

## THE LAW

### Occasional List 2

Susanne Schulz-Falster

Rare Books

#### *Land Reform and the Law*

1. [CUCCHI, Giuseppe M.] Dell'uso legittimo e necessario della potenza legislativa sopra la private proprietà dei Terreni. Genoa, Franchelli, 1798. £750



4to, pp. 102; uncut in contemporary marbled wrappers, some surface wear to spine, but holding firm; a very crisp and wide-margined copy

Rare second much enlarged edition (first edition undated, but after 1750) of this detailed discussion of the right of legislative powers over privately owned land. In his wide-ranging discussion, Cucchi touches on questions of land reform for political and agricultural reasons. He discusses the redistribution of land, ie the transfer of ownership from the more powerful to the less powerful, ie from a relatively small number of wealthy owners to individual ownership by those who work the land. He is particularly concerned with necessary changes of the law to implement such political decisions. Cucchi comments on the difference between usufruct, patrimonial and natural property.

It is interesting to see that he decided to expand and republish his treatise after the Revolution and at the time of the Italian republics.

Not in OCLC, ICCU records one copy of the first edition (just pp. 50) in Bari, and one copy of this edition in Turin.

#### *Bound in Red Morocco – The Rights of Creditors in Cases of Insolvency*

2. DEISSENBERGER, Alban Joseph. Dissertatio inauguralis iuridica sistens praeter generalia quadam de Concursu Creditorum Theoremata Ordinationem Concursus Wirceburgensem. des xx.Iulii mdccxlvii notis illustratam ... Praeside ... Iosepho Maria Schneidt. Wurzburg, Franciscus Ernestus Nitribitt, [1797]. £950



8vo, pp. [viii], 166, [8]; printed on blue paper; very clean and crisp; contemporary morocco, spine and sides elaborately gilt, with the arms of Georg Karl von Fechenbach to upper cover; a.e.g.; a very fine copy.

A very fine copy, from the library of the dedicatee, of this dissertation on the law of credit and finance, presented to the legal faculty of the University of Würzburg. Deissenberg (died 1815) is particularly concerned with the issues surrounding the conflicting rights of creditors in cases of insolvency, with special attention to the practice in Würzburg. The work, which served as Deissenberg's dissertation under the supervision of the distinguished Franconian jurist Joseph Maria Schneidt (1727 - 1808), is dedicated to Georg Karl von Fechenbach, who became Prince Bishop of Würzburg in 1795, and was the last bishop also to have temporal authority over the city. This copy is from his library and very elaborately bound in red morocco.

OCLC records four copies in Germany (Munich, Würzburg and Leipzig).

*Index to Laws Regulating Education in Bohemia*

3. [EDUCATION.] Auszug der höchsten Gesetze und hohen Verordnungen, welche für das Normalschulwesen oder die Nationalschulen im Königreiche Böhmen vom Jahre 1770 bis 1788 ergangen sind. In alphabetischer Ordnung. Prague, k.u.k. Normalschul-Buchdruckerey, 1788. £950

8vo, pp. [viii], 188 [vere 138]; lightly browned, due to paper stock; original beech board covered with blue paper, extremities rubbed; a good copy.

First edition, uncommon, of this compilation of all the laws, rules and regulations affecting schools and education in Bohemia in the late eighteenth century. Designed for the use of lawyers, headmasters, teachers, and, one assumes, parents, all manner of questions regarding education are arranged in alphabetical order, with brief rulings and reference to the relevant statutes and regulations. Beginning with the problem of whether second-hand ABC primers may be sold at markets or by itinerant traders (forbidden, regulations of 31.8.1775 and 28.2.1779), to the responsibility of parents to educate their children, the organisation of girls schools (convent schools, decree 3. 10.1775), and questions of the curriculum or the maintenance of school buildings - all are discussed with detailed reference to the legal authorities.

OCLC: Dresden, Leipzig only.

*Brewing Monopoly - No Free Trade in Beer*

4. [FOOD LEGISLATION - BEER.] Das Bierzwangsrecht in Bayern. [Munich, Lentner], 1800. £650

8vo, pp. [vi], 86, some spotting, small hole in p. 73, contents leaves with paper crease; faint dampstain to upper outer corner of last signature; contemporary blue wrapper, paper spine, upper wrapper lettered in ink; a little dog-eared, else fine.

First edition of this study of the Bavarian Bierzwangsrecht – a law which restricted the right to brew and sell beer. Originally larger local landowners (Rittergut owners) and monasteries were allowed to brew beer for their own consumption, but they were only allowed to sell it within narrow confines of their area and only if this did not clash with the area of another local brewery. Brewing rights were generally granted to towns and cities as a valuable form of income, and they then regulated its production. Beer production was a vital branch of the economy, controlled by the strong guild of the brewing master. In the 1730s new legislation was passed, regulating the production of beer, imposing new taxes and limiting unwanted competition. Within the area of a brewery no ‘foreign beer’ was allowed to be sold, to safeguard the substantial incomes which could be secured by beer selling. In 1799 the protectionism of the Bierzwangsrecht was relaxed, to the vocal opposition of those who had previously benefited from this. From 1800 even in Bavaria local beer sale monopolies were abolished and ‘foreign’ beers became more widely available.

See Stammhammer, Finanzwissenschaft 15 (for 2nd edition of 1810); not in Humpert, OCLC locates three copies in Germany.

*Leaseholds & Tenancy Agreements*

5. FUGGER, Maria Joseph von. Patriotische Gedanken von den leibfälligen Bauren-Gütern in Schwaben. Ulm, Stettin, 1785. £300

8vo, pp. 70, [2] blank; title vignette and head- and tail pieces; entirely uncut, folded, the original sheets.

First and only edition of this interesting legal treatise on leasehold questions in agriculture, in particular on tenancy at will agreements, which were part of the manorial system of estate farming. 'Tenancy at will' signified the use of land not as a hereditary right, but leasehold for life, which could be terminated at any time. With the death of the leaseholder, the land automatically reverted to the landlord. This led to a particular dependency of the farmers.

Fugger studies the question from the position of the farmer, the landowner, and the state and deplores the effect this form of landownership and use has on all of them. He makes a number of proposals to remedy the situation.

Not in Kress or Goldsmiths', not in Humpert; OCLC: Augsburg, Tübingen, Stuttgart.

*Artisans and their Guilds Regulated*

6. [GUILDS & TRADES.] Sammlung derer samtlichen Handwercks-Ordnungen des Herzogthums Württemberg, Wie solche von Zeit zu Zeit in das Land gnädigst promulgirt und ausgeschrieben worden; Nebst einem dreyfachen Indice. Stuttgart, Joh. Nicolaus Stoll, 1758. £750

8vo, pp. 1098, [1], [1] blank, 2001-2099, 3000-3099, 4000-4099, 5000-5099, 6000-6008, [82] index and errata, [1] blank, [1], 29, [3] blank; in all 55 numbered parts, each with title page; title

with arms of Wurttemberg, typographic head-pieces; contemporary half vellum over sprinkled boards; a very good copy.

First edition of this comprehensive compilation of all the rules and regulations covering artisans and professionals in the dukedom of Wurttemberg. In 55 individual chapters a great variety of professions is covered, in each case questions of education and training, duration of apprenticeships, rights and restrictions within the professions, salary etc. is clarified. This is followed by an outline of the legal restrictions, and the agreements between crafts council and local ducal authorities.

