

MATERIALS
ILLUSTRATING
CONTINENTAL LEGAL HISTORY

Professor Charles Donahue

Spring 2022

With KB Beck

Historical & Special Collections

Harvard Law School Library

1. Giuseppi Vernaccini

Collezione completa delle decisioni dell'auditore Giuseppe Vernaccini ...

Firenze, Stamperia granducale, 1824.

8 volumes; vol. 2 shown here. It is opened to p. 279, which is the beginning of a case called *Marradiensis Praetensae Refectionis Damnorum*. The case is translated and provided with an elaborate commentary in F. Gino Gorla, *A Decision of the Rota Fiorentina of 1780 on Liability for Damages Caused by the "Ball Game,"* TULANE L. REV. 49 (1975) 346–57.

Law School Rare Foreign Primary, HOLLIS 990044221260203941

2. Corpus juris civilis: Digesta.

Justiniani Augusti digestorum: seu, Pandectarum codex Florentinus olim Pisanus phototypice expressus, a cura della Commissione ministeriale per la riproduzione delle Pandetta.

Roma: Danesi, c 1902-1910.

Law School Rare Corpus Juris Civilis, HOLLIS 990037745080203941

3. Corpus juris civilis: Codex cum glossis et tabula.

Manuscript on vellum, written ca. 1275, with nine historiated miniatures and 500 illuminated grotesque initials.

Soon after his accession in 518, Justinian appointed a commission to collect and codify existing Roman law. A second commission, headed by the jurist Tribonian, was appointed in 530 to select matter of permanent value from the works of the jurists, to edit it and to arrange it into 50 books. In 533 this commission produced the *Digesta*. The same year saw the publication of the four books of the *Institutiones*, an introductory textbook of Roman law. In 534 the Commission published the *Codex Justiniani*, a compilation of material from imperial decisions and enactments. These three works, along with the *Novellae*, a collection of laws promulgated after the *Codex*, constitute the *Corpus juris civilis*, the source of law and judicial reasoning for much of Europe from the 12th century onwards.

The *Codex* comprises the codification of Roman law under Justinian. Book V, title I of the *Codex* (displayed here) addresses betrothal, betrothal pledges, and marriage brokers; the first two laws of this title make clear how much independence of action Roman law granted women in contracting marriage.

1. *She who is already betrothed to one man is not forbidden to break her contract, and marry another.*
2. *If a man should, while residing in the same province agree to marry a young woman and fail to do so within the term of two years, and the woman, after the expiration of the said time, should afterwards form a union with another, she will not be guilty of fraud who, by contracting marriage, did no longer suffer her vows to be treated with contempt.*

The Law School's Manuscript 63 is important for both its later marginal notes and its many illustrations, remarkable examples of 13th century Anglo-French art.

HLS MS 63; HOLLIS 990040483910203941. Digitized: <http://nrs.harvard.edu/urn-3:HLS.Lib:5030330>.

4. Gratian, 12th cent.

Decretum, ?late 12th century.

Manuscript on vellum, probably written in England perhaps in the late 12th century. Folio 1 is missing. It is now thought that there were two ‘recensions’ of this work, one that may date from the early 1130s, the other from the late 1140s. This manuscript is thought to be transitional between the two recensions. It contains an early set of glosses. A ‘working edition’ of the first recension may be found at <https://gratian.org/first-recension-working-edition>, to which this manuscript still needs to be compared.

HLS MS 64; HOLLIS 990040510670203941. Digitized: <http://nrs.harvard.edu/urn-3:HLS.Lib:8694525>

5. Catholic Church.

Corpus Juris Canonici

Lugduni: c 1584.

Decretum Gratiani emendatum et notationibus illustratum una cum glossis.--3. Liber sextus decretalium Bonifacii VIII; Clementis V constitutiones; Extravagantes tum viginti Joannis XXII, tum communis.

Corpus Juris Canonici T G772 584a; HOLLIS 990068570690203941

UCLA’s digitized copy of 1582-1584: <http://digital.library.ucla.edu/canonlaw/>

6. Corpus juris civilis.

Paris: Sebastian Nivelle; Printed by Olivier de Harsy, 1576.

Accursius, glossator, ca. 1182-ca. 1260. Edited by Cujas, Jacques, 1522-1590.

T C822a 576; HOLLIS 990021124230203941

Another HLS ed. (Lyon 1604) digitized: <http://nrs.harvard.edu/urn-3:HLS.Lib:3491083>.

