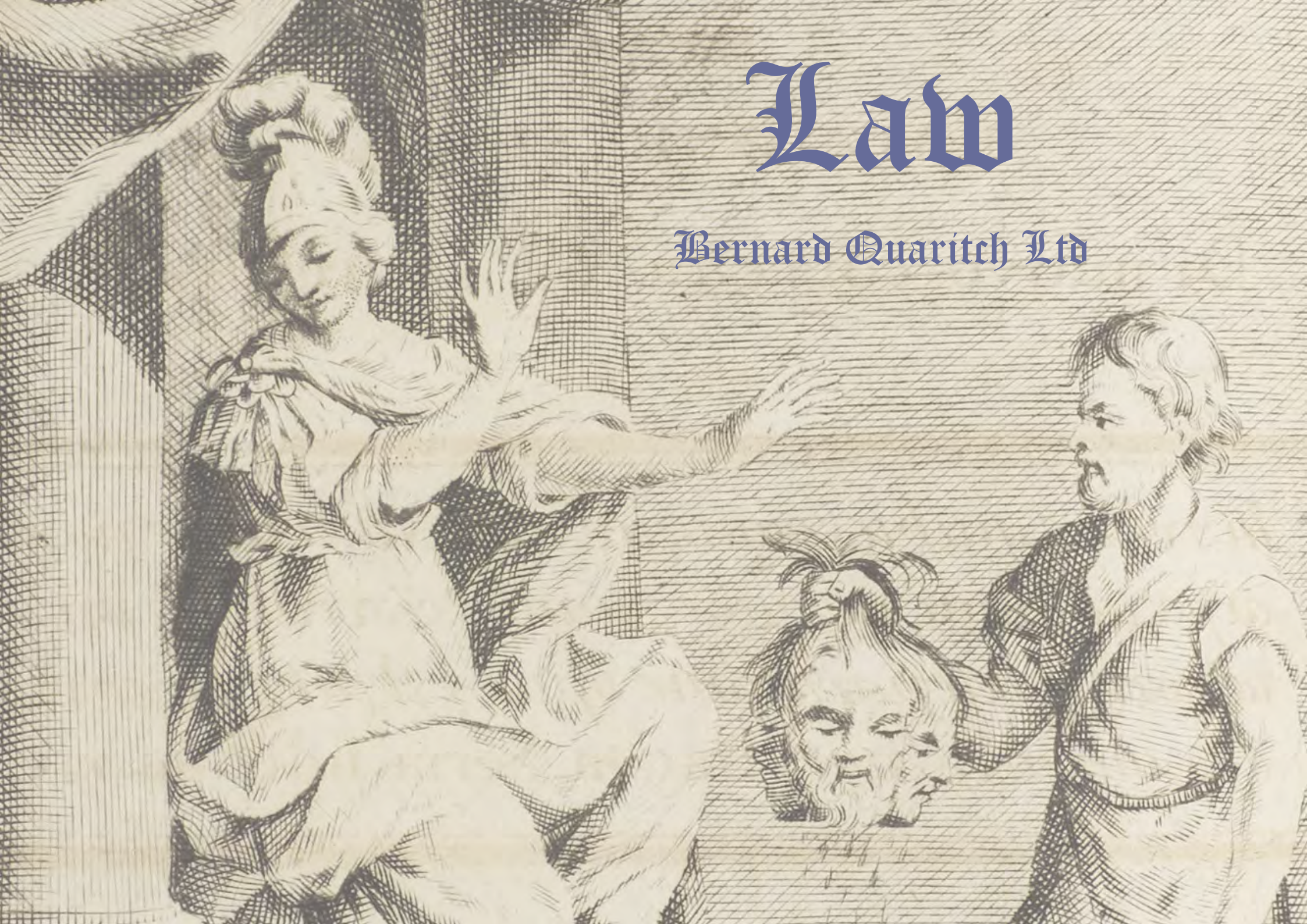


Law

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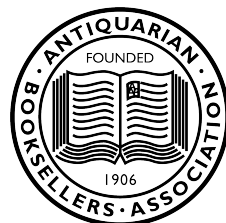
Front cover from no. 2

This page from no. 23

Rear cover from no. 3

Items marked with an asterisk * are subject to VAT in the UK

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EXÁMEN
del derecho
DE
VIDA Y MUERTE,
EGERCIDO POR LOS GOBIERNOS.
ESCRITO
POR UN CUBANO.



BARCELONA:
IMPRESA DE IGNACIO ESTIVILL,
AÑO 1838.

Cuban capital punishment

1. [AYALA Y AGUILAR, José de.] Examen del derecho de vida y muerte, egercido por los gobiernos. Escrito por un Cubano. *Barcelona, Ignacio Estivill, 1838.*

8vo, pp. viii, 277, [3]; mild occasional foxing; a good copy in contemporary tree-patterned sheep, flat spine tooled in gilt and blind, gilt morocco lettering-piece (chipped); some wear to extremities and rubbing to covers. **£250**

First edition of a Cuban treatise of criminal law, a forceful impugnation of capital punishment which invokes arguments and schemes from, among others, Filangieri, Montesquieu, Beccaria, Rousseau, and Bentham.

The tract moves to a wider juridical consideration of the relationship between individuals and the state. Aristotle, Hobbes, the jurists of the Roman tradition, and of the jusnaturalists are examined in a comprehensive assessment of the nature and extent of civic liberties. The conclusion, built on a careful consideration of Bentham's *Panopticon* scheme, returns to the question of capital punishment, as the most extreme case and thus the central issue in the dialectics between man and organised society.

Palau 80905.

one of the founding texts of penology

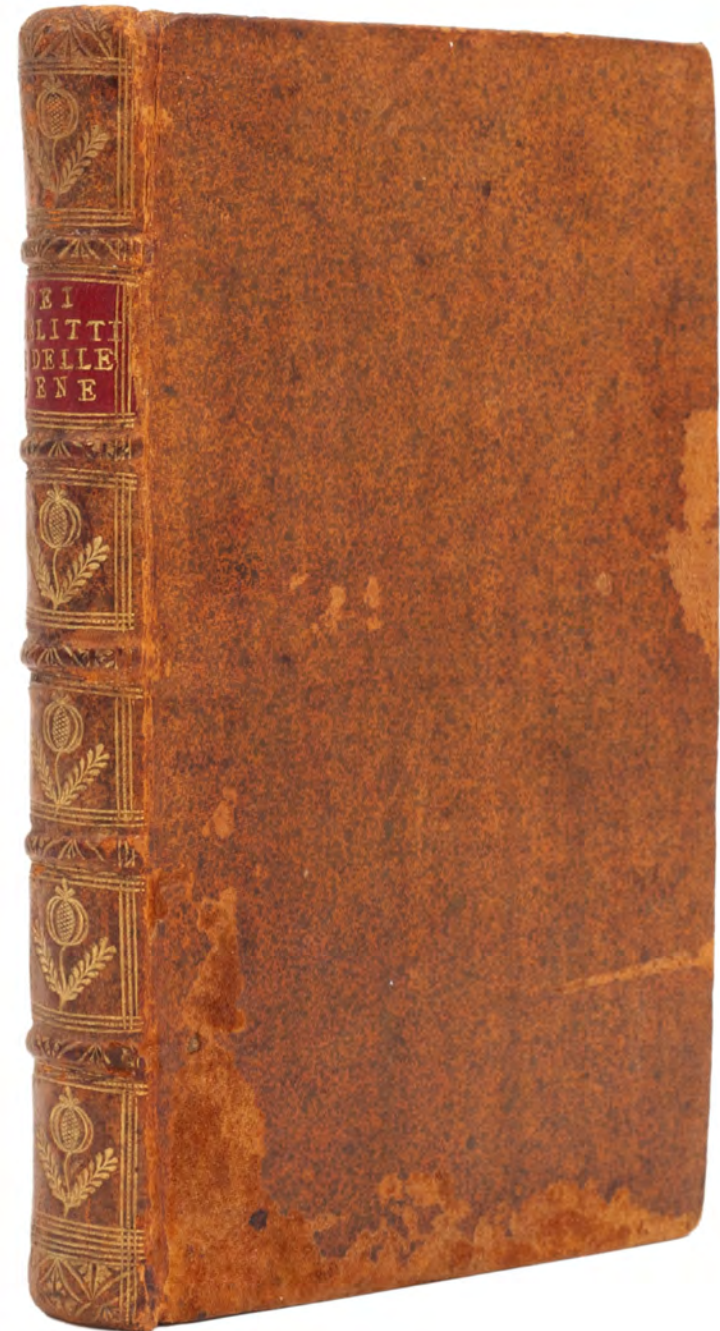
2. [BECCARIA, Cesare.] *Dei delitti e delle pene*. Edizione sesta di nuovo corretta ed accresciuta. *Haarlem, et se vend à Paris, chez Molini, 1766*.

8vo, pp. [2], viii, 9-314, [5], [1 (blank)]; engraved frontispiece, woodcut head- and tailpieces; clean and fresh throughout, with very occasional contemporary underlining in ink; in contemporary calf, spine gilt in compartments with gilt-lettered morocco label; some abrasions to covers and wear to extremities, but still an attractive copy, with the bookplate of Sir Edmund Antrobus on front pastedown. **£750**

Sixth edition, expanded to forty-seven paragraphs, of Beccaria's principal work, one of the founding texts of penology and an important statement of criminal law reform, here with the additions of the 'Giudizio di celebre professore sopra il libro dei delitti e delle pene' and 'Risposta ad uno scritto che s'intitola Note, osservazioni sul libro dei delitti e delle pene', along with Beccaria's own foreword, and a frontispiece depicting Justice shunning a severed head offered by an executioner.

Dei delitti e delle pene saw many editions, including a number of pirates, in the years after its first publication in 1764, and the first few saw it augmented by Beccaria from its original forty paragraphs. The present edition is one of two to appear with a Haarlem imprint and 'edizione sesta', one bearing the name of the Parisian publisher Molini (Giovan Claudio Molini), with whose brother Beccaria had been staying in London, and whom Beccaria visited in the autumn of 1766. It has been suggested that the present version, with Molini's name, may in fact be a Livorno-printed pirate (as Govi notes, with this work, even the counterfeits had counterfeits); in any case, the 'edizione sesta' appears 'mechanically to reproduce the 'fifth' and [they] have similar characteristics so marked that they appear clearly based on one another' (Firpo, cited by Santato, 385).

See Guido Santato, 'La questione attributive del *Dei delitti e delle pene*' in *Lettere italiane* 48 (1996), pp. 360-398; cf. Govi, *I classici che hanno fatto l'Italia* 249; this edition not in Melzi.





DEI DELITTI
E
DELLE PENE

EDIZIONE SESTA

Di nuovo corretta ed accresciuta.

*In rebus quibuscumque difficilioribus non
expectandum, ut quis simul, & serat, & me-
tat, sed praeparatione opus est, ut per gra-
dus maturescant. Bacon. Serm. fidel. III. XIV.*



HARLEM,
Et se vend'
A PARIS,
Chez Molini Libraire, Quai des Augustins.

MDCCLXVI.

a grant of land

3. [BEDFORDSHIRE – ARLESEY.] Charter of William Hoye of Arlesey ('Auricheseya') granting to Robert of Wewenshal for seventy shillings certain lands in Arlesey to be held at a yearly rent of fifteen pence. *Bedfordshire, 1st half of 13th century.*

Manuscript on vellum, in Latin, 17 lines in an English charter hand, white wax seal attached to document on a vellum tag, the seal depicting a foliate device surrounded by the grantor's name, medieval endorsements including 'Arlichseye', 'Will[elmus] Hoye' and the number 'lxxxix'; lightly soiled, creased where folded, seal worn and defective, but in very good condition. **£1400***

Witnessed by Roger Burnard, William Rixpau, Roger his brother, Richard the clerk, Robert Rixpau, Henry son of Odo, Walter son of William, Ivo of Stodfaud, Geoffrey his son, Simon of Estwich, Andrew of Qurisco, William son of Gerard, Roger son of Walter son of William Hay, and many others. Various place names or field names are given, including 'North', 'Scutteford', 'Stocken', 'Chiserne', 'Suth', 'Dernefordehil', 'Amethil', 'Longemorland', 'Wowefur Lang', 'Shortemorland' and 'Waterland'.

The family of Burnard, which held the manor of Arlesey at the time of the present charter, was of considerable importance in Bedfordshire during the first two centuries after the Conquest. The Roger Burnard who was a witness to the present document may be identified with the man of that name who seems to have died by about 1234: the part of the Waltham Abbey cartulary (British Library MS. Harley 4809) compiled around that date mentions one Elita, widow of Roger Burnard.



Sciatis presentes et futuri quod ego Willms Hoye de Auricheseya. dedi et concessi et hac presenti carta mea confirmavi
Robto de Wewenshal p homagio et seruitio suo. et pro sexaginta et decem solidis sterlingorum qd in dedit in ger sum.
vna grossam sive croftam suam que est de Latitudine qm dicitur. et dim. p. et cetera parca vna p. et cetera
Acra et dimid. et dimid. p. et cetera in campus de Auricheseya. scilicet in campo de North. vna p. ad Scutte
ford. et vna p. ad Shortemorland. dimid. p. et dimid. p. sub Stocken et dimid. p. sup chiserne et pro ad capd.
et in campo de Suth. vna p. sup Dernefordehil. et pro ad capud. sive et p. Agelli. et vna p. sup Amethil.
sive et p. sup Acer. et dim. p. sup Longemorland. sive et p. sup Water de Wewenshal. et dim. p. sup W. owefur
Lang. que se extendit p duas discrencias. sive et p. sup Acer. et dim. p. sup Shortemorland. et abutit sup Wa
terland sive et p. sup fabri. Venad et habend. de me et heredib; meis sibi et heredib; suis. Libe. et cetera et he
reditariis. Sedendo inde annuatim in heredib; meis. et inde denar. sive ad festu sa Ande. p. et cetera denar. et
tres s. p. et ad festu sa marie in octavo. et cetera denar. et cetera s. p. et ad festu sa Johis Bapt. et cetera denar. et cetera
p. et ad festu sa Michel. et cetera denar. et cetera s. p. et in dacione vnu homine p vnu die ad cibum meum. p
omib; sclarib; seruis. et cetera. et demandis. Et ego Willms et heredes mei et p. et cetera et defendemus
contra p. et cetera. et heredes suos et omnes gentes et omnes calumpnias in p. et cetera.
testib; Rogo Burnard. Willms Rixpau. Rogo frater suo. et cetera. Robto Rixpau. Henr. frater domini. Waltero
frater Willms. quone de Stodfaud. Waltero frater suo. Simon de Estwich. Ande de Qurisco. Willms frater Gerard. Rogo
frater Waltero frater Willms. Willms frater suo. et cetera. 44

PRINCIPIOS
DE
DERECHO DE JENTES

POR A. B.



SANTIAGO DE CHILE:

AÑO DE 1832.

IMPRESA DE LA OPINION.

international law for an independent South America

4. BELLO, Andrés. Principios de derecho de jentes ... Santiago de Chile, Imprenta de la Opinión, 1832.

8vo, pp. [2], iv, 267, [1 (blank)]; a fine, crisp copy in contemporary dark green sheep, borders roll-tooled in gilt, spine gilt in compartments and lettered directly in gilt, red speckled edges; spine sunned, a few small scuffs; ink ownership stamp to title verso of Lino de Pombo; from the library of the historian of Colombia Malcolm Deas.

£1500

Rare first edition of a foundational work of international law, 'the most systematic and complete treatment of the subject published in the Americas or in Spanish' (Fawcett), by the poet, politician, jurist, and philosopher Andrés de Jesús María y José Bello López (1781–1865). It was reprinted throughout Latin America as new states gained their independence from Spain, and went through two further revised editions, under the title *Principios de derecho internacional*.

Born in Caracas, Bello established an early reputation as a poet, which segued into political roles, seeing him appointed along with Simon Bolívar, whom he had briefly tutored as a student, as a diplomat for the newly independent Venezuelan government. He remained in London from 1810 to 1829, where he married twice and wrote several epic poems (*Las Silvas Americanas*), serving also on the legations for Gran Colombia and Chile. In 1829 he was invited to take up a post at the Ministry of Foreign Affairs in Chile, where he was appointed Senator for Santiago, and given nationality by a law in congress in 1832. 'His main concern became providing the new republican systems with enough authority and legitimacy to become self-sustaining. It is for this reason that he contributed to the writing of the constitution of 1833 ... and then he devoted over twenty years to reforming civil legislation to provide a stable environment for the rule of law to prosper ... In the early twenty-first century virtually no country in Latin America is without some university, street, or monument to commemorate his life and works' (*Oxford Bibliographies*). He later founded the University of Chile in 1843, published the first Spanish-American grammar in 1847, and promulgated the Civil Code of Chile in 1852.

Principios de derecho de jentes was the most reprinted, distributed, and widely taught work on the subject in the Americas in the nineteenth century. Although first published in Santiago, its content had been developed during his London years; Bello's efforts at codification were influenced by Bentham (whom he translated) and James Mill.

His important 'Prologo' identified the study of international law as 'of the highest importance for the defence and vindication of our national rights' (*trans.*). In particular Bello asserted that new states, even where formed violently by secession or colonisation, had an equal claim to sovereignty, independence, and recognition by other powers.

Provenance.

1. The engineer and diplomat Lino de Pombo (1797–1862) had been Bello's predecessor as representative for Gran Colombia in London; he was later Primo Canciller of Nueva Granada, one of the states that emerged from the dissolution of Gran Colombia in 1830, and published a celebrated *Recopilacion de leyes de la Nueva Granada* (1845).

2. Malcom Deas (1941–2023) was a pre-eminent historian of nineteenth- and twentieth-century Colombia and its neighbours, and a fellow of St Anthony's College, Oxford (where Bello is commemorated in a bust); among many honours he was made a member of the Order of Andrés Bello in Venezuela.

Library Hub records copies at the British Library and King's College London only. See Obregón Tarazona, 'Construyendo la región americana: Andrés Bello y el derecho internacional', in *Andrés Bello y los estudios latinoamericanos* (2009); and Louise Fawcett, 'Between West and non-West: Latin American contributions to international thought', in *The International History Review* 34:4 (2012).

Si son justas las represalias, es permitida la violencia contra los que se resisten a ellas, y si se hace necesario quitarles la vida, no se debe echar la culpa de esta desgracia sino a su injusta y desatentada oposicion.

La palabra *represaliás* suele tomarse en un sentido mas jeneral que el que acaba de dársele, aplicándola a todo acto de talion.

Algunas veces en lugar de confiscarse desde luego los efectos apresados, se detienen solamente, sea con el objeto de restituirlos en caso de obtenerse por otros medios la reparacion del daño recibido, sea como una medida de seguridad, cuando se teme fundadamente que van a ser violados los derechos de propiedad de la nacion o de los súbditos. Esta medida de detencion provisional se llama *embargo*, y participa de la naturaleza del embargo *hostil* o *bélico*, de que se tratará mas adelante.

El último medio que tenemos de hacernos justicia es apelar a las armas, rompiendo todas las relaciones de paz y amistad con la nacion ofensora. Pasamos entónces al estado de guerra, que va a ser la materia de los capítulos que siguen.

PARTE SEGUNDA.

ESTADO DE GUERRA.

CAPITULO I.

Consideraciones jenerales relativas a la guerra.

1. Definicion. 2. Lejitimidad de la guerra. 3. Sus causas. 4. Formalidades previas. 5. Instrumentos de la guerra.

1.

Guerra es la vindicacion de nuestros derechos por la fuerza. Dos naciones se hallan en estado de guerra, cuando a consecuencia del empleo de la fuerza, se interrumpen sus relaciones de amistad.

Se dice que la paz es el estado natural del hombre: y que si se emprende la guerra, es para obtener una paz segura, su

único fin y objeto lejítimo. Es preciso confesar que una interrumpida serie de contiendas hostiles que por los siglos han sido anales del jénero humano, da algun color a la guerra constante de todos contra todos, que es la base de la teoría de Hobbes, y a la opinion de varios autores que han observado el carácter de las tribus indias, se le atribuye el haber sido el hombre en el estado salvaje tiene un instinto y un deseo de guerra. Pero tampoco admite duda que uno de los mejores resultados de la civilizacion es el amor a la paz y el aprecio de sus inestimables bienes. (a)

2

Se llama guerra *pública* la que se hace entre naciones, y guerra *privada* la que se hace entre particulares. Desde el nacimiento de la sociedad civil el derecho de hacer guerra pertenece esclusivamente al soberano, y los particulares no pueden ejercerlo, sino cuando privados de la proteccion social, la naturaleza misma los autoriza a repulsar a sus enemigos por todos los medios posibles.

No hai pues guerra *lejítima* sino la que se hace por la autoridad soberana. La constitucion del estado determina el órgano de la soberanía a quien compete declarar guerra. (b) Pero esta facultad, como todas las otras, reside jeneralmente en la nacion. De aqui es que toda guerra que se debe considerar como lejítima, aunque no se haya sido ordenado por la autoridad constitucional competente. En 1808 que declararon las provincias de España a José Napoleón por las armas del imperio frances, tuvo un carácter lejítimo, sin embargo de haberle faltado el consentimiento de todos los órganos reconocidos de la

3

Las causas de la guerra son de dos especies :

- (a) *Vattel*, l. III, chap. 1. *Kent P. I. l. 3.*
(b) *Vattel*, l. III, ch. 1.

TRATADOS
DE LEGISLACION
CIVIL Y PENAL,
OBRA EXTRACTADA DE LOS MANUSCRITOS
DEL SEÑOR JEREMIAS BENTHAM,
JURISCONSULTO INGLES,
POR ESTEBAN DUMONT,
MIEMBRO DEL CONSEJO REPRESENTATIVO DE GINEBRA,
Y TRADUCIDA AL CASTELLANO,
CON COMENTARIOS,
POR RAMON SALAS,
CIUDADANO ESPAÑOL, Y DOCTOR DE SALAMANCA
Con arreglo á la segunda edicion revista, corregida
y aumentada.

TOMO I.

MADRID, AÑO DE 1821.
IMPRESA DE D. FERMIN VILLALPANDO,
IMPRESOR DE CÁMARA DE S. M.

Bentham in Spanish

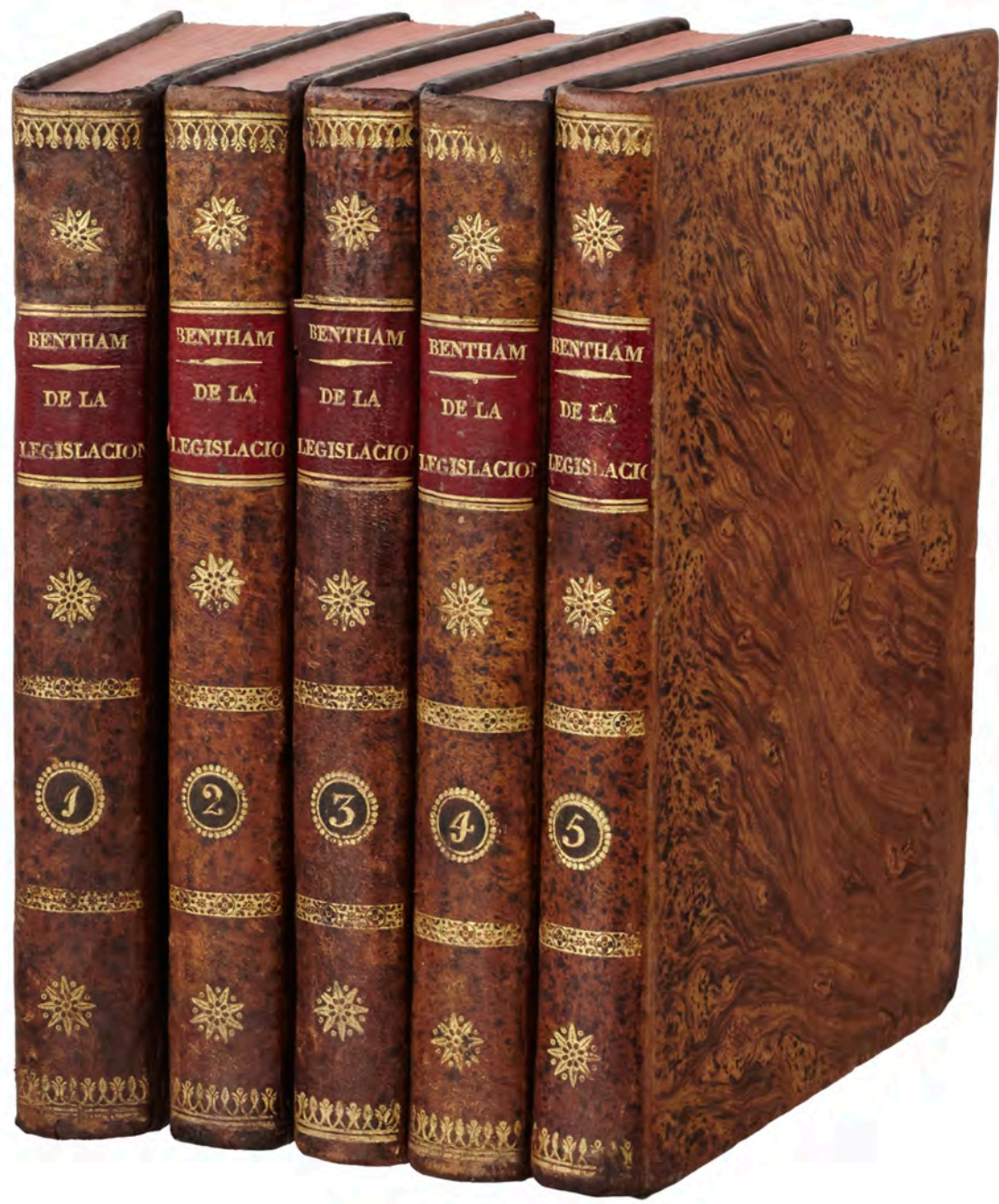
5. **BENTHAM, Jeremy; Ramón SALAS Y CORTES**, *translator*. *Tratados de legislacion civil y penal*, obra extractada de los manuscritos del señor Jeremias Bentham ... por Esteban Dumont ... y traducida al castellano, con comentarios por Ramon Salas ... Doctor de Salamanca con arreglo á la segunda edicion revista, corregida y aumentada ... *Madrid, Fermín Villalpando, 1821–1822*.

5 vols, 4to, pp. xvi, 388; 338, [2]; 320; 352; [4], 283, [1]; vol. 1 with blank lower outer corner of title-page cut away, dampstaining to upper outer corners towards end, and marginal worming to last leaf; some occasional foxing; else a crisp, clean set in contemporary Spanish tree-patterned calf, spines gilt-tooled in compartments with florets, contrasting lettering- and numbering-pieces, red edges, marbled endpapers; a few scuffs, a little staining to upper covers of vols 3 and 4. **£650**

A good copy of the first Spanish translation of Bentham's penal writings, translated from the second French edition of 1820, with additional commentary, by the Spanish jurist and rector of Salamanca University, Salas y Cortés (1753–1837). This collection was first prepared and published in French by Étienne Dumont as the *Traité de législation civile et pénale*, and it established Bentham's reputation as 'the most important European writer on crime and punishment after Beccaria' (ODNB).

'Edited by Dumont from the chapters of *An Introduction to the Principles of Morals and Legislation* and the author's MSS this work rendered his name and basic ideas famous on the Continent and in Latin America, and then in his country' (Chuo University Bentham Catalogue, p. 159).

Palau, 27576. OCLC finds only 1 copy in the UK (British Library) and 1 in the US (St Mary's University).



BENTHAM
DE LA
LEGISLACION



1



BENTHAM
DE LA
LEGISLACION



2



BENTHAM
DE LA
LEGISLACION



3



BENTHAM
DE LA
LEGISLACION



4



BENTHAM
DE LA
LEGISLACION



5



THE
ELEMENTS
OF THE
ART OF PACKING,
AS APPLIED TO
SPECIAL JURIES,
PARTICULARLY
IN CASES OF LIBEL LAW.

BY JEREMY BENTHAM, ESQ.
BENCHER OF LINCOLN'S INN.

London:
PUBLISHED BY EFFINGHAM WILSON,
ROYAL EXCHANGE.
1821.

