### PANORMIA II

[Incipiunt capitula secundi]

Secunda pars continet: De constitutione ecclesie. De oblationibus fidelium. De dedicatione et consecratione ecclesiarum et altarium. De sepultura. De presbiteris et eorum ecclesiis. De decimis. De legitima possessione. De confugientibus ad ecclesiam. De sacrilegio. De libertorum tutela. De alienatione et commutatione rerum ecclesiasticarum. De scriptis et conciliis autenticis et non autenticis<sup>2</sup>. De consuetudinibus. De ieiunio et elemosina.<sup>3</sup>

AdBbBdBeCaCbCeDaDbEaEgFbGcHaLcLdLgLkLoMfMgMhMkMmMoMpMqOaObOdOeOfPaPcPfPkPqPrPtPwQaRaRbSbSeSgSITcTdTfVaVpVqWc

# **Incipit secundus**<sup>1</sup>

<sup>1</sup> secundus AdBdCaLcLdLeMhMkMmMoMqOaOemgOfPcPfPhQeSbSITbTc; secunda pars CeGcHa(mg.)MfMgMjOd(mg.)PrRbVmWcWd; liber secundus DbFb(mg)EaLgVoBrant; pars secunda FbMpRa; secunda Mp; tertius ObPwSg; an erasure here Pk, but large initial 'Æ' follows; Sequitur secunda pars libri Pq; Hic incipit secundus liber Pt² in mg; Hic incipit secunda pars Vp; Inc. sec. om. BdBeDaPtSeTf

1

[Quid est<sup>1</sup> ecclesia, quid est<sup>2</sup> catholica]<sup>3</sup>. Ex decretis Iulii pape, cap. v

Ecclesia Grecum est<sup>4</sup> quod in Latinum vertitur convocatio, propter quod
omnes ad se vocet<sup>5</sup>. Catholica, id est universalis, ideo dicitur, quia per universum
mundum est constituta, vel quoniam catholica, hoc<sup>6</sup> est generalis in eadem doctrina
est ad instructionem<sup>7</sup>.

ID 3.31

<sup>1</sup> de add. Ph

<sup>&</sup>lt;sup>2</sup> et non aut. om Pr

<sup>&</sup>lt;sup>3</sup> Incipiunt cap. sec. Secunda - elem. Tb; Liber secundus incipit. PhQe; Secunda - elem. EbLaPhPrQeVm; Incipiunt capitula libri secundi (secunde partis Le) LePaVo, where VoLe have an unnumbered capitulatio of rubrics for each canon, Vo ending Expliciunt capitula, Le continuing Secunda pars: De constitutione – et elemosina, while Pa begins to number the rubrics, but gives up in mid-book; om.

<sup>&</sup>lt;sup>1</sup> est AdCaMgTcVm; sit Pf

<sup>&</sup>lt;sup>2</sup> est AdCaMgRaTcVm; sit Pf; nomen est Ra<sup>2</sup>; om. QeSb

<sup>&</sup>lt;sup>3</sup> *in mg.* AdBeCaCeDaGcMgPfPrPt<sup>2</sup>QeRb<sup>2</sup>SbTcWc, *in text* Tf; De constitutione ecclesie DbEg(*mg*)Of(*after insc.*)Vp; Quid est ecclesia catholica Ea(*no insc.*)Vo; Quid est – catholica, quid basilica *in text* Pa; *om.* FbOaPcPhSfTb. ix. De constitutione ecclesie *in mg.* Bd<sup>2</sup>; i *add.in mg.* Be<sup>2</sup>. Hic incipit secundus liber. Quod est eccl. quod est cath. *in mg.* Pt<sup>3</sup>

<sup>&</sup>lt;sup>4</sup> Grec. est CeDbGcMqPhPkPrPtRbSbTbVmWc; Grec. nomen est AdBd(*ss*)BeEaPfSl<sup>2</sup>TcTfVo<sup>2</sup>; Grec. est nom. CaDaFbMgOaVo; nomen est Sl

<sup>&</sup>lt;sup>5</sup> -et \*CaDbFbMgPfTc<sup>2</sup>Vm; -at PhTbTc

<sup>&</sup>lt;sup>6</sup> \*hoc CaFbMgPfTb; id Tc

<sup>&</sup>lt;sup>7</sup> Dei add. GcPcSITcWd, om. \*AdCaDbFbMgPfPhPqPrRbQaTb

2

[Quod beneficiis regum et presulum¹ fabricate² sunt ecclesie]³. Ex decretis⁴ Melchiadis pape, cap. xii

Denique reges et presides ac magistratus non solum adiacentia tribuere, sed etiam ipsi<sup>5</sup> propria largiti<sup>6</sup> sunt per universa regna terrarum, unde alerentur egentes qui in mundo nihil possidebant, ecclesieque fabricarentur, atque restaurarentur, Deoque et ecclesie eius rite<sup>10</sup> famulantium servorumque illius<sup>11</sup> supplementa absque necessitate tribuerunt.

ID 3.6b]

<sup>1</sup> presulum AdCaMgPfTcWc; presidum Vm

3

[Quod<sup>1</sup> auctoritate Constantini Romana ecclesia primatum teneat<sup>2</sup> totius mundi]<sup>3</sup>. Ex decretis eiusdem, cap.  $x^4$ 

E<sup>5</sup> quibus<sup>6</sup> vir religiosissimus<sup>7</sup> Constantinus primus fidem veritatis patenter<sup>8</sup> adeptus<sup>9</sup>, licentiam dedit<sup>10</sup> per universum orbem<sup>11</sup> in suo degentes imperio, non solum<sup>12</sup> fieri Christianos, sed etiam fabricandas<sup>13</sup> ecclesias et predia tribuenda

<sup>&</sup>lt;sup>2</sup> fabricate CaMgPfTcVmWc; facte Sf

in mg. AdBeCaCeDaGcMgPfPrRb<sup>2</sup>SbTc, in text TfVmVo(adding ii); om. FbOaPcPtTbVp

<sup>&</sup>lt;sup>4</sup> decretis \*CaMgPfTb; dictis Tc

<sup>&</sup>lt;sup>5</sup> et. ipsi \*AdCaMgPf; et. ips... Tb; ipse et. Tc

<sup>&</sup>lt;sup>6</sup> largiti \*CaMgPfTb; largitione Tc

<sup>&</sup>lt;sup>7</sup> -que \*CaMgPfTcVm; om. Tb

<sup>&</sup>lt;sup>8</sup> atque \*CaMgPfTb; et Tc

<sup>&</sup>lt;sup>9</sup> rest- \*CaMgPfTb; inst- Tc

<sup>&</sup>lt;sup>10</sup> et eccl. eius rite CaPfTbTc; rite et eccl. eius Mg

<sup>&</sup>lt;sup>11</sup> fam. serv. illius (eius Vo) AdBeCaDbMgPfRbTbVo; famulantibus Tc; famulantur servorumque illius Brant; famularentur servisque illius Vosm.

<sup>&</sup>lt;sup>1</sup> Quod AdBeCaPfMgTc; om. Sf

<sup>&</sup>lt;sup>2</sup> teneat CaMgPfRbTcVo(after mundi RbVo)); tenet Sf

<sup>&</sup>lt;sup>3</sup> Quod - mundi in mg. AdBeCaCeDaGcMgPfPrRb<sup>2</sup>Sb, in text TfVmVo(adding cap. iii);; against Denique below Lg; Quod auct. Const. primatum tenuit totius mundi Romana ecclesia Tc mg.; om. FbPcPtRaTbVp

<sup>&</sup>lt;sup>4</sup> cap. x \*BeCaMgMpPfTb; om. LgTc

<sup>&</sup>lt;sup>5</sup> E AdBeCaDaGcMgMpMqPaPcPfPrSbTc; A MjOaPhPqQeSfTb; Ex Vo; om. CeMoPkPyRb

<sup>&</sup>lt;sup>6</sup> E quibus *om*. Tf

<sup>&</sup>lt;sup>7</sup> religiosissimus \*CaMgMpPcPfTbVo; reliogissimus Ad; religiosimus Be; religiosus Tc

<sup>&</sup>lt;sup>8</sup> patenter \*BeCaMgPfTb; *om.* Tc <sup>9</sup> ad. pat. *later reversed* Ca

<sup>&</sup>lt;sup>10</sup> pauperibus add. and canc. Mm

orbem \*CeGcMfMjMoPcPhPrRaRaRbTbTcVm; mundum AdBeCaDa(vel orbem add.

ss)DbFbLgMgMhMkMmMoMqObOdOePaPfPqPtSbVoVpWcBrant

<sup>12</sup> modo add. Ca, om. \*BeFbMgMpPfTcTb

constituit. Denique idem prefatus princeps donaria immensa et fabricam templi prime sedis<sup>14</sup> beati Petri<sup>15</sup> principis<sup>16</sup> Apostolorum instituit, adeo ut sedem imperialem cui quique Romani principes presidebant, relinqueret et beato Petro suisque successoribus profutura<sup>17</sup> concederet.

*ID 3.7] cf +C 12 q 1 c 15 med.* 

AdBeCaDbFbMgMpOdOfPfPt; om. ObVo

# $\mathbf{4}^1$

[Quod conditores basilicarum<sup>2</sup> nullam habeant potestatem<sup>3</sup> in rebus quas ecclesiis contulerunt]<sup>4</sup>. Ex concilio Toletano, cap. xxxiii<sup>5</sup>

Noverint<sup>6</sup> autem conditores basilicarum, in rebus quas eisdem ecclesiis<sup>7</sup> conferunt<sup>8</sup>, nullam potestatem habere, sed iuxta canonum instituta sicut ecclesiam ita dotem eius ad ordinationem episcopi pertinere.

*ID 3.255b] +C 10 q 1 c 6* 

5

<sup>1</sup>Ex concilio apud Valentiam, cap. iii<sup>2</sup>

Clerici etiam vel seculares qui oblationes parentum aut donatas, aut testamentis<sup>3</sup> relictas retinere perstiterint<sup>4</sup>, aut id quod ipsi donaverint ecclesiis vel

<sup>&</sup>lt;sup>13</sup> -andas \*BeCaMgPfTb; ad fabricandas Mp; -are Tc

<sup>&</sup>lt;sup>14</sup> prime sedis \*BeCaFbMgPfTb; prima sedis Mp; *om*. Tc

beati Petri \*GcLgMfMhMjMkMmMoMpMqOePhRaTbTcVm; beati

<sup>&</sup>lt;sup>16</sup> apostolice and lacuna Vo

<sup>&</sup>lt;sup>17</sup> -ura \*AdBeCaDbFbMgPfPhVm; -uram TbTc

<sup>&</sup>lt;sup>1</sup> OaRb insert c 6 below before c 4

<sup>&</sup>lt;sup>2</sup> ecclesiarum Tf

<sup>&</sup>lt;sup>3</sup> after contulerunt Be<sup>3</sup>; pot. hab. Ce

<sup>&</sup>lt;sup>4</sup> Quod - contulerunt (-erint Ca, traderunt Tc) *in mg* AdBeCaCeDaGcMgPf(*corr. to here from c* 5)PrRb<sup>2</sup>SbTc, *in text* TfVmVo(*adding* cap. iiii); De oblationibus fidelium Ea (*no insc.*); Quod cond. nullam pot. habeant in rebus quas eccl. contulerunt *in text* Sf; *om.* FbOaPcPtTbVp

<sup>&</sup>lt;sup>5</sup> Ex – xxxiii] Ex – IIII cp. xxxiii (xxx<iiii> Sb) DaSb, cf XP 2,4,1(2); Ex eodem conc. Rb

<sup>&</sup>lt;sup>6</sup> -erint \*FbMgPfTbTc; -erunt CaWc; Foverunt Ha; Non erunt Py

<sup>&</sup>lt;sup>7</sup> ecclesiis CaMgPfTb; om. Tc

<sup>8</sup> conferunt \*BeMgPfTbTc; confertur FbCa; contulerunt Vo

<sup>&</sup>lt;sup>1</sup> Non aufertur laicis ecclesiarum advocatio, set dotis et possessionis earum donatio que ad episcopos pertinet. Dos autem ecclesie est quod ei in dedicatione confertur *add*. Ca *mg*., x. (*om*. Mg) De oblationibus fidelium *add*. *in mg*. BdMg (Mg *against c 4 before corr*.), Ut nullus (omnino *add*. Da)oblationes parentum retinere presumat. *add*. *in mg*. DaTc, De eodem *add*. *in text* Vo, *om*. AdBeFbOaOePfPrPtRbSbSfTbVmVpWc

<sup>&</sup>lt;sup>2</sup> iii CaMgPfTb; iiii Tc; iii. v Vo. cap. iii *om*. Gc. Ex – iii] Ex concil' Agathensi cp. iiii DaSb, *cf XP* 2.6.3 (2), *Ps. Isid.*; Ex conc. Agatensi *in mg*. Ha<sup>2</sup>

<sup>&</sup>lt;sup>3</sup> testamentis \*CaPfTbTc; testimoniiis Mg

monasteriis, crediderint<sup>5</sup> auferendum, sicut sinodus sancta<sup>6</sup> constituit velut necatores pauperum, quousque reddant ab ecclesiis excludantur.

*ID 3.206] +C 13 q 2 c 11 with added sentence* 

**6**<sup>1</sup>

[Quod nemo debeat<sup>2</sup> edificare ecclesiam<sup>3</sup>, inconsulto<sup>4</sup> episcopo]<sup>5</sup>. Ex concilio Aurelianensi, cap. iii<sup>6</sup>

Nemo ecclesiam edificet<sup>7</sup> antequam civitatis episcopus veniat, et ibidem crucem figat publice, et atrium designet, et ante prefiniat<sup>8</sup> qui edificare vult que ad luminaria et ad<sup>9</sup> custodiam et<sup>10</sup> stipendia custodum sufficiant, et ostensa donatione sic domum<sup>11</sup> edificet. Et postquam consecrata fuerit atrium eiusdem<sup>12</sup> ecclesie sancta<sup>13</sup> aqua conspergat<sup>14</sup>.

ID 3.8] De cons. D 1 c 9

7

[Quot<sup>1</sup> partes de decimis et de oblatione<sup>2</sup> fidelium debeant fieri et quibus<sup>3</sup> debeant fieri]<sup>4</sup>. In decretis Gelasii pape<sup>5</sup>, cap. xxxix<sup>6</sup>

<sup>&</sup>lt;sup>4</sup> perstiterint \*CeOaPtRbTb; presumpserunt AdBeDaMgPfPhSb; prescripserunt Bd; presumpserint Be<sup>2</sup>CaFbLkPcPhPk<sup>2</sup>PwRaTcTfVo; perstiterunt GcPrVm; presumperunt Ha; prestiterunt Mq; presumserit Pk; sumperserint Pq

<sup>&</sup>lt;sup>5</sup> -erint \*AdCaPfTb; -erunt MgTc <sup>6</sup> sin. san. \*CaMgPfTb; san. syn. Tc

<sup>&</sup>lt;sup>1</sup> before c 4 OaRb

<sup>&</sup>lt;sup>2</sup> -eat CaPfTcVm; -et AdMg

<sup>&</sup>lt;sup>3</sup> ed. eccl. AdCaMgPfSbVm; eccl. ed. DaGcSlTc

<sup>&</sup>lt;sup>4</sup> suo *add*. Sb

<sup>&</sup>lt;sup>5</sup> Quod - ep. in mg. AdBeCaCeDaGcMgPfPrRb<sup>2</sup>SbTc, in text VmVo(adding vi); Nemo instruatur ecclesia incons. ep. Sf; De eodem Pa; om. OaPcPtTbVp

<sup>&</sup>lt;sup>6</sup> Tf rubrics and inscs end here, reappearing briefly in 2.66-73

<sup>&</sup>lt;sup>7</sup> eccl. ed. \*CaMgPfTb; etiam ed. eccl. Tc

<sup>&</sup>lt;sup>8</sup> prefiniat \*BeMgPfTbTcVo; prefiniet Fb; presumat Ca

<sup>&</sup>lt;sup>9</sup> ad \*CaMgPfTb; om. Tc

<sup>&</sup>lt;sup>10</sup> ad *add*. Ca, *om*. \*FbMgPfTbTc

<sup>11</sup> domum \*CaMgPfTb; demum Tc

<sup>12 -</sup>dem \*CaMgPfPhTc; om. Tb

<sup>&</sup>lt;sup>13</sup> sancta \*CaPfPhTb<sup>2</sup>Tc; om. MgTb

<sup>&</sup>lt;sup>14</sup> conspergat \*AdDa(vel a ss)FbGcMgMqPfPhPrTb; aspergat (vel con. add. ss Ca<sup>1</sup>) CaCeRaSb; aspergatur Tc

<sup>&</sup>lt;sup>1</sup> Ouot AdBePfTcVmVo; Ouod CaMg

<sup>&</sup>lt;sup>2</sup> -ione AdBeMgPfVm; -ionibus CaTcVo

<sup>&</sup>lt;sup>3</sup> debeant fieri et quibus AdBeCaMgVmVo; debeant et quibus Pf; debeant fieri and ends rubr. CeRb<sup>2</sup>; om. Tc

Gelasius Romane ecclesie presul universis episcopis. Quatuor tam de redditu quam de<sup>7</sup> oblatione fidelium, prout cuiuslibet<sup>8</sup> ecclesie facultas admittit<sup>9</sup>, convenit fieri portiones<sup>10</sup>. Quarum sit una pontificis, alia clericorum, tertia pauperum, quarta fabrice<sup>11</sup> applicanda.<sup>12</sup>

ID 3.203a] C 12 q 2 c 27a

8

# <sup>1</sup>In decretis Gregorii pape<sup>2</sup>, cap. i<sup>3</sup>

Gregorius papa Romanus Augustino Cantuariorum episcopo. Mos<sup>4</sup> apostolice sedis est<sup>5</sup> ordinatis episcopis precepta tradere. De stipendiis ecclesie, vel de his que<sup>6</sup> fidelium oblationibus accedunt altario<sup>7</sup>, quatuor debent fieri portiones<sup>8</sup>, una videlicet episcopo et familie propter hospitalitatem<sup>9</sup> et<sup>10</sup> susceptionem, alia clero, tertia pauperibus, quarta in<sup>11</sup> ecclesiis reparandis<sup>12</sup>.

4L 2.127a] +C 12 q 2 c 30

<sup>&</sup>lt;sup>4</sup> in mg. here AdBeCaCeDaGcMgPfPoPrRb<sup>2</sup>Sb, against c 8 Tc, in text VmVo(adding vii); om. FbOaPcPtSfTb; De oblationibus fidelium in text and mg. Db, before insc. Ph, after insc. Vp. ii add. Be<sup>2</sup>

<sup>&</sup>lt;sup>5</sup> pape BeMgPfTcVmVo; episcopi Ad; om. CaOaPhSfTb

<sup>&</sup>lt;sup>6</sup> cap. xxxix CaMgPfTb; om PcTc

<sup>&</sup>lt;sup>7</sup> de \*CaMgTbTc; om. Pf

<sup>&</sup>lt;sup>8</sup> cuiuslibet \*CaMgPfTb; cuilibet Tc

<sup>9</sup> adm- \*CaMgPfTb; perm- Tc

<sup>&</sup>lt;sup>10</sup> portiones \*CaMgPfTb; partitiones Tc

ili -ice AdBeCaMgPfPqTc; -icis GcMqPaRbTbVmVoWc

<sup>&</sup>lt;sup>12</sup> De quibus sicut sacerdotis intererit integram ministris ecclesie memoratam rependere quantitatem, sic clerus non ultra delegatam sibi summam insolenter noverit expetendum *add*. Vp (*cf Gratian*)

<sup>&</sup>lt;sup>1</sup> For Tc see above, c 7; De eadem re add. CaDa mg.; De eodem add. Vo

<sup>&</sup>lt;sup>2</sup> pape CaEaMgOaTbTc; om. BeDaGcPfSf

<sup>&</sup>lt;sup>3</sup> cap. i CaMgPfTbTcVmVo(adding viii); cap. ix Ad; om. Ea

<sup>&</sup>lt;sup>4</sup> est *add*. Tc, *om*. CaEaMgPfTb

<sup>&</sup>lt;sup>5</sup> est EaFbMgPfTb; om. CaTc

<sup>&</sup>lt;sup>6</sup> que AdCaMgTbTcVm; qui Pf

<sup>&</sup>lt;sup>7</sup> -ario CaMgPfTb; -ari Tc

<sup>&</sup>lt;sup>8</sup> quat. debent fieri port. FbGcMqOaPaPcPfPrRbTcVm; quat.debent port. fieri AdBeMg; quat. fieri port. Ca; deb. quat. port. fieri Ea; quat. fieri port. debent PhQeSfTb

<sup>&</sup>lt;sup>9</sup> hosp. FbMgPfTbTc; humilitatem Ca

<sup>&</sup>lt;sup>10</sup> et CaMgTc; atque BePfPhPrSfTb<sup>2</sup>Vm; om. Tb

<sup>&</sup>lt;sup>11</sup> in BeCaMgPhPrTcVm; om. PfRbTb

<sup>12</sup> repandis Ca; Ea adds end of c 9 from Nullus vero laicus without break

 $\mathbf{q}^{1}$ 

# <sup>2</sup>In decretis Nicolai<sup>3</sup>, cap. ix<sup>4</sup>

Nicholaus episcopus episcopis omnibus. De redditibus primitiarum vel<sup>5</sup> decimarum seu oblationum, quatuor partes episcopus faciat, quarum sibi unam<sup>6</sup> retineat, secundam clero, tertiam fabricis vel ornamentis ecclesie, quartam pauperibus distribuat<sup>7</sup>. Nullus vero laicorum sine consensu episcoporum de<sup>8</sup> talibus habere vel possidere presumat. Quod si fecerint<sup>9</sup>, communione priventur<sup>10</sup>.

cf [Simplicius] JK 570, Coll. Turin 4. 88] +C 12 q 2 c 28 is very remote

# 10

[Quod divina auctoritate dedicationes ecclesiarum per octo dies<sup>1</sup> sint<sup>2</sup> celebrande]<sup>3</sup>.

Dedicationes ecclesiarum<sup>4</sup> per octo dies celebrandas<sup>5</sup>. Ex decretis Felicis pape<sup>6</sup>

Solempnitates vero dedicationum ecclesiarum et sacerdotum<sup>7</sup> per singulos

annos solempniter sunt<sup>8</sup> celebrande, ipso Domino exemplum dante, qui ad festum dedicationis templi omnibus id faciendi dans formam, cum reliquis populis eamdem

<sup>&</sup>lt;sup>1</sup> Ea has end only, see prev. canon.

<sup>&</sup>lt;sup>2</sup> De eodem add. in mg. CaDa, in text PaVo

<sup>&</sup>lt;sup>3</sup> pape *add*. Tc, *om*. AdBeCaMgPfSeTb

<sup>&</sup>lt;sup>4</sup> ix BeCaMgPfPhRbTbTc; xi Ad; ix. viiii Vo; x Vp

<sup>&</sup>lt;sup>5</sup> vel BeCaMgPfTb; et Tc

<sup>&</sup>lt;sup>6</sup> sibi unam BeCaMgPfTb; unam sibi Tc

<sup>&</sup>lt;sup>7</sup> distribuat BeFbMgTbTcVm; tribuat CaPf. *In* Ce faciat quarum sibi – distribuat *is in a much larger script.* 

<sup>&</sup>lt;sup>8</sup> de BeCaMgPfTb; ne Tc

<sup>&</sup>lt;sup>9</sup> -erint BeCaMgPf; -erit PhTbTc

<sup>&</sup>lt;sup>10</sup> -entur AdBeCaCeDaGcFbMgPcPfPkVo; -etur EaOaPhRbTbTcWc. saltem in fine vite. Ubi enim multitudo est in culpa dormiat severitas discipline *add*. Ca

<sup>&</sup>lt;sup>1</sup> octo dies BePfVmVo; dies octo AdCaDaTc; dies septem Mg; septem dies Sf

<sup>&</sup>lt;sup>2</sup> sint BeCaPfTc; sunt MgVm

<sup>&</sup>lt;sup>3</sup> in mg. AdBeCaCeDaGcMgPfPrRb<sup>2</sup>SbSeTc; in text VmVo(adding cp. x); om. FbOaPaPcPqPtPkTb; De dedicatione et consecratione ecclesiarum et altarium add. in mg. BdMg, in text with no insc. EaPhVp; De dedicatione in mg. Db; Quod auct. div. dedic. eccl. per septem dies sint cel. Sf. iii add. in mg. Be<sup>2</sup>

<sup>&</sup>lt;sup>4</sup> -esiarum FbMgPfTb; -esie Ca

<sup>&</sup>lt;sup>5</sup> Ded. - octo (vii Pc) dies celebrandas *in text* CaCeGcMgOaPcPfPkPrRbVm(*before inscr.*); De dedicatione eccl. per viii (septem Sf) dies celebranda MqSf; Ded. - septem dies celebrentur *in text after insc.* Tb; Quod divina auctoritate ded. ecclesiarum per dies octo sint celebrande Tc *mg; om.* AdBeDaPaPqPtSbVoVp

<sup>&</sup>lt;sup>6</sup> Felicis pape BdBeCeDaGcLkMqOaOePfPhPkPrSbSeVmVo; pape AdTd; Ex decr. pape Bd; Gregorii pape Ca; Ex - pape *om*. EaHaMgPqPw; Gr' Fb; Ex decretis Gr' pape *in mg*. Ha<sup>2</sup>; n. pape Pc; Felicis RbTb; Nicholai pape Tc. Ex – pape] Iginus Pa

<sup>&</sup>lt;sup>7</sup> et sacerdotum \*AdBdBeCeFbGcHaLdMgOePfPhPkPqPrPwSbVmVo; cancellarum Ca; vel sacellorum *add. ss* FbLd; *om.* Rb; a sacerdotibus Tb; et sacellorum Tc; sacerdotum *subs. canc.* Td <sup>8</sup> sol. sunt CaMgPfTb; sunt sol. Tc

festivitatem celebraturus venit<sup>9</sup>, sicut scriptum est, Facta<sup>10</sup> sunt encenia in Hierosolimis et hiemps erat, et ambulabat Iesus in templo<sup>11</sup> in porticu Salomonis. Quod autem octo<sup>12</sup> dierum sint<sup>13</sup> encenia celebranda, in libro Regum peracta dedicatione templi reperietis<sup>14</sup>.

ID 3.24 a] De cons. D 1 c 16 to celebrande; De cons. D 1 c 17 from ipso Domino

### 11

[Quod iteranda sit ecclesiarum dedicatio, si earum nescitur consecratio<sup>1</sup>. Item<sup>2</sup>] De<sup>3</sup> ecclesiarum vero dedicatione quotiens dubitatur, nec certa scriptura nec certi testes existunt a quibus consecratio sciatur, absque ulla dubitatione scitote eas esse sacrandas<sup>5</sup>, nec talis trepidatio iterationem<sup>6</sup> incurrit, quoniam non monstratur esse iteratum, quod nescitur esse factum.

ID 3.24b] De cons. D 1 c 16b

<sup>2</sup>Ex concilio Toletano IIII<sup>3</sup>, cap. xix<sup>4</sup>

Multi contra canonum constituta<sup>5</sup> sic ecclesias quas edificaverunt postulant consecrari, ut dotem quam ecclesie contulerunt<sup>6</sup> censeant ad episcopi ordinationem<sup>7</sup>

<sup>&</sup>lt;sup>9</sup> venit \*CaMgTbTc; om. Pf

<sup>&</sup>lt;sup>10</sup> Facta \*CaPfTbTc; Festa Mg

<sup>&</sup>lt;sup>11</sup> in templo ss Da

<sup>&</sup>lt;sup>12</sup> octo \*CaMgPfPrTcTf; septem PhTb

<sup>&</sup>lt;sup>13</sup> dierum sint \*AdFbMgPfPhTc; dierum sunt Ca; diebus sint Tb

<sup>&</sup>lt;sup>14</sup> -erietis \*BeCaMgPfTb; -eriens FbRb; -eries Tc

<sup>&</sup>lt;sup>1</sup> Quod – cons. in mg. AdBeCaCeDaGcMgPfPrRb<sup>2</sup>TcWc, in text Vm; Quod sit iteranda – cons. in text Rb; Quod ecclesie de quibus dubitatur sacrande sint cp. xi Vo; om. OaPcPhPkPtQeSbTbVp, SbPkPq with no break

<sup>&</sup>lt;sup>2</sup> Item QeTb; om. AdBdBeDaGcOaPfPhPkPqPrPtRbVmVo; Ex concilio Toletano IIII cap. xix CaFbMgRa; Ex conc. Tol. cap. xix Oe (but later moved to c 12 below); Ex conc. Tol. tertio cap. xxviii Vp; Item de eod. Tc

<sup>&</sup>lt;sup>3</sup> He Rb

<sup>&</sup>lt;sup>4</sup> ulla \*CaMgPfTb; om. Tc

<sup>&</sup>lt;sup>5</sup> esse sacr- \*CaMgPf; sacr- Tb; esse consec- Tc

<sup>&</sup>lt;sup>6</sup> trep. iter. \*CaMgPfTb; iteratio trepidationem Tc

<sup>&</sup>lt;sup>1</sup> Written in smaller script over erasure Sf

<sup>&</sup>lt;sup>2</sup> Quod nullus dotem quam ecclesie contulit debeat retinere add. in mg. CaDaMg; De consecratione ecclesiarium add. in text after xix and in marg. Db. Dotem ecclesie ad episcopum tantum pertinere

<sup>&</sup>lt;sup>3</sup> IIII CaMgPhPrRbSfTbVm; III DaPfRaSb; om. AdBePcTcVo

<sup>&</sup>lt;sup>4</sup> xix AdCaMgPfSfTb; viiii Tc <sup>5</sup> const- \*CaMgOaSfPfPhVmVo; inst- AdBdBeGcTbTcVp

<sup>&</sup>lt;sup>6</sup> -erunt BdCaMgPfSfTb; -erint Tc

non pertinere. Quod factum et preteritum<sup>8</sup> displicet et in futuro prohibetur, sed omnia<sup>9</sup> secundum consuetudinem antiquam 10 ad episcopi ordinationem et potestatem pertineant<sup>11</sup>.

*ID 3.23] C 10 q 1 c 2, but widely var.* 

<sup>7</sup> et potestatem *add*. Tc, *om*. \*CaMgPfSfTbVm

# 13

<sup>1</sup>Ex decretis Evaristi<sup>2</sup> pape, cap. iiii<sup>3</sup>

Omnes basilice<sup>4</sup> cum missa debent semper consecrari.

ID 3.32] De cons. D 1 c 3a

### 14

<sup>1</sup>In<sup>2</sup> decretis Vigilii pape<sup>3</sup>, cap. iiii<sup>4</sup>

Vigilius<sup>5</sup> papa Romanus<sup>6</sup> Eleutherio episcopo. De fabrica cuiuslibet ecclesie si diruta<sup>7</sup> fuerit instauranda, et si in eo loco consecrationis solempnitas debeat iterari, in qua<sup>8</sup> sanctuaria non fuerint<sup>9</sup> diruta, nihil iudicamus<sup>10</sup> officere, si<sup>11</sup> per eam minime aqua exorcizata iactetur, quia consecrationem cuiuslibet ecclesie in qua Spiritus sancti ara non ponitur, celebritatem tantum scimus esse missarum. Et ideo, si qua sanctorum basilica a fundamentis etiam fuerit innovata<sup>12</sup>, sine aliqua dubitatione cum in ea

<sup>&</sup>lt;sup>8</sup> preteritum \*AdBeFbGcOaPfPhPqSfVmVo; periteritum Ca; in preteritum Mg; in preterito Tb

<sup>&</sup>lt;sup>9</sup> omnia \*FbMgPfSfTb; sola Ca

<sup>10</sup> post rite disponant *add. ss* Gc 11 quod factum - pot. pertineant \*AdCaMgPfSfTb; *om.* Tc

<sup>&</sup>lt;sup>1</sup> Quod omnis basilica cum missa debeat consecrari add. in mg. CaDa

<sup>&</sup>lt;sup>2</sup> Evaristi \*MgRaVp<sup>2</sup>; Eucharistii AdMqPcSbTc; Eucharisti BdBeCaDaGcOePfPhPrRbSfTbVp; Euvaristi Oa; Euristi Vo

<sup>&</sup>lt;sup>3</sup> cap. iiii \*CaDaMgPcPfPhTc; iiii BeRb; cap. iii Gc; om. MqTb; Ecclesias non sine misse sacrandas xiii Vo

<sup>&</sup>lt;sup>4</sup> Dei add. Tc, om. \*CaMgPfTb

<sup>&</sup>lt;sup>1</sup> Qualiter ecclesia dirupta et iterum instaurata consecranda sit *add*. Vo

<sup>&</sup>lt;sup>2</sup> In AdCaGcMgMqPhRbSfTbVm; Ex DaPfRaSbTcVo; De eodem add. in mg. CaDa

<sup>&</sup>lt;sup>3</sup> pape AdCaGcOaPfRbTcVo; om. BeMgMqPhSfTb

<sup>&</sup>lt;sup>4</sup> cap. iiii \*AdBeCaMgPhSfTcVo(adding xiiii); ? Pf; cap. iii MqRb; whole insc. in mg. Ha<sup>2</sup>; om. HaTb; no insc. Vp

<sup>&</sup>lt;sup>5</sup> Iulius Tf

<sup>&</sup>lt;sup>6</sup> Romanus AdCaCeDaMgMqPcPfPhSbTbVoWc; om. GcPrRaRbTcVm

<sup>&</sup>lt;sup>7</sup> diruta \*AdBd<sup>2</sup>CaDaLkMgPcPqSbTc; dirupta BeCe<sup>2</sup>GcMqPaPfPhPkPrPwTbVmVo

<sup>&</sup>lt;sup>8</sup> qua \*GcPfPhTcVo; quo BeCaMgTb

<sup>9 -</sup>erint \*GcTc; -erunt AdCaMgPfTbVmVo

<sup>10</sup> iudicamus \*FbMgPfTbTc; videamus Ca

<sup>&</sup>lt;sup>11</sup> si \*CaMgPfTb; sed Tc

<sup>12</sup> fuerit inn. \*CaMgTbTc; inn. est Pf

missarum solempnitas<sup>13</sup> fuerit celebrata, totius sanctificatio consecrationis<sup>14</sup> implebitur. Si vero sanctuaria que habebat ablata sunt, rursus eorum<sup>15</sup> dispositione<sup>16</sup> et missarum solempnitate reverentiam sanctificationis accipiet.<sup>17</sup>

ID 3.25] De cons. D 1 c 24

<sup>13</sup> solempnitas \*CaMgPfTb; celebritas Tc

# 15

[Quod loca Deo dicata non debent amplius fieri<sup>1</sup> in alios usus nisi ad aliam<sup>2</sup>

ecclesiam construendam]<sup>3</sup>. Ex concilio apud Aquisgrani, cap. iiii<sup>4</sup>

Ut<sup>5</sup> loca que semel<sup>6</sup> Deo dedicata<sup>7</sup> sunt aut monasteria fuerunt<sup>8</sup>, maneant perpetuo sic, nec<sup>9</sup> possunt ultra fieri secularia habitacula.

*ID 3.17] C 19 q 3 c 4, but widely var.* 

# 16

[Quod ligna ecclesie non debent mitti in alios usus<sup>1</sup> nisi ad aliam ecclesiam<sup>2</sup> construendam]<sup>3</sup>. Ex decretis<sup>4</sup> Igini pape, cap. iii<sup>5</sup>

Ligna<sup>6</sup> ecclesie dedicate non debent ad aliud opus iungi nisi ad aliam ecclesiam, vel igni comburenda, vel ad profectum in monasterium<sup>7</sup> fratribus. In laicorum<sup>8</sup> vero<sup>9</sup> non debent admitti<sup>10</sup>.

<sup>&</sup>lt;sup>14</sup> sanct. cons. \*CaMgPfPhTc; cons. sanct. Tb

<sup>&</sup>lt;sup>15</sup> eorum CaDbMgPf<sup>2</sup>Tc; earum PfPhTb

<sup>&</sup>lt;sup>16</sup> dispos- MgPfTbTc; pos- (vel dis id est disposita ss) Ca; repos- Db

<sup>&</sup>lt;sup>17</sup> Si vero sanctuaria – accipiet *in lower mg*. Ld

<sup>&</sup>lt;sup>1</sup> ampl. fieri EaGcPfVm; fieri ampl. AdCaDaMgTc; fieri Wc

<sup>&</sup>lt;sup>2</sup> *om*. Ce

<sup>&</sup>lt;sup>3</sup> Quod - in alios usus nisi ad aliam ecclesiam construendam *in mg* AdCaCeDaMgMpTc; Quod – fieri secularia habitacula (hab. sec. Wc) *in mg*. BeCeGcPfPrRb<sup>2</sup>SbWc, *in text* Ea(*no insc*.)SfVmVo(*adding* xv); *om*. OaPcPtTbVp

<sup>&</sup>lt;sup>4</sup> cap. iiii AdBeMgMpOaPfSeTbTcVo; om. Mj; cap. iii Mm; cap. v Sf

<sup>&</sup>lt;sup>5</sup> Et CeOaRa; Est Pq

<sup>&</sup>lt;sup>6</sup> semel \*CaMgPfPhTc; semper Tb

<sup>&</sup>lt;sup>7</sup> dedicata OePcPfPqRbTcVp; dicata AdBdBeCaCeDaGcLkMgMpMqOaPaPhPkPrPwQeSbTbTfVm; sanctificata (vel dicata ss) Db

<sup>&</sup>lt;sup>8</sup> fuerunt \*CaDbMgMpPfTb; fuerint Tc

<sup>&</sup>lt;sup>9</sup> nec \*CaMgPfTc; ne Tb

<sup>&</sup>lt;sup>1</sup> alio usu Ce

<sup>&</sup>lt;sup>2</sup> eccl. BeCaGcEaPf; om. DaGcPrVm

<sup>&</sup>lt;sup>3</sup> Quod – construendam (constituendam Vo) in mg. CaCeDaGcPfPr Rb<sup>2</sup>Sb(Ca runs into rubr. for c 17), in text Ea (no insc.)VmVo(adding xvi), om. AdBeMgMpOaPcPtTbTcVp

<sup>&</sup>lt;sup>4</sup> -tis MgPf; -to PhTb; decr' CaTc

<sup>&</sup>lt;sup>5</sup> iii \*AdCaGcMgPfRbVmVo; iiii BePhSfTbTc. *No insc.* Pc

<sup>&</sup>lt;sup>6</sup> Signa CcOaPySl

ID 3.44] De cons. D 1 c 38

 $AdBbDbEaFbGcMfMhMjMkMmMnMoMpPdPhPtObOdOeOfPfRaTbVmVoVp(in\ mon.\ ad\ prof.\ Ob)$ 

9 usum (usu *Migne*) add. Ad(after debent)FbBrant

#### 17

[Quod presbiter non erigat<sup>1</sup> aliud<sup>2</sup> altare nisi quod episcopus loci<sup>3</sup> consecravit]<sup>4</sup>. Ex decretis<sup>5</sup> Ormisde pape, cap.  $x^6$ 

Ut nullus presbiter in<sup>7</sup> ecclesia consecrata<sup>8</sup> aliud altare erigat, nisi quod ab episcopo loci vel eius misso<sup>9</sup> sanctificatum<sup>10</sup> est, ut sit discretio inter sacrum et non sacrum. Nec dedicationem fingat nisi sit. Quod si fecerit, si clericus est degradetur, si laicus anathematizetur<sup>11</sup>.

ID 3.20] De cons. D 1 c 25

# 18

Ex concilio Meldensi, cap. viii<sup>1</sup>

 $\mathrm{Ut}^2$  ecclesie vel altaria que ambigua  $^3$  sunt de consecratione consecrentur, et superflua altaria destruantur.

ID 3.11] De cons. D 1 c 18

<sup>&</sup>lt;sup>7</sup> -erium \*CaDbMgPfTb; -erio Tc

<sup>8</sup> opera add. Be; profectum add. MgRa<sup>2</sup>, usum add. CaDa, om.

<sup>&</sup>lt;sup>10</sup> In laicorum – admitti (habitacula *add.* Ra) \*AdBeCaDbEaFbGcLgMgPfPhRaTbVmVo*Brant*; *om.* Tc

<sup>&</sup>lt;sup>1</sup> non erig. *om*. Da

<sup>&</sup>lt;sup>2</sup> aliud AdBeCaMgPf; om. Tc

<sup>&</sup>lt;sup>3</sup> ep. loci] ipsius loci ep. Rb. loci *om*. Vo

<sup>&</sup>lt;sup>4</sup> -averit Da. *Rubric in mg*. AdBeCaCeDaGcMgPfPrRb<sup>2</sup>SbTc, *in text* VmVo(*adding* xvii); *om*. DbOaPcPtTbVp; Et altarium *in mg*. Db<sup>2</sup>

<sup>&</sup>lt;sup>5</sup> -tis MgPf; concil' Be; decr' CaPh; -to Tb; dec' Tc

<sup>&</sup>lt;sup>6</sup> Et altarium xvi *add. in text*, Et altarium *add in marg*. Db

<sup>&</sup>lt;sup>7</sup> alia add. Tb, om. \*CaMgPfPhTc

<sup>8</sup> consecrata \*CaMgPfTc; sacrata PhTb

<sup>9</sup> misso \*CaOePfRbTb; permissu MgTc

<sup>&</sup>lt;sup>10</sup> sanct. \*CaMgPfTc; significatum PhTb

<sup>&</sup>lt;sup>11</sup> Quod si fecerit - anathem. \*AdCaGcMgOePcPfTb; Quod si fecerit si (*canc.*) Rb; *om.* Tc. Rb *places* Clericus – anathemat. *after rubr*. Ex cc Mendensi cap. viii *for which cf c 18* 

<sup>&</sup>lt;sup>1</sup> viii AdBeCaMgOaPfRbTb; x Tc; Quod iteranda sit consecratio altaris et ecclesie si nescitur *add*. Be(*mg*.)SfVm; Ut ecclesie quarum consecratio nescitur (non scitur Da) et altaria consecrari debeant *add. in mg*. CaDa; Ut ecclesie vel altaria ambigua consecrentur. De eodem xviii Vo. Gc *has here the rubric to c 20 below;* Rb *has the rubric as here, as well as a variant earlier (cf. c 17). In* Ad *the inscrr. are at the end of cc 18-22* 

<sup>&</sup>lt;sup>2</sup> Et Oa

<sup>&</sup>lt;sup>3</sup> ambigua \*CaGcMgPaPcPfPrTcVm; dubia Ph(vel ambigua ss)Tb; ambiga Pq

# <sup>1</sup>20

[Quod moto altari tota consecretur<sup>2</sup> ecclesia]<sup>3</sup>. Ex decretis<sup>4</sup> Igini pape<sup>5</sup>, cap. iiii
Si motum fuerit altare denuo consecretur<sup>6</sup> ecclesia<sup>7</sup>. Si parietes mutantur et
non altare, salibus tantum exorcizetur<sup>8</sup>.

ID 3.13] De cons. D 1 c 19a

# **21**<sup>1</sup>

[Quod propter homicidium vel adulterium tota debeat consecrari ecclesia]<sup>2</sup>. Ex decretis<sup>3</sup> eiusdem, cap. vi<sup>4</sup>

Si homicidio vel adulterio<sup>5</sup> ecclesia<sup>6</sup> fuerit violata<sup>7</sup> diligentissime expurgetur<sup>8</sup>, et denuo consecretur<sup>9</sup>.

ID 3.14] De cons. D 1 c 19b

# **22**<sup>1</sup>

[Quod ecclesia in<sup>2</sup> qua paganus sepultus<sup>3</sup> est non debeat consecrari nec missa in ea<sup>4</sup> cantari]<sup>5</sup>. Ex concilio Aurelianensi, cap. vii<sup>6</sup>

<sup>&</sup>lt;sup>1</sup> For c 19 see after c 24 below

<sup>&</sup>lt;sup>2</sup> tota -etur AdBeCaMgObPf; -etur tota Sf; tota -atur TcVm

<sup>&</sup>lt;sup>3</sup> in mg. AdBeCaCeDaMgObPfPrSbTc, in text Ea (no insc.)SfVmVo(adding xxi); Quod si mota fuerit altare tota consecretur in mg. Rb<sup>2</sup>; om. OaPcTbVp

<sup>&</sup>lt;sup>4</sup> -tis MgObPfVm; decr' BeCa; -to Tb; dec' Tc

<sup>&</sup>lt;sup>5</sup> Ig. pp] Ignei pape Pc; eiusdem Rb

<sup>6</sup> tota add. PhTb, om. \*CaGcMgObPfPrTc

<sup>&</sup>lt;sup>7</sup> Rb continues directly fuerit violata – denuo consecretur cf end of c 21

<sup>&</sup>lt;sup>8</sup> -etur Ad<sup>2</sup>BeDbEaGcOaObPhTbTcVm; -entur Ad?CaDaMgPfRa

<sup>&</sup>lt;sup>1</sup> hic deest decretum in mg Bb<sup>2</sup> – see under c 19; cc 21-22 reversed Cc; after c 19 Lf

<sup>&</sup>lt;sup>2</sup> Quod - deb. cons. eccl. *in mg*. AdBeCaCeDaGcMgPfPrSbTc, *in text* Ea (*no insc*.)VmVo(*adding* xxi); Quod - consecretur eccl. Sf; *om*. BbOaPcPtTbVp

<sup>&</sup>lt;sup>3</sup> Ex decr. \*AdCaMgPfTb; Item Tc; om. Pc

<sup>&</sup>lt;sup>4</sup> cap. vi BeCaMgPfTcVo; cap. vii OaVp; pape Tb

<sup>&</sup>lt;sup>5</sup> Rb *om. insc. and all to* adulterio – *see n. to c* 20

<sup>&</sup>lt;sup>6</sup> ecclesia \*CaMgPfTb; after violata Pc; om. Tc

<sup>&</sup>lt;sup>7</sup> fuerit viol. GcMqRaTbTcVm; viol. fuerit AdBeCaMgOaPfVo

<sup>&</sup>lt;sup>8</sup> expur- \*FbMgPfTbTc; purg- Ca

<sup>&</sup>lt;sup>9</sup> reconcilietur *add. ss* Ld<sup>2</sup>

<sup>&</sup>lt;sup>1</sup> here BdBeCaCcCeDaDbGcLcLgLhLkMgMhMkMmMnMoMpMq(after add. cap.)OaPaPcPdPfPhPkPqPrPtPwQeRaRbSbSfSlTbTcTfVoVpWc; after c 23 Fb; after c 24 MfMj <sup>2</sup> eccl. in CaMgPfTc; in eccl. Ad

<sup>&</sup>lt;sup>3</sup> sep. est pag. Sb

<sup>&</sup>lt;sup>4</sup> in ea missa Sb

<sup>&</sup>lt;sup>5</sup> Quod - in ea cantari (cant. in ea AdTc) *in mg*. AdBeCaCeDaGcMgPfPrSbTcWc, *in text* VmVo(*adding* xxii); Quod ecclesia – sp. est nec missa debet cantare *in mg*. Rb<sup>2</sup>; Ecclesia in qua pag. sep. est non liceat consecrari (liceat consecretur Sf; consecretur Sf<sup>2</sup>) nec missa in ea cantetur Sf; Ecclesia in qua pag. – in ea celebrare set instare foras et mundare oportet Vo; *om*. MqOaPcPtTbVp

Ecclesiam ubi paganus sepultus est non liceat<sup>7</sup> consecrari neque missas in ea celebrari<sup>8</sup>, sed iactari<sup>9</sup> foras, et mundari oportet.

ID 3.15] De cons. D 1 c 27

<sup>6</sup> viii Vo. Ex – vii] Ex concil' Agripinensi cap. iii (vi Vp) FbVpWc (cf c 23); om. Mq

### 23

<sup>1</sup>[Si in ecclesia iam<sup>2</sup> consecrata<sup>3</sup> sepeliantur mortui, licet in ea<sup>4</sup> missas<sup>5</sup> cantare si tamen<sup>6</sup> fideles fuerint<sup>7</sup> qui sepulti sunt]<sup>8</sup>. Ex concilio Agripinensi<sup>9</sup>, cap. iii<sup>10</sup>

Ecclesiam in qua mortuorum cadavera infidelium<sup>11</sup> sepeliuntur sanctificare<sup>12</sup> non licet, sed si apta videtur<sup>13</sup> ad consecrandum, inde evulsis corporibus et rasis parietibus vel lignis eius loci<sup>14</sup>, reedificetur<sup>15</sup>. [24]<sup>16</sup>, Si<sup>17</sup> hec consecrata prius fuit<sup>18</sup> missas in ea celebrare 19 licet, si tamen 20 fideles fuerint 21 qui in ea sepulti sunt.

ID 3.43, in IDpvm only] De cons. D 1 c 28

<sup>&</sup>lt;sup>7</sup> -eat \*CaDbMgPfTb; -et Tc <sup>8</sup> -ari \*DbGcTbTc; -are BeCaMgPfRaWc

<sup>9 -</sup>ari \*DbGcTc; -are BeCaMgPfTbWc; -uri Ra

<sup>&</sup>lt;sup>1</sup> iiii in mg. Be<sup>2</sup>

<sup>&</sup>lt;sup>2</sup> iam AdBeCaMgPfTcVm; om. Sf

sacrata Ad

<sup>&</sup>lt;sup>4</sup> ea AdBeCaLdMgSfTcVa; eis PfLi

<sup>&</sup>lt;sup>5</sup> missam Ce

<sup>&</sup>lt;sup>6</sup> missas cant. si tamen BeCaMgPfTcVm; cant. missas si Sf

<sup>&</sup>lt;sup>7</sup> fuerint BeCaPfTcVm; fuerunt AdMg

<sup>&</sup>lt;sup>8</sup> in mg. AdBeCaCeDaGcLjMgPfPrRb<sup>2</sup>SbTcWc, in text SfVm; as rubr. to c 19 in mg. LdWc, in text Mo; De eodem. R'. Si in ecclesias iam consecratas sepeliantur mortui, licet in eis missas cantare, si tamen fideles sint qui sepeliuntur. cap. xxiii Vo; om. BdDbLcOaPcPtTbVp; De sepultura add. in mg.

corr. fr. Aurelianensi Be

<sup>&</sup>lt;sup>10</sup> Ex – iii] Ex concil' Aurelianensi c. vii (vi Pc, viii Wc) FbPcWc (cf c 22); ex concil. Aurelianensi add. in mg. Gc; om. Lc

<sup>11</sup> mort. cad. inf. \*CaLdLjOePfPtTbVo; inf. mort. cad. Be; cad. mort. inf. MgTc

<sup>&</sup>lt;sup>12</sup> -are \*BeCaLdLjMgPfPtTb; -ari Tc

<sup>&</sup>lt;sup>13</sup> videtur \*BeCaDbLdMgPfPtTbTc; fuerit AdBdLi

<sup>&</sup>lt;sup>14</sup> loci \*BeCaLdLiPfTbTc; lotis Mg

<sup>&</sup>lt;sup>15</sup> -etur \*Ad<sup>2</sup>BeCaDbMgPtTbTc; -entur AdLdLjPf

<sup>&</sup>lt;sup>16</sup> no break \*AdCaDbLdLjMgPfTbTcWc

<sup>&</sup>lt;sup>17</sup> Si \*AdDbGcLdLjOePfPrPtRaTbTc; Sed si CaMgPcRa<sup>2</sup>; Si vero Be

<sup>&</sup>lt;sup>18</sup> prius (ss Be) fuit \*BeDbLdTc; prius fuerit AdCaGcPaPfPtMg; fuit prius Ph; fuit Pk; fuerit prius Tb <sup>19</sup> -are \*CaDbGcLdLjPfPtTb; -are enim Be; -ari MgTc

<sup>&</sup>lt;sup>20</sup> si tamen \*AdBeGcLdLiPtTb; si tamen non (apta videtur ad consecrandum add. and canc.) Bb; si tantum PfTc; tamen si CaMg

<sup>&</sup>lt;sup>21</sup> -int \*BeCaLdMgPfPtTc; -unt Tb

#### 19

# <sup>2</sup>Ex concilio Aurelianensi<sup>3</sup>, cap. vi<sup>4</sup>

In ecclesia<sup>5</sup> in qua<sup>6</sup> cadavera mortuorum<sup>7</sup> sepeliuntur, sanctificari<sup>8</sup> altare<sup>9</sup> non liceat<sup>10</sup>. Si autem consecratum<sup>11</sup> prius fuit<sup>12</sup> missas licet celebrari in ea<sup>13</sup>. *ID 3.16*]

AaAbAdBdBeCaCbCcCeDaDbEaEbEcFcGcHaLbLdLeLfLgLhLjLkLmMgMjMkMmMnMpMqOaObOdOeOfPaPcPdPfPhPkPoPqPrPtPwPyQaQeRaRbSbSdSeSgTbTcTdTfVaVmVpVtWaWbWcWdZa, om. BbLcKa, after c 23, but before c 22 (qv) Fb; after c 18 SlVoBrant

#### 25

# $^{1}Ex$ concilio Meldensi, cap. $x^{2}$

Ut<sup>3</sup> nemo quemlibet mortuum<sup>4</sup> in ecclesia quasi hereditario iure, nisi quem episcopus aut presbiter pro qualitate conversationis et<sup>5</sup> vite dignum duxerit, sepelire presumat, nec quisquam ossa cuiuslibet mortui de sepulcro suo eicere, aut sepulturam

<sup>&</sup>lt;sup>1</sup> c 19 here

<sup>&</sup>lt;sup>2</sup> Quod in ecclesia in qua sepulti sunt cadavera non liceat altare consecrari *add. in mg.* CaDa; Quod in ecclesiis in quibus mortuorum corpora sepeliuntur sanctificari altare non sanctificetur xviiii *add.* Vo. *For* LdWc *see prec. cap.* 

<sup>&</sup>lt;sup>3</sup> -ianensi BdGcLdMfMgMhMkMmMjObOePfQaTcVmVoWc; Agripinensi CaFd; Aureliano PhQeTb <sup>4</sup> vi \*BdCbCeLdLfLjMfMgMjMkMmOaObOePhTbTcVmVoWc; vii Ad; x BeCaPt; xi Pf; Ex - vi *om*. CcMo; cap. vi *om*. EaPcQa; Ex concilio Agripinensi cap. iii Fb (*cf* c 23)

<sup>&</sup>lt;sup>5</sup> In ecclesia \*AdBdBeCaCbCcLdLfLjLmMfMgMhMjMkMmMoMpOePfPtTb; Ecclesiam Gc; In ecclesiis Tc

<sup>&</sup>lt;sup>6</sup> qua \*AdBdBeCaCbCcLdLfLjLmMfMgMhMjMkMMMoMpObOePfPtTbWc; quibus Tc

<sup>&</sup>lt;sup>7</sup> sunt *add. and canc.* Oe

 $<sup>^8</sup>$ -ari AdBdBeCbDbGcLdLfLjMfMhMjMkMmMoMpOaObPhPtQeTbTcVmVo; -are CaCcLmMgOePfVpWc

<sup>&</sup>lt;sup>9</sup> altare \*AdBdBeCaCbCcLdLfLjLmMfMgMhMjMkMmMoMpObOePfPtTbWc; altaria Tc

<sup>&</sup>lt;sup>10</sup> -eat \*AdBdBeCaCbCcLdLfLjLmMfMgMhMkMmMoMpObOePfPtTbWc; -et MjTc

<sup>-</sup>atum \*AdBdBeCaCbCcLdLfLjLmMfMgMhMjMkMmMoMpObOePfPtTbWc; -ata FbTc; -eat Pt

 $<sup>^{12}\</sup> prius\ fuit\ *BeCeEaGcLmMfMhMjMkMmOaObOePfPhQeVoWc;\ prius\ fuerit$ 

AdBdCbLdLjMoPtRaVm; fuit prius CaCcFbLfMgTb; fuerit prius MpVp; prius fuerint Tc

<sup>&</sup>lt;sup>13</sup> lic. celebrari in ea (eis Tc) BdBeCaCbGcLdLfLjMhObOePcPfPhPrPtQeTbTcVmVoWc; celebrare licet in ea Ad; celebrari liceat in ea CcOa; licet celebrare in ea Ea; celebrare in ea LmMg; celebrari in ea licet Mf; si tamen fideles fuerunt qui in ea sepulti sunt *add* Mn (*cf c 23*)

<sup>&</sup>lt;sup>1</sup> De sepultura *add. in mg.* DbMg, *and in text* Db, *in text only* Ph; Ut nemo quemlibet in ecclesia hereditario iure sepeliat aut ossa cuiuslibet de sepulcro suo eiciat *add. in mg.* CaDa; Quod nullus debeat sepulturam alterius violare aut ossa abicere *add. in mg.* Sb; Quod nullus in ecclesia sine iussu episcopi vel presbiteri sepeliendus sit, nec ossa de sepulcro suo eicienda xxiiii *add.* Vo

<sup>&</sup>lt;sup>2</sup>x AdBeCaGcMgPfTcVmVo<sup>2</sup>VpWc; vi PhQeSfTb; viiii Vo. Ex – x *om here, but as insc. to c* 26 MoPc

<sup>&</sup>lt;sup>3</sup> Et OaPcPy

<sup>&</sup>lt;sup>4</sup> mortuum \*AdBeDaGcLkPcPfPhPrQeTbTf; mortuorum CaFbMgPh<sup>2</sup>TcVp

<sup>&</sup>lt;sup>5</sup> conv. et (et *add*. Oa<sup>2</sup>) \*AdCaMgOaPcPfPhQeVp; conv. aut GcTc; conversionis et conversationis et Tb

cuiusquam<sup>6</sup> temerario ausu<sup>7</sup> quoquomodo<sup>8</sup> violare<sup>9</sup>, sed unumquemque in loco sibi a Deo<sup>10</sup> parato atque concesso adventum sui iudicis prestolari concedat.

