum fo.eodem.
Assia sup̄ titulum quer⁹ fo.eodē.
Assia de coia pastura fo.xcb.
Assia ꝛ toinct p̄ resn fm fozmā statuti fo.cxxi.
Assia vbi def⁹ fac̄ delatē ꝛ ten ad certū ānoz⁹ al
legat colūs ꝛ pet recipi p̄ statutū fo.cxxi.
Assia p̄ frequent⁹ vsit⁹ scām (ſp⁹ p̄ def⁹. fo.xxxii.
Assia no. dis. tenēs die q̄ ten sūr de ātiquo dmi
co ꝛ trie p̄ dom⁹ dei fo.cxxbiii.
Assia no. dis. vbi tenens die q̄ nullus ten liberi
tenūt noiāt in brē. fo.eodem.

379448

46 *Intrationu[m] Excellentisimus Liber* ... London: Richard Pynson, 1510.

This "Book of Entries" is an important example of an early practice guide. It contains writs, forms of pleading, and examples of procedure useful for Tudor lawyers working in the royal courts. Manuscript plea rolls and registers of writs served as the source material for the work's guidance. Featuring a xylographic title page in black and red, the book is notable for its typography and retains an imposing character. The Library's copy of this rare first edition was owned by Sir Peter Warburton (ca. 1540–1621), a justice of the Court of Common Pleas. He sat with Sir Edward Coke and joined the majority in the famous decision in *Dr. Bonham's Case* (1610).



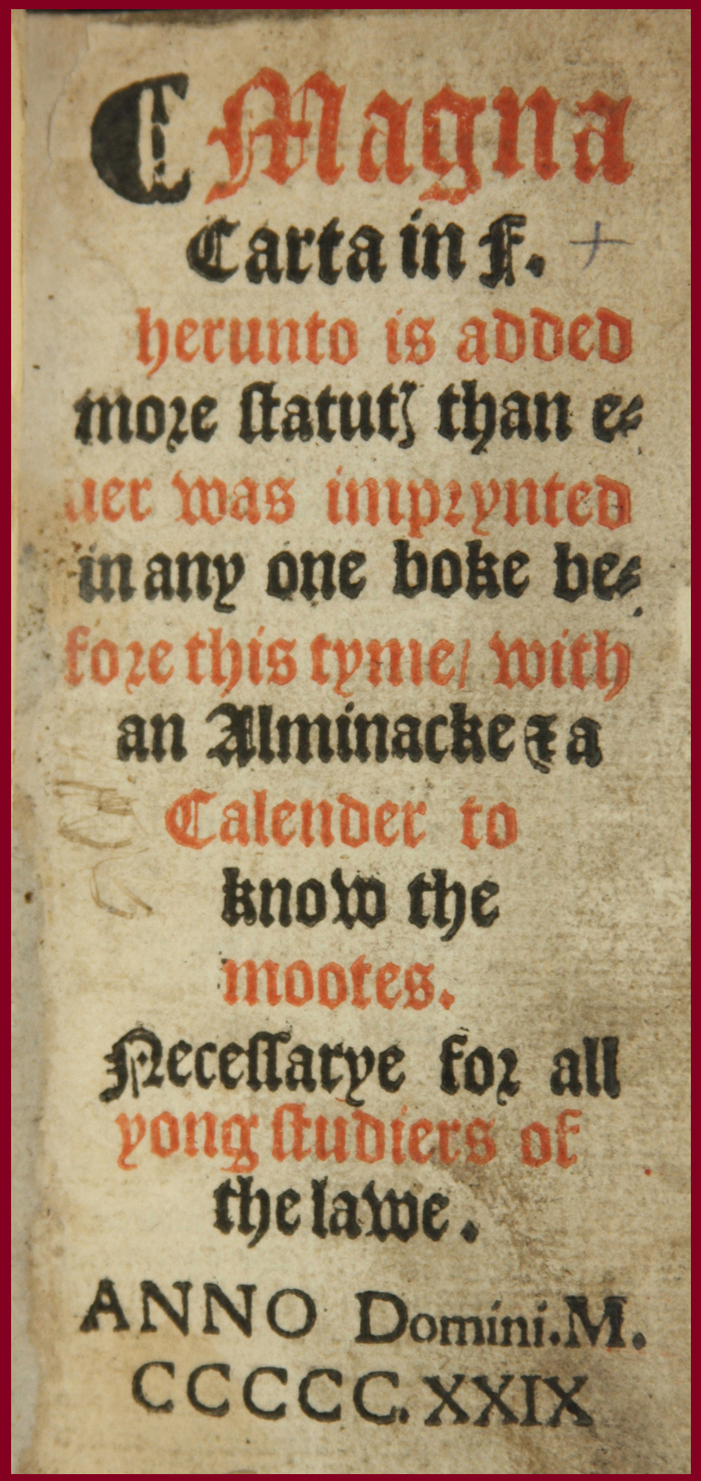
Tabula.

Damage	folio.i.	Fraunchis.	fo.cxxxvi.	Maintenaunce	cxxxix
Darrein pſentem.	fo.v.	Fieri facias	eodem.	Mainprise	fo.cc.xl.
Demurrer	folio.vii	Fourme	eodem.	Maintenaunce de bie	fo.cc.xlii
Defence	fo.viii	Fourcher	eodem	Meſne	cxlvi
Default	fo.viii	Fyne	fo.cxxxvii.	Misnombre	cxlvii
Decies tantum	fo.eod	Feffementz & faitz	f.cxlii	Monſtrauerunt	eodem.
Dette	fo.ix.	Formedon	fo.cxlviii.	Monſtrans de faitz ffyne & recordz.	
Detinue	fo.xix	Forger de faux faitz	fo.cli.	folio.	cliiii.
Deuiſe	fo.xxii.	Fraunc mariage	fo.clii	Mordaunc.	cxlviii.
Done	fo.xxv.	Fraunc almoigne	eodem.	Mortmain	fo.cclv vii.
Departer	fo.eodē	Forfeture	eodē.		
Diſclaime	fo.xxviii				

N.

47 [Sir Anthony Fitzherbert. *La Graunde Abridgement*]. [London: John Rastell and Wynken De Worde, 1514–1517].

The three-volume work called "La Graunde Abridgement" is a landmark of English common law. A collection that replaced Statham's abridgement, the work contains more than thirteen thousand cases and over two hundred subject headings. Compiled by Sir Anthony Fitzherbert (ca. 1470–1538), an advocate and judge in the royal courts, the abridgement had a significant impact on legal practice and confirmed the importance of the printed word for English law. Its monumental size and complexity made it one of the great printing achievements during the reign of Henry VIII (r. 1509–1547). A seated Henry is shown with regalia in the facing woodcut.


Magna
Carta in F.
herunto is added
moze ſtatutȝ than e-
uer was imprynted
in any one boke be-
foze this tyme/ with
an Alminacke & a
Calender to
know the
mootes.
Neceſſarye foz all
yong ſtudiers of
the lawe.
ANNO Domini.M.
CCCCC.XXIX

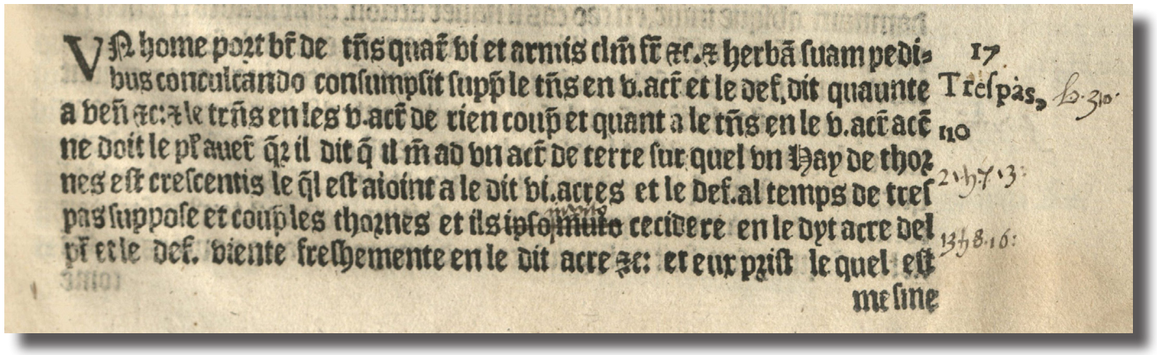
48 *Magna Carta in F[olio]: Wherunto Is Added More Statuts than Euer Was Imprynted* … London: Robert Redman Dwellynge at the Sygne of the George nexte to Saynt Dunstones Churche, 1539.

Magna Carta has a unique aura in the Anglo-American legal tradition. The product of a medieval feud between King John (r. 1199–1216) and his barons, it is often invoked as the origin of fundamental rights, in particular due process, in the common law tradition. A version of the charter eventually became statutory law and played a central role in conflicts over royal prerogatives and taxation, even up to the American Revolution.

Magna Carta was printed as the first of the "ancient statutes" in early modern statute collections. The Library holds copies of fourteen of the eighteen editions of Magna Carta printed before 1600. Among these is an edition printed by Elizabeth Redman, née Pickering (ca. 1510–1562), the first woman to print law books in England. The 1539 edition at left is one of the Library's most appealing copies.

49 *Lytylton Tenures Neulye Imprynted*. London: Henry Smyth Dwellynge wythout Temple Barre at the Signe of the Trinitie, 1545.

Thomas Littleton (d. 1481) was a medieval judge who produced the first comprehensive study of English property law. His treatise, and Edward Coke's later commentary on it, remained the foundational studies of land tenure in England for several centuries. Littleton's *Tenures* was frequently published from the beginning of English law printing (ca. 1480). The work was also produced in small formats, making it a portable reference guide. This copy has extensive annotations that add rich historical interest. The Library holds more than twenty-five editions of "Littleton" from the sixteenth century.


Vñ home port bē de tñs quaē bi et armis clñ fē æ.& herbā suam pedibus conculcando consumpsit supp̄le tñs en b.acē et le def. dit quaunte a beñ æ:& le trñs en les b.acē de rien coup̄ et quant a le tñs en le b.acē acē ne doit le pl̄auer q̄z il dit q̄ il ñ ad vn acē de terre sur quel vn Hay de thoz nes est crescentis le q̄l est aioint a le dit bi.acres et le def. al temps de tresp̄as suppose et coup̄les thoznes et ils ipso muto cecidere en le dyt acre del pl̄ et le def. biente freshemente en le dit acre æ: et eux p̄zist le quel est me sine

17 Trespas, Ho. 3to.

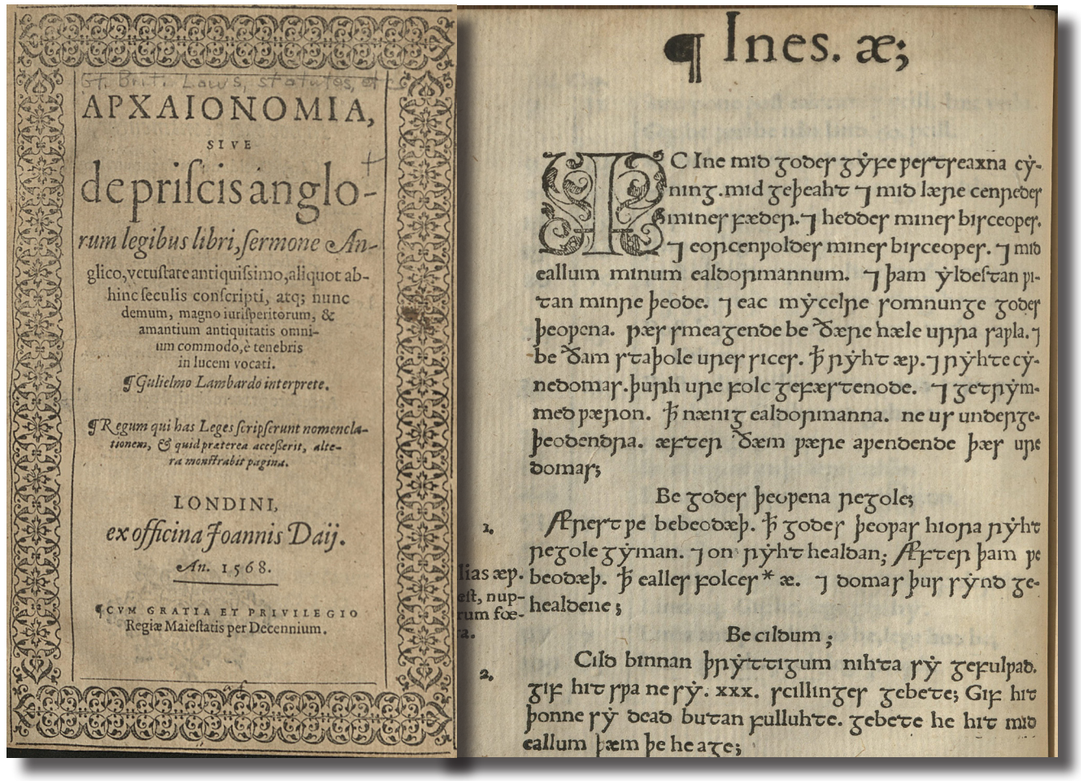
no

2 Hy 7 13:

13 H 8. 16:

50 *De Termino Michaelis. Anno. VI. Edwardi Quarti* [6 Edward IV (1466)]. London: in Fletestrete within Temple Barre at the Signe of the Hande and Starre by Richard Tottell, 1557.

The Library holds an extensive collection of Year Books, the principal source of medieval English case reports. The typically brief reports record decisions produced between 1268 and 1535. Like much of English law at the time, they are printed in Law French, a specialized legal language that remained in use in the courts until the seventeenth century. Pictured above is an excerpt from *The Case of Thorns* (1466), still mentioned in some introductory torts classes today. An important but misprinted word (*muto*) from the case has been struck through and corrected (*invito*) above by an early reader.


APXAIONOMIA,
SIVE
de priscis anglo-
rum legibus libri, sermone An-
glico, vetustate antiquissimo, aliquot ab-
hinc seculis conscripti, atq; nunc
demum, magno iurisperitorum, &
amantium antiquitatis omni-
um commodo, è tenebris
in lucem vocati.
¶ Gulielmo Lambardo interprete.

¶ Regum qui has Leges scripserunt nomenclationem, & quid praterea acceserit, altera monstrabit pagina.

LONDINI,
ex officina Joannis Daij.
An. 1568.

¶ CVM GRATIA ET PRIVILEGIO
Regiæ Maiestatis per Decennium.

¶ Ines. æ;

IC Ine mid godes gyfe pertreaxna cyning. mid gebeahte ⁊ mid lære cenredes mines fæderes. ⁊ hedder miner birgeopes. ⁊ eorcenpolder miner birgeopes. ⁊ mid eallum minum ealdormannum. ⁊ þam yldestan pitan minre þeode. ⁊ eac mycelre þomunge godes þeopena. þær þmeagende be ðære hæle upra rapla. ⁊ be ðam þtaþole uþer þiceþ. þ nyhte æþ. ⁊ nyhte cynedomar. þunh upe þole gefæstenode. ⁊ getrymmed þæpon. þ næniz ealdormanna. ne uþ underzeþeodenda. æfter ðæm þæne apendende þær upe domaþ;

Be godes þeopena nezole;

1. Æþeltþe bebeodeþ. þ godes þeopar hiora nyht nezole zyman. ⁊ on nyht healban; Æfter þam þe
lias æþ. beodeþ. þ ealles þolces* æ. ⁊ domaþ þur rynd ge-
eft, nup- healdene;
rum foe-
2.

Be ealdum;

2. Eald binnan þnyttizum nihta ry zefulpad. zif hit þpa ne ry. xxx. þcillinzes zebete; Gif hit þonne ry dead butan fulluhte. zebete he hit mid eallum þæm þe hea̅ze;

51 William Lambarde and Laurence Nowell, eds. *Archaionomia: sive De Priscis Anglorum Legibus Libri, Sermone Anglico, Vetustate Antiquissimo, Aliquot ab Hinc Seculis Conscripti* ... London: Ex officina Joannis Daij, 1568.

William Lambarde (1536–1601) was an influential legal writer, county official, and antiquarian. Together with Nowell (1530–ca. 1570), he compiled and edited Anglo-Saxon laws from early manuscripts and published the first collection of this kind. The laws (some spurious) of Anglo-Saxon kings appear in Old English with facing-page Latin translations. A typographical achievement, it is the second book to print Old English and among the first to print a map of England. Published as historical studies began to flourish in Elizabethan England, it was part of a movement that sought pre-Conquest sources of English law and national identity.

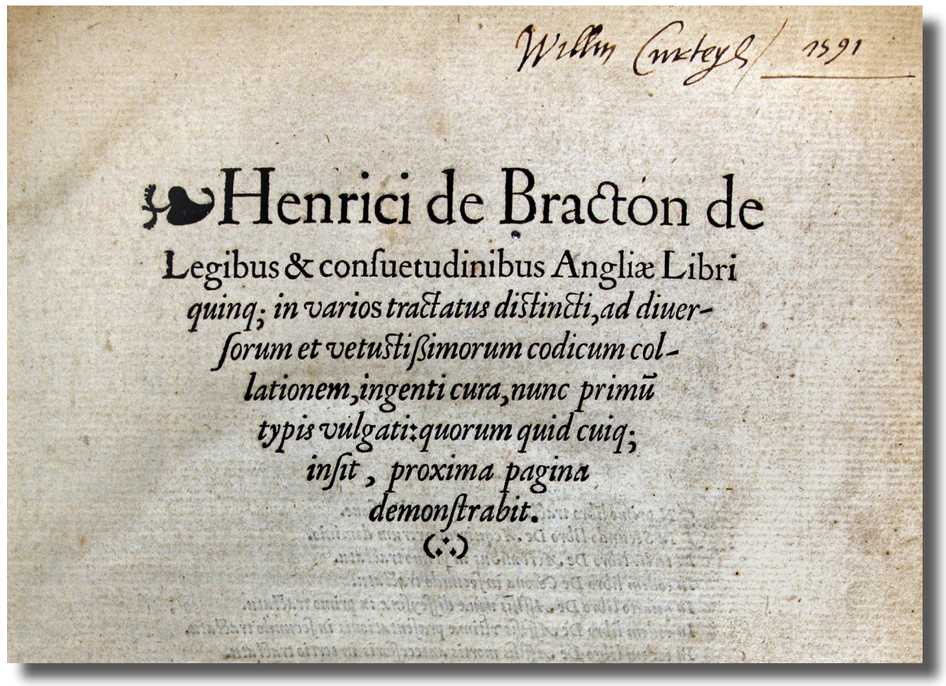
¶Incipit tractatus ſecundus

Libri tertii, in quo tractatur De Corona.

(·.·)

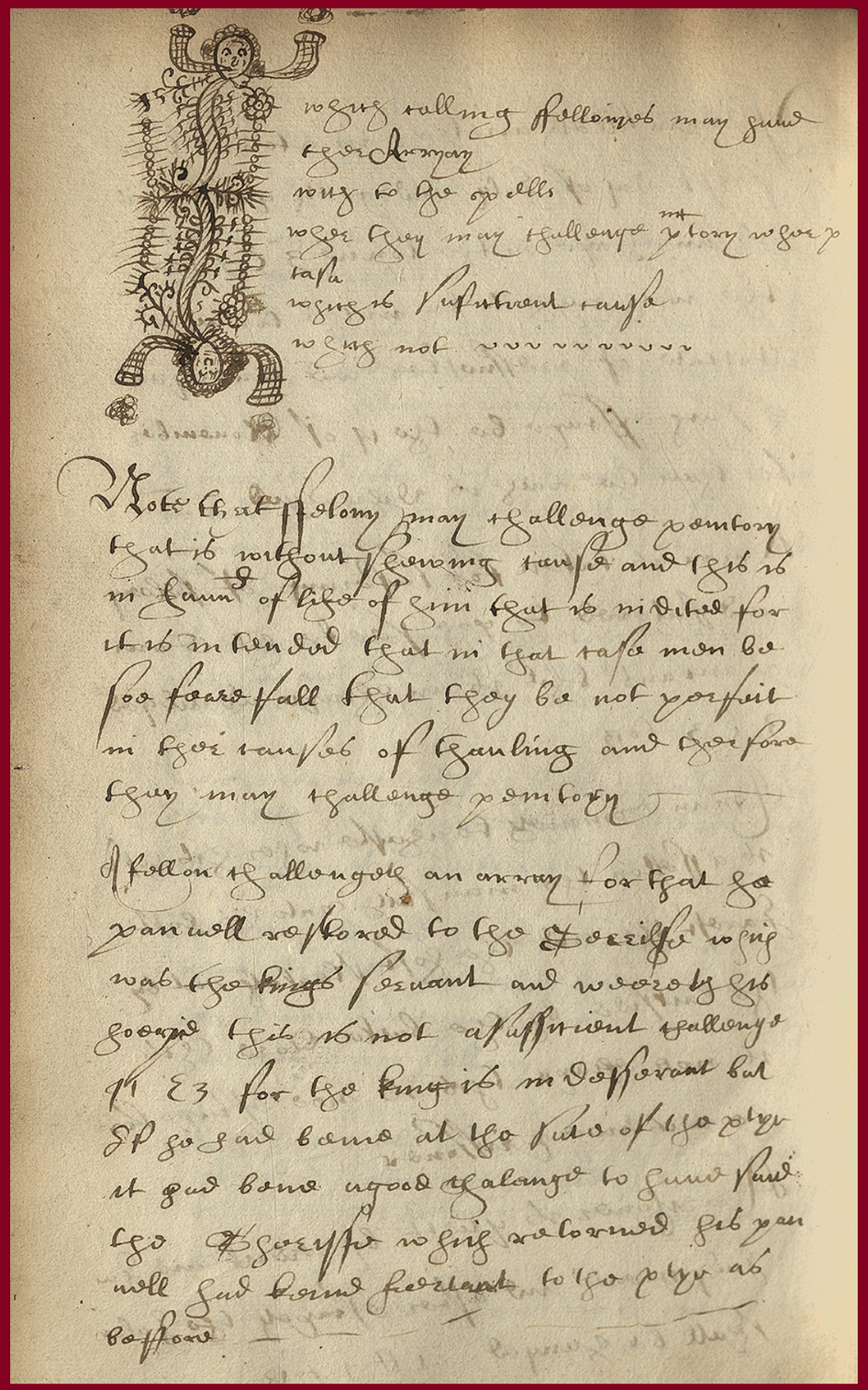
1 ¶Qualiter procedere debent iuſtitiarij in Itinere ſuo & quo ordine. 2. De ſacramento xij. militum electorum ad dicendum veredictum in placitis coronæ. 3. Capitula de quibus xij. reſpondere debent. Cap. I.

