

## PANORMIA IV

[*Incipiunt capitula quarti*]<sup>1</sup>

Quarta pars continet de primatu et dignitate Romane ecclesie. De conciliis convocandis. De provincia quomodo constituenda sit. De potestate primatum et metropolitanorum episcoporum. De negotiis et causis clericorum ubi debeant tractari. De spoliatis revestiendis. De accusatione, quo ordine et a quibus personis et adversus quas personas debeat vel non debeat fieri. De testibus qui et quot et quomodo et in quo negotio testificari debeant vel non. De induciis quo tempore et quanto tempore dande sint. De subterfugientibus quanto tempore et qua ratione expectari debeant. De iudiciis quales debeant esse et quando sententiam iudicii debeant proferre. De appellatione quo tempore et qua ratione debeat fieri et de pena male appellantium.<sup>2</sup>

<sup>1</sup> Incipiunt capitula quarti Tb; Incipit iiii La

<sup>2</sup> Quarta pars cont. - appellantium LaPhPrQeVm; *om.*

AdBbBdBeCaCeDbEaFbFcGcHaLdLnMfMgMhMjMkMoMqOaObOdOeOfPaPcPdPfPkPtRaSbSeSgS  
ITcVoVpVqWc

### Incipit liber quartus<sup>1</sup>

De primatu Romane ecclesie, et de iure primatum<sup>2</sup> et<sup>3</sup> metropolitanorum atque<sup>4</sup>  
episcoporum, et de ordinatione<sup>5</sup> eorum, et de sublimitate episcopali<sup>6</sup>

<sup>1</sup> Inc. - quartus Be(*after insc. to c 1*)CaEgFbHaLjMqOePdPhPk(*mg*)SlTbTc; *om.* BdCeOb(*cf below*)PtPw; Liber incipit quartus Cb; Incipit liber quintus Ld; Incipit quarta pars BbGcMgWc; Incipit liber ... Od *mg.*; Incipit quartus EaOfPfPqSbVo(*after insc. to c 1*)Qe(*before capitula*); Incipit quarta pars et liber vi Pa; Pars quarta incipit RaVp; Incipit iiii Wc; *om.* OaPcPwSg(*huc usque .s. add. at head of leaf*)

<sup>2</sup> iure prim. BdCaDbLdMgPkTbTcWc; prim. iure CbLj

<sup>3</sup> et CaCbDbFcLdLjPtTc; et de BdVo; *om.* MgPw

<sup>4</sup> et Sb

<sup>5</sup> ordinatione BdCbCeDbEaFcLdLjPaPkPtVoWc; ordine CaDaFbPcTcPw

<sup>6</sup> De - et de sublimitate episcopali (episcoporum DbSl, apostolici Pc) *in text*

AdBdCaCbCeDbEaFbLjMgMqOb(*after insc. to c.1*)OdOfPaPcPkPtPwSlTbVo, *in mg.*

FcGcLdOeSbWc; De primatu et dignitate Romane ecclesie Eg *mg.*; De - episc. *om.* Pf; De - et episcopi Tc . quartus liber *add.* Ob; De dignitate Romane ecclesie RaVp; *om.* BeOaPrVm; *i.* *add in mg.* Bd

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

#### Exemplar constituti<sup>2</sup> Constantini<sup>3</sup> imperatoris<sup>4</sup>

Ex testamento constituti<sup>5</sup> nostri<sup>6</sup> concedimus<sup>7</sup> ipsis sanctis<sup>8</sup> apostolis dominis  
meis, beatissimis<sup>9</sup> Petro et Paulo et<sup>10</sup> per eos etiam beato Silvestro patri nostro summo

<sup>1</sup> *as last cap. of Bk iii Bb*

<sup>2</sup> constituti \*BeEgLdOaPfTbVo; *om.* BbCaDaFbGcMgPc; constituti nostri FcSb; nostri Od; instituti Pt; de testamento Tc

<sup>3</sup> Constantini \*BeCaLdPfTbTc; Constantinop' Eg

<sup>4</sup> Ex. - imp. BeBbCaLdMq(*mg.*)PfTbTcVo; *om.* PaPw; liber [*erasure*] quartus *add.* Db. *See above for Vo.*

pontifici et universali<sup>11</sup> urbis Rome<sup>12</sup> pape, et omnibus eius successoribus<sup>13</sup>  
 pontificibus qui usque in finem mundi in sede beati Petri erunt sessuri, atque de  
 presenti contradimus<sup>14</sup> palatium imperii nostri Lateranense, quod omnibus in toto orbe  
 terrarum prefertur atque precellit<sup>15</sup> palatiis. Deinde diadema, videlicet<sup>16</sup> coronam  
 capitis nostri, simulque phrigium<sup>17</sup> nec non<sup>18</sup> et superhumeral<sup>19</sup>, videlicet lorum<sup>20</sup>,  
 quo<sup>21</sup> imperiale circumdari assolet collum, verum etiam clamidem purpuream atque  
 tunicam coccineam, et omnia imperialia indumenta seu dignitatem<sup>22</sup> imperialium  
 presidentium, equum<sup>23</sup> conferentes etiam et imperialia sceptrata simulque et cuncta  
 atque<sup>24</sup> signabunda<sup>25</sup> etiam et<sup>26</sup> diversa ornamenta imperialia, et omnem  
 processionem<sup>27</sup> imperialis culminis et gloriam potestatis nostre. Viris enim<sup>28</sup>  
 reverendissimis clericis in diversis ordinibus eidem sacrosancte Romane ecclesie  
 servientibus illud culmen singulare potentiam et precellentiam habere sancimus, cuius  
 amplissimus noster senatus videtur<sup>29</sup> gloria adornari, id est patricios atque consules  
 effici, necnon et ceteris dignitatibus imperialibus eos promulgantibus<sup>30</sup> decorari, et  
 sicut imperialis militia<sup>31</sup> ita et clerum<sup>32</sup> sancte Romane ecclesie ornari<sup>33</sup> decernimus<sup>34</sup>.

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De origine et constitutione Romane ecclesie *add. Pa; i in mg. Be*<sup>2</sup>

<sup>5</sup> vel Constantini *add. ss Gc*<sup>2</sup>

<sup>6</sup> Ex – nostri *om. Pt*

<sup>7</sup> concedimus \*CaMgPfPbTb; decrevimus Tc

<sup>8</sup> sanctis \*CaPfTbTc; *om. Mg*

<sup>9</sup> beat. \*CaEgMgPfTb; *om. Tc*

<sup>10</sup> et \*TbTc; *om. BeCaMgPfVo*

<sup>11</sup> -ali \*BeMgPfTb; -alis CaTc

<sup>12</sup> Rome \*CaPfTbTc; *om. Mg*

<sup>13</sup> eius succ. \*BeCaEgPf; succ. eius TbTc

<sup>14</sup> contradimus \*BeCaPfTbVo; tradimus GcMg; concedimus Tc

<sup>15</sup> precellit \*CaMgPfTb; precessit Tc

<sup>16</sup> videlicet \*CaMgPfTb; id est Tc

<sup>17</sup> id est pilleum vel mitram *add. in mg. Sb, ss Td*

<sup>18</sup> nec non \*CaMgPfTb; *om. Tc*

<sup>19</sup> -ale BeCaMgTc; -alem PfTb

<sup>20</sup> lorum \*CaPfTbTc; locum Mg

<sup>21</sup> quo \*CaMgTbTc; *om. Pf*

<sup>22</sup> *corr. fr. indig-* Ca

<sup>23</sup> equum \*CaMgPcPfTb; equitum et Tc

<sup>24</sup> cuncta atque CaMgPfTb; conta atque Be; *lacuna Tc*

<sup>25</sup> -bunda CaMgPfTb; -banda Be; -blanda Tc

<sup>26</sup> etiam et BePfTbVo; etiam CaMg; et etiam Tc

<sup>27</sup> proc- \*CaMgPfTb; prof- Tc

<sup>28</sup> enim BeCaGcPf; etiam MgTbTcVo

<sup>29</sup> *corr. fr. -entur Pf*

<sup>30</sup> -antibus CaMgPfTb; -antes Tc

<sup>31</sup> imperialis militia BeCaGcMgTbVo; imperiali militia Mg; imperialem militiam Pf<sup>2</sup>Tc

<sup>32</sup> clerum BePf(*short lacuna follows*)TcVo; clero et Ca; clero GcMgTb

<sup>33</sup> ornari \*BeTbTc; ordinari CaGcMgPfVo

<sup>34</sup> -ernimus \*BeCaPfTbVo; -revimus GcMgTc

Item ibi. Ipse beatissimus papa super coronam clericatus quam gerit ad gloriam beati Petri, omnino ipsa ex auro non est passus uti corona. Phrigium vero candido nitore splendidum resurrectionem Dominicam designans, eius sacratissimo vertici<sup>35</sup> manibus nostris<sup>36</sup> imposuimus, et tenentes frenum equi ipsius<sup>37</sup> pro reverentia beati Petri<sup>38</sup>, stratoris officium illi<sup>39</sup> exhibuimus, statuantes eodem phrigio omnes eius<sup>40</sup> successores singulariter in processionibus<sup>41</sup> uti ad imitationem imperii nostri<sup>42</sup>. Unde ut non pontificalis apex vilescat, sed magis amplius quam terreni imperii dignitas et<sup>43</sup> glorie potentia coretur, ecce tam palatium nostrum, ut prelatum est<sup>44</sup>, quamque Rome<sup>45</sup> urbis et omnis Italie seu occidentalium regionum provincias, loca et<sup>46</sup> civitates sepe fato<sup>47</sup> beatissimo<sup>48</sup> pontifici patri nostro Silvestro universali pape contradentes<sup>49</sup> atque relinquentes ei vel successoribus ipsius pontificum potestati et ditioni firma imperialis<sup>50</sup> censura per hanc nostram divalem<sup>51</sup> sacram et<sup>52</sup> pragmaticum<sup>53</sup> constitutum<sup>54</sup> decernimus disponendum<sup>55</sup>, atque<sup>56</sup> iure sancte Romane ecclesie concedimus permanendum. Unde congruum perspeximus<sup>57</sup> nostrum imperium et regni potestatem<sup>58</sup> orientalibus transferri ac<sup>59</sup> transmutari regionibus, et in Bizantie<sup>60</sup> provincia in optimo loco nomini nostro<sup>61</sup> civitatem edificari, et nostrum

<sup>35</sup> *obsc. addition follows Pf*

<sup>36</sup> manibus nostris \*OaPhPrTcVmVo; manu nostra BdCaDaFbPcRaTd; per manus nostras BeMgPaPf<sup>2</sup>Pw; manus nostras CeGcPfPkSb; nostris manibus Tb

<sup>37</sup> eq. ips. \*BeGcMgPfTb; ips. eq. CaTc

<sup>38</sup> apostoli *add.* MgTc, *om.* \*BeCaGcPfTbVo

<sup>39</sup> off. illi \*CaMgPfTb; illi off. Tc

<sup>40</sup> eius \*MgPfTbTc; *om.* Ca

<sup>41</sup> proc- \*MgPfTbTc; prec- Ca

<sup>42</sup> imp. nos. \*CaMgPfTc; nos. imp. PhTb

<sup>43</sup> et BeCaPfTbTc; *om.* Mg

<sup>44</sup> prel. est \*BeCaMgPfPh; prefatum est Tb; prel. Tc

<sup>45</sup> Rome BeCaPfTb; Romane GcMgTc

<sup>46</sup> et \*CaMgPfTc; *om.* PhTb

<sup>47</sup> fato \*Be(*after lac.*)Ph<sup>2</sup>TbVo; prefato CaMgPfPrTc; facto Ph

<sup>48</sup> beatissimo \*CaMgPfTb; beato Tc

<sup>49</sup> contradentes \*CaMgPfTb; tradentes Tc

<sup>50</sup> -alis \*CaGcPfTb; -ali BeMgTc

<sup>51</sup> cartam *add.* Ld ss

<sup>52</sup> firmum *add.* Tc, *om.* \*BeCaMgPfTb

<sup>53</sup> id est casuale *add.* ss Be<sup>2</sup>Ln<sup>2</sup>

<sup>54</sup> -tum \*CaGcPfTbTc; -tionem Mg

<sup>55</sup> disponendum \*BeCaEgMgPfTb; deponimus Tc

<sup>56</sup> sub *add.* Mg, *om.* \*CaPfTbTc

<sup>57</sup> persp- \*BeCaEgTcVo; prosp- GcMgPfTb?

<sup>58</sup> regni potestatem \*BeCaGc<sup>2</sup>TbTcVo; nostri potestatem regni Mg; regni potestate Pf

<sup>59</sup> *obsc. corr.* Pf

<sup>60</sup> brz- Ca (*sic*)

<sup>61</sup> nom. nost. \*CaGcPfTbTc; nost. nom. Mg

illic constitui imperium. Quoniam ubi principatus sacerdotum<sup>62</sup> et Christiane religionis caput ab imperatore celesti<sup>63</sup> constitutum est iustum non est<sup>64</sup> ut illic<sup>65</sup> imperator terrenus habeat potestatem.

ID 5.49]

<sup>62</sup> -otum \*BeCaGcEgPfTb; -otii MgTc

<sup>63</sup> celesti \*CaEgMgPfTb; celi Tc

<sup>64</sup> iust. non est \*CaMgPfPhTc; non est iust. Tb

<sup>65</sup> repeated and canc. Tb

## 2

<sup>1</sup>In decr' Anacleti<sup>2</sup>, cap. iii<sup>3</sup>

Anacletus servus servorum<sup>4</sup> Dei, omnibus episcopis et reliquis Christi sacerdotibus salutem. Sacrosancta Romana et apostolica ecclesia non ab apostolis sed ab ipso Domino<sup>5</sup> Salvatore nostro<sup>6</sup> primatum obtinuit, sicut ipse beato Petro apostolo dixit, Tu es Petrus, et reliqua<sup>7</sup>. Ergo hec apostolica sedes, cardo et caput omnium ecclesiarum, a Domino et non ab alio est constituta, et sicut cardine ostium regitur, sic huius sancte sedis auctoritate omnes ecclesie, Domino disponente, reguntur. Igitur si que cause difficiliores inter vos<sup>8</sup> orte fuerint, ad huius sancte sedis apicem eas quasi<sup>9</sup> ad caput referte<sup>10</sup> ut apostolico terminentur iudicio.

4L 1.2] [D 22 c 2a has first sentence, then distinct]

<sup>1</sup> Quod Romana ecclesia non ab apostolis sed a Christo Ihesu primatum obtinuit *add. in mg.* CaCeDaLn<sup>2</sup>, Quod Romana ecclesia auctoritate Ihesu Christi ceteris ecclesiis sit prelata *add. in mg.* Sb, De primatu Romane ecclesie *add.* PaTdVo

<sup>2</sup> pape *add.* CaMq, episcopi *add.* Tb, *om.* BeFcMgPfPwTcVo

<sup>3</sup> no *insc.* Oa

<sup>4</sup> *corr. fr.* servorum servus Ca

<sup>5</sup> Domino CaMgPfTb; *om.* Tc

<sup>6</sup> nostro CaMgPfTb; vero Tc

<sup>7</sup> rel. BeGcOaPfTbTcVo; et super et rel. Ca; super hanc petram e. e. m. Mg

<sup>8</sup> vos CaMgPfPhTc; se Tb

<sup>9</sup> repeated Ca

<sup>10</sup> referte CaMgPfTb; referre Tc

## 3

*In decr' Gelasii pape<sup>1</sup>, cap. i<sup>2</sup>*

Gelasius<sup>3</sup> urbis Rome episcopus omnibus orthodoxis. Quamvis universe per orbem catholice ecclesie unus<sup>4</sup> thalamus Christi sit<sup>5</sup>, sancta tamen Romana catholica

<sup>1</sup> pape GcMgTbTc; *om.* BeCaPfPw

<sup>2</sup> i BeCaGcMgPfPwTbTc; iii EgVo; iiii (et tertia epistola Anacleti *in mg.*) Vp. De eodem *add.* PaVo

<sup>3</sup> *corr. fr.* Zezsius to Zeasius Pc

ecclesia et apostolica<sup>6</sup> nullis sinodicis constitutis ceteris ecclesiis prelatam est, sed evangelica voce<sup>7</sup> Domini et Salvatoris nostri primatum obtinuit. Tu es, inquit Dominus<sup>8</sup>, Petrus, et super hanc petram edificabo ecclesiam meam. Cui data est etiam<sup>9</sup> societas beatissimi<sup>10</sup> Pauli apostoli vasis electionis, qui non diverso, sicut<sup>11</sup> heretici garriunt, sed uno tempore, uno<sup>12</sup> eodemque die gloriosa morte cum Petro in urbe Roma sub Cesare Nerone agonizans coronatus est, et pariter supradictam Romanam ecclesiam<sup>13</sup> Christo Domino consecrarunt, eamque<sup>14</sup> omnibus urbibus in universo mundo sui presentia atque<sup>15</sup> triumpho pretulerunt<sup>16</sup>. Est ergo<sup>17</sup> prima Petri apostoli sedes<sup>18</sup> Romana ecclesia non habens maculam nec<sup>19</sup> rugam, nec aliquid huiusmodi.

4L 1.22] +D 21 c 3

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<sup>4</sup> unus CaPfTbTc; unius Mg

<sup>5</sup> Chr. sit CaPfTbTc; sit Chr. Mg

<sup>6</sup> tamen Rom. - apost. CbFcGcMgPfPrTb; tamen Romana ecclesia catholica et apostolica BeCaDaPwVo; tamen Romana et apostolica ecclesia Oa; tamen Rom. et apostolica eccl. catholica <non> Ra; Romana tamen et apostolica ecclesia Tc

<sup>7</sup> sed ev. voce MgPfTbTc; si ev. vocem Ca

<sup>8</sup> ss Ra

<sup>9</sup> data est et. CaMgPfPhTc; et. data est Tb

<sup>10</sup> beatissimi CaMgPfPhTc; beati Tb

<sup>11</sup> sicut CaMgPfPhTc; ut Tb

<sup>12</sup> uno CaPfTbTc; om. Mg

<sup>13</sup> Rom. eccl. MgPfTbTc; eccl. Romam Ca

<sup>14</sup> eamque MgPfTbTc; eodemque Ca

<sup>15</sup> venerando add. EgOaPrTcVm, om. BeCaCbCeFbFcGcMgMqPaPcPfPwRaTbTdVo

<sup>16</sup> pret- CaMgPfTb; prot- Tc

<sup>17</sup> ergo MgPfTbTc; igitur Ca

<sup>18</sup> P. ap. sed. CaPfTbTc; sed. P. ap. Mg

<sup>19</sup> nec Be<sup>2</sup>EgMgPfTb; aut Ca; neque TcVo

#### 4

<sup>1</sup>In decr' Anacleti, cap. iii<sup>2</sup>

Prima ergo sedes est celesti beneficio Romana ecclesia quam, ut memoratum est, beatissimi Petrus et Paulus suo martirio consecrarunt.

4L 1.21b; ID 5.2 pt] D 22 c 2 med.

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<sup>1</sup> Quod prima sedes sit Romana ecclesia add. in mg. Sb

<sup>2</sup> vii Da; ii Vp. De eodem add. PaVo

## 5

<sup>1</sup>*In decr' Silvestri, cap. vii*<sup>2</sup>

Silvester papa in generali residens sinodo<sup>3</sup> dixit, Nemo iudicabit primam sedem iustitia<sup>4</sup> temperare<sup>5</sup> desiderantem. Neque enim ab augusto, neque ab omni clero, neque a regibus, neque a populo, iudex iudicabitur<sup>6</sup>.

4L 1.8J + C 9 q 3 c 13 as from Innocent

<sup>1</sup> Quod Romanus pontifex a nemine iudicabitur nisi a Deo *add. in mg.* CaCeDaLd<sup>2</sup>Ln<sup>2</sup>Td(*mg.*), Quod nemo Romanam ecclesiam iudicare debeat quia iudex a populo non iudicatur *add. in mg.* Sb, De dignitate primatum *add. Pa*

<sup>2</sup> vii BeCbDaEgFcMgPfTb; vi CaCeGcMgOaPaPr; iii PcTc; viii Pw. In - vii] De eodem Vo

<sup>3</sup> res. sin. BeGcMgPfTcVo; sin. res. CaRaTb

<sup>4</sup> -ia BePfPwVo; -iam CaGcMgMqOaRaTbTc

<sup>5</sup> -are CaMgTbTc; -ari BeGcPfPw

<sup>6</sup> iudex iudic. GcMgMq<sup>2</sup>PfTcVo; iudic. iudex BePtTb; iudic. CaDaRa; iudex Mq

6<sup>1</sup>*[In decretis Nicolai pape]*<sup>2</sup>

Nicolaus servus servorum Dei piissimo et dilectissimo filio Micaheli a Deo<sup>3</sup> dilecto semper augusto<sup>4</sup>. Nunc autem divina inspiratione non nos pigebit nec nobis<sup>5</sup> impossibile erit ostendere vobis, si tamen audire velitis, non posse quemquam rite ab his qui inferioris dignitatis vel ordinis sunt iudiciariis<sup>6</sup> submitti definitionibus. Siquidem tempore<sup>7</sup> Diocletiani et Maximiani augustorum, Marcellinus<sup>8</sup> episcopus urbis Rome<sup>9</sup>, qui postea insignis martir effectus est, adeo<sup>10</sup> compulsus est a paganis ut templum eorum<sup>11</sup> ingressus, grana thuris super prunas imponderet. Cuius rei gratia collecto numerosorum<sup>12</sup> concilio episcoporum<sup>13</sup> et inquisitione<sup>14</sup> facta, hoc idem pontifex se egisse confessus est, nullus tamen eorum proferre sententiam ausus est,

<sup>1</sup> to Leonem dictavit *only Ea*

<sup>2</sup> In decr. Nicolai pape PaPcTcVo; Inde Ca; Nicholaus Michaeli imperatori Cb; Augus Ce; Ex - pape, cap. i Eg; In decretis Nicolai cap. i FbGcMgRaVp; Aug' Fc(*mg.*)Pw; Ex - pape PfSb; Nicholaus papa Michaeli augusto Tb; *om.* \*BdBeDaMqOaPhPrPt  
De eodem *add. Pa*

<sup>3</sup> Deo \*MgPfTbTc; Domino Ca

<sup>4</sup> semper aug. \*BeMgTbTcPwVo; semp. Augustinus Bd; semper CaCe; aug. semp. Pf

