### 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>

AaAcAdBbBdBeCaCbCeDaDbEaEgFbGaGbGcHaLbLcLdLgLkLoMfMgMhMkMmMoMpMqOaObOdOeOfPaPcPfPkPqPrPtPwQaRaRbRfSbSeSgSITcTdTeTfVaVnVpVqWc

# Incipit secundus<sup>1</sup>

¹ secundus AcAdBdCaLbLcLdLeMhMkMmMoMqOaOemgOfPcPfPhQeRfSbSlTbTcTe; tertius AaObPwSg; secunda pars CeGcHa(mg.)MfMgMjOd(mg.)PrRbVmVnWcWd; liber secundus DbFb(mg)EaLgVoBrant; pars secunda FbMpRa; secunda Mp; an erasure here Pk, but large initial 'Æ' follows; Sequitur secunda pars libri Pq; Hic incipit secundus liber Pt³ 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 3.37

<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; nomen est AcRa<sup>2</sup>; sit Pf; 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. FbLbOaPcPhRfSfTb.Vn ix. De constitutione ecclesie in mg. Bd<sup>2</sup>; i add.in mg. Be<sup>2</sup>. Quod est eccl. quod est cath. in mg. Pt<sup>3</sup>. For Te cf too end of Bk 1 above.

<sup>&</sup>lt;sup>4</sup> Grec. est CeDbGcLbMqPhPkPrPtRbSbTbTeVmVnWc; *om.* AaRf; 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>TeVmVn; -at PhTbTc

<sup>&</sup>lt;sup>6</sup> \*hoc Ac<sup>2</sup>CaFbMgPfTbTe; id Tc; om. Ac

<sup>&</sup>lt;sup>7</sup> Dei add. GcPcSlTcWd, om. \*AcAdCaDbFbLbMgPfPhPqPrRbQaTbTeVn

[Quod beneficiis regum et presulum<sup>1</sup> fabricate<sup>2</sup> sunt ecclesie]<sup>3</sup>. Ex decretis<sup>4</sup> 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<sup>7</sup> fabricarentur, atque<sup>8</sup> restaurarentur<sup>9</sup>, Deoque et ecclesie eius rite<sup>10</sup> famulantium servorumque illius<sup>11</sup> supplementa absque necessitate tribuerunt.

ID 3.6b1

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

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

fabricate CaMgPfTcVmWc; facte Sf; fabricande Te

<sup>&</sup>lt;sup>3</sup> in mg. AdBeCaCeDaGaGcMgPfPrRb<sup>2</sup>SbTcTe<sup>2</sup> (against c. 1 med. above and repeated here), in text TfVmVo(adding ii); om. FbLbOaPcPtTbVnVp

decretis \*CaLbMgPfTbTe; dictis Tc

<sup>&</sup>lt;sup>5</sup> et. ipsi \*AdCaMgPfTe; 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>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) AcAdBeCaDbMgPfRbTbTeVnVo; famulantibus Tc; famulantur servorumque illius Brant; famularentur servisque illius Vosm.

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

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

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

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

<sup>&</sup>lt;sup>5</sup> E AcAdBeCaDaGcMgMpMqPaPcPfPrSbTcVn; A MjOaPhPqQeRfSfTbTe; Ex Vo; om. CeMoPkPyRb

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

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

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

pauperibus *add. and canc.* Mm <sup>11</sup> orbem \*CeGcMfMjMoPcPhPrRaRbRfTbTcVm; mundum AcAdBeCaDa(vel orbem *add.* 

ss) DbFbLbLgMgMhMkMmMoMqObOdOePaPfPqPtSbTeVnVoVpWcBrant

solum<sup>12</sup> fieri Christianos, sed etiam fabricandas<sup>13</sup> ecclesias et predia tribuenda 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.

AcAdBeCaDbFbMgMpOdOfPfPt; om. ObTeVo

### **4**<sup>1</sup>

[Quod conditores basilicarum² nullam habeant potestatem³ in rebus quas ecclesiis contulerunt]⁴. Ex concilio Toletano, cap. xxxiii⁵

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

 $^{1}Ex\ concilio^{2}\ apud\ Valentiam,\ cap.\ iii^{3}$ 

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

<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; prime sedi Vn; *om*. Tc

<sup>15</sup> beati Petri \*GcLgMfMhMjMkMmMoMpMqOePhRaRfTbTcVmVn; beati

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

<sup>&</sup>lt;sup>17</sup> -ura \*AdBeCaDbFbMgPfPhTeVm; -uram AcTbTc

<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* AdBeCaCeDaGaGcLdMgPf(*corr. to here from c* 5)PrRb<sup>2</sup>SbTcTe<sup>2</sup>, *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*. FbLbOaPcPtTbVnVp

<sup>&</sup>lt;sup>5</sup> iii LbLd. Ex – xxxiii] Ex – IIII cp. xxxiii (xxx<iiii> Sb) DaSb, *cf XP 2,4,1(2)*; Ex eodem conc. Rb; Ex decretis Tolet, cap. xxxdecimo Te

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

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

<sup>&</sup>lt;sup>8</sup> conferunt \*BeMgPfTbTcTe; 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*. DaLnTc, De eodem *add*. *in text* Vo, *om*. AdBeFbLbLdOaOePfPrPtRbSbSfTbTeVmVpWc

<sup>&</sup>lt;sup>2</sup> -liis Lr

<sup>&</sup>lt;sup>3</sup> iii AcCaLdLnMgPfRfTbTeVn; 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>; Ex concil' Aurelianensi c. iii Lb

Clerici etiam vel seculares qui oblationes parentum aut donatas, aut testamentis<sup>4</sup> relictas retinere perstiterint<sup>5</sup>, aut id quod ipsi donaverint ecclesiis vel monasteriis, crediderint<sup>6</sup> auferendum, sicut sinodus sancta<sup>7</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>

[Ouod 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> testamentis \*CaPfTbTc; testimoniiis Mg

<sup>&</sup>lt;sup>5</sup> perstiterint \*CeOaPtRbTb; presumpserunt AcAdBeDaLbMgPfPhSb; prescripserunt Bd; presumpserint Be<sup>2</sup>CaFbLkPcPhPk<sup>2</sup>PwRaRfTcTfVnVo; perstiterunt GcPrVm; presumperunt Ha; prestiterunt MqTe; presumserit Pk; sumperserint Pq

<sup>-</sup>erint \*AdCaPfTbTe; -erunt MgTc <sup>7</sup> sin. san. \*CaMgPfTb; san. syn. Tc

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

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

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

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

<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 \*BeMgPfTbTcTe<sup>2</sup>Vo; presumat Ca; prefiniet Fb; prefieniat Te
<sup>9</sup> ad \*CaMgPfTb; *om.* Tc
<sup>10</sup> ad *add.* CaTe, *om.* \*FbMgPfTbTc

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

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

<sup>&</sup>lt;sup>13</sup> sancta \*AcCaPfPhTb<sup>2</sup>TcTe; *om*. MgTb

<sup>&</sup>lt;sup>14</sup> conspergat \*AaAcAdDa(vel a ss)FbGcMgMqPfPhPrTbTe; aspergat (vel con. add. ss Ca<sup>1</sup>) CaCeLbRaSbVn; aspergatur RfTc

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

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

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

# <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>3</sup> debeant fieri et quibus AdBeCaMgTeVmVo; debeant et quibus Pf; debeant fieri and ends rubr.

in mg. here AdBeCaCeDaGcMgPfPoPrRb<sup>2</sup>SbTe<sup>2</sup>, against c 8 Tc, in text VmVo(adding vii); om. FbLbOaPcPtRfSfTbVmVn; 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 AcBeLbMgPfTcTeVmVnVo; episcopi Ad; *om*. CaOaPhSfTb <sup>6</sup> cap. xxxix CaLbMgPfTbTe; *om* PcTc

de \*CaMgTbTc; om. Pf

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

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

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

it -ice AdBeCaMgPfPqTcTeVn; -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)

For Tc see above, c 7; De eadem re add. CaDa mg.; De eodem add. Vo

pape CaEaLbMgOaTbTcVp; om. BeDaGcPfSfTe

cap. i CaLbMgPfTbTcVmVo(adding viii); cap. ix Ad; om. Ea

est add. Tc, om. CaEaMgPfTb

est EaFbMgPfTb; om. CaTc

que AdCaMgTbTcVm; qui Pf

<sup>-</sup>ario CaMgPfTb; -ari Tc

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

hosp. FbMgPfTbTcTe; humilitatem Ca

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

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

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

# <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. Ouod si fecerint<sup>9</sup>, communione priventur<sup>10</sup>.

JL 4404 c. 8, MGH Concilia viii. 406] +C 12 q 2 c 28 is very remote

### 10

[Ouod 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 festivitatem celebraturus venit<sup>9</sup>, sicut scriptum est. Facta<sup>10</sup> sunt encenia in

<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.* LbTc, *om.* AdBeCaMgPfSeTb <sup>4</sup> ix BeCaLbMgPfPhRbTbTcTeVn; 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 BeFbMgTbTcTeVm; tribuat CaPf. *In* Ce faciat quarum sibi – distribuat *is in a much larger* 

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

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

<sup>&</sup>lt;sup>10</sup> -entur AdBeCaCeDaGcFbMgPcPfPkTeVnVo; -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 MgTeVm

in mg. AdBeCaCeDaGcMgPfPrRb<sup>2</sup>SbSeTcTe<sup>2</sup>; in text VmVo(adding cp. x); om. FbOaPaPcPqPtPkRfTbVn; De dedicatione et consecratione ecclesiarum et altarium add. in mg. BdMg, in text with no insc. EaPhVp; De dedicatione in mg. Db; De dedicatione ecclesiarum Lb; 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 PcRf) dies celebrandas in text CaCeGcMgOaPcPfPkPrRbTeVm(before inscr.)Vn (mg,); 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. AdBeDaLbPaPqPtSbVoVp

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

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

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

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

 $[Quod\ iteranda\ sit\ ecclesiarum\ dedicatio,\ si\ earum\ nescitur\ consecratio^{1}.\ Item^{2}]$ 

De<sup>3</sup> ecclesiarum vero dedicatione quotiens dubitatur, nec certa scriptura nec certi testes existunt a quibus consecratio sciatur, absque ulla<sup>4</sup> dubitatione scitote eas esse sacrandas<sup>5</sup>, nec<sup>6</sup> talis trepidatio iterationem<sup>7</sup> incurrit, quoniam non monstratur esse iteratum, quod nescitur esse factum.

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

#### 12<sup>1</sup>

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

Multi contra<sup>5</sup> canonum constituta<sup>6</sup> sic ecclesias quas edificaverunt postulant consecrari, ut dotem quam ecclesie contulerunt<sup>7</sup> censeant ad episcopi ordinationem<sup>8</sup>

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

in templo ss Da

<sup>12</sup> octo \*CaMgPfPrTcTeTf; septem PhTb

<sup>&</sup>lt;sup>13</sup> dierum sint \*AdFbMgPfPhTc; dierum sunt CaTe; 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*. LbOaPcPhPkPtQeRfSbTbTeVp, SbPkPqTe *with no break* 

<sup>&</sup>lt;sup>2</sup> Item QeTb; *om.* AdBdBeDaGcOaPfPhPkPqPrPtRbVmVo; Ex concilio Toletano IIII cap. xix CaFbMgRaVn; Ex concil. Toletano c. iii Lb; 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>3</sup> He Rh

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

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

<sup>&</sup>lt;sup>6</sup> ne Te

<sup>&</sup>lt;sup>7</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.* CaDaLnMg; De consecratione ecclesiarium *add. in text after* xix *and in marg.* Db. Dotem ecclesie ad episcopum tantum pertinere *add.* Vo

<sup>&</sup>lt;sup>3</sup> IIII CaLdMgPhPrRbSfTbTe(ss)VmVn; III DaLnPfRaSb; om. AdBeLbPcRfTcVo

<sup>&</sup>lt;sup>4</sup> xix AdCaLbMgPfSfTbVn; viiii Tc

<sup>5</sup> om Vn

<sup>&</sup>lt;sup>6</sup> const-\*CaMgOaSfPfPhVmVo; inst- AdBdBeGcTbTcTeVp; istatuta Vn

<sup>&</sup>lt;sup>7</sup> -erunt BdCaMgPfSfTb; -erint Tc

<sup>&</sup>lt;sup>8</sup> et potestatem add. Tc, om. \*CaMgPfSfTbVmVn

non pertinere. Quod factum et preteritum<sup>9</sup> displicet et in futuro prohibetur, sed omnia<sup>10</sup> secundum consuetudinem antiquam<sup>11</sup> ad episcopi ordinationem et potestatem pertineant<sup>12</sup>.

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

<sup>9</sup> preteritum \*AdBeFbGcOaPfPhPqSfTeVmVnVo; periteritum Ca; in preteritum Mg; in preterito Tb

omnia \*FbMgPfSfTb; sola Ca

post rite disponant add. ss Gc

#### 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<sup>5</sup>.

ID 3.32] De cons. D 1 c 3a

<sup>1</sup> Ouod omnis basilica cum missa debeat consecrari add. in mg. CaDaLn

<sup>2</sup> Evaristi \*MgRaVp<sup>2</sup>; Eucharistii AdMqPcRfSbTcTe; Eucharisti BdBeCaDaGcLbLdLnOePfPhPrRbSfTbVp; Euvaristi Oa; Euristi Vo

# <sup>1</sup>In<sup>2</sup> decretis Vigilii<sup>3</sup> pape<sup>4</sup>, cap. iiii<sup>5</sup>

Vigilius<sup>6</sup> papa Romanus<sup>7</sup> Eleutherio episcopo. De fabrica cuiuslibet ecclesie si diruta<sup>8</sup> fuerit instauranda, et si in eo loco consecrationis solempnitas debeat iterari, in qua<sup>9</sup> sanctuaria non fuerint<sup>10</sup> diruta<sup>11</sup>, nihil iudicamus<sup>12</sup> officere, si<sup>13</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

<sup>&</sup>lt;sup>12</sup> quod factum - pot. pertineant \*AdCaMgPfSfTb; om. Tc

cap, iiii \*CaDaMgPcPfPhTcTe; iiii BeRb; cap, iii GcLb; om. MgTb; Ecclesias non sine misse sacrandas xiii Vo. Ex - iiii om. Vn

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

<sup>&</sup>lt;sup>5</sup> celebrari Vn

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

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

pape AdCaGcOaPfRbTcTe(ss)Vo; om. BeMgMqPhSfTbVn

<sup>&</sup>lt;sup>5</sup> cap. iiii \*AdBeCaLbMgPhRfSfTcTeVnVo(*adding* xiiii); ? Pf; cap. iii MqRb; whole insc. in mg. Ha<sup>2</sup>; om. HaTb; no insc. Vp

<sup>&</sup>lt;sup>6</sup> Iulius Tf

<sup>&</sup>lt;sup>7</sup> Romanus AdCaCeDaLbMgMqPcPfPhRfSbTbTeVnVoWc; *om*. GcPrRaRbTcVm

<sup>&</sup>lt;sup>8</sup> diruta \*AdBd<sup>2</sup>CaDaLbLkMgPcPqSbTcTe; dirupta BeCe<sup>2</sup>GcMqPaPfPhPkPrPwTbVmVo; dipruta Vn 9 qua \*GcPfPhTcVnVo; quo BeCaMgTbTe

erint \*GcTc; -erunt AdCaMgPfTbVmVnVo om. TeVn

<sup>&</sup>lt;sup>12</sup> iudicamus \*FbMgPfTbTc; videamus Ca

<sup>&</sup>lt;sup>13</sup> si \*CaMgPfTb; sed Tc

basilica a fundamentis etiam fuerit innovata<sup>14</sup>, sine aliqua dubitatione cum in ea missarum solempnitas<sup>15</sup> fuerit celebrata, totius sanctificatio consecrationis<sup>16</sup> implebitur. Si vero sanctuaria que habebat ablata sunt, rursus eorum<sup>17</sup> dispositione<sup>18</sup> et missarum solempnitate reverentiam sanctificationis accipiet. 19

ID 3.251 De cons. D 1 c 24

14 fuerit inn. \*CaMgTbTc; inn. est Pf

### 15

[Ouod loca Deo dicata non debent amplius fieri] in alios usus nisi ad aliam<sup>2</sup> ecclesiam construendam]<sup>3</sup>. Ex concilio apud Aquisgrani<sup>4</sup>, cap. iiii<sup>5</sup> Ut<sup>6</sup> loca que semel<sup>7</sup> Deo dedicata<sup>8</sup> sunt aut monasteria fuerunt<sup>9</sup>, maneant perpetuo sic, nec<sup>10</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>

<sup>15</sup> solempnitas \*CaMgPfTb; celebritas Tc

<sup>&</sup>lt;sup>16</sup> sanct. cons. \*CaMgPfPhTc; cons. sanct. Tb

<sup>&</sup>lt;sup>17</sup> eorum CaDbMgPf<sup>2</sup>Tc; earum PfPhTbTe

<sup>&</sup>lt;sup>18</sup> dispos- MgPfTbTcTe; pos- (vel dis id est disposita ss) Ca; repos- Db

<sup>&</sup>lt;sup>19</sup> Si vero sanctuaria – accipiet *in lower mg*. Ld

ampl. fieri EaGcPfTeVm; fieri ampl. AdCaDaMgTc; fieri Wc

<sup>&</sup>lt;sup>3</sup> Quod - in alios usus nisi ad aliam ecclesiam construendam in mg AdCaCeDaLnMgMpTc; Quod fieri secularia habitacula (hab. sec. Wc) in mg. BeCeGcLdPfPrRb<sup>2</sup>SbTe<sup>2</sup>Wc, in text Ea(no insc.)SfVmVo(adding xv); om. LbOaPcPtRfTbVnVp

apud Aquis.] Aquisgranc' Te

<sup>&</sup>lt;sup>5</sup> cap. iiii AdBeMgMpOaPfSeTbTcTeVnVo; om. AaMj; cap. iii LbMm; cap. v Sf

<sup>&</sup>lt;sup>6</sup> Et CeOaRa; Est Pq

<sup>&</sup>lt;sup>7</sup> semel \*CaMgPfPhTc; semper Tb

<sup>&</sup>lt;sup>8</sup> dedicata OePcPfPqRbRfTcTeVp; dicata

AaAdBdBeCaCeDaGcLkMgMpMqOaPaPhPkPrPwQeSbTbTfVmVn; sanctificata (vel dicata ss) Db

<sup>9</sup> fuerunt \*CaDbMgMpPfTb; fuerint Tc

<sup>10</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. CaCeDaGcLdPfPr Rb<sup>2</sup>SbTe<sup>2</sup>(Ca runs into rubr. for c 17), in text Ea (no insc.)VmVo(adding xvi), om. AdBeLbMgMpOaPcPtRfTbTcVnVp <sup>4</sup>-tis LbMgPfTe; decr' CaTc; -to PhTb

<sup>&</sup>lt;sup>5</sup> iii \*AdCaGcMgPfRbTeVmVnVo; iiii BeLbPhSfTbTc. *No insc.* PcRf

Ligna<sup>6</sup> ecclesie dedicate non debent<sup>7</sup> ad aliud opus iungi nisi ad aliam ecclesiam, vel igni comburenda, vel ad profectum in monasterium<sup>8</sup> fratribus. In laicorum<sup>9</sup> vero<sup>10</sup> non debent admitti<sup>11</sup>.

ID 3.44] De cons. D 1 c 38

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 3.201 De cons. D 1 c 25

<sup>&</sup>lt;sup>6</sup> Signa CcLbOaPySl <sup>7</sup> ss Te<sup>2</sup>

<sup>&</sup>lt;sup>8</sup> -erium \*CaDbMgPfTb; -erio Tc

<sup>&</sup>lt;sup>9</sup> opera add. Be; profectum add. MgRa<sup>2</sup>, usum add. CaDa, om.

AdBbDbEaFbGcMfMhMjMkMmMnMoMpPdPhPtObOdOeOfPfRaRfTbTeVmVnVoVp(in mon. ad

<sup>&</sup>lt;sup>10</sup> usum (usu *Migne*) *add*. Ad(*after* debent)FbLb*Brant* 

<sup>&</sup>lt;sup>11</sup> In laicorum – admitti (habitacula *add*. Ra) \*AdBeCaDbEaFbGcLgMgPfPhRaTbVmVnVo*Brant*; om. Tc

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

aliud AdBeCaMgPf; om. Tc

ep. loci] ipsius loci ep. Rb. loci om. Vo

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

<sup>&</sup>lt;sup>5</sup> -tis LbMgPfTe; 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, corr. fr. viii Rf

alia add. Tb, om. \*CaMgPfPhTc

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

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

<sup>&</sup>lt;sup>10</sup> sanct. \*CaMgPfTcVn; significatum PhTb; decretum Te

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

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

Ut<sup>2</sup> ecclesie vel altaria que ambigua<sup>3</sup> sunt de consecratione consecrentur, et superflua altaria destruantur.

ID 3.11] De cons. D 1 c 18

<sup>1</sup> viii AdBeCaMgOaPfRbTb; viiii Lb; x TcVn; 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*. CaDaLn(*partly illeg*.); *for* Te *see next canon*; 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>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<sup>6</sup> fuerit altare denuo consecretur<sup>7</sup> ecclesia<sup>8</sup>. Si parietes mutantur et
non altare, salibus tantum exorcizetur<sup>9</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<sup>4</sup>, cap. vi<sup>5</sup>

Si homicidio vel adulterio<sup>6</sup> ecclesia<sup>7</sup> fuerit violata<sup>8</sup> diligentissime expurgetur<sup>9</sup>, et denuo consecretur<sup>10</sup>.

ambigua \*CaGcMgPaPcPfPrRfTcVm; dubia Ph(vel ambigua ss)Tb; ambiga Pq

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

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

in mg. AdBeCaCeDaLdLn(partly illeg.)MgObPfPrSbTc, in text Ea (no insc.)SfVmVo(adding xxi); Quod si mota fuerit altare tota consecretur in mg. Rb<sup>2</sup>; Te<sup>2</sup> places against c. 18; om. OaPcRfTbVnVp

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

<sup>&</sup>lt;sup>5</sup> Ig. pp] Ignei pape Pc(cf c 21 for Rf); eiusdem RbRf

<sup>6</sup> notum Rf

<sup>&</sup>lt;sup>7</sup> tota add. PhTb, om. \*CaGcMgObPfPrTcTeVn

<sup>&</sup>lt;sup>8</sup> Rb *continues directly* fuerit violata – denuo consecretur *cf end of c 21* 

<sup>9 -</sup>etur AaAd<sup>2</sup>BeDbEaGcOaObPhTbTcTeVm; -entur Ad?CaDaLbMgPfRa

<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*. AdBeCaCeDaGcMgPfPrSbTcTe<sup>2</sup>, *in text* Ea (*no insc*.)VmVo(*adding* xxi); Quod - consecretur eccl. Sf; *om*. BbLbOaPcPtRfTbVnVp

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

<sup>&</sup>lt;sup>4</sup> Ignei pape Rf ( $cf \text{ Pc } \bar{c} 20$ )

<sup>&</sup>lt;sup>5</sup> cap. vi BeCaLbMgPfTcTeVo; cap. vii OaVnVp; pape Tb

<sup>&</sup>lt;sup>6</sup> Rb om. insc. and all to adulterio – see n. to c 20

<sup>&</sup>lt;sup>7</sup> ecclesia \*CaMgPfTb; after violata Pc; om. Tc

<sup>&</sup>lt;sup>8</sup> ecclesia fuerit viol. GcMgMqRaTbTcVm; ecclesia viol. fuerit AdBeCaMgOaPfVo; fuerit ecclesia viol. Pc; fuerit viol. Tc; fuerit viol. ecclesia Te

ID 3.14] De cons. D 1 c 19b

<sup>9</sup> expur- \*FbMgPfTbTc; purg- Ca 10 reconcilietur add. ss Ld<sup>2</sup>

 $22^1$ 

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

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<sup>10</sup>.

ID 3.15] De cons. D 1 c 27

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<sup>13</sup>, sed si apta<sup>14</sup> videtur<sup>15</sup> ad consecrandum, inde evulsis corporibus et rasis

<sup>&</sup>lt;sup>1</sup> here BdBeCaCcCeDaDbGcLbLcLdLgLhLkLnMgMhMkMmMnMoMpMq(after add. cap.)OaPaPcPdPfPhPkPqPrPtPwOeRaRbRfSbSfSlTbTcTeTfVoVpWc; after c 23 Fb; after c 24 MfMj 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 SbTe

<sup>&</sup>lt;sup>5</sup> Quod - in ea cantari (cant. in ea AdTc) in mg. AdBeCaCeDaGcMgPfPrSbTcTe<sup>2</sup>Wc, 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. LbMqOaPcPtTbVnVp

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

7 -eat \*CaDbMgPfTb; -et Tc

8 -ari \*DbGcTbTc; -are BeCaMgPfRaVnWc; celebre Te

9 -ari \*DbGcTcVn; -are BeCaMgPfTbTeWc; -uri Ra

10 om. Vn

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

iam AdBeCaMgPfTcVm; om. Sf

sacrata Ad

ea AdBeCaLdMgSfTcVa; eis PfLi

<sup>&</sup>lt;sup>6</sup> missas cant. si tamen (tantum Te) BeCaMgPfTcTeVm; cant. missas si Sf

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

<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. BdDbLbLcOaPcPtTbVnVp; De sepultura add. in mg. Lj

corr. fr. Aurelianensi Be; Agripisi Te

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

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

parietibus vel lignis eius loci<sup>16</sup>, reedificetur<sup>17</sup>. [24]<sup>18</sup>. Si<sup>19</sup> hec consecrata prius fuit<sup>20</sup> missas in ea celebrare<sup>21</sup> licet, si tamen<sup>22</sup> fideles fuerint<sup>23</sup> qui in ea sepulti sunt.

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

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<sup>12</sup> -are *BeCaLdLjMgPfPtTb; -ari Tc
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# 19<sup>1</sup>

<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 3.167

<sup>13</sup> corr. fr. –eat Te

<sup>&</sup>lt;sup>14</sup> repeated and canc. Te

<sup>&</sup>lt;sup>15</sup> videtur \*BeCaDbLdMgPfPtTbTcVn; fuerit AdBdLjTe

<sup>&</sup>lt;sup>16</sup> loci \*BeCaLdLjPfTbTcTe; lotis Mg; vel loti add. ss Rf

<sup>&</sup>lt;sup>17</sup> -etur \*Ad<sup>2</sup>BeCaDbMgPtTbTc; -entur AdLdLjPfTe

<sup>&</sup>lt;sup>18</sup> no break \*AdCaDbLbLdLjMgPfTbTcTeVnWc

<sup>&</sup>lt;sup>19</sup> Si \*AdDbGcLdLjOePfPrPtRaTbTc; Sed si CaMgPcRa<sup>2</sup>Vn; Si vero Be

<sup>&</sup>lt;sup>20</sup> prius (ss Be) fuit \*BeDbLdTcTeVn; prius fuerit AdCaGcPaPfPtMg; fuit prius Ph; fuit Pk; fuerit prius

<sup>&</sup>lt;sup>21</sup> -are \*CaDbGcLdLjPfPtTbTe<sup>2</sup>; -are enim Be; -ari MgTc; cebrare Te

<sup>&</sup>lt;sup>22</sup> si tamen \*AdBeGcLdLiPtTbTe; si tamen non (apta videtur ad consecrandum *add. and canc.*) Bb; tamen si CaMg; si tantum PfTc; sed si tamen Vn
<sup>23</sup> -int \*BeCaLdMgPfPtTc; -unt Tb

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

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

<sup>&</sup>lt;sup>2</sup> Ouod 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., for Te c. 25

<sup>&</sup>lt;sup>3</sup> -ianensi BdGcLdMfMgMhMkMmMjObOePfQaTcVmVnVoWc; Agripinensi CaFd; Aureliansi Lb;

<sup>&</sup>lt;sup>4</sup> vi \*BdCbCeLbLdLfLjMfMgMjMkMmOaObOePhTbTcVmVnVoWc; vii Ad; x BeCaPt; xi Pf; Ex vi om. CcMoRf; cap. vi om. EaPcQa; Ex concilio Agripinensi cap. iii Fb (cf c 23)

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

qua \*AdBdBeCaCbCcLdLfLjLmMfMgMhMjMkMMMoMpObOePfPtTbWc; quibus Tc

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

<sup>&</sup>lt;sup>8</sup> -ari AdBdBeCbDbGcLdLfLjMfMhMjMkMmMoMpOaObPhPtQeTbTcVmVo; -are CaCcLmMgOePfVpWc

altare \*AdBdBeCaCbCcLdLfLjLmMfMgMhMjMkMmMoMpObOePfPtTbWc; altaria Tc <sup>10</sup> -eat \*AdBdBeCaCbCcLdLfLjLmMfMgMhMkMmMoMpObOePfPtTbWc; -et MjTc

<sup>&</sup>lt;sup>11</sup> -atum \*AdBdBeCaCbCcLdLfLjLmMfMgMhMjMkMmMoMpObOePfPtTbWc; -ata FbTc; -eat Pt

<sup>&</sup>lt;sup>12</sup> prius fuit \*BeCeEaGcLmMfMhMjMkMmOaObOePfPhQeTe<sup>2</sup>VnVoWc; prius fuerit

AdBdCbLdLjMoPtRaRfVm; fuit prius CaCcFbLfMgTb; fuerit prius MpVp; prius fuerint Tc; prius Te <sup>13</sup> lic. celebrari in ea (eis Tc) BdBeCaCbGcLdLfLjMhObOePcPfPhPrPtQeRfTbTcTeVmVoWc; licet celebrare in ea AaEa; celebrare licet in ea AdVn; celebrari liceat in ea CcOa; celebrare in ea LmMg; celebrari in ea licet Mf; si tamen fideles fuerunt qui in ea sepulti sunt add Mn (cf c 23)

# <sup>1</sup>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 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 judicis prestolari concedat.

ID 3.221]

# <sup>1</sup>Ouod 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<sup>8</sup> virtutis qui potuerit<sup>9</sup> memoriam vendere<sup>10</sup> mortuorum. Sciant igitur qui sepulcra vendunt ante<sup>11</sup>, et non<sup>12</sup> coguntur ut accipiant

<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. CaDaLn(partly illeg.); Quod nullus debeat sepulturam alterius violare aut (vel Te) ossa abicere add. in mg. Sb here, before c. 24 Te; Quod nullus in ecclesia sine iussu episcopi vel presbiteri sepeliendus sit, nec ossa de sepulcro

suo eicienda xxiiii *add.* Vo <sup>2</sup> x AdBeCaGcMgPfTcTeVmVnVo<sup>2</sup>VpWc; vi PhQeSfTb; viiii Vo; *om.* Lb. Ex – x *om here, but as* insc. to c 26 MoPcRf

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

<sup>4</sup> mortuum \*AdBeDaGcLbLkPcPfPhPrQeTbTf; mortuorum CaFbMgPh<sup>2</sup>TcTeVp

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

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

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

<sup>&</sup>lt;sup>8</sup> quoquomodo \*AdFbMgPfTbTe; quolibet modo Tc; que quomodo Ca

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

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

<sup>&</sup>lt;sup>1</sup> Ut nullus aliquid pro sepultura exigat *add. in mg.* CaDaLn(*partly illeg.*);

<sup>&</sup>lt;sup>2</sup> Quod - sep. AdBdBeCaCe(mg.)GcHaLbLdMgMqOaOePfPrQaRbSb(mg.)SeTdTe<sup>2</sup>(mg) VmVnVo(adding xxv)Vp; xii. De sepultura in mg. Bd<sup>2</sup>; Ieronimus DaRaSb; Ex – cap. x PcMoRf (cf c 25); Quod - sep. Ex eodem Sf?; Ex eodem Tb; Ex concilio Meldensi, cap. x. Ieronimus Tc; om. PhPt

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

sepulcrum CaMgPfTb; sepulturam Tc

eo CaMgPfTb; om. Tc

scriptura CaMgPfTb; scriptum Tc

fuisse Ca<sup>3</sup>FbMgPfTbTc; fecisse Ca

<sup>&</sup>lt;sup>8</sup> perfecte Te

potuerit Pf<sup>2</sup>TbTcTe; poterit CaMgPf
 mem. vend. CaMgPfTb; vend. mem.Tc

<sup>&</sup>lt;sup>11</sup> ante MgPfTe; om. CaTbTc

<sup>&</sup>lt;sup>12</sup> non CaPfTbTc; si Mg

pretium, sed a nolentibus quicquam<sup>13</sup> extorquent, immutare<sup>14</sup> nomen suum, et perire quid<sup>15</sup> de merito eorum<sup>16</sup>, cum etiam ille<sup>17</sup> reprehendatur occulte qui invitus acceperit<sup>18</sup>.

+C 13 q 2 c 13

<sup>13</sup> quicquam CaMgPf; quoque TbTcTe

#### 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

### 28

[Quod<sup>1</sup> altaria per revelationes vel per somnia hominum adinventa, reprobentur]<sup>2</sup>. Ex concilio Africano<sup>3</sup>, cap. l<sup>4</sup>

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

<sup>&</sup>lt;sup>14</sup> immutare AdBeCaMgPfPr; mutare Gc<sup>2</sup>TeVn; mutari PhTb; immutari Tc

quid AdCaMgPf; quidem TbTc

est add. Ca, om. FbMgPfTbTcTe

 $<sup>^{17}</sup>$  ss  $Gc^2$ 

<sup>&</sup>lt;sup>18</sup> acceperit CaMgPfTb; accepit Tc

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

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

<sup>&</sup>lt;sup>3</sup> Peti \*AdCaEaLb<sup>2</sup>MgPfPwSeTbTcTe; Leti LbPk; Beti Py

<sup>&</sup>lt;sup>4</sup> omnimodo CaEaGcMgPfTeVm; 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 \*CaMgPfRaTbTe; commodum Tc; conponendum Vn

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

<sup>&</sup>lt;sup>2</sup> in mg. AdBeCaCeDaGcLdLn(at foot of leaf and partly illeg.)MgPfPrRb<sup>2</sup>SbTcTe<sup>2</sup>; in text Ea(no insc.)SfVmVo(adding xxvii); xiii. De ecclesiis et presbiteris in mg. Bd<sup>2</sup>; om. LbOaPtRfTbVn <sup>3</sup> corr. fr. Meldensi Pc

<sup>&</sup>lt;sup>4</sup> cap. l \*AdBeLbLdLnOePfPkSeTbTc; cap. i CaMgRfTe; V cp. xiiii Da; ?Sb; cap. Vm

<sup>&</sup>lt;sup>5</sup> et \*AdCaMgPfTbTe; aut TcVn

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

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 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

[Quod<sup>1</sup> omnis<sup>2</sup> qui converti voluerit, in monasterium<sup>3</sup> ecclesie cuius parochianus est, medietatem substantie sue relinquat, aliter non convertatur 1<sup>4</sup>. Decreta Leonis pape *IX*<sup>6</sup>. *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 10 monachi 11, 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

<sup>&</sup>lt;sup>11</sup> plebes \*FbMgPfTbTc; plebs Ca <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>15</sup> ibi add. Tc, om. \*CaMgPfTb

<sup>&</sup>lt;sup>16</sup> probabiliter accipiatur \*BeEaFbMgRa<sup>2</sup>TbVnVp; probabiliter AdCeGcPf(obsc. corr.)PkPrRaSbTeTfVm; probabitur CaDaTc; probabiliter accipiat Rf

aut ubi corpus \*BeCaEaMgOeTb; ubi corpus aut Gc; aut corpus ibi Pf; ubi corpus Tc

ubi add. Mg, om. \*CaPfTbTc

<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>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. AdBeCaDaGaGcLdLnMgMkMoPfPrRb<sup>2</sup>SbTcTe<sup>2</sup>, 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. LbOaPcPtRfTbVnVp

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

<sup>&</sup>lt;sup>6</sup> IX \*CaLbLdMgMkMmOePfPrTdTeVm; X Be; om. AdDaOaPhRfTbTcVnVo

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

<sup>&</sup>lt;sup>8</sup> Relatum Be?FbGcMgMqPfPtTeTfVnVoWc; Delatum CeLcLdMjMoPcPyRbRf

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

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

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

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

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> 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<sup>28</sup> precipimus atque iubemus<sup>29</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>30</sup> decreverit, medietatem ecclesie cui ipse pertinere dinoscitur relinguat, et sic demum in monasterium prout sibi libitum fuerit<sup>31</sup> eundi convertendique licentiam habeat. Quicumque autem huius nostri decreti contradictor<sup>32</sup>, convulsor<sup>33</sup> ac<sup>34</sup> temerator exstiterit gladio anathematis subiaceat<sup>35</sup>.

ID 7.1501

<sup>13</sup> ill. trad. Ca<sup>3</sup>FbMgOePfTbTe; trad. Tc; trad. ill. Ca

AdBdCaCeDaFbGcHaLdMgPaPcPfPkPgPwRaRfSbTeTfVnVoWc: denique fraudem (over erasure Lk)EaLkTd; denique formam Oa; fraudem Tc

 <sup>14</sup> eccl. quibus] quibus eccl. Db
 15 subiecti \*BeDbMhMkMmMnMoMqPfPhPrPtTbTeVo; subditi CaDaFb²GcMfMgMjMpRaTcVn; sub'i Rf

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

et add. RaTc, om. \*CaMgPfTb

<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

<sup>&</sup>lt;sup>21</sup> suis relinguant \*GcOaPhRaTb(Te)Vn; relinguant suis AdCaEaTcVo; suis relinguant Be; relinguant suis FbMgPf
<sup>22</sup> denique famam \*BeMqPhPrTbVm; denique fidem

<sup>-</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 AdCaEaGcMgMqPfRaTbVmVnVoVp; op. est dignus Oa; dignus est op. \*Tc

<sup>&</sup>lt;sup>28</sup> adque

<sup>&</sup>lt;sup>29</sup> atque iub. \*CaMgPfTb; om.Tc

<sup>&</sup>lt;sup>30</sup> disponi \*CaMgPfTb; disponere Tc

<sup>&</sup>lt;sup>31</sup> fuerit \*DbGcLgMfMhMjMkMmMnMqPtRaTbTcVmVo; est AdBeCaDaFbMgMoMpObOdOe<sup>2</sup>OfPfVnVp*Brant*; om. OeTe

<sup>&</sup>lt;sup>32</sup> vel *add*.Tc, *om*. \*CaMgPfTb <sup>33</sup> conv- \*CaMgPfTb; ev-Tc

<sup>&</sup>lt;sup>34</sup> ac \*CaMgPfTb; et Tc

<sup>&</sup>lt;sup>35</sup> -aceat \*AdCaDbGcMgTbTcTe; -acebit Pf; -iceat Rb

[Quibus in locis debeat missa cantari<sup>1</sup> quibus non]<sup>2</sup>. Ex concilio Triburiensi, cap. iiii<sup>3</sup> Missarum solempnia non ubicumque sed in locis ab episcopo consecratis, vel ubi ipse permiserit, celebranda esse censemus<sup>4</sup>.