ID 3.221]

<sup>6</sup> cuiusquam \*CaMgPfTb; cuiuslibet Tc

<sup>7</sup> tem. ausu \*CaMgPfTb; ausu tem. Pf

<sup>8</sup> quoquomodo \*AdFbMgPfTb; quolibet modo Tc; que quomodo Ca

<sup>9</sup> aut sepul. – violare *add*. Bb<sup>2</sup>

<sup>10</sup> sibi a Deo \*CaMgPfTb; a Deo sibi Tc

# 26

# <sup>1</sup>Quod non sit exigenda sepultura<sup>2</sup>

Postquam<sup>3</sup> pretio victus est Ephron ut sepulcrum<sup>4</sup> venderet et acciperet argentum, licet cogente Abraham, vau littera, que apud illos pro o legitur, ablata de eius nomine est, et pro eo<sup>5</sup> Ephron appellatus est Ephran, significante scriptura<sup>6</sup>, non eum fuisse<sup>7</sup> consummate perfecteque virtutis qui potuerit<sup>8</sup> memoriam vendere<sup>9</sup> mortuorum. Sciant igitur qui sepulcra vendunt ante<sup>10</sup>, et non<sup>11</sup> coguntur ut accipiant pretium, sed a nolentibus quicquam<sup>12</sup> extorquent, immutare<sup>13</sup> nomen suum, et perire quid<sup>14</sup> de merito eorum<sup>15</sup>, cum etiam ille<sup>16</sup> reprehendatur occulte qui invitus acceperit<sup>17</sup>.

+C 13 q 2 c 13

<sup>&</sup>lt;sup>1</sup> Ut nullus aliquid pro sepultura exigat *add. in mg.* CaDa

<sup>&</sup>lt;sup>2</sup> Quod - sep. AdBdBeCaCe(*mg*.)GcHaLdMgMqOaOePfPrQaRbSb(*mg*.)SeTdVmVo(*adding* xxv)Vp; xii. De sepultura *in mg*. Bd<sup>2</sup>; Ieronimus DaRaSb; Quod - sep. Ex eodem Sf?; Ex eodem Tb; Ex concilio Meldensi, cap. x. Ieronimus Tc; *om*. PcPhPt

<sup>&</sup>lt;sup>3</sup> Posquam PfTb

<sup>&</sup>lt;sup>4</sup> sepulcrum CaMgPfTb; sepulturam Tc

<sup>&</sup>lt;sup>5</sup> eo CaMgPfTb; om. Tc

<sup>&</sup>lt;sup>6</sup> scriptura CaMgPfTb; scriptum Tc

<sup>&</sup>lt;sup>7</sup> fuisse Ca<sup>3</sup>FbMgPfTbTc; fecisse Ca

<sup>&</sup>lt;sup>8</sup> potuerit Pf<sup>2</sup>TbTc; poterit CaMgPf

<sup>9</sup> mem. vend. CaMgPfTb; vend. mem.Tc

<sup>&</sup>lt;sup>10</sup> ante MgPf; om. CaTbTc

<sup>&</sup>lt;sup>11</sup> non CaPfTbTc; si Mg

<sup>&</sup>lt;sup>12</sup> quicquam CaMgPf; quoque TbTc

<sup>13</sup> immutare AdBeCaMgPfPr; mutare Gc<sup>2</sup>; mutari PhTb; immutari Tc

<sup>&</sup>lt;sup>14</sup> quid AdCaMgPf; quidem TbTc

<sup>15</sup> est add. Ca, om. FbMgPfTbTc

<sup>16</sup> ss Gc<sup>2</sup>

<sup>&</sup>lt;sup>17</sup> acceperit CaMgPfTb; accepit Tc

#### 27

# <sup>1</sup>Gregorius papa<sup>2</sup>

Peti<sup>3</sup> vero aut aliquid exigi omnimodo<sup>4</sup> prohibemus, ne, quod irreligiosum valde est, aut venalis dicatur ecclesia, aut vos videamini de humanis mortibus gratulari, si ex<sup>5</sup> eorum cadaveribus studeatis querere quolibet modo compendium<sup>6</sup>. *ID 3.101 end*] *C 13 q 2 c 12 end* 

<sup>1</sup> De eodem add. in mg. CaDa, in text Vo

# 28

 $[Quod^{1} \ altaria \ per \ revelationes \ vel \ per \ somnia \ hominum \ adinventa, \ reprobentur]^{2}.$   $Ex \ concilio \ Africano^{3}, \ cap. \ l^{4}$ 

Item placuit ut altaria que passim per agros et<sup>5</sup> per vias<sup>6</sup> tanquam memorie martirum constituuntur<sup>7</sup>, in quibus nullum corpus aut<sup>8</sup> reliquie martiris<sup>9</sup> condite probantur ab episcopis qui eisdem locis presunt, si fieri potest evertantur<sup>10</sup>. Si autem hoc per tumultus populares non sinitur, plebes<sup>11</sup> tamen admoneantur ne illa loca frequentent<sup>12</sup> ut qui recte sapiunt nulla ibi superstitione<sup>13</sup> devicti<sup>14</sup> teneantur, et omnino nulla<sup>15</sup> memoria martirum probabiliter accipiatur<sup>16</sup>, nisi aut ubi corpus<sup>17</sup> aut

<sup>&</sup>lt;sup>2</sup> Greg. papa AdBeCaEaGcMgOePfPkQaTbVmVo(*adding* xxvi); Greg. (Gelasius Tc) papa Ianuario episcopo Sard' RaTc; *om*. Pc

<sup>&</sup>lt;sup>3</sup> Peti \*AdCaEaMgPfPwSeTbTc; Leti Pk; Beti Py

<sup>&</sup>lt;sup>4</sup> omnimodo CaEaGcMgPfVm; omnino AdBeTbTcVp; omnimodis OaRb

<sup>&</sup>lt;sup>5</sup> ex \*CaMgPfTb; de *supersc*. Tc<sup>2</sup>

<sup>&</sup>lt;sup>6</sup> compendium \*CaMgPfRaTb; commodum Tc

<sup>&</sup>lt;sup>1</sup> Quod CaEaMgPfTcVm; om. Sf

<sup>&</sup>lt;sup>2</sup> in mg. AdBeCaCeDaGcMgPfPrRb<sup>2</sup>SbTc; in text Ea(no insc.)SfVmVo(adding xxvii); xiii. De ecclesiis et presbiteris in mg. Bd<sup>2</sup>; om. OaPtTb

<sup>&</sup>lt;sup>3</sup> corr. fr. meldensi Pc

<sup>&</sup>lt;sup>4</sup> cap. 1 \*AdBeOePfPkSeTbTc; cap. i CaMg; V cp. xiiii Da; ?Sb; cap. Vm

<sup>&</sup>lt;sup>5</sup> et \*AdCaMgPfTb; aut Tc

<sup>&</sup>lt;sup>6</sup> vias \*BdCeGcLdLkMqOaOePcPhPkPqPrRaSbTbTcVmVo; villas AdBeCaDaEaFbHaMgPfPwTdTf; vineas Fb<sup>2</sup>Rb; id est per vias *add. ss.* Ad<sup>2</sup>

<sup>&</sup>lt;sup>7</sup> constituuntur \*CaMgPfPhTc; construuntur RaTb

<sup>&</sup>lt;sup>8</sup> aut \*CaPfTbTc; vel Mg

<sup>&</sup>lt;sup>9</sup> martiris \*CaMgPfTb; om. Tc

<sup>&</sup>lt;sup>10</sup> evert- \*CaMgTbTc; convert- Pf

<sup>&</sup>lt;sup>11</sup> plebes \*FbMgPfTbTc; plebs Ca

<sup>&</sup>lt;sup>12</sup> loca freq. \*CaMgPfTc; freq. loca Tb

<sup>&</sup>lt;sup>13</sup> stuperst- Mg

<sup>14</sup> sup. dev. \*CaMgPfTb; dev. sup. Tc

<sup>&</sup>lt;sup>15</sup> ibi add. Tc, om. \*CaMgPfTb

<sup>&</sup>lt;sup>16</sup> probabiliter accipiatur \*BeEaFbMgRa<sup>2</sup>TbVp; probabiliter AdCeGcPf(*obsc. corr.*)PkPrRaSbTfVm; probabitur CaDaTc

<sup>&</sup>lt;sup>17</sup> aut ubi corpus \*BeCaEaMgOeTb; ubi corpus aut Gc; aut corpus ibi Pf; ubi corpus Tc

reliquie certe sunt, aut<sup>18</sup> origo alicuius habitationis vel possessionis<sup>19</sup> vel passionis fidelissima origine<sup>20</sup> traditur<sup>21</sup>. Nam que per somnia et per inanes quasi<sup>22</sup> revelationes quorumlibet hominum ubicunque constituuntur altaria omnimodo reprobentur.

ID 3.57] De cons. D 1 c 26

<sup>18</sup> ubi add. Mg, om. \*CaPfTbTc

# 29

 $[Quod^1 \ omnis^2 \ qui \ converti \ voluerit, in monasterium^3 \ ecclesie \ cuius \ parochianus \ est,$  medietatem substantie sue relinquat, aliter non convertatur]<sup>4</sup>. Decreta<sup>5</sup> Leonis pape  $IX^6$ . De rapacitate monachorum<sup>7</sup>

Relatum<sup>8</sup> est<sup>9</sup> auribus nostris esse quosdam perverse agentes, qui subvertere atque dividere conantur ecclesie unitatem, videlicet abbates et<sup>10</sup> monachi<sup>11</sup>, qui non studio caritatis sed zelo rapacitatis invigilant, et docent atque seducere non cessant seculares homines quos illaqueare possunt ut res suas atque possessiones<sup>12</sup> in vita sive in morte in monasteriis illorum tradant<sup>13</sup>, et ecclesiis quibus<sup>14</sup> subiecti<sup>15</sup> esse videntur<sup>16</sup> et a quibus baptismum<sup>17</sup>, penitentiam<sup>18</sup>, eucharistiam, nec non<sup>19</sup> pabulum<sup>20</sup>

<sup>&</sup>lt;sup>19</sup> vel. poss. in mg. Ra<sup>2</sup>

<sup>&</sup>lt;sup>20</sup> origine \*CaMgPfTb; relatione Tc

<sup>&</sup>lt;sup>21</sup> -aditur \*CaMgPfTb; -adatur Tc. Ne quis convertatur add in mg Bb (cf rubr. to c 29)

<sup>&</sup>lt;sup>22</sup> quasi \*CaMgTbTc; om. Pf

<sup>&</sup>lt;sup>1</sup> Ut Rb<sup>2</sup>

<sup>&</sup>lt;sup>2</sup> monacus add. Sf, om. AdCaEaMgPfTcVm

<sup>&</sup>lt;sup>3</sup> -erium AdBeCaGcMgPfTcVm; -erio EaRbSf

<sup>&</sup>lt;sup>4</sup> in mg. AdBeCaDaGcMgMkMoPfPrRb<sup>2</sup>SbTc, in text Ea(no insc.)SfVmVo(adding xxviii); Quod omnis qui – ecclesie cum parrochianis med. subst. sue relinquat in mg. Ce; monachorum in mg. Db; Ne quis convertatur nisi medietatem substantie sue ecclesie cuius parochianus fuit vel est relinquat in mg. Bb<sup>2</sup>; om. OaPcPtTbVp

<sup>&</sup>lt;sup>5</sup> Decreta AdCaPcPfTb; Ex decretis GcMgPrRaVm; Decretum Rb; Dec' Tc

<sup>&</sup>lt;sup>6</sup> IX \*CaLdMgMkMmOePfPrTdVm; X Be; om. AdDaOaPhTbTcVo

<sup>&</sup>lt;sup>7</sup> De rap. mon. om. DaVp; cap. x add. Ph

<sup>&</sup>lt;sup>8</sup> Relatum Be?FbGcMgMqPfPtTfVoWc; Delatum CeLcLdMjMoPcPyRb

<sup>&</sup>lt;sup>9</sup> autem add. Tb, om. \*CaMgPfPhTc; erasure here Bb

<sup>&</sup>lt;sup>10</sup> et CaPfTbTc; aut Mg

<sup>11</sup> corr. to -achos Pf1

<sup>12</sup> suas add. Tc, om. CaMgPfTb

<sup>&</sup>lt;sup>13</sup> ill. trad. Ca<sup>3</sup>FbMgOePfTb; trad. Tc; trad. ill. Ca

<sup>&</sup>lt;sup>14</sup> eccl. quibus] quibus eccl. Db

<sup>&</sup>lt;sup>15</sup> subiecti \*BeDbMhMkMmMnMoMqPfPhPrPtTbVo; subditi CaDaFb<sup>2</sup>GcMfMgMjMpRaTc

<sup>&</sup>lt;sup>16</sup> videntur \*CaDbMgPfRaTb; videbantur Tc

<sup>&</sup>lt;sup>17</sup> et add. RaTc, om. \*CaMgPfTb

<sup>&</sup>lt;sup>18</sup> et add. Tc, om. \*CaMgPfRaTb

<sup>19</sup> et add. Tc, om. \*CaMgPfRaTb

<sup>&</sup>lt;sup>20</sup> -ulum \*CaMgPhTbTc; -ula Pf

vite cum lacte carnis acceperunt vel accipiunt, nihil de bonis suis relinquant<sup>21</sup>. Hanc denique famam<sup>22</sup> discordie nos animadvertentes<sup>23</sup> omnibus modis inhibere<sup>24</sup> volumus, et ne amplius fiat omnino<sup>25</sup> prohibemus, considerantes non esse bonum ut illi qui olim fuerunt<sup>26</sup> socii passionum secundum apostolum sint immunes a societate consolationum, et quia operarius dignus est<sup>27</sup> mercede sua. Ideoque precipimus atque iubemus<sup>28</sup> ut quicumque amodo in monasterio converti voluerit, sive in vita sive in morte, ut omnium rerum et possessionum quas pro salute anime sue disponi<sup>29</sup> decreverit, medietatem ecclesie cui ipse pertinere dinoscitur relinquat, et sic demum in monasterium prout sibi libitum fuerit<sup>30</sup> eundi convertendique licentiam habeat. Quicumque autem huius nostri decreti contradictor<sup>31</sup>, convulsor<sup>32</sup> ac<sup>33</sup> temerator exstiterit gladio anathematis subiaceat<sup>34</sup>.

ID 7.150]

AdBdCaCeDaFbGcHaLdMgPaPcPfPkPqPwRaSbTfVoWc; denique fraudem (*over erasure* Lk)EaLkTd; denique formam Oa; fraudem Tc

AdBeCaDaFbMgMoMpObOdOe<sup>2</sup>OfPfVpBrant; om. Oe

**30** 

 $[Quibus\ in\ locis\ debeat\ missa\ cantari^1\ quibus\ non]^2.\ Ex\ concilio\ Triburiensi,\ cap.$   $iiii^3$ 

Missarum solempnia non ubicumque sed in locis ab episcopo consecratis, vel ubi ipse permiserit, celebranda esse censemus<sup>4</sup>.

<sup>&</sup>lt;sup>21</sup> suis relinquant \*GcOaPhRaTb; relinquant suis AdCaEaTcVo; suis relinquant Be; relinquant suis FbMgPf

<sup>&</sup>lt;sup>22</sup> denique famam \*BeMqPhPrTbVm; denique fidem

<sup>&</sup>lt;sup>23</sup> -vertes Ca

<sup>&</sup>lt;sup>24</sup> inhib- FbMgPfTbTc; prohib- Ca

<sup>&</sup>lt;sup>25</sup> omnino MgPfTbTc; om. Ca

<sup>&</sup>lt;sup>26</sup> -erunt \*CaMgPfTb; -erint Tc

<sup>&</sup>lt;sup>27</sup> op. dignus est AdCaEaGcMgMqPfRaTbVmVoVp; op. est dignus Oa; dignus est op. \*Tc

<sup>&</sup>lt;sup>28</sup> atque iub. \*CaMgPfTb; om.Tc

<sup>&</sup>lt;sup>29</sup> disponi \*CaMgPfTb; disponere Tc

<sup>&</sup>lt;sup>30</sup> fuerit \*DbGcLgMfMhMjMkMmMnMqPtRaTbTcVmVo; est

<sup>&</sup>lt;sup>31</sup> vel add.Tc, om. \*CaMgPfTb

<sup>&</sup>lt;sup>32</sup> conv- \*CaMgPfTb; ev-Tc

<sup>&</sup>lt;sup>33</sup> ac \*CaMgPfTb; et Tc

<sup>&</sup>lt;sup>34</sup> -aceat \*AdCaDbGcMgTbTc; -acebit Pf; -iceat Rb

<sup>&</sup>lt;sup>1</sup> in add. Sf, om. AdCaMgPfTcVm

<sup>&</sup>lt;sup>2</sup> in mg. AdBeCaCeDaGcMgMpPfPrSbTc, in text SfVmVo(adding xxviiii); De missa in mg. Sg; Quibus in locis liceat missam cantari in mg against end of c 29 Bb; In quibus locis deb. – non in mg. Rb<sup>2</sup>; om. CbOaPtTbTd

<sup>&</sup>lt;sup>3</sup> No insc. Pt; Relatum est auribus nostris add. in mg. Sg<sup>2</sup>

<sup>&</sup>lt;sup>4</sup> Concedimus etiam - peccatis nostris (beg. of c 31) added here Cb; whole cap. in mush larger script Ce

ID 3.59a] De cons. D 1 c 12

# **31**<sup>1</sup>

# Ex concilio Triburiensi cap. iiii<sup>2</sup>

Concedimus etiam et<sup>3</sup> sicubi quod<sup>4</sup>, peccatis nostris<sup>5</sup> exigentibus, perplurimum est factum a Normannis et<sup>6</sup> Flavis<sup>7</sup>, et a<sup>8</sup> Bulgaris<sup>9</sup>, et a malis Christianis seu alio qualicumque<sup>10</sup> modo<sup>11</sup> ecclesie fuerint<sup>12</sup> incense et combuste, in capellis cum tabula consecrata<sup>13</sup> missas<sup>14</sup> interim<sup>15</sup> celebrare permittimus<sup>16</sup>, donec ipse ecclesie restaurari queant<sup>17</sup>. In itinere vero positis<sup>18</sup>, si ecclesia defuerit ut<sup>19</sup> sub divo seu in tentoriis<sup>20</sup>. Item.<sup>21</sup> Si tabula altaris consecrata ceteraque sacra misteria<sup>22</sup> ad id<sup>23</sup> officium pertinentia ibi adfuerint, missarum solempnia celebrare concedimus<sup>24</sup>. Aliter omnino interdicimus.<sup>25</sup>

ID 3.59b] De cons. D 1 c 30, there with added sentence

<sup>&</sup>lt;sup>1</sup> Mm *lacks beginning* 

<sup>&</sup>lt;sup>2</sup> Ex concilio Triburiensi (Tribriensi Pt) cap. iiii DaGcLdPt; Item (Idem Pr) in eodem BeCaCbCeFbLjMgPrRaVo(adding cp. xxx); om. CcLmOaRbTdVm (CcRb running c 31 into c 30); Quibus in locis debeat missa cantari, quibus non Ea (cf c 30); Idem in eodem Ad(mg.)GcLfPfSbVp; Idem (Item Tc) Leo in eodem concilio Triburiensi PcTc (cf Conspectus); In eodem PfPhQeSfTb; Idem Leo in eodem Sb<sup>2</sup>. De eodem add. in mg. CaDa

<sup>&</sup>lt;sup>3</sup> et AdCaCcGcLdLmPf; ut BeTbTc; om. MgPt

<sup>&</sup>lt;sup>4</sup> pro *add*. CbLj, *om*. \*AdBeCaEaFbGcLdLfMgPfTbTc

<sup>&</sup>lt;sup>5</sup> Cb begins c 31 here, with blue initial O in mg.

<sup>&</sup>lt;sup>6</sup> a add. CaCbCcFbLfLjMg, om. \*AdBeGcLdLmOaPfTbTcVo

<sup>&</sup>lt;sup>7</sup> Flavis \*AdBdBeCaCcCeDaGcLdLmOaPcPfPhPkPrPtPqPwQeRaSbTbVmVo; Sclavis EaLjLkMgTcTfVp; Sclavis, ab Ungaris Fb; Clavis Lf; Flaviis Mq; vel a Sclavis *in mg*. Ra<sup>2</sup>; Mm *begins cap. here*.

<sup>&</sup>lt;sup>8</sup> a \*AdBeFbGcLdLjLmMfMgMhMjMkMmMoMpOaPfPtPwTbVo; om. CaCbTc; aut Cc; ab EaLf <sup>9</sup> Bulg- \*Ad²BeCaCbCcFbGcLdLfLjLmMkMmPfPhPtQeTbTcVo; Bug- Ad; Ung- Ea; Bung- MgMj; Hungaris Mo²

<sup>&</sup>lt;sup>10</sup> qualicumque \*CbCcFbLdLfLjLmMgPfTbTc; quocumque (vel quali ss) Ca

<sup>11</sup> modo \*CaLdMgPfTbTc; om. Cc

<sup>&</sup>lt;sup>12</sup> in mg. Ld<sup>2</sup>

<sup>&</sup>lt;sup>13</sup> cum tabula consecrata \*AdBeCaCbCcLdLfLmLjMgPfPhPtQe; consecratis Gc; (et *add*. Tc) cum tabulis consecratis PrRaTcVm; cum tabella consecrata Tb

<sup>&</sup>lt;sup>14</sup> missas \*CaLdMgPfTbTc; missa Lf

<sup>15</sup> interim \*MgPrRaTcVo; iterum AdBeCaCbCcLdLfLjLmMqPfPhPtPwTb; tantum Gc<sup>2</sup>

<sup>&</sup>lt;sup>16</sup> permittimus \*CaLdMgPfPhPtTc; om. Tb

<sup>&</sup>lt;sup>17</sup> queant \*CaCbCcLdLfLjLmMgPfPtTb; valeant Tc

<sup>18 -</sup>itis \*CaLdMgPfTbTc; -itus Cc

<sup>&</sup>lt;sup>19</sup> ut \*CaCbCcLdLfLjLmMgPfTb; a' Pt; *om.* Pf<sup>2</sup>Tc

<sup>&</sup>lt;sup>20</sup> In itinere - tentoriis (temptoriis Cc) \*CaCbCcLdLfLjLmMgObPfPtTbTc; om. Od

<sup>&</sup>lt;sup>21</sup> Item \*CaCcLdLfLjLmMgPfTb; om. Tc

<sup>&</sup>lt;sup>22</sup> sacra misteria CaCcFbLdLfLjLmPfPtTb; misteria sacra CbMg; sacra ministeria Tc

<sup>&</sup>lt;sup>23</sup> id \*CaCbCcLdLfLiLmMgPfPtTb; om. Tc

<sup>&</sup>lt;sup>24</sup> cel. conc. \*CaCbCcLdLfLjLmPfTbTc; conc. cel. Mg

<sup>&</sup>lt;sup>25</sup> Tc<sup>2</sup> here inserts two leaves of canons from elsewhere, for which see Conspectus

32

[Qualia debeant esse altaria<sup>1</sup>]<sup>2</sup>. Ex concilio Epaonensi<sup>3</sup>, cap. vi<sup>4</sup>

<sup>5</sup>Altaria si non sint<sup>6</sup> lapidea chrismatis unctione non consecrentur. Ad celebranda autem divina officia<sup>7</sup> ordinem quem metropolitani<sup>8</sup> tenent comprovinciales eorum observare debebunt<sup>9</sup>.

ID 3.30] De cons. D 1 c 31

33

[Quod unctionem altaris habemus <sup>1</sup> a veteri<sup>2</sup> lege]<sup>3</sup>. Ex decretis Felicis pape omnibus episcopis directis<sup>4</sup>

De ecclesiarum enim<sup>5</sup> consecratione et de missarum celebrationibus non alicubi quam in sacratis Domino locis absque magna<sup>6</sup> necessitate fieri debere liquet omnibus<sup>7</sup> quibus sunt nota Novi<sup>8</sup> et Veteris Testamenti precepta. Tabernaculum vero Moisen<sup>9</sup>, Domino precipiente, fecisse et sacrasse<sup>10</sup> cum mensa et altari eius, et certis<sup>11</sup> vasis et utensilibus<sup>12</sup> ad divinum cultum explendum<sup>13</sup> legimus, et non solum divinis precibus eas sacrasse<sup>14</sup>, sed etiam sancti olei unctione<sup>15</sup> Domino iubente perlinisse novimus.

<sup>&</sup>lt;sup>1</sup> alt. esse Sb

<sup>&</sup>lt;sup>2</sup> in mg. AdBeCaCeDaGcMgMpPfPrRb<sup>2</sup>SbTc, in text Ea(no inscr.)VmVo(adding cap. xxxi); Ne consecrentur altaria nisi lapidea in mg. Bb; om. OaPcPtTbVp

<sup>&</sup>lt;sup>3</sup> Epaon- Be?CaDaGcPfVm; Epan- AdPcTc; Apon- MgSfTb; Apaon- Ph; Epon- Vo; Epen- Vp

<sup>&</sup>lt;sup>4</sup> cap. vi AdBeCaGcPfPhRaSfTcVmVp; cap. Da; cap. x \*Mg; cap. vii Oa; om. TbVo

<sup>&</sup>lt;sup>5</sup> Ut add. Ra

<sup>&</sup>lt;sup>6</sup> sint \*AdCaEaMnMpPfVmVo; sunt MgPhTb; fuerint Tc

<sup>&</sup>lt;sup>7</sup> divina officia \*AdCcEaFbMgMpPfTb; divina misteria Tc; officia Ca

<sup>&</sup>lt;sup>8</sup> metropolitani \*AdCaEaMgPfPhTcVm; in metropoli Tb

<sup>&</sup>lt;sup>9</sup> observare debebunt \*AdBeCaFbGcMgMoMpOaPfVm; observare debent CcEaPhTbVpWc; observabunt Tc

<sup>&</sup>lt;sup>1</sup> altaris hab. AdBeCa<sup>2</sup>PfVm; hab. Tc; hab. alt. CaMg

<sup>&</sup>lt;sup>2</sup> ventura Sb

<sup>&</sup>lt;sup>3</sup> in mg. AdBeCaCeDaGcMgPfPrRb<sup>2</sup>SbTcWc(against prec. cap.), in text VmVo(adding x); om. OaPtTbVp

<sup>&</sup>lt;sup>4</sup> omn. epis. dir. (direptis Ad, dilectis Pa) \*AdCaMgOaPaPfTbVm; ad omnes episcopos Pt; *om*. Sf; omn. dilectis epis. Tc

<sup>&</sup>lt;sup>5</sup> enim \*CaGcMgPaPfPhPrRa<sup>2</sup>Tc; om. PqRaRbTb

<sup>&</sup>lt;sup>6</sup> magna \*CaMgTbTc; om. Pf

<sup>&</sup>lt;sup>7</sup> in sacratis – omnibus *at foot of leaf* Mo<sup>2</sup>

<sup>&</sup>lt;sup>8</sup> Novi \*CaMgTbTc; Novis Pf

<sup>&</sup>lt;sup>9</sup> Moisen \*CaMgPfPhTc; Moisi Tb

 $<sup>^{10}\</sup> sacr-\ *BdCeOaPhPkPqPrTbVm; consec-\ AdBeCaGcMgPaPcPfPwSbTc$ 

<sup>&</sup>lt;sup>11</sup> vel ceteris add. ss Ca<sup>2</sup>

<sup>&</sup>lt;sup>12</sup> utensibus Ca

<sup>&</sup>lt;sup>13</sup> explendum \*Ca<sup>3</sup>FbMgPfTb; om. Ca

<sup>&</sup>lt;sup>14</sup> cum mensa et altari - sacrasse \*AdCaMgPfTb; om. Tc

ID 3.60 med.] De cons. D 1 cc 1-2a var.

**34** 

 $[Quod\ non\ debeant^1\ consecrari\ altaria^2,\ nisi\ reliquie\ apponantur]^3.\ Ex\ concilio$   $Africano,\ cap.\ i^4$ 

Altaria in quibus sacra corpora vel reliquie martirum non<sup>5</sup> esse probantur, ab episcopo eiusdem loci<sup>6</sup> destruantur.

ID 3.270a]

**35** 

# Ex concilio Urbico<sup>1</sup>

Nec<sup>2</sup> in altari<sup>3</sup> quo missam episcopus<sup>4</sup> cantavit<sup>5</sup>, presbiter eo die<sup>6</sup> missam celebrare presumat.

ID 3.270b] De cons. D 2 c 97 var.

**36** 

<sup>1</sup>Ex concilio Magontiensi, cap. li<sup>2</sup>

Deinceps vero corpora sanctorum de loco ad locum nullus transferre presumat sine consilio principis vel episcoporum sancteque sinodi licentia.

ID 3.273] De cons. D 1 c 37 var.

<sup>15</sup> et add. PhTb, om. \*CaMgPfTc

<sup>&</sup>lt;sup>1</sup> -eant AdCaMgPfTcVm; -eat Pt; -ent Sf.

<sup>&</sup>lt;sup>2</sup> altare Pt

<sup>&</sup>lt;sup>3</sup> in mg. AdBeCaCeDaGcMgPfPrRb<sup>2</sup>SbTc, in text PtVmVo(adding xxxiii cap.); om. EaOaTbVp

<sup>&</sup>lt;sup>4</sup> Ex – i *om*. EaPtRb

<sup>&</sup>lt;sup>5</sup> non \*CaMg Pf<sup>2</sup>TbTc; om. Pf

<sup>&</sup>lt;sup>6</sup> loci CaMgTbTc; om. Pf

<sup>&</sup>lt;sup>1</sup> Ex conc. Urbico \*AdBeCaDaGcMgPcPfPrVo; Ex Urbico conc. PhSfTb; Ex conc. urbis Tc; *om*. EaPtRb. Ut presbiter non cantet missam eo die in altari in quo episcopus cantavit *add. in mg*. CaDa; Non debere presumere presbiterum post episcopum in eodem altari cantare cap. xxxiiii *add.* Vo

<sup>&</sup>lt;sup>2</sup> Ut CePk; Hec Pc

<sup>&</sup>lt;sup>3</sup> in add. Tb, om. \*CaMgPfTc

<sup>&</sup>lt;sup>4</sup> missam ep. \*CaMgPfPhTc; ep. missam Tb

<sup>&</sup>lt;sup>5</sup> -avit \*CaPfTbTc; -averit Mg

<sup>&</sup>lt;sup>6</sup> ss Be

<sup>&</sup>lt;sup>1</sup> De translatione reliquiarum *add. in mg.* BePrVm<sup>2</sup>; Ut corpora sanctorum nullus transferat sine episcoporum consilio *add. in mg.* CaDa; De non transferendis irracionabiliter sanctorum corporibus cap. xxxv *add.* Vo

<sup>&</sup>lt;sup>2</sup> li \*AdFbGcMgPfRbTb<sup>2</sup>Tc; iii Be; ii Ca. Ex – li *om*. Pt

**37** 

<sup>1</sup>Ex registro Gregorii pape<sup>2</sup> ad Iohannem Bellitranensem episcopum<sup>3</sup>

Temporum qualitas admonet episcoporum sedes antiquitus certis civitatibus constitutas ad alia que securiora putamus eiusdem<sup>4</sup> dioceseos loca transponere, quo et habitatores securius degere<sup>5</sup>, et barbaricum<sup>6</sup> possit<sup>7</sup> periculum facilius declinari<sup>8</sup>. Propterea te Iohannem fratrem coepiscopumque<sup>9</sup> nostrum Bellitranensis civitatis sedem tuam in loco qui<sup>10</sup> appellatur Renati, ad Sanctum Andream apostolum precipimus exinde transmigrare, quatenus ab hostilitatis<sup>11</sup> incursu liberior existere valeas, et illic consuetudinem solempnium festorum<sup>12</sup> disponas.<sup>13</sup>

ID 3.79] C 7 q 1 c 44 var.

# 38

[Quibus de<sup>1</sup> causis debeat fieri translatio<sup>2</sup>]<sup>3</sup>. De mutandis sanctis<sup>4</sup> locis Augustinus dicit<sup>5</sup>

Tribus<sup>6</sup> causis loca sanctorum transmutanda sunt. Primo<sup>7</sup> cum necessitas persecutorum<sup>8</sup> loca eorum<sup>9</sup> gravaverit; secundo<sup>10</sup> cum difficultas locorum fuerit; tertio<sup>11</sup> cum malorum societate gravantur.

<sup>&</sup>lt;sup>1</sup> Quod episcopales sedes de loco ad locum quo securius maneant possunt mutari *add. in mg.* CaDa; De translatione *add. in mg.* Mg

<sup>&</sup>lt;sup>2</sup> Gregorii pape \*BeCaOaRbVoVp; Gregorius papa MgPfTb; Gregorius Tc; Gg pp Vm

<sup>&</sup>lt;sup>3</sup> no inscr. but ploughed instruction to rubricator in mg. Ad; Greg. Iohanni ep. Bellitranensi Pt; Quod pro necessitate sedes episcopales mutari possint cap. xxxvi add. Vo

<sup>&</sup>lt;sup>4</sup> eiusdem \*FbMgPfTbTc; om. Ca

<sup>&</sup>lt;sup>5</sup> sec. deg. \*AdTbTcVm; deg. sec. CaMgPf

<sup>&</sup>lt;sup>6</sup> -aricum \*CaMgPfPhTc; -arum Tb

<sup>&</sup>lt;sup>7</sup> possit \*CaMgPfTb; possint Tc

<sup>&</sup>lt;sup>8</sup> -ari \*CaMgPfTb; -are Tc

<sup>&</sup>lt;sup>9</sup> fratrem coepiscopumque \*AdBeGcMgOaPhVmVoVp; coepiscopum fratremque Ca; fratrem coepiscopum Pf; fratrem et coepiscopum Tb

<sup>10</sup> qui \*MgTbVo; que CaFbPf

<sup>11</sup> hostilitatis \*CaFbPfTb; hospitalitatis Mg

<sup>&</sup>lt;sup>12</sup> dierum Vo

<sup>&</sup>lt;sup>13</sup> Propterea a te Iohannem - disponas \*AdCaFbMgPfTb; om. Tc

<sup>&</sup>lt;sup>1</sup> de AdCaEaGcMgTcVm; om. PfSfTb

<sup>&</sup>lt;sup>2</sup> sanctorum *add*. Sb

<sup>&</sup>lt;sup>3</sup> in mg. AdBeCaCeDaGcHaMgPfPrRb<sup>2</sup>SbTcWc, in text Ea(no inscr.)SfVmVo(adding xxxvii); om. LcOaPcPtTbVp

<sup>&</sup>lt;sup>4</sup> sanctis CaMgPfTb; om. Oa; sacris Tc; sanctorum Wc

<sup>&</sup>lt;sup>5</sup> dicit CaMgPfTbTcVm; ait Sf; om. AdWc. De mut. – dicit] om. Lc; Augustinus Pt

<sup>&</sup>lt;sup>6</sup> Tribus \*AdBeCeDaEaEgGcHaOaPcPkPrPtPwQaRaSbSeTdTfVmVoVpWc; Pluribus BdLdMgMqPfVq; []ribus Ca; Quibus La; Pluribus de Lc; Tribus ex Pa; Quibus PhQeTb; Tribus de PhSo<sup>2</sup>To

<sup>&</sup>lt;sup>7</sup> Primo \*AdBeCeEaFbGcMgMqPaPfPhPkPqVmVo; Prima CaOaQeRaRbTb; Prima 'Pc; Prima est Tc <sup>8</sup> persecutorum \*CaMgPfTb; persecutionum Tc

ID 3.80] De cons. D 1 c 36

<sup>9</sup> eorum \*CaMgPfTb; sanctorum Tc

39

<sup>1</sup>Ex concilio Aurelianensi, cap. iii<sup>2</sup>

Unicuique fidelium in domo sua oratorium licet habere, et ibi orare; missas autem ibi<sup>3</sup> celebrare non licet.

ID 3.76] De cons. D 1 c 33

40

 $[Qua\ hora\ celebranda\ sit\ missa]^1.\ Ex\ epistola\ Thelesphori^2\ pape,\ cap.\ vi^3$ 

Missarum celebrationes ante horam<sup>4</sup> diei<sup>5</sup> tertiam minime sunt celebrande, quia eadem hora et<sup>6</sup> Dominus crucifixus est et super apostolos Spiritus sanctus descendisse legitur, excepta nocte Nativitatis.

ID 3.65] De cons. D 1 c 48b var.

# **41**<sup>1</sup>

<sup>2</sup>Ex concilio apud Valentiam, cap. xvi<sup>3</sup>

Ut nullum episcopus prohibeat ingredi ecclesiam et audire verbum Dei, sive gentilem, sive hereticum, sive Iudeum<sup>4</sup>, usque ad missam<sup>5</sup> catechumenorum.

\_

ordan surgifie, santistam 15 -undo \*MgVo; -unda AdBeCaGcPfPhPrTbTcVm

<sup>&</sup>lt;sup>11</sup> tertio \*MgVo; tertia AdBeCaPfTbTcVm

<sup>&</sup>lt;sup>1</sup> Quod unusquisque in domo sua oratorium habere sed non missas celebrare potest (*after* oratorium Da) *add. in mg* CaDa; Quod licitum sit oratorium fieri in domibus, sed non sacrificare cp. xxxviii *add.* Vo

<sup>&</sup>lt;sup>2</sup> cap. iii \*AdCaMgPfPhTcVm; lib. iii Sf; om. EaTb

<sup>&</sup>lt;sup>3</sup> ibi \*CaEaMgPfPhTc; om. Tb

<sup>&</sup>lt;sup>1</sup> *in mg*. AdBeCaCeDaGcMgPfPrSbTc, *in text* Ea(*no inscr*.)SfVmVo(*adding* cp. xxxviiii); Qua hora debeat missa celebrari *in mg*. Rb<sup>2</sup>; *om*. OaPcPtTbVp

<sup>&</sup>lt;sup>2</sup> Theolophili Ad

<sup>&</sup>lt;sup>3</sup> cap. vi \*CaMgPfTc; om. PhTb

<sup>&</sup>lt;sup>4</sup> horam \*FbMgPfTbTc; om. Ca

<sup>&</sup>lt;sup>5</sup> diei \*CaMgPfTb; die Tc

<sup>&</sup>lt;sup>6</sup> et \*CaMgPfTb; om. Tc

<sup>&</sup>lt;sup>1</sup> cc 41-2 reversed CcTf

<sup>&</sup>lt;sup>2</sup> Nulli esse prohibendam ecclesiam <ad> audiendum verbum Dei usque ad missam Cathecuminorum add. Vo

<sup>&</sup>lt;sup>3</sup> cap. xvi BeCaGcMgPfRbTbTcTd; cap. vix AdOa; cap. xli Ld; cp. xl Vo; *om.* Ea. Ex – xvi] Ex conc. Carth. IIII cp. lxxxiiii DaSb *as XP 2.21.2* 

<sup>&</sup>lt;sup>4</sup> sive her. sive Iud. \*CaMgPfPhTc; sive Iud., sive her. Tb

<sup>&</sup>lt;sup>5</sup> secreta *add. supersc.* Tc

ID 3.33] De cons. D 1 c 67 var.

42

[¹Quod² unusquisque presbiter una contentus sit ecclesia³]⁴. Ex concilio⁵ Dionisii pape, cap. iiii⁶

Ecclesias singulas singulis presbiteris dedimus, et unicuique ius<sup>7</sup> proprium habere statuimus, ita videlicet ut nullus alterius parochie terminos aut ius invadat, sed unusquisque suis terminis sit contentus, et taliter ecclesiam et plebem sibi commissam custodiat, ut ante tribunal eterni iudicis ex<sup>8</sup> omnibus sibi commissis rationem reddat, et non iudicium sed gloriam pro suis actibus<sup>9</sup> accipiat<sup>10</sup>.

ID 3.47 med.] C 13 q 1 c 1

43

 $De\ eadem\ re^{1}.\ Ex\ concilio\ Remensi,\ cap.\ iii^{2}$ 

Unusquisque presbiter ecclesia una ad quam ordinatus est contentus sit, et nullus in duabus ecclesiis ministrare presumat.<sup>3</sup>

ID 3.481

44

<sup>1</sup>Item ex eodem<sup>2</sup>. Ex concilio Remensi<sup>3</sup>, cap. viii<sup>4</sup>

<sup>&</sup>lt;sup>1</sup> De presbiteris et eorum ecclesiis add.in mg. CaDbQa, and in text Db

<sup>&</sup>lt;sup>2</sup> Quod EaMgPfTbTcVm; om. Sf

<sup>&</sup>lt;sup>3</sup> cont. sit eccl. CaPfTc; cont. eccl. sit AdDaMg; cont. sit missa Rb<sup>2</sup>; sit cont. eccl. Sb

<sup>&</sup>lt;sup>4</sup> in mg. here AdBeCaCeDaGcMgPfPrRb<sup>2</sup>Sb, in text Ea(no insc.)SfVmVo(adding xxxix); om. PcPtQaTbVp; before c 43 Tc mg; v add. in mg. Be<sup>2</sup>

<sup>&</sup>lt;sup>5</sup> decretis DaSb; consilio Td

<sup>&</sup>lt;sup>6</sup> iiii AdBeFbGcMgTbTcTdVmVo; iii CaLdPf; vi OaRb; Severi episcopo missis DaSb; *no insc.* Pc <sup>7</sup> *ss* Pr

<sup>&</sup>lt;sup>8</sup> ex \*CaMgPfTb; de Tc

<sup>&</sup>lt;sup>9</sup> actibus \*MgPfTbTc; auctibus Ca

<sup>&</sup>lt;sup>10</sup> accipiat \*CaPfTbTc; recipiat Mg

<sup>&</sup>lt;sup>1</sup> De ead. re AdBeCeDaEaGcOaPcPfPhPrRbTbTcVmVoVp; De eodem. Item Ca; De eodem *add. in mg.* CaDa; Item FdMg; *om.* Pt. Quod unusquisque sua sit contentus ecclesia *add. in mg.* Tc

<sup>&</sup>lt;sup>2</sup> iii AdBeCaGcPfTbTc; iiii MgVp; ii OaPrRbVm; viii Pc; *no inscr.* EaPt; Non licet presbiterum ministrare in duabus ecclesiis cp. xxxxii *add.* Vo

<sup>&</sup>lt;sup>3</sup> que pena maneat presbiterum—ambitione *add*. Pq (see c 45)

<sup>&</sup>lt;sup>1</sup> De eadem re *add. in mg.* CaDa

<sup>&</sup>lt;sup>2</sup> Item ex eodem OaRb; Item AdBeCaCeDaEaMgPcPhTbTcVo; Idem Pf; Que pena maneat presbiter... qui suam reliquit ecclesiam melioris ambitionis Pq; *om.* GcPrPt

<sup>&</sup>lt;sup>3</sup> Ex conc. Rem. AdBe<sup>2</sup>CaMgPfPhTbVo; Ex conc. Meldensi Be; Ex (In GcPrVm) eodem conc. EgGcPcTcVm; Ex concilio quo supra Oa; Conc. ex quo supra Rb

Sicut in unaquaque ecclesia presbiter debet esse, ita ipsa que sponsalis<sup>5</sup> eius dicitur, non potest dividi inter plures<sup>6</sup> presbiteros, sed unum tantummodo habebit sacerdotem qui eam caste et sinceriter regat<sup>7</sup>. Unde interdicimus ut nullus presumat ecclesiam inter duos vel<sup>8</sup> plures dividere, quia Ecclesia Christi uxor et sponsa esse debet non scortum sicut Calixtus papa testatur.

ID 3.49] +C 21 q 2 c 4

### 45

[Que pena maneat presbitero<sup>1</sup> qui suam reliquerit<sup>2</sup> ecclesiam melioris ambitione]<sup>3</sup>.

Ex concilio Meldensi, cap.  $x^4$ 

Si quis de ordine sacerdotali contemptu minoris ecclesie, ambitiose et improbe ad potiorem aspiraverit, canonica erga eum diffinitio conservetur<sup>5</sup>, hoc est ut utraque careat.<sup>6</sup>

*ID 3.52] +C 7 q 1 c 32* 

46

[Quod nullus debeat ecclesiam dare vel auferre absque consensu episcopi sui]<sup>1</sup>. Ex concilio Cabillonensi, cap. xlii<sup>2</sup>

Inventum est quod multi arbitrii sui temeritate et<sup>3</sup>, quod est gravius, ducti<sup>4</sup> cupiditate presbiteris quibuslibet absque consensu episcoporum suorum ecclesias dant

<sup>&</sup>lt;sup>4</sup> cap. viii AdBeCaGcMgPfPhRbTbTcVmVo; *om.* Ea; cap iiiv Oa; cap. iii PhSf; *no insc.* Pt. Non posse dividi ecclesiam inter plures presbiteros cap. xliii *add.* Vo

<sup>&</sup>lt;sup>5</sup> sponsalis CaMgPfTb; sponsa Tc

<sup>&</sup>lt;sup>6</sup> plures \*CaMgPfTb; duos Tc

<sup>&</sup>lt;sup>7</sup> regat *before* caste Tb, *not* \*CaMgPfPhTc

<sup>&</sup>lt;sup>8</sup> inter add. Ca, om. \*FbMgPfTbTc

<sup>&</sup>lt;sup>1</sup> Que pena man. presb. (presbiterum AdBeCaCeGcPrSfVmVo<sup>2</sup>)

AdBeCaCeEaGcMgPfPrRb<sup>2</sup>SfVmVo<sup>2</sup>; Quod man. pena presbitero Tc

<sup>&</sup>lt;sup>2</sup> reliquerit BeGcPfRbVmVo; reliquit CaMgTc; reliquit Ad

<sup>&</sup>lt;sup>3</sup> in mg. AdBeCaDaGcMgMpPfPrRb<sup>2</sup>SbTc, in text Ea(no inscr.)SfVmVo(adding xliiii); om. MoOaPcPq(but see c 43)PtTbVp

<sup>&</sup>lt;sup>4</sup> Ex concilio *only* Pc; *no insc.* MoPt

<sup>&</sup>lt;sup>5</sup> conservetur \*CaMgPfTb; servetur Tc

<sup>&</sup>lt;sup>6</sup> Nemini ecclesiam presbitero dare vel auferre absque consensu episcopi sui licet *add in mg with tie mark* Ra

<sup>&</sup>lt;sup>1</sup> Quod nullus debeat (debet Sf) - cons. ep. sui (ep. sui cons. Sf) in mg.

AdBeCaCeDaGcMgMpPfPrRb<sup>2</sup>SbTc, *in text* SfVmVo(*adding* xlv); Quod nullus debeat dare aut auferre eccl. absque cons. episcopi sui Ea(*no inscr.*); *om.* OaPcPtTbVp

<sup>&</sup>lt;sup>2</sup> xlii \*AdCaPfTbTcVo; corr. fr. xl to xlvii Mg<sup>2</sup>; no insc. Pc

<sup>&</sup>lt;sup>3</sup> et \*CaTbTc; vel Be; om. AdEaGcMgPfPhRb

<sup>&</sup>lt;sup>4</sup> ducti \*OaPhTb; deducti AdBeCaDaEaGcLdMgMqPaPcPfPkPrRbSbTcTdTfVo

vel auferunt. Unde oportet ut canonica regula<sup>5</sup> servata<sup>6</sup> nullus absque consensu episcopi sui cuilibet presbitero ecclesiam det. Quam si iuste adeptus fuerit hanc non nisi culpa gravi<sup>7</sup> coram<sup>8</sup> episcopo canonica severitate amittat.

ID 3.88] +C 16 q 7 c 38

8 cora Ca

#### 47

<sup>1</sup>Ex concilio Magontiensi, cap. xxviii<sup>2</sup>

Ut<sup>3</sup> laici presbiteros non<sup>4</sup> eiciant de ecclesiis neque constituant sine consensu episcoporum suorum.

*ID 3.87] C 16 q 7 c 37 is widely var.* 

# 48

# Ex eodem concilio<sup>1</sup>

Ut nullus omnino munera exigat a presbiteris<sup>2</sup> propter<sup>3</sup> commendationem<sup>4</sup> ecclesie.

ID 3.89]

49

[Que<sup>1</sup> pena danda sit<sup>2</sup> presbiteris munera dantibus vel<sup>3</sup> pro sua vel pro<sup>4</sup> alterius ecclesia]<sup>5</sup>. Ex concilio Rothomagensi, cap. v<sup>6</sup>

<sup>&</sup>lt;sup>5</sup> corr. fr. ecclesia Mo

<sup>&</sup>lt;sup>6</sup> servata \*CaMgPfTb; servetur ut Tc

<sup>&</sup>lt;sup>7</sup> culpa gravi \*AdEaGcMgMpPfTc; culpam gravi Ca; gravi culpa PhTb; culpa gravius Pr

<sup>&</sup>lt;sup>1</sup> Quod (Ut Da) laici presbiteros non eiciant neque constituant add in mg. CaDa

<sup>&</sup>lt;sup>2</sup> xxviii AdBeCaGcMgPcPfPhQeVm; xxiii OaRb; xxvii Ex Pr; v Tb; xxvii Tc; xxxviiii Vo, *adding* Non posse laicos eicere presbiteros de ecclesiis suis cp. xlvi

<sup>&</sup>lt;sup>3</sup> om. Ra

<sup>&</sup>lt;sup>4</sup> laici presb. non] nulli laici presb. Ce

<sup>&</sup>lt;sup>1</sup> Ex eod. concilio AdBdBeCeDaEgGcMgPcTbTcVmVo; Ex concilio eodem cap. v Ca; Ex concilio eodem Cc; Ex concil' Mag' Ea; Ex conc. Magintiensi (Magunt- Rb) OaRb; Ex eod. capitulo Pf; Eodem concilio Sf. Que - ecclesia *add. in mg.* Ca (*cf c 49*); Non debere munera exigi a presbiteris pro adipiscendis ecclesiis cp. xlvii *add.* Vo

<sup>&</sup>lt;sup>2</sup> a pres.] a presb. vel pro sua *over erasure*, vel pro alterius ecclesia sive *in mg*. Ce

<sup>&</sup>lt;sup>3</sup> pro Ce; preter *add. ss* Mg<sup>2</sup>

<sup>&</sup>lt;sup>4</sup> commend- \*BeLdOaPhQeTcTb; emend- AdBdCaEgGcHaLkPfMgMqPcPkPqPrRbSbTdTfVmVo; emendatione Ce

<sup>&</sup>lt;sup>1</sup> Que BeCaEgGcMpPf Rb<sup>2</sup>Vm; Quod MgTc

<sup>&</sup>lt;sup>2</sup> danda sit BeCaGcMgPf Rb<sup>2</sup>TcVm; sit danda EaSf

<sup>&</sup>lt;sup>3</sup> dantibus vel BeCaEaGcMgPf Rb<sup>2</sup>TcVm; dedisse Sf

Sancitum est atque omnibus modis prohibitum ut si quis presbiter inventus fuerit alicui clerico vel laico munera dare aut dedisse, aut aliam<sup>7</sup> pecuniam tribuere, ut alterius presbiteri ecclesiam vacantem<sup>8</sup> pretio redimat, pro hac cupiditate seu rapina seu presumptione turpis lucri gratia deiciatur<sup>9</sup> a clero, et alienus existat a regula<sup>10</sup>.

ID 3.90] +C 7 q 1 c 33

<sup>4</sup> pro BeEgGcPfTcVm; om. AdCaEaMgSf

50

[Quod presbiter sive quilibet clericus<sup>1</sup>, quecumque<sup>2</sup> post diem ordinationis sue adquisierit, proprie relinquat ecclesie, nisi ei<sup>3</sup> evenerit, vel alicuius<sup>4</sup> dono vel iure hereditario]<sup>5</sup>. Ex concilio Remensi, cap. vi

Investigandum est si nihil patrimonii habens presbiter quando provectus est ad ordinem ecclesiasticum postea emerit predia, cuius<sup>6</sup> iuris sint<sup>7</sup>, quoniam ecclesie ad quam de nihil<sup>8</sup> habenti promotus est debent iuxta canonicam auctoritatem esse.

ID 3.94] X 3.25.1

51

<sup>1</sup>De eadem re<sup>2</sup>. Ex concilio Arausico<sup>3</sup>, cap. liiii<sup>4</sup>

<sup>&</sup>lt;sup>5</sup> in mg. AdBeCeDaEgGcMgMpPfPrRb<sup>2</sup>SbTc (in mg. to c 48 Ca), in text VmVo(adding cap. xlviii); om. MoOaPcPtTbVp

<sup>&</sup>lt;sup>6</sup> Ex conc. - v \*AdBeCaEgMgPf RbTbVo; *om.* EaMoPcPhTc (MoPc *with no break*); Ex conc. Romagensi cap. v Oa; Ex concilio Vp

<sup>&</sup>lt;sup>7</sup> aliam BeCaPfTbVo; aliquam AdEaEgMg RbTc

<sup>&</sup>lt;sup>8</sup> vac- \*CaMgTbTc; vag- Pf

<sup>&</sup>lt;sup>9</sup> deic- \*CaMgPfTc; eic- PhTb

<sup>&</sup>lt;sup>10</sup> sacerdotum *add*. MoPcTc, presbiterorum *add*. ss Eg<sup>2</sup>Mg<sup>2</sup>, om.

<sup>\*</sup>AdBbBeCaCcDaDbEaEgGcLeLgLkMfMgMhMjMkMmMpObOdOeOfPfPhPtRbSbTbVaVmVoBrant

<sup>&</sup>lt;sup>1</sup> cl. quil. Ce

<sup>&</sup>lt;sup>2</sup> quec- AdCaMgPfTcVm; quodc- Sf

<sup>&</sup>lt;sup>3</sup> *om*. Ce

<sup>&</sup>lt;sup>4</sup> alicuius AdCaMgPfVm; alio Tc

<sup>&</sup>lt;sup>5</sup> in mg. AdBeCaCeDaGcMgPfPr Rb<sup>2</sup>(against c 51)SbTc, in text Pq<sup>2</sup>VmVo; om. OaPcPtTbVp. vi add. in mg. Be<sup>2</sup>

<sup>&</sup>lt;sup>6</sup> cuius \*CaMgPfTb; eius Tc

<sup>&</sup>lt;sup>7</sup> sint \*AdCaMgTbVm; sunt Pf; non sint Tc

<sup>&</sup>lt;sup>8</sup> nihil \*AdMgMqPf; nihilo BeCaGcTbTcVm

<sup>&</sup>lt;sup>1</sup> De eodem *add. in mg.* CaDa

<sup>&</sup>lt;sup>2</sup> De eadem re AdBeCaCeMgOaPcPfPrSbTcVmVp; De eodem Vo; *om.* PhPtTb

<sup>&</sup>lt;sup>3</sup> Agatensi Sb (*not* Da). *cf XP* 2.28.1 (2)

<sup>&</sup>lt;sup>4</sup> liiii \*GcMgPf RbTcVmVo(adding xlviiii); lvii Be; viii Ca; liii PhSfTb; cap. liiii om. Ad

Presbiter<sup>5</sup> cum diocesim tenet, de his que emerit ad ecclesie nomen scripturam faciat, ut ab eius quam tenet ecclesie<sup>6</sup> ordinatione non discedat.

ID 3.95] C 12 q 4 c 3

52

De eadem re<sup>1</sup>. Ex concilio Carthaginensi, cap. xlvii<sup>2</sup>

Placuit ut episcopi, presbiteri, diaconi vel quicumque clerici qui nihil habentes ordinantur, et tempore episcopatus vel clericatus sui agros vel quecunque predia sui nominis<sup>3</sup> comparant, tanquam rerum dominicarum invasionis crimine teneantur obnoxii, nisi ad ecclesiam ad quam titulati sunt, eadem ipsa contulerint. Si<sup>4</sup> autem ipsis propria libertate<sup>5</sup> alicuius vel successione cognationis<sup>6</sup> aliquid evenerit, faciant inde quod velint.

ID 3.96a] C 12 q 3 c 1a, var.

53

De eadem re. Eodem concilio cap. xlviii<sup>1</sup>

Ut<sup>2</sup> unusquisque presbiter res quas post diem consecrationis adquisierit proprie ecclesie relinquat<sup>3</sup>.

