

# 30 RECENT ACQUISITIONS & SPECIAL OFFERS

September 9, 2014



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## 30 Recent Acquisitions & Special Offers

9 September 2014

### The Roman Law Concerning Funeral Rites and Burial

#### 1. Asinio, Giovanni Baptista [fl. 1562].

*Commentarii in Titulum Digestorum De Religiosis & Sumptibus Funerum.* Venice: Apud Philippum Iuntum, 1589. [vi], 338, [52] pp. Folio (12-3/4" x 8-1/4").

Contemporary calf with later varnishing, blind rules and small central arabesques to boards, raised bands and later lettering piece to spine, spine ends and corners mended. Some scuffing to boards, corners bumped, front joint partially cracked, front hinge just starting, rear hinge mended, later armorial bookplate to front pastedown. Light toning to text, a bit of soiling to title page. Early owner annotations to front pastedown, signatures and stamps to title page, interior otherwise clean. Ex-library. Bookplate to front pastedown. A nice copy of a rare title. \$1,250.

\* Only edition. Asinio was a notable Florentine jurist who was patronized by Cosimo I de Medici. He is best-known for his treatises on practice and procedure in Roman and Florentine law. *De Executionibus* is a comprehensive treatise on the section of the *Digest*, Book XI, Title 7, which addresses funeral rites and burial. It is a scarce title. OCLC locates 5 copies, 3 in North America (at the Library of Congress, Newberry Library and University of Chicago). *Censimento Nazionale delle Edizioni Italiane del XVI Secolo* CNCE3262.

### Difficult Issues in the Drafting and Execution of Wills

#### 2. Baitelli, Ludovico.

*De Ultimis Voluntatibus Decisiones.* Milan: Ex Typographia Francisci Vigoni, 1671. [viii], 533, [50] pp. Main text in parallel columns. Folio (12-1/4" x 8").

Contemporary vellum with later pigskin rebacking, raised bands and lettering piece to spine, endpapers renewed. A few minor stains to boards, spine ends and corners bumped. Title page printed in red and black, woodcut head-pieces, tail-pieces and decorated initials. Light toning to text, light foxing in a few places, internally clean. Ex-library. Bookplate to front pastedown. \$950.

\* First edition. A native of Brescia who earned his law degree in Padua, Baitelli was a distinguished Venetian jurist and state official. *De Ultimis Voluntatibus Decisiones*, his principal work, is a collection of Venetian cases, each with extensive analysis and commentary, that illuminate difficult issues in the drafting and execution of wills. A second edition was published in 1687. Both are scarce. OCLC locates 3 copies of the first edition, 1 in North America (at Harvard Law School). Not in Camus or the *British Museum Catalogue*.

### A Durable Concept in Roman Law

#### 3. Camarela, Francisco.

*De Legatis et Singulis Rebus per Fideicommissum Relictis. Libris Quindecim Exaratum in Foro, Et Scholis Professoribus Perutile, Ac Necessarium, Cum Indive Locupletissimo, Collegii Iudicium Vincentiae Cura, & Aere Editum.* Venice: Apud Abundium Menafolium, 1681. [x], 628, [68] pp. Main text in parallel columns. Folio (13" x 8-1/2").

Contemporary vellum, raised bands and early hand-lettered title to spine. Light rubbing and some staining to boards, spine slightly darkened, spine ends and corners bumped, a few minor chips to fore-edges. Title page, with large woodcut vignette, printed in red and black, woodcut head-pieces, tail-pieces and decorated initials. Moderate toning, faint dampstaining and worming in a few places (with no loss to legibility), internally clean. Ex-library. Bookplate to front pastedown. \$850.

\* Only edition. One of the most durable concepts in Roman law, fideicommissum involves situations in which something is committed to somebody's trust. It is central to the law concerning testators. This treatise by a practicing attorney from Vicenza, reconciles received Roman law with practice in the Republic of Venice. OCLC locates 5 copies in North America, 4 in law libraries (Harvard, Library of Congress, UC-Berkeley, Yale). Not in the *British Museum Catalogue*.

## Hire and Leases in Roman Law

### 4. Carocci, Vincenzo [16th/17th Cent.].

*Tractatus Locati et Conducti, In quo Exacte de Pensionibus, Fructibus, Caducitatibus, Remissionibus, Salaris & Similibus, Nova, Quotidiana & Practicabilis Materia Pertractatur. Hac Tertia, Et postrema Editione ab Ipso Authore Maximo cum Labore, Diligentia, & Studio, Variis, & Prope Innumerabilibus Quaestionibus Utilibus, & in Practica Frequentibus, & Quotidianis Ornatus, Auctus, & Summopere Illustratus, Ita (Ut Quae Asterisco Insignita, & Parenthesi Quadam a Veteribus Seiuncta Sunt) Penultima Editione Noviter Instar Auctarii Accesserint, Prout Priores Ambas Editiones cum hac Tertia Conferenti Luce Meridiana Clarius Apparebit.* Venice: Apud Ioannem Baptistam & Ioan. Bernardum Sessam, 1597. [xviii], 286 ff. Main text in parallel columns. Folio (12-1/2" x 8-1/2").

Contemporary limp vellum, early hand-lettered title to spine, endpapers renewed. Light soiling, a few stains to boards, joints just starting at foot, a few cracks to spine, a bit of wear to corners. Title page, with large woodcut Sessa device, printed in red and black, woodcut head-pieces, tail-pieces and decorated initials. Some toning to text, faint dampstaining in a few places, a few worm holes to title page and following leaf, lower corners of preliminaries somewhat worn. Early owner signatures to title page, early underlining and check marks in a few places, interior otherwise clean. Ex-library. Bookplate to front pastedown. \$1000.

