

*Serius decretalis  
Le Clementis*

INCUNABULA  
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considerato. Cū autē ut ē informatū gr̄a hēat eq̄li-  
tate maiorē seq̄ q̄ ut sic hēat eq̄litate sim̄p̄,  
seu p̄mo. So. forte dici posset q̄ hoc n̄ seq̄  
q̄ equalitas p̄portiois h̄z grad̄. ⁊ op̄i m̄o  
p̄petit ⁊ fm̄ sbaz suā ⁊ ut ē gr̄a informatū. Et  
p̄mo q̄dē n̄ p̄stituit cū dignitate re<sup>u</sup> gl̄ie: s̄z cō-  
gruitate tm̄: s̄z sec̄ 2<sup>o</sup>. Nā iustitia distributi-  
ua regit ut op̄i gr̄ato ut sic reddat gl̄ia. q̄z p̄  
gr̄az gl̄iaz meremur. n̄ autē regit q̄ faciēti q̄ i-  
se ē def̄ gra. q̄z gr̄az null<sup>o</sup> meretur. ⁊ s̄ sit con-  
gruū ut de<sup>o</sup> eā libal̄ tribuat tali. i. faciēti q̄ i-  
se est. Dat̄ tm̄ eā tali ex iusti<sup>a</sup> large. i. ex d̄cēn<sup>a</sup>  
eo<sup>o</sup> q̄ d̄r iust<sup>o</sup> p̄cēdo q̄z eū decet sicut ēt dici  
pōt q̄ iustis reddit gl̄iaz ex iusti<sup>a</sup> p̄mutatiua  
s. i. p̄pe eomō q̄ ē iter prez ⁊ filiū.

**¶ Di. 34. p̄clusiōe. 2<sup>a</sup> additio.**

**¶** Cū volūtas sit cā pcti solū  
p̄ acc̄is sco. 2. d. 37. sic dicit.  
**¶** Primū pctm̄ i mediate. ⁊  
p<sup>o</sup> nō p̄t eē nisi a volūtate ⁊  
s̄biungit. Hoc autē ingt d̄r esse  
trib<sup>o</sup> modis p<sup>o</sup> ut ip̄a sit eius  
cā p̄ acc̄is accidētaliitate se tenēte ex p̄te cāe  
ex eo. s. q̄ cāe p̄ se p̄iūḡif aliqd q̄ ē cā p̄ acci-  
dēs eo<sup>o</sup> quo policret<sup>o</sup> est cā stante. 2. p̄hy. 2<sup>o</sup>  
accidētaliitate se tenēte ex p̄te effect<sup>o</sup> eo<sup>o</sup> quo  
vbi. s. casus ⁊ fortūa dicit eē causa per acc̄is  
ex eo. s. q̄ effectui ⁊ nō cause aliqd accidētali  
contunḡif. 3<sup>o</sup> q̄z est causa eius non efficiens:  
sed deficiens. B̄ ex illo. ⁊ p̄ p̄dicta interpoitis  
argumētis q̄ hic recitat<sup>o</sup> ⁊ alijs. tandē p̄cludit  
dicēs. Ex istis trib<sup>o</sup> vijs. colliḡif vna integra-  
lis solutio talis. Cū. n. i pctō mortali sint duo  
actus. s. p̄uatio iusticie debite ⁊ m̄ale q̄ eidez  
s̄b̄sternit re<sup>u</sup> p̄imi est causa deficiens volūtas  
que suo actui d̄z dare iusticiā ⁊ p̄nr ēt ē causa  
p̄ acc̄is ex p̄te effect<sup>o</sup> q̄z cāt positiuū cui p̄iū-  
gitur talis p̄uatō. Et s̄l̄r ex p̄te cause large ex  
tēso acc̄is ad oē q̄ ex p̄ se rōnez rei est eomō  
quo differētia accidit ḡni. Id enī quo nostra  
volūtas specificē est. hec accidit voluntati ut  
sic. Illud autē circūloq̄mur p̄ eē limitatū v̄l de-  
fectibile vel ex nihilo. Volūtas. g<sup>o</sup> in cōi est  
cā pcti per acc̄is istomō sicut. ⁊ al<sup>o</sup> est causa p̄  
acc̄is intelligēdi. Sed hec volūtas est cā nō  
solū p̄ acc̄is: s̄z quasi ut cā p̄p̄qua. B̄ ille.

**¶ Di. 36. p̄ totū additio.**

**¶** E diuisiōe mali per culpa ⁊  
penā sco. 2. d. 36. multa dicit  
in p̄sona p̄pa ⁊ multa in alie-  
na dicens. Dico q̄ omne pec-  
catū ē p̄ca q̄z p̄iuat magno  
bono. i. iusticia que melior ē  
omni bono quomō. Et si obiciatur q̄ eadem  
carentia iusticie erit fo: mal<sup>o</sup> culpa ⁊ pena r̄n̄  
det magister q̄ est culpa in q̄<sup>m</sup> est p̄ua? boni  
actiue passiue v̄o pena. Hoc autē sic pōt expo-  
ni q̄z culpa est culpa ut est a volūtate cū etiā  
sic sit volūtaria. Est etiā pena ut est in volun-  
tate q̄z sic est in voluntaria eo q̄ voluntas ut  
s̄bm non habet i potestate formā inherētez  
ymō est p̄tra eius n̄alez inclinationē. Dico ēt  
q̄ v̄nū pctm̄ ē p̄iūbil<sup>o</sup> pena alterius ⁊ p̄bo.  
q̄z ex demerito p̄mi deus pōt se s̄b̄trahere ne  
agat ad rectitudinē secūdi actus. S̄z p̄ q̄z oīs  
pena est a deo. Ad hoc dicit q̄ id q̄ est p̄ca  
est a deo inquātuz est ordinatiuū culpe. q̄z. s.  
ipse ordo est a deo. vel pōt dici q̄ pena dicit  
dupl̄r. s. carentia boni ⁊ positiuū discōueniēs  
Et 2<sup>o</sup> quidez modo omnis pena est a deo p̄i-  
mo autē modo nō est a deo. efficiente q̄z non  
est factibilis nec a deo deficiente p̄mo: s̄z tan-  
tuz p̄pter demeritū volūtatis in actu peccati  
nō coagendo volūtati ad h̄nduz illud bonū  
q̄ fecisset q̄<sup>m</sup> est ex se. Est g<sup>o</sup> a deo naturā de-  
ficientē deserēte in suo defectu ⁊ in defectib<sup>o</sup>  
ad illum cōsequētibus. hec ille.

**¶ Di. 44. p̄clusiōe vnica additio.**

**¶** E p<sup>o</sup> peccandi opinio scoti.  
2. d. 44. hec ē. P<sup>o</sup> ingt pec-  
candi si dicat ordinē act<sup>o</sup> ad  
deformitatez in eo non est a  
deo q̄z ille ordo nihil ē sicut  
⁊ termin<sup>o</sup> ei<sup>o</sup>. i. peccare n<sup>o</sup> est  
Si v̄o dicat ordinē ad actū s̄b̄stractū d̄fōmi-  
tati sic a d̄o ē sicut ⁊ ei<sup>o</sup> extrēa. Si autē dicat fū-  
damētū ord̄is sic ēt ē a d̄o q̄z dic̄ aliqd p̄iti-  
uū cū sit illa n̄a q̄ peccare p̄t q̄ h̄z illā. Dico ēt  
ingt q̄ eē d̄fectibile. i. p̄uertibile i nihil p̄seq̄  
omnez creaturā ex hoc q̄ est ex nihilo: sed eē  
defectibile sic. i. peccando cōsequit hanc natu-  
ram ut est hec. i. libera. hec ille. **¶** Finis.

**A**dditiones in tertium sententiarum.

**D**istinctio. p<sup>a</sup>. tertij. q. i. p<sup>o</sup>. i<sup>a</sup>. additio. **O**ppo<sup>m</sup> isti p<sup>o</sup>. sco. 3. d. 7. v<sup>r</sup> tenē h<sup>3</sup> dicat se sine pre iudicio loq. Sed distinctōne p<sup>a</sup> de mā aliaz conclusio nū sic dic. Si pri mus terius unio nis sit psona sic vna nā n̄ p̄t assumi a tribus. Si at sit eēn<sup>a</sup> i tribus s̄sistēs secus ē. qz assu mitur q̄si mediāte vna eēn<sup>a</sup> sicut vna albedo possz eē trib<sup>2</sup> corpozib<sup>2</sup> si i eis eēt vna supfi cies. Qd̄ at ipa eēn<sup>a</sup> p se exn̄s possit eē ter<sup>2</sup> p xim<sup>2</sup> p<sup>3</sup>. qz ipa nullū eē h<sup>3</sup> a psona. s̄ ē prius nāl<sup>r</sup> i se q̄ i psona. qz ē de se B z s̄sistēs. h<sup>3</sup> nō incōicabili. Incōicabilitas at n̄ ē nec<sup>o</sup> rō ter minādi istā depēdētiā: s̄ s̄sistētia singularis h<sup>3</sup> i xpo rō teriandi n̄ sit eēn<sup>a</sup>: s̄ p̄petas. B i<sup>c</sup>. Lū isto ē. s. bona. dicēs qz cū assūptō sit ad p sonā tres eēt vna p̄sōa. herue. at hic tenēs. cū. s. tho. qz tres vnaz. z vn<sup>2</sup>. tres nās p̄t assu mere s̄bnūgit qz eo casu fm aliq̄s eēt tres ho mines. qz tres hūites hūanitatē. n<sup>o</sup> obstat vni tas hūanitatē. qz p ea lī hō n̄ sup̄pōit. Alij di cūt qz eēt vn<sup>2</sup> hō. qz ter<sup>2</sup> s̄sistētū<sup>2</sup> h<sup>3</sup> vnitātē a fo<sup>a</sup>. S<sup>3</sup> ista inq<sup>r</sup> n̄ repugnāt. qz ter<sup>2</sup> p̄cer<sup>2</sup> p̄n<sup>r</sup> sig<sup>a</sup> fo<sup>a</sup> a q̄ descēdit h<sup>3</sup> eā iportet in obliq̄. s̄ i recto z scōario dic suppositū hūis illā q̄cqd̄ sit illō. Fōl<sup>r</sup> g<sup>o</sup> eēt vn<sup>2</sup> hō qz eēt vnū aliq<sup>o</sup> i hūdo hoiez: s̄ eēt. s. q̄tū ad sig<sup>m</sup> i recto z ypostatice. Nec tū s̄ tres dij. qz li de<sup>2</sup> p̄t sup ponē p deitate cū ipa sit s̄sistens z sit deus. Secus de li hō. Si at vn<sup>2</sup> assumat. s. erit fōl<sup>r</sup> tres psonal<sup>r</sup> vō vn<sup>2</sup> hō. ¶ Itēz. s<sup>o</sup> scoti p<sup>2</sup>. Ad qd̄ p̄petit alicui vt distīguat ab alio p̄cise z nec<sup>o</sup> nō pōt cōpetere alij secus rē. Nec<sup>o</sup> aut talis unio ad psonā teriatur: s̄ non ad hanc.

**D**ist. 2. p<sup>o</sup>. i<sup>a</sup>. additio. s. tho. 3. pte loq<sup>r</sup> de po<sup>o</sup> ordiata ex pte dei z ex pte creature loq<sup>r</sup> tur de pgruitate ad assumi n̄ at o<sup>o</sup> potentia obie. ¶ Itē p<sup>o</sup>

henrici p<sup>o</sup>. Omnis nā assumpta est instru mentuz dei z p̄n̄r nō in p<sup>o</sup> dēz ei<sup>2</sup> po<sup>o</sup> esse ele uatā. i. supnatural<sup>r</sup> p̄fectaz h<sup>3</sup> nō ois possit eē eleuata ad B puta videre. Ad arg<sup>m</sup> negat a<sup>o</sup>. Ad pba. negat p̄n̄a de posse qd̄ ē ad videre b̄fice. Ad pba. dico qz h<sup>3</sup> eē rei nāle n̄ possit cōicari alicui vt sit ei nāle qn cōicet z posse tū miraclose sec<sup>2</sup>. qz albedo p̄t h̄re eē s̄be. i. s̄s̄i stere n̄ hūdo posse eiusdē puta posse gnare l<sup>r</sup> intelligē. ¶ Itē vltimo durā. p<sup>2</sup>. Nota qz s̄z herueū nā z psona differūt solū p notata. iō eedē s̄t partes vtriusqz eēntiales z p̄n̄r n̄ po nunt in numerus p̄posito<sup>2</sup> eēn<sup>a</sup>: s̄ exin<sup>o</sup> tū.

**D**ist. 3. titulo qōis additio. Sco. hic. d. 3. sic dic. Potuit diuitus virgo nunq̄ fuisse s̄ ori<sup>a</sup> vel fuisse solū p instans z solū p aliq̄d tps i cuius vl timo istāti sc̄rificaret. Quid at hoz factū sit nouit de<sup>2</sup>. s̄ si aucto<sup>r</sup> script<sup>o</sup> vel ecc<sup>o</sup> n̄ repugnat v<sup>r</sup> p̄babile attribuē ma rie qz excellēt<sup>2</sup> ē B i<sup>c</sup>. De hoc at almasetanus hic sic dicit. Quidā dicūt qz ibi in trib<sup>2</sup> signis z i vno instanti potuit fuisse culpa z grā trā siens z hūual. S<sup>3</sup> p herue<sup>2</sup> inq<sup>r</sup>. qz oppōita iēssent eidē i eodē istāti real<sup>r</sup> z sic dic duran. saluari sic possent oia p̄dicto<sup>a</sup>. Alij qz i duo bus istātib<sup>2</sup> tps discreti corrdētib<sup>2</sup> vni no stro fuisz grā z clpa. S<sup>3</sup> p herue. qz illa duo istān<sup>a</sup>. o<sup>3</sup> eē succedētia. z p̄n̄r n̄ possunt coexi stere vni. Alij qb<sup>2</sup> assentit duran. dicūt qz po tuit vgo fuisse p instans s̄ culpa sic faba oc currens molari cadenti ē solū p instās in vno loco. S<sup>3</sup> p egidi<sup>2</sup>. p<sup>o</sup> qz dare<sup>2</sup> vltimū instans culpe z p̄n̄r sil<sup>r</sup> eēt cū grā. 2<sup>o</sup>. qz culpa expellit p grāz i aliq̄ istāti ifusaz. g<sup>o</sup> idē. Alij qb<sup>2</sup> assē tit herue. z egid. dicūt qz nec<sup>o</sup> fuisz s̄ clpa ali quo tpe se p̄xit culpā. Ad fabā dic egidi<sup>2</sup>. qz gescit q̄s<sup>m</sup> ē p se: s̄ mo<sup>r</sup> p accūs ad motū lapi dis. Illud at p accūs n̄ ē hic. S<sup>3</sup> p herue. qz p̄dicte op̄ioni sufficit iuēire aliqd qd̄ soluz p instās i vna dispōe sit q̄cūz sit. Jō dico ait qz imutatōe p̄tinua a pte p̄ncipij ē dare vlt<sup>m</sup> eē mobil<sup>r</sup> i ter<sup>o</sup> a q̄. s̄ n̄ p<sup>m</sup> n̄ eē. S<sup>3</sup> a pte finis ē p<sup>m</sup> eē i ter<sup>o</sup> ad quē: s̄ n̄ vlt<sup>m</sup> eē i ter<sup>o</sup> a q̄. Pōt g<sup>o</sup> i ter<sup>o</sup> a q̄ eē p instans z in seq̄nti tpe ibi nō



Itē p<sup>o</sup> di  
fii. 2<sup>o</sup> sentē  
tiar queri  
tur vtrum  
mūdu ince  
pisse sit 2<sup>o</sup>  
demonstra  
bil. C<sup>o</sup> p<sup>o</sup>  
2<sup>o</sup> Nō im  
plicat dīdi  
ctioez ali  
q<sup>o</sup> ens ab

alio eē ab eterno. po. q. 3. ar. 13. i. q. 46. ar. 2.  
Agens. n. p. motū nec p<sup>o</sup>cedit factū q<sup>o</sup> esse  
īcipit inte<sup>o</sup> motus secus si agat p<sup>o</sup> actōez in  
stantaneā. C<sup>o</sup> 2<sup>o</sup>. Nō implicat dīctioez ali  
qd diuersum a deo ī eēn<sup>o</sup> nūq<sup>o</sup> incepiisse. vbi  
s. ar. 14. z in tracta<sup>o</sup> spēali de ista mā. C<sup>o</sup> 3<sup>o</sup>.  
Nō dūz incepiisse vel non sp<sup>o</sup> fuisse sola fide  
tenetur z demonstrari non potest. i. q. 46.  
ar. 2. z p. ca. 27. 2. d. i. po. q. 3. ar. 14.

C<sup>o</sup> Lōra 2<sup>o</sup> z 3<sup>o</sup> arguunt qdam vt recitat  
scotus volētes pbare q<sup>o</sup> est dīctio aliqd a  
dō eēn<sup>o</sup> diuersū fuisse pductū eterna<sup>o</sup>. p<sup>o</sup> sic  
De omni pducto vep<sup>o</sup> est aliqū dicere q<sup>o</sup> p  
ducit vt pz ēt de filio dei q<sup>o</sup> in eternitate dī  
produci. Aut g<sup>o</sup> creatura sp<sup>o</sup> pducit qū est.  
aut solū aliqū. Nō p<sup>o</sup>. p<sup>o</sup> q<sup>o</sup> esset in cōti<sup>o</sup> fie  
ri z p<sup>o</sup> nō esse pmanens. 2<sup>o</sup> pseruari nō dif  
ferret a creati. Ergo 2<sup>o</sup>. g<sup>o</sup> in illo instanti in  
q<sup>o</sup> producit p<sup>o</sup> cepit eē q<sup>o</sup> est intentuz meū.  
Consi<sup>o</sup> qz creatura hz eē acqstuz. g<sup>o</sup> hz esse  
post nō eē. Nā si nō. g<sup>o</sup> hz esse sine acqstōe  
sicut z filius dei hz eē ei<sup>o</sup> a q<sup>o</sup> acquirat. So.  
Dicerēt sustinētes mūduz nō incepiisse q<sup>o</sup> hz  
de oī producto sit aliqū vep<sup>o</sup> dicere q<sup>o</sup> pro  
ducit nō tū est necesse q<sup>o</sup> sit verū dicere nūc  
p<sup>o</sup> producit. aut q<sup>o</sup> sit aliqū nūc trāsiens in  
q<sup>o</sup> p<sup>o</sup> producit. Un<sup>o</sup> diceret q<sup>o</sup> res eterna cō  
tinue pducitur z in nullo nūc transeunte. p<sup>o</sup>  
pducit po. q. 3. ar. 4. 6<sup>o</sup>. Ad p<sup>o</sup> dīco. q<sup>o</sup> ta  
lis res eēt incōtinuo produci z eēt pmanēs  
sicut z lumē extis in aere ab aliqū lucido im  
mobili. Esset g<sup>o</sup> tota sil<sup>o</sup> z nō alta z alia ps:  
qz nihil acquireret aut pderet nouiter potis  
sime prinēs ad suā integritatem. Ad. 2<sup>o</sup> di

co q<sup>o</sup> nūc creati z pseruari a deo idē dicunt  
in recto. s. habitudinē depēdentie ad deuz s;  
in obliquo dicūt habitu<sup>o</sup> ad diuersa. Crea  
tio. n. respicit nō esse pseruatio vero eē pba  
bitū. Lic at idē eēt. z illa duo eēt vni. Sz  
dīnunt. p<sup>o</sup> qz creati ē pducit de nō esse ad eē  
Cōseruari vō est p<sup>o</sup>tinua<sup>o</sup> esse p<sup>o</sup>biti. 2<sup>o</sup> quia  
p<sup>o</sup>ticulare agens pducit z nō pseruat. g<sup>o</sup> ista  
duo vbi p<sup>o</sup>currunt in eodē distingūtur. So.  
Ad p<sup>o</sup> dico q<sup>o</sup> cū dī creati est pducit de nō  
eē ad eē. li de nō dicit ordīnē p<sup>o</sup>rioritatz seu  
duratōis nō eē ad eē sed ordīnē nāe Ad 2<sup>o</sup>  
āt q<sup>o</sup> hz aliquod fieri nō sit conseruari nō tū  
segtur q<sup>o</sup> oē fieri z pseruari sint res diuerse  
totalt s; segtur solum q<sup>o</sup> rōe differāt vbi cū  
q<sup>o</sup> sint. Ad confir. dico q<sup>o</sup> talis creatura ha  
beret eē acqstū. s; nō nouiter nec equaref  
filio dei qz nō aq<sup>o</sup>reret eē q<sup>o</sup> eēt idē cuz sua  
eēn<sup>o</sup>. z cū eēn<sup>o</sup> eius a quo pduceref. Est aut  
sciēdū q<sup>o</sup> totā predictā solutiōne virtuat<sup>o</sup> po  
nē duradus. p<sup>o</sup> dīstin. 2<sup>o</sup> recitans tale arg<sup>o</sup>.  
Dis duratio creature nec<sup>o</sup> includitur inter  
duo nūc. s. inter nunc creatiōis q<sup>o</sup> nō pōt esse  
in tēpore cū sit sbita. z iter aliud. Ergo nec<sup>o</sup>  
ē finita. So. Dico inqt q<sup>o</sup> dura<sup>o</sup> inclusa iter  
duo nūc fluen<sup>o</sup> nec<sup>o</sup> ē finita. Duratio autez  
creat<sup>o</sup> nō accipiēt<sup>o</sup> eē p<sup>o</sup> motuz neq; per mu  
tationem que motū psequatur. non claudif  
nec<sup>o</sup> inter talia nūc s; mensuratur nūc stante  
q<sup>o</sup> toti tēpore coexistere possit bī<sup>o</sup>.

C<sup>o</sup> Sz p<sup>o</sup> illū modū loquen<sup>o</sup> q<sup>o</sup> creatura p<sup>o</sup>  
nā sit nō ens q<sup>o</sup> ens arguit duran. p<sup>o</sup> sic. Nā  
q<sup>o</sup> uest rei ex se vel ex nā sua. nāz nō destruit  
s; ponit vel supponit. g<sup>o</sup> nihil ex nā sua ē nō  
ens. So. triplr aliqd intelligitur alicui in eē  
. s. p<sup>o</sup>. 2<sup>o</sup> z 3<sup>o</sup> modo p<sup>o</sup>fitatis. qz. s. est de rōe  
ei<sup>o</sup> p<sup>o</sup> segtur ei<sup>o</sup> nāz vel p<sup>o</sup> rei solitarie sum  
pte rōtis oibus q<sup>o</sup> pueniunt ei ex causis ex  
trinsecis. Nō eēt at p<sup>o</sup>petit creature. 3<sup>o</sup>. Ad  
ar<sup>o</sup> negat aīs deli ex se 3<sup>o</sup>. Tale. n. ex se p<sup>o</sup>  
nāz destruire q<sup>o</sup> tū ad existere z oīa q<sup>o</sup> p<sup>o</sup> acci  
dens inf<sup>o</sup> hz nō q<sup>o</sup> ad alia. q<sup>o</sup> p<sup>o</sup> se inf<sup>o</sup>. p<sup>o</sup> vel 3<sup>o</sup>  
modo. s. 2<sup>o</sup>. Si hoc ē. iō ē qz res creata dō se  
nō ē ens. s; nō ē p<sup>o</sup> hoc qz aliud ē de se nō h<sup>o</sup>re  
eē aliud de se h<sup>o</sup>re nō eē. So. negat p<sup>o</sup>ditōal<sup>o</sup>  
asumpta s; cā ē qz nō eē p<sup>o</sup>petit ei p<sup>o</sup> se. 3<sup>o</sup> mō.

# INCUNABULA AND POST-INCUNABULA

1474-1550

CATALOGUE 89



Detail from N° 34

Highlights include:

- ♥ 16 incunable editions of works on canon law, Roman law and the *jus commune*
- ♥ A collection of Freiburg statutes from 1520 with woodcuts by Holbein
- ♥ A commentary on Roman law printed in 1514 in an imposing large-folio chained binding with endleaves derived from a Papal bull printed by Pynson in 1498
- ♥ A humanistic commentary from 1522 on laws concerning plague
- ♥ A 1493 volume in wooden boards, the front inscribed with two large sundials

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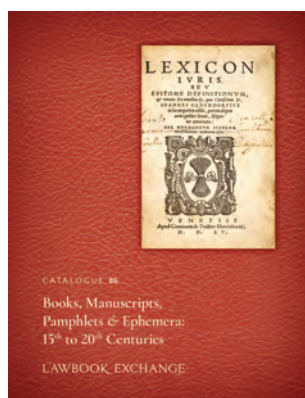
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for an index  
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# Medieval Legal Culture Mediated Through Renaissance Printing

Jolande E. Goldberg\*

## Ad Incunabula

From the works presented in this very special catalog on the first hundred years of printing, a number of high-end items stand out to be savored and chosen by law librarians and collecting connoisseurs: a group of *incunabula*, books printed in Europe before 1501.<sup>1</sup> A distinct genre with interesting attributes, they are a glowing treasure in the vault, the inner sanctum of any library. The cut-off date used to designate a book or print as an *incunabulum*, 1501, is considered arbitrary by many experts.<sup>2</sup> In fact, imprints from the following four decades, so-called *post-incunabula*, are often identical or very similar in their appearance. It was only after 1540 that book printing started to develop the features we see today, such as a title page stating the name of the author, date and place of publication.

It is worthwhile to ask why individuals collect early printed books. Is it because they are rare and valuable? A sense they are sound financial investments? Is it desire to possess a piece of the Renaissance, be it a volume or other printed manifestation of this revered period? Is it admiration of past scholarship, the work of men who changed Western culture in so many ways? Is it dedication to future scholarship by amassing a collection with the goal of future donation, or hope for some fame as well? Whatever their motivation, many collectors over time have served the “greater good” by donating their own books to libraries.<sup>3</sup>

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\* Dr. Goldberg is the Library of Congress (LC) Senior 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.

Where do we find then collections of *incunabula*? The key holders to the vaults today are predominantly corporate or institutional owners, such as the Bayerische Staatsbibliothek in Munich, believed to have the largest collection, about 25,000 items. Next in line is the British Library, with 12,500, followed by the Bibliothèque Nationale de France, with 12,000 items. The Library of Congress and the Huntington Library take ninth place, with c. 5,600 items each.<sup>4</sup>

We like to think the authors behind the title pages are the attraction, the intellectual force driving the development of early law, transmitted by the Renaissance printing presses. For this slow process, the gradual development of Roman civil law into a unifying continental legal system, the *incunabulum* was, indeed, the cradle: the *cunae*.

