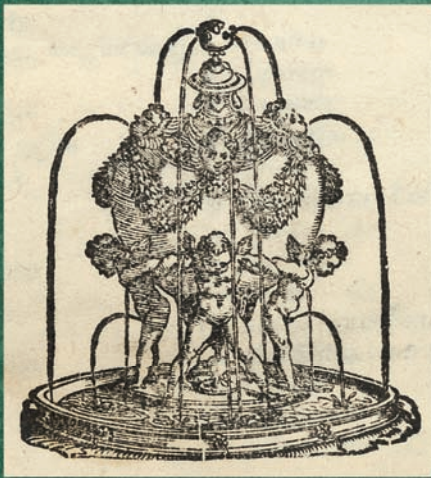


# Continental Law *Before 1700*

May 12, 2015





# The Lawbook Exchange, Ltd.

Continental Law Before 1700

12 May 2015



## Critical Edition of Important Study of Preemption

**1. D'Afflito (D'Afflicto), Matteo [c.1450-c.1520].**

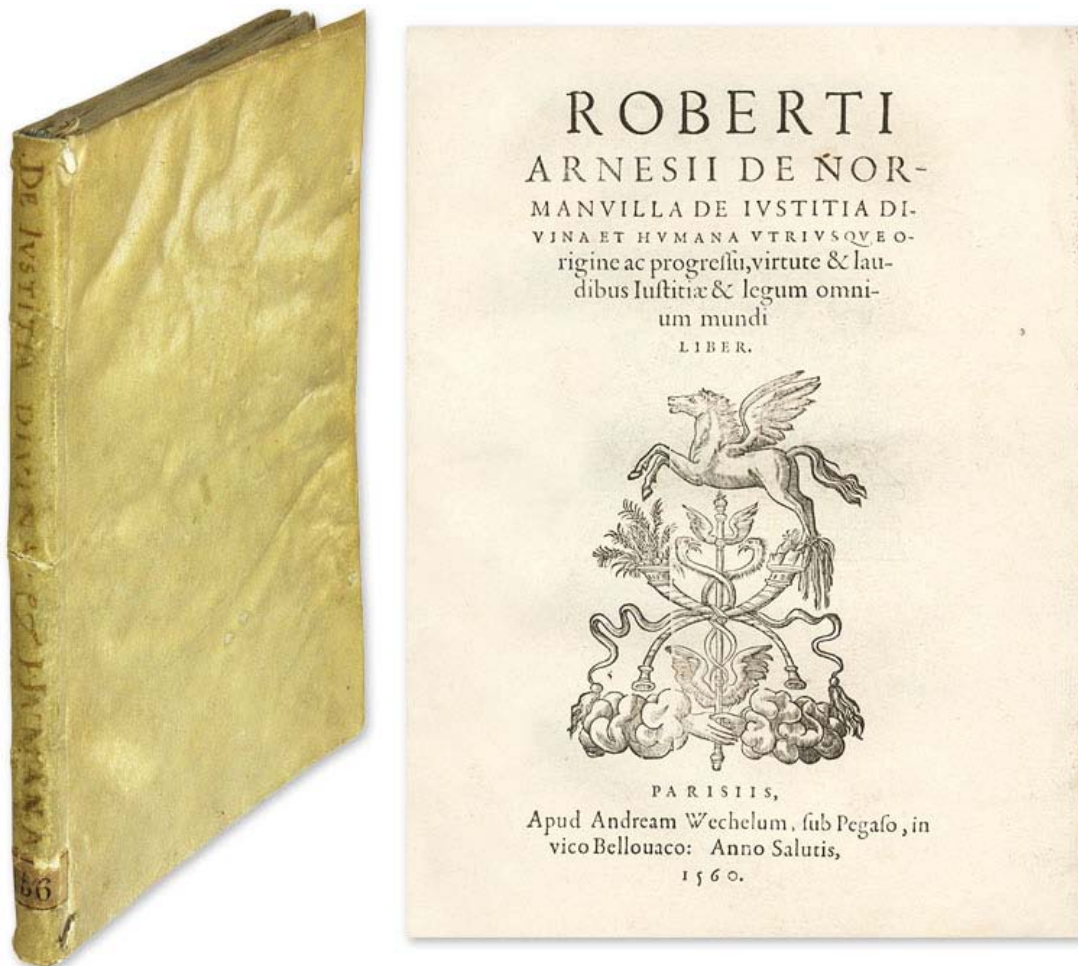
**Baldus de Ubaldis, Petrus [1327-1456].**

**Mantova Benavides, Marco [1489-1582].**

*Tractatus de Iure Prothomiseos. Nuperrime Recognitus a Plurimis Quibus Scatebat Erroribus Vindicatus. Subsequenti Commentariolo Gravissimi Iuris Interpretis Marci Mantuae Bonaviti Patavini, ad L. Dudum C. de Contrab. Empt. Summariisq, Ac Elementario Indico Superadditis Diligentissime Exornatus.* Venice: Apud Dominicum de Farris, 1582. 108, [8] ff. Octavo (5-3/4" x 3-3/4").

Contemporary vellum, early vellum rebacking with hand-lettered title. Some rubbing to extremities, a few small stains to boards, vellum just beginning to break through pastedowns, hinges cracked, a few partial cracks to text block (binding still secure). Later small owner signature to front endleaf, another to title page. Occasional faint dampstaining to margins, interior otherwise fresh. \$600.

\* Later edition. First published in 1548, this is a critical edition of D'Afflito's *Tractatus De Iure Protomeseos* (1544), an edition of a work on preemption in feudal law by Baldus de Ubaldus with commentary. Afflito was an Italian jurist and state official. A pupil of Bartolus, Baldus de Ubaldus was a prominent commentator and professor at the Universities of Perugia and Padua. KVK and OCLC locate 2 copies of this edition in North America (at UCLA and the Ransom Library, UT Austin). *Censimento Nazionale Delle Edizioni Italiane del XVI Secolo* CNCE15846.



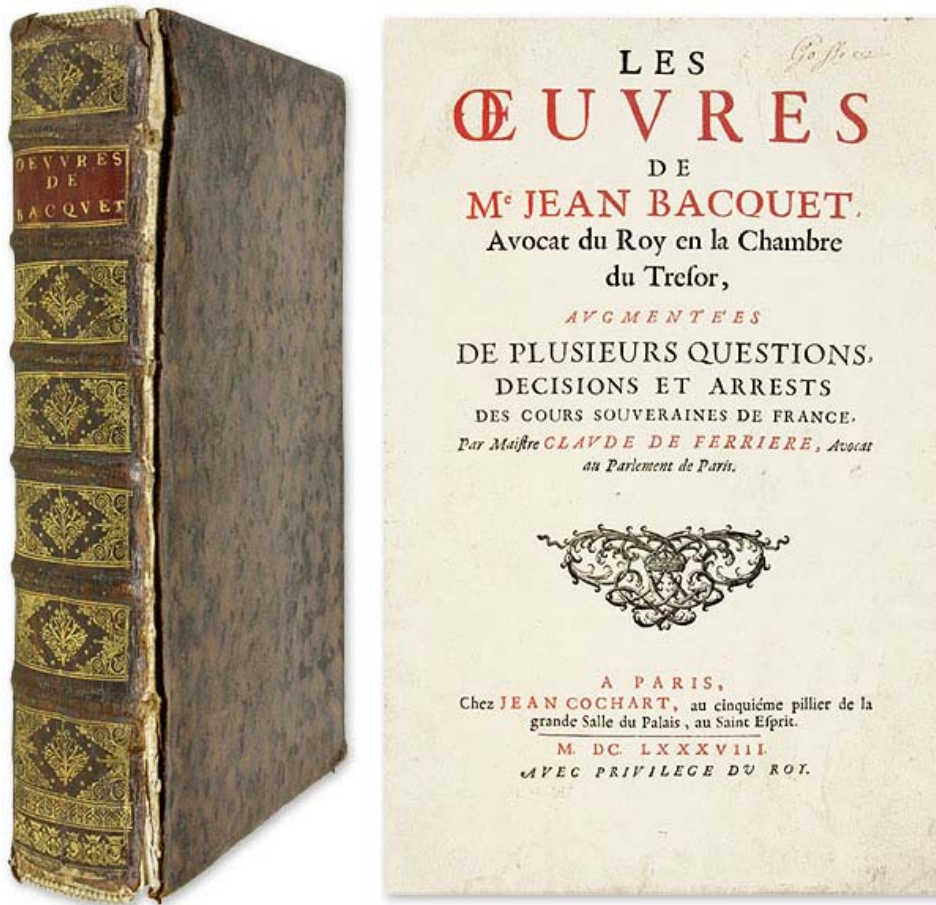
### Rare Humanistic Essay on Jurisprudence

#### 2. Arnois, Robert.

*De Iustitia Divina et Humana Utriusque Origine ac Progressu, Virtute & Laudibus Iustitiae & Legum Omnium Mundi Liber.* Paris: Apud Andream Wechelum, 1560. [2], [3]-114 pp. Quarto (8-1/4" x 6").

Contemporary limp vellum, early hand lettered title to spine, ties lacking. Light soiling, some rubbing to extremities. Large woodcut printer device to title page, handsome woodcut vignette to verso, woodcut head-piece. Some worming to margins with no effect on legibility, partial crack near center of text block, light toning. Ex-library. Location label to foot of spine, bookplate and another location label to front pastedown. A nice copy of a scarce title. \$1,850.

\* Only edition. With side-notes. Little is known about the author or this interesting work, and it is not listed in the standard references. It is an expansive humanistic treatise on jurisprudence that begins with a definition of justice and continues with a discussion of Roman, canon, civil and "jus naturale." The title page identifies the author as "Robertii Arnesii de Normanville" without listing any professional affiliations, which suggests he was a gentleman rather than a practicing jurist. No copies located in North America. OCLC and KVK locate 3 copies, all in Europe.



One of the Great Legal Works of Seventeenth-Century France

**3. Bacquet, Jean [d.1597].**

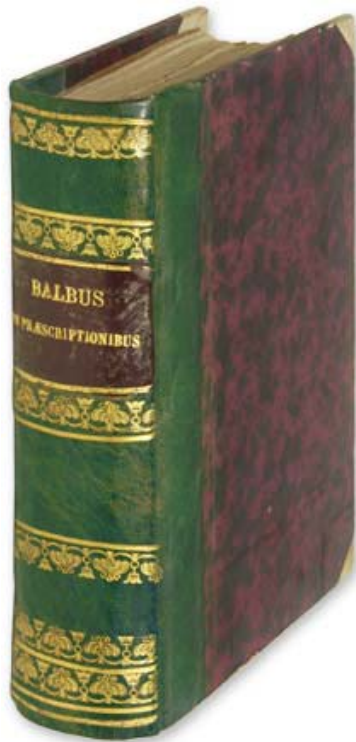
**Ferriere, Claude de [1639-1715].**

*Les Oeuvres de Me Jean Bacquet, Avocat du Roy en la Chambre du Tresor, Augmenté'es de Plusieurs Questions, Decisions et Arrests des Cours Souveraines de France, Par Maistre Claude de Ferriere, Avocat au Parlement de Paris.* Paris: Chez Jean Cochart, 1688. [xvi], 1063 pp. Five parts with continuous pagination. Main texts in parallel columns. Folio (14-1/2" x 9").

Contemporary mottled calf, gilt spine with raised bands and lettering piece, speckled edges. Some rubbing to extremities, chipping to spine ends, corners bumped and somewhat worn, front board beginning to separate but secure, rear joint just starting at ends. Title page printed in red and black, handsome woodcut head and tail-pieces. Early signature to head of title page. Some offsetting, soiling and edgewear to preliminaries and rear endleaves, interior otherwise fresh. \$350.

\* Later edition. Bacquet, an important French jurist, was King's Advocate of the Treasury Chamber, was a prolific author on a wide variety of topics. First published in 1597, four parts of this work are treatises on escheat, aliens, land tenure and judicial administration. The fifth is a compilation of law reports compiled by Claude de Ferriere, a law professor at Paris and prolific author. Bacquet's *Oeuvres* went through several issues and editions. The final was edited by Ferriere's son, Claude-Joseph de Ferriere, and published in 1744. Identical in content, format and collation, the 1688 edition was issued by several Parisian printers. KVK locates 5 copies from 1688 imprint, but none by Cochart. OCLC locates 1 copy of a 1688 imprint (another non-Cochart impression at the University of Montreal). Copies of this edition located in the United States at Harvard Law School and Louisiana State University Law School. Not in Camus or the *British Museum Catalogue*.





