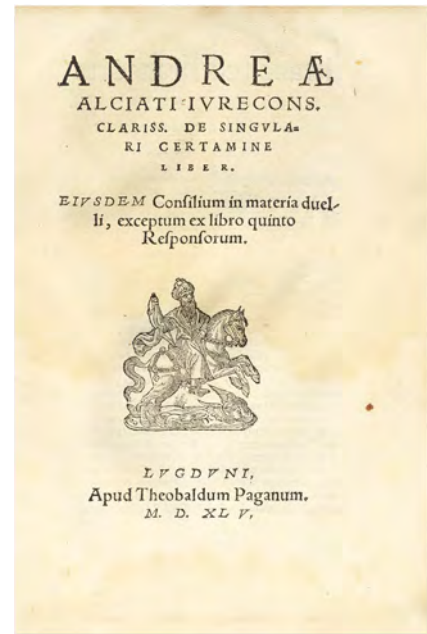


JANUARY 24, 2023

# ROMAN LAW

30 Items





**Three Scarce Titles by Alciati, Including  
a Collection of Consilia Relating to Dueling**

**1. Alciati, Andrea [1492-1550].**

*In Digestorum Seu Pandectarum Librum XII qui De Rebus Creditis Primus est, Rubric. Si Certum Petatur, Commentarius: Longe Doctissimus Atque Utilissimus: Una cum Vocum ac Rerum Toto hoc in Libro Notabilium Indice Diligentissimo.* Lyons: Apud Iacobum Giunta, 1546. 387, [21] pp.

**[Bound with]**

**Alciati, Andrea.**

*Parerga: Andreae Alciati Iurisconsulti Mediolanensis PARERAGON Iuris Libri Tres, Cum Argumentis Capitum in Eisdem, & Indice Vocum, Rerum, Autoritatum, & Locorum Notatu Dignorum.* Lyons: Apud Iacobum Giunctam, 1539. [xxxii], 190 pp.

**[And]**

**Alciati, Andrea.**

*De Singulari Certamine Liber: Eiusdem Consilium in Materia Duelli, Exceptum ex Libro Quinto Responsorum.* Lyons: Apud Theobaldum Paganum, 1545. 111, [1] pp.

Octavo (6-1/4" x 4-1/4"). Contemporary limp vellum with yapp edges, early hand-lettered titles to spine, top edge and front cover, ties lacking. Light soiling, rubbing to extremities with minor wear around spine ends and corners, vellum just beginning to crack through pastedowns. Attractive woodcut printer devices, colophons and decorated initials. Toning and light browning in places, early owner initials to title page of first title, interior otherwise clean. \$2,000.

\* Fourth, second and third editions, respectively. The first title is a commentary on the *Digest*, Book XII, Title 1: "Things Credited Giving Rise to Fixed Claims and the *Condictio*." *Parergon* is a collection of "thought pieces" on miscellaneous topics in Roman law. The final volume is a collection of *consilia* on matters relating to dueling. It is derived from his *Responsa*, a multi-part collection of *consilia* on different topics. All editions of these titles are scarce. *Digestorum*: OCLC locates 3 copies; *Parerga*: OCLC locates 6 copies. Both of these imprints not listed in Adams, Roberts or the *British Museum Catalogue*; *Singulari*: OCLC locates 3 copies of this edition.

Pazzaglini & Hawks, *Consilia* A-9.

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### Funeral Rites and Burials

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

*Commentarii in Titulum Digestorum De Religiosis & Sumptibus Funerum.* Florence: Apud Laurentium Torrentinum, 1562. [viii], 338, [52] pp. Folio (12-3/4" x 8-1/4").

Contemporary calf with later varnishing, blind rules and small central arabesques to boards, raised bands and later lettering piece to spine, spine ends and corners mended. Some scuffing to boards, corners bumped, front joint partially cracked, front hinge just starting, rear hinge mended, later armorial bookplate to front pastedown. Light toning to text, a bit of soiling to title page. Early owner annotations to front pastedown, signatures and stamps to title page, interior otherwise clean. Ex-library. Bookplate to front pastedown. A nice copy of a rare title. \$750.

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

*Censimento Nazionale delle Edizioni Italiane del XVI Secolo* CNCE3262.

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### The Roman Law of Prescription

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

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

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

Contemporary limp vellum with lapped edges, early hand-lettered title to spine, ties lacking. Some soiling, especially to spine, minor wear to corners, some worming to pastedowns and endleaves, a few partial cracks to text block, boards slightly bowed. Some toning to text, light foxing in places. Early annotations and signatures to preliminaries and title page, other annotations and underlining to a few places in text, two inkstains to fol. 224 with minor damage to legibility. \$1,000.

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

*Censimento Nazionale Delle Edizioni Italiane del XVI Secolo* CNCE3948.

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

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

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

Original marbled publisher boards, paper title label to spine. Moderate rubbing to extremities, heavy rubbing to spine, front joint starting, lower half of rear joint cracked through hinge, early bookseller stamp to front pastedown. Light toning to text, early annotations to rear pastedown. A nice copy. \$650.

\* Only edition. A notable work of Historical School jurisprudence, this treatise addresses the Roman law of inheritance and succession and wills with comparisons to these laws in Prussia and, to a lesser extent, other German states. Bluntschli was one of the great Continental jurists of the nineteenth century. He published a code for the Canton of Zurich and works on German private law, the law of war and international law. His most important historical work is the *Geschichte des Allgemeinen Staatsrechts und der Politik* (1864). OCLC locates 1 copy (in Denmark) and 2 copies of a 1970 reprint, 1 in North America (UC-Berkeley Law School).

*British Museum Catalogue* (Compact Edition) 3:687.

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Rare 1514 Basel Imprint of Brant's Classic Guide to Legal Study

5. Brant, Sebastian [1458-1521].

Caccialupi, Giovanni Battista [c. 1420-1496].

[Graf, Urs (c.1485-c. 1513), Title Page Border].

*Expositiones Sive Declaratio[n]es Omnium Titulo[r]um Iuris tam Civilis Q[ua]m Canonici per Sebastianum B[r]ant Collecte et Revise. De Modo Studendi in Utroq[ue] Iure. Cum Nominibus Om[n]ium Scribentium in Iure.* [Basel: Adam Petri von Langendorf], 1514. [144] ff. Quarto (8" x 5-3/4").

Contemporary morocco incorporating sections of contemporary paneled calf over wooden boards, raised bands and lettering piece to spine, hasps present, one detached, endpapers renewed. Light rubbing and some wormholes to contemporary sections, front hinge cracked. Title page, with woodcut architectural border by Graf, printed in red and black. Light to moderate toning, minor worming in places with no loss to legibility, light soiling to title page, faint dampstaining to margins and some edgewear to title page and following six leaves, dampstaining and a few chips to edges of final two leaves. \$4,000.

\* Remembered today as the author of the moral and satirical *Narrenschiff* (*The Ship of Fools*), Brant was also a highly regarded law professor and state official. First published in 1490, and Brant's only original legal work, *Expositiones* was a popular, highly regarded introduction to the *Corpus Juris Canonici* and *Corpus Juris Civilis*. According to Stintzing-Landsberg, it is a useful guide to contemporary legal pedagogy in the Holy Roman Empire. Our edition also includes an equally renowned introductory textbook that Brant held in high regard: Caccialupi's *Tractatus de Modo Studendi in Utroque Iure*, which offers a basic history and outline of Europe's legal systems and advice on study methods. OCLC locates 6 copies, none in North America.

Stintzing-Landsberg, *Geschichte der Deutschen Rechtswissenschaft* I:94. *Verzeichnis der im Deutschen Sprachbereich Erschienenen Drucke des 16. Jahrhunderts* B7055.

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### Claims and Liens

#### 6. Carocci, Vincenzo [fl. 1584].

*De Excussione Bonorum in Civilibus et Criminalibus Causis Tractatus. Nunc Primum in Germania Reiectis Innumeris Mendis, Allegationibusque a Textu Characterum Varietate Distinctis, Correctius Editus.* Frankfurt: Excudebat Ioannes Saurius, Impensis Petri Kopffii, 1597. [viii], 503, [70] pp. Octavo (5-3/4" x 4").

Contemporary vellum with lapped edges, early hand-lettered title to spine. Some soiling and shelfwear, another short work removed from rear of volume. Woodcut printer devices to title and recto of final leaf, woodcut head and tail-pieces. Light toning to text, early owner signature and small later inkstamp to margins of title page, interior otherwise clean. \$850.

\* First German edition, published the same year as the first Venice edition. Carocci discusses the Roman law dealing with priorities of claims and liens. According to the title, this edition corrects numerous inaccuracies of the Venice edition. It was published at the expense of Peter Kopff, a notary in Frankfurt. A second edition was published in Venice in 1603. All are scarce. OCLC locates 3 copies of the 1597 imprints in North American law libraries, 2 of the Venice (UC-Berkeley, University of Michigan), 1 of the Frankfurt (Harvard).

*Verzeichnis der im Deutschen Sprachbereich Erschienenen Drucke des 16. Jahrhunderts* C1192.

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

**7. 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. \$350.

\* 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*.

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**The Last Incunable Imprint of Cipolla's "Legal Cautions" Concerning Servitudes and Real Property**

**8. Cipolla, Bartolomeo [1420-1475].**

*Cautelae Iuris*. [Strasbourg: Johann Prüss, 25 February 1490]. [1], 85 ff. Collation: [a8, b-c6, d8], e-f6, g8, h-m6, n8. Complete. Quarto (9-1/4" x 6-1/2"; 23 x 16.5 cm).

Contemporary quarter pigskin with elaborate blind tooling over oak wood boards, clasp (at center of boards) lacking, buckle present, early hand-lettered author name and "X" to spine. Binding slightly cocked, soiling to spine, some wear to corners, second work removed from rear of text block, early owner signature of Philipp von Flersheim to front pastedown, later library stamp of Heidelberg Capuchin Library to front free endpaper, early manuscript index and a few other annotations to rear pastedown. 44-line text in single column, comprising 325 numbered sections, text begins with 12-line multi-color illuminated initial depicting a scribe. Moderate toning, slightly heavier in places, brief early annotations in a few places, faint dampstaining to margins of a few leaves, light soiling to title page. \$15,000.

\* Third edition, and the last incunable edition. Cipolla was a professor of law at the University of Padua, Venetian diplomat and one of the greatest Italian jurists of the fifteenth century. His works are notable for their humanistic scholarship and coordination of theoretical and practical concerns. *Cautelae Iuris* is a set of 325 knotty legal points, i.e. "legal cautions," concerning servitudes and real property under Roman and canon law. It was first printed in Perugia by Petrus Petri de Colonia and Johannes Nicolai de Bamberga around 1474 and reached its tenth edition in 1577. Philipp von Flersheim [1481-1522] was the bishop of Speyer. OCLC locates 5 copies of this imprint in North America, 1 in a law library (Library of Congress).