## *Decretum Gratiani* meets *Corpus Iuris Civilis* in Bologna

To fully appreciate the evolution of Medieval and Renaissance legal culture – to which this catalog is a wonderful tribute – one has to negotiate the two fundamental sources:

(1) *Corpus Iuris Civilis*. Pre-Justinian Roman law, *Ius Romanum Antejustinianum*, Roman/Byzantine compilations of laws under Christian emperors, had been the powerful civil presence in the Eastern regions of the Roman empire for quite a time. The *Corpus Iuris Civilis*, often modernized as *Corpus Juris Civilis*, a compilation ordered by Justinian, Emperor of the East [483?-565], formed a revised and harmonized organization of pre-Justinian primary sources and commentaries in five named parts.<sup>5</sup> These were lost, and then forgotten, during the tumultuous events that accompanied the decline of the Roman Empire. Roman law survived for a time in the customary law of those Germanic nations, which, to a degree, adopted it.<sup>6</sup> The story line leads us through the evolving Merovingian-Carolingian theocracy in the northwest of Europe. To set a proper frame, we move in time and space about west

of the Rhine River from the fifth century on to the coronation of Charlemagne in Rome in the year 800, forecasting the Holy Roman Empire. The sources during this period are those known as *Leges Barbarorum*. These are the folk laws and the customary law, often codified, of the Germanic nations. For this period the catalog displays two great and rare works. The first of these is the *Libelli seu Decreta*, edited by Jean du Tillet [d. 1579] (Item 21) It covers the sixth-century law of the Frankish kings Chlodowich, Childebert and Chlotar, the *Lex Ripuaria* and *Lex Salica*. The other is an important compilation of Germanic law, the eighth-century *Leges Langobardorum* (Lombard Law), edited by the notable scholar Nicolas de Bohier (Item 7).<sup>7</sup>

After hundreds of years, Justinian's *Digest* reappeared in Pisa around the turn of the twelfth century. This event supposedly marked the revival of the serious study of Roman law, which in turn is also closely connected with the formation of the early European universities, among them the *universitas* of Bologna, presumably in 1130, with a later endowment of official privilege in 1191. The early study of Roman law in Bologna at this time is associated with some of the first "big-name" jurists, such as Irnerius [1085-1125], Accursius [c.1182-c.1260] and Portius Azo [d.c.1231] (Item 4). Called glossators, these men were literate in grammar and logic, which explains the methodology of the emerging European jurisprudence.

(2) The *Decretum Gratiani* (*Concordia Discordantium Canonum*) arrived in Bologna around the 1140. It was written between 1130 and 1140 by Gratian, presumably a teacher and monk in Bologna, although his personal history and position is not firmly established. Like Justinian's *Corpus Iuris*, it is an edited and harmonized compilation drawn from a pool of early sources.<sup>8</sup> A very important incunabular edition from 1493 is featured in the catalog (Item 16), as well as a post-incunabular from 1512 (Item 17). What makes this work special is the addition of the *Arbor Consanguinitatis et Affinitatis*, the visual explanation of the many distinct degrees, or *gradus*, of family relationships: a confusing and complicated matter at the core of the law on marriage and inheritance, which is a prominent part of the *Decretum*. Gratian didn't include a diagram for his work. Nevertheless, diagrams began to appear in certain editions of the *Decretum*, which eventually became the standard work for teaching canon law. It should

be mentioned that the *Decretum*, although never recognized by Rome as an "official" compilation, was, probably because of its popularity, adopted as the introductory section in Pope Gregory IX's [1227-1241] compilation of decretals, *Liber Extra*, the first of the compiled sets of Papal decretals (Item 18).<sup>9</sup>

The expanding university in the fourteenth century accounts for the emerging elite of jurists such as Bartolus de Saxoferrato [1313-1357], who was considered the most important and influential scholar, his contemporary Baldo degli Ubaldi [1327?-1400] (Item 38) and Baldo's two brothers, Pietro degli Ubaldi [d.c. 1407] and Angelo degli Ubaldi [1328-c.1407] (Item 37), who taught for some time in Bologna. On the Roman side of the law, they all were known as the "post-glossators" or commentators, writers of glosses and commentaries. On the canon side of the law, they were called *decretists* or *decretalists*, commentators on the *Decretum* and Papal decretal compilations. The catalog has two incunabular editions of Boniface VIII's *Liber Sextus* from 1479 and 1482 bound with the *Constitutiones* of Clement V (Items 14 and 15) and a post-incunabular printing of Gregory IX's *Liber Extra* (1514) with the gloss of Bernardo Bottoni (Item 18). All of these feature the gloss or commentary of Giovanni d'Andrea [c.1270-ca.1348]. He was one of the prominent names associated with this "club" of progressive Bolognese jurists who contributed to the evolving canonical jurisprudence, addressing at once the differences between Roman and canon law, particularly in areas of family and marriage, subjects by now under firm jurisdiction of the Church. D'Andrea's long-lasting contribution to this discussion was his *Lectura Super Arboribus*, a commentary on the Catholic doctrine of gender relationships regularly added to the *Liber Sextus Decretalium*. Issued separately, this work gained tremendous popularity. Many different editions, produced by known Renaissance presses, circulated widely in Europe. It describes the degrees of relationships visually in a more or less ornate diagram in the form of a tree (*Arbor Consanguinitatis et Affinitatis*). D'Andrea's use of a visual element was not unique. Opening our rare book vaults, we find a plethora of works to which figurative elements were applied to illustrate and describe legal acts and facts.<sup>10</sup>

The list of incunabular and post-incunabular monographic works, comparative elaborations of the institutes of civil and canon law, is



enormous. This catalog offers a number of examples, one being the edition of *Cautelae Iuris*, which addresses judicial precautions concerning real estate and servitudes (Item 11). Written by an important scholar and teacher, Bartolomeo Cipolla [1420-1475], this work saw innumerable editions over a long period of time. It is often bound together with another of his works, *De Servitutibus Urbanorum et Rusticarum Praedium*. Works on ownership and possession, including *praescriptio* and *usucapio* (for both real and personal property), are common topics in Roman law. Listed in this catalog are (bound together) two tracts on these subjects by Henricus, de Segusio (Hostiensis) [1200-1271] and Giovanni Francesco Balbo [active 1510-1518] (Item 5). An interesting work is *De Peste* by Gianfrancesco Riva di San Nazarro (Item 34). A response to the frequent occurrence of plague in Italian cities, it is a treatise on legal aspects of public health and sanitation issues.<sup>11</sup>

### Auxiliary Works: Legal Aids in Print

Auxiliary works are a special genre of legal literature that demonstrate the expanding curricula of universities and the rising complexity of legal practice. Already in the fourteenth century, and increasingly so in the fifteenth century, teachers were dealing with a steadily growing volume of complex legal material. Ecclesiastical and civil administrators, court officers and practitioners had similar needs. Beginning in the late-fifteenth century, printing houses in Europe, usually established in university towns, began to address their needs. This catalog offers a large variety of these auxiliary works, some very early, others rare.

There are *lectura*, or comments, (Item 38), *compendia* (Item 33) and *repertoria*, or *indexes*, one of such works by Sebastian Brant (Item 8). Since law is very “definitional,” the forward-moving science would arrive at standardized terminology, “*de verborum et rerum significatione*,” the hallmark of European civil law to this day. Of import are the encyclopedic *dictionaria* or *vocabularia utriusque iuris* (i.e., “both,” that is, Roman and canon law), and *lexica* (Items 23 and 24). The progressing standardization produced *formularia* for a wide range of legal activities or professions, two important ones “to be observed” for business at the Curia Romana (Items 19 and 22), systematic *tabulae* for all sorts of legal uses, *brocardica*

*iuris* (sometimes *brocarda*), i.e., i.e., collections of topical arguments based on specific sources (Item 27) and *florilegia* (*flores legum*) and *margaritae*, collections of excerpts reducing the used source to definitions or rules (Items 8, 27 and 33). Guides or *practica*, such as those describing the Roman or canonical process, were popular (Item 9, 10 and 22). Biography, or *vita*, (Item 35) and translations were other important genres, especially the translations of Roman law into German, which aimed to promote Roman law by educating the non-Latin speaker, who was often a lay person. Another prominent genre is the *regulae iuris*. Books in this category are collections of legal maxims in both Roman and canon law (Item 20).

A broad category are the “how-to” manuals and teaching aids, such as the *modus dictandi* and *dicendi sive per-orandi*, and *compendium orthographiae*, with examples here by Albericus de Rosate (Item 24) and a unique genre: the *modus legendi abbreviaturas*, which is an aid to reconstruct abbreviated words.<sup>12</sup> Also important are introductory textbooks for students. Two important examples are the *Tractatus de Modo Studendi in Utroque Iure* and *De Modo Studendi et Vita Doctorum* by Caccialupe (Items 8 and 24). Court decisions or legal opinions are a special genre to this day. This catalog provides the *Decisiones* of the Rota Romana, collections of legal opinions by auditors appointed to the Rota Romana with cases and comments by Bernardus Bosqueto, Thomas Fastolus and others (Item 9).

### The Artists

One always wonders who supplied printing houses with artwork. This catalog includes books with examples by two European grandmasters: Hans Holbein the Younger [1497-1543] and Albrecht Dürer [1471-1528]. Holbein, known as ardent protestant, with his workshop in catholic Basel, supplied printing houses with woodcuts. He left for England when his commissions by the Church dried up. For the *Nüwe Stattrechten und Statuten der Löblichen Statt Fryburg im Pryszygow Gelegen* edited by Ulrich Zasius [1461-1536], printed in Basel in 1520, he designed the woodcut title page, which was repeated once more (on its second title page). (Item 6). Tipped in after *III. Tractat con Eelten* (Tract about the married couple) is a folded sheet with the woodcut tree of *Agnatio* and *Cognatio*. It

appears that he also created the large woodcut initials (decorated letters N and D), which are very similar to the beginning initial in the Basel 1528 edition of the *Codex Theodosianus* (by Theodosius, Emperor of Rome, 346?-395). And there was Dürer [1471-1528], madly talented, eventually the European “master supreme” for woodcut and etching techniques. Dürer learned the trade of book illustration during his apprenticeship and later years in the renowned incunabular press of his godfather, Anton Koberger in Nuremberg. He worked also for a number of other presses, in such cities as Basel, Kolmar and Strassburg. Woodcuts by his hand decorate several volumes of canon and local municipal law. The frontispiece for the 1522 *Reformacion der Stat Nuremberg* (Item 31) is a wonderful example of his work.<sup>13</sup>

### Ad Finem

The most significant national and European events, most notably the *French Revolution* of 1789, which ended the *ancien régime* and brought about the dissolution of the *Holy Roman Empire* in 1806, changed the social and political landscape forever. Both events were followed by profound constitutional changes. More important, they generated multifaceted legal developments that precluded the broad

European codification movement. The effort to harmonize the varied regional laws and to capture the political principles of the French Revolution, the *Code Civil* or *Code Napoléon*, promulgated in 1804 and considered the code of the “Third Estate”(the bourgeoisie) was strongly influenced by Roman law. In Germany, elaboration of legal doctrines by the so-called Pandectists in the first half of the nineteenth century focused on “modern” Roman law. Some of these “Romanists” appear later as members of the commission that drafted the civil code for the German states united under the constitution of 1871. After a number of uniform laws for the German Empire, the *Bürgerliches Gesetzbuch*, or civil code, promulgated in 1900, was the crowning achievement in a long development of study and practice grounded in Roman law. To different degrees, both codes are embedded with Roman legal doctrines, institutes and institutional structures. And both codes served as templates for law codification across Europe, and from there, to countries in other regions of the world. The *Corpus Iuris Canonici*, together with the *Decretum Gratiani* remained in force until 1917, when it was declared obsolete by the Church and replaced 1917 by the *Codex Iuris Canonici*, a modern code of canon law, that, nevertheless, retained many doctrines from its venerable predecessor.

## NOTES

1. The singular form, not much used, is *incunabulum*, in English, incunable. It is a compound term: *In-cuna* with suffix of instrument *bulum*; literally “put in the *cunae* (cradle).” It refers sometimes to a “frame” in which the movable letters are assembled, or “cradled.” We also find the explanation “swaddling clothes or straps holding a baby in the cradle,” hence the figurative “childhood” or “beginnings.” The German term *Wiegendrucke* relates to *cunae* (*Wiege*) and means literally “print is in the cradle.” For more information, see <http://www.ndl.go.jp/incunabula/e/chapter1/index.html>.

2. For this, see <https://en.wikipedia.org/wiki/Incunable> with the reference to Hadrianus Iunius (Adriaan de Jonghe, 1511-1575), a Dutch humanist/physician who apparently coined the term and defined examples as books and other printed matter published before 1500 in his book *Batavia* (Leiden, 1588). The top seven countries with the highest number of editions are: Italy, Germany, France,

Netherlands, Switzerland, Spain, Belgium. This entry also offers an interesting statistic of European printing in the fifteenth century based on the *Incunabula Short-Title Catalogue* (ISTC).

3. One example is the Library of Congress’s revered Lessing J. Rosenwald collection, which had its own dedicated curator. Other collections named after their donors at the Library of Congress include the John Boyd Thacher Collection and the Otto Vollbehr Collection. The legal works make up c. 10 percent of the incunabula collections. The Law Library of Congress has its own incunabular collection with over 300 items. Peter. M. VanWingen, *The Incunabula Collections at the Library of Congress* (in: *Rare Book & Manuscripts Librarianship*, Vol. 4, No. 2, Fall 1989, 85-100).

For personal and corporate owners in general, see Index Possessorum incunabulorum <https://ipi.cerl.org/cgi-bin/search.pl>.

4. Bayerische Staatsbibliothek –Digital Bibliothek–

Münchener Digitalisierungszentrum (MDZ) <http://inkunabeln.digitale-sammlungen.de/start.html> provides bibliographical detail of processing and digitizing the collection. were the entire incunabula holdings were cataloged between 1971–2003. So far, the electronic database contains 20,337 items of c. 9,782 editions (including 620 post-incunables). Not yet in the database are the 2,373 second copies (Dubletten) and fragments, as well as 158 recently acquired incunabula. The Bodleian Libraries, University of Oxford, account for incunabula in excess of 7,000 items; see <http://incunables.bodleian.ox.ac.uk/about>. The Vatican Library and Austrian National Library follow with 8,000 copies each. For a worldwide listing of incunabula by country and by holding libraries (with an extensive bibliography), see <https://en.wikipedia.org/wiki/incunable>.

5. The parts of the ancient *Corpus Iuris Civilis*, a name conferred in the sixteenth century, are the *Digestum Vetus*, *Infortiatum*, *Digestum Novum*, *Code*, *Volumen Parvum*, *Institutiones* and *Authenticum*. Beginning with Jacques Godefroy in 1583, scholars have divided the Corpus into four parts: The *Code*, *Institutiones* (or *Institutes*), *Digest*, incorporating the *Volumen Parvum* (or *Digestum Vetus*), *Infortiatum*, *Digestum Novum* and *Novels* (the *Authenticum* with others enactments of Justinian). The catalog offers an important early commentaries on the *Authentica* by Angelo degli Ubaldi, eminent jurist and commentator (post-glossator) (Item 37) and the *Digestum Vetus* by his more distinguished brother, Baldo degli Ubaldis (Item 38).

6. Collectively known as *Leges Romanae Barbarorum* (*Roman Law of the Germanic Nations*), which includes the laws of the Visigoths, *Lex Romana Visigothorum* and *Breviarium Alarici* [506], Burgundians, *Lex Romana Burgundionum* [before 516], and the *Edictum Theoderici* [c. 512].

7. 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.

8. The *Decretum* draws from the content and policies of ancient canonical sources a world apart, apostolic canons and those *ex VI Synodo* (Sixth Ecumenical Council, the third of Constantinople, 680–681). Between the first and the ninth centuries, evolving religious doctrine and prescript and "civil" rules would eventually determine different societal structures. In the apex: gender relationships and monogamy. Some of the early law codes of patriarchs and metropolitans of the East, when comparatively studied with the Pentateuch (Leviticus 18) and canons of the early ecumenical councils, offer truly unique insights in the progressive development of canonical doctrines. The earliest attempts to bar polygamous customs in the region were the forceful promotion

of monogamy and canonical marriage impediments, paired with rules on incest in general. As early as the ninth century, particularly the Patriarch in the Caliphate of Baghdad, doctrines of consanguinity and affinity, the degrees (*gradūs*) of blood relationships and other relationships, govern the institution of marriage and safeguard it by stressing its sacramental character. The teachings on kinship, consanguinity and affinity calculate incest hypothetically up and down the steps between the eighth and sixth grades of blood relationship. Among sources in the West used by Gratian was the *Panormia* of Ivo, Bishop of Chartres [ca. 1040–1116]. He set down the seventh degree as the prescribed *canonical* degree of relationships, which was adopted in 1123 by the first Lateran Council as the canonical degree.

9. Besides a great number of decretal compilations, the following were the "official" collections that comprise the *Corpus Iuris Canonici*: the *Liber Quinque Decretalium* or *Liber Extra* of Pope Gregory IX (1234), the *Liber Sextus* of Pope Boniface VIII (1298), the *Liber Septimus Decretalium*, also known as the *Constitutiones Clementis V*, or *Clementinae* of Pope Clement V (1317), the *Extravagantes* of Pope John XXII (1325) and the *Extravagantes Communes* of other popes to 1484. The first comprehensive edition, comprehending the *Decretum* and subsequent *decretales* collections, was produced in Paris between 1500 and 1501 by the French jurist Jean Chappuis [fl. 1500]. His arrangement – revised during the Council of Trent and promulgated in 1582 by Pope Gregory XIII with the name *Corpus Iuris Canonici*, has set the standard for all subsequent editions. These compilations were the principal sources of law of the Catholic Church and in force until the *Codex Iuris Canonici* (*Code of Canon Law*) was enacted in 1917.

10. See Goldberg, "Ars Memoria," 16–26 in *Law's Picture Books* (*supra* Note 7). Figurative arbors and their use are discussed on pp. 23–25.

11. See Mario Ascheri, *I Giuristi e le Epidemie di Peste (Secoli XIV–XVI)* (Siena, 1997).

12. All who work with manuscripts or early prints know the pain caused by some of these abbreviations, even with aids like Adriano Capelli's, *Lexicon Abbreviatarum: Dizionario di Abbreviature Latine ed Italiane Usate Nelle Carte e Codici Specialmente del Medio-evo Riprodotte con Oltre 14000 Segni Incisi: Con l'Aggiunta di Unostudio Sulla Brachigrafia Medioevale, Un Prontuario di Sigle Epigrafiche, l'Antica Numerazione Romana ed Arabica ed I Segni Indicanti Monete, Pesi, Misure, etc.* 7.ed ampliata (Milan, 2011). For contractions and abbreviations (*Modus Legendi Abbreviaturas*), see <http://www.ndl.go.jp/incunabula/e/glossary>.

13. For a description of the Dürer woodcut and a discussion of the artist's technique, see Erin C. Blake in *Law's Picture Books* 28 (*supra* Note 7).

1 ALCIATI, ANDREA[S] [1492-1550].

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

**In Digestorum Seu Pandectarum Librum XII qui De Rebus Creditis Primus est, Rubric. Si Certum Petatur, Commentarius: Longe Doctissimus Atque Utilissimus: Una cum Vocum ac Rerum Toto hoc in Libro Notabilium Indice Diligentissimo.**

Lyon: Apud Iacobum Giunta, 1546. 387, [21] pp.

[BOUND WITH]

ALCIATI, ANDREA.

**Parerga: Andreae Alciati Iurisconsulti Mediolanensis PARERGON Iuris Libri Tres, Cum Argumentis Capitum in Eisdem, & Indice Vocum, Rerum, Autoritatum, & Locorum Notatu Dignorum.**

Lyon: Apud Iacobum Giunctam, 1539. [xxxii], 190 pp.

[AND]

ALCIATI, ANDREA.

**De Singulari Certamine Liber: Eiusdem Consilium in Materia Duelli, Exceptum ex Libro Quinto Responsorum.**

Lyon: Apud Theobaldum Paganum, 1545. 111, [1] pp.

Octavo (6-1/4" x 4-1/4" [15.8 x 10.8 cm.]). Contemporary limp vellum with lapped edges, early hand-lettered titles to spine, top edge and front cover, ties lacking. Light soiling, rubbing to extremities with minor wear around spine ends and corners, vellum just beginning to crack through pastedowns. Attractive woodcut printer devices, colophons and decorated initials. Toning and light browning in places, early owner initials to title page of first title, interior otherwise clean. \$3,000.

FOURTH, SECOND AND THIRD editions respectively. An important Italian humanist and professor of law at Avignon, Bologna, Milan, Padua, Ferrara and Bourges, Alciati was one of the first jurists to base his interpretation of civil law on the history, languages and literature of antiquity, and to conduct original research on the texts rather than merely copy earlier glosses. His work was deeply influential and his services were retained by the kings of France and Spain, as well as by several Italian princes. The first title is a commentary on the *Digest*, Book XII, Title 1: "Things Credited Giving Rise to Fixed Claims and

the *Condictio*." *Parergon* is a collection of "thought pieces" on miscellaneous topics in Roman law. The final volume is a collection of consilia on matters relating to dueling. It is derived from his *Responsa*, a multi-part collection of consilia on different topics. All editions of these titles are scarce. *Digestorum*: OCLC locates 3 copies; *Parerga*: OCLC locates 6 copies. Both of these imprints not listed in Adams, Roberts or the *British Museum Catalogue*; *Singulari*: OCLC locates 3 copies of this edition. Pazzaglini & Hawks, *Consilia* A-9.



PARERGA.  
**A N D R E Æ**  
 ALCIATI IVRISCON  
 SVLTI MEDIOLANENSIS  
 PAPEPTON IVRIS  
 LIBRI TRES.

CVM ARGVMENTIS CAPITV M  
 in eisdem, & Indice vocum, rerum, auto-  
 ritatum, & locorum notatu dignorum.

L V G D V N I.  
 Apud Iacobum Giunta.  
 M. D. XXXIX.

**A N D R E Æ**  
 ALCIATI IN DIGESTO  
 rum seu Pandectarum librum XII. qui  
 De rebus creditis primus est, Ru-  
 bric. Si certum petatur, Com-  
 mentarius, longe doctif-  
 simus atque vti-  
 lissimus.

Vna cum vocum ac rerum toto hoc in libro  
 notabilium Indice diligentissimo.

L V G D V N I.  
 Apud Iacobum Giunta.  
 M. D. XLV.

**A N D R E Æ**  
 ALCIATI IVRECONS.  
 CLARISS. DE SINGVLA-  
 RI CERTAMINE  
 LIBER.

EIVSDEM Consilium in materia duel-  
 li, excerptum ex libro quinto  
 Responsorum.

L V G D V N I.  
 Apud Theobaldum Paganum.  
 M. D. XLV.

**2** ALCIATI, ANDREA, ATTRIBUTED  
HEGENDORPH, CHRISTOPH [1500-1540], Editor.

*Procedure  
Manual  
Attributed  
to Alciati*

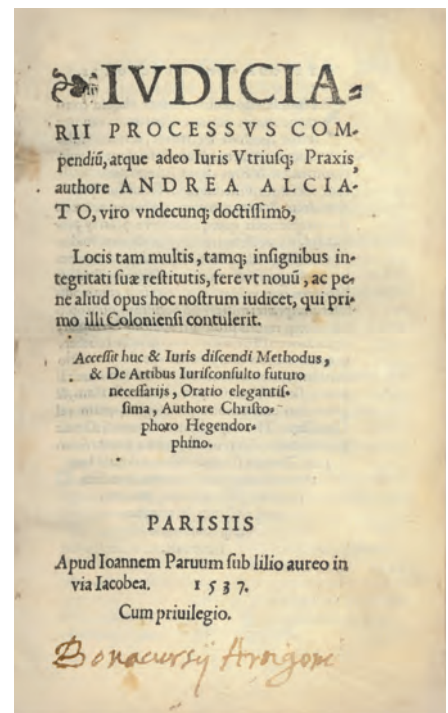
**Iudicarii Processus Compendiu[m], Atque Adeo Iuris Utrius[ue]; Praxis. Locis tam Multis, Tamq[uam] Insignibus Integritati Suae Restitutis, Fere ut Nov[um], Ac Pene Aliud Opus hoc Nostrum Iudicet, Qui Primo Illi Coloniensi Contulerit. Accessit huc & Iuris Discendi Methodus, & De Artibus Iurisconsulto Futuro Necessariis, Oratio Elegantissima, Authore Christophoro Hegendorphino.**

Paris: Apud Ioannem Parvum [Chevallon], 1537. [viii], 271 ff. Signatures M and N (ff. 97-104) bound in reverse order. Octavo (6-1/2" x 4" [16.5 x 10 cm.]).

Contemporary vellum, raised bands and early hand-lettered title to spine, another title to foot of text block in early hand, ties lacking. Light soiling, rubbing to extremities with some wear to spine ends, top edge of front board and corners, a few worm holes to boards and front pastedown, partial crack between text block and rear free endpaper. Attractive crible initials. Toning, faint dampstaining to endleaves and a few text leaves. Early owner signature to foot of title page, annotation in his hand to endleaves, interior otherwise clean. \$1,500.

LATER EDITION OF A WORK first published in 1530 (one of three imprints issued in 1537, the others in Cologne and Venice). Publishers knew that Alciati's eminence guaranteed a large market for his works. It is therefore not surprising that there are several unauthorized publications based on lecture notes compiled by his students and spurious works. First published in Cologne in 1530, *Iudicarii Processus Compendium*, a treatise on procedure in civil and

canon law, appears to fall into this latter category. Some sources say it is not based on Alciati's work and is the work of an anonymous author. It was nevertheless a popular work that went through several editions and issues over the next 30 years. OCLC locates 3 copies of this imprint, 1 in North America (at the University of Iowa). Not in Adams or the USTC.



ARNONO, GIOVANNI D' [fl. 1524-1534].

3

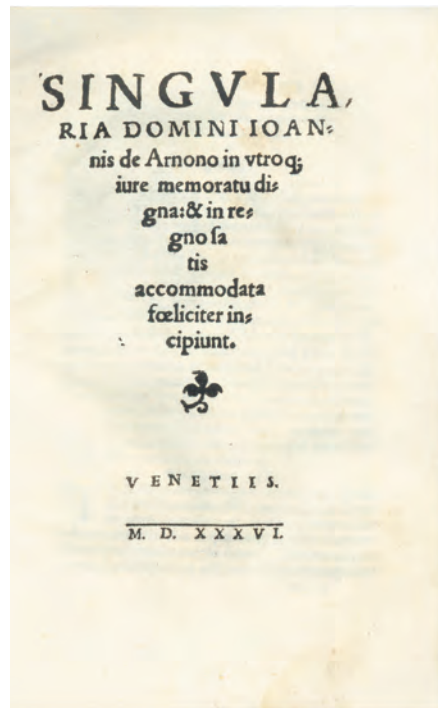
**Singularia Domini Ioannis de Arnono in Utroq; Iure Memoratu Digna & in Regno Satis Accommodata: Foeliciter Incipiunt.**

Venice: [In Officina Aurelii Pincii Veneti, Ad Instantiam D. Petri Facholi, Ditto Dal Cauallo], 1536. 68 ff. Octavo (6-1/4" x 4" [15.8 x 10 cm.]).

Contemporary limp vellum, light soiling, covers somewhat bowed. Large woodcut printer device to verso of final leaf, woodcut decorated initials. Some toning to text, faint dampstaining to final few leaves, internally clean. A well-preserved copy. \$1,250.

Legal  
Pointers  
for Lawyers  
in  
Sixteenth-  
Century  
Naples

SECOND EDITION. This handy treatise was first published in 1534 and went through three editions, the last in 1540. The first part offers pointers for lawyers practicing in the Kingdom of Naples. The second part, entitled *Tractatus Cautelarum*, addresses Neapolitan civil law and procedure. All editions are rare. OCLC locates 2 copies of the 1534 edition in North America (Library of Congress, UC-Berkeley Law School). *Censimento Nazionale delle Edizioni Italiane del XVI Secolo* CNCE3098.