ID 3.96b] X 3.25.3

<sup>&</sup>lt;sup>5</sup> Resbiter Mn

<sup>&</sup>lt;sup>6</sup> eius quam ten. eccl. \*AdBeGcOaTbTcVm; eius eccl. quam ten. CaMg; eiusdem eccl. quam ten. Pf

<sup>&</sup>lt;sup>1</sup> De eadem re AdBeCeEaMgOaPcPf RbTcVmVp; De eadem *in mg*. Ca; Ex eadem Gc; Ex eadem re Pr; De eodem DaVo (Vo *after corr.*); *om*. PhPtSbSfTb

<sup>&</sup>lt;sup>2</sup> cap. xlviii BeCaLdMgOaPf RbTdVmVo(*adding* li); cp. xlviiii DaSb; cap. xliv Tb; cap. xxxviii Tc; cap. xlviii Vp; *om*. AdEaPc

<sup>&</sup>lt;sup>3</sup> sui nom. \*AdBeCaPfTbTcVmVo; suo nomini Ea; suo nomine Eg<sup>2</sup>Mg

<sup>&</sup>lt;sup>4</sup> Si \*AdCaMgPfTc; Sin PhTb

<sup>&</sup>lt;sup>5</sup> libertate AdBeCaCeDaEgGcLkMqPfPhPkPqPrPwQeRbSbTbTcTfVmVo; liberalitate \*Eg²MgMpPc; largitate Oa

<sup>&</sup>lt;sup>6</sup> cognationis \*AdCaEgGcPfTbTcTfVo; cognitionis Mg; cogitationis PrVm

<sup>&</sup>lt;sup>1</sup> Do and ro. (at add Do) Fod. co.

<sup>&</sup>lt;sup>1</sup> De ead. re. (et *add*. Da) Eod. conc. cap. xlviii DaPcTc; De eadem re. Eod. conc. xliii Ad; De eadem re. Ex conc. Carthag. cap. xlviii (xlvii Vm) BeCaCeGcPrVm; Ex concilio Cartag' cap. xlviii. De eadem re Mg; De eadem re. Ex (et VoVp) eodem (concilio *add*. RbVo) cap. xlviii OaRbVo(*adding* cp. lii)Vp; Item idem Pf; Ex concilio Cartag' cap. xlviii PhPtTb; De eodem conc. cap. xlv... Sb
<sup>2</sup> Et CeOa

<sup>&</sup>lt;sup>3</sup> eccl. rel. \*CaCeGcMgPfPkTc; rel. eccl. PhQeTb; eccl. reliquit Pq

54

[Ut canticum turpe circa ecclesias<sup>1</sup> non fiat]<sup>2</sup>. Ex concilio Cartaginensi<sup>3</sup> Canticum turpe atque luxuriosum circa ecclesias atque in atriis ecclesie omnino contradicimus<sup>4</sup>, quod ubique<sup>5</sup> vitandum est.

ID 3.77]

55

[Quod pictura in<sup>1</sup> ecclesiis<sup>2</sup> debeat et non debeat fieri diversis respectibus<sup>3</sup>]<sup>4</sup>. Ex concilio Eliberitano, cap. i<sup>5</sup>

Placuit picturas in ecclesiis fieri non debere, ne quod colitur et adoratur in parietibus depingatur<sup>6</sup>.

ID 3.401

**56** 

Item de pictura<sup>1</sup>. Ex epistola<sup>2</sup> Gregorii pape Secundino Dei recluso directa<sup>3</sup>
Aliud est enim<sup>4</sup> picturam adorare, aliud per picture historiam quid sit
adorandum addiscere. Nam quod legentibus scripturam<sup>5</sup> hoc idiotis patet<sup>6</sup> picturam

<sup>&</sup>lt;sup>1</sup>-esias Ad<sup>2</sup>BeCaGcMgPrSbTcVm; oculos Ad; -esiam Da; -esia Pf

<sup>&</sup>lt;sup>2</sup> Ut - fiat *in mg*. AdBeCaCeDaGcHaMgPfPr Rb<sup>2</sup>SbTc, *originally against c 53* Mg, *in text* Ea(*no inscr*.)Vm; Turpe canticum non fiat circa ecclesiam Sf; Circa ecclesias canticum turpe vel luxiriosum non debere fieri *add*. Vo; *om*. OaPtTb

<sup>&</sup>lt;sup>3</sup> Ex conc. Cart. AdBeCaMgRbTbTcVo(*adding* liii); Ex conc. Eliberitano cp. i PcPrVm (*cf c 55*); De eadem re et de eadem concilio, cap. xlviii Pf (*cf* Tc *c 53*)

<sup>&</sup>lt;sup>4</sup> interdicimus Tf. fieri add. AdBeCaHaLdMgTcTdTf, om. \*CeGcLdOaMqPf PhRbTb

<sup>&</sup>lt;sup>5</sup> est add. TbTc, om. \*AdBeCaMgPfPhVm

<sup>&</sup>lt;sup>1</sup> in AdCaMgTcVm; om. Pf

<sup>&</sup>lt;sup>2</sup> -iis CaMfPfTcVm; -ia Sf

<sup>&</sup>lt;sup>3</sup> et non debeat fieri diversis respectibus AdCaCeMgSbVm; et non debeat fieri diversis de causis Be; et non debeat fieri PfTc; fieri diversis respectibus Rb<sup>2</sup>; fieri et non debeat diversis respectibus Sf

<sup>&</sup>lt;sup>4</sup> in mg. AdBeCeHa<sup>2</sup>MgPf Rb<sup>2</sup>SbTc; in text Vm; as rubr. to c 56 Vo; om. CaDaOaPcPtTb

<sup>&</sup>lt;sup>5</sup> Ex - cap. i AdBeCaLdMgPc(*repeated from c 54*)PfPhTcTdVo(*adding* liiii); Ex - cp. xxxvi DaSb?; Ex conc. Cartag' PrVm (*cf c 54*); Ex - Elib. Tb; *om*. Pt

<sup>&</sup>lt;sup>6</sup> -atur \*BeCaMgPfTc; -uatur AdSbTbVo

<sup>&</sup>lt;sup>1</sup> Item de pictura \*AdCeDaGcMgMqOaPcPfPrRbVm; De pictura CaVa; Idem de pictura Tc; *om.* BePtPwSbTb

<sup>&</sup>lt;sup>2</sup> Ex epistola \*AdEgMqOaPf RbTbTc; Epistola Be; Exempla MgVm; om. CaPt

<sup>&</sup>lt;sup>3</sup> Secundino Dei (*om* Mg) recluso directa AdBeCaDaLdMgMqPcPfPrTdVmVo; Sereno episcopo .... assiensi Eg; servo Dei Secundino recluso directa PhSf; Secundino servo Dei recluso Pt; Sec. servo Dei recluso dir. OaRb; servo Dei directa recluso *before corr*. Tb; Sereno episcopo Massiliensi directa Tc [*recte*; *cf JE 1800, Reg. XI. 10*]; Quod pictura debeat et non debeat fieri diversis respectibus *add. in mg.* GcPr; Quod pictura in ecclesiis debeat et non debeat fieri diversis respectibus (lv *add.* Vo) *add.* CaDaRbVo

<sup>&</sup>lt;sup>4</sup> enim BeCaMgPfPhTcVoVq<sup>2</sup>; om. TbVq

cernentibus<sup>7</sup>, quia in ipsa ignorantes vident quod<sup>8</sup> sequi debeant, in ipsa legunt qui litteras nesciunt. Unde et precipue gentibus pro lectione pictura est. Quod magnopere tu qui inter gentes habitas attendere debueras ne, dum recto zelo incaute succenderis, ferocibus animis scandalum generares. Frangi ergo non debuit quod non<sup>9</sup> ad<sup>10</sup> adorandum in ecclesiis sed ad instruendas solummodo mentes fuit nescientium<sup>11</sup> collocatum<sup>12</sup>, et quia in locis venerabilibus sanctorum depingi historias<sup>13</sup> non sine ratione vetustas admisit, si zelum discretione condidisses<sup>14</sup>, sine dubio et ea que intendebas salubriter obtinere<sup>15</sup>, et collectum gregem non dispergere sed potius poteras congregare, ut pastoris intemeratum excelleret nomen, non culpa dispersoris incumberet.

ID 3.41] De cons. D 3 c 27 med. has Aliud enim est – pictura est

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    5 -uram *CaMgPfTb; -ura Tc
    6 patet *BeCaGcPfTb; prestat MgTc
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57

[Quod debeat dari decima et¹ de peccoribus et de omnibus terre fructibus²]³. Ex concilio Magontiensi, cap. xxxviii

Admonemus<sup>4</sup> atque precipimus ut decimas<sup>5</sup> omnino Deo dare<sup>6</sup> non negligantur<sup>7</sup> quas Deus<sup>8</sup> dare<sup>9</sup> constituit<sup>10</sup>, quia timendum est ut quisquis Deo suum debitum abstrahit, ne forte Deus per peccatum suum auferat ei necessaria sua<sup>11</sup>.

<sup>&</sup>lt;sup>7</sup> picturam cern. \*AdBeCaPfPhVm; pictura cern. MgTc; cern. picturam Tb

<sup>&</sup>lt;sup>8</sup> quod \*MqPfTbVm; quid AdBeCaGcMgTc

<sup>&</sup>lt;sup>9</sup> om. Pq

<sup>&</sup>lt;sup>10</sup> ad \*PqTcTb; om. AdBeCaMgMqPfPhVm

<sup>11</sup> fuit nesc. BeMgPfPhVm; nesc. Tc; nesc. fuit CaTb

<sup>&</sup>lt;sup>12</sup> collocatum \*BeGcMgMqPhTcVm; collatum AdCaPfTb

<sup>&</sup>lt;sup>13</sup> -rias \*CaMgPfPhTb; -riam Tc

<sup>&</sup>lt;sup>14</sup> condidisses AdBeCaPhTbTcVo; condisses DaPrVm; credidisses MgPf

<sup>&</sup>lt;sup>15</sup> poteras add. Mg, om. CaPfTbTcVm

<sup>&</sup>lt;sup>1</sup> et AdMgPfCm; om. Tc

<sup>&</sup>lt;sup>2</sup> omn. terre fruct. Ce<sup>2</sup>MgPfTcVm; terre fruct. omn. Be; omn. terre frugibus Ce; fruct. terre Sf

<sup>&</sup>lt;sup>3</sup> in mg. AdBeCeGc(against c 58)MgPfPrSbTc, in text SfVmVo(adding lvi); xiiii. (om. Lj) De decimis in mg. Bd<sup>2</sup>DbLj, and in text Db, in text Ph; Ut decime dentur in mg. CaDa; Quod debeat decimari et de peccatoribus et de omnibus terre fructibus in mg. Rb<sup>2</sup>; om. OaPtTbVp. vii add. in mg. Be<sup>2</sup>

<sup>&</sup>lt;sup>4</sup> Admon- \*AdBeCaMgPfTbVo; Dein mon- Oa; Ammonuimus Rb; Mon- Tc

<sup>&</sup>lt;sup>5</sup> decimas \*AdBeCaMgTb; decime PcPfTc

<sup>&</sup>lt;sup>6</sup> omnino Deo dare Pc<sup>2</sup>Vm; omn. dare AdBeCaTb; omn. dare Deo Mg; Deo omn. dare Mq; omn. dari Pf<sup>2</sup>Vo; omn. dari Deo PcTc

<sup>&</sup>lt;sup>7</sup> -antur PcPfTc; -ant AdBeCaMg; -atur MqPh; -atis Tb

<sup>&</sup>lt;sup>8</sup> ipse add. \*MgPc, om. AdCaMqPfTbTcVm

<sup>&</sup>lt;sup>9</sup> dare CaMgPfTb; dari Tc

<sup>10</sup> const- \*CaMgPfPhTc; inst- Tb

<sup>&</sup>lt;sup>11</sup> sua \*AdBeRbTbTcVmVo; om. CaMgPf

ID 3.197] +C 16 q 2 c 2 Palea

58

# <sup>1</sup>Ex concilio Rothomagensi, cap. iii<sup>2</sup>

Omnes decime terre sive de frugibus<sup>3</sup> sive de pomis arborum, Domini sunt, et illi<sup>4</sup> sanctificantur. Boves et oves et capre que sub virga pastoris transeunt<sup>5</sup>, quicquid decimum venerit, sanctificabitur Domino<sup>6</sup>. Non eligetur nec bonum nec malum nec altero<sup>7</sup> commutabitur. Si quis mutaverit et quod mutat et quod mutatum est sanctificabitur Domino, et<sup>8</sup> non redimetur. Sed quia multi inveniuntur modo decimas dare nolentes, statuimus ut secundum Domini nostri Iesu Christi preceptum<sup>9</sup> admoneantur semel et secundo et tertio. Si non emendaverint anathematis vinculis<sup>10</sup> constringantur usque ad satisfactionem et emendationem congruam.

ID 3.196] +C 16 q 7 c 5, incl. Palea

# **59**<sup>1</sup>

[Quod episcopi et abbates debeant<sup>2</sup> dare decimas]<sup>3</sup>. Ex concilio Cabilonensi<sup>4</sup>, cap.

Questi<sup>6</sup> sunt preterea<sup>7</sup> quidam sancti<sup>8</sup> quod<sup>9</sup> essent aliqui episcopi et abbates qui decimas non dare sinerent <sup>10</sup> ad ecclesias ubi illorum coloni missas<sup>11</sup> audiunt.

<sup>&</sup>lt;sup>1</sup> Quod debeat dari decima (et *add*. Da) de pecoribus et de omnibus terre fructibus *add*. *in mg*. CaDa; De decimis dandis *in text* Ea; De eodem *add*. Vo

<sup>&</sup>lt;sup>2</sup> cap. iii \*AdBeCaDaMgOaPfTcVo(adding lvii); cap. xxx Ph; cap. xxxviii Ph<sup>2</sup>SfTb; om. GcPrVm; no insc. EaPt

<sup>&</sup>lt;sup>3</sup> frugibus \*CaEaMgPfTb; fructibus Tc

<sup>&</sup>lt;sup>4</sup> illi \*CaMgPfTc; ipsi Tb

<sup>&</sup>lt;sup>5</sup> et add. CaTb, om. \*BeGcMgPfTc

<sup>&</sup>lt;sup>6</sup> sanct. Dom. \*CaPfTbTc; Dom. sanct. Mg

<sup>&</sup>lt;sup>7</sup> altero \*CaMgPfTb; aliud Tc

<sup>&</sup>lt;sup>8</sup> et CaMgTbTc; om. Pf

<sup>&</sup>lt;sup>9</sup> preceptum \*CaMgPfPhTc; imperium Tb

<sup>&</sup>lt;sup>10</sup> anat. vinc. \*CaPfTbTc; vinc. anat. Mg

<sup>&</sup>lt;sup>1</sup> after c 61 LeMqVc, after c 60 Mk; inserted in mid- c 61 without a break at end Mh

<sup>&</sup>lt;sup>2</sup> -eant AdBeCaMgPfTcVm; -ent EaSf

<sup>&</sup>lt;sup>3</sup> in mg. AdBeCaCeDaGcMgMpPfPrRb<sup>2</sup>SbTc; in text Ea(no inscr.)SfVmVo(adding lviii); om. OaPcPtTbVp

<sup>&</sup>lt;sup>4</sup> Capuan' Pt

<sup>&</sup>lt;sup>5</sup> No insc. Pc; this is the last insc. in Rb, which still has mg. rubrics for a while

<sup>&</sup>lt;sup>6</sup> Questi \*CcCeGcMfMjMpMqOaPhPrPtQeRaRbSbTbVm; Conqu-

AdBbBdBeCaDaEgHaLkMgPcPdPfPqPwRaQaTcVoVpWc

<sup>&</sup>lt;sup>7</sup> presbiteri Mn; propterea CePc?

<sup>&</sup>lt;sup>8</sup> sancti \*OaRbTbVm; fratres CeEaMfMgMjMpPhQaRa; om.

AdBdBeCaDaEgHaLd<sup>2</sup>LkMoMqPdPfPqPwSbTcTdTfVoWc; facti GcLdPkPt; quid. sancti om. Mn

<sup>&</sup>lt;sup>9</sup> facti add. Tc, om. \*BeCaEaEgMfMgMjMoMpPfPtPyQaTb

Proinde decrevit sacer iste 12 conventus ut episcopi et 13 abbates de agris et de 14 vineis<sup>15</sup>, que ad suum vel fratrum stipendia<sup>16</sup> habent, decimas ad ecclesias deferri<sup>17</sup> faciant. Familie vero ibidem decimas suas ferant ubi infantes eorum baptizantur et ubi per totum anni circulum missas audiunt.

ID 3.198] C 16 q 1 c 46

<sup>10</sup> non dare sin. AdEaEgGcPfPkVm; non sin. dare BeCaMgMq; dare non sin. OaPhQeRbTbTc

AdBdBeLkPcPqPwSbVo; usum vel stip. CaCeDaEgGcHaLdPfPkTbTcTf; usum suum vel fratrum stip. Ea; (usum et fratrum ss) stip. Mo; usum suum vel stip. fratrum Mq; usum vel fratrum stip. Qa; usum fratrum stip. Vp

### 60

[Quod auctoritate veteris legis danda sit<sup>1</sup> decima]<sup>2</sup>. Ex concilio Magontiensi, cap. viii<sup>3</sup>

Decimas Deo et sacerdotibus Dei<sup>4</sup> dandas Abraham factis Iacob promissis insinuat. Deinde<sup>5</sup> lex statuit et omnes doctores sancti commemorant, et profecto dignum<sup>6</sup> erat, ut Israhelite decimas pecorum et frugum<sup>7</sup> et omnium primitiarum Domino<sup>8</sup> darent, qui eos<sup>9</sup> liberaverat a decem plagis quibus percussit Egiptios<sup>10</sup>, et in novissima plaga primogenita cunctorum disperdidit, gratiamque suis<sup>11</sup> prestitit, ut impetratis pecuniis spoliarent Egiptum. De quibus decimis Augustinus doctor venerabilis 12 dicit 13, Decime ex debito requiruntur. Quid 14 si diceret Deus, nempe

<sup>&</sup>lt;sup>11</sup> misas Tb <sup>12</sup> add. ss Be<sup>2</sup>

<sup>&</sup>lt;sup>13</sup> et \*BeCaPhMgPfTc; om. Tb

<sup>&</sup>lt;sup>14</sup> de \*BeCaMgPfPhTb; om. Tc

<sup>15</sup> vicis Lk

<sup>&</sup>lt;sup>16</sup> suum vel fratrum stipendia (-endium PrVm) \*MgOaPhPrOeRbVm; usum et stip.

<sup>&</sup>lt;sup>17</sup> def- \*BeCaMgPfTc; aff- Tb

<sup>&</sup>lt;sup>1</sup> sit AdBeCaEaGcMgPfTcVm; est Sf

<sup>&</sup>lt;sup>2</sup> in mg. AdBeCaCeDaGcMgMpPfPr Rb<sup>2</sup>Tc; in text Ea(no inscr.)SfVmVo(adding lviiii); Quod ex episcopi – sit sententia in mg. Sb; Abraham, victis quinque regibus, obtulit Melchisedech decimas add. Tc; om. OaPkPtTbVp

<sup>&</sup>lt;sup>3</sup> Mag. cap. viii \*AdCaMgPfTbVm; Toletano Tc

<sup>&</sup>lt;sup>4</sup> Dei MgPfTbTc; om. Ca

<sup>&</sup>lt;sup>5</sup> et add. Tc, om. \*CaMgPfTb

<sup>&</sup>lt;sup>6</sup> profecto dignum \*CeGcMgOaPhPkPrRbVmVp; preceptum Ad<sup>2</sup>BeCaEaLdPa<sup>2</sup>PcTb; proferatum Bd; proph'atum DaLkSb; profectum (preceptum ss) Eg; prophetarumHa; profectum MqPaPfPq; prophetatum PwTfVo; profecto dignum et preceptum Tc; probeatum Td; profectus Vo<sup>2</sup>

et frugum \*CaMgPfTb; om. Tc

<sup>&</sup>lt;sup>8</sup> Domino \*CaMgPfTb; om. Tc

<sup>&</sup>lt;sup>9</sup> qui eos \*CaMgPfTb; quia eos Deus Tc

perc. Eg. \*CaMgPfTb; Eg. perc. Tc

<sup>&</sup>lt;sup>11</sup> suis \*CaMgPfTc; om. PhTb

<sup>&</sup>lt;sup>12</sup> doct. ven. \*CaMgPfTb; ven. doct. Tc

<sup>&</sup>lt;sup>13</sup> dicit \*CaMgPfTc; ait PhTb

<sup>&</sup>lt;sup>14</sup> Ouid CaMgPfTb: Ouod Tc

meus est homo<sup>15</sup>, mea est terra quam colis, mea sunt semina que spargis, mea animalia que fatigas, meus est solis calor, et cum omnia 16 mea sint tu qui minus accommodas, solam decimam vix merebaris, sed reservo tibi novem, da mihi decimam. Si non dederis mihi<sup>17</sup> decimam auferam tibi novem. Si<sup>18</sup> dederis mihi<sup>19</sup> decimam multiplicabo novem. Cum itaque Iudaicus populus preceptum decimarum tanta diligentia observaret ut<sup>20</sup> de quibusque<sup>21</sup> minimis rebus, ruta videlicet et mentha et cimino<sup>22</sup>, ut ipse Dominus testatur<sup>23</sup>, decimam daret, cur non maiori studio plebs evangelica eamdem impleat iussionem, et cui maior numerus est<sup>24</sup> sacerdotum et sincerior cultus sacramentorum? Ideo ergo dande sunt ut hac devotione Deus placatus largius prestet que necessaria sunt, sicut superius ostendimus<sup>25</sup>. Et ut sacerdotes ac<sup>26</sup> ministri<sup>27</sup> ecclesie cura et sollicitudine necessitatum corporalium, sine quibus hec vita transigi non potest, relevati liberiores fiant ad meditationem<sup>28</sup> divine legis et doctrine administrationem atque spiritualis servitutis<sup>29</sup> voluntariam<sup>30</sup> expletionem<sup>31</sup>, et ut munus<sup>32</sup> populi in cotidiana oblatione Domino immoletur, nec non<sup>33</sup> statuta canonica<sup>34</sup> in sustentatione<sup>35</sup> pauperum et restauratione<sup>36</sup> ecclesiarum proficiant. Quatuor enim partes iuxta canones fieri<sup>37</sup> de fidelium oblationibus debent<sup>38</sup>, ut una sit

15 est homo \*CaPfTc; es o homo Mg; es homo Tb

<sup>&</sup>lt;sup>16</sup> omnia \*CaMgTbTc; om. Pf

<sup>&</sup>lt;sup>17</sup> mihi CaMgPfTbTc; om. Ad

<sup>&</sup>lt;sup>18</sup> non add. Ca, vero add. Tc, om. \*AdBeMgPfTbVm

<sup>&</sup>lt;sup>19</sup> mihi \*CaMgPfPrTc; om. PhTb

<sup>&</sup>lt;sup>20</sup> ut \*CaMgPfTb; et Tc

<sup>&</sup>lt;sup>21</sup> quibusque Ad<sup>2</sup>Mq<sup>2</sup>PfTb; quibus Ad; quibuslibet Be; quibuscumque CaGcMgMqTc

<sup>&</sup>lt;sup>22</sup> cim- \*BeCa<sup>2</sup>GcTb; cum- AdCaMgMqPfTcVm

<sup>&</sup>lt;sup>23</sup> Dom. test. \*Ca<sup>3</sup>MgPfTbTc; test. Dom. Ca

<sup>&</sup>lt;sup>24</sup> num. est GcTbTc; est num. AdBeCaMgPf

<sup>&</sup>lt;sup>25</sup> ostendimus \*BeCa<sup>2</sup>MgPfTb; diximus CaTc

<sup>&</sup>lt;sup>26</sup> sacerdotes ac Ad<sup>2</sup>BeCaMgPf; sacerdos (vel tes ss Da) ac AdDaPrVm; sacerdos et Tb (after corr.);

sacerdotes et Tc <sup>27</sup> ministri \*BePrTcVm; magistri AdCaCeGcHaLdMgPfPh(vel ministri *ss*)TdTfVo; magister Da(vel tri *ss*)Tb(mag. et sacerdos *hafora rayanga*).

ss)Tb(mag. et sacerdos before reversal)
<sup>28</sup> meditationem CaGcMgPfTbTc; emendationem PrVm

<sup>&</sup>lt;sup>29</sup> servitii Ce

<sup>&</sup>lt;sup>30</sup> voluntariam \*BePhPrTbVm; om. AdBdCaCeDaGcHaLdMgPfSbTcTdTfVo

<sup>&</sup>lt;sup>31</sup> sp. serv. exp. *over erasure* Ca

<sup>&</sup>lt;sup>32</sup> ut munus \*BeCa<sup>2</sup>DaEgLdPaSbTc<sup>1</sup>Td; ut unius Ad<sup>2</sup>BdGc?Ha<sup>2</sup>LkPf?PrTfVmVo; ut minus CaMgTc; unius CeHaPq; ut in unius Mq; munus PhTb; et unius Pk; in munus Pw?; ut non minus Rb; ?? Pa

<sup>&</sup>lt;sup>33</sup> nec non \*AdBe<sup>2</sup>CaDaGcLdMqPfPrTdTfVo; nec non iuxta Ad<sup>2</sup>PhTbTcTd<sup>2</sup>; secundum Ca<sup>2</sup>; nec non ita Ha; nec non secundum Mg

<sup>&</sup>lt;sup>34</sup> stat. can. \*CaMgPfTc; can. instituta PhTb

<sup>&</sup>lt;sup>35</sup> -atione CaPfTbTc; -ationem Mg

<sup>&</sup>lt;sup>36</sup> -ione CaPfTbTc; -ionem Mg

<sup>&</sup>lt;sup>37</sup> iuxta can. fieri PfTbTc; fieri iuxta can. CaMg

<sup>&</sup>lt;sup>38</sup> obl. deb. CaMgPfTb; deb. obl. Tc

episcopi, altera clericorum, tertia pauperum, quarta restaurationi ecclesiarum servetur<sup>39</sup>.

*ID 3.199] +C 16 q 7 c 6 has first two lines only* 

# **61**<sup>1</sup>

[Quod tres partes debeant fieri de $^2$  decimis, due clero, tertia episcopo] $^3$ .  $Ex^4$  concilio  $Toletano^5$ 

De his<sup>6</sup> que ad ecclesiam a parochianis offeruntur in terris, in vineis, in mancipiis, peculiis, antiquorum canonum instituta serventur, ut omnia in episcopi potestate consistant. De his autem que altaribus offeruntur, tertia pars fideliter episcopis<sup>7</sup> deferatur<sup>8</sup>, due clericis<sup>9</sup>. Decime autem<sup>10</sup> secundum quosdam singulis annis tertia pars, aut in tertio tota<sup>11</sup>. Sed tamen nos<sup>12</sup> sequentes Romanos<sup>13</sup>, singulis annis quartam partem, aut in quarto anno totam episcopi recipiant<sup>14</sup>.

ID 3.202] C 10 q 1 c 7 var. to episcopis deferatur

62

Ex concilio Mediomatricis, cap. iii<sup>1</sup>

<sup>&</sup>lt;sup>39</sup> quarta restaurationi ecclesiarum (ecclesie Rb) servetur OaPhQeRbTb; quarta ad restaurationem ecclesiarum AdCaCcDaGcHaLgMfMgMjMpPdPrPtPwTcTdTfVmVoVpWc; quarta ad restituendam ecclesiam BdEgLkMoObOeOfPcPfPqRaSbVaWd; quarta ad restaurationem ecclesie BeOdPaSlVo*Brant*; quarta ad ecclesias reparandas Ce; et restaurationem ecclesiarum proficiant Ea; quarta in restaurationem ecclesie Ld; quarta ad restaurationem ecclesiarum (eccl. rest. Mm) fabrice applicanda LeMhMkMmMq; quarta edificandum Mn

<sup>&</sup>lt;sup>1</sup> after c 62 Vp

<sup>&</sup>lt;sup>2</sup> de AdBeCaMgPfTcVm; om. Sf

<sup>&</sup>lt;sup>3</sup> in mg. AdBeCaCeDaGcMgMpPfPrRb<sup>2</sup>SbTc, in text VmVo(adding lx); De legitima possessione Ph; om. OaPcPtTbVoVp. Fabrice applicande in mg. Bb

<sup>&</sup>lt;sup>4</sup> Ex AdBeCaMgPfTb; De MoTc

<sup>&</sup>lt;sup>5</sup> cap. viii add. SfTb, om. \*AdBeCaGcMgOaPfTcVmVo; no insc. Pt; Mk runs this on without a break from c 59 (qv)

<sup>&</sup>lt;sup>6</sup> his \*MgPfTbTc; illis Ca

<sup>&</sup>lt;sup>7</sup> fid. ep. CaMgPfPhQeTc; ep. fid. Tb

<sup>&</sup>lt;sup>8</sup> Le ends cap. here, but adds episcopis deferatur. Due clericis – recipiant to end of c 59

<sup>&</sup>lt;sup>9</sup> due clericis \*CaMgMkMoPfTb; due clerici Mh; om. Tc

<sup>10</sup> sunt add. ss Da

<sup>11</sup> episcopi add. in mg. Ld

<sup>&</sup>lt;sup>12</sup> Sed tamen nos] Si non Oa

<sup>&</sup>lt;sup>13</sup> precipimus ut add. QeTb, ut statuimus add. Ph, om. \*AdCaCeDaGcHaLdMgMoMpPfTcTdTfVm

<sup>&</sup>lt;sup>14</sup> due clericis – rec. in mg. Vc<sup>2</sup>

<sup>&</sup>lt;sup>1</sup> Med. cap. iii (xiii BeCe, iiii Oa) \*Be<sup>2</sup>CaCeMgOaPfTbVmVo; Med. cap. Ad; Toletano Pt; Mediolanensi MoTc. Ne munera pro decimis dandis exiguntur cp. lxi *add*. Vo

Decime<sup>2</sup> quas populus dare non vult, nisi quolibet munere ab eo<sup>3</sup> redimantur, ab episcopis prohibendum est ne fiat.

ID 3.200] +C 16 q 7 c 7

<sup>2</sup> Decime AdBeCaDaGcMqOaPfPrPtTcVmVo; De decimis MgMpQe<sup>2</sup>TbVp; []ecime Ph; Decimis QeVp; De his Rb; Decimas SbVq

<sup>3</sup> ab eo \*CeDa<sup>2</sup>GcMqOaPhRbSbTcTbVm; om. AdBeCaDaMgMpPfTfVp

63

[Quod res<sup>1</sup> ecclesie duplici iure possideantur, divino et humano]<sup>2</sup>. Augustinus super Iohannem, parte prima, tractatu vi<sup>3</sup>

Quo iure defendis villas ecclesie, divino an humano? Divinum ius in scripturis habemus, humanum in legibus regum. Unde quisque<sup>4</sup> possidet quod possidet?<sup>5</sup> Nonne iure humano? Nam iure divino Domini est terra et plenitudo eius. Pauperes et divites Dominus ex uno limo fecit, et<sup>6</sup> pauperes et divites una terra subportat. Iure ergo humano dicitur, Hec villa mea est, hec domus mea est, hic servus meus est. Iura ergo<sup>7</sup> humana, iura imperatorum. Quare? Quia ipsa iura humana<sup>8</sup> per imperatores et reges seculi Deus distribuit<sup>9</sup> generi humano. Item. Tolle iura imperatoris, et quis audebit dicere, Mea est illa villa, meus est iste servus, mea est ista domus? Si autem ut teneantur ista ab omnibus<sup>10</sup>, iura acceperunt regum, vultis ut<sup>11</sup> recitemus<sup>12</sup> leges ut gaudeatis?<sup>13</sup> Item. Relegantur leges ubi manifeste<sup>14</sup> preceperunt imperatores eos qui propter ecclesie catholice<sup>15</sup> communionem usurpant sibi nomen Christianum, nec volunt in pace colere pacis auctorem, nihil nomine ecclesie audeant possidere. Sed

<sup>1</sup> om Sh

<sup>&</sup>lt;sup>2</sup> in mg. AdBeCaCeGcMgPfPrRb<sup>2</sup>SbTc; in text EaSfVmVo(adding lxii); in mg. against Item. Tolle below Lj; xv. De legitima possessione ecclesiarum in mg. Bd<sup>2</sup>; De decima possessione in text, De legitima possessione in mg. Db, in text Vp; Quod tres partes debeant fieri de decimis Pt; De legitima possessione Vp; om. DaOaTb

<sup>&</sup>lt;sup>3</sup> tractatu vi \*CaGcMgPfPrSb(*subs. canc.*)VmVo; Aug. – Ioh. *only* Ad; tractatu vii BePhSfTb; Aug. – prima Da; Aug. *only* Ea; *om.* Eg; tractatus PcTc. *No insc.* Pt

<sup>&</sup>lt;sup>4</sup> quisque \*AdBeMgPfTb; unus quisque Tc; quis Ca

<sup>&</sup>lt;sup>5</sup> quod poss. *in mg*. Ph

<sup>&</sup>lt;sup>6</sup> et \*CaPfTbTc; om. Mg

<sup>&</sup>lt;sup>7</sup> sunt add. Tc, om. \*AdCaMgPfTb

<sup>&</sup>lt;sup>8</sup> iura hum. \*GcRbTbTcVm; hum. iura AdBeCaMgPf

<sup>&</sup>lt;sup>9</sup> Deus dist. \*AdTbTcVm; dist. Deus CaMgPf

<sup>10</sup> omnibus MgPfTbTc; hominibus Ca

<sup>11</sup> ut CaMgPfTc; om. Tb

<sup>12</sup> reticea add. in mg. Vp

<sup>&</sup>lt;sup>13</sup> gaudeatis \*MgPfTbTc; audiatis Ca

ubi man. \*CaMgPfPhTc; ibi (man. in mg.) Tb

<sup>15</sup> eccl. cath. \*MgTbTc; cath. eccl. CaPf

quid nobis et imperatori? Sed, etiam<sup>16</sup> dixi, de iure humano agitur<sup>17</sup>, et tamen apostolus voluit serviri<sup>18</sup> legibus<sup>19</sup>, voluit honorari<sup>20</sup> reges et dixit, Regem veremini<sup>21</sup>. Dicere noli, Quid mihi et regi? Quid tibi ergo et possessioni? Per iura regum possidentur possessiones<sup>22</sup>. Dixisti, Quid mihi et regi? Noli dicere possessiones tuas, quia ad<sup>23</sup> ipsa<sup>24</sup> iura renuntiasti<sup>25</sup> humana, quibus possessiones possidentur<sup>26</sup>.

ID 3.194] D 8 c 1

<sup>16</sup> iam PhSb; ut *add*. CaMgPc<sup>2</sup>Tc, *om*. BdCeGcPaPcPfPk

### 64

[Quod est legitimum tempus ecclesiastice possessionis]<sup>1</sup>. Ex concilio Chalcedonensi, cap. xvii<sup>2</sup>

Per singulas ecclesias<sup>3</sup> rusticanas, parochias<sup>4</sup> sive possessiones manere<sup>5</sup> immobiles apud eos<sup>6</sup> qui eas<sup>7</sup> retinent episcopos et maxime qui eas sine violentia<sup>8</sup> iam per triginta annos tenentes gubernaverunt<sup>9</sup>. Si vero intra triginta annos <sup>10</sup> facta fuerit aut fiat de his altercatio<sup>11</sup>, licere<sup>12</sup> eis qui se dixerint lesos propter eas<sup>13</sup> movere<sup>14</sup> apud sinodum provincie certamen<sup>15</sup>.

<sup>&</sup>lt;sup>17</sup> Sed quid - agitur \*BdCaCeMgPaPcPfPhPkPrTc; om. Tb

<sup>&</sup>lt;sup>18</sup> -iri \*PhTb; -ire AdBdCaGcMgPcPfPh<sup>2</sup>PwSbTcVm

<sup>&</sup>lt;sup>19</sup> legibus BdBeGcMgMqPfSbTbTcVo; regibus Ad<sup>2</sup>CaSb<sup>2</sup>

<sup>&</sup>lt;sup>20</sup> -ari \*MgPfTbTc; -are Ca

<sup>&</sup>lt;sup>21</sup> veremini BdCeMqPaPfPhPkPrTbVm; veneremini AdBeCaGcMgSb<sup>2</sup>Tc; veneramini DaPcPq; uremini Rb; reveremini Vo

possid. possess. \*CaMgPfPhTc; possess. possid. Tb
 ad \*CeDa²PhPkPqPrTbSbVm; om. AdBdCaDaMgPaPfPwTc

<sup>&</sup>lt;sup>24</sup> ad ipsa *over erasure* Pc

<sup>&</sup>lt;sup>25</sup> iura ren. \*CaMgPfTb; ren. iura Tc

<sup>&</sup>lt;sup>26</sup> possess. possid. \*CaMgPfTb; possid. possess. Tc

<sup>&</sup>lt;sup>1</sup> Quod - poss. in mg. AdBeCaCeDaGcPfPr Rb<sup>2</sup>SbTc, in text LeMqVmVo(adding lxiii) (Mq has rubrics inserted in text from here on, in black, having had very few indeed beforehand); Quod – poss. De legitima possessione (no inscr.) in text Ea; De legitima possessione quod est legitimum tempus ecclesiastice possessionis in mg. Mg; om. OaPcPtTbVp

<sup>&</sup>lt;sup>2</sup> viix Ad; xlviii Pt

<sup>&</sup>lt;sup>3</sup> Per sing. eccles. ] Singularum ecclesiarum Pt

<sup>&</sup>lt;sup>4</sup> placuit *add*. Pf, *om*. \*AdCaMgTbTc

precipimus add. in mg. Ce<sup>2</sup>

<sup>&</sup>lt;sup>6</sup> eos \*CaMgTbTc; eas Pf

<sup>&</sup>lt;sup>7</sup> ss Ad

<sup>&</sup>lt;sup>8</sup> vel molestia *add. in mg*. Ph

<sup>&</sup>lt;sup>9</sup> decernimus *add. ss* Eg

<sup>&</sup>lt;sup>10</sup> tenentes – annos *in mg*.  $Ad^2$ 

<sup>11</sup> de his alt. \*CaMgPfTb; alt. de his Tc

<sup>&</sup>lt;sup>12</sup> licere \*MgTb; licet CaPfTc

<sup>&</sup>lt;sup>13</sup> eas \*CaMgPfTb; eos Tc

<sup>&</sup>lt;sup>14</sup> here \*CaMgPfTb, before certamen PtTc

ID 3.106a] C 16 q 3 c 1

# 65

# <sup>1</sup>De tricennali possessione<sup>2</sup>

Gelasius Romane ecclesie episcopus fratribus qui in Sicilia sunt constituti. Illud etiam annecti placuit, ut si, quod absit, facultates ecclesie nec non et dioceses ab aliquibus<sup>3</sup> possidentur episcopis<sup>4</sup>, iure sibi vindicent quod tricennalis lex conclusit<sup>5</sup>, quia et filiorum nostrorum principum ita emanavit auctoritas, ut ultra triginta annos nulli liceat pro eo appellare quod legum tempus exclusit<sup>6</sup>.

ID 3.144, cf 147b, 212A] C 16 q 3 c 2, as here in earlier version, cf C 13 q 2 c 1 from Facultates

#### 66

# <sup>1</sup>Gregorius<sup>2</sup> Petro subdiacono<sup>3</sup>

Si monasterium<sup>4</sup> sancti Theodori fines, de quibus causatio commota est, inconcussis<sup>5</sup> quadraginta annis possedisse<sup>6</sup> reppereris, nullam deinceps, etiamsi quid sancte Romane ecclesie competere<sup>7</sup> potuit, patiaris sustinere calumniam, sed quietem eorum modis omnibus procurare<sup>8</sup>.

ID 3.146; for the version of Pt cf AL 5.57, Deusdedit 3. 92] C 16 q 4 c 2 has more at beginning and end, as IIIL

<sup>&</sup>lt;sup>15</sup> decrevimus add. MgVp, om. \*AdBeCaCcGcMqPfTbTcVmVo

<sup>&</sup>lt;sup>1</sup> De eodem *add. in mg.* CaDa

<sup>&</sup>lt;sup>2</sup> De tric. poss. AdBeCaDaGcMgMqOaPfPrSb(*mg*.)TcVmVo(*adding* lxiiii)Vp; De tric. possessionum Ce; Gelasius papa capitulo ii Pt; *om.* PhRbTb. Ex decretis Gelasii pape *add.* Pc(*subs. canc.*)SbTc

<sup>&</sup>lt;sup>3</sup> aliquibus \*AdBeCaEgMqOaPfTbVo; vel aliis quibusque Eg<sup>2</sup>; aliis quibusque MgQa; aliis quibus Tc

<sup>&</sup>lt;sup>4</sup> -opis \*AdBeMgPfTb; -opi CaTc

<sup>&</sup>lt;sup>5</sup> -usit \*AdBeCaMgVo; -udit PfPhTbTcVm

<sup>&</sup>lt;sup>6</sup> -usit \*AdBeCaGcMgPfPhRb<sup>2</sup>Tb; vel exclusit vel eduxit Pt; -udit RbSbTc

<sup>&</sup>lt;sup>1</sup> De eadem re *add. in mg* CaDa

<sup>&</sup>lt;sup>2</sup> papa *add*. Tc, *om*. \*AdCaEaMgPfTbVm

<sup>&</sup>lt;sup>3</sup> -onus Pt; De eodem cp lxv *add*. Vo

<sup>&</sup>lt;sup>4</sup> prephatum *add*. Pt

<sup>&</sup>lt;sup>5</sup> inconcussis \*AdMgPfPhTcVm; incussis Ca; inconcusse Tb

<sup>&</sup>lt;sup>6</sup> possedisse \*CaMgPfTb; possidere Tc

<sup>&</sup>lt;sup>7</sup> utiliter conferre add. ss Eg

<sup>&</sup>lt;sup>8</sup> sed quietem eorum (om. Ce) modis omnibus (omn. mod. Ha) procurare

<sup>\*</sup>AdBdBeCaCcCeDaEaGcHaLdLkPaPhPkPqPwQaSbTbTdTfVmVoWc; sed quietem - procurare (studeas *add.ss* Eg) inconcussam EgPc; sed quietem - procura MgMqPf; sed quietem - procurare studeas OaRb; Si vero monstratum fuerit intra tempora hec aliquam motam fuisse questionem eorumdem finium electis arbitris tranquille et legaliter sopiatur Pt; sed quietem - procurare inconcussam debes Tc; sed quietem - procurare debes VpWd

<sup>1</sup>Ex concilio Avernensi<sup>2</sup> de<sup>3</sup> diocesi per triginta annos<sup>4</sup> possessa<sup>5</sup>

Quicumque episcopus alterius episcopi diocesim<sup>6</sup> per triginta annos sine aliqua interpellatione possederit, quamvis<sup>7</sup> secundum ius legis eius videatur<sup>8</sup> esse diocesis admittenda non est contra eum actio<sup>9</sup> reposcendi<sup>10</sup>, sed hoc intra unam parochiam<sup>11</sup>, extra vero nullo modo, ne dum diocesis defenditur, provinciarum termini confundantur.

ID 3.131, 5.175] C 16 q 3 c 4

**68** 

[Quod tricennalis<sup>1</sup> possessio firma sit]<sup>2</sup>. Ex concilio Toletano, cap. xxv<sup>3</sup>
Sicut diocesim<sup>4</sup> alienam tricennalis possessio tollit, ita territorii conventum non admittit<sup>5</sup>. Ideoque basilice que nove condite<sup>6</sup> fuerint<sup>7</sup>, ad eum procul dubio episcopum pertinebunt cuius conventus esse constiterit.

ID 3.212] C 16 q 3 c 3 to adimit only

<sup>&</sup>lt;sup>1</sup> Quod tricennalis possessio firma sit in mg. Pf (cf c 68); no rubr. or inscr. Ea; De eadem re CaDa mg.

<sup>&</sup>lt;sup>2</sup> Avernensi MgPcSb(*text*)TcVp [*as ID 5.175*]; Ariminensi Ad; Arruvensi BePfTb; Arrunsi Ca; Arunensi CeVo; Tolet. IIII cp. xxxiiii [*as ID 3.131*] DaPc<sup>2</sup>Sb(*mg*.); Tolet. IIII cap. xxxii Eg; Arrunensi GcHaMqTdVm; Arvernensi Ld; Advernensi Oa; Arimensi Ph; Arvernico Qa; Arruensi Sf; Arrunensi Td

<sup>&</sup>lt;sup>3</sup> de BeCaMgMq<sup>2</sup>PfSbTcTdVm; om. AdMqTb

<sup>&</sup>lt;sup>4</sup> annos AdCaMgPfSbTbVm; annorum spacia PcTc

<sup>&</sup>lt;sup>5</sup> lxvi *add*. Vo. Avernensi – possessa *corr. to* Toletano IIII c. xxxiiii Pc

<sup>&</sup>lt;sup>6</sup> id est parociam add. ss Ln<sup>2</sup>

<sup>&</sup>lt;sup>7</sup> quamvis CaPfTbTc; quia Mg

<sup>&</sup>lt;sup>8</sup> -eatur CaPfTbTc; -etur Mg

<sup>&</sup>lt;sup>9</sup> actio \*MgPfTbTc; auctio Ca

<sup>&</sup>lt;sup>10</sup> reposcendi \*BdBeCcCeEaEgGcLdLkMgMqOaPa<sup>2</sup>Pc<sup>2</sup>PhPk<sup>2</sup>PqPrQaSbTbVmVoVp<sup>2</sup>Wc; respondendi AdCaHaPcPfPwRbTcTf; respondendi vel reposcendi Ad<sup>2</sup>Ca<sup>2</sup>DaHa<sup>2</sup>; resposcendi PaPk; poscendi Vp <sup>11</sup> canc. with vel provinciam ss Pc

<sup>&</sup>lt;sup>1</sup> tricenna Ad

<sup>&</sup>lt;sup>2</sup> Quod - sit *in mg*. AdCaCeDaGcPrRb<sup>2</sup>SbTc, *in text* CeEaLeMgMqOaTfVmVo(*adding* lxvii); *against c* 67 Pf; *om*. BePcPtTbVp

<sup>&</sup>lt;sup>3</sup> Ex - xxv AdLdMgPfTbTcTdTfVm; Ex - Tol. IIII cp. xxx Da (*cf XP 2.38.1*); Ex eodem concilio cap. xxxv Eg; Ex - Tol. HaQa; Ex - Tol. <IIII> cp. xxxv Sb; *om*. Ea

<sup>&</sup>lt;sup>4</sup> dicesim Mg

<sup>&</sup>lt;sup>5</sup> admittit CaEg(vel adimit ss)MgPfTb; amittit Tc

<sup>&</sup>lt;sup>6</sup> condite \*CaMgTbTc; om. Pf

<sup>&</sup>lt;sup>7</sup> -erint \*MgPfTb; -erunt CaTc

[Quod ecclesia que possidet<sup>1</sup> iuramento probare debeat<sup>2</sup>]<sup>3</sup>. Gelasius Iusto<sup>4</sup> episcopo Dilectio tua<sup>5</sup> quesita omnium fidelium<sup>6</sup> fideliter<sup>7</sup> rerum veritate<sup>8</sup>, si de spatiis quibus memoratur orta contentio<sup>9</sup>, definitio<sup>10</sup> dudum certa processit<sup>11</sup>, intemerata servetur. Alioquin, si nihil unquam constiterit terminatum, nunc de perscriptione<sup>12</sup> temporum, si qua pars fidit<sup>13</sup> prebeat sacramentum, ut tamen<sup>14</sup> que hactenus possedisse perhibetur iusiurandum sinatur afferre<sup>15</sup>.

ID 3.135, cf 6.105] C 16 q 3 c 7

### <sup>1</sup>70

[Que penitentia sit danda incentoribus ecclesiarum]<sup>2</sup>. Ex decretis<sup>3</sup> Iulii pape
Si quis ecclesiam comburit, quindecim annos peniteat, et eam sedule restituat,
et pretium suum pauperibus tribuat.

ID 3.127] +C 17 q 4 c 14, Palea

71

<sup>1</sup>Ex concilio<sup>2</sup> Magontiensi, cap. vii<sup>3</sup>

<sup>&</sup>lt;sup>1</sup> possidet AdCaMgPfTcVm; tenet Sf

<sup>&</sup>lt;sup>2</sup> prob. deb. AdCaMgPfTcVm; proset Sf

in mg. AdBeCaCeDaGcMgPfPrRb<sup>2</sup>SbTc; in text SeSfTfVmVo(adding lxvii); om. MqOaPcTbVp

<sup>&</sup>lt;sup>4</sup> Iusto \*AdBeCaGcMgPfSeTcVm; Iustino SfTb

<sup>&</sup>lt;sup>5</sup> studeat *add*. MgMoTcVo, *om*. \*AdBeCaDaDbMqPfRbSeTbTfVm

<sup>&</sup>lt;sup>6</sup> om. BeVo

<sup>&</sup>lt;sup>7</sup> fideliter \*BeDbGcMgMq<sup>2</sup>OaSeTbVmVo; firmiter AdCaPfTc; fidelium Mq

<sup>&</sup>lt;sup>8</sup> ut add. MgTc, om. \*CaDbPfTbVm

<sup>&</sup>lt;sup>9</sup> et add. Mg, om. \*CaDbPfTbTc

<sup>10</sup> tua add. Pf, om. \*CaDbMgTbTc

<sup>11 -</sup>essit \*CaPfTbTc; -esserit Mg

<sup>&</sup>lt;sup>12</sup> de persc- \*CaCeHaPfRbTb; de prosc- AdPrTcTf; de presc- BeCaDaLdMg; per descriptionem Gc; descriptione Ha<sup>2</sup>

<sup>&</sup>lt;sup>13</sup> fidit AdBeMgTb; fidei CaPfTc

<sup>&</sup>lt;sup>14</sup> ut tamen \*CaCcMgTbTc; de his Pf

<sup>&</sup>lt;sup>15</sup> aff- AdBdCaCcGcEgMgMoSeTbTc; off- Ad<sup>2</sup>Pf; offerre Rb

<sup>&</sup>lt;sup>1</sup> Mn resumes; LeMq have rubric but neither insc. nor text for c 70

<sup>&</sup>lt;sup>2</sup> Que pen. – incent. (incensoribus AdCeMg) eccles. *in mg*. AdBeCaCeDaGcMgPrSbTc, *in text* Ea(*no inscr.*)LeMq(*in black*)SfVm; Que pen. sit danda Pf; Que pen. incentoribus ecclesiarum sit danda Pt; Que pen. danda sit incendiariis Rb<sup>2</sup> *in mg*.; Que – incent. Tf; Que pen. sit danda crematoribus lxviii Vo; *om.* OaPcTbVp

<sup>&</sup>lt;sup>3</sup> -etis AdCaMgPfTb; -eto TcVm

<sup>&</sup>lt;sup>1</sup> De eodem add. in mg. Da; De invasoribus ac vastatoribus rerum ecclesiasticarum add. Ea(no insc.)Vo

<sup>&</sup>lt;sup>2</sup> decreto Ad

<sup>&</sup>lt;sup>3</sup> lxxviiii *add*. Vo; cap. vii *om*. Be

Quisquis fastu<sup>4</sup> superbie elatus domum Dei ducit contemptibilem, et possessiones Deo sacratas<sup>5</sup> atque ad<sup>6</sup> honorem Dei sub regie munitatis<sup>7</sup> defensione constitutas, inhoneste tractaverit vel infringere presumpserit, aut incendia vel vastationes ausu temerario perpetraverit, quasi invasor et violator ecclesie Dei, que est domus Dei vivi, communione omnium fidelium abscidatur.

*ID 3. 125] +D 30 c 9 widely var.* 

#### **72**

<sup>1</sup>[Quid faciendum sit de<sup>2</sup> raptoribus ad ecclesiam confugientibus]<sup>3</sup>. Ex<sup>4</sup> concilio Calcedonensi<sup>5</sup>, cap. iii<sup>6</sup>

De raptoribus autem feminarum<sup>7</sup> id<sup>8</sup> constituendum esse censuimus<sup>9</sup>, ut si ad ecclesiam raptor<sup>10</sup> cum rapta<sup>11</sup> confugerit<sup>12</sup>, et feminam ipsam violentiam pertulisse constiterit, statim liberetur de potestate raptoris, et parentibus reddatur, et raptor mortis vel penarum<sup>13</sup> impunitate concessa, liberam habeat eundi facultatem<sup>14</sup>. Si vero parentes mulieris ecclesiasticis viris obedire noluerint, excommunicentur. 15

<sup>&</sup>lt;sup>4</sup> Quisquis fastu] Si quis fatu (after corr.) Pk; Si quis fastu Rb

<sup>&</sup>lt;sup>5</sup> vel conse *add. ss* Da

<sup>&</sup>lt;sup>6</sup> ad CaMgTbTc; om. Pf

<sup>&</sup>lt;sup>7</sup> regie munitatis AdCaCeEaGcMqPaPcPfTcVoVp; rege mun. Mg; regie emunitatis BeOaPhPrTbVm; regie immutatis Pq; regie eternitatis Rb

<sup>&</sup>lt;sup>1</sup> viii in mg. Be<sup>2</sup>

 $<sup>^2</sup>$  ss Be $^2$ 

<sup>&</sup>lt;sup>3</sup> Quid – confug. (fug- Gc) in mg. AdBeCaDaGcLdPfPr Rb<sup>2</sup>SbWc, in text Ea(no inscr.)LeLmMqSfVmVo(adding lxx); om. LfOaPcPtTbTc; (xvi add. Bd) De confugientibus ad ecclesiam in mg. (also in text Db, with De rapt. conf. ad eccl. quid fac sit below Lj) BdCbDbLj, in text PhVp; De fugientibus ad ecclesiam. Quid - confug. Mg mg, in text MmMo

<sup>&</sup>lt;sup>4</sup> Ex AdBeCaCbLdLfLjLmMgPfPtTbWc; De Tc

<sup>&</sup>lt;sup>5</sup> Calc. BeCaCbGcLdLfLjLmMoOaPcPfPhPtRaTbTcTdVmWc; Caldonensi Ad; Aurelian' DaPc<sup>2</sup>; Aureliani Eg; Aureliano Mg; vel Aurelianensi add. ss Ra<sup>2</sup>; Aurelianensi SbVp. [Chalcedon is the implicit insc. of ID, for Orleans see BD 3.191, ID's source].

<sup>&</sup>lt;sup>6</sup> iii BeCeLdLmMoMqOaPcPfPhTbTcTdTf; iiii AdCaCbGcLfLjPkPrPtVoWc; ii DaEg?MgPc<sup>2=</sup>SbVm; Ex - iii om. CcPa. Calc. conc. only Qa. Qe fo. 113v (end of quire) ends. After the loss of a leaf it resumes in c 85 below

<sup>&</sup>lt;sup>7</sup> De - feminarum *om*. Pq

De rapt. – id] Ad Pq
 const. esse cens. \*Ad²BeCa²EgLdMgPfPhPtQaVmWc; const. esse censeamus Ad; const. cens. Ca; constituimus Tb; constitutum esse cens. Tc

<sup>&</sup>lt;sup>10</sup> ad eccl. raptor \*AdBeCbCcLdLfLjLmMgPfTbTcWc; raptor ad eccl. Ca

<sup>&</sup>lt;sup>11</sup> rapta \*AdBeCaLdMgPfPtQaTbTc; raptura Lf

<sup>&</sup>lt;sup>12</sup> confugerit AdBe<sup>2</sup>CaCcLdLjLmMfMgMhMjMkMmMnMoPdPfPhPtQaRaTbWc; fuerit Be; fugerit

<sup>&</sup>lt;sup>13</sup> vel penarum \*AdBeCaEgLdMgMoPfPhPtTcWc; penarum Lm; om. Tb

<sup>&</sup>lt;sup>14</sup> lib. hab. eundi fac.

AaAbAdBdBeCaCbCcCeDaDbEaEbEcFcGcKaLbLdLeLfLgLjLkLmMfMgMhMjMkMmMqOaObOeOfPaPdPfPhPkPqPrPtPwOaRaRbSbSdSeSgTbTfVaVmVpWaWbWcZa; lib. hab. abeundi fac. Mn; lib. eundi hab. fac. OdVoVosm.; aut serviendi conditione subiectus sit aut redimendi se (liberam habeat

ID 3. 108] C 36 q 1 c 3 is widely var.

add. Eg<sup>2</sup>) facultatem EgTcVt(with Hispana, C. Orleans [511], c 2, against BD 3.191, ID); lib. eundi fac. hab. Brant. Eg<sup>2</sup>Ra continue: Si vero que rapitur patrem habere constiterit, et puella raptori consenserit, potestati patris excusata reddatur et raptor a patre superioris conditionis satisfactione <vel non> teneatur obnoxius. For liberam habeat eundi fac. MoPc have aut serviendi conditionem subiectus sit (? add. ss Mo) aut redimendi se (et sic add. ss Mo) liberam habeat (eundi add. in mg. Mo) facultatem. Si vero que rapitur patrem habere constiterit, et puella raptori consenserit, potestati patris excusata reddatur, et raptor a patre superioris conditionis satisfactione non teneatur obnoxius.

