

A SELECTION OF 30

# Antiquarian Items

*Canon, Civil, Common & Scots Law*

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*April 2, 2019*

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## Verse Epitome of a Classic Penitential Manual

1. [Adam, Magister (13th c.)].

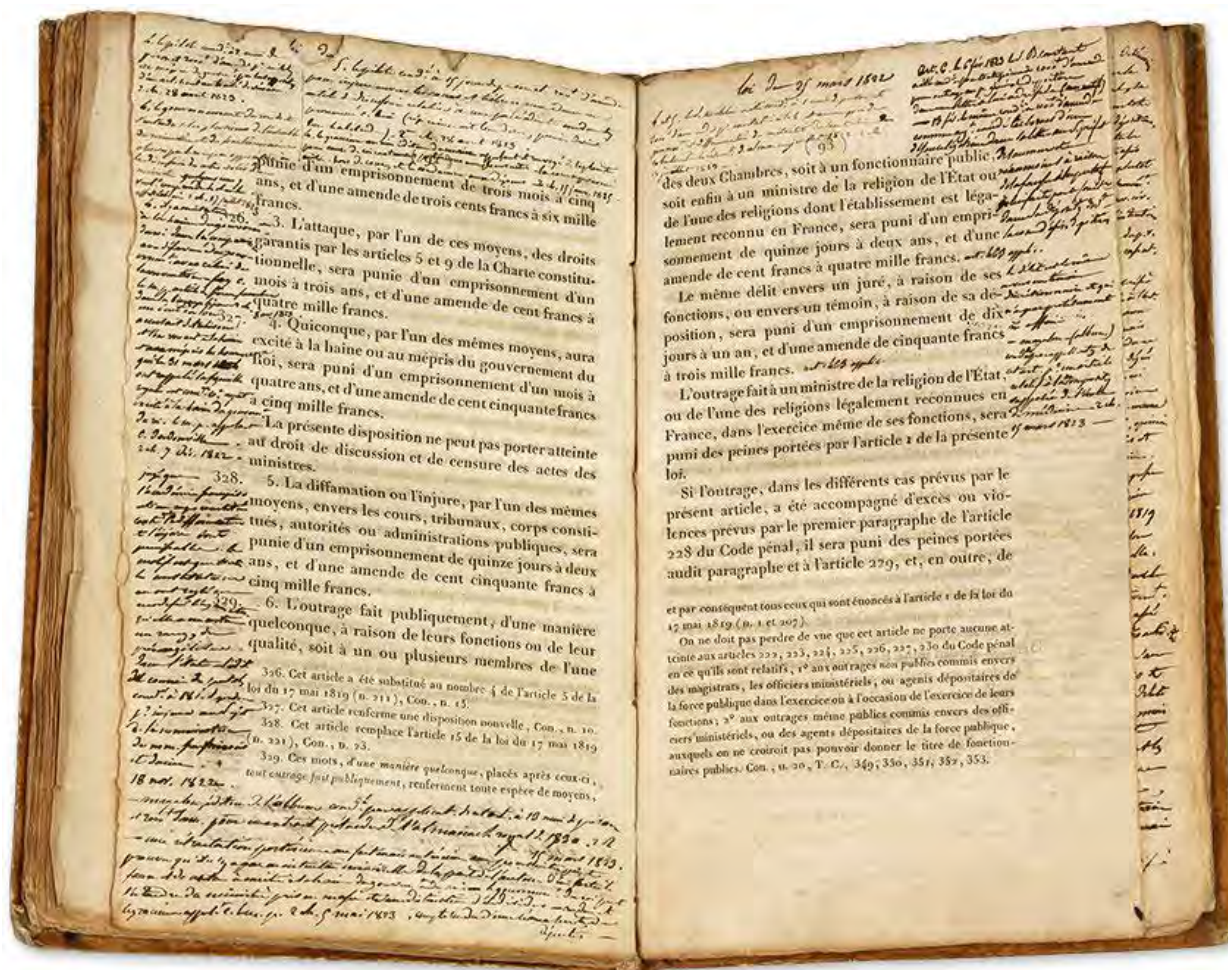
[Penaforte, Raymond of [c.1175-c.1240].

*Summula Sacramentorum Raymundi de Pennaforte Metrificata*. Cologne: [Retro Minores (Martin von Werden?)], for Heinrich Quentell, 18 July 1500]. [i], 148, [7] ff. Collation: a-s6 t-v4 x-z6, aa-cc6, dd4. Leaf x2 (Fol. CXVII) lacking. Quarto (8" x 5-5/8"; 20.5 x 14cm).

Nineteenth-century quarter calf over marbled boards, raised bands to spine, endpapers renewed. Light rubbing to boards, moderate rubbing to extremities, corners bumped and somewhat worn. 46-line text in single column, printed manicules, capital spaces left blank. Moderate toning, occasional dampstaining, light soiling to preliminary and final leaves, first leaf beginning to detach, contemporary or early annotations to several leaves, three full pages of annotations to rear endleaves. \$9,500.

\* Attributed to Magister Adam (Adamus), a 13th-century Cistercian monk from Aldersbach, lower Bavaria, the *Summula* is an epitome in verse of Raymond of Peñafort's authoritative *Summa de Poenitentia et Matrimonio* with commentary and interlinear glosses. More than a list of sins and suggested penances, this work discussed pertinent doctrinal and canon-law doctrines that pertained to the issue brought to the confessor. In this edition Adam's verse summary is accompanied by a detailed prose commentary on the *Summa*. It also contains the text of the *Summa*, along with Raymond's commentary on the trees of consanguinity and affinity, which indicated if couples were permitted to marry based on their degree of blood kinship. The ISTC locates 4 copies of this imprint in North America (Harvard, Library of Congress, UC-Berkeley Law School, Yale). Goff, *Incunabula in American Libraries* A48. *Gesamtkatalog der Wiegendrucke* 216. [Order This Item](#)





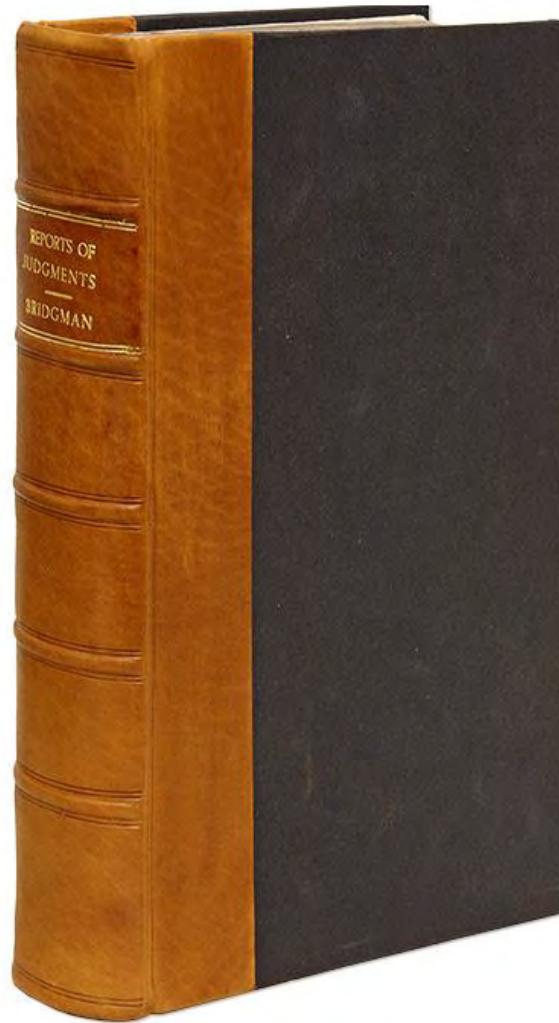
A 1822 French Compilation of Laws Concerning Freedom of the Press with Fascinating Annotations by a Notable French Jurist

## 2. Berny, Étienne Charles Gabriel de.

*Concordance des Lois sur la Répression, La Poursuite, Et le Jugement des Infractions Commises par la Voie de la Presse, Ou par Tous Autres Moyens de Publication, Suivie du Texte de ces Mêmes Lois par Ordre Chronologique.* Paris: Imprimerie de Didot l'Aîné, 1822. viii, 1132 pp. Octavo (8-3/4" x 5-1/2").

Contemporary quarter sheep over flexible marbled boards, lettering piece, gilt ornaments and gilt fillets to spine, untrimmed edges. A few creases to boards, some rubbing to extremities, corners bumped and lightly worn, "M. De Vergès" in bold hand to head of front board. Moderate toning, faint dampspotting to a few leaves, extensive annotations to several pages and endleaves. \$10,000.

\* Only edition. This compilation of laws concerning freedom of the press was published during the repressive reign of King Charles X, France's final Bourbon king. Its author was a conseiller-auditeur of the Cour Royale of Paris. This copy was annotated extensively by one of his colleagues at that court, De Vergès, who would later hold important judicial posts under Napoleon III. The annotations are fascinating because they indicate a deep engagement with the book. Some notes dispute the legitimacy of certain laws. The other ones interrogate their meaning, propose amendments or connect them to specific cases. All of the annotations indicate that De Vergès had a keen legal mind. OCLC locates 5 copies, 2 in North America (Huntington Library, UC-Berkeley Law School). Not in the *British Museum Catalogue*. [Order This Item](#)



**"Among the Most Eminent Common  
Lawyers of the Period Near the Restoration"**

**3. Bridgeman, Sir Orlando [1608-1674].**

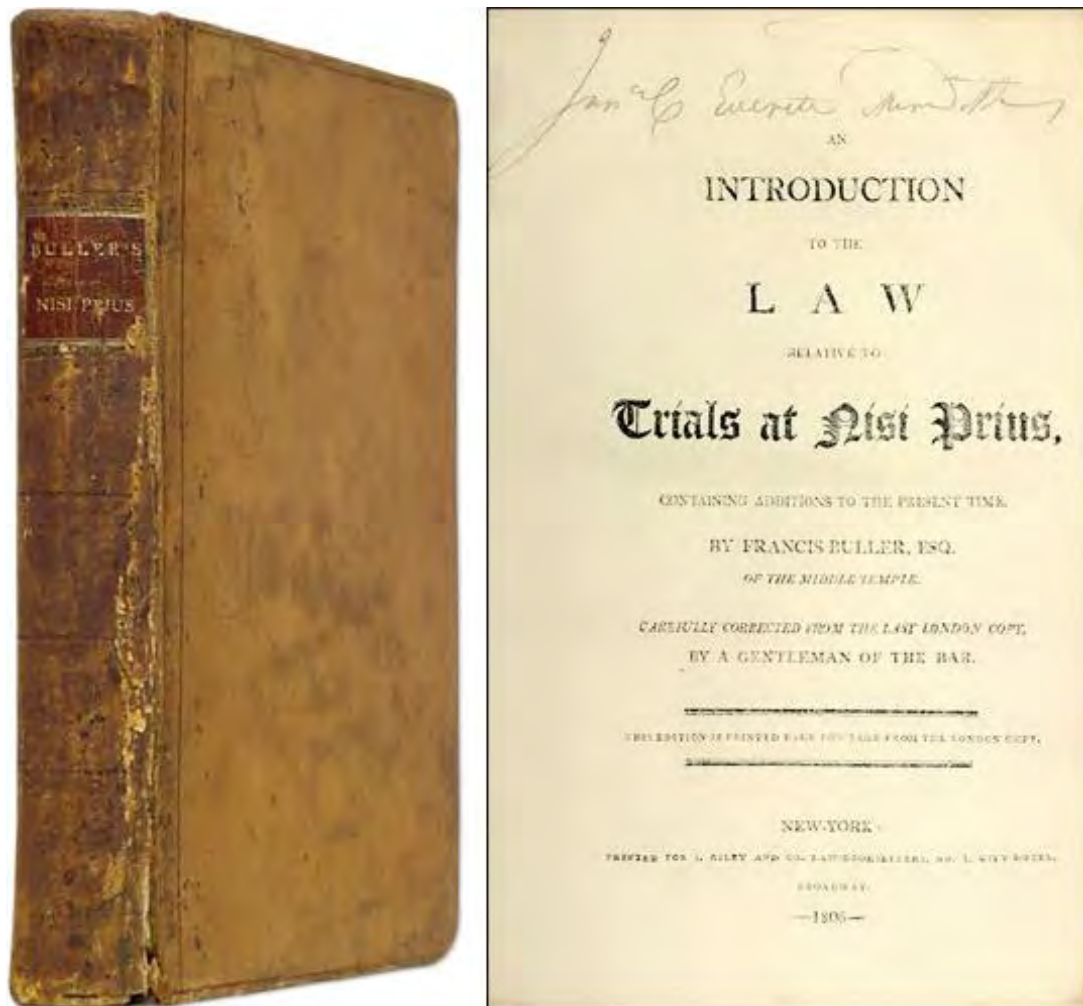
**Bannister, S[axe] [1790-1877], Editor.**

*Reports of Judgments Delivered by Sir Orlando Bridgeman, when Chief Justice of the Common Pleas, from Mich. 1660 to Trin. 1667. Edited from the Hargrave Manuscripts, by S. Bannister, of Lincoln's Inn, Esq. Barrister at Law.* London: Printed for Joseph Butterworth and Son, 1823. xxiii, 662 pp. Octavo (9" x 5-3/4").

Recent period-style quarter calf over cloth, raised bands and lettering piece to spine, endpapers renewed. Light toning to text, two small later library stamps and "11892" in small hand to title page. \$350.

\* Only edition. Wallace says Bridgeman was "among the most eminent common lawyers of the period near the Restoration. (...) As the law in his time was in what may be called a transition state...and as the decisions of that epoch happen to handed down to us by Latch, Carter, Keble, Siderfin, and other innacurate reporters, it is much to be regretted that all [of his] MSS. (...) are not printed. The present volume--of his own decisions as Chief Justice of the Common Pleas, in Which Office he is conceded to have been very eminent--embraces...a term of but seven years.": Wallace, *The Reporters* 304. Sweet & Maxwell, *A Legal Biography of the British Commonwealth* 1:293. [Order This Item](#)





#### Buller's Guide to the Circuits

##### 4. Buller, Francis [1746-1800].

*An Introduction to the Law Relative to Trials at Nisi Prius, Containing Additions to the Present Time. Carefully Corrected from the Last London Copy, By a Gentleman of the Bar.* New York: I. Riley, 1806. [xvi], 336, [40] pp. Includes two-page publisher list. Octavo (9" x 6").