\* Third (stated) edition, actually the fourth. First published in 1584, this treatise on hire, leases and other types of contracts in Roman law went through at least eight editions; it was still an authority in the late seventeenth century. Few copies of any edition are held by North American law libraries. Regarding our 1597 edition, OCLC locates 1 (at Yale). *Censimento Nazionale delle Edizioni Italiane del XVI Secolo* CNCE9673.

## Notable Treatise on Criminal Procedure in Canon Law

### 5. Diaz de Luco, Juan Bernardo [1495-1556].

#### Lopez de Salcedo, Ignacia [fl. 1552-1564].

*Singularis et Excellentissima Practica Criminalis Canonica Excommunicationis, Irregularitatis, Suspensionis, Degradationis, Dispensationis Materiam, In Utroque Foro Frequentissimam Complectens. Qua Omnia Fere Crimina, Quae Tam a Clericis, Quam a Laycis, Ad Ecclesiastica Ordinaria, & Sanctae Inquisitionis Spectantia Tribunalia, Cum Eorum Poenis & Reorum Defensionibus Describuntur. Accesserunt Etiam huic Tertia, & Ultima Aeditioni Selectissimae Annotationes, Quae hoc Signo [pointing hand] Designantur. Accesserunt Etiam huic Edictioni, Egregia Responsa Cardinalium, Qui Cocilii Tridentini Interpretationi Praesunt, Quae Mire ad Hanc Canonicam Practicam Desiderabatur, Aptissime Constituta. Cum Indice Capitulorum, Et Materialium Locupletissimo. Opus Profecto, Omnibus Iuris Pontificii, & Caesarei Professoribus, Iudicibus, Advocatus, Causidicis, Caeterisque in foro Versantibus, Non Solum Utile, Sed Necessarium.* Alcalá de Henares: Ex Officina Iusti Sanchez Crespo, 1604. [viii], 611, [49] pp. Main text in parallel columns. Folio (11-1/2" x 8").

Contemporary limp vellum with lapped edges, early calligraphic title to spine, "RN" in early hand to top edge of text block, ties lacking, hinges reinforced. Light rubbing to extremities, corners bumped. Light browning to text, faint dampstaining to margins in places, early repairs to title page and a few leaves (no loss to text). Early owner signature to title page, underlining and brief annotations in a few places, interior otherwise clean. A nice copy. \$1,500.

\* Later edition. This notable treatise on criminal procedure in canon law was first published in 1543 and went through several issues and editions throughout Europe. It is notable, in part, because it contains guidelines for the inquisition. Luco, a canon lawyer and author of legal treatises, achieved eminence as the Bishop of Calahorra, Spain. (He is not to be confused with the important canonist Juan de Lugo [1583-1660].) OCLC locates 1 copy of this imprint in North America (at Emory University). This edition not in the *British Museum Catalogue* or *The Canon Law Collection of the Library of Congress*.

## Guidance for Catalanian Notaries

### 6. Gali y Ramon, Hieronymus.

*Opera Artis Notariae, Theoricam Simul, Et Practicam Eruditionem Complectentia.* Barcelona: Ex Typographia Hyacinthi Andreu, 1682. [xii], 672 [i.e. 674], [16] pp. Folio (12" x 8").

Contemporary limp vellum, early calligraphic title to spine, ties lacking, endpapers renewed. Light soiling, spine slightly darkened, minor spotting to boards, some wear to spine ends and corners, two tiny chips to front joint. Title page, with woodcut vignette, printed within typographical border, woodcut typographical head-pieces. Light toning to text, somewhat heavier in places, faint dampspotting, mostly to margins, faint dampstaining to heads of preliminaries and the next few leaves, internally clean. Ex-library. Bookplate to front pastedown. A nice copy of a rare title. \$1,500.

\* First edition. In the civil and canon law systems of seventeenth-century Europe notaries occupied an important place in the legal hierarchy analogous to a present-day British solicitor. Ramon's handbook addresses the needs of a canon-law notary in Catalonia. It is an excellent source of information about notarial practices in that part of Spain. A second edition was published in 1684. Including both edition, OCLC locates 3 copies in North America, 1 in a law library (Harvard, which has a first edition). Palau, *Manual del Librero Hispano-Americano* 96728.

### **Exhaustive Seventeenth-Century Treatise on Ecclesiastical Benefices**

#### **7. Garcia, Nicolaus [d. 1645].**

*Tractatus de Beneficiis Amplissimus: Continens Duodecim Partes Divisas. Cum Duplici Indice Altero Partium & Capitulorum, Altero Rerum & Materiarum.* Volume I: Saragossa (Zaragoza): Apud Ioannem Antonium & Ioannem Baptistam Tavannum, 1609; Volume II: [Madrid: Apud Ludovicum Sanchez, 1613 (i.e. 1613)]. Two volumes. [12], 821 [i.e. 815], [69]; [x] (of xii), 319, [63] ff. Title page of Volume II lacking. Main text in parallel columns. Folio (11" x 7").

Contemporary vellum, early hand-lettered titles to spines, ties lacking, endpapers renewed. Some rubbing to extremities, a few minor chips to spine ends, light wear to corners, rear hinge of Volume I starting, title page of Volume I mounted, repairs to margins of a few leaves, a few partial cracks to text blocks. Volume I title page printed in red and black, woodcut decorated initials. Moderate browning and spotting to text, internally clean. Ex-library. Bookplates to front pastedowns. \$650.

