

# ROMAN *and* CANON LAW

February 24, 2015



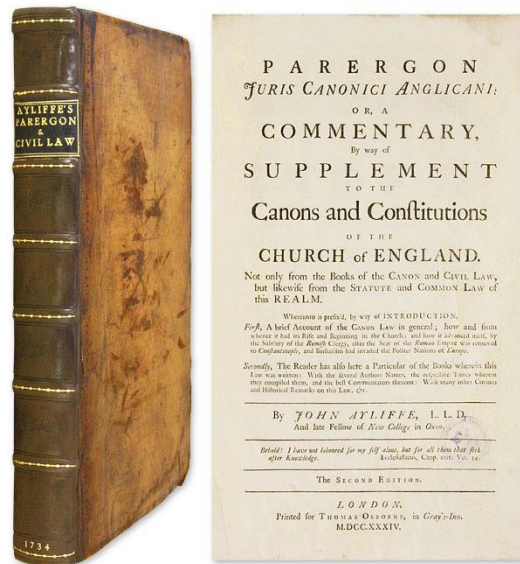
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## Roman and Canon Law

24 February 2015



"Has Always Been Regarded as a Book of Great Authority"

### 1. Ayliffe, John [1676-1732].

*Parergon Juris Canonici Anglicani, Or, A Commentary By Way of Supplement to the Canons and Constitutions of the Church of England: Not Only from the Books of the Canon and Civil Law, But Likewise from the Statute and Common Law of this Realm: Whereunto is Prefix'd, by Way of Introduction, First, A Brief Account of the Canon-Law in General; How and from Whence it Had Its Rise and Beginning in the Church; And How it Advanced Itself, By the Subtlety of the Romish Clergy, After the Seat of the Roman Empire was Removed to Constantinople, And Barbarism had Invaded the Politer Nations of Europe. Secondly, The Reader has Also Here a Particular of the Books Wherein this Law was Written: With the Several Authors Names, the Respective Times Wherein They Compiled Them, And the Best Commentators Thereon: With Many Other Curious and Historical Remarks on the Law, &c.* London: Printed for Thomas Osborne, 1734. [ii]-iv [i.e. v], iii-xlii, [2], 552, [22] pp. Folio (13-1/2" x 8-1/2").

Contemporary calf, rebaked in period style, raised bands and lettering piece to spine, endpapers renewed. Some edgewear and minor scuffing to boards, corners bumped and somewhat worn. Occasional faint dampstaining to edges of text block. Ex-library. Small (and faint) later library stamp to foot of title page and first index leaf. \$400.

\* Second edition. Ayliffe wrote this book when he was a practitioner in the ecclesiastical courts. It was originally a set of notes for private reference. He expanded these into a book, he says, "not only with a design of doing some service to my country, by illustrating the force and practice of the Canon Law, as far as it has been received, and is now observ'd among Englishmen, but also with a purpose of exposing the errors and Superstition of the Romish Church" (Introduction, xxxvi). Holdsworth, who discusses this book at length, notes that it is "clearly expressed and well arranged" and "has always been regarded as a book of great authority": *History of English Law* XII:612. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:177 (3).



### The Roman Law of Prescription

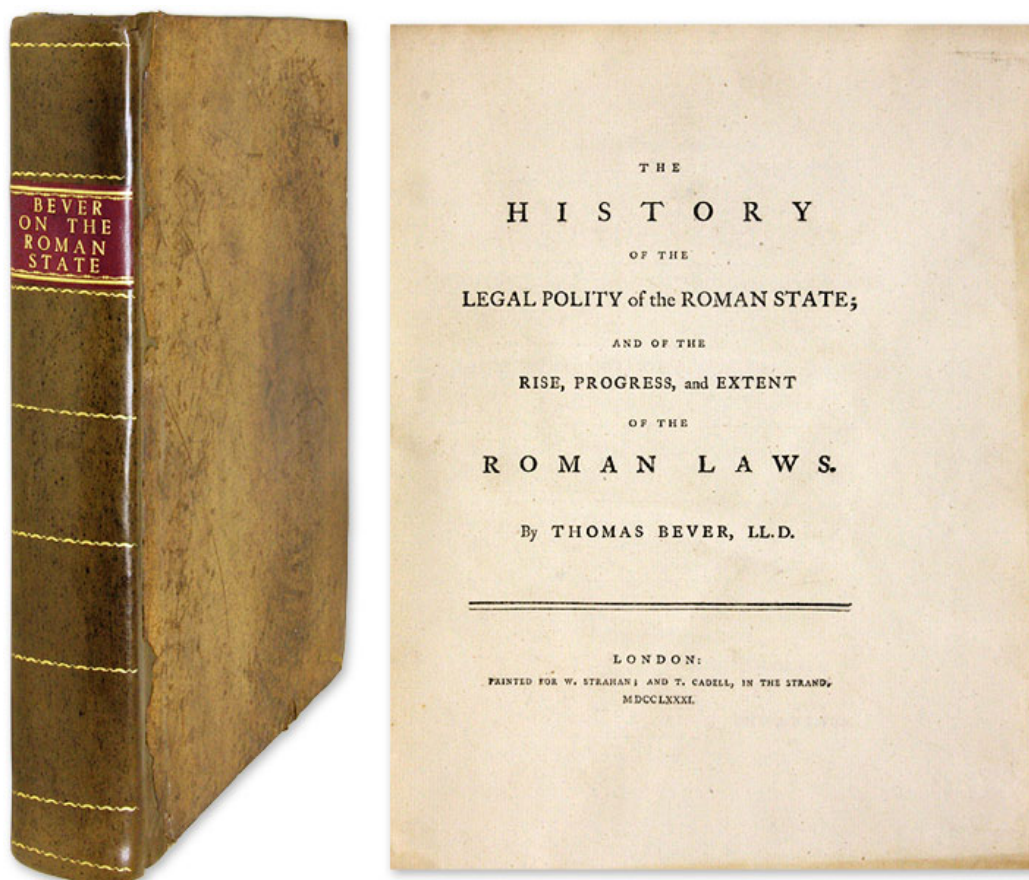
#### 2. Balbo, Giovanni Francesco [f. 1510-1518].

[Henricus, de Segusio, Cardinal (Hostiensis) (c. 1200-1271)].

Tractatus Foecundus, et Perutilis de Praescriptionibus: Editus per Clarissimum Iurisconsultum do. Ioannem Franciscum Balbum Taurinensem. Cui Accedit Repetitio Singularis l. Celsus ff. de Usucap. Cum Multis Additionibus & Apostillis, Una cum Dictis Hostien. In Summa de Praescrip. & Usucap. & Cum Summariis & Repertorio Nuper Additis. Venice: [Apud Cominum de Tridino], 1564. [xxxii], 300 pp. Main text in parallel columns. Fol. 1 has woodcut of Balbo instructing a class of students. Octavo (6" x 4").

Contemporary limp vellum with lapped edges, early hand-lettered title to spine, ties lacking. Some soiling, especially to spine, minor wear to corners, some worming to pastedowns and endleaves, a few partial cracks to text block, boards slightly bowed. Some toning to text, light foxing in places. Early annotations and signatures to preliminaries and title page, other annotations and underlining to a few places in text, two inkstains to fol. 224 with minor damage to legibility. \$1,500.

\* Later edition of a work first published in 1511. Tractatus Foecundus is concerned with the Roman law of prescription, the principle whereby a right or liability is created or extinguished over a certain period of time, usually in regard to a property title. It also includes an edition of a short treatise on this subject by Henricus de Segusio. It was a popular work that went through several issues and editions, the last one in 1582. Our 1564 copy was also issued in 1563. Both are identical in every respect and share the same entry number in EDIT16. All editions are scarce in North America. OCLC locates 2 copies of the 1564 edition in North America (at Harvard Law School and the Library of Congress). *Censimento Nazionale Delle Edizioni Italiane del XVI Secolo* CNCE3948.



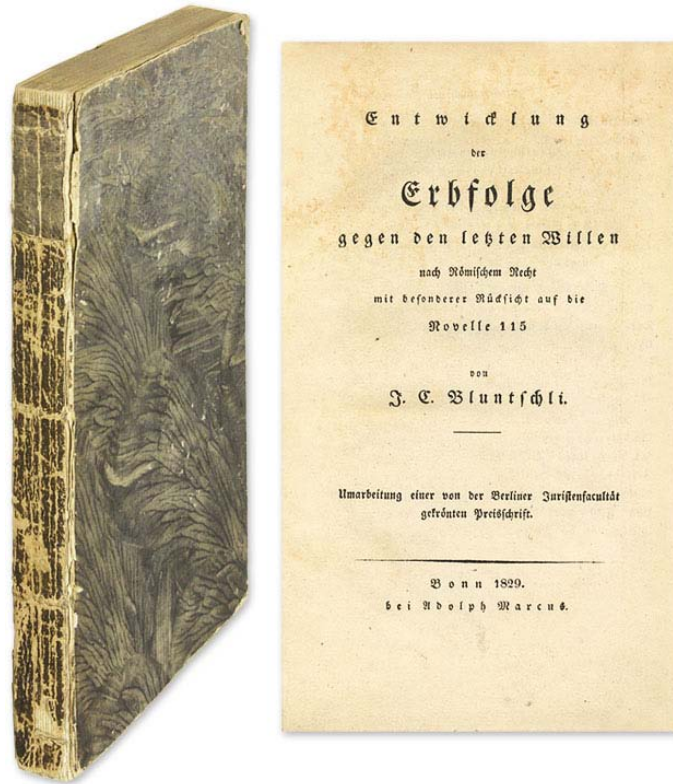
### A Notable Eighteenth-Century English History of Roman Law

#### 3. Bever, Thomas [1725-1791].

*The History of the Legal Polity of the Roman State; and of the Rise, Progress, and Extent of the Roman Laws.* London: Printed for W. Strahan; and T. Cadell, in the Strand, 1781. [xii], xii, 515 pp. Quarto (11" x 9").

Contemporary calf, rebaked in period style with gilt fillets and lettering piece, hinges mended. Light rubbing to extremities, a few minor scuffs to boards, corners bumped and somewhat worn. Light toning to text, foxing to endleaves. Later annotation to front free endpaper, interior otherwise clean. \$1,650.

\* Only edition. Bever's legal history in the manner of Gibbon is praised for its "learning and acuteness" in the *DNB*. Also a cautionary work, it was intended to provide cautionary guidance to the leaders of the rising British Empire. A fellow of All Souls and an Advocate of Doctors' Commons, Bever was a judge of the Cinque Ports and chancellor of the dioceses of Lincoln and Bangor. Also a student of the common law, he attended Blackstone's Vinerian lectures. Bever intended to write another volume to carry his history to a later period, but he never finished it. *Dictionary of National Biography* II:446-47. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 5:139.