Contemporary sheep, blind fillets to boards, lettering piece and blind fillets to spine. Moderate rubbing to spine and extremities, chipping to foot of spine ends, front joints partially cracked, hinges cracked, light toning to text. Early owner signature to front free endpaper, interior otherwise clean. \$100.

\* Second American edition. Based on the Sixth London edition, 1793. "[It] is still useful because it contains some authorities not elsewhere to be met with": Marvin, *Legal Bibliography* 158. Cohen, *Bibliography of Early American Law* 9097. [Order This Item](#)



**Tobacco Smugglers: An Unrecorded Imprint**

**5. [Carandi (Carandini), Prospero].**

*Replica a Difesa di Giuseppe Felici, Francesco Salada, E Santino Menconi Nella Causa di Preteso Contrabbando di Tabacco Pendente in Grado di Revisione Avanti Gl'Illustrissimi Signori Consiglieri Co: Pompeo Baldasseroni, Giuseppe Simonini, E Francesco Ansaloni.* Modena: Presso la Societa' Tipografica, 1791. 37 pp. Folio (11-1/4" x 7-1/2").

Recent stiff wrappers, endpapers renewed. Large woodcut title-page device, large woodcut vignette to head of p. 1. Light toning to text, internally clean. \$750.

\* Only edition. Defense submission for an appeal involving three men convicted of smuggling tobacco in a suit initiated by the licensed tobacco contractor Massa and Carrara. The arguments are erudite and learned; there are citations to Bartolus and Alberico de Rosate, for example, and, on p. 33, a eight-line quotation from Virgil. This appears to be an unrecorded imprint. OCLC locates no copies worldwide. [Order This Item](#)



**Scarce Treatise on the Roman Law of  
Usufruct by Distinguished Spanish Canonist**

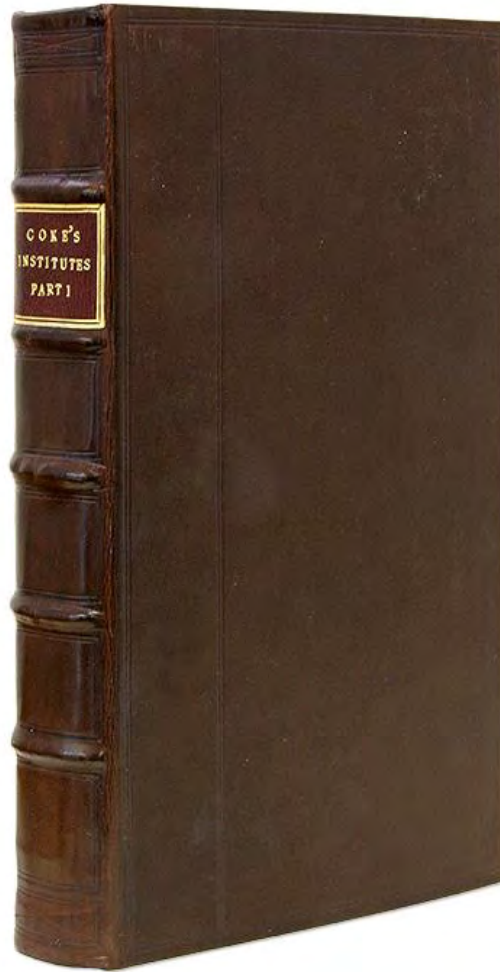
**6. Castillo Sotomayor, Juan del [1560-1640].**

*Tractatus Controversiarum Iuris Quotidianarum de Usufructu in Quo Singulariter tam Theorice, Quam Practice Universa Eiusdem Materia, Quaestiones, & Dubia Traduntur, Enucleantur, & Resoluntur. Additis in Fine CCLX. Assertionibus Iuris, Et Totidem Altercationum Seu Quaestionum Resolutionibus Verioribus. Et in hac Veneta Impressione Novissima Accesserunt Additiones in Corpore Eiusdem Tractatus Insertae, Cum Novo Elencho Argumentorum. Cum Suo Indice Locupletissimo, & Speciosissimo Rerum, & Materialium.* Venice: Apud Turrinum, 1645. [xii], 348, [28] pp. Folio (12" x 8-1/2").

Contemporary vellum, raised bands, early hand-lettered title to spine. Minor staining and rubbing to extremities, repairs to corners, boards slightly bowed, minor worming to gutter near head of text block, partial crack between front endleaf and title page. Title page with large device printed in red and black, woodcut head-pieces, tail-pieces and decorated initials. Toning in a few places, rest of interior notably fresh. Early owner signature in fine hand to title page. A nice copy of a scarce title. \$500.

\* Later edition. First published in 1609, this treatise on the Roman law on the right to use the property of another (usufruct) went through several editions and issues in Italy, Spain, France and Germany. According to the title page, this Venetian imprint has unique additions. Complete in itself, this became the first part of a two-volume set when an additional volume was published by Turrinum in 1646. Castillo Sotomayor was a distinguished Spanish canonist. Not in the *British Museum Catalogue*. [Order This Item](#)





**Early Edition of Coke on Littleton in a Handsome Binding**

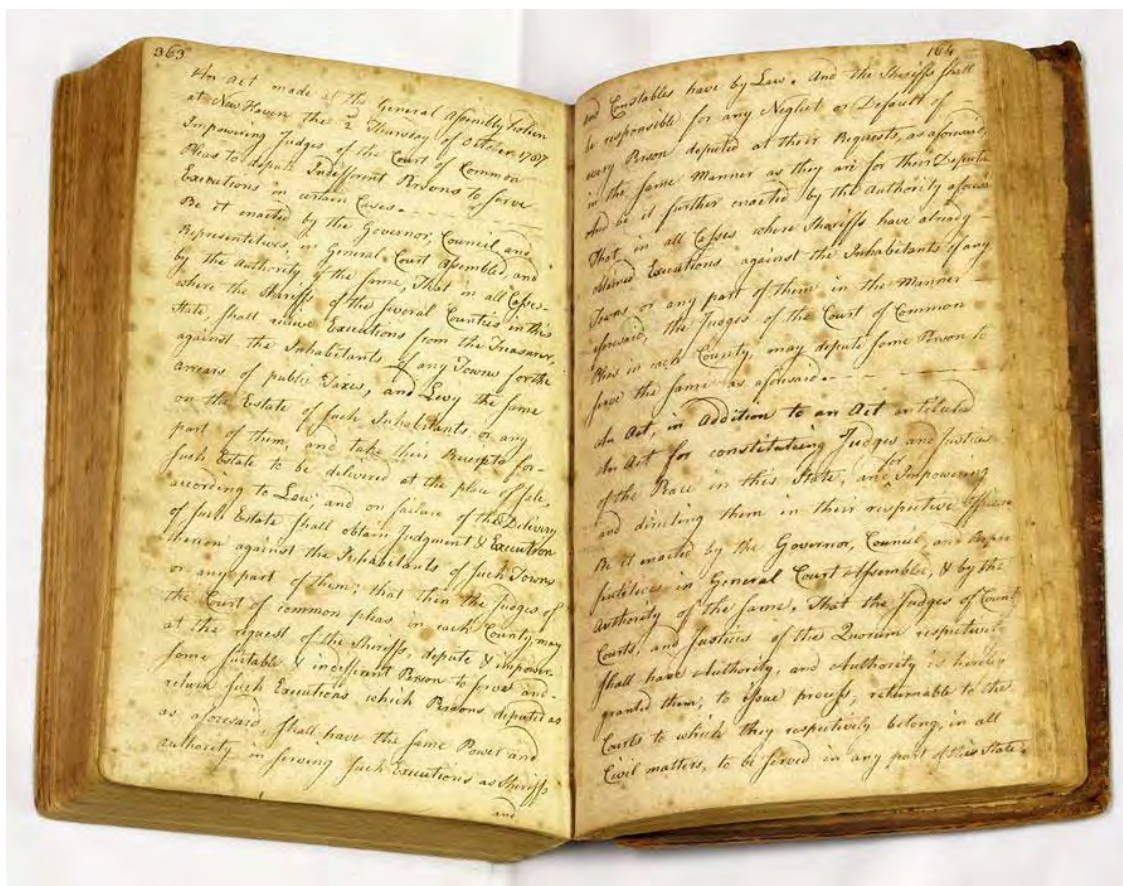
**7. Coke, Sir Edward [1552-1643].**

*The First Part of the Institutes of the Laws of England. Or, A Commentary Upon Littleton, Not the Name of the Author Only, But of the Law It Self.* London: Printed for the Company of Stationers, 1656. [v], 395, [30] ff. Folding table (of descents). Lacking initial blank and portrait frontispiece. Folio (11-1/2" x 7-1/4").

Recent period-style calf, blind rules to boards, raised bands and lettering piece to spine, endpapers renewed, faint early hand-lettered title to fore-edge of text block. A few minor nicks to boards, corners lightly bumped. Title printed within woodcut architectural border. Moderate toning to text, occasional light dampstaining to margins, some offsetting and chipping to margins of preliminaries and index leaves. A nice copy in a handsome binding. \$750.

\* Fifth edition, "corrected." Coke's *Institutes*, which eventually comprised four volumes, are thought to be the first textbooks on the modern common law. Taken together, they are a virtual legal encyclopedia of the law as it stood in Coke's lifetime. The first *Institutes*, better known as *Coke on Littleton*, contains the text of Sir Thomas Littleton's *Tenures* with extensive commentary. First published in 1628, it was a standard work for decades and was often used as a textbook. "If Bracton first began the codification of the common law, it was Coke who completed it.... In the *Institutes* (...) the tradition of the common law from Bracton to Littleton, whose name Coke's *Commentary* made famous, firmly established itself as the basis of the constitution of the Realm." *Printing and the Mind of Man* 126. *English Short-Title Catalogue* R33309, R34822 (*Table*). [Order This Item](#)





**With Extensive Manuscript Additions  
Concerning Toll Bridges, Taxation and Veterans**

**8. [Connecticut].**

*Acts and Laws of the State of Connecticut, In America.* Hartford: Printed by Elisha Babcock, 1786. 8, 2, 5, 3, 346, [8] pp.

**[Bound with]**

*[Manuscript Copies of Subsequent Acts, Laws and Resolutions, 1786-1817].* 347-387, [388-390] pp.

Octavo (9" x 5-3/4"). Contemporary sheep, raised bands and lettering piece to spine. Rubbing to boards and extremities with wear to spine ends and corners, rear board partially detached, front board and both free endpapers detached and edgeworn, front free endpaper has early repair. Moderate toning and dampspotting to text, faint dampstaining in a few places, minor edgewear to title page. Early owner inscription, "John Benjamin's Law Book, 1786/ 1785" to head of front free endpaper, "1784" in small later hand to head of title page, early owner annotations to a few leaves of text, a few other jottings to rear pastedown. \$750.

\* This fascinating collection addresses a variety of topics, such as adultery, bail, burglary, cattle, children, counterfeiting, debtors, divorce, dogs, dowry, dueling, drunkenness, elections, executions, fornication, frauds and perjuries, fraudulent conveyances, gaming, horse racing, Indians, insolvent estates, jurors, lotteries, marriage, maritime affairs, murder, oaths, rape, rogues, rum, the Sabbath, slaves, taverns, tobacco, treason, usury and vice. The owner of this copy had his copy bound with 50 blank leaves. He filled most of these with fair copies of several later acts, laws and resolutions. The majority of these deal with toll bridges, the second largest group deals with Revolutionary War veterans. It is likely that the owner of this book was John Benjamin of Stratford, Connecticut, who was involved in several bridge-building ventures in Bridgeport. He was also a veteran. Babbitt, *Hand-List of Legislative Sessions and Session Laws* 45. [Order This Item](#)



**First Edition of the First  
Systematic Work on Scots Law**

**9. Craig, Sir Thomas [1538-1608].**

*Jus Feudale Tribus Libris Comprehensum: Quibus Non Solum Consuetudines Feudales & Praediorum Jura, Quae in Scotia, Anglia, & Plerisque Galliae Locis Obtenent, Continentur; Sed Universum Jus Scoticum, et Omnes Fere Materiae Juris Clare & Dilucide Exponuntur, Et ad Fontes Juris Feudalis & Civilis Singula Reducuntur.* Edinburgh: [S.n.] Impressum Anno. Dom. 1655. [xii], 383, [1 blank] pp. Folio (12" x 8").

Contemporary sheep, blind rules to boards, recent lettering piece to spine. Rubbed with some loss to spine ends, some worming to rear board and head of spine, joints starting at ends, front hinge partially cracked, about half of front free endpaper lacking, recent armorial bookplate (of the Baron de Spon) to front free pastedown, early wax seals to verso of front free endpaper. Light toning to text, internally clean. A solid copy of an important work. \$500.