EActa coram iuſtitiarijs itinerantibus generali ſũmonitione, ad certos diem & locum, quæ ad minus continere debet ſpacium xv. dierum, videndum erit in primis, qualiter procedere debeat & quo ordine. Et ſciendum quód in primis incipere debent de placitis coronæ, in quibus terminantur actiones criminales, tam maiores quàm minores, niſi ipſe dominus Rex fortè in aliqua parte aliter duxerit faciendum. Et in primis legantur breuia, quæ dant eis autoritatem & poteſtatem itinerandi, vt ſciri poterit de eorum autoritate: quibus auditis, ſi iuſtitiarijs placuerit, quidam maior eorum & diſcretior, publicè coram omnibus ꝓponat quæ ſit cauſa aduentus eorum, & quæ ſit vtilitas itinerationis, & quæ commoditas ſi pax obſeruetur, & ꝓponi ſolent verba iſta per M. de Pateſhull. In primis de pace domini regis et iuſtitia eius violata, per murdritores & robbatores & Burglatores, qui malitiam ſuam exercent die ac nocte, non ſolum in homines, de loco in locum itinerantes, ſed in homines in lectis ſuis dormientes, et quód dominus Rex mandat omnibus fidelibus ſuis, quód in fide qua ei tenentur, et ſicut ſua ſaluare voluerint, efficax & diligens preſtent conſilium & auxilium, ad pacem & iuſtitiam ſuam conſeruandam, & malitiam prædictorum tollendam & reprimendam, & huiuſmodi plura. Quibus ꝓpoſitis, debent iuſtitiarij ſe tranſferre in aliquem locum ſecretum, & vocatis ad ſe quatuor vel ſex vel pluribus de maioribus de Coñ, qui dicuntur buſones coñ, et ad quorum nutum dependent vota aliorum, et ſic inter ſe tractatum habeant iuſtitiarij ad inuicem, & oſtendant qualiter a domino rege & conſilio ſuo ſit prouiſum, quòd omnes tam milites quàm alij qui ſunt quindecem annorum et amplius, iurare debent quód vtlagatos, murdritores, robbatores & burglatores non receptabunt, nec eis conſentient, nec eorum receptatoribus, et ſi quos tales nouerint, illos attachiari facient, et hoc vic. & balliuis ſuis monſtrabunt, et ſi huteſium vel clamorem de talibus audiuerint, ſtatim audito clamore, ſequantur cũ familia & hominib° de terra ſua. Ad quod notari poſſit, quòd ſi quis feloniam fecerit, et ſtatim captus fuerit, leuato huteſio, ceſſabit ſecta. Et vnde ſi homo per infortunium oppreſſus fuerit, ſubmerſus, vel aliquo alio modo mortuus, vel interfectus, ſtatim leuetur huteſium, ſed ſequi non oportet de terra in terram, villa in villam, cùm ma-



52 Henry de Bracton. *Henrici de Bracton De Legibus et Consuetudinibus Angliae* ... London: Apud Richardum Tottellum, 1569.

Bracton's *De Legibus* (*On the Laws and Customs of England*) is the first great treatise of English law. Attributed to a thirteenth-century judge of the royal court, the work aimed to describe a still-young common law. It borrowed structure and some concepts from Roman civil law and was influenced by continental jurisprudence. Yet it treated English procedure and cases in detail, providing a useful guide for a new professional class. About fifty full or partial manuscripts of the text survive today. This scarce first printed edition shows the early use of Roman typeface in an English law book.

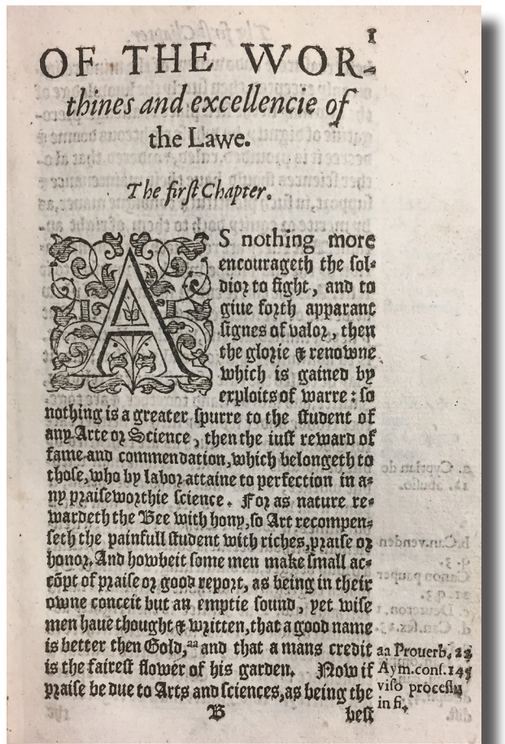


Note that felony may challenge pontery
that is without leaving taste and lyes in
Iaun of life of sin that is indicted for
it is intended that in that case man be
soo fearfull that they be not forfeit
in their tastes of standing and therefore
they may challenge pontery

If felon challenges an array for that so
many well returned to the Office of
was the Kings servant and therefore by
Coke this is not a sufficient challenge
for 33 E3 for the King is indifferent but
if so and bene at the suit of the party
it shall bene a good challenge to same said
the Office of sheriff returned sub pena
will and bene seizant to the party as
before

53 William Lambarde. *Archeion; or, A Discourse upon the High Courts of Justice in England*. Manuscript on paper, ca. 1600. [Bound with a short exposition on justices of the peace, and a collection of felony cases.]

The rare books collection contains a few manuscript books that hold special interest. Lambarde's *Archeion*, an important work on Elizabethan law courts, first circulated in handwritten copies, as did many works of the period. *Archeion* was not printed until 1635, when it appeared in an "unauthorized" edition made from a copy like the one here. The work was contested by Lambarde's own grandson, who rushed another edition to print in the same year. Variations among manuscripts are an enduring issue for scholars of early English and other laws. This volume awaits a scholar to discover its unique historical significance.

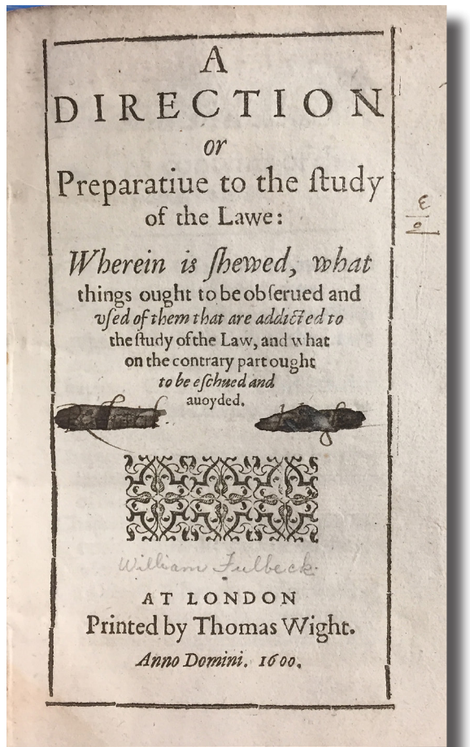

OF THE WOR-
thines and excellencie of
the Lawe.

The first Chapter.

AS nothing more encourageth the soldior to fight, and to giue forth apparant signes of valor, then the glorie & renowne which is gained by exploits of warre: so nothing is a greater spurre to the student of any Arte or Science, then the iust reward of fame and commendation, which belongeth to those, who by labor attaine to perfection in any praiseworthie science. For as nature rewardeth the Bee with hony, so Art recompenseth the painfull student with riches, praise or honor. And howbeit some men make small accõpt of praise or good report, as being in their owne conceit but an emptie sound, yet wise men haue thought & written, that a good name is better then Gold,[aa] and that a mans credit is the fairest flower of his garden. Now if praise be due to Arts and sciences, as being the best

aa Prouerb. 22 Aym. cons. 145 viso processu in fi.

B

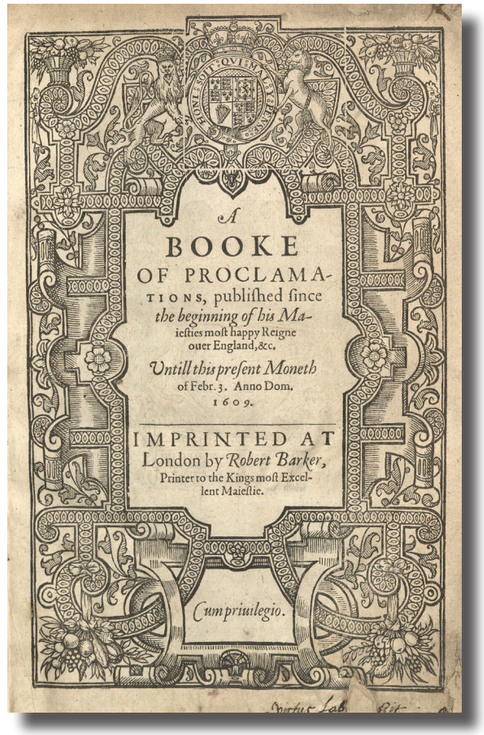

A
DIRECTION
or
Preparatiue to the ſtudy
of the Lawe:

Wherein is ſhewed, what things ought to be obſerued and *vſed of them that are addicted to* the ſtudy of the Law, and what on the contrary part ought *to be eſchued and* auoyded.

William Fulbeck.

AT LONDON
Printed by Thomas Wight.

Anno Domini. 1600.


A
BOOKE
OF PROCLAMA-
TIONS, publiſhed ſince
the beginning of his Ma-
ieſties moſt happy Reigne
ouer England, &c.

Vntill this preſent Moneth
of Febr. 3. Anno Dom.
1609.

IMPRINTED AT
London by *Robert Barker*,
Printer to the Kings moſt Excel-
lent Maieſtie.

Cum priuilegio.

TENEZ LE VRAY

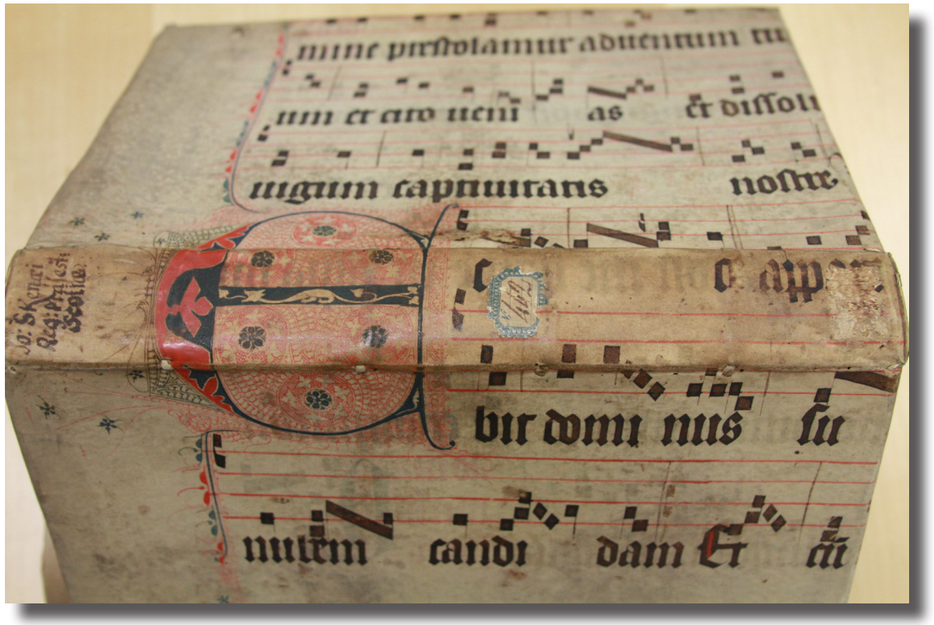
Exlibris Bibliothecæ Domeſticæ
RICHARDI TOWNELEY de Towneley
In Agro Lancaſtrensi Armigeri
Ætatis: 73
Anno Domini 1702

54 William Fulbecke. *A Direction, or Preparatiue to the Study of the Lawe: Wherein Is Shewed What Things Ought to Be Observed and Used of Them That Are Addicted to the Study of the Law* … London: Printed by Thomas Wight, 1600.

Some attorneys dabble in other subjects—drama, history, advice guides—to supplement income or indulge abiding interests. Versatile lawyer William Fulbecke (1560–1616) worked in all of these genres. He also wrote the first book on international law in English, and an early work of comparative law. In this rare guide, he counsels law students on how to approach their studies (even when to study). Beyond advice, there is a glossary of legal terms, a diagram of English property law, and an introduction to common law concepts. Introductory guides for law students have a long history and often found a good market.

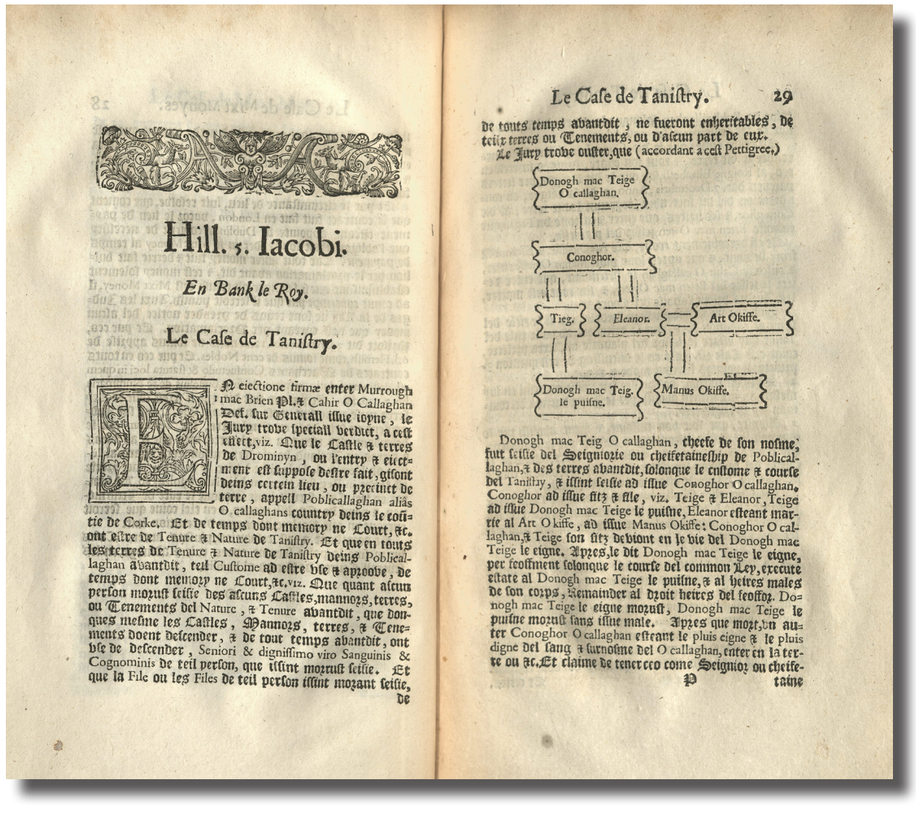
55 *A Booke of Proclamations, Published since the Beginning of His Maiesties Most Happy Reigne ouer England* … London: By Robert Barker, Printer to the Kings Most Excellent Maiestie, 1610.

The reign of King James I (r. 1603–1625) was marked by tensions with Parliament over royal policies often set out in proclamations. This first edition of James's proclamations was strongly opposed, leading to the king's promise to retract the most objectionable decrees. The Library's copy was owned by Richard Towneley (1629–1707), a significant contributor to the Scientific Revolution. A mathematician and scientist, Towneley improved the micrometer, developed deadbeat escapement for better timekeeping, and made advances in meteorology. Robert Boyle (1627–1691) referred to his own Boyle's Law as "Mr. Towneley's hypothesis."



56 John Skene. *Regiam Maiestatem Scotiae: Veteres Leges et Constitutiones, ex Archivis Publicis, et Antiquis Libris Manuscriptis Collectae* ... London: Apud Ioannem Billium, 1613.

Skene's *Regiam Majestatem Scotiae* was the first edited collection of medieval Scottish laws. This copy is covered in a vellum manuscript leaf from a medieval antiphonal, dating to the late thirteenth or early fourteenth century. As oversized liturgical books, antiphonals allowed choirs to read text and musical notation at a small distance. Pieces of disused medieval manuscripts often reinforced early modern book bindings, and were used more rarely to cover a book. After King Henry VIII's suppression of the monasteries, between 1536 and 1541, monastic liturgical texts like this were in little demand. Here the manuscript leaf serves an esthetic function.



Hill. 5. Iacobi.

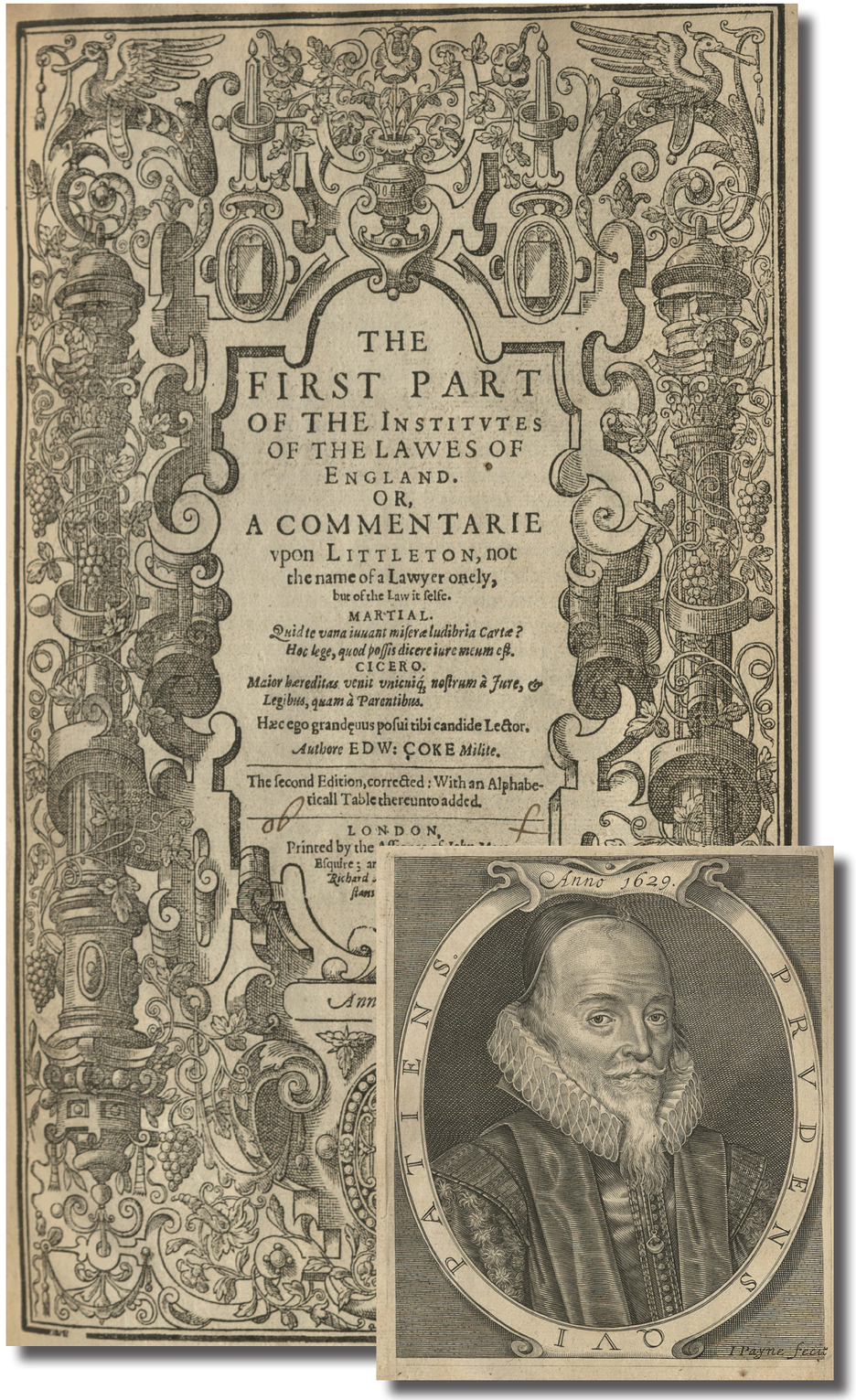
En Bank le Roy.

Le Case de Tanistry.

Le Case de Tanistry. 29

57 John Davies. *Le Primer Report des Cases & Matters en Ley Resolues & Adiudges en Les Courts del Roy en Ireland.* Dublin: Printed by John Franckton, Printer to the Kings Most Excellent Maiestie, 1615.