## 4 AZO, PORTIUS [1150-1235].

Rare 1530  
Printing of  
the *Summa*  
*Azonis* that  
Features a  
Vignette  
of Azo  
Lecturing  
to Students

### **Summa Azonis. Summa Perutilis Excellentissimi Iuris Monarche Nuperrime Maxima Diligetia Castigata, Additoque Novo Repertorio quo Facilius que Studiosissimus Quisque Requirit Occurrere Possint.**

Lyon: Constantin Fradin, 1530. [xiv], 373 ff. Main text in parallel columns. Small woodcut vignette of Azo lecturing to students on verso of title page. Quarto (9-1/2" x 7" [24 x 17 cm.]).

Contemporary vellum, early hand-lettered title to spine. Light soiling, some staining and a few minor worm holes to boards, some rubbing to extremities with some wear to edges, corners and head of spine, hinges cracked, a few cracks to text block, rear free endpaper lacking. Title page printed in red and black within woodcut architectural border, woodcut decorated initials. Moderate toning, occasional faint dampstaining, dampspotting in a few places, annotations and underlining in two early hand to c.50 leaves, some affected by trimming, moderate edgewear to preliminaries, light soiling to title page, minor rodent damage to lower corners of final 18 leaves, notable damage to the following two leaves, which have minor loss to text, but not legibility. A rare imprint. \$2,500.

PORTIUS AZO, also known as Azo of Bologna, Azo Porius, Azo Porcius and Azo Soldanus, was a lawyer and professor of law at the University of Bologna whose pupils included Accursius and Johannes Teutonicus. His fame rests on his carefully organized commentaries on the Code, Institutes and sections of the *Digest of the Corpus Juris Civilis*. Known collectively as the *Summa Azonis*, these commentaries form a methodical exposition of Roman law. The *Summa* circulated widely in manuscript; 35 printed editions were issued from

1481 to 1610. It was a work of immense authority for generations of continental lawyers. Azo's *Summae* were synthesized by Accursius in his *Glossa Ordinaria*; his *Summa Codicis* was used (and, in many places, copied verbatim) by Bracton in his treatise on English law. Our 1530 Fradin imprint not in Adams or the British Museum Catalogue. OCLC locates 6 copies, 3 in North America (Harvard Law School, Library of Congress, University of Pennsylvania Law School). *Universal Short-Title Catalogue* 146212.







# Summa Azonis.

Summa perutilis excellentissimi iuris monache domini Azonis nuperrime maxima diligentia castigata. Ad istosq; nouo repperito: quo facilis que studiosissimus quisque quirit occurrere possint.



15

30



## Jesus Maria.

### Incipit summa Azonis

pergrina ac omni ex parte perfecte absoluta noua cum recognitione ac multis cum additionibus in loco suo inferior: necnon cum nouo apostolico in margine nouissime additis q; in alijs impressionibus nusq; uide sunt.



Am post inuentione scientie superuenit gre plentudo et successiuatione bene necis ingenuus potest: no est miru si humana aditio continuis exercitijs suscipiat incrementu. vñ etia

dicitur. Omne artificiu suscipit incrementu: vt ff. de leg. li. legatis. §. otnaricib; q; ipsa co- fuetudo cõuerit in natura. vñ iuniores perspi- caci queq; singula cõceptant. Est eni natura quedã existentiã subiecto: cõpletis accidentiã fm esse ppiu. ¶ Vel natura est id qd in- latez et ex cõsuetudine in stãtia querit. de quo tantu accipitur qm est de materia inesse: tñ augeri pot per cõsuetudinariu studendi mo- du. Alterabilis est quide ipsa natura q; susci- pit magis et min; iuxta fenectã Salomonis. Inquit eni oia renouantur et desiciunt et gñatio carnis et sanguinis nascit et finitur. Renouant- igitur homies et ipsa scia reflorescit: q; veteres pceptores artiu et scia; principia contulerit. vñ cõmendatã sunt: nō pie ceteris extollẽdi sunt: qm qui subtiliter factũ emẽdat laudabi- lio: est eo qui pilus inuenit. vt C. de vere. iure eni. l. j. qd aut. ver. nã qui. ¶ Scio si qd ex q; dno placenn; pclarus et famosus iurisper- tus apud montes pssulanũ sup codice et insti- tutionib; summas laudabiles cõposuit cuius dicitio nō ppositã derogare. Nã licet in qbusdã min; plene in quibusdã ordine irregulari: et in quibusdã non obseruato tramite iuris: ita q; cõsuet. pcessisse videat: non est tñ ab aliquo inculpatius: q; om̃ habere memoriã et in nul- lo penit; peccare vniuersitariu est portus q; hu- manitariu. l. i. C. de veter. iur. et. ¶ Tunc aut ego Hro refidens Bononie in iurisperitoz or- dine honorabilis socios: scibus humiliter cõ- descendẽq; vita cõmendabilimoz honestate: scientie magnitudine: numero psonarũ nobilita- te: pspice: multaq; liberalitate respicẽt. vñ iuxta ipsoz amicalibus supplicatione: Codicis et Institutionis sumas lucide tractare stu- deo. cupiens vt tam pucti q; rudes q; postu- lat: queat facile inuenire: q; sepe accidere con-

## Fo. f.

suicit q; per glossas certis notia remebat: et dñ glo. ad glo. vel ad tex. an instituitur. quod quide ego ipse fecerã vt vitarẽ scribendi labo- rem studiosus auditor desiderabit. pntantur effectus. et cã ad erudientiã super vobitabilis parociniũ glosarum requirit lumen reperit a tergo. vnde in erroris cadit seplissime laberitã. Suscipiatis itaq; amabiles et pclarissimi mi foci lucidus et fauorabile munus qd a me diutius postulastis tenentes q; nihil obcuris: nihil dubitabile: nihilq; strariũ legib; inueni- tio: qm oes principales et scarie hãz summarũ particulare de iuris copote pioceferunt.

Incipit materia ad Codicem. **H**beriste Justiniani dicitur. et est nomen generale. vel vt proprium anthronomathice ap- bellatum. Sic se habet verbis poete apostoli quos vocabu- lum. vt in situ. de iure natu. §. j. Et ideo forte q; cod. et dicit a cogendo. cogere enim vel im- perare ppositũ est imperatoris vt eius nomen denotat cui; est hic liber. Et est bec precipua legis virtus. vt ff. de leg. et senatuscon. l. legis. Vel dicit a cogendo. l. cõponendo vel congre- gando sicut fructus dicunt cogi. vt ff. de peri. heredi. l. si a parte. §. vlti. ¶ Justiniani dicitur ad differentia trium veteru codicum hermo- geniani. gregoriani. theodosiani. ¶ Ad idẽdũ ergo que sit hui; libri materia: q; int entio: que vilitas: siue finis: et cui parti philosophic sup- ponatur. Cuius materia triplex reperitur: ge- neralis: communis: et propria: sicut intentio ge- neralis assignatur comunis et propria. ¶ Ge- neralis materia omnium librorũ iuris ergo et co- dices sunt ius iustitia: item negotia: item duo vitia: error et contumacia. Sup iustitia et iure intendunt pncipes tractare: vt hoies mali effi- ciãtur boni. boni aut; efficiãtur meliores: tum metu penarum: tum exhortatione pmiõz. vt ff. de iust. et iur. l. j. sic nãq; dicit. Ad dẽr pecc- care boni et iuris amote. Ad dẽr peccare ma- li fõmidine pene. Super negotijs intendunt quẽdammodum debent decidi: super vitio: vt expulsa sunt vitia. ¶ Communis materia oium pncipũ est iuris equitas: ius appoibatur: et id qd feruatur p lege et iure. Super quibus omnibus intendunt pncipes: super iudi equi- tate intendit: ipam eruerit: erutam in pceptis redigerit: et edictam subditio conferenda in- iungere: et sub idemõs similes collocare: vt. j. de le. et pñ. l. j. ¶ Super iure appoibato inten- dunt pncipes quatuor modis: inter pãtãdõs corrigendõs: pãtãdõs: pãtãdõs: et verbũ qui- dem inter pãtãdõs generale est: pntens ad oia pãdõs. nã et qui corriget inter pãtãdõs dicitur. vt no ff. ad tertu. l. j. qd operas. Hic aut; acci- pit sic. hoc est vocabulũ significationem aper- te exprimit: vt in. l. iust. que prohibet aliena-

Loder nomen gñale. S; p an thono: mafiã in religif de isto codice.

Suerunt alij tres codices fci pter istũ. Tu adde q; imo etiã Justinianus fecit aliu codicem an digesta et an istitu- tiões: vt pbat in pbe. l. i. §. cõ fa craristi- mas: vñ timo lo- co fecit hunc no- uũ codicẽ: et cõ- rigif all qd ter- i- strutio- nã. vt in l. memi- nim; . C. de le. he re. et in h vltio sũt ferre. l. pñões

Quanto iuniores são per spicacio res. Quid sit natura.

Aliqua- do igno- tum per ignoti.

5 BALBI, GIOVANNI FRANCESCO [fl. 1510-1540].  
[HENRICUS, DE SEGUSIO, CARDINAL (HOSTIENSIS) (c. 1200-1271)].

Scarce  
Copy of  
Treatise  
On the  
Roman  
Law of  
Prescription

Tractatus de Prescriptionibus: Tractatus Secundus et Perutilis Profunde Subtilis [que] ac Quotidiane Materie o[mn]is Prescriptio[n]is ta[m] Civilis Q[uam] Canonice, Qui de Prescriptionib[us] Inscrit[ur].

[Lyon: Impressa Lugd. per Benedict[us] Bonyn. 1532 die vero. xxix]. [xxii], 208 ff. Main text in parallel columns with side-notes. Octavo (7" x 5" [18 x 13 cm.]).

Contemporary limp vellum with lapped edges, spine and joints covered in later paper with a contrasting hand-lettered title label, "245" in tint hand to head of spine, faint hand-lettered title and "T.B.B." in tiny hand to head of front cover, ties lacking. Light soiling and a few minor stains, chip to paper near foot of spine, pastdowns loose, upper section of front pastedown neatly removed. Title page with architectural border and large Bonyn device printed in red and black. Moderate toning, light foxing in a few places, faint staining to margins of 12 leaves at rear of text block, early annotations and underlining to some passages, light soiling to title page. \$5,000.

THIRD EDITION. Originally published in 1511, this treatise addresses the Roman law of prescription, the principle whereby a right or liability is created or extinguished over a certain period of time, usually in regard to a property title. It also includes an edition of a short treatise on this subject by Henricus de

Segusio. It was a popular work that went through several issues and editions, the last one in 1582. OCLC locates 5 copies of all editions, 3 copies of this edition, no copies of any edition in North America. This edition not in Adams.



## Tractatus de prescriptionibus.

### Tractatus secundus et

perutilis profunde: subtilisq; ac quotidiane ma-  
terie ois prescriptiois: tã civilis q; canonicæ: **qui**  
**de prescriptioib; inscribitur** Editus per preciarũ  
Iuris vtriusq; docto. dñm **Joannẽ Fraciscũ bal-**  
**bum de Bulliana ciuem Laurinũ** in gymnasio  
Laurinẽsi lectionẽ ordinariã vespertinã Iuris et  
Iuris interpretantẽ. **Lat p materie cõplemento**  
**annectit** **Repetitio solẽnis et peccularis. l. Cel-**  
**sus. ff. de vñcap. p eundẽ edita. Superadditis**  
vbiq; opportunis: multisq; alijs additioib; et  
apõitl. **vna cũ dictis Hostiẽ** in sum. de p̄scrip. et  
viuca. **et cũ Sumarijs et reprolo receter additis.**



Actual size

## 6

[BAVARIA]

[WILLIAM IV (1493-1550), DUKE OF BAVARIA].

[LUDWIG X (1495-1545), DUKE OF BAVARIA].

Rare 1530

Printing of

the Summa

Azonis that

Features a

Vignette

of Azo

Lecturing

to Students

**Reformacion der Bayrisch[e]n Lanndrecht: Nach Cristj Unsers Hailmachers Geburde Im[m] Funftzehnhundert unnd Achtzehendm Jar Aufgericht.**

[Munich: Johann Schobsser, 1518]. [xxxv], 168 ff. Final leaf, a blank, lacking. Two-page woodcut table of affinity. Large woodcut vignette by Caspar Cloffigl of the Dukes of Bavaria, Wilhelm and Ludwig, to title page, woodcut decorated initials.

[BOUND WITH]

ZASIUS, ULRICH, Compiler.

[HOLBEIN, HANS (1497-1543)].

**Nuwe Stattrechten und Statuten der Loblichen Statt Fryburg im Prysszgow Gelegen.**

[Basel: Adam Petri, 1520]. [xii], 97 ff. (Fol 1. is a divisional title page.) Nearly full-page arms of Freiburg to title pages and full-page images of the patron saints of Freiburg by Holbein on recto and verso of both title pages, double-page woodcut table of descents, woodcut decorated initials.

Folio (12-1/4" x 8" [31 x 20 cm.]). Contemporary half-paneled pigskin over beveled wooden boards, pigskin clasps with bronze buckles, raised bands and early hand-lettered title to spine, head and tail repaired, a scattering of worm holes through boards and text block. Light soiling, some wear to corners, front hinge cracked, twentieth-century owner bookplate and bookseller description to front pastedown. Reformacion printed throughout in red and black. Light toning to text, negligible faint dampstaining and foxing in a few places, light edgewear to some leaves, early repairs to a fol. 20 of Reformacion. Early annotations in a few places, interior otherwise clean. A very handsome volume. \$9,500.

FIRST EDITIONS. Two important collections of German statutes. Enacted in 1518, the *Bavarian Reformacion* revised the Bavarian law code of 1346. It is notable, in part, because it incorporated input solicited by the Dukes of Bavaria from representative groups of subjects. The 1520 edition of Freiburg statutes is a comprehensive restatement by Zasius, a leading German humanist and friend of Erasmus. A leading jurist, he was one of the first jurists to apply

modern philological methods to the study of Roman and older Germanic law. Both titles are scarce. OCLC locates 2 copies of *Reformacion* in North American law libraries (George Washington University, UC-Berkeley), 4 copies of *Nuwe Stattrechten* (George Washington University, Harvard, University of Michigan, Yale). *Verzeichnis der im Deutschen Sprachbereich Erschienenen Drucke des 16. Jahrhunderts* B1007, F2540.



2472

Reformation der bairischen  
Landrecht nach Christi unsers  
Hailmachers gebürde Im  
fünffzehnhundert vnd  
achtzehenden Jar außgericht.

Handwritten initials 'FW' are visible on the left side of the illustration.

## 7 BOHIER, NICOLAS DE [1469–1539], Editor.

Early  
Studies of  
Canon,  
Roman  
and  
Lombard  
Law

**Leges Longobardorum Seu Capitulare Divi ac Sacratissimi Carolimagni Imp[er]atoris:  
[Et] Fra[n]cie Regis ac Novelle [Con]stitut[i]o[n]es D[omi]ni Justinia. Imp[er]atoris cu[m]  
P[rae]faciu[n]cula [et] An[n]otationib[us] in Ipsas. Il. [et] Co[n]stitutiones Novellas.**

[Lyon: Antoine du Ry: Simon Vincent, 1512]. ciiij, [1], cj, clx, [2] ff.

[BOUND WITH]

BOHIER, NICOLAS DE, Editor.

**Sole[m]nis Repetitio Famose I. Consentaneum. C. Quomodo [et] Q[ua]n[do] Iudex...**

[Lyon: Antoine du Ry: Simon Vincent, 1512]. xxxviii ff. Sections of text in parallel columns.

[AND]

BOHIER, NICOLAS DE.

**Questio de Custodia Clavium Portarum Civitatu[m]: Castrorum [et] Aliorum Locorum Fortiliciorum...**

[Lyon: Antoine du Ry: Simon Vincent, 1512]. xix, [1] ff. Main text in parallel columns.

[AND]

CASTIGLIONCHIO (CASTELLIONE), LAPO DA [d. 1381].

**Allegationes D[omi]ni Lapi. Tractatus Allegationu[m] Illustrissimi. J. U. Monarche D[omi]ni Lapi de Castellbovo.**

Lyon: Impe[n]sis Vencentii de Portonariis, 1532. [xii], cxxvj, [1] ff. Main text in parallel columns.

Four works in one volume. Octavo (6-1/2" x 4-3/4" [16.5 x 12 cm.]). Nineteenth-century vellum, lettering piece to spine, front board reattached, edges rouged, tear to title page repaired. Light soiling, spine ends bumped. Woodcut decorated initials and colophons, title page of Allegationes printed within architectural border. Some toning to text, heavier in places, title page of Leges Longobardorum and following three leaves lightly browned and moderately edgeworn, faint dampstaining to margins in a few places. Later annotations to rear endleaf, interior otherwise clean. Ex-library. Bookplate to front pastedown. An appealing volume containing four scarce titles. \$5,000.

*LEGES LONGOBARDORUM*: first edition; *Solemnis* and *Questio*: only editions; *Allegationes*: later edition. *Leges Longobardorum* is a pioneering critical edition of the legal code of the Lombards (Italians) issued after their conquest by Charlemagne. It was adapted from the Lombard's Roman-derived legal system. Bohier's edition sought to distinguish the contributions of Charlemagne, the Lombards and earlier Roman law. The other studies by Bohier are

related but bibliographically distinct. First printed in 1470, Castiglionchio's *Allegationes* is a venerable treatise on procedure in canon law and, to a limited extent, Roman law. All of the titles in our volume works are scarce, especially in North America. Bohier: *Universal Short-Title Catalogue* 143981, 144040, 144029; Castellione: Adams, *Catalogue of Books Printed on the Continent of Europe* L207.

# Leges longobardoꝝ

rum seu capitulare diuini ac sacratissimi Carolina  
gni imperatoris: & fracie regis ac nouelle & stitutes  
dñi Iustina. imperatoris cũ p̄ficiuicula & a notatio  
nibꝫ in ipsas. ll. & cōstitutiones nouellas p̄ claris  
simū & spectabile virum dñm Nicolaum boberij.  
J. A. interpretem. sacri regalis cōsistorij ordina  
rium cōsiliarū: (vz an sint allegabiles ad causa  
rū decisionem & ligent oēs aut solū lōbardos) edi  
ctis nusqꝫ impresse.



**Cū privilegio regio.**



# Solēnis repetitio fa

mose. l. cōsentaneū. C. quomodo & qñ iudex. edita  
Bituris per clarissimū & spectabile virū dñm Ni  
colam Boberij de mōte pefulano. J. A. inter  
pretem: et sacri Regalis cōsistorij cōsiliarū ordi  
narium: cōtinēs vtilem & quotidianā citationū pri  
mi et sc̄di decreti materiā: p̄ octo cōclusiones dis  
fuse disputatā: vna cum appostillis in margine p̄  
eundem additis.



**Cū privilegio regio.**

vt in pagina sequenti patet.



# Questio de custodia

clauium portarum ciuitatū: castrorum: & aliorum  
locoꝝ fortificioꝝ per clarissimū et specta  
bilem virum dominum Nicolaum boberij. J. A.  
Interpretem sacri regalis cōsistorij cōsiliarium  
ordinarium eleganter & diffuse disputata.



**Cū privilegio regio.**

vt in fine patebit.



# Allegationes dñi Zapl. ✠

## Tractatus Allegationū

illustrissimi. J. El. monarcho dñi Zapl  
de castellibono: accuratissime nūc demū  
cū haud vulgari accessione impressus:  
Sūmarijs in hac vltima impressione  
cūlibet Allegationi summo cū conatu  
p̄positis. Premissumqꝫ est Repertoriū  
singulares totꝫ opis finias cōplectēs.



1 5 3 2



BRANT, SEBASTIAN [1458-1521].  
[CACCIALUPI, GIOVANNI BATTISTA (c. 1420-1496)].

Early  
Printings  
(1508,  
c.1496) of  
Two Classic  
Fifteenth-  
Century  
Textbooks in  
a Volume with  
Original Hasp  
of Chained  
Binding

**Expositiones Sive Declaratio[n]es Omniu[m] Tituloru[m] Iuris tam Civilis Q[ua]m  
Canonici. De Modo Studendi in Utro[que] Jure; Cu[m] No[t]ibu[s] Omniu[m]  
Scribe[n]tiu[m] in Iure.**

[Basel: Jakob von Pforzheim (for Jakob Wolff), 1 February 1508]. 168 ff. Collation: A-S8, T4, V-X6, Y8.

[BOUND WITH]

[POLONUS, MARTINUS (d.1278)].

[BRANT, SEBASTIAN, Editor].

**Margarita Decretaliu[m].**

[Basel: Nicolaus Kesler, c. 1496]. [56] ff. Text in parallel columns. 46-line text. Collation: a8, b-h6, i8.

Quarto (8-1/2" x 6-1/4" [21.5 x 16 cm.]). Contemporary quarter pigskin with elaborate blind tooling over wooden boards with (later?) pigskin clasp with bronze buckle, original iron hasp for chain to top-edge of rear board, raised bands and "Basiliae 1508" in early hand to spine, contemporary hand-lettered vellum title panel affixed to front board large calligraphic letter L directly above it, thumb tabs to fore-edges of title pages. Light soiling to pigskin, spine ends bumped, a few minor wormholes to boards. Moderate toning to text, somewhat heavier in places, faint dampstaining to final ten leaves of Margarita, later calligraphic flourish and "1508" to title page of Expositiones. A handsome volume with a rare example of an early library security measure. \$20,000.

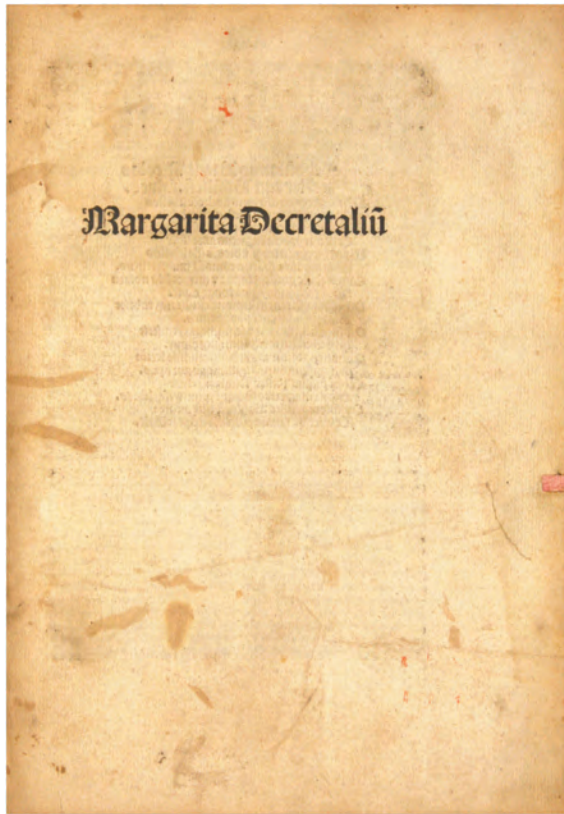
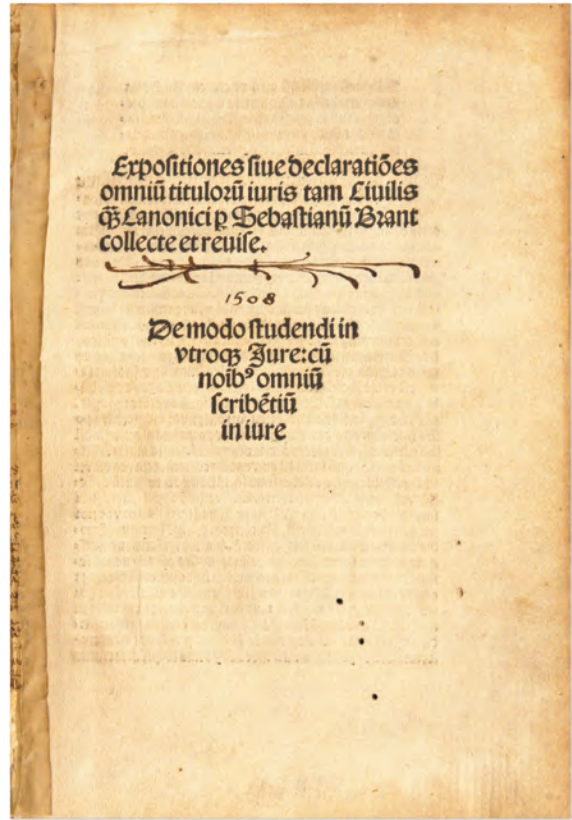
REMEMBERED TODAY AS the author of the moral and satirical *Narrenschiff* (*The Ship of Fools*), Brant was also a noted legal scholar and humanist. He studied at Basel, where he completed a doctor of laws degree. After serving on Basel's law faculty he moved to Strasbourg, his birthplace, where he became city clerk and enjoyed a position of great prominence. Brant was later appointed imperial councilor by the Holy Roman Emperor Maximilian I, who elevated him to the nobility. *Expositio Titulorum* is a renowned textbook devoted to complex passages in Roman and canon law. First published in 1490, while Brant was in Strasbourg, it summarizes his thoughts concerning Roman and Canon law and reflects his conservative and somewhat cynical worldview. Our c.1496 edition also includes *Caccialupi's Tractatus de Modo Studendi in Utroque*

*Iure*, an introductory textbook for law students. An important early legal reference work, *The Margarita Decretalium*, i.e. "Pearls of the Decretals," is the index to the decretals of the *Decretals of Gregory IX* (or *Liber Extra*). 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. *Expositio Titulorum*: OCLC locates 2 copies in North America (Harvard Law School, Library of Congress). *Das Verzeichnis der im Deutschen Sprachbereich Erschienenen Drucke des 16. Jahrhunderts* B7052. *Margarita Decretalium*: OCLC locates 4 copies in North America (Harvard Law School, Harvard Medical School, UC-Berkeley, University of Illinois). Goff, *Incunabula in American Libraries* M-264. *Gesamtkatalog der Wiegendrucke* M20971.





See rear cover.



**9** BOSQUETO, BARNARDUS [d. 1371], Commentary.  
FASTOLUS, THOMAS [fl. 1338-1361], Commentary.  
MOLENDINO, JOHANNES DE, Commentary.

Notable  
Decisions  
of the  
Rota  
Romana  
with  
Regulations  
of the  
Apostolic  
Chancery

**Decisiones Rote Nove ac Antique: Cu[m] Additionibus & Casibus: Ubiisq[ue] et Regulis  
Cancellarie Apostolice: Nuper Diligentilima Recognite & A Mendis Expurgate.**

[Lyon: Per Jacobum Myt Chalcographum, 1521]. [x], 116, 90, [10], 91-165 ff. Main text in parallel columns. Quarto 7-3/4" x 5-1/2" (19 x 14 cm.).

Contemporary paneled calf with elaborate tooling, raised bands to spine, fragments of thong ties. Light rubbing and some worm holes to boards, chipping to spine ends, joints starting at ends, corners worn, hinges cracked, considerable worming to pastedowns and endleaves, minor worming to lower margin of title page and following few leaves and final three leaves of text (fols. 163-165). Title page, featuring a woodcut vignette of a lawyer, a judge and a member of the Apostolic Chancery printed in red and black within a woodcut architectural border, woodcut decorated initials. Moderate toning to text, faint dampspotting in places, faint dampstaining to margins of title page and some other leaves, spark burns and early pen marks in a few places. \$1,750.

