

AUGUST 8, 2023

SCOTTISH LAW

1681-1857

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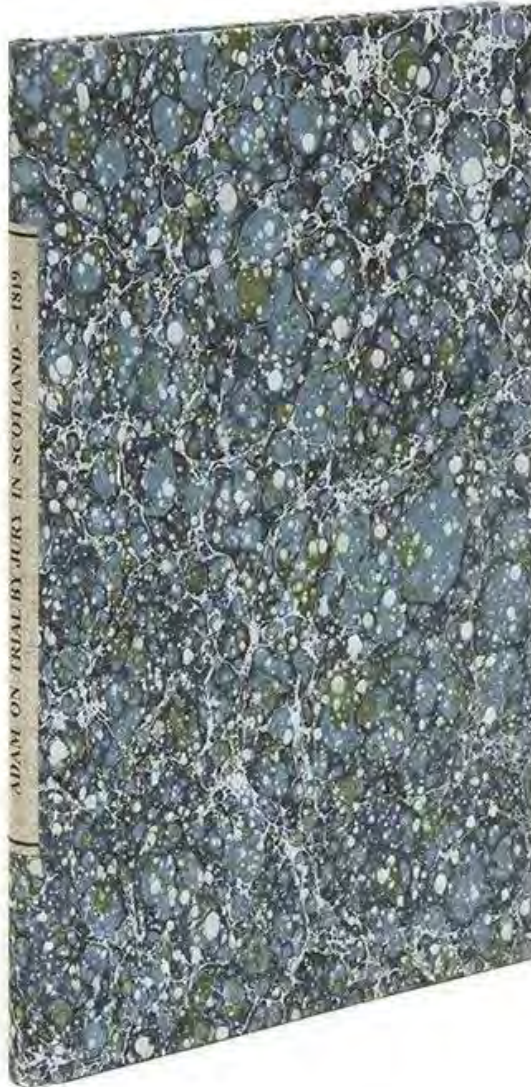
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LEGVM ANGLIÆ, ET JURIS NOVISSIMÆ

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vulgo, vocant

FORVM QVÆ IN HIS
VICESIMA

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**Scarce Essay on Jury
Trials for Civil Causes in Scotland**

1. [Adam, William (1751-1839)].

Observations Respecting the Further Extension of Trial by Jury to Scotland in Civil Causes. Edinburgh: Printed by J. Hay & Co., 1819. [iv], 51, [1] pp. Quarto (7-3/4" x 5").

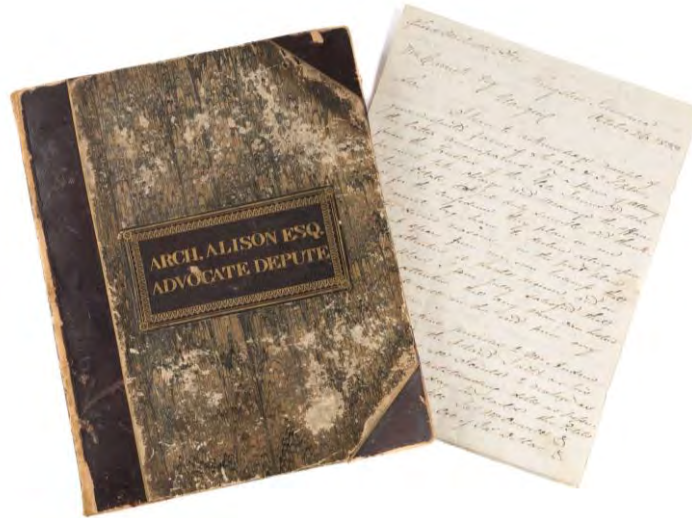
Recent marbled boards, printed paper title panel to spine, light toning to text. An attractive copy of a scarce title. \$350.

* Only edition. "This paper was meant to explain matters to Scotch lawyers not versed in the law of England, and to English lawyers not versed in the law of Scotland, and to persons not educated to the law of either country" (ii). OCLC locates 9 copies, 5 in North America.

Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 5:3.

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A Compilation of Scottish Justiciary Records with an Interesting Letter about an Estate Case

2. Alison, Sir Archibald [1792-1867].

List of Cases for Trial at the Glasgow Autumn Circuit, September 1829[Glasgow: S.n., 1829]. [xvi], 9-307, [1] pp. Quarto (10" x 8").

Contemporary three-quarter sheep over marbled boards, gilt rules to sheep edges, gilt-stamped label reading "Arch. Alison Esq. Advocate Depute" to front board, gilt fillets and title to spine. Rubbing to boards and extremities, a few small scuffs, nicks and scratches to boards, light wear to extremities, corners bumped, hinges cracked. Light toning to interior, negligible light foxing in a few places, cracks in text block after first and final leaves, initial 16 pp. docket filled out in an early hand.

[With]

Gibson, L.

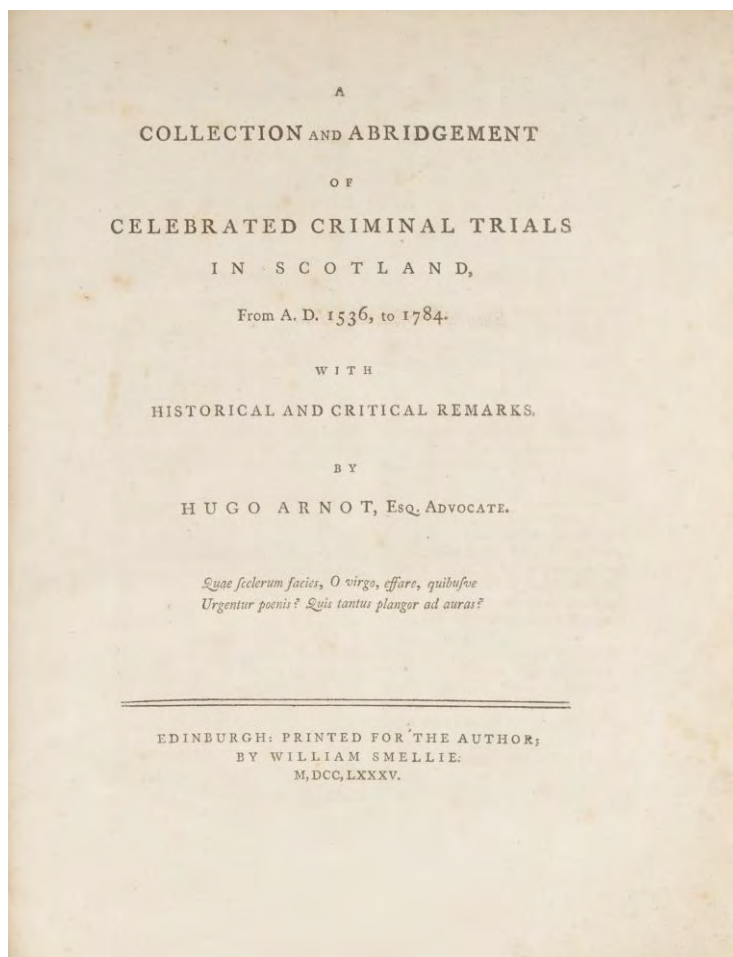
[Autograph Letter, Signed, Regarding a Bankrupt Estate, Kingston, Jamaica, October 26, 1833].

10" x 8" bifolium, text to first 2 pp. with integral address leaf and docket to verso. Light toning, horizontal and vertical fold lines, a few small holes and tears just starting along fold lines, text not affected, residue from wax seal and tear to final leaf not affecting address or docket. Together two items. \$750.

* Compiled over the course of the term, this volume is comprised of a list of 73 cases on the docket for the Glasgow Circuit Court of Justiciary in September 1829 followed by records for 72 of those cases. The records consist of a short summary of the indictment along with a list of witnesses and jury members, if applicable. Each record is individually paginated and docketed in print on the verso of the final leaf, suggesting that they were issued individually as the term progressed and bound later for the reference of judges and advocates.

In private practice, one of Alison's cases involved the aftermath of the bankruptcy of James Auchie and Company, a merchant firm incorporated in Jamaica as Dollar, Auchie and Company. The company declared bankruptcy in Glasgow in 1812, triggering many suits by creditors and counter-suits by the company's accountants. One of these accountants was William Carrick, whom Alison represented at least once in 1822 and likely afterwards. In this letter, a Jamaican attorney declines to involve himself in the case, saying "I never in my life saw any business so mismanaged" and that "it would only be throwing away good money after bad to take it into a Court of Law." The letter, laid-in to the compilation volume, was likely given to Alison as part of his work for Carrick and the Dollar estate.

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First Edition of the Most Famous Collection of Scots Trials

3. Arnot, Hugo [1749-1786].

A Collection and Abridgement of Celebrated Criminal Trials In Scotland, From A.D. 1536, To 1784. With Historical and Critical Remarks. Edinburgh: Printed for the Author; by William Smellie, 1785. xxiii, [1], 400 pp. Additional leaf of "Subscribers Omitted" inserted between pp. xiv and xv. Quarto (10-1/2" x 8-1/4").

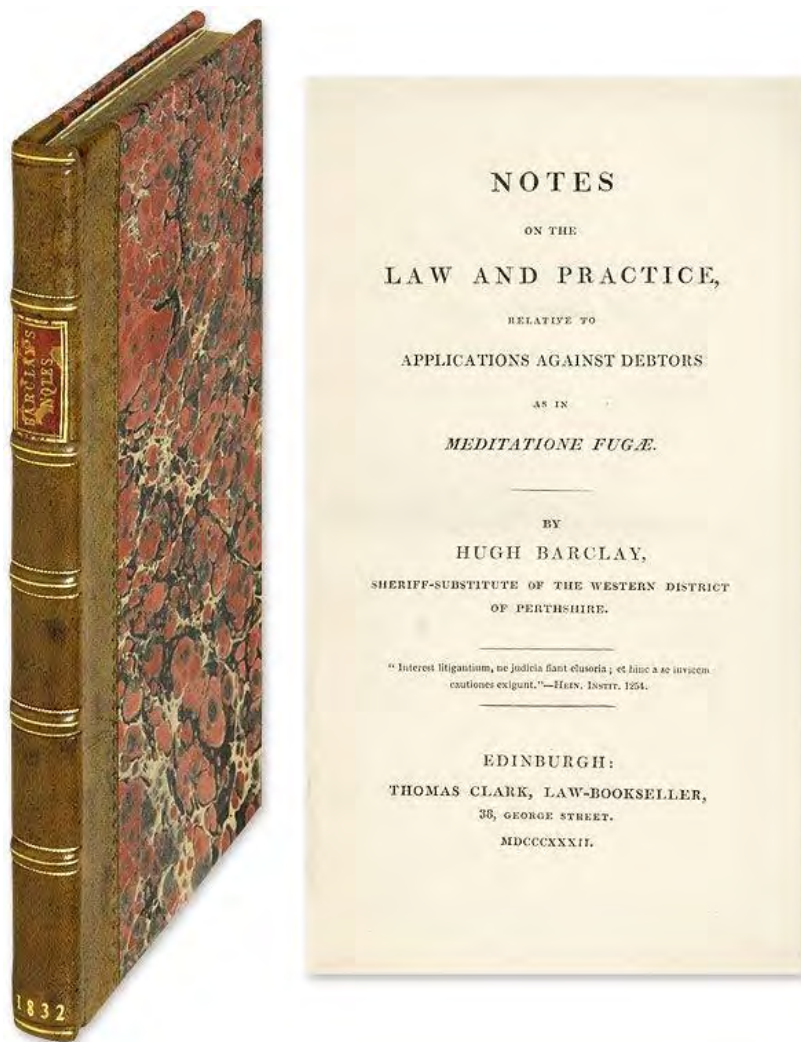
Contemporary three-quarter calf over marbled boards, blind fillets to calf edges, raised bands, gilt fillets, blind stamping and lettering piece to spine, marbled edges. Light rubbing and a few scuffs, nicks and scratches to boards, moderate rubbing and light wear to extremities, including corners, which are bumped, front hinge cracked, rear hinge starting at head, slight offsetting to endleaves. Light toning, occasional light foxing, light soiling in a few places, small tear to bottom edge of leaf Aa4 (pp. 191-192) without loss. \$500.