Amongst the professions covered by the regulations are barbers and doctors, dyers, millers, bakers, chimney-sweeps, hatters, cobblers, perruque-makers, various textile professions, to mention but a few. Three extensive indices make the work easily accessible.

### *Judiciary Taxes*

7. KOSCHACK, Aldobrand. Systematisches Handbuch über die adelichen Richteramts-Taxen, das Mortuar, die Erbsteuer und das Abfahrtsgeld in den Oesterreichisch-deutschen, böhmischen, und galizischen Erblanden. Nebst einer Abhandlung von den Landesgiebigkeiten und Leistungen in den Herzogthümern Steyermark, Kärnten, und Krain. Grätz, Alois Tusch, 1807. £550

8vo, pp. [xvi], 460, [4] advertisements; contemporary pale blue boards, spine label;



First and only edition of this scarce handbook on the financial side of the legal system in Austria Hungary, as it developed out of the feudal system. Koschack deals in particular with judiciary and magistracy taxes and rates, inheritance and estate taxes and their application, and taxes and charges applicable when emigrating. He concludes with a comprehensive account of all the charges due to the state, be it direct taxes, property taxes, or other obligations in kind.

Koschack provides the historical background to these forms of feudal duties, which involved obligations to the local nobility and the crown.

Very rare, just one copy recorded at the Austrian National Library.

### *Law Books for Sale*

8. [LAW BOOKS.] Notice des Livres de Droit qu'on peut se procurer par l'entremise de MM. Friedel et Gasc, Voyageurs fondés de pouvoirs de MM. Neve, Garnery, Bavoux, Warée, et autres principaux libraires de Paris, pour la partie de la Jurisprudence ancienne et moderne, civile et criminelle, commercial, administrative et notarielle. Paris, 1825 - 1826. £580

4to, pp. [ii], 10; pale-green original printed wrappers; a good copy.

First edition of this rare specialist catalogue of law books, issued by enterprising Paris bookdealers Friedel and Gasc. Legal texts produced by a number of Paris publishers and bookdealers are sold on commission. Friedel and Gasc outline their terms of sale in the preface. Some 180 titles are offered, giving author, title, size, and price, and in many instances extensive commentaries. Friedel and Gasc acted as 'voyageurs', ie publisher's representatives.

*Trial Proceedings Bound in Red Morocco*



9. [LAW - TRIAL.] Collection of 'mémoires' and 'consultations' concerning the trial of the guardians of Mademoiselle de Melun, the Duc de Bethune and the 'bourgeois' Jean-Etienne Dat, against the Marquis de Becelaer concerning the inheritance and testament of Mademoiselle de Risbourg.
- Volume I. [1] - A Nosseigneurs de la cour de Parlement de Flandres. (Drop-head title). No place, (1752). 38 pp.
- [2] - Reponse au principal, Pour Messire Maximilien Marquis de la Voestine et de Becelaer, Chevalier, Baron du St. Empire, Seigneur de Ghelw, & de la Terre et Seigneurie de Walincourt, Clary & Sevigny, Défendeur; sans préjudice de la fin de non recevoir reprise dans son Ecriture du 13 Mai 1752, & pour satisfaire à l'Arrêt de la Cour, rendu sur le Placet des Demandeurs ci-après nommés, du 15 Juin suivant, par lequel il est ordonné au Sieur Défendeur, de proposer toutes ses exceptions & de contester à toutes fins, par un seul volume, &c. Contre Paul-François Duc de Bethune, Pair de France, Capitaine des Gardes du Corps du Roi, Chevalier de ses Ordres, Lieutenant-Général des ses Armées, Tuteur honoraire de Dell. Marie-Gabriele-Charlotte-Louise de Melun, Fille Mineure d'Alexandre-Theodose, Prince d'Epinoi, & Jean-Etienne Dat, Bourgeois de Paris, son Tuteur onéraire, Demandeurs aux fins de leur Requête du 29 Février 1752. (Drop-head title). No place, no date. 74, 44 pp., with two folding tables.

Volume II. [1] - Memoier pour Mr. le Duc de Bethune Pair de France, Tuteur honoraire, & le Sr. Dat, Tuteur onéraire de la Damoiselle de Melun. Contre le marquis de Becelaer. (Drop-head title). No place, no date. 64 pp.

[2] - Solutions pour Messire Maximilien Marquis de la Woestine et de Becelaer, Chevalier, Baron du St. Empire, Seigneur de Ghelwe, Walincourt, Clary & Selvigny, Défendeur. Contre Paul-François Duc de Bethune, Pair de France, Capitaine des Gardes du Corps du Roi, Chevalier de ses Ordres, Lieutenant-Général de ses Armées, Tuteur honoraire de Demoiselle Marie-Gabriele-Charlotte-Louise de Melun, & Jean-Etienne Dat son Tuteur onéraire, Demandeurs aux fins de leur Requête du 29 Février 1752. (Drop-head title). At end: A Douay, chez Jacques-Fr. Willerval, no date. 68 pp.

[3] - Consultation de Quatre célèbres avocats du Parlement de Paris. (Drop-head title). No place, (1753). 12 pp.

Volume III. [1] - Memoire et Consultation Pour Monsieur le Duc de Bethune, Pair de France, Tuteur honoraire; & Jean-Etienne Dat, Tuteur oneraire de Demoiselle Marie-Gabriele-Charlotte-Louise de Melun. Contre le Marquis de Bescelaer. Où l'on refute sa Réponse imprimée, ses Ecritures du 12 Mars dernier, & la Consultation de quatre Avocats au Parlement de Paris qui y étoit jointe. (Drop-head title.) No place, (1753). 97, (1) pp.

[2] - Contredits Pour le Marquis de Becelaer, Défendeur. Au Mémoire et Consultation de Mr. le Duc de Bethune, Tuteur honoraire, & Jean-Etienne Dat, Tuteur onéraire de Demoiselle Marie-Gabriele-Charlotte-Louise de Melun, Demandeurs. (Drop-head title). At end: A Douay, chez J.F. Willerval, no date. With one folding table (Réfutation de la Comparaison & Balance présentée par Mademoiselle de Melun). 45, (1) pp.

[3] - Observations Pour M. le Duc de Bethune, Pair de France &c. Tuteur honoraire, & le Sr. Dat, Tuteur onéraire de Demoiselle de Melun l'aînée, Demandeurs. Contre le Marquis de Becelaer, Défendeur. (Drop-head title). No place, no date. 8 pp.

[4] - En la cause Du Marquis de Becelaer, Défendeur. Contre Mr. Le Duc de Bethune, & Jean-Etienne Dat, en la qualité qu'ils agissent, Demandeurs. (Drop-head title). No place, no date. 2 pp.

[5] - Extraits des Registres de la Cour de Parlement. Manuscript text, dated Douay, 13eme aout 1753, 2 pp.

£3,000

Three volumes, 4to; contemporary red morocco, spines gilt with raised bands, labels with gilt lettering, two volumes with a gilt stamped ornamental center piece on both sides, all three with a floral ornament in the corners, gilt borders (two volumes) and gilt double fillet (one volume), two volumes with gilt edges, joints of two volumes rubbed, extremities shaved; in volume III the text is printed in folio and has been folded and bound in crosswise; a fine set.