**An Important Study of Inheritance and Succession in Roman Law**

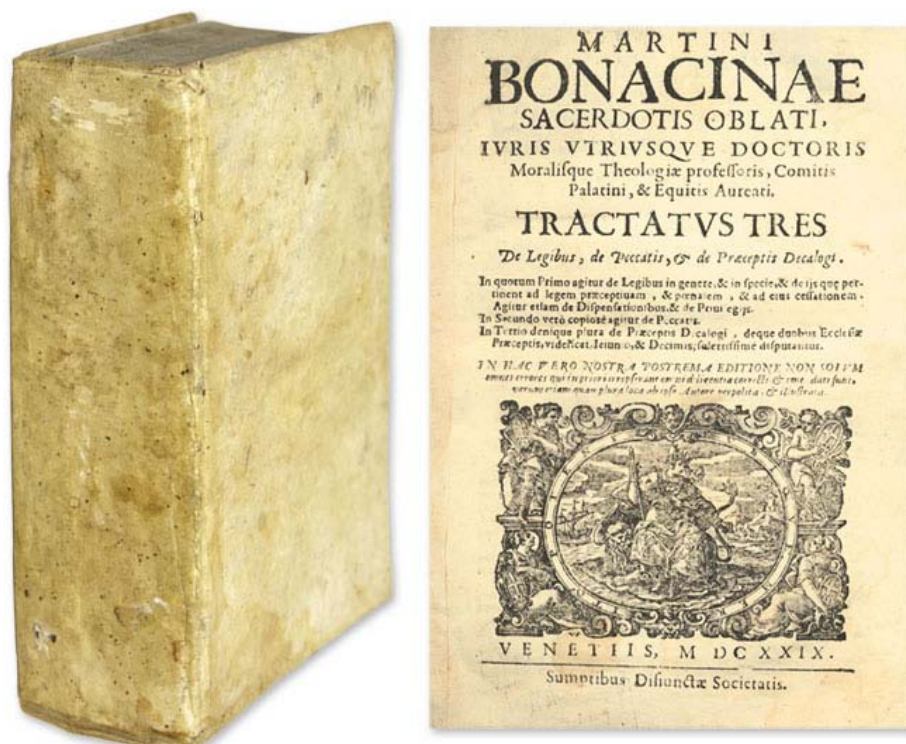
**4. Bluntschli, Johann Caspar (Kaspar) [1808-1881].**

*Entwicklung der Erbfolge Gegen den Letzten Willen nach Romischen Recht] mit bes. Rücksicht auf die Novelle 115.* Bonn: Bei Adolph Marcus, 1829. x, 310 pp. Octavo (8" x 5").

Original marbled publisher boards, paper title label to spine. Moderate rubbing to extremities, heavy rubbing to spine, front joint starting, lower half of rear joint cracked through hinge, early bookseller stamp to front pastedown. Light toning to text, early annotations to rear pastedown. A nice copy. \$950.

\* First edition. A notable work of Historical School jurisprudence, this treatise addresses the Roman law of inheritance and succession and wills with comparisons to these laws in Prussia and, to a lesser extent, other German states. Bluntschli was one of the great Continental jurists of the nineteenth century. He published a code for the Canton of Zurich and works on German private law, the law of war and international law. His most important historical work is the *Geschichte des Allgemeinen Staatsrechts und der Politik* (1864). *British Museum Catalogue* (Compact Edition) 3:687.





#### With a Section on Canon-Law Jurisprudence

##### 5. Bonacina, Martino [1585-1631].

*Tractatus Tres de Legibus, De Peccatis, Et de Praeceptis Decalogi: In Quorum Primo Agitur de Legibus in Genere, & in Specie, & de iis Que Pertinent ad Legem Praeceptivam, & Poenalem, & ed eius Cessationem Agitur Etiam de Dispensationibus, & de Privi Egiis. In Secundo Vero Copiose Agitur de Peccatis. In Tertio Denique Plura de Praeceptis Decalogi, Deque Duobus Ecclesiae Praeceptis, Videlicet, Ieiunio, & Decimis; Solertissime Disputatur. In Hac Vero Nostra Postrema Editione non Solum Omnes Errores qui in Priori Irrepserant Omni Diligentia Correcti & Emendati Sunt, Verum Etiam Quamplura Loca ab Ipso Autore Perpolita, & Illustrata.* Venice: Sumptibus Disiunctae Societatis, 1629. [x], 916, [88] pp. Main text in parallel columns. Quarto (8" x 6").

Contemporary vellum, speckled edges. Some soiling and a few minor stains, a few tiny worm holes, small chip to upper corner of rear board, front hinge cracked but secure, rear hinge starting, minor worming to pastedowns. Large woodcut device to title page, woodcut head-pieces, tail-pieces and decorated initials. Edges trimmed with negligible loss to text in first and final gatherings. Toning, faint dampspotting and stains in a few places, internally clean. \$1,250.

\* Final edition. Bonacina was one of the foremost moralists of his age and an influential church official. A fine introduction to his work on law and theology, *Tractatus Tres* was first published in 1622. Other editions followed in 1627, 1625 and 1629. As its subtitle indicates, the first of the three *tractati* discusses the jurisprudence of canon law. The other sections discuss sin and the Ten Commandments from the viewpoints of law and theology. No copies of this edition located on OCLC, which locates 1 copy of a 1625 edition at St. Bonaventure University. KVK locates 1 copy of this edition, 8 copies of other editions, all in Europe. Not in the *British Museum Catalogue*.



#### A Distinguished Writer on Ecclesiastical History, Canon Law and Theology

##### 6. Cabassut, Jean [1604-1685].

*Notitia Conciliorum Sanctae Ecclesiae, In Qua Elucidantur Exactissime Tum Sacri Canones, Tum Veteres, Novique Ecclesiae Ritus, Tum Praecipuae Partes Ecclesiasticae Historiae. Editio Altera, Ab Authore Diligenter Recognita, & Aucta.* Lyons: Sumptibus Laurentii Arnaud & Petri Borde, 1670. [xxiv], 720, [60] pp. Octavo (7" x 4").

Contemporary limp vellum, faint early hand-lettered title to spine, ties lacking. Some wear to extremities, vellum just beginning to crack through pastedowns. Attractive woodcut title-page device and head-piece. Light toning to text. Early annotations to rear free endpaper, tiny inkstains to a few leaves, interior otherwise clean. Ex-library. Bookplate to front pastedown. \$250.

\* Later edition. First published in 1668, this treatise discusses disputed points (consilia) in canon law. Cabassut, a French theologian, priest and authority on canon law, was a distinguished writer on ecclesiastical history, canon law, and theology. His writings reflect his adherence to Probabilism, a moral system applicable to cases of conscience that involve the obligation of doubtful laws. Like other Probabilists, Cabassut believed that a doubtful law is invalid. It is therefore permissible to follow an opinion contrary to that law if it is clearly probable. KVK locates 19 copies of this edition. Not in Adams. This edition not in the *British Museum Catalogue*. Ferreira-Ibarra, *The Canon Law Collection in the Library of Congress* 317.



### Collected Works of the "Bartolus Hispanus"

7. Covarrubias y Leyva, Diego de [1512-1577].

Brederode, Pieter Cornelis van [d. 1593], Editor.

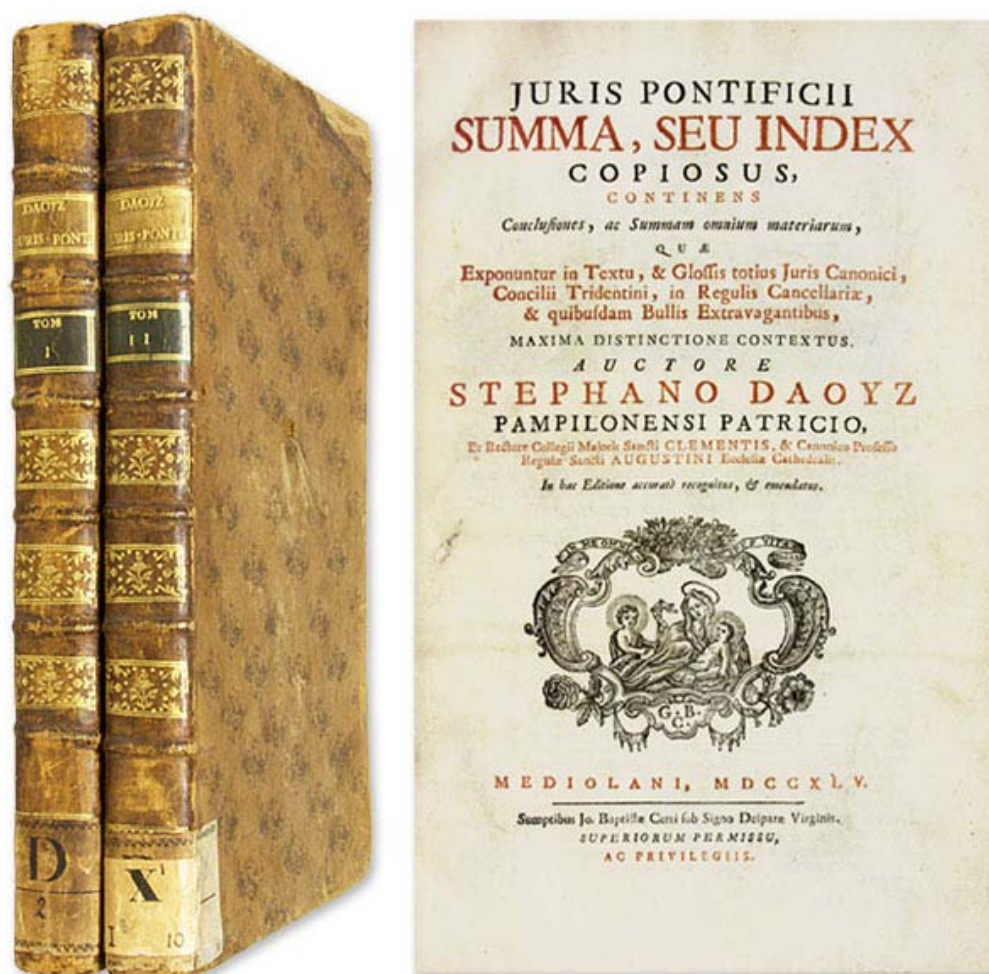
Uffel, Johann, Editor.

*Opera Omnia, Cum Authoris Tractatu in Tit. De Frigidis & Maleficiatis, Septem Quaestionibus Distincto, Quibus an Matrimonium cum hoc Impedimento Constare Possit, Accurate Explicatur. Multis in Locis a Cl. Ic. Cornelio Brederodio Auctus, Illustratus, Ut Passim Hac Nota [] Designatur; Accesserunt hac Postrema Editione Ioannis Uffeli Ic. Patricii Bruxellensis In Variarum Resolutionum Libros Notae Ueberiores. Cum Duplici Indice, Capitum & Rerum Locupletissimo, Suis Numeris Restituto.* Antwerp: Apud Viduam & Haeredes Petri Belleri, 1614. Two volumes bound as one. [xii], 610; [viii], 548, [69] pp. Main text in parallel columns. Folio (14-1/2" x 9-1/2").

Somewhat later three-quarter vellum over marbled boards, hand-lettered title to spine, edges rouged. Light soiling, moderate rubbing to extremities with some wear to board edges and corners, some loss along junction of vellum and paper on rear board, a few minor wormholes to pastedowns. Title page of Volume I printed in red and black, large copperplate title vignettes, woodcut head-pieces, tail-pieces and decorated initials. Light browning to text, somewhat heavier in places, small tear to head of title page. Faint early owner signatures and annotations to title page, interior otherwise clean. Ex-library. Small inkstamps to title pages, a few annotations to that of Volume I. A handsome copy of a scarce title. \$1,500.

\* Later edition. Covarrubias y Leyva, Archbishop of Santa Domingo, later Bishop of Ciudad Rodrigo and of Segovia, was a canonist, theologian and leader of the Salamanca School. One of the foremost jurists of his time, he was called the "Bartolus Hispanus." *Opera Omnia*, the definitive collection of his work on Roman and canon law was first published in 1559 and went through numerous editions into the eighteenth century. Roberts says it was an important authority among Roman-Dutch jurists. Our edition is notable for its editorial contributions by Brederode, the notable Dutch jurist and diplomat. All editions are scarce in North America. OCLC locates 2 of the 1614 edition in North American law libraries (Columbia, Harvard). Roberts, *A South African Legal Bibliography* 97 (citing other editions).





