

## 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<sup>1</sup> 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>

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

<sup>2</sup> et non aut. *om* Pr

<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.*

AcAdBbBdBeCaCbCeDaDbEaEgFbGaGbGcHaLcLdLgLkLoMfMgMhMkMmMoMpMqOaObOdOeOfPaPcPfPkPqPrPtPwQaRaRbRfSbSeSgSlTcTdTfVaVpVqWc

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

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<sup>1</sup> secundus AcAdBdCaLcLdLeMhMkMmMoMqOaOemgOfPcPfPhQeRfSbSlTbTc; secunda pars CeGcHa(mg.)MfMgMjOd(mg.)PrRbVmWcWd; liber secundus DbFb(mg)EaLgVoBrant; pars secunda FbMpRa; secunda Mp; tertius ObPwSg; *an erasure here Pk, but large initial 'Æ' follows; Sequitur secunda pars libri Pq; Hic incipit secundus liber Pt<sup>2</sup> 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 3.3]

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

<sup>2</sup> est AdCaMgRaTcVm; nomen est AcRa<sup>2</sup>; sit Pf; *om.* QeSb

<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.* FbOaPcPhRfSfTb. ix. De constitutione ecclesie *in mg.* Bd<sup>2</sup>; i *add.in mg.* Be<sup>2</sup>. Hic incipit secundus liber. Quod est eccl. quod est cath. *in mg.* Pt<sup>3</sup>

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

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

<sup>6</sup> \*hoc Ac<sup>2</sup>CaFbMgPfTb; id Tc; *om.* Ac

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<sup>7</sup> Dei *add.* GcPcSlTcWd, *om.* \*AcAdCaDbFbMgPfPhPqPrRbQaTb

## 2

*[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 3.6b]*

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

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

<sup>3</sup> *in mg.* AdBeCaCeDaGaGcMgPfPrRb<sup>2</sup>SbTc, *in text* TfVmVo(*adding* ii); *om.* FbOaPcPtTbVp

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

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

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

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

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

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

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

<sup>11</sup> fam. serv. illius (eius Vo) AcAdBeCaDbMgPfRbTbVo; famulantibus Tc; famulantur servorumque illius *Brant*; famularentur servis illius *Vosm.*

## 3

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

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

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<sup>1</sup> Quod AdBeCaPfMgTc; *om.* Sf

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

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

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

<sup>5</sup> E AcAdBeCaDaGcMgMpMqPaPcPfPrSbTc; A MjOaPhPqQeRfSfTb; Ex Vo; *om.* CeMoPkPyRb

<sup>6</sup> E quibus *om.* Tf

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

<sup>8</sup> patenter \*BeCaMgPfTb; *om.* Tc

<sup>9</sup> ad. pat. *later reversed* Ca

<sup>10</sup> pauperibus *add. and canc.* Mm

<sup>11</sup> orbem \*CeGcMfMjMoPcPhPrRaRbRfTbTcVm; mundum AcAdBeCaDa(vel orbem *add.* ss)DbFbLgMgMhMkMmMoMqObOdOePaPfPqPtSbVoVpWcBrant

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.

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

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

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

<sup>15</sup> beati Petri \*GcLgMfMhMjMkMmMoMpMqOePhRaRfTbTcVm; beati AcAdBeCaDbFbMgMpOdOfPfPt; om. ObVo

<sup>16</sup> apostolice and lacuna Vo

<sup>17</sup> -ura \*AdBeCaDbFbMgPfPhVm; -uram AcTbTc

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

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

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

ID 3.255b] +C 10 q 1 c 6

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

<sup>2</sup> ecclesiarum Tf

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

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

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

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

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

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

#### 5

<sup>1</sup>*Ex concilio<sup>2</sup> apud Valentiam, cap. iii<sup>3</sup>*

<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. AdBeFbLdOaOePfPrPtRbSbSfTbVmVpWc

<sup>2</sup> -liis Ln

<sup>3</sup> iii AcCaLdLnMgPfRfTb; iiiii Tc; iii. v Vo. cap. iii om. Gc. Ex - iii] Ex concil' Agathensi cp. iiiii DaSb, cf XP 2.6.3 (2), Ps. Isid.; Ex conc. Agatensi in mg. Ha<sup>2</sup>

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

<sup>4</sup> testamentis \*CaPfTbTc; testimoniis Mg

<sup>5</sup> perstiterint \*CeOaPtRbTb; presumpserunt AcAdBeDaMgPfPhSb; prescripserunt Bd; presumpserint Be<sup>2</sup>CaFbLkPcPhPk<sup>2</sup>PwRaRfTcTfVo; perstiterunt GcPrVm; presumerunt Ha; prestiterunt Mq; presumserit Pk; sumpserint Pq

<sup>6</sup> -erint \*AdCaPfTb; -erunt MgTc

<sup>7</sup> sin. san. \*CaMgPfTb; san. syn. Tc

## 6<sup>1</sup>

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

*Aurelianensi, cap. iii<sup>6</sup>*

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

ID 3.8] De cons. D 1 c 9

<sup>1</sup> before c 4 OaRb

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

<sup>3</sup> ed. eccl. AdCaMgPfSbVm; eccl. ed. DaGcSITc

<sup>4</sup> suo add. Sb

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

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

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

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

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

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

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

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

<sup>13</sup> sancta \*AcCaPfPhTb<sup>2</sup>Tc; om. MgTb

<sup>14</sup> conspergat \*AcAdDa(vel a ss)FbGcMgMqPfPhPrTb; aspergat (vel con. add. ss Ca<sup>1</sup>) CaCeRaSb; aspergatur RfTc

## 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>*

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> Quot AdBePfTcVmVo; Quod CaMg

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

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

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

<sup>5</sup> pape AcBeMgPfTcVmVo; episcopi Ad; *om.* CaOaPhSfTb

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

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

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

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

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

<sup>11</sup> -ice AdBeCaMgPfPqTc; -icis GcMqPaRbTbVmVoWc

<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*)

## 8

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

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

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

<sup>2</sup> pape CaEaMgOaTbTc; *om.* BeDaGcPfSf

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

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

<sup>5</sup> est EaFbMgPfTb; *om.* CaTc

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

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

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

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

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

<sup>11</sup> in BeCaMgPhPrTcVm; *om.* PfRbTb

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

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

## 9<sup>1</sup>

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

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

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

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

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

<sup>3</sup> pape add. Tc, om. AdBeCaMgPfSeTb

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

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

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

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

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

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

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

## 10

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

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

Solempnitates vero dedicationum ecclesiarum et sacerdotum<sup>7</sup> per singulos annos solempniter sunt<sup>8</sup> celebrande, ipso Domino exemplum dante, qui ad festum

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

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

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

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

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

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

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 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

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

<sup>8</sup> sol. sunt CaMgPfTb; sunt sol. Tc

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

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

<sup>11</sup> in templo ss Da

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

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

<sup>14</sup> -erietis \*BeCaMgPfTb; -erens FbRb; -eries Tc

## 11

[Quod iteranda sit ecclesiarum dedicatio, si earum nescitur consecratio<sup>1</sup>. Item<sup>2</sup>]

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

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

<sup>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. OaPcPhPkPtQeRfSbTbVp, SbPkPq with no break

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

<sup>3</sup> He Rb

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

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

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

## 12<sup>1</sup>

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

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

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

<sup>3</sup> IIII CaLdMgPhPrRbSfTbVm; III DaLnPfRaSb; om. AdBePcRfTcVo

<sup>4</sup> xix AdCaMgPfSfTb; viiii Tc

Multi contra canonum constituta<sup>5</sup> sic ecclesias quas edificaverunt postulant consecrari, ut dotem quam ecclesie contulerunt<sup>6</sup> censeant ad episcopi ordinationem<sup>7</sup> non pertinere. Quod factum et preteritum<sup>8</sup> displicet et in futuro prohibetur, sed omnia<sup>9</sup> secundum consuetudinem antiquam<sup>10</sup> ad episcopi ordinationem et potestatem pertineant<sup>11</sup>.

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

<sup>5</sup> const- \*CaMgOaSfPfPhVmVo; inst- AdBdBcGcTbTcVp

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

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

<sup>8</sup> preteritum \*AdBeFbGcOaPfPhPqSfVmVo; perititum Ca; in preteritum Mg; in preterito Tb

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

<sup>10</sup> post rite disponant add. ss Gc

<sup>11</sup> quod factum - pot. pertineant \*AdCaMgPfSfTb; om. Tc

### 13

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

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

ID 3.32] De cons. D 1 c 3a

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

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

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

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

### 14

<sup>1</sup>In<sup>2</sup> decretis Vigili<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, nihil iudicamus<sup>11</sup> officere, si<sup>12</sup> per eam minime

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

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

<sup>3</sup> Iulii Rf

<sup>4</sup> pape AdCaGcOaPfRbTcVo; om. BeMgMqPhSfTb

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

<sup>6</sup> Iulius Tf

<sup>7</sup> Romanus AdCaCeDaMgMqPcPfPhRfSbTbVoWc; om. GcPrRaRbTcVm

<sup>8</sup> diruta \*AdBd<sup>2</sup>CaDaLkMgPcPqSbTc; dirupta BeCe<sup>2</sup>GcMqPaPfPhPkPrPwTbVmVo

<sup>9</sup> qua \*GcPfPhTcVo; quo BeCaMgTb

<sup>10</sup> -erint \*GcTc; -erunt AdCaMgPfTbVmVo

<sup>11</sup> iudicamus \*FbMgPfTbTc; videamus Ca

<sup>12</sup> si \*CaMgPfTb; sed Tc



aqua exorcizata iactetur, quia consecrationem cuiuslibet ecclesie in qua Spiritus sancti ara non ponitur, celebritatem tantum scimus esse missarum. Et ideo, si qua sanctorum basilica a fundamentis etiam fuerit innovata<sup>13</sup>, sine aliqua dubitatione cum in ea missarum solempnitas<sup>14</sup> fuerit celebrata, totius sanctificatio consecrationis<sup>15</sup> implebitur. Si vero sanctuaria que habebat ablata sunt, rursus eorum<sup>16</sup> dispositione<sup>17</sup> et missarum solempnitate reverentiam sanctificationis accipiet.<sup>18</sup>

ID 3.25] *De cons. D 1 c 24*

<sup>13</sup> fuerit inn. \*CaMgTbTc; inn. est Pf

<sup>14</sup> solempnitas \*CaMgPfTb; celebritas Tc

<sup>15</sup> sanct. cons. \*CaMgPfPhTc; cons. sanct. Tb

<sup>16</sup> eorum CaDbMgPf<sup>2</sup>Tc; earum PfPhTb

<sup>17</sup> dispos- MgPfTbTc; pos- (vel dis id est disposita ss) Ca; repos- Db

<sup>18</sup> Si vero sanctuaria – accipiet *in lower mg. Ld*

## 15

*[Quod loca Deo dicata non debent amplius fieri<sup>1</sup> in alios usus nisi ad aliam<sup>2</sup> ecclesiam construendam]<sup>3</sup>. Ex concilio apud Aquisgrani, cap. iii<sup>4</sup>*

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

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

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

<sup>2</sup> om. Ce

<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>SbWc, in text Ea(no insc.)SfVmVo(adding xv); om. OaPcPtRfTbVp*

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

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

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

<sup>7</sup> dicata OePcPfPqRbRfTcVp; dicata

AdBdBeCaCeDaGcLkMgMpMqOaPaPhPkPrPwQeSbTbTfVm; sanctificata (vel dicata ss) Db

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

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

## 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>1</sup> alio usu Ce

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

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

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

<sup>5</sup> iii \*AdCaGcMgPfRbVmVo; iiiii BePhSfTbTc. *No insc. PcRf*

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

ID 3.44] De cons. D 1 c 38

<sup>6</sup> Signa CcOaPySl

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

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

AdBbDbEaFbGcMfMhMjMkMmMnMoMpPdPhPtObOdOeOfPfRaRfTbVmVoVp(in mon. ad prof. Ob)

<sup>9</sup> usum (usu Migne) add. Ad(after debent)FbBrant

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

## 17

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

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

ID 3.20] De cons. D 1 c 25

<sup>1</sup> non erig. om. Da

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

<sup>3</sup> ep. loci] ipsius loci ep. Rb. loci om. Vo

<sup>4</sup> -averit Da. Rubric in mg. AdBeCaCeDaGcMgPfPrRb<sup>2</sup>SbTc, in text VmVo(adding xvii); om.

DbOaPcPtTbVp; Et altarium in mg. Db<sup>2</sup>

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

<sup>6</sup> Et altarium xvi add. in text, Et altarium add in marg. Db, corr. fr. viii Rf

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

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

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

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

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

## 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.

<sup>1</sup> viii AdBeCaMgOaPfRbTb; x Tc; Quod iteranda sit consecratio altaris et ecclesie si nescitur add.

Be(mg.)SfVm; Ut ecclesie quarum consecratio nescitur (non scitur Da) et altaria consecrari debeant

add. in mg. CaDaLn(partly illeg.); Ut ecclesie vel altaria ambigua consecrentur. De eodem xviii Vo. Gc

ID 3.11] *De cons. D 1 c 18*

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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>2</sup> Et Oa

<sup>3</sup> ambigua \*CaGcMgPaPcPfPrRfTcVm; dubia Ph(vel ambigua ss)Tb; ambigua Pq

## <sup>1</sup>20

[*Quod moto altari tota consecratur<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 consecratur<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*

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

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

<sup>3</sup> in mg. AdBeCaCeDaLdLn(partly illeg.)MgObPfPrSbTc, in text Ea (no insc.)SfVmVo(adding xxi); Quod si mota fuerit altare tota consecratur in mg. Rb<sup>2</sup>; om. OaPcRfTbVp

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

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

<sup>6</sup> notum Rf

<sup>7</sup> tota add. PhTb, om. \*CaGcMgObPfPrTc

<sup>8</sup> Rb continues directly fuerit violata – denuo consecratur cf end of c 21

<sup>9</sup> -etur Ad<sup>2</sup>BeDbEaGcOaObPhTbTcVm; -entur Ad?CaDaMgPfRa

## 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 consecratur<sup>10</sup>.

ID 3.14] *De cons. D 1 c 19b*

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<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>2</sup> Quod - deb. cons. eccl. in mg. AdBeCaCeDaGcMgPfPrSbTc, in text Ea (no insc.)VmVo(adding xxi); Quod - consecratur eccl. Sf; om. BbOaPcPtRfTbVp

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

<sup>4</sup> Ignei pape Rf (cf Pc c 20)

<sup>5</sup> cap. vi BeCaMgPfTcVo; cap. vii OaVp; pape Tb

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

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

<sup>8</sup> fuerit viol. GcMqRaTbTcVm; viol. fuerit AdBeCaMgOaPfVo

<sup>9</sup> expur- \*FbMgPfTbTc; purg- Ca

<sup>10</sup> reconcilietur add. ss Ld<sup>2</sup>

22<sup>1</sup>

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

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

ID 3.15] De cons. D 1 c 27

<sup>1</sup> here BdBeCaCcCeDaDbGcLcLdLgLvLhLkLnMgMhMkMmMnMoMpMq(after add.

cap.)OaPaPcPdPfPhPkPqPrPtPwQeRaRbRfSbSfSITbTcTfVoVpWc; after c 23 Fb; after c 24 MfMj

<sup>2</sup> eccl. in CaMgPfTc; in eccl. Ad

<sup>3</sup> sep. est pag. Sb

<sup>4</sup> in ea missa Sb

<sup>5</sup> Quod - in ea cantari (cant. in ea AdTc) in mg. AdBeCaCeDaGcMgPfPrSbTcWc, in text

VmVo(adding xxii); Quod ecclesia – sp. est nec missa debet cantare in mg. Rb<sup>2</sup>; Ecclesia in qua pag. sep. est non liceat consecrari (liceat consecratur Sf; consecratur Sf<sup>2</sup>) nec missa in ea cantetur Sf;

Ecclesia in qua pag. – in ea celebrare set instare foras et mundare oportet Vo; om. MqOaPcPtTbVp

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

<sup>7</sup> -eat \*CaDbMgPfTb; -et Tc

<sup>8</sup> -ari \*DbGcTbTc; -are BeCaMgPfRaWc

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

## 23

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

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

<sup>1</sup> iiii in mg. Be<sup>2</sup>

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

<sup>3</sup> sacrata Ad

<sup>4</sup> ea AdBeCaLdMgSfTcVa; eis Pflj

<sup>5</sup> missam Ce

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

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

<sup>8</sup> in mg. AdBeCaCeDaGcLjMgPfPrRb<sup>2</sup>SbTcWc, in text SfVm; as rubr. to c 19 in mg. LdWc, in text

Mo; De eodem. R'. Si in ecclesias iam consecratas sepeliantur mortui, licet in eis missas cantare, si tamen fideles sint qui sepeliuntur. cap. xxiii Vo; om. BdDbLcOaPcPtTbVp; De sepultura add. in mg. Lj

<sup>9</sup> corr. fr. Aurelianensi Be

<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. \*CaLdLjOePfPtTbVo; inf. mort. cad. Be; cad. mort. inf. MgTc

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

<sup>13</sup> videtur \*BeCaDbLdMgPfPtTbTc; fuerit AdBdLj

<sup>14</sup> loci \*BeCaLdLjPfTbTc; lotis Mg; vel loti add. ss Rf

<sup>15</sup> -etur \*Ad<sup>2</sup>BeCaDbMgPfTbTc; -entur AdLdLjPf

<sup>16</sup> no break \*AdCaDbLdLjMgPfTbTcWc

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

- <sup>17</sup> Si \*AdDbGcLdLjOePfPrPtRaTbTc; Sed si CaMgPcRa<sup>2</sup>; Si vero Be  
<sup>18</sup> prius (ss Be) fuit \*BeDbLdTc; prius fuerit AdCaGcPaPfPtMg; fuit prius Ph; fuit Pk; fuerit prius Tb  
<sup>19</sup> -are \*CaDbGcLdLjPfPtTb; -are enim Be; -ari MgTc  
<sup>20</sup> si tamen \*AdBeGcLdLjPtTb; si tamen non (apta videtur ad consecrandum *add. and canc.*) Bb; si tantum PfTc; tamen si CaMg  
<sup>21</sup> -int \*BeCaLdMgPfPtTc; -unt Tb

## 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 3.16]

<sup>1</sup> c 19 here

AaAbAdBdBeCaCbCcCeDaDbEaEbEcFcGcHaLbLdLeLfLgLhLjLkLmLnMgMjMkMmMnMpMqOa  
 ObOdOeOfPaPcPdPfPhPkPoPqPrPtPwPyQaQeRaRbRfSbSdSeSgTbTcTdTfVaVmVpVtWaWbWcWd  
 Za, om. BbLcKa, after c 23, but before c 22 (qv) Fb; after c 18 SIVoBrant

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

<sup>3</sup> -ianensi BdGcLdMfMgMhMkMmMjObOePfQaTcVmVoWc; Agripinensi CaFd; Aureliano PhQeTb

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

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

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

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

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

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

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

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

<sup>12</sup> prius fuit \*BeCeEaGcLmMfMhMjMkMmOaObOePfPhQeVoWc; prius fuerit

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

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

## 25

<sup>1</sup>Ex concilio Meldensi, cap. x<sup>2</sup>

<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 ossa abicere *add. in mg.* Sb; Quod nullus in ecclesia sine iussu episcopi vel presbiteri sepeliendus sit, nec ossa de sepulcro suo eicienda xxiii *add. Vo*

<sup>2</sup> x AdBeCaGcMgPfTcVmVo<sup>2</sup>VpWc; vi PhQeSfTb; viii Vo. Ex - x *om here, but as insc. to c 26* MoPcRf

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 iudicis prestolari concedat.

ID 3.221]

<sup>3</sup> Et OaPcPyRf

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

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

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

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

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

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

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

## 26

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

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

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

<sup>2</sup> Quod - sep. AdBdBeCaCe(mg.)GcHaLdMgMqOaOePfPrQaRbSb(mg.)SeTdVmVo(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>3</sup> Posquam PfTb

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

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

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

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

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

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

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

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

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

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

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

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

+C 13 q 2 c 13

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

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

## 27

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

Peti<sup>3</sup> vero aut aliquid exigi omnimodo<sup>4</sup> prohibemus, ne, quod irreligiosum valde est, aut venalis dicatur ecclesia, aut vos videamini de humanis mortibus gratulari, si ex<sup>5</sup> eorum cadaveribus studeatis querere quolibet modo compendium<sup>6</sup>.

ID 3.101 end] C 13 q 2 c 12 end

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

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

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

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

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

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

## 28

[Quod<sup>1</sup> altaria per revelationes vel per somnia hominum adinventata, 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 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

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

<sup>2</sup> in mg. AdBeCaCeDaGcLdLn(at foot of leaf and partly illeg.)MgPfPrRb<sup>2</sup>SbTc; in text Ea(no insc.)SfVmVo(adding xxvii); xiii. De ecclesiis et presbiteris in mg. Bd<sup>2</sup>; om. OaPrRfTb

<sup>3</sup> corr. fr. meldensi Pc

<sup>4</sup> cap. l \*AdBeLdLnOePfPkSeTbTc; cap. i CaMgRf; V cp. xiiii Da; ?Sb; cap. Vm

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

<sup>6</sup> vias \*BdCeGcLdLkMqOaOePcPhPkPqPrRaRfSbTbTcVmVo; villas

AdBeCaDaEaFbHaMgPfPwTdTf; vineas Fb<sup>2</sup>Rb; id est per vias add. ss. Ad<sup>2</sup>

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

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

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

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

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

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

<sup>13</sup> stuperst- Mg

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

omnino nulla<sup>15</sup> memoria martirum probabiliter accipitur<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

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

<sup>16</sup> probabiliter accipitur \*BeEaFbMgRa<sup>2</sup>TbVp; probabiliter AdCeGcPf(obsc. corr.)PkPrRaSbTfVm; probabitur CaDaTc; probabiliter accipiat Rf

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

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

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

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

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

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

## 29

[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]<sup>4</sup>. Decreta<sup>5</sup> 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<sup>10</sup> monachi<sup>11</sup>, qui non studio caritatis sed zelo rapacitatis invigilant, et docent atque seducere non cessant seculares homines quos illaqueare possunt ut res suas atque possessiones<sup>12</sup> in vita sive in morte in monasteriis illorum tradant<sup>13</sup>, et ecclesiis quibus<sup>14</sup> subiecti<sup>15</sup> esse videntur<sup>16</sup> et a quibus baptismum<sup>17</sup>, penitentiam<sup>18</sup>, eucharistiam, nec non<sup>19</sup> pabulum<sup>20</sup>

<sup>1</sup> Ut Rb<sup>2</sup>

<sup>2</sup> monachus add. Sf, om. AdCaEaMgPfTcVm

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

<sup>4</sup> in mg. AdBeCaDaGaGcLdLnMgMkMoPfPrRb<sup>2</sup>SbTc, in text Ea(no insc.)SfVmVo(adding xxviii); Quod omnis qui – ecclesie cum parochianis 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. OaPcPtRfTbVp

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

<sup>6</sup> IX \*CaLdMgMkMmOePfPrTdVm; X Be; om. AdDaOaPhRfTbTcVo

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

<sup>8</sup> Relatum Be?FbGcMgMqPfPtTfVoWc; Delatum CeLcLdMjMoPcPyRbRf

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

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

<sup>11</sup> corr. to -achos Pf<sup>1</sup>

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

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

<sup>14</sup> eccl. quibus] quibus eccl. Db

<sup>15</sup> subiecti \*BeDbMhMkMmMnMoMqPfPhPrPtTbVo; subditi CaDaFb<sup>2</sup>GcMfMgMjMpRaTc; sub'i Rf

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



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

ID 7.150]

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

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

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

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

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

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

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

<sup>23</sup> -vertes Ca

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

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

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

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

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

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

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

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

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

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

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

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

### 30

[*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 censem<sup>4</sup>.

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

<sup>2</sup> in mg. AdBeCaCeDaGcMgMpPfPrSbTc, in text SfVmVo(*adding xxviii*); 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. CbOaPtRfTbTd

ID 3.59a] *De cons. D 1 c 12*

<sup>3</sup> iii Rf. *No insc.* Pt; Relatum est auribus nostris *add. in mg.* Sg<sup>2</sup>

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

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

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

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

<sup>1</sup> Mm *lacks beginning*

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

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

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

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

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

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

<sup>8</sup> a \*AdBeFbGcLdLjLmMfMgMhMjMkMmMoMpOaPfPtPwTbVo; *om.* CaCbTc; aut Cc; ab EaLf

<sup>9</sup> Bulg- \*Ad<sup>2</sup>BeCaCbCcFbGcLdLfLjLmMkMmPfPhPtQeTbTcVo; Bug- Ad; Ung- Ea; Bung- MgMj; Hungaris Mo<sup>2</sup>

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

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

<sup>12</sup> *in mg.* Ld<sup>2</sup>

<sup>13</sup> cum tabula consecrata \*AdBeCaCbCcLdLfLmLjMgPfPhPtQe; 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 AdBeCaCbCcLdLfLjLmMqPfPhPtPwTb; tantum Gc<sup>2</sup>

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

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

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

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

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

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

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

<sup>23</sup> id \*CaCbCcLdLfLjLmMgPfPtTb; *om.* Tc

pertinentia ibi adfuerint, missarum solempnia celebrare concedimus<sup>24</sup>. Aliter omnino interdicimus.<sup>25</sup>

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

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

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

### 32

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

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

*ID 3.30] De cons. D 1 c 31*

<sup>1</sup> alt. esse Sb

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

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

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

<sup>5</sup> Ut add. Ra

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

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

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

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

### 33

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

De ecclesiarum enim<sup>5</sup> consecratione et de missarum celebrationibus non alicubi quam in sacratis Domino locis absque magna<sup>6</sup> necessitate fieri debere liquet omnibus<sup>7</sup> quibus sunt nota Novi<sup>8</sup> et Veteris Testamenti precepta. Tabernaculum vero Moisen<sup>9</sup>, Domino precipiente, fecisse et sacrasse<sup>10</sup> cum mensa et altari eius, et certis<sup>11</sup>

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

<sup>2</sup> ventura Sb

<sup>3</sup> in mg. AdBeCaCeDaGcMgMpPfPrRb<sup>2</sup>SbTcWc(against prec. cap.), in text VmVo(adding x); om. OaPtRfTbVp

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

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

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

<sup>7</sup> in sacratis – omnibus at foot of leaf Mo<sup>2</sup>

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

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

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>10</sup> sacr- \*BdCeOaPhPkPqPrTbVm; consec- AdBeCaGcMgPaPcPfPwRfSbTc

<sup>11</sup> vel ceteris *add. ss* Ca<sup>2</sup>

<sup>12</sup> utensibus Ca

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

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

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

### 34

*[Quod non debeant<sup>1</sup> consecrari altaria<sup>2</sup>, nisi reliquie apponantur]<sup>3</sup>. Ex concilio Africano, cap. i<sup>4</sup>*

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]*

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

<sup>2</sup> altare Pt

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

<sup>4</sup> Ex – i *om.* EaPtRb

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

<sup>6</sup> loci CaMgTbTc; *om.* Pf

### 35

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

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

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

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

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

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

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

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

<sup>6</sup> *ss* Be

## 36

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

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

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

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<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; De non transferendis irrationabiliter sanctorum corporibus cap. xxxv *add. Vo*

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

## 37

<sup>1</sup>*Ex registro Gregorii pape*<sup>2</sup> *ad Iohannem Bellitranensem*<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.*

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

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

<sup>3</sup> Bitranensem Rf

<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*

<sup>5</sup> eiusdem \*FbMgPfTbTc; *om.* Ca

<sup>6</sup> sec. deg. \*AdTbTcVm; deg. sec. CaMgPf

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

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

<sup>9</sup> -ari \*CaMgPfTb; -are Tc

<sup>10</sup> fratrem coepiscopumque \*AdBeGcMgOaPhVmVoVp; coepiscopum fratremque Ca; fratrem coepiscopum Pf; fratrem et coepiscopum Tb

<sup>11</sup> qui \*MgTbVo; que CaFbPf

<sup>12</sup> hostilitatis \*CaFbPfTb; hospitalitatis Mg

<sup>13</sup> dierum Vo

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

## 38

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

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

ID 3.80] *De cons. D 1 c 36*

<sup>1</sup> de AdCaEaGcMgTcVm; *om.* PfSfTb

<sup>2</sup> sanctorum *add.* Sb

<sup>3</sup> *in mg.* AdBeCaCeDaGcHaLdLnMgPfPrRb<sup>2</sup>SbTcWc, *in text* Ea(*no inscr.*)SfVmVo(*adding xxxvii*); *om.* LcOaPcPtRfTbVp

<sup>4</sup> sanctis CaMgPfTb; *om.* Oa; sacris RfTc; sanctorum Wc

<sup>5</sup> dicit CaMgPfRfTbTcVm; *ait* Sf; *om.* AdWc. *De mut. – dicit*] *om.* Lc; Augustinus Pt

<sup>6</sup> Tribus \*AdBeCeDaEaEgGcHaOaPcPkPrPtPwQaRaRfSbSeTdTfVmVoVpWc; Pluribus BdLdMgMqPfVq; [ *iribus* Ca; Quibus La; Pluribus de Lc; Tribus ex Pa; Quibus PhQeTb; Tribus de RbSe<sup>2</sup>Tc

<sup>7</sup> Primo \*AdBeCeEaFbGcMgMqPaPfPhPkPqVmVo; Prima CaOaQeRaRbRfTb; Prima' Pc; Prima est Tc

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

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

<sup>10</sup> -undo \*MgVo; -unda AdBeCaGcPfPhPrTbTcVm

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

## 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*

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

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

## 40

[*Qua hora celebranda sit missa*]<sup>1</sup>. *Ex epistola Thelesphori<sup>2</sup> pape, cap. vi<sup>3</sup>*

<sup>1</sup> *in mg.* AdBeCaCeDaGcLdLnMgPfPrSbTc, *in text* Ea(*no inscr.*)SfVmVo(*adding cp. xxxviii*); Qua hora debeat missa celebrari *in mg.* Rb<sup>2</sup>; *om.* OaPcPtRfTbVp

<sup>2</sup> Theolophili Ad

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

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

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

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<sup>4</sup> horam \*FbMgPFTbTc; om. Ca

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

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

## 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.*

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<sup>1</sup> cc 41-2 reversed CcTf

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

<sup>3</sup> cap. xvi BeCaGcLnMgPfRbRfTbTcTd; 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>4</sup> sive her. sive Iud. \*CaMgPfPhTc; sive Iud., sive her. Tb

<sup>5</sup> secreta *add. supersc. Tc*

## 42

[<sup>1</sup>*Quod*<sup>2</sup> unusquisque presbiter una contentus sit ecclesia<sup>3</sup>]<sup>4</sup>. *Ex concilio*<sup>5</sup> *Dionisii*  
*pape, cap. iii*<sup>6</sup>

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>.

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

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

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

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

<sup>5</sup> decretis DaSb; consiliis Ln; consilio Td

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

Pc

<sup>7</sup> ss Pr

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

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

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

ID 3.47 med.] C 13 q 1 c 1

### 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 AdBeCeDaEaGcOaPcPfPhPrRbRfTbTcVmVoVp; De eodem. Item Ca; De eodem *add. in mg.* CaDa; Item FdMg; *om.* Pt. Quod unusquisque sua sit contentus ecclesia *add. in mg.* Tc

<sup>2</sup> iii AdBeCaGcPfTbTc; iiii MgVp; ii OaPrRbVm; viii PcRf; *no inscr.* EaPt; Non licet presbiterum ministrare in duabus ecclesiis cp. xxxii *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 concilio Remensi<sup>3</sup>, cap. viii<sup>4</sup>*

Sicut<sup>5</sup> in unaquaque ecclesia presbiter debet esse, ita ipsa que sponsalis<sup>6</sup> eius dicitur, non potest dividi inter plures<sup>7</sup> presbiteros, sed unum tantummodo habebit sacerdotem qui eam caste et sinceriter regat<sup>8</sup>. Unde interdicimus ut nullus presumat ecclesiam inter duos vel<sup>9</sup> plures dividere, quia Ecclesia Christi uxor et sponsa esse debet non scortum sicut Calixtus papa testatur.

ID 3.49] +C 21 q 2 c 4

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

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

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

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

<sup>5</sup> Dic' Rf

<sup>6</sup> sponsalis CaMgPfTb; sponsa Tc

<sup>7</sup> plures \*CaMgPfTb; duos Tc

<sup>8</sup> regat *before* caste Tb, *not* \*CaMgPfPhTc

<sup>9</sup> inter *add.* Ca, *om.* \*FbMgPfTbTc

### 45

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

*Ex concilio Meldensi, cap. x<sup>4</sup>*

<sup>1</sup> Que pena man. presb. (presbiterum AdBeCaCeGcPrSfVmVo<sup>2</sup>) AdBeCaCeEaGcMgPfPrRb<sup>2</sup>SfVmVo<sup>2</sup>; Quod man. pena presbitero Tc

<sup>2</sup> reliquerit BeGcPfRbVmVo; relinquit CaMgTc; reliquit Ad



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

ID 3.52] +C 7 q 1 c 32

<sup>3</sup> in mg. AdBeCaDaGcMgMpPfPrRb<sup>2</sup>SbTc, in text Ea(no inscr.)SfVmVo(adding xliiii); om.

MoOaPcPq(but see c 43)PtRfTbVp

<sup>4</sup> Ex concilio only Pc; no insc. MoPtRf

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

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

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

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

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

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

<sup>4</sup> ducti \*OaPhTb; deducti AdBeCaDaEaGcLdMgMqPaPcPfPkPrRbRfSbTcTdTfVo

<sup>5</sup> corr. fr. ecclesia Mo

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

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

<sup>8</sup> cora Ca

## 47

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

Ut<sup>3</sup> laici presbiteros non<sup>4</sup> eiciant de ecclesiis neque constituent 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 constituent add in mg. CaDa

<sup>2</sup> xxviii AdBeCaGcMgPcPfPhQeRfVm; xxiii OaRb; xxvii Ex Pr; v Tb; xxvii Tc; xxxviii Vo, adding Non posse laicos eicere presbiteros de ecclesiis suis cp. xlv

<sup>3</sup> Et Rf; om. Ra

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

## 48

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

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

ID 3.89]

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

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

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

<sup>4</sup> commend- \*BeLdOaPhQeTcTb; emend- AdBdCaEgGcHaLkPfMgMqPcPkPqPrRbRfSbTdTfVmVo; 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 est atque omnibus modis prohibitum ut si quis presbiter inventus fuerit alicui clerico vel laico munera dare aut dedisse, aut aliam<sup>7</sup> pecuniam tribuere, ut alterius presbiteri ecclesiam vacantem<sup>8</sup> pretio redimat, pro hac cupiditate seu rapina seu presumptione turpis lucri gratia deiciatur<sup>9</sup> a clero, et alienus existat a regula<sup>10</sup>.