Very interesting and important legal document: these pieces deal with the trial of the Duc de Bethune and J.-E. Dat against the Marquis de Becelaer with regard to the heritage of Mademoiselle de Melun. The inheritance in question came from Mademoiselle de Risbourg who had made up a will on October 31, 1746, which she changed on November 4, 1746. The Duc de Bethune, J.-E. Dat and Mademoiselle de Melun oppose this change and claim that the original will as drafted on October 31 is the valid one and that the Marquis de Becelaer has manipulated Mademoiselle de Risbourg into changing her will shortly thereafter. All mentioned parties were heirs in both versions of the will: what changed, however, was the amount each of them was due to receive.

The manuscript 'Extrait des registres de la Cour du Parlement' text at the end of volume III rules in favour of the defendant, the Marquis de Becelaer.

The third volume has a particular feature: the first and third texts are printed on small folio sized paper and have been bound crosswise in the volume and folded to match within the binding.

### City Rights

10. [LYON PRIVILEGES.] Les Privileges Franchises et Immunitiez octroyees par les Roys Tres chretiens, aux consuls, eschevins, manans & habitans de la ville de Lyon, & à leur posterité. Avec une ample déclaration des choses plus notables, contenues en iceux, recueillie par M. Claude de Rubis, docteur ès droits, advocat & procureur général de laditte ville & communauté. Lyon, Antoine Gryphius, 1574. £1,250

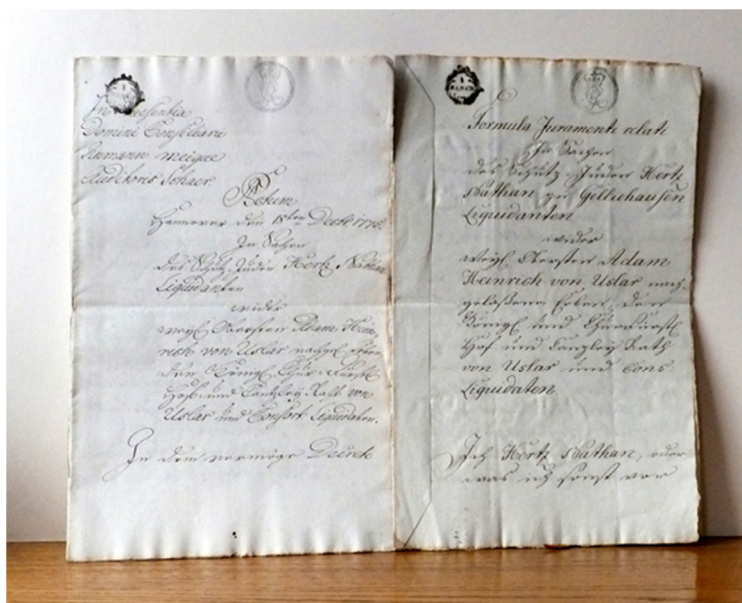
Folio, pp. [xii], 116, [4], with large printer's mark of Gryphius; title-page with insignificant loss in blank outer upper margin; contemporary flexible vellum, some wear to outer margin of rear cover; still a good copy.

Second edition, first published the previous year, by the same printer and with the same collation, of this collection of privileges, exemptions and immunities granted to (and often reconfirmed) the city of Lyon by various French kings, stressing the importance of the city and its strategic position close to Italy and Switzerland.

Baudrier, viii, 364; BMSTC, French, p. 387 (under Claude de Rubis); not in Adams.

### With Jewish Legal Oath Formula

11. [MANUSCRIPT - PROTECTED JEWS IN GERMANY.] Votum. Hannover den 18ten December 1775 in Sachen des Schutz-Juden Hertz Nathan Liquidanten wider ...Obersten Adam Heinrich von Uslar nachgel. Erben, den Königl. Chur-Fürstl. Hof- und Cantzley Rath von Uslar und [...] Liquidaten. Hanover, December 18, 1775. [together with:] Formula Juramenti relati in Sachens des Schutz-Juden Hertz Nathan zu Gelliehausen Liquidanten wider [...] Obersten Adam Heinrich von Uslar nachgelassenen Erben, des Königl. und Churfürstl. Hof- und Kanzley Rath von Uslar und cons: Liquidaten. 1775. £750



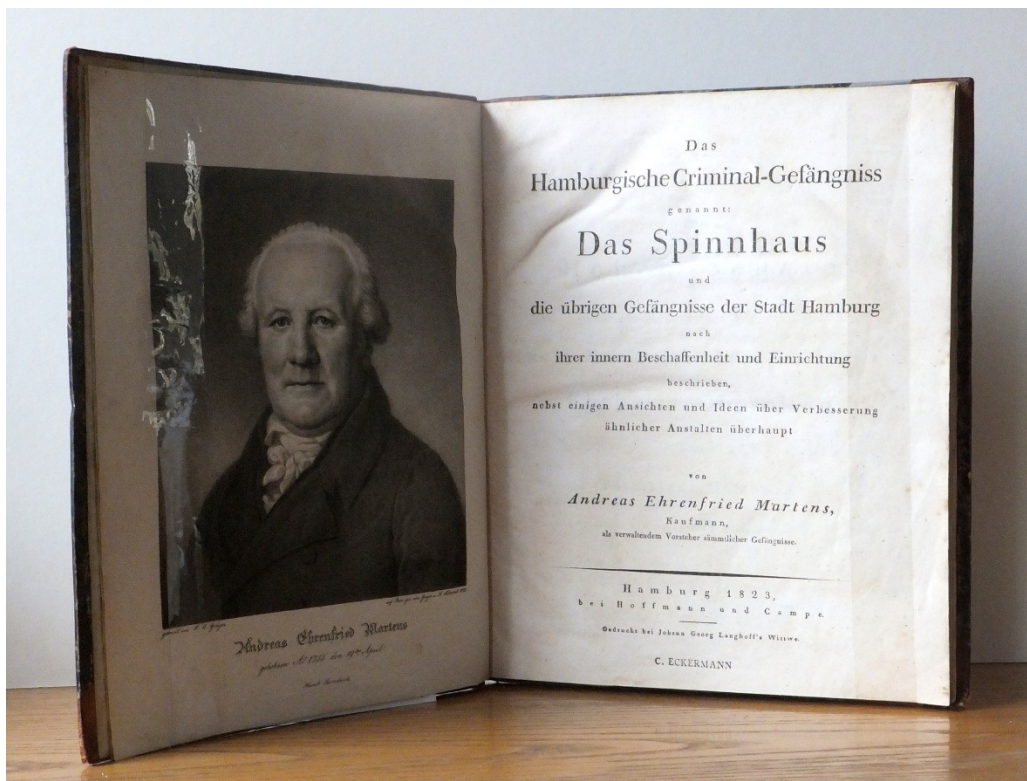
Two legal manuscripts in ink on laid paper with the watermark of the crowned initials of King George of England, at the same time Elector of Braunschweig as Georg III, folio, pp. [8], [3, blank], [1]; [8], [1, blank], [1]; both documents with contemporary Hanoverian archival stamps and tax stamps; well preserved, uncut and unbound.

Two fine legal manuscripts documenting the legal dispute between the lieutenant [Oberst] Adam Heinrich von Uslar and Nathan Hertz about the

claim of von Uslar that Nathan Hertz owed him a substantial sum of money. The first document formulates this in detail with reference to receipts and financial documents. The second manuscript is a long formula of the oath given by the accused Jew, with invocations of the Jewish religion and Hebrew words in German transliterations.

The counts von Uslar, who accepted Jewish 'immigrants' despite the opposition of the local government granted some Jews protection in the form of giving them the status of Schutzjuden. In Gelliehausen lived a sizable Jewish community, partly with letters of protection [Schutzbrief], partly without. Nathan Hertz was such a Schutzjude, a resident of Gelliehausen at a time when the German poet and prose writer Gottfried August Bürger (1747-1794) was civil servant in that small town.