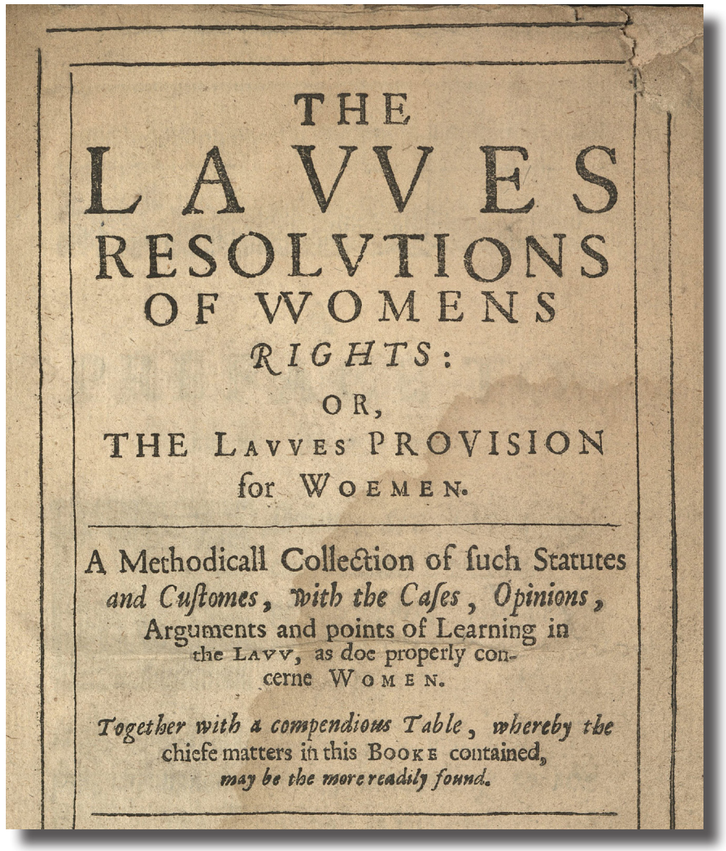
The Tudor military reconquest of Ireland culminated in 1603. King James I imposed English common law on the island, abrogating an older Gaelic (Brehon) law and transforming Irish landholding and inheritance in its wake. John Davies (1569–1626) served as England's attorney general in Ireland (1606–1617) and published the first Irish case reports. In the *Case of Tanistry* (1608), among others, he shed light on a complex Irish legal tradition that could not be easily subjected to the "common" law. This copy of the reports is a rare first edition.


THE
FIRST PART
OF THE INSTITVTES
OF THE LAWES OF
ENGLAND.
OR,
A COMMENTARIE
vpon LITTLETON, not
the name of a Lawyer onely,
but of the Law it selfe.
MARTIAL.
Quid te vana iuuant miseræ ludibria Cartæ?
Hoc lege, quod possis dicere iure meum est.
CICERO.
Maior hereditas venit vnicuiq; nostrum à Jure, & Legibus, quam à Parentibus.
Hæc ego grandæuus posui tibi candide Lector.
Authore EDW: COKE *Milite.*
The second Edition, corrected: With an Alphabeticall Table thereunto added.
LONDON,
Printed by the
Esquire; a
Richard
sians
Ann
Anno 1629.
PRVDENS.
QVI
I Payne fecit

Sr EDWARD COKE.

58 Edward Coke. *The First Part of the Institutes of the Lawes of England*. London: Printed by the Assignes of John More Esquire ... Sold by Richard More in S. Dunstans Churchyard, 1629.

Sir Edward Coke's four-volume *Institutes of the Lawes of England* is one of the great treatises of English law. The first volume, shown here, contains Coke's commentary on Littleton's *Tenures*. When first printed in 1628, Coke (1552–1634) was the doyen of English law and a champion to those who sought to protect their "ancient" rights against the prerogative powers of King Charles I (r. 1625–1649). This is the corrected second edition of the volume. It contains a striking frontispiece portrait of Coke, an engraving of Thomas Littleton, and a second engraving of Coke by Thomas Ryder (1746–1810) that was inserted later.

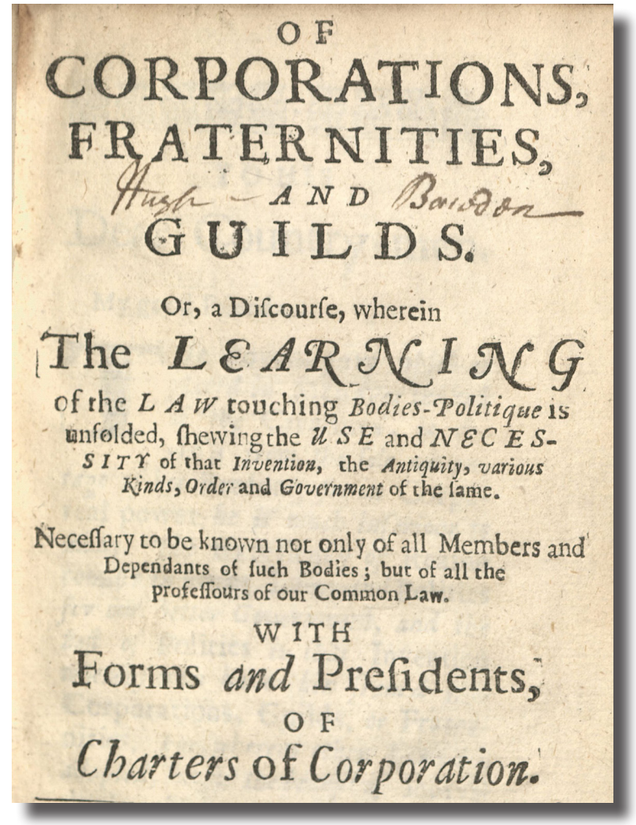

THE
LAVVES
RESOLVTIONS
OF WOMENS
RIGHTS:
OR,
THE LAVVES PROVISION
for WOEMEN.

A Methodicall Collection of such Statutes *and Customes, with the Cases, Opinions,* Arguments and points of Learning in the LAVV, as doe properly concerne WOMEN.

Together with a compendious Table, whereby the chiefe matters in this BOOKE contained, *may be the more readily found.*

59 *The Lawes Resolutions of Womens Rights: Or, The Lawes Provision for Woemen.* London: Printed by the Assignment of John More, Esquire ... Sold by John Grove at his Shop neere the Rowles in Chancery Lane, 1632.

The Lawes Resolutions of Womens Rights is the first English treatise on laws and "rights" related to women, though the work is certainly not modern in its orientation. Instead, it gathers laws by which women were obligated when single, married (under coverture), and widowed. English women enjoyed the most independence and power as widows, and the least in marriage. The work covers topics like dowry, courtship, divorce, inheritance, and felony. The author is believed by some to be Sir John Dodderidge (1555–1628), a royal justice known as "the sleeping judge."


OF
CORPORATIONS,
FRATERNITIES,
Hugh — AND Baildon
GUILDS.

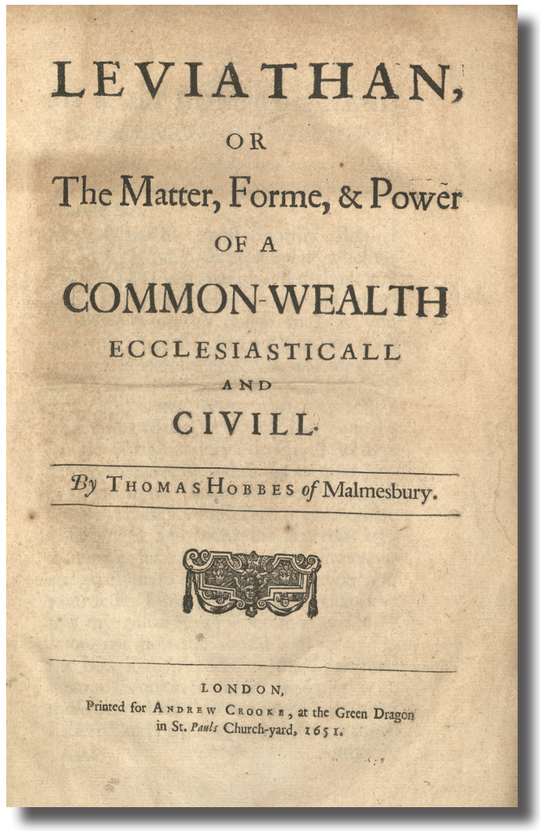
Or, a Discourse, wherein
The *LEARNING*
of the *LAW* touching *Bodies-Politique* is unfolded, shewing the *USE* and *NECESSITY* of that *Invention*, the *Antiquity*, *various Kinds*, *Order* and *Government* of the same.

Necessary to be known not only of all Members and Dependants of such Bodies; but of all the professours of our Common Law.

WITH
Forms *and* Presidents,
OF
Charters of Corporation.

60 William Sheppard. *Of Corporations, Fraternities, and Guilds: Or, A Discourse, Wherein the Learning of the Law Touching Bodies Politique Is Unfolded ...* London: Printed for H. Twyford, T. Dring, and J. Place, 1659.

William Sheppard (ca. 1595–1674) was the most prolific legal writer of his era, whose twenty-three works went through forty-nine editions during his career. He was also innovative, as in this volume, the first English work devoted to corporate law. In it, he discusses the nature and legal formation of corporations, with reference to statutes and existing charters. Sheppard elsewhere contributed to movements for law reform, authoring *England's Balme* (1656) at the request of Oliver Cromwell (1599–1658) and his government. First editions of these and other works by Sheppard are part of the Library's collections.



LEVIATHAN,

OR

The Matter, Forme, & Power

OF A

COMMON-WEALTH

ECCLESIASTICALL

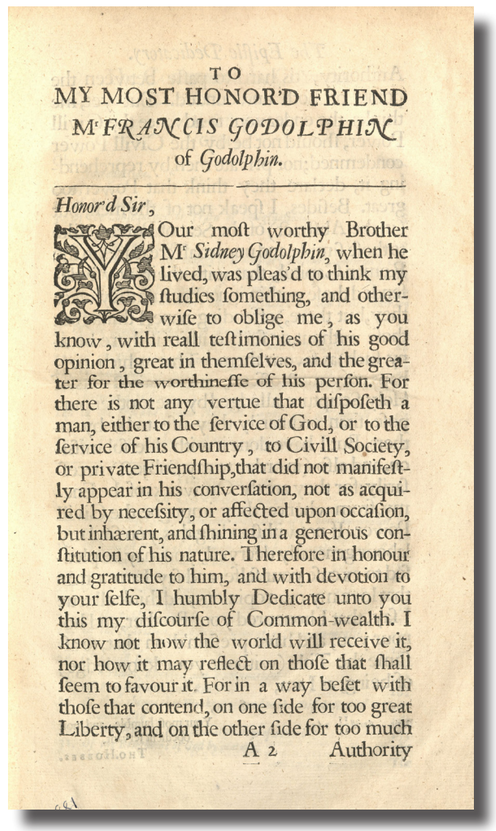
AND

CIVILL.

By THOMAS HOBBES *of* Malmesbury.

LONDON,

Printed for ANDREW CROOKE, at the Green Dragon in St. *Pauls* Church-yard, 1651.



TO

MY MOST HONOR'D FRIEND

Mr *FRANCIS GODOLPHIN*

of *Godolphin.*

Honor'd Sir,

OUr most worthy Brother Mr *Sidney Godolphin*, when he lived, was pleas'd to think my studies something, and otherwise to oblige me, as you know, with reall testimonies of his good opinion, great in themselves, and the greater for the worthinesse of his person. For there is not any vertue that disposeth a man, either to the service of God, or to the service of his Country, to Civill Society, or private Friendship, that did not manifestly appear in his conversation, not as acquired by necessity, or affected upon occasion, but inhærent, and shining in a generous constitution of his nature. Therefore in honour and gratitude to him, and with devotion to your selfe, I humbly Dedicate unto you this my discourse of Common-wealth. I know not how the world will receive it, nor how it may reflect on those that shall seem to favour it. For in a way beset with those that contend, on one side for too great Liberty, and on the other side for too much

61 Thomas Hobbes. *Leviathan, or, The Matter, Forme & Power of a Common-Wealth Ecclesiasticall and Civill.* London: Printed for Andrew Crooke, 1651.

Enhanced by its foreboding title, Hobbes's weighty political classic lives on, providing a "brutish" analysis of human nature, together with trenchant arguments in favor of a unitary national sovereign with broad authority. When first published in 1651, the book earned Hobbes opprobrium, particularly from clergymen, but also gained a following. *Leviathan* was the product of Hobbes's labors while in exile in Paris; its famous frontispiece was etched by the French artist Abraham Bosse (ca. 1604–1676). This copy is marked as a true first edition (the "head" edition) by the head in the ornament on the title page.

IGNORAMUS.

Comœdia coram Rege

IACOBO

ET

Tot

Edi

Eorum ſupplemento quæ, cauſidi-
corum municipalium reverentia,
hactenus deſiderabantur.

62 George Ruggle. *Ignoramus: Comoedia coram Rege Jacobo et Totius Angliae Magnatibus per Academicos Cantabrigienses Habita*. 4th ed. London: Ex Officina J.R., 1668.

George Ruggle's *Ignoramus* was first staged in 1614 before King James I. The popular Latin play was printed for more than a century. In part, it satirizes the legal jargon of common lawyers in the figure of Ignoramus, its witless protagonist. The play was reportedly reviled by Sir Edward Coke, at the time chief justice of King's Bench. Yet it tickled the king, who disliked Coke and thought royal authority superior to the common law. The vivid, engraved frontispiece of Ignoramus conveys the book's tenor; another edition in the collection clothes Ignoramus in the changing fashions of later times.

A

JOURNAL

OF THE

PROCEEDINGS

OF THE

High Court of Justice,

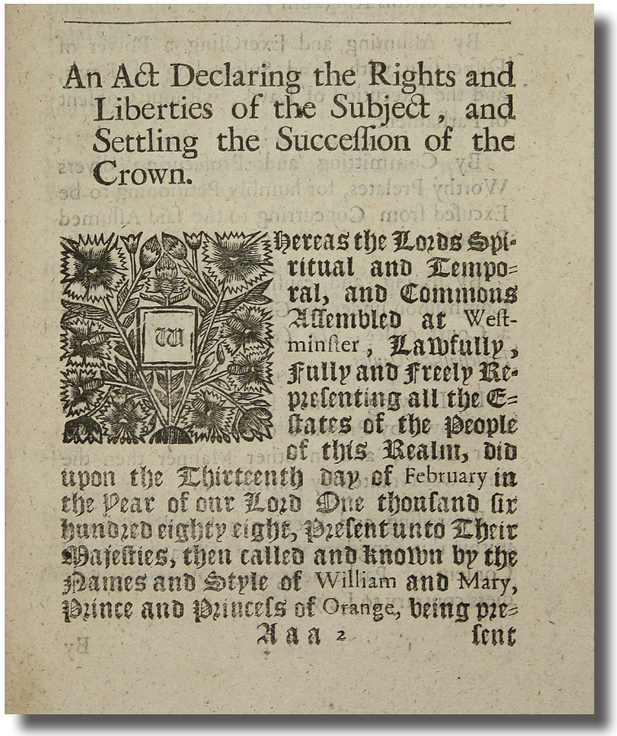
ERECTED

By Act of the Commons of England, *Intituled, An Act of the Commons of* England, *Assembled in Parliament, for Erecting of a High Court of Justice, for the Trying and Judging of* CHARLES STUART, *King of* England. *The Tenor whereof followeth,* viz.

Read *Decemb.* xi. 1650.

63 John Nalson. *A True Copy of the Journal of the High Court of Justice, for the Tryal of K. Charles I.* London: Printed by H.C. for Thomas Dring, 1684.

Charles I's broad assertions of royal prerogative, and ensuing conflicts with Parliament, led to the English Civil War (1642–1651). In 1649 the imprisoned king was tried by a special High Court of Justice and found guilty of treason for tyranny and an unjust war against his country. This fascinating trial account features what may be the first detailed reconstruction of a historical court scene in a law book. It was included by Royalists to underscore the ignominy of Charles's judges, who are identified on the page facing the courtroom image. Most of these commissioners suffered execution or long imprisonment under the Restoration government of Charles's son, Charles II (r. 1660–1685).



An Act Declaring the Rights and Liberties of the Subject, and Settling the Succeſſion of the Crown.

WHereas the Lords Spiritual and Temporal, and Commons Aſſembled at Weſtminſter, Lawfully, Fully and Freely Repreſenting all the Eſtates of the People of this Realm, did upon the Thirteenth day of February in the Year of our Lord One thouſand ſix hundred eighty eight, Preſent unto Their Majeſties, then called and known by the Names and Style of William and Mary, Prince and Princeſs of Orange, being preſent

A a a 2

64 *Anno Regni Gulielmi et Mariae: Regis & Reginae, Angliae, Scotiae, Franciae & Hiberniae, Primo: On the Sixteenth Day of December Anno Dom. 1689 ...* London: Printed by Charles Bill and Thomas Newcomb, Printers to the King and Queens Most Excellent Majesties, 1689.

England's Catholic king, James II (r. 1685–1688), was chased from the country for loosening restrictions on English Catholics and for producing a Catholic male heir. In his place, William of Orange (r. 1689–1702) and his wife Mary (r. 1689–1694), James II's Protestant daughter, were installed on the throne by Parliament in 1689, in the Glorious Revolution. At the same time, Parliament drew up a Declaration of Right and later Bill of Rights, confirming English liberties and limiting royal power. The legislation created a path to constitutional monarchy and a model for the American Bill of Rights.

Honeſt Man's Companion:

OR, THE

FAMILY'S SAFEGUARD.

Illuſtrated with COPPER PLATES, and done at the Requeſt of ſeveral Gentlemen and others, occaſion'd by an Attorney's defying any Perſon to paint him or his Brotherhood in their proper Colours, or to propoſe any Method to regulate them, or their Practice.

AS ALSO

Remarks upon Roman-Catholick Lawyers Practiſing as Chamber-Counſel and Conveyancers, and the Danger and Conſequences attending it; with the Author's own CASE.

LIKEWISE

Some Hints relating to the Clergy, Pleading Lawyers, Work-Houſes, our Plantations, Priſons, Priſoners, Pawnbrokers, Bailiffs, and Felons; together with the Dying Speech of WREATHOCKE the Attorney.

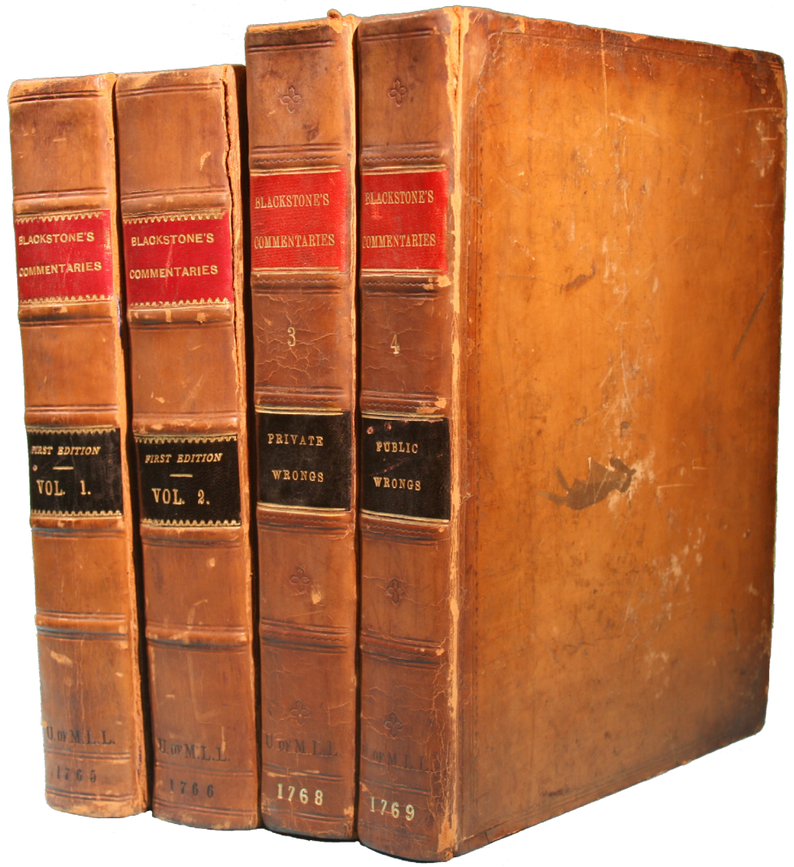
Recommended to every Houſe-Keeper to have one always in the Houſe by him, it being a ſurer Protection to his Perſon, Houſes, Money, Goods, and Lands, than if he kept a Guard of Muſqueteers, or a Dozen of Maſtiffs; that every honeſt Man may have one to remind him and his Family what they ought to do in Caſe they are attack'd, and may be left as a very good Legacy to his Children.

NEWCASTLE upon *TYNE*:

Printed for the AUTHOR, and ſold by *Martin Bryſon*, Bookſeller in *Newcaſtle*, 1736.