LATER EDITION. A collection of four sets of decisions by the Rota Romana and two sets of regulations for the Apostolic Chancery, which regulated practice and procedure. The decisions cover the period 1376 to 1381. The Chancery regulae are those of Sixtus IV, promulgated in 1482, and Innocent VIII, promulgated in 1491. This 1521 imprint

is based on the 1496 Venice edition printed by the de Gregoriis for Fontana. This work went through several editions, but all are scarce. OCLC locates 10 copies of the 1521 Lyon edition, 2 in North America (University of Kansas, UNC-Chapel Hill). *Universal Short-Title Catalogue* 155536.



**Tractatus Allegationum Illustrissimi. J.U. Monarche Domini Lapi de Castellhouo: Accuratissime nunc Demum cum haud Vulgari Accessione Impressus: Summariis in hac Ultima Impressione Cuilibet Allegationi Summo cum Conatu Prepositis. Premissiumque est Repertorium Singulares Totius Operis Sententias Complectens.**

Pleading  
in  
Canon  
Law

[Lyon: Impressum: Opera [et] Industria Benedicti Bo[n]nyn Impressoris Seduli], 17 July 1532. [xii], 126. [2] ff. Main text in parallel columns. Quarto (6-3/4" x 4-3/4" [17 x 12 cm.]).

Contemporary limp vellum, later lettering piece to spine, speckled edges. Light soiling and a few minor stains, light rubbing to extremities, 18th-century armorial bookplate of the jurist Baron Rudolf Johann of Wrisberg (1677-1764) to front pastedown, vellum just beginning to crack though at ends of hinges. Title page, with large printer device, printed within woodcut architectural border, woodcut decorated initials, colophon has another large printer device. Light toning to text, internally clean. A handsome copy. \$1,850.

LATER EDITION. This long-lived treatise on pleading and procedure in canon law was first printed in 1470. As indicated by the title, it deals mostly with the proper form of allegations, that is, arguments by advocates that direct the judge's attention to the canons that support their client's case. In this edition, each allegatio is followed by a summary. Lupo da Castiglionchio, Latinized as Lopus de Castellione, was a Tuscan noble and friend of Petrarch. His Allegationes went through several editions, five of them in the fifteenth century. All editions are rare. OCLC locates no copies of this edition in North America. Adams, *A Catalogue of Books Printed on the Continent of Europe* L207.



# 11 CIPOLLA, BARTOLOMEO [1420-1475].

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

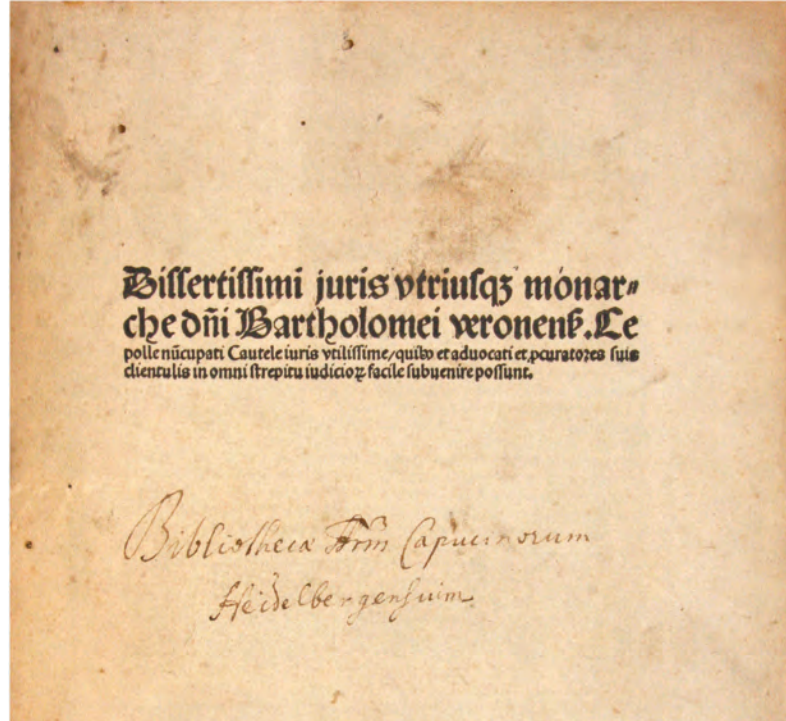
## Cautelae Iuris.

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

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

THIRD EDITION, and the last incunable edition. Cipolla was a professor of law at the University of Padua, Venetian diplomat and one of the greatest Italian Jurists of the fifteenth century. His works are notable for their humanistic scholarship and coordination of theoretical and practical concerns. *Cautelae Iuris* is a set of 325 knotty legal points, i.e. "legal cautions," concerning servitudes and real property under Roman and canon law. It was first

printed in Perugia by Petrus Petri de Colonia and Johannes Nicolai de Bambergia around 1474 and reached its tenth edition in 1577. Philipp von Flersheim [1481-1522] was the bishop of Speyer. OCLC locates 5 copies of this imprint in North America, 1 in a law library (Library of Congress). Goff, *Incunabula in American Libraries* V381. *Gesamtkatalog der Wiegendrucke* M6484.





I

**Bartholomei Veronei, vulgariter  
nuncupati. Cepolle, vtriusque iuris doctoris, advocati, consistorialis Padue  
legentis, cautele vtilissime feliciter incipiunt.**



**Prima cautela**

Orandum singulariter, qd si filius commisit aliquod cri-  
men puta lese maiestatis, et pater ipse offerat siue exbi-  
beat cum iudici, filius non debet mori, nec est ita punie-  
ndus sicut si fuisset accusatus, ductus per aliu, vt est tex.  
notabilis in l. milites agris. §. defertorem. ff. de re militi-  
tari p m Salice. in. l. p. propter insidias. C. qui accusare no-  
pos. Et per illum tex. Raynerius ostendit se fuisse consuli-  
tum de facto in ciuitate forlinij. Et ita respondit. Questio  
sibi erat talis, filius interfecerat vnum ex quo veniebat decapitandus, et pa-  
ter p pua auctoritate cepit filium, et duxit ad iudicium, vtrum sit decapitandus.  
Cōclussit qd nō p illū tex. Et adde tu siles; tex. i. l. qd cū vno. §. d. filii. eo. ti. de re  
milita. Et in ciuitate forlinij Pau. de castro consulit. Cum quidam mercator  
veniret de alania interrogauit eū de quibusdam dubijs, inter qd erat istud  
Quidam filius cuiusdam comitis palatini comiserat crimen lese maiestatis  
pater pua auctoritate presentauit eum imperatori, dubitabat nunquid esset  
decapitandus, et consulit dñs Paul. qd non. et mouebatur auctoritate Ray-  
ner. et Salice. Et quando ille mercator redijt dicit qd imperator viso consilio  
voluit ipsemet videre rectum, quo viso eum liberauit a pena mortis, relega-  
uit eum per decennium. Ita dicit Paul. in dicta. l. p. propter insidias. C. qui accu-  
sa. non pos. Quod singulariter tene mēt: qd si pater videt filium commisisse  
delictum capitale, et sperat iudicem velle sequi iura qd ipsemet pater eum of-  
ferat iudici vel superiori, tamen ista cautela est periculosa in crimine lese ma-  
iestatis licet imperator p dicitur obseruauerit, est tamen vtilis si occurreret ca-  
sus sicut fuit Paul. et Rayner. quod nota.

**Secunda cautela**

Cautela liberandi aliquem a morte iuste condemnatum est vt quando du-  
citur ad iusticiā vel ad patibulū, pcurat vt ducat p viam vbi transitū facit ali-  
quis cardinalis, nam si obuiam facit aliquis cardinalis ducto ad mortē ipse  
reus condemnatus liberabitur. Habet enim cardinales ex consuetudine et  
priuilegio vt semper possint ad mortem condemnatos et obuiam liberare.

**12** CIPOLLA, BARTOLOMEO.  
[GRADIBUS, JOHANNES DE (15th/16th c.), Editor].

One of the  
Great  
Italian  
Jurists  
of the  
Fifteenth  
Century

**Incipiu[n]t Sole[m]nes ac P[er]utiles Tractatus Memoriaq[ue] ac Studio Dignissimi Egregij Viri: Iurisq[ue] Utriusq[ue] Peritissimi D. Bartholomei Cepolle, Videlicet.**

[Lyon: Antoine Du Ry, Impensis Jacques and Franciscus Giunta, 1525]. [xii], cccxvi [i.e. 312], [2] ff. Main text in parallel columns. Octavo (7" x 5" [18 x 13 cm.]).

Contemporary vellum from manuscript leaf, hand-lettered title to spine, front endleaves recycled from another book. Some soiling, moderate rubbing to extremities, joints starting, some worming to spine, corners worn, pastedowns loose, worming to rear hinge, a few cracks to text block, a few signatures loose. Title page, with woodcut vignette and architectural border, printed in red and black, small woodcut vignette at head of main text, woodcut decorated initials. Moderate toning to text, occasional faint dampstaining to margins, some edgewear and a few minor tears to title page and the following four leaves. Finger smudges, annotations to rear endleaves, underlining and brief annotations in few places, interior otherwise clean. \$1,750.

THIRD EDITION. *Tractatus Memoriaque* is a collection of seven essays on servitudes, real property and related topics in Roman and canon law. It is a collection based on titles that circulated in manuscript and the early printed era. The first edition

in its final, seven-essay form appeared in 1511. It was issued several times into the sixteenth century. All editions are scarce. OCLC locates no copies of the 1525 imprint in North America. This edition not in Adams.



COP, JEAN (COPPE, JOHANN, COPUS JOANNES).

**De Restitutis a Christianissimo Francorum Rege Francisco Francisco Literis, Ioannis Copi Parisiensis Iurisconsulti Oration, Ad Iudices Academiae Parisiensis Emendatores, In Amplissimo Iurisperitorum Consessu Habita, Cum de Proposito Fructuum Iure Esset Responsurus.**

Paris: Ex Officina Christiani Wecheli, Sub Scuto Basiliensi, 1535. [20] pp.

[BOUND WITH]

COP, JEAN.

**De Fructibus Libri Quatuor.**

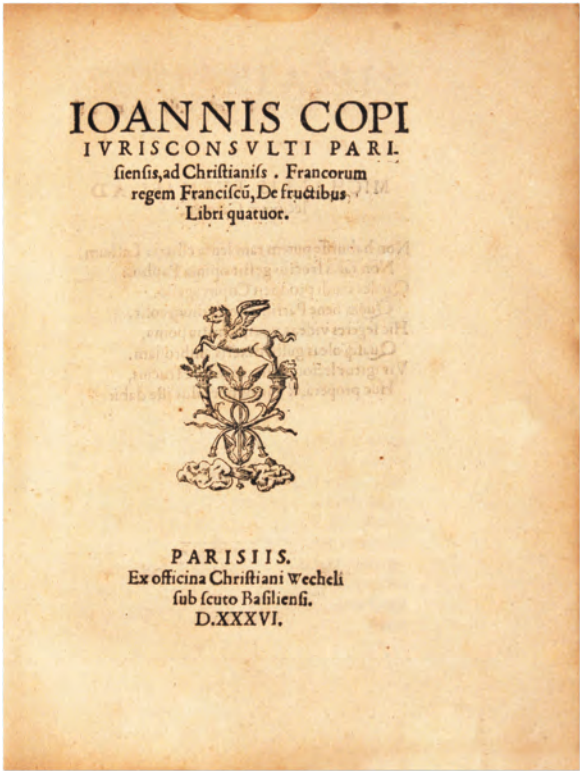
Paris: Ex Officina Christiani Wecheli sub Scuto Basiliensi, 1536. [xvi], 263, [1] pp.



Quarto (8-1/2" x 6" [21.5 x 15 cm.]). Contemporary limp vellum, ties lacking, early hand-lettered titles to spine and foot of text block. Light soiling and minor staining, some rubbing to extremities, hinges starting, a few partial cracks to text block. Moderate toning to text, early owner signatures to title page of *De Restitutis*, brief annotations to a few leaves. \$1,850.

*DE RESTITUTIS*, Only edition; *De Fructibus*, first edition. Two interesting titles by a little known Parisian lawyer. The first of these, *De Restitutis*, is an oration on property taxes, or "civil fruits." The second work, *De Fructibus*, is a treatise on usufruct in Roman and canon law. A second edition of this work was published in 1583. Bibliographically distinct, it appears these two titles were often bound together.

Both titles are rare. In North America, OCLC locates no copies of *De Restitutis*, 1 copy of the 1536 edition of *De Fructibus* (at Harvard Law School), 2 copies of its 1583 edition (at Princeton University and UC-Berkeley) and 2 copies of the 1636 edition of *De Restitutis* bound with *De Fructibus* (at Brigham Young University and Columbia). Neither title in Adams or the *British Museum Catalogue*.



# 14 [CORPUS JURIS CANONICI].

Appealing  
1479 Venice  
Imprints  
of Two  
Principal  
Volumes of  
Canon Law

[BONIFACE VIII (1235-1303), POPE].  
[D'ANDREA, GIOVANNI (c.1270-c.1348), Commentary].  
[ALBIGNANI, PIETRO, Editor].

## [Liber Sextus Decretalium Una Cum, Apparatus Joannis Andreae].

[Venice: Johannes De Colonia and Johannes Manthen, "16 April" (probably after 19 May), 1479]. [146] ff. Collation: a10, b-d8, e-f6, g-m8, N6, o-q8, r10, s12. Text in parallel columns with 68-line linear gloss.

[BOUND WITH]

[CLEMENT V (c.1264-1314), POPE].  
[D'ANDREA, GIOVANNI, Commentary].  
[ALBIGNANI, PIETRO, Editor].

## [Constitutiones, Cum Apparatu Joannis Andreae (With XXIX Extravagantes)].

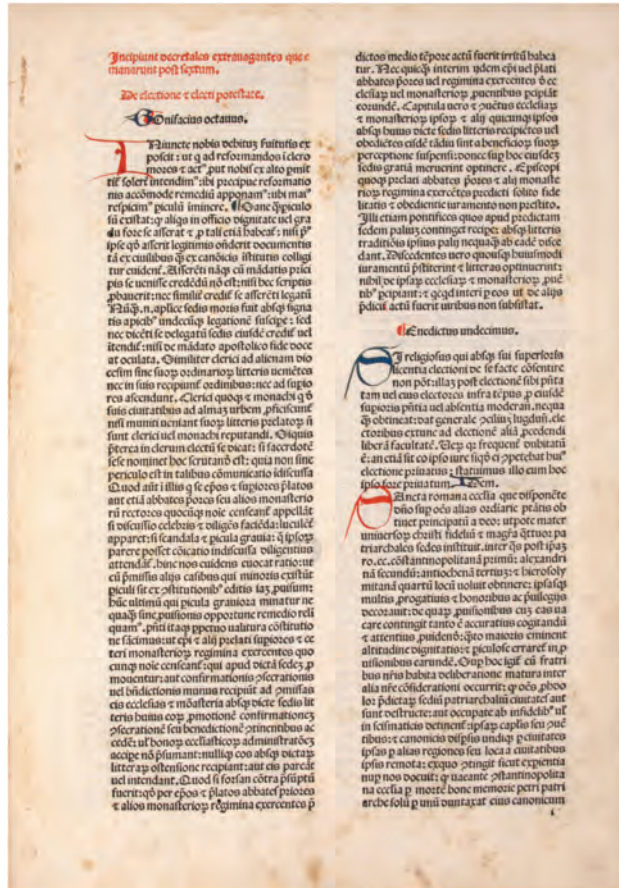
[Venice : Johannes de Colonia and Johannes Manthen, "7" June 1479. (Foreword is dated June 9, 1479)]. [82] ff. Collation: a10, b-e8, f-g10, h8, i12. Text in parallel columns with 68-line linear gloss.

Folio (15" x 10-1/2" [38 x 26.5 cm.]). Later quarter blind-stamped pigskin over marbled boards, raised bands and later hand-lettered title to spine, clasps lacking, buckles present. Spine ends bumped, front joint starting at head, crack to rear joint at foot, corners worn, a few small wormholes to boards, hinges starting. Gothic type, some printing in red. 2 to 4 line initials in red or blue. Red and blue paragraph marks. Some manuscript headlines. Light toning to text, somewhat heavier in places, faint dampstaining in a few places, smudges and light soiling to a few leaves, manuscript list of rubrics in early hand to final blank of *Liber Sextus*. An impressive volume. \$23,000.

GOFF, *Incunabula in American Libraries* B990, C3776. Gesamtkatalog der Wiegendrucke 4863, 7108.







## Components of the Corpus Juris Canonici

A collective title adopted by the Council of Basel in 1441, the *Corpus Juris [Iuris] Canonici* [Body of Canon Law] designates the volumes of laws governing the Catholic Church. These volumes are the *Decretum Gratiani* (1151), the *Liber Quinque Decretalium* or *Liber Extra* of Pope Gregory IX (1234), the *Liber Sextus* of Pope Boniface VIII (1298), the *Liber Septimus Decretalium*, also known as the *Constitutiones Clementis V*, or *Clementinae* of Pope Clement V (1317) and the *Extravagantes* of Pope John XXII (1325). Two texts were added later: the *Extravagantes Communes* of other popes to 1484 and the *Appendix Pauli Lancellotti* (1563). All of these texts were edited from 1580 to 1582 in response to the reforms authorized by the Council of Trent. In this form the *Corpus Juris Canonici* remained in force until it was replaced in 1917 by the *Codex Juris Canonici*. These laws are wide-ranging. They concern ecclesiastical matters, such as liturgy, scripture, ecclesiastical hierarchy and the duties of clerics, criminal law and vast areas of what are now called family and private law. See also 15–18 following.

# 15 [CORPUS JURIS CANONICI].

Incunable  
Editions  
of Two  
Primary  
Volumes  
of  
Canon Law

BONIFACE VIII, POPE.

[D'ANDREA, GIOVANNI], Glosses.

[**Liber Sextus Decretalium, Cum Apparatu Johannes Andreae**].

[Nuremberg: Anton Koberger, 12 March 1482]. [118] ff. Collation: a-q7. Final leaf, a blank, lacking. Text in parallel columns with two-column linear gloss.

[BOUND WITH]

CLEMENT V, POPE.

[D'ANDREA, GIOVANNI], Glosses.

[**Constitutiones, Cum Apparatu Johannes Andreae**].

[Nuremberg: Anton Koberger, 15 January 1482]. [60] ff. Collation: a/A10, B-G8, H2. Text in parallel columns with two-column linear gloss.

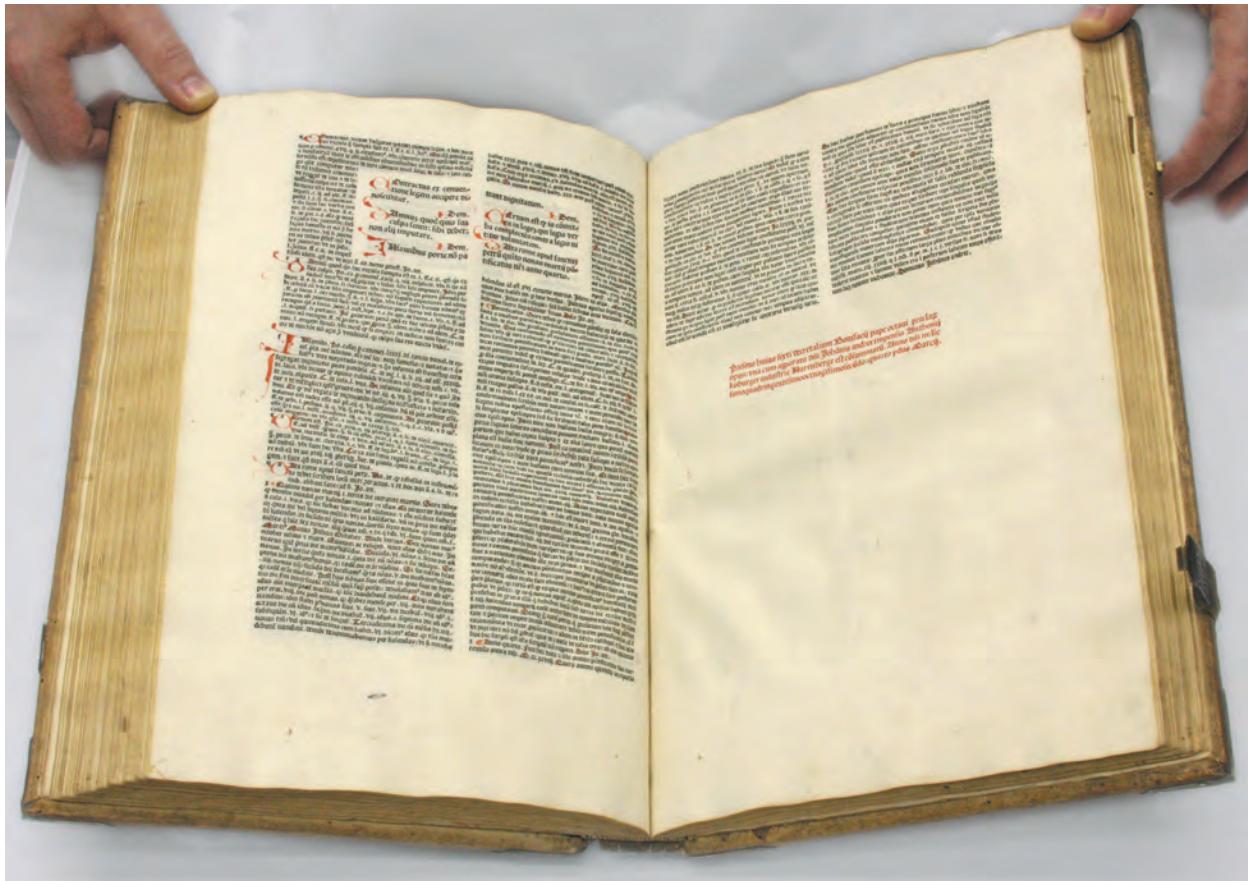


See front cover.

Two works in one volume. Folio (13-1/2" x 9" [34 x 23 cm.]). Contemporary German blindstamped pigskin over wooden boards, covers with large central lozenge within rectangular line borders, embossed with 7 single stamps in circular or lozenge shape, original metal bosses at center and corners, two metal clasps, front cover with vellum title label in a contemporary hand, plain spine with raised bands and later manuscript label at head (scattered wormholes). Light soiling, a few minor wormholes, upper clasp detached. Printed in red and black, both works in double columns with surrounding glosses, rubricated throughout, some initials with marginal extensions, red paragraph marks and capital strokes. Light toning, a few stains and marginal worming to n7-06 of *Decretalium*, without final blank, some worming to lower margin of first signature of *Constitutiones*, decreasing in the second signature. Contemporary manuscript index to pastedowns, ownership inscription of the Minorite Convent, Bohemia, dated 1629 to head of leaf a1 of *Liber Sextus*. A strikingly handsome and well preserved volume.

\$22,000.

GOFF, *Incunabula in American Libraries* B993 (*Liber Sextus*), C725 (*Constitutiones*). *Gesamtkatalog der Wiegendrucke* 4868 (*Liber Sextus*), 7095 (*Constitutiones*).



# 16 [CORPUS JURIS CANONICI].

Handsome  
Incunable  
Edition  
of Gratian

GRATIAN THE CANONIST [c. 1090–c. 1160].  
[JOHANNES TEUTONICUS (or ZENEKA) (d.1253), Glossator].  
[BARTOLOMEO DA BRESCIA (d.1258), Glossator].  
[BRANT, SEBASTIAN [1458–1521], Editor].

## Decretum Gratiani.

[Basel: Johann Froben, 13 June 1493]. [520] ff. Main text in parallel columns with linear gloss. Collation: a–z, 78, A–Z8, AA–SS8. Signatures RR–SS replaced with signatures from the 1500 Froben edition. Added signatures aA–bB6 from the Froben edition of 1500 before main text (signature a), woodcut portrait of Gratian in duplicate, both hand-colored. Quarto (8-1/4" x 6" [21 x 15 cm.]).

Contemporary calf with elaborate blind-tooling over wooden boards, title, brass bosses to corners and centers of boards, raised bands and small later shelf label to spine, "Decretu" blind-stamped to head of front board, 55" in early hand to fore-edge of text block, clasps lacking, pastedowns renewed. Moderate rubbing, chip to head of spine. 67-line text printed in red and black, occasional capitals spaces, mostly with guide-letter, 13-line illuminated initial N on a2r, supplied leaf Aa2 with illuminated initial and flourish at margin. Moderate toning, occasional faint dampstaining to margins, light soiling to a few leaves. \$30,000.

THE FIRST OF TWO FROBEN editions, a composite copy brought together c. 1500. With the *Glossa Ordinaria* [Standard Gloss] of Joannes Teutonicus and the glosses of Bartolomeo da Brescia. In this copy all but the final two signatures are from the 1493 edition. It is augmented by the first two signatures of the 1500 edition, which contain a table

of contents that does not appear in the 1493 edition, along with a duplicate title page and author portrait. The uniformity of decoration and the contemporary binding make it clear this marriage occurred around 1500. Goff, *Incunabula in American Libraries* G384. *Gesamtkatalog der Wiegendrucke* 11377.





# 17 [CORPUS JURIS CANONICI].

Handsomely  
Printed  
Edition of  
Gratian, Lyon  
1512

GRATIAN THE CANONIST.

[JOHANNES TEUTONICUS (or ZENEKA) (d.1253), Glossator].

ASTESANO [d.c. 1330].

POLONUS, MARTINUS.

[BARTOLOMEO DA BRESCIA, Glosses].

**Decreti Huius Amplissimum Argume[n]tum: Consanguinitatis & Affinitatis Arboristic Imprimatur. fo. ccclxxxv: Hic Divisiones Domini Archidyaconi hic Reperiuntur: Adduntur Bible Capita Caractere Textuali Impressa: Pregnans Tabula pro Glosaru[m] Medullis in Marginibus Positis: Canonum Congregatio Perfecta sub Indice Fidelissimo Varia Carmina Totam Breviter Materiam Complectentia : Inest Decretum Abbreuiatum Enigmata Succincte Resoluens: Seorsum Concilia Sunt hic Diversis ex Locis Coadunata: Margarita Seu Tabula Martiniana Nuperrime Recognita hic Inferitur.**

[Lyon]: Francoys Fradin, [1512]. CCCXXVI, [22], XXXVIII, [2] ff. Woodcut tables of descent and consanguinity. Text in parallel columns within linear gloss. Folio (15-1/2" x 11" [39 x 28 cm.]).

Early calf, raised bands, lettering piece and gilt ornaments to spine. Moderate rubbing to boards with some (mostly shallow) scuffing, heavier rubbing to extremities with wear to spine ends, board edges and corners, front hinge cracked but secure, bookplate residue to front pastedown, front free endpaper partially detached, rear hinge starting, light soiling to title page. Fol. 1 features a large woodcut frontispiece of Gratian surrounded by Old Testament figures, saints and church fathers. Printed marginalia. Large woodcut printed device to title page, woodcut decorated initials, text printed in gothic type. Minor worming to text block, occasional faint dampstaining to margins, internally clean. \$5,000.