ID 3.59a] De cons. D 1 c 12

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

# $31^{1}$

# 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>.

<sup>&</sup>lt;sup>2</sup> in mg. AdBeCaCeDaGcMgMpPfPrSbTcTe<sup>2</sup>, 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. CbLbOaPtRfTbTdVn

<sup>&</sup>lt;sup>3</sup> iii Rf. *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 much larger script

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

<sup>&</sup>lt;sup>2</sup> Ex concilio Triburiensi (Tribriensi Pt) cap. iiii DaGcLdPt; De eodem Aa; Item (Idem Pr) in eodem BeCaCbCeFbLbLjMgPrRaVo(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 (c. add. Rf) PcRfTcTe (cf Conspectus); In eodem PfPhQeSfTb; Idem Leo in eodem Sb<sup>2</sup>; Ex conc' Gerundensi c. vi Vn. De eodem add. in mg. CaDa <sup>3</sup> et AdCaCcGcLdLmPf; ut BeTbTc; om. MgPtTeVn

<sup>&</sup>lt;sup>4</sup> pro *add.* CbLj, *om.* \*AdBeCaEaFbGcLdLfMgPfTbTcVn <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 \*AdBdBeCaCcCeDaGcLdLmOaPcPfPhPkPrPsPtPqPwQeRaRfSbTbVmVo; Sclavis EaLjLkMgTcTfVp; Sclavis, ab Ungaris Fb; Clavis Lf; Flaviis Mq; vel a Sclavis in mg. Ra<sup>2</sup>; a Sclavis Vn. Mm begins cap. here.

<sup>&</sup>lt;sup>8</sup> a \*AdBeFbGcLdLjLmMfMgMhMjMkMmMoMpOaPfPtPwTbVnVo; om. CaCbTc; aut Cc; ab EaLf <sup>9</sup> Bulg- \*Ad<sup>2</sup>BeCaCbCcFbGcLdLfLjLmMkMmPfPhPtQeTbTcTeVnVo; Bug- Ad; Ung- Ea; Bung-MgMj; Hungaris Mo<sup>2</sup>.

<sup>&</sup>lt;sup>10</sup> qualicumque \*CbCcFbLdLfLjLmMgPfTbTc; quocumque (vel quali ss) Ca <sup>11</sup> modo \*CaLdMgPfTbTc; om. Cc

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

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

<sup>15</sup> interim \*MgPrRaTcVo; iterum AdBeCaCbCcLdLfLjLmMqPfPhPtPwTbVn; tantum Gc<sup>2</sup> ? Te

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

<sup>&</sup>lt;sup>17</sup> queant \*CaCbCcLdLfLjLmMgPfPtTb; valeant Tc. Item *add*. Aa

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

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

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

### **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<sup>7</sup> non consecrentur. Ad celebranda autem divina officia<sup>8</sup> ordinem quem metropolitani<sup>9</sup> tenent comprovinciales eorum observare debebunt<sup>10</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

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

<sup>&</sup>lt;sup>21</sup> Item \*CaCcLdLfLjLmMgPfTbTe; om. TcVn

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

<sup>&</sup>lt;sup>23</sup> id \*CaCbCcLdLfLjLmMgPfPtTbTe; om. TcVn

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

<sup>&</sup>lt;sup>25</sup> Aliter omnino interdicimus] om. Aa.Tc<sup>2</sup> here inserts two leaves of canons from elsewhere, for which see Conspectus

debeant deb. esse alt.] deb. alt. esse Sb; esse alt. deb. Te

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

<sup>&</sup>lt;sup>3</sup> Epaon- Be?CaDaGcPfTeVm; Epan- AdPcTc; Eupaun- Lb; Apon- MgSfTbVn; Apaon- Ph; Epon- Vo; Epen- Vp

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

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

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

<sup>&</sup>lt;sup>7</sup> unguine Te

<sup>&</sup>lt;sup>8</sup> divina officia \*AdCcEaFbMgMpPfTbTe; divina misteria Tc; officia Ca

<sup>&</sup>lt;sup>9</sup> metropolitani \*AdCaEaMgPfPhTcVm; in metropoli Tb

<sup>&</sup>lt;sup>10</sup> observare debebunt \*AdBeCaFbGcMgMoMpOaPfTeVm; observare debent AaCcEaPhTbVpWc; observabunt Tc

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

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

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

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

<sup>&</sup>lt;sup>5</sup> enim \*CaGcMgPaPfPhPrRa<sup>2</sup>TcVn; om. LbPqRaRbTbTe

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.

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

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<sup>6</sup> magna *CaMgTbTc; om. Pf
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34

[Quod non debeant<sup>1</sup> consecrari altaria<sup>2</sup>, nisi reliquie apponantur]<sup>3</sup>. 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.

<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

 $<sup>^{10}\,</sup>sacr-\,*BdCeOaPhPkPqPrTbTeVm;\,consec-\,AdBeCaGcMgPaPcPfPwRfSbTcVn$ 

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

<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

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

<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>SbTcTe<sup>2</sup>, in text PtVmVo(adding xxxiii cap.); om. EaLbOaRfTbVnVp

<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> eiusdem loci CaMgTbTc; loci Pf; loci eiusdem Te

<sup>&</sup>lt;sup>1</sup> Ex conc. Urbico \*AdBeCaDaGcLbMgPcPfPrRfTeVnVo; De eodem Aa; 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; Quod in altari quo episcopus celebravit presbiter eodem die celebrar non presumat *in mg.* Te<sup>3</sup>; 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

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

<sup>5</sup> -avit \*CaPfTbTc: -averit Mg

<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>1</sup> De translatione reliquiarum add. in mg. BePrVm<sup>2</sup>; Ut corpora sanctorum nullus transferat sine episcoporum consilio add. in mg. CaDaLn; Corpora sanctorum non transferantur de lco ad locum add. in mg. Te<sup>3</sup>; De non transferendis irracionabiliter sanctorum corporibus cap. xxxv add. Vo <sup>2</sup> li \*AdFbGcMgPfRbTb<sup>2</sup>TcTe; iii Be; ii Ca; l.c.ii Lb. Ex – li om. Pt

37

<sup>1</sup>Ex registro Gregorii pape<sup>2</sup> ad Iohannem Bellitranensem<sup>3</sup> episcopum<sup>4</sup>

Temporum qualitas admonet episcoporum sedes antiquitus certis civitatibus constitutas ad alia que securiora putamus eiusdem<sup>5</sup> dioceseos loca transponere, quo et habitatores securius degere<sup>6</sup>, et barbaricum<sup>7</sup> possit<sup>8</sup> periculum facilius declinari<sup>9</sup>. Propterea te Iohannem fratrem coepiscopumque<sup>10</sup> nostrum Bellitranensis civitatis sedem tuam in loco qui<sup>11</sup> appellatur Renati, ad Sanctum Andream apostolum precipimus exinde transmigrare, quatenus ab hostilitatis<sup>12</sup> incursu liberior existere valeas, et illic consuetudinem solempnium festorum<sup>13</sup> disponas.<sup>14</sup>

ID 3.79] C 7 q 1 c 44 var.

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

<sup>&</sup>lt;sup>1</sup> Ouod episcopales sedes de loco ad locum quo securius maneant possunt mutari add. in mg. CaDaLn; De translatione add. in mg. Mg; Sedem episcopalem propter incursum barbarorum ad tutiorem locum eiusdem dyoc' transferendum in mg. Te<sup>3</sup>

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

<sup>&</sup>lt;sup>3</sup> Bitranensem Rf; -anensi Te

<sup>&</sup>lt;sup>4</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

eiusdem \*FbMgPfTbTc; om. Ca

<sup>&</sup>lt;sup>6</sup> sec. deg. (corr. fr. dirigere Te) \*AdTbTcTeVm; deg. sec. CaMgPf

<sup>&</sup>lt;sup>7</sup> -aricum \*CaMgPfPhTc; -arum Tb

<sup>&</sup>lt;sup>8</sup> possit \*CaMgPfTb; possint Tc

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

<sup>&</sup>lt;sup>10</sup> fratrem coepiscopumque \*AdBeGcMgOaPhTe<sup>2</sup>VmVoVp; coepiscopum fratremque Ca; fratrem coepiscopum PfTe; fratrem et coepiscopum TbVn

<sup>&</sup>lt;sup>11</sup> qui \*MgTbTeVo; que CaFbPf <sup>12</sup> hostilitatis \*CaFbPfTb; hospitalitatis Mg

<sup>&</sup>lt;sup>13</sup> dierum Vo

<sup>&</sup>lt;sup>14</sup> Propterea a te Iohannem - disponas \*AdCaFbMgPfTbTe; om. Tc

[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<sup>10</sup>; secundo<sup>11</sup> cum difficultas locorum fuerit; tertio<sup>12</sup> cum malorum societate gravantur.

ID 3.80] De cons. D 1 c 36

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]<sup>1</sup>. Ex epistola Thelesphori<sup>2</sup> pape, cap. vi<sup>3</sup>

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

<sup>&</sup>lt;sup>2</sup> sanctorum add. Šb

<sup>&</sup>lt;sup>3</sup> in mg. AdBeCaCeDaGcHaLdLnMgPfPrRb<sup>2</sup>SbTcTe<sup>2</sup>Wc, in text Ea(no inscr.)SfVmVo(adding xxxvii); om. LbLcOaPcPtRfTbVnVp

<sup>&</sup>lt;sup>4</sup> sanctis CaLbMgPfTbTeVn; om. Oa; sacris RfTc; sanctorum Wc

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

<sup>&</sup>lt;sup>6</sup> Tribus \*AaAdBeCeDaEaEgGcHaOaPcPkPrPtPwQaRaRfSbSeTdTfVmVnVoVpWc; Pluribus BdLdMgMqPfTeVq; []ribus Ca; Quibus La; Pluribus de LbLc; Tribus ex Pa; Quibus PhQeTb; Tribus de RbSe<sup>2</sup>Tc

<sup>&</sup>lt;sup>7</sup> Primo \*AdBeCeEaFbGcMgMqPaPfPhPkPqVmVo; Prima CaOaQeRaRbRfTbVn; Prima 'Pc; Prima est Tc

<sup>&</sup>lt;sup>8</sup> persecutorum \*CaMgPfTb; persecutionum Tc

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

<sup>10</sup> corr. fr. gravit Te

<sup>&</sup>lt;sup>11</sup> -undo \*MgTeVo; -unda AdBeCaGcPfPhPrTbTcTe<sup>2</sup>VmVn

<sup>&</sup>lt;sup>12</sup> tertio \*MgVnVo; tertia AdBeCaPfTbTcTeVm

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

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

<sup>&</sup>lt;sup>3</sup> ibi \*CaEaMgPfPhTcTe; illic after celebr. Vn; om. Tb

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

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

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

Missarum celebrationes<sup>4</sup> ante horam<sup>5</sup> diei<sup>6</sup> tertiam minime sunt celebrande, quia eadem hora et<sup>7</sup> Dominus crucifixus est<sup>8</sup> et super apostolos Spiritus sanctus descendisse legitur, excepta nocte<sup>9</sup> 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.

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>.

<sup>&</sup>lt;sup>4</sup> celebritates Te

<sup>&</sup>lt;sup>5</sup> horam \*FbMgPfTbTc; om. Ca

<sup>&</sup>lt;sup>6</sup> diei \*CaMgPfTb; die Tc

<sup>&</sup>lt;sup>7</sup> et \*CaMgPfTb; om. TcTe

<sup>&</sup>lt;sup>8</sup> *om*. Te <sup>9</sup> *ss* Te<sup>2</sup>

<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 BeCaGcLbLnMgPfRbRfTbTcTdTeVn; cap. vix AdOa; cap. xxvi 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

<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. SbTe

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

<sup>&</sup>lt;sup>5</sup> decretis DaSb; consiliis Ln; consilio Td; conciliis Te

<sup>6</sup> iiii AdBeFbGcLdLnMgTbTcTdTeVmVnVo; iii CaLdPf; vi OaRb; Severi episcopo missis DaSb; no insc. Pc

ss Pr

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

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

ID 3.47 med.] C 13 q 1 c 1

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

43

De eadem re<sup>1</sup>. Ex concilio Remensi, cap. iii<sup>2</sup>

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

ID 3.48]

<sup>1</sup> De ead. re AdBeCeDaEaGcOaPcPfPhPrRbRfTbTcTeVmVoVp; De eodem. Item Ca; De eodem *add. in mg.* CaDa; Item FdMg; *om.* PtVn. Quod unusquisque sua sit contentus ecclesia *add. in mg.* Tc <sup>2</sup> iii AdBeCaGcPfTbTcTe; iiii MgVnVp; ii OaPrRbVm; viii PcRf; *no inscr.* EaPt; Non licet presbiterum ministrare in duabus ecclesiis cp. xxxxii *add.* Vo <sup>3</sup> que pena maneat presbiterum—ambitione *add.* Pq (*see c 45*)

44

<sup>1</sup>Item ex eodem<sup>2</sup>. Ex<sup>3</sup> concilio Remensi<sup>4</sup>, cap. viii<sup>5</sup>

Sicut<sup>6</sup> in unaquaque ecclesia<sup>7</sup> presbiter debet esse, ita ipsa que sponsalis<sup>8</sup> eius dicitur, non potest dividi inter plures<sup>9</sup> presbiteros, sed unum tantummodo habebit sacerdotem qui eam caste et sinceriter regat<sup>10</sup>. Unde<sup>11</sup> interdicimus ut nullus presumat ecclesiam inter duos vel<sup>12</sup> plures dividere, quia Ecclesia Christi uxor et sponsa<sup>13</sup> esse debet non scortum sicut Calixtus papa testatur.

ID 3.49] +C 21 q 2 c 4

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

<sup>&</sup>lt;sup>2</sup> Item ex eodem OaRbRf; Item AdBeCaCeDaEaMgPcPhTbTcVo; Idem Pf; Que pena maneat presbiter... qui suam reliquit ecclesiam melioris ambitionis Pq; Ex eodem Vn; *om*. GcPrPt <sup>3</sup> eodem. Ex *om*. Te

<sup>&</sup>lt;sup>4</sup> Ex conc. Rem. AdBe<sup>2</sup>CaMgPfPhTbTeVo; Ex conc. Meldensi Be; Ex (In GcPrVm) eodem conc. EgGcPcTcVm; Ex concilio quo supra Oa; Conc. ex quo supra Rb; concilio Rf; *om*. Vn <sup>5</sup> cap. viii AdBeCaGcMgPfPhRbRfTbTcTeVmVnVo; *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>6</sup> Dic' Rf

<sup>&</sup>lt;sup>7</sup> ss Te<sup>2</sup>

<sup>&</sup>lt;sup>8</sup> sponsalis CaMgPfTb; sponsa Tc <sup>9</sup> plures \*CaMgPfTb; duos Tc

<sup>&</sup>lt;sup>10</sup> regat before caste Tb, not \*CaMgPfPhTc

<sup>11</sup> et add. Te

<sup>12</sup> inter add. Ca, om. \*FbMgPfTbTc

<sup>13</sup> uxor et sponsa] sponsa et uxor Te

[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<sup>5</sup> aspiraverit, canonica erga eum diffinitio conservetur<sup>6</sup>, hoc est ut utraque careat.<sup>7</sup>

ID 3.52] +C 7 q 1 c 32

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

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 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

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

<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); Que pena - qui suam ecclesiam melioris ambitione reliquit in mg. Te<sup>2</sup>; om. MoOaPcPq(but see c 44)PtRfTbVnVp <sup>4</sup> xi Te. Ex concilio only Pc; no insc. MoPtRf

<sup>&</sup>lt;sup>5</sup> portionem Te

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

<sup>&</sup>lt;sup>7</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>SbTcTe<sup>2</sup>, 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 \*AdCaPfTbTcTeVo; corr. fr. xl to xlvii Mg<sup>2</sup>; xlvii Vn; no insc. Pc

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

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

<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 \*AdEaGcMgMpPfTcTe; culpam gravi Ca; gravi culpa PhTb; culpa gravius Pr

<sup>8</sup> cora Ca

# <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.

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

### 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 3.897

1\_\_\_\_\_

AdBdCaEgGcHaLkPfMgMqPcPkPqPrRbRfSbTdTeTfVmVnVo; emendatione Ce

#### 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>

Sancitum<sup>7</sup> est atque omnibus modis prohibitum ut si quis presbiter inventus fuerit alicui clerico vel laico munera dare aut dedisse, aut aliam<sup>8</sup> pecuniam tribuere, ut

<sup>&</sup>lt;sup>2</sup> xxviii AdBeCaGcMgPcPfPhQeRfTeVmVn; 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> Et Rf; om. Ra

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

<sup>&</sup>lt;sup>1</sup> Ex eod. concilio AdBdBeCeDaEgGcMgPcTbTcTeVmVnVo; Ex concilio eodem cap. v Ca; Ex concilio eodem Cc; Ex concili Mag' Ea; Ex conc. Magintiensi (Magunt- Rb) OaRb; Ex eod. capitulo Pf; Eodem concilio RfSf. 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- \*AaBeLdOaPhQeTcTb; emend-

<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

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

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

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

Cancitum Te

<sup>&</sup>lt;sup>8</sup> aliam BeCaPfTbTeVo; aliquam AdEaEgMg RbTc; om. Vn

alterius presbiteri ecclesiam vacantem<sup>9</sup> pretio redimat, pro hac cupiditate seu rapina seu presumptione turpis lucri gratia deiciatur<sup>10</sup> a clero, et alienus existat a regula<sup>11</sup>.

ID 3.90] +C 7 q 1 c 33

<sup>9</sup> vac- \*CaMgTbTc; vag- Pf

<sup>11</sup> sacerdotum *add*. MoPcRfTc, presbiterorum *add*. ss Eg<sup>2</sup>Mg<sup>2</sup>, om.

### 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>

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

deic- \*CaMgPfTc; eic- PhTb

<sup>\*</sup>AdBbBeCaCcDaDbEaEgGcLeLgLkMfMgMhMjMkMmMpObOdOeOfPfPhPtRbSbTbTeVaVmVnVoBrant

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

quec- AdCaMgPfTcVm; quodc- Sf

 $<sup>^{3}</sup>$  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)SbTcTe<sup>2</sup>, in text Pq<sup>2</sup>VmVo; om. OaPcPtRfTbVnVp. 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 \*AdCaMgTbTeVm; sunt Pf; non sint Tc

<sup>8</sup> nihil \*AdMgMqPfTe; nihilo AaBeCaGcTbTcVmVn

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

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

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

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

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

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

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

Placuit ut<sup>3</sup> episcopi, presbiteri, diaconi vel quicumque clerici qui nihil habentes ordinantur, et tempore episcopatus vel clericatus sui agros vel quecunque predia sui nominis<sup>4</sup> comparant, tanquam rerum dominicarum invasionis crimine teneantur obnoxii, nisi ad ecclesiam ad quam titulati sunt, eadem ipsa contulerint. Si<sup>5</sup> autem ipsis<sup>6</sup> propria libertate<sup>7</sup> alicuius vel successione cognationis<sup>8</sup> aliquid evenerit, faciant inde quod velint.

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

53

De eadem re¹. Eodem concilio cap. xlviii²

Ut<sup>3</sup> unusquisque presbiter res quas post diem consecrationis adquisierit proprie ecclesie relinquat<sup>4</sup>.

ID 3.96b] X 3.25.3

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

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

 $<sup>^{3}</sup>$  ss Te<sup>2</sup>

<sup>&</sup>lt;sup>4</sup> sui nom. \*AdBeCaPfTbTcTeVmVo; suo nomini EaVn; suo nomine Eg<sup>2</sup>Mg

<sup>&</sup>lt;sup>5</sup> Si \*AdCaMgPfTcTe; Sin PhTb

<sup>&</sup>lt;sup>6</sup> after alicuius Rf

 $<sup>^7 \</sup> libertate \ AdBeCaCeDaEgGcLkMqPfPhPkPqPrPwQeRbRfSbTbTcTeTfVmVnVo; \ liberalitate \ AdBeCaCeDaEgGCLkMqPfPhPkPqPrPwQeRbRfSbT$ 

<sup>\*</sup>Eg<sup>2</sup>MgMpPc; largitate Oa

<sup>8</sup> cognationis \*AdCaEgGcPfTbTcTeTfVnVo; cognitionis Mg; cogitationis PrVm

<sup>&</sup>lt;sup>1</sup> et *add*. Te

<sup>&</sup>lt;sup>2</sup> De ead. re. (et *add.* Da) Eod. conc. cap. xlviii DaPcRfTc; De eodem. Ex eodem conc. cap. xlviii Ac; De eadem re. Eod. conc. xliii Ad; De eadem re. Ex conc. Carthag. cap. xlviii (xlvii Vm) BeCaCeGcPrVmVn; 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>&</sup>lt;sup>3</sup> Et CeOa

<sup>&</sup>lt;sup>4</sup> eccl. rel. \*CaCeGcMgPfPkTcTe; rel. eccl. PhQeTb; eccl. reliquit Pq

[Ut canticum turpe circa ecclesias<sup>1</sup> non fiat]<sup>2</sup>. Ex concilio Cartaginensi<sup>3</sup> Canticum turpe atque<sup>4</sup> luxuriosum circa ecclesias atque in atriis ecclesie omnino contradicimus<sup>5</sup>, quod ubique<sup>6</sup> vitandum<sup>7</sup> est.

ID 3.77]

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

55

[Quod pictura in ecclesiis debeat et non debeat fieri diversis respectibus] 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 3.40]

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>2</sup> Ut - fiat *in mg*. AdBeCaCeDaGcHaMgPfPr Rb<sup>2</sup>SbTcTe<sup>2</sup>, *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*. LbOaPtTbVn

<sup>&</sup>lt;sup>3</sup> Ex conc. Cart. AcAdBeCaMgRbTbTcTeVnVo(adding liii); Ex eodem conc. Aa; Ex conc. Eliberitano cp. i PcPrRfVm (cf c 55); De eadem re et de eadem concilio, cap. xlviii Pf (cf Tc c 53); om. Lb (no break)

<sup>&</sup>lt;sup>4</sup> aut Te

<sup>&</sup>lt;sup>5</sup> interdicimus RfTfTe. fieri *add*. AcAdBeCaHaLdMgTcTdTf, *om*. \*CeGcLdOaMqPf PhRbRfTbTeVn

<sup>&</sup>lt;sup>6</sup> est *add*. TbTc, *om*. \*AdBeCaMgPfPhTeVmVn

<sup>&</sup>lt;sup>7</sup> vituperandum Te

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

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

³ et non debeat fieri diversis respectibus AdCaCeMgSbTeVm; et non debeat fieri diversis de causis Be; et non debeat fieri PfTc; fieri diversis respectibus Rb²; fieri et non debeat diversis respectibus Sf ⁴ *in mg.* AdBeCeHa²MgPf Rb²SbTcTe²; *in text* Vm; *as rubr. to c 56* Vo; *om.* CaDaLbOaPcPtRfTbVn ⁵ Ex - cap. i AdBeCaLdMgPc(*repeated from c 54*)PfPhTcTdTeVnVo(*adding* liiii); Ex - cp. xxxvi DaSb?; Ex conc.Elibertano Lb; Ex conc. Cartag' PrVm (*cf c 54*); Ex - Elib. Tb; *om.* Pt ⁶ -atur \*AcBeCaMgPfTcTe; -uatur AdSbTbVo

<sup>&</sup>lt;sup>1</sup> Item de pictura (de pict. ss Te) \*AcAdCeDaGcLbMgMqOaPcPfPrRbTeVmVn; De pictura CaVa; Item pictura Rf; Idem de pictura Tc; om. BePtPwSbTb

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

<sup>&</sup>lt;sup>3</sup> Secundino Dei (*om* MgTeVn) recluso directa AdBeCaDaLdMgMqPcPfPrRfTdTeVmVnVo; Sec. servo Dei recluso dir. AaOaRb; Secundino directa Ac; Sereno episcopo .... assiensi Eg; Sereno Lb; servo Dei Secundino recluso directa PhSf; Secundino servo Dei recluso Pt; servo Dei directa recluso *before corr*. Tb; Sereno episcopo Massiliensi directa Tc [*recte*; *cf JE 1800, Reg. XI. 10*]; Quod pictura

cernentibus<sup>7</sup>, quia in ipsa ignorantes vident quod<sup>8</sup> segui 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<sup>16</sup> 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

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

enim AcBeCaMgPfPhTcTeVoVq<sup>2</sup>; om. TbVq

<sup>5</sup> -uram \*CaMgPfTb; -ura Tc

<sup>6</sup> patet \*BeCaGcPfTbTeVn; prestat MgTc

picturam cern. \*AcAdBeCaPfPhTeVmVn; pictura cern. MgTc; cern. picturam Tb

quod \*MqPfTbTeVmVn; quid AdBeCaGcMgTc

om. Pq

<sup>10</sup> ad \*PqRfTcTbTe; om. AcAdBeCaMgMqPfPhVmVn

11 fuit nesc. BeMgPfPhTeVm; nesc. Tc; nesc. fuit CaTb

<sup>12</sup> collocatum \*BeGcMgMqPhRfTcTeVm; collatum AcAdCaPfTbVn

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

<sup>14</sup> condidisses AcAdBeCaPhTbTcTeVnVo; condisses DaPrVm; credidisses MgPf

<sup>15</sup> poteras add. Mg, om. AcCaPfTbTcVm

<sup>16</sup> poteras \*MgPfTbTc; preteritas Te

# **57**

[Quod debeat dari decima et  $^{1}$  de peccoribus et de omnibus terre fructibus $^{2}$ ] $^{3}$ . Ex concilio Magontiensi, cap. xxxviii<sup>4</sup>

Admonemus<sup>5</sup> atque precipimus ut decimas<sup>6</sup> omnino Deo dare<sup>7</sup> non negligantur<sup>8</sup> quas Deus<sup>9</sup> dare<sup>10</sup> constituit<sup>11</sup>, quia timendum est ut quisquis Deo suum debitum abstrahit, ne forte Deus per peccatum suum auferat ei necessaria sua<sup>12</sup>.

<sup>1</sup> et AdMgPfCm: om. Tc

<sup>&</sup>lt;sup>2</sup> omn, terre fruct, Ce<sup>2</sup>MgPfTcTeVm; terre fruct, omn, Be; omn, terre frugibus Ce; fruct, terre Sf

<sup>&</sup>lt;sup>3</sup> in mg. AdBeCeGc(against c 58)LdMgPfPrSbTcTe<sup>2</sup>, 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. LbOaPtRfTbVnVp. vii add. in mg. Be<sup>2</sup>

<sup>&</sup>lt;sup>4</sup> xxvii Te <sup>5</sup> Admon-\*AcAdBeCaMgPfTbTeVo; Dein mon- Oa; Ammonuimus Rb; Common- Rf; Mon- TcVn

<sup>&</sup>lt;sup>6</sup> decimas \*AcAdBeCaMgTbVn; decime PcPfRfTcTe

<sup>&</sup>lt;sup>7</sup> omnino Deo dare Pc<sup>2</sup>RfVm; omn. dare AcAdBeCaTb; omn. dare Deo MgVn; Deo omn. dare Mg; omn. dari Pf<sup>2</sup>TeVo; omn. dari Deo PcTc

# *ID 3.197] +C 16 q 2 c 2 Palea*

<sup>8</sup> -antur PcPfTcTe; -ant AdBeCaMgVn; -atur MgPh; -atis Tb

<sup>9</sup> ipse add. \*MgPc, om. AcAdCaMqPfTbTcTeVm

dare CaMgPfTb; dari Tc
const- \*CaMgPfPhTc; inst- Tb

sua \*AcAdBeRbTbTcTeVmVnVo; om. CaMgPf

# 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. Boyes 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<sup>9</sup> redimetur. Sed quia multi inveniuntur modo decimas dare nolentes, statuimus ut secundum Domini nostri Iesu Christi preceptum<sup>10</sup> admoneantur semel et secundo et tertio. Si non emendaverint anathematis vinculis<sup>11</sup> constringantur usque ad satisfactionem et emendationem congruam.

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

<sup>&</sup>lt;sup>1</sup> Quod debeat dari decima (et add. Da) de pecoribus et de omnibus terre fructibus add. in mg. CaDa (cf c 57); De decimis dandis in text Ea; De eodem add. Vo

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

frugibus \*CaEaMgPfTb; fructibus Tc

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

et add. CaTb, om. \*AcBeGcMgPfTcTe

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

altero \*CaMgPfTb; aliud Tc

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

<sup>&</sup>lt;sup>10</sup> preceptum \*CaMgPfPhTc; imperium Tb

<sup>&</sup>lt;sup>11</sup> anat. vinc. \*CaPfTbTc; vinc. anat. Mg

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

[Quod episcopi et abbates debeant<sup>2</sup> dare decimas<sup>3</sup>]<sup>4</sup>. Ex concilio Cabilonensi<sup>5</sup>, cap.

Questi<sup>7</sup> sunt preterea quidam<sup>8</sup> sancti<sup>9</sup> quod<sup>10</sup> essent aliqui episcopi et abbates qui decimas non dare sinerent 11 ad ecclesias ubi illorum coloni missas 12 audiunt. Proinde decrevit sacer iste<sup>13</sup> conventus ut episcopi et<sup>14</sup> abbates de agris et de<sup>15</sup> vineis<sup>16</sup>, que ad suum vel fratrum stipendia<sup>17</sup> habent, decimas ad ecclesias deferri<sup>18</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>&</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 AdBeCaMgPfTcTeVm; -ent EaSf

<sup>&</sup>lt;sup>3</sup> dare dec.] dec. dare Te

<sup>&</sup>lt;sup>4</sup> in mg. AdBeCaCeDaGcMgMpPfPrRb<sup>2</sup>SbTcTe<sup>2</sup>; in text Ea(no inscr.)SfVmVo(adding lviii); om. LbOaPcPtRfTbVnVp

<sup>&</sup>lt;sup>5</sup> Capuan' Pt

<sup>&</sup>lt;sup>6</sup> No insc. PcRf; this is the last insc. in Rb, which still has mg. rubrics for a while

<sup>&</sup>lt;sup>7</sup> Ouesti \*CcCeGcMfMjMpMqOaPhPrPtQeRaRbSbTbVm; Conqu-

AaAdBbBdBeCaDaEgHaLbLkMgPcPdPfPqPwQaRaRfTcTeVnVoVpWc

<sup>&</sup>lt;sup>8</sup> sunt preterea (presbiteri Mn; propterea CePc?) quidam CeMnPcTbTc; sunt quidam preterea Lb; quidam sunt propterea Te

sancti \*OaRbTbVm; fratres CeEaMfMgMjMpPhQaRa; om.

AaAdBdBeCaDaEgHaLd<sup>2</sup>LkMoMqPdPfPqPwRfSbTcTdTeTfVnVoWc; facti GcLdPkPt; quid. sancti

<sup>&</sup>lt;sup>10</sup> facti add. Tc, om. \*BeCaEaEgMfMgMjMoMpPfPtPyQaTb

<sup>11</sup> non dare sin. AdEaEgGcPfPkTeVm; non sin. dare BeCaMgMq; dare non sin. OaPhQeRbTbTc 12 misas Tb

<sup>&</sup>lt;sup>13</sup> add. ss Be<sup>2</sup>

<sup>&</sup>lt;sup>14</sup> et \*BeCaPhMgPfTc; om. Tb

<sup>&</sup>lt;sup>15</sup> de \*BeCaMgPfPhTb; om. Tc

vicis Lk

16 vicis Lk

17 suum vel fratrum stipendia (-endium PrVm) \*MgOaPhPrQeRbVm; suum vel stip. Aa; usum et stip. AdBdBeLkPcPqPwRfSbVo; usum vel stip. CaCeDaEgGcHaLdPfPkTbTcTeTfVn; 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

<sup>&</sup>lt;sup>18</sup> def- \*BeCaMgPfTc; aff- Tb

[Quod<sup>1</sup> auctoritate veteris legis danda sit<sup>2</sup> decima<sup>3</sup>]<sup>4</sup>. Ex concilio Magontiensi, cap. viii<sup>5</sup>

Decimas Deo et sacerdotibus Dei<sup>6</sup> dandas Abraham factis Iacob promissis insinuat. Deinde<sup>7</sup> lex statuit et omnes doctores sancti commemorant, et profecto dignum<sup>8</sup> erat, ut Israhelite decimas pecorum et frugum<sup>9</sup> et omnium primitiarum Domino<sup>10</sup> darent, qui eos<sup>11</sup> liberaverat a decem plagis quibus percussit Egiptios<sup>12</sup>, et in novissima plaga primogenita cunctorum disperdidit, gratiamque suis<sup>13</sup> prestitit, ut impetratis pecuniis spoliarent Egiptum. De quibus decimis Augustinus doctor venerabilis<sup>14</sup> dicit<sup>15</sup>, Decime ex debito requiruntur. Quid si<sup>16</sup> diceret Deus<sup>17</sup>, nempe meus est homo<sup>18</sup>, mea est terra quam colis, mea sunt semina que spargis, mea animalia que fatigas, meus est solis calor, et cum omnia<sup>19</sup> mea sint tu qui minus accommodas, solam decimam vix merebaris, sed reservo tibi novem, da mihi decimam<sup>20</sup>. Si non<sup>21</sup> dederis mihi<sup>22</sup> decimam auferam tibi novem. Si<sup>23</sup> dederis mihi<sup>24</sup> decimam multiplicabo novem. Cum itaque Iudaicus populus preceptum decimarum tanta diligentia observaret ut<sup>25</sup> de quibusque<sup>26</sup> minimis rebus, ruta videlicet et mentha

<sup>&</sup>lt;sup>1</sup> ex add. Te

<sup>&</sup>lt;sup>2</sup> sit AdBeCaEaGcMgPfTcVm; est Sf

<sup>&</sup>lt;sup>3</sup> sententia Te

<sup>&</sup>lt;sup>4</sup> in mg. AdBeCaCeDaGcMgMpPfPr Rb<sup>2</sup>TcTe<sup>2</sup>; 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. LbOaPkPtRfTbVnVp

<sup>&</sup>lt;sup>5</sup> Mag. cap. viii \*AdCaLbMgPfTbTeVnVm; Toletano RfTc

<sup>&</sup>lt;sup>6</sup> Dei MgPfTbTc; om. Ca

<sup>&</sup>lt;sup>7</sup> et add. Tc, om. \*CaMgPfTb

<sup>&</sup>lt;sup>8</sup> profecto dignum \*CeGcMgOaPhPkPrRbVmVp; preceptum AaAd<sup>2</sup>BeCaEaEg<sup>2</sup>LdPa<sup>2</sup>PcRfTbTe<sup>2</sup>Vn; proferatum Bd; proph'atum DaLkSb; prophetarum Ha; profectum EgMqPaPfPqTe; prophetatum PwTfVo; profecto dignum et preceptum Tc; probeatum Td; profectus Vo<sup>2</sup>

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

<sup>10</sup> Domino \*CaMgPfTb; om. Tc

<sup>&</sup>lt;sup>11</sup> qui eos \*CaMgPfTb; quia eos Deus Tc

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

suis \*CaMgPfTcTe; om. PhTb

<sup>&</sup>lt;sup>14</sup> doct. ven. \*CaMgPfTb; ven. doct. TcTe

<sup>&</sup>lt;sup>15</sup> dicit \*CaMgPfTcTe; ait PhTb

<sup>&</sup>lt;sup>16</sup> Quid si CaMgPfTb; Quod si TcTe; Quasi Te<sup>2</sup>

<sup>&</sup>lt;sup>17</sup> om. Te

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

<sup>19</sup> omnia \*CaMgTbTc; om. Pf

<sup>&</sup>lt;sup>20</sup> Da mihi dec. *in mg*. Te<sup>2</sup>

<sup>&</sup>lt;sup>21</sup> ss Te<sup>2</sup>

<sup>&</sup>lt;sup>22</sup> mihi CaMgPfTbTc; *om*. Ad

<sup>&</sup>lt;sup>23</sup> non *add*. CaVn, vero *add*. Tc, *om*. \*AdBeMgPfTbTeVm

<sup>&</sup>lt;sup>24</sup> mihi \*CaMgPfPrTcTeVn; om. PhTb

<sup>&</sup>lt;sup>25</sup> ut \*CaMgPfTb; et Tc

<sup>&</sup>lt;sup>26</sup> quibusque Ad<sup>2</sup>Mq<sup>2</sup>PfTb; quibus Ad; quibuslibet BeTe; quibuscumque CaGcMgMqTcVn

et cimino<sup>27</sup>, ut ipse Dominus testatur<sup>28</sup>, decimam daret, cur non maiori studio plebs evangelica eamdem impleat iussionem, et cui maior numerus est<sup>29</sup> sacerdotum et sincerior cultus sacramentorum? Ideo ergo dande sunt ut<sup>30</sup> hac devotione Deus placatus largius prestet que necessaria sunt, sicut superius ostendimus<sup>31</sup>. Et ut sacerdotes ac<sup>32</sup> ministri<sup>33</sup> ecclesie cura et sollicitudine necessitatum corporalium, sine quibus hec vita transigi non potest, relevati liberiores fiant ad meditationem<sup>34</sup> divine legis et doctrine administrationem atque spiritualis servitutis<sup>35</sup> voluntariam<sup>36</sup> expletionem<sup>37</sup>, et ut munus<sup>38</sup> populi in cotidiana oblatione Domino immoletur, nec non<sup>39</sup> statuta canonica<sup>40</sup> in sustentatione<sup>41</sup> pauperum et<sup>42</sup> restauratione<sup>43</sup> ecclesiarum proficiant. Quatuor enim<sup>44</sup> partes iuxta canones fieri<sup>45</sup> de fidelium oblationibus debent<sup>46</sup>, ut una sit episcopi, altera clericorum, tertia<sup>47</sup> pauperum, quarta restaurationi ecclesiarum servetur<sup>48</sup>.