\* Third edition. First published in 1608, this is an exhaustive treatise on ecclesiastical benefices (permanent church appointments that provide income-producing properties) with an emphasis on the Church in Spain and its possessions. It was a durable work that went through several editions and reissues into the mid eighteenth-century. Palau, *Manual del Librero Hispano-Americano* 98122, 98123.

### **Includes a Selection of Maxims**

#### **8. Godefroy, Jacques [1587-1652].**

*Manuale Juris Seu Parva Juris Mysteria, Ubi Quatuor Sequentia Continentur. Juris Civilis Romani I. Historia. II. Bibliotheca. III. Florilegium Sententiarum Juris, Politicarum, & Communium Notionum, Ex Corpore Justiniano Desumptarum. IV. Series Librorum & Titulorum in Digestis & in Codice. Nona Editio Auctior & Accuratio.* Leiden: Ex Officina Joannis Verbesse, 1684. [viii], 591, [1] pp. 12mo. (5" x 3").

Contemporary vellum with lapped edges, blind rules to boards, later (eighteenth century?) lettering pieces to spine, edges rouged. Light soiling, some spotting to front board, spine ends bumped, a few tiny chips to edges of lettering pieces, light toning to text. Two later owner signatures to front free endpapers, interior otherwise clean. An attractive copy. \$650.

\* Later edition. *Manuale Juris* is an introductory textbook on Roman law and its history by the second son of Denis Godefroy [1549-1622], who was, like his father, a formidable humanist and legal scholar. (His achievements include the reconstruction of the Twelve Tables.) It includes a reading lists and a collection of maxims, the *Florilegium Sententiarum Juris*. First published in 1632, it went through numerous editions into the eighteenth century. Camus, *Bibliothèque Choisie des Livres de Droit* 454.

### **Important Study by Maine in a Handsome Prize Binding**

#### **9. Maine, Sir Henry Sumner [1822-1888].**

*Lectures on the Early History of Institutions.* London: John Murray, 1897. viii, 412 pp. Octavo (8-1/4" x 5-1/4").

Contemporary extra-gilt signed morocco prize binding (by J. Low, London). Gilt fillets to boards, large gilt arms of the London Law Society to front, marbled endpapers, inside dentelles. Light rubbing to extremities, light fading to spine, both boards slightly bowed. Presentation bookplate from the London Law Society (to William Henry Champness) and later owner signature (of H. Donald Sills) to front pastedown, internally clean. A lovely copy. \$250.

\* Seventh edition. This important work is a sequel to Maine's highly influential *Ancient Law* (1861). It examines kinship, tribal society, early legal remedies and sovereignty, and develops the thesis, first articulated in *Ancient Law*, that law and society developed "from status to contract." This important argument established Maine's reputation as one of the forefathers of modern legal sociology. *Catalogue of the Library of the Harvard Law School* (1909) II:33.

**Maine's Popular Government  
in a Handsome Prize Binding**

**10. Maine, Sir Henry Sumner.**

*Popular Government: Four Essays*. London: John Murray, 1897. xii, 261 pp. Octavo (8-1/4" x 5-1/4").

Contemporary extra-gilt signed morocco prize binding (by J. Low, London). Gilt fillets to boards, large gilt arms of the London Law Society to front, marbled endpapers, inside dentelles. Light rubbing to extremities, light fading to spine, negligible small faint stains to boards, which are slightly bowed. Presentation bookplate from the London Law Society (to William Henry Champness) and later owner signature (of H. Donald Sills) to front pastedown, internally clean. \$250.

\* Fifth edition. The four lectures are Prospects of Popular Government, Nature of Democracy, Age of Progress and Constitution of the United States. Maine's pathbreaking works, most notably *Ancient Law*, established his reputation as a founder of the sociology of law. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 2:230.

**Archive Relating to European Land Claims**

**13. [Manuscript].**

**American Company for Settling Claims in Europe.**

[*Archive Relating to European Land Claims, 1868-1895*]. Forty-four printed and manuscript documents ranging in size from 5" x 3" to 8-14" x 8-1/2." Content to rectos and versos of most.

Toning, fold lines, light browning to edges, light soiling, a few minor stains, a few items torn along fold lines. \$750.

\* These documents were produced by or for the American Company for Settling Claims in Europe, a New York City-based committee of sixteen that pursued claims based on European lineage in exchange for 25% of any settlement. According to these documents, vast sums of money were involved in Germany, England, Scotland and, especially, Holland (the Theobald Metzger estate). Included are printed circulars asking heirs/claimants to come forward, manuscript agreements, correspondence, printed rules governing duty stamps on official documents in the Netherlands, a handbill from an attorney who specializes in "claims of heirs to unclaimed money and estates in all parts of the world," and manuscript notes indicated cases where committee members sold or tried to sell shares in prospective claims.

**Frankfurter  
Promotes a Notable Journalist**

**11. [Manuscript].**

**[Hulen, Bertram D. (1889-1949)].**

**Frankfurter, Felix [1882-1965].**

[*Typescript Letter and Autograph Note, Signed by Felix Frankfurter, to Mrs. Bertram Hulen, And Related Items*]. Washington, DC, January 10, 1952. 5" x 4" autograph note, signed, to Mrs. Bertram D. Hulen on U.S. Supreme Court letterhead clipped to carbon copy of typewritten 10" x 8" letter to Albert Balink.