Goff, *Incunabula in American Libraries* V381. *Gesamtkatalog der Wiegendrucke* M6484. *Incunabula Short-Title Catalogue* ic00381000.

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### One of the Great Italian Jurists of the Fifteenth Century

#### 9. Cipolla, Bartolomeo [d. ca. 1477].

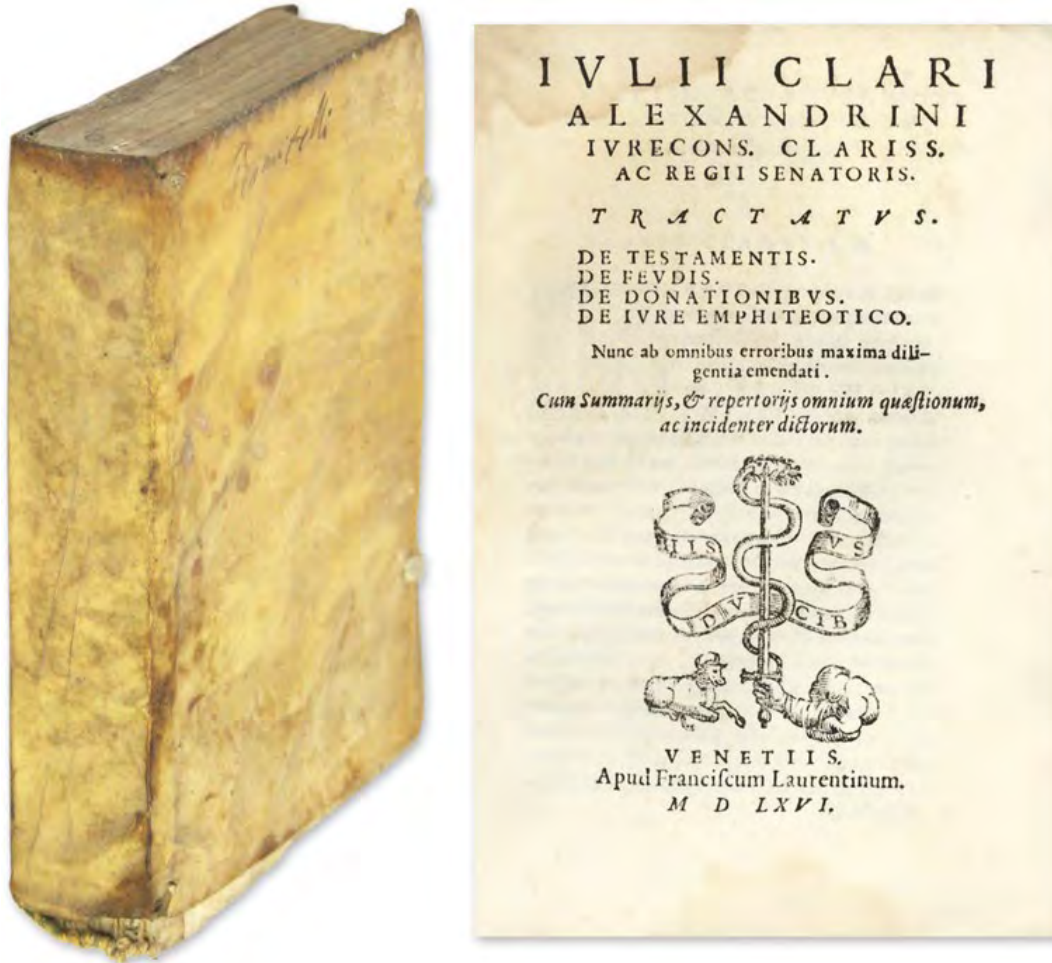
#### [Gradibus, Johannes de (15th/16th c.), Editor].

*Incipiu[n]t Sole[m]nes ac P[er]utiles Tractatus Memoriaq[ue] ac Studio Dignissimi Egregij Viri: Iurisq[ue] Utriusq[ue] Peritissimi D. Bartholomei Cepolle, Videlicet.* [Lyons: Antoine Du Ry, Impensis Jacques and Franciscus Giunta, 1525]. [xii], cccxvi [i.e. 312], [2] ff. Main text in parallel columns. Octavo 7" x 5" (18 x 13 cm).

Contemporary vellum from manuscript leaf, hand-lettered title to spine, front endleaves recycled from another book. Some soiling, moderate rubbing to extremities, joints starting, some worming to spine, corners worn, pastedowns loose, worming to rear hinge, a few cracks to text block, a few signatures loose. Title page, with woodcut vignette and architectural border, printed in red and black, small woodcut vignette at head of main text, woodcut decorated initials. Moderate toning to text, occasional faint dampstaining to margins, some edgewear and a few minor tears to title page and the following four leaves. Finger smudges, annotations to rear endleaves, underlining and brief annotations in few places, interior otherwise clean. \$1,500.

\* Third edition. Cipolla was a professor of law at the University of Padua, Venetian diplomat and one of the greatest Italian Jurists of the fifteenth century. His works are notable for their humanistic scholarship and coordination of theoretical and practical concerns. *Tractatus Memoriaque* is a collection of seven essays on servitudes, real property and related topics in Roman and canon law. It is a collection based on titles that circulated in manuscript and the early printed era. The first edition in its final, seven-essay form appeared in 1511. It was issued several times into the sixteenth century. All editions are scarce. OCLC locates no copies of the 1525 imprint in North America. This edition not in Adams.

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

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

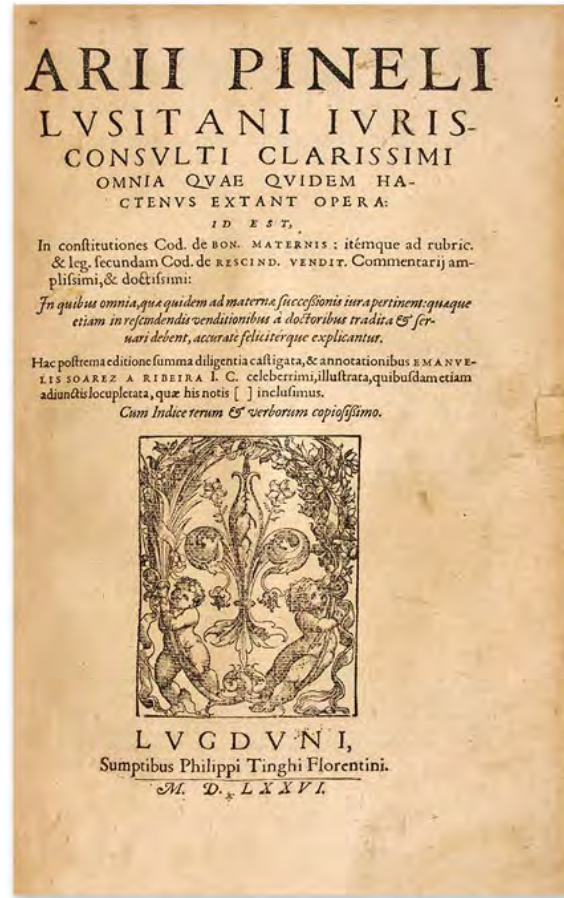
*Tractatus de Testamentis, De Feudis, De Donationibus, De Iure Emphiteotico: Nunc ab Omnibus Erroribus Maxima Diligentia Emendati: Cum Summarijs, & Repertorijs Omnium Quaestionum, Ac Incidenter Dictorum.* Venice: Apud Franciscum Laurentinum, 1566. 8, [32], 243 ff. Octavo (6" x 4").

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.

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### Two Distinguished Commentaries on Roman Law

#### 11. Doneau, Hugues [1527-1591].

*Commentarii ad Titulum Digestorum de Verborum Obligationibus: Praepositae Sunt Singulis Legibus et Paragraphis Summae, Capita Rerum Unoquoque Loco Tractatarum Commode et Fideliter Indicantes: Adjecto Omnium in hoc Opere Contentorum Indice Triplici, Eoque Accuratissime Confecto.* Frankfurt: [Apud Joannem Feyerabendt, Impensis Sigismundi Feyerabendts], 1577. [vi], 266, [13] ff. Lacking ff. 198-199. Main text in Parallel columns. Copperplate pictorial title page.

[Bound with]

Pinhel, Aires [16th c.].

Soarez de Ribeira, Manuel [16th c.], Editor.

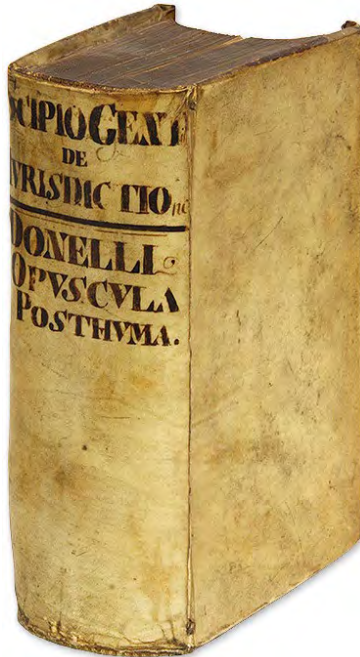
*In Constitutiones Cod. de Bon. Maternis: Itemque ad Rubric. & Leg. Secundam Cod. De Rescind. Vendit. Commentarii Amplissimi, & Doctissimi: In Quibus Omnia, Quae Quidem ad Maternae Successionis Iura Pertinent: Quaeque Etiam in Rescindendis Venditionibus a Doctoribus Tradita & Servari Debent, Accurate Felicitateque Explicantur. Hac Postreme Editione Summa Diligentia Castigata, & Annotationibus Emanuelis Soarez a Ribeira Illustrata, Quibusdam Etiam Adiunctis Locupletata, Quae his Notis [ ] Inclusimus. Cum Indice Rerum & Verborum Copiosissimo.* Lyon: Sumptibus Philippi Tinghi Florentini, 1576. [xii], 428, [12] pp. Main text in parallel columns.

Folio (13-3/4" x 8-3/4"). Contemporary paneled pigskin, raised bands and early hand-lettered title to spine. Moderate soiling, some rubbing to extremities, spine ends bumped with minor chipping, some chipping to board edges, corners bumped and somewhat worn, front free endpaper edgeworn and partially detached, bottom edge removed below image. Moderate toning to text, somewhat heavier in places, occasional faint dampstaining, minor worming in a few places (with no loss to text). Early signatures and annotations to front free endpaper and title page of *Commentarii ad Titulum Digestorum*, interior otherwise clean. \$850.