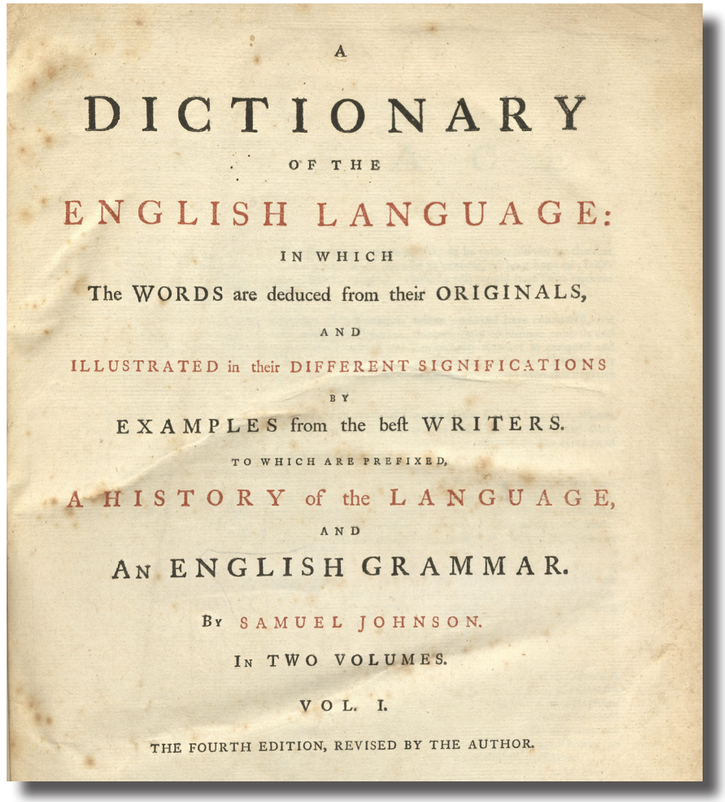
65 Read Hodshon. *The Honest Man's Companion: Or, The Family's Safeguard: Illustrated with Copper Plates, and Done at the Request of Several Gentlemen and Others ...* Newcastle upon Tyne: Printed for the Author, and Sold by Martin Bryson, Bookseller in Newcastle, 1736.

English legal satire came not only from the stage but also from critical customers. Here the author amusingly details how attorneys deceive and bilk their clients. Hodshon was no mere observer: he claimed that he was declared bankrupt at the connivance of a corrupt lawyer. The frontispiece displays "Clyent Sheep," who politely asks assistance from "Attorney Wolf," "Lawyer Fox," and company. The animals discuss how to carve up their prey. Hodshon retained his sense of humor, and enough money and friends to subsidize the production of this rare and appealing piece.



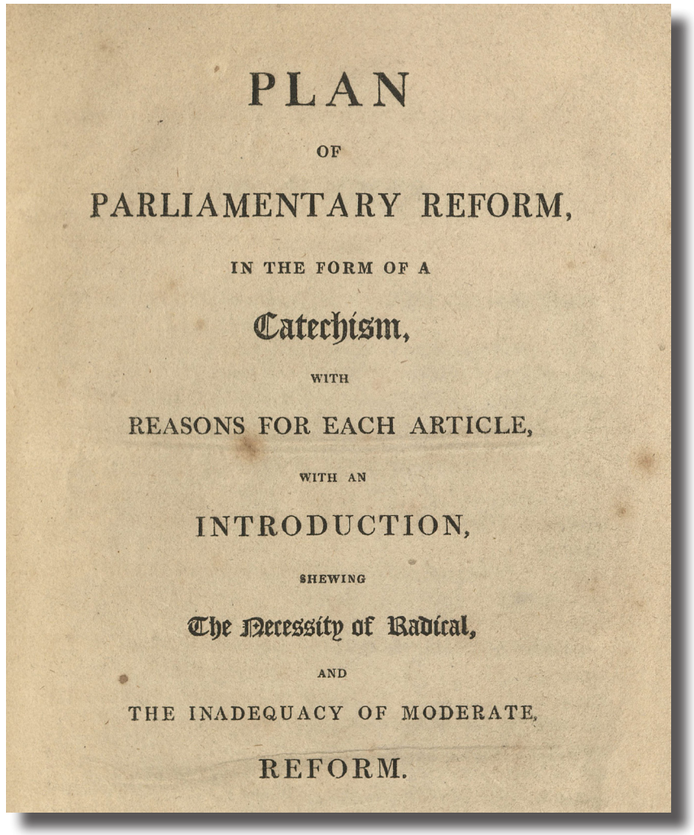
66 William Blackstone. *Commentaries on the Laws of England*. 4 vols. Oxford: Printed at the Clarendon Press, 1765–1769.

William Blackstone (1723–1780) was a talented and industrious lawyer, scholar, and judge who penned the most influential treatise in the history of English common law. The *Commentaries* were based on Blackstone's Oxford lectures, which aimed to systematize the law with comprehensive, well-organized discussions. The volumes took hold among the bench and bar of the British empire and were taught in law schools into the twentieth century. Blackstone's main publications benefited from high-quality printing and production, helped by his association with Oxford University and its press. This is the first edition.


A
DICTIONARY
OF THE
ENGLISH LANGUAGE:
IN WHICH
The WORDS are deduced from their ORIGINALS,
AND
ILLUSTRATED in their DIFFERENT SIGNIFICATIONS
BY
EXAMPLES from the best WRITERS.
TO WHICH ARE PREFIXED,
A HISTORY of the LANGUAGE,
AND
AN ENGLISH GRAMMAR.
By SAMUEL JOHNSON.
In TWO VOLUMES.
VOL. I.
THE FOURTH EDITION, REVISED BY THE AUTHOR.

67 Samuel Johnson. *A Dictionary of the English Language: In Which the Words Are Deduced from Their Originals, and Illustrated in Their Different Significations* ... 2 vols. London: Printed by W. Strahan, for W. Strahan, et al., 1773.

Good lawyers and judges are skilled wordsmiths for whom dictionaries are indispensable. Of course, good dictionaries also help judges to parse the meaning of statutory, constitutional, and other language. Samuel Johnson's *Dictionary* provided a new paradigm for English dictionaries and is still consulted in courtrooms today. Johnson (1709–1784) completed his vast undertaking single-handedly in seven years: with 42,773 entries in the first edition, and over 114,000 illustrative literary quotations, the work had no equal. The Library's handsome folio copy is from the fourth edition, with significant revisions by Johnson himself.


PLAN

OF

PARLIAMENTARY REFORM,

IN THE FORM OF A

Catechism,

WITH

REASONS FOR EACH ARTICLE,

WITH AN

INTRODUCTION,

SHEWING

The Necessity of Radical,

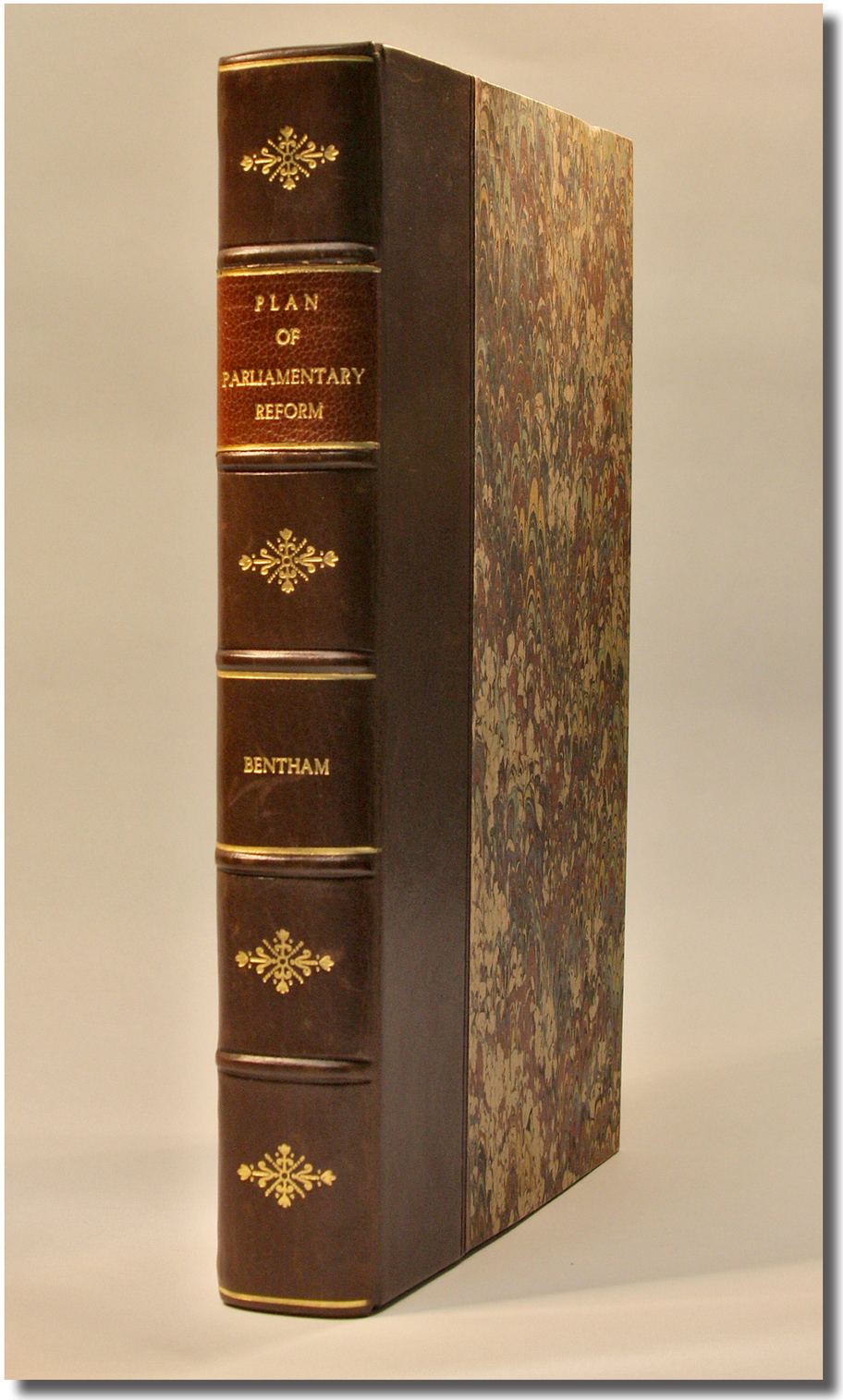
AND

THE INADEQUACY OF MODERATE

REFORM.

68 Jeremy Bentham. *Plan of Parliamentary Reform: In the Form of a Catechism … and the Inadequacy of Moderate Reform.* London: Printed for R. Hunter, Successor to Mr. Johnson, St. Paul's Church-Yard, 1817.

Often called the father of utilitarianism, Bentham (1748–1832) advocated criminal, constitutional, and prison law reform. He also championed the codification of English common law. A critic of Blackstone, he denied natural rights but came to support a broader-based republican government and expanded rights through legislation. In his *Plan of Parliamentary Reform*, Bentham supported suffrage for all taxpayers, eventual suffrage for men and women, annual elections, secret ballots, and evenly distributed electoral districts. The rare books collection holds a range of Bentham's works.



FOREIGN and INTERNATIONAL LAW

The Riesenfeld Center holds a particularly strong collection of foreign and international law. These works include historical titles from jurisdictions across the world and classic works in the history of international law, dating from the sixteenth through twentieth centuries. Among the highlights are a large collection of imperial Russian law, rare Chinese law, and a collection of colonial Indian law. The latter is one of the most extensive outside of India. The collection is supplemented by other laws of Asia, South America, and Africa. Extensive holdings of French, German, Italian, and other European jurisdictions provide an excellent foundation for comparative research.

LE grant Coustumier du pays et duche de Nozmendie tresutile et profitable a tous practiciens. Enquel est le texte dicelluy en francoys propoztiõne a lequipollent de la glose ozdinaire et familiaire.

¶ Auec plusieurs additions allegations/et concordances/tant du droit Canon/que Ciuil. Compozees par scientifique personne maistre Guillaume le Rouille dit Balcon/ decretz. es droictz. Inserees et situees en la fin dung chascun chapitre: et merchees/ ou signees par nõbres de Chiffres: pour concorder le texte/la glose et additiõs: ouyr les difficultes qui cy peuent mouuoir.

¶ Aussi y est le texte en latin tresdocteet/auec lesquels textes sont adioustes (selon lordre a ce requise) plusieurs traictez et choses tresnecessaires pour lestat de la iustice a tous iuges/ aduocatz/officiers/et autres gens dudit estat.

Et premierement.

¶ Le repertoire pour trouuer facilement les chapitres/et le fueillet auquel est chascun diceux chapitres selon le nombre contenu audict repertoire.

¶ La chartre aux Nozmans inuiolablement gardee et entretenue audit pays. Edict du feu roy Charles/fait a Compiegne Lan mil quatre cens vingtneuf.

¶ Les traictez de consanguinite et affinite selon la lecture de Iehan andre docteur autentique/auecques les figures des arbres de ladicte consanguinite et affinite/cõme a ladicte lecture pour facilement congnoistre les degres diceelle.

¶ Item ont este adioustees toutes les ordonnances royaulx depuis les premieres iusques a present: publiees a Rouen en la court souueraine de leschiquier. le. xxij. iour de Decembre/lan de grace Mil cinq cens et sept/de lauctorite du roy Loys. xij. de ce nom. Auec les ordonnances royaulx precedentement publiees et obseruees en ce pays et duche de Normendie.

¶ Item les ordonnãces du roy nostre sire Francoys premier de ce nom publiees en la court de parlement a Rouen.

¶ Item le stille et ordre de proceder en la court de parlement: fait a Rouen le. xxj. iour de Ianuier Lan mil. cccc. c. xv. Nouuellement imprime a Paris/par Francoys Regnault Libraire iure de lunyuersite de Paris.

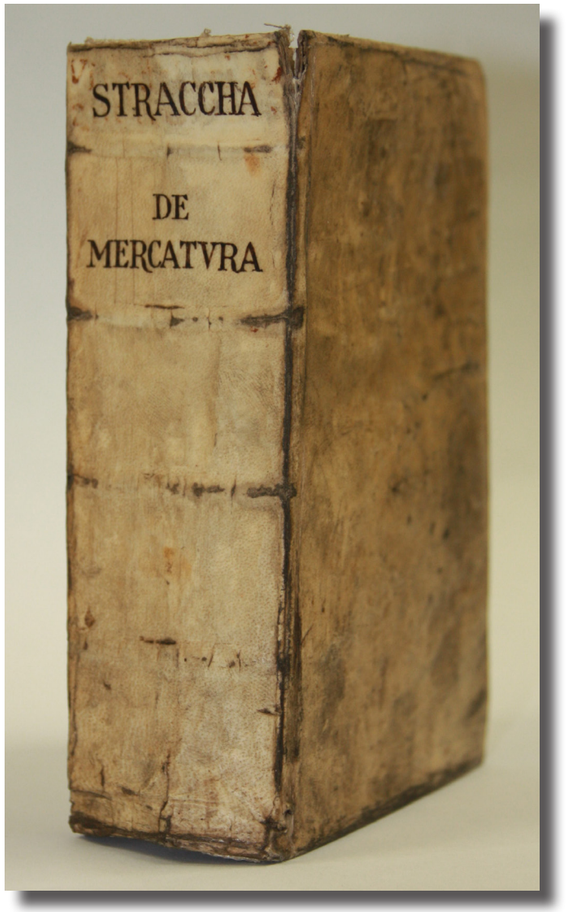
1534

Cum priuilegio.

69

Guillaume Le Rouillé. *Le Grant Coustumier du Pays et Duche de Normandie: Avec Plusiers Additions, Allegations et Concordances tant du Droit Canon que Ciuil*. Paris: Par Francoys Regnault, 1534.

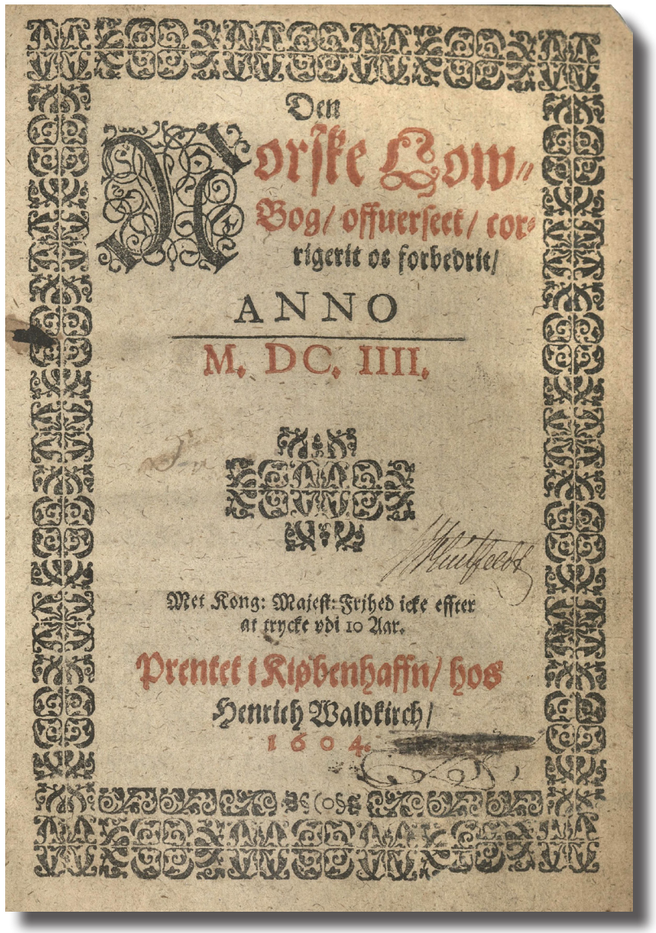
The north of medieval and early modern France was governed by local customary laws recorded in books of customs, or *coutumes*. The laws, influenced by Germanic, Roman, and canon law, retain a character all their own. To the dismay of reformers, they remained in force in hundreds of localities until the French Revolution. These customs of Normandy likely trace to the eleventh or twelfth century. This version was first printed in 1483. Even today, the laws of the Channel Islands bear some influence of Norman customs.



70

Benvenuto Stracca. *Tractatus de Mercatura seu Mercatore: Omnia Quae ad Hoc Genus Pertinent, Fusissimè Complectens*. Venice: Apud Michaelem Bonellum, 1575.

Benvenuto Stracca's *Tractatus* won its author European renown. Stracca (1509–1578) based the work on Roman and canon law commentaries and is often credited with identifying mercantile law as a distinct field. One of his stated aims was to prevent needless lawsuits. Topics include contracts, insurance, and bankruptcy. First published in 1553, the *Tractatus* went through eight editions in the sixteenth century alone. This copy is in a period, perhaps original, vellum binding. The library also owns a rare 1556 edition.


Den
Norske Low-
Bog/ offuerseet/ cor-
rigerit oc forbedrit/
ANNO
M. DC. IIII.
Met Kong: Majest: Frihed icke effter
at trycke ydi 10 Aar.
Prentet i Kiøbenhaffn/ hos
Henrich Waldkirch/
1604.

71 *Den Norske Low-Bog*. Copenhagen: Hos Henrich Waldkirch, 1604.

Den Norske Low-Bog contains the first printing of Norway's medieval law code, the *Landslov*, promulgated by King Magnus VI (r. 1263–1280) in 1274. Known by the memorable nickname Magnus Lagabøte ("Law-Mender"), the king promulgated a code that would apply throughout Norway's territory, concentrating judicial power under royal authority while preserving regional traditions. Another code, the *Bylov,* was enacted in 1276 and applied to cities. Much of the *Landslov* remained in force in Norway for more than four hundred years. The code stands at the beginning of a national lawmaking tradition in Europe.

72 John Selden. *Mare Clausum, seu De Dominio Maris Libri Duo*. Leiden: Apud Joannem & Theodorum Maire, 1636.

John Selden (1584–1654) was the greatest English antiquarian and legal historian of his age. *Mare Clausum* ("Closed Sea") was his famous response to Hugo Grotius's *Mare Liberum* ("Open Sea"), in which Selden reasoned that sovereigns could exercise exclusive jurisdiction over areas of the seas. Selden made his erudite arguments with reference to Hebrew, Greek, Arabic, and Roman sources. This copy of *Mare Clausum* was owned by a Protestant church in Rouen. The book was confiscated by officials of Louis XIV after the revocation of the Edict of Nantes in 1685 and donated to the Jesuit order of Rouen.