*ID 3.1991 +C 16 q 7 c 6 has first two lines only* 

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<sup>27</sup> cim- *BeCa<sup>2</sup>GcTb; cum- AdCaMgMqPfTcTeVm
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<sup>&</sup>lt;sup>28</sup> Dom. test. \*Ca<sup>3</sup>MgPfTbTc; test. Dom. Ca

<sup>&</sup>lt;sup>29</sup> num. est GcTbTc; est num. AdBeCaMgPfTe

<sup>&</sup>lt;sup>30</sup> in *add*. Te

<sup>&</sup>lt;sup>31</sup> ostendimus \*BeCa<sup>2</sup>MgPfTbTe; diximus CaTe

<sup>&</sup>lt;sup>32</sup> sacerdotes ac Ad<sup>2</sup>BeCaMgPfTeVn; sacerdos (vel tes ss Da) ac AdDaPrVm; sacerdos et Tb (after corr.); sacerdotes et Tc

<sup>&</sup>lt;sup>33</sup> ministri \*BePrTcVm: magistri AdCaCeGcHaLdMgPfPh(vel ministri ss)TdTeTfVnVo: magister Da(vel tri ss)Tb(mag. et sacerdos before reversal)

<sup>&</sup>lt;sup>34</sup> meditationem CaGcMgPfTbTcTeVn; emendationem PrVm

<sup>&</sup>lt;sup>35</sup> servitii Ce

<sup>&</sup>lt;sup>36</sup> voluntariam \*BePhPrTbVm; om. AdBdCaCeDaGcHaLdMgPfSbTcTdTeTfVnVo

<sup>&</sup>lt;sup>37</sup> sp. serv. exp. *over erasure* Ca

<sup>&</sup>lt;sup>38</sup> ut munus \*BeCa<sup>2</sup>DaEgLdPaSbTc<sup>1</sup>TdVn; ut unius Ad<sup>2</sup>BdGc?Ha<sup>2</sup>LkPf?PrTeTfVmVo; ut minus CaMgRfTc; unius CeHaPq; ut in unius Mq; munus PhTb; et unius Pk; in munus Pw?; ut non minus Rb;

<sup>&</sup>lt;sup>39</sup> nec non \*AdBe<sup>2</sup>CaDaGcLdMqPfPrTdTeTfVnVo; 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>40</sup> stat. can. \*CaMgPfTcTeVn; can. instituta PhTb

atione CaPfTbTc; -ationem MgTe

<sup>&</sup>lt;sup>42</sup> in *add*. Te

<sup>&</sup>lt;sup>43</sup> -ione CaPfTbTcTe; -ionem Mg

<sup>&</sup>lt;sup>45</sup> iuxta can. fieri PfTbTcTe; fieri iuxta can. CaMg

<sup>&</sup>lt;sup>46</sup> obl. deb. (-eant Te) CaMgPfTbTe; deb. obl. Tc

<sup>&</sup>lt;sup>47</sup> pars *add*. Vn <sup>48</sup> quarta restaurationi ecclesiarum (ecclesie Rb) servetur OaPhQeRbTb; quarta ad restaurationem ecclesiarum AaAdCaCcDaGcHaLgMfMgMjMpPdPrPtPwTcTdTfVmVoVpWc; quarta ad restituendam ecclesiam BdEgLbLkMoObOeOfPcPfPqRaSbTeVaWd; quarta ad restaurationem ecclesie BeOdPaSIVnVoBrant; 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; quarta ad restaurandam ecclesiam Rf

# **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>

Decime<sup>2</sup> quas populus dare non vult, nisi quolibet munere ab eo<sup>3</sup> redimantur, ab<sup>4</sup> episcopis prohibendum est ne fiat.

*ID 3.200] +C 16 q 7 c 7* 

<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. AdBeCaCeDaGaGcLdMgMpPfPrRb<sup>2</sup>SbTcTe<sup>2</sup>, in text VmVo(adding lx); De legitima possessione Ph; om. LbOaPcPtRfTbVnVoVp. Fabrice applicande in mg. Bb

<sup>&</sup>lt;sup>4</sup> Ex AdBeCaLbMgPfTbTeVn; De MoRfTc

<sup>&</sup>lt;sup>5</sup> cap. viii add. SfTb, om. \*AdBeCaGcLbMgOaPfTcTeVmVnVo; 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] Sed nos Lb; Si non Oa

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

<sup>\*</sup>Ad Ca Ce Da Gc HaLd Mg MoMpPfRfTcTdTeTfVmVn

<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>CaCeLbMgOaPfTbVmVnVo; Med. cap. Ad; Toletano Pt; Mediolanensi MoRfTc. Ne munera pro decimis dandis exiguntur cp. lxi *add*. Vo

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

 $<sup>^3</sup>$ ab eo \*AaCeDa $^2$ GcMqOaPhRbRfSbTcTbTeVmVn; <br/> om.AdBeCaDaMgMpPfTfVp $^4$ abi Te

[Quod res<sup>1</sup> ecclesie duplici iure possideantur, divino<sup>2</sup> et humano]<sup>3</sup>. Augustinus super Iohannem, parte<sup>4</sup> prima, tractatu vi<sup>5</sup>

Ouo iure defendis villas ecclesie, divino an humano? Divinum ius in scripturis habemus, humanum in legibus regum. Unde quisque<sup>6</sup> possidet quod possidet?<sup>7</sup> Nonne iure humano? Nam iure divino Domini est terra et plenitudo eius. Pauperes et divites Dominus ex<sup>8</sup> uno limo fecit, et<sup>9</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>10</sup> humana, iura imperatorum. Quare? Quia ipsa iura humana<sup>11</sup> per imperatores et reges seculi Deus distribuit<sup>12</sup> generi humano. Item. Tolle iura imperatoris, et quis audebit dicere, Mea est illa 13 villa, meus est iste servus, mea est ista domus? Si autem ut teneantur ista ab omnibus<sup>14</sup>, iura acceperunt regum, vultis ut<sup>15</sup> recitemus<sup>16</sup> leges ut gaudeatis?<sup>17</sup> Item. Relegantur leges ubi manifeste<sup>18</sup> preceperunt imperatores eos qui propter ecclesie catholice<sup>19</sup> communionem usurpant sibi nomen Christianum, nec volunt in pace colere pacis auctorem, nihil nomine ecclesie audeant possidere. Sed quid nobis et imperatori? Sed, etiam<sup>20</sup> dixi, de iure humano agitur<sup>21</sup>, et tamen apostolus<sup>22</sup> voluit serviri<sup>23</sup> legibus<sup>24</sup>, voluit honorari<sup>25</sup> reges et dixit, Regem

<sup>&</sup>lt;sup>1</sup> om. Sb

<sup>&</sup>lt;sup>2</sup> scilicet *add*. Te

<sup>&</sup>lt;sup>3</sup> in mg. AdBeCaCeGcLdMgPfPrRb<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; De legitima possessione ecclesie in mg. Ga; Quod tres partes debeant fieri de decimis Pt; De legitima possessione Vp; om. DaLbOaTbVn

<sup>&</sup>lt;sup>5</sup> tractatu vi \*CaGcLdLn<sup>2</sup>MgPfPrSb(subs. canc.)TeVmVnVo; Aug. – Ioh. only Ad; tractatu vii BePhSfTb; Aug. - prima Da; Aug. only Ea; om. Eg; c. vi Lb; tractatus PcTc. No insc. Pt

<sup>&</sup>lt;sup>6</sup> Unde quisque \*AdBeLbMgPfTb; Unde quis Ca; Unde unus quisque Tc; Unumquisque Te <sup>7</sup> quod poss. *in mg*. Ph <sup>8</sup> *om*. Te

<sup>&</sup>lt;sup>9</sup> et \*CaPfTbTc; om. Mg

<sup>10</sup> sunt add. Tc, om. \*AdCaMgPfTb

<sup>11</sup> iura hum. \*GcRbTbTcTeVm; hum. iura AdBeCaMgPf

<sup>&</sup>lt;sup>12</sup> Deus dist. \*AdTbTcTeVm; dist. Deus CaMgPf

<sup>&</sup>lt;sup>13</sup> ista Te

<sup>&</sup>lt;sup>14</sup> omnibus MgPfTbTc; hominibus Ca

<sup>15</sup> ut CaMgPfTc; om. TbTe

<sup>16</sup> reticea add. in mg. Vp

<sup>&</sup>lt;sup>17</sup> gaudeatis \*MgPfTbTc; audiatis Ca

ubi man. \*CaMgPfPhTc; ibi (man. *in mg*.) Tb

<sup>19</sup> eccl. cath. \*MgTbTc; cath. eccl. CaPfTe

<sup>&</sup>lt;sup>20</sup> iam PhSb; ut *add*. CaMgPc<sup>2</sup>Tc, *om*. BdCeGcPaPcPfPk; etiam *om*. Vn

<sup>&</sup>lt;sup>21</sup> Sed quid - agitur \*BdCaCeMgPaPcPfPhPkPrTc; om. Tb

<sup>&</sup>lt;sup>22</sup> populus Te

<sup>&</sup>lt;sup>23</sup> -iri \*PhTb; -ire AdBdCaGcMgPcPfPh<sup>2</sup>PwSbTcTeVmVn

<sup>&</sup>lt;sup>24</sup> legibus BdBeGcMgMqPfSbTbTcTeVoVn; regibus Ad<sup>2</sup>CaSb<sup>2</sup>

<sup>&</sup>lt;sup>25</sup> -ari \*MgPfTbTc: -are Ca

veremini<sup>26</sup>. Dicere noli, Quid mihi et regi? Quid tibi ergo et possessioni? Per iura regum possidentur possessiones<sup>27</sup>. Dixisti, Quid mihi et regi? Noli dicere possessiones tuas, quia ad<sup>28</sup> ipsa<sup>29</sup> iura renuntiasti<sup>30</sup> humana, quibus possessiones possidentur<sup>31</sup>. *ID 3.1941 D 8 c 1* 

<sup>26</sup> veremini BdCeMqPaPfPhPkPrTbVm; veneremini AdBeCaGcMgSb<sup>2</sup>TcVn; veneramini DaPcPqTe; uremini Rb; reveremini Vo

<sup>27</sup> possid. possess. \*CaMgPfPhTc; possess. possid. Tb

<sup>29</sup> ad ipsa *over erasure* Pc

<sup>30</sup> iura ren. \*CaMgPfTb; ren. iura Tc

### 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>.

ID 3.106a] C 16 q 3 c 1

65

<sup>1</sup>De tricennali possessione<sup>2</sup>

<sup>&</sup>lt;sup>28</sup> ad \*CeDa<sup>2</sup>PhPkPqPrTbTeSbVm; *om*. AdBdCaDaMgPaPfPwTcVn

<sup>&</sup>lt;sup>31</sup> possess. possid. \*CaMgPfTbTe; possid. possess. TcVn

<sup>&</sup>lt;sup>1</sup> Quod - poss. *in mg*. AdBeCaCeDaGcLdPfPr Rb<sup>2</sup>SbTcTe<sup>2</sup>, *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*. OaPcPtTbVnVp

<sup>&</sup>lt;sup>2</sup> cap. viix Ad; V cap. xviii Lb; xlviii Pt; cap. xxviii Te

<sup>&</sup>lt;sup>3</sup> Per sing. eccles. ] Singularum ecclesiarum Pt

<sup>&</sup>lt;sup>4</sup> placuit *add*. Pf, *om*. \*AdCaMgTbTc

<sup>&</sup>lt;sup>5</sup> 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 \*MgTbTeVn; licet CaPfTc

<sup>13</sup> eas \*CaMgPfTb; eos Tc

<sup>&</sup>lt;sup>14</sup> here \*CaMgPfTb, before certamen PtTc

<sup>&</sup>lt;sup>15</sup> decrevimus add. MgVp, om. \*AdBeCaCcGcMqPfTbTcTeVmVnVo

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

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<sup>6</sup> auctoritas, ut ultra triginta annos nulli liceat pro eo appellare quod legum tempus exclusit<sup>7</sup>.

ID 3.144, cf 147b, 212A] C 16 q 3 c 2, as here in earlier version to emanavit auctoritas, cf C 13 q 2 c 1 from Facultates

# <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<sup>7</sup>, nullam deinceps, etiamsi quid sancte Romane ecclesie competere<sup>8</sup> potuit, patiaris sustinere calumniam, sed quietem eorum modis omnibus procurare<sup>9</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

67

<sup>1</sup>Ex concilio Avernensi<sup>2</sup> de<sup>3</sup> diocesi per triginta<sup>4</sup> annos<sup>5</sup> possessa<sup>6</sup>

<sup>&</sup>lt;sup>2</sup> De tric. poss. AdBeCaDaGcLbMgMqOaPfPrRfSb(mg.)TcTeVmVnVo(adding lxiiii)Vp; De tric. possessionum Ce; Gelasius papa capitulo ii Pt; om. PhRbTb. Ex decretis Gelasii pape add. Pc(subs. canc.)SbTcTe

<sup>&</sup>lt;sup>3</sup> aliquibus \*AdBeCaEgMqOaPfTbTeVnVo; vel aliis quibusque Eg<sup>2</sup>; aliis quibusque MgQa; aliis quibus Tc

<sup>&</sup>lt;sup>4</sup>-opis \*AdBeMgPfTb; -opi CaTc
<sup>5</sup>-usit \*AdBeCaMgVnVo; -udit PfPhTbTcTeVm

<sup>&</sup>lt;sup>7</sup>-usit \*AdBeCaGcMgPfPhRb<sup>2</sup>TbVn; -udit LbRbSbTcTe; vel exclusit vel eduxit Pt

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

papa add. TcTe, om. \*AdCaEaLbMgPfTbVm

<sup>-</sup>onus Pt; De eodem cp lxv add. Vo

prephatum add. Pt

inconcussis \*AdMgPfPhTcTeVmVn; incussis Ca; inconcusse Tb

possedisse \*CaMgPfTb; possidere Tc

reperis Te

utiliter conferre add. ss Eg

<sup>&</sup>lt;sup>9</sup> sed quietem eorum (*om*. Ce) modis (modum Te) omnibus (omn. mod. Ha) procurare

<sup>\*</sup>AdBdBeCaCcCeDaEaGcHaLbLdLkPaPhPkPqPwQaSbTbTdTeTfVmVnVoWc; sed quietem procurare (studeas add.ss Eg) inconcussam EgPcRf; 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>&</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.

Ouicumque episcopus alterius episcopi diocesim<sup>7</sup> per triginta annos sine aliqua interpellatione possederit, quamvis<sup>8</sup> secundum ius legis eius videatur<sup>9</sup> esse diocesis admittenda non est contra eum actio<sup>10</sup> reposcendi<sup>11</sup>, sed hoc intra unam parochiam<sup>12</sup>, extra vero nullo modo, ne dum diocesis<sup>13</sup> defenditur, provinciarum termini confundantur.

ID 3.131, 5.175] C 16 q 3 c 4

68

[Quod tricennalis] possessio firma sit]<sup>2</sup>. Ex concilio Toletano, cap. xxv<sup>3</sup> Sicut diocesim<sup>4</sup> alienam<sup>5</sup> tricennalis possessio tollit, ita territorii conventum non admittit<sup>6</sup>. Ideoque basilice que nove condite<sup>7</sup> fuerint<sup>8</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>2</sup> Avernensi MgPcRfSb(text)TcTeVnVp [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; Aurelian' Lb; Arvernensi Ld; Advernensi Oa; Arimensi Ph; Arvernico Qa; Arruensi Sf; Arrunensi Td

<sup>&</sup>lt;sup>3</sup> de BeCaMgMq<sup>2</sup>PfSbTcTdVmVn; *om*. AdMqTb

<sup>&</sup>lt;sup>5</sup> annos AdCaMgPfSbTbTeVmVn; annorum spacia PcRfTc

<sup>&</sup>lt;sup>6</sup> lxvi *add.* Vo. Avernensi – possessa *corr. to* Toletano IIII c. xxxiiii Pc

<sup>&</sup>lt;sup>7</sup> id est parociam add. ss Ln<sup>2</sup>

<sup>&</sup>lt;sup>8</sup> quamvis CaPfTbTc; quia Mg

<sup>9 -</sup>eatur CaPfTbTc; -etur Mg

<sup>&</sup>lt;sup>10</sup> actio \*MgPfTbTc; auctio Ca

<sup>&</sup>lt;sup>11</sup> reposcendi \*BdBeCcCeEaEgGcLbLdLkMgMqOaPa<sup>2</sup>Pc<sup>2</sup>PhPk<sup>2</sup>PqPrQaSbTbVmVoVp<sup>2</sup>Wc; respondendi AdCaHaPcPfPwRbRfTcTeTf; respondendi vel reposcendi Ad<sup>2</sup>Ca<sup>2</sup>DaHa<sup>2</sup>Vn; resposcendi PaPk; poscendi Vp

<sup>12</sup> canc. with vel provinciam ss Pc; vel provinciam add. ss Rf 13 ss Te

<sup>&</sup>lt;sup>1</sup> tricenna Ad

<sup>&</sup>lt;sup>2</sup> Quod - sit in mg. AdCaCeDaGcLdPrRb<sup>2</sup>SbTcTe<sup>2</sup>, in text CeEaLeMgMqOaTfVmVnVo(adding lxvii); against c 67 Pf; om. BeLbPcPtTbVp

Ex - xxv AdLbLdLnMgPfTbRfTcTdTeTfVmVn; 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

dicesim Mg

<sup>&</sup>lt;sup>5</sup> aliam Te

<sup>&</sup>lt;sup>6</sup> admittit CaEg(vel adimit ss)MgPfTbTe; amittit Tc

<sup>&</sup>lt;sup>7</sup> condite \*CaMgTbTcTe; om. PfVn

<sup>&</sup>lt;sup>8</sup> -erint \*MgPfTbTeVn; -erunt CaTc

69

[Quod ecclesia que<sup>1</sup> possidet<sup>2</sup> iuramento probare debeat<sup>3</sup>]<sup>4</sup>. Gelasius Iusto<sup>5</sup> episcopo Dilectio tua<sup>6</sup> quesita omnium fidelium<sup>7</sup> fideliter<sup>8</sup> rerum veritate<sup>9</sup>, si de spatiis quibus memoratur orta contentio<sup>10</sup>, definitio<sup>11</sup> dudum certa processit<sup>12</sup>, intemerata servetur. Alioquin, si nihil unquam constiterit terminatum, nunc de perscriptione<sup>13</sup>

temporum, si qua pars fidit<sup>14</sup> prebeat sacramentum<sup>15</sup>, ut tamen<sup>16</sup> que hactenus possedisse perhibetur iusiurandum sinatur afferre<sup>17</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> ss Te

<sup>&</sup>lt;sup>2</sup> possidet AdCaMgPfTcVm; tenet Sf

<sup>&</sup>lt;sup>3</sup> prob. deb. AdCaMgPfTcVm; proset Sf

<sup>&</sup>lt;sup>4</sup> in mg. AdBeCaCeDaGcLdMgPfPrRb<sup>2</sup>SbTcTe<sup>2</sup>; in text SeSfTfVmVo(adding lxvii); om. LbMgOaPcTbVnVp

<sup>&</sup>lt;sup>5</sup> Iusto \*AdBeCaGcLbMgPfSeTcTeVmVn; Iustino SfTb

<sup>&</sup>lt;sup>6</sup> studeat *add*. MgMoTcVo (*and Gratian*), *om*. \*AdBeCaDaDbMqPfRbSeTbTeTfVmVn

om. BeVo

<sup>8</sup> fideliter \*BeDbGcMgMq<sup>2</sup>OaRfSeTbTeVmVnVo; firmiter AdCaPfTc; fidelium Mq

<sup>&</sup>lt;sup>9</sup> ut add. MgTc, om. \*CaDbPfTbTeVm

<sup>10</sup> et add. Mg, om. \*CaDbPfTbTc

<sup>11</sup> tua add. Pf, om. \*CaDbMgTbTc

<sup>12 -</sup>essit \*CaPfTbTc; -esserit Mg

<sup>&</sup>lt;sup>13</sup> de persc- \*CaCeHaPfRbTb; de prosc- AdPrRfTcTeTf; de presc- BeCaDaLdMg; per descriptionem Gc; per decriptionem Vn; descriptione Ha<sup>2</sup>

<sup>&</sup>lt;sup>14</sup> fidit AdBeMgTbTe; fidei CaPfTc; om. Vn

<sup>15</sup> sacratum Te

ut tamen \*CaCcMgTbTc; de his Pf; ut tantum Te

<sup>&</sup>lt;sup>17</sup> aff- AdBdCaCcGcEgMgMoSeTbTcTe; 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. (*om*. Te) *in mg*. AdBeCaCeDaGcLdMgPrSbTcTe<sup>2</sup>, *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*. LbOaPcRfTbVnVp

<sup>&</sup>lt;sup>3</sup> -etis AdCaMgPfTbTe; -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 decreto Ad

Ouisquis 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, a communione omnium fidelium abscidatur.

*ID 3. 125] +D 30 c 9 widely var.* 

### **72**

<sup>1</sup>[Quid faciendum sit  $de^2$  raptoribus ad ecclesiam confugientibus]<sup>3</sup>.  $Ex^4$  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>3</sup> lxxviiii *add*. Vo; cap. vii *om*. Be

<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 AaAdCaCeEaGcMqPaPcPfRfTcTeVnVoVp; regie potestatis Lb; 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>SbTe<sup>2</sup>Wc, in text Ea(no inscr.)LeLmMqSfVmVo(adding lxx); om. LbLfOaPcPtTbTc;Vn (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 AdBeCaCbLbLdLfLjLmMgPfPtTbWc; De Tc

<sup>&</sup>lt;sup>5</sup> Calc. BeCaCbGcLbLdLfLjLmMoOaPcPfPhPtRaRfTbTcTdTeVmWc; Caldonensi Ad; Aurelian' DaPc<sup>2</sup>; Aureliani Eg; Calcidonenum Ln; Aureliano MgVn; 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 AaBeCeLdLmMoMqOaPcPfPhTbTcTdTf; iiii AdCaCbGcLbLfLjPkPrPtVoWc; ii

DaEg?MgPc<sup>2=</sup>SbVnVm; 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

<sup>&</sup>lt;sup>8</sup> De rapt. – id] Ad Pq

<sup>&</sup>lt;sup>9</sup> const. esse cens. \*Ad<sup>2</sup>BeCa<sup>2</sup>EgLdMgPfPhPtQaVmVnWc; 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>CaCcLdLjLmMfMgMhMjMkMmMnMoPdPfPhPtQaRaTbTeWc; fuerit Be; fugerit CbDbLfTcVn

<sup>&</sup>lt;sup>13</sup> vel penarum \*AdBeCaEgLdMgMoPfPhPtTcWc; penarum Lm; om. Tb

<sup>&</sup>lt;sup>14</sup> lib. hab. eundi fac.

AaAbAdBdBeCaCbCcCeDaDbEaEbEcFcGcKaLbLdLeLfLgLjLkLmMfMgMhMjMkMmMqOaObOeOfPaPdPfPhPkPqPrPtPwQaRaRbSbSdSeSgTbTeTfVaVmVpWaWbWcZa; lib. hab. abeundi fac. Mn;

### ID 3. 108] C 36 q 1 c 3 is widely var.

lib. eundi hab. fac. OdVnVoVosm.; aut serviendi conditione subiectus sit aut redimendi se (liberam habeat add. Eg²Rf) facultatem EgPs²RfTcVt(with Hispana, C. Orleans [511], c 2, against BD 3.191, ID); lib. eundi fac. hab. Brant. Eg²MoPcPsRf 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 om. Ps> teneatur obnoxius. For liberam habeat eundi fac. MoPcRf 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 (concesserit Rf), potestati patris excusata reddatur, et raptor a patre superioris conditionis satisfactione non teneatur obnoxius.

<sup>15</sup> 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.* 

<sup>1</sup> sint AdCaMgPfTcTeVm; sunt EaSf

74

<sup>1</sup>Gelasius<sup>2</sup> Bonefacio episcopo<sup>3</sup>

<sup>&</sup>lt;sup>2</sup> servi add. Pf; om. AdBeCaEaMgSfTcTeVm; sint redd. after confug. Vo

<sup>&</sup>lt;sup>3</sup> in mg. AdBeCaCeDaGcLdMgPfPrSbTcTe<sup>2</sup>; in text Ea(no inscr.)LeMnMqSfVmVo(adding lxxi); om. LbOaPcPtRbTbVp

<sup>&</sup>lt;sup>4</sup> eod. conc. BeCaDaPfRfTcVo; concilio Calcedonensi AdGcLbLdMqOaPrSeSfTbVm; conc. eod. LnMg; conc. eiusdem Te

<sup>&</sup>lt;sup>5</sup> iiii AdBeCaLbMqPfTbTe; iii DaGcMgPcPrSbSeSfTcVmVn; v Ld; 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 \*BeGcLbTbTcVm; cleris AdCaMgMqPfTe

<sup>&</sup>lt;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. \*AdCaLbMgPfTbVn

Servus post sacramentum sibi prestitum reddatur invitus<sup>4</sup>.

ID 3.115 end] +C 17 q 4 c 32 at end

<sup>3</sup> episcopo om. Te. ex concilio apud Theodonisvillam cap. xi (x PcRf, ix Se) add. LeOaPcRfSe, apud villam Theodonis cap. x add. Tc, Ex concilio apud ... add. Te, Ex concilio apud Theodonis add. Vm (cf c 75), om. \*AdBeCaDaGcLbMgPfTbVp, lxxii add. Vo

<sup>4</sup> Servus - invitus *om*. Se

**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<sup>4</sup>, aut in domum episcopi, quia hec in antiquis canonibus pro emunitate tenentur<sup>5</sup>, nemo abstrahere audeat, neque inde donare aut<sup>6</sup> ad penam vel ad<sup>7</sup> mortem, ut honor Dei et sanctorum eius pre omnibus conservetur. Sed rectores ecclesiarum pacem et vitam ac membra ei<sup>8</sup> cum iuramento obtinere studeant. Tamen legitime componat<sup>9</sup> quicquid inique fecerat<sup>10</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>1</sup> De eodem add. in mg. CaDa; De eadem re add. Vo

<sup>&</sup>lt;sup>2</sup> Ex - xi (xl Be) \*AdBeCaGcLbMgMqPfTbTeVmVn; Item Ea; Hillerdensi concil' cap. vi in mg. PcRf (cf c 76); Apud – cp. xi. lxxiii Vp; om. OaRb(with no break)SeTc, cf c 74.

Reum Vo

<sup>&</sup>lt;sup>4</sup> turrem Te

<sup>5</sup> tenente Te

<sup>&</sup>lt;sup>6</sup> aut GcMgTbVm; om. BeCaPfTcTeVn

vel ad \*CaMgPfPhVmVn; aut ad Tb; vel Tc

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

<sup>&</sup>lt;sup>9</sup> component, with vel compreciant in mg. Ph

<sup>&</sup>lt;sup>10</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. CaDaLn. 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 CaLbLdMgPcPfRfTbTcTdTeVnVo(*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>6</sup> dedit \*BeEaGcMgMqOaPfTbTcTeVmVp; dederit BdCaCcVn

# **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 10 ecclesiam, aut in 11 atrium ecclesie, aut in domum episcopi, aut in claustrum regularium, non<sup>12</sup> inde abstrahantur, nisi prius supra sacra securitate accepta a persecutore, de morte, de<sup>13</sup> debilitate et omnium penarum genere sint securi, etiam si servi sint<sup>14</sup> illorum qui eos insequuntur, ita ut ei<sup>15</sup> cuius<sup>16</sup> rei criminosi fuerint, de satisfactione conveniat<sup>17</sup>. Quod si is<sup>18</sup> qui supra sacra prius iuraverat<sup>19</sup> convictus fuerit iuramentum<sup>20</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 $^{1}$ ]<sup>2</sup>. 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. AdBeCeDaMgPfPrTcTeVm; ad eccl. conf. inim. Ca; inim. ad eccl. fugientes

in mg. AdBeCaGcLdLnMgPf Rb<sup>2</sup>SbTcTe<sup>2</sup>, in text LeMqVmVo(adding lxxv); om. LbOaPcPtRfTbVnVp

concilio CaMgPfTbTc; eodem PrVm

<sup>&</sup>lt;sup>5</sup> Aurelianensi Aa; Caldedonensi Pc; Calcedonum PhTb; Cabillonensi Te; Maticense Vo. Ex - Chalc.] Idem cocilium Lb

<sup>&</sup>lt;sup>6</sup> v \*AdCaLbMgPfTbTe; vi BeRfTc

<sup>&</sup>lt;sup>7</sup> Matiscensi BeTb; Maticensi AdPcTeVoVp; Maticense CaDaGcMgMqPhPkPrRbVn; Macense Ce; Manticensi Pf; Matizensi Tc

<sup>8</sup> ut \*MgPfTbTc; aut Ca

<sup>&</sup>lt;sup>9</sup> suos \*CaMgPfTb; om. TcTe

<sup>&</sup>lt;sup>10</sup> in \*CaMgPfTb; ad Tc; om. Te

<sup>&</sup>lt;sup>11</sup> in \*CaMgPfTbTe; ad Tc

<sup>&</sup>lt;sup>13</sup> de MgTbTc; *om*. PfTe; et Ca

<sup>&</sup>lt;sup>14</sup> servi sint \*MgPfTbTc; sint servi Ca

<sup>&</sup>lt;sup>15</sup> ei \*CaMgPfTb; eis Tc

<sup>16</sup> cui Te

<sup>-</sup>iat \*CaPfTb; iant MgTcTe

18 is \*MgTbTe; his CaPfTc

<sup>&</sup>lt;sup>19</sup> iuraverat \*CaPfTbTc; intraverat Mg

<sup>&</sup>lt;sup>20</sup> iuramentum \*AdCaMgTbTc; sacramentum Pf

faciunt Mg; fugiunt Pf

<sup>&</sup>lt;sup>2</sup> in mg. MgPf Rb<sup>2</sup>SbTe<sup>2</sup>, 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; De his qui ad ecclesiam confugium faciunt after insc. Vn; om. AdLbOaPcPtRfTbTcVp

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<sup>7</sup> vel dampni seu spoliationis residentibus in loco sancto inferre, sed esse potius his ipsis qui ecclesiam petunt per omnia licitum intra triginta passus<sup>8</sup> ab ecclesie ianuis progredi, in quibus triginta passibus uniuscuiusque ecclesie in toto circuitu reverentia defendantur<sup>9</sup>. Sic tamen ut hi qui ad eam confugiunt, in extraneis vel longe separatis ab ecclesia<sup>10</sup> domibus nullo modo abscedant<sup>11</sup>, sed in hoc sancto triginta passuum numero absque domorum extranearum receptaculo progredientes. aditum obtinebunt, ut adquisite<sup>12</sup> nature usum debitis<sup>13</sup> exeant locis, et nullo teneantur eventu necessitudinis<sup>14</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>15</sup> instituta hi qui eos repetunt<sup>16</sup> sacramenta reddiderunt<sup>17</sup>, et sacerdos ecclesie ipsius ab ecclesie non abstraxerit<sup>18</sup> foribus, aut fuga talium si evenerit sacerdoti<sup>19</sup> guerenda est, aut dampnorum<sup>20</sup> sententia, secundum electionem principis huiusmodi<sup>21</sup> sacerdotibus irroganda.

*ID 3.121] +C 17 q 4 c 35, with beg. abbreviated* 

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<sup>3</sup> cap. LbPfTbTcTe; om. AdCaGcLdMgOaPhVnVo
<sup>4</sup> x DaSb; xxii Lb; cap. xii om. Be
 quolibet *CaMgTbTc; quoslibet Pf
<sup>6</sup> conf. ad eccl. *AdCaMgPfTe; ad eccl. conf. PhTb; conf. ad eccl. vel Tc
 corr. fr. nobil- Te
 trig. pass. *CaMgPfTb; pass. trig. Tc
<sup>9</sup> -antur *MgPfTe; -atur CaPhTbTc
10 -esia CaMgTbTc; -esie Pf
<sup>11</sup> abscedant *BeMgPfTb; accedant CaCcTcTeVn
<sup>12</sup> adquisite AdBdBeGc?HaOaPcPfPh(vel consuete ss)PkPqPrPwRfSbTdTeVo; ad requisite
CaCcDaVn; ad exquisite Mg; ad quesite Gc<sup>2</sup>LkMq; ad cogentis Tb; ad Tc
<sup>13</sup> debitis *MgPfTbTc; debeant Ca
<sup>14</sup> necessitudinis *CaMgPfPhTc; necessitatis Tb
15 prisc. can. *CaMgPfTb; can. prisc. Tc
16 corr. fr. ? in mg. Ad
<sup>17</sup> -erunt MgPfTb; -erint CaTcTe
<sup>18</sup> abstr- *CaMgPfTb; extr- TcTe
19 sacerdoti *CaMgPfTb; om. Tc
<sup>20</sup> dampnorum *BdBeCaCeDaGcLbLkMqOaPaPcPhPkPqPrPw<sup>2</sup>RbSbTbTeVmVn; dampnatorum
AdMgPfPwTcTf; dominorum Vo?
in mg. Tb
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**79** 

[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<sup>11</sup> vel monachis sive Deo
devotis omnibus ecclesiasticis personis. Non<sup>12</sup> enim capelle que infra ambitum
murorum castellorum sunt, mittuntur vel<sup>13</sup> ponuntur in hac observatione. Similiter
etiam sacrilegium committitur, auferendo sacrum de sacro, vel non sacrum de sacro<sup>14</sup>,
sive sacrum de non sacro<sup>15</sup>. Non sacrum vero de non<sup>16</sup> sacro<sup>17</sup>, quia<sup>18</sup> non potest
computari in crimine sacrilegii, secundum mundanarum legum censuram debet
emendari, vel secundum morem<sup>19</sup> patrie.

ID 3. 98c] +C 17 q 4 c 21 med., var.

<sup>&</sup>lt;sup>1</sup> Quot – sacr. *in mg*. AdBeDaGcLdPfPrRb<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; Quot passus habeat atrium maioris ecclesie, quot minoris, et de penitentia eas infringentis Pa; Quot modis sacrilegium fiat *in mg*. Te<sup>2</sup>; *om*. LbOaPcPtRfTbVn. viiii *in mg*. Be<sup>2</sup>

<sup>&</sup>lt;sup>2</sup> VIII \*AdBeLbPcPfPtTbTcTe; IX Ca; XI MgVn; VII Vm; nonus octavus Vp

<sup>&</sup>lt;sup>3</sup> Gotice \*AdCaLbMgPfTbTeVmVn; 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 TcTe

<sup>&</sup>lt;sup>8</sup> qui \*CaMgTbTc; om. Pf

<sup>9</sup> abl- CaMgTbTc; obl- PfTe

<sup>&</sup>lt;sup>10</sup> -erit \*CaMgPfTb; -erint Tc

<sup>&</sup>lt;sup>11</sup> defer- Te

<sup>&</sup>lt;sup>12</sup> Non \*CaMgPfTb; Neque Tc

<sup>&</sup>lt;sup>13</sup> mittuntur vel \*CaMgPfTb; om. Tc

<sup>&</sup>lt;sup>14</sup> non sac. de sac. \*MgPfTbTc; sac. de non sac. Ca

<sup>15</sup> sac. de non sac. \*MgPfTbTc; non sac. de sac. Ca

<sup>&</sup>lt;sup>16</sup> non CaGc<sup>2</sup>MgPfTbTc; om. GcPrVm

<sup>&</sup>lt;sup>17</sup> non sacrum – sacro ss Ad<sup>2</sup>

<sup>&</sup>lt;sup>18</sup> quia \*BeCaTcVo; quia quod AdCeDaGcMgMqPkPrSbTbTeVmVn; quod Pf

<sup>&</sup>lt;sup>19</sup> morem \*CaMgPfTb; legem Tc

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>4</sup> libras auri optimi. Sed nos leviorem legem precipimus esse tenendam, que a Carolo est<sup>5</sup> constituta pio principe de compositione sacrilegii<sup>6</sup>, videlicet in triginta libras argenti examinati, id est sexcentorum solidorum summam<sup>7</sup> argenti purissimi. Ideoque quisquis inventus fuerit reus sacrilegii, istam leviorem<sup>8</sup> compositionem emendet<sup>9</sup> ipsis episcopis vel abbatibus, sive personis<sup>10</sup> ad quos querimonia sacrilegii iuste pertinuerit. Et si ipse reus sacrilegii<sup>11</sup> facere noluerit, tandiu excommunicationi subiaceat usque quo<sup>12</sup> predictam compositionem sexcentorum solidorum persolvat. Et si<sup>13</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>14</sup> lex<sup>15</sup>. Hucusque lex pape.

ID 3. 98b]

81

[Quot<sup>1</sup> passus habeat atrium maioris ecclesie, quot<sup>2</sup> minoris]<sup>3</sup>. Ex concilio Antioceno<sup>4</sup>, cap.  $v^5$ 

<sup>&</sup>lt;sup>1</sup> Oue AdCaMgPfTc; Ouid Vm

<sup>&</sup>lt;sup>2</sup> in mg. AdBeCaCeDaGcLdLnMgPfPrRb<sup>2</sup>SbTcTe<sup>2</sup>, in text LeMgPtVmVo(adding lxxviii); om.

<sup>&</sup>lt;sup>3</sup> Idem in eod. lib. DaEgPfSbTeVo; Iohannes VIII (om. Ce, XI Vn) in libro Gotice (Godice Pr) legis AaAdCaCeMgMqPhPrSfTbVn; Item in eodem Be; Iohannes VIII in eodem Gc; Idem in eodem LbVp; Idem in libro Gotice legis Ld; Item in eodem libro § lxxviiii Ln; Idem ibidem Pt; Item in lib. eod. RfTc

<sup>&</sup>lt;sup>5</sup> a Carolo est \*CaMgPfTb; est a Carolo Tc

<sup>&</sup>lt;sup>6</sup> sacrilegii \*MgPfTbTc; om. Ca

<sup>&</sup>lt;sup>7</sup> summam \*CaMgPfTb; om. Tc

<sup>8</sup> leviorem AdCaPfTbTe; levem Tc; leniorem Mg

<sup>&</sup>lt;sup>9</sup> et *add*. Mg, *om*. \*CaPfTbTc <sup>10</sup> personis \*Ca<sup>2</sup>MgPfPhTc; perponis ? Ca; sanctis Tb

reus sac. \*CaMgPfTb; sac. reus Tc. istam leviorem compositionem – sac. in mg. Pc<sup>2</sup>

<sup>&</sup>lt;sup>12</sup> usque quo \*AdMgPfTbVn; quousque TcTe; usque post Ca

<sup>13</sup> ss Tb

<sup>14</sup> est add PcTe

<sup>15</sup> id est ita incipit add. ss PcRf; que sic incipit add. Vp

<sup>1</sup> Quod Mg

<sup>&</sup>lt;sup>2</sup> quod Mg

in mg. AdBeCaCeDaGcLdMgPfPrRb<sup>2</sup>SbTcTe<sup>2</sup>; in text Ea(no inscr.)LeMgSfVmVo(adding lxxviiii); De libertorum tutela after insc. Ph; Quot (corr. fr. quod) passus habeat atrium ecclesie Pt; om. LbOaPcRfTbVnVp

<sup>&</sup>lt;sup>4</sup> Antioceno \*AdBeCaEgLbMgPhTbTeVn; Agatensi PfTc; Anticeno Sf; obscure effort to correct Te<sup>2</sup>

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> 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

<sup>5</sup> v \*AdBeCaEgGcMgPfPrTbTeVnVo; x Tc (this is properly the insc. to ID 3.103); i Vm. cap. v om. Pt

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<sup>5</sup>

Libertos legitime a dominis suis factos<sup>6</sup> ecclesia<sup>7</sup>, si necesse fuerit, tueatur<sup>8</sup>. Quod si quis ante audientiam aut pervadere eos aut exspoliare<sup>9</sup> voluerit vel presumpserit, ab ecclesia repellatur<sup>10</sup>.

