

OCTOBER 29, 2024

# CONTINENTAL LAW

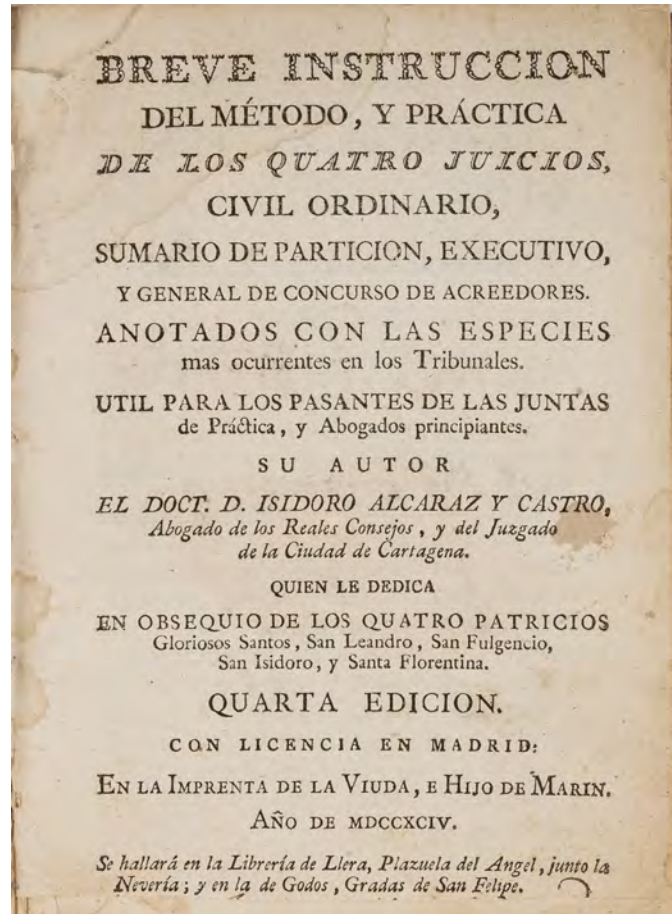
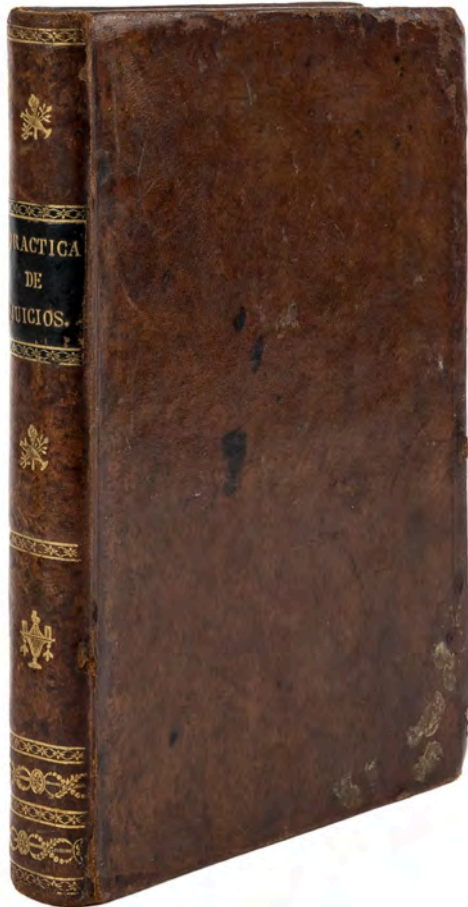
1520–1863

30 Titles



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### Scarce Eighteenth-Century "Institutes" of Spanish Law

#### 1. Alcaraz y Castro, Isidoro.

*Breve Instruccion del Metodo y Practica de los Quatro Juicios, Civil Ordinario, Sumario de Particion, Ejecutivo, Y General de Concurso de Acreedores: Anotados con las Especies mas Ocurrentes en los Tribunales. Util Para los Pasantes de la Juntas de Practica, Y Abogados Principiantes.* Madrid: En la Imp. de la Viuda, E Hijo de Marin, 1794. [xii], 243, [1] pp. Two parts in one volume with continuous pagination; the second part is titled: *Breve Instruccion del Metodo, Y Practica de los Quatro Juicios Criminales*. Quarto (8" x 6").

Contemporary sheep treated to look like tree calf, lettering piece, gilt fillets and gilt ornaments to spine. Some rubbing to extremities, a few minor scuffs and stains to boards, corners bumped, front endleaves lacking, about 1/4 inch trimmed from foot of title page. Toning, faint dampspotting in places, tiny dampstains to title page. Brief annotations to front pastedown (doodles) and rear endleaf (owner inscription), interior otherwise clean. \$500.

\* Fourth edition. Divided into two parts, each with four sections, this is an elementary textbook on Spanish law similar (in overall conception) to the *Institutes* of Justinian. In his preface Castro says his principal sources were Vela, Molina, Gregorio Lopez, Acevedo, Barbosa, Gutierrez, Rodriguez, Acosta, Parladorio and Antonio Gomez. First published in 1762, this book went through four more editions in 1770, 1781, 1794 and 1828.

All editions are scarce and rarely found in North America. Of all editions, OCLC locates 5 copies, all of the 1781 edition, two in law libraries (Harvard, Library of Congress). We also located a copy of the fifth edition at UC-Berkeley Law School.

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Three Works by an Important Humanist Scholar

## 2. Baudouin, Francois [1520-1573].

*Commentarius de Iurisprudencia Muciana. Accessit Rerum & Verborum Praecipue Memorabilium Index.* Basel: Per Ioannem Oporinum, [1558]. [xvi], 306, [6] pp.

[Bound with]

**Baudouin, Francois.**

*De Legibus XII Tabularum. Tertia sed Plane Nova Editio.* Basel: Per Ioannem Oporinum, [1557]. [viii], 252, [18] pp.

[And]

**Baudouin, Francois, Commentary.**

*Ad Edicta Veterum Principum Rom. de Christianis.* Basel: Per Ioannem Oporinum, [c. 1557]. 122, [10] pp. Lacking leaves HH5 and HH6, the final text leaf (pp. 121-2) and the first index leaf.

Octavo (7" x 4-1/2"). Contemporary calf, blind frames and central medallions to boards, raised bands, blind ornaments and later hand-lettered paper title label to spine. Some rubbing to boards, heavier rubbing to extremities with wear to spine ends and corners, joints starting at ends, hinges cracked but secure, later armorial bookplate ("Bibliothèque Hyacinthe Carrère") and tipped-in leaf of notes (presumably by Carrère) to front pastedown. Light toning to text, light foxing and dampstaining in places. Occasional notes and glosses in a contemporary hand, early owner inscription to title page, interior otherwise clean. \$1,500.

\* Later editions. Baudouin was an eminent French humanist jurist and theologian. Interested in the early history of Roman law, he emphasized the importance of history in the development of the law. This volume collects two of his principal works, *De Legibus XII Tabularum*, a study of the history and significance of the Twelve Tables, and *Commentarius de Iurisprudencia Muciana*, a study of Roman law during the Republic. The final title addresses the legal status of the early Christian Church. Hyacinthe Carrère [1829-1904], a later owner of this volume, was a French notary clerk, historian and collector from Toulouse.

Adams, *Catalogue of Books Printed on the Continent of Europe, 1501-1600* B87, B93, B84.

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### Lutheran Treatise on the Ecclesiastical Laws Related to Church Property, Tithes and Clergy

#### 3. Böhmer, Justus Henning [1674-1749].

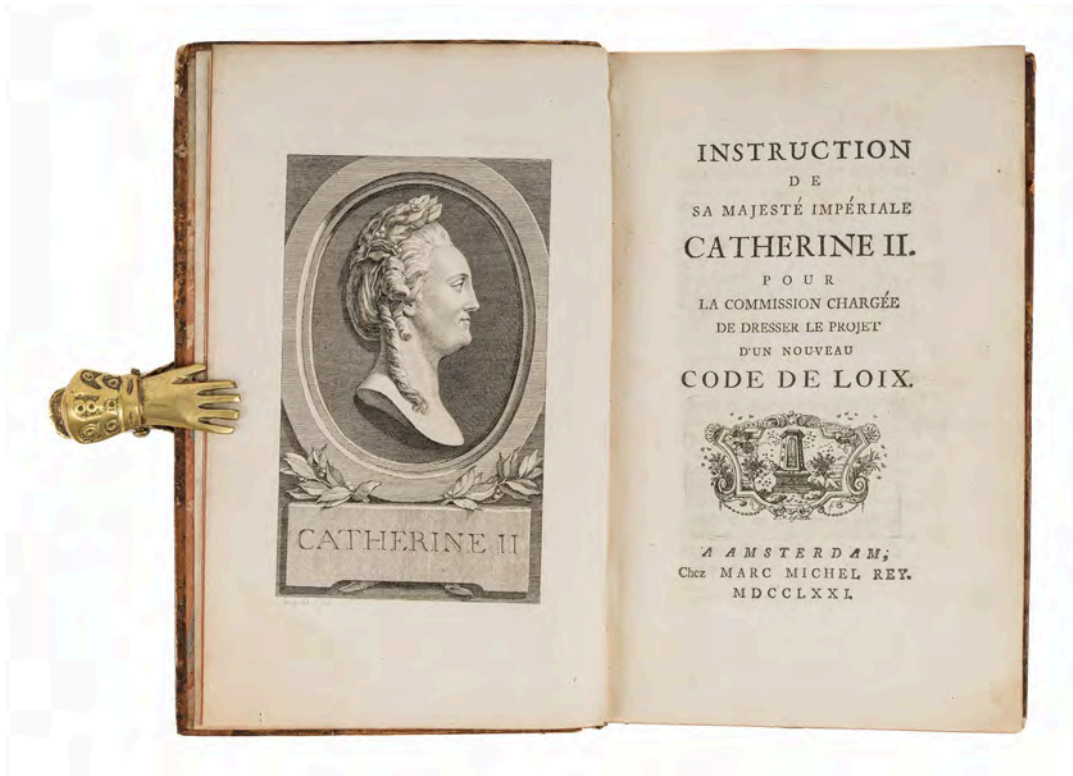
*Ius Parochiale ad Fundamenta Genuina Revocatum a Spuriis Principiis Purgatum Atque Ita Adornatum ut Ius Ecclesiasticum Protestantium Illustrare et Usum Modernum Libri Tertii Decretalium Quoad Praecipuas Materias Ostendere Queat Adiecto Indice Triplici et Supplemento Novo.* Halle: Litteris & Impensis Orphanotrophei, 1738. [xxiv], 552, [56]. Frontispiece and free endpapers lacking. Quarto (8" x 6-1/2").

Contemporary vellum, attractive hand-lettered title to spine, gilt device to center of front and rear boards, green edges. Light soiling and a few minor stains. Title page with attractive large copperplate printer device printed in red and black, woodcut head-pieces, tail-pieces and decorated initials. Light browning, foxing, and dampstaining to a few leaves, interior otherwise fresh. Ex-library. Remains of shelf label to foot of spine, small owner stamps to front pastedown and title page. An appealing copy of an important work. \$150.

\* Fifth edition, corrected, with additions. With indexes. Bohmer was perhaps the leading German authority of his age on ecclesiastical law and its history. He played a leading role in the adaptation of canon law for use in the Lutheran church and established sound theoretical foundations for Lutheran church law. First published in 1701, *Ius Parochiale* addresses issues relating to church property, tithes and clergy.

Kleinheyer and Schröder, *Deutsche Juristen aus Fünf Jahrhunderten* 45.

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#### Early Amsterdam Edition of Catherine's *Nakaz*

#### 4. Catherine II [1762-1796], Empress of Russia.

*Instruction de Sa Majesté Impériale Catherine II. pour la Commission Chargée de Dresser le Projet d'un Nouveau Code de Loix.* Amsterdam: Chez Marc Michel Rey, 1771. [vii], 229 pp. Frontispiece engraved copperplate medallion portrait of Catherine II by C.A. Boily. Octavo (7-3/4" x 4-3/4").

Contemporary mottled calf, blind rules to boards, gilt spine with lettering piece, edges rouged, marbled endpapers. A few minor scuffs to boards, moderate rubbing to extremities, spine ends worn, front joint starting at ends, corners bumped and somewhat worn. Light toning to text, dampstaining and light foxing to a few leaves, internally clean. An attractive copy. \$1,500.

\* Second Dutch edition. This important text, also known as the *Nakaz*, or *Instruction*, is a statement of legal principles written by Catherine II from 1764 and 1766. Permeated with the ideas of the French Enlightenment, and copied mostly from the work of Voltaire, Montesquieu and Beccaria, it was compiled as a guide for the All-Russia Legislative Commission convened by the Empress in 1767 to create a new code to replace the 1649 Muscovite Code. Revised in consultation with Beccaria, Frederick the Great and Voltaire, the *Nakaz* proclaimed the equality of all men before the law and disapproved of the death penalty and torture. Unfortunately, her proposed code was never completed.

Catherine's manuscript was written in French, and she later produced a Russian translation. Editions in German and Russian were published in Moscow in 1767. Several editions followed in nations ranging from Italy to Latvia. The first Dutch edition, in Dutch translation, was published in Amsterdam in 1769. The 1771 Amsterdam edition was the first Dutch edition in French.

