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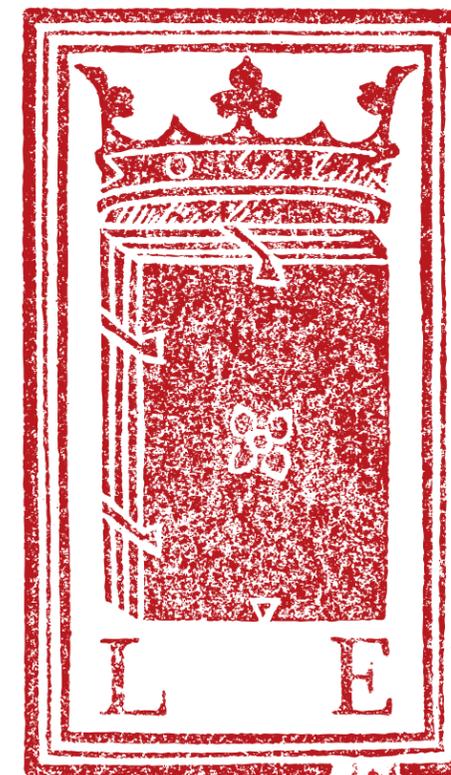
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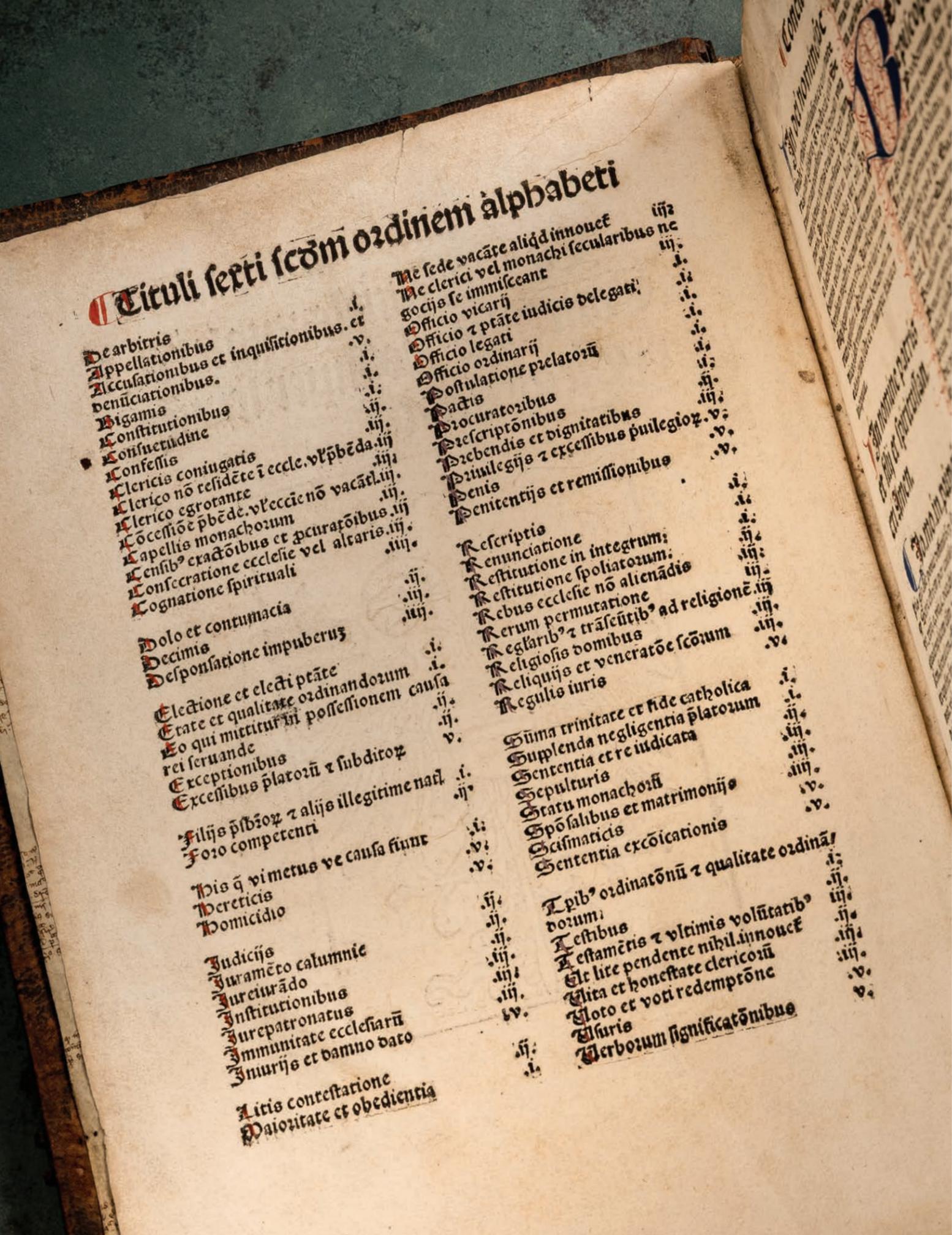
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# RENAISSANCE REFERENCE TECHNIQUES: CREATING ACCESS TO THE LAW

By Jolande E. Goldberg\*



The incunabula offerings of Catalog 112 are a delightful expert “florilegium” of legal reference works and at once a documentation of the astonishing variety of sophisticated auxiliary devices supporting anyone plowing the fields of law: scholars, practicing lawyers, clerics, and students. Most of them are compilations, all of them are technical—intellectual tools for either teaching, studying, and memorizing, or for comparing, interpreting, and abstracting the law—thus advancing jurisprudential developments. Here, all of them are companions to the most important academic and political dialogue of the

European legal Renaissance that developed concepts and doctrines *utriusque juris*, of Roman and Canon law, in tandem the basis for the civil law of Europe: Justinian’s *Corpus Juris Civilis* and the illustrious Papal decretal compilations (including the *Decretum Gratiani* of 1140). Edited or updated by the *Correctores Romani* and authenticated and promulgated in 1582 by Pope Gregory XIII with the title *Corpus Juris Canonici* (Note 1), it contained for centuries to come the principal sources of the law of the Roman Catholic Church.

From 1450, when Gutenberg revolutionized printing and disciplines enhancing the book such as book-graphic (in particular woodcuts), the exchange and sharing of knowledge and the wider distribution of information became newly possible. This was all in answer to the needs of academe, the growing ecclesiastical and civil administrations, the courts, and the practitioners. From the late 15<sup>th</sup> to 16<sup>th</sup> centuries, print houses in Europe added broad categories of the genre *auxiliary* or *reference* works to their production program. For our purposes here, they might be grouped in particular categories. The visual memory aids belonging to the larger subject of *memory craft* should be revisited first. Not because they are the most intriguing, but because most reference techniques relate to memory.

\* Dr. Goldberg was the Library of Congress (LC) Principal Law Classification Specialist. She developed the major part of the Library of Congress Law classification (Classes K–KZ) as part of LC’s classification (LCC). Developed as a universal system, it is written for civil, common, and international law, including ancient and religious law and indigenous knowledge systems: law as it relates to all regions of the world.

Before she came to the Library of Congress, she served as legal co-editor of the *Deutsches Rechtswörterbuch* (Dictionary of the Older German Legal Terminology) under the auspices of the Akademie der Wissenschaften (Academy of Sciences and Humanities), Heidelberg, Germany. Recently retired, Dr. Goldberg works now as volunteer for the Law Library of Congress on special projects.

## *Ars memoria*: memory training and textual and visual memory aids.

Although Medieval “memory craft” is mostly considered a monastic tradition of meditation, prayer, and concentrated study of the Bible, *memoria* had made a strong appearance after 1280 as a discipline of broader application. *Memoria* and associated memory training for teachers and particularly for students of the law is not a Renaissance invention. Since antiquity, memory techniques developed alongside the growing branches of knowledge, such as philosophy, medicine, religions of the Abrahamic tradition, history and political science (state and statesmanship), among other subjects. Scholars always recognized the importance of memory in a “world of few books.” Bologna had a flourishing school for the *artes memoria* some time before (and after) the founding of the *universitas* proper—presumably in 1130, a date associated with a more structured beginning of the law school—which was endowed with the official privilege in 1191. One important name stands out: Boncompagno da Signa [c.1170–after 1240], who worked as a teacher for rhetoric from the mid-1190s to perhaps the 1230s at the University of Bologna, a logical place for memory training of jurists during that period in a culture that was “fundamentally memorial” (Note 2). Training in the classroom meant that any student, by prescribed exercises, could acquire the skills (or art) to memorize structures of multi-layered textual compositions or of complex concepts read to them by the teacher (the *lectura* or *praelectio*).

From the 13<sup>th</sup> to the 15<sup>th</sup> centuries, the law school attracted the emerging elite among jurists, all known under attributes such as glossators, and later as postglossators

or commentators, on the Roman side of the law, and the *decretists* or *decretalists*, the commentators on the *Decretum Gratiani* and other Papal decretal compilations, on the Canon side of the law. An outstanding group of these jurists were equally versed in both Roman and Canon law, contributing both to the evolving canonical jurisprudence and to the medieval Roman/civil law (*Jus Romanum Medii Aevi*) and dramatically expanding the body of law. These jurists associated with Bologna were the pivotal force in the development of the doctrines *utriusque juris*. They produced a steadily increasing stock of comparative legal studies addressing the differences between Roman and Canon law—particularly in the areas of family and inheritance laws. All these developments were reflected in the corresponding expansion of legal publishing, including auxiliary or reference works. However, it is a misconception that memory training and memory aids were replaced by the evolving book culture. Instead, books were useful, and often necessary, auxiliaries. In fact, as shown by their organization, many if not all of the reference groups were related to the *ars memoria*. Many also used visual images as “ocular gateways” to memory (Note 3).

*Arbores*. The most exciting of these figurative elements was the *arbor*. Research on artistic/figurative presentations in medieval, biblical, and scholastic works reveals the source: the symbolic power of the *arbor vitae* of paradise and general genealogical representations, such as the genealogy of Christ. Added biblical elements, such as vignettes of Adam and Eve, signal family relations. This figurative group, often executed by renowned artists,

had an enormous running time to the end of the 19<sup>th</sup> century, among them the *arbores consanguinitatis et affinitati*, added to the text of the *Lectura Super Arboribus Consanguinitatis et Affinitatis* by the famed canonist Giovanni d’Andrea [c.1270–1348] at the Bologna law faculty (Items 2 and 4). The two plates, the *arbor consanguinitatis* and *arbor affinitatis*, in the two successive Nuremberg printings by Creussner are extended by the so-called *arbor cognatio spiritualis* (the spiritual relationship between child and godparents based on the sacraments of baptism and confirmation), adapting to evolving doctrines. Throughout the many printings of the *lectura*, other *arbores* were added, such as the *arbor cognatio legalis* (the legal relationship established by adoption) or *enigma arbores*, probably for teaching purposes.

The *cellae* of the *arbor* describe the canonical grades (*gradus*) visually. Andrea presents the four grades of allowed (or disallowed) marriages, conforming to the reforms of the Fourth Lateran Council (1215), which lowered the canonical grades from seven to four. As an interesting side observation: seemingly the same plate of the *arbor consanguinitatis* that was used by the Creussner print shop (for Items 10 and 12) appears in an earlier (1472) printing by Zaimer (Augsburg) of the famous and unique encyclopedic work *Etymologia* by Isidor of Seville [c.560–636], compiled between the years 600 and 625 (Note 4). This seems to confirm that print shops were also in the business of selling or buying artwork for book illustrations.

Family relations are a confusing and complicated topic with an enormous history reaching back to the effort of the early Church to reorganize the ancient family of man. It was not always concerned with “allowed”

or “disallowed” marriages. Marriage was used rather as a social tool, binding tribes for social stability. However, evolving religious doctrines and prescripts, together with “civil” rules, would eventually determine different societal structures: gender relationships and monogamy. The pedigree of these rules is shared by the three Abrahamic religious systems and can be traced through sources from the first through ninth centuries. Some of the early law codes of Patriarchs and Metropolitans of the East (e.g., Timotheus, Patriarch in the Caliphate of Bagdad from 780–823), comparatively studied with other sources in the region such as canons of the early ecumenical councils, offer truly unique insights in the progressive development of canonical doctrines and rules on establishing families, selecting spouses, restricting sexual activities with particular persons, and legitimizing offspring. In fact, the earliest attempts to bar polygamous customs in the region were the forceful promotion of monogamy and canonical marriage impediments, paired with strict rules on incest in general.