7. Bartolo, of Sassoferrato, 1313-1357.

Opera quae nunc extant omnia.

Basileae, ex officina Episcopiana, 1588-89.

Vol.4. In I [-ii et iii] partem Codicis, 1588

T B292o 588; HOLLIS 990041922390203941

Digitized, Bayerische Staats Bibliothek digital:

<https://daten.digital-sammlungen.de/~db/0009/bsb00090369/images/index.html?seite=00001&l=en> (i)

<https://daten.digital-sammlungen.de/~db/0009/bsb00090369/images/index.html?seite=00001&l=en> (ii-iii)

8. Ubaldi, Baldo degli, 1327?-1400.

Consiliorum partes V.

Brescia: Boninus de Boninis, 1490-1491.

Parts dated: 1) 1 Sept. 1490; 2) 15 July 1490; 3) 12 Feb. 1491; 4) 31 Oct. 1490; 5) 17 Dec. 1491. Imperfect: lacking parts 3-5. Edited by Joannes Antonius de Zanetis.

Aa B178c 490 H2330; HOLLIS 990005711160203941

Digitized: <https://bvpb.mcu.es/es/consulta/registro.do?id=403636>

Biblioteca Virtual del Patrimonio Bibliografico

9. Alciati, Andrea, 1492-1550.

Opera omnia.

Lvgdvni, Petrus Fradin, 1560.

t. 6. Tractatus, orationes, adnotationes in C. Tacitum & emblemata.

T A352o b 560; HOLLIS 990068321180203941

Digitized: https://reader.digitale-sammlungen.de/de/fs1/object/display/bsb10495071_00001.html

Bayerische Staats Bibliothek digital

10. Grotius, Hugo, 1583-1645.

Mare liberum, sive De jure quod Batavis competit ad indicana commercia dissertatio.

Impressa primùm. Lugduni Batavorum, in officinâ Ludovici Elzevirij, MDCIX. [1609]

P 90 22; HOLLIS 990064044470203941]

Digitized: http://doc.rero.ch/record/305023/files/A_II_8909.pdf

RERO-LIBR Network of western Switzerland

11. Grotius, Hugo, 1583-1645.

De ivre belli ac pacis libri tres. In quibus ius naturæ & gentium: item iuris publici paecipua explicantur

Parisiis, apud Nicolavm Bvon, 1625.

C 65 24 c.A; HOLLIS 990026767200203941

Digitized, Carnegie Mellon - Posner Library:

12. Henry de Bracton, ca. 1210-1268.

De legibus Angliae.

Bound manuscript on vellum, written about 1390.

The outstanding common-law treatise of the Middle Ages, Bracton's *De legibus* is remarkable for its use of actual court decisions for illustrative purposes. Most of the text was apparently written by a number of authors in the 1220s and 1230s, and updated between then and the 1250s. The last person to own and work on the original manuscript was probably Bracton, then a judge of the King's Bench.

There are approximately 49 surviving manuscripts of Bracton, many fragmentary or abridged. All date from the c14 or very late c13, and none is closer than third generation from the original.

The Harvard Law School copy displayed here (HLS MS 2) reflects a different version of the text than that printed by Tottel in 1569 and has no known provenance. But it features numerous marginalia relating to cases brought in Devonshire and also some words and phrases in an Old English dialect; it may therefore come from the west of England. Some of the marginalia are accompanied by whimsical drawings, and the text has been carefully rubricated with illuminated borders and initials, as well as ornaments in blue and red ink.

HLS MS 2; HOLLIS 990036547520203941. Digitized: <http://nrs.harvard.edu/urn-3:HLS.Lib:11737632>

13. Custumal of Normandy.

Summa de legibus Normanniae, also known as the *Grand Coutumier de Normandie*, in Latin with some parts in French, [probably Normandy, possibly England, c. 1300]. Manuscript on vellum, 127 leaves

The *Summa de legibus Normanniae* is a manuscript treatise written in Latin that describes customary law in Normandy in the twelfth and thirteenth centuries. Numbering 127 leaves and containing nearly 130 “chapters” on legal rights, our newly acquired copy sets forth regulations on such topics as marriage, land ownership, finance, trading, the Crusades, trials by combat, outlaws, and military service. One section (folio 45r) even addresses a legal issue arising from too much snow!

De Dilatione per Nivem.

Si vero visio alicuius terrae sit assignata, et terra per nivem vel pluviarum superabundantiam fuerit occultata, visio et alia querela ad alium terminum sunt prorogandae, cum, nive vel pluviis consumptis, terra fuerit detecta.