Bentham on libel law

6. **BENTHAM, Jeremy.** The elements of the art of packing, as applied to special juries, particularly in cases of libel law ... *London, Effingham Wilson, 1821.*

8vo, pp. [4], vii, [1 (blank)], 269, [1], [2 (publisher's advertisements)]; slightly toned; a good copy in contemporary drab and blue paper covered boards, printed spine label with price, yellow endpapers; neatly rebaked, corners repaired, some small stains, boards slightly bowed; some early pencil marginalia and side-lining. **£250**

First published edition (first printed 1810), of Bentham's criticism of English libel law, which he had always detested, and which more than once stood in the way of the free publication of his opinions. When the work was written, the law's injustice had recently been made obvious in a series of prosecutions for libelling the Duke of York. The *Art of Packing* contains many bitter animadversions on the judges, and Romilly, who read the manuscript, warned Bentham that the attorney-general would be certain to prosecute both author and publisher under the very law the work condemns. Bentham accepted Romilly's advice not to sell it openly, though he gave away copies to his friends.

The Advertisement to the present edition states: 'In regard to the Author, all that need be said is – that it was not by him that it was ... kept back; and that it is not by him, or at his instance, that it is now put forth. If, on either accounts, it were desirable that the causes of its being thus long withheld should be brought to view, those causes would afford a striking illustration of the baneful influence of the principles and practices it is employed in unveiling, and presenting in their true colours.'

Chuo E1-2; Everett, p. 534; Goldsmiths' 23350; see Muirhead, p. 18.

Scots law lectures

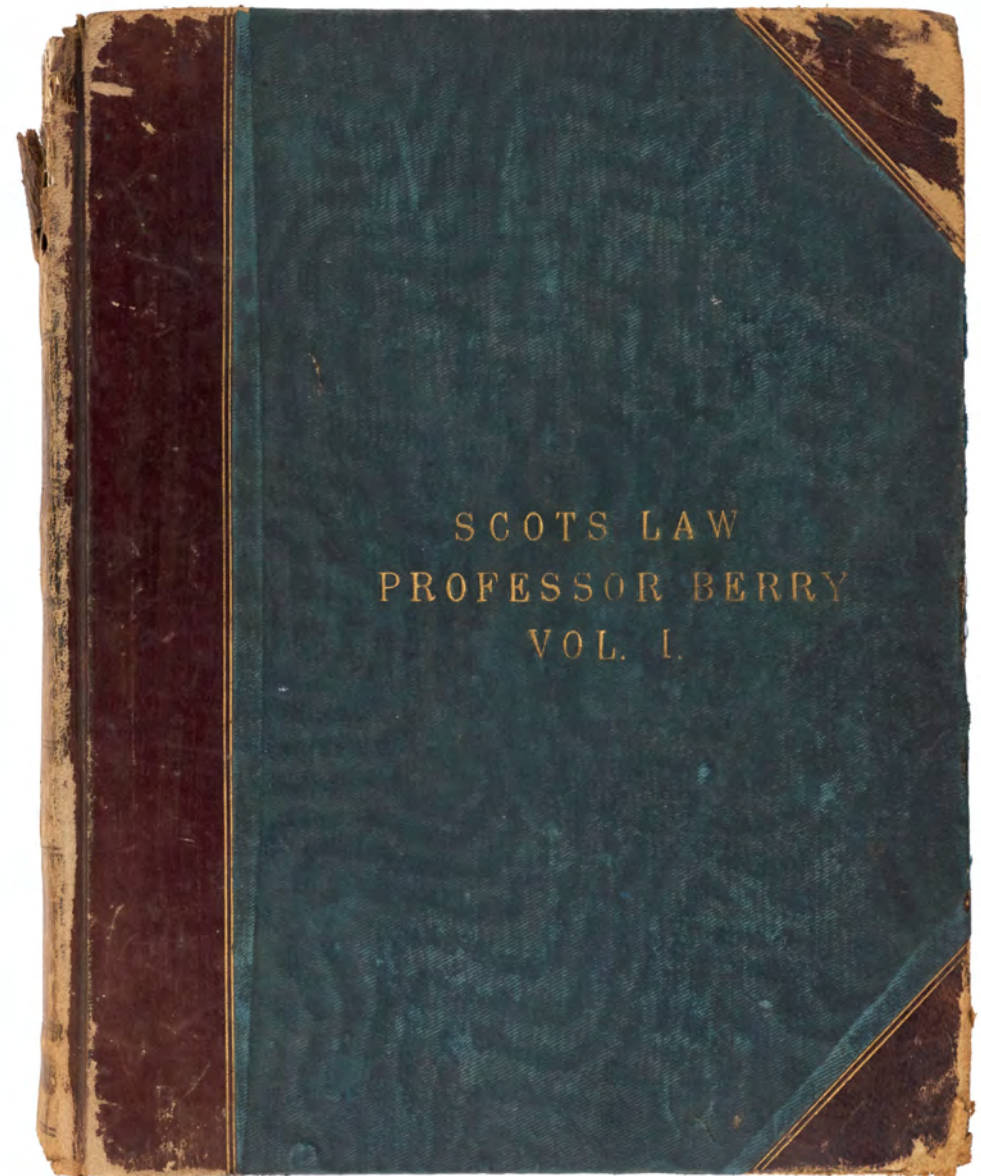
7. [BERRY, Robert.] Scots law: manuscript lecture notes from the University of Glasgow. *Glasgow, 1877–8.*

2 vols, 4to, pp. 217, [1 (blank)]; 220; in a neat hand on lined paper, text predominantly on rectos with additional notes on versos; printed exam paper dated 2 March pasted onto p. 219 of vol. 2; largely clean throughout; in contemporary half cloth, with 'Scots Law Professor Berry Vol 1 [- 2]' in gilt on upper boards; somewhat worn, especially spines and extremities, but still sound. **£450**

A very comprehensive and legible set of manuscript notes from the lectures on Scots law given at Glasgow in the Martinmas and Candlemas terms of the academic year 1877–8 by Robert Berry (1825–1903), Regius Professor of Law at the University from 1867 to 1887.

The course of study was an intensive one: between late November and late February, Berry gave sixty-one lectures on every aspect of Scots law, starting with the distinctions and relationship between Roman and common law and the roles of canon and feudal law in the Scots system, before entering into the details of inheritance, contract law, and the laws relating to everything from fraud to slander, auction sale to the rights of the insane. Where the English take a different approach, this is highlighted.

Alas, the student who took these exhaustive notes, annotated with citations and references on the facing versos, and with each lecture dated, has not been identified.



15th December, 1877.

University of Glasgow.

SCOTCH LAW CLASS.

1. To meet a plea of the long negative prescription to an action on a bond, the pursuer avers payment of interest within the 40 years. Is the plea good, and if so, by what evidence may it be supported?
2. What prescriptions apply to claims for rent, under what conditions do they apply, and from what dates do they run respectively?
3. What is a *condictio indebiti*, and when is it competent? Examine the statement of Mr. Bell, that "if the person have in his own hands the means of correct knowledge, he cannot plead his error arising from gross negligence."
4. State generally under what conditions and to what extent one is entitled to reimbursement of money expended on the property of another. In what relation of the parties may the right exist, although he who incurs the expenditure knows that he is not the proprietor?
5. In what circumstances and to what extent does the common law of England recognize the title of an executor to claim damages for an act which has resulted in the death of him whom he represents?
6. Explain the distinction between a *ius ad rem* and a *ius in re*, illustrating your answer by a reference to the contract of sale, and stating at what stage or stages in that contract these rights respectively pass to the purchaser.
7. What is the ground of the difference between a vendor's right of retention in Scotland and his right of lien in England, and what difference in result is apparent at common law?
8. Examine the state of the law as to whether a purchaser to whom goods are tendered for delivery under a contract of sale is, on finding himself insolvent, either bound or entitled to reject them with the view of making them available to the seller rather than to his general creditors.

Section he retains the right to determine it either way, subject to this that if the interval while he is deliberating an innocent third party has acquired an interest in the property, or if in consequence of his delay the position even of the wrongdoer is affected it will preclude him from exercising his right to rescind.

Stoppage of goods by die.

Right of stoppage is limited to the state of goods at time of the stoppage. It is *pro tanto* impaired by injury to quantity or quality, of goods in transit, & a party can avail himself of an insurance effected on them.

Warrantie

Warrantie is another obligation of the seller. By absolute warrantie is

Absolute

meant warranty against eviction. This obligation of seller is implied in sale & was so in the Civil Law. It may be modified or dispensed with by agreement, but besides it there are two minor degrees of warrantie:

Minor degrees

1. From fact & deed which limits the warrantie to security against any past or future deed of the seller: and 2. Simple Warrantie which limits it to any future act. These are seldom in a sale of moveables, & there are

Exceptions

Exceptions to absolute warrantie. Special circumstances may shew that absolute warrantie was not intended. Thus a pawnbroker sells a pledge - it was held unreasonable at common law that he should be held to give warrantie. (The pawnbroker's Act 1872 gives him an absolute title).

So also a Shipmaster who sells ship or cargo for necessity is not held to give absolute warrantie and purchaser has no claim for breach of warrantie. Even supposing master to have been mistaken as to necessity the purchaser could have no claim if master acted bona fide.

Page & Co v. J. 1866 L.R. 1 Q.B. 127.

Wednesday, 12th December 1877.



D. FRANCESCO GIACINTO ROVERO

CAVALIERE DI PIEA,

E DELLA SAGRA RELIGIONE, ED ORDINE MILITARE DE' SANTI MORIZIO, E LAZARO,

COLONNELLO DI CAVALLERIA, E COMANDANTE DELLA CITTA', E PROVINCIA
DI SALUZZO PER SUA MAESTA'.

AD effetto di procurare col mantenimento del buon ordine la pubblica tranquillità, restando opportuno di rendere nuovamente pubblici li Provvedimenti, che ad un tal fine sono diretti, onde non possa veruno pretenderne ignoranza, e vengano essi da ciascuno, per quanto loro spetta, eseguiti; abbiamo pertanto in adempimento delle Regie determinazioni ordinato, come ordiniamo osservarsi in questa Città, e Provincia, quanto infra segue.

Primo. Gli Osti, Cabarettieri, Locandieri, e simili della presente Città dovranno fare al Governo la Consegnà in iscritto delle persone, alle quali daranno alloggio nelle loro osterie, taverne, locande, e case, coll' espressione de' loro nomi, cognomi, patria, grado, e professione, del Luogo, da cui vengono, di quello, a cui sono incamminati: la detta Consegnà dovrà farsi prima delle ore due di notte in ogni sera dell' arrivo delle persone, che alloggeranno, spiegando separatamente quelle di Stato straniero dalle altre del paese, e dovràssi nella stessa conformità fare la Consegnà di essi Forestieri, quando partiranno, o cambieranno d' alloggio: Dovranno inoltre tenere un Libro affogliato, in cui annoteranno in ogni sera la medesima Consegnà per presentarlo ad ogni occorrenza, e bisogno, sotto pena in caso di qualche contravvenzione di due Scudi: Lo stesso dovrà praticarsi sotto l' incorso della medesima pena dagli Osti, ed altre persone sovra nominate abitanti ne' soborghi, e case in vicinanza di questa Città facendo l' accennata Consegnà alli rispettivi Cantonieri,

me, o di qualche sorta di altri lumi contrafatti, sarà questi sul campo arrestato, e punito con giorni quindici di Crottone, e se ne informerà il Giudicante prima del rilascio.

11. Sarà proibito di fare di nottetempo veruna sorte di strepito, e grida con disturbo del pubblico riposo, sotto pena del Crottone per alcuni giorni a proporzione del mancamento; e qualora venissero a seguire spari con armi proibite, o con armi bensì permesse, ma con abuso delle medesime, si farà arrestare chi gli avrà fatti, e quindi rimettere al Giudicante per l' opportuno procedimento a termini delle Regie Costituzioni.
12. Sarà pure vietato di sparare, far sparare Mortaretti, Fusette, ed altri fuochi di gioja nella presente Città, e Finaggio, in occasioni di Feste, o di altre Solemnità, senza la nostra Licenza, sotto pena di giorni tre di Crottone.
13. Per le Contrade di questa Città non si potrà fare, senza la nostra Licenza, alcuna Serenata con quantità di stromenti atti ad eccitar il concorso del popolo, sotto pena di giorni otto di Crottone, tanto ai Suonatori, che a chi farà seguire la medesima: Colla qual pena saranno pur castigati coloro, che si faranno lecito, senza detta nostra Licenza, di andare in maschera tanto per le contrade della Città, che ne' Teatri, e Case.
14. Non si potranno pure far Balli nè pubblici, nè privati, nettampoco sotto pretesto di conversazione tanto in questa Città, e Finaggio,

9. **BOHIER, Nicolas.** Prima pars aurearum decisionum D. Nicolai Boerii in sacro Burdegalesium senatu, seu regio parlamento olim discussarum ac promulgatarum ... Accesserunt ... additiones ab eodem autore editae in tractatum Ioannis Montani De autoritate et praeceminentia magni consilii, cum tractatu De statu et vita eremitarum. [with:] Secunda pars decisionum aurearum ... *Lyon, Denis de Harsy for Michel Parmentier and Jean-François de Gabiano, 1544.*

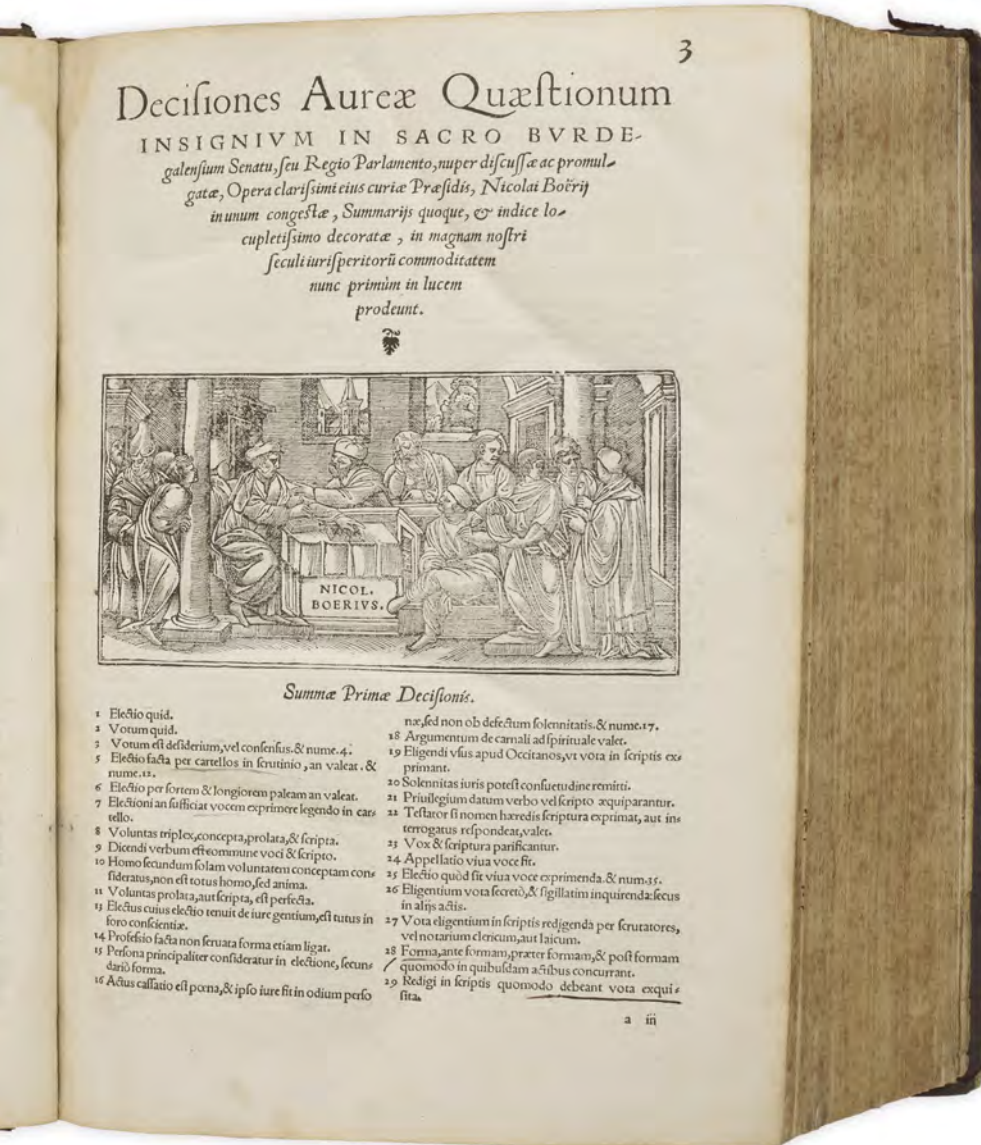
2 parts in 1 vol., folio, ff. [4], 211, [1 (colophon)]; 251, [1 (colophon)], [28 (index)]; text in two columns, woodcut devices to titles and colophons, woodcut initials, woodcut scene depicting Bohier at the opening of the text of each part, the *Additiones* with woodcut title border; small hole at foot of title-page, marginal burn holes to pt. 1 f. 96 and pt. 2 f. 224, closed tear to i2 of index, small marginal wormholes at end of vol., last few leaves worn, some dampstaining (especially to second part) and cockling, occasional small stains; in contemporary mottled calf, five raised bands to spine, spine label; worn, some losses to spine ends, wear to corners and bottom edges; ownership inscriptions to title (some erased) including 'Bergier', 'J. De ... hassaigne', and 'ex libris Francisci Lavallette ... advocate 1736'; marginal annotations to 160 pp. of pt. 1 and to 48 pp. of pt. 2 (slightly trimmed), underlining, a few manicules. **£675**

First edition of an exhaustive collection of the legal decisions of the court and parliament of Bordeaux by the noted French jurist Nicolas Bohier (1469–1539), also known under the title *Decisiones Burdegaleses*.

Bohier studied law in his native Montpellier and at Pisa before moving to Bourges, where he made his name both as a teacher and as a practising advocate. He served as a member of the *Grand Conseil* and as president of Bordeaux's parliament. The text here opens with a short biography of Bohier, and he is depicted in action in court in the opening woodcut to each part. The *Decisiones* comprises 356 questions and decisions covering all manner of subjects across canon and civil law, including, for example, adultery, bastards, bishops, blasphemy, confession, contracts, courts, death, dowries, ecclesiastical immunity, elections, flight from prosecution, heirs, homicide, incarceration, incest, judges, madness, marriage, monks, murder, notaries, oaths, parents, the Pope, prostitutes, punishments, sales, ships, theft, torture, war, wills, women, and wounding. Bohier's notes on Jean Montaigne's treatise on the *Grand Conseil* and on the legal status of hermits complete the work.

The marginal annotations, written in a few different early hands, show a particularly close reading of the *Prima pars*. The inscription to the title by François Lavallette indicates that Bohier's text was still of use to a practicing advocate in 1736.

USTC 149233, 158896. **Only 2 copies traced in the UK** (Edinburgh University, New College Oxford).



fine voluminis & dicit in dicto §. j. in glossa. in fine. & in glossa h. per quod tolli videtur dubium nonnullorum dicentium proximiorum qui potest retrahere rem extraneo venditam, si emat illam, non per modum reuenditionis in vim consuetudinis retrahens, esse securiore quod ab eo alij proximiores secundi venditoris retrahere non poterunt, cum ipse eos excludat: quod non videtur. sicut enim eodem modo, & pro eodem pretio, vel maiori, vel minori non refert, debet admitti ad retrahendum, quando fit per modum reuenditionis, sic etiam, quando fit per modum emptio nis, aliis esset imponere legem verbis. Et ita fuit conclusum in curia, in causa appellationis mota inter Stephanum Bridier a Senescallo Xantonienfi, seu eius locum tenentem appellatam, & reum principalem ex vna, & Lietam Charriere appellatam, & actricem in materia retrahens. Et latum fuit arrestum die xx. Octobris, Anno domini quingentesimo vicefimo suscripto. Sed quid, an ex ista additione, seu noua pecunia datione per emptorem proximiorum, ultra primum pretium facta debeatur ventis, seu laudimia, & sic dux ventis, & laudimia, scilicet vnum, ex primo contractu, & aliud pro secundis. Et Guille. & Baldus tenent, quod sic, in l. ab emptio. columna vltima. versiculo, tertius casus. ff. de pactis. Iacobus de sancto Georgio in ledita actio. numero l. & ff. C. de edendo. quia hoc additamentum pretij facit videri nouum esse contractum, & recessum a priore. l. pacta conuenta. versiculo. Paulus. ff. de contrahenda emptio. & l. item quod dictum. versiculo. quid si steterit. & ibi Baldus. ff. de in diem adiectione. Secus si primus contractus secundum ipsos resoluatur per pactum a principio appositum. & idem Bartolus in l. si pupillus. in principio. l. si aliquid. licet Angelus. ibi vult contrarium, vt Latus de hoc dixi infra, per discursum huiusmodi quaestio num, & pariter consulti.

Summa.

- 1 Proximiorum reuendere videtur emptor ab eo pretium accipiens, & possidere permittens. & nu. 1.
2 Emptor primus patiendo proximiorum rem emptam possidere, possessionem videtur perdidisse.
3 Prædo non est qui pretium numerauit.
4 Emptor non cogitur reuendere nisi pretio, & alijs sibi solutis, vel consignatis.

Quæstio LXXVII.

Sed quid de quaestione

quæ exiit in curia, proximiorum veniens ad retrahendum infra tempus de facto oblatum emptori totum pretium, quod sponte recepit, post casum pretij solutionem, & receptionem per emptorem habitam proximiorum ipse in possessionem res, sine alia sibi per emptorem reuenditione, ac traditione possessionis, aut licentia intrandi, & accipiendi illam data, se possit: & diebus aliquot lapsis proximiorum prædictus rem vendidit cuidam, qui etiam ab eo accepit possessionem ostentans

pluribus primo emptori a quo proximior retraxit, missas, & legitima consuetudina, quæ accipere distulit: ob quod idem primus emptor impetrauit statim querelam contra ipsum secundum emptorem, in vni cuius fuit reintegratus per senescallum Bazatan. aut eius locum tenentem a quo fuit per ipsum emptorem ad curiam appellatum. Quaritur an bene.

Decisio.



CHRISTI Benedicti ac interemerat, & gloriose perpetue virginis Mariæ eius pie genitricis nominibus deuote inuocatis. Et in plena vniuersa auditis partibus conclusum fuit ipsam appellationem esse simul cum sententia ad annullandam, prout annullata fuit sine expresse & quod idem primus emptor daret per declaracionem præsentia confirmata, coram commissarijs per ipsam deputatis. Et curia ad sic pronuntiandum mota fuit, quia licet primus emptor non fecisset reuenditionem expressam, attento & considerato eius dicto genio, & reuolucione accipiendi legitima confirmata, & patientia seu tolerantia, quæ pro consensu, & traditione habetur. l. ij. C. de acquirenda possessione. quia accipiendi suum principale pretium, & patiendo ipsam sine solutione, & petitione dictorum confirmatorum intrare possessionem, tacite videbatur reuenditionem fecisse, & intrandi licentiam dedisse. Quæ licentia intrandi possessionem propria autoritate, & expresse data fuisse, prout solet per venditores emptoribus concedi in instrumentis venditionum, oportet debet secundum glossam in creditoribus. C. de pignori. ribus. quam sibi sequitur Cynus, Bartolus, & Doctor, & Signores de Homed. consilio lxxv. columna vi. versiculo. venio ad quartum. & sic eum patiendo possidet possessionem perdidisse. l. quauis saltus. & acquir. possessio. & pro hoc textum l. quædam multo. & ibi glossa vlti. & Doctor. ff. de rei vendit. & Ann. Corf. singulari. in verb. possessio. Quia vbi quis possidet præsumitur ex titulo præcedenti possidere, vbi & not. Bartol. in Leon solum. ff. de vi capto. & Alexand. consilio xxxij. libro vi. & maxime pretio soluto, vt fuit hic, & notatur in l. si ex stipulatione. & ibi Paulus de Castro, & Iheronimus. de acquirenda possessione. ff. de acquir. in l. super longi. C. de præscript. longi tempor. & Franciscus de Curte. consilio xxxj. columna vlti. & cum non licet emptori. & Alexand. consilio lxxvj. numero iij. volum. vi. & in terminis notis Bald. consilio cccxi. incipit. ille qui proventus volum. iij. Alexand. consilio xxxvj. inchoan. vbi dicitur lo. colum. ij. versiculo. præterea obstat. libro ij. & Bartolus fit. in tracta. de episcopo. parte prima. libro iij. folio xvij. colum. ij. versiculo. successu. quæro, quid deo

proxiore, & bonus textus, in l. ij. C. de acquirenda possessione. & ibi Ioan. Fab. & Doctor. in l. ij. magisterium. in §. ff. de exerci. acti. libi ceterum fisci, & passus est eum in nunc magisterio frangi: ipse cum impostis numerat. et Nemo cum prædo est, qui pretium numerat. et tiam. §. si quos sciens. ff. de petito. hæredit. & l. nemo prædo est. ff. de regulis iuris. cum not. in dicta l. si ex stipulatione. ff. de acquirenda possessione. nec videtur fur, si soluto pretio sumptus. eum qui. §. ff. de furt. l. a. tum fuit arrestum die xxvj. mensis Ianuarii, Anno domini M. D. X. lxxxiii. In fauorem dicti appellantis mini M. D. X. lxxxiii. In fauorem legitimi appellantis. t. Alius emptor, nisi confirmatus legitimis ac fructibus, & missis prius sibi solutis, vel depositis, & consignatis, non tenetur reuendere, vt plene diximus in §. iij. de consuetu. retrah. colum. vlt. ad iij. inclusiue. infra in pluribus alijs questionibus. & tenet Alex. consilio xxxij. col. vlti. ver. post. etiam dicitur lib. iij. & Maffier. in tit. de retrah. in prin. Vnde hic emptor a quo retrahens exit factus, non fuit conquestus, nisi postquam agnouit proximiorum alteri vendidisse, qui eidem obtulit tacite, & inuidia motus impetrauit dictum querelam statutum, quare non debet admitti, textum l. qui doctum. ff. de iuris. quem ibi Angelus. notat contra illos, cum quo proventus, & alijs machinatoribus impediant alienationem domus, vt non fiat traditio, donec colligant pecunias.

quem feci super l. ij. C. de fund. rei priuar. libro xj. in tertia parte, quaestio. vij. qui pro hoc duas allegat. glossam in l. peculium est. §. penultimo. ff. de pecul. & aliam in capitulo imperialium. §. in super. versiculo. priuatur. de prohib. feudi aliena. per Fredericum. Sed Tal'ua pace loquuntur in domino feloniam vasallo remittente, propter quam erat priuandus feudo: quod illa remissio dicatur concessio feudi antiqui, & non noui. Ideo vasallo sine liberis decedente veniunt agnati: secus si fuisset nouum, quia tunc ad dominum reuertitur: quoniam illud feudum eo casu, non videtur de nouo datum, nec perditum vel ademptum, quia ad hoc opus esset sententia declaratoria, vt tenent Salice. Ange. & Albericus. de Rosa. post Cuiusdium de Cuius. in dicta l. peculium. §. penulti. & idem Bald. ibi. in antiquo. vobis lens etiam, quod ob illam culpam per dominum remissam non debet aliquid dari tanquam pro noua inuestitura: secus esset, vt ipse ait, si propter generationem finitam concederet feudum, quia tunc esset noua concessio. l. stipulatio ista. §. si quis id. ff. de verborum obligatio. & l. si permittitur. ff. de aqua quod dicitur. & idem dicunt Dyn. Bartol. Bald. Angel. & Albericus. in quod dicitur. ff. de impensis in re do. tra. fac. Sed isto in casu perdit dominium primo vendendo: & si postea reemerit, erit noua sibi acquisitio, & ita dicitur seruari Parisijs, vt habetur in grandi consuetud. Francie tit. de retrah. folio xlviij. colum. j. versiculo. Item si vng. homine in fine. quia consensu conquestus, licet antea de suo proprio fuisset hæritagio. Quod videtur magis verius, ex quo semel exiit de manibus omnino suis, secus si cū pacto de retro vendendo recuperasset: eo enim casu lo cum non habet retrahens, vt dixi in dicto §. j. in glossa. de retrah. & tenet Albericus de Rosa in prima parte statuto. quaestio. lxxxvij. & ita feruatur de consuetudine. licet Marth. de Afflic. in tracta. prothomiosens. in verbo. licet enim. versiculo. Item quæro. Vnde contrarium, quod in pacto de retro vendendo habeat locum retrahens. Sed pro huius quaestio. Decisio. videtur text. singularis in l. ij. versiculo. Sed hac interpretatio. ibi. vel qui per inopiam illo momento temporis satisfactionem non implere non potuit. vsq. ad finem. ff. de custodia reorum.

Summa.

- 1 Retrahere nunc ob inopiam non valens, si denuo ad eundem vendentem redeat res, an retrahat.
2 Feudum non dicitur de nouo concedi eo quod dominus feloniam vasallo remittit.

Quæstio LXXVIII.