15 Si vero - excommunicentur at foot of leaf with tie mark Mo<sup>2</sup>

**73** 

[Qua ratione sint<sup>1</sup> reddendi<sup>2</sup> ad ecclesiam confugientes]<sup>3</sup>. Ex eodem concilio<sup>4</sup>, cap.

iiii<sup>5</sup>

Servus qui ad ecclesiam confugerit pro qualibet culpa, si a domino pro commissa culpa<sup>6</sup> ecclesiasticum<sup>7</sup> sacramentum susceperit, statim ad servitium domini sui redire cogatur, et postquam dato sacramento domino suo<sup>8</sup> fuerit consignatus<sup>9</sup>, si aliquid pro eadem culpa qui accusatur probatus fuerit<sup>10</sup> pertulisse, pro contemptu ecclesie et prevaricatione fidei a communione<sup>11</sup> catholicorum, sicut superius comprehensum est, extraneus habeatur. Si vero servus pro culpa sua ab ecclesia defensatus, sacramentum domini sui clericis<sup>12</sup> exigentibus, de impunitate perceperit, exire nolentem a domino liceat<sup>13</sup> occupari.

ID 3. 109] +C 17 q 4 c 36b is var.

74

<sup>1</sup>Gelasius<sup>2</sup> Bonefacio episcopo<sup>3</sup>

<sup>&</sup>lt;sup>1</sup> sint AdCaMgPfTcVm; sunt EaSf

<sup>&</sup>lt;sup>2</sup> servi add. Pf; om. AdBeCaEaMgSfTcVm; sint redd. after confug. Vo

<sup>&</sup>lt;sup>3</sup> in mg. AdBeCaCeDaGcMgPfPrSbTc; in text Ea(no inscr.)LeMnMqSfVmVo(adding lxxi); om. OaPcPtRbTbVp

<sup>&</sup>lt;sup>4</sup> eod. conc. BeCaDaPfTcVo; concilio Calcedonensi AdGcMqOaPrSeSfTbVm; conc. eod. Mg

<sup>&</sup>lt;sup>5</sup> iiii AdBeCaMqPfTb; iii DaGcMgPcPrSbSeSfTcVm; vii Vo. Ibidem *only* Pt

<sup>&</sup>lt;sup>6</sup> si a domino – culpa *in mg*. Mq<sup>2</sup>

<sup>&</sup>lt;sup>7</sup>-icum \*CaPfTbTc; -ici Mg

<sup>&</sup>lt;sup>8</sup> dato sac. dom. suo\*CaMgPfTb; dom. suo dato sac. Tc

<sup>&</sup>lt;sup>9</sup> restitutus Ra; vel consignatus in mg Ra<sup>2</sup>

<sup>&</sup>lt;sup>10</sup> fuerit \*CaMgPfTb; om. Tc

<sup>11</sup> communione \*CaMgPfTb; communicatione Tc

<sup>&</sup>lt;sup>12</sup> clericis \*BeGcTbTcVm; cleris AdCaMgMqPf

<sup>13 -</sup>eat \*CaMgPfTb; -et Tc

<sup>&</sup>lt;sup>1</sup> De eodem add. in mg. DaCa, in text Vo

<sup>&</sup>lt;sup>2</sup> papa *add*. PtTc, *om*. \*AdCaMgPfTb

<sup>&</sup>lt;sup>3</sup> ex concilio apud Theodonisvillam cap. xi (x Pc, ix Se) *add*. LeOaPcSe, apud villam Theodonis cap. x *add*. Tc, Ex concilio apud Theodonis *add*. Vm (*cf c 75*), *om*. \*AdBeCaDaGcMgPfTbVp, lxxii *add*. Vo

Servus post sacramentum sibi prestitum reddatur invitus<sup>4</sup>.

ID 3.115 end] +C 17 q 4 c 32 at end

**75** 

<sup>1</sup>Ex concilio apud Theodonis villam, cap. xi<sup>2</sup>

Servum<sup>3</sup> confugientem ad ecclesiam, seu in atrium ecclesie, aut in officinas regularium fratrum vel in curtem, aut in domum episcopi, quia hec in antiquis canonibus pro emunitate tenentur, nemo abstrahere audeat, neque inde donare aut<sup>4</sup> ad penam vel ad<sup>5</sup> mortem, ut honor Dei et sanctorum eius pre omnibus conservetur. Sed rectores ecclesiarum pacem et vitam ac membra ei<sup>6</sup> cum iuramento obtinere studeant. Tamen legitime componat<sup>7</sup> quicquid inique fecerat<sup>8</sup>, et si insecutor magistris ecclesie obedire noluerit, canonice constringatur.

*ID 3.111] +C 17 q 4 c 9 is very remote* 

**76** 

<sup>1</sup>Hilerdensi concilio<sup>2</sup>, cap. vi<sup>3</sup>

Nullus<sup>4</sup> clericorum servum aut discipulum suum ad ecclesiam fugientem extrahere audeat vel flagellare presumat<sup>5</sup>. Quod si fecerit, donec digne peniteat a loco cui honorem non dedit<sup>6</sup> segregetur.

ID 3. 117] +C 17 q 4 c 19a

<sup>&</sup>lt;sup>4</sup> Servus - invitus *om*. Se

<sup>&</sup>lt;sup>1</sup> De eodem *add. in mg.* CaDa; De eadem re *add.* Vo

<sup>&</sup>lt;sup>2</sup> Ex - xi (xl Be) \*AdBeCaGcMgMqPfTbVm; Item Ea; Hillerdensi concil' cap. vi *in mg*. Pc (*cf c 76*); Apud – cp. xi. lxxiii Vp; *om*. OaRb(*with no break*)SeTc, *cf c 74*.

<sup>&</sup>lt;sup>3</sup> Reum Vo

<sup>&</sup>lt;sup>4</sup> aut GcMgTbVm; om. BeCaPfTc

<sup>&</sup>lt;sup>5</sup> vel ad \*CaMgPfPhVm; aut ad Tb; vel Tc

<sup>&</sup>lt;sup>6</sup> ei CaMgTbTc; om. Pf

<sup>&</sup>lt;sup>7</sup> componant, with vel compreciant in mg. Ph

<sup>&</sup>lt;sup>8</sup> vel compreciat in mg. Ph<sup>2</sup>

<sup>&</sup>lt;sup>1</sup> Ut nullus clericorum servum suum aut discipulum ab ecclesia vi extrahere presumat *add. in mg.* CaDa. Item (*no inscr.*) Ea; De eodem *add.* Vo; Ex *add.* AdBePf, *om.* CaMgTbTcVo

<sup>&</sup>lt;sup>2</sup> Hil. conc.] conc. Ilerbensi Be

<sup>&</sup>lt;sup>3</sup> vi CaLdMgPcPfTbTcTdVo(adding lxxiiii); viii DaPc<sup>2</sup>Sb; vii GcPrVm

<sup>&</sup>lt;sup>4</sup> episcoporum *add*. Py

<sup>&</sup>lt;sup>5</sup> presumat \*CaMgPfTb; om. Tc

<sup>&</sup>lt;sup>6</sup> dedit \*BeEaGcMgMqOaPfTbTcVmVp; dederit BdCaCc; ?? Ad

#### **77**<sup>1</sup>

[Qua ratione sint reddendi inimici ad ecclesiam confugientes<sup>2</sup>]<sup>3</sup>. Ex concilio<sup>4</sup>
Chalcedonensi<sup>5</sup>, cap. v<sup>6</sup>

Similiter in Matiscensi<sup>7</sup> sinodo decretum est, ut<sup>8</sup> hi qui fugiunt suos<sup>9</sup> inimicos, aut in<sup>10</sup> ecclesiam, aut in<sup>11</sup> atrium ecclesie, aut in domum episcopi, aut in claustrum regularium, non inde abstrahantur, nisi prius supra sacra securitate accepta a persecutore, de morte, de<sup>12</sup> debilitate et omnium penarum genere sint securi, etiam si servi sint<sup>13</sup> illorum qui eos insequuntur, ita ut ei<sup>14</sup> cuius rei criminosi fuerint, de satisfactione conveniat<sup>15</sup>. Quod si is<sup>16</sup> qui supra sacra prius iuraverat<sup>17</sup> convictus fuerit iuramentum<sup>18</sup> violasse, reus periurii a communione privetur quousque satisfaciat.

ID 3. 110] +C 17 q 4 c 32 is very remote indeed

**78** 

[De his qui ad ecclesiam confugientibus iniuriam faciunt $^{1}$ ] $^{2}$ . Ex concilio Toletano, cap.  $^{3}$  xii $^{4}$ 

<sup>&</sup>lt;sup>1</sup> *after c 78* Vp

<sup>&</sup>lt;sup>2</sup> inim. ad eccl. conf. AdBeCeDaMgPfPrTcVm; ad eccl. conf. inim. Ca; inim. ad eccl. fugientes GcVm

<sup>&</sup>lt;sup>3</sup> in mg. AdBeCaGcMgPf Rb<sup>2</sup>SbTc, in text LeMqVmVo(adding lxxv); om. OaPcPtTbVp

<sup>&</sup>lt;sup>4</sup> concilio CaMgPfTbTc; eodem PrVm

<sup>&</sup>lt;sup>5</sup> Caldedonensi Pc; Calcedonum PhTb; Maticense Vo

<sup>&</sup>lt;sup>6</sup> v \*AdCaMgPfTb; vi BeTc

<sup>&</sup>lt;sup>7</sup> Matiscensi BeTb; Maticensi AdPcVoVp; Maticense CaDaGcMgMqPhPkPrRb; Macense Ce; Manticensi Pf; Matizensi Tc

<sup>&</sup>lt;sup>8</sup> ut \*MgPfTbTc; aut Ca

<sup>&</sup>lt;sup>9</sup> suos \*CaMgPfTb; om. Tc

<sup>&</sup>lt;sup>10</sup> in \*CaMgPfTb; ad Tc

<sup>11</sup> in \*CaMgPfTb; ad Tc

<sup>&</sup>lt;sup>12</sup> de MgTbTc; om. Pf; et Ca

<sup>&</sup>lt;sup>13</sup> servi sint \*MgPfTbTc; sint servi Ca

<sup>&</sup>lt;sup>14</sup> ei \*CaMgPfTb; eis Tc

<sup>15 -</sup>iat \*CaPfTb; iant MgTc

<sup>&</sup>lt;sup>16</sup> is \*MgTb; his CaPfTc

<sup>&</sup>lt;sup>17</sup> iuraverat \*CaPfTbTc; intraverat Mg

<sup>&</sup>lt;sup>18</sup> iuramentum \*AdCaMgTbTc; sacramentum Pf

<sup>&</sup>lt;sup>1</sup> faciunt Mg; fugiunt Pf

<sup>&</sup>lt;sup>2</sup> in mg. MgPf Rb<sup>2</sup>Sb, in text Gc; De his qui ad ecclesiam confugiunt Be(mg.)CeSf; De his qui confugium ad ecclesiam faciunt in text Ca(after cap. xii)PrVmVo(adding lxxvi); De eodem in mg. CaDa; De his qui ad – faciunt et de his qui ad ecclesiam confugiunt in text Ea(no inscr.); Quid de his qui ad ecclesiam fugiunt faciendum est after insc. Ld; De his qui ad eccl. confugientibus nocte in black, with De his qui ad eccl. confugientibus again in red after insc. Mq; om. AdOaPcPtTbTcVp

<sup>&</sup>lt;sup>3</sup> cap. PfTbTc; om. AdCaGcLdMgOaPhVo

<sup>&</sup>lt;sup>4</sup> x DaSb; cap. xii om. Be

Pro his qui quolibet<sup>5</sup> metu vel terrore ecclesiam appetunt, consentiente pariter ac iubente domino nostro Ervigio rege, hoc sanctum concilium definivit ut nullus audeat confugientes ad ecclesiam<sup>6</sup> residentes inde abstrahere, aut quodcunque nocibilitatis vel dampni seu spoliationis residentibus in loco sancto inferre, sed esse potius his ipsis qui ecclesiam petunt per omnia licitum intra triginta passus<sup>7</sup> ab ecclesie ianuis progredi, in quibus triginta passibus uniuscuiusque ecclesie in toto circuitu reverentia defendantur<sup>8</sup>. Sic tamen ut hi qui ad eam confugiunt, in extraneis vel longe separatis ab ecclesia<sup>9</sup> domibus nullo modo abscedant<sup>10</sup>, sed in hoc sancto triginta passuum numero absque domorum extranearum receptaculo progredientes, aditum obtinebunt, ut adquisite<sup>11</sup> nature usum debitis<sup>12</sup> exeant locis, et nullo teneantur eventu necessitudinis<sup>13</sup>, qui se dominicis defendendos commiserunt claustris. Si quis autem hoc decretum violare temptaverit, ecclesiastice excommunicationi subiaceat, et severitatis regie feriatur sententia. Ipsos tamen qui ad ecclesiam confugium fecerunt, si iuxta priscorum canonum<sup>14</sup> instituta hi qui eos repetunt<sup>15</sup> sacramenta reddiderunt<sup>16</sup>, et sacerdos ecclesie ipsius ab ecclesie non abstraxerit<sup>17</sup> foribus, aut fuga talium si evenerit sacerdoti<sup>18</sup> querenda est, aut dampnorum<sup>19</sup> sententia, secundum electionem principis huiusmodi<sup>20</sup> sacerdotibus irroganda.

*ID 3.121] +C 17 q 4 c 35, with beg. abbreviated* 

<sup>5</sup> quolibet \*CaMgTbTc; quoslibet Pf

<sup>&</sup>lt;sup>6</sup> conf. ad eccl. \*AdCaMgPf; ad eccl. conf. PhTb; conf. ad eccl. vel Tc

<sup>&</sup>lt;sup>7</sup> trig. pass. \*CaMgPfTb; pass. trig. Tc

<sup>&</sup>lt;sup>8</sup> -antur \*MgPf; -atur CaPhTbTc

<sup>9 -</sup>esia CaMgTbTc; -esie Pf

<sup>&</sup>lt;sup>10</sup> abscedant \*BeMgPfTb; accedant CaCcTc

<sup>&</sup>lt;sup>11</sup> adquisite AdBdBeGc?HaOaPcPfPh(vel consuete ss)PkPqPrPwSbTdVo; ad requisite CaCcDa; ad exquisite Mg; ad quesite Gc<sup>2</sup>LkMq; ad cogentis Tb; ad Tc

<sup>&</sup>lt;sup>12</sup> debitis \*MgPfTbTc; debeant Ca

<sup>&</sup>lt;sup>13</sup> necessitudinis \*CaMgPfPhTc; necessitatis Tb

<sup>&</sup>lt;sup>14</sup> prisc. can. \*CaMgPfTb; can. prisc. Tc

<sup>15</sup> corr. fr. ? in mg. Ad

erunt MgPfTb; -erint CaTc

<sup>&</sup>lt;sup>17</sup> abstr- \*CaMgPfTb; extr- Tc

<sup>&</sup>lt;sup>18</sup> sacerdoti \*CaMgPfTb; om. Tc

<sup>&</sup>lt;sup>19</sup> dampnorum \*BdBeCaCeDaGcLkMqOaPaPcPhPkPqPrPw<sup>2</sup>RbSbTbVm; dampnatorum AdMgPfPwTcTf; dominorum Vo?

<sup>&</sup>lt;sup>20</sup> in mg. Tb

[Quot modis fiat sacrilegium]<sup>1</sup>. Iohannes VIII<sup>2</sup> in libro Gotice<sup>3</sup> legis

<sup>4</sup>Sacrilegium enim committitur si quis infregerit ecclesiam vel triginta
ecclesiasticos passus<sup>5</sup> qui in circuitu ecclesie fuerint, vel in domibus que infra
predictos passus fuerint<sup>6</sup>, aliquid inde diripiendo<sup>7</sup> vel auferendo, seu qui<sup>8</sup> iniuriam vel
ablationem<sup>9</sup> rerum intulerit<sup>10</sup> clericis arma non ferentibus vel monachis sive Deo
devotis omnibus ecclesiasticis personis. Non<sup>11</sup> enim capelle que infra ambitum
murorum castellorum sunt, mittuntur vel<sup>12</sup> ponuntur in hac observatione. Similiter
etiam sacrilegium committitur, auferendo sacrum de sacro, vel non sacrum de sacro<sup>13</sup>,
sive sacrum de non sacro<sup>14</sup>. Non sacrum vero de non<sup>15</sup> sacro<sup>16</sup>, quia<sup>17</sup> non potest
computari in crimine sacrilegii, secundum mundanarum legum censuram debet
emendari, vel secundum morem<sup>18</sup> patrie.

ID 3. 98c] +C 17 q 4 c 21 med., var.

80

[Que<sup>1</sup> sit lex sacrilegii]<sup>2</sup>. Idem in eodem libro<sup>3</sup>

Inspectis legibus Romanis ubi habebatur de sacrilegiis, invenimus ibi a Iustiniano imperatore legem compositionis sacrilegii constitutam, scilicet in quinque

<sup>&</sup>lt;sup>1</sup> Quot – sacr. *in mg*. AdBeDaGcPfPrRb<sup>2</sup>SbTc; *in text* Ea(*no inscr*.)LeSfVmVo(*adding* lxxvii); xvii. De sacrilegio *in mg*. Bd<sup>2</sup>; De sacrilegio. Quot (Quod Mg) modis - sacr. *in mg*. CaMg; De sacrilegio LjPhVp; *om*. OaPcPtTb. viiii *in mg*. Be<sup>2</sup>

<sup>&</sup>lt;sup>2</sup> VIII \*AdBePcPfPtTbTc; IX Ca; XI Mg; VII Vm; nonus octavus Vp

<sup>&</sup>lt;sup>3</sup> Gotice \*AdCaMgPfTbVm; Cotire PkSf; Geotice OaTc

<sup>&</sup>lt;sup>4</sup> Sic *add*. Pk

<sup>&</sup>lt;sup>5</sup> eccl. pass. \*CaMgPfTb; pass. eccl. Tc

<sup>&</sup>lt;sup>6</sup> vel in domibus - passus fuerint \*AdCaCcMgPfTb; om. Tc

<sup>&</sup>lt;sup>7</sup> inde dirip. \*CaMgPfTb; dirip. inde Tc

<sup>&</sup>lt;sup>8</sup> qui \*CaMgTbTc; om. Pf

<sup>&</sup>lt;sup>9</sup> abl- CaMgTbTc; obl- Pf

<sup>&</sup>lt;sup>10</sup> -erit \*CaMgPfTb; -erint Tc

<sup>&</sup>lt;sup>11</sup> Non \*CaMgPfTb; Neque Tc

<sup>&</sup>lt;sup>12</sup> mittuntur vel \*CaMgPfTb; om. Tc

<sup>&</sup>lt;sup>13</sup> non sac. de sac. \*MgPfTbTc; sac. de non sac. Ca

<sup>&</sup>lt;sup>14</sup> sac. de non sac. \*MgPfTbTc; non sac. de sac. Ca

<sup>&</sup>lt;sup>15</sup> non CaGc<sup>2</sup>MgPfTbTc; om. GcPrVm

<sup>&</sup>lt;sup>16</sup> non sacrum – sacro ss Ad<sup>2</sup>

<sup>&</sup>lt;sup>17</sup> quia \*BeCaTcVo; quia quod AdCeDaGcMgMqPkPrSbTbVm; quod Pf

<sup>&</sup>lt;sup>18</sup> morem \*CaMgPfTb; legem Tc

<sup>&</sup>lt;sup>1</sup> Que AdCaMgPfTc; Quid Vm

<sup>&</sup>lt;sup>2</sup> in mg. AdBeCaCeDaGcMgPfPrRb<sup>2</sup>SbTc, in text LeMqPtVmVo(adding lxxviii); om. PcTbVp

<sup>&</sup>lt;sup>3</sup> Idem in eod. lib. DaEgPfSbVo; Iohannes VIII (*om.* Ce) in libro Gotice (Godice Pr) legis AdCaCeMgMqPhPrSfTb; Item in eodem Be; Iohannes VIII in eodem Gc; Idem ibidem Pt; Item in lib. eod. Tc; Idem in eodem Vp

libras auri optimi. Sed nos leviorem legem precipimus esse tenendam, que a Carolo est<sup>4</sup> constituta pio principe de compositione sacrilegii<sup>5</sup>, videlicet in triginta libras argenti examinati, id est sexcentorum solidorum summam<sup>6</sup> argenti purissimi. Ideoque quisquis inventus fuerit reus sacrilegii, istam leviorem<sup>7</sup> compositionem emendet<sup>8</sup> ipsis episcopis vel abbatibus, sive personis<sup>9</sup> ad quos querimonia sacrilegii iuste pertinuerit. Et si ipse reus sacrilegii<sup>10</sup> facere noluerit, tandiu excommunicationi subiaceat usque quo<sup>11</sup> predictam compositionem sexcentorum solidorum persolvat. Et si<sup>12</sup> in hac obstinatione mortuus fuerit, corpus eius cum psalmis et himnis non deferatur ad sepulturam. Et precipimus ut in fine codicis mundane legis scribatur hec<sup>13</sup> lex<sup>14</sup>. Hucusque lex pape.

ID 3. 98b]

a t uti

81

 $[Quot^{1} passus habeat atrium maioris ecclesie, quot^{2} minoris]^{3}$ . Ex concilio Antioceno<sup>4</sup>, cap.  $v^{5}$ 

Nicholaus episcopis omnibus. Sicut antiquitus a sanctis patribus statutum<sup>6</sup> est, statuimus ita ut maior ecclesia per circuitum sexaginta<sup>7</sup> passus habeat, capelle vero vel<sup>8</sup> minores ecclesie, triginta. Qui autem confinium eorum<sup>9</sup> confringere<sup>10</sup>

<sup>&</sup>lt;sup>4</sup> a Carolo est \*CaMgPfTb; est a Carolo Tc

<sup>&</sup>lt;sup>5</sup> sacrilegii \*MgPfTbTc; om. Ca

<sup>&</sup>lt;sup>6</sup> summam \*CaMgPfTb; om. Tc

<sup>&</sup>lt;sup>7</sup> leviorem AdCaPfTb; levem Tc; leniorem Mg

<sup>&</sup>lt;sup>8</sup> et add. Mg, om. \*CaPfTbTc

<sup>&</sup>lt;sup>9</sup> personis \*Ca<sup>2</sup>MgPfPhTc; perponis ? Ca; sanctis Tb

<sup>&</sup>lt;sup>10</sup> reus sac. \*CaMgPfTb; sac. reus Tc. istam leviorem compositionem – sac. in mg. Pc<sup>2</sup>

<sup>11</sup> usque quo \*AdMgPfTb; quousque Tc; usque post Ca

<sup>&</sup>lt;sup>12</sup> ss Tb

<sup>13</sup> est add Pc

<sup>&</sup>lt;sup>14</sup> id est ita incipit add. ss Pc; que sic incipit add. Vp

<sup>1</sup> Quod Mg

<sup>&</sup>lt;sup>2</sup> quod Mg

<sup>&</sup>lt;sup>3</sup> in mg. AdBeCaCeDaGcMgPfPrRb<sup>2</sup>SbTc; in text Ea(no inscr.)LeMqSfVmVo(adding lxxviiii); De libertorum tutela after insc. Ph; Quot (corr. fr. quod) passus habeat atrium ecclesie Pt; om. OaPcTbVp <sup>4</sup> Antioceno \*AdBeCaEgMgPhTb; Agatensi PfTc; Anticeno Sf

<sup>&</sup>lt;sup>5</sup> v \*AdBeCaEgGcMgPfPrTbVo; x Tc (this is properly the insc. to ID 3.103); i Vm. cap. v om. Pt

<sup>&</sup>lt;sup>6</sup> statutum \*CaMgPfTb; constitutum Tc

<sup>&</sup>lt;sup>7</sup> sexaginta \*CaMgPfTb; quadraginta Tc

<sup>&</sup>lt;sup>8</sup> vel \*CaMgPfTb; et Tc

<sup>&</sup>lt;sup>9</sup> eorum \*MgPfTbTc; earum Ca

<sup>&</sup>lt;sup>10</sup> confringere \*CaEgPfTbTc; constringere Mg; om. Gc

temptaverit, aut personam hominis vel bona eius inde abstraxerit, nisi publicus latro fuerit, quousque emendet<sup>11</sup> et quod rapuerat<sup>12</sup> reddat<sup>13</sup>, excommunicetur.

*ID 3. 104] +C 17 q 4 c 6* 

82

[Quod ecclesia debeat<sup>1</sup> tueri libertos legitime factos]<sup>2</sup>. Ex Agatensi concilio<sup>3</sup>, cap<sup>4</sup>. xxviii

Libertos legitime a dominis suis factos<sup>5</sup> ecclesia<sup>6</sup>, si necesse fuerit, tueatur<sup>7</sup>. Ouod si quis ante audientiam aut pervadere eos aut exspoliare<sup>8</sup> voluerit vel presumpserit, ab ecclesia repellatur<sup>9</sup>.

*ID 16. 51] +D 87 c 7* 

<sup>1</sup>Toletano concilio IIII<sup>2</sup>, cap. lxxiii<sup>3</sup>

Liberti<sup>4</sup>, quibuscumque<sup>5</sup> manumissi sunt atque ecclesie patrocinio commendati existunt, sicut regule antiquorum patrum constituerunt<sup>6</sup>, sacerdotali defensione a cuiuslibet insolentia protegantur, sive in statu libertatis eorum sive in peculio quod habere noscuntur.

ID 16. 52] +D 87 c 8

<sup>&</sup>lt;sup>11</sup> quousque em. *suppl*. Ca<sup>2</sup> -erat \*CaMgPfPhTc; -erit Tb

<sup>&</sup>lt;sup>13</sup> et quod rap. redd. ss Be<sup>2</sup>

<sup>&</sup>lt;sup>1</sup> -eat CaGcPfTcVm; -et SfVo

<sup>&</sup>lt;sup>2</sup> in mg. AdBeCaCeDaGcPfPr Rb<sup>2</sup>SbTc, in text LeMqSfVmVo(adding lxxx); (xviii add. Bd) De libertorum tutela in text Ea(no inscr.)Ph, in mg. Bd<sup>2</sup>Vp; De libertorum tutela. Quod - factos Mg mg.; om. PtTb. x add. in mg. Be<sup>2</sup>

<sup>&</sup>lt;sup>3</sup> Ex Agat. conc. PfTc; Agat. conc. BeCaDaPhPrTbVmVo; Conc. Agat. Mg; Agantense conc. Sf <sup>4</sup> cap. \*BeMgPfTbTc; om. Ca

<sup>&</sup>lt;sup>5</sup> a dom. suis factos \*AdCaMgPfPr; factos a (corr. fr. ad Ph) dom. suis PhTb; a dom. suis Tc <sup>6</sup> ecclesia \*CaMgTbTc; om. Pf

<sup>&</sup>lt;sup>7</sup> ecclesia add. Pf, om. \*CaMgTbTc

<sup>&</sup>lt;sup>9</sup> repell- \*AdBeCaDbMgMqPfPrRbTcTf; depell- GcWd; pell- SlTb; expell- Vo

<sup>&</sup>lt;sup>1</sup> De eodem in mg. CaDa, text Vo. Ex add. AdPfTc; om. BeCaGcMgSfPcPtTbVmVoVp <sup>2</sup> om. Vo

<sup>&</sup>lt;sup>3</sup> lxxiii AdBeCaDbMgPrTbTcVm; lxxii DaPf; lxxvii Sb; lxxviiii Vo; lxxviii Vp. Ob has here Vita xlvii (from 83A below). IIII – lxxiii om. Ea

<sup>&</sup>lt;sup>4</sup> qui a add. DaEg<sup>2</sup>Pc<sup>2</sup>, quia add. Db, a add. PqTcVo, om. \*BeCaGcMgPfPrTb

<sup>&</sup>lt;sup>5</sup> corr. fr. cuique Pc

<sup>&</sup>lt;sup>6</sup> sicut regule - const. \*AdCaDbMgPcPfTb; om. Tc

#### $83A^1$

<sup>2</sup>Vita beati<sup>3</sup> Gregorii, libro III<sup>4</sup>, cap. xlvii<sup>5</sup>

Libertatem cuiusque<sup>6</sup> hominis Gregorius contra iudicum insolentias liberis nichilominus vocibus defendebat.

ID 16.531

AbAdBdBeCaCbCcCeDaDbEaEbEcEgFcGcHaKaLaLcLdLeLfLgLhLjLkLmMfMgMhMjMkMmMn MoMpMqObOdOePaPcPdPfPhPkPqPrPtPwQaRbRfSbSdSeSkSgSlTbTcTdTfVaVmVoVpWaWbWc W; om. AaLbOaOfPy(appears as 89A)Brant

#### 84

<sup>1</sup>Ex concilio Arausico, cap. vi<sup>2</sup>

In<sup>3</sup> ecclesie manumissos vel per testamentum ecclesie commendatos, si quis in servitutem<sup>4</sup> vel in obsequium vel ad colonariam conditionem imprimere temptaverit, animadversione ecclesiastica cohercebitur<sup>5</sup>.

ID 3. 154] +D 87 c 6b

85

[Quod episcopi res ecclesie alienare, donare, mutare<sup>1</sup> non debeant absque concilio clericorum suorum]<sup>2</sup>. Ex concilio Toletano III<sup>3</sup>

 $<sup>^{1}</sup>$  in

<sup>&</sup>lt;sup>2</sup> De eodem *in mg*. Ca, *in text* Vo; De eadem re *in mg*. Da. In *add*. PcTc, *om*. \*BeCaMgMqObPfTbVm beati \*Ad(*before* Vita)CaCbMgMqOdPc(*before* libro)PfPkTb; *om*. Ea; sancti TcVp

<sup>&</sup>lt;sup>4</sup> II Be

<sup>&</sup>lt;sup>5</sup> xlvii \*AdBeCaCbMgOdPfPkPtTbVmWc; clvii FcPc; clvii Tc; lvii. lxxxii Vo *after corr.*. ObPw *have insc. of c 84 here*; lib. – xlvii *om.* Ea; Vita – xlvii *om.* Mo; Petrus diaconus vel vita – xlvii Ra *mg.* <sup>6</sup> cuiusque \*AdCaCbEaGcMgOdPcPfPhPkPrTbWc; quibuscumque Be; cuiuslibet Cc; quoque FcOe; cuiuscumque RbTc

<sup>&</sup>lt;sup>1</sup> De eodem *in mg*. Ca, *in text* Vo

<sup>&</sup>lt;sup>2</sup> Ex - vi (vii Da) here BeCaDaMgOaPc(mg.)PfPrSbTbTcVmVo(adding lxxxiii); om. Mo; as insc. of c 83A ObPw; Ex conc. Toletano cap. iii Sf (cf c 85)

<sup>&</sup>lt;sup>3</sup> In CaMgPfTc; om. BeOa; []n SfTb

<sup>&</sup>lt;sup>4</sup> servitutem \*CaMgPfTb; servitium Tc

<sup>&</sup>lt;sup>5</sup> coherceatur SIWd

<sup>&</sup>lt;sup>1</sup> don. mut.] commutare Rb; mut. don. Vo

<sup>&</sup>lt;sup>2</sup> Quod – conc. (consilio DaSb, om. Mq) cl. suorum (suorum cl. Ca) in mg.

AdBeCaCeDaGcPfPrRb<sup>2</sup>SbTc, *in text* MqPtVmVo(*adding* lxxxiiii); (xix. *add*. Bd) De alienatione et commutatione ecclesiasticarum rerum (rerum eccl. BdLj) *in mg*. Bd<sup>2</sup>LeLjVp, *in text* Ph; De commutatione et alienatione *in text* Ea(*no inscr.*); Quod episcopi ecclesie – absque consensu cl. suorum Le; De commutatione et alienatione. Quod - suorum *in mg*. DbMg, *and in text* Db; Quod – mutare non debent sine clericorum suorum consensu *in text* Sf; *om*. PcTb. xi *add. in mg*. Be<sup>2</sup>

<sup>&</sup>lt;sup>3</sup> III AdCaGcMgPfPrVm; cap. iii MqPhSfTbTc; cap. iiii Oa; II Vo; om. Be

Hec sancta sinodus nulli episcoporum licentiam tribuit res ecclesie alienare, quoniam et antiquioribus canonibus hoc prohibetur. Si quid vero quod utilitatem non gravet ecclesie, pro suffragio<sup>4</sup> monachorum vel ecclesiis<sup>5</sup> ad parochiam suam pertinentium<sup>6</sup> dederint, firmum maneat. Peregrinorum<sup>7</sup> vel clericorum et<sup>8</sup> egenorum necessitati salvo iure ecclesie prestare permittuntur pro tempore que potuerint<sup>9</sup>.

4 1 CS A ID C M O DI T M

ID 3. 167]

#### 86

<sup>2</sup>Ex concilio apud Valentias<sup>3</sup>, cap. l<sup>4</sup>

Irrita erit<sup>5</sup> episcoporum donatio vel venditio vel commutatio rei ecclesiastice absque collaudatione et subscriptione<sup>6</sup> clericorum<sup>7</sup>.

ID 3. 231] C 12 q 2 c 52b var.

87

[Quod res<sup>1</sup> que<sup>2</sup> inconsulte<sup>3</sup> facte<sup>4</sup> licite<sup>5</sup> a successoribus emendentur]<sup>6</sup>. Ex<sup>7</sup> concilio apud Belvacum<sup>8</sup>

Ut<sup>9</sup> commutationes rerum <sup>10</sup>ecclesiasticarum valde caveantur et subtilissime, si aliquando fieri debent, inspiciantur. Que autem inconsulte facte<sup>11</sup> sunt, iuxta

<sup>&</sup>lt;sup>4</sup> eccl. pro suff. AdBeCaMgOaPhTcVm; pro suff. eccl. Pf; pro suff. Tb

<sup>&</sup>lt;sup>5</sup> ecclesiis \*BeCaMgTb; ecclesiarum PcPfTc

<sup>&</sup>lt;sup>6</sup>-entium PcPfTc; -entibus BeCaMgTb. Qe resumes

<sup>&</sup>lt;sup>7</sup> vel laicorum *add*. Mg, *om*. \*CaCcPfTbTc

<sup>&</sup>lt;sup>8</sup> et \*CePcPhPqTbTcSbVm; vel AdBdBeCaMgPfPkPwVo

<sup>&</sup>lt;sup>9</sup> -erint \*GcMg<sup>2</sup>PhPkPqPrRb<sup>2</sup>TbTc; -erunt AdBeCaMgPfRb; ecclesie prestare perm. – potuerint *in mg*. Mq<sup>2</sup>

<sup>&</sup>lt;sup>1</sup> cc 86-87 reversed Le(before corr.)Lm

<sup>&</sup>lt;sup>2</sup> De eodem *add. in mg.* CaDa, *in text* Vo; Quod res que inconsulte fecte sunt licite a successoribus emendentur *in mg.* Mq<sup>2</sup> (repeated before c 87 in main hand)

<sup>&</sup>lt;sup>3</sup> -tias MgPfTb; -tiam BeCaTc

<sup>&</sup>lt;sup>4</sup> l AdBeMgPfPrTbTcVm; i CaVo(adding lxxxv)Vp; whole insc. in mg. Mq<sup>2</sup>Pc

<sup>&</sup>lt;sup>5</sup> Irrita erit in mg. Mq<sup>2</sup>; Mq originally ran c 86 from episcoporum donatio onto end of c 85.

<sup>&</sup>lt;sup>6</sup> subscriptione \*AdBeMgPfRbTbTc; susceptione Ca; subjectione Oa

<sup>&</sup>lt;sup>7</sup> et commutationes rerum *add*. Rb (*cf c 86*)

<sup>&</sup>lt;sup>1</sup> obsc. corr. Mm

<sup>&</sup>lt;sup>2</sup> que AdBeCaEaMfMgMhMmSfTcVm; om. Pf

<sup>&</sup>lt;sup>3</sup> sunt add. AdCaCeDaEaMqPrSbTcVmVo (MqPr after facte), om. MgMhMkMmPfSf

<sup>&</sup>lt;sup>4</sup> et add. AdTcVo, sunt consulte et add. GcMgPrSfVm, consulte et add. Sf; om. CaPf

<sup>&#</sup>x27; illicite Vo

<sup>&</sup>lt;sup>6</sup> -entur CaPfTcVo; -etur MgSf. *Rubric in mg*. AdBeCaCeDaGcMgPfSbTc, *in text* Ea(*no inscr.*)LeMhMkMmMqSfVmVo(*adding* lxxxvi); *om*. MjOaPcPtRbTbVp

<sup>&</sup>lt;sup>7</sup> De Mf

decretum canonicum<sup>12</sup> Hilarii pape, quas illicite decessor episcopus admiserit, vel ab aliis illicite commisse sunt, ab eo qui successor est emendentur<sup>13</sup>.

ID 3. 2321 X 3.19.2

#### 88

### <sup>1</sup>Ex concilio Bracarensi<sup>2</sup>, cap. xxxi<sup>3</sup>

Quicumque<sup>4</sup> presbiter de iure tituli sui quolibet modo aurum<sup>5</sup>, argentum, vel gemmas, vestes quoque<sup>6</sup> si sunt<sup>7</sup>, vel si accesserint<sup>8</sup> aliqua mobilia ad ornamenta divina aliquid in perpetuum alienare temptaverit, donator, alienator ac9 venditor honoris sui amissione multetur. 10

ID 3. 2411

[Qui<sup>2</sup> libri in ecclesia sint<sup>3</sup> legendi, et quamdiu et quando legendi]<sup>4</sup>. Ex concilio Aurelianensi, cap. iii<sup>5</sup>

<sup>&</sup>lt;sup>8</sup> apud Belv. BeCaMfMgMjMkMmMnPc<sup>2</sup>PtTbTcVm; apud Selv...tu.. Pc; Belvagensi Pf; Apud Belvacensem Vo; Quod - Belv. om. Mo

<sup>&</sup>lt;sup>9</sup> Ut AdBeMgMkMqPhTcVmVo; Et CcCeEaMoOaPfRaTbVp; []t Ca

<sup>&</sup>lt;sup>10</sup> Rb begins cap here (cf end of prev. cap.)

<sup>&</sup>lt;sup>11</sup> autem inconsulte facte \*CeGcMqOaPhTbVm; inconsulte facte AdLdPcSbTcVo; non inconsulte facte Ad<sup>2</sup>Tf; non (vel in ss Da) consulte facte BeCa(facte over erasure)DaEaHaMgPfTd; non consulto Vp
<sup>12</sup> canonicum \*CaMgPfTb; canonum Tc
\*\* ABaFaGcMgPf<sup>2</sup>PkRbT

<sup>&</sup>lt;sup>13</sup> emendentur \*AdBeEaGcMgPf<sup>2</sup>PkRbTcVm; emendetur CaPhTbSbVo; emendantur OaPf

<sup>&</sup>lt;sup>1</sup> Ut nullus presbiter de iure tituli sui aliquid alienare presumit add. in mg. CaDa; Item de eadem re in text Ea(no insc.); Quod presbiter sit deponendus qui aliquid de ecclesia sua alienaverit vel donaverit vel alicui vendiderit add. in mg. Sb; De eodem add. Vo

<sup>&</sup>lt;sup>2</sup> conc. Bracarensi AdBeCaEgMgOaVm; Bracharensi conc. Da; conc. Bracanensi Gc; Bracanensi conc. PcPfTc; conc. Cartaginensi PhSfTb; Bracacensi concil' Vo

<sup>&</sup>lt;sup>3</sup> xxxi \*AdMgPcPfTbTcVmVo(adding lxxxvii); xxi Ca. Insc. in mg. Pc

<sup>&</sup>lt;sup>4</sup> Quodcumque Rb

<sup>&</sup>lt;sup>5</sup> et add. Tc, om. CaMgPfTb

<sup>&</sup>lt;sup>6</sup> vestes quoque \*CaMgPfTb; vestesque Tc

<sup>&</sup>lt;sup>7</sup> sunt \*PfTbTc; sint CaMg

<sup>&</sup>lt;sup>8</sup> -erint \*CaMgTbTc; -erunt Pf

<sup>&</sup>lt;sup>9</sup> ac \*CaMgPfTc; om. Tb

<sup>&</sup>lt;sup>10</sup> multetur amiss. SIVo. A considerable space is left before c 89 in MnPk

<sup>&</sup>lt;sup>1</sup> to Raphael only Ea

<sup>&</sup>lt;sup>2</sup> Qui AdBePfTcVm; Quot CaMg

<sup>&</sup>lt;sup>3</sup> in eccl. sint BeGcPfVm; sint (sunt Ad) in eccl. AdCaMgTc

<sup>&</sup>lt;sup>4</sup> Qui - quando (sunt add. Sb) legendi (om. Pf) in mg. AdBeCaCeGcPfPrSbSlTc, in text CeVmVo(Vo adding lxxxviii); Incipit liber quartus add. Ce, repeated in mg.; Quot libri sint in ecclesia legendi legendi in mg. Da; De scripturis in mg. Db; De scripturis et conciliis autenticis et non autenticis Ph; De script. et conc. aut. et non aut. Qui libri - quando legendi in mg. Mg; Quid sit legendum in ecclesia, et quid non in mg. Rb<sup>2</sup>; om. EaMqOaPcPtSfTbVp. xii add. in mg. Be<sup>2</sup>

Nihil<sup>6</sup> aliud in ecclesia legatur aut cantetur nisi<sup>7</sup> que auctoritatis divine sunt, et patrum orthodoxorum sanxit auctoritas. Nec falsa angelorum nomina colantur<sup>8</sup>, sed ea tantum<sup>9</sup> que prophetica et evangelica docet scriptura, id est, Michael, Gabriel, Raphael<sup>10</sup>.

ID 3.250]

### <sup>1</sup>De ordine librorum veteris testamenti<sup>2</sup>

Genesis liber unus<sup>3</sup>. Exodus<sup>4</sup> liber unus. Leviticus liber unus. Numerus<sup>5</sup> liber unus. Deuteronomii liber unus. Iesu Nave liber unus. Iudicum<sup>6</sup> liber unus. Regum liber unus<sup>7</sup>. Ruth liber unus. Paralipomenon liber unus<sup>8</sup>. Psalmorum<sup>9</sup> CL liber unus<sup>10</sup>. Salomonis liber unus<sup>11</sup>. Iob liber unus. Thobie liber unus. Hesdre liber unus. Hester liber unus. Iudith liber unus. Machabeorum liber unus<sup>12</sup>.

### Ordo prophetarum<sup>13</sup>

Isaie liber unus. Ieremie cum Cinoth, id est Lamentationibus suis <sup>14</sup> liber unus <sup>15</sup>. Ezechiel liber unus. Daniel liber unus. Osee liber unus. Amos liber unus.

<sup>&</sup>lt;sup>5</sup> Aurel. (-ensium Mg, -iano Sf) cap. iii \*AdCaMgPfPtTcVo; Cartaginensi, cap. xxxi Tb; Ex – iii om. Sl

<sup>&</sup>lt;sup>6</sup> Large initial 'N' (cf rubric) CePhPk (and compare Conspectus for Pa)

<sup>&</sup>lt;sup>7</sup> ea *add*. PhTb, *om*. \*AdCaMgPfTc

<sup>&</sup>lt;sup>8</sup> ang. nomina colantur BeCaDaEaMg; ang. nomina colant AdPt; ang. coluntur nomina CeEg; ang. colantur nomina Eg<sup>2</sup>PcTc; ang. colant nomina GcMqOaPfPkPrRbSbVm; nomina angelica colant SlVo; ang. nomina Tb

<sup>&</sup>lt;sup>9</sup> ea tantum \*CaMgPcPfTb; eorum Tc

<sup>&</sup>lt;sup>10</sup> Raphael \*CaMgTbTc; Tobial Cc

<sup>&</sup>lt;sup>1</sup> Ex decretis Gelasii papae *add in mg*. Mg

<sup>&</sup>lt;sup>2</sup> De ordine librorum veteris (et novi *add*. Tc) testamenti \*Ad(*mg*)BeCaDaGcMgOaPrTcVmVo; Ordo librorum veteris testamenti LaPfPhPtQeSfTb; De ordine – test. De libris autenticis Mq; Quid in ecclesia legendum sit et candandam de vet... *in text, subs. canc.*, De ordine lib. vet. test. ex decretis Innocentii pape *in mg*. Pc; De ordine librorum qui in ecclesia per totum annum leguntur *in mg*. Sb; Ex decretis Gelasii pape. Quando et quo tempore libri veteris et novi testamenti legantur Vp (*cf c 90*)

<sup>&</sup>lt;sup>3</sup> lib. unus BeCaMgPf; unus liber (and so passim) Tb; libri quatuor Tc

<sup>&</sup>lt;sup>4</sup> -odus \*CaMgPfTb; -odi Tc

<sup>&</sup>lt;sup>5</sup> -erus \*CaMgPfTb; -eri Tc

<sup>&</sup>lt;sup>6</sup> Deut., Ies. Nave, Iud. \*CaMgPfTb; Ies. Nave, Iud., Deut. Tc

<sup>&</sup>lt;sup>7</sup> lib unus BeCaPf; libri quatuor MgTc; unus liber Tb

<sup>&</sup>lt;sup>8</sup> lib. unus CaPf; libri duo MgTc; unus liber Tb

<sup>&</sup>lt;sup>9</sup> David add. Tc, om. \*CaMgPfTb

<sup>&</sup>lt;sup>10</sup> lib. unus CaMgPf; unus liber Tb; om. Tc

<sup>&</sup>lt;sup>11</sup> liber unus AdBeCaPfVo; libri v Mg; unus liber Tb; libri tres Tc; Vm *inserts here from below* Osee – Malachie lib. i. Be *places* Paralipomenon – Sal. lib. i *after* Hester

<sup>&</sup>lt;sup>12</sup> liber unus BeCaGcPf; libri duo MgTc; unus liber PhQeTb

<sup>&</sup>lt;sup>13</sup> Ordo proph. PfTb (*after* Ysaie unus liber); De ordine prophetarum AdCaDaMgVm; *om*. BeGcPrPtTcVoVp

<sup>&</sup>lt;sup>14</sup> cum Cinoth - suis (om. Pc) \*CaMgPc<sup>2</sup>PfTb; et Lament. suis Pr; om. PcTc

<sup>&</sup>lt;sup>15</sup> Ieremie cum Cin. - lib. unus (unus liber Tb) \*MgPfTbTc; om. Ca

Michee liber unus. Iohel liber unus. Abdie liber unus. Ihone liber unus. Naum liber unus. Abbacuc liber unus. Sophonie liber unus. Aggei liber unus. Zacharie liber unus. Malachie liber unus.

### Ordo librorum novi testamenti<sup>16</sup>

Evangeliorum libri quattuor. Secundum Matheum liber unus. Secundum Marcum liber unus. Secundum Lucam liber unus. Secundum Iohannem liber unus. Actuum Apostolorum liber unus. Epistole Pauli numero quatuordecim<sup>17</sup>. Ad Romanos epistola una. Ad Corinthios<sup>18</sup> due. Ad Galathas<sup>19</sup> una. Ad Ephesios<sup>20</sup> una. Ad Philipenses<sup>21</sup> una. Ad Colosenses<sup>22</sup> una. Ad Thessaliconenses<sup>23</sup> due. Ad Thimotheum due. Ad Thitum una. Ad Philemonem una. Ad Hebreos una. Apocalipsis Iohannis<sup>24</sup> liber unus.

Ordo septem epistolarum canonicarum<sup>25</sup>

Petri apostoli epistole<sup>26</sup> due. Iacobi apostoli<sup>27</sup> epistola una<sup>28</sup>. Iohannis apostoli<sup>29</sup> epistole<sup>30</sup> tres. Iude Zelotis apostoli epistola<sup>31</sup> una ID 4.61-21

 $90^{1}$ 

[Ordo librorum qui legendi sunt a Septuagesima usque in Epiphaniam]<sup>2</sup>. Quando et quo tempore libri veteris et novi testamenti leguntur<sup>3</sup>

<sup>&</sup>lt;sup>16</sup> Ordo lib. novi test. MgPfTb; De ordine librorum novi testamenti Ad<sup>2</sup>BeCaDaGcPrVm; Liber novi testamenti Sf; om. PtTcVoVp

<sup>&</sup>lt;sup>17</sup> num. quatuordecim \*MgTbTc; xiiii Ca; num. duodecim Pf

<sup>&</sup>lt;sup>18</sup> epistole *add*. Tc, *om*. \* CaMgPfTb

<sup>19</sup> epistola add. Tc, om. \*CaMgPfTb

<sup>&</sup>lt;sup>20</sup> epistola add. Tc, om. \*CaMgPfTb

epistola add. Tc, om. \*CaMgPfTb

epistola add. Tc, om. \*CaMgPfTb

<sup>&</sup>lt;sup>23</sup> epistole *add*. Tc, *om*. \*CaMgPfTb

<sup>&</sup>lt;sup>24</sup> Ioh. \*CaMgPfTc; om. PhTb

<sup>&</sup>lt;sup>25</sup> Ordo - can. \*AdBeCaDaGcMgPfTb; Septem – can. Sf; Ordo epist. can. PrVm; *om.* PtTcVoVp

<sup>&</sup>lt;sup>26</sup> Petri ap. epp. \*CaMgPfTb; Epp. Petri ap. Tc

<sup>&</sup>lt;sup>27</sup> ss Tb

<sup>&</sup>lt;sup>28</sup> Iac. - una before Petri CaCcTc, after due \*BeGcMgPfTb

<sup>&</sup>lt;sup>29</sup> apostoli \*CaPfTbTc; om. Mg

<sup>&</sup>lt;sup>30</sup> epistole \*CaMgPfPh; om. TbTc

<sup>&</sup>lt;sup>31</sup> epistola \*CaMgPfTb; om. Tc

<sup>&</sup>lt;sup>1</sup> We has a widely variant version: In Septuagesima cantatur et legitur In principio, id est Pantatheucum Moysi usque ad passionem Domini –

<sup>&</sup>lt;sup>2</sup> Ordo - usque in Epiphaniam in mg. BeGcPfPrRb<sup>2</sup>Sl, in text Ad<sup>2</sup>BeCaCeDaSfVm(second rubric); xx. (om. Vm) De scripturis et conciliis autenticis Bd<sup>2</sup>(mg.)Vm; Ordo – usque in Epiphania Domini as

In Septuagesima ponunt<sup>4</sup> Eptaticum<sup>5</sup> usque in quindecim dies<sup>6</sup> ante Pascha, quinta decima die ante Pascha ponunt<sup>7</sup> Iheremiam usque in cenam Domini. In cena Domini legunt tres lectiones<sup>8</sup> de Lamentatione Iheremie, Quomodo sedet sola civitas etc<sup>9</sup>. Et tres lectiones de tractatu sancti Augustini in psalmo LXIII, Exaudi Deus orationem meam cum deprecor, et tres de apostolo ubi ait ad Corinthios, Convenientibus vobis in unum. Secunda lectio sic incipit, Similiter<sup>10</sup> postquam cenavit. Tertia. De spiritualibus autem nolumus<sup>11</sup> ignorare, fratres. In Parasceven<sup>12</sup>. tres lectiones 13 de Lamentatione Iheremie, et tres de tractatu sancti Augustini in psalmo<sup>14</sup> LXIII, et tres de Apostolo ubi ait in epistola ad Hebreos, Festinemus ingredi in illam requiem<sup>15</sup>. Secunda lectio, Omnis namque pontifex. Tertia, De quo<sup>16</sup> nobis grandis sermo<sup>17</sup> est. In Sabbato sancto, tres lectiones de Lamentatione Iheremie, et tres de tractatu sancti Augustini in psalmo LXIII, Exaudi Deus orationem meam cum deprecor<sup>18</sup>, et tres de apostolo, ubi ait<sup>19</sup> in Epistola ad Hebreos, Christus adsistens pontifex, secunda lectio ubi ait<sup>20</sup>, Testamentum enim, tertia<sup>21</sup>, Umbram enim habens lex bonorum futurorum<sup>22</sup>. In Pascha Domini omelias ad ipsum<sup>23</sup> diem pertinentes. Infra hebdomadam<sup>24</sup> homilias. In octava<sup>25</sup> Pasche<sup>26</sup> ponunt<sup>27</sup> Actus apostolorum, et

second rubric in text Vm; Ordo - ad Sept. in text EgMgSbTc; Ordo librorum veteris et novi testamenti, scil. quando et quo tempore legendi sunt a Sept. usque ad xl. Pc mg.; om. CeLeMqTbVoVp

<sup>&</sup>lt;sup>3</sup> Quando (Qualiter Pf) - leg. (leg. om. Oa, legantur LeMqVo) BeGcLeMgMqOaPfPrSITbTcVo(adding lxxxviiii); as second rubr. in mg. Ad<sup>3</sup>, as first rubric Vm; before c 89 Vp; Quo tempore libri – legantur et quo ordine Pt; om. DaCa

<sup>&</sup>lt;sup>4</sup> In Sept. ponunt \*MgPfPhTbTc; A Sept. Ca; In Sept. Qe

<sup>&</sup>lt;sup>5</sup> Eptaticum AdBeMgPfPh(*obsc. corr.*)TbVmVo; Epatiticum Ca; Eptategum Ca<sup>2</sup>; Enptaticum Oa; Emptaticum Qe; Eptateucum Tc. Epta v theos divinus v. libri Moysi et Iudicum et Iosue *add. in mg.* Ad <sup>6</sup> quindecim dies \*AdBeCaTbTc; quinta decima die Pf; quintam decimam diem Mg

<sup>&</sup>lt;sup>7</sup> ponunt \*CaMgPfTb; cant' Tc

<sup>8 -</sup>iones \*MgPfTbTc; -ione Ca

<sup>&</sup>lt;sup>9</sup> etc CaMgPfPh; plena populo etc Tb; om. Tc

<sup>&</sup>lt;sup>10</sup> et calicem add. PhTb, om. CaLdMgPfTcTf

<sup>11</sup> vos add. CaMg, om. PfPhTbTc

<sup>&</sup>lt;sup>12</sup> -even PfPhTb; -eve CaMgTc

<sup>13</sup> tres add. Tc, om. \*CaMgPfTb

<sup>&</sup>lt;sup>14</sup> psalmo CaMgPfTb; ipso Tc

in illam requiem \*MgPfTbTc; om. Ca

<sup>&</sup>lt;sup>16</sup> quo \*MgPfTbTc; qua Ca

<sup>&</sup>lt;sup>17</sup> gr. sermo est CaMgPhTc; sermo gr. est Pf; gr. est sermo Tb

<sup>&</sup>lt;sup>18</sup> Exaudi Deus orationem meam cum deprecor (de Vo, *om.* Be) AdBePc<sup>2</sup>PrTbVo; *om.* CaPcPf; Exaudi Mg; Exaudi Deus orationem Tc

<sup>&</sup>lt;sup>19</sup> ait \*CaMgPfTb; dicit Tc

<sup>&</sup>lt;sup>20</sup> lectio ubi ait \*MgPfTc; om. Ca; ubi ait PhTb

<sup>&</sup>lt;sup>21</sup> enim *add*. Mg, *om*. \*CaPfTbTc

<sup>&</sup>lt;sup>22</sup> lex bon. fut. MgPfTc; lex fut. bon. PhTb; om. Ca

<sup>&</sup>lt;sup>23</sup> ipsum \*CaMgPfTb; ipsam Tc

<sup>&</sup>lt;sup>24</sup> Infra hebd. \*CaMgTbTc; In hebdomada Pf

<sup>&</sup>lt;sup>25</sup> -ava Pf; oct' Ca; -avis Mg; -abas Tb; -avas Tc

epistolas canonicas, et Apocalipsim usque in octavis<sup>28</sup> Pentecosten<sup>29</sup>. In octava<sup>30</sup> Pentecosten ponunt librum<sup>31</sup> Regum et Paralipomenon, usque in Kalendis Augusti. In dominica prima mensis Augusti ponunt Salomonem usque in Kalendis Septembris, et tunc<sup>32</sup> ponunt Iob<sup>33</sup>, Tobiam, Hester, Esdram, Iudit<sup>34</sup>, usque in Kalendis Octobris. In dominica prima mensis Octobris ponunt Machabeorum<sup>35</sup> usque in Kalendis<sup>36</sup> Novembris. In dominica prima mensis Novembris ponunt Ezechiel et Daniel<sup>37</sup>, et minores prophetas, usque in<sup>38</sup> Kalendis Decembris.<sup>39</sup> In dominica prima mensis Decembris ponunt Isaiam prophetam usque in<sup>40</sup> Nativitatem Domini. In vigilia Natalis Domini legunt primum<sup>41</sup> de Isaia<sup>42</sup> tres lectiones. Prima lectio, Primo tempore alleviata est<sup>43</sup>, secunda, Consolamini<sup>44</sup>, tertia, Consurge. Deinde leguntur sermones vel omelie ad ipsum diem pertinentes. In Natali<sup>45</sup> sancti Stephani, omelias<sup>46</sup> de ipso die, in Natali<sup>47</sup> sancti Iohannis, similiter, in Natali<sup>48</sup> Innocentum, similiter, in Natali<sup>49</sup> sancti Silvestri, similiter. In octava<sup>50</sup> Domini<sup>51</sup> omelias de ipso die. In dominica prima post Nativitatem Domini ponunt epistolas Pauli, usque in Septuagesimam. In Epiphania lectiones tres de Isaia. Prima lectio sic incipit<sup>52</sup>, Omnes sitientes<sup>53</sup>,

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<sup>26</sup> From here Wc is widely variant and much fuller; see note below.
<sup>27</sup> ponunt *CaMgPfPhTc; Pentecosten Tb
   -avis Mg; oct' CaTc; -av' Pf; -abas Tb
<sup>29</sup> -ten Pf; -tes CaTb; -t' MgTc; corr. fr. apostolorum Ce
<sup>30</sup> -aba Pf;-abas TbTc; -avis Mg; oct' Ca
<sup>31</sup> librum CaMgTc; om. PfTb
<sup>32</sup> in Dominica (i add. Pc) mensis Sept. add. MgPc<sup>2</sup>Tc, om.
*AdBdBeCaCeDaLdLkPcPfPhPkPqPrPwSbTbTfVm\\
<sup>33</sup> et add. Tb, om. *CaMgPfTc
<sup>34</sup> Iudit CaCe<sup>2</sup>Ld<sup>2</sup>MgTc; om. BdCeLdPfPhPrTbTf
<sup>35</sup> Mach. CaPfTb; librum Mach. Tc; Mach. lib. Mg
<sup>36</sup> et tunc ponunt Iob – Kalendis in mg. Bd

<sup>37</sup> -iel, -iel *CaPfTb; -ielem. -ielem MgTc
<sup>38</sup> in *CaMgPfTb; ad Tc
<sup>39</sup> ponunt Actus apostolorum -in kal' Septembris] leguntur Actus apostolorum quidecim diebus et
cantatur apocalipsis, id est - apostolus concorditer predicavit Wc <sup>40</sup> in *CaMgPfTb; ad Tc
41 legunt primum *CaMgPfTb; leguntur primo Tc
<sup>42</sup> de Isaia *CaMgPfPh; de Ysaia propheta Tb; om. Tc
<sup>43</sup> est CaMgTc; est terra Be; est terra Za. et terra Nep. Tb; om. Pf
<sup>44</sup> consol' add. Pf, consolam' add. Ca, om. *MgTbTc
<sup>45</sup> -ali *Ca; nat' Mg; -al' Pf; -ale TbTc
<sup>46</sup> -ias CaMgPfTc; -ia Tb
<sup>47</sup> -ali *Ca; nat' Mg; -al' PfTc; -ale Tb
<sup>48</sup> -ali Ca; nat' Mg; natal' Pf; -ale Tb; -ale sanctorum Tc
<sup>49</sup> -ali *Ca; nat' Mg; -al' Pf; -ale Tb; -al' Tc
<sup>50</sup> -ab' Pf; -abas Tb; oct' CaMgTc
<sup>51</sup> Domini *MgPfTbTc; Dominum Ca
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<sup>52</sup> sic inc. \*CaMgPfTb; *om.* Tc etc *add.* Tc, *om.* \*CaMgPfTb

secunda, Surge illuminare, tertia, Gaudens gaudebo in Domino<sup>54</sup>. Deinde leguntur sermones vel omelie ad ipsum diem pertinentes.