### *Prison Administration*



11. MARTENS, Andreas Ehrenfried. *Das Hamburgische Criminal-Gefängniss genannt: Das Spinnhaus und die übrigen Gefängnisse der Stadt Hamburg nach ihrer inner Beschaffenheit und Einrichtung beschrieben, nebst einigen Ansichten und Ideen über Verbesserung ähnlicher Anstalten überhaupt*. Hamburg, Hoffmann and Campe (printed Johann Georg Langhoff's widow), 1823. £750

4to, lithograph frontispiece, pp. [x], 70, ll. 19, 22 tables (numbered 5 - 24), and forms, partly letterpress, partly lithograph; one lithograph plate in the text, bound after p. 33; contemporary half calf, flat spine decorated in gilt, with faint gilt-lettered spine label; a very good copy, with engraved bookplate on front paste-down.

First edition of this comprehensive account of the Hamburg prison/workhouse, in the early nineteenth century, by the head of the board of all of Hamburg's penitentiary institutions, the merchant Martens (1755-1828). Martens begins with a concise overview of the Hamburg prisons and



workhouses during and after the French occupation under Napoleon, and points out the specific 'clientele' of individual prisons - a kind of class system applied even to the prison population.

He then gives a history of the *Spinnhaus*, founded in 1666, and thus named because its first inmates were prostitutes and thieves, who were taught spinning and weaving to keep them off the streets. He describes the general lay-out of the prison, the arrangement of cells and work halls, and facilities for prisoners kept in solitary confinement. In the early nineteenth century it was decided to introduce lanterns so that the work day could be extended, especially in the winter months. Details are given of the lanterns and they are illustrated on the lithograph plate.

A separate section deals with the administration of the prison, its accounting procedures, recorded in numerous separate account books, and with samples bound in. In addition to city subsidies, the day-to-day running of the prison is financed by the work of the inmates. Spinning of wool, further wool work and chopping of firewood are the main occupations of the prisoners. The prisoners get paid for their work, as an incentive for productivity and so that they may leave the prison with some savings.

The final section is taken up by general considerations on the purpose of prisons, improvements of prison discipline, and further help in reintegration of prisoners into society. Martens considers employing prisoners in their original professions, wherever possible, to enable them to continue in a paid profession after their release. He discusses the best balance of punishment, compensation and education in the treatment of prisoners, and advocates that the stigma of a prison sentence be reduced, so that a fresh start may remain possible.

The work concludes with extensive forms detailing the accounts of the prison, with details of expenses for food, heating and lighting, together with listings of prisoner numbers for all Hamburg prisons. To this are added salary tables for the inmates, cost and occupation of the prison hospital, and curiously a little price list of the prison 'tuckshop'. Detailed accounts of raw materials and wool and linen output are also included.

Goldsmiths'-Kress 23930; not in Humpert.

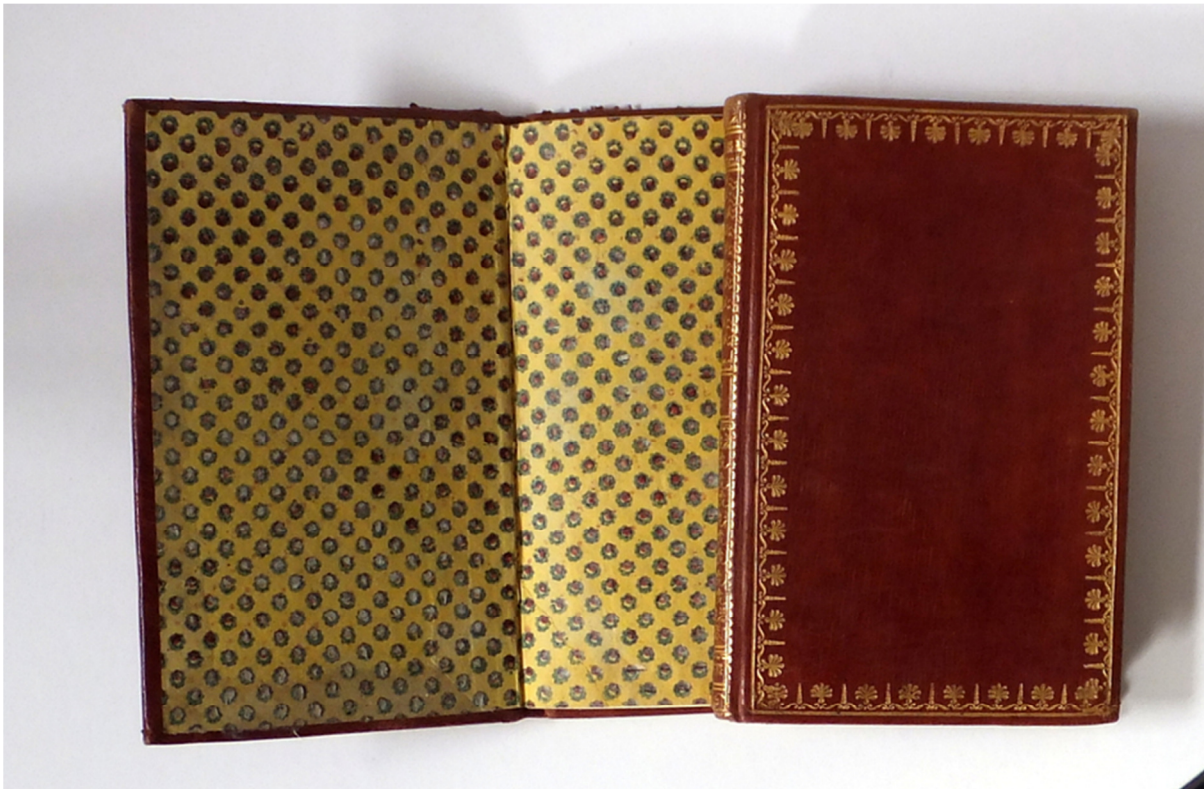
*Papal Police Reorganised - in Red Morocco*

12. [PAPAL POLICE.] Regolamento sulla Istituzione del Corpo dei Carabinieri Pontifici. [together with:] GALASSI, Vincenzo. Sentimenti morali e brevi Istruzioni per un Carabiniere. Rome, Vincenzo Poggioli, 1816. £1,250

Two works in two volumes, 8vo, pp. 116; 72; contemporary full red crushed morocco, sides and spine decoratively gilt, gilt-lettering directly to spine, a.e.g., with attractive yellow pattern-paper endpapers; a fine set.

First edition, rare, of the founding documents of the papal police, based on the French Gendarmerie, and replacing the discredited earlier 'sbirri' of the Papal States. They are distinct from the Swiss Guard, whose remit is the protection of the pontiff.

Whereas the earlier police force of the Papal States had been mainly responsible for executing the dictates and warrants of the judiciary, and were directly under the control of the various courts of Rome, the new police force, the Carabinieri Pontifici were to be made more accountable, and organized in a strictly hierarchical structure. A lengthy set of rules specify structure, duties and discipline for the organization. The regulations give pay and chains of command, details of outfit and equipment, pensions etc. Clear controls are put into place against unauthorized arrests etc. In individual tables the main functions of the police are outlined, and details of deployment are given, within the different parts of the city. Some of the police are deployed on foot, others on horseback. These reforms were executed under the leadership of Cardinal Consalvi, who argued that the Carabinieri had to be a 'moral force' representing a moral and all powerful regime.