\* Doneau: first edition; Pinhel: later edition. Doneau was a French humanist jurist and scholar. A worthy antagonist of Cujas, he applied the latest philological methods to Roman law and attempted to organize its texts in a systematic fashion. A staunch Calvinist, he fled France after the St. Bartholomew's Night Massacre. He went on to become a professor at the Universities of Heidelberg and Leiden, where his teaching and numerous studies made a tremendous contribution to the promotion of Roman law in the Netherlands. *Commentariū ad Titulum Digestorum de Verborum Obligationibus* is one of his principal works. It is a treatise on Book 45 of Justinian's *Digest*, which deals with contracts and other obligations. Later editions were published in 1599 and 1622. Our copy is bound to Pinhel's distinguished commentary on Book VI, Title 60 of Justinian's *Code*, which addresses the inheritance and succession of maternal property (or property through a family's maternal side). It also considers this topic according to Spanish and Portuguese civil law. Originally published in 1557, it went through several issues and editions throughout Europe, the final published in Frankfurt in 1614. Neither imprint listed in Adams.



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### Two Scarce Titles on Roman Law

#### 12. Gentili, Scipione [1563-1616].

*De Jurisdictione Libri III. Ad Sereniss. Principem Fridericum IV. Electorem; Cum Indice Gemino.* Frankfurt: Apud Haeredes Claudii Marnii, 1613. [xvi], 475, [28] pp.

[Bound with]

#### Doneau, Hugues [1527-1591].

[Gentili, Scipione, Editor].

*Opuscula Postuma. Et Aliorum Quaedam. Ex Bibliotheca Scip. Gentilis. Iurisc.* Hanover: Typis Wecheliani apud Claudium Marnium & Heredes Ioannis Aubrii, 1604. [xx], 484, [4] pp.

Octavo (6-1/2" x 3-3/4"). Contemporary vellum with lapped edges, early hand-lettered titles to spine. Light soiling, spine ends bumped, light wear to corners, vellum beginning to crack through pastedowns, residue from bookplate to front pastedown, crack in text block between front endleaf and title page of *De Jurisdictione*. Moderate toning to text, contemporary annotations in a few places, later annotations dated 1811 to endleaves, recent owner signature to front endleaf. \$1,250.

\* *Jurisdictione*, second and final edition; *Opuscula*, first edition. This volume collects two scarce titles on Roman law. Gentili, a brother of Alberico Gentili, was an eminent law professor and legal scholar. Held in high esteem all over Europe, his fame probably surpassed that of his brother during his lifetime. As indicated by its title, *De Jurisdictione* is a study of jurisdiction, more specifically, legal authority and power. Its first edition was published in 1601. Doneau, or Donellus, was a French humanist jurist and scholar. An antagonist of Cujas, his only real peer, he applied the latest philological methods to Roman law and attempted to organize its texts in a systematic fashion. Derived from a manuscript owned by Gentili, Doneau's *Opuscula* is a collection of writings. Most of these deal with the *Codex Justinianus*. Later editions were published in 1609, 1766 and 1768. OCLC locates 2 copies of the 1613 edition of *Jurisdictione* in North America (Harvard Law School, Yale Law School), 2 copies of the 1613 edition of *Opuscula* (Boston College Law School, Stanford University).

*Das Verzeichnis der im Deutschen Sprachraum Erschienenen Drucke des 17. Jahrhunderts* 1:059186R, 23:315652U.

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### A Distinguished Legal Philologist

#### 13. Godefroy, Jacques [1587-1652].

**Trotz, Christian Hendrik [1703-1773], Editor.**

*Opera Juridica Minora, Sive Libelli, Tractatus, Orationes, & Opuscula Rariora & Praestantiora, Quibus Continentur Selectae, non Modo in Jure, Sed & Omni Antiquitate Romana, & Graeca, Jus Antiquum Inlustrante, Materiae. Quae Simul Inservire Poterunt Thesauri Juris Supplemento. Omnia ab Innumeris Mendis Pergata; Cum Icone Auctoris, Indice Copiosissimo et Praefatione C.H. Trotz;* Leiden: Apud Joh. Arnold Langerak, 1733. [vi], [xxxii], 336 columns, [2] 1418 columns, [63] pp. Handsome copperplate portrait frontispiece misbound in center of text block. Main text printed in double columns. Main title page with engraved vignette printed in red and black. Each work preceded by divisional title page. Folio (16" x 10").

Recent period-style quarter calf over cloth, endpapers renewed, untrimmed edges. Faint dampstaining to portions of text block, noticeable dampstaining to final fifty leaves, interior otherwise fresh. \$650.

\* First edition. With indexes. Jacques Godefroy, son of Denis, was a jurist and legal philologist who edited the *Quatuor Fontes Juris Civilis*, a collection of ante-Justinian texts that comprised a reconstruction of the Twelve Tables, and a great edition and commentary on the *Theodosian Code* (1665). The well-esteemed *Opera Juridica* and the *Manual Juris* (1645) are his other principal works.

*British Museum Catalogue* 10:758. Graesse, *Tresor de Livres Rares and Precieux* II:100.

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### Confiscation in Civil and Canon Law

#### 14. Guazzini Sebastiano. Massini, Seraphino.

*Tractatus de Confiscatione Bonorum, Cui Accessit in hac Postrema Editione Semicenturia Practicarum Quaestionum Eandem Materiam Tractantium Seraphini Massini. Opus Nunquam Antea Impressum, Omnibus Iurisprudentiae Professoribus, Tam in Scholis, Quam in Utroque Foro Versantibus, Valde Utile, Ac Necessarium. Nec Tantum Magis Communibus DD. Placitis. Sed Etiam Plurium Supremorum Tribunalium Auctoritate, & Signanter Quamplurimis S.R. Rom. Decisionib. Excornatum. Cum Summariis, & Duplici Indice Rerum, Ac Sententiarum Locupletissimo.* Macerata: Typis Heredum Augustini Grisei, & Iosephi Piccini, 1658. 160, [36], 307, [79] pp. The second part, by Massini, has the title: *Practicarum Quaestionum de Confiscatione Semicenturia*. Main text in parallel columns. Folio (12" x 8").

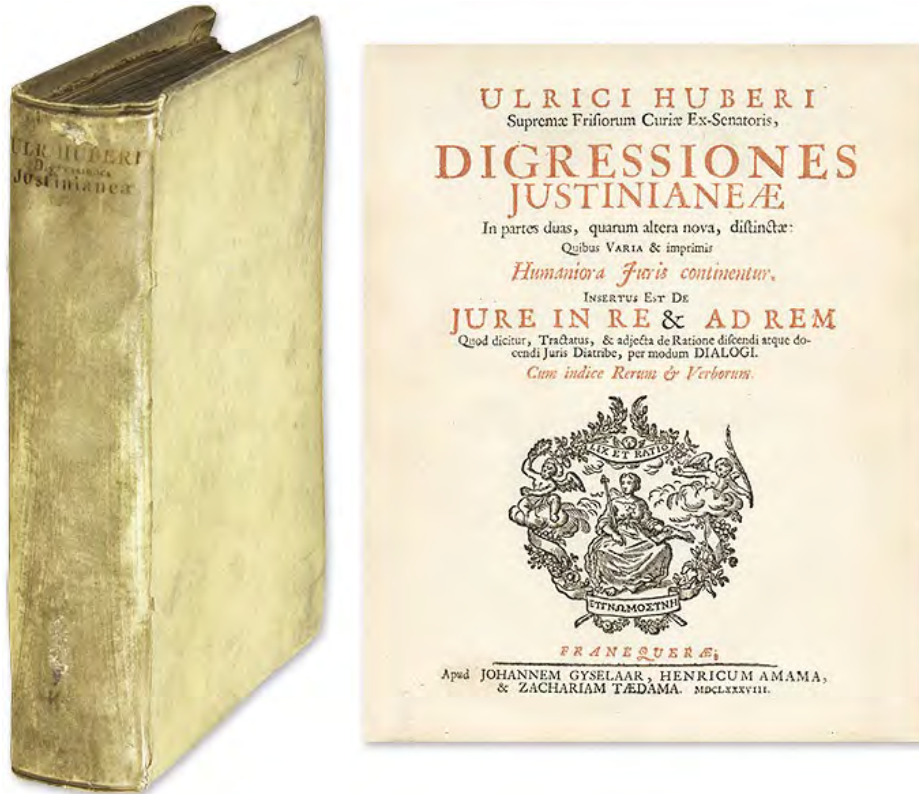
Contemporary vellum, contrasting vellum spine with raised bands and calligraphic title. Some rubbing to board edges, corners bumped, about half of backstrip lacking due to worming, cords secure, front hinge broken, front free endpaper and half-title detached, rear hinge partially cracked, minor worming to final few leaves and rear endleaves, a few signatures loose. Early armorial bookplate to front pastedown, title page printed in red and black, woodcut head-piece and decorated initials. Toning to text, occasional faint dampspotting, internally clean. A solid copy of a scarce title. \$950.

\* Third edition. First published in 1611, this was a well-regarded treatise on the appropriation, under legal authority, of private property to the state in Roman, canon and Italian law. Little is known about Guazzini. The title page of our copy says he was an advocate and expert on criminal law associated with the Roman Curia. This edition is enhanced by an extensive second treatise by Massini. According to the title page, he was jurisconsult associated with the Rota in Macerata. OCLC locates 4 copies in North American law, 1 of this edition (UC-Berkeley).

*British Museum Catalogue* 11:193.

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### Elegant Essays on Roman Law by a Noted Dutch Jurist

#### 15. Huber, Ulrich [1636-1694].

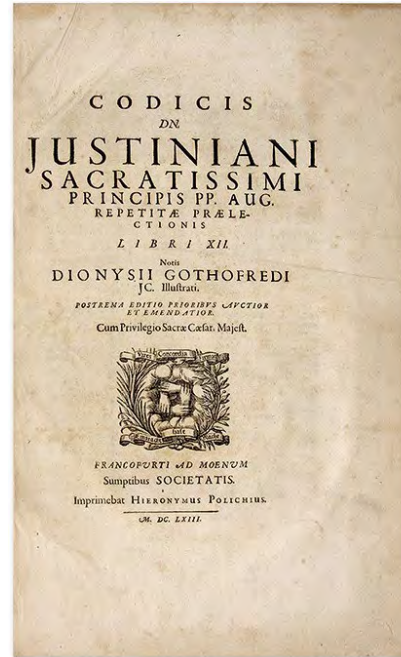
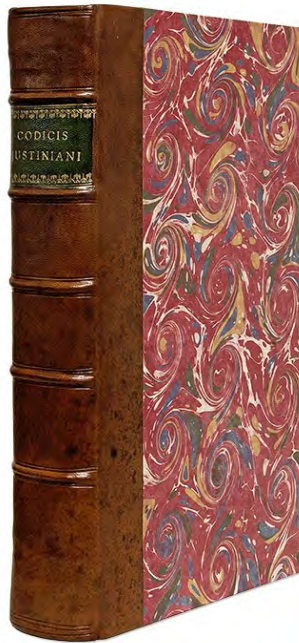
*Digressiones Justinianæ: In Partes Duas, Quarum Altera Nova, Distinctæ: Quibus Varia & Imprimis Humaniora Juris Continentur: Insertus Est De Jure in Re & Ad Rem Quod Dicitur Tractatus: & Adjecta De Ratione Discendi Atque Docendi Juris Diatribe, Per Modum Dialogi: Cum Indice Rerum & Verborum.* Franeker: Apud Johannem Gyselaar, Henricum Amama, & Zachariam Taedama, 1688. [xxx], 632 [i.e. 528], [4], 63, [17] pp. Each section preceded by divisional title page. Quarto (7-3/4" x 6").