### The Roman Law of Prescription

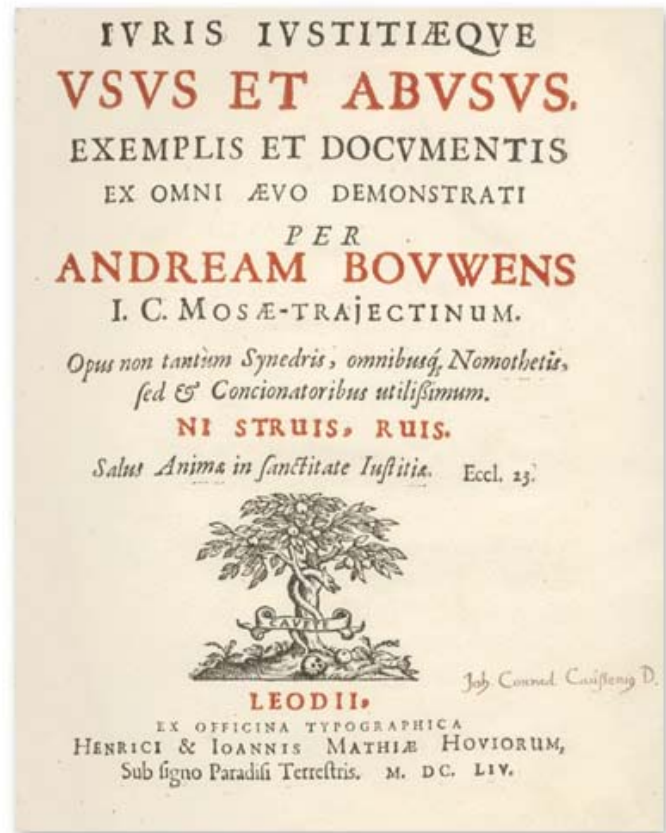
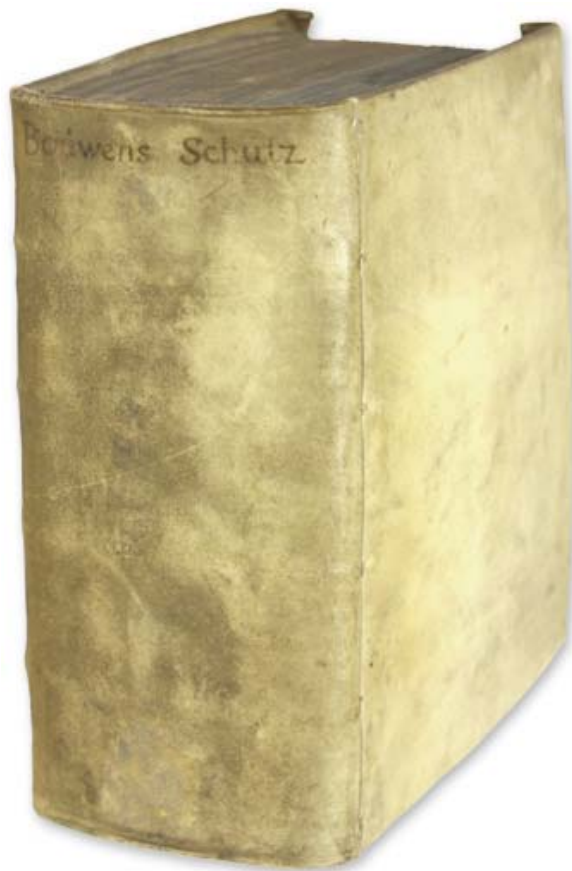
#### 4. Balbo, Giovanni Francesco [f. 1510-1518].

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

*Tractatus Foecundus, et Perutilis de Praescriptionibus: Editus per clarissimum Iurisconsultum do. Ioannem Franciscum Balbum Taurinensem. Cui Accedit Repetitio Singularis l. Celsus ff. de Usucap. Cum Multis Additionibus & Apostillis, Una cum Dictis Hostien. In Summa de Praescrip. & Usucap. & Cum Summariis & Repertorio Nuper Additis.* Venice: [Apud Cominum de Tridino], 1563. [32], 300 pp. Main text in parallel columns. Octavo (6" x 4").

Later quarter calf over marbled boards with vellum corners, endpapers renewed. Light rubbing to extremities. Large woodcut printed device to title page, woodcut decorated initials. Early owner signature to foot of title page. A few minor smudges and some dampspotting to preliminaries and index leaves, interior otherwise fresh. \$1,500.

\* Later edition of a work first published in 1511. *Tractatus Foecundus* is concerned with the Roman law of prescription, the principle whereby a right or liability is created or extinguished over a certain period of time, usually in regard to a property title. It also includes an edition of a short treatise on this subject by Henricus de Segusio. It was a popular work that went through several issues and editions, the last one in 1590. 3 copies located in North America, 1 of this edition (at the UT-Austin Ransom Library). *Censimento Nazionale Delle Edizioni Italiane del XVI Secolo* CNCE 3947.



**A Scarce Belgian Treatise On Administration Bound to a Collection of Dissertations**

**5. Bouwens, Andreas [d. circa 1672].**

*Juris Justitiaeque Usus et Abusus: Exemplis et Documentis ex Omni Aevo Demonstrati. Opus non Tantum Synedris, Omnibusq; Nomothetis, Sed & Concionatoribus Utilissimum.* Liege: Ex Officina Typographica Henrici & Ioannis Mathiae Hoviorum, 1654. [xxxii], 465, [14] pp.

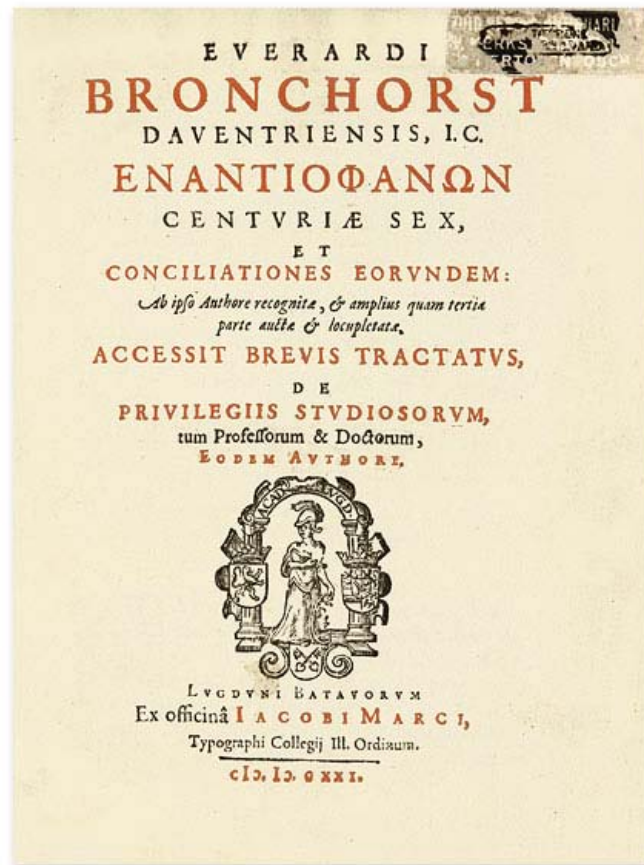
**[Bound with]**

**[Sinold Schutz, Justus S. (1592-1657)].**

*Collegii Publici de Statu Rei Romanae Volumen Secundum.* Giessen: Typis & Impensis Chemlinianis, 1653. [viii], 540 pp.

Quarto (7-1/2" x 6"). Contemporary vellum with lapped edges, early hand-lettered title to spine. Moderate soiling, spine somewhat darkened, minor rubbing to extremities, rear hinge just starting at head. Title page of Bouwens printed in red and black. Toning, light browning in places. Tiny later (?) owner signature to title page of Bouwens, interior otherwise clean. \$350.

\* Only editions. Bouwens, a native of Louvain, was a lawyer and state official in Liege. He ended his career in the service of that city's Prince-Archbishop. *Juris Justitiaeque*, his only publication, is a comprehensive treatise on judicial administration, practice and judges in Roman law. *Collegii Publici* is an anthology of dissertations presented to Sinold Schutz at the Universities of Marburg and Giessen. The subjects of these dissertations include Roman law, treaties, the Thirty Years' War and procedure. Complete in itself, this is the second and final volume of *De Statu Rei Romanae*, a work published in 1641. Bouwens: Dekkers, *Bibliotheca Belgica Juridica* 24. Sinold Schutz: *Das Verzeichnis der im Deutschen Sprachraum Erschienenen Drucke des 17. Jahrhunderts* (VD17) 1:019326Z.



### A Respected Treatise on Roman-Dutch Law

#### 6. Bronkhorst (Bronchorst), Everard van [1554-1627].

*Enantiophanon Centuriae Sex, Et Conciliationes Eorundem: Ab Ipso Authore Recognitae, & Amplius Quam Tertia Parte Auctae [et] Locupletatae: Accessit Brevis Tractatus, De Privilegiis Studiosorum, Tam Professorum & Doctorum Eodem Authore.* Leiden: Ex Officina Iacobi Marci, 1621. [xl], 511, 300 pp. Two parts, each with title page. Quarto (8" x 6").

Contemporary vellum with lapped edges, early hand-lettered title to spine, edges rouged. Light soiling and some edgewear, front joint cracked but secure, text block partially detached but secure, vellum beginning to crack through pastedowns, front endleaf detached, upper portion of rear free endpaper lacking. Main title page printed in red and black, woodcut decorated initials and tail-pieces. Light toning, residue from small bookseller ticket to head of title page, a few brief annotations to endleaves. A solid copy. \$500.

\* Later edition of a work first published in 1594. Bronkhorst was a professor of law at the University of Leiden from 1587 until his death. According to Roberts, his work was cited often by the leading Roman-Dutch authorities, especially van Leeuwen. *Enantiophanon* is an extensive treatise on controversial topics in Roman-Dutch law. A sophisticated work, it went through 9 editions, the last one in 1695. Roberts, *A South-African Legal Bibliography* 63. Dekkers, *Bibliotheca Belgica Juridica* 28 (2).





Lancelotti's Edition of the *Corpus Juris Canonici*

7. [Canon Law].

**Lancelotti, Giovanni Paoli, Editor.**

*Corpus Juris Canonici Emendatum et Notis Illustratum. Gregorii XIII. Pontif. Max. Jussu Editum. Indicibus Variis, Novisq; Et Appendice Pauli Lancelotti Perusini Adauctum: Cujus Partes Indicat Aversa Pagina. Accesserunt Novissime Loci Communes Uberrimi, Summa Diligentia ex Ipsis Canonibus Collecti, & Ordine ac Methodo Singulari ad Usum Fori Utriusque Fideliter Digesti: Theologis, Politicis, & Practicis Pernecessarii. Itemq. Liber VII. Decretalium hac Primum Editione Novis Aliquot Constitutionibus Auctus.* Basel: Impensis Emanuelis Konig & Filiorum Konig, 1665. Six books in one volume, each with title page. [68] pages, 1272 columns; [20] pp., 754 cols; [12] pp., 406 cols.; [8] pp., 158 cols.; [160] pp., 236 cols.; [13] pp. Main text in parallel columns. Quarto (9" x 6-1/2").

Contemporary calf, blind rules rebacked with raised bands and gilt title, corners repaired, endpapers renewed, hinges reinforced with cloth tape. Moderate rubbing, light gatoring to boards, a few small chips to board edges. Title page printed in red and black, attractive woodcut head-pieces, tail-pieces and decorated initials. Later owner bookplate (of Henry H. Ficken) to front pastedown, early signature excised from head of title page with no loss to text. Light foxing, light browning to portions of text, internally clean. A nice copy. \$300.

\* With tables and indexes. Attempts to codify the body of canon law began in earnest during the Carolingian period. These efforts reached fruition between 1020 and 1025 in the twenty-volume *Decretum* of Burchard, Bishop of Worms. This was superseded in 1151 by Gratian's epochal *Concordia Discordantium Canonum*, or *Decretum Gratiani*, a compilation and concordance of about 4,000 texts created before the Lateran Council of 1139. Though never officially sanctioned, this work is the cornerstone of the *Corpus Juris Canonici*. The next great step was taken in 1234 with the *Liber Quinque Decretalium* of Gregory IX, the first official collection of canon law. The *Liber Sextus* of Boniface VIII (1298) added updates and modifications. John XXII added the final official collection of canon law, the *Liber Septimus Decretalium*, better known as the "Constitutiones Clementis V" or simply "Clementinae" (1317). Two more texts were added later: the *Extravagantes* of John XXII (1325) and the *Extravagantes Communes* of other popes to 1484. The texts in this volume are drawn from the edition produced between 1580 and 1582 by the Correctores Romani, a commission established by the Council of Trent. It remained the only authenticated collection of material for the Western Church until the promulgation of the Code of Canon Law in 1917. This edition also includes Giovanni Paoli Lancelotti's *Institutionum Juris Canonici Commentarium* (1563). Also known as the *Appendix Pauli Lanceloti*, it is a textbook in the manner of the Institutes from the *Corpus Juris Civilis*. Though it is appended to most editions of the *Corpus Juris Canonici*, it was never officially adopted by the church. Walker, *The Oxford Companion to Law* 176-179, 294. Graesse, *Tresor Livres Rares et Precieux* 2:274 (citing other editions).