Sed an proximior, qui

non retraxit ab emptore propter eius inopiam, si res postea in potestatem redierit alienantis, qui iterum eam alteri vendidit, quo tempore dictus proximior factus est ditior, petens se præteriri, & ad retrahendum admitti, an possit.

Decisio.



CHRISTI Benedicti ac interemerat gloriose perpetue virginis Mariæ eius genitricis nominibus pie inuocatis. Et Lucas de Penna in l. vni cuius in fine. versiculo. & nota hunc finem. C. de proxi. facto. for. libro xij. tenet quod admittatur talis proximior. & idem quidam Doctor. in tracta. de retrah.

quem feci super l. ij. C. de fund. rei priuar. libro xj. in tertia parte, quaestio. vij. qui pro hoc duas allegat. glossam in l. peculium est. §. penultimo. ff. de pecul. & aliam in capitulo imperialium. §. in super. versiculo. priuatur. de prohib. feudi aliena. per Fredericum. Sed Tal'ua pace loquuntur in domino feloniam vasallo remittente, propter quam erat priuandus feudo: quod illa remissio dicatur concessio feudi antiqui, & non noui. Ideo vasallo sine liberis decedente veniunt agnati: secus si fuisset nouum, quia tunc ad dominum reuertitur: quoniam illud feudum eo casu, non videtur de nouo datum, nec perditum vel ademptum, quia ad hoc opus esset sententia declaratoria, vt tenent Salice. Ange. & Albericus. de Rosa. post Cuiusdium de Cuius. in dicta l. peculium. §. penulti. & idem Bald. ibi. in antiquo. vobis lens etiam, quod ob illam culpam per dominum remissam non debet aliquid dari tanquam pro noua inuestitura: secus esset, vt ipse ait, si propter generationem finitam concederet feudum, quia tunc esset noua concessio. l. stipulatio ista. §. si quis id. ff. de verborum obligatio. & l. si permittitur. ff. de aqua quod dicitur. & idem dicunt Dyn. Bartol. Bald. Angel. & Albericus. in quod dicitur. ff. de impensis in re do. tra. fac. Sed isto in casu perdit dominium primo vendendo: & si postea reemerit, erit noua sibi acquisitio, & ita dicitur seruari Parisijs, vt habetur in grandi consuetud. Francie tit. de retrah. folio xlviij. colum. j. versiculo. Item si vng. homine in fine. quia consensu conquestus, licet antea de suo proprio fuisset hæritagio. Quod videtur magis verius, ex quo semel exiit de manibus omnino suis, secus si cū pacto de retro vendendo recuperasset: eo enim casu lo cum non habet retrahens, vt dixi in dicto §. j. in glossa. de retrah. & tenet Albericus de Rosa in prima parte statuto. quaestio. lxxxvij. & ita feruatur de consuetudine. licet Marth. de Afflic. in tracta. prothomiosens. in verbo. licet enim. versiculo. Item quæro. Vnde contrarium, quod in pacto de retro vendendo habeat locum retrahens. Sed pro huius quaestio. Decisio. videtur text. singularis in l. ij. versiculo. Sed hac interpretatio. ibi. vel qui per inopiam illo momento temporis satisfactionem non implere non potuit. vsq. ad finem. ff. de custodia reorum.

Summa.

- 1 Tertius opponens impedit executionem sententiæ, si incontinenti paratus est docere de iure suo.
2 Executionem sententiæ non impedit tertius opponens, si fecit ante, vel si cautio detur per victorem.
3 Tertius opponens quando non audiat etiam cautionem data.
4 Appellare quando tertius possit.
5 Minor in iudicialibus etiam cum tutore gestis restituui potest, & quomodo.
6 Minor vt restituatur aduersus actum iudicalem, vel extra iudicalem quid probare debeat.
7 Arresta an possint per magnum consilium reuocari.

Handwritten marginal notes in the left margin of the left page.

Handwritten marginal notes in the right margin of the right page.

MARTINI BONACINAE

S. T. ET I. V. D.
EQVITIS AVREATI, COMITIS PALATINI,

Et vtriusq; Signaturæ Referendarij,
TRACTATIONES VARIÆ.

Quarum, Prima est, De Simonia.
Secunda, De Alienatione bonorū Eccles.
Tertia, De Largitione munerum, Regu-
laribus vtriusq; sexus interdicta.
Quarta, De Obligatione insumendi be-
neficiorum fructus in pios vsus.

Quinta, De Onere, & obligatione Be-
neficiorum ad residendum.
Sexta, De Obligatione denunciandi de-
linquentes, præsertim Hæreticos, &
Confessarios ad turpia in confessione
sollicitantes.

Superiorum permisso, & Priuilegijs.



VENE TIIS. APVD IVNTAS.

M. DC. XXVIII.

canon law compendium

10. BONACINA, Martino. Martini Bonacinae ... tractationes variae. Quarum prima est, de simonia. Secunda, de alienatione bonoru[m] eccles[iasticorum]. Tertia, de largitione munerum, regularibus utriusq[ue] sexus interdicta. Quarta, de obligatione insumendi beneficiorum fructus in pios usus. Quinta, de onere, et obligatione beneficiorum ad residendum. Sexta, de obligatione denunciandi delinquentes, praesertim haereticos, et confessarios ad turpia in confessione sollicitantes ... *Venice, Giunta, 1628.*

4to, pp. [36], 323, [1 (blank)]; title in red and black with woodcut device, text in double columns, woodcut initials and headpieces; small, light, mostly-marginal waterstain affecting a single quire at head, one leaf with lower outer blank corner torn away, a very little insignificant foxing; a very good copy in contemporary limp vellum; lower cover with losses as a result of skin-flaws, some worming to endpapers. **£300**

Very rare early edition of six tracts on ecclesiastical law by Bonacina (1585–1631), one of the foremost jurists, theologians and moralists of his age, encompassing simony, the alienation of church property, the bestowing of gifts, the use of benefactions for pious purposes, and the denouncing of heretics.

Bonacina was to die suddenly three years after the publication of this edition, immediately after his appointment as papal nuncio of Urban VIII at the imperial court.

USTC 4001514. **No copies traced in the UK or US.**

'life, liberty, and the pursuit of happiness'

11. **BURLAMAQUI, Jean Jacques.** *Principes du droit naturel* ...
Geneva, Barrillot et fils, 1747.

[bound with:]

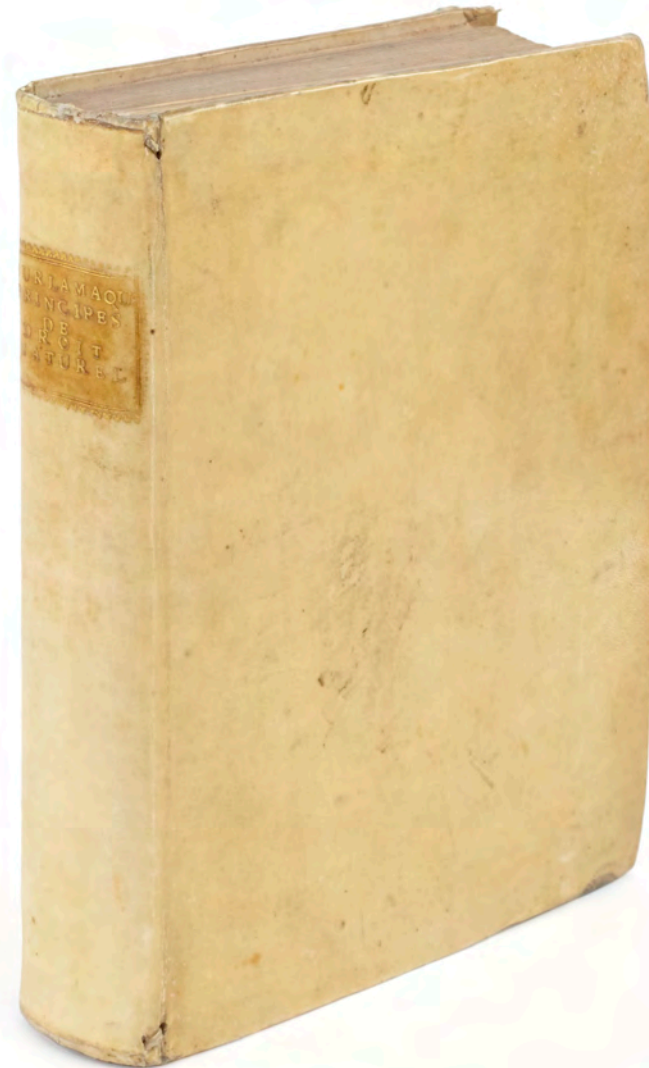
—. *Principes du droit politique.* [*Geneva, C. & A. Philibert*], 1754.

4to, pp. xxiv, 352; vi, 305, [1 (blank)]; woodcut device to first title; some browning and foxing, small wormhole through the gutter in one quire skilfully filled in; good copies in contemporary stiff vellum, flat spine with gilt lettering-piece; traces of stamp removed from first title. **£1500**

First edition of the first work, bound with a very early edition of the second work, an important influence on Thomas Jefferson during the drafting of the Declaration of Independence.

The *Droit politique* was first published posthumously in 1751 as the necessary companion to the *Droit naturel*; when in contemporary bindings, they are sometimes found together in various combinations of editions. Jean-Jacques Burlamaqui (1694–1748), the eminent editor of Grotius and Pufendorf, was professor of law at Geneva and a member of the city's council of state. His writings on natural law circulated widely in America in the decades leading up to the Revolution, with Jefferson foremost among his readers. **'Burlamaqui reveals more explicitly than any other writer read by Jefferson the logical substructure upon which Jefferson built when he wrote in the Rough Draft [of the Declaration of Independence]:** "We hold these truths to be sacred and undeniable; that all men are created equal & independent, that from that equal creation they derive rights inherent & inalienable, among which are the preservation of life, & liberty & the pursuit of happiness; that to secure these ends, governments are instituted among men'" (White, *Philosophy of the American Revolution* (1978), p. 163).

In the debates leading up to the signing of the Declaration, Burlamaqui's ideas powerfully swayed Jefferson and the jurist James Wilson not to identify property as a natural right. This was an important – and contentious – political issue: no one denied that Native Americans had natural rights, but the admission of their natural right to property would call into question the ownership of virtually all land held by descendants of European settlers in America (also contentious was the matter of a natural right to property in relation to the legitimacy of slavery).

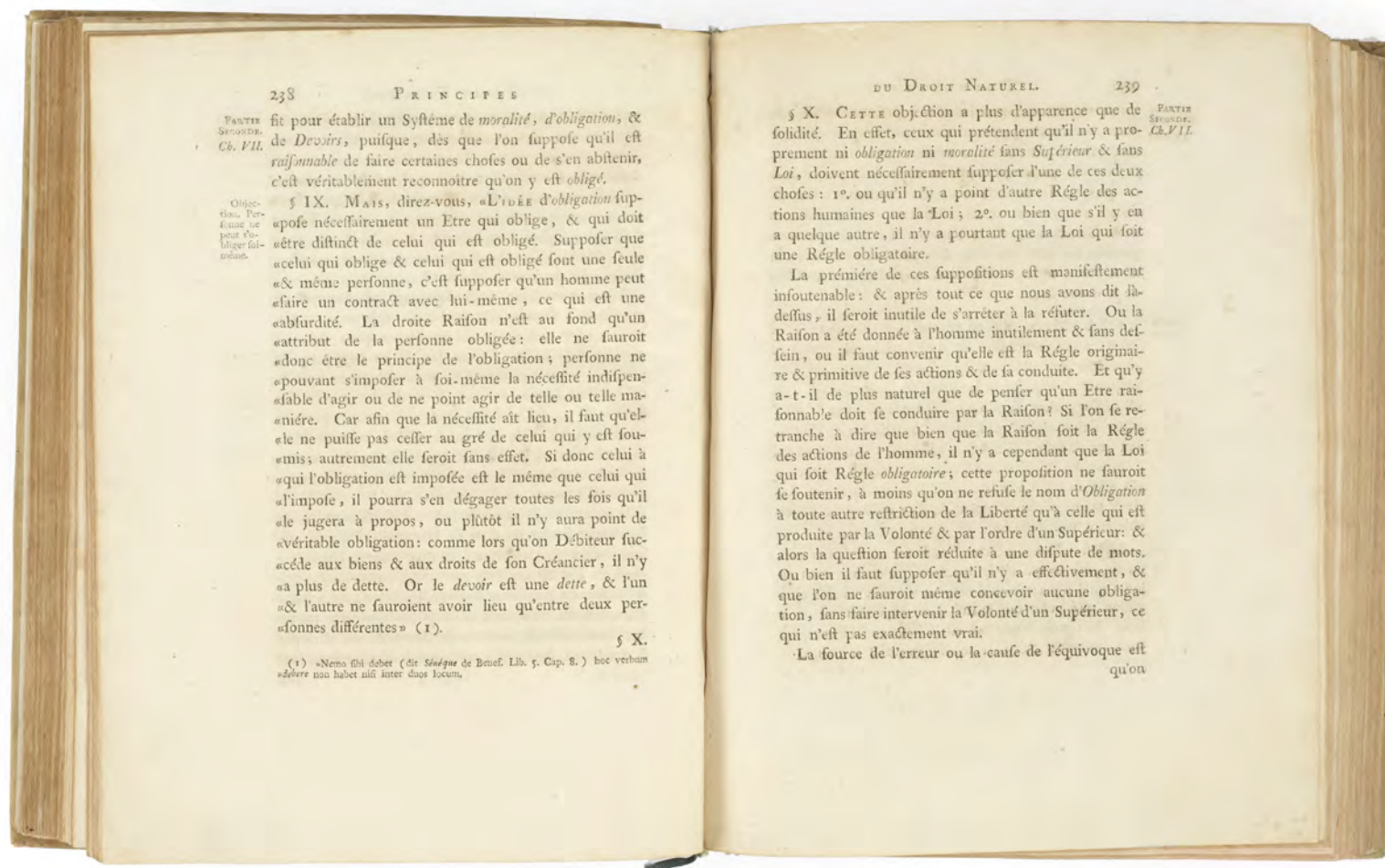


Jefferson and Wilson, both of whom owned his works in the original French, found in Burlamaqui a very clear message about property and rights, for within the natural state of man Burlamaqui made a distinction between the primitive, original state as created by God, and adventitious states where man is placed by his own acts: the 'property of goods' is one such adventitious state.

Regarding rights, Burlamaqui lay down a parallel distinction between natural rights appertaining originally and essentially to man, and acquired rights, being those which man does not naturally enjoy but are owing to his own

procurement: the right to self-preservation might be cited as an example of a natural right, the right to property as an example of an acquired right. If Jefferson and his colleagues realised that the designation of property as an unalienable human right would be politically unwise, it was Burlamaqui who showed that it was philosophically unjustified (see Garnsey, *Thinking about property* (2007), pp. 222–5).

En français dans le texte 150; Lonchamp 499. For the dissemination of Burlamaqui's works in America, see Harvey, *Jean Jacques Burlamaqui* pp. 79–105.



PARTIE SECONDE. Cb. VII.
fit pour établir un Système de moralité, d'obligation, & de Devoirs, puisque, dès que l'on suppose qu'il est raisonnable de faire certaines choses ou de s'en abstenir, c'est véritablement reconnoître qu'on y est obligé.

Objec- tion. Per- sonne ne peut s'obliger soi-même.
§ IX. MAIS, direz-vous, L'IDÉE d'obligation suppose nécessairement un Etre qui oblige, & qui doit être distinct de celui qui est obligé. Supposer que celui qui oblige & celui qui est obligé sont une seule & même personne, c'est supposer qu'un homme peut faire un contract avec lui-même, ce qui est une absurdité. La droite Raïson n'est au fond qu'un attribut de la personne obligée: elle ne sauroit donc être le principe de l'obligation; personne ne pouvant s'imposer à soi-même la nécessité indispensable d'agir ou de ne point agir de telle ou telle manière. Car afin que la nécessité ait lieu, il faut qu'elle ne puisse pas cesser au gré de celui qui y est soumis, autrement elle seroit sans effet. Si donc celui à qui l'obligation est imposée est le même que celui qui l'impose, il pourra s'en dégager toutes les fois qu'il le jugera à propos, ou plutôt il n'y aura point de véritable obligation: comme lors qu'on Débiteur succède aux biens & aux droits de son Créancier, il n'y a plus de dette. Or le devoir est une dette, & l'un & l'autre ne sauroient avoir lieu qu'entre deux personnes différentes» (1).

§ X.

(1) «Nemo sibi debet (dit Sénèque de Benef. Lib. 5. Cap. 8.) hoc verbum debere non habet nisi inter duos locum.

PARTIE SECONDE. Cb. VII.
§ X. CETTE objection a plus d'apparence que de solidité. En effet, ceux qui prétendent qu'il n'y a proprement ni obligation ni moralité sans Supérieur & sans Loi, doivent nécessairement supposer l'une de ces deux choses: 1°. ou qu'il n'y a point d'autre Règle des actions humaines que la Loi; 2°. ou bien que s'il y en a quelque autre, il n'y a pourtant que la Loi qui soit une Règle obligatoire.

La première de ces suppositions est manifestement infoutenable: & après tout ce que nous avons dit dessus, il seroit inutile de s'arrêter à la réfuter. Ou la Raïson a été donnée à l'homme inutilement & sans dessein, ou il faut convenir qu'elle est la Règle originaire & primitive de ses actions & de sa conduite. Et qu'y a-t-il de plus naturel que de penser qu'un Etre raisonnable doit se conduire par la Raïson? Si l'on se tranche à dire que bien que la Raïson soit la Règle des actions de l'homme, il n'y a cependant que la Loi qui soit Règle obligatoire; cette proposition ne sauroit se soutenir, à moins qu'on ne refuse le nom d'obligation à toute autre restriction de la Liberté qu'à celle qui est produite par la Volonté & par l'ordre d'un Supérieur: & alors la question seroit réduite à une dispute de mots. Ou bien il faut supposer qu'il n'y a effectivement, & que l'on ne sauroit même concevoir aucune obligation, sans faire intervenir la Volonté d'un Supérieur, ce qui n'est pas exactement vrai.

La source de l'erreur ou la cause de l'équivoque est qu'on



THE
RULES
 OF
The LAW SOCIETY of UPPER CANADA
 WITH THE
STANDING ORDERS OF CONVOCATION,
 AND SUCH OF THE
RESOLUTIONS
 AND
PARTICULAR (OR EXECUTIVE) ORDERS
 OF
CONVOCATION
 AS ARE OF GENERAL IMPORTANCE,
 WITH
ADDENDA,
 CONTAINING THE ROLLS AND OTHER MATTERS OF INTEREST TO THE
 MEMBERS OF THE SOCIETY GENERALLY.
 AND AN
Appendix of Fornis; to which is added
 A
SUPPLEMENT.

*Published under the direction of a Committee appointed by The Benchers
 in Convocation.*

YORK, U. C.
 HILARY TERM, 1833.

Ontario ordinances

12. [CANADA.] The rules of the Law Society of Upper Canada with the standing orders of convocation, and such of the resolutions and particular (or executive) orders of convocation as are of general importance, with addenda, containing the rolls and other matters of interest to the members of the society generally. And an appendix of forms ... *York, Upper Canada, Hilary Term 1833.*

8vo, pp. viii, 101, [3]; slightly toned; very good in contemporary calf, blind and gilt borders to covers, spine gilt with lettering-piece, marbled endpapers; extremities worn, covers rubbed; gilt-lettered 'Middle Temple Library' label to spine, presentation label to front pastedown from the Law Society of Upper Canada to Middle Temple Library, several Middle Temple Library stamps (including withdrawn stamp). **£475**

Uncommon first edition. The Law Society of Upper Canada was established in 1797, and in 1832 moved into the splendid Osgoode Hall in York – the town which in 1834 became the city of Toronto.

The volume covers benchers, treasurers, convocations, elections, fees, legislative powers, judges, debates, rolls, examinations and admissions, the society's seal, and publications; lists the names of members of the Society; and provides models for various petitions, certificates, and reports. The detail is most interesting: candidates for the class of 'optimes', for example, were examined in 'the English, Latin and Greek languages, in geomitry [*sic*], algebra, moral philosophy, metaphysics, rhetoric, and the belles lettres, geography, astronomy and history'. Domestic arrangements for life at Osgoode Hall are also detailed *e.g.* mealtimes and fees, the furnishing of bedrooms (only woollen bed curtains were allowed), the banning of card games and gambling, and donations to the library.

OCLC locates only 1 copy in the UK (NLS), and 1 in the US (University of Nebraska-Lincoln).

LETTERA
DALL' ADRIATICO
DEL SIGNOR
ANTONIO BIANCHI
SOPRA L' OPERA
DE' DIRITTI DELL' UOMO
DEL SIG. ABATE
D. NICOLA SPEDALIERI.

Nam tua res agitur paries cum proximus ardet.



ROMA 1792.
Presso Giovanni Zempel.

Con licenza de' Superiori.

human rights and inequality

13. [CAVALLERI, Paolo Agostino.] Lettera dall'Adriatico del signor Antonio Bianchi sopra l'opera de'diritti dell'uomo del sig. abate D. Nicola Spedalieri ... Rome, Giovanni Zempel, 1792 (colophon 1793).

8vo, pp. 196; some light foxing in places throughout, and some dustsoiling; in contemporary vellum, gilt-lettered label on spine, red edges; a few marks, and binding slightly sprung. £375

First edition, uncommon, of this counter-revolutionary polemic written in response to Spedalieri's *I diritti dell'uomo* of the previous year and attributed to the Barnabite Paolo Agostino Cavalleri (1742–1803). Spedalieri had attempted a Catholic response to the revolutionary ideas of the rights of man, based on a largely Thomist interpretation of natural law theory, but his work, despite winning the approval of Pius VI, found few friends at the time, and it was banned in Piedmont and elsewhere.

Cavalleri's response strips away the nuance from Spedalieri's work, ignores the fact that much of it echoes traditional Catholic political teaching, and accuses Spedalieri of being no more than a Jacobin priest. He attacks the idea of popular sovereignty, and argues against the notion of human rights, suggesting that they are God-given rather than natural (although the practical consequences of the distinction are not always clear in Cavalleri's work). Inequality, both social and economic, was real, but a consequence of human corruption. Criticism of Cavalleri's work prompted a *Supplemento e difesa della lettera adriatica* (Rome, 1793).

Melzi I, p.131. **OCLC records only 4 copies outside Continental Europe,** at Columbia, Newberry, Harvard, and Cambridge.

PRODROMO

ALL' ESTIRPAZIONE

DEL PIRRONISMO

DALLA RAGION CIVILE D'ITALIA

Si Leges alie super alias accumulatae in tam vasta excreverint volumina, aut tanta confusione laboraverint, ut eas de integro retrahere, & in corpus sanum, & habile redigere ex usu sit, id ante omnia agito, atque opus ejusmodi opus heroicum esto. Clariss. Franciscus a Verulamio de Augm. Scient. lib. 8. Aphor. 59. de Novis Digestis Legum.

MDCCLXIX.

Italian jurisprudence

14. [CERI, Giovacchino Domenico.] *Prodromo all'estirpazione del pirronismo dalla ragion civile d'Italia ... [Florence?], 1769.*

8vo, pp. xvi, 96; dampstain to upper corner of the first few gatherings, small stain to foot of §6, paperflaw to lower margin of C2 (not affecting text); nonetheless a good copy in contemporary *carta rustica*, some light wear and dustsoiling. £375

Only edition, uncommon, of this analysis of the political and legal organisation of Italy, and proposals for its improvement, by the Prato lawyer and historian Giovacchino Domenico Ceri (1734–1798).

The first part addresses the causes and consequences of the unfortunate state of Italian jurisprudence, and wonders why, in such enlightened times, Italy persists with the system it has. Ceri argues that a new code of civil law is required, and, in the second part of his book, describes how Italian legislation and jurisprudence might be reduced to a simpler and better system. Acknowledging the difficulties and the varieties of opinions about both the necessity of and the approach to reform, Ceri looks to Bacon, Leibniz, Montesquieu, and Wolff, as well as to other European states to present a plan for improving the legal system, before proposing some general guidelines for how to approach reform, emphasising the centrality of legal education in the process.

No copies recorded by OCLC outside Italy.

P A R T E II

DEL METODO DA TENERSI PER RIDURRE LA
LEGISLAZIONE, E GIURISPRUDENZA ITALICA
A MIGLIOR SISTEMA.

C A P I T O L O I.

D'una privata compilazione da farsi con metodo analitico in ciascuna Monarchia, e Stato d'Italia della Legislazione in genere sì comune, che municipale, prima di venire a una Compilazione pubblica, e solenne.

LA Riforma della Legislazione Italica universalmente considerata e per la lontananza de' tempi, ne' quali nacque, o crebbe, e per la discrepanza dell'opinioni, e vicende, cui fu soggetta, non meno che per la sterminata, e confusa sua vastità ed ampiezza, ogni dì più suscettibile d'aumento, non può farsi in un getto solo. Fa duopo tentare, e ritentare, cercar sussidj, e pareri, e di gran tranquillità, e indifferenza fa di mestiere per separare il grano dal loglio con por freno alla feconda immaginazione in materie di diritto positivo, (benchè rese in gran parte congetturali) e con far' uso dell' analogia de' fatti, e della convenienza de' tempi.

Bi-

Bisogna dunque, e lo credo costantemente, sviscerar tutta, e poi tutta a parte a parte la Legislazione di ciascun Popolo d'Italia, e internarsi ne' penetrati più reconditi della nostra Giurisprudenza, ad effetto di ravvisare tempo per tempo, luogo per luogo, materia per materia la relazione, o disconvenienza d'una Legge coll'altra, con perscrutar di ciascheduna lo spirito, la loro più, o meno costante durata, il tempo della loro promulgazione, e desuetudine, i suoi particolari effetti, variazioni, e vicende con un metodo istorico-critico-Legale, e questo sì relativamente agli Statuti antichi, che moderni, Leggi, e Riforme vaganti, e in specie alle Rejudicate, e Tribunali particolarmente supremi d'ogni Principato, Repubblica, Provincia, e Curia sì *Censoria*, che *Pretoria*, non eccettuati neppur gli Statuti, e Consuetudini de' luoghi, e dominj particolari, Soggetti all'istesso Sommo Imperante, quegli pure di ciascun' Arte, e Collegio, e le sentenze de' Tribunali Ecclesiastici dello Stato, quelle specialmente, che risguardano gl'affari civili, e temporali degl'uomini, almeno in quei Popoli, dove o più, o meno in materie semplicemente civili si è deferito alle *Decretali*. Così facendo mi persuado, che si sceglierà la buona strada per conoscere in specie i disordini, e a separargli dalle buone usanze, e ci disporremo all'impresa.

Quì prevedo benissimo, che mi potrebb'essere mossa una difficoltà dell'appresso tenore, cioè
che

a code of civil law for the Republic of China

15. [CHINA.] The Chinese Supreme Court decisions. (Relating to general principles of civil law, obligations, and commercial law.) Translated by F.T. Cheng ... Peking, *The Commission on Extra-Territoriality*, 1923.

8vo, pp. [2], ix, [1 (errata)], 6, [4], 182, [2], 183-229, [1 (blank)]; pp. 169-172 in duplicate; 7 pp. booklet bound in before title ('The Washington Conference on the 10th of December 1921 adopted ... the following resolutions relative to Extraterritoriality in China'); slightly toned, traces of adhesion to inner margin of title; very good in blue cloth, spine lettered in gilt ('Kelly & Sons binders', 'Bound 9 Aug. 1935'), original printed front wrapper bound in; somewhat worn and marked; several Middle Temple Library stamps (including withdrawn stamp). £350

Second expanded edition (first 1920), scarce on the market. **A most interesting record of the operation of law in the early years of the Republic of China**, established following the overthrow of the Qing dynasty in the 1911 Revolution.

In his preface, Chang Yao-Tseng (president of the Commission on Extraterritoriality in Beijing) writes: 'In spite of unsettled political conditions considerable progress has been made towards the compilation of a code of civil law intended to be a body of rules of law uniform throughout the Chinese Republic ... there is a body of law which has been steadily growing during the past years, and which may be said to constitute a part of the Common Law of the Republic.' The translator, F.T. Cheng, was a member of the Middle Temple and of the Grotius Society. The first part covers general principles and obligations, and the second commercial law (traders ordinance, commercial associations ordinance, commercial acts, negotiable instruments, and ships).

The Chinese
Supreme Court Decisions.

(Relating to General Principles of Civil law, obligations,
and Commercial Law.)



Translated by

F. T. CHENG, LL.D. (Lond.)

Of the Middle Temple, Barrister-at-law: Honorary Member of the Grotius Society,
Member of the International Law Association,
etc., etc.