ID 16. 51] +D 87 c 7

83

<sup>1</sup>Toletano concilio IIII<sup>2</sup>, cap. lxxiii<sup>3</sup>

<sup>&</sup>lt;sup>6</sup> statutum \*CaMgPfTbTe<sup>2</sup>; constitutum Tc; statum Te

<sup>&</sup>lt;sup>7</sup> sexaginta \*CaMgPfTbTe; quadraginta Tc

<sup>&</sup>lt;sup>8</sup> vel \*CaMgPfTb; et TcTe

<sup>&</sup>lt;sup>9</sup> eorum \*MgPfTbTc; earum Ca

<sup>&</sup>lt;sup>10</sup> confringere \*CaEgPfTbTcTeVn; constringere Mg; om. Gc

quousque em. suppl. Ca<sup>2</sup>

<sup>12 -</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. AdBeCaCeDaGcLdPfPr Rb<sup>2</sup>SbTcTe<sup>2</sup>, 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. PtRfTbVn. x add. in mg. Be<sup>2</sup>

<sup>&</sup>lt;sup>3</sup> Ex Agat. conc. PfTcVn; Agat. conc. BeCaDaLbPhPrTbTeVmVo; Conc. Agat. Mg; Agantense conc. Sf

<sup>&</sup>lt;sup>4</sup> cap. \*BeMgPfTbTc; om. Ca

<sup>&</sup>lt;sup>5</sup> xxviiii Lb; no insc., no break Rf

<sup>&</sup>lt;sup>6</sup> a dom. suis factos \*AdCaMgPfPr; factos a (*corr. fr.* ad Ph) dom. suis PhTb; a dom. suis Tc; a dom. suis factis Te

<sup>&</sup>lt;sup>7</sup> ecclesia \*CaMgTbTcTe<sup>2</sup>; om. PfTe

<sup>&</sup>lt;sup>8</sup> ecclesia add. Pf, om. \*CaMgTbTc

<sup>&</sup>lt;sup>9</sup> ex- *ss* Tb

<sup>&</sup>lt;sup>10</sup> repell- \*AdBeCaDbMgMqPfPrRbRfTcTeTf; depell- GcWd; pell- LbSlTbVn; expell- Vo

<sup>&</sup>lt;sup>1</sup> De eodem in mg. CaDa, text Vo. Ex add. AdPfTc; om. BeCaGcLbMgSfPcPtTbVmVoVp

<sup>&</sup>lt;sup>3</sup> lxxiii AdBeCaDbMgPrTbTcTeVmVn; lxxii DaPf; lxviii *after corr*. Lb; lxxvii SbTe; lxxviiii Vo; lxxviii Vp. Ob *has here* Vita - xlvii (*from 83A below*). IIII – lxxiii *om*. Ea; *no insc., no break* Rf

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>4</sup> qui a add. DaEg<sup>2</sup>Pc<sup>2</sup>, quia add. Db, a add. PqTcVo, om. \*BeCaGcMgPfPrTbTeVn

<sup>5</sup> corr. fr. cuique Pc

# $83A^1$

<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<sup>7</sup> insolentias liberis nichilominus vocibus defendebat.

ID 16.531

 $^{1}$  in

#### 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

<sup>&</sup>lt;sup>6</sup> sicut regule - const. \*AdCaDbMgPcPfTb; om. Tc

AbAdBdBeCaCbCcCeDaDbEaEbEcEgFcGcHaKaLaLbLcLdLeLfLgLhLjLkLmLnMfMgMhMjMkMmMnMoMpMqObOdOePaPcPdPfPhPkPqPrPsPtPwQaRbRfSbSdSeSkSgSlTbTcTdTeTfVaVmVnVoVpWaWbWcW; om. AaLbOaOfPy(appears as 89A)Brant

<sup>&</sup>lt;sup>2</sup> De eodem in mg. Ca, in text Vo; De eadem re in mg. Da. In add. PcRfTcTe, om.

<sup>\*</sup>BeCaMgMqObPfTbVmVn

<sup>&</sup>lt;sup>3</sup> beati \*Ad(*before* Vita)CaCbLbMgMqOdPc(*before* libro)PfPkTbTeVn; om. Ea; sancti TcVp

<sup>&</sup>lt;sup>4</sup> II Be; uncertain Lb

<sup>&</sup>lt;sup>5</sup> xlvii \*AdBeCaCbLbMgOdPfPkPtTbTeVmVnWc; clvii FcPcRf; clvi Tc; lvii. lxxxii Vo *after corr*.. ObPw *have insc. of c 84 here*; lib. – xlvii *om*. Ea; Vita – xlvii *om*. Mo; Petrus diaconus in vita – xlvii PsmgRa mg.

<sup>&</sup>lt;sup>6</sup> cuiusque \*AdCaCbEaGcMgOdPcPfPhPkPrTbTeVnWc; quibuscumque BeLb; cuiuslibet Cc; quoque FcOe; cuiuscumque RbTc

<sup>&</sup>lt;sup>7</sup> -icium Te

<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.)PfPrSbTbTcTeVmVnVo(adding lxxxiii); om. Mo; as insc. of c 83A ObPw; no insc., no break Rf; Ex conc. Toletano cap. iii LbSf (cf c 85)

<sup>&</sup>lt;sup>3</sup> In CaMgPfTcTeVn; om. BeOa; []n SfTb

<sup>&</sup>lt;sup>4</sup> servitutem \*CaMgPfTb; servitium Tc

<sup>&</sup>lt;sup>5</sup> coherceatur SIWd

85

[Quod episcopi res ecclesie alienare<sup>1</sup>, donare<sup>2</sup>, mutare<sup>3</sup> non debeant absque concilio clericorum suorum]<sup>4</sup>. Ex concilio Toletano III<sup>5</sup>

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>6</sup> monachorum vel ecclesiis<sup>7</sup> ad parochiam suam pertinentium<sup>8</sup> dederint, firmum maneat, Peregrinorum<sup>9</sup> vel clericorum et<sup>10</sup> egenorum necessitati salvo iure ecclesie prestare permittuntur pro tempore que potuerint<sup>11</sup>.

ID 3. 167]

# **86**<sup>1</sup>

<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.

<sup>1</sup> aut add. Ga

<sup>&</sup>lt;sup>2</sup> vel *add*. Ga

<sup>&</sup>lt;sup>3</sup> don. mut.] commutare Rb; mut. don. Vo

<sup>&</sup>lt;sup>4</sup> Quod – conc. (consilio DaSb, om. Mq) cl. suorum (suorum cl. Ca) in mg. AdBeCaCeDaGcLdPfPrRb<sup>2</sup>SbTcTe<sup>2</sup>, in text MqPtVmVo(adding lxxxiiii); (xix. add. Bd) De alienatione et commutatione ecclesiasticarum rerum (rerum eccl. BdLj) in mg. Bd<sup>2</sup>GaLeLjVp, 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. LbPcRfTbVn. xi add. in mg. Be<sup>2</sup> <sup>5</sup> III AdCaGcMgPfPrVmVn; Toletano c. iiii Lb; cap. iii MqPhRfSfTbTcTe; cap. iiii Oa; II Vo; om. AaBe

<sup>&</sup>lt;sup>6</sup> eccl. pro suff. AdBeCaMgOaPhTcTeVm; pro suff. eccl. Pf; pro suff. Tb

<sup>&</sup>lt;sup>7</sup> ecclesiis \*BeCaMgTbTeVn; ecclesiarum PcPfTc

<sup>&</sup>lt;sup>8</sup> -entium PcPfTcTe; -entibus BeCaMgTb. Qe resumes

<sup>&</sup>lt;sup>9</sup> vel laicorum add. Mg, om. \*CaCcPfTbTc

<sup>10</sup> et \*CePcPhPqSbTbTcTeVm; vel AdBdBeCaMgPfPkPwVnVo

<sup>&</sup>lt;sup>11</sup> -erint \*GcMg<sup>2</sup>PhPkPqPrRb<sup>2</sup>TbTcTeVn; -erunt AdBeCaMgPfRb; ecclesie prestare perm. – potuerint in mg. Mg<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>3</sup> -tias LbMgPfTbTeVn; -tiam BeCaTc

<sup>&</sup>lt;sup>4</sup> I AdBeLbMgPfPrTbTcTeVmVn; i CaVo(adding lxxxv)Vp; whole insc. in mg. Mq<sup>2</sup>Pc, om. Rf

<sup>&</sup>lt;sup>5</sup> Irrita erit in mg. Mq<sup>2</sup>; Mq originally ran c 86 from episcoporum donatio on to end of c 85.

<sup>&</sup>lt;sup>6</sup> subscriptione \*AdBeMgPfRbTbTcTeVn; susceptione Ca; subjectione Oa

<sup>&</sup>lt;sup>7</sup> et commutationes rerum *add*. Rb (*cf c 86*)

[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 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

<sup>1</sup>Ex concilio Bracarensi<sup>2</sup>, cap. xxxi<sup>3</sup>

Ouicumque<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 ac<sup>9</sup> venditor honoris sui amissione multetur. 10

<sup>&</sup>lt;sup>1</sup> obsc. corr. Mm, ss Te

que AdBeCaEaMfMgMhMmSfTcVm; om. Pf

sunt add. AdCaCeDaEaMqPrSbTcVmVo (MqPrTe after facte), om. MgMhMkMmPfSf

et add. AdTcVo, sunt consulte et add. GcMgPrSfVm, consulte et add. Sf; om. CaPf

<sup>&</sup>lt;sup>6</sup> -entur CaPfTcVo; -etur MgSf. Rubric in mg. AdBeCaCeDaGcLdMgPfSbTcTe<sup>2</sup>, in text Ea(no inscr.)LeMhMkMmMqSfVmVo(adding lxxxvi); om. LbMjOaPcPtRbRfTbVnVp

<sup>&</sup>lt;sup>8</sup> apud Belv. BeCaLbMfMgMjMkMmMnPc<sup>2</sup>PtTbTcTeVmVn; apud Valentias c. 1 Aa; apud Selv...tu.. Pc; Belvagensi Pf; apud Selvatum Rf; apud Belvacensem Vo; Quod - Belv. om. Mo

<sup>&</sup>lt;sup>9</sup> Ut AdBeMgMkMqPhTcTeVmVnVo; Et CcCeEaLbMoOaPfRaTbVp; []t Ca

<sup>&</sup>lt;sup>10</sup> Rb begins cap here (cf end of prev. cap.)

autem inconsulte facte \*AaCeGcMgOaPhTbVm; inconsulte facte AdLdPcRfSbTcTeVnVo; non inconsulte facte Ad<sup>2</sup>Tf; non (vel in ss Da) consulte facte BeCa(facte over erasure)DaEaHaMgPfTd; non consulto Vp

<sup>&</sup>lt;sup>12</sup> canonicum \*CaMgPfTb; canonum Tc

<sup>&</sup>lt;sup>13</sup> emendentur \*AdBeEaGcMgPf<sup>2</sup>PkRbTcTeVmVn; 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.); Ln has here rubr. for c 89; 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 AaAdBeCaEgMgOaVm; Bracharensi conc. Da; conc. Bracanensi Gc; Bracarense concil' Lb; Bracanensi conc. PcPfRfTc; conc. Cartaginensi PhSfTb; Brachanensi conc. Te; Bracacensi concil' Vo

xxxi \*AdLbMgPcPfTbTcVmVnVo(adding lxxxvii); xxi Ca. Insc. in mg. Pc

<sup>&</sup>lt;sup>4</sup> Quodcumque Rb

<sup>&</sup>lt;sup>5</sup> et add. TcTe, om. CaMgPfTb

<sup>&</sup>lt;sup>6</sup> vestes quoque \*CaMgPfTb; vestesque Tc

<sup>&</sup>lt;sup>7</sup> sunt \*PfTbTcTe; sint CaMgVn

<sup>&</sup>lt;sup>8</sup> -erint \*CaMgTbTc; -erunt Pf

<sup>9</sup> ac \*CaMgPfTc; om. Tb 10 multetur amiss. SIVnVo. A considerable space is left before c 89 in MnPk

ID 3. 241]

**89**<sup>1</sup>

[Qui² libri in ecclesia sint³ legendi, et quamdiu et quando legendi]⁴. Ex concilio

Aurelianensi, cap. iii⁵

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>.

to Raphael only Ea
 Oui AdBePfTcVm; Quot CaMg

in eccl. sint BeGcPfVm; sint (sunt Ad) in eccl. AdCaMgTc

<sup>&</sup>lt;sup>4</sup> Qui - quando (sunt *add*. Sb, sint *add*. Te) legendi (*om*. Pf) *in mg*. AdBeCaCeGcPfPrSbSITcTe<sup>2</sup>, *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; *in mg*. to c 88 Ln; 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*. EaLbMqOaPcPtRfSfTbVnVp. xii *add*. *in mg*. Be<sup>2</sup>

<sup>&</sup>lt;sup>5</sup> Aurel. (-ensium Mg, -iano Sf) cap. iii \*AdCaLbMgPfPtTcVnVo; Cartaginensi, cap. xxxi Tb; Aurelianensi Te; 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. \*AdCaMgPfTcTe

<sup>&</sup>lt;sup>8</sup> ang. nomina colantur BeCaDaEaMg; ang. nomina colant AdPt; ang. coluntur nomina CeEgVn; ang. colantur nomina Eg<sup>2</sup>PcTc; ang. colant (*corr. fr.* –unt Te) nomina GcMqOaPfPkPrRbSbTeVm; nomina angelica colant SIVo; 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

<sup>\*</sup>Ad(mg)BeCaDaGcLbMgOaPrTcTeVmVnVo; Ordo librorum veteris testamenti LaPfPhPtQeSfTb; De ordine – test. De libris autenticis Mq; Quid in ecclesia legendum sit et candandam de veten' testamento in text PcRf, Pc subs. canc. with De ordine lib. vet. test. ex decretis Innocentii pape in mg.; De ordine librorum qui in ecclesia per totum annum leguntur in mg. Sb, in text Te; 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 BeCaPfVn; libri quatuor MgTc; unus liber Tb

<sup>&</sup>lt;sup>8</sup> lib. unus CaPf;Vn libri duo MgTc; unus liber Tb

<sup>&</sup>lt;sup>9</sup> David add. Tc, om. \*CaMgPfTb

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 14 liber unus<sup>15</sup>. Ezechiel liber unus. Daniel liber unus. Osee liber unus. Amos liber unus. Michee liber unus. Iohel liber unus. Abdie liber unus. Ihone liber unus. Naum 16 liber unus. Abbacuc liber unus. Sophonie liber unus. Aggei liber unus. Zacharie liber unus. Malachie liber unus.

# Ordo librorum novi testamenti<sup>17</sup>

Evangeliorum libri quattuor. 18 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>19</sup>. Ad Romanos epistola una. Ad Corinthios<sup>20</sup> due. Ad Galathas<sup>21</sup> una. Ad Ephesios<sup>22</sup> una. Ad Philipenses<sup>23</sup> una. Ad Colosenses<sup>24</sup> una. Ad Thessaliconenses<sup>25</sup> due. Ad Thimotheum due. Ad Thitum una. Ad Philemonem una. Ad Hebreos una. Apocalipsis Iohannis<sup>26</sup> liber unus.

# Ordo septem epistolarum canonicarum<sup>27</sup>

Petri apostoli epistole<sup>28</sup> due. Iacobi apostoli<sup>29</sup> epistola una<sup>30</sup>. Iohannis apostoli<sup>31</sup> epistole<sup>32</sup> tres. Iude Zelotis apostoli epistola<sup>33</sup> una

<sup>&</sup>lt;sup>10</sup> lib. unus CaMgPfVn; unus liber Tb; om. Tc

<sup>11</sup> liber unus AdBeCaPfVnVo; 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>12</sup> liber unus BeCaGcPfTeVn; libri duo MgTc; unus liber PhQeTb

<sup>&</sup>lt;sup>13</sup> Ordo proph. PfTb (*after* Ysaie unus liber); De ordine prophetarum AdCaDaMgTeVmVn; *om*. BeGcLbPrPtRfTcVoVp

<sup>&</sup>lt;sup>14</sup> cum Cinoth - suis (om. Pc) \*CaMgPc<sup>2</sup>PfTbVn; et Lament. suis Pr; om. PcTc

<sup>&</sup>lt;sup>15</sup> Ieremie cum Cin. - lib. unus (unus liber Tb) \*MgPfTbTc; om. Ca

<sup>&</sup>lt;sup>17</sup> Ordo lib. novi test. MgPfTb; De ordine librorum novi testamenti Ad<sup>2</sup>BeCaDaGcLbPrTeVm; Liber novi testamenti Sf; om. PtRfTcVnVoVp

<sup>&</sup>lt;sup>18</sup> Evang. libri quat. om. Vn

<sup>&</sup>lt;sup>19</sup> num. quatuordecim \*MgTbTcTe; xiiii CaVn; num. duodecim Pf <sup>20</sup> epistole *add*. TcTe, *om*. \* CaMgPfTbVn

<sup>&</sup>lt;sup>21</sup> epistola *add*. TcTe, *om*. \*CaMgPfTbVn

<sup>&</sup>lt;sup>22</sup> epistola *add*. TcTe, *om*. \*CaMgPfTbVn

epistola add. Tc, om. \*CaMgPfTbVn

epistola add. Tc, om. \*CaMgPfTbVn

<sup>&</sup>lt;sup>25</sup> epistole *add*. Tc, *om*. \*CaMgPfTbVn

<sup>&</sup>lt;sup>26</sup> Ioh. \*CaMgPfTc; om. PhTbVn

ID 4.61-21

<sup>27</sup> Ordo - can. \*AdBeCaDaGcMgPfTb; Septem – can. Sf; Ordo epist. can. PrVm; Ordo can. vel catholicorum Te; *om.* LbPtRfTcVoVp. *Whole section before gospels* Vn <sup>28</sup> Petri ap. epp. \*CaMgPfTb; Epp. Petri ap. Tc; Petri ap. Te

<sup>29</sup> ss Tb

<sup>30</sup> Iac. - una *before* Petri CaCcTcTe, *after* due \*BeGcMgPfTb

<sup>31</sup> apostoli \*CaPfTbTeTc; *om.* Mg <sup>32</sup> epistole \*CaMgPfPh; *om.* TbTcTeVn

<sup>33</sup> epistola \*CaMgPfTb; om. TcTe

# $90^{1}$

[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>

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, Ouomodo 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<sup>10</sup> de apostolo ubi ait ad Corinthios, Convenientibus vobis in unum. Secunda lectio sic incipit, Similiter<sup>11</sup> postquam cenavit. Tertia, De spiritualibus autem nolumus<sup>12</sup> ignorare, fratres. In Parasceven<sup>13</sup>, tres lectiones<sup>14</sup> de Lamentatione Iheremie, et tres de tractatu sancti Augustini in psalmo<sup>15</sup> LXIII, et tres de Apostolo ubi ait in epistola ad Hebreos, Festinemus ingredi

<sup>&</sup>lt;sup>1</sup> Wc 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 (ad Te) Epiphaniam in mg. BeGcPfPrRb<sup>2</sup>Sl, in text Ad<sup>2</sup>BeCaCeDaSfTeVm(second rubric)Vn; xx. (om. Vm) De scripturis et conciliis autenticis Bd<sup>2</sup>(mg.)Vm; Ordo – usque in Epiphania Domini as 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. CeLbLeMqRfTbVoVp

<sup>&</sup>lt;sup>3</sup> Quando (Qualiter Pf) - leg. (leg. om. Oa, legantur LbLeMqTeVo) BeGcLbLeMgMqOaPfPrSlTbTcTeVnVo(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. DaCaRf

<sup>&</sup>lt;sup>4</sup> In Sept. ponunt \*MgPfPhTbTcTe; A Sept. Ca; In Sept. Qe; A Sept. ponunt Vn

<sup>&</sup>lt;sup>5</sup> Eptaticum AdBeMgPfPh(obsc. corr.)RfTbTeVmVo; Epatiticum Ca; Eptategum Ca<sup>2</sup>; Enptaticum Oa; Emptaticum Qe; Eptateucum Tc; Epthiticum Vn. Epta v theos divinus v. libri Moysi et Iudicum et Iosue add. in mg. Ad

quindecim dies \*AdBeCaTbTcTeVn; quinta decima die Pf; quintam decimam diem Mg

ponunt \*CaMgPfTb; cant' Tc

<sup>-</sup>iones \*MgPfTbTc; -ione Ca

<sup>&</sup>lt;sup>9</sup> etc CaMgPfPh; plena populo etc Tb; om. TcVn

<sup>&</sup>lt;sup>10</sup> om. Te

<sup>11</sup> et calicem add. PhTb, om. CaLdMgPfTcTfVn

<sup>12</sup> vos add. CaMgVn, om. PfPhTbTcTe

<sup>&</sup>lt;sup>13</sup> -even PfPhTbTe; -eve CaMgTc

<sup>14</sup> tres add. Tc, om. \*CaMgPfTb

<sup>15</sup> psalmo CaMgPfTb; ipso Tc

in illam requiem<sup>16</sup>. Secunda lectio, Omnis namque pontifex. Tertia, De quo<sup>17</sup> nobis grandis sermo<sup>18</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>19</sup>, et tres de apostolo, ubi ait<sup>20</sup> in Epistola ad Hebreos, Christus adsistens pontifex, secunda lectio ubi ait<sup>21</sup>, Testamentum enim<sup>22</sup>, tertia<sup>23</sup>, Umbram enim habens lex bonorum futurorum<sup>24</sup>. In Pascha Domini omelias ad ipsum<sup>25</sup> diem pertinentes. Infra hebdomadam<sup>26</sup> homilias. In octava<sup>27</sup> Pasche<sup>28</sup> ponunt<sup>29</sup> Actus apostolorum, et epistolas canonicas, et Apocalipsim usque in octavis<sup>30</sup> Pentecosten<sup>31</sup>. In octava<sup>32</sup> Pentecosten ponunt librum<sup>33</sup> Regum et Paralipomenon, usque in Kalendis Augusti. In dominica prima mensis Augusti ponunt Salomonem usque in Kalendis Septembris, et tunc<sup>34</sup> ponunt Iob<sup>35</sup>, Tobiam, Hester, Esdram, Iudit<sup>36</sup>, usque in Kalendis Octobris. In dominica prima mensis Octobris ponunt Machabeorum<sup>37</sup> usque in Kalendis<sup>38</sup> Novembris. In dominica prima mensis Novembris ponunt Ezechiel et Daniel<sup>39</sup>, et minores prophetas, usque in<sup>40</sup> Kalendis Decembris.<sup>41</sup> In dominica prima mensis Decembris ponunt Isaiam prophetam usque in<sup>42</sup> Nativitatem Domini. In vigilia Natalis

<sup>16</sup> in illam requiem \*MgPfTbTc; om. Ca

quo \*MgPfTbTc; qua Ca

gr. sermo est CaMgPhTcTe; sermo gr. est Pf; gr. est sermo Tb <sup>19</sup> Exaudi Deus orationem meam cum deprecor (de Vo, om. Be) AdBePc<sup>2</sup>PrRfTbVnVo; om. CaPcPfTe; Exaudi Mg; Exaudi Deus orationem Tc

<sup>20</sup> ait \*CaMgPfTb; dicit Tc

<sup>21</sup> lectio ubi ait \*MgPfTcTe; ubi ait PhTbVn; om. Ca

<sup>23</sup> enim *add*. Mg, *om*. \*CaPfTbTc

<sup>24</sup> lex bon. fut. MgPfTc; lex fut. bon. PhTb; om. Ca

<sup>25</sup> ipsum \*CaMgPfTb; ipsam Tc

<sup>26</sup> Infra hebd. \*CaMgTbTc; In hebdomada Pf

<sup>27</sup> -ava Pf; oct' Ca; -avis Mg; -abas Tb; -avas TcTe

<sup>28</sup> From here Wc is widely variant and much fuller; see note below.

<sup>29</sup> ponunt \*CaMgPfPhTc; Pentecosten Tb

avis Mg; oct' CaTc; -av' Pf; -abas Tb

<sup>31</sup> -ten Pf; -tes CaTb; -t' MgTc; corr. fr. apostolorum Ce

<sup>32</sup> -aba Pf;-abas TbTcTe; -avis Mg; oct' Ca

<sup>33</sup> librum CaMgTc; om. PfTbTe

<sup>34</sup> in Dominica (i add. Pc) mensis Sept. add. MgPc<sup>2</sup>Tc, in Dominica prima mensis Sept. add. Vn, om.

\*AdBdBeCaCeDaLdLkPcPfPhPkPqPrPwRfSbTbTeTfVm

35 et add. Tb, om. \*CaMgPfTc

<sup>36</sup> Iudit CaCe<sup>2</sup>Ld<sup>2</sup>MgTcVn; om. BdCeLdPfPhPrTbTeTf

<sup>37</sup> Mach. CaPfTbTe; librum Mach. Tc; Mach. lib. Mg

<sup>38</sup> et tunc ponunt Iob – Kalendis *in mg*. Bd

<sup>39</sup> -iel, -iel \*CaPfTbTe; -ielem. -ielem MgTc

<sup>40</sup> in \*CaMgPfTb; ad TcTe

<sup>41</sup> ponunt Actus apostolorum -in kal' Septembris] leguntur Actus apostolorum quidecim diebus et cantatur apocalipsis, id est - apostolus concorditer predicavit Wc

<sup>42</sup> in \*CaMgPfTb; ad Tc

Domini legunt primum<sup>43</sup> de Isaia<sup>44</sup> tres lectiones. Prima lectio, Primo tempore alleviata est<sup>45</sup>, secunda, Consolamini<sup>46</sup>, tertia, Consurge. Deinde leguntur sermones vel omelie ad ipsum diem pertinentes. In Natali<sup>47</sup> sancti Stephani, omelias<sup>48</sup> de ipso die, in Natali<sup>49</sup> sancti Iohannis, similiter, in Natali<sup>50</sup> Innocentum<sup>51</sup>, similiter, in Natali<sup>52</sup> sancti Silvestri, similiter. In octava<sup>53</sup> Domini<sup>54</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>55</sup>, Omnes sitientes<sup>56</sup>, secunda, Surge illuminare<sup>57</sup>, tertia, Gaudens gaudebo in Domino<sup>58</sup>. Deinde leguntur sermones vel omelie ad ipsum diem pertinentes.

ID 4. 631 cf +D 15 c 3 end, Palea

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<sup>43</sup> legunt primum *CaMgPfTb; leguntur primo Tc
<sup>44</sup> de Isaia *CaMgPfPh; de Ysaia propheta Tb; om. Tc
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91

[Quos libros, quos auctores sancta recipiat ecclesia] Ex decretis Gelasii pape [Quos libros, quos auctores] <sup>5</sup>Sancta Romana ecclesia, post illas veteris vel<sup>6</sup> novi testamenti quas regulariter suscipimus<sup>7</sup>, etiam has suscipi non prohibet<sup>8</sup> scripturas, Sanctam sinodum

<sup>&</sup>lt;sup>45</sup> est CaMgTcTeVn; est terra Be; est terra Za. et terra Nep. Tb; om. Pf

<sup>&</sup>lt;sup>46</sup> consol' add. Pf, consolam' add. Ca, consolamini add. Vn, om. \*MgTbTc

<sup>&</sup>lt;sup>47</sup> -ali \*Ca; nat' Mg; -al' Pf; -ale TbTc

<sup>&</sup>lt;sup>48</sup> -ias CaMgPfTc; -ia Tb

<sup>49 -</sup>ali \*Ca; nat' Mg; -al' PfTc; -ale Tb

<sup>&</sup>lt;sup>50</sup> -ali Ca; nat' Mg; natal' Pf; -ale Tb; -ale sanctorum Tc

<sup>52 -</sup>ali \*Ca; nat' Mg; -al' Pf; -ale Tb; -al' Tc

<sup>&</sup>lt;sup>53</sup> -ab' Pf; -abas TbTe; oct' CaMgTc

<sup>&</sup>lt;sup>54</sup> Domini \*MgPfTbTc; Dominum Ca

<sup>55</sup> sic inc. \*CaMgPfTb; om. TcTe

<sup>&</sup>lt;sup>56</sup> etc add. Tc, om. \*CaMgPfTb

<sup>&</sup>lt;sup>57</sup> Ierusalem *add*. Te

<sup>58</sup> in Domino MgPfTbTc; om. Ca

<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. Mg) eccl. (eccl. rec. GcPr) in mg. BeCeGcPfPrTc, in text CaGcLeMqPwVnVo(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 apocriphis in mg. SbTe<sup>2</sup>; 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. DaLbPcRf

See prev. note for Sf

<sup>&</sup>lt;sup>5</sup> Cum *add*. Oa

<sup>6</sup> vel \*BeCaGcMgOa ; et PfTbTc 7 -ipimus \*CaMgPfTb; -epimus Tc

<sup>&</sup>lt;sup>8</sup> non prohibet CaMgPfTb; iubet [? and over erasure] Tc

Nicenam CCCXVIII patrum, mediante maximo Constantino augusto, in qua Arius hereticus<sup>9</sup> condempnatus est, sanctam sinodum Constantinopolitanam, mediante Theodosio seniore augusto, in qua Macedonius<sup>10</sup> hereticus debitam dampnationem excepit<sup>11</sup>, sanctam sinodum Ephesinam<sup>12</sup>, in qua Nestorius dampnatus est, cum consensu beatissimi<sup>13</sup> Celestini pape, mediante Cirillo Alexandrine sedis antistite et Archadio episcopo ab Italia destinato, sanctam sinodum Chalcedonensem, mediante Martiano<sup>14</sup> augusto, et Anatolino Constantinopolitano episcopo, in qua Nestoriana<sup>15</sup> et Eutichiana heresis simul cum Dioscoro eiusque complicibus dampnate sunt. Sed et si qua sunt concilia<sup>16</sup> a sanctis patribus hactenus instituta preter istorum quatuor auctoritatem, et custodienda et recipienda decrevimus. Iam nunc subiciendum<sup>17</sup> de 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

<sup>9</sup> Ar. her. \*CaMgPfTb; her. Ar. Tc

<sup>10</sup> Macedonius \*CaPfTcVn; Machedonius Gc; Mazedonius Mg; Nic<h>edonius Tb

<sup>&</sup>lt;sup>11</sup> exc- \*CaPfTbVn; 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 MgVn

<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>17</sup> est add. CaMgPfSb<sup>2</sup>TcVn, om. \*BdCePaPhPkPwSbTbVm

<sup>&</sup>lt;sup>18</sup> Athanasii BdCaMgPfPwSbTcVm; Anastasii CePaTb; Anasthasii PhPk; Aithanasii Vn

<sup>19</sup> item opuscula \*CaMgTb; Item Tc; opuscula Pf

<sup>&</sup>lt;sup>20</sup> Alex. ep. PfPhTb; ep. Alex. MgTc; ep. CaVn; 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>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; om. Vn

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. Quis ista 40 esse catholica<sup>41</sup> dubitet et maiora eos in agonibus fuisse perpessos, nec suis viribus sed Dei gratia et adiutorio<sup>42</sup>, universa tolerasse, sed ideo<sup>43</sup> secundum antiquam auctoritatem vel consuetudinem<sup>44</sup> singulari cautela in sancta<sup>45</sup> Romana ecclesia non leguntur, quia et eorum qui scripsere<sup>46</sup> 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<sup>48</sup> 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

<sup>31</sup> ad \*CaMgPfTb; om. Tc <sup>32</sup> rec- \*MgPfTb; acc- Tc; susceperit Ca <sup>33</sup> atque \*CaMgPfTb; et Tc <sup>34</sup> deviarunt \*CaPfTb; deviaverunt MgTcVn 35 fideli \*CaMgPfTb; fidei Tc <sup>36</sup> per \*Pf<sup>2</sup>Tc; om. CaMgPfTb gratiam \*CaPfTbTc; gratia Mg 38 decernimus \*CaMgTb; decrevimus PfTcVn <sup>39</sup> que multiplicibus \*CaMgTbVn; que multipliciter Pf; qui multiplicibus Tc <sup>40</sup> ista CaMgTc; ita PfPh; enim ita Tb <sup>41</sup> ista esse cath.] catholicorum Sb <sup>42</sup> -orio \*CaMgPfTb; -oria Tc <sup>43</sup> ideo \*CaMgTb; iam Pf; ideo iam Tc <sup>44</sup> ant. auct. vel cons. (in *add*. Tb) \*CaPfTb; ant. cons. vel auct. Tc; auct. ant. vel cons. Mg <sup>45</sup> sancta \*CaMgPfTb; sacra Tc <sup>46</sup> scrips- \*PhTbTc; prescrips- AdBdCaCeMgPcPfPkVn; prescripserunt BePwVm; ea scripserunt DaSb; inscripsere Pa; scripserunt Pr 47 et *add*. Tc, *om*. \*CaMgPfTb 48 *corr*. *fr*. Gregorii Pc

<sup>30</sup> ss Tb

49 consc- \*CaMgPfTc; sc- Tb

51 -emur CaPfTb; -amur MgTc 52 tamen \*MgPfTbTc; tantum Ca

50 subsannandi \*CaMgPfTb; subsanni Tc

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 interpretatus est. Sed quoniam beatissimus Ieronimus in aliquibus eum de arbitrii libertate<sup>63</sup> notavit, illa sentimus que predictum beatum<sup>64</sup> 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>

53 scr. Ier. \*PfPhTbTc; Ier. scr. CaMg

<sup>&</sup>lt;sup>54</sup> -ipimus CaMgPfTc; -epimus Tb <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

crucis dom. CaMgPfTc; sancte crucis PhTb

<sup>&</sup>lt;sup>58</sup> beati \*CePhPkTbTcVm; om. BdCe<sup>2</sup>CaMgPaPcPfPwSbVn

<sup>&</sup>lt;sup>59</sup> adven- \*MgPaPfPkSb; perven- CaPhTb; ven- TcVn

<sup>60</sup> apostoli \*CaMgTb; om. PfTcVn

<sup>&</sup>lt;sup>61</sup> 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

<sup>63</sup> libertate \*MgPfTbTc; voluntate Ca

<sup>64</sup> pred. beat. PfTb; beat. Tc; beat. pred. CaMg

<sup>65</sup> vir \*MgPfTbTc; ubi Ca

<sup>66</sup> sepius memoratus CaMgPfPhTc; beatissimus Tb

<sup>&</sup>lt;sup>67</sup> beat. \*CaMgPfTb; religiosissimus Tc

<sup>68</sup> suscipimus \*CaMgPfTb; suscepimus Tc

<sup>&</sup>lt;sup>69</sup> renuenda \*CaMgPfTb; removenda Tc

<sup>&</sup>lt;sup>70</sup> Cronia Tc

<sup>&</sup>lt;sup>71</sup> in \*CaMgPfTb; om. Tc

<sup>&</sup>lt;sup>72</sup> conscripserit \*CaMgPf; scripserit Ph?Tb; conscripsit Tc

<sup>&</sup>lt;sup>73</sup> tamen \*CaMgTbTc; tantum Pf

<sup>74</sup> sing. not. \*CaMgPfTc; not. sing. Tb

<sup>&</sup>lt;sup>75</sup> renuendos \*CaMgPfTb; esse removendos Tc

<sup>&</sup>lt;sup>76</sup> -osium \*CaPfTbTc; -osum Mg

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<sup>82</sup> conscripta<sup>83</sup> vel predicta<sup>84</sup> sunt, nullatenus recipit<sup>85</sup> 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

<sup>77</sup> religiosissimum et *add*. Tc, *om*.\*CaMgPfTb

81 -erum \*CaMgPfTb; -era Tc

92

# <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

<sup>&</sup>lt;sup>78</sup> calumpnias \*CaMgPfPhTc; insidias Tb

<sup>&</sup>lt;sup>79</sup> miraque \*CaMgPfTb; mirataque Tc

<sup>80</sup> Iuvenci \*CaMgPfTcVn; Vincentii PhTb

<sup>82</sup> sive cismaticis add. Lk, vel scismaticis add. MgPcTc, et scismaticis add. Rf; om.

<sup>\*</sup>AdBdBeCaCeDaHaLdPaPfPhPkPqPwSbTbTeTfVmVn

<sup>83</sup> conscripta \*CaMgPfTb; scripta Tc

<sup>84</sup> predicta CaMgPfTb; predicata Tc
85 recipit \*CaMgPfTc; recipiat ecclesia Tb

<sup>&</sup>lt;sup>86</sup> in tertio folio Ariminensem synod. et cetera *add. ss* Eg

<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. SbTe<sup>2</sup>

Cassiodorus *after* historie Pt; lxli *add*. Vo

<sup>&</sup>lt;sup>3</sup> Historia ecclesiastica AdMgPfTbVmVnVo; Historiam ecclesiasticam CaDaOaRfTcTe

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

<sup>&</sup>lt;sup>5</sup> conscripta AdBeGcMgPfRbTbVnVo; conscriptam CaDaTe; composita Oa; scripta PrVm; scriptam

<sup>&</sup>lt;sup>6</sup> -ico CaMgPfTb; -ito Tc

<sup>&</sup>lt;sup>7</sup> ven. ep. \*CaMgPfTb; om. Tc

 <sup>8</sup> perd- \*CaMgPfTb; prod- Tc
 9 dictionem AdBeCaCeDaHaLdMg<sup>2</sup>PrRfTbTeVn; distinctionem PfTc; dilectionem Mg

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]

<sup>12</sup> condiderit CaPfTbTcVmVn; crediderit Mg

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 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]

Ouod Liber Sapientie in auctoritate habeatur in mg. SbTe; lxli add. Vo

<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.

perv- CaMgPfPh; pervenit Tb; ven- Tc
 lucraturus \*AdCaMgPfPhTeVm; lucratus Tb; lucrabitur Tc

<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. \*CaCeMgPfRfTbTe

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

<sup>10</sup> Item \*CaMgPfPhTc; om. Tb

<sup>11</sup> hominum \*MgPfTbTc; hominis Ca

<sup>&</sup>lt;sup>1</sup> Quod scriptum Eusebii de hystoria temporum recipiatur *add*. SbTe

<sup>&</sup>lt;sup>2</sup> Aug. \*AdCaMgTbTc; Item Pf <sup>3</sup> II] VII lxlii Vo

<sup>&</sup>lt;sup>4</sup> Oue Rb

ID 4. 821

<sup>5</sup> guam *add*. Ph

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. 891

96

<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. 901

97

<sup>1</sup>Gregorius in Dialogo, libro II<sup>2</sup>

Benedictus scripsit monachorum regulam, discretione precipuam, sermone luculentam.