**[And]**

[*Typewritten Letter, Signed by Julius Klein, to Mrs. Hulen*]. Washington, DC, January 16, 1952].

**[With]**

[*Invitation to the 1952 William the Silent Award Dinner, With Envelope*]. New York, January 22, 1952.

**[And]**

[*A Group of Newspaper Clippings About the Award Dinner*]. January, 1952.

Negligible wear and soiling. A well preserved collection. \$300.

\* Hulen, a reporter for the *New York Times*, was the dean of State Department reporters. He was killed in a plane crash in India while returning from an assignment in Indonesia. This collection relates to his posthumous nomination for the 1952 William the Silent Award for Journalism. The Frankfurter letter is an unsigned carbon copy. It is addressed to the head of the Award's executive committee. The justice expresses regret that he will not be able to attend the dinner and implies strongly that the award should go to Hulen. Frankfurter notes his friendship with Hulen and praises his contributions to journalism and democracy. The attached autograph note, signed with a full signature, shows that the copy was given to Mrs. Hulen. The letter from Klein, a member of the committee, accompanied the invitation to the award dinner. In the end the award went to Anne O'Hare McCormick of the New York Times Editorial Board.

**Letter from  
Charles Evans Hughes to Notable Journalist**

**12. [Manuscript].**

**[Hulen, Bertram D. (1889-1949)].**

**Hughes, Charles Evans [1862-1948].**

[*Typescript Letter, Signed, to Bertram D. Hulén on U.S. Supreme Court Letterhead*]. Washington, DC, October 5, 1939. Single sheet forming two 8" x 6" leaves, content and bold signature to recto of first. Horizontal fold line through center, otherwise fine. A well-preserved item. \$125.

\* Written when Hughes was chief justice, this letter acknowledges the receipt of Hulén's recently published book *In the Department of State* (1939). Hughes says he will read it "with keen interest" and goes on to praise Hulén's abilities and his high expectations for his book. Hulén [1889-1949], a reporter for the *New York Times*, was the dean of State Department reporters. He was killed in a plane crash in India while returning from an assignment in Indonesia. Hughes was Secretary of State from 1921 to 1952.

**Bill of Demurrer Submitted  
To Chancellor Kent by a Young Martin Van Buren**

**14. [Manuscript].**

**Van Buren, Martin [1782-1862].**

[*Bill of Demurrer Submitted to the New York Court of Chancery*]. Kinderhook, NY, 1812. 8 leaves, 13" x 8." Content to rectos and versos of first seven, endorsement to verso of final leaf, items held together with contemporary straight pin. Three horizontal fold lines, light browning and minor edgewear, some wear along a fold line of final leaf. An interesting item. \$950.

\* This bill was submitted to Chancellor Kent on behalf of James J. Van Alen, his half-brother and law partner, and James Vanderpool, who were seeking to recover debts from the estate of Cornelius Master, a Kinderhook attorney. Van Buren was admitted to the New York Bar in 1803. An excellent attorney, he was admitted as a counselor of the Supreme Court in 1807 and was Surrogate of Columbia County in 1808. He was a state senator in 1812 and President from 1837 to 1841.

**Reference Letter for a  
Law Clerk by Notable Albany Lawyer and Judge**

**15. [Manuscript].**

**Yates, Peter W. [1747-1826].**

[*Reference Letter for a Law Clerk*]. Tri-folded 8" x 7-1/2" leaf, docketed on verso, written in ink, addressed to the New York Supreme Court. Albany, April 15, 1783. Item carefully dry-mounted in window leaf. A well-preserved item. \$200.

\* Yates, a lawyer and judge from Albany, New York, was a delegate to the Continental Congress in 1786 and an active Anti-Federalist. This is a testimonial letter stating that Anthony A. Hoffman "studied the Law as a clerk in my office for the term of one year" and is a man of "good moral character." Hoffman moved to Poughkeepsie and went on to become a Judge in Dutchess County "and a man of considerable influence.": Eugene A. Hoffman, *Genealogy of the Hoffman Family* 85.

**1819 Edition of  
Suffolk County Bar Rules**

**16. [Massachusetts].**

**[Suffolk Bar].**

*Rules of the Bar of the County of Suffolk: June, 1819*. Boston: Printed by Sewell Phelps, 1819. 23 pp. Octavo (9-1/2" x 6").

Stab-stitched pamphlet in plain wrappers. Some chipping to edges, front wrapper just beginning to detach at foot. Light toning to text, early owner signature (of Samuel Hubbard) to front wrapper and head of title page. A nice copy of a scarce item. \$50.

\* These rules were issued periodically; others were published in 1805, 1810, 1814 and 1827. Hubbard [1785-1848] was an Associate Justice of the Supreme Judicial Court of Massachusetts from 1842 until his death. Cohen, *Bibliography of Early American Law* 8510.

## A Classic Treatise on the Roman Law of Evidence

### 17. Menochio, Giacomo [1532-1607].

#### Haunold, Joachim, Commentary.

*De Praesumptionibus, Coniecturis, Signis, & Indiciis Signis, & Indiciis Commentariorum. Non Antebac in Lucem Edita. Varia, Recondita Perfectaq[ue] Eruditione Referta, & Omnibus Indicia Praesertim Exercentibus, Oppido Quam Necessaria. Adiecta Sunt Summaria Indexq[ue]; Omnium Rerum Sententiarumq[ue]; Insignium Locupletissimus Summa Vigilantia Ioachimi Haunoldi. Quae in Opera Habeantur: Versa Pagella Sedulo Indicabit. Cum Privilegijs.* Volume I: Venice: Apud Haeredes Francisci Ziletti, 1587; Volume II: Venice: Apud Franciscum de Franciscis, 1590. Two volumes. [xlvi], 80, 273; [lxix], 364; 156 ff. Complete as issued. Main text in parallel columns. Folio (14-1/2" x 9-3/4").