ID 3.90] +C 7 q 1 c 33

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

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

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

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

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

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

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

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

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

<sup>10</sup> sacerdotum *add.* MoPcRfTc, presbiterorum *add. ss Eg<sup>2</sup>Mg<sup>2</sup>*, *om.*

\*AdBbBeCaCcDaDbEaEgGcLeLgMfMgMhMjMkMmMpObOdOeOfPfPhPtRbSbTbVaVmVoBran  
t

## 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> venerit, 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 proventus 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

<sup>1</sup> cl. quil. Ce

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

<sup>3</sup> om. Ce

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

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

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

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

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

## 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

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

<sup>2</sup> De eadem re AdBeCaCeMgOaPcPfPrRfSbTcVmVp; De eodem Vo; om. PhPtTb

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

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

<sup>5</sup> Resbiter Mn

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

## 52

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

Placuit ut episcopi, presbiteri, diaconi vel quicumque clerici qui nihil habentes ordinantur, et tempore episcopatus vel clericatus sui agros vel quecumque predia sui

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

<sup>2</sup> cap. xlvii BeCaLdMgOaPf RbTdVmVo(adding li); cp. xlviii DaSb; cap. xlv Tb; cap. xxxviii Tc; cap. xlviii Vp; om. AdEaPcRf

nominis<sup>3</sup> comparant, tanquam rerum dominicarum invasionis crimine teneantur obnoxii, nisi ad ecclesiam ad quam titulati sunt, eadem ipsa contulerint. Si<sup>4</sup> autem ipsis<sup>5</sup> propria libertate<sup>6</sup> alicuius vel successione cognationis<sup>7</sup> aliquid evenerit, faciant inde quod velint.

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

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

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

<sup>5</sup> after alicuius Rf

<sup>6</sup> libertate AdBeCaCeDaEgGcLkMqPfPhPkPqPrPwQeRbRfSbTbTcTfVmVo; liberalitate

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

<sup>7</sup> cognationis \*AdCaEgGcPfTbTcTfVo; cognitionis Mg; cogitationis PrVm

## 53

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

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

ID 3.96b] X 3.25.3

<sup>1</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) BeCaCeGcPrVm; Ex concilio Cartag' cap. xlviii. De eadem re Mg; De eadem re. Ex (et VoVp) eodem (concilio add. RbVo) cap. xlviii OaRbVo(adding cp. lii)Vp; Item idem Pf; Ex concilio Cartag' cap. xlviii PhPtTb; De eodem conc. cap. xlv... Sb

<sup>2</sup> Et CeOa

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

## 54

### *[Ut canticum turpe circa ecclesias<sup>1</sup> non fiat]<sup>2</sup>. Ex concilio Cartaginensi<sup>3</sup>*

Canticum turpe atque luxuriosum circa ecclesias atque in atriis ecclesie omnino contradicimus<sup>4</sup>, quod ubique<sup>5</sup> vitandum est.

ID 3.77]

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

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

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

<sup>4</sup> interdicimus RfTf. fieri add. AcAdBeCaHaLdMgTcTdTf, om. \*CeGcLdOaMqPf PhRbRfTb

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

## 55

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

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

ID 3.40]

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

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

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

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

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

<sup>6</sup> -atur \*AcBeCaMgPfTc; -uatur AdSbTbVo

## 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 cernentibus<sup>7</sup>, quia in ipsa ignorantes vident quod<sup>8</sup> sequi debeant, in ipsa legunt qui litteras nesciunt. Unde et precipue gentibus pro lectione pictura est. Quod magnopere tu qui inter gentes habitas attendere debueras ne, dum recto zelo incaute succenderis, ferocibus animis scandalum generares. Frangi ergo non debuit quod non<sup>9</sup> ad<sup>10</sup> adorandum in ecclesiis sed ad instruendas solummodo mentes fuit nescientium<sup>11</sup> collocatum<sup>12</sup>, et quia in locis venerabilibus sanctorum depingi historias<sup>13</sup> non sine

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

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

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

<sup>4</sup> enim AcBeCaMgPfPhTcVoVq<sup>2</sup>; om. TbVq

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

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

<sup>7</sup> picturam cern. \*AcAdBeCaPfPhVm; pictura cern. MgTc; cern. picturam Tb

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

<sup>9</sup> om. Pq

<sup>10</sup> ad \*PqRfTcTb; om. AcAdBeCaMgMqPfPhVm

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

<sup>12</sup> collocatum \*BeGcMgMqPhRfTcVm; collatum AcAdCaPfTb

ratione vetustas admisit, si zelum discretione condidisses<sup>14</sup>, sine dubio et ea que intendeas salubriter obtinere<sup>15</sup>, et collectum gregem non dispergere sed potius poteras congregare, ut pastoris intemeratum excelleret nomen, non culpa dispensoris incumberet.

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

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

<sup>14</sup> condidisses AcAdBeCaPhTbTcVo; condidisses DaPrVm; credidisses MgPf

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

## 57

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

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

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

<sup>1</sup> et AdMgPfCm; *om. Tc*

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

<sup>3</sup> *in mg. AdBeCeGc(against c 58)LdMgPfPrSbTc, 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. OaPtRfTbVp. vii add. in mg. Be<sup>2</sup>*

<sup>4</sup> Admon- \*AcAdBeCaMgPfTbVo; Dein mon- Oa; Ammonuimus Rb; Common- Rf; Mon- Tc

<sup>5</sup> decimas \*AcAdBeCaMgTb; decime PcPfRfTc

<sup>6</sup> omnino Deo dare Pc<sup>2</sup>RfVm; omn. dare AcAdBeCaTb; omn. dare Deo Mg; Deo omn. dare Mq; omn. dari Pf<sup>2</sup>Vo; omn. dari Deo PcTc

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

<sup>8</sup> ipse *add. \*MgPc, om. AcAdCaMqPfTbTcVm*

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

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

<sup>11</sup> sua \*AcAdBeRbTbTcVmVo; *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. Boves et oves et capre que sub virga pastoris transeunt<sup>5</sup>, quicquid

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

<sup>2</sup> cap. iii \*AcAdBeCaDaMgOaPfRfTcVo(adding lvii); cap. xxx Ph; cap. xxxviii Ph<sup>2</sup>SfTb; *om.*

GcPrVm; *no insc. EaPt*

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

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

decimum venerit, sanctificabitur Domino<sup>6</sup>. Non eligitur nec bonum nec malum nec altero<sup>7</sup> commutabitur. Si quis mutaverit et quod mutat et quod mutatum est sanctificabitur Domino, et<sup>8</sup> non redimetur. Sed quia multi inveniuntur modo decimas dare nolentes, statuimus ut secundum Domini nostri Iesu Christi preceptum<sup>9</sup> admoneantur semel et secundo et tertio. Si non emendaverint anathematis vinculis<sup>10</sup> constringantur usque ad satisfactionem et emendationem congruam.

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

<sup>5</sup> et add. CaTb, om. \*AcBeGcMgPfTc

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

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

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

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

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

## 59<sup>1</sup>

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

Questi<sup>6</sup> sunt preterea<sup>7</sup> quidam sancti<sup>8</sup> quod<sup>9</sup> essent aliqui episcopi et abbates qui decimas non dare sinerent<sup>10</sup> ad ecclesias ubi illorum coloni missas<sup>11</sup> audiunt. Proinde decrevit sacer iste<sup>12</sup> conventus ut episcopi et<sup>13</sup> abbates de agris et de<sup>14</sup> vineis<sup>15</sup>, que ad suum vel fratrum stipendia<sup>16</sup> habent, decimas ad ecclesias deferri<sup>17</sup>

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

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

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

OaPcPtRfTbVp

<sup>4</sup> Capuan' Pt

<sup>5</sup> No inscr. PcRf; this is the last inscr. in Rb, which still has mg. rubrics for a while

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

AdBbBdBeCaDaEgHaLkMgPcPdPfPqPwQaRaRfTcVoVpWc

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

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

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

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

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

<sup>11</sup> misas Tb

<sup>12</sup> add. ss Be<sup>2</sup>

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

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

<sup>15</sup> vicis Lk

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

AdBdBeLkPcPqPwRfSbVo; usum vel stip. CaCeDaEgGcHaLdPfPkTbTcTf; usum suum vel fratrum

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

usum fratrum stip. Vp

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

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

## 60

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

Decimas Deo et sacerdotibus Dei<sup>4</sup> dandas Abraham factis Iacob promissis insinuat. Deinde<sup>5</sup> lex statuit et omnes doctores sancti commemorant, et profecto dignum<sup>6</sup> erat, ut Israhelite decimas pecorum et frugum<sup>7</sup> et omnium primitiarum Domino<sup>8</sup> darent, qui eos<sup>9</sup> liberaverat a decem plagis quibus percussit Egiptios<sup>10</sup>, et in novissima plaga primogenita cunctorum disperdidit, gratiamque suis<sup>11</sup> prestitit, ut impetratis pecuniis spoliarent Egiptum. De quibus decimis Augustinus doctor venerabilis<sup>12</sup> dicit<sup>13</sup>, Decime ex debito requiruntur. Quid<sup>14</sup> si diceret Deus, nempe meus est homo<sup>15</sup>, mea est terra quam colis, mea sunt semina que spargis, mea animalia que fatigas, meus est solis calor, et cum omnia<sup>16</sup> mea sint tu qui minus accommodas, solam decimam vix merebaris, sed reservo tibi novem, da mihi decimam. Si non dederis mihi<sup>17</sup> decimam auferam tibi novem. Si<sup>18</sup> dederis mihi<sup>19</sup> decimam multiplicabo novem. Cum itaque Iudaicus populus preceptum decimarum tanta

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

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

<sup>3</sup> Mag. cap. viii \*AdCaMgPfTbVm; Toletano RfTc

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

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

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

<sup>7</sup> et frugum \*CaMgPfTb; om. Tc

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

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

<sup>10</sup> perc. Eg. \*CaMgPfTb; Eg. perc. Tc

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

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

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

<sup>14</sup> Quid CaMgPfTb; Quod Tc

<sup>15</sup> est homo \*CaPfTc; es o homo Mg; es homo Tb

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

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

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

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



diligentia observaret ut<sup>20</sup> de quibusque<sup>21</sup> minimis rebus, ruta videlicet et mentha et cimino<sup>22</sup>, ut ipse Dominus testatur<sup>23</sup>, decimam daret, cur non maiori studio plebs evangelica eamdem impleat iussionem, et cui maior numerus est<sup>24</sup> sacerdotum et sincerior cultus sacramentorum? Ideo ergo dande sunt ut hac devotione Deus placatus largius prestat que necessaria sunt, sicut superius ostendimus<sup>25</sup>. Et ut sacerdotes ac<sup>26</sup> ministri<sup>27</sup> ecclesie cura et sollicitudine necessitatum corporalium, sine quibus hec vita transigi non potest, relevati liberiores fiant ad meditationem<sup>28</sup> divine legis et doctrine administrationem atque spiritualis servitutis<sup>29</sup> voluntariam<sup>30</sup> expletionem<sup>31</sup>, et ut munus<sup>32</sup> populi in cotidiana oblatione Domino immoletur, nec non<sup>33</sup> statuta canonica<sup>34</sup> in sustentatione<sup>35</sup> pauperum et restauratione<sup>36</sup> ecclesiarum proficiant. Quatuor enim partes iuxta canones fieri<sup>37</sup> de fidelium oblationibus debent<sup>38</sup>, ut una sit episcopi, altera clericorum, tertia pauperum, quarta restaurationi ecclesiarum servetur<sup>39</sup>.

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

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

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

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

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

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

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

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

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

<sup>28</sup> meditationem CaGcMgPfTbTc; emendationem PrVm

<sup>29</sup> servitii Ce

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

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

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

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

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

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

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

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

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

<sup>39</sup> quarta restaurationi ecclesiarum (ecclesie Rb) servetur OaPhQeRbTb; quarta ad restaurationem ecclesiarum AdCaCcDaGcHaLgMfMgMjMpPdPrPtPwTcTdTfVmVoVpWc; quarta ad restituendam ecclesiam BdEgLkMoObOeOfPcPfPqRaSbVaWd; quarta ad restaurationem ecclesie BeOdPaSIVoBrant; 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<sup>2</sup> decimis, due clero, tertia episcopo]<sup>3</sup>. Ex<sup>4</sup> concilio Toletano<sup>5</sup>*

De his<sup>6</sup> que ad ecclesiam a parochianis offeruntur in terris, in vineis, in mancipiis, pecuniis, antiquorum canonum instituta servantur, 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

<sup>1</sup> after c 62 Vp

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

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

<sup>4</sup> Ex AdBeCaMgPfTb; De MoRfTc

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

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

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

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

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

<sup>13</sup> precipimus ut add. QeTb, ut statuimus add. Ph, om. \*AdCaCeDaGcHaLdMgMoMpPfRfTcTdTfVm

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

## 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 episcopis prohibendum est ne fiat.

ID 3.200] +C 16 q 7 c 7

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

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

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

## 63

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

Quo iure defendis villas ecclesie, divino an humano? Divinum ius in scripturis habemus, humanum in legibus regum. Unde quisque<sup>4</sup> possidet quod possidet?<sup>5</sup> Nonne iure humano? Nam iure divino Domini est terra et plenitudo eius. Pauperes et divites Dominus ex uno limo fecit, et<sup>6</sup> pauperes et divites una terra subportat. Iure ergo humano dicitur, Hec villa mea est, hec domus mea est, hic servus meus est. Iura ergo<sup>7</sup> humana, iura imperatorum. Quare? Quia ipsa iura humana<sup>8</sup> per imperatores et reges seculi Deus distribuit<sup>9</sup> generi humano. Item. Tolle iura imperatoris, et quis audebit dicere, Mea est illa villa, meus est iste servus, mea est ista domus? Si autem ut teneantur ista ab omnibus<sup>10</sup>, iura acceperunt regum, vultis ut<sup>11</sup> recitemus<sup>12</sup> leges ut gaudeatis?<sup>13</sup> Item. Relegantur leges ubi manifeste<sup>14</sup> preceperunt imperatores eos qui propter ecclesie catholice<sup>15</sup> communionem usurpant sibi nomen Christianum, nec volunt in pace colere pacis auctorem, nihil nomine ecclesie audeant possidere. Sed quid nobis et imperatori? Sed, etiam<sup>16</sup> dixi, de iure humano agitur<sup>17</sup>, et tamen apostolus voluit servi<sup>18</sup> legibus<sup>19</sup>, voluit honorari<sup>20</sup> reges et dixit, Regem veremini<sup>21</sup>. Dicere noli, Quid mihi et regi? Quid tibi ergo et possessioni? Per iura regum

<sup>1</sup> om. Sb

<sup>2</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. DaOaTb

<sup>3</sup> tractatu vi \*CaGcLdLn<sup>2</sup>MgPfPrSb(subs. canc.)VmVo; Aug. – Ioh. only Ad; tractatu vii BePhSfTb; Aug. – prima Da; Aug. only Ea; om. Eg; tractatus PcTc. No insc. Pt

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

<sup>5</sup> quod poss. in mg. Ph

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

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

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

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

<sup>10</sup> omnibus MgPfTbTc; hominibus Ca

<sup>11</sup> ut CaMgPfTc; om. Tb

<sup>12</sup> reticea add. in mg. Vp

<sup>13</sup> gaudeatis \*MgPfTbTc; audiat Ca

<sup>14</sup> ubi man. \*CaMgPfPhTc; ibi (man. in mg.) Tb

<sup>15</sup> eccl. cath. \*MgTbTc; cath. eccl. CaPf

<sup>16</sup> iam PhSb; ut add. CaMgPc<sup>2</sup>Tc, om. BdCeGcPaPcPfPk

<sup>17</sup> Sed quid - agitur \*BdCaCeMgPaPcPfPhPkPrTc; om. Tb

<sup>18</sup> -iri \*PhTb; -ire AdBdCaGcMgPcPfPh<sup>2</sup>PwSbTcVm

<sup>19</sup> legibus BdBeGcMgMqPfSbTbTcVo; regibus Ad<sup>2</sup>CaSb<sup>2</sup>

<sup>20</sup> -ari \*MgPfTbTc; -are Ca

possidentur possessiones<sup>22</sup>. Dixisti, Quid mihi et regi? Noli dicere possessiones tuas, quia ad<sup>23</sup> ipsa<sup>24</sup> iura renuntiasti<sup>25</sup> humana, quibus possessiones possidentur<sup>26</sup>.

ID 3.194] D 8 c 1

<sup>21</sup> veremini BdCeMqPaPfPhPkPrTbVm; veneremini AdBeCaGcMgSb<sup>2</sup>Tc; veneramini DaPcPq; uremini Rb; reveremini Vo

<sup>22</sup> possid. possess. \*CaMgPfPhTc; possess. possid. Tb

<sup>23</sup> ad \*CeDa<sup>2</sup>PhPkPqPrTbSbVm; om. AdBdCaDaMgPaPfPwTc

<sup>24</sup> ad ipsa over erasure Pc

<sup>25</sup> iura ren. \*CaMgPfTb; ren. iura Tc

<sup>26</sup> possess. possid. \*CaMgPfTb; possid. possess. 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

<sup>1</sup> Quod - poss. in mg. AdBeCaCeDaGcLdPfPr Rb<sup>2</sup>SbTc, in text LeMqVmVo(adding lxiii) (Mq has rubrics inserted in text from here on, in black, having had very few indeed beforehand); Quod – poss. De legitima possessione (no inscr.) in text Ea; De legitima possessione quod est legitimum tempus ecclesiastice possessionis in mg. Mg; om. OaPcPtTbVp

<sup>2</sup> viix Ad; xlviii Pt

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

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

<sup>5</sup> precipimus add. in mg. Ce<sup>2</sup>

<sup>6</sup> eos \*CaMgTbTc; eas Pf

<sup>7</sup> ss Ad

<sup>8</sup> vel molestia add. in mg. Ph

<sup>9</sup> decernimus add. ss Eg

<sup>10</sup> tenentes – annos in mg. Ad<sup>2</sup>

<sup>11</sup> de his alt. \*CaMgPfTb; alt. de his Tc

<sup>12</sup> licere \*MgTb; licet CaPfTc

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

<sup>14</sup> here \*CaMgPfTb, before certamen PfTc

<sup>15</sup> decrevimus add. MgVp, om. \*AdBeCaCcGcMqPfTbTcVmVo

## 65

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

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

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

<sup>2</sup> De tric. poss. AdBeCaDaGcMgMqOaPfPrRfSb(mg.)TcVmVo(adding lxiiii)Vp; De tric. possessionum Ce; Gelasius papa capitulo ii Pt; om. PhRbTb. Ex decretis Gelasii pape add. Pc(subs. *canc.*)SbTc

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

<sup>4</sup> -opis \*AdBeMgPfTb; -opi CaTc

<sup>5</sup> -usit \*AdBeCaMgVo; -udit PfPhTbTcVm

<sup>6</sup> -usit \*AdBeCaGcMgPfPhRb<sup>2</sup>Tb; vel exclusit vel eduxit Pt; -udit RbSbTc

## 66

### <sup>1</sup>Gregorius<sup>2</sup> Petro subdiacono<sup>3</sup>

Si monasterium<sup>4</sup> sancti Theodori fines, de quibus causatio commota est, inconcussis<sup>5</sup> quadraginta annis possedisse<sup>6</sup> reppereris, nullam deinceps, etiamsi quid sancte Romane ecclesie competere<sup>7</sup> potuit, patiaris sustinere calumniam, sed quietem eorum modis omnibus procurare<sup>8</sup>.

*ID 3.146; for the version of Pt cf AL 5.57, Deusdedit 3. 92] C 16 q 4 c 2 has more at beginning and end, as IIII*

<sup>1</sup> De eadem re add. in mg CaDa

<sup>2</sup> papa add. Tc, om. \*AdCaEaMgPfTbVm

<sup>3</sup> -onus Pt; De eodem cp lxxv add. Vo

<sup>4</sup> prephatum add. Pt

<sup>5</sup> inconcussis \*AdMgPfPhTcVm; incussis Ca; inconcusse Tb

<sup>6</sup> possedisse \*CaMgPfTb; possidere Tc

<sup>7</sup> utiliter conferre add. ss Eg

<sup>8</sup> sed quietem eorum (om. Ce) modis omnibus (omn. mod. Ha) procurare

\*AdBdBeCaCcCeDaEaGcHaLdLkPaPhPkPqPwQaSbTbTdTfVmVoWc; 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 eorundem finium electis arbitris tranquille et legaliter sopiatur Pt; sed quietem - procurare inconcussam debes Tc; sed quietem - procurare debes VpWd

## 67

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

<sup>1</sup> Quod tricennalis possessio firma sit in mg. Pf (cf c 68); no rubr. or inscr. Ea; De eadem re CaDa mg.

<sup>2</sup> Avernensi MgPcRfSb(text)TcVp [as ID 5.175]; Ariminensi Ad; Arruensi 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

Quicumque episcopus alterius episcopi diocesim<sup>6</sup> per triginta annos sine aliqua interpellatione possederit, quamvis<sup>7</sup> secundum ius legis eius videatur<sup>8</sup> esse diocesis admittenda non est contra eum actio<sup>9</sup> reposcendi<sup>10</sup>, sed hoc intra unam parochiam<sup>11</sup>, extra vero nullo modo, ne dum diocesis defenditur, provinciarum termini confundantur.

ID 3.131, 5.175] C 16 q 3 c 4

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GcHaMqTdVm; Arvernensi Ld; Advernensi Oa; Arimensi Ph; Arvernico Qa; Arruensi Sf; Arrunensi Td

<sup>3</sup> de BeCaMgMq<sup>2</sup>PfSbTcTdVm; om. AdMqTb

<sup>4</sup> annos AdCaMgPfSbTbVm; annorum spacia PcRfTc

<sup>5</sup> lxvi add. Vo. Avernensi – possessa corr. to Toletano IIII c. xxxiiii Pc

<sup>6</sup> id est parociam add. ss Ln<sup>2</sup>

<sup>7</sup> quamvis CaPfTbTc; quia Mg

<sup>8</sup> -eatur CaPfTbTc; -etur Mg

<sup>9</sup> actio \*MgPfTbTc; auctio Ca

<sup>10</sup> reposcendi \*BdBeCcCeEaEgGcLdLkMgMqOaPa<sup>2</sup>Pc<sup>2</sup>PhPk<sup>2</sup>PqPrQaSbTbVmVoVp<sup>2</sup>Wc; respondendi AdCaHaPcPfPwRbRfTcTf; respondendi vel reposcendi Ad<sup>2</sup>Ca<sup>2</sup>DaHa<sup>2</sup>; reposcendi PaPk; poscendi Vp

<sup>11</sup> *canc. with* vel provinciam ss Pc; vel provinciam add. ss Rf

## 68

[*Quod tricennalis<sup>1</sup> possessio firma sit*]<sup>2</sup>. Ex concilio Toletano, cap. xxv<sup>3</sup>

Sicut diocesim<sup>4</sup> alienam tricennalis possessio tollit, ita territorii conventum non admittit<sup>5</sup>. Ideoque basilice que nove condite<sup>6</sup> fuerint<sup>7</sup>, ad eum procul dubio episcopum pertinebunt cuius conventus esse constiterit.

ID 3.212] C 16 q 3 c 3 to adimit only

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<sup>1</sup> tricenna Ad

<sup>2</sup> Quod - sit in mg. AdCaCeDaGcLdPrRb<sup>2</sup>SbTc, in text CeEaLeMgMqOaTfVmVo(*adding* lxvii); against c 67 Pf; om. BePcPtTbVp

<sup>3</sup> Ex - xxv AdLdLnMgPfTbRfTcTdTfVm; Ex - Tol. IIII cp. xxx Da (*cf* XP 2.38.1); Ex eodem concilio cap. xxxv Eg; Ex - Tol. HaQa; Ex - Tol. <IIII> cp. xxxv Sb; om. Ea

<sup>4</sup> dicesim Mg

<sup>5</sup> admittit CaEg(vel adimit ss)MgPfTb; amittit Tc

<sup>6</sup> condite \*CaMgTbTc; om. Pf

<sup>7</sup> -erint \*MgPfTb; -erunt CaTc

## 69

[*Quod ecclesia que possidet<sup>1</sup> iuramento probare debeat<sup>2</sup>*]<sup>3</sup>. Gelasius Iusto<sup>4</sup> episcopo

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<sup>1</sup> possidet AdCaMgPfTcVm; tenet Sf

<sup>2</sup> prob. deb. AdCaMgPfTcVm; proset Sf

<sup>3</sup> in mg. AdBeCaCeDaGcLdMgPfPrRb<sup>2</sup>SbTc; in text SeSfTfVmVo(*adding* lxvii); om. MqOaPcTbVp

<sup>4</sup> Iusto \*AdBeCaGcMgPfSeTcVm; Iustino SfTb

Dilectio tua<sup>5</sup> quesita omnium fidelium<sup>6</sup> fideliter<sup>7</sup> rerum veritate<sup>8</sup>, si de spatiis quibus memoratur orta contentio<sup>9</sup>, definitio<sup>10</sup> dudum certa processit<sup>11</sup>, intemerata servetur. Alioquin, si nihil unquam constiterit terminatum, nunc de perscriptione<sup>12</sup> temporum, si qua pars fedit<sup>13</sup> prebeat sacramentum, ut tamen<sup>14</sup> que hactenus possedissee perhibetur iusiurandum sinatur afferre<sup>15</sup>.

ID 3.135, cf 6.105] C 16 q 3 c 7

<sup>5</sup> studeat add. MgMoTcVo, om. \*AdBeCaDaDbMqPfRbSeTbTfVm

<sup>6</sup> om. BeVo

<sup>7</sup> fideliter \*BeDbGcMgMq<sup>2</sup>OaRfSeTbVmVo; firmiter AdCaPfTc; fidelium Mq

<sup>8</sup> ut add. MgTc, om. \*CaDbPfTbTc

<sup>9</sup> et add. Mg, om. \*CaDbPfTbTc

<sup>10</sup> tua add. Pf, om. \*CaDbMgTbTc

<sup>11</sup> -essit \*CaPfTbTc; -esserit Mg

<sup>12</sup> de persc- \*CaCeHaPfRbTb; de prosc- AdPrRfTcTf; de presc- BeCaDaLdMg; per descriptionem Gc; descriptione Ha<sup>2</sup>

<sup>13</sup> fedit AdBeMgTb; fidei CaPfTc

<sup>14</sup> ut tamen \*CaCcMgTbTc; de his Pf

<sup>15</sup> aff- AdBdCaCcGcEgMgMoSeTbTc; off- Ad<sup>2</sup>Pf; offerre Rb

## <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*

<sup>1</sup> Mn resumes; LeMq have rubric but neither insc. nor text for c 70

<sup>2</sup> Que pen. – incent. (incensoribus AdCeMg) eccles. in mg. AdBeCaCeDaGcLdMgPrSbTc, in text Ea(no insc.)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 Ixviii Vo; om. OaPcRfTbVp

<sup>3</sup> -etis AdCaMgPfTb; -eto TcVm

## 71

<sup>1</sup>Ex concilio<sup>2</sup> Magontiensi, cap. vii<sup>3</sup>

Quisquis fastu<sup>4</sup> superbie elatus domum Dei ducit contemptibilem, et possessiones Deo sacratas<sup>5</sup> atque ad<sup>6</sup> honorem Dei sub regie munitatis<sup>7</sup> defensione

<sup>1</sup> De eodem add. in mg. Da; De invasoribus ac vastatoribus rerum ecclesiasticarum add. Ea(no insc.)Vo  
<sup>2</sup> decreto Ad

<sup>3</sup> Ixxviii add. Vo; cap. vii om. Be

<sup>4</sup> Quisquis fastu] Si quis fatu (after corr.) Pk; Si quis fastu Rb

<sup>5</sup> vel conse add. ss Da

<sup>6</sup> ad CaMgTbTc; om. Pf

<sup>7</sup> regie munitatis AdCaCeEaGcMqPaPcPfRfTcVoVp; regie mun. Mg; regie emunitatis BeOaPhPrTbVm; regie immutatis Pq; regie eternitatis Rb

constitutas, inhoneste tractaverit vel infringere presumpserit, aut incendia vel vastationes ausu temerario perpetraverit, quasi invasor et violator ecclesie Dei, que est domus Dei vivi, communione omnium fidelium abscidatur.

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

## 72

<sup>1</sup>[*Quid faciendum sit de*<sup>2</sup> *raptoribus ad ecclesiam confugientibus*]<sup>3</sup>. *Ex*<sup>4</sup> *concilio Calcedonensi*<sup>5</sup>, *cap. iii*<sup>6</sup>

De raptoribus autem feminarum<sup>7</sup> id<sup>8</sup> constituendum esse censuimus<sup>9</sup>, ut si ad ecclesiam raptor<sup>10</sup> cum rapta<sup>11</sup> confugerit<sup>12</sup>, et feminam ipsam violentiam pertulisse constiterit, statim liberetur de potestate raptoris, et parentibus reddatur, et raptor mortis vel penarum<sup>13</sup> impunitate concessa, liberam habeat eundi facultatem<sup>14</sup>. Si vero parentes mulieris ecclesiasticis viris obedire noluerint, excommunicentur.<sup>15</sup>

<sup>1</sup> viii in mg. Be<sup>2</sup>

<sup>2</sup> ss Be<sup>2</sup>

<sup>3</sup> Quid – confug. (fug- Gc) in mg. AdBeCaDaGcLdPfPr Rb<sup>2</sup>SbWc, in text Ea(no inscr.)LeLmMqSfVmVo(adding lxx); om. LfOaPcPtTbTc; (xvi add. Bd) De confugientibus ad ecclesiam in mg. (also in text Db, with De rapt. conf. ad eccl. quid fac sit below Lj) BdBDbLj, in text PhVp; De fugientibus ad ecclesiam. Quid - confug. Mg mg, in text MmMo

<sup>4</sup> Ex AdBeCaCbLdLfljLmMgPfPtTbWc; De Tc

<sup>5</sup> Calc. BeCaCbGcLdLfljLmMoOaPcPfPhPtRaRfTbTcTdVmWc; Caldonensi Ad; Aurelian' DaPc<sup>2</sup>; Aureliani Eg; Calcedonenum Ln; Aureliano Mg; vel Aurelianensi add. ss Ra<sup>2</sup>; Aurelianensi SbVp. [*Chalcedon is the implicit insc. of ID, for Orleans see BD 3.191, ID's source*].

<sup>6</sup> iii BeCeLdLmMoMqOaPcPfPhTbTcTdTf; iiii AdCaCbGcLdLjPkPrPtVoWc; ii DaEg?MgPc<sup>2</sup>=SbVm; Ex - iii om. CcPa. Calc. conc. only Qa. Qe fo. 113v (end of quire) ends. After the loss of a leaf it resumes in c 85 below

<sup>7</sup> De - feminarum om. Pq

<sup>8</sup> De rapt. – id] Ad Pq

<sup>9</sup> const. esse cens. \*Ad<sup>2</sup>BeCa<sup>2</sup>EgLdMgPfPhPtQaVmWc; const. esse censeamus Ad; const. cens. Ca; constituimus Tb; constitutum esse cens. Tc

<sup>10</sup> ad eccl. raptor \*AdBeCbCcLdLfljLmMgPfTbTcWc; raptor ad eccl. Ca

<sup>11</sup> rapta \*AdBeCaLdMgPfPtQaTbTc; raptura Lf

<sup>12</sup> confugerit AdBe<sup>2</sup>CaCcLdLjLmMfMgMhMjMkMmMnMoPdPfPhPtQaRaTbWc; fuerit Be; fugerit CbDbLfTc

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

<sup>14</sup> lib. hab. eundi fac.

AaAbAdBdBeCaCbCcCeDaDbEaEbEcFcGcKaLbLdLeLfljLgLjLkLmMfMgMhMjMkMmMqOaObOe OfPaPdPfPhPkPqPrPtPwQaRaRbSbSdSeSgTbTfVaVmVpWaWbWcZa; lib. hab. abeundi fac. Mn; lib. eundi hab. fac. OdVoVosm.; aut serviendi conditione subiectus sit aut redimendi se (liberam habeat add. Eg<sup>2</sup>Rf) facultatem EgRfTcVt(with Hispana, C. Orleans [511], c 2, against BD 3.191, ID); lib. eundi fac. hab. Brant. Eg<sup>2</sup>Ra continue: Si vero que rapitur patrem habere constiterit, et puella raptori consenserit, potestati patris excusata reddatur et raptor a patre superioris conditionis satisfactione <vel non> teneatur obnoxius. For liberam habeat eundi fac. 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>



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

### 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 suscepit, 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 AdCaMgPfTcVm; sunt EaSf

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

<sup>3</sup> in mg. AdBeCaCeDaGcLdMgPfPrSbTc; in text Ea(no inscr.)LeMnMqSfVmVo(adding lxxi); om. OaPcPtRbTbVp

<sup>4</sup> eod. conc. BeCaDaPfRfTcVo; concilio Calcedonensi AdGcLdMqOaPrSeSfTbVm; conc. eod. LnMg

<sup>5</sup> iiii AdBeCaMqPfTb; iii DaGcMgPcPrSbSeSfTcVm; v Ld; vii Vo. Ibidem only Pt

<sup>6</sup> si a domino – culpa in mg. Mq<sup>2</sup>

<sup>7</sup> -icum \*CaPfTbTc; -ici Mg

<sup>8</sup> dato sac. dom. suo\*CaMgPfTb; dom. suo dato sac. Tc

<sup>9</sup> restitutus Ra; vel consignatus in mg Ra<sup>2</sup>

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

<sup>11</sup> communione \*CaMgPfTb; communicatione Tc

<sup>12</sup> clericis \*BeGcTbTcVm; cleris AdCaMgMqPf

<sup>13</sup> -eat \*CaMgPfTb; -et Tc

### 74

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

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

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

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

<sup>2</sup> papa add. PfTc, om. \*AdCaMgPfTb

<sup>3</sup> ex concilio apud Theodonisvillam cap. xi (x PcRf, ix Se) add. LeOaPcRfSe, apud villam Theodonis cap. x add. Tc, Ex concilio apud Theodonis add. Vm (cf c 75), om. \*AdBeCaDaGcMgPfTbVp, 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, aut in domum episcopi, quia hec in antiquis canonibus pro emunitate tenentur, nemo abstrahere audeat, neque inde donare aut<sup>4</sup> ad penam vel ad<sup>5</sup> mortem, ut honor Dei et sanctorum eius pre omnibus conservetur. Sed rectores ecclesiarum pacem et vitam ac membra ei<sup>6</sup> cum iuramento obtinere studeant. Tamen legitime componat<sup>7</sup> quicquid inique fecerat<sup>8</sup>, et si insecutor magistris ecclesie obedire noluerit, canonice constringatur.

ID 3.111] +C 17 q 4 c 9 is very remote

<sup>1</sup> De eodem *add. in mg.* CaDa; De eadem re *add.* Vo

<sup>2</sup> Ex - xi (xl Be) \*AdBeCaGcMgMqPfTbVm; 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*.

<sup>3</sup> Reum Vo

<sup>4</sup> aut GcMgTbVm; *om.* BeCaPfTc

<sup>5</sup> vel ad \*CaMgPfPhVm; aut ad Tb; vel Tc

<sup>6</sup> ei CaMgTbTc; *om.* Pf

<sup>7</sup> componant, *with* vel compreciant *in mg.* Ph

<sup>8</sup> vel compreciat *in mg.* Ph<sup>2</sup>

## 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>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>2</sup> Hil. conc.] conc. Ilerbensi Be

<sup>3</sup> vi CaLdMgPcPfRfTbTcTdVo(*adding* lxxiii) ; viii DaPc<sup>2</sup>Sb; vii GcPrVm

<sup>4</sup> episcoporum *add.* Py

<sup>5</sup> presumat \*CaMgPfTb; *om.* Tc

<sup>6</sup> dedit \*BeEaGcMgMqOaPfTbTcVmVp; dederit BdCaCc; ?? Ad

77<sup>1</sup>

[*Qua ratione sint reddendi inimici ad ecclesiam confugientes*<sup>2</sup>]<sup>3</sup>. Ex concilio<sup>4</sup>

Chalcedonensi<sup>5</sup>, cap. v<sup>6</sup>

<sup>1</sup> *after c 78 Vp*

<sup>2</sup> inim. ad eccl. conf. AdBeCeDaMgPfPrTcVm; ad eccl. conf. inim. Ca; inim. ad eccl. fugientes GcVm

Similiter in Matiscensi<sup>7</sup> sinodo decretum est, ut<sup>8</sup> hi qui fugiunt suos<sup>9</sup> inimicos, aut in<sup>10</sup> ecclesiam, aut in<sup>11</sup> atrium ecclesie, aut in domum episcopi, aut in claustrum regularium, non inde abstrahantur, nisi prius supra sacra securitate accepta a persecutore, de morte, de<sup>12</sup> debilitate et omnium penarum genere sint securi, etiam si servi sint<sup>13</sup> illorum qui eos insequuntur, ita ut ei<sup>14</sup> cuius rei criminosi fuerint, de satisfactione conveniat<sup>15</sup>. Quod si is<sup>16</sup> qui supra sacra prius iuraverat<sup>17</sup> convictus fuerit iuramentum<sup>18</sup> violasse, reus periurii a communione privetur quousque satisfaciatur.