Contemporary vellum, early hand-lettered title to spine. Light soiling, spine somewhat darkened, corners and spine ends bumped, vellum just beginning to crack through pastedowns, text block just beginning to detach, but still quite secure, a few gatherings slightly loose. Title page printed in red and black. Large woodcut printer device to title page, woodcut head-pieces, tail-pieces and decorated initials. Ex-library. Bookplate to front pastedown, small stamps and markings to endleaves and verso of title page. A solid copy. \$500.

\* Third edition, and the final authorial edition. With indexes. Huber was a well-known Dutch jurist and professor at the Universities of Franeker, Utrecht and Leyden. He was also a judge in Friesland and the author of numerous legal works on Roman and Roman-Dutch law. He was as important in his day as Grotius, and his work remains influential in South Africa. First published in 1664, *Digressiones Justinianæ* went through eight editions, the final in 1721. More an essay collection than a treatise, it collects his thoughts on a variety of Roman law topics. He also discusses legal pedagogy and the work of his contemporaries and near-contemporaries, such as Grotius and Hobbes. These latter sections are especially interesting because they show what a learned contemporary thought of their work when it was new. They are similar in many regards to reviews in learned journals or publications like the *New York Review of Books*.

Dekkers, *Bibliotheca Belgica Juridica* 86 (4).

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**Uncommon Large-Paper Edition of the *Code* and  
Related Works with Important Notes by Denis Godefroy**

**16. Justinian I [483-565 CE], Emperor of the East.  
Godefroy, Denis [1549-1622], Editor and Annotator.**

*Codicis Dn. Justiniani Sacratissimi Principis PP. Aug. Repetitae Praelectionis Libri XII. Postrema Editio Prioribus Auctior et Emendatior.* Frankfurt: Sumpibus Societis. Imprimebat Hieronymus Polichius, 1663. [xvii] pp., 1024 cols., [4] pp., 456 cols., [13] pp., 78 cols., [2] pp., 282 cols. Folio (14" x 9").

Recent period-style quarter calf over marbled boards, raised bands and lettering piece to spine, endpapers renewed. Large woodcut printer device, head-pieces, tail-pieces and decorated initials. Faint dampstaining to head of text block, light foxing and browning to portions of text, internally clean. \$1,250.

\* Large-paper edition. Includes the *Authenticae; Seu, Novellae Constitutiones, Feudorum Consuetudines, Constitutiones Friderici II. Imp. Extravagantes, Liber de Pace Constantiae, Epitome Feudorum* and related writings and notes by Godefroy. Commissioned by the Emperor Justinian in 530 CE, the body of writings known collectively as the *Corpus Juris Civilis* preserved and restated all existing Roman law. Compiled in three years under the direction of Tribonius, it was both a critical restatement of earlier law and jurisprudential writings and a complete collection of recent legislation. It is divided into four books, the *Institutes, Digest, Code* and *Novels*. The *Code* contains the laws in force during Justinian's reign. It is divided into 12 books. Book 1 deals with ecclesiastical law, the sources of law, and the duties of high officials. Books 2-8 deal with private law. Book 9 deals with criminal law. Books 10-12 deal with administrative law. It received a great deal of commentary during the medieval and early modern eras. That of Denis Godefroy was influential well into the twentieth century. Godefroy was a jurist, humanist, historian, scholar of Roman law and professor at the Universities of Geneva and Heidelberg. He was also the first to apply the collective name *Corpus Juris Civilis* to Justinian's works. KVK locates 5 copies of this imprint, but all seem to be trimmed to a quarto format.

*Das Verzeichnis der im Deutschen Sprachraum Erschienenen Drucke des 17. Jahrhunderts* 1:012970P. (See also VD17 3:319950N, the same imprint as a quarto).

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1505 Paris Edition of the *Institutes*

17. [Justinian I (485-565 CE), Emperor of the East].  
 [Accursius (Accorso, Francisco) (c.1182-c.1260), Glossator].  
 [Chappuis, Jean, Editor].

*Institutiones Imperiales: Ordinate Glosis Textuales Divisiones Habentur. Patescit Grecum Utile cum Expositione Succincta. Universi Tituli Alphabeticum Ordine Ponuntur. Summaria Rubra Multis Adiectis Sunt Textibus Immixta. Orbibus Variis Vallata Civilis Arbor hic exarat[ur], fo. cxvij. Plurima et Textuum et Glosarum Turpis Menda Expurgatur. Tituli Continuatione Patenti Redduntur Clari. Involute Materie Nectuntur Tabula Singulari. Medulle Glosarum Omnibus in Marginibus Sunt Extracte. Versibus Rubrice Iuris Cesarei Leguntur Aperte. Multiplices bone Glose plerisque Locis Sunt Apposite.* [Paris: Per Udalicum Gering [et] Magistru[m] Bertholdum Rembolt, December 5, 1505]. [xii], 117 ff. Text in parallel columns with linear gloss. First letters of the verses that follow *Institutiones Imperiales* on title page from an anagram, "opus optimum." Two-page table of descents. Folio (10" x 7").

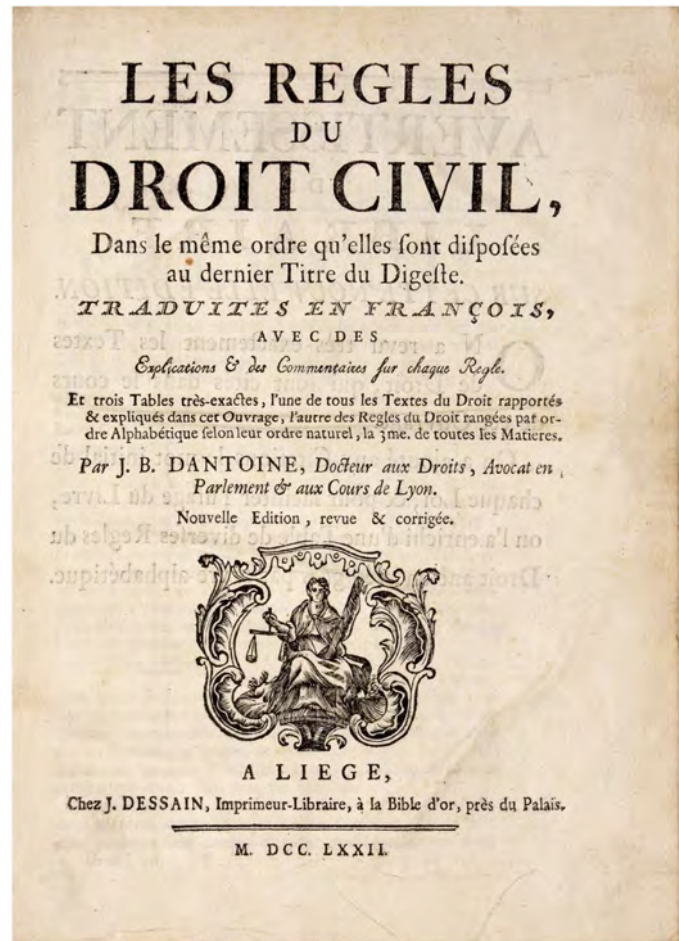
Contemporary blind-stamped calf, raised bands to spine, clasps lacking, hasps present. Moderate rubbing and a few minor scuffs to boards, heavier rubbing to extremities, corners and spine ends worn, calf worn away from two spine bands, a few cracks to text block, signature n (ff. 97-104) detached and moderately edgeworn. Printed throughout in red and black, large criblé printer device and decorative borders to title page, criblé initials and table of descents. Moderate toning and occasional light soiling and foxing, early annotations to endleaves and title page, additional early annotations and underlining to some leaves in the text. \$3,500.

\* Commissioned by the Emperor Justinian in 530 CE, the body of writings known collectively as the *Corpus Juris Civilis* restated all existing Roman law. It has four components: the *Code*, *Novels*, *Institutes* and *Digest*. Intended for students, the *Institutes* is a synopsis of the reformed legal system. Rediscovered during the late Middle Ages, it became the standard textbook of Roman law. The main text of our 1501 imprint is accompanied by Accorso's great *Glossa Ordinaria* (or *Magistralis*). A Professor of Law at Bologna and a leading figure in the revival of classical jurisprudence, Accorso examined every extant note and commentary when he prepared his epochal edition of Justinian's *Institutes*, *Digest* and *Code*. This massive effort eliminated much of the obscurity and contradiction introduced by earlier writers. His editions, which superseded all previous attempts, remained definitive until the 1583 revision by Denis Godefroy. OCLC locates 14 copies, 6 in North America, 1 in a law library (Library of Congress).

Adams, *A Catalogue of Books Printed on the Continent of Europe* J618.

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### A Notable French Edition of the Digest, Book 50

#### 18. [Justinian I (483-565 CE), Emperor of the East].

**Dantoine, J[ean] B[aptiste] [1693-1720?], Translator and Editor.**

*Les Règles du Droit Civil, Dans le Même Ordre Qu'Elles sont Disposées au Dernier Titre du Digeste; Traduites en François, Avec des Explications & Des Commentaires sur Chaque Règle. Et Trois Tables Très-Exactes, l'Une de Tous les Textes du Droit Rapportés & Expliqués dans cet Ouvrage, l'Autre des Regles du Droit Rangées par Ordre Alphabétique Selon Leur Ordre Naturel, La 3me. de Toutes les Matières. Nouvelle Édition, Revue & Corrigée.* Liège: Chez J. Dessain, 1772. [lxiv], 502, xxxii pp. Quarto (10" x 8-3/4").

Contemporary sheep with cat's-paw decoration, gilt spine with raised bands and lettering piece, speckled edges. Boards slightly bowed, rubbing to extremities with minor wear to edges, corners bumped and somewhat worn, joints just starting at ends, moderate toning to interior. A handsome copy. \$650.

\* Penultimate edition. The final title of the *Digest*, "De Diversis Regulis Juris Antiqui (Concerning Different Rules of Ancient Law)," is a collection of 211 maxims derived from Ulpian and other jurists. Dantoine's edition presents the maxims in the original Latin with translations and extensive commentary. First published in 1710, it went through six editions, the last in 1775. All are scarce. OCLC locates 3 copies of the 1772 edition in North America (Bibliothèque et Archives Nationales du Québec, McGill University, UC-Berkeley Law School).

Camus, *Bibliothèque Choisie des Livres de Droit* 658.