The second work, Galassi's *Sentimenti Morali e Brevi Istruzioni per un Carabiniere* gives a more detailed insight into the everyday procedures and working practices of the Papal Police, with information on investigative practices, how to deal with fires, special regulations for policing markets, fairs and public events, how to deal with remand prisoners, how to transport prisoners to courts, etc. A handy formulary of useful documents concludes the volume.

1. Rossetti 10426; OCLC: St. Johns, MN; II. OCLC: Harvard Law, ICCU: Rome; see Steven Hughes, 'Fear and Loathing in Bologna and Rome the Papal Police in Perspective', in *Journal of Social History*, Vol. 21, No. 1 (Autumn, 1987), pp. 97-116.

#### *Patent and Trade Catalogue*

13. [PATENT - COOK, Henry.] Patent Artificial Slate Manufactory, Woodford Bridge, Essex, for covering Roofs, Fronts of Houses, and Ricks; also Water Pipes and Gutters. London, n.p, ca 1786. £1,200

8vo, pp. [iv], iv, 16, [ii], 17-28; four text illustrations; early twentieth century full blue calf, gilt lettering to upper board; from the Beeleigh Abbey Library, with book plate to front paste-down, contemporary manuscript corrections and annotations in ink.

Sole edition of an interesting patent document for artificial slate, which is at the same time used as a trade catalogue, and a promotional brochure, to attract business. 'The Artificial Slate, for cheapness, lightness, beauty and neatness, is allowed to equal, if not excel most other coverings. Artificial slate was apparently first used in the West Indies, before Henry Cook took over its production in Woodford, Essex. Cook patented 'a composition to be used as a substitute for lead, slates or tiles in covering churches, houses and all other buildings' in 1778. Eileen Harris, BABW comments that 'the increased number of newly invented roofing materials in the last quarter of the eighteenth century may be attributed in great measure to the fire regulations contained in the Building Act of 1774

(BABW, p. 412). However, at the same time the Building Act, which had given the names and specifications of building materials allowed to be used, limited the use of artificial slates in London, and the slates could only be sold outside of London.

After a general description of the benefits of artificial slate, stressing its price advantage, longevity, low maintenance, strict instructions are given as to the best way of laying the slate. Numerous testimonials of satisfied customers are included, the latest dated 1786.

It is interesting to see the official patent document used to promote business. Satisfied customers are quoted to encourage new clients.

ESTC t105424 (BL, Getty, Harvard, Brown); see Eileen Harris, *British Architectural Books and Writers 1556-1785* on Cook's invention.

### *Canon Law and Usury- Incunable Edition*

14. PLATEA [PIAZZA], Franciscus de. *Opus restitutionum usarum et excommunicationum edita per venerabilem Dominvm Fratrem Franciscvm de Platea Ordinis Minorvm.* [colophon:] Venice, Johannes de Colonia and Johannes Mathen, 22 January 1477. £9,500

Chancery 4to, (200 x 151 mm), ll. [152] including initial and final blank; in double columns, printed in Gothic letter, with initial spaces, some with guide letters; a few leaves with insignificant marginal dampstaining, some dust-soiling; contemporary full vellum, out of a fifteenth century rubricated legal manuscript leaf, some wear to spine with splits, and worm hole to upper cover; early manuscript ownership inscription of ?Davitis, and a few contemporary marginal annotations; a fresh unsophisticated copy in a contemporary binding.

A fine unsophisticated copy of an incunable edition of an important early Canon Law text. Platea, (also known as Fra Francesco Piazza) (?-1460), a Professor of law at the University of Bologna and a well-known and acclaimed preacher, includes a detailed discussion of monetary questions, the taking of interest, and usury, in this treatise on canon law. The first part of the *Opus Restitutionum* deals with the return of illicit gains. Also discussed are commercial transactions under a variety of different

legal circumstances, such as two creditors competing for the spoils of one debtor. The second part concentrates on usury, which, as in all canon law, denotes not just high interest but all interest. Platea is firmly aligned within the church authorities in his condemnation of usury. The final section, *De Excommunicationibus*, deals with the judicial exclusion of offenders from the rights and privileges of the Christian community.

The printers de Colonia and Mathen had already published an earlier edition of Platea's popular work in 1474.

Bodleian Library XVth Century Books, P-337; Hain-Copinger 13040; BMC V, 227; Goff P-758; Proctor 4312A; Walsh 1695; see Goldsmiths'-Kress 1 for first edition.



*Statutes of the Ferrara Monte di Pietà*

15. RUFFO, Tomaso. Statuti et Ordinazioni del Monte Sanità sesta Erezione stabiliti dalla Congregazione d'esso Monte approvati, e confermati ... Ferrara, Giuseppe Barbieri, 1732.

£750

Tall 4to (284 x 207mm), pp. [viii] including initial blank, 108, [2]; small paper tear to last leaf; contemporary buff limp boards; a good copy.

First edition of the statutes of the Ferrara Monte di Pietà, which had been founded in 1630 by a decree of Urbano VIII. This combined pawn-shop and charity institution also offered some banking facilities. In these statutes the founding history and form of organisation are given, with details of offices, contributions, and public officials. The full text of relevant ordinances, laws and decrees which regulate the organisation is reprinted.

These statutes are a typical blueprint of the organisation of the large number of charitable pawnshops, Montes Pietatis which had been established in Northern and Central Italy from the middle of the fifteenth century. Their express purpose was to collect a fund, adequate to satisfy the legitimate credit needs of the lower class artisans and dealers and the poor in general. Therefore it was fairly normal for these institutions to set a fairly low maximum for loans and to refuse advances for commercial speculation. The funds were replenished at regular intervals through various church taxes and collections, and a small interest charge to cover expenses was levied on monies taken out. This interest charge resulted in a fierce controversy between the Franciscans on the one side and the Dominicans on the other, with the latter maintaining that this system was based on usury. However, in 1515 the Lateran council sanctioned the right to moderate interest charges and in the future these institutions enjoyed the steady protection of the Popes, and assumed much of the character of a bank.

Biblioteca Statuti del Senato III, p. 75.

*Family Law*

16. SALMUTH, Heinrich. Responsum juris pro matrimonio principis cum virgine nobili. Jena, Johann Nisius for Zacharias Hertel, 1660.

£650

4to, pp. [iv], 194, [2] blank; lightly but evenly browned, contemporary full sheep, spine in compartments, spine label, and paper shelf label to spine; extremities rubbed.