* First edition. According to Walker, Arnot's work contains the only accounts of many trials otherwise unknown. Contents include chapters on treason, murder, piracy, forgery, incest, adultery, blasphemy, witchcraft and crimes against religion and the state among others. With a twelve-page list of over 800 subscribers that includes the Prince of Wales, Adam Smith, Thomas Erskine, Lord Chancellor Thurlow and many other luminaries.

Walker, *The Oxford Companion to Law* 79. *English Short-Title Catalogue* T142881.

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**An Interesting Aspect of the
Scottish Law of Debtor and Creditor**

4. Barclay, Hugh [1799-1884].

Notes on the Law and Practice, Relative to Applications Against Debtors as in Meditatione Fugæ. Edinburgh: Thomas Clark, 1832. xii, 117 pp. 12mo. (7" x 4").

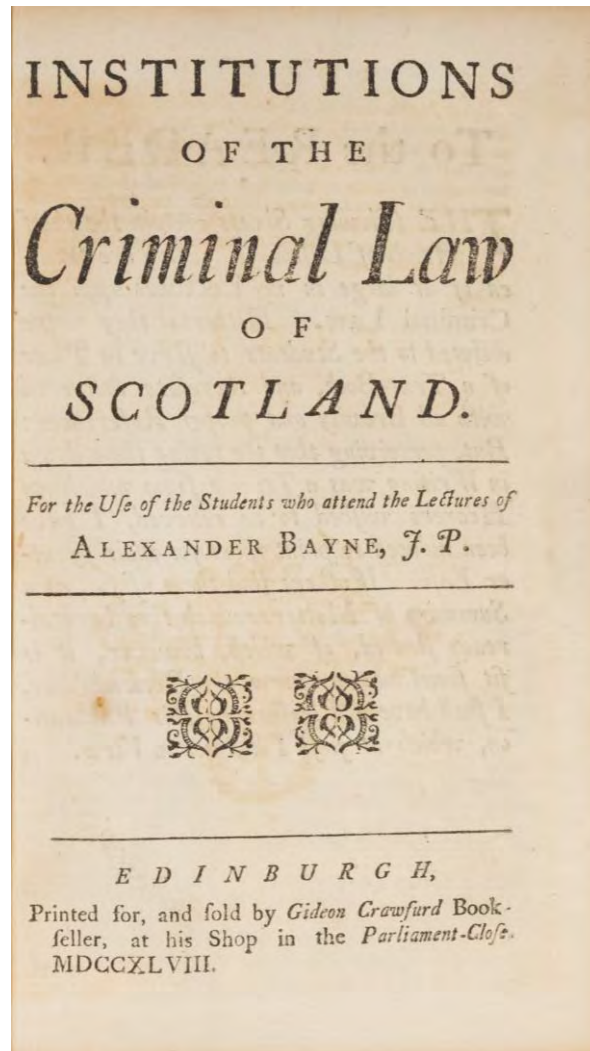
Recent period-style quarter calf over marbled boards, raised bands and lettering piece to spine, endpapers renewed. Toning to text, light wear to edges of a few leaves, internally clean. \$350.

* Only edition. "*Meditatio Fugæ* is an old principle of Scots law that if a creditor could make an oath that his debtor was in *meditatione fugæ* to avoid payment of his debt, he may apply to a magistrate who may grant warrant for apprehending the debtor for examination, and subsequently, grant warrant to imprison the debtor until he finds caution *judicio sisti*" (Walker). OCLC locates no copies in North America; copies located at the Library of Congress and Harvard Law School.

Walker, *Oxford Companion to Law* 832. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 5:9.

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An Eighteenth-Century Synopsis of Scottish Criminal Law

5. Bayne, Alexander [d. 1737].

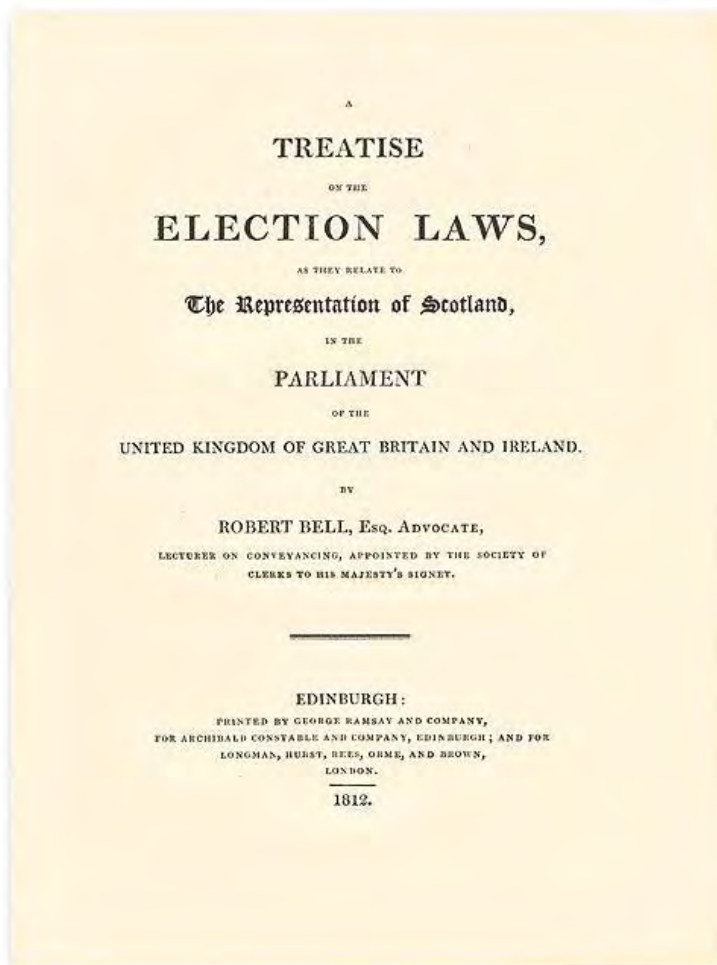
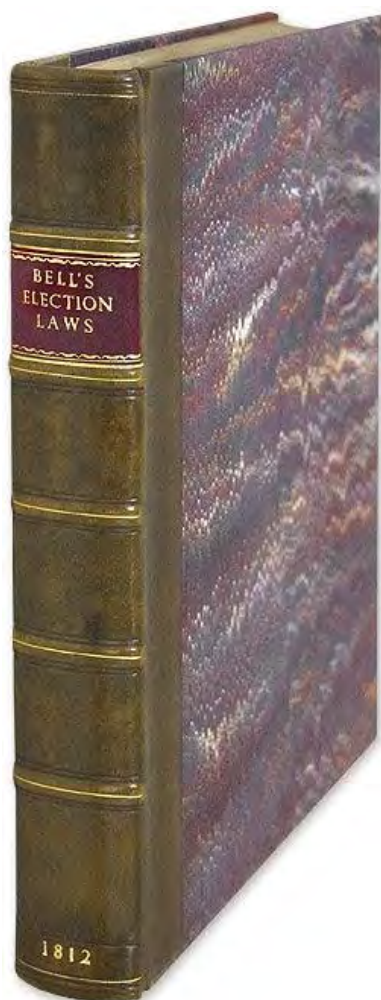
Institutions of the Criminal Law of Scotland. For the Use of the Students Who Attend the Lectures of Alexander Bayne, J.P. Edinburgh: Printed for, And Sold by Gideon Crawford, 1748. [ii], 70 pp. Octavo (6-1/2" x 3-1/2").

Recent buckram, gilt title to spine, endpapers renewed. Light toning to interior, faint offsetting to last two leaves, underlining and small marks to margins in pencil in a few places. \$300.

* Second edition. A lawyer and man of letters, Bayne studied law in Edinburgh and Leiden. He lived in London for several years and was friendly with Richard Steele and other literary figures. He also had a strong interest in music. His *Institutions* was a companion volume for a course of lectures at the University of Edinburgh. The first edition was published in 1730. Both editions are scarce. OCLC locates 7 copies of the second edition, 2 in North American law libraries (UC-Berkeley, Harvard).

English Short-Title Catalogue T127501.

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Scarce Scottish Treatise on Election Law

6. Bell, Robert [d. 1816].

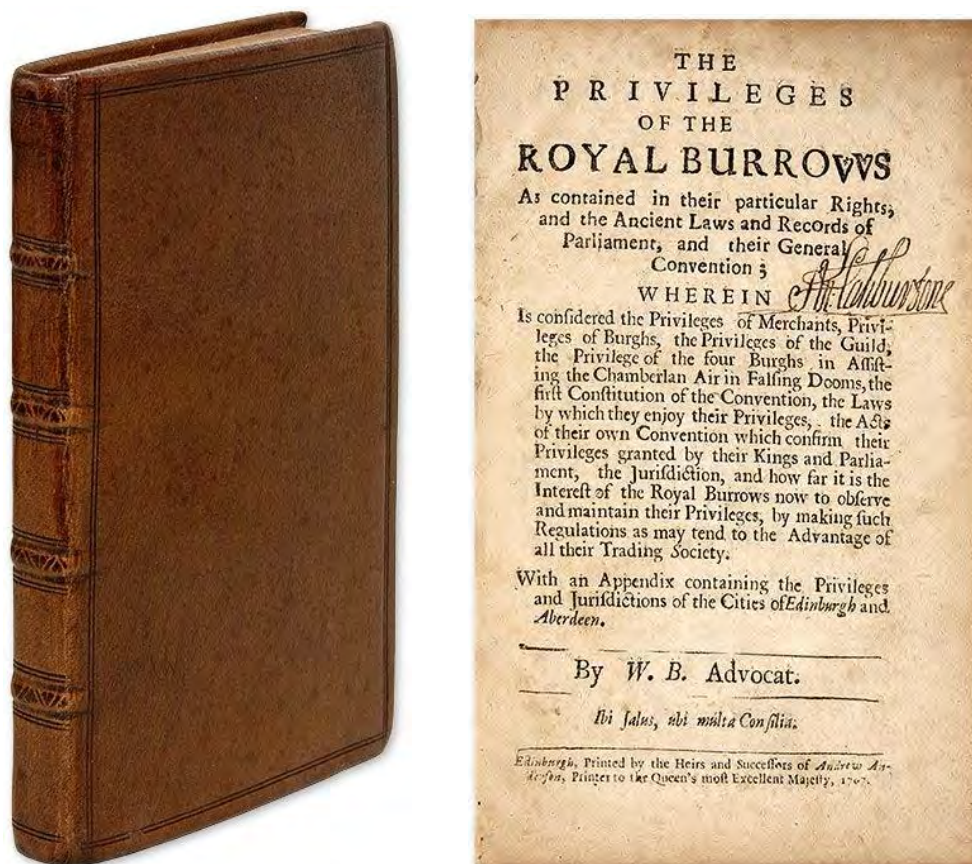
A Treatise on the Election Laws, As They Relate to the Representation of Scotland, In the Parliament of the United Kingdom of Great Britain and Ireland. Edinburgh: Printed by George Ramsey and Company, 1812. xi, 523, cxi pp. Quarto (10-1/2" x 8-1/2").

Recent period-style quarter calf over marbled boards, raised bands and lettering piece to spine, endpapers renewed. Toning to text, internally clean. A handsome copy. \$350.

* Only edition. With side-notes. This treatise is notable because it reflects contemporary debates about the extension of suffrage. An important figure in the history of Scots law, Bell was an advocate and professor of conveyancing to the Society of Writers to the Signet. He is known today as the author of *The Dictionary of the Law of Scotland* (1807) and several other treatises on Scots law, especially leases and conveyancing. OCLC locates 4 copies, 3 in North America (at Thomas Fisher Rare Book Library, Ontario, Cornell University and Georgetown University Law Library).

Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 5:11.