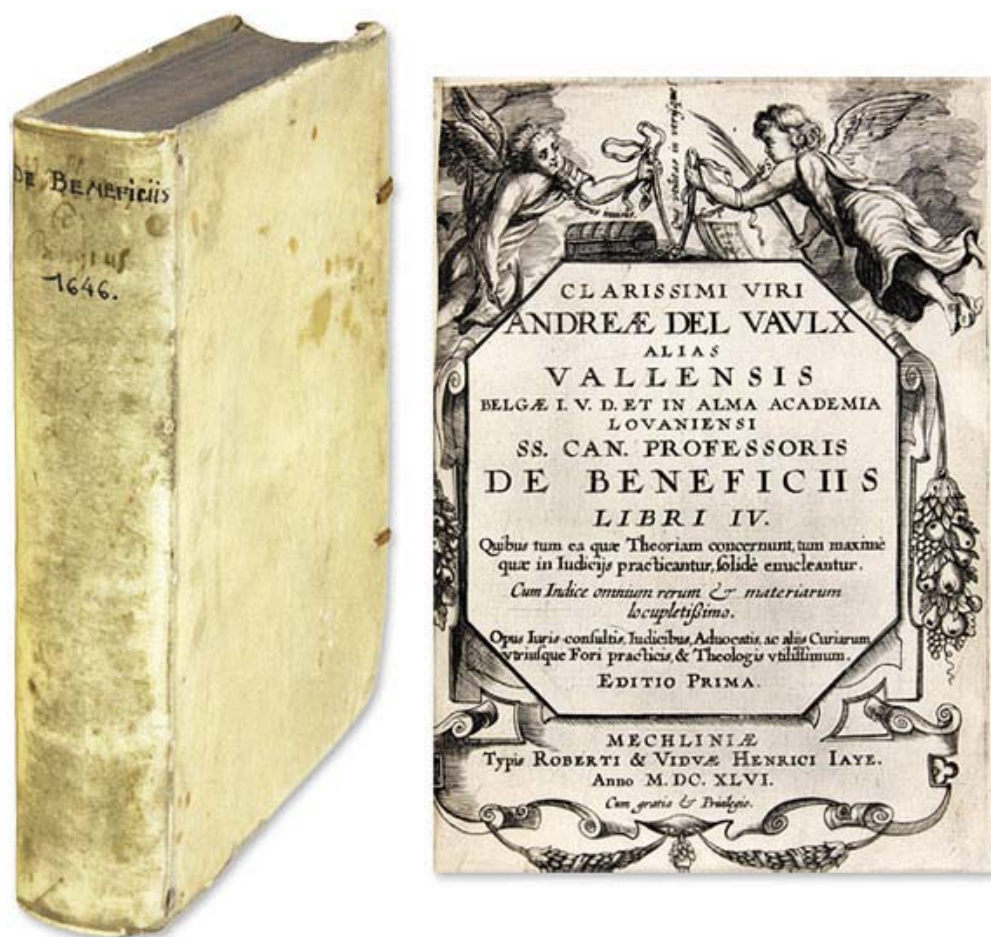
### An Index to the Primary Sources of Canon Law

#### 8. Daoiz, Esteban.

*Iuris Pontificii Summa, seu Index Copiosus, Continens Conclusiones, ac Summam Omnium Materialium, Quae Exponuntur in Textu, & Glossis Totius Juris Canonici, Concilii Tridentini, In Regulis Cancellariae, & Quibusdam Bullis Extravagantibus, Maxima Distinctione Contextus.* Milan: Sumptibus Jo. Baptistae Cetti, 1745. Two volumes. [vii], 428; 435 pp. Main text in parallel columns. Folio (16" x 10").

Contemporary sheep, cat's-paw decoration to boards, gilt spine with raised bands, edges rouged. A few shallow scuffs to boards, some rubbing to extremities, corners bumped and somewhat worn, bookplate residue to front pastedowns. Title pages printed in red and black. Light toning in places, interiors otherwise fresh. Ex-library. Early location labels to spines. A handsome set. \$1,950.

\* Second and final edition, revised. Originally published in 1623-24, this remarkable work is an index of canon-law topics with references to their primary sources. It is arranged alphabetically by topic; most entries are divided into several sub-topics. OCLC locates 3 copies of the first edition in North American law schools (Catholic University, Harvard, UC-Berkeley), no copies of the second. We located a copy of the second edition at the Library of Congress. See Ferreira-Ibarra, *The Canon Law Collection of the Library of Congress* 416.



**Handsome Copy of a Rare  
Seventeenth-Century Treatise on Ecclesiastical Benefices**

**9. Delvaulx (Del Vaulx), Andre [1569-1636)].**

*De Beneficiis Libri IV. Quibus Tum ea Quæ Theoriam Concernunt, Tum Maxime Quæ in Iudicijs Practicantur, Solide Enucleantur. Cum Indice Omnium Rerum & Materialium Locupletissimo. Opera Iuris-Consultis, Iudicibus, Advocatis, Ac Alijs Curiarum Utriusque Fori Practicis, & Theologis Utilissimum.* Mechelen: Typis Roberti et Viduae Henrici Iaye, 1646. [xxxiv], 612, [84] pp. Copperplate pictorial title page, full-page coat-of-arms and author portrait. Quarto (7-1/2" x 5-3/4").

Contemporary vellum with lapped edges, hand-lettered spine (with later retouching), edges rouged, recent thong ties. Some darkening to spine, light spotting to boards, some wear to board edges and corners, rear pastedown just starting to detach along edges. Light toning to text, internally clean. A handsome copy. \$1,750.

\* First edition. Andre del Vaulx, also known as Vallensis, taught canon Law at the University of Louvain. *De Beneficiis* is a treatise on ecclesiastical benefices. A second edition was published in 1758. Both editions are rare. Concerning the first edition, OCLC locates 4 copies, 1 in North America (at UC-Berkeley Law School). Not in Ferreira-Ibarra.





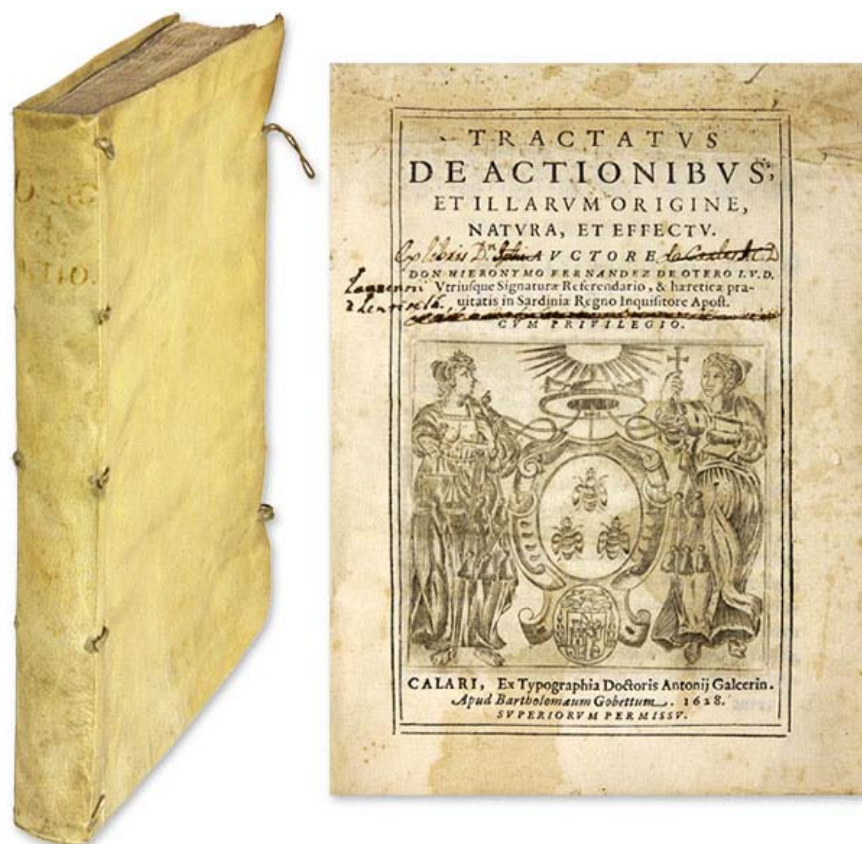
#### A Scarce Sixteenth-Century Treatise on the Benefit of Inventory

##### 10. Fanucci, Fanuccio de.

*Tractatus de Inventario Haeredis ac Eius Beneficio. Cui Accedit, Eiusdem Authoris, Non Inelegans Responsum, Super Statuto Lucensi. Nunc Primum In Lucem Editus, & Ceteris Omnibus, Qui Hactenus Super Huiuscemo di Materia Conscripti Sint, Longe Auctior, & Locupletior. Cum Indicibus, Ac Summariis Copiosissimis.* Venice: Apud Haeredes Vincentii Valgrisiij, 1574 (colophon dated 1573). [xxxii], 314 (i.e. 310), [4], [8] pp. Octavo (6" x 4").

Contemporary limp vellum, somewhat later hand-lettered paper title label, early hand-lettered title to foot of text block, ties lacking. Light soiling, some rubbing to extremities, a few small wormholes through covers, pastedowns, endleaves and final leaf of text with negligible damage to legibility (parts of two words), occasional minor worming to margins. Attractive woodcut decorated initials. Light toning to text, early owner signatures to foot of front free endpaper and title page, interior otherwise clean. \$1,250.

\* Only edition. This treatise analyzes benefit of inventory, a concept in Roman (and civil) law concerning an heir's right to commission a legally binding inventory of his ancestor's estate for representatives of the estate's creditors. It also concerns the right to limit debts and legacies to the amount of three fourths of an estate, thus preserving one fourth for the heir. OCLC locates 3 copies in North American law libraries (Columbia, Harvard, Library of Congress). *Censimento Nazionale delle Edizioni Italiane del XVI Secolo* CNCE18578.



### A Rare Seventeenth-Century Treatise on Civil Actions

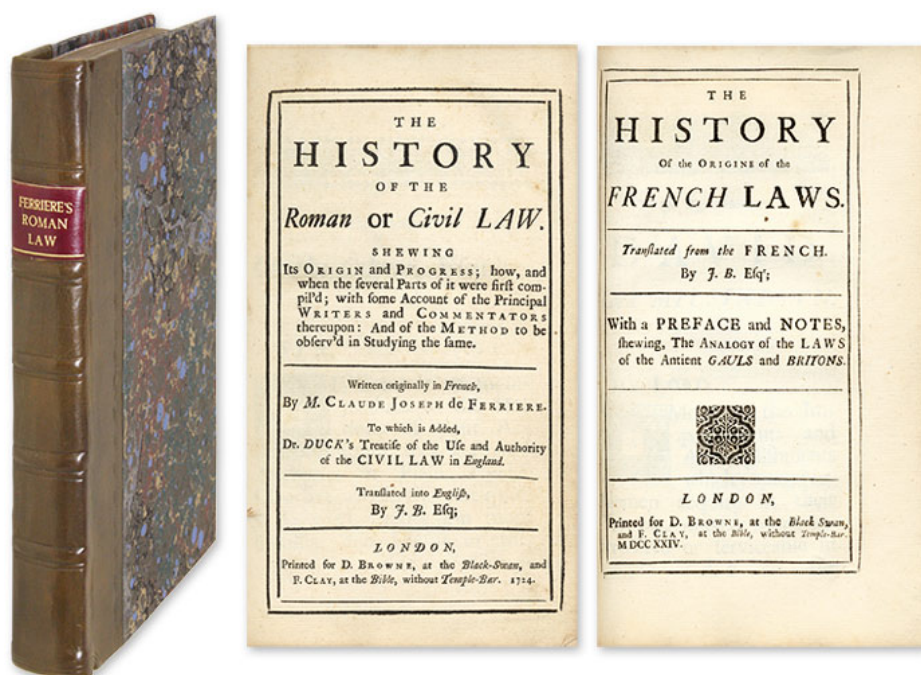
#### 11. Fernandez De Otero, Jeronimo.