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Handsomely Printed Pocket-Sized Edition with Commentaries by Sassoferrato

19. [Justinian I (483-565 CE), Emperor of the East].

D'Aurigny, Gilles, Editor.

[Sassoferrato, Bartolo de (1313-1357), Glossator].

*Textus Infortiati: D[omi]ni Justiniani Imp[er]atoris Sacratissimi. Cu[m] Summarijs.* [Paris: Francois Regnault, c.1530]. 290, [24] ff. Main text in parallel columns. Octavo (5-1/2" x 3-3/4").

Recent three-quarter cloth over paper-covered boards, contemporary thumb-tabs to fore-edge of text block, early hand-lettered title to top-edge, endpapers renewed. Light soiling, light rubbing to extremities. Title page and text printed in red and black, handsome woodcut title-page vignette of Justinian and his court, repeated on verso of third leaf and recto of final leaf, large Regnault elephant device to verso of leaf preceding "Tabula Legum" and verso of final leaf, criblé initials. Light toning, light soiling and small stain to title page, library stamp to its verso and to a few other leaves. A handsomely printed edition. \$1,200.

\* This is a pocket-sized volume of the *Infortiatum* of Justinian's *Digest* surrounded by commentaries, chiefly by Bartolo de Sassoferrato, the preeminent early expositor of Roman law. (These are printed within the text columns and distinguished from the main text by pointing hands.) Summaries of the titles are included as well. The medieval glossators divided the *Digest* into three sections, or *Volumina*: the *Digestum Vetus*, the *Digestum Novum* and the *Infortiatum*. Comprising Books XXIV, Title 2 to XXXVIII, the *Infortiatum* addresses donations between husband and wife, divorce, curatorship, wills and testaments and trusts and legacies. OCLC locates 11 copies, 4 in North America, 1 in a law library (University of Georgia). Not in Adams.

*Universal Short-Title Catalogue* 181299.

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A Collection of Texts from the *Corpus Juris Civilis*  
in Handsome Uniform Contemporary Paneled Pigskin Bindings

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

**Accorso, Francisco (Accursius) [c.1182-c.1260], Glossator.**

**Gaius [Active 130-180 CE].**

*Institutionum D. Iustiniani Sacratissimi Imperatoris Libri Quatuor: Ad Vetustissimorum Simul et Emendatissimorum Exemplarium Fidem Summa Diligentia Recogniti, Emendati. Cum Scholiis Accursii. Adieciimus Pluribus Locis Annotationes ex Doctissimorum Hominum Commentariis, Ex Quibus non Parum Lucis ac Dignitatis his Iuris Civilis Elementis Accedit. Accessit Corpus Legum, Antea non Impressum, Ac Caii Institutionum Libri Duo.* Lyon: Apud Hugonem à Porta, 1553. Pp. [24], 290, [2] pp. Large woodcut image of Justinian surrounded by his court. Main text in parallel columns with linear gloss.

**[Bound with]**

**Justinian I, Emperor of the East.**

**Accorso, Francisco (Accursius), Glossator.**

*Volumen hoc Complectitur (Sic Enim Peculiari Vocabulo Vocant) Novellas Constitutiones Iustiniani Principis Post Repetitam Codicis Praelectionem Aeditas: Authentica Vulgò Appellant. Tres Item Posteriores Libros Codicis; Feudorum seu Beneficiorum Duos; Constitutiones Friderichi Secundi Imperatoris; Extravagantes duas Henrici Septimi Imperatoris; & Tractatum De Pace Constantiae. Omnia ad Vetustissimorum Simul & Emendatissimorum Exemplarium Fidem Recognita, Emendata. Accesserunt nunc Primùm, & Nunquam Antehac Aediti, Iustiniani Novellarum Constitutionum Libri Duo, Cum Multis Annotationibus ex Doctissimorum Hominum Commentariis, Quae non Parum Lucis ac Dignitatis Huic Volumini Afferunt.* Lyon: Apud Hugonem à Porta, 1553. [xvi], 276, 148, 99, [1] pp. Woodcut table of descents (in the form of a tree). Main text in parallel columns with linear gloss.

**[With]**

**Justinian I, Emperor of the East.**

**Accorso, Francisco (Accursius), Glossator.**

*Infortiatum, Pandectarum Iuris Civilis Tomus Secundus: Quartae Partis Reliquum, Itemque Quintam Digestorum Partem, Ac Sextae Partis: Libros Continens, Ex Pandectis Florentinis Ita in Universum Recognitus ac Emendatus, Ut Nihil Praeterea, Quod ad Puram Eorum Librorum Lectionem Attinet, Desiderari Possit.* Lyon: Apud Hugonem à Porta, 1556. [xxxvi], 923, [1] pp. Main text in parallel columns with linear gloss.

**[And]**

**Justinian I, Emperor of the East.**

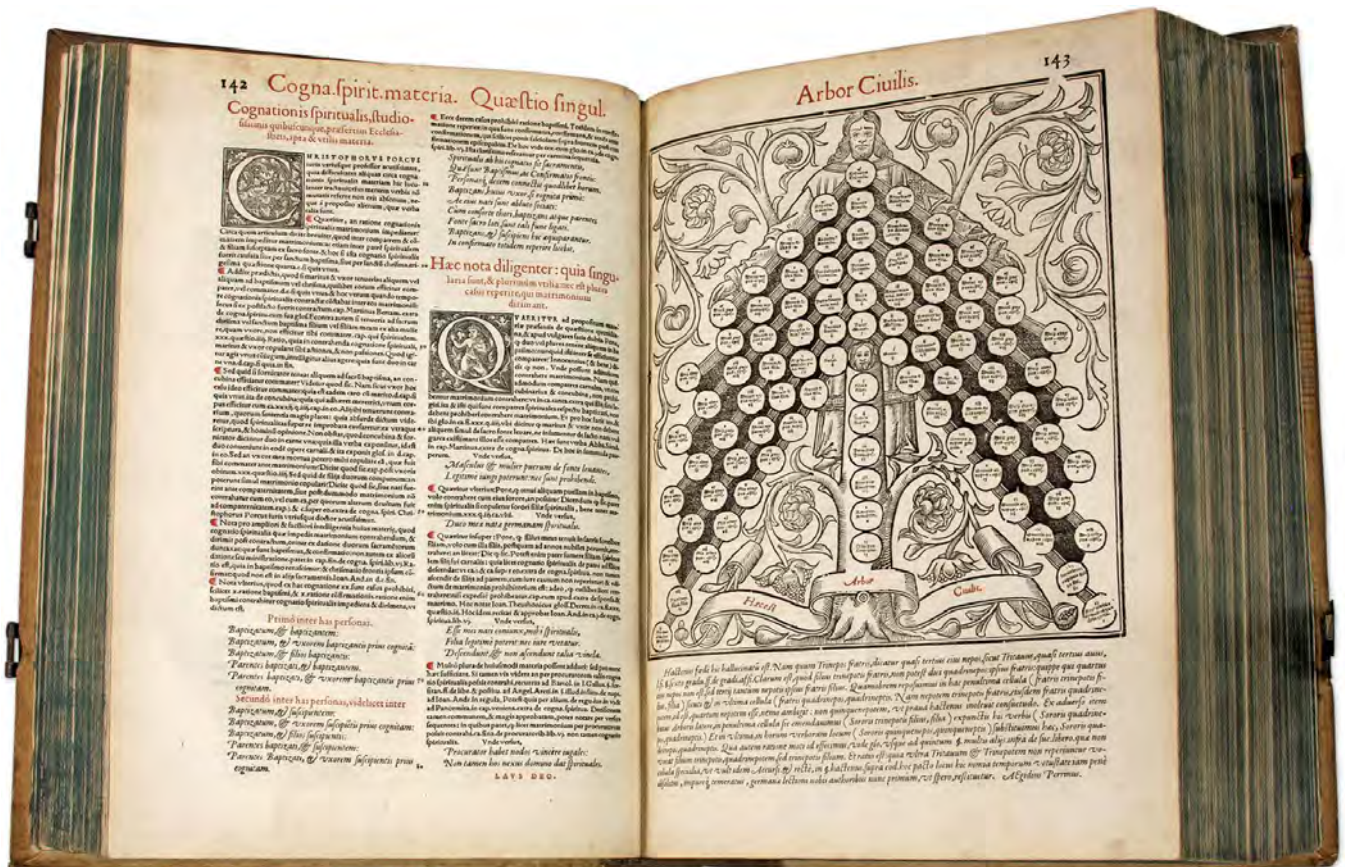
**Accorso, Francisco (Accursius), Glossator.**

*Digestum Novum: Pandectarum Iuris Civilis Tomus Tertius Sextae Partis Reliquum, Ac Septimam, Eandemque Novissimam Digestorum Partem Continens, Ex Pandectis Florentinis Ita Universum Recognitus, Ac Emendatus: Ut Nihil Praeterea, Quod ad Puram Putam Eorum Librorum Lectionem Attinet, Desiderari Possit.* Lyon: Apud Hugonem à Porta, 1556. [lvi], 866 pp. Main text in parallel columns with linear gloss.

Folio (15-3/4" x 11"). Contemporary paneled pigskin over beveled boards with elaborate blind tooling, Crest (of Adam Mockel) in oval frame to center of each board, brass clasps, colored edges. Moderate soiling, moderate rubbing to extremities, some rubbing, scuffing and minor stains to boards and spines, a few chips to spine ends of *Digestum Novum*, minor worming to hinges and pastedowns, early owner signature ("P. Lieber") to front pastedowns. All volumes printed throughout in red and black. Light toning, faint dampstaining in places, margins trimmed with occasional minor loss to headlines, neat early underlining and brief annotations to some leaves, a minor inkstains in a few leaves, light soiling to title pages, substantial ink staining to leaves a7 and a8 of "Index Materiarum Digesti Novi," legibility not affected. \$8,500.

\* Commissioned by the Emperor Justinian in 530 CE, the body of writings known collectively as the *Corpus Juris Civilis* reformed, restated and preserved early Roman law. Its subsequent influence on European jurisprudence is difficult to underestimate. Our volumes contain every part except the *Digestum Vetus*. They also contain several related works, such as the pre-Justinian *Institutes* of Gaius, *Liber De Pace Constantiae*, *Epitome Fendorum* and *Authentica*. The texts used in this edition, along with the gloss by Accursius, were the standard versions from the high middle ages until 1583, when they were supplanted by Godefroy's seminal critical edition.

Baudrier, *Bibliographie Lyonnaise* VII:329-336.