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One of Two Early Works on the Scottish Gild Merchant

7. B[lack], W[illiam].

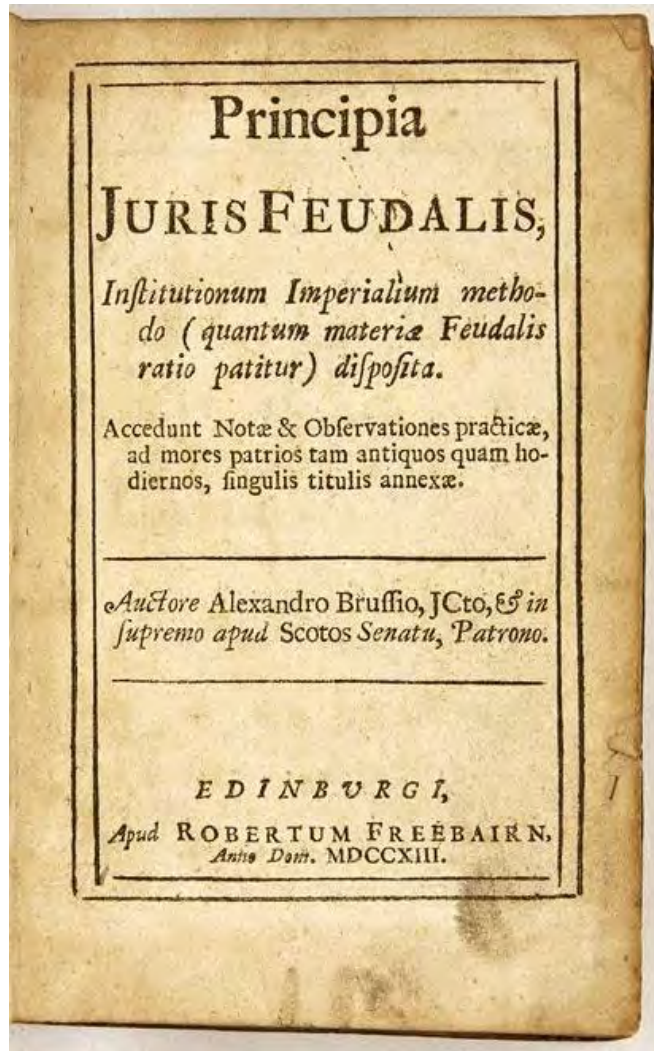
The Privileges of the Royal Burrows as Contained in Their Particular Rights, And the Ancient Laws and Records of Parliament, And Their General Conventions; Wherein is Considered the Privileges of Merchants, Privileges of Burghs, The Privileges of the Guld, The Privileges of the Four Burghs in Assisting the Chamberlan Air in Falsing Dooms, The First Constitution of the Convention, The Laws by Which They Enjoy Their Privileges, The Acts of Their Own Convention Which Confirm Their Privileges Granted by Their Kings and Parliament, The Jurisdiction and How Far It is the Interest of the Royal Burrows Now to Observe and Maintain Their Privileges, By Making Such Regulations as May Tend to the Advantage of Their Trading Society. With an Appendix: Containing the Privileges and Jurisdictions of the Cities of Edinburgh and Aberdeen. Edinburgh: Printed by the Heirs and Successors of Andrew Anderson, 1707. [viii], 172, [43] pp. Octavo (6-1/2" x 4").

Recent period-style calf, blind double rules to boards, raised bands to spine. Toning to text, light foxing in places. Early owner annotations to front free endpaper and final text leaf, early owner signature near head of title page. A handsomely bound copy of a scarce title. \$450.

* Only edition. One of two early works on the Scottish gild merchant and its royal burghs, which was much more powerful than its English counterparts and quite influential into the twentieth century. This book has a great deal of information about gild courts and the regulation of international commerce.

English Short-Title Catalogue T56668.

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A Treatise on Scottish Feudal Law Patterned on Justinian

8. Bruce, Alexander [d. 1729].

Principia Juris Feudalis, Institutionum Imperialium Methodo (Quantum Materiae Feudalis Ratio Patitur) Disposita. Accedunt Notae & Observationes Practicae, ad Mores Patrios Tam Antiquos Quam Hodiernos, Singulis Titulis Annexae. Edinburgh: Apud Robertum Freebairn, 1713. [viii], xix, [5], 352 pp. 12mo. (6" x 4").

Contemporary calf, blind rules to board, blind fillets along joints. A few minor nicks and worm holes to boards, moderate rubbing to extremities, joints just starting, chipping to spine ends, corners bumped and somewhat worn, front hinge cracked, later private-library bookplate to front pastedown. Very light browning to text, faint dampstaining in places, light foxing to some leaves, light soiling and a few finger smudges to title page. \$450.

* Only edition. Intended for students and laymen, this is a summary of Scottish customary law in the manner of Justinian's *Institutes*. OCLC locates 13 copies in North American law libraries.

English Short-Title Catalogue T116092.

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A Compilation of Scottish Justiciary Records Annotated by Lord Alloway

9. Cathcart, David, Lord Alloway [1763-1829].

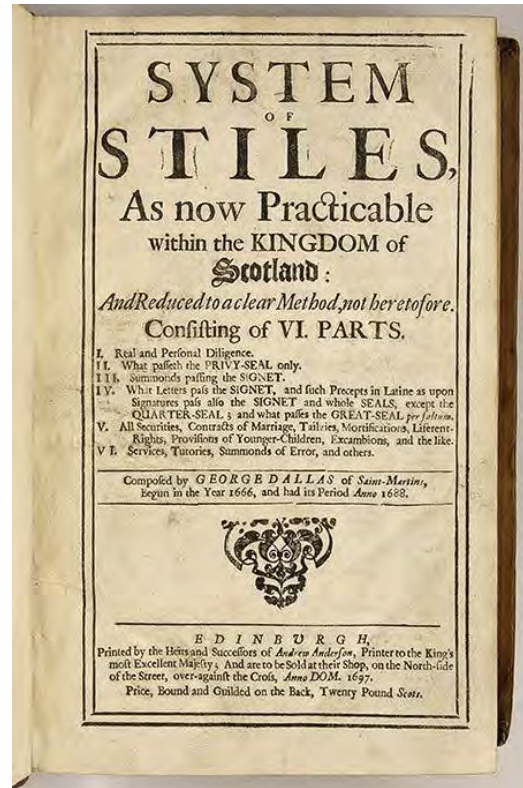
List of Cases for Trial at the Glasgow Spring Circuit, May, 1827. Right Honourable Lord Gillies and Lord Alloway. A. Wood, Esq. Advocate Depute [Drop-Head Title]. [Glasgow]: Printed by John Graham and Co., [1827]. [788] pp. Quarto (10" x 8-1/4").

Contemporary three-quarter morocco over marbled boards, gilt-stamped label reading "The Right Hon. Lord Alloway" to front board, blind decoration, gilt-edged raised bands and title to spine. Light rubbing to boards, a few small scuffs, nicks and scratches, moderate rubbing to extremities, corners bumped. Light toning to interior, occasional light foxing, two slight horizontal fold lines to many leaves, a few folded corners, light soiling in a few places, crack to text block before final leaf. A handsome volume. \$1,500.

* Compiled over the course of the term, this volume is comprised of a list of 77 cases on the docket for the Glasgow Circuit Court of Justiciary in May 1827 followed by records for 72 of those cases. The records, typically 5-8 pp. in length, consist of a short summary of the indictment along with a list of witnesses and jury members, if applicable. Each record is individually paginated and docketed in print on the verso of the final leaf, suggesting that they were issued individually as the term progressed.

The list of cases and many of the records are annotated by Lord Alloway, a Scottish lord of session appointed to the Justiciary Court in 1826. The charges range in severity from murder to petty theft. Almost certainly rebound by Alloway for his future reference, this handsome volume is a fascinating glimpse of the work of a nineteenth-century court in Scotland from a judge's perspective. Compilation volumes like these were created for the personal use of judges and advocates and are quite scarce. OCLC locates 6 copies of compilations from the Glasgow Justiciary Court, 5 at the University of Glasgow and 1 at Harvard, none of which match ours.

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The First Scottish Book of Precedents

10. Dallas, George [1635-1701].

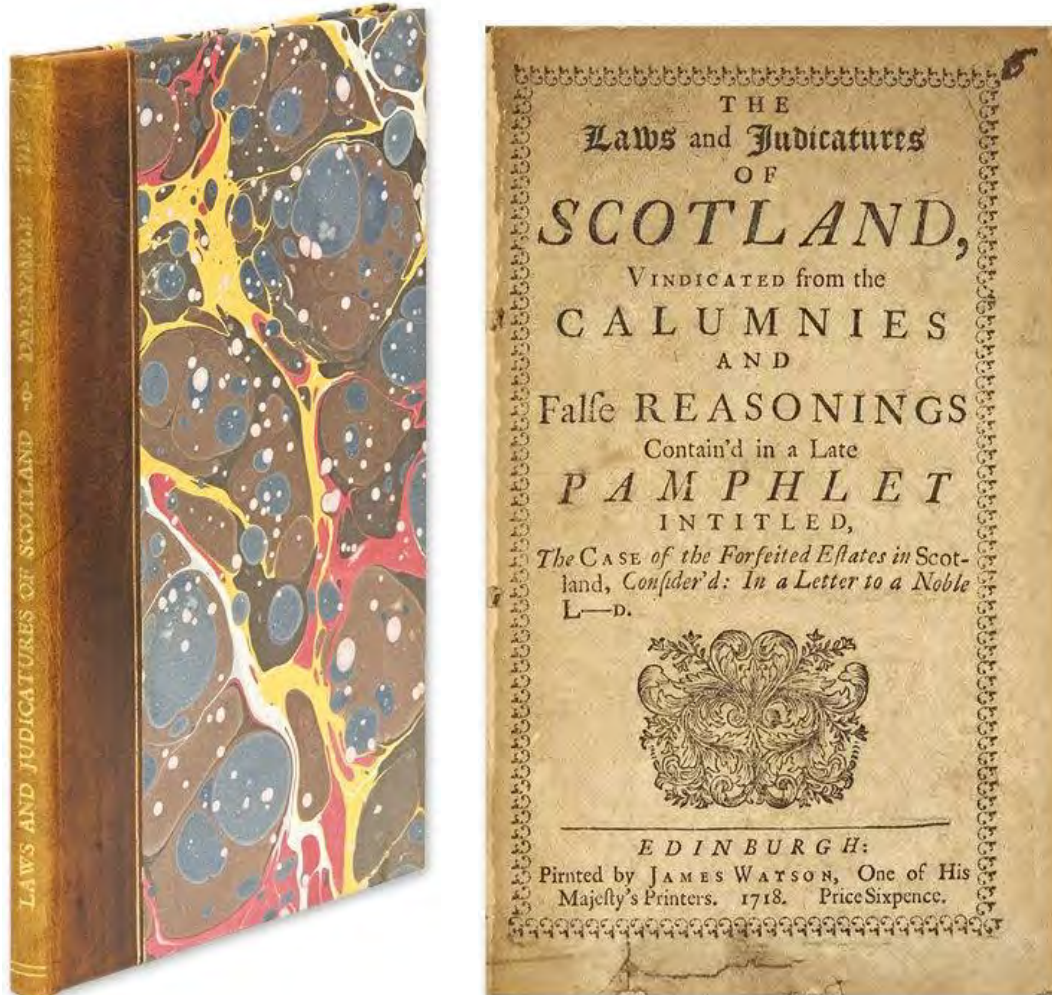
System of Stiles, As Now Practicable Within the Kingdom of Scotland: And Reduced to a Clear Method, Not Heretofore. Consisting of VI. Parts. I. Real and Personal Diligence. II. What Passeth the Privy-Seal Only. III. Summons Passing the Signet. IV. What Letters Pass the Signet, and Such Precepts in Latine as Upon signatures Pass Also the Signet and Whole Seals, Except the Quarter-Seal; And What Passes the Great-Seal per Saltum. V. All Securities, Contracts of Marriage, Tailzies, Mortifications, Life-Rentrights, Provisions of Younger-Children, Excambions, and the Like. VI. Services, Tutories, Summons of Error, and Others. Edinburgh: Printed by the Heirs and Successors of Andrew Anderson, 1697. [iv], 52, 63-89, [1], 89-185, [1], 185-393, [1], 393-669, 700-717, [1], 689-693, [1], 693-863, [1], 863-904, [12] pp. Pagination irregular, text complete. Folio (11-1/2" x 7").

Contemporary paneled calf, gilt spine with lettering piece and raised bands, recent repairs to spine ends, speckled edges. Light rubbing and a few minor scuffs to boards, moderate rubbing to extremities, spine ends bumped and lightly worn, hinges cracked, armorial book plate of James Stuart, 2nd Earl of Bute, above a contemporary manuscript shelf location number to front pastedown. Light toning to text, somewhat heavier in places, light soiling to title page and a few other leaves. An attractive copy. \$350.