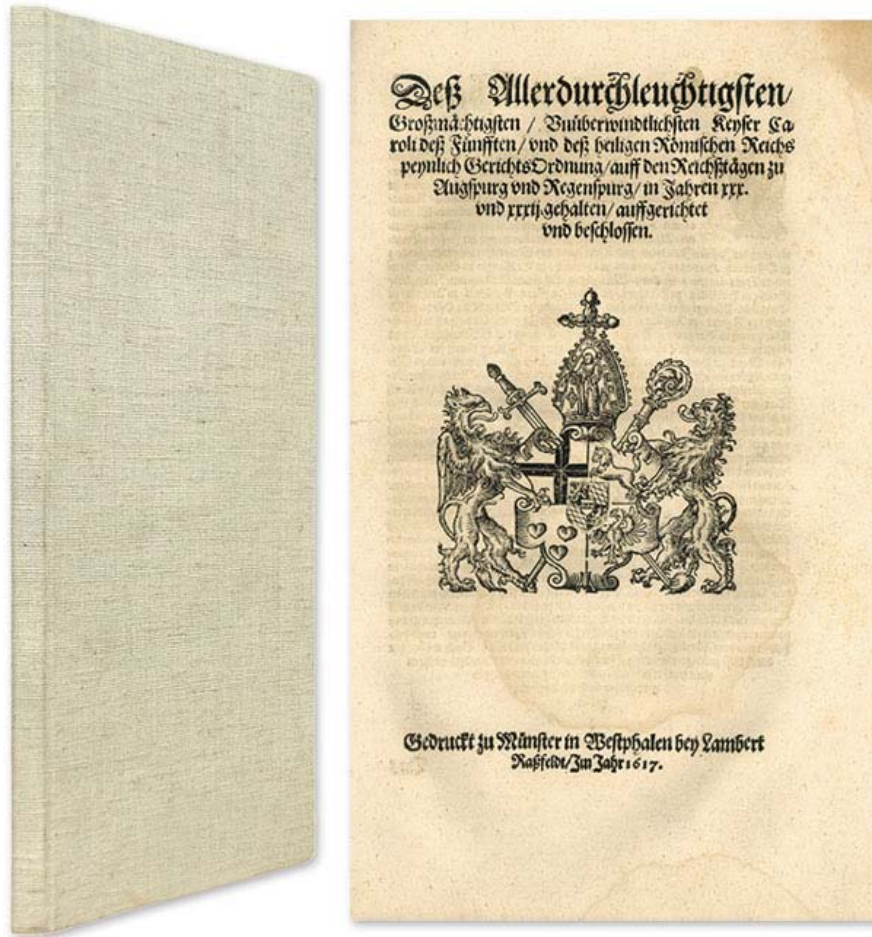
**Scarce Treatise on the Roman Law of  
Usufruct by Distinguished Spanish Canonist**

**8. 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, & Resoluuntur. 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, & Materiarum.* 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. KVK locates 1 copy of this edition, 16 of all editions. Not in the *British Museum Catalogue*.



Nice Copy of the Influential Criminal Code of Charles V

**9. Charles V, Holy Roman Emperor [1500-1558].**

*Peynlich Gerichtsordnung Auff den Reichsstagen zu Augspurg und Regenspurg in Jahren XXX. und XXIJ. gehalten.* Munster: Gebruckt bey Lambert Rassfeldt, 1617. [viii], 55 pp.

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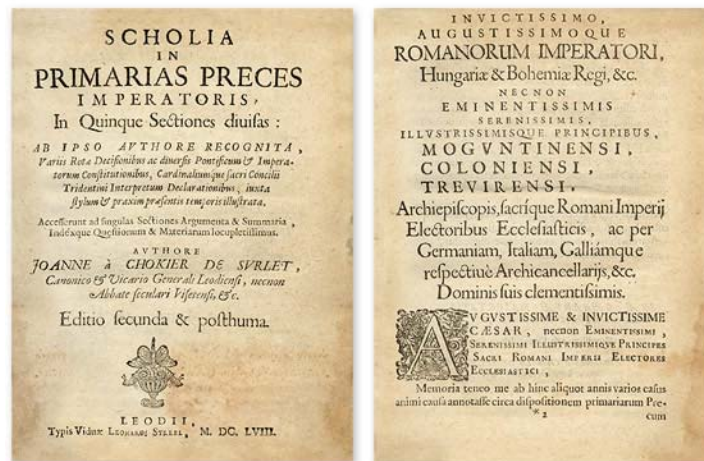
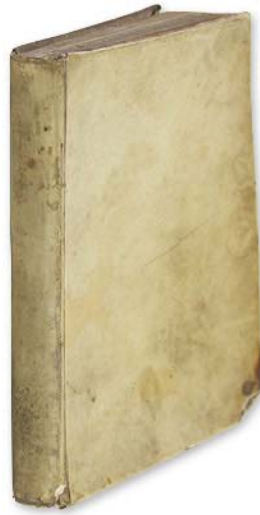
[Munster].

*Reformation dess Heimlichen Gerichts und der Heimlichen Achte wie und Welcher Massen zu Hinzufurter Dieselbige nach Altem Gesetz und Herkommen Ordentlich gehalten unnd Freygrassen und Scheffen Gemacht Werden Sollen durch Etwan Hochloblicher und Milter Gedachtnitz Herrn Sigismunden Romischen Konig Confirmirt und Bestettigt.* [Section extracted from unknown volume] 103-119 pp.

Folio (12" x 7-1/2"). Recent linen. Large woodcut title-page device (arms of Charles V). Light browning to text, faint dampstaining to title page and elsewhere. A nice copy of two uncommon titles. \$950.

\* Later edition. With table. The *Constitutio Carolina Criminalis* was one of the most influential legal codes in German history. Written in 1532 and adopted that year at the Diet of Regensburg, it was based on Roman law, Italian scholarship on Roman law, the criminal code of Brandenburg-Franconia (1516) and the two criminal codes prepared by Maximilian I for Tyrol (1499) and Radolfzell (1506). It was first published in 1533. Essentially a code of criminal procedure, it dominated that area of German law for two centuries and served as the model for the codes of several local codes throughout the Holy Roman Empire. The second title in this volume appears to be a complete section extracted from a larger volume. It contains a collection of recently-enacted amendments to statutes of the city of Munster. KVK locates 3 copies of this edition, which is not listed in the *British Museum Catalogue* (first work).





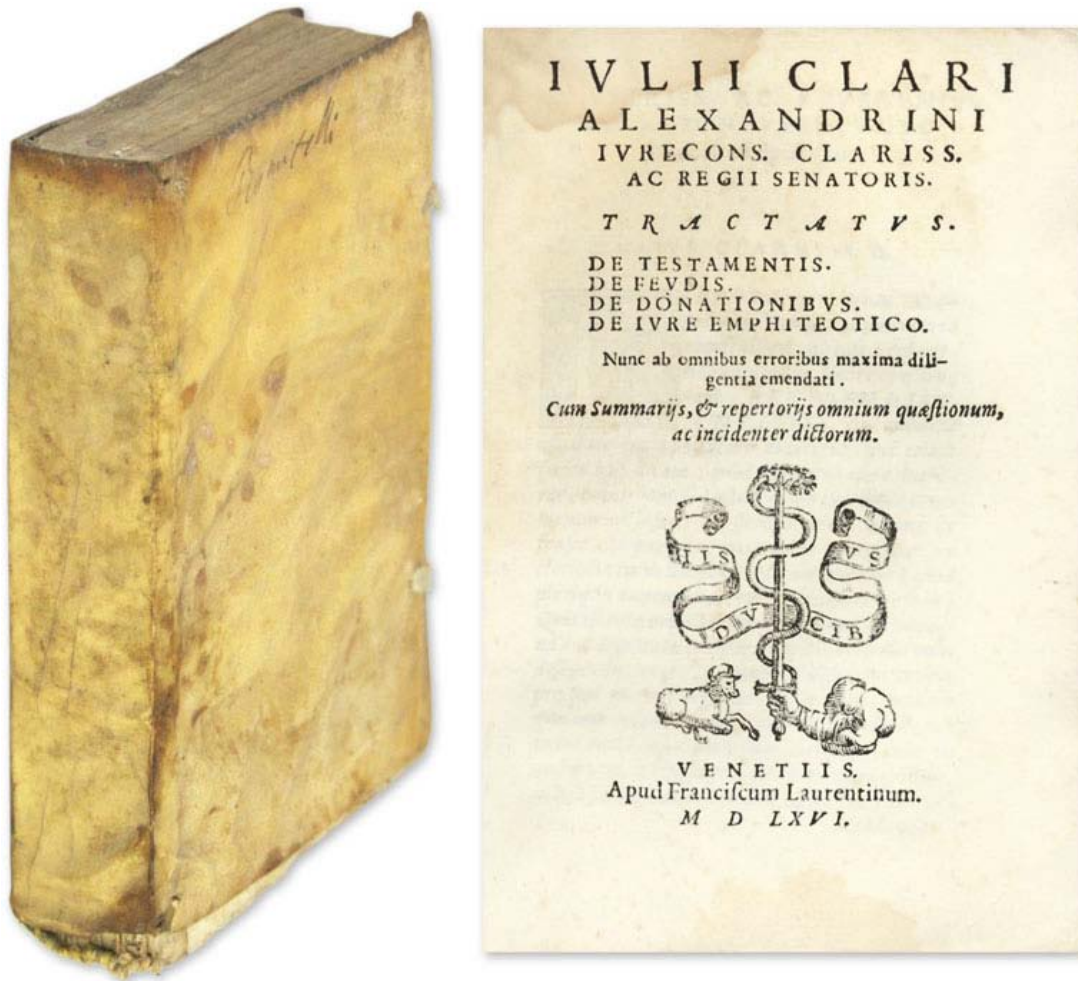
**Notable Treatise by the Brother of Erasmus**

**10. Chokier de Surlet, Jean de [1571-1656].**

*Scholia in Primarias Preces Imperatoris in Quinque Sectiones Divisas: Ab Ipso Authore Recognita, Variis Rotae Decisionibus ac Diversis Pontificum & Imperatorum Constitutionibus, Cardinaliumque Sacri Concilii Tridentini Interpretum Declarationibus, Iuxta Stylum & Praxim Praesentis Temporis Illustrata. Accesserunt ad Singulas Sectiones Argumenta & Summaria, Indexque Questionum & Materiarum Locupletissimus.* Liege: Typis Viduae Leonardi Streele, 1658. [xvi], 198 [i.e. 200], [20] pp. Quarto (7-3/4" x 6").

Contemporary unlettered vellum. Rubbing to extremities, chip to lower corner of front board, other corners and spine ends bumped, soiling to spine, a few faint stains, boards somewhat bowed, vellum beginning to crack through pastedowns. Attractive woodcut head-pieces, tail-pieces and decorated initials. Light browning, faint dampstaining to a few leaves, some wear to edges of preliminaries and rear endleaves. Later armorial bookplate (of Leon Lahaye) to front pastedown. Early annotations to head of front free endpaper and foot of title page, interior otherwise clean. \$1,000.

\* Second edition. Surlet, the brother of Desiderius Erasmus, was an important theologian, canon lawyer, and Canon of Liege Cathedral. He went on to become Vicar-General of that city. *Scholia* is a treatise dealing with petitions, appeals and requests according to canon law and secular law of Liege. The first edition was published in 1621, the third and final edition in 1674. Our 1658 imprint was printed by a woman, "The Widow of Leonard Streele." Not in Dekkers or the *British Museum Catalogue*. This edition not in Camus. Schulte, *Die Geschichte der Quellen und Literatur der Canonischen Rechts* I:694.



### Popular Sixteenth-Century Study of Topics in Roman Law

#### 11. Claro, Giulio [1525-1575].

*Tractatus de Testamentis, De Feudis, De Donationibus, De Iure Emphiteotico: Nunc ab Omnibus Erroribus Maxima Diligentia Emendati: Cum Summariis, & Repertoriis Omnium Quaestionum, Ac Incidenter Dictorum.* Venice: Apud Franciscum Laurentinum, 1566. 8, [32], 243 ff. Octavo (6" x 4").

Contemporary limp vellum with lapped edges, faint early hand-lettered title to spine, later signature (Romatelli) to front cover, ties lacking. Light soiling, rubbing to extremities, insect damage to rear cover, front joint cracked, pastedowns loose. Large woodcut printer device to title page, woodcut decorated initials. Occasional early annotations and underlining. Toning, dampstaining in a few places, interior otherwise clean. \$500.