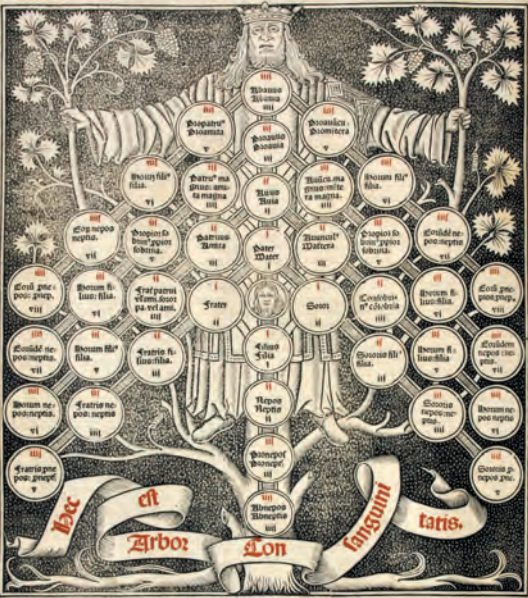
THIS IMPRINT INCLUDES the *Canones Poenitentiales* of Astesano and the *Margarita Decreti* of Martinus Polonus (see Item 33). OCLC locates 1 copy of this imprint in North America (at

the University of Pennsylvania), and two others in France. Not in Adams or *The Canon Law Collection of the Library of Congress*.



**Arbor Confanguinitatis.**  
Non tangunt dextros qui stant in parte sinistra.

**Figura** patris et matris huius mundi...  
**Figura** patris et matris huius mundi...  
**Figura** patris et matris huius mundi...



**Confanguinitas per tres regulas declaratur.**

**Prima regula** magistra pro linea recta...  
**Secunda regula** magistra pro linea recta...  
**Collater alium** in linea equali quoto gradu...  
**Collater alium** in linea equali quoto gradu...  
**Collater alium** in linea equali quoto gradu...

**Collater alium** in linea equali quoto gradu...  
**Collater alium** in linea equali quoto gradu...  
**Collater alium** in linea equali quoto gradu...



**Ad lectorem.**

**Statua** qui nomen pber doctissimus auctor:  
**Propagavit** opus dogmata eius gerens.  
**Ecce sic** sancti doctores ipsi citant:  
**Scriptis** maius ut bis sit tribuenda fides.  
**Quinimum** quid babg: noc fallit opinio verax:  
**Humani** non est peccetis iste liber.  
**Declarum** totum non fpectos fr die volumens:  
**Lumina** nec tollat sanguinolenta teneas.  
**Fruet** et tristis medium te rompbca fundet:  
**Si** decreta dei vis temerare pi.

# 18 [CORPUS JURIS CANONICI].

Handsome  
Giunta  
Edition of the  
Decretals of  
Gregory IX  
Illustrated  
with c.180  
Woodcuts

GREGORY IX [1147?-1241], POPE.  
[BOTTONI, BERNARDO (d. 1266), Glosses].  
[GIOVANNI D'ANDREA, Commentary].

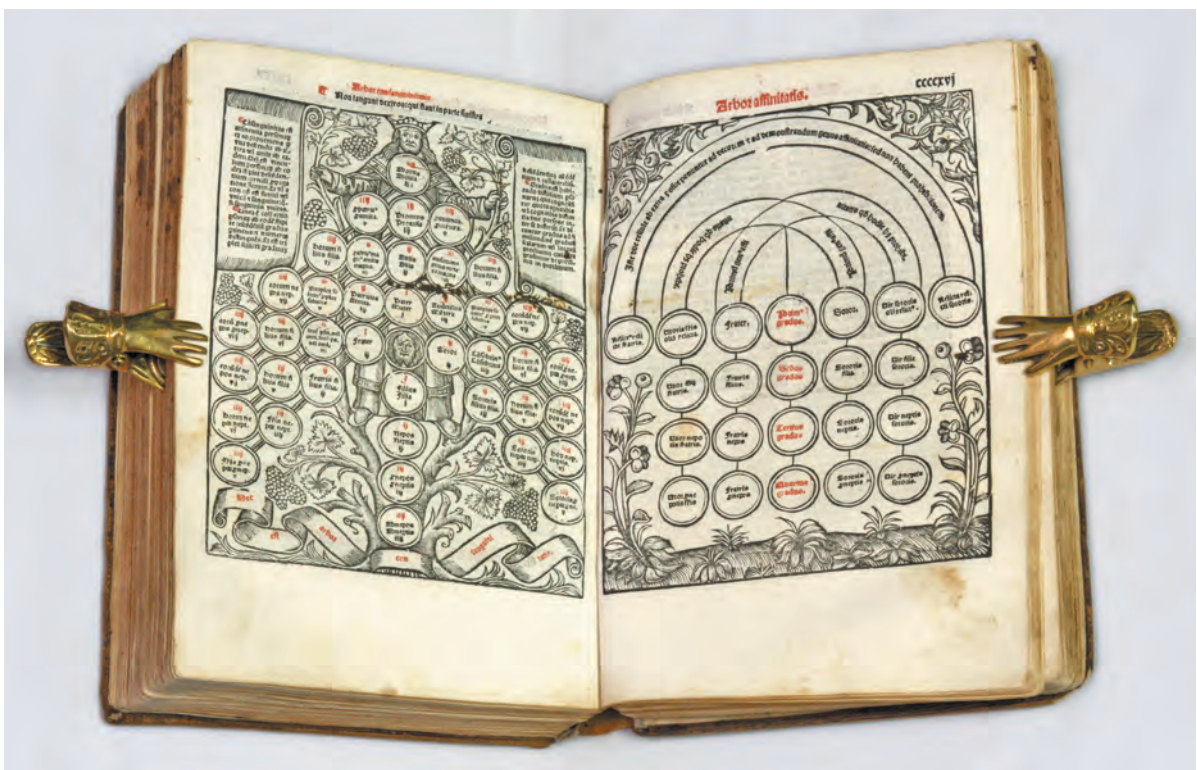
**Decretales D[omi]ni Pape Gregorii Noni Acurata Diligentia Novissime Q[uam] Pluribus  
Cum Exemplaribus Emendate: Aptissimisq[ue] Imaginibus Exculte: Cum Multiplicibus  
Repertoriis Antiquis: [et] de Novo Factis ad Materias Quascunq[ue] Inueniendas  
Amplissimis. Additis Omnibus Necessarys Addi Possibilibus: Que de se Legentibus  
Patebunt.**

[Venice: Per Lucantonium de Giunta, 1514]. [iv], 536 ff. Main text in parallel columns surrounded by linear gloss. Full-page woodcut (of Christ before Pilate) facing f. 1, woodcut tables of descent and consanguinity, c. 180 woodcuts throughout text. Quarto (8" x 6" [20 x 15 cm.]).

Recent period-style paneled calf, blind tooling to spine, endpapers added, clean tears to title page, ff. 14 and 141 carefully mended. Printed in red and black throughout, woodcut Giunta device to title page, woodcut decorated initials. Light toning to text, occasional (very) faint dampspotting to margins, light soiling, minor worming and two brief early annotation to title page, extensive annotations to rear endleaves and some passages in the text. A handsome copy. \$5,000.

THIS EDITION IS NOTABLE for its elegant typography and numerous woodcuts that illustrate points in the text. composed it shortly before 1263. Our addition includes the standard gloss on this work, or *Glossa Ordinaria*, of Bernardo Bottoni and extracts from the *Novella sive Commentarius in Decretales Epistolas Gregorii IX*, by Giovanni

d'Andrea. A complete work (and bibliographically distinct), our volume is part of a three-volume edition of the *Corpus Juris Canonici* issued by Giunta in 1514. OCLC locates 4 copies in North American libraries (Library of Congress, Harvard, UC-Berkeley, Yale). *Censimento Nazionale Delle Edizioni Italiane del XVI Secolo* CNCE13386.





compilat Gregorius, 1171.

**Decretales dñi pape Gregorij noni acu-  
rata diligentia nouissime & pluribus  
cum exemplaribus emendate: apud  
similq; imaginibus exculpte: cum  
multiplicibus reperijs anti-  
quis: & de nouo factis ad ma-  
terias quascunq; inuenien-  
das amplissimis. Ad di-  
tis omnibus necessa-  
rijs addi possibili-  
bus: que de se le-  
genibus pa-  
tebunt.**



Non nobis domi-  
ne Non nobis, f. d.

Nonini tuo da  
gloriam.

0.3

**De accusationibus inquis. & denunciatio. Zi. j. cccxxij**



**Q**uestio. iij. De his modis p[ro]cedendi  
in iudicio. Primo ad querelam. Secundo ad sequentia. Tertio  
ad querelam. Quarto ad querelam. Quinto ad querelam.  
**Q**uestio. iij. De his modis p[ro]cedendi  
in iudicio. Primo ad querelam. Secundo ad sequentia. Tertio  
ad querelam. Quarto ad querelam. Quinto ad querelam.  
**Q**uestio. iij. De his modis p[ro]cedendi  
in iudicio. Primo ad querelam. Secundo ad sequentia. Tertio  
ad querelam. Quarto ad querelam. Quinto ad querelam.



# 19 [CURIA ROMANA].

The  
Proper  
Forms  
for  
Pleading  
in the  
Curia  
Romana

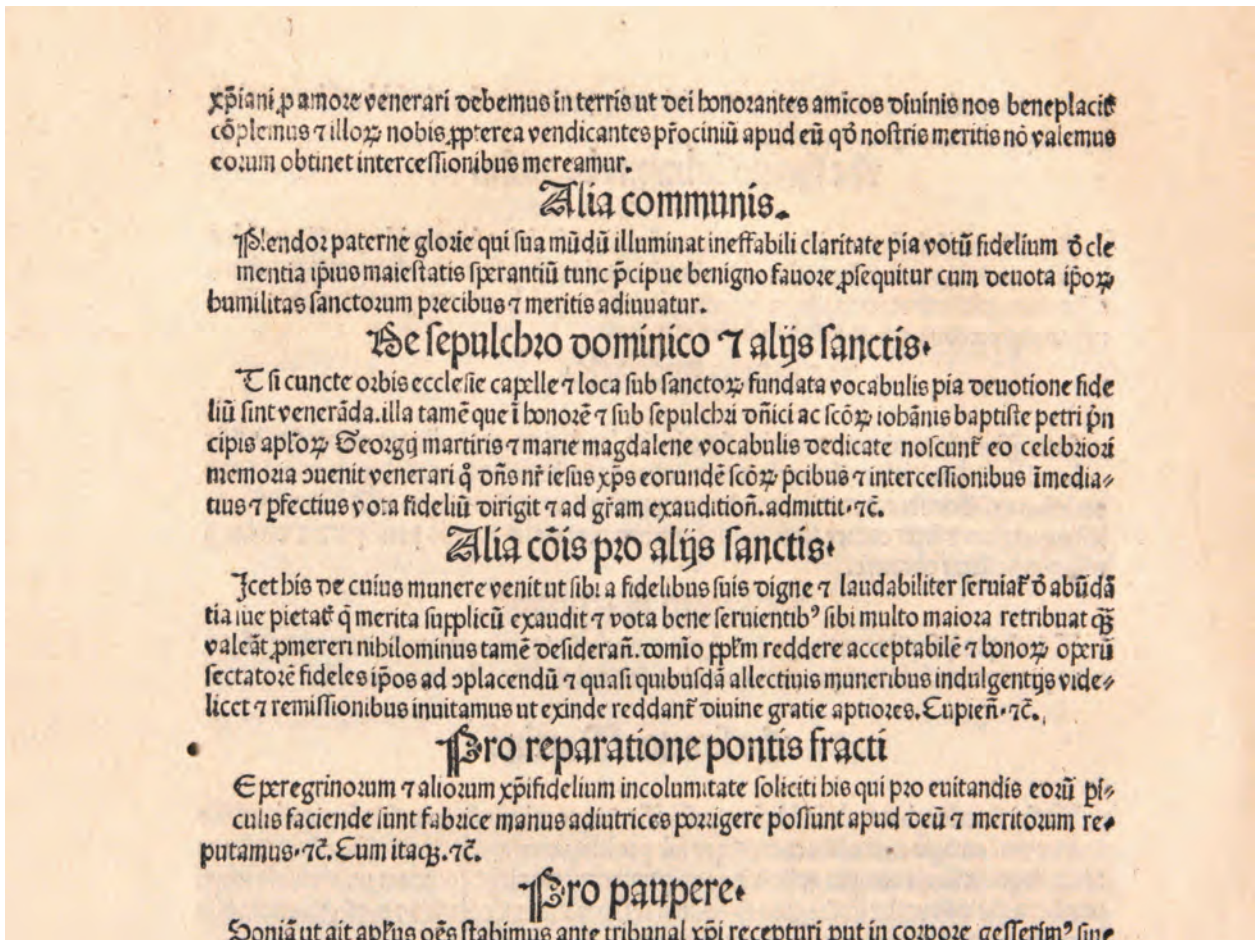
[**Formularium Instrumentorum ad Usus Curiae Romanae. Constitutio 19 November 1317 'Exsecrabilis Quorundam' Contra Pluralitatem Beneficiorum; Paulus II, Bulla 23 November 1464 'Cum Detestabile Scelus' Contra Simoniacos; Paulus II, Bulla 1 March 1467 'Ambitiose Cupiditati' de Rebus Ecclesiae non Alienandis**].

[Basel: Michael Wenssler, Not after 1480]. [126] ff. Collation: q6, a11, b-k8, l6, m-o8, p6. Leaf a1, a blank, lacking. Signature q, the table of contents, with blank q1, is bound at front as in the British Library copy. Folio (12" x 8-1/2" [30 x 21.5 cm.]).

Contemporary blind-stamped red-dyed doeskin, central cross and linear frame on covers with 15 repeat stamps, including man of sorrows, 'Maria' in a banner, paschal lamb, a deer, rosette and palmette, apparently not in Einbanddatenbank, spine with raised bands painted grey at an early date and titled in manuscript, clasps lacking, buckles present. Light rubbing to boards, heavier rubbing to extremities with wear to spine ends and corners, partial crack through spine, scattered wormholes to exterior, pastedowns and leaves at front and rear of text block, minor worming to other leaves. 55-line text in single column. Light toning, slightly heavier in places, wrinkling from moisture to margins in a few places, inkspots to a few leaves, brief early annotation to verso of front leaf, 1646 owner inscription of Burghausen, Jesuit college at head of first text leaf. \$17,000.

FIRST APPEARING in the 1474 Rome edition of Johann Schurener and Johann Nicolai Hanheymer, the *Formularium Instrumentorum* is a collection of models for legal documents applicable to canon law. Developed in the second quarter of the fifteenth century, they were used in the multifarious business

of the Curia. This edition was printed in Wenssler's type 124, later taken over by P. Kunne, Memmingen, and probably first cast for liturgical use. A 1480 date of purchase was noted by Baer, *Bücherfreund* 9 (1911), no 1, 2, 738. Goff, *Incunabula in American Libraries* F254. *Gesamtkatalog der Wiegendrucke* 10201.



**Tabula huius libri.**

Absolutio simpliciter vel ad cautelam vi  
gore omissionis aplice ab excōicatione la  
ta ob nō solutionē pecuniarum. fo. j.

Absolutio similis pro absente p̄ cura  
torē p̄ite ex adverso p̄ncipali 7 consenti  
ente. fo. j.

Absolutio ad cautelam cū reincidentia d̄  
consensu partium ad certū tēpus. fo. j.

Absolutio ad cautelam cū reincidentia  
sub certa conditione. ij.

Transmissio reintegrationis excōmunicatio  
nis seu reincidentie. ij.

Absolutio cū reincidentia vna cū ibibi  
tione inserta quādo i cā p̄cesserūt plures  
auditores 7 hoc vsq̄ ad certum tempus. ij.

Absolutio i v̄l omissionis aplice. ij.

Absolutio ab auditore camere ab excō  
municatiois sn̄a aucte eius lata. ij.

Commissio absolutionis ab eodem audi  
tore camere. ij.

**De acceptatione.**

Acceptatio simplex p̄beñ. eccleie ca  
thedralis p̄ canonicum creatum in eadem  
ecclesia. ij.

Acceptatio simplex cantorie per cano  
nicū expectantē dignitatē. ij.

Acceptatio prioratus facta p̄ religiosus  
expectantem. ij.

Acceptatio p̄cbialis eccleie. ij.

Acceptatio 7 p̄nsio p̄cbialis eccle  
sie simul. iij.

Acceptatio 7 p̄nsio in vim nominatio  
nis. iij.

**De aggrauatione.**

Instrumentum aggrauationis reag  
grauationis interdicti et inuocationis bra  
cbij secularis ob nō partitionem execu  
torialium. iij.

Aggrauatio cū reaggrauatōe 7 inuo  
catione per auditore camere i curia p̄ ex  
cōmunicatōe ob nō solutionē pecuniarum.  
vj.

Aggrauatio cū reaggrauatōe 7 inuo  
catione bracbij secularis ac sequestratōe fru  
ctuum per auditore camere extra curiam.  
vj.

**De appellacione.**

Appellatio extrajudicialis ab intrusio  
ne facta coram notario. vij.

Appellatio extrajudicialis ab iurisdictione

7 notificatione aliquarū l̄ra 7 c. corā no  
tario interposita. vij.

Instrumentū appellacionis extrajudicia  
lis ab intrusione cū insertōe cedule appel  
lacionis 7 p̄fixione termini per deuolutio  
nem cāe ad curiam. vij.

Instrumentū appellacionis i iudicio co  
ram auditore eius assignatione termini ad  
recipiendam apostolos 7 vocatione coram  
dem. vij.

Instrumentū appellacionis p̄diffinitua  
sn̄a in absentia iudicis corā notario cū in  
firmatione ipsi ac insertōe cedule. vij.

Instrumentū appellacionis iudicialis corā  
auditore cum vocatione reuerentialium et  
termini ad p̄rosequendum. ix.

Instrumentū appellacionis extrajudicia  
lis corā notario illius infirmationis 7 copie  
affixionis. ix.

Instrumentū petitionis ap̄curum. ix.

Instrumentū petitionis 7 vocationis apo  
stolorum. ix.

**De arrendatione.**

Arrendatio in forma camere cū cōsti  
tutione p̄curatorum. ix.

Arrendatio in forma camere. x.

Arrendatio cū certis pactis. xi.

Arrestū in forma ad arrendandum l̄ras  
aplice in cancellaria plūbo registro apo  
stolicis. xi.

Arrestio itineris ad R̄o. curiam. xi.

**Baccalariatus.**

Instrumentū grad⁹ baccalariat⁹ pacē  
curiabus. xi.

Littera baccalariatus emanata a p̄mo  
uente p̄pter sufficientiam. xij.

**De cessione.**

Cessio debiti in forma camere. xij.

Cessio sine translatio debiti cū insertō  
one obligationis. xij.

Cessio 7 renunciatio litis 7 cause i ma  
nibus auditoris. xij.

**De citatione.**

Citatio cū inhibitione inserta extra R̄o.  
curiam. xij.

Littere citatōis p̄ edictū. xij.

Citatio p̄sonalis p̄ edictū p̄finito iura  
mento de iudicio s̄sti. 7 c. xv.

Citatio cū inhibitione s̄ cēsuris 7 pe  
nis pecuniarū p̄finito iuramento i defectu  
probationis 7 p̄ edictum. xv.

Citatio decreta p̄ auditore surrogatū. xv.

**20** DINUS DE MUGELLO [1254-c.1300].  
BOHIER, NICOLAS DE [1469-1539].  
DU MOULIN, CHARLES [1500-1566].

A  
Distinguished  
Commentary  
on Maxims  
and Phrases  
in the Liber  
Sextus  
Decretalium

**Dynus de Regulis Juris, Commentarius Mirabilis Super Titulo De Regulis Iuris Praecipui Sui Seculi Iurisconsulti Do. Dyni Muxellani Insignis I.U. Doctoris: Multò Plus Quàm Unquam Annotationibus Auctus, & Recognitus: Ubi Praeter Do. Nicolai Boërij, & Et Celsi Hugonis Cabilonen[sic] Additiones Multa Novissime per Doctorem Anonymum Sunt Addita, Pleraq[ue] Depravata in hac Ultima Impressione Restituta, & Omnia cum Repertorio Castigatissimo ad Unguem & Feliciter Emendata.**

Lyon: Per Jacobum Giuncti, 1533. cxxxii, [20] ff. Main text in parallel columns with linear annotations. Octavo (6" x 4" [15 x 10 cm.]).

Recent calf, blank lettering piece to spine, endpapers renewed. Moderate rubbing to extremities, corners bumped, front hinge starting, a few cracks to text block, later armorial bookplate (of George Baron Ferrers of Chartley) to front endleaf. Title page, with large woodcut Giunta device, printed in red and black within woodcut architectural border, woodcut decorated initials, woodcut colophon. Moderate toning, occasional faint dampstaining, minor edgewear to a few leaves, worming to final leaves with minor loss to text of final two leaves. Early annotations to margins of several leaves, some affected slightly by trimming. A scarce title. \$1,650.

DINUS'S DISTINGUISHED commentary on *De Regulis Juris*, a collection of 88 maxims and phrases in Book 5, Title 12 of the *Liber Sextus Decretalium*, was first published around 1472. It went through several editions into the sixteenth century. Each *Regula* is followed by Dinus's commentary. The additions

and commentary by Bohier and Moulin flanks or surrounds the main text. This edition, identical to editions published in Lyon in 1533 by Jacques Myt and in 1535 by Giunta, is not listed in Adams, Baudrier or the *Universal Short-Title Catalogue*. No copies of this imprint located on OCLC.



DU TILLET, JEAN [d. 1570], Editor.

21

A  
Landmark  
in the  
Recovery  
of Early  
Medieval  
Law

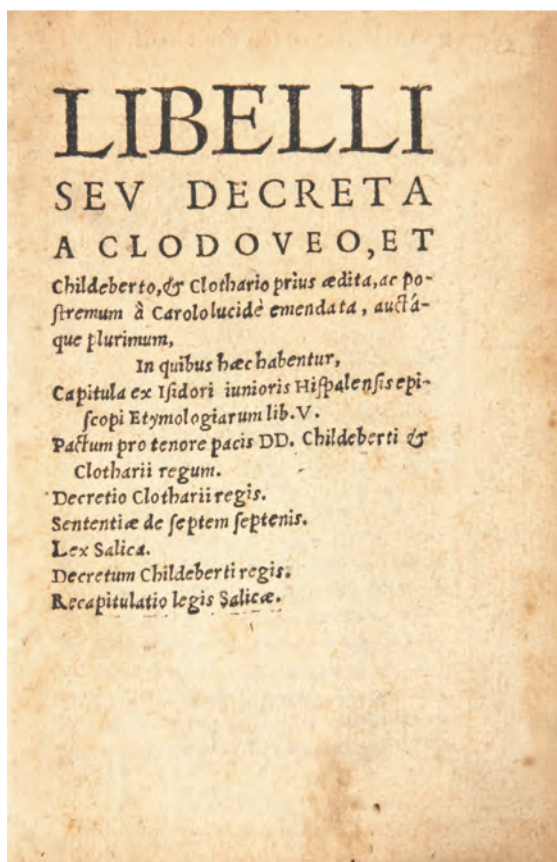
**Libelli Seu Decreta a Clodoveo, Et Childeberto, & Clothario, Prius Aedita, Ac, Postremum a Carolo Lucide Emendata, Auctaque Plurimum, In Quibus Haec Habentur. Capitula ex Isidori Junioris Hispalensis Episcopi Etymologiarum Lib. V. Pactum Pro Tenore Pacis DD. Childeberti & Clotharii Regum Decretio Clotharii Regis. Sententiae de Septem Septenis. Lex Salica. Decretum Childeberti Regis. Recapitulatio Legis Salicae.**

[Paris: Charlotte Guillard, 1550]. [ii], [3]-127; [1], 70; [1], 95; [1], 56; 15; [2], 119, [1] pp. Six parts one, each preceded by divisional title page. Octavo (4-1/4" x 3-1/4" [10.8 x 8.2 cm.]).

Contemporary limp vellum, title panel and blind ornaments to spine. Light soiling, spine darkened, corners bumped, small recent owner bookplate to front pastedown, front hinge cracked. Light toning to text, light soiling to title page of first part, later owner annotations in pencil to front pastedown. An appealing copy of a rare title. \$3,000.