* First edition. This was the first Scottish book of precedents, or, to use the Scots term, Styles. According to Walker, *System of Stiles* was "long indispensable in Scottish legal offices." A second edition in two volumes was published in 1774. Stuart, 2nd Earl of Bute [1696-1723] was the father of John Stuart, 3rd Earl of Bute, the advisor to King George III who was Prime Minister from 1762 to 1763.

Walker, *Oxford Companion to Law* 330. *English Short-Title Catalogue* R468989.

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Financial Consequences of Estates Forfeited by the Jacobites

11. [Dalrymple, Sir David (c.1665-c.1721)].

The Laws and Judicatures of Scotland, Vindicated from the Calumnies and False Reasonings Contain'd in a Late Pamphlet Intituled, The Case of the Forfeited Estates in Scotland, Consider'd: In a Letter to a Noble L-d. Edinburgh: Printed [sic] by James Watson, One of His Majesty's Printers, 1718. 56 pp. Octavo (7-1/4" x 4-1/2").

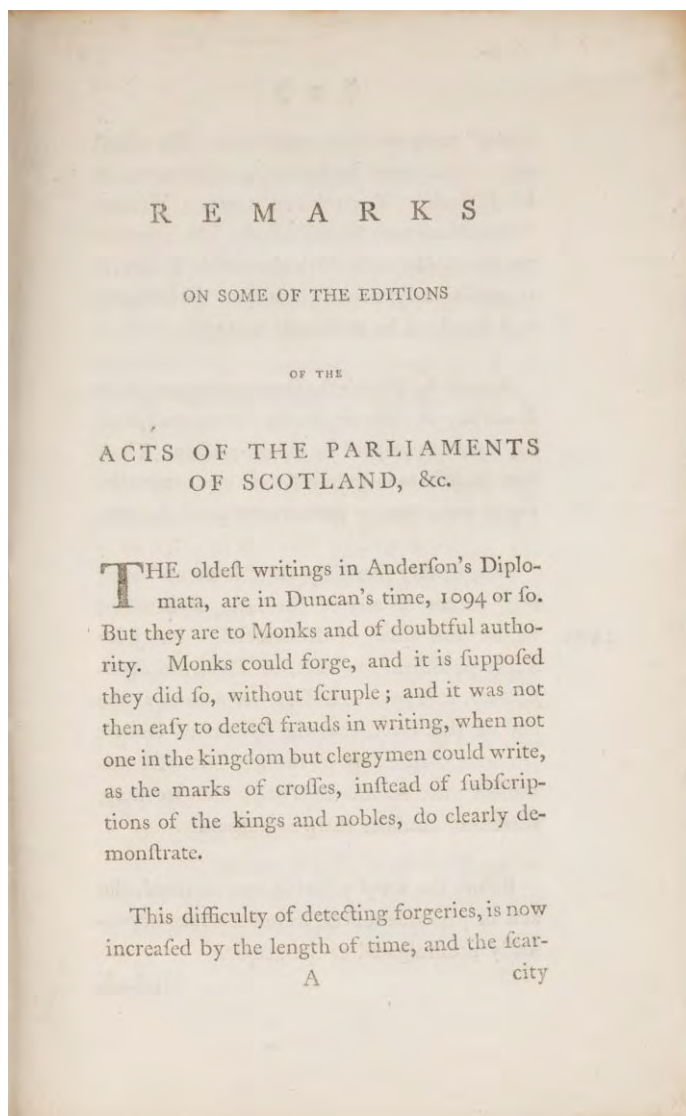
Stab-stitched pamphlet bound into recent quarter calf over marbled boards, gilt title to spine. Light rubbing to extremities, light fading to spine. Moderate toning to text, light soiling to verso of final leaf and title page and verso of final leaf, which has a recent repair to foot and "6" at head in small early hand. A nice copy in a handsome binding. \$450.

* Only edition, one of four issues from 1718. In this pamphlet Dalrymple, then the Queen's advocate in Scotland, refutes the argument advanced in a pamphlet by the Scottish advocate Patrick Haldane. Haldane's pamphlet questions the ability of the Scottish legal system to resolve the financial consequences that followed the forfeiture of estates after the Jacobite Rebellion of 1715 and calls for emergency legislation to facilitate the claims of creditors.

English Short-Title Catalogue T221543.

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Scarce Critical Survey of Early Collections of Scottish Laws

12. [Davidson, John].

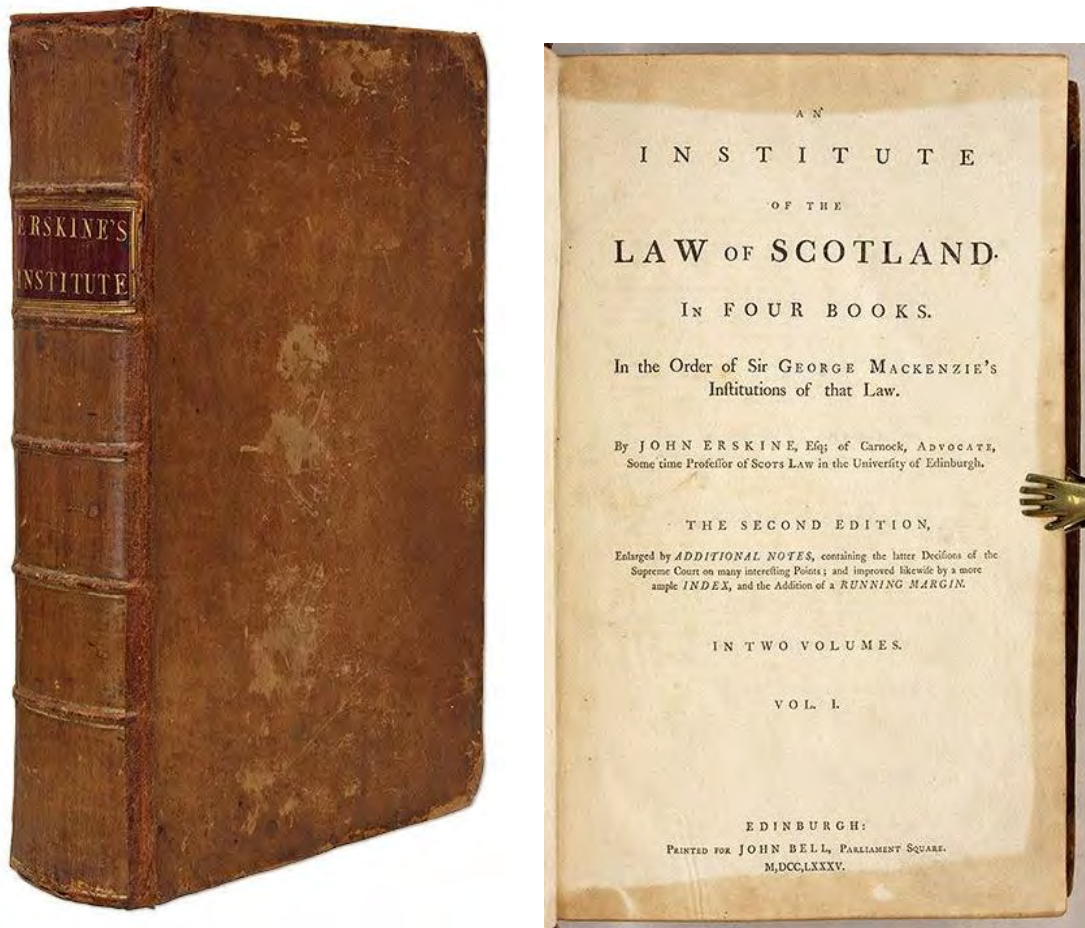
Remarks on Some of the Editions of the Acts of the Parliaments of Scotland, &c. [Drop-head title]. [Edinburgh: S.n., 1792]. 16 pp. Octavo (9" x 5-3/4").

Stab-stitched pamphlet in plain wrappers, untrimmed edges. Light soiling to exterior, illegible early owner name to front wrapper, moderate toning to interior, light browning to fore-edges of a few leaves. \$350.

* Only edition. Davidson, a lawyer and well-regarded antiquarian, provides a richly detailed critical survey of early editions of the laws of Scotland from the manuscript compilations of the 11th century (likely spurious) to the printed editions of 1566 and 1597. This is a scarce title. OCLC locates 14 copies, 1 in a law library (Harvard).

English Short-Title Catalogue T66978.

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A Great Authority on the Law of Scotland

13. Erskine, John, Of Carnock [1695-1768].

An Institute of the Law of Scotland. In Four Books. In the Order of Sir George Mackenzie's Institutions of that Law. Enlarged by Additional Notes, Containing the Latter Decisions of the Supreme Court on Many Interesting Points; And Improved Likewise by a More Ample Index, And the Addition of a Running Margin. Edinburgh: Printed for John Bell, 1785. Two volumes with continuous pagination bound in one book. x, 438; [439]-813, [57] pp. Folio (12-1/2" x 8").

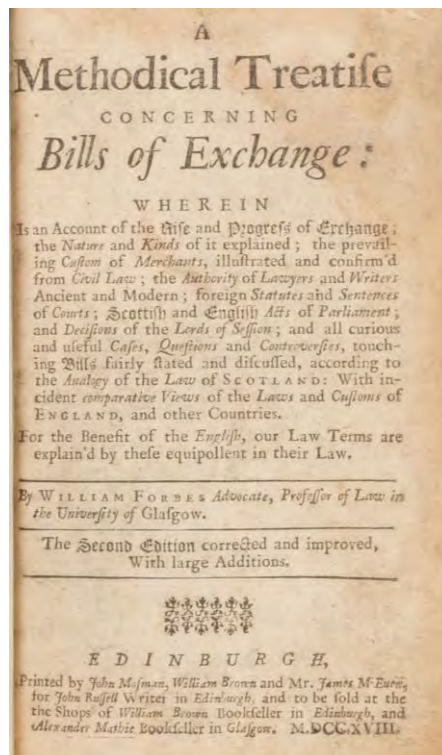
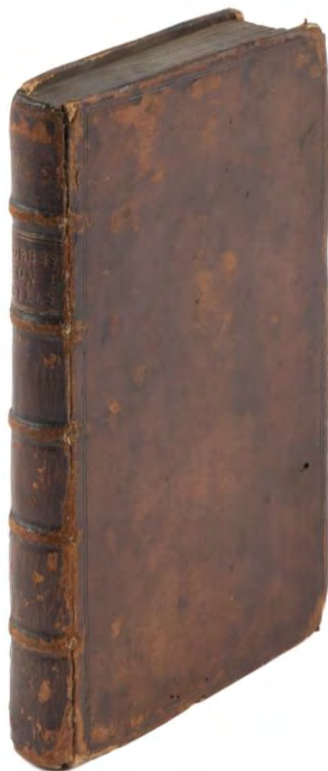
Contemporary calf, raised bands and lettering piece to spine, blind tooling to board edges, repair to head of spine, joints reinforced. Light rubbing to boards, moderate rubbing to extremities, light chipping to foot of spine, corners bumped and somewhat worn, hinges cracked, early armorial bookplate (of Sir John Jay Scott Douglas) to front pastedown. Light toning to text, slightly heavier in places, some offsetting to margins of preliminaries and final leaf. \$750.

* Second edition. Esteemed for its erudition, clarity and accuracy, Erskine's *Institute* was one of the definitive authorities on Scots law. Rich in sociological detail, it includes laws on such topics as witchcraft, sodomy and bestiality, adultery, dueling and gypsies. A durable work, it was first published in 1773 and went through four more authorial editions and four later editions by other authors, the last (eighth) in 1871.

Sweet & Maxwell, *English Short-Title Catalogue* T188612.