\* First edition. Unlike previous compilations, *Jus Feudale* is an original work. "Indeed Craig was the first systematic writer on law in Scotland. The *Jus Feudale* is not a mere textbook of the law of land rights, but is a learned disquisition upon a great social system. The opening chapters are devoted to an examination of the sources of law in general, and trace the history and development of the Civil, Canon and Feudal laws. If Craig had accomplished no more than that he would have been entitled to a foremost place amongst our jurists, for unquestionably the form of his book not only exemplified the philosophical outlook of the learned Scots lawyer, but provided a model of construction and treatment for his successors" Black, *The Institutional Writers* 62-63. *English Short-Title Catalogue* R232723. [Order This Item](#)





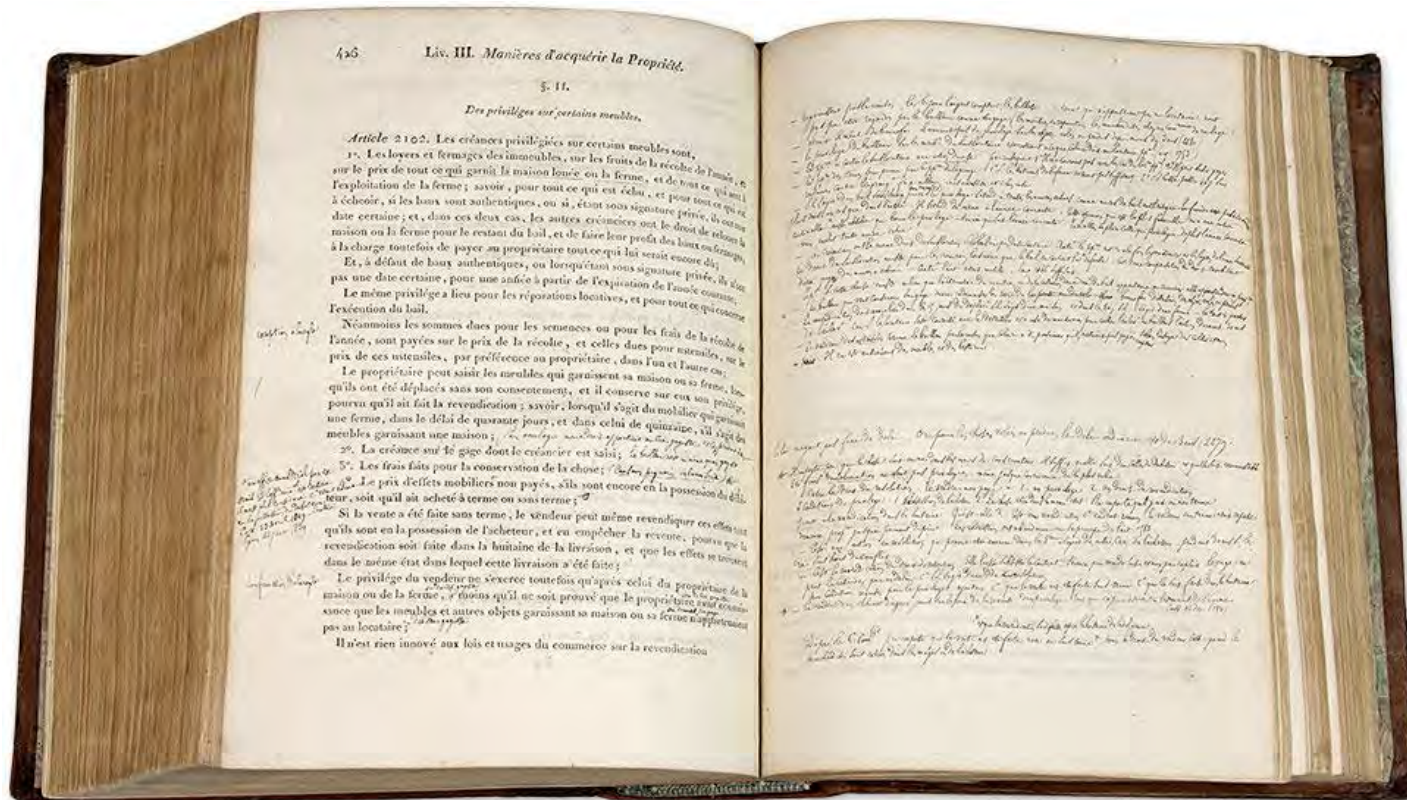
**First Edition of the First English Treatise on Sheriffs**

**10. Dalton, Michael [d.ca. 1648].**

*Officium Vicecomitum: The Office and Authoritie of Sheriffs, Written for the Better Incouragement of the Gentrie (Upon Whom the Burthen of This Office Lyeth) to Keepe Their Office, And Underserife, In Their Houses; That so by Their Continuall Care of the Businesse, And Eyeover Their Officeres, They May the better Discharge Their Dutie to God, Their Prince, And Countrey, In the Execution of This Their Office. Gathered Out of the Statutes, And Booke of the Common Lawes of this Kingdome.* London: Printed for the Companie of Stationers, 1623. [iv], 194, [6] ff. The first leaf and last leaves are blank. Folio (11-1/4" x 7-1/2").

Contemporary calf, blind rules to boards, raised bands and later gilt-stamped title to spine, endpapers renewed. Light rubbing, recent repairs to spine ends and adjacent corners of boards, front joint partially cracked, corners bumped and lightly worn. Title printed within woodcut architectural border, woodcut head-pieces, tail-pieces and decorated initials. Light toning, faint dampstaining to upper corners of margins, bookplate residue to front pastedown. Early owner signature, interior otherwise clean. An appealing copy. \$1,500.

\* First edition. This is the first English treatise on sheriffs. As its title suggests, it is a remarkably comprehensive work. Holdsworth, who cites it several times, says "in spite of a growing number of rivals, it continued to be a standard authority until the beginning of the eighteenth century.": *History of English Law* IV:119. *English Short-Title Catalogue* S107284. [Order This Item](#)



### Interleaved and Extensively Annotated First Edition of an Important Edition of the Code Napoleon

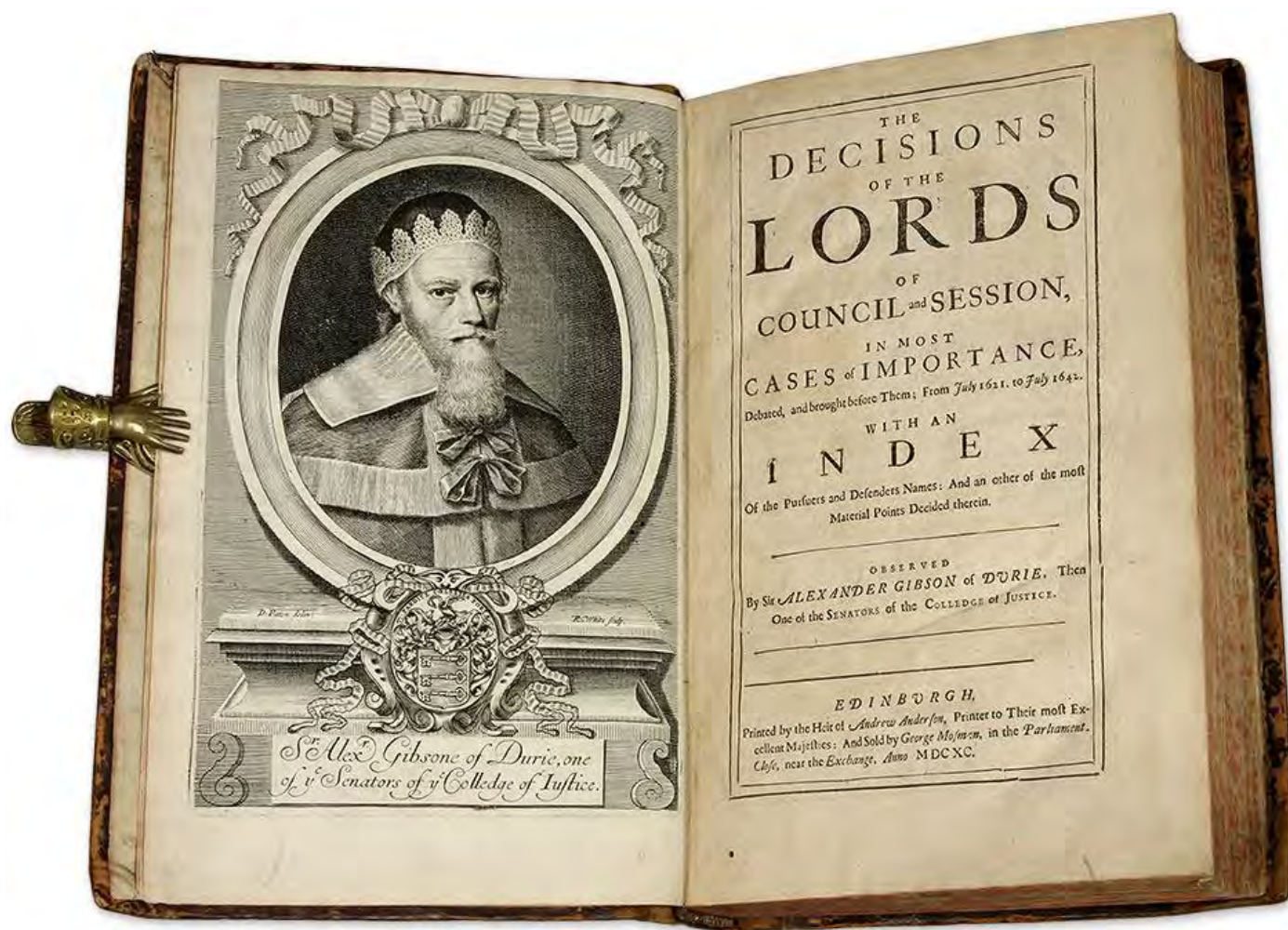
#### 11. Dard, Henri-Jean-Baptiste [1779-1840].

*Code Civil des Français, Avec des Notes Indicatives des Lois Romaines, Coutumes, Ordonnances, Édits et Déclarations, Qui ont Rapport à Chaque Article, Ou, Conférence du Code Civil avec les Lois Anciennes. Suivi d'une Table Générale des Matières par Ordre Alphabétique, Par J.A. C....., Ancien Jurisconsulte.* Paris: Chez J.A. Commaillle, 1805. [iii], vi, 650 pp. Interleaved. Quarto (10" x 7-1/2").

Contemporary tree sheep, lettering piece and gilt ornaments to spine, spine ends, corners and front hinge repaired, marbled endpapers. A few scratches and minor scuffs to boards, moderate rubbing to extremities, corners bumped and lightly worn, partial crack to text block between front endleaf and title page, rear hinge partially cracked. Light toning, somewhat heavier in places, light soiling to preliminaries, text and interleaves annotated throughout around 1851 in a fine hand, early owner signature (Constant Caillaux) to front endleaf. \$6,500.

\* First edition. Dard's was the first annotated edition of the Code Civil (Code Napoleon), which was promulgated on March 21, 1804. It went through 3 later editions, the last one in 1827. Our copy is notable because it is annotated throughout around 1851. (Our date is conjectured from a note citing a law enacted on February 7, 1851 on the interleaf facing p.3, the latest date we found among the annotations). The annotations fall into three categories: elaborations and corrections of the text, comparisons between current laws and those in the code, elucidations of points in the text. Our copy is singular; all editions are scarce. OCLC locates 16 copies of the first edition, 4 in North America, 2 in law libraries (Louisiana State University, Northern Kentucky University). Not in the *British Museum Catalogue*. [Order This Item](#)





### The Earliest Printed Scottish Case Decisions

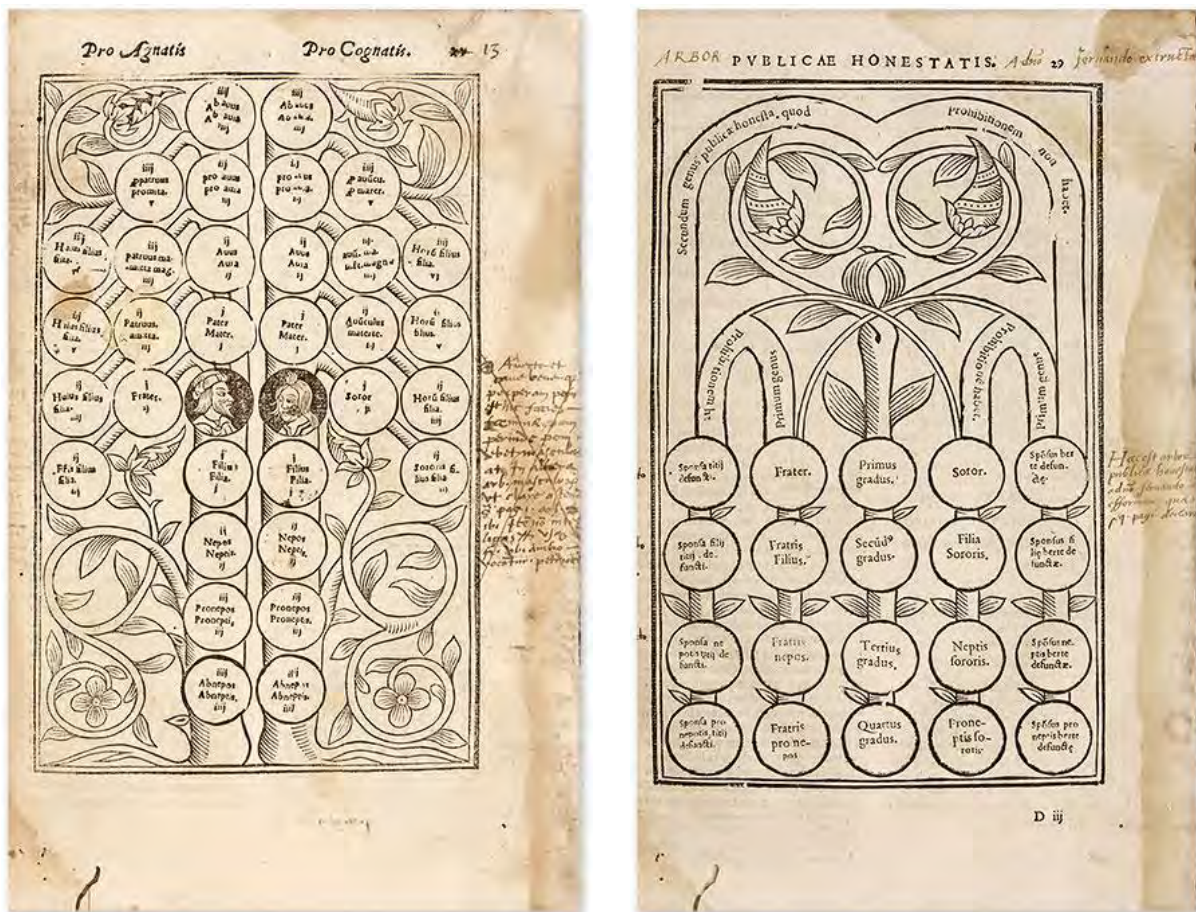
#### 12. Durie, Alexander Gibson, Lord [d.1644].