\* Second edition. With indexes. First published in 1565, this popular work on wills, gifts, feudal writs, usury and other topics in Roman criminal and civil law went through numerous editions throughout Europe well into the eighteenth century. These four tracts were books 3-4 of the author's unfinished *Sententiae Receptae*. Claro was a Milanese jurist. OCLC and KVK locate one copy of this edition in North America (at the Library of Congress). Another copy located at Harvard Law School. This edition not in Adams. *Censimento Nazionale delle Edizioni Italiane del XVI Secolo* CNCE 12641.





1599 Venetian Edition of the *Consolato del Mare*

12. [Consolato del Mare].

Ca da Mosto, Alvise [1432-1488].

*Il Consolato Del Mare. Nel Quale si Comprendono Tutti Gli Statuti, & Ordini, Disposti da Gli Antichi, Per Ogni Caso di Mercantia & Di Navigare: Così a Beneficio di Marinari, Come di Mercanti, & Patroni di Nave, & Navilii: Con l'Aggiunta delle Ordinationi Sopra l'Armata di Mare, Sicurtà Entrate, Uscite; & Con Il Portolano del Mare. Di Nuouo con Quella piu Accurrata Diligentia, Che s'e Potuto Corretto, & Ristampato. Con una Nuova Tavola de i Capitoli.* Venice: Appresso L. Spineda, 1599. [xvi], 232; [4], 37 [i.e. 74] pp. The second part, *Il Portolano del Mare*, has title page and separate foliation. Quarto (7-1/2" x 6").

Contemporary vellum, spine repaired, pastedowns renewed, ties lacking. Minor edgewear, light soiling and a few stains to boards, which are slightly bowed. Attractive woodcut head-pieces, tail-pieces and decorated initials. Light toning, minor worming in a few places with negligible loss to text. Early owner signature to title page, contemporary underlining and check marks to a few leaves, interior otherwise clean. An appealing copy. \$2,500.

\* Later edition. A landmark in the development of maritime law, the *Consolato del Mare* was first published in Barcelona in 1484. A digest of the law and practice commonly followed by the commercial judges in the chief ports around the Mediterranean, it became a maritime common law of the Mediterranean and a foundation for subsequent European maritime laws and customs. Its circulation was widest in Italy, especially among the Venetians, but it was also influential in Western Europe. In addition to maritime law, it contains a great deal of information about the day-to-day operations of a ship and practical advice on seafaring. *Il Portolano del Mare*, an appendix, is usually attributed to Alvise Ca da Mosto, a Venetian navigator who made two voyages to Guinea in the service of Portugal's Prince Henry the Navigator. Adams, *Catalogue of Books Printed on the Continent of Europe, 1501-1600* C2538.







#### A Roman Precursor of the Restraining Order

##### 14. Ercolani, Francesco [1541-1569].

*De Cautione de Non Offendendo*. Venice: Apud Io. Andream Valuassorem Cognomine Guadagnino, 1571. [32], 159 [i.e. 317] ff. Octavo (6-1/2" x 4").

Contemporary limp vellum, early vellum rebacking and hand-lettered title to spine, early repair with paper to top edge of rear cover. Light soiling, some wear to corners, chipping to spine ends, front hinge cracked, rear hinge starting at ends, front endleaves lacking. Large woodcut printer device to title page, woodcut decorated initials. Interior notably fresh. \$350.

\* Second edition. Ercolani's treatise addresses the Roman law of interdict, a category of orders or prohibitions issued by a magistrate and addressed to a particular person to give immediate protection to a threatened interest of a complainer. They were also used to protect public interests, such as waterways. The first edition of this treatise was published in 1569, third and final in 1580. 7 copies located in North America, 2 of this edition (at UC-Berkeley and Harvard Law Schools). *Censimento Nazionale Delle Edizioni Italiane del XVI Secolo* CNCE 18254.



### Disputed Points in the Construction and Interpretation of Roman Law

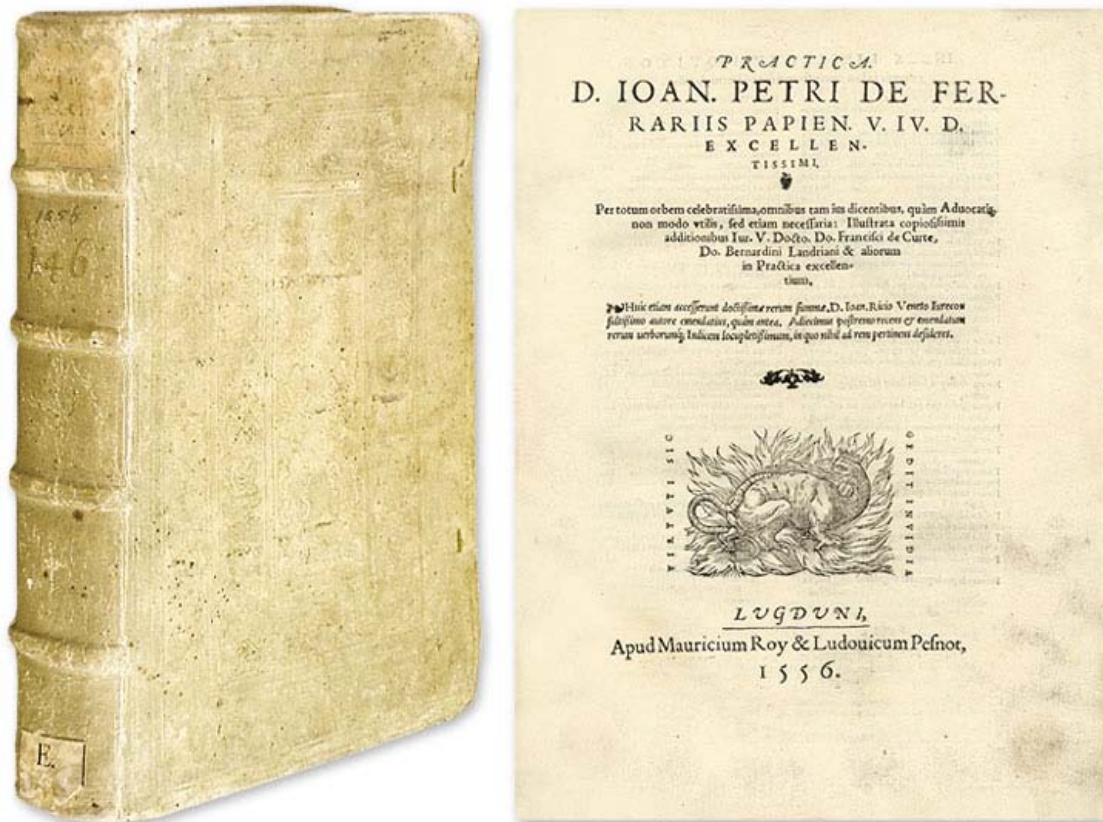
#### 15. Fachinei, Andrea [d. 1607].

*Controversiarum Opus, In Quatuor Tomos Sectum, Quorum Primus Complectitur Libros I. II. III. Secundus IV. V. VI. Tertius VII. VIII. IX. Quartus X. XI. XII. XIII. Cui Primo Accreuit Tomus Quartus, Deinde Cuique Tomo Argumenta Praefixa, Terio Superadditus est Triplex Elenchus. Unus Capitum, Alter Verb. Sentent. & Rerum: Tertius V.I. Locorum, Universo hoc Opere Cribratorum.* Geneva: Apud Peterum & Iacobum Chouet, 1621. [xxiv] pp., 2495 cols. [84] pp. Main text printed in double columns. Small folio (9-1/2" x 6-1/2").

Contemporary vellum with lapped edges, faint early hand-lettered title to spine, rouged edges. A few minor stains to boards, some rubbing to extremities, front joint cracked but secure, vellum breaking through pastedowns, crack in text block between front endleaf and title page. Title page with large woodcut Aldine anchor-and-dolphin device printed in red and black, woodcut head-pieces, tail-pieces and decorated initials. Toning, occasional faint dampstaining and foxing to head of text block. Early owner signature to front free endpaper, later bookseller descriptions pasted to front pastedown. A nice copy of a scarce title. \$650.

\* Later edition. This treatise on disputed points in the construction and interpretation of Roman law was originally published in three parts in 1595-97. An influential study, it went through several editions and issues. It was cited often by Roman-Dutch jurists of the eighteenth century. An Italian by birth, Fachinei was a professor of law at the University of Ingolstadt from 1587 to 1597 and at the University of Pisa from 1601 to the end of his life. This edition bears the famous Aldus device because Aldus's interests had passed into the hands of Peter and James Chouet. This edition not in Camus or the *British Museum Catalogue*. Roberts, *A South African Legal Bibliography* 118 (citing other editions).





### Important Early Collection of Civil Law Cases

**16. Ferrari, Giovanni Pietro [fl. 1389-1416].**

**Corte, Francesco [d. 1495], Editor.**

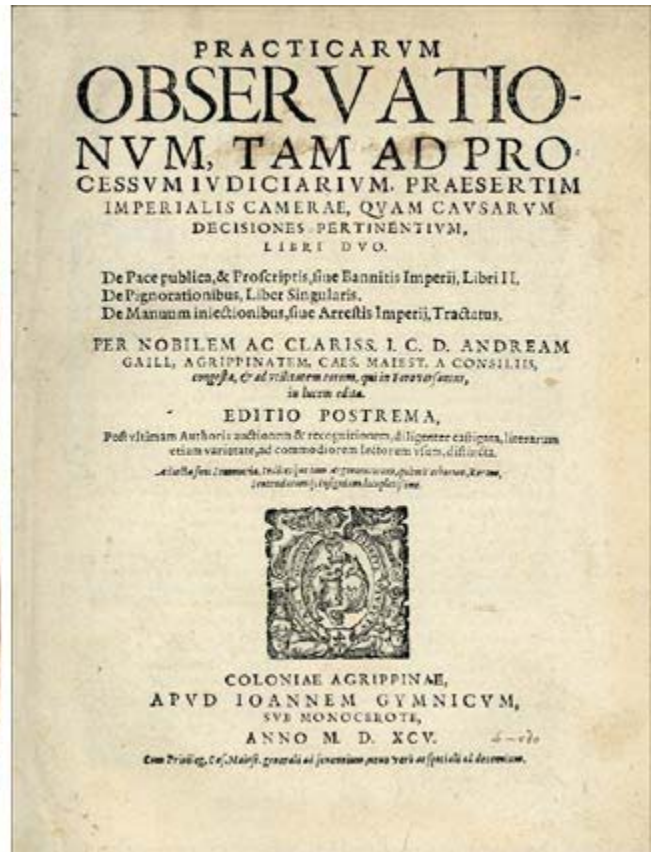
**[Landriano, Bernardino da, (15th-16th c.).]**

**[Riccio, Giovanni (16th. cent.).]**

*Per Totum Orbem Celebratissima, Omnibus Tam Ius Dicentibus Quam Advocatis non Modo Utilis, Sed Etiam Necessaria: Illustrata Copiosissimis Additionibus Iur. V. Docto. Do. Francisci de Curte, Do. Bernardini Landriani & Aliorum in Practica Excellentium. Huic Etiam Accesserunt Doctissimae Rerum Summae D. Ioan. Ricio Veneto Iureconsultissimo Autore Emendatius, Quam Antea. Adiecimus Postremo Recens & Emendatum Rerum Verborumq; Indicem Locupletissimum, In quo Nihil ad rem Pertinens Desideres.* Lyons: Apud Mauricium Roy & Ludouicum Pesnot, 1556. [xl], 533 pp. Main text printed in double columns. Quarto (9-1/2" x 7").

Contemporary paneled vellum with elaborate tooling, raised bands to spine, ties lacking. Some soiling and rubbing to extremities, corners bumped, boards slightly bowed, "1556" and "146" in fine early hand to spine, front hinge starting. Attractive woodcut printer device and decorated initials. Early owner signatures to front pastedown and free endpaper, early underlining and brief annotations to a few leaves. Some toning, interior otherwise fresh. Ex-private library. Location label to spine, bookplate to front pastedown, stamp to front free endpaper. An appealing copy of a scarce title. \$1,750.

\* Third edition. This collection of court cases with extensive commentary was completed around 1416. It circulated widely in manuscript and was first printed in 1519. It went through at least ten editions by the end of the sixteenth century. In 1559 the Roman Curia attempted to suppress this book because of the author's critical opinion of the canon courts. KVK locates 2 copies of this edition, 13 of all editions. Adams, *Catalogue of Books Printed on the Continent of Europe* F271.