*ID 3. 110] +C 17 q 4 c 32 is very remote indeed*

<sup>3</sup> in mg. AdBeCaGcLdLnMgPf Rb<sup>2</sup>SbTc, in text LeMqVmVo(adding lxxv); om. OaPcPtRfTbVp

<sup>4</sup> concilio CaMgPfTbTc; eodem PrVm

<sup>5</sup> Calcedonensi Pc; Calcedonum PhTb; Maticense Vo

<sup>6</sup> v \*AdCaMgPfTb; vi BeRfTc

<sup>7</sup> Matiscensi BeTb; Maticensi AdPcVoVp; Maticense CaDaGcMgMqPhPkPrRb; Macense Ce; Manticensi Pf; Matizensi Tc

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

<sup>9</sup> suos \*CaMgPfTb; om. Tc

<sup>10</sup> in \*CaMgPfTb; ad Tc

<sup>11</sup> in \*CaMgPfTb; ad Tc

<sup>12</sup> de MgTbTc; om. Pf; et Ca

<sup>13</sup> servi sint \*MgPfTbTc; sint servi Ca

<sup>14</sup> ei \*CaMgPfTb; eis Tc

<sup>15</sup> -iat \*CaPfTb; iant MgTc

<sup>16</sup> is \*MgTb; his CaPfTc

<sup>17</sup> iuraverat \*CaPfTbTc; intraverat Mg

<sup>18</sup> iuramentum \*AdCaMgTbTc; sacramentum Pf

## 78

*[De his qui ad ecclesiam confugientibus iniuriam faciunt<sup>1</sup>]<sup>2</sup>. Ex concilio Toletano, cap.<sup>3</sup> xii<sup>4</sup>*

Pro his qui quolibet<sup>5</sup> metu vel terrore ecclesiam appetunt, consentiente pariter ac iubente domino nostro Ervigio rege, hoc sanctum concilium definivit ut nullus audeat confugientes ad ecclesiam<sup>6</sup> residentes inde abstrahere, aut quodcunque nocibilitatis vel dampni seu spoliationis residentibus in loco sancto inferre, sed esse

<sup>1</sup> faciunt Mg; fugiunt Pf

<sup>2</sup> in mg. MgPf Rb<sup>2</sup>Sb, in text Gc; De his qui ad ecclesiam confugiunt Be(mg.)CeSf; De his qui confugium ad ecclesiam faciunt in text Ca(after cap. xii)PrVmVo(adding lxxvi); De eodem in mg. CaDa; De his qui ad – faciunt et de his qui ad ecclesiam confugiunt in text Ea(no inscr.); Quid de his qui ad ecclesiam fugiunt faciendum est after insc. Ld; De his qui ad eccl. confugientibus nocte in black, with De his qui ad eccl. confugientibus again in red after insc. Mq; om. AdOaPcPtRfTbTcVp

<sup>3</sup> cap. PfTbTc; om. AdCaGcLdMgOaPhVo

<sup>4</sup> x DaSb; cap. xii om. Be

<sup>5</sup> quolibet \*CaMgTbTc; quoslibet Pf

<sup>6</sup> conf. ad eccl. \*AdCaMgPf; ad eccl. conf. PhTb; conf. ad eccl. vel Tc

potius his ipsis qui ecclesiam petunt per omnia licitum intra triginta passus<sup>7</sup> ab ecclesie ianuis progredi, in quibus triginta passibus uniuscuiusque ecclesie in toto circuitu reverentia defendantur<sup>8</sup>. Sic tamen ut hi qui ad eam confugiunt, in extraneis vel longe separatis ab ecclesia<sup>9</sup> domibus nullo modo abscedant<sup>10</sup>, sed in hoc sancto triginta passuum numero absque domorum extraneorum receptaculo progredientes, aditum obtinebunt, ut adquisite<sup>11</sup> nature usum debitis<sup>12</sup> exeant locis, et nullo teneantur eventu necessitudinis<sup>13</sup>, qui se dominicis defendendos commiserunt claustris. Si quis autem hoc decretum violare temptaverit, ecclesiastice excommunicationi subiaceat, et severitatis regie feriat sententia. Ipsos tamen qui ad ecclesiam confugium fecerunt, si iuxta priscorum canonum<sup>14</sup> instituta hi qui eos repetunt<sup>15</sup> sacramenta reddiderunt<sup>16</sup>, et sacerdos ecclesie ipsius ab ecclesie non abstraxerit<sup>17</sup> foribus, aut fuga talium si evenierit sacerdoti<sup>18</sup> querenda est, aut dampnorum<sup>19</sup> sententia, secundum electionem principis huiusmodi<sup>20</sup> sacerdotibus irroganda.

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

<sup>7</sup> trig. pass. \*CaMgPfTb; pass. trig. Tc

<sup>8</sup> -antur \*MgPf; -atur CaPhTbTc

<sup>9</sup> -esia CaMgTbTc; -esie Pf

<sup>10</sup> abscedant \*BeMgPfTb; accedant CaCcTc

<sup>11</sup> adquisite AdBdBeGc?HaOaPcPfPh(vcl consuete ss)PkPqPrPwRfSbTdVo; ad requisite CaCcDa; ad exquisite Mg; ad quesite Gc<sup>2</sup>LkMq; ad cogentis Tb; ad Tc

<sup>12</sup> debitis \*MgPfTbTc; debeant Ca

<sup>13</sup> necessitudinis \*CaMgPfPhTc; necessitatis Tb

<sup>14</sup> prisc. can. \*CaMgPfTb; can. prisc. Tc

<sup>15</sup> corr. fr. ? in mg. Ad

<sup>16</sup> -erunt MgPfTb; -erint CaTc

<sup>17</sup> abstr- \*CaMgPfTb; extr- Tc

<sup>18</sup> sacerdoti \*CaMgPfTb; om. Tc

<sup>19</sup> dampnorum \*BdBeCaCeDaGcLkMqOaPaPcPhPkPqPrPw<sup>2</sup>RbSbTbVm; dampnatorum AdMgPfPwTcTf; dominorum Vo?

<sup>20</sup> in mg. Tb

## 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

<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 infragentis Pa; om. OaPcPfRfTb. viiii in mg. Be<sup>2</sup>

<sup>2</sup> VIII \*AdBePcPfPfTbTc; IX Ca; XI Mg; VII Vm; nonus octavus Vp

<sup>3</sup> Gotice \*AdCaMgPfTbVm; Cotire PkSf; Geotice OaTc

<sup>4</sup> Sic add. Pk

predictos passus fuerint<sup>6</sup>, aliquid inde diripiendo<sup>7</sup> vel auferendo, seu qui<sup>8</sup> iniuriam vel ablationem<sup>9</sup> rerum intulerit<sup>10</sup> clericis arma non ferentibus vel monachis sive Deo devotis omnibus ecclesiasticis personis. Non<sup>11</sup> enim capelle que infra ambitum murorum castellorum sunt, mittuntur vel<sup>12</sup> ponuntur in hac observatione. Similiter etiam sacrilegium committitur, auferendo sacrum de sacro, vel non sacrum de sacro<sup>13</sup>, sive sacrum de non sacro<sup>14</sup>. Non sacrum vero de non<sup>15</sup> sacro<sup>16</sup>, quia<sup>17</sup> non potest computari in crimine sacrilegii, secundum mundanarum legum censuram debet emendari, vel secundum morem<sup>18</sup> patrie.

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

<sup>5</sup> eccl. pass. \*CaMgPfTb; pass. eccl. Tc

<sup>6</sup> vel in domibus - passus fuerint \*AdCaCcMgPfTb; om. Tc

<sup>7</sup> inde dirip. \*CaMgPfTb; dirip. inde Tc

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

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

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

<sup>11</sup> Non \*CaMgPfTb; Neque Tc

<sup>12</sup> mittuntur vel \*CaMgPfTb; om. Tc

<sup>13</sup> non sac. de sac. \*MgPfTbTc; sac. de non sac. Ca

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

<sup>15</sup> non CaGc<sup>2</sup>MgPfTbTc; om. GcPrVm

<sup>16</sup> non sacrum – sacro ss Ad<sup>2</sup>

<sup>17</sup> quia \*BeCaTcVo; quia quod AdCeDaGcMgMqPkPrSbTbVm; quod Pf

<sup>18</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 libras auri optimi. Sed nos leviolem legem precipimus esse tenendam, que a Carolo est<sup>4</sup> constituta pio principe de compositione sacrilegii<sup>5</sup>, videlicet in triginta libras argenti examinati, id est sexcentorum solidorum summam<sup>6</sup> argenti purissimi. Ideoque quisquis inventus fuerit reus sacrilegii, istam leviolem<sup>7</sup> compositionem emendet<sup>8</sup> ipsis

<sup>1</sup> Que AdCaMgPfTc; Quid Vm

<sup>2</sup> in mg. AdBeCaCeDaGcLdLnMgPfPrRb<sup>2</sup>SbTc, in text LeMqPtVmVo(adding lxxviii); om. PcTbVp

<sup>3</sup> Idem in eod. lib. DaEgPfSbVo; Iohannes VIII (om. Ce) in libro Gotice (Godice Pr) legis AdCaCeMgMqPhPrSfTb; Item in eodem Be; Iohannes VIII in eodem Gc; Idem in libro Gotice legis Ld; Item in eodem libro § lxxviii Ln; Idem ibidem Pt; Item in lib. eod. RfTc; Idem in eodem Vp

<sup>4</sup> a Carolo est \*CaMgPfTb; est a Carolo Tc

<sup>5</sup> sacrilegii \*MgPfTbTc; om. Ca

<sup>6</sup> summam \*CaMgPfTb; om. Tc

<sup>7</sup> leviolem AdCaPfTb; levem Tc; leniorem Mg

<sup>8</sup> et add. Mg, om. \*CaPfTbTc

episcopis vel abbatibus, sive personis<sup>9</sup> ad quos querimonia sacrilegii iuste pertinuerit. Et si ipse reus sacrilegii<sup>10</sup> facere noluerit, tandiu excommunicationi subiaceat usque quo<sup>11</sup> predictam compositionem sexcentorum solidorum persolvat. Et si<sup>12</sup> in hac obstinatione mortuus fuerit, corpus eius cum psalmis et himnis non deferatur ad sepulturam. Et precipimus ut in fine codicis mundane legis scribatur hec<sup>13</sup> lex<sup>14</sup>. Hucusque lex pape.

ID 3. 98b]

<sup>9</sup> personis \*Ca<sup>2</sup>MgPfPhTc; perponis ? Ca; sanctis Tb

<sup>10</sup> reus sac. \*CaMgPfTb; sac. reus Tc. istam leviolem compositionem – sac. in mg. Pc<sup>2</sup>

<sup>11</sup> usque quo \*AdMgPfTb; quousque Tc; usque post Ca

<sup>12</sup> ss Tb

<sup>13</sup> est add Pc

<sup>14</sup> id est ita incipit add. ss PcRf; que sic incipit add. Vp

## 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<sup>5</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>1</sup> Quod Mg

<sup>2</sup> quod Mg

<sup>3</sup> in mg. AdBeCaCeDaGcLdMgPfPrRb<sup>2</sup>SbTc; in text Ea(no inscr.)LeMqSfVmVo(adding lxxviii); De libertorum tutela after inscr. Ph; Quot (corr. fr. quod) passus habeat atrium ecclesie Pt; om. OaPcRfTbVp

<sup>4</sup> Antioceno \*AdBeCaEgMgPhTb; Agatensi PfTc; Anticeno Sf

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

<sup>6</sup> statutum \*CaMgPfTb; constitutum Tc

<sup>7</sup> sexaginta \*CaMgPfTb; quadraginta Tc

<sup>8</sup> vel \*CaMgPfTb; et Tc

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

<sup>10</sup> confringere \*CaEgPfTbTc; constringere Mg; om. Gc

<sup>11</sup> quousque em. suppl. Ca<sup>2</sup>

<sup>12</sup> -erat \*CaMgPfPhTc; -erit Tb

<sup>13</sup> et quod rap. redd. ss Be<sup>2</sup>

## 82

[*Quod ecclesia debeat<sup>1</sup> tueri liberos legitime factos*]<sup>2</sup>. *Ex Agatensi concilio<sup>3</sup>, cap<sup>4</sup>.*

*xxviii<sup>5</sup>*

Liberos 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

<sup>1</sup> -eat CaGcPfTcVm; -et SfVo

<sup>2</sup> in mg. AdBeCaCeDaGcLdPfPr Rb<sup>2</sup>SbTc, in text LeMqSfVmVo(adding lxxx); (xviii add. Bd) De libtorum tutela in text Ea(no inscr.)Ph, in mg. Bd<sup>2</sup>Vp; De libtorum tutela. Quod - factos Mg mg.; om. PtRfTb. x add. in mg. Be<sup>2</sup>

<sup>3</sup> Ex Agat. conc. PfTc; Agat. conc. BeCaDaPhPrTbVmVo; Conc. Agat. Mg; Agatense conc. Sf

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

<sup>5</sup> no inscr., no break Rf

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

<sup>7</sup> ecclesia \*CaMgTbTc; om. Pf

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

<sup>9</sup> ex- ss Tb

<sup>10</sup> repell- \*AdBeCaDbMgMqPfPrRbRfTcTf; depell- GcWd; pell- SITb; expell- Vo

## 83

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

Liberti<sup>4</sup>, quibuscumque<sup>5</sup> manumissi sunt atque ecclesie patrocini 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>1</sup> De eodem in mg. CaDa, text Vo. Ex add. AdPfTc; om. BeCaGcMgSfPcPfTbVmVoVp

<sup>2</sup> om. Vo

<sup>3</sup> lxxiii AdBeCaDbMgPrTbTcVm; lxxii DaPf; lxxvii Sb; lxxviii Vo; lxxviii Vp. Ob has here Vita - xlvii (from 83A below). IIII – lxxiii om. Ea; no inscr., no break Rf

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

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

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

83A<sup>1</sup>

*<sup>2</sup>Vita beati<sup>3</sup> Gregorii, libro III<sup>4</sup>, cap. xlvii<sup>5</sup>*

<sup>1</sup> in

AbAdBdBcCaCbCcCeDaDbEaEbEcEgFcGcHaKaLaLcLdLeLfLgLhLjLkLmLnMfMgMhMjMkMmM

Libertatem cuiusque<sup>6</sup> hominis Gregorius contra iudicum insolentias liberis  
nichilominus vocibus defendebat.

ID 16.53]

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nMoMpMqObOdOePaPcPdPfPhPkPqPrPtPwQaRbRfSbSdSeSkSgSlTbTcTdTfVaVmVoVpWaWbWc  
W; om. AaLbOaOfPy(*appears as 89A*)Brant

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

\*BeCaMgMqObPfTbVm

<sup>3</sup> beati \*Ad(*before* Vita)CaCbMgMqOdPc(*before* libro)PfPkTb; om. Ea; sancti TcVp

<sup>4</sup> II Be

<sup>5</sup> xlvii \*AdBeCaCbMgOdPfPkPtTbVmWc; 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 vel vita – xlvii Ra *mg.*

<sup>6</sup> cuiusque \*AdCaCbEaGcMgOdPcPfPhPkPrTbWc; quibuscumque Be; cuiuslibet Cc; quoque FcOe;  
cuiuscumque RbTc

## 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  
servitutum<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

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<sup>1</sup> De eodem *in mg.* Ca, *in text* Vo

<sup>2</sup> Ex - vi (vii Da) *here* BeCaDaMgOaPc(*mg.*)PfPrSbTbTcVmVo(*adding* lxxxiii); om. Mo; *as insc. of c*  
83A ObPw; *no insc., no break* Rf; Ex conc. Toletano cap. iii Sf (*cf c 85*)

<sup>3</sup> In CaMgPfTc; om. BeOa; [ ]n SFTb

<sup>4</sup> servitutum \*CaMgPfTb; servitium Tc

<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

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

<sup>2</sup> vel *add.* Ga

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

<sup>4</sup> Quod – conc. (consilio DaSb, om. Mq) cl. suorum (suorum cl. Ca) *in mg.*  
AdBeCaCeDaGcLdPfPrRb<sup>2</sup>SbTc, *in text* MqPtVmVo(*adding* lxxxiii); (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 insc.*); 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. PcRfTb. xi *add. in mg.* Be<sup>2</sup>

<sup>5</sup> III AdCaGcMgPfPrVm; cap. iii MqPhRfSfTbTc; cap. iiii Oa; II Vo; om. Be



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]

<sup>6</sup> eccl. pro suff. AdBeCaMgOaPhTcVm; pro suff. eccl. Pf; pro suff. Tb

<sup>7</sup> ecclesiis \*BeCaMgTb; ecclesiarum PcPfTc

<sup>8</sup> -entium PcPfTc; -entibus BeCaMgTb. Qe *resumes*

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

<sup>10</sup> et \*CePcPhPqTbTcSbVm; vel AdBdBeCaMgPfPkPwVo

<sup>11</sup> -erint \*GcMg<sup>2</sup>PhPkPqPrRb<sup>2</sup>TbTc; -erunt AdBeCaMgPfRb; ecclesie prestare perm. – potuerint *in mg.* Mq<sup>2</sup>

## 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> cc 86-87 reversed Le(*before corr.*)Lm

<sup>2</sup> De eodem *add. in mg.* CaDa, *in text* Vo; Quod res que inconsulte facte sunt licite a successoribus emendentur *in mg.* Mq<sup>2</sup> (*repeated before c 87 in main hand*)

<sup>3</sup> -tias MgPfTb; -tiam BeCaTc

<sup>4</sup> l AdBeMgPfPrTbTcVm; i CaVo(*adding lxxxv*)Vp; *whole insc. in mg.* Mq<sup>2</sup>Pc, *om.* Rf

<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>6</sup> subscriptione \*AdBeMgPfRbTbTc; susceptione Ca; subiectione Oa

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

## 87

[*Quod res<sup>1</sup> que<sup>2</sup> inconsulte<sup>3</sup> facte<sup>4</sup> licite<sup>5</sup> a successoribus emendentur*]<sup>6</sup>. *Ex<sup>7</sup> concilio apud Belvacum<sup>8</sup>*

Ut<sup>9</sup> commutationes rerum<sup>10</sup> ecclesiasticarum valde caveantur et subtilissime, si aliquando fieri debent, inspiciantur. Que autem inconsulte facte<sup>11</sup> sunt, iuxta decretum

<sup>1</sup> *obsc. corr.* Mm

<sup>2</sup> que AdBeCaEaMfMgMhMmSfTcVm; *om.* Pf

<sup>3</sup> sunt *add.* AdCaCeDaEaMqPrSbTcVmVo (MqPr *after* facte), *om.* MgMhMkMmPfSf

<sup>4</sup> et *add.* AdTcVo, sunt consulte et *add.* GcMgPrSfVm, consulte et *add.* Sf; *om.* CaPf

<sup>5</sup> illicite Vo

<sup>6</sup> -entur CaPfTcVo; -etur MgSf. *Rubric in mg.* AdBeCaCeDaGcLdMgPfSbTc, *in text* Ea(*no inscr.*)LeMhMkMmMqSfVmVo(*adding lxxvi*); *om.* MjOaPcPtRbRfTbVp

<sup>7</sup> De Mf

<sup>8</sup> apud Belv. BeCaMfMgMjMkMmMn<sup>2</sup>PtTbTcVm; apud Selv...tu.. Pc; Belvagensi Pf; apud Selvatum Rf; apud Belvacensem Vo; Quod – Belv. *om.* Mo

<sup>9</sup> Ut AdBeMgMkMqPhTcVmVo; Et CcCeEaMoOaPfRaTbVp; [ ]t Ca

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

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. 232/ X 3.19.2

<sup>11</sup> autem inconsulte facte \*CeGcMqOaPhTbVm; inconsulte facte AdLdPcRfSbTcVo; non inconsulte facte Ad<sup>2</sup>Tf; non (vel in ss Da) consulte facte BeCa(facte *over erasure*)DaEaHaMgPfTd; non consulto Vp

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

<sup>13</sup> emendentur \*AdBeEaGcMgPf<sup>2</sup>PkRbTcVm; emendetur CaPhTbSbVo; emendantur OaPf

## 88

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

Quicumque<sup>4</sup> presbiter de iure tituli sui quolibet modo aurum<sup>5</sup>, argentum, vel gemmas, vestes quoque<sup>6</sup> si sunt<sup>7</sup>, vel si accesserint<sup>8</sup> aliqua mobilia ad ornamenta divina aliquid in perpetuum alienare temptaverit, donator, alienator ac<sup>9</sup> venditor honoris sui amissione multetur.<sup>10</sup>

ID 3. 241/

<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>2</sup> conc. Bracarensi AdBeCaEgMgOaVm; Bracharensi conc. Da; conc. Bracanensi Gc; Bracanensi conc. PcPfRfTc; conc. Cartaginensi PhSfTb; Bracacensi concil' Vo

<sup>3</sup> xxxi \*AdMgPcPfTbTcVmVo(*adding lxxxvii*); xxi Ca. *Insc. in mg.* Pc

<sup>4</sup> Quodcumque Rb

<sup>5</sup> et *add.* Tc, *om.* CaMgPfTb

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

<sup>7</sup> sunt \*PfTbTc; sint CaMg

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

<sup>9</sup> ac \*CaMgPfTc; *om.* Tb

<sup>10</sup> multetur amiss. SIVo. A considerable space is left before c 89 in MnPk

## 89<sup>1</sup>

[Qui<sup>2</sup> libri in ecclesia sint<sup>3</sup> legendi, et quamdiu et quando legendi]<sup>4</sup>. Ex concilio Aurelianensi, cap. iii<sup>5</sup>

<sup>1</sup> to Raphael only Ea

<sup>2</sup> Qui AdBePfTcVm; Quot CaMg

<sup>3</sup> in eccl. sint BeGcPfVm; sint (sunt Ad) in eccl. AdCaMgTc

<sup>4</sup> Qui - quando (sunt *add.* Sb) legendi (*om.* Pf) *in mg.* AdBeCaCeGcPfPrSbSITc, *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.* EaMqOaPcPtRfSfTbVp. xii *add. in mg.* Be<sup>2</sup>

<sup>5</sup> Aurel. (-ensium Mg, -iano Sf) cap. iii \*AdCaMgPfPtTcVo; Cartaginensi, cap. xxxi Tb; Ex - iii *om.* Sl

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>6</sup> Large initial 'N' (cf rubric) CePhPk (and compare *Conspectus for Pa*)

<sup>7</sup> ea add. PhTb, om. \*AdCaMgPfTc

<sup>8</sup> ang. nomina colantur BeCaDaEaMg; ang. nomina colant AdPt; ang. coluntur nomina CeEg; ang. colantur nomina Eg<sup>2</sup>PcTc; ang. colant nomina GcMqOaPfPkPrRbSbVm; nomina angelica colant SIVo; ang. nomina Tb

<sup>9</sup> ea tantum \*CaMgPcPfTb; eorum Tc

<sup>10</sup> Raphael \*CaMgTbTc; Tobial Cc

### <sup>1</sup>De ordine librorum veteris testamenti<sup>2</sup>

Genesis liber unus<sup>3</sup>. Exodus<sup>4</sup> liber unus. Leviticus liber unus. Numerus<sup>5</sup> liber unus. Deuteronomii liber unus. Iesu Nave liber unus. Iudicum<sup>6</sup> liber unus. Regum liber unus<sup>7</sup>. Ruth liber unus. Paralipomenon liber unus<sup>8</sup>. Psalmorum<sup>9</sup> CL liber unus<sup>10</sup>. Salomonis liber unus<sup>11</sup>. Iob liber unus. Thobie liber unus. Hesdre liber unus. Hester liber unus. Iudith liber unus. Machabeorum liber unus<sup>12</sup>.

### Ordo prophetarum<sup>13</sup>

Isaie liber unus. Ieremie cum Cinoth, id est Lamentationibus suis<sup>14</sup> liber unus<sup>15</sup>. Ezechiel liber unus. Daniel liber unus. Osee liber unus. Amos liber unus.

<sup>1</sup> Ex decretis Gelasii papae add in mg. Mg

<sup>2</sup> De ordine librorum veteris (et novi add. Tc) testamenti \*Ad(mg)BeCaDaGcMgOaPrTcVmVo; Ordo librorum veteris testamenti LaPfPhPtQeSfTb; De ordine – test. De libris autenticis Mq; Quid in ecclesia legendum sit et candandam de 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; Ex decretis Gelasii pape. Quando et quo tempore libri veteris et novi testamenti legantur Vp (cf c 90)

<sup>3</sup> lib. unus BeCaMgPf; unus liber (and so passim) Tb; libri quatuor Tc

<sup>4</sup> -odus \*CaMgPfTb; -odi Tc

<sup>5</sup> -erus \*CaMgPfTb; -eri Tc

<sup>6</sup> Deut., Ies. Nave, Iud. \*CaMgPfTb; Ies. Nave, Iud., Deut. Tc

<sup>7</sup> lib unus BeCaPf; libri quatuor MgTc; unus liber Tb

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

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

<sup>10</sup> lib. unus CaMgPf; unus liber Tb; om. Tc

<sup>11</sup> liber unus AdBeCaPfVo; libri v Mg; unus liber Tb; libri tres Tc; Vm inserts here from below Osee – Malachie lib. i. Be places Paralipomenon – Sal. lib. i after Hester

<sup>12</sup> liber unus BeCaGcPf; libri duo MgTc; unus liber PhQeTb

<sup>13</sup> Ordo proph. PfTb (after Ysaie unus liber) ; De ordine prophetarum AdCaDaMgVm; om.

BeGcPrPtRfTcVoVp

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

Michee liber unus. Iohel liber unus. Abdie liber unus. Ihone liber unus. Naum liber unus. Abbacuc liber unus. Sophonie liber unus. Aggei liber unus. Zacharie liber unus. Malachie liber unus.

*Ordo librorum novi testamenti*<sup>16</sup>

Evangeliorum libri quattuor. Secundum Matheum liber unus. Secundum Marcum liber unus. Secundum Lucam liber unus. Secundum Iohannem liber unus. Actuum Apostolorum liber unus. Epistole Pauli numero quatuordecim<sup>17</sup>. Ad Romanos epistola una. Ad Corinthios<sup>18</sup> due. Ad Galathas<sup>19</sup> una. Ad Ephesios<sup>20</sup> una. Ad Philipenses<sup>21</sup> una. Ad Colosenses<sup>22</sup> una. Ad Thessaliconenses<sup>23</sup> due. Ad Thimotheum due. Ad Thitum una. Ad Philemonem una. Ad Hebreos una. Apocalipsis Iohannis<sup>24</sup> liber unus.

*Ordo septem epistolarum canonicarum*<sup>25</sup>

Petri apostoli epistole<sup>26</sup> due. Iacobi apostoli<sup>27</sup> epistola una<sup>28</sup>. Iohannis apostoli<sup>29</sup> epistole<sup>30</sup> tres. Iude Zelotis apostoli epistola<sup>31</sup> una

*ID 4.61-2]*

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

<sup>16</sup> Ordo lib. novi test. MgPfTb; De ordine librorum novi testamenti Ad<sup>2</sup>BeCaDaGcPrVm; Liber novi testamenti Sf; *om.* PtRfTcVoVp

<sup>17</sup> num. quatuordecim \*MgTbTc; xiiii Ca; num. duodecim Pf

<sup>18</sup> epistole *add.* Tc, *om.* \*CaMgPfTb

<sup>19</sup> epistola *add.* Tc, *om.* \*CaMgPfTb

<sup>20</sup> epistola *add.* Tc, *om.* \*CaMgPfTb

<sup>21</sup> epistola *add.* Tc, *om.* \*CaMgPfTb

<sup>22</sup> epistola *add.* Tc, *om.* \*CaMgPfTb

<sup>23</sup> epistole *add.* Tc, *om.* \*CaMgPfTb

<sup>24</sup> Ioh. \*CaMgPfTc; *om.* PhTb

<sup>25</sup> Ordo - can. \*AdBeCaDaGcMgPfTb; Septem - can. Sf; Ordo epist. can. PrVm; *om.* PtRfTcVoVp

<sup>26</sup> Petri ap. epp. \*CaMgPfTb; Epp. Petri ap. Tc

<sup>27</sup> ss Tb

<sup>28</sup> Iac. - una *before* Petri CaCcTc, *after* due \*BeGcMgPfTb

<sup>29</sup> apostoli \*CaPfTbTc; *om.* Mg

<sup>30</sup> epistole \*CaMgPfPh; *om.* TbTc

<sup>31</sup> epistola \*CaMgPfTb; *om.* Tc

**90<sup>1</sup>**

*[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>*

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<sup>1</sup> *Wc has a widely variant version:* In Septuagesima cantatur et legitur In principio, id est Pantatheucum Moysi usque ad passionem Domini –

In Septuagesima ponunt<sup>4</sup> Eptaticum<sup>5</sup> usque in quindecim dies<sup>6</sup> ante Pascha, quinta decima die ante Pascha ponunt<sup>7</sup> Iheremiam usque in cenam Domini. In cena Domini legunt tres lectiones<sup>8</sup> de Lamentatione Iheremie, Quomodo sedet sola civitas etc<sup>9</sup>. Et tres lectiones de tractatu sancti Augustini in psalmo LXIII, Exaudi Deus orationem meam cum deprecor, et tres de apostolo ubi ait ad Corinthios, Convenientibus vobis in unum. Secunda lectio sic incipit, Similiter<sup>10</sup> postquam cenavit. Tertia, De spiritualibus autem nolumus<sup>11</sup> ignorare, fratres. In Parasceven<sup>12</sup>, tres lectiones<sup>13</sup> de Lamentatione Iheremie, et tres de tractatu sancti Augustini in psalmo<sup>14</sup> LXIII, et tres de Apostolo ubi ait in epistola ad Hebreos, Festinemus ingredi in illam requiem<sup>15</sup>. Secunda lectio, Omnis namque pontifex. Tertia, De quo<sup>16</sup> nobis grandis sermo<sup>17</sup> est. In Sabbato sancto, tres lectiones de Lamentatione Iheremie, et tres de tractatu sancti Augustini in psalmo LXIII, Exaudi Deus orationem meam cum deprecor<sup>18</sup>, et tres de apostolo, ubi ait<sup>19</sup> in Epistola ad Hebreos, Christus adsistens pontifex, secunda lectio ubi ait<sup>20</sup>, Testamentum enim, tertia<sup>21</sup>, Umbram enim habens lex bonorum futurorum<sup>22</sup>. In Pascha Domini omelias ad ipsum<sup>23</sup> diem pertinentes.

<sup>2</sup> Ordo - usque in Epiphaniam *in mg.* BeGcPfPrRb<sup>2</sup>Sl, *in text* Ad<sup>2</sup>BeCaCeDaSfVm(*second rubric*); xx. (*om.* Vm) De scripturis et conciliis autenticis Bd<sup>2</sup>(*mg.*)Vm; Ordo - usque in Epiphania Domini *as 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.* CeLeMqRfTbVoVp

<sup>3</sup> Quando (Qualiter Pf) - leg. (*leg. om.* Oa, legantur LeMqVo) BeGcLeMgMqOaPfPrSITbTcVo(*adding lxxxviii*); *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>4</sup> In Sept. ponunt \*MgPfPhTbTc; A Sept. Ca; In Sept. Qe

<sup>5</sup> Eptaticum AdBeMgPfPh(*obsc. corr.*)RfTbVmVo; Epatiticum Ca; Eptategum Ca<sup>2</sup>; Enptaticum Oa; Emptaticum Qe; Eptateucum Tc. Epta v theos divinus v. libri Moysi et Iudicum et Iosue *add. in mg.* Ad

<sup>6</sup> quindecim dies \*AdBeCaTbTc; quinta decima die Pf; quintam decimam diem Mg

<sup>7</sup> ponunt \*CaMgPfTb; cant' Tc

<sup>8</sup> -iones \*MgPfTbTc; -ione Ca

<sup>9</sup> etc CaMgPfPh; plena populo etc Tb; *om.* Tc

<sup>10</sup> et calicem *add.* PhTb, *om.* CaLdMgPfTcTf

<sup>11</sup> vos *add.* CaMg, *om.* PfPhTbTc

<sup>12</sup> -even PfPhTb; -eve CaMgTc

<sup>13</sup> tres *add.* Tc, *om.* \*CaMgPfTb

<sup>14</sup> psalmo CaMgPfTb; ipso Tc

<sup>15</sup> in illam requiem \*MgPfTbTc; *om.* Ca

<sup>16</sup> quo \*MgPfTbTc; qua Ca

<sup>17</sup> gr. sermo est CaMgPhTc; sermo gr. est Pf; gr. est sermo Tb

<sup>18</sup> Exaudi Deus orationem meam cum deprecor (de Vo, *om.* Be) AdBePc<sup>2</sup>PrRfTbVo; *om.* CaPcPf; Exaudi Mg; Exaudi Deus orationem Tc

<sup>19</sup> ait \*CaMgPfTb; dicit Tc

<sup>20</sup> lectio ubi ait \*MgPfTc; *om.* Ca; ubi ait PhTb

<sup>21</sup> enim *add.* Mg, *om.* \*CaPfTbTc

<sup>22</sup> lex bon. fut. MgPfTc; lex fut. bon. PhTb; *om.* Ca

<sup>23</sup> ipsum \*CaMgPfTb; ipsam Tc

Infra hebdomadam<sup>24</sup> homilias. In octava<sup>25</sup> Pasche<sup>26</sup> ponunt<sup>27</sup> Actus apostolorum, et epistolas canonicas, et Apocalipsim usque in octavis<sup>28</sup> Pentecosten<sup>29</sup>. In octava<sup>30</sup> Pentecosten ponunt librum<sup>31</sup> Regum et Paralipomenon, usque in Kalendis Augusti. In dominica prima mensis Augusti ponunt Salomonem usque in Kalendis Septembris, et tunc<sup>32</sup> ponunt Iob<sup>33</sup>, Tobiam, Hester, Esdram, Iudit<sup>34</sup>, usque in Kalendis Octobris. In dominica prima mensis Octobris ponunt Machabeorum<sup>35</sup> usque in Kalendis<sup>36</sup> Novembris. In dominica prima mensis Novembris ponunt Ezechiel et Daniel<sup>37</sup>, et minores prophetas, usque in<sup>38</sup> Kalendis Decembris.<sup>39</sup> In dominica prima mensis Decembris ponunt Isaia<sup>40</sup> prophetam usque in<sup>41</sup> Nativitatem Domini. In vigilia Natalis Domini legunt primum<sup>42</sup> de Isaia<sup>43</sup> tres lectiones. Prima lectio, Primo tempore alleviata est<sup>44</sup>, secunda, Consolamini<sup>45</sup>, tertia, Consurge. Deinde leguntur sermones vel omelie ad ipsum diem pertinentes. In Natali<sup>46</sup> sancti Stephani, omelias<sup>47</sup> de ipso die, in Natali<sup>48</sup> sancti Iohannis, similiter, in Natali<sup>49</sup> Innocentum, similiter, in Natali<sup>50</sup> sancti Silvestri, similiter. In octava<sup>51</sup> Domini<sup>51</sup> omelias de ipso die. In dominica prima post Nativitatem Domini ponunt epistolas Pauli, usque in Septuagesimam. In

<sup>24</sup> Infra hebd. \*CaMgTbTc; In hebdomada Pf

<sup>25</sup> -ava Pf; oct' Ca; -avis Mg; -abas Tb; -avas Tc

<sup>26</sup> From here Wc is widely variant and much fuller; see note below.