ID 4. 911

<sup>&</sup>lt;sup>1</sup> Ouod multorum scriptorum volumina a Ieronimo atque Gennadio compendiose sint comprehensa in

in add. Ad om. Pt

<sup>&</sup>lt;sup>4</sup> vii \*AdBeGcLbMgPfTcTeVn; 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>&</sup>lt;sup>6</sup> pros-\*LbPfTb; pers- AdCaCeDaGcMgMqPhPrRfTcTeVmVn; consecuti Be <sup>7</sup> indiculo \*AdCaMgTbTcTe; indicio GcVn; opusculo Pf

<sup>&</sup>lt;sup>1</sup> Quod Dionisius areopagita multa utilia volumina composuerit in mg. SbTe

<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> tenent Vn. et add. PfTbTeVn, om. \*CaMgTc

<sup>&</sup>lt;sup>6</sup> volumina \*CaMgPfPhTc; monumenta Tb

<sup>&</sup>lt;sup>7</sup> a loco cui pr. acc. \*AdPfTbTcTe; acc. a loco cui pr. CaDaMg

<sup>&</sup>lt;sup>1</sup> Ouod beatus Benedictus regulam monachorum constituerit in mg. SbTe

<sup>&</sup>lt;sup>2</sup> Dial. libro ii] libro Dialogorum Oa; Dialogo ii DaVp. lxlv add. Vo

### 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 4.94]

<sup>1</sup> Quod Gelasius plures libros adversus hereticos et prefationes et epistolas fecerit in mg. SbTe

<sup>1</sup>Gregorius episcopus<sup>2</sup> servus servorum Dei<sup>3</sup> Secundino<sup>4</sup> episcopo<sup>5</sup>

Inter sacra missarum solempnia, ex his que diebus certis in ecclesia hac legi ex more solent<sup>6</sup> sancti evangelii<sup>7</sup> lectiones exposui quadraginta<sup>8</sup>, et quarundam quidem dictata expositio assistenti plebi est recitata per notarium: quarundam<sup>9</sup> vero explanationem<sup>10</sup> coram populo ipse locutus sum, atque, ut loquebar, excepta<sup>11</sup> est. Item. Easdem omelias eo quo<sup>12</sup> dicte<sup>13</sup> sunt ordine in duobus codicibus ponere curavi, et priores quidem viginti que dicte sunt, et posteriores totidem. 14

ID 4. 97-81

<sup>&</sup>lt;sup>2</sup> Ex - pont. om. Cc; in text with Lib' pontifical in mg. Lm. Greg' add. Vo

<sup>&</sup>lt;sup>3</sup> Gelasius

 $<sup>*</sup>BdBeCaCcCeDaDbGcLbLdLfLgLjLmMgMqOaOePaPc^2PfPhPkPqPrPtPw^2RfSbSlTbTcTeVaVmVn$ VpBrant; vel Pelagius add. Bd<sup>2</sup>; Pelagius AdCbObOdOfPwTdTfVo; Ielasius Pc; 'P' add. in mg. Mg<sup>2</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

 $<sup>^7</sup>$  suppl in mg. Lf $^2$ 

<sup>&</sup>lt;sup>8</sup> Arium \*CaMgPfTbTc; adversarium Cc

<sup>&</sup>lt;sup>9</sup> de limato AdCaCbCcDaGcLdLfLiLmMgPaPfPrSbTbTe; elimato RbRfSlTc; decimato Vn

<sup>&</sup>lt;sup>1</sup> Quod a Gregorio papa lectiones evangeliorum sint exposite et in duobus codicibus comprehense in

Greg. ep. \*AdDaGcLbMgMqPfPrTcVmVnVo; Gr. BePhSfTb; Ep. Greg. Ca; greg. ep. Ro. Te <sup>3</sup> servus serv. Dei *om*. Te

<sup>&</sup>lt;sup>4</sup> Sederino Rf

<sup>&</sup>lt;sup>5</sup> ep- CaCeLbSfPc<sup>2</sup>TbTcTeVmVo; coep- BeGcMgMqOaPcPfPrRfVnVp; Sec. ep. om. Ad; in Pc episcopus s.s. Dei- coep. was subs. canc. 6 ss Gc<sup>2</sup>

<sup>&</sup>lt;sup>7</sup> sol. sancti ev. \*MqPfTbTcTe; sancti ev. sol. CaMg; sol. ev. sancti Vo

<sup>&</sup>lt;sup>8</sup> exp. quad. \*CaMgPfTcTe; quad. Ph; quad. sollerter exp. Tb; exp. sollerter quad. Vn

<sup>&</sup>lt;sup>9</sup> quar- \*CaPfTbTcTe; quor- MgVn

onem \*CaMgPfTc; ones Tb
cerpta \*CaMgPfTbTc; excerpta Tc<sup>2</sup>

<sup>12</sup> quo \*CaMgTb; quod PfTc 13 dicte \*CaMgTbTc; ficte Pf

<sup>&</sup>lt;sup>14</sup> que sub ocul' dicte singul' essent distincte corporibus *add*. DaSb<sup>2</sup>

## [**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. 117b] +D 16 c 14

AaAbAcAdBaBdBeCaCbCcCeDaDbEaEgFcGcHaKaLaLbLcLdLeLfLgLhLjLkLmLnMfMgMhMjMkMmMnMoMqOaObOcOdOeOfOgPaPbPcPdPfPgPhPjPkPmPnPoPpPqPrPsPtPuPwPxPyQaQbQeRaRbRfSbSdSeSgSgSkSlTcTdTeTfTgVaVbVcVdVeVgVhVjVkVmVmVnVoVpVqVtWaWbWcWdWeZa

<sup>2</sup> decreta alia nos *Brant*; decretalia vos *ID* 

## 101

# <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

#### 102

<sup>1</sup>Gesta quinte<sup>2</sup> sinodi, die<sup>3</sup> iii<sup>4</sup>

Sequimur<sup>5</sup> per omnia<sup>6</sup> sanctos patres et doctores Ecclesie, Athanasium, Hilarium, Basilium, Gregorium theologium<sup>7</sup> et<sup>8</sup> Gregorium Nisenum<sup>9</sup>, Ambrosium, Augustinum, Theophilum, Iohannem Constantinopolitanum, Cirillum, Leonem,

<sup>&</sup>lt;sup>1</sup> in Brant; om.

<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>6</sup> ab- Brant, ID; ob- Migne

Quod omnes apostolice confirmationes in summa auctoritate habeantur in mg. SbTe

<sup>&</sup>lt;sup>2</sup> Gesta v. synodi die iii add. PrVm (cf c 102)

<sup>&</sup>lt;sup>3</sup> ipsius divini \*BeCaGcMgPfTbTeVnVo; ipse divine Oa; divina Rb; ipsius divina Tc; ipsius Domini Tf;

<sup>&</sup>lt;sup>4</sup> Petri \*Tc; P. AdGcHaLdMgPcPfPhRfSfTbTeVmVp; precepta Ca; precepti BeLbLd<sup>2</sup>TbVn; potestate Mq; pape CePaPk; patris Pt; *om.* OaTf

<sup>&</sup>lt;sup>1</sup> Quod dicta tantorum patrum sint recipienda in mg. SbTe

<sup>&</sup>lt;sup>2</sup> vere PtVp

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

<sup>&</sup>lt;sup>4</sup> iii \*BeCaLbOaPfTbTcTeVo; iiii MgPtVn; *no inscr.* PrVm (cf c 101). Gesta – iii] Die iii gesta V sinodi Gc

<sup>&</sup>lt;sup>5</sup> Seq. AdMgPfPtRbTbTcTeVm; [ ]equimur Ca; Loquimur Oa

<sup>&</sup>lt;sup>6</sup> per omn. after patres, but marked for moving Tb

<sup>&</sup>lt;sup>7</sup> theologium AdCaPfTcTe; theologum Mg; t<h>eologum Tb

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

<sup>&</sup>lt;sup>9</sup> Nisenum CaMgTbTcTe; Nazanzenum Pf; Misenum Vo

Proculum, et suscipimus omnia que de recta fide et condempnatione hereticorum exposuerunt. Suscipimus autem et alios sanctos et<sup>10</sup> orthodoxos patres qui in sancta Dei ecclesia rectam fidem irreprehensibiliter usque in finem sue vite<sup>11</sup> predicaverunt. ID 4. 991

<sup>10</sup> et MgPfTbTc; om. Ca

<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> et<sup>10</sup> septimum. Item<sup>11</sup> Nicenum octavum quoque constanter<sup>12</sup> 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<sup>17</sup> corde condempnare profiteor.

ID 4. 132] D 16 c 8

104

<sup>1</sup>De quatuor conciliis principalibus<sup>2</sup>. In proemio canonum<sup>3</sup>

sue vite CaMgPfPhTe; vite sue BeGcOaPrRbTbTcVo

<sup>&</sup>lt;sup>1</sup> Que concilia sunt autentica *add. in mg.* Ca

<sup>&</sup>lt;sup>2</sup> diurno \*BeCaOaPrTbVm; divino GcLbMgPfPtRfTcTeVo; Ex – diurno om. Ad

<sup>&</sup>lt;sup>3</sup> Professio \*CeGcPcPhTbTcVm; Professione BeDaLbLeMgOaPfRfSbTeVp; Professionum Ca; De

<sup>&</sup>lt;sup>4</sup> Romani pontificis \*CaGcLbMgPfPtTb; pont. R. Be; pontificis CeDaOa; Greg' pontificis LeMg; Romanorum pontificis Pc; Romani pontifices Sb; Romanorum pontificum RfTc; Romane pontificis Te. Prof. Rom. pont. om. AdVn

<sup>&</sup>lt;sup>5</sup> id est Tb; .i. CaPfTc; primum Mg

<sup>&</sup>lt;sup>6</sup> secundum add. Mg, om. CaPfTbTc

<sup>&</sup>lt;sup>7</sup> Constantinopolitanum MgPfTbTcTe; Constantinopolis Ca. tertium add. Mg

<sup>&</sup>lt;sup>8</sup> primum CaPfTbTcVn; quartum Mg <sup>9</sup> -anum CaMgPf; -ana Tb; -op' Tc

<sup>10</sup> et CaMgTb; ? Pf; Item Tc; ; om. Te

<sup>11</sup> Item \*MgTbVm; tunc AdPf; om. CaTcTe

<sup>&</sup>lt;sup>12</sup> constanter AdMgPfTbTeVn; Constantinopol' Tc; Constantinum Ca

<sup>&</sup>lt;sup>13</sup> -are \*CaMgPfTb; -ire Tc

<sup>14</sup> est add. Tb, om. \*CaMgPfTc

<sup>15</sup> que \*CaMgPfTbVn; quecumque Tc; quam Vo

<sup>&</sup>lt;sup>16</sup> predicaverunt BeCaLbLkMqPcPkPqPw<sup>2</sup>OaSbTcVo; preiudicaverunt

AdBdCeDaGcMgPaPc<sup>2</sup>PfPhPrPwTbVm; predicavere Vn. digna habere – pred. om. Te

<sup>&</sup>lt;sup>17</sup> et \*CaMgPfTc; om. Tb

<sup>&</sup>lt;sup>1</sup> Que concilia sint (sunt Da) autentica add in mg. BeCaCeDaLjLkPfPrSbTe, 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. CaGcLbMgPfPrTcTeVn; princ. conc. PhTb. Isidorus add. DaSb

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<sup>9</sup> episcopum sic ait, Nulla sibimet de multiplicatione congregationis sinodalia concilia blandiantur, neque CCC illis X et VIII<sup>10</sup> episcopis quantumlibet copiosior numerus sacerdotum vel comparare se audeat vel preferre, cum tanto divinitus privilegio Nicena sit sinodus<sup>11</sup> consecrata ut sive per pauciores sive<sup>12</sup> per plures ecclesiastica iudicia<sup>13</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>14</sup> effert. De conciliis id potissimum sequitur<sup>15</sup> quod CCCX et VIII <sup>16</sup> sacerdotes tanquam Abrahe lecti<sup>17</sup> iudicio consona fidei virtute victores velut tropheum, toto orbe subactis perfidis extulerunt<sup>18</sup>, ut mihi videatur hoc esse divinum quod eodem numero in conciliis habeamus oraculum quod in historia pietatis exemplum<sup>19</sup>.

4 L 4. 1a] D 15 c 1 begins so, but is widely var.

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^{3} De – canonum in mg. Ad^{3}
<sup>4</sup> quasi CaMgPfTb; om. Tc
<sup>5</sup> ut CaMgPfTb; vel Tc
<sup>6</sup> prima OaTcTeVn; i CaMgPf; una PhTb
 CCCX et VIII GcOaPfTcTeVn; CCX et VIII CaMg; CCCXVIII Tb; CCC et XVIII Vm
<sup>8</sup> episcopi add. Tc, om. CaMgPfTb <sup>9</sup> om. Te
<sup>10</sup> X et VIII CaMgPfTeVn; XVIII TcTb
<sup>11</sup> sit sin. CaMgPfTcTEVn; sin. sit congregata vel PhTb
sive per pauc. repeated and canc. Te
13 iudicia CaMgTbTeVn; indicia Pf; Tc obscurely altered
<sup>14</sup> in immensum CaTbTcTeVn; inmmensum MgPf
15 -uitur CaPf; -uimur MgTc; sequar PhTbVn; seq'r Te
<sup>16</sup> X et VIII CaPfTeVn; XVIII MgTb; et XVIII Tc
<sup>17</sup> lecti MgPfTbTcTe; electi CaVn
<sup>18</sup> corr. fr. per- Te
19 est add. Tc, om. CaMgPfTb
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### 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

<sup>1</sup> Qua auctoritate capitula Niceni (Neci Te) concilii recipiantur in mg. SbTe

### 106

# Athanasius Alexandrinus<sup>1</sup> Marco pape<sup>2</sup>

Septuaginta<sup>3</sup> Niceni concilii capitula que de prefata sinodo iubente domino meo<sup>4</sup> Alexandro decreto omnium episcoporum attuli quia<sup>5</sup> sunt igne combusta optamus ut a sancte<sup>6</sup> sedis ecclesie vestre auctoritate percipere per presentes legatos mereamur. Item. Presentibus nobis octoginta in memorata<sup>7</sup> sinodo capitula tractata sunt, scilicet quadraginta<sup>8</sup> a Grecis Greca edita lingua<sup>9</sup>, et quadraginta a Latinis similiter Latina edita lingua<sup>10</sup>; sed visum est CCCX et<sup>11</sup> VIII episcopis in predicto<sup>12</sup> Sancto Spiritu repletis concilio congregatis<sup>13</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>14</sup> et tam excellentis concilii fierent capitula, que omnem Christianorum informarent orbem.

ID 4. 108]

<sup>&</sup>lt;sup>2</sup> Zepherinus \*AdCaLbMgPfTb; Severinus Tc

<sup>&</sup>lt;sup>3</sup> omnibus add. GcTc, om. \*CaLbMgPfTbTeVn

<sup>&</sup>lt;sup>4</sup> prefixerunt \*GcOaPfRbRfSbTbTcTeVo; prescripserunt Ad(*obscurely altered*)CaDaMgVn; predixerunt Ce

<sup>&</sup>lt;sup>1</sup> -rius Te

<sup>&</sup>lt;sup>2</sup> episcopo Vn. *insc. in text*, BeCaDaOaPtQeSbSfWd, *with no break* AdBeDaGcLeMgMqPhQeRbRfSbSlTbTeVnVoVpWc; Athan. Alex. *and no break* HaPkPy; Alex.

Athan. and no break Lb

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

<sup>&</sup>lt;sup>4</sup> meo \*CaMgPfTbTe<sup>2</sup>; nostro TcTe

<sup>&</sup>lt;sup>5</sup> quia \*CaMgPfTb; que Tc

<sup>&</sup>lt;sup>6</sup> sancte CaMgPfTb; sacre Tc

<sup>&</sup>lt;sup>7</sup> corr. fr. memoria Te

<sup>&</sup>lt;sup>8</sup> lx Te

<sup>&</sup>lt;sup>9</sup> Greca ed. ling. \*AdPfTbTc; ed. Greca ling. Mg; ed. ling. Greca Ca

<sup>&</sup>lt;sup>10</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; et xl a Latinis Latina edita lingua Tc; *om.* AdPfSbTeVo

<sup>&</sup>lt;sup>11</sup> et CaMgPfTe; om. TbTc

<sup>&</sup>lt;sup>12</sup> concilio add. Tc, om. CaMgPfTb

<sup>&</sup>lt;sup>13</sup> concilio congregatis \*CaMgPfTb; om. Tc

<sup>&</sup>lt;sup>14</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>1</sup> Quod tantum xx capitula eiusdem concilii in Romana ecclesia habeantur in mg. SbTe

<sup>3</sup> in eccl. tantum CaMgPfTcTe; tantum in eccl. PhSlTb

## 108

<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

<sup>&</sup>lt;sup>2</sup> Liuthobio BdBeDaMqPc<sup>2</sup>PfPhSeVo; Luitumbio Ad; Leutherio CaGcPcTcVm; Liutobio (corr. fr. –oio Mg) HaMgVn; Leutorio Ha<sup>2</sup>; papa Leutobio Pt; Lithobio SbTe; Liutheberto Tb; Liuterio Vp; om. Lb

<sup>&</sup>lt;sup>4</sup> capitula *add*. Tc, *om*. \*CaMgPfTb
<sup>5</sup> neglectu \*CaMgPfTbTe; defectu Tc

<sup>&</sup>lt;sup>6</sup> -erint \*CaMgPfPr; -erunt TbTc

<sup>&</sup>lt;sup>7</sup> enim \*CeGcMqPaPc<sup>2</sup>PhPkPrRbRfTbTcVm; om. AdBdBeCaDaLkMgPcPfPqPhSbTeVnVo

<sup>&</sup>lt;sup>1</sup> Stephanus add. Be, Ysid' in proemio canonum add. DaSb(mg.), Idem add. PcRfTc, De secunda synodo add. in text Sb, in mg. Te, Sub quo principe et cuius pape tempore sit congregata add. in text Te. om. AdCaGcLbMgPfPtTbVm(no break)VnVoVp

<sup>&</sup>lt;sup>2</sup> Sancta LdMqRbVn

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

<sup>&</sup>lt;sup>4</sup> -oli Tc; -ol' AdCaPf; -olit' MgTe; -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>&</sup>lt;sup>8</sup> esse add. Tc, esse Deum add. Mg, om. CaPfTbTeVn

<sup>&</sup>lt;sup>9</sup> latius add. Tc, om. CaMgPfTb

<sup>10</sup> corr. fr. concessio Ca<sup>2</sup> 11 et add. Tc, om. CaMgPfTb

<sup>&</sup>lt;sup>12</sup> Nectarii CaMqPfPrTbTcTeVn; 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. AdBeCaGcLbMgPfPtTbTeVmVnVoVp

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 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<sup>5</sup> substantie et<sup>6</sup> divine et humane confiteamur naturam. Hec sinodus acta est temporibus Leonis pape Romani, Iuvenalis Ierosolimitani episcopi<sup>7</sup>, Anatholii Constantinopolitani<sup>8</sup>. He sunt quatuor <sup>9</sup> sinodi principales fidei naturam <sup>10</sup> plenissime continentes, sed et si que<sup>11</sup> sunt concilia que sancti patres Spiritu<sup>12</sup> Dei pleni sanxerunt, post istorum quatuor auctoritatem omni manent<sup>13</sup> stabilita vigore.

4 L 4. 1d] D 15 c 1 med. to confiteamur naturam

### 111

Beda de temporibus, cap. dcxxxviii<sup>1</sup>

Quinta<sup>2</sup> Constantinopolim<sup>3</sup> temporibus Iulii pape sub Iustiniano<sup>4</sup> principe contra Theodorum et omnes hereticos.

<sup>&</sup>lt;sup>2</sup> -sina CaMgPfTb; -siana TcTe

<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 sinodo (*om*. Sb) *in mg*. Sb, *in text* Tb, Idem *add*. Tc, *om*. AdBeCaGcLbMgPfPtTbVmVo

<sup>&</sup>lt;sup>2</sup> DC] CC Vp

<sup>&</sup>lt;sup>3</sup> Martiano MgPfTbTcTe; Martiniano CaVn

<sup>&</sup>lt;sup>4</sup> abbatem CaMgPfTb; erased in Tc

<sup>&</sup>lt;sup>5</sup> erasure follows Te

<sup>&</sup>lt;sup>6</sup> et PfTbTe; om. CaMgTc

<sup>&</sup>lt;sup>7</sup> et add. Tc, om. CaMgPfTbVn

<sup>&</sup>lt;sup>8</sup> episcopi *add*. Ca, *om*. MgPfTbTc

<sup>&</sup>lt;sup>9</sup> sunt quatuor CaMgPfTcTe; quatuor sunt PhTb

<sup>&</sup>lt;sup>10</sup> naturam CaMgPfTb; doctrinam Tc

<sup>&</sup>lt;sup>11</sup> qua Te

<sup>&</sup>lt;sup>12</sup> erasure follows Te

<sup>13 -</sup>ent CaMgPfTb; -eant Tc

<sup>&</sup>lt;sup>1</sup> dcxxxviii AdBdBeCaDaLbMgPcPhPrSbTeVmVn; dcxxxiii GcSeWc; de xxxviii MqSl; dc Pf; dcxxxviii Pt; dcxxxviiii Te; dcxxxv Tb; de.c.xxxviii Vo

ID 4.125 pt.] D 16 c 9 end

### 112

# Beda de temporibus<sup>1</sup>

Sinodus Aquileie facta ob imperitiam<sup>2</sup> fidei quintum universale concilium suscipere diffidit<sup>3</sup>, donec salutaribus beati pape Sergii monitis instructa, et ipsa huic cum ceteris Christi ecclesiis annuere consentit.<sup>4</sup>

ID 4.119]

### 113

# 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.

<sup>&</sup>lt;sup>2</sup> synodus *add*. Aa

<sup>&</sup>lt;sup>3</sup>-olim CaMgPfTe; -oli BeTbTcVmVn; -olitanam Gc (corr. fr. -olitanim?)

<sup>&</sup>lt;sup>4</sup> Justiano Te

<sup>&</sup>lt;sup>1</sup> Beda de temporibus DaMqPhSeSfTbTe; Item AaSl; Beda de temporibus cap. dcxxxviii *repeated from c 111* Ad; Beda in eodem Be; Item de eodem Ca; Idem in eodem GcPcPrRfTcVmWc; Idem LbPf; *om*. MgPtVn

<sup>&</sup>lt;sup>2</sup> imper<ic>iam Te

<sup>&</sup>lt;sup>3</sup> -idit \*CaMgPfTc; -init Tb

<sup>&</sup>lt;sup>4</sup> -entit \*GcPfPhQeTbTeVm; -ensit BeCaLbMgSlTcVo

<sup>&</sup>lt;sup>1</sup> Beda de temporibus cap. dcxxxviii (de xxxviii Mq, de.c.xxx.viii Vo)
BeCaMgMqQeSbSeSlTbTeVnVo; Beda de temp. Ad; Idem in eodem cap. dcxxxviii (viii *om*. Tc)
GcPcPrRfTcVmWc; Idem cap. dcxxxviii Lb; De temp. prefato cap. Pf; Beda libro Pt. Item similiter de vi. *in mg*. Te<sup>3</sup>

<sup>&</sup>lt;sup>2</sup> -oli \*BePfTbTcTe; -olim CaMg

<sup>&</sup>lt;sup>3</sup> ac \*CaMgPfTb; et Tc

<sup>&</sup>lt;sup>4</sup> om. Te. et clementissimo add. PhTb, om. \*AdCaHaLdMgPfPrTcTeVn

<sup>&</sup>lt;sup>1</sup> after c 116 GcPrVmWd

ID 4.124b]

<sup>2</sup> pontificali \*AdCaLbMgPfTbTeVnVo; pontificum GcPrRfTc; Pc obsc. corr.

# 115

In prologo historie Anastasii bibliotecarii Romane<sup>1</sup> ecclesie<sup>2</sup>

Sufficere arbitror ad preconium Theophanii chronographi<sup>3</sup>, quod a sede approbatus sit apostolica<sup>4</sup>, quando scilicet vicarii eius una cum CCCL patribus in Nicena urbe secundo convenientes universalem sinodum celebrarunt. Siquidem<sup>5</sup> et<sup>6</sup> laus eius in eodem septimo sancto concilio reperitur.

ID 4.129]

1

# 116

Adriani pape¹ ad Carolum, cap. xxv²

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]

### 117

<sup>1</sup>Sexta sinodus, cap. ii<sup>2</sup>

Confirmamus sanctorum patrum canones et sinodos, id est Nicenam<sup>3</sup>, Antiochenam, Neocesariensem<sup>4</sup>, Grangrensem, Antiochenam, Laodicensem,

<sup>&</sup>lt;sup>3</sup> Nec Oa

<sup>&</sup>lt;sup>4</sup> minor CeSl

sext. sin. \*CaMgPfTc; sin. sext. PhTb

<sup>&</sup>lt;sup>6</sup> in add. Tc, om. CaMgPfTb

ac \*TbTc; et CaMgPfTe

<sup>8</sup> magno \*CaMgPfTcTeVn; om. PhTb

bibl. Romane] bibl. BeCePa; librothecarii Rome Te

<sup>&</sup>lt;sup>2</sup> Rom. eccl. om. Lb

<sup>&</sup>lt;sup>3</sup> -graphi \*MgPfTbTc; -fragi Ca

<sup>&</sup>lt;sup>4</sup> approb. sit apost. \*BeOaPrTcVm; approbatus apost. AdCaGcMgRbSbTeVnVoVp; prob. sit apost. Ce; approbatur apost. LbPf; approb. apost. sit PhSfTb

<sup>&</sup>lt;sup>5</sup> Sed guidem Te

<sup>&</sup>lt;sup>6</sup> et \*CaMgOaTbTc; om. Pf

<sup>&</sup>lt;sup>1</sup> Adriani pape AdCaCeMgOaRfSfVn; Adrianus papa AaBeDaGcLbPfPrSbTcTeVmVo; Arriani pape PhTb

<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. SbTe<sup>2</sup>

Constantinopolim<sup>5</sup>, Ephesinam, Chalcedonensem, Sardicensem<sup>6</sup> et Carthaginensem, et opuscula Theodosii Alexandrini<sup>7</sup> episcopi, et Dionisii<sup>8</sup> Alexandrini episcopi et<sup>9</sup> martiris<sup>10</sup>, et Gregorii thaumasturgi<sup>11</sup> Neocesariensis episcopi<sup>12</sup>, Athanasii Alexandrini episcopi<sup>13</sup>, Basilii Cesarie Cappadocie episcopi, Gregorii Niseni<sup>14</sup> episcopi, Gregorii theologi<sup>15</sup>, Amphilocii Biconiensis<sup>16</sup> episcopi, Timothei Alexandrini episcopi, Cirilli Alexandrini episcopi, Germani Constantinopolitani episcopi, Cipriani Carthaginensis episcopi et sinodum suam. *Nicholas*<sup>17</sup> *Photio*. Quod dicitis neque Sardicense concilium neque decretalia vos<sup>18</sup> habere pontificum<sup>19</sup> sanctorum vel recipere, non facile nobis facultas credendi tribuitur<sup>20</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>21</sup> et<sup>22</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

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<sup>2</sup> ii LbMgOaPfTbTc; i Ad; iii Gc; Sexta – ii om. VnVo
<sup>3</sup> Niceam Te
<sup>4</sup> Neoces- *CaPfTbTc; Necces- Mg
<sup>5</sup> pol' MgPfTbTc; -polit' Te; -polim Ca
<sup>6</sup>-icensem *MgPfTcTe; -iensem Ca; -ionensem Ph; -iocensem Tb
<sup>7</sup> Alex. *MgPfTbTc; om. Ca
<sup>8</sup> Diosii Te
<sup>9</sup> Dion. Al. ep. et CaPfTc; om. Mg
<sup>10</sup> et mart. add. ss Sb<sup>2</sup>
11 p.c. Te
  corr. fr. ep. Neoc. Ca<sup>2</sup>
13 et Dionisii Alex. - Alex. episcopi om. PhTb, in CaGc(Mg)PfTcTeVn; martiris et Gregorii thaum. -
episcopi in mg. Mq<sup>2</sup>
  Niseni *CaMgPfTb; Miseni Tc
15 -ogi *CaGcPf; -ogii MgTb; -ogi episcopi Tc
<sup>16</sup> Biconiensis CaMgPfVo; Bicomensis GcTe; Bichonensis Oa; Biconensis Tb; Hiconiensis Tc
<sup>17</sup> Nich. *AdBdCaCeGcMgPaPcPhPkPqPwOaQeSbTbTcTeWc; Nichil LkMqPfVm; Nicholao Rf;.
AdBdCaCeLeLkMgMqOaPaPfPhPkPqPrPwQeSfTbTeVmVnWc with no break; Nib' Vn; Nici with no
break Wd. RbSlVoVp have neither break nor insc.
  vos *CaMgTc; nos GcOaPfPhPrQeSlTbTeVo
<sup>19</sup> nostrorum add. Tb, om. *CaMgPfPhTc
<sup>20</sup> fac. cred. trib. *CaMgPfTb; cred. trib. fac. Tc
<sup>21</sup> abiceret *CaMgPfTb; reciperet Tc
<sup>22</sup> add. Tc<sup>2</sup>
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[Quod in ecclesiasticis iudiciis auctoritas canonum¹ et decreta² Romanorum pontificum³ preferenda sint⁴ dictis Augustini, Ieronimi⁵ et aliorum]⁶. Leo IV episcopis

Britannie⁻

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>8</sup> et quibus in<sup>9</sup> omnibus ecclesiasticis utimur iudiciis, id est, apostolorum, Nicenorum<sup>10</sup>, Anciranorum, Neocesariensium, Grangrensium, Antiocensium, Laodicensium, Calcedonensium, Sardicensium<sup>11</sup>, Carthaginensium, Affricensium, et cum illis regule presulum Romanorum Silvestri, Sirici, Innocentii, Zosimi<sup>12</sup>, Celestini, Leonis, Gelasii, Hilarii, Simachi, Simplicii, Ormisde et Gregorii iunioris. Isti omnino sunt et<sup>13</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>14</sup> per istos finiri, tunc si<sup>15</sup> illorum quorum meministis dicta<sup>16</sup> Ieronimi, Augustini, Ysidori, vel ceterorum similiter sanctorum doctorum<sup>17</sup> similium<sup>18</sup> reperta 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>19</sup>, que apud nos canones pretitulantur, sive sit episcopus, sive<sup>20</sup> clericus, vel<sup>21</sup> laicus indifferenter<sup>22</sup> receperit<sup>23</sup>,

<sup>&</sup>lt;sup>1</sup> auct. can. AdBeCaCcMgPfTbTc; can. auct. FcOe

<sup>&</sup>lt;sup>2</sup> canonum add. and canc. Lb

<sup>&</sup>lt;sup>3</sup> sanctorum *add. and canc.* Te

<sup>&</sup>lt;sup>4</sup> sint BeCaTc; sunt AdCeDaFcLbMgOePfTbTe

<sup>&</sup>lt;sup>5</sup> Aug. Ier. CaCcFcMgOePfTb; Ier. Aug. Tc

<sup>&</sup>lt;sup>6</sup> Rubric in text here CaMgPfPhVn, as distinct cap. 117A CcFcLbOeTb, in mg. AdBeCeDaGcLdObTc, as end of c 117 MqOdSbSlTeVoWc, om. PcPkPrPtRbRfSfVmVp. Quod sanctorum canonum dicta et Romanorum pontificum decreta in ecclesiasticis negociis sint preferenda add. in mg. Sb

<sup>&</sup>lt;sup>7</sup> Leo – Brit. om. Ad; Leo papa episcopis Britannie lxii Pt

<sup>&</sup>lt;sup>8</sup> can. in illis \*CaPfTbTc; illis in can. Mg

<sup>&</sup>lt;sup>9</sup> in \*MgTc; om. CaPfTbTe

<sup>&</sup>lt;sup>10</sup> Niceorum Te

<sup>&</sup>lt;sup>11</sup> Calc. Sard. CaMgPhTb; Sard. Calc. PfTcTe

<sup>&</sup>lt;sup>12</sup> Zas- Te

<sup>13</sup> et\*CaMgPfTb; om. Tc

<sup>&</sup>lt;sup>14</sup> minime possit \*CaMgPfTb; non queat Tc; minime queat Te

<sup>&</sup>lt;sup>15</sup> si \*BdCePaPc<sup>2</sup>PhPkTbVm; om. CaMgPcPfPwTcTeVn

<sup>&</sup>lt;sup>16</sup> quor. mem. dicta \*BdCaCeMgPaPfPhPkPwTcVm; dicta quor. mem. Tb; quor. meministi dictaTe <sup>17</sup> sim. sanct. doct. CaMgPfTe; sanct. sim. doct. PcTc; sin. doct. suorum Ph; sim. doct. sanct. Tb; sim. doct. Vn

<sup>&</sup>lt;sup>18</sup> si add. CaMgPcPwTcVn, om. \*BdCePaPc<sup>2</sup>PfPhPkTbTeVm

<sup>&</sup>lt;sup>19</sup> statuta \*CaMgPfTb; instituta Tc

<sup>&</sup>lt;sup>20</sup> sive \*MgTbTcTe; sive sit Ca; vel Pf

<sup>&</sup>lt;sup>21</sup> vel MgPfTbTe; sive sit Ca; sive Tc

<sup>22</sup> non add. Tc, om. CaMgPfTb

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>23</sup> et add. Mg, om. \*CaPfTbTc

#### 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<sup>5</sup> 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>6</sup> sanctitate<sup>7</sup> doctrinaque polleant, non ideo verum putem, quia ipsi ita senserunt, sed quia<sup>8</sup> mihi vel per illos auctores et canonicas vel probabiles rationes, quod a vero<sup>9</sup> non abhorreat persuadere<sup>10</sup> potuerunt.

ID 4.74] D 9 c 5

<sup>1</sup> Quis timor aut quis honor libris canonicis impendatur in mg. SbTe<sup>2</sup>

#### 120

Augustinus in¹ prologo libri III² 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

<sup>&</sup>lt;sup>2</sup> lxiii *add*. Pt

<sup>&</sup>lt;sup>3</sup> -ici \*MgPfTbTc; -icis Ca

al. in eis CaMgPfTb; in eis al. Tc

corr. fr. offerendero Te

<sup>&</sup>lt;sup>6</sup> quantalibet \*CaMgTbTc; quantumlibet PfTe

<sup>&</sup>lt;sup>7</sup>-it-ss Te

<sup>8</sup> sed quia \*AdBeCaTcTeVnVp; scilicet quia GcPfTbVmVo; si qua Mg

<sup>&</sup>lt;sup>9</sup> illos auctores – vero *om*. Te

<sup>10</sup> non add. Rb

<sup>&</sup>lt;sup>1</sup> libro add. and canc. Ca

<sup>&</sup>lt;sup>2</sup> IIII VnVo

<sup>&</sup>lt;sup>3</sup> corr. fr. Soli Ca; Nolite Te

<sup>&</sup>lt;sup>4</sup> et add. Ca, om. \*MgPfTbTc

<sup>&</sup>lt;sup>5</sup> retinere AdBeGcMgOaPcPfPrRfRbTbTeVmVnVo; tenere CaDaTcVp; credere Ce

## <sup>1</sup>Epistola prima Augustini<sup>2</sup> ad Ieronimum<sup>3</sup>

Mihi<sup>4</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>5</sup>. Alia questio est utrum scriptorem sacrarum scripturarum mentiri oportuerit, immo non alia sed nulla questio est.

ID 4.216a]

<sup>1</sup> Quod non debeat credi in sacris libris eorum auctores (auct. eorum Te) mentitos fuisse in mg. SbTe<sup>2</sup>

<sup>2</sup> (Ex add. Pt) Epistola prima (tercia Pc, prioris Vo) Aug. ad Ier.\*(but as inscr. to ID

<sup>3</sup> Ep. – Ier.] Aug ad Ier. ep. prima Te

<sup>4</sup> Mihi LbMgPfTbTc; Nichil CePkPyTeTf; Nichi before corr. Sb

#### 122

[Que concilia sunt respuenda, et que scripta<sup>1</sup> apocrifa]<sup>2</sup>. <sup>3</sup>Ex Libro pontificum<sup>4</sup>
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>.
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]

<sup>1</sup> que scr.] scripta sunt Ad; que scripta sunt CeGc; que scripta sint Mq

#### 123

<sup>1</sup>De notitia librorum apocriforum qui a sanctis patribus<sup>2</sup> dampnati sunt eterna dampnatione<sup>3</sup>

<sup>4.215)</sup>AdCaLbMgPcPrPtTbTcVmVo; Eiusdem epistola Pf; Epistola una. Augustinus ad Ier. Sf

<sup>&</sup>lt;sup>5</sup> fuisse ment. \*CaMgOaTbTc; ment. fuisse Pf; ideo (for id est) – esse mentitos in mg. Vo<sup>2</sup>

<sup>&</sup>lt;sup>2</sup> Que conc. sunt (sint Sf) - apocrifa PfSbSfTe; *in mg*. AdBeCeLdLh<sup>2</sup>Ln(*partly illeg*.) Pc; *as end of c 121* Mq; *om*. LbMg(*cf c 123*)OaPrPtRfTbTcVmVnVoVp; Que sunt respuenda et que scripta sunt apocripha *in mg*. CaDa; Quod quedam concilia propter capitula ritui ecclesiastico contraria sint negligenda *add. in mg*. SbTe<sup>2</sup>

<sup>&</sup>lt;sup>3</sup> Sergii pape *add*. Gc

<sup>&</sup>lt;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 \*AaBeCa<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>

<sup>&</sup>lt;sup>10</sup> -ebat \*BeMgPfTbVo; -ebant CaTcVn

<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*. SbTe<sup>2</sup>

<sup>&</sup>lt;sup>2</sup> patribus \*AdDaLbMqPfTbTcVm; om. CaGcMgVn

<sup>&</sup>lt;sup>3</sup> eterna dampnatione \*AdCaGcLbLbMgPcRfTbTcTeVmVnVo; eterna redemptione Pr; *om*. BeCeMqPf.Wc. De – dampn. *in mg*. Lh<sup>2</sup>. De notitia aprociforum librorum Pt. *No rubric* Ph

<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<sup>11</sup> apocriphi. Evangelia 12 Thadei nomine 13 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. 18 Evangelia que falsavit Ycius, apocripha<sup>19</sup>. Liber de infantia Salvatoris apocriphus. Liber de 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,

<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- \*BeCaMgPfTbTeVm; Primi- Vq; Erim- Tc; Crim- PyRf

<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>8</sup> libri \*CaMgTbTc; librorum Pf

<sup>9 -</sup>cryphi \*CaMgTbTc; -cryphum Pf

<sup>&</sup>lt;sup>10</sup> -iphi MgPfTc; apoc' Ca; -iphum Tb

<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>14</sup> nom. Barn. ap. CaPfTbTc; Barn. ap. nom. Mg

<sup>15</sup> nomine add. CaMfMgMhMjMkMmPtRaTb, om. \*PfTeTc

<sup>&</sup>lt;sup>16</sup> (apoc. quibus man. utuntur Mk) Evangelia nomine Petri apostoli apocrifa add. Mg, om.