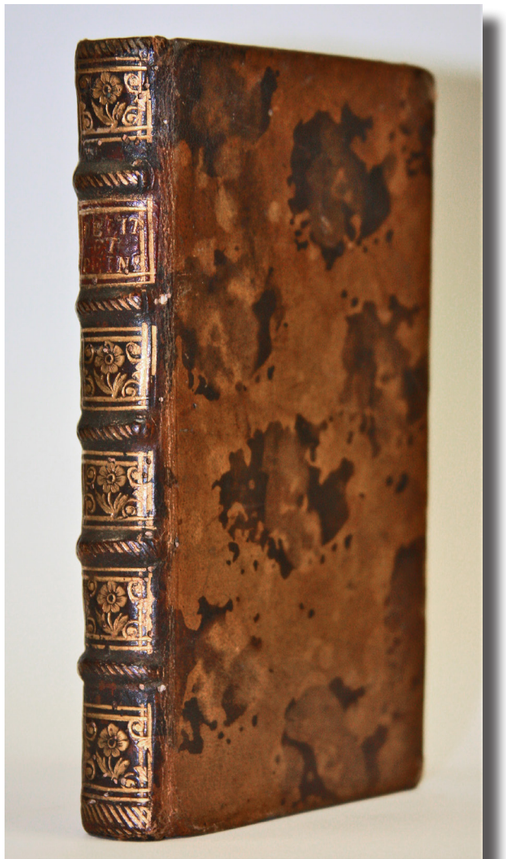
Wij CARL, medh Gudz Nådhe/ Sweriges/ Giöthes och Wendes Konung och Arf-Förste/ Stoor-Förste til Finland/ Hertigh vthi Skåne/ Estland/ Liffland/ Carelen/ Brehmen/ Verden/ Stettin/ Pommern/ Cassuben och Wenden/ Förste til Rügen/ Herre öfwer Ingermanland och Wißmar; Sch ock Pfaltz-Grefwe widh Rhein i Beyern/ til Gülich/ Cleeve och Bergen Hertig/ &c. Tilbiude Eder alle Oß elskelige Wåre trogne Ständer och Undersåtare/ Grefwar/ Friherrar/ Biskopar/ Adel/ Clerkeri/ Krigzbefehl/ Borgerskap/ och menige Allmoge/ som byggia och boo i Wårt Konunga Rijke Sverige/ Stoorförstendömet Finland/ sampt alle andre Sweriges Chrono tilhörige och therunder liggiande Hertigdömer/ Lähn och Herrskaper/ hwar effter sitt Ständ och wilkohr/ Wår synnerlige Ynnest/ nådige Benägenheet och gunstige Wilie/ medh Gudh allzmächtigh tilförende. Huruledes Wåre Förfäder Swea och Giö-

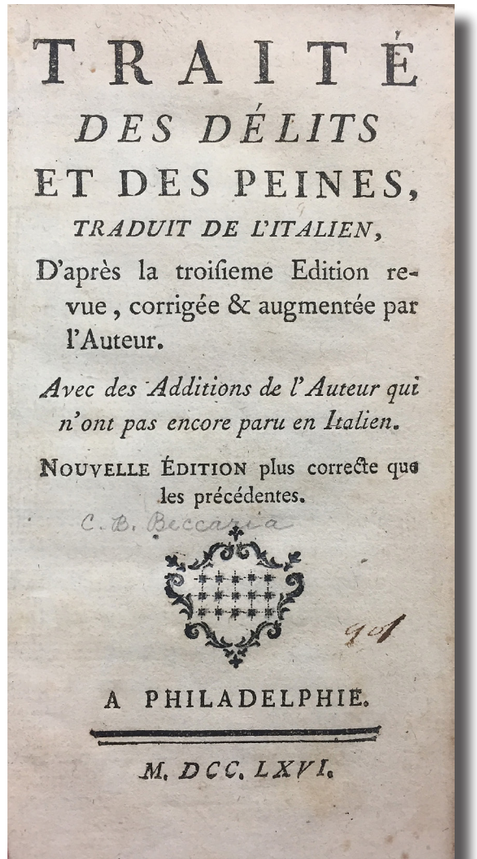
A 2 tha

11443

73 *Sweriges Rijkes Siö-Lagh: Som aff then Stoormåcktigste, Högborne Förste och Herre, Her Carl then Elfte …* Stockholm: Aff Georg Hantsch, Kongl. Booktr Åhr, 1667.

This is the first code of Swedish maritime law, in force in Sweden until 1864. The beautifully illustrated half-title page at left shows a flag depicting Karl XI (r. 1660–1697), the monarch who enacted it. Below, the sea god Poseidon (perhaps under duress) escorts Mother Svea, the female personification of Sweden, into the harbor of seventeenth-century Stockholm. The only underlined text in the book relates to the provision of bread to a ship's crew. Clear cut marks on the back cover suggest the book was used as an ersatz cutting board, perhaps at sea. The *Sweriges Rijkes Siö-Lagh* is among a series of significant Scandinavian law titles in the rare books collection.





TRAITÉ
DES DÉLITS
ET DES PEINES,
TRADUIT DE L'ITALIEN,
D'après la troiſieme Edition revue, corrigée & augmentée par l'Auteur.

Avec des Additions de l'Auteur qui n'ont pas encore paru en Italien.

NOUVELLE ÉDITION plus correcte que les précédentes.

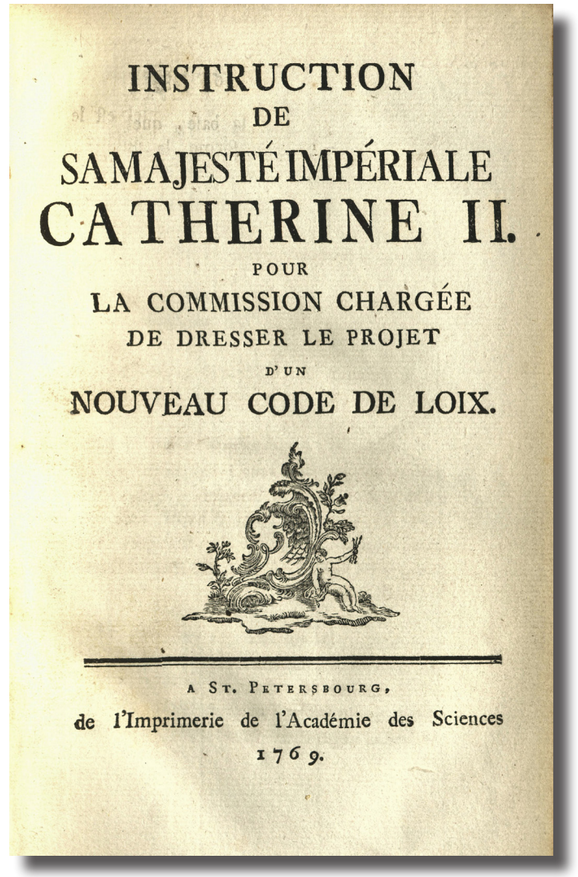
C. B. Beccaria

A PHILADELPHIE.

M. DCC. LXVI.

74 Cesare Beccaria. *Traité des Délits et des Peines.* Nouvelle édition. "A Philadelphie," 1766.

Originally published in Italian in 1764, Cesare Beccaria's *Essay on Crimes and Punishments* caused a sensation in Enlightenment Europe, encouraging new movements for criminal law reform. Beccaria attacked judicial torture and argued on utilitarian grounds against the death penalty. This French edition, translated and edited by André Morellet, bears a false imprint—it was in fact published in Paris—to shield the printer from legal action. The elegant binding also indicates a French provenance. The Library holds seven editions of Beccaria's classic printed before 1800, including a copy of the first (true) American edition.



INSTRUCTION
DE
SA MAJESTÉ IMPÉRIALE
CATHERINE II.
POUR
LA COMMISSION CHARGÉE
DE DRESSER LE PROJET
D'UN
NOUVEAU CODE DE LOIX.

A ST. PETERSBOURG,
de l'Imprimerie de l'Académie des Sciences
1769.

75 Catherine II. *Instruction de Sa Majesté Impérale Catherine II, pour la Commission Chargée de Dresser le Projet d'un Nouveau Code de Loix.* St. Petersburg: De l'Imprimerie de l'Académie des Sciences, 1769.

The "enlightened" monarch, Catherine the Great (r. 1762–1796), was Russia's longest-ruling empress. Her *Nakaz,* or "Order," was compiled as a guide for a 1767 commission convened to replace an older code of Russian law. Though never adopted, the *Nakaz* borrowed extensively from Beccaria and Montesquieu (1689–1755) and was a testament to Catherine's engagement with contemporary law reform. The work circulated in various languages and polyglot editions, and was debated across Europe. This volume is an early and rare St. Petersburg edition.

76 *Xiu Xiang Longtu Gong An.* Yi Jing Tang Zi Xing, 1816.

The imperial administrator and judge Bao Zheng (999–1062) is often mythologized in China as the personification of strict and impartial justice. Judge Bao was (and is) a popular protagonist in *gong'an*, or crime stories, of which this work is an example. The fictional tales of crime and punishment were popular among Chinese audiences under the Ming dynasty, and during the Qing, when this work was published. The mass-market edition is illustrated with scenes from the tales, executed with traditional woodblock printing. Ephemeral in nature, this work survives in two recorded copies outside of China.

NA

KANAWAI

O KO HAWAII PAE AINA.

MOKUNA I.

HE OLELO HOAKAKA I KE ANO O KA HOOLAHA ANA I NA KANAWAI.

O ke ano o ka noho ana o na kanaka malalo o na'lii mai ka wa kahiko mai, ua akaka no ia, a me kekahi mau kanawai kahiko. Aole i hoole wale ia kela noho ana, a me ia mau kanawai, aka, ua nui na kanawai hou i keia wa, a he mea pono e ike na kanaka a pau ia mau kanawai. Aohe mea e ae e akaka'i e like me ka palapala; nolaila, i ka ahaolelo ana a na'lii, ua hooholoia keia mau olelo paa.

1. Ma keia hope aku aole e kauia kekahi kanawai no ke aupuni, ke pai ole ia ka olelo o ke kanawai mamua, a hoolahaia mai o a o.

2. E haawiia ke kanawai no keia poe a pau. O na'lii a pau i komo i ka ahaolelo. O ka poe i kohoia a pau. O na lunakanawai a pau. O na lunaauhau a pau. O na makai a pau. A ina e paiia ke Kumu Hawaii, e paiia no malaila. E haawiia no hoi i na kanikela o na aina e, pa umi na kanawai ia lakou.

3. Ina i maopopo ole ke ano o kekahi kanawai, a kanalua na luna no ka maopopo ole, alaila, e ninau lakou i na lunakanawai kiekie, a na lakou e hai i ke ano. Ina i ku e kekahi kanawai i kekahi kanawai, alaila, o ke kanawai hou ka mea paa.

Ua hooholoia keia olelo paa o na'lii, a ua kau hoi maua i ko maua inoa, i keia la elua o Novemaba, i ka makahiki o ko kakou Haku, 1840, ma Lahaina, Maui.

KAMEHAMEHA III.
KEKAULUOHI.

MOKUNA II.

NO KA POE E KOHOIA.

Mamuli o ka olelo ma ke kumu kanawai, e kohoia no kekahi mau mea e ahaolelo pu me na'lii. Penei lakou e kohoia'i i keia manawa, a mahope aku, e mahuahua paha ke koho ana, e like nae me keia olelo i keia wa.

1. Ma Hawaii, elua mea e kohoia, ma Maui a me na moku e pili ana, elua, ma Oahu elua, ma Kauai hookahi.

2. Penei lakou e kohoia'i. O na mea ma Hawaii i makemake e palapala mai i ke alii nui, e palapala no lakou, me ka hai mai i na inoa o na kanaka akamai elua a lakou e makemake ai e ahaolelo pu me na'lii.

Penei lakou e palapala'i,

Na ke Alii nui,
Na KAMEHAMEHA III.,
Aloha maikai oe,

Ke palapala aku nei makou, e hai aku ia oe i na Kanaka o Hawaii nei, a makou i ike ai, he mau Kanaka akamai, he mau Kanaka pono, o , ka inoa o kekahi, a o ka inoa o ka'lua. Ua makemake makou e ahaolelo pu laua me na'lii i keia makahiki.

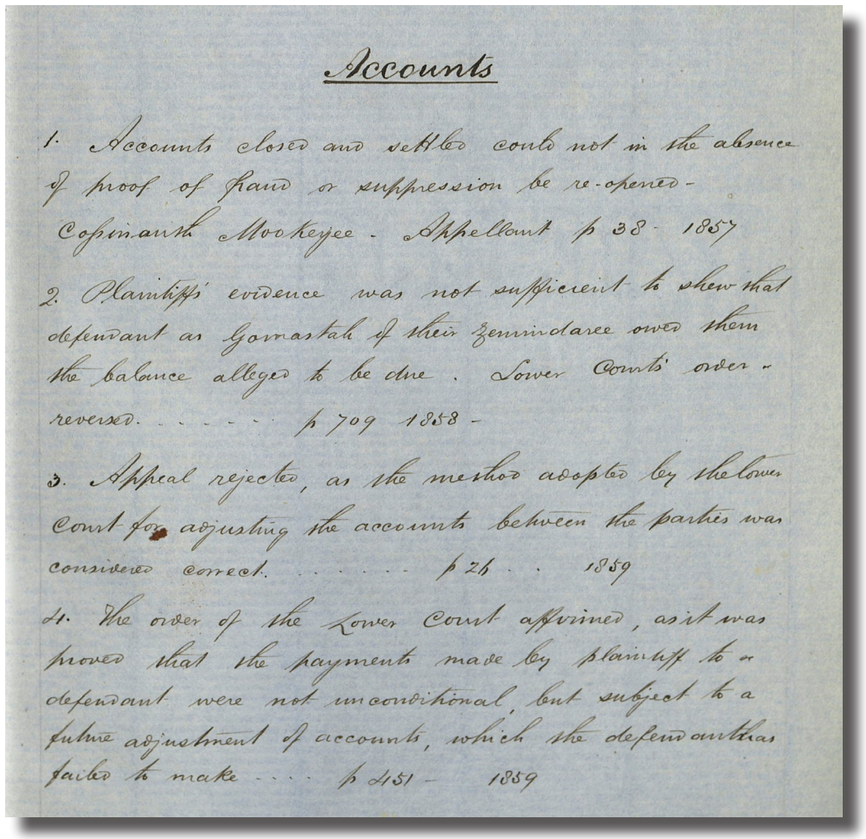
Na makou, na

Pono e laweia ua palapala nei i na kanaka, a o ka poe a pau i makemake ia laua, e kau no lakou i ko lakou inoa. A ina i nui loa ka poe i palapala pela, ua pono no, a o na kanaka i lokahiia iloko oia mau palapala, o laua no na kanaka o Hawaii. Ma kela mau palapala koho, pono e kakau nui na kanaka i ko lakou inoa malalo, a e heluia na inoa a pau o ka poe koho, a o na mea i koho nuiia, o laua na kanaka. A pela no ko Maui, a me ko Oahu, a me ko Kauai.

3. Ina i kakau wahahee ia kekahi palapala me ia i oleloia maluna, a ina i kakau papalua ke kanaka i

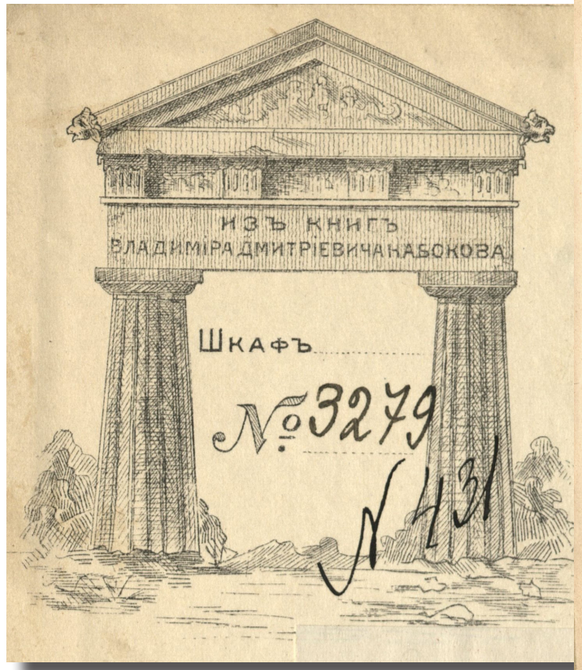
77 *Ke Kumu Kanawai: A Me Na Kanawai O Ko Hawaii Pae Aina: Ua Kauia I Ke Kau Ia Kamehameha III.* Honolulu, 1841.

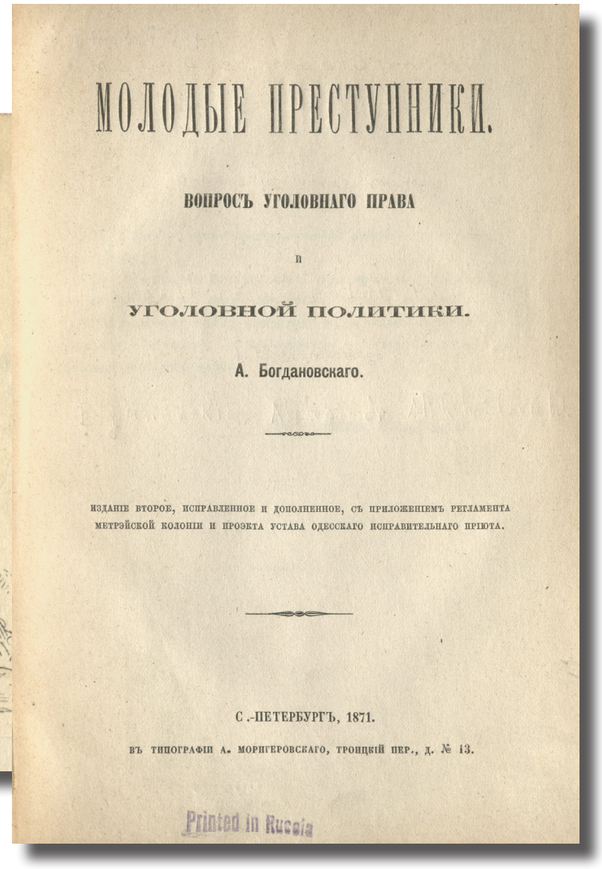
In 1840, Hawaii enacted its first written constitution under King Kamehameha III (r. 1825–1854). In the previous year, the king had enacted a bill of rights, agreed to modernize Hawaii, and promoted Christianity, advised in part by William Richards, an American missionary. The 1840 Constitution established a bicameral legislature, a judicial system with a high court, and some elements of common law landholding. A constitution of 1852 further liberalized property holding, clearing a path for American business interests. This rare copy of the 1840 Constitution is one of several Hawaiian-language items in the collection.



78 *Index to the Decisions of the Sudder Dewanny Adawlut: From 1792 to 1855, Including the First Seven Volumes of the Select Reports.* Calcutta: P. M. Cranenburgh, Military Orphan Press, 1856.

This rare volume reflects the strength of the Library's colonial Indian law collection. Only two or three collections outside of India are stronger, and a number of titles in it are very rare or unique. The work is a digest of decisions from an interesting intermediate court that applied Islamic and Hindu law, as well as English common law. The pages are interleaved with a handwritten index to hundreds of cases decided after 1855. A repository of legal pluralism, the brief case descriptions touch on the interaction of laws, particularly around the beginning of British direct rule in India (1858).




МОЛОДЫЕ ПРЕСТУПНИКИ.

ВОПРОСЪ УГОЛОВНАГО ПРАВА

и

УГОЛОВНОЙ ПОЛИТИКИ.

А. Богдановскаго.

ИЗДАНІЕ ВТОРОЕ, ИСПРАВЛЕННОЕ И ДОПОЛНЕННОЕ, СЪ ПРИЛОЖЕНІЕМЪ РЕГЛАМЕНТА МЕТРЭЙСКОЙ КОЛОНІИ И ПРОЕКТА УСТАВА ОДЕССКАГО ИСПРАВИТЕЛЬНАГО ПРІЮТА.

С.-ПЕТЕРБУРГЪ, 1871.

ВЪ ТИПОГРАФІИ А. МОРИГЕРОВСКАГО, ТРОИЦКІЙ ПЕР., Д. № 13.

Printed in Russia

79 Alexander Bogdanovskii. *Molodye Prestupniki: Vopros' Ugolovnago Prava i Ugolovnoĭ Politiki.* St. Petersburg: Tipografiia A. Morigerovskago.

This work on juvenile criminal law was owned by Vladimir Nabokov, Sr. (1870–1922), a Russian jurist, reformist politician, and the father of the famed twentieth-century novelist. The elder Nabokov taught criminology in Saint Petersburg and joined the "February" Revolution in 1917. With the rise of the Bolsheviks, the Nabokovs were forced to flee. In 1922 Nabokov was killed in Berlin during an assassination targeted at a colleague. His son would recount some of the events in his memoir, *Speak, Memory* (1951). The book comes from the Library's extensive collection of imperial Russian law.

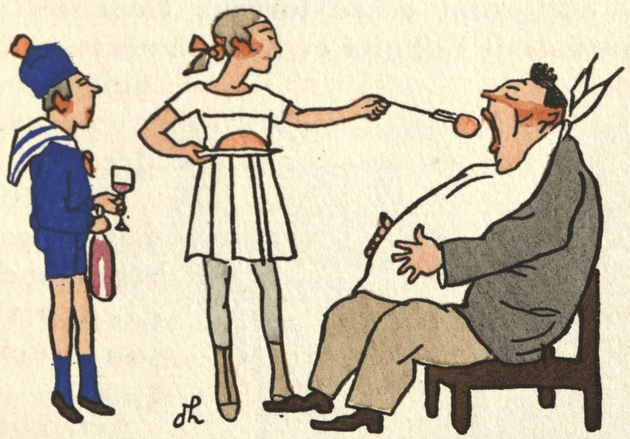
CHAPITRE V

DES OBLIGATIONS QUI NAISSENT DU MARIAGE

Art. 203. — Les époux contractent ensemble, par le seul fait du mariage, l'obligation de nourrir, entretenir et élever leurs enfants.

Art. 204. — L'enfant n'a pas d'action contre ses père et mère pour un établissement par mariage ou autrement.

Art. 205. — Les enfants doivent des aliments à leurs père et mère ou autres ascendants qui sont



Art. 205

dans le besoin. La succession de l'époux prédécédé en doit, dans le même cas, à l'époux survivant. Le délai pour les réclamer est d'un an à partir du

80 *Code Penal.* Illustrated by Joseph Hémard. Paris: Editions Littéraires de France, c. 1925.
Code Civil. Livre Premier, Des Personnes. Illustrated by Joseph Hémard. Paris: René Kieffer, 1925.

Joseph Hémard (1880–1961) was a prolific French illustrator whose humorous and often risqué creations delighted readers. He illustrated literary works, history textbooks, grammars, and several law books in an inimitably whimsical style.