It is a scarce imprint. OCLC locates 2 copies in North American law libraries (Library of Congress, UC-Berkeley). Butler, *The Nakaz of Catherine the Great* 528 (entry 28).

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### Rare Treatise Dealing with the Legal Rights of Farmers and Other Rural People

#### 5. Choppin, René [1537-1606].

*De Priuilegiis Rusticorum: Lib. III. O Fortunatos Nimium, Sua Si Bona Norint, Agricolas, Gnauosque Senes, Extrema per Illos Iustitia Excedens Terris Vestigia Fecit.* Paris: Apud Nicolaum Chesneau, 1575 [colophon: 29 November 1574]. [xvi], 248, [24] pp. Quarto (9" x 6-1/2").

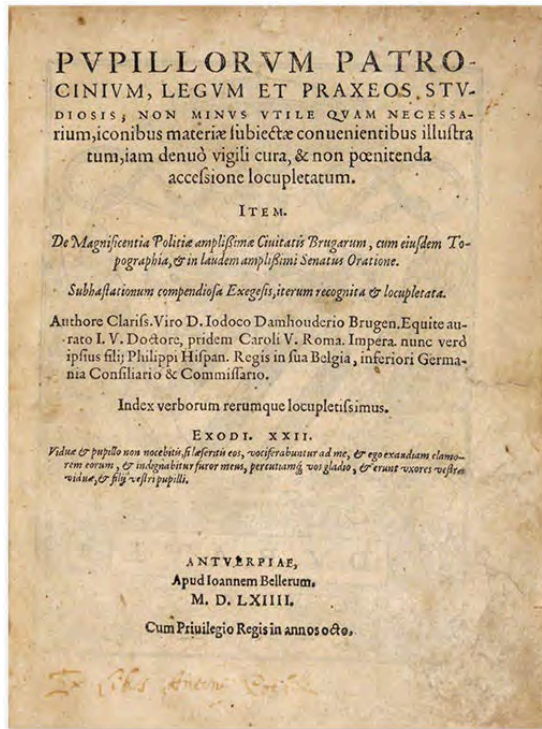
Contemporary limp vellum, early calligraphic title to spine, ties lacking. Negligible light shelfwear, text block partially detached from binding. Woodcut printer device to title page, woodcut decorated initials. Some toning, light dampspotting and early annotations to a few leaves. \$2,000.

\* First edition. Choppin (or Chopin) was a French jurist and an *avocat* of the Parlement of Paris. Like Jean Bacquet and Jean Bodin, Choppin drew on Roman law and feudal principles to advocate a centralized state under royal rule. *De Priuilegiis Rusticorum* addresses legal privileges enjoyed by rural people in Roman and civil law, such as access to uncultivated land. A well-written and remarkably comprehensive work, it went through seven subsequent editions in Latin. Its final edition, translated into French, was published in 1634. This was a rarely explored topic, and Choppin's treatise is the only early example we have encountered. According to the *Biographie Universelle*, "it deserves notice for the singularity of its subject, for its profound research, and the decisions it contains" (8:499).

All editions are scarce today and rare in North American law libraries. OCLC locates three copies of the 1575 edition (at Columbia, George Washington University and Harvard). Camus, *Profession d'Avocat* 1477.

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### Contains the First Text Illustration of a Book Auction

#### 6. Damhouder, Josse (Joost) de [1507-1581].

*Pupillorum Patrocinium, Legum et Praxeos Studiosis; Non Minus Utile Quam Necessarium, Iconibus Materiae Subiectae Convenientibus Illustratum, iam Denuo Vigili Cura, & Non Poenitenda Accessione Locupletatum. Item De Magnificentia Politiae Amplissimae Civitatis Brugarum, Cum Eiusdem Topographia, & In Laudem Amplissimi Senatus Oratione. Subbationum Compendiosa Exegetis, Iterum Recognita & Locupletata. Index Verborum Rerumque Locupletissimus.* Antwerp: Apud Ioannem Bellerum, 1564. [xii], 180, [18] ff. Main text in parallel columns. 12 woodcut plates, 1 double-page. Quarto (7-1/2" x 6-1/4").

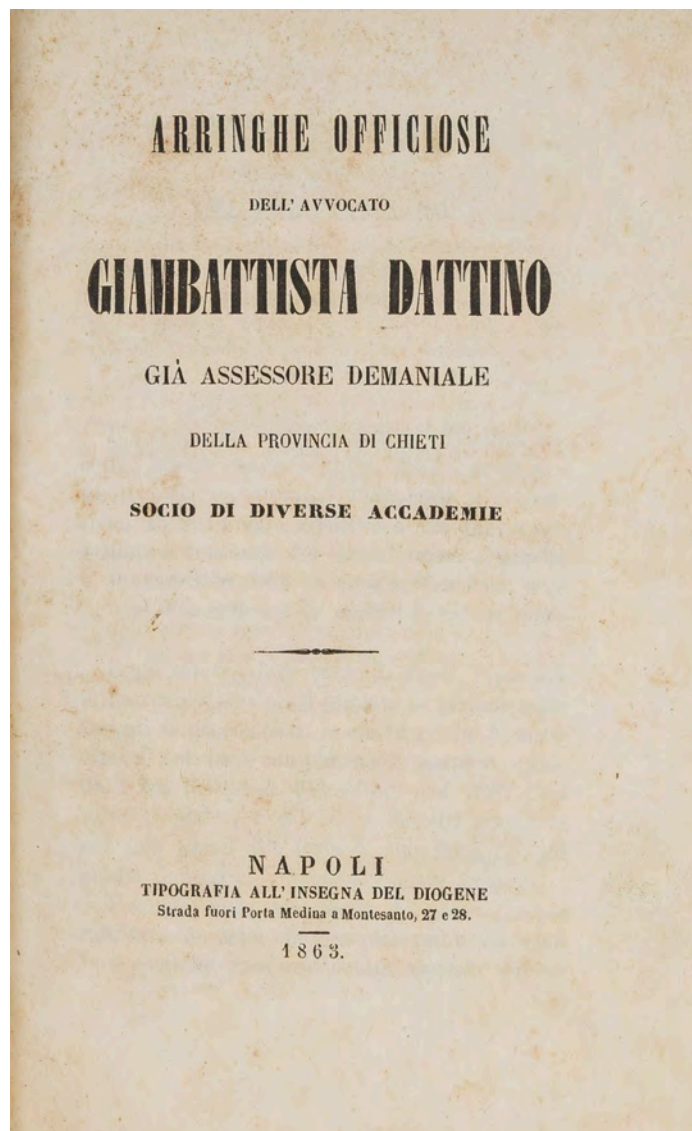
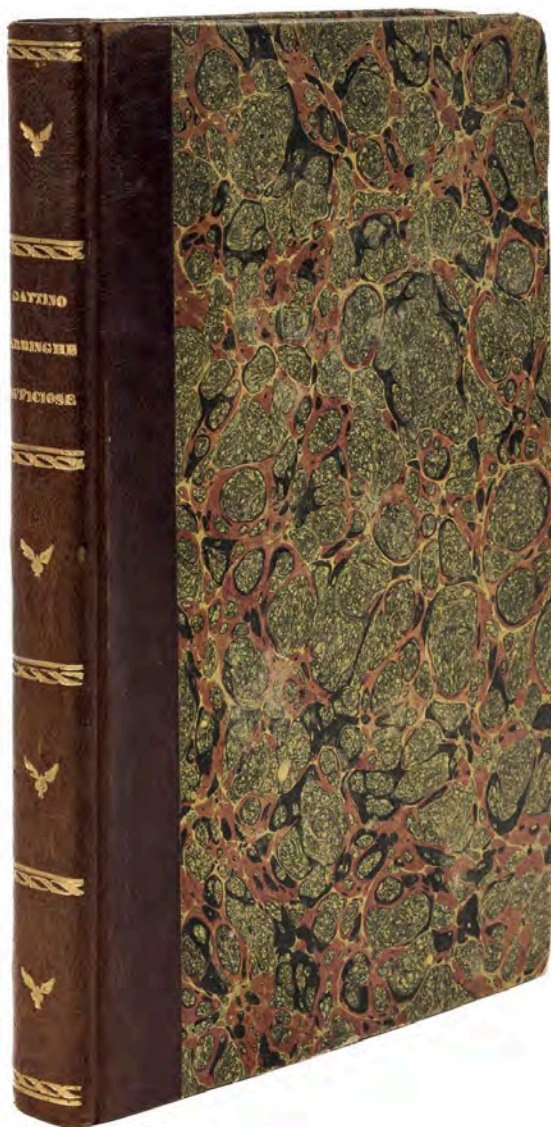
Contemporary limp vellum, early hand-lettered title to spine, endpapers renewed. Moderate soiling, light rubbing to extremities, corners bumped and lightly worn. Moderate toning, light foxing and faint dampstaining to a few leaves, light edgewear, faint (and partially illegible) early owner signature and a few minor tears to title page, another minor tear to fol. 71., paper repairs to margins of title page, fol. 1 and fol. 71. An attractive copy of a scarce edition. \$3,500.

\* Third edition. First published in 1544, this is a comprehensive treatise on the law of guardian and ward. Like Damhouder's works on civil and criminal law, *Pupillorum Patrocinium* has plates that illustrate points in the text. One depicts three young orphans with their guardian, tutor, godfather, conservator and executor before a magistrate, facing preface. Other plates depict situations in later stages of life, such as a guardian introducing a child to a teacher, the guardian and child at a shoemaker's shop and the guardian making a record of his charge's assets with an accountant.

This edition incorporates two other works. *De Magnificentia Politiae Amplissimae Civitatis Brugarum*, first published in 1544, is a political and sociological study of Bruges. It is illustrated with a folding plan of the city. *Subbationum Compendiosa Exegetis*, first published in 1546, is a brief treatise on public sales. It has what is believed to be the first text illustration of a book auction.

OCLC locates 10 copies in North America, 5 in law libraries (Columbia, George Washington University, Harvard, Library of Congress, Yale). Dekkers, *Bibliotheca Belgica Juridica* 44.

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### Neapolitan Courtroom Procedure

#### 7. Dattino, Giambattista.

*Arringhe Officiose*. Naples: Tipografia All'Insegna del Diogene, 1863. 376 pp. Octavo (8-1/2" x 5-1/2").

Contemporary quarter calf over marbled boards, gilt, title, fillets and ornaments to spine. Light rubbing to extremities, light fading to spine. Some toning to text, light foxing in places, internally clean. \$450.

\* Only edition located. This is a handbook for lawyers on courtroom procedure. It also addresses forensics, rhetoric and other matters pertaining to speaking in court.

OCLC locates 1 copy in North America (Harvard).

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An Important Sixteenth-Century Law Dictionary

#### 8. Duprat, Pardoux [1520?-1570?], Compiler.

*Lexicon Iuris Civilis et Canonici: Sive Potius, Commentarius De Verborum...* Lyon: Apud Gulielmum Rouillium, 1574. [xii], 638, [2] pp. Leaf v4 (pp. 235-236) bound before leaf v3 (pp. 234-235), text complete. Main text in parallel columns. Folio (13-1/2" x 8").