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The First Scottish Treatise on Bills of Exchange

14. Forbes, William.

A Methodical Treatise Concerning Bills of Exchange: Wherein is an Account of the Rise and Progress of Exchange; The Nature and Kinds of It Explained; The Prevailing Custom of Merchants, Illustrated and Confirm'd from Civil Law; The Authority of Lawyers and Writers Ancient and Modern; Foreign Statutes and Sentences of Courts; Scottish and English Acts of Parliament; And Decisions of the Lords of Session; And All Curious and Useful Cases, Questions and Controversies, Touching Bills Fairly Stated and Discussed, According to the Analogy of the Law of Scotland: With Incident Comparative Views of the Laws and Customs of England, And Other Countries. For the Benefit of the English, Our Law Terms are Explain'd by These Equipollent in Their Law. Corrected and Improved, With Large Additions. Edinburgh: Printed by John Mosman, William Brown and Mr. James Mceuen, For John Russell Writer, 1718. [iv], xi, [1], 227, [17] pp. Includes three-page publisher catalogue. Octavo (6-1/4" x 3-3/4").

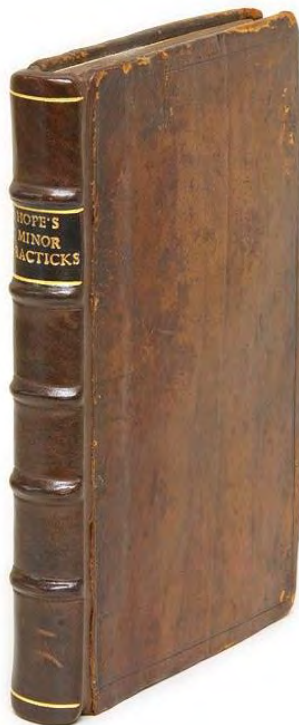
Contemporary calf, blind rules to boards, raised bands and lettering piece to spine. Light rubbing and a few tiny worm holes to boards, moderate rubbing to extremities with wear to spine ends and corners, front board just beginning to separate but still quite secure, rear joint starting at ends, rear hinge cracked, rear free endpaper lacking. Moderate toning to interior, wormhole to foot of text block through leaf D1 (pp. 33-34), soiling and faint dampstaining to title page and following leaf, small later embossed stamp to head of leaf A1 (pp. 1-2). \$450.

* Second, final and best edition. First published in 1703, the *Methodical Treatise Concerning Bills of Exchange* was the first work on the subject published in Scotland. The second edition is preferred because it is a corrected and expanded work that reflects changes brought about by the Act of Union (1707), the act that united England and Scotland under the name of Great Britain. Forbes was the first Professor of Civil Law at Glasgow University.

English Short-Title Catalogue T147016.

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A Handy Guide to Scots Civil Law Circa 1726

15. Hope, Sir Thomas [1580?-1646].

Minor Practicks, Or, a Treatise of the Scottish Law. To Which is Subjoined, A Discourse On the Rite and Progress of the Law of Scotland: And an Alphabetical Abridgment of the Acts of Sederunt, From the Restoration to this Present Year. Edinburgh: Printed by Mr. Thomas Ruddiman, 1726. viii, 148, [2] pp.

[And]

Bayne, Alexander [d.1737].

A Discourse on the Rise and Progress of the Law of Scotland, and the Method of Studying It. For the Use of the Students of the Municipal Law. Edinburgh: Printed by Mr. Thomas Ruddiman, 1726. [ii], 151-187, [1] pp.

[And]

An Alphabetical Index and Abridgment of the Printed Acts of Sederunt of the Lords of Council and Session, From June 1661, To January 1726. Edinburgh: Printed by Mr. Thomas Ruddiman, 1726. [ii], 191-245 pp.

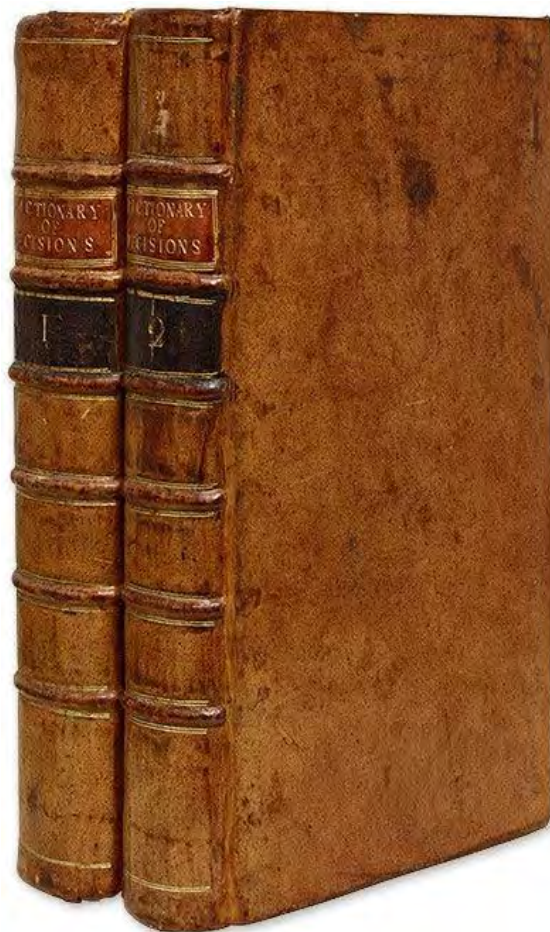
Three volumes in one, each with title page. Octavo (6-3/4" x 4-1/4").

Contemporary calf, rebacked, blind rules to boards, raised bands and lettering piece to spine, endpapers renewed. Light rubbing to board edges, somewhat heavier rubbing to edges, corners bumped and somewhat worn. Moderate toning to text, light foxing in a few places, small later signature to head of title page. \$450.

* First edition, and the only edition in this form. A concise manual of the laws of Scotland. Hope became a member of the Scottish Bar in 1605 and became a Joint Lord Advocate in 1626, sole Lord Advocate in 1628. A work based on *Minor Practicks* was published in 1734 with the title *Practical Observations Upon Divers Titles of the Law of Scotland*.

English Short-Title Catalogue T71745.

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Kames's *Decisions* in "Form of a Dictionary"

16. [Kames, Henry Home, Lord (1696-1782)].

The Decisions of the Court of Session, From Its First Institution to the Present Time. Abridged, And Digested Under the Proper Heads, In Form of a Dictionary. Collected from a Great Number of Manuscripts, Never Before Published, As Well as from Printed Decisions. Edinburgh: Printed by Richard Watkins, 1741. Two volumes. [iv], vii, [i], [xxxvi], 601; [xxxii], 555, [32] pp. Folio (12" x 7-1/2").

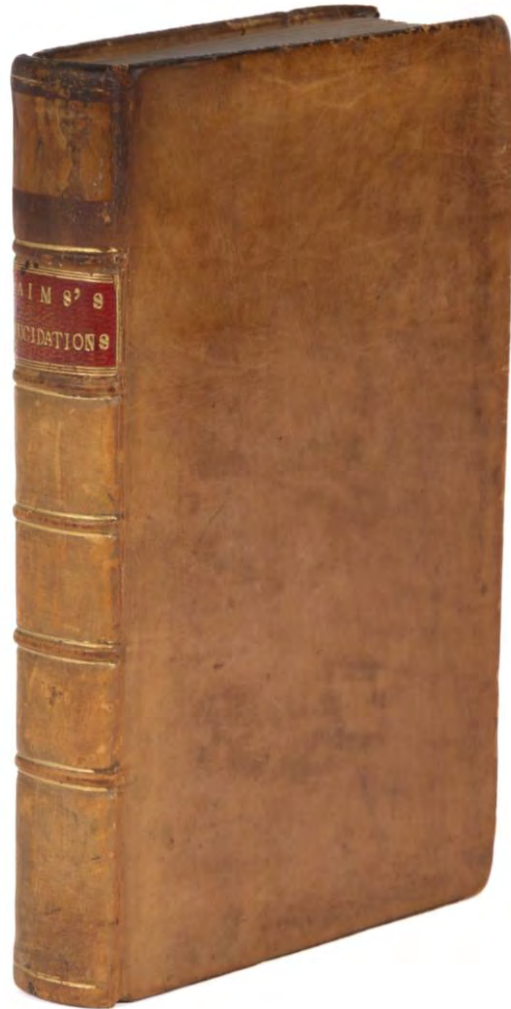
Contemporary speckled calf, red and black lettering pieces and gilt-edged raised bands to spine, blind tooling to board edges. Negligible light rubbing and a few minor nicks and scuffs to boards, somewhat heavier rubbing to extremities, recent repair to front joint of Volume I, corners bumped and lightly worn, partial crack to text block of Volume I between front free endpaper and title page. Title pages printed in red and black. Early owner annotation to front pastedown of Volume I, text notably fresh. A handsome set. \$1,500.

* First edition, one of two issues from 1741. The leading Scottish jurist of his day and an important figure of the Scottish Enlightenment, Kames was an influence on David Hume, James Boswell and Adam Smith. A remarkable work of synthesis and organization, his *Decisions* went through later editions in 1778, 1791 and 1797.

English Short-Title Catalogue T79943.

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First Edition of an Uncommon Study by Lord Kames

17. [Kames, Henry Home, Lord (1696-1782)].

Elucidations Respecting the Common and Statute Law of Scotland. Edinburgh: Printed for William Creech, 1777. xvi, 421, [2] pp. Includes two-page publisher list of other titles by Kames. Octavo (8" x 5").

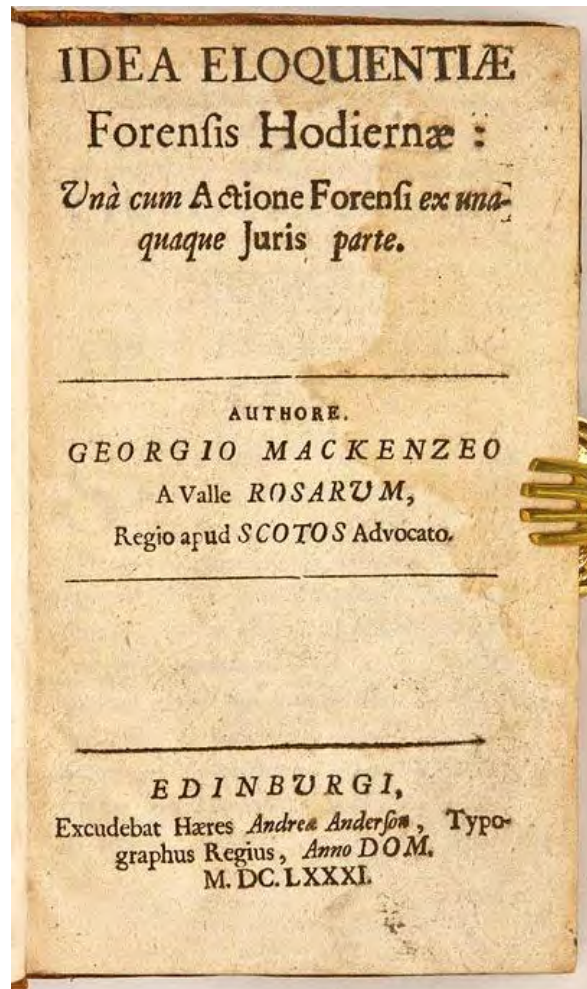
Contemporary calf, lettering piece and gilt-edged raised bands to spine, blind tooling to board edges. Light rubbing to boards, somewhat heavier rubbing to extremities, small bit of label residue (?) near head of spine, corners bumped, "nt" in early hand to front pastedown, early owner signature (of Charles Scott) to front free endpaper. A handsome copy. \$950.

* First edition. This was Kames's last major legal work. "As my intention is only to give examples of reasoning, free from the shackles of authority, I pretend not to say what our law actually is, but what it ought to be" (xiii). The leading Scottish jurist of his day and an important figure of the Scottish Enlightenment, he was an influence on David Hume, James Boswell and Adam Smith. The second and final edition of *Elucidations* was published in 1800.

English Short-Title Catalogue T32628.

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A Landmark Work on Advocacy by the Great Scottish Jurist

18. Mackenzie, Sir George [1636-1691].

Idea Eloquentiae Forensis Hodiernae: Una cum Actione Forensi ex Unaquaque Juris Parte. Edinburgh: Excudebat Haeredes Andreae Anderson, 1681. [xii], 182 pp. Octavo (6-1/2" x 4").