Published by

THE COMMISSION ON EXTRA-TERRITORIALITY,

PEKING.

1923.



A N
A C T

*For the better Regulating the Nightly-Watch,
and Beadles within the City of London,
and Liberties thereof; and for making
more Effectual the Laws now in Being, for
Paving and Cleansing the Streets and
Sewers, in and about the said City.*



Whereas the Well-ordering and Regulating a Watch in the Night-time, within the severall Wards in the City of *London*, is of very great Importance, for the Preservation of the Persons and Properties of the Inhabitants thereof, and very necessary to prevent Fires, Murders, Burglaries, Robberies, and other Outrages and Disorders,

And whereas, by the Laws now in Being, no effectual Provision is made, for the establishing, ordering, or well governing of such a Nightly-Watch, or for levying and collecting any Sums of Money, for defraying the necessary Charges thereof, and of the Beadles who shall be appointed to take care of the same.

For the effecting of which good Purposes for the Future, and to the End that a due Application, and just Account, may be had and taken, of the Money, which shall hereafter be levied and collected, by virtue of this Act, for the Purposes aforesaid,

May it Please your Most Excellent MAJESTY,

At the humble Petition and Desire of the Mayor, Aldermen, and Commonalty of the City of *London*, in Common-Council Assembled,

T H A T it may be **Enacted, And be it Enacted**, by the Kings most Excellent Majesty, by and with the Advice and Consent, of the Lords Spiritual and Temporal

constables in the capital

16. [CITY OF LONDON.] An act for the better regulating the nightly-watch, and beadles within the city of London, and liberties thereof; and for making more effectual the laws now in being, for paving and cleansing the streets and sewers, in and about the said city. [*London, 1737*].

Folio, pp. 11, [1]; with drop-head title, and docket-title on final page; woodcut head- and tailpieces and initial; last page dusty, sometime folded; disbound. **£100**

Rare first edition of an act providing for the 'raising and levying of Monies' for the employment of night-watchmen in the city of London.

'The said Constables, shall ... use their best Endeavours, to prevent Fires, Murders, Burglaries, Robberies, and other Outrages, and Disorders ...' The act also provides for the punishment of watchmen for non-attendance and of rate-payers for non-payment of the levy, and for the 'pitching and paving' of streets in front of unoccupied or untenanted properties.

ESTC T19261, showing 1 copy only, at the British Library.

inscribed by Bartholomew Beale

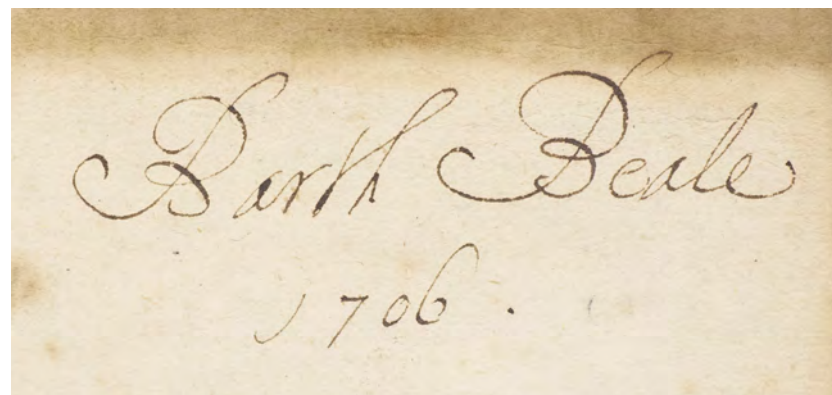
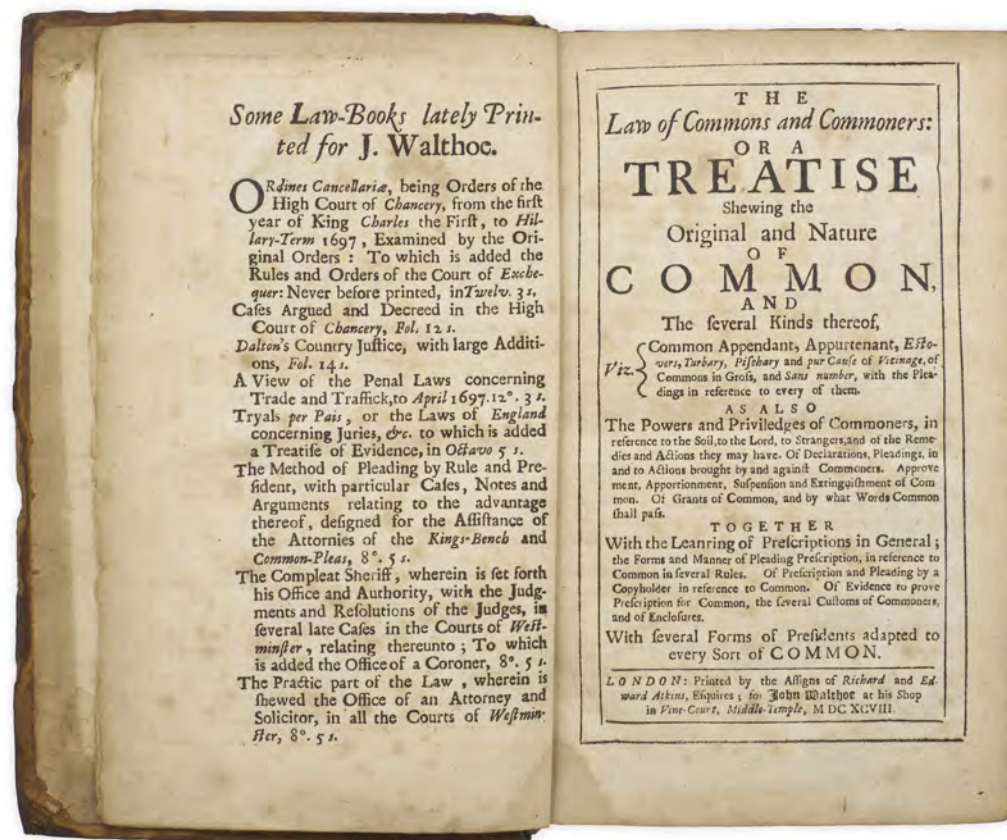
17. [COMMON LAND.] The law of commons and commoners: or a treatise shewing the original and nature of common, and several kinds thereof ... London, assigns of Richard and Edward Atkins for John Walthoe, 1698.

8vo, pp. [2], [22], 255, [9], 8 (Walthoe advertisements); parts printed in blackletter; some foxing, a few marks, 2 marginal paper flaws; contemporary British calf, skilfully rebaked and recornered; superficially worn, corners bumped, nonetheless a good copy; ownership inscription to front free endpaper 'Barth Beale 1706'. £250

First edition of an unattributed popular treatise on the law of common land. The text discusses, with reference to and explanations of previous cases, 'the daily Controversies that arise about the Rights and Titles of Commoning, the Torts and Damages done to Commoners, and the various Prescriptions and Claims which are made to it, and the nicety of Pleading them', being 'particular in the matter of Apportionment and Extinguishment of Common, the want of a due Knowledge whereof, has occasioned the loss of many Commons', so that 'a Man may know when he fails in his Prescription, or not, upon the Evidence; the Ignorance of such Directions having oftentimes proved fatal to such who might have good Cause of Action' (*Preface*).

The present copy was perhaps owned by Bartholomew Beale (1656–1709), son of the portraitist Mary Beale (c. 1595–1699, née Cradock), who worked in his mother's studio and is shown in her earliest known work, the c. 1662 family portrait in the Geffrye Museum. Though Bartholomew went on to study medicine and later wrote on the subject, he is best known for his involvement in his mother's artistic career, and for the 'unique record of the London art world' of the second half of the seventeenth century provided by the 'exceptional documentation' of the family (*Grove Art*).

ESTC R5473; cf. Goldsmiths' 5625 (1720 2nd edition only).



erscharen.
ach/ter ordon

he/daer op de
de Borgeme-
de ghemaent is
daer aff wysen
clocutoire/nae
sonder tselue
en in aduylse.

minele saecken
eren effect/ en
n/ appelleren/
ygherende het
veruen de Bor-
Aerschare te
yt oft bonnisse
nisse heeft vol-
neer tselue aen

ede t'onrechte
t zijnde/ hem
t.

Punitien van Delicten ende des dyen aenleest.

XVI.

Hie sijn lijff verbeurt, verbeurt oock
Alle sijne goeden / tot des Heeren be-
hoeue : Daer heeft hy wyff oft kinderen/ moet
d'een helft bliuen den wyffue oft kinderen/ ende d'ander
helft tot s'Heeren wille : Ende en heeft hy noch wyff noch
kinderen / blijft alle sijn goet tot des Heeren wille / vol-
gende t'Prinlegie van Hertogh Jan vanden iaere 1 2 9 2.

I. *Damnato corpore
et bona confiscat.*

Vxor et Liberi.

De pene dupli & quadrupli byde geschreuen rechten te-
gens dieuen gheselt/ en heeft nae de costume deser stadt
geene plaetse/maer verdient een dieff de galghe: ten waer
dat Borgemeester ende Schepenen beuonden / dat midts
de cleynicheyt vande dieuerijen/ hy met mindere correctie
behoode te gestraene.

II.
*siue furca, punit, nisi
an h' iussu. Fel. Juris int.
Artic. 30. 2. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.*

Item/ soo wanneer by merckelicke redenen wordt be-
uonden/ dat eenich persoon/ hem seluen wetens ende wil-
lens/ verdroncken/ verhangen/ verdaen oft ter doot ghe-
brocht heeft: als dan sijn de goeden vanden seluen ver-
beurt ende gheconfisqueert s'Heeren proffyte / ende moet
d'Officier het doode lichaem aende galge in een vorcke
oft micke oft dierghelijcke doen hanghen / ten exemple
van eenen peghelijken.

III.
Verdoende, s'yns selfs.
*Vide, C. tit. de Bonis
corum 201*

Item van alle kennelicke ongenallen/ ende van doot-
slaghen/ geschiedt in onnoselheden/ is een peghelick onge-
last vanden heer ende partje.

III.
Onnossele dootslage

Van gelijcken aengaende Dootslaghen/ geschiedende
in noot-weere/ is men by aen den heer en partje/ midts
gaders

De Jure Schiffr. C. 2. in. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

V. *Bootslagen in noot
weere, aen dootstrandos,
Branschaters, Affijness
zebel int vange gheleek*

with extensive annotations

18. [CUSTOMARY LAW.] Rechten, ende costumen van Antwerpen [and] Ordonnantie ende verhael vanden stijl ende maniere van procederen voor amptman, borghemeester, ende schepenen der stadt van Antwerpen. *Antwerp, Christophe Plantin, 1582.*

2 parts in 1 vol., folio, pp. [28], 390, [2 (errata)], 56; lacking map of Antwerp, and table of contents and final blank to part 2; engraved arms of Antwerp to titles, engraved initials, text in blackletter with some roman and *civilité*; loss to corner of title-page (repaired) touching letter R and small tears at inner margin, loss to corner of second leaf (some loss of text), tear to D1 of second part (repaired), occasional marginal dampstaining and marks; recased in contemporary vellum, remains of green ties, title inked to spine; small losses to spine (repaired), some creasing and staining, endpapers renewed; small bookplate with crown, armorial bookplate of Le Hoye; numerous early marginal annotations throughout.

£1250

First edition of this compendium of customary law for the city of Antwerp, printed by Christophe Plantin, with extensive marginal annotations by two early readers. Compiled by the advocates Carel Gabri and Philips van Mallery, the work was printed in only a few hundred copies destined for the city's authorities.

Arranged in seventy-two chapters, the contents cover, for example: the duties of various city officials, including bailiffs, burgomasters, aldermen, and justices of the peace; cloth halls, watermills, and bridges; criminal trials, torture, and punishments such as banishment; civil cases, arrests, the seizure of goods, and writs; the rights of citizens, unmarried women, children, bastards, and emancipation; wills; markets, trade, and contracts; property, including boundaries; and insolvency.

The profuse manuscript annotations in Latin and Dutch are in two hands, an elegant near contemporary italic and a seventeenth-century cursive. The latter are more extensive, comprising commentary, cross-references to other legal texts, and, most interestingly, references to specific cases in the 1500s and 1600s, the latest of which is dated 1647. This annotator, no doubt a lawyer or city official, shows a particular interest in the sections on arrests, property law, rights relating to women, inheritance, bills of exchange, fugitives, creditors, and sentencing.

USTC 401932; Voet 569 and 108. OCLC shows 4 copies in the US (UC Berkeley, Folger, Harvard, Maryland) and **only 1 copy in the UK** (BL).

Hande Fugitiue / ende insol- uente Persoonen.

LXV

Enen yeghelijcken is geoorloeft te procederen by arreste ende ruietie op de goeden van fugitiue / oft gefailleerde persoonen / al waren die oock poozteren oft ingheletenen deser stadt.

Ende wordt een coopman poozter oft ingheleten voor fugitif / insoluent / ende banckeroet ghehouden / als hy wt der stadt vertreckt / ter saecken van sijne schult / ende sonder zijne crediteuren te betalen: oock soo gheringhe als hy eenighe goeden heeft verstecken / oft verborgghen: ende oock als hy voor sijne schult abandonnerde sijn huys ende goeden vliedt / ende hem houdt op de ghewijde / oft beviijde plaecten / oft erghents latiteert / het sy in oft buyten sijnen huylse.

Wordt oock een debiteur verstaen ghefaillert te sijn terzhondt nae dien sijne insoluentheydt int openbaer ghecomen is / ende de boise / oft strate om sijne schulden verlaet / oft eenighe prouisie te houe verwozen heeft / het sy van induction / van respicte / van conformatie / van cellie / oft dieghelijcke: niet teghenstaende / de selue al noch ter executien niet en sijn ghestelt: **O**ft als hy niet eenighe zijne Crediteuren / ofe vrienden / oft andere ghereetschap ende preparatie ghemacckt heeft om te failleren / te vluchten / oft sijnen persoon oft goeden t'absentieren / oft te trecken wt d'ooghen / oft handen van sijne Crediteuren: **O**ft nae dien dat zijne huysvroude oft eenich ander Crediteur op sijne goeden begonst heeft by arreste te procederen / ende dat sijn faillissement coets daer nae ondeckt wordt.

Item

Handwritten marginal notes in Latin and Dutch, including references to legal cases and statutes.

Item een Debiteur die met seydinghe van Cnuyuers binnen sijnen huylse tot voldoeninghe van eenich vonnisse wordt gherecuteert / wordt verstaen van dien tijdt af gefaillert te sijn / soo wanneer binnen corte daghen daer nae sijn faillissement comt openbaerlijck ontveckt te worden: alsoo dat d'alienation oft transporten vande goeden binnen sijnen huylse wesende / ende doock van andere goeden elders ghelegghen aen eenen van zijne Crediteuren / by gratificatie / nae de voorszreuen executie ghedaen / sijn nul ende van ontweerden.

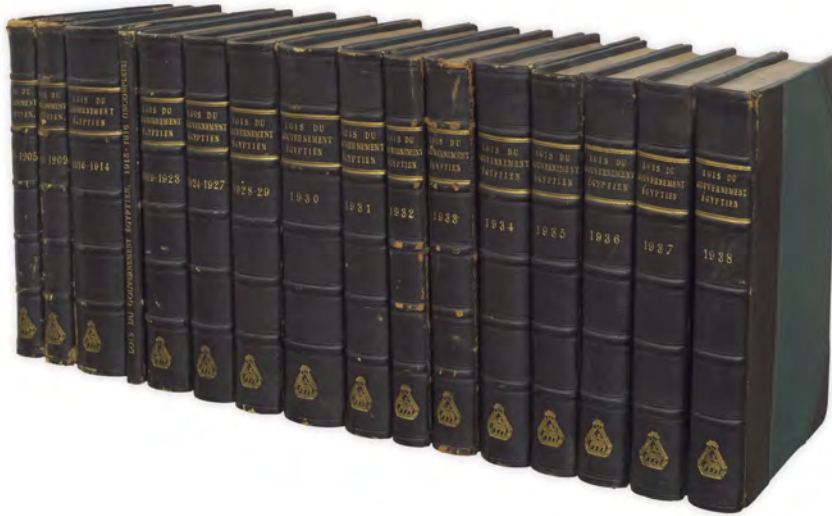
Want en mach een Debiteur fugitiff / oft anderslins ghefaillert zijnde / oft latiterende om zijne schulden / niet disponeren van sijne goeden / oft inschulden / het sy van panden metter minnen te gheuen / oft anderslins bewijssinghen / oft betalinghen te doen oft t'ontfanghen / noch den eenen Crediteur meer vanden anderen voorderen / ofe gratificeren in geender manieren / noch anderslins yet doen in preiudicie van sijne gemeyne Crediteuren: **E**nde oft hy t'selde dede oft ghedaen hadde / die goeden / actien / ende crediten / moeten / dien niet teghenstaende / comen inde masse vande ghemeyne Crediteuren: **E**n mach oock in aenlegghers oft verweeders stede niet procederen / Rekeningen slyten / noch anderslins yet doen ten achterdeel van sijne Crediteuren / al waert oock soo dat ten seluen tijde de goeden vanden debiteur niet beset noch ghearrestert en waren.

Item fugitiue ende banckeroete / die verlatende de plaecten heurder ghewoonlijcker residentie / oft anderslins latiterede / hunne persoonen ende goeden / oft goeden alleene / transporteren ende verstecken in fraude van henne Crediteuren , en moghen gheene immuniteyten oft vrijheden ghebruycken / noch van plaecten / noch van tijde / maer moghen by voorgeaende consent vanden eenen vanden Borghemeesteren t'alle plaecten ende tijden ghevangehen worden.

Item

Handwritten marginal notes in Latin and Dutch, including references to legal cases and statutes.

half a century of Egyptian legal history



19. [EGYPT.] *Lois du gouvernement Égyptien/Recueil des lois et des décrets d'intérêt général/ Recueil des lois, décrets et rescrits royaux. Année 1903–1916, 1919–1938. Cairo, Imprimerie Nationale, 1903–1940.*

16 vols; with tables of contents and indexes, occasional errata slips; some sections browned, some dampstaining to vols for 1934–38; uniformly bound (by Kelly & Sons, London) in half black pebbled roan and pebbled green cloth, spines lettered and dated in gilt, the vol. for 1915–16 labelled 'incomplete' to spine; some rubbing and abrasions, wear to some joints; Middle Temple Library crest in gilt at foot of spines, Middle Temple Library ink stamps (including withdrawn stamps)

[with:]

–. *Gouvernement Égyptien. Ministère de la Justice. Recueil des lois, décrets et rescrits royaux/Table des lois, décrets et rescrits royaux. Année 1939–1952. Cairo, Imprimerie Nationale, 1939–1953.*

68 pamphlets, stapled in original printed wrappers; contents browned, wrappers browned, chipped and very fragile with areas of loss; Middle Temple Library ink stamps.

[and:]

–. *Recueil des documents officiels du gouvernement Égyptien/Recueil de documents officiels. Année 1903–1937. Cairo, Imprimerie Nationale, 1903–1940.*

22 vols; with tables of contents and indexes; some sections browned, some light dampstaining; bound (by Kelly & Sons, London) in half brown pebbled roan and pebbled brown cloth, spines lettered and dated in gilt, the vol. for 1914–15 labelled 'incomplete' to spine; some rubbing and abrasions, wear to some joints; Middle Temple Library crest in gilt at foot of spines, Middle Temple Library ink stamps (including withdrawn stamps)

[and:]

–. *Gouvernement Égyptien. Ministère de la Justice. Recueil de documents officiels/Table de documents officiels. Année 1938–1951. Cairo, Imprimerie Nationale, 1939–1953.*

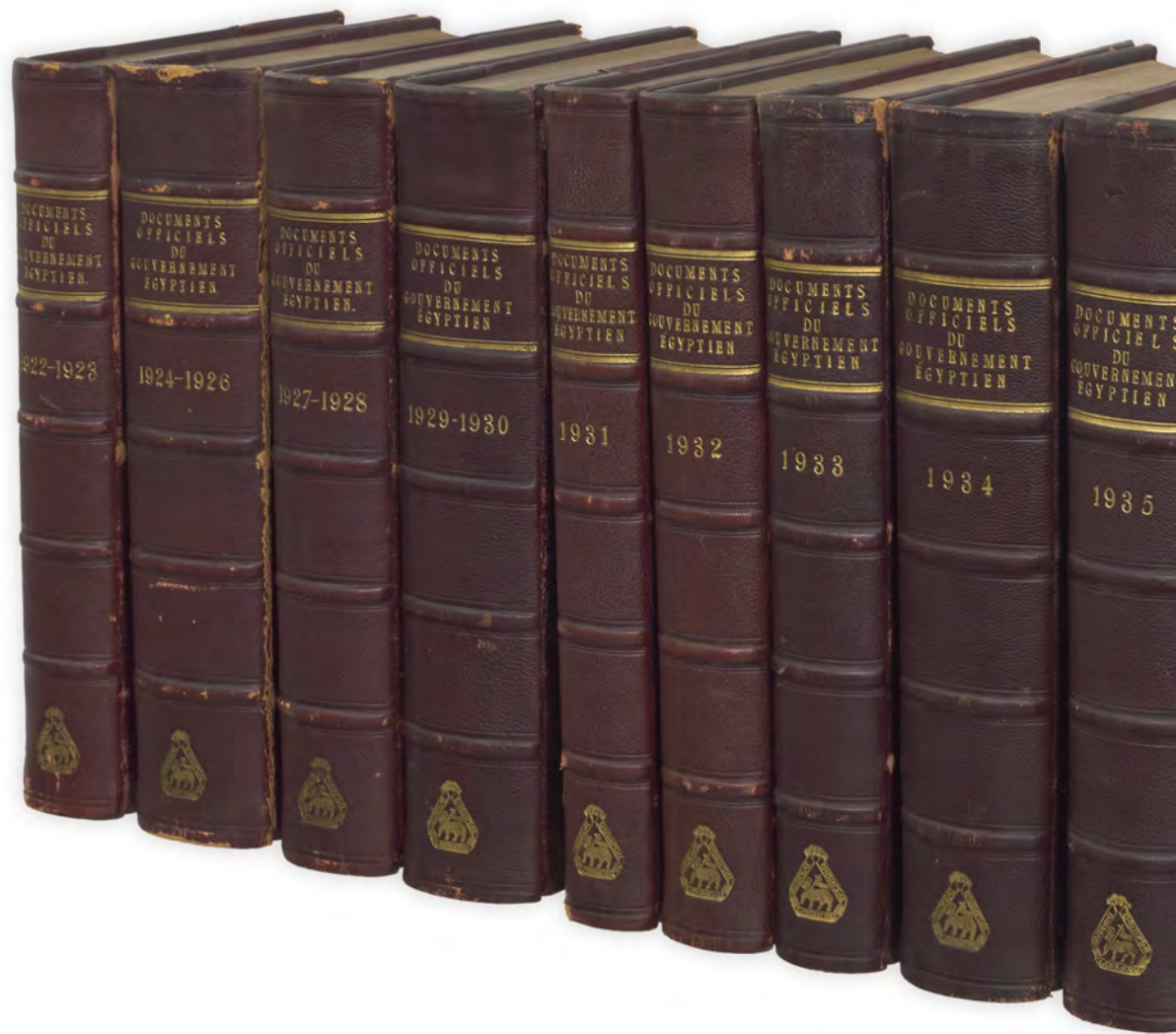
60 pamphlets, stapled in original printed wrappers; contents browned; wrappers browned, chipped and very fragile with areas of loss; Middle Temple Library ink stamps.

Together £5000

A remarkable collection of laws and official documents enacted and issued by successive Egyptian governments during the first half of the twentieth century, including the First and Second World Wars, illustrating the legal history of the Khedivate, Sultanate, and Kingdom of Egypt.

The first volume of *Lois*, for example, encompasses agriculture, cotton, dogs, firearms, fishing, irrigation, lighthouses, **the port of Alexandria**, and railways, while the *Documents officiels* for 1908, for example, include material on abattoirs, cattle plague, hospitals, markets, military service, **pilgrimages**, prisons, public transport, schools, and **the Suez Canal**.





772
OPUSCOLI SCELTI

EDITI, ED INEDITI

DEL CAV. GAETANO FILANGIERI.

N. B. Questi Opuscoli non sono compresi in veruna edizione della Scienza della Legislazione.

P A L E R M O

DALLA TIPOGRAFIA DI FRANCESCO ABBATE Q.^{uo} DOM.

1815

from sovereignty to judicial reform

20. FILANGIERI, Gaetano. Opuscoli scelti editi, ed inediti del Cav. Gaetano Filangieri. N.B. Questi opuscoli non sono compresi in veruna edizione della Scienza della legislazione. *Palermo, Francesco Abbate, 1815.*

8vo, pp. vi, [2 (blank)], 99, [1 (blank)]; small stain to inner margin of title, occasional light foxing; a very good copy bound in later brown wrappers, MS label to spine; a little worn. **£250**

Rare Palermo-printed first edition of this collection of short works on subjects ranging from sovereignty to judicial reform by the eighteenth-century jurist Gaetano Filangieri (1753–1788), collected after his death by Giovanni Battista Ferrari, to which is appended a translated extract from an ‘Essay on the national debt’ by William Playfair.

The other essays contained here are ‘Riflessioni politiche su l’ultima legge del sovrano, che riguarda la riforma dell’amministrazione della giustizia’; and ‘Parere presentato al re ... sulla proposizione di un affitto sessennale del cosi’ detto Tavoliere di Puglia’.

Filangieri, although initially intended for a military career, fostered a deep interest in law and became one of the most authoritative Italian jurists of his day. He enjoyed a career at the court of Charles III of Spain until in 1783 he retired to Cava to complete *La Scienza della legislazione*, the first two books of which had been published in 1780. He died in 1788 leaving only an outline for part of the fifth and sixth books of the work. The title-page of the present work is clear to state that none of the essays found here appears in any edition of the *Scienza*.

Einaudi 1888. **No copies traced in the UK, and only 1 in the US (Harvard Law).**

IL GIUDICE

DI

SE STESSO

DI

VITO GIORDANO.



IN NAPOLI M. DCC. XCIII.

Presso GAETANO TARDANO.

Con licenza de' Superiori.

judges' duties

21. GIORDANO, Vito. Il giudice di se stesso ... *Naples, Gaetano Tardano, 1793. [bound with]: Il conoscitore del mondo ... Naples, Gioacchino Milo, 1796.*

2 works in 1 vol., 8vo, pp. x, 80; iii-xvi, 160; second work wanting initial blank, both works with woodcut headpieces and printers' devices; some foxing and dustsoiling throughout, especially to second work; in contemporary vellum, title in gilt on spine; slight chip at head of spine, but otherwise good; ink inscription to front endpaper. **£450**

Two very uncommon works on philosophical and legal themes by the Neapolitan lawyer and judge Vito Giordano.

The first, which had appeared in a first edition the previous year, offers a series of reflections on the qualities required of a judge, inspired by the recently imposed *Codice leuciano* of 1789, which established a legal code for the workers' village established around the new silk factory at San Leucio in Caserta. Giordano divides his work into sections on self-knowledge, knowledge of God, and the knowledge of individuals, and then the judge's duties to these three, and how these duties should be acted upon. After each section, Giordano offers a short 'flight of fantasy' to illustrate his arguments.

In the second work, **here in the first edition**, Giordano expands on the themes of the first in more general terms, reflecting on the nature of political progress, the role of monarchy and government, theories of education, and the place of education, religion, and philosophy in a properly functioning society and state. Both works are dedicated to Francesco Pignatelli, prince of Strongoli.

OCLC records only the first edition of the first work (at the Library of Congress) and 1 copy of the second, at the Biblioteca nazionale centrale di Roma.

a discourse on despots

22. **GIZZI [or GITTIO], Andrea Giuseppe.** *Lo scettro del despota, ovvero del titolo, e dignità dispotale, discorso istorico, politico, e giuridico.* Naples, G. Raillard, 1697.

Large 4to, pp. 'xxiix' [recte xxxviii], 120; with an engraved allegorical title-page, engraved portrait of the author by the Italian engraver **Teresa del Pò**, and woodcut head- and tailpieces; printed shoulder notes in the text; very light occasional foxing, but a very good, wide-margined copy in contemporary stiff vellum, green morocco lettering-piece on the spine; vellum a little chipped and stained, especially to lower cover; a few contemporary notes or marks. **£2500**

Only edition of this extraordinary and rare study of legal, ceremonial, and political roles of the despot, or despotes, a class of prince akin to a king and beneath an emperor in the power structures of both the Byzantine world and Renaissance Italy, and thus a title used both in Venice and throughout the Balkans and Greece.