<sup>5</sup> nobis \*MgPfTbTc; nos Ca

<sup>6</sup> -aribus CaPfTbTc; -alibus Mg

<sup>7</sup> -ore \*CaMgPfPhTc; -oribus Tb

<sup>8</sup> -linus \*CaMgPfPhTc; -lus Tb

<sup>9</sup> ep. urb. Rom. \*CaPfTbTc; urb. Rom. ep. Mg

<sup>10</sup> adeo \*MgTc; Deo BePfTbVo; a Deo Ca

<sup>11</sup> tem. eorum \*CaMgPfTc; eorum tem. PhTb

<sup>12</sup> numerosorum CaCeMgPaPfTb; universorum PcTc; numero sanctorum Td

<sup>13</sup> conc. ep. CaMgPfTb; ep. conc. Tc

<sup>14</sup> -it- *superscr.* Pf

dum ei sepiissime omnes<sup>15</sup> perhiberent, Tuo ore iudica causam tuam, non nostro iudicio. Et item<sup>16</sup>. Noli audiri in nostro<sup>17</sup> iudicio, sed collige in sinu tuo<sup>18</sup> causam tuam. Et rursus<sup>19</sup>. Quoniam ex te, inquit, iustificaberis, aut ex ore tuo condemnaberis. Et iterum<sup>20</sup> dicunt, Prima sedes non iudicabitur<sup>21</sup> a quoquam. Item in eadem<sup>22</sup>. Sed et<sup>23</sup> cum quidam tempore quodam contra Sixtum papam temptassent quedam mali rumoris obicere, et in concilio cui Valentinianus augustus intererat dictum fuisset non licere adversus pontificem sententiam dare, surrexit idem protinus imperator<sup>24</sup>, et in arbitrio<sup>25</sup> prefati pontificis tribuit iudicare iudicium suum. Etenim<sup>26</sup> nullus pontificum minorum<sup>27</sup> vel inferiorum urbium subactus iudiciis<sup>28</sup> invenitur. [7] Item in eadem<sup>29</sup>. In tantum autem hanc presumptionem sancti patres apud Calcedoniam detestati sunt, ut Dioscorum Alexandrinum antistitem<sup>30</sup> inter cetera idcirco potissimum sine ulla restitutione dampnaverint, quia ponens in celum os suum, et lingua eius transeunte super<sup>31</sup> terram, excommunicationem in sanctum papam Leonem<sup>32</sup> dictavit<sup>33</sup>, ita ut in sententia contra ipsum prolata hoc<sup>34</sup> videantur memorare precipue dicentes, Quoniam secundus excessus priorem iniquitatem valde transcendit, presumpsit enim excommunicationem dictare<sup>35</sup> adversus sanctissimum et beatissimum<sup>36</sup> archiepiscopum magne<sup>37</sup> Rome Leonem. Numquid inquisitionem fuisse factam<sup>38</sup> utrum iuste an iniuste Dioscorus ipsam<sup>39</sup> excommunicationem

<sup>15</sup> sep. omn. \*CaMgPfTb; omn. sep. Tc

<sup>16</sup> Et item \*BeCaMgPfVo; Item Tb; Et iterum Tc

<sup>17</sup> aud. in nostro \*BeCaPfPhTcVo; in nostro aud. Mg; aud. nostro Tb

<sup>18</sup> in sinu tuo ss Tb

<sup>19</sup> Et rursus \*CaMgPfPhTc; Item Tb

<sup>20</sup> Et it. \*CaMgPfTc; Item PhTb

<sup>21</sup> iud- \*CaMgPfPhTc; iustif- Tb

<sup>22</sup> Item in eadem \*CaGcMgPfPhVo; Item in eodem BeTc; om. Tb

<sup>23</sup> et \*CaEgMgPfTb; om. Tc

<sup>24</sup> repeated and canc. Ca

<sup>25</sup> lacuna follows in Pf

<sup>26</sup> Etenim \*BeTbTcVo; Et CaDaGcMgPaPf

<sup>27</sup> minorum \*BePhPqPrTbVm; iuniorum BdCaCeDaFbGcMgMqPaPcPk(p.c.)PfPqPwSbTcTdVo

<sup>28</sup> obsc. corr. Ca

<sup>29</sup> eadem \*CaMgPfTb; eodem Tc

<sup>30</sup> Alex. ant. \*BeMgPfTb; Alex. ant. et Ca; ant. Alex. Tc

<sup>31</sup> super \*CaMgPfPhTc; in Tb

<sup>32</sup> papam add. Ca

<sup>33</sup> Ea ends cap. here

<sup>34</sup> prolata hoc MgPfTbTc; prolata hec Ca

<sup>35</sup> dictare \*CaMgPfTb; portare Tc

<sup>36</sup> et beat. \*BeCaMgPfTb; om. Tc

<sup>37</sup> magne \*BeCeGcLe(mg.)MgOaPaPc<sup>2</sup>PhPkPqPrSbTbTcVm; in agone BdCaDaLePcPfPwTd; vel magne Fb

<sup>38</sup> inq. fuisse factam CaMgPfTb; inquisitio fuit facta Tc

dictasset? Non plane, sed absque omni<sup>40</sup> controversia hoc in eo multati sunt quia cum esset inferior, potius quibuslibet conatus est lacessere iniuriis, teste Anatolio Constantinopolitano presule qui dicit<sup>41</sup>, Propter fidem non est dampnatus Dioscorus, sed quia excommunicationem fecit domino archiepiscopo Leoni.

ID 5.8] +D 21 c 7 to iudiciis invenitur, +D 21 c 9 from In tantum hec

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<sup>39</sup> Diosc. ipsam \*BeMgPfTb; Diosc. Ca; ipsam Diosc. Tc

<sup>40</sup> omni \*CaMgPfTb; om. Tc

<sup>41</sup> dicit \*BeCaMgPf; dixit PhTb; d't Tc

## 8

### *In quinta sinodo Simmachi pape<sup>1</sup>*

Aliorum forte hominum causas Deus voluit per homines<sup>2</sup> terminare, sedis istius presulem<sup>3</sup> suo sine questione reservavit arbitrio<sup>4</sup>. Voluit beati Petri apostoli successores celo tantum debere innocentiam, et subtilissimam<sup>5</sup> discussionis<sup>6</sup> indagini<sup>7</sup> inviolatam exhibere conscientiam.

4L 1.11; ID 5.10] +C 9 q 3 c 14a

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<sup>1</sup> In quinta sinodo Simmachi pape CbLjOaRaSbVo; In quisita sinodo (-odi BeTd<sup>2</sup>) Simmachi pape (pape Sim. Mg, pape om. Mq) BeCaEgFcGcLdMgMqPcPhPwQeTbTdVpWc; In quesita sinodus Sim. pape Fb; Ex inquisita sin. Simm. Pf; In dec' Simmachi pape Tc.

De eodem add. PaVo, Quod Romana sedes nullius arbitrio subiaceat nisi Dei add. in mg. Sb

<sup>2</sup> vol. per hom. CaEgLdMgPfTb; per hom. vol. Tc

<sup>3</sup> -lem CaLdMgPfTc; -lum Ph; -les Tb

<sup>4</sup> vel iudicio add. ss Mg

<sup>5</sup> -imam BePfTc; -ime CaLdMgPhRaTb

<sup>6</sup> discussionis BeCaEgFcLdOaPrPwTbTc; discutionis GcMgPf

<sup>7</sup> -ini \*CaFcLdMgPwTbTc; -ine Pf

## 9<sup>1</sup>

### <sup>2</sup>*In decretis Gelasii pape, cap. iiii<sup>3</sup>*

Gelasius episcopus episcopis omnibus. Cuncta per mundum novit ecclesia quod sacrosancta Romana ecclesia de omni ecclesia fas habeat iudicandi, neque cuiquam de eius liceat iudicare iudicio<sup>4</sup>. Siquidem ad illam de qualibet mundi parte appellandum est, ab illa autem nemo est appellare permissus<sup>5</sup>.

4L 1.10a] +C 9 q 3 c 17a

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<sup>1</sup> cc 9-10 reversed Ld. Lc begins Bk 4 here, but with no indication that Bk 3 is finished.

<sup>2</sup> Quod Romana ecclesia de omni ecclesia iudicare habeat add. in mg. CaCeDaLn<sup>2</sup>Td(mg.)

<sup>3</sup> iiii BeEgGcMqPfPhPrPwRaVo; iii BdCaCbFbFcLjMgPcTc; ii Vp; om. Oa

De eodem add. PaVo

<sup>4</sup> lic. iud. iudicio CaGcMgPfRa<sup>2</sup>Tc; lic. iudicio Ra; iudicio lic. iud. Tb

<sup>5</sup> app. perm. CaEgFcMgPfTb; perm. app. Tc



## 10

*In decretis Nicolai<sup>1</sup>, cap. i<sup>2</sup>*

Nicholaus papa omnibus episcopis<sup>3</sup>. Nemini est<sup>4</sup> sedis apostolice iudicio iudicare<sup>5</sup>, aut illius sententiam retractare permissum<sup>6</sup>, videlicet propter Romane ecclesie primatum Christi munere beato Petro apostolo divinitus collatum<sup>7</sup>.

4L 1.17] +C 17 q 4 c 30

<sup>1</sup> pape add. BeCbLjMqTc, papa add. Ce, om. CaFcGcMgPfPw. In – Nich. om. Pt

<sup>2</sup> cap. i BeCaCbEgFcGcMgMqPfPwTb; episcopi Oa; cap. Vo; om. Tc

De eodem add. PaVo

<sup>3</sup> omn. ep. CaMgPfPhTc; ep. omn. Tb

<sup>4</sup> est BeCaCbFcGcLjOaPcPwTbVo; est licitum de MgTc; om. Pf; est de PhTb

<sup>5</sup> iudicio (corr. to -ium Pf<sup>2</sup>) iudicare BeEgOaPfTbTc; iudicia iudicare CaDaFb; iudicare iudicio Gc; iudicare iudicium Mg; iudici iudicare Sb

<sup>6</sup> est add. Pf, om. CaEgLjMgTbTc

<sup>7</sup> collatum CaFcGcLeMgPwTbTc; collocatum MqPf

## 11

*<sup>1</sup>Nicolaus Micaheli imperatori<sup>2</sup>*

Patet profecto sedis apostolice, cuius auctoritate maior<sup>3</sup> non est, iudicium a nemine<sup>4</sup> fore retractandum, neque cuiquam de eius liceat<sup>5</sup> iudicare iudicio, iuxta quod Bonifacius papa Rufo et ceteris episcopis<sup>6</sup> per Thessaliam constitutis scribens, Nemo, ait<sup>7</sup>, unquam apostolico culmini, de cuius iudicio non licet retractari, manus obvias audacter<sup>8</sup> intulit, nemo in hoc rebellis extitit<sup>9</sup>, nisi<sup>10</sup> qui de se voluit iudicari. Et beatus papa Gelasius, Nec de eius, id est Romane ecclesie, canones unquam preceperunt<sup>11</sup> iudicari<sup>12</sup> iudicio, nec sententiam illius<sup>13</sup> constituerunt<sup>14</sup> oportere dissolvi, cuius potius sequenda decreta mandarunt<sup>15</sup>.

<sup>1</sup> Quod iudicium Romane ecclesie a nemine debeat retractari add. in mg. Sb

<sup>2</sup> pape Vo. cp. i add. PrVm

De eodem add. PaVo

<sup>3</sup> maior \*BeCaDaMqOaTbVo; maius EgGcMgLePfTc(vel -ior ss Eg)

<sup>4</sup> iud. a nem. \*MgPfTbTc; indicium anime Ca

<sup>5</sup> de eius liceat \*CaPfMgTb; liceat de eius Tc

<sup>6</sup> omnibus add. Mg, om. \*CaPfTbTc

<sup>7</sup> Nemo ait \*CaEgMgPfTb; ait Nemo Tc

<sup>8</sup> obv. aud. \*CaEgMgPfTb; aud. obv. Tc

<sup>9</sup> reb. ext. in hoc marked for reversal Tb

<sup>10</sup> nisi \*CaEgMgPfTb; om. Tc

<sup>11</sup> prec- \*CaMgTbTc; perc- Pf

<sup>12</sup> -ari CaMgPfTb; -are Tc

<sup>13</sup> illius \*BeCeOaPaPrTbTcVo; om. CaGcMgPfTd

<sup>14</sup> -uerunt \*BeGcMgVo; -erunt CaPfTbTc; -uere Pr

<sup>15</sup> -arunt BeCaGcMgPfPrTc; -averunt \*PhTb

ID 5.19a] +C 9 q 3 c 10

## 12

<sup>1</sup>In decr' Iulii<sup>2</sup>, cap. ii<sup>3</sup>

Iulius apostolice sedis<sup>4</sup> episcopus omnibus episcopis<sup>5</sup>. Habet sacrosancta Romana ecclesia potestatem singulari privilegio sibi concessam<sup>6</sup>, aperire et claudere ianuas celestis regni quibus voluerit.

4L 1.9]

<sup>1</sup> Quod Romana ecclesia claudendi et aperiendi portas regni celorum potestatem habeat *add. in mg.* Sb

<sup>2</sup> pape *add.* GcMgMqTc, *om.* BeCaPfPh; ? Tb

<sup>3</sup> ii BeGcMgPfPhTcVoVp; iii Ca; i OaRa; ? Tb; cap. ii *om.* Ea.

De eodem *add.* PaVo

<sup>4</sup> ap. sed. CaGcMgPfPhTc; sed. ap. Tb

<sup>5</sup> omn. epp. BeGcMgTc; epp. omn. CaPfTbVo

<sup>6</sup> concessam CaEgMgPfTb; commissam Tc

## 13

<sup>1</sup>Leo<sup>2</sup> episcopus urbis Rome Anastasio<sup>3</sup> episcopo Thessalonicensi, cap. vii<sup>4</sup>

De conciliis autem<sup>5</sup> episcopalibus non aliud indicimus<sup>6</sup> quam sancti patres<sup>7</sup> salubriter ordinaverunt<sup>8</sup>, ut scilicet bini conventus per annos singulos habeantur, in quibus de omnibus querelis, que inter diversos ecclesie ordines nasci assolent, iudicetur. Ac si forte inter ipsos qui presunt de maioribus peccatis, quod absit, causa nascitur, que provinciali nequeat examine definiri, fraternitatem tuam de totius negotii qualitate metropolitanus curabit instruere, ut si coram positis patribus<sup>9</sup> nec tuo fuerit res<sup>10</sup> sopita iudicio, ad nostram cognitionem<sup>11</sup> quidquid illud est transferatur.

ID 4.241; cf 4L 2.136, with widely var. inscription] +D 18 c 2

<sup>1</sup> Quod bini (boni Ln) conventus episcopales singulis annis fieri debeant *in mg.* CaCeDaLn<sup>2</sup>; (ii. *add.* Bd) De conciliis convocandis *in mg.* BdDbEgLjTc, *in text* DbPh; De conciliis *in mg.* Db; De conciliis episcopalibus quot fiant singulis annis et ad quid fiant *in text* Pa; Quod bis in anno episcopales synodi debeant congregari *add. in mg.* Sb; Ut bis in anno concilia episcoporum (ep. conc. Td) celebrentur *in mg.* Td, *in text* Vo; *om.* BeGcMgMqPf; ? Tb

<sup>2</sup> papa *add.* FcMq, *om.* BeCaMgPfPhTc; ? Tb

<sup>3</sup> Anastasio CaGcMgPhPrTc; Anastio Fb; *om.* BeCeDaFcMqPaPfPwSbVo

<sup>4</sup> Thess. - vii BeCaGcMgPfPhTcVo; Thessalonico cap. iiiii Eg; Thess. Mq; Thessal' cap. vi Oa. Ut bis in anno episcoporum concilia celebrentur *add.* Vo. ii *in mg.* Be<sup>2</sup>

<sup>5</sup> autem \*CaEgMgPfTb; *om.* Tc

<sup>6</sup> indicimus \*CaEgMgPfTb; iudicavimus Pc; indicibus Tc

<sup>7</sup> sancti patres \*CaMgTbTc; patres sancti Pf

<sup>8</sup> ordinaverunt \*CaMgTbTc; indicaverunt Pf

<sup>9</sup> patribus \*BeCaGcOaPfTcVo; partibus EgMg; fratribus Tb. vel -tri *add ss.* Eg

<sup>10</sup> fuerit res \*BeCaGcEgPfTb; fuerit re Mg; res fuerit Tc

<sup>11</sup> nost. cog. BeGcMgPfTcVo; nost. conditionem Ca; cog. nost. PhTb

## 14

<sup>1</sup>*Capitulo Isidori<sup>2</sup> viii*

Sinodorum vero congregandarum<sup>3</sup> auctoritas apostolice sedi privata commissa est potestate, nec ullam sinodum generalem ratam esse legimus, que eius non fuerit auctoritate congregata vel fulta. Hec auctoritas testatur canonica, hec historia ecclesiastica<sup>4</sup> roborat, hec sancti patres confirmant.

ID 5.153]

<sup>1</sup> Quod auctoritas congregande synodi apostolice sedi commissa sit privata potestate *add. in mg.* CaCeDaLn<sup>2</sup>; Quod generalis sinodus rata sit *add. Pa*; ...singulari et sic prerogativa *in mg.* Ra<sup>3</sup>; Quod potestas congregandarum synodorum apostolice sedi sit concessa *add. in mg.* Sb; Quod synodus generalis rata non sit sine auctoritate Romana *add. Td(mg.)Vo*

<sup>2</sup> Cap. Isid. viii FcLdLnOaPfTd<sup>2</sup>Vo; Ex epistola Ysidori Be; Isidorus (-ri Mq) cap. viii CaFbGcMgMqPcTcVp; Isidorus in proemio canonum DaSb; Isidorus cp. ix Pr

<sup>3</sup> -arum \*CaMgPfTb; -orum Tc

<sup>4</sup> hist. eccl. \*BeCaGcMgPf; eccl. hist. TbTcVo

## 15

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

Propter utilitates ecclesiasticas et<sup>3</sup> absolutiones earum rerum<sup>4</sup> que dubitationem<sup>5</sup> controversiamque<sup>6</sup> recipiunt, optime placuit ut per singulas quasque provincias bis in anno episcoporum concilia celebrentur. Semel quidem post tertiam septimanam<sup>7</sup> festi paschalis, ita ut<sup>8</sup> in quarta<sup>9</sup> septimana<sup>10</sup> que consequitur<sup>11</sup>, id est<sup>12</sup> medio Pentecosten<sup>13</sup>, conveniat sinodus metropolitano comprovinciales episcopos admonente. [16] Secunda vero sinodus fiat Idus Octobris, id est<sup>14</sup> xv die mensis

<sup>1</sup> Quo tempore sint habende synodi *in mg.* CaCeDaLn<sup>2</sup>; Quibus temporibus per singulas provincias episcopi bis in anno celebrent concilia *in text Pa*; In quibus terminis et quibus de causis synodi congregentur *add. in mg.* Sb; Cur et (*om. Td*) quibus temporibus celebranda sunt (*sint Td*) concilia *add. Td(mg.)Vo*

<sup>2</sup> x BeCaGcLdLnPfTbTcVo; xx DaMgSb; cap. x *om. Ea*

<sup>3</sup> et \*BeCaCbEgGcLmMgTcVo; *om. GcMqOaPfTb*

<sup>4</sup> rerum \*MgPfTbTc; *om. Ca*

<sup>5</sup> -onem \*CaMgPfTc; -onis PhTb

<sup>6</sup> -que \*CaMgPfTc; *om. PhTb*

<sup>7</sup> tert. Sept. *obsc. corr. Cb*

<sup>8</sup> ut \*CaMgPfPhTc; *om. Tb*

<sup>9</sup> quarta \*BeCaCbCeGcLmMgPaPhTbTcTd; tertia FcLjPf

<sup>10</sup> festi pasch. – sept. *in mg Pa<sup>2</sup>*

<sup>11</sup> conseq- \*BeCaCbEgGcLmMgPfTb; seq- FcTc

<sup>12</sup> id est \*BeCbLmPfTbTcVo; id est in CaEgMg; idem Lm; id est prima Oa

<sup>13</sup> -en \*BeCaCbLmOaPfTbTcVo; -es EgMg. med. Pen. \*MgPfPhTc; Pen. med. Tb

<sup>14</sup> est \*CaLmMgTbTc; *om. Pf*

Octobris<sup>15</sup>, quem Perherechon<sup>16</sup> Greci nominant. In ipsis autem conciliis adsint<sup>17</sup> presbiteri et diaconi, et omnes qui se lesos<sup>18</sup> existimant<sup>19</sup> et sinodi experiantur examen<sup>20</sup>.

ID 5.154]

<sup>15</sup> id (est) - Oct. \*CaMgPfTbTcTd<sup>2</sup>; om. CbTd

<sup>16</sup> Perherechon BeCbCeDbEgMg<sup>2</sup>MqPaPfPhRa<sup>2</sup>TbTd; Perhercon Ca; Hiperherecheon Da; Pererchon Fb; Perherecon GcMgOaPc<sup>2</sup>PrVo; Perethon Lm; Perhereticon Pc; Perhechon Ra; Perhoreton Tc

<sup>17</sup> adsint \* MgPfTbTc; adsunt Ca

<sup>18</sup> se les. \*CaMgPfPhTc; les. se Tb

<sup>19</sup> existim- \*MgPfTbTc; estim- Ca

<sup>20</sup> vel iudicium add. ss Ca, iudicium add. ss Wc

## 16A<sup>1</sup>

<sup>2</sup>Ex concilio Antiocheno<sup>3</sup>, cap. xvi<sup>4</sup>

Integrum autem<sup>5</sup> et perfectum<sup>6</sup> concilium dicimus illud cui metropolitanus<sup>7</sup> episcopus interfuerit<sup>8</sup>.

ID 5.150b] +D 92 c 8b

<sup>1</sup> om. AaLcBrant, in

AdBdBcCaCbCeDaDbEaEbEcEgFbFcGaGbGcHaKaLaLbLcLdLfLgLhLjLkLmLnMgMqOaObOdOe OfPaPcPfPhPkPqPrPtPwPyQaQeRaSbSdSeSgSkSITbTcTdVmVoVpVtVqWaWbWcZa, after c 17 Ab

<sup>2</sup> Quod sit integrum et perfectum concilium cui interest metropolitanus in mg. CaCeDaLn<sup>2</sup>, Quid concilium est perfectum et integrum in text Pa

<sup>3</sup> conc. Ant. \*BdCaCbFcGcLcLdLfLjLmMgObPtQaSeTcVoVpWc; in eodem capitulo Be; eodem conc. Eg; eodem Pf; Ant. Ph

<sup>4</sup> xvi \*BdCbCeDaEgFcGcLcLdLfLjLmMgMq(mg.)OaObPhPtPwRaSeSITcVoVp; xi Ca; cap. xvi om. BeEaQa; xvii Od<sup>2</sup>Pf; vi Pk; xxxvi Wc; xiii Wc<sup>2</sup>. QeTb lack insc. and have no break

<sup>5</sup> autem \*CaBeEaEgGcLcLdLfLjLmMgObPfPtQaSeSkTbTcVpWc; om. Pk

<sup>6</sup> et perf. \*BeEgGcLmMgOaPhPrQaSeTbTcVp; om.

BdCaCbDaEaFbFcLcLdLfLjLpPfPtPwRaSbSITdVo; perfectumque Mq; atque perfectum Wc

<sup>7</sup> metropolitanus \*BdBeCaCbEaFcGcLdLfLjLmMgPfQaSeTbTcVpWc; om. Pw

<sup>8</sup> ep. interfuerit \*BdBeCaEaGcMgPfQaSeSkTbTcVpWc; interfuit ep. Ld; om. Pt; interfuerit Sb

## 17

<sup>1</sup>Ex concilio Agatensi, cap. xxxvi<sup>2</sup>

Si metropolitanus episcopus ad comprovinciales episcopos epistolas direxerit in quibus eos aut ad<sup>3</sup> ordinationem alicuius fratris aut ad sinodum invitet, postpositis

<sup>1</sup> Ut omnes episcopi ad ordinationem confratris sive ad sinodum invitati conveniant add. in mg. CaCeDaLn<sup>2</sup>; De sinodo metropolitani et de episcopis invitatis ab eo ad synodum in text Pa; Quod episcopi ab archiepiscopo suo commoniti ad eum venire non different nisi pro<sup>a</sup> grandis necessitas interfuerit add. in mg. Sb

<sup>2</sup> xxxv Da. cap. xxxvi om. Ea. Quod episcopi invitati ad synodum vel ordinationem alicuius fratris venire postposita omni occasione debeant add. Td(mg.)Vo

<sup>3</sup> aut ad \*CaGc<sup>2</sup>PfTbTc; aut Gc; ut Mg

omnibus excepta gravi infirmitate corporis aut preceptione regia, ad constitutam diem<sup>4</sup> adesse<sup>5</sup> non differant. Quod si defuerint, sicut prisca canonum precepit auctoritas, usque ad proximam<sup>6</sup> sinodum caritate fratrum et ecclesie communione priventur<sup>7</sup>.