*The Decisions Of The Lords Of Council And Session, In Most Cases of Importance, Debated and Brought Before Them; From July 1621 to July 1642. With an Index of the Pursuers and Defenders Names; And Another of the Most Material Points Decided Therein.* Edinburgh: Sold by George Stewart and Mr. John Tennent, 1690. [viii], 900, 43, [1] pp. Copperplate portrait frontispiece. Folio (11-1/2" x 7-1/4").

Contemporary calf, rebaked retaining existing spine, gilt panels with corner fleurons to boards, gilt spine, edges rouged. Some rubbing to boards and extremities, corners bumped and somewhat worn, hinges cracked, later armorial bookplate and negligible minor worming to front pastedown, worm hole through foot of first half of text block, rear free endpaper detached. Title page printed in red and black. Moderate toning, faint dampspotting in places, light soiling to title page, early owner shelfmark to front free endpaper. \$500.

\* Only edition, one of two issues from 1690. This is the earliest collection of printed decisions in Scots law, sometimes referred to as "Lord Durie's Practicks." It was published posthumously by the author's grandson from notes taken by Gibson himself from the time of his elevation to the bench in 1621 to July of 1642. Gibson was a high ranking Scottish judge, a serious student of the civil law whose attainments are discernible in the present work. *English Short-Title Catalogue* R249. [Order This Item](#)





Copy of a Rare Commentary on Roman Law By a  
Distinguished Professor from the University of Toulouse with Early Annotations

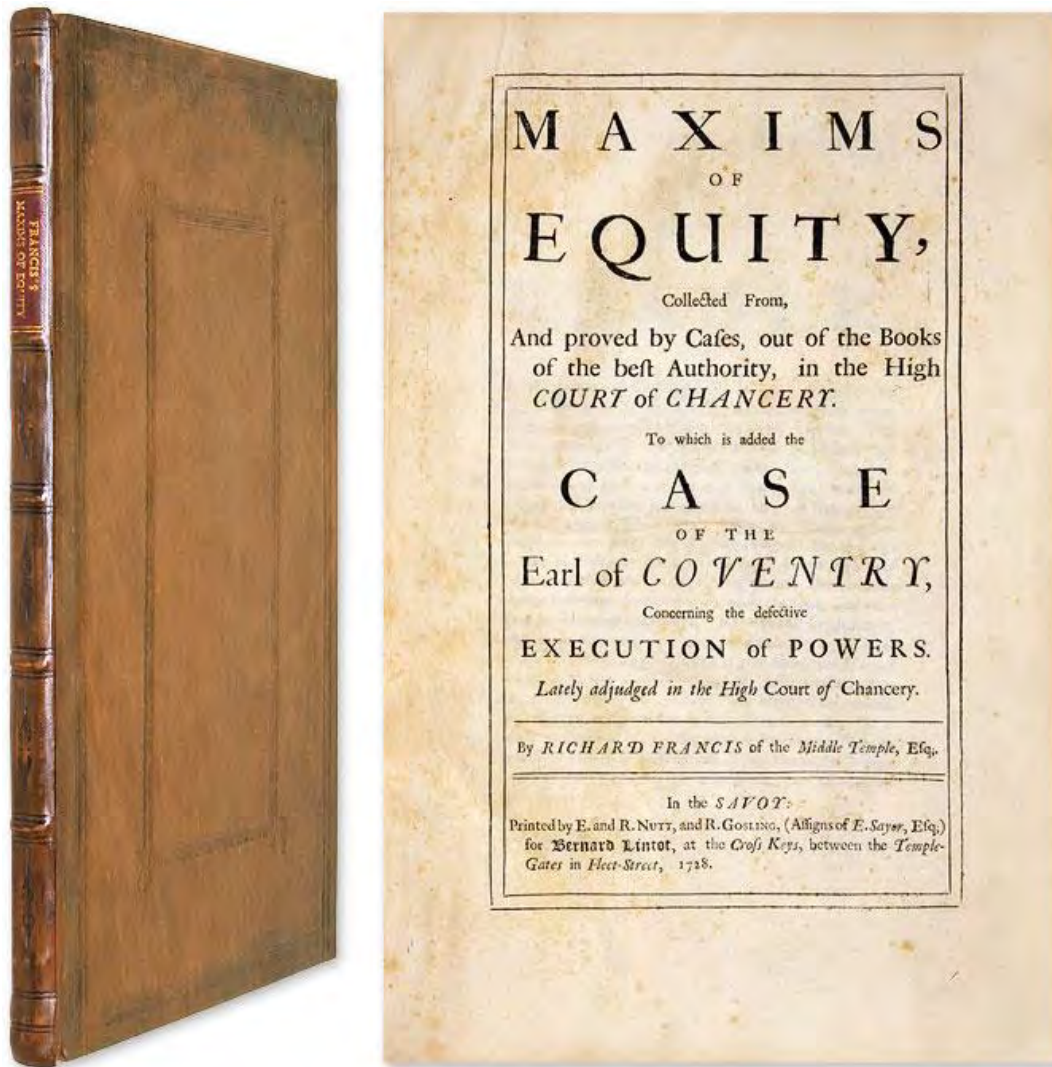
### 13. Fernand, Bérenger.

*Libri Quinque Antebac in Lucem Editi, Recens Vero ab Eodemendati et Multo Locupletiores Redditi: Quibus Sextum de Futura Conventionali Successione Pacta Complexum Adjuxit, Opera Crede, Jurisprudentiae Studiosis cum Utilia, Tum Maxime Jucunda.* Toulouse: Apud Lodoicum Yvernage, Io. Iagourt & Ia. Colomiés, 1552. [xxiv], 519, [3] pp. Five parts with continuous pagination, Parts II-VI preceded by divisional title pages. Main text in parallel columns. Seven full-page woodcut tables of descent and consanguinity. Quarto (10" x 7").

Contemporary calf, raised bands and later gilt title to spine, spine ends mended, speckled edges. Some rubbing and a few shallow scuffs to boards, somewhat heavier rubbing to extremities, rear hinge starting, minor worming to rear pastedown, a few minor worm holes to text block. Large woodcut decorated initials. Moderate toning, minor tears to a few leaves, faint dampstaining to margins, underlining, brief annotations and manicules in an early hand throughout text, some affected slightly by trimming or edgewear, which is heaviest in the preliminary leaves, brief early annotations and owner signature to title page. \$6,500.

\* First edition. Fernand was the professor of civil law at the University of Toulouse, the second oldest university in France. He was an expert on issues concerning family law, which is the topic of the first and final sections of *Libri Quinque Antebac*. The other sections address topic sin property, possession and contracts. A second edition was published in 1601. Both editions are rare. OCLC locates no copies of either in North America. Not in the USTC. Mégrét and Desgraves, *Répertoire Bibliographique des Livres Imprimés en France au Seizième Siècle* 82. [Order This Item](#)





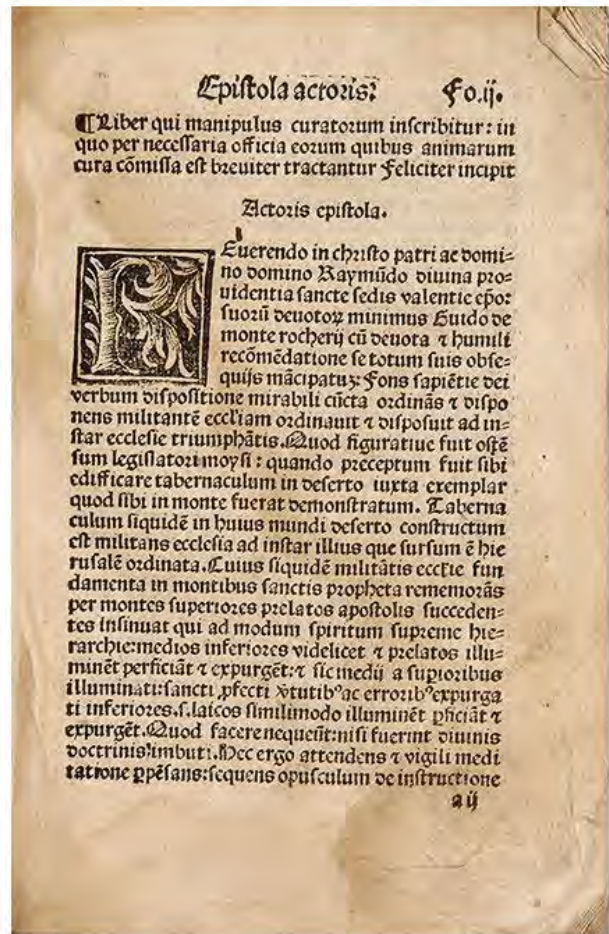
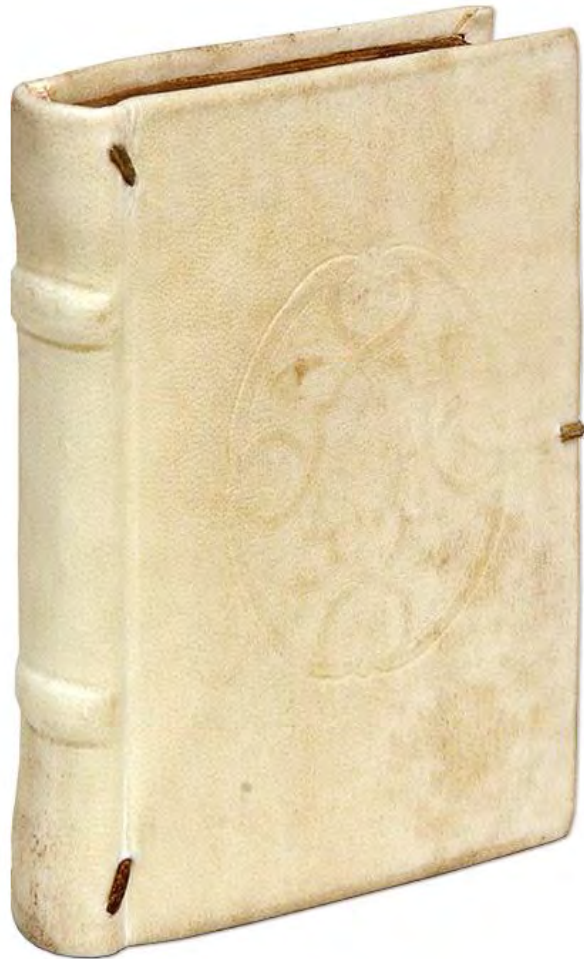
### The Book that Established the Field of Equity Jurisprudence

#### 14. Francis, Richard [fl. 1719-1728].

*Maxims of Equity, Collected From, And Proved by Cases, Out of the Books of the Best Authority, In the High Court of Chancery. To Which is Added the Case of the Earl of Coventry, Concerning the Defective Execution of Powers Lately Adjudged in the High Court of Chancery.* [London]: Printed by E. and R. Nutt, and R. Gosling, 1728. [x], 72, [12], [2], 20 pp. Folio (12" x 8").

Recent period-style paneled calf, raised bands, blind ornaments and lettering piece to spine. Moderate toning and occasional light foxing to text, internally clean. \$950.

\* Second edition, a reissue of the first edition (1727) with an altered titlepage and a preliminary advertisement leaf. This was the first textbook on equity published since St. Germain's *Doctor and Student* (1523). It is generally considered to be the book that founded the field of equity jurisprudence. Francis outlines fourteen maxims, such as "Equality is Equity" and "Equity suffers not a right to be without a remedy." Each maxim is followed by a brief summary of cases that illustrate its application. As Roscoe Pound observed, Francis created a precursor to the casebook: "his maxims for the most part are independent attempts to state principles derived from the study of cases.": Pound, "On Certain Maxims of Equity" in *Cambridge Legal Essays* 261-262. *English Short-Title Catalogue* T118767. [Order This Item](#)



### A Rare Guide to the Sacraments with Interesting Material on Marriage

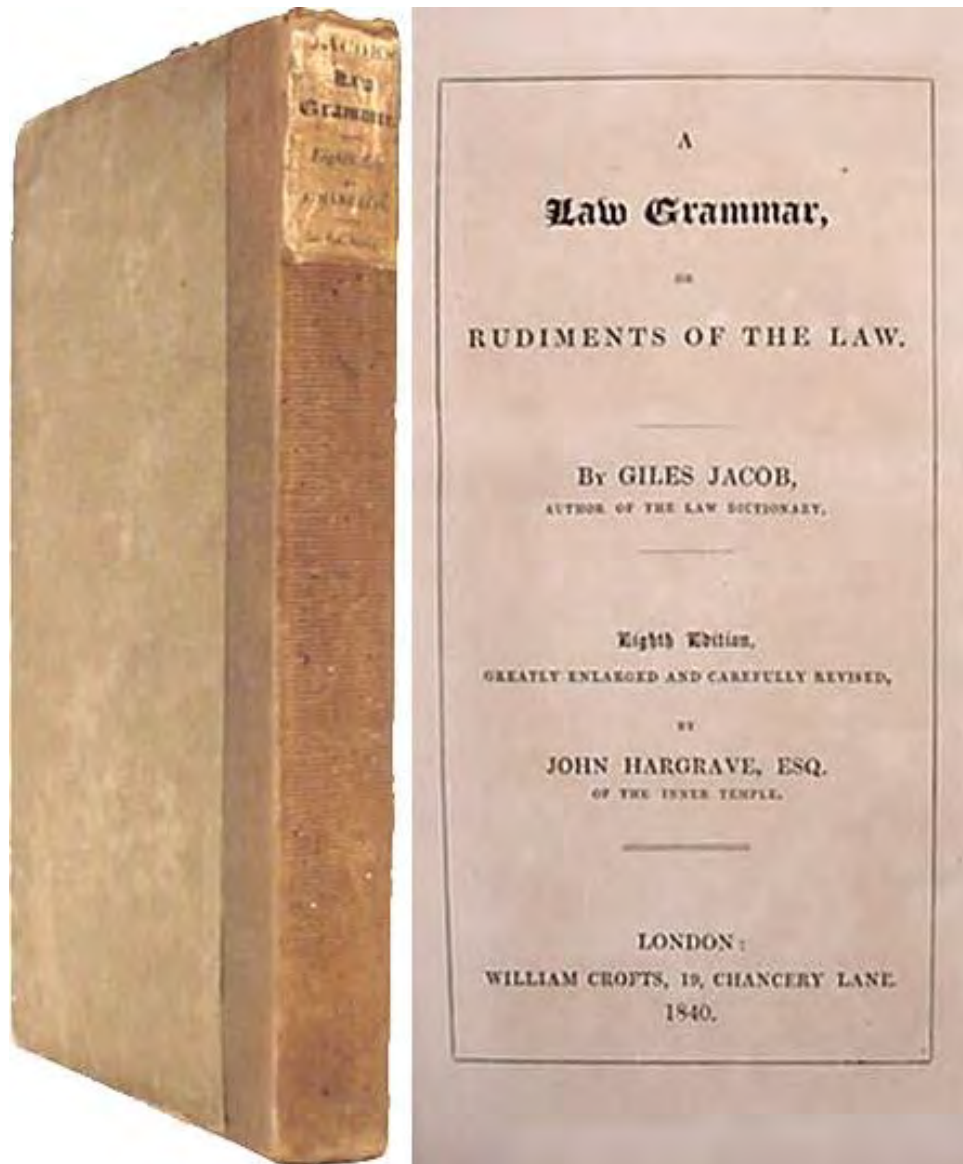
#### 15. Guido, de Monte Rocherii (Rochen) [14th c.].