The work of the Neapolitan nobleman Andrea Giuseppe Gizzi (or Gittio), and dedicated to Silvestro Valiero, Doge of Venice (and thus a despot himself), *Lo scettro del despota* draws on legal and historical sources ranging from the ancient (Aristotle, Justinian) to the medieval and modern (Aquinas, Molina, de Soto, Botero, and others) to present a full survey of the origins and uses of the title (and related titles such as *infante* – the 'despot' originally referred to the heir-apparent of the Byzantine emperor), the ways in which the role diverges between West and East, the ceremonials attached to the title, and its use throughout Italy, and especially in the Kingdom of Naples (it was not until the next century that the term acquired the negative connotations it has today). Of particular interest is the *Catalogo degli antori* cited in the margins; this takes up an entire quire and lists some 350 sources, and can reasonably be said to be the earliest bibliography on the subject.

The fine portrait of the author, on page xii, is the work of the painter and engraver Teresa del Pò (1649–1716), who had been based in Naples since 1683. It is possible that the engraved allegorical title, although unsigned, is also her work.

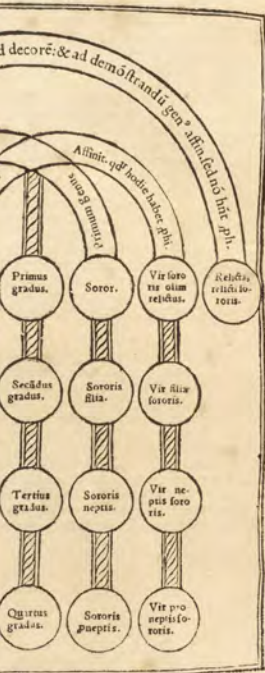
USTC 1734901. OCLC finds 4 copies in the US (NYPL, Newberry, University of Chicago, Berkeley).



23. GREGORY IX; Charles DUMOULIN, *commentator*. Decretales Gregorii Noni pontificis cum epitomis, divisionibus, et glossis ordinariis, una cum additionibus novissime recognitae ... studio et industria clarissimi iureconsulti VV. doct. celeberrimi ... Lyons, Pierre Fradin for Hugues de la Porte and Antoine Vincent, 1559.

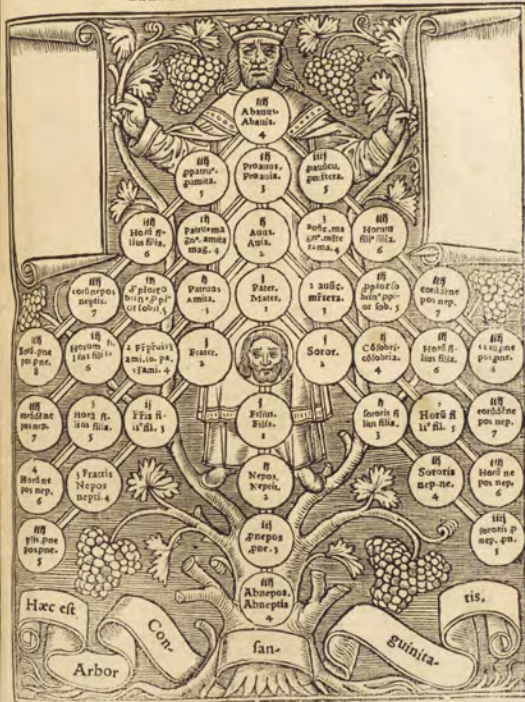
AFFINITATIS.

is, arbor praefens referabit: ciles, prima figura dabit.



ARBOR CONSANGVINITATIS.

Non gignunt dextros, qui stant in parte sinistra. Laeva dat vxores, dat tibi dextra mares.



Consanguinitas est asinitentia personarum, ex eo proveniens, quod vna descendit ab altera, vel ambe ab eadem. vel. si in vinculum personarum ab eodem filio descendendum, consensu propagatis ne contrarium. Et dicitur a consanguine, vel vitium, & sanguine, quia sanguis vitium. Et ea est collectio personarum ab eodem filio descendendum gradus continens, & numero distincta. Et est duplex, scilicet graduum descendendum, & ascendendum, & collateralium. Gradus est habendo distantiam personarum, qua cognoscitur exorta agnitionis vel cognationis distincta, & personarum, & dicitur. Et dicitur gradus ad similitudinem graduum fratrum, vel sororum, quia quilibet gradus est proximior proximior.

4to, pp. [68], 1151, [1 (blank)]; 2 leaves with letterpress and woodcut 'Arbor affinitatis' and 'Arbor consanguinitatis' bound in after p. 892; printed in red and black throughout, woodcut Vincent device to title, woodcut initials, text in two columns surrounded by gloss and marginal notes; intermittent dampstaining and browning (mostly marginal), a few small marginal holes from ink corrosion; overall a good copy in contemporary Italian vellum over boards, vestigial ties to fore-edge, 'Decretales' lettered in ink at head of spine and to tail-edge of text block, spine slotted, sewn on 3 tanned thongs laced in; some wear to spine and corners, some staining to covers; sixteenth-century ink inscription at foot of title 'hic liber fuit reuisus et correptus ex co[m]missione d. inquisitoris genuae frater stephanus de fin[ari]o or[din]is praedicatorum inquisitor gen[er]alis genuae manu propria' (see below); censorship (i.e. text crossed through in ink) to marginal notes and commentary on c. 325 pp., the initials 'C.M.' to side notes consistently obscured.

£3500

Lyons edition of the Decretals of Gregory IX with the controversial commentary of the French jurist Charles Dumoulin (1500–1566), thoroughly censored in manuscript by the inquisitor general of Genoa.

Completed in 1234 under the editorship of the Dominican Raymond of Penafort, the collection of canon law known as the *Decretals* or *Liber extra* was one of the greatest achievements of the papacy of Gregory IX. It soon attracted numerous glossators, including the renowned canonist Giovanni d'Andrea.

Related by descent to Anne Boleyn, Charles Dumoulin (or Molinaeus) was one of the greatest French jurists of the sixteenth century. In 1542 he embraced Calvinism and then Lutheranism, his subsequent attacks on the papacy compelling him to seek refuge in Germany. In 1553–4 his monumental five-volume *Corpus juris canonici* appeared at Lyons, the first volume being dedicated to Gregory's *Decretals* and presenting the text and glosses alongside Dumoulin's own marginal commentary. It was this commentary, not infrequently hostile to the pope, which prompted the inclusion of Dumoulin's work on the *Index librorum prohibitorum* of 1559, the same year in which this edition was published.

... ranciam farias tenetur probare illam debitam... Hoc nō dē cōf. efficitur petitor probare illam debitam...

TITVLVS VII. DE IVRAMEN- to calumnie.

Honorius tertius.

Clarius in causa testis fa- turum non calumnie peti al- teri committere: q̄ per se iura- to quoy forisum fit volens recuperare rem suam...

Vnde dicitur in causa testis fa- turum non calumnie peti al- teri committere...

DE IVRAMENTO CA- lumnie.

Quia in iudicio ad ea q̄ sunt contest. facta...

Nihil est. Dicitur, qui primo papa po- nit, q̄ debita determinat p̄fecta ad ipsum...

Thoma. Lopez. Dicitur magister q̄ dicitur...

... ranciam farias tenetur probare illam debitam... Hoc nō dē cōf. efficitur petitor probare illam debitam...

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CAP. I.

Nihentes vest- stigis pradef- forum notro- rum dicitur

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The inclusion of the work of the author of the Index prompted the Inquisition to issue instructions for the censorship of Dumoulin's notes. In our copy this has been dutifully and painstakingly carried out by the Dominican Stefano Calvisio da Finale, whose manuscript note to the title describes himself as 'inquisitor general of Genoa', and who in fact served as inquisitor to the whole region of Liguria from 1568 to 1571. On over three hundred pages of text, Calvisio has

obliterated chunks of Dumoulin's notes with brown ink, in addition to systematically obscuring the initials 'C.M.' in hundreds of instances.

USTC 152654; Gültlingen, Bibliographie des livres imprimés à Lyon au seizième siècle XI, p. 88: 82.

Scottish game law

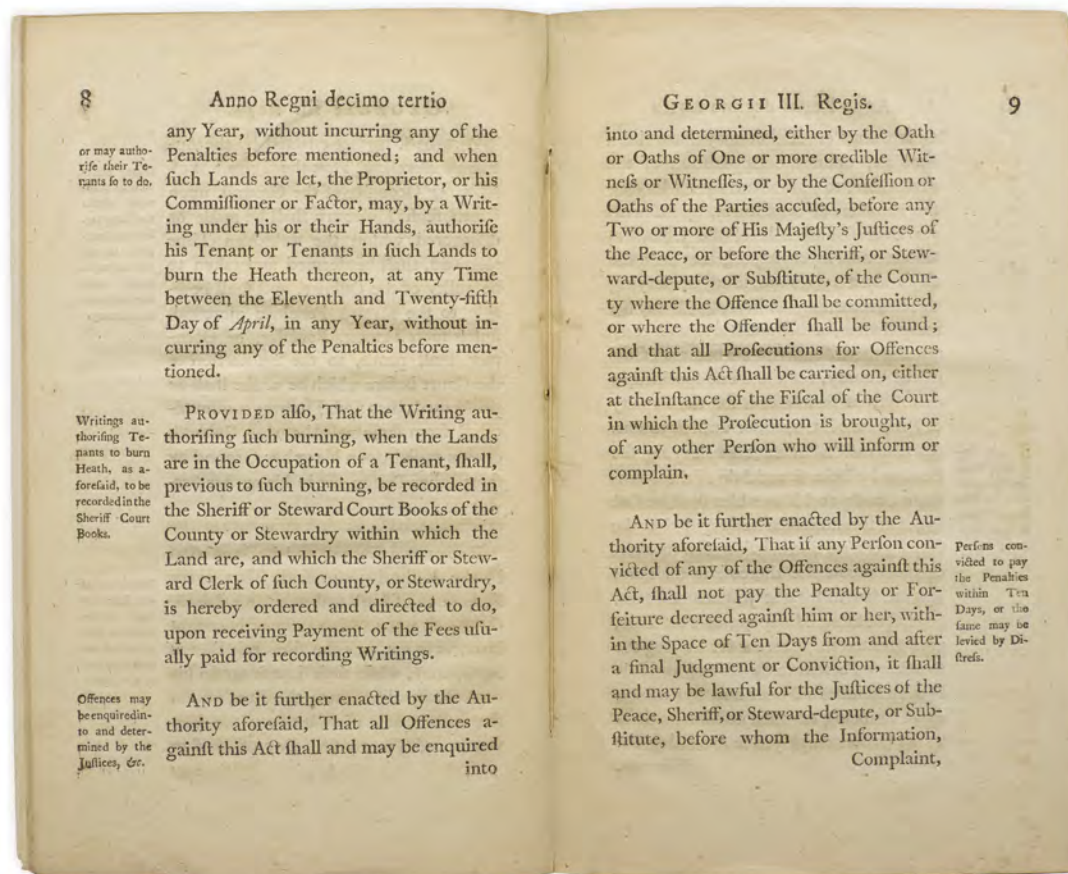
24. [HUNTING]. Anno regni Georgii III. Regis Magnae Britanniae, Franciae, & Hiberniae, decimo tertio. At the Parliament begun and holden at Westminster, the tenth day of May, anno domini 1768 ... *Edinburgh, printed by Alexander Kincaid, His Majesty's Printer, 1773.*

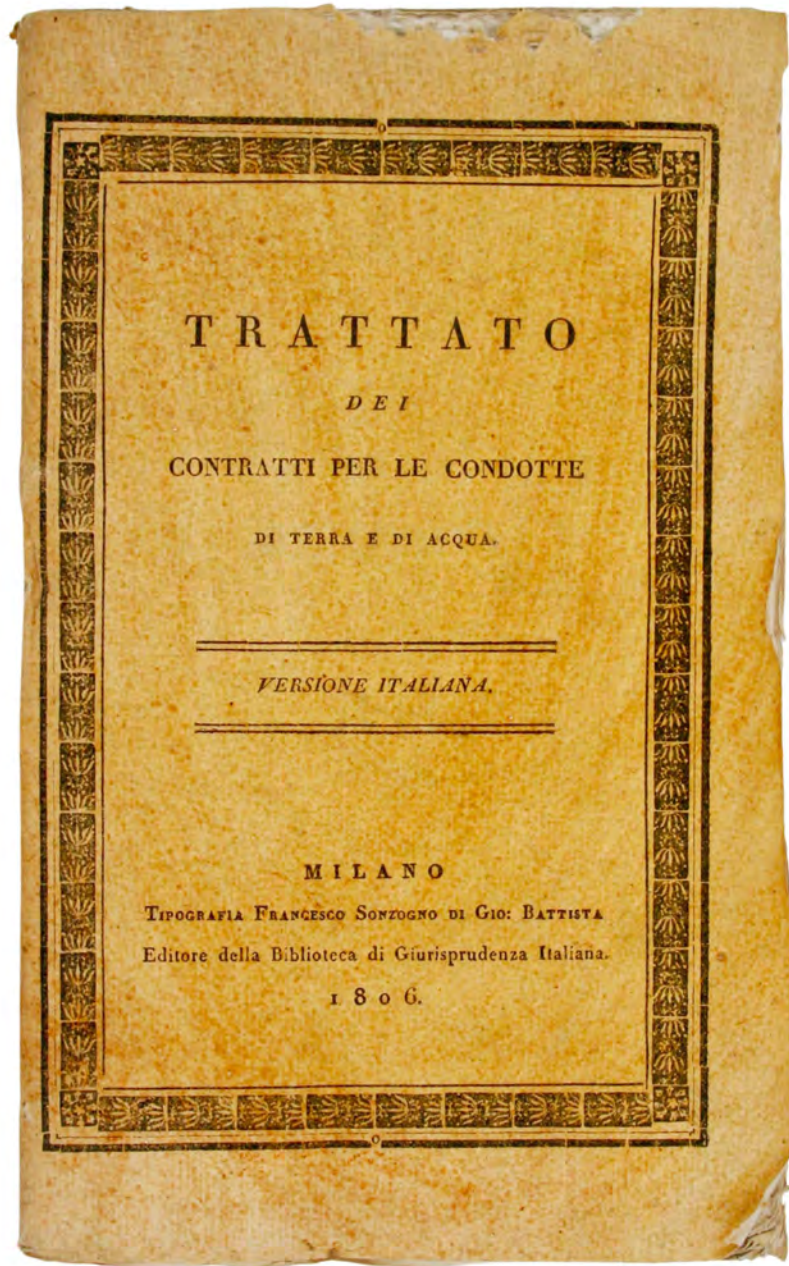
8vo, pp. 16; title in double-ruled border, woodcut coat of arms of George III; first and last leaves somewhat browned, ink smudge and marks to verso of final leaf, one or two spots, but overall a good and clean copy in later marbled wrappers; ink inscription at head of title 'Schotsch Jachtrecht', ex libris of W.C. Baert de Waarde. **£200**

Unrecorded edition of an act 'for the more effectual preservation of the Game in that Part of Great Britain called Scotland', which brought Scottish game law in line with English. The act sets out the strict hunting seasons for each type of game (muir fowl or tarmargen are banned between 10 December and 12 August; heath fowl between 10 December and 20 August; partridge 1 February – 1 September; and pheasant 1 February – 1 October), and the severe penalties for not only anyone hunting, but for 'every Person who shall wilfully take, kill, destroy, carry, sell, buy, or have in his or her Possession, or use' outside of the season, and all those caught doing so without a licence. Miscreants are to be fined increasingly steeply, with lengthy prison stays for anyone who fails to pay off their fine within ten days.

Also governed are the burning of fires on moors and heaths, or 'muirburn', a still-extant practice of controlled burning back of wild heather, in order to remove the canopy of older growth, and allow the new heather, grass, and bilberry, which grouse, deer, hares and other game feed on, to thrive. The act gives strict instruction as to the timing of the fires, and liabilities of landowners and tenants, and exceptions to the law in case of inclement weather.

Not in ESTC, which records only the edition printed in London, listing only 1 copy. OCLC and Library Hub record no copies.





transport law

25. HUTTEAU, Jean Baptiste Louis Philippe. Trattato dei contratti per le condotte di terra e di acqua reso conforme al codice civile ed alla pratica de' tribunali ... Versione Italiana. Milan, Francesco Sonzogno, 1806.

8vo, pp. [4], 127, [1 (blank)]; clean and crisp throughout; uncut in the original yellow printed wrappers; final leaf adhering to lower wrapper; wrappers slightly frayed and with slight dustsoiling, but a very attractive copy. **£200**

A lovely copy of this rare Italian translation of a treatise by the French lawyer Jean Baptiste Hutteau (1765–1855) on the laws relating to the transport of goods, whether by road or by water, in the light of the new Napoleonic *Code civil*.

The work describes the ways in which goods should be handed over to drivers, transport prices set, the documentation required, the registration of carriers, the obligations of goods owners, lessors, and carriers towards one another, and the requirement to complete journeys within the agreed time and with the appropriate care and attention; various case studies are given where these requirements are not met, including the transport of tobacco from Paris to Marseille and then Constantinople, where a lantern placed on the load at night set fire to the cargo. Finally, advice is given on the resolution of contracts that could not be completed due to *force majeure*. A useful index completes the work.

No copies traced in the US; only 1 copy in the UK (Bodleian).

BY - LAWS
FOR THE
REGULATION & GOVERNMENT
OF THE
P O O R, &c.

June 27th. 1776.

IT was RESOLVED, that the Governor and Matron, be particularly enjoined, by Order of this Meeting, that one of them do attend divine Service, in the House, constantly every Sunday, and never be both absent from the House, at the same time.

September 26th. 1776.

AT this MEETING it was RESOLVED, that no Committee shall order any permanent relief to any poor Person, until Oath be made of some matter, which the said Committee shall judge to be a reasonable Cause,
for

welfare on the Isle of Wight

26. [ISLE OF WIGHT.] By-laws for the regulation and government of the poor, in the House of Industry, in the Isle of Wight. *Newport, J. Mallett, 1789.*

8vo, pp. 26, [5 (index)], [3 (blank)]; slight crease on the title-page, otherwise a very good copy in contemporary marbled wrappers; slightly worn and faded. **£950**

First edition thus of a rare survival documenting the transition from the Poor Relief Act of 1662 to the New Poor Law. The Isle of Wight was granted a licence to manage a House of Industry in 1771. This book of its by-laws consequently reflects the growing belief that the poor should be regulated by the local community. The rules for the House of Industry forerun the legal formalisation of this sentiment, which fully came to fruition in the 1834 Poor Law and the establishment of the workhouses.

'No tobacco to be allowed, but to such Persons to whom the Surgeon may think necessary', thus the directors of the Isle of Wight's House of Industry governed the lives of the poor in their charge. This fascinating book recounts both the pleasures and punishments inflicted upon those who found themselves at the mercy of their fellow islanders. Women committed to the House of Industry for having children outside of marriage were shamed through entrance into the 'BLACK BOOK', and were denied the meat that other inmates received. Such was islanders' concern over the moral quality of the House of Industry's inmates that a resolution was passed forbidding the governor and matron ever 'being absent from the House, at the same time'. This local record of community cohesion takes interventions to considerable length: those who dispensed 'relief to a Pauper irregularly' received sizeable fines. Other regulations reflect the governors' interest in controlling the high contribution rates that their responsibility to the destitute often involved. It was therefore 'resolved that the use of Pease is oeconomical, as well as wholesome'. This book is a captivating depiction of local attitudes to the poor in the late eighteenth century and fits into the gradual evolution of today's provision of social security.

A previous collection of by-laws had been published in 1775, to integrate the foundation statutes of 1771. This further and final update was produced in two issues: the present, and one with additional fore-text. Both issues are very rare. **ESTC records two copies of the present edition, located at Cambridge University Library and Senate House, but notes none in the US.**

ESTC T187227; Goldsmiths' 13973.

shall be deemed Objects to be relieved, at the discretion of any weekly Committee, as casual Poor.

June 26th. 1783.

RESOLVED, that when any removals of Paupers take place, to be conveyed to their Parishes, the Officers are to go on Horse-back, and the Paupers are to be conveyed in a Cart, and to be allowed two shillings each per head, per day, for their support: The above resolution was made upon an extravagant Bill of Charges, being delivered by the Overseers of the Parish of Newport, upon the removal of Thomas Hancock and Wife, to the Parish of Pottern, Wilts.

ORDERED, that the Overseers and Churchwardens, shall find work for all Men, out of work, and capable of working, by agreeing with the Surveyors of the Highways, for the labour of such Men, according to what they really earn; and it is recommended, that on such application, a Vestry should be called, to enquire into the particular circumstances, reducing such Person, or Persons, to that situation, and to report the same to the next weekly Committee, with the conduct of such Person, or Persons, at the work they are appointed to; and that this Resolution be notified to the Overseers of the Poor, Churchwardens and Surveyors of the Highways, of the several Parishes, within the Island.

Or-

ORDERED, that Notices be sent to every Parish, three Months before any Ballot of Children, to be put Apprentices, may take place: and that every Girl be in the Work-room, at least three Months, before the time of her Apprenticeship.

ORDERED, by the Committee of Accounts, that the Overseers of the Poor, of the several Parishes, do regularly make a return of all Monies paid by them, according to any Order from a Director and a Guardian, or for Funerals, in the course of the Week, to the next weekly Committee, that they may have the same allowed, under the Hand of the Chairman, who is desired to have the same entered in the Committee Book, and to examine and sign the Account, and that of the preceding Week's relief: no other relief will be allowed the Overseers, on making up the Quarterly Accounts, but such as is allowed by the Chairman of a weekly Committee.

No Tobacco to be allowed, but to such Persons to whom the Surgeon may think necessary, and do labourious work.

September 25th. 1783.

ORDERED, that the Resolution of September 13th. 1783, respecting the Donation, &c. of the Fire Engine, be confirmed, and that Mr. HESSES name be engraved in LETTERS of GOLD; and that the Officers of the House, fire-

FUR

Theologicè examinatus, &
in Iudicio Sacramentali ad resti-
tutionem condemnatus.

SEU

Præx Theologicæ pro Confessio-
nali applicandæ de Furto, ac restitu-
tione propter illud faciendâ

Publicæ inquisitioni Scholasticæ Subjectæ

In Conventu Monacensi
F.F. Min. S.P. FRANCISCI
Reformatorum.

PRÆSIDE

P. F. STANISLAO KARG,
Præfati Ordinis & Conventus in
Studio Generali SS. Theologiæ
Lectore Ordinatio.

DEFENDENTIBVS

P. F. CELSO EISENMAN,

&

P. F. ECCARDO HOCHENBAUM,
Ejusdem Ordinis & Studij Candidatis.

Die Septembris Anno M. D. CC. XII.

Cum Facultate Superiorum.

MONACHI J, Typis Joannis Lucae Straubij.

theft and restitution

27. KARG, Stanislaus, Celso EISENMAN, and Eccard HOCHENBAUM. Fur theologicè examinatus, & in iudicio sacramentali ad restitutionem condemnatus. Seu præx theologicæ pro confessionali applicandæ de furto, ac restitutione propter illud faciendâ. Publicæ inquisitioni scholasticæ subjectæ in conventu Monacensi F.F. Min S.P. Francisci reformatorum ... Septembris anno M.D.CC.XII ... *Munich, Johann Lucas Straub, [1712].*

8vo, pp. [viii], 125, [3]; lacking initial blank; occasional light browning in places, but otherwise clean and crisp throughout; in contemporary patterned boards, all edges gilt; spine worn with some loss, boards worn; with contemporary ownership signature on front pastedown. £275

Only edition, rare, of this dissertation on the theological and legal aspects of theft and restitution, presented to the distinguished canon lawyer, and author of the monumental *Manuale theologico-canonico-legale practicum*, Stanislaus Karg.

Divided into four sections, the work examines the nature of theft and its various types, the circumstances in which restitution can be used in cases of theft (and where it is inappropriate), and the forms it might take, drawing both on moral theology, and more heavily on canon law.

No copies traced in the UK or US.

TRACTATUS
DE
INCENDIO

ANTEHAC NUNQUAM

EDITVS

IN QVO OMNIA AC SIN-

*gula ad hanc materiam pertinentia
dilucidè proponuntur ac
succinctè deciduntur.*

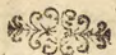
AUTORE

D. JOANNE LUBLERO

J. C. Agrippinate.

*Omnibus tam in Theoria quam Praxi verè
santibus utilissimus.*

Cum Indice Materialium copiosissimo,



LEODII,

Typis LAMBERTI THONON, Bibliopola

ad Insigne Stellæ Aureæ sub Turri San-

cti Lambertii. M. DCC. CI.

accidents and arson

28. **LUBLER, Johannes.** Tractatus de incendio antehac nunquam editus in quo omnia ac singula ad hanc materiam pertinentia dilucidè proponuntur ac succincte deciduntur ... omnibus tam in theoria quam praxi versantibus utilissimus. Cum indice materialium copiosissimo. *Liège, Lambert Thonon, 1701.*

8vo, pp. [8], 353, [39 (index)]; some light marginal dampstaining and toning; a good copy bound in contemporary calf, spine gilt in compartments and lettered directly in gilt, edges speckled red and green; extremities worn, endcaps chipped, splits to upper joint. **£350**

Rare second edition of this legal study of fire and its consequences, the only known work of the German jurist Johannes Lubler.

We know very little of Lubler, other than that he lived and worked in Cologne and that he was a licensed jurist; his *Tractatus de incendio*, first published at Cologne in 1608, appears to have been his only published work and the sole source of any later citations (cf. *Allgemeines gelehrten Lexicon* (1750), p. 2555). In the work itself Lubler is interested in fire from a legal rather than a natural philosophical perspective, as is to be expected. In chapter I, he defines 'Incendio' as 'damnum igne datum' (p. 6), the damage caused by fire. In the following four chapters which make up the rest of the work, he discusses the four causes of fire – fire caused by accident, by criminal intention, through human negligence, or finally cases in which the cause of the fire is unknown – as well as their resulting legal implications. The work appears to have been an important contribution within its admittedly narrow field and was cited regularly by jurists – particularly German jurists – throughout the seventeenth century.

This edition retains the same text as the first and copies the – now inaccurate – notice 'antehac nunquam editus' on the title, but omits the prefatory poems by the jurist Gabriel de Bruyn a Blanckavaert, the theologian Melchior Hittorp, and the (original) publisher Conrad Butgenius. A third edition appeared in Nancy in 1733.

OCLC records only 2 copies outside Continental Europe (BL and LoC).

murder trial

TRIAL
BEFORE THE
High Court of Judiciary in Scotland,
AT THE INSTANCE OF
DANIEL ROSS, WOODSAWER IN ABERDEEN;
AGAINST
Lieutenant-Colonel GEORGE MACKENZIE,
Captain FELIX BRYAN MACDONOGH,
Serjeants ANDREW MACKAY & ALEX. SUTHERLAND,
ALL OF THE LATE REGIMENT OF
ROSS & CROMARTY RANGERS:
For the Murder of
JOHN ROSS, late Soldier in the Corps of Riflemen, in the Streets
of Aberdeen, on the Fourth of June, 1802.

Aberdeen:

Printed by J. Burnett, End of Broadstreet;
FOR G. AND J. ROBINSON, LONDON; MUNDELL AND SON, EDINBURGH;
ANGUS AND SON, A. BROWN, AND J. BURNETT, ABERDEEN;
J. IMLACH, BANFF; ISAAC FORSYTH, ELGIN;
AND J. YOUNG, INVERNESS.

1803.

29. [MACKENZIE, George, and others, defendants.] Trial, before the High Court of Judiciary in Scotland, at the instance of Daniel Ross, woodsawer in Aberdeen; against Lieutenant-Colonel George Mackenzie, Captain Felix Bryan Macdonogh, Serjeants Andrew Mackay & Alex. Sutherland, all of the late regiment of Ross & Cromarty Rangers: for the murder of John Ross, late soldier in the Corps of Riflemen, in the streets of Aberdeen, on fourth of June, 1802. *Aberdeen, J. Burnett for C. and J. Robinson, London [and stationers in Edinburgh, Aberdeen, Banff, Elgin, and Inverness], 1803.*

8vo, pp. 20, 198; the first seven sheets were printed (in 1250 copies) for Constable in Edinburgh, who abandoned the undertaking, the rest (from p. 97) were printed in Aberdeen by J. Burnett; a little worming to inner margins, slightly toned; a good copy in modern library boards; typescript label to upper cover, shelfmark to spine, stamps of the Law Library of Los Angeles County, one of them perforating the title-page. £150

Sole edition. This controversial trial was brought as a private prosecution after the Lord Advocate, Charles Hope, had decided not to prosecute any officers or soldiers for killing four peaceable inhabitants of Aberdeen after celebrations of the King's birthday on 4 June 1802 had got out of control. Men and boys in Castle Street in high spirits were pelting each other with dirt, straw, and garbage, when Mackenzie and Macdonogh, who had been drinking with the magistrates and were rather intoxicated, walked back to their barracks and were pelted too. Soldiers from the Ross & Cromarty Rangers then joined in, apparently without orders. While soldiers and citizens jostled up and down Castle Street, Macdonogh attempted to calm the situation. Presently he ordered the soldiers to prime and load to intimidate the crowd, but then ordered them to withdraw to their barracks. Mackenzie meanwhile stayed in his quarters. Later the soldiers came out again, and on three occasions deliberately took aim and fired on the populace, although it was not clear whether any command to fire had been given. A sergeant was at the head of the group that shot John Ross, but he was not positively identified as one of the defendants.