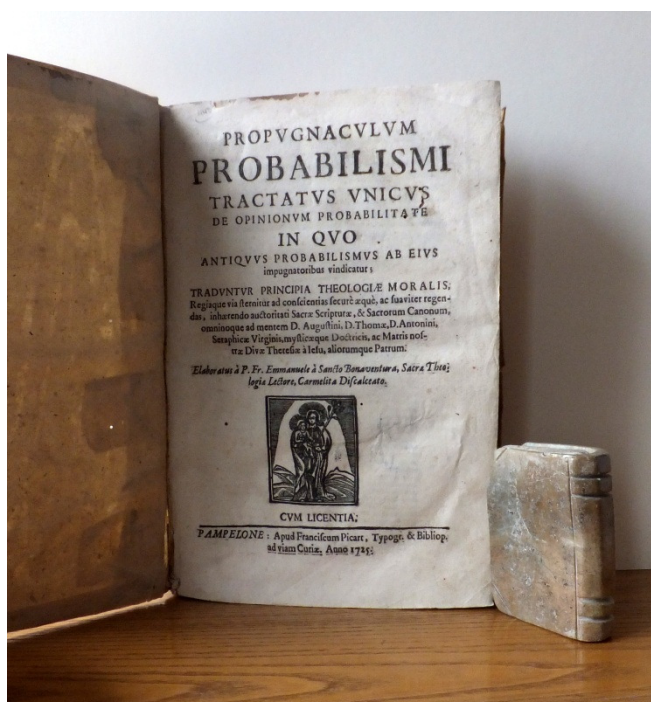
First edition (one of three issues) of this early comprehensive treatise on family law, in particular on morganatic marriages, i.e. marriage between people of unequal social rank, which, especially in the nobility, prevents the passage of the husband's titles and privileges to the wife and any children born of the marriage. With extensive reference to the legal authorities, Salmuth discusses not just the legality of these marriages, but also their suitability. In his wide-ranging study, Salmuth presents many historical precedents of unsuitable marriages, due to difference of rank, difference of age (he reserved particular contempt to young men who marry older women for money), illegitimate children, etc.

VD 17, 23:237352R; there appear to be three different issues of the same year.

*Probabilistic Quality of Judicial Proof*

17. SAN BUENAVENTURA, Manuel de. Propugnaculum probabilismi tractatus unicus de opinionum probabilitate in quo antiquus probabilismus ab eius impugnatoribus vindicatur; traduntur principia theologiae moralis, regiaque via sternitur ad conscientias securé aequé ac suaviter regendas, inhaerendo accuctoritati sacrae scripturae, & sacrotum canonum, omninoque ad mentem D. Augustini, D. Thomae, D. Antonini, seraphicae virginis, mysticaeque doctricis, ac matris nostrae divae Theresiae á Jesu, aliorumque patrum. Pamplona, Francisco Picart, 1725. £1,800

Small folio, pp. [xvi], 428; title woodcut; mostly printed in two columns; some browning; contemporary full flexible vellum, lacking ties; stamp removed from title.



First edition of this uncommon study of probabilism in law, i.e. the argument that probability is a sufficient basis for belief and action, since certainty in knowledge is unattainable. San Buenaventura discusses the probabilistic quality of judicial proof, both in general judicial argument, and also when reaching practical legal verdicts. The work is divided into four parts (quaestiones). The first deals with true and false consciousness or knowledge ('conscientia recta, et erronea'), the second concerns the character and the positive and negative influence of doubt when reaching verdicts. The third and fourth part consider the role of probability or plausably correct verdicts within legal deliberation ('De opinionum probabilitate in ordine at licite judicandum'). Multiple forms of probability are described and analysed. Buenaventura elaborates on how decisions are reached, how we are influenced by

perception or preconceived ideas. What can be argued to be a just verdict? What is the function of productive doubt ('Movetur intellectus, et ligatur; movetur ad inveniendam veritatem, examinando motiva, ques utrique parti favent'). He attempts to establish within practical probabilism, the morally acceptable course of action when several alternatives are available. He concludes with formulating three basic principles which should be the basis of any judgement (pp. 412 ff.).

Not much seems to be known about the Carmelite Manuel de Buenaventura. He studied and taught philosophy and theory in the seminaries of Burgos and Pamplona and published a number of other titles on moral philosophy.

OCLC: University of New Mexico, and two copies in Spain only.

*Hallmarks for Silver in Birmingham*

18. [SILVERSMITHS - BIRMINGHAM.] An abstract of such parts of the Acts of Parliament of 'The guardians of the standard of wrought plate, within the towns of Sheffield and Birmingham,' as particularly relate to the silversmiths and plate-workers in the said town of Birmingham, or within twenty miles thereof, adapted for the use of the said silversmiths and

plate-workers and for their better understanding the rules and regulations contained in the said acts. Birmingham, J. Belcher, 1813. £350

8vo, pp. 21, [3] blank; stitched as issued in the original marbled wrappers; a little dog-eared and stitching loose, with mss. cypher to head of title.

First edition, uncommon, of the condensed rules on hallmarking specifically as they affect the Birmingham silversmiths and plate-workers, together with explanations. The marking of precious metals has been in existence for centuries for the protection of the public against fraud and of the trader against unfair competition. Indeed, hallmarking is one of the oldest forms of consumer protection. At the same time it is also a source of tax revenue for the government.

COPAC: Birmingham only, not in OCLC.

*Royal Society of Arts and Sciences in Mantua*

19. [STATUTES - ACADEMY MANTUA.] Codice della Reale Accademia di Scienze Belle Lettere ed Arti di Mantova. Mantua, Giuseppe Braglia, 1794. £1,250

4to, pp. lxxv, [1]; title vignette; contemporary catspaw calf, flat spine with gilt decoration; a very crisp and wide-margined copy.

First edition of the rules and regulations of Royal Academy of Arts and Sciences of the Northern Italian city of Mantua, which flourished under the rule of the Austrians and had Archduke Ferdinand as its sponsor. The founding of an academy had been first set in motion under Maria Teresa in 1767, with the indication that not only members from the *Accademia dei Timidi*, but also from the *Colonia Arcadica Virgiliana* (founded in 1752, but like the *Timidi* having roots going back to the Invaghiti of 1562), would be eligible for membership in the new academy (Maylender, v.5, pp. 470-471).

The founding statutes extend to twenty-nine paragraphs and specify the range of the academy, which is to include among the sciences, philosophy, mathematics, physics, then literature, and also agriculture and medicine. The arts included painting, sculpture, architecture, decoration, music, and mechanical arts. In the statutes internal organisation, election of officials, association, and reciprocal arrangements with other academies are clarified.

It is interesting to note that a separate class was dedicated to arts and crafts, which indicates the increasing interest in applied technology. The work concludes with a listing of all the members and officials of the society, including academicians with voting rights.

OCLC: UCLA, Bibliothèque Nationale, BL and Berlin; see M. Maylender, *Storia delle Accademie d'Italia*. Bologna, 1926-1930.

*The Earliest Statutes of Friuli in the Vernacular*

20. [STATUTES - FRIULI.] Statviti della patria del Frivli rinovati, e dedicati all'illustrissimo, & eccellentissimo Sig. Girolamo Ascanio Zustignano, gloriosissimo luogotenente generale della medesima Patria. Vdine, Carlo Schiratti, 1673. £3,200

Small 4to, large woodcut arms to title, pp. [xvi], 156, [8]; decorated initials, typographic head- and tail pieces; some light browning and occasional light dust-soiling; contemporary full vellum; with extensive mss annotations to front and final endpapers by Daniello Locatelli, and marginal notes by Locatelli and another hand in the text; a very good copy.



First vernacular edition of the statutes and municipal ordinances of the province of Friuli, an area in the north-east of Italy, positioned between the powerful Austrian Empire, the Kingdom of Hungary and the Venetian Republic. From the 15th century Friuli was under Venetian rule, but maintained some form of

autonomy. It kept its own Parliament ruling on the old territory of the Patriarchate and maintained its feudal nobility, an autonomy not granted to the other cities and provinces submitted to Venice (even Venetian ones).

The earliest constitution of Friul was published in 1484. The present statutes and municipal ordinances were the first ones to be published in the vernacular, as explained in the preface, to ensure that it would be understood by the population. They include a reform of the antiquae statutes. The statutes themselves are in 158 sections, 1 - 4 deal with church matters and religious holidays, 5-18 with the respective roles of solicitor, legal officials and state official. This is followed by extensive questions of legal procedure, civil cases, merchants and usury. Section 141 deals with assassins, while the remainder concentrate on hunting and fishing rights etc. Information on criminal law, or penalties is not included in these statutes. A comprehensive index concludes the work.