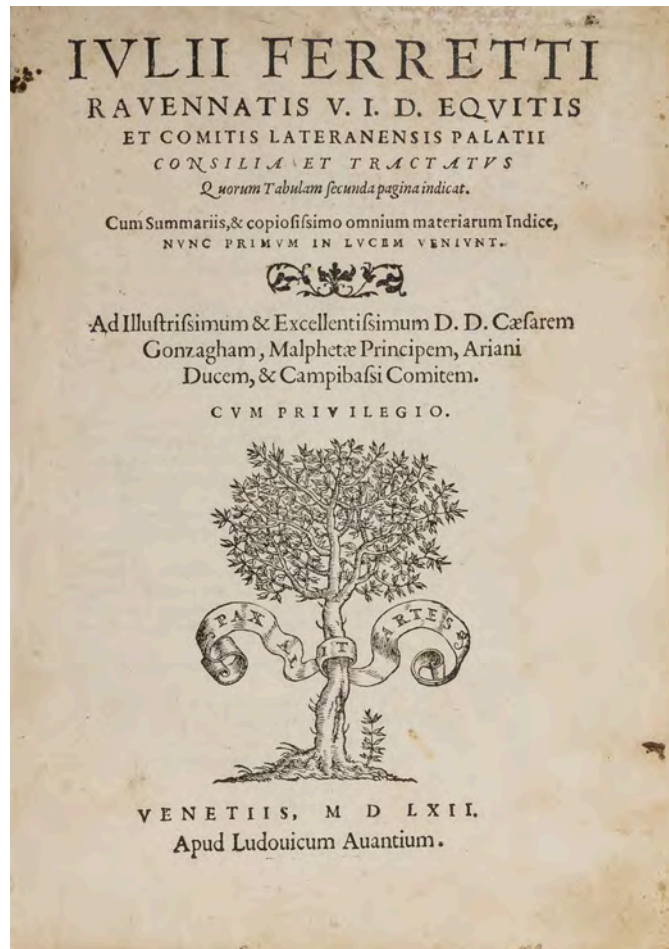
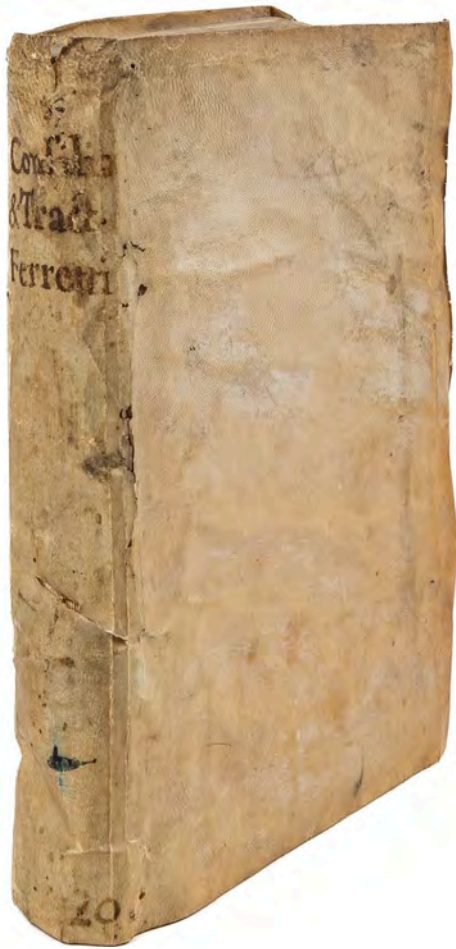
Contemporary mottled sheep, gilt spine with raised bands and lettering piece, blind tooling to inner board edges, edges of text block rouged. Light rubbing, some shallow scuffs to boards, chipping to head of spine, joints just starting at head, small hole near foot of rear joint, corners lightly bumped, upper corner of rear board somewhat worn, front hinge cracked, light creasing to pastedowns. Title printed within handsome woodcut architectural border, woodcut head-pieces, tail-pieces and decorated initials. Moderate toning and light foxing to interior, minor worming to bottom-edge of text block at lower right corner, text not affected, gradually diminishing faint dampstain to fore-edge of first 142 pp., small faint dampstains in a few other places, small hole to lower gutter of pp. 613-638 not affecting text, light creasing to final leaf, which has an illegible annotation (owner signature?) to its verso, struck-through owner signature to title page, underlining and brief marginal notations and doodles to a few pages. \$3,500.

\* Second edition. This is a concise but scholarly dictionary of terms from canon, civil, and Roman law that draws on the work of Ulrich Zasius and Francois Hotman. Some attention is given to classical Greek law as well. The entries, which range in length from a few sentences to several paragraphs, address lexicographical and philological issues and conclude with references and citations. A list of ancient and modern authorities, divided into the following categories, precedes the main text: *Lexicographi, Iuris Auctores, Interpretes, Ex Iure Pontificio, Alii Lexicographi, Ex Medicis, Ex Aliis Classicis*.

Little is known about Duprat, and the title page of this edition does not list any academic or professional distinctions. According to notes cited in Roberts's *South African Legal Bibliography*, he was born in Aubusson and taught at the University of Lyons (246). His range of references, descriptive method, organizational style and facility with Latin and Greek demonstrates that he received a solid humanistic education. In addition to the present work, he published and edited treatises on French, Greek and Roman law. The *Lexicon Iuris* went through four editions, the first in 1567 and the last in 1584.

All editions are scarce. OCLC locates 2 copies of the second in North America (Library of Congress, University of Alberta). This edition not in Adams. Baudrier, *Bibliographie Lyonnaise* IX:350.

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### Consilia by a Humanist Advisor to Pope Clement VII

#### 9. Ferretti, Giulio [1480-1547].

*Consilia et Tractatus Quorum Tabulam Secunda Pagina Indicat. Cum Summariis, & Copiosissimo Omnium Materiarum Indice, Nunc Primum in Lucem Veniunt.* Venice: Apud Avantium, 1562. [iv], 48, 219, [1] ff. Main text in parallel columns. Quarto (8-1/2" x 6-1/2").

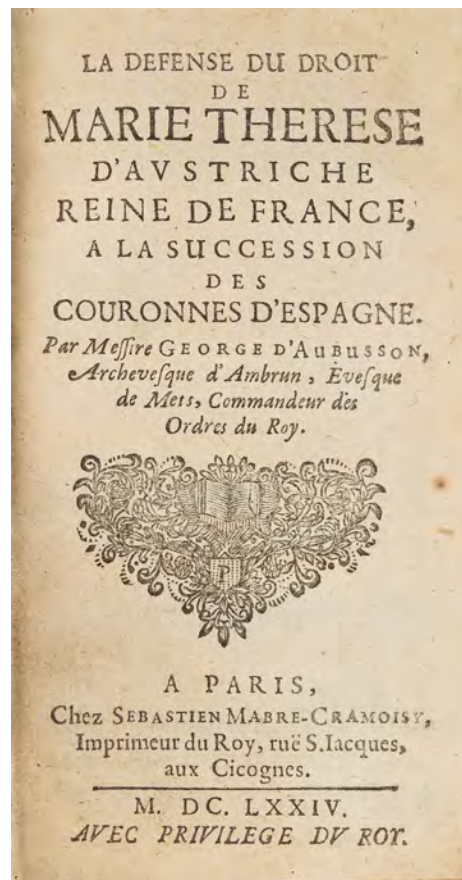
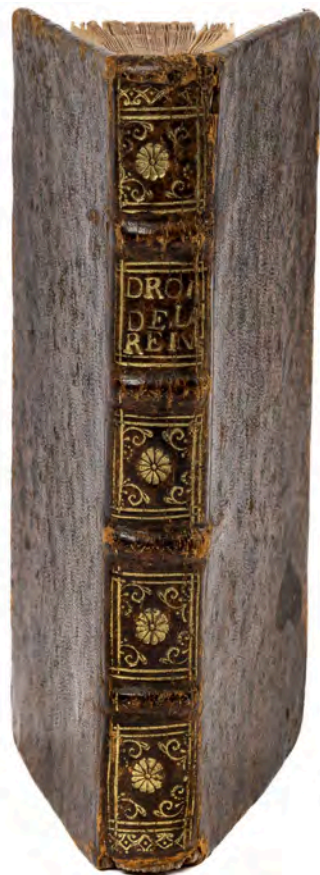
Contemporary limp vellum with yapp-style fore-edges, hand-lettered title to spine. Some darkening to spine, minor chipping to head, a few small cracks along joints, hinges reinforced, vellum just beginning to crack through pastedowns, partial crack to text block between front endleaf and title page, a few other partial cracks elsewhere. Some toning, faint dampstaining in a few places, internally clean. \$1,250.

\* Only edition. Ferretti was a member of the College of Jurisconsults during the papacy of Clement VII [1478-1534]. This volume collects 31 of his canon-law consilia (analyses of disputed legal points, usually submitted by a judge). This volume was reissued in 1563.

OCLC locates 3 copies of this imprint, 5 of the 1563 reissue. Additional copies located in North America at UC-Berkeley, which has the 1562 imprint, the Library of Congress and University of Illinois, which have the 1563 imprint, and Harvard Law School, which has both. Not in Pazzaglini and Hawks. *Censimento Nazionale delle Edizioni Italiane del XVI Secolo* CNCE 18857.

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### Legal Foundations of the War of Devolution

#### 10. Feuillade, Georges d'Aubusson de la [1612-1697].

*La Defense du Droit de Marie Therese d'Autriche, Reine de France a la Succession des Couronnes d'Espagne.* Paris: Chez Sebastien Mabre-Cramoisy, 1674. [xxiv], 164, [1] pp. 12mo. (5-1/2" x 3").

Contemporary sheep treated to resemble tree-calf, gilt spine with raised bands, speckled edges. Some rubbing to extremities with minor wear to spine ends, corners bumped. Toning to text, faint dampstaining and spotting to a few leaves, internally clean. \$750.

\* First edition. The author was the Archbishop of Embrun, later Prince-Archbishop of Metz. Mazarin appointed him ambassador to Venice in 1659. Louis XIV appointed him ambassador to Spain in 1667 to pursue French claims to the Spanish Netherlands in the name of Maria Theresa of Austria (1638-1683), the Spanish Infanta and Queen Consort of Louis XIV. These claims were tenuous and constructed on intricate legal foundations. French jurists argued that the Spanish Netherlands should not go to the still underage heir to the Spanish throne, Charles II of Spain (1661-1700), because he was the issue of the second marriage of Philip IV. Maria Theresa, on the other hand, was a result of his first marriage and the lands thereby 'devolved' to her and, of course, Louis XIV. France's claims led to the War of Devolution (1667-68). Feuillade defends France's claims with an argument grounded in the "fundamental laws of Spain, the examples of past centuries and the solemn judgments of the Royal Council of Castile." A second edition was published in 1699.

Both editions are scarce, especially in North America. OCLC locates no copies in North American law libraries. *Universal Short-Title Catalogue* 6119149.

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With Extensive Contemporary Annotations by a Riom Jurist

11. [France].

*Bulletin des Lois* No. 96. *Loi Contenant les Deux Premiers Livres de la 1re. Partie du Code de Procédure Civile. Du 14 Avril 1806* [Caption Title]. [Paris: De l'Imprimerie Impériale, 1807]. 91, [1] pp.

[Bound with]

*Bulletin des Lois* No. 97. (No. 1649.) *Loi Contenant le Cinquième Livre de la 1re. Partie du Code de Procédure Civile. Du 21 Avril 1806* [Caption Title]. [Paris: De l'Imprimerie Impériale, 1807]. 93-196 pp.

[And]

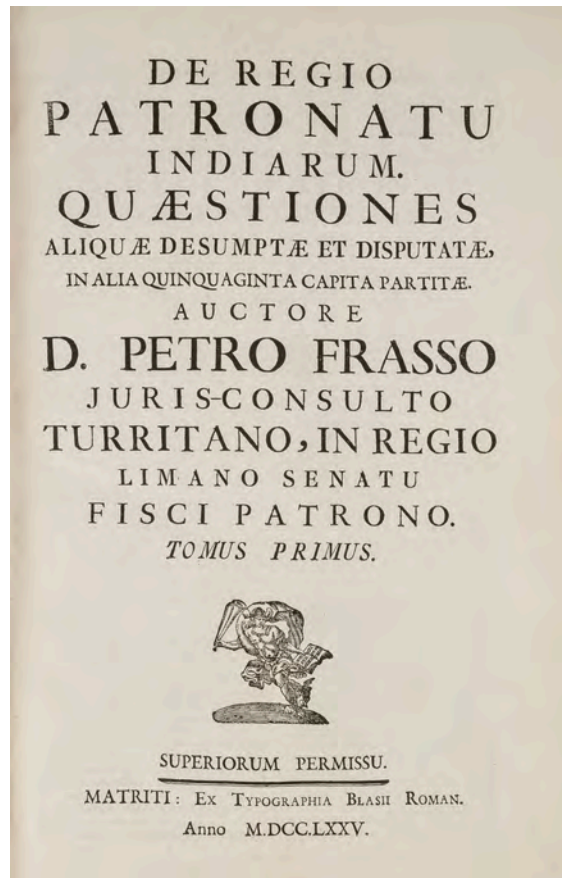
*Bulletin des Lois. No. 164. (No. 2804.) Code de Commerce. 1re. Loi. Du 10 Septembre 1807* [Caption Title]. [Paris: De l'Imprimerie Impériale, 1808]. 161-284 pp.

Octavo (7" x 4-1/4"). Contemporary mottled calf, blind frames to boards, gilt fillets and lettering piece to spine, edges rouged. Light rubbing to boards, very minor scuffing to rear board, moderate rubbing to extremities, light edgewear to lettering piece, rear joint just starting at ends, corners bumped and worn, hinges starting. Twelve heavily annotated leaves added before text block, and two heavily annotated between Bulletin No. 97 and 164, and fourteen heavily annotated leaves at end. Light toning to interior, light foxing in a few places. Annotations in an early hand to pastedowns, additional blank leaves and throughout text. \$3,500.

\* A heavily annotated copy, clearly intended as a reference work, of Napoleonic-era bulletin laws dealing with civil procedure and commercial law. Beginning in 1792, bulletin laws with the text of legislation and government regulations were published for circulation to army units and villages with 2,000 or more occupants. The annotator, Maigne Sauzinet, was a Riom jurist. His extensive interpretative annotations include 26 additional leaves with alphabetical tables and notes elaborating on sections of the laws and referencing later statutes. (The latest date in the notes is 1813.) Together, they provide an in-depth look at the evolution and reception of the law in the Napoleonic era.