*Tractatus de Actionibus; Et Illarum Origine, Natura, Et Effectu.* Cagliari: Ex Typographia Doctoris Antonii Galcerin, Apud Bartholomaeum Gobettum, 1628. [xxiv], 290, [30] pp. Quarto (7-3/4" x 5-1/2").

Contemporary limp vellum, faint early hand-lettered title to spine, ties partially lacking. Light soiling, some rubbing to spine ends and corners, vellum just beginning to crack through pastedowns, front hinge cracked. Large copperplate vignette to title page (arms of Pope Urban VIII, with lady justice with scales and sword). Light toning to text, faint dampspotting and minor worming to margins in a few places, faint staining, edgewear and a few minor chips to title page and following leaf. Early struck-through owner signature to title page, interior otherwise clean. Ex-library. Bookplate to front pastedown, inventory label to rear pastedown. A nice copy of a rare title. \$1,250.

\* Only edition located. Dedicated to Pope Urban VIII, this treatise presents a systematic overview of civil actions in Roman law, canon law and the law of the Kingdom of Sardinia. OCLC locates 5 copies, none in North America. *British Museum Catalogue* (Compact Edition) 9:164.





English Translation of Ferrière's  
Treatise on Roman Law Bound with a Study of Early French Law

**12. Ferrière, Claude Joseph de [c.1680-c.1748].**

**[Beaver, John (f.1724), Translator].**

**[Duck, Sir Arthur (1580-1648)].**

*The History of the Roman or Civil Law. Shewing Its Origin and Progress; How, and When the Several parts of It Were First Compil'd; With Some Account of the Principal Writers and Commentators Thereupon; And the Method to be Observ'd in Studying the Same. Written Originally in French. To Which is Added, Dr. Duck's Treatise on the Use and Authority of the Civil Law in England.* London: Printed for D. Browne, 1724. [xii], iv, [2], 169, xxxviii pp.

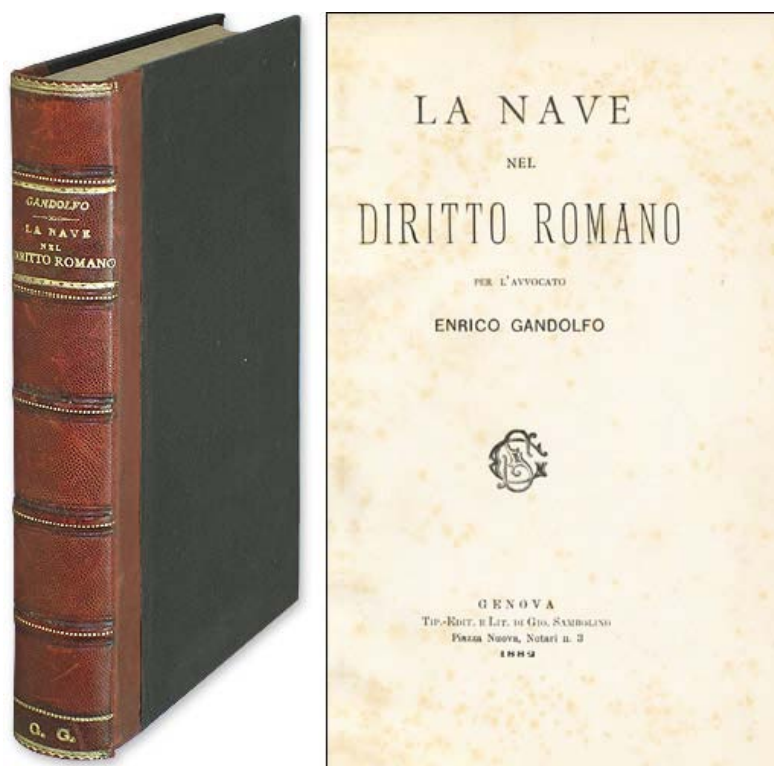
**[Bound with]**

**[Fleury, Claude (1640-1723), Attributed].**

*The History of the Origine of the French Laws, Translated from the French by J.B. Esq., With a Preface and Notes Shewing, the Analogy of the Laws of the Antient Gauls and Britons.* London: Printed for D. Browne, 1724. [viii], vii, 105, 7 pp.

Octavo (7-3/4" x 4-3/4"). Recent period-style quarter calf over marbled boards, raised bands and lettering piece to spine, endpapers renewed. Attractive woodcut head-pieces, tail-pieces and decorated initials. Light toning to text, browning to a few leaves, internally clean. \$650.

\* Only English edition. Through the influence of Doctors' Commons and the universities the civilians played an important role in the development of English law, especially in the fields of commercial, estate and admiralty law. Despite its value, study of the civil law had entered a moribund phase by the eighteenth century. Several student handbooks attempted to correct this deficiency, and Beaver's translation of Ferrière's *Histoire du Droit Romain* (1718) is among the best. Accompanied by Duck's learned essay that connects the civil law to the common law, the work is among the first in English to establish the confluence of these legal traditions. Ferrière was a well known French jurisconsult, dean of the Faculty of Law in Paris and the author of legal treatises and an important legal dictionary. Though bibliographically distinct, Beaver's translation of *The History of the Origine of the French Laws* is often bound into copies of this book. First published anonymously in 1703, it is usually attributed to Claude Fleury. (Some sources propose Ferrière or Gabriel Argou.) *English Short-Title Catalogue* N8958, T64301.



**Uncommon Italian Study of Roman Maritime Law**

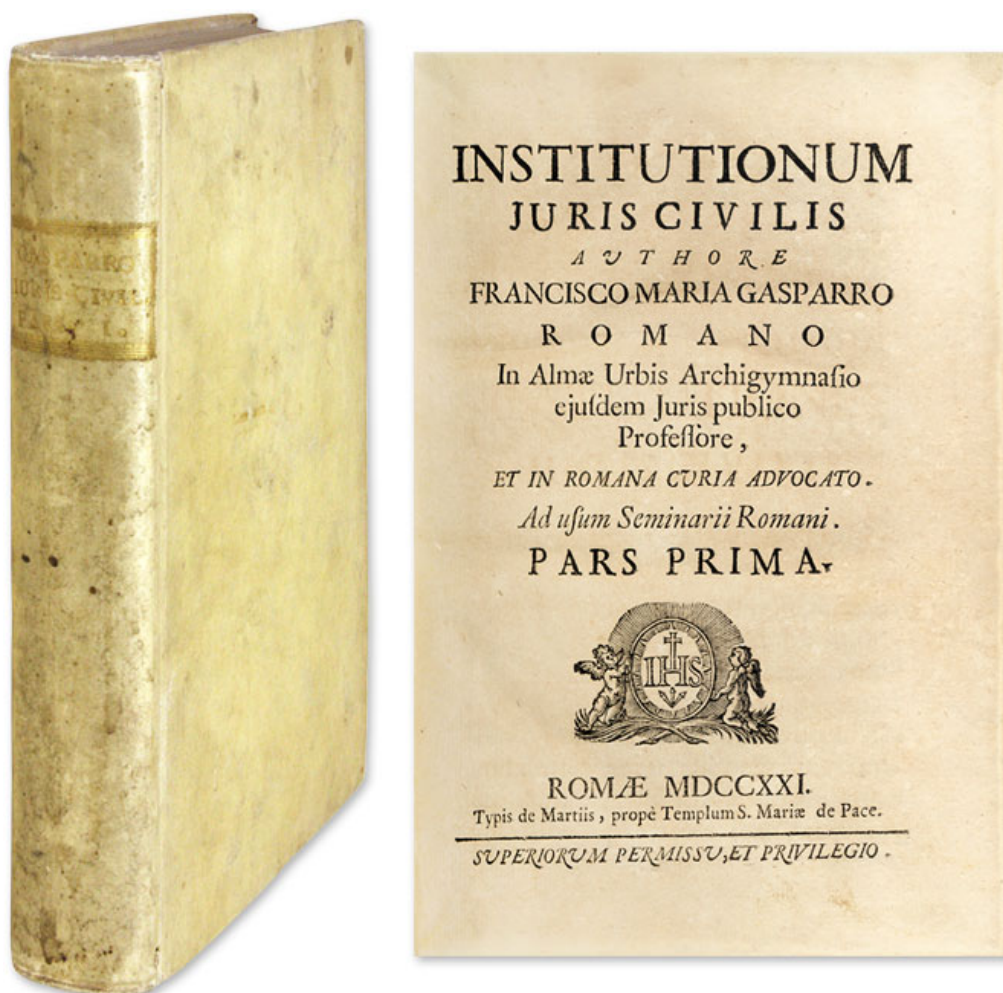
**13. Gandolfo, Enrico.**

*La Nave del Diritto Romano*. Genoa: G. Sambolino. 1882. [iii], [3]-347 pp. Octavo (9" x 6").

Contemporary quarter morocco over pebbled cloth, raised bands and gilt title to spine, speckled edges. Light rubbing to extremities. Occasional light foxing, interior otherwise fresh. \$750.

\* Only edition. Gandolfo offers a thorough overview of Roman maritime law and its historical development. It was reprinted in 1980. Both issues are rare. OCLC locates 3 copies, all in Europe, none of the reprint. *British Museum Catalogue* (Compact Edition) 10:75.





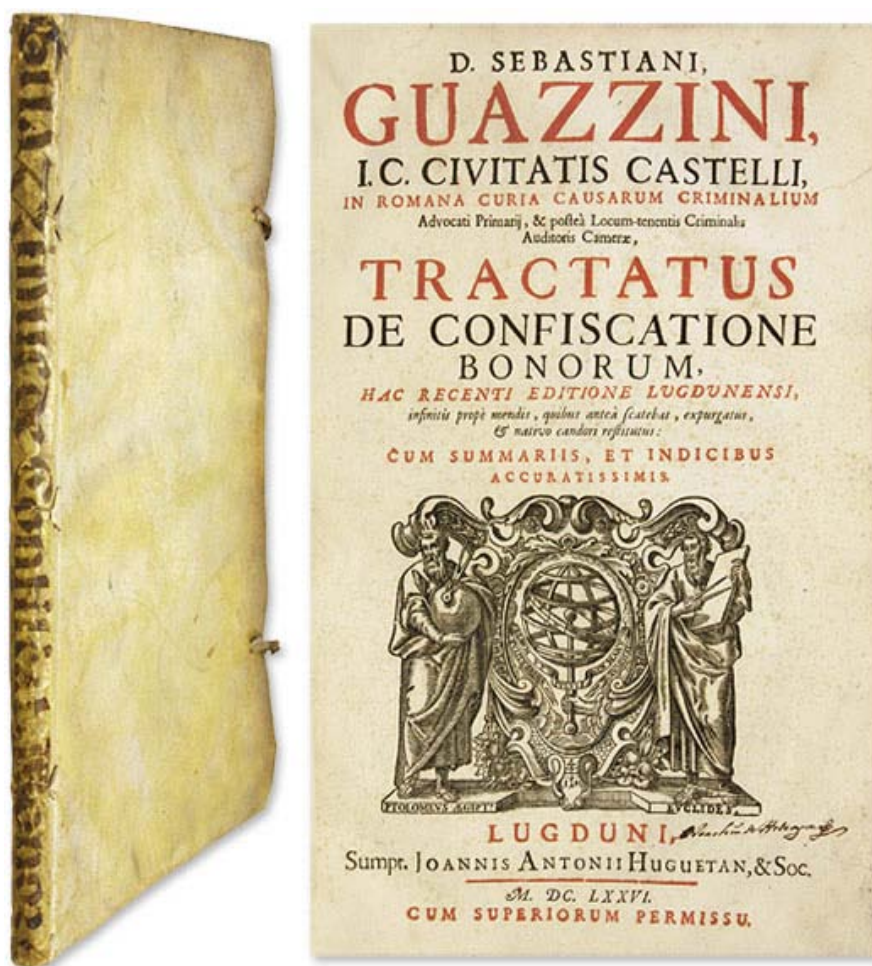
**A Standard Italian Textbook During the Eighteenth Century**

**14. Gasparro, Francesco Maria [1679-1735].**

*Institutionum Juris Civilis. Ad Usum Seminarii Romani.* Rome: Typis de Martiis, 1721-1722. Four parts in two volumes bound as one. Quarto (9" x 6-1/4").