<sup>\*</sup>BeCaGcMfMhMjMkMmMoPaPfPtRaTbTcTeVnVo. Evangelia nomine Barnabe – utuntur apocr. om.

corr. fr. Petri Pc

<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

<sup>&</sup>lt;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

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> apocriphus<sup>43</sup>. Historia Eusebii Pamphili apocripha. Opuscula Tertulliani<sup>44</sup> sive Africani apocripha. Opuscula Postumiani<sup>45</sup> et Galli apocripha. Opuscula Montani et Priscille et Maximille apocripha. Omnia opuscula<sup>46</sup> Fausti<sup>47</sup> 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

<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>34</sup> Liber qui appellatur penitentiam Origenis – Cipriani apoc. *in mg*. Mq<sup>2</sup>

<sup>&</sup>lt;sup>35</sup> penitentia *add*. PcRfSb<sup>2</sup>Tc, *om*. \*CaMgPfTbVn

<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*.)RfTcVm*Brant*; Liber Iusan apoc. *before* Historia Eusebii *below* Pt; *om*.

AdBdBeCaCeDaDbGcLdLgObOdOeOfPaPfPhPkPqPwSbSgSlTbVaVnVo

<sup>&</sup>lt;sup>41</sup> qui appellatur *add*. Tc, *om*. \*CaMgPfTb

presign- \*CaMgPfTb; sign- Tc

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>52</sup> op. Fr. ap. after Cassian above PhTb

<sup>&</sup>lt;sup>53</sup> opuscula Ce

Abagarum<sup>54</sup> apocripha. Epistola Abagari ad Iesum 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, 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

<sup>&</sup>lt;sup>54</sup> Abagarum CaGcMgPrVn; Agabarum AdPfTc; Gabarum BePh; Adabagarum Ce; Adagabarum Pa; Abgarum TbVo; et Abagari ad Ihesum add. DaVo

Epistola Abagari ad Iesum apoc. MfMgMhMoPcRaRfTc; om.

<sup>\*</sup>AdBdBeCaCeGcLdLgMjMkMmObOdOeOfPaPfPhPkPqPrPtPwSbSlTbVmVnWc. For DaVo see previous note.
56 martiris add. Tb, om. \*CaMgPfPhTc

<sup>&</sup>lt;sup>57</sup> Scripta que appellantur CaMgPfPhTc; Scriptura que appellatur Tb

<sup>58</sup> contradictio \*CaMgPfTe; condictio PhTb

<sup>&</sup>lt;sup>59</sup> his \*CaPfTbTc; illis Mg

<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; Tubianus Vn

<sup>65</sup> et add. Ca, om. \*MgPfTbTc

<sup>66 -</sup>lianus \*PhPkTbTcVm; -lanus BdCaMgPfPw

<sup>67 -</sup>edius \*CaMgPfTc; -ideus Tb

<sup>68 -</sup>icius \*CaMgPfTc; -ius Tb

<sup>&</sup>lt;sup>69</sup> Petrus \*CaMgPfTc; om. PhTb

<sup>&</sup>lt;sup>70</sup> consort- \*CaMgTbTc; sort- Pf

<sup>&</sup>lt;sup>71</sup> sive \*CaMgPfTb; atque Tc

<sup>&</sup>lt;sup>72</sup> verum etiam \*PfTbTc; sed CaMg

<sup>&</sup>lt;sup>73</sup> ab \*CaMgPfTb; om. Tc

<sup>&</sup>lt;sup>74</sup> etiam add. CaMg, om. \*PfTbTc

<sup>&</sup>lt;sup>75</sup> et MgPfTbTc; om. \*Ca

<sup>&</sup>lt;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>1</sup> Quod liber Clementis et canones apostolorum inter apocrifa a sanctis patribus numerentur *in mg*. SbTe<sup>2</sup>

#### 125

<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 4.1061 D 16 c 4a

Epistola Isidori<sup>5</sup> in capite canonum<sup>6</sup>

Isidorus mercator<sup>7</sup> servus Christi, lectori<sup>8</sup> conservo suo. Propter eorum auctoritatem<sup>9</sup> ceteris conciliis<sup>10</sup> preposuimus canones qui dicuntur apostolorum, licet a quibusdam apocriphi dicantur, quoniam populares eos<sup>11</sup> recipiunt, et sancti patres

<sup>&</sup>lt;sup>2</sup> IX \*AdBeCaLbMgPfTbTeVmVn; II PcRfTcVo

<sup>&</sup>lt;sup>3</sup> Nicete \*AdBeCaLbMg<sup>2</sup>PfTbVmVn; Nicene Mg; Niceni PcTc

<sup>&</sup>lt;sup>4</sup> de monasterio Studii AdCaGcLbMgPfPhTeVmVn; de monasterii studio Gc<sup>3</sup>Tc; om. Tb

<sup>&</sup>lt;sup>5</sup> Clem. lib. \*AdCaMgPfTbTe; Clem. pape lib. Cc; Lib. Clem. PcRfTc

<sup>&</sup>lt;sup>6</sup> apostoli \*CcDa<sup>2</sup>MgPfSbTbTcTeVn; om. CaDa

<sup>&</sup>lt;sup>7</sup> numerarunt \*CaMgMqPcRbSbTbTe; nunciarunt (vel numeraverunt *ss*) Ad; numerant Be; numeraverunt GcMq<sup>2</sup>PfTcVnVo; numarunt Ph?; numerar' Pr; numeravere Vp

<sup>&</sup>lt;sup>1</sup> Continues without break from c 124 AdCadaLeMqPfPrSeTeVmVp(no insc.)Wd

<sup>&</sup>lt;sup>2</sup> synodo *add*. Vo

<sup>&</sup>lt;sup>3</sup> Sexta – ii] in text and run on Lb; Sexta ii, with Secunda sinodus in second hand, subs. canc., Pc <sup>4</sup> ut \*EgMgPfTbTc; aut Ca

<sup>&</sup>lt;sup>5</sup> Ysiodori Lb

 $<sup>^6</sup>$  Ep. (om. Le) - can. om. Se; in text, and run on from c 125a AdGcLbLeMqSlTeVmVnVoWcWd; add. ss Pc

<sup>&</sup>lt;sup>7</sup> mercator AdBeCaCcEg(*later canc.*) MgSeTbTeVmVnVoWc; peccator Pf; vel peccator ss Se; om. Tc <sup>8</sup> proprium add superscr. Tc

<sup>&</sup>lt;sup>9</sup> auctoritatem \*BeDaGcPhPrTbVmVp; infirmitatem

AdBdCaCcCeHaMqPa<sup>2</sup>PfPkPqPwSbSlTeTfVnVoWc; infirmitatem vel auctoritatem (vel auct. ss Ld) LdMg; firmitatem LkPaPcRfTc

<sup>10</sup> conc- \*CaMgPfTc; cons- Tb

populares eos CaMgPf(vel plures *add. ss.*)SbTbTe; eos populares, *corr. fr.* plures eos Pc; eos plures Tc

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>12</sup>, ac primorum<sup>13</sup> apostolicorum<sup>14</sup>, id est a sancto<sup>15</sup> Clemente usque ad sanctum Silvestrum, decretorum atque diversorum conciliorum breviarium interpolatum<sup>16</sup> sequens ordinem suum.

ID 4.1071 D 16 c 4b

<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 sanctorum<sup>9</sup> martirum sacri canones censent ut liceat eas etiam in ecclesia legi cum anniversarii dies eorum celebrantur.

ID 4.1411

#### 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

<sup>&</sup>lt;sup>12</sup> apostolorum \*Ad(over erasure and repeated in mg.)MgPfTbTc; om. Ca

<sup>&</sup>lt;sup>13</sup> primo Gc

<sup>14</sup> -olicorum \*PfPrTcVm; -olorum CaGcMgPhTbTe; ac prim. ap. *om.* Rb

<sup>&</sup>lt;sup>16</sup> -atum CaMgPfTb; -atur Tc

<sup>&</sup>lt;sup>1</sup> Quod vite sanctorum patrum sine magnis auctoribus (patribus corr. to auctoritatibus Te) in ecclesia non recipiantur in mg. SbTb

Adrianus CaLbMgPcPfTcTeVn; Arrianus PhSfTb

<sup>&</sup>lt;sup>3</sup> xvii AdCaGcLbMgPfTbTcTeVn; xvi Da; xviii PrVm; cap. xvii om. Vo

<sup>&</sup>lt;sup>4</sup> auctoribus \*AaAdBeCaMgPfPhPrSeTeVo<sup>2</sup>; actoribus Oa; auctoritatibus TbTc; auctores Vo

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

of the unit 15,0m. Callign 116
patribus add. Tc, om. \*CaMgPfTb

tate \*MgPfTbTc: lete Ca

<sup>-</sup>late \*MgPfTbTc; -lete Ca

<sup>&</sup>lt;sup>8</sup> et \*CaMgPfPhTc; om. Tb

<sup>9</sup> sanctorum \*CaMgPfTbTe; 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 \*AdBdBeCaCeDaGcLbLkOaPaPfPhPkPqPrQeSbSlTb; scriptoribus MgPcPwTcVp; suctoribus Te; autoribus Vm; auctoribus Vn; corr. fr. factoribus to fictoribus Vo <sup>4</sup> et \*CaMgTb; om. PfPhTcTe

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 aguam 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>5</sup> -are \*CaMgPhTc; -ari PfTbTe

<sup>1</sup>Item<sup>2</sup>, cap. iiii<sup>3</sup>

Quod beata<sup>4</sup> Maria patrem habuerit<sup>5</sup> ex tribu Levi sacerdotem<sup>6</sup> quemdam<sup>7</sup> nomine Ioachim canonicum non est.

ID 4.151b]

#### 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>

<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

on quodam \*CaMgPfTcTeVn; om. PhTb of add. Tc, om. \*CaMgPfTb of fuisset \*CaMgPfTb; esset Tc

<sup>&</sup>lt;sup>12</sup> evul- CaPfTbTc; avul- Mg

<sup>13</sup> int. mens. \*AdCaMgOaTb; mens. int. PfTcTe

<sup>&</sup>lt;sup>1</sup> cf c. 129 for rubric in Te

<sup>&</sup>lt;sup>2</sup> Item \*AdCaLbMgPfTbTe; Augustinus Ea; Item in eodem Sb; Idem Tc; Item idem August' Te <sup>3</sup> cap. iiii \*AdGcLbPfTbTcTeVmVoWd (GcPrVm treating insc. as text run on from c 127); cap. secundo CaMgSbVn; cap. vicesimo secundo Da; om. Ea

<sup>&</sup>lt;sup>5</sup> -uerit \*CaMgPfTcTe; -uit PhTb

<sup>&</sup>lt;sup>6</sup> -otem \*MgPfTbTc; -otum Ca

<sup>&</sup>lt;sup>7</sup> hominem add. Ca, om. \*AdEaMgOaPfTbTc

<sup>&</sup>lt;sup>1</sup> Quod omnia apocrifa sint cavenda, et que teneri, que vitari, debeant caute discernenda in mg. here Sb, against c. 128 Te

<sup>&</sup>lt;sup>2</sup> Gr' Pt

<sup>&</sup>lt;sup>3</sup> Letam \*AdBeCaGcLbMgPfTbTeVmVn; Leam Aa; Alletham PcRf; Oletam Sf; Athletam Tc; Aletam

<sup>&</sup>lt;sup>4</sup> filiorum Pt. Ieronimus *only* Ea. De – filie] institutione Rf.

<sup>&</sup>lt;sup>5</sup> Paveat CePr(*obsc. corr.*)

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 <sup>1</sup>]. <sup>2</sup> Concilium IIII Cartaginense, cap. ix<sup>3</sup>

Episcopus<sup>4</sup> gentilium libros non legat, hereticorum autem<sup>5</sup> pro necessitate et<sup>6</sup> tempore.

ID 4.160] D 37 c 1

<sup>1</sup> leg. lib. gent. (gentium Gc?Vm, lib. gen. with non legat in mg. Ln) BeGcPfSbVm; lib. gent. leg. AdDaMgSfTc; gent. lib. leg. Ca; lib. leg. gent. Mg

#### 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 4.162] D 37 c 2

<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 \*MgPfTbTcTe; -atur Ca; preponuntur Ce

<sup>&</sup>lt;sup>2</sup> *in mg.* AdBeCaCeDaGcLdLnMgPfPrSbTcTe, *in text* LbMqSfVm; Quod episcopus non debeat legere libro gentilium Ea (*no inscr.*); Non debere gentilium episcopos legere libros Vo; *om.* OaPcPtTbVnVp <sup>3</sup> ix GcLbLdLeLnOaPrTbTeVm; ii AdCaPcRfTcVo; xx Be; lxi Ce; xvi DaSb; ??Pf; viii MgVn; xi Sf <sup>4</sup> Christus Lc

<sup>&</sup>lt;sup>5</sup> autem \*BeEaLbMgTbTc; aut AdCaGcLeOaPrTeVmVnVo; nisi Pf

<sup>&</sup>lt;sup>6</sup> et \*AdEaGcPfPrTbTeVmVnVo; aut pro BeCcPcTc; aut MgOa; vel pro Ca

<sup>&</sup>lt;sup>1</sup> De eadem re *add*. Vo

<sup>&</sup>lt;sup>2</sup> Ier. ad Dam. \*GcLbPfTbRfTcTeVm; Ier. ad Amadum Ad; Ad Dam. Ier. CaMgVn; Ieron' Ea; Ad Dam. Vn

<sup>&</sup>lt;sup>3</sup> De prod. fil. \*AdGcLbMgPfTbTcTeVnVo(adding, either here or against the previous canon, lxxxviiii)Vp; prod. filio Be; De fil. prod. Ca; om. Ea

<sup>&</sup>lt;sup>4</sup> in \*CaMgPfPhTc; om. Tb

<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 4.1641 D 37 c 7

#### 133

[Ouod<sup>1</sup> legendi sint<sup>2</sup> gentilium libri]<sup>3</sup>. Beda<sup>4</sup> super Regum librum II<sup>5</sup>

Turbat<sup>6</sup> acumen legentium et deficere cogit, qui eos a legendis secularibus litteris omnimodis estimat prohibendos, quibus ubilibet inventa<sup>7</sup> utilia, quasi sua sumere licet. Alioquin Moises et Daniel sapientia vel litteris Egiptiorum Chaldeorumque<sup>8</sup> paterent eruditi, quorum<sup>9</sup> tamen<sup>10</sup> superstitiones simul et delicias horrebant, nec ipse magister gentium aliquot versus poetarum<sup>11</sup> suis vel<sup>12</sup> scriptis<sup>13</sup> indidisset<sup>14</sup> vel dictis.

ID 4.851 D 37 c 8

<sup>&</sup>lt;sup>1</sup> Quod beaus Ieronimus propter librum Ciceronis quem legebat ab angelo sit correptus in mg. SbTe<sup>2</sup>; De eodem add. Vo

Rarbanus Pa; after eccl. PrVm, om. LbVo

pressuris \*LbMgPfTbTcTeVmVn; institutionibus CaGc

secunda \*AdBeCaLbMgPfPrSbTbTeVo(adding xci); prima DaPcRfTc; parte sec. om. Vp

<sup>&</sup>lt;sup>6</sup> leg. Cic. \*CaMgPfTcTe; Cic. leg. PhTb

<sup>&</sup>lt;sup>7</sup> -eptus \*CaMgPfPhTc; -ectus Tb

<sup>8</sup> int. fig. \*CaMgPfTb; fig. int. Tc

<sup>&</sup>lt;sup>1</sup> Oui Gc

<sup>&</sup>lt;sup>2</sup> sint BeCaMgTc; sunt CePf

<sup>&</sup>lt;sup>3</sup> Quod – libri in mg. AdBeCaCeDaGcLdLnMgPfPrRfTc, 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. LbPcPtTbTeVnVp

<sup>&</sup>lt;sup>5</sup> super Reg. lib. (libro AaTe) II \*AaBeCaDaLbMqPfTbTeVo; librum Regum Ad; in libro II reg. GcPrVm; super lib. Reg. lib. ii (?Mg] MgVn; super librum Reg. II, libro Tc

<sup>&</sup>lt;sup>6</sup> Turbat \*MgPfTbTc; Turbabat Ca

<sup>&</sup>lt;sup>7</sup> sunt add. CaMg, om. \*PfPhTbTcTe

<sup>&</sup>lt;sup>8</sup> non add. CaMg Pf<sup>2</sup>Tc, om. Pf

<sup>9</sup> quorum \*CaMgPfTb; quoniam Tc

<sup>&</sup>lt;sup>10</sup> tamen \*CaPfTbTc; tantum Mg

<sup>11</sup> poetarum \*CaMgPcPfTb; om. Tc

vel \*CaMgPcPfTe; om. PhTbTc

13 scriptis AdCaPfTbTeVo; scripsis Aa; scripturis MgPcTc

<sup>&</sup>lt;sup>14</sup> -isset MgPfTbTc; -isse PhTe

[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-71 D 37 c 9

<sup>1</sup> ratione AdBeCaDaMgPfTc; ordine Vm

<sup>6</sup> non ut BeCaMgPcPfTb; ut non Tc

#### 135

<sup>1</sup>Ieronimus<sup>2</sup> super epistolam ad Titum, libro VII<sup>3</sup>

Si<sup>4</sup> quis grammaticam artem<sup>5</sup> noverit vel dialecticam ut recte loquendi rationem habeat, et inter falsa et vera diudicet<sup>6</sup>. Geometrica<sup>7</sup> quoque et arithmetica<sup>8</sup> et musica<sup>9</sup> habent<sup>10</sup> in<sup>11</sup> sua scientia veritatem, sed non est scientia illa pietatis. Scientia pietatis est nosse legem<sup>12</sup>, intelligere prophetas<sup>13</sup>, evangelio<sup>14</sup> credere<sup>15</sup>, apostolos non<sup>16</sup> 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

<sup>&</sup>lt;sup>2</sup> leg. sint CaMgTc; leg. sunt BePf; sint leg. SbSf; sunt leg. Te

<sup>&</sup>lt;sup>3</sup> in mg. AdBeCaCe(against c 135)DaGcLdLnPfPrMgSbTcTe<sup>2</sup>, in text MqSfVmVo; om. EaPcPtTbVnVp

<sup>&</sup>lt;sup>4</sup> Amb. sup. Luc. lib. (om. Sf) I (II LbTc) AdBeCaLbPfSfTbTcTeVmVoVp; Ambrosius Ea; Lib. i Amb. sup. Luc. MgVn; om. Pt; as insc. to c 135 Rf(which omits rubr. and text)

<sup>&</sup>lt;sup>5</sup> legantur AaAdBdBeCeEaGcHaLbLdMqPfPqPrPwSbTdTeTfVmVnVoA; 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>1</sup> Quod artes legantur ut recte locutionis ratio habeatur, et quid verum, quid falsum sit diiudicatur *in mg*. SbTe<sup>2</sup>; De eodem *add*. Vo; *cf c 134* 

<sup>&</sup>lt;sup>2</sup> ss Te

<sup>&</sup>lt;sup>3</sup> VII AdBeCaGcLbPcPfPhQeTcTeVm; VIII MgVnVp; II TbSf; VI. xciiii Vo; Ieronimus (*only*) Ea. Vo<sup>3</sup> *in mg*: Hoc c. habetur xxxvii di, Si quis. *For* Rf *see c 134* 

<sup>&</sup>lt;sup>4</sup> Est (Est plane veritas que non habet pietatem ss) Qe

<sup>&</sup>lt;sup>5</sup> gram. artem BeCaMgPfTc; grammaticas artem Ph; artem gram. Tb

<sup>&</sup>lt;sup>6</sup> non puto ei obesse add. ss Ce<sup>2</sup>, non peccat add. Tc, om. AdBeCaEaMgPfTbVmVn

<sup>&</sup>lt;sup>7</sup> -etrica CaPf; -etria BeMgPhTcTe; -etriam Tb

<sup>&</sup>lt;sup>8</sup> arithmetica BePfPhTc; arimetia Mg; arimetricam Tb; arimethica Te

<sup>&</sup>lt;sup>9</sup> -ica BeCaMgPfPhTc; -icam Tb

<sup>&</sup>lt;sup>10</sup> -ent BeMgPfTbTc; -eant Ca

<sup>11</sup> se add. Be. om. AdCaMgPfTbTcVm

<sup>&</sup>lt;sup>12</sup> legem AdBeCaEaPrTc; om. Pf; legem et Mg; legere Tb

<sup>&</sup>lt;sup>13</sup> -tias Te

<sup>&</sup>lt;sup>14</sup> Evang. AdBePfTbTc; om. Mg; in Evang. Ca

<sup>15</sup> credere BeCaEaLbMgTbTc; cedere PfTe

<sup>&</sup>lt;sup>16</sup> legere add. and canc. Lb

<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

 $[Qua\ ratione\ legendi\ non\ sunt^{1}]^{2}$ . Isidorus, Sententiarum libro III, cap. xiii $^{3}$ 

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

#### 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>

<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.* SbTe<sup>2</sup>; De eodem *add.* Vo

<sup>&</sup>lt;sup>2</sup> Is. - III (IIII DaLbLdSb) cap. xiii \*BeCaDaGcLbLdPcPrSbTbTeVm; Idem in eodem Ad; whole insc. (as CaTb) placed before c 137, with text here continuing from c 135 BeMgVnVp; III cap. iii Mq; IIII cap. xiii Pf (cf c 137); Is. - IIII Tc; Is. – cap. xiiii Vo

<sup>&</sup>lt;sup>1</sup> sunt AdCaMgSfTc; sint Pf

<sup>&</sup>lt;sup>2</sup> in mg. here AdBeCaCeDaLdLnMgPfPrSbTe<sup>2</sup>Vo, cf c 136; om. LbMqPcTbVnVoVp

<sup>&</sup>lt;sup>3</sup> Isidorus Sent. libro III (IV Gc) cap. xiii AdBeGcMgPrSfSITbVm; Item Ca; Ysidorus (*only*) Ea; idem in eodem libro III eodemque cap. Ld; Idem in eod. cap. xiii MqTc; Idem in eodem PcRf; Idem Pf; Idem capitulo eodem Pt; Item Isidorus in eodem cp. xiiii Sb; Ysid. in eodem TeVo; *om.* Lb(*no break*)LnDa

<sup>&</sup>lt;sup>4</sup>-ianus \*BeMgMqTbTc; -ianis CaPfSlTeTfVnVo

<sup>&</sup>lt;sup>5</sup> inan. fab. \*BePfTbTcVo; fab. inan. CaMg

<sup>&</sup>lt;sup>6</sup> inc- \*Ca; exc- MgPfTbTcTeVn

<sup>&</sup>lt;sup>7</sup> enim solum \*CaMgPfPhTc; solum enim Tb

<sup>&</sup>lt;sup>8</sup> et. eorum \*CaMgPfPhTc; eorum et. Tb

<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. CaDaLdLnMgTc; 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 EaLb(without break)LeMqSfVm, in mg. BeCeGcPrSbTe<sup>2</sup>Wc; 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. MqOaPcPtRfTbVnVp

<sup>&</sup>lt;sup>3</sup> episcopis PcRf

<sup>&</sup>lt;sup>4</sup> -ilio \*AdPfTbVo; -il' BeMgTc; -iliis CaTe

<sup>&</sup>lt;sup>5</sup> -inum \*AdBeMqTbTcTeVo; -inium Pf; -ulum CaMgVn; Convincianum GcWc. Apud Conv.] adus Vicinum Ce. *No inscr.* EaLb

Lege<sup>6</sup> imperatorum non in<sup>7</sup> omnibus ecclesiasticis controversiis utendum<sup>8</sup> est, presertim cum<sup>9</sup> conveniat evangelice ac canonice sanctioni aliquotiens obviare<sup>10</sup>.

ID 4.86a] +D 10 c 1a

<sup>6</sup> Lege \*CeGcLdMqOaPhPrSlTbVmWc; Legibus

AdBeCaDaEgHaLfMgPaPcPfPoPqPwPyRfSbTcTdTeTfVnVoVpVq; 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<sup>4</sup>, cap. xviii<sup>5</sup>

Lex imperatorum non est supra legem Dei, sed subtus.

ID 4.86b] +D 10 c 1b

AdGcLbLkPfPoPrPtSfTbTcVmVpWc; xxiiii Ca; Nicholaus episcopis in concilium apud Convicinum BeVo (xcviiii *add*. Vo); Adiecti – xviii. Nicolas papa Mq; Adectiones capitulares cap. xviii Pa; Adiectica plures capitulares cap. xviii Pc; *om*. EaMgVn

#### 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 atque contra pravos<sup>4</sup> quosque defenditur<sup>5</sup>, dicamus penitus renuendas<sup>6</sup>, sed eas quas evangelicis et apostolicis<sup>7</sup> atque<sup>8</sup> canonicis decretis quibus postponende sunt nullum posse<sup>9</sup> inferre iudicium asseramus<sup>10</sup>.

<sup>&</sup>lt;sup>7</sup> non in MgPcTc; in AdBeCaCeDaLeMqOaPfPhPqPrSbSlTbTeTfVmVnVoVqWc; non Vp; om. Gc

<sup>8</sup> ut non dum est Te

<sup>&</sup>lt;sup>9</sup> non add. Sb<sup>2</sup>

<sup>&</sup>lt;sup>10</sup> abnuere Oa. Lb *lacks all text* 

\_\_\_\_\_

<sup>&</sup>lt;sup>1</sup> -orum BeMgPfTc; -oris Vm <sup>2</sup> auct. sit AdCaMgSfTcVm; sit auct. Be; est auct. Pf

<sup>&</sup>lt;sup>3</sup> in mg. AdBeCaCeDaGcLdLnMgPfPrTcWc, in text EaSfVm; om. LbMq(cf c

<sup>141)</sup>PtRfSbTbTeVnVo(cf c 138)Vp

<sup>&</sup>lt;sup>4</sup> capulares Lb; epistolares Te

<sup>&</sup>lt;sup>5</sup> (Quod add. and canc. Po) Adiecti (Abiecti Po, Adicti Sf) - xviii (om. Tc)

<sup>&</sup>lt;sup>1</sup> episcopis *add*. EaSbTe, papa episcopis *add*. GcPcRf; episcopus *add*. LbSl, papa *add*. TbTc, episcopi *add*. Sf, *om*. Pf

<sup>&</sup>lt;sup>2</sup> Nich. - Conv. (Corinthum Ea, Conumenum Lb, Convininum Te, Convincianum Wc)

<sup>\*</sup>EaGcLbPcPfPhPo(before Non quod)SbSfSITbTcTeWc(cf c 141 for Vm); De eodem Vo; om. with no break AdBeCaCeDaLdLjLkMgMqPaPkPrPtTfVmVp; om. with lacuna Vn

<sup>&</sup>lt;sup>3</sup> Adiecti capitulares *add*. Mg; BdCaCcTf Vn *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; reverendas Te

<sup>&</sup>lt;sup>7</sup> eas quas ev. et (*om.* SlWc) ap. AdEaMgSlVnWc; 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. PfTeVo; eas evangelicis apostolicis

#### ID 4.187] +D 10 c 1c, later additions

Ph; eas quod ev, apostolicisque PrVm; quo eas ev, et ap. Tb; quia eas ev, et ap. Tc; eas quidem ev, ap.

#### 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

<sup>1</sup> De eodem de quo modo dict' est. De eodem add. Te: De eodem add. Vo: Ouod lex imperatorum nullius auctoritatis sit contra legem Domini add. Mg (cf c 139)Po(? partly in gutter)

#### 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 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>1</sup>Augustinus, De vera religione<sup>2</sup>

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

<sup>&</sup>lt;sup>9</sup> posse \*MgPfTbTcWc; om. Ca

<sup>-</sup>amus \*CaMgPfTbWc; -imus Tc

<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. TcTe

<sup>&</sup>lt;sup>4</sup> -iat AdCaMgMqRfTc; -iatur GcLbPfPhPrSlTbTeVmVo; -iet Vn

<sup>&</sup>lt;sup>1</sup> in mg. AdBeCaDaGcLdLnMgPfPrSbTcTe<sup>2</sup>; 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. CeLbPcPtRfTbTeVnVp

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

<sup>&</sup>lt;sup>3</sup> cap. xx \*AdCaMgPfPhPrTcTeVmVn; cap. xxi Da; c. xv Lb; *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. \*MqPhPrTbTcTeVnVo

<sup>&</sup>lt;sup>6</sup> et add. Tc, om. \*AdCaMgPfTb

<sup>&</sup>lt;sup>7</sup> cautione \*AdCaEaMgPc<sup>2</sup>PfPrTeVmVn; captione Pc; cautionem PhTb; cautionis Tc

<sup>&</sup>lt;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 constitute sunt non licet iudicibus de ipsis iudicare, sed secundum ipsas in mg. Sb (om Te)

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<sup>4</sup> secundum ipsas.

ID 4.169] D 4 c 3

#### 144

[Quare vocentur Theodosiane leges] $^{1}$ . Isidorus, Etimologiarum libro V, cap.  $i^{2}$ 

Theodosius minor augustus ad similitudinem Gregoriani et Hermogeniani codicem factum<sup>3</sup> institutionum a Constantini temporibus sub proprio<sup>4</sup> cuiusque imperatoris titulo disposuit, quem a suo nomine Theodosianum vocant.<sup>5</sup>

ID 4.170] D 7 c 2b

#### 145

[Quod Iustinianus diversa legum volumina diversis nominibus¹ appellaverit]².

³Historia Longobardorum⁴ libro V, cap. xxv⁵

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<sup>7</sup> duodecim libros coartavit, idemque

<sup>&</sup>lt;sup>2</sup> c. i *add*. Vo

³ temporalibus legibus quamquam \*PaQe²Sb²Vo; temporalibus quamquam BdBeCeEaGcMqPfPhPkQeSbTbVnWc; temporibus (vel temporalibus *add. ss.* CaPw) quamquam AdBd²CaHaLdLkMgPqPrPwVm; altaribus quamquam Da; temporibus quamque Lb; temporibus quamvis PcRf; temporalibus quamquam Sl; imperialibus quamvis Tc; temporibus [?] legibus postquam Tf; temporibus <legibus *deleted>* quamquam (*adding* legibus *after* his) Vp <sup>4</sup> *repeated and canc.* Te

<sup>&</sup>lt;sup>1</sup> Quare vocentur Theodosiane (-sine Ca, corr. fr. Iustiniane Mq) leges in mg. AdBeCaDaGcLdLnMgPoPrSbSlTe<sup>2</sup>, in text Ea(no inscr.)SfVmVo(adding cii); Quibus modis debeat lex constitui in mg. Tc; om. CeLbPcPf(cf c 147)PtRfTbVnVp

<sup>&</sup>lt;sup>2</sup> xxv Lb

<sup>&</sup>lt;sup>3</sup> factum \*CaMgPfTb; om. Tc

 <sup>&</sup>lt;sup>4</sup> proprio \*AdBeCaGcTbTcVnVm; proprii EaMgPfSlTeVo
 <sup>5</sup> -ant AdCaGcMgMqTb; -avit BeEaPfRfSlTcTeVmVnVo

<sup>&</sup>lt;sup>1</sup> nominibus Be<sup>2</sup>MgPf; voluminibus Ca

<sup>&</sup>lt;sup>2</sup> in mg. CaDaGcLdMgPfSbTe<sup>2</sup>, in text Ea(no inscr.); before Rursus singulorum below BeCeLgPr; om. MqPcPtSfTbTcVmVoVp; Quare vocentur (-antur SfVp) Iustiniane (iustiane Ce) leges add. Ad<sup>2</sup>(in mg)BeCaCeDbEa(before Quod)GcLdLgMgPrSfVmVnVo(adding ciii), om.

LbMfMhMiMkMmMoMgPfPtTbTc; Paulus in add. Pa; cf c 146

<sup>&</sup>lt;sup>3</sup> Ex add. Tc, om. CaMgMmMoPfTb

<sup>&</sup>lt;sup>4</sup> Longo- \*CaLbMgMhPfTbTe; Longa- Gc; Lango- PaTc

<sup>&</sup>lt;sup>5</sup> xxv \*AdBeCaLbPfTbTeVm; i Tc; xv MgVn

<sup>&</sup>lt;sup>6</sup> Iustianus CeTe

<sup>&</sup>lt;sup>7</sup> intra \*CaMgPfPhTc; in Tb

volumen codicem Iustiniani<sup>8</sup> appellari precepit. Rursus, singulorum magistratuum sive iudicum leges que usque ad duo<sup>9</sup> milia pene libros<sup>10</sup> erant extense, intra quinquaginta librorum numerum redegit, eumque codicem Digestorum<sup>11</sup> sive Pandectarum<sup>12</sup> vocabulo nuncupavit. Ouatuor 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>13</sup>. Item. Tunc apud Constantinopolim Priscianus Cesariensis grammatice artis profunda rimatus est<sup>14</sup>.

ID 4.171] Ff. De origine iuris

#### 146

<sup>1</sup>Historia Anastasii bibliotecarii Romane<sup>2</sup> ecclesie<sup>3</sup>

Removit Iustinianus<sup>4</sup> augustus contrarias leges, faciens singularem codicem, et vocans eum novellas constitutiones<sup>5</sup>, in quibus<sup>6</sup> non permittit principem, in<sup>7</sup> quibus preest, tenere possessionem, aut edificare domum, aut hereditari<sup>8</sup> extraneam personam, nisi quis<sup>9</sup> sibi cognatus existat.