As none of the defendants had been armed, and Macdonogh had repeatedly tried to calm the crowd, the jury found the two officers not guilty, and the case against the sergeants not proven. This case was a warning, the presiding judge said, to the civil powers in every burgh to use their utmost exertions (unlike the magistrates of Aberdeen) to prevent occasions of mirth and rejoicing from turning into confusion and riot. That the Lord Advocate did not want to bring the case suggests strong feelings in the establishment, which was perhaps why Constable changed his mind about publishing it.

annotated casebook

30. MILLES DE SOUVIGNY, Jean. Praxis criminis persequendi ab Ioanne Millaeo Boio Sylvigniaco ... olim co[n]scripta editaque, et nu[n]c recens ab ipso auctore deintegro fideliter emendata, et accessionibus sane quamplurimis ... quas nulla in alia editione reperias, passim ubi commodum erat, aucta ... Paris, René Avril for Galliot du Pré, February 1551.

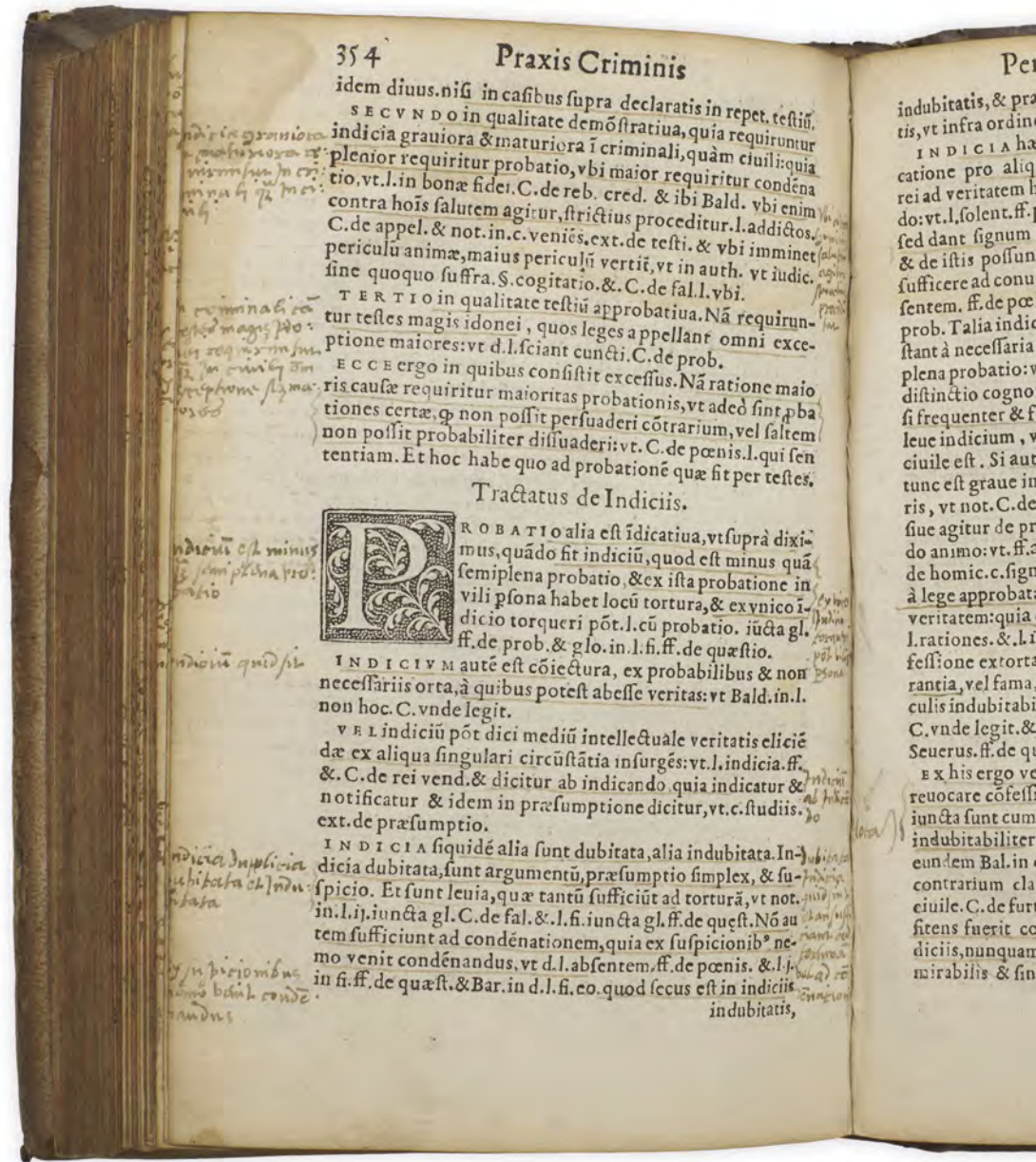
8vo, pp. [24], 481, [3]; woodcut initials, woodcut device of du Pré to last page; some loss to fore-edges of first two leaves (not touching text), some worming to lower margins of pp. 29-123 and to upper margins of pp. 199-229, some marginal dampstaining; otherwise good in contemporary vellum over boards, title in ink to spine, edges sprinkled red; small areas of loss to spine, wear to fore-edge of upper board; inscriptions to title 'Ex libris Joannis Moccerius(?)' and 'N. Designach(?)' (both crossed through), the latter also on the last page; marginal annotations in a single contemporary hand in Latin to almost every page excepting the preliminaries (slightly trimmed), underlining. **£1750**

Rare revised and enlarged edition (first 1541) of this famous legal text by the French magistrate and jurist Jean Milles de Souvigny (c. 1490–1563), annotated almost throughout by a contemporary law student.

The *Praxis criminis* takes the example of a fictitious nocturnal murder committed in Paris and follows each stage of the crime and of the subsequent criminal procedure, from the premeditated homicide to the punishment of the guilty parties and their accomplices, the author indicating and commenting upon the legal texts applied for each phase of the investigation and trial. The first edition was illustrated with thirteen woodcuts depicting the judicial process.

The annotations which run almost throughout this copy show an extraordinarily thorough engagement with Milles de Souvigny's text, and were surely undertaken by someone in training to practice law. They pick out and paraphrase key passages and points in the text, paying close attention, for example, to discussion of witnesses and testimony, the roll of a judge, confession, different types of crime, proofs, evidence, and accusations, and capital and other punishments.

USTC 196445. No copies traced in the US; only 2 copies recorded in the UK (BL, Bodleian).



tuit praeuidere, & non praeuidit. vnde furtum non potest fieri sine leuissima culpa, vt ff. pro socio. l. cum in duobus, vel incendium nasci, licet non noceat in culpabilibus, vt ff. de offic. praefect. vigil. l. iij. §. j. & ff. de pericul. & commod. rei vend. l. si vendita. & hoc si adhibuerit tantam diligentiam quantum bonus paterfamilias adhibuisset, vt. d. l. si vendita. Si vero casus aut incendium negligentia acciderit, tunc negligens, aut noxam, id est damnum facere iubetur: aut si minus idoneus sit, leuius castigabitur, vt. l. qui a des. ff. de incend. rui. naufrag. haec glos. in. d. §. pen. Insti. quib. mo. re contrah. oblig.

Ex leui & leuissima culpa quandoque contractatur maleficio, & tunc punitur propter culpam leuem, siue leuissimam, sed leuius, vt. l. absentem. in fin. ff. de poenis. punitur etiam propter malum exemplum, licet delictum non sit dolo commissum, vt. l. si quis aliquid. §. qui abortionis. ff. eodem. & l. iij. §. alio senatusconsulto. ff. ad leg. Cornel. de ficar. vbi dicitur quod si pigmentarij (id est speciarij) allicui temere cicutam, salamandram, aconitum, ptyocampas, aut buprestim, mandragoram, & id quod lustramenti causa, dederint cantharidas, teneantur poena legis Cornel. de ficar. Et glo. in. d. l. respiciendum. §. delinquit. ff. de poenis. tenet quod propter culpam leuem vel leuissimam quis venit puniendus criminaliter, alleg. d. l. absentem. in fi. & l. si quis aliquid. §. qui abortionis. ff. de poenis. & ff. ad leg. Corn. de ficar. l. iij. §. sed ex senatusconsulto. & l. iij. §. cum quidam. & l. in lege. eodem titulo.

CLP A etiam leuissima venit in actione legis Aquiliae, vt glos. in. §. iniuria. Insti. de lege Aquil. Vnde quotiens sciente domino seruus vulnerat vel occidit, aquilia dominum teneri dubium non est, vt. l. in lege. ij. ff. eodem. Nam scientia pro patientia habetur, cum prohibere potuit, & non prohibuit, vt. l. scientia. ff. eodem. & non minus ex culpa, quam ex dolo quis tenetur actione legis Aquiliae. sic & alias. ff. de pactis. l. iuris gentium. §. pactoru. & C. de secund. nupt. l. cum apertissimè. & ff. de pign. l. Paulus. §. domus. Sunt tamen duo casus quibus quis ex leuissima culpa non tenetur actione legis Aquiliae. Primus, si putator a via solita scorsum ramum exciderit, & hominem via insolita pretereuntem occiderit, culpa ab eo exigenda non est qui dinare non potuit

ubi commissum non potest libere scire a culpa vel nocere

quod contra hunc non potest libere scire a culpa vel nocere

leuius qui propter culpam leuissimam contractatur

propter culpam leuissimam contractatur

in hunc casum non prohibetur

casus in qui hunc non potest libere scire a culpa vel nocere

potuit casum, vt l. si putator. in si. ff. ad leg. Aquil. Secundus est in homine libero, qui nobis bona fide seruit, emendo, vel vedendo vel locando, vel coducendo obligari ipso iure poterit, sed & damnum dando damni iniuria tenebitur, vt tamen culpam grauiorem id est laram exigere debeamus, nec tamen leuem, quam ab extraneo exigimus: vt. l. homo liber. §. j. ff. de acquir. re. domi.

Tractatus Probationum.



QUATUOR modis quodlibet probari potest maleficio quibus notorium constat, animaduertendum est. PRIMO per testes, & facti euentia, vt l. sciant cuncti. C. de prob. & glo. in c. ij. q. j. & extra de cohabit. cleric. & mulier. c. vestra. & xxxj. q. ij. c. Lotarius.

Quatuor modi probari potest maleficio per testes & facti euentia

& c. euentia. ext. de accus. & vt patet in praesenti processu, [* testium utilitas propter probationes adiuuata quide dudum est, ne quid actorum facile lateat, & calliditate plurima hominum adiuuente animas in contrariu. migrare ordo causa periclitetur: vt in auth. de testib. §. j. col. vij.]

*Additio

SECUNDO per documenta, vt d. l. sciant cuncti. & d. gl. in. c. ij. q. j. aequalem siquidem vim habent instrumenta cum testibus: vt C. de fide instr. l. in exercendis. ita quod nominè instrumentorum continentur testes, vt ext. de testi. coged. c. peruenit. & ff. de fide instr. l. j. Aptissimum igitur documentum, & indubitatū indicium potest esse quodlibet publicum instrumentum per quod crimine probatur & instruitur fuisse commissum, quod accidit frequenter, quotiens in aliquo documento inuenitur quod aliquis dato precio assertiue est pactus super eo crimine quod non ingerit poenam sanguinis: quo casu illud se commississe confiteri videtur. Ideo erit pro conuictio & confesso habendus, & hinc puniendus est: vt ff. de bonis eorum qui ante sent. l. j. & ij. & ff. de iure fisc. l. in fisci causis. & ff. de his qui not. infra. l. furti. §. pactione. & l. quonia. & ff. de iure fisc. l. eius qui. & l. imperator. quia non licet transigere vel pacisci super crimine quod poenam sanguinis non ingerit, secus autem super crimine capitali quod ingerit poenam sanguinis: quia super eo transigi vel pacisci potest, excepto adulterio, vt. l. transigere. C. de transact.

2º per documenta. Nomine instrumentorum continentur testes. Aptissimum est instrumentum per quod probatur. Publicum est quod non ingerit poenam sanguinis. Instrumentum per quod probatur. Confessio est commissio. Non licet transigere vel pacisci super crimine capitali.

Non minus ex culpa quam ex dolo quis tenetur actione legis Aquiliae.

Napoleonic justice

31. [NAPOLEON.] Napoleone, per la grazia di Dio e per le costituzioni, imperatore de' Francesi, re d' Italia, abbiamo decretato, e decretiamo quanto segue: regolamento organico della giustizia civile e punitiva. *Milan, Stamperia Reale, [1806].*

4to, pp. 22, [2 (blank)]; drop-head title, woodcut arms at head of p. 1, dated at end '13 giugno 1806'; light foxing; good; remains of wrappers, stitching going. **£100**

Scarce decree regarding 'civil and punitive justice' issued by Napoleon for the newly created Kingdom of Italy. The text covers, *inter alia*, judges, tribunals, courts, clerks, attorneys, and ushers.

No copies traced in the UK. OCLC finds 2 in the US (University of Illinois; University of Pennsylvania).



NAPOLEONE,

Per la grazia di Dio e per le Costituzioni,
Imperatore de' Francesi, Re d' Italia,

Abbiamo decretato, e decretiamo quanto segue:

REGOLAMENTO ORGANICO

Della Giustizia civile e punitiva.

TITOLO I.

De' Giudici, de' Tribunali, delle Corti.

Art. 1.

La Giustizia civile e la Giustizia punitiva sono amministrare in nome del Re da' Magistrati ch' egli nomina.

2.

Vi sono de' Giudici di pace, e de' Tribunali di commercio.

3.

Vi sono de' Tribunali, e delle Corti di prima istanza, delle Corti di appello, e una Corte di cassazione.

4.

Il Re determina il numero e la residenza de' Giudici, de' Tribunali e delle Corti, ed assegna loro il rispettivo circondario.

Om̄ibz hoc scriptum hinc ul' auditu' Willelmi Hayer de Rouchelt salutem in dno sempiterna.
Johannis me uocellille & allignalle Sibille filie mee relictæ Thome Tinctor de Houe
Cast' sup' Tyne annuum redditu' un' vite argenti in quo Symon dñs de Rou

one silver mark a year

32. [NORTHUMBERLAND – ROCHESTER.]

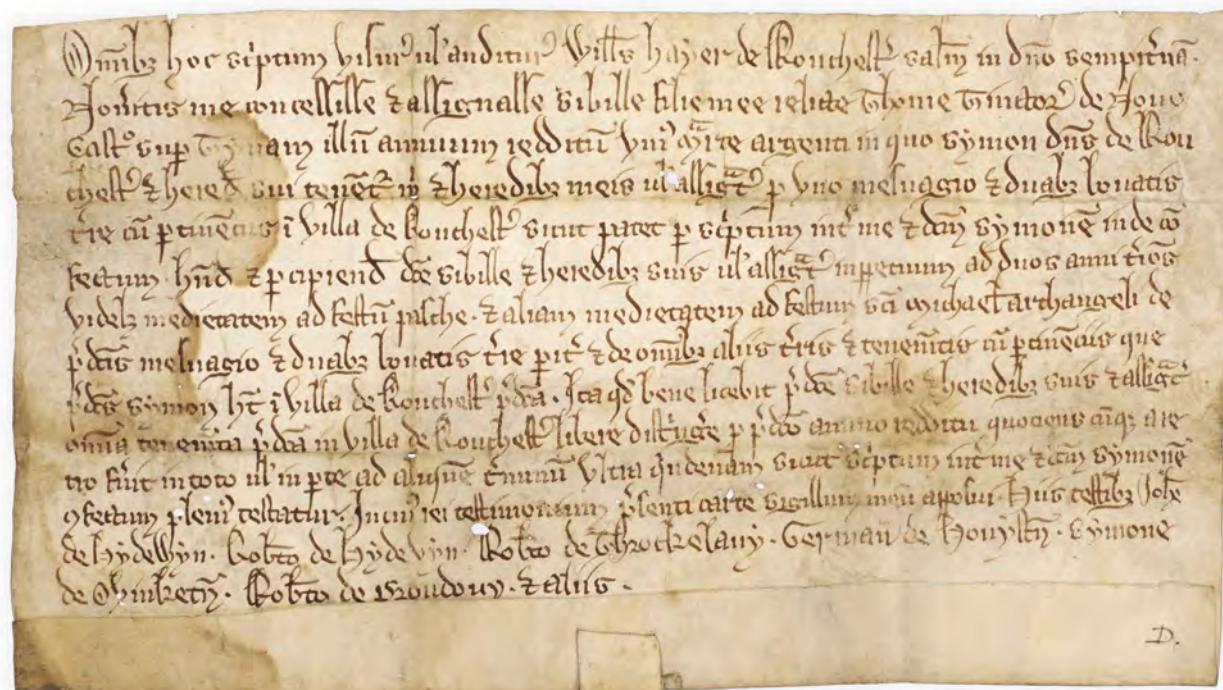
Grant by William Hayer to his daughter. *Northumberland, early thirteenth century.*

Manuscript on vellum, in Latin, 14 lines in a gothic charter hand; lacking seal, stained and soiled, creased where once folded, a few small holes, but entirely legible. £750*

An early grant by William Hayer to Sibyl, his daughter and the widow of Thomas Tinctor (the dyer) of Newcastle upon Tyne, of the rent of one silver mark a year paid to Hayer by Simon lord of Rochester for a messuage and two bovates of land in Rochester. The rent is to be paid twice yearly, half at Easter and half at the feast of St Michael.

The witnesses are John of Hydewyn, Robert of Hydewyn, Robert of Throckelany, German of Honyston, Simon of Ovinketon, Robert of Proudouy, and others. Rochester lies between Otterburn and the present-day border with Scotland. The important Roman road of Dere Street passes through the village.

Provenance: formerly Broughton Hall MS Misc. D. Published in *Proceedings of the Society of Antiquaries of Newcastle upon Tyne*, third series, vol. 3, (1909), p. 96.



Indian judge

33. [NORTON, John Bruce.] 'The Hon'ble J. B. Norton'. [Madras, c. 1871].

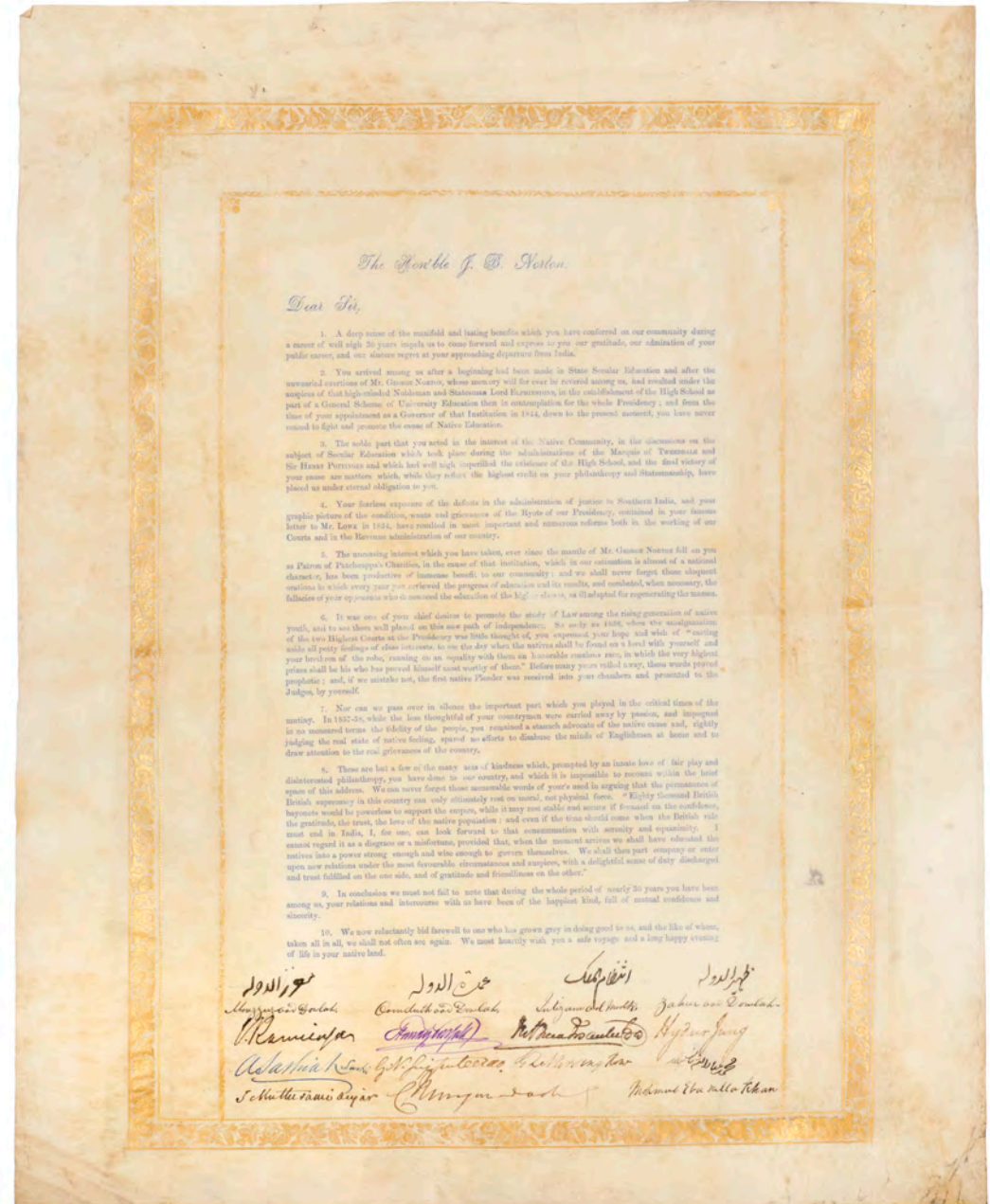
Large folio (595 x 470 mm), 7 loose leaves with text to rectos only, the first leaf comprising 55 lines of text printed in blue ink, with signatures at foot, within elegant gilt floral border, the following 6 leaves bearing hundreds of signatures arranged in 4 columns per page; creased, some light marks, slightly rubbed in places. £2000

An extraordinary and striking testimonial presented to the influential Madras-based judge and educator John Bruce Norton (1815–1883) prior to his return to England in 1871, signed by hundreds of his Indian colleagues, expressing their 'deep sense of the manifold and lasting benefits ... conferred on our community during a career of well nigh 30 years'.

Educated at Harrow and Merton College, Oxford, Norton went to Madras in 1842, serving as sheriff and then as clerk of the crown in the supreme court. His 1853 attack on the East India Company's judges and the Madras government, entitled *The Administration of Justice in Southern India*, sparked a long process of legal reform in which he played a prominent role. In 1855 he became the first professor of law at Presidency College 'and thus became the architect of formal legal education in south India' (ODNB). In 1863 he was made acting advocate-general of Madras, remaining in post until his resignation in 1871.

The printed text of this unique testimonial, arranged in ten paragraphs, praises Norton's contributions to native education and to the administration of justice, as well as his work as a patron of Pachaiyappa's high school and a supporter of Indian lawyers. Interestingly reference is also made to his contribution to the debate surrounding the Indian mutiny ('In 1857–58, while the less thoughtful of your countrymen were carried away by passion ... you remained a staunch advocate of the native cause and ... spared no efforts ... to draw attention to the real grievances of the country'), and to his views on future Indian independence (he is quoted as saying, 'if the time should come when the British rule must end in India, I, for one, can look forward to that consummation with serenity and equanimity'). The text ends charmingly, 'We now reluctantly bid farewell to one who has grown grey in doing good to us, and the like of whom, taken all in all, we shall not often see again'.

The hundreds of signatures that follow the text – in Roman, Urdu, Devanagari, and Tamil scripts – represent an exceptional record of the community of Indian administrators and lawyers with whom Norton worked during almost three decades.



German jurisprudence

34. [NUREMBERG.] Mandata oder Gesetze, Jerlich am Ersten oder Andern Suntag inn der Vasten, auff dem Lande zuuerkünden. Anno 1548. [*Nuremberg, Johann Petreius, 1548.*]

4to, ff. [54] (with blanks K2, L4, N4, and O2); title in red and black with handsome woodcut border composed of 12 blocks, woodcut initials; a very few light marks but a very good copy; in contemporary wooden boards backed with blind-tooled pigskin, sewn bypass on double cords; clasps, catches, and front pastedown renewed, flyleaves wanting, a few small wormholes to spine, some wear to corners and rubbing to pigskin; early marginal ink annotations in German to 28 pp., occasional manicules, with 12 pp. of contemporary manuscript to six blank leaves bound at the rear, beginning 'Beimanung zum gebett fur der communion' and including music on five-line staves.

£2750

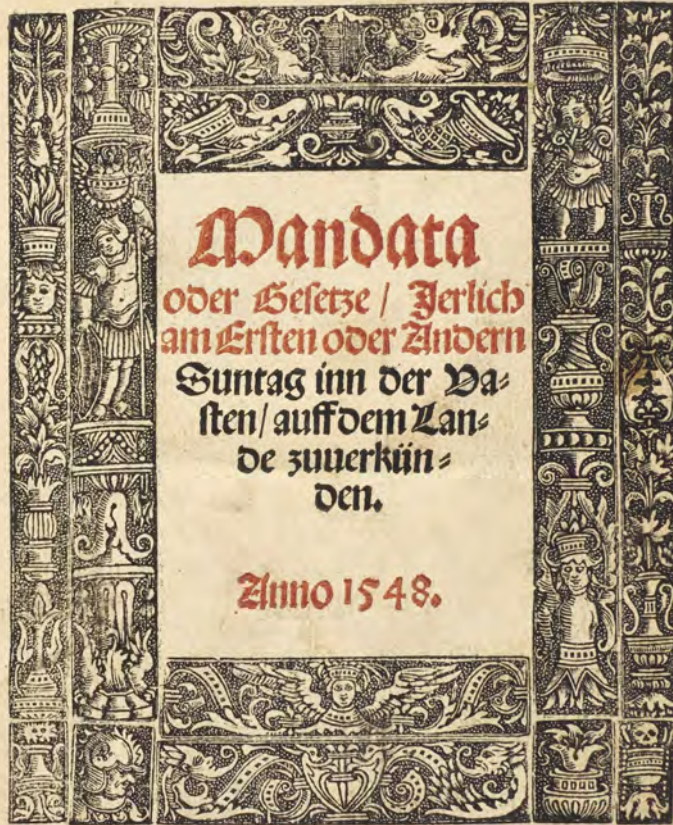
Scarce collection of legal regulations for the towns and villages in the Nuremberg area, issued in 1548, with annotations by a near-contemporary reader and with a manuscript supplement comprising prayers and a musical setting of the text 'Unser herr Iesu Christ'.

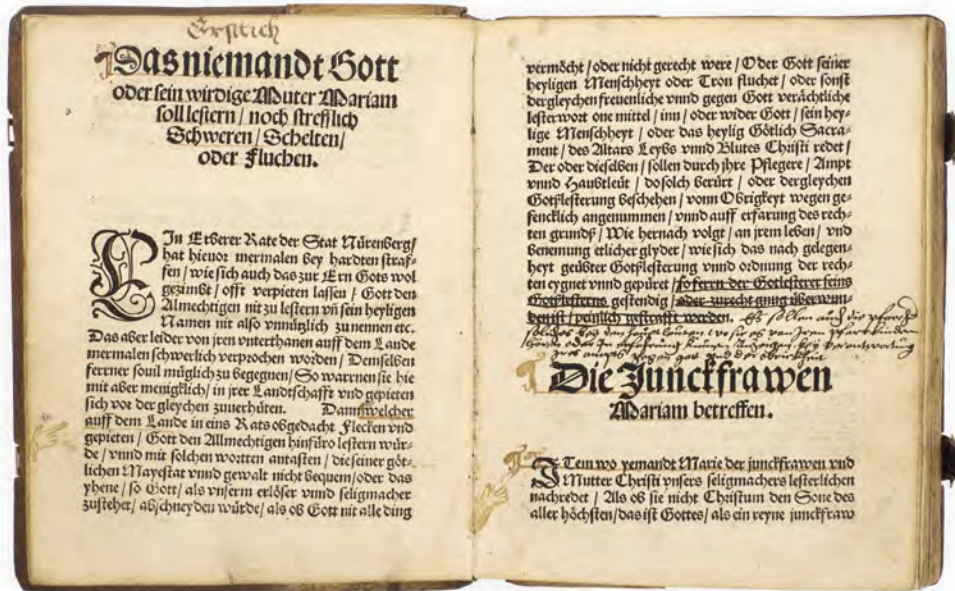
The text offers a fascinating insight into society and governance in mid-sixteenth-century Bavaria, detailing regulations concerning, for example, oaths employing the names of God, the Virgin Mary, and Christ; eating and drinking; parents and children; weddings and baptisms; criminals, idlers, beggars, and unbelievers; livestock; priests and preachers; firearms and fires; and fishing and hunting. This appears to be the second issuing of such regulations, an earlier set having appeared in 1529.