The evolving legal/theological doctrines of consanguinity and affinity, the degrees (*gradus*) of blood relationships and other relationships, governed the institution of marriage predominantly, but not exclusively. Roman law used the emerging doctrine as well, but applied it to inheritance and succession, the determination of the heir and his rights. By the time Andrea wrote his *lectura* (teachings and disputes) on kinship, consanguinity, and affinity, the hypothetical calculations of incest between the 8<sup>th</sup> and 4<sup>th</sup> grades had been finally settled by the Fourth Lateran Council (1215). One thing seems to be clear: the Church had by that time firmly established its jurisdiction over marriage

and inheritance. In Part IV of his *Summa Super Titulis Decretalium* (1477), Henricus de Segusio (also known as Hostiensis) [c.1200–1271], a pre-eminent scholar in both Roman and Canon law, addresses complex matrimonial questions, in particular consanguinity and affinity, as well as bigamy and adultery and their impact on family relations. The established *arbor consanguinitatis et affinitatis* was added to the version of the *Summa* in this Catalogue (Item 3). However, for a 1579 Turin edition of the *Summa* (Note 5) the printer supplied another diagram, the *arbor bigamiae*. Graphically, it follows the structure of marriage impediments of the *arbor consanguinitatis*. The medieval language uses “bigamy” not only for a simultaneous marriage with a second partner, but also for a successive marriage after termination of an existing marriage, either by death of one of the partners or by divorce.

**G***lossae, Commentarii, Annotationes, Summae*. It is a timeless practice of students and scholars alike to write annotations, terms, and so forth in the margins of the texts they study, relating their notations to a particular spot in the text. For memory’s sake, gloss and main text are linked with “visual hooks,” as memory science refers to them: a key word, a red line, a letter or number, often emphasized in color (Note 6). Such glosses are more like footnotes or private mental notes on a text and not so much a “running” commentary. Those supplemental marginal notes are classified as “textual memory devices.” Compiled, edited, arranged by subject and standardized by accredited scholars over time, these glosses became known as *glossa ordinaria*, the *ordinary gloss*. As the gloss arrived eventually at analytical

interpretation of concepts or the law, the systematic *commentarii* were born. Among all the examples of the reference craft, the group of glosses and commentaries is, by number and gravity of the assembled jurisprudence, the impressive core of this catalogue.

The authors or “organizers” of the ordinary gloss and of commentaries to the *Decretum Gratiani* or the other Papal decretal collections are known. The procession opens with Giovanni d’Andrea, a popular canonist and prolific writer. This catalogue offers several editions of Papal decretal collections with his glosses. Item 1 is a very special edition of Andrea’s marginal gloss on Pope Boniface VIII’s *Liber Sextus Decretalium* (1473). Item 10 is a glossed text of the *Constitutiones (Clementinae)* (1486). The *Constitutiones (cum apparatu Joannis Andreae)* (1481) (Item 6) show the structure of an *apparatus glossarum*, the collection of known glosses on the work, to which Andrea probably added his own gloss. The *apparatus glossarum* is a special literary genre in both Canon and Roman law (Note 7). Andrea is followed by Henricus de Segusio, famed for his scholarship in both Roman/civil law and the emerging canon law, but most of all for his successful amalgamation of legal institutes stemming from the spheres of both legal traditions. He had authored around 1253 a manuscript, the *Summa Super Titulis Decretalium* (better known as *Summa aurea* or *Summa Hostiensis*), that was printed in 1477 (Item 3): a systematic textbook in five parts on the *Liber Quinque Decretalium*, the decretal compilation of Pope Gregory IX [1145–1241]. Next in line is Bernardo di Bottoni [d.1263 or 1266], an illustrious canonist, with two works on Pope Gregory IX’s *Liber Quinque*: the *Decretales cum Glossa Bernardi Parmensis* (*Glossa Ordinaria*) (Item 11), and the *Casus*

*Longi Super Quinque Libros Decretalium* (1484) (Items 8 & 9), a systematic commentary. Next to last is Paulus de Castro [d.1439] with his own systematic commentary, *Super Primo Secundo et Tertio Libro Codicis* (1487) (Item 12). A student of the eminent post-glossator Baldus de Ubaldis [1327–1400], he was an equally eminent jurist, lecturer, and teacher of the Roman/Civil law. The last of the group is Johannes Koelner de Vanckel [1448–1490] with his *Summarium Textuale et Conclusiones Super Sextum et Clementinas* (1494), a systematic interpretation/commentary on the major Canon law sources (Item 15).

**M***argaritae, Tabulae, and Indices* are the genres most closely related to the *ars memoria*. The canonists/decretalists of the twelfth and thirteenth centuries, who taught canon law by commenting/interpreting the *Decretum* of Gratian and the various collections of Papal decretals, gave “memorable” names to their treatises. In general, the *margaritae*, as memory aids, are tabular listings (“*indexing mnemonics*,” locating aids to a particular spot in the main text). Usually, they were alphabetical or numerical systems. Some of the *margaritae* consisted of or contained mnemonic verses as well. The *Margarita Decreti seu [or] Tabula Martiniana Decreti* (1493) by Martinus Polonus [d.1278] (Item 14), is a splendid example of the character of the *margarita*. An interesting work bound with Item 14 is the “report” and alphabetical arrangement of all known *margaritae* to the decretals of Gregori IX: *Annotationes seu Reportationes Margaritarum Omnium Decretalium Secundum Alphabeti Ordinem* (1496), by Martinus Polonus and edited by Sebastian Brant [1458–1521].

The *Rosarium Decretorum* (1481) of Guido de Baysio [d.1313], a commentary on the

*Decretum Gratiani* (Item 5), falls into the same category. In English, the word rosary, literally translated as “rose garden” or “garland of roses,” has a long history as a Catholic Sacramental, a devotional tool. Physically, it is a string of beads used for counting a prescribed number of prayers or as an aid to lead into deep meditation. The charming metaphor, or better, the choice for the commentary’s title, is left to the reader’s imagination: does it refer to an invitation to deep methodological thinking about each decree compiled and selected by Gratian for his *Decretum*? Or were the beads envisioned for counting the pieces of this collection, including those of other glossaries, such as that of Hugotius?

**D***igestae, Compendia*. The *Supplementum Summae Pisanellae (Summa de Casibus Conscientiae)* by Bartholomew of San Concordio [1262–1347] is an alphabetically digested enlargement of the *Summa* written by Nicolaus de Osimo [d.1453] (Item 7). The *Compendium in Johannem Capreolum con Additionibus* (1497) by Silvestro Da Prierio Mazzolini (an inquisitor and censor of books prohibited by the Church of Rome), is a summary of another work (Item 17).

**D***ictionaria, Vocabularia, Flores legum, Lexica/Encyclopedia*. This genre, broadly termed ‘law dictionaries,’ is very common and not much different from the modern compilations of terms, phrases, and concepts, alphabetically arranged. Item 16, the *Vocabularius Juris Utriusque* of Jodocus of Erfurt (1496), is a distinguished example of this genre.

**V***iatorium (seu Directorium), pathfinder, road guide (or direction) for law, is*

an introductory work for students. Item 13, a comparative guidebook through Roman and Canon law by Jean Barbier, *Viatorium Utriusque Juris* (1493), had another printing (1516, by Joannis Petit and Roman Morin) that expanded the title to *Viatorium seu directorium*.

The *Modus* or “how-to” works are manuals for teaching and studying the law, such as the *modus dictandi* and *dicendi sive per-orandi*, or the *modus legendi abbreviaturas*,

a particularly important manual for all studying early manuscripts and prints. Item 4, the *Modus Legendi Abbreviaturas* (c.1478) by Werner von Schussenried, aids the contemporary reader in identifying or deciphering all common abbreviations, sometimes overwhelming in number.

## NOTES

1. It should be mentioned—and remembered—that the *Decretum*, although never recognized by Rome as an “official” compilation, was, probably because of its popularity, adopted as the first section in Pope Gregory IX’s decretal compilation (1227–1241), the first of the growing set of Papal decretals (followed by those of Boniface VIII (1294–1303), Clement V (1305–1315), John XXII (1316–1334), and finally the *Extravagantes communes* at the end of the 15<sup>th</sup> century).

2. See Jolande Goldberg, “Ars Memoria in Early Law,” in *Law’s Picture Books: The Yale Law Library Collection*. Michael Widener and Mark S. Weiner, Eds. (Clark, NJ, 2017) 17–18

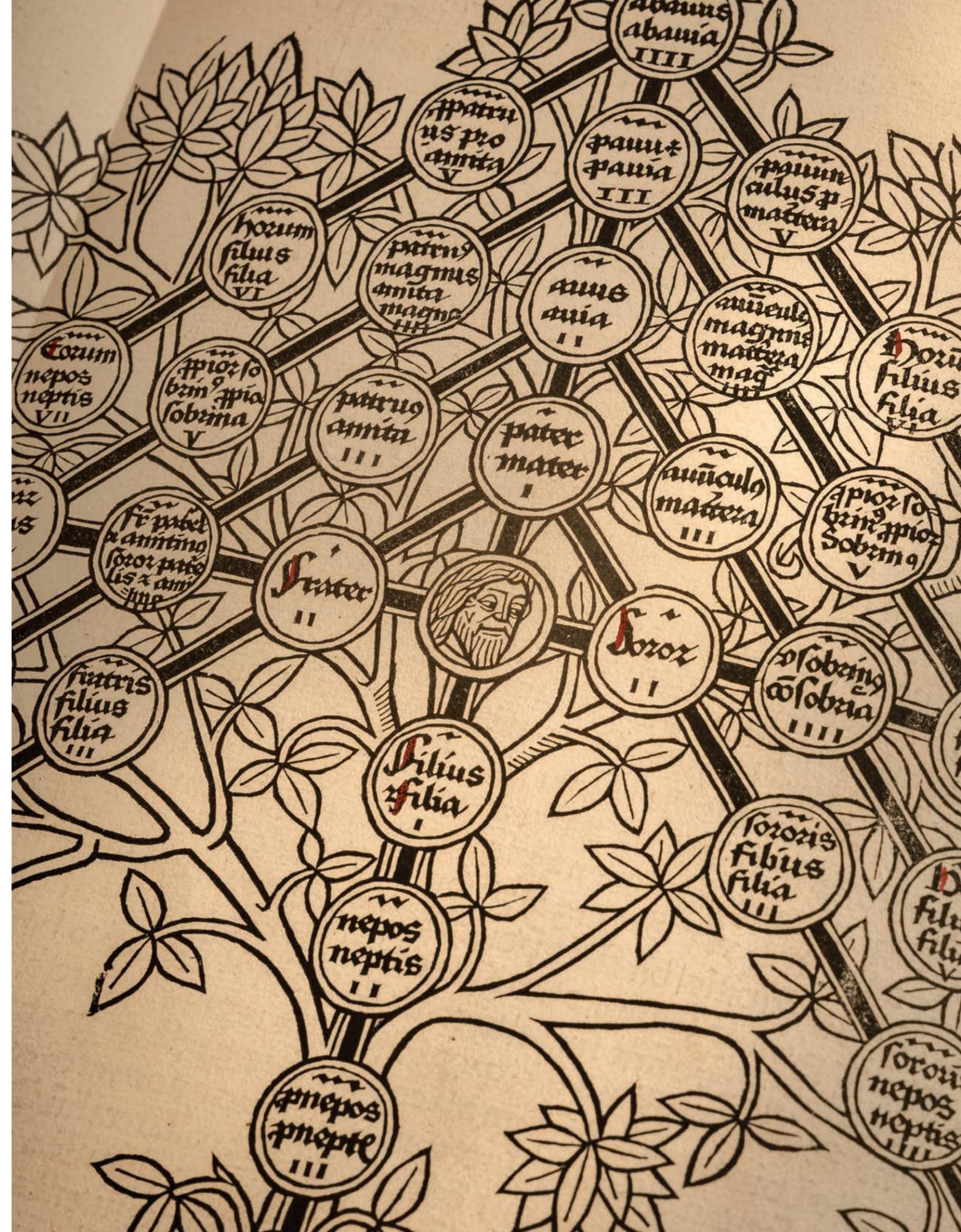
3. Mary Carruther, *The Book of Memory...* (2<sup>nd</sup> ed.; Cambridge. Cambridge University Press, 2008) 314

4. This Zaimer edition was currently sold by Hordern House Rare Books, NSW, Australia (*arbor* plate is tipped in next to the ancient world map).

5. Copy held by Library of Congress, LCCN 97173209

6. See Goldberg, “Ars Memoria” 21

7. See Gero Dolezalek, *Glosses and the literary genre “Apparatus glossarum” in the Middle Ages* (2022 *Rivista Internazionale di diritto comune*, vol. 32, 9–54)



# 1 BONIFACIUS VIII, POPE [c.1235–1303] ANDREA, GIOVANNI D' [c.1270–1348], Glossator

[Liber Sextus Decretalium].

[Strasbourg: Heinrich Eggestein, c.1473]. 199 ff. Lacking h6 and final leaf, both blanks. Collation: [a-d10, e13, f-g10, h5, i10, k-l8, m-p10, q4, r-v10, x1]. Folio (16-1/2" x 12"; 41 x 30.5 cm).

**ONE OF THE EARLIEST PRINTINGS OF THE  
LIBER SEXTUS DECRETALIUM: A SCARCE INCUNABLE  
WITH A DISTINGUISHED PROVENANCE AND  
A BOOKPLATE DESIGNED BY PICASSO**

Contemporary reversed calf (on thick wooden boards), brass catches to fore-edges, straps lacking, raised bands and fragment of later paper title label to spine, residue of title label to front board. Moderate rubbing and scuffing to boards, heavier rubbing to extremities with wear to spine and corners, boards beginning to separate but secure, minor worming to pastedowns, upper corner lacking from front free endpaper, which, along with following two leaves, is lightly soiled and edgeworn.