Contemporary sheep, later calf lettering piece to spine. Moderate rubbing to extremities, some shallow nicks and scuffs to boards, front joint just starting at foot, corners and lightly worn, rear free endpaper neatly removed. Moderate toning and some crinkling to text, faint dampstaining to upper corners of preliminaries. An appealing copy of a scarce title. \$1,500.

* First edition. A landmark work, this was the first treatise on the subject of "forensic oratory" produced in the British Isles. MacKenzie "became notable for his resistance to the pretensions of the Crown, but in 1677, he was made Lord Advocate and in the next few years prosecuted and persecuted Covenanters with such zeal as to earn the title 'The Bloody Mackenzie.' In many cases he strained the law so as to obtain a conviction" (Walker). He is also well-known for having founded the Advocates Library, now the national law library for Scotland. OCLC locates 3 copies in North American law libraries (Harvard, Library of Congress, UC-Berkeley).

English Short-Title Catalogue R11799.

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"Contains Much That is Valuable"

19. Mackenzie, Sir George [1636-1691].

The Institutions of the Law of Scotland. Revised, Corrected and Augmented. With an Appendix of Notes. Edinburgh: Printed by James Watson, For John Vallange, 1706. [viii], 253, [3] pp. Octavo (6-1/4" x 3-1/2").

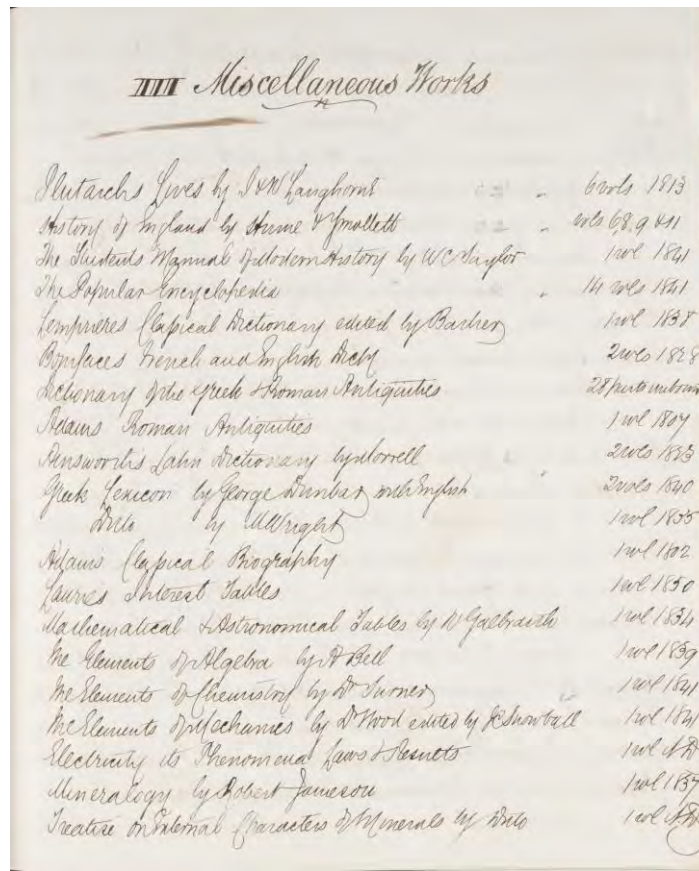
Contemporary calf, blind rules to boards, raised bands and lettering piece to spine. Moderate rubbing to boards and extremities, light scratches to boards, corners bumped and somewhat worn, front endleaves lacking, armorial bookplate of Hugh MacLean to verso of front board. Moderate toning, faint dampstaining in places, some edgewear and light soiling to preliminaries and final few leaves, early annotations to rear endleaves, early owner signatures (one illegible, the other "Jas MacLean") to title page. \$250.

* Fourth edition. First published 1685, this durable work had its final edition in 1758. As Marke points out, Mackenzie's *Institutions* "contains much that is valuable and [it] is still consulted and referred to upon certain points" (Marke). MacLean [1736-1768], 12th Laird of Ardgour, was a military officer from a distinguished Scottish Clan.

Marke, *Catalogue of the Law Collection at New York University* 251. *English Short-Title Catalogue* N7707.

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Manuscript Catalogue of Books Belonging to a Nineteenth-Century Edinburgh Lawyer

20. [Manuscript].

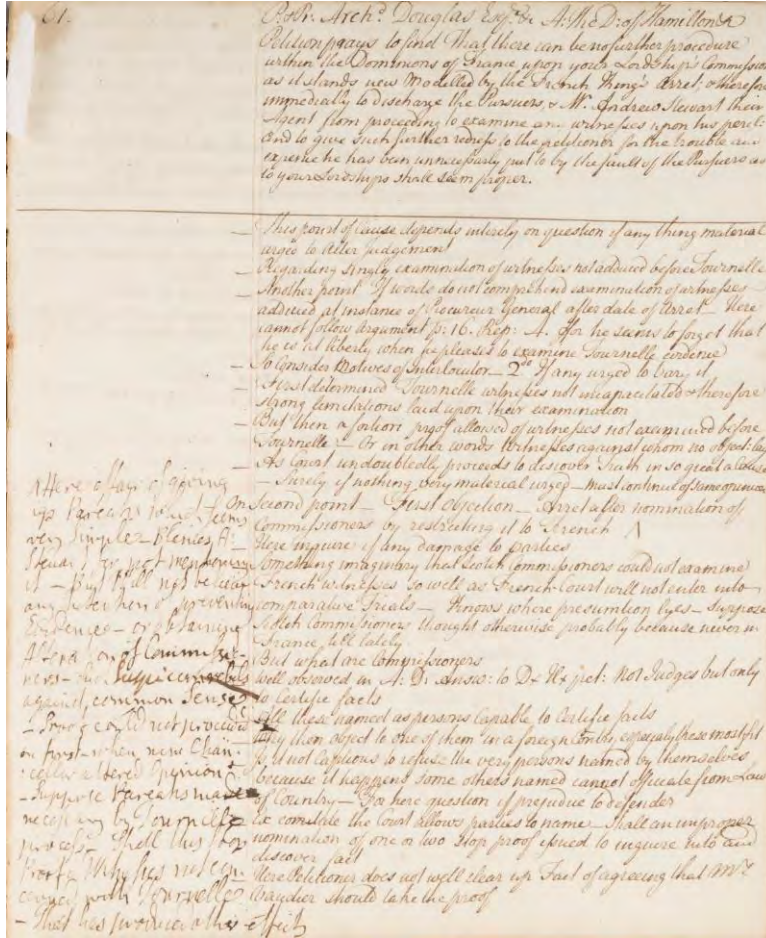
Cathcart, Robert Alfred [1825-1855].

Catalogue of Books Belonging to R.A. Cathcart Esq., W.S. Edinburgh, c.1852. [31] pp. Text mostly to rectos, followed by 25 blank leaves. Quarto (9" x 7-1/2").

Contemporary three-quarter sheep over cloth boards, blind rules to spine, blind fillets to joint and corner edges, marbled edges and endpapers. Light rubbing to boards, moderate rubbing to extremities, a few scuffs to spine, some wear to corners, which are bumped. Light toning to interior, light foxing in a few places, text in a single neat hand, mostly in ink with some entries and headings in pencil. \$950.

* Robert Alfred Cathcart was, like several other members of his family, an Edinburgh lawyer and member of the Society of Writers to her Majesty's Signet. The catalogue is an interesting glimpse into the lives of lawyers practicing in this time, showing what a wealthy lawyer's library might contain - in this case some 150 legal and 200 other works. The works are organized into "Law Books," "Medical Works," and "Miscellaneous Works." Among the legal texts are a manuscript copy of Baron Hume's *Commentaries on the Law of Scotland Respecting Trial for Crimes* (1819) and quite a few works on Roman law. Medical works cover the fundamentals of anatomy and pathology. Cathcart may have relaxed at the end of a long day with *The Arabian Nights' Entertainment* (1843) or *The Mysteries of Paris* (n.d.). The catalogue captures a unique snapshot of what a young nineteenth-century Scottish lawyer at the beginning of his career deemed the essentials of daily reference and practice.

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A Carefully Organized Scottish Manuscript Precedent Book

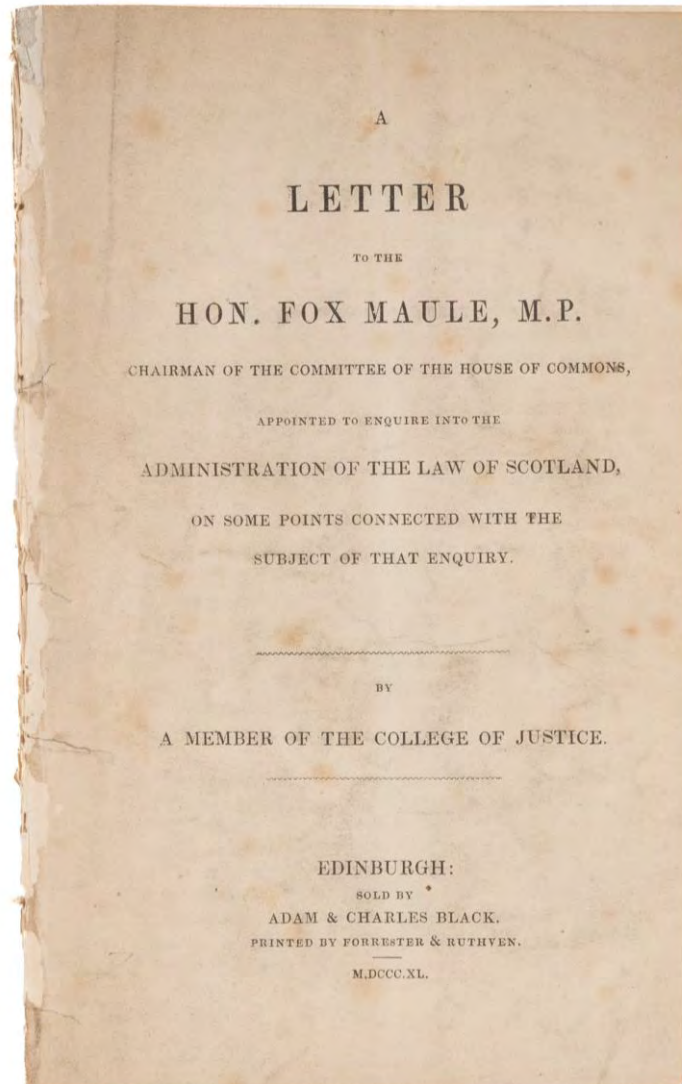
**21. [Manuscript].
[Scotland].**

[*Precedent (Style) Book*]. Edinburgh?, 1763-1764. 171 pp. Quarto (8" x 6-1/2").

Contemporary wallet binding, quarter sheep over marbled paper-covered stiff wrappers, fastener lacking, silk ribbon bookmarks. Rubbing and light wear, marble detaching from wrappers in places, fore-edge of wrappers torn and abraded, spine mostly perished, wrappers starting but secure, pastedowns loosening. Light toning to interior, text block starting to separate in places, text in two hands. \$2,500.

* This manuscript is a carefully organized precedent book, known in Scots law as a style book, detailing cases heard between 1763 and 1764 at the Scottish Court of Session. It is written in two hands. The first hand provides a brief summary of the details of the case along with an extensive list of relevant precedents. The second hand lists the outcomes of the cases, usually briefly but sometimes at length. The latest date in the second hand is June 1764. Both hands provide marginal citations, perhaps corresponding to another volume of precedents. The cases, heard before Lords Auchinleck, Kames and Nisbet, among others, cover a broad range of topics in civil law, including property and inheritance, libel, bonds, rights of way and possession and breach of promise. Perhaps composed by a law student or young practitioner, the book provides an interesting and detailed look at the Scottish legal system in the eighteenth century.