FIRST EDITION. An important landmark in the recovery of early medieval law, this volume contains critical editions of the principal texts of Frankish, Burgundian, Germanic, Saxon, Salic and Ripuarian law (*Lex Alemannorum*, *Antiquae Burgundionum Leges*, *Ripuariorum Leges a Theodorico Rege Francorum Latae*, *Antiqua Baivuariorum Lex* and *Vetus Lex Saxonum*.) The list of topics treated in these codes includes commerce, land ownership, inheritance, criminal procedure and civil procedure. A French humanist jurist and associate of Cujas, Du Tillet was also the Bishop of Briouac. He edited

Ulpian's *Regulae* and assisted Cujas with his edition of the Theodosian Code. This volume was reissued in 1573 with an original title page by Jacques de Puy. Both editions are otherwise identical. Charlotte Guillard was France's first important female printer. She was renowned for the quality of her typography. Later editions were published in 1580 and c. 1600. All are rare. OCLC locates 4 copies of the first edition in North America, 2 in law libraries (Library of Congress, UC-Berkeley). Adams, *Catalogue of Books Printed on the Continent of Europe, 1501-1600* L644.





remanent incorrecta. Et per hoc legitur fm cum q illi q bodie per ciuitates lombardie ex forma statutoꝝ dānant ad mortē et ad furcā postea suspenduntur vel decapitant p̄sniaz. Etia pendē. tpe ad appellādū nō possūt facē testamētū cōrato ē qz statū lata snia facti sūt serui pene vt. l. g. vltio ff. de penis. et idē legitur Bar. in. l. certa forma. L. de iure filii. et plene p dñm Bal. in. l. et i priuatoꝝ. L. si n̄ a cōpe. iudi. Sec⁹ aut si dānat⁹ viuus remaneret vt qz de portareē vl̄ in cōfinib⁹ remaneret vl̄ aliter exbānirēt qz tūc posset testari fm formā iuris cois. nō aut fm formā statutoꝝ ciuitatis a q̄ bānit⁹ eēt fm Bar. vbi sup̄ et vide per euz in d. l. j. de bo. dam. et ita debz intel ligi aut. sed bodie. L. de dona. inter vi. et vr. fm Dy. Alteri⁹ q̄ritur an bona eoz q seipos inter fecerūt publicē bodie sicut oli vel agnaris refer uentur p aut. bona dānatoꝝ sup̄ alle. dicūt doct. q bodie n̄ publicātur h̄ agnatis referuēt 7 sic iura antiq̄ etiā i h̄ casu p d. aut. remanent correcta vt dext. Bar. i. l. g. rei. in fi. ff. de bo. eoz q moꝝ. sibi cōsi. et p glo. in. l. fi. L. de iure filii. cū si. qd̄ no. qz babui bis de facto. Et qz in supiorib⁹ satis cōpendiose ē tactū q̄liter pcedat 7 puniat qz p e⁹ p̄prio delicto sup̄est vide an 7 q̄lr et qn̄ qz puniendus sit p alieno delicto. L. lica qd̄ ē breuē aduertendū q̄ regulariter null⁹ d̄z ex facto seu deli cto alterius debēt extēdi vt dicit ibi ter. et h̄ in. c. q̄si uit. c̄ de his q̄ si. a ma. parte ca. absurdū em̄ ē vt alteri per alterū possit offerri iniq̄ conditio vt. l. rem hereditaria. in fi. ff. de euict. et in. l. electio. S. fi. ff. de nora. et plene per Dy. in regula nō de bet. de re. iur. li. vj. verūm̄ in certis casib⁹ sp̄ali bus repit aliq̄n cōtrariū inter q̄s ē qn̄ p̄ cōmit tit crimē lese maie. q̄ casu fili⁹ sustiner illas p̄as de glo. in. l. quisq̄. L. ad. l. iul. ma. Qñ p̄ huius pleniori declaratiōe renouo in dubiū. an qz pro de licto sui familiaris possit cōueniri. in q̄. q. ē sic con clusue r̄istinguendū. aut ille familiaris ē bō liber aut seru⁹. P̄prio casu aut familiaris deligt in re quā dñs ei⁹ simplr̄ tenebat e⁹ tñ dñiū vl̄ q̄si erat alteri⁹ vt qz res erat cōmodata vl̄ locata ipi dño suo. aut deligt in re alteri⁹ 7 ab alio possessa aut deligt in psonā alteri⁹ tñ. P̄prio casu s̄distingue aut dñs famli ad rei custodiā erat obligat⁹ ex cō tractu pcedēti 7 tūc tenet p delicto famuli in re ipa cōmissio vt. l. g. insulā. S. fi. ff. loca. et conduc. aut nō erat obligat⁹ ad h̄ et tūc nō tenet dñs vt in. l. si vedita. in prin. ff. de pic. et cōmo. rei v̄. nī si lex ipm dñm obligaret p̄pter cōm cōtractū vel p̄uentionē qdā suadere egrate ne tertia persona damnū incurzat vt in. l. fluminū. S. q̄q̄. ff. de dā.

insec. facit. l. si fundus in fi. et. l. sed de dāno. ff. locati. q̄ casu tenet p famulo vt ibi. Secdo aut ca su qñ deligt in re alteri⁹ 7 ab alio possessa tūc co minus nō tenet vt in d. l. si vedita. in prin. et d. l. q̄tēs. in prin. et. S. fi. ff. de nora. 7 no. p doc. in. l. j. ff. si fa. fur. se. dica. Tercio casu qñ deligt in p sonam alteri⁹ vtputa vulnerādo aut rapiedo vel aliter delinq̄do et tūc aut ille famulus deligt i officio cōmissio dño suo 7 tūc tenet dñs vt. l. ij. ff. furt. aduer. nau. cau. sta. p to. et. l. j. S. familie. ff. d̄ publi. et ibi plene de h̄ per bar. facit. ff. nau. cau. sta. p totū. aut deligt c̄ offm̄ 7 tūc dñs nō tenet vt in d. l. q̄tēs. in prin. et. S. fi. ff. de nora. nisi dñs mandasset vl̄ op̄e aut auxiliū p̄stitisset vt sup̄ di ctū ē. Si bō familiaris erat fūus tūc tenet dñs noraliter. et de peculio. vt. ff. de nora. p totū. 7 d̄ pecu. per to. faciūt q̄ no. 7 h̄ in. l. si feilla. ff. de iurif. o. iu. et. ff. si fa. fur. se. di. per totū. Et pre dicta faciūt ad qd̄m p̄ratū officialiū q in officio eozum ducūt familiares. nā si tales familiares deliq̄rūt in officio ipi officiales tenētuz. put sup̄ et. p̄bat in. l. j. L. ad. l. in. repe. et. l. nullus. L. d̄ ascesso. Si tñ ip̄e officialis et bibeat deliquētē sa mulū liberat fm Bar. et Ray. ar. d. l. null⁹. 7. l. j. in. S. qd̄ nouissime. ff. de pub. et ibi no. sec⁹ si co minus famuli exereret officiū p̄ratū puta taber nam vel hospitariā. qz tūc nō excusat eē ipm exbi bēdo fm bar. ar. d. S. qd̄ nouissime. L. rō esse pōt qz illo casu ex q̄si cōtractu dñs tenet ad diligētiā et custodiā ideo requit vt supra dictū est. Pos sremo qz offensiones q̄tidie insurgūt. q̄ro si qz ti meat ne ab aliq̄ offēdaē an possit petere q̄ sibi caueat de nō offēdendo quā qd̄z format Dy. in ti. de pig. in. S. legē. d. qd̄ si timeo. Sic cōclusi ue fm bar. et Bul. de cu. Qñqz timeē dānuz in ferri de re ad rē et tūc p̄stādo est cautio vt in toto ti. ff. de dā. insec. Qñqz timeē de psona in perso nam et tūc idem vt in. l. denunciam⁹. L. de his q̄ ad ec. cōsu. Qñqz timeatur de re ad personam et tunc nulla p̄statur cautio vt i. l. g. bona. S. g. dāni. ff. de dā. insec. et ibi p Bar. Potest tñ officio iu dicio is e⁹ res ē cogi rē ipam reficē vt i. l. p̄les. ff. de offi. p̄si. Qñqz timeē de psona ad rē et tūc p̄sta bitur cautio vt i. l. si fideiussor. in fi. ff. g. sat. cog. et in. l. impatoꝝ. ff. de ap. cū si. §. rē.

Opus p̄ne insigne et admodū vtile iuris no ua practica appellatur: a iurispitissimo Bode pe tri (q ferzarijs floruit) de papia: curiose pmulgar tum. Impensis antbonij kobuzger #Nuzemberge effigiatum: Feliciter fuit. Anno salutis c̄bru liane. MD. cccc. lxxij. pridie kl̄s Aldar c̄y.

## 23 [JODOCUS OF ERFURT, Attributed].

Two  
Important  
Early Legal  
Reference  
Works

### **Vocabularius Iuris Utriusque.**

[Strasbourg: Georg Husner, 27 May 1500]. 130 ff. Collation: a8 b6 c8 d-x6. Complete. Text in parallel columns.

[BOUND WITH]

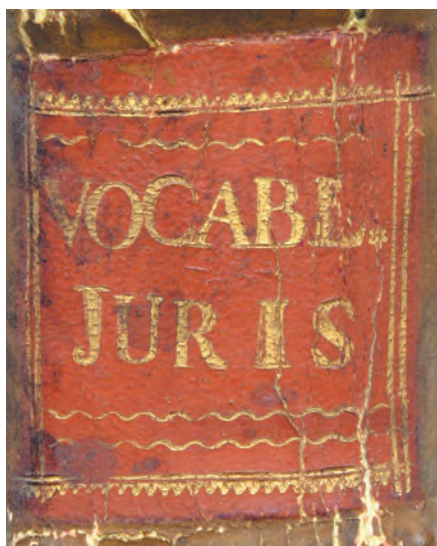
### **Formulare Registorum Seu Terminorum Observandorum in Curia Romana: Noviter Impressum Apprime Utile Practicam Nancisci Cupientibus.**

[Leipzig: Wolfgang Stockel, 19 March, 1506]. [ii], lix, [1] ff. Collation: [\*]2(-\*2) a6 +\*2 b6 C-K6. Complete. Text in parallel columns.

Folio (10-1/2" x 8" [26 x 20 cm.]). Contemporary half blind-tooled deerskin over wooden boards, remains of brass fore-edge clasp, somewhat later re-staining of spine and addition of lettering piece. Some rubbing to extremities, a few cracks to spine, some chipping and a few minor tears to foot. Text printed in Gothic type, *Vocabularius* with initial spaces with printed guide letters. Light soiling and stains in places, light toning to *Vocabularius*, *Formulare* evenly browned some trimming to headlines, final leaf (colophon) used as rear pastedown. Owner inscription (of the Jesuit house of Millstatt [Carinthia]) to head of a2, interior otherwise clean. Appealing copies in a handsome contemporary binding. \$13,500.

A work of great authority, the *Vocabularius*, as it is popularly known, is usually attributed to Jodocus, a jurist associated with the University of Erfurt. First published around 1474 in Basel, this highly respected reference 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 second work is a well-known formulary (vocabulary and form book) on procedure in the papal courts produced

for the German market. The first edition has not been determined, but two incunable editions with similar titles were printed in Rome. *Vocabularius*: The ISTC locates 5 copies of this imprint in North America (Huntington Library, which owns two copies, Ohio State University, UC-Berkeley Law Library, University of Kentucky). Goff, *Incunabula in American Libraries* V358; *Formularium*: OCLC locates no copies of this imprint in North America. *Verzeichnis der im Deutschen Sprachbereich Erschienenen Drucke des 16. Jahrhunderts* F1893.



Actual size



Residentia Societas Ieri millerhady bscript.

Wonia III

ri opera datur pri noffe oportet vti nomen iuris de cetera ff de iust iu re i in fm etiam vt ait p bus j et b qui virtu tes vocabuloru ignorat

de facill paralogiant a deceptiur. Hii eni nome rei facti cognitio rep perit fm Jsid. Turpe etia videt patricio et nobili viro et casu potant ius in q sicut ignorare ff de oit li i q s muci auditores s na cu discitem et de here cu ex inuico xxxviii dis sculo. Et qd oibz habet q nemo debet ignorare scientia i q sicut. Qd antedico legillato Tul pian? di. Hii e pulch ad s boyz interpretatoe pueniam? pauc a de ipi significatioe tuncu referre ff si cer pe l i J dircio qrdi d terminoz q i iure virosq marie frequat necessarii fore duri descriptioe z significatioe clar? exponere ta in summo s 30 z 30 ff qd allunde collectioe pter iuuenes marie iuris virtusq alimoz. Et b breni alphabete n ordie vt eo meli memozie comendat. Et tato dntu inueniant pstringedo etia cu al legatioe in loca suis vt in iure modicus pfecti p ignota mntime pcederit bfo cog nitis pncipis z terminoz significatioe ac cessu facillioe habet ad virtus iur norf cia qz oim hie memozia et in nullo penit? errare pot? est diuinitatis qd hiantat? C de vt iur enu l i q s h qd aut s qz oim. Et no b de de respic c cum adeo in glo j de cori vti vel inuic c porrecta i glo j. Et si lectoz aliqua vocabula occurrerint quoz expositio bico n inueniat de hoc no mref qz nec omniuz memozia potuit occurrere. Et pimo.

De Quando facit

separatoe z qui icludit z qui excludit no Joan de pb ec statutu l i vi z archi d ec c j eo ll. Et a z ab i fili no archi xxxj dis alie. Et de a i c potuit de do z conu. Etia a et ab denotant separatione. C de nup l a cao ligato et ibi p Cy d glo li i ordinata ff de duo re et li ex duobz vbi rep cum glo ff

de acemp. J d s h. Item a vel ab e dicto significatioa primi termini a quo. sicut de crio vsq termini ad que. Hic aut terminu a quo significat exclusiue vel inclusiue. de q Bar. in l patron? ff de lega. in vti a vel ab significat exclusiue. dicto in statuto. a pul su campane d sero nullus vadat per vicoz sub pena tali. Nam hoc statutu intelligit pullata capana. Ideo si quis vadat qm pul satur non incidit in penam inclusiue signi ficat ibi a pullu capane de mane quis po test domu eire. quia statutu sic videt ino rellexisse zc. Ervide plenus de lhis dictio nibus p Jo de ferra. i sua practica i forma capitulu quado testes pduant ad eterna rei memoriam.

Abauus est pater paut vel pauic. sicut pro auus est pater aui vel auic.

Abaula est mater paut vel pauic. sic paula e mater aui vel auic fm Jid. et li et bmo z pleni ff q gra l iuricolul s qro gradu z s tertio gradu.

Abauuncu? est frater abauie fm Jid.

Abamita est soror abauis ff de gra l i palle s auunculus.

Abmatertera est soror abauie. De his termi nis vide in fi de gra s tertio gradu.

Abnepos est filius nepotis sic nepos fili? filii vel filie fm Jid. et li et b.

Abnepotia est filia nepotis vel nepotis sicut ne ptis filii vel filie filia fm Jid. vbi supra.

Abigere e a se expellere vel crimen abigeat? exerce vt sequitur.

Abacto? fm Jid. et b. est fur summoz vel pecuduz que vulgo vocantur abigeu. Nam abige? est q crimen abigeat? committit. p? pzie ille q pecora alicui? a pascuis z armen sis subducit abigedi studio. z bac arte exer cens vt p aliqd signu qd facit ipa aialia fa giant separent z dispergant. z ea sic recipi at scz cu panno rubeo vel alias oues quas dam ad memora fugando vt alias accipiat z deprede. Et est abigeat? crimen capitale C d abigeis l vnicia. Et maximus orator apd grecos demosthenes differetia ponit inter fure z abigeu. dicit q ille q vna sola pecude surripit fur e vt et fur coerebol. sed q totu gregu subtrahit abigicus est et crim ne abigicatus tenebit.

Ab interlatu. l sine testamto. in fi de here. q ab inter. de c. an rubro et in nigro.

a z

dit in causa. Et qm in ecclia vacate pndos puenit z seruados ad op? plati. Syndicus aut in rebz z nego? iustitibz corpz vl collegi? Et fm leg? differunt a defensore. z est vniuerso sed parato? est pinate persone ad iocuu vl plura. Actoz aut? vno vl iustitiate ad vna causam z presentem de certo pstituit. Alia vide supra o vmo. illegi dicitur ab hydra qd est vas q r. vl ab ydros. laq z phylate custo i cultodes aq? fm Jo anan. c. si iur cus. de sen. et li. vi.

ditoz supponit. z i ipa sibi ius pstituit. Qm q s rei pignorate vl obligate no trant pot festio in creditoz. Et d? ypotheca sicut pto gn? est mobilis q creditoz dat. ypothecare est obligare pignotare: vel sup ponere vt p3 p rubil. ff de re. co. qui sub m. z cu. du sub dicit. Sine decretis no pignoz supponedis z legato facto sup rebz ypothecatis. sed oia bona testatoz. vti l i. C. tota dele. Alia vide de dictioe Sup.

De Clotopia est su

spitio vl furo. ii. qv s. hoc aut? sub. c. p silustit. Zelotes qd est zeloz z viciocoz. vt l. canis cur pida. d. reuic. s. pone pto. Ibi de. Ego sus in qd de zelotes. l. reditioz z reactor castita tis. q. ii. s. h. ec vltra. et li. q. i. s. vilitans pca patri in filios vsq in tertia z quartaz generatione in bfo q oderant me. ptra me paternu odiu imitant. Et sunt verba domi nit ad Moyten. Et odi. et c.

Zyzania est segeo vl herba puerfa. l. lolium. lvi. dis. c. n. asclatitij. q. i. c. quia. Et qm po nif p forde oim segetu. glo. bona in cle. du dia. de sepul. z c. l. s. d. elec. Et ita saluatoz de c. ad volentes eradicare zyzania. q. q. ii. c. nolite q. p. m. z. et li. q. s. i. z. Hant. etij. Sinitetvnaqz crecere vsq ad messem. l. ad die iudicij vbi mali eradicannt z in igne pueniunt. A qua eradictioe nos? caustodiat qui sine fine vliut z regnat. Amen.

Vocabular? iuris impusio Argente. p comuni omnium vilitate z facilliori adiu ad virtusq iuris noticia Finis felicitet Anno salutis nostre Hillemo quingentesimo. xxxvii. die mensis Martij.

## 24

[JODOCUS OF ERFURT, Attributed].

CACCIALUPI, GIOVANNI BATTISTA [c. 1420–1496].

ALBERICO, DA ROSATE [c.1290–1360].

[NORVIS, JEAN, Binder].

An  
Important  
Early  
Law  
Dictionary  
in a  
Notable  
Binding

**Vocabularius Utriusque Iuris Difficillimas Quasque Voces Iuxta Receptos Juris Interpretes Edisserens: Iterum Exactissima Cura Recognitus, Conjectis in Suum Ordinem Dictionibus et non Paucis Vocabulis Elegantissimis hoc Signo \* Prenotatis Locupletatus.**

Paris: Apud Claudium Chevallonium, 1532. [iv], CCXL ff. Main text in parallel columns. Octavo (6-1/2" x 4-1/4"[16.5 x 10.8 cm.]).

Contemporary paneled calf by Jean Norvis, large central panels featuring a pattern of acorns, thistles and dragons to boards (*see below*), raised bands and early hand-lettered title to spine, to spine, ends restored, ties lacking, endleaves derived from a vellum manuscript leaf. Light rubbing and some crackling, moderate rubbing to extremities, corners lightly bumped and worn. Woodcut Chavallon devices to title page and ends of text, woodcut decorated initials. Light toning to text, somewhat heavier in places, light soiling and spotting to a few leaves, early owner inscription to front free endpaper, recent private-library stamp to foot of title page. A choice copy. \$5,000.

THIS EDITION ALSO INCLUDES Caccialupi's *Tractatus de Modo Studendi in Utroque Iure*, an introductory textbook for law students, and Rosate's *Breve Compendiolum de Orthographia*, a guide to legal writing. Jean Norvis was a leading sixteenth-

century Parisian binder. (The panels on our binding include the name "Jehan Noruis.") OCLC locates 3 copies, 1 in North America (UT–Austin Law School). Not in Adams. *Universal Short-Title Catalogue* 185240.



Detail of binding

**Vocabulari<sup>2</sup> vtriusq; iu-**  
 ris, difficillimas quasq; voces iuxta rece-  
 ptos iuris interpretes edisseres, iterum ex-  
 actissima cura recognitus, cõiectis in suum  
 ordinem dictionibus: non paucis vocabu-  
 lis elegantissimis hoc signo \* prenotatis  
 locupletatus,



**Parisijs apud Claudium Chevallonium**  
 sub Sole aureo in via ad diuum Jacobum.  
 Anno 1 5 3 2



**In vtroq; iure. Fo.ccxl.**

**C**ausa formalis ex parte tra-  
 erandi idem est quod modus  
 agendi: qui multiplex est: Di-  
 uisionis: ordinis: et exemplo-  
 rum positionis: et regularum  
 traditionis: vt per Azo. loco  
 pccallega.

**C**ausa  
 finalis. **Q**uarto loco esset videndum  
 que sit causa finalis. et super  
 hoc vt dicitur vt per Azonẽ lo-  
 co pccalleg. et doc. in dicto pccal-  
 leg. mo. ff. veteris.

**C**ui  
 parti  
 pccal-  
 leg. i-  
 ciat.

lophilic. Tractat enim de mo-  
 ribus: vt dicitur text. in l. j. ff. de  
 iust. et iure.  
**R**eliqua considerate p vobis  
 et studio inuigilatis: vt tandem  
 consequamini: quod commu-  
 niter optamus: qd vobis con-  
 cedat altissimus deus.

**A M E N.**

**Parisijs apud Claudium**  
**Chevallonium: Anno salutis**  
**trigelimosecundo.**



153

**P**arisijs apud Claudium Chevallonium  
 sub Sole aureo in via ad diuum Jacobum.  
 Anno 1 5 3 2

**P**arisijs apud Claudium Chevallonium  
 sub Sole aureo in via ad diuum Jacobum.  
 Anno 1 5 3 2

**P**arisijs apud Claudium Chevallonium  
 sub Sole aureo in via ad diuum Jacobum.  
 Anno 1 5 3 2

**P**arisijs apud Claudium Chevallonium  
 sub Sole aureo in via ad diuum Jacobum.  
 Anno 1 5 3 2

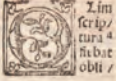
**P**arisijs apud Claudium Chevallonium  
 sub Sole aureo in via ad diuum Jacobum.  
 Anno 1 5 3 2

**P**arisijs apud Claudium Chevallonium  
 sub Sole aureo in via ad diuum Jacobum.  
 Anno 1 5 3 2





Scriptura id est solennitate quodam scripta: que per quendam nominis...



YL. De hoc consilium esse receptissimum si scriberet ipsum receptis per baret instrumenti...

Scriptura per litteras...



De vi bonorum raptorum. C. i. i. de furto sequitur de rapinae consequenter...

De vi bonorum raptorum. C. rapens per vim rem alterius tenet...



De vi bonorum raptorum. C. de vi bonorum raptorum que datur in quadrupli iura...

De vi bonorum raptorum. C. de vi bonorum raptorum...

Abcdefghijklmnopqrstxyz. ABCDEFGHIJKLMNOPQRSTUVWXYZ. Omnes sunt quaterniones. Tabula autem per se patet.

Venerabili opud beredes Lucentonij Junte Florentini Anno. 1538. Mensis Novembrii.



De iudicio damnum alieni dederit pro dolo eo separatum dabitur a pie...

De iudicio damnum alieni dederit pro dolo eo separatum dabitur a pie...



Conti. De iudicio damnum alieni dederit pro dolo eo separatum dabitur a pie...

De iudicio damnum alieni dederit pro dolo eo separatum dabitur a pie...



De adoptionibus. Dicitur in spei tunc peculiariter de ad adoptionem...

De adoptionibus. Dicitur in spei tunc peculiariter de ad adoptionem...

De adoptionibus. Dicitur in spei tunc peculiariter de ad adoptionem...

De adoptionibus. Dicitur in spei tunc peculiariter de ad adoptionem...

## 26 KOELNER DE VANCKEL, JOHANNES.

1494  
Edition of  
Distinguished  
Commentary  
on  
Canon Law

### 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.]).

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 annotation to upper corners of most leaves indicating sections, tiny signature and date of 1538 in tiny hand to title page, which is lightly soiled. A handsome volume. \$30,000.

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, the *Clementinae*, or *Liber Septimus Decretalium*, the *Extravagantes of John XXII* and the *Extravagantes Communes*. Vanckel, perhaps the

leading German canonist of his time, was a professor of law at the University of Cologne. OCLC locates 3 copies of the 1494 edition, 1 in North America (Huntington Library). Goff, *Incunabula in American Libraries* K32. *Gesamtkatalog der Wiegendrucke* 9714.



## ¶ Conclusiones super Sextum

**I**n dei nomine luc  
cinde et vtilis conclusiones circa mate  
riam tam glosarum quam doctorum circa Se  
xtum etiam nouissime scribentium vna  
cum pleniori textus eiusdem Sexti sum  
mario. In alma vniuersitate florentissi  
mi studij Coloniensi edita in luce vna  
ci lucubratōe honorabilis viri dñi Jo  
hannis coelner de vancel Artium le  
beralium magistri diuinarum humanarum  
tūq; legum interpretis. Jurisconsulto  
rum equissimi. et Ordinarij in iure cano  
nico p̄dicte vniuersitatis benemeriti. in  
edibus suis lecte et resumpte feliciter  
incipiunt.

**I**n nomine patris  
et filij et spiritus san  
cti Amen.

**I**o. mo. in. princi  
pio glo. sive ponit diffinitōes scire dicēs  
q̄ scire est rem per causas cognoscere  
vt. xxij. q. viij. c. occidit. Et prof. quē  
quadruplicem eam videlicet. materiar  
lem. formalem. efficientem. et finalez. et  
exquisite singulas causas in iure assignat.  
vt hic per eum Arch. aut et Jo. an.  
de his et alijs que circa p̄ncipia librorū  
solent queri. remittit ad glo. Bern. i. p̄  
hemio compilationis gregoriane. et ibi  
Ant. de but. pulcre singula examinat. et  
docto. ad quos remitto. qz breuissimus  
et textualis ero. Diuidit autē Jo. moñ.  
hūc totum librum in tres p̄tes. In p̄  
mo ponit prohemium in quo narratur  
intentum in hoc libro. In secunda trac  
tans in quo fit executio in speciali nar  
ratorum in prohemio. In tertia ponit  
epilogus. Secūda pars est i. de sum.

tri. et si. car. Tercia ps est. i. in ti. de reg.  
iur. In quo titulo ponitur regule que  
multa recapitulāt corū que specialiter  
in iuribus prius positus habentur

**B**onifacius  
episcopus  
Prohemium seu pars  
prima huius sexti quod

In glo. i. diuiditur in quatuor partes.  
In prima ponitur solutio. in secūda ex  
ordium. in tertia narratio. in quarta cō  
clusio. Secūda ps ē ibi Sacrosanctē Ter  
cia est ibi Sane. Quarta ibi. Vniuersi  
tati. ¶ In p̄ma igitur parte dñs papa  
Bonifacius. viij. doctores et scolares.  
Bononie p̄morātes salutet et eis apo  
stolicā b̄ndictōem p̄cedit. Hoc dr̄ p̄  
breui declaratōe quarūdam glosarum  
hic positarū aliquas tradam cōclusiōes  
in processu hunc ordinem pro posse ob  
seruaturus. ¶ Sit igit p̄ma cōclusio.  
Et si mutatio fraudulenta nois. agnor  
minis cognominis aut prenominis sub  
pena falsi sit phibita. tñ in promotione  
summi p̄fificis certis rōibus est p̄mis  
sa. Prima ps cōclusiōis probatur in. l.  
vna. l. de muta. mon. vbi liber homo  
phitus est sub pena falsi mutare nomē  
in fraudem vt aliū deciperet. Sine frau  
de aut potest licite liber homo nomē suū  
mutare licet aliud sit in seruo in quo sp̄  
fraus presumit si sine dñi voluntate no  
men suum mutare presumpserit. l. falsi.  
in prin. ff. ad. l. cor. de fal. et Dom. hic.  
Secūda pars conclusionis p̄batur hic in  
glo. verbi Bonifacius. Nā iste Bonifa  
cius vocabat̄ prius Benedic̄. Fit aut  
hec mutatio rationibus de quib⁹ in gl.  
all. Et obseruatū fuit illō a tpe Sergij  
pape. ij. qui erat natione Roman⁹ qui  
prius dicebat̄ os porci. cui propter tur  
pe nome qd̄ habuit mutatum est nomē  
a ij

## 27 [LEGAL REFERENCE].

### Flores Legum.

Three  
Classic Legal  
Reference  
Works Printed  
Circa 1500

[Paris: Etienne Jehannot for Jean Petit, c.1500]. [60] ff. Collation: [a8], b-g8 h4. 30-31-line text.

[BOUND WITH]

### Brocardica Iuris.

[Paris: Andre Bocard, for E., J. And G. de Marnef, c. 1503]. [40] ff. Collation: a-e8. 32-line text.

[AND]

TUDESCHIS, NICCOLO DE, Archbishop  
(ABBAS PANORAMITANUS) [1386-1445].  
[JOHANNES DE AUERBACH, (d. 1469) Editor].

### Processus Iudiciarius Panormitani Noviter Correctus et Emendatus cum Multis Additionibus in Locis Oportunis Insertis.

[Paris: Imprensa per Magistrum Nicolaum de la Barre for Jean Petit, August 4, 1505]. [122] ff. Collation: a-o8. 32-line text.

Octavo (5-1/4" x 3-1/4" [13 x 8 cm.]). Contemporary flexible vellum with lapped edges, early hand-lettered title to fore-edge. Large woodcut printer devises to title pages. Light soiling and a few minor stains to boards, spine darkened, light rubbing to extremities. Moderate toning to text, faint dampstaining in a few places, some edgewear to first four leaves of *Flores Legum* and final eight leaves of *Processus Iudiciarius*, early annotations to front endleaf, additional brief annotations in same hand to approximately 20 other leaves. A handsome volume comprising three rare imprints. \$10,000.

THIS VOLUME CONTAINING three classic reference works was probably compiled by a law student or layman. The *Flores Legum* is an anonymous collection of legal terms, maxims and other definitions in a condensed format arranged for easy reference. Copies were often bound with the *Brocardica Iuris*. Originally attributed to Portius Azo, it is a legal handbook for students and laymen. The *Processus Iudiciarius* is a handbook on procedure

in the canon and civil courts. Tudeschis, a cleric and one of the most prolific and formidable legal scholars of his generation, earned the nickname 'lucerna juris' (lamp of the law). All three works were first printed in the fourteenth century. Notably popular and durable works, all went through several later editions. *Flores Legum, Brocardica Iuris: Gesamtkatalog der Wiegendrucke* GW 10066, V Sp.558a; *Processus Iudiciarius: Universal Short-Title Catalogue* 182665.



# Flores legum



Jehan Petit.

1515

# Brocartica juris



Processus iudicialis panormitani noviter correctus et emendatus cum multis additionibus in locis opportunis insertis.