<sup>27</sup> ponunt \*CaMgPfPhTc; Pentecosten Tb

<sup>28</sup> -avis Mg; oct' CaTc; -av' Pf; -abas Tb

<sup>29</sup> -ten Pf; -tes CaTb; -t' MgTc; corr. fr. apostolorum Ce

<sup>30</sup> -aba Pf; -abas TbTc; -avis Mg; oct' Ca

<sup>31</sup> librum CaMgTc; om. PfTb

<sup>32</sup> in Dominica (i add. Pc) mensis Sept. add. MgPc<sup>2</sup>Tc, om.

\*AdBdBcCaCeDaLdLkPcPfPhPkPqPrPwRfSbTbTfVm

<sup>33</sup> et add. Tb, om. \*CaMgPfTc

<sup>34</sup> Iudit CaCe<sup>2</sup>Ld<sup>2</sup>MgTc; om. BdCeLdPfPhPrTbTf

<sup>35</sup> Mach. CaPfTb; librum Mach. Tc; Mach. lib. Mg

<sup>36</sup> et tunc ponunt Iob – Kalendis in mg. Bd

<sup>37</sup> -iel, -iel \*CaPfTb; -ielem. -ielem MgTc

<sup>38</sup> in \*CaMgPfTb; ad Tc

<sup>39</sup> ponunt Actus apostolorum -in kal' Septembris] leguntur Actus apostolorum quidecim diebus et cantatur apocalipsis, id est - apostolus concorditer predicavit Wc

<sup>40</sup> in \*CaMgPfTb; ad Tc

<sup>41</sup> legunt primum \*CaMgPfTb; leguntur primo Tc

<sup>42</sup> de Isaia \*CaMgPfPh; de Ysaia propheta Tb; om. Tc

<sup>43</sup> est CaMgTc; est terra Be; est terra Za. et terra Nep. Tb; om. Pf

<sup>44</sup> consol' add. Pf, consolam' add. Ca, om. \*MgTbTc

<sup>45</sup> -ali \*Ca; nat' Mg; -al' Pf; -ale TbTc

<sup>46</sup> -ias CaMgPfTc; -ia Tb

<sup>47</sup> -ali \*Ca; nat' Mg; -al' PfTc; -ale Tb

<sup>48</sup> -ali Ca; nat' Mg; natal' Pf; -ale Tb; -ale sanctorum Tc

<sup>49</sup> -ali \*Ca; nat' Mg; -al' Pf; -ale Tb; -al' Tc

<sup>50</sup> -ab' Pf; -abas Tb; oct' CaMgTc

<sup>51</sup> Domini \*MgPfTbTc; Dominum Ca

Epiphania lectiones tres de Isaia. Prima lectio sic incipit<sup>52</sup>, Omnes sitientes<sup>53</sup>, secunda, Surge illuminare, tertia, Gaudens gaudebo in Domino<sup>54</sup>. Deinde leguntur sermones vel omelie ad ipsum diem pertinentes.

ID 4. 63] cf +D 15 c 3 end, Palea

<sup>52</sup> sic inc. \*CaMgPfTb; om. Tc

<sup>53</sup> etc add. Tc, om. \*CaMgPfTb

<sup>54</sup> in Domino MgPfTbTc; om. Ca

## 91

[Quos libros,<sup>1</sup> quos auctores<sup>2</sup> sancta recipiat ecclesia]<sup>3</sup>. Ex decretis Gelasii pape<sup>4</sup>

<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 Nicenam CCCXVIII patrum, mediante maximo Constantino augusto, in qua Arius hereticus<sup>9</sup> condemnatus 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 Martino<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

<sup>1</sup> et add. Tc, om. AdCaMgPfVm

<sup>2</sup> Quos auct, quos lib. Ce

<sup>3</sup> Quos – s. rec. (rec. s. Mg) eccl. (eccl. rec. GcPr) in mg. BeCeGcPfPrTc, in text

CaGcLeMqPwVo(adding De libris autenticis et apocrifis lxI)Vp(which adds De libris autenticis); Quos libros - susc. s. eccl. Ad in text; De libris autenticis et apocrifis. Quos – rec. ecclesia (eccl. rec. Vm) in text MgVm; Que scripture recipi debeant et que non in mg. Rb<sup>3</sup>; Quos libros – ecclesia. De libris autenticis et apocrifis in mg. Sb; 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 \*CeGcOaPhPfTb, in mg. Ad<sup>2</sup>; De libris autenticis et apocrifis ex decreto Gelasii (pape add. Pr) in text PkPr; om. DaPcRf

<sup>4</sup> See prev. note for Sf

<sup>5</sup> Cum add. Oa

<sup>6</sup> vel \*BeCaGcMgOa ; et PfTbTc

<sup>7</sup> -ipimus \*CaMgPfTb; -epimus Tc

<sup>8</sup> non prohibet CaMgPfTb; iubet [? and over erasure] Tc

<sup>9</sup> Ar. her. \*CaMgPfTb; her. Ar. Tc

<sup>10</sup> Macedonius \*CaPfTc; Machedonius Gc; Mazedonius Mg; Nic<h>edonius Tb

<sup>11</sup> exc- \*CaPfTb; acc- MgTc

<sup>12</sup> -inam \*CaMgPfTb; -ianam Tc

<sup>13</sup> beatissimi \*CaMgPfTb; om. Tc

<sup>14</sup> Martino \*CaPfTbTc; Martiniano Mg

<sup>15</sup> -iana CaMgPfTb; -ia Tc

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<sup>19</sup> beati Cirilli Alexandrini episcopi<sup>20</sup>, item<sup>21</sup>, opuscula beati Hilarii Pictavensis episcopi, item<sup>22</sup>, opuscula beati Ambrosii Mediolanensis episcopi, item<sup>23</sup>, opuscula beati Augustini Ypponensis episcopi, item<sup>24</sup>, opuscula beati Ieronimi presbiteri, item<sup>25</sup>, opuscula beati<sup>26</sup> Prosperi viri religiosissimi<sup>27</sup>, item<sup>28</sup>, epistola<sup>29</sup> beati Leonis pape ad Flavianum Constantinopolitanum episcopum destinata, cuius textum si quispiam usque<sup>30</sup> ad<sup>31</sup> unum iota disputaverit, et non eam in omnibus venerabiliter receperit<sup>32</sup>, anathema sit. Item, opuscula atque<sup>33</sup> tractatus omnium patrum orthodoxorum qui in nullo a sancte Romane ecclesie consortio deviarunt<sup>34</sup>, nec ab eius fidei<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

<sup>16</sup> sunt conc. \*MgPfPhTc; conc. Ca; conc. sunt Tb

<sup>17</sup> est add. CaMgPfSb<sup>2</sup>Tc, om. \*BdCePaPhPkPwSbTbVm

<sup>18</sup> Athanasii BdCaMgPfPwSbTcVm; Anastasii CePaTb; Anastasii PhPk

<sup>19</sup> item opuscula \*CaMgTb; Item Tc; opuscula Pf

<sup>20</sup> Alex. ep. PfPhTb; ep. Alex. MgTc; ep. Ca; item opuscula beati Cir. Alex. ep. om. Be; Item op. b. Hier. presb. Item op. b. Prosp. viri rel. add. here from below Tb

<sup>21</sup> item \*CaMgTbTc; om. Pf

<sup>22</sup> item \*CaMgTbTc; om. Pf

<sup>23</sup> item \*CaMgTbTc; om. Pf

<sup>24</sup> item \*CaMgTbTc; om. Pf

<sup>25</sup> item \*CaMgTbTc; om. Pf

<sup>26</sup> beati \*CaPfTbTc; om. Mg

<sup>27</sup> viri rel. \*CaMgPfPhTb; rel. viri Tc; Ambr. and Prosp. before Hilarius Tb

<sup>28</sup> item \*CaMgTc; om. Pf

<sup>29</sup> epistola \*MgPfPhTc; opuscula CaTb

<sup>30</sup> ss Tb

<sup>31</sup> ad \*CaMgPfTb; om. Tc

<sup>32</sup> rec- \*MgPfTb; acc- Tc; suscepit Ca

<sup>33</sup> atque \*CaMgPfTb; et Tc

<sup>34</sup> deviarunt \*CaPfTb; deviaverunt MgTc

<sup>35</sup> fidei \*CaMgPfTb; fidei Tc

<sup>36</sup> per \*Pf<sup>2</sup>Tc; om. CaMgPfTb

<sup>37</sup> gratiam \*CaPfTbTc; gratia Mg

<sup>38</sup> decernimus \*CaMgTb; decrevimus PfTc



venerabiliter suscipiende sunt. Item, gesta sanctorum martirum que multiplicibus<sup>39</sup> tormentorum cruciatibus et mirabilibus confessionum triumphis irradiant. Quis ista<sup>40</sup> 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 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>

<sup>39</sup> que multiplicibus \*CaMgTb; 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- AdBdCaCeMgPcPfPk; prescripserunt BePwVm; ea scripserunt DaSb;

inscripsere Pa; scripserunt Pr

<sup>47</sup> et *add.* Tc, *om.* \*CaMgPfTb

<sup>48</sup> *corr. fr.* Gregorii Pc

<sup>49</sup> consc- \*CaMgPfTc; sc- Tb

<sup>50</sup> subsannandi \*CaMgPfTb; subsanni Tc

<sup>51</sup> -emur CaPfTb; -amur MgTc

<sup>52</sup> tamen \*MgPfTbTc; tantum Ca

<sup>53</sup> scr. Ier. \*PfPhTbTc; Ier. scr. CaMg

<sup>54</sup> -ipimus CaMgPfTc; -epimus Tb

<sup>55</sup> ap. sedis \*CaMgTbTc; sedis ap. Pf

<sup>56</sup> licet eius qui scr. nom. ign. (ignoramus MgPh) CaMgPfPh; licet nom. ign. eius qui scr. Tb; licet eius qui scr. ign. nom. Tc

<sup>57</sup> crucis dom. CaMgPfTc; sancte crucis PhTb

<sup>58</sup> beati \*CePhPkTbTcVm; *om.* BdCe<sup>2</sup>CaMgPaPcPfPwSb

<sup>59</sup> adven- \*MgPaPfPkSb; perven- CaPhTb; ven- Tc

<sup>60</sup> apostoli \*CaMgTb; *om.* PfTc

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> virum<sup>77</sup> eruditissimum collaudamus, quia valde nobis necessaria adversus paganorum calumpnias<sup>78</sup> ordinavit, mira<sup>79</sup>que 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,

<sup>61</sup> op. ed. lib. Ca<sup>2</sup>MgPfTb; ed. op. lib. Ca; op. lib. ed. Tc

<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>67</sup> beat. \*CaMgPfTb; religiosissimus Tc

<sup>68</sup> suscipimus \*CaMgPfTb; suscepimus Tc

<sup>69</sup> renuenda \*CaMgPfTb; removenda Tc

<sup>70</sup> Cronia Tc

<sup>71</sup> in \*CaMgPfTb; om. Tc

<sup>72</sup> conscripserit \*CaMgPf; scripserit Ph?Tb; conscripsit Tc

<sup>73</sup> tamen \*CaMgTbTc; tantum Pf

<sup>74</sup> sing. not. \*CaMgPfTc; not. sing. Tb

<sup>75</sup> renuendos \*CaMgPfTb; esse removendos Tc

<sup>76</sup> -osium \*CaPfTbTc; -osum Mg

<sup>77</sup> religiosissimum et add. Tc, om. \*CaMgPfTb

<sup>78</sup> calumpnias \*CaMgPfPhTc; insidias Tb

<sup>79</sup> miraque \*CaMgPfTb; mirataque Tc

<sup>80</sup> Iuvenci \*CaMgPfTc; Vincentii PhTb

<sup>81</sup> -erum \*CaMgPfTb; -era Tc

<sup>82</sup> sive cismaticis add. Lk, vel scismaticis add. MgPcTc, et scismaticis add. Rf; om.

\*AdBdBcCaCeDaHaLdPaPfPhPkPqPwSbTbTfVm

<sup>83</sup> conscripta \*CaMgPfTb; scripta Tc

<sup>84</sup> predicta CaMgPfTb; predicata Tc

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>85</sup> recipit \*CaMgPfTc; recipiat ecclesia Tb

<sup>86</sup> in tertio folio Ariminensem synod. et cetera add. ss Eg

## 92

### <sup>1</sup>*Cassiodorus in prologo tripartite historie*<sup>2</sup>

Historia ecclesiastica<sup>3</sup> que a cunctis<sup>4</sup> Christianis valde necessaria comprobatur a tribus Grecis auctoribus mirabiliter constat esse conscripta<sup>5</sup>, uno scilicet Theodorico<sup>6</sup> venerabili episcopo<sup>7</sup>, et duobus disertissimis viris Sozomeno et Socrate, quos nos per Epiphanium scholasticum Latino condentes eloquio, necessarium duximus eorum dicta deflorata in unius stili tractatu, Domino iuvante, perducere<sup>8</sup>, et de tribus auctoribus unam facere dictionem<sup>9</sup>. Item, legat intrepidus qui Domino iuvante ad opuscula pervenerit<sup>10</sup>, multum utilitatis et notitie lucraturus<sup>11</sup> si que posita sunt per hos duodecim libros memorie sue sollicita mente condiderit<sup>12</sup>.

ID 4. 143]

<sup>1</sup> De eodem add. in mg. CaDa; Quod ecclesiastica hystoria a tribus Grecis auctoribus sit conscripta, et a quodam scolastico in Latinum translata in mg. Sb

<sup>2</sup> Cassiodorus after historie Pt; lxli add. Vo

<sup>3</sup> Historia ecclesiastica AdMgPfTbVmVo; Historiam ecclesiasticam CaDaOaRfTc

<sup>4</sup> cunctis \*CaMgPfTb; om. Tc

<sup>5</sup> conscripta AdBeGcMgPfRbTbVo; conscriptam CaDa; composita Oa; scripta PrVm; scriptam TcVp

<sup>6</sup> -ico CaMgPfTb; -ito Tc

<sup>7</sup> ven. ep. \*CaMgPfTb; om. Tc

<sup>8</sup> perd- \*CaMgPfTb; prod- Tc

<sup>9</sup> dictionem AdBeCaCeDaHaLdMg<sup>2</sup>PrRfTb; distinctionem PfTc; dilectionem Mg

<sup>10</sup> perv- CaMgPfPh; pervenit Tb; ven- Tc

<sup>11</sup> lucraturus \*AdCaMgPfPhVm; lucratus Tb; lucrabitur Tc

<sup>12</sup> condiderit CaPfTbTcVm; 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

<sup>1</sup> Quod Liber Sapientie in auctoritate habeatur in mg. Sb; lxli add. Vo

<sup>2</sup> Probum Pt

<sup>3</sup> ex Vp

<sup>4</sup> deb. rep.] rep. deb. Ad

<sup>5</sup> lect- \*CaMgPfTb; elect- Tc

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]

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<sup>6</sup> recitari *add.* Pc, recitate *add.* Tc, *om.* \*CaMgPfRfTb

<sup>7</sup> ab \*CaMgPfTb; *om.* Tc

<sup>8</sup> mutaret \*CaMgPfPhTc; mutet Tb

<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

## 94

<sup>1</sup>Augustinus<sup>2</sup> de doctrina Christiana, libro II<sup>3</sup>

Quod<sup>4</sup> Eusebius<sup>5</sup> fecit de temporum historia propter divinorum librorum questiones, que usum eius flagitant, suscipimus.

ID 4. 82]

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<sup>1</sup> Quod scriptum Eusebii de hystoria semper recipiatur *add.* Sb

<sup>2</sup> Aug. \*AdCaMgTbTc; Item Pf

<sup>3</sup> II] VII lxlii Vo

<sup>4</sup> Que Rb

<sup>5</sup> quam *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. 89]

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<sup>1</sup> Quod multorum scriptorum volumina a Ieronimo atque Gennadio compendiose sint comprehensa *in mg.* Sb

<sup>2</sup> *in add.* Ad

<sup>3</sup> *om.* Pt

<sup>4</sup> vii \*AdBeGcMgPfTc; vi Ca; ?? Tb; iii PrVm; libro VII lxliii Vo; cap. vii *om.* Vp

<sup>5</sup> atque – script. *in mg.* Vo<sup>2</sup>

<sup>6</sup> pros- \*PfTb; pers- AdCaCeDaGcMgMqPhPrRfTcVm; consecuti Be

<sup>7</sup> indiculo \*AdCaMgTbTc; indicio Gc; opusculo Pf

## 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. 90]

<sup>1</sup> Quod Dionisius areopagita multa utilia volumina composuit *in mg.* Sb

<sup>2</sup> Ares, virtus, Arius, Mars, pagus villa, Ariopagus id est villa Martis, quia rexit scholas (lxliiii *add.* Vo) Td(*mg.*)Vo; Po *has* Ares – ibi r... scol' *in mg.*, partly *illeg. in gutter*

<sup>3</sup> -atus \*CaMgTbTc; -atur Pf

<sup>4</sup> Corinth. AdCaMgPfPrTbTc; Athenensium *over erasure* Vm

<sup>5</sup> et *add.* PfTb, *om.* \*CaMgTc

<sup>6</sup> volumina \*CaMgPfPhTc; monumenta Tb

<sup>7</sup> a loco cui pr. acc. \*AdPfTbTc; acc. a loco cui pr. CaDaMg

## 97

<sup>1</sup>*Gregorius in Dialogo, libro II*<sup>2</sup>

Benedictus scripsit monachorum regulam, discretione precipuam, sermone luculentam.

ID 4. 91]

<sup>1</sup> Quod beatus Benedictus regulam monachorum constituerit *in mg.* Sb

<sup>2</sup> Dial. libro ii] libro Dialogorum Oa; Dialogo ii DaVp. lxliv *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

<sup>1</sup> Quod Gelasius plures libros adversus hereticos et prefationes et epistolas fecerit *in mg.* Sb

<sup>2</sup> Ex - pont. *om.* Cc; *in text with* Lib' pontificali *in mg.* Lm. Greg' *add.* Vo

<sup>3</sup> Gelasius

\*BdBcCaCcCeDaDbGcLdLfLgLjLmMgMqOaOePaPc<sup>2</sup>PfPhPkPqPrPtPw<sup>2</sup>RfSbSlTbTcVaVmVpBrant; vel Pelagius *add.* Bd<sup>2</sup>; Pelagius AdCbObOdOfPwTdTfVo; Ielasius Pc; 'P' *add. in mg.* Mg<sup>2</sup>

<sup>4</sup> -cen \*BeCbCcLdLjLmTbTc; -cem AdCaLfMgPf

<sup>5</sup> fecit \*CaCbCcLdLfLjLmMgPfPhTb; *om.* Tc

<sup>6</sup> in \*CaMgPfTc; ad Tb

<sup>7</sup> *suppl in mg.* Lf<sup>2</sup>

<sup>8</sup> Arium \*CaMgPfTbTc; adversarium Cc

sacramentorum prefationes et orationes cauto sermone, et epistolas fidei de limato<sup>9</sup> sermone multas.

ID 4.94]

<sup>9</sup> de limato AdCaCbCcDaGcLdLfLjLmMgPaPfPrSbTb; elimato RbRfSITc

## 99

<sup>1</sup>*Gregorius episcopus*<sup>2</sup> *servus servorum Dei Secundino*<sup>3</sup> *episcopo*<sup>4</sup>

Inter sacra missarum solempnia, ex his que diebus certis in ecclesia hac legi ex more solent<sup>5</sup> sancti evangelii<sup>6</sup> lectiones exposui quadraginta<sup>7</sup>, et quarundam quidem dictata expositio assistenti plebi est recitata per notarium: quarundam<sup>8</sup> vero explanationem<sup>9</sup> coram populo ipse locutus sum, atque, ut loquebar, excepta<sup>10</sup> est. Item. Easdem omelias eo quo<sup>11</sup> dicte<sup>12</sup> sunt ordine in duobus codicibus ponere curavi, et priores quidem viginti que dicte sunt, et posteriores totidem.<sup>13</sup>

ID 4. 97-8]

<sup>1</sup> Quod a Gregorio papa lectiones evangeliorum sint exposite et in duobus codicibus comprehense *in mg. Sb*

<sup>2</sup> Greg. ep. \*AdDaGcMgMqPfPrTcVmVo; Ep. Greg. Ca; Gr. BePhSfTb

<sup>3</sup> Sederino Rf

<sup>4</sup> ep- CaCeSfPc<sup>2</sup>TbTcVmVo; coep- BeGcMgMqOaPcPfPrRfVp; Sec. ep. *om. Ad; in Pc episcopus s.s. Dei- coep. was subs. canc.*

<sup>5</sup> *ss Gc<sup>2</sup>*

<sup>6</sup> sol. sancti ev. \*MqPfTbTc; sancti ev. sol. CaMg; sol. ev. sancti Vo

<sup>7</sup> exp. quad. \*CaMgPfTc; quad. Ph; quad. sollerter exp. Tb

<sup>8</sup> quar- \*CaPfTbTc; quor- Mg

<sup>9</sup> -onem \*CaMgPfTc; -ones Tb

<sup>10</sup> excepta \*CaMgPfTbTc; excerpta Tc<sup>2</sup>

<sup>11</sup> quo \*CaMgTb; quod PfTc

<sup>12</sup> dicte \*CaMgTbTc; fide Pf

<sup>13</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

<sup>1</sup> *in Brant; om.*

AaAbAcAdBaBdBcCaCbCcCeDaDbEaEgFcGcHaKaLaLbLcLdLeLfLgLhLjLkLmLnMfMgMhMjMkMmMnMoMqOaObOcOdOeOfOgPaPbPcPdPfPgPhPjPkPmPnPoPpPqPrPsPtPuPwPxPyQaQbQcQeRaRbRfSbSdSeSgSgSkSITcTdTeTfTgVaVbVcVdVeVgVhVjVkVmVnVoVpVqVtWaWbWcWdWeZa

<sup>2</sup> decreta alia nos *Brant*; decretalia vos *ID*

<sup>3</sup> sanctorum patrum *Brant*; pontificum sacrorum *ID*

<sup>4</sup> et *add. ID*

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*

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<sup>5</sup> -iat *Brant*; -erit *ID*

<sup>6</sup> ab- *Brant*, *ID*; ob- *Migne*

## 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*

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<sup>1</sup> Quod omnes apostolice confirmationes in summa auctoritate habeantur *in mg.* Sb

<sup>2</sup> Gesta v. synodi die iii *add.* PrVm (*cf c 102*)

<sup>3</sup> ipsius divini \*BeCaGcMgPfTbVo; ipse divine Oa; divina Rb; ipsius divina Tc; ipsius Domini Tf;

<sup>4</sup> Petri \*Tc; P. AdGcHaLdMgPcPfPhRfSfVmVp; precepta Ca; precepti BeLd<sup>2</sup>Tb; potestate Mq; pape CePaPk; patris Pt; *om.* OaTf

## 102

<sup>1</sup>*Gesta quinte*<sup>2</sup> *sinodi, die iii*<sup>3</sup>

Sequimur<sup>4</sup> per omnia<sup>5</sup> sanctos patres et doctores Ecclesie, Athanasium,  
Hilarium, Basilium, Gregorium theologium<sup>6</sup> et<sup>7</sup> Gregorium Nisenum<sup>8</sup>, Ambrosium,  
Augustinum, Theophilum, Iohannem Constantinopolitanum, Cirillum, Leonem,  
Proculum, et suscipimus omnia que de recta fide et condempnatione hereticorum  
exposuerunt. Suscipimus autem et alios sanctos et<sup>9</sup> orthodoxos patres qui in sancta  
Dei ecclesia rectam fidem irreprehensibiliter usque in finem sue vite<sup>10</sup> predicaverunt.

*ID 4. 99]*

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<sup>1</sup> Quod dicta tantorum patrum sint recipienda *in mg.* Sb

<sup>2</sup> vere PtVp

<sup>3</sup> iii \*BeCaOaPfTbTcVo; iiii MgPt; *no inscr.* PrVm (*cf c 101*). Gesta – iii] Die iii gesta V synodi Gc

<sup>4</sup> Seq. AdMgPfPrbTbTcVm; [ ]equimur Ca; Loquimur Oa

<sup>5</sup> per omn. *after* patres, *but marked for moving* Tb

<sup>6</sup> theologium AdCaPfTc; theologum Mg; t<h>eologum Tb

<sup>7</sup> et \*CaMgTbTc; *om.* Pf

<sup>8</sup> Nisenum CaMgTbTc; Nazanzenum Pf

<sup>9</sup> et MgPfTbTc; *om.* Ca

<sup>10</sup> sue vite CaMgPfPh; vite sue BeGcOaPrRbTbTcVo

## 103

<sup>1</sup>*Ex Libro diurno*<sup>2</sup>. *Professio*<sup>3</sup> *Romani pontificis*<sup>4</sup>

Sancta octo universalia concilia, id est<sup>5</sup> Nicenum<sup>6</sup>, Constantinopolitanum<sup>7</sup>, Ephesinum primum<sup>8</sup>, Chalcedonense quintum et sextum; item Constantinopolitanum<sup>9</sup> et<sup>10</sup> septimum, Item<sup>11</sup> Nicenum octavum quoque constanter<sup>12</sup> usque ad unum apicem immutata 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 sequi et predicare, quecunque condempnaverunt ore et<sup>17</sup> corde condempnare profiteor.

ID 4. 132/ D 16 c 8

<sup>1</sup> Que concilia sunt autentica *add. in mg.* Ca

<sup>2</sup> diurno \*BeCaOaPrTbVm; divino GcMgPfPtRfTcVo; Ex – diurno *om.* Ad

<sup>3</sup> Professio \*CeGcPcPhTbTcVm; Professione BeDaLeMgOaPfRfSbVp; Professionum Ca; De confessione Pt

<sup>4</sup> Romani pontificis \*CaGcMgPfPtTb; pont. R. Be; pontificis CeDaOa; Greg' pontificis LeMq; Romanorum pontificis Pc; Romani pontifices Sb; Romanorum pontificum RfTc. Prof. Rom. pont. *om.* Ad

<sup>5</sup> id est Tb; .i. CaPfTc; primum Mg

<sup>6</sup> secundum *add.* Mg, *om.* CaPfTbTc

<sup>7</sup> Constantinopolitanum MgPfTbTc; Constantinopolis Ca. tertium *add.* Mg, *om.* CaPfTc

<sup>8</sup> primum CaPfTbTc; quartum Mg

<sup>9</sup> -anum CaMgPf; -ana Tb; -op' Tc

<sup>10</sup> et CaMgTb; ? Pf; Item Tc

<sup>11</sup> Item \*MgTbVm; tunc AdPf; *om.* CaTc

<sup>12</sup> constanter AdMgPfTb; Constantinopol' Tc; Constantinum Ca

<sup>13</sup> -are \*CaMgPfTb; -ire Tc

<sup>14</sup> est *add.* Tb, *om.* \*CaMgPfTc

<sup>15</sup> que \*CaMgPfTb; quecunque Tc; quam Vo

<sup>16</sup> predicaverunt BeCaLkMqPcPkPqPw<sup>2</sup>OaSbTcVo; preiudicaverunt AdBdCeDaGcMgPaPc<sup>2</sup>PfPhPrPwTbVm

<sup>17</sup> et \*CaMgPfTc; *om.* Tb

## 104

<sup>1</sup>*De quatuor conciliis principalibus*<sup>2</sup>. *In proemio canonum*<sup>3</sup>

Canones generalium conciliorum a temporibus Constantini imperatoris ceperunt. Inter cetera autem concilia, quatuor constat esse venerabiles sinodos, que totam principaliter fidem complectuntur quasi<sup>4</sup> quatuor evangelia, ut<sup>5</sup> totidem paradisi flumina. Harum prima<sup>6</sup> Nicena sinodus CCCXVIII<sup>7</sup> episcoporum Constantino augusto

<sup>1</sup> Que concilia sint (sunt Da) autentica *add in mg.* BeCaCeDaLjLkPfPrSb, *in mg. and text* Ad, *in text* MqSfVo, Que concilia de quatuor – canonum *as first rubr. in text*, Que concilia sint autentica *as second rubr. (in mg. Gc)* GcVm

<sup>2</sup> conc. princ. CaGcMgPfPrTc; princ. conc. PhTb. Isidorus *add.* DaSb

<sup>3</sup> De – canonum *in mg.* Ad<sup>3</sup>

<sup>4</sup> quasi CaMgPfTb; *om.* Tc

<sup>5</sup> ut CaMgPfTb; vel Tc

<sup>6</sup> prima OaTc; i CaMgPf; una PhTb



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 synodus diffinivit. Hec synodus acta est temporibus Silvestri pape Romani, Macharii Iherosolimitani episcopi, Alexandri Alexandrini<sup>8</sup>. De hac autem synodo Leo papa in epistola ad Anatolium Constantinopolitanum episcopum sic ait, Nulla sibimet de multiplicatione congregationis sinodalia concilia blandiantur, neque CCC illis X et VIII<sup>9</sup> episcopis quantumlibet copiosior numerus sacerdotum vel comparare se audeat vel preferre, cum tanto divinitus privilegio Nicena sit synodus<sup>10</sup> consecrata ut sive per pauciores sive per plures ecclesiastica indicia<sup>11</sup> celebrentur, omni penitus auctoritate sit vacuum, quicquid ab illorum fuerit constitutione diversum. Beatus quoque Ambrosius hoc Nicenum concilium in libro de Trinitate his verbis in immensum<sup>12</sup> effert, De conciliis id potissimum sequitur<sup>13</sup> quod CCCX et VIII<sup>14</sup> sacerdotes tanquam Abrahe lecti<sup>15</sup> iudicio consona fidei virtute victores velut tropheum, toto orbe subactis perfidis extulerunt, ut mihi videatur hoc esse divinum quod eodem numero in conciliis habeamus oraculum quod in historia pietatis exemplum<sup>16</sup>.

4 L 4. 1a] D 15 c 1 begins so, but is widely var.

<sup>7</sup> CCCX et VIII GcOaPfTc; CCX et VIII CaMg; CCCXVIII Tb; CCC et XVIII Vm

<sup>8</sup> episcopi *add.* Tc, *om.* CaMgPfTb

<sup>9</sup> X et VIII CaMgPf; XVIII TcTb

<sup>10</sup> sit sin. CaMgPfTc; sin. sit congregata vel PhTb

<sup>11</sup> indicia Pf; Tc *obscurely altered*; iudicia CaMgTb

<sup>12</sup> in immensum CaTbTc; inmensum MgPf

<sup>13</sup> -uitur CaPf; -uimur MgTc; sequar PhTb

<sup>14</sup> X et VIII CaPf; XVIII MgTb; et XVIII Tc

<sup>15</sup> lecti MgPfTbTc; electi Ca

<sup>16</sup> est *add.* Tc, *om.* CaMgPfTb

## 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 concilii recipiantur *in mg.* Sb

<sup>2</sup> Zepherinus \*AdCaMgPfTb; Severinus Tc

<sup>3</sup> omnibus *add.* GcTc, *om.* \*CaMgPfTb

<sup>4</sup> prefixerunt \*GcOaPfRbRfSbTbTcVo; prescripserunt Ad(*obscurely altered*)CaDaMg; predixerunt Ce

## 106

*Athanasius Alexandrinus Marco pape*<sup>1</sup>

Septuaginta<sup>2</sup> Niceni concilii capitula que de prefata sinodo iubente domino meo<sup>3</sup> Alexandro decreto omnium episcoporum attuli quia<sup>4</sup> sunt igne combusta optamus ut a sancte<sup>5</sup> sedis ecclesie vestre auctoritate percipere per presentes legatos mereamur. Item. Presentibus nobis octoginta in memorata sinodo capitula tractata sunt, scilicet quadraginta a Grecis Greca edita lingua<sup>6</sup>, et quadraginta a Latinis similiter Latina edita lingua<sup>7</sup>; sed visum est CCCX et<sup>8</sup> VIII episcopis in predicto<sup>9</sup> Sancto Spiritu repletis concilio congregatis<sup>10</sup> et maxime iam dicto Alexandro et apostolice sedis apocrisariis, ut decem capitula adunarentur aliis, atque congruis locis insererentur, et ad formam septuaginta discipulorum vel totius orbis terre linguarum septuaginta tanti<sup>11</sup> et tam excellentis concilii fierent capitula, que omnem Christianorum informarent orbem.

ID 4. 108]

<sup>1</sup> *insc. in text*, BeCaDaOaPtQeSbSfWd, with no break

AdBeDaGcLeMgMqPhQeRbRfSbSITbVoVpWc; Athan. Alex. and no break HaPkPy

<sup>2</sup> *om.* Pk

<sup>3</sup> meo \*CaMgPfTb; nostro Tc

<sup>4</sup> quia \*CaMgPfTb; que Tc

<sup>5</sup> sancte CaMgPfTb; sacre Tc

<sup>6</sup> Greca ed. ling. \*AdPfTbTc; ed. Greca ling. Mg; ed. ling. Greca Ca

<sup>7</sup> et xl a Lat. similiter Latina ed. ling. BeGcSb<sup>2</sup>TbVmVp; et xl Latinis similiter edita lingua Latina CaDa; et xl a Latinis sim. Latina lingua edita Da<sup>2</sup>; et a Latinis totidem Mg; *om.* AdPfSbVo; et xl a Latinis Latina edita lingua Tc

<sup>8</sup> et CaMgPf; *om.* TbTc

<sup>9</sup> concilio *add.* Tc, *om.* CaMgPfTb

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

<sup>11</sup> tanti \*MgPfTbTc; tanta Ca

## 107

<sup>1</sup>*Stephanus Liuthobio*<sup>2</sup> *Magontino episcopo, cap. xx*

Viginti in ecclesia tantum<sup>3</sup> sancta Romana habentur<sup>4</sup>, sed quo neglectu<sup>5</sup> reliqua defecerint<sup>6</sup> ambiguum est. Arbitrantur enim<sup>7</sup> plurimi ea Antiocheno inserta concilio.