### Early Treatise That Addresses Attachment and Garnishment

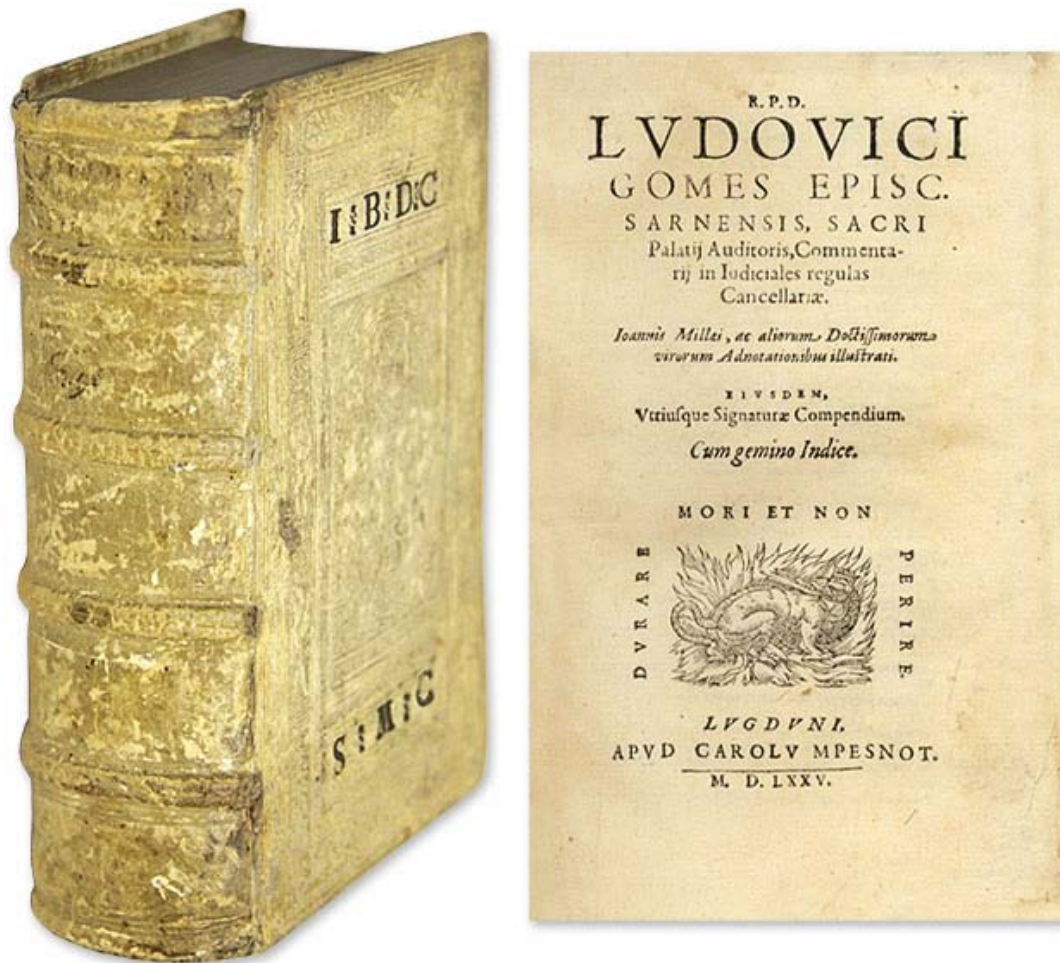
#### 17. Gail[1], Andreas von [1526-1587].

*Practicarum Observationum, Tam ad Processum Iudiciarium: Praesertim Imperialis Camerae, Quam Causarum Decisiones Pertinentium, Libri Duo. De Pace Publica, & Proscriptis, Sive Bannitis Imperii, Libri II. De Pignorationibus Liber Singularis. De Manuum Iniectionibus, Sive Arrestis Imperij, Tractatus. Editio Postrema, Post Ultimam Authoris Auctionem & Recognitionem, Diligenter Castigata, Literarum Etiam Varietate, ad Commodiorem Lectorum Usus, Distincta. Adiecta Sunt Summaria, Indices que tam Argumentorum, Quam Verborum, Rerum, Sententiarumq Insignium, Locupletissimi.* Cologne: Apud Ioannem Gymnicum, 1595. [cxxxvi], 632, 280, [8] pp. Quarto ( 8-1/2" x 7").

Contemporary calf, raised bands, gilt title and ornaments to spine. Moderate rubbing with wear to corners, a few scuffs to boards, hinges cracked but secure, front free endpaper lacking. Attractive woodcut printer device and decorated initials. Neat underlining to a few leaves, interior otherwise notably fresh. \$250.

\* Later edition. With table and index. Gail[1] was a German judge and legal scholar. First published in 1578, this book deals with issues relating to exiles, mortgages and the attachment and garnishment of property as defined by the constitution of the Holy Roman Empire. This popular work was edited and annotated several times, and it influenced the development of the Dutch law of procedure. No copies in North America on OCLC; one copy located at Harvard Law School. Walker, *The Oxford Companion to Law* 510. This edition not in the *British Museum Catalogue*. Adams, *Catalogue of Books Printed on the Continent of Europe, 1501-1600* G27.





### Trial Practice in Canon Law

18. Gomez, Luis [d. 1545].

[Milles de Souvigny (16th. c.).]

*Commentarii in Iudiciales Regulas Cancellariae. Ioannis Millaei, Ac Aliorum Doctissimorum Virorum Adnotationibus Illustrati. Eiusdem, Utriusque Signaturae Compendium.* Lyons: Apud Carolum Pesnot, 1575. [civ], 474 [i.e. 472] pp. Octavo (7" x 4-1/2").

Contemporary blind-tooled pigskin, early hand-lettered title to spine, early owner monogram black-stamped to front board, 1583 black-stamped to rear, edges rouged. Some soiling, minor wear to spine ends and corners, small scuff to front board, front hinge starting. Toning, faint dampstaining in a few places, chip to p. 254 with minor loss to text, internally clean. \$3,500.

\* Third edition. With indexes. Gomez was the Bishop of Sarno, Italy. First published in 1540, *Commentarii* is a treatise on trial practice in canon law. Also a practical work, it describes the rules of practice in detail. Its final edition, the fourth, was published in 1610. KVK and OCLC locate 4 copies of the 1575 edition. Not in Adams. Palau, *Manual del Librero Hispanoamericano* 103.620.



1534 Collection of Grenoble Reports

19. La Pape, Guy de [c.1402-c.1487].

[Ferrandat, Henri, Editor].

*Decisiones Parlam[en]ti Dalphinalis Gratianopolis per Excellentissimi J. U. Monarcham d. Guidonem Pape in Curia Eiusde[m] Civitatis Senatore Dignissimum Edite: Alliduum Materiam Continentesitam in Foro Seculari & Ecclesiastico Crebra. Esercitantione Versatitez: Cum Summariis Decisivis (Preter Dilligentissima Emendatione) Manus Appositione Notatis Rote Decisiones Capelieq[ue] Tholosane: Novissime Scripta per Euendem Guidone Pape in Tripertito Suo Opere Consil[iorum] I[m]primim. in Luce Emissio Repertorio/Humeris et Addi. dni. Herici Ferraandi P Pulcre sub hoc Signo Accomodatis.* Lyons: Jacobum Hiuncti, 1534. [xxv], 267, [3] ff. Main text printed in double columns. Octavo (6-3/4" x 4-3/4").

Later three-quarter vellum over paper boards, hand-lettered title to spine and top edge. Some soiling, rubbing with minor wear to extremities, three tiny partial worm holes to boards, hinges starting. Title printed in red and black within an ornamental architectural border. Woodcut head-pieces, tail-pieces and decorated initials. Some wear to edges of preliminaries and final few leaves, faint dampstaining to margins, minor worming to final few leaves and rear pastedown with negligible loss to text, light foxing to portions of text. Early owner signature to title page, occasional early annotations, check marks and underlining. An appealing copy. \$500.

\* Later edition. With side notes. This thoroughly annotated volume contains reports of decisions of the Parlement of Grenoble, France. Like many books of this kind, it opens a window on the legal culture and society of the era. First published in 1504, it was reprinted several times well into the seventeenth century. Beyond its legal value, it is significant as the first book published in Grenoble. Guy de la Pape was a legal scholar and statesman who spent most of his career in Grenoble. His best-known work is *Commentaria in Statutum Delphinale*, a study of the Dauphine region. KVK locates 12 copies of this edition, which is not listed in Adams or Brunet.





**Unrecorded Imprint of the Legal Writings of Pope Leo I**

**20. Leo I, Pope [d. 461].**

**Surius, Laurentus [1522-1578], Editor.**

*Opera, Quae Quidem Haberi Potuerunt, Omnia, Magno Labore ad Manuscriptorum Codicum Fidem a Permultis, Ijsq; Foedis Mendis nunc Denuo Repurgata, per F. Laurentium Surium Carthusianum: Cuius Etiam Studio iam Recens Accesserunt Quinq; Eusdem Leonis Epistolae, Hactenus Praelo non Cimmissae. His Adiunximus D. Leonis IX. Aequae. Cum Indice Novo ac Copioso.* Cologne: Apud Ioannem Birckmannum, 1568. [x], 173 [i.e. 169], [1] fols. Folio (12" x 8").

Contemporary limp vellum, rebaked in later vellum with hand-lettered title, ties lacking. Moderate soiling, light wear to extremities, a few small chips to spine, tiny hole to front cover, front hinge cracked but secure. Attractive large printer device to title page and verso of final leaf, handsome arms of Leo I to verso of title page, decorated initials. Light browning and faint dampspotting to most of text, internally clean. Ex-library. Early hand-lettered shelf label to spine, institution name in faint early hand to title page. \$750.

\* This edition of the collected legal and theological writings of Pope Leo I was first published in 1561. Known as "the Great," Leo reigned from CE 440-461 and guided the development of the Church during the final decades of the Western Roman Empire. In power during its most turbulent period, he preserved the church through a vigorous reform of church discipline and persecution of heretics. The collation of this copy is identical with others dated 1569. The listing in *VD16* even gives the date of this imprint as "1568/1569," which suggests that it was issued twice with different dates. No copies of the 1568 imprint located, KVK locates 1 copy dated 1568/69. See Adams, *Catalogue of Books Printed on the Continent of Europe, 1501-1600* L447 (listing 1569 imprint). *Verzeichnis der im Deutschen Sprachbereich Erschienenen Drucke des 16. Jahrhunderts* ZV17915.



### Consilia by an Important Paduan Jurist

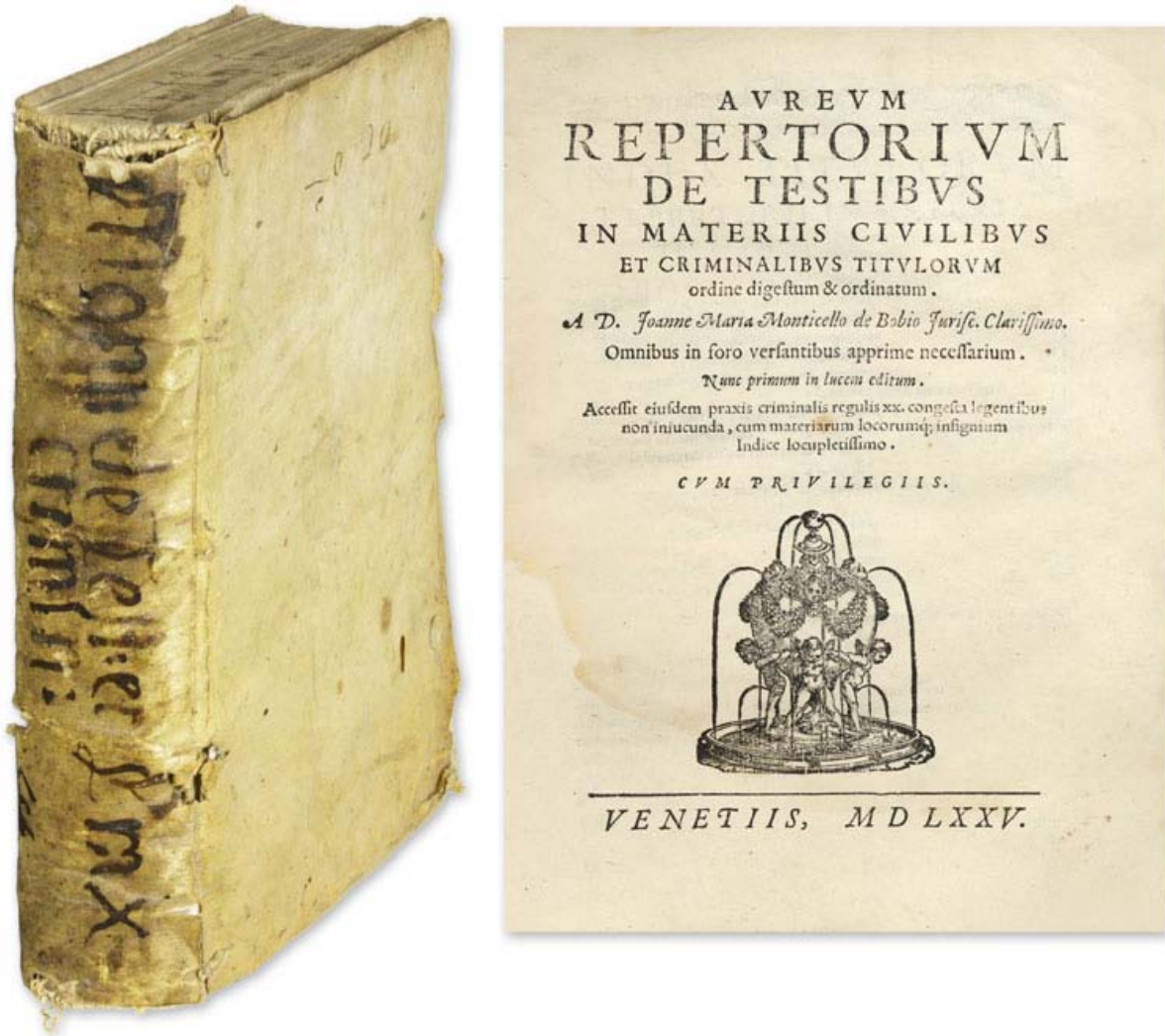
#### 21. Menochio, Giacomo [1532-1607].