ID 4. 63] cf +D 15 c 3 end, Palea

<sup>54</sup> in Domino MgPfTbTc; *om*. Ca

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[Quos libros, 1 quos auctores 2 sancta recipiat ecclesia] 3. Ex decretis Gelasii pape 4

5 Sancta Romana ecclesia, post illas veteris vel 6 novi testamenti quas
regulariter suscipimus 7, etiam has suscipi non prohibet 8 scripturas, Sanctam sinodum
Nicenam CCCXVIII patrum, mediante maximo Constantino augusto, in qua Arius
hereticus 9 condempnatus est, sanctam sinodum Constantinopolitanam, mediante
Theodosio seniore augusto, in qua Macedonius 10 hereticus debitam dampnationem
excepit 11, sanctam sinodum Ephesinam 12, in qua Nestorius dampnatus est, cum
consensu beatissimi 13 Celestini pape, mediante Cirillo Alexandrine sedis antistite et
Archadio episcopo ab Italia destinato, sanctam sinodum Chalcedonensem, mediante
Martiano 14 augusto, et Anatolino Constantinopolitano episcopo, in qua Nestoriana 15
et Eutichiana heresis simul cum Dioscoro eiusque complicibus dampnate sunt. Sed et
si qua sunt concilia 16 a sanctis patribus hactenus instituta preter istorum quatuor
auctoritatem, et custodienda et recipienda decrevimus. Iam nunc subiciendum 17 de

<sup>&</sup>lt;sup>1</sup> et add. Tc, om. AdCaMgPfVm

<sup>&</sup>lt;sup>2</sup> Quos auct, quos lib. Ce

<sup>&</sup>lt;sup>3</sup> Quos – s. rec. (rec. s. Mq) eccl. (eccl. rec. GcPr) *in* mg. BeCeGcPfPrTc, *in text* CaGcLeMqPwVo(*adding* De libris autenticis et apocrifis lxl)Vp(*which adds* De libris autenticis); Quos libros - susc. s. eccl. Ad *in text*; De libris autenticis et apocrifis. Quos – rec. ecclesia (eccl. rec. Vm) *in text* MgVm; Que scripture recipi debeant et que non *in mg*. Rb<sup>3</sup>; Quos libros – ecclesia. De libris autenticis et apocrifis ex decreto Gelasii. Quos libros auctores sancta recipiat ecclesia *in text* Sf; De libris autenticis et apocrifis (apoc. et aut. Gc) *in text* \*CeGcOaPhPtTb, *in mg*. Ad<sup>2</sup>; De libris autenticis et apocrifis ex decreto Gelasii (pape *add*. Pr) *in text* PkPr; *om*. DaPc

<sup>&</sup>lt;sup>4</sup> See prev. note for Sf

<sup>&</sup>lt;sup>5</sup> Cum *add*. Oa

<sup>&</sup>lt;sup>6</sup> vel \*BeCaGcMgOa ; et PfTbTc

<sup>&</sup>lt;sup>7</sup> -ipimus \*CaMgPfTb; -epimus Tc

<sup>&</sup>lt;sup>8</sup> non prohibet CaMgPfTb; iubet [? and over erasure] Tc

<sup>&</sup>lt;sup>9</sup> Ar. her. \*CaMgPfTb; her. Ar. Tc

<sup>&</sup>lt;sup>10</sup> Macedonius \*CaPfTc; Machedonius Gc; Mazedonius Mg; Nic<h>edonius Tb

<sup>11</sup> exc- \*CaPfTb; acc- MgTc

<sup>&</sup>lt;sup>12</sup> -inam \*CaMgPfTb; -ianam Tc

<sup>&</sup>lt;sup>13</sup> beatissimi \*CaMgPfTb; om. Tc

<sup>&</sup>lt;sup>14</sup> Martiano \*CaPfTbTc; Martiniano Mg

<sup>&</sup>lt;sup>15</sup> -iana CaMgPfTb; -ia Tc

<sup>&</sup>lt;sup>16</sup> sunt conc. \*MgPfPhTc; conc. Ca; conc. sunt Tb

<sup>&</sup>lt;sup>17</sup> est add. CaMgPfSb<sup>2</sup>Tc, om. \*BdCePaPhPkPwSbTbVm

opusculis sanctorum patrum que in ecclesia catholica recipiuntur: Opuscula beati Cipriani martiris et Carthaginensis episcopi, item, opuscula beati Gregorii Nazanzeni episcopi, item, opuscula beati Basilii Capadoceni episcopi, item, opuscula beati Athanasii <sup>18</sup> Alexandrini episcopi, item, opuscula beati Iohannis Constantinopolitani episcopi, item, opuscula beati Theophili Alexandrini episcopi, item, opuscula 19 beati Cirilli Alexandrini episcopi<sup>20</sup>, item<sup>21</sup>, opuscula beati Hilarii Pictavensis episcopi, item<sup>22</sup>, opuscula beati Ambrosii Mediolanensis episcopi, item<sup>23</sup>, opuscula beati Augustini Ypponensis episcopi, item<sup>24</sup>, opuscula beati Ieronimi presbiteri, item<sup>25</sup>, opuscula beati<sup>26</sup> Prosperi viri religiosissimi<sup>27</sup>, item<sup>28</sup>, epistola<sup>29</sup> beati Leonis pape ad Flavianum Constantinopolitanum episcopum destinata, cuius textum si quispiam usque<sup>30</sup> ad<sup>31</sup> unum iota disputaverit, et non eam in omnibus venerabiliter receperit<sup>32</sup>, anathema sit. Item, opuscula atque<sup>33</sup> tractatus omnium patrum orthodoxorum qui in nullo a sancte Romane ecclesie consortio deviarunt<sup>34</sup>, nec ab eius fideli<sup>35</sup> predicatione seiuncti sunt, sed ipsius communionis per<sup>36</sup> gratiam<sup>37</sup> Dei usque ad ultimum diem vite sue fuere participes, legendos decernimus<sup>38</sup>. Item, decretales epistole quas beatissimi pape diversis temporibus ab urbe Roma pro diversorum patrum consolatione dederunt venerabiliter suscipiende sunt. Item, gesta sanctorum martirum que multiplicibus<sup>39</sup> tormentorum cruciatibus et mirabilibus confessionum triumphis irradiant. Ouis ista 40

<sup>18</sup> Athanasii BdCaMgPfPwSbTcVm; Anastasii CePaTb; Anasthasii PhPk

<sup>19</sup> item opuscula \*CaMgTb; Item Tc; opuscula Pf

<sup>&</sup>lt;sup>20</sup> Alex. ep. PfPhTb; ep. Alex. MgTc; ep. Ca; item opuscula beati Cir. Alex. ep. om. Be; Item op. b. Hier. presb. Item op. b. Prosp. viri rel. add. here from below Tb

<sup>&</sup>lt;sup>21</sup> item \*CaMgTbTc; om. Pf

<sup>&</sup>lt;sup>22</sup> item \*CaMgTbTc; om. Pf

<sup>&</sup>lt;sup>23</sup> item \*CaMgTbTc; om. Pf

<sup>&</sup>lt;sup>24</sup> item \*CaMgTbTc; om. Pf

<sup>&</sup>lt;sup>25</sup> item \*CaMgTbTc; om. Pf

<sup>&</sup>lt;sup>26</sup> beati \*CaPfTbTc; om. Mg

<sup>&</sup>lt;sup>27</sup> viri rel. \*CaMgPfPhTb; rel. viri Tc; Ambr. and Prosp. before Hilarius Tb

<sup>&</sup>lt;sup>28</sup> item \*CaMgTc; om. Pf

<sup>&</sup>lt;sup>29</sup> epistola \*MgPfPhTc; opuscula CaTb

 $<sup>^{30}</sup>$   $s\bar{s}$  Tb

<sup>&</sup>lt;sup>31</sup> ad \*CaMgPfTb; om. Tc

<sup>&</sup>lt;sup>32</sup> rec- \*MgPfTb; acc- Tc; susceperit Ca

<sup>&</sup>lt;sup>33</sup> atque \*CaMgPfTb; et Tc

<sup>&</sup>lt;sup>34</sup> deviarunt \*CaPfTb; deviaverunt MgTc

<sup>&</sup>lt;sup>35</sup> fideli \*CaMgPfTb; fidei Tc

<sup>&</sup>lt;sup>36</sup> per \*Pf<sup>2</sup>Tc; om. CaMgPfTb

<sup>&</sup>lt;sup>37</sup> gratiam \*CaPfTbTc; gratia Mg

<sup>&</sup>lt;sup>38</sup> decernimus \*CaMgTb; decrevimus PfTc

<sup>&</sup>lt;sup>39</sup> que multiplicibus \*CaMgTb; que multipliciter Pf; qui multiplicibus Tc

<sup>&</sup>lt;sup>40</sup> ista CaMgTc; ita PfPh; enim ita Tb

esse catholica<sup>41</sup> dubitet et maiora eos in agonibus fuisse perpessos, nec suis viribus sed Dei gratia et adiutorio 42, universa tolerasse, sed ideo 43 secundum antiquam auctoritatem vel consuetudinem<sup>44</sup> singulari cautela in sancta<sup>45</sup> Romana ecclesia non leguntur, quia et eorum qui scripsere 46 nomina penitus ignorantur, et ab infidelibus aut dictis superflua aut minus apta quam rei ordo fuerit scripta esse putantur. Sicut<sup>47</sup> cuiusdam Cirici et Iulitte, sicut Georgii 48 aliorumque huiusmodi passiones que ab hereticis perhibentur conscripte<sup>49</sup>, propter quod, ut dictum est, ne vel levis subsannandi<sup>50</sup> oriretur occasio, in sancta Romana ecclesia non leguntur. Nos tamen cum predicta ecclesia omnes martires et eorum gloriosos agones, qui Deo magis quam hominibus noti sunt, omni devotione veneremur<sup>51</sup>. Item, vitas patrum Pauli, Antonii, Hilarionis et omnium heremitarum quas tamen<sup>52</sup> vir beatissimus scripsit Hieronimus<sup>53</sup>, cum omni honore suscipimus<sup>54</sup>. Item, actus beati Silvestri apostolice sedis<sup>55</sup> presulis, licet eius qui scripsit nomen ignoremus<sup>56</sup>, a multis tamen in urbe Roma catholicis legi cognovimus, et pro antiquo usu multe hec imitantur ecclesie. Item, scriptura de inventione crucis dominice<sup>57</sup>, et alia scriptura de inventione capitis beati<sup>58</sup> Iohannis Baptiste, novelle quidem revelationes sunt, et nonnulli eas catholici legunt. Sed cum hec ad catholicorum manus advenerint<sup>59</sup>, beati Pauli apostoli<sup>60</sup> precedat sententia, Omnia probate, quod bonum est tenete. Item, Rufinus vir religiosus plurimos ecclesiastici operis edidit libros<sup>61</sup>, nonnullas autem<sup>62</sup> scripturas

<sup>41</sup> ista esse cath.] catholicorum Sb

<sup>&</sup>lt;sup>42</sup> -orio \*CaMgPfTb; -oria Tc

<sup>&</sup>lt;sup>43</sup> ideo \*CaMgTb; iam Pf; ideo iam Tc

<sup>&</sup>lt;sup>44</sup> ant. auct. vel cons. (in *add*. Tb) \*CaPfTb; ant. cons. vel auct. Tc; auct. ant. vel cons. Mg

<sup>&</sup>lt;sup>45</sup> sancta \*CaMgPfTb; sacra Tc

<sup>&</sup>lt;sup>46</sup> scrips-\*PhTbTc; prescrips- AdBdCaCeMgPcPfPk; prescripserunt BePwVm; ea scripserunt DaSb; inscripsere Pa; scripserunt Pr

<sup>&</sup>lt;sup>47</sup> et *add*. Tc, *om*. \*CaMgPfTb

<sup>48</sup> corr. fr. Gregorii Pc

<sup>&</sup>lt;sup>49</sup> consc- \*CaMgPfTc; sc- Tb

<sup>&</sup>lt;sup>50</sup> subsannandi \*CaMgPfTb; subsanni Tc

<sup>&</sup>lt;sup>51</sup> -emur CaPfTb; -amur MgTc

<sup>&</sup>lt;sup>52</sup> tamen \*MgPfTbTc; tantum Ca

<sup>&</sup>lt;sup>53</sup> scr. Ier. \*PfPhTbTc; Ier. scr. CaMg

<sup>&</sup>lt;sup>54</sup> -ipimus CaMgPfTc; -epimus Tb

<sup>&</sup>lt;sup>55</sup> ap. sedis \*CaMgTbTc; sedis ap. Pf

<sup>&</sup>lt;sup>56</sup> licet eius qui scr. nom. ign. (ignoramus MgPh) CaMgPfPh; licet nom. ign. eius qui scr. Tb; licet eius qui scr. ign. nom. Tc

<sup>&</sup>lt;sup>57</sup> crucis dom. CaMgPfTc; sancte crucis PhTb

<sup>&</sup>lt;sup>58</sup> beati \*CePhPkTbTcVm; om. BdCe<sup>2</sup>CaMgPaPcPfPwSb

<sup>&</sup>lt;sup>59</sup> adven- \*MgPaPfPkSb; perven- CaPhTb; ven- Tc

<sup>60</sup> apostoli \*CaMgTb; om. PfTc

op. ed. lib. Ca<sup>2</sup>MgPfTb; ed. op. lib. Ca; op. lib. ed. Tc

<sup>&</sup>lt;sup>62</sup> autem \*CaPfTbTc; aliter Mg

interpretatus est. Sed quoniam beatissimus Ieronimus in aliquibus eum de arbitrii libertate 63 notavit, illa sentimus que predictum beatum 64 Ieronimum sentire cognoscimus. Et non solum de Rufino sed etiam de universis quos vir<sup>65</sup> sepius memoratus<sup>66</sup> zelo Dei et fidei religione reprehendit. Item, Origenis nonnulla opuscula que vir beatissimus<sup>67</sup> Ieronimus non repudiat, legenda suscipimus<sup>68</sup>. Reliqua autem omnia cum auctore suo dicimus esse renuenda<sup>69</sup>. Item, chronica<sup>70</sup> Eusebii Cesariensis atque eiusdem historie ecclesiastice libros, quamvis in<sup>71</sup> primo narrationis sue libro tepuerit, et post in laudibus atque excusatione Origenis schismatici unum conscripserit<sup>72</sup> librum, propter rerum tamen<sup>73</sup> singularem notitiam<sup>74</sup> que ad instructionem pertinet, usquequaque non dicimus renuendos<sup>75</sup>. Item, Orosium<sup>76</sup> virum<sup>77</sup> eruditissimum collaudamus, quia valde nobis necessaria adversus paganorum calumpnias<sup>78</sup> ordinavit, miraque<sup>79</sup> brevitate contexuit. Item, venerabilis viri Sedulii paschale opus quod heroicis descripsit versibus, insigni laude proferimus. Item, Iuvenci<sup>80</sup> nihilominus laboriosum opus non spernimus, sed miramur. Ceterum<sup>81</sup> que ab hereticis 82 conscripta 83 vel predicta 84 sunt, nullatenus recipit 85 catholica et apostolica Romana ecclesia. E quibus pauca que ad memoriam venerint, et a catholicis vitanda sunt, credimus esse subdenda<sup>86</sup>.

ID 4.64] +D 15 c 3a, pt as Palea

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63 libertate *MgPfTbTc; voluntate Ca
64 pred. beat. PfTb; beat. Tc; beat. pred. CaMg
65 vir *MgPfTbTc; ubi Ca
66 sepius memoratus CaMgPfPhTc; beatissimus Tb
<sup>67</sup> beat. *CaMgPfTb; religiosissimus Tc
<sup>68</sup> suscipimus *CaMgPfTb; suscepimus Tc
<sup>69</sup> renuenda *CaMgPfTb; removenda Tc
<sup>70</sup> Cronia Tc
<sup>71</sup> in *CaMgPfTb; om. Tc
<sup>72</sup> conscripserit *CaMgPf; scripserit Ph?Tb; conscripsit Tc
<sup>73</sup> tamen *CaMgTbTc; tantum Pf
<sup>74</sup> sing. not. *CaMgPfTc; not. sing. Tb
<sup>75</sup> renuendos *CaMgPfTb; esse removendos Tc
<sup>76</sup> -osium *CaPfTbTc; -osum Mg
<sup>77</sup> religiosissimum et add. Tc, om.*CaMgPfTb
<sup>78</sup> calumpnias *CaMgPfPhTc; insidias Tb
<sup>79</sup> miraque *CaMgPfTb; mirataque Tc
80 Iuvenci *CaMgPfTc; Vincentii PhTb
81 -erum *CaMgPfTb; -era Tc
82 sive cismaticis add. Lk, vel scismaticis add. MgPcTc, om.
*AdBdBeCaCeDaHaLdPaPfPhPkPqPwSbTbTfVm
83 conscripta *CaMgPfTb; scripta Tc
<sup>84</sup> predicta CaMgPfTb; predicata Tc
85 recipit *CaMgPfTc; recipiat ecclesia Tb
<sup>86</sup> in tertio folio Ariminensem synod. et cetera add. ss Eg
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<sup>1</sup>Cassiodorus in prologo tripertite historie<sup>2</sup>

Historia ecclesiastica<sup>3</sup> que a cunctis<sup>4</sup> Christianis valde necessaria comprobatur a tribus Grecis auctoribus mirabiliter constat esse conscripta<sup>5</sup>, uno scilicet Theodorico<sup>6</sup> venerabili episcopo<sup>7</sup>, et duobus disertissimis viris Sozomeno et Socrate, quos nos per Epiphanium scholasticum Latino condentes eloquio, necessarium duximus eorum dicta deflorata in unius stili tractatu, Domino iuvante, perducere<sup>8</sup>, et de tribus auctoribus unam facere dictionem<sup>9</sup>. Item, legat intrepidus qui Domino iuvante ad opuscula pervenerit<sup>10</sup>, multum utilitatis et notitie lucraturus<sup>11</sup> si que posita sunt per hos duodecim libros memorie sue sollicita mente condiderit<sup>12</sup>.

ID 4. 143]

93

<sup>1</sup>Augustinus ad Prosperum<sup>2</sup> et<sup>3</sup> Hilarium de vita sanctorum

Non debuit repudiari<sup>4</sup> sententia libri Sapientie, qui meruit in ecclesia Christi de gradu lectorum<sup>5</sup> ecclesie Christi tam longa annositate<sup>6</sup> recitari, et ab omnibus Christianis, ab<sup>7</sup> episcopis usque ad extremos laicos fideles, penitentes, catechumenos cum veneratione divine auctoritatis audiri. Item. Qui sententiis tractatorum instrui voluit, oportet ut istum librum Sapientie, ubi legitur, Raptus est ne malitia mutaret<sup>8</sup> intellectum illius, omnibus tractatoribus anteponant<sup>9</sup>, quoniam sic eum anteposuerunt

<sup>&</sup>lt;sup>1</sup> De eodem *add. in mg*. CaDa; Quod ecclesiastica hystoria a tribus Grecis auctoribus sit conscripta, et a quodam scolastico in Latinum translata *in mg*. Sb

<sup>&</sup>lt;sup>2</sup> Cassiodorus *after* historie Pt; lxli *add*. Vo

<sup>&</sup>lt;sup>3</sup> Historia ecclesiastica AdMgPfTbVmVo; Historiam ecclesiasticam CaDaOaTc

<sup>&</sup>lt;sup>4</sup> cunctis \*CaMgPfTb; om. Tc

<sup>&</sup>lt;sup>5</sup> conscripta AdBeGcMgPfRbTbVo; conscriptam CaDa; composita Oa; scripta PrVm; scriptam TcVp

<sup>&</sup>lt;sup>6</sup> -ico CaMgPfTb; -ito Tc

<sup>&</sup>lt;sup>7</sup> ven. ep. \*CaMgPfTb; om. Tc

<sup>&</sup>lt;sup>8</sup> perd- \*CaMgPfTb; prod- Tc

<sup>&</sup>lt;sup>9</sup> dictionem AdBeCaCeDaHaLdMg<sup>2</sup>PrTb; distinctionem PfTc; dilectionem Mg

<sup>&</sup>lt;sup>10</sup> perv- CaMgPfPh; pervenit Tb; ven- Tc

<sup>11</sup> lucraturus \*AdCaMgPfPhVm; lucratus Tb; lucrabitur Tc

<sup>&</sup>lt;sup>12</sup> condiderit CaPfTbTcVm; crediderit Mg

<sup>&</sup>lt;sup>1</sup> Quod Liber Sapientie in auctoritate habeatur in mg. Sb; lxli add. Vo

<sup>&</sup>lt;sup>2</sup> Probum Pt

<sup>&</sup>lt;sup>3</sup> ex Vp

<sup>&</sup>lt;sup>4</sup> deb. rep.] rep. deb. Ad

<sup>&</sup>lt;sup>5</sup> lect- \*CaMgPfTb; elect- Tc

<sup>&</sup>lt;sup>6</sup> recitari add. Pc, recitate add. Tc, om. \*CaMgPfTb

<sup>&</sup>lt;sup>7</sup> ab \*CaMgPfTb; om. Tc

<sup>8</sup> mutaret \*CaMgPfPhTc; mutet Tb

<sup>&</sup>lt;sup>9</sup> tractatoribus anteponant (-nat Ca) \*CaMgPfTb; tractatibus anteposuerunt Tc

etiam temporibus proximis apostolorum egregii tractatores, qui eum testem adhibentes nihil se adhibere nisi divinum testimonium crediderunt. Item<sup>10</sup>. Liber Sapientie qui tanta numerositate annorum legi meruit in ecclesia Christi nullam pati debet iniuriam, quoniam resistit eis qui pro meritis hominum<sup>11</sup> falluntur.

ID 4. 228]

<sup>10</sup> Item \*CaMgPfPhTc; om. Tb

#### 94

<sup>1</sup>Augustinus<sup>2</sup> de doctrina Christiana, libro II<sup>3</sup>

Quod<sup>4</sup> Eusebius<sup>5</sup> fecit de temporum historia propter divinorum librorum questiones, que usum eius flagitant, suscipimus.

ID 4. 82]

<sup>1</sup> Quod scriptum Eusebii de hystoria semper recipiatur add. Sb

95

<sup>1</sup>Isidorus, Etimologiarum<sup>2</sup> libro VI<sup>3</sup>, cap. vii<sup>4</sup>

Ieronimus atque Gennadius ecclesiasticos scriptores<sup>5</sup> toto orbe querentes ordine prosecuti<sup>6</sup> sunt, eorumque studia in uno voluminis indiculo<sup>7</sup> comprehenderunt. ID 4. 89]

<sup>11</sup> hominum \*MgPfTbTc; hominis Ca

<sup>&</sup>lt;sup>2</sup> Aug. \*AdCaMgTbTc; Item Pf

<sup>&</sup>lt;sup>3</sup> II] VII lxlii Vo

<sup>&</sup>lt;sup>4</sup> Que Rb

<sup>&</sup>lt;sup>5</sup> quam *add*. Ph

<sup>&</sup>lt;sup>1</sup> Quod multorum scriptorum volumina a Ieronimo atque Gennadio compendiose sint comprehensa in mg. Sb

<sup>&</sup>lt;sup>2</sup> in *add*. Ad

<sup>&</sup>lt;sup>3</sup> om. Pt

<sup>&</sup>lt;sup>4</sup> vii \*AdBeGcMgPfTc; vi Ca; ?? Tb; iii PrVm; libro VII lxliii Vo; cap. vii om. Vp

<sup>&</sup>lt;sup>5</sup> atque – script. in mg. Vo<sup>2</sup>

<sup>6</sup> pros-\*PfTb; pers- AdCaCeDaGcMgMqPhPrTcVm; consecuti Be 7 indiculo \*AdCaMgTbTc; indicio Gc; opusculo Pf

## <sup>1</sup>Beda super Actus apostolorum<sup>2</sup>

Dionisius Ariopagita episcopus ordinatus<sup>3</sup> Corinthiorum<sup>4</sup> rexit ecclesiam gloriose, multaque ad utilitatem ecclesie pertinentia, que hactenus manent<sup>5</sup> ingenii sui volumina<sup>6</sup> reliquit, cognomen a loco cui preerat accipiens<sup>7</sup> Ariopagus.

ID 4. 90]

#### 97

# <sup>1</sup>Gregorius in Dialogo, libro II<sup>2</sup>

Benedictus scripsit monachorum regulam, discretione precipuam, sermone luculentam.

ID 4. 91]

#### 98

# <sup>1</sup>Ex Libro pontificali<sup>2</sup>

Gelasius<sup>3</sup> fecit libros quinque adversus Nestorium et Eutichen<sup>4</sup>, fecit<sup>5</sup> et tractatus in<sup>6</sup> modum Ambrosii<sup>7</sup>. Item, libros duos adversus Arium<sup>8</sup>. Fecit autem et sacramentorum prefationes et orationes cauto sermone, et epistolas fidei de limato<sup>9</sup> sermone multas.

ID 4.941

<sup>&</sup>lt;sup>1</sup> Quod Dionisius areopagita multa utilia volumina composuit in mg. Sb

<sup>&</sup>lt;sup>2</sup> Ares, virtus, Arius, Mars, pagus villa, Ariopagus id est villa Martis, quia rexit scolas (lxliiii *add*. Vo) Td(*mg*.)Vo; Po *has* Ares – ibi r... scol' *in mg*., *partly illeg. in gutter* 

<sup>&</sup>lt;sup>3</sup> -atus \*CaMgTbTc; -atur Pf

<sup>&</sup>lt;sup>4</sup> Corinth. AdCaMgPfPrTbTc; Athenensium over erasure Vm

<sup>&</sup>lt;sup>5</sup> et add. PfTb, om. \*CaMgTc

<sup>&</sup>lt;sup>6</sup> volumina \*CaMgPfPhTc; monumenta Tb

<sup>&</sup>lt;sup>7</sup> a loco cui pr. acc. \*AdPfTbTc; acc. a loco cui pr. CaDaMg

<sup>&</sup>lt;sup>1</sup> Quod beatus Benedictus regulam monachorum constituerit in mg. Sb

<sup>&</sup>lt;sup>2</sup> Dial. libro ii] libro Dialogorum Oa; Dialogo ii DaVp. lxlv add. Vo

<sup>&</sup>lt;sup>1</sup> Quod Gelasius plures libros adversus hereticos et prefationes et epistolas fecerit *in mg*. Sb

<sup>&</sup>lt;sup>2</sup> Ex - pont. om. Cc; in text with Lib' pontificali in mg. Lm. Greg' add. Vo

<sup>&</sup>lt;sup>3</sup> Gelasius

<sup>\*</sup>BdBeCaCcCeDaDbGcLdLfLgLjLmMgMqOaOePaPc<sup>2</sup>PfPhPkPqPrPtPw<sup>2</sup>SbSlTbTcVaVmVp*Brant*; vel Pelagius *add*. Bd<sup>2</sup>; Pelagius AdCbObOdOfPwTdTfVo; Ielasius Pc; 'P' *add. in mg*. Mg<sup>2</sup>

<sup>&</sup>lt;sup>4</sup> -cen \*BeCbCcLdLjLmTbTc; -cem AdCaLfMgPf

<sup>&</sup>lt;sup>5</sup> fecit \*CaCbCcLdLfLjLmMgPfPhTb; om. Tc

<sup>&</sup>lt;sup>6</sup> in \*CaMgPfTc; ad Tb

<sup>&</sup>lt;sup>7</sup> suppl in mg. Lf<sup>2</sup>

<sup>&</sup>lt;sup>8</sup> Arium \*CaMgPfTbTc; adversarium Cc

<sup>&</sup>lt;sup>9</sup> de limato AdCaCbCcDaGcLdLfLjLmMgPaPfPrSbTb; elimato RbSlTc

<sup>1</sup>Gregorius episcopus<sup>2</sup> servus servorum Dei Secundino episcopo<sup>3</sup>

Inter sacra missarum solempnia, ex his que diebus certis in ecclesia hac legi ex more solent<sup>4</sup> sancti evangelii<sup>5</sup> lectiones exposui quadraginta<sup>6</sup>, et quarundam quidem dictata expositio assistenti plebi est recitata per notarium: quarundam<sup>7</sup> vero explanationem<sup>8</sup> coram populo ipse locutus sum, atque, ut loquebar, excepta<sup>9</sup> est. Item. Easdem omelias eo quo<sup>10</sup> dicte<sup>11</sup> sunt ordine in duobus codicibus ponere curavi, et priores quidem viginti que dicte sunt, et posteriores totidem.<sup>12</sup>

ID 4. 97-8]

#### [100]<sup>1</sup>

Quod dicitis neque Sardicense concilium, neque decreta alia nos<sup>2</sup> habere sanctorum patrum<sup>3</sup> vel recipere, non facile nobis facultas credendi tribuitur, maxime cum Sardicense concilium quod penes vos in vestris regionibus actum est<sup>4</sup>, omnis ecclesia recipit; qua ratione conveniat<sup>5</sup> ut hec sancta Constantinopoli ecclesia abiceret<sup>6</sup>, et, ut dictum est, non reciperet?

ID 4. 135. cf below c. 117b1 +D 16 c 14

AaAbAcAdBaBdBeCaCbCcCeDaDbEaEgFcGcHaKaLaLbLcLdLeLfLgLhLjLkLmLnMfMgMhMjMkMmMnMoMqOaObOcOdOeOfOgPaPbPcPdPfPgPhPjPkPmPnPoPpPqPrPsPtPuPwPxPyQaQbQeRaRbRfSbSdSeSgSgSkSlTcTdTeTfTgVaVbVcVdVeVgVhVjVkVmVmVoVpVqVtWaWbWcWdWeZa

 $<sup>^{1}</sup>$  Quod a Gregorio papa lectiones evangeliorum sint exposite et in duobus codicibus comprehense *in mg*. Sb

<sup>&</sup>lt;sup>2</sup> Greg. ep. \*AdDaGcMgMqPfPrTcVmVo; Ep. Greg. Ca; Gr. BePhSfTb

<sup>&</sup>lt;sup>3</sup> ep- CaCeSfPc<sup>2</sup>TbTcVmVo; coep- BeGcMgMqOaPcPfPrVp; Sec. ep. *om.* Ad; *in* Pc episcopus s.s. Dei- coep. *was subs. canc.* 

<sup>&</sup>lt;sup>4</sup> ss Gc<sup>2</sup>

<sup>&</sup>lt;sup>5</sup> sol. sancti ev. \*MqPfTbTc; sancti ev. sol. CaMg; sol. ev. sancti Vo

<sup>&</sup>lt;sup>6</sup> exp. quad. \*CaMgPfTc; quad. Ph; quad. sollerter exp. Tb

<sup>&</sup>lt;sup>7</sup> quar- \*CaPfTbTc; quor- Mg

<sup>&</sup>lt;sup>8</sup> -onem \*CaMgPfTc; -ones Tb

<sup>&</sup>lt;sup>9</sup> excepta \*CaMgPfTbTc; excerpta Tc<sup>2</sup>

<sup>10</sup> quo \*CaMgTb; quod PfTc

<sup>11</sup> dicte \*CaMgTbTc; ficte Pf

<sup>&</sup>lt;sup>12</sup> que sub ocul' dicte singul' essent distincte corporibus add. DaSb<sup>2</sup>

<sup>&</sup>lt;sup>1</sup> in Brant; om.

<sup>&</sup>lt;sup>2</sup> decreta alia nos *Brant*; decretalia vos *ID* 

<sup>&</sup>lt;sup>3</sup> sanctorum patrum *Brant*; pontificum sacrorum *ID* 

<sup>&</sup>lt;sup>4</sup> et add. ID

<sup>&</sup>lt;sup>5</sup> -iat *Brant*; -erit *ID* 

<sup>&</sup>lt;sup>6</sup> ab- Brant, ID; ob- Migne

### <sup>1</sup>Agatho papa omnibus episcopis<sup>2</sup>

Sic omnes apostolice sedis sanctiones accipiende sunt tanquam ipsius divini<sup>3</sup> Petri<sup>4</sup> voce firmate.

ID 4.238] D 19 c 2

<sup>1</sup> Quod omnes apostolice confirmationes in summa auctoritate habeantur in mg. Sb

#### 102

<sup>1</sup>Gesta quinte<sup>2</sup> sinodi, die iii<sup>3</sup>

Sequimur<sup>4</sup> per omnia<sup>5</sup> sanctos patres et doctores Ecclesie, Athanasium, Hilarium, Basilium, Gregorium theologium<sup>6</sup> et<sup>7</sup> Gregorium Nisenum<sup>8</sup>, Ambrosium, Augustinum, Theophilum, Iohannem Constantinopolitanum, Cirillum, Leonem, Proculum, et suscipimus omnia que de recta fide et condempnatione hereticorum exposuerunt. Suscipimus autem et alios sanctos et<sup>9</sup> orthodoxos patres qui in sancta Dei ecclesia rectam fidem irreprehensibiliter usque in finem sue vite<sup>10</sup> predicaverunt. *ID 4. 991* 

#### 103

<sup>1</sup>Ex Libro diurno<sup>2</sup>. Professio<sup>3</sup> Romani pontificis<sup>4</sup>

Sancta octo universalia concilia, id est<sup>5</sup> Nicenum<sup>6</sup>, Constantinopolitanum<sup>7</sup>, Ephesinum primum<sup>8</sup>, Chalcedonense quintum et sextum; item Constantinopolitanum<sup>9</sup>

<sup>&</sup>lt;sup>2</sup> Gesta v. synodi die iii *add*. PrVm (*cf c 102*)

<sup>&</sup>lt;sup>3</sup> ipsius divini \*BeCaGcMgPfTbVo; ipse divine Oa; divina Rb; ipsius divina Tc; ipsius Domini Tf;

<sup>&</sup>lt;sup>4</sup> Petri \*Tc; P. AdGcHaLdMgPcPfPhSfVmVp; precepta Ca; precepti BeLd<sup>2</sup>Tb; potestate Mq; pape CePaPk; patris Pt; *om.* OaTf

<sup>&</sup>lt;sup>1</sup> Quod dicta tantorum patrum sint recipienda in mg. Sb

<sup>&</sup>lt;sup>2</sup> vere PtVp

iii \*BeCaOaPfTbTcVo; iiii MgPt; no inscr. PrVm (cf c 101). Gesta – iii] Die iii gesta V sinodi Gc

<sup>&</sup>lt;sup>4</sup> Seq. AdMgPfPtRbTbTcVm; [ ]equimur Ca; Loquimur Oa

<sup>&</sup>lt;sup>5</sup> per omn. after patres, but marked for moving Tb

<sup>&</sup>lt;sup>6</sup> theologium AdCaPfTc; theologum Mg; t<h>eologum Tb

<sup>&</sup>lt;sup>7</sup> et \*CaMgTbTc; om. Pf

<sup>&</sup>lt;sup>8</sup> Nisenum CaMgTbTc; Nazanzenum Pf

<sup>&</sup>lt;sup>9</sup> et MgPfTbTc; om. Ca

<sup>&</sup>lt;sup>10</sup> sue vite CaMgPfPh; vite sue BeGcOaPrRbTbTcVo

<sup>&</sup>lt;sup>1</sup> Oue concilia sunt autentica *add. in mg.* Ca

<sup>&</sup>lt;sup>2</sup> diurno \*BeCaOaPrTbVm; divino GcMgPfPtTcVo; Ex – diurno om. Ad

<sup>&</sup>lt;sup>3</sup> Professio \*CeGcPcPhTbTcVm; Professione BeDaLeMgOaPfSbVp; Professionum Ca; De confessione Pt

et 10 septimum, Item 11 Nicenum octavum quoque constanter 12 usque ad unum apicem immutilata servare<sup>13</sup>, et pari honore et veneratione digna<sup>14</sup> habere, et que<sup>15</sup> predicaverunt <sup>16</sup> et statuerunt omnibus modis segui et predicare, quecunque condempnaverunt ore et 17 corde condempnare profiteor.

ID 4. 132] D 16 c 8

<sup>4</sup> Romani pontificis \*CaGcMgPfPtTb; pont. R. Be; pontificis CeDaOa; Greg' pontificis LeMq; Romanorum pontificis Pc; Romani pontifices Sb; Romanorum pontificum Tc. Prof. Rom. pont. om. Ad 5 id est Tb; .i. CaPfTc; primum Mg

<sup>6</sup> secundum *add*. Mg, *om*. CaPfTbTc

<sup>7</sup> Constantinopolitanum MgPfTbTc; Constantinopolis Ca. tertium add. Mg, om. CaPfTc

<sup>8</sup> primum CaPfTbTc; quartum Mg

<sup>9</sup> -anum CaMgPf; -ana Tb; -op' Tc

<sup>10</sup> et CaMgTb; ? Pf; Item Tc

<sup>11</sup> Item \*MgTbVm; tunc AdPf; om. CaTc

<sup>12</sup> constanter AdMgPfTb; Constantinopol' Tc; Constantinum Ca

<sup>13</sup> -are \*CaMgPfTb; -ire Tc

<sup>14</sup> est add. Tb, om. \*CaMgPfTc

15 que \*CaMgPfTb; quecumque Tc; quam Vo 16 predicaverunt BeCaLkMqPcPkPqPw<sup>2</sup>OaSbTcVo; preiudicaverunt

AdBdCeDaGcMgPaPc<sup>2</sup>PfPhPrPwTbVm

<sup>17</sup> et \*CaMgPfTc; om. Tb

#### 104

<sup>1</sup>De quatuor conciliis principalibus<sup>2</sup>. In proemio canonum<sup>3</sup>

Canones generalium conciliorum a temporibus Constantini imperatoris ceperunt. Inter cetera autem concilia, quatuor constat esse venerabiles sinodos, que totam principaliter fidem complectuntur quasi<sup>4</sup> quatuor evangelia, ut<sup>5</sup> totidem paradisi flumina. Harum prima<sup>6</sup> Nicena sinodus CCCXVIII<sup>7</sup> episcoporum Constantino augusto imperante peracta est, in qua Ariane perfidie condempnata est blasphemia, quam de inequalitate sancte Trinitatis idem Arius Alexandrinus presbiter asserebat. Consubstantialem Deo Patri Deum Filium eadem sancta sinodus diffinivit. Hec sinodus acta est temporibus Silvestri pape Romani, Macharii Iherosolimitani episcopi, Alexandri Alexandrini<sup>8</sup>. De hac autem sinodo Leo papa in epistola ad Anatolium Constantinopolitanum episcopum sic ait, Nulla sibimet de multiplicatione

<sup>&</sup>lt;sup>1</sup> Que concilia sint (sunt Da) autentica add in mg. BeCaCeDaLjLkPfPrSb, in mg. and text Ad, in text MqSfVo, Que concilia de quatuor – canonum as first rubr. in text, Que concilia sint autentica as second rubr. (in mg. Gc) GcVm

<sup>&</sup>lt;sup>2</sup> conc. princ. CaGcMgPfPrTc; princ. conc. PhTb. Isidorus add. DaSb

<sup>&</sup>lt;sup>3</sup> De – canonum in mg. Ad<sup>3</sup>

<sup>&</sup>lt;sup>4</sup> quasi CaMgPfTb; om. Tc

<sup>&</sup>lt;sup>5</sup> ut CaMgPfTb; vel Tc

<sup>&</sup>lt;sup>6</sup> prima OaTc; i CaMgPf; una PhTb

<sup>&</sup>lt;sup>7</sup> CCCX et VIII GcOaPfTc; CCX et VIII CaMg; CCCXVIII Tb; CCC et XVIII Vm

congregationis sinodalia concilia blandiantur, neque CCC illis X et VIII<sup>9</sup> episcopis quantumlibet copiosior numerus sacerdotum vel comparare se audeat vel preferre, cum tanto divinitus privilegio Nicena sit sinodus<sup>10</sup> consecrata ut sive per pauciores sive per plures ecclesiastica indicia<sup>11</sup> celebrentur, omni penitus auctoritate sit vacuum, quicquid ab illorum fuerit constitutione diversum. Beatus quoque Ambrosius hoc Nicenum concilium in libro de Trinitate his verbis in immensum<sup>12</sup> effert, De conciliis id potissimum sequitur<sup>13</sup> quod CCCX et VIII <sup>14</sup> sacerdotes tanquam Abrahe lecti<sup>15</sup> iudicio consona fidei virtute victores velut tropheum, toto orbe subactis perfidis extulerunt, ut mihi videatur hoc esse divinum quod eodem numero in conciliis habeamus oraculum quod in historia pietatis exemplum<sup>16</sup>.

4 L 4. 1a] D 15 c 1 begins so, but is widely var.

#### 105

<sup>1</sup>Zepherinus<sup>2</sup> papa<sup>3</sup> episcopis per Siciliam

Sexaginta apostoli sententias prefixerunt<sup>4</sup> cum aliis quamplurimis episcopis et servandas censuerunt.

ID 4.107b] D 16 c 2

#### 106

Athanasius Alexandrinus Marco pape<sup>1</sup>

Septuaginta<sup>2</sup> Niceni concilii capitula que de prefata sinodo iubente domino meo<sup>3</sup> Alexandro decreto omnium episcoporum attuli quia<sup>4</sup> sunt igne combusta

<sup>&</sup>lt;sup>8</sup> episcopi *add*. Tc, *om*. CaMgPfTb

<sup>&</sup>lt;sup>9</sup> X et VIII CaMgPf; XVIII TcTb

<sup>&</sup>lt;sup>10</sup> sit sin. CaMgPfTc; sin. sit congregata vel PhTb

<sup>11</sup> indicia Pf; Tc obscurely altered; iudicia CaMgTb

<sup>&</sup>lt;sup>12</sup> in immensum CaTbTc; inmmensum MgPf

<sup>&</sup>lt;sup>13</sup> -uitur CaPf; -uimur MgTc; sequar PhTb

<sup>&</sup>lt;sup>14</sup> X et VIII CaPf; XVIII MgTb; et XVIII Tc

<sup>&</sup>lt;sup>15</sup> lecti MgPfTbTc; electi Ca

<sup>16</sup> est add. Tc, om. CaMgPfTb

<sup>&</sup>lt;sup>1</sup> Qua auctoritate capitula Niceni concilii recipiantur in mg. Sb

<sup>&</sup>lt;sup>2</sup> Zepherinus \*AdCaMgPfTb; Severinus Tc

<sup>&</sup>lt;sup>3</sup> omnibus add. GcTc, om. \*CaMgPfTb

<sup>&</sup>lt;sup>4</sup> prefixerunt \*GcOaPfRbSbTbTcVo; prescripserunt Ad(obscurely altered)CaDaMg; predixerunt Ce

<sup>&</sup>lt;sup>1</sup> insc. in text, BeCaDaOaPtQeSbSfWd, with no break AdBeDaGcLeMgMqPhQeRbSbSlTbVoVpWc; Athan. Alex. and no break HaPkPy

<sup>2</sup> om Pk

<sup>&</sup>lt;sup>3</sup> meo \*CaMgPfTb; nostro Tc

optamus ut a sancte<sup>5</sup> sedis ecclesie vestre auctoritate percipere per presentes legatos mereamur. Item. Presentibus nobis octoginta in memorata sinodo capitula tractata sunt, scilicet quadraginta a Grecis Greca edita lingua<sup>6</sup>, et quadraginta a Latinis similiter Latina edita lingua<sup>7</sup>; sed visum est CCCX et<sup>8</sup> VIII episcopis in predicto<sup>9</sup> Sancto Spiritu repletis concilio congregatis<sup>10</sup> et maxime iam dicto Alexandro et apostolice sedis apocrisariis, ut decem capitula adunarentur aliis, atque congruis locis insererentur, et ad formam septuaginta discipulorum vel totius orbis terre linguarum septuaginta tanti<sup>11</sup> et tam excellentis concilii fierent capitula, que omnem Christianorum informarent orbem.

ID 4. 108]

<sup>4</sup> quia \*CaMgPfTb; que Tc

<sup>5</sup> sancte CaMgPfTb; sacre Tc

<sup>6</sup> Greca ed. ling. \*AdPfTbTc; ed. Greca ling. Mg; ed. ling. Greca Ca

<sup>8</sup> et CaMgPf; om. TbTc

<sup>9</sup> concilio *add*. Tc, *om*. CaMgPfTb

<sup>11</sup> tanti \*MgPfTbTc; tanta Ca

#### 107

<sup>1</sup>Stephanus Liuthobio<sup>2</sup> Magontino episcopo, cap. xx

Viginti in ecclesia tantum<sup>3</sup> sancta Romana habentur<sup>4</sup>, sed quo neglectu<sup>5</sup> reliqua defecerint<sup>6</sup> ambiguum est. Arbitrantur enim<sup>7</sup> plurimi ea Antiocheno inserta concilio.

ID 4. 232b] D 16 c 13

<sup>&</sup>lt;sup>7</sup> et xl a Lat. similiter Latina ed. ling. BeGcSb<sup>2</sup>TbVmVp; et xl Latinis similiter edita lingua Latina CaDa; et xl a Latinis sim. Latina lingua edita Da<sup>2</sup>; et a Latinis totidem Mg; *om.* AdPfSbVo; et xl a Latinis Latina edita lingua Tc

<sup>&</sup>lt;sup>10</sup> concilio congregatis \*CaMgPfTb; om. Tc

<sup>&</sup>lt;sup>1</sup> Quod tantum xx capitula eiusdem concilii in Romana ecclesia habeantur in mg. Sb

<sup>&</sup>lt;sup>2</sup> Liuthobio BdBeDaMqPc<sup>2</sup>PfPhSeVo; Luitumbio Ad; Leutherio CaGcPcTcVm; Liutobio (*corr. fr.* - oioMg) HaMg; Leutorio Ha<sup>2</sup>; papa Leutobio Pt; Lithobio Sb; Liutheberto Tb; Liuterio Vp

<sup>&</sup>lt;sup>3</sup> in eccl. tantum CaMgPfTc; tantum in eccl. PhSlTb

<sup>&</sup>lt;sup>4</sup> capitula *add*. Tc, *om*. \*CaMgPfTb

<sup>&</sup>lt;sup>5</sup> neglectu \*CaMgPfTb; defectu Tc

<sup>&</sup>lt;sup>6</sup> -erint \*CaMgPfPr; -erunt TbTc

<sup>&</sup>lt;sup>7</sup> enim \*CeGcMqPaPc<sup>2</sup>PhPkPrRbTbTcVm; om. AdBdBeCaDaLkMgPcPfPqPhSbVo

<sup>1</sup>Secunda<sup>2</sup> sinodus CL patrum sub<sup>3</sup> Theodosio seniore Constantinopoli<sup>4</sup> congregata est, que Macedonium Spiritum sanctum Deum<sup>5</sup> esse negantem condempnans<sup>6</sup> consubstantialem Patri et Filio<sup>7</sup> Spiritum sanctum demonstravit<sup>8</sup>, dans<sup>9</sup> simboli formam quam tota Grecorum et Latinorum confessio<sup>10</sup> in ecclesiis predicat. Hec sinodus acta est temporibus Damasi pape Romani, Cirilli Ierosolimitani episcopi<sup>11</sup>, Nectarii<sup>12</sup> Constantinopolitani.

4 L 4. 1b] D 15 c 1 med. to predicat

#### 109

<sup>1</sup>Tertia sinodus Ephesina<sup>2</sup> prima CC episcoporum sub iuniore Theodosio augusto edita est, que Nestorium duas personas in Christo asserentem iusto anathemate condempnavit, ostendens manere in duabus naturis unam Domini nostri Iesu Christi personam. Hec sinodus acta est temporibus Celestini pape Romani, Iuvenalis Constantinopolitani episcopi<sup>3</sup>, Cirilli Alexandrini.

4 L 4. 1c] D 15 c 1 med. to personam

#### 110

<sup>1</sup>Quarta sinodus Chalcedonensis DC<sup>2</sup> et XXX sacerdotum sub Martiano<sup>3</sup> principe habita est. In qua Eutichen Constantinopolitanum abbatem<sup>4</sup> Verbi Dei et

<sup>&</sup>lt;sup>1</sup> Stephanus *add*. Be, Ysid' in proemio canonum *add*. DaSb(*mg*.), Idem *add*. PcTc, De secunda synodo *add. in text* Sb, *om*. AdCaGcMgPfPtTbVm(*no break*)VoVp

<sup>&</sup>lt;sup>2</sup> Sancta MqRb

<sup>&</sup>lt;sup>3</sup> om. Ph

<sup>&</sup>lt;sup>4</sup> -oli Tc; -ol' AdCaPf; -olit' Mg; -olim Tb

<sup>&</sup>lt;sup>5</sup> verum *add. ss* DaSb

<sup>&</sup>lt;sup>6</sup> neg. con. CaMgPfPhTc; con. neg. Tb

<sup>&</sup>lt;sup>7</sup> et Filio CaMgPfTc; Filio Ph; Filium et Tb

<sup>8</sup> esse add. Tc, esse Deum add. Mg, om. CaPfTb

<sup>&</sup>lt;sup>9</sup> latius add. Tc, om. CaMgPfTb

<sup>&</sup>lt;sup>10</sup> corr. fr. concessio Ca<sup>2</sup>

<sup>&</sup>lt;sup>11</sup> et add. Tc, om. CaMgPfTb

<sup>&</sup>lt;sup>12</sup> Nectarii CaMqPfPrTbTc; Nestarii Gc; Nestorii MgRb

<sup>&</sup>lt;sup>1</sup> Item idem *add*. Pc (*pc*), De tercia synodo *add*. *in text*, Similiter de tercia synodo *n mg*. Sb, Idem *add*. Tc, *om*. AdBeCaGcMgPfPtTbVmVoVp

<sup>&</sup>lt;sup>2</sup> -sina CaMgPfTb; -siana Tc

<sup>&</sup>lt;sup>3</sup> et add. Tc, om. CaMgPfTb

<sup>&</sup>lt;sup>1</sup> Item idem *add*. Pc, De quarta synodo *add*. in text, Eodem modo de quarta *in mg*. Sb, Idem *add*. Tc, *om*. AdBeCaGcMgPfPtTbVmVo

<sup>&</sup>lt;sup>2</sup> DC] CC Vp

<sup>&</sup>lt;sup>3</sup> Martiano MgPfTbTc; Martiniano Ca

carnis unam naturam pronuntiantem et eius defensorem Dioscorum quondam Alexandrinum episcopum, et ipsum rursum. Nestorium cum reliquis hereticis, una patrum sententia predampnavit, predicans eadem sinodus Christum Deum sic natum de Virgine ut in eo substantie et<sup>5</sup> divine et humane confiteamur naturam. Hec sinodus acta est temporibus Leonis pape Romani, Iuvenalis Ierosolimitani episcopi<sup>6</sup>, Anatholii Constantinopolitani<sup>7</sup>. He sunt quatuor <sup>8</sup> sinodi principales fidei naturam<sup>9</sup> plenissime continentes, sed et si que sunt concilia que sancti patres Spiritu Dei pleni sanxerunt, post istorum quatuor auctoritatem omni manent<sup>10</sup> stabilita vigore.

4 L 4. 1d] D 15 c 1 med. to confiteamur naturam

#### 111

Beda de temporibus, cap. dcxxxviii<sup>1</sup>

 $\label{eq:Quinta Constantinopolim} Quinta \ Constantinopolim^2 \ temporibus \ Iulii \ pape \ sub \ Iustiniano \ principe \ contra \\ The odorum \ et \ omnes \ hereticos.$ 

ID 4.125 pt.] D 16 c 9 end

#### 112

### Beda de temporibus<sup>1</sup>

Sinodus Aquileie facta ob imperitiam fidei quintum universale concilium suscipere diffidit<sup>2</sup>, donec salutaribus beati pape Sergii monitis instructa, et ipsa huic cum ceteris Christi ecclesiis annuere consentit.<sup>3</sup>

ID 4.119]

<sup>&</sup>lt;sup>4</sup> abbatem CaMgPfTb; erased in Tc

<sup>&</sup>lt;sup>5</sup> et PfTb; om. CaMgTc

<sup>&</sup>lt;sup>6</sup> et add. Tc, om. CaMgPfTb

<sup>&</sup>lt;sup>7</sup> episcopi *add*. Ca, *om*. MgPfTbTc

<sup>&</sup>lt;sup>8</sup> sunt quatuor CaMgPfTc; quatuor sunt PhTb

<sup>&</sup>lt;sup>9</sup> naturam CaMgPfTb; doctrinam Tc

<sup>&</sup>lt;sup>10</sup> -ent CaMgPfTb; -eant Tc

<sup>&</sup>lt;sup>1</sup> dcxxxviii AdBdBeCaDaMgPcPhPrSbVm; dcxxxiii GcSeWc; de xxxviii MqSl; dc Pf; dcxxxviii Pt; dcxxxviiii Tc; dcxxxv Tb; de.c.xxxviii Vo

<sup>&</sup>lt;sup>2</sup> -olim CaMgPf; -oli BeTbTcVm; -olitanam Gc (*corr. fr.* -olitanim?)

<sup>&</sup>lt;sup>1</sup> Beda de temporibus DaMqPhSeSfTb; Beda de temporibus cap. dcxxxviii *repeated from c 111* Ad; Beda in eodem Be; Item de eodem Ca; Idem in eodem GcPcPrTcVmWc; Idem Pf; Item Sl; *om.* MgPt <sup>2</sup> -idit \*CaMgPfTc; -init Tb

<sup>&</sup>lt;sup>3</sup> -entit \*GcPfPhQeTbVm; -ensit BeCaMgSlTcVo

### Beda de temporibus, cap. dcxxxviii<sup>1</sup>

Sexta sinodus universalis Constantinopoli<sup>2</sup> celebrata est et Greco sermone conscripta temporibus pape Agathonis, exequente ac<sup>3</sup> residente piissimo<sup>4</sup> principe Constantino intra palatium suum, simulque legatis apostolice sedis et episcopis CL residentibus.

ID 4.125a] D 16 c 9a

#### 114<sup>1</sup>

### Ex Libro pontificali<sup>2</sup>

Leo<sup>3</sup> iunior<sup>4</sup> suscepit sanctam sextam sinodum<sup>5</sup> que per Dei providentiam nuper<sup>6</sup> regia urbe celebrata est Greco eloquio scripta, exequente ac residente piissimo ac<sup>7</sup> clementissimo magno<sup>8</sup> principe Constantino.

ID 4.124b]

#### 115

In prologo historie Anastasii bibliotecarii Romane<sup>1</sup> ecclesie

Sufficere arbitror ad preconium Theophanii chronographi<sup>2</sup>, quod a sede approbatus sit apostolica<sup>3</sup>, quando scilicet vicarii eius una cum CCCL patribus in Nicena urbe secundo convenientes universalem sinodum celebrarunt. Siquidem et<sup>4</sup> laus eius in eodem septimo sancto concilio reperitur.