Jehan Petit.

et finitē a sine sententiā a vltima diffinitiva executioni nō est demādata: vel lz sit appellatū ipa tñ appellatio ex falsa et frustratorza cā est omīssa ac male & iniq̄ interpolita & p̄ priorē iudicē bone & iuste p̄cessum ex tali cā &c. Quare petit p̄curator p̄dictus noīe quo. s. q̄tūs p̄mūcteris decernatis & declaratis p̄dictā appellatiōē p̄sentā ex causis p̄missis fuisse & esse nullā irritā & inanē vlt̄ desertā derelictā & demissa vlt̄ p̄dictū titiū male & frivole appellatē p̄ iudicē a q̄ bone & legitime p̄cessum & iuste p̄mūctū et interlocutiū ipsaq; asserta appellatiōe nō obstant ee p̄dictū iudicē p̄iorē sua posse et debere iurisdictione vti / et p̄cedere in principali vel sniaz p̄dictam fuisse & esse executioni demādatā: & ipsam appellatiōē idē appellato in exp̄llis litis condēnādu atq; cōdemneris iustitia exigente saluo iure ad dendi minuendi vt est moris &c.

Explicit practica dñi panormitani de modo p̄cedendi tam in iudicio plenario q̄ sumario noviter correcte et emendata per magistrū Vitalem de thebe facultatis decretorū ordinariū legentem: cum multis additionibus locis oportunitis insertis. Imp̄ressa partius per magistrū Apocolaum De la barre. Anno domini Millesimo quingentesimo quinto Die. iiii. mensis Augusti.

*Handwritten notes in a cursive script, likely a library or archival stamp, partially legible.*

28 [LYNDWOOD, WILLIAM (c.1375-1446)].  
[BADIUS, JOSSE (1462-1535), Editor].

A  
Principal  
English  
Treatise  
on  
Canon Law

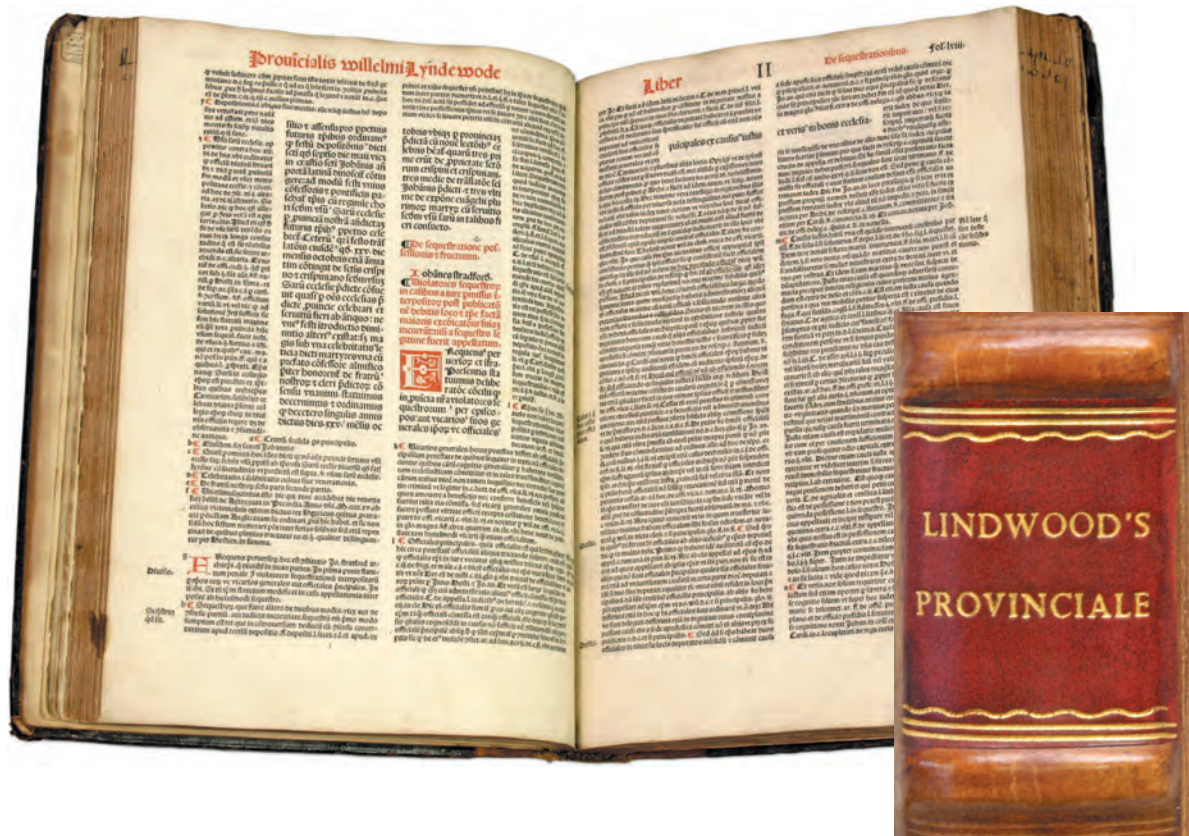
# Provinciale seu Constitutiones Anglie cum Summariis Atq[ue] Iustis Annotationibus: Honestis Characteribus: Summaq[ue] Accuratione Rursum Impresse.

[Paris: Printed by Andreas Bocard at the University of Paris, May 28, 1501]. Collation: a8 b6, c-g8 h6 i-q8 r6 s-z8 [et]8 [con]6 A-B6 C8(-C8). cxcii, [19] ff. Complete. Main text surrounded by two-column linear gloss. Folio (13-1/2" x 9-1/2" [34 x 24 cm.]).

Contemporary paneled calf, corner fleurons and large arabesques to boards, recently rebacked, raised bands and lettering piece to spine, endpapers added, early hand-lettered title to fore-edge. A few shallow scuffs to boards, moderate rubbing to their extremities, corners bumped and somewhat worn, hinges cracked, later bookseller ticket, owner bookplate (of Walter Wigglesworth, dated 1934) and two 1930s-era auction or bookseller descriptions affixed to front pastedown. Text printed in red and black gothic type, woodcut decorated initials. Light toning to text, faint dampstaining in places, minor edgewear to leaves at beginning and end of text, some with repairs, inkstains and spark burns to a few leaves. Contemporary annotations to endleaves and portions of text, some with minor loss due to trimming. A nice post-incunable copy of an important title. \$5,000.

First post-1500 edition. Main text followed by nineteen-page, two-part index (*Tabula*). Compiled around 1433 and first published around 1483-1485, *Provinciale* is the main authority for early English canon law. Divided into five books, it is a digest of the synodal constitutions of the province of Canterbury, from the period of Archbishop Stephen Langton

[c.1155-1228] to that of Archbishop Henry Chichele [1414-1443], with Lyndwood's gloss. It is considered the law of the Church of England by some authorities. This copy was printed in Paris for the English market. Beale, *A Bibliography of Early English Law Books* T403. *English Short-Title Catalogue* S103845.





## 29 [MAGNA CARTA].

### Magna Carta Cu[m] Aliis Antiquis Statutis, Q[u]orum Catalogum in Fine Operis Reperies.

Rare  
Landmark  
Early  
Printing of  
Magna Carta:  
The First  
with a  
Title Page  
and the  
Secunda Pars

[London: Thomas Berthelet, November 1531]. 150 [i.e. 149], [3]; [iv], 76 ff. Two parts, each with title page, table and individual pagination. Second part, dated 1532 (on colophon), titled *Secunda Pars Veterum Statutorum*. Octavo (5" x 3-1/4" [12 x 8 cm.]).

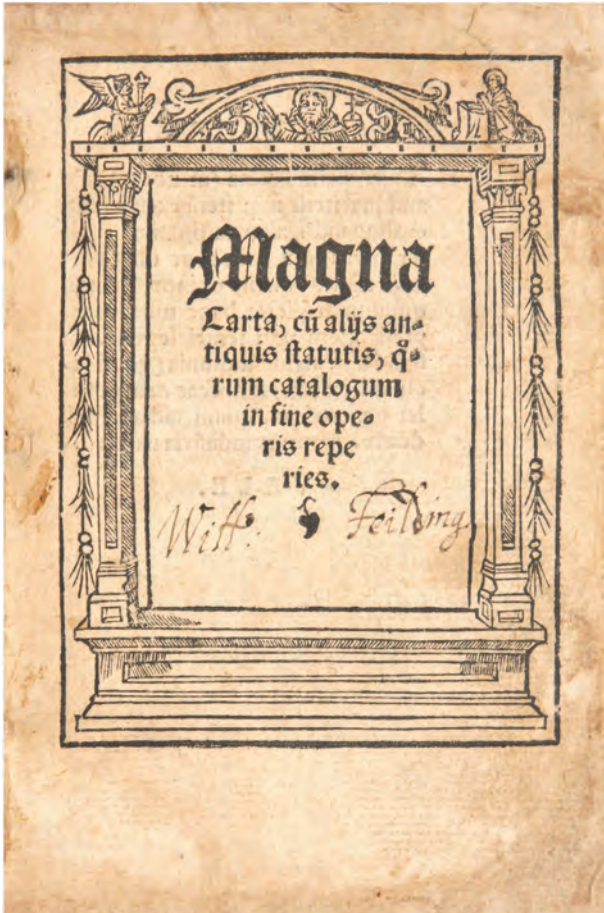
Contemporary calf blind panels to boards, raised bands and later lettering piece to spine, early hand-lettered title to fore-edge of text block, ties lacking. A few minor nicks and scuffs to boards, light gatoring to spine, moderate rubbing to extremities, corners worn, hinges partially cracked, endpapers lacking. Titles printed within architectural borders, woodcut decorated initials. Light toning to text, light soiling and finger smudges to a few leaves, later owner annotations to front pastedown, later signature to foot of title page (of *Magna Carta*). A handsome copy of an important, and rare, edition. \$20,000.



Actual size

FIRST EDITION issued with a title page and the *Secunda Pars Veterum Statutorum*, which was published for the first time with this edition. The text of *Magna Carta* is a close reprinting of the 1527 edition by Richard Pynson with additional material. (Pynson printed the first edition around 1508.) It also includes the *Charta de Foresta* and statutes passed before the reign of Edward III. Among the most notorious statutes are those of Edward I concerning Jews, which condemned them for irreverence and prevented them from practicing usury or acquiring land from Christians through pledges. Other "Antique Statutes" relate to women, wills, forcible entry, "Fraudulent Deedes" and other topics. Some sources say incorrectly that the 1539 edition was the first issued with a title page. The source of the confusion is the title page's false imprint date: 1529. (The colophon has the correct date: 1539.) To confuse matters further, Beale, who arranges imprints chronologically, lists that edition according to the date on the title page rather than its colophon (S8). OCLC locates 13 copies of this imprint in North America. Beale, *A Bibliography of Early English Law Books* S9 and S21. *English Short-Title Catalogue* S101049.





Impressus Londini in edibus  
Thome Bertheleti regii  
impressoris, Anno  
dom. 1531.  
mense  
Nouemb̄. Cum  
priuile-  
gio.

Impressus Londini in edibus  
Thome Bertheleti regii  
impressoris, Anno  
dom. 1532.  
mense  
Januar. Cum  
priuile-  
gio.

## 30 MAZZOLINI, SILVERSTRO, DA PRIERIO [1456-1527].

A  
Powerful  
Opponent  
of  
Martin  
Luther

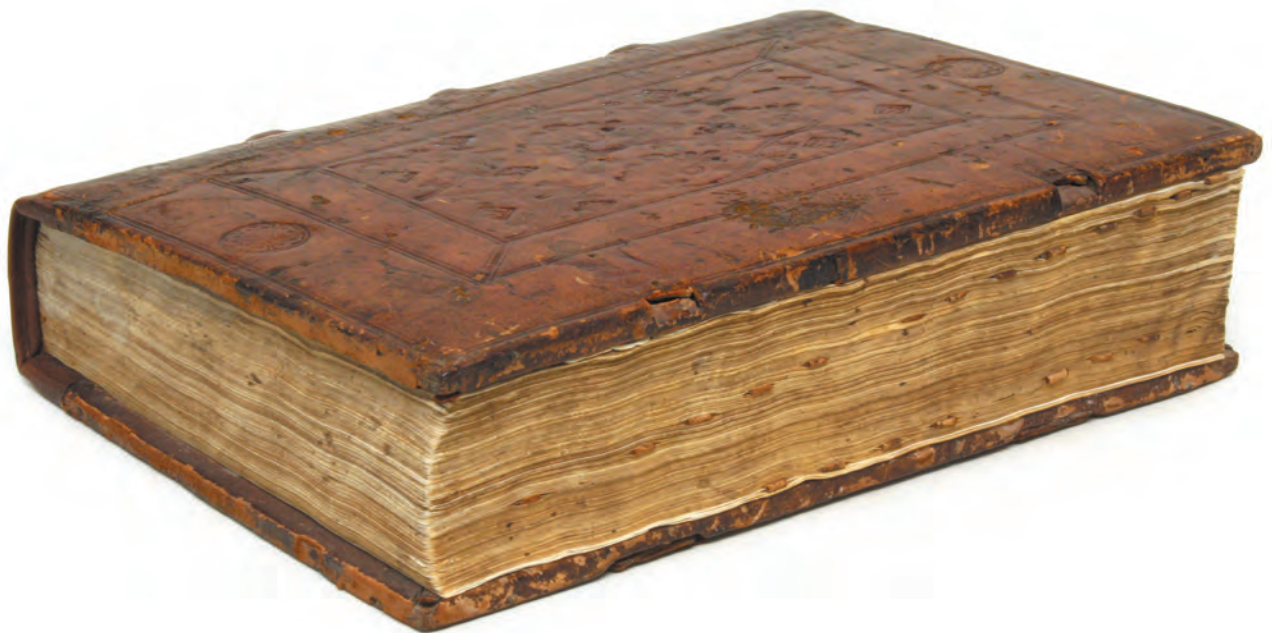
### [**Compendium in Johannem Capreolum cum Additionibus**].

[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. Complete. Quarto (9-1/4" x 7" [23 x 18 cm.]).

Contemporary calf with elaborate blind stamping, over wooden boards, rebaked 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, early annotations to front pastedown, other annotations and owner signature dated 1606 of Isaias Silberschlag, to title page, occasional annotations in his hand to text. A handsome copy of a rare imprint. \$10,000.

FIRST 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 Iohannem 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. Silberschlag, the former owner of this copy, was a professor of theology 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. OCLC locates 5 copies in North America (Cornell, Library of Congress, Morgan Library, St. Bonaventure University, Yale). Goff, *Incunabula in American Libraries* V519. *Gesamtkatalog der Wiegendrucke* M642160.



**E**gregium vel potius diuinum opus in Johanne[m] Capreolum tholosanum sacri  
 predicatorum ordinis. A fratre Siluestro picriano eiusdem ordinis. Sacre  
 theologie baccalario rarissimis conferendo cum nonnullis appendicibus seu  
 additamentis complectentibus ad omnem in theologicis materiam ac-  
 curatissimam doctorem pene omnium clarissimas opinionum. San-  
 cti Thomae videlicet. Petri de palude Durandi Scoti  
 Aureoli Alexandri Fracisci maioris Deham B. e. g. o. y.  
 de arimino Alphonsi toleranti Egidii Henrici Barro-  
 nis Alimafetani Adam Donachi alibi ceterorum.  
 sauisa felicitate editione habes. Ut merito dici  
 possit. Nulla remouebit incognita vicia  
 legentem. Quae glossa obscuris edocet  
 apta locis. Adhuc doctorem  
 varia hic finitatur. Sin-  
 gula quae capiuntur  
 suo vocata  
 sicut.

Cremona impressum 1497.

*Ex bibliotheca Isaia  
 Silberchlagii philo-  
 sophiae theologiae  
 doctoris  
 Senionis Erfurtensis  
 1606.*



...  
**D**icitur in ...  
**D**icitur in ...  
**D**icitur in ...  
**D**icitur in ...  
**D**icitur in ...

...  
**D**icitur in ...  
**D**icitur in ...  
**D**icitur in ...  
**D**icitur in ...  
**D**icitur in ...

1497.

Explicunt additiones in Johanne[m] Capre-  
 olem diligentissime colligatarum. Impres-  
 sum Cremonae opera et industria magistri  
 Caroli Daricri. Anno domini  
 mo. m. cccc. lxxxvii.

mo. cccc. lxxxvii.

a b c d e f g h i k l m n o p q r s t u v x y z

# 31 [NUREMBERG]. [DÜRER, ALBRECHT (1471-1528)].

*With a  
Full-Page  
Allegorical  
Frontispiece  
by Albrecht  
Dürer  
Featuring  
Lady Justice,  
Her First  
Appearance in  
a Book*

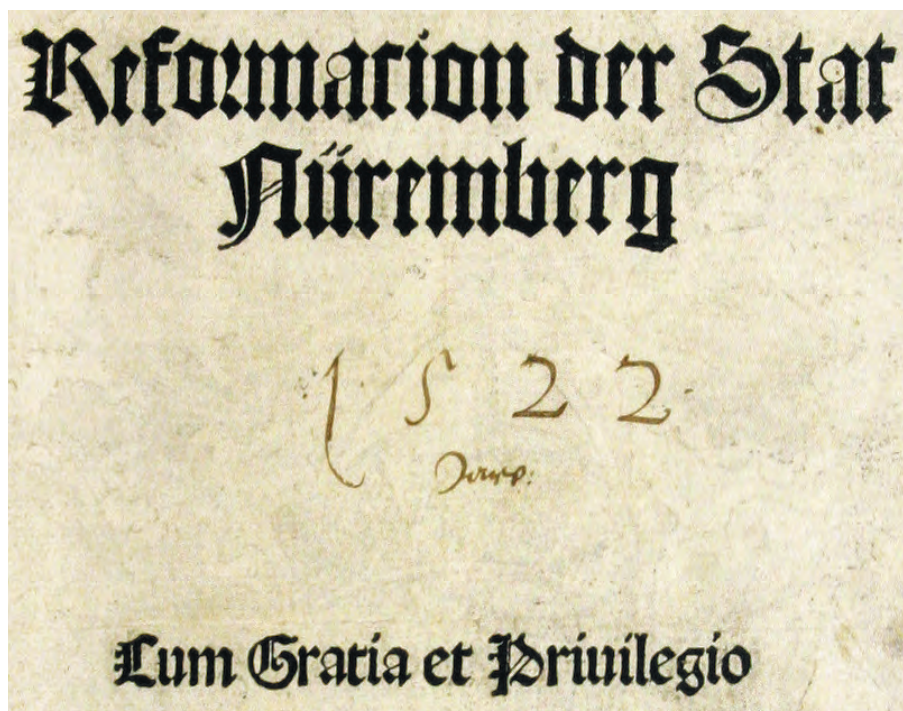
## **Reformacion der Stat Nuremberg.**

[Nuremberg: Friedrich Peypus, 1522]. [xxxvi], 30, 208 ff. Folio (12" x 8" [30.5 x 20 cm.]).

Contemporary panel-stamped reversed calf (with traces of gilt stamping), early repairs to spine ends, clasps present and intact, endpapers renewed at some point. Some rubbing to extremities, chipping to head of spine, a few scuffs and stains to boards, small crack to front joint, rear hinge cracked due to worming, minor worming to fol. 208. Allegorical frontispiece by Durer featuring Lady Justice and a female figure representing charity, attractive woodcut decorated initials throughout. Light toning to text, some leaves lightly browned, faint stains and foxing to a few leaves, wide margins. "1522/ jahre" to title page in near-contemporary hand, interior otherwise clean. \$12,500.

FIRST EDITION, and only edition with Dürer's frontispiece, which includes an image of Lady Justice, her first appearance in a book. Nuremberg was the center of the Renaissance in Germany and was its leading cultural and intellectual center until the end of the sixteenth century. These qualities are reflected in the contents and design of this volume. Enacted in 1479, the Reformacion, or Reformed Civic Legal Code, of Nuremberg is known for its humanistic orientation, straightforward language and elegant production. It is also notable as the collection of German city laws to be issued in print. The 1522 issue by Peypus is notable for its splendid full-page frontispiece by the

great Nuremberg artist Albrecht Dürer, which was originally issued as an independent print in 1521. The bottom half depicts two putti displaying the arms of the city and empire. The upper half depicts Lady Justice, holding scales and a sword, and a female figure representing charity, who is pouring coins from a purse and opening her bodice to bear her heart, which is represented by a flame. The woodcut initials are finely carved and possibly the work of Dürer or his workshop. OCLC locates 4 copies in North America, 1 in a law library (Harvard). *Verzeichnis der im Deutschen Sprachraum Erschienenen Drucke des 16. Jahrhunderts* N2027. *Meder, Dürer-Katalog* 285.



*Actual size*





# 32 PLATEA, FRANCISCUS DE [d. 1460].

The First  
Treatise  
on Usury

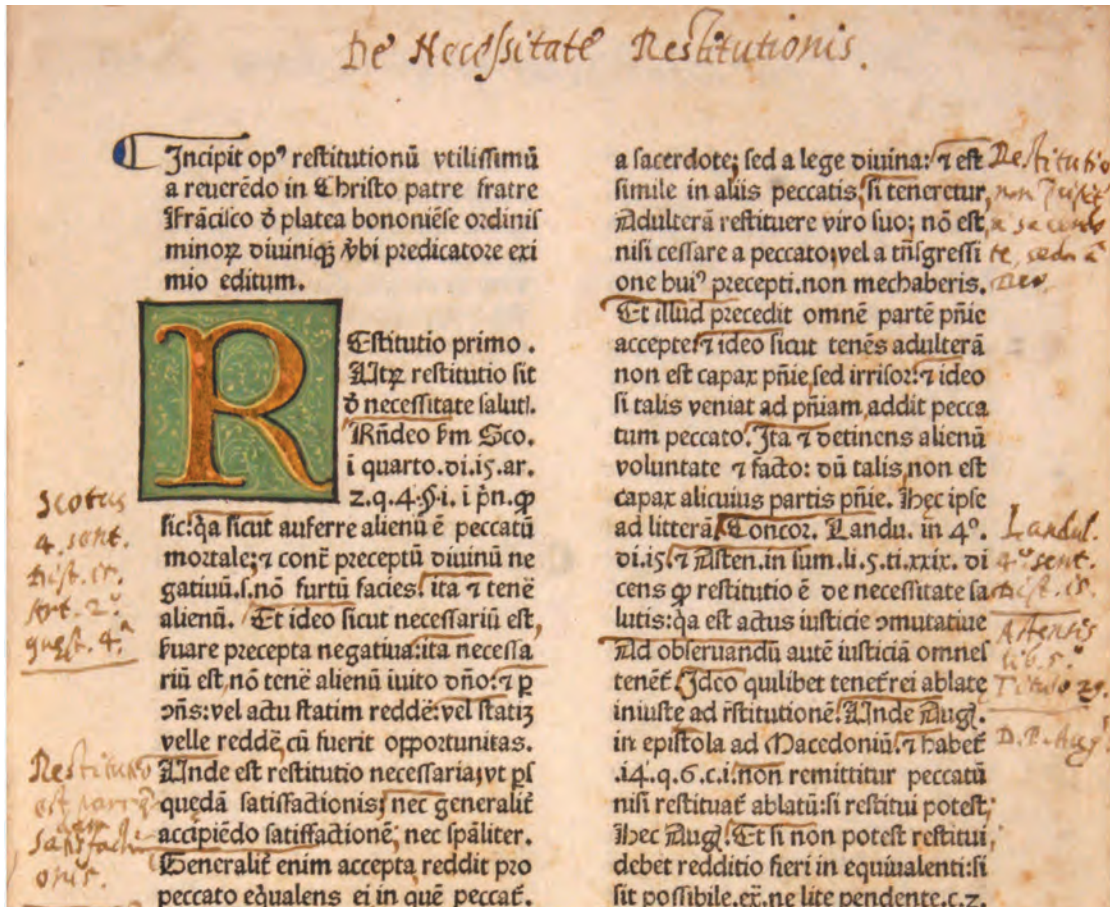
## [Opus Restitutionum, Usurarum, Excommunicationum].

[Venice: Johann von Köln and Johann Manthen, 25 March 1474]. [150] ff. Lacking final leaves, both blanks. Collation: \*-\*\*8, a-b10, c-d8, e10, f12, g-n10, o8]. Quarto (8" x 5-1/2" [20 x 14 cm.]).

Contemporary limp vellum, early hand-lettered title to spine, head of spine reinforced, speckled edges, ties lacking. A few minor faint stains, chip to foot of spine, another chip and minor worming to front joint near foot, light wear to corners, vellum just beginning to crack through pastedowns, hinges starting. 40-line text in parallel columns, 4 large (9-line) illuminated initials, 3-line initials in red and blue with printed guides, red and blue paragraph marks. Light toning, some leaves have annotations in a later hand, section of small later copperplate bookplate to upper left-hand corner of \*2v (first index leaf) obscuring a bit of text, early struck-through annotation to foot of that leaf. An appealing copy. \$13,000.

PLATEA'S WAS THE FIRST TREATISE devoted to usury and its punishment. Its first two editions were published in Padua c. 1472 and Venice in 1472. It reflected the commercial nature of Venice, the most active and wealthy city of the late-fourteenth century, which owed much of its financial success to loan-bearing investments. Indeed, increasingly stringent prohibitions of usury compelled Venetian

authorities to admit Jewish bankers to the city. A standard work, later fifteenth-century editions of Platea's treatise were published in 1473, 1474, 1475, 1477 and 1489. All are scarce. OCLC locates 4 copies in North American law libraries (George Washington University, Harvard, Library of Congress, UC-Berkeley). Goff, *Incunabula in American Libraries* P755. *Gesamtkatalog der Wiegendrucke* M00828.



Detail, actual size

frustra. In foro aut pñali cōpellendi sunt vñarij: q̄a absolui nō possūt: nec debēt nisi restituāt: aut dilatōz petāt ab illis q̄bus tenēt: aut si pauper: siue ipotētes sint pponāt ⁊ pmittāt suo cōfessoi restituere si venerint ad pinguiorē fortunā. vnde Aug⁹. Non remittit peccatū ⁊ cetera.

**Z** Quid si certum est ⁊ notoriū aliquez fenebrē pecuniā exigisse ⁊ stat q̄ debitorē q̄ soluerūt nō remittūt: ē repetere nō audēt p̄ potētā exactorū. Rñdet Boss. q̄ aliquo denūtiāte vlt etiaz nullo ecclesia ex officio suo pcedet ⁊ ad restōnē cōpelleat. ex de vñis c. cū in dyocesi.

An ⁊ quō liceat accipe ad vñā. c. 15.