Contemporary vellum, gilt title to spine. Light soling to spine, spine ends bumped, negligible spotting to boards. Woodcut head and tail-pieces. Some toning to text, light foxing and browning in places, internally clean. \$1,500.

\* Second and final edition. Gasparro, a Jesuit canon lawyer and member of the Papal Curia, taught criminal and civil law and the University of Rome. Published with Jesuit sponsorship, and first published in 1707, Gasparro's was a standard text throughout the eighteenth century, editions appearing as late as 1787. Notable for its Jesuitical perspective, it begins with a consideration of the nature of justice, then continues with discussions of the legal status of the person, the power of the state, marriage, adoption, wards, the authority of tutors, servitude, testimony, rights of succession, sales and commercial law. Despite its popularity, all editions of this title are scarce today, especially in North America. Of all editions, OCLC locates 1 copy of the second (at UC-Berkeley Law School) and 2 copies of the first (at Harvard and Stanford Law Schools). Not in the *British Museum Catalogue*.



**Scarce Treatise on The Roman Law of Confiscation**

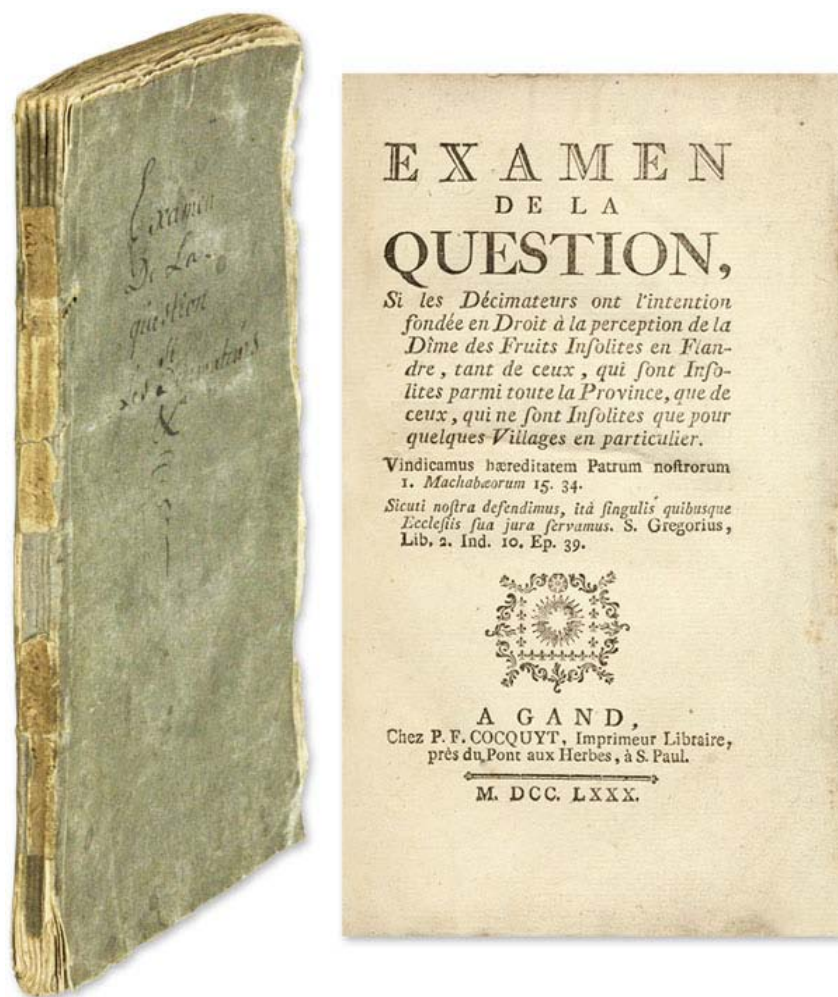
**15. Guazzini, Sebastiano.**

*Tractatus De Confiscatione Bonorum, Hac Recenti Editione Lugdunensi, Infinitis Prope Mendis, Quibus Antea Scatebat, Expurgatus, & Natio Candori Restitutus: Cum Summariis, Et Indicibus Accuratissimis.* Lyons: Sumpt. Joannis Antonii Huguetan, & Soc., 1676. [iv], 134, [26] pp. Main text in parallel columns. Folio (13-1/2" x 9").

Contemporary limp vellum with thong ties, near-contemporary calligraphic title to spine. Spine somewhat darkened, light soiling and a few minor stains to covers. Title page with handsome large woodcut device printed in red and black, woodcut head and tail-pieces. Toning to text, occasional light browning and dampspotting. Small later signature near foot of title page, interior otherwise clean. A well-preserved item. \$1,000.

\* Sixth and final edition. First published in 1611, this was a well-regarded treatise on the appropriation, under legal authority, of private property to the state in Roman, canon and Italian civil law (i.e. confiscation). Little is known about Guazzini. The title page of our copy says he was an advocate and expert on criminal law associated with the Roman Curia. OCLC locates 4 copies in North American law libraries, one of this edition (at Harvard). This edition not in the *British Museum Catalogue*.





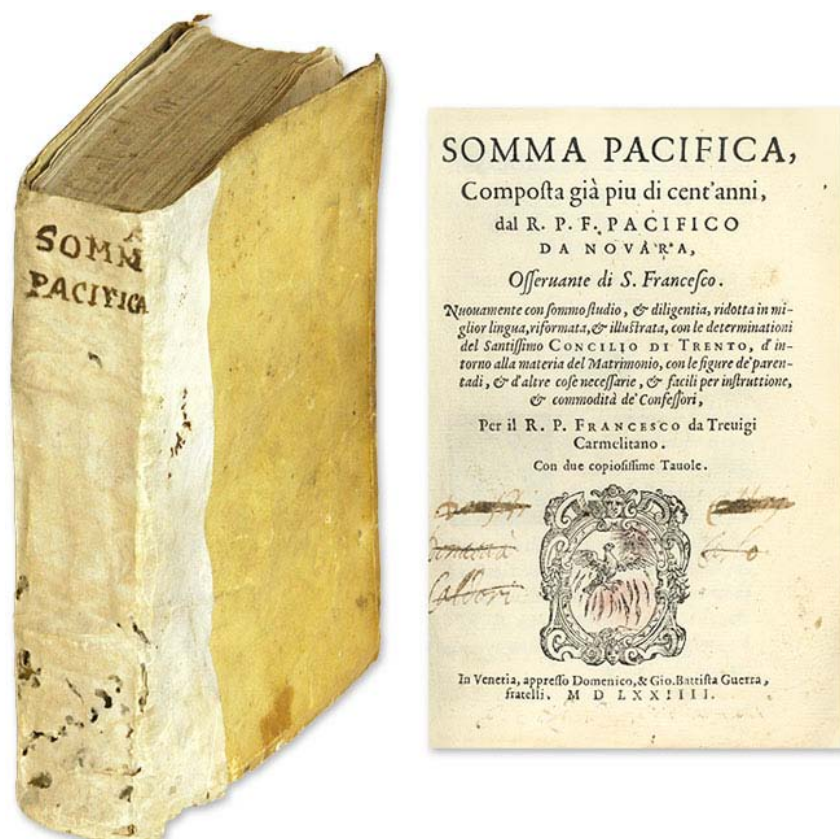
**1780 Pamphlet Questioning the  
Church's Right to Raise Tithes in Flanders**

**16. [Massez, C.].**

*Examen de la Question, Si les Decimateurs ont l'Intention Fondee en Droit a la Perception de la Dime des Fruits Insolites en Flandre, Tant Ceux, Qui Sont Insolites Parmi Toute la Province, que de Ceux, Qui ne Sont Insolites que pour Quelques Villages en Particulier.* Ghent: Chez P.F. Cocquyt, 1780. vi, 84, [2] pp. Octavo (7-1/4" x 4-1/2").

Stab-stitched pamphlet in plain wrappers, untrimmed edges, early hand-lettered title to front, fragments of title label to spine. Some soiling and edgewear, later owner bookplate to verso of front wrapper. Some toning, light soiling to title page, internally clean. \$650.

\* Only edition located. Massez wishes to limit the rights of the church to raise tithes in Flanders. He notes that "God himself established tithes for the Jewish people, where it was part of the dividing-up of the lands, which God himself ordered: [however] amongst the Christian nations, it is men who have ordered this division, men have also introduced tithes there; thus [such a tax] depends on the civil law of each nation" (iii-iv). Massez discusses statutes from 1520 and 1530 onward and disputes their interpretation by Zeger Bernhard van Espen [1646-1728], the distinguished Flemish canon lawyer. OCLC locates 8 copies, 2 in North American law libraries (Columbia, UC-Berkeley). Not in the *British Museum Catalogue*.



**Reflects Changes Introduced by the Council of Trent**

**17. Pacifico, da Cerano (Ceredano) [1420-1482].**

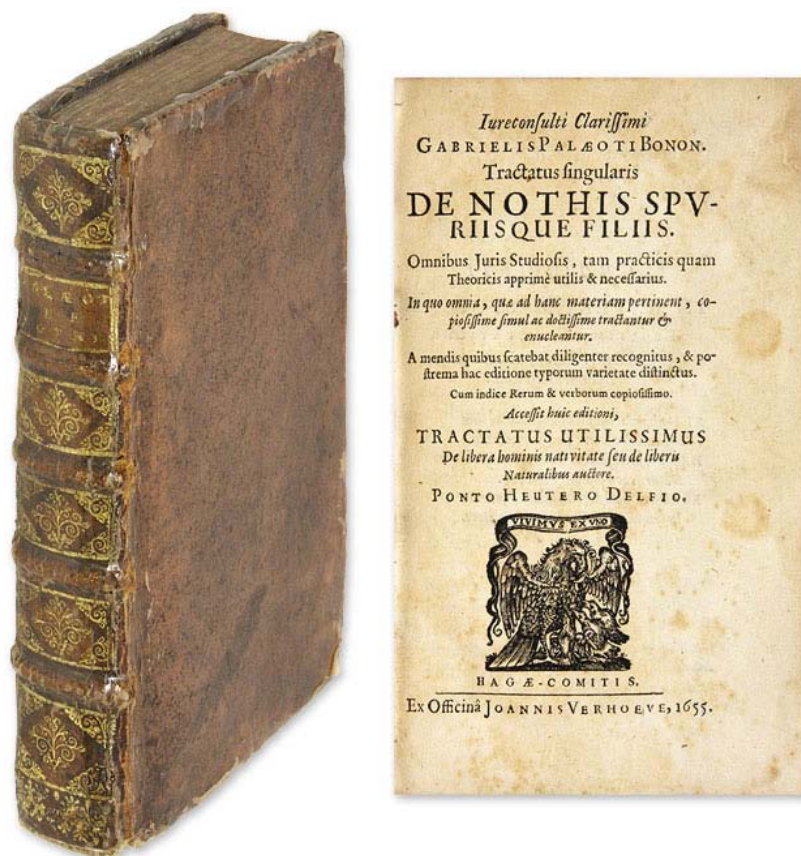
**Francesco, da Trevigi (Turchi, Francesco) [d. 1599].**

*Somma Pacifica, Composta già Piu di Cent'Anni dal R.P.F. Pacifico Novara, Osservante di S. Francesco; Nuovamente con Sommo Studio, & Diligentia, Ridotta in Miglior Lingua, Riformata, & Illustrata, Con le Determinationi del Santissimo Concilio di Trento, d'Intorno Alla Materia del Matrimonio, con le Figure de' Parentadi, & d'Altre Cose Necessarie, & Facili per Instruttione, & Commodità de' Confessori, Per il R.P. Francesco da Trevigi Carmelitano; Con Due Copiosissime Tavole.* Venice: Appresso Domenico, & Gio. Battista Guerra, Fratelli, 1574. [40], 420 [i.e. 416] pp. Tables. Octavo (6" x 4").