<sup>&</sup>lt;sup>1</sup> Beda de temporibus cap. dcxxxviii (de xxxviii Mq, de.c.xxx.viii Vo) BeCaMgMqQeSbSeSlTbVo; Beda de temp. Ad; Idem in eodem cap. dcxxxviii (viii *om*. Tc) GcPcPrTcVmWc; De temp. prefato cap. Pf; Beda libro Pt

<sup>&</sup>lt;sup>2</sup> -oli \*BePfTbTc; -olim CaMg

<sup>&</sup>lt;sup>3</sup> ac \*CaMgPfTb; et Tc

<sup>&</sup>lt;sup>4</sup> et clementissimo add. PhTb, om. \*AdCaHaLdMgPfPrTc

<sup>&</sup>lt;sup>1</sup> after c 116 GcPrVmWd

<sup>&</sup>lt;sup>2</sup> pontificali \*AdCaMgPfTbVo; pontificum GcPrTc; Pc *obsc. corr*.

<sup>&</sup>lt;sup>3</sup> Nec Oa

<sup>&</sup>lt;sup>4</sup> minor CeSl

<sup>&</sup>lt;sup>5</sup> sext. sin. \*CaMgPfTc; sin. sext. PhTb

<sup>&</sup>lt;sup>6</sup> in add. Tc, om. CaMgPfTb

<sup>&</sup>lt;sup>7</sup> ac \*TbTc; et CaMgPf

<sup>&</sup>lt;sup>8</sup> magno \*CaMgPfTc; om. PhTb

<sup>&</sup>lt;sup>1</sup> om. BeCe

<sup>&</sup>lt;sup>2</sup> -graphi \*MgPfTbTc; -fragi Ca

<sup>&</sup>lt;sup>3</sup> approb. sit apost. \*BeOaPrTcVm; approbatus apost. AdCaGcMgRbSbVoVp; prob. sit apost. Ce; approbatur apost. Pf; approb. apost. sit PhSfTb

<sup>&</sup>lt;sup>4</sup> et \*CaMgOaTbTc; om. Pf

ID 4.129]

#### 116

### Adriani pape<sup>1</sup> ad Carolum, cap. xxv<sup>2</sup>

Ipsam septimam sinodum suscepimus, nam si eam minime recepissemus, ad suum pristinum vomitum erroris fuissent reversi Greci, qui pro tot<sup>3</sup> millibus animarum Christianorum interitu habemus reddere rationem.

ID 4.128]

<sup>1</sup> Adriani pape AdCaCeMgOaSf; Adrianus papa BeDaGcPfPrSbTcVmVo; Arriani pape PhTb

#### 117

# <sup>1</sup>Sexta sinodus, cap. ii<sup>2</sup>

Confirmamus sanctorum patrum canones et sinodos, id est Nicenam, Antiochenam, Neocesariensem<sup>3</sup>, Grangrensem, Antiochenam, Laodicensem, Constantinopolim<sup>4</sup>, Ephesinam, Chalcedonensem, Sardicensem<sup>5</sup> et Carthaginensem, et opuscula Theodosii Alexandrini<sup>6</sup> episcopi, et Dionisii Alexandrini episcopi et<sup>7</sup> martiris<sup>8</sup>, et Gregorii thaumasturgi Neocesariensis episcopi<sup>9</sup>, Athanasii Alexandrini episcopi<sup>10</sup>, Basilii Cesarie Cappadocie episcopi, Gregorii Niseni<sup>11</sup> episcopi, Gregorii theologi<sup>12</sup>, Amphilocii Biconiensis<sup>13</sup> episcopi, Timothei Alexandrini episcopi, Cirilli Alexandrini episcopi, Germani Constantinopolitani episcopi, Cipriani Carthaginensis episcopi et sinodum suam. *Nicholas*<sup>14</sup> *Photio*. Quod dicitis neque Sardicense

<sup>&</sup>lt;sup>2</sup> xxv AdMgPfTbTc; xv Ca

<sup>&</sup>lt;sup>3</sup> pro tot \*MgPfTbTc; propter Ca

<sup>&</sup>lt;sup>1</sup> Que sinodi et quorum dicta habeantur in auctoritate in mg. Sb

<sup>&</sup>lt;sup>2</sup> ii MgOaPfTbTc; i Ad; iii Gc; Sexta – ii om. Vo

<sup>&</sup>lt;sup>3</sup> Neoces- \*CaPfTbTc; Necces- Mg

<sup>&</sup>lt;sup>4</sup> pol' MgPfTbTc; -polim Ca

<sup>&</sup>lt;sup>5</sup> -icensem \*MgPfTc; -iensem Ca; -ionensem Ph; -iocensem Tb

<sup>&</sup>lt;sup>6</sup> Alex. \*MgPfTbTc; om. Ca

<sup>&</sup>lt;sup>7</sup> Dion. Al. ep. et CaPfTc; om. Mg

<sup>&</sup>lt;sup>8</sup> et mart. add. ss Sb<sup>2</sup>

<sup>&</sup>lt;sup>9</sup> corr. fr. ep. Neoc. Ca<sup>2</sup>

<sup>&</sup>lt;sup>10</sup> et Dionisii Alex. - Alex. episcopi *om*. PhTb, *in* CaGc(Mg)PfTc; martiris et Gregorii thaum. – episcopi *in mg*. Mq<sup>2</sup>

Niseni \*CaMgPfTb; Miseni Tc

ogi \*CaGcPf; -ogii MgTb; -ogi episcopi Tc

<sup>&</sup>lt;sup>13</sup> Biconiensis CaMgPfVo; Bicomensis Gc; Bichonensis Oa; Biconensis Tb; Hiconiensis Tc

<sup>&</sup>lt;sup>14</sup> Nich. \*AdBdCaCeGcMgPaPcPhPkPqPwOaQeSbTbTcWc; Nichil LkMqPfVm.

concilium neque decretalia vos 15 habere pontificum 16 sanctorum vel recipere, non facile nobis facultas credendi tribuitur<sup>17</sup>, maxime cum Sardicense concilium quod penes vos in vestris regionibus actum est et omnis ecclesia recipit, qua ratione convenerit ut hec sancta Constantinopolitana ecclesia abiceret<sup>18</sup> et<sup>19</sup>, ut dictum est, non retineret?

ID 4.134] D 16 c 7b to et sinodum suam; ID 4. 135] +D 16 c 14 from Nicholas; cf above, 2.100

#### 118

Quod in ecclesiasticis iudiciis auctoritas canonum<sup>1</sup> et decreta Romanorum pontificum preferenda sint<sup>2</sup> dictis Augustini, Ieronimi<sup>3</sup> et aliorum<sup>4</sup>. Leo IV episcopis Britannie<sup>5</sup>

De libellis et commentariis aliorum non convenit aliquos iudicare et sanctorum conciliorum canones relinquere vel decretalium regulas, id est que habentur apud nos simul cum canone, in illis<sup>6</sup> et quibus in<sup>7</sup> omnibus ecclesiasticis utimur iudiciis, id est, apostolorum, Nicenorum, Anciranorum, Neocesariensium, Grangrensium, Antiocensium, Laodicensium, Calcedonensium, Sardicensium<sup>8</sup>, Carthaginensium, Affricensium, et cum illis regule presulum Romanorum Silvestri, Sirici, Innocentii, Zosimi, Celestini, Leonis, Gelasii, Hilarii, Simachi, Simplicii, Ormisde et Gregorii iunioris. Isti omnino sunt et<sup>9</sup> per quos iudicant episcopi, et per quos episcopi simul et clerici iudicantur. Nam si tale emerserit vel contingerit inusitatum negotium quod minime possit<sup>10</sup> per istos finiri, tunc si<sup>11</sup> illorum quorum meministis dicta<sup>12</sup> Ieronimi, Augustini, Ysidori, vel ceterorum similiter sanctorum doctorum<sup>13</sup> similium<sup>14</sup> reperta

<sup>15</sup> vos \*CaMgTc; nos GcOaPfPhPrQeSlTbVo

<sup>&</sup>lt;sup>16</sup> nostrorum add. Tb, om. \*CaMgPfPhTc

<sup>&</sup>lt;sup>17</sup> fac. cred. trib. \*CaMgPfTb; cred. trib. fac. Tc

<sup>&</sup>lt;sup>18</sup> abiceret \*CaMgPfTb; reciperet Tc

auct. can. AdBeCaCcMgPfTbTc; can. auct. FcOe

<sup>&</sup>lt;sup>2</sup> sint BeCaTc; sunt AdCeDaFcMgOePfTb

<sup>&</sup>lt;sup>3</sup> Aug. Ier. CaCcFcMgOePfTb; Ier. Aug. Tc

<sup>&</sup>lt;sup>4</sup> Rubric in text here CaMgPfPh, as distinct cap. 117A CcFcOeTb, in mg. AdBeCeDaGcObTc, as end of c 117 MqOdSbSIVoWc, om. PcPkPrPtRbSfVmVp. Quod sanctorum canonum dicta et Romanorum pontificum decreta in ecclesiasticis negociis sint preferenda *add. in mg.* Sb <sup>5</sup> Leo – Brit. *om.* Ad; Leo papa episcopis Britannie lxii Pt

<sup>&</sup>lt;sup>6</sup> can. in illis \*CaPfTbTc; illis in can. Mg

<sup>&</sup>lt;sup>7</sup> in \*MgTc; om. CaPfTb

<sup>&</sup>lt;sup>8</sup> Calc. Sard. CaMgPhTb; Sard. Calc. PfTc

<sup>&</sup>lt;sup>9</sup> et\*CaMgPfTb; om. Tc

<sup>&</sup>lt;sup>10</sup> minime possit \*CaMgPfTb; non queat Tc

<sup>&</sup>lt;sup>11</sup> si \*BdCePaPc<sup>2</sup>PhPkTbVm; om. CaMgPcPfPwTc

<sup>&</sup>lt;sup>12</sup> quor. mem. dicta \*BdCaCeMgPaPfPhPkPwTcVm; dicta quor. mem. Tb

<sup>13</sup> sim. sanct. doct. CaMgPf; sanct. sim. doct. PcTc; sin. doct. suorum Ph; sim. doct. sanct. Tb

fuerint, magnanimiter sunt retinenda ac promulganda, vel ad apostolicam sedem referatur de talibus. Quam ob causam luculentius et magna voce pronuntiare non timeo quia qui illa que diximus sanctorum patrum statuta<sup>15</sup>, que apud nos canones pretitulantur, sive sit episcopus, sive<sup>16</sup> clericus, vel<sup>17</sup> laicus indifferenter<sup>18</sup> receperit<sup>19</sup>, ipse convincitur nec catholicam et apostolicam fidem nec sancta vera Christi quatuor evangelia utiliter et efficaciter ad effectum suum retinere vel credere.

ID 4.72] D 20 c 1

<sup>14</sup> si *add*. CaMgPcPwTc, *om*. \*BdCePaPc<sup>2</sup>PfPhPkTbVm

#### 119

### <sup>1</sup>Augustinus ad Ieronimum, epistola viii<sup>2</sup>

Ego solis eis scripturarum libris qui iam canonici<sup>3</sup> appellantur didici hunc timorem honoremque referre, ut nullum eorum auctorem scribendo errasse aliquid firmissime credam. Aut si aliquid in eis<sup>4</sup> offendero quod videatur contrarium veritati, nihil aliud quam vel mendosum esse codicem, vel non esse assecutum interpretem quod dictum est, vel minime intellexisse non ambigam . Alios autem ita lego, ut quantalibet<sup>5</sup> sanctitate doctrinaque polleant, non ideo verum putem, quia ipsi ita senserunt, sed quia<sup>6</sup> mihi vel per illos auctores et canonicas vel probabiles rationes, quod a vero non abhorreat persuadere<sup>7</sup> potuerunt.

ID 4.74] D 9 c 5

<sup>1</sup> Quis timor aut quis honor libris canonicis impendatur in mg. Sb

<sup>&</sup>lt;sup>15</sup> statuta \*CaMgPfTb; instituta Tc

<sup>&</sup>lt;sup>16</sup> sive \*MgTbTc; sive sit Ca; vel Pf

<sup>&</sup>lt;sup>17</sup> vel MgPfTb; sive sit Ca; sive Tc

<sup>&</sup>lt;sup>18</sup> non add. Tc, om. CaMgPfTb

<sup>&</sup>lt;sup>19</sup> et add. Mg, om. \*CaPfTbTc

<sup>&</sup>lt;sup>2</sup> lxiii *add*. Pt

<sup>&</sup>lt;sup>3</sup> -ici \*MgPfTbTc; -icis Ca

<sup>&</sup>lt;sup>4</sup> al. in eis CaMgPfTb; in eis al. Tc

<sup>&</sup>lt;sup>5</sup> quantalibet \*CaMgTbTc; quantumlibet Pf

<sup>&</sup>lt;sup>6</sup> sed quia \*AdBeCaTcVp; scilicet quia GcPfTbVmVo; si qua Mg

<sup>&</sup>lt;sup>7</sup> non *add*. Rb

### Augustinus in 1 prologo libri III 2 de Trinitate

Noli<sup>3</sup> meis litteris quasi scripturis canonicis inservire, sed in illis et quod non credebas cum inveneris, incunctanter crede. In istis autem et quod certum<sup>4</sup> non habebas nisi certum intellexeris, noli firme retinere<sup>5</sup>.

ID 4.711 D 9 c 3

#### 121

### <sup>1</sup>Epistola prima Augustini<sup>2</sup> ad Ieronimum

Mihi<sup>3</sup> videtur exitiosissime credi aliquid in sacris libris esse mendacium, id est eos homines per quos nobis illa scriptura ministrata est atque conscripta, aliquid in suis libris fuisse mentitos<sup>4</sup>. Alia questio est utrum scriptorem sacrarum scripturarum mentiri oportuerit, immo non alia sed nulla questio est.

ID 4.216a]

#### 122

[Que concilia sunt respuenda, et que scripta¹ apocrifa]². ³Ex Libro pontificum⁴ Sergii pape temporibus, Iustinianus<sup>5</sup> imperator<sup>6</sup> concilium<sup>7</sup> in regia urbe fieri iussit. In quo et legati sedis apostolice convenerunt<sup>8</sup>, et decepti subscripserunt<sup>9</sup>.

<sup>&</sup>lt;sup>1</sup> libro *add. and canc.* Ca

<sup>&</sup>lt;sup>2</sup> IIII Vo

<sup>&</sup>lt;sup>3</sup> corr. fr. Soli Ca

<sup>&</sup>lt;sup>4</sup> et add. Ca, om. \*MgPfTbTc

<sup>&</sup>lt;sup>5</sup> retinere AdBeGcMgOaPcPfPrRbTbVmVo; tenere CaDaTcVp; credere Ce

<sup>&</sup>lt;sup>1</sup> Quod non debeat credi in sacris libris eorum auctores mentitos fuisse in mg. Sb

<sup>&</sup>lt;sup>2</sup> (Ex add. Pt) Epistola prima (tercia Pc, prioris Vo) Aug. \*(but as inscr. to ID

<sup>4.215)</sup>AdCaMgPcPrPtTbTcVmVo; Eiusdem epistola Pf; Epistola una. Augustinus ad Ier. Sf

<sup>&</sup>lt;sup>3</sup> Nichil CePkPyTf; Nichi before corr. Sb

<sup>&</sup>lt;sup>4</sup> fuisse ment. \*CaMgOaTbTc; ment. fuisse Pf; ideo (for id est) – esse mentitos in mg. Vo<sup>2</sup>

<sup>&</sup>lt;sup>1</sup> que scr.] scripta sunt Ad; que scripta sunt CeGc; que scripta sint Mq

<sup>&</sup>lt;sup>2</sup> Que conc. sunt (sint Sf) - apocrifa PfSbSf; in mg. AdBeCeLh<sup>2</sup> Pc; as end of c 121 Mq; om. Mg(cf c 123)OaPrPtTbTcVmVoVp; Que sunt respuenda et que scripta sunt apocripha in mg. CaDa; Quod quedam concilia propter capitula ritui ecclesiastico contraria sint negligenda add. in mg. Sb

<sup>&</sup>lt;sup>3</sup> Sergii pape *add*. Gc <sup>4</sup> -ali PtVp

<sup>&</sup>lt;sup>5</sup> corr. fr. Iustianus CaCeMg

<sup>&</sup>lt;sup>6</sup> Iust. imp. \*CaMgTbTc; imp. Iust. Pf

<sup>&</sup>lt;sup>7</sup> concilium \*BeCa<sup>2</sup>MgPfTb; om. CaTc; superscr. after urbe Tc<sup>2</sup>

<sup>&</sup>lt;sup>8</sup> coven- Pf

<sup>&</sup>lt;sup>9</sup> corr. fr. consc- Ca<sup>2</sup>

Compellebat<sup>10</sup> autem et ipsum subscribere sed nullatenus acquievit, pro eo quod quedam capitula extra ritum ecclesiasticum fuerant in eis annexa.

ID 4.79a]

10 -ebat \*BeMgPfTbVo; -ebant CaTc

# 123

<sup>1</sup>De notitia librorum apocriforum qui a sanctis patribus<sup>2</sup> dampnati sunt eterna dampnatione<sup>3</sup>

<sup>4</sup>Ariminensem<sup>5</sup> sinodum a Constantino cesare Constantini filio congregatam, mediante Tauro prefecto, extunc<sup>6</sup> et in eternum confitemur esse dampnatam<sup>7</sup>. Item. Itinerarium nomine Petri apostoli quod appellatur sancti Clementis libri<sup>8</sup> octo apocriphi<sup>9</sup>. Actus nomine Andree apostoli apocriphi<sup>10</sup>. Actus nomine Thome apostoli apocriphi. Actus nomine Petri apostoli apocriphi. Actus nomine Philippi apostoli apocriphi. Evangelia<sup>12</sup> Thadei nomine<sup>13</sup> apocripha. Evangelia nomine Barnabe apostoli<sup>14</sup> apocripha. Evangelia<sup>15</sup> Thome apostoli quibus Manichei utuntur apocripha. <sup>16</sup> Evangelia nomine Bartholomei<sup>17</sup> apostoli apocripha. Evangelia nomine Andree apostoli apocripha. Evangelia que falsavit Lucianus aprocrifa. <sup>18</sup> Evangelia que falsavit Ycius, apocripha<sup>19</sup>. Liber de infantia Salvatoris apocriphus. Liber de

<sup>&</sup>lt;sup>1</sup> Que concilia sint respuenda et que scripta sint apocrifa *in mg*. Mg, De apocrifis *in mg*. Pf, Quod scripta multorum sint apocrifa, id est incerta *in mg*. Sb

<sup>&</sup>lt;sup>2</sup> patribus \*AdDaMqPfTbTcVm; om. CaGcMg

<sup>&</sup>lt;sup>3</sup> eterna dampnatione \*AdCaGcMgPcTbTcVmVo; eterna redemptione Pr; *om.* BeCeMqPf.Wc. De – dampn. *in mg.* Lh<sup>2</sup>. De notitia aprociforum librorum Pt. *No rubric* Ph

<sup>&</sup>lt;sup>4</sup> Rb *text adds at beginning:* Ceterum que ab hereticis vel scismaticis scripta vel predicata sunt nullatenus recipit sancta et apostolica Romana ecclesia. [] e quibus pauca que ad memoriam venerint, et a catholicis vitanda sunt credimus esse subdenda. In primis (*cf c 91 end above*)

<sup>&</sup>lt;sup>5</sup> Arim- \*BeCaMgPfTbVm; Primi- Vq; Erim- Tc; Crim- Py

<sup>&</sup>lt;sup>6</sup> et nunc add. Tc, om. \*CaMgPfTb

<sup>&</sup>lt;sup>7</sup> conf. ess damp. \*CaMgPfTc; damp. esse conf. Tb

<sup>&</sup>lt;sup>8</sup> libri \*CaMgTbTc; librorum Pf

<sup>&</sup>lt;sup>9</sup> -cryphi \*CaMgTbTc; -cryphum Pf

<sup>&</sup>lt;sup>10</sup> -iphi MgPfTc; apoc' Ca; -iphum Tb

<sup>&</sup>lt;sup>11</sup> Phil. ap. \*CaMgTc; ap. Phil. Pf; Phil. Tb

<sup>&</sup>lt;sup>12</sup> Mathie ap. Evangelium nomine Petri apostoli ap. Evangelium nomine Iacobi minoris apocr' *add in mg* Sb<sup>2</sup>, *where* Evang. Thadei *is over erasure* 

<sup>&</sup>lt;sup>13</sup> om. Sb

<sup>&</sup>lt;sup>14</sup> nom. Barn. ap. CaPfTbTc; Barn. ap. nom. Mg

<sup>&</sup>lt;sup>15</sup> nomine add. CaMfMgMhMjMkMmPtRaTb, om. \*PfTc

<sup>&</sup>lt;sup>16</sup> (apoc. quibus man. utuntur Mk) Evangelia nomine Petri apostoli apocrifa add. Mg, om.

<sup>\*</sup>BeCaGcMfMhMjMkMmMoPaPfPtRaTbTcVo. Evangelia nomine Barnabe – utuntur apocr. *om*. OaPk.

<sup>17</sup> corr fr Petri Po

<sup>&</sup>lt;sup>18</sup> Evangelia que falsavit Lucianus aprocrifa in mg. Pc

<sup>&</sup>lt;sup>19</sup> Evan. que fals. Yc. apoc. \*CaMgPfTb; om. Tc

nativitate Salvatoris et<sup>20</sup> de sancta Maria, vel de<sup>21</sup> obstetrice Salvatoris apocriphus. Liber qui appellatur Pastoris<sup>22</sup> apocriphus. Libri omnes quos fecit Leutius<sup>23</sup> discipulus diaboli apocriphi. Liber qui appellatur fundamentum apocriphus<sup>24</sup>. Liber qui appellatur thesaurus, apocriphus. Liber qui est de filiabus Ade vel<sup>25</sup> Genesis apocriphus. Centimetrum de Christo Virgilianis<sup>26</sup> compaginatum versibus<sup>27</sup> apocriphum. Liber qui appellatur Actus Thecle et Pauli apocriphus. Liber qui appellatur Nepotis apocriphus. Liber proverbiorum ab hereticis conscriptus et sancti Sixti nomine signatus, apocriphus. Revelatio que appellatur Pauli apocripha. Revelatio que appellatur Thome apostoli<sup>28</sup> apocripha. Revelatio que appellatur Stephani apocripha. Liber qui appellatur Transitus sancte Marie apocriphus. Liber qui appellatur<sup>29</sup> penitentia Adam<sup>30</sup> apocriphus. Liber Diogie nomine<sup>31</sup> gigantis, qui post diluvium cum dracone ab hereticis pugnasse perhibetur, apocriphus<sup>32</sup>. Liber qui appellatur Testamentum Iob apocriphus. Liber qui appellatur penitentia Origenis apocriphus. Liber qui appellatur penitentia<sup>33</sup> Cipriani apocriphus<sup>34</sup>. Liber qui appellatur<sup>35</sup> Iamne et Mambre apocriphus. Liber qui appellatur Sors<sup>36</sup> apostolorum apocriphus<sup>37</sup>. Liber Iusan<sup>38</sup> apocriphus. Liber canonum<sup>39</sup> apostolorum apocriphus<sup>40</sup>. Liber<sup>41</sup> Phisiologus ab hereticis conscriptus et beati Ambrosii nomine presignatus<sup>42</sup>

<sup>20</sup> et CaMgPf; apoc'. Liber Tb; ap' Tc

<sup>&</sup>lt;sup>21</sup> vel de CaMgPf; et de Tb; et Tc

<sup>&</sup>lt;sup>22</sup> Pastoris \*CaMgPfTb; De pastore Tc

<sup>&</sup>lt;sup>23</sup> Leutius \*CaPfTc; Leuticius Mg; Lucius Tb

<sup>&</sup>lt;sup>24</sup> Lib. qui app. fund. ap. here \*CaMgPfTb; before the Acts of Thecla and Paul in PcTc

<sup>&</sup>lt;sup>25</sup> Adel *add*. Mg, *om*. \*CaPfTbTc

<sup>&</sup>lt;sup>26</sup> Virgilianis \*CaMgTc; virginalibus Pf; virginal' Ph; virginale Tb

<sup>&</sup>lt;sup>27</sup> comp. vers. \*CaMgPfPhTb; vers. comp. Tc

<sup>&</sup>lt;sup>28</sup> apostoli CaMgPfTc; om. Tb

<sup>&</sup>lt;sup>29</sup> appellatur \*CaTbTc; vocatur Pf; appellantur Mg

<sup>&</sup>lt;sup>30</sup> Adam \*CaMgPfTc; Ade Tb

<sup>&</sup>lt;sup>31</sup> Diogie nomine CaMgPfPh; Dioge nomine Tb; Diogenoie Tc

<sup>&</sup>lt;sup>32</sup> apoc. \*CaMgPfTb; om. Tc

<sup>33</sup> cena Da

<sup>&</sup>lt;sup>34</sup> Liber qui appellatur penitentiam Origenis – Cipriani apoc. *in mg*. Mq<sup>2</sup>

<sup>&</sup>lt;sup>35</sup> penitentia add. PcSb<sup>2</sup>Tc, om. \*CaMgPfTb

<sup>36</sup> Sortes Da

<sup>&</sup>lt;sup>37</sup> Liber qui appellatur Sors apost. apoc. *after* Cipriani ap. DaGcPrVm

<sup>&</sup>lt;sup>38</sup> Iusan PcTcPt; Iusa apostoli MgRa; qui appellatur lusan PrVm

<sup>&</sup>lt;sup>39</sup> Liber canonum MkMmMoPcRaVm *Brant*; Liber qui appellatur laus Da; Liber canones DbMgRa; Can. liber Tc

<sup>&</sup>lt;sup>40</sup> Liber Iusan (Susannae *Migne*) - apost. apoc. \*MgMoPc(*mg*.)PrRa(*mg*.)TcVm*Brant*; Liber Iusan apoc. before Historia Eusebii below Pt; om.

AdBdBeCaCeDaDbGcLdLgObOdOeOfPaPfPhPkPqPwSbSgSlTbVaVo

qui appellatur add. Tc, om. \*CaMgPfTb

<sup>&</sup>lt;sup>42</sup> presign- \*CaMgPfTb; sign- Tc

apocriphus<sup>43</sup>. Historia Eusebii Pamphili apocripha. Opuscula Tertulliani<sup>44</sup> sive Africani apocripha. Opuscula Postumiani 45 et Galli apocripha. Opuscula Montani et Priscille et Maximille apocripha. Omnia opuscula 46 Fausti 47 Manichei apocripha. Opuscula alterius Clementis<sup>48</sup> Alexandrini apocripha. Opuscula Cassiani presbiteri Galliarum apocripha<sup>49</sup>. Opuscula Victorini Pictavensis apocripha. Opuscula Fausti Reginensis Galliarum apocripha.<sup>50</sup> Opuscula Frumentii<sup>51</sup> apocripha<sup>52</sup>. Epistola<sup>53</sup> Iesus ad Abagarum<sup>54</sup> apocripha. <sup>55</sup> Passio Cirici et Iulitte apocripha. Passio Georgii <sup>56</sup> apocripha. Scripta que appellantur <sup>57</sup> Salomonis contradictio <sup>58</sup> apocripha. Philacteria omnia que non ab angelo ut illi confingunt sed magis a demone conscripta sunt apocripha.

Hec et his <sup>59</sup> similia que Simon Magus, Nicolaus, Cherintus <sup>60</sup>, Marcion, Basilides, Ebion, Paulus etiam Samosatenus<sup>61</sup>, Photinus et Bonosus qui simili errore defecerunt, Montanus quoque cum suis obscenissimis sequacibus Apollinaris, Valentinus sive Manicheus, Faustus, Sabellius, Arius, Macedonius, Eunomius, Novatus<sup>62</sup>, Sabbatius<sup>63</sup>, Calixtus, Donatus, et Eustachius, Iubianus<sup>64</sup>, Pelagius, Iulianus et Laciensis Celestinus<sup>65</sup>, Maximianus, Priscillianus<sup>66</sup> ab Hispania,

<sup>43</sup> Liber Lusan *add*. Oe

<sup>&</sup>lt;sup>44</sup> Tertulliani CaMgTbTc; Tertullinii Pf

<sup>&</sup>lt;sup>45</sup> Postumiani \* MgPfTbTc<sup>2</sup>; Postulamiani Ca

<sup>&</sup>lt;sup>46</sup> Omnia op. \*CaMgPfPhTc; Op. omnia Tb

<sup>&</sup>lt;sup>47</sup> et *add*. Tc, *om*. CaMgPfTb

<sup>&</sup>lt;sup>48</sup> alt. Clem. \*CaMgPfPhTc; Clem. alt. Tb

<sup>&</sup>lt;sup>49</sup> Opus. Frumentii ap. *here* PhTb

<sup>&</sup>lt;sup>50</sup> Op. Victorini - Galliarum apoc. \*CaMgPfTb; *om*. Tc

<sup>&</sup>lt;sup>51</sup> Frum- \*CaMgPfTb; Furm- Tc

<sup>&</sup>lt;sup>52</sup> op. Fr. ap. after Cassian above PhTb

<sup>&</sup>lt;sup>53</sup> opuscula Ce

<sup>&</sup>lt;sup>54</sup> Abagarum CaGcMgPr; Agabarum AdPfTc; Gabarum BePh; Adabagarum Ce; Adagabarum Pa; Abgarum TbVo; et Abagari ad Ihesum add. DaVo

<sup>&</sup>lt;sup>55</sup> Epistola Abagari ad Iesum apoc. add. MfMgMhMoPcRaTc; om.

<sup>\*</sup>AdBdBeCaCeGcLdLgMjMkMmObOdOeOfPaPfPhPkPqPrPtPwSbSlTbVmWc. For DaVo see previous note.
<sup>56</sup> martiris *add*. Tb, *om*. \*CaMgPfPhTc

<sup>57</sup> Scripta que appellantur CaMgPfPhTc; Scriptura que appellatur Tb

<sup>&</sup>lt;sup>58</sup> contradictio \*CaMgPfTc; condictio PhTb

<sup>&</sup>lt;sup>59</sup> his \*CaPfTbTc; illis Mg

<sup>&</sup>lt;sup>60</sup> Cherintus \*CaMgPfTb; Corinthus Tc

<sup>61 -</sup>satenus MgPfTb; -satanus Ca; -saheus Tc

<sup>62 -</sup>atus \*CaMgPfTb; -atius Tc

<sup>&</sup>lt;sup>63</sup> Sabbatius MgPfPh; Sabacius Ca; Sabastius Tb; Sabatheius Tc

<sup>&</sup>lt;sup>64</sup> Iubianus BdBeCaLkSbTbPw; Nibianus DaPhPkPrVm; Libianus Gc; Nibinianus Mg; Iulianus Pf; Nubianus SIVo; Iovinianus Tc

<sup>65</sup> et add. Ca, om. \*MgPfTbTc

<sup>66 -</sup>lianus \*PhPkTbTcVm; -lanus BdCaMgPfPw

Lampedius<sup>67</sup>, Dioscorus, Euticius<sup>68</sup>, Petrus<sup>69</sup> et alius Petrus, e quibus unus Alexandriam, alius Antiochiam maculavit, Achatius Constantinopolitanus cum consortibus<sup>70</sup> suis, nec non et omnes hereses quas ipsi eorumque discipuli sive<sup>71</sup> schismatici docuerunt vel conscripserunt, quorum nomina minime retinemus, non solum repudiata, verum etiam<sup>72</sup> ab<sup>73</sup> omni<sup>74</sup> catholica et<sup>75</sup> Romana ecclesia eliminata, atque cum suis auctoribus auctorumque <sup>76</sup> sequacibus sub anathematis indissolubili vinculo in eternum confitemur esse dampnata<sup>77</sup>.

ID 4.65] +D 15 c 3 med, Palea

67 -edius \*CaMgPfTc; -ideus Tb

68 -icius \*CaMgPfTc; -ius Tb

69 Petrus \*CaMgPfTc; om. PhTb <sup>70</sup> consort- \*CaMgTbTc; sort- Pf

<sup>71</sup> sive \*CaMgPfTb; atque Tc

<sup>72</sup> verum etiam \*PfTbTc; sed CaMg

<sup>73</sup> ab \*CaMgPfTb; *om*. Tc

<sup>74</sup> etiam add. CaMg, om. \*PfTbTc

<sup>75</sup> et MgPfTbTc; om. \*Ca

<sup>76</sup> auct- auct- \*CaMgPfPhTc; act- act- Tb

<sup>77</sup> dampnata \*CaMgPfTb; dampnanda Tc

#### 124

<sup>1</sup>Leo IX<sup>2</sup> contra epistolam Nicete<sup>3</sup> abbatis de monasterio Studii<sup>4</sup> Clementis librum<sup>5</sup>, id est Petri apostoli<sup>6</sup> Itinerarium et canones apostolorum numerarunt<sup>7</sup> sancti patres inter apocripha, exceptis capitulis quinquaginta que decreverunt regulis orthodoxie adiungenda.

ID 4.105] D 16 c 3

<sup>&</sup>lt;sup>1</sup> Quod liber Clementis et canones apostolorum inter apocrifa a sanctis patribus numerentur in mg. Sb <sup>2</sup> IX \*AdBeCaMgPfTbVm; II PcTcVo

<sup>&</sup>lt;sup>3</sup> Nicete \*AdBeCaMg<sup>2</sup>PfTbVm; Nicene Mg; Niceni PcTc

<sup>&</sup>lt;sup>4</sup> de monasterio Studii AdCaGcMgPfPhVm; de monasterii studio Gc<sup>3</sup>Tc; om. Tb

<sup>&</sup>lt;sup>5</sup> Clem. lib. \*AdCaMgPfTb; Clem. pape lib. Cc; Lib. Clem. PcTc

<sup>&</sup>lt;sup>6</sup> apostoli \*CcDa<sup>2</sup>MgPfSbTbTc; om. CaDa

<sup>&</sup>lt;sup>7</sup> numerarunt \*CaMgMqPcRbSbTb; nunciarunt (vel numeraverunt ss) Ad; numerant Be; numeraverunt GcMq<sup>2</sup>PfTcVo; numarunt Ph?; numerar' Pr; numeravere Vp

<sup>1</sup>Sexta sinodus, <sup>2</sup> cap. ii<sup>3</sup>

Placuit huic sancte sinodo ut<sup>4</sup> amodo confirmata et rata sint canonum apostolorum LXXXV capitula.

ID 4.106] D 16 c 4a

# Epistola Isidori in capite canonum<sup>5</sup>

Isidorus mercator<sup>6</sup> servus Christi, lectori<sup>7</sup> conservo suo. Propter eorum auctoritatem<sup>8</sup> ceteris conciliis<sup>9</sup> preposuimus canones qui dicuntur apostolorum, licet a quibusdam apocriphi dicantur, quoniam populares eos<sup>10</sup> recipiunt, et sancti patres eorum sententias sinodali auctoritate roboraverunt, et inter canonicas posuerunt constitutiones. Item. Primus ordo, ut predictum est, de celebrando concilio insertus habetur, et postmodum canonum apostolorum<sup>11</sup>, ac primorum<sup>12</sup> apostolicorum<sup>13</sup>, id est a sancto<sup>14</sup> Clemente usque ad sanctum Silvestrum, decretorum atque diversorum conciliorum breviarium interpolatum<sup>15</sup> sequens ordinem suum.

ID 4.107] D 16 c 4b

# 126

<sup>1</sup>Adrianus<sup>2</sup> papa ad Carolum, cap. xvii<sup>3</sup>

Vite patrum sine probabilibus auctoribus<sup>4</sup> minime in ecclesia legantur. Nam<sup>5</sup> ab orthodoxis<sup>6</sup> titulate<sup>7</sup> et<sup>8</sup> suscipiuntur et leguntur. Magis enim passiones

<sup>&</sup>lt;sup>1</sup> Continues without break from c 124 AdCadaLeMqPfPrSeVmVp(no insc.)Wd

<sup>&</sup>lt;sup>2</sup> synodo *add*. Vo

<sup>&</sup>lt;sup>3</sup> Sexta – ii] Sexta ii, with Secunda sinodus in second hand, subs. canc., Pc

<sup>4</sup> ut \*EgMgPfTbTc; aut Ca

<sup>&</sup>lt;sup>5</sup> Ep. (om. Le) - can. om. Se; in text, but run on from c 125a AdGcLeMqSIVmVoWcWd; add. ss Pc

<sup>&</sup>lt;sup>6</sup> mercator AdBeCaCcEg(*later canc.*) MgSeTbVmVoWc; peccator Pf; vel peccator ss Se; om. Tc <sup>7</sup> proprium add superscr. Tc

<sup>&</sup>lt;sup>8</sup> auctoritatem \*BeDaGcPhPrTbVmVp; infirmitatem AdBdCaCcCeHaMqPa<sup>2</sup>PfPkPqPwSbSlTfVoWc; infirmitatem vel auctoritatem (vel auct. *ss* Ld) LdMg; firmitatem LkPaPcTc

<sup>&</sup>lt;sup>9</sup> conc- \*CaMgPfTc; cons- Tb <sup>10</sup> populares eos CaMgPf(vel plures *add. ss.*)SbTb; eos populares, *corr. fr.* plures eos Pc; eos plures Tc

<sup>&</sup>lt;sup>11</sup> apostolorum \*Ad(over erasure and repeated in mg.)MgPfTbTc; om. Ca

primo Gc
 olicorum \*PfPrTcVm; -olorum CaGcMgPhTb; ac prim. ap. om. Rb

<sup>&</sup>lt;sup>14</sup> Rb ends

<sup>15 -</sup>atum CaMgPfTb; -atur Tc

<sup>&</sup>lt;sup>1</sup> Quod vite sanctorum patrum sine magnis auctoribus in ecclesia non recipiantur in mg. Sb

<sup>&</sup>lt;sup>2</sup> Adrianus CaMgPcPfTc; Arrianus PhSfTb

<sup>&</sup>lt;sup>3</sup> xvii AdCaGcMgPfTbTc; xvi Da; xviii PrVm; cap. xvii om. Vo

<sup>&</sup>lt;sup>4</sup> auctoribus \*AdBeCaMgPfPhPrSeVo<sup>2</sup>; actoribus Oa; auctoritatibus TbTc; auctores Vo

sanctorum<sup>9</sup> martirum sacri canones censent ut liceat eas etiam in ecclesia legi cum anniversarii dies eorum celebrantur.

ID 4.141]

<sup>5</sup> et ille *add*. Tc, *om*. \*CaMgPfTb

### 127

<sup>1</sup>Augustinus contra Faustum, libro II, cap. ii

Legunt scripturas apocriphas Manichei, nescio<sup>2</sup> quibus sutoribus<sup>3</sup> fabularum sub apostolorum nomine scriptas, ut que suorum scriptorum temporibus in auctoritate sancte ecclesie recipi mererentur, si sancti homines et iusti et docti, qui tunc in hac vita erant et<sup>4</sup> examinare<sup>5</sup> talia poterant, eos vera locutos esse<sup>6</sup> cognoscerent<sup>7</sup>. Ibi tamen legunt apostolum<sup>8</sup> Thomam, cum esset in quodam<sup>9</sup> nuptiarum convivio peregrinus et prorsus incognitus, a quodam ministro palma percussum<sup>10</sup>, imprecatum fuisse homini continuam sevamque vindictam. Nam cum egressus fuisset<sup>11</sup> ad fontem ut inde aquam convivantibus ministraret, eum leo rugiens interemit, manumque eius qua caput apostoli levi ictu percusserat, a corpore evulsam<sup>12</sup>, secundum vocem eiusdem apostoli id optantis atque imprecantis, canis intulit mensis<sup>13</sup> in quibus ipse discumbebat apostolus.

ID 4.151a]

<sup>&</sup>lt;sup>6</sup> patribus *add*. Tc, *om*. \*CaMgPfTb

<sup>&</sup>lt;sup>7</sup>-late \*MgPfTbTc; -lete Ca

<sup>&</sup>lt;sup>8</sup> et \*CaMgPfPhTc; om. Tb

<sup>&</sup>lt;sup>9</sup> sanctorum \*CaMgPfTb; om. PcTc

<sup>&</sup>lt;sup>1</sup> Quod Manichei legant scripturas apocrifas sub apostolorum nomine titulatas ut eis credatur *in mg*. Sb <sup>2</sup> a *add*. AdCaMg, *om*. \*OaPfTbTc

<sup>&</sup>lt;sup>3</sup> sutoribus \*AdBdBeCaCeDaGcLkOaPaPfPhPkPqPrQeSbSlTb; scriptoribus MgPcPwTcVp; autoribus Vm; *corr. fr.* factoribus *to* fictoribus Vo

<sup>&</sup>lt;sup>4</sup> et \*CaMgTb; om. PfPhTc

<sup>&</sup>lt;sup>5</sup> -are \*CaMgPhTc; -ari PfTb

<sup>&</sup>lt;sup>6</sup> esse \*CaMgPfPhTc; om. Tb

<sup>&</sup>lt;sup>7</sup> obscurely corr. Pf

<sup>&</sup>lt;sup>8</sup> apost. \*CaMgPfPhTc; om. Tb

<sup>&</sup>lt;sup>9</sup> in quodam \*CaMgPfTc; om. PhTb

<sup>&</sup>lt;sup>10</sup> et *add*. Tc, *om*. \*CaMgPfTb

<sup>&</sup>lt;sup>11</sup> fuisset \*CaMgPfTb; esset Tc

<sup>&</sup>lt;sup>12</sup> evul- CaPfTbTc; avul- Mg

<sup>&</sup>lt;sup>13</sup> int. mens. \*AdCaMgOaTb; mens. int. PfTc

# Item<sup>1</sup>, cap. iiii<sup>2</sup>

Quod beata<sup>3</sup> Maria patrem habuerit<sup>4</sup> ex tribu Levi sacerdotem<sup>5</sup> quemdam<sup>6</sup> nomine Ioachim canonicum non est.

ID 4.151b]

<sup>1</sup> Item \*AdCaMgPfTb; Augustinus Ea; Item in eodem Sb; Idem Tc

#### 129

<sup>1</sup>Ieronimus<sup>2</sup> ad Letam<sup>3</sup>, De institutione filie<sup>4</sup>

Caveat<sup>5</sup> omnia apocripha et si quando ea<sup>6</sup> non ad dogmatum veritatem sed ad signorum reverentiam legere voluerit, sciat non eorum esse quorum titulis<sup>7</sup> prenotantur<sup>8</sup>, multaque in his admixta vitiosa et grandis esse prudentie aurum in luto querere.

ID 4.155]

# 130

[Quod episcopi non debeant legere libros gentilium  $^{1}$ ]. $^{2}$  Concilium IIII Cartaginense, cap.  $ix^{3}$ 

Episcopus<sup>4</sup> gentilium libros non legat, hereticorum autem<sup>5</sup> pro necessitate et<sup>6</sup> tempore.

<sup>&</sup>lt;sup>2</sup> cap. iiii \*AdGcPfTbTcVmVoWd (GcPrVm *treating insc. as text run on from c 127*); cap. secundo CaMgSb; cap. vicesimo secundo Da; *om*. Ea

<sup>&</sup>lt;sup>3</sup> sancta La

<sup>&</sup>lt;sup>4</sup> -uerit \*CaMgPfTc; -uit PhTb

<sup>&</sup>lt;sup>5</sup> -otem \*MgPfTbTc; -otum Ca

<sup>&</sup>lt;sup>6</sup> hominem *add*. Ca, *om*. \*AdEaMgOaPfTbTc

 $<sup>\</sup>frac{1}{2}$  Quod omnia apocrifa sint cavenda, et que teneri, que vitari, debeant caute discernenda in mg. Sb

<sup>&</sup>lt;sup>3</sup> Letam \*AdBeCaGcMgPfTbVm; Alletham Pc; Oletam Sf; Athletam Tc; Aletam Vo

<sup>&</sup>lt;sup>4</sup> filiorum Pt. Ieronimus *only* Ea <sup>5</sup> Paveat CePr(*obsc. corr.*)

<sup>&</sup>lt;sup>6</sup> ea \*CaMgTbTc; om. Pf

<sup>&</sup>lt;sup>7</sup> -ulis GcPfTbVmVo; -uli AdBeMgTc; -ulus Ca

<sup>&</sup>lt;sup>8</sup> -antur \*MgPfTbTc; -atur Ca; preponuntur Ce

<sup>&</sup>lt;sup>1</sup> leg. lib. gent. (gentium Gc?Vm) BeGcPfSbVm; lib. gent. leg. AdDaMgSfTc; gent. lib. leg. Ca; lib. leg. gent. Mq

<sup>&</sup>lt;sup>2</sup> *in mg*. AdBeCaCeDaGcMgPfPrSbTc, *in text* MqSfVm; Quod episcopus non debeat legere libro gentilium Ea (*no inscr.*); Non debere gentilium episcopos legere libros Vo; *om*. OaPcPtTbVp

<sup>&</sup>lt;sup>3</sup> ix GcLeOaPrTbVm; ii AdCaPcTcVo; xx Be; lxi Ce; xvi DaSb; ??Pf; viii Mg; xi Sf

<sup>&</sup>lt;sup>4</sup> Christus Lc

<sup>&</sup>lt;sup>5</sup> autem \*BeEaMgTbTc; aut AdCaGcLeOaPrVmVo; nisi Pf

<sup>&</sup>lt;sup>6</sup> et \*AdEaGcPfPrTbVmVo; aut pro BeCcPcTc; aut MgOa; vel pro Ca

ID 4.160] D 37 c 1

### 131

<sup>1</sup>Ieronimus ad Damasum<sup>2</sup>, De prodigo filio<sup>3</sup>

Sacerdotes Dei omissis evangeliis et prophetis videmus comedias legere, amatoria bucolicorum versuum verba cantare, tenere Virgilium, et id quod in<sup>4</sup> pueris necessitatis est, crimen in se facere voluptatis.

ID 4.1621 D 37 c 2

#### 132

<sup>1</sup>Rabanus<sup>2</sup> de pressuris<sup>3</sup> ecclesiasticis, parte<sup>4</sup> secunda<sup>5</sup>

Legimus de beato Ieronimo, quoniam cum librum legeret Ciceronis<sup>6</sup>, ab angelo est correptus<sup>7</sup>, eo quod vir Christianus paganorum intenderet figmentis<sup>8</sup>.

ID 4.164] D 37 c 7

### 133

[Quod<sup>1</sup> legendi sint<sup>2</sup> gentilium libri]<sup>3</sup>. Beda super Regum librum II<sup>4</sup>

Turbat<sup>5</sup> acumen legentium et deficere cogit, qui eos a legendis secularibus litteris omnimodis estimat prohibendos, quibus ubilibet inventa<sup>6</sup> utilia, quasi sua sumere licet. Alioquin Moises et Daniel sapientia vel litteris Egiptiorum

<sup>&</sup>lt;sup>1</sup> De eadem re *add*. Vo

<sup>&</sup>lt;sup>2</sup> Ier. ad Dam. \*GcPfTbTcVm; Ier. ad Amadum Ad; Ad Dam. Ier. CaMg; Ieron' Ea; Ad Dam. Vp

<sup>&</sup>lt;sup>3</sup> De prod. fil. \*AdGcMgPfTbTcVo(adding, either here or against the previous canon, lxxxviiii)Vp; prod. filio Be; De fil. prod. Ca; om. Ea

in \*CaMgPfPhTc; om. Tb

<sup>&</sup>lt;sup>1</sup> Quod beaus Ier' propter librum Ciceronis quem legebat ab angelo sit correptus in mg. Sb; De eodem add. Vo

after eccl. PrVm, om. Vo

pressuris \*MgPfTbTcVm; institutionibus CaGc

partibus Ad

secunda \*AdBeCaMgPfPrSbTbVo(adding xci); prima DaPcTc; parte sec. om. Vp

<sup>&</sup>lt;sup>6</sup> leg. Cic. \*CaMgPfTc; Cic. leg. PhTb

<sup>&</sup>lt;sup>7</sup> -eptus \*CaMgPfPhTc; -ectus Tb

<sup>&</sup>lt;sup>8</sup> int. fig. \*CaMgPfTb; fig. int. Tc

<sup>1</sup> Qui Gc

<sup>&</sup>lt;sup>2</sup> sint BeCaMgTc; sunt CePf

<sup>&</sup>lt;sup>3</sup> Quod – libri in mg. AdBeCaCeDaGcMgPfPrTc, in text Vo; Quod leg. sint lib. gent. in text Mq, in mg. Sb; Quod leg. gent. lib. sint in text Sf; Qui leg. gent. lib. in text Vm; om. PcPtTbVp

<sup>&</sup>lt;sup>4</sup> super Reg. lib. II \*BeCaDaMqPfTbVo; librum Regum Ad; in libro II reg. GcPrVm; super lib. Reg. lib. [ii ??] Mg; super librum Reg. II, libro Tc

<sup>&</sup>lt;sup>5</sup> Turbat \*MgPfTbTc; Turbabat Ca

Chaldeorumque<sup>7</sup> paterent eruditi, quorum<sup>8</sup> tamen<sup>9</sup> superstitiones simul et delicias horrebant, nec ipse magister gentium aliquot versus poetarum<sup>10</sup> suis vel<sup>11</sup> scriptis<sup>12</sup> indidisset<sup>13</sup> vel dictis.

ID 4.85] D 37 c 8

<sup>6</sup> sunt add. CaMg, om. \*PfPhTbTc

## 134

[Qua ratione<sup>1</sup> legendi sint<sup>2</sup>].<sup>3</sup> Ambrosius super Lucam, libro I<sup>4</sup>

Legimus aliqua ne legantur<sup>5</sup>; legimus ne ignoremus; legimus non ut<sup>6</sup> teneamus sed ut repudiemus.

Arsenal 713 fos 136v-7] D 37 c 9

#### 135

 $^{1}$ Ieronimus super epistolam ad Titum, libro  $\mathrm{VII}^{2}$ 

Si<sup>3</sup> quis grammaticam artem<sup>4</sup> noverit vel dialecticam ut recte loquendi rationem habeat, et inter falsa et vera diudicet<sup>5</sup>. Geometrica<sup>6</sup> quoque et arithmetica<sup>7</sup> et musica<sup>8</sup> habent<sup>9</sup> in<sup>10</sup> sua scientia veritatem, sed non est scientia illa pietatis. Scientia

<sup>&</sup>lt;sup>7</sup> non add. CaMg Pf<sup>2</sup>Tc, om. Pf

<sup>&</sup>lt;sup>8</sup> quorum \*CaMgPfTb; quoniam Tc

<sup>&</sup>lt;sup>9</sup> tamen \*CaPfTbTc; tantum Mg

<sup>&</sup>lt;sup>10</sup> poetarum \*CaMgPcPfTb; om. Tc

vel \*CaMgPcPf; om. PhTbTc

<sup>&</sup>lt;sup>12</sup> scriptis AdCaPfTbVo; scripturis MgPcTc

<sup>&</sup>lt;sup>13</sup> -isset MgPfTbTc; -isse Ph

<sup>&</sup>lt;sup>1</sup> ratione AdBeCaDaMgPfTc; ordine Vm

<sup>&</sup>lt;sup>2</sup> leg. sint CaMgTc; leg. sunt BePf; sint leg. SbSf

<sup>&</sup>lt;sup>3</sup> in mg. AdBeCaCe(against c 135)DaGcPfPrMgSbTc, in text MqSfVmVo; om. EaPcPtTbVp

<sup>&</sup>lt;sup>4</sup> Amb. sup. Luc. lib. (*om.* Sf) I (II Tc) AdBeCaPfSfTbTcVmVoVp; Ambrosius Ea; Lib. i Amb. sup. Luc. Mg; *om.* Pt

<sup>&</sup>lt;sup>5</sup> legantur AdBdBeCeEaGcHaLdMqPfPqPrPwSbTdTfVmVoA; negligantur CaDaHa<sup>2</sup>Lk(*pc*)MgPa<sup>2</sup>PcTcTd<sup>2</sup>Vp; negligenter Pa; legamus PhQeTb; leguntur Pk

<sup>&</sup>lt;sup>6</sup> non ut BeCaMgPcPfTb; ut non Tc

<sup>&</sup>lt;sup>1</sup> Quod artes legantur ut recte locutionis ratio habeatur, et quid verum, quid falsum, diiudicatur *in mg*. Sb; De eodem *add*. Vo; *cf c 134* 

<sup>&</sup>lt;sup>2</sup> VII AdBeCaGcPcPfPhQeTcVm; VIII MgVp; II TbSf; VI. xciiii Vo; Ieronimus (*only*) Ea. Vo<sup>3</sup> *in mg:* Hoc c. habetur xxxvii di, Si quis

<sup>&</sup>lt;sup>3</sup> Est (Est plane veritas que non habet pietatem ss) Qe

<sup>&</sup>lt;sup>4</sup> gram. artem BeCaMgPfTc; grammaticas artem Ph; artem gram. Tb

<sup>&</sup>lt;sup>5</sup> non puto ei obesse add. ss Ce<sup>2</sup>, non peccat add. Tc, om. AdBeCaEaMgPfTbVm

<sup>&</sup>lt;sup>6</sup> -etrica CaPf; -etria BeMgPhTc; -etriam Tb

<sup>&</sup>lt;sup>7</sup> arithmetica BePfPhTc; arimetia Mg; arimetricam Tb

<sup>&</sup>lt;sup>8</sup> -ica BeCaMgPfPhTc; -icam Tb

<sup>&</sup>lt;sup>9</sup> -ent BeMgPfTbTc; -eant Ca

<sup>&</sup>lt;sup>10</sup> se add. Be, om. AdCaMgPfTbTcVm

pietatis est nosse legem<sup>11</sup>, intelligere prophetas, evangelio<sup>12</sup> credere<sup>13</sup>, apostolos non ignorare.

Rabanus Maurus, Enarrationes in epistolas beati Pauli (PL cxii. 655); Atto of Vercelli, Expositio (PL cxxxiv. 655); Arsenal 713 fo 137] D 37 c 10a

# 136

<sup>1</sup>Isidorus, Sententiarum libro III, cap. xiii<sup>2</sup>

Grammaticorum autem doctrina potest etiam proficere ad vitam dum fuerit in meliores usus assumpta.

ID 4.167b] D 37 c 10b

#### 137

[Qua ratione legendi non sunt<sup>1</sup>]<sup>2</sup>. Isidorus, Sententiarum libro III, cap. xiii<sup>3</sup>

Ideo prohibetur Christianus<sup>4</sup> legere figmenta poetarum, quia per oblectamenta inanium fabularum<sup>5</sup> mentem incitant<sup>6</sup> ad incentiva libidinum. Non enim solum<sup>7</sup> thura offerendo demonibus immolatur, sed etiam eorum<sup>8</sup> dicta libentius capiendo.

ID 4.167a] D 37 c 15

<sup>11</sup> legem AdBeCaEaPrTc; om. Pf; legem et Mg; legere Tb

<sup>&</sup>lt;sup>12</sup> Evang. AdBePfTbTc; om. Mg; in Evang. Ca

<sup>&</sup>lt;sup>13</sup> credere BeCaEaMgTbTc; cedere Pf

<sup>&</sup>lt;sup>1</sup> Qua ratione legendi non sunt *in mg. here* CaGcTc (*cf c 137*); Qua ratione non (*later canc.*) sint legendi Mq; Quod grammaticorum doctrina proficiat si in bonum usum fuerit assumpta *in mg.* Sb; De eodem *add.* Vo

<sup>&</sup>lt;sup>2</sup> Is. - III (IIII DaLdSb) cap. xiii \*BeCaDaGcLdPcPrSbTbVm; Idem in eodem Ad; whole insc. (as CaTb) placed before c 137, with text here continuing from c 135 BeMgVp; III cap. iii Mq; IIII cap. xiii Pf (cf c 137); Is. - IIII Tc; Is. – cap. xiiii. xciiii Vo

<sup>&</sup>lt;sup>1</sup> sunt AdCaMgSfTc; sint Pf

<sup>&</sup>lt;sup>2</sup> in mg. here AdBeCaCeDaMgPfPrVo, cf c 136; om. MqPcTbVoVp

<sup>&</sup>lt;sup>3</sup> Isidorus Sent. libro III (IV Gc) cap. xiii AdBeGcMgPrSfSlTbVm; Item Ca; Ysidorus (*only*) Ea; Idem in eod. cap. xiii MqTc; Idem in eodem Pc; Idem Pf; Idem capitulo eodem Pt; Item Isidorus in eodem cp. xiiii Sb; Ysid. in eodem Vo; *om*. Da

<sup>&</sup>lt;sup>4</sup>-ianus \*BeMgMqTbTc; -ianis CaPfSlTfVo

<sup>&</sup>lt;sup>5</sup> inan. fab. \*BePfTbTcVo; fab. inan. CaMg

<sup>&</sup>lt;sup>6</sup> inc- \*Ca; exc- MgPfTbTc

<sup>&</sup>lt;sup>7</sup> enim solum \*CaMgPfPhTc; solum enim Tb

<sup>&</sup>lt;sup>8</sup> et. eorum \*CaMgPfPhTc; eorum et. Tb

# 138<sup>1</sup>

[Quod lex imperatorum recipi debeat post legem Dei in iudiciis ecclesiasticis]<sup>2</sup>.

Nicolaus papa<sup>3</sup> in concilio<sup>4</sup> apud Convicinum<sup>5</sup>

Lege<sup>6</sup> imperatorum non in<sup>7</sup> omnibus ecclesiasticis controversiis utendum est, presertim cum<sup>8</sup> conveniat evangelice ac canonice sanctioni aliquotiens obviare<sup>9</sup>.