*Manipulus Curatorum; Qui summe Quilibet Sacerdoti est Necessarius et Nucliam Virtutis Animarum Ipsasque Redimendas a Purgatorio & Eterna damnatione quo Modo ad Beatitudine Pertingi Valeant in se Continet: Summa cum Diligentia Correctus.* [Lyon: Printer of Persius or Paris: Michel Topié], 24 March 1497. 148 ff. Collation: a-s8, t4. Octavo (5-1/2" x 3"; 14cm x 7.5cm).

Recent period-style vellum, large blind arabesques to boards, raised bands to spine, thong ties, endpapers renewed. 32-line text in single column. A few woodcut capitals, other capital spaces, some with guide letters, left blank. Moderate toning, some edgewear to text block, occasional faint dampstaining to margins, wear to corners of first two leaves, early annotations to front endleaf and title page. \$7,500.

\* Intended for novice priests, this pocket guide to the sacraments (with notes on canon law) has a chapter on marriage that discusses sexual problems, "De impedimento impotentiae coeundi." It was a popular work in its day, but the Council of Trent (1563) and the creation of the Roman Catechism (1566) made this book obsolete. There is some debate concerning the printer of our imprint. The *Catalogue des Incunables* (CIBN) differentiates a Printer of Guido de Monte Rochen from the Printer of Persius, who is there identified with Maillet (cf. CIBN S-334 and T-36). The *Gesamtkatalog der Wiegendrucke* (GW) identifies and tentatively, Michel Topié. All editions of this title are scarce or rare today. The *Incunabula Short-Title Catalogue* locates 3 copies of our 1497 imprint, 1 in North America (Brown University). Not in Goff. GW 11779. [Order This Item](#)





"Rudiments of Law"

**16. Jacob, Giles [1686-1744].**

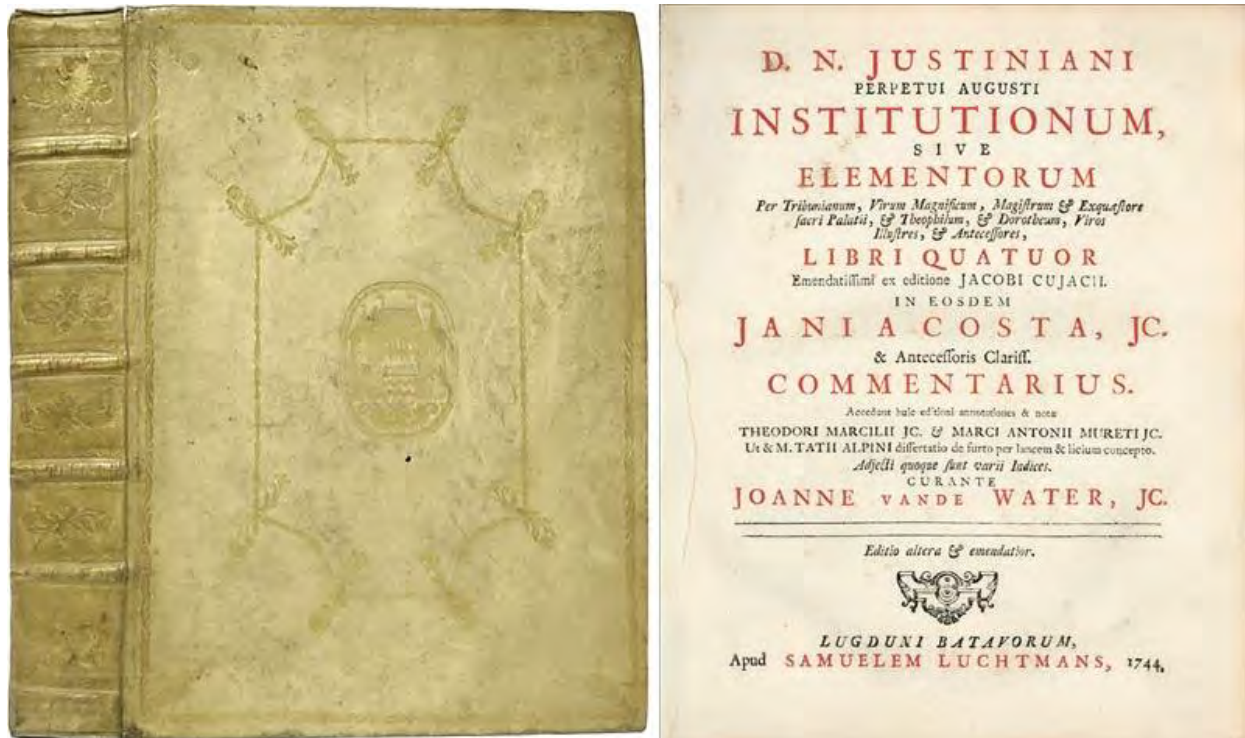
**Hargrave, John, Editor.**

*A Law Grammar, Or Rudiments of Law.* London: William Crofts, 1840. xii, 266, [2] pp. Folding table (of descents). Includes two-page publisher catalogue at rear. Octavo (7-1/2" 4-1/2").

Contemporary quarter-cloth over paper-covered boards, printed paper title label to spine. Light rubbing to boards, moderate rubbing to extremities. Moderate toning to text, underlining to a few passages, interior otherwise clean. \$250.

\* Eighth and final edition. A terse but wide-ranging compendium of legal definitions, grounds and principles, maxims, moot points and cases, and terms of art, which Jacob intended for the instruction of "all youth at our Universities, or Inns of court, and young gentlemen in their private education.": Preface. The first edition was published in 1744. The final edition was reprinted in Boston in 1850. Sweet & Maxwell, *A Legal Bibliography of the British Commonwealth* 2:34(45).

[Order This Item](#)



**The *Institutes* with Commentaries by Notable French Scholars**

**17. Justinian I [483-565 CE], Emperor of the East.**

**Cujas, Jacques [1522-1590], Editor.**

**Lacoste, Jean [c.1560-1637], Commentator.**

**Marcile, Theodore [1548-1617], Commentator.**

**Muret, Marc-Antoine [1526-1585], Commentator.**

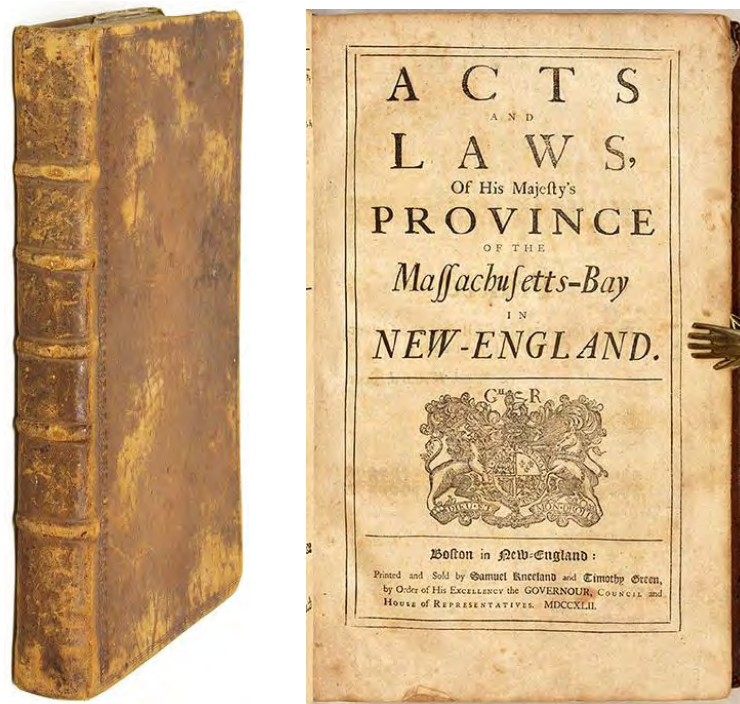
**van de Water, Johannes [d.1689], Editor.**

*D.N. Justiniani Perpetui Augusti Institutionum, Sive Elementorum per Tribunianum, Virum Magnificum, Magistrum & Exquaestore Sacri Palatii, & Theophilum, & Dorotheum, Viros Illustres, & Antecessores, Libri Quatuor Emendatissimi ex Editione Jacob Cujacii. In Eosdem... & Antecessoris Clariss. Commentarius. Accedunt Huic Editioni Annotationes & Notae Theodori Marcilii & Marci Antonii Mureti Ut & M. Tatii Alpini Dissertatio de Furto per Lancem & Licium Concepto. Adjecti Quoque Sunt Varii Indices Curante Joanne van de Water.* Leiden: Apud Samuelem Luchtmans, 1744. xxxviii, 667, [1] pp. Fold-out table of descents. Quarto (9-1/2" x 7-1/2").

Contemporary vellum, raised bands, ornate gilt double frames enclosing heraldic device to boards, gilt ornaments to spine. Soiling, some wear to corners and spine ends, front endleaf (or half-title) lacking. Title page printed in red and black. Handsome woodcut tail-pieces and decorated initials. Partial split between preliminary gathering and title page. Interior notably fresh. \$400.

\* An edition of the *Institutes* by Cujas with extensive commentary and notes by Jean Lacoste, Theodore Marcile and Marc-Antoine Muret. These jurists, who followed Cujas' example, were leaders of the French humanistic school, which aimed to purge Roman sources of later corruptions. Their pioneering methods did much to establish the field of philology. Compiled around 161 CE, the *Institutes* is an elementary treatise on Roman private law that served as a standard text for 300 years. After its rediscovery during the medieval era it became a staple of European legal education. Not in the *British Museum Catalogue*. [Order This Item](#)





Appealing Copy of the 1742 Acts and Laws of Massachusetts

**18. [Massachusetts].**

*The Charter Granted by Their Majesties King William and Queen Mary, to the Inhabitants of the Province of the Massachusetts-Bay in New-England.* Boston: Printed and Sold by Samuel Kneeland and Timothy Green, 1742. 14 pp.

**[Bound with]**

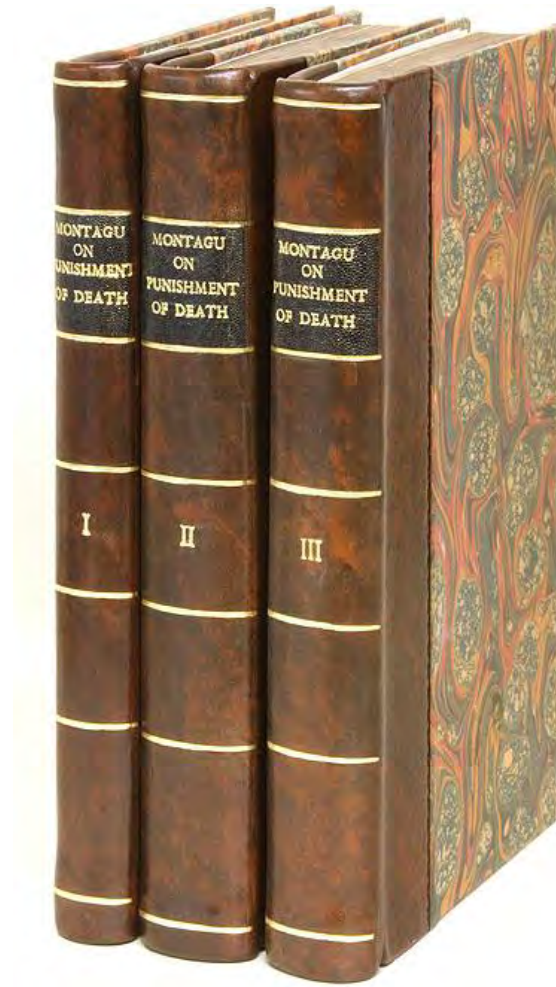
*The Table [to the Acts]* [Boston: Printed and Sold by Samuel Kneeland and Timothy Green, 1742] 28 pp.

**[And]**

*Acts and Laws of His Majesty's Province of the Massachusetts-Bay in New England.* Boston: Printed and Sold by Samuel Kneeland and Timothy Green, 1742. [ii], 333; [334]-340 pp. Pages after p. 333 contains two acts from 1743: "An Act for Fixing the Times for Holding the Superior Courts of Judicature [and Other Courts]," "An Act in Addition to the Several Acts for Regulating Fences" and "An Act in Addition to an [Act]...to Ascertain the Value of Money and of Bills of Publick Credit of this Province." 38 blank leaves bound to rear of text. Folio (11-1/2" x 7-1/2").