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Edited by a "Reformed" Lawyer and Dedicated to Queen Elizabeth I

**21. Justinian I [485-565CE], Emperor of the East.  
Haloander, Gregor [1501-1531], Translator and Editor.  
Agylaeus, Henricus [1532 or 1533-1595], Editor.**

*Iustiniani Principis Nouellae Constitutiones, Latine Ex Gregorii Haloandri et Henrici Agylaei Interpretatione, Ad Grecum Scrimgeri Exemplar, Nunc Primum Edite. Quibus Suis Locis Interferiter, Quicquid Vetus Versio Amplius Habet, Atque Proximis Editionib. Ex Vetusis Libris Ac Iuliani Epitome Aspersum Est. In qua Editione Henrici Agylaei Opera Diligentem tum Variarum Lectionum Annotationem, Tum Haloandrice Versionis Castigationem Invenire est. Item, Eiusdem Iustiniani Edicta, Iustini, Tiberii, Leonis Philosophi Constitutiones; & Una Zenonis, Quae ad Titulum Codicis de Privatis Aedificiis Pertinet: Henrico Aegylaeo Interprete. Postremo, Canones Sanctorum Apostolorum per Clementem in Unum Congesti, Gregorio Haloandro Interprete.*

Basel: Per Ioannem Hervagium, 1561. [xxxii], 598, [2] pp. Quarto (9-1/4" x 6-1/2").

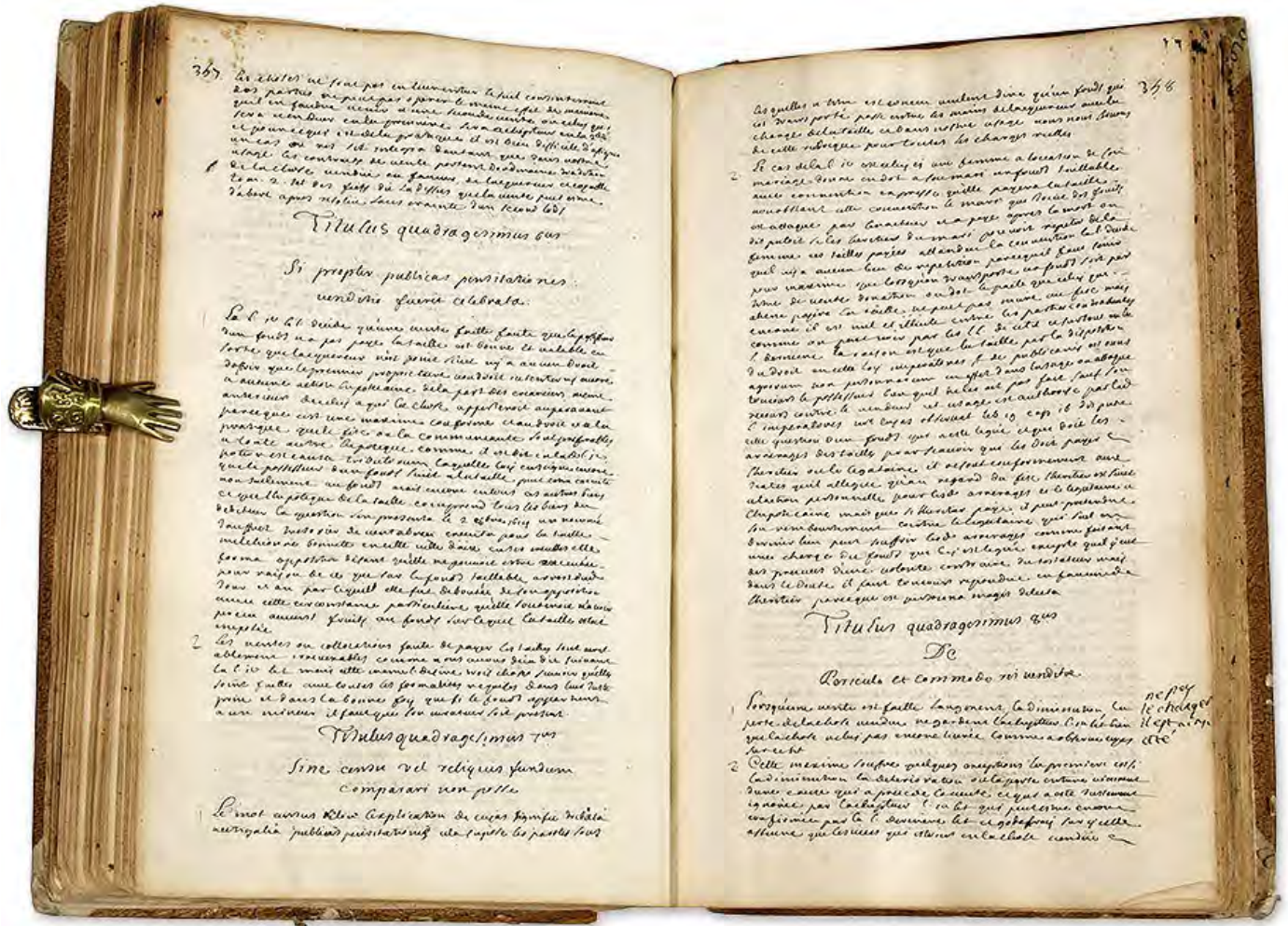
Contemporary limp vellum, early hand-lettered title to spine, ties lacking. Minor soiling, a few small stains, and few tiny worm holes, some wear to corners, a few minor tears to spine ends, front joint starting at ends, front pastedown worn and partially detached, text block somewhat loose, vellum beginning to crack though rear pastedown. Faint dampstaining to head of text block, moderate toning, foxing and light browning in places, mild edgewear to corners of preliminaries, recent early owner inscription to front free endpaper. \$1,950.

\* First edition. This collection of legal texts begins with the first appearance of a revised edition, with original commentary by the Dutch jurist Agylaeus, of Gregor Haloander's complete translation of the *Novels*, one of the four components of the *Corpus Juris Civilis*. This is followed by a group of legal texts from other sources edited with commentary by Agylaeus, including: *De Indulgentia Tributatorum Reliquorum*, *Tiberii Imperatoris de Divinis Domibus Constitutio*, *Imperatoris Leonis Augusti Novellae Constitutiones*, *Imperatoris Leonis Augusti Novellae Constitutiones* and *Zenonis Imperatoris de Novis Operibus Constitutio*, *Eodem Interprete*. He also includes Haloander's version of the Apostolic Canons of Pope Clement I. Agylaeus dedicated this work to Queen Elizabeth I. His choice of a Protestant monarch probably reflected his personal circumstances at that time. He had recently been charged with heresy at the court of Brabant because of comments he published about the Bible and the sacraments. Rather than appear before the court he fled to Germany. He may have intended to continue his flight into England. A year after he published the present work, he requested permission to return, which was granted after he paid a fine and made a confession to the inquisitor fidei. A few years later he moved to the Netherlands and became a supporter and leader of the "Reformed Religion" in the Netherlands. The work is scarce outside of Germany. OCLC locates 1 copy in a North American library (Folger Shakespeare).

*Verzeichnis der im Deutschen Sprachbereich Erschienenen Drucke des 16. Jahrhunderts* C5267.

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Classroom Notes on the Codex Justinianus

22. [Manuscript].

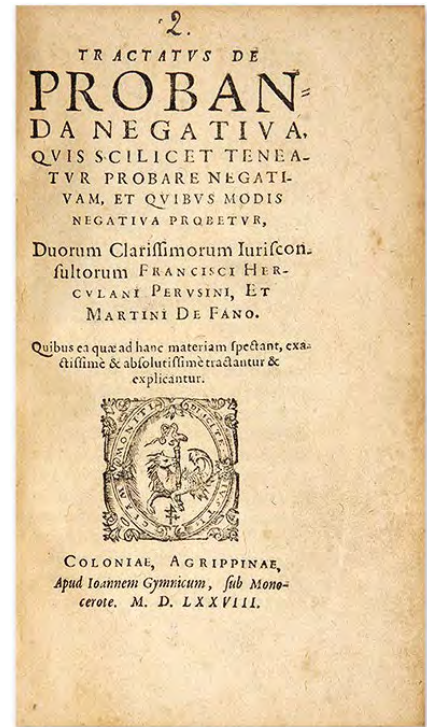
[Justinian I (483-565 CE), Emperor of the East].

Codex Justiniani SS. Principis. [France, c.1830?]. 564, [11] pp. Folio (12" x 8").

Contemporary quarter calf over marbled boards, vellum-covered corners to boards. Moderate rubbing to boards, crease to upper corner of front board below vellum, heavier rubbing to extremities, corners bumped and somewhat worn, spine perished revealing printer's waste dated 1822, boards partially detached but secure. Moderate toning, occasional faint stains to margins. Text in neat hand, occasional later annotations (and a few doodles) in same hand. \$2,500.

\* With its careful arrangement and index, this manuscript appears to be a fair copy of class notes on the first five books of Justinian's Code. (The titles are in Latin, the text in French.) Based on class lectures, the notes are paraphrases of each title. The later notes in the margins are clarifications or statements of main points. The first page has a large Roman numeral "I," which suggests the compiler had another notebook covering the rest of the Code (Books 6-12). Also known as the Codex Justiniani, the Code contains the laws in force during Justinian's reign. It is divided into 12 books. Book 1 deals with ecclesiastical law, the sources of law, and the duties of high officials. Books 2-8 deal with private law. Book 9 deals with criminal law. Books 10-12 deal with administrative law. It is one of the four components of the Corpus Juris Civilis.

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### Scarce Treatises on Proximate Cause and Evidence in Roman Law

#### 23. Medici, Sebastiano [d.1595].

*Tractatus de Fortuitis Casibus. In Hac Editione a Mendis Quibus Scatebat Innumeris, Diligenter Repurgatus.* Cologne: Apud Ioannem Gymnicum, Sub Monocerote, 1578. [xlviij], 443, [4] pp.

[Bound with]

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

#### Da Fano, Martino (Martinus) [fl. 1229-1272].

*Tractatus de Probanda Negativa, Quis Scilicet Teneatur Probare Negativam, Et Quibus Modis Negativa Probetur, Duorum Clarissimorum Jurisconsultorum Francisci Herculani Perusini, Et Martini de Fano. Quibus ea Quae ab Hanc Materiam Spectant, Exactissimè & Absolutissimè Tractantur & Explicantur.* Cologne: Apud Ioannem Gymnicum, Sub Monocerote, 1578. 272 pp.

Octavo (6" x 4"). Contemporary quarter blind-tooled pigskin over colored vellum with blind rules, faint traces of later hand-lettered title and shelf number to spine. Light rubbing and soiling to boards, spine ends bumped, moderate wear to corners, partial cracks in text block between main text and adjacent endleaves. Moderate toning and occasional faint spotting to text, early underlining and annotations in a few places in each volume, small later owner stamp to title page, small recent stamp to front pastedown. \$1,950.