ID 4.86a] +D 10 c 1a

AdBeCaDaEgHaLfMgPaPcPfPoPqPwPySbTcTdTfVoVpVq; Lex Le; Legem Le<sup>2</sup>

### 139

[Quod lex imperatorum<sup>1</sup> nullius auctoritatis sit<sup>2</sup> contra legem Dei]<sup>3</sup>. Adiecti capitulares, cap. xviii<sup>4</sup>

Lex imperatorum non est supra legem Dei, sed subtus.

ID 4.86b] +D 10 c 1b

AdGcLkPfPoPrPtSfTbTcVmVpWc; xxiiii Ca; Nicholaus episcopis in concilium apud Convicinum BeVo (xcviiii *add*. Vo); Adiecti – xviii. Nicolas papa Mq; Adiectica plures capitulares cap. xvii Pc; *om*. EaMg

#### 140

Nicholaus<sup>1</sup> in concilio apud Convicinum<sup>2</sup>

Imperiali iudicio non possunt ecclesiastica iura dissolvi<sup>3</sup>. Non quod imperatorum leges quibus sepe ecclesia contra hereticos utitur, sepe contra tirannos

<sup>&</sup>lt;sup>1</sup> after c 141 below Le, after c 140 MhMkMmMqVc, after c 139 Ra

<sup>&</sup>lt;sup>2</sup> Quod lex imperatorum recipi debeat post legem Dei in iudiciis ecclesiasticis (eccl. iud. CaDa) *in mg*. CaDaMgTc; Quod lex imp. vel iudiciis ecclesiasticis recipi debeat post legem Dei *in mg*. Ad; Quod lex imperatorum in iud. eccl. rec. deb. post legem Dei *in text* EaLeMqSfVm, *in mg*. BeCeGcPrSbWc; Quod legibus imperatorum in iudiciis ecclesiasticis utendum est post legem Dei *in mg*. Pf; Quod lex imperatorum nullius auctoritatis sit contra legem Dei (*corr. fr.* legendi) xcvii Vo; *om*. MqOaPcPtTbVp <sup>3</sup> episcopis Pc

<sup>&</sup>lt;sup>4</sup> -ilio \*AdPfTbVo; -il' BeMgTc; -iliis Ca

<sup>&</sup>lt;sup>5</sup> -inum \*AdBeMqTbTcVo; -inium Pf; -ulum CaMg; Convincianum GcWc. Apud Conv.] adus Vicinum Ce. *No inscr*. Ea

<sup>&</sup>lt;sup>6</sup> Lege \*CeGcLdMqOaPhPrSITbVmWc; Legibus

<sup>&</sup>lt;sup>7</sup> non in MgPcTc; in AdBeCaCeDaLeMqOaPfPhPqPrSbSlTbTfVmVoVqWc; non Vp; om. Gc

<sup>&</sup>lt;sup>8</sup> non add. Sb<sup>2</sup>

<sup>9</sup> abnuere Oa

<sup>&</sup>lt;sup>1</sup> -orum BeMgPfTc; -oris Vm

<sup>&</sup>lt;sup>2</sup> auct. sit AdCaMgSfTcVm; sit auct. Be; est auct. Pf

in mg. AdBeCaCeDaGcMgPfPrTcWc, in text EaSfVm; om. Mq(cf c 141)PtSbTbVo(cf c 138)Vp

<sup>&</sup>lt;sup>4</sup> (Quod add. and canc. Po) Adiecti (Abiecti Po, Adicti Sf) - xviii (om. Tc)

<sup>&</sup>lt;sup>1</sup> papa *add*. TbTc, episcopi *add*. Sf, episcopis *add*. EaSb, papa episcopis *add*. GcPc, episcopus *add*. Sl; *om*. Pf

atque contra pravos<sup>4</sup> quosque defenditur<sup>5</sup>, dicamus penitus renuendas<sup>6</sup>, sed eas quas evangelicis et apostolicis atque acanonicis decretis quibus postponende sunt nullum posse<sup>9</sup> inferre iudicium asseramus<sup>10</sup>.

*ID 4.187] +D 10 c 1c, later additions* 

# 141

<sup>1</sup>Sexta sinodus Simachi pape<sup>2</sup>

Non licet imperatori vel cuiquam pietatem custodienti aliquid contra mandata divina<sup>3</sup> presumere, nec quicquam quod evangelicis, propheticis apostolicisque regulis obviat<sup>4</sup> agere.

ID 4.231] D 10 c 2

#### 142

[Qualis debeat esse lex]<sup>1</sup>. Isidorus, Etimologiarum libro  $V^2$ , cap.  $xx^3$ Erit<sup>4</sup> lex honesta<sup>5</sup>, iusta<sup>6</sup>, possibilis, secundum consuetudinem patrie, loco temporive conveniens, necessaria, utilis, manifesta quoque, ne aliquid per

<sup>&</sup>lt;sup>2</sup> Nich. - Conv. (Corinthum Ea, Convincianum Wc) \*EaGcPcPfPhPo(before Non quod)SbSfSlTbTcWc(cf c 141 for Vm); De eodem Vo; om. with no break AdBeCaCeDaLdLjLkMgMqPaPkPrPtTfVmVp

<sup>&</sup>lt;sup>3</sup> Adiecti capitulares add. Mg; BdCaCcTf break here

<sup>&</sup>lt;sup>4</sup> pravos \*CaMgPfPrTcVm; impios Tb

<sup>&</sup>lt;sup>5</sup>-itur \*MgPfTbTc; -it Ca

<sup>&</sup>lt;sup>6</sup> renuendas \*CaMgPfTbVm; renuntiandus Tc

<sup>&</sup>lt;sup>7</sup> eas quas ev. et (om. SIWc) ap. AdEaMgSIWc; eas evang, et apost. Be; eas que ev. et ap. Ca; eas quas ev. apostolicisque Gc; eas quos ev. ap. Ld; eas quas ap. et ev. PfVo; eas evangelicis apostolicis Ph; eas quod ev. apostolicisque PrVm; quo eas ev. et ap. Tb; quia eas ev. et ap. Tc; eas quidem ev. ap. ID atque \*AdCaMgPfTbWc; et Tc

posse \*MgPfTbTcWc; om. Ca
 -amus \*CaMgPfTbWc; -imus Tc

<sup>&</sup>lt;sup>1</sup> De eodem add. Vo; Quod lex imperatorum nullius auctoritatis sit contra legem Domini add. Mq (cf c 139)Po(? partly in gutter)

<sup>&</sup>lt;sup>2</sup> l. v c. xx add. GcPr; l. v cap. xx. Nicholaus episcopis in concilio apud Convicinum add. Vm (cf cc 140, 142); xcviiii add. Vo; et decretum Calixti, Adriani et Marcellini add. Vp (see Conspectus) <sup>3</sup> mand. div. \*CaMgPfTb; div. man. Tc

<sup>&</sup>lt;sup>4</sup> -iat AdCaMgMqTc; -iatur GcPfPhPrSlTbVmVo

<sup>&</sup>lt;sup>1</sup> in mg. AdBeCaDaGcMgPfPrTc; in text Ea(no inscr.)SfVm; xxi. (om. Lj) De consuetudinibus in mg. BdLj; Qualis esse deb. lex Mq; Qualis (corr. fr. Quod) lex debeat esse Vo; om. CePcPtTbVp

<sup>&</sup>lt;sup>3</sup> cap. xx \*AdCaMgPfPhPrTcVm; cap. xxi Da; om. TbVp

<sup>&</sup>lt;sup>4</sup> Erit \*AdMgPfTbTc; Erat Ca

<sup>&</sup>lt;sup>5</sup> et add. AdBeCaEaMgVm, id est add. Pf, om. \*MqPhPrTbTcVo

<sup>&</sup>lt;sup>6</sup> et add. Tc, om. \*AdCaMgPfTb

obscuritatem in cautione<sup>7</sup> contineat, nullo privato commodo, sed pro communi civium utilitate conscripta.

ID 4.168] D 4 c 2 var.

<sup>7</sup> cautione \*AdCaEaMgPc<sup>2</sup>PfPrVm; captione Pc; cautionem PhTb; cautionis Tc

### 143

<sup>1</sup>Augustinus, De vera religione<sup>2</sup>

In istis temporalibus legibus quanquam<sup>3</sup> de his homines iudicent cum eas instituunt, tamen cum fuerint institute ac firmate, non licebit iudici de ipsis iudicare, sed secundum ipsas.

ID 4.169] D 4 c 3

<sup>1</sup> Quod iudex (iudices Po) non de legibus statutis iudicare debeat (-eant Po) sed secundum ipsas add. in mg, CaDaPo, De institutione legum observanda add. Po(mg.)Vo, Quod postquam leges temporales

## 144

[Quare vocentur Theodosiane leges]<sup>1</sup>. Isidorus, Etimologiarum libro V, cap. i

Theodosius minor augustus ad similitudinem Gregoriani et Hermogeniani codicem factum<sup>2</sup> institutionum a Constantini temporibus sub proprio<sup>3</sup> cuiusque imperatoris titulo disposuit, quem a suo nomine Theodosianum vocant.<sup>4</sup>

ID 4.1701 D 7 c 2b

#### 145

[Quod Iustinianus diversa legum volumina diversis nominibus<sup>1</sup> appellaverit]<sup>2</sup>. <sup>3</sup>Historia Longobardorum <sup>4</sup> libro V, cap. xxv<sup>5</sup>

constitute sunt non licet iudicibus de ipsis iudicare, sed secundum ipsas in mg. Sb

<sup>&</sup>lt;sup>3</sup> temporalibus legibus quamquam \*PaQe<sup>2</sup>Sb<sup>2</sup>Vo; temporalibus quamquam BdBeCeEaGcMqPfPhPkQeSbTbWc; temporibus (vel temporalibus add. ss. CaPw) quamquam AdBd<sup>2</sup>CaHaLdLkMgPqPrPwVm; altaribus quamquam Da; temporibus quamvis Pc; temporalibus quamquam SI; imperialibus quamvis Tc; temporibus [?] legibus postquam Tf; temporibus <legibus deleted> quamquam (adding legibus after his) Vp

<sup>&</sup>lt;sup>1</sup> Quare vocentur Theodosiane (-sine Ca, corr. fr. Iustiniane Mq) leges in mg. AdBeCaDaGcMgPoPrSbSl, in text Ea(no inscr.)SfVmVo(adding cii); Quibus modis debeat lex constitui in mg. Tc; om. CePcPf(cf c 147)PtTbVp

<sup>&</sup>lt;sup>2</sup> factum \*CaMgPfTb; om. Tc

<sup>&</sup>lt;sup>3</sup> proprio \*AdBeCaGcTbTcVm; proprii EaMgPfSlVo <sup>4</sup> -ant AdCaGcMgMqTb; -avit BeEaPfSlTcVmVo

<sup>&</sup>lt;sup>1</sup> nominibus Be<sup>2</sup>MgPf; voluminibus Ca

Iustinianus<sup>6</sup> augustus leges Romanorum, quarum prolixitas nimia erat et inutilis dissonantia mirabili brevitate correxit. Nam omnes constitutiones principum, que utique multis voluminibus habebantur, intra duodecim libros coartavit, idemque volumen codicem Iustiniani appellari precepit. Rursus, singulorum magistratuum sive iudicum leges que usque ad duo<sup>8</sup> milia pene libros<sup>9</sup> erant extense, intra quinquaginta librorum numerum redegit, eumque codicem Digestorum 10 sive Pandectarum 11 vocabulo nuncupavit. Quatuor etiam Institutionum libros in quibus breviter universarum legum textus comprehenditur noviter composuit. Novas quoque leges quas ipse statuerat in unum volumen redactas. Codicem Novellarum appellari sancivit<sup>12</sup>. Item. Tunc apud Constantinopolim Priscianus Cesariensis grammatice artis profunda rimatus est<sup>13</sup>.

ID 4.171] Ff. De origine iuris

<sup>1</sup>Historia Anastasii bibliotecarii Romane<sup>2</sup> ecclesie<sup>3</sup>

Removit Iustinianus augustus contrarias leges, faciens singularem codicem, et vocans eum novellas constitutiones<sup>4</sup>, in quibus<sup>5</sup> non permittit principem, in<sup>6</sup> quibus

<sup>&</sup>lt;sup>2</sup> in mg. CaDaGcMgPfSb, in text Ea(no inscr.); before Rursus singulorum below BeCeLgPr; om. MqPcPtSfTbTcVmVoVp; cf c 146

<sup>&</sup>lt;sup>3</sup> Quare vocentur (-antur SfVp) Iustiniane (iustiane Ce) leges add. Ad<sup>2</sup>(in mg)BeCaCeDbEa(before Quod)GcLgMgPrSfVmVo(adding ciii), om. MfMhMjMkMmMoMqPfPtTbTc; Ex add. Tc, om. CaMgMmMoPfTb

<sup>&</sup>lt;sup>4</sup> Longo- \*CaMgMhPfTb; Longa- Gc; Lango- Tc

<sup>&</sup>lt;sup>5</sup> xxv \*AdBeCaPfTbVm; i Tc; xv Mg

<sup>&</sup>lt;sup>6</sup> Iustianus Ce

<sup>&</sup>lt;sup>7</sup> intra \*CaMgPfPhTc; in Tb

<sup>&</sup>lt;sup>8</sup> corr. fr. dua Tb

<sup>&</sup>lt;sup>9</sup> pene libros \*CaMgPfTb; pene librorum MoPc; librorum pene Tc <sup>10</sup> Dig- \*PfTbTc; Deg- CaMg

<sup>&</sup>lt;sup>11</sup> Pan .i. totum. Unde dicitur liber Pandectarum ubi de omnibus continetur *in mg*. Sb

<sup>&</sup>lt;sup>12</sup> sancivit \*BePfVo; sanctivit AdCaGcMgPcPhTb; sanctificavit PrVm; sanxit Tc

<sup>&</sup>lt;sup>13</sup> The passage Tunc - est is found in IDpva, but not in IDcrdm

<sup>&</sup>lt;sup>1</sup> Ex add. Tc, om. \*CaMgPfTb. De eodem add. in mg. Ca, Quibus modis debeat lex constitui add. in mg, Mg (cf c 147), in text Ea, Quod Iust' contrarias leges removerit et quemdam librum fecerit quem Novellas constitutiones appellavit in mg. Sb

<sup>&</sup>lt;sup>3</sup> Hist. - eccl. in mg., Ex concilio Metensi in text Qa. Quod Iustinianus diversa legum volumina diversis nominibus appellatur add. Sf; c.iiii add. Vo

<sup>&</sup>lt;sup>4</sup> const- \*CaMgPfTb; inst- Tc

<sup>&</sup>lt;sup>5</sup> quibus \*MgPfTbTc; om. Ca

<sup>&</sup>lt;sup>6</sup> in \*CaMgPfTb; eorum Tc

preest, tenere possessionem, aut edificare domum, aut hereditari<sup>7</sup> extraneam personam, nisi quis<sup>8</sup> sibi cognatus existat.

ID 4.172]

<sup>7</sup> hereditari \*AdBeCaEaMgPfTbVm; exhereditari Pf<sup>2</sup>; hereditare Tc

### 147

[Quibus modis debeat lex<sup>1</sup> constitui]<sup>2</sup>. Institutionum libro I, titulo<sup>3</sup> ii

Quodcumque imperator per epistolam constituit, vel cognoscens decrevit, vel edicto precepit, legem esse constat. He sunt que constitutiones appellantur. Plane ex his quedam sunt<sup>4</sup> personales, que non ad exemplum trahuntur<sup>5</sup>, quod<sup>6</sup> non hoc princeps vult. Nam quod alicui ob merita indulsit, vel si cui penam irrogavit, vel si cui sine exemplo subvenit<sup>7</sup>, personam<sup>8</sup> non transgreditur.

The whole passage occurs in the Prologue, ed. Brasington 141; ID 4.173]

### 148

[Quod liber capitularium<sup>1</sup> auctoritate Zacharie pape confirmatus sit]<sup>2</sup>. Prefatio libri quinti capitulo<sup>3</sup>

Precedentes<sup>4</sup> quatuor libelli nonnulla gloriosorum Caroli atque Ludovici imperatorum<sup>5</sup> continent capitula. Item. Illa que<sup>6</sup> postmodum a fidelibus sancte Dei ecclesie Pipini et Caroli atque Ludovici<sup>7</sup> didicimus in iamdictis libellis minime<sup>8</sup> inserta esse pro Dei omnipotentis amore et sancte Dei ecclesie<sup>9</sup>, ac <sup>10</sup> servorum eius

<sup>&</sup>lt;sup>8</sup> quis \*CaMgPfTb; qui Tc

<sup>&</sup>lt;sup>1</sup> deb. lex] lex deb. Sb

<sup>&</sup>lt;sup>2</sup> Ouibus – constitui (construi Ce, institui Vo) in mg. AdBeCaCeDaGcPfPrSb (cf Tc c 144, EaMg c 147), in text VmVo(adding c.v); om. MqPcPtTbVp

<sup>&</sup>lt;sup>3</sup> I tit. ii \*BeCaDaFbMgPfPrTb; I Ad; om. Ea; I cap. ii Tc; cap. ii Vm

<sup>&</sup>lt;sup>4</sup> qued. sunt PfTbTcVmVo; sunt qued. CaFbMg

<sup>&</sup>lt;sup>5</sup> trah- \*AdCaPfTbTc; pertrah- Mg

<sup>&</sup>lt;sup>6</sup> quod \*AdCaFbMgPfTb; quoniam Tc; quia Ca<sup>2</sup> ss

<sup>&</sup>lt;sup>7</sup> subv- CaMgPfTcVm; non subvenit Ph; non convenit (?) Tb

<sup>&</sup>lt;sup>8</sup> -onam \*CaMgPfPhTc; -ona Tb

<sup>&</sup>lt;sup>1</sup> capitularium PfVmVo; capitulorum BeCaMgSf; capitularum GcSb

<sup>&</sup>lt;sup>2</sup> in mg. BeCaCeMgPfSb, in text SfVmVo(adding cvi); om. AdMqPcPtTbTcVp

<sup>&</sup>lt;sup>3</sup> libri quinti capitulo CeDaGcPfPwTbVmVoVp; lib. v BeMqSf; libri quinti capitulo v CaSb(*later?* erased); libri quinti capitularium Mg; quinti lib. capitularii Tc

<sup>4</sup> The 'P' much enlarged Pw

<sup>&</sup>lt;sup>5</sup> Car. atque Lud. imp. (-oris Tb) \*CaMgPfTb; imp. Car. atque Lud. Tc

<sup>&</sup>lt;sup>6</sup> Item. Illa que CaMgPfPrTc; Itaque Ph; Item Tb

<sup>&</sup>lt;sup>7</sup> [Illa] - Ludovici \*CaMgPfTcVm; om. Tb

<sup>&</sup>lt;sup>8</sup> minime \*CaMgPfTc; om. PhTb

<sup>&</sup>lt;sup>9</sup> Pipini et Caroli – ecclesie *in mg*. Ha

atque totius populi utilitate, fideliter investigare curavimus, et in tribus sequentibus libellis 11 distincte, cum suis coadunare 12 ac Ludovico, Lothario atque 13 Carolo nobilissimis regibus, filiis videlicet 14 Ludovici imperatoris piissimi, habenda et omnibus Christianorum fidelibus tradenda 15, scribere non distulimus. Item. His itaque peractis, est in fronte primi libelli posita Zacharie pape 16 epistola omnibus episcopis ac reliquis ecclesiastici ordinis gradibus, et cunctis ducibus atque comitibus omnibus Deum timentibus per Gallias et Francorum provincias constitutis 17 directa, sicut in ea continetur. Quam sequuntur sinodales conventus quos sancte Romane et apostolice ecclesie legatus Bonefacius Magontiensis 18 ecclesie archiepiscopus vice supradicti 19 Zacharie pape una cum Carolo magno Francorum principe canonice 20 tenuit, ut agnoscant 21 omnes hec predictorum principum capitula maxime apostolica auctoritate 22 fore firmata 23.

ID 4.174]

<sup>10</sup> ac \*CaMgPfTb; atque Tc

### 149

[Quod liber capitularium<sup>1</sup> confirmatus sit<sup>2</sup> auctoritate Leonis<sup>3</sup> pape IIII<sup>4</sup>]<sup>5</sup>. Leo IIII Lothario augusto

De capitulis vel preceptis<sup>6</sup> imperialibus vestris nostrorumque etiam pontificum predecessorum irrefragabiliter custodiendis et conservandis<sup>7</sup>, quanto<sup>8</sup> valuimus et

<sup>11</sup> libellis \*CaMgPfTb; libris Tc

<sup>&</sup>lt;sup>12</sup> coadunare \*AdBdCeHaLdLkMgPaPcPfPhPqPrPwSbTbTfVmVp; codicibus coadunare BeCaDaPc<sup>2</sup>Sb<sup>2</sup>; quod adunare Pk; adunare capitulis Tc

<sup>&</sup>lt;sup>13</sup> atque \*CaMgPfTb; et Tc

<sup>&</sup>lt;sup>14</sup> vid. \*CaMgPfTb; om. Tc

<sup>15</sup> tradenda \*AdBeMgPfTcVm; trahenda Ca; tractanda PhTb

<sup>&</sup>lt;sup>16</sup> pape \*MgPfTbTc; om. Ca

<sup>17</sup> corr. fr. -tas Tb

<sup>-</sup>ontiensis PfTb; -uciensis MgTc; -unciensis CaVm

<sup>&</sup>lt;sup>19</sup> supradicti \*CaMgPfTc; suprafati PhTb

<sup>&</sup>lt;sup>20</sup> canonice \*CaMgPfPhTc; om. Tb

<sup>&</sup>lt;sup>21</sup> agnos- \*CaMgPfTb; cognos- Tc

<sup>&</sup>lt;sup>22</sup> ap. auct. \*MgTbTc; auct. ap. CaMg

<sup>&</sup>lt;sup>23</sup> confirmata SI

<sup>&</sup>lt;sup>1</sup> capitularium PfPrVm; capitulorum AdBeCaDaMgSf; capitular' Ea; capitularum GcSl; capitularius Vo

<sup>&</sup>lt;sup>2</sup> sit conf. Sb

om. Da

<sup>&</sup>lt;sup>4</sup> IIII AdBeCaDaMgPfVmVo; om. EaGcSf

<sup>&</sup>lt;sup>5</sup> in mg. AdBeCaCeDaGcMgPfPrSbSl, in text Ea(no inscr.)SfVmVo(adding cxii); om. MqPcPtTbTcVp

<sup>&</sup>lt;sup>6</sup> cap. vel prec. \*BdCaCeMgPaPcPfPkPrPwSbTcVmVp; prec. vel cap. LaPhTb

<sup>&</sup>lt;sup>7</sup> conservandis \*CaPfTbTc; confirmandis Mg

valemus, Christo propitio, et nunc et in evum<sup>9</sup> conservaturos modis omnibus profitemur<sup>10</sup>. Et si fortasse<sup>11</sup> quislibet<sup>12</sup> vobis aliter dixerit vel dicturus fuerit, sciatis eum pro certo<sup>13</sup> mendacem.

ID 4.176] D 10 c 9

<sup>8</sup> quanto \*CaPfTb; quantum MgTc

### 150

[Quod nove leges et nove regule auctoritati non contrarie] in auctoritate habeantur]<sup>2</sup>. Gelasius Rufino et Aprili episcopis<sup>3</sup>

Ouis aut leges principum aut patrum regulas aut admonitiones modernas dicat debere contempni, nisi qui impunitum sibi<sup>5</sup> tantum estimet transire<sup>6</sup> commissum? ID 4.179] D 10 c 11, D 54 c 11a

### 151

[Quod leges Romane sint in auctoritate]<sup>1</sup>. Item<sup>2</sup> Theodorico<sup>3</sup> regi

Certum est magnificentiam vestram leges Romanorum principum<sup>4</sup>, quas in negotiis hominum custodiendas esse precepit, multo magis circa reverentiam beati Petri apostoli<sup>5</sup> pro sue felicitatis augmento velle servari.

ID 4.180] D 10 c 12

<sup>&</sup>lt;sup>9</sup> evum \*CaMgPfPhTc; eternum Tb

<sup>&</sup>lt;sup>10</sup> prof- \*CaMgPfTb; conf- Tc

<sup>&</sup>lt;sup>11</sup> fortasse \*CaPfTbTc; forte Mg

<sup>&</sup>lt;sup>12</sup> quislib- MgPfVm; quil- CaTbTc

esse add. Tc, om. \*CaMgPfTb

<sup>&</sup>lt;sup>1</sup> non contrarie *add*. Be<sup>3</sup>

<sup>&</sup>lt;sup>2</sup> in mg. AdBeCaCeDaGcMgPfPrSb, in text Ea(no inscr.)VmVo; om. MgPcPtSfTbTcVp

<sup>&</sup>lt;sup>3</sup> et Aprili epp. \*AdCaMgPfTbVo; et Aprillo epp. PrVm; et Aprili archiepiscopis Sf; om. Tc

<sup>&</sup>lt;sup>4</sup> aut \*AdCaEaGcMgTbTc; autem PfPrVm

<sup>&</sup>lt;sup>5</sup> sibi \*CaGcPfTbTc<sup>2</sup>Vm; om. MgTc

<sup>&</sup>lt;sup>6</sup> est. trans. \*CaPfTbTc; trans. est. Mg

<sup>&</sup>lt;sup>1</sup> in mg. AdBeCaCeDaGcMgPfPrSb, in text VmVo(adding cviiii); om. MqPcPtSf(cf c 152)TbTcVp

<sup>&</sup>lt;sup>2</sup> Item \*AdCaMgPc(after regi)PfTb; Idem PrTcVm

<sup>&</sup>lt;sup>4</sup> principum \*CaMgPfTb; regum Tc <sup>5</sup> apostoli \*CaMgPfTb; *om.* Tc

# <sup>1</sup>Leo IIII Lothario<sup>2</sup> augusto<sup>3</sup>

Vestram flagitamus clementiam, ut sicut hactenus Romana lex viguit absque universis procellis, et pro nullius persona hominis reminiscitur esse corrupta, ita nunc suum robur propriumque<sup>4</sup> vigorem obtineat.

ID 4.181b] D 10 c 13

#### 153

<sup>1</sup>Dialogus<sup>2</sup> Augustini contra Petilianum<sup>3</sup>

Si in adiutorium vestrum<sup>4</sup> et<sup>5</sup> terreni imperii leges assumendas putastis, non reprehendimus. Fecit<sup>6</sup> hoc Paulus cum adversus iniuriosos Romanum<sup>7</sup> civem se esse testatur.

ID 4.183] D 10 c 7

# 154

[Determinatio sententie quod¹ leges veritati contrarie respuantur, veritati consentanee teneantur²].³ Augustinus⁴ ad Bonefacium

Quicumque autem legibus imperatorum, que pro Dei veritate feruntur, obtemperare non vult, adquirit grande supplicium.<sup>5</sup> Quicumque ergo legibus

<sup>&</sup>lt;sup>1</sup> De eodem add. in mg. CaDa, Ut lex Romana incorrupta permaneat in mg. Sb

<sup>&</sup>lt;sup>2</sup> Lothario \*AdCaMgTbTc; Lotharico Pf

<sup>&</sup>lt;sup>3</sup> Quod reges Romane sint in auctoritate add. SfSlmg.; v add. Sl; De eodem cx add. Vo

<sup>&</sup>lt;sup>4</sup> propriumque \*AdGcPfTbTcVm; proprium et CaMg

<sup>&</sup>lt;sup>1</sup> Determinatio sententie quod leges veritati contrarie respuantur, veritati consentanee teneantur *add. in mg* Be(*cf c 154*), Quod terrene leges assumantur auctoritate Pauli apostoli *in mg*. Sb

<sup>&</sup>lt;sup>2</sup> Dialogus BeCaMgPfPrTb; Ex dialogo Tc

<sup>&</sup>lt;sup>3</sup> -ilianum \*Be<sup>2</sup>GcMgPfTcVo; -ulianum CaPrTbVm; -ilinum Sf; De eodem cxi *add*. Vo. contra Petil. *om*. Pt

<sup>4</sup> vestrum \*CaMgPfPhTc; vestri Tb

<sup>&</sup>lt;sup>5</sup> et \*CaMgTbTc; etiam Pf

<sup>&</sup>lt;sup>6</sup> et add. Mg, om. \*CaPfTbTc

<sup>&</sup>lt;sup>7</sup> -anum \*CaMgPfPhTc; -anorum Tb

<sup>&</sup>lt;sup>1</sup> quod CaPfVm; quid Mg

<sup>&</sup>lt;sup>2</sup> teneantur AdCeDaMgPfVm; reverentur Ca

<sup>&</sup>lt;sup>3</sup> in mg. AdCaCeDaGcMgPfPrSb, in text Ea(no inscr. cf c 151)VmVo(adding cxii); om. BeMqPcPtTbTcVp

<sup>&</sup>lt;sup>4</sup> Augustinus \*AdBeCaMgTbTc; Eiusdem Augustini Pf

<sup>&</sup>lt;sup>5</sup> Item add. PcTc, om. \*CaEaMgPfTb

imperatorum, que contra veritatem Dei<sup>6</sup> feruntur, obtemperare non vult, acquirit<sup>7</sup> grande premium.

ID 4.184] D 9 c 1b, which was the earlier form of the cap.

#### 155

 $[De\ consuetudinibus\ que\ debeant\ stare,\ que\ non]^1.\ Leo\ IX^2\ Michaeli\ patriarche$   $Constantinopolitano^3$ 

Scit<sup>4</sup> sancta<sup>5</sup> Romana ecclesia quia nihil obsunt saluti credentium diverse pro loco et<sup>6</sup> tempore consuetudines, si illis canonica non obsistit<sup>7</sup> auctoritas<sup>8</sup>, quando una fides per dilectionem operans uni Deo commendat omnes<sup>9</sup>.

ID 4.223 var., 5.44 pt. as here] D 12 c 3, which has pt.1 of this cap. and the middle of the next, as QeTb

AdBdBeCaCcDaEaEgGcFcLgMgObOeOfPcPwQaSbSgTbTcVc<sup>2</sup>VpBrant; om.

#### 156<sup>1</sup>

[Quod consuetudines diverse in diversis ecclesiis constitute maneant, si<sup>2</sup> contra fidem non sunt<sup>3</sup>, et veritati consentiunt]<sup>4</sup>. Leo IIII Lothario Augusto

De consuetudinibus quas nobis opponere visi<sup>5</sup> estis<sup>6</sup>, scribentes per diversas ecclesias diversas esse consuetudines, si<sup>7</sup> illis canonica non obsistit<sup>8</sup> auctoritas<sup>9</sup>, pro

<sup>&</sup>lt;sup>6</sup> ver. Dei \*AdPfTbTc; Dei ver. CaMg; Dei voluntatem Ea

<sup>&</sup>lt;sup>7</sup> sibi add. Vp. grande supplicium. Quicumque – acquirit (premium corr. to supplicium in mg.) Mq

<sup>&</sup>lt;sup>1</sup> in mg. AdBeCaCeDaGcLdMgSbTcWc, in text VmVo(adding ccxiii); De consuetudinibus in mg. Db<sup>2</sup>; om. EaMqPcPfPtTb; for Vp see later note

<sup>&</sup>lt;sup>2</sup> IX \*AdBeCaLdPfPkPtTbTcVmVo; II EaMg; XI Sf

<sup>&</sup>lt;sup>3</sup> Mich. – Const. *om*. Ea; Leo – patr. Ad; Leo - Const. *om*. Qa; De cons. – Constant. ] Nicholaus Michaeli imperatori. Quod non sit resistendum cui canonica non obstat auctoritas Vp (*as Grat.*)
<sup>4</sup> Sit Qa; Sic Pq

<sup>&</sup>lt;sup>5</sup> om. Wc

<sup>&</sup>lt;sup>6</sup> et \*AdBeEaGcMgPfPhPkPtQaTbTcVoWc; et pro Ca; om. Vm

<sup>&</sup>lt;sup>7</sup> obsistit AdBeCaDaEaLgMgObOdPtQaSgTb; obstitit GcOeOfVoWc; obsistat Tc; obstat *Brant* 

<sup>&</sup>lt;sup>8</sup> si (in *add*. Ca) illis - auctoritas

<sup>\*</sup>DbLdMqPaPfPhPkSeSfVcVm; auct. si illis non obsistit can. Se<sup>2</sup>

<sup>&</sup>lt;sup>9</sup> quando (quia Ld) una – comm. omn. (omnes *om*. Pq, homines CePk, omn. comm. PcLk *over erasure* Sl)

<sup>\*</sup>AdBdBeCaCbCeDaDbEaGcLdLgLkMgMqObOdOeOfPaPcPfPhPkPqPtPwSbSeSfSlVmVoVpWc; quando una - omn. comm. EgSgTc*Brant*; quoniam fides per dil. – omnes Tf; pro qua eis obviare debemus nichil iudicamus vel eis resistimus (*cf c 156 below, and Gratian*) QeTb

<sup>&</sup>lt;sup>1</sup> Ea begins with Ridiculum

<sup>&</sup>lt;sup>2</sup> si MgPfTc; si et AdBeDaGcLdSfVo; sed et CaVm

<sup>&</sup>lt;sup>3</sup> sunt LdTcVm; fiunt AdCaDaMgPf(?)SbVo; fuerint BeSf

<sup>&</sup>lt;sup>4</sup> Quod (Quas Ad, Quando Vo) – cons. *in mg*. AdBeCaCeDaGcLdLgMgPfPrSbTcWc, *in text* SfVmVo(*adding* cxiiii); Quod – fidem non sunt Ld; *om*. MqPcPtTb

<sup>&</sup>lt;sup>5</sup> visi \*AdBeCaDaDbFdLdMgObOeOfPfPtVm; nisi PcSgTcBrant

qua eis obviare<sup>10</sup> debemus, nil iudicamus vel eis resistimus<sup>11</sup>. Item. Igmaro archiepiscopo. Ridiculum est et satis abhominabile dedecus ut traditiones<sup>12</sup> quas antiquitus a patribus suscepimus infringi patiamur.

ID 4.211b, 212] D 12 c 3b var. for si illis – debere vel posse resisti, c 5 for end, from Ridiculum

### 157

[In quibus negotiis debeant valere consuetudines] <sup>1</sup>. Ex epistola Pii pape <sup>2</sup>
Consuetudinem <sup>3</sup> laudamus que tamen contra fidem catholicam nil usurpare dinoscitur.

ID 4.66b] D 11 c 6

#### 158

<sup>1</sup>Augustinus ad Casulanum<sup>2</sup> presbiterum<sup>3</sup>

In his enim<sup>4</sup> rebus de quibus nichil certi statuit scriptura divina<sup>5</sup> mos populi Dei et instituta maiorum pro lege tenenda sunt. Et sicut prevaricatores legum divinarum, ita contemptores consuetudinum<sup>6</sup> ecclesiasticarum cohercendi sunt.

ID 4.68] D 11 c 7

<sup>&</sup>lt;sup>6</sup> any rubric and text to visi estis removed by plough at head of Lc fo. 88.

<sup>7</sup> set Ob

<sup>8</sup> obsistit \*AdCaFbMgObTc; obstitit GcPfPhPrSfVm

<sup>&</sup>lt;sup>9</sup> De consuetudinibus - auctoritas

<sup>\*</sup>AbAdBdBeCaCeDaDbEbEcEgFbFcGcKaLbLdLeLgLkMgMqObOdOeOfPaPcPfPhPkPqPrPtPwQaSbSdSeSgSlTcTfVmVoVpVtWaWbWcZa*Brant*; *om.*, *running* pro qua - eis resistimus *on to end of c* 155 OeTb

<sup>10</sup> eis obv. \*CaFbLdMgPfTbVm; obv. eis Tc

<sup>11 -</sup>imus \*CaFbLdMgTbTc; -amus Pf

 $<sup>^{12}\</sup> traditiones\ *BdBeCaCeDbFbLdLkMgPaPfPrSbTcTfVmVo\textit{Brant};\ tradictiones\ Ad;\ contradictiones\ PhPkQeSfTb$ 

<sup>&</sup>lt;sup>1</sup> In - consuetudines *in mg*. AdCaCeMgTc; De eodem *in mg*. CaDa, *in text* Vo; De consuetudine Ea(*no inscr*.); *om*. BeFbGcMqPcPfPrSbSfTbVm(*cf c 158 below*).

<sup>&</sup>lt;sup>2</sup> In quibus – pape] Aug. ad Casulanum presbiterum *later canc*. Pc; Item. Aug' ad Casulanum presbiterum. Laudabilis est consuetudo que nicil fidei contrarium usurpat Vp (*as Grat*.); cxvi *add*. Vo <sup>3</sup> -es Vp

<sup>&</sup>lt;sup>1</sup> In (om. Sf) quibus negotiis debeant valere consuetudines add. in mg. BeCaDaGcPfPrWc, in text SfVm (cf c 157)

<sup>&</sup>lt;sup>2</sup> Consulandum Vo

<sup>&</sup>lt;sup>3</sup> ad Cas. presb. om. Ea (for Vp see c 157); repeated from c 157 Pc. De eodem add. Vo

<sup>&</sup>lt;sup>4</sup> enim \*CaEaMgPfTb; om. TcVp

<sup>&</sup>lt;sup>5</sup> script. div. PfPrTbTcVo; div. script. CaFbMg

<sup>&</sup>lt;sup>6</sup> cont. cons. \*CaMgPfTb; cons. cont. Tc

# Ex dictis Basilii<sup>1</sup>, cap. xxvii<sup>2</sup>

Ecclesiarum institutiones<sup>3</sup> quasdam scripturis, quasdam vero apostolica traditione<sup>4</sup> per successiones in ministerio confirmatas accepimus, quedam<sup>5</sup> vero consuetudine roborata approbavit usus. Quibus<sup>6</sup> par ritus et idem utrisque<sup>7</sup> pietatis debetur affectus. Unde quis vel aliquantulum sacrarum expertus scripturarum hesitaverit? Si enim attemptaverimus consuetudines ecclesie non per scripturas a patribus traditas nihil estimare, quantum religio<sup>8</sup> detrimenti latura sit despicientibus liquido constabit. Que enim, ut inde<sup>9</sup> ordiamur, scriptura salutifere crucis signaculo fideles docuit insigniri?<sup>10</sup> Que vel trifariam<sup>11</sup> digesta super panem et calicem prolixe orationis vel consecrationis verba commendavit? Nam non modo quod in evangelio continetur vel ab<sup>12</sup> apostolo<sup>13</sup> insertum secretis<sup>14</sup> didicimus, sed et alia perplura adicimus magnam quasi vim commendantia<sup>15</sup> misteriis. Que orientem versus nos orare<sup>16</sup> litterarum forma prestitit<sup>17</sup>? Benedicimus fontem baptismatis oleo unctionis. Huc accedit quod ter mergimus quos<sup>18</sup> baptizamus, oleo ungimus<sup>19</sup>, verbis abrenuntiare Satane et angelis eius informamus<sup>20</sup>. Unde hec et alia in hunc modum non pauca, nisi<sup>21</sup> tacita ac mistica traditione a patribus ecclesiastico more,

<sup>&</sup>lt;sup>1</sup> Ex – Bas.] Basilii pape Pt

<sup>&</sup>lt;sup>2</sup> cap. xxvii \*AdCaMgPfTbTcVo; cap. xxii GcPrVm; *om*. Ea. In quibus negotiis debeat valere consuetudines (cxvii *add*. Vo) *in mg*. LjSb, *n text* Vo. Ex – xxvii] Inviolabilis est consuetudo que nec humanis legibus nec sacris canonibus obviatura. Augus' l' Basilii Vp (*cf D 11 c 3*)

<sup>&</sup>lt;sup>3</sup> Ecclesiarum institutiones AdCaDaEaFbHaLkMgPfTd; Eccles. constitutionum BePw; Eccles. institutionum CeGcLdMqPcPrTcVmVoVp; Ecclesiasticarum institutionum Ce<sup>2</sup>Ld<sup>2</sup>PhPtQeSbSlTf<sup>2</sup>Wc; Eccles. consuetudinum Tb; Ecclesiarum consuetudines Tf

<sup>&</sup>lt;sup>4</sup> traditione CaMgPcPfTb; institutione Tc; auctoritate (vel traditione in mg.) Tf

<sup>&</sup>lt;sup>5</sup> quedam CaGcPfPhTc; quasdam MgTb

<sup>&</sup>lt;sup>6</sup> omnibus *add*. PcTc, *om*. \*CaMgPfTb

<sup>&</sup>lt;sup>7</sup> utrique Ca??

<sup>&</sup>lt;sup>8</sup> religio \*BeCaMgPhTc; Legi Gc<sup>2</sup>; legio Pf; lectio Tb

<sup>9</sup> modo Ca??

<sup>&</sup>lt;sup>10</sup> corr. to -ari Tb

<sup>&</sup>lt;sup>11</sup> vel trifariam \*CaGcPfTbVm; multifariam MgPc(vel tri ss)Tc

<sup>&</sup>lt;sup>12</sup> ab \*CaPfTbTc; om. Mg

<sup>13 -</sup>olo \*MgPfTbTc; -olis Ca

<sup>&</sup>lt;sup>14</sup> corr. to decretis Gc<sup>2</sup>; secreti Pc. misteriis add. Tc, om. \*CaMgPfTb

<sup>&</sup>lt;sup>15</sup> commendantia \*BeCa<sup>3</sup>PfPhTcVm; commodantia AdCaGc; ac in commodantiam Mg; commendatia

<sup>&</sup>lt;sup>16</sup> nos or. \*CaMgPfTb; or. nos Tc

<sup>&</sup>lt;sup>17</sup> prestitit AdBeCaPfTbVm; precepit Tc; prestituit Mg

quos \*MgTbVm; quod CaPfTc

<sup>&</sup>lt;sup>19</sup> ungimus \*PfTbTc; unguimus CaMg

<sup>&</sup>lt;sup>20</sup> Vo has Huc usque accedit – informamus marked for insertion here, in the mg, and informamus in the text has been expuncted

<sup>&</sup>lt;sup>21</sup> quia *add*. MgPcTc, *om*. \*CaPfPhTb

reverentiori<sup>22</sup> diligentia<sup>23</sup> sunt in ministeriis<sup>24</sup> observata silentio, quam publicata<sup>25</sup> scripto.

ID 4.69] D 11 c 5

<sup>22</sup> -iori \*CaMgPfTb; -iore et Tc

<sup>24</sup> minist- \*AdCaPfPhSbTcVm; mist- MgSb<sup>2</sup>Tb

# 160

 $[Quis^1 usus, qui^2 mores debeant teneri]^3$ . Constitutionum libro I, titulo  $i^4$ 

Non scripto<sup>5</sup> in<sup>6</sup> ius venit quod usus probavit. Nam diuturni mores consensu utentium approbati<sup>7</sup> legem imitantur. Item. Ea que ipsa sibi queque civitas constituit sepe mutari solent vel tacito consensu principis vel alia postea lege lata<sup>8</sup>.

Inst. 1.2.9; ID 4.194] cf D 12 c 6 for diuturni mores - imitantur

#### 161

[Quid sit mos, quid sit 1 consuetudo] 2. Isidorus, Etimologiarum libro V, cap. iii 3

Mos est vetustate probata consuetudo, sive lex non scripta<sup>4</sup>. Item. Consuetudo autem est ius quoddam moribus institutum<sup>5</sup> quod pro lege suscipitur cum deficit lex. Nec differt utrum<sup>6</sup> scriptura an ratione consistat.

ID 4.200] cf D 1 c 4, remote, D 1 c 5a

<sup>&</sup>lt;sup>23</sup> diligentia \*AdMgPfTb; diligenda Ca; et diligentia Tc

<sup>&</sup>lt;sup>25</sup> -cata \*AdBeCaGcMgPc<sup>2</sup>Tc; -ca LePcPfPhPrQeSbTbVm

<sup>&</sup>lt;sup>1</sup> Quis AdCaEaMgPfVm; Qui BeQeSf

<sup>&</sup>lt;sup>2</sup> qui AdBeCaEaPfSlVm; vel Mg

<sup>&</sup>lt;sup>3</sup> in mg. AdBeCaCeDaGcMgPfPrQeSbSlWc, in text Ea(no inscr.)VmVo(adding cxviii); om. FbMqPcPhPtQaTbTcVp

<sup>&</sup>lt;sup>4</sup> tit. i AdBePcPfPhPrSlTbVmVoWc; tit. ii DaGc; lib. i Qa; cap. i Tc; om. CaFbMg

<sup>&</sup>lt;sup>5</sup> Non scr. Bd<sup>2</sup>GcLeLkMgMqPaPcPfPhPtPwQaQeSlTbTcTfVoVp; Conscripto AdBdCeEaHaPkPrPqPySeTd(*obsc. corr.*)VmWc; Cum scripto BeCe<sup>2</sup>; Ex non scr. CaDaFbLdSb; Ex scr. Cc; Non ex conscripto Po

<sup>&</sup>lt;sup>6</sup> in ius MgPfPhSbTbTf; ius CaDaPcQaSb<sup>2</sup>Vp; unius Gc; in Pq; minus PrVm

<sup>&</sup>lt;sup>7</sup> approb- \*BeMgPfPtSITbTcVoWc; comprob- CaFb

<sup>&</sup>lt;sup>8</sup> lata AdBeCaCeFbGcMqPaPfPhPkPqPrPtPw<sup>2</sup>Qe(vel data *add*. Qe<sup>2</sup>)SbSlTbTfVmVo; data DaLdLeLkMgPa<sup>2</sup>PcPwTcVpWc

<sup>&</sup>lt;sup>1</sup> sit AdCaGcSfVm, om. BeEaMgPf

<sup>&</sup>lt;sup>2</sup> Quid – cons. *in mg*. AdBeCaCeDaGcMgPfPrSb, *in text* Ea(*no inscr*.)SfVm; Quod consuetudo et usus antiquitus (antiquus Sl) sit tenendus ut (si Sl) nec legi nec rationi sit contrarius Vo, *in mg*. Vo; *om*. MqFbPcPtTbTc

<sup>&</sup>lt;sup>3</sup> Isidorus - lib. V cap. iii \*AdBeDaFbGcMgPfPhSlTcVm; Isidorus - lib. V cap. iiii CaVo; Codicum libro VIII cap. ii titul' i Sf; Isidorus - lib. I ...Tb

<sup>&</sup>lt;sup>4</sup> scripta \*CaMgPfTc; scriptura PhTb

<sup>&</sup>lt;sup>5</sup> id est add. Mg, om. \*CaPfTbTc

<sup>&</sup>lt;sup>6</sup> institutum, subs. canc. Td

[Quod consuetudo et<sup>1</sup> usus antiquus sit tenendus si nec legi nec rationi fuerit contrarius]<sup>2</sup>. Codicum<sup>3</sup> libro VIII<sup>4</sup>, cap. lii, tit. i<sup>5</sup>

Consuetudo precedens et ratio<sup>6</sup> que consuetudinem suasit tenenda est, et quicquid contra longam consuetudinem<sup>7</sup> fiet, ad sollicitudinem<sup>8</sup> suam revocabit<sup>9</sup> preses provincie.

ID 4.201] D 12 c 7

#### 163

# <sup>1</sup>Titulo ii<sup>2</sup>

Consuetudinis<sup>3</sup> ususque<sup>4</sup> longevi non vilis auctoritas est, verum non usque adeo valituram<sup>5</sup> momento<sup>6</sup> ut aut rationem vincat aut legem.

Codex 8.52.2; ID 4.202] D 11 c 4

AdBeCaCeEaFbGcLeLkMgMqPaPcPfPhPkPqPrQeSlTbTfVmVoVpWc; om. Tc

### 164

# Nicolaus papa Igmaro<sup>1</sup>

Mala consuetudo que<sup>2</sup> non minus quam perniciosa corruptela vitanda est, que nisi citius radicitus evellatur, in privilegiorum ius ab impiis assumitur, et incipiunt

<sup>1</sup> vel Sb

<sup>&</sup>lt;sup>2</sup> Quod – contrarius *in mg*. AdBeCaDaGcMgPrSb, *in text* MqSfVm; De eodem Vo; Quod cons. – tenendus legi et rationi non contrarius *in mg*. Pf; *om*. CePcPtTbTc

<sup>&</sup>lt;sup>3</sup> Codicum \*BeCaFbLdMgPcPfTbVm; Constitutionis Tc; Item Codicum Vp

<sup>&</sup>lt;sup>4</sup> VIII BeCaFbMgPfTbTc; V Ad

<sup>&</sup>lt;sup>5</sup> capitulo - i \*AdBeDaLdPcPfVmVo(*adding* cxxii)Vp; cap. lii CaFbMg; cap. ii tit. i SfTb; concilio Tc

<sup>&</sup>lt;sup>6</sup> ratio \*CaFbMgPfPhTc; oratio Tb

<sup>&</sup>lt;sup>7</sup> longam cons. \*CaFbMgPfTb; cons. longam Tc

<sup>&</sup>lt;sup>8</sup> vel consue ss Pw<sup>2</sup>

<sup>&</sup>lt;sup>9</sup> revocabit \*BeLd<sup>2</sup>PcPhTbTc; revocavit AdCaFbLdMgPfPwVo; vocabit Gc; revocabis Vm

<sup>&</sup>lt;sup>1</sup> De eodem add. in mg. Ca, in text Vo

<sup>&</sup>lt;sup>2</sup> Titulo ii \*AdBeCaLdSbTbVmVo(*adding* cxxii); Titulus ii MgSf, *cf* Ea *c* 163; Eorundem tit ii Pf; Item Tc. Consuetudo et usus antiquus sit tenendus si nec legi nec rationi fuerit contrarius Ea(*cf c* 162, *no inscr.*)

<sup>&</sup>lt;sup>3</sup>-inis Bd<sup>2</sup>CaDaLk<sup>2</sup>MgPfPwSbTcVp; -ines AdBdCeGcHaLdLkPhPqPrQe(vel –is ss)TbTfVm

<sup>&</sup>lt;sup>4</sup> ususque \*BdBeCcCeDaFbGc<sup>2</sup>Ha<sup>2</sup>LdPrPwSbVmVp; iusque AdEaGcLeMqPhPqTbTfSlWc; usque CaPkQe; iurisque LkMgPc(*repeated and canc.*)TcVo; iuris Pf

<sup>&</sup>lt;sup>5</sup> valituram AdEaGcLeMgMqPcPfPrTbVm; sui valitura CaFb; valitura BeCcLd(*followed by erasure*)SlTcVo

<sup>6</sup> momento \*CcDaLdPw?Sb; memento

<sup>&</sup>lt;sup>1</sup> Igmaris Be; Lemaro Ce; Ignaro Pr; *om.* Ea; Quod mala consuetudo vitanda sit (sit vit. Sb) Sb*mg*.Vo, Vo *adding* exxiii

<sup>&</sup>lt;sup>2</sup> que \*CaEaMgMgPkPrOeSbVm; om. BeGcPcPfPhTbTcWc (GcPf with lacuna)

prevaricationes et varie presumptiones<sup>3</sup> celerrime<sup>4</sup> non compresse pro<sup>5</sup> legibus venerari, et privilegiorum more perpetuo celebrari.

ID 4.203] D 8 c 3

## 165<sup>1</sup>

<sup>2</sup>Isidorus in Sinonimis<sup>3</sup>, libro II<sup>4</sup>

Usus auctoritati cedat. Pravum usum<sup>5</sup> lex et ratio vincat.

ID 4.207] D 11 c 1

<sup>6</sup>Augustinus, de unico baptismo <sup>7</sup> libro III<sup>8</sup>

Veritate manifestata<sup>9</sup> cedat consuetudo veritati. Plane quis dubitet veritati manifeste<sup>10</sup> consuetudinem cedere? Item. Nemo consuetudinem rationi et veritati preponat, quia consuetudinem ratio et veritas semper excludit, si<sup>11</sup> ratio, si<sup>12</sup> veritas optime<sup>13</sup>.

ID 4.208] D 8 c 4, which lacks si ratio - optime

#### 166

# $^{1}Gregorius\ VII^{2}\ Guimundo\ Aversano^{3}\ episcopo^{4}$

<sup>&</sup>lt;sup>3</sup> et var. pres. \*CaMgTbTc; om. Pf

<sup>&</sup>lt;sup>4</sup> celerrime \*CaPfTbTc; celeberrime Mg

<sup>&</sup>lt;sup>5</sup> pro \*MgPfTbTc; pre Ca

<sup>&</sup>lt;sup>1</sup> for Vp see Conspectus after 2. 159

<sup>&</sup>lt;sup>2</sup> De eodem *add. in mg.* Ca, *in text* Vo, De eadem re *in mg.* Da, Quod usus cedat auctoritati *in mg.* Sb <sup>3</sup> Is. in Syn. \*CaMgPfTbVm; In Syn. Is. Tc

<sup>&</sup>lt;sup>4</sup> lib. II \*AdCaMgPfTbVmVo(adding exxiiii); lib. I Te; om. Ea

<sup>&</sup>lt;sup>5</sup> Po fo. 56v ends, fo. 57r begins (after loss of a leaf or two) in c 181

<sup>&</sup>lt;sup>6</sup> De eodem add. in mg. CaDa, in text Vo

<sup>&</sup>lt;sup>7</sup> Aug. de unico bapt. \*BeCaMgPfSfSkTbVo; Aug' in mg. Ea; Beda PtTc; om. Ad; no inscr. no break PrVm

<sup>&</sup>lt;sup>8</sup> lib. III \*AdCaMgPfPhTcVo(adding cxxv); lib. II Be; b. I Tb; om. Ea; Beda libro III (only) Pc

<sup>&</sup>lt;sup>9</sup> manifestata \*DaPrSb<sup>2</sup>TcTfVm<sup>2</sup>; manifesta AdBeCaCeEaGcHaLdMgMqPcPfPhPtSbTbVmVo

<sup>10</sup> ver. man. CaMgPfTbVo; man. ver. Tc

<sup>&</sup>lt;sup>11</sup> si \*BeCaMgTbTcVo; sit Pf; si sit Pf<sup>2</sup>

<sup>&</sup>lt;sup>12</sup> ratio si \*BeCaGcMgTbVm; ratio sit Pf; ratio si sit Pf<sup>2</sup>; ratio et Tc; rationem Vo

<sup>&</sup>lt;sup>13</sup> optime \*CeGcMqPaPfPhPqPrSbSlTbVm; optinet AdBeEaHaMgPtPwTcTfVo(inmundo *subscript*); exoptinet BdLk; optinetur CaDa(al. optinetur *in mg., sic*)LdLe; obtine PcPk

<sup>&</sup>lt;sup>1</sup> Item de eodem *add. in mg.* CaDa. Fas lex divina est. Ius lex humana est, au[tem] ius generale nomen. Lex autem iuris est species *add. in cramped hand* Ea (*only* Greg. *in mg. as inscr.*); De eodem *add.* Vo

<sup>&</sup>lt;sup>2</sup> VII \*BeCaMgPfTbVmVo; II PcTc; VIII Sf

<sup>&</sup>lt;sup>3</sup> -ano \*CaPfPrTbTc; Aussano Be; Aversario MgVmVo; Ausano MqPh; Causano Pt; om. Ad

<sup>&</sup>lt;sup>4</sup> VII – episc. om. Ea

Si<sup>5</sup> consuetudinem fortassis opponas, advertendum fuerit<sup>6</sup> quod Dominus dicit, Ego sum, inquit, veritas<sup>7</sup>. Non ait, Ego sum consuetudo, sed veritas. Et certe, ut beati Cipriani utamur sententia, quelibet consuetudo quantumvis vetusta<sup>8</sup>, quantumvis<sup>9</sup> vulgata, veritati omnino<sup>10</sup> postponenda et usus qui veritati est contrarius abolendus est<sup>11</sup>.

ID 4.2131 D 8 c 5

#### 167

<sup>1</sup>Ut non cito iudicetur ubi res obscura fuerit<sup>2</sup>

Revelatione igitur facta<sup>3</sup>, cedat error veritati, quia et Petrus qui circumcidebat cessit Paulo veritatem predicanti.

ID 4.234 pt.] D 8 c 6 med.