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### Supports the Supremacy of the Crown Over the Church in Spain's American Colonies

#### 12. Frasso, Pedro [1630-1691].

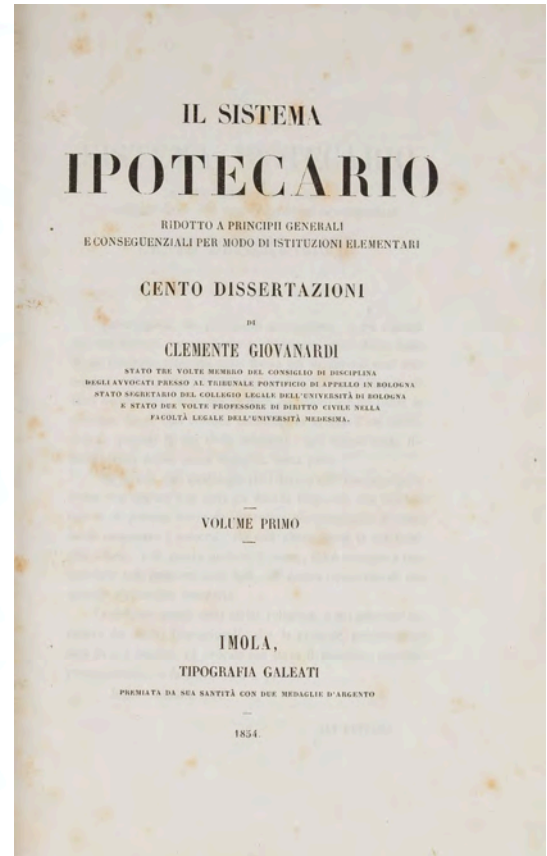
*De Regio Patronatu Indiarum. Quæstiones Aliquæ Desumptæ et Disputatæ, In Alia Quinquaginta Capita Partitæ.* Madrid: Ex Typographia Blasii Roman, 1775. Two volumes. [iv], 328, XC; [iv], CXIV, 383 pp. Main text in parallel columns. Folio (Volume I: 13-1/2" x 9"; Volume II: 13-1/4" x 9").

Contemporary limp vellum, early hand-lettered titles to spine, ties lacking from Volume II, which has renewed endleaves. Moderate rubbing and light soiling, a few minor chips to spines, corners bumped, wear to corners of Volume I, vellum just beginning to crack though its rear pastedown. Light toning to text, worming to a few sections of Volume II, mostly to margins and with negligible loss to text, light foxing to a few leaves in each volume, internally clean. Ex-library, bookplates to front pastedowns. A handsome copy. \$1,250.

\* Second and final edition. Frasso, a Peruvian jurist of the Regalist school, presents an important legal analysis that supports the crown's power over the church in Spain's American colonies. The treatment of indigenous peoples was the source of tension between the Church and Crown. Both parties pursued colonial goals, but the Church was more concerned than the Crown about the welfare of native people and attempted to ameliorate the effects of their exploitation by the Spanish government. The first edition was published in 1677-1679.

Both editions are rare in the trade. OCLC locates 3 copies of the second edition in North American law libraries (Columbia, Harvard, UT-Austin). Medina, *Biblioteca Hispano-Americana* 4711. Palau, *Manual del Librero Hispano-Americano* 94685.

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### Rare Nineteenth-Century Italian Treatise on Mortgage Law

#### 13. Giovanardi, Clemente.

*Il Sistema Ipotecario Ridotto a Principii Generali e Conseguenziali per Modo di Istituzioni Elementari; Cento Dissertazioni.* Imola: Tipografia Galeati, 1854-1857. Four volumes. Octavo (9" x 5-1/2").

Contemporary quarter vellum over marbled boards, gilt fillets and calf lettering pieces to spines. Some rubbing to boards, corners bumped and lightly worn, some soiling to spine and chipping to edges of lettering pieces, spine ends lightly bumped, early owner signature (R. Garagnani) to front free endpaper of each volume. Light foxing in places, interiors otherwise fresh. \$1,950.

\* Only edition. A thorough treatise on the law of mortgages as it existed in Emilia-Romagna shortly before its incorporation into the Kingdom of Italy. Giovanardi divides his subject into 100 "Dissertazioni," each with sub-categories. The R. Garagnani who owned this set may have been Raffaello Garagnani, a lawyer and literature professor from Bologna.

OCLC locates 1 copy in North America (at Harvard Law School). Another copy located at UC-Berkeley Law School.

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Final Edition, And the Only Edition with Somma's Notes

14. Grotius, Hugo [1583-1645].

Gebauer, Georg Christian [1690-1773].

[Somma, Gabriele, Notes].

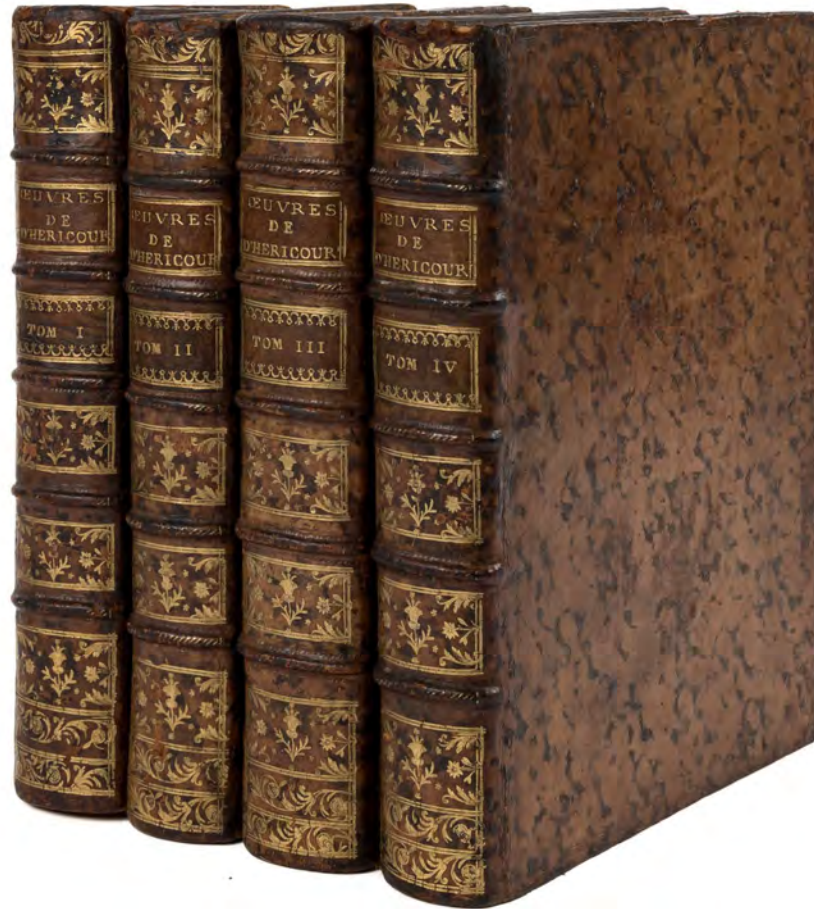
*Florum Sparsio ad Jus Justinianeum, Cum Praefatione D. Geor. Christiani Gebaveri. Insuper hac Prima Neapolitana Editione Notulis Passim Aucta, Et Indicibus Tribus.* Naples: Ex Officina Vincentii Manfredii, 1777. [xxiii], 378, [4] pp. Octavo (8" x 5"). Text chiefly in Latin with some classical Greek script.

Original printed wrappers with untrimmed edges bound into later quarter vellum over marbled boards, gilt title to spine. Negligible rubbing to extremities. Moderate toning to text, foxing in places, dampstaining to first quarter of text block, internally clean. \$650.

\* Fourth and final edition, the only edition with Somma's notes. First published in 1642, the *Florum Sparsio* is a topically digested selection of excerpts from Justinian's Code with commentary by Grotius. It was intended to serve as a tool for legal arguments. Somma, who wrote the additional notes in this edition, was a Neapolitan theologian. His notes add philological detail and information about Neapolitan and Italian law.

This is a scarce edition. OCLC locates 4 copies in North America (George Washington Law, Harvard Law, Library of Congress, and UC-Berkeley Law School). Ter Meulen and Diermanse, *Bibliographie de Grotius* 795.

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### The Leading French Canonist of His Time

#### 15. Héricourt du Vatier, Louis d' [1687-1752].

*Oeuvres Posthumes de Maître Louis d'Héricourt, Avocat au Parlement.* Paris: Desaint & Saillant, Durand, Cellot, 1759. Four volumes. Quarto (10" x 7-3/4").

Contemporary calf with cat's-paw decoration, gilt spines with raised bands and lettering pieces, edges of text blocks rouged, ribbon markers. A few minor nicks and scuffs to boards, light rubbing to extremities, corners bumped and lightly worn, some wear to ends of markers, front hinge of Volume I starting, tiny chip to head of spine of Volume II, a few hinges starting, later armorial bookplates (of F. De Valenzi) to front pastedowns of Volumes I-III and rear pastedown of Volume IV. A scarce, handsomely bound set. \$1,200.

\* Only edition. This handsome set collects the legal opinions and other writings of a distinguished *avocat* of the Parlement of Paris. Camus notes that Héricourt de Vatier was known as the leading French canonist of his day. Contents: Volume I: *Consultations Canoniques et Civiles*; Volumes II-III: *Mémoires sur des Questions de Droit Civil*; Volume IV: *Mémoires sur des Questions de Droit Canonique*.

This set may have been owned by Belgian nobleman and military officer François Xavier Alois Joseph Ferdinand de Valenzi [1766-1832].

OCLC locates 8 copies in North America, 3 in law libraries (Harvard, UC-Berkeley, University of Michigan). Camus, *Bibliothèque Choisie des Livres de Droit* 1445.

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Satirical Views of Legal Practice

**16. Holtermann, Arnold Moriz [1627-1681].**

*De Nequitia Advocatorum, Von Tücken und Bubenstücken der Advocaten und deren Gebet. Cum Judicio Defensivo Francisci Clientis, Dicto Virgae! Virgae!* [Germany]: S.n., [c.1682]. 210 pp. Added double folded copperplate title page.

[Bound with]

**Wiederholdt, Johann Ludwig [1679-1760].**

[Fritsch, Ahasver (1629-1701)].

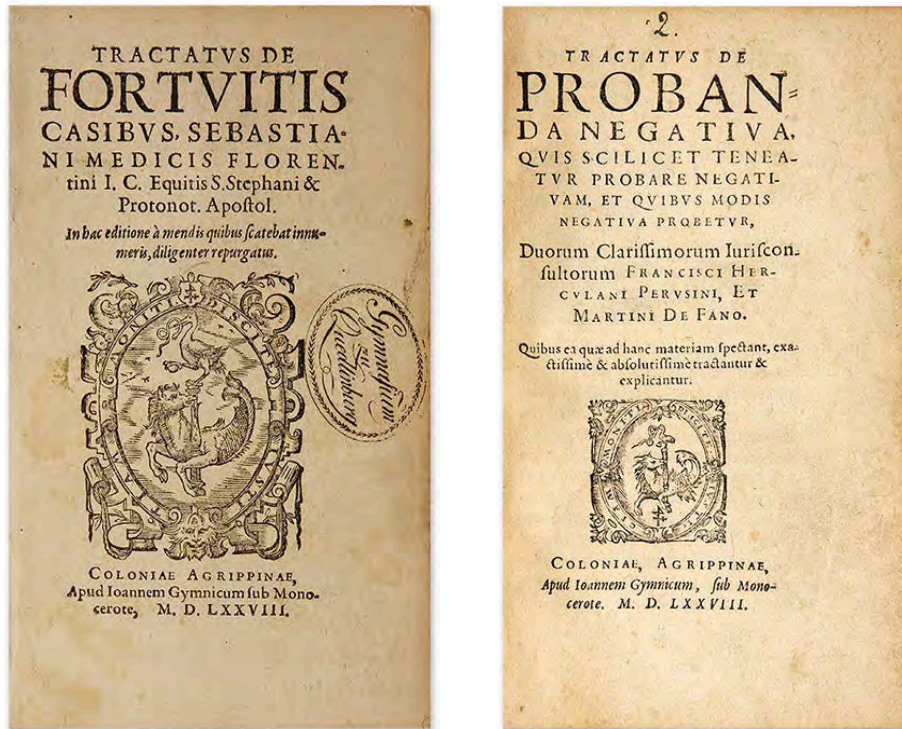
*Repraesentatio Judicis Muneribus Ac Donis Corrupti, Das Ist: Kurtze Abbildung Eines durch Gaben und Geschenke Bestochenen Richters, Darinnen gezeigt Wird: 1. Ob und wie weit einem Richter Geschenke Zunehmen erlaubt sey oder Nicht. 2. Wie sich ein Richter des Criminis Baratariae Verdächtig Mache. 3. Wie dieses Laster Zubestrafen, Und 4. Wie sich eine Hobe Landes-Herrschaft vor Solchen Geschenk-Fressern Hüten Können.* Wetzlar: Verlegt Georg Ernst Winckler, [c.1725]. [48, (iii), 14, 17-28; 29-123 pp.]. Text complete, but contents bound out of order: [iii], 14, 17-28, a reprint of the complete text of Fritsch's *Der Beschämte Geschenk-Fresser: Nebst einer Treuherzigen Warnung*, which has a double folding title page with the imprint Jena: Bey Johann Bielcke, 1684, bound before the second part of Wiederholdt's text, pp. 29-132, which also has a double folding title page. This is followed by the first part, pp. 1-48, which has a divisional title page.

Octavo (6-1/2" x 3-3/4"). Contemporary vellum, front endleaves and rear pastedown renewed. Light soiling and a few minor stains, spine ends bumped, some wear to corners, hinges cracked, bookplate residue to front pastedown. Light browning to text, faint dampstaining to head of text block. \$1,850.