ID 4.172]

#### 147

[Quibus modis debeat lex<sup>1</sup> constitui]<sup>2</sup>. Institutionum libro I, titulo<sup>3</sup> ii

<sup>&</sup>lt;sup>8</sup> Iustiani Te

<sup>&</sup>lt;sup>9</sup> corr. fr. dua Tb

<sup>10</sup> pene libros \*CaMgPfTbTe<sup>2</sup>; pene librorum MoPc; librorum pene Tc; libros Te
11 Dig- \*PfTbTc; Deg- CaMgTe

id est totum continentium ius *in mg*. Ps<sup>2</sup>; Pan .i. totum. Unde dicitur liber Pandectarum ubi de omnibus continetur in mg. Sb

<sup>&</sup>lt;sup>13</sup> sancivit \*BeLbPfVnVo; sanctivit AdCaGcMgPcPhTbTe; sanctificavit PrVm; sanxit Tc

<sup>&</sup>lt;sup>14</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, Quare Iustinianus diversa legum volumina diversisque nominibus appelavit in text Pa; Quod Iust' contrarias leges removerit et quemdam librum fecerit quem Novellas constitutiones appellavit in mg. SbTe<sup>2</sup>

<sup>&</sup>lt;sup>2</sup> om. Ad; Rome Te

<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

Iustianus Te

<sup>&</sup>lt;sup>5</sup> const- \*CaMgPfTb; inst- TcVn

<sup>&</sup>lt;sup>6</sup> quibus \*MgPfTbTc; om. Ca

<sup>&</sup>lt;sup>7</sup> in \*CaMgPfTb; eorum Tc

<sup>&</sup>lt;sup>8</sup> hereditari \*AdBeCaEaMgPfTbTeVm; exhereditari Pf<sup>2</sup>; hereditare Tc

<sup>&</sup>lt;sup>9</sup> quis \*CaMgPfTb; qui Tc

<sup>&</sup>lt;sup>1</sup> deb. lex] lex deb. SbTe

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 4.1731

#### 148

[Quod liber capitularium] 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<sup>8</sup> in iamdictis libellis minime<sup>9</sup> inserta esse pro Dei omnipotentis amore et sancte Dei ecclesie<sup>10</sup>, ac<sup>11</sup> servorum eius atque totius populi utilitate, fideliter investigare curavimus, et in tribus sequentibus libellis<sup>12</sup> distincte, cum suis coadunare<sup>13</sup> ac Ludovico, Lothario atque<sup>14</sup> Carolo nobilissimis regibus, filiis videlicet<sup>15</sup> Ludovici imperatoris piissimi, habenda et

<sup>&</sup>lt;sup>2</sup> Quibus – constitui (construi CePa, institui Vo) in mg. AdBeCaCeDaGcLdPfPrSbTe<sup>2</sup> (cf Tc c 144, EaMg c 147), in text PaVmVo(adding c.v); om. LbMqPcPtRfTbVnVp

<sup>&</sup>lt;sup>3</sup> I tit. ii \*BeCaDaFbMgPfPrTbTeVn; I Ad; om. Ea; I cap. ii RfTc; cap. ii Vm

<sup>&</sup>lt;sup>4</sup> qued. sunt PfTbTcTeVmVo; sunt qued. CaFbMg

<sup>&</sup>lt;sup>5</sup> trah- \*AdCaPfTbTc; pertrah- Mg

<sup>&</sup>lt;sup>6</sup> quod \*AdCaFbMgPfTbTe; quoniam Tc; quia Ca<sup>2</sup> ss

<sup>&</sup>lt;sup>7</sup> subv- CaMgPfTcTeVmVn; 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 GcPaSb

<sup>&</sup>lt;sup>2</sup> in mg. BeCaCeLdLn(partly illeg.)MgPfSbTe<sup>2</sup>, in text SfVmVo(adding cvi); om. AdLbMqPcPtRfTbTcVnVp

<sup>&</sup>lt;sup>3</sup> libri quinti capitulo CeDaGcLbPfPwRfTbTeVmVoVp; lib. v AaBeMqSf; libri quinti capitulo v CaSb(later? erased); libri quinti capitularium MgVn; quinti lib. capitularii Tc

<sup>&</sup>lt;sup>4</sup> The 'P' much enlarged Pw; Proc-Te

<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 didiscimus Te

<sup>&</sup>lt;sup>9</sup> minime \*CaMgPfTcTe; om. PhTb

<sup>&</sup>lt;sup>10</sup> Pipini et Caroli – ecclesie in mg. Ha

<sup>11</sup> ac \*CaMgPfTb; atque Tc

<sup>&</sup>lt;sup>12</sup> libellis \*CaMgPfTb; libris Tc

<sup>&</sup>lt;sup>13</sup> coadunare \*AdBdCeHaLdLkMgPaPcPfPhPqPrPwSbTbTeTfVmVp; codicibus coadunare BeCaDaPc<sup>2</sup>RfSb<sup>2</sup>; auctoritatibus codicum unare Ln; quod adunare Pk; adunare capitulis Tc; auctoribus coadunare Vn

atque \*CaMgPfTb; et Tcvid. \*CaMgPfTb; om. Tc

omnibus Christianorum fidelibus tradenda<sup>16</sup>, scribere non distulimus. Item. His itaque peractis, est in fronte primi libelli<sup>17</sup> posita Zacharie pape<sup>18</sup> epistola omnibus episcopis ac reliquis ecclesiastici ordinis gradibus, et cunctis ducibus atque comitibus omnibus Deum timentibus per Gallias et Francorum provincias constitutis<sup>19</sup> directa, sicut in ea continetur. Quam seguuntur sinodales conventus quos sancte Romane et apostolice ecclesie<sup>20</sup> legatus Bonefacius Magontiensis<sup>21</sup> ecclesie archiepiscopus vice supradicti<sup>22</sup> Zacharie pape una cum Carolo magno Francorum principe canonice<sup>23</sup> tenuit, ut agnoscant<sup>24</sup> omnes hec predictorum principum capitula maxime apostolica auctoritate<sup>25</sup> fore firmata<sup>26</sup>

ID 4.174]

<sup>16</sup> tradenda \*AdBeMgPfTcTeVmVn; trahenda Ca; tractanda PhTb

<sup>17</sup> li- *ss* Te

18 pape \*MgPfTbTc; om. Ca

corr. fr. -tas Tb

<sup>20</sup> ss Te

<sup>21</sup> -ontiensis PfTb; -uciensis MgTc; -unciensis CaVm; -untinensis Te

<sup>22</sup> supradicti \*CaMgPfTcTe; suprafati PhTb

<sup>23</sup> canonice \*CaMgPfPhTc; om. Tb

<sup>24</sup> agnos- \*CaMgPfTb; cognos- Tc <sup>25</sup> ap. auct. \*MgTbTc; auct. ap. CaMg

<sup>26</sup> confirmata Sl

#### 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<sup>6</sup> augusto

De capitulis vel preceptis<sup>7</sup> imperialibus vestris nostrorumque etiam<sup>8</sup> pontificum predecessorum irrefragabiliter custodiendis et conservandis<sup>9</sup>, quanto<sup>10</sup> valuimus et valemus. Christo propitio, et nunc et in evum<sup>11</sup> conservaturos modis

<sup>&</sup>lt;sup>1</sup> capitularium PfPrTeVm; capitulorum AdBeCaDaMgSf; capitular' Ea; capitularum GcPaSl; capitularius Vo

sit conf. Sb

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

<sup>&</sup>lt;sup>4</sup> IIII AdBeCaDaMgPfTeVmVo; om. EaGcSf

<sup>&</sup>lt;sup>5</sup> in mg. AdBeCaCeDaGcLdLnMgPfPrSbSlTe<sup>2</sup>, in text Ea(no inscr.)SfVmVo(adding exii); om. LbMqPcPtRfTbTcVnVp

<sup>&</sup>lt;sup>6</sup> Luth- Lb

<sup>&</sup>lt;sup>7</sup> cap. vel prec. \*BdCaCeMgPaPcPfPkPrPwSbTcVmVnVp; prec. vel cap. LaPhTb; apostolis vel prec.

<sup>9</sup> conservandis \*CaPfTbTcVn; confirmandis Mg

quanto \*CaPfTbTeVn; quantum MgTcevum \*CaMgPfPhTc; eternum Tb

omnibus profitemur<sup>12</sup>. Et si fortasse<sup>13</sup> quislibet<sup>14</sup> vobis aliter dixerit vel dicturus fuerit, sciatis eum pro certo<sup>15</sup> mendacem.

ID 4.176] D 10 c 9

<sup>12</sup> prof- \*CaMgPfTb; conf- Tc <sup>13</sup> fortasse \*CaPfTbTc; forte Mg

14 quislib- MgPfTeVm; quil- CaTbTcVn 15 esse *add*. Tc, *om*. \*CaMgPfTb

#### 150

[Ouod nove leges et nove regule auctoritati non contrarie] in auctoritate habeantur]<sup>2</sup>. Gelasius Rufino et Aprili episcopis<sup>3</sup>

Quis aut<sup>4</sup> leges principum aut patrum regulas aut admonitiones modernas<sup>5</sup> dicat debere contempni, nisi qui impunitum sibi<sup>6</sup> tantum estimet transire<sup>7</sup> commissum?

ID 4.179] D 10 c 11, D 54 c 11a

<sup>1</sup> non contrarie *add*. Be<sup>3</sup>

#### 151

[Ouod leges Romane sint in auctoritate]<sup>1</sup>. Item<sup>2</sup> Theodorico<sup>3</sup> regi

Certum<sup>4</sup> est magnificentiam vestram leges Romanorum principum<sup>5</sup>, quas in negotiis hominum custodiendas esse precepit, multo magis circa reverentiam beati Petri apostoli<sup>6</sup> pro sue felicitatis augmento velle servari<sup>7</sup>.

ID 4.180] D 10 c 12

<sup>&</sup>lt;sup>2</sup> in mg. AdBeCaCeDaGcLdLnMgPfPrSbTe<sup>2</sup>, in text Ea(no inscr.)VmVo; om. LbMgPcPtRfSfTbTcVnVp

et Aprili epp. \*AdCaLbMgPfTbTeVo; et Aprillo epp. PrVm; et Aprili archiepiscopis Sf; om. Tc aut \*AdCaEaGcMgTbTcTeVn; autem PfPrVm

<sup>&</sup>lt;sup>5</sup> in mg. Lb<sup>2</sup>

<sup>&</sup>lt;sup>6</sup> sibi \*CaGcPfTbTc<sup>2</sup>TeVm; om. MgTc

<sup>&</sup>lt;sup>7</sup> est. trans. \*CaPfTbTc; trans. est. Mg

<sup>&</sup>lt;sup>1</sup> in mg. AdBeCaCeDaGcLdLnMgPfPrSbTe<sup>2</sup>, in text PaVmVo(adding cviiii); om. LbMgPcPtSf(cf c 152)TbTcVnVp

<sup>&</sup>lt;sup>2</sup> Item \*AdCaLbMgPcRfPfTbTe (PcRf after regi); Idem PrTcVm

<sup>&</sup>lt;sup>3</sup> Theodoro Lb; Theorico Sf

<sup>&</sup>lt;sup>4</sup> Certissimum Lb

principum \*CaMgPfTb; regum Tc; pontificum <vel principum> Te

apostoli \*CaMgPfTb; om. Tc

<sup>&</sup>lt;sup>7</sup> conservari Lb

## <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 quod<sup>1</sup> leges veritati contrarie respuantur, veritati consentanee teneantur<sup>2</sup>].<sup>3</sup> Augustinus<sup>4</sup> ad Bonefacium

Quicumque autem legibus imperatorum, que pro Dei veritate feruntur, obtemperare non vult, adquirit grande supplicium. Dei Quicumque ergo legibus imperatorum, que contra veritatem Dei feruntur, obtemperare non vult, acquirit grande premium.

<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; Luthario Lb; Lotharico Pf

<sup>&</sup>lt;sup>3</sup> Quod reges Romane sint in auctoritate add. SfSlmgTe<sup>2</sup>.; v add. Sl; De eodem cx add. Vo

<sup>&</sup>lt;sup>4</sup> propriumque \*AdGcPfTbTcTeVm; 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. SbTe<sup>2</sup>

<sup>&</sup>lt;sup>2</sup> Dialogus BeCaMgPfPrTb; Ex dialogo Tc

<sup>&</sup>lt;sup>3</sup> -ilianum \*Be<sup>2</sup>GcLbMgPfTcTeVnVo; -ulianum CaPrTbVm; -ilinum Sf; De eodem cxi *add*. Vo. contra Petil. *om*. Pt

<sup>&</sup>lt;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. AdCaCeDaGcLdMgPfPrSb, in text Ea(no inscr. cf c 151)VmVo(adding exii); om. BeLbMqPcPtRfTbTcTeVnVp

<sup>&</sup>lt;sup>4</sup> Augustinus \*AdBeCaLbMgTbTc; Eiusdem Augustini Pf

<sup>&</sup>lt;sup>5</sup> Item add. PcRfTc, om. \*CaEaMgPfTbTe

<sup>&</sup>lt;sup>6</sup> ver. Dei \*AdPfTbTcTe; Dei ver. CaMg; Dei voluntatem Ea

ID 4.184] D 9 c 1b, which was the earlier form of the cap.

#### 155

[De consuetudinibus que debeant stare, que non]<sup>1</sup>. Leo IX<sup>2</sup> Michaeli<sup>3</sup> patriarche

Constantinopolitano<sup>4</sup>

Scit<sup>5</sup> sancta<sup>6</sup> Romana ecclesia quia nihil obsunt saluti credentium<sup>7</sup> diverse pro loco et<sup>8</sup> tempore consuetudines, si illis canonica non obsistit<sup>9</sup> auctoritas<sup>10</sup>, quando una fides per dilectionem operans uni Deo commendat omnes<sup>11</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

#### **156**<sup>1</sup>

[Quod consuetudines diverse in diversis ecclesiis constitute maneant, si² contra fidem non sunt³, et veritati consentiunt]⁴. 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>7</sup> sibi *add*. Vp. grande supplicium. Quicumque – acquirit (premium *corr. to* supplicium *in mg.*) Mq

<sup>&</sup>lt;sup>1</sup> in mg. AdBeCaCeDaGcLdLnMgSbTcTe<sup>2</sup>Wc, in text PaVmVo(adding cexiii); De consuetudinibus in mg. Db<sup>2</sup>; om. EaLbMqPcPfPtTbVn; for Vp see later note

<sup>&</sup>lt;sup>2</sup> IX \*AdBeCaLbLdPfPkPtTbTcTeVmVo; II EaMgVn; XX Pa; XI Sf

<sup>&</sup>lt;sup>3</sup> Nicholas Rf

<sup>&</sup>lt;sup>4</sup> Mich. – Const. *om.* Ea; Leo – patr. Ad; Leo - Const. *om.* Qa; Mich. patr. Te; De cons. – Constant. ] Nicholaus Michaeli imperatori. Quod non sit resistendum cui canonica non obstat auctoritas Vp (*as Grat.*)

<sup>&</sup>lt;sup>5</sup> Sit Qa; Sic Pq

<sup>&</sup>lt;sup>6</sup> om. Wc

<sup>&</sup>lt;sup>7</sup> om. Aa

<sup>&</sup>lt;sup>8</sup> et \*AdBeEaGcMgPfPhPkPtQaTbTcVoWc; et pro Ca; om. Vm

<sup>&</sup>lt;sup>9</sup> obsistit AdBeCaDaEaLgMgObOdPtQaSgTbTe; obstitit GcOeOfVoWc; obsistat RfTcTe<sup>2</sup>; obstat Vn*Brant* 

<sup>&</sup>lt;sup>10</sup> si (in *add*. Ca) illis - auctoritas

AaAdBdBeCaCcDaEaEgGcFcLbLgMgObOeOfPcPwQaSbSgTbTcVc<sup>2</sup>VnVp*Brant*; om.

<sup>\*</sup>DbLdMqPaPfPhPkSeSfVcVm; auct. si illis non obsistit can. Se<sup>2</sup>

<sup>&</sup>lt;sup>11</sup> quando (quia Ld) una – comm. omn. (omnes om. Pq, homines CePaPk, over erasure SI)

<sup>\*</sup>AdBdBeCaCbCeDaDbEaGcLbLdLgLkMgMqObOdOeOfPaPcPfPhPkPqPtPwRfSbSeSfSITeVmVoV pWc; quando una - omn. comm. AaEgLkPcRfSgTcTe*Brant*; quoniam fides per dil. – omnes Tf; pro qua eis obviare debemus nichil iudicamus vel eis resistimus (*cf c 156 below, and Gratian*) QeTb; quia una fides per dil. uni Deo omnes commendat Vn

<sup>&</sup>lt;sup>1</sup> Ea begins with Ridiculum

<sup>&</sup>lt;sup>2</sup> si MgPfTc; si et AdBeDaGcLdSfTeVo; sed et CaVm

<sup>&</sup>lt;sup>3</sup> sunt LdTcVm; fiunt AdCaDaMgPaPf(?)SbVo; fuerint BeSfTe

<sup>&</sup>lt;sup>4</sup> Quod (Quas Ad, Quando Vo) – cons. *in mg*. AdBeCaCeDaGcLgLnMgPfPrSbTcTe<sup>2</sup>Wc, *in text* SfVmVo(*adding* exiiii); Quod – fidem non sunt Ld; *om*. LbMqPcPtRfTbVn

<sup>&</sup>lt;sup>5</sup> visi \*AdBeCaDaDbFdLdMgObOeOfPfPtTeVm; nisi PcSgTc*Brant*; iussi Vn

<sup>&</sup>lt;sup>6</sup> anv rubric and text to visi estis removed by plough at head of Lc fo. 88.

qua eis obviare<sup>10</sup> debemus, nil iudicamus vel eis resistimus<sup>11</sup>. Item. Igmaro archiepiscopo<sup>12</sup>. Ridiculum est et satis abhominabile dedecus ut traditiones<sup>13</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<sup>4</sup> 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>7</sup> set Ob

<sup>8</sup> obsistit \*AdCaFbMgObTcVn; obstitit GcPfPhPrSfTeVm

<sup>&</sup>lt;sup>9</sup> De consuetudinibus - auctoritas

<sup>\*</sup>AbAdBdBeCaCeDaDbEbEcEgFbFcGcKaLbLdLeLgLkMgMqObOdOeOfPaPcPfPhPkPqPrPtPwQaR fSbSdSeSgSlTcTeTfVmVnVoVpVtWaWbWcZaBrant; om., running pro qua - eis resistimus  $on\ to\ end\ of\ c\ 155$  QeTb

<sup>10</sup> eis obv. \*CaFbLdMgPfTbTeVm; obv. eis Tc

<sup>11 -</sup>imus \*CaFbLdMgTbTc; -amus Pf

<sup>&</sup>lt;sup>12</sup> Item – arch. om. Vn

<sup>&</sup>lt;sup>13</sup> traditiones \*BdBeCaCeDbFbLbLdLkMgPaPfPrRfSbTcTeTfVmVnVo*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*. BeFbLbGcMqPcPfPrRfSbSfTbTeVm(*cf c 158 below*)Vn.

<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>4</sup> corr. fr. non Te

<sup>&</sup>lt;sup>1</sup> In (*om.* Sf) quibus negotiis debeant valere consuetudines (con. val. Ln) *add. in mg.* BeCaDaGcLdLnPfPrWc, *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 \*CaEaMgPfTbTeVn; om. TcVp

<sup>&</sup>lt;sup>5</sup> script. div. PfPrTbTcTeVo; 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<sup>5</sup> confirmatas accepimus, quedam<sup>6</sup> vero consuetudine roborata approbavit usus. Quibus<sup>7</sup> par ritus<sup>8</sup> et idem utrisque<sup>9</sup> pietatis debetur affectus. Unde quis vel aliquantulum sacrarum expertus scripturarum hesitaverit? Si enim<sup>10</sup> attemptaverimus consuetudines ecclesie non per scripturas a patribus traditas nihil estimare, quantum religio<sup>11</sup> detrimenti latura sit despicientibus liquido constabit. Que enim, ut inde<sup>12</sup> ordiamur, scriptura salutifere crucis signaculo fideles docuit insigniri?<sup>13</sup> Que vel trifariam<sup>14</sup> digesta super panem et calicem prolixe orationis vel consecrationis verba commendavit? Nam non modo quod in evangelio continetur vel ab<sup>15</sup> apostolo<sup>16</sup> insertum secretis<sup>17</sup> didicimus<sup>18</sup>, sed et alia perplura adicimus magnam quasi vim commendantia<sup>19</sup> misteriis. Que orientem versus nos orare<sup>20</sup> litterarum forma prestitit<sup>21</sup>? Benedicimus fontem baptismatis oleo unctionis. Huc accedit quod ter mergimus quos<sup>22</sup> baptizamus, oleo ungimus<sup>23</sup>, verbis abrenuntiare Satane et angelis eius informamus<sup>24</sup>. Unde hec et alia in hunc modum

<sup>&</sup>lt;sup>1</sup> Ex – Bas.] Basilii pape Pt

<sup>&</sup>lt;sup>2</sup> cap. xxvii \*AdCaLbMgPfRfTbTcTeVnVo; cap. xxii GcPrVm; om. Ea. In quibus negotiis debeat valere consuetudines (cxvii add. Vo) in mg. LjSbTe<sup>2</sup>, in text Vo. Ex – xxvii] Inviolabilis est consuetudo que nec humanis legibus nec sacris canonibus obviare monstratur. Augus' l' Basilii Vp (cf D 11 c 3)

<sup>3</sup> Ecclesiarum institutiones AdCaDaEaFbHaLkMgPfTd; Eccles. constitutionum BePw; Eccles. institutionum CeGcLdMqPcPrRfTcTeVmVoVp; Ecclesiasticarum institutionum Ce2Ld2PhPtQeSbSlTf<sup>2</sup>VnWc; Eccles. consuetudinum Tb; Ecclesiarum consuetudines Tf

<sup>&</sup>lt;sup>4</sup> traditione CaMgPcPfTbVn; institutione Tc; auctoritate (vel traditione *in mg.*) Tf

<sup>&</sup>lt;sup>5</sup> misterio Te

<sup>&</sup>lt;sup>6</sup> quedam CaGcPfPhTcTe; quasdam MgTbVn

<sup>&</sup>lt;sup>7</sup> omnibus *add*. PcTc, *om*. \*CaMgPfTbVn

<sup>&</sup>lt;sup>8</sup> par ritus] pariter Te

<sup>&</sup>lt;sup>9</sup> utrique Ca??

<sup>10</sup> ss Te

<sup>&</sup>lt;sup>11</sup> religio \*BeCaMgPhTcVn; Legi Gc<sup>2</sup>; legio PfTe; lectio Tb

<sup>12</sup> modo Ca??

<sup>&</sup>lt;sup>13</sup> corr. to -ari Tb

<sup>&</sup>lt;sup>14</sup> vel trifariam \*CaGcPfTbTeVmVn; multifariam MgPc(vel tri ss)Tc

<sup>15</sup> ab \*CaPfTbTc; om. Mg

<sup>&</sup>lt;sup>16</sup> -olo \*MgPfTbTc; -olis Ca

<sup>&</sup>lt;sup>17</sup> corr. to decretis Gc<sup>2</sup>; secreti Pc. misteriis add. Tc, om. \*CaMgPfTbTe

<sup>&</sup>lt;sup>18</sup> didiscimus Te

<sup>&</sup>lt;sup>19</sup> commendantia \*BeCa<sup>3</sup>PfPhTcVm; commodantia AdCaGcVn; ac in commodantiam Mg; commendatia Tb; in commodantia Te

<sup>20</sup> nos or. \*CaMgPfTb; or. nos Tc

prestitit AdBeCaPfTbTeVm; precepit Tc; prestituit Mg

quos \*MgTbVmVn; quod CaPfTcTe

ungimus \*PfTbTc; unguimus CaMg

<sup>&</sup>lt;sup>24</sup> Vo has Huc usque accedit – informamus marked for insertion here, in the mg, and informamus in the text has been expuncted

non pauca, nisi<sup>25</sup> tacita ac mistica traditione a patribus ecclesiastico more, reverentiori<sup>26</sup> diligentia<sup>27</sup> sunt in ministeriis<sup>28</sup> observata silentio, quam publicata<sup>29</sup> scripto.

ID 4.69] D 11 c 5

<sup>25</sup> quia add. MgPcTc, om. \*CaPfPhTbTeVn

26 -iori \*CaMgPfTb; -iore et Tc

<sup>28</sup> minist- \*AdCaPfPhSbTcTeVm; mist- MgSb<sup>2</sup>TbVn

#### 160

[Quis¹ usus, qui² mores debeant teneri]³. Constitutionum⁴ libro I, titulo i⁵

Non scripto<sup>6</sup> in ius<sup>7</sup> venit quod usus probavit. Nam diuturni mores consensu utentium approbati<sup>8</sup> legem imitantur. Item. Ea que ipsa sibi queque civitas constituit sepe mutari solent vel tacito consensu principis vel alia postea lege lata<sup>9</sup>.

Inst. 1.2.9; ID 4.194] cf D 12 c 6 for diuturni mores - imitantur

<sup>2</sup> qui AdBeCaEaPfSlTeVm; vel Mg

#### 161

[Quid sit mos, quid sit<sup>1</sup> consuetudo]<sup>2</sup>. Isidorus, Etimologiarum libro V, cap. iii<sup>3</sup>

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.

<sup>&</sup>lt;sup>27</sup> diligentia \*AdMgPfTbTe; diligenda Ca; et diligentia Tc

<sup>&</sup>lt;sup>29</sup> -cata \*AdBeCaGcMgPc<sup>2</sup>TcVn; -ca LePaPcPfPhPrQeSbTbTeVm; -cato Rf

<sup>&</sup>lt;sup>1</sup> Quis AdCaEaMgPfTeVm; Qui BeQeSf

<sup>&</sup>lt;sup>3</sup> in mg. AdBeCaCeDaGcLdLnMgPfPrQeSbSlTe<sup>2</sup>Wc, in text Ea(no inscr.)VmVo(adding cxviii); om. FbLbMqPcPhPtQaRfTbTcVnVp

<sup>&</sup>lt;sup>4</sup> Inst- Lb

<sup>&</sup>lt;sup>5</sup> tit. i AdBePcPfPhPrSlTbTeVmVoWc; tit. ii DaGc; lib. i Qa; cap. i Tc; om. CaFbLbMgVn. Whole insc. at foot of previous leaf Ln

<sup>&</sup>lt;sup>6</sup> Non scr. Bd<sup>2</sup>GcLeLkMgMqPaPcPfPhPtPwQaQeSlTbTcTeTfVoVp; Conscripto AdBdCeEaHaLbPkPrPqPyRfSeTd(*obsc. corr.*)VmWc; Cum scripto BeCe<sup>2</sup>; Ex non scr. CaDaFbLdSbVn; Ex scr. Cc; []x non scripto Ln; Non ex conscripto Po

<sup>&</sup>lt;sup>7</sup> in ius LbMgPaPfPhSbTbTeTfVn; ius CaDaPcQaSb<sup>2</sup>RfVp; unius Gc; in Pq; minus PrVm

<sup>8</sup> approb-\*BeMgPfPtSlTbTcTeVnVoWc; comprob- CaFb

<sup>&</sup>lt;sup>9</sup> lata AdBeCaCeFbGcLbMqPaPfPhPkPqPrPtPw<sup>2</sup>Qe(vel data *add*. Qe<sup>2</sup>)SbSlTbTeTfVmVo; data DaLdLeLkMgPa<sup>2</sup>PcPwRfTcVpWc; allata Vn

<sup>&</sup>lt;sup>1</sup> sit AdCaGcSfVm, om. BeEaMgPf

<sup>&</sup>lt;sup>2</sup> Quid – cons. *in mg*. AdBeCaCeDaGcLdLnMgPfPrSbTe<sup>2</sup>, *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*. LbMqFbPcPtRfTbTcVn

<sup>&</sup>lt;sup>3</sup> Isidorus - lib. V cap. iii \*AdBeDaFbGcLbMgPfPhRfSlTcTeVmVn; 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 \*CaMgPfRfTcTeVn; scriptura PhTb

<sup>&</sup>lt;sup>5</sup> id est add. Mg, om. \*CaPfTbTc

ID 4.200] cf D 1 c 4, remote, D 1 c 5a

#### 162

[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<sup>7</sup> tenenda est, et quicquid contra longam consuetudinem<sup>8</sup> fiet, ad sollicitudinem<sup>9</sup> suam revocabit<sup>10</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

<sup>&</sup>lt;sup>6</sup> institutum, subs. canc. Td

<sup>1</sup> vel Sb

<sup>&</sup>lt;sup>2</sup> Quod – contrarius *in mg*. AdBeCaDaGcLdMgPrSbTe<sup>2</sup>, *in text* MqSfVm; De eodem Vo; Quod cons. – tenendus legi et rationi non contrarius *in mg*. Pf; *om*. CeLbPcPtRfTbTc

<sup>&</sup>lt;sup>3</sup> Codicum \*BeCaFbLdMgPcPfTbTeVm; Constitutionis Tc; Item Codicum Vp

<sup>&</sup>lt;sup>4</sup> VIII BeCaFbMgPfTbTcTe; V Ad

<sup>&</sup>lt;sup>5</sup> capitulo - i \*AdBeDaLdPcPfRfVmVo(adding cxxii)Vp; cap. lii CaFbMgVn; cap. ii tit. i SfTb; concilio Tc: c. iii tit. i Te. *No insc*. Lb

<sup>&</sup>lt;sup>6</sup> ratio \*CaFbMgPfPhTc; oratio Tb

<sup>&</sup>lt;sup>7</sup> corr. fr. sit sua Te

<sup>&</sup>lt;sup>8</sup> longam cons. \*CaFbMgPfTb; cons. longam TcTe

<sup>&</sup>lt;sup>9</sup> vel consue ss Pw<sup>2</sup>; consuetudinem Te

<sup>&</sup>lt;sup>10</sup> revocabit \*BeLd<sup>2</sup>PcPhTbTcVn; revocavit AdCaFbLdMgPfPwTeVo; 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 \*AdBeCaLb(*in text, no break*)LdSbTbTeVmVnVo(*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 AdBdCeGcHaLbLdLkPhPqPrQe(vel –is ss)TbTeTfVm <sup>4</sup> ususque \*BdBeCcCeDaFbGc2Ha<sup>2</sup>LbLdPrPwSbVmVp; iusque AdEaGcLeMqPhPqTbTeTfSIWc;

usque CaPkQe; iurisque LkMgPc(repeated and canc.)RfTcVo; iuris Pf

5 voliturem AdEcGel M. McMgPcPfPrThToVm; qui voliture CoEh; voliture PcCol d(follo

<sup>&</sup>lt;sup>5</sup> valituram AdEaGcLbLeMgMqPcPfPrTbTeVm; sui valitura CaFb; valitura BeCcLd(*followed by erasure*)SITcVnVo

<sup>&</sup>lt;sup>6</sup> momento \*CcDaLdPw?Sb; memento

AdBeCaCeEaFbGcLbLeLkMgMqPaPcPfPhPkPqPrQeRfSlTeTbTfVmVoVpWc; om. Tc

## 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 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 4.2031 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

<sup>&</sup>lt;sup>1</sup> Igmaris Be; Lemaro Ce; Iemaro Pa; Ignaro Pr; Igmaro episcopo Te; om. Ea. Quod mala consuetudo sit vitanda SbTe<sup>2</sup> in mg. Quod mala cons. vit. sit. cxxiii in text Vo

que \*CaEaLbMgMqPkPrQeSbTeVmVn; om. BeGcPaPcPfPhTbTcWc (GcPf with lacuna)

<sup>&</sup>lt;sup>3</sup> et var. pres. \*CaMgTbTc; om. Pf

<sup>&</sup>lt;sup>4</sup> celerrime \*CaPfTbTcVn; celeberrime MgTe

<sup>&</sup>lt;sup>5</sup> pro \*MgPfTbTc; pre Ca

<sup>&</sup>lt;sup>1</sup> for Vp see Conspectus after 2. 159

De eodem add. in mg. Ca, in text Vo, De eadem re in mg. Da, Quod usus cedat auctoritati in mg.

<sup>&</sup>lt;sup>3</sup> Is. in Syn. \*CaMgPfTbVm; In Syn. Is. Tc

<sup>&</sup>lt;sup>4</sup> lib. II \*AdCaMgPfTbVmVnVo(adding exxiiii); lib. I Te; om. Ea. No insc. in Lb, which has text after Aug. – III below

<sup>&</sup>lt;sup>5</sup> om. Rf. 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. CaDaTe<sup>2</sup>, in text Vo

<sup>&</sup>lt;sup>7</sup> Aug. de unico bapt. \*BeCaLbMgPfSfSkTbVnVo; Aug' in mg. Ea; Beda PtTc; om. Ad; no inscr. no break PrVm

<sup>8</sup> lib. III \*AdCaLbMgPfPhSbTcVnVo(adding cxxv); lib. II BeTe; b. I Tb; om. Ea; Beda libro III (only) PcRf

manifestata \*DaPrSb<sup>2</sup>RfTcTfVm<sup>2</sup>; manifesta

Ad Be Ca Ce Ea Gc Ha Lb Ld Mg Mq Pa Pc Pf Ph Pt Sb Tb Te Vm Vn Volume Community of the Co

ver. man. CaMgPfTbVo; man. ver. Tc
 si \*BeCaMgTbTcVo; sit Pf; si sit Pf²

<sup>&</sup>lt;sup>12</sup> ratio si \*BeCaGcMgTbVm; ratio sit Pf; ratio si sit Pf<sup>2</sup>; ratio et TcTe; rationem Vo

<sup>&</sup>lt;sup>13</sup> optime \*CeGcMqPaPfPhPqPrSbSlTbTeVm; optinet AdBeEaLbHaMgPtPwRfTcTfVo(inmundo subscript); exoptinet BdLk; optinetur CaDa(al. optinetur in mg., sic)LdLeVn; obtine PcPk

## <sup>1</sup>Gregorius VII<sup>2</sup> Guimundo Aversano<sup>3</sup> episcopo<sup>4</sup>

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 vulgata, veritati omnino postponenda et usus qui veritati est<sup>11</sup> contrarius abolendus est<sup>12</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.

<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 juris est species add. in cramped hand Ea (only Greg. in mg. as inscr.); De eodem add. in mg Te, in text Vo

<sup>&</sup>lt;sup>2</sup> VII \*BeCaLbMgPfTbTeVmVnVo; II PcRfTc; VIII Sf

<sup>&</sup>lt;sup>3</sup> -ano \*CaPfPrTbTcTe; Aussano Be; Apsano Lb; Aversario MgVmVnVo; Ausano MqPh; Causano Pt;

<sup>&</sup>lt;sup>4</sup> VII – episc. om. Ea

<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 \*AdBeCa<sup>2</sup>(ss)EaMgPfPrTcTeVm; quantumvis venusta CaVn; quantum vetusta

<sup>&</sup>lt;sup>9</sup> quantumvis \*AdBeMgPfTbTc; quantum Ca <sup>10</sup> ver. omn. \*AdBeEaMgPfTcTe; ver. omn. est CaTb; ver. est omn. Pr; est ver. omn. Vm <sup>11</sup> ss Te

<sup>&</sup>lt;sup>12</sup> est cont. ab. est PcPfPhTcVn; est cont. ab. AdGcLeMqPrSlTeVmVo; est cont. est ab. BeCaEaLbMg; 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) AdBeCaCeEaGcMgMqPcPrRfSbTcVmVnWc; Quod error cedat veritati in mg Te<sup>2</sup>; De eodem, Unde non cito – fuerit Vo; Idem de eodem Pf; Aug' ad inquisitiones Ian' ut non cito iudicetur Lb (cf below); *om.* PhPtTb. <sup>3</sup> veritatis *add. ss* Sb<sup>2</sup>

[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<sup>7</sup>

Omnia talia, que neque sanctarum scripturarum<sup>8</sup> auctoritatibus continentur, nec de conciliis episcoporum<sup>9</sup> statuta inveniuntur, nec consuetudine universe ecclesie roborata sunt, sed diversorum locorum diversis moribus innumerabiliter variantur, ita ut vix aut omnino nunquam<sup>10</sup> inveniri<sup>11</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>12</sup>, ipsam tamen religionem quam paucissimis et manifestissimis celebrationum<sup>13</sup> sacramentis misericordia<sup>14</sup> Dei voluit esse liberam<sup>15</sup>. Quam<sup>16</sup> servilibus oneribus<sup>17</sup> premunt<sup>18</sup>, ut tolerabilior sit conditio Iudeorum, qui etiam<sup>19</sup> si tempus libertatis non cognoverint<sup>20</sup>, legalibus tamen sacramentis non humanis presumptionibus subiciuntur.

ID 4.206] D 12 c 12

<sup>1</sup> ss Mg

<sup>&</sup>lt;sup>2</sup> nec CaMgPfTcVm; non Sf

³ от. Се

<sup>&</sup>lt;sup>4</sup> contra fidem non BeCaMgPfSbTcVmVo; non contra fidem Sf

<sup>&</sup>lt;sup>5</sup> in mg. BeCaCeDaGcLdLn(partly illeg.)PfPrSbTcTe<sup>2</sup>, in text MgMqSfVmVnVo; Quis usus respuatur in text Pa; om. AdLbPtRfTb. 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> Aug – Ian.] repeated from insc. of 167 in small hand at end of 167, with Idem ad eundem as insc. here Lb

<sup>&</sup>lt;sup>8</sup> For Pw see note to rubr. above

<sup>&</sup>lt;sup>9</sup> corr. fr. eorum Ca<sup>3</sup>

<sup>10</sup> omn. nun. \*BeGcMqPfTbTeVm; nun. omn. AdCaMgTc; omn. vel nun. Vo

<sup>&</sup>lt;sup>11</sup> -iri \*MgPfTbTc; -ire Ca

<sup>12</sup> sint \*CaMgTbTc; fuit Pf

<sup>&</sup>lt;sup>13</sup> -ationum \*BeTcVo; -ationem AdGcMqPh(vel um ss)TeVm; -atiorem CaTb; -ationem liberam Mg; - atam Pf; -atione Tf

<sup>&</sup>lt;sup>14</sup> lacuna follows in Pf

<sup>15</sup> liberam \*CaPfTbTc; om. Mg

<sup>16</sup> om. BeVo

<sup>&</sup>lt;sup>17</sup> oneribus \*BeCaDa(*over erasure*)GcHaLbLdLkPcPfPhPqPrPwSbTbTeTf; hominibus Ad<sup>2</sup>?CePk; hominibus vel (*ss*) oneribus Bd; orationibus Mg; honoribus MqVnVo; omnibus Rf; vel honoribus Tc <sup>18</sup> adeo *add*. MgTc, *om*. \*AdBeCaPfTb

etiam \*GcPfTbTeVn; et CaMgTc

<sup>&</sup>lt;sup>20</sup> -erint CaGcMgPfTb; -erunt \*Tc

[De observantia Sabbati]<sup>1</sup>. Gregorius papa civibus<sup>2</sup> Rome

Pervenit ad me quosdam perversi spiritus homines prava inter vos<sup>3</sup> aliqua et sancte fidei adversa seminasse, ita ut die Sabbati aliquid operari prohiberent, quos quid aliud nisi Antichristi predicatores dixerimus, qui veniens<sup>4</sup> diem Sabbatum atque dominicum ab omni faciet opere<sup>5</sup> custodiri? Quia enim mori se et resurgere simulat, haberi vult in veneratione<sup>6</sup> dominicum diem<sup>7</sup>. Et quia populum iudaizare compellit, ut<sup>8</sup> exteriorem ritum legis revocet, et sibi Iudeorum perfidiam subdat, coli vult Sabbatum.

ID 4.6a] De cons. D 3 c 12a

#### 170

[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>.

<sup>&</sup>lt;sup>1</sup> in mg. AdBeCaCeDaGcLdLnPfPrSbTe<sup>2</sup>, in text EaMqPaSfVmVo(adding cxxviiii); om. LbMgOaPcPtRfTbTcVnVp

<sup>&</sup>lt;sup>2</sup> civibus CaEaLbPfVm; urbis Sf

<sup>&</sup>lt;sup>3</sup> vos \*AdCaMgTcVm; nos BeGcLbMqPfPrTbTeVn

<sup>&</sup>lt;sup>4</sup> veniens \*PcPhPrSbRfTbTcVmVo; venientes AdBdBeCaCeDaEaGcHaLdLkMgMqPaPfPkPwTfVn; venientem TeVp

<sup>&</sup>lt;sup>5</sup> faciet op. PhTbTcTeVm<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 GcPfPhTbTcTeVm

<sup>&</sup>lt;sup>7</sup> Dom. diem \*CaMgPfTb; diem Dom. Tc

<sup>&</sup>lt;sup>8</sup> ss Te

<sup>&</sup>lt;sup>1</sup> De dign. (corr. fr. dignatione Mq) - diei in mg. Ad(against c 171)BeCaCeDaGcLdLnMgPfPrSbTe<sup>2</sup>, in text Ea(no inscr.)MqVmVo(adding cxxx); De die dominico in mg. Tc; De diebus dominicis observatione Tf<sup>3</sup>; om. LbOaPcPtRfTbVnVp

<sup>&</sup>lt;sup>2</sup> et observatione \*AdCaGcLkPfTbTeVm; observare MgTc; obsecratione Vn

<sup>&</sup>lt;sup>3</sup> op. abst. CaMgPfTcTe; abst. op. Tb. et ab ill. op. abst. expuncted Sb

<sup>&</sup>lt;sup>1</sup> concilio \*AdCaGcLbMgTbTcVm; 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)

ID 4.21B]

#### 172

<sup>1</sup>De eodem concilio<sup>2</sup>, cap. vi<sup>3</sup>

Tria<sup>4</sup> catartaria<sup>5</sup> opera licet fieri in dominica die<sup>6</sup>, id est, hostilicidia, carra, victualia vel angaria, et. si forte necesse sit<sup>7</sup>, corpus cuiuslibet duci ad sepulcrum. ID 4.20]

#### 173

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]

#### 174

[De ieiunio clericorum]<sup>1</sup>. Omnibus episcopis<sup>2</sup>

<sup>&</sup>lt;sup>4</sup> Ut AdBeCaCe<sup>2</sup>DaGcMg<sup>2</sup>PcPfPrTbTcTeVmVnVoWc; Et CcCeMgOaRf

<sup>&</sup>lt;sup>5</sup> die dom. in CaMgPfTbTcTe; in die dom. PrVm

<sup>6</sup> loco hab. \*BeGcMgPfTbTcTe: hab. loco Ca: modo hab. PrVm: hab. Vp

<sup>&</sup>lt;sup>1</sup> De tribus operibus in die dominico add. Ea; Qualiter in dominicis aut in festivis diebus sit orandum in

<sup>&</sup>lt;sup>2</sup> De eodem concilio AdBeCaDaLbMgRfTbTc; De eodem GcSfVmVn; Item Pf; Item de eodem conc.