4L 4.97; ID 5.159] +D 18 c 13

<sup>4</sup> -am diem \*BeCaGcMgPf<sup>2</sup>PhOaVo; -um diem PfTc; -ionem diei Tb

<sup>5</sup> adesse \*CaMgPfTb; venire Tc

<sup>6</sup> prox. \*CaMgPfPhTc; primam Tb

<sup>7</sup> -entur \*BeCaGcMgPhTb<sup>2</sup>Tc; -etur PfTb

## 18

<sup>1</sup>Ex concilio Avernensi<sup>2</sup>, cap. xv<sup>3</sup>

Quisquis<sup>4</sup> autem episcoporum, excepta inevitabili<sup>5</sup> causa vel necessitate de peragendo se concilio absentaverit, per unius anni spatium erit communione<sup>6</sup> plectendus<sup>7</sup>.

ID 5.155 med.]

<sup>1</sup> De episcopis qui synodo adesse neglexerint *add. in mg.* CaCeDaLn<sup>2</sup>; De episcopis a synodo se absentibus *add. Pa*; Qua pena puniatur episcopus si concilio interesse non voluerit *add. in mg.* Sb; Qua sententia plectendi sint episcopi qui se irrationabiliter absentaverint *add. Td(mg.)Vo*

<sup>2</sup> Av- BeCaGcMgPfPhTcVo; Arv- Tb; Aurelianensi Vp

<sup>3</sup> xv BeDaFcGcMgOaPfTbTcVoVp; xx CaFbPw; v Lj; cap. xv *om.* Ea

<sup>4</sup> Quisquis \*BeCaDaEaGcMgMqPaPfPhTbTdVo; Si quis PcPkOaTc

<sup>5</sup> inevitabili Pf

<sup>6</sup> erit com. \*CaMgPfPhTc; com. erit Tb

<sup>7</sup> privandus Wc

## 19

<sup>1</sup>Ex decr' Felicis pape, cap. xi<sup>2</sup>

Quod si<sup>3</sup> egrotans fuerit episcopus<sup>4</sup>, aut aliqua eum gravis necessitas<sup>5</sup> detinuerit, pro se legatum ad sinodum mittat, suscepturus, salva fidei veritate, quicquid sinodus statuerit.

ID 5.161] C 5 q 3 c 1a to mittat, then distinct

<sup>1</sup> Ut episcopi si invitati venire non possunt pro se legatos mittant *add. in mg.* CaDaLn<sup>2</sup>; De episcopis quos necessitas detinuerit *add. Pa*; Quod si episcopus interesse non poterit concilio legatum mittere debeat *in mg.* Sb [*effectively the last of Sb's marginal rubrics*]; Ut venire non valens episcopus pro se legationem mittat *add. Td(mg.)Vo*

<sup>2</sup> xi \*CaCbDaFbGcLjMgOaPfPwTbVo; xv BeFc; xii PcTc; cap. xi *om.* EaMq

<sup>3</sup> ss Ra?

<sup>4</sup> fu. ep. \*CaPfTbTc; ep. fu. Mg

<sup>5</sup> eum gr. nec. CaPfTbTc; gr. nec. eum Mg

## 20

<sup>1</sup>*Ex concilio Cabilonensi, cap. vi*<sup>2</sup>

Item placuit ut, conservato metropolitani episcopi primatu, ceteri episcoporum<sup>3</sup> secundum sue ordinationis tempus alii sedenti<sup>4</sup> deferat locum<sup>5</sup>.

ID 5.165] +D 18 c 1

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<sup>1</sup> Ut episcopi secundum sui ordinis (ord. sui Ce) tempus alter alteri honorem prebeat *add. in mg.* CaCeDaLn<sup>2</sup>; Quis episcopus alii sedenti locum dare debeat *add. Pa*; Ut sibi invicem deferant locum secundum sue ordinationis tempus *add. Td(mg.)Vo*

<sup>2</sup> cap. vi *om.* EaLn. Ex -vi] Ex conc. Bracarensi I (*om.* Sb) cp. v DaSb, *cf XP 5.6.1.(1)*

<sup>3</sup> -porum \*CaPfTbTc; -pi Mg

<sup>4</sup> -enti CaPfTbTc; -endi Mg

<sup>5</sup> def. loc. \*BeCaCbEaFcGcMgOaPhPwTcVo; loc. def. Pf; deferant locum Tb

## 21

<sup>1</sup>*Ex concilio Avernensi*<sup>2</sup>, cap. i<sup>3</sup>

In primis placuit ut quotiens secundum statuta patrum sancta sinodus congregatur<sup>4</sup>, nullus episcoporum aliquam prius causam<sup>5</sup> suggerere audeat quam ea que ad emendationem vite, ad severitatem regule<sup>6</sup>, ad anime<sup>7</sup> remedia pertinent, finiantur<sup>8</sup>.

ID 5.168]

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<sup>1</sup> Ut episcopi ad sinodum venientes (conven- CeDa) que ad emendationem vite pertinent primum tractent *add. in mg.* CaCeDaLd<sup>2</sup>Ln<sup>2</sup>; Que causa primum agenda sit in synodo *add. Pa*; Ut quando congregati fuerint quid primum tractandum sit *add. Td(mg.)Vo*

<sup>2</sup> Arvennensi Ph; Aurelianensi Vp

<sup>3</sup> cap. i *om.* Ea

<sup>4</sup> cong- \*MgPfTbTc; agg- Ca

<sup>5</sup> pr. causam \*BeCaMgOaTb; causam pr. PfTc

<sup>6</sup> et *add.* CaMg, *om.* \*BePfTbTc

<sup>7</sup> salutem et *add.* Tc, *om.* \*BeCaCbEaFcLjMgPfPwTb

<sup>8</sup> finiantur BeCaCeDaFbGcMgPaPcPfPkPwSbTcTd; firmanur Mq; conferantur Pc<sup>2</sup>; fiant PhQeTb; confirmant PrVmVo; confirmentur Wc

## 22

<sup>1</sup>*Ex epistola Bonefacii pape ad episcopos Gallie*

Si inter episcopos eiusdem concilii dubitatio emerit de ecclesiastico iure vel<sup>2</sup> de aliis negotiis, primum metropolitanus eorum cum aliis quibusdam in concilio

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<sup>1</sup> De rebus dubiis in conciliis episcoporum emergentibus (mergentibus Ca) *add. in mg.* CaDaLd<sup>2</sup>Ln<sup>2</sup>; De dubitatione orta in concilio quis eam diffiniat *add. Pa*; Ut quod metropolitanus per se diffinire non potuerit ad primatem (*corr. fr.* -arem Vo) deferatur *add. Td(mg.)Vo*

<sup>2</sup> vel \*CaMgPfTb; et Tc

considerans<sup>3</sup> rem iudicet<sup>4</sup>. Et si non acquiescat<sup>5</sup> utraque pars iudicantis<sup>6</sup>, tunc primas<sup>7</sup> regionis<sup>8</sup> inter ipsos audiat<sup>9</sup>, et quod ecclesiasticis canonibus et legibus nostris consentaneum sit, hoc definiat, et nulla pars valeat calculo<sup>10</sup> eius contradicere.

ID 5.167] +C 6 q 4 c 3

<sup>3</sup> -ans \*CaMgPfPhTb; -et Tb

<sup>4</sup> iudicet CaMgPfTc; videlicet PhTb

<sup>5</sup> -cat \*CaMgPfTb; -cit Tc

<sup>6</sup> -atis \*PhPrTbVm; -anti BeCaCeDaFbMgMqPa<sup>2</sup> Pc<sup>2</sup>PfPwSbTcTdVo; -antdi Pa; -andi Pc; -antis Pk

<sup>7</sup> illius add. ss Sb

<sup>8</sup> regionis \*CaMgPfTb; religionis Tc

<sup>9</sup> -atur \*CaPfTbTc; -at Mg

<sup>10</sup> vel iudicio add. ss Mg

## 23

### <sup>1</sup>Anacletus in<sup>2</sup> secundo decretali<sup>3</sup>

Provinciae autem multo ante Christi adventum tempore<sup>4</sup> divise<sup>5</sup> sunt maxima ex parte, et postea ab apostolis et beato Clemente predecessore nostro ipsa divisio est<sup>6</sup> renovata, et in capite provinciarum ubi dudum primates<sup>7</sup> leges<sup>8</sup> erant seculi ac prima iudiciaria potestas, ad quos qui per reliquas<sup>9</sup> commorabantur, quando eis necesse erat, qui ad aulam imperatorum<sup>10</sup> vel regum confugere non poterant, vel quibus permissum non erat, confugiebant, pro oppressionibus vel iniustitiis suis ipsosque appellabant quotiens opus erat, sicut in lege eorum preceptum erat<sup>11</sup>, ipsis quoque in<sup>12</sup> civitatibus vel locis nostris<sup>13</sup> patriarchas vel primates, qui unam formam tenent, licet diversa sint nomina, leges divine et ecclesiastice poni et esse iusserunt, ad quos episcopi, si

<sup>1</sup> Quare ante adventum Christi et post diverse sint provincie add. in mg. CaCeDaLd<sup>2</sup>Ln<sup>2</sup>; De provint' add. in mg. Db<sup>2</sup>; (iii. add. Bd) De provincia quomodo constituenda sit add. in mg. BdGbLj, in text DbPh; Quomodo divise fuerunt provincie, et quare singule primatum habere debeant in text Pa; De constitutione provinciarum et que civitates habere debeant primates vel que metropolitanos ac de iure eorum add. Td(mg.)Vo; De provincia constituenda in mg. Vp

<sup>2</sup> iii ?Ca.

<sup>3</sup> -tali \*CaMgPfTb; -to Tc. iii add, in mg. Be<sup>2</sup>

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

<sup>5</sup> divise \*CaMgTbTc; diverse Pf

<sup>6</sup> et add. Pf, om. \*CaMgTbTc

<sup>7</sup> primates \*BeCaMgTbTc; primitus Pf

<sup>8</sup> leges MgPf; lege Ca; legis BeTb?TcVo

<sup>9</sup> civitates add. in mg. Ra<sup>2</sup>Sb<sup>2</sup>

<sup>10</sup> -orum \*BeGcMgTbVo; -oris CaPfTc

<sup>11</sup> ipsosque appellabant - erat \*BeCaCeDaFbGcMgMqOaPaPc<sup>2</sup>(mg.)PhPkPqPrRaSb<sup>2</sup>(part over erasure, part in mg.)TbTcTd(mg.)VmVoVpWcBrant; om. BdBdDbFcLgLjObOdOeOfPcPfPtPwTd

<sup>12</sup> in \*CaMgPfTb; om. Tc

<sup>13</sup> nostris \*BePfTb; suis CaGcMgTc

necesse fuerit, confugerent, eosque appellarent, et ipsi nomine primatum<sup>14</sup> fruerentur, et non alii<sup>15</sup>. Relique vero metropolitane civitates, que minores iudices habebant, licet maiores comitibus essent, haberent metropolitanos<sup>16</sup> suos, qui predictis iuste<sup>17</sup> obedirent primatibus, sicut et in legibus seculi ordinatum erat, qui non primatum<sup>18</sup> sed aut metropolitanorum aut archiepiscoporum nomine fruerentur.<sup>19</sup> Et licet singule metropoles civitates suas provincias habeant et suos metropolitanos habere debeant episcopos, sicut prius metropolitanos habebant<sup>20</sup> iudices seculares, primates tamen, ut prefixum est, et tunc et nunc habere iusse sunt, ad quos post sedem apostolicam summa negotia conveniant, et ibidem quibus necesse fuerit releventur, et iuste restituantur, et hi qui iniuste opprimuntur iuste refoventur atque fulciantur, episcoporumque cause et summorum negotiorum iudicia<sup>21</sup>, salva apostolice sedis auctoritate, iustissime terminentur.

ID 5.53] D 99 c 1 to nomine fruerentur only

<sup>14</sup> -tum \*CaMgPfTb; -atu Tc

<sup>15</sup> et non alii in mg. Pr

<sup>16</sup> episcopos add. Ca, om. \*MgPfTbTc

<sup>17</sup> iuste CaMgPfPhTc; iure Tb

<sup>18</sup> -tum \*CaMgPfPhTc; -tuum Tb

<sup>19</sup> Relique vero metropolitane – fruerentur at foot of leaf Pr<sup>2</sup>

<sup>20</sup> habere - metrop. habebant \*CaMgPfPhTc; habeant Tb

<sup>21</sup> -cia MgPfTbTc; -cio Ca

## 24

### <sup>1</sup>In decr' Pelagii<sup>2</sup>, cap. i<sup>3</sup>

Pelagius<sup>4</sup> papa Romanus episcopis omnibus. Scitote certam provinciam esse que habet decem vel<sup>5</sup> undecim civitates et unum regem, et totidem minores potestates sub se, et unum metropolitanum aliosque suffraganeos x vel xi episcopos iudices ad quorum iudicium omnes cause referantur, ut ab his omnibus iuste consona voce decernantur, nisi ad maiorem auctoritatem fuerit ab his qui iudicandi sunt appellatum. Unde non oportet ut degradetur vel dehonoretur unaqueque provincia, sed apud semetipsam habeat iudices sacerdotes, et episcopos singulos<sup>6</sup> videlicet iuxta ordines

<sup>1</sup> Que sit certa provincia add. in mg. CaDaLd<sup>2</sup>Ln<sup>2</sup>; Quid sit provincia add. Pa; Que sit certa provintia et quod ius habeat add. Td(mg.)Vo

<sup>2</sup> Gelasii DaRaSbVp. pape add. CbMqRaRfTcVo, om. BdBeCaGcLdMgOaPfPkPwQaSeTbTd

<sup>3</sup> cap. i om. Ea

<sup>4</sup> Pelagius BdBeCaCeFbFcLdGcMgMqPaPc<sup>2</sup>PfPhPkPqPrPwRaTcTdVmVo; Gelasius CbDaPc?PySbQaSeSITbVp; Gelasius Oa

<sup>5</sup> vel MgPfTbTc; villas Ca

<sup>6</sup> epp. sing. CaLdMgPfTb; sing. epp. Tc



suos. Et quicumque causam habuerit, a suis iudicibus iudicetur, et non ab alienis, id est<sup>7</sup> a sue<sup>8</sup> iustis iudicibus<sup>9</sup> provincie et non ab externis<sup>10</sup>, nisi, ut iam prelibatum est, a iudicandis fuerit appellatum<sup>11</sup>.

4L 1.65] C 6 q 3 c 2

<sup>7</sup> id est LdMgPfTbTc; et Lj

<sup>8</sup> sue CaMgPfTb; om. Tc

<sup>9</sup> sue add. DaTc

<sup>10</sup> alienis Brant; id est a suis - externis om. Migne

<sup>11</sup> -atum BeCaFbFcLdMgPfPrQaTbTcVp; -atus BdCbCeDbEaGcObPkVoWc; -atur Oa

## 25

[De potestate primatum et metropolitanorum]<sup>1</sup>. Anitius papa episcopis Gallie<sup>2</sup>

Nulli archiepiscopi primates vocentur nisi illi qui primas<sup>3</sup> tenent<sup>4</sup> civitates quarum episcopos apostoli et successores apostolorum regulariter patriarchas et primates esse constituerunt, nisi aliqua gens deinceps ad fidem convertatur, cui necesse sit propter multitudinem<sup>5</sup> episcoporum primatem constitui. Reliqui vero qui alias<sup>6</sup> metropolitanas sedes adepti sunt, non primates sed metropolitani nominentur.[26] Si autem aliquis metropolitanorum inflatus fuerit, et sine omnium comprovincialium<sup>7</sup> presentia vel consilio episcoporum, aut eorum aut alias causas<sup>8</sup>, nisi eas tantum<sup>9</sup> que ad propriam suam pertinent parochiam agere, aut eos gravare voluerit, ab omnibus districte corrigatur, ne talia deinceps presumere audeat<sup>10</sup>. Si vero incorrigibilis eisque inobediens apparuerit, ad hanc apostolicam sedem, cui omnia episcoporum iudicia terminare precepta sunt, eius contumacia referatur, ut<sup>11</sup> vindicta de eo<sup>12</sup> fiat, et<sup>13</sup> ceteri timorem habeant. Si autem propter<sup>14</sup> nimiam longiquitatem aut

<sup>1</sup> (iiii. add. Bd) De potestate primatum (primatum Tc) et metropolitanorum episcoporum (om. Tc) in mg. BdGbLeLjTc, in text Ph; Qui iuste vocantur primates Ce; Qui iure vocantur primates in mg. DaLdLn; Qui vocentur primates et qui metropolitani Pa; De potestate primatum. Qui iuste vocentur primates in mg. Ra<sup>2</sup>; De eadem re et quod metropolitanus non presumat agere, nisi quod ad suam propriam pertinet parochiam add. Td(mg.)Vo; om. BeCaEaGcMgMqOaPcPfPrPtTbVp

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

<sup>3</sup> primas \*MgPfTbTc; primates Ca

<sup>4</sup> tenen Tc

<sup>5</sup> -tu- ss Tb

<sup>6</sup> alias \*CaMgPfTb; aliquas Tc

<sup>7</sup> comprov- GcMgPfTbTc; prov- Ca

<sup>8</sup> aut eorum aut alias causas \*BeCaCbFcGcLdLjMgPfPw; aut alias causas Tb; alias causas Tc; an alias causas eorum Vo

<sup>9</sup> tantum \*BeGcMgTbVo; om. CaPfTc

<sup>10</sup> pres. aud. \*CaMgPfTb; aud. pres. Tc. Here Oa breaks off, and resumes without a break just before the end of 4. 89 below

<sup>11</sup> ut \*CaMgPfTb; et Tc

<sup>12</sup> de eo CaMgTbTc; Deo Pf

temporis incommunitatem vel itineris asperitatem, grave ad hanc sedem eius causam deferre fuerit, tunc ad eius primatem causa deferatur, et penes ipsum huius sancte sedis auctoritate iudicetur<sup>15</sup>. Similiter si aliquis episcoporum metropolitanum suspectum habuerit, apud<sup>16</sup> primatem dioceseos aut<sup>17</sup> apud hanc apostolicam sedem audiatur.<sup>18</sup>  
*ID 5.54] +D 99 c 2 to nominentur, end var.; C 9 q 3 c 6 from Si autem aliquis to timorem habeant*

<sup>13</sup> et CaMgPfTb; ut Tc

<sup>14</sup> Si autem propter nimiam\*MgPfTbTc; nuriam (?) Ca

<sup>15</sup> -etur \*CaPfTbTc; -itur Mg. Idem *add. in mg.* Fb

<sup>16</sup> aut Fb

<sup>17</sup> *subs. canc.* Fb

<sup>18</sup> Similiter - audiatur \*FbMgRa<sup>2</sup>Vp; *om.*

AdBdBcCaCeDaDbGcHaLgMjMkMmMoMqObOdOeOfPaPcPdPfPhPkPqPrPtPwPyQaQeRaSbTbTc  
 TdVmVoWcBrant

## 27<sup>1</sup>

### <sup>2</sup>*Calixtus papa XV a Petro Benedicto<sup>3</sup> fratri<sup>4</sup> et coepiscopo<sup>5</sup>*

Nullus primas vel metropolitanus diocesani<sup>6</sup> ecclesiam vel parochiam<sup>7</sup> aut aliquem<sup>8</sup> de eius parochia presumat excommunicare<sup>9</sup> vel iudicare, aliquidve<sup>10</sup> agere absque eius consilio vel iudicio, sed hoc observent<sup>11</sup> quod ab apostolis ac patribus et<sup>12</sup> predecessoribus nostris<sup>13</sup> statutum<sup>14</sup> et a nobis confirmatum<sup>15</sup>. Idem<sup>16</sup>. Si quis metropolitanus episcopus, nisi quod<sup>17</sup> ad suam solummodo propriam<sup>18</sup> pertinet parochiam, sine consilio et voluntate omnium<sup>19</sup> comprovincialium episcoporum extra

<sup>1</sup> Ea *omits all to* habeatur et vacuum *and runs c 28 directly onto end of c 26*

<sup>2</sup> Ut nullus primas in diocesiam (-iani Ce, -ianam Da) ecclesiam absque eius consensu aliquid agere presumat *add. in mg.* CaCeDaLd<sup>2</sup>Ln<sup>2</sup>; Quod nullus primas vel metropolitanus in diocesana parochia aliquid presumat nisi concilio ipsius *add.* Pa

<sup>3</sup> Benenato Pa

<sup>4</sup> fratri \*BeCaCbMgPfPwTb; patri Tc

<sup>5</sup> coep- \*BeCaCbCeEgGcLdMgPaPhPrPwTcTd; ep- LnPfRaTbVoVp. Ben. coep.] episcopis Gallie DaSb. De eodem *add.* Vo

<sup>6</sup> -siani \*BeEgMgVo; -sianam CaRaTc; -siam PfPhTb

<sup>7</sup> -am \*CaPfTbTc; -ianum Mg

<sup>8</sup> aliquem \*CaPfTbTc; aliquid Mg

<sup>9</sup> pres. exc. \*MgPfTbTc; exc. pres. Ca

<sup>10</sup> aliquidve \*BeGcMgPfTb; aliquid vel CaTc; aliquid ne Vo

<sup>11</sup> -ent BeCaPfTbVo; -et MgTc

<sup>12</sup> et \*CaMgPfTb; ac Tc

<sup>13</sup> est *add.* Be

<sup>14</sup> est *add.* GcMgTb, *om.* CaPfTcVo

<sup>15</sup> est *add.* PfTc, *om.* \*BeCaMgTb

<sup>16</sup> Idem \*BeMgPfVo; Item CaLjQaTbTc

<sup>17</sup> quod \*MgPfTbTc; quid Ca

<sup>18</sup> propriam \*CaMgPfPhTc; *om.* Tb

<sup>19</sup> omnium \*CaMgPfTb; *om.* Tc

aliquid agere temptaverit, gradus sui periculo subiacebit, et quod egerit irritum habeatur et vacuum. [28]<sup>20</sup> Item. Nullus primas, nullus metropolitanus, nullusque<sup>21</sup> reliquorum episcoporum<sup>22</sup> alterius adeat civitatem, aut ad<sup>23</sup> possessionem accedat que ad eum non pertinet, et alterius episcopi parochiam super cuiusquam<sup>24</sup> dispositione<sup>25</sup>, nisi vocatus ab eo cuius iuris esse dinoscitur, ut<sup>26</sup> quicumque ibi disponat vel ordinet aut iudicet si sui gradus honore potiri voluerit. Sin<sup>27</sup> aliter presumpserit damnabitur, et non solum ille sed<sup>28</sup> cooperantes et consentientes ei<sup>29</sup>, quia sicut ordinatio, ita eis et<sup>30</sup> iudicatio et aliarum rerum dispositio prohibetur.<sup>31</sup>

*ID 5.100, 101a, 101 med.] C 9 q 3 c 7a to et vacuum, then distinct; C 9 q 2 c 3 from Nullus primas to end, with later addn following*

<sup>20</sup>[De negotiis et causis clericorum] in mg. Tc (cf cc 29-30); om. CaMgPfTb

<sup>21</sup>sacrorum add. and canc. Ca

<sup>22</sup>rel. ep. \*BeGcMgTb; rel. CaEaVo; ep. Pf; ep. rel. Tc

<sup>23</sup>ad \*BePfTc; om. CaEaMgTb

<sup>24</sup>ss over longer erasure Vo

<sup>25</sup>cuiusquam dispositione \*CaMgPfTb; cuiusque dispositionem Tc

<sup>26</sup>ut \*CaMgPfPhTc; aut Tb

<sup>27</sup>corr. to Si Ca. autem add. CaGcMgTc, om. \*BeEaPfTbVo

<sup>28</sup>et add. \*Mg; om. BeCaEaGcPfTbTc

<sup>29</sup>ei MgPfTbTc; eis Ca

<sup>30</sup>eis et \*CaMgPfTb; et eis Tc

<sup>31</sup>Sin aliter presumpserit – prohibetur om. Ra

## 29

### <sup>1</sup>Nicolaus Radulpho Bituricensi archiepiscopo<sup>2</sup>

Conquestus est apostolatu nostro frater noster Sigegodus<sup>3</sup> archiepiscopus Narbonensis quod clericos suos eo invito ad iudicium tuum venire compellas, et de rebus ad ecclesiam suam pertinentibus eo inconsulto quasi iure patriarchatus tui disponas, cum hoc<sup>4</sup> nec antiquitas cui patres sanxere reverentiam habeat et auctoritas sacrorum canonum penitus interdicat, nisi forte pro causis quas apud se terminare non possunt, ad te quasi ad patriarcham suum provocaverint<sup>5</sup>, vel<sup>6</sup> si episcopus suus

<sup>1</sup> De iure primatum add. in mg. CaCeDaLd<sup>2</sup>Ln<sup>2</sup>, De negotiis et causis clericorum <seu episcoporum et aliorum> ubi debeant tractari, ubi non add in mg. Eg (cf cc 28,30); De eodem add. Pa; De eodem et quod apostolica sedes fas habeat aliquam ecclesiam quolibet episcopali privilegio honorare add. Td(mg.)Vo

<sup>2</sup>Nich. - Bit. arch. (arch. Bit. Tb) \*BeCaEgGcMgPfTb; om. Tc. v in mg Be<sup>2</sup>

<sup>3</sup>Sigegodus \*CaGcPfTbVo; Segegodus Be; Sigegodus Mg; Segegodus Tc

<sup>4</sup>hoc \*BeCaPfPh; hanc ?Ph<sup>2</sup>hec Tb; h' MgTc

<sup>5</sup>provocaverint \*CaPfTbTc; promoverint GcMg

<sup>6</sup>vel \*CaPfTbTc; et GcMg

decesserit<sup>7</sup> res ecclesie sue iudicio tuo dispensare voluerint<sup>8</sup>. Primates enim<sup>9</sup> vel patriarchas nihil privilegii habere pre ceteris episcopis, nisi quantum sacri canones concedunt et prisca<sup>10</sup> consuetudo illis<sup>11</sup> antiquitus contulit definimus, ita ut secundum Nicenas regulas sua privilegia servantur ecclesiis, preter si apostolica sedes aliquam ecclesiam vel rectorem ipsius quolibet<sup>12</sup> speciali<sup>13</sup> privilegio decreverit honorare.