Contemporary sheep, blind rules to boards, blind fillets to joints, raised bands, unlettered spine. Some rubbing to boards and extremities, a few shallow scuffs to rear board, rear joint just starting at foot, corners bumped and somewhat worn, hinges cracked, front free endpaper partially detached (but secure), rear free endpaper lacking. Moderate toning to text, somewhat heavier in places, light foxing, faint stains to fore-edges of *Charter*, some staining and edgewear to blank leaves at rear of text. In all a very good, fresh copy in the original state. \$1,850.

\* This legislative compilation from 1692 to 1743 provides unparalleled insights into the colony's attitude towards Indians, "Free Negroes," piracy, buggery, bestiality, incest, "Jesuits and Popish priests," the killing of bastard children by their mothers, "misspending money in taverns," "keeping the Lord's day," adultery, polygamy and many other social and political topics. Although they are separate works, the *Charter* and *Laws* are almost always bound together. And like other copies, this one has additional acts published after 1742. These were issued with continuous pagination with the expectation that they would be bound with the original work. Babbitt, *Hand-List of Legislative Sessions and Session Laws* 193. Benedict, *Acts and Laws of the Thirteen Original Colonies and States* 151. Tower, *The Charlemagne Tower Collection of Colonial Laws* 262. [Order This Item](#)



**Montagu's Anthology of Writings on Capital Punishment**

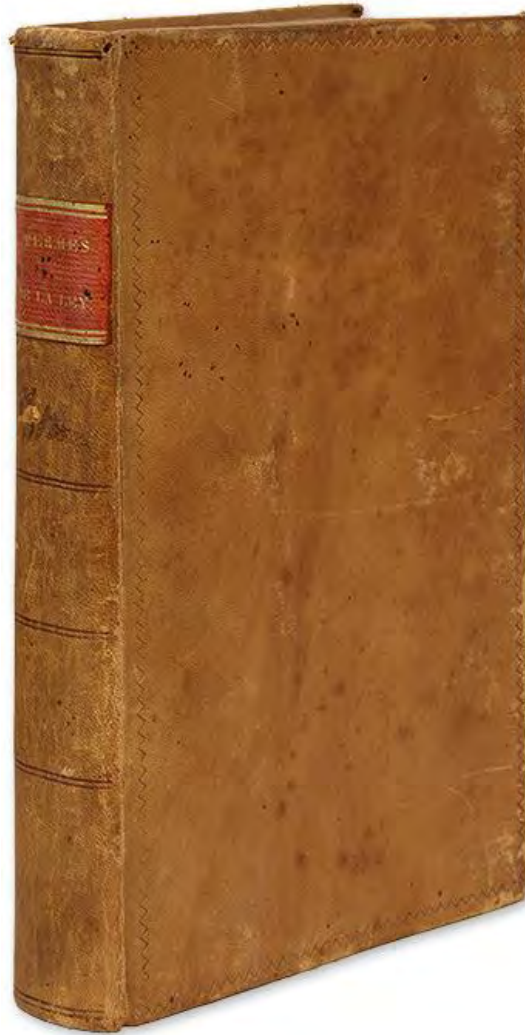
**19. Montagu, Basil [1770-1851], Editor.**

*The Opinions of Different Authors Upon the Punishment of Death.* London: Published by Longman, Hurst, Rees, Orme, and Brown [imprint varies], 1809, 1812, 1813. Three volumes. vi, [ii], 315; [ii], xxvii, ii, 401, [33]; [ii], ii, ii, 453, [17] pp. Folding table in Volume III. Octavo (8-1/4" x 5").

Recent period-style quarter calf over marbled boards, lettering piece and gilt fillets to boards, endpapers renewed. Light toning to text, somewhat heavier in places, light foxing in a few places, internally clean. A handsome copy of a scarce set. \$2,000.

\* First edition. Lawyer, versatile legal author, philanthropist and reformer, Montagu is best known for his tireless efforts to reform bankruptcy law and abolish capital punishment, work he pursued with considerable success. A remarkable work of research, *Opinions* is an anthology of writings from 62 authors ranging from More to Blackstone, Johnson, Beccaria, Bentham, Mackintosh and Romilly. There are also texts of English and foreign laws relating to capital punishment and crime, including selection from the *Nakaz* of Catherine the Great and Bentham's *Theory of Rewards and Punishments*, Bentham's essay on the Panopticon, excerpts from Parliamentary debates, editorials from periodicals and excerpts from historical works. A second edition of Volume I was issued in 1816. Complete first-edition sets are quite scarce; OCLC locates 9 copies in North American law libraries. Not in Sweet & Maxwell. *Catalogue of the Library of the Harvard Law School* (1909) II:139. [Order This Item](#)





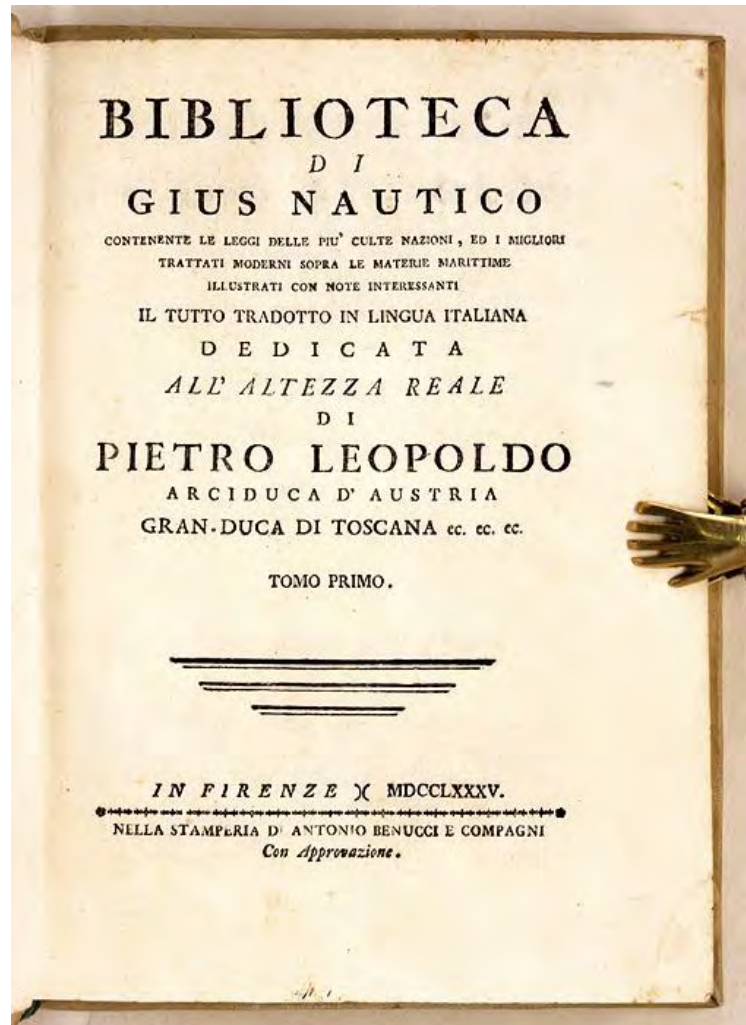
**First American Edition of Rastell's  
*Termes de la Ley* in a Well-Preserved Contemporary Binding**

**20. [Rastell, John (d.1536)].**

*Les Termes de la Ley, Or Certain Difficult and Obscure Words and Terms of the Common and Statute Laws of England, Now in Use, Expounded and Explained. Faithfully Translated From the Norman French, With Many Great and Useful Additions and Corrections Throughout the Whole Book, Never Printed in Any Other Impression.* Portland: Printed by J. Johnson, 1812. iv, 391 pp. Octavo (8-1/2" x 5-1/2").

Contemporary sheep, blind fillets to boards, lettering piece and blind fillets to spine. Negligible light rubbing, a few minor nicks, scuffs and inkspots, faint early owner name to spine, light wear to corners, hinges cracked. Moderate toning and occasional light foxing to text. Owner inscription in pencil (of G.N. Dale dated 1897) to front pastedown, interior otherwise clean. \$850.

\* First American edition, from the 1721 London edition. The title was also the second law dictionary printed in America. (A Philadelphia edition of Jacob's *Law Dictionary* was issued in 1811.) First published around 1523, Rastell's is the most important English law dictionary before Cowell's *Interpreter* (1607). Immediately successful, it went through at least twenty-nine editions, the last appearing in 1819. Cohen, *Bibliography of Early American Law* 5450. [Order This Item](#)



**Eighteenth-Century Anthology of Writings on Maritime Law**

**21. Raù, Francesco, Translator and Editor.**

**Rivani, Alessandro, Translator and Editor.**

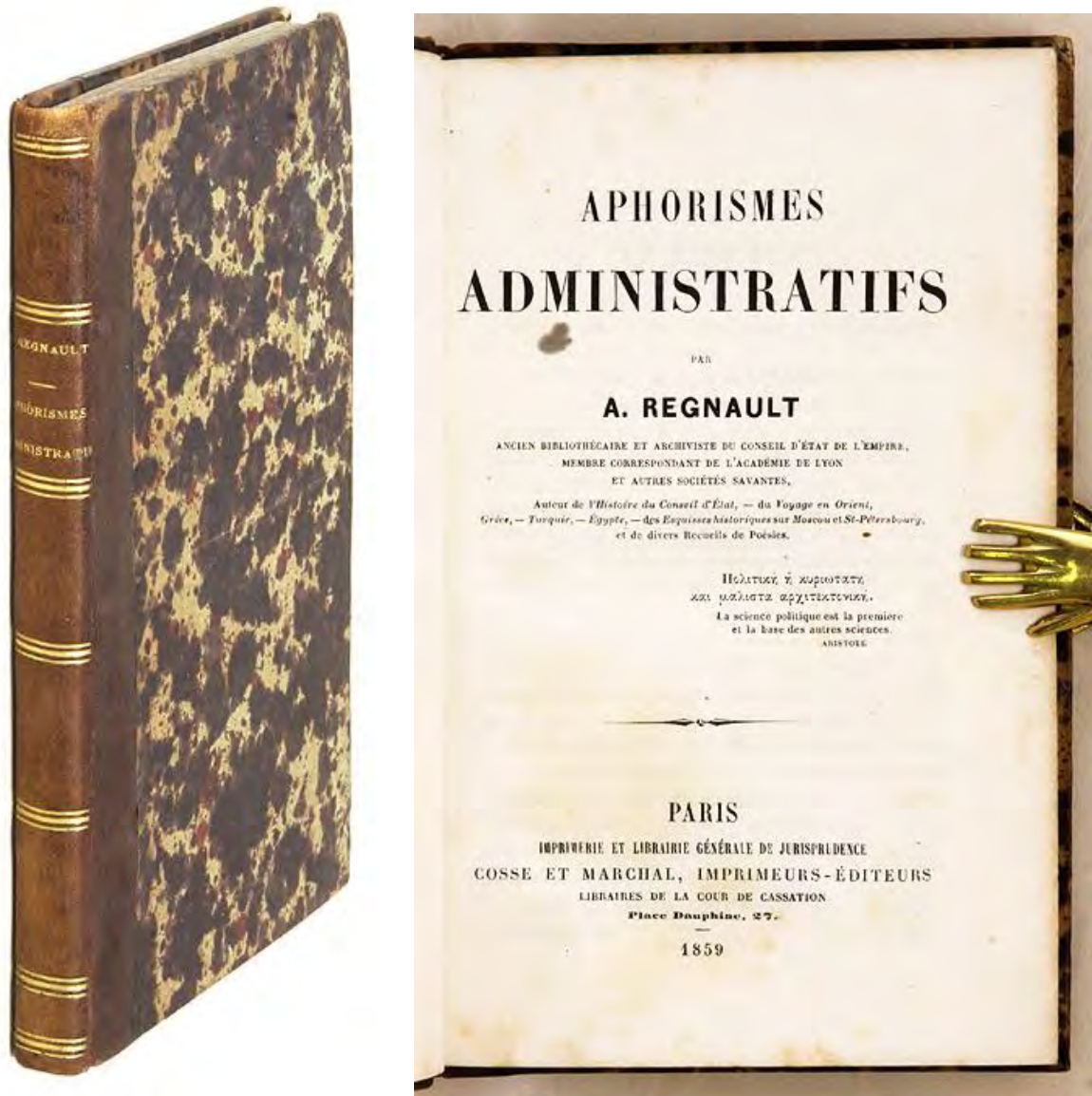
**Sella, Gaspero, Translator and Editor.**

*Biblioteca di Gius Nautico, Contenente le Leggi delle Piu' Culte Nazioni, Ed i Migliori Trattati Moderni Sopra le Materie Marittime Illustrati con Note Interessanti. Il Tutto Tradotto in Lingua Italiana.* Florence: Nella Stamperia di Antonio Benucci e Compagni, 1785. Two volumes. xxxii, 264; viii, 287, [1] pp. Quarto (9" x 6-1/2").

Contemporary vellum, gilt title panels to spines, speckled edges. Light rubbing and a few minor nicks to extremities, spine ends bumped, boards slightly bowed, stain to spine of Volume II. Very light toning to text, somewhat heavier in places, light foxing to a few leaves. A handsome copy. \$1,750.