Contemporary limp vellum with lapped edges, later repair to backstrip, hand-lettered title to spine and head of text block. Some wear to edges, moderate worming near foot of spine, vellum just beginning to break through front pastedown. Attractive woodcut initials. Early annotations and signatures to front free endpaper and title page, interior otherwise clean. A nice copy of a scarce title. \$650.

\* Better known as the "Summa Pacifica," this work addresses confession and penance. It pays particular attention to the proper method of hearing confessions and legal aspects of penance and confession. It was first printed at Milan in 1479. This edition is interesting because it reflects changes introduced by the Council of Trent (1545-1563). OCLC does not locate any copies of this edition in law libraries. *Censimento Nazionale Delle Edizioni Italiane del XVI Secolo* CNCE36069.





### A Notable Early-Modern Treatise on Illegitimacy

**18. Paleotti, Gabriele [1524-1597].**

**Heuter, Pontus [1535-1602].**

*De Nothis Spuriisque Filiis. Omnibus Juris Studiosis, Tam Practicis Quam Theoricis Apprime Utilis & Necessarius. In quo Omnia, Quae ad Hanc Materiam Pertinent, Copiosissime Simulac Doctissime Tractantur & Enucleantur. A Mendis Quibus Scatebat Diligenter Recognitus, & Postrema hac Editione Typorum Varietate Distinctus. Cum Indice Rerum & Verborum Copiosissimo. Accessit Huic Editioni, Tractatus Utilissimus De Libera Hominis Nativitate seu de Liberis Naturalibus Auctore. Ponto Heutero Delfino.* The Hague: Ex Officina Joannis Verhoeve, 1655.[xxiv], 341, [15]; [6], 87, [3] pp. Two parts in one, each with title page and individual pagination.

Contemporary calf, gilt spine with raised bands and lettering piece, spine varnished. Moderate rubbing to extremities with some wear to spine ends, joints and corners. Light toning, somewhat heavier in places, faint dampspotting and foxing to some leaves. Early annotation to front free endpaper, interior otherwise clean. Ex-library. Bookplate to front pastedown. \$850.

\* Later edition, and the only printing of Heuter's essay. Paleotti's well-circulated treatise on illegitimacy under Roman and canon law was first published in 1550. It went through eight editions, the eight and final in 1672. Our 1655 Dutch edition includes Heuter's *Tractatus de Libera Hominis Nativitate*, an essay that examines this subject from a Roman-Dutch perspective. All editions are scarce in North America. OCLC locates 1 copy of the 1655 edition (at UC-Berkeley Law School). *British Museum Catalogue* (Compact Edition) 19:242. Dekkers, *Bibliotheca Belgica Juridica* 80.



#### Eighteenth-Century Treatise on the Law Relating to the Confessional

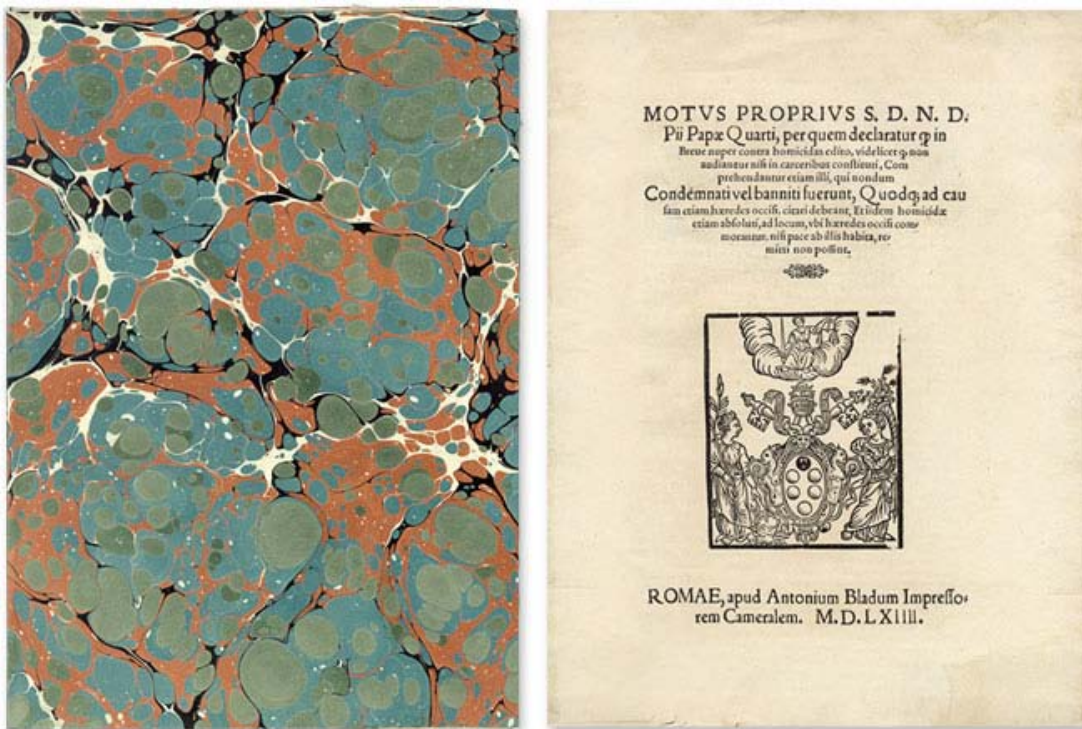
##### 19. Pertsch, Johann Georg [1694-1754].

*Recht der Beicht-Stühle: Darinnen der Ursprung und Fortgang der Geheimen Beichte aus Denen Kirchen-Geschichten Gezeigt, Auch Was so Unter Catholiken als Protestirenden Disfalls Gebräuchlich ist, Und Unter denen Letzern in Uebung Seyn Sollte, Gezeigt Wird.* Wolffenbützel: J.C. Meissner, 1738. [xxxvi], 684, [12] pp. Quarto (8-1/4" x 7").

Contemporary paper-covered boards, early hand-lettered title to spine. Moderate rubbing with some wear to extremities, a few minor stains to boards. Copperplate vignette to title page, another, depicting the promotion of Christianity in south Asia, to head of dedication. Toning, light foxing to a few leaves, internally clean. \$750.

\* Second edition. This is an extensive historically grounded treatise on the canon, ecclesiastical and civil laws relating to church confession. An important and respected work, it was first published in 1721 and went through three subsequent editions, the final in 1740. Pertsch was a jurisconsult and a legal scholar who wrote several works on church history and Protestant and Catholic ecclesiastical law. OCLC locates 4 copies in North America, a first edition (at Harvard Law School) and two second editions (at UC Berkeley Law School the University of Dayton and Harvard Law School). This edition not in the *British Museum Catalogue*.





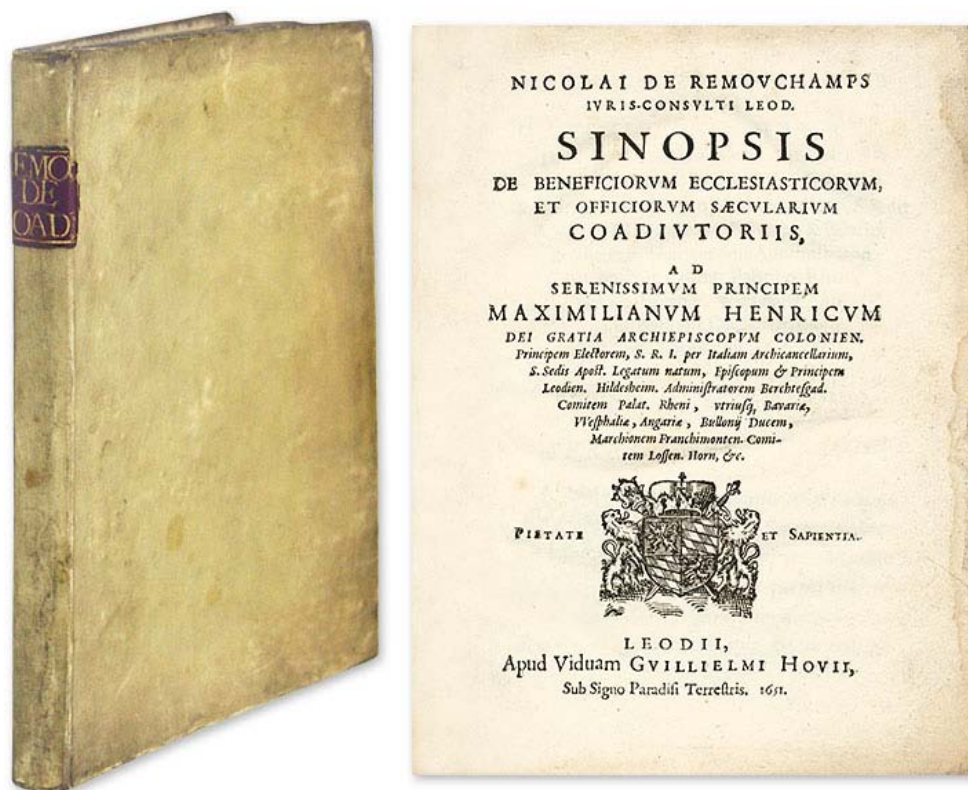
#### A Papal Brief on Homicide

**20. Pius IV [1499-1565], Pope.**

*Motus Proprius S.D.N.D. Pii Papae Quarti, Per Quem Declaratur Quod in Breve Nuper Contra Homicidas Edito, Videlicet Quod non Audiantur Nisi in Carceribus Constituti, Comprehendantur Etiam Illi qui Nondum Condemnati vel Banniti Fuerunt. Quodque ad Causam Etiam Haeredes Occisi, Citari Debeant, Et Iidem Homicidae Etiam Absoluti, Ad Locum, Ubi Haeredes Occisi Commorantur, Nisi Pace ab Illis Habita, Remitti non Possint.* Rome: Apud Antonium Bladum Impressorem Cameralem, 1564. 2 ff. Folio (11-1/2" x 8-1/4").

Recent marbled wrappers. Large woodcut device to title page (featuring Papal Insignia and Lady Justice, woodcut decorated initial. Some toning to text, minor dampstaining and a few tiny chips to edges. A nice copy of a rare item. \$400.

\* Only edition, one of three imprints issued the same year. A *Motus Proprius* is a personal Papal instruction or brief. This one outlines his teachings about homicide. KVK locates a handful of copies, all in Italy. No copies located on OCLC. *Censimento Nazionale delle Edizioni Italiane del XVI Secolo* CNCE 73144.



### Membership Has Its Benefits

#### 21. Remouchamps, Nicolas de [d. 1670].

*Sinopsis de Beneficiorum Ecclesiasticorum et Officiorum Saecularium Coadiutoriis, Ad Serenissimum Principem Maximillianum Henricum.* Liege: Apud Viduam Guillielmi Hovii, 1651. [xvi], 128, [12] pp. Quarto (7-1/2" x 5-1/2").

