

MATERIALS
ILLUSTRATING
CONTINENTAL LEGAL HISTORY

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Spring 2024

Historical & Special Collections
Harvard Law School Library

Special thanks are owed to KB Beck
who participated in many of the earlier versions of the display and the handout.

1. 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.

These are photographic reproductions of the Codex Florentinus, a late 6th- or early 7th-century manuscript of the Digest probably made in Ravenna.

Roma: Danesi, c 1902–1910.

Law School Rare Corpus Juris Civilis, HOLLIS 990037745080203941

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

Manuscript on parchment, 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 iuris 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>.

3. Gratian, 12th cent.

Decretum, ?late 12th century.

Manuscript on parchment, probably written in England perhaps in the late 12th century. Folio 1 is missing.

Gratian called the work *Concordantia discordantium canonum* ("Concordance of Discordant Canons"). It seems to have called the *Decreta* in the Middle Ages. *Decretum* as a title is later, but now standard. 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>

4. 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 seems to have been 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 14th or very late 13th century, and none is closer than the 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. 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>

5. Summa de legibus Normanniae.

The *Summa de legibus Normanniae*, also known as the *Grand Coutumier de Normandie*, in Latin with some parts in French, [*probably Normandy, possibly England, ca. 1300*]. Manuscript on parchment, 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 (the most scholarly edition), 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>

6. 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, Biblioteca Virtual del Patrimonio Bibliografico:

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

7. Corpus juris civilis.

Paris: Sebastian Nivelles; Printed by Olivier de Harsy, 1576; 6 vols., we hold only vols. 1, 2, 4, and 5.

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

The frontispiece says that the text was corrected from the Codex Florentinus. There are those who doubt how much the noted French humanist jurist Jacques Cujas knew of what was in the Codex Florentinus. It is possible, however, that he did. The first transcript of the text of the Codex Florentinus was published by Francesco Torelli in 1553.

T C822a 576; HOLLIS 990021124230203941

Digitized, Google Books, vols. 1–5 : <https://www.worldcat.org/title/1154313704?oclcNum=1154313704>

Vol. 1: <https://play.google.com/books/reader?id=AH0oa6IXi4gC&pg=GBS.PP6&hl=en>

Vol. 2: <https://play.google.com/books/reader?id=9Zc15Liv4gYC&pg=GBS.PP6&hl=en>

Vol. 3: https://play.google.com/books/reader?id=Uadnu_GecuEC&pg=GBS.PP6&hl=en

Vol. 4: <https://play.google.com/books/reader?id=yFVYwGgv8jIC&pg=GBS.PP6>

Vol. 5: https://play.google.com/books/reader?id=ZJwCSZYQr_cC&pg=GBS.PP6&hl=en

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

8. 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.

This is a reprint in Lyon of the famous Roman edition of Gratian (1582–1584). It contains the notes of the *Correctores Romani*, a group of humanist scholars whom the pope authorized to correct the errors, which are numerous, in Gratian's attributions, and in some cases the text, of Gratian's authorities. The text also contains the ordinary gloss by Johannes Teutonicus of the early 13th century, revised by Bartholomew of Brescia in mid-century.

Corpus Juris Canonici T G772 584a; *HOLLIS 990068570690203941*

Digitized copy of ed. Roma 1582–1584, UCLA: <http://digital.library.ucla.edu/canonlaw/>

9. 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 Staatsbibliothek:

<https://daten.digital-sammlungen.de/0009/bsb00090368/images/index.html?id=00090368&groesser=&fip=eayasdaxdsydsdasxsxdsydxsdyfsdrxseaya&no=3&seite=5https://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)

10. 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, Bayerische Staatsbibliothek: https://reader.digital-sammlungen.de/de/fs1/object/display/bsb10495071_00001.html

11. Bamberg (Holy Roman Empire).

Bambergensis constitutio criminalis.

Bambergische halssgerichts vnd rechtlich ordenung, in peinlichen sachen zu volfarñ, allen Stetten, 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.

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. These are the criminal laws of the German city of Bamberg, printed in the city of Mainz, which is about 150 miles from Bamberg. Mainz and Frankfurt, which is close to Mainz, were major centers of printing. The grisly hand-colored woodcut by an unknown artist shows instruments of torture and execution, but also stocks in which lesser criminals were punished.

T B198 508; HOLLIS 990068358330203941

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

12. Nuremberg (Nürnberg) (Holy Roman Empire).

Neue Reformacion.