Throughout there are extensive manuscript annotations, with notes to front and final endpapers, some of them attributable to Daniello Locatelli.

Chelazzi III, p. 219; Fontana I, 501; Manzoni I, p. 197; OCLC: Bibliothèque Nationale only.

*Poor Law, Code for Domestic Servants & Fire Fighting*

21. [STOIXNER, Franz Carl von.] Zufällige Gedanken über Zucht- und Arbeitshäuser, über nützliche Feueranstalten, und über die Gesindeordnung; von einem Patrioten. Augsburg, Conrad Heinrich Stage, 1782. £650

8vo, pp. [ix], 10-128; title vignette, some light foxing due to paper stock; contemporary sprinkled boards, spine label and shelf mark; a good copy.

First and only edition of this collection of three essays by the Munich lawyer Franz Karl von Stoixner (Kayser II, p. 318), covering poor law and work houses, the history and organisation of fire brigades and finally the most extensive article a comprehensive critique of the Gesindeordnung, the recently revised laws concerning domestic servants, farm labourers, hired servants and day labourers, originally based on the feudal system of serfdom. Stoixner expresses a clearly conservative view, deplores the increase in vagrants and beggars, and maintains that the main problem with the rise of

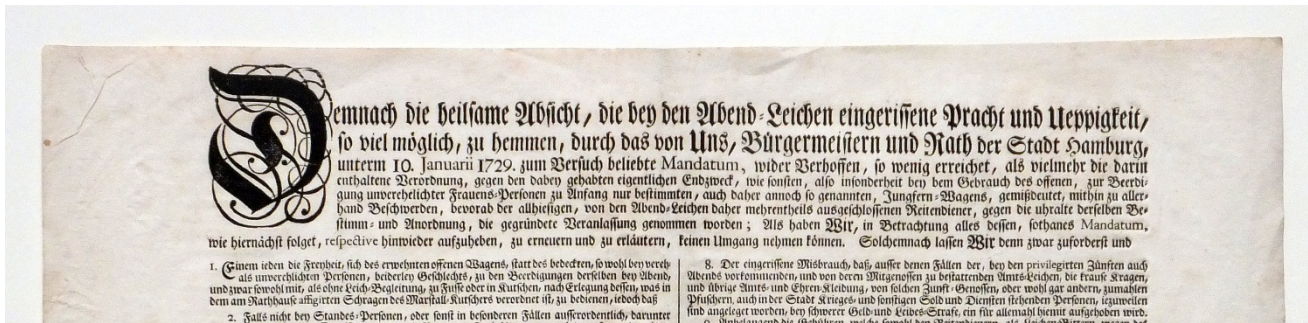
poverty is the lack of distinction between deserving and undeserving poor. He also comments on correctional institutions and suggests that inmates should be made to work for the public good, rather than just be locked up.

In the section on fire fighting, Stoixner includes some practical proposals for reducing fire risk, such as building brick houses rather than wood, replacing thatched roofs. He also suggests the introduction of fire-insurance, both to finance fire-fighting equipment for the community and to help those households damaged by fire. He favours private fire insurance instead of a state organised one, and gives figures of the contributions necessary. His proposals are especially directed at small villages rather than towns, where the state should have the overall responsibility of fire protection.

The final and most extensive section is taken up with the reform of the general code governing domestic servants and farm labourers. Stoixner is vehemently opposed to the Gesindeordnung, and maintains that it shackles the landowner into employing too many servants and labourers. He deplors over-regulation, which will bankrupt the landowner and employer.

Kayser II, p. 318; OCLC lists copies in Berlin and Halle only.

*Hamburg Sumptuary Laws: A Ban on Elaborate Funerals*



22. [SUMPTUARY LAWS - HAMBURG] Demnach die heilsame Absicht die bey den Abend Leichen eingerissene Pracht und Ueppigkeit ... zu hemmen ... zu Beerdigung Hamburg, n.p. 1752. £450

Broadside, folio (400 x 500 mm), large woodcut initial and arms of the Hamburg Senate at foot, first 8 lines printed across, then in double columns; as issued, with central fold.

First edition, thus, of a proclamation designed to curb ostentatious funeral displays and processions in the city of Hamburg. In the early eighteenth century evening or night funerals had become popular. They were originally introduced to limit funeral expenses, but had the opposite effect. Carriages and torches became necessary, and the funerals became more and more elaborate, and soon proved disruptive to city life.

In 1729 a first attempt had been made to regulate them, further legislation followed in 1746, to be reiterated here in 1752. Restrictions were imposed on the number of horses and carriages which could be used, on the number of lights and torches, on the clothing of mourners and officials, the type and decoration of the coffin, etc. It was specified that only the direct route to the cemetery was to be taken. Heavy fines were imposed on every contravention.

Apparently the burial of unmarried women, normally conveyed to the cemetery on elaborately decorated 'Jungfern-Wagen', were a particular target of these regulations.

See J. Whaley, *Symbolism for the Survivors, the Disposal of the Dead in Hamburg the late seventeenth and eighteenth centuries*, in Whaley, *Mirrors of Mortality. Studies in the Social History of Death*, 1981.



*Abduction and Kidnapping - the Law*

23. TITTMANN, Karl August. Beiträge zu der Lehre von den Verbrechen gegen die Freiheit insbesondere von dem Menschenraube und der Entführung. Meissen, Erbstein, 1806. £550

8vo, pp. [vi], 90; a little foxed and spotted; contemporary marbled green boards with glazed border, spine ruled in gilt, extremities a little rubbed, but an attractive copy.

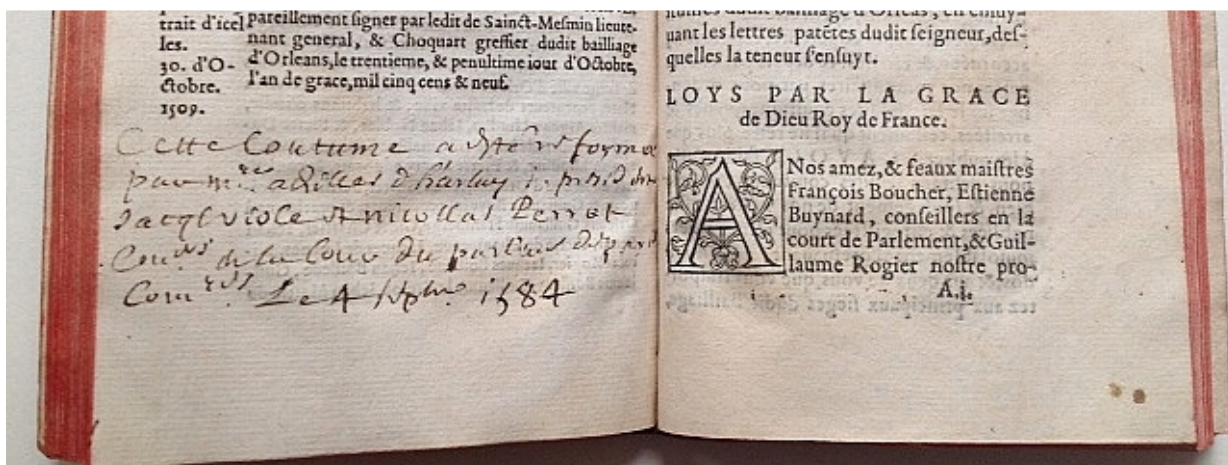
First edition, uncommon, of this considered discussion of criminal law in relation to crimes against personal liberty and security, especially abduction and kidnapping. Tittmann first covers personal liberty in general and its negation in slavery and servitude, etc. He traces its origins to Roman law and cites from contemporary legal sources. Restrictions of personal liberty can take numerous forms from coercion, to slavery and servitude, incarceration, and abduction. He points out its limited application to the military.