#### 168

[Quod usus qui<sup>1</sup> nec<sup>2</sup> auctoritate roboratur, et in aliis locis<sup>3</sup> aut vix aut nunquam tenetur, omnino respuatur, quamvis contra fidem non<sup>4</sup> constituatur]<sup>5</sup>. <sup>6</sup>Augustinus ad inquisitiones Ianuarii

Omnia talia, que neque sanctarum scripturarum<sup>7</sup> auctoritatibus continentur, nec de conciliis episcoporum<sup>8</sup> statuta inveniuntur, nec consuetudine universe ecclesie

<sup>&</sup>lt;sup>5</sup> In CePaPk

<sup>&</sup>lt;sup>6</sup> fuerit \*CaMgPfTb; est Tc

<sup>&</sup>lt;sup>7</sup> Ego – veritas *suppl. ss* Vo

<sup>&</sup>lt;sup>8</sup> quantumvis vetusta \*AdBeCa² (ss)EaMgPfPrTcVm; quantumvis venusta Ca; quantum vetusta vis Tb <sup>9</sup> quantumvis \*AdBeMgPfTbTc; quantum Ca

<sup>10</sup> ver. omn. \*AdBeEaMgPfTc; ver. omn. est CaTb; ver. est omn. Pr; est ver. omn. Vm

<sup>&</sup>lt;sup>11</sup> est cont. ab. est PcPfPhTc; est cont. ab. AdGcLeMqPrSIVmVo; est cont. est ab. BeCaEaMg; cont. est ab. est Tb

<sup>&</sup>lt;sup>1</sup> De eadem re *add. in mg.* CaDa

<sup>&</sup>lt;sup>2</sup> Ut (Unde Vo) non cito iudicetur (vindicetur Pc) ubi res obscura fuerit (fuerit obs. Ea) AdBeCaCeEaGcMgMqPcPrSbTcVmWc; De eodem. Unde non cito – fuerit Vo; Idem de eodem Pf; *om.* PhPtTb

<sup>&</sup>lt;sup>3</sup> veritatis add. ss Sb<sup>2</sup>

<sup>1</sup> ss Mg

<sup>&</sup>lt;sup>2</sup> nec CaMgPfTcVm; non Sf

<sup>&</sup>lt;sup>3</sup> om. Ce

<sup>&</sup>lt;sup>4</sup> contra fidem non BeCaMgPfSbTcVmVo; non contra fidem Sf

<sup>&</sup>lt;sup>5</sup> in mg. BeCaCeDaGcPfPrSbTc, in text MgMqSfVmVo; om. AdPtTb. qui nec auctoritate roboratur in aliis locis aut vix aut nunquam tenetur omnino respuatur quamvis contra fidem <non> constituatur in text below after scripturarum Pw

<sup>6</sup> cxxviii add. Vo

<sup>&</sup>lt;sup>7</sup> For Pw see note to rubr. above

<sup>&</sup>lt;sup>8</sup> corr. fr. eorum Ca<sup>3</sup>

roborata sunt, sed diversorum locorum diversis moribus innumerabiliter variantur, ita ut vix aut omnino nunquam<sup>9</sup> inveniri<sup>10</sup> possint cause quas in eis constituendis homines secuti sunt, ubi facultas tribuitur sine ulla dubitatione resecanda estimo. Quamvis enim neque hoc inveniri possit quomodo contra fidem sint<sup>11</sup>, ipsam tamen religionem quam paucissimis et manifestissimis celebrationum<sup>12</sup> sacramentis misericordia<sup>13</sup> Dei voluit esse liberam<sup>14</sup>. Quam<sup>15</sup> servilibus oneribus<sup>16</sup> premunt<sup>17</sup>, ut tolerabilior sit conditio Iudeorum, qui etiam<sup>18</sup> si tempus libertatis non cognoverint<sup>19</sup>, legalibus tamen sacramentis non humanis presumptionibus subiciuntur.

ID 4.206] D 12 c 12

# 169

[De observantia Sabbati]<sup>1</sup>. Gregorius papa civibus<sup>2</sup> Rome

Pervenit ad me quosdam perversi spiritus homines prava inter vos³ aliqua et sancte fidei adversa seminasse, ita ut die Sabbati aliquid operari prohiberent, quos quid aliud nisi Antichristi predicatores dixerimus, qui veniens⁴ diem Sabbatum atque dominicum ab omni faciet opere⁵ custodiri? Quia enim mori se et resurgere simulat, haberi vult in veneratione⁶ dominicum diem⁶. Et quia populum iudaizare compellit, ut exteriorem ritum legis revocet, et sibi Iudeorum perfidiam subdat, coli vult Sabbatum.

ID 4.6a] De cons. D 3 c 12a

<sup>9</sup> omn. nun. \*BeGcMqPfTbVm; nun. omn. AdCaMgTc; omn. vel nun. Vo

<sup>&</sup>lt;sup>10</sup> -iri \*MgPfTbTc; -ire Ca

<sup>11</sup> sint \*CaMgTbTc; fuit Pf

<sup>&</sup>lt;sup>12</sup> -ationum \*BeTcVo; -ationem AdGcMqPh(vel um ss)Vm; -atiorem CaTb; -ationem liberam Mg; -atione Tf

<sup>&</sup>lt;sup>13</sup> lacuna follows in Pf

<sup>&</sup>lt;sup>14</sup> liberam \*CaPfTbTc; om. Mg

<sup>15</sup> om. BeVo

<sup>&</sup>lt;sup>16</sup> oneribus \*BeCaDa(*over erasure*)GcHaLdLkPcPfPhPqPrPwSbTbTf; hominibus Ad<sup>2</sup>?CePk; hominibus vel (*ss*) oneribus Bd; orationibus Mg; honoribus MqVo; vel honoribus Tc

<sup>&</sup>lt;sup>17</sup> adeo add. MgTc, om. \*AdBeCaPfTb

<sup>&</sup>lt;sup>18</sup> etiam \*GcPfTb; et CaMgTc

<sup>&</sup>lt;sup>19</sup> -erint CaGcMgPfTb; -erunt \*Tc

<sup>&</sup>lt;sup>1</sup> *in mg*. AdBeCaCeDaGcPfPrSb, *in text* EaMqSfVmVo(*adding* cxxviiii); *om*. MgOaPcPtTbTcVp <sup>2</sup> civibus CaEaPfVm; urbis Sf

<sup>&</sup>lt;sup>3</sup> vos \*AdCaMgTcVm; nos BeGcMqPfPrTb

<sup>&</sup>lt;sup>4</sup> veniens \*PcPhPrSbTbTcVmVo; venientes AdBdBeCaCeDaEaGcHaLdLkMgMqPaPfPkPwTf; venientem Vn

<sup>&</sup>lt;sup>5</sup> faciet op. PhTbTcVm<sup>2</sup>Vo; op. facient BeEaMgPw; facient op. CaGcHa<sup>2</sup>MqPfPrVm; facient Ha

<sup>&</sup>lt;sup>6</sup> vult in ven. \*AdBeCaEaMgMqVo; in ven. vult GcPfPhTbTcVm

<sup>&</sup>lt;sup>7</sup> Dom. diem \*CaMgPfTb; diem Dom. Tc

[De dignitate dominice diei]<sup>1</sup>. Ex concilio apud Compendium, cap. ii

Omnes dies dominicos a vespera in vesperam cum omni veneratione et observatione<sup>2</sup> decrevimus et ab illicito opere abstinere<sup>3</sup>, et ut mercatus in eis minime sit, nec placitum ubi aliquis ad mortem vel ad penam iudicetur, nec sacramenta iurentur nisi pro pace facienda.

ID 4.16] X 2.9.1 var.

#### 171

De eodem concilio<sup>1</sup>, cap.<sup>2</sup> viii<sup>3</sup>

Ut<sup>4</sup> mercatus die dominico in<sup>5</sup> nullo loco habeatur<sup>6</sup>.

ID 4.21B]

# 172

De eodem concilio<sup>1</sup>, cap. vi<sup>2</sup>

Tria<sup>3</sup> catartaria<sup>4</sup> opera licet fieri in dominica die<sup>5</sup>, id est, hostilicidia, carra, victualia vel angaria, et, si forte necesse sit<sup>6</sup>, corpus cuiuslibet duci ad sepulcrum. *ID 4.20*]

<sup>&</sup>lt;sup>1</sup> De dign. (corr. fr. dignatione Mq) - diei in mg. Ad(against c 171)BeCaCeDaGcMgPfPrSb, in text Ea(no inscr.)MqVmVo(adding cxxx); De die dominico in mg. Tc; De diebus dominicis observatione Tf<sup>3</sup>; om. OaPcPtTbVp

<sup>&</sup>lt;sup>2</sup> et observatione \*AdCaGcLkPfTbVm; observare MgTc

<sup>&</sup>lt;sup>3</sup> op. abst. CaMgPfTc; abst. op. Tb. et ab ill. op. abst. expuncted Sb

<sup>&</sup>lt;sup>1</sup> concilio \*AdCaGcMgTbTcVm; om. Pf

<sup>&</sup>lt;sup>2</sup> capitulo concilio *later reversed* Ca

<sup>&</sup>lt;sup>3</sup> cxxxi add. Vo; De eodem add. in mg. Da; Que opera fieri liceat in die dominica in mg. Td (cf c 172)

<sup>&</sup>lt;sup>4</sup> Ut AdBeCaCe<sup>2</sup>DaGcMg<sup>2</sup>PcPfPrTbTcVmVoWc; Et CcCeMgOa

<sup>&</sup>lt;sup>5</sup> die dom. in CaMgPfTbTc; in die dom. PrVm

<sup>&</sup>lt;sup>6</sup> loco hab. \*BeGcMgPfTbTc; hab. loco Ca; modo hab. PrVm; hab. Vp

<sup>&</sup>lt;sup>1</sup> De eodem concilio AdBeCaDaMgTbTc; De tribus operibus in die dominico Ea; De eodem GcSfVm; Item Pf; Item de eodem conc. Sb

<sup>&</sup>lt;sup>2</sup> cap. vi \*AdBeCaPfTbVo; *illeg*. Mg; cap. viii PcTc; cap. vii Sb; *om*. EaLc. De eodem *add. in mg*. CaDa; Que opera fieri liceat in die dominica cxxxii *add*. Vo

<sup>&</sup>lt;sup>3</sup> Vria Vo; sunt *add*. Td

<sup>&</sup>lt;sup>4</sup> catartaria PaPfPrSIVm; carthataria AdBdLk<sup>2</sup>; carartaria Be; carraria CaCcDaLeMqPtSbTbTd<sup>2</sup>Vo<sup>2</sup>; carrataria EaMg; cartaria GcPhQeVpWc; cathataria Lk; cartartaria CePcPk; catataria Tc; cartharia Td; carratharia Tf; carria Vo; Tria cat. *om.* Lc. carateristica, id est determinativa *add. ss* Pt

<sup>&</sup>lt;sup>5</sup> dominica die \*CaEaMgPfTb; die dominico PcTc

<sup>&</sup>lt;sup>6</sup> ut add. Mg, om. \*CaPfTbTc

# Ex concilio Aurelianensi<sup>1</sup>, cap. xiii<sup>2</sup>

In dominicis diebus vel<sup>3</sup> ceteris festis, a vespera usque ad<sup>4</sup> vesperam non flectant<sup>5</sup> genua, sed stantes<sup>6</sup> incurvati orent.

ID 4.36 med., cf c 183 below]

<sup>1</sup> Aurel. CaMgPfTbTcVm; Augustini Sf

xxii, De ieiuniis et elemosinis *in mg*. Bd<sup>2</sup>; Qualiter in dominicis aut in festivis diebus sit orandum *in mg*. Sb, De non flectendo genu in festis diebus *add*. Vo

#### 174

# [De ieiunio clericorum]<sup>1</sup>. Omnibus episcopis<sup>2</sup>

Telesphorus septimus a Petro in decretali suo<sup>3</sup>. Cognoscite<sup>4</sup> a nobis et cunctis episcopis in hac sancta et apostolica sede congregatis statutum esse ut septem hebdomadas plenas ante sanctum Pascha omnes<sup>5</sup> clerici in sorte Domini vocati a carne ieiunent, quia sicut discreta debet esse vita clericorum a laicorum conversatione<sup>6</sup>, ita et<sup>7</sup> in ieiunio debet fieri discretio. Has igitur septem hebdomadas omnes clerici a carne et deliciis ieiunent, et himnis et vigiliis et<sup>8</sup> orationibus Domino inherere die noctuque studeant.<sup>9</sup>

ID 4.25] +D 4 c 4, beginning Statuimus ut septem

<sup>&</sup>lt;sup>2</sup> xiii \*AdCaPcTbVmVo; xii Tc; MgPf illegible; Item only Ea.

<sup>&</sup>lt;sup>3</sup> vel \*AdGcPfTbTcVmVo; et BeCaEaMg

<sup>&</sup>lt;sup>4</sup> ad \*MgPfTbTc; in Ca

<sup>&</sup>lt;sup>5</sup> -ant \*CaMgPfTb; -ent Tc

<sup>&</sup>lt;sup>6</sup> stantes \*CaMgPfTb; om. Tc

<sup>&</sup>lt;sup>1</sup> De – cler. *in mg*. BeCaCeDaPfSbWc, *in text* (Mg *adding* De ieiunio *in mg*)
EaMgMqPrPtSfSlTbVmVo(*adding* cxxxiiii); *in mg. and text* GcPr; De ieiunio et elemosina. de ieiunio clericorum Pr; *om.* TcVp. xxii. De ieiuniis et elemosinis *in mg*. Bd; xiiii *add. in mg*. Be<sup>2</sup>

<sup>&</sup>lt;sup>2</sup> Omn. epp. \*BePfPhPrSfTb; [] eolopholus vii a Petro in dec. suo. De ieiunio clericorum omnibus episcopis Ad; Telesph. - suo de ieiunio clericorum omnibus epp. *in text* Ca; Omn. epp. Telephorus papa sextus a Petro *as inscr*. CaEa; Omn. epp. Tel. papa vii a Petro in decr. suo Da; Teles. vii a Petro in decretis suis (-ali suo SbVp) omnibus episcopis *as insc.*, *beginning canon:* Cognoscite MgSbTcVp; Thelesphorus papa omn. episcopis Mq; Thelesphorus – decretis suis *as inscr.* Tc; De ieiunio Th<el> omnibus epp. De ieiunio clericorum *in text* Vm; Omnibus Vo; Thelesphorus omn. epp. Wc; Telesph. – suo *om.* PyTf

<sup>&</sup>lt;sup>3</sup> (Omnibus episcopis *add.* PcPtSIVoWc) Telesph. – suo *in text* BePcPfPhPrPtSfSITbVoWc; Tel. sept. a Petro omnibus episcopis in dec. suo Gc; *as inscr. (in various forms)* AdCaEaMgMqPcTcVm; *om.* Py

<sup>&</sup>lt;sup>4</sup> Cognoscite \*AdCaEaMgPfTbVm; Recognoscite Tc

<sup>&</sup>lt;sup>5</sup> omnes \*CaMgPcPfTb; om. Tc

<sup>&</sup>lt;sup>6</sup> laic. con. \*CaMgPfTb; con. laic. Tc

<sup>&</sup>lt;sup>7</sup> et \*AdEaPfTbVm; etiam CaMgTc

<sup>&</sup>lt;sup>8</sup> vigiliis et \*AdCaCeMgPfTc; om. PhTb

<sup>9</sup> studeamus Sl

[Quare<sup>1</sup> ieiunium per quatuor tempora distinguitur]<sup>2</sup>. De ieiunio quatuor temporum<sup>3</sup>
Benedicto episcopo<sup>4</sup>

Calixtus papa et martir  $xv^5$  a Petro Benedicto fratri suo et coepiscopo salutem. Ieiunium quod ter in anno apud nos celebrari didicisti<sup>6</sup>, convenientius nunc per quatuor tempora fieri decrevimus, ut sicut annus per quatuor volvitur tempora<sup>7</sup>, sic et nos quaternum solempne agamus ieiunium<sup>8</sup> per anni quatuor<sup>9</sup> tempora.

ID 4.26] +D 76 c 1

#### 176

[Quod non sit ieiunandum<sup>1</sup> die dominico<sup>2</sup> et quinta feria]<sup>3</sup>. Ad episcopos

Hispaniarum<sup>4</sup> Melchiades papa<sup>5</sup> XXVIII a Petro<sup>6</sup> in primo<sup>7</sup> decretali suo

Ieiunium dominici diei et quinte ferie nemo celebrare debet, ut inter ieiunium

Christianorum et gentilium, et<sup>8</sup> veraciter credentium et infidelium atque<sup>9</sup> hereticorum, vera et non falsa discretio<sup>10</sup> habeatur.

ID 4.27] De cons. D 3 c 14

<sup>&</sup>lt;sup>1</sup> Quod Ad

<sup>&</sup>lt;sup>2</sup> in mg. AdBeCaCeDaGcPfPrSb, in text Ea(no inscr.)MgMqSfVmVo; om DbPcPtTbTcVp

<sup>&</sup>lt;sup>3</sup> De - temp. \*BeCaDaGcMgMqPrPtTbTcVo; De iei. temp. Ad; *om.* EaPf. Calixtus papa *add.* PfTc, *om.* \*AdCaMgSfTbVm

<sup>&</sup>lt;sup>4</sup> Ben. ep. om. Pt

<sup>&</sup>lt;sup>5</sup> xv \*GcMqPfPhPrQeTbTcVmVo; xii AdBdBeCaDaEaMgPtSbSlTfVpWc

<sup>&</sup>lt;sup>6</sup> -isti \*CaMgPfTb; -istis PcTc

<sup>&</sup>lt;sup>7</sup> vol. temp. \*CaMgPfTc; temp. vol. PhTb. fieri decrevimus – vol. temp. ss Ad

<sup>&</sup>lt;sup>8</sup> ag. iei. \*PfTbTc; iei. ag. CaMg

<sup>&</sup>lt;sup>9</sup> anni quat. BdCaMgPfTc; quat. anni PhTb

<sup>&</sup>lt;sup>1</sup> ieiunandum AdCaEaMgPf; ieiunium PrVm

<sup>&</sup>lt;sup>2</sup> -ico MgPfVm; -ica Ca

<sup>&</sup>lt;sup>3</sup> Quod – quinta feria (feria quinta Ea) *in mg*. AdBeCaCeDaGcMgPfPrSb, *in text* Ea(*no inscr.*)MqSfVmVo; *om*. PcPtTbTcVp

<sup>&</sup>lt;sup>4</sup> ad epp. Hisp. here BeCaDaMgPcTbTcVo, after dec. suo GcPfPrVm; Hispan' episcopis after suo Pt; Hispaniorum ad episcopos Ad

<sup>&</sup>lt;sup>5</sup> papa \*AdBeDaMgMqPcPfPrTbVo; om. CaTc

<sup>&</sup>lt;sup>6</sup> xxviii a Petro *om*. Mq

<sup>&</sup>lt;sup>7</sup> primo \*AdBeDaMgPfTbTc; uno Vo; om. Ca

<sup>&</sup>lt;sup>8</sup> et \*MqPfTbTc; non BeCaMg

<sup>&</sup>lt;sup>9</sup> atque CaMgTb; et PfTc

<sup>&</sup>lt;sup>10</sup> discretio \*DaEaMgPfTbTc; om. Ca

[Qua ratione sit ieiunandum<sup>1</sup> in Sabbato]<sup>2</sup>. Innocentius Decentio Egubino, cap. iv<sup>3</sup>
Sabbato vero ieiunandum esse ratio evidentissima monstrat. Nam si<sup>4</sup> diem
dominicum ob venerabilem resurrectionem<sup>5</sup> Domini nostri Iesu Christi non solum in
Pascha celebramus, verum etiam per singulos hebdomadarum dies ipsius diei
imaginem frequentamus. Ac sicut sexta feria propter passionem Domini ieiunamus,
Sabbatum pretermittere non<sup>6</sup> debemus, quia inter tristitiam et letitiam temporis illius
videtur<sup>7</sup> inclusus. Nam utique constat apostolos biduo isto et<sup>8</sup> in merore fuisse et
propter metum Iudeorum se occuluisse, quod<sup>9</sup> utique non dubium est<sup>10</sup> in tantum
eos<sup>11</sup> ieiunasse biduo memorato<sup>12</sup> ut traditio ecclesie habeat isto biduo sacramenta
penitus non celebrari. Que forma utique<sup>13</sup> per singulas tenenda est hebdomadas
propter id quod commemoratio<sup>14</sup> diei illius<sup>15</sup> semper est celebranda. Quod si putant
semel atque uno Sabbato ieiunandum, ergo et dominica<sup>16</sup> et sexta feria<sup>17</sup> semel in
Pascha erit utique celebrandum<sup>18</sup>.

ID 4.28] De cons. D 3 c 13

### 178

<sup>1</sup>Ex<sup>2</sup> concilio Eliberitano, cap. xxiii<sup>3</sup>

<sup>&</sup>lt;sup>1</sup> iei, sit Sb

<sup>&</sup>lt;sup>2</sup> in mg. AdBeCaCeDaMgPfPrSb, in text Ea(no inscr.)MqSfVmVo(adding cxxxvii); om. PcPtTbTcVp <sup>3</sup> Dec. (et add. Gc) Egub. cap. iv AdDaGcPrSfVmVp; Decencio et (om. Mg) Eusebio cap. iv BeCaMg; Dec. Eusebio cp. iii Ce; Egubino Dicencio cap. iv Lk; Decentio eppiscopo cap. iiii Mq; Egub. et Dec. cap. iiii Pc; Egub. Dec. Pf; Dec. Euobino cap. iii Pk; Dec. Eusebio cap. ii Tb; Egub. et Dec. Tc; Egubino Dec. cp. iiii Vo

si \*AdCaEaMgPfPhVm; sicut Tb; cum Tc

<sup>&</sup>lt;sup>5</sup> resurrectionem \*CaMgPcPfPh; rationem resurrectionis Tb; om. Tc

<sup>&</sup>lt;sup>6</sup> pret. non \*CaMgPfPhTb; non pret. Tc

<sup>&</sup>lt;sup>7</sup> videtur \*AdBeEaPfTbVm; esse videtur Tc; videtur esse CaMg

<sup>&</sup>lt;sup>8</sup> et \*CaMgPfPhTc; om. Tb

<sup>&</sup>lt;sup>9</sup> quod \*AdPfPrTbVm; quos BeCaTc; quos quidem EaMg

illum add. and canc. Ad

<sup>&</sup>lt;sup>11</sup> eos \*MqPhPrSlTbVm; om. AdBeCaEaMgPfTcVo

<sup>12 -</sup>ato \*CaMgTbTc; -ata Pf

<sup>&</sup>lt;sup>13</sup> utique Ca<sup>2</sup>MgPfPhTc; after sing. Ca; om. Tb

<sup>&</sup>lt;sup>14</sup> commem- \*CaMgPfTc; mem- PhTb

<sup>&</sup>lt;sup>15</sup> diei ill. CaPfTbTc; ill. diei Mg

<sup>&</sup>lt;sup>16</sup> -ica EaMgTc; -icum BePfTbVm; ic' Ca

<sup>&</sup>lt;sup>17</sup> et non per singulas ebdomadas *add. and canc.* Pc (*with* semel *ss*)

<sup>&</sup>lt;sup>18</sup> -andum \*BeCaEaPfTbVm; -anda MgTc

<sup>&</sup>lt;sup>1</sup> Quod non sint celebranda ieiunia (iei. cel. Da) in Iulio sive in Augusto *add. in mg*. CaDa; Que sint (sunt Sb) legitima ieiunia *in mg*. MgSb (*cf c 179*), *in text* Ea(*no inscr*.); De mundificatione ieiuniorum *add*. Vo

<sup>&</sup>lt;sup>2</sup> Ex CaMgPfTbTc; om. Ad

Ieiunia super abstinentias<sup>4</sup> per singulos menses placuit celebrari, exceptis diebus duorum mensium, Iulio et Augusto<sup>5</sup>, ob eorundem<sup>6</sup> infirmitatem. *ID 4.31*]

<sup>3</sup> xxiii \*AdDaMgPfTbTcVmVo(adding cxxxviii); xxiiii Ca

#### 179

[Que sint legitima ieiunia<sup>1</sup>]<sup>2</sup>. Ex dictis sancti<sup>3</sup> Apollonii<sup>4</sup>

Ieiunia sane legitima, id est quarta et sexta feria non sunt solvenda, nisi grandis aliqua<sup>5</sup> necessitas fuerit, quia quarta feria Iudas de traditione Domini cogitaverit<sup>6</sup>, et sexta feria crucifixus est Salvator. Videbitur<sup>7</sup> ergo qui in his diebus sine aliqua necessitate solverit statuta ieiunia, vel cum tradente tradere Salvatorem vel cum crucifigentibus crucifigere.

ID 4.32] De cons. D 3 c 16

### 180<sup>1</sup>

[Quibus mensibus et quibus² mensium hebdomadibus ieiunia quatuor temporum constituantur]³. Ex concilio Magontiensi, cap. ii⁴

Constituimus ut Quatuor Tempora anni ab omnibus hominibus cum ieiunio observentur, id est in Martio hebdomada<sup>5</sup> prima, in Iunio secunda, in Septembri tertia, in Decembri quarta, que<sup>6</sup> fuerit plena<sup>7</sup> ante vigiliam Natalis Domini<sup>8</sup>, id est feria

<sup>4</sup> tes add. ss Mg<sup>2</sup>

<sup>&</sup>lt;sup>5</sup> Iulio et (ss Pr) Augusto \*AdBeCaGcPrTbVmVo; Iulii et Augusti EaMgPfTcVp

<sup>&</sup>lt;sup>6</sup> eorundem \*AdCaMgPfTb; eorum quidem PcTc

<sup>&</sup>lt;sup>1</sup> leg. iei. AdCaMgSfVm; iei. leg. Pf

<sup>&</sup>lt;sup>2</sup> in mg. AdBeCaCeGcPfPr, in text MqSfVmVo(adding cxxxviiii); om. DaEaPcPtTbTcVp; in mg. to c 178 SbMg

<sup>&</sup>lt;sup>3</sup> sancti CaMgPfTbTc; beati Ad

<sup>&</sup>lt;sup>4</sup> Apollonii \*AdBeCaGcPfTbVmVo; Appollonii Ea; Apollini MgSf; Apollinarii PcTc. *Insc. in mg. with no break* Sb

<sup>&</sup>lt;sup>5</sup> gr. aliq. \*PfTbTc; aliq. gr. CaMg

<sup>&</sup>lt;sup>6</sup> -averit CaMgPfTb; -avit Tc

<sup>&</sup>lt;sup>7</sup> -ebitur \*MgPfTbTc; -etur Ca

<sup>&</sup>lt;sup>1</sup> added at foot of leaf Ld<sup>2</sup>

<sup>&</sup>lt;sup>2</sup> et quibus AdCaEaMgSfVm; quibusve Pf

<sup>&</sup>lt;sup>3</sup> constituimus Ad. Quibus – const. *in mg*. AdBeCaCeDaGcMgPfPrSb, *in text* Ea(*no inscr*.)MqSfVm; De quattuor temporibus cxl Vo; *om*. PcPtTbTcVp

<sup>&</sup>lt;sup>4</sup> Ex – ii CaMgPfSbTbTc; Ex concilio Elibertano cp. xxiii Da (cf c 178)

<sup>&</sup>lt;sup>5</sup> in Mart. hebd.\*MgPfTbTc; in Mart. added Ca<sup>2</sup>

<sup>&</sup>lt;sup>6</sup> si *add*. Mg, *om*. \*CaPfTbTc

<sup>&</sup>lt;sup>7</sup> plena \*CaMgTbTc; om. Pf

<sup>&</sup>lt;sup>8</sup> Nat. Dom. \*CaMgPfPrTc; om. PhTb

quarta et sexta<sup>9</sup> et Sabbato veniant omnes ad ecclesiam hora nona<sup>10</sup> cum letaniis ad missarum solempnia.

ID 4.35] +D 76 c 2 to Decembri quarta

<sup>9</sup> sexta \*CaPfTbTc; vii Mg

#### 181

[De eodem]<sup>1</sup>. Ex concilio Salegonstat habito de custodiendo ieiunio<sup>2</sup>

De incerto autem ieiunio Quatuor Temporum hanc certitudinem statuimus, ut si Kalend. Martii in quarta feria sive<sup>3</sup> antea evenerit<sup>4</sup>, eadem hebdomada celebretur<sup>5</sup>. Si autem Kalend. Martii in quinta feria aut in<sup>6</sup> sexta feria, aut <sup>7</sup> in Sabbato distenduntur, in sequentem hebdomadam ieiunium differatur. Simili quoque modo<sup>8</sup>, si Kalend. Iunii in quarta feria<sup>9</sup> aut antea evenerint<sup>10</sup>, in<sup>11</sup> subsequente<sup>12</sup> hebdomada celebretur ieiunium<sup>13</sup>, et si in quinta aut<sup>14</sup> in sexta feria, aut<sup>15</sup> Sabbato contigerit<sup>16</sup>, ieiunium in tertiam hebdomadam<sup>17</sup> reservetur. Et hoc<sup>18</sup> sciendum est<sup>19</sup> quod si quando ieiunium mensis Iunii in vigilia Pentecostes secundam predictam regulam<sup>20</sup> evenerit, non ibi celebrandum erit; sed in ipsa hebdomada solempni Pentecostes, quia vigiliam<sup>21</sup> similiter<sup>22</sup> et ieiunium celebrare non convenit, et tunc propter

<sup>1</sup> in mg. Ad<sup>2</sup>BePf; in text AdBe(later canc.)CeGcPhTb; om. CaEaMgMqPcPtTcVmVpWc

<sup>&</sup>lt;sup>10</sup> hora nona \*CaMgPcPfTb; om. Tc

<sup>&</sup>lt;sup>2</sup> Ex -Sal. (Sale constat BePhPrSfTb, Salgunstat Gc, Saligenestat Mq, Saleconstanensi Pc, Saler' Vp) habito de custodiendo ieiunio \*BeCaGcMgMqPhPrSfTbVmVpWc; *om.* Ad; De cust. iei. Ea; Ex - Sal. Pf; Ex – Sal. habito Pt; De concilio Constantiensi habito de custodiendo ieiunio Tc; Ex conc. Salegunstat - ieiunio. Quibus mensibus et quibus mensium ebdomadibus ieiunia quattuor temporum constituantur Vo

<sup>&</sup>lt;sup>3</sup> sive \*EaMgPfTbTc; vel Ca

<sup>&</sup>lt;sup>4</sup> evenerit \*AdCaPfPhVm; evenerint BeMgTc; venerint Tb

<sup>&</sup>lt;sup>5</sup> ieiunium *add*. PhTb, *om*. \*CaMgPfPrTc

<sup>&</sup>lt;sup>6</sup> aut in MgPfTb; vel in Ca; om. Tc

<sup>&</sup>lt;sup>7</sup> feria aut CaMgPfPr; aut PhTb; et Tc

<sup>&</sup>lt;sup>8</sup> in ceteris mensibus fiat *add.* (omitting rest of canon) Ea

<sup>&</sup>lt;sup>9</sup> qu. fer. CaMgTbTc; fer. qu. Pf

erint TbTc; -erit CaMgPfPr

<sup>11</sup> expunct. Tb

<sup>&</sup>lt;sup>12</sup> subsequente AdCaGcMgPrVm; sequente PfTb; sequenti Tc

<sup>&</sup>lt;sup>13</sup> Si autem Kalend' – cel. ieiunium *om*. Ph; Simili quoque – cel. ieiunium *in mg*. Vo<sup>2</sup>

<sup>&</sup>lt;sup>14</sup> aut BeCaMgPfTb; et Tc

<sup>&</sup>lt;sup>15</sup> in add. PrTbTcVm, om. BeCaMgPfPh

<sup>&</sup>lt;sup>16</sup> -erit \*CaMgPfPhTc; -erint Tb. Po resumes

<sup>&</sup>lt;sup>17</sup> tertiam ebdomadam \*CaGcMgPfVm; quarta ebd. Ph; tertia ebdomada TbTc

<sup>&</sup>lt;sup>18</sup> hoc CaMgPfTb; om. Tc

 $<sup>^{19}</sup>$  ss Tb

<sup>&</sup>lt;sup>20</sup> pred. reg. \*CaMgPfTc; reg. pred. PhTb

<sup>&</sup>lt;sup>21</sup> -iliam \*CaMgPfTb; -ilia Tc

<sup>&</sup>lt;sup>22</sup> similiter \*MgPfPhPrVm: simul CaPcTb; sim' Tc; om. Gc

solempnitatem Spiritus sancti diacones<sup>23</sup> dalmaticis induantur, et<sup>24</sup> Alleluia cantetur et<sup>25</sup> Flectamus genua non dicatur.

Eodem modo de Septembris ieiunio constitutum est, ut si Kalend. Septembris in quarta feria evenerit<sup>26</sup> aut antea, ieiunium in tertia hebdomada celebretur; et si in quinta aut<sup>27</sup> sexta, aut Sabbato contigerit<sup>28</sup>, in quarta hebdomada<sup>29</sup> ieiunandum erit. In Decembri vero illud observandum erit ut<sup>30</sup> proximo Sabbato ante vigiliam Natalis Domini celebretur ieiunium, quia si<sup>31</sup> vigilia in Sabbato evenerit, similiter<sup>32</sup> vigilia<sup>33</sup> et ieiunium celebrare<sup>34</sup> non convenit.

ID 4.33] +D 76 c 3

<sup>23</sup> -ones CaPfTbTc; -oni Mg

#### 182

[Qua supputatione<sup>1</sup> in Quadragesima videatur anni decima]<sup>2</sup>. Ex epistola Gregorii

Quadragesima summa observatione est observanda<sup>4</sup> ut ieiunium in ea preter dies dominicos<sup>5</sup>, qui de abstinentia subtracti sunt, nisi quem infirmitas impedierit, nullatenus solvatur, quia ipsi dies decime sunt anni. A prima igitur dominica Quadragesime usque in Pascha Domini sex hebdomade computantur, quarum videlicet dies quadraginta duo fiunt<sup>6</sup>. Ex quibus dum sex dies<sup>7</sup> dominici abstinentie subtrahuntur<sup>8</sup>, non plus in abstinentia quam triginta sex dies<sup>9</sup> remanent. Verbi gratia,

<sup>&</sup>lt;sup>24</sup> et \*PfTbTc; om. CaMg <sup>25</sup> et \*CaPfTbTc; om. Mg

<sup>&</sup>lt;sup>26</sup> -erit CaMgPfPhVm; -erint TbTc

<sup>&</sup>lt;sup>27</sup> in *add*. CaMg, *om*. AdPfPhTbTcVm

<sup>&</sup>lt;sup>28</sup> -erit \*AdCaMgTbVm; -erint PfTc

<sup>&</sup>lt;sup>29</sup> celebretur et si – ebdomada *in mg*. Ad

<sup>30</sup> ut PfTbTc; ut in CaMg; in Vm

<sup>&</sup>lt;sup>31</sup> over erasure Pf

<sup>&</sup>lt;sup>32</sup> similiter Gc<sup>2</sup>MgPfTb; simul BeCa; sim' Tc; *om*. Gc

<sup>&</sup>lt;sup>33</sup> -ilia GcPf; -iliam BeCaMgTb; il' TcVm

<sup>&</sup>lt;sup>34</sup> -are \*CaMgPfTb; -ari Tc

<sup>&</sup>lt;sup>1</sup> suppetitione Ce

<sup>&</sup>lt;sup>2</sup> Qua - dec. in mg. AdBeCaCeDaGcMgPfPrSb, in text EaMqSfVmVo(adding cxlii); om. PcTbVp; De supp. in Quad. quomodo videatur anni decima esse Tc mg.

<sup>&</sup>lt;sup>3</sup> Ex ep. Greg. pape \*AdBeMgPfPrTcVoVp; Ex ep. beati Greg. pape Ca; Greg' Ea; Ep. Greg. pape Tb; Ex omel' Greg' pape Vm

<sup>&</sup>lt;sup>4</sup> obs. est obs. AdCaMgPfPr; veneratione est obs. PhTb; obs. obs. est Tc

<sup>&</sup>lt;sup>5</sup> dies Dom. \*CaPfTbTc; Dom. dies Mg; Dom. Ph

<sup>&</sup>lt;sup>6</sup> fiunt CaMgTbVm; sunt PfTc

<sup>&</sup>lt;sup>7</sup> dies CaPfMgVm; om. TbTc

<sup>&</sup>lt;sup>8</sup> abst. sub. CaMgPfTc; sub. abst. PhTb

si per trecentos sexaginta<sup>10</sup> quinque dies annus ducitur, et nos per triginta et<sup>11</sup> sex dies affligimur, quasi anni decimas Deo damus<sup>12</sup>, et<sup>13</sup> ut sacer numerus quadraginta dierum adimpleatur, quem Salvator noster suo sacro ieiunio consecravit, quatuor dies prioris hebdomade ad supplementum quadraginta dierum tolluntur<sup>14</sup>, id est quarta feria que Caput ieiunii subnotatur<sup>15</sup>, et quinta feria sequens et sexta<sup>16</sup> et Sabbatum. Nisi quatuor istos dies superioribus triginta sex adiunxerimus quadraginta dies in abstinentia non habemus. Iubemur etiam ab omnipotenti Deo omnium bonorum nostrorum decimas dare. Quapropter ut omnis decima a nobis Deo rite persolvatur, tollamus decimam anni, et in ea peccata nostra confitendo, corrigendo nos, ieiunando, vigilando, orando, elemosinas<sup>17</sup> dando abstergamus, et carnem nostram decimemus<sup>18</sup>, ut ad sanctum Pascha securi<sup>19</sup> pervenire possimus.

ID 4.34] De cons. D 5 c 16 to nostrorum decimas dare

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9 in abst. quam XXX et (om. CaTc) VI dies (om. Tc) *CaMgPfTcVm; quam XXX et VI dies in abst.

Tb

10 sexag. *MgPfTbTc; l Ca

11 et CaMgTbTc; om. Pf

12 Deo damus *MgPfTbTc; damus Deo Ca

13 et *CaPfTbTc; om. Mg

14 tolluntur *PfVo; ponuntur BeCaMgPcTbTc

15 subnot- *CaMgPcPfTb; prenot- Tc

16 feria seq. et sexta *CaMgPcPfTb; et sexta sequens Tc

17 -inas *CaPfTbTc; -inam Mg

18 et carnem - dec. *CaMgPfTb; om. Tc

19 securi *CeDa²GcPhPqPrSbTbVm; add. ss after pervenire Be; om.

AdBdCaDaEaLkMgPaPcPfPkTcVoVpWc
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# 183

[Quibus temporibus debeant<sup>1</sup> flecti<sup>2</sup> genua]<sup>3</sup>. Ex concilio Aurelianensi<sup>4</sup>, cap. xiii<sup>5</sup>
Ut presbiteri plebibus annuntient quod<sup>6</sup> in Quadragesima et in<sup>7</sup> ieiunio
Quatuor Temporum, tantummodo ad missarum solempnia genua flectere debeant. In dominicis et in ceteris<sup>8</sup> festivis diebus<sup>9</sup> minime. Nec quisquam uno<sup>10</sup> genu solotenus

<sup>&</sup>lt;sup>1</sup> debeant AdBeCaEaMgPfTcVm; solent Vf

<sup>&</sup>lt;sup>2</sup> fleti Ad

<sup>&</sup>lt;sup>3</sup> in mg. AdBeCaCeDaGcMgPfPrSbTc, in text Ea(no inscr.)MqSfVmVo(adding cxliii); om. PcPtTbVp <sup>4</sup> I add. Tc, om. \*CaMgPfTb

<sup>&</sup>lt;sup>5</sup> xiii \*AdCaMgPcTbVm; xxiii Be; iii Tc; in binding Pf

<sup>&</sup>lt;sup>6</sup> quod \*CaMgPfTb; ut Tc

<sup>&</sup>lt;sup>7</sup>in \*BeMg<sup>2</sup>PfTbTc; om. CaMg

<sup>&</sup>lt;sup>8</sup> ceteris \*AdCaMgPfPrTc; certis PhTb

<sup>&</sup>lt;sup>9</sup> festivis diebus GcPfTbVm; diebus festivis BeCaEaMg; festivitatibus Tc

<sup>&</sup>lt;sup>10</sup> flexo Bd; solo Ad

impresso<sup>11</sup> orare presumat, sicut Iudei irridentes Dominum in passione eius fecisse leguntur, sed utraque genua in terram ponat<sup>12</sup>. Ait enim Apostolus, Flecto genua mea ad Patrem Domini nostri Iesu Christi.

ID 4.36 mod.]

<sup>11</sup> solotenus (solat- Ce)impresso CeGcPaPc<sup>2</sup>PhPrTbVm; flexo solotenus AdEa; solo Bd; solotenus flexo BeCaDaMgPwTcVp; solatenus MqPf; solotenus PcPqSbVo; solatenus impresso Pk
<sup>12</sup> ponat \*MgPfTbTc; ponant Ca

#### 184

 $[Qua\ hora\ sit\ manducandum\ in\ Quadragesima]^{1}.\ Ex\ concilio\ Cabillonensi,\ cap.\ v^{2}$ 

Solent plures qui se ieiunare putant in Quadragesima, mox ut signum audierint, ad horam nonam manducare. Qui nullatenus ieiunare<sup>3</sup> credendi sunt, si ante manducaverint quam vespertinum celebretur officium. Concurrendum est enim<sup>4</sup> ad missam<sup>5</sup> et auditis missarum solempniis et vespertinis officiis, largitis elemosinis, ad cibum accedendum est. Si vero aliquis necessitate constrictus fuerit ut<sup>6</sup> ad missam venire non valeat, estimata vespertina hora, completa oratione sua, ieiunium solvat.

ID 4.45] De cons. D 1 c 50

#### 185

[Cuiusmodi refectio sit accipienda ieiunanti]<sup>1</sup>. Ex dictis Pimenii<sup>2</sup> heremite

Sint tibi quotidiana ieiunia, et refectio satietatem<sup>3</sup> fugiens. Nihil enim prodest
tibi<sup>4</sup>, biduo aut triduo<sup>5</sup> transmisso, vacuum portare ventrem, si pariter obruatur, si
compensantur saturitate<sup>6</sup> ieiunia. Ilico mens repleta torpescit, et irrigata terra corporis
huius spinas et carduos germinat<sup>7</sup>.

ID 4.55] De cons. D 5 c 19 to pariter obstruatur only

<sup>&</sup>lt;sup>1</sup> in mg. AdBeCaCeDaGcMgPfPrSbTc, in text Ea(no inscr.)MqSfVmVo(adding c et xliiii); om. PcPtTbVp

<sup>&</sup>lt;sup>2</sup> Ex decretis Silvestri pape cap. i *add. in mg*. Mg

<sup>&</sup>lt;sup>3</sup> ss Ca<sup>3</sup>

<sup>&</sup>lt;sup>4</sup> est enim CaMgPfTb; enim est Tc

<sup>&</sup>lt;sup>5</sup> -sam \*AdGcPfTbVm; -sas BeCaMgTc

<sup>&</sup>lt;sup>6</sup> ut \*CaPfTbTc; et Mg

<sup>&</sup>lt;sup>1</sup> in mg. AdBeCaCeDaGcMgPfPrSbTc, in text MqSfVmVo; om. PcPtTbVp

<sup>&</sup>lt;sup>2</sup> Pimenii BeCaCeDaGcMgPcPfPhPrSbVmVo; Pipinenii Ad; Pimenii Mq; Pigmenii Tb; Pigmetii Tc; Pemenii Sb<sup>2</sup>Vp. Ieronimus *add. ss* Qe

<sup>&</sup>lt;sup>3</sup> satietatem \*CaMgPfTb; saturitatem Tc

<sup>&</sup>lt;sup>4</sup> prod. tibi \*BeMgPfPhTc; tibi prod. Ca; prod. Tb

<sup>&</sup>lt;sup>5</sup> bid. aut trid. CaMgPfPrTc; trid. aut bid. PhTb

<sup>&</sup>lt;sup>6</sup> after corr. Gc

<sup>&</sup>lt;sup>7</sup> generat Ce; generabit Vp; in mg. Vo<sup>2</sup>

# <sup>1</sup>De eadem re. Item idem<sup>2</sup>

Sint tibi ieiunia pura, continua moderataque, id est quotidie esurire et quotidie prandere.

ID 4.561 De cons. D 5 c 20a

# 187

# *Ieronimus*<sup>1</sup>

Parcus cibus et semper venter esuriens<sup>2</sup> triduanis prefertur ieiuniis.

# 188

# Gregorius<sup>1</sup>

Spernitur ieiunium quod in vesperum<sup>2</sup> repletione ciborum<sup>3</sup> reficitur.

# 189<sup>1</sup>

# <sup>2</sup>Isidorus<sup>3</sup>

Perfectum ieiunium est quando homo noster exterior ieiunat, et interior orat.

<sup>&</sup>lt;sup>1</sup> Quod tria sunt genera elemosinarum *add. in mg.* Mg

<sup>&</sup>lt;sup>2</sup> De eadem re. Item idem AdCaCeQeSITbVp; De eadem re Be; De eadem re. Item idem. Ier' Da; De ieiunio Ea; Idem de eadem re GcPrVm; De eodem item Lc; Item idem de eadem re MgVo; Item de eadem re MqPr<sup>2</sup>; De eadem re idem Pc; Eiusdem de eodem Pf; De eadem re. Item Ph; Idem PtSbTc; De eodem Wc

<sup>&</sup>lt;sup>1</sup> Gregorius add. Da, Gr' add. Pf, Idem add. Ph, papa Gregorius add. Pt; ad Furiam add. Qe<sup>2</sup>; presbiter add. Tb, Gr. de eodem cxlvii add. Vo, om. AdBeCaEaMgPrTcVmVp; before c 188 Be

<sup>&</sup>lt;sup>2</sup> semper vent. es. CeGcPfPhPrSlTbTcVm; semper es. vent. BeCaEaMg; vent. es. semper Vo

<sup>&</sup>lt;sup>1</sup> Gregorius AdCaCeEa(mg.)LcMgPrSfSlTbVmWc; Ier' Gregorius Be; Isidorus DaMq; Idem Pf; Gregorius episcopus Tb; Gregorius, de elemosina PcTc (cf 190 below); De eodem cxlviii Vo; om. GcPt <sup>2</sup> vesperum BeCaEaPfTbTc; vespertinum Mg

<sup>&</sup>lt;sup>3</sup> rep. cib. BeEaMgPfTbTc; cib. rep. refertur vel Ca

<sup>&</sup>lt;sup>1</sup> after c 190 in smaller hand Ea

<sup>&</sup>lt;sup>2</sup> xv add. in mg. Be<sup>2</sup>. De elemosina add. Ad (cf c 190)

<sup>&</sup>lt;sup>3</sup> De elemosina Da; De eodem cxlviiii Vo; om. Mq; De elementis add. Vp (and cf c 190); De elemosina add. Sl

<sup>&</sup>lt;sup>4</sup> noster ext. BeCaEaMgPfTb; ext. noster Tc

[De elemosina]<sup>1</sup>. Ex concilio Cabillonensi cap.  $v^2$ 

Diebus vero ieiunii elemosina facienda est, et cibum sive potum quo quisque debuit<sup>3</sup> uti, si ieiunaverit<sup>4</sup>, pauperibus eroget. Quia ieiunare et cibos prandii ad cenam reservare non mercedis sed ciborum est incrementum.<sup>5</sup>

ID 4.44]

# 191

[Qualis debeat esse<sup>1</sup> elemosina]<sup>2</sup>. Gregorius<sup>3</sup>

Elemosina<sup>4</sup> Redemptoris nostri oculis illa<sup>5</sup> placet, que non illicitis et iniquitate congeritur, sed que<sup>6</sup> de rebus concessis et bene adquisitis impenditur.

+C 14 q 5 c 7

# 192

[Quod tria<sup>1</sup> sunt genera elemosinarum]<sup>2</sup>. Albinus<sup>3</sup>

Tria sunt genera elemosinarum, una corporalis, egenti dare quicquid poteris; altera spiritualis, dimittere a quo lesus fueris; tertia delinquentem corrigere et errantes in viam reducere<sup>4</sup> veritatis.

+D 45 c 12

<sup>&</sup>lt;sup>1</sup> De el. *in text* Ea(*no inscr*.)MqTcVm, *in mg*. BeCaCeDaGcPfPrQeSb; Item Ad(*cf c 189*); Hysidorus de elemosina cl *after insc. and* De eodem *before it* Vo; *om*. LcMgPhPtTbVp

<sup>&</sup>lt;sup>2</sup> Ex - cap. v BeCaMgPfPtTbTcVm; Gg. Ex - cap. v Pc; Ex conc. Cab. Sf; Gg' de helemosina (with Ex - v as second insc. to c 189) Vp

<sup>&</sup>lt;sup>3</sup> debuit \*Ad<sup>2</sup>BeGcPfTbVo; debeat AdCaEaMgTc; debet uti PrVm

<sup>&</sup>lt;sup>4</sup> -erit \*MgPfTbTc; -erint Ca

<sup>&</sup>lt;sup>5</sup> Oa ends II here, omitting cc. 191-end.

<sup>&</sup>lt;sup>1</sup> deb. esse AdBePfTc; esse deb. Ca

 $<sup>^2</sup>$  Qualis – elem. in mg. AdBeCaCeDaGcGcPfPrSbTc, in text LcMqVmVo(adding cli); Item Ea; om. MgPcPtTbVp

<sup>&</sup>lt;sup>3</sup> om. Lc; papa add. Pt

<sup>&</sup>lt;sup>4</sup> illa add. Tc, om. BeCaMgPfTb

<sup>&</sup>lt;sup>5</sup> illa BeCaEaMgPfTb; om. Tc

<sup>&</sup>lt;sup>6</sup> ss Be<sup>2</sup>

<sup>&</sup>lt;sup>1</sup> trina PrVm(*before corr*.)

<sup>&</sup>lt;sup>2</sup> in mg. Ad<sup>2</sup>BeCaCeDaGcPfPrSbTc, in text Ea(no inscr.)MqVmVo(adding clii); om. MgPcPtSfTbVp

<sup>&</sup>lt;sup>3</sup> Albinus AdBeCaGcLcmgLePcPtSfTb?TcVmVo; Alsinus Pf; Albinus Alsinus Mg; Aibinus Vp

<sup>&</sup>lt;sup>4</sup> reduc- AdBeCaMgPcPfTbVm; duc- CcTc

# Augustinus<sup>1</sup>

Due<sup>2</sup> sunt elemosine, una cordis, alia pecunie. Elemosina cordis est dimittere quod lesus es. Nam dare aliquid indigenti aliquando queris et non habes, indulgere peccanti quantum volueris redundat tibi. Elemosina cordis multo maior est quam elemosina corporis. Caritatis elemosina sine terrena substantia sufficit; illa vero que corporaliter datur, si non<sup>3</sup> benigno corde tribuitur<sup>4</sup> omnino non sufficit.

+D 45 c 13

<sup>1</sup> De eodem cliii *add*. Vo

<sup>2</sup> Que LcPy

<sup>3</sup> si non BeCaPfTc; sine Mg

<sup>4</sup> corde trib. BeCaMgPfPrTcVm; trib. corde PhTb

### 194

In decretis Gregorii pape<sup>1</sup>, cap. cxxviiii<sup>2</sup>

Neque elemosina reputanda est si pauperibus dispensetur quod ex<sup>3</sup> illicitis rebus accipitur, quia qui<sup>4</sup> hac intentione male accipit ut quasi bene dispenset, gravatur potius quam iuvatur.<sup>5</sup>

ID 5.112 end] C 1 q 1 c 27a var.

<sup>1</sup> pape GcMqPrTbTcVm, om. AdBeCaEaMgPcPfSf

### 195

[Quod nemo ieiunando vel prandendo discrepet a bonis inter quos versatur]<sup>1</sup>.

Augustinus in libro de doctrina Christiana<sup>2</sup>

Quisquis autem rebus pretereuntibus restrictius utitur quam sese<sup>3</sup> habent<sup>4</sup> mores eorum cum quibus vivit, aut intemperans aut superstitiosus est. Quisquis vero<sup>5</sup>

<sup>&</sup>lt;sup>2</sup> cap. cxxviiii AdBeCaCeGcPcPoPrSfTcVmVo; *om.* Ea; cap.cc.... MgPf; cap. ccxxviiii MqPhQe; cap. xxxix Tb; Non debere fieri elemosinam de rebus illicitis *add.* Po(*mg.*)Vo. Vp *has insc.:* Aug. de doctrina Christiana

<sup>&</sup>lt;sup>3</sup> ex \*MgPfTbTc; om. Ca

<sup>&</sup>lt;sup>4</sup> qui \*EaMgPfTbTc; in Ca

<sup>&</sup>lt;sup>5</sup> iuvet Sl

<sup>&</sup>lt;sup>1</sup> Quod – versatur (habitat Sf) *in mg*. AdBeCaCeDaGcLdMgPfPr, *in text* Ea(*no inscr*.)MqSfVmVo(*adding* clv); De modo comendendi in ieiunio et alibi *in mg*. Cb<sup>2</sup>, *in text* Lm; *om*. CcPcPtSbTbTcVp

<sup>&</sup>lt;sup>2</sup> Aug. in libro de doct. Chr. AdCaCbLdLmPcTbVmVo; In libro – Chr. Aug. Be; *om.* CcCe; Aug. de doct. Chr. DaMgTc; *lacuna* Pf

<sup>&</sup>lt;sup>3</sup> sese \*BdBeFcPfTbTc; se LdMg

<sup>&</sup>lt;sup>4</sup> habent \*AdCeTb; habeant Christiani CaCbDa; habeant BeCcDa<sup>2</sup>EaGcLdLmMgPfPh?SbTcVmVo

<sup>&</sup>lt;sup>5</sup> vero \*CaLdMgPfTbTc; autem Cc

sic eis<sup>6</sup> utitur ut metas consuetudinis bonorum inter quos versatur<sup>7</sup> excedat, aut aliquid significat<sup>8</sup> aut flagitiosus est. In omnibus enim talibus non usus rerum sed libido in culpa est. Quid<sup>9</sup> igitur<sup>10</sup> locis et tempori<sup>11</sup> et personis conveniat diligenter attendendum<sup>12</sup> est, ne temere flagitia reprehendamus. Fieri enim<sup>13</sup> potest<sup>14</sup> ut sine aliquo vitio cupidinis 15 vel voracitatis pretiosissimo cibo sapiens utatur, insipiens 16 autem fedissima<sup>17</sup> gule flamma<sup>18</sup> in vilissimum ardescat et sanius<sup>19</sup> quisque maluerit more Domini<sup>20</sup> pisce vesci quam lenticula more Esau nepotis Abraham<sup>21</sup>, aut hordeo more iumentorum. Non enim propterea continentiores nobis sunt<sup>22</sup> plures bestie quia<sup>23</sup> vilioribus aluntur escis<sup>24</sup>. Nam<sup>25</sup> omnibus huiuscemodi rebus non ex earum rerum natura<sup>26</sup> quibus utimur, sed ex<sup>27</sup> causa utendi et modo appetendi<sup>28</sup> vel probandum est vel improbandum quod facimus<sup>29</sup>.

ID 4.24] D 41 c 1

# Explicit liber secundus<sup>1</sup>

<sup>&</sup>lt;sup>6</sup> corr. fr. ei Cc

<sup>&</sup>lt;sup>7</sup> versatur \*CaLdMgPfPhTcVm; conversatur Tb

<sup>&</sup>lt;sup>8</sup> significat \*BeCaCbCcLmTbVmVo; sg'c Ld; sig'cat Pf; signc' Tc; sig'e Mg

<sup>&</sup>lt;sup>9</sup> Quid \*CbGcLdMgTc; Quod BeCaCcLmPfPrTbVmVo

<sup>&</sup>lt;sup>10</sup> ergo Vo

<sup>&</sup>lt;sup>11</sup> -ori BeCaCbCcLdMgPfTb; -orum Lm; -oribus PrTcVmVo

<sup>&</sup>lt;sup>12</sup> attendum Tc

<sup>&</sup>lt;sup>13</sup> enim \*CcCcLdLmMgPfTbTc; non Ca

<sup>&</sup>lt;sup>14</sup> potest \*CaCbCcLdLmMgPfTb; poterit Tc

<sup>15</sup> cupidinis \*GcLdLmTbVm; cupiditatis BeCaMgPfTcVo

<sup>&</sup>lt;sup>16</sup> incipiens Cc

<sup>&</sup>lt;sup>17</sup> fedissima \*CaLdMgPfPhTcVm; fedidissima Lm; fetidissima Tb

<sup>18</sup> fl. gule marked for reversal Tb

<sup>19</sup> sanus Cc

<sup>&</sup>lt;sup>20</sup> more Dom. \*CaLdMgPfTbTc; Dom. more (corr. fr. amore) Cc

<sup>&</sup>lt;sup>22</sup> nob. sunt \*CaLdMgPfTbTc; sunt nob. Cc

<sup>&</sup>lt;sup>23</sup> quia CbCcLdLmMgPfTbTc; qui Ca

<sup>&</sup>lt;sup>24</sup> al. (aliuntur CbCc) escis CaCbCcLdLmMgPfTb; escis al. Tc

<sup>&</sup>lt;sup>25</sup> in add. \*Da<sup>2</sup>Mg; ex add. Cb, om. CaCcCeDaGcLdLmPfTbTcVm

<sup>&</sup>lt;sup>26</sup> earum rerum nat. \*CaCbCcLdLmMgPfTb; nat. earum rerum Tc

<sup>&</sup>lt;sup>27</sup> ex \*CbCcDa<sup>2</sup>GcLmTbVm; *om.* BeDaLdMgPfTcVo

<sup>&</sup>lt;sup>28</sup> corr. fr. utendi Lm

<sup>&</sup>lt;sup>29</sup> quod. fac. ss Mh<sup>2</sup>, fecimus Ce

<sup>&</sup>lt;sup>1</sup> Expl. lib. secundus AdBdCaDbEaHaLeLkMgMqOa(after c 190)ObOfPcPfPhPqOeSbSeSfSlTbTcTdVoVq; Expl. secundus Od; Explicit secunda pars et liber quartus Pa; Expl. lib. tertius Sg; om. BeCeDaEgGcLcOePrPtVmVpWcBrant. LeMh precede Explicit with the rubric to 3.1.