\* *Fortuitis Casibus*: second edition; *Probanda Negativa*: third edition. This volume combines two treatises on Roman law. Medici's addresses examples of proximate cause, that is, cases that are legally sufficient to result in liability. It was first published in 1577 and went through several later editions, the last in 1596. Originally published in 1564 as *Quis Teneatur Probare Negativam, Et Quibus Modis Negativa Probetur* Ercolani's treatise concerns the law of evidence. It is based on a work by the Medieval jurist Martino (Martinus) da Fano. Its final edition was published in 1664. Portions of this work were included in a treatise by Fulvio Pacciani, *De Probationibus Libri Duo* (1703).

*Verzeichnis der im Deutschen Sprachbereich Erschienenen Drucke des 16. Jahrhunderts* M1876, M1265.

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### Gambling Under Roman Law

#### 24. Pantoja de Ayala, Pedro.

*Commentaria in Tit. de Aleatoribus D. et C.* Madrid: Apud Petrum Tazo, 1625. [viii], 272, [12] ff. Copperplate engraved pictorial title page, featuring large female figures representing justice and prosperity. Woodcut table. Quarto (7-3/4" x 5-3/4").

Contemporary limp vellum, traces of early hand-lettered title to spine, ties lacking, endpapers renewed. Light crinkling, spine ends bumped, moderate wear to corners. Moderate toning to text, some places have faint dampstaining. Light edgewear to title page, tiny early owner signature to its top margin, annotation in same tiny hand to its verso. A nice copy of a scarce title. \$1,500.

\* Only edition. The work of a Toledo lawyer, this is a closely argued study of laws concerning gambling in the Digest and Code of Justinian. The book did not have any later editions, but some of its sections were included in Everhard Otto's *Thesaurus Juris Romani* (1741-1744). OCLC locates 7 copies, in North America (UC-Berkeley Law School).

Palau, *Manual del Librero Hispano-Americano* 211589.

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### A Classic Roman-Dutch Treatise on Arrest

#### 25. Peck, Pieter [1529-1589].

#### Van Leeuwen, Simon [1626-1682], Translator and Editor.

*Verhandelinghe van Handt-Opleggen ende Besetten: Dat is, Arrest op Persoon Ende Goederen, Eertijds Beschreven door Petrum Peckium. Ende nu Vertaelt, Ende Doorgaens met de Daghelijxche Onderhoudinghe van Het Geene tot de Selve Stoffe, Uyt de Nederlandsche Rechtsoeffeninghe, Bestaende in Allerhande Privilegien, Handvesten, Statuyten, Plackaten, Ordonnantien, Keuren, Gewijsdens, Ende Gewoonten, op de Rijpsinnighe Bewerpsels van den Schrijver uyt den Rechten, Ende Rechtsgeleerden, Aenmercke Lijckheeft Kunnen by Gebracht Werden, Bevesticht Ende Vermeerdert door Simon van Leeuwen.* Dordrecht: Abraham Andriesz, 1659. [xxvii], 573, [36] pp. Main title page preceded by copperplate allegorical title page featuring an image of Lady Justice. Quarto (7-3/4" x 6").

Contemporary vellum with lapped edges, early hand-lettered title to spine, speckled edges. Light rubbing, light soiling to board edges, spine ends bumped, pastedowns beginning to loosen from boards. Moderate toning to interior, underlining and brief notes in early hand in a few places. An attractive copy. \$1,250.

\* Second edition by Van Leeuwen. Peck was a professor at the University of Louvain, the school where he studied law, and a judge of the High Court of Mechelen. He was a prolific author; several of his works were standard texts. *Verhandelinghe van Handt-Opleggen ende Besetten* is a comprehensive treatise on arrest and seizure of property. First published in Latin in 1654 as *De Iure Sistendi*, it went through several Latin editions into the seventeenth century and was one of the titles included in the *Tractatus Universi Juris* (1584-1586), the multi-volume anthology of key contemporary legal works edited by Francesco Ziletti under the patronage of Pope Gregory XIII.

The translation edited by Van Leeuwen, possibly the most widely read Dutch jurist of the late-seventeenth and eighteenth centuries, expanded its audience. First published in 1653, it went through seven more editions, the last one in 1784. The Van Leeuwen editions are scarce. OCLC locates 2 in North American law schools, a 1659 edition at Yale and a 1712 edition at UC-Berkeley Law School.

Dekkers, *Bibliotheca Belgica Juridica* 99, 131.

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### Classic Treatise on Fideicommissum

#### 26. Pellegrini, Marcantonio [1530-1616].

##### Lonigius, Gasparus, Editor.

*De Fideicommissis Praesertim Vniuersalibus, Tractatus Frequentissimus, M. Antonii Peregrini Patavini. Omnibus tam in Scholis, Quam in Causarum Foro Versantibus Admodum Utilis, Ac Perneccessarius. Ab Eodem Ultima hac Post Germanicam Editione, Summa Diligentia Recognitus, & Compluribus Additamentis Recenter Adactus & Illustratus. Editio Undecima. In qua Novissime Additae sunt Notabilissimae Remissiones ad Consil. Tract. & Decis. Eiusdem Auctoris in Quolibet Article & Numero, Utilissime, & Accommodatissime tam in Consulendo, Quam in Indicando, Cum Quibus Dilucidatur in Particulari Doctrina Universalis Tradida in hoc Eodem Frequentissimo Tractatu, Hoc. [cross] Signo Notatae. Auctore Gasp. Lonigo. Cum Summariis, Et Indice Locupletissimo. Venice: Apud Milochum, 1665. [lvi], 727 pp. Main text in parallel columns. Folio (13" x 8-1/2").*

Contemporary mottled and varnished calf, gilt spine with raised bands and lettering piece. Moderate running, chipping to head of spine, corners bumped, front hinge cracked. Title page, with large woodcut device, printed in red and black. Moderate toning and faint dampstaining, interior otherwise clean. Ex-library. Bookplate to front pastedown. \$450.

\* Later edition. One of the most durable concepts in Roman law, *fideicommissum* involves situations in which something is committed to somebody's trust. It is central to the law concerning testators. First published in 1595, Pellegrini's treatise was a standard work in Northern Italy into the eighteenth century. (Its final edition was published in Venice in 1761.) Not in the *British Museum Catalogue*.

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### Humanistic Commentaries on the First and Second Parts of the *Infortiatum*

#### 27. Riva di San Nazarro,

**Gianfrancesco [c.1480-1535] (Ripa, Giovanni Francesco da).**

*In Primam, & Secundam Infortiatii Partem Commentaria: Quibus Quid Nuper Accesserit, Quod Hactenus in Caeteris Prioribus Editionibus Desiderabatur, Facile Studioso Lectori Patebit, Si Maximam Diligentiam tum in Conferendis his Nostris cum Vetustissimis Codicibus, Tum vel Maxime in Castigandis Gravissimis Erroribus, Quibus Singulae Scatebat Pagellae, Nunc Adhibitam Perpendat. Communes item Doctorum Sententiae ab Authore Passim Citatae non Inutiliter cur Animus, Ut sub Varia Literarum Figura cum hac Nota [pointing hand] Demonstrantur.* Venice: Apud Iuntas, 1575. 143 ff. Main text in parallel columns.

[Bound After].

**Riva di San Nazarro, Gianfrancesco. (Ripa, Giovanni Francesco da).**

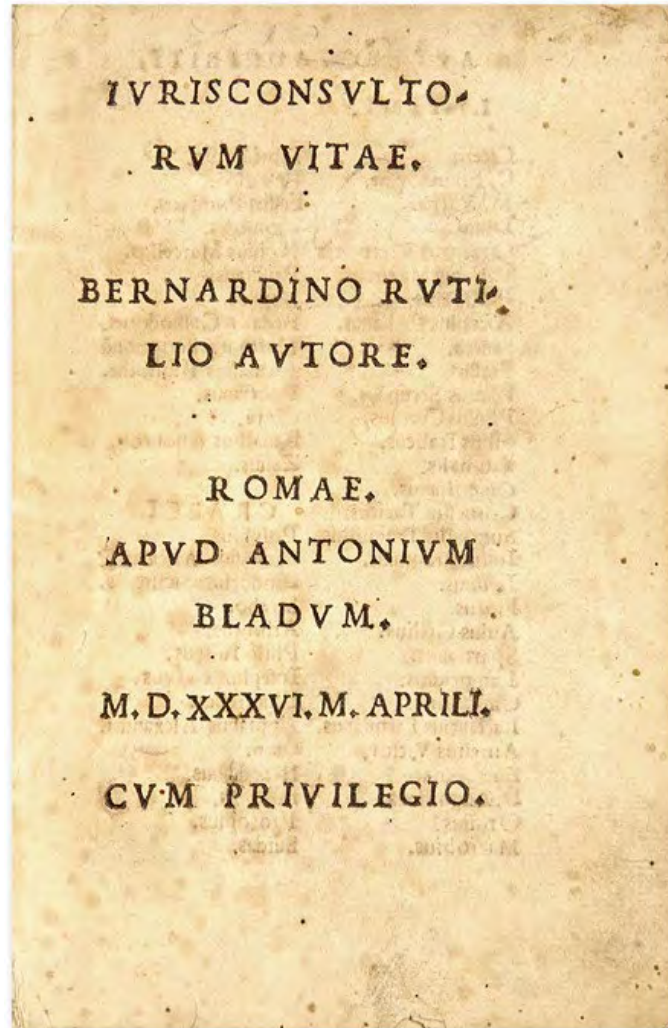
*Repertorium in Omnia Opera Praestantissimi Iurisconsulti D. Ioannis Francisci Ripae à S. Nazario, Papiensis, Ordine Elementario Singulas Quascunque tum Verborum, Tum Rerum Memorabilium Materias, Ita Facile ac Breviter Demonstrans, Ut Nihil Ultra Studiosus Lector Desiderare Possit.* Venice: Apud Iuntas, 1575. 56 ff. Main text in parallel columns.

Folio (16-1/2" x 11"). Contemporary vellum, raised bands and calligraphic title to spine, ties lacking. Light rubbing, some staining and minor worming to boards, rubbing to extremities with wear to spine bands, spine ends and corners, which are bumped, front pastedown loose, some worming to hinges and rear pastedown. Each title page features large woodcut Giunta device in architectural border. Moderate toning, minor dampstaining and foxing in a few places, early owner inscription to front free endpaper. Ex-private (?) library. Tiny inkstamp to foot of title page of Repertorium. \$1,850.

\* Later editions. Riva di San Nazarro, a Lombard noble, was a learned jurist and humanist scholar. His many works, all commentaries on aspects of Roman and canon law, went through several editions and were often excerpted and anthologized. The two titles in this volume are from a deluxe series published by Giunta in 1575-1576. (All but the *Repertorium* are bibliographically distinct.) The *Repertorium* is an index to this set. *In Primam, & Secundam Infortiatii* is a commentary on the books from the *Digest* of the *Corpus Juris Civilis* concerning aspects of personal and family law, such as donations between husband and wife, divorce, curatorship, wills and testaments and trusts and legacies. (The Medieval Glossators divided the 50 books of the *Digest* into three parts: *Digestum Vetus*, I-XXIV, Title 2, *Infortiatum*, XXIV, Title 3-XXXVIII, and *Digestum Novum*, XXXIX-L. This division was observed into the early modern era.)