ID 4. 232b] D 16 c 13

<sup>1</sup> Quod tantum xx capitula eiusdem concilii in Romana ecclesia habeantur *in mg.* Sb

<sup>2</sup> Liuthobio BdBeDaMqPc<sup>2</sup>PfPhSeVo; Luitumbio Ad; Leutherio CaGcPcTcVm; Liutobio (*corr. fr.* - oioMg) HaMg; Leutorio Ha<sup>2</sup>; papa Leutobio Pt; Lithobio Sb; Liutheberto Tb; Liuterio Vp

<sup>3</sup> in eccl. tantum CaMgPfTc; tantum in eccl. PhSITb

<sup>4</sup> capitula *add.* Tc, *om.* \*CaMgPfTb

<sup>5</sup> neglectu \*CaMgPfTb; defectu Tc

<sup>6</sup> -erint \*CaMgPfPr; -erunt TbTc

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<sup>7</sup> enim \*CeGcMqPaPc<sup>2</sup>PhPkPrRbRfTbTcVm; om. AdBdBeCaDaLkMgPcPfPqPhSbVo

## 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> consubstantiali 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

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<sup>1</sup> Stephanus *add.* Be, Ysid' in proemio canonum *add.* DaSb(mg.), Idem *add.* PcRfTc, De secunda synodo *add. in text* Sb, om. AdCaGcMgPfPtTbVm(no break)VoVp

<sup>2</sup> Sancta LdMqRb

<sup>3</sup> om. Ph

<sup>4</sup> -oli Tc; -ol' AdCaPf; -olit' Mg; -olim Tb

<sup>5</sup> verum *add. ss* DaSb

<sup>6</sup> neg. con. CaMgPfPhTc; con. neg. Tb

<sup>7</sup> et Filio CaMgPfTc; Filio Ph; Filium et Tb

<sup>8</sup> esse *add.* Tc, esse Deum *add.* Mg, om. CaPfTb

<sup>9</sup> latius *add.* Tc, om. CaMgPfTb

<sup>10</sup> *corr. fr.* concessio Ca<sup>2</sup>

<sup>11</sup> et *add.* Tc, om. CaMgPfTb

<sup>12</sup> Nectarii CaMqPfPrTbTc; Nestarii Gc; Nestorii MgRb

## 109

<sup>1</sup>Tertia sinodus Ephesina<sup>2</sup> prima CC episcoporum sub iuniore Theodosio augusto edita est, que Nestorium duas personas in Christo asserentem iusto anathemate condempnavit, ostendens manere in duabus naturis unam Domini nostri Iesu Christi personam. Hec sinodus acta est temporibus Celestini pape Romani, Iuvenalis Constantinopolitani episcopi<sup>3</sup>, Cirilli Alexandrini.

4 L 4. 1c] D 15 c 1 med. to personam

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<sup>1</sup> Item idem *add.* Pc (pc), De tertia synodo *add. in text*, Similiter de tertia synodo *n mg.* Sb, Idem *add.* Tc, om. AdBeCaGcMgPfPtTbVmVoVp

<sup>2</sup> -sina CaMgPfTb; -siana Tc

<sup>3</sup> et *add.* Tc, om. CaMgPfTb

## 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 substantie et<sup>5</sup> divine et humane confiteamur naturam. Hec sinodus acta est temporibus Leonis pape Romani, Iuvenalis Ierosolimitani episcopi<sup>6</sup>, Anatholii Constantinopolitani<sup>7</sup>. He sunt quatuor<sup>8</sup> sinodi principales fidei naturam<sup>9</sup> plenissime continentes, sed et si que sunt concilia que sancti patres Spiritu Dei pleni sanxerunt, post istorum quatuor auctoritatem omni manent<sup>10</sup> stabilita vigore.

4 L 4. 1d] D 15 c 1 med. to confiteamur naturam

<sup>1</sup> Item idem *add.* Pc, De quarta synodo *add.* in text, Eodem modo de quarta *in mg.* Sb, Idem *add.* Tc, *om.* AdBeCaGcMgPfPtTbVmVo

<sup>2</sup> DC] CC Vp

<sup>3</sup> Martiano MgPfTbTc; Martiniano Ca

<sup>4</sup> abbatem CaMgPfTb; *erased in* Tc

<sup>5</sup> et PfTb; *om.* CaMgTc

<sup>6</sup> et *add.* Tc, *om.* CaMgPfTb

<sup>7</sup> episcopi *add.* Ca, *om.* MgPfTbTc

<sup>8</sup> sunt quatuor CaMgPfTc; quatuor sunt PhTb

<sup>9</sup> naturam CaMgPfTb; doctrinam Tc

<sup>10</sup> -ent CaMgPfTb; -eant Tc

## 111

*Beda de temporibus, cap. dcxxxviii*<sup>1</sup>

Quinta Constantinopolim<sup>2</sup> temporibus Iulii pape sub Iustiniano principe contra Theodorum et omnes hereticos.

ID 4.125 pt.] D 16 c 9 end

<sup>1</sup> dcxxxviii AdBdBeCaDaMgPcPhPrSbVm; dcxxxiii GcSeWc; de xxxviii MqSl; dc Pf; dcxxxvii Pt; dcxxxviii Tc; dcxxxv Tb; de.c.xxxviii Vo

<sup>2</sup> -olim CaMgPf; -oli BeTbTcVm; -olitanam Gc (*corr. fr.* -olitanim?)

## 112

*Beda de temporibus*<sup>1</sup>

<sup>1</sup> Beda de temporibus DaMqPhSeSfTb; Beda de temporibus cap. dcxxxviii *repeated from c 111* Ad; Beda in eodem Be; Item de eodem Ca; Idem in eodem GcPcPrRfTcVmWc; Idem Pf; Item Sl; *om.* MgPt

Sinodus Aquileie facta ob imperitiam fidei quintum universale concilium suscipere diffidit<sup>2</sup>, donec salutaribus beati pape Sergii monitis instructa, et ipsa huic cum ceteris Christi ecclesiis annuere consentit.<sup>3</sup>

ID 4.119]

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<sup>2</sup> -idit \*CaMgPfTc; -init Tb

<sup>3</sup> -entit \*GcPfPhQeTbVm; -ensit BeCaMgSlTcVo

### 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

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<sup>1</sup> Beda de temporibus cap. dcxxxviii (de xxxviii Mq, de.c.xxx.viii Vo) BeCaMgMqQeSbSeSlTbVo; Beda de temp. Ad; Idem in eodem cap. dcxxxviii (viii om. Tc) GcPcPrRfTcVmWc; De temp. prefato cap. Pf; Beda libro Pt

<sup>2</sup> -oli \*BePfTbTc; -olim CaMg

<sup>3</sup> ac \*CaMgPfTb; et Tc

<sup>4</sup> et clementissimo add. PhTb, om. \*AdCaHaLdMgPfPrTc

### 114<sup>1</sup>

#### *Ex Libro pontificali<sup>2</sup>*

Leo<sup>3</sup> iunior<sup>4</sup> suscepit sanctam sextam sinodum<sup>5</sup> que per Dei providentiam nuper<sup>6</sup> regia urbe celebrata est Greco eloquio scripta, exequente ac residente piissimo ac<sup>7</sup> clementissimo magno<sup>8</sup> principe Constantino.

ID 4.124b]

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<sup>1</sup> after c 116 GcPrVmWd

<sup>2</sup> pontificali \*AdCaMgPfTbVo; pontificum GcPrRfTc; Pc obsc. corr.

<sup>3</sup> Nec Oa

<sup>4</sup> minor CeSl

<sup>5</sup> sext. sin. \*CaMgPfTc; sin. sext. PhTb

<sup>6</sup> in add. Tc, om. CaMgPfTb

<sup>7</sup> ac \*TbTc; et CaMgPf

<sup>8</sup> magno \*CaMgPfTc; om. PhTb

## 115

*In prologo historie Anastasii bibliothecarii Romane<sup>1</sup> ecclesie*

Sufficere arbitror ad preconium Theophanii chronographi<sup>2</sup>, quod a sede approbatus sit apostolica<sup>3</sup>, quando scilicet vicarii eius una cum CCCL patribus in Nicena urbe secundo convenientes universalem sinodum celebrarunt. Siquidem et<sup>4</sup> laus eius in eodem septimo sancto concilio reperitur.

ID 4.129]

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<sup>1</sup> om. BeCePa

<sup>2</sup> -graphi \*MgPfTbTc; -fragi Ca

<sup>3</sup> approb. sit apost. \*BeOaPrTcVm; approbatus apost. AdCaGcMgRbSbVoVp; prob. sit apost. Ce; approbatur apost. Pf; approb. apost. sit PhSfTb

<sup>4</sup> et \*CaMgOaTbTc; om. Pf

## 116

*Adriani pape<sup>1</sup> ad Carolum, cap. xxv<sup>2</sup>*

Ipsam septimam sinodum suscepimus, nam si eam minime recepissemus, ad suum pristinum vomitum erroris fuissent reversi Greci, qui pro tot<sup>3</sup> millibus animarum Christianorum interitu habemus reddere rationem.

ID 4.128]

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<sup>1</sup> Adriani pape AdCaCeMgOaRfSf; Adrianus papa BeDaGcPfPrSbTcVmVo; Arriani pape PhTb

<sup>2</sup> xxv AdMgPfTbTc; xv Ca

<sup>3</sup> pro tot \*MgPfTbTc; propter Ca

## 117

*<sup>1</sup>Sexta sinodus, cap. ii<sup>2</sup>*

Confirmamus sanctorum patrum canones et sinodos, id est Nicenam, Antiochenam, Neocesariensem<sup>3</sup>, Grangrensem, Antiochenam, Laodicensem, Constantinopolim<sup>4</sup>, Ephesinam, Chalcedonensem, Sardicensem<sup>5</sup> et Carthaginensem, et opuscula Theodosii Alexandrini<sup>6</sup> episcopi, et Dionisii Alexandrini episcopi et<sup>7</sup> martiris<sup>8</sup>, et Gregorii thaumasturgi Neocesariensis episcopi<sup>9</sup>, Athanasii Alexandrini

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<sup>1</sup> Que sinodi et quorum dicta habeantur in auctoritate in mg. Sb

<sup>2</sup> ii MgOaPfTbTc; i Ad; iii Gc; Sexta – ii om. Vo

<sup>3</sup> Neoces- \*CaPfTbTc; Necces- Mg

<sup>4</sup> pol' MgPfTbTc; -polim Ca

<sup>5</sup> -icensem \*MgPfTc; -iensem Ca; -ionensem Ph; -iocensem Tb

<sup>6</sup> Alex. \*MgPfTbTc; om. Ca

<sup>7</sup> Dion. Al. ep. et CaPfTc; om. Mg

<sup>8</sup> et mart. add. ss Sb<sup>2</sup>

<sup>9</sup> corr. fr. ep. Neoc. Ca<sup>2</sup>

episcopi<sup>10</sup>, Basilii Cesarie Cappadocie episcopi, Gregorii Niseni<sup>11</sup> episcopi, Gregorii theologi<sup>12</sup>, Amphilocii Biconiensis<sup>13</sup> episcopi, Timothei Alexandrini episcopi, Cirilli Alexandrini episcopi, Germani Constantinopolitani episcopi, Cipriani Carthaginensis episcopi et sinodum suam. *Nicholas*<sup>14</sup> *Photio*. Quod dicitis neque Sardicense concilium neque decretalia vos<sup>15</sup> habere pontificum<sup>16</sup> sanctorum vel recipere, non facile nobis facultas credendi tribuitur<sup>17</sup>, maxime cum Sardicense concilium quod penes vos in vestris regionibus actum est et omnis ecclesia recipit, qua ratione convenerit ut hec sancta Constantinopolitana ecclesia abiceret<sup>18</sup> et<sup>19</sup>, ut dictum est, non retineret?

*ID 4.134] D 16 c 7b to et sinodum suam; ID 4. 135] +D 16 c 14 from Nicholas; cf above, 2.100*

<sup>10</sup> et Dionisii Alex. - Alex. episcopi *om.* PhTb, in CaGc(Mg)PFTc; martiris et Gregorii thaum. - episcopi *in mg.* Mq<sup>2</sup>

<sup>11</sup> Niseni \*CaMgPfTb; Miseni Tc

<sup>12</sup> -ogi \*CaGcPf; -ogii MgTb; -ogi episcopi Tc

<sup>13</sup> Biconiensis CaMgPfVo; Bicomensis Gc; Bichonensis Oa; Biconensis Tb; Hiconiensis Tc

<sup>14</sup> Nich. \*AdBdCaCeGcMgPaPcPhPkPqPwOaQeSbTbTcWc; Nichil LkMqPfVm; Nicholao Rf. AdBdCaCeLeLkMgMqOaPaPfPhPkPqPrPwQeSfTbVmWc *with no break*; Nici *with no break* Wd. RbSIVoVp *have neither break nor insc.*

<sup>15</sup> vos \*CaMgTc; nos GcOaPfPhPrQeSITbVo

<sup>16</sup> nostrorum *add.* Tb, *om.* \*CaMgPfPhTc

<sup>17</sup> fac. cred. trib. \*CaMgPfTb; cred. trib. fac. Tc

<sup>18</sup> abiceret \*CaMgPfTb; reciperet Tc

<sup>19</sup> *add.* Tc<sup>2</sup>

## 118

*[Quod in ecclesiasticis iudiciis auctoritas canonum<sup>1</sup> et decreta Romanorum pontificum preferenda sint<sup>2</sup> dictis Augustini, Ieronimi<sup>3</sup> et aliorum]<sup>4</sup>. Leo IV episcopis Britannie<sup>5</sup>*

De libellis et commentariis aliorum non convenit aliquos iudicare et sanctorum conciliorum canones relinquere vel decretalium regulas, id est que habentur apud nos simul cum canone, in illis<sup>6</sup> et quibus in<sup>7</sup> omnibus ecclesiasticis utimur iudiciis, id est, apostolorum, Nicenorum, Anciranorum, Neocesariensium, Grangrensium,

<sup>1</sup> auct. can. AdBeCaCcMgPfTbTc; can. auct. FcOe

<sup>2</sup> sint BeCaTc; sunt AdCeDaFcMgOePfTb

<sup>3</sup> Aug. Ier. CaCcFcMgOePfTb; Ier. Aug. Tc

<sup>4</sup> *Rubric in text here* CaMgPfPh, *as distinct cap.* 117A CcFcOeTb, *in mg.* AdBeCeDaGcLdObTc, *as end of c* 117 MqOdSbSIVoWc, *om.* PcPkPrPtRbRfSfVmVp. Quod sanctorum canonum dicta et Romanorum pontificum decreta in ecclesiasticis negociis sint preferenda *add. in mg.* Sb

<sup>5</sup> Leo - Brit. *om.* Ad; Leo papa episcopis Britannie lxii Pt

<sup>6</sup> can. in illis \*CaPfTbTc; illis in can. Mg

<sup>7</sup> in \*MgTc; *om.* CaPfTb

Antiocensium, Laodicensium, Calcedonensium, Sardicensium<sup>8</sup>, Carthaginensium, Affricensium, et cum illis regule presulum Romanorum Silvestri, Sirici, Innocentii, Zosimi, Celestini, Leonis, Gelasii, Hilarii, Simachi, Simplicii, Ormisde et Gregorii iunioris. Isti omnino sunt et<sup>9</sup> per quos iudicant episcopi, et per quos episcopi simul et clerici iudicantur. Nam si tale emergerit vel contingerit inusitatum negotium quod minime possit<sup>10</sup> per istos finiri, tunc si<sup>11</sup> illorum quorum meministis dicta<sup>12</sup> Ieronimi, Augustini, Ysidori, vel ceterorum similiter sanctorum doctorum<sup>13</sup> similium<sup>14</sup> reperta fuerint, magnanimiter sunt retinenda ac promulganda, vel ad apostolicam sedem referatur de talibus. Quam ob causam luculentius et magna voce pronuntiare non timeo quia qui illa que diximus sanctorum patrum statuta<sup>15</sup>, que apud nos canones pretitulantur, sive sit episcopus, sive<sup>16</sup> clericus, vel<sup>17</sup> laicus indifferenter<sup>18</sup> receperit<sup>19</sup>, ipse convincitur nec catholicam et apostolicam fidem nec sancta vera Christi quatuor evangelia utiliter et efficaciter ad effectum suum retinere vel credere.

ID 4.72] D 20 c 1

<sup>8</sup> Calc. Sard. CaMgPhTb; Sard. Calc. PfTc

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

<sup>10</sup> minime possit \*CaMgPfTb; non queat Tc

<sup>11</sup> si \*BdCePaPc<sup>2</sup>PhPkTbVm; om. CaMgPcPfPwTc

<sup>12</sup> quor. mem. dicta \*BdCaCeMgPaPfPhPkPwTcVm; dicta quor. mem. Tb

<sup>13</sup> sim. sanct. doct. CaMgPf; sanct. sim. doct. PcTc; sin. doct. suorum Ph; sim. doct. sanct. Tb

<sup>14</sup> si add. CaMgPcPwTc, om. \*BdCePaPc<sup>2</sup>PfPhPkTbVm

<sup>15</sup> statuta \*CaMgPfTb; instituta Tc

<sup>16</sup> sive \*MgTbTc; sive sit Ca; vel Pf

<sup>17</sup> vel MgPfTb; sive sit Ca; sive Tc

<sup>18</sup> non add. Tc, om. CaMgPfTb

<sup>19</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 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

<sup>1</sup> Quis timor aut quis honor libris canonicis impendatur in mg. Sb

<sup>2</sup> lxiii add. Pt

<sup>3</sup> -ici \*MgPfTbTc; -icis Ca

<sup>4</sup> al. in eis CaMgPfTb; in eis al. Tc



quantalibet<sup>5</sup> sanctitate doctrinaque polleant, non ideo verum putem, quia ipsi ita senserunt, sed quia<sup>6</sup> mihi vel per illos auctores et canonicas vel probabiles rationes, quod a vero non abhorreat persuadere<sup>7</sup> potuerunt.

ID 4.74] D 9 c 5

<sup>5</sup> quantalibet \*CaMgTbTc; quantumlibet Pf

<sup>6</sup> sed quia \*AdBeCaTcVp; scilicet quia GcPfTbVmVo; si qua Mg

<sup>7</sup> non add. Rb

## 120

### *Augustinus in<sup>1</sup> prologo libri III<sup>2</sup> 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 4.71] D 9 c 3

<sup>1</sup> libro add. and canc. Ca

<sup>2</sup> IIII Vo

<sup>3</sup> corr. fr. Soli Ca

<sup>4</sup> et add. Ca, om. \*MgPfTbTc

<sup>5</sup> retinere AdBeGcMgOaPcPfPrRfRbTbVmVo; tenere CaDaTcVp; credere Ce

## 121

### *<sup>1</sup>Epistola prima Augustini<sup>2</sup> ad Ieronimum*

Mihi<sup>3</sup> videtur exitiosissime credi aliquid in sacris libris esse mendacium, id est eos homines per quos nobis illa scriptura ministrata est atque conscripta, aliquid in suis libris fuisse mentitos<sup>4</sup>. Alia questio est utrum scriptorem sacrarum scripturarum mentiri oportuerit, immo non alia sed nulla questio est.

ID 4.216a]

<sup>1</sup> Quod non debeat credi in sacris libris eorum auctores mentitos fuisse in mg. Sb

<sup>2</sup> (Ex add. Pt) Epistola prima (tercia Pc, prioris Vo) Aug. \*(but as inscr. to ID 4.215)AdCaMgPcPrPtTbTcVmVo; Eiusdem epistola Pf; Epistola una. Augustinus ad Ier. Sf

<sup>3</sup> Nichil CePkPyTf; Nichi before corr. Sb

<sup>4</sup> fuisse ment. \*CaMgOaTbTc; ment. fuisse Pf; ideo (for id est) – esse mentitos in mg. Vo<sup>2</sup>

## 122

### *[Que concilia sunt respuenda, et que scripta<sup>1</sup> apocrifa]<sup>2</sup>. <sup>3</sup>Ex Libro pontificum<sup>4</sup>*

<sup>1</sup> que scr.] scripta sunt Ad; que scripta sunt CeGc; que scripta sint Mq

<sup>2</sup> Que conc. sunt (sint Sf) - apocrifa PfSbSf; in mg. AdBeCeLdLh<sup>2</sup>Ln(partly illeg.)Pc; as end of c 121 Mq; om. Mg(cf c 123)OaPrPtRfTbTcVmVoVp; Que sunt respuenda et que scripta sunt apocripha in

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]

mg. CaDa; Quod quedam concilia propter capitula ritui ecclesiastico contraria sint negligenda *add. in*

mg. Sb

<sup>3</sup> Sergii pape *add. Gc*

<sup>4</sup> -ali PtVp

<sup>5</sup> *corr. fr.* Iustianus CaCeMg

<sup>6</sup> Iust. imp. \*CaMgTbTc; imp. Iust. Pf

<sup>7</sup> concilium \*BeCa<sup>2</sup>MgPfTb; *om.* CaTc; *superscr. after urbe* Tc<sup>2</sup>

<sup>8</sup> coven- Pf

<sup>9</sup> *corr. fr.* consc- Ca<sup>2</sup>

<sup>10</sup> -ebat \*BeMgPfTbVo; -ebant CaTc

## 123

<sup>1</sup>*De notitia librorum apocriforum qui a sanctis patribus<sup>2</sup> dampnati sunt eterna dampnatione<sup>3</sup>*

<sup>4</sup>Ariminensem<sup>5</sup> sinodum a Constantino cesare Constantini filio congregatam, mediante Tauro prefecto, extunc<sup>6</sup> et in eternum confitemur esse dampnatam<sup>7</sup>. Item. Itinerarium nomine Petri apostoli quod appellatur sancti Clementis libri<sup>8</sup> octo apocriphi<sup>9</sup>. Actus nomine Andree apostoli apocriphi<sup>10</sup>. Actus nomine Thome apostoli apocriphi. Actus nomine Petri apostoli apocriphi. Actus nomine Philippi apostoli<sup>11</sup> apocriphi. Evangelia<sup>12</sup> Thadei nomine<sup>13</sup> apocripha. Evangelia nomine Barnabe

<sup>1</sup> Que concilia sint respuenda et que scripta sint apocripha *in mg.* Mg, De apocrifis *in mg.* Pf, Quod scripta multorum sint apocripha, id est incerta *in mg.* Sb

<sup>2</sup> patribus \*AdDaMqPfTbTcVm; *om.* CaGcMg

<sup>3</sup> eterna dampnatione \*AdCaGcMgPcRfTbTcVmVo; eterna redemptione Pr; *om.* BeCeMqPf.Wc. De – dampn. *in mg.* Lh<sup>2</sup>. De notitia apocriforum librorum Pt. *No rubric* Ph

<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. [ Je quibus pauca que ad memoriam venerint, et a catholicis vitanda sunt credimus esse subdenda. In primis (*cf c 91 end above*)

<sup>5</sup> Arim- \*BeCaMgPfTbVm; Primi- Vq; Erim- Tc; Crim- PyRf

<sup>6</sup> et nunc *add.* Tc, *om.* \*CaMgPfTb

<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>10</sup> -iphi MgPfTc; apoc' Ca; -iphum Tb

<sup>11</sup> Phil. ap. \*CaMgTc; ap. Phil. Pf; Phil. Tb

<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>13</sup> *om.* Sb

apostoli<sup>14</sup> apocripha. Evangelia<sup>15</sup> Thome apostoli quibus Manichei utuntur apocripha.<sup>16</sup> Evangelia nomine Bartholomei<sup>17</sup> apostoli apocripha. Evangelia nomine Andree apostoli apocripha. Evangelia que falsavit Lucianus aprocrifa.<sup>18</sup> Evangelia que falsavit Ycius, apocripha<sup>19</sup>. Liber de infantia Salvatoris apocriphus. Liber de nativitate Salvatoris et<sup>20</sup> de sancta Maria, vel de<sup>21</sup> obstetrice Salvatoris apocriphus. Liber qui appellatur Pastoris<sup>22</sup> apocriphus. Libri omnes quos fecit Leutius<sup>23</sup> discipulus diaboli apocriphi. Liber qui appellatur fundamentum apocriphus<sup>24</sup>. Liber qui appellatur thesaurus, apocriphus. Liber qui est de filiabus Ade vel<sup>25</sup> Genesis apocriphus. Centimetrum de Christo Virgilianis<sup>26</sup> compaginatum versibus<sup>27</sup> apocriphum. Liber qui appellatur Actus Thecle et Pauli apocriphus. Liber qui appellatur Nepotis apocriphus. Liber proverbiorum ab hereticis conscriptus et sancti Sixti nomine signatus, apocriphus. Revelatio que appellatur Pauli apocripha. Revelatio que appellatur Thome apostoli<sup>28</sup> apocripha. Revelatio que appellatur Stephani apocripha. Liber qui appellatur Transitus sancte Marie apocriphus. Liber qui appellatur<sup>29</sup> penitentia Adam<sup>30</sup> apocriphus. Liber Diogie nomine<sup>31</sup> gigantis, qui post diluvium cum dracone ab hereticis pugnasse perhibetur, apocriphus<sup>32</sup>. Liber qui appellatur Testamentum Iob apocriphus. Liber qui appellatur penitentia Origenis apocriphus. Liber qui appellatur penitentia<sup>33</sup> Cipriani apocriphus<sup>34</sup>. Liber qui appellatur<sup>35</sup> Iamne et Mambre

<sup>14</sup> nom. Barn. ap. CaPfTbTc; Barn. ap. nom. Mg

<sup>15</sup> nomine add. CaMfMgMhMjMkMmPtRaTb, om. \*PfTc

<sup>16</sup> (apoc. quibus man. utuntur Mk) Evangelia nomine Petri apostoli aprocrifa add. Mg, om.

\*BeCaGcMfMhMjMkMmMoPaPfPtRaTbTcVo. Evangelia nomine Barnabe – utuntur apocr. om. OaPk.

<sup>17</sup> corr. fr. Petri Pc

<sup>18</sup> Evangelia que falsavit Lucianus aprocrifa in mg. Pc

<sup>19</sup> Evan. que fals. Yc. apoc. \*CaMgPfTb; om. Tc

<sup>20</sup> et CaMgPf; apoc'. Liber Tb; ap' Tc

<sup>21</sup> vel de CaMgPf; et de Tb; et Tc

<sup>22</sup> Pastoris \*CaMgPfTb; De pastore Tc

<sup>23</sup> Leutius \*CaPfTc; Leuticius Mg; Lucius Tb

<sup>24</sup> Lib. qui app. fund. ap. here \*CaMgPfTb; before the Acts of Thecla and Paul in PcTc

<sup>25</sup> Adel add. Mg, om. \*CaPfTbTc

<sup>26</sup> Virgilianis \*CaMgTc; virginalibus Pf; virginal' Ph; virginal' Tb

<sup>27</sup> comp. vers. \*CaMgPfPhTb; vers. comp. Tc

<sup>28</sup> apostoli CaMgPfTc; om. Tb

<sup>29</sup> appellatur \*CaTbTc; vocatur Pf; appellantur Mg

<sup>30</sup> Adam \*CaMgPfTc; Ade Tb

<sup>31</sup> Diogie nomine CaMgPfPh; Dioge nomine Tb; Diogenoie Tc

<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>35</sup> penitentia add. PcRfSb<sup>2</sup>Tc, om. \*CaMgPfTb

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> Physiologus 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 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

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<sup>36</sup> Sortes Da

<sup>37</sup> Liber qui appellatur Sors apost. apoc. *after* Cipriani ap. DaGcPrVm

<sup>38</sup> Iusan PcTcPt; Iusa apostoli MgRa; qui appellatur Iusan PrVm

<sup>39</sup> Liber canonum MkMmMoPcRaVm *Brant*; Liber qui appellatur laus Da; Liber canones DbMgRa; Can. liber Tc

<sup>40</sup> Liber Iusan (Susannae *Migne*) - apost. apoc. \*MgMoPc(mg.)PrRa(mg.)RfTcVm*Brant*; Liber Iusan apoc. *before* Historia Eusebii *below* Pt; *om.*

AdBdBcCaCeDaDbGcLdLgObOdOeOfPaPfPhPkPqPwSbSgSITbVaVo

<sup>41</sup> qui appellatur *add.* Tc, *om.* \*CaMgPfTb

<sup>42</sup> presign- \*CaMgPfTb; sign- Tc

<sup>43</sup> Liber Lusan *add.* Oe

<sup>44</sup> Tertulliani CaMgTbTc; Tertullinii Pf

<sup>45</sup> Postumiani \* MgPfTbTc<sup>2</sup>; Postulamiani Ca

<sup>46</sup> Omnia op. \*CaMgPfPhTc; Op. omnia Tb

<sup>47</sup> et *add.* Tc, *om.* CaMgPfTb

<sup>48</sup> alt. Clem. \*CaMgPfPhTc; Clem. alt. Tb

<sup>49</sup> Opus. Frumentii ap. *here* PhTb

<sup>50</sup> Op. Victorini - Galliarum apoc. \*CaMgPfTb; *om.* Tc

<sup>51</sup> Frum- \*CaMgPfTb; Furm- Tc

<sup>52</sup> op. Fr. ap. *after Cassian above* PhTb

<sup>53</sup> opuscula Ce

<sup>54</sup> Abagarum CaGcMgPr; Agabarum AdPfTc; Gabarum BePh; Adabagarum Ce; Adagabarum Pa; Abgarum TbVo; et Abagari ad Iesum *add.* DaVo

<sup>55</sup> Epistola Abagari ad Iesum apoc. MfMgMhMoPcRaRfTc; *om.*

\*AdBdBcCaCeGcLdLgMjMkMmObOdOeOfPaPfPhPkPqPrPtPwSbSITbVmWc. *For* DaVo *see previous note.*

<sup>56</sup> martiris *add.* Tb, *om.* \*CaMgPfPhTc

<sup>57</sup> Scripta que appellantur CaMgPfPhTc; Scriptura que appellatur Tb

<sup>58</sup> contradictio \*CaMgPfTc; conductio PhTb

<sup>59</sup> his \*CaPfTbTc; illis Mg

<sup>60</sup> Cherintus \*CaMgPfTb; Corinthus Tc

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>61</sup> -satenus MgPfTb; -satanus Ca; -saheus Tc

<sup>62</sup> -atus \*CaMgPfTb; -atius Tc

<sup>63</sup> Sabbatius MgPfPh; Sabacius Ca; Sabastius Tb; Sabatheius Tc

<sup>64</sup> Iubianus BdBeCaLkSbTbPw; Nibianus DaPhPkPrVm; Libianus Gc; Nibinianus Mg; Iulianus Pf; Nubianus SiVo; Iovinianus Tc

<sup>65</sup> et add. Ca, om. \*MgPfTbTc

<sup>66</sup> -lianus \*PhPkTbTcVm; -lanus BdCaMgPfPw

<sup>67</sup> -edius \*CaMgPfTc; -ideus Tb

<sup>68</sup> -icius \*CaMgPfTc; -ius Tb

<sup>69</sup> Petrus \*CaMgPfTc; om. PhTb

<sup>70</sup> consort- \*CaMgTbTc; sort- Pf

<sup>71</sup> sive \*CaMgPfTb; atque Tc

<sup>72</sup> verum etiam \*PfTbTc; sed CaMg

<sup>73</sup> ab \*CaMgPfTb; om. Tc

<sup>74</sup> etiam add. CaMg, om. \*PfTbTc

<sup>75</sup> et MgPfTbTc; om. \*Ca

<sup>76</sup> auct- auct- \*CaMgPfPhTc; act- act- Tb

<sup>77</sup> dampnata \*CaMgPfTb; dampnanda Tc

## 124

<sup>1</sup>Leo IX<sup>2</sup> contra epistolam Nicete<sup>3</sup> abbatis de monasterio Studii<sup>4</sup>

Clementis librum<sup>5</sup>, id est Petri apostoli<sup>6</sup> Itinerarium et canones apostolorum numerarunt<sup>7</sup> sancti patres inter apocripha, exceptis capitulis quinquaginta que decreverunt regulis orthodoxie adiungenda.

<sup>1</sup> Quod liber Clementis et canones apostolorum inter apocripha a sanctis patribus numerentur in mg. Sb

<sup>2</sup> IX \*AdBeCaMgPfTbVm; II PcRfTcVo

<sup>3</sup> Nicete \*AdBeCaMg<sup>2</sup>PfTbVm; Nicene Mg; Niceni PcTc

<sup>4</sup> de monasterio Studii AdCaGcMgPfPhVm; de monasterii studio Gc<sup>3</sup>Tc; om. Tb

<sup>5</sup> Clem. lib. \*AdCaMgPfTb; Clem. pape lib. Cc; Lib. Clem. PcRfTc

<sup>6</sup> apostoli \*CcDa<sup>2</sup>MgPfSbTbTc; om. CaDa

ID 4.105] D 16 c 3

<sup>7</sup> numerarunt \*CaMgMqPcRbSbTb; nunciarunt (vel numeraverunt ss) Ad; numerant Be; numeraverunt GcMq<sup>2</sup>PfTcVo; numarunt Ph?; numerar' Pr; numeravere Vp

## 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 4.106] D 16 c 4a

*Epistola Isidori in capite canonum*<sup>5</sup>

Isidorus mercator<sup>6</sup> servus Christi, lectori<sup>7</sup> conservo suo. Propter eorum auctoritatem<sup>8</sup> ceteris conciliis<sup>9</sup> preposuimus canones qui dicuntur apostolorum, licet a quibusdam apocriphi dicantur, quoniam populares eos<sup>10</sup> recipiunt, et sancti patres eorum sententias sinodali auctoritate roboraverunt, et inter canonicas posuerunt constitutiones. Item. Primus ordo, ut predictum est, de celebrando concilio insertus habetur, et postmodum canonum apostolorum<sup>11</sup>, ac primorum<sup>12</sup> apostolicorum<sup>13</sup>, id est a sancto<sup>14</sup> Clemente usque ad sanctum Silvestrum, decretorum atque diversorum conciliorum breviarium interpolatum<sup>15</sup> sequens ordinem suum.

ID 4.107] D 16 c 4b

<sup>1</sup> Continues without break from c 124 AdCadaLeMqPfPrSeVmVp(no insc.)Wd

<sup>2</sup> synodo add. Vo

<sup>3</sup> Sexta – ii] Sexta ii, with Secunda sinodus in second hand, subs. canc., Pc

<sup>4</sup> ut \*EgMgPfTbTc; aut Ca

<sup>5</sup> Ep. (om. Le) - can. om. Se; in text, but run on from c 125a AdGcLeMqSIVmVoWcWd; add. ss Pc

<sup>6</sup> mercator AdBeCaCcEg(later canc.) MgSeTbVmVoWc; peccator Pf; vel peccator ss Se; om. Tc

<sup>7</sup> proprium add superscr. Tc

<sup>8</sup> auctoritatem \*BeDaGcPhPrTbVmVp; infirmitatem AdBdCaCcCeHaMqPa<sup>2</sup>PfPkPqPwSbSITfVoWc; infirmitatem vel auctoritatem (vel auct. ss Ld) LdMg; firmitatem LkPaPcRfTc

<sup>9</sup> conc- \*CaMgPfTc; cons- Tb

<sup>10</sup> populares eos CaMgPf(vel plures add. ss.)SbTb; eos populares, corr. fr. plures eos Pc; eos plures Tc

<sup>11</sup> apostolorum \*Ad(over erasure and repeated in mg.)MgPfTbTc; om. Ca

<sup>12</sup> primo Gc

<sup>13</sup> -olicorum \*PfPrTcVm; -olorum CaGcMgPhTb; ac prim. ap. om. Rb

<sup>14</sup> Rb ends

<sup>15</sup> -atum CaMgPfTb; -atur Tc

## 126

<sup>1</sup>*Adrianus*<sup>2</sup> *papa ad Carolum*, *cap. xvii*<sup>3</sup>

<sup>1</sup> Quod vite sanctorum patrum sine magnis auctoribus in ecclesia non recipiantur in mg. Sb

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 4.141]

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<sup>2</sup> Adrianus CaMgPcPfTc; Arrianus PhSfTb

<sup>3</sup> xvii AdCaGcMgPfTbTc; xvi Da; xviii PrVm; cap. xvii *om.* Vo

<sup>4</sup> auctoribus \*AdBeCaMgPfPhPrSeVo<sup>2</sup>; actoribus Oa; auctoritatibus TbTc; auctores Vo

<sup>5</sup> et ille *add.* Tc, *om.* \*CaMgPfTb

<sup>6</sup> patribus *add.* Tc, *om.* \*CaMgPfTb

<sup>7</sup> -late \*MgPfTbTc; -lete Ca

<sup>8</sup> et \*CaMgPfPhTc; *om.* Tb

<sup>9</sup> sanctorum \*CaMgPfTb; *om.* PcTc

## 127

<sup>1</sup>*Augustinus contra Faustum, libro II, cap. ii*

Legunt scripturas apocriphas Manichei, nescio<sup>2</sup> quibus sutoribus<sup>3</sup> fabularum sub apostolorum nomine scriptas, ut que suorum scriptorum temporibus in auctoritate sancte ecclesie recipi mererentur, si sancti homines et iusti et docti, qui tunc in hac vita erant et<sup>4</sup> examinare<sup>5</sup> talia poterant, eos vera locutos esse<sup>6</sup> cognoscerent<sup>7</sup>. Ibi tamen legunt apostolum<sup>8</sup> Thomam, cum esset in quodam<sup>9</sup> nuptiarum convivio peregrinus et prorsus incognitus, a quodam ministro palma percussus<sup>10</sup>, imprecatum fuisse homini continuam sevamque vindictam. Nam cum egressus fuisset<sup>11</sup> ad fontem ut inde aquam convivantibus ministraret, eum leo rugiens interemit, manumque eius qua caput apostoli levi ictu percusserat, a corpore evulsam<sup>12</sup>, secundum vocem eiusdem apostoli id optantis atque imprecantis, canis intulit mensis<sup>13</sup> in quibus ipse discumbebat apostolus.