\* This volume collects later editions of three German satirical titles about legal practice in the German states. The best-known of these is Holtermann's *Nequitia Advocatorum*, which features an allegorical title page depicting a young man under assault from lawyers and judges. As indicated by their titles, the other titles address the corrupt nature of lawyers and judges.

*Das Verzeichnis der im Deutschen Sprachraum Erschienenen Drucke des 17. Jahrhunderts* 23:653515W. *Das Verzeichnis Deutscher Drucke des 18. Jahrhunderts* 10453814.

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

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

*Tractatus de Fortuitis Casibus. In Hac Editione a Mendis Quibus Scatebat Innumeris, Diligenter Repurgatus.* Cologne: Apud Ioannem Gymnicum, Sub Monocero, 1578. [xlviii], 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 Monocero, 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 stamp ("Gymnasium zu Quedlinburg") 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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### Fascinating Sixteenth-Century Digest of Land and Hunting Laws

#### 18. Meurer, Noe [1525-1583].

#### Spangenberg, Cyriacus [1528-1604].

*Von Forstlicher Oberherrlichkeit und Gerechtigkeit, Was die Recht, Der Gebrauch, Und die Billigkeit Desshalben Vermög. Item: Von dem Waren Oder Gerechten Rechten, Der Teutschen Gerechtigkeit, Aequitate Oder Billigkeit, Wie und Wenn die von Einem Jeden Gerechten und Nüt zu Strengen Richter, Nach Gestalt und Gelegenheit Furfallender Ungleicher Fall und Sachen Zubalten, Und Darnach zu Urteilen Sey. Alles Beschriben durch den Hochgelehrten Noe Meurer. Auch vom Rechtmessigen Jagen und vom Mißbrauch Desselbigen, Bestendiger Bericht durch M. Cyriacum Spangenberg.* [Frankfurt am Main: Weigand Han and Georg Raben, 1561]. c, xxxvii, [1], lxxx, [4] ff. Three parts in one volume. Folio (11" x 7").

Recent paper-covered boards retaining earlier paper spine, endpapers renewed, edges rouged. Light soiling, front joint just starting at head, recent owner bookplate (of Hans Dedi) to front pastedown. Title page printed in red and black, large woodcut coat of arms to verso. Light browning to text, faint dampstaining to fore-edge of text block, two small library stamps to foot of title page. A nice copy of a handsomely printed volume. \$2,500.

\* Second and final edition. Early game and land laws record the earliest attempts to preserve the environment. They also offer fascinating insights into social history due to their relevance to topics ranging from class structure to foodways. First published in 1560, Meurer and Spangenberg's compilation offers a thorough overview of land-use, fishing and hunting laws as they stood in the states of the Holy Roman Empire during the mid-sixteenth century. The first edition is considerably shorter than the second, containing 100 leaves. Hans Dedi [1918-2016], a former owner of our copy of the second edition, was a German entrepreneur and industrialist.

Both editions are scarce in North America. OCLC locates 2 copies of the first edition (at Columbia Law School and Yale University) and 1 copy of the second (at Harvard University). Not in Adams. *Verzeichnis der im Deutschen Sprachbereich Erschienenen Drucke des 16. Jahrhunderts* M5017.

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### An Impressive, Alphabetically Digested Synthesis of Divine Law

#### 19. Montholon, Jean de [d.1528].

*Promptuarium Divini Iuris et Utriusque Humani, Pontificii & C[ae]sarei Celebrioris Eiusdem Divini Iuris, & Historias / & Sententias, Humanis Iuribus Tum Annotatas Tum Elucidatas, Sub Alphabetica Serie Complectens.* Paris: In Aedibus Henrici Stephani [and Simon de Colines], 1520. 2 volumes in 1. [vi], CCCCX, [2]; CCCXXXI, [6] ff. Lacking final blank. Folio (12" x 8-1/4").

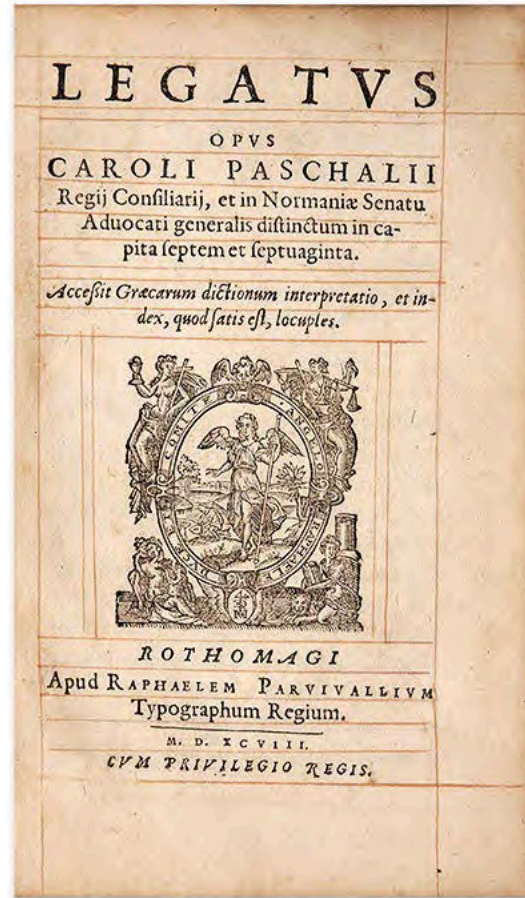
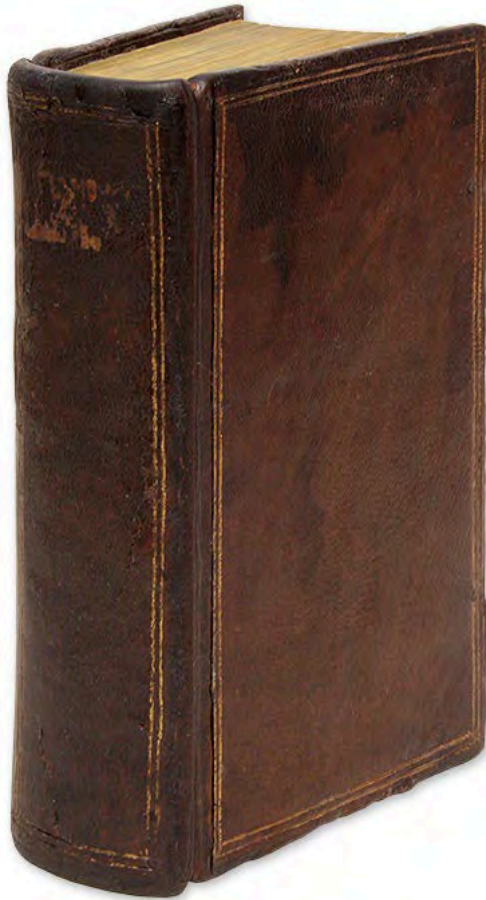
Later (nineteenth-century) quarter sheep over marbled boards, gilt spine with raised bands and lettering piece, patterned edges, endpapers renewed. Moderate rubbing, scuffing and faint dampstaining to boards, somewhat heavier rubbing to extremities, joints discreetly mended with calf at head, light wear to board edges, corners reinforced, hinges cracked, vertical crease to front free endpaper. First title page printed within woodcut border with personifications of divine, canon and civil law, occasional woodcut initials throughout, main text surrounded by linear gloss. Moderate toning to interior, dampstain to upper gutter causing recurrent tearing throughout text block, affecting legibility of a few leaves of first index and, occasionally, side notes, occasional faint dampstaining, somewhat heavier to last quarter of text block, light foxing and soiling in a few places, first several leaves, second title page and final leaf neatly reinforced at gutter, negligible light worming to lower right corner of last forty or so leaves, clean tears to fore and bottom edges of final leaf neatly mended on verso not affecting text. Early annotations, underlining and manicules throughout text in at least two hands, many annotations affected by trimming at fore-edge. An impressive volume. \$2,500.

\* Only edition. Montholon was a French priest and highly regarded ecclesiastical and legal scholar appointed cardinal by Pope Clement VIII. *Promptuarium Divini Iuris*, dedicated to his four brothers, is an alphabetically digested guide to divine law with extensive linear glosses. It was the first work printed by French Renaissance printer Simon de Colines, who inherited Henri Estienne's shop after the latter's death in 1520. The mention of Colines in the final dedicatory leaf is the first recorded appearance of his name in print (Schreiber). The annotations to our copy are primarily glosses in Latin, some quite detailed, demonstrating deep study by at least two early readers.

Adams, *A Catalogue of Books Printed on the Continent of Europe* M1718. Schreiber, *Simon de Colines* 1.

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**First Edition of an Influential Treatise on Ambassadors  
From the Library of a French Historian and Diplomat**

**20. Pasquali, Carlo [1547-1625].**

*Legatus. Accessit Graecarum Dictionum Interpretatio, Et Index, Quod Satis est, Locuples.* Rouen: Apud Raphaellem Parvivallium, 1598. [xxiv], 539, [13] pp. Octavo (6-3/4" x 4-1/4").

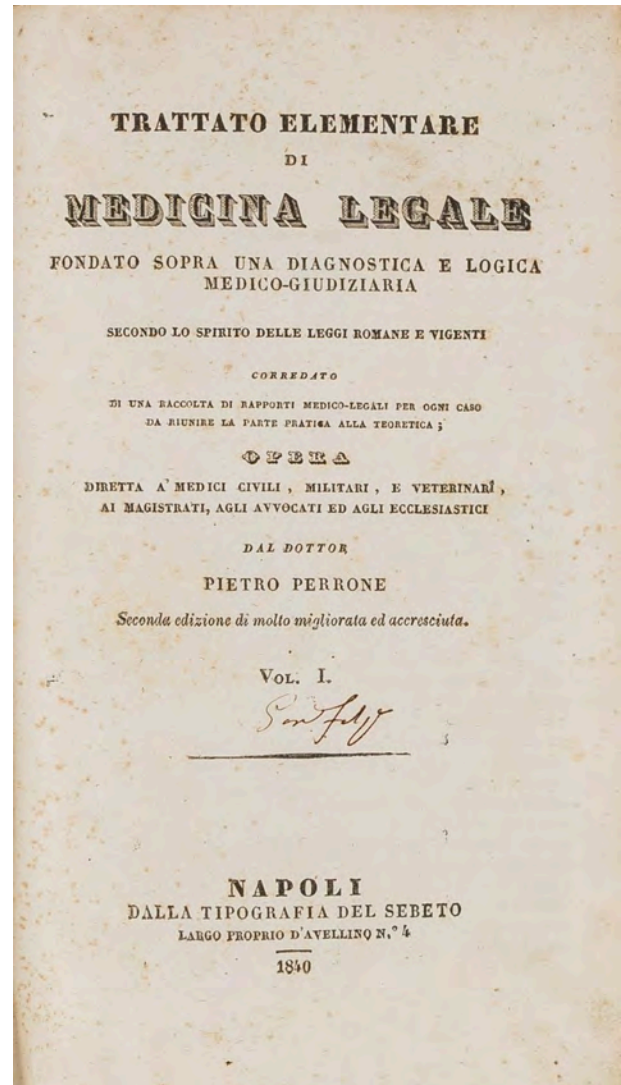
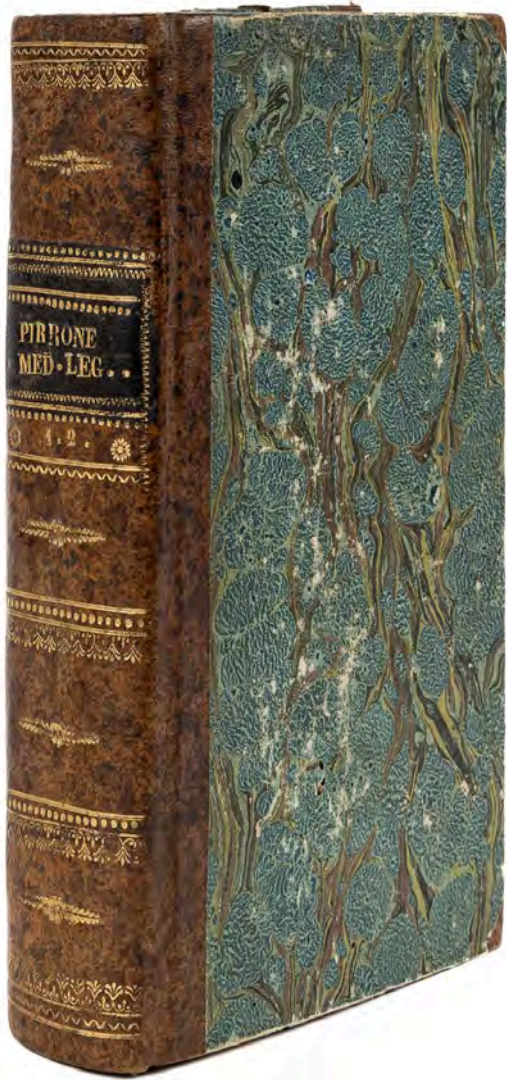
Near-contemporary morocco, rebaked retaining existing spine, gilt frames to boards and spine, which has fragments of a hand-lettered paper title panel, ties lacking, corners of boards and hinges mended, all edges gilt. A few minor stains to boards, later bookplate of Édouard Frémy to front pastedown. Early annotation (shelf mark) in small early hand to front free endpaper. Ruled throughout in red. Moderate toning, light soiling to title page and a few other leaves. A handsome copy. \$2,750.