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### Humanistic Biographies of the Great Jurists of Ancient Rome

#### 28. Rutilio, Bernardino [1504-1538].

*Iuris Consultorum Vitae*. Rome: Apud Antonium Bladum, 1536. [xvi], CCCLXVII, [1] pp. Octavo 6" x 4" (15 x 10 cm).

Contemporary limp boards, later hand-lettered title to spine. Light soiling, moderate rubbing to extremities, spine darkened, hinges cracked, upper section lacking from front free endpaper, which is pasted to front pastedown. Light toning to text, somewhat heavier in places, brief early annotations throughout, minor worming to a few leaves, light soiling to title page. \$1,250.

\* First edition. Rutilio was Italian jurist and humanist. He was also one of the first authors to compile biographies of lawyers. *Iurisconsultorum Vitae* describes the lives and achievements of 77 Roman jurists, from Papirius to Tribonian. Distinguished by its discerning criticism and careful use of sources, the work was well-received. It went through later editions in 1537, 1538, 1539, 1545, 1584 and 1718. All editions are scarce. OCLC locates 2 copies of the first edition in North America (University of Minnesota Law School, Yale).

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### A Notable Early-Modern Handbook of Comparative Law

#### 29. Vigelius, Nikolaus (Nicolaus) [1529-1600].

##### Husan, Bernhard Melchior, Editor.

*Gerichtsbüchlein. Sampt dem Zusatz von ungewissen Rechten: Dann dem Gespräch des Oratoris und Juristen über solch Büchlein. Darzu Jetzo auff's Neue zu Mehrer Übung, Gebrauch und Nutz Desselben Dreyhundert Auserlesene Casus oder Rechtsfälle, So Theils den Process, Theils Contractis, Testamenta und Andere Miscellanea Betreffen, Aus dem Allgemeinen Römischen/ Kayser/ Päbtllichen und Sächsischen Rechten, Besonders Th. Constitutionen, Auch Gewohnheiten Colligiret und Zusammen Getragen, Pro & Contra mit Fundamentis Solcher Rechte Gezieret, Und die Decision durch Bescheide Annectiret. Allen den Jenigen, So Richterstellen Vertretten, Wie auch den Angehenden Practicis, Und Actuariis, So Manchmal Bescheide Concipirn und Protocoliren Müissen, Nicht Undienlich. Mit Zweyen Registern der Fälle und Fürnehmsten Materien.* Jena: Gedruckt...bey Ernst Steinman, In Verlegung Christian Forbergers, Buchhandlers in Naumbergk, [1635]. [xvi], 677, [10] pp. Title page preceded by copperplate pictorial title page. Octavo (6" x 3-1/2").

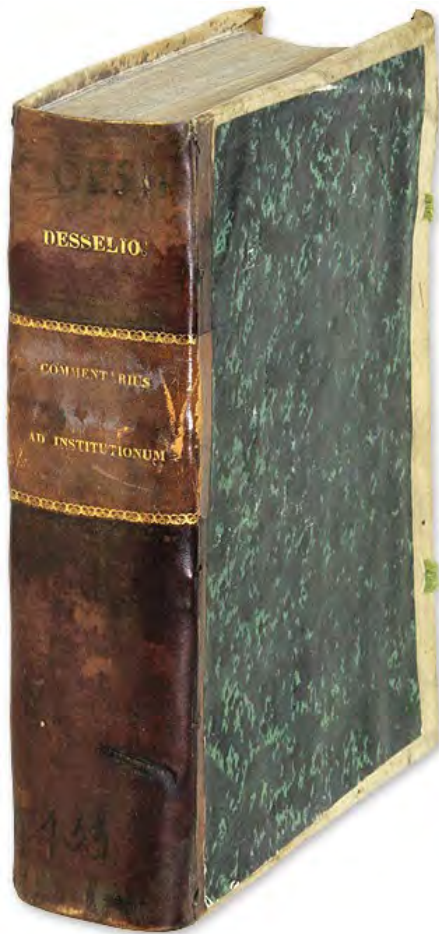
Contemporary laced vellum with lapped edges, blind rules to boards, blind fillets and early hand-lettered title to spine, ties renewed (one lacking), edges green. Light soiling and spotting, small hole to rear joint, later ownership signature (dated 1716) to front pastedown, minor worming to rear pastedown. Moderate toning to interior, somewhat lighter or heavier in places, occasional light foxing, partial crack in text block between pp. 152-153, all leaves secure. An appealing copy. \$950.

\* Later edition. Vigelius, a professor at Marburg, was one of the leading legal methodists of the late sixteenth century. His *Gerichtsbüchlein* is a comparative collection of cases judged under Roman law, canon law and the customary laws of the Holy Roman Empire. First published in 1588, it went through several editions and issues into the eighteenth century. Our 1635 edition has an attractive copperplate pictorial frontispiece with a depiction of Lady Justice.

*Das Verzeichnis der im deutschen Sprachraum erschienenen Drucke des 17. Jahrhunderts* 31:749698B.

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### Commentary on the *Institutes* by a Notable Dutch Humanist

#### 30. Zoes, Hendrik [1571-1627].

#### Andreas, Valerius [1588-1655], Editor.

*Commentarius ad Institutionum Juris Civilis Libros IV. Brevis, Analyticus, Methodicus. Quaestionibus Controversis Passim Insertis: Cum Additionibus Perpetuis, Wx Jure Potissimum Consuetudinario Harem Vicinarumque Provinciarum, Auctore Valeria Andrea, Desselio.* Louvain: Typis Hieronymi Nempaei, 1653. [xii], 758, [20] pp. Quarto (10" x 7-1/4").

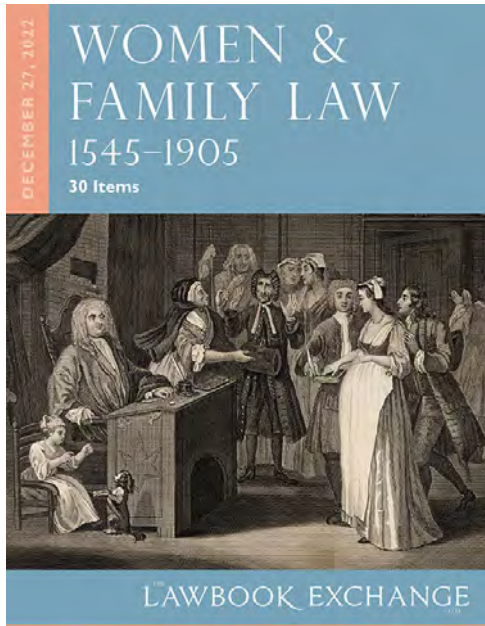
Contemporary vellum with lapped edges and later cloth ties, marbled paper pasted to boards, spine, with later lettering piece and gilt author name, colored to resemble calf, speckled edges. Light rubbing to boards, moderate rubbing to extremities, vellum beginning to crack through pastedowns, which have some minor worming, along with the hinges. Title page, with large woodcut printer device, printed in red and black, some worming to pastedowns. Moderate toning to text, somewhat heavier in places. Neat early underlining in a few places, interior otherwise clean. Ex-library. Stamps to endleaves and a few other places. An appealing copy of a scarce title. \$500.

\* First edition. Zoes was a notable Dutch humanist jurist, later the rector of the University of Louvain. His commentaries on the *Code*, *Digest* and *Institutes* of Justinian and the *Decretals* of Gregory IX were highly regarded works that went through several editions. All editions of *Institutionum* are scarce. No copies of this edition located on OCLC.

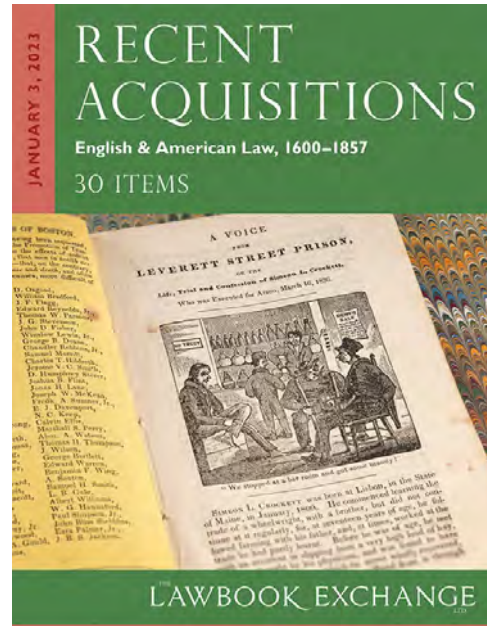
Dekkers, *Bibliotheca Belgica Juridica* 197.

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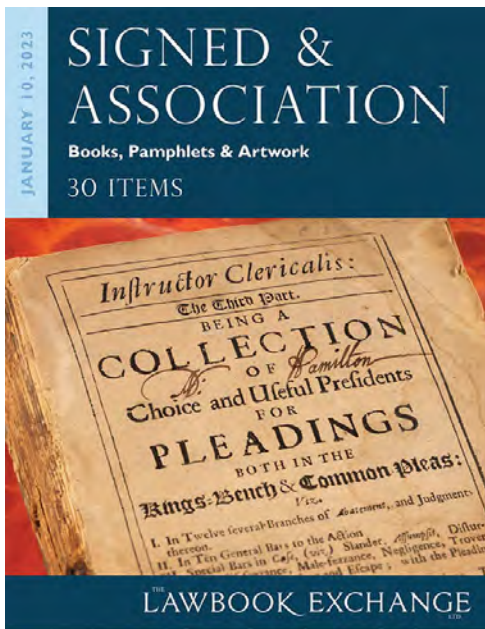
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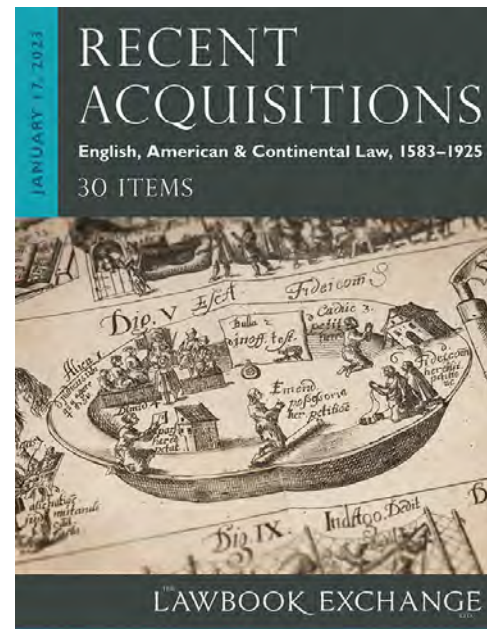
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