Of Delay by Snow

If, at the assigned view of any land, the land should be covered by a superabundance of snow or rain, the view and the complaint are delayed to another term until, with the snow or rain dissipated, the land is uncovered. (J. A. Everard, p. 220)

A compilation made in Normandy in the second quarter of the thirteenth century, the *Liber Consuetudinis Normanniae* is an important record of legal practice in feudal Normandy and Norman England:

It was not a complete law code, but a sophisticated, even scientific, treatise on the customary law of Normandy, both civil and criminal, from the perspective of procedural law; legal rights are defined by the procedure for their enforcement, and wrongs are put right with justice and equity. (J. A. Everard, p. xv)

It is also a foundation document in the history of the common law, as Norman law influenced the law of England between the Conquest in 1066 and 1203, when the French crown regained Normandy proper. The Channel Islands, the British Crown Dependencies in the English Channel just off the Normandy coast, to this day retain the *Liber Consuetudinis Normanniae* as a principal source of its primary law.

In its medieval French translation, entitled *Grand Coutumier de Normandie*, the work became one of the aristocratic texts of the late Middle Ages: three copies were illuminated for the French royal library, for example. First printed in Paris in 1483, editions were published well into the eighteenth century. (The Library has an outstanding collection of these, with more than sixty printed editions.) The principal modern editions are by W. L. De Gruchy, Jersey, 1881; by E. J. Tardif, *Coutumiers de normandie*, 3 vols., 1881-1903, and by J. A. Everard, *Le Grand Coutumier de Normandie*, 2009.

HLS MS 220; HOLLIS 990126487050203941

Digitized: <http://www.law.harvard.edu/library/digital/summa-de-legibus-normanniae.html>

14. Ile-de-France (France)

Le grand coutumier de France/ instruction de pratique/ maniere de proceder [et] practiquer es souueraines cours de Parlement/ preuoste et viconte de Paris/ [et] aultres iurisdiction[s] du royaume. : b De nouuel reueu [et] corrige oultre les precedentes impressions oste et hors mis le superflu [et] qui de present nest en vsaige/ adioust plusieurs ordonna[n]ces tant de la court de Parleme[n]t q[ue] du chastellet/ plusieurs arrestz/ statuz/ esdictz [et] raisons de droict ainsy que lon pourra veoir au present volume. Cum priuilegio.

On le vend a Paris: En la Grand salle du Palais: en la boutique de Gaillot du Pre/ libraire iure de l'uniuersite., Mil.ccccc.xxxvi. [1536]

Colophon: Imprime a Paris/ par Maistre Pierre Vidoue pour Galiot du Pre/ libraire iure de l'uniuersite de Paris. Le. xx. iour doctobre. La[n] mil. ccccc.xxxv.

N Fran 90 536; HOLLIS 990024394330203941

No digital of this ed. found, but 1539 is digitized, Bayerische Staats Bibliothek:

https://reader.digitale-sammlungen.de/de/fs1/object/display/bsb10181267_00005.html

15. Lille (France)

Coustumes de la ville et eschevinage de Lille, 1579

The customal of Lille, which in this period was not part of France but was in the Burgundian Netherlands, has origins that go back to the thirteenth century. Manuscripts are known from as early as the fourteenth century. By the sixteenth century it had been divided into two parts, one of which dealt largely with procedural issues before the court in the city itself and the other of which dealt more broadly with customs of the region in and around the city. Both customals were printed in the first half of the sixteenth century (the HLS Library holds three copies of one and one of the other), but the lawyers in Lille were still working in manuscript. This recently acquired manuscript contains both customals. It awaits analysis.

HLS MS 221; HOLLIS 990134818240203941. Digitized: <http://nrs.harvard.edu/urn-3:HLS.Lib:10810043>

16. France.

Les coutumes generales et particulieres de France et des Gaules, / c corrigees et annotees de plusieurs decisions, arrests, & autres choses notables, diligemment & fidellement, par M. Charles du Moulin, aduocat en la cour de Parlement, & autres iurisconsultes. Augmentees & reueües par Gabriel Michel Angeuin, aduocat en Parlement. Auec des tables fort amples des matieres, diction & choses memorables y contenuës, l'vne desquelles pourra seruir de conference desdites coutumes, en ce que les vnes sont pareilles ou dissemblables aux autres.

A Paris: Chez Claude Sonnius libraire, ruë Saint Iacques, M.DC.XXXV [1635]

Gouron & Terrin. Coutumes, 156.