This copy contains interesting marginal annotations and corrections by someone who was clearly highly engaged with its content, in particular with regulations relating to religious life. There are notes stating that pastors should report inappropriate swearing, that proclamations of marriages should be made on three successive Sundays rather than just two as stated in the text, and that seventy-two guests were permitted at wedding feasts rather than fifty-six as printed, and a long note to D1r discusses pastors and their parishioners, absence from parishes, and marriage. Our annotator also records fees payable for various infringements.

A twelve-page manuscript supplement added to blank leaves bound in at the end comprises a lengthy communion prayer; a hymn 'Unser herr Iesu Christ ihn der nacht da er verraten wardt nam er das brott', with accompanying music on five-line staves; and a collection of seven prayers beginning 'Last unss beten', including one for peace ('pro pace'), one for Pentecost, and another on the Resurrection.

USTC 674782; VD 16 N 2015. **No copies traced in the UK, and only 2 in the US (Harvard, University of Pennsylvania).**





Erptlich
Das niemandt Gott
oder sein würdige Mutter Aldariam
soll lehren / noch strefflich
Schwern / Schelten /
oder Fluchen.

vermecht / oder nicht gerecht were / Oder Gott seiner
heyligen Menschheit oder Ten flucht / oder sonst
dergleichen freuendliche vnd gegen Gott verächtliche
lesterwort one mittel / im / oder wider Gott / sein heylige
Menschheit / oder das heylig Göttlich Sacrament /
des Altars Leibes vnd Blutes Christi redet /
Der oder dieselben / sollen durch ihre Pflieger / Zimpt
vnd Handteit / do solch beirret / oder dergleichen
Gottflesterung beschehen / vom Obgerteyt wegen ge-
sencklich angenommen / vnd auff erfahrung des rechte-
ten grunde / Wie hernach volgt / an irem leben / vnd
Benennung erlicher glyder / wie sich das nach gelegen-
heit gelbter Gottflesterung vnd ordnung der rechte-
ten cygnert vnd gepüet / **so fien der Götlicher heins**
geuichtens gestendig / das vuchung abenun-
schafft / vndlich vermitt werden. *Es sollen alle die vngerech-*
liche die im tagen bitten 1585 / 86 von dem vngerech-
lichen oder in daffelung bitten / so soll die vngerech-
lich vngerechlich vngerechlich vngerechlich

Die Jungfrauen
Aldariam betreffen.

Ten wo jemandt Marie der Jungfrauen vnd
Mutter Christi vnters seligmachers lesterlichen
nachredet / Also ob sie nicht Christum den Sohn des
aller höchsten / das ist Gottes / als ein reine Jungfrau

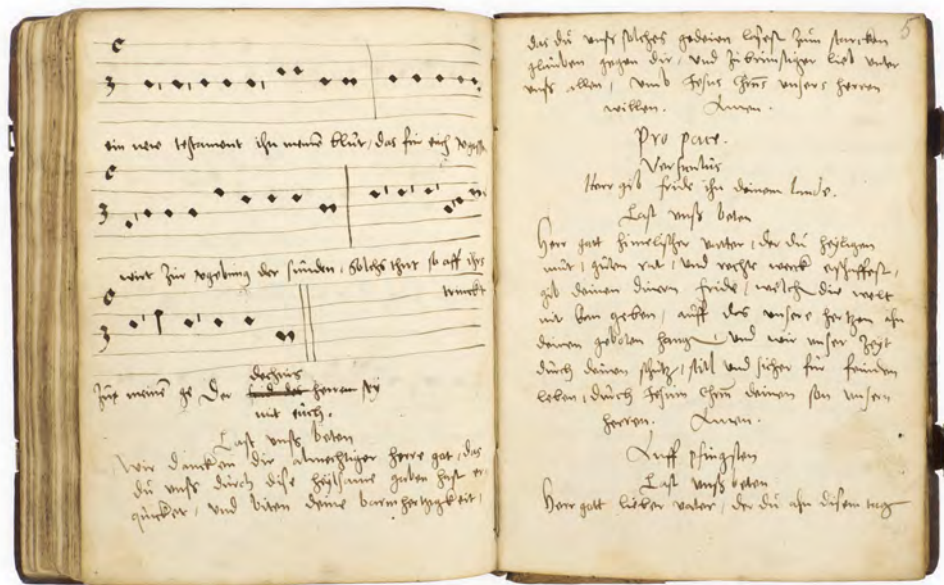
In Erderer Kate der Stat Nürnberg /
hat hienor merimalen bey harten strafs-
sen / wie sich auch das zur Ten Gote wol
gezinste / offit verpieten lassen / Gott den
Allmechtigen ni zu lesten vñ sein heyligen
Namen nit also vnmöglich zu nennen etc.
Das aber leider von iren vnterthanen auff dem Lande
merimalen schwerlich verpochen worden / Den selben
ferner soull möglich zu begegnen / So warren sie die
mit aber meniglich / in ire Landtschafft vnd gepieten
sich vor der gleychen zuverhüten. Darnach vñ
auff dem Lande in eins Rats obgedacht Flecken vnd
gepieten / Gott den Allmechtigen hinfür lesten vnd
de / vnd mit solchen worten anaffen / die seiner göt-
lichen Maystat vnd gewalt nicht bequom / oder das
yhene / so Gott / als vnserm elster vnd seligmacher
aufseher / abshneyden wüde / als ob Gott mit alle ding



inen beden / oder ihr einem nachfolgend anych wider-
sprechen / vernaynen oder wideruffen / solcher verspre-
chung vnd handlung halb einfallen / vnd je eine sarge-
ben wüde / als ob dise abrede / versprechunff / gelübd
oder zusagen / auß vnbedachten gemüte / auß trancken-
heit oder andern stillichen verhinderlichen vsachen be-
schehen / vnd darum sein achtens sein siltliche bestan-
dige Le were / So sollen sie bede solcher angefallen
jering halben / zuuor rechtlicher dierung vnd antlichen
entschteds / wie oben auch gemeldet / sey dem Statge-
richt zu Nürnberg / in alweg gewarten / vñ vor solchen
endlichen Rechtlichen entschteds / sich anderwayd zu-
uerbeyraten / oder mit andern der ee halben zuvereden
nit mache lassen / Dann welcher oder welche / das in
einem oder mit vberfaren vnd verprechen / sich auch
hieninnen so vngesicht / vnd gegen disen eins Rats
verbre vnd warnung / verächtlich erzagen wüden /
den oder dieselben geendet ein Rath Cu dem / das sie
solch je verdome handlung für vnterssig vnd vnpün-
dig achten wüden / mit solchen ernst / menigliche halb
ben vnterssig / zusuffassen / das yederman darauß
spiren soll / das sie solche vnrichtlicheit vnd verach-
tungen / heyns wege zu leyden geinde / ain / darinn auch
die vbertrater / ihr jugent tranckenheit / vnterslandt
oder andere dergleichen vsachen / mit nichten ent-
schuldiggen soll / Darnach wiß sich meniglich zu-
richten.

Doch will ein Rath als die Oberkeit / inen hie-
mit vorbehalten haben / diese Sentur verbot
vnd beuelch / nach Gestalt der Sülle vnd zeit / je
desimal zu besien endern minden vnd meren /
wie sie gelegenheit der sachen nach / je
zu zeyten für nutz not vnd gut
ansiehen vnd bedachten
werden.

Doch



Ein neue Instrument ist vnter blut / das für sich vngerech-
lich vngerechlich vngerechlich vngerechlich

*Das ist die rechte Gottes gedien / das ist die rechte
geuichtens gegen der vnd hie vnterssigere kind vnter
mufft allen / vnd so ist die rechte vnterssigere
weisen. Amen.*

Pro part.
Verfuchenis
Herr geb fridit ist vnterssigere kind.
Lasst vnterssigere
*Herr gut hie vnterssigere kind / das die rechte
mufft vnterssigere kind / vnd so ist die rechte
weisen. Amen.*

Lasst vnterssigere
*Herr gut hie vnterssigere kind / das die rechte
mufft vnterssigere kind / vnd so ist die rechte
weisen. Amen.*

Legal commonplace



35. **OLDENDORP, Johann**, editor. *Loci communes iuris civilis*. Ex mendis tandem, et barbarie, in gratiam studiosorum utiliter restituti. Addita sunt praesumptionum fere omnium, quae in foro frequentantur, exempla. Cum Ioan. Oldendorpii epistola nuncupatoria. *Lyon, Sebastien Gryphius, 1545.*

8vo, pp. 337, [1]; printer's device to title and last page, woodcut initials; small hole at head of title, pp. 222-223 strengthened to inner margins with some staining, worming to inner margins of pp. 311-325 with small areas of loss, creasing to corners, especially at beginning, some light dampstaining and occasional ink marks; in contemporary limp vellum, remains of ties; cockled and stained with some small losses, hinges partly split; near contemporary inscription to title 'ad usum Petri Segureti licenciati et amicorum', seventeenth-century inscription to front endpaper 'Joannes Ludovicus Boigues'; marginal annotations to 27 pp. and further annotations to endpapers. **£300**

Scarce civil law compendium edited by the German jurist and professor of law at Marburg, Johann Oldendorp (1480-1567), with the help of his student Michael Boldewan, comprising pithy definitions and maxims arranged alphabetically from 'absentem' to 'vox servi', drawn from legal authorities such as Ulpian.

This copy belonged in the sixteenth and seventeenth centuries to two legal practitioners by the names of Pierre Seguret and Jean Louis Boigues. Their occasional notes can be found in the margins and show a particular interest in judges and judgements, and witnesses and testimony. The front endpapers bear Latin notes relating to buyers, sellers and contracts, and seventeenth-century notes in French referring to Catherine de Moncausson. The rear endpapers contain a further text in French, and a Latin note relating to parts of the body.

USTC 149429. **Only 1 copy traced in the UK (John Rylands) and 2 in the US (Harvard Law, Library of Congress).**

Paduan protocols

36. [PADUA.] Statuta Patavina noviter impressa cum diligenti cura et castigatione et cum additionibus necessariis tam provisionum ducalium q[ua]m excelle[n]tissimi co[n]sili rogator[um] ... revisa et correcta per ... Bartholomeum Abborario ... Venice, Girolamo Giberti, 25 January 1528.

Folio, ff. [24], CXLII; title in red and black within woodcut frame with woodcut printer's device, f. 1r in red and black within woodcut border, woodcut initials; closed tears to ff. LXXXI and CXLI (without loss, old repairs), some light marks and browning; good in recent quarter vellum and pale orange boards, title inked to spine; a little wear to edges, light marks to covers; initials 'A.G.' to title, extensive marginal annotations in a sixteenth-century hand to c. 90 pp.

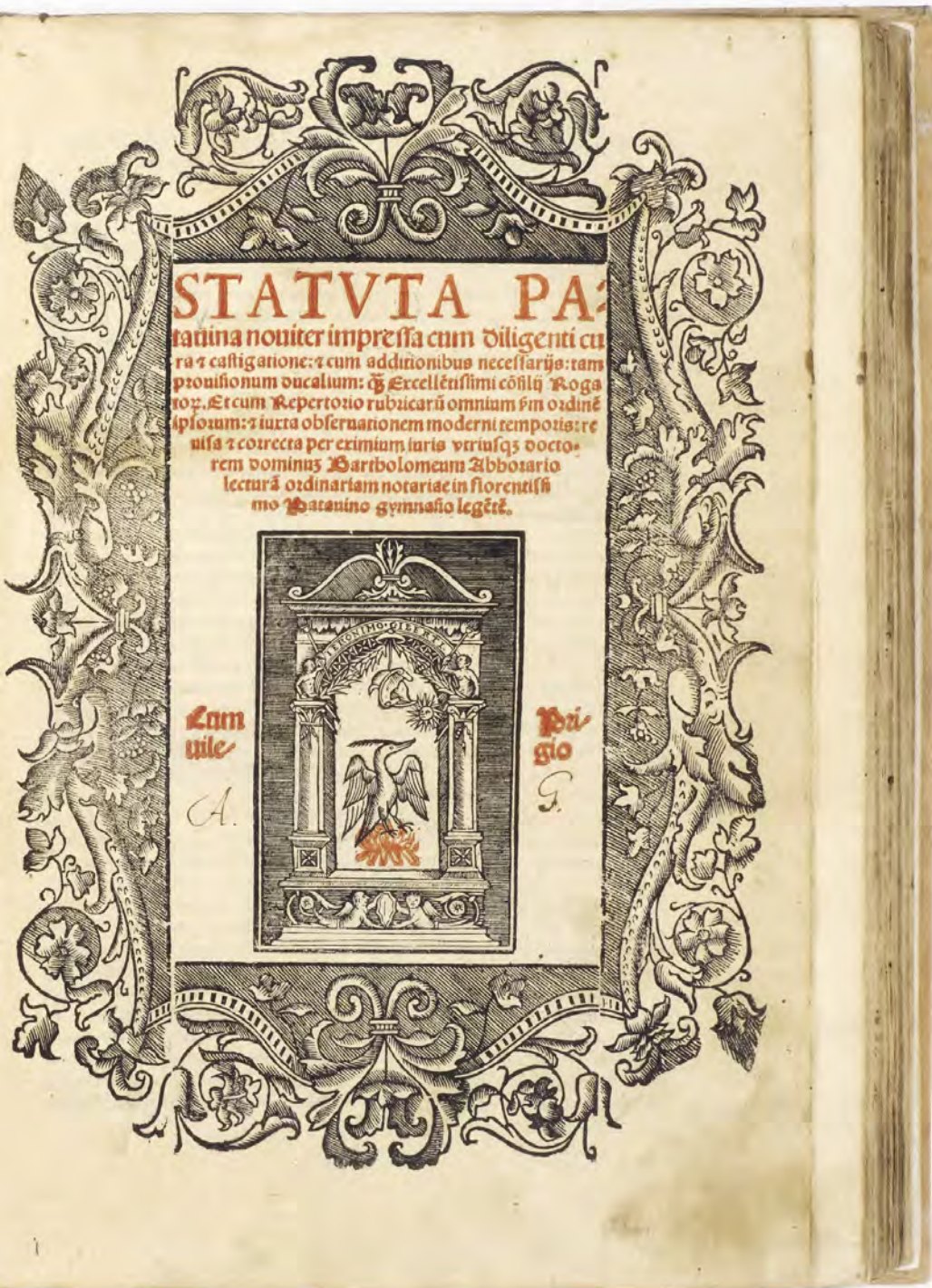
£2500

An attractive volume of statutes relating to the city of Padua in northern Italy, edited by the legal scholar Bartolomeo Abborario, with detailed annotations by a practicing local lawyer.

The marginalia in this copy, by an anonymous sixteenth-century annotator, clarify and amplify certain passages (beginning 'adde', 'nota', or 'concordat', for example), and refer to various legal authorities alongside actual practice ('realiter'). **Our postillator shows a particular interest in laws relating to women's property rights and rights of succession, to marriage and dowries, to the order of proceeding in civil cases, and to disputes between relatives, also adding a note on sodomy.**

The coverage of the *Statuta Patavina* is wide-ranging, encompassing, for example, judges and their duties (including cases of alleged incompetence), the hours when courts may sit and holidays, forged documents, merchants and trade, the poor, livestock, exile and imprisonment, fugitives, blasphemy and defamation, bodily harm, murder, assassins and traitors, adultery, incest, thefts, fires, forbidden weapons, the night-time (e.g. no playing of trumpets or drums), and prostitutes and pimps.

EDIT16 37710. **Library Hub records only 2 copies in the UK** (BL, Bodleian).



Tempore nundinarum quae sunt Paduae quolibet anno in prato Vallis ad festum sanctae Iustinae de mense Octobris: & similiter tempore nundinarum quae sunt ad dictum pratum Vallis ad festum sancti Prosdocimi de mense Nouembri non possit durantibus ipsis nundinis aliquis ciuis uel forensis detineri pro aliquo debito, saluo q̄ pro debito uel contractu aliquo in nundinis contracto, seu celebrato predictis. Et quilibet persona uolens venire Paduam ad festum sancti Antonii confessoris de mense Iunii possit venire, stare, & redire libere & secure cum personis & rebus per octo dies ante ipsum festum: & per octo dies post: non obstantibus aliquibus prefatis. Et huic statuto renunciarum non possit, neq; per pactum uel iuramentum modo aliquo remitti.

Tempore nundinarum non possit aliter detineri

DE AVDIENDIS IN IUDICIO ET PERSONARUM LEGITIMATIONE. RUBRICA TERTIA.

Adiantur in iure tam in agendo q̄ in defendendo omnes & singuli qui suo uel alieno nomine in iudicio compareant: exceptis illis tantum qui lege ciuili uel municipali audiri prohibentur.

Qualibet persona, seu universitas uel collegium possit constituere sibi ad causas in agendo, & defendendo unum & plures procuratores, syndicos, seu actores quoscunq; uel interdum modo non constituantur alii quis, qui de iure ciuili uel municipali constitui non possit.

Non possit aliquis constitui procurator, syndicus, actor, uel curator ad lites, uel nomine alieno in iudicio modo aliquo comparere nisi sit ciuis Paduae origine propria uel paterna uel nisi sit factus ciuis Paduae ex decreto: & possideat bona immobilia in Padua uel Paduano districtu uel in libris librarum quingentarum paruorum ad minus: & sustineat onera & factiones cum comuni Paduae sub poena librarum .xxy. cuius medietas sit communis, & altera medietas accusantis. Et qd̄ actum fuerit i fauore partis suae non ualeat ipso iure: saluo q; forensis constitutus procurator uel syndicus ad substitutionem possit substituere alium procuratorem uel syndicum cuius origine, uel privilegio ciuitatis Paduae: & habilem finem formam supra scriptam.

Et similiter executores & commissarii ultimarum uoluntatum pro executione ultimis uoluntatibus constituere possint procuratores ad iudicia etiam ante litem contestatam, & patres quoq; in bonis filiorum suorum non solum ad negocia, sed etiam ad iudicia constituere procuratorem possint quocunq; uel sint ciuem Paduae origine: uel privilegio ut supra praemissum est.

Aliquis ciuis Paduae uel Paduani districtus, uel alius forensis habitans in ciuitate Paduae uel districtu: & sustinens onera & factiones cum ciuitate Paduae uel districtu: uel habitans cum sustinente uocabitur seu uocatur fuerit ad iudicium coram aliquo rectore uel iudice in ciuitate Paduae uel Paduani districtus ratione reddite ad petitionem alicuius forensis non sustinens onera & factiones cum ciuitate Paduae uel districtu: uel ad petitionem alicuius non subiecti tali iurisdictioni cois Paduae: q; nullatenus audiat in agendo talis forensis non sustinens onera cum ciuitate Paduae uel districtu: uel non subiectus reporalis iurisdictioni communis Paduae: nisi prius & ante oia legitime coram

quod si in iudicio non possit comparere nisi sit ciuis Paduae

Qui possit constitui procurator, syndicus, actor

Tempore nundinarum non possit aliter detineri

Nota quod statutum hoc est potius aduersum q̄ pro iudicibus in iudicio. Et si quis in iudicio non possit comparere nisi sit ciuis Paduae

De Citationibus & Ordine procedendi

quolibet actu causa expresse dicendo se uelle adesse illi actui. Et ualeat qd̄ qd̄ principali etiam solo factu fuerit, etiam si per procuratorem uel alium eius nomine interueniente fuerit lis contestata: tamen q; aduersarius etiam cum ipso principali etiam inuito possit eo die quolibet aliu actum iudicium exercere, nec propter hoc intelligatur pars principalis in se trāsferre iudicium, uel reuocare mandatum.

Potestate dno Vberto de Cazeris de Pistorio, M.cccxyi.

Natura peccatoris syndicus, curaria, tutela & oium aliorum alieno nomine interuenientium que faciunt ad legitimationem plonae: etiam inuentariu: exceptis rebus in inuentario positae postea facta fuerit legitimitio plonarum, & plonae fuerint declaratae legitimitae que alieno nomine in causis interueniunt: ponatur in actis notarii qui scribit acta causa & quaestiones distinctae cum signo & nota tabelionis qui ea scripserit uel saltem ponatur tempore contestati instrumenti nomine constituentis & constituti: & nomen notarii qui instrumentum illud scripsit cum effectu seu substantialibus instrumenti: & ualeat hoc ad faciendum quodcumq; fidem de mandato: ac si estense scriptum esset. Et notarius medius qui hoc non seruauerit puniatur in libris .xxy. paruorum: & priuetur ab officio per quatuor menses pro qualibet uice.

De inuentario producto ad legitimationem.

Personarum fiat copia contra quam producat inuentariu ad legitimationem etiam cum rebus in eo positae seu scriptis omnibus in eo contentis prout scriptum est in uentariu in quantum produceretur ad decisionem causa.

DE CITATIONIBVS ET ORDINE PROCEDENDI IN CAUSIS CIVILIBVS. RUBRICA QVARTA.

Statutum uetus conditum anno. M.cccxxxi.

Si quis de aliquo querimonia deponere uoluerit, faciat citare personam illam de qua uoluerit queri si comode poterit inueniri in Padua, uel Paduano districtu: & credatur relationi praecis si referat q; personaliter ipsum citauerit uel q; ipsum reperire non possit, & possit praeco quilibet comunis Paduae facere huiusmodi citationes absq; aliqua citatione iudicis ad petitionem cuiuslibet regentis. Et si personaliter citatus non uenerit tunc sit in electione actoris: utrum uelit dari sibi possessionem rei quam petere intendit uel tenentiam de bonis citati usq; ad summam eius qd̄ petere uult: an uelit q; citatus forbanari: & tunc citatus q; in termino non comparuerit forbanatur si actor elegerit eum forbanari: & si elegerit actor q; uelit possessionem rei qua petere intendit uel tenentiam usq; ad summam eius qd̄ petere uult, concedatur eidem finem qd̄ petit. Si uero personaliter inuenitus non fuerit, tunc citetur bis diuersis diebus ad domum habitationis suae. Et si non habitat in Padua, uel Paduano districtu: tunc eridetur ante domum in qua consueuit habitare bis alta uoce audientibus uicinis, si qui erunt: & dilatio detur pro qualibet eridatione. Si autem etiam a tempore contractus uel quasi, seu a tempore maleficii uel quasi ciuilitate agedo si habuerit habitationem in ciuitate Paduae, uel districtu: tunc eridetur sup̄ una scholaru palatii in latissimo spatio

Citatio facta bis diebus ad domum habitationis si personaliter citatus non potest ualeat

latissimo spatio octo & figurat unum bonis redditur matrio nisi elapso tempore ad domum actum ad petitionem ipsius autem actor elegerit bonis contumacia petierit. In praesentem actum citatio sola proclationem super exceptione alicuius bonis damnae hiant per quod dictum est de rationis uel contra districtus. Et de sunt incognita facere, & creditur palis persona: uel q; dae prima per defunctus tempore dae uel districtus. Et reus autem tantum & exiretur uolens recurrenitorem, nisi prius inter cetera conuentus fuerit terpellauerit uel ne personaliter ipsam soluere ad libet centenarium declarati. Si eam non recuperatum recuperatio librarum, & do a die accepta non debeat iudicis fuerit reuocare & soluto interese sub poena librarum dietas sit communis contra formam

post-Napoleonic papal constitution

37. [PAPAL STATES.] Constitutio sanctissimi domini nostri Pii PP. VII. super restauratione regiminis pontificii. *Rome and Ancona, 'ex typographia societatis Palmini', 1800.*

4to, pp. 32, [4]; woodcut arms of Pius VII to title; some foxing and browning throughout, with manuscript page numbers from a sammelband in upper corner of rectos; final two leaves are two *circulari* tipped in; in recent red cloth, gilt-lettered spine label. £250

Very rare Ancona printing, in the same year as the original Rome issue, of this Papal decree issued the day after the restoration of the Papal States after two years of the Napoleonic Roman Republic.

The fall of the Republic was triggered by the arrival in October 1799 of Neapolitan troops, but it was not until June 1800 that the Papal States were restored, and this constitution is a fully worked-out statement of the ways in which the economy and legal system of the States was to be organised. The volume sets out the organisation of public administration and the roles of officials, the structure and competences of courts and tribunals, both civil and criminal, and the procedures for the election of magistrates. Two circulars tipped in at the end, both dated November 8, 1800, relate to the operation of the Sacra Congregazione del Buon Governo and its role in restoring the form of governance active before the French occupation, an occupation which was to be renewed later in the decade.

This printing not in OCLC, which records the Rome printing at Toronto, UCLA, Lyons, Maynooth, and the Biblioteca nazionale centrale in Rome; ICCU records 1 copy of this issue, at the Biblioteca comunale Luciano Benincasa in Ancona.

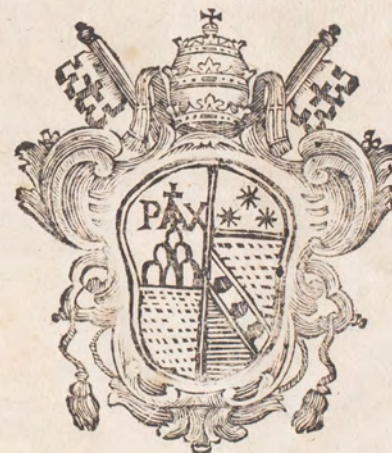
CONSTITUTIO

SANCTISSIMI DOMINI NOSTRI

PII PP. VII.

SUPER

RESTAURATIONE REGIMINIS PONTIFICII



ROMÆ et denuo ANCONÆ MDCCC.