*Consilia Sive Responsorum. Liber Tertius; Nunc Primum in Lucem Editus. Quorum Quidem Responsorum (Ea Sunt Argutia, Eruditione, Atque Elegantia) Velut ex Oraculo Prudenter, Sciteq; Dicta, Facile Quisque Legendo Iudicabit. Et si Quis Libri Utilitatem, Vel Scriptoris vim Ingenii Atque Solertiam Spectet, Nulle Cere Aut Pauca, Quae cum His Conferre Queat. Cum Rerum Summis, Et Indice Locupletissimo.* Venice: Apud Franciscum Zilettum, 1582. [xxxvi], 381 fols. Main text printed in parallel columns. Folio (14" x 9-1/2").

Contemporary limp vellum, early hand-lettered title to spine, ties lacking. Some soiling and rubbing to extremities, vellum beginning to break through pastedowns. Large woodcut printer device to title page, woodcut head-pieces, tail-pieces and decorated initials. Contemporary and later signatures and annotations to preliminaries. Wear to edges of margins at ends of text block, light toning in a few places, interior otherwise fresh. \$1,500.

\* Second edition. With index. Highly regarded in his time, Menochio was a professor of law at the University of Padua. Complete in itself, this book is from a three-volume collection of Menochio's writings on Roman and canon law. Volume I was issued in 1575, Volume II in 1577. Expanded editions were published in 1582, 1594, 1605 and 1676. Complete sets of any edition are quite uncommon. Adams, *A Catalogue of Books Printed on the Continent of Europe* M1269-70. Pazzaglini and Hawks, *Consilia* M51-53.





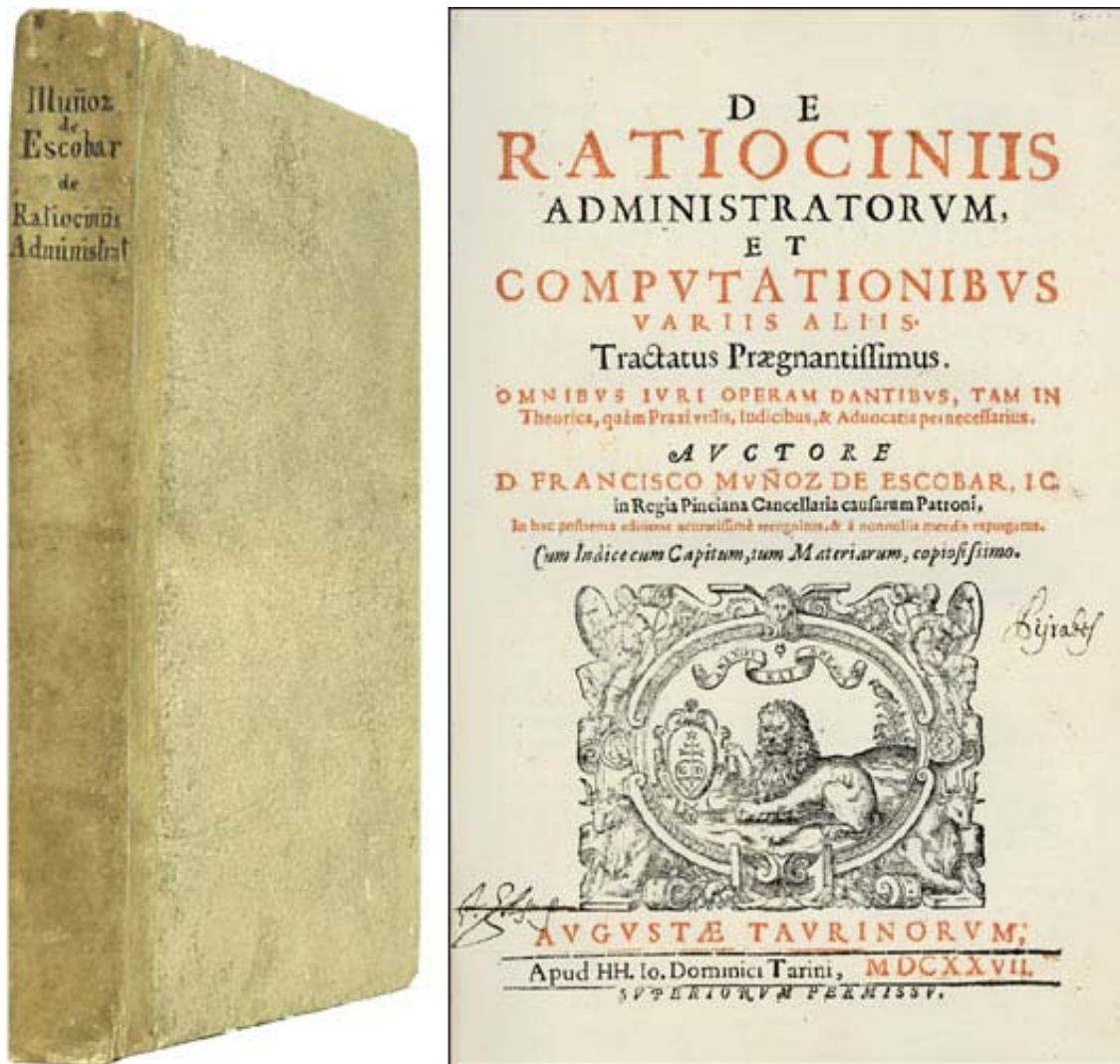
**Scarce Sixteenth-Century Italian Treatise on Roman Criminal Law**

**22. Monticello, Joannes Maria.**

*Aureum Repertorium de Testibus In Materiis Civilibus Et Criminalibus: Titulorum Ordine Digestum & Ordinatum. Omnibus in Foro Versantibus Apprime Necessarium. Nunc Primum in Lucem Editum. Accessit Eiusdem Praxis Criminalis Regulis XX Congesta, Legentibus non Iniucunda, Cum Materialum Locorumque; Insignium Indice Locupletissimo.* Venice: [s.n.], 1575. [xii], 448, 187, [33] pp. Main text in parallel columns. Quarto (8" x 6").

Contemporary limp vellum, early hand-lettered title to spine. Some staining to boards, chipping to spine ends and along fore-edges, hinges starting, partial split near center of text block, some wear to fore-edges of first and final signatures. Woodcut initials. Toning, faint dampstaining to portions of text, dampspotting to a few leaves, internally clean. \$1,500.

\* First edition. This is a Roman law treatise dealing with criminal law, criminal procedure, trial practice and witnesses. A second issue with identical pagination was published in 1585. Two copies located in North America, both 1575 imprints, both at law schools: UC-Berkeley and Harvard. One other copy located at GWU. *Censimento Nazionale delle Edizioni Italiane del XVI Secolo* CNCE 73291.



**1627 Treatise Dealing with Administration and Billing**

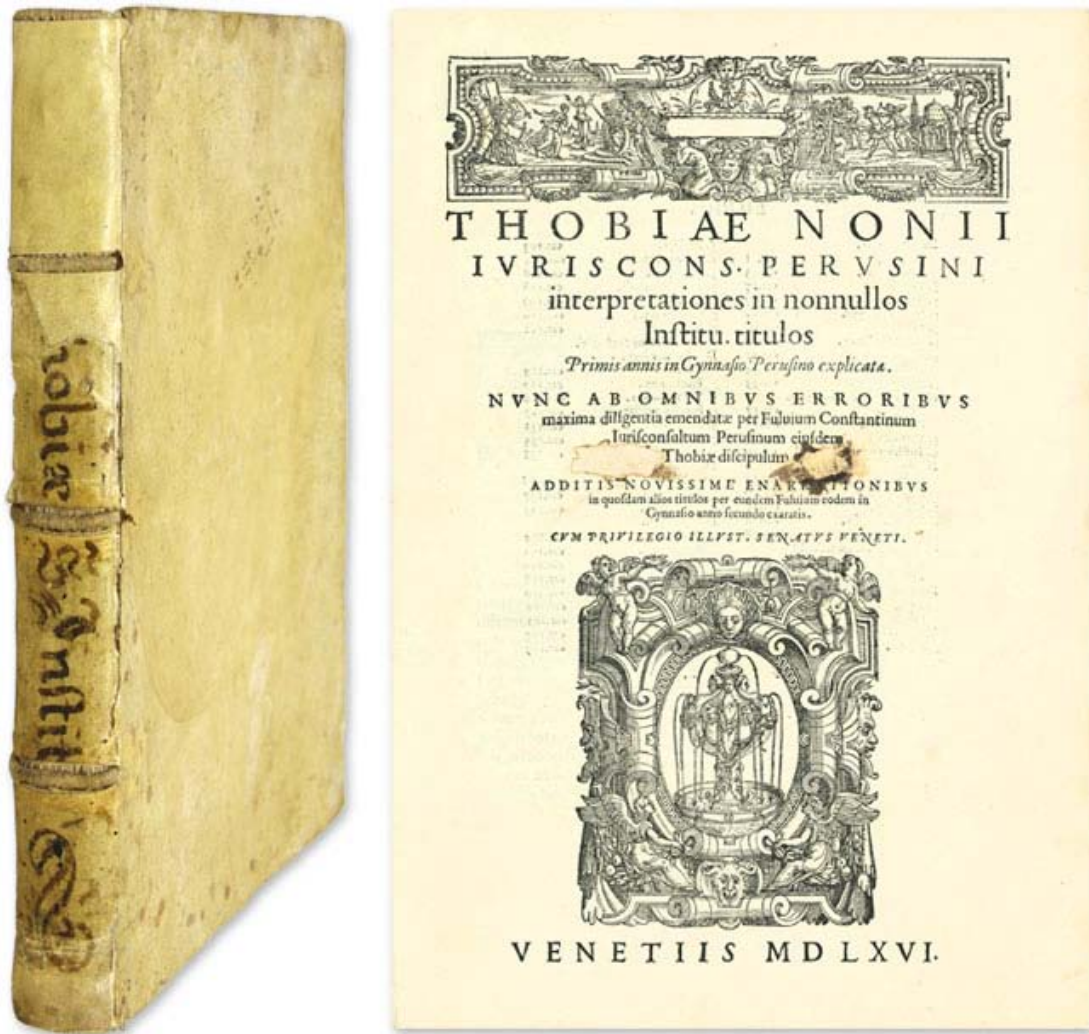
**23. Munez de Escobar, Francisco [fl. 1618].**

*De Ratiociniis Administratorum et Computationibus Variis Aliis. Tractatus Praegnantissimus. Omnibus Iuri Operam Dantibus, Tam in Theorica, Quam Praxi utilis, Iudicibus, & Advocatis Peinecessarius.* Turin: Apud H.H. Io. Dominici Tarini, 1627. [viii], 352, [51] pp. Quarto (12" x 8").

Contemporary quarter vellum over paper boards, hand-lettered title to spine and bottom edge. Moderate soiling and rubbing with some wear to extremities. Title page printed in red and black, attractive woodcut printer device, head-pieces and decorated initials. Two early signatures to title page in fine hand, a few annotations and small markings to text. Light browning to a few leaves, occasional light foxing, text otherwise fresh. A nice copy of an uncommon title. \$300.

\* Later edition. With subject and title indexes. An early work on legal aspects of administration and billing. Not in Goldsmiths, Kress or the *British Museum Catalogue*.