ID 4.151a]

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<sup>1</sup> Quod Manichei legant scripturas apocrifas sub apostolorum nomine titulas ut eis credatur *in mg.* Sb

<sup>2</sup> a *add.* AdCaMg, *om.* \*OaPfTbTc

<sup>3</sup> sutoribus \*AdBdBeCaCeDaGcLkOaPaPfPhPkPqPrQeSbSITb; scriptoribus MgPcPwTcVp; autoribus Vm; *corr. fr.* factoribus to fictoribus Vo

<sup>4</sup> et \*CaMgTb; *om.* PfPhTc

<sup>5</sup> -are \*CaMgPhTc; -ari PfTb

<sup>6</sup> esse \*CaMgPfPhTc; *om.* Tb

<sup>7</sup> *obscurely corr.* Pf

<sup>8</sup> apost. \*CaMgPfPhTc; *om.* Tb

<sup>9</sup> in quodam \*CaMgPfTc; *om.* PhTb

<sup>10</sup> et *add.* Tc, *om.* \*CaMgPfTb

<sup>11</sup> fuisset \*CaMgPfTb; esset Tc

<sup>12</sup> evul- CaPfTbTc; avul- Mg

<sup>13</sup> int. mens. \*AdCaMgOaTb; mens. int. PfTc

## 128

*Item<sup>1</sup>, cap. iiii<sup>2</sup>*

Quod beata<sup>3</sup> Maria patrem habuerit<sup>4</sup> ex tribu Levi sacerdotem<sup>5</sup> quemdam<sup>6</sup> nomine Ioachim canonicum non est.

*ID 4.151b]*

<sup>1</sup> Item \*AdCaMgPfTb; Augustinus Ea; Item in eodem Sb; Idem Tc

<sup>2</sup> cap. iiii \*AdGcPfTbTcVmVoWd (GcPrVm *treating insc. as text run on from c 127*); cap. secundo CaMgSb; cap. vicesimo secundo Da; om. Ea

<sup>3</sup> sancta La

<sup>4</sup> -uerit \*CaMgPfTc; -uit PhTb

<sup>5</sup> -otem \*MgPfTbTc; -otum Ca

<sup>6</sup> hominem *add.* Ca, *om.* \*AdEaMgOaPfTbTc

## 129

*<sup>1</sup>Ieronimus<sup>2</sup> ad Letam<sup>3</sup>, De institutione filie<sup>4</sup>*

Caveat<sup>5</sup> omnia apocripha et si quando ea<sup>6</sup> non ad dogmatum veritatem sed ad signorum reverentiam legere voluerit, sciat non eorum esse quorum titulis<sup>7</sup> prenotantur<sup>8</sup>, multaque in his admixta vitiosa et grandis esse prudentie aurum in luto querere.

*ID 4.155]*

<sup>1</sup> Quod omnia apocripha sint cavenda, et que teneri, que vitari, debeant caute discernenda *in mg.* Sb

<sup>2</sup> Gr' Pt

<sup>3</sup> Letam \*AdBeCaGcMgPfTbVm; Alletham PcRf; Oletam Sf; Athletam Tc; Aletam Vo

<sup>4</sup> filiorum Pt. Ieronimus *only* Ea. De – filie] institutione Rf.

<sup>5</sup> Paveat CePr(*obsc. corr.*)

<sup>6</sup> ea \*CaMgTbTc; *om.* Pf

<sup>7</sup> -ulis GcPfTbVmVo; -uli AdBeMgTc; -ulus Ca

<sup>8</sup> -antur \*MgPfTbTc; -atur Ca; preponuntur Ce

## 130

*[Quod episcopi non debeant legere libros gentilium<sup>1</sup>].<sup>2</sup> Concilium IIII Cartaginense, cap. ix<sup>3</sup>*

<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. Mq

<sup>2</sup> *in mg.* AdBeCaCeDaGcLdLnMgPfPrSbTc, *in text* MqSfVm; Quod episcopus non debeat legere libro gentilium Ea (*no insc.*); Non debere gentilium episcopos legere libros Vo; *om.* OaPcPfTbVp

<sup>3</sup> ix GcLdLeLnOaPrTbVm; ii AdCaPcRfTcVo; xx Be; lxi Ce; xvi DaSb; ??Pf; viii Mg; xi Sf



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

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<sup>4</sup> Christus Lc

<sup>5</sup> autem \*BeEaMgTbTc; aut AdCaGcLeOaPrVmVo; nisi Pf

<sup>6</sup> et \*AdEaGcPfPrTbVmVo; aut pro BeCcPcTc; aut MgOa; vel pro Ca

### 131

<sup>1</sup>*Ieronimus ad Damasum*<sup>2</sup>, *De prodigo filio*<sup>3</sup>

Sacerdotes Dei omissis evangelis 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

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<sup>1</sup> De eadem re *add.* Vo

<sup>2</sup> Ier. ad Dam. \*GcPfTbRfTcVm; Ier. ad Amadum Ad; Ad Dam. Ier. CaMg; Ieron' Ea; Ad Dam. Vp

<sup>3</sup> De prod. fil. \*AdGcMgPfTbTcVo(*adding, either here or against the previous canon, lxxxviii*)Vp; prod. filio Be; De fil. prod. Ca; *om.* Ea

<sup>4</sup> in \*CaMgPfPhTc; *om.* Tb

### 132

<sup>1</sup>*Rabanus*<sup>2</sup> *de pressuris*<sup>3</sup> *ecclesiasticis, parte*<sup>4</sup> *secunda*<sup>5</sup>

Legimus de beato Ieronimo, quoniam cum librum legeret Ciceronis<sup>6</sup>, ab angelo est correptus<sup>7</sup>, eo quod vir Christianus paganorum intenderet figmentis<sup>8</sup>.

ID 4.164] D 37 c 7

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<sup>1</sup> Quod beatus Ier' propter librum Ciceronis quem legebat ab angelo sit correptus *in mg.* Sb; De eodem *add.* Vo

<sup>2</sup> Rabanus Pa; *after eccl.* PrVm, *om.* Vo

<sup>3</sup> pressuris \*MgPfTbTcVm; institutionibus CaGc

<sup>4</sup> partibus Ad

<sup>5</sup> secunda \*AdBeCaMgPfPrSbTbVo(*adding xci*); prima DaPcRfTc; parte sec. *om.* Vp

<sup>6</sup> leg. Cic. \*CaMgPfTc; Cic. leg. PhTb

<sup>7</sup> -eptus \*CaMgPfPhTc; -ectus Tb

<sup>8</sup> int. fig. \*CaMgPfTb; fig. int. Tc

### 133

[*Quod*<sup>1</sup> *legendi sint*<sup>2</sup> *gentilium libri*]<sup>3</sup>. *Beda super Regum librum II*<sup>4</sup>

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<sup>1</sup> Qui Gc

<sup>2</sup> sint BeCaMgTc; sunt CePf

<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.* PcPfTbVp

Turbat<sup>5</sup> acumen legentium et deficere cogit, qui eos a legendis secularibus litteris omnimodis estimat prohibendos, quibus ubilibet inventa<sup>6</sup> utilia, quasi sua sumere licet. Alioquin Moises et Daniel sapientia vel litteris Egiptiorum Chaldeorumque<sup>7</sup> paterent eruditi, quorum<sup>8</sup> tamen<sup>9</sup> superstitiones simul et delicias horrebant, nec ipse magister gentium aliquot versus poetarum<sup>10</sup> suis vel<sup>11</sup> scriptis<sup>12</sup> indidisset<sup>13</sup> vel dictis.

ID 4.85] D 37 c 8

<sup>4</sup> super Reg. lib. II \*BeCaDaMqPfTbVo; librum Regum Ad; in libro II reg. GcPrVm; super lib. Reg. lib. [ii ??] Mg; super librum Reg. II, libro Tc

<sup>5</sup> Turbat \*MgPfTbTc; Turbatat Ca

<sup>6</sup> sunt add. CaMg, om. \*PfPhTbTc

<sup>7</sup> non add. CaMg Pf<sup>2</sup>Tc, om. Pf

<sup>8</sup> quorum \*CaMgPfTb; quoniam Tc

<sup>9</sup> tamen \*CaPfTbTc; tantum Mg

<sup>10</sup> poetarum \*CaMgPcPfTb; om. Tc

<sup>11</sup> vel \*CaMgPcPf; om. PhTbTc

<sup>12</sup> scriptis AdCaPfTbVo; scripturis MgPcTc

<sup>13</sup> -isset MgPfTbTc; -isse Ph

### 134

[*Qua ratione<sup>1</sup> legendi sint<sup>2</sup>*].<sup>3</sup> Ambrosius super Lucam, libro I<sup>4</sup>

Legimus aliqua ne legantur<sup>5</sup>; legimus ne ignoremus; legimus non ut<sup>6</sup> teneamus sed ut repudiemus.

Arsenal 713 fos 136v-7] D 37 c 9

<sup>1</sup> ratione AdBeCaDaMgPfTc; ordine Vm

<sup>2</sup> leg. sint CaMgTc; leg. sunt BePf; sint leg. SbSf

<sup>3</sup> in mg. AdBeCaCe(*against* c 135)DaGcLdLnPfPrMgSbTc, in text MqSfVmVo; om. EaPcPtTbVp

<sup>4</sup> Amb. sup. Luc. lib. (om. Sf) I (II Tc) AdBeCaPfSfTbTcVmVoVp; Ambrosius Ea; Lib. i Amb. sup. Luc. Mg; om. Pt; as insc. to c 135 Rf(*which omits rubr. and text*)

<sup>5</sup> legantur AdBdBeCeEaGcHaLdMqPfPqPrPwSbTdTfVmVoA; negligantur CaDaHa<sup>2</sup>Lk(pc)MgPa<sup>2</sup>PcTcTd<sup>2</sup>Vp; negligenter Pa; legamus PhQeTb; leguntur Pk

<sup>6</sup> non ut BeCaMgPcPfTb; ut non Tc

### 135

<sup>1</sup>Ieronimus super epistolam ad Titum, libro VII<sup>2</sup>

Si<sup>3</sup> quis grammaticam artem<sup>4</sup> noverit vel dialecticam ut recte loquendi rationem habeat, et inter falsa et vera diudicet<sup>5</sup>. Geometrica<sup>6</sup> quoque et arithmetica<sup>7</sup> et

<sup>1</sup> Quod artes legantur ut recte locutionis ratio habeatur, et quid verum, quid falsum, diiudicatur in mg. Sb; De eodem add. Vo; cf c 134

<sup>2</sup> VII AdBeCaGcPcPfPhQeTcVm; VIII MgVp; II TbSf; VI. xciii Vo; Ieronimus (*only*) Ea. Vo<sup>3</sup> in mg: Hoc c. habetur xxxvii di, Si quis. For Rf see c 134

<sup>3</sup> Est (Est plane veritas que non habet pietatem ss) Qe

musica<sup>8</sup> habent<sup>9</sup> in<sup>10</sup> sua scientia veritatem, sed non est scientia illa pietatis. Scientia pietatis est nosse legem<sup>11</sup>, intelligere prophetas, evangelio<sup>12</sup> credere<sup>13</sup>, apostolos non ignorare.

*Rabanus Maurus*, Enarrationes in epistolas beati Pauli (*PL* cxii. 655); *Atto of Vercelli*, Expositio (*PL* cxxxiv. 655); *Arsenal 713 fo 137] D 37 c 10a*

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<sup>4</sup> gram. artem BeCaMgPfTc; grammaticas artem Ph; artem gram. Tb

<sup>5</sup> non puto ei obesse *add. ss* Ce<sup>2</sup>, non peccat *add. Tc, om. AdBeCaEaMgPfTbVm*

<sup>6</sup> -etrica CaPf; -etria BeMgPhTc; -etrium Tb

<sup>7</sup> arithmetica BePfPhTc; arimetia Mg; arimetricam Tb

<sup>8</sup> -ica BeCaMgPfPhTc; -icam Tb

<sup>9</sup> -ent BeMgPfTbTc; -eant Ca

<sup>10</sup> se *add. Be, om. AdCaMgPfTbTcVm*

<sup>11</sup> legem AdBeCaEaPrTc; *om. Pf*; legem et Mg; legere Tb

<sup>12</sup> Evang. AdBePfTbTc; *om. Mg*; in Evang. Ca

<sup>13</sup> credere BeCaEaMgTbTc; cedere Pf

## 136

<sup>1</sup>*Isidorus, Sententiarum libro III, cap. xiii*<sup>2</sup>

Grammaticorum autem doctrina potest etiam proficere ad vitam dum fuerit in meliores usus assumpta.

*ID 4.167b] D 37 c 10b*

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<sup>1</sup> Qua ratione legendi non sunt *in mg. here* CaGcTc (*cf c 137*); Qua ratione non (*later canc.*) sint legendi Mq; Quod grammaticorum doctrina proficiat si in bonum usum fuerit assumpta *in mg. Sb*; De eodem *add. Vo*

<sup>2</sup> Is. - III (III DaLdSb) cap. xiii \*BeCaDaGcLdPcPrSbTbVm; Idem in eodem Ad; *whole insc. (as CaTb) placed before c 137, with text here continuing from c 135 BeMgVp*; III cap. iii Mq; III cap. xiii Pf (*cf c 137*); Is. - III Tc; Is. - cap. xiiii. xciii Vo

## 137

[*Qua ratione legendi non sunt*<sup>1</sup>]<sup>2</sup>. *Isidorus, Sententiarum libro III, cap. xiii*<sup>3</sup>

Ideo prohibetur Christianus<sup>4</sup> legere figmenta poetarum, quia per oblectamenta inanum 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.

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<sup>1</sup> sunt AdCaMgSfTc; sint Pf

<sup>2</sup> *in mg. here* AdBeCaCeDaLdLnMgPfPrVo, *cf c 136*; *om. MqPcTbVoVp*

<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 Vo; *om. LnDa*

<sup>4</sup> -ianus \*BeMgMqTbTc; -ianis CaPfSITfVo

<sup>5</sup> inan. fab. \*BePfTbTcVo; fab. inan. CaMg

<sup>6</sup> inc- \*Ca; exc- MgPfTbTc

<sup>7</sup> enim solum \*CaMgPfPhTc; solum enim Tb

<sup>8</sup> et. eorum \*CaMgPfPhTc; eorum et. Tb

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>*

Lege<sup>6</sup> imperatorum non in<sup>7</sup> omnibus ecclesiasticis controversiis utendum est, presertim cum<sup>8</sup> conveniat evangelice ac canonice sanctioni aliquotiens obviare<sup>9</sup>.

ID 4.86a] +D 10 c 1a

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<sup>1</sup> after c 141 below Le, after c 140 MhMkMmMqVc, after c 139 Ra

<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 EaLeMqSfVm, in mg. BeCeGcPrSbWc; Quod legibus imperatorum in iudiciis ecclesiasticis utendum est post legem Dei in mg. Pf; Quod lex imperatorum nullius auctoritatis sit contra legem Dei (corr. fr. legendi) xcvi Vo; om. MqOaPcPtRfTbVp

<sup>3</sup> episcopis PcRf

<sup>4</sup> -ilio \*AdPfTbVo; -il' BeMgTc; -iliis Ca

<sup>5</sup> -inum \*AdBeMqTbTcVo; -inium Pf; -ulum CaMg; Convincianum GcWc. Apud Conv.] adus Vicinum Ce. No inscr. Ea

<sup>6</sup> Lege \*CeGcLdMqOaPhPrSlTbVmWc; Legibus

AdBeCaDaEgHaLfMgPaPcPfPoPqPwPyRfSbTcTdTfVoVpVq; Lex Le; Legem Le<sup>2</sup>

<sup>7</sup> non in MgPcTc; in AdBeCaCeDaLeMqOaPfPhPqPrSbSlTbTfVmVoVqWc; non Vp; om. Gc

<sup>8</sup> non add. Sb<sup>2</sup>

<sup>9</sup> abnuere Oa

### 139

*[Quod lex imperatorum<sup>1</sup> nullius auctoritatis sit<sup>2</sup> contra legem Dei]<sup>3</sup>. Adiecti capitulares, cap. xviii<sup>4</sup>*

Lex imperatorum non est supra legem Dei, sed subtus.

ID 4.86b] +D 10 c 1b

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<sup>1</sup> -orum BeMgPfTc; -oris Vm

<sup>2</sup> auct. sit AdCaMgSfTcVm; sit auct. Be; est auct. Pf

<sup>3</sup> in mg. AdBeCaCeDaGcLdLnMgPfPrTcWc, in text EaSfVm; om. Mq(cf c 141)PtRfSbTbVo(cf c 138)Vp

<sup>4</sup> (Quod add. and canc. Po) Adiecti (Abiecti Po, Adicti Sf) - xviii (om. Tc)

AdGcLkPfPoPrPtSfTbTcVmVpWc; xxiiii Ca; Nicholaus episcopis in concilium apud Convicinum BeVo (xcviii add. Vo); Adiecti - xviii. Nicolas papa Mq; Aditiones capitulares cap. xviii Pa; Adiectica plures capitulares cap. xvii Pc; om. EaMg

### 140

*Nicholaus<sup>1</sup> in concilio apud Convicinum<sup>2</sup>*

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<sup>1</sup> papa add. TbTc, episcopi add. Sf, episcopis add. EaSb, papa episcopis add. GcPcRf, episcopus add. Sl; om. Pf

Imperiali iudicio non possunt ecclesiastica iura dissolvi<sup>3</sup>. Non quod imperatorum leges quibus sepe ecclesia contra hereticos utitur, sepe contra tyrannos 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>.

ID 4.187] +D 10 c 1c, later additions

<sup>2</sup> Nich. - Conv. (Corinthum Ea, Convincianum Wc) \*EaGcPcPfPhPo(*before* Non quod)SbSfSITbTcWc(*cf c 141 for Vm*); De eodem Vo; *om. with no break*  
AdBeCaCeDaLdLjLkMgMqPaPkPrPtTfVmVp

<sup>3</sup> Adiecti capitulares *add.* Mg; BdCaCcTf *break here*

<sup>4</sup> pravos \*CaMgPfPrTcVm; impios Tb

<sup>5</sup> -itur \*MgPfTbTc; -it Ca

<sup>6</sup> renuendas \*CaMgPfTbVm; renuntiandus Tc

<sup>7</sup> eas quas ev. et (*om.* SIWc) ap. AdEaMgSIWc; eas evang. et apost. Be; eas que ev. et ap. Ca; eas quas ev. apostolicisque Gc; eas quos ev. ap. Ld; eas quas ap. et ev. PfVo; eas evangelicis apostolicis Ph; eas quod ev. apostolicisque PrVm; quo eas ev. et ap. Tb; quia eas ev. et ap. Tc; eas quidem ev. ap. ID

<sup>8</sup> atque \*AdCaMgPfTbWc; et Tc

<sup>9</sup> posse \*MgPfTbTcWc; *om.* Ca

<sup>10</sup> -amus \*CaMgPfTbWc; -imus Tc

## 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, prophetis apostolicisque regulis obviat<sup>4</sup> agere.

ID 4.231] D 10 c 2

<sup>1</sup> De eodem *add.* Vo; Quod lex imperatorum nullius auctoritatis sit contra legem Domini *add.* Mq (*cf c 139*)Po(? *partly in gutter*)

<sup>2</sup> l. v c. xx *add.* GcPr; l. v cap. xx. Nicholaus episcopis in concilio apud Convicinum *add.* Vm (*cf cc 140, 142*); xcvi *add.* Vo; et decretum Calixti, Adriani et Marcellini *add.* Vp (*see Conspectus*)

<sup>3</sup> mand. div. \*CaMgPfTb; div. man. Tc

<sup>4</sup> -iat AdCaMgMqRfTc; -iatur GcPfPhPrSITbVmVo

## 142

### [Qualis debeat esse lex]<sup>1</sup>. Isidorus, Etimologiarum libro V<sup>2</sup>, cap. xx<sup>3</sup>

Erit<sup>4</sup> lex honesta<sup>5</sup>, iusta<sup>6</sup>, possibilis, secundum consuetudinem patrie, loco temporis conveniens, necessaria, utilis, manifesta quoque, ne aliquid per

<sup>1</sup> in mg. AdBeCaDaGcLdLnMgPfPrTc; 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.* CePcPtRfTbVp

<sup>2</sup> II Sb

<sup>3</sup> cap. xx \*AdCaMgPfPhPrTcVm; cap. xxi Da; *om.* TbVp

<sup>4</sup> Erit \*AdMgPfTbTc; Erat Ca

obscuritatem in cautione<sup>7</sup> contineat, nullo privato commodo, sed pro communi civium utilitate conscripta.

ID 4.168] D 4 c 2 var.

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<sup>5</sup> et add. AdBeCaEaMgVm, id est add. Pf, om. \*MqPhPrTbTcVo

<sup>6</sup> et add. Tc, om. \*AdCaMgPfTb

<sup>7</sup> cautione \*AdCaEaMgPc<sup>2</sup>PfPrVm; captione Pc; cautionem PhTb; cautionis Tc

### 143

<sup>1</sup>Augustinus, *De vera religione*<sup>2</sup>

In istis temporalibus legibus quamquam<sup>3</sup> de his homines iudicent cum eas instituunt, tamen cum fuerint institute ac firmate, non licebit iudici de ipsis iudicare, sed secundum ipsas.

ID 4.169] D 4 c 3

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<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

<sup>2</sup> c. i add. Vo

<sup>3</sup> temporalibus legibus quamquam \*PaQe<sup>2</sup>Sb<sup>2</sup>Vo; temporalibus quamquam BdBeCeEaGcMqPfPhPkQeSbTbWc; temporibus (vel temporalibus add. ss. CaPw) quamquam AdBd<sup>2</sup>CaHaLdLkMgPqPrPwVm; altaribus quamquam Da; temporibus quamvis PcRf; temporalibus quamquam Sl; imperialibus quamvis Tc; temporibus [?] legibus postquam Tf; temporibus <legibus deleted> quamquam (adding legibus after his) Vp

### 144

[*Quare vocentur Theodosiane leges*]<sup>1</sup>. Isidorus, *Etimologiarum libro V, cap. i*

Theodosius minor augustus ad similitudinem Gregoriani et Hermogeniani codicem factum<sup>2</sup> institutionum a Constantini temporibus sub proprio<sup>3</sup> cuiusque imperatoris titulo disposuit, quem a suo nomine Theodosianum vocant.<sup>4</sup>

ID 4.170] D 7 c 2b

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<sup>1</sup> Quare vocentur Theodosiane (-sine Ca, corr. fr. Iustiniane Mq) leges in mg. AdBeCaDaGcLdLnMgPoPrSbSl, in text Ea(no inscr.)SfVmVo(adding cii); Quibus modis debeat lex constitui in mg. Tc; om. CePcPf(cf c 147)PtRfTbVp

<sup>2</sup> factum \*CaMgPfTb; om. Tc

<sup>3</sup> proprio \*AdBeCaGcTbTcVm; proprii EaMgPfSlVo

<sup>4</sup> -ant AdCaGcMgMqTb; -avit BeEaPfRfSlTcVmVo

## 145

[*Quod Iustinianus diversa legum volumina diversis nominibus<sup>1</sup> appellaverit*]<sup>2</sup>.

<sup>3</sup>*Historia Longobardorum*<sup>4</sup> libro V, cap. xxv<sup>5</sup>

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 volumen codicem Iustiniani appellari precepit. Rursus, singulorum magistratuum sive iudicum leges que usque ad duo<sup>8</sup> milia pene libros<sup>9</sup> erant extense, intra quinquaginta librorum numerum redegit, eumque codicem Digestorum<sup>10</sup> sive Pandectarum<sup>11</sup> vocabulo nuncupavit. Quatuor etiam Institutionum libros in quibus breviter universarum legum textus comprehenditur noviter composuit. Novas quoque leges quas ipse statuerat in unum volumen redactas, Codicem Novellarum appellari sancivit<sup>12</sup>. Item. Tunc apud Constantinopolim Priscianus Cesariensis grammaticæ artis profunda rimatus est<sup>13</sup>.

ID 4.171] Ff. De origine iuris

<sup>1</sup> nominibus Be<sup>2</sup>MgPf; voluminibus Ca

<sup>2</sup> in mg. CaDaGcLdMgPfSb, in text Ea(no inscr.); before Rursus singulorum below BeCeLgPr; om. MqPcPtSfTbTcVmVoVp; cf c 146

<sup>3</sup> Quare vocentur (-antur SfVp) Iustiniane (iustiane Ce) leges add. Ad<sup>2</sup>(in mg)BeCaCeDbEa(before Quod)GcLdLgMgPrSfVmVo(adding ciii), om. MfMhMjMkMmMoMqPfPtTbTc; Paulus in add. Pa; Ex add. Tc, om. CaMgMmMoPfTb

<sup>4</sup> Longo- \*CaMgMhPfTb; Longa- Gc; Lango- PaTc

<sup>5</sup> xxv \*AdBeCaPfTbVm; i Tc; xv Mg

<sup>6</sup> Iustianus Ce

<sup>7</sup> intra \*CaMgPfPhTc; in Tb

<sup>8</sup> corr. fr. dua Tb

<sup>9</sup> pene libros \*CaMgPfTb; pene librorum MoPc; librorum pene Tc

<sup>10</sup> Dig- \*PfTbTc; Deg- CaMg

<sup>11</sup> Pan .i. totum. Unde dicitur liber Pandectarum ubi de omnibus continetur in mg. Sb

<sup>12</sup> sancivit \*BePfVo; sanctivit AdCaGcMgPcPhTb; sanctificavit PrVm; sanxit Tc

<sup>13</sup> The passage Tunc - est is found in IDpva, but not in IDcrdm

## 146

<sup>1</sup>*Historia Anastasii bibliothecarii Romane<sup>2</sup> ecclesie*<sup>3</sup>

<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 appellavit in text Pa; Quod Iust' contrarias leges removerit et quemdam librum fecerit quem Novellas constitutiones appellavit in mg. Sb

<sup>2</sup> om. Ad

<sup>3</sup> Hist. - eccl. in mg., Ex concilio Metensi in text Qa. Quod Iustinianus diversa legum volumina diversis nominibus appellatur add. Sf; c.iii add. Vo

Removit Iustinianus augustus contrarias leges, faciens singularem codicem, et vocans eum novellas constitutiones<sup>4</sup>, in quibus<sup>5</sup> non permittit principem, in<sup>6</sup> quibus preest, tenere possessionem, aut edificare domum, aut hereditari<sup>7</sup> extraneam personam, nisi quis<sup>8</sup> sibi cognatus existat.

ID 4.172]

<sup>4</sup> const- \*CaMgPfTb; inst- Tc

<sup>5</sup> quibus \*MgPfTbTc; om. Ca

<sup>6</sup> in \*CaMgPfTb; eorum Tc

<sup>7</sup> hereditari \*AdBeCaEaMgPfTbVm; exhereditari Pf<sup>2</sup>; hereditare Tc

<sup>8</sup> quis \*CaMgPfTb; qui Tc

## 147

[*Quibus modis debeat lex<sup>1</sup> constitui*]<sup>2</sup>. Institutionum libro I, titulo<sup>3</sup> ii

Quodcumque imperator per epistolam constituit, vel cognoscens decrevit, vel edicto precepit, legem esse constat. He sunt que constitutiones appellantur. Plane ex his quedam sunt<sup>4</sup> personales, que non ad exemplum trahuntur<sup>5</sup>, quod<sup>6</sup> non hoc princeps vult. Nam quod alicui ob merita indulset, vel si cui penam irrogavit, vel si cui sine exemplo subvenit<sup>7</sup>, personam<sup>8</sup> non transgreditur.

*The whole passage occurs in the Prologue, ed. Brasington 141; ID 4.173]*

<sup>1</sup> deb. lex] lex deb. Sb

<sup>2</sup> Quibus – constitui (construi CePa, institui Vo) in mg. AdBeCaCeDaGcLdPfPrSb (cf Tc c 144, EaMg c 147), in text PaVmVo(adding c.v); om. MqPcPtRfTbVp

<sup>3</sup> I tit. ii \*BeCaDaFbMgPfPrTb; I Ad; om. Ea; I cap. ii RfTc; cap. ii Vm

<sup>4</sup> qued. sunt PfTbTcVmVo; sunt qued. CaFbMg

<sup>5</sup> trah- \*AdCaPfTbTc; pertrah- Mg

<sup>6</sup> quod \*AdCaFbMgPfTb; quoniam Tc; quia Ca<sup>2</sup> ss

<sup>7</sup> subv- CaMgPfTcVm; non subvenit Ph; non convenit (?) Tb

<sup>8</sup> -onam \*CaMgPfPhTc; -ona Tb

## 148

[*Quod liber capitularium<sup>1</sup> auctoritate Zacharie pape confirmatus sit*]<sup>2</sup>. Prefatio libri quinti capitulo<sup>3</sup>

Precedentes<sup>4</sup> quatuor libelli nonnulla gloriosorum Caroli atque Ludovici imperatorum<sup>5</sup> continent capitula. Item. Illa que<sup>6</sup> postmodum a fidelibus sancte Dei

<sup>1</sup> capitularium PfVmVo; capitulorum BeCaMgSf; capitularum GcPaSb

<sup>2</sup> in mg. BeCaCeLdLn(partly illeg.)MgPfSb, in text SfVmVo(adding cvi); om. AdMqPcPtRfTbTcVp

<sup>3</sup> libri quinti capitulo CeDaGcPfPwRfTbVmVoVp; lib. v BeMqSf; libri quinti capitulo v CaSb(later ? erased); libri quinti capitularium Mg; quinti lib. capitularii Tc

<sup>4</sup> The 'P' much enlarged Pw

<sup>5</sup> Car. atque Lud. imp. (-oris Tb) \*CaMgPfTb; imp. Car. atque Lud. Tc



ecclesie Pipini et Caroli atque Ludovici<sup>7</sup> didicimus in iamdictis libellis minime<sup>8</sup> inserta esse pro Dei omnipotentis amore et sancte Dei ecclesie<sup>9</sup>, ac<sup>10</sup> servorum eius atque totius populi utilitate, fideliter investigare curavimus, et in tribus sequentibus libellis<sup>11</sup> distincte, cum suis coadunare<sup>12</sup> ac Ludovico, Lothario atque<sup>13</sup> Carolo nobilissimis regibus, filiis videlicet<sup>14</sup> Ludovici imperatoris piissimi, habenda et omnibus Christianorum fidelibus tradenda<sup>15</sup>, scribere non distulimus. Item. His itaque peractis, est in fronte primi libelli posita Zacharie pape<sup>16</sup> epistola omnibus episcopis ac reliquis ecclesiastici ordinis gradibus, et cunctis ducibus atque comitibus omnibus Deum timentibus per Gallias et Francorum provincias constitutis<sup>17</sup> directa, sicut in ea continetur. Quam sequuntur sinodales conventus quos sancte Romane et apostolice ecclesie legatus Bonefacius Magontiensis<sup>18</sup> ecclesie archiepiscopus vice supradicti<sup>19</sup> Zacharie pape una cum Carolo magno Francorum principe canonice<sup>20</sup> tenuit, ut agnoscant<sup>21</sup> omnes hec predictorum principum capitula maxime apostolica auctoritate<sup>22</sup> fore firmata<sup>23</sup>.

ID 4.174]

<sup>6</sup> Item. Illa que CaMgPfPrTc; Itaque Ph; Item Tb

<sup>7</sup> [Illa] - Ludovici \*CaMgPfTcVm; om. Tb

<sup>8</sup> minime \*CaMgPfTc; om. PhTb

<sup>9</sup> Pipini et Caroli – ecclesie in mg. Ha

<sup>10</sup> ac \*CaMgPfTb; atque Tc

<sup>11</sup> libellis \*CaMgPfTb; libris Tc

<sup>12</sup> coadunare \*AdBdCeHaLdLkMgPaPcPfPhPqPrPwSbTbTfVmVp; codicibus coadunare BeCaDaPc<sup>2</sup>RfSb<sup>2</sup>; auctoritatibus codicum unare Ln; quod adunare Pk; adunare capitulis Tc

<sup>13</sup> atque \*CaMgPfTb; et Tc

<sup>14</sup> vid. \*CaMgPfTb; om. Tc

<sup>15</sup> tradenda \*AdBeMgPfTcVm; trahenda Ca; tractanda PhTb

<sup>16</sup> pape \*MgPfTbTc; om. Ca

<sup>17</sup> corr. fr. -tas Tb

<sup>18</sup> -ontiensis PfTb; -uciensis MgTc; -unciensis CaVm

<sup>19</sup> supradicti \*CaMgPfTc; suprafati PhTb

<sup>20</sup> canonice \*CaMgPfPhTc; om. Tb

<sup>21</sup> agnos- \*CaMgPfTb; cognos- Tc

<sup>22</sup> ap. auct. \*MgTbTc; auct. ap. CaMg

<sup>23</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 augusto

<sup>1</sup> capitularium PfPrVm; capitulorum AdBeCaDaMgSf; capitular' Ea; capitularum GcPaSl; capitularius Vo

<sup>2</sup> sit conf. Sb

<sup>3</sup> om. Da

De capitulis vel preceptis<sup>6</sup> imperialibus vestris nostrorumque etiam pontificum predecessorum irrefragabiliter custodiendis et conservandis<sup>7</sup>, quanto<sup>8</sup> valuimus et valemus, Christo propitio, et nunc et in evum<sup>9</sup> conservaturos modis omnibus profiteamur<sup>10</sup>. Et si fortasse<sup>11</sup> quislibet<sup>12</sup> vobis aliter dixerit vel dicturus fuerit, sciatis eum pro certo<sup>13</sup> mendacem.

ID 4.176] D 10 c 9

<sup>4</sup> IIII AdBeCaDaMgPfVmVo; om. EaGcSf

<sup>5</sup> in mg. AdBeCaCeDaGcLdLnMgPfPrSbSl, in text Ea(no inscr.)SfVmVo(adding cxii); om. MqPcPtRfTbTcVp

<sup>6</sup> cap. vel prec. \*BdCaCeMgPaPcPfPkPrPwSbTcVmVp; prec. vel cap. LaPhTb

<sup>7</sup> conservandis \*CaPfTbTc; confirmandis Mg

<sup>8</sup> quanto \*CaPfTb; quantum MgTc

<sup>9</sup> evum \*CaMgPfPhTc; eternum Tb

<sup>10</sup> prof- \*CaMgPfTb; conf- Tc

<sup>11</sup> fortasse \*CaPfTbTc; forte Mg

<sup>12</sup> quislib- MgPfVm; quil- CaTbTc

<sup>13</sup> esse add. Tc, om. \*CaMgPfTb

## 150

[Quod nove leges et nove regule auctoritati non contrarie<sup>1</sup> 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 dicat debere contempni, nisi qui impunitum sibi<sup>5</sup> tantum estimet transire<sup>6</sup> commissum?