Coutumes Folio (Coutumes Generaux); HOLLIS 990023657130203941

Digitized: <https://gallica.bnf.fr/ark:/12148/bpt6k3046265k/f7.image.double>

BnF Gallica. Note: digital copy is “Chez Sebastien Cramoisy Cramoisy, not “Chez Claude Sonnius”

17. **Bambergensis constitutio criminalis.**

Bambergische halssgerichts vnd rechtlich ordenung, in peinlichen sachen zu volfarñ, allen Stetten, Communen Communen, Regimenten, Amptleüten, Vögten, Verwesern, Schulteissen, Schöffen vnd Richtern dienlich, fürderlich vnd behilfflich, darnach zů handeln vnd rechtspreche[n] gantz glichformig gemeine geschriebe[n] Rechten [et]c. Daruss auch diss büchlin getzogen vnd vleissig gemeynem nutz zu gůt, gesammelt vnd verordnet ist.

[Mentz: Getruckt durch Johannem Schöffner, 1508]

Compiled by Johann von Schwarzenberg.

T B198 508; HOLLIS 990068358330203941

Digitized: <https://reader.digitale-sammlungen.de//resolve/display/bsb11304938.html>

Bayerische Staats Bibliothek

18. Nuremberg.

Neue Reformacion.

Nuremberg : Anton Koberger, 1484

The spread of type in the late 15th and early 16th centuries coincided with movements in European cities to reform and codify local laws. Often the first book printed in a city was a collection of local laws and ordinances. The city of Nuremberg's laws were first printed in 1484 by Anton Koberger. The hand-colored woodcut, which shows the Nuremberg city arms flanked by St. James the Greater and St. Lawrence, is the work of the local artist Michael Wohlgemut (1434-1519). Primarily a painter, Wohlgemut produced woodcuts for book illustration and ran a studio. Among his students was Albrecht Dürer, who would illustrate later editions of Nuremberg's laws, as seen in the next book.

Ac N974 484 H13716; HOLLIS 990006056430203941

Digitized, Bayerische Staats Bibliothek:

<https://daten.digital-sammlungen.de/0003/bsb00031009/images/index.html?id=00031009&groesser=&fip=eayasdasenxdsydsasxsxdsydxsdyfsdrxseaya&no=5&seite=1>

19. Nuremberg.

Reformacion der Stat.

Nuremberg: Friedrich Peypus, 1522

Peypus printed three editions of the laws of the city of Nuremberg from 1521-22. This woodcut of “Sancta Iusticia”, dated 1521, appears in all three editions. Although it lacks his cipher device, it is the work of Albrecht Dürer. Dürer was a pupil of Michael Wohlgemut and learned wood engraving, as well as painting, in the older artist’s workshop. A single generation, only 37 years, separates Dürer’s woodcut from the work of his teacher displayed in the previous book.

M Nur 132 522; HOLLIS 990044220300203941

Digitized: Library of Congress <https://www.loc.gov/resource/rbc0001.2019rosen0651/?sp=7>

20. France.

Ordonnances des roys de France de la troisième race, recueillies par ordre chronologique ...

Paris, Imprimerie royale, 1723-1849.

Editors: v. 1-2, Eusèbe Jacob de Laurière.--v. 2-9, Denis François Secousse.--v. 10-13, Louis Guillaume de Villevault and Louis G. O. F. de Bréquigny.--v. 14, L. G. O. F. de Bréquigny.--v. 15-20, Claude E. J. P. de Pastoret.--v. 21, Jean Marie Pardessus. Includes Table chronologique des ordonnances des rois de France de la troisième race jusqu’au règne de Louis XII inclusivement, suivie d’une table alphabétique pour en faciliter l’usage, par J. M. Pardessus ... Paris, Imprimerie royale, 1847. 2 p. l., viii, 607 p. 40 cm.

v. 2. Ordonnances du roy Philippe de Valois, & celles du roy Jean jusqu’au commencement de l’année 1355.

Foreign Primary France; HOLLIS 990029679050203941

Digitized (Google): <https://firstsearch-oclc-org.ezp-prod1.hul.harvard.edu/WebZ/FSQUERY?format=BI:next=html/records.html:bad=html/records.html:numrecs=10:sessionid=fsapp6-40237-k7pbjeg3-ckjk24:entitypagenum=3:0:searchtype=advanced>

A list of links to various vols., associated with a record for this in WorldCat

21. France.

[French royal administrative acts, 1212-1796]

[Paris: ca. 1550-1796]

A selection of Edicts, Arrêts, and Declarations from 1603. From a collection of approximately 30,000 pamphlets, consisting of édits, ordonnances, déclarations, arrests, règlements, etc. on a wide variety of topics. The bulk of these materials cover the 18th century.