*ID 5.56] C 9 q 3 c 8, of which preterquam si apostolica – honorare was a later addn*

<sup>7</sup> dec- \*BeGcPfPh; disc- et CaRaTc; disc- MgMqVo; dec- et Tb; dissenserit *add. ss* Ld<sup>2</sup> (*with* vel decess. *in mg.*)

<sup>8</sup> -erint \*CaMgPfTb; -erit Tc

<sup>9</sup> enim \*CaMgPfTb; vero Tc

<sup>10</sup> prisca \*CaMgPfTb; pristina Tc

<sup>11</sup> illis \*CaMgPfTb; vel Tc

<sup>12</sup> et *add. Ca* (?Ca<sup>2</sup>), *om. \*MgPfTbTc*

<sup>13</sup> speciali BePhPrTbVm; episcopali BdCaDaFbGcMgMqPcPfPqPwRaSbTcTdVoVp; spirituali CePk; conspeciali Pa [*ID offers either speciali or spirituali*]

### 30

#### <sup>1</sup>*In decretis Silvestri*<sup>2</sup> cap. iv<sup>3</sup>

Nemo clericus vel diaconus vel presbiter propter quamlibet causam intret in curiam nec ante iudicem cinctum<sup>4</sup> causam<sup>5</sup> dicere presumat, quoniam omnis curia a cruore dicitur. Et si quis clericus accusans<sup>6</sup> clericum in<sup>7</sup> curiam introierit, anathema suscipiat.

*4L 1.61] C 11 q 1 c 33 to dicere presumat only, in later version; earlier vers. variant*

<sup>1</sup> (v. *add. Bd*) De negotiis et causis clericorum ubi (et *add. Ph*) debeant tractari *in mg.* BdLjLkRa<sup>2</sup>, *in text* OfPh (*cf cc.* 28-9), Ut nullus clericus in curia causam suam dicere presumat *add. in mg.*

CaCeDaLn<sup>2</sup>Ln<sup>2</sup>; Quod nullus clericus ante cinctum iudicem placitet (*p.c.*) *add. Pa*; Ut nullus clericus alium clericum ante secularem iudicem accusare audeat *add. Td(mg.)Vo*. Nich<sup>7</sup> Radulfo Bituriensi archiepiscopo *add. and canc. Be*

<sup>2</sup> pape *add. EgLj, om. CaMgPfPkSe*

<sup>3</sup> In - iv BeCaEgFcLjMgPfPkPwSeTb(*in mg.*)Vo; *om. Tc*; cap. iv *om EaMq*

<sup>4</sup> -tum CaMgPfTb; -tus Tc

<sup>5</sup> cam Ca

<sup>6</sup> accusans CaLjMgPfTb; causam Tc

<sup>7</sup> in \*BeEaGcMgPfTbVo; *om. CaTc*

### 31

#### <sup>1</sup>*In*<sup>2</sup> *decretis Marcellini*<sup>3</sup>, cap. ii<sup>4</sup>

<sup>1</sup> Ut clericus clericum ad seculare iudicium non trahat nec laicus clericum accuset *add. in mg.*

CaCeDaLn<sup>2</sup>; Quod clericus ad seculare iudicium non trahatur, nec laicus quemlibet clericum accuset *add. Pa*; De eodem *add. Vo*

<sup>2</sup> In BeCaEgLjMgPfTb; Ex Tc

<sup>3</sup> Marcellini BdBeCbDaFbFcGcLdLjLkMgOdPaPcPfPrPwSbTbTd; Marcelli CaCeEgOfPkTc; Martini Ra; Marcellii Se

Marcellinus<sup>5</sup> presul<sup>6</sup> Romanus omnibus episcopis. Clericus cuiuslibet ordinis absque pontificis sui permissu nullum presumat ad seculare iudicium attrahere, nec laico quemlibet clericum liceat accusare<sup>7</sup>.

4L 1.59] C 11 q 1 c 3 var.

<sup>4</sup> cap. ii CaCbFcLdMgOdPfPkPwTbVo; pape ii EgLj; cap. iii Of; pape cap. ii Ra; om. BeEaTc

<sup>5</sup> Marcellinus \*BeCaCeCbEgFbFcLdLjMgOdPcPfPkPrPwRaSbTbTd; Marcellianus Se; Marcellus Tc

<sup>6</sup> papa Wc

<sup>7</sup> lic. acc. CaPfSeTbTc; acc. lic. Mg

## 32

### <sup>1</sup>In decretis Cornelii, cap. ii<sup>2</sup>

Cornelius episcopus Rufo coepiscopo<sup>3</sup>. Nullus sacerdotum causam suam alieno committat iudicio<sup>4</sup>, nisi ad sedem apostolicam fuerit appellatum, sed unusquisque comprovinciales<sup>5</sup> iudices et notos habeat, nisi aliquam vim temerarie multitudinis illic<sup>6</sup> timuerit, aut infestos vel suspectos<sup>7</sup> inibi<sup>8</sup> iudices habuerit, pro quibus causis ad maioris auctoritatis iudices<sup>9</sup> et<sup>10</sup> ad alias provincias appellare et venire concessum<sup>11</sup> est.

4L 1.62]

<sup>1</sup> Ut nullus sacerdotum causam suam alieno committat iudicio *add. in mg.* CaDaLn<sup>2</sup>; ...ullus sacerdotum causam alieno commit... iudicio nisi ad ... apostolicam fuerit *add. in marg.* Db; De causis sacerdotum quorum iudicio diffiniantur *add.* Pa; Quod nullus clericus causam suam ad alios (alienos Td) iudices pertrahat nisi vim temerarie multitudinis timuerit vel suspectos (susceptos Vo) iudices inibi (ibi Td) habuerit *add.* Td(mg.)Vo

<sup>2</sup> In dec. - ii (i Eg) BeCaCbEgFcLdLjMgMqOdPfPkPwSeTb; cap. ii om. Ea; In decretis Marcellini pape cap. ii (*repeated from c 31*) Pc; Cornelius papa Rufo episcopo Tc

<sup>3</sup> coep- EaMgPfTbTc; ep- Ca

<sup>4</sup> com. iud. CaMgPfTb; iud. com. Tc

<sup>5</sup> compr- CaMgPfTc; pr- PhTb

<sup>6</sup> illic CeGcMgPaTbTcVo; illuc Be; om. CaPfTd

<sup>7</sup> *corr. fr.* insus- Ca

<sup>8</sup> inibi GcMgPfTbVo; ibi Be; sibi CaTc

<sup>9</sup> notos habeat – iudices *suppl. in mg.* Ad<sup>2</sup>

<sup>10</sup> et CaMgPfTb; om. Tc

<sup>11</sup> conc- CaCbMgPfTbTc; conf- Oe

## 33

### <sup>1</sup>In decretis Stephani, cap. ii<sup>2</sup>

<sup>1</sup> Ut omnis accusatio intra audiat provincia (prov. aud. Da) nisi fuerit ad apostolicam sedem appellatum *add. in mg.* CaDaLn<sup>2</sup>; Quod accusatio ultra terminos provincie non progrediatur *add.* Pa; De eodem *add.* Vo

<sup>2</sup> In - ii (i Be) BeCaEgFcLjMgPfPkPwTbVo; om. Tc; cap. ii om. Ea. De eodem *add.* Vo

Stephanus episcopus<sup>3</sup> omnibus episcopis<sup>4</sup>. Ultra provincie terminos accusandi licentia non progrediatur. Sed omnis accusatio intra<sup>5</sup> provinciam<sup>6</sup> audiatur, et a comprovincialibus terminetur, nisi ad sedem apostolicam fuerit tantum<sup>7</sup> appellatum.

4L 1.63] C 3 q 6 c 4

<sup>3</sup> -opus CaPfTc; -opis Mg

<sup>4</sup> omn. epp. BeCaEgFcMgPf; Steph. - epp. om. Tb; epp. omn. Tc

<sup>5</sup> intra CaGcPfTbTc; infra Mg

<sup>6</sup> -ciam CaMgPfTb; -ciatur Tc

<sup>7</sup> vel ante *add. ss* Lj

### 34

<sup>1</sup>*In decr' Anacleti, cap. ii*<sup>2</sup>

Anacletus urbis Rome episcopus omnibus episcopis<sup>3</sup>. Si quis adversus pastores vel ecclesias eorum commotus fuerit, aut causas habuerit, prius ad eos recurat caritatis studio, ut familiari colloquio commoniti ea sanent<sup>4</sup> que sananda sunt, et caritative emendent que iuste emendanda agnoverint<sup>5</sup>. Si autem aliqui eos priusquam hec<sup>6</sup> egerint lacerare, accusare aut infestare presumpserint, excommunicentur, et minime absolvantur antequam per satisfactionem condignam<sup>7</sup> egerint<sup>8</sup> penitentiam<sup>9</sup>, quoniam iniuria eorum ad Christum pertinet cuius legatione funguntur<sup>10</sup>.

4L 1.70, cf ID 5.238b] + C 2 q 7 c 15 b

<sup>1</sup> Ut si quis adversus pastores ecclesie causam habuerit, prius eos familiariter conveniat antequam iudices adeat (audiat Da) *add. in mg.* CaDaLn<sup>2</sup>; Ne prelatos subditi accusent *add. in mg.* Pf<sup>2</sup>; De eo qui causam habuerit vel commotus fuerit adversus pastores vel ecclesias *add.* Pa; Ut qui causas adversus episcopum habuerit, prius karitative illum conveniat, ne temere accusare presumat *add.* Td(mg.)Vo

<sup>2</sup> cap. ii BeCaCbFcGcLdLjMgPcPfPwTbVo; cap. i Eg; om. EaMq; no *insc.* Tc

<sup>3</sup> omn. epp. CaEgMgPfTb; epp. omn. Tc

<sup>4</sup> -ent CaMgPfTb; -et Tc

<sup>5</sup> agn- BeCaMgMqTbTcVo; cogn- LdPf

<sup>6</sup> hec Tb; om. Ca; hoc Pf; h' BeMgTc

<sup>7</sup> condignam \*CaLdMgPfTb; dignam Tc

<sup>8</sup> -rint \*CaLdMgPfTb; -rit Tc

<sup>9</sup> eg. pen. \*MgPfTbTc; pen. eg. Ca

<sup>10</sup> referunt *add.* Lc

### 35

<sup>1</sup>*In decr' Alexandri, cap. i*<sup>2</sup>

Alexander apostolice ecclesie<sup>3</sup> episcopus omnibus orthodoxis. Si quis erga episcopum vel auctores<sup>4</sup> ecclesie se quamlibet querelam habere iustam<sup>5</sup> crediderit,

<sup>1</sup> De eodem *add.* PaVo

<sup>2</sup> In - i BeCaEgFcMgPcPfPwTb; cap. i Mq; no *insc.* Tc

non prius primates<sup>6</sup> aut alios adeat iudices quam ipsos<sup>7</sup> a quibus se lesum estimat conveniat familiariter non semel sed sepissime, ut ab eis ad<sup>8</sup> suam iustitiam accipiat<sup>9</sup> excusationem. Si autem secus egerit, ab ipsis et ab aliis<sup>10</sup> communione privetur, tanquam apostolorum patrumque aliorum contemptor.

4L 1.71; ID 5.242] +C 2 q 7 c 16

<sup>3</sup> Al. ap. eccl. BeCaCbFcMgPfPkSeTbTcVo; Ap. eccl. Al. Oe; Alex. ap. sedis Qa

<sup>4</sup> auct- BeCaGcPfTcVo; act- MgTb

<sup>5</sup> hab. iust. CaMgPfTb; iust. hab. Tc

<sup>6</sup> prius prim. CaMgPfTc; prim. prius Tb

<sup>7</sup> ipsos CaMgPfTb; illos Tc

<sup>8</sup> ad BePfTb; aut CaMgTc

<sup>9</sup> aut iustam *add. here* MgTc, BeDa *before* accipiat, aut *add.* CaTd<sup>2</sup>, ad (*subs. canc.*) *add.* Td; an *add.*

Vo, *om.* CeLkMqPaPfTb

<sup>10</sup> ab aliis BeCeGcMgPaPc<sup>2</sup>PkTbVo; a ceteris CaDaFbTd<sup>2</sup>; a MqPcPfSb; ab aliis a Tc; *om.* LkTd

### 35A<sup>1</sup>

*Ex concilio Toletano cap. viii<sup>2</sup>*

Igitur si clerici aut monachi inventi fuerint coniurati aut per coniurationem calumpniam machinantes episcopis vel clericis, proprium amittant gradum.

ID 12.88] +C 11 q 1 c 24

<sup>1</sup> 35A-B in Tc *here*; as 33A Eg; as 4.29C Fb; 35B, 35A after c. 30 MgWa; in mg. Ra<sup>2</sup>Vc<sup>2</sup>; Rf has 35A after c 31; EdLkQa have 35A after c 28; 35A-B as 31A-B Vt, *om.*

AaAbAdBbBdBeCaCbCeDaDbEaEbEcFcGaGbGcHaKaLaLbLcLdLfLgLhLjLkLmLnMfMhMjMkMm MoMqObOdOeOfPaPcPdPfPhPkPqPrPtPwPyQeSbSdSeSgTbTdVmVoVpVqWbWcZa

<sup>2</sup> Ex conc. - viii \*Mg; Idem Fb; *om.* QaRaTc

### 35B<sup>1</sup>

*Ex concilio Calcedon' cap. xviii<sup>2</sup>*

Si qui ergo clerici vel monachi reperti fuerint coniurantes vel conspirantes aut insidias ponentes episcopis aut clericis <sup>3</sup> proprio gradu<sup>4</sup> abiciantur.

ID 12.87] +C 11 q 1 c 23

<sup>1</sup> MgWa as c 30A; Fb as 4.29C; Qa as c 29A, Eg as c 33B; Tc *here*, in mg. Ra<sup>2</sup>Vc<sup>2</sup>; *om.*

AaAbAdBbBdBeCaCbCeDaDbEaEbEcFcGaGbGcHaKaLaLbLcLdLfLgLhLjLkLmLnMfMhMjMkMm MoMqObOdOeOfPaPcPdPfPhPkPqPrPtPwPyQeSbSdSeSgTbTdVmVoVpVqWbWcZa

<sup>2</sup> Ex conc. Calc. cap. xviii FbMg; Calc. conc. cap. xix Eg; *om.* QaTc

<sup>3</sup> clericis MgQaRa; clericis a Eg; abbatibus a Tc

<sup>4</sup> prop. grad. QaTc; grad. prop. FbMgRa

## 36

<sup>1</sup>Pius<sup>2</sup> papa nonus a Petro<sup>3</sup> omnibus ecclesiis<sup>4</sup>

Oves<sup>5</sup> pastorem suum non reprehendant, plebs episcopum non accuset, nec vulgus eum arguat, quia non est discipulus super magistrum. Episcopi a Deo sunt iudicandi, qui eos sibi oculos elegit. Nam a subditis aut prave vite hominibus non sunt arguendi aut accusandi aut lacerandi<sup>6</sup>.

ID 5.243a] +C 6 q 1 c 9a

<sup>1</sup> Quod oves pastorem suum non debent reprehendere nisi a recta fide (vita Ce) exorbitaverit *add. in mg.* CaCeDaLn<sup>2</sup>, Episcopi a Deo sunt iudicandi qui eos sibi oculos eligit *add. in mg.* Db<sup>2</sup>, Quod episcopi a subditis non sunt accusandi *add. in mg.* Tc; Quod subditi (p.c.) rectores non reprehendant *add.* Pa; Quod pastores a subditis suis non sunt reprehendendi vel accusandi sed a Deo iudicandi *add.* Td(mg.)Vo

<sup>2</sup> Pius \*BeCaLdMgPfSeTbTcVo; Gius CbLj

<sup>3</sup> nonus a Petro *om.* Ea; xi a Petro Mq; nonus *suppl.* Ld<sup>2</sup>

<sup>4</sup> ecclesiis \*BeCaLdLjLkMgPaPrPwSeTbTc; episcopis GcPf; *om.* Mq

<sup>5</sup> Cives Vo

<sup>6</sup> acc. aut lac. \*BeCaMgPfSeTb; lac. aut acc. Tc; acc. an lac. Vo. Ea *runs c. 37 from* licet sit ordinatus *directly on to end of c. 36*; Vp *mg adds*: Et post pauca. Nec in suspitione debet venire fidelis homo ut dicat aut faciat ea que pati non vult, quia omnis suspicio potius est repellenda quam approbanda vel recipienda *with ID 5. 243*

## 37

Evaristus<sup>1</sup> episcopis<sup>2</sup> Africe<sup>3</sup>

Non est<sup>4</sup> itaque a plebe aut a vulgaribus<sup>5</sup> hominibus arguendus vel accusandus episcopus,<sup>6</sup> licet sit inordinatus, quia pro meritis subditorum disponitur<sup>7</sup> vita rectorum.

ID 5.240a] C 2 q 7 c 1a

<sup>1</sup> Evaristus \*BeCaLdMgPfTbTcVo; Avaristus CbLj

<sup>2</sup> epp. \*BeCaEgLdMgTbVo; episcopus Pf; papa omnibus epp. Tc

<sup>3</sup> epp. Afr.] fratribus per Egyptum DaSb, *cf* XP 5.8.4 (3). De eodem *add.* PaVo. Evar. – Afr. *add. in mg.* to c 35 Ln<sup>2</sup>

<sup>4</sup> Non est] Nonque Ce

<sup>5</sup> a plebe aut a vulgaribus \*BeEgFbFcGcMgPc<sup>2</sup>PhPqPrTbTcVmVp; a vulgaribus BdCaCbDaLfMqPa<sup>2</sup>PwSbTdVo; aut a vulgaribus CeDbLdPaPf; aut vulg. PcPk

<sup>6</sup> Non est – episcopus *om.* Ea – *see note to end of c. 36*

<sup>7</sup> a Deo *add.* EgTc, *om.* \*BeCaCbFcGcLdMgPfPwTbVoVp

38<sup>1</sup>

Ex<sup>2</sup> epistola Calixti pape<sup>3</sup>, cap. i<sup>4</sup>

<sup>1</sup> FcLkOe *reverse cc 38-9*; Vo *inserts c 40 here*

<sup>2</sup> Ex \*BeMgPfTbTc; *om.* CaLdMq

<sup>3</sup> pape \*BeCaCbEgLdLjMgTbTc; *om.* MqPf; Tb *reverses insc. of cc 38-9*

<sup>4</sup> cap. i BeDa<sup>2</sup>FbLdGcMgPfTbTc; cp. Da; *om.* CaEaLfMq; Ex - i *om. with no break* LmPa. De eodem *add.* Vo



Doctores ergo qui et patres vocantur magis portandi<sup>5</sup> quam reprehendendi sunt, nisi in recta fide<sup>6</sup> erraverint<sup>7</sup>.

ID 5.234 med.]

<sup>5</sup> portandi \*CaCbFcLdLfLjLmMgPwTbTc; tol. Pf

<sup>6</sup> fide \*CaLdPfTbTc; via Mg

<sup>7</sup> nisi in (a Be) - erraverint (-erit Lj) \*BeCaLdMgPfTbTc; om. Vo. Ea runs Si autem a fide deviaverint – apud sedem apostolicam from c. 41 onto end of c 38.

### 39

<sup>1</sup>Ex decr' Gagii<sup>2</sup> pape, cap. vii<sup>3</sup>

Oves vero<sup>4</sup> que<sup>5</sup> pastori suo commisse fuerint eum nec<sup>6</sup> reprehendere, nisi a recta fide exorbitaverit, debent, nec ullatenus accusare possunt, quia facta pastorum oris gladio<sup>7</sup> ferienda non sunt, quanquam recte<sup>8</sup> reprehendenda<sup>9</sup> videantur.