Later quarter vellum over marbled boards, lettering pieces to spines, endpapers renewed, early hand-lettered titles to bottom edges of text blocks. Moderate rubbing to boards with some wear to edges and corners, which are bumped, spines lightly soiled, minor worming around joints, front hinge of Volume I cracked, its rear hinge starting, some creasing to its final 30 leaves. Large woodcut printer devices to title page, woodcut head-pieces, tail-pieces and decorated initials. Light to moderate toning, occasional faint dampspotting and foxing, minor worming in places, spark burns and inkstains to a few leaves. Faint early owner signatures to title pages, interiors otherwise clean. A nice set. \$1,250.

\* Second edition. Highly regarded in his time, Menochio was a professor of law at the University of Padua. First published in 1579, this exhaustive and formidably erudite treatise addresses the law of evidence (presumption) in Roman law. An authority for generations, it went through numerous editions and issues into the eighteenth century. Well-represented in European libraries, this title is not held by many libraries in North America, in any edition. Regarding the second edition, OCLC locates 6 copies, 3 in law libraries (Harvard, Library of Congress, UC-Berkeley). *Censimento Nazionale delle Edizioni Italiane del XVI Secolo* CNCE36291.

## Controversy Surrounding the Dismissal of Faculty at NYU in 1838

### 18. [New York University].

#### Committee of the Council.

*An Exposition by the Council of the University of the City of New-York Respecting the Late Measures of Retrenchment Adopted in that Institution and Which Led to the Dismissal of Some of the Professors in the Faculty of Science and Letters.* New York: Printed at the University Press, 1838. 96 pp.

[And]

#### [Tappan, Henry Philip (1805-1881)].

*History of the Controversy in the University of the City of New York; With Original Documents and an Appendix.* New York: Printed and Published by John S. Taylor, 1838. 50, xxviii, [2] pp.

[And]

*A Letter to the Councillors of the University of the City of New York: from the Professors of the Faculty of Science and Letters.* New York: Printed at the University Press, 1838. 19 pp.

Octavo (8-3/4" x 5-1/2"). Stab-stitched pamphlets in printed wrappers, moderate wear and some staining to extremities, spines abraded, a few leaves loose, occasional foxing, internally clean. \$150.

\* Only editions. Founded in 1830 as the University of the City of New York, New York University initially struggled to establish sound finances and a clear educational mission. As it began to run out of money, the school began a process of retrenchment that resulted in the dismissal of several faculty members in 1838. They claimed to have been dismissed unfairly because the school failed to observe guarantees and procedures outlined in the school's charter.

## Scarce Spanish Treatise on Matrimony and Family Issues

### 19. Ontalba y Arce (Hontalva y Arce), Pedro de.

*Tractatus Inquam de Putativa Natalium Spuriestate. Unica Disputatione Digestus.* Barcelona: Sumptibus Pauli Campins Typographi, 1729. [lxviii], 288, [51] pp. Main text in parallel columns. Folio (11-1/2" x 8").

Contemporary limp vellum, early hand lettered title to spine, ties lacking. Light soiling, a few minor stains, one-inch strip cut from fore-edge of lower two-thirds of front board, rear fore-edge-abraded, pastedowns beginning to come loose, some edgewear to preliminaries and rear endleaves. Attractive woodcut head and tail pieces. Toning to text, light browning and faint dampstaining to margins in a few places. Early owner signature to half-title, brief annotations to a few leaves, interior otherwise clean. A nice copy of a scarce title. \$2,000.

\* First edition. This treatise addresses marriage, heirs and other aspects of family relations in Canon, Visigothic and Spanish law. A second edition was published in 1760. Little is known about the author, who is identified as a Spanish canon lawyer on the title page. OCLC locates 1 copy of the first edition (at the National Library of Chile), 2 of the second edition (at UC-Berkeley Law School and St. Joseph's Seminary, New York). Not in *The Canon Law Collection of the Library of Congress*.

### Reflects Changes Introduced by the Council of Trent

#### 20. Pacifico, da Cerano (Ceredano) [1420-1482].

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

*Somma Pacifica, Composta gia Piu di Cent'Anni dal R.P.F. Pacifico Novara, Osseruante 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 Istruzione, & Commodita 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. \$850.

\* 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 Durable Treatise on Leases and Tenancy

#### 21. Pacioni, Pietro [17th c.].

*De Locatione, et Conductione. Tractatus. In Quo non Solum Agitur in Genere de Contractu Locationis, & Omnibus ad Eum Pertinentibus, Sed Etiam in Specie de Locatione Operarum, ac Singularum Rerum, tam Laicalium, Quam Ecclesiasticarum, Casusque Individui Passim Inseruntur. Cum Tribus Indicibus, Capitulorum Uno, Argumentorum, Seu Materiarum Altero, Verborum, & Sententiarum Tertio Locupletissimo.* Rome: Typis, & Sumptibus Nicolai Angeli Tinassii, 1677. [xxxvi], 830, [2] pp. Main text in parallel columns. Folio (13" x 8-1/2").