**V** Sura decimoq̄nto. s. q̄tum ad recipiētē An licitū sit recipere ad vñam. Rñdet Ric. i. 4. di. 15. ar. 5. q. 5. q̄ sic in casu necessitatis nec peccat. ar. ad hoc. 12. q. 1. qd culpā. Nec intelligo hic de extrema necessitate: sed qñ homo notabilr dānificaret vel notabilē penuriā patēt si nō accipiat ad vñam. Itēz Donal. in sum. dicit q̄ liz sit peccatū p̄f necessitate recipere ad vñam: tamē in necessitate licitū ē. Sed p̄ quāta necessitate licitū sit: ⁊ p̄ quāta nō: hoc non determinat ars vel sciētia: sed vñctio caritatis que de omnib⁹ docet: ⁊ est certior omni arte. Idem dicit Bon. i. 2. di. 28. in expositōe illi⁹ p̄cepti. Inō furtū facies. dices q̄ si q̄s dat vel soluit vsuras p̄ter necessitatem nō est imunis a culpa: cuz v̄o ex necessitate soluit nō peccat: q̄a licitū est vniciq̄z redimere iuris sui: al̄s veratōz. An sic ille qui dat vestes suas latroni atēq̄

pmittat se iterfici nō dicit currē: siue p̄cipare cū latrone: sic q̄ soluit vñaz in necessitate nō dicit currere cū fure. Quātam aut necessitatē quis debeat expectare: hoc nō est intēctōis ⁊ rōnis determinate p̄ eo q̄ fm diuersas cōditōes p̄sonaz diuerse necessitates debēt pensari. Idem Alex. de alet. in. 4. in tractatu restōnū: dicens q̄ peccat mortaliter qui accipit pecuniam ad vñam: cuz det occasionē peccati mortalis vñario nisi in necessitate. Tunc enim nō dat occasionē peccadi: s̄z redimit ius suū. Assurari⁹. n. tenet gratil modare pecuniā suā indigēti. Luce 6. Mutuū date nihil inde spātel. amē.

**I**ncipiūt excōicatōes maiores. Excōicatio p̄mo cont̄ ecclesiasticas personas.

**P**orro q̄ sint casus maioris excōicatio nis contra p̄sonas ecclesiasticas. Rñdeo p̄mo de monarchā tot⁹ ecclesie. i. papā Quicūq̄ gerit se p̄ papa nō electus a duab⁹ p̄tib⁹ cardinaliū cū omnib⁹ sibi cōfētētib⁹. extra de elec. c. licz scōz Ric. in. 4. vide. j. excōicatio. 2. 5. i.

**E** Discop⁹ grec⁹ nō obediēs ep̄o latino per quē fuit deputatus. extra de off. or. c. qm̄. secūdu Alsten. in sum. li. 7. ti. 2. Notādū q̄ in dicto. c. qm̄. dicit q̄ si i vna ciuitate sint plures populi diuersaz lin guaz q̄ ep̄s potest constituef vnū pontificē catholicū sibi vicarium

# 33 [POLONUS, MARTINUS (d.1278)].

## Margarita Decreti Seu Tabula Martiniana.

The  
Pearls  
of the  
Decretals

[Strasbourg: Printer of the 'Casus Breves Decretalium' (Georg Husner?), 1493. [106] ff. Final leaf blank. Thumb-tabbed. Collation: a8 b-q6 r8. Complete. Folio (11" x 7-1/2" [28 x 19 cm.]).

With final blank, initials and capital strokes rubricated throughout (some wormholes, a few minor marginal holes, occasional spotting or staining).

Contemporary half calf with elaborate blind-tooling over wooden boards, two contemporary diagrams relating to horizontal sundials to front board, clasp lacking. Moderate rubbing, minor worming, light scuffing to calf-covered sections of boards, light gatoring to spine, early owner inscription dated 1528 to front, owner inscription of the Franciscan convent of Munich to head of title page. 52-line text in parallel columns, initials and capital strokes in red. Moderate toning, occasional spotting or staining, negligible minor worming in places.

\$13,500.

LATER EDITION. An important early legal reference work, The *Margarita Decretalium*, i.e. "Pearls of the Decretals," is the index to the *Decretals of Gregory IX* (or *Liber Extra*). 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. There are twelve incunable editions. Our 1493 imprint is the tenth. OCLC locates 3 copies in North America (Huntington Library, Library of Congress, Yale Law School). Goff, *Incunabula in American Libraries* V327. *Gesamtkatalog der Wiegendrucke* M21422.





# 34 RIVA DI SAN NAZARRO, GIANFRANCESCO [c.1480-1535].

## De Peste, Libri Tres.

The  
First  
Legal Work  
Written  
About  
Plague

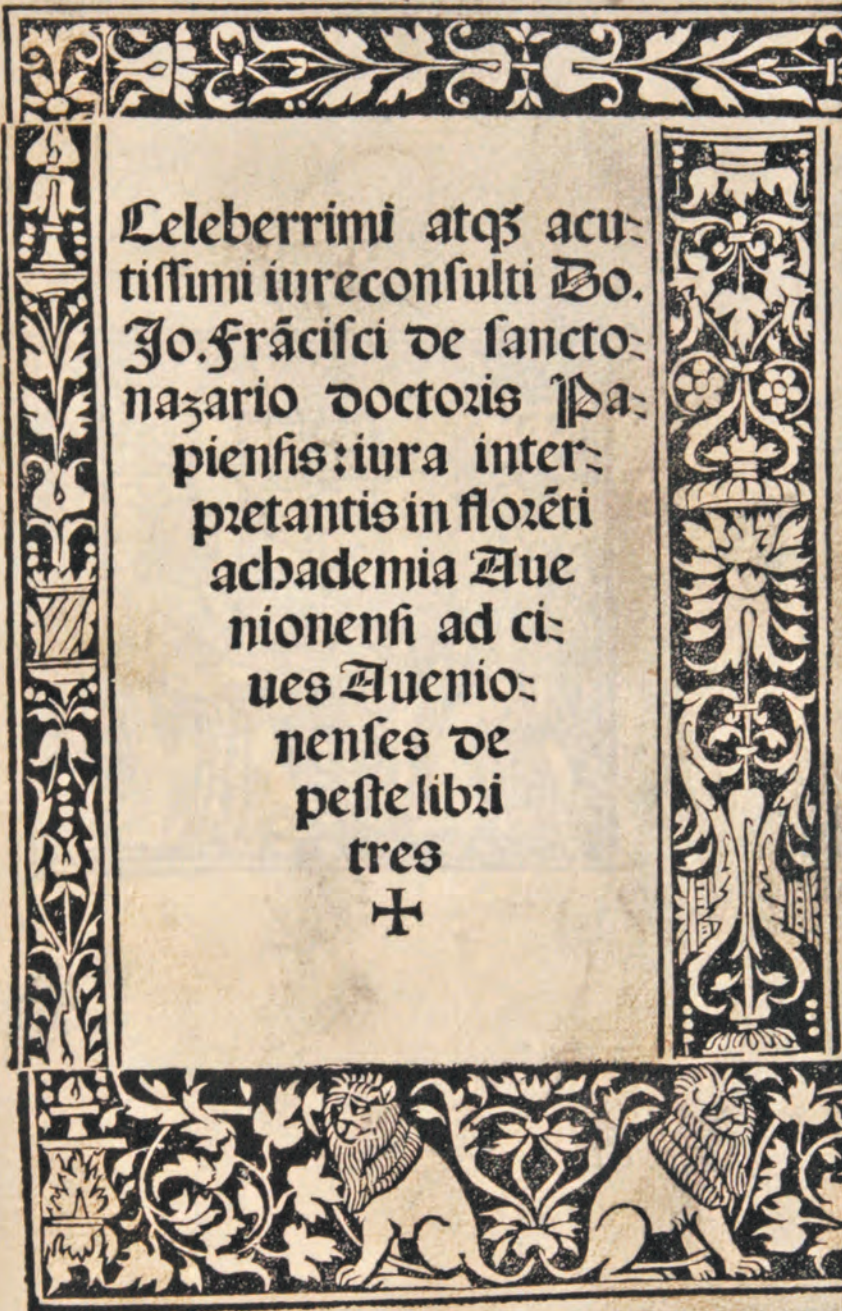
[Avignon: Jean de Channey, 12 September 1522]. [xxviii], 162 pp. Three woodcut text illustrations. Quarto (8-1/4" x 6" [21 x 15 cm.]).

Contemporary limp vellum with lapped edges and fragments of thong ties, raised bands to spine. Some soiling, spine darkened, minor wear to head of spine and corners. Title page printed within handsome woodcut architectural border, the two dedications commence with leaves with woodcut architectural borders and the coat of arms of the dedicatee, the first dedication also feature a woodcut vignette of the author presenting his book on bended knee, woodcut decorated initials and printer device. Light toning to text, somewhat heavier in places, soiling and light foxing to a few leaves, brief annotations, manicules and underlining in a contemporary hand throughout, later owner signature to foot of p. [iii]. A handsome copy of a rare title. \$7,500.

FIRST EDITION, one of two issues from 1522, the other published in Lyon by Jacques Secon, priority uncertain. Riva di San Nazarro, a Lombard noble, was a learned jurist and humanist scholar. His many works, all commentaries on aspects of Roman and canon law, went through several editions and were often excerpted and anthologized. As suggested by its title *De Peste* is a treatise on Roman and canon law concerning

issues relating to plagues. The first legal work written about plague and one of the very first books on public health law, it reflects the near-annual occurrence of plague in early-modern Europe. All editions are scarce. OCLC locates 4 copies of the first edition, all of the Avignon issue, in North American law libraries (George Washington University, Harvard, Library of Congress, UC-Berkeley). *Universal Short-Title Catalogue* 110507.





Celeberrimi atq; acu-  
tissimi iureconsulti Do.  
Jo. Frãncisci de sancto-  
nazario doctoris Pa-  
piensis: iura inter-  
pretantis in florēti  
achademia Aue-  
nionensi ad ci-  
ues Auenio-  
nenses de  
peste libri  
tres  
+

*Actual size*

# 35 RUTILIO, BERNARDINO [1504-1538].

Humanistic  
Biographies  
of the  
Great  
Jurists of  
Ancient  
Rome

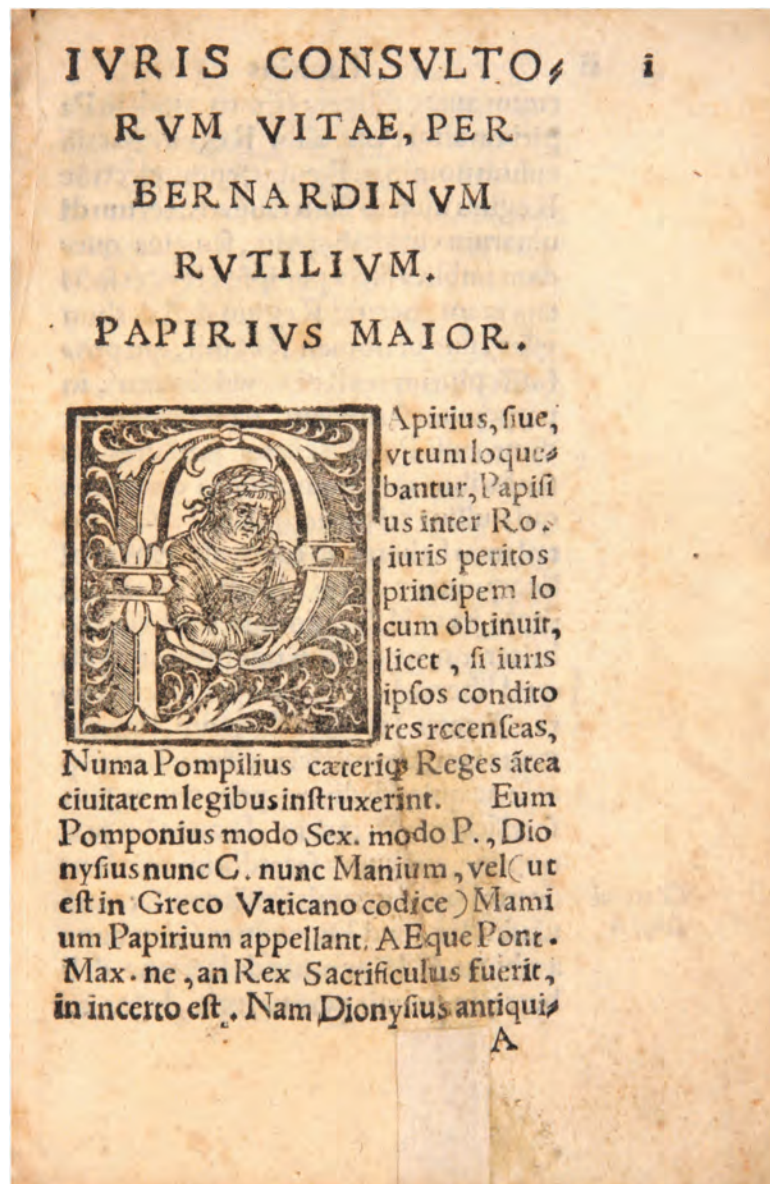
## Iurisconsultorum Vitae.

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

Contemporary limp boards, later hand-lettered title to spine. Light soiling, moderate rubbing to extremities, spine darkened, hinges cracked, upper section lacking from front free endpaper, which is pasted to front pastedown. Light toning to text, somewhat heavier in places, extensive brief early annotations throughout, minor worming to a few leaves, light soiling to title page. \$2,000.

FIRST EDITION. Rutilio was Italian jurist and humanist scholar. He was also one of the first authors to compile biographies of lawyers. *Iurisconsultorum Vitae* describes the lives and achievements of 77 Roman jurists, from Papirius to Tribonian. Distinguished by its discerning criticism and careful use of sources, the work was well-

received. It went through later editions in 1537, 1538, 1539, 1545, 1584 and 1718. All editions are scarce. OCLC locates 2 copies of the first edition in North America (University of Minnesota Law School, Yale). *Censimento Nazionale delle Edizioni Italiane del XVI Secolo* CNCE24161.







N° 36  
*See next page.*

36

TARTAGNI, ALESSANDRO [1424-1477].  
CORTE, FRANCESCO [d. 1495], Annotations.  
LANDRIANO, BERNARDINO DE. [15th/16th. c.], Annotations.

With a  
Chained  
Binding  
and  
Endleaves  
Derived  
from a  
Papal Bull  
Relating  
to the

English Crown  
Printed by  
Pynson in  
1498

[Alexander de Imola in Prima(m) (et) Secunda(m). ff. Novi Parte(m). Cum Apostillis  
Doctissimo(rum) Doctorum Domini Fra(n)cisci de Curte (et) Bernardini de Landriano.  
Et cum Aliis Innumeris Additionibus per Dominum Antonium Franciscum de Doctoribus  
Patavinum Noviter Editis].

[Venice: Per Baptistam de Tortis, 1514]. 49, [1], 200; 106 ff. Two parts in one volume. Main text in parallel columns with side-notes. Folio (16-1/2" x 11" [42 x 28 cm.]).

Contemporary chained binding, blind-paneled half-calf over beveled wooden boards, spine with raised bands, carefully restored at ends, brass clasp tabs present, pastedowns derived from 1498 papal bull printed by Richard Pynson, described below, recent bookseller description and owner bookplate (Hans Furstenberg) to front pastedown. Main title page printed in red, text in handsome rounded Gothic type, woodcut decorated initials throughout text, large woodcut printer device at ends of text. Light toning, faint dampstaining to margins in a few places, light foxing to a few leaves, early repairs to fore-edges of the first two leaves. Some leaves have annotations, interior otherwise clean. A handsome post-incunable volume with an interesting addition.

\$30,000.

LATER EDITION. Tartagni, also known as Alexander de Tartagnis de Imola, was a professor of law at the University of Bologna and a leading member of the generation of jurists that followed Bartolus. Like his illustrious predecessor, he was the author of several important commentaries on the Code and books of the *Digest*. In *Primam et Secundam*. ff. Novi Partem addresses the first and second parts of the *Digestum Novum* (Books 39-45, Title 1). These books deal mostly with property and contracts. This copy is bound with most of a single-leaf, single-sided papal bull printed on vellum on 8 March 1498 by Richard Pynson. Issued by John Morton, Archbishop of Canterbury, it confirms the succession of Henry VII

and his heirs and endorses his marriage to Elizabeth of York. The document is signed by the Episcopal notary, John Baret. The binder cut it into two parts. About ten inches are missing from the left side of the document, along with its top four lines. There are also two small holes with minor loss to the text. The 1514 Tartagni imprint and 1498 papal bull are rare. Neither is listed on OCLC. The book is not recorded in Adams, the *British Museum Catalogue* or EDIT16. The GW locates three copies of the papal bull: one in the Cologne State Library and two other fragmentary copies in the Library of Canterbury Cathedral and the Trier State library. Not in Goff. *Gesamtkatalog der Wiegendrucke* M13152/M1315220.





# 37 UBALDI, ANGELO DEGLI [c.1327-1400].

A Notable  
commentary  
on the  
Authentica

## [Super Authenticis].

[Venice: Baptista de Tortis, 3 March 1489]. Collation: a-e8. 39 of 40 ff. Folio a1, a blank, lacking, otherwise complete. Text in parallel columns. Folio (15-1/2" x 11-1/2" [40 x 30 cm.]).

Modern paper-covered boards (illustrated with copies of unrelated incunable leaves), endpapers renewed. Light soiling, corners and spine ends bumped. Text printed in 83-line Gothic type, guide spaces blank. Some toning, light soiling to first leaf, faint dampstaining to foot of text block reaching into text, minor worming to some leaves, first leaf (a2) dust-soiled, fol. b1 mounted on stub, internally clean. Ex-library. Bookplate to front pastedown. A solid copy. \$8,500.

ANGELUS DE UBALDIS, a renowned jurist, was almost as highly regarded as his brother, Baldo Degli Ubaldi (Baldo). First published in 1474, the *Super Authenticis*, also known as the *Lectura de Authenticis*, is a commentary on the *Authentica*, a collection of 134 constitutions of Justinian, later included in the *Novels of the Corpus Juris Civilis*. It was believed to be a collection intended for Byzantine Italy, but this

assumption is doubted today. Ubaldis's commentary was highly regarded; it went through at least 12 editions before 1500. Today, all editions are scarce. The ISTC locates 2 copies of this imprint in North America (University of Michigan Law School, Walters Art Gallery, Baltimore). Goff, *Incunabula in American Libraries* U10. *Gesamtkatalog der Wiegendrucke* M48377.





Commentaries on the First Part of the Digest of Justinian by a Great Medieval Jurist

Lectura Sup[er] I. ff. Veteris: Cu[m] Eiusde[m] D. Bal. Addi. Cu[m]q[ue] Utilissimis Trac. de Pac. [et] de Consti. Antea no[n] Impressis.

[Venice: Impe[n]sis Domini Jo. Bartholomei de Gabiano, 1529]. CCCXVI ff. Text in parallel columns. Folio (16" x 10-1/2" [40.5 x 26.5 cm.]).

Contemporary vellum from an early manuscript, hand-lettered titles to spine and foot of text block, fragments of thong ties, pastedowns derived from re-used leaves from another book. Light soiling and a few minor stains to boards, chipping to spine, joints starting, hinges cracked, minor worming to pastedowns and a few other places. Title page, with large woodcut printer device, printed in red and black, large woodcut vignette at head of Fol. 1. of a seated Holy Roman Emperor flanked by soldiers and jurists. Moderate toning, somewhat heavier in places, light stains and soiling to a few leaves, a few other leaves have contemporary annotations. Ex-library. Small early stamp to title page. A rare post-incunable imprint. \$1,950.

BALDUS DE UBALDIS, a pupil of Bartolus, was one of the great jurists of Medieval Europe. He taught at the Universities of Bologna, Perugia, Pisa, Florence, Padua, Pavia and Piacenza. He also served occasionally as a judge and diplomat. His fame rests on his commentaries on Roman and canon law, which were standard texts into the seventeenth century. Originally published in the fifteenth century, the Lectura is a commentary on the Books 1-24, Title 2 of the Digest, a critical edition of writings by Gaius, Ulpian, Papinian and 36 other eminent jurists

organized by topic. Along with the Institutes, Code and Novels, the Digest is one of the writings known collectively as the Corpus Juris Civilis. Its subsequent influence on European jurisprudence is difficult to overestimate. This edition also has a commentary on the Edict of Milan, the decree of Emperor Constantine that ended the persecution of Christianity in the Roman Empire. All editions are scarce or rare. OCLC locates a copy of our 1529 imprint (in Italy) with a different collation. Not in Adams or the Universal Short-Title Catalogue.





Incipit Aduca Lectura. J. A.

Incipit Aduca Lectura. J. A. ...

De rebus creditis. & cursum penarum. Kabitio.

Res ptes ba.

Res ptes ba. ...

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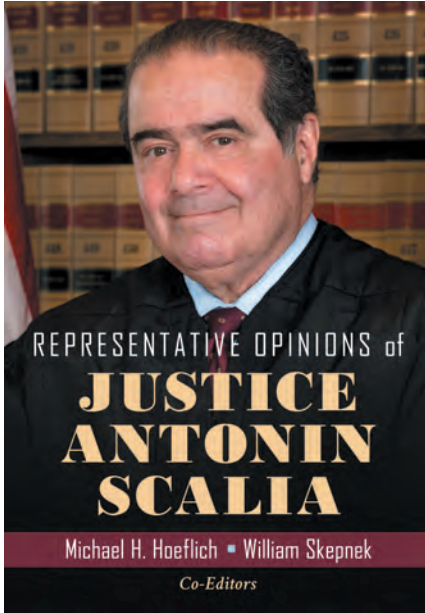
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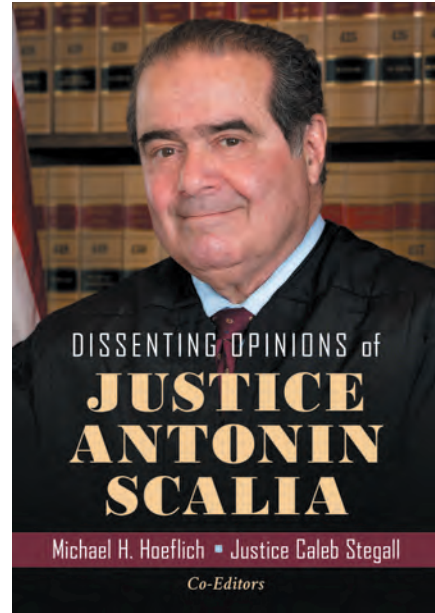
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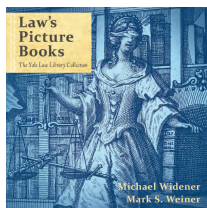
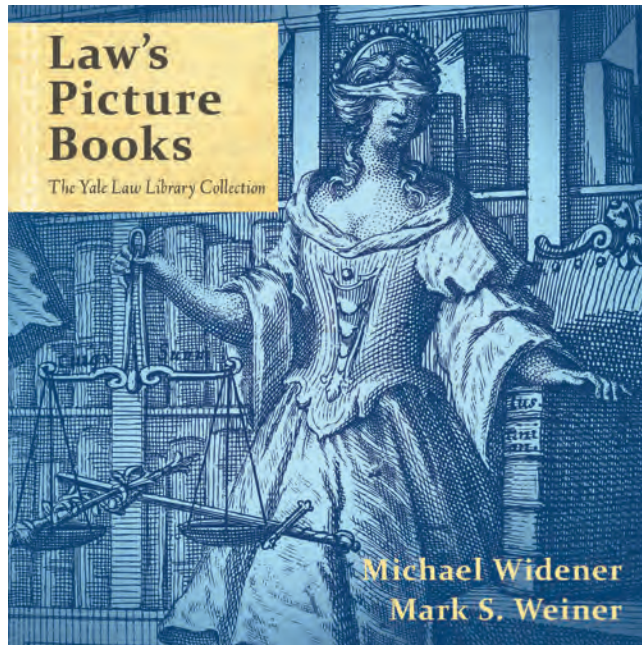
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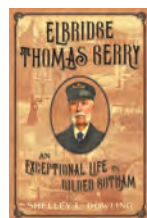
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38 **D**onum Licet clericus nō possit p<sup>r</sup>hibere testimoniū: nec in testem recipi coram iudice & seculari: si ne licentia sui superioris. vt traditur per Jmo. Panoz. & Lano. in. c. si qui testium. & in. c. cu nūcius. de testibus. & p Panoz. in. c. j. de iuramento. calum. Tamen tallit in clerico infirmo morbo pestilentiali. secundum Ang. in. l. cum hij. §. transactiones. ff. de transac. per tex. in. l. quotiens. C. de naufrag. lib. xj. Et idem dicerem in clerico existenti in loco infecto abiente superiore: cum possit esse periculum in mora si differatur examen. per ea que dixi iupra in. v. priuilegio. j. particule. & in. ij. ij. particule.

39 **Q**uicumque Privilegium est. Licet est laicus no possit ipiritualia tractare. & c. decernimus. de iudi. tamen potest absoluerre excommunicatum constitutum in articulo mortis. secundum glo. in. c. pastoralis. vbi Panoz. & mod. de officio ordi. & in. c. a nobis. ij. vbi etiam Panoz. de inia excōmu. Et sic poterit absoluerre pestiferatum ab excommunicatione. quia ratione infirmitatis pestilentialis dicitur constitutus in articulo mortis. secundum Bar. & mod. in. l. j. C. de sacrosanctis ecclesijs. Dicentes eum dici constitutum in articulo & mortis: cui verisimiliter est proxima mors: vel ratione periculoie infirmitatis: vel quia imminet iust<sup>o</sup> naufragij vel latronum timor. & hoc etiaz voluit Bal. in. d. c. pastoralis. bñ facit tex. in. l. alumne. §. si. ff. de adi. lega. Eadem ergo ratione videtur dicendum q<sup>d</sup> laicus possit audire confes-

40  
cōstitutus in articulo mortis  
quis dicitur.

## De peste. Fo. lxx.

tionem ⁊ pestiferati. quia dicitur constitutus in articulo 41  
mortis per predicta.

¶ Qd̄ autem laicus possit audire in confessione constitu-  
tos in articulo mortis. tenēt glo. ⁊ omnes scrib. in. d. c. pa-  
storalis. ⁊ in. c. veniens de transac. ⁊ est tex. in. c. quem pe-  
nitet. de peni. dist. j. ¶ Quod intelligo verum vbi sacer-  
dos tunc haberi nō possit: quia in defectum ⁊ propter im-  
minentē mortem hec potestas laico conceditur: et non  
als. d. c. quem penitet. ¶ Item intelligo dūmodo postea  
habita sacerdotis copia reiteretur confessio: ⁊ als non 42

iuuaret. secundum Hostiē. in summa. de peni. ⁊ remi. §.  
cui confitendum. in fi. Caveant tamen existentes in loco  
contagioso ne differant confessionem vsq̄ quo reperian-  
tur infecti: vt illo pretextu confiteantur laicis. quia cōsti-  
tuti in necessitate ex propria culpa non sunt digni miseris  
dia. ⁊ l. de die. l. si fideiussor. §. qui necessaria. ff. qui satis. 43

cog. ¶ Et licet laicus possit audire confitentem: nō tamē  
potest absolvere: nec tam cito deus mouetur ad miseren-  
dum confessis laico q̄ confessis sacerdoti. propter absolu-  
tionem semel a suo vicario impartitam. vt probatur. in. d.  
c. quem penitet. ¶ Item quod de absoluto ab excomuni-  
catione per laicum tempore pestis: intelligo verū: si obla-  
ta facultate illam postea iterum a superiore impetraue-  
rit. als si data oportunitate non petierit se a superiore  
absolui: ipso iure in eandem re incidit ⁊ sentētiam. c. eos. 44  
de sententia excommunicationis. lib. vj.



**V**adecimum Datur priuilegium.  
Quia licet sententia  
sit ferenda a iudice ordinario sedēte ⁊ pro 45  
tribunali in loco maiorum. l. cum sentētia.  
C. de sententijs ⁊ interlo. oim iudi. teneat q̄  
iudex in loco publico ⁊ solito ius dicere. l. pen. ff. de iusti.  
⁊ iu. Tamē tempore pestis poterit ius dicere ad fenestrā

*L. gmb fr. fugitivus ff. de edict. ed. d.*



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