ID 5.253] C 2 q 7 c 13

<sup>1</sup> De eodem add. Pa; Oves pastorem nisi a fide deviet non accusent add. in mg. Pf; om. LdLjMgTbTc

<sup>2</sup> Gagii BdFcLgLmObOdOeOfPcPrSeTb(cf c.38)TdVp; Gai Be; Gelasii CaFbGcLfLnTd<sup>2</sup>; Eusebii DaEgSb; Gaii DbLdMgPfPwTcVm; Garii Ph; om. CePaPkSg. Ex – Gagii] Gaius Mq

<sup>3</sup> vii \*BeCaEgLfLmMgTbTc; om. FcPf; iiii Pk; cap. vii om. Da; whole insc. erased Lj, omitted Cb; Gaius papa only Qa

<sup>4</sup> vero \*BeCbCeEgFcGcLdLjLmMgMqPfPrSeTbVp; om. BdCaFbLfPcPwTcTd

<sup>5</sup> que \*BeBdCaPfSeTbTc; qui Mg

<sup>6</sup> nec \*BdBeLdPfTbTc; non CaFbGcMg; non ss before eum Se

<sup>7</sup> oris glad. \*BdBeCa<sup>2</sup>CbDaEgGcLdLjLmMqPcPfSeTb; minoris glad. Be<sup>2</sup>CaFbLf; eorum glad. Mg; glad. oris Tc

<sup>8</sup> ss Be

<sup>9</sup> rep- \*BdCaLdMgPfPhSeTc; comp-Tb

### 40<sup>1</sup>

Ex epistola Anacleti pape<sup>2</sup> scripta omnibus sacerdotibus Christi<sup>3</sup>, cap. i<sup>4</sup>

Doctor autem vel pastor<sup>5</sup> ecclesie si<sup>6</sup> a fide exorbitaverit<sup>7</sup>, erit a fidelibus corrigendus, sed pro reprobis moribus magis<sup>8</sup> est tolerandus quam distringendus, quia rectores ecclesie<sup>9</sup> a Domino sunt iudicandi, sicut ait propheta, Deus stetit in sinagoga deorum<sup>10</sup>, in medio autem deos<sup>11</sup> diiudicat.

<sup>1</sup> before c 38 Vo

<sup>2</sup> Ex – papae] Anacletus papa Mq

<sup>3</sup> Christi \*BeCaFcGcLdMgPfPwTcVo; om. EgMqTbVp

<sup>4</sup> cap. i \*BeCaCbFcGcLdLjMgTcVo; cp. Da; om. MqPfPwTb. De eodem add. PaVo

<sup>5</sup> pastor \*BeCaCbEgLfLmMgPfQaRfTb; doctor Tc

<sup>6</sup> autem - si Brant; exorbitans Migne

<sup>7</sup> ex- ss Tb

<sup>8</sup> magis \*DaMgPfTbTc; maius Ca

<sup>9</sup> eccl. CaLdMgTbTc; om. Pf

<sup>10</sup> deorum \*CaEgLfLmMgPfTb; eorum Tc

ID 5.239 med. or 5.250]

<sup>11</sup> deos \*BeCbLdPfTb; Deus Mg; d. CaTc41<sup>1</sup>*In<sup>2</sup> decr' Fabiani<sup>3</sup>, cap. ii<sup>4</sup>*

Fabianus presul omnibus episcopis. Statuentes apostolica auctoritate<sup>5</sup> iubemus, ne pastorem suum oves que ei commisse fuerint<sup>6</sup>, nisi in fide erraverit, reprehendere audeant. Si autem a fide deviaverit, erit corrigendus prius secrete<sup>7</sup> a subditis<sup>8</sup>. Quod si incorrigibilis<sup>9</sup>, quod absit, apparuerit, tunc erit<sup>10</sup> accusandus ad<sup>11</sup> primates suos, aut apud<sup>12</sup> sedem apostolicam. Pro aliis vero actibus suis magis tolerandus est ab omnibus<sup>13</sup> subditis suis<sup>14</sup> quam accusandus, aut publice derogandus, quia cum in eum<sup>15</sup> a subditis delinquitur, eius ordinationi obviatur qui eos pretulit, eis dicente apostolo<sup>16</sup>, Dei ordinationi resistit qui potestati resistit<sup>17</sup>.

4L 1.78]

<sup>1</sup> Ea has only Si autem a fide – apud sedem apostolicam, as end of c 38 above<sup>2</sup> Ex Vo<sup>3</sup> om. Pt; pape add. CbEgLj, episcopi add. Pa, om. BeCaFcGcLdMgPfPtPwTbTcVo<sup>4</sup> i Be; De eodem add. Vo<sup>5</sup> ap. auct. CaEgMgPfTb; auct. ap. Tc<sup>6</sup> -erint CaMgTcVo; -erant BeGcPfPh; -erunt Tb<sup>7</sup> in mg. Tb<sup>1</sup><sup>8</sup> Si autem a fide - subditis MgPfTbTc; om. Ca<sup>9</sup> incorribilis Tc<sup>10</sup> corrigendus prius - tunc erit in upper mg. Oe<sup>11</sup> ad BeEgGcMgPfTbVo; apud Be<sup>2</sup>CaFbTc<sup>12</sup> aut apud Be<sup>2</sup>CaEgTc; aut ad BeGcMgPfTb; an ad Vo<sup>13</sup> etiam a add. GcMgEg, et add. BeCeLdOdPaPrVo; short erasure Pf, om. CaObOd<sup>2</sup>OeOfSg(lacuna follows)TbTcTd<sup>14</sup> magis tolerandus – subditis suis ss Be<sup>2</sup><sup>15</sup> eum PfVo; eis CaGcMgTbTc<sup>16</sup> dic. ap. BeEgGcMgPfTb; ap. dic. CaTc<sup>17</sup> resistit CaMgPfTc; resisterit Ph; restiterit Tb42<sup>1</sup>*<sup>2</sup>Zepherinus<sup>3</sup> fratribus per Egiptum<sup>4</sup> in secundo decretali<sup>5</sup>*<sup>1</sup> Ea begins with c 43<sup>2</sup> Quod non sunt cogendi ad respondendum a propriis sedibus pulsi add in mg. CaCeDaGbLn<sup>2</sup>; De spoliatis restituendis add. in mg. Tc; vi. (om. EgLj) De spoliatis revestendis in mg. Bd<sup>2</sup>Eg<sup>2</sup>GaLj, in text Ph; De expoliatis revestendis antequam veniant ad iudicia add. Pa; Ut nullus episcopus vel clericus suis rebus expoliatus a sede propria pulsus ad iudicium vocetur donec eis omnia legibus restituantur add. Td(mg.)Vo<sup>3</sup> Zepherinus AdBdCa<sup>2</sup>EgLdGcMgMqPcPfPrQeSeTbVo; Zephsrinus Be: Pherinus Ca; Severinus papa Cb; Sepherinus papa Lj; Zephiri Lm; Zephirus Ph; Zephe.... Qa; Zepherinus papa Tc<sup>4</sup> fratribus per Egiptum \*BeCaCbEgFcLdLfLjLmMgPfQaTbTc; per Eg. fratribus Pw

Nuntiatum est sedi apostolice per apocrisarios vestros<sup>6</sup> quosdam fratrum nostrorum episcoporum videlicet<sup>7</sup> ab ecclesiis<sup>8</sup> et sedibus propriis pelli, suaque<sup>9</sup> eis auferri suppellectilia<sup>10</sup>, et sic nudos et expoliatos ad iudicia vocari, quod omni ratione caret, cum<sup>11</sup> constituta<sup>12</sup> apostolicorum<sup>13</sup> eorumque<sup>14</sup> successorum et<sup>15</sup> precepta imperatorum ac<sup>16</sup> constitutiones legum<sup>17</sup> id ipsum fieri prohibeant et apostolice sedis auctoritas id ipsum fieri<sup>18</sup> vetet<sup>19</sup>. [43]. Item<sup>20</sup>. Preceptum ergo est<sup>21</sup> in antiquis statutis episcopos eiectos atque suis rebus<sup>22</sup> expoliatos<sup>23</sup> ecclesias proprias recipere, et primo sua omnia<sup>24</sup> eis reddi<sup>25</sup>. Item<sup>26</sup>. Nec prius eos respondere debere<sup>27</sup> quam omnia sua<sup>28</sup> eis et ecclesiis eorum legibus integerrime restituantur.<sup>29</sup>

ID 5.246] C 2 q 2 c 6 from Preceptum est has more in mid-text, with Brant (etc)

<sup>5</sup> in sec. dec. BeCaCbEgLd(bef. Zeph.)LfLmMgPcPfPwTbVo; om. Tc

<sup>6</sup> vestros \*BeGcLmMgMqPfPhPrVo; nostros CaCbEgFbLdLfLjTbTc

<sup>7</sup> nost. (obsc. corr. Lm) episcoporum videlicet \*CaGcLdLfLjLmMgPfTbVo; nost. ep. vid. Be; ep. vid. nost. Cb; nost. Tc

<sup>8</sup> ecclesii Tc

<sup>9</sup> siccaque Lm

<sup>10</sup> eis auf. suppellectilia (-li- ss Tc) \*CbGcLdLfLjMgPfTb; eis sup. auf. Be; auf. sup. Ca; auf. eis sup. Tc

<sup>11</sup> cum \*CaLdMgPfTbTc; om. Lm

<sup>12</sup> const- \*CaLdPfTbTc; inst- Mg

<sup>13</sup> -olicorum CaCbCeDaLdLfLjLmPaPfTbTdVo; -olorum Da<sup>2</sup>GcMgMqTc

<sup>14</sup> eorumque CaLdMgPfTbTc; eorum Lf

<sup>15</sup> et \*CaLdMgPfTbTc; ac Lf

<sup>16</sup> ac \*CaLdLfLjPfTb; ad Ce; et MgTc

<sup>17</sup> et apostolice sedis auctoritas add. EgTc, om.

\*AdBbBdBeCaCbCeDaDbFbGcLdLfLgLfLmMfMgMhMjMkMmMoMqObOeOfPaPcPdPfPhPkPqPrPtPwQaRaSbSeSgSITbVmVoVpWcBrant

<sup>18</sup> prohibeant et apostolice sedis auctoritas id ipsum fieri \*BePhPrQeTb; om.

AbAdBbBdCaCeDbEbEcEgFbGcKaLbLdLgMfMgMhMjMkMmMoMqObOdOeOfPaPcPdPfPhPkPqPtPwQaRaSbSdSeSITcTdVoVpWaWbWcZaBrant

<sup>19</sup> vetet \*BeCeLmPhPkPrTbVm; vetent

BdCaDaDbEgFbGcLdMgMkMqObOdOePcPfPtPwQaRaSbSeTcVoVpWc; vetetur Of

<sup>20</sup> Item, with no break BdCaCbEgGcLdLfPfRaTbTcVo; Item idem CePa; Zepherinus. De spoliatis revestiendis, having omitted all c. 42 Ea; Idem, with no break LjLmMgSe, with break BePk

<sup>21</sup> ergo est BeCbFcGcLdLfLjLmMgPfPkPwSeTb; est Ad; est ergo \*EaDbTc; ergo Vo

<sup>22</sup> suis rebus \*LdPfTbTc; a rebus suis Mg

<sup>23</sup> expol- LdMgPfTc; spol- Tb. Oh begins

<sup>24</sup> sua omn. \*LdMgOhPfTbTc; omn. sua Lm

<sup>25</sup> Et demum si quis eos iuste accusare voluerit, equo periculo facere. Iudices esse decernentes, episcopos recta sapientes, et in ecclesia convenientes, ubi testes essent singulorum qui oppressi videbantur. add. Brant with Gratian, ID and Ctp, om.

AdBbBdBeCaCbCeDaDbEgFcGcLdLfLgLfLmMfMgMhMjMkMmMoMqObOdOeOfOhPaPdPfPhPkPtPwQaRaSeSgSITbTcTdVmVoVpWc

<sup>26</sup> Preceptum ergo est - Item (om. Oh) AdBdBeDaFbGcLdMgMqPfPkOhPwQaSeTbTcVoWc; om.

CaSg

<sup>27</sup> eos (ss Be) resp. deb. \*BeLdOhPfTbTcVo; eos deb. resp. CaLfPw; resp. eis deb. Gc; resp. eos deb. MgVm; resp. deb. Vp

<sup>28</sup> in mg. Ra

<sup>29</sup> Ea here adds Et qui aliena invadit non exeat impunitus, sed cum multiplicatione omnia restituat – sunt restituat as in c 47 below

## 44

*Felix episcopis Gallie in secundo decretali*<sup>1</sup>

Si suis fuerit episcopus<sup>2</sup> aut ecclesie rebus sibi commisse expoliatus<sup>3</sup>, aut, quod absit, quod alienum<sup>4</sup> ab omnibus esse debet<sup>5</sup> fidelibus, a sede propria eiectus, aut in detentione aliqua a suis ovibus fuerit sequestratus, tunc canonice ante<sup>6</sup> in pristino statu<sup>7</sup> restituatur, cum omni privilegio sui honoris, et sua omnia que insidiis inimicorum suorum ei ablata fuerint<sup>8</sup> legibus redintegrentur, nec convocari nec iudicari poterit, nisi ipse pro sua necessitate, minime tamen<sup>9</sup> iudicandus, advenire sponte elegerit. Nullatenus ergo<sup>10</sup> a quoquam cogatur antequam integerrime omnia que per suggestiones inimicorum suorum amiserat, potestati eius ab honorabili concilio legali ordine redintegrentur.

ID 5.248a var.] C 3 q 2 c 8a

<sup>1</sup> (papa Lj) episcopis - decr. (suo Tb) \*BeCaEgFcLdLjMgPwTbVo; episcopus - decr. Pf; in secundo decreto Gallie episcopis Tc. De eodem add. PaVo

<sup>2</sup> suis fuerit ep. \*CaMgPfTb; fuerit ep. suis Tc

<sup>3</sup> sibi commisse exp. \*CaEgMgPfTb; exp. sibi commissis Tc

<sup>4</sup> after omnibus Be

<sup>5</sup> esse debet \*CaEgGcMgPfVo; deb. esse BeTbTc

<sup>6</sup> ante \*BeCaGcPfTbVo; antequam EgMgTc

<sup>7</sup> statu \*CaEgMgPfTb; gradu Tc

<sup>8</sup> -erint CaMgPfTb; -erant Tc

<sup>9</sup> ss Ca

<sup>10</sup> om. Vo. respondere add. EgTc, om. \*BeCaGcLdMgPcPfPwTbVo

45<sup>1</sup>*Eusebius<sup>2</sup> fratribus per Alexandriam et Egiptum in secundo decretali*<sup>3</sup>

Eusebius papa<sup>4</sup> in secundo decretali<sup>5</sup> suo<sup>6</sup>. In scripturis<sup>7</sup> vestris<sup>8</sup> repperimus quosdam episcopos vestris in partibus a propriis ovibus accusatos, aliquos videlicet ex suspicione, et aliquos ex certa ratione, et idcirco quosdam suis esse rebus<sup>9</sup> expoliatos, quosdam vero a propria sede pulsos<sup>10</sup>, quos sciatis<sup>11</sup> nec ad sinodum<sup>12</sup>

<sup>1</sup> om. Ea, except for the end from qui aliena invadit – restituat, attached to the end of c 43; to eorum redintegrentur only Lc

<sup>2</sup> papa add. FbLjPf, om. BeCaEgFcLdMgPwTbTc

<sup>3</sup> De eodem add. PaVo

<sup>4</sup> papa CaFcLdMgPwTb; om. Tc

<sup>5</sup> -tali CaEgMgTb; -to Tc

<sup>6</sup> Eusebius - suo CaEgFcGcLdLjMgMqPwTbTc; om. BePfSb

<sup>7</sup> -uris \*CaLdMgPfTc; -is PhTb

<sup>8</sup> vestris \*MgPfTbTc; nostris Ca

<sup>9</sup> suis esse rebus \*BeCaGcLdPf; ex suis rebus esse Mg; esse suis rebus PhTb; suis rebus TcVo

<sup>10</sup> pulsos \*BeGcLdMgPrSbTbTcVo; depulsos CaDaPfSb<sup>2</sup>

<sup>11</sup> obsc. corr. Tc

comprovincialem, nec ad generalem posse convocari, nec in aliquo iudicari, antequam cuncta que eis sublata sunt legibus potestati eorum redintegrentur. [46] Item. Nec convocari ad causam, nec iudicari<sup>13</sup> potest expoliatus vel<sup>14</sup> expulsus, quia non est privilegium<sup>15</sup> quo expoliari possit iam nudatus. [47] Unde et antiquitus decretum est, omnes possessiones et omnia sibi sublata<sup>16</sup> atque fructus cunctos ante litem contestatam<sup>17</sup> preceptor vel primas possessori restituat. Item. Est in antiquis ecclesie statutis<sup>18</sup> decretum, ut qui aliena invadit non exeat impunitus, sed cum multiplicatione omnia restituat. Unde et<sup>19</sup> in evangelio scriptum est, Quod si aliquid<sup>20</sup> defraudavi, reddo quadruplum. Et in legibus secularibus cautum habetur, Qui rem subripit alienam, illi cuius res direpta est in undecuplum que sublata sunt restituat.<sup>21</sup>

ID 5.249] +C 2 q 2 c 4 to eorum redintegrentur; C 2 q 2 c 1 Antiquitus decretum est – possessori restituat

<sup>12</sup> non add. and canc. Ca

<sup>13</sup> in mg Ld<sup>2</sup>

<sup>14</sup> vel \*CaEgLdMgPfTb; nec Tc

<sup>15</sup> non est priv. \*CaEgLdMgPfTb; priv. non est Tc

<sup>16</sup> sunt add. and canc. Ca

<sup>17</sup> contestatam \*BeDaGcMgPfPrTbTcVo; constitutam CaFbLd<sup>2</sup>; contestam Ld; vel constitutam add. ss Mg

<sup>18</sup> statutis \*BeCaLdPfTb; constitutis MgTc

<sup>19</sup> et \*CaLdMgPfTb; om. Tc

<sup>20</sup> -quid \*CaLdMgPfPhTc; -quam Tb

<sup>21</sup> Unde et in evangelio – restituat at foot of leaf Vm

## 48

### <sup>1</sup>Felix<sup>2</sup> episcopis Gallie in secundo decretali<sup>3</sup>

Presul vero cum omni honore statui pristino reddatur, et ipse<sup>4</sup> dispositis ordinatisque libere ac secure diu suis tunc regulariter infra quatuor vel quinque aut sex menses<sup>5</sup>, iuxta quod possibilitas ei fuerit, et non ante convocatus<sup>6</sup> ad tempus concilio in<sup>7</sup> legitimo et canonico<sup>8</sup> veniat ad causam, et si ita iuste<sup>9</sup> videtur<sup>10</sup>, accusantium propositionibus<sup>11</sup> respondeat.

<sup>1</sup> De eodem add. PaVo, Spoliatus post restitutionem non ante quatuor menses ad causam veniat add. in mg. Tc

<sup>2</sup> papa add. Tc, episcopus add. EaPf, om. BeEgGcLdMgPwTb

<sup>3</sup> Felix - decr. om. Ca; in sec. dec. om. Ea

<sup>4</sup> ipse \*CaLdMgPfPwTb; ipsis Tc

<sup>5</sup> sex menses CaLdMgPfTbTc; menses sex Eg

<sup>6</sup> convoc- \*CaLdMgPfTc; voc- PhTb

<sup>7</sup> in BeCaDaEaPfPwTbVo; et (vel in ss.) Eg; etiam GcMgTc; erased Da<sup>2</sup>Ld

ID 5.248 med.] C 3 q 2 c 8b

<sup>8</sup> canonico \*BdBeCbCeDaLkPaPfPhPkPqPrPwSbTbVmVo; canonice destinato (vel -atum ss Eg) Bd<sup>2</sup>CaEgFbGcMgRa; canonico destinatum EaFcLjPcPwTd; in canonico (destinatum add. in mg) Ld; canonice determinato Tc

<sup>9</sup> iuste \*BeCaCbLdMgPfTbVo; iustum EgLjTc

<sup>10</sup> iuste add. Tc, om. \*CaEgLdMgPfTb

<sup>11</sup> -ionibus \*BeCaEaGcMgPwTbTcVmVo; -ioni CbFcLjPf; -io Ld

## 49

*Ex decretis Felicis pape episcopis per Egiptum missis<sup>1</sup>, cap. x<sup>2</sup>*

Nullus enim<sup>3</sup> episcopus qui suis est<sup>4</sup> rebus expoliatus aut a<sup>5</sup> sede propria vi aut terrore<sup>6</sup> depulsus, antequam omnia sibi ablata<sup>7</sup> legibus restituantur, et ipse pacifice annum<sup>8</sup> vel<sup>9</sup> plus suis fruatur honoribus, sedique proprie sit regulariter restitutus, iuxta canonicam<sup>10</sup> institutionem accusari, vocari, iudicari aut dampnari<sup>11</sup> potest.<sup>12</sup>

ID 5.256]

<sup>1</sup> Ex - missis \*BeCaCbFcGcLdMgPwTbTcVo; Ex decr. Fel. papae EaLc; Felix papa II epp. per Eg. Eg; De eodem add. Pa; Ex decretis eiusdem epp. per Eg. missis Pf; De eadem add. Vo

<sup>2</sup> cap. x \*BeCaEgGcLdLjMgPfTb; cap. iix Vo; om. Tc

<sup>3</sup> om. Lc

<sup>4</sup> est \*CaLdMgPfTb; om. Tc

<sup>5</sup> aut a \*BeMg; aut CaGcPfTb; est aut Tc

<sup>6</sup> terrore Pf

<sup>7</sup> omnia sibi abl. \*CaLdMgPfTb; sibi abl. omnia Tc

<sup>8</sup> pac. ann. \*CaLdMgPfTb; ann. pac. Tc

<sup>9</sup> vel \*BeCa<sup>2</sup>LdMgPfPhTc; aut Ca; et Tb

<sup>10</sup> -onicam \*BePhTb; -onum CaEaGcLdMgPfPrTc

<sup>11</sup> non add. BdCaCeDaEaFbLcLdLeLkMgMqPaPkPqPrPwRaSb<sup>2</sup>TcTdVm, om.

\*BeGcLk<sup>2</sup>PcPfPhRa<sup>2</sup>SbTbVoWc (GcWc with lacuna)

<sup>12</sup> Ea here runs on expoliatus non prius vocetur – est rebus from c 51

## 50

*Eusebius fratribus<sup>1</sup> per Alexandriam et Egiptum in secundo decretali<sup>2</sup>*

Prius ergo oportet omnia illis legibus redintegrari, et ecclesias que sibi sublate sunt<sup>3</sup> cum omni privilegio<sup>4</sup> suo restitui, et postmodum non sub angusti temporis spatio<sup>5</sup> sed tantum temporis spatium eis<sup>6</sup> indulgeatur quantum expoliati vel expulsi

<sup>1</sup> fratribus BeCaFcLdMgPfPwTb; episcopis Eg; om. TcVo

<sup>2</sup> in sec. decretali BeCaFcMgPfPw; in sec. decreto Tc; cap. ii Eg; om. Tb. De eodem add. PaVo

<sup>3</sup> sibi sub. sunt \*CaPfTbTc; sunt sibi sub. Mg

<sup>4</sup> privilegio Tb

<sup>5</sup> -tio \*CaMgPfTc; -tium PhTb

<sup>6</sup> tantum temp. spat. eis \*CaFcLdMgPfPhPwVo; temp. tantum spat. eis Be; tantum spat. temp. eis Tb; tantum eis temporis Tc; <sed tantum temporis spatium in mg.> eis Lj

esse videntur<sup>7</sup>, antequam ad sinodum convocentur<sup>8</sup>, et ab omnibus quisque<sup>9</sup> sue provincie episcopis audiatur<sup>10</sup>.