\* Only edition. This is a carefully edited, translated and well-annotated anthology of classic writings on maritime law for an Italian audience. Arranged chronologically, its oldest work is the Byzantine Rhodian Sea Law (7th century CE); its newest work is the 1681 Marine Ordinance of Louis XIV. Among the other texts are the Laws of Oleron, the Laws of Wisby and a selection of laws from the Theodosian Code relating to maritime affairs. OCLC locates 12 copies worldwide, 4 in North America, 2 in law libraries (Library of Congress, University of Michigan). [Order This Item](#)





**A Rare Collection of French Legal and Political Aphorisms**

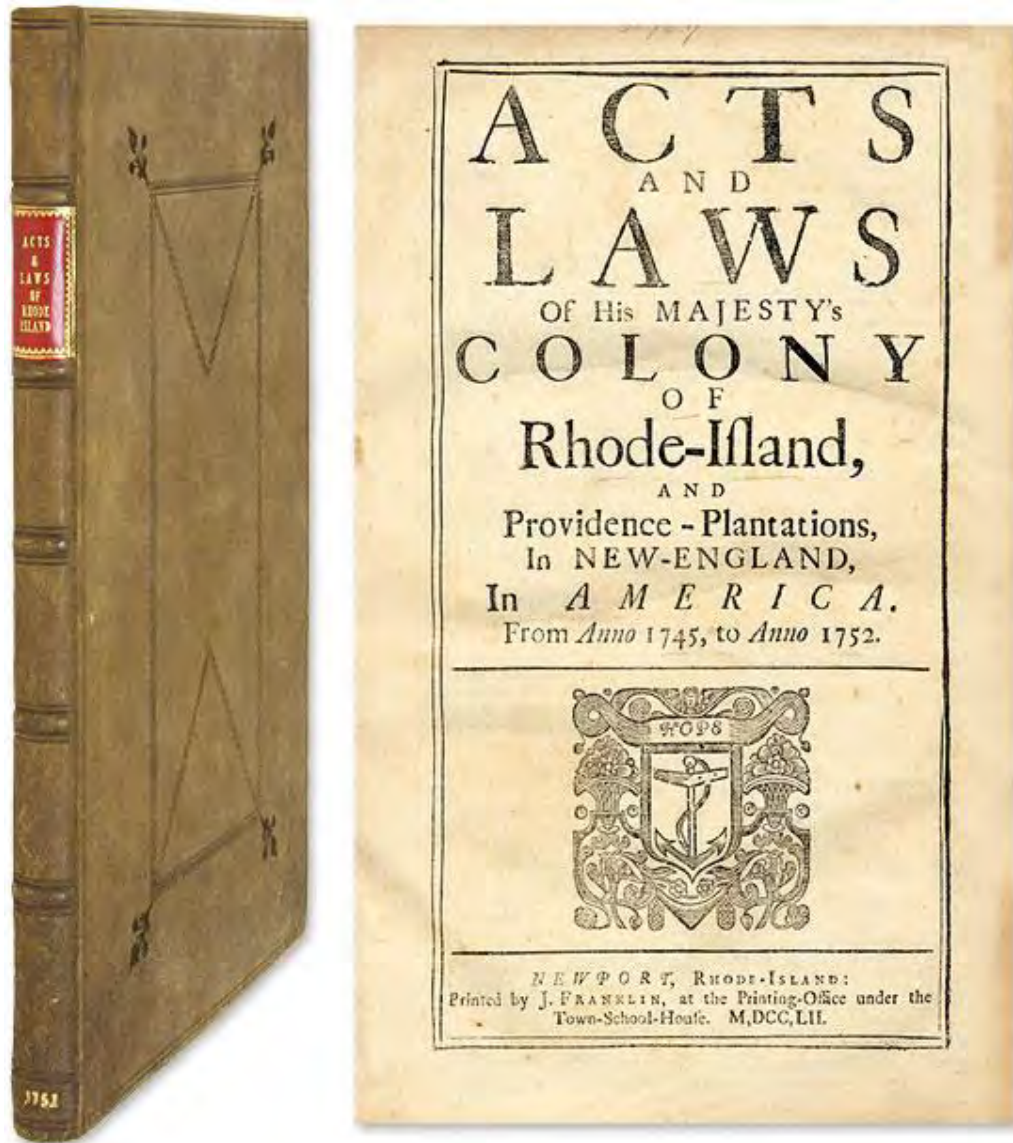
**22. Regnault, Amable [1798-1897].**

*Aphorismes Administratifs*. Paris: Cosse et Marchal, Imprimeurs-Editeurs, 1859. [iv], II, 206 pp. 12mo. (6-3/4" x 4-1/4").

Contemporary quarter calf over marbled boards, gilt title and fillets to spine, speckled edges, marbled endpapers. Some rubbing to extremities with minor wear to spine ends and corners, light fading to spine, partial crack to text block between front free endpaper and following endleaf. Light toning to text, light foxing in a few places. A handsome copy. \$1,250.

\* Only edition. Organized by topic, this is a collection of aphorisms on, for the most part, administrative law and political science. Each entry is accompanied by a Latin translation on a facing page. Regnault was an archivist, translator, historian and bibliographer. OCLC locates 4 copies, 1 in North America (U.S. Supreme Court). Another copy located at the Library of Congress. [Order This Item](#)

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1752 Compilation of Rhode Island Acts and Laws Printed by James Franklin

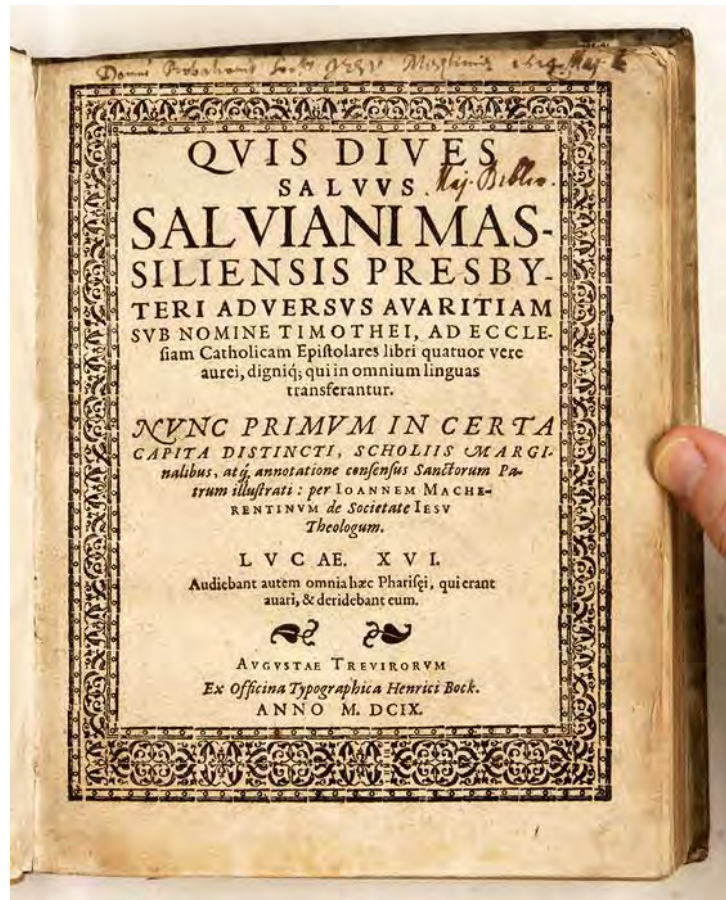
23. [Rhode Island].

*Acts and Laws of His Majesty's Colony of Rhode-Island, And Providence- Plantations, In New-England, In America. From Anno 1745, To Anno 1752.* Newport: Printed by J. Franklin, 1752. [viii], 110 pp. Folio (11" x 7").

Later reversed calf, red lettering piece with gilt title and date at foot of spine. Internally clean. A very good copy. \$1,500.

\* "A continuation of the third revision of Rhode Island laws" (Benedict). The first revised laws of the colony were printed in Boston in 1719; the second and third revisions were printed in Newport in 1730 and 1745 respectively. The present compilation is considered a supplement to the 1745 laws. Unlike the revisions which are in topical digest form, this is arranged chronologically by session. Printed by James Franklin, the son of James Franklin (1697-1735), brother of Benjamin Franklin. The younger James Franklin and his mother Ann Franklin were official printers for the colony throughout much of this period. [Benedict], *Acts and Laws of the Thirteen Original Colonies and States* 449. *The Charlemagne Tower Collection of Colonial Laws* 812. [Order This Item](#)





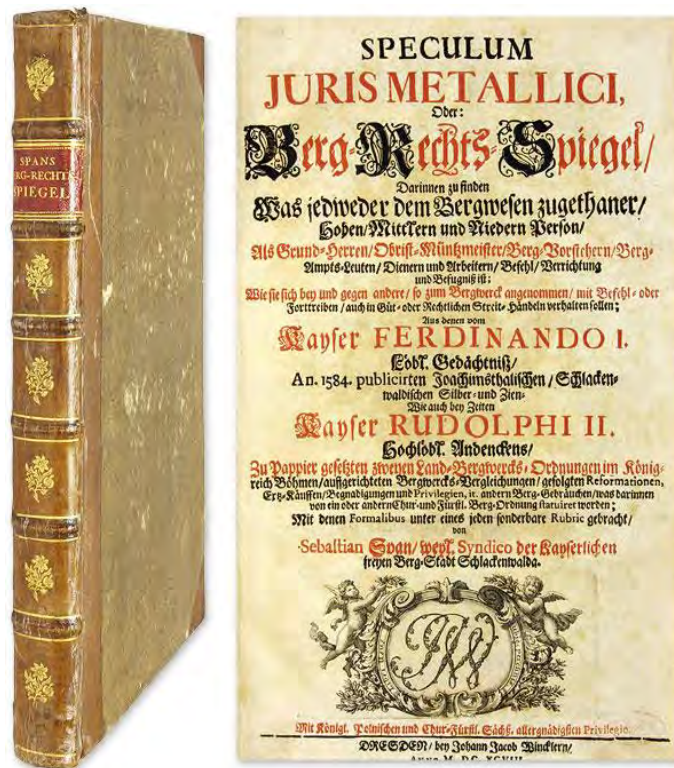
### Give to the Church, Not to Your Children

#### 24. Salvian (Salvianus) [c.390-c.484 CE]. Macherentinus, Johannes [1540-1610], Editor.

*Quis Dives Salvus. Salviani Massiliensis Presbyteri Adversus Avaritiam Sub Nomine Timothei, Ad Ecclesiam Catholicam Epistolares Libri Quatuor Vere Aurei, Digni[ue] qui in Omnium Linguas Transferantur Nunc Primum In Certa Capita Distincti, Scholiis Marginalibus, Atq[ue] Annotatione Consensus Sanctorum Patrum Illustrati: Per Joannem Macherentinum de Societate Jesu Theologum.* Trier: Ex Officina Typographica Henrici Bock, 1609. 28, 226, [10] pp. Quarto (7-1/4" x 6-1/4").

Contemporary flexible vellum, later lettering piece to spine, ties lacking. Light rubbing to extremities, some soiling and spotting, vellum just beginning to crack through pastedowns. Title printed within woodcut typographical border, woodcut head-pieces, tail-pieces and decorated initials. Moderate toning to text, light foxing to a few leaves. Early annotations to endleaves, interior otherwise clean. \$950.

\* First edition (by Macherentinus). Salvian of Gaul was an important Christian thinker and canonist of the fifth century. Enhanced with arguments drawn from canon law, his *Adversus Avaritiam* outlines reasons to give alms to the church. More interesting, it says parents should bequeath their estates to the Church rather than their children; it is better for children to suffer want in this world to save their parents from damnation in the next. Salvian also has much to say on the duty of self-denial by priests, nuns and monks. Macherentinus, the editor of this edition, was a Jesuit theologian. OCLC locates no copies of this edition in North America. *Das Verzeichnis der im Deutschen Sprachraum Erschienenen Drucke des 17. Jahrhunderts* 39:129323G. [Order This Item](#)



Seventeenth-Century Treatise on Bohemian Mining Law

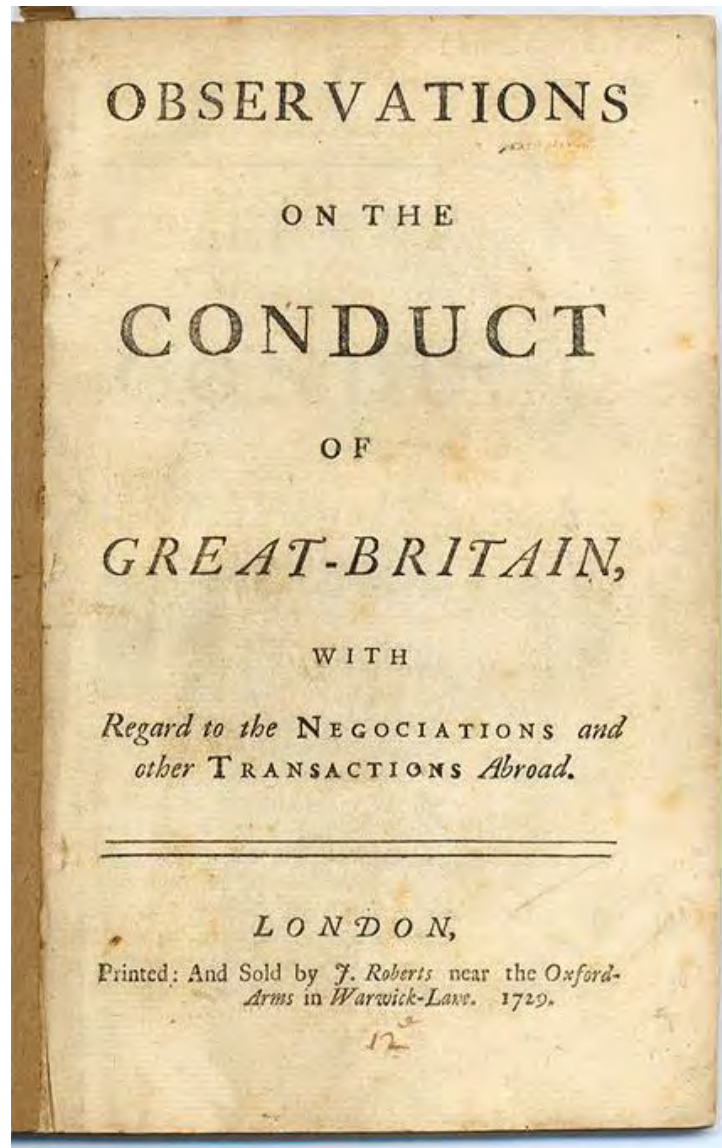
## 25. Span, Sebastian.