ID 4.179] D 10 c 11, D 54 c 11a

<sup>1</sup> non contrarie add. Be<sup>3</sup>

<sup>2</sup> in mg. AdBeCaCeDaGcLdLnMgPfPrSb, in text Ea(no inscr.)VmVo; om. MgPcPtRfSfTbTcVp

<sup>3</sup> et Aprili epp. \*AdCaMgPfTbVo; et Aprillo epp. PrVm; et Aprili archiepiscopis Sf; om. Tc

<sup>4</sup> aut \*AdCaEaGcMgTbTc; autem PfPrVm

<sup>5</sup> sibi \*CaGcPfTbTc<sup>2</sup>Vm; om. MgTc

<sup>6</sup> est. trans. \*CaPfTbTc; trans. est. Mg

## 151

[Quod leges Romane sint in auctoritate]<sup>1</sup>. Item<sup>2</sup> Theodorico<sup>3</sup> regi

Certum est magnificentiam vestram leges Romanorum principum<sup>4</sup>, quas in negotiis hominum custodiendas esse precepit, multo magis circa reverentiam beati Petri apostoli<sup>5</sup> pro sue felicitatis augmento velle servari.

<sup>1</sup> in mg. AdBeCaCeDaGcLdLnMgPfPrSb, in text PaVmVo(adding cviii); om. MqPcPtSf(cf c 152)TbTcVp

<sup>2</sup> Item \*AdCaMgPcRfPfTb (PcRf after regi); Idem PrTcVm

<sup>3</sup> Theorico Sf

<sup>4</sup> principum \*CaMgPfTb; regum Tc

ID 4.180] D 10 c 12

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<sup>5</sup> apostoli \*CaMgPfTb; om. Tc

## 152

<sup>1</sup>Leo III<sup>2</sup> Lothario<sup>3</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

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<sup>1</sup> De eodem *add. in mg.* CaDa, Ut lex Romana incorrupta permaneat *in mg.* Sb

<sup>2</sup> Lothario \*AdCaMgTbTc; Lotharico Pf

<sup>3</sup> Quod reges Romane sint in auctoritate *add. SfSlmg.*; v *add.* Sl; De eodem *cx add.* Vo

<sup>4</sup> propriumque \*AdGcPfTbTcVm; proprium et CaMg

## 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

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<sup>1</sup> Determinatio sententiae quod leges veritati contrarie respuantur, veritati consentaneae teneantur *add. in mg* Be(*cf c 154*), Quod terrene leges assumantur auctoritate Pauli apostoli *in mg.* Sb

<sup>2</sup> Dialogus BeCaMgPfPrTb; Ex dialogo Tc

<sup>3</sup> -ilianum \*Be<sup>2</sup>GcMgPfTcVo; -ulianum CaPrTbVm; -ilinum Sf; De eodem *cxi add.* Vo. contra Petil. om. Pt

<sup>4</sup> vestrum \*CaMgPfPhTc; vestri Tb

<sup>5</sup> et \*CaMgTbTc; etiam Pf

<sup>6</sup> et *add.* Mg, om. \*CaPfTbTc

<sup>7</sup> -anum \*CaMgPfPhTc; -anorum Tb

## 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, acquirit grande supplicium.<sup>5</sup> Quicumque ergo legibus imperatorum, que contra veritatem Dei<sup>6</sup> feruntur, obtemperare non vult, acquirit<sup>7</sup> grande premium.

*ID 4.184] D 9 c 1b, which was the earlier form of the cap.*

<sup>1</sup> quod CaPfVm; quid Mg

<sup>2</sup> teneantur AdCeDaMgPfVm; reverentur Ca

<sup>3</sup> in mg. AdCaCeDaGcLdMgPfPrSb, in text Ea(no inscr. cf c 151)VmVo(adding cxii); om.

BeMqPcPtRfTbTcVp

<sup>4</sup> Augustinus \*AdBeCaMgTbTc; Eiusdem Augustini Pf

<sup>5</sup> Item add. PcRfTc, om. \*CaEaMgPfTb

<sup>6</sup> ver. Dei \*AdPfTbTc; Dei ver. CaMg; Dei voluntatem Ea

<sup>7</sup> sibi add. Vp. grande supplicium. Quicumque – acquirit (premium corr. to supplicium in mg.) Mq

## 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 diverse pro loco et<sup>7</sup> tempore consuetudines, si illis canonica non obsistit<sup>8</sup> auctoritas<sup>9</sup>, quando una fides per dilectionem operans uni Deo commendat omnes<sup>10</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*

<sup>1</sup> in mg. AdBeCaCeDaGcLdLnMgSbTcWc, in text PaVmVo(adding ccxiii); De consuetudinibus in mg. Db<sup>2</sup>; om. EaMqPcPfPtTb; for Vp see later note

<sup>2</sup> IX \*AdBeCaLdPfPkPtTbTcVmVo; II EaMg; XX Pa; XI Sf

<sup>3</sup> Nicholas Rf

<sup>4</sup> Mich. – Const. om. Ea; Leo – patr. Ad; Leo - Const. om. Qa; De cons. – Constant. ] Nicholaus Michaeli imperatori. Quod non sit resistendum cui canonica non obstat auctoritas Vp (as Grat.)

<sup>5</sup> Sit Qa; Sic Pq

<sup>6</sup> om. Wc

<sup>7</sup> et \*AdBeEaGcMgPfPhPkPtQaTbTcVoWc; et pro Ca; om. Vm

<sup>8</sup> obsistit AdBeCaDaEaLgMgObOdPtQaSgTb; obstitit GcOeOfVoWc; obsistat RfTc; obstat Brant

<sup>9</sup> si (in add. Ca) illis - auctoritas

AdBdBeCaCcDaEaEgGcFcLgMgObOeOfPcPwQaSbSgTbTcVc<sup>2</sup>VpBrant; om.

\*DbLdMqPaPfPhPkSeSfVcVm; auct. si illis non obsistit can. Se<sup>2</sup>

<sup>10</sup> quando (quia Ld) una – comm. omn. (omnes om. Pq, homines CePaPk, omn. comm. LkPcRf, over erasure Sl)

\*AdBdBeCaCbCeDaDbEaGcLdLgMgMqObOdOeOfPaPcPfPhPkPqPtPwRfSbSeSfSIVmVoVpWc; quando una - omn. comm. EgSgTcBrant; quoniam fides per dil. – omnes Tf; pro qua eis obviare debemus nichil iudicamus vel eis resistimus (cf c 156 below, and Gratian) QeTb

156<sup>1</sup>

*[Quod consuetudines diverse in diversis ecclesiis constitute maneant, si<sup>2</sup> contra fidem non sunt<sup>3</sup>, et veritati consentiunt]<sup>4</sup>. Leo III 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 qua eis obviare<sup>10</sup> debemus, nil iudicamus vel eis resistimus<sup>11</sup>. Item. Igmario archiepiscopo. Ridiculum est et satis abhominabile dedecus ut traditiones<sup>12</sup> quas antiquitus a patribus suscepimus infringi patiamur.

*ID 4.211b, 212] D 12 c 3b var. for si illis – debere vel posse resisti, c 5 for end, from Ridiculum*

<sup>1</sup> Ea begins with Ridiculum

<sup>2</sup> si MgPfTc; si et AdBeDaGcLdSfVo; sed et CaVm

<sup>3</sup> sunt LdTcVm; fiunt AdCaDaMgPaPf(?)SbVo; fuerint BeSf

<sup>4</sup> Quod (Quas Ad, Quando Vo) – cons. in mg. AdBeCaCeDaGcLgLnMgPfPrSbTcWc, in text SfVmVo(adding cxiii); Quod – fidem non sunt Ld; om. MqPcPtRfTb

<sup>5</sup> visi \*AdBeCaDaDbFdLdMgObOeOfPfPtVm; nisi PcSgTcBrant

<sup>6</sup> any rubric and text to visi estis removed by plough at head of Lc fo. 88.

<sup>7</sup> set Ob

<sup>8</sup> obsistit \*AdCaFbMgObTc; obstitit GcPfPhPrSfVm

<sup>9</sup> De consuetudinibus - auctoritas

\*AbAdBdBeCaCeDaDbEbEcEgFbFcGcKaLbLdLeLgLkMgMqObOdOeOfPaPcPfPhPkPqPrPtPwQaRfSbSdSeSgSlTcTfVmVoVpVtWaWbWcZaBrant; om., running pro qua - eis resistimus on to end of c 155 QeTb

<sup>10</sup> eis obv. \*CaFbLdMgPfTbVm; obv. eis Tc

<sup>11</sup> -imus \*CaFbLdMgTbTc; -amus Pf

<sup>12</sup> traditiones \*BdBeCaCeDbFbLdLkMgPaPfPrRfSbTcTfVmVoBrant; tradiciones Ad; contradictiones PhPkQeSfTb

## 157

*[In quibus negotiis debeant valere consuetudines]<sup>1</sup>. Ex epistola Pii pape<sup>2</sup>*

Consuetudinem<sup>3</sup> laudamus que tamen contra fidem catholicam nil usurpare dinoscitur.

*ID 4.66b] D 11 c 6*

<sup>1</sup> In - consuetudines in mg. AdCaCeMgTc; De eodem in mg. CaDa, in text Vo; De consuetudine Ea(no inscr.); om. BeFbGcMqPcPfPrRfSbSfTbVm(cf c 158 below).

<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

## 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 coercendi sunt.

ID 4.68] D 11 c 7

<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>2</sup> Consulandum Vo

<sup>3</sup> ad Cas. presb. *om.* Ea (*for Vp see c 157*); repeated from c 157 Pc. De eodem *add.* Vo

<sup>4</sup> enim \*CaEaMgPfTb; *om.* TcVp

<sup>5</sup> script. div. PfPrTbTcVo; div. script. CaFbMg

<sup>6</sup> cont. cons. \*CaMgPfTb; cons. cont. Tc

## 159

*Ex dictis Basilii*<sup>1</sup>, *cap. xxvii*<sup>2</sup>

Ecclesiarum institutiones<sup>3</sup> quasdam scripturis, quasdam vero apostolica traditione<sup>4</sup> per successiones in ministerio confirmatas accepimus, quedam<sup>5</sup> vero consuetudine roborata approbavit usus. Quibus<sup>6</sup> par ritus et idem utrisque<sup>7</sup> pietatis debetur affectus. Unde quis vel aliquantulum sacrarum expertus scripturarum hesitaverit? Si enim attemptaverimus consuetudines ecclesie non per scripturas a patribus traditas nihil estimare, quantum religio<sup>8</sup> detrimenti latura sit despicientibus liquido constabit. Que enim, ut inde<sup>9</sup> ordiamur, scriptura salutifere crucis signaculo fideles docuit insigniri?<sup>10</sup> Que vel trifariam<sup>11</sup> digesta super panem et calicem prolixè orationis vel consecrationis verba commendavit? Nam non modo quod in evangelio continetur vel ab<sup>12</sup> apostolo<sup>13</sup> insertum secretis<sup>14</sup> didicimus, sed et alia perplura

<sup>1</sup> Ex – Bas.] Basilii pape Pt

<sup>2</sup> cap. xxvii \*AdCaMgPfRfTbTcVo; cap. xxii GcPrVm; *om.* Ea. In quibus negotiis debeat valere consuetudines (cxvii *add.* Vo) *in mg.* LjSb, *n text* Vo. Ex – xxvii] Inviolabilis est consuetudo que nec humanis legibus nec sacris canonibus obviare monstratur. Augus' l' Basilii Vp (*cf D 11 c 3*)

<sup>3</sup> Ecclesiarum institutiones AdCaDaEaFbHaLkMgPfTd; Eccles. constitutionum BePw; Eccles. institutionum CeGcLdMqPcPrRfTcVmVoVp; Ecclesiasticarum institutionum

Ce<sup>2</sup>Ld<sup>2</sup>PhPtQeSbSITf<sup>2</sup>Wc; Eccles. consuetudinum Tb; Ecclesiarum consuetudines Tf

<sup>4</sup> traditione CaMgPcPfTb; institutione Tc; auctoritate (vel traditione *in mg.*) Tf

<sup>5</sup> quedam CaGcPfPhTc; quasdam MgTb

<sup>6</sup> omnibus *add.* PcTc, *om.* \*CaMgPfTb

<sup>7</sup> utrique Ca??

<sup>8</sup> religio \*BeCaMgPhTc; Legio Gc<sup>2</sup>; legio Pf; lectio Tb

<sup>9</sup> modo Ca??

<sup>10</sup> *corr. to* -ari Tb

<sup>11</sup> vel trifariam \*CaGcPfTbVm; multifariam MgPc(vel tri ss)Tc

<sup>12</sup> ab \*CaPfTbTc; *om.* Mg

adicimus magnam quasi vim commendantia<sup>15</sup> misteriis. Que orientem versus nos orare<sup>16</sup> litterarum forma prestat<sup>17</sup>? Benedicimus fontem baptismatis oleo unctionis. Huc accedit quod ter mergimus quos<sup>18</sup> baptizamus, oleo ungimus<sup>19</sup>, verbis abrenuntiare Satane et angelis eius informamus<sup>20</sup>. Unde hec et alia in hunc modum non pauca, nisi<sup>21</sup> tacita ac mistica traditione a patribus ecclesiastico more, reverentiori<sup>22</sup> diligentia<sup>23</sup> sunt in ministeriis<sup>24</sup> observata silentio, quam publicata<sup>25</sup> scripto.

ID 4.69] D 11 c 5

<sup>13</sup> -olo \*MgPfTbTc; -olis Ca

<sup>14</sup> corr. to decretis Gc<sup>2</sup>; secreti Pc. misteriis add. Tc, om. \*CaMgPfTb

<sup>15</sup> commendantia \*BeCa<sup>3</sup>PfPhTcVm; commodantia AdCaGc; ac in commodantiam Mg; commendatia Tb

<sup>16</sup> nos or. \*CaMgPfTb; or. nos Tc

<sup>17</sup> prestat AdBeCaPfTbVm; precepit Tc; prestatuit Mg

<sup>18</sup> quos \*MgTbVm; quod CaPfTc

<sup>19</sup> ungimus \*PfTbTc; unguimus CaMg

<sup>20</sup> Vo has Huc usque accedit – informamus marked for insertion here, in the mg, and informamus in the text has been expuncted

<sup>21</sup> quia add. MgPcTc, om. \*CaPfPhTb

<sup>22</sup> -iori \*CaMgPfTb; -iore et Tc

<sup>23</sup> diligentia \*AdMgPfTb; diligenda Ca; et diligentia Tc

<sup>24</sup> minist- \*AdCaPfPhSbTcVm; mist- MgSb<sup>2</sup>Tb

<sup>25</sup> -cata \*AdBeCaGcMgPc<sup>2</sup>Tc; -ca LePaPcPfPhPrQeSbTbVm; -cato Rf

## 160

[Quis<sup>1</sup> usus, qui<sup>2</sup> mores debeant teneri]<sup>3</sup>. Constitutionum libro I, titulo i<sup>4</sup>

Non scripto<sup>5</sup> in<sup>6</sup> ius venit quod usus probavit. Nam diuturni mores consensu utentium approbati<sup>7</sup> legem imitantur. Item. Ea que ipsa sibi queque civitas constituit sepe mutari solent vel tacito consensu principis vel alia postea lege lata<sup>8</sup>.

Inst. 1.2.9; ID 4.194] cf D 12 c 6 for diuturni mores - imitantur

<sup>1</sup> Quis AdCaEaMgPfVm; Qui BeQeSf

<sup>2</sup> qui AdBeCaEaPfSIVm; vel Mg

<sup>3</sup> in mg. AdBeCaCeDaGcLdLnMgPfPrQeSbSIWc, in text Ea(no inscr.)VmVo(adding cxviii); om. FbMqPcPhPtQaRfTbTcVp

<sup>4</sup> tit. i AdBePcPfPhPrSITbVmVoWc; tit. ii DaGc; lib. i Qa; cap. i Tc; om. CaFbMg. Whole insc. at foot of previous leaf Ln

<sup>5</sup> Non scr. Bd<sup>2</sup>GcLeLkMgMqPaPcPfPhPtPwQaQeSITbTcTfVoVp; Conscripto AdBdCeEaHaPkPrPqPyRfSeTd(obsc. corr.)VmWc; Cum scripto BeCe<sup>2</sup>; Ex non scr. CaDaFbLdSb; Ex scr. Cc; [ ]x non scripto Ln; Non ex conscripto Po

<sup>6</sup> in ius MgPaPfPhSbTbTf; ius CaDaPcQaSb<sup>2</sup>RfVp; unius Gc; in Pq; minus PrVm

<sup>7</sup> approb- \*BeMgPfPhSITbTcVoWc; comprob- CaFb

<sup>8</sup> lata AdBeCaCeFbGcMqPaPfPhPkPqPrPtPw<sup>2</sup>Qe(vel data add. Qe<sup>2</sup>)SbSITbTfVpVmVo; data DaLdLeLkMgPa<sup>2</sup>PcPwRfTcVpWc

## 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.

*ID 4.200] cf D 1 c 4, remote, D 1 c 5a*

<sup>1</sup> sit AdCaGcSfVm, om. BeEaMgPf

<sup>2</sup> Quid – cons. in mg. AdBeCaCeDaGcLdLnMgPfPrSb, in text Ea(no inscr.)SfVm; Quod consuetudo et usus antiquitus (antiquus SI) sit tenendus ut (si SI) nec legi nec rationi sit contrarius Vo, in mg. Vo; om. MqFbPcPtRfTbTc

<sup>3</sup> Isidorus - lib. V cap. iii \*AdBeDaFbGcMgPfPhRfSITcVm; Isidorus - lib. V cap. iiiii CaVo; Codicum libro VIII cap. ii titul' i Sf; Isidorus - lib. I ...Tb

<sup>4</sup> scripta \*CaMgPfRfTc; scriptura PhTb

<sup>5</sup> id est add. Mg, om. \*CaPfTbTc

<sup>6</sup> institutum, subs. canc. Td

## 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 tenenda est, et quicquid contra longam consuetudinem<sup>7</sup> fiet, ad sollicitudinem<sup>8</sup> suam revocabit<sup>9</sup> preses provincie.

*ID 4.201] D 12 c 7*

<sup>1</sup> vel Sb

<sup>2</sup> Quod – contrarius in mg. AdBeCaDaGcLdMgPrSb, in text MqSfVm; De eodem Vo; Quod cons. – tenendus legi et rationi non contrarius in mg. Pf; om. CePcPtRfTbTc

<sup>3</sup> Codicum \*BeCaFbLdMgPcPfTbVm; Constitutionis Tc; Item Codicum Vp

<sup>4</sup> VIII BeCaFbMgPfTbTc; V Ad

<sup>5</sup> capitulo - i \*AdBeDaLdPcPfRfVmVo(adding cxxii)Vp; cap. lii CaFbMg; cap. ii tit. i SfTb; concilio Tc

<sup>6</sup> ratio \*CaFbMgPfPhTc; oratio Tb

<sup>7</sup> longam cons. \*CaFbMgPfTb; cons. longam Tc

<sup>8</sup> vel consue ss Pw<sup>2</sup>

<sup>9</sup> revocabit \*BeLd<sup>2</sup>PcPhTbTc; revocavit AdCaFbLdMgPfPwVo; vocabit Gc; revocabis Vm



## 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*

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

<sup>2</sup> Titulo ii \*AdBeCaLdSbTbVmVo(*adding cxxii*); Titulus ii MgSf, *cf Ea c 163*; Eorundem tit ii Pf; Item Tc. Consuetudo et usus antiquus sit tenendus si nec legi nec rationi fuerit contrarius Ea(*cf c 162, no inscr.*)

<sup>3</sup> -inis Bd<sup>2</sup>CaDaLk<sup>2</sup>MgPfPwSbTcVp; -ines AdBdCeGcHaLdLkPhPqPrQe(vel -is ss)TbTfVm

<sup>4</sup> ususque \*BdBeCcCeDaFbGc<sup>2</sup>Ha<sup>2</sup>LdPrPwSbVmVp; iusque AdEaGcLeMqPhPqTbTfSIWc; usque CaPkQe; iurisque LkMgPc(*repeated and canc.*)RfTcVo; iuris Pf

<sup>5</sup> valituram AdEaGcLeMgMqPcPfPrTbVm; sui valitura CaFb; valitura BeCcLd(*followed by erasure*)SITcVo

<sup>6</sup> momento \*CcDaLdPw?Sb; memento

AdBeCaCeEaFbGcLeLkMgMqPaPcPfPhPkPqPrQeRfSITbTfVmVoVpWc; *om. Tc*

## 164

*Nicolaus papa Igaro*<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 4.203] D 8 c 3*

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<sup>1</sup> Igaris Be; Lemaro Ce; Iemaro Pa; Ignaro Pr; *om. Ea*; Quod mala consuetudo vitanda sit (sit vit. Sb) Sbm. Vo, Vo *adding cxxiii*

<sup>2</sup> que \*CaEaMgMqPkPrQeSbVm; *om. BeGcPaPcPfPhTbTcWc (GcPf with lacuna)*

<sup>3</sup> et var. pres. \*CaMgTbTc; *om. Pf*

<sup>4</sup> celerrime \*CaPfTbTc; celeberrime Mg

<sup>5</sup> pro \*MgPfTbTc; pre Ca

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*

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<sup>1</sup> for Vp see *Conspectus after 2. 159*

<sup>2</sup> De eodem *add. in mg. Ca, in text Vo*, De eadem re *in mg. Da*, Quod usus cedat auctoritati *in mg. Sb*

<sup>3</sup> Is. in Syn. \*CaMgPfTbVm; In Syn. Is. Tc

<sup>4</sup> lib. II \*AdCaMgPfTbVmVo(*adding cxxiii*); lib. I Tc; *om. Ea*

<sup>5</sup> *om. Rf. Po fo. 56v ends, fo. 57r begins (after loss of a leaf or two) in c 181*

<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>6</sup> De eodem *add. in mg.* CaDa, *in text* Vo

<sup>7</sup> Aug. de unico bapt. \*BeCaMgPfSfSkTbVo; Aug' *in mg.* Ea; Beda PtTc; *om.* Ad; *no inscr. no break* PrVm

<sup>8</sup> lib. III \*AdCaMgPfPhTcVo(*adding cxxv*); lib. II Be; b. I Tb; *om.* Ea; Beda libro III (*only*) PcRf

<sup>9</sup> manifestata \*DaPrSb<sup>2</sup>RfTcTfVm<sup>2</sup>; manifesta AdBeCaCeEaGcHaLdMgMqPaPcPfPhPtSbTbVmVo

<sup>10</sup> ver. man. CaMgPfTbVo; man. ver. Tc

<sup>11</sup> si \*BeCaMgTbTcVo; sit Pf; si sit Pf<sup>2</sup>

<sup>12</sup> ratio si \*BeCaGcMgTbVm; ratio sit Pf; ratio si sit Pf<sup>2</sup>; ratio et Tc; rationem Vo

<sup>13</sup> optime \*CeGcMqPaPfPhPqPrSbSITbVm; optinet AdBeEaHaMgPtPwRfTcTfVo(*inmundo subscript*) ; exoptinet BdLk; optinetur CaDa(*al. optinetur in mg., sic*)LdLe; obtine PcPk

## 166

<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<sup>9</sup> vulgata, veritati omnino<sup>10</sup> postponenda et usus qui veritati est contrarius abolendus est<sup>11</sup>.

ID 4.213] D 8 c 5

<sup>1</sup> Item de eodem *add. in mg.* CaDa. Fas lex divina est. Ius lex humana est, au[tem] ius generale nomen. Lex autem iuris est species *add. in cramped hand* Ea (*only* Greg. *in mg. as inscr.*); De eodem *add.* Vo

<sup>2</sup> VII \*BeCaMgPfTbVmVo; II PcRfTc; VIII Sf

<sup>3</sup> -ano \*CaPfPrTbTc; Aussano Be; Aversario MgVmVo; Ausano MqPh; Causano Pt; *om.* Ad

<sup>4</sup> VII – episc. *om.* Ea

<sup>5</sup> In CePaPk

<sup>6</sup> fuerit \*CaMgPfTb; est Tc

<sup>7</sup> Ego – veritas *suppl. ss* Vo

<sup>8</sup> quantumvis vetusta \*AdBeCa<sup>2</sup>(ss)EaMgPfPrTcVm; quantumvis venusta Ca; quantum vetusta vis Tb

<sup>9</sup> quantumvis \*AdBeMgPfTbTc; quantum Ca

<sup>10</sup> ver. omn. \*AdBeEaMgPfTc; ver. omn. est CaTb; ver. est omn. Pr; est ver. omn. Vm

<sup>11</sup> est cont. ab. est PcPfPhTc; est cont. ab. AdGcLeMqPrSIVmVo; est cont. est ab. BeCaEaMg; cont. est ab. est Tb

## 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.

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

<sup>2</sup> Ut (Unde Vo) non cito iudicetur (vindictetur Pc) ubi res obscura fuerit (fuerit obs. Ea) AdBeCaCeEaGcMgMqPcPrRfSbTcVmWc; De eodem. Unde non cito – fuerit Vo; Idem de eodem Pf; *om.* PhPtTb

<sup>3</sup> veritatis *add. ss* Sb<sup>2</sup>

## 168

*[Quod usus qui<sup>1</sup> nec<sup>2</sup> auctoritate roboratur, et in aliis locis<sup>3</sup> aut vix aut nunquam tenetur, omnino respuatur, quamvis contra fidem non<sup>4</sup> constituatur]<sup>5</sup>. <sup>6</sup>Augustinus ad inquisitiones Ianuarii*

Omnia talia, que neque sanctarum scripturarum<sup>7</sup> auctoritatibus continentur, nec de conciliis episcoporum<sup>8</sup> statuta inveniuntur, nec consuetudine universe ecclesie roborata sunt, sed diversorum locorum diversis moribus innumerabiliter variantur, ita ut vix aut omnino nunquam<sup>9</sup> inveniri<sup>10</sup> possint cause quas in eis constituendis homines secuti sunt, ubi facultas tribuitur sine ulla dubitatione resecanda estimo. Quamvis enim neque hoc inveniri possit quomodo contra fidem sint<sup>11</sup>, ipsam tamen religionem quam paucissimis et manifestissimis celebrationum<sup>12</sup> sacramentis misericordia<sup>13</sup> Dei voluit esse liberam<sup>14</sup>. Quam<sup>15</sup> servilibus oneribus<sup>16</sup> premunt<sup>17</sup>, ut tolerabilior sit

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<sup>1</sup> *ss* Mg

<sup>2</sup> nec CaMgPfTcVm; non Sf

<sup>3</sup> *om.* Ce

<sup>4</sup> contra fidem non BeCaMgPfSbTcVmVo; non contra fidem Sf

<sup>5</sup> *in mg.* BeCaCeDaGcLdLn(*partly illeg.*)PfPrSbTc, *in text* MgMqSfVmVo; Quis usus respuatur *in test* Pa; *om.* AdPtRfTb. 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>7</sup> For Pw see note to rubr. above

<sup>8</sup> *corr. fr.* eorum Ca<sup>3</sup>

<sup>9</sup> *omn. nun.* \*BeGcMqPfTbVm; *nun. omn.* AdCaMgTc; *omn. vel nun.* Vo

<sup>10</sup> -iri \*MgPfTbTc; -ire Ca

<sup>11</sup> sint \*CaMgTbTc; fuit Pf

<sup>12</sup> -ationum \*BeTcVo; -ationem AdGcMqPh(vel um *ss*)Vm; -atiorem CaTb; -ationem liberam Mg; -atam Pf; -atione Tf

<sup>13</sup> *lacuna follows in* Pf

<sup>14</sup> liberam \*CaPfTbTc; *om.* Mg

<sup>15</sup> *om.* BeVo

<sup>16</sup> oneribus \*BeCaDa(*over erasure*)GcHaLdLkPcPfPhPqPrPwSbTbTf; hominibus Ad<sup>2</sup>?CePk; hominibus vel (*ss*) oneribus Bd; orationibus Mg; honoribus MqVo; omnibus Rf; vel honoribus Tc

conditio Iudeorum, qui etiam<sup>18</sup> si tempus libertatis non cognoverint<sup>19</sup>, legalibus tamen sacramentis non humanis presumptionibus subiciuntur.

ID 4.206] D 12 c 12

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<sup>17</sup> adeo add. MgTc, om. \*AdBeCaPfTb

<sup>18</sup> etiam \*GcPfTb; et CaMgTc

<sup>19</sup> -erint CaGcMgPfTb; -erunt \*Tc

## 169

[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 predicatorum 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 exteriorem ritum legis revocet, et sibi Iudeorum perfidiam subdat, coli vult Sabbatum.

ID 4.6a] De cons. D 3 c 12a

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<sup>1</sup> in mg. AdBeCaCeDaGcLdLnPfPrSb, in text EaMqPaSfVmVo(adding cxxviii); om.

MgOaPcPtRfTbTcVp

<sup>2</sup> civibus CaEaPfVm; urbis Sf

<sup>3</sup> vos \*AdCaMgTcVm; nos BeGcMqPfPrTb

<sup>4</sup> veniens \*PcPhPrSbRfTbTcVmVo; venientes AdBdBeCaCeDaEaGcHaLdLkMgMqPaPfPkPwTf; venientem Vp

<sup>5</sup> faciet op. PhTbTcVm<sup>2</sup>Vo; op. facient BeEaMgPw; facient op. CaGcHa<sup>2</sup>MqPfPrVm; facient Ha

<sup>6</sup> vult in ven. \*AdBeCaEaMgMqVo; in ven. vult GcPfPhTbTcVm

<sup>7</sup> Dom. diem \*CaMgPfTb; diem Dom. Tc

## 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.

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<sup>1</sup> De dign. (corr. fr. dignatione Mq) - diei in mg. Ad(against c 171)BeCaCeDaGcLdLnMgPfPrSb, in text Ea(no inscr.)MqVmVo(adding cxxx) ; De die dominico in mg. Tc; De diebus dominicis observatione Tf<sup>3</sup>; om. OaPcPtRfTbVp

<sup>2</sup> et observatione \*AdCaGcLkPfTbVm; observare MgTc

<sup>3</sup> op. abst. CaMgPfTc; abst. op. Tb. et ab ill. op. abst. expuncted Sb

## 171

*De eodem concilio<sup>1</sup>, cap.<sup>2</sup> viii<sup>3</sup>*

Ut<sup>4</sup> mercatus die dominico in<sup>5</sup> nullo loco habeatur<sup>6</sup>.

ID 4.21B]

<sup>1</sup> concilio \*AdCaGcMgTbTcVm; om. Pf

<sup>2</sup> capitulo concilio later reversed Ca

<sup>3</sup> cxxxi add. Vo; De eodem add. in mg. Da; Que opera fieri liceat in die dominica in mg. Td (cf c 172)

<sup>4</sup> Ut AdBeCaCe<sup>2</sup>DaGcMg<sup>2</sup>PcPfPrTbTcVmVoWc; Et CcCeMgOaRf

<sup>5</sup> die dom. in CaMgPfTbTc; in die dom. PrVm

<sup>6</sup> loco hab. \*BeGcMgPFTbTc; hab. loco Ca; modo hab. PrVm; hab. Vp

## 172

*De eodem concilio<sup>1</sup>, cap. vi<sup>2</sup>*

Tria<sup>3</sup> catartaria<sup>4</sup> opera licet fieri in dominica die<sup>5</sup>, id est, hostilicidia, carra, victualia vel angaria, et, si forte necesse sit<sup>6</sup>, corpus cuiuslibet duci ad sepulcrum.

ID 4.20]

<sup>1</sup> De eodem concilio AdBeCaDaMgRfTbTc; De tribus operibus in die dominico Ea; De eodem GcSfVm; Item Pf; Item de eodem conc. Sb

<sup>2</sup> cap. vi \*AdBeCaPfTbVo; illeg. Mg; cap. viii PaPcRfTc; cap. vii Sb; om. EaLc. De eodem add. in mg. CaDa; Que opera fieri liceat in die dominica cxxxii add. Vo

<sup>3</sup> Vria Vo; sunt add. Td

<sup>4</sup> catartaria PaPfPrSIVm; carthataria AdBdLk<sup>2</sup>; carartaria Be; carraria CaCcDaLeMqPtSbTbTd<sup>2</sup>Vo<sup>2</sup>; carrataria EaMg; cartaria GcPhQeVpWc; cathataria Lk; cartartaria CePcPk; kartagia Rf; catataria Tc; carthataria Td; carratharia Tf; carria Vo; Tria cat. om. Lc. carateristica, id est determinativa add. ss Pt

<sup>5</sup> dominica die \*CaEaMgPfTb; die dominico PcTc

<sup>6</sup> ut add. Mg, om. \*CaPfTbTc

## 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]

<sup>1</sup> Aurel. CaMgPfTbTcVm; Augustini Sf

<sup>2</sup> xiii \*AdCaPcTbVmVo; xii Tc; MgPf illegible; Item only Ea; De eodem conc. c. viii repeated from c 172 Rf. xxii, De ieiuniis et elemosinis in mg. Bd<sup>2</sup>; Qualiter in dominicis aut in festivis diebus sit orandum in mg. Sb, De non flectendo genu in festis diebus add. Vo

<sup>3</sup> vel \*AdGcPfTbTcVmVo; et BeCaEaMg

<sup>4</sup> ad \*MgPfTbTc; in Ca

<sup>5</sup> -ant \*CaMgPfTb; -ent Tc

<sup>6</sup> stantes \*CaMgPfTb; om. Tc

## 174

[De ieiunio clericorum]<sup>1</sup>. Omnibus episcopis<sup>2</sup>

Telesphorus septimus a Petro in decretali suo<sup>3</sup>. Cognoscite<sup>4</sup> a nobis et cunctis episcopis in hac sancta et apostolica sede congregatis statutum esse ut septem hebdomadas plenas ante sanctum Pascha omnes<sup>5</sup> clerici in sorte Domini vocati a carne ieiunent, quia sicut discreta debet esse vita clericorum a laicorum conversatione<sup>6</sup>, ita et<sup>7</sup> in ieiunio debet fieri discretio. Has igitur septem hebdomadas omnes clerici a carne et deliciis ieiunent, et himnis et vigiliis et<sup>8</sup> orationibus Domino inherere die noctuque studeant.<sup>9</sup>

ID 4.25] +D 4 c 4, beginning Statuimus ut septem

<sup>1</sup> De – cler. in mg. BeCaCeDaLdLnPfSbWc, in text ( Mg adding De ieiunio in mg)

EaMgMqPrPtSfSITbVmVo(adding cxxxiii); in mg. and text GcPr; De ieiunio et elemosina. de ieiunio clericorum Pr; om. RfTcVp. xxii. De ieiuniis et elemosinis in mg. Bd; xiii add. in mg. Be<sup>2</sup>

<sup>2</sup> Omn. epp. \*BePfPhPrSfTb; [ Jeolopholus 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 inscr., beginning canon: Cognoscite MgSbTcVp; Thelesphorus papa omn. episcopis Mq; De concilio Aurelianenses [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>3</sup> (Omnibus episcopis add. PcPtSIVoWc) Telesph. – suo in text BePcPfPhPrPtSfSITbVoWc; Tel. sept. a Petro omnibus episcopis in dec. suo Gc; as inscr. (in various forms) AdCaEaMgMqPcTcVm; De Rf; om. Py

<sup>4</sup> Cognoscite \*AdCaEaMgPfTbVm; Recognoscite Tc

<sup>5</sup> omnes \*CaMgPcPfTb; om. Tc

<sup>6</sup> laic. con. \*CaMgPfTb; con. laic. Tc

<sup>7</sup> et \*AdEaPfTbVm; etiam CaMgTc

<sup>8</sup> vigiliis et \*AdCaCeMgPfTc; om. PhTb

<sup>9</sup> studeamus SI

## 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

<sup>1</sup> Quod Ad

<sup>2</sup> in mg. AdBeCaCeDaGcLdLnPfPrSb, in text Ea(no inscr.)MgMqSfVmVo; om DbPcPtTbTcVp

<sup>3</sup> De - temp. \*BeCaDaGcMgMqPrPtTbTcVo; De iei. temp. Ad; om. EaPf. Calixtus papa add. PfTc, om. \*AdCaMgSfTbVm

<sup>4</sup> Ben. ep. om. Pt

<sup>5</sup> xv \*GcMqPfPhPrQeRfTbTcVmVo; xii AdBdBeCaDaEaMgPtSbSITfVpWc

<sup>6</sup> -isti \*CaMgPfTb; -istis PcTc

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>7</sup> vol. temp. \*CaMgPfTc; temp. vol. PhTb. fieri decrevimus – vol. temp. ss Ad

<sup>8</sup> ag. iei. \*PfTbTc; iei. ag. CaMg

<sup>9</sup> anni quat. BdCaMgPfTc; quat. anni PhTb

## 176

[*Quod non sit ieiunandum<sup>1</sup> die dominico<sup>2</sup> et quinta feria<sup>3</sup>. Ad episcopos Hispaniarum<sup>4</sup> Melchiades papa<sup>5</sup> XXVIII a Petro<sup>6</sup> in primo<sup>7</sup> decretali suo*

Ieiunium dominici diei et quinte ferie nemo celebrare debet, ut inter ieiunium Christianorum et gentilium, et<sup>8</sup> veraciter credentium et infidelium atque<sup>9</sup> hereticorum, vera et non falsa discretio<sup>10</sup> habeatur.