Nuremberg : Anton Koberger, 1484

Even earlier are the laws of the city of Nuremberg (Nürnberg), 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 Staatsbibliothek: <https://daten.digitale-sammlungen.de/0003/bsb00031009/images/index.html?id=00031009&groesser=&fip=eayasdaxnsydsdasxsxdsydxsdyfsdrxseaya&no=5&seite=1>

13. Nuremberg (Nürnberg) (Holy Roman Empire).

Reformacion der Stat.

Nuremberg: Friedrich Peypus, 1522

Peypus printed three editions of the laws of the city of Nuremberg from 1521–1522. This woodcut of “Sancta Iusticia”, dated 1521, appears in all three editions. Although it lacks his cipher device, a distinctive ‘A’ over ‘D’, 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. Only 37 years separates Dürer's woodcut from the work of his teacher displayed in the previous book. The marked difference in style can be attributed to the fact that in the intervening years Dürer went to Italy and studied art there. It can also be attributed to the fact that Wohlgemut was a good artist, but Dürer a great one.

M Nur 132 522; HOLLIS 990044220300203941

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

14. 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.

We tend to think of finding law in court decisions as characteristic of the Anglo-American legal system and not the Continental. That that is not completely the fact can be seen in this publication in an incunabulum of collections of decisions of the Roman Rota, the supreme court of the Roman Catholic Church. The reporters of these decisions, Guillemus Horbach, etc., all worked at the Rota in the 14th century. The editor of the work,

Johannes Franciscus de Pavinis (Gian Francesco Pavini, d. 1484) was a professor of canon law at Padua, and himself an auditor of the Rota. The other editor, Johannes de Molendino, is less well known.

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/>

15. 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.

The collection of the decisions of the royal council of Naples by the noted Neapolitan jurist Matthaëus de Afflictis enjoyed a wide circulation. This edition was printed in Lyon by the well-known Denis de Harsy, who frequently worked with Simon Vincent or his heirs.

N Nap 400 533; HOLLIS 990044175090203941

Digitized, Bayerische Staatsbibliothek:

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

16. Giuseppe 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 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.

Giuseppe Vernaccini (d. 1789) was an auditor of the Rota Fiorentina, the highest court of the grand duchy of Florence. He was commissioned by the grand duke to write a civil code for the grand duchy but died before he could do it. The collection of his decisions were not published until 1824 when they were published by the grand duke's press. They may have been preparatory to the writing of the code.

Law School Rare Foreign Primary, HOLLIS 990044221260203941

Digitized (vols. 1–5), Internet Archive:

<https://archive.org/search?query=Collezione+completa+delle+decisioni+dell%E2%80%99auditore+Giuseppe+Vernaccini>

17. 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]

Hugo Grotius (Huig de Groot) is a well known as the jurist who introduced the study of natural law into Northern Europe. This work of his youth is basically an argument for the Dutch East India Company: "The Free

Sea, or A Dissertation on the Right that Pertains to the Batavians [the Roman term for the Dutch] for Commerce in the Indies.” It was published in Leiden in the print-shop of Lodewijk Elzevier, who founded a business that lasted until 1791. The name was picked up with the spelling ‘Elsevier’ in 1880 for a publishing house that survives to this day.

P 90 22; HOLLIS 990064044470203941

Digitized, RERO-LIBR Network of Western Switzerland: http://doc.rero.ch/record/305023/files/A_II_8909.pdf

18. Grotius, Hugo, 1583–1645.

De ivre belli ac pacis libri tres. In quibus ius naturæ & gentium: item iuris publici p[r]æcipua explicantur Parisiis, apud Nicolavm Bvon, 1625.

Grotius espoused the Arminian version of Calvinism, and his efforts to turn the government of the Dutch Republic in that direction ended him up in prison. He escaped in a book chest (two different museums in The Netherlands claim to own the chest) and fled to France where he published his legal masterpiece: “Three Books on the Law of War and Peace: In which the Law of Nature and of Nations, also the Principles of Public Law, Are Set Forth.” The work is much broader than its title before the colon might suggest.

C 65 24 c.A; HOLLIS 990026767200203941

Digitized, Carnegie Mellon – Posner Library:

http://posner.library.cmu.edu/Posner/books/pages.cgi?call=341_G88H_1625&layout=vol0/part0/copy0&file=001

19. 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 13th century. Manuscripts are known from as early as the 14th century. By the 16th 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>

20. 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.: De nouuel reueu [et] corrige oultre les precedentes impressions oste et hors mis le superflu [et] qui de present nest en vsaige/ adiouste 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.

Though this book is called “The Great Customal of France,” the ‘France’ being referred to is not the whole of the modern country or that of the 16th century but the Îsle-de-France, the rather small region around Paris. That region, however contained, as title mentions, the *parlement* of Paris, the court of the Provost and Viscount of Paris, and that of the Châtelet, the first having in this period a wide appellate jurisdiction and the latter two being the most important courts for the Paris region.