In the second part he discusses in detail abduction as a criminal offence based on the Roman law concept of 'plagii', ie the forcible and unlawful abduction and conveying away of a man, woman, or child, from his or her home, without his or her will or consent, and sending such person away, with an intent to deprive him or her of some right. Throughout Tittmann makes extensive reference to historic legal sources.

Tittmann (1778-1834), King's counsel at the Saxon court, published extensively on questions of criminal law.

ADB 38 (1894), p. 388-389; OCLC: St Gallen.

24. TRIPPAULT, Léon. Coustumes generales, des bailliage, et prevosté d'Orleans, & ressorts d'iceux. Revveuës, corrigées, & de nouveau augmentées d'Annotations, avec le Proces verbal, par Leon Trippault, Avocat au siege Presidial d'Orleans. Plus, un Extrait de l'Antiquité, & choses plus notables d'icelle ville, fidelement recueilly par le mesme auteur, des Comographe, & historiens qui en ont escrit. Et Almanach, contenant les iours non plaidoiables, qui y sont pour le present observez. Orleans, Eloy Gibier, 1570. £780



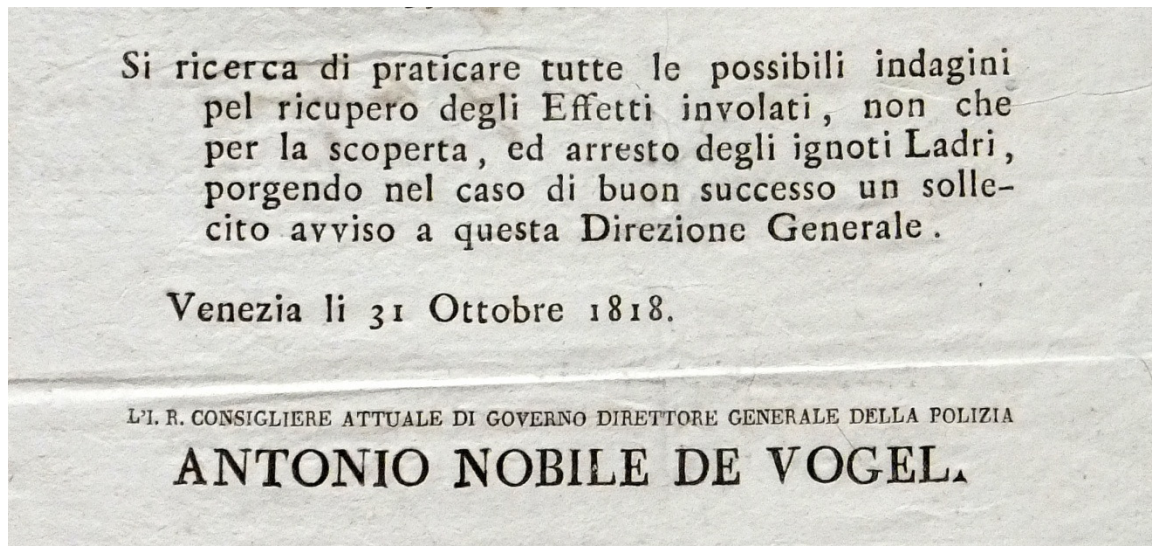
Small 8vo, pp. [xvi], 152, 69, [1], with initials and sideglosses; eighteenth century marbled calf, spine gilt in compartments, label with gilt lettering, red edges; a fine copy with early mss annotations, and early ownership inscriptions to title page.

The rare first edition of this edition of the *Coutumes of Orleans*. The first 16 (unnumbered) pages contain among others *Extrait de l'Antiquité*, and the *Almanach*. Some scribbling in blank portion of the title-page, and with handwritten ex-libris, some pages with marginal handwritten annotations, a longer handwritten note at the end of the Coutume, dated 1584. The last 70 pages contain the *Proces-verbal*. The first 30 pages with a faint stain in the lower part of the pages, lacks the last blank leaf. Brunet notes that the *Extrait de l'Antiquité* is not always present.

Gouron & Terrin, *Bibliographie des Coutumes de France*, 1548; not in Caswell & Sipkov, *The Coutumes of France* in the Library of Congress; Brunet, vol. v, col. 950.

*Shoplifting in Venice - Police Report*

25. [VENICE - THEFT.] Specifica degli effetti stati rubati per opera di ignoti malfattori, ed a danno di Gacome Daci regattiere, con bottega nella contrada di S. Basso, marcata al Civico N. 184. la giornata dei 30 prossimo passato. [colophon:] Venice, 31 October, 1818. £450



4to, pp. [3], [1] blank; lightly browned and discoloured in upper outer corner; uncut and unbound, with mss filing note to last page.

Official order for a police investigation into the theft of a large mirrored walnut showcase from a bric-a-brac shop in Venice, 1818. A full listing of the forty-five different objects stolen is given, amongst them two miniature paintings on vellum (one of the Nativity and the other of David); various coins (identified and not); five pearl necklaces - two in pearl agate, two of 'pearls' in yellow glass, and a necklace of miniature black pearls with matching earrings in mother-of-pearl, a piece in the shape of an animal; four saints, and an oval of St. George; two gilded crucifixes, and much more, all to the value of around 350 Italian Lire. A fascinating insight into Venice life and trade.

*Vico on Jurisprudence*

26. VICO, Giovanni Battista. *Liber alter qui est de Constantia Jurisprudētis ad amplissimum virum Franciscum Venturam a Regis Consiliis. et Criminum quaestorem alterum*. Naples, Felix Musca, 1721. £3,200

4to, pp. [ix], 260; title vignette, small ownership stamp to title; signature S-X, AA-BB, and DD quite browned, due to paper stock, else with some spotting and faint marginal dampstaining to title and first signatures; contemporary full vellum, lettering directly to spine; extremities a little worn, but still a good copy.

First edition of Vico's important contribution to the study of jurisprudence and Roman law, in which he asserts his conception of the development of law as governed by a single, universal principle of reason and authority.

It is important to note that Vico saw himself primarily as a lawyer, and this work, together with the slightly earlier *De Universi Juris* contains much of the preliminary material for the *Scienza Nuova*, the first version of which contained a much more thorough rebuttal of the natural law theorists such as Grotius, Selden and Pufendorf. Whereas he concentrated on juridical questions in *De Universi Juris*, the *Liber Alter* has a wider aim, covering in turn *De Constantia Philosophiae* and *De Constantia Philologiae*, and clearly providing the outline for the *Scienza Nuova*.

Croce I, p. 27 - 29, Ziegenfuss II, 785; OCLC: Harvard, Cornell, Philadelphia, Madison, Kansas.

Susanne Schulz-Falster

Rare Books

22 Compton Terrace

London N1 2UN

Tel. +44 (0)20 77049845

E-mail [sfalster@btinternet.com](mailto:sfalster@btinternet.com)

[www.schulz-falster.com](http://www.schulz-falster.com)