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Scarce Tract on Judicial Reform in Scotland

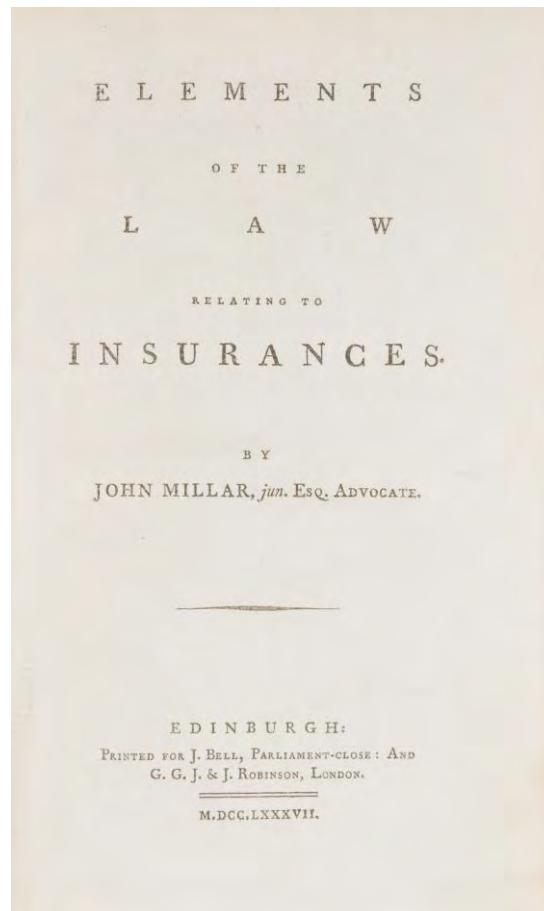
22. A Member of the College of Justice.

A Letter to the Hon. Fox Maule, M.P., Chairman of the Committee of the House of Commons Appointed to Enquire into the Administration of the Law of Scotland, On Some Points Connected with the Subject of that Enquiry. Edinburgh: Sold by Adam and Charles Black, 1840. 51, [1] pp. Octavo (7-1/2" x 4-1/2").

Disbound stab-stitched pamphlet, edges speckled red. Title page and following four leaves detached, title page separated from this group. Moderate toning, light foxing in a few places, light soiling to title page and final leaf. \$250.

* This scarce tract on judicial reform was written in response to judicial reform efforts in Scotland in the mid-nineteenth century, specifically the proposal to reduce the number of judges. The anonymous author heavily criticizes the politicization of the reform process and advocates for more judicial staff, not fewer. OCLC locates 4 copies of this title, 2 in North America (University of Minnesota Law School, New York Public Library).

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Scarce Treatise on Insurance Praised For Its "Uncommon Judgment and Freedom of Inquiry"

23. Millar, John [1760-1796].

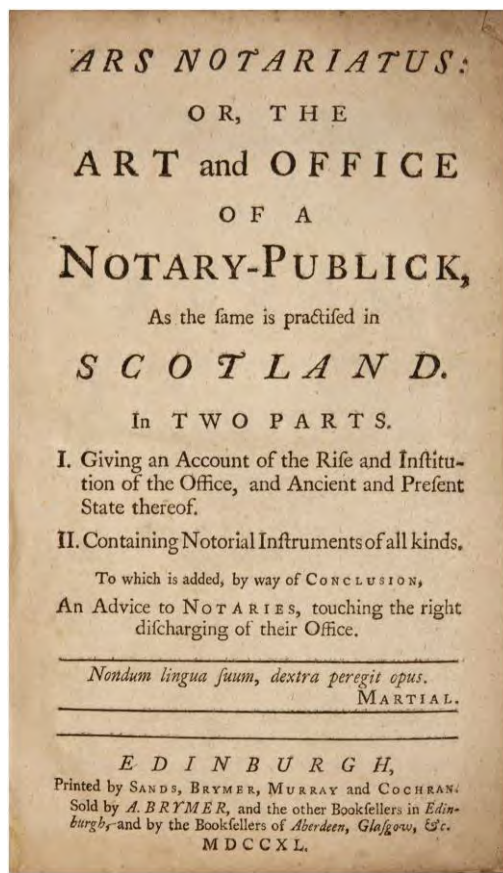
Elements of the Law Relating to Insurances. Edinburgh: Printed for J. Bell, 1787. xi, 560, [6] pp. With errata leaf and cancel errata slip. Octavo (8" x 5").

Contemporary calf, gilt fillets and lettering piece to spine, blind tooling to board edges, edges rouged. Light rubbing and a few scuffs and nicks to boards, moderate rubbing to extremities, corners bumped, hinges starting, armorial bookplate (of James Brodie) to front pastedown. Light toning to interior, minor light foxing to a few leaves. A handsome copy of a scarce title. \$1,500.

* Only edition. "This work furnished, when it first appeared, a good exposition of the then existing Law of Insurance. The author collected what was to be found in Scotch Decisions, relevant to his subject, and examined and commented upon the English authorities with considerable acuteness. 'He appears to have been equally familiar with the Continental Civilians, and to have discussed the principles of Insurance with uncommon judgment and freedom of inquiry.' The volume, however, never obtained a great share of public favor, and is now rarely consulted" (Marvin). Millar was the son of the jurist John Millar [1735-1801]. OCLC locates 8 copies in law libraries.

Marvin, *Legal Bibliography* 513 (citing 20 *North American Review* 71). *English Short-Title Catalogue* T112830.

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Notable Eighteenth-Century Handbook for Scottish Notaries

24. [Notaries].

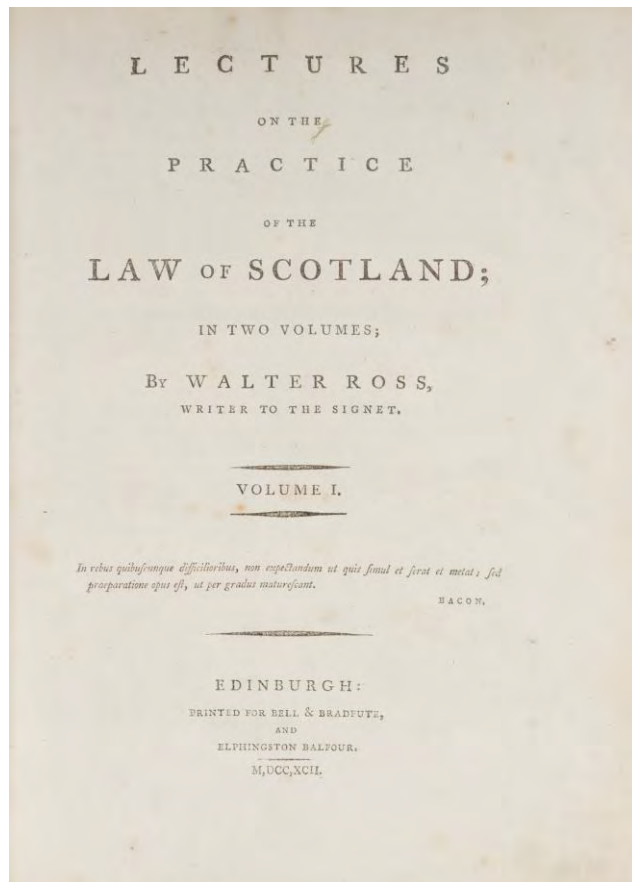
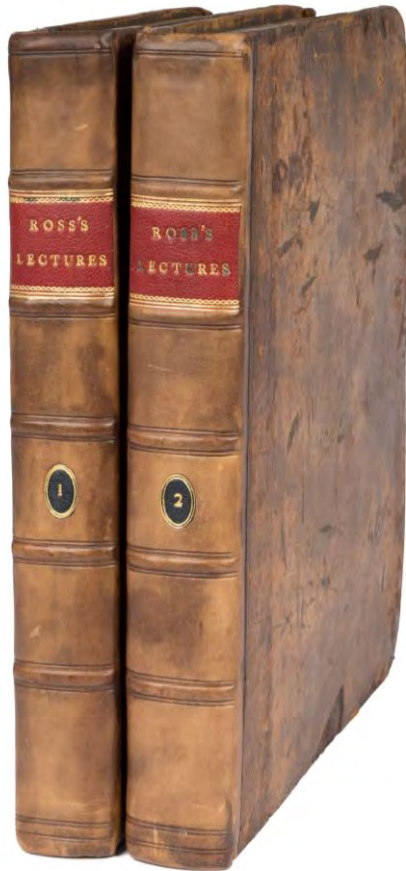
Ars Notariatus: Or, The Art And Office Of A Notary-Publick, As the Same Is Practised In Scotland. In Two Parts. I. Giving an Account of the Rise and Institution of the Office, And Ancient and Present State Thereof. II. Containing Notorial Instruments of All Kinds. To Which is Added, By Way of Conclusion, An Advice to Notaries, Touching the Right Discharging of Their Office. Edinburgh: Printed by Sands, Brymer, Murray and Cochran, 1740. xv, [i], 311, [1] pp.

Contemporary calf, raised bands, lettering piece and gilt ornaments to spine, blind tooling to board edges. Light rubbing and a few minor scuffs and stains to boards, moderate rubbing to extremities, corners bumped and somewhat worn, chipping to head of spine, front board beginning to separate but secure, rear joint starting at ends, rear hinge cracked. Moderate toning to text, later signatures and nnotations to front pastedown and free endpaper. \$500.

* First edition. "In Scotland, any solicitor may, on petition to the Court of Session, be admitted a notary public. His main functions are to authenticate wills for disabled persons, take affidavits in bankruptcy, note and protest bills, and authenticate the due execution of deeds to be used abroad" (Walker). This was a durable book. Second and third editions were published in 1762 and 1777; editions after the third had titles beginning *The Office of a Notary*. OCLC locates 9 copies in North America, 5 in law libraries (Duke, Harvard, University of Michigan, University of Minnesota, University of Pennsylvania).

Walker, *Oxford Companion to Law* 892. *English Short-Title Catalogue* N15333.

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The First Systematic Work on Scottish Conveyancing

25. Ross, Walter [1738-1789].

Lectures on the Practice of the Law of Scotland; In Two Volumes. Edinburgh: Printed for Bell & Bradfute, and Elpingston Balfour, 1792. xiii, [2], 499, [1]; [iv], 508 pp. Two volume set. Quarto (10-1/2" x 8").

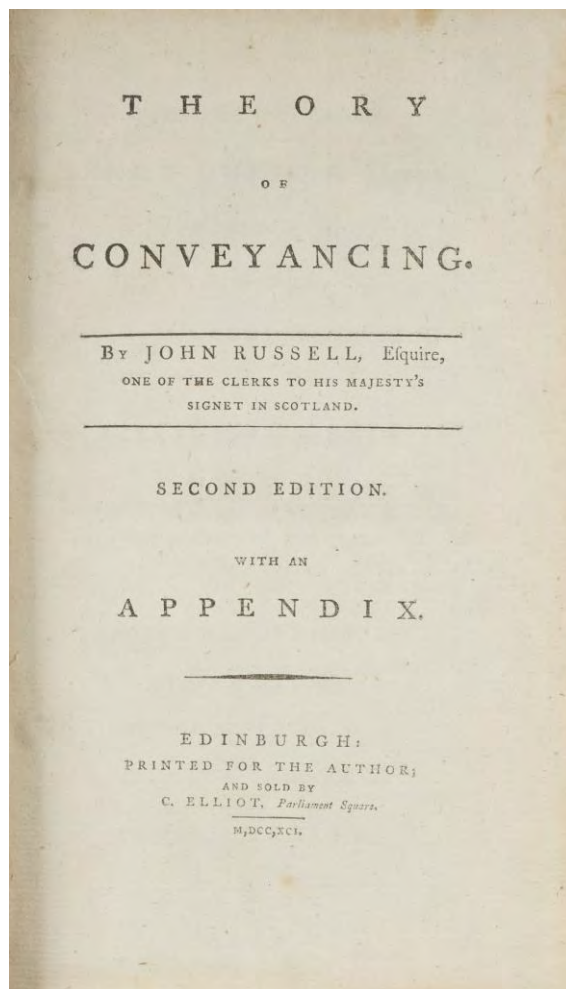
Contemporary calf, blind rules to boards, rebacked in period style with raised bands, lettering pieces and volume numbers to spines, blind tooling to board edges. Light rubbing with scuffs, nicks, scratches to boards, moderate rubbing and wear to board edges and corners, which are bumped, light offsetting to endleaves, faint ownership stamp (of J.Y. Simpson) to front free endpapers with his signature to p. 100 of Volumes 1 and 2. Light toning to interior, occasional light foxing, light soiling in a few places, notes in pencil in a later hand to pp. 45 and 46 of Volume II. \$1,000.