The *parlement* of Paris sat in the medieval royal palace on the Îsle-de-la-Cité in the middle of the Seine river, which to this day houses the courts of justice. Its great hall was open to the public and the title page of book tells us that the book is for sale in the shop of Gaillot du Pré, the ‘sworn librarian of the university [of Paris]’. Today we might describe him as a university publisher. The colophon at the end of the book tells us that it was printed by Maître Pierre Vidoué on 20 October 1535, though the date on the title page is 1536. Vidoué was also a ‘sworn librarian of the university’. See Sophie Mullins, *Latin Books Published in Paris, 1501–1540* (Ph.D. dissertation, St. Andrews University, 2013) (<https://research-repository.st-andrews.ac.uk/>).

The title page also contains typical ‘publisher’s hype’ of 16th-century printers: “Newly reviewed and corrected from the previous printings, surplusage cast out and set aside and what is not currently in use, with the addition of many ordinances both of the court of Parlement and of the Châtelet, many *arrêts*, statutes, edicts and reasons of law, as one will be able to see in the present volume.” None of this need be believed. The vast majority of 16th-century prints print exactly what had been printed previously with errors included and some new ones added.

N Fran 90 536; HOLLIS 990024394330203941

No digitization of this ed. found, but ed. 1539 is digitized, Bayerische Staatsbibliothek: https://reader.digitale-sammlungen.de/de/fs1/object/display/bsb10181267_00005.html

21. France.

Les coutumes generales et particulieres de France et des Gaules, / 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 Angevin, 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.

Charles Dumoulin (Du Moulin, Molinaeus) (1500–1566), what the French call the ‘scientific editor’ of the work (to distinguish him from we would call the ‘publisher’), was a French humanist jurist. He was surnamed by some of his contemporaries the ‘French Papinian’. He is identified here as an advocate in the *parlement* of Paris. Gabriel Michel Angevin, also said to be a *parlemantaire*, who revised the work for this edition, is considerably less distinguished. His toponym suggests that originally came from Anjou.

This is a much more ambitious work than the previous one. It attempts to collect all the customs of the French customary jurisdictions. Once the customs have been collected in this way, they can be laid side by side to see if there are any general principles that animate them. One can also ask the question, if the customs on the same topic differ, which one is better?

The most comprehensive collection of French customs was edited by Charles A. Bourdot de Richebourg, *Nouveau coutumier general, : ou Corps des coutumes generales et particulieres de France et des provinces connues sous le nom des Gaules . . .*, 4 vols. in fol. (Paris: Chez Theodore Le Gras, 1724) (<https://lmc-com.ezp-prod1.hul.harvard.edu/searchResultVolumes2.aspx?ext=true&catalogSet=86233>) (Gouron & Terrin. Coutumes, 161).

Coutumes Folio (Coutumes Generaux); HOLLIS 990023657130203941

22. Hendel und Lehen: Hendel und Lehen Register d’anno xiiiic lxxx biss ad annu[m] xvc und drey Jar, 1480–1504?

Records of payments, service obligations, dispute settlements and other administrative proceedings for fiefs under the administration of the Thomaskloster in Leipzig, 1480–1504 (?).

The wide use of printing did not, of course, extend to the records of day-to-day business of the courts, which continued to be handwritten until the invention of the typewriter.

The church of St. Thomas in Leipzig has its origins in the 12th century, and parts of the church, which remains to this day, can be dated to the early 13th century. It was the church of a monastery of Augustinians, a portion of whose records are shown here. The monastery was suppressed in the Reformation, and the church became a Lutheran parish, a function that it still serves despite the church’s having been bombed in World War II.

From the Middle Ages, the church has been notable for its music. A boys’ choir, founded in the 13th century continues to this day. Its most distinguished music director was J. S. Bach, who served in that function from 1723 until his death in 1750.

A comprehensive account of the church, its architecture, and its history can be found in German Wikipedia: [https://de.wikipedia.org/wiki/Thomaskirche_\(Leipzig\)](https://de.wikipedia.org/wiki/Thomaskirche_(Leipzig)).

HLS MS 211; HOLLIS 990036601340203941

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

23. Rudolf II, Holy Roman Emperor: 1552–1612.

Manuscript on parchment, dated Prague, [?March 31] 1601. Charter with imperial seal.

The script is fairly easy to read, but the charter has never been transcribed. It seems to be a grant of some sort to a nobleman and his wife, but that is basically a guess. That it is an imperial charter in the form, probably, of a letter patent, is clear, and the date, except for the month, is suggested in the pasted extract from an auction catalogue on the plica of the document. The seal is notable and in good condition.