*Speculum Juris Metallici, Oder: Berg-Rechts-Spiegel, Darinnen zu Finden Was Jedweder dem Bergwesen Zugethaner, Hoben, Mittlern und Niedern Person, Als Grund-Herren, Obrist-Munzmeister, Berg-Vorstehern, Berg-Ampts-Leuten, Dienern und Arbeitern, Befehl, Verrichtung und Befugniß Ist; Wie sie sich bey und Gegen Andere, So zum Bergwerck Angenommen, Mit Befehl-Oder Forttreiben, Auch in Gut-Oder Rechtlichen Streit-Handeln Verhalten Sollen; Aus denen vom Kayser Ferdinando I. Lobl. Gedachtniss, An. 1584 Publicirten Joachimsthalischen, Schlackenwaldischen Silber- und Zien- wie auch bey Zeiten Kayser Rudolphi II. Hochlobl. Andenckens, zu Pappier Gesetzten Zweyen Land-Bergwercks-Ordnungen im Konigreich Bohmen, Auffgerichteten Bergwercks-Vergleichungen, Gefolgtten Reformationen, Ertz-Kauffen, Begnadigungen un Privilegien, It. Andern Berg-Gebrauchen, Was Darinnen von ein Oder Andern Chur- und Furstl. Berg-Ordnung Statuiert Worden; Mit Denen Formalibus Unter Eines Jeden Sonderbare Rubric Gebracht.* Dresden: Bey Johann Jacob Wincklern, 1698. [xvi], 422 (i.e. 426), [20] pp. Folio (12-1/2" x 7-3/4").

Contemporary three-quarter calf over speckled boards, raised bands, lettering piece and gilt ornaments to spine, speckled edges, ribbon marker. Some rubbing to boards and extremities, front joint just starting at head. Title page printed in red and black, woodcut head and tail-pieces. Moderate toning to text, light browning in places, part of date lacking from bottom edge of title page due to printer error, early owner stamp to foot of verso, internally clean. Ex-library. Bookplate to front pastedown. \$500.

\* Only edition. Central Europe, Bohemia especially, has been an important mining center since the late-middle ages and the source of some of Europe's earliest mining laws. Originally local, Central European mining law became more Germanic over time through the authority of the Holy Roman Empire. Span's treatise summarizes this body of law with an emphasis on the enactments of Holy Roman Emperors, and Kings of Hungary, Bohemia and Croatia, Ferdinand I and Rudolf II. Among other topics, Span considers the demarcation of territory, drainage, ventilation and the division of expenses and profits among investors. OCLC locates 3 copies in North American law libraries (Harvard, UC-Berkeley, Yale). *Das Verzeichnis der im Deutschen Sprachraum Erschienenen Drucke des 17. Jahrhunderts* 1:015512F. [Order This Item](#)





**English Trade in the West Indies**

26. [Trade].

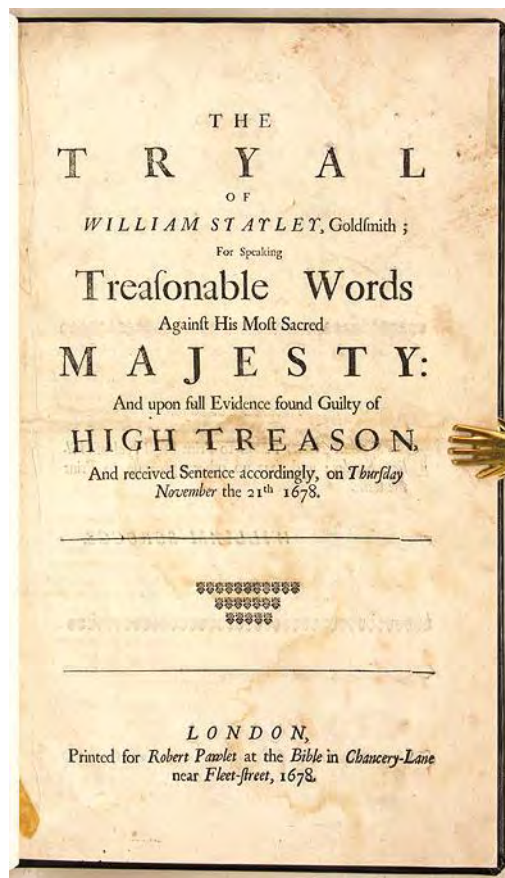
[Great Britain].

[Amhurst, Nicholas (1697-1742), Attributed].

*Observations on the Conduct of Great-Britain, With Regard to the Negotiations and Other Transactions Abroad.* London: Printed: And Sold by J. Roberts, 1729. 61, [1] pp. Octavo (7-3/4" x 4-1/2").

Stab-stitched pamphlet in later plain wrappers. Light rubbing, minor wear to spine ends and corners, light soiling to title page and verso of final leaf. Light toning to text, light foxing to a few leaves. A nice copy. \$100.

\* First edition. Attributed in some sources to Nicholas Amhurst, this pamphlet defends Sir Robert Walpole, then chancellor of the exchequer, against accusations of neglecting England's West Indian commerce, to the advantage of Spain. It describes English expeditions to counter Spanish influence and, in the interest of fairness, lists English ships taken by Spain since the Treaty of Hanover (1725). *English Short-Title Catalogue* T41776. [Order This Item](#)



**"For Speaking Treasonable Words Against His Most Sacred Majesty"**

**27. [Trial].**

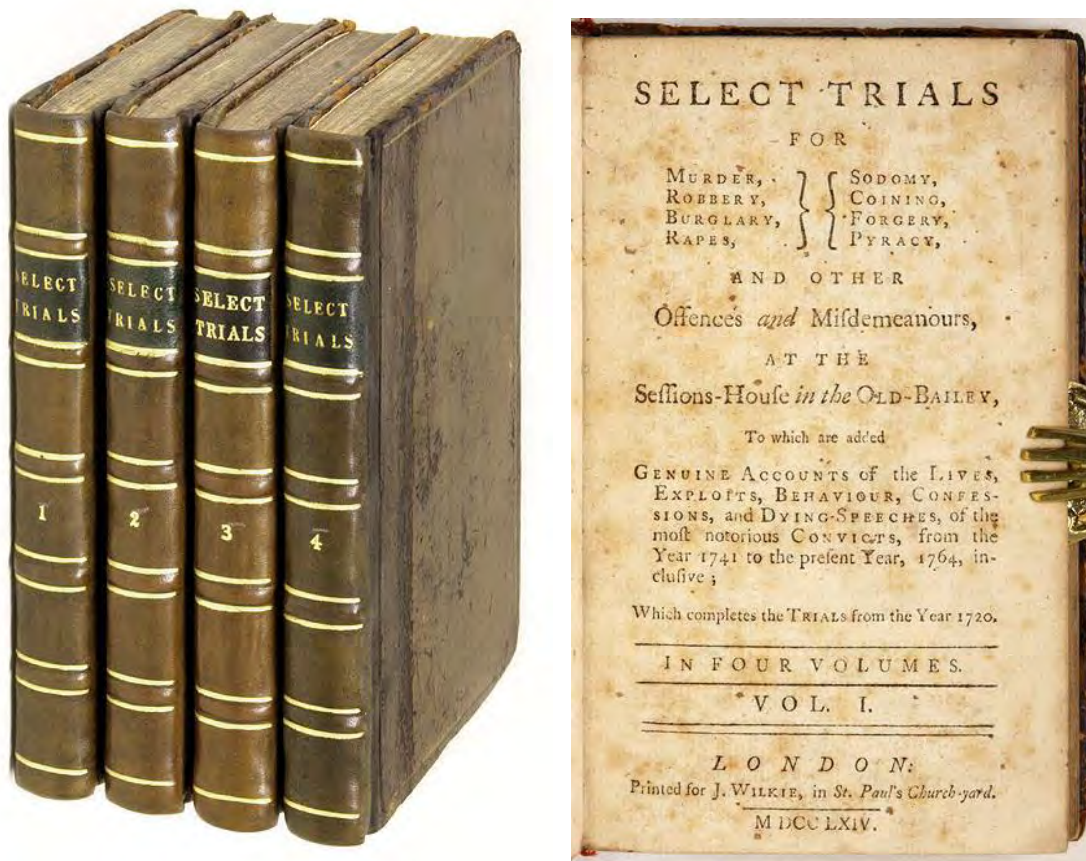
**Staley, William [d.1678], Defendant.**

*The Tryal of William Stayley, Goldsmith; For Speaking Treasonable Words Against His Most Sacred Majesty: And Upon Full Evidence Found Guilty of High Treason, And Received Sentence Accordingly, On Thursday November the 21th 1678.* London: Printed for Robert Pawlet, At the Bible in Chancery-Lane near Fleet-Street, 1678. 8, 7-10 pp. Main text preceded by imprimatur on verso of title page. Text continuous, and complete, despite pagination. Folio (12-1/2" x 8").

Stab-stitched pamphlet bound into recent buckram, gilt-stamped title to spine. Moderate toning to text, faint dampstain and light soiling to title page, internally clean. \$100.

\* Only edition, one of two issues from 1678. William Staley (or Stayley) was one of the victims of the Popish Plot, one of the cruellest hoaxes in British history and the inspiration for a wave of anti-Catholic violence. It was the invention of Titus Oates, an Anglican clergyman, and his friend, Dr. Israel Tonge, a cleric and passionate anti-Catholic. They pretended to have discovered a Jesuit plot to assassinate the King, massacre Protestants, and set James, Duke of York, the King's Catholic brother, on the throne. Convicted as a conspirator, Staley was executed and quartered in 1678. "Instead of his quarters being set upon the city gates the king allowed them to be delivered to his relatives. Mass was said over his remains and a 'grand' funeral was arranged from his father's house on 29 November, before his burial in St Paul's, Covent Garden. This incensed the government so much that the coroner ordered the body to be dug up and delivered to the sheriff to be set upon the city gates" (*Oxford Dictionary of National Biography*). William Stayley's head has a small place in London's history; it was the last to be displayed on London Bridge. This account was reissued in Dublin in 1723. *English Short-Title Catalogue* TR228446. [Order This Item](#)





**Trials at Old Bailey, Indexed by Crime**

**28. [Trials].**

**[Great Britain].**

*Select Trials for Murder, Robbery, Burglary, Rapes, Sodomy, Coining, Forgery, Piracy, And Other Offences and Misdemeanours, At the Sessions-House in the Old-Bailey. To Which are Added, Genuine Accounts of the Lives, Exploits, Behaviour, Confessions, And Dying Speeches. Of the Most Notorious Convicts, From the Year 1741 to the Present Year, 1764, Inclusive; Which Completes the Trials from the Year 1720.* London: Printed for J. Wilkie, 1764. Four volumes. 12mo. (6" x 4").

Contemporary calf with recent rebacking, gilt fillets to boards, lettering pieces and gilt-edged raised bands to spine, endpapers retained, hinges mended. Moderate rubbing to extremities with some wear to spine ends and corners, light scuffing and some minor gatoring to boards, boards of Volume I just beginning to separate, but secure, a few joints and hinges starting. Some toning to text, light foxing in places, lower corner lacking from pp. 119-120 in Volume I with loss to catchword. pp. 217-165 of this volume have misprinted page numbers corrected in early pencil, interior otherwise clean. A nice set. \$1,750.

\* Indexed by crime, this set presents reports of trials held at the "Court of Oyer and Terminer and Gaol Delivery for London and Middlesex," better known as Old Bailey. Contents are arranged chronologically from 1740 to 1764. These accounts were published to amuse, titillate and perhaps instruct, and they are interesting today for their insights into the legal and cultural history of the early Georgian period. This title is the third and final set in a series of multi-volume trial collections, one published in 1734-35, another in 1742. Although these titles were issued by different publishers they have a uniform format and were later re-published as a five-volume work in 1764. *English Short-Title Catalogue* T82548.

[Order This Item](#)



One of the Great  
Fifteenth-Century Manuals for Confessors

**29. [Trovamala de Salis, Battista (d.1496)].**

[*Summa Casuum Conscientiae* (Second Version known as *Rosella Casuum*)]. [Venice: Paganinus de Paganinis, 21 Dec. 1499]. [xiv], 479 ff. Collation:  $\pi 4$ , a10, aa-CC16, DD12. Complete. Printed register at end does not list the first [14] leaves, which contain the "Rubricae Iuris Civilis" and "Summa Angelica." Leaf  $\pi 4$  includes the Papal bull "Etsi Dominici Gregis" with the imprint: Rome, 21 December 1479. Octavo (6" x 4"; 15 cm x 10 cm).

Later vellum from a manuscript leaf, raised bands and hand-lettered title to spine, ties lacking, endpapers renewed. Light soiling, moderate rubbing to extremities, a few small sections neatly removed from spine, minor chipping to spine ends, corners bumped, hinges partially cracked. 46-line text in parallel columns, capital spaces left blank. Moderate toning, occasional faint dampstaining, minor worming in places, mostly to margins, minor loss to text on leaves tt4-tt16 (ff. 292-304), light soiling and edgewear to preliminaries, first three leaves partially detached. \$7,500.

\* Second edition in octavo format and the final incunable edition. After the Fourth Lateran council of 1215 a number of manuals of confession appeared. Their purpose was the intellectual preparation of priests for a prudent and informed exercise of the office of confessor. Father Trovamala's is one of the best examples of this literature. Also known as the *Summa Casuum Conscientiae*, *Rosella Casuum* or *Summa Baptistiniana*, it was a standard work. First printed in 1482 and immediately successful, it was revised and expanded by the author as the *Rosella Casuum* or *Summa Rosella*. That edition was printed in 1484 with later editions in 1489, 1495 and 1499. A notable feature is its opinion of usury. Unlike other authors of summa for confessors, Trovamala argues that dry exchange is not usury because of its speculative nature. Goff, *Incunabula in American Libraries* S50. *Gesamtkatalog der Wiegendrucke* 3326. [Order This Item](#)





### Important Commentary on the *Digest*

#### 30. Wesenbeck, Matthaeus [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. \$850.

\* 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 Juridica* 188. [Order This Item](#)