Text in parallel columns, 44-line main text with Andrea's 59-line linear gloss. Printed in red and black. Initials in red, blue, and purple, paragraph marks and capital strokes in red. Moderate toning, light browning in places, occasional light soiling and faint dampstaining to margins. Early and nineteenth-century annotations to front free endpaper (the latter a torn away owner signature dated 1836) and first leaf of text (an early gift inscription, a struck-through ownership inscription of a Regensburg monastery, "Conventus Ratisbonensis Ord. Erem. S. Augustini," and an annotation or

signature, "Maria Inghland" [?]). Bookplate of Theodore Low De Vinne and bookplate of Alexandre P. Rosenberg, designed for him by Pablo Picasso, to front pastedown, Rosenberg's brief typewritten book description, with Goff number added in pencil, tipped in. \$36,000.

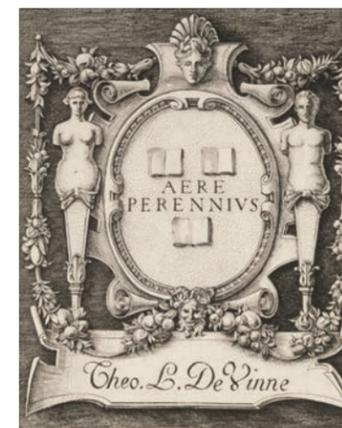
**T**hird edition. Issued in 1298, the *Liber Sextus* of Boniface VIII is one of the primary collections of canon law. It is one of the writings known collectively as the *Corpus Juris Canonici*. Andrea was an Italian canonist and professor of canon law at the University of Bologna. An eminent figure, his principal writings circulated widely in manuscript and were among the earliest printed works on canon law. His glosses were first published in 1472. All early editions are rare on the market. This Eggestein edition was considered the second for many years, a point upheld by Goff and GW, but it is now widely believed to be the third.

Theodore Low De Vinne [1828–1914], an American printer and scholar of typography, was one of the founders of the Grolier Club in 1884. Alexandre Rosenberg [1921–1987], an art dealer, and his wife, Elaine



[1921–2020], were important collectors of illuminated manuscripts and early printed books. Picasso, who was represented by Alexandre's father, the eminent Paris art dealer Paul Rosenberg [1881–1959], was a lifelong friend of the couple and designed this bookplate especially for Alexandre.

◆ The ISTC locates 7 copies of this imprint in North America, 2 in law libraries (Harvard, Library of Congress). ISTC ib00977000.



Bookplates detail

## 2 ANDREA, GIOVANNI D' [c.1270-1348]

[Super Arboribus Consanguinitatis, Affinitatis et Cognationis Spiritualis].

[Nuremberg: Friedrich Creussner, c.1474-1477]. [10] ff. Collation: [a10]. 2 full-page woodcut tables of descents to leaves [a4]v and [a8]r, additional contemporary full-page manuscript table of spiritual relationships bound after text. Folio (11-1/2" x 8"; 29 x 20.5 cm).

**POSSIBLY THE FIRST LAW BOOK WITH ILLUSTRATIONS,  
NO COPIES OF THIS EDITION LOCATED IN NORTH AMERICA**

Later nineteenth-century paneled morocco signed binding by Riviere & Son, gilt frames and corner fleurons to boards, discreetly rebaked retaining existing spine with raised bands, gilt and blind fillets and gilt ornaments, title and date, gilt edges, gilt rules to inner board edges, marbled endpapers, endpapers added. Light rubbing and a few minor scratches to boards, moderate rubbing to board edges, corners lightly bumped, hinges cracked, faint offsetting to edges of free endpapers, four later bookplates, of Guy Bechtel, the Huth family library, Arnold Hoffmann and George Abrams, to front free endpaper, recent French bookseller description tipped in at front endleaf.

Text printed in 33/34-line gothic type with wide margins, rubricated throughout (including tables) in red ink, large initials in red and silver ink to [a1]r and red ink to [a5]r, smaller initials in red ink to [a9]r and [a1]v. Light toning to interior, very faint dampstain to upper corner of ff. [7] and [9] just touching text of f. [9], both tables trimmed close with

minor loss to bottom edge, negligible loss at gutter of first table and fore-edge of second. \$8,000.

Andrea was an Italian canonist and professor of canon law at the University of Bologna. An eminent figure who received the highest tributes from Arithemius, Baldus, Forster and Bellarmin, his principal writings circulated widely in manuscript and were among the earliest printed works on canon law. Often included in editions of the *Corpus Juris Canonici*, the *Super Arboribus* is a fundamental treatise on degrees of consanguinity and affinity, also known as blood relations, and spiritual relationships created by godparents and their families. Probably the first law book with visual illustrations, it was a work of vital importance in cases regarding estates, incest and conflicts of interest. It went through numerous manuscript and printed editions into the modern era.

Our undated edition is one of seventeen issued by Creussner from c.1473-1488. The



provisional date range given by the ISTC is based on the bull's-head watermark present in the contemporary endleaves. The woodcuts in the Creussner editions are so much larger than the type-pages that many, if not most, copies are trimmed to some degree. Our copy also includes an attractive hand-drawn table of spiritual relationships ("Arbor cognationis sp[irit]ualis tam ex sacramento baptismat[i]s confirmationis"). (A similar version of the table was added to

later Creussner editions.) It was owned by several important collectors of rare books, among them George Abrams [1919 or 1920-2001], the distinguished graphic artist and typeface designer, and, most recently, Guy Bechtel [b.1931], a notable scholar of early printing.

◆ The ISTC locates 11 complete copies of this edition worldwide, none in North America. ISTC ia00605500.



Signed binding detail

### 3 SEGUSIO, HENRICUS DE (HOSTIENSIS) [c.1200–1271]

[Summa Super Titulis Decretalium].

[(Augsburg): Ex officina et ductu Ludovici Hohenwang, (1477)]. Parts III and IV, 2 volumes bound in one. [459] ff. Collation: [aa2, a-[et]A-E10, F8, G-Y10, Z9]. Lacking final blank leaf in second part; text complete. Folio (12-1/8" x 8-1/2"; 30.8 x 21.4 cm).

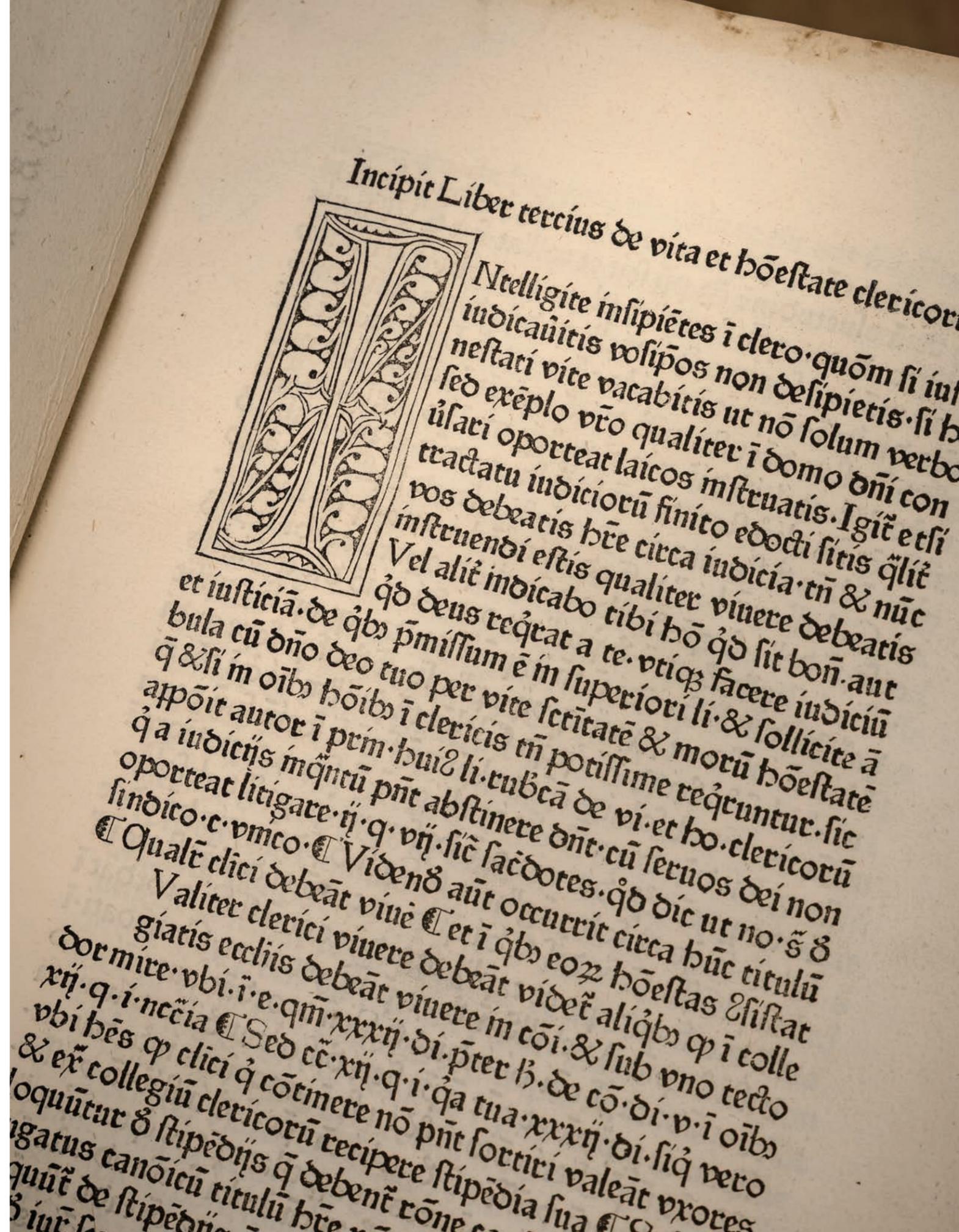
**A 1477 AUGSBURG IMPRINT  
WITH A HERALDIC FORE-EDGE PAINTING**

Contemporary South German blind-paneled calf over wooden boards with tiled pelican stamps to central panel, six round Agnus Dei stamps to middle panel, and floral stamps to outer panel, raised bands and blind tooling to spine, brass clasps (c.16<sup>th</sup>-century?) and catches (15<sup>th</sup>-century) to fore-edges, c.16<sup>th</sup>-century fore-edge painting of two escutcheons. Some rubbing, scuffing and tiny wormholes to boards, later (19<sup>th</sup>/20<sup>th</sup>-century) repairs to spine ends, clasps and small portion of rear board, light wear to board edges, pastedowns and rear free endpaper renewed, hinges mended.

Text printed in 33-line single column in gothic rotunda type, numerous unrubricated 2 or 3-line capital spaces, fine 10-line Maiblumen woodcut initials on the opening leaves of each volume. Light toning to interior, occasional, mostly unobtrusive dampstaining to top margin in Part III, minor worming to margins in a few places (not affecting text), light soiling to a few leaves, small clean tear to top of f. [210], mended on recto and affecting a few lines of text without loss, small clean tear to gutter of final leaf. Later annotation and owner signature (of Baron Per Hierta, dated 1898) to front free endpaper, penciled

folio numbers to upper right corners, pencil underlining to Part IV colophon, brief annotations and manicules in contemporary hand to several pages in Part III. **SOLD**

**Second edition.** Composed around 1253 and first printed in Rome in 1473, the *Summa Super Titulis Decretalium* is a groundbreaking synthesis of Roman and canon law by one of the greatest legal minds of the Middle Ages. Henricus de Segusio, or Hostiensis, received JUD training (i.e. in canon and civil law) at Bologna and taught canon law for a time in Paris. He went on to hold a number of key ecclesiastical and diplomatic positions, culminating in a post as cardinal-bishop of Ostia in 1261. The *Summa* is his best-known work. As a testament to its reputation, it is also known as the *Summa Aurea*. It was “the first book in which Canon Law was based on...both Ecclesiastical and Civil Law traditions...This blend of canon and civil law has been the main contribution of the *Summa Aurea* to legal history. For centuries, the *Summa* has been considered the best introduction into Canon Law, due to its clear structure, good synthesis and appeal to both Canon and Roman legal principles... The works of Hostiensis, and especially the





## 4 SCHUSSENRIED, WERNER VON [et al.]

[Modus Legendi Abbreviaturas (et al.)].

[Speyer: Drach Petrus edit opus, (c.1478)]. [206] ff. Collation: [a12 b-k8 l12 m-z8 A8 B6].

[Bound with]

ANDREA, GIOVANNI D' [c.1270–1348]

[Super Arboribus Consanguinitatis, Affinitatis et Cognationis Spiritualis].

[Nuremberg: Impressus...per Fridericii Creussner, 1478]. [10] ff. With 3 attractive woodcut trees of consanguinity, affinity and spiritual relationships. Collation: [a10].