MSS Deeds 967; HOLLIS 990140988100203941

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

24. Ernst I, der Fromme, Duke of Saxe, Gotha and Altenburg: 1601–1675.

Manuscript on parchment, with ducal seal in original box wood case. Dated Leipzig, Oct. 16, 1650.

The seal is notable as is the box containing it. There is no image online, and the contents of the document are, at present, unknown.

Mss Unclassed; HOLLIS 99154074619903941

25. 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.

The French were the first nation to use printing and scholarship in furtherance of nation-building. This edition of the *ordonnances* (roughly ‘statutes’) of the ‘kings of France of the third race’ (Merovingians = 1, Carolingians = 2, Capetians [beginning with Hugh Capet in 987] = 3) was begun in 1723 in the reign of Louis XIV. It was not completed until 1847 in the reign of Louis Philippe. Shown here is the second volume, containing *ordonnances* from the reign of Philippe de Valois (r. 1328–1350) and those from the beginning of the reign of Jean II (r. 1350–1364). While the editions in these volumes are still the official one, easier to use is the *Recueil général des anciennes lois françaises, depuis l’an 420 jusqu’à la révolution de 1789*, 29 vols. (Paris, 1822–1833), of which the most prominent among the editors was F. A. Isambert (online with Harvard ID:

<https://go-gale-com.ezp-prod1.hul.harvard.edu/ps/i.do?p=MLFP&u=camb55135&id=GALE%7CGN0102223218&v=2.1&it=r&aty=ip>).

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 is in WorldCat.

26. France.

[French royal administrative acts, 1212–1796]

[Paris: ca. 1550–1796]

A selection of *édits*, *arrêts*, and *déclarations* from 1603. From a collection of approximately 30,000 pamphlets, consisting of *édits*, *ordonnances*, *décrets*, *déclarations*, *arrêts*, *règlements*, etc. on a wide variety of topics. The bulk of these materials is from the 18th century. The supplied title in HOLLIS is misleading in that nothing so far found in the collection antedates the mid-16th century.

Subject access through *Catalogue général des livres imprimés de la Bibliothèque nationale*. Our collection is originally from the library of Étienne Charles de Loménie de Brienne, Minister of Finance under Louis XVI (1727–1794). Loménie de Brienne was a cleric, and ultimately archbishop of Sens. Unlike many of his kind, he tried to come to terms with the revolution. His biography in Wikipedia (https://en.wikipedia.org/wiki/%C3%89tienne_Charles_de_Lom%C3%A9nie_de_Brienne) is fun to read but may be unreliable.

The French have a rather narrow definition of an *ordonnance*. Much about how law and governance worked during the *ancien régime* can be learned only by examination of the royal *édits*, *décrets*, *déclarations*, *arrêts*, and *règlements*, which roughly correspond to our ‘regulations’. They were printed, as seen here, in cheap paper pamphlets.

Lomenie de Brienne collection; HOLLIS 990038677900203941

Digitized: NYPL’s collection (which overlaps with ours, but is not so extensive, ca. 16,000 items vs. ca. 30,000) 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>

27. Prussia (Germany). Allgemeines Landrecht für die Preussischen Staaten.

Berlin, Pauli, 1794. 2nd ed.

Foreign Primary; HOLLIS 990040736170203941

If you ask a European what were the first ‘true’ codifications, they are likely to say those of Napoleon, beginning with the Code civile of 1804. You are less likely to get that answer if you ask a German, who will probably mention the Allgemeines Landrecht für die Preussischen Staaten (“General Provincial Law for the Prussian States”). Work in earnest on the Allgemeines Landrecht began under King Friedrich II (‘Frederick the Great’, r. 1740–1786) and was completed and promulgated under his successor Friedrich Wilhelm II (1786–1797) in 1794. The work is not just a codification of civil law. It also includes criminal law, and at least some public law.

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, Michaelmas, 1819

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

If the Allgemeines Landrecht für die Preussischen Staaten is the law in force for the Prussian state, that is, of course, the law must be taught at the university of Berlin, and that is just what Friedrich Carl von Savigny (1779–1861) was doing at the age of 29 when the student named von Kleist took these notes. Whether von Savigny conveyed his bad impression of the Allgemeines Landrecht in his lectures we do not know, but an answer to that question might be found if someone read through these notes carefully, which no one has. As it is, five years earlier von Savigny had published his *Vom Beruf unserer Zeit für Gesetzgebung und Rechtswissenschaft* (“Of the Vocation of our Age for Legislation and Legal Science”) in which he argued that Germany, as a whole, should not codify its laws without further study. The book had its effect; the German codification of the civil law did not come until 1900.

HLS MS 4358; HOLLIS 990078571790203941