*ID 5.249 med., 4L 1.94 med.] C 3 q 2 c 6 to sinodum convocentur*

<sup>7</sup> -entur \*CaMgPfTb; -etur Tc

<sup>8</sup> -entur \*CaMgPfTb; -etur Tc

<sup>9</sup> quisque \*BeTb; quibusque CaMgPfPrTcVo

<sup>10</sup> -iatur \*BeCaPfTbVo; -iantur MgTcWc

## 51<sup>1</sup>

### *In decretis Felicis<sup>2</sup>, cap. i<sup>3</sup>*

Ille vero qui vi aut timore<sup>4</sup> a sede pulsus aut suis rebus expoliatus fuerit, non prius vocetur ad sinodum quam ei omnia legibus redintegrentur<sup>5</sup>. [52] Et tamdiu in sede propria pacifice et potestative cuncta disponens resideat quamdiu expulsus vel expoliatus suis carere visus est<sup>6</sup> rebus.<sup>7</sup>

*4L 1.95b] C 3 q 2 c 7 from Tamdiu in sede*

<sup>1</sup> Ea has part only, as end of c 49 above, qv

<sup>2</sup> pape add. LcTcWc, om. BeCaEgGcMgPfPwTb

<sup>3</sup> i BeCaGcMgPfPwTcVo; secundo TbWc; x Eg. De eodem add. PaVo

<sup>4</sup> aut timore BeCeMqPaPfPhPkPrSbTb; aut terrore vel timore CaDaEgFbGcMgPcTdVp; aut terrore aut timore CbFcLkLj; aut terrore Gb; aut timore aut terrore LdTc; an timore Vo

<sup>5</sup> omnia ei leg. redin. BdBeCeLcPaPcPfPhPkPwVo; ei omnia leg. redin. CaDaSb; ei omnia rel. legibus GcMgVm; ei omnia leg. redin. Tb; ei leg. omnia redin. Tc

<sup>6</sup> car. visus est BeGcMgPfVo; car. usus (*corr. to visus Ca<sup>3</sup>*) est Ca; car. visus Mq; car. iussus (vel visus add. ss Qe) est PhQeTbVp; visus est car. Tc

<sup>7</sup> om. Mq. Wc omits text of cc 51-2 and insc. of c 53

## 53

### *<sup>1</sup>In decr' Stephani<sup>2</sup>, cap. ii<sup>3</sup>*

Stephanus sancte<sup>4</sup> apostolice<sup>5</sup> et universalis ecclesie Romane<sup>6</sup> episcopus omnibus episcopis<sup>7</sup>. Per scripta nullius accusatio suscipiatur<sup>8</sup> sed propria voce, si

<sup>1</sup> (vii. add. Bd) De accusatione et (om. BdEaLjPh) quo ordine et a quibus personis et adversus quas personas (om. Eg) debeat fieri (fieri LjTc; fieri vel non Eg; vel non debeat fieri BdEaPh) add. in mg. BdEgLjTc, in text Ea; Quod per scripta nullus accusandus sit (sit acc. Ce) add. in mg. CaCeDaLn<sup>2</sup>; Quod nullius accusatio debet recipi per scripta, neque ullus absens accusari vel accusare add. Pa; Ut nullus per scripta sed propria voce accuset et defendat se qui accusatur utroque presente add. Td(mg.)Vo

<sup>2</sup> pape add. LjTc, om. BeCaEgGcMgPfTb; Wc omits insc. and places text below insc. to c 51

<sup>3</sup> Insc. in mg. Ce. vii in mg Be<sup>2</sup>

<sup>4</sup> et add. BeCaGcTc, om. EgMgPfTb

<sup>5</sup> sedis add. Tc, om. CaEgMgPfTb

<sup>6</sup> eccl. Rom. EgPf; Rom. eccl. BeCaEaGcLcMgTcVo; Rome eccl. Ph; eccl. Rome Tb

<sup>7</sup> omn. epp. CaEgMgPfTb; epp. omn. Tc

<sup>8</sup> suscipiatur CaCbEgMgPfTb; recipitur Tc

legitima et condigna accusatoris<sup>9</sup> persona fuerit, presente videlicet eo<sup>10</sup> quem accusare desiderat, quia nullus absens aut<sup>11</sup> accusari potest aut accusare<sup>12</sup>.

4L 1.52, and cf ID 5.293, 6.328] C 2 q 8 c 5, end var.

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<sup>9</sup> corr. fr. accusationis Td

<sup>10</sup> eo CaPfTbTc; ea Mg

<sup>11</sup> aut BeEgGcLjMgPfRa<sup>2</sup>Tb; an Vo; om. CaEaRaTc

<sup>12</sup> accusari potest aut (an Vo) accusare BeEaGcMgPfPhTcVo; accusari (corr. fr. accusari) poterit aut accusare Ca; accusare aut accusari potest FbTb

## 54<sup>1</sup>

<sup>2</sup>In decr' Felicis<sup>3</sup>, cap. ii<sup>4</sup>

Felix episcopus universis episcopis. Absente vero<sup>5</sup> adversario non audiatur accusator<sup>6</sup>, nec sententia absente parte alia<sup>7</sup> a iudice dicta ullam obtinebit firmitatem, neque absens per alium accusare aut accusari potest.<sup>8</sup>

4L 1.55 med.; ID 5.248 med.] C 3 q 9 c 11 to firmitatem

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<sup>1</sup> canon in upper mg. Oe

<sup>2</sup> Quod non sit audiendus accusatorum qui absentem accuset (after corr. Ca, -at Da) add. in mg. CaCeDaLn<sup>2</sup>; De eodem add. Pa

<sup>3</sup> Felicis BeEaMgPfTb; om. Ca; Fel. pape CbTcVo; Fel. I Eg; Fel. episcopi Od

<sup>4</sup> cap. i Mg; cap. ii om. Ea

<sup>5</sup> vero \*CaEgMgPfTb; om. Tc (Abs. vero ss and partly ploughed Lc)

<sup>6</sup> non aud. acc. \*CaEgMgPfTb; acc. non aud. Tc

<sup>7</sup> parte alia \*CaEgMgPfTb; alia parte Tc

<sup>8</sup> Ea runs c 55 on without a break

## 55<sup>1</sup>

Ex epistola<sup>2</sup> Calixti pape, cap. ii<sup>3</sup>

Nullus ergo doctorum<sup>4</sup> per scripta accusetur.

ID 5.234 med.]

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<sup>1</sup> Whole cap., but not insc. in mg. Ce

<sup>2</sup> epistola BeCaCbGcLdMgOePwRfTbTc; decr' DaPfVo

<sup>3</sup> no insc. Ea, which runs the text on to c 54 without a break. De eodem add. Pa

<sup>4</sup> doctorum MgPfTbTc; om Ea

Ex<sup>1</sup> decretis<sup>2</sup> Iulii pape<sup>3</sup>, cap. xviii<sup>4</sup>

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<sup>1</sup> Ex \*MgPfTbTc; In Ca

<sup>2</sup> decr. \*CaCbMgPfRfTbTcVo; concilio FcOe

<sup>3</sup> sumptis ex Nicena sinodo add. Eg, om. CaCbFcLdMgOePfPwRfTbTc

<sup>4</sup> xviii \*CbDaFbFcGcMgOd<sup>2</sup>OePkPrRfTbTcVo; xviii Ld; viii Eg; xvi. Pf; xviii Vp; om. CaEaMq; no insc., no break BePwOd. Insc. in mg. Ha<sup>2</sup>



Decernimus non credi accusatori qui absente adversario causam suggerit<sup>5</sup> ante utriusque partis discussionem<sup>6</sup>.

ID 5.257 med.]

<sup>5</sup> sugg- \*CaMgPfTc; subeg- PhTb

<sup>6</sup> a iudice sententia non proferatur add. Pt

## 56

<sup>1</sup>Adrianus papa, cap. i<sup>2</sup>

In criminalibus causis nec accusator, nisi per se aliquem<sup>3</sup> accusare potest, nec accusatus per aliam<sup>4</sup> personam se defendere permittitur<sup>5</sup>.

4L 3.118] C 5 q 3 c 2

<sup>1</sup> Ut nullus in criminalibus aliquem accuset aut se ipsum defendat nisi per propriam personam add. in mg. CaDaLn<sup>2</sup>, Quod aliquis non potest accusare vel defendi per aliam personam in criminalibus add. Pa

<sup>2</sup> ii Vo; cap. i om. EaLc. in collecta que facit Ingelramno Mediomatrice urbis episcopo add. Eg, om. CaFcLdLjMgPfPwTbTcVo

<sup>3</sup> ss Sb

<sup>4</sup> aliam CaMgPfPhTc; aliquam Tb

<sup>5</sup> -itur BeCaEaLeMgPfPkPwTb; -atur EgGcTc

## 57

<sup>1</sup>Felix episcopis Gallie in secundo decretali<sup>2</sup>

Si ex utraque parte ad causam dicendam<sup>3</sup> venerint, quia unus absque altero audiri non debet, querendum est in iudicio cuius sint conversationis<sup>4</sup> et fidei atque suspicionis accusatores, aut qua intentione hoc faciant<sup>5</sup>. <sup>6</sup>Quia ad hoc admitti<sup>7</sup> non debent nisi bone<sup>8</sup> conversationis et recte fidei viri, hi videlicet qui omni suspicione careant et bone vite<sup>9</sup> clareant, neque infames existant.

ID 5. 248 med.]

<sup>1</sup> Quod accusatio non nisi ab idoneis et bone conversationis viris fieri debeat add. in mg. CaCeDaLn<sup>2</sup>, Quales oporteat esse accusatores add. in mg. Tc, De accusatoribus quales debeant esse add. Pa, A qualibus (quibus Td) personis fieri debeat accusatio, a quibus non, et quomodo add. Td(mg, moved from c 56)Vo.

<sup>2</sup> in sec. dec. om. Ea. viii in mg Be<sup>2</sup>

<sup>3</sup> dicendam \*CaFcMgPfPwTb; discernendam Tc

<sup>4</sup> sint con. \*MgPfTbTc; con. sint Ca

<sup>5</sup> hoc fac. \*CaMgPfTb; fac. hoc Tc

<sup>6</sup> Item unde supra add. Tc, om. \*CaFcLdLjMgPfPwTb

<sup>7</sup> ad hoc adm. \*CaMgPfTb; adm. ad hoc Tc

<sup>8</sup> vite et add. FbLgMgTc, vite add. GcPr, om. \*BeCaDaDbEaFcLjObOdOeOfPcPfPwTbVo

<sup>9</sup> conversationis et recte – vite in mg. Mq<sup>2</sup>

## 58

*Anacletus in secundo decretali<sup>1</sup> episcopis Gallie<sup>2</sup>*

Accusatio eorum<sup>3</sup> super qua<sup>4</sup> nos consulere<sup>5</sup> voluistis<sup>6</sup>, nonnisi ab idoneis et probatissimis viris qui et suspicionibus et sceleribus careant fieri debet, quia Dominus sacri sui corporis tractatores a vilibus et reprobis<sup>7</sup> ac non idoneis personis infamari noluit<sup>8</sup> nec calumpniari<sup>9</sup>.

ID 5.238a] +C 2 q 7 c 15a

<sup>1</sup> in sec. dec. om. Ea

<sup>2</sup> Anacletus in (ii Ca) sec. decretali epp. Gallie BdBeCaGcLdLfLmMgOdPfPrPwTbVo; Anacletus (Anastasius CbLj) epp. Gallie in sec. decreto CbLjTc; Anacl. in sec. dec. epp. Italie DaSb (cf ID). De eodem add. PaVo

<sup>3</sup> eorum \*CeEgGcLfMgMqPaPcPrTbTc; cuiusque Be; eorum quoque FbPh; quosque Lc; eorum quisque LmPc<sup>2</sup>Pk; episcoporum Td<sup>2</sup>Vo; quoque Vp; om. AdBdCaCbDaEaLdLjPfObOdTd

<sup>4</sup> qua \*CaMgPfPhTc; quam Tb

<sup>5</sup> nos cons. \*MgPfTbTc; cons. nos Ca

<sup>6</sup> -istis \*BeEgGcPfTbTcVo; -isti CaLfMg

<sup>7</sup> obsc. corr. Lf

<sup>8</sup> inf. nol. EaMgPfTbTcVo; nec inf. voluit Be; inf. voluit Gc

<sup>9</sup> permisit add. EgTc, unde Christus per se ipsum et non per alium vendentes et ementes eiecit de templo sacerdotes add. Ra, sed ipse proprio flagello peccantes sacerdotes a templo eiecit add. Brant with ID, AbEc have a similar but distinct add., om.

BdBeCaCbCeDaDbEaFbFcGcKaLbLcLdLfLgLjLmMgMqObOdOePaPcPfPhPkPqPrPtPwQaSbSdSeSgTbVmVoWaWbWc

## 59

*Evaristus<sup>1</sup> episcopis Africe<sup>2</sup>*

Si<sup>3</sup> qui<sup>4</sup> sunt vituperatores aut<sup>5</sup> accusatores episcoporum vel reliquorum sacerdotum, non oportet eos a iudiciis ecclesie audiri antequam eorum discutiatur<sup>6</sup> estimationis suspicio vel opinio<sup>7</sup>, qua intentione, qua fide, qua temeritate<sup>8</sup>, qua vita, qua conscientia, quove merito, si pro Deo, aut pro vana gloria aut inimicitia vel odio aut<sup>9</sup> cupiditate ista presumpserint<sup>10</sup>.

ID 6.312, cf 5.240 med.] +C 2 q 7 c 17

<sup>1</sup> Eucharistus Vp; papa add. Tc, om. CaEaMgPfPwTb

<sup>2</sup> corr. fr. Gallie Be. epp. Afr.] fratribus per Egyptum DaSb [cf XP 5.10.2 (3)]. No insc. Pa Que discussio debet fieri de accusatoribus add. Pa, De eodem add. Vo

<sup>3</sup> Hii FbVp; Hi Ha

<sup>4</sup> qui \*CaMgPwTbTc; quis Pf

<sup>5</sup> aut \*CaMgTbTc; ac Pf

<sup>6</sup> eorum disc. \*CaMgPfTb; disc. eorum Tc

<sup>7</sup> sus. vel op. \*BeMgPfTbTcVo; op. vel sus. Ca; vel op. om. Od, with vel testimonio in mg

<sup>8</sup> qua fid. qua tem. BeCaEaLcMgPfTbVo; qua tem. qua fid. \*Tc

<sup>9</sup> aut CaPfTbTc; vel Mg

<sup>10</sup> necne add. Tc, om. \*CaCbFcLdLjMgOdPfPwSeTb

## 60

*In decr' Anacleti, cap. i<sup>1</sup>*

Anacletus urbis Rome episcopus omnibus episcopis. Accusandi vel testificandi licentia denegetur his qui Christiane religionis et nominis dignitatem, et sue legis vel sui propositi normam, aut regulariter prohibita neglexerint. Transgressores enim sponte<sup>2</sup> legis sue eiusque<sup>3</sup> violatores apostate<sup>4</sup> nominantur. Omnis enim<sup>5</sup> apostata refutandus est<sup>6</sup>, nec<sup>7</sup> in accusatione recte agentium<sup>8</sup> suscipiendus<sup>9</sup>.

ID 5.237 pt.] +C 3 q 4 c 2b

<sup>1</sup> cap. i BeCaFcLjMgPfPwTbVo; cap. ii DaEgTc; om. Ea

....essoribus legum add. in mg. Mq<sup>3</sup>; Quales non debeant recipi in accusatione add. Pa; De eodem add. Vo; Quo ordine at adversus quos accusatio fieri debet add. Vp

<sup>2</sup> in mg. Ra

<sup>3</sup> eiusque \*BeDa<sup>2</sup>EgMgTbTcVo; om. CaDaFcGcPfPw

<sup>4</sup> -ata obsc. corr. Ca

<sup>5</sup> enim \*EgMgPhSb<sup>2</sup>Tb; autem BeRaVo; om. CaDaFcGcMqPfPwSbTc

<sup>6</sup> et add. Tc, om. CaEgFcMgPfPwTb

<sup>7</sup> nec \*CaVo; non BeGcMgPfTbTc

<sup>8</sup> aut testimonium add. \*CaFbRaSg<sup>2</sup>Brant, aut testimonio over erasure Da, in mg. Od, ss Sb<sup>2</sup>, in testimonium add. Vo; ad testimonium add. Vp; om.

BdBeCeEgDbFcGcLcLdLgLjMgObOdOeOfPaPcPfPhPkPqPtPwSbSgTbTcTdVm

<sup>9</sup> susc- BeCaPfTbTc; rec- Mg

## 61

*<sup>1</sup>In decr' Fabiani<sup>2</sup>, cap. ii<sup>3</sup>*

Fabianus urbis Rome episcopus omnibus episcopis<sup>4</sup>. Sicut sacerdotes vel reliqui<sup>5</sup> clerici a secularium laicorum excluduntur accusatione, ita illi ab istorum sunt excludendi et alienandi criminatione. Et sicut isti ab illis<sup>6</sup>, ita et illi ab istis non recipiantur, quoniam sicut Domini sacerdotum conversatio<sup>7</sup> segregata debet esse ab eorum conversatione, ita et litigatio<sup>8</sup>, quia servum Domini non oportet litigare<sup>9</sup>.

4L 1.49; ID 6.320 much mod.] +C 2 q 7 c 6

<sup>1</sup> Quod nec clericus laicum nec laicus clericum accusare debeat add. in mg. CaCeDaGbLn<sup>2</sup>(in far mg. with tie-mark), De eodem add. Pa

<sup>2</sup> Felicis Vo; pape add. TbTcVo, om. BeCaMgPf

<sup>3</sup> cap. ii BeCaLdMgPfTbTcVo; cap. i FcLjPc; om EaLc

<sup>4</sup> omn. ep. CaMgPfTc; ep. omn. PhTb

<sup>5</sup> rel- CaPfTbTc; ceteri Mg

<sup>6</sup> non recipiuntur add. Tc, om. CaFcLdMgPcPfTb

<sup>7</sup> corr. fr. congregatio Vo

<sup>8</sup> -ti- ss Tb

<sup>9</sup> sed mitem esse ad omnes add. Brant, om.

AbBdBcCaCbCeDaDbEaEcEgFbFcGcKaLbLdLgLjMgMqObOdOeOfPaPcPfPhPkPrPtPwQaRaSbSdSeSgTbTcTdVoVpWaWbWc

## 62

<sup>1</sup>*In decr' Stephani<sup>2</sup>, cap. ii<sup>3</sup>*

Repellantur<sup>4</sup> cohabitantes inimicis<sup>5</sup> et omnes laici, quia infestationem blasphemie affectio amicitie incitare solet. Nec illi<sup>6</sup> videlicet laici<sup>7</sup> in vestra sunt recipiendi accusatione qui vos in sua nolunt recipere infamatione.

4L 1.53; ID 6.327b]

<sup>1</sup> Quod illi qui habitent cum inimicis alicuius episcopi vel sacerdotis non possunt eos accusare vel etiam aliqui laici *add. in mg.* CaDa (*not Ln*), De eodem *add.* PaVo

<sup>2</sup> pape *add.* Tc, *om.* BeCaCeEgMgPfTb

<sup>3</sup> cap. ii BeCaFcMgPfPwTbVo; cap. i EgPcTc; *om.* Ea; *no insc.* Lc.

<sup>4</sup> Rep- \*CaCbEgFcLdLjMgPcPfPwTb; Dep- CeGcPyTc

<sup>5</sup> -icis \*CaMgPfTb; -ici Tc

<sup>6</sup> illi \*CaPfTbTc; ulli Mg

<sup>7</sup> laici CaMgPfTc; *om.* PhTb

## 63

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

Gaius<sup>4</sup> papa Felici coepiscopo. Pagani vel heretici sive Iudei non possunt Christianos accusare aut vocem infamationis inferre<sup>5</sup>.

4L 1.58] +C 2 q 7 c 25

<sup>1</sup> Quod paganus vel hereticus sive Iudeus Christianum accusare non debeat *add. in mg.* CaCeDaGbLn<sup>2</sup>, De eodem *add.* PaVo

<sup>2</sup> Gaii MqVo<sup>2</sup>; Gaius Se; aaii Vo; Gagi Wc. pape *add.* EaGcMgMqPcPrSeWc, *om.* BeCaPfSbTbTc

<sup>3</sup> c. ii Vp; cap. i *om.* Ea

<sup>4</sup> Gaius Mq; Garus Sb

<sup>5</sup> inf- CaCbEaFcLjMgPcPfPwTb; aff- Tc

## 64

<sup>1</sup>*Ex<sup>2</sup> concilio Carthaginensi VII, cap. iii<sup>3</sup>*

Placuit ut quotienscumque clericis ab accusatoribus multa crimina obiciuntur, et unum ex<sup>4</sup> his de quo prius egerint probare non valuerint, ad cetera non admittantur.<sup>5</sup>

4L 4.85; ID 6.271] C 3 q 10 c 1

<sup>1</sup> Ut si clericis multa obiciuntur unumque ex his probari non potest, accusator de ceteris non audiatur *add. in mg.* CaCeDaGbLn<sup>2</sup>; de probatione *add. in mg.* Mq<sup>3</sup>, De eodem *add.* PaVo

<sup>2</sup> Ex MgPfTbTc; *om.* Ca

<sup>3</sup> Carth. VII (VIII CaMq) - iii (ii FcVo) BeCaCbDaFcLdLjMqPcPfTbTcVoVp; Carth. Ea; Cartag. cp. iii FbPr; Africano cap. lxxv Mg, *with ID*

<sup>4</sup> ex CaMgPfTc; de PhTb

<sup>5</sup> Explicit liber vii. Incipit viii *add.* Pa

## 65

<sup>1</sup>*In dec' Fabiani*<sup>2</sup>, *cap. ii*<sup>3</sup>

<sup>4</sup>Fabianus papa omnibus fidelibus. <sup>5</sup>Statuimus eos ad accusationem non recipi qui sunt suspecti, aut qui heri et nudiustertius vel dudum fuerunt<sup>6</sup> inimici, quoniam suspecti facti sunt, et qui non sunt bone conversationis, vel quorum vita est accusabilis<sup>7</sup>, aut dubii in<sup>8</sup> recta fide. Similiter quorum fides, vita et libertas nescitur, vel qui infamie maculis sunt aspersi, aut sceleribus<sup>9</sup> irretiti. Neque eos sacerdotes debere aut posse accusare, qui rite sacerdotes fieri non possunt, nec sunt sui ordinis. Tales, fratres carissimi, accusationes, et iniustas aut<sup>10</sup> nocivas emulationes pro viribus prohibete, quia contentio summopere vitanda est.