EX TYPOGRAPHIA SOCIETATIS PALMINI

SACRI PALATII IMPRESS.

famous trial

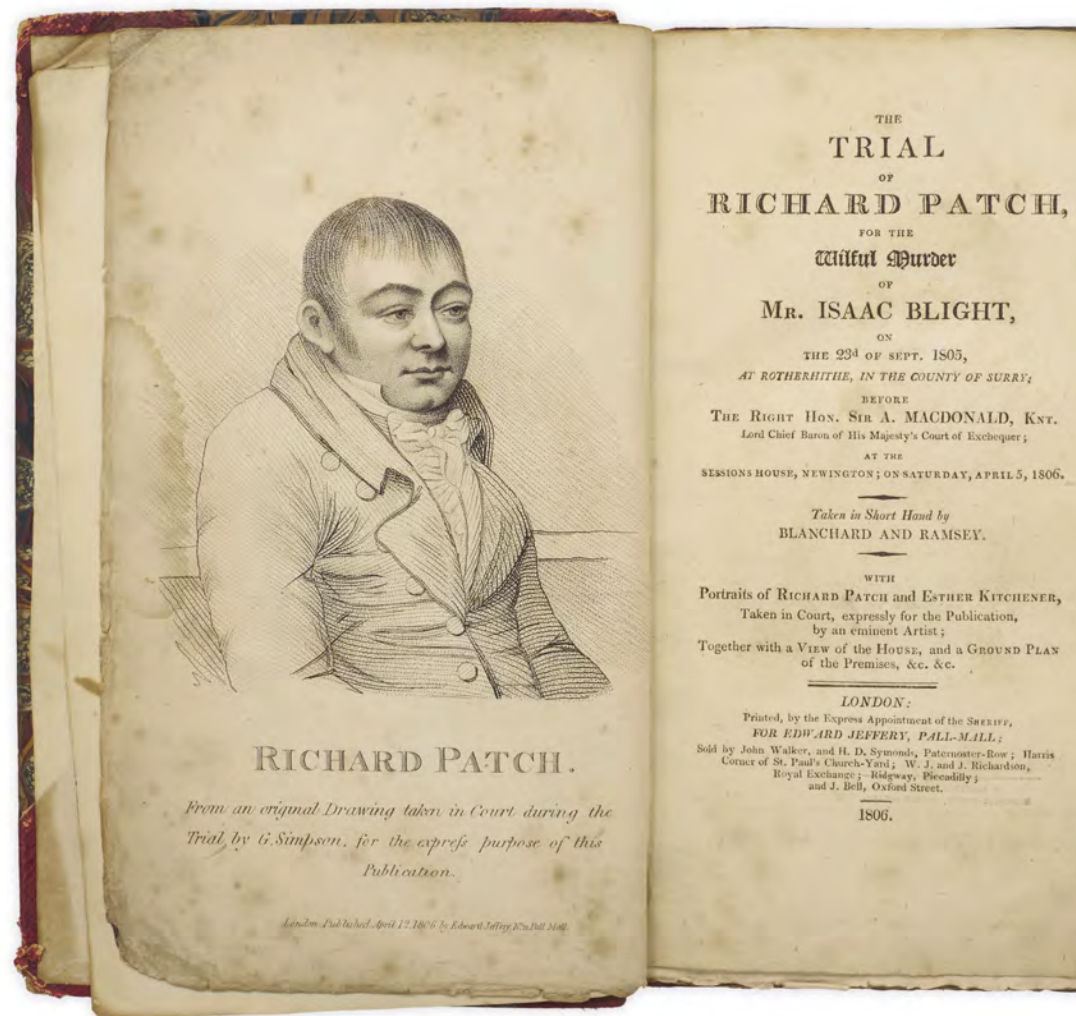
38. [PATCH, Richard.] The trial of Richard Patch, for the wilful murder of Mr. Isaac Blight, on the 23d of Sept. 1805, at Rotherhithe, in the county of Surry ... taken in shorthand by Blanchard and Ramsey ... *London, printed, by the express appointment of the sheriff, for Edward Jeffery ... Sold by John Walker ... H.D. Symonds ... Harris ... W.J. and J. Richardson ... Ridgway ... and J. Bell ... 1806.*

8vo, pp. xvi, 194, [2]; with half-title, portraits of Patch and of the servant Esther Kitchener, both drawn in court, a folding view and ground plan of Mr Blight's house with key, and a facsimile of a letter from the sheriff to the stationer Jeffery; toned, occasional foxing, portrait of Patch stained at fore-edge and with some wear to edges, last leaf slightly loose; otherwise a good uncut copy in late nineteenth-century half roan and marbled boards, spine, joints, and hinges overlaid with clear tape; bookplate and stamps of the Law Library of Los Angeles County. **£250**

First edition of this report of a famous trial (there was a rival version from the shorthand of Joseph and W.B. Gurney). Richard Patch (1770?–1806) was an unsuccessful farmer near Exeter who mortgaged his farms in 1803 and departed to London, where he entered the service of Isaac Blight, a ship-breaker in Rotherhithe. When Blight's financial circumstances became embarrassed, he conveyed his property to Patch to protect himself from his creditors and they entered into a partnership agreement. Patch was to pay £1250 for his share of the partnership, £250 from the sale of his farms and a further £1000 by 23 September 1805, a sum that he knew he had no means to obtain.

On the evening of 23rd September a shot was heard and Blight, drowsing in the back parlour, was badly wounded, dying the next morning. Patch tried to create an alibi by slamming a door to convince the servant Esther Kitchener that he was in the privy at the time of the murder. The week before, already laying his plans, he had fired at the front parlour from the garden to suggest that there was a stranger outside gunning for Blight. Despite this subterfuge he was convicted on very strong circumstantial evidence including stockings muddied from the wharf when he threw the pistol into the river. Passing sentence, the Lord Chief Baron told Patch: 'you began this practice in fraud, continued it in ingratitude, and completed it by shedding the blood of your friend and benefactor.' Patch was hanged in Southwark outside the new prison in Horsemonger Lane.

The case excited great interest and the trial was attended by a throng of titled individuals, including the royal dukes of Cumberland and Sussex.



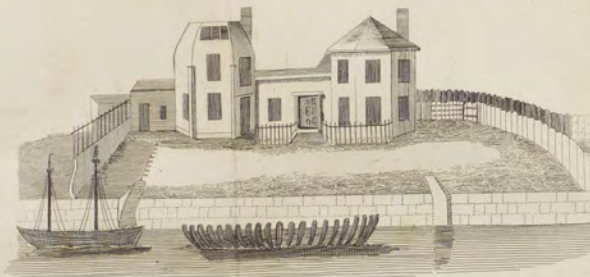
...Examined by
 ... of the late Mr.
 ... there?—A. About
 ... of your master and
 ... else?—A. Mr. Patch
 ... child of Mr. Patch,
 ... school; there was one
 ... was at a boarding-
 ... An infant child?—
 ... about seven years old.
 ... at home at any of the
 ... circumstance of your
 ... ?—A. She went on
 ... master at home?—A.
 ... with her.
 ... at that time?—A.
 ... in home?—A. Yes.
 ... your mistress and re-
 ... es.
 ... our master going from
 ... the 19th September?
 ... me when he went from
 ... myself, Mr. Patch went
 ... when he was to go to the
 ... course of the day?—A.



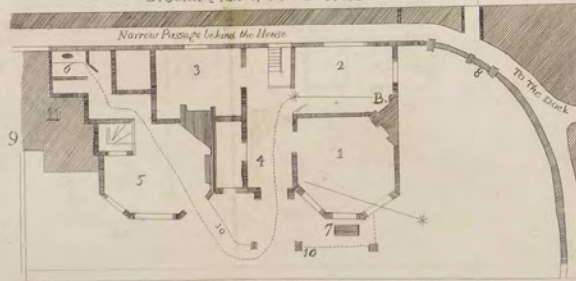
ESTHER KITCHENER

London: Published 1801, by Edward Jefferys, Pall Mall.

Mr. BLIGHT'S HOUSE.



Ground Plan of Mr BLIGHT'S HOUSE.



1. Front Parlour into which the first shot was fired —
2. Back do^r in which Mr. Blight was shot —
3. Kitchen
4. Entrance into the House
5. Counting House
6. Privy — the way from which to the back parlour is described by a dotted line —
 The positions of Patch when he fired the 1st & 2^d Shots are mark'd *
 That of Mr. Blight when shot — B
7. Cellar door
8. Mickel gate opening to the dock —
9. Stone - mason's yard
10. 10. Railings in front of the House
11. outhouses —

The door of the Back parlour opened inwards, with the hinges on the right hand — it was therefore easy for a left-handed person to have opened the door, and rested a pistol on the latch, without the least exposure of his person. —

usury laws

39. [RICARDO, David.] Report from the select committee on the usury laws. London, ordered by the House of Commons to be printed, 28 May 1818.

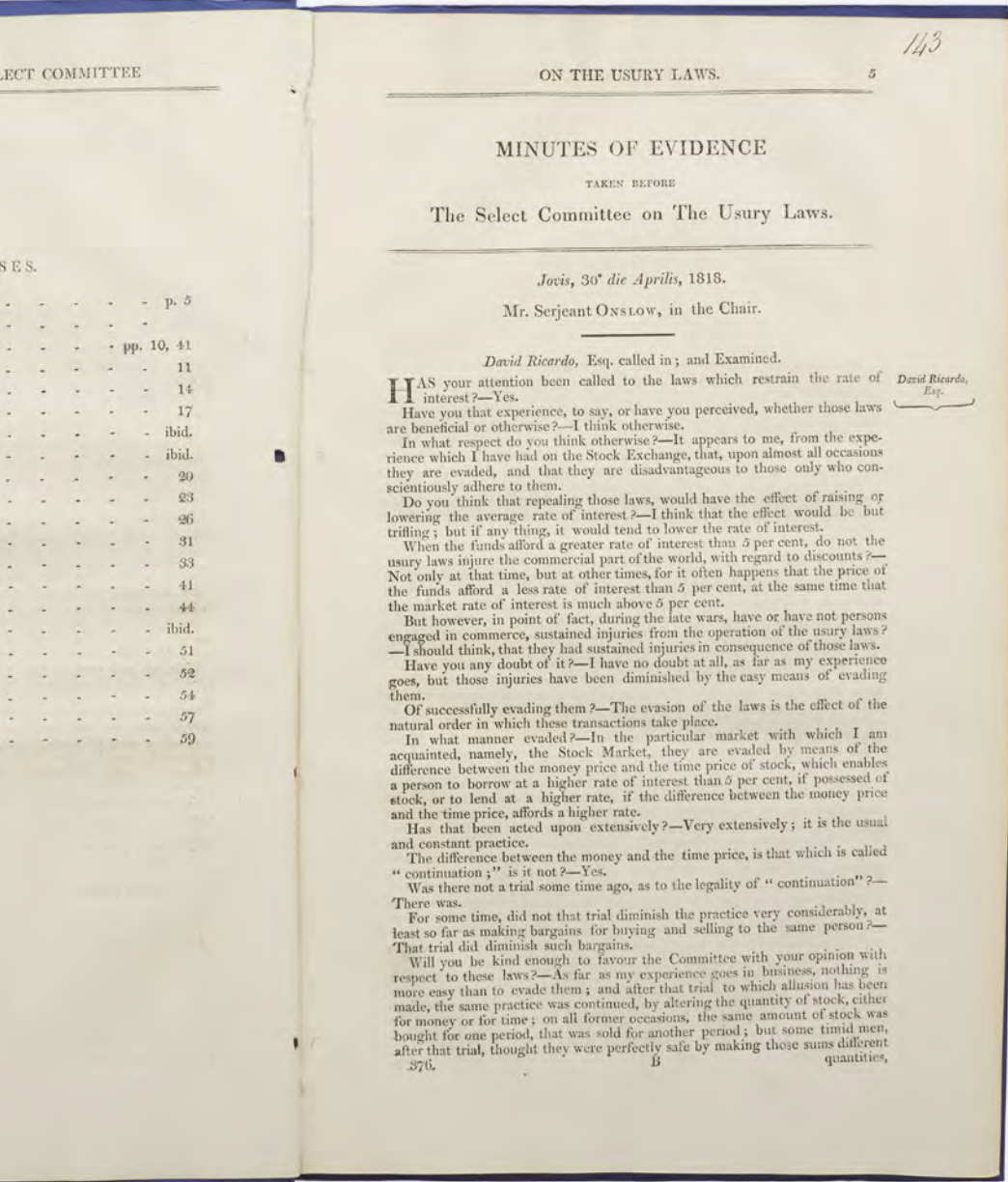
Folio, pp. 59, [1 (blank)]; a good, clean copy, contemporary manuscript numbering to the upper right hand corners of the rectos where the work had previously been bound into a volume of reports, now rebound in modern blue wrappers, printed paper label to the upper wrapper. £200

First edition of the report from the select committee 'appointed to consider the effects of the laws which regulate or restrain the interest of money, and to report their opinion thereupon to the House' (p. 3). The question of the Usury Laws had first been raised in the House of Commons by Brougham in a speech of 1 February 1816. The law then in force was a 1712 Act of Queen Anne (12 Anne Stat. 2. c. 16) which capped the rate of interest at five per cent. Following a number of unsuccessful attempts at forcing discussion and repeal, a committee was appointed to review the laws.

'The committee took evidence from twenty-one witnesses representing the commercial and landed interests; the first to be heard was Ricardo. Almost every one of the witnesses declared that the laws were either injurious, particularly to the landed interest, or inoperative' (Sraffa, p. 335). Regarding the stock exchange, for instance, Ricardo states: 'It appears to me, from the experience which I have had on the Stock Exchange, that, upon almost all occasions they are evaded, and that they are disadvantageous to those only who conscientiously adhere to them' (p. 5). The enquiries of the committee resulted in three resolutions: 1. The laws were extensively evaded and that they succeeded only in adding to the expense incurred by borrowers on real security; 2. That the laws are antiquated in their construction which casts doubt on the legality of common contemporary transactions resulting in needless embarrassment and legal proceedings; 3. That the present period, when the market rate of interest is below the legal rate, provides a rare opportunity for a painless repeal of the laws.

Despite repeated attempts to pass Bills through the House to abolish the Usury Laws, two of which Ricardo supported with speeches, the repeal process was a slow and piecemeal one which began in 1833 but was not completed until the Usury Laws Repeals Act of 1854 (17 & 18 Vict. c. 90).

See Parliamentary Papers 1801-1900 [7946] and Sraffa, The works and correspondence of David Ricardo, Vol. V, pp. 333-347.



LECT COMMITTEE

ON THE USURY LAWS.

143

5

MINUTES OF EVIDENCE

TAKEN BEFORE

The Select Committee on The Usury Laws.

Jovis, 30^o die Aprilis, 1818.

Mr. Serjeant ONSLOW, in the Chair.

David Ricardo, Esq. called in; and Examined.

HAS your attention been called to the laws which restrain the rate of interest?—Yes.

David Ricardo, Esq.

Have you that experience, to say, or have you perceived, whether those laws are beneficial or otherwise?—I think otherwise.

In what respect do you think otherwise?—It appears to me, from the experience which I have had on the Stock Exchange, that, upon almost all occasions they are evaded, and that they are disadvantageous to those only who conscientiously adhere to them.

Do you think that repealing those laws, would have the effect of raising or lowering the average rate of interest?—I think that the effect would be but trifling; but if any thing, it would tend to lower the rate of interest.

When the funds afford a greater rate of interest than 5 per cent, do not the usury laws injure the commercial part of the world, with regard to discounts?—Not only at that time, but at other times, for it often happens that the price of the funds afford a less rate of interest than 5 per cent, at the same time that the market rate of interest is much above 5 per cent.

But however, in point of fact, during the late wars, have or have not persons engaged in commerce, sustained injuries from the operation of the usury laws?—I should think, that they had sustained injuries in consequence of those laws.

Have you any doubt of it?—I have no doubt at all, as far as my experience goes, but those injuries have been diminished by the easy means of evading them.

Of successfully evading them?—The evasion of the laws is the effect of the natural order in which these transactions take place.

In what manner evaded?—In the particular market with which I am acquainted, namely, the Stock Market, they are evaded by means of the difference between the money price and the time price of stock, which enables a person to borrow at a higher rate of interest than 5 per cent, if possessed of stock, or to lend at a higher rate, if the difference between the money price and the time price, affords a higher rate.

Has that been acted upon extensively?—Very extensively; it is the usual and constant practice.

The difference between the money and the time price, is that which is called "continuation;" is it not?—Yes.

Was there not a trial some time ago, as to the legality of "continuation"?—There was.

For some time, did not that trial diminish the practice very considerably, at least so far as making bargains for buying and selling to the same person?—That trial did diminish such bargains.

Will you be kind enough to favour the Committee with your opinion with respect to these laws?—As far as my experience goes in business, nothing is more easy than to evade them; and after that trial to which allusion has been made, the same practice was continued, by altering the quantity of stock, either for money or for time; on all former occasions, the same amount of stock was bought for one period, that was sold for another period; but some timid men, after that trial, thought they were perfectly safe by making those sums different quantities.

-576-

S E S.

p. 5

pp. 10, 41

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ibid.

ibid.

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ibid.

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the first book entirely on criminal law

40. **STANFORD, William, Sir.** *Les plees del coron, diuisees in plusors titles & co[m]mon lieux. Per queux home pluis redement & pleinement trouera quelque chose que il quira, touchant les dits plees, composees per le tresreuerend Iudge Monsieur Guillaulme Staundforde Chiualer, dernièrement corrigees auecques un table parfaicte des choses notables contenus en ycelle, nouelment reueu & corrigees.* [London], Richard Tottell, 1583.

[bound with:]

— An exposition of the Kinges prerogatiue, collected out of the great abridgement of Iustice Fitzherbert, and other old writers of the lawes of England ... Where unto is annexed the proces to the same praerogatiue appertayning ... London, Richard Tottell, 1577.

2 works in 1 vol., small 4to, ff. [12], 196; [6], 6-85; woodcut border to first work, woodcut decorated initials to both works; very light toning; very good copies, bound together in contemporary calf, triple-fillet border in blind and blind-stamped arabesque centrepiece to covers; rebacked, red morocco lettering-piece, corners repaired, new marbled endpapers, some light marks and wear to covers; a few contemporary annotations throughout. £2500

The definitive edition, and that owned by Thomas Jefferson, of the first book devoted entirely to criminal law. First published posthumously in 1557 and based on Bracton and the Year Books, *Les Plees* deals in turn with offences, jurisdiction, appeals, indictments, and defences. The third part is devoted to trials and convictions.

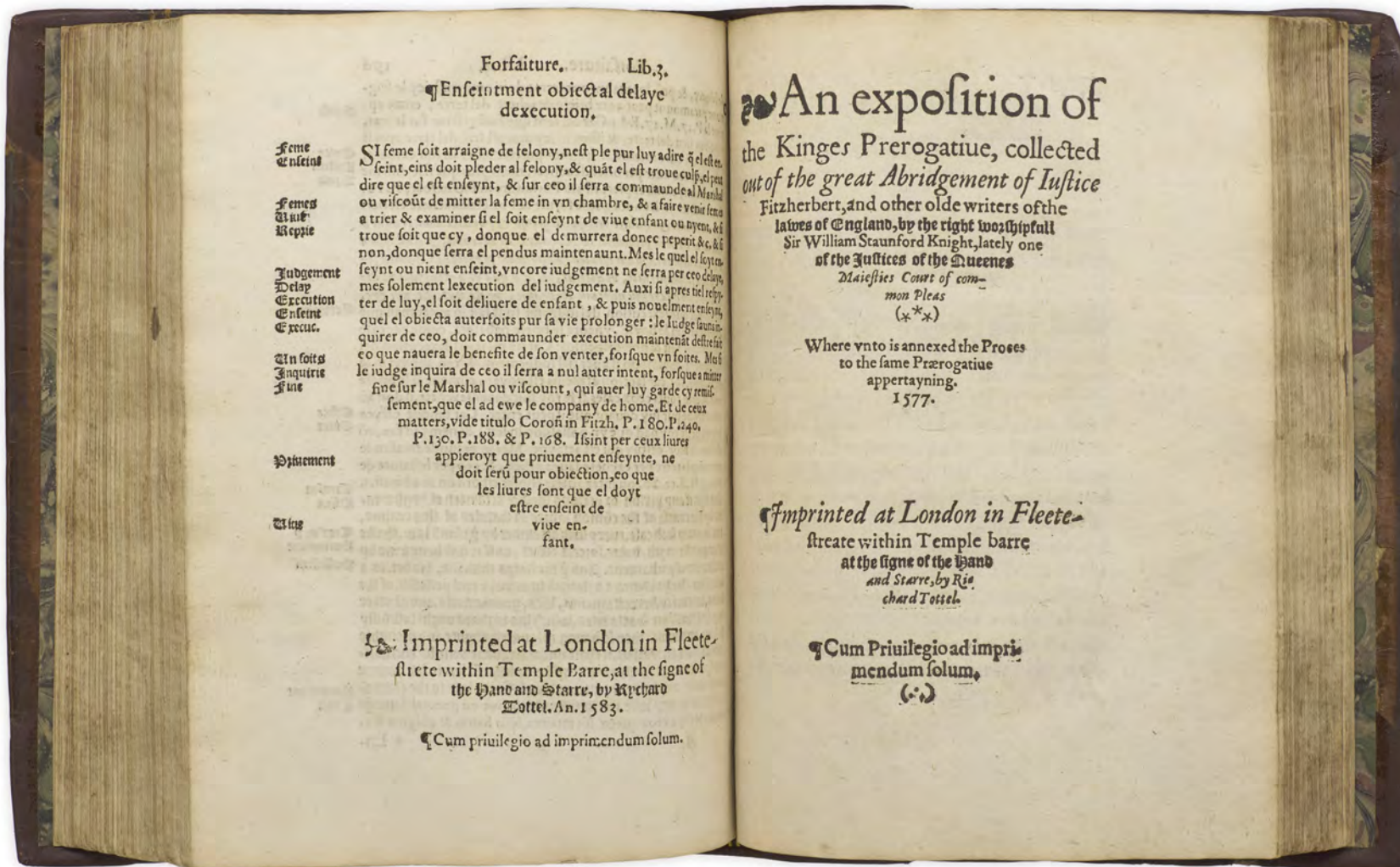
In 1543, according to a note in his fee book, Stanford entered the service of Lord Chancellor Wriothesley, who is known to have been his patron ... Notwithstanding the fall of Wriothesley, and his religious leanings towards Rome, in November 1552 he was created serjeant-at-law ... On 19 October 1553 Mary I appointed him one of the queen's serjeants, and in that capacity he undertook with due fairness, but unsuccessfully, the prosecution of Sir Nicholas Throckmorton in 1554 ... The greatest of his own books was *Les plees del coron* (1557), a textbook on criminal law. It was heavily based on the material gathered in the title 'Corone' in Fitzherbert's *Graunde Abridgment*, arranged in chapters, in the form of a continuous text, with passages quoted from Glanvill, Bracton, and relevant acts of parliament. It was **the first legal textbook in England to adopt the practice of citing specific authorities for every proposition, and as such had a major influence on legal literature**, though it lacked the elemental clarity of Littleton's *Tenures*, which was written by a judge of the same court a century earlier.



Stanford's other principal book was his *Exposition of the Kinges Prerogative* ... not printed until 1567 ... concerned with the property rights of the crown rather than with constitutional principles ... Fulbeck justly said of Stanford's books in 1600 that they were of: "force and weight, and no common kind of stile; in matter none hath gone beyond him, in method none hath overtaken him. And surely his method may be a law to the writers of the law which shall succeed

him" (Fulbeck, 72-3). Both works enjoyed several editions down to 1607, when they were printed together' (ODNB).

ESTC S117812, S117820; Beale T490, T496; Holdsworth, *History of English Law* V, 394; Sowerby, *Catalogue of the Library of Thomas Jefferson* 1945.



Forfaiture. Lib. 3.

¶ Enseintment obiection delaye dexecution.

Feme Enseintment SI feme soit arraigne de felony, nest ple pur luy adire q el est enseint, eins doit pleder al felony, & quat el est troue coupz, el peut dire que el est enseint, & sur ceo il serra com-maunde al Marshal ou viscount de mitter la feme in vñ chambre, & a faire venir femme a trier & examiner si el soit enseint de viue enfant ou nyent, & si troue soit que cy, donque el demurrera donec peperit &c. & si non, donque serra el pendus maintenaunt. Mes le quel el soit enseint ou nient enseint, vn core iudgement ne serra per ceo delaye, mes solement lexecution del iudgement. Auxi si apres tiel reppeter de luy, el soit deliuerer de enfant, & puis nouvelment enseint, quel el obiection auterfois pur sa vie prolonger: le Iudge launquiere de ceo, doit commaunder execution maintenat deffaire ceo que nauera le benefite de son venter, forsque vn foites. Mais le iudge inquirra de ceo il serra a nul auter intent, forsque a mitter fine sur le Marshal ou viscount, qui auer luy garde cy remisesment, que el ad ewe le company de home. Et de ceux matters, vide titulo Coron in Fitzh, P. 180. P. 240, P. 130. P. 188. & P. 168. Isint per ceux liures

Femes Enseintment appieroyt que priuement enseinte, ne doit serü pour obiection, ceo que les liures sont que el doyt estre enseint de viue enfant.

Imprinted at London in Fleete-streate within Temple Barre, at the signe of the Hand and Starre, by Richard Tottel. An. 1583.

¶ Cum priuilegio ad imprimendum solum.

An exposition of the Kinges Prerogative, collected out of the great Abridgement of Justice Fitzherbert, and other olde writers of the lawes of England, by the right worshipfull Sir William Staunford Knight, lately one of the Justices of the Queenes

Maiesties Courts of common Pleas (x. x.)

Where vnto is annexed the Proses to the same Prerogative appertayning. 1577.

Imprinted at London in Fleete-streate within Temple barre at the signe of the Hand and Starre, by Richard Tottel.

¶ Cum Priuilegio ad imprimendum solum.

New Cat. n^o 845
Old Cat. n^o 1985

OBSERVATIONS
CONCERNING THE
PUBLIC LAW,
AND THE
CONSTITUTIONAL HISTORY
OF
SCOTLAND:
WITH
OCCASIONAL REMARKS
CONCERNING
ENGLISH ANTIQUITY.

By GILBERT STUART, LL. D.

In celo per ignes
Suppositos cineri doloso. HOR.

EDINBURGH.
Printed for WILLIAM CREECH;
AND
J. MURRAY, LONDON.
M DCC LXXIX.

on Scottish law

41. STUART, Gilbert. Observations concerning the public law, and the constitutional history of Scotland: with occasional remarks concerning English antiquity ... *Edinburgh, printed for William Creech and J. Murray, London, 1779.*

8vo, pp. xxii, [2 (errata and blank)], 395, [1 (blank)]; a very good uncut copy in the original drab boards, paper spine, spine lettered in ink; worn and marked; early ink inscription to the upper board 'Henry Sotheran'. **£150**

First edition. At the time of the publication of these *Observations*, Gilbert Stuart (1742–1786), a prolific reviewer, sometime reader for John Murray, co-founder of the short-lived *Edinburgh Magazine*, and author of various historical works, was a candidate for the professorship of public law in the University of Edinburgh. In this he was unsuccessful.

Provenance: the signature to the upper cover suggests this copy belonged to the bookseller Henry Sotheran; an ink note facing the title reads 'New Cat No. 645 Old Cat. No. 1965'.

ESTC T96547.

THE
DANISH LAWS:
OR, THE
C O D E
OF
CHRISTIAN the Fifth.
FAITHFULLY TRANSLATED
For the Use of the English Inhabitants
OF THE
Danish Settlements in America.



L O N D O N :
Printed for N. GIBSON, in Charles-street.
M.DCC.LVI.

European laws in the West Indies

42. [WEST INDIES – DENMARK.] The Danish laws: or, the code of Christian the Fifth. Faithfully translated for the use of the English inhabitants of the Danish settlements in America. *London, N. Gibson, 1756.*

8vo, pp. viii, 476, [4 (index)]; woodcut headpieces and initials; slightly toned, otherwise very good; nineteenth-century black pebbled roan, spine lettered in gilt, gilt turn-ins and edges, marbled endpapers; spine sunned, joints and extremities rubbed; ticket of Stevens and Haynes 'law publishers, booksellers & exporters' of London to front endpaper; stamps (including one marking it as withdrawn) of the Middle Temple Library on front and rear free endpapers, title-page, p. iii, and final page of index. **£850**

First English translation of the parts of Christian V's Danske Lov of 1683 that were relevant to the inhabitants of the Danish West Indies (the present-day U.S. Virgin Islands, plus the islands of St Thomas, St John, and St Croix).

The publisher explains that much of the original is omitted, including the whole of the second book, which had dealt with canon law, and anything that only applied to the territories of Denmark and Norway. 'The inserting of them would only have swelled the volume, without any real emolument to the English inhabitants of the Danish Territories in America ... The numbers of the articles, for uniformity, are continued in order, tho' articles are omitted; it might have been better to have followed the numerical order of the original; but as it seldom happens, and the articles omitted will be perhaps scarce ever found of any use in America, the inconvenience cannot be great.'

ESTC T200850 ('In this issue, p. 106 misnumbered 06; pp. 59, 91 numbered correctly'); Sabin 18501.

Sciatis presentes et futuri quod ego Willelmus Hoyer de Ayrche seya. dedi et concessi et
Roberto de Welbenschat pro homagio et seruitio suo. et pro sexaginta et decem solidis et
una grossam suam croscam suam que est de latitudine quam Rodar. et dim. vide. et
acras et dimid. et dimid. Rodam terre mee in campis de Ayrche seya. scilicet in cam
ford. et una Roda ad Shortenad. dimid. ac. et dimid. Roda sub Stocken. et dimid.
Et in campo de Such. una Roda sub Vernefordhil. cum pro ad capud. suam et
sua etiam Hug. acer. et dim. ac. et dim. ac. et dim. ac. et dim. ac. et dim. ac.
Lang. que se extendit per dual. et dim. ac. et dim. ac. et dim. ac. et dim. ac.
teland suam etiam Andy. fabri. et dim. ac. et dim. ac. et dim. ac. et dim. ac.
reditarie. Sedendo inde annuatim in hereditate. et dim. ac. et dim. ac. et dim. ac.
tres quod rane. et ad festum sancti marie in octavo. tres denarij. et tres quod rane. et ad
quod rane. et ad festum sancti michel. tres denarij. et tres quod rane. et in autumno unum hominem
omnibus secularibus seruitiis. et demandis. Et ego Willelmus et heredes mei
totum predictum tenementum sancto Roberto et heredibus suis cum omnibus gentes et om
tenthis. Rogo Burard. Willelmus Sypaud. Rogo fratrem suum. Sic etiam. Roberto et
fit Willelmus. Ruone de Stodfand. Galf. fit suo. Sim. de Estvich. Andy. de or

Finis

mmxxii