CANON LAW AND LEGAL PRACTICE:  
A COMPACT REFERENCE LIBRARY IN TWO 1478 IMPRINTS

Folio (11-1/4" x 8"; 28.5 x 20.5 cm). Contemporary calf blind-stamped with *fleur-de-lis*, unicorn, dragon, phoenix and floral ornaments over wooden boards, rebaked retaining existing spine with raised bands, early hand-lettered shelf number and later ink to spine, tooled brass catches to fore-edges from former clasps, hand-lettered title to top and fore-edges of text block, pastedowns renewed, hinges mended. Faint staining and some nicks, scratches and small wormholes to boards, light soiling to front board, light rubbing to extremities, rear joint cracked, spine ends abraded, corners worn.

Text in gothic type in double and single columns, simple capitals and rubrication added to a few leaves in *Modus Legendi* with ink and early soft pencil. Hand-lettered title ("De modo legendi i utroq[ue] iure/ De processu iudicario") and early annotation to front free endpaper, brief early annotations to margins of several leaves and longer

annotation to bottom of leaf a1v, annotations in one, possibly two neat hands, underlining and lines to margins in a few places. Light to moderate toning to interior, light foxing and soiling in a few places, occasional faint dampstaining to margins, a few partial cracks to text block, 1 leaf in *Modus Legendi* (containing pp. 2–3 of the *Tractatus de Praesumptionibus*) loosening slightly but secure, lower outside corners of free endpapers, the first 22 ff. and the last 10 ff. neatly replaced with no resulting loss to text or woodcuts, fore-edges of free endpapers neatly mended with archival tissue, edges of *Super Arboribus* woodcuts trimmed with minor loss (as in most copies). \$26,000.

This appealing volume collects a group of classic medieval and early-modern texts. The *Modus Legendi Abbreviaturas* is a dictionary of abbreviations compiled by Wernherus von Schussenried. It is accompanied by the *Processus Iudicarius*

Incipit libellus dās  
modū legēdi abbrevi  
aturas in utroq; iure.

Via p̄posterus est  
ordo prius huma  
na petere subsidia  
ut illis deficientibz  
diuini Fauoris ḡ  
tia postuleē. vt de

con. di. j. c. ois xp̄ianus. in fi. et in  
p̄n. apparatus Jo. an. li. vj. in ovix  
bono pagunē exitu q̄ malo sunt in  
choat a principio. vt. lxj. di. ca. mi  
ramur. j. q. j. p̄ncipatus. Et quia  
vbi xp̄s nō est fundamentū nulli9  
boni opis est sup̄edificium. ut eadē  
q. c. j. Cū paulus. Ideo diuino p̄  
mitus implorato presidio cū iuris  
veriusq; scientia tam legum q̄ ca  
nonū preciosissima nō ammicu  
latiua sed p̄ncipalis et sacratissi  
ma. imo diuinitus inspirata fit ma  
xime competens principibus. coz  
mitibz. barombz. militibz ceterisq;  
nobilibus. clericis atq; con  
p̄sonis iuri...

querere nutrimentū  
om̄is p̄cessus artiu  
generatiuus ordinē  
bere. et p̄pter vite h  
cientiam breuitatē  
ut sequiē breuissimū  
duz obseruandū esse  
gogis nobilium. Salu  
datōne meliorantium  
ter hunc docendi modū  
bitis ergo scolasticis b  
puerilibz eruditōnibus  
casualibz et t̄palibz. In  
partibz ambabz declinat  
iugatōnibz et d̄struētōn  
cum moralibz auctoribz q  
vel faceto r̄c. Non p̄ vite  
tatem liberalibz et ammi  
uis artibz insistendo. vt fur  
matica Loyca. Rethorica. C  
tria. Arithmetica. Musica r  
nomia. Sed his opendiose t  
curfis p̄ncipalibz scientijs  
cet tramitī p̄bie suadeo cū  
propinquari



D arborem affinitatis  
 Et primo videtur  
 dicatur quomodo  
 computentur. D  
 postea quedam  
 Est autem affinitas pare  
 niens omni carens pare  
 est proximitas ex nupti  
 tur fm leges q legit  
 batur affinitas quasi  
 atur affinitas divers  
 cognationes divers  
 canones copulant  
 adit. vt in eadem  
 incestuosum coitu  
 patet ex eo qui co  
 penulti. Sed co  
 las deferendas  
 nium dicere. ff  
 Et. iij. q. iij. s  
 non quo ad n  
 carnis que i  
 quod concu  
 tatis. Vt si  
 sanguinei  
 tas est per  
 ea persona  
 Nec out  
 tra claus  
 ibi nota  
 nestate  
 te & p  
 rem  
 & af

of Johannes Auerbach, a handbook on procedure; the *Tractatus de Praesumptionibus* of Bartolo of Sassoferrato (attributed to Auerbach in this edition), a treatise on legal reasoning and conjecture; the *Summa Qualiter Notarii* and *Tractatus Notariatus* of Dominicus of Vicentina, handbooks on notaries and legal process; the *Defensorium Juris* of Gerardus of Rheinau, a handbook on defense procedure; the *Tractatus Exceptionum* of Pope Innocent IV, a treatise on jurisdictional authority between higher and lower-ranking members of clergy; the *Tractatus Praescriptionum* of Dinus of Mugello, a study of land tenure in Roman law; the *Arbitris et Arbitratoribus* of Petrus Jacobus of Montepessulano, a handbook on arbitration; the *Differentiae Legum et Canonum* of Galvanus Salvianis of Bononia, a comparative study of Roman and canon law; and the *Tractatus de Tabellionibus* of Baldus de Ubaldis (attributed to Bartolus in this edition).

The collection is bound with the *Super Arboribus*, another fundamental treatise. It concerns degrees of consanguinity and affinity, also known as blood relations, and spiritual relationships created by godparents

and their families. It was a work of vital importance in cases regarding estates, incest and conflicts of interest. It went through numerous manuscript and printed editions into the modern era. Our 1478 edition is one of seventeen issued by Creussner from c.1473–1488. The attractive woodcuts in the Creussner editions are so much larger than the type-pages that many, if not most, copies are trimmed to some degree.

♦ The *ISTC* locates 2 copies of this edition of the *Modus Legendi* in North America (Harvard Law School, Huntington Library) and 5 copies of the 1478 *Super Arboribus* in North America (Harvard, Union Theological Seminary, Huntington Library, Library of Congress, Smithsonian). *ISTC* im00754000, ia00607000.



# 5 [BAYSIO, GUIDO DE (d.1313)] [MONELIENSIS, FRANCISCUS, Editor]

[Rosarium Decretorum].

[Venice: Johannes Herbort de Seligenstadt for Johannes de Colonia, Nicolaus Jenson, et Socii, 3 April 1481]. [415] ff. Lacking final leaf, a blank. Collation: a10, b8, c-d10, d-l8, m-n6, o-tuvx8, y10, z8, [et]8, [antisigma]10, [r rotunda]-aa8, bb-cc10, dd-dd8, ee-gg10, ggg-hh8, hhh8, iio, kk-mm8, nn-qq10, rr8, ss6. Folio (15-1/2" x 10-3/4"; 40 x 28 cm).

**A 1481 PRINTING OF AN IMPORTANT CANON LAW COMMENTARY  
WITH HANDSOME PENWORK AND A BOOKPLATE  
DESIGNED BY PICASSO**

Eighteenth-century calf, "A L" in small type blind-stamped to foot of front board, raised bands, blind ornaments and lettering piece to spine, edges speckled, endpapers renewed. Light rubbing and some minor nicks and scuffs to boards, moderate rubbing to extremities, chipping to head of spine, corners bumped and somewhat worn, joints and hinges just starting at head, crack in text block between fol. a1 and a2 (fols. 1-2).

66-line text in parallel columns, 4 large illuminated acanthus initials, one with partial border, the other 2 with smaller flourishes, 2 smaller illuminated initials, other red and blue initials and red capital strokes, woodcut printer's device printed in red. Light toning, occasional faint dampstaining to foot of text block, some soiling and light dampstaining to leaf a1 (fol. 1), illuminated borders on first leaf trimmed, lower corner torn away, minor interior tear to printer's device. Owner signature ("Lanoseim") dated 1673 to head of leaf a2 (fol. 2), bookplate of Alexandre P. Rosenberg, designed by Pablo Picasso, to front pastedown, Rosenberg's brief

typewritten book description, with Goff number added in pencil, laid in. \$29,000.

**T**he *Concordia Discordantia Canonum*, or *Decretum Gratiani*, is the cornerstone of modern canon law and one of the components of the *Corpus Juris Canonici*. The first work of its kind, it was supposedly compiled by Gratian, a Camaldolese monk, around 1140. It addresses various aspects of legal jurisdiction as well as administrative issues like baptism and feast days. Guido de Baysio, also known as Archidiaconus, was a canonist, law professor and church official. He ended his career as archdeacon and chancellor of the University of Bologna. Written around 1300, his *Rosarium Decretorum* is an important commentary on Gratian's work. First printed in Strasbourg in 1472, it went through numerous editions. The present edition was printed for the firm of Johannes de Colonia and Jenson. Jenson died the previous year and his types were replaced by those of Seligenstadt.

Alexandre Rosenberg [1921-1987], an art dealer, and his wife, Elaine [1921-2020],



were important collectors of illuminated manuscripts and early printed books. Picasso, who was represented by Alexandre's father, the eminent Paris art dealer Paul Rosenberg [1881-1959], was a lifelong friend.

◆ The ISTC locates 5 copies of this imprint in North America, 2 in law libraries (Harvard, UC-Berkeley). ISTC ib00288000.

# 6 CLEMENT V, POPE [1305–1314] ANDREA, GIOVANNI D' [c.1270–1348], Glosses

[Constitutiones (Cum Apparatu Joannis Andreae)].

[Speyer: Peter Drach, 21 September 1481]. [74] ff. Collation: A-18(-A1), Kk4. Lacking blanks A1, Kk5-6. Double-column text with linear gloss. Folio (11-1/4" x 8-1/4"; 28.7 x 21 cm).

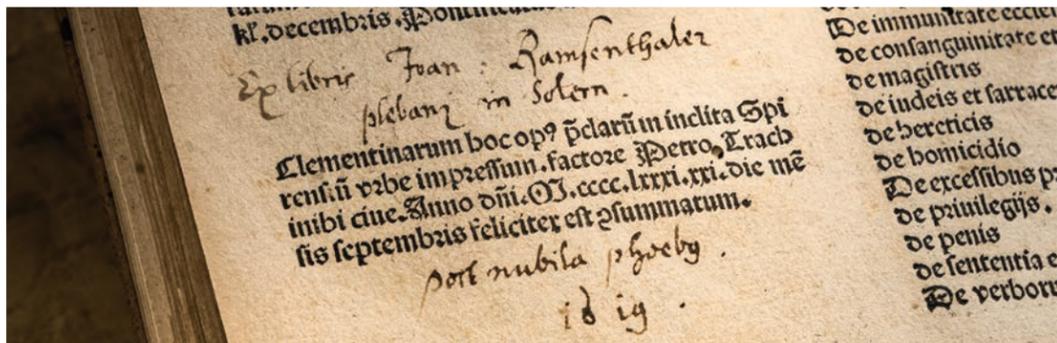
**A SCARCE 1481 SPEYER IMPRINT OF THE CLEMENTINAE  
WITH AN ATTRACTIVE 10-LINE GILT INITIAL**

Recent speckled paper boards, morocco lettering piece to spine, endpapers added.

Text printed in red and black in gothic type, main text surrounded by 65-line linear gloss, opening initial "I" in pink on a gold ground with a green and pink border, gilt and ink penwork to left margin of first page, early owner inscription ("Ex libris Joan: Ramsenthaler/ plebani in Solern/ post nubila phoeby/ 1619") to foot of last page. Light toning, a few small worm holes to text block (more to final few leaves, no loss to legibility), faint dampstaining to upper margin in a few places, upper outside corners of first two leaves lacking with loss to text on first leaf, corners mended, missing text supplied by tipped-in fascimile, mended crack in text block after leaf 18, last two leaves re-hinged.

\$6,500.

The *Clementinae* represents the final official piece of the *Corpus Juris Canonici*, the culmination of the attempts to codify the body of canon law that began in earnest during the Carolingian Empire. These efforts began to reach fruition in 1151 with the completion of Gratian's landmark *Concordia Discordantium Canonum*, or *Decretum Gratiani*. The *Liber Quinque Decretalium* of Gregory IX followed in 1234, followed by the *Liber Sextus Decretalium* of Boniface VIII in 1298. John XXII added the final official collection, the *Liber Septimus Decretalium*, better known as the *Constitutiones Clementis V*, or *Clementinae*, in 1317. Along with the *Extravagantes* of John XXII (1325), the *Extravagantes Communes* of other popes to 1484 and the *Appendix Pauli Lancellotti* (1563), these texts became popularly known as the *Corpus Juris Canonici*. The *Corpus* was revised in 1580–1582 to reflect changes



ordered by the Council of Trent and remained in force until the enactment of the *Codex Iuris Canonici* in 1918.

The Drach press began operating around 1475 under Peter Drach the Elder [c.1430–c.1489]. Drach's son, also named Peter (and sometimes referred to as Peter the Middle), took over after his father's death in the 1480s. The press is best known for religious texts, including the second edition of the *Malleus Maleficarum* (1490), but printed

a variety of theological, canonical, homiletic and legal works. By the end of the 15th century, the press had become the "most important German printer on the Middle Rhine" (NDB).