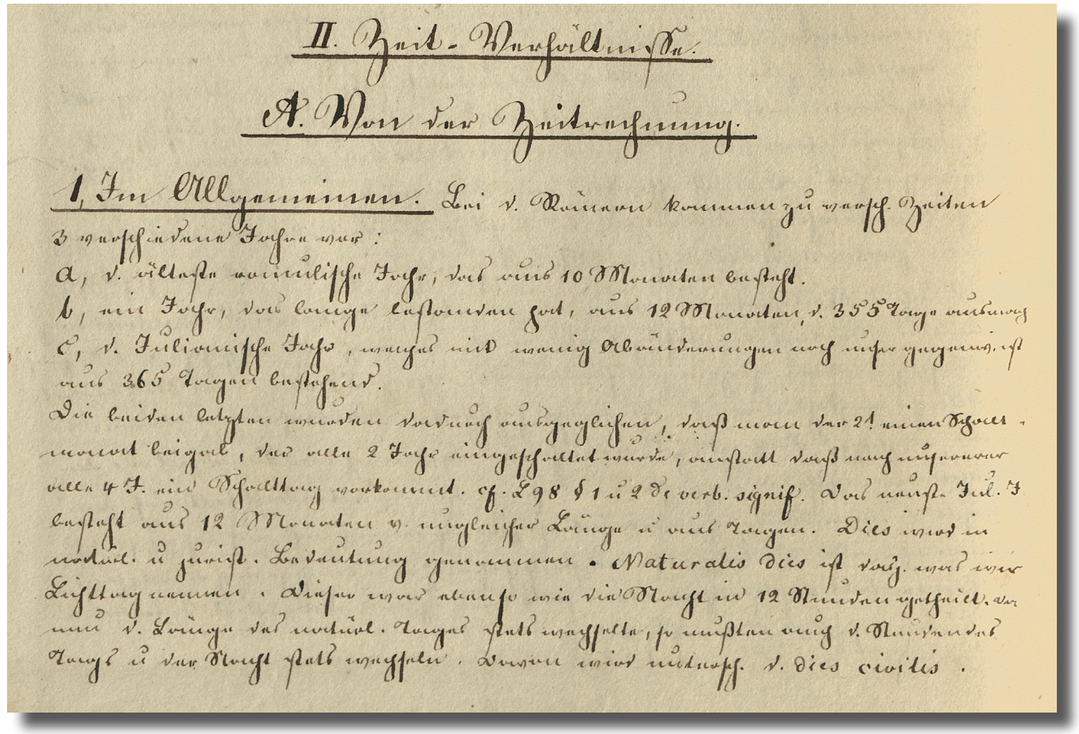
The illustrations are done with a "pochoir" technique, using hand-colored stencils that result in brightly-colored images. When embellished with Hémard's satirical sensibility, the books did little to inspire (and did not intend to inspire) a deep reverence for the law. The Library's copy of the *Code Civil* was owned by Sir Frederick Pollock, an eminent British legal historian and friend of Oliver Wendell Holmes, Jr.

HERMANN KANTOROWICZ COLLECTION

The Riesenfeld Center holds the personal library of Hermann Kantorowicz (1877–1940), one of the twentieth century's most eminent legal scholars. Comprising over 1,850 titles from the sixteenth through twentieth centuries, the Kantorowicz Collection includes notable early modern works and rare and important scholarship on medieval law, twentieth-century jurisprudence, criminal law, and German constitutional law, among other fields. Some of these titles are marked or annotated by the jurist himself. Acquired from Professor Kantorowicz's widow in 1941, and previously dispersed throughout the Library's collections, the Kantorowicz library has been organized into a discrete collection.

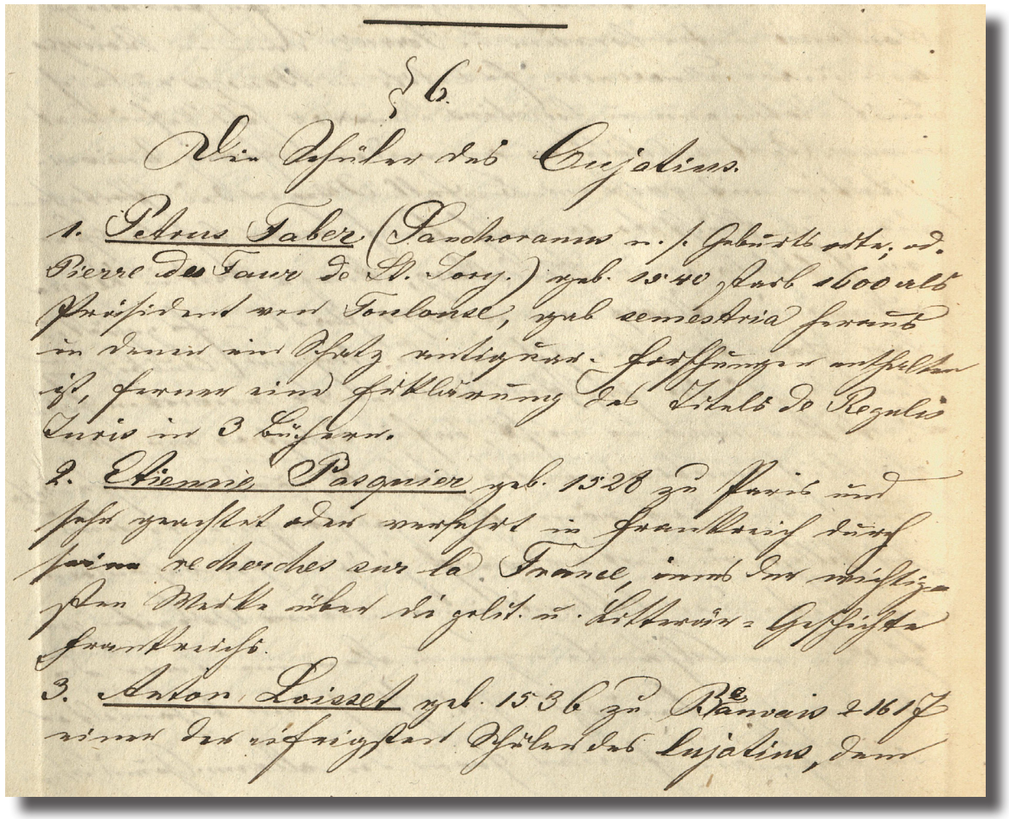
81 Joost de Damhoudere. *Praxis Rerum Criminalium* … Antwerp: Apud Ioannem Bellerum, 1570.

The *Praxis* was a popular early modern compendium of Roman and Flemish criminal law and procedure. With more than fifty woodcuts, largely depicting crimes, it was the most vividly illustrated law book of the sixteenth century. The book appealed widely to students and practitioners and was translated into several languages. This copy is richly annotated in German, Latin, and Greek by a contemporary student, with frequent references to law and literature. Beside the image of a solemn judge at right is a quotation from Cicero's orations ("There is no doubt that all your fortune is in the hands of those who give judgments…"). The copy was signed by Hermann Kantorowicz in 1903.



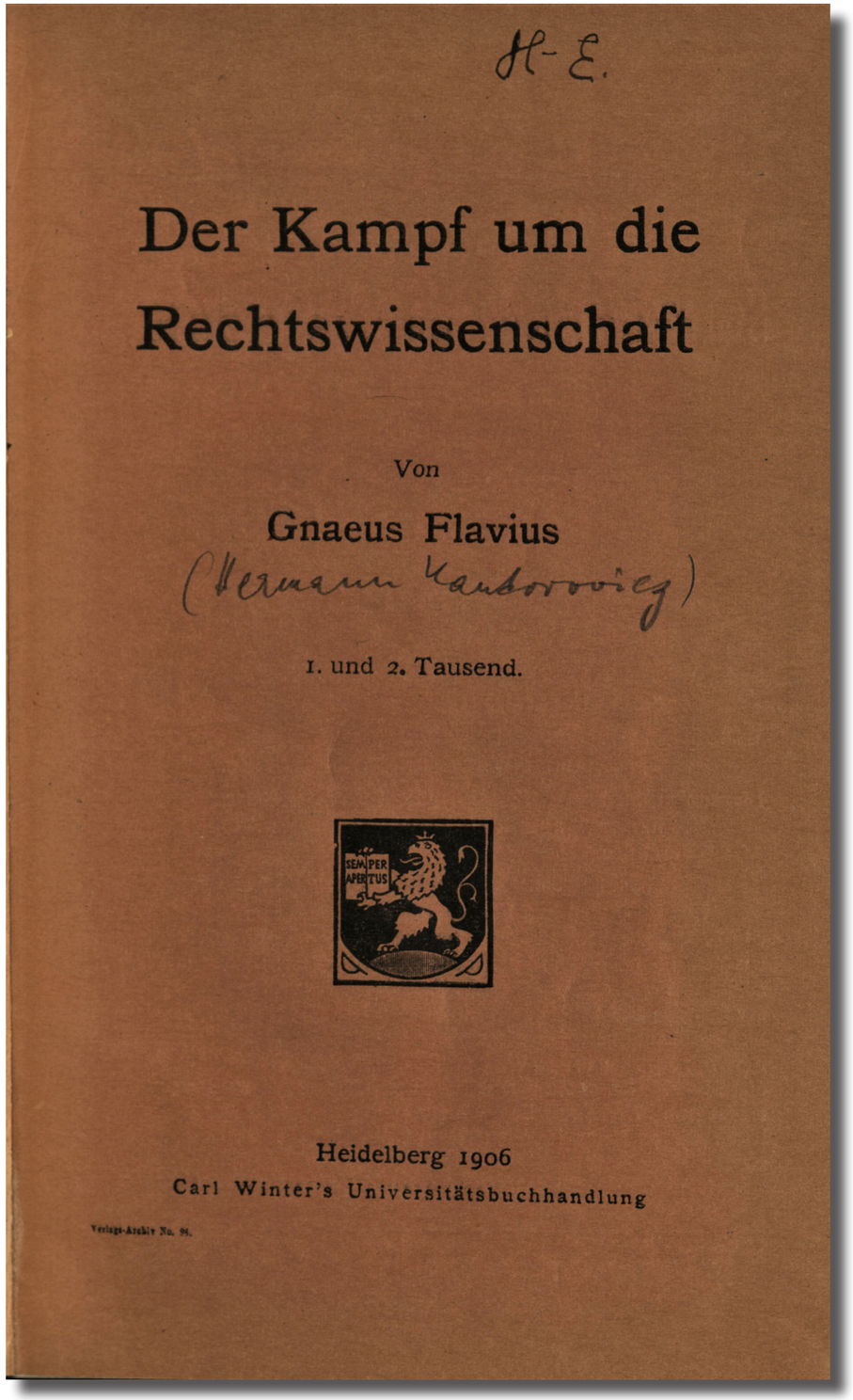
82 Friedrich Karl von Savigny. *Pandekten nach Savigny*. Manuscript on paper, c. 1824–1842.

Friedrich Karl von Savigny (1779–1861), perhaps the most influential legal scholar of the nineteenth century, championed the "historical school" of law. Savigny's work recognized the importance of long historical culture in the development of national legal systems, an emphasis that inspired scholars and lawmakers across Europe. These elegant student notes on Savigny's lectures on the *Digest* of Justinian were written while Savigny taught in Berlin, between 1824 and 1842. The notes are a unique source for the study of Savigny's foundational contributions to the understanding of Roman law and its history.



83 Gustav Friedrich Hänel, and Martin Funk. *Lebensbeschreibungen Neuerer Juristen*. Manuscript on paper, summer of 1855.

Gustav Friedrich Hänel (1792–1898) was a younger contemporary of Friedrich Karl von Savigny and a notable German legal historian in his own right, who taught at Leipzig. Like Savigny, Hänel contributed important scholarship on the history of Roman law, in part by editing texts. These attractively written lecture notes, with biographies of jurists in the Roman law tradition, were taken by Martin Funk (1835–1922), later a judge and historian. The volume is inscribed to Kantorowicz by Gustav Radbruch (1878–1949), another great German jurist of the twentieth century.


H. E.

Der Kampf um die Rechtswissenschaft

Von

Gnaeus Flavius

(Hermann Kantorowicz)

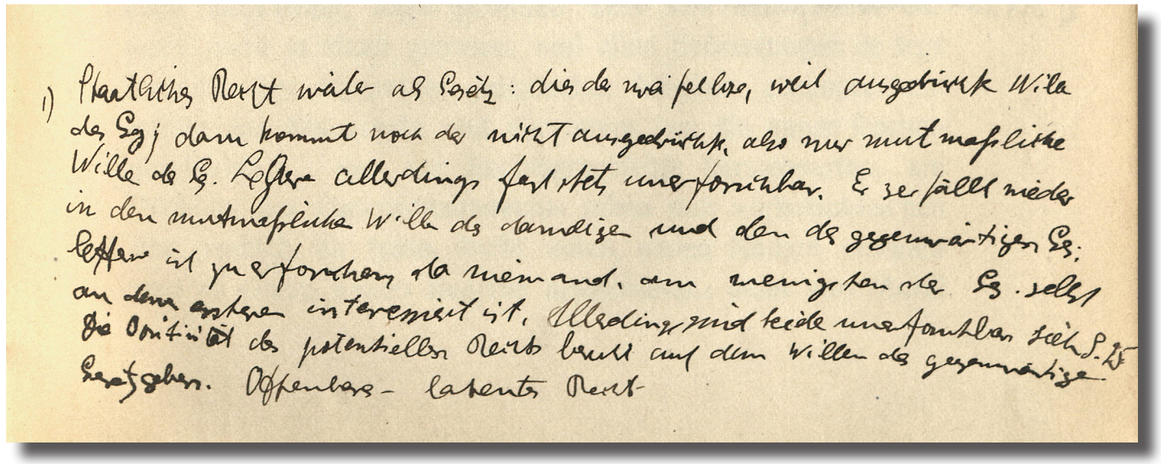
1. und 2. Tausend.

SEMPER APERTUS

Heidelberg 1906

Carl Winter's Universitätsbuchhandlung

Verlags-Archiv No. 98.

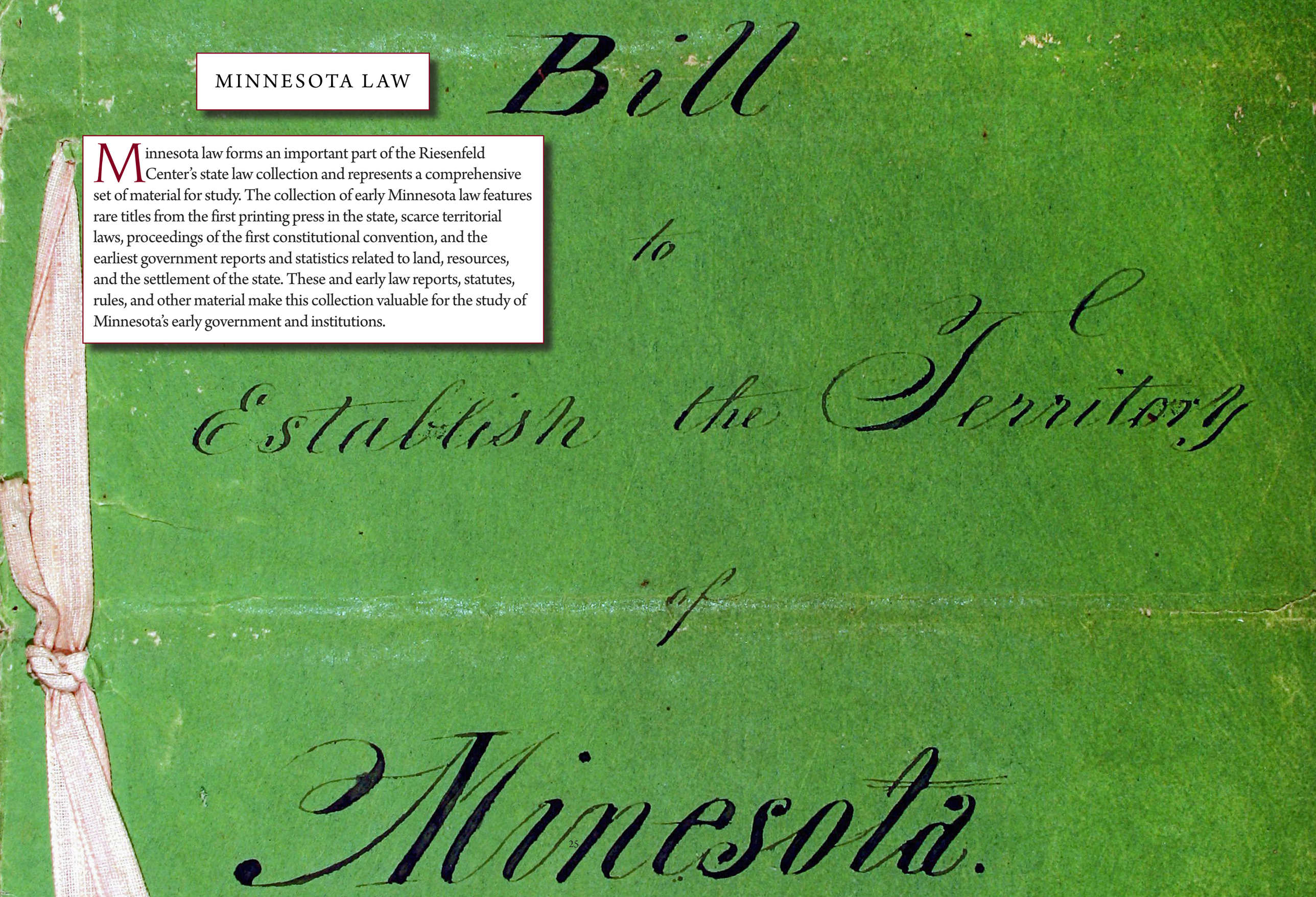

1) Praktischer Rechtssatz wäre als Satz: dies darf man, weil ausgedrückter Wille des Gesetzgebers; dann kommt noch der nicht ausgedrückte, aber nur mutmaßliche Wille des Gesetzgebers. Letzterer allerdings fast stets unerforschbar. Es zerfällt nämlich in den mutmaßlichen Willen des damaligen und den des gegenwärtigen Gesetzgebers. Ersterer ist unerforschbar da niemand, am wenigsten der Gesetzgeber selbst an dem ersteren interessiert ist. Allerdings sind beide unerforschbar. Siehe S. 25. Die Obligation des potentiellen Rechts beruht auf dem Willen des gegenwärtigen Gesetzgebers. Offenbar – latentes Recht.

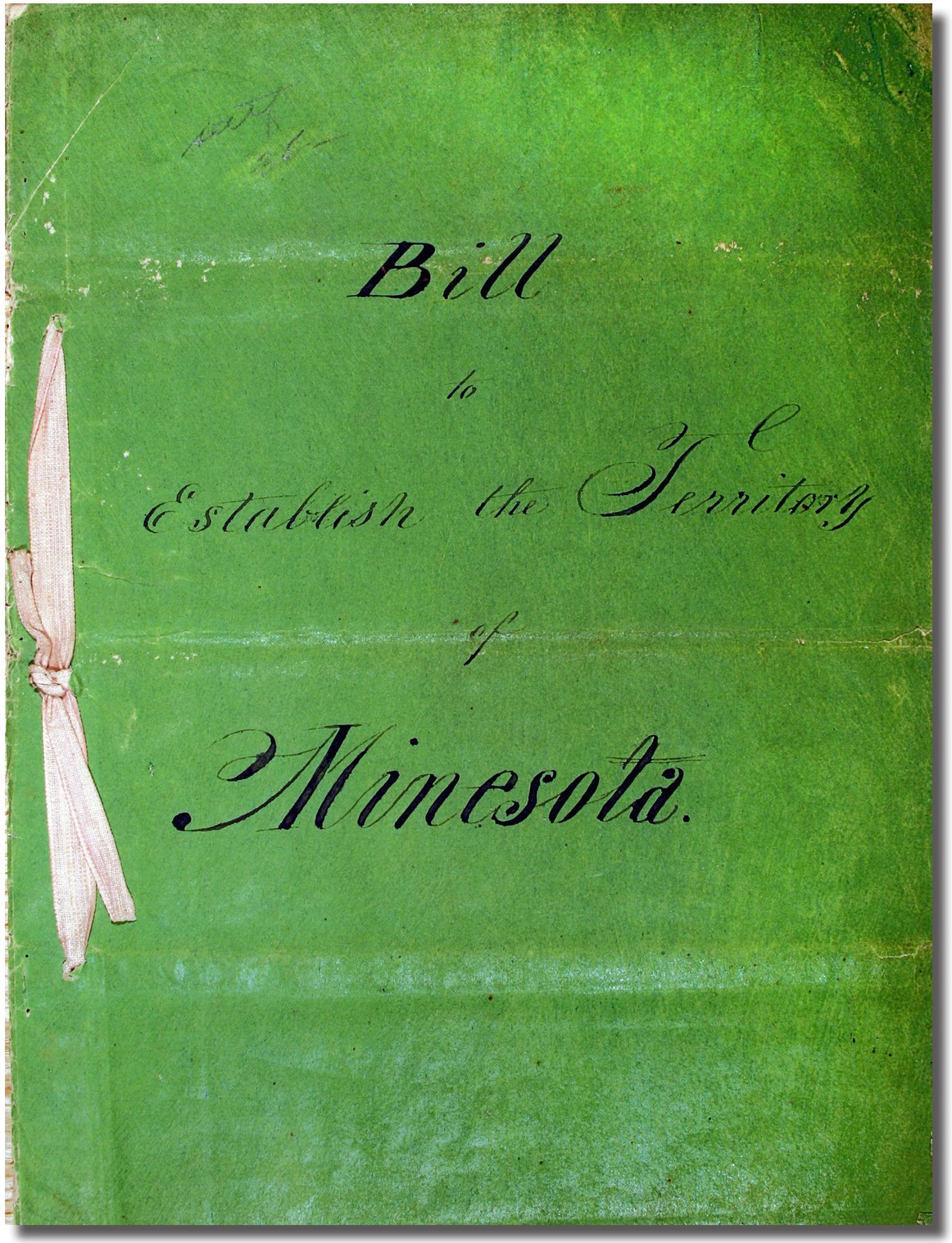
84 Gnaeus Flavius [Hermann Kantorowicz]. *Der Kampf um die Rechtswissenschaft*. Heidelberg: C. Winter, 1906.