Contemporary calf, raised bands, gilt ornaments and lettering piece to spine, hinges mended. Light rubbing and a few minor nicks to boards, moderate rubbing to extremities with minor wear to spine ends, corners bumped, Attractive copperplate armorial title-page device, woodcut decorated initials, head-pieces and tail-pieces. Light toning to text, somewhat heavier in places. Somewhat later annotations to front free endpaper, small early owner inkstamp to foot of title page, interior otherwise clean. Ex-library. Bookplate to front pastedown. A nice copy. \$750.

\* First edition. A remarkably durable work, Pacioni's comprehensive treatise on leases, tenancy, contracts and related subjects in Roman and canon law went through eight later editions, the last in 1840. All editions are scarce. OCLC locates 3 copies of the first edition in North American law libraries (Columbia, Georgetown, Harvard). *British Museum Catalogue* (Compact Edition) 19:185.

### A Renowned Guide to Drafting Wills and Contracts

#### 22. Passaggeri, Rolandino de' [d. 1300].

**[Gambiglioni, Angelo (1400-1461)].**

**[Unzola, Pietro Da (d. 1312)].**

**[Lege, Leonardus a, Editor].**

**[Ziletti, Giovanni Battista (16th c.)].**

*Summa Totius Artis Notariae. Omnibus tam Ius Dicentibus, Quam Advocatis, Causarumque Patronis, Atque Notariis Mirum in Modum Utilis, & Necessaria, Ac per Eos Continue in Forensibus Atque Domesticis Negotiis Frequentata. Una cum Solemni Tract. Angeli a Gambilionib. De Testamentis. Index: Quoquoque Omnium Contractuum, Ac Ultimarum Voluntatum Genera, Singulasq. Ad Eos Validandos Clausulas tam Necessarias, Quam de Stylo Apponi Consuetas, ac Iudiciarias Regulas, Que in toto Continentur Rolandini Opere, Complectens, in Studiosorum Gratiam Accessit, ut Cuique Sine Labore aut Errore Facile Sit Inuenire, Quaecunque Occurrerint Dignoscenda. Hac Noviss. Vero Editione ab Erroribus Innumerabilib. Quibus Ubique Depravata, Mutilis Passim, & Plerisque in Locis Decurtata Usque Adeo Deprehendebatur, Nullus ut Sensus, Aut Perversus Esset, Summo Studio Vindicata.* Venice: Apud Haeredes Melchioris Sessae, 1588. Two volumes. [xl], 288; [iv], 200; 110 ff. Main text printed in parallel columns. Folio (12-1/2" x 8-1/2").

Contemporary limp vellum, early hand-lettered titles to spines, fragments of ties, speckled edges, endpapers renewed. Light soiling and a few minor stains to boards, some rubbing to extremities with wear to spine ends and corners, front joint of Volume I just starting at head, its front hinge cracked, a few partial cracks to text blocks of both volumes. Large woodcut Sessa cat-and-mouse devices to title pages, woodcut head-pieces, tail pieces and decorated initials. Light toning, somewhat heavier in places, faint dampstaining and worming in a few places in Volume II, mostly to margins, no loss to legibility. Early owner signatures to title pages, early annotations in a few places, interiors otherwise clean. Ex-library. Bookplates to front pastedowns. A handsome edition. \$1,500.

\* Third and final edition, one of three imprints issued in 1588. First published in 1546 and a standard work for decades, this is a digest of canon and civil law relating to the drafting of wills and contracts. It includes examples of forms. Passageris was a notary and government official in twelfth-century Bologna. This was a fairly well-distributed work; its fourth and final edition was published in 1590. No copies of the 1588 Sessa imprint located on KVK or OCLC. *EDI16* locates 4 copies, all in Italy. *Censimento Nazionale Delle Edizioni Italiane del XVI Secolo* CNCE30533.

### **Scarce Treatise on the Roman Law of Fiscus**

#### **23. Pellegrini, Marcantonio [1530-1616].**

*De Privilegiis et Iuribus Fisci, Libri Octo. Ab Ipsomet Auctore Sexta hac Editione Emendatiores Multo Quam unquam Antea Redditi & Octavi Additione Libri de Aquis Inscripti, Auctiores Effecti.* Vicenza: Apud Antonium Meietum, 1626 (colophon date 1625). [lii], 382 pp. Main text in parallel columns. Folio (12" x 8").

Contemporary vellum, early calligraphic title to spine, colored edges. Light soiling, spotting and edgewear, spine ends and corners bumped, a bit of chipping to foot of spine, dampstain to lower corner of rear board (with some deterioration to underlying cardboard), vellum beginning to crack through pastedowns. Title page, with large woodcut printer device, printed in red and black, woodcut head-pieces, tail-pieces and decorated initials. Some toning to text, darker in places, faint dampstaining to edges of text block, edgewear to preliminaries and final few leaves, lower corners lacking from free-endpapers, internally clean. Ex-library. Bookplate to front pastedown. \$750.

\* Final (ninth) edition. First published in 1587, this treatise analyzes the Roman law of fiscus, that is the law relating to the treasury, including property, of a state or monarch. Topics addressed in this work include taxation and the forfeiture of private property. All editions of this work are scarce. OCLC locates 1 copy of the ninth edition (in Lyons). Not in Adams or the *British Museum Catalogue*.