Subject access through *Catalogue général des livres imprimés*. Collection originally from the library of Etienne Charles de Lomenie de Brienne, Minister of Finance under Louis XVI.

Lomenie de Brienne collection; HOLLIS 990038677900203941

Digitized: NYPL's collection (which overlaps with ours) is online (via Gale; Harvard ID required):

<https://go-gale-com.ezp->

[prod1.hul.harvard.edu/ps/aboutThisCollection?userGroupName=camb55135&inPS=true&mCode=3XNQ&prodId=GDSC](https://go-gale-com.ezp-prod1.hul.harvard.edu/ps/aboutThisCollection?userGroupName=camb55135&inPS=true&mCode=3XNQ&prodId=GDSC)

22. Catholic Church. Rota Romana.

Decisiones.

[Rome: Georgius Lauer, 1475].

Parts dated: pt. 1) 21 Aug. 1475; pt. 2) 23 Oct. 1475; and pt. 3) 18 Oct. 1475 and 20 Nov. 1475.

Contains the *Decisiones novae*, *Decisiones antiquae*, and two collections of Johannes Franciscus de Pavinis. Compiled by Guillemus Horbach, Guillelmus Gallici, Bonaguida Cremonensis, Bernardus de Bosqueto, and Thomas Fastolf. With additions by Jacobus de Camplo. Edited by Johannes Franciscus de Pavinis and Johannes de Molendino.

Ad H811d 475 H6046; HOLLIS 990006083710203941

Digitized, Bayerische Staatsbibliothek:

pt.1: <https://daten.digital-sammlungen.de/~db/0006/bsb00064892/images/>

pt.2: <https://daten.digital-sammlungen.de/~db/0006/bsb00064893/images/>

pt.3: <https://daten.digital-sammlungen.de/~db/0006/bsb00064895/images/>

23. Naples (Kingdom). Sacro regio consiglio.

Decisiones Neapolitanae d. Matthaei de Afflictis.

[Lugduni: Dionysii de Harsy], 1533.

Colophon: Lugduni in calcographia Dionysii de Harsy typographi solertissimi mense Decembri. 1532.

“Tabellas novae decisionvm” (41 unnumb. l. at beginning) has separate t.-p. dated 1534.

Device of Simon Vincentius on verso of 41st prelim. leaf and leaf 242.

N Nap 400 533; HOLLIS 990044175090203941

Digitized, Bayerische Staatsbibliothek:

https://reader.digitale-sammlungen.de/de/fs1/object/display/bsb10152990_00001.html

24. Rudolf II, Holy Roman Emperor: 1552-1612.

Manuscript on vellum, dated Prague 1601. Charter with Imperial seal.

MSS Deeds 967; HOLLIS 990140988100203941

Digitized: [https://iiif.lib.harvard.edu/manifests/view/drs:477347202\\$1i](https://iiif.lib.harvard.edu/manifests/view/drs:477347202$1i)

25. Ernst I, der Fromme, Duke of Saxe, Gotha and Altenburg: 1601-1675.

Manuscript on vellum, with Ducal seal in original box wood case. Leipzig.

Mss Unclassed; HOLLIS 99154074619903941

26. **Hendel und Lehen:** Register des Stadt-Gerichts zu Leipzig, 1480-1503.

City court register of commerce and lending in Leipzig.

HLS MS 211; HOLLIS 990036601340203941

Digitized: [https://iiif.lib.harvard.edu/manifests/view/drs:435115481\\$1i](https://iiif.lib.harvard.edu/manifests/view/drs:435115481$1i)

27. Prussia (Germany).

Allgemeines Landrecht für die Preussischen Staaten.

Berlin, Pauli, 1794. 2nd ed.

Foreign Primary; HOLLIS 990040736170203941

Digitized, Bayerische Staatsbibliothek:

https://reader.digitale-sammlungen.de//de/fs1/object/display/bsb10726091_00005.html

28. Kleist, B. v.

Allgemeines Landrecht für die Preussischen Staaten, Michelmas, 1819

Student notebook of Savigny's lectures. Manuscript on paper. Note printed outline of Savigny's lecture laid in at front.

HLS MS 4358; HOLLIS 990078571790203941