*cf AL 3.15 ]*

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<sup>1</sup> Quod non debeant ad accusationem recipi qui sunt suspecti vel qui heri aut (vel Ce) nudiustertius (vel *add. Ce*) dudum fuerint inimici, et qui non sunt bone conversationis vel quorum fides et libertas nescitur *add. in mg. CaCeDaGbLn*, De accusatoribus iterum. Qui non debeant recipi *add. Pa*, De eodem *add. Vo*

<sup>2</sup> *om. Ce*

<sup>3</sup> *cap. ii om. Ea*

<sup>4</sup> *Initial F much enlarged, Pa*

<sup>5</sup> *Cc resumes*

<sup>6</sup> *-erunt CaMgPfTb; -erint Tc*

<sup>7</sup> *acc. CaPfTbTc; inexcusabilis vel accus. GcMg(vel accu ss)*

<sup>8</sup> *dubii in BeCaLcTbVo; dubia in MgTc; dubii Pf*

<sup>9</sup> *irretitibus add. Tc, om. CaFcLdLjMgPcPfPwTb*

<sup>10</sup> *aut BeCaLcPfPhRa; et EgTbTcVo; ac GcMgPr*

## 66

<sup>1</sup>*In decr' Stephani, cap. i*<sup>2</sup>

Stephanus sancte<sup>3</sup> Romane ecclesie episcopus dilectissimo fratri atque familiari amico<sup>4</sup> Hilario.<sup>5</sup> Infames esse illas personas<sup>6</sup> dicimus, que pro aliqua culpa notantur infamia, id est omnes qui Christiane legis<sup>7</sup> normam abiciunt, et statuta ecclesiastica contempnunt. Similiter fures<sup>8</sup>, sacrilegos et omnes capitalibus criminibus irretitos. Sepulcrorum quoque<sup>9</sup> violatores et apostolorum atque successorum eorum,

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<sup>1</sup> Qui sint infames *add. in mg. CaCeDaTc*, Que sint infames persone *add. in mg. Mg, in text Vp*, Que persone dicuntur infames *add. Pa*

<sup>2</sup> *cap. i om. Ea. De eodem add. Vo*

<sup>3</sup> *sancte CaMgPfTb; om. Tc*

<sup>4</sup> *amico CaEgMgPfTb; episcopo Tc*

<sup>5</sup> *Que sunt infames persone add. Fb*

<sup>6</sup> *illas per. CaCbEgMgPfTb; pers. illas Tc*

<sup>7</sup> *legis BeMgPfPrTbVo; religionis CaTc; religionis et legis Brant*

<sup>8</sup> *latrones add. Mg, om. CaPfTbTc*

<sup>9</sup> *Sep. quoque MgPfTbTc; Sepulchrorumque Ca*

reliquorumque<sup>10</sup> sanctorum patrum statuta libenter violantes, et omnes qui adversus patres armantur, qui<sup>11</sup> in omni mundo infamia notantur. Similiter et incestuosos, homicidas, periuros, raptores<sup>12</sup>, maleficos, veneficos, adulteros<sup>13</sup>, de bellis publicis<sup>14</sup> fugientes, et qui indigna sibi petunt loca<sup>15</sup> tenere, aut facultates ecclesie auferunt iniuste, et qui fratres calumpniantur aut<sup>16</sup> accusant, et non probant, vel qui contra innocentes principum animos concitatos<sup>17</sup> provocant ad iracundiam, et omnes anathematizatos, vel pro suis sceleribus ab ecclesia pulsos, et omnes quos ecclesiastice vel seculi<sup>18</sup> leges infames pronuntiant. Hi nimirum omnes nec servi ante legitimam libertatem, nec penitentes, nec digami<sup>19</sup>, nec illi qui curie deserviunt, vel qui non sunt integri corpore, aut sanam non habent mentem vel<sup>20</sup> intellectum, aut inobedientes sanctorum decretis existunt, aut furiosi manifestantur. Hi omnes inquam<sup>21</sup> nec ad sacros gradus<sup>22</sup> debent provehi, nec ad accusationem seu ad<sup>23</sup> testimonium ullatenus possunt iuste<sup>24</sup> recipi.

4L 1.51] C 6 q 1 c 17

<sup>10</sup> reliquorumque CaMgPfTb; reliquorum quoque Tc

<sup>11</sup> qui BeMgTbTc; quoniam CaGcPfVo

<sup>12</sup> raptores CaMgTbTc; rapaces Pf

<sup>13</sup> ven. ad. CaMgTbTc; ad. ven. Pf

<sup>14</sup> pulicis Ca

<sup>15</sup> sibi pet. loca BeCaMgPfPhVo; pet. sibi loca Tb; sibi loca pet. Tc

<sup>16</sup> aut CaMgPfRa<sup>2</sup>Tb; et RaTc

<sup>17</sup> concitatos BdGcMgMqPfPhPrTdVmVoVp; concitant et BePaPk<sup>2</sup>; concitando CaFbPcRaTc; concitant Ce; incitando Da; concitatus Pk; exiratos Pq; concitandos Pw; concitantes Tb; *om. with lacuna* Sb

<sup>18</sup> seculi DaGcMgPc<sup>2</sup>PhPqPrRa<sup>2</sup>SbTbTcVmVoVp; sancte BdBeCaCeFbMqPaPcPfPkPwRaTd

<sup>19</sup> dig- CaMgPfPhTc; big- Tb

<sup>20</sup> vel CaMgPfTb; aut Tc

<sup>21</sup> Hi omnes inquam CaGcMgPaPfTbTcTdVp; Si omnes unquam PrVmVo

<sup>22</sup> gradus BdBeCaCeDaFbPaPcPfPhPkPqPwSbVoVp; ordines GcMg(vel gradus ss)MqPrTbTcVm

<sup>23</sup> ad CaMgPfTc; *om.* Tb

<sup>24</sup> ss Be

## 67

<sup>1</sup>Ex decr' Stephani pape omnibus episcopis missis, cap. xi<sup>2</sup>

Quod neganda<sup>3</sup> est accusatis licentia<sup>4</sup> criminandi priusquam se crimine quo premuntur exuerint. Quia non est credendum contra alios eorum confessioni qui

<sup>1</sup> Quod neganda est accusatis licentia criminandi priusquam se crimine quo premuntur exuerint *add. in mg.* CaDaLn<sup>2</sup>, De eodem *add.* Pa, Quod accusati (quod *add.* Vo) non habent licentiam criminandi donec se purgaverint (expur- Vo) *add.* Td(*mg.*)Vo

<sup>2</sup> cap. xi \*CaEgMgPfTbVo; cap. iii FcTc; *om.* BeEa

<sup>3</sup> Quod neg. \*BeCaFcGcLdLjPfPwTbTcVo; Deneg- Eg; Et neg. Mg

<sup>4</sup> acc. lic. \*BeCaFcGcLdLjMgPfTbVo; lic. acc. PwTc

criminibus implicati<sup>5</sup> sunt, nisi se prius probaverint innocentes. Quoniam periculosa est et admitti non debet<sup>6</sup>, rei adversus quemcumque<sup>7</sup> professio. Familiares vero et sponte confessi atque sceleribus irretiti non debent admitti, nec hi qui hesternae die aut perendie aut ante fuerunt<sup>8</sup> inimici.

4L 1.54; ID 5.274] C 3 q 11 c 1 to quemcumque professio

<sup>5</sup> implicati \*CaMgPfTb; impliciti Tc

<sup>6</sup> Vq here adds: et cetera, unde in sequentibus, leaving the rest of the leaf blank. The text resumes without a break at the head of the next [perhaps the end of a scribal stint]

<sup>7</sup> quemcumque \*BePfPrTbVo; quemquam CaGcMgRaTc

<sup>8</sup> -erunt \*BeCaPfTbVo; -erint EaGcMg; -erant Tc

## 68

### <sup>1</sup>De libro nono<sup>2</sup> earundem legum<sup>3</sup>

Sane hi qui crimina sua in questione<sup>4</sup> confessi sunt, si de aliis sic dicere voluerint, a iudice non credantur<sup>5</sup>, quia iure et legibus constitutum est ut spontanea professione<sup>6</sup> reus reum non faciat, neque illi de altero credatur qui se criminosum esse<sup>7</sup> confessus est.

ID 5.286b]

<sup>1</sup> Quod de se confessis non sit credendum super crimen alienum *add. in mg.* CaCeDaLn<sup>2</sup>, De eodem *add.* Pa, Ut nulli super alterius accusationem (-ione Td, -ioem Vo; occasione *add.* Vo) credatur qui se sic reum esse confessus est *add.* Td(*mg.*)Vo

<sup>2</sup> De libro nono \*BeCaCbFcGcLdLjMgPhPwVoVp; Novellarum libro nono Eg; In libro nono Pf; De libro undecimo Tb; De nono libro Tc; Ea *illeg.*

<sup>3</sup> earundem legum \*BeCaCbFcGcLdLjMgPcPwTbTc; eorum Mq; legum PfPt; *om.* Eg

<sup>4</sup> vel confess... *add. in mg.* Ra

<sup>5</sup> et *add.* Mg, *om.* \*CaPfTbTc

<sup>6</sup> prof- \*MgPfTbTc; conf- CaDa

<sup>7</sup> in *mg.* Ra

## 69

### Dionisius<sup>1</sup> Severo<sup>2</sup> episcopo<sup>3</sup>

Nemini de se confesso credi potest super crimen alienum, quoniam eius omnisque rei professio periculosa est<sup>4</sup> et admitti non debet. [70] Similiter alieni erroris socium, vel a sui voluntarie<sup>5</sup> propositi tramite recedentem, aut<sup>6</sup> sacris patrum regulis et constitutionibus<sup>7</sup> inobedientem suscipere non possumus nec debemus.

<sup>1</sup> Dionisius \*CaCbEaEgMgTbTc; Diosius Pf

<sup>2</sup> Severo \*CaCbEgFcLjMgPfPwTb; Severino PcTc

<sup>3</sup> De eodem *add.* PaVo

<sup>4</sup> prof. per. est *corr. fr.* confessio Ra

<sup>5</sup> -arie \*CaMgPfTb; -arii Tc

ID 5.288; cf 87b-8 below] C 15 q 3 c 5 var. to non debet; C 3 q 4 c 1, from Alieni erroris is remote

<sup>6</sup> aut \*CaMgPfTb; et Tc

<sup>7</sup> const. \*DaEaMgPfTbTc; constituti (?) omnibus Ca

## 71

### <sup>1</sup>Stephanus papa<sup>2</sup> in secundo decretali omnibus episcopis<sup>3</sup>

Nullus anathema<sup>4</sup> suscipiatur<sup>5</sup>, nec a quoquam credantur<sup>6</sup> que ab eis vel<sup>7</sup> dicuntur vel conscribuntur<sup>8</sup>. Eos dico anathematizatos<sup>9</sup> esse quos episcopi sui<sup>10</sup> scriptis anathematizaverunt aut eorum<sup>11</sup> statuta anathematizant.

ID 6.327b] C 3 q 4 c 6

<sup>1</sup> Ut nullus anathema ad accusationem vel ad testimonium recipiatur *add. in mg.* CaCeDaLn<sup>2</sup>, De eodem. Qui sint anathematizati *add. Pa*, Ut nullus anathema vel hereticus aut scismaticus ad accusationem recipiatur *add. Td(mg.)Vo*

<sup>2</sup> papa BeCaFcMgMqPfTb; *om.* EgTc

<sup>3</sup> in sec. dec. omn. ep. BeCaEaFcGcMgPfTcVo; omn. ep. in (*om.* Eg) sec. dec' EgTb; papa Lc; omn. epp. in dec. ii Ph

<sup>4</sup> anathematizatur Lc

<sup>5</sup> -iatur MgPfTbTc; -iat Ca

<sup>6</sup> -antur \*MgPfTbTc; -atur Ca

<sup>7</sup> ab eis vel \*CaPfTb; vel ab eis Be; ab eis MgTc

<sup>8</sup> consc- \*CaMgPfTc; sc- PhTb

<sup>9</sup> anathematizatos \*BeCaCbLdLjMgPfPwTbVo; anathema Tc; anathematizantes Fc

<sup>10</sup> sui \*CaMgTbTc; suis Pf

<sup>11</sup> eorum \*CaEgMgPfTb; eos Tc

## 72

### <sup>1</sup>Carthaginense concilium<sup>2</sup> VII<sup>3</sup>, cap. i<sup>4</sup>

Definivimus eum rite ad accusationem non admitti qui postea<sup>5</sup> quam excommunicatus fuerit in ipsa adhuc excommunicatione constitutus, sive sit clericus sive laicus<sup>6</sup>, accusare voluerit.

ID 14.69] C 4 q 1 c 1a

<sup>1</sup> Ex *add.* MgTc, ? Pf, *om.* BdBeCaFbGcPhPwTbVmVoVp

<sup>2</sup> Carthaginense concilium BeCaCeGcPaPhVo; Cartaginensi concilio LjTbTc; conc. Cart. MgPfVp

<sup>3</sup> VII \*BeCbDaFbFcGcLjMgPaPfPwTbVo; VIII CaLdPcTc; *om.* Vp

<sup>4</sup> i \*BeDaMgTbTcVo; ii Ca; ??Pf; *om.* Vp.

De eodem *add.* PaVo

<sup>5</sup> postea \*MgPfTbTc; post Ca

<sup>6</sup> cl. sive laicus \*CaMgPfTb; laicus sive cler. Tc



## 73

<sup>1</sup>Nicholaus Micaheli imperatori<sup>2</sup>

Si ecclesiasticum fuerit crimen coepiscopo illatum, tunc probari oportet accusantium personas, ut primo<sup>3</sup> quidem hereticis non liceat accusationes contra orthodoxos episcopos pro ecclesiasticis negotiis facere. Sed ne hos hereticos esse denegetis, audite sequentia, Hereticos, inquiunt, esse dicimus, tam eos qui olim ab ecclesia proiecti sunt, quam qui post hec<sup>4</sup> a nobis anathematizati sunt. Porro si adhuc nec sic creditis, quod subditur audite, Preter hos autem aiunt et eos qui fidem quidem<sup>5</sup> sanam simulant<sup>6</sup> confiteri, schismaticos etiam et<sup>7</sup> eos qui seorsum a communicantibus nobis episcopis collectas<sup>8</sup> faciunt. Deinde vero et si quidam ab ecclesia super causis quibusdam fuerint reprehensi et proiecti aut excommunicati, sive ex<sup>9</sup> clero sive ex<sup>10</sup> laicali ordine, nec his licere accusare episcopum antequam proprio crimine primitus<sup>11</sup> exuantur. Similiter autem et eos qui sub accusatione priori<sup>12</sup> existunt, non ante esse acceptabiles in episcopi accusationem<sup>13</sup>, aut aliorum clericorum, quam innoxios semetipsos<sup>14</sup> illatorum sibi ostenderint criminum.

ID 14.70]+C 4 q 1 c 2 med

<sup>1</sup> Ut nullus hereticus aut (vel Da) quilibet excommunicatus ad accusationem episcopi accipiat (rec-Ce) *add. in mg.* CaCeDaLn<sup>2</sup>, De eodem *add.* PaVo

<sup>2</sup> Nich. Mic. imp. \*BeCaCbEgLdLjMgPfTbVo; Nicholaus michi imperatori Fb; Nich. Nich' imp. Fc; Fabianus papa in tertio dec' PcTc. *Insc. placed above c 74 Ln*

<sup>3</sup> primo \*BeCaEgLdMgPc<sup>2</sup>PfPwTbVo; in primo LjPc; in primis Tc

<sup>4</sup> quam qui post hec *over erasure* Ra; ...qui hec *in mg.* Ra

<sup>5</sup> quidem \*CaMgPfTb; *om.* Tc

<sup>6</sup> sim- \*CaPfTbTc; dissim- Mg

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

<sup>8</sup> *in mg.* Mq<sup>2</sup>

<sup>9</sup> ex \*CaPfTbTc; a Mg

<sup>10</sup> ex \*CaPfTbTc; a Mg

<sup>11</sup> penitus *add. in mg.* Ra

<sup>12</sup> priori CaPfTbTc; prioris GcMg

<sup>13</sup> -ionem \*BeGcMgPf; -ione CaTbTcVo

<sup>14</sup> semetipsos \*CaFcMgPfTb; seipsos Tc

## 74

<sup>1</sup>*Fabianus papa in tertio decretali*<sup>2</sup>

Si quis iratus<sup>3</sup> crimen aliquod<sup>4</sup> cuilibet temere obiecerit convicium<sup>5</sup> non est pro accusatione habendum. Sed permissio<sup>6</sup> tractandi spatio, id quod iratus dixit per scripturam se probaturum esse fateatur, ut si fortasse<sup>7</sup> resipiscens, que pro iracundia dixit iterare aut scribere noluerit, non ut reus criminis habeatur. [75] Omnis ergo qui crimen obicit<sup>8</sup> scribat se probaturum. Revera ibi semper causa agatur ubi crimen admittitur. Et qui non probaverit quod obiecit<sup>9</sup> penam quam intulerit<sup>10</sup> ipse patiat.

ID 6.324] +C 2 q 3 c 5 to criminis teneatur; +C 2 q 3 c 6b, *Palea*, from Omnis igitur - patiat; C 2 q 3 c 4A (earlier version) Qui non probaverit - patiat

<sup>1</sup> Quod non sit pro accusatione habendum si quis iratus crimen aliquod (al. crim. Ce) alicui obiecerint *add. in mg.* CaCeDaLn<sup>2</sup>, Quod convitium pro accusatione non est (*om.* Td) habendum *add. Td(mg.)Vo*  
<sup>2</sup> in tertio decretali BeCaCeFbPaPcPtSb; *om.* Ea; in decr' tertio GcPr; in tertio decreto (decr' MqPhVo) MgMqPhTcVo; in secundo decretali Pf; in quarto decretali Tb; in tertio decretorum Vp. *Insc. of c 73 here Ln, with this above c 76*

<sup>3</sup> iratus \*CaMgPfPhTc; *om.* Tb

<sup>4</sup> *corr. fr.* -quid Pf

<sup>5</sup> Oc begins

<sup>6</sup> perm- \*BeCaGcPfTcVo; permissio Mg; prom- PhPr; prem- Tb

<sup>7</sup> fortasse CaMgPfTb; forte Tc

<sup>8</sup> crim. ob. CaMgPfTb; ob. crim. Tc

<sup>9</sup> obiecit \*CaGcPfTbTc; obiecerit Be; obicit Mg

<sup>10</sup> -erit \*BeGcPfTbTcVo; -erat CaEaEgMg

## 76

<sup>1</sup>*Stephanus papa episcopis Gallie in secundo decr*<sup>2</sup>

Euticianus<sup>3</sup> episcopis<sup>4</sup> per Siciliam<sup>5</sup>. Accusationis ordinem talem<sup>6</sup> et didicimus<sup>7</sup> et servari iubemus, id est<sup>8</sup> si quis clericorum in<sup>9</sup> crimine impetitur<sup>10</sup>, non

<sup>1</sup> Qualis accusationis ordo servari debeat *add. in mg.* CaCeDaLn<sup>2</sup>; Qualis debeat esse ordo accusationis *add. Td(mg.)Vo*

<sup>2</sup> Stephanus papa (ss Mg) episcopis (omnibus ep. FbPw, ep. omnibus BeCaPkTd) Gallie in (*om.* ObOdPcPwTd) secundo decr' (dec. sec. Pt) AdBdBcCaCeDbFbFcGcLdLgMgObOcOdOeOfPaPcPkPtPwRaSgTcTdVmWc [*cf rubr. to ID 6.327*]; Euticianus (papa *add.* Cb) episcopis Sicilie (per Siciliam CbCc, ep. Sic. *om.* Eg) in secundo decr' CbCcEgLj; Ex decr' Euticiani pape DaPfSb; Stephanus papa epp. Gallie Ea; Ex decretis Eut. pape et de vinculo inscriptionis Ln<sup>2</sup>; In ii decr' Mq; Stephanus papa iiii episcopis Gallie in decreto Oh; Stephanus papa Galilee episcopis in ii decr' Pr; Iustinianus papa episcopis Gallie in secundo decretali Tb; Ex decr' Euticiani pape. Stephanus episcopis Gallie in decr'; Item (*om. Migne*) Sixtus papa *Brant. For Ln see c 74*

<sup>3</sup> Euticianus \*BdBcCbDaDbEaFbGcLdLjMgMqOdOeOfOhPcPfPrPtPwRa<sup>2</sup>SbSgTcTdVmVoWc; Euticianus Ad; Euticianus CaPy; Euticianus Ce; Euticianus Ob; Iustinianus PaTb; Euticianus Ph; Euticianus Ra; Nuntianus Vp

<sup>4</sup> *om.* Vp

<sup>5</sup> Eut. - Siciliam *om. Brant*

<sup>6</sup> ord. tal. \*BeGcPfOhTbTc; tal. ord. CaFbMg

statim reus estimetur quia<sup>11</sup> accusari potuit, ne subiectam<sup>12</sup> innocentiam faciamus<sup>13</sup>.  
Sed quisquis ille est qui crimen intendit in iudicium veniat, nomen rei indicet,  
vinculum inscriptionis<sup>14</sup> arripiat, custodiat<sup>15</sup> similitudinem habita tamen<sup>16</sup> dignitatis  
estimatione<sup>17</sup> potiatur<sup>18</sup>. Nec fore<sup>19</sup> sibi<sup>20</sup> noverit licentiam<sup>21</sup> mentiendi, cum  
calumpniantes ad vindictam poscat similitudo supplicii.

*ID 6.332] C 2 q 8 c 3 from Quisquis ille est to end, but with added sentence, for which see cap. 86 below*

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<sup>7</sup> et did. AdBeCaDaFbGcFcLdLjOhPcPfPhPqPrSbTbTdVmVo; edidimus Ce; et habere dicimus EgVp; et habere didicimus MgSb<sup>2</sup>; ei dedimus Pa?; et didimus Pk; habere didicimus Pw; et haberi dicimus Tc  
<sup>8</sup> iub. id est \*CaEgMgOhPfTb; id est iub. Tc  
<sup>9</sup> in \*CaMgOhPfTb; om. Tc  
<sup>10</sup> impeatur Oh  
<sup>11</sup> quia BeCaCeGcMgOhPfPhTbVo; qui \*Tc  
<sup>12</sup> subitam Oh  
<sup>13</sup> vel ferr [?] *add. in mg.* Ra  
<sup>14</sup> asc- Oh  
<sup>15</sup> custodiat \*MgPfTbTc; custodie Ca  
<sup>16</sup> cum Oh  
<sup>17</sup> dig. est. \*CaOhPfTbTc; est. dig. Mg  
<sup>18</sup> pot- \*BeCaGc<sup>2</sup>PfTbTcVo; pat- GcMg; ponatur Oh. Consideranda est dignitas persone *in mg.* Mg  
<sup>19</sup> Nec fore CaGcMg<sup>2</sup>(ss)PfTbTcVo; Ne forte BeMg; Nec forte Oh  
<sup>20</sup> om. Oh  
<sup>21</sup> nov. lic. BeCaPfTbTc; lic. nov. GcMg; nov. licentia Oh

## 77

### *Ex epistola decreti<sup>1</sup>*

Inscriptio primo<sup>2</sup> semper fiat ut talionem calumpniator recipiat, quia ante  
inscriptionem nemo debet iudicari vel dampnari<sup>3</sup> cum et seculi leges hoc retineant<sup>4</sup>.

*ID 6.337b] C 4 q 4 c 2b*

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<sup>1</sup> Ex ep. decreti ( -ete LdOc, i *add.* GcLnPrVm)CeFcGcLdLnOcPcPfPw; ex ep. decretali BeRaTbVo;  
Ex ep. decretorum i Ca; Exemplar decreti CbLj; Ex epistola decretali Damasi pape cp. iiii DaSb; Ex  
decr' Damasi pape Eg; Ex ep. decretali primo FbMgWc; Epistola decretum Lc; Ex ep. decretorum  
PkTc; Idem Pt; Ex epistola Damasi pape dec. i Vp; om. Ea  
Quod inscriptio semper fiat in accusatione *add.* Pa, De eodem *add.* Vo  
<sup>2</sup> primo \*BeCaEaEgGcLjMgPfPwRa<sup>2</sup>Tb(*moved from after fiat*)Vo; primum Vp; prima Wc; om. RaTc  
<sup>3</sup> vel dampn. *in mg.* Ra  
<sup>4</sup> retineant \*CaEgMgPfPwTb; obtineant Ra; teneant Tc

## 78<sup>1</sup>

### *Stephanus<sup>2</sup> episcopis Gallie in secundo decr<sup>3</sup>*

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<sup>1</sup> *in mg.* Mq<sup>2</sup>  
<sup>2</sup> Felix DaSb<sup>2</sup> (*the implicit sense of ID*)  
<sup>3</sup> episcopis omnibus Gallie *add.* Tc, om. CaFcGcLjMgPfPwTbVo. Gall. in sec. doc. om. Ea; Gallie iii  
dec' Vp. De eodem *add.* Vo

Infamis enim persona nec procurator potest esse<sup>4</sup> nec cognitor<sup>5</sup>.