<sup>&</sup>lt;sup>3</sup> cap. vi \*AdBeCaLbPfTbVnVo; *illeg*. Mg; cap. viii AaPaPcRfTc; cap. vii Sb; *om*. EaLc. De eodem add. in mg. CaDa; Que opera fieri liceat in die dominica cxxxii add. Vo <sup>4</sup> Vria Vo; sunt add. Td

<sup>&</sup>lt;sup>5</sup> catartaria PaPfPrSIVm; carraria AaCaCcDaLbLeMqPtSbTbTd<sup>2</sup>VnVo<sup>2</sup>; carthataria AdBdLk<sup>2</sup>; carartaria Be; carrataria EaMg; cartaria GcPhQeVpWc; cathataria Lk; cartartaria CePcPk; kartagia Rf; catataria Tc; cartharia Td; caritaria Te; carratharia Tf; carria Vo; Tria cat. om. Lc. carateristica, id est determinativa add. ss Pt

<sup>&</sup>lt;sup>6</sup> dominica die \*CaEaMgPfTb; die dominico PcTc; die dominica Te

<sup>&</sup>lt;sup>7</sup> ut add. Mg. om. \*CaPfTbTc

<sup>&</sup>lt;sup>1</sup> Aurel. CaMgPfTbTcVmVn; Augustini Sf

<sup>&</sup>lt;sup>2</sup> xiii \*AdCaPcTbVmVnVo; xiiii Aa; Item *only* Ea; viii Lb; De eodem conc. c. viii *repeated from c 172* Rf: xii Tc: xxx Te: MgPf illegible, xxii. De jejuniis et elemosinis in mg. Bd<sup>2</sup>: Oualiter in dominicis aut in festivis diebus sit orandum in mg. Sb, De non flectendo genu in festis diebus add. Vo

<sup>&</sup>lt;sup>3</sup> vel \*AdGcPfTbTcTeVmVo; et BeCaEaMgVn

<sup>&</sup>lt;sup>4</sup> ad \*MgPfTbTc; in Ca

<sup>&</sup>lt;sup>5</sup> -ant \*CaMgPfTb; -ent TcTe

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

<sup>&</sup>lt;sup>1</sup> De – cler. in mg. BeCaCeDaLdLnPfSbTe<sup>2</sup>Wc, in text (Mg adding De ieiunio in mg) EaMgMqPrPtSfSITbVmVo(adding cxxxiiii); in mg. and text GcPr; De ieiunio et elemosina. de ieiunio clericorum Pr; om. LbRfTcVnVp. xxii. De ieiuniis et elemosinis in mg. Bd; xiiii add. in mg. Be<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

#### 175

[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<sup>5</sup> 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

<sup>&</sup>lt;sup>2</sup> Omn. epp. \*BeLbPfPhPrSfTbTe; [] 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; De concilio Aurelianeneses [*sic*]cap. xiii (*cf c 173*) Rf; 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* BeLbPcPfPhPrtSfSITbTeVnVoWc; Tel. sept. a Petro omnibus episcopis in dec. suo Gc; *as inscr. (in various forms)* AdCaEaMgMqPcTcVm; De Rf; *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. TcTe

<sup>&</sup>lt;sup>7</sup> et \*AdEaPfTbVm; etiam CaMgTcTe

<sup>&</sup>lt;sup>8</sup> vigiliis et \*AdCaCeMgPfTcTeVn; om. PhTb

<sup>&</sup>lt;sup>9</sup> studeamus Sl

<sup>&</sup>lt;sup>1</sup> Ouod Ad

<sup>&</sup>lt;sup>2</sup> in mg. AdBeCaCeDaGcLdLnPfPrSbTe<sup>2</sup>, in text Ea(no inscr.)MgMqSfVmVo; om DbLbPcPtTbTcVnVp

<sup>&</sup>lt;sup>3</sup> De - temp. \*BeCaDaGcLbMgMqPrPtTbTcTeVo; De iei. temp. Ad; De ieiunio clericorum Vn; *om*. EaPf. Calixtus papa *add*. PfTc, *om*. \*AdCaMgSfTbVm

<sup>&</sup>lt;sup>4</sup> Ben. ep. om. Pt; Thelesporus VII a Petro in decretalis suo (repeated from c. 174) Vn

<sup>&</sup>lt;sup>5</sup> xv \*GcMqPfPhPrQeRfTbTcTeVmVo; xii AdBdBeCaDaEaLbMgPtSbSlTfVnVpWc

<sup>&</sup>lt;sup>6</sup> -cisti \*CaMgPfTb; -cistis PcTc; -sciti Te

<sup>&</sup>lt;sup>7</sup> vol. temp. \*CaMgPfTcTe; temp. vol. PhTb. fieri decrevimus – vol. temp. ss Ad

<sup>&</sup>lt;sup>8</sup> ag. iei. \*PfTbTcTe; iei. ag. CaMg

<sup>&</sup>lt;sup>9</sup> anni quat. BdCaMgPfTcTe; quat. anni PhTb

[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

#### 177

[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>

<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. AdBeCaCeDaGcLdLnMgPfPrSbTe<sup>2</sup>, in text Ea(no inscr.)MqSfVmVo; om. LbPcPtRfTbTcVnVp

<sup>&</sup>lt;sup>4</sup> ad epp. Hisp. *here* BeCaDaLbMgPcRfTbTcTeVnVo, *after* dec. suo GcPfPrVm; Hispan' episcopis *after* suo Pt; Hispaniorum ad episcopos Ad

<sup>&</sup>lt;sup>5</sup> papa \*AdBeDaLbMgMqPcPfPrRfTbTeVnVo; om. CaTc

<sup>&</sup>lt;sup>6</sup> xxviii a Petro *om*. Mq

<sup>&</sup>lt;sup>7</sup> primo \*AdBeDaMgPfTbTcVn; uno Vo; om. Ca. in primo om. Lb

<sup>&</sup>lt;sup>8</sup> et \*MqPfTbTcTe; non BeCaMg

<sup>&</sup>lt;sup>9</sup> atque CaMgTb; et PfTcTe

<sup>&</sup>lt;sup>10</sup> discretio \*DaEaMgPfTbTc; om. Ca

<sup>&</sup>lt;sup>1</sup> iei, sit Sb

<sup>&</sup>lt;sup>2</sup> in mg. AdBeCaCeDaLdLnMgPfPrSbTe<sup>2</sup>, in text Ea(no inscr.)MqSfVmVo(adding exxxvii); om. LbPcPtTbTcVnVp

<sup>&</sup>lt;sup>3</sup> Dec. (et *add*. Gc) Egub. cap. iv AdDaGcLbPrSfVmVp; Decencio et (*om*. MgVn) Eusebio cap. iv BeCaMgVn; 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; Egub. et Dec. cap. iii Rf; Dec. Eusebio cap. ii Tb; Egub. et Dec. Tc; Egubino Dec. cp. iiii TeVo

<sup>&</sup>lt;sup>4</sup> si \*AdCaEaMgPfPhTeVm; sicut Tb; cum Tc

<sup>&</sup>lt;sup>5</sup> resurrectionem \*CaMgPcPfPhTe; rationem resurrectionis Tb; om. Tc

<sup>&</sup>lt;sup>6</sup> pret. non \*CaMgPfPhTb; non pret. Tc

<sup>&</sup>lt;sup>7</sup> videtur \*AdBeEaPfTbTeVmVn; esse videtur Tc; videtur esse CaMg

<sup>&</sup>lt;sup>8</sup> et \*CaMgPfPhTc; om. Tb

<sup>9</sup> quod \*AdPfPrTbTeVmVn; quos BeCaTc; quos quidem EaMg

<sup>&</sup>lt;sup>10</sup> illum *add. and canc.* Ad

<sup>&</sup>lt;sup>11</sup> eos \*MqPhPrSlTbVmVn; om. AdBeCaEaMgPfTcTeVo

ieiunasse biduo memorato<sup>12</sup> ut traditio ecclesie habeat isto biduo sacramenta penitus non celebrari. Que forma utique 13 per singulas tenenda est hebdomadas propter id quod commemoratio<sup>14</sup> diei illius<sup>15</sup> semper est celebranda. Quod si putant<sup>16</sup> semel atque uno Sabbato ieiunandum, ergo et dominica<sup>17</sup> et sexta feria<sup>18</sup> semel in Pascha erit utique celebrandum<sup>19</sup>.

ID 4.281 De cons. D 3 c 13

<sup>12</sup> -ato \*CaMgTbTc; -ata Pf

#### 178

<sup>1</sup>Ex<sup>2</sup> concilio Eliberitano, cap. xxiii<sup>3</sup>

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]

#### 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

<sup>13</sup> utique Ca<sup>2</sup>MgPfPhTcTe; after sing. Ca; om. Tb

<sup>&</sup>lt;sup>14</sup> commem- \*CaMgPfTcTe; mem- PhTb

<sup>&</sup>lt;sup>15</sup> diei ill. CaPfTbTc; ill. diei Mg

<sup>&</sup>lt;sup>16</sup> ss Te

<sup>&</sup>lt;sup>17</sup>-ica EaMgTc; -icum BePfTbTeVm; ic' Ca; dominicum diem Vn

et non per singulas ebdomadas *add. and canc.* Pc (with semel ss)

<sup>&</sup>lt;sup>19</sup> -andum \*BeCaEaPfTbTeVm; -anda MgTc

<sup>&</sup>lt;sup>1</sup> Ouod non sint celebranda ieiunia (iei. cel. Da) in Iulio sive in Augusto add. in mg. CaDaLn(against c 179); Oue 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

<sup>&</sup>lt;sup>3</sup> xxiii \*AdDaMgPfTbTcVmVnVo(adding cxxxviii); xxiiii CaLb

<sup>4</sup> tes add. ss Mg<sup>2</sup>

<sup>&</sup>lt;sup>5</sup> Iulio et (ss Pr) Augusto \*AdBeCaGcPrTbTeVmVnVo; Iulii et Augusti EaMgPfRfTcVp

<sup>&</sup>lt;sup>6</sup> eorundem \*AdCaMgPfTbTe; eorum quidem PcTc

<sup>&</sup>lt;sup>1</sup> leg. iei. AdCaMgSfVm; iei. leg. Pf

<sup>&</sup>lt;sup>2</sup> in mg. AdBeCaCeGcLdLnPfPrTe<sup>2</sup>, in text MqSfVmVo(adding exxxviiii); om. DaEaLbPcPtRfTbTcVnVp; in mg. to c 178 SbMg

sancti CaLbMgPfTbTc; beati Ad

<sup>&</sup>lt;sup>4</sup> Apollonii \*AdBeCaGcLbPfTbVmVo; Appollonii Ea; Apollini MgSfVn; Apollinarii PcTc; Apoloonii cap' Te. Insc. in mg. with no break Sb

gr. aliq. \*PfTbTcTe; aliq. gr. CaMg

<sup>&</sup>lt;sup>6</sup> -averit CaMgPfTb; -avit Tc

<sup>&</sup>lt;sup>7</sup> -ebitur \*MgPfTbTc; -etur Ca

sine<sup>8</sup> aliqua necessitate solverit statuta ieiunia, vel cum tradente tradere Salvatorem vel cum crucifigentibus crucifigere.

ID 4.32] De cons. D 3 c 16

<sup>8</sup> corr. fr. si Te

#### 180<sup>1</sup>

[Ouibus mensibus et quibus<sup>2</sup> mensium hebdomadibus ieiunia quatuor temporum constituantur]<sup>3</sup>. Ex concilio Magontiensi, cap. ii<sup>4</sup>

Constituimus ut Ouatuor 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 quarta et sexta<sup>9</sup> et Sabbato veniant omnes ad ecclesiam hora nona<sup>10</sup> cum letaniis ad missarum solempnia.

ID 4.351 +D 76 c 2 to Decembri quarta

#### 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

<sup>&</sup>lt;sup>1</sup> added at foot of leaf Ld<sup>2</sup>

<sup>&</sup>lt;sup>2</sup> et quibus AdCaEaMgSfTeVm; quibusve Pf

<sup>&</sup>lt;sup>3</sup> constituimus Ad. Quibus – const. in mg. AdBeCaCeDaGcMgPfPrSbTe<sup>2</sup>, in text Ea(no inscr.)MqSfVm; De quattuor temporibus exl Vo; om. LbPcPtRfTbTcVnVp

<sup>&</sup>lt;sup>4</sup> Ex – ii CaLbMgPfSbTbTcVn; 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>6</sup> si add. Mg, om. \*CaPfTbTc
plena \*CaMgTbTc; om. Pf
Nat. Dom. \*CaMgPfPrTcVn; om. PhTb
sexta \*CaPfTbTc; vii Mg

<sup>&</sup>lt;sup>10</sup> hora nona \*CaMgPcPfTb; om. Tc

<sup>&</sup>lt;sup>1</sup> in mg. Ad<sup>2</sup>BePf; in text AdBe(later canc.)CeGcPhTb; om. CaEaMgMqPcPtTcVmVnVpWc; De eadem in mg. Te<sup>2</sup>

<sup>&</sup>lt;sup>2</sup> Ex -Sal. (Sale constat BePhPrSfTb, Salgunstat Gc, Saligenestat Mq, Saleconstanensi Pc, Saleconst'nensi Rf, Saligostat TcVn, Saler' Vp) habito de custodiendo ieiunio

<sup>\*</sup>BeCaGcLbMgMqPhPrRfSfTbVmVnVpWc; 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 \*AdCaPfPhTeVm; evenerint BeMgTcVn; venerint Tb

<sup>&</sup>lt;sup>5</sup> ieiunium add. PhTb, om. \*CaMgPfPrTcTeVn

<sup>&</sup>lt;sup>6</sup> aut in MgPfTb; vel in Ca; om. Tc

<sup>&</sup>lt;sup>7</sup> feria aut CaMgPfPrTe; aut PhTb; et Tc

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<sup>14</sup> in quinta aut<sup>15</sup> in sexta feria, aut<sup>16</sup> Sabbato contigerit<sup>17</sup>, ieiunium in tertiam hebdomadam<sup>18</sup> reservetur. Et hoc<sup>19</sup> sciendum est<sup>20</sup> quod si quando ieiunium mensis Iunii in vigilia Pentecostes secundam predictam regulam<sup>21</sup> evenerit, non ibi celebrandum erit; sed in ipsa hebdomada solempni Pentecostes, quia vigiliam<sup>22</sup> similiter<sup>23</sup> et ieiunium celebrare non convenit, et tunc propter solempnitatem Spiritus sancti diacones<sup>24</sup> dalmaticis induantur, et<sup>25</sup> Alleluia cantetur et<sup>26</sup> Flectamus genua non dicatur.

Eodem modo de Septembris ieiunio constitutum est, ut si<sup>27</sup> Kalend. Septembris in quarta feria evenerit<sup>28</sup> aut antea, ieiunium in tertia hebdomada celebretur; et si in quinta aut<sup>29</sup> sexta, aut Sabbato contigerit<sup>30</sup>, in quarta hebdomada<sup>31</sup> ieiunandum erit. In Decembri vero illud observandum erit ut<sup>32</sup> proximo Sabbato ante vigiliam<sup>33</sup> Natalis Domini celebretur<sup>34</sup> ieiunium, quia si<sup>35</sup> vigilia in Sabbato evenerit, similiter<sup>36</sup> vigilia<sup>37</sup> et ieiunium celebrare<sup>38</sup> non convenit.

ID 4.33] +D 76 c 3

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<sup>8</sup> in ceteris mensibus fiat add. (omitting rest of canon) Ea
<sup>9</sup> qu. fer. CaMgTbTc; fer. qu. Pf
-erint TbTc; -erit CaMgPfPrTe

11 expunct. Tb
<sup>12</sup> subsequente AdCaGcMgPrVm; sequente PfTbVn; sequenti Tc
<sup>13</sup> Si autem Kalend' – cel. ieiunium om. Ph; Simili quoque – cel. ieiunium in mg. Vo<sup>2</sup>
aut BeCaMgPfTb; et Tc
<sup>16</sup> in add. PrTbTcVmVn, om. BeCaMgPfPhTe
<sup>17</sup> -erit *CaMgPfPhTc; -erint Tb. Po resumes
<sup>18</sup> tertiam ebdomadam *CaGcMgPfTeVm; quarta ebd. Ph; tertia ebdomada TbTc
<sup>19</sup> hoc CaMgPfTb; om. Tc
<sup>20</sup> ss Tb
<sup>21</sup> pred. reg. *CaMgPfTcTe<sup>2</sup>; reg. pred. PhTb; reg. Te
<sup>22</sup> -iliam *CaMgPfTb; -ilia Tc
<sup>23</sup> similiter *MgPfPhPrTeVm: simul CaPcTb; sim' Tc; insimul Vn; om. Gc
<sup>24</sup> -ones CaPfTbTc; -oni Mg
<sup>25</sup> et *PfTbTcTe; om. CaMg
<sup>26</sup> et *CaPfTbTc; om. Mg
<sup>27</sup> om. Te
<sup>28</sup> -erit CaMgPfPhTeVm; -erint TbTc
<sup>29</sup> in add. CaMgTeVn, om. AdPfPhTbTcVm
<sup>30</sup> -erit *AdCaMgTbTeVm; -erint PfTc
<sup>31</sup> celebretur et si – ebdomada in mg. Ad
32 ut PfTbTcTe; ut in CaMg; in Vm
<sup>34</sup> In Decembri – celebretur in cramped hand over erasure Te
<sup>35</sup> over erasure Pf
<sup>36</sup> similiter Gc<sup>2</sup>MgPfTbTe; simul BeCaVn; sim' Tc; om. Gc
<sup>37</sup> -ilia GcPf; -iliam BeCaMgTbTeVn; il' TcVm
<sup>38</sup> -are *CaMgPfTb; -ari Tc
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[Oua supputatione] in Ouadragesima videatur anni decima]<sup>2</sup>. Ex epistola Gregorii  $pape^3$ 

Ouadragesima 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, si per trecentos sexaginta<sup>10</sup> quinque<sup>11</sup> dies annus ducitur, et nos per triginta et<sup>12</sup> sex dies affligimur, quasi anni decimas Deo damus<sup>13</sup>, et<sup>14</sup> ut sacer numerus quadraginta dierum adimpleatur, quem Salvator noster suo sacro ieiunio consecravit, quatuor dies prioris hebdomade ad supplementum quadraginta dierum tolluntur<sup>15</sup>, id est quarta feria que Caput ieiunii subnotatur<sup>16</sup>, et quinta feria seguens et sexta<sup>17</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,

<sup>&</sup>lt;sup>1</sup> suppetitione Ce

<sup>&</sup>lt;sup>2</sup> Qua - dec. in mg. AdBeCaCeDaGcLdLnMgPfPrSbTe<sup>2</sup>, in text EaMqSfVmVo(adding cxlii); om. LbPcTbVnVp; De supp. in Quad. quomodo videatur anni decima esse Tc mg.

<sup>&</sup>lt;sup>3</sup> Ex ep. Greg. pape \*AdBeLbMgPfPrTcTeVnVoVp; Ex ep. beati Greg. pape Ca; Greg' Ea; Ep. Greg. pape Tb; Ex omel' Greg' pape Vm

obs. est obs. AdCaMgPfPrTe; entenda[?], with vel observanda ss Ln; veneratione est obs. PhTb; obs. obs. est TcVn

dies Dom. \*CaPfTbTcTe; Dom. dies Mg; Dom. Ph

<sup>&</sup>lt;sup>6</sup> fiunt CaMgTbTeVm; sunt PfTc

<sup>&</sup>lt;sup>7</sup> dies CaPfMgVm; om. TbTcTe

<sup>&</sup>lt;sup>8</sup> abst. sub. CaMgPfTcTe; sub. abst. PhTb

<sup>&</sup>lt;sup>9</sup> in abst. quam XXX et (om. CaTc) VI dies (om. Tc) \*CaMgPfTcTeVm; quam XXX et VI dies in abst.

sexag. \*MgPfTbTc; l Ca
sexag. quinque] ccclxvi Te

<sup>12</sup> et CaMgTbTc; om. Pf

<sup>&</sup>lt;sup>13</sup> Deo damus \*MgPfTbTc; damus Deo Ca

<sup>&</sup>lt;sup>14</sup> et \*CaPfTbTc; om. Mg

<sup>15</sup> tolluntur \*PfTeVo; ponuntur BeCaMgPcTbTcVn

<sup>&</sup>lt;sup>16</sup> subnot- \*CaMgPcPfTb; prenot- Tc

<sup>&</sup>lt;sup>17</sup> feria seq. et sexta \*CaMgPcPfTb; et sexta sequens Tc

vigilando, orando, elemosinas<sup>18</sup> dando abstergamus, et carnem nostram decimemus<sup>19</sup>, ut ad sanctum Pascha securi<sup>20</sup> pervenire possimus.

ID 4.34] De cons. D 5 c 16 to nostrorum decimas dare

#### 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<sup>8</sup> ceteris<sup>9</sup> festivis diebus<sup>10</sup> minime. Nec quisquam uno<sup>11</sup> genu solotenus impresso<sup>12</sup> orare presumat, sicut Iudei irridentes Dominum in passione eius fecisse leguntur, sed utraque genua in terram ponat<sup>13</sup>. Ait enim Apostolus, Flecto genua mea ad Patrem Domini nostri Iesu Christi.

ID 4.36 mod.]

<sup>1</sup> debeant AdBeCaEaMgPfTcVm; solent Vf

#### 184

[Qua hora sit manducandum in Quadragesima]<sup>1</sup>. Ex concilio Cabillonensi<sup>2</sup>, cap. v<sup>3</sup>
Solent plures qui se ieiunare putant in Quadragesima, mox ut signum
audierint, ad horam nonam manducare. Qui nullatenus ieiunare<sup>4</sup> credendi sunt, si ante
manducaverint quam vespertinum celebretur officium. Concurrendum est enim<sup>5</sup> ad

<sup>&</sup>lt;sup>18</sup> -inas \*CaPfTbTc; -inam Mg

<sup>&</sup>lt;sup>19</sup> et carnem - dec. \*CaMgPfTb; om. Tc

<sup>&</sup>lt;sup>20</sup> securi \*Be<sup>2</sup>CeDa<sup>2</sup>GcLbPhPqPrSbTbVmVn; om. AdBdBeCaDaEaLkMgPaPcPfPkTcTeVoVpWc

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

<sup>&</sup>lt;sup>3</sup> in mg. AdBeCaCeDaGcLdLnMgPfPrSbTcTe<sup>2</sup>, in text Ea(no inscr.)MqSfVmVo(adding exliii); om. LbPcPtRfTbVnVp

<sup>&</sup>lt;sup>4</sup> I add. Tc, om. \*CaLbMgPfTb

<sup>&</sup>lt;sup>5</sup> xiii \*AdCaLbMgPcTbTeVmVn; 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> от. Те

<sup>&</sup>lt;sup>9</sup> ceteris \*AdCaMgPfPrTcTe; certis PhTb

<sup>10</sup> festivis diebus GcPfTbTeVm; diebus festivis BeCaEaMg; festivitatibus Tc

<sup>11</sup> flexo Bd; solo Ad

solotenus (solat- Ce) impresso CeGcPaPc²PhPrTbVm; solotenus AaPcPqSbTeVo; flexo solotenus AdEa; solo Bd; solotenus flexo BeCaDaMgPwTcVnVp; solatenus MqPf; solatenus impresso Pk
 ponat \*MgPfTbTc; ponant CaTe(?before corr.)

<sup>&</sup>lt;sup>1</sup> in mg. AdBeCaCeDaGcLdLnMgPfPrSbTcTe<sup>2</sup>, in text Ea(no inscr.)MqSfVmVo(adding c et xliiii); om. LbPcPtRfTbVnVp

<sup>&</sup>lt;sup>2</sup> Gabilonensi Lb; Capulensi Rf

<sup>&</sup>lt;sup>3</sup> Ex decretis Silvestri pape cap. i add. in mg. Mg

<sup>&</sup>lt;sup>4</sup> ss Ca<sup>2</sup>

<sup>&</sup>lt;sup>5</sup> est enim CaMgPfTb; enim est Tc

missam<sup>6</sup> et auditis missarum solempniis et vespertinis officiis, largitis elemosinis, ad cibum accedendum est. Si vero aliquis necessitate constrictus fuerit ut<sup>7</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<sup>1</sup> refectio sit accipienda ieiunanti]<sup>2</sup>. Ex dictis Pimenii<sup>3</sup> heremite

Sint tibi quotidiana ieiunia, et refectio satietatem<sup>4</sup> fugiens. Nihil enim prodest
tibi<sup>5</sup>, biduo aut triduo<sup>6</sup> transmisso, vacuum portare ventrem, si pariter obruatur, si
compensantur saturitate<sup>7</sup> ieiunia. Ilico mens repleta torpescit, et irrigata terra corporis
huius spinas et carduos<sup>8</sup> germinat<sup>9</sup>.

ID 4.55] De cons. D 5 c 19 to pariter obstruatur only

#### 186

<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 4.56] De cons. D 5 c 20a

<sup>&</sup>lt;sup>6</sup> -sam \*AdGcPfTbTeVmVn; -sas BeCaMgTc

<sup>&</sup>lt;sup>7</sup> ut \*CaPfTbTc; et Mg. fuerit ut ss Te

<sup>&</sup>lt;sup>1</sup> Huiusmodi Te

in mg. AdBeCaCeDaGcLdLnMgPfPrSbTcTe<sup>2</sup>, in text MqSfVmVo; om. LbPcPtTbVnVp

<sup>&</sup>lt;sup>3</sup> Pimenii BeCaCeDaGcMgPcPfPhPrSbTeVmVnVo; Pipinenii Ad; Pimenei Lb; Pimenii Mq; Pigmenii RfTb; Pigmetii Tc; Pemenii Sb<sup>2</sup>Vp. Ieronimus *add. ss* Oe

<sup>&</sup>lt;sup>4</sup> satietatem \*CaMgPfTb; saturitatem Tc

<sup>&</sup>lt;sup>5</sup> prod. tibi \*BeMgPfPhTcTe; tibi prod. Ca; prod. Tb

<sup>&</sup>lt;sup>6</sup> bid. aut trid. CaMgPfPrTc; trid. aut bid. PhTb

<sup>&</sup>lt;sup>7</sup> after corr. Gc

<sup>&</sup>lt;sup>8</sup> et card.] vel tribulas Aa; et cardulos Te

<sup>&</sup>lt;sup>9</sup> generat Ce; generabit Te(before corr.)Vp; in mg. Vo<sup>2</sup>

<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 AdCaCeLbQeSlTbTeVp; 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 MgVnVo; Item de eadem re MqPr<sup>2</sup>; De eadem re idem PcRf; Eiusdem de eodem Pf; De eadem re. Item Ph; Idem PtSbTc; De eodem Wc

### Ieronimus<sup>1</sup>

Parcus cibus et semper venter esuriens<sup>2</sup> triduanis prefertur<sup>3</sup> ieiuniis.

<sup>3</sup> -feretur Te

#### 188

## Gregorius<sup>1</sup>

Spernitur ieiunium quod in vesperum<sup>2</sup> repletione ciborum<sup>3</sup> reficitur.<sup>4</sup>

#### 189<sup>1</sup>

## <sup>2</sup>Isidorus<sup>3</sup>

Perfectum ieiunium est quando homo noster exterior<sup>4</sup> ieiunat, et interior orat.

#### 190

[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]

<sup>&</sup>lt;sup>1</sup> Ier.] Item idem. Gr' Lb. Gregorius add. Da, Gr' add. Pf, Idem add. Ph, papa Gregorius add. Pt; ad Furiam add. Oe<sup>2</sup>; Gregorius de elemosina add. Rf; presbiter add. Tb, Gr, de eodem cxlvii add. Vo; Item Aa; om. AdBeCaEaMgPrTcVmVnVp; before c 188 Be

<sup>&</sup>lt;sup>2</sup> semper vent. es. CeGcPfPhPrSITbTcTeVmVn; semper es. vent. BeCaEaMg; vent. es. semper Vo

<sup>&</sup>lt;sup>1</sup> Gregorius AdCaCeEa(mg.)LcMgPrSfSlTbTeVmWc; Item Aa; Ier' Gregorius Be; Isidorus DaLbMg; Idem Pf; Gregorius episcopus Tb; Gregorius, de elemosina PcTc (cf 187 above, 190 below); De eodem cxlviii Vo; om. GcPtRf

<sup>&</sup>lt;sup>2</sup> vesperum BeCaEaPfTbTcTe; vespertinum Mg; vespere Vn

<sup>&</sup>lt;sup>3</sup> rep. cib. BeEaMgPfTbTc; cib. rep. refertur vel Ca

<sup>&</sup>lt;sup>4</sup> Canon without insc. after c. 189 Vn

<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>. Item add. Aa; De elemosina add. Ad (cf c 190)

<sup>&</sup>lt;sup>3</sup> De elemosina DaLb; Greg' ex concilio Cabilonensi add. Rf. De eodem cxlviiii Vo; om. MqVn; De elementis add. Vp (and cf c 190); De elemosina add. Sl

<sup>&</sup>lt;sup>4</sup> noster ext. BeCaEaMgPfTb; ext. noster Tc; ext. Te

<sup>&</sup>lt;sup>1</sup> De el. in text Ea(no inscr.)MqTcTeVm, in mg. BeCaCeDaGcPfPrQeSb; Item Ad(cf c 189); Hysidorus de elemosina cl after insc. and De eodem before it Vo; om. LbLcMgPhPtRfTbVnVp

<sup>&</sup>lt;sup>2</sup> Ex - cap. v BeCaLbMgPfPtTbTcTeVmVn; Gg. Ex - cap. v Pc; om. Rf (cf c 189); Ex conc. Cab. Sf; Gg' de helemosina (with Ex – v as second insc. to c 189) Vp

debuit \*AaAd²BeGcPfTbTeVnVo; debeat AdCaEaMgRf(vel –uit ss)Tc; debet PrVm

<sup>&</sup>lt;sup>4</sup> -erit \*MgPfTbTc; -erint Ca

<sup>&</sup>lt;sup>5</sup> Oa ends II here.

[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<sup>6</sup> congeritur, sed que<sup>7</sup> de rebus concessis et bene adquisitis impenditur.

+C 14 q 5 c 7

#### 192

[Ouod 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

#### 193

## 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<sup>5</sup> non sufficit.

+D 45 c 13

<sup>&</sup>lt;sup>1</sup> deb. esse AdBePfTc; esse deb. Ca

<sup>&</sup>lt;sup>2</sup> Qualis – elem. in mg. AdBeCaCeDaGcGcLn(partly illeg.)PfPrSbTcTe<sup>2</sup>, in text LcMqVmVo(adding cli); Item Ea; om. LbMgPcPtRfTbVnVp

om. LcVn; papa add. Pt; dicit add. Te

<sup>&</sup>lt;sup>4</sup> illa add. AaTcTe<sup>2</sup>, om. BeCaMgPfTbTeVn

<sup>&</sup>lt;sup>5</sup> illa BeCaEaMgPfTb; om. Tc

<sup>&</sup>lt;sup>6</sup> -atem Te

<sup>&</sup>lt;sup>1</sup> trina PrVm(*before corr*.)

<sup>&</sup>lt;sup>2</sup> in mg. Ad<sup>2</sup>BeCaCeDaGcLdLn(partly illeg.)PfPrSbTcTe<sup>2</sup>, in text Ea(no inscr.)MgVmVo(adding clii); om. LbMgPcPtRfSfTbVnVp

Albinus AdBeCaGcLbLc(mg)LePcPtRfSfTb?TcVmVo; Albinus Alsinus Mg; Alsinus Pf; Albinus de eadem elemosna dicit Te; Albinus asinus Vn; Aibinus Vp

<sup>&</sup>lt;sup>4</sup> reduc- AdBeCaMgPcPfTbTeVmVn; duc- CcTc

<sup>&</sup>lt;sup>1</sup> Aug.] Item Aa; Gr' Lb; om. Vn. De eodem cliii add. Vo

<sup>&</sup>lt;sup>2</sup> Que LcPyTe

<sup>&</sup>lt;sup>3</sup> si non BeCaPfTc; sine Mg

<sup>&</sup>lt;sup>4</sup> corde trib. BeCaMgPfPrTcTeVm; trib. corde PhTb

<sup>&</sup>lt;sup>5</sup> trib. omn. om. Aa

*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 GcLbMqPrTbTcVmVn, 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> sic eis<sup>6</sup> utitur ut metas<sup>7</sup> consuetudinis bonorum inter quos versatur<sup>8</sup> excedat, aut aliquid significat<sup>9</sup> aut flagitiosus est. In omnibus enim talibus non usus rerum sed libido in culpa est. Ouid<sup>10</sup> igitur<sup>11</sup> locis et tempori<sup>12</sup> et personis conveniat diligenter attendendum<sup>13</sup> est, ne temere flagitia reprehendamus. Fieri enim<sup>14</sup> potest<sup>15</sup> ut sine aliquo vitio cupidinis<sup>16</sup> vel voracitatis pretiosissimo cibo sapiens utatur, insipiens<sup>17</sup>

<sup>&</sup>lt;sup>2</sup> cap. cxxviiii AdBeCaCeGcLbPcPoPrRfSfTcVmVnVo; om. Ea; cap.cc.... MgPf; cap. ccxxviiii MqPhQeTe; 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, conservatur Te) in mg. AdBeCaCeDaGcLdLn(partly illeg.)MgPfPrTe<sup>2</sup>, 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. CcLbPcPtRfSbTbTcVnVp

<sup>&</sup>lt;sup>2</sup> Aug, in libro de doct, Chr. AdCaCbLdLmPcTbVmVo; In libro – Chr. Aug. Be; om. CcCe; Aug. de doct. Chr. DaLbMgTcVn; 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>EaGcLbLdLmMgPfPh?RfSbTcTeVmVo; habuit Vn

<sup>&</sup>lt;sup>5</sup> vero \*CaLdMgPfTbTc; autem Cc

<sup>&</sup>lt;sup>6</sup> corr. fr. ei Cc

<sup>&</sup>lt;sup>7</sup> obsc. corr. Te

<sup>&</sup>lt;sup>8</sup> versatur \*CaLdMgPfPhTcVm; conversatur Tb

<sup>&</sup>lt;sup>9</sup> significat \*BeCaCbCcLmTbVmVo; sig'e Mg; sg'c Ld; sig'cat Pf; signc' Tc; sigt' Te

<sup>10</sup> Ouid \*CbGcLdMgTcVn; Quod BeCaCcLmPfPrTbTeVmVo

ergo Vo

12 -ori BeCaCbCcLdMgPfTbTe; -orum Lm; -oribus PrTcVmVnVo

<sup>&</sup>lt;sup>14</sup> enim \*CcCcLdLmMgPfTbTcTe(ss); non Ca

<sup>&</sup>lt;sup>15</sup> potest \*CaCbCcLdLmMgPfTb; poterit Tc

<sup>16</sup> cupidinis \*GcLdLmTbVm; cupiditatis BeCaMgPfTcTeVnVo

<sup>&</sup>lt;sup>17</sup> incipiens Cc

autem fedissima<sup>18</sup> gule flamma<sup>19</sup> in vilissimum ardescat et sanius<sup>20</sup> quisque maluerit more Domini<sup>21</sup> pisce vesci quam lenticula more Esau nepotis Abraham<sup>22</sup>, aut hordeo more iumentorum. Non enim propterea continentiores nobis sunt<sup>23</sup> plures bestie quia<sup>24</sup> vilioribus aluntur escis<sup>25</sup>. Nam<sup>26</sup> omnibus huiuscemodi<sup>27</sup> rebus non ex earum rerum natura<sup>28</sup> quibus utimur, sed ex<sup>29</sup> causa utendi et modo appetendi<sup>30</sup> vel probandum est vel improbandum quod facimus<sup>31</sup>.

ID 4.24] D 41 c 1

## Explicit liber secundus<sup>1</sup>

<sup>&</sup>lt;sup>18</sup> fedissima \*CaLdMgPfPhTcTeVm; fedidissima Lm; fetidissima Tb

<sup>&</sup>lt;sup>19</sup> fl. gule marked for reversal Tb

<sup>&</sup>lt;sup>20</sup> sanus Cc

<sup>&</sup>lt;sup>21</sup> more Dom. \*CaLdMgPfTbTc; Dom. more (corr. fr. amore) Cc

<sup>&</sup>lt;sup>22</sup> Abrahe Cc

<sup>&</sup>lt;sup>23</sup> nob. sunt \*CaLdMgPfTbTc; sunt nob. Cc

<sup>&</sup>lt;sup>24</sup> quia CbCcLdLmMgPfTbTc; qui Ca

<sup>&</sup>lt;sup>25</sup> al. (aliuntur CbCc) escis CaCbCcLdLmMgPfTbVn; escis al. Tc

<sup>&</sup>lt;sup>26</sup> in add. \*Da<sup>2</sup>Mg; ex add. Cb, om. CaCcCeDaGcLdLmPfTbTcTeVmVn

<sup>&</sup>lt;sup>28</sup> earum rerum nat. \*CaCbCcLdLmMgPfTb: nat. earum rerum Tc

<sup>&</sup>lt;sup>29</sup> ex \*CbCcDa<sup>2</sup>GcLmTbVm; om. BeDaLdMgPfTcTeVnVo

orr. fr. utendi Lm

<sup>&</sup>lt;sup>31</sup> quod. fac. ss Mh<sup>2</sup>, fecimus Ce

<sup>&</sup>lt;sup>1</sup> Expl. lib. secundus AdBdCaDbEaHaLbLeLkMgMqOa(after c 190)ObOfPcPfPhPqQeRfSbSeSfSlTbTcTdTeVnVoVq; Expl. lib. tertius AaSg; Expl. secundus Od; Explicit secunda pars et liber quartus Pa; om. BeCeDaEgGcLcOePrPtVmVpWcBrant. LeMh precede Explicit with the rubric to 3.1.