\* First edition. One of the first books on the subject, and one of the most influential, *Legatus* is a detailed treatise on the duties and functions of ambassadors. (It reached its fifth and final edition in 1645.) An Italian by birth, Pasquale worked for the French court. By the time he had written this book, he had served Henry III as an envoy in Poland and had been part of a successful mission to the court of Elizabeth I on behalf of Henri IV.

Frémy [1843-1904] was a French diplomat who served as *secrétaire de légation*, among other positions, in the Ministry of Foreign Affairs. He left civil service to pursue a career as a poet and historian and specialized in the history of diplomacy.

Adams, *A Catalogue of Books Printed on the Continent of Europe* P368.

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### A Scarce Nineteenth-Century Italian Treatise on Medical Jurisprudence

#### 21. Perrone, Pietro.

*Trattato Elementare di Medicina Legale Fondato Sopra una Diagnostica e Logica Medico-Giudiziaria Secondo lo Spirito delle Leggi Romane e Vigenti. Corredato di una Raccolta di Rapporti Medico-Legali per Ogni Caso da Riunire la Parte Pratica alla Teoretica; Opera Diretta a Medici Civili, Militari, E Veterinari, Al Magistrati, Agli Avvocati ed Agli Ecclesiastici.* Naples: Dalla Tipografia del Sebeto, 1840-1841. Two volumes in one. viii, 279; [ii], 435 pp. Octavo (8-1/2" x 5-1/4").

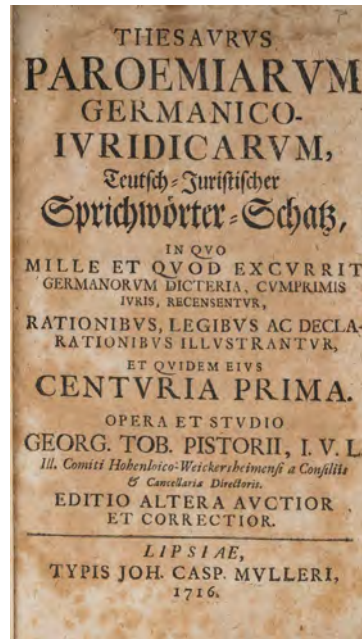
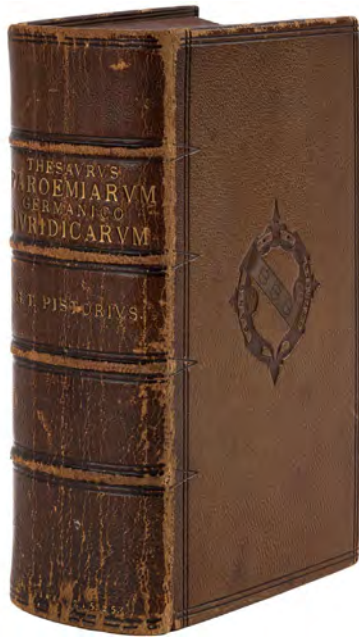
Contemporary three-quarter speckled calf over marbled boards, lettering piece and gilt ornaments to spine. Light rubbing to boards, moderate rubbing to extremities. Light toning to text, light foxing in places, small early (illegible) owner signature to title page of Volume I. An attractive copy. \$300.

\* Second edition. First published in 1826, Perrone's treatise reached the fifth edition in 1858. As the title indicates, it addresses civil law, canon law, and military law. Volume I addresses civil law; Volume II addresses criminal law.

All editions are scarce. OCLC locates one copy of the second edition (in France).

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**A Large Early-Eighteenth Century Collection of Legal Maxims for Attorneys  
With an Interesting Provenance**

**22. Pistorius, Georg Tobias.**

*Thesaurus Paroemiarum Germanico-Iuridicarum, Teutsch-Juristischer-Sprichwörter-Schatz, In quo Mille et Quod Excurrit Germanorum Dicteria, Cum Primis Iuris, Recensentur, Et Quidem Eius Centuria Prima [-Decima].* 10 volumes in one. Imprint varies. Part I, IV, V, Leipzig: Typis Joh. Casp. Mulleri, 1716; Parts II-III, Leipzig: Apud Thomae Fritsch, 1715; Parts VI-X, Augsburg: Apud David Raimund Merz & Joh. Jacob Mayer, 1723-1725. Ten parts with continuous pagination, each has title page, one hundred numbered entries, table of contents and index. Complete set. Octavo (6-1/2" x 4").

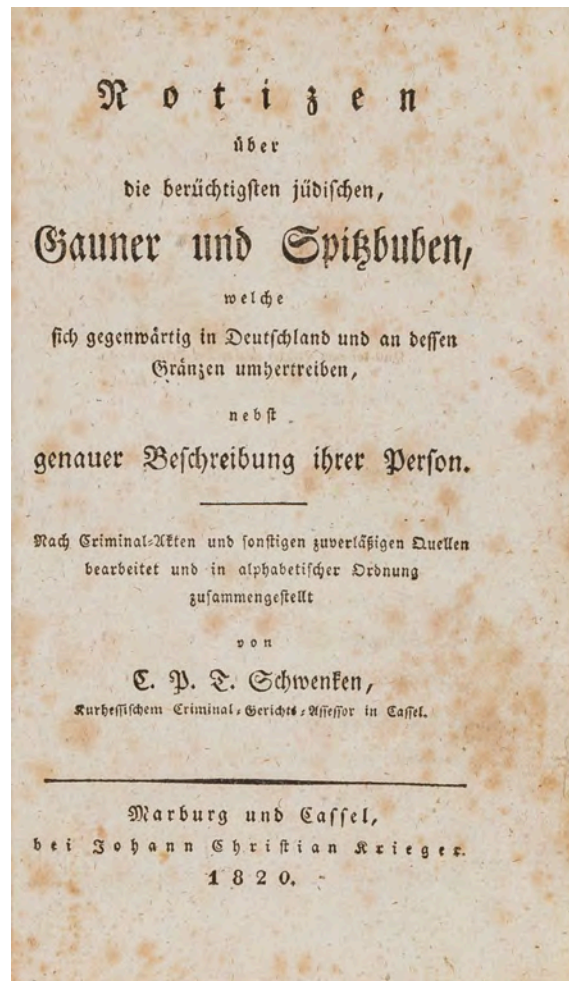
Nineteenth-century signed morocco binding by Leighton, blind rules to boards, blind-stamped arms of William Stirling-Maxwell to front, blind-stamped cipher to rear, raised bands and gilt title to spine, edges rouged. Moderate rubbing to extremities, Stirling-Maxwell bookplate to front pastedown, bookplate of V.S.M. de Guinzbourg to front free endpaper, another Stirling-Maxwell bookplate (identifying the volume as part of his Proverbs collection at Kier) to rear pastedown. Moderate toning, occasional light foxing. A handsome volume containing a rare complete set of the ten parts. \$3,500.

\* Part I: second edition, Parts II-X: only editions. The largest collection of its day, this collection of nearly 1,000 legal maxims was intended to serve as a desk reference for lawyers looking to enhance the erudition of their pleadings. Each item has extensive commentary, including many supplemental sayings in prose and verse, along with numerous citations to secondary sources and nuanced interpretive glosses. According to Jantz, this is "a rich collection, also folkloristically and philologically."

Stirling-Maxwell [1818-1878], 9th Baronet of Pollok, was a Scottish historical writer, politician, art historian and bibliophile. He had an impressive personal collection of books of maxims, emblems and proverbs and published a comprehensive descriptive catalogue of his collection (in which this copy is listed). Victor Samuel M. de Guinzbourg [1906-1976], a diplomat, author and bibliophile, was an authority on maxims and proverbs.

OCLC locates 3 complete copies outside continental Europe (Duke, Harvard, Yale Law School). Not in VD18 or Faber du Faur. Stirling-Maxwell, *An Essay Towards a Collection of Books Relating to Proverbs, Emblems, Apophthegms, Epitaphs and Ana* (1860) 71-72. Jantz, *German Baroque Literature* 1994.

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### An Antisemitic Review of "Notorious Jewish Thieves, Swindlers and Rascals"

#### 23. Schwenken, Carl Philipp Theodor [1785-1847].

*Notizen über die Berüchtigsten Jüdischen, Gauner und Spitzbuben, welche sich Gegenwärtig in Deutschland und an Dessen Grenzen Umbertreiben nebst Genauer Beschreibung Ihrer Person; Nach Criminal-Akten und Sonstigen Zuverlässigen Quellen Bearbeitet und in Alphabetischer Ordnung Zusammengestellt.* Marburg and Cassel: Bei Johann Christian Krieger, 1820. xvi, 416, [4] pp. Octavo (6-3/4" x 4").

Contemporary plain paper-covered boards. Moderate rubbing and staining to boards and spine, heavier rubbing to extremities with wear to edges, spine ends and corners, tiny early owner stamp ("Sammlung/ Dr. Kurt Postel/ Weimar") and small blank label to front free endpaper, moderate toning and foxing to text. Rare. \$2,950.

\* First edition. A classic example of nineteenth-century German antisemitism, this book by a notable criminologist reviews the careers of 650 "notorious Jewish thieves, swindlers and rascals." These biographies attempt to demonstrate the patent criminality of the "Jewish race." A second edition was published in 1825.

Both editions are rare. OCLC locates no copies of the second edition in North America, 3 of the first (Hebrew Union College, Michigan State University, New York Public Library). Leo Baeck Institute, New York, Bibliothek und Archiv, *Katalog* I:A768.

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#### A Rare Eighteenth-Century Treatise on Criminal Law in the Papal States

##### 24. Seta, Joannes Baptista Ascanius.

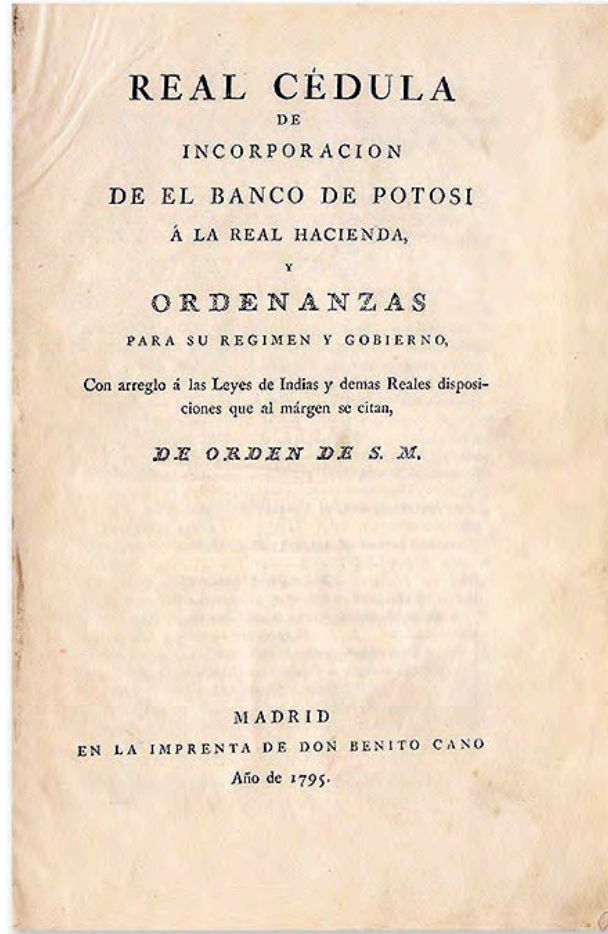
*De Officio Locumtenentis in Guberniis Sac. Consultae Tractatus: In quo Habentur Observationes & Regulae non Minus Utiles Quam Necessarie pro Iisdem Guberniis Recte Administrandis in Re Criminali & Politica; & Pro Rite Interpretandis, Extendendis, & Successive Exequendis Cunctis Rescriptis a Sac. Consulta Fieri Solitis in Causarum Criminalium Expeditionibus, Atque Provisionibus, Cum Permultis Decretis, Tam Eiusdem Sac. Conf., Quam Aliarum Sac. Cong. Suis in Locis Ordine Dispositis Et Obiter de Jurisdictione Episcoporum Contra Inquisitores, & Eorum Familiars, & E Contra; Necnon Epitome Criminalis Judicii. Et Tandem, In hac Secunda Editione Praedictis Adnectuntur Quamplura Vota Criminalia ad Sacram Consultam Transmissa, Eiusdemque Bannimenta Generalia.* Lucca: Typis Marescandoli, 1717. [viii], 307 pp. Main text in parallel columns. Folio (12" x 8").

Contemporary vellum, raised bands and early hand-lettered title to spine. Light soiling, staining and shelfwear, boards somewhat bowed, partial crack in text block between front free endpaper and title page. Woodcut head and tail-pieces. Some toning, light browning in a few places, internally clean. \$950.