ID 6.331a] C 3 q 7 c 1 (with distinct insc.)

<sup>4</sup> pot. esse \*CaLjMgPfPwTb; esse pot. Tc

<sup>5</sup> id est testis add. ss Pc

## 79<sup>1</sup>

<sup>2</sup>Stephanus papa in secundo decretali<sup>3</sup> omnibus<sup>4</sup> episcopis

Nullus alienigena aut accusator eorum<sup>5</sup> fiat aut iudex.

ID 6.327 med.] + C 3 q 5 c 8 med.

<sup>1</sup> in mg. Vo

<sup>2</sup> Ut nullus alienigena accusator fiat aut iudex add. in mg. Ca (against c. 80, but displaced by long glosses)CeDaLn<sup>2</sup>, De eodem unde supra add. Pa, De eodem add. Vo

<sup>3</sup> Steph. - decr' \*BeCaLdLjOcMgTbTcVo; Item Ea; Steph. in ii Gc; Idem in eodem Pf; Idem Vp; Stephanus papa omn. epp. Gallie in secundo d' Pw

<sup>4</sup> om. Be

<sup>5</sup> after corr. Pf

## 80

<sup>1</sup>In decr' Damasi<sup>2</sup>, cap. iiii<sup>3</sup>

Damasus papa Romanus<sup>4</sup> Stephano archiepiscopo. Accusatores et iudices non idem sint, sed per se accusatores, per se iudices<sup>5</sup>, per se testes, per se accusati unusquisque in suo ordinabiliter<sup>6</sup> loco.

4L 4.63; ID 6.337 med.]

<sup>1</sup> Quod persone in iudicio non diverse sint add. Pa, Quod alii sint iudices quam testes add. in mg. Tc

<sup>2</sup> pape add. CbLjPf, om. BeCaFbFcGcLdMgPcPwTcVo

<sup>3</sup> In - iiii (xvi FbMg) BeCaCbFbMgOcPfTcVo; In - pape Ea; Damasus Pt; Stephanus papa in secundo decretali omnibus episcopis Tb. De eodem add. Vo

<sup>4</sup> papa Rom. CaEgFcMgPfPwTb; Rom. papa Tc

<sup>5</sup> per se iud. CaMgPfPhTc; om. Tb

<sup>6</sup> ordinabiliter \*BeCaEaFbFcGcLdMgMqPhPrPwSb<sup>2</sup>TcVo; ordinaliter CbLjPfSb; ordinabitur DaMg<sup>2</sup>(ss)PcRaTb; ordinetur Vp

## 81

<sup>1</sup>In decr' Fabiani, cap. iiii<sup>2</sup>

<sup>1</sup> Ut accusatores et iudices non idem sint add. in mg. CaDaLn<sup>2</sup>, Quot persone debent esse in iudicio et quo<t> sit officium eorum add. Pa, Quatuor persone sint in causa, iudex, accusator, defensor, testis add. in mg. Tc, (De eodem add. Vo) Quod quatuor personas in omni iuditio esse oporteat, accusatores, iudices, testes, accusati add. Td(mg.)Vo

<sup>2</sup> cap. iiii om. Ea; om. with no break, Lc.

Nullus unquam<sup>3</sup> presumat accusator simul<sup>4</sup> esse et<sup>5</sup> iudex vel<sup>6</sup> testis, quoniam in omni iudicio quatuor personas necesse est semper adesse, id est iudices electos, accusatores idoneos, defensores congruos atque testes<sup>7</sup> legitimos. Iudices autem debent uti<sup>8</sup> equitate, testes veritate, accusatores intentione ad amplificandam causam<sup>9</sup>, defensores extenuatione ad minuendam causam.<sup>10</sup>

4L 1.50; ID 6.321a to electos accusatores, then variant] C 4 q 4 c 1 of which all from Iudices autem was a later addn

<sup>3</sup> unquam BeDaEaEgGcLjMgPcPfTbTdVoVp; inquam CaCe; om. Tc

<sup>4</sup> pres. acc. simul BeCaEaGcLjMgPhTc; acc. pres. simul Pf; pres. simul acc. Tb; pres. esse simil' acc. Vo

<sup>5</sup> et CaMgTbTc; om. Pf

<sup>6</sup> vel BePfTbVo; et CaGcMgTc

<sup>7</sup> congruos vel add. Ca

<sup>8</sup> deb. uti BeCaGcPfTb; uti deb. MgTc; ipsi deb. uti Vo

<sup>9</sup> -dam causam CaPfTbTc; -dum causas Mg

<sup>10</sup> defensores congruos – causam in mg. Ld<sup>2</sup>

## 82

### <sup>1</sup>Gregorius Iohanni defensori<sup>2</sup>, cap. xl<sup>3</sup>

Quod quidam frater de falsis se capitulis accusatum neque aliquid ordinabiliter factum, sed iniuste se asserit condempnatum, diligenter querendum est. Primo si iudicium ordinabiliter primum est habitum<sup>4</sup>, si alii accusatores, alii testes fuerunt<sup>5</sup>. Deinde causarum qualitas, si digna exilio vel depositione fuit, si eo presente sub<sup>6</sup> iureiurando contra eum testimonium dictum est, si scriptis actum<sup>7</sup> est, si ipse licentiam respondendi ac defendendi se habuerit, sed et<sup>8</sup> de personis accusantium ac<sup>9</sup> testificantium subtiliter querendum est, cuius conditionis cuiusve opinionis, et<sup>10</sup> ne inopes sint, ne forte aliquas contra prefatum pastorem inimicitias habuissent<sup>11</sup>, utrum<sup>12</sup> testimonium<sup>13</sup> ex auditu dixerint<sup>14</sup>, aut certe<sup>15</sup> specialiter<sup>16</sup> se scire testati

<sup>1</sup> Quod nullam vim habeant iniusta iudicia et incerta add. in mg. CaCeDaLn, Defensores extenuationem ad minuendam causam add. in mg. Ld<sup>2</sup>, De inquisitione accusatoris ac testis add. Pa, Qualiter retractanda sit causa iniuste condempnati (-atum Vo) add. Td(mg.)Vo

<sup>2</sup> Ioh. def. \*EaMgPfTbTc; def. Ioh. Ca

<sup>3</sup> cp' l l Pa; lx Pc

<sup>4</sup> primum est hab. MgPfTbTc; habitum est Ca

<sup>5</sup> -unt CaPfTbTc; -int Mg

<sup>6</sup> sub \*MgPfTbTc; om. Ca

<sup>7</sup> act- MgPfTbTc; auct- Ca

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

<sup>9</sup> ac \*CaMgPfTb; et Tc

<sup>10</sup> repeated Tc

<sup>11</sup> in. hab. \*CaMgPfTc; hab. in. Tb

<sup>12</sup> utrum \*BeCaFbGcMgPfTb?Tc; verum EaPf<sup>2</sup>PhVo; vel verum add. ss Mg

sunt, si scriptis iudicatum est et partibus presentibus sententia recitata est. Quod si forte hec solempniter acta non<sup>17</sup> sunt, neque causa probata est que exilio vel depositione digna sit, in ecclesiam suam modis omnibus revocetur.

ID 6.343] +C 2 q 1 c 7 med., var.

<sup>13</sup> in. hab. utrum test. \*CaMgPfTc; in. hab. verum test. Ph; hab. in. utrum Tb

<sup>14</sup> -erint \*CaMgPfTb; -erunt Tc

<sup>15</sup> aut certe] an Vo

<sup>16</sup> specialiter \*BeDaEaTbTc<sup>2</sup>Vo; spiritualiter si CaVp; specialiter si GcOcPfPr; spiritualiter MgTc; spa'tialiter Td

<sup>17</sup> non \*MgPfTbTc; om. Ca

### 83<sup>1</sup>

<sup>2</sup>Ex concilio Cartaginensi VI<sup>3</sup>, cap. iii<sup>4</sup>

Testes autem<sup>5</sup> ad testimonium non admittendos qui nec ad accusationem admitti precepti sunt, vel etiam<sup>6</sup> quos ipse accusator de sua domo produxerit; ad testimonium autem intra<sup>7</sup> annos quatuordecim<sup>8</sup> etatis sue non admittantur.

ID 6.364] C 4 q 2/3 c 1

<sup>1</sup> \*BeCeLaLmOd<sup>2</sup>PhPaPc<sup>2</sup>PkQeSb<sup>2</sup>SiTb as here;

AaAdBdCbCcEaFcHaKaLbLcLdLjObOcOdOeOfPdPfPtPwTd(with text of c 83 added later in mg)VqWaZa omit text of c 83 and insc. to c 84 (Oc with mg. note: Hic deest capit', OdTd supplying text of c 83 in mg.); CaDbEgLfLhLnQaRaSgTcUaVp place text of c 84 under insc. to c 83; text of c 83 originally omitted. PcSb?; AbBbDaFbGcLfLgLk(c 83 om., added in marg. with tiemark after c 84)LjMfMgMoMjPhPqPrQeRaSeVmVtWc reverse cc 84-3 (Mo with rubr. to c 85 before c 84); Sd has insc. of c 83, followed by text of 85, 83. MkVc have cc 84, 85, 83; Mq has text of 83 run on from end of c 85 (qv). In Vo a version of the canon is treated as the rubric to c 84 (see below). Ra<sup>2</sup> has text of c 83 (with insc. as here) repeated in upper mg.; Py reverses 83-84 without inscriptions or rubrics. In Sb all c 83 and c 84 to lesi se ulcisci is in a smaller hand over an erasure. Vo has insc. of c 84, then text of c 83 as part of rubric, followed by text of c 84

<sup>2</sup> (viii. add. Bd) De testibus qui et quomodo et quot (qui, quot et quomodo Ph) et in quo negotio testificari debeant (deb. test. EaLjOf) vel non (vel non om. OdOfVp) add. in mg. BdLjOdOfPhTcVp, in text EaLa, Quod non sunt recipiendi ad testimonium qui sunt infra xiiii annos aut quos accusator de sua domo produxit add. in mg. CaDaLn<sup>2</sup>, Qui testes esse non possint add. Pa

<sup>3</sup> VI PhQe

<sup>4</sup> Ex conc. (om. Be) Cart. VII (om. Mq, VI Tb) cap. iiiii (viii Da, iii LmPcRa)

\*BdBcCaCbFcGcLdLfLmMqOcOdOeOfPcPfPrPwRaSbSeSiTbTcWc; om. AbCcEa; Ex conc. Cart. VII cap. iiiii. Ex conc. Triburiensi Lj; Eusebius ex concil. Cartag. IIII c. xi Lk; Ex conc. Triburiensi Mg; ex conc. Cart. Qa

<sup>5</sup> om. Be

<sup>6</sup> etiam \*BeCaLfLmMqPcPkTb; om. GcMgQaTc

<sup>7</sup> intra CaLfLmMgPkQaTb; inter Tc

<sup>8</sup> ann. quat. \*CaMgQaTbTc; quat. ann. Lf

## 84

<sup>1</sup>*In decr' Anacleti, cap. iiii*<sup>2</sup>

Testes<sup>3</sup> esse non<sup>4</sup> possunt, qui ante<sup>5</sup> hesternum<sup>6</sup> diem, aut<sup>7</sup> nudiustertius inimici fuerunt<sup>8</sup>, ne irati nocere cupiant<sup>9</sup>, ne lesi se<sup>10</sup> ulcisci velint<sup>11</sup>. Inoffensus<sup>12</sup> igitur<sup>13</sup> accusatorum<sup>14</sup> et testium<sup>15</sup> affectus querendus est et non<sup>16</sup> suspectus<sup>17</sup>.

ID 5.239a] C 3 q 5 c 2 var.

<sup>1</sup> Quod non possunt esse testes et accusatores (qui *add.* Da) ante hesternum diem fuerunt inimici *add. in mg.* CaDaLn<sup>2</sup>, De testibus que quomodo et quot *in mg.* Cb, De testibus qui et quomodo et quot et in quo negotio debeant testificari vel non *in mg.* GaLj (*cf c 83*), De eodem *add.* Pa, Quod suspecti accusatores et testes abitiendi sunt. Testes autem ad testimonium non admittendos qui nec ad accusationem admitti precepti sunt, vel etiam quos ipse accusator de domo sua produxerit ad testimonium aut infra annos xiiii *add.* Vo (*cf c 83*)

<sup>2</sup> In decr' Anacleti, cap. iiii (iii CeLmPhQeTbVo, ii Pk) CaCeGcLfLh<sup>2</sup>LmLnMgMqPkPrQeSITbVoVpWc; Ex concil. Cartaginensi cp iiii Be; Anacletus in tertio decretali \*Eg (*followed by text of c 83*); Cartaginensi concilio Lc; Ex concilio Cartaginensi cap. iiii Lk; In decretis Calixti cp. ii Pc (*cf c 85*); Item Tc (*followed by text of c 83*). No *insc.* then text of c 83 QaRa; no *insc.* DaSb

<sup>3</sup> aut accusatores *add.* BbBe<sup>2</sup>CaCcDaFbLfLnRaVp, *om.* BeDbEaFcGcMgPfPhPrPtQaTbTcVoWc

<sup>4</sup> *om.* Mf

<sup>5</sup> qui ante] quia non Qa

<sup>6</sup> hesternum \*BeCaCbCcEaGcLdLjLmMgPfTbVo; externum FcLfPtQa; hesternam Tc

<sup>7</sup> aut \*BeCaCbCcEaFcLdLfLjLmMgPhPtPwTcVo; vel GcMgQa; aut a Tb

<sup>8</sup> fuerunt \*BeCaEaGcPfPtSeTbTcVo; fuerint MgQa

<sup>9</sup> noc. cup. \*BeCaEaFcMgPfQaTbTc; cup. noc. Cc

<sup>10</sup> se \*BeCaCbCcEaFcGcLdLfLjLmMgPfPtQaTbVo; *om.* PwTc

<sup>11</sup> vel *add.* Cc

<sup>12</sup> -sus \*BeCaFcGcMgPfQaTbTc; -sis EaLj

<sup>13</sup> igitur CaEaFcPfPtQaTbTc; ergo GcMg

<sup>14</sup> accusatorum \*BeEaFcGcMgPfPtQaTbTcVo; accusator CaCcLm

<sup>15</sup> testium \*EaFcMgPfQaTbTc; *om.* Ca

<sup>16</sup> non \*BeCaCbCcEaEgFcLdLfLjLmMgPfPtPwQaTbTc; *om.* Pk

<sup>17</sup> est *add.* CaLm; *om.* \*BeDaEaFcMgPfPtQaTbTc

## 85

<sup>1</sup>*In decr' Calixti pape*<sup>2</sup>, cap. ii<sup>3</sup>

Consanguinei<sup>4</sup> adversus extraneos testimonium non dicant, nec familiares de eadem domo prodeutes, sed si voluerint, et invicem consenserint, inter se parentes tantummodo testificentur et non in alios. Neque testes suspecti recipiantur, quia

<sup>1</sup> Ut consanguinei (sang- Da) adversus extraneos testimonium non dicant *add. in mg.* CaDaLn<sup>2</sup>, De eodem *add.* Pa, Quod consanguinei adversus extraneos non testificentur nec de eadem domo prodeutes *add.* Td(mg.)Vo

<sup>2</sup> pape \*BeFcLjMgTcVo; *om.* CaGcLdPaPfPwTb

<sup>3</sup> In decr. – ii] *om.* Pc (*cf c 84*); Ex concil' Cartag' cap. vii Mq (*cf c 83 above*). Fc reversed the *insc.* of cc 85-6, and then corrected. cap. ii *om.* Ea. Mo has 85 following 83 without a break.

<sup>4</sup> vero accusatores *add.* Tc(*cf ID, above c 84*), vero accusatoris *add.* Py; *om.*

BeCaEaFcGcLdLjMgObOcOdOeOfPcPfTbVo

propinquitatis ac<sup>5</sup> familiaritatis ac dampnationis affectio veritatem impedire solet. Amor carnalis et timor atque<sup>6</sup> avaritia plerumque sensus hebetant<sup>7</sup> humanos et pervertunt opiniones ut questum pietatem putent<sup>8</sup>, et pecuniam quasi mercedem prudentie.<sup>9</sup>

4L 1.48b as here; ID 5.289b to impedire solet only] C 3 q 5 c 1 to non in alios and var.

<sup>5</sup> ac CaMgPfTb; et Tc

<sup>6</sup> atque CaMgPfTb; et Tc

<sup>7</sup> hab- Ca

<sup>8</sup> putent CaMgPfTb; om. Tc

<sup>9</sup> Mq here adds the text of c 83 above (without a break): Testes autem ad testimonium - non admittantur

## 86

<sup>1</sup>In decr' Damasi<sup>2</sup>, cap. iiii<sup>3</sup>

Testes<sup>4</sup> absque ulla infamia aut<sup>5</sup> suspicione vel manifesta macula et vere<sup>6</sup> fidei pleniter<sup>7</sup> instructi esse debent, et tales quales ad sacerdotium eligere divina iubet auctoritas, quoniam ut antiquorum tradit auctoritas<sup>8</sup>, sacerdotes criminari non possunt, nec in eos testificari, qui ad eundem non debent, nec possunt provehi honorem. Item<sup>9</sup>. Homicide, malefici, fures, sacrilegi, raptores, venefici, adulteri et qui raptum fecerunt vel falsum testimonium dixerunt, seu qui ad sortilagos magosque concurrerunt<sup>10</sup>, nullatenus ad accusationem vel ad testimonium erunt admittendi.<sup>11</sup>

4L 3.46 var. to provehi honorem only; rest 4L 3.132] + C 2 q 7 c 39 to provehi honorem; C 2 q 8 c 3b from Qui vero ad sortilegos

<sup>1</sup> Ut testes sint absque ulla (om. Da) infamia et in fide plene instructi add. in mg. CaDaLn<sup>2</sup>, Ut testes sint absque infamia add. Ce (mg.), Quales debeant esse testes add. Pa, Quales ad accusandum vel testificandum suscipiendi sunt, quales autem non add. Td(mg.)Vo

<sup>2</sup> Damasi BeCaFcGcLdLjMqPfPwTb; Dam. pape EaMgMqVo; Dam... Qa; Dionisii Tc

<sup>3</sup> cap. iiii BeCaFcGcLdLjMqPfPwTbVo; cap. x MgVp; cap. ii Tc; om. Ea

<sup>4</sup> et accusatores episcoporum add. EgFbLg<sup>2</sup>Lk<sup>2</sup>(over erasure)MgMo<sup>2</sup>PyQaRa<sup>2</sup>Tc, om.

BdBeCaCeDaEaGcLcMqPaPcPfPhPkPqPrPwSbTbPkVmVoWcBrant

<sup>5</sup> aut BeCaFbPfMqTb; atque EgGcMgQaTc; an Vo

<sup>6</sup> vere CaMgQaTbTc; vera Pf

<sup>7</sup> pleniter CaMgPfQaTb; plenitudine Tc

<sup>8</sup> ant. tradit auct. CaMgPfPhTc; auct. ant. trad. Tb

<sup>9</sup> Item TbTc; In dec. Eleutherii (with break) BeCaFbPrTd(mg.); In decretis Euticiani DaSb; Ex concilio apud Theodonisvillam (habito add. Vp) cap. v EgMgVp (Mg mgVp adding, In decretis Eleutherii cap. i); Ibidem PtQa; Item. In decretis Eleutherii cap. i in text GcVm, in mg. Ra, both with break in text; om. CbEaFcLaLcLdMqPcPfPhPk; De eodem Vo

Quales testes non recipiuntur add. Pa

<sup>10</sup> concurrerunt BeCaMgTbPk; concurrerint EaPf; convenerunt Tc; occurrerunt Vo

<sup>11</sup> The order of La is perturbed. It has Nemini de se confesso – nec debemus (from c 87), then Homicide malefici fures – admittendi from here, then Proditoris – audiatur from c 87,



87<sup>1</sup>

*In decr' Dionisii<sup>2</sup>, cap. ii<sup>3</sup>*

Proditoris vero nec calumniatoris nec vox<sup>4</sup> audiatur<sup>5</sup>.

*ID 6. 319 med.]*

<sup>6</sup>*[Item in eodem]*<sup>7</sup>

Nemini de se confesso<sup>8</sup> credi potest<sup>9</sup> super crimen alienum<sup>10</sup>, quoniam eius<sup>11</sup> professio periculosa est, et admitti non debet. [88] Similiter<sup>12</sup> alieni erroris<sup>13</sup> socium vel a sui voluntarie<sup>14</sup> propositi tramite recedentem, aut sacris patrum regulis et constitutionibus inobedientem suscipere non possumus<sup>15</sup> nec debemus.

*ID 5.288; cf 4.69-70 above] C 3 q 4 c 1a, widely var. from Alieni; for beginning cf C 15 q 3 c 5 var.*

<sup>1</sup> For the changed order of sections here in La see note at end of last c.

<sup>2</sup> Dionisii BeCaCbEgGcLdLhLjMgOcOdPfPpPwTbVo; Dionisii pape EaPt; Dionii Fc; Eleuterii Ph; Damasi Tc

<sup>3</sup> cap. ii BeCaCbEgGcLdLhLjMgOcOdPfPpPwTbVo; cap. i Ph; cap. iiii Tc; om. Ea. De eodem add. PaVo

<sup>4</sup> nec calumniatoris nec vox \*BdCeSgPkPt; nec calumniatoris vox Bd<sup>2</sup>BeCaCbDbEaFcLdLjMgOcOdOeOfPhSiRaTdWcBrant; vel calumniatoris vox Cc; et calumpniatoris nec vox Ce<sup>2</sup>; nec calumnia nec vox DaGcPrSb; nec calumniatoris unquam vox FbMgOd; et calumpniatoris nec vox Pa; nec calumpniatoris vox Pc; nec calumnia unquam nec vox PfVo; nec calumnia vox unquam Pw; vel calumpniatoris vox non (nec vox Tb) QeTb; nec calumniatoris vox unquam Tc; vel calumpniatoris vox unquam Vp

<sup>5</sup> exaud- Se

<sup>6</sup> Item in eodem. Nemini - nec debemus replaced by c 88A EgLgMg, om. BbSl

<sup>7</sup> Item in eodem Pf; In decr. Dionisii cp. ii PhVo; In decr' Eleutherii, cap i Tb; paragraph mark only Tc; om. but with break FcGcPaPk; De eodem add. Pa; In decr' Dionisii cp. ii. De eodem. In xviii cp. ii Vo; om. with no break BdBeCaCbDaFbLdLjMgOdPcPtPwRaSbTdVpVqWc

<sup>8</sup> -esso \*CaCcLdLjPfTb; -essio Tc

<sup>9</sup> Nemini – potest om. Vq

<sup>10</sup> requiris add. Vo, which ends the canon here

<sup>11</sup> rei add. BeGcQaTbTc, om. CaCcEaLdLjMgPcPf

<sup>12</sup> et add. GcQaTc, om. \*BeCaCcLdLjPfTb

<sup>13</sup> al. err. \*CaCcLdLjPfTb; err. al. Tc

<sup>14</sup> -arie \*CaCcLdLjQaPfTb; -arii Tc

<sup>15</sup> pass- Ca; possumus Mo

88A<sup>1</sup>

*Ex concilio Triburiensi, cap. x<sup>2</sup>*

Nobilis homo vel<sup>3</sup> ingenuus si in sinodo accusatur et negaverit, si eum fidelem esse sciunt, cum duodecim ingenuis se expurget. Si antea in furto deprehensus<sup>4</sup> fuerit