Contemporary vellum, lettering piece to spine, blue edges. Light soiling, some rubbing to extremities, boards somewhat bowed, corners bumped, vellum just beginning to crack through pastedowns. Woodcut arms of Prince-Bishop Maximilian Henricus Ernestus of Bavaria [1621-1688] to title page, woodcut head-pieces, tail-pieces and decorated initials. Toning, light browning and faint dampstaining to margins in a few places, internally clean. An appealing copy. \$1,500.

\* First edition. Dedicated to Prince-Bishop Maximilian Henricus Ernestus of Bavaria, this is a treatise on the duties and privileges of "coadjutores" in canon law. Remouchamps was a canon lawyer active in Rome and Liege. A second edition was published in 1700. The 1581 imprint was issued by a female printer, "the widow of Guillaume Hovius." KVK locates 3 copies, all of the first edition. Dekkers, *Bibliotheca Belgica Juridica* 142.





### A Spanish Critique of Lands Held in Mortmain by the Church

#### 22. Rodríguez Campomanes, Pedro, Conde de [1723-1803].

*Tratado de la Regalía de Amortización, En el Qual se Demuestra por la Serie de las Varias Edades, Desde el Nacimiento de la Iglesia en Todos los Siglos y Países Católicos, El Uso Constante de la Autoridad Civil, Para Impedir las Ilimitadas Enageneraciones de Bienes Raíces en Iglesias, Comunidades, Y Otras Manos-Muertas; Con una Noticia de las Leyes Fundamentales de la Monarquía Española Sobre Este Punto, Que Empieza con los Godos, Y se Continúa en los Varios Estados Sucesivos, Con Aplicación a la Exigencia Actual del Reyno Después de su Reunión, Y al Beneficio Común de los Vasallos. Con Real Permiso. Madrid: En la Imprenta Real de la Gaceta, 1765. [viii], x, 296 pp. Folio (13-3/4" x 8-3/4").*

Contemporary mottled sheep, gilt spine with raised bands, edges rouged, marbled endpapers. Moderate rubbing to extremities with some wear to spine ends and corners, front board beginning to separate, but quite secure, rear hinge starting. Title page printed in red and black, woodcut text ornaments. Very light toning to text, somewhat heavier in places. Early annotations to verso of half-title, interior otherwise clean. Ex-library. Location label to spine, small inkstamp to title page, annotations and stamps to verso. An attractive copy. \$650.

\* First edition. In the Middle Ages the Church acquired an enormous amount of land and other property. In most cases, it was held in mortmain, a feudal principle, later adopted by the common law, that restricted conveyance to specific parties, in this case those within the Church, unless an exception was made by a monarch. The Church's accumulation of material wealth through this practice was an important aspect of the conflict between church and state in the Medieval and early modern periods. Secular criticism became stronger during the Enlightenment, a movement that viewed the Church with suspicion, as we can see in this treatise by Rodríguez Campomanes, a notable Enlightenment-influenced Spanish statesman. It begins with a history and review of mortmain, and then builds an argument for its curtailment. It was a fairly well-circulated book. An Italian translation was published in 1767 and a second Spanish-language edition followed in 1821. *British Museum Catalogue* (Compact Edition) 21:880.



First Edition of One of Savigny's Principal Works

**23. Savigny, Carl Friedrich von [1779-1861].**

*System des Heutigen Römischen Rechts.* Berlin: Bei Veit und Comp., 1840-1849. Eight volumes in four books.

[And]

**Heuser, O[tto] L[udwig].**

*Sachen- und Quellen-Register zu von Savigny's System des Heutigen Römischen Rechts, Bearbeitet und Mit Genehmigung des Genannten Herrn Verfassers Nebst Einem Vorworte Desselben Herausgegeben von O.L. Heuser.* Leipzig: Verlag von Veit & Comp., 1863. [ii], 351 pp.

Octavo (8" x 5). Contemporary quarter calf over textured paper boards, raised bands, gilt titles and gilt fillets to spines. Moderate rubbing to extremities with some wear to spine ends and corners, minor scuffs and nicks to boards, some hinges starting or cracked. Some toning to text, occasional light foxing, internally clean. \$1,250.

\* First edition (*System*); third edition (*Register*). Savigny was a deeply influential German jurist and an excellent scholar of Roman law. A principal member of the historical school of jurisprudence, he had a keen interest in its role in the subsequent development of European law. He taught Roman law at the Universities of Marburg, Landshut and Berlin, where he later served as rector. His *System* is a study of Roman law's role in the legal systems of Savigny's day. It can be thought of as a companion to his *Geschichte des Römischen Rechts im Mittelalter* (1815-31), a study of the revival and influence of Roman law during the medieval era. Hauser's index volume was first published in 1851.





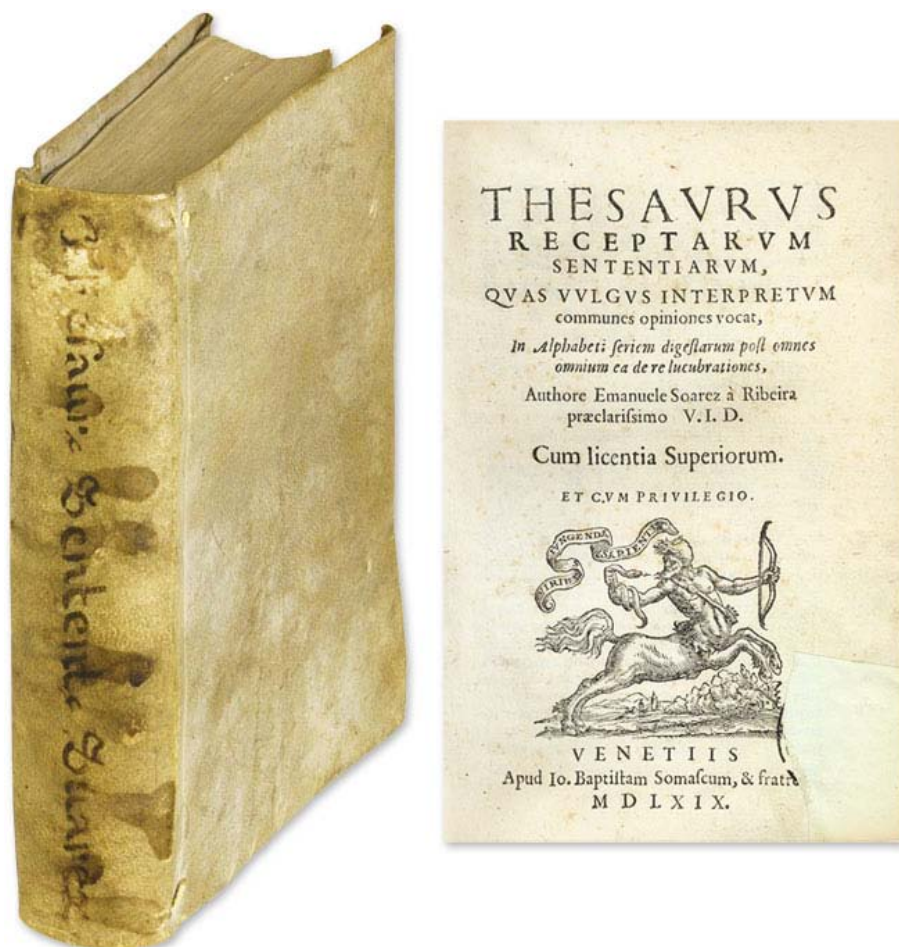
**Scarce Sixteenth-Century Treatise on the Law Relating to Bishops**

**24. Sbrozzi, Giacomo.**

*Tractatus de Vicario Episcopi, Officio Eius, Et Potestate, Exercenda, et Finienda. Cum Summariis ac Indice Serie Alphabética [sic] Congesto.* Venice: Apud Iulium Somaschum, 1592. [xxx], 163, [1] pp. Main text in parallel columns. Quarto (8" x 6").

Contemporary reversed calf, early hand-lettered titles to spine and foot of text block. Very light soiling, spine ends and corners lightly bumped. Some toning to text, light foxing in a few places, wear holes to a few leaves with no loss to text. A nice copy of a scarce title. \$1,250.

\* First edition. Sbrozzi, a canon lawyer, reviews the law relating to bishops and episcopal authority. A second edition was published in 1604. Both are scarce. OCLC locates 1 copy in the United States, at the Library of Congress, which has the first edition). We located a copy of the second edition at UC-Berkeley Law School. Ferreira-Ibarra, *The Canon Law Collection of the Library of Congress* 1381.



**Sixteenth-Century Roman and Canon Law Dictionary**

**25. Soares da Ribeira, Manual [16th c.].**

*Thesaurus Receptarum Sententiarum: Quas Vulgus Interpretum Communes Opiniones Vocat, In Alphabeti Seriem Digestarum Post Omnes Omnium ea de re Lucubrationes.* Venice: Apud Io. Baptistam Somasum, & Fratres, 1569. [viii], [251], [1] ff. Octavo (5-3/4" x 4").

Contemporary limp vellum, early calligraphic title to spine, ties lacking. Darkening and some staining to spine, minor worming to front hinge, partial crack in text block between front free endpaper and title page, lower corner with later library stamp excised from lower corner and carefully mended. Attractive woodcut printer device, head-piece and decorated initials. Light toning to text, negligible faint dampspotting to a few leaves, internally clean. An appealing copy of a scarce title. \$900.

\* Second edition. Ribeira, a canon lawyer, produced this dictionary to aid lawyers. First published in 1568, it is a thorough practical dictionary on the *ius commune* that favors breadth over depth. The entries are concise, ranging from two to six sentences. It was a useful and oft-consulted work and it reached its third and final edition in 1593. OCLC and KVK locate 3 copies in North America. UC Berkeley Law Library and Princeton University have copies of the 1568 edition, the Library of Congress has a 1569 edition. *Censimento Nazionale delle Edizioni Italiane del XVI Secolo* CNCE 32789.





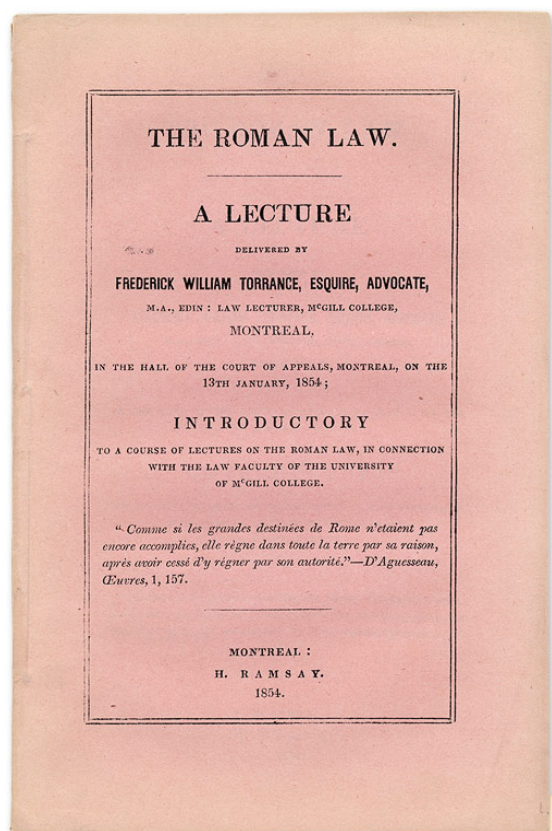
**Rare Sixteenth-Century Spanish Treatise Concerning Monasteries**

**26. Sosa, Francisco de [fl. 1556].**

*Advertencias de Fray Francisco de Sosa, Lector de Theologia en el Convento de Sant Francisco de Salamanca: Cerca de la Nueva Constitucion de Nuestro Sanctissimo Padre Clemente Papa VIII. De Largitione Munerum Utriusque Sexus Regularibus Interdicta. Declaranse Algunas Resoluciones de Derecho en Puntos Difficultosos.* Salamanca: En Casa Iuan Fernandez, 1596. [x], 131, [2] pp. Quarto (8" x 6").