\* Second and final edition. Text in Latin and Italian. First published in 1700, this rare treatise provides a comprehensive overview of criminal law, procedure and courts in the Papal States on the cusp of the Enlightenment. It describes the system that Beccaria hoped to reform.

OCLC locates 5 copies worldwide, 3 in North America, all of the 1717 edition (at Princeton University and Harvard and UC-Berkeley Law Schools).

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### King Carlos IV Organizes Spain's Lucrative Silver Mines of Potosí

#### 25. [Spain].

##### **Real Banco de San Cárlos de Potosí.**

*Real Cédula de Incorporacion de el Banco de Potosí a la Real Hacienda y Ordenanzas Para su Regimen y Gobierno: Con Arreglo á las Leyes de Indias y Demas Reales Disposiciones que al Márgen se Citan: de Orden de S.M.* Madrid: En la Imprenta de Don Benito Cano, 1795. [xii], 67, [107] pp. Final 107 un-numbered pages are charts and tables, 4 folding. Folio (11-3/4" x 8").

Contemporary tree sheep, gilt fillets to boards, gilt fillets to spine, recased, endpapers renewed. Moderate rubbing to extremities with some loss to gilding, spine abraded, corners bumped and lightly worn. Light toning to text, somewhat heavier in places, faint dampstaining to preliminaries and a few other leaves, light edgewear to one of the folding tables. A handsome copy. \$1,500.

\* Only edition. The Bank of Potosí was organized to manage the network of mines in Potosí, a mountain in present-day Bolivia. Worked by a brutally exploited force of indigenous workers, later supplemented by enslaved Africans, these mines were one of the greatest sources of Spain's wealth for nearly 200 years. The *Real Cédula de Incorporacion* prints the certificate of incorporation granted by King Carlos IV and the charter outlining the bank's purpose, organization and regulation.

OCLC locates 12 copies in North America, 1 in a law library (Library of Congress). Sabin, *A Dictionary of Books Relating to America* 68224.

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A Copy of the *Layenspiegel* Bound with Two Classic German Works of Roman Law and Legal Writing

26. [Tengler, Ulrich (c.1447-1511)].

[Brant, Sebastian (1458-1521)].

[Locher, Jakob (1471-1528)].

[Tengler, Christoph, Editor].

*Layenspiegel: Von Rechtmässigen Ordnungen inn Burgerlichen und Peinlichen Regimenten: Mit Addition Ursprünglicher Rechtsprüchen, Auch der Guldin Bulla, Königlicher Reformation, Landtsfriden, &c. Sampt Bewürungen Gemeiner Rechten und Anderm Anzeigen Newlich Getruckt.* Strasbourg: In Knoblochs Druckerey [for Wendelin Rihel and George Messerschmidt], 1544. [vi], 128, [3] ff. Woodcut pictorial title page. 28 woodcuts in text (some images repeated).

[Bound with]

**Brant, Sebastian, Editor.**

*Der Richterlich Clagspiegel: Ein Nutzbarlicher Begriff, Wie man Setzen unnd Formieren Sol nach Ordnung der Rechten ein Yede Clag, Antwort, und Aussprechene Urteilen. Gezogen auss Geistlichen vnd Weltlichen Rechten. Dadurch Sich ein Yeder, Er sey Clager, Antwortter, Oder Richter, In Recht Geschicket Machen, Das selb üben, Brauchen und Dargegen vor Unrechter That, Ansechtung- unnd Fürnemen Verhüten Mag.* [Strasbourg: Durch Johannem Albrecht und Wendel Rihel], 1538. [vi], 135 ff. Woodcut pictorial title page. Two woodcut leaves.

[And]

*New Formular Teutsch, Allerlei Schreibenn Als Instrument, Sendbrieff, Anlaß, Compaß, Testament &c. Un[d] Dergleichen Andere Schrifftten, In und Ausserhalb Gericht Zubrauchen, In Fürsten Cantzleien und Sunst üblich Belangend. Vorhin im Truck nie Aufgangen. Allen und Ieden, So sich Schreibens Gebrauchen, Fast Nutzlich vnd Dienlich. Mit Einem Vorgehenden Guttten und Underschiedlichen Register.* Frankfurt: Bei Christian Engenoff, [1545]. [iv], 165 ff. Woodcut pictorial title page.

Folio (12" x 7-1/2"). Contemporary paneled pigskin with elaborate blind-tooling over beveled boards, raised bands to spine, clasps recently repaired, rear endpapers renewed. Moderate soiling and staining, moderate rubbing to extremities with wear to corners, tiny chip to head of spine, early manuscript index and two recent owner bookplates (of John Hadmar Sticht and Robert Carl and Marion Oak Sticht) to front endleaves, another recent bookplate (of John Hadmar Sticht) and a bookseller description of this book to rear pastedown, crack in text block between final text leaf and rear free endpaper. Moderate toning, occasional light dampstaining to margins, worming in a few places, mostly to margins, with minor loss to text, early (illegible) owner signature to title page of *Layenspiegel*, early brief annotations to a few leaves. \$9,500.

\* First printed in 1509, the *Laienspiegel* (or *Layenspiegel*) responded to a popular need among laymen (i.e. *Laien*) and local political and legal officials for a compilation of civil, criminal and public law in the vernacular. It is somewhat notorious for its commentary on witches, heretics and Jews. The preface is by Brant, the humanist and legal scholar. Locher, a scholar and poet, wrote the introduction and a dedication in verse. Christoph Tengler, the author's son, prepared the text used in this 1544 edition.

Written in 1436, the *Clagspiegel* was the first book on Roman law in German. It has two parts, the first on civil law and procedure, the second on criminal law and procedure. Throughout, it shows relations between German practice and the *Corpus Juris Civilis*. The first edition by Brant was published in 1516. A durable work that went through 20 editions between 1475 and 1612, it played a leading role in the popularization of Roman law in early modern Germany and was especially influential in the development of criminal law.

First printed in 1522 as *Deutsch Formulari*, the *New Formular Teutsch* is a style manual for German legal and business documents. It went through several editions into the seventeenth century.

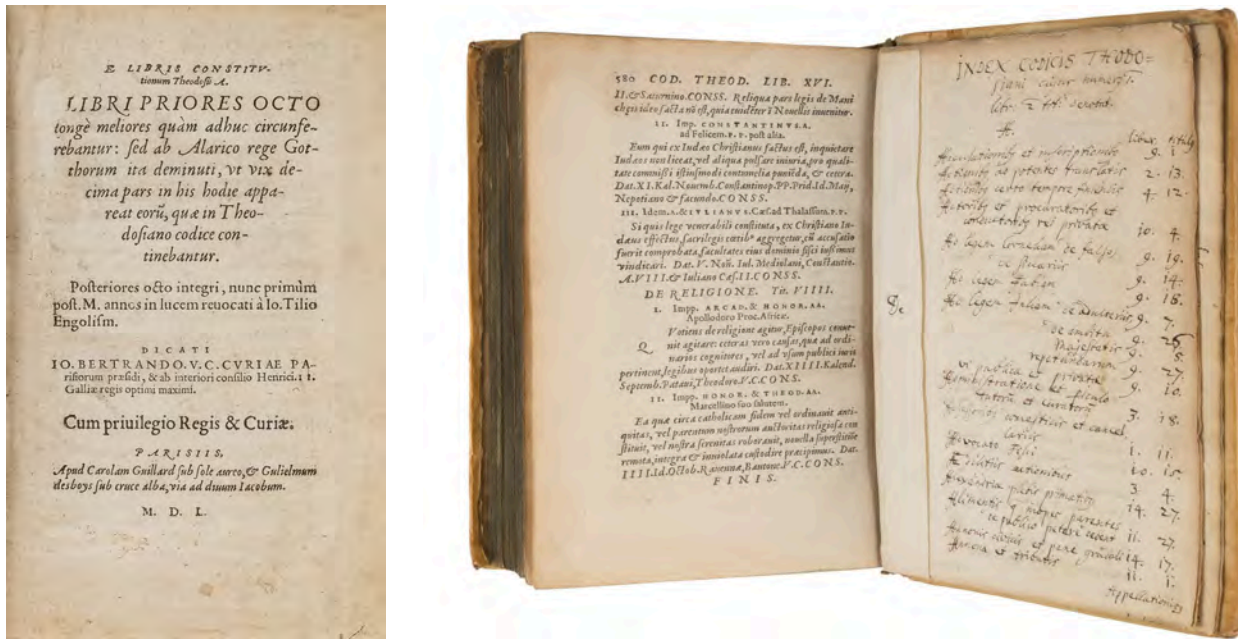
Robert Carl Sticht [1856-1922] and his wife Marion were important collectors of books and art based in Australia. Much of their large collection resides at the State Library of Victoria and the National Gallery of Victoria. John Hadmar Sticht [1905-1966] was their son.

*Das Verzeichnis der im Deutschen Sprachbereich Erschienenen Drucke des 16. Jahrhunderts* T350, B8092, F1879.



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### A Scarce Critical Edition of the *Codex Theodosianus*

#### 27. Theodosius II [401-450 CE], Emperor of the East.

Du Tillet, Jean [d. 1570], Editor.

*E Libris Constitutionum Theodosii A. Libri Priores Octo: Longè Meliores Quàm Adbuc Circumferebantur: Sed ab Alarico Rege Gothorum ita Deminuti, Ut uix Decima Pars in his Hodie Apparet Eorum, Quae in Theodosiano Codice Continebantur. Posteriores octo integri, Nunc Primùm post M. Annos in Lucem Revocati à Io. Tilio Engolism.* Paris: Apud Carolam Guillard sub Sole Aureo, & Gulielmum Desboys sub Cruce Alba, 1550. [xii], 123, [12], 580 pp. Octavo (6-3/4" x 4-1/4").

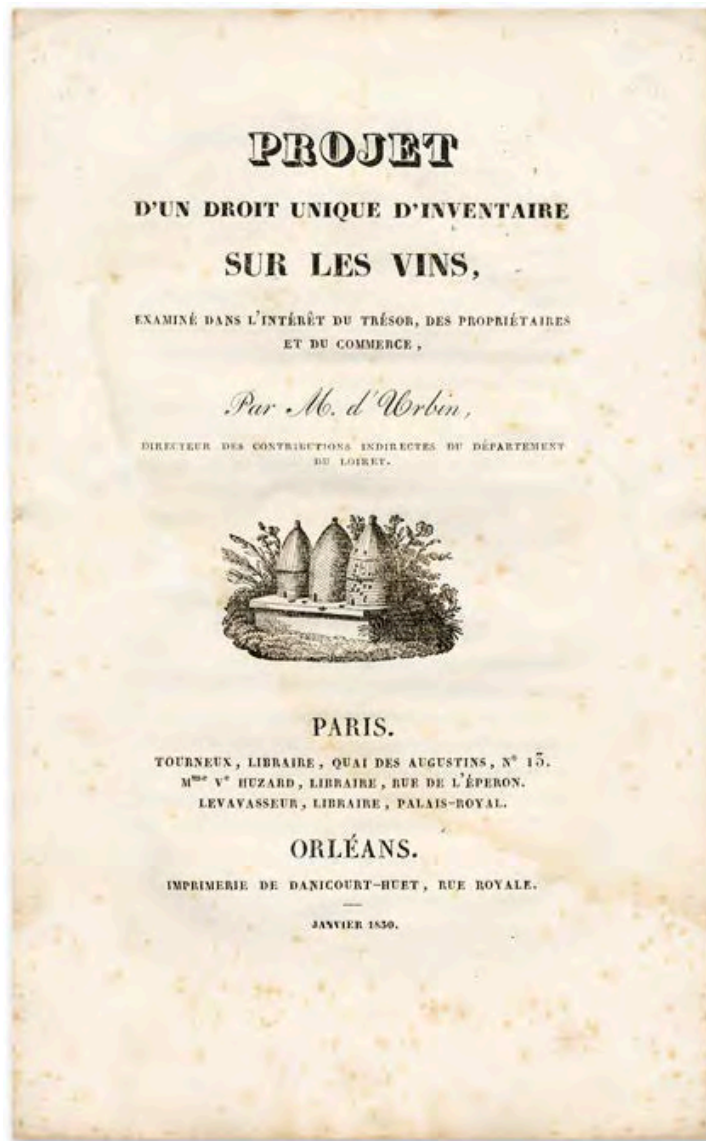
Contemporary vellum, blind frames and large arabesques to boards, raised bands, early hand-lettered title to spine, blind tooling to spine ends. Light soiling to spine, corners bumped and lightly worn, front joints and front and rear hinges starting, early owner signatures (one dated 1710) and annotations (including a quotation from a commentary on Justinian by François Baudouin) to front endleaves, early manuscript index inserted into rear endleaves, which contain part of index, a few cracks to text block. Moderate toning, occasional light dampstaining, light soiling to title page, light soiling and some edgewear to other preliminaries. \$1,850.

\* Only edition. Commissioned by the Emperor Theodosius II in 429 CE, the *Codex* is an official compilation of all laws enacted since the reign of Constantine. Completed in 438 CE, and ratified that year by the Senate, it was the standard legal text of the empire, one that superseded all earlier codes. It would later exert enormous influence on the legal systems of the Barbarians who conquered the Western Empire. The first part, Books 1-8, was lost after the fall of empire and it was reconstructed by later scholars from sections preserved in later sources, most notably the Visigothic Code (*Lex Romana Visigothorum*).