**Commentaries on the *Institutes***

**24. Nonio, Tobio [1528-1570].**

**Constantini, Fulvio [d. 1590], Editor.**

*Interpretationes in Nonnullos Instituti. Titulos Primis Annis in Gynnasio Perusino Explicatae. Nunc ab Omnibus Erroribus Maxima Diligentia Emendatae per Fulvium Constantinum. Additis Novissime Enarrationibus in Quosdam alios Titulos per Eundem Fulvium Eodem in Gynnasio Anno Secundo Exaratis.* Venice: Apud Cominum de Tridino, Montisferrati], 1566. [x], 164 fols. Main text printed in parallel columns. Folio (12" x 8-1/2").

Contemporary vellum, raised bands and early hand-lettered title to spine, ties lacking. Some rubbing to extremities, faint staining and a few minor scuffs to boards, early annotation to front. Later vellum repairs to backstrip, joints and hinges partially cracked but secure, cords exposed, minor worming to pastedowns. Large woodcut title vignettes, woodcut decorated initials. Toning, light browning in a few places. Early underlining, check marks and ink stains to a few leaves, interior otherwise clean. A nice copy. \$500.

\* First edition. Based on a series of lectures, this analysis of various points from the titles "De Testamentis," "De Exheredatione Liberorum," "De Obligationibus," "Quibus Modis Re Contrahitur Obligatio" and "De Verborum Obligatione" of the *Institutes*. It went through three subsequent editions, the final in 1586. Nonio was a lawyer and professor at the University of Perugia. *Censimento Nazionale Delle Edizioni Italiane del XVI Secolo* CNCE 41448.



**Rare Treatise on Heirs in Roman Law**

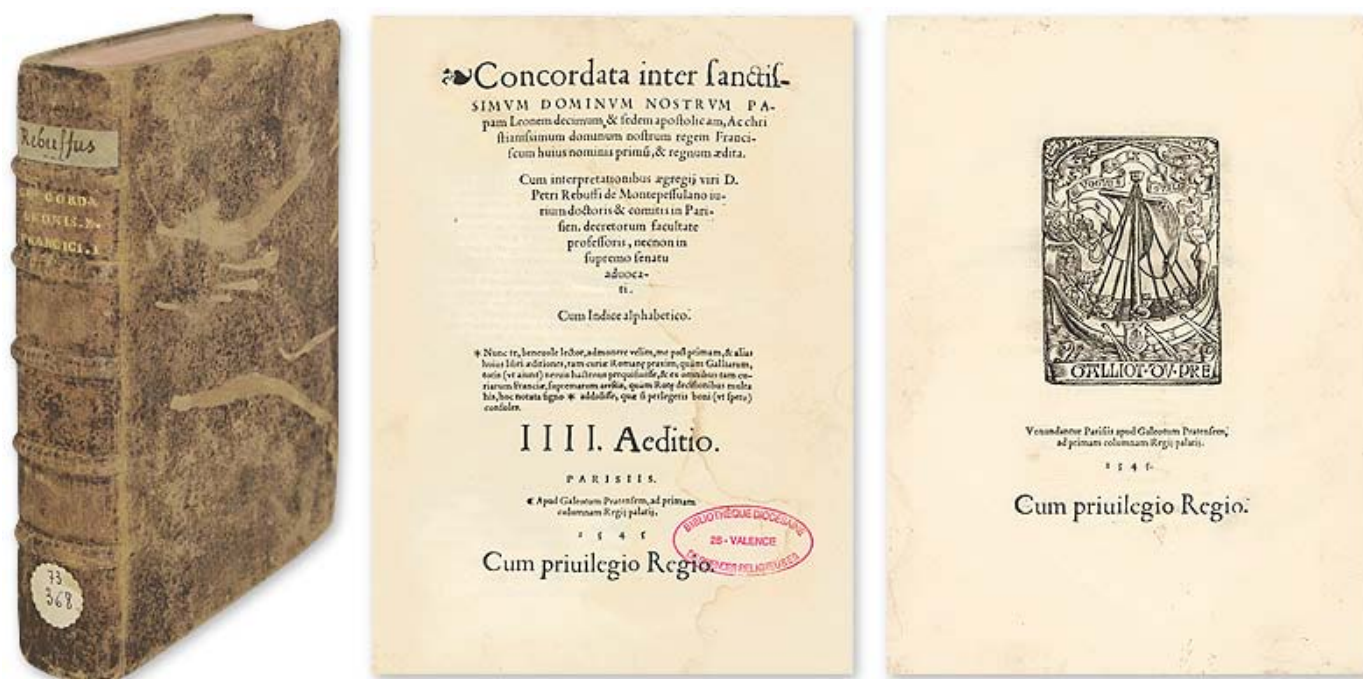
**25. Oddi, Sforza [1540-1611].**

*Compendiosae Substitutionis Tractatus. Cui Novissime Accedunt Notabilia ex Toto Opere Excerpta in Modum Copiosissimi Indicis.* . Ferrara: Apud Benedictum Mammarellum, 1592. [xii], 170 ff. (12" x 8").

Contemporary paper boards, covered with old vellum manuscript leaves, early hand-lettered titles to spine and foot of text block, crude early repairs to spine ends. Rubbing to extremities with moderate wear, boards slightly bowed, hinges starting. Large woodcut printer device to title page, woodcut head-pieces, tail-pieces and decorated initials. Worming to lower corner of text to fol. 2, rear free endpaper and rear pastedown. Toning, light browning in a few places, internally clean. A solid copy of a scarce title. \$850.

\* Second edition. First published in Perugia in 1571, this treatise on the Roman law of the substitution of heirs, inheritance and succession reached its third and final edition in 1597. Little is known about Oddi. The title page indicates that he was a juriconsult in Perugia. OCLC locates 1 copy of the 1592 edition in the Americas at UC Berkeley Law Library and 1 copy of the other two editions at the Library of Congress. *Censimento Nazionale Delle Edizioni Italiane del XVI Secolo* CNCE 50113.





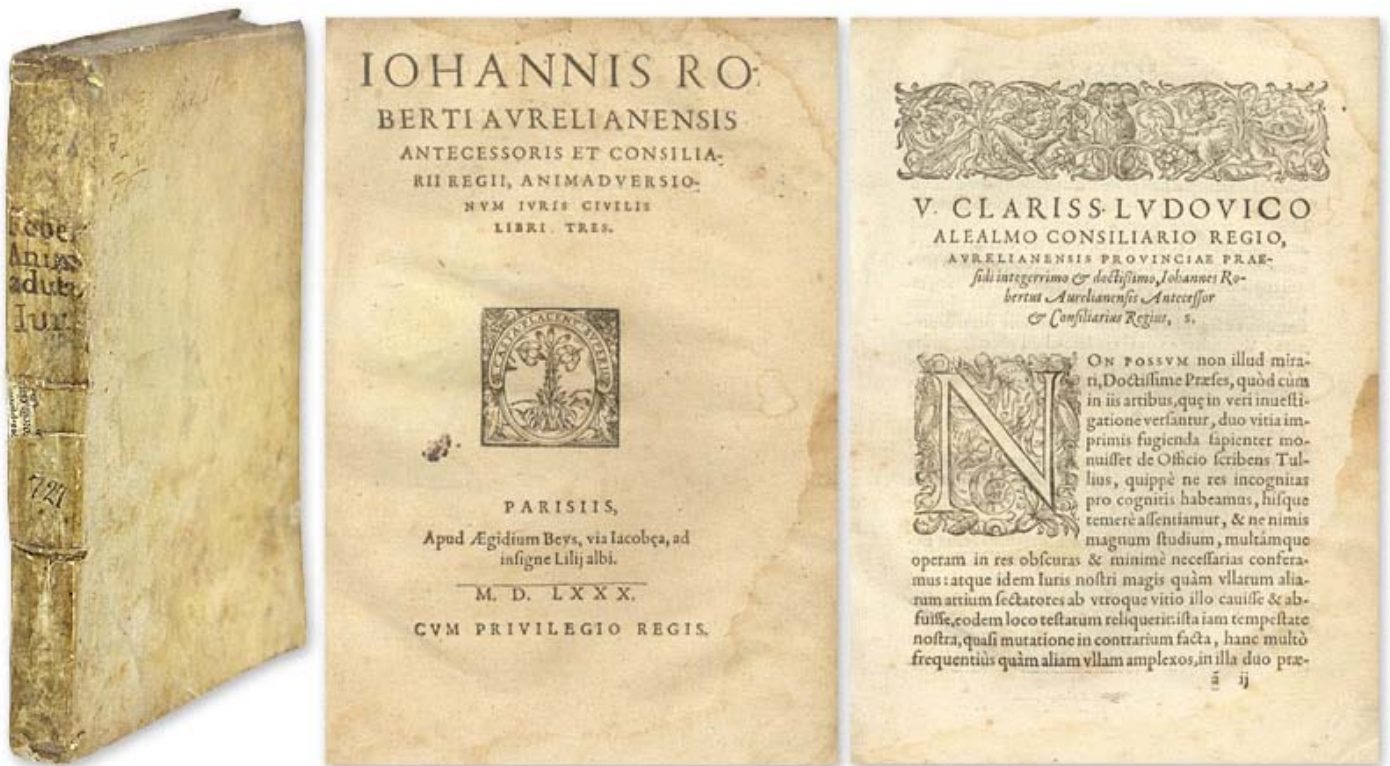
**Commentaries on an Important Treaty  
Between the Catholic Church and French Crown**

**26. Rebuffi, Pierre [1487-1557], Commentator.**

*Concordata Inter Sanctissimum Dominum Nostrum Papam Leonem Decimum, & Sedem Apostolicam, Ac Christianissimum Dominum Nostrum Regem Franciscum Huius Nominis Primum, & Regnum Aedita. Cum Interpretationibus Aegregii viri D. Petri Rebuffi. Cum Indice Alphabetico. Nunc te, Benevole Lector, Admonere Velim, Me Post Primam, & Alias Huius Libri Aeditiones, Tam Curiae Romane Praxim, Quam Galliarum, Totis (Ut Aiunt) Nervis Hactenus Perquisiuisse, & Ex Omnibus tam Curiarum Francia, Supremarum Arestis, Quam Rote Decisionibus Multa his, Hoc Notata Signo \* Addidisse, Quae si Perlegeris Boni (ut Spero) Consules.* Paris: Apud Galeotum Pratensem, 1545. [lxiv], 429, [3]; [ii], 166, [2]; [2], 74, [4] pp. Three parts in one volume. Main text in double columns, text of concordat surrounded by linear gloss. Quarto (9-1/2" x 7").

Later mottled sheep, gilt title to spine, speckled edges. Light rubbing to extremities, a few scuffs to boards. Attractive crible initials, large woodcut printer device to verso of final text leaf. Offsetting to margins of endleaves, faint dampstaining, toning to a few sections, internally clean. Ex-library. Location and author label (Rebuffus) to spine, small bookplate to front pastedown, small stamp to foot of spine. An appealing copy. \$650.

\* Fourth edition. Editorial changes to this edition noted with asterisks. First published in 1532, this work is a commentary by Rebuffi on the Concordat of 1516, which regulated the status of the Catholic Church in France and established guidelines for the nomination of bishops, the interpretation of canon law and other matters. The final part is Rebuffi's essay *Tractatus de Pacificis Possessoribus*, an essay on possession and benefices. Rebuffi was the leading French canonist of the period, an auditor of the Rota Romana and the author of several important works, such as *Praxis Beneficiorum* (1584) and a commentary on *De Verborum et Rerum Significatione* (1586). OCLC locates 6 copies in North America, 3 in the United States, 2 in law libraries (at Harvard and the University of Pennsylvania). Not in Adams. This edition not in Camus.