The long essay, *Der Kampf um die Rechtswissenschaft* ("The Battle for the Liberation of Legal Science"), represents Kantorowicz's influential contribution to jurisprudence. Published in 1906, it gave an early impetus to legal realism, one of the dominant legal philosophies of the twentieth century. Kantorowicz wrote under the pseudonym "Gnaeus Flavius," an early Roman official who demystified and made public Roman legal procedure. The essay caused an academic stir and made its author's early reputation. This is Kantorowicz's own annotated copy, with comments and references to reviews.

MINNESOTA LAW

Minnesota law forms an important part of the Riesenfeld Center's state law collection and represents a comprehensive set of material for study. The collection of early Minnesota law features rare titles from the first printing press in the state, scarce territorial laws, proceedings of the first constitutional convention, and the earliest government reports and statistics related to land, resources, and the settlement of the state. These and early law reports, statutes, rules, and other material make this collection valuable for the study of Minnesota's early government and institutions.

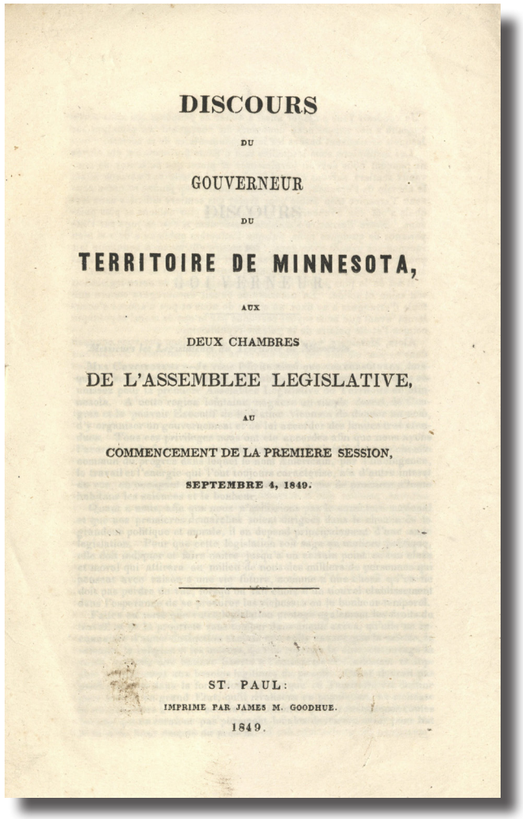




85 *A Bill to Establish the Territorial Government of Minnesota.* Washington, D.C., 1848.

With the completion of Fort Snelling in the 1820s, immigration to Minnesota increased, encouraged by new exploration and the prospect of land. On March 3, 1849, Minnesota received legal recognition as a territory through an organic act of Congress.

The forces behind the territorial bill were Minnesota's first state governor, Henry Sibley (1811–1891), and Stephen A. Douglas (1813–1861), the senator from Illinois. A strong expansionist, Douglas was involved in the creation of seven organized western territories between 1848 and 1854. The Minnesota bill created a territorial government in a region that lacked one after the admissions of Iowa and Wisconsin to the Union. The Library's striking copy of the bill, with a preserved green cover and handwritten title, is a unique treasure.


DISCOURS

DU

GOUVERNEUR

DU

TERRITOIRE DE MINNESOTA,

AUX

DEUX CHAMBRES

DE L'ASSEMBLEE LEGISLATIVE,

AU

COMMENCEMENT DE LA PREMIERE SESSION,

SEPTEMBRE 4, 1849.

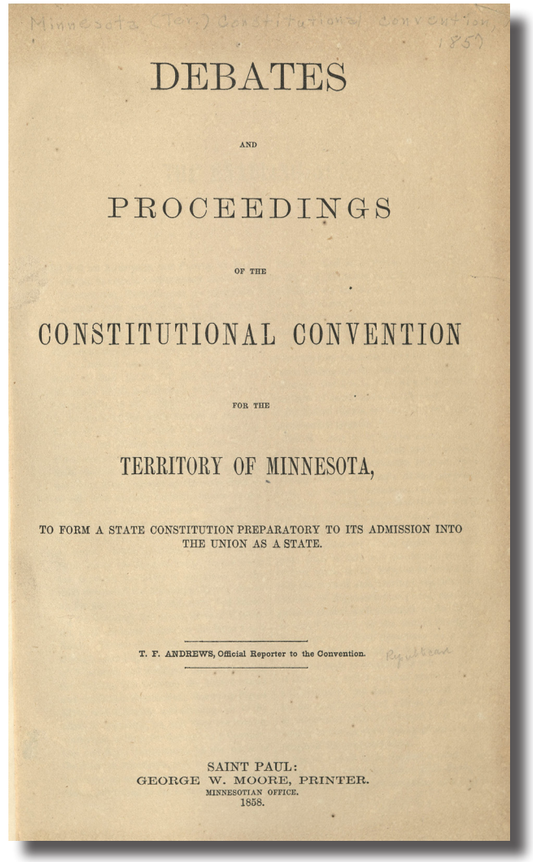
ST. PAUL:

IMPRIME PAR JAMES M. GOODHUE.

1849.

86 Alexander Ramsey. *Discours du Gouverneur de Territoire de Minnesota: Aux Deux Chambres de l'Assemblée Legislative, au Commencement de la Première Session, Septembre 4, 1849*. St. Paul: Imprime Par James M. Goodhue, 1849.

This address by Alexander Ramsey (1815–1903), the first territorial governor, later state governor and U.S. senator, is one of the earliest printed pieces from Minnesota and the first in French. It comes from the state's first territorial printer, the colorful and irascible James Goodhue (1810–1852). In one notorious dispute, Goodhue attacked two public figures in an editorial. One target, David Cooper, was a justice on the territorial Supreme Court. Cooper's brother soon confronted Goodhue on a Saint Paul street. During the ensuing altercation, Goodhue was stabbed and the other man was shot, though both survived.


Minnesota (Ter.) Constitutional Convention
1857

DEBATES

AND

PROCEEDINGS

OF THE

CONSTITUTIONAL CONVENTION

FOR THE

TERRITORY OF MINNESOTA,

TO FORM A STATE CONSTITUTION PREPARATORY TO ITS ADMISSION INTO THE UNION AS A STATE.

T. F. ANDREWS, Official Reporter to the Convention.

Reported

SAINT PAUL:
GEORGE W. MOORE, PRINTER.
MINNESOTIAN OFFICE.
1858.

87 T. F. Andrews. *Debates and Proceedings of the Constitutional Convention for the Territory of Minnesota*. Saint Paul: George W. Moore, Printer, Minnesotian Office, 1858.

Minnesota's Constitutional Convention assembled in Saint Paul on July 13, 1857. Sharp divisions between Republican and Democrat delegates kept them largely in different locations. A former territorial governor, Willis Gorman, even attacked another delegate with a cane. A committee eventually fashioned a constitution from drafts submitted by both sides. Yet the two groups of delegates signed separate copies of the final document, resulting in some three hundred minor variations of punctuation, grammar, and wording. Courts have never adjudicated the issue of which version is definitive.

GENERAL ORDERS, No. 120.

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
Washington, May 11, 1863.

I. By direction of the President of the United States, the sentence published against Sergeant *Charles Braffit*, 5th Ohio Cavalry, in General Orders, No 76, dated August 20, 1862, from Headquarters, District of West Tennessee, is commuted from death by being shot, to imprisonment for three months from this day.

II. It having been shown by satisfactory evidence that Major *Nathan Earlywine*, 4th Indiana Volunteer Cavalry, was guilty of converting to his own private use two mules belonging to the United States, the President directs that he shall be, and he is hereby, dismissed the service.

III. The record of proceedings of a Military Commission, convened by Orders, No. 55 and No. 65, of 1862, from Headquarters, Camp Release, opposite the mouth of Chippewa River, before which *Toon-wan-wa-kin-ya-a chatka*, a Sioux Indian, was tried, and sentenced to be hanged, for participation in the commission of murders, robberies, and outrages, has been submitted to the President of the United States. The record is too imperfect to justify the execution of the sentence, and the President accordingly disapproves it.

IV. *David Faribault*, jr., a mixed-blood Sioux Indian, under condemnation at Mankato, Minnesota, for alleged complicity with the late Indian outrages in that State, is pardoned by the President of the United States, on evidence that he acted with the Indians under duress, and that he was not engaged in the massacre of women and children.

V. The sentence, "*to be dismissed the military service of the United States*," published against Captain *John E. Wilbur*, 3d New Hampshire Volunteers, in General Orders, No. 7, Headquarters, Department of the South, dated February 6, 1863, and suspended by the Department Commander until the pleasure of the President can be made known, is approved by the President, and will be carried into execution.

BY ORDER OF THE SECRETARY OF WAR:

E. D. Townsend

Assistant Adjutant General

88 War Department, Adjutant-General's Office. *General Orders, No. 120.* Washington, D.C., 1863.

The Dakota War of 1862, a painful event in early state history, saw the deaths of several hundred settlers and members of Dakota bands. Dakota complaints over treaty violations, late annuity payments, and food shortages boiled over in August in the killing of five settlers. A bloody military conflict ended in late September when most Dakota surrendered. Summary military trials resulted in 303 death sentences. President Lincoln and his lawyers reviewed the proceedings, allowing 38 men to be executed and commuting 264 death sentences. By the orders above, Lincoln pardoned one man still imprisoned in May of 1863, and prevented the execution of another.

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THE SYLLABI.

VOL. 1. SATURDAY, JAN. 13, 1877. No. 13.

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THE *Central Law Journal* comes to us this week much changed in appearance and decidedly for the better. Its pages reduced from their former quarto size, to a more convenient octavo, are increased in number, and the subject matter as usual full of interest is in no manner reduced in quantity, but rather increased. The *Journal* certainly deserves the success it has met with, and we congratulate it, not only upon its fine appearance, but its evident financial prosperity.

THE peculiar influences that operate upon the minds of jurors, as well as the conclusions sometimes reached by them, are often subjects of comment; and their ability to find "extenuating circumstances" in cases that arouse their sympathy, is quite remarkable. One of the greatest efforts of this kind, however, was in the recent case of a Belgian jury, who, after finding a prisoner guilty of having murdered two wives, recommended him to mercy on account of his having a wooden leg; a recommendation that resulted in a sentence to hard labor, for life, instead of an infliction of the death penalty.

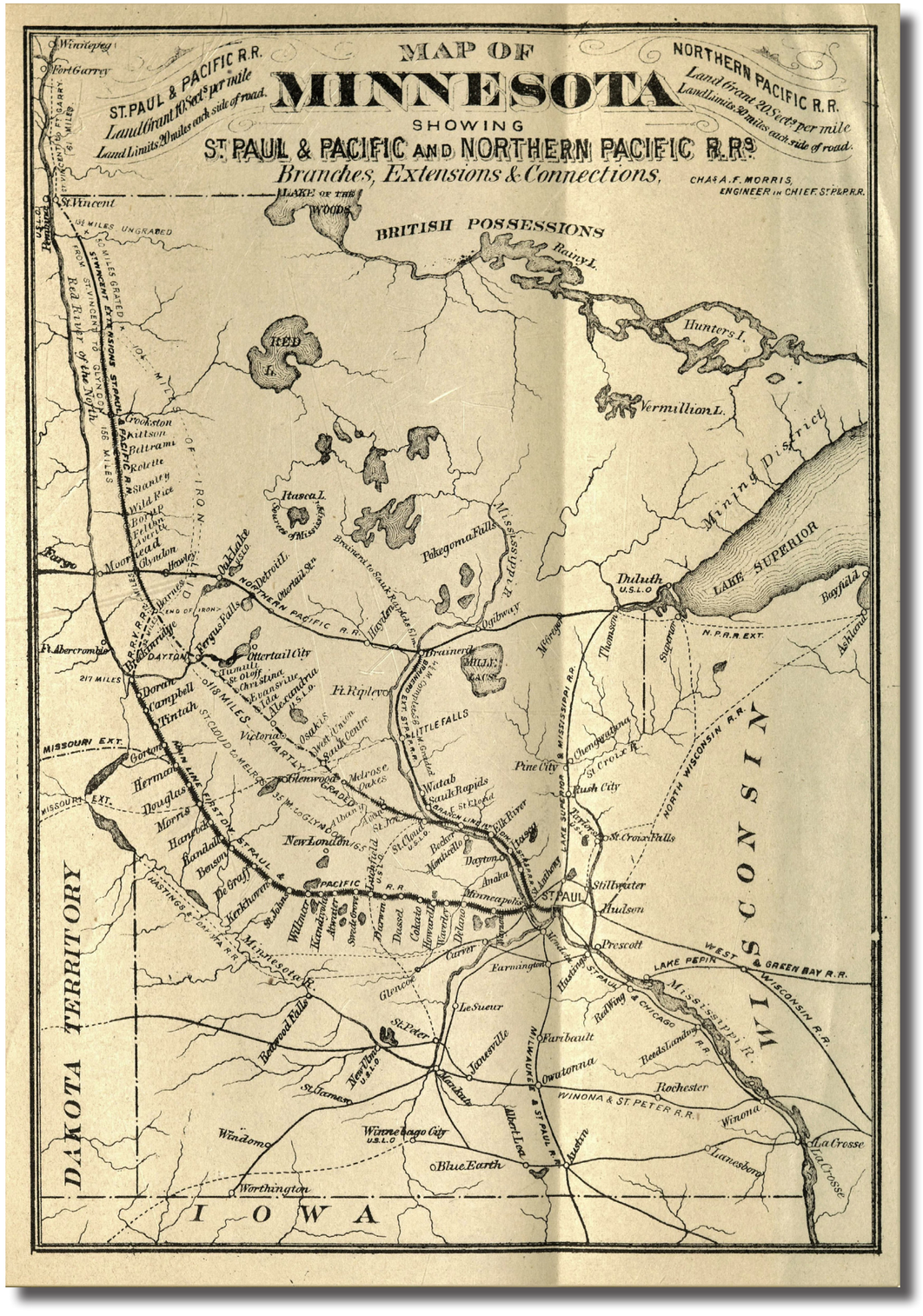
ST. LOUIS undertakers evidently have an eye single to collections these times. Recently in that city a funeral procession, just about to move, was delayed by an officer, who, with a writ of replevin on behalf of the undertaker, proceeded to take possession of the coffin, finding however that it contained more than the writ called for, and fearing that if he took it with its contents a *habeas corpus* might be desirable on his own behalf, he appealed to the mourners to take out the body or raise the money to pay for the casket, the result of which was a liquidation of the undertaker's claim.

FREEMAN ON EXECUTIONS. Published by Sumner, Whitney & Co., San Francisco, Cal. For sale by John B. West & Co., St. Paul. 950 pp. Price, - - - - $7.50

To those who have had occasion to consult "Freeman on Judgments," the author of this book needs no commendation; it is properly a sequel to that work, and the author, under the general heads of executions against the person of defendants, against the property of defendants, and for the recovery of specific property, gives a complete *resume* of the law upon this important subject, and incident thereto considers at length other matters more or less associated with the general subject, such as, homestead rights property exempt from execution, rights and duties of officers, supplemental proceedings, &c., &c. It is exhaustive in citations, and of great practical value.

89 John B. West. *The Syllabi.* St. Paul: John B. West & Co., 1876–1877.

Visionary publisher John B. West (1852–1922) began selling law books on Wabasha Street in Saint Paul in 1872. In 1876 West produced a weekly news-sheet, *The Syllabi*, reporting notable Minnesota federal and state court decisions. The publication expanded to include Wisconsin cases as *The North-Western Reporter.* The West Publishing Company soon introduced a uniform indexing system and case headnotes for its expanding regional reporters. The rest was history: West developed the National Reporter System and became the leading legal publisher in the country.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ROMAN and CANON LAW

The Riesenfeld Center has a fine collection of historical Roman and canon law. The titles in the collection, dating from the fifteenth through nineteenth centuries, are often published in large and attractive folio volumes. Highlights include early printings of foundational texts of canon law, which was taught in European law schools for centuries, as well as editions of the *Corpus Juris Civilis*, which provided the basis for the modern civil law tradition. These extensive commentaries, treatises, and decisions, constitute rich material for the study of European history and society from the Middle Ages through the modern period.

91 Pope Boniface VIII. *Liber Sextus Decretalium.* Nuremberg: Anton Koberger, 12 March 1482. [Bound with] Pope Clement V. *Constitutiones Clementinae.* Nuremberg: Anton Koberger, 15 January 1482.

These beautiful texts represent two essential collections of papal law, and are the earliest printed works in the collection. The *Liber Sextus Decretalium* was promulgated in 1298 by Pope Boniface VIII (r. 1294–1303). The *Constitutiones* of Pope Clement V (r. 1305–1314) were enacted in 1317. Both works, supplementing and modifying earlier law, remained in force in the Catholic Church until 1917.

The texts are "incunables," or works printed prior to 1501. They are bound together in a contemporary leather binding over wooden boards, with intact clasps. The elegant red and blue rubrications draw the reader's eye to particular laws and sections of text. The initial "B" (for Boniface) in the *Liber Sextus* is a fine penwork decoration. At left is a section on the function and powers of papal legates.

92 Pope Gregory IX. *Decretalium D[omi]ni Pape Gregorij Noni Co[m]pilatio Accurata Diligentia Emendata* ... Basel: Johann Froben, 15 May 1494.

The *Decretals* of Pope Gregory IX (r. 1227–1241), promulgated by the pope in 1234, was for centuries an essential collection of papal law, taught and cited throughout Catholic Europe. This rare incunable came from the press of the humanist Johann Froben (ca. 1460–1527), who printed works by Erasmus and helped to make Basel an important printing center. Sebastian Brandt (1458–1521), the editor, was another scholar and a noted satirist. The text, surrounded by explanatory medieval glosses, is printed in a typical two-column format. The opened pages here discuss regulations governing clerics.

93 Alessandro Tartagni. *Alexandri Tartagni Imolensis Iuriscons. Celeberrimi in Primam & Secundam Infortiati Commentaria* ... Turin: Apud Haeredes Nicolai Beuilaquae, 1575.

Some medieval and Renaissance doctors of law in Italy enjoyed a fame that is uncommon today. Alessandro Tartagni (ca. 1424–1477) was among these, a jurist who consulted widely and taught Roman law at leading law schools, most importantly Bologna, where he influenced a generation of teachers and practitioners. This work is one printed volume of Tartagni's commentary on Justinian's *Digest*. Remarkably, each of the volumes is bound in medieval manuscript leaves from the thirteenth century. This image of the binding captures a section of the *Digest* on leasing and hiring, surrounded by faint glosses on the text.

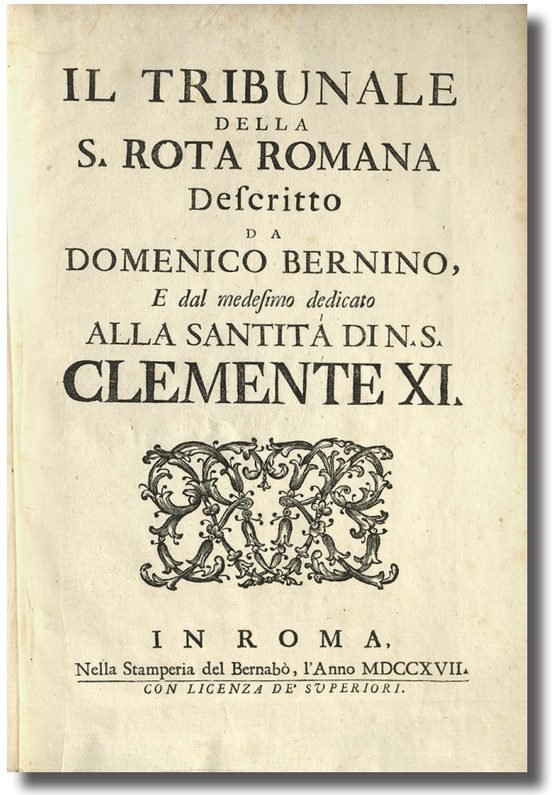
GERARDI TVNINGI
IC. PRÆSTANTISSIMI,
IN ACADEMIA LVGDVNO-BATAVA
Legum quondam Profeſſoris
IN QVATVOR LIBROS
INSTITVTIONVM
IVRIS CIVILIS
Divi Iuſtiniani
COMMENTARIVS;
ex adverſarijs Auctoris magna cura collectus
ac nunc primùm editus
Ab ARNOLDO VINNIO IC.
In fine adiectus eſt Rerum & Verborum copioſus Index.

94 Gerard Tuning. *In Quatuor Libros Institutionum Iuris Civilis Divi Iustiniani Commentarius ...* Leiden: Ex officina Elzeviriana, 1618.

This is a rare commentary on the *Institutes* of Justinian, the introductory volume of Roman law studied for centuries in continental law schools. Apart from the legal text, it contains something striking: a beautifully-executed ink and watercolor illustration of a period figure, cut out and affixed to the book's pastedown. The name beside the figure, possibly Cornelius Hirt, may offer a clue, as a family of German painters from the period bears that surname. Was the illustrator a member of this family? Why was such an evocative image pasted into a law book? The image is a reminder that rare books present fascinating puzzles. Indeed, the past is still an open book.