◆ The ISTC locates 3 copies in North America (Harvard, Library of Congress, Yale). "Drach, Peter the Middle," NDB 4:94–95 (accessed online). ISTC ic00724000.



# 8 PARMENSIS, BERNARDUS (BOTTONI, BERNARDO DI) [d.1263 or 1266]

[Casus Longi Super Quinque Libros Decretalium].

[Strasbourg: (Printer of the 1483 Jordanus de Quedlinburg), i.e. Georg Husner, 1484]. [227] ff. Collation: [a-(et)8, A-E8, 6F-18(-18)]. Lacking final blank, text complete. Folio (10-3/4" x 7-3/4"; 27 x 19.5 cm).

### AN APPEALING 1484 IMPRINT OF AN IMPORTANT CANON LAW COMMENTARY

Near-contemporary calf, raised bands, black-stamped fillets and hand-lettered paper label to spine, edges of text block speckled red. Rubbing, minor worming and some shallow scuffing, light wear to extremities, chipping to spine ends, corners bumped and worn, front hinge starting.

Text printed in 52-line gothic type in parallel columns. Initial spaces filled in with attractive red ink capitals on 8 pp., elegant rubrication in red ink to 30 pp. Very light toning to interior, minor worming recurring throughout text block but without loss to legibility, occasional faint dampstaining to margins of last third of text block, a few partial cracks to text block, all leaves secure. Early (illegible) owner signature to title page, which has a small clean tear repaired on the recto with no loss to legibility on verso. \$12,000.

Bologna, joined its faculty and later became the university's chancellor.

Little biographical information is known about Georg Husner [fl.1473–fl.1498], a former goldsmith who became an important figure in early Strasbourg printing. A medium-scale printer who probably worked on more than one press, he rarely signed his own name to his work, but the press known as "the Printer of the 1483 Jordanus de Quedlinburg" is broadly accepted as his (Chrisman).

• The *ISTC* locates 4 copies of this imprint in North America (Harvard Law School, Columbia University, Huntington Library, Library of Congress). Chrisman 9. *ISTC* ib00457000.



**F**irst edition by Husner. This volume contains an important commentary on the *Liber Quinque Decretalium* of Gregory IX (1234), part of the *Corpus Juris Canonici*. Better known as Bernardus Parmensis, from his birthplace, Parma, Bottoni was a notable canonist. He studied at the University of



**9** PARMENSIS, BERNARDUS  
(BOTTONI, BERNARDO DI) [d.1263 or 1266]

[Caus Longi Super Quinque Libros Decretalium].

[Strasbourg: (Printer of the 1483 Jordanus de Quedlinburg), i.e. Georg Husner, 1484]. [228] ff.  
Collation: [a-(et)8, A-E8, 6F-18]. Final leaf blank. Folio (11-1/4" x 7-1/4"; 28.5 x 19 cm).

**WITH ATTRACTIVE PENWORK AND RUBRICATION**

Seventeenth or early eighteenth-century mottled sheep, gilt spine with raised bands and lettering piece, edges of text block speckled red, endpapers renewed. Light rubbing, binding slightly cocked, some shallow scuffing to boards, small nick to spine, spine ends and corners bumped and lightly worn, rear hinge cracked, brief printed description tipped onto front free endpaper along with later inkstamp ("1484").

Text printed in 52-line gothic type in parallel columns. Initial spaces filled in with attractive red and blue ink capitals, first initial space completed in blue, yellow and green ink with elaborate red penwork, text elegantly rubricated in red and blue ink throughout. Light toning to interior, occasional light soiling, crack in text block after title page, which is starting to detach at head, index leaves loosening but secure, small hole to upper outside corner of first 4 leaves just touching text on second leaf without loss to legibility, faint stain to right margin of ff. [128]–[160], just touching text on f. [138] only. Two early owner inscriptions (dated 1629 and 1641) to title page, brief early annotations, affected by trimming, to recto of f. [34].  
\$13,500.

**F**irst edition by Husner. This volume contains an important commentary on the *Liber Quinque Decretalium* of Gregory IX (1234), part of the *Corpus Juris Canonici*. Better known as Bernardus Parmensis, from his birthplace, Parma, Bottoni was a notable canonist. He studied at the University of Bologna, joined its faculty and later became the university's chancellor.

Little is known about Georg Husner [fl.1473–fl.1498], a former goldsmith who became an important figure in early Strasbourg printing. A medium-scale printer, he rarely signed his own name to his work, but the press known as "the Printer of the 1483 Jordanus de Quedlinburg" is broadly accepted as his (Chrisman).

◆ The ISTC locates 4 copies of this imprint in North America (Harvard Law School, Columbia University, Huntington Library, Library of Congress). Chrisman 9. ISTC iboo457000.



# 10 CLEMENT V, POPE [1305–1314] ANDREA, GIOVANNI D' [c.1270–1348], Glosses

[Constitutiones].

[Nuremberg: Anton Koberger, 15 March 1486]. [60] ff. Double-column text with linear gloss. Final leaf blank. Collation: a/A10, BC8, D6, E8, F6, G8, H6. Folio (13-1/4" x 9"; 34 x 23 cm).

## 1486 KOBERGER IMPRINT OF THE CLEMENTINAE

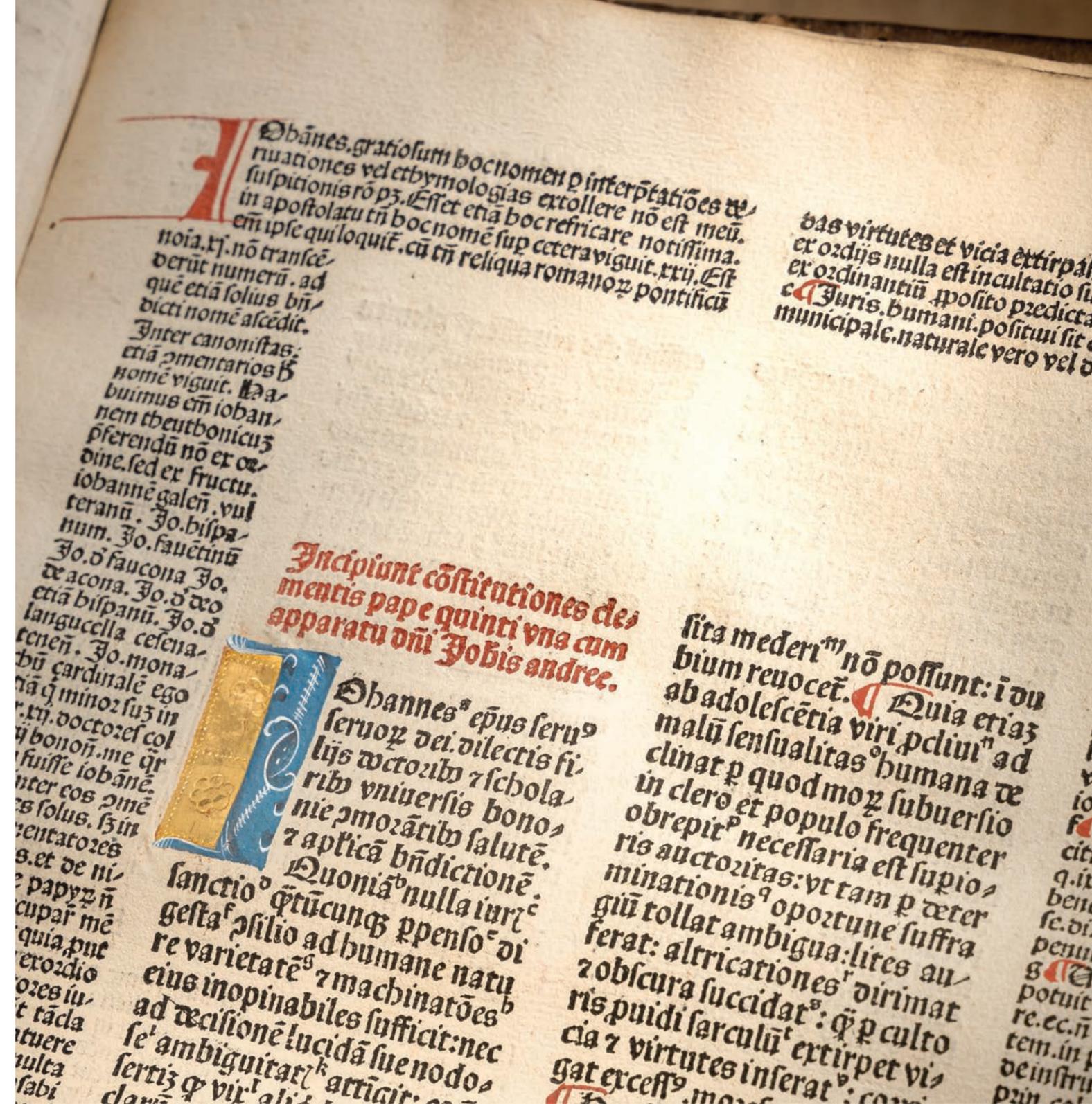
Contemporary paneled calf with later rebacking, extensive blind-stamped decoration (including images of flowers and gryphons), "Sexti et decretum" (?) blind-stamped to head of front board, brass bosses to centers of boards and fore-corners, buckles from clasps to fore-edge of front board, blind rules and black paper title labels to spine, front hinge reinforced, endpapers added. Moderate rubbing, a few minor scuffs and several tiny worm-holes to boards, early repair to lower fore-corner of front board, moderate rubbing to extremities with wear to spine ends, front joint partially cracked.

Text printed in 80-81 lines of gothic type, rubricated throughout in red and blue, opening initial "I" in gold on a blue ground, manuscript index in contemporary hand to recto of initial blank leaf. Light toning, moderate edgewear and dampstaining to fore-edge of text block, partial crack between ff. a/A8 and a/A9, worming to margins in a few places, text not affected. \$15,000.

The *Clementinae* represents the final official piece of the *Corpus Juris Canonici*, the culmination of the attempts to codify the body of canon law that began in earnest during the Carolingian Empire. These efforts began to reach fruition in 1151

with the completion of Gratian's landmark *Concordia Discordantium Canonum*, or *Decretum Gratiani*. The *Liber Quinque Decretalium* of Gregory IX followed in 1234, followed by the *Liber Sextus Decretalium* of Boniface VIII in 1298. John XXII added the final official collection, the *Liber Septimus Decretalium*, better known as the *Constitutiones Clementis V*, or *Clementinae*, in 1317. Along with the *Extravagantes* of John XXII (1325), the *Extravagantes Communes* of other popes to 1484 and the *Appendix Pauli Lancellotti* (1563), these texts became popularly known as the *Corpus Juris Canonici*. The *Corpus* was revised in 1580–1582 to reflect changes ordered by the Council of Trent and remained in force until the enactment of the *Codex Iuris Canonici* in 1918.

Anton Koberger [c.1440–1513] was a master printer and publisher in Nuremberg. Probably a goldsmith by trade, he began printing around 1470 and became Germany's most successful printer-publisher by the end of his career in 1504. He specialized in scholarly literature, Roman law and canon law and theology, combining large-scale print operations with a number of retail locations. At its peak, his workshop consisted of twenty-four presses and a hundred employees. The *Clementinae* is one of approximately 220



titles published under his name.

◆ The ISTC locates 8 copies in North America, 3 in law libraries (Harvard, UC-Berkeley,

University of Michigan). "Koberger, Anton," NDB 12:245-246 (accessed online). ISTC ic00727000.

# 11 GREGORY IX, POPE [1147?–1241] [PARMENSIS, BERNARDUS (d.1263 or 1266), Glosses] (BOTTONI, BERNARDO)

[Decretales cum Glossa Bernardi Parmensis].

[Venice: Thomas de Blavis, de Alexandria, 22 December 1486]. [420] ff. Collation: a-z8, [et]8, [con]8, [rum]8, A-Z8, aa-bb8, cc12. 53-line main text surrounded by 63-line gloss. Quarto (9-1/4" x 7"; 23.2 x 17.6 cm).

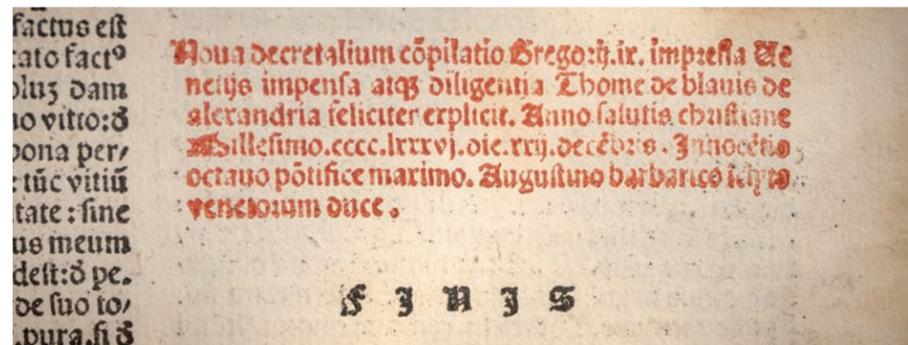
### 1486 VENETIAN IMPRINT OF THE DECRETALS OF GREGORY IX

Later vellum, hand-lettered title to spine, initials "S.C." to top-edge of text block, endpapers renewed. Boards slightly bowed, some worming to spine, which is chipping and partially abraded, hinges cracked.