### Critical Philological Essays

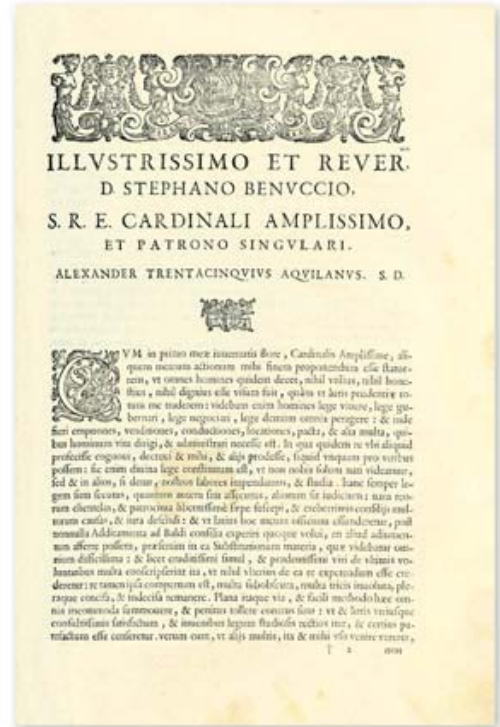
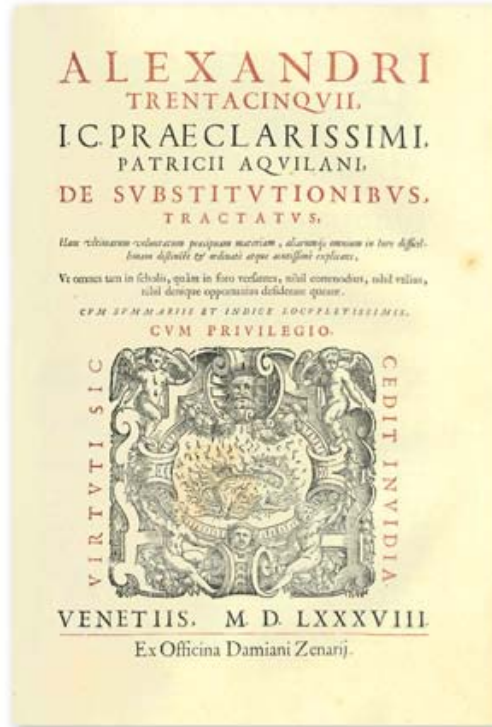
**27. Robert, Jean [fl. 1569-1590].**

*Animadversionum Iuris Civilis Libri Tres*. Paris: Apud Aegidium Beys, 1580. [viii], 124 [i.e. 120] fols. Quarto (9" x 6-3/4").

Contemporary limp vellum, early hand-lettered titles to spine and foot of text block, ties lacking. Some rubbing to extremities, chipping to spine, corners bumped and creased, hinges starting, some wear to edges of endleaves. Woodcut printer device, head-piece and decorated initials. Negligible small worm holes to front free endpaper and title page, faint dampstaining to margins, light foxing. Early annotations to front cover and front free endpaper. A solid copy of an important title. \$3,500.

\* First edition. This important collection of critical philological essays played an important role in contemporary French debates about the chronology of Roman law. Robert was a professor of law at the University of Orleans. KVK and OCLC locate 7 copies worldwide. 4 copies located in North America (at the Emory Theological Library, George Washington University Law School, the Library of Congress and UC Berkeley Law Library). Not in Adams or Camus. National Library of Scotland, *Short-Title Catalogue of Foreign Books Printed up to 1600* 308.





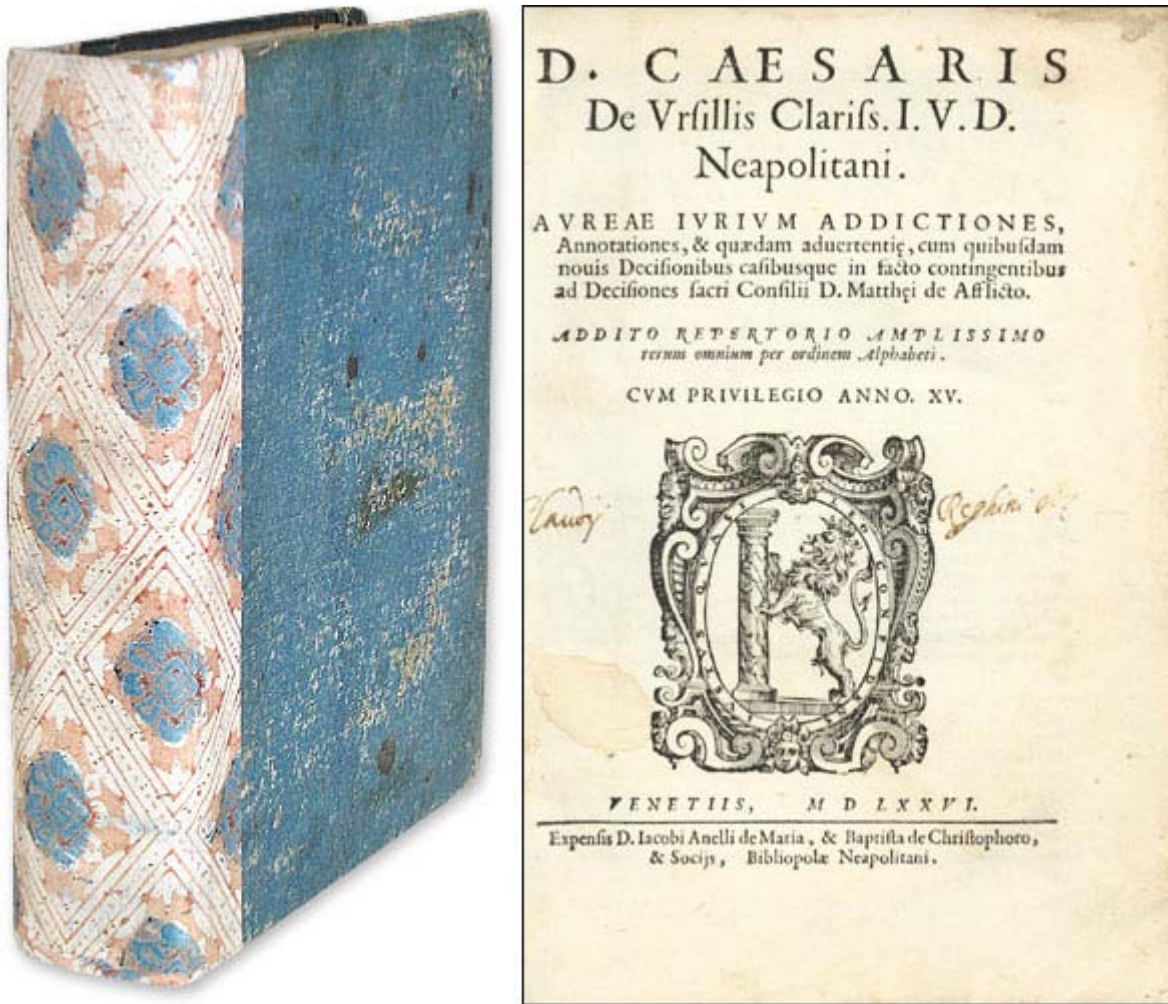
**Concerns the Substitution of Heirs**

**28. Trentacinque, Alessandro [d. 1599].**

*De Substitutionibus Tractatus: Hanc Ultimarum Voluntatum Praecipuam Materiam, Aliarumque Omnium in Iure Difficillimam Distincte et Ordinate Atque Acutissime Explicans, Ut Omnes Tam in Scholis, Quam in Foro Versantes, Nihil Commodius, Nihil Utilius, Nihil Denique Opportunius Desiderare Queant. Cum Summariis et Indice Locupletissimis.* Venice: Ex Officina Damiani Zenarj, 1588. [viii], 208 fols. Main text in parallel columns. Folio (12-1/2" x 9").

Contemporary vellum, raised bands and early hand-lettered title and somewhat later paper shelf label to spine. Some rubbing to extremities, rubbing to backstrip exposing bands, early vellum repairs to spine ends, joints and front hinge partially cracked but secure, minor worming to pastedowns. Title page with large woodcut vignette printed in red and black, woodcut head-piece and decorated initials. Small chips to fore-edges and faint stains of preliminaries. Toning to text, internally clean. \$500.

\* Only edition. Trentacinque, a gentleman scholar and jurist, addresses the Roman law of substitution, that is, the conditional appointment of persons to act as heirs in case the original heirs fail to fulfill their role. It is an especially subtle area of the complicated Roman law of succession. 3 copies located in North America (at the Library of Congress, and UC-Berkeley and Harvard Law Schools). *Censimento Nazionale Delle Edizioni Italiane del XVI Secolo* CNCE 39610.



**Digest of Rulings by Matteo D'Afflito**

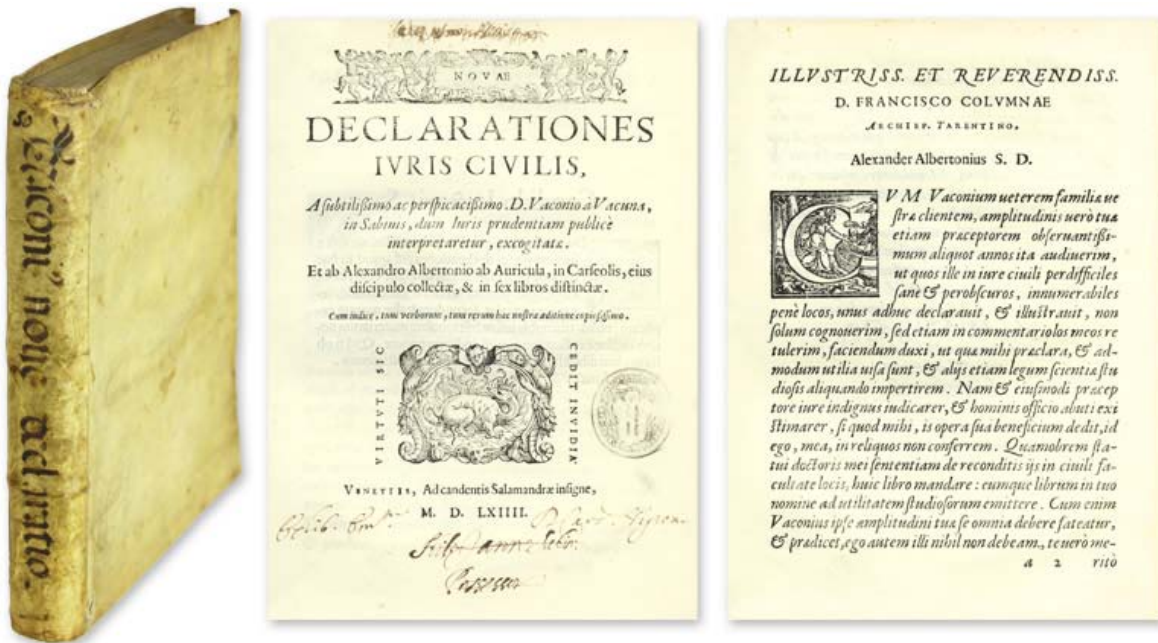
**29. Ursilli, Cesare [16th. Cent.].**  
**[D'Afflito, Matteo (c.1450-c.1529)].**

*Aureae Iurium Addictiones, Annotationes, & Quaedam Advertentiae, Cum Quibusdam Novis Decisionibus Casibusque in Facto Contingentibus ad Decisiones Sacri Consilii D. Matthei de Afflicto. Assito Repertorio Amplissimo Rerum Omnium per Ordinem Alphabeti. Cum Privilegio Anno XV.* Venice: Expensis D. Iacobi Anelli de Maria, 1576. [viii], 612, [96] pp. Main text printed in parallel columns. Quarto (8" x 6").

Contemporary quarter patterned paper over contrasting paper boards, early hand-lettered title to bottom edge. Some rubbing with light wear to extremities, front hinge starting. Large woodcut printer device to title page, woodcut initials. Early owner annotation to front pastedown, early signature to title page, a few brief underlinings and check marks to text. Inkspots to edges, faint finger smudges and stains to a few leaves, interior otherwise fresh. \$2,000.

\* Second edition. With index. First published in 1568, this is a digest of Neapolitan cases decided by Matteo D'Afflito, an important jurist, royal official and author of notable *Tractatus de Jure Protomiseos* (1544). KVK locates 2 copies of this edition, 4 copies of all editions. 1 copy located in North America (at Harvard Law School). Not in Adams or the *British Museum Catalogue*.





**On the Interpretation and Construction of Roman Law**

**30. Vacuna, Vaconio.**

**Albertoni, Alessandro.**

*Novae Declarationes Iuris Civilis, A Subtilissimo ac Perspicacissimo d. Vaconio a Vacuna, in Sabinis, Dum Iuris Prudentiam Publice Interpretaretur, Excogitatae. Et ab Alexandro Albertonio ab Auricula, In Carseolis, Collectae, & In Sex Libros Distinctae. Cum Indice, Tum Verborum tum Rerum hac Nostra Aeditione Copiosissimo.* Venice: Ad Candentis Salamandrae Insigne, 1564. [28], 362, [2] pp. Main text printed in double columns. Quarto (8" x 6").

Contemporary limp vellum with lapped edges, early hand-lettered title to spine, ties lacking. Light soiling, a few minor stains to boards, spine ends bumped, minor wear to corners, pastedowns chipped and partially detached. Toning, light dampspotting and browning in a few places. Early owner signatures to front free endpaper and title page, which also has a small early library stamp, underlining in a few places. An appealing copy. \$1,250.

\* Second edition. *Novae Declarationes* is a treatise on the interpretation and construction of Roman law. A well-circulated work, it was first published in 1556. Its third and final edition appeared in 1585. KVK locates 20 copies worldwide of this edition, 5 located in North America, 3 in law libraries (Harvard, UC-Berkeley, Library of Congress). *Censimento Nazionale Delle Edizioni Italiane del XVI Secolo* CNCE 48192.

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