The first part in Du Tillet's edition presents the pieces of Books 1-8 in the Visigothic Code. The second part, which has its own title page, contains the rest of the *Codex*, Books 9-16. A French humanist jurist and associate of Cujas, Du Tillet was also the Bishop of Briec, later Meaux. He edited Ulpian's *Regulae* and assisted Cujas with his edition of the *Codex Theodosianus*.

OCLC locates 3 copies in North American libraries (Library of Congress, Smith College, UC-Berkeley Law School). Adams, *Catalogue of Books Printed on the Continent of Europe* T-544.

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**Rare 1830 French Pamphlet on Laws Dealing with the Wine Trade**

**28. Urbin-Gautier, Charles-Rosalie Mis d.'**

*Projet d'un Droit Unique d'Inventaire sur les Vins, Examiné dans l'Intérêt du Trésor, Des Propriétaires et du Commerce.* Paris: Tourneux, Libraire/Orléans: Imprimerie de Danicourt-Huet, 1830. 28 pp. Octavo (8-1/4" x 5").

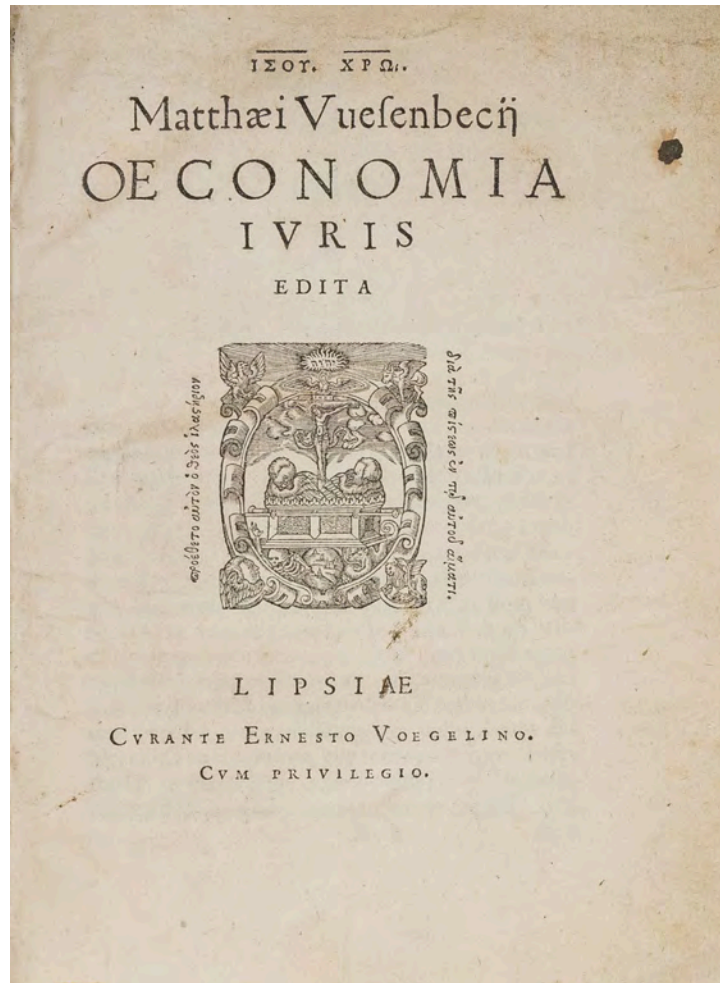
Stab-stitched pamphlet in plain wrappers. Wrapper beginning to split near spine ends, woodcut vignette of three beehives to title page, light toning and occasional light foxing to text. \$350.

\* Only edition. A critical review of laws regulating the French wine trade with an emphasis on the harm caused by duties and other taxes.

OCLC locates 2 copies (Bibliothèque Nationale de France, State Library of South Australia). Not in Simon *Bibliotheca Vinaria* or Unzelman.

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**A Sixteenth-Century "Nutshell" of Roman, Feudal and Canon Law**

**29. Wesenbeck (Wesembeke), Matthaeus [1531-1586].**

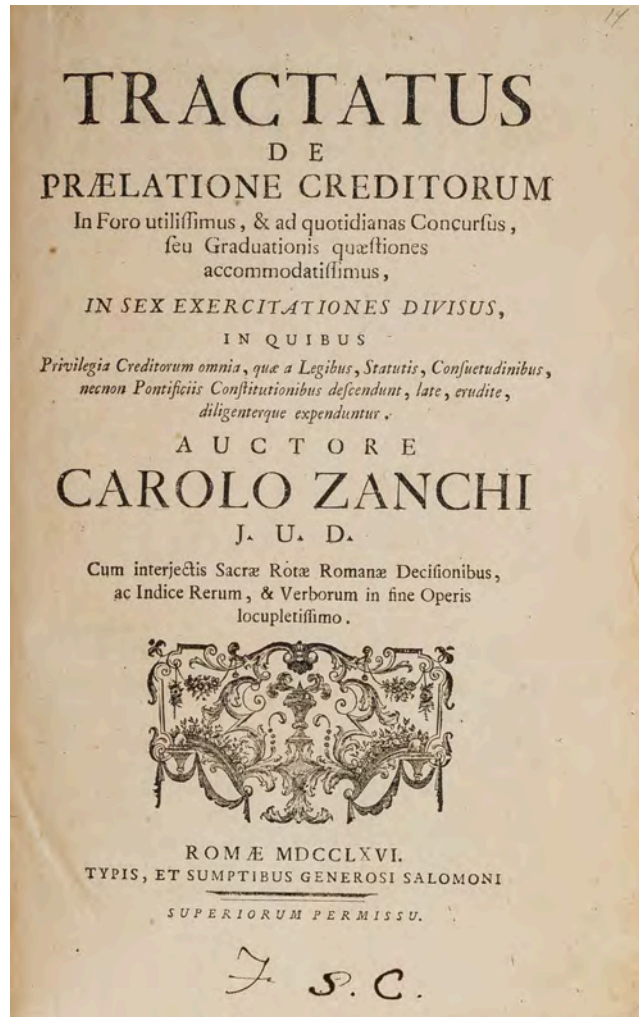
*Oeconomia Iuris*. Leipzig: Curante Ernesto Voegelino [Imprimebatur per Andream Schneider, Typis Vogelianis, 1571]. [ii], 383, [21] pp. Quarto (7-1/2" x 5-1/2").

Contemporary paneled vellum, gilt-stamped early owner name (Cancell: Mari: Burg/ 1681) and faint tiny early signature to front board, raised bands, later calf lettering and small paper shelf label to spine, ties lacking. Light soiling, moderate rubbing to extremities, a few minor worm holes to rear board, corners bumped, front free endpaper lacking, front hinge cracked, a few cracks to text block. Moderate toning to text, light soiling and a small inkspot to title page, early ink annotation (shelfmark?) to front pastedown. \$1,250.

\* First edition. Wesenbeck, a leading Belgian humanist jurist who taught at the Universities of Jena and Wittenberg, was a distinguished and prolific scholar of Roman law with a pan-European reputation. A posthumous eight-volume collection of his consilia was published from 1611 to 1624. First published in 1571, *Oeconomia Iuris* is summary of the *Corpus Juris Civilis*, the *Libri Feudorum* and the *Corpus Juris Canonici* with notes and correspondences. Its final edition was published in 1625.

*Verzeichnissen der im Deutschen Sprachbereich Erschienenen Drucke des 16. Jahrhunderts* W2131.

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### Scarce Italian Treatise on Debtor and Creditor

#### 30. Zanchi, Carlo [fl. 1770].

*Tractatus de Prælatione Creditorum in Foro Utilissimus, & ad Quotidianas Concursus, Seu Graduationis Quaestiones Accommodatissimus, in Sex Exercitationes Divisus, In Quibus Privilegia Creditorum Omnia, Quae a Legibus, Statutis, Consuetudinibus, Necnon Pontificiis Constitutionibus Descendunt, Late, Erudite, Diligenterque Expenduntur.* Rome: Typis, Et Sumptibus Generosi Salomoni, 1766. viii, 628 pp. Main text in parallel columns. Folio (12-3/4" x 9").

Contemporary vellum with later rebacking, gilt-title to spine, endpapers renewed, speckled edges. Light rubbing to extremities, a few minor stains to boards, spine ends and corners bumped, gilding oxidized or worn away. Light toning to text, light foxing in places. Early owner initials to foot of title page, interior otherwise clean. Ex-library. Bookplate to front pastedown. An appealing copy. \$1,250.

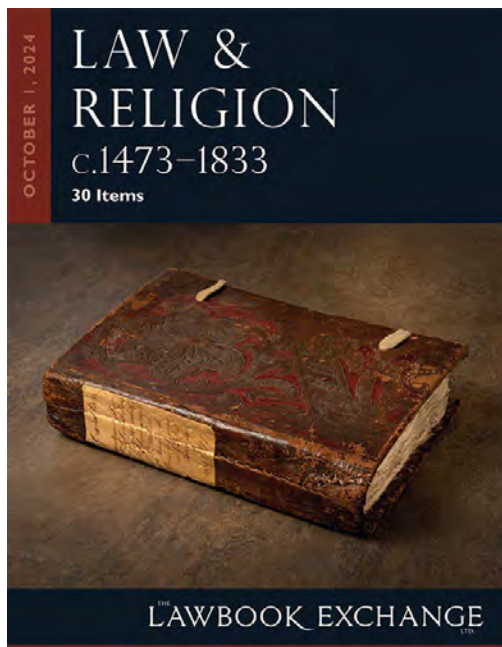
\* First edition. A second edition of this notable treatise on debtor and creditor, with an emphasis on insolvency and the priority of claims and liens, was published in 1839.

Both editions are scarce. OCLC locates 3 copies of the first edition in law libraries (Columbia, Harvard, UC-Berkeley), 3 copies of the second (Columbia, Harvard, Yale). Not in Roberts.

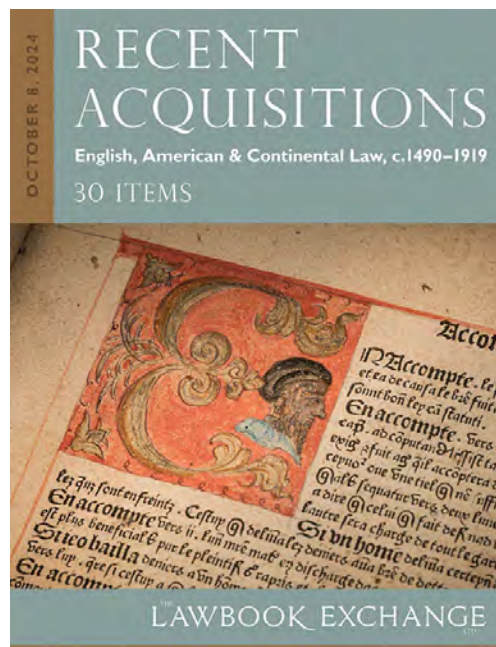
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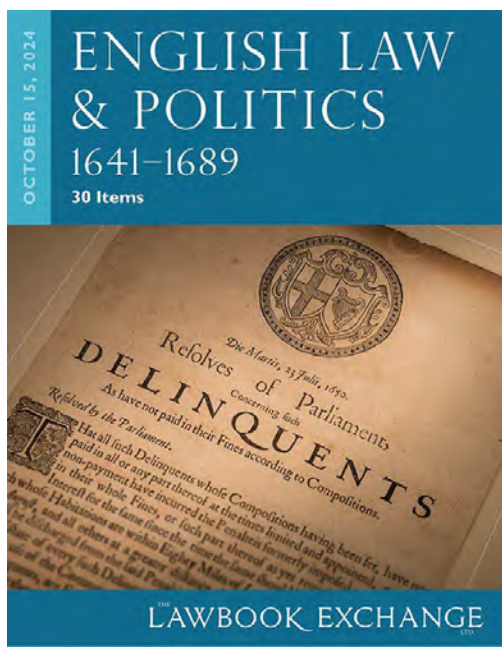
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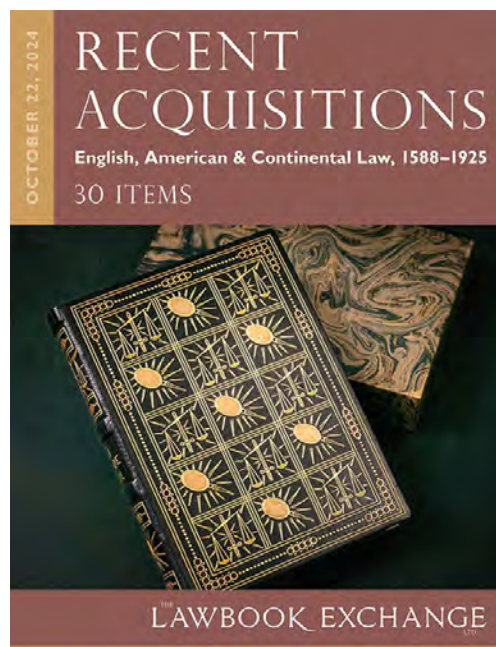
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