95 Domenico Bernini. *Il Tribunale della S. Rota Romana* ... Rome: Stamperia del Bernabó, 1717.

Domenico Bernini (1657–1723) was a son of Gian Lorenzo Bernini (1598–1680), the sculptor who defined European Baroque style. Domenico devoted himself to writing instead, including this rare work on the Roman Rota, the highest appellate court of the Catholic Church. The work shows that an interest in art—and artistic social connections—remained in the family. During his career, Gian Lorenzo enjoyed the patronage of Roman cardinals, most importantly Scipione Borghese, and popes. His son dedicated this work to Pope Clement XI (1700–1721), another patron of the arts. The work's engraver, Hubert Vincent, adorned the edition with exceptional illustrations.

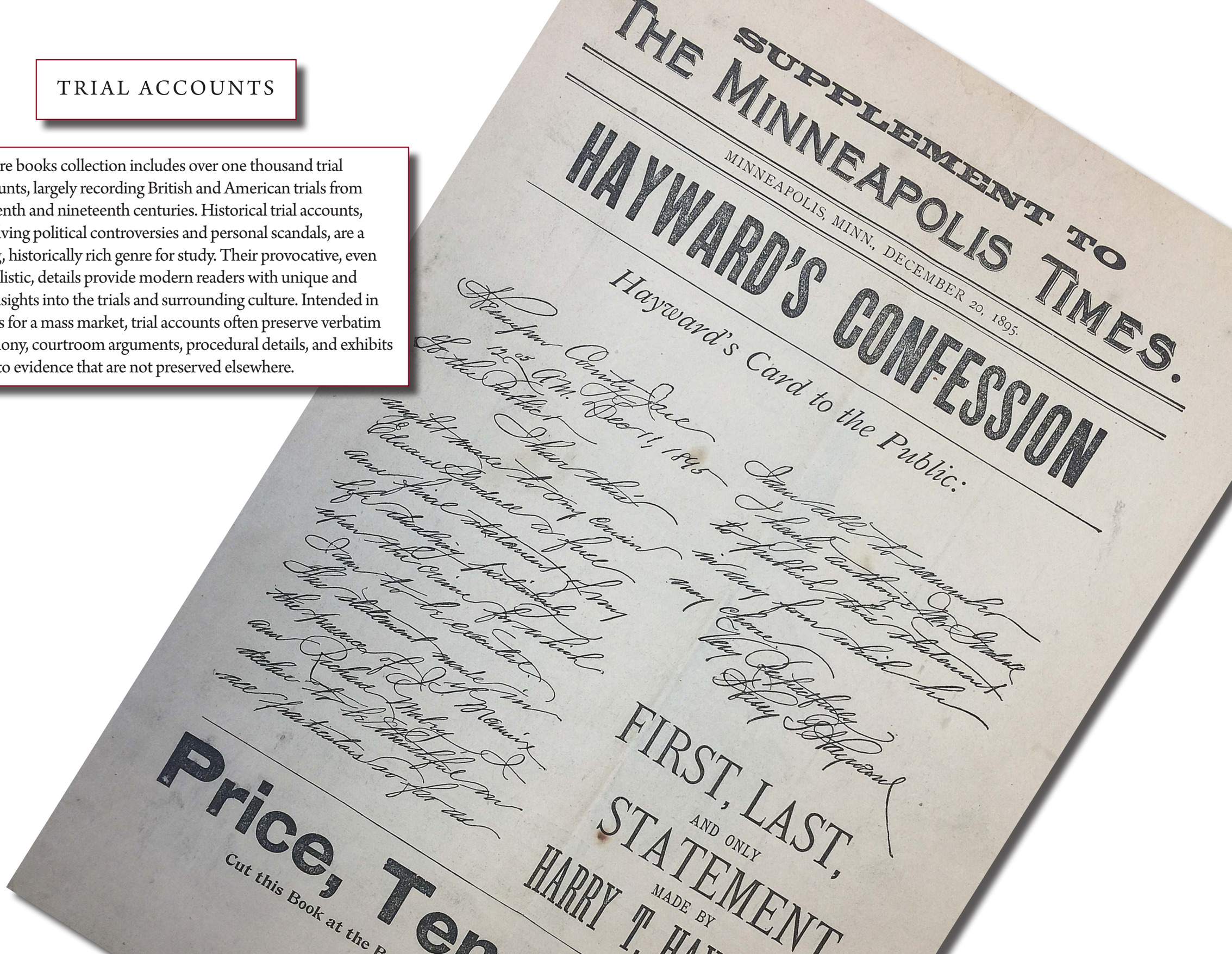


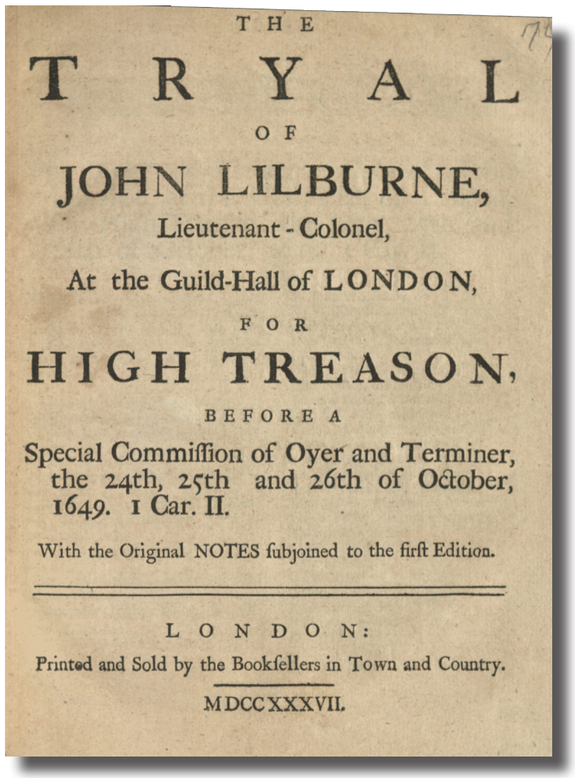
IL TRIBUNALE
DELLA
S. ROTA ROMANA
Descritto
DA
DOMENICO BERNINO,
E dal medesimo dedicato
ALLA SANTITÀ DI N. S.
CLEMENTE XI.

IN ROMA,
Nella Stamperia del Bernabò, l'Anno MDCCXVII.
CON LICENZA DE' SUPERIORI.

TRIAL ACCOUNTS

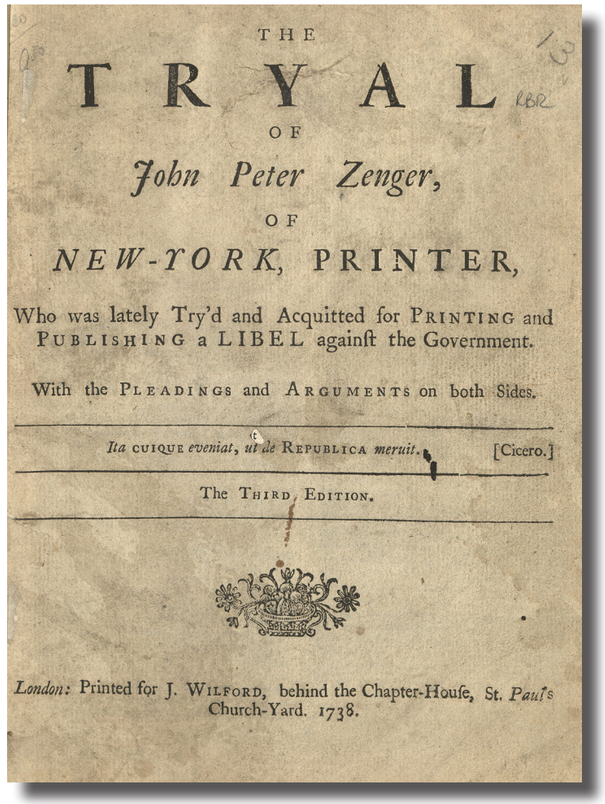
The rare books collection includes over one thousand trial accounts, largely recording British and American trials from the eighteenth and nineteenth centuries. Historical trial accounts, often involving political controversies and personal scandals, are a fascinating, historically rich genre for study. Their provocative, even sensationalistic, details provide modern readers with unique and valuable insights into the trials and surrounding culture. Intended in many cases for a mass market, trial accounts often preserve verbatim trial testimony, courtroom arguments, procedural details, and exhibits entered into evidence that are not preserved elsewhere.




THE
TRYAL
OF
JOHN LILBURNE,
Lieutenant-Colonel,
At the Guild-Hall of LONDON,
FOR
HIGH TREASON,
BEFORE A
Special Commiſſion of Oyer and Terminer, the 24th, 25th and 26th of October, 1649. 1 Car. II.
With the Original NOTES ſubjoined to the firſt Edition.
LONDON:
Printed and Sold by the Bookſellers in Town and Country.
MDCCXXXVII.

96 *The Tryal of John Lilburne ... for High Treason, before a Special Commission of Oyer and Terminer, the 24th, 25th, and 26th of October 1649 ...* London: Printed and Sold by the Booksellers in Town and Country, 1737.

John Lilburne (1614–1657) was a noted English pamphleteer, political agitator, and advocate for defendants' rights. Over a career often spent in court and in prison, he was an outspoken voice for law reform. He turned against Parliament near the end of the English Civil War, seeking wider suffrage, freedom of conscience, and a more equal application of the law. Tried for high treason in 1649, he defended himself with creative reference to common law, arguing for a common right to review written charges, to counsel, to examine witnesses, and to a public trial. Lilburne has been referenced in several U.S. Supreme Court opinions.

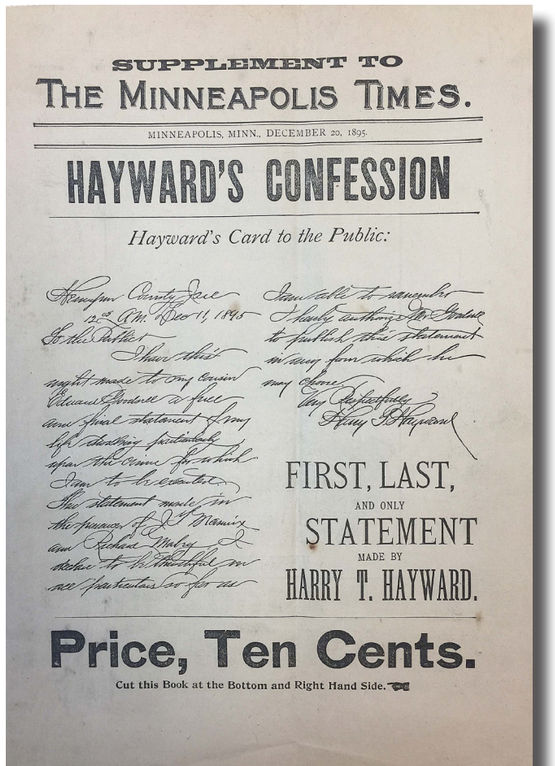

THE
TRYAL
OF
John Peter Zenger,
OF
NEW-YORK, PRINTER,
Who was lately Try'd and Acquitted for PRINTING and PUBLISHING a LIBEL againſt the Government.
With the PLEADINGS and ARGUMENTS on both Sides.
Ita CUIQUE *eveniat, ut de* REPUBLICA *meruit.* [Cicero.]
The THIRD EDITION.
London: Printed for J. WILFORD, behind the Chapter-Houſe, St. *Paul's* Church-Yard. 1738.

97 *The Tryal of John Peter Zenger ... Who Was Lately Try'd and Acquitted for Printing and Publishing a Libel against the Government.* London: Printed for J. Wilford, 1738.

The trial of Zenger was the first great American free speech case. John Peter Zenger (1697–1746), a German-born printer in New York, was tried in 1735 for libel after publishing opinions critical of a corrupt colonial New York governor. A grand jury at first refused to indict; the trial jury then refused to convict, despite jury instructions demanding it. Defense attorney Andrew Hamilton argued that colonists had a right to complain against abuses of power. The jury effectively agreed that the truth of a claim was a defense against libel. Though it established no precedent, the Zenger trial was a step toward the First Amendment.

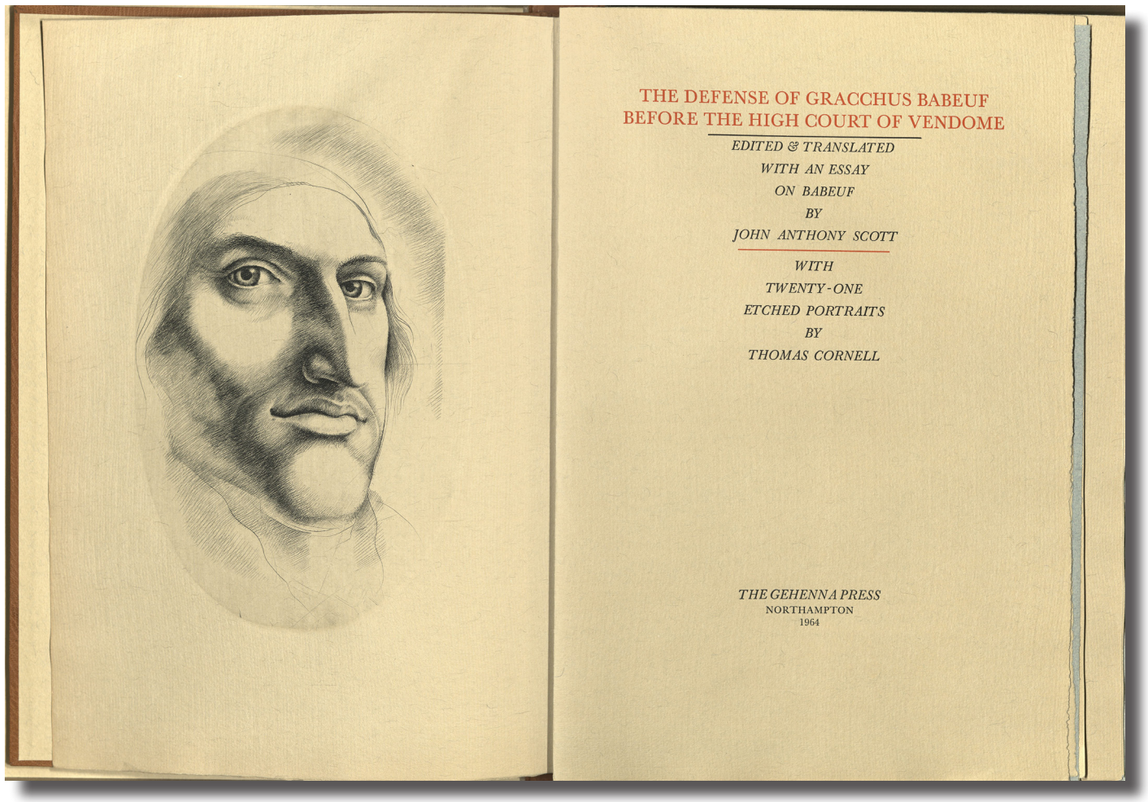
98 Edward Barron. *The Wrongs of Royalty: Being a Continuation of The Royal Wanderer, or, Memoirs of Her Present Majesty Queen Caroline.* London: H. Rowe, 1820.

Perhaps no British "trial" in the period was more notorious than the scandal of Caroline of Brunswick (1768–1821), queen consort of George IV (r. 1820–1830), whose reputed affair with her servant, Bartolomeo Pergami, was investigated by Parliament in 1820. Though the royal couple separated after the birth of a child in 1796, and despite George's boundless infidelities, the king used a Parliamentary bill to examine the adultery in an attempt to divorce his wife. The evidence was paraded before an eager nation. This account, with a fold-out portrayal of a scene from the proceedings, is part of the extensive literature on the affair.


SUPPLEMENT TO
THE MINNEAPOLIS TIMES.
MINNEAPOLIS, MINN., DECEMBER 20, 1895.
HAYWARD'S CONFESSION
Hayward's Card to the Public:
FIRST, LAST,
AND ONLY
STATEMENT
MADE BY
HARRY T. HAYWARD.
Price, Ten Cents.
Cut this Book at the Bottom and Right Hand Side.

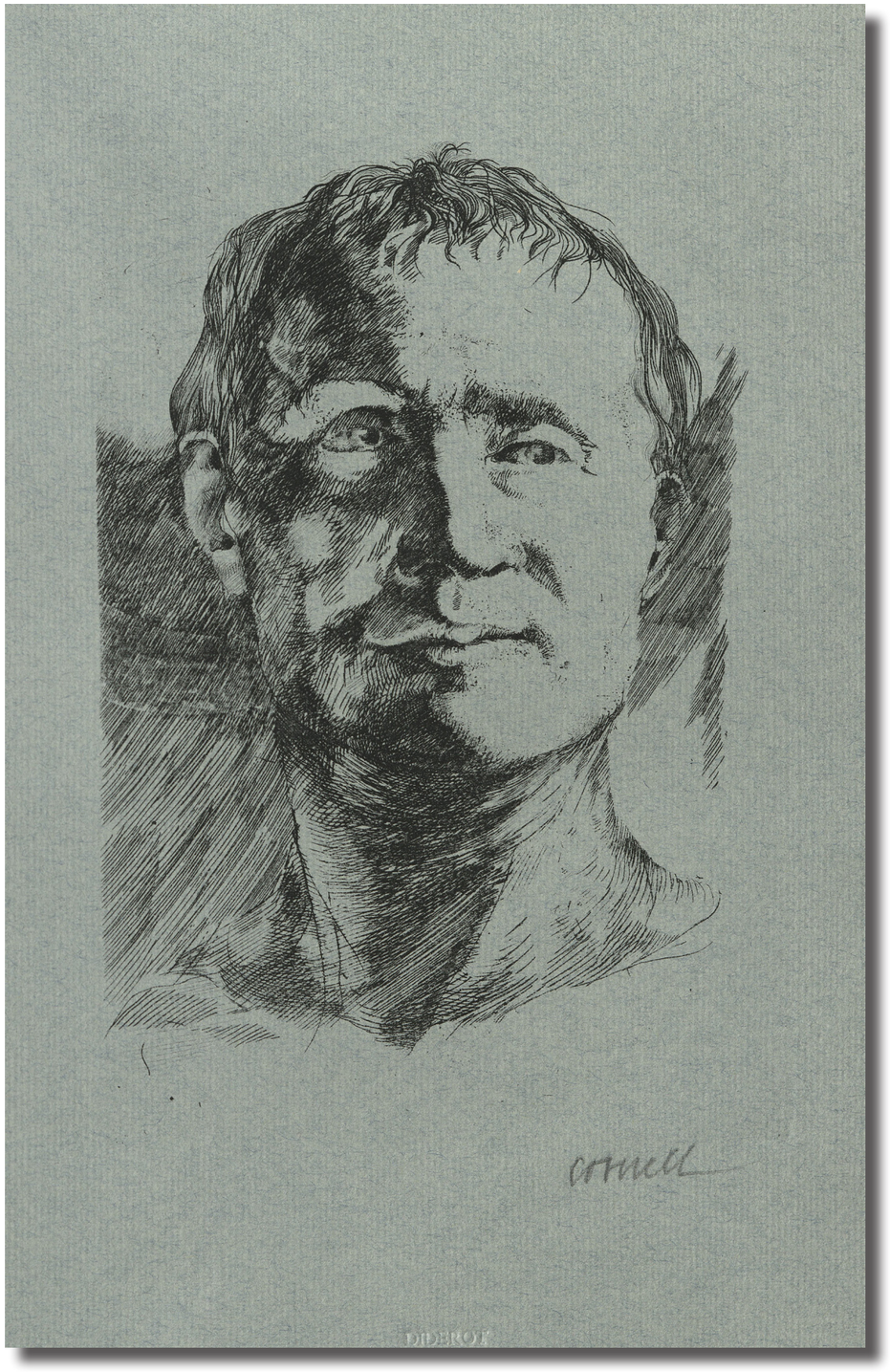
99 Harry T. Hayward and Edward H. Goodsell. *Hayward's Confession: Hayward's Card to the Public: First, Last and Only Statement Made by Harry T. Hayward.* Minneapolis: Minneapolis Times, 1895.

Raised in Minneapolis, Harry Hayward was a ne'er-do-well gambler who arranged the murder of his girlfriend, Katherine Ging, for her life insurance. In a trial that captured national attention, Hayward was convicted of first degree murder in Hennepin County Court in 1895. While in prison, he claimed responsibility for three more brutal murders. Several works on the case are in the rare books collection. This item is particularly rare: a special newspaper supplement and exclusive printing of Hayward's confession, made shortly before he was executed at Hennepin County Jail.



100 Gracchus Babeuf. *The Defense of Gracchus Babeuf before the High Court of Vendôme.* Edited and translated by John Anthony Scott. Northampton, MA: Gehenna Press, 1964.

A revolutionary and free thinker, François-Noël "Gracchus" Babeuf (1760–1797) was executed for fomenting rebellion. The *Defense* is a translation of his *apologia,* presented at his trial near the end of the French Revolution. Sumptuously illustrated, the book features etched portraits of period figures, laid in on blue Fabriano paper. Denis Diderot, the *philosophe,* is pictured at right. The illustrations are signed in pencil by the artist, Thomas Cornell (1937–2012). The book was designed and produced in a limited edition by Gehenna Press founder Leonard Baskin. This copy was added to the collection through a gift of Christa Cornell, the artist's widow.



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