Text in red and black in late-gothic rounded type, most guide initials with contemporary rubrications in blue ink, large Blavis device printed in red at foot of register (cc12), early (sixteenth or seventeenth-century?) manuscript table of contents to first leaf and brief annotations (corresponding to headings in table of contents) to upper corners of most leaves, many slightly affected by trimming, early owner inscription to first page. Light toning to interior, somewhat more moderate in a few places, occasional, mostly non-obtrusive faint dampstaining,

several cracks in text block, a few leaves loosening very slightly but secure, edges of several leaves skillfully mended with tissue, minor loss to a few letters of text and some loss to table of contents on first leaf. Item housed in handsome clamshell case, quarter morocco over cloth with gilt-edged raised bands and gilt title to spine. SOLD

Gregory's *Decretales* is one of the four works known collectively as the *Corpus Juris Canonici*, a collection of papal decisions concerning ecclesiastical hierarchy, procedure, the functions and duties of clerks, family law, crime and vast areas of what is now called "private law." The first entry in the corpus and the "first authentic general collection of papal decretals and constitutions," it was promulgated in 1234



and generated a large body of commentaries and literature (Walker). The most important of these commentaries, included in our copy, is the gloss of Bernard of Botone, also known as Bernard of Parma (Bernardus Parmensis). Composed shortly before 1263, it is known as the "Ordinary Gloss," or *Glossa Ordinaria*.

According to the British Museum's catalogue of incunabula, this imprint takes its type from the 1482 edition of the *Decretales* by Venetian printer Andreas Torresanus. The only change noted is the substitution of de Blavis's name in the colophon. de Blavis established his second press in 1481, "the same year in which Torresanus and Bartholomaeus de Blavis began printing...it

is quite likely that Thomas, even from 1481, was dependent upon these partners. For this reason it is even possible that the initials under the crowned book in the mark [on the final leaf] represent not 'Thomas (de Blavis) de Alexandria' but 'Thomas (de Blavis) and Andreas (Torresanus)'" (Willoughby).

◆ The ISTC locates 6 copies in North America, 2 in law libraries (UC-Berkeley, Harvard). Walker, *The Oxford Companion to Law* 177–179. *Catalogue of Books Printed in the XVth Century Now in the British Museum* 5:318. Willoughby, "The Cover Design" in *The Library Quarterly* 3, no. 1 (1933): 423. ISTC ig00463000.

## 12 CASTRO, PAUL DE [d.1439]

[Super Primo, Secundo et Tertio Libro Codicis].

[Venice: (Andreas Torresanus, de Asula), 30 June 1487]. [198] ff. Collation: a-e8, A-B8, C14, D10, E6, F-18, K6, L10, M-O8, P6, Q-S8, T10. First leaf blank. Text in parallel columns. Folio (17" x 11"; 43 x 28.5 cm).

**RARE PRINTING OF A DISTINGUISHED COMMENTARY ON THE FIRST, SECOND AND THIRD BOOKS OF THE CODE**

Contemporary calf with elaborate blind paneling, blind tooling to spine, binding re-cased, spine ends repaired. Some nicks, scuffs, scratches and minor worming to boards, light rubbing and wear to extremities, which are reinforced in places, minor worming to endpapers.

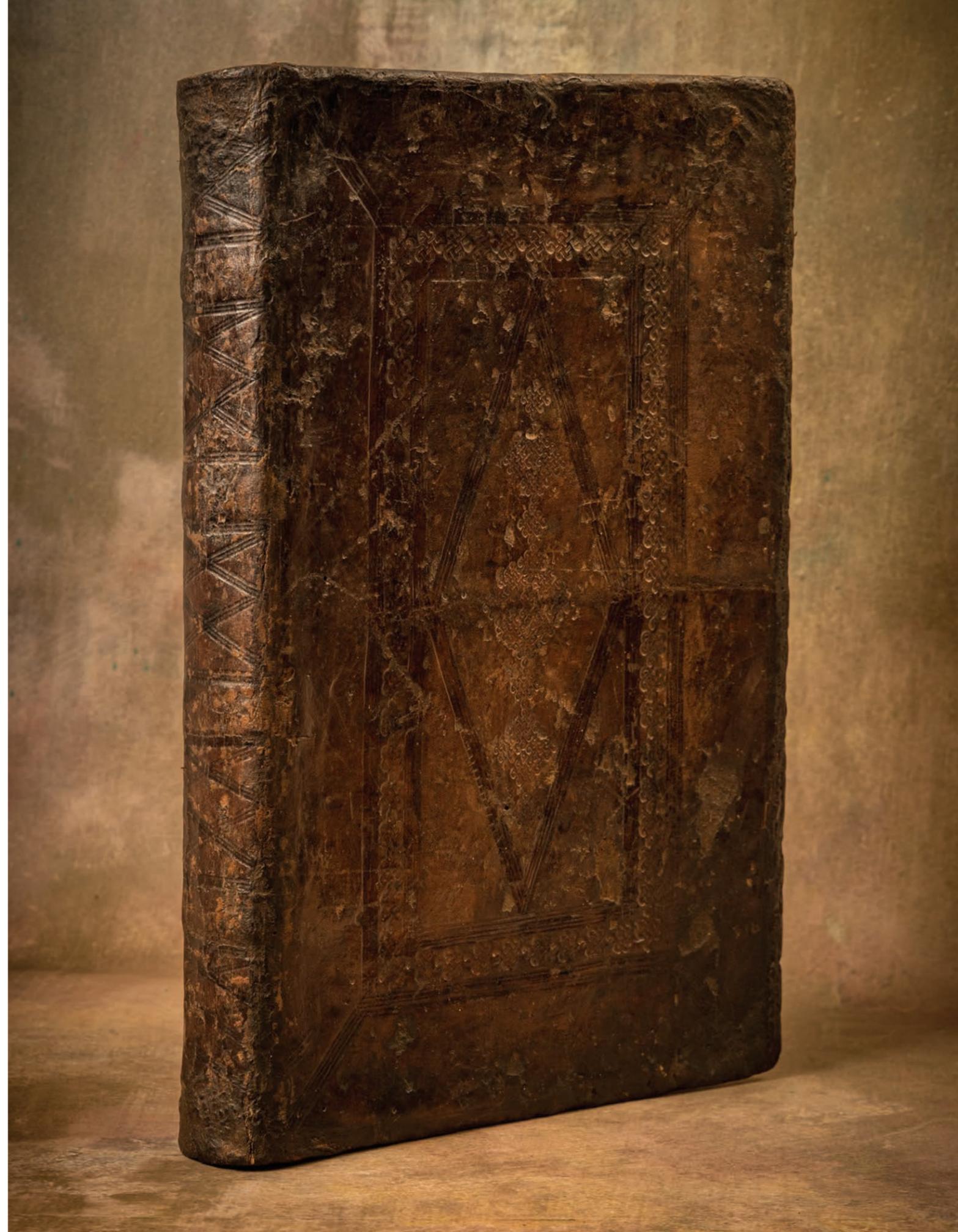
Text in 66-line gothic type on wide-margined paper. Early manuscript index to initial blank, occasional brief annotations and manicules throughout text in at least two early hands. Light toning, faint staining and light soiling and finger smudges in a few places, fore-edge of first 8 leaves neatly reinforced with tissue in places, minor loss to manuscript index and no loss to main text or other annotations. \$20,000.

**C**ommissioned by the Emperor Justinian in 530 CE, the body of writings known collectively as the *Corpus Juris Civilis* preserved and codified Roman law. It is divided into four parts: the *Institutes*, *Digest*, *Code* and *Novels*. The *Code* contains the legal system established 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.

The *Code* received a great deal of commentary during the medieval and early modern eras. Castro's scholarship was among the most important. One of the most eminent lawyers of the fifteenth century, Castro taught at the Universities of Florence, Bologna, Sienna, and Padua. Considered the peer and successor of Bartolus de Saxoferrato, his commentaries on selected books of the *Code* and other portions of the *Corpus Juris Civilis* circulated widely in manuscript and were among the first legal works that were printed.

◆ The *ISTC* locates 1 copy of our 1487 imprint in North America (Harvard Law School). *ISTC* ip00163000.



## 13 [BARBIER, JEAN]

## Viatorium Utriusque Iuris.

[Strasbourg: (Johann Prüss), 1493]. [250] ff. Collation: a-c8; i-z8, [et]8, [con]8, A8; d-h8; B-E8, F10. Sections transposed due to contemporary binding error; text complete. Octavo (6" x 4"; 15 x 10.5 cm).

## 1493 STRASBOURG IMPRINT OF A NOTABLE LEGAL HANDBOOK

Contemporary calf over wooden boards, elaborate blind and gilt tooling to boards, skillfully rebacked retaining existing spine with raised bands and blind tooling, brass catches to fore-edges (clasps mostly lacking), endpapers renewed retaining original pastedowns, leather thumb-tabs to fore-edge of text block. Light rubbing, a few small nicks, tiny wormholes and nail remnants (from former bosses?) to boards, gilt mostly oxidized or rubbed away, light creasing and a few tears to retained spine, minor worming to retained pastedowns, early owner inscriptions to front pastedown.

Text printed in 34-line gothic type (plus headline) in double columns, attractive contemporary guide initials in red and rubrications to first 49 leaves. Light toning to interior, faint dampstaining to edges of first and final 30 or so leaves, minor worming to first and final few leaves, text affected in places without loss to legibility, crack in text block between leaves E8-F1, all leaves secure. Brief contemporary annotations between misbound sections providing guidance to navigate the binding error. \$12,500.

**F**irst printed between 1487 and 1490 in Lyon, this is a legal handbook that combines elements of Roman and canon

law with the customary law of southern France (Languedoc). It enjoyed a fairly wide circulation. Its fifth edition appeared in 1500, and it went through eight more editions by 1595. All are scarce today. Our 1493 imprint does not identify the printer, who is identified without dispute in the standard references.

The annotations on the front pastedown record that our copy initially belonged to a monastery in Andechs: "Iste liber attinet vene[rabi]li cenobio S. Nicolai Monasterii Anndex." It was then passed to the astronomer and lawyer Johannes Bayer [1572-1625]: "Qui dono datus est una cum aliis voluminibus a perhonorando viro M[a]g[ist]ro Johanne Bayer curie Augustanae advocato/ Dem heyligen perg pin ich zugehörig." An early reader, perhaps Bayer, provided a creative solution to the binding errors by using annotations and symbols to guide the reader to the correct sections of text.

◆ The *ISTC* locates 10 copies of this imprint in North America, 5 in law libraries (South Texas College of Law, Harvard (2 copies), Library of Congress, Yale). Goff B334. *ISTC* ib00334000.



# 14 [POLONUS, MARTINUS (MARTIN OF OPAVA) (d.1278)]

Margarita Decreti Seu Tabula Martiniana Decreti.

[Strasbourg: Printer of the 'Casus Breves Decretalium' (Georg Husner?)], 1493. [106] ff. Final leaf blank. Collation: a8, b-q6, r8. Complete. 52-line text in parallel columns.

[Bound with]

[POLONUS, MARTINUS (MARTIN OF OPAVA)]

[BRANT, SEBASTIAN (1458–1521), Editor]

Annotatio[n]es Sive Reportatio[n]es Margaritaru[m] Omniu[m]  
Decretalium S[e]c[un]d[u]m Alphabeti Ordinem.

[Basel: Nicolaus Kesler, c.19 June 1496]. [42] ff. Final leaf blank. Collation: a8, b-c6, d4, e-g6. Complete. 56-line text in parallel columns.

## THE PEARLS OF THE DECRETALS

Together two works in one volume. Folio (11" x 8-1/4"; 28 x 20.8 cm). Contemporary blind-tooled calf over wooden boards, hand-lettered title label to front board, brass clasps and catches to fore-edges (one clasp present but detached, the leather of the other renewed), pastedowns renewed retaining portion of contemporary front pastedown, first quire washed, text block remounted. Minor worming to boards, some gatoring and faint creasing to spine, corners worn, free endpapers lacking.

Moderate toning to interior, occasional minor worming, mostly to margins and without loss to legibility, light soiling and unobtrusive faint dampstaining in a few places. Early manuscript ownership inscription (of the Altomünster Monastery) and table of contents in red and black ink in

an elegant hand to contemporary portion of front pastedown. \$18,000.

**T**his volume contains two important early legal reference works for scholars of the *Decretals* of Gregory IX (or *Liber Extra*), one of the principal books of the *Corpus Juris Canonici*. The *Margarita Decretalium*, or "Pearls of the Decretals," is an index to the *Decretals* of Gregory IX. First printed in 1481, the *Margarita* was probably assembled during the late thirteenth century, some time before the appearance of the *Liber Sextus* in 1298. Its compilation is attributed to Martin of Opava, a Dominican friar who produced a number of influential educational works. The 1493 imprint in this volume is the tenth incunable edition of the text.