ID 4.27] De cons. D 3 c 14

<sup>1</sup> ieiunandum AdCaEaMgPf; ieiunium PrVm

<sup>2</sup> -ico MgPfVm; -ica Ca

<sup>3</sup> Quod – quinta feria (feria quinta Ea) in mg. AdBeCaCeDaGcLdLnMgPfPrSb, in text Ea(no inscr.)MqSfVmVo; om. PcPtRfTbTcVp

<sup>4</sup> ad epp. Hisp. here BeCaDaMgPcRfTbTcVo, after dec. suo GcPfPrVm; Hispan' episcopis after suo Pt; Hispaniorum ad episcopos Ad

<sup>5</sup> papa \*AdBeDaMgMqPcPfPrRfTbVo; om. CaTc

<sup>6</sup> xxviii a Petro om. Mq

<sup>7</sup> primo \*AdBeDaMgPfTbTc; uno Vo; om. Ca

<sup>8</sup> et \*MqPfTbTc; non BeCaMg

<sup>9</sup> atque CaMgTb; et PfTc

<sup>10</sup> discretio \*DaEaMgPfTbTc; om. Ca

## 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,

<sup>1</sup> iei. sit Sb

<sup>2</sup> in mg. AdBeCaCeDaLdLnMgPfPrSb, in text Ea(no inscr.)MqSfVmVo(adding cxxxvii); om. PcPtTbTcVp

<sup>3</sup> Dec. (et add. Gc) Egub. cap. iv AdDaGcPrSfVmVp; Decencio et (om. Mg) Eusebio cap. iv BeCaMg; Dec. Eusebio cp. iii Ce; Egubino Decencio cap. iv Lk; Decentio eppiscopo cap. iiiii Mq; Egub. et Dec. cap. iiiii 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. iiiii Vo

<sup>4</sup> si \*AdCaEaMgPfPhVm; sicut Tb; cum Tc

<sup>5</sup> resurrectionem \*CaMgPcPfPh; rationem resurrectionis Tb; om. Tc

Sabbatum pretermittere non<sup>6</sup> debemus, quia inter tristitiam et letitiam temporis illius videtur<sup>7</sup> inclusus. Nam utique constat apostolos biduo isto et<sup>8</sup> in merore fuisse et propter metum Iudeorum se occuluisse, quod<sup>9</sup> utique non dubium est<sup>10</sup> in tantum eos<sup>11</sup> ieiunasse biduo memorato<sup>12</sup> ut traditio ecclesie habeat isto biduo sacramenta penitus non celebrari. Que forma utique<sup>13</sup> per singulas tenenda est hebdomadas propter id quod commemoratio<sup>14</sup> diei illius<sup>15</sup> semper est celebranda. Quod si putant semel atque uno Sabbato ieiunandum, ergo et dominica<sup>16</sup> et sexta feria<sup>17</sup> semel in Pascha erit utique celebrandum<sup>18</sup>.

ID 4.28] *De cons. D 3 c 13*

<sup>6</sup> pret. non \*CaMgPfPhTb; non pret. Tc

<sup>7</sup> videtur \*AdBeEaPfTbVm; esse videtur Tc; videtur esse CaMg

<sup>8</sup> et \*CaMgPfPhTc; om. Tb

<sup>9</sup> quod \*AdPfPrTbVm; quos BeCaTc; quos quidem EaMg

<sup>10</sup> illum add. and canc. Ad

<sup>11</sup> eos \*MqPhPrSITbVm; om. AdBeCaEaMgPfTcVo

<sup>12</sup> -ato \*CaMgTbTc; -ata Pf

<sup>13</sup> utique Ca<sup>2</sup>MgPfPhTc; after sing. Ca; om. Tb

<sup>14</sup> commem- \*CaMgPfTc; mem- PhTb

<sup>15</sup> diei ill. CaPfTbTc; ill. diei Mg

<sup>16</sup> -ica EaMgTc; -icum BePfTbVm; ic' Ca

<sup>17</sup> et non per singulas ebdomas add. and canc. Pc (with semel ss)

<sup>18</sup> -andum \*BeCaEaPfTbVm; -anda MgTc

## 178

<sup>1</sup>Ex<sup>2</sup> concilio Eliberitano, cap. xxiii<sup>3</sup>

Ieiunia super abstinencias<sup>4</sup> per singulos menses placuit celebrari, exceptis diebus duorum mensium, Iulio et Augusto<sup>5</sup>, ob eorundem<sup>6</sup> infirmitatem.

ID 4.31]

<sup>1</sup> Quod non sint celebranda ieiunia (iei. cel. Da) in Iulio sive in Augusto add. in mg. CaDaLn(against c 179); Que sint (sunt Sb) legitima ieiunia in mg. MgSb (cf c 179), in text Ea(no inscr.); De mundificatione ieiuniorum add. Vo

<sup>2</sup> Ex CaMgPfTbTc; om. Ad

<sup>3</sup> xxiii \*AdDaMgPfTbTcVmVo(adding cxxxviii); xxiii Ca

<sup>4</sup> tes add. ss Mg<sup>2</sup>

<sup>5</sup> Iulio et (ss Pr) Augusto \*AdBeCaGcPrTbVmVo; Iulii et Augusti EaMgPfRfTcVp

<sup>6</sup> eorundem \*AdCaMgPfTb; eorum quidem PcTc

## 179

[Que sint legitima ieiunia<sup>1</sup>]<sup>2</sup>. Ex dictis sancti<sup>3</sup> Apollonii<sup>4</sup>

<sup>1</sup> leg. iei. AdCaMgSfVm; iei. leg. Pf

<sup>2</sup> in mg. AdBeCaCeGcLdLnPfPr, in text MqSfVmVo(adding cxxxviii); om. DaEaPcPtRfTbTcVp; in mg. to c 178 SbMg



Ieiunia sane legitima, id est quarta et sexta feria non sunt solvenda, nisi grandis aliqua<sup>5</sup> necessitas fuerit, quia quarta feria Iudas de traditione Domini cogitaverit<sup>6</sup>, et sexta feria crucifixus est Salvator. Videbitur<sup>7</sup> ergo qui in his diebus sine aliqua necessitate solverit statuta ieiunia, vel cum tradente tradere Salvatorem vel cum crucifigentibus crucifigere.

ID 4.32] *De cons. D 3 c 16*

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<sup>3</sup> sancti CaMgPfTbTc; beati Ad

<sup>4</sup> Apollonii \*AdBeCaGcPfTbVmVo; Appollonii Ea; Apollini MgSf; Apollinarii PcTc. *Insc. in mg. with no break* Sb

<sup>5</sup> gr. aliq. \*PfTbTc; aliq. gr. CaMg

<sup>6</sup> -averit CaMgPfTb; -avit Tc

<sup>7</sup> -ebitur \*MgPfTbTc; -etur Ca

### 180<sup>1</sup>

*[Quibus mensibus et quibus<sup>2</sup> mensium hebdomadibus ieiunia quatuor temporum constituentur]<sup>3</sup>. Ex concilio Magontiensi, cap. ii<sup>4</sup>*

Constituimus ut Quatuor Tempora anni ab omnibus hominibus cum ieiunio observentur, id est in Martio hebdomada<sup>5</sup> prima, in Iunio secunda, in Septembri tertia, in Decembri quarta, que<sup>6</sup> fuerit plena<sup>7</sup> ante vigiliam Natalis Domini<sup>8</sup>, id est feria quarta et sexta<sup>9</sup> et Sabbato veniant omnes ad ecclesiam hora nona<sup>10</sup> cum letaniis ad missarum solempnia.

ID 4.35] +D 76 c 2 to Decembri quarta

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<sup>1</sup> added at foot of leaf Ld<sup>2</sup>

<sup>2</sup> et quibus AdCaEaMgSfVm; quibusve Pf

<sup>3</sup> constituimus Ad. Quibus – const. *in mg.* AdBeCaCeDaGcMgPfPrSb, *in text* Ea(*no inscr.*)MqSfVm; De quatuor temporibus cxi Vo; *om.* PcPtRfTbTcVp

<sup>4</sup> Ex – ii CaMgPfSbTbTc; Ex concilio Elibertino cp. xxiii Da (*cf c 178*)

<sup>5</sup> in Mart. hebd. \*MgPfTbTc; in Mart. added Ca<sup>2</sup>

<sup>6</sup> si add. Mg, *om.* \*CaPfTbTc

<sup>7</sup> plena \*CaMgTbTc; *om.* Pf

<sup>8</sup> Nat. Dom. \*CaMgPfPrTc; *om.* PhTb

<sup>9</sup> sexta \*CaPfTbTc; vii Mg

<sup>10</sup> hora nona \*CaMgPcPfTb; *om.* Tc

## 181

[De eodem]<sup>1</sup>. Ex concilio Salegonstat habito de custodiendo ieiunio<sup>2</sup>

De incerto autem ieiunio Quatuor Temporum hanc certitudinem statuimus, ut si Kalend. Martii in quarta feria sive<sup>3</sup> antea evenerit<sup>4</sup>, eadem hebdomada celebretur<sup>5</sup>. Si autem Kalend. Martii in quinta feria aut in<sup>6</sup> sexta feria, aut<sup>7</sup> in Sabbato distenduntur, in sequentem hebdomadam ieiunium differatur. Simili quoque modo<sup>8</sup>, si Kalend. Iunii in quarta feria<sup>9</sup> aut antea evenerint<sup>10</sup>, in<sup>11</sup> subsequente<sup>12</sup> hebdomada celebretur ieiunium<sup>13</sup>, et si in quinta aut<sup>14</sup> in sexta feria, aut<sup>15</sup> Sabbato contigerit<sup>16</sup>, ieiunium in tertiam hebdomadam<sup>17</sup> reservetur. Et hoc<sup>18</sup> sciendum est<sup>19</sup> quod si quando ieiunium mensis Iunii in vigilia Pentecostes secundam predictam regulam<sup>20</sup> evenerit, non ibi celebrandum erit; sed in ipsa hebdomada solempni Pentecostes, quia vigiliam<sup>21</sup> similiter<sup>22</sup> et ieiunium celebrare non convenit, et tunc propter solempnitatem Spiritus sancti diacones<sup>23</sup> dalmaticis induantur, et<sup>24</sup> Alleluia cantetur et<sup>25</sup> Flectamus genua non dicatur.

<sup>1</sup> in mg. Ad<sup>2</sup>BePf; in text AdBe(later canc.)CeGcPhTb; om. CaEaMgMqPcPtTcVmVpWc

<sup>2</sup> Ex -Sal. (Sale constat BePhPrSfTb, Salgunstat Gc, Saligenestat Mq, Saleconstanensi Pc, Saleconst'nsensi Rf, Saler' Vp) habito de custodiendo ieiunio \*BeCaGcMgMqPhPrRfSfTbVmVpWc; 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 constituentur Vo

<sup>3</sup> sive \*EaMgPfTbTc; vel Ca

<sup>4</sup> evenerit \*AdCaPfPhVm; evenerint BeMgTc; venerint Tb

<sup>5</sup> ieiunium add. PhTb, om. \*CaMgPfPrTc

<sup>6</sup> aut in MgPfTb; vel in Ca; om. Tc

<sup>7</sup> feria aut CaMgPfPr; aut PhTb; et Tc

<sup>8</sup> in ceteris mensibus fiat add. (omitting rest of canon) Ea

<sup>9</sup> qu. fer. CaMgTbTc; fer. qu. Pf

<sup>10</sup> -erint TbTc; -erit CaMgPfPr

<sup>11</sup> expunct. Tb

<sup>12</sup> subsequente AdCaGcMgPrVm; sequente PfTb; sequenti Tc

<sup>13</sup> Si autem Kalend' - cel. ieiunium om. Ph; Simili quoque - cel. ieiunium in mg. Vo<sup>2</sup>

<sup>14</sup> aut BeCaMgPfTb; et Tc

<sup>15</sup> in add. PrTbTcVm, om. BeCaMgPfPh

<sup>16</sup> -erit \*CaMgPfPhTc; -erint Tb. Po resumes

<sup>17</sup> tertiam ebdomadam \*CaGcMgPfVm; quarta ebd. Ph; tertia ebdomadada TbTc

<sup>18</sup> hoc CaMgPfTb; om. Tc

<sup>19</sup> ss Tb

<sup>20</sup> pred. reg. \*CaMgPfTc; reg. pred. PhTb

<sup>21</sup> -ilium \*CaMgPfTb; -ilia Tc

<sup>22</sup> similiter \*MgPfPhPrVm: simul CaPcTb; sim' Tc; om. Gc

<sup>23</sup> -ones CaPfTbTc; -oni Mg

<sup>24</sup> et \*PfTbTc; om. CaMg

<sup>25</sup> et \*CaPfTbTc; om. Mg

Eodem modo de Septembris ieiunio constitutum est, ut si Kalend. Septembris in quarta feria evenerit<sup>26</sup> aut antea, ieiunium in tertia hebdomada celebretur; et si in quinta aut<sup>27</sup> sexta, aut Sabbato contigerit<sup>28</sup>, in quarta hebdomada<sup>29</sup> ieiunandum erit. In Decembri vero illud observandum erit ut<sup>30</sup> proximo Sabbato ante vigiliam Natalis Domini celebretur ieiunium, quia si<sup>31</sup> vigilia in Sabbato evenerit, similiter<sup>32</sup> vigilia<sup>33</sup> et ieiunium celebrare<sup>34</sup> non convenit.

ID 4.33] +D 76 c 3

<sup>26</sup> -erit CaMgPfPhVm; -erint TbTc

<sup>27</sup> in add. CaMg, om. AdPfPhTbTcVm

<sup>28</sup> -erit \*AdCaMgTbVm; -erint PfTc

<sup>29</sup> celebretur et si – ebdomada in mg. Ad

<sup>30</sup> ut PfTbTc; ut in CaMg; in Vm

<sup>31</sup> over erasure Pf

<sup>32</sup> similiter Gc<sup>2</sup>MgPfTb; simul BeCa; sim' Tc; om. Gc

<sup>33</sup> -ilia GcPf; -ilium BeCaMgTb; il' TcVm

<sup>34</sup> -are \*CaMgPfTb; -ari Tc

## 182

[*Qua supputatione<sup>1</sup> in Quadragesima videatur anni decima*]<sup>2</sup>. Ex epistola Gregorii pape<sup>3</sup>

Quadragesima summa observatione est observanda<sup>4</sup> ut ieiunium in ea preter dies dominicos<sup>5</sup>, qui de abstinentia subtracti sunt, nisi quem infirmitas impedierit, nullatenus solvatur, quia ipsi dies decime sunt anni. A prima igitur dominica Quadragesime usque in Pascha Domini sex hebdomade computantur, quarum videlicet dies quadraginta duo fiunt<sup>6</sup>. Ex quibus dum sex dies<sup>7</sup> dominici abstinentie subtrahuntur<sup>8</sup>, non plus in abstinentia quam triginta sex dies<sup>9</sup> remanent. Verbi gratia, si per trecentos sexaginta<sup>10</sup> quinque dies annus ducitur, et nos per triginta et<sup>11</sup> sex dies

<sup>1</sup> suppetitione Ce

<sup>2</sup> Qua - dec. in mg. AdBeCaCeDaGcLdLnMgPfPrSb, in text EaMqSfVmVo(adding cxlii); om. PcTbVp; De supp. in Quad. quomodo videatur anni decima esse Tc mg.

<sup>3</sup> Ex ep. Greg. pape \*AdBeMgPfPrTcVoVp; Ex ep. beati Greg. pape Ca; Greg' Ea; Ep. Greg. pape Tb; Ex omel' Greg' pape Vm

<sup>4</sup> obs. est obs. AdCaMgPfPr; entenda[?] , with vel observanda ss Ln; veneratione est obs. PhTb; obs. obs. est Tc

<sup>5</sup> dies Dom. \*CaPfTbTc; Dom. dies Mg; Dom. Ph

<sup>6</sup> fiunt CaMgTbVm; sunt PfTc

<sup>7</sup> dies CaPfMgVm; om. TbTc

<sup>8</sup> abst. sub. CaMgPfTc; sub. abst. PhTb

<sup>9</sup> in abst. quam XXX et (om. CaTc) VI dies (om. Tc) \*CaMgPfTcVm; quam XXX et VI dies in abst. Tb

<sup>10</sup> sexag. \*MgPfTbTc; l Ca

<sup>11</sup> et CaMgTbTc; om. Pf

affligimur, quasi anni decimas Deo damus<sup>12</sup>, et<sup>13</sup> ut sacer numerus quadraginta dierum adimpleatur, quem Salvator noster suo sacro ieiunio consecravit, quatuor dies prioris hebdomade ad supplementum quadraginta dierum tolluntur<sup>14</sup>, id est quarta feria que Caput ieiunii subnotatur<sup>15</sup>, et quinta feria sequens et sexta<sup>16</sup> et Sabbatum. Nisi quatuor istos dies superioribus triginta sex adiunxerimus quadraginta dies in abstinentia non habemus. Iubemur etiam ab omnipotenti Deo omnium bonorum nostrorum decimas dare. Quapropter ut omnis decima a nobis Deo rite persolvatur, tollamus decimam anni, et in ea peccata nostra confitendo, corrigendo nos, ieiunando, vigilando, orando, elemosinas<sup>17</sup> dando abstergamus, et carnem nostram decimemus<sup>18</sup>, ut ad sanctum Pascha securi<sup>19</sup> pervenire possimus.

ID 4.34] De cons. D 5 c 16 to nostrorum decimas dare

<sup>12</sup> Deo damus \*MgPfTbTc; damus Deo Ca

<sup>13</sup> et \*CaPfTbTc; om. Mg

<sup>14</sup> tolluntur \*PfVo; ponuntur BeCaMgPcTbTc

<sup>15</sup> subnot- \*CaMgPcPfTb; prenot- Tc

<sup>16</sup> feria seq. et sexta \*CaMgPcPfTb; et sexta sequens Tc

<sup>17</sup> -inas \*CaPfTbTc; -inam Mg

<sup>18</sup> et carnem - dec. \*CaMgPfTb; om. Tc

<sup>19</sup> securi \*CeDa<sup>2</sup>GcPhPqPrSbTbVm; add. ss after pervenire Be; om.

AdBdCaDaEaLkMgPaPcPfPkTcVoVpWc

### 183

[*Quibus temporibus debeant<sup>1</sup> flecti<sup>2</sup> genua*]<sup>3</sup>. Ex concilio Aurelianensi<sup>4</sup>, cap. xiii<sup>5</sup>

Ut presbiteri plebibus annuntient quod<sup>6</sup> in Quadragesima et in<sup>7</sup> ieiunio Quatuor Temporum, tantummodo ad missarum solempnia genua flectere debeant. In dominicis et in ceteris<sup>8</sup> festivis diebus<sup>9</sup> minime. Nec quisquam uno<sup>10</sup> genu solotenus impresso<sup>11</sup> orare presumat, sicut Iudei irridentes Dominum in passione eius fecisse leguntur, sed

<sup>1</sup> debeant AdBeCaEaMgPfTcVm; solent Vf

<sup>2</sup> fleti Ad

<sup>3</sup> in mg. AdBeCaCeDaGcLdLnMgPfPrSbTc, in text Ea(no inscr.)MqSfVmVo(adding cxliiii); om. PcPtRfTbVp

<sup>4</sup> I add. Tc, om. \*CaMgPfTb

<sup>5</sup> xiii \*AdCaMgPcTbVm; xxiii Be; iii Tc; in binding Pf

<sup>6</sup> quod \*CaMgPfTb; ut Tc

<sup>7</sup> in \*BeMg<sup>2</sup>PfTbTc; om. CaMg

<sup>8</sup> ceteris \*AdCaMgPfPrTc; certis PhTb

<sup>9</sup> festivis diebus GcPfTbVm; diebus festivis BeCaEaMg; festivitibus Tc

<sup>10</sup> flexo Bd; solo Ad

<sup>11</sup> solotenus (solat- Ce)impresso CeGcPaPc<sup>2</sup>PhPrTbVm; flexo solotenus AdEa; solo Bd; solotenus flexo BeCaDaMgPwTcVp; solatenus MqPf; solatenus PcPqSbVo; solatenus impresso Pk

utraque genua in terram ponat<sup>12</sup>. Ait enim Apostolus, Flecto genua mea ad Patrem Domini nostri Iesu Christi.

*ID 4.36 mod.]*

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<sup>12</sup> ponat \*MgPfTbTc; ponant Ca

## 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. Concurrentum est enim<sup>5</sup> ad missam<sup>6</sup> et auditis missarum solemniis 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*

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<sup>1</sup> in mg. AdBeCaCeDaGcLdLnMgPfPrSbTc, in text Ea(no inscr.)MqSfVmVo(adding c et xliiii); om. PcPtRfTbVp

<sup>2</sup> Capulensi Rf

<sup>3</sup> Ex decretis Silvestri pape cap. i add. in mg. Mg

<sup>4</sup> ss Ca<sup>3</sup>

<sup>5</sup> est enim CaMgPfTb; enim est Tc

<sup>6</sup> -sam \*AdGcPfTbVm; -sas BeCaMgTc

<sup>7</sup> ut \*CaPfTbTc; et Mg

## 185

*[Cuiusmodi refectio sit accipienda ieiunanti]<sup>1</sup>. Ex dictis Pimenii<sup>2</sup> heremite*

Sint tibi quotidiana ieiunia, et refectio satietatem<sup>3</sup> fugiens. Nihil enim prodest tibi<sup>4</sup>, biduo aut triduo<sup>5</sup> transmissio, vacuum portare ventrem, si pariter obruatur, si compensantur saturitate<sup>6</sup> ieiunia. Ilico mens repleta torpescit, et irrigata terra corporis huius spinas et carduos germinat<sup>7</sup>.

*ID 4.55] De cons. D 5 c 19 to pariter obstruatur only*

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<sup>1</sup> in mg. AdBeCaCeDaGcLdLnMgPfPrSbTc, in text MqSfVmVo; om. PcPtTbVp

<sup>2</sup> Pimenii BeCaCeDaGcMgPcPfPhPrSbVmVo; Pipinenii Ad; Pimenii Mq; Pigmenii RfTb; Pigmetii Tc; Pemenii Sb<sup>2</sup>Vp. Ieronimus add. ss Qe

<sup>3</sup> satietatem \*CaMgPfTb; saturitatem Tc

<sup>4</sup> prod. tibi \*BeMgPfPhTc; tibi prod. Ca; prod. Tb

<sup>5</sup> bid. aut trid. CaMgPfPrTc; trid. aut bid. PhTb

<sup>6</sup> after corr. Gc

<sup>7</sup> generat Ce; generabit Vp; in mg. Vo<sup>2</sup>

## 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*

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<sup>1</sup> Quod tria sunt genera elemosinarum *add. in mg.* Mg

<sup>2</sup> De eadem re. Item idem AdCaCeQeSlTbVp; De eadem re Be; De eadem re. Item idem. Ier' Da; De ieiunio Ea; Idem de eadem re GcPrVm; De eodem item Lc; Item idem de eadem re MgVo; Item de eadem re MqPr<sup>2</sup>; De eadem re idem PcRf; Eiusdem de eodem Pf; De eadem re. Item Ph; Idem PtSbTc; De eodem Wc

## 187

*Ieronimus*<sup>1</sup>

Parcus cibus et semper venter esuriens<sup>2</sup> triduanis prefertur ieiuniis.

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<sup>1</sup> Gregorius *add.* Da, Gr' *add.* Pf, Idem *add.* Ph, papa Gregorius *add.* Pt; ad Furiam *add.* Qe<sup>2</sup>; Gregorius de elemosina *add.* Rf; presbiter *add.* Tb, Gr. de eodem cxlvii *add.* Vo, *om.* AdBeCaEaMgPrTcVmVp; *before c 188 Be*

<sup>2</sup> semper vent. es. CeGcPfPhPrSlTbTcVm; semper es. vent. BeCaEaMg; vent. es. semper Vo

## 188

*Gregorius*<sup>1</sup>

Spernitur ieiunium quod in vesperum<sup>2</sup> repletionem ciborum<sup>3</sup> reficitur.

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<sup>1</sup> Gregorius AdCaCeEa(*mg.*)LcMgPrSfSlTbVmWc; Ier' Gregorius Be; Isidorus DaMq; Idem Pf; Gregorius episcopus Tb; Gregorius, de elemosina PcTc (*cf 187 above, 190 below*); De eodem cxlviii Vo; *om.* GcPtRf

<sup>2</sup> vesperum BeCaEaPfTbTc; vespertinum Mg

<sup>3</sup> rep. cib. BeEaMgPfTbTc; cib. rep. refertur vel Ca

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.

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<sup>1</sup> *after c 190 in smaller hand Ea*

<sup>2</sup> xv *add. in mg.* Be<sup>2</sup>. De elemosina *add.* Ad (*cf c 190*)

<sup>3</sup> De elemosina Da; Greg' ex concilio Cabilonensi *add.* Rf. De eodem cxlviii Vo; *om.* Mq; De elementis *add.* Vp (*and cf c 190*); De elemosina *add.* Sl

<sup>4</sup> noster ext. BeCaEaMgPfTb; ext. noster Tc

## 190

[*De elemosina*]<sup>1</sup>. *Ex concilio Cabillonensi cap. v*<sup>2</sup>

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>1</sup> De el. in text Ea(no inscr.)MqTcVm, in mg. BeCaCeDaGcPfPrQeSb; Item Ad(cf c 189); Hysidorus de elemosina cl after insc. and De eodem before it Vo; om. LcMgPhPtRfTbVp

<sup>2</sup> Ex - cap. v BeCaMgPfPtTbTcVm; 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

<sup>3</sup> debuit \*Ad<sup>2</sup>BeGcPfTbVo; debeat AdCaEaMgRf(vel –uit ss)Tc; debet uti PrVm

<sup>4</sup> –erit \*MgPfTbTc; –erint Ca

<sup>5</sup> Oa ends II here, omitting cc. 191-end.

## 191

[*Qualis debeat esse*<sup>1</sup> *elemosina*]<sup>2</sup>. *Gregorius*<sup>3</sup>

Elemosina<sup>4</sup> Redemptoris nostri oculis illa<sup>5</sup> placet, que non illicitis et iniquitate congeritur, sed que<sup>6</sup> de rebus concessis et bene adquisitis impenditur.

+C 14 q 5 c 7

<sup>1</sup> deb. esse AdBePfTc; esse deb. Ca

<sup>2</sup> Qualis – elem. in mg. AdBeCaCeDaGcGcLn(partly illeg.)PfPrSbTc, in text LcMqVmVo(adding cli); Item Ea; om. MgPcPtRfTbVp

<sup>3</sup> om. Lc; papa add. Pt

<sup>4</sup> illa add. Tc, om. BeCaMgPfTb

<sup>5</sup> illa BeCaEaMgPfTb; om. Tc

<sup>6</sup> ss Be<sup>2</sup>

## 192

[*Quod tria*<sup>1</sup> *sunt genera elemosinarum*]<sup>2</sup>. *Albinus*<sup>3</sup>

Tria sunt genera elemosinarum, una corporalis, egenti dare quicquid poteris; altera spiritualis, dimittere a quo lesus fueris; tertia delinquentem corrigere et errantes in viam reducere<sup>4</sup> veritatis.

+D 45 c 12

<sup>1</sup> trina PrVm(before corr.)

<sup>2</sup> in mg. Ad<sup>2</sup>BeCaCeDaGcLdLn(partly illeg.)PfPrSbTc, in text Ea(no inscr.)MqVmVo(adding clii); om. MgPcPtRfSfTbVp

<sup>3</sup> Albinus AdBeCaGcLc(mg)LePcPtRfSfTb?TcVmVo; Alsinus Pf; Albinus Alsinus Mg; Aibinus Vp

<sup>4</sup> reduc- AdBeCaMgPcPfTbVm; duc- CcTc

## 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 non sufficit.

+D 45 c 13

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<sup>1</sup> De eodem cliii *add.* Vo

<sup>2</sup> Que LcPy

<sup>3</sup> si non BeCaPfTc; sine Mg

<sup>4</sup> corde trib. BeCaMgPfPrTcVm; trib. corde PhTb

## 194

*In decretis Gregorii pape*<sup>1</sup>, *cap. cxxviii*<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.

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<sup>1</sup> pape GcMqPrTbTcVm, *om.* AdBeCaEaMgPcPfSf

<sup>2</sup> cap. cxxviii AdBeCaCeGcPcPoPrRfSfTcVmVo; *om.* Ea; cap.cc.... MgPf; cap. ccxxviii MqPhQe; cap. xxxix Tb; Non debere fieri elemosinam de rebus illicitis *add.* Po(mg.)Vo. Vp *has insc.*: Aug. de doctrina Christiana

<sup>3</sup> ex \*MgPfTbTc; *om.* Ca

<sup>4</sup> qui \*EaMgPfTbTc; in Ca

<sup>5</sup> iuvet Sl

## 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>

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<sup>1</sup> Quod – versatur (habitat Sf) *in mg.* AdBeCaCeDaGeLdLn(*partly illeg.*)MgPfPr, *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.* CcPcPrRfSbTbTcVp

<sup>2</sup> Aug. in libro de doct. Chr. AdCaCbLdLmPcTbVmVo; In libro – Chr. Aug. Be; *om.* CcCe; Aug. de doct. Chr. DaMgTc; *lacuna* Pf

<sup>3</sup> sese \*BdBeFcPfTbTc; se LdMg

<sup>4</sup> habent \*AdCeTb; habeant Christiani CaCbDa; habeant BeCcDa<sup>2</sup>EaGcLdLmMgPfPh?RfSbTcVmVo

<sup>5</sup> vero \*CaLdMgPfTbTc; autem Cc



sic eis<sup>6</sup> utitur ut metas consuetudinis bonorum inter quos versatur<sup>7</sup> excedat, aut aliquid significat<sup>8</sup> aut flagitiosus est. In omnibus enim talibus non usus rerum sed libido in culpa est. Quid<sup>9</sup> igitur<sup>10</sup> locis et tempori<sup>11</sup> et personis conveniat diligenter attendendum<sup>12</sup> est, ne temere flagitia reprehendamus. Fieri enim<sup>13</sup> potest<sup>14</sup> ut sine aliquo vitio cupidinis<sup>15</sup> vel voracitatis pretiosissimo cibo sapiens utatur, insipiens<sup>16</sup> autem fedissima<sup>17</sup> gule flamma<sup>18</sup> in vilissimum ardescat et sanius<sup>19</sup> quisque maluerit more Domini<sup>20</sup> pisce vesci quam lenticula more Esau nepotis Abraham<sup>21</sup>, aut hordeo more iumentorum. Non enim propterea continentiores nobis sunt<sup>22</sup> plures bestie quia<sup>23</sup> vilioribus aluntur escis<sup>24</sup>. Nam<sup>25</sup> omnibus huiusmodi rebus non ex earum rerum natura<sup>26</sup> quibus utimur, sed ex<sup>27</sup> causa utendi et modo appetendi<sup>28</sup> vel probandum est vel improbandum quod facimus<sup>29</sup>.

ID 4.24] D 41 c 1

<sup>6</sup> *corr. fr.* ei Cc

<sup>7</sup> versatur \*CaLdMgPfPhTcVm; conversatur Tb

<sup>8</sup> significat \*BeCaCbCcLmTbVmVo; sg'c Ld; sig'cat Pf; signc' Tc; sig'e Mg

<sup>9</sup> Quid \*CbGcLdMgTc; Quod BeCaCcLmPfPrTbVmVo

<sup>10</sup> ergo Vo

<sup>11</sup> -ori BeCaCbCcLdMgPfTb; -orum Lm; -oribus PrTcVmVo

<sup>12</sup> attendum Tc

<sup>13</sup> enim \*CcCcLdLmMgPfTbTc; non Ca

<sup>14</sup> potest \*CaCbCcLdLmMgPfTb; poterit Tc

<sup>15</sup> cupidinis \*GcLdLmTbVm; cupiditatis BeCaMgPfTcVo

<sup>16</sup> incipiens Cc

<sup>17</sup> fedissima \*CaLdMgPfPhTcVm; fedidissima Lm; fetidissima Tb

<sup>18</sup> fl. gule *marked for reversal* Tb

<sup>19</sup> sanus Cc

<sup>20</sup> more Dom. \*CaLdMgPfTbTc; Dom. more (*corr. fr.* amore) Cc

<sup>21</sup> Abrahe Cc

<sup>22</sup> nob. sunt \*CaLdMgPfTbTc; sunt nob. Cc

<sup>23</sup> quia CbCcLdLmMgPfTbTc; qui Ca

<sup>24</sup> al. (aliuntur CbCc) escis CaCbCcLdLmMgPfTb; escis al. Tc

<sup>25</sup> in *add.* \*Da<sup>2</sup>Mg; ex *add.* Cb, *om.* CaCcCeDaGcLdLmPfTbTcVm

<sup>26</sup> earum rerum nat. \*CaCbCcLdLmMgPfTb; nat. earum rerum Tc

<sup>27</sup> ex \*CbCcDa<sup>2</sup>GcLmTbVm; *om.* BeDaLdMgPfTcVo

<sup>28</sup> *corr. fr.* utendi Lm

<sup>29</sup> quod. fac. ss Mh<sup>2</sup>, fecimus Ce

## Explicit liber secundus<sup>1</sup>

<sup>1</sup> Expl. lib. secundus AdBdCaDbEaHaLeLkMgMqOa(*after c*

190)ObOfPcPfPhPqQeRfSbSeSfSITbTcTdVoVq; Expl. secundus Od; Explicit secunda pars et liber quartus Pa; Expl. lib. tertius Sg; *om.* BeCeDaEgGcLcOePrPtVmVpWcBrant. LeMh *precede* Explicit *with the rubric to 3.1.*