* First edition, published posthumously. Originally presented as a series of lectures on conveyancing and legal diligence to the Society of Writers to the Signet, Ross's work represents "the first attempt to state this branch of the law of Scotland in a coherent and comprehensible way" (ODNB). A work of great authority, it was referenced frequently in the court of session and reissued in 1822. OCLC locates 15 copies, 6 in law libraries (Berkeley, Yale, University of Michigan, University of Pennsylvania, University of Missouri, Southern Methodist University). K.J. Campbell, "Ross, Walter" in *Oxford Dictionary of National Biography* (ODNB), accessed online.

English Short-Title Catalogue T118757.

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**Written to Instruct a Son Who
Was Planning to Become an Advocate**

26. Russell, John [1710-1796].

Theory of Conveyancing. Edinburgh: Printed for the Author; And Sold by C. Elliot, 1791. xxix, [1], 536, 11, [1] pp. Lacking errata leaf. Octavo (8-1/2" x 5").

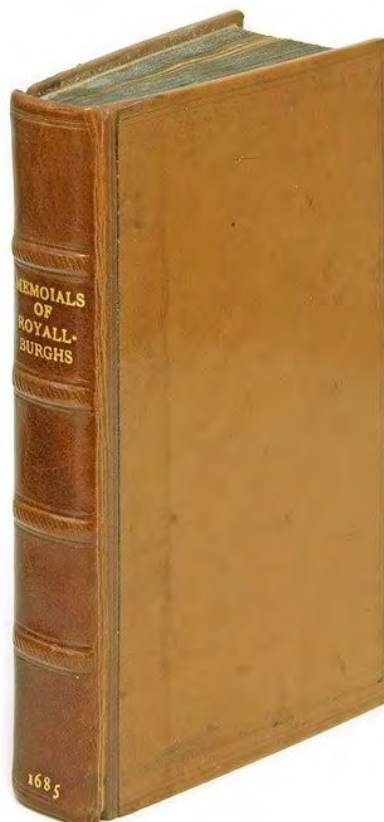
Contemporary tree calf, lettering piece and gilt-edged raised bands to spine, speckled edges, blind tooling to board edges. Light rubbing to boards, moderate rubbing to extremities, boards beginning to separate but secure, corners bumped and somewhat worn, early armorial bookplate (of Sir John J. Scott Douglas) to front pastedown, front free endpaper and title page partially detached but secure. Light toning to interior, light soiling and finger smudges in a few places. \$250.

* Second and final edition. According to the preface, pp. v-xviii, Russell wrote this treatise, first published in 1788, to instruct a son who was planning to become an advocate. (The preface outlines a course of studies with a reading list.) Both editions of this treatise are rare. OCLC locates 6 copies of the second, 2 in North America (Boston Public Library, University of Maine Law School). The *ESTC* locates 4 copies, 1 in North America (Harvard Law School).

English Short-Title Catalogue (ESTC) T208130.

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Handbook for Inexperienced Officials in Scotland

27. [Skene, Alexander (c. 1621-1694)].

Memorialls for the Government of the Royall-Burghs in Scotland. With Some Overtures Laid Before the Nobility and Gentry of the Several Shyres in this Kingdom. As also, A Survey of the City of Aberdeen, With the Epigrams of Arthur Iohnstoun Doctor of Medicin, Upon Some of Our Chief Burghs Translated into English by I.B. By Philopoliteious (Or,) A Lover of the Publick Well-Fare. Aberdeen: Printed by John Forbes, 1685. 288 pp. *A Succinct Survey of the Famous City of Aberdeen* has separate dated title page (p. 199). Octavo (5-1/2" x 3-1/2").

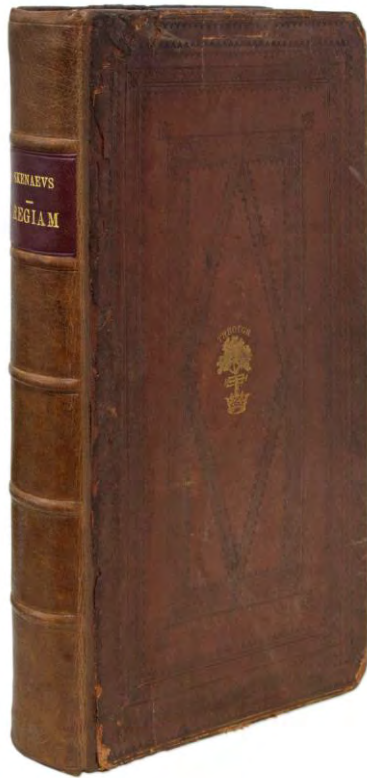
Later period-style calf, blind rules to boards, raised bands and gilt title and date to spine, endpapers renewed, all edges gilt. A few minor nicks to boards, some fading to spine, recent owner bookplate to front pastedown. Moderate toning, somewhat heavier in places, faint dampstaining to lower corners of some leaves, edges trimmed with minor loss to page numbers of a few leaves, light soiling to title page, early owner annotations to rear endleaf. A handsome copy. \$500.

* Only edition. Written by a seasoned politician and state official, this work provides a systematic description of the political, legislative and bureaucratic organizations of the Scottish burghs was intended for inexperienced government officials. A prescriptive work as well, it offers opinions on such matters as trade, the establishment of public libraries and ways to instill civic values in young people. It also includes a collection of celebratory poems in Latin and English about Edinburgh, St. Andrews, Inverness, Perth and other cities and towns in Scotland.

English Short-Title Catalogue R38926.

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Ancient Laws of Scotland

28. Skene, John [?1543-1617].

Regiam Majestatem Scotiae Veteres Leges et Constitutiones, Ex Archivis Publicis, Et Antiquis Libris Manuscriptis Collectae, Recognitae, Et Notis Juris Civilis, Canonici, Normannici Auctoritate Confirmatis, Illustratae, Opera & Studio Joannis Skenae, Regiae Majestati a Conciliis & Archivis Publicis. Annotantur in Margine, Concordantiae Juris Divini, Legum Angliae, Et Juris Novissimi Scotiae quod Acta Parliamenti, Vulgò, Vocant. Catalogum Eorum quae in his Libris Continentur Vicesima Pagina, Indicat. Cum Duplici Indice, Altero Rerum, Altero Verborum Locupletissimo. Edinburgh: Excudebat Thomas Finlason, 1609. [x], 172 ff.; 17, [3] pp., 19-116, 118-122, [1] ff. *Statuta, Sive Assisae Regis Wilhelmi, Regis Scotiae* (caption title) has separate foliation and register. Added copperplate frontispiece of the arms of Scotland. Folio (11" x 7").

Nineteenth-century paneled calf with recent rebacking, gilt heraldic crests to centers of boards, gilt rules along edges raised bands and lettering piece to spine, gilt dentelles, marbled edges and endpapers, hinges reinforced with cloth. Rubbing to board edges with moderate wear, heavier wear to corners, later owner bookplate (R. Hamilton Esq.) to front pastedown. Moderate toning to text, light foxing to a few leaves, front free endpaper and following endleaf, with owner signature (John MacDowall), partially detached at foot, light soiling to title page. \$650.

* First edition in Latin, published the same year as the first edition in English (1609). Skene was the first great Scottish legal historian. *Regiam Maistaten Scotiae* is an important collection of medieval Scottish laws and constitutions. An important source for the history of civil procedure and criminal law in Scotland, it provides interesting comparisons with common, canon and civil law.

English Short-Title Catalogue S117417.

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The "Extraordinary Trial" of a Glasgow Socialite

29. [Trial].

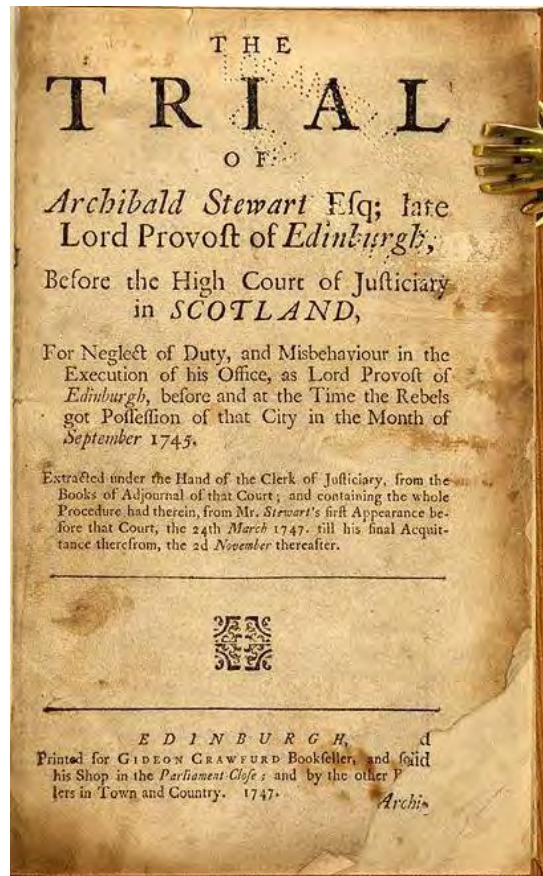
Smith, Madeleine [1835-1928], Defendant.

Glasgow Poisoning Case. Unabridged Report of the Evidence in this Extraordinary Trial, With All the Passionate Love Letters Written by the Prisoner to the Deceased, And Numerous Illustrations, Including Portrait of Madeleine Smith. London: George Vickers, 1857. 77 pp. 7 plates, 3 folding. Octavo (6-1/2" x 4").

Later three-quarter cloth over plain boards, gilt title and date to spine. Light soiling to boards, light fading to foot of front board and spine, light rubbing to extremities, corners lightly bumped, front hinge cracked. Light toning to interior, light soiling, offsetting, and a few clean tears to edges of first folding plate, two of which are mended on verso, light soiling to title page with no loss to legibility, upper corners of first three leaves lacking without loss to text, interior otherwise clean. \$450.

* Only edition. In 1855, Smith, a Glasgow socialite, began a passionate love affair with Pierre Emile L'Angelier. When her parents found a more suitable match, she attempted to break the relationship, but he threatened to use their love letters to expose her if she did not marry him. He died from arsenic poisoning a month after making his threat. Smith, who had been seen purchasing arsenic, was arrested and charged with his murder after the pair's love letters were discovered. Although the circumstantial evidence against her was strong, there was some suspicion that L'Angelier had committed suicide. The jury ultimately returned with a verdict of "not proven." Not in the *British Museum Catalogue*. OCLC locates 5 copies of this title, 2 in North America (University of Chicago, Bryn Mawr).

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A Turncoat?

30. [Trial].

Stewart, Archibald [1697-1780], Defendant.

The Trial of Archibald Stewart Esq; Late Lord Provost of Edinburgh, Before the High Court of Justiciary in Scotland, For Neglect of Duty, and Misbehaviour in the Execution of His Office, As Lord Provost of Edinburgh, Before and at the Time the Rebels Got Possession of That City in the Month of September 1745. Extracted Under the Hand of the Clerk of Justiciary, From the Books of Adjournal of that Court; And Containing the Whole Procedure had Therein, From Mr. Stewart's First Appearance Before that Court, The 24th March 1747. Till his Final Acquittance Therefrom, The 2d November Thereafter. Edinburgh: Printed for Gideon Crawford, 1747. 178; 203, [1] pp. Two parts. The second has the drop-head title: *Proceedings in the Second Trial of Archibald Stewart, Esq.* Octavo (7-1/2" x 4-1/2").

Later buckram, calf lettering piece to spine. Light soiling, corners bumped and lightly worn. Moderate toning to text, soiling and edgewear to title page, lower corner lacking with minor loss to text. Ex-library. Stamps to boards, edges and endleaves, bookplate to front pastedown, perforated stamps to title page, following leaf. \$125.

* Only edition. Stewart was tried for his failure to prevent Jacobite troops from taking Edinburgh. After a long trial he was acquitted, though many believed he was a secret Jacobite who handed Edinburgh to the rebels. OCLC locates 9 copies in North American law libraries (Harvard, Indiana Supreme Court, Library of Congress, Social Law, UC-Berkeley, University of Georgia, University of Miami, University of Minnesota, University of Pennsylvania).

English Short-Title Catalogue T140658.

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