The other work is an edition of the *Margarita* by noted legal scholar and humanist



Sebastian Brant. Remembered today as the moral and satirical poet of *Das Narrenschiff* [*The Ship of Fools*], Brant completed a doctor of laws degree at Basel and served on the faculty there before becoming city clerk of Strasbourg, his birthplace. Our 1496 imprint

is one of two issues from that year, which are the only incunable printings of this title.

◆ The *ISTC* locates 7 North American copies of the first work and 9 of the second. *ISTC* im00327000, im00263000.

# 15 KOELNER DE VANCKEL, JOHANNES [1448–1490]

Summarium Textuale et Conclusiones Super Sextum et Clementinas [et Decretales Extravagantes Johannis XXII].

[(Cologne): Johann Koelhoff, the Younger, 1494]. [290] ff. Two parts, each with title page. Part I dated 1 February 1494, Part II dated 24 March 1494. Collation: a8, b-z6, [et]6, [con]6, aa-ff6, gg8, (i-iiii2); A-N6, O4, P6. Complete. Folio (11" x 8"; 28 x 20 cm).

**1494 EDITION OF A DISTINGUISHED COMMENTARY  
ON FOUR PARTS OF THE CORPUS JURIS CANONICI**

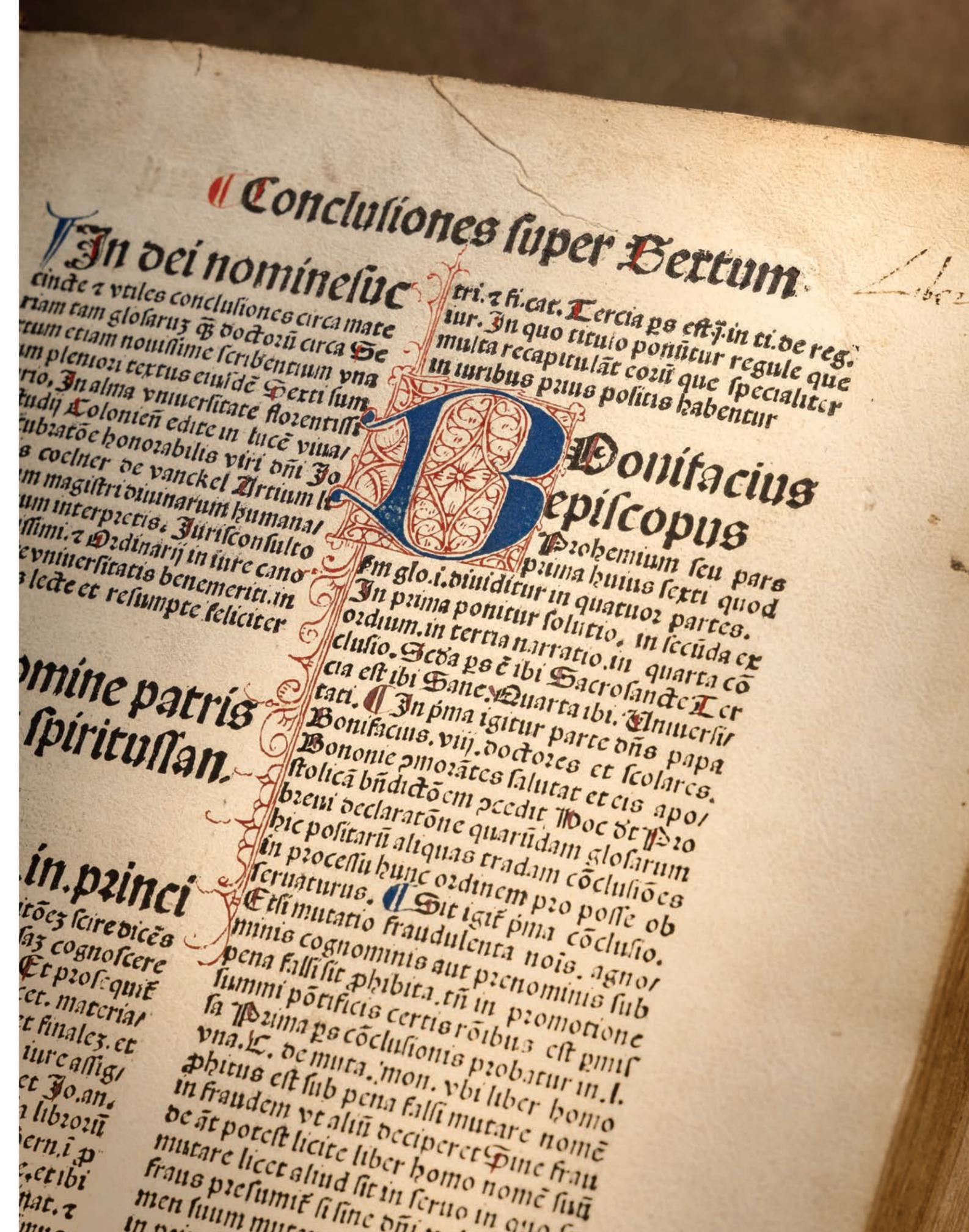
Contemporary blindstamped calf over wooden boards, later brass clasps and central and corner bosses to boards, raised bands to spine. Moderate rubbing, joints cracked through hinges, boards secure, spine worn with loss at ends, cords exposed, vellum pastedowns derived from contemporary manuscript leaf.

Woodcut arms of Holy Roman Empire to title pages, the first colored partly in red. 46-line text in parallel columns, initials and section marks in red and blue, some highlighted in silver. Moderate toning, occasional faint dampstaining to margins, clean tear to margin of leaf r iii with no loss to text, brief later annotations to upper corners of most leaves indicating sections, name (an annotation attributing the work?) and date of 1538 in tiny hand to title page, which is lightly soiled. \$25,000.

**Fourth and final edition.** First published in 1484, this is a masterly scholastic exegesis of four principal volumes of canon law: the *Liber Sextus* of Boniface VIII (1298), the *Clementinae*, or *Liber Septimus Decretalium* (1317), the *Extravagantes* of John XXII (1325) and

the *Extravagantes Communes* of later popes to 1484. Along with Gratian's *Decretum Gratiani*, or *Concordia Discordantium Canonum* (1151), these works are known collectively as the *Corpus Juris Canonici*. Koelner, perhaps the leading German canonist of his time, was a professor of law at the University of Cologne.

• The ISTC locates 4 copies in the United States (Huntington Library, Library of Congress, Southern Methodist University, Union Theological Seminary). ISTC ik00032000.



# 16 [JODOCUS OF ERFURT, Attributed]

[Vocabularius Juris Utriusque].

[Nuremberg: Anton Koberger, 1 July 1496]. [152] ff. Text in parallel columns. Collation: a-t8. Calf thumb tabs. Quarto (9" x 7"; 23 x 18 cm).

## HANDSOME 1496 EDITION OF AN IMPORTANT LEGAL DICTIONARY

Attractive nineteenth-century period-style binding, quarter morocco over wooden boards, blind rules along board edges, raised bands and blind fillets forming crosses and rules to spine, hasps and buckles, with fragments of leather straps, to fore-edges, pastedowns, which are facsimiles of early printed leaves, added. Light rubbing to boards, spine ends worn, a few chips and vertical cracks to spine, minor worming to front and rear pastedowns at head of gutter, which continues, gradually diminishing, through a few adjacent leaves.

Text printed in 47-line gothic type (plus headline), initial spaces blank. Moderate toning and light foxing to interior, light dampstaining to gutter near center of text block, which has a partial crack between k8 and l1, chips to corners and brief early annotations and underlining in two hands to a few leaves. \$15,000.

Work of great authority, the *Vocabularius*, as it is popularly known, was published anonymously and is usually attributed to a jurist associated with the University of Erfurt named Jodocus. First published around 1474 in Basel, it went through more than seventy editions over the following 150 years. (It had a second life as a section of the 1559 and subsequent editions

of Elio Antonio de Nebrija's *Lexicon Juris Civilis*.) A useful and highly respected reference work, the *Vocabularius* is a collection of terms dealing with the *Ius Commune* taken from such late-scholastic texts as the *Vocabularius Stuttgardiensis* (1432), the *Collectio Terminorum Legalium* (c.1400), and the *Introductorium pro Studio Sacrorum Canonum* of Hermann von Schildesch (c.1330).

◆ The ISTC locates 7 copies of this imprint in North America, 3 in law libraries (Social Law, Library of Congress, and Yale). ISTC iv00355000.



# 17 MAZZOLINI, SILVESTRO [1456–1527]

Compendium in Johannem Capreolum cum Additionibus.

[Cremona: Carolus de Darleriis, 15 and 28 April 1497]. [320] ff. Collation: [\*4], a-n8, aa-kk8, ll-mm4, A-C8, D6, E4, AA-DD8, EE-GG6, HH4, (1-9)4. Quarto (9-1/4" x 7"; 23 x 18 cm).

## A FORMIDABLE OPPONENT OF MARTIN LUTHER

Contemporary calf with elaborate blind stamping over wooden boards, rebounded with raised bands, blind ornaments and gilt title, traces of clasps. Light rubbing and minor worming to boards, moderate rubbing to board edges, hinges cracked.

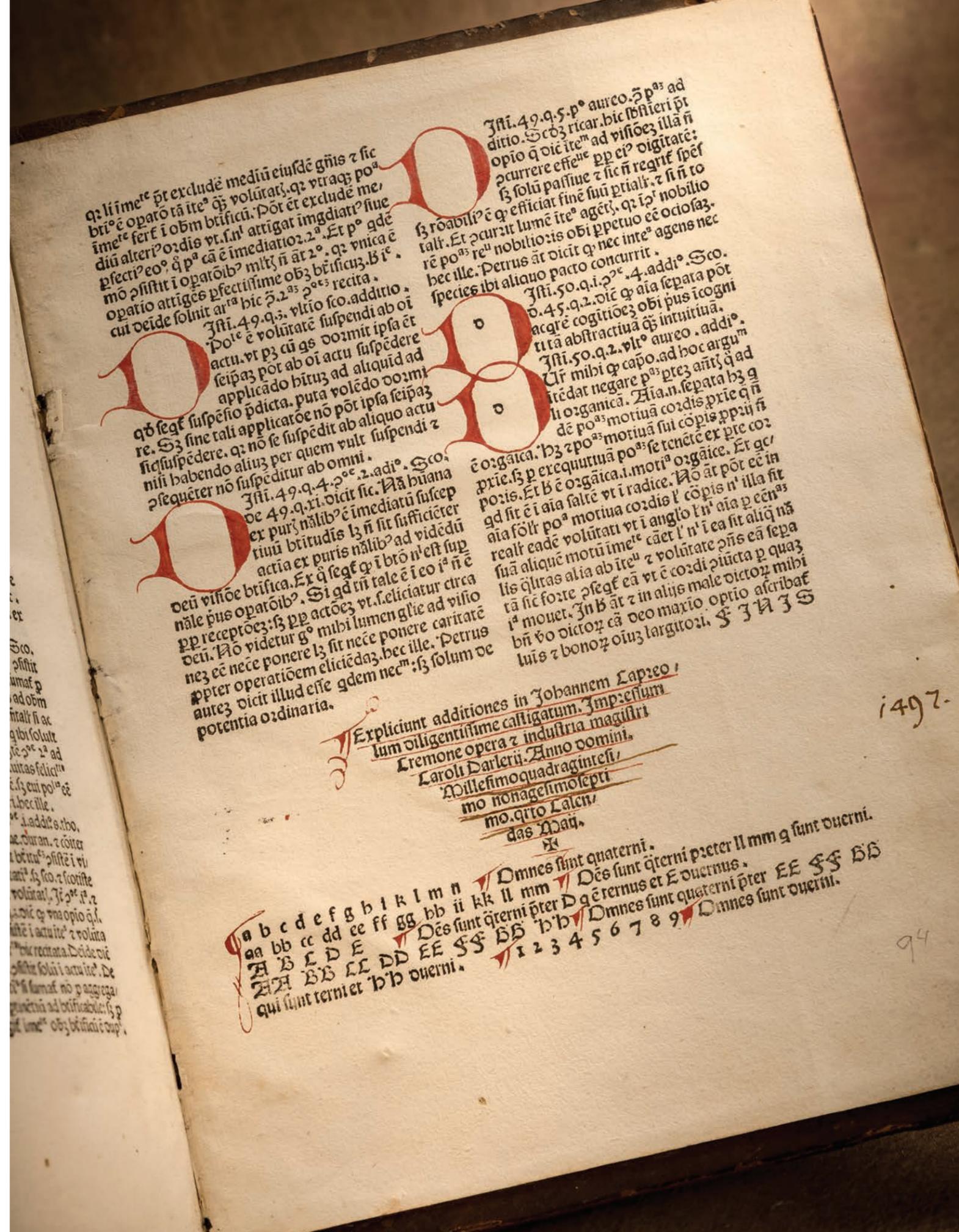
46-line text in parallel columns, extensively rubricated in red, with 8 large 12-line initials in interlocking red and blue with fine purple penwork decoration, other 6-line initials in red. Light toning to text, somewhat heavier in places, faint dampstaining to lower gutter in a few places, first and final few leaves loosening but secure, early annotations to front pastedown, annotations identifying this copy as from the library of Isaias Silberschlag to title page, occasional annotations in an early hand to text. \$9,000.