Contemporary limp vellum, black rules to covers, calligraphic title to spine, early hand-lettered title to spine, ties mostly lacking. Some soiling and small stains, spine darkened with a few small chips near center, vellum just beginning to crack through pastedowns. Light to moderate toning to text, occasional faint dampspotting, internally, clean. \$1,100.

\* First edition. This book details a series of legal reforms regarding monasteries and holy orders implemented by Pope Clement VI, formerly a canon lawyer (Ippolito Aldobrandini, 1536-1605, the son of notable jurist Sylvestro Aldobrandini). For the most part, these reforms led to an increase of Papal control and supervision. Two other editions were published in 1597 and 1696. OCLC locates no copies of this title in North America. No copies located at the Library of Congress, Harvard Law School or UC-Berkeley Law School. Palau, *Manual del Librero Hispano-Americano* 319804.



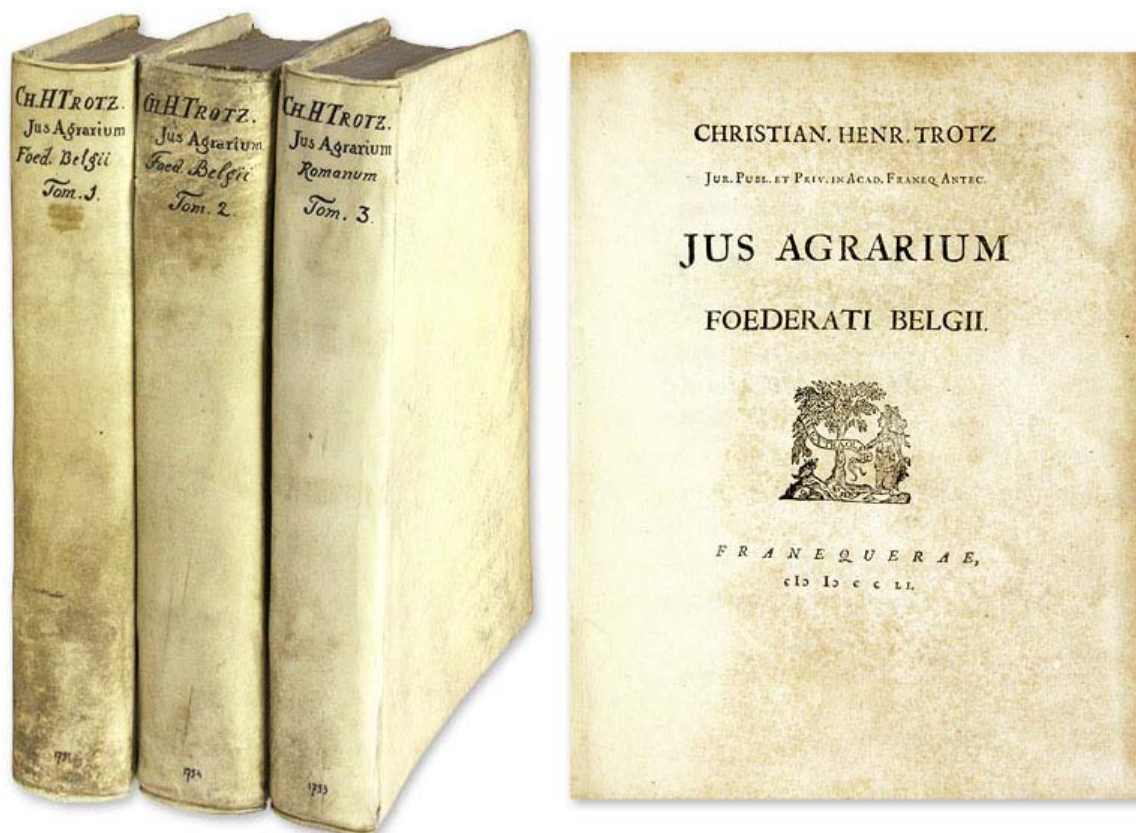
### Roman Law and Canadian Legal Education

**27. Torrance, Frederick William [1823-1887].**

*The Roman Law: A Lecture Delivered by Frederick William Torrance, Esquire, Advocate, M.A., Edin., Law Lecturer, McGill College, Montreal, In the Hall of the Court of Appeals, Montreal, On the 13th January, 1854; Introductory to a Course of Lectures on the Roman Law, In Connection with the Law Faculty of the University of McGill College.* Montreal: H. Ramsay, 1854. 29 pp. Octavo (8-1/4" x 5-1/2").

Stab-stitched pamphlet in printed wrappers. Negligible shelfwear, internally clean. A well-preserved copy. \$150.

\* First edition. A scarce work relating to legal education in Canada. The author was the son of John Torrance, a leading benefactor of McGill University. Torrance, a judge who was trained at the University of Edinburgh, was a member of the McGill law faculty. OCLC locates 5 copies, 1 in a law library (George Washington University). Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 3:65.



### Learned Study of Roman and Dutch Agricultural Law

#### 28. Trotz, Christian Hen[drik] [1703?-1773].

*Jus Agrarium Foederati Belgii*. Franeker: n.p., 1751-1754. Three volumes. Printed on very wide-margined paper. Quarto (10" x 8").

Contemporary vellum, early hand-lettered titles to spines. Light soiling to boards, somewhat heavier soiling to spines, extremities lightly bumped with minor wear, vellum just beginning to crack through pastedowns of Volumes II and III, recent bookseller (or auction) description pasted to front pastedown of Volume I. Woodcut title page devices, head-pieces, tail-pieces and decorated initials. Later bookplate to front pastedown of Volume I. Some toning, light foxing and browning in places. Stuck-through early owner signatures to front endleaves of Volumes II and III, interiors otherwise clean. \$600.

\* Only edition. Still an important historical work on agricultural law and the law concerning dikes and watercourses, it examines Dutch law in Volumes I and II. The final volume, which is titled *Jus Agrarium Romanum*, examines Roman law. This study is based on a series of public debates (*disputationes*) he sponsored at the University of Franeker, where he was a professor of law. Born in Germany and educated at the universities of Halle, Leipzig, Marburg and Utrecht, Trotz was an important scholar of public and constitutional law. A prolific author, *Jus Agrarium* is his most important work. OCLC locates 3 copies in North American law libraries (Harvard, UC-Berkeley, Yale). We located another copy at the Library of Congress. Dekkers, *Bibliotheca Belgica Juridica* 172 (8).





**Commentaries on the Decretals  
of Gregory IX by the "Lamp of the Law"**

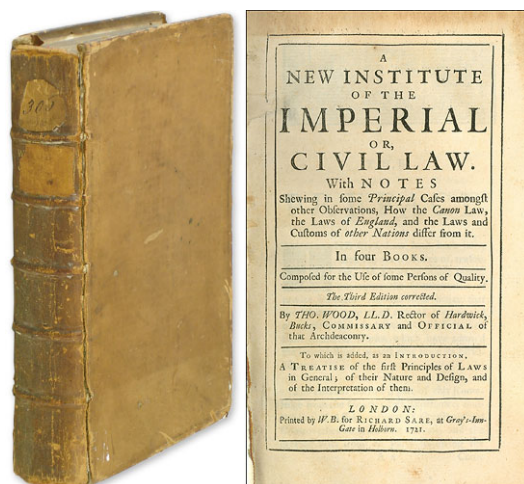
**29. Tudeschis, Niccolo de, Archbishop (Abbas Panoramitanus) [1386-1445].**

**Corsetti, Antonio [d. 1503], Editor.**

*Repertorium in Loculentissimas Praelectiones quas Idem in Quinque Decretalium Libros Divino Prorsus Ingenio, Labore Incredibili & Studio Doctissime Iuxta ac Elegantissime Concinnauit. Ea Quidem in Quinque Diligentia Conflatum, Ut Numerorum Ratione Fidelissime Subducta, Nullibi aut Falli, Aut Decipipossis: Quamlibet in Compluribus Accessionem Certe Incredibilem, Et Depravatorum Emendationem Maxime Necessariam, Hac nota Praesignatam Acceperis. Corseti Etiam Lucubrationes in Nonnullis Impressionibus Omissas, Ad Posteritatis Utilitatem Praestitimus.* Venice: [Apud Ioannem de Ghara], 1571. [cl], 44, [12] ff. Main text in parallel columns. Folio (12" x 8-1/4").

Contemporary vellum, early hand-lettered titles to spine and foot of text block, which is neatly detached with pastedowns and well-secured by cords. Moderate edgewear, bowing and spine stains to vellum, locations of cords worn through. Light toning to text, heavier in places, light foxing to a few leaves, small worm hole to inner margin of front endleaf and title page, internally clean. \$2,500.

\* Later edition. Tudeschi, a Benedictine canonist from Sicily, earned his doctorate in canon law at the University of Bologna. He taught at the Universities of Siena, Parma and Bologna. "It was his canonical works, especially his 'Lectura in Decretales' 'In Sextum,' and 'In Clementinas,' that won him the title of 'lucerna juris' (lamp of the law) and insured him great authority; he also wrote 'Consilia,' 'Quaestiones,' 'Repetitiones,' 'Disputationes, Disceptiones et Allegationes,' and 'Flores Utriusque Juris.' A fine edition of his works appeared at Venice in 1477; among later editions...published in 1617-18 (Venice) in 10 folio volumes is especially notable": *Catholic Encyclopedia*. First published in 1481, *Repertorium* collects his notes on the fifth books of the Decretals of Gregory IX. Each of these has a reference so it can be used in conjunction with any edition of that work. Complete in itself, this is part of an eight-title series of Tudeschi's works. "Nicolo de' Tudeschi" in *Catholic Encyclopedia* (Online edition). Not in Ferreira-Ibarra.



### Civil Law for "Persons of Quality"

#### 30. Wood, Thomas [1661-1722].

*A New Institute of the Imperial or, Civil Law. With Notes Shewing in Some Principal Cases Amongst Other Observations, How the Canon Law, The Laws of England, And the Laws and Customs of Other Nations Differ From It. In Four Books. Composed For the Use of Some Persons of Quality. Corrected. To Which is Added, As an Introduction, A Treatise of the First Principles of Laws in General; Of Their Nature and Design, And of the Interpretation of Them.* London: Printed by W.B. for Richard Sare, 1721. [iii], iv-xvi, 144, [viii], 414, [10] pp. Includes one-page publisher list. Octavo (7-1/2" x 4-3/4").

Contemporary calf, blind fillets to boards, raised bands to spine, most of lettering piece lacking. A few tiny scuffs to boards, light rubbing to extremities, boards separated from spine but secure, front free endpaper lacking. Small early shelf label to spine. Minor finger smudges to a few leaves, interior otherwise fresh. \$200.

\* Third edition, corrected. Wood's *New Institute* was first published in 1704, with subsequent editions in 1712, 1721 and 1730. It was the standard Anglo-American treatise of the eighteenth and early nineteenth centuries and a well-thumbed reference for jurists who wished to apply an element of civilian learning to their work, such as Joseph Story. As the title suggests, it is not only a summary of Roman law adapted to the needs of students of English law, but also a pioneering essay in comparative law. Wood pays some attention as well to Roman law's influence on the historical development of English law. Indeed, he observes that "Fleta and Bracton would look very naked if every Roman lawyer should pluck away his feathers" (ix). Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 6:146.



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