### **Scarce Anthology of Writings on Dowries and Endowments**

#### **24. [Roman Law].**

##### **[Dowries and Endowments].**

*De Dote, Tractatus ex Variis Iuris Civilis Interpretibus Decerpti. His, Quae ad Dotium Pertinent Iura, & Privilegia Enucleantur. Nunc Recens Impressi, Et Exactori Cura, Quam Alii, Recogniti, Et Repurgati. Auctorum Nomina Sequens Pagina Indicabit. Cum Indice Locupletissimo Rerum Omnium Memorabilium.* Venice: Apud Mauritium Rubinum, 1580. [xii], 685, [1] pp. Main text printed in parallel columns. Folio (12" x 8").

Later vellum, raised bands and lettering piece to spine, repairs to corners and spine ends, speckled edges. A few minor scuffs and stains, spine ends and corners bumped. Large woodcut printer device to title page, woodcut decorated initials. Moderate toning to text, occasional faint dampspotting, faint dampstaining to margins of a few leaves, minor worming to inner margins in a few places, one leaf near center of text detached. Early owner signature to front free endpaper, interior otherwise clean. Ex-library. Bookplate to front pastedown. \$950.

\* Fourth edition. This anthology of writings on dowries and endowments (dotation) was first published in 1569. It went through four more editions, the final appearing in 1585. The authors excerpted in this anthology are Duprat Pardoux [c.1520-c.1570], Giovanni Campeggi [1438-1511], Rolando Della Valle [16th. Cent.], Odofredus, Phanucci de Phanucciis [16th. c.], Antonius Guibertus Costanus [fl.1550], Iacopo Bottrigari [1274-1348], Constant Roger and Baldo Bartolini [c.1408-1490]. Including all editions, OCLC locates 4 copies in North America, 1 copy of the fourth (at Stanford). Not in Adams or the *British Museum Catalogue*.

### **A Rare Comparative Treatise on Canon and Customary Law**

#### **25. Scappi, Antonio.**

*Tractatus Iuris non Scripti, Quod in Utroque Foro Observatur.* Venice: Apud Ioannem Baptistam Somaschum, 1586. [xliv], 142 ff. Main text in parallel columns. Folio (12" x 8").

Somewhat later calf, blind frames to boards, raised bands, lettering piece and gilt ornaments to spine. A few scuffs and stains to boards, some rubbing to joints, minor chipping to spine ends, corners bumped, minor worming to pastedowns, front one has small bookseller ticket. Large woodcut printer device to title page, woodcut head-pieces, tail-pieces and a few decorated initials. Light toning, occasional faint dampstaining. Early owner signatures to front endleaves and foot of title page, interior otherwise clean. \$1,500.

\* First edition. An unusual work, this is a comparative handbook of canon law and the customary law of Venice. Another edition was published in 1605. The title page identifies the author as a lawyer connected to the Papal Curia. OCLC locates 1 copy in North America (at UC-Berkeley Law School, which has the first edition). *Censimento Nazionale delle Edizioni Italiane del XVI Secolo* CNCE32765.

**First Edition of Selden's Edition of *Fleta* and  
His *Ad Fletam Dissertatio* From the Library of Sir Frederick Pollock**

**26. Selden, John [1584-1645], Editor.**

*Fleta, Seu Commentarius Juris Anglicani Sic Nuncupatus, Sub Edwardo Rege Primo Seu Circa Annos ab Hinc CCCXL. Ab Anonymo Conscriptus, Atque e Codice Veteri, Autore Ipso Aliquantulum Recentiori, Nunc Primum Typis Editus. Accedit Tractatulus Vetus de Agendi Excipiendique; Formulæ Gallicanus, Fet-Assavoir Dictus. Subjungitur Etiam Joan. Seldeni ad Fletam Dissertatio Historica.* London: Typis M.F. Prostant Apud Guil. Lee, & Dan. Pakeman, 1647. [viii], 553, [3] pp. Quarto (8-1/2" x 6-1/2").

Contemporary calf, blind rules to boards, "Fleta" in contemporary hand to fore-edge of text block, endpapers renewed, recently rebaked in period style, hinges mended. "F. Pollock/ Linc: Inn" to front pastedown, "F. Pollock/ Linc: Inn/ 1881" to head of title page, which is printed in red and black. Toning to text, faint dampstaining to upper margins of title page and a few following leaves. Two early struck-through signatures to title page, notes in Pollock's hand to rear endleaf, additional sheet of his notes laid-in. An appealing association copy. \$1,000.

\* First edition. The work by an anonymous author describes the practice of the courts, the forms of writs and an explanation of law terms as they existed during the reign of Edward I. Selden brought this ancient treatise to the public's attention and was instrumental in its publication. While Bracton earns the highest praise as the father of legal learning, Fleta earns a share of it for the illustrations he offered to some of the obscurities found in Bracton. Selden's appended dissertation (pp.453-553) contains many interesting observations about Bracton, Britton, Fleta, and Thornton "and shows what use was made of the Imperial law in England whilst the Romans governed here, at what time it was introduced into this nation, what use was formerly made of it, how long it continued, and when the use of it totally ceased in the King's Courts at Westminster" (Bridgman). Sir Frederick Pollock [1845-1937] was one of the greatest British judges and legal scholars of his day. His treatises on contracts, jurisprudence the common law and other subjects did much to clarify and systematize English law. Several of these were standard texts that went through several editions. He is also remembered for his collaboration with F.W. Maitland on *The History of English Law Before the Time of Edward I* and his correspondence with Oliver Wendell Holmes, which was published posthumously as *The Holmes-Pollock Letters*. Bridgman, *A Short View of Legal Bibliography* 87. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:53 (20). Sowerby, *Catalogue of the Library of Thomas Jefferson* 1647.

**An 1838 Duel  
Between Two Members of Congress**

**27. Sprague, William B[uell] [1795-1876].**

*A Sermon Addressed to the Second Presbyterian Congregation in Albany, March 4, 1838, The Sabbath After Intelligence was Received that the Hon. Jonathan Cilley, Member of Congress from Maine, Has been Murdered in a Duel with the Hon. William J. Graves, Member from Kentucky.* Albany: Printed by Packard and Van Benthuysen, 1838. 15, [1] pp. Octavo (8-1/2" x 5-1/2").

Stab-stitched pamphlet in printed wrappers. Some wear to spine ends and light foxing to text, internally clean. \$20.

\* Second edition. Sprague deplores the killing of the Maine Jacksonian Democrat at the hands of the Kentucky Whig William J. Graves over an affair of honor having to do with a speech on the National Bank. Popular response to this duel was instrumental in its being outlawed in Washington. Sabin, *A Dictionary of Books Relating to America* 89744.

**Restoring the Art of Pleading  
In the Wake of the Civil War and Protectorate**

**28. Townesend, George.**

*A Preparative to Pleading: Being a Work Intended for the Instruction of Young Clerks of the Court of Common Pleas.* London: Printed by the Assigns of Richard and Edward Atkins, 1685. [viii], 236 pp. Octavo (7" x 4").

Contemporary calf, blind frames and corner fleurons to boards, rebaked in period style with raised bands, hinges mended. Some rubbing to extremities, a few faint stains to boards, small clean tear to front free endpaper. Browning to margins of endleaves and title page, toning to text. Later owner signatures to front free endpaper, small owner stamp to verso of title page, interior otherwise clean. \$750.

\* Second edition. Townesend was a clerk of the Court of Common Pleas. First published in 1675, he wrote his manual to improve the quality of pleadings, which had "much decayed" during the Civil War and Protectorate. A Latin-English dictionary for the most part, it aimed to "direct Attornies and Young Clerks, in the formalities of their Words and Writings" so "their Businesses may be more Clerklike drawn, and fairly entred on record" (Preface). The work was well-received. Its fourth and final edition was published in 1721. All are scarce today. OCLC locates 3 copies of this (1685) edition in North American law libraries (Columbia, Library of Congress, Yale). Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 1:279 (150).

### Notable Seventeenth-Century Case of Assault And Battery

#### 29. [Trial].

##### Giles, John, Defendant.

*The Tryal of John Giles at the Sessions-House in the Old Bayly: Held by Adjournment from the 7th Day of July, 1680 Until the 14th Day of the Same Month the Adjournment Being Appointed on Purpose for the Said Giles, His Trial for a Barbarous and Inhumane Attempt to Assassinate and Murder John Arnold, Esq.* London: Printed by Thomas James for Randal Taylor, 1681. 58 pp. Folio (12" x 7-1/2").

Later paper-covered boards, calf lettering piece to spine. Light soiling, some rubbing to extremities, corners and spine ends bumped and lightly worn. Light toning to text, light foxing to title page and final leaf, internally clean. \$375.

\* Only edition. An account of a sensational case of assault and battery. John Arnold, a justice of the peace from Monmouth, was attacked by a gang of men armed with knives and swords. Stabbed several times, Arnold survived the attack. One of these men, Giles, was apprehended and brought to trial. He was convicted, fined, compelled to offer sureties for good behavior for the rest of his life and sentenced to three hour-long sessions in the pillory over the course of three days, one facing Lincoln's Inn, another facing Gray's Inn and a third "by the May-Pole in the Strand." OCLC locates 13 copies, 3 in North American law libraries (Harvard, Yale, York). *English Short-Title Catalogue* R24640.

### Important Commentary on the Digest

#### 30. Wesenbeck (Wesembeke), Mattaeus [1531-1586].

*In Pandectas Iuris Civilis et Codicis Iustiniani Lib. IIX. [sic] Commentarii: Hi Quidem Nunquam Antea Editi: Illi sub Paratitlorum Nomine Iam Saepius, Ob Diligentem Recognitionem et Insignem Accessionem Novis Similes Prodeunt. Cum Indice Gemino.* Basel: Per Eusebium Episcopium, et Nicolai Fr. Haeredes, 1579. [viii], 386, [24]; 82, [8] pp. Two parts, each with title page and individual pagination. Folio (13-1/2" x 9").

Contemporary limp vellum ties, early hand-lettered title to spine, ties lacking. Light soiling and rubbing to extremities, early repair to fore-edge of rear board, minor wear to corners. Large woodcut printer devices to title pages and final leaf of Part I, a few woodcut decorated initials. Light toning to text, a bit heavier in places, spotting and minor worming to a few leaves. Early owner signature to head of title page, annotations and underlining in similar hand to a few passages, interior otherwise clean. Ex-library. Bookplate to front pastedown. A handsome copy. \$1,500.

\* Fifth edition. Also known as the *Paratitla in Pandectas*, this is an important section-by-section commentary on the *Digest* and *Code* of the *Corpus Iuris Civilis* by a leading Belgian humanist jurist and long-serving rector of the law faculty of the University of Wittenberg. A popular and influential study, it went through 34 editions in the Netherlands, Germany, Switzerland and France. The first edition was published in 1563, the last in 1669. Dekkers, *Bibliotheca Belgica Jurindica* 188.

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