**F**irst edition. Mazzolini, a theologian and wide-ranging scholar, was an inquisitor and censor of books for Rome. An early opponent of Martin Luther, he was involved in the juridical process against him. (Mazzolini was also involved in cases against Johann Reuchlin, Pietro Pomponazzi and Erasmus). A great deal of his scholarship was devoted to the works of St. Thomas Aquinas. Also known as the *Egregium vel Potius Divinum Opus in Johannem Capreolum*, Mazzolini's *Compendium* is a summary of a work of another Aquinas

scholar, Jean Capreolus [c.1380–c.1444], dealing with Aquinas's commentaries on the *Libri Quattuor Sententiarum* of Peter Lombard [c.1096–1160], one of the great works of medieval theology.

Isaias Silberschlag [1560–1606], a former owner of this copy, was a German philosopher and professor at the University of Erfurt.

◆ This is a scarce imprint. We located only two auction records for it, one in 1991, the other in 2002. The *ISTC* locates 10 copies in North America (Cornell, Library of Congress, Morgan Library, St. Bonaventure University, Yale, University of Michigan, Bryn Mawr College, Harvard, Free Library of Philadelphia, Huntington Library). *ISTC* iso0519000.



## 18 SUMMENHART, KONRAD [1465–1511]

Septipertitū[m] Opus de Contractibus Pro Foro C[on]scientie Atq[ue] Theologico P[er] Conradu[m] Su[m]menhart de Calwartiu[m] ac Sacre Theologie P[ro]fessorem in Alma Universitate Tubingensi Ordinarie Legentem Co[m]pilatu[m] et per Centum Questiones Digestum ac per Eundem Quo ad Pregnantium Questionum At[que] Difficultatem Habentium Uberiores Articulos Ibidem Disputatum.

Hagenau: Heinrich Gran for Johannes Rynman, 13 October 1500. 433 ff. Lacking final leaf, a blank. Collation: AA-BB8, CC6, DD-EE8, a-b8, c-d6, e8, f6, g8, h-i6, k-l8, m6, n-r8, s10, t6, v8, x-z6, aa-bb6, cc4, dd-ff6, gg8, hh-ll6, A-C6, D-H8, I10, K8, L12, M8, N-P6, Q8, R6, S-V8, X-Y6. Folio (11" x 8"; 28 x 20 cm).

## A LANDMARK IN THE HISTORY OF ECONOMIC THEORY

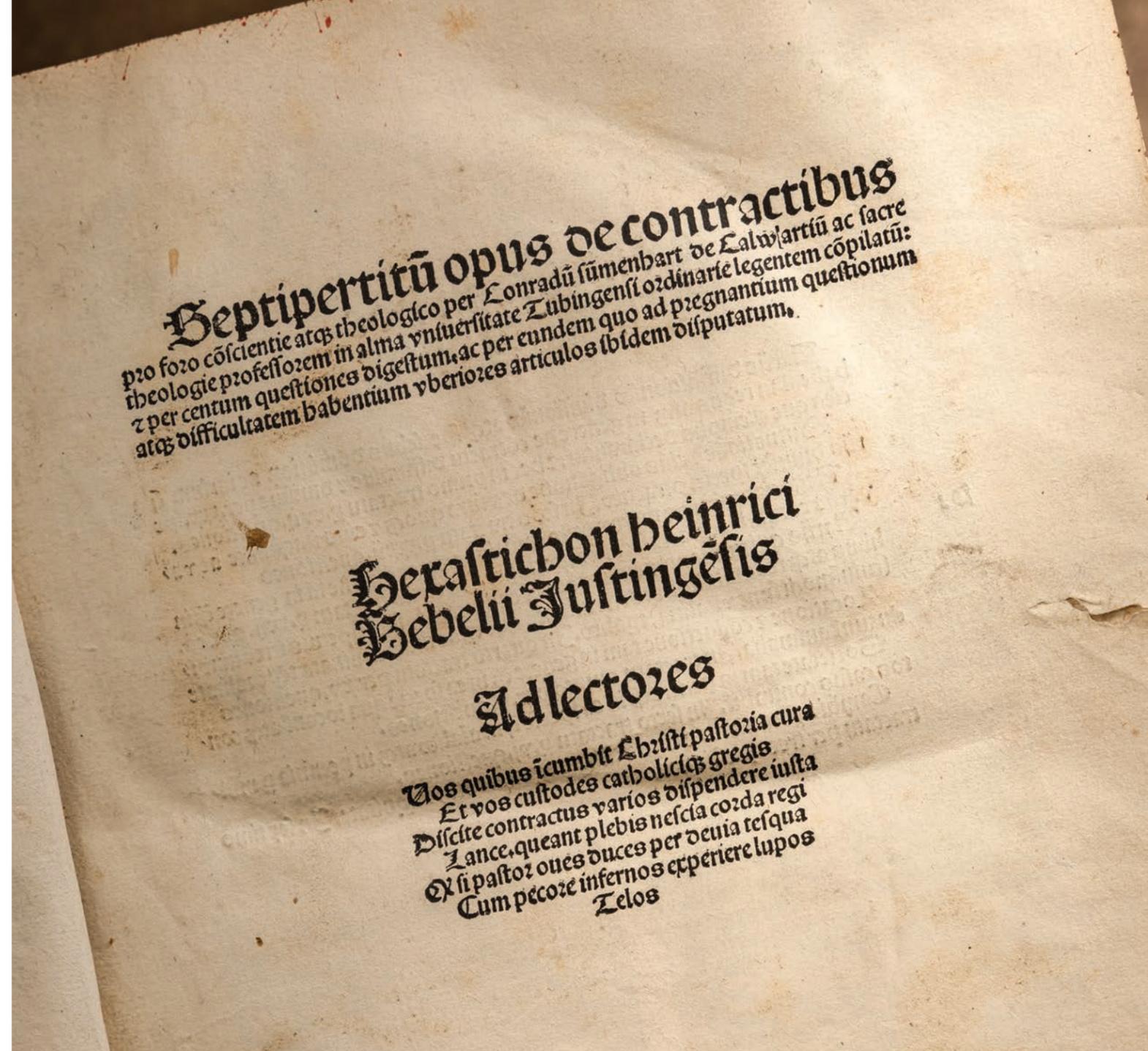
Eighteenth-century speckled sheep, raised bands, gilt ornaments, lettering piece and small early paper shelf label to spine, speckled edges, endpapers renewed. Light rubbing and some minor nicks and shallow scuffing to boards, moderate rubbing to extremities, corners bumped and somewhat worn, front hinge starting, rear hinge cracked, minor worming to pastedowns.

Text in parallel columns. Light to moderate toning, light foxing in places, brief early owner annotation to leaf y3 (fol. 48), short tear to fore-edge of title page, which is lightly soiled, another short tear to fore-edge of following leaf, bookplate of Alexandre P. Rosenberg, designed by Pablo Picasso, and Rosenberg's brief typewritten book description, with Goff number added in pencil, to front pastedown. \$20,000.

**Second edition.** First published in 1497, this landmark treatise on the nature of contracts under Roman law, canon law and Catholic doctrine was the first work

to offer a comprehensive and systematic attack on the prohibition of usury. "Summenhart's contribution was twofold: first, in enormously widening all the possible exceptions to the usury prohibition, i.e. the *census* and *lucrum cessans*; and second, in launching a blistering direct assault on all the time-honoured arguments against whatever usury contracts remained. On the first, Summenhart developed the argument for insured or guaranteed partnerships far more subtly and extensively than before. He also widened the *lucrum cessans* exception far more than anyone else had ever done. Money is fruitful, Summenhart declared boldly, it is the merchant's tool, which he can make fruitful by the use of his labor. Consequently, the merchant should be compensated for loss of the use of his money just as a farmer should be recompensed for the loss of his fields" (Rothbard).

Alexandre Rosenberg [1921–1987], an art dealer, and his wife, Elaine [1921–2020], were important collectors of illuminated manuscripts and early printed books.



Picasso, who was represented by Alexandre's father, the eminent Paris art dealer Paul Rosenberg [1881–1959], was a lifelong friend of the couple and designed this bookplate especially for Alexandre.

(University of Michigan, Harvard, Columbia, Library of Congress (2 copies), Yale, Emory, UC-Berkeley). Rothbard, *An Austrian Perspective on the History of Economic Thought* 91. ISTC iso0863000.

◆ OCLC and the ISTC locate 8 copies of this imprint in North American law libraries

# PRINCIPAL REFERENCES

Chrisman, Miriam. *Lay Culture, Learned Culture: Books and Social Change in Strasbourg, 1480–1599* (New Haven, 1982).

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Goff, Frederick Richmond. *Incunabula in American Libraries: A Third Census of Fifteenth-Century Books Recorded in North American Collections* (New York, 1964. Reprint. Millwood, NY, 1973).

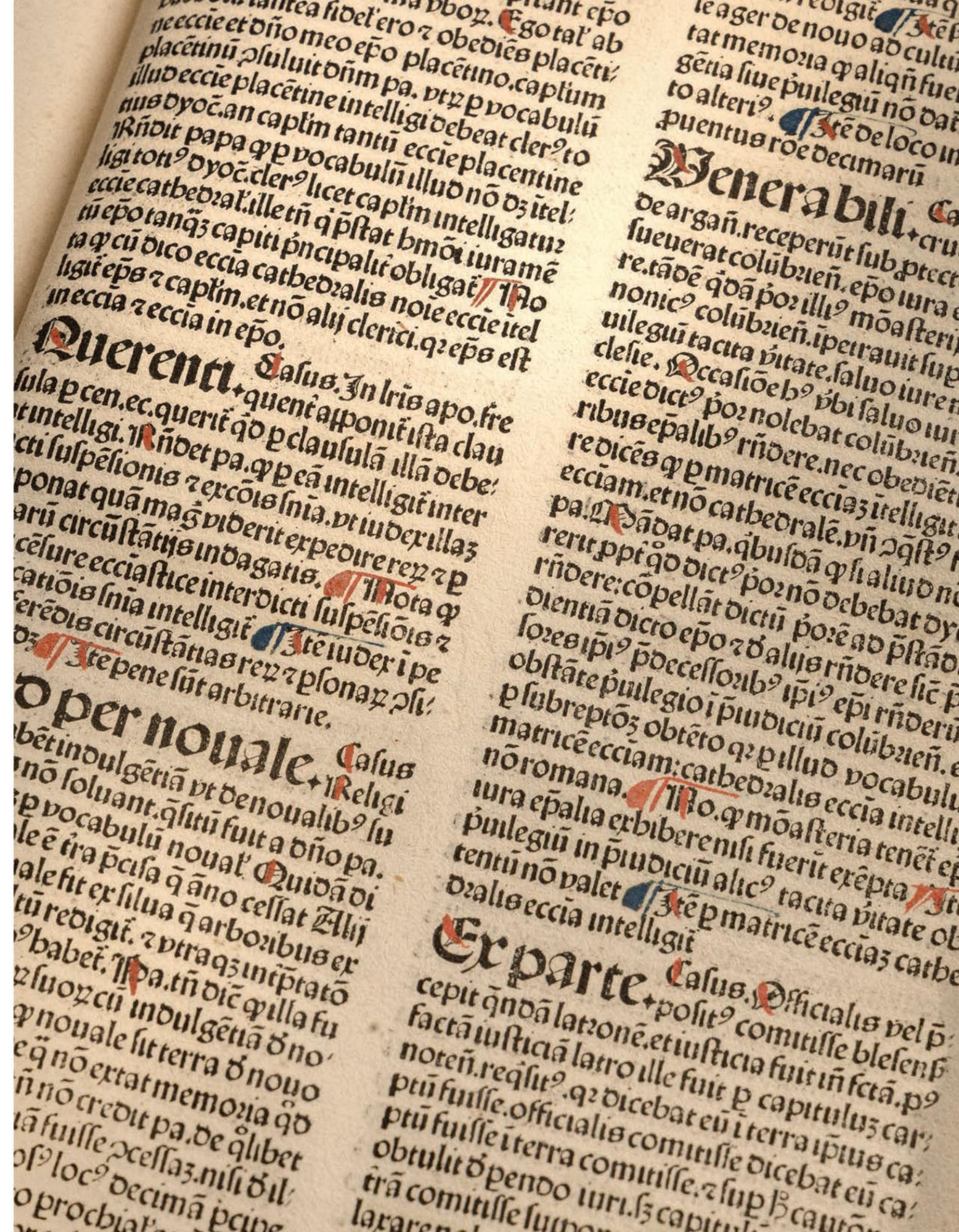
*Incunabula Short Title Catalogue*. <https://data.cerl.org/istc/>. Cited as ISTC.

*Neue Deutsche Biographie*. <https://www.deutsche-biographie.de/>. Cited as NDB.

**T**HIS CATALOGUE is set in *Orpheus Pro* (2011), a font designed by KEVIN KING & PATRICK GRIFFIN based on the design of WALTER TIERMANN, and *Prenton* (2006), a font designed by ROY PRESTON.

Design and composition by PETER LO RICCO  
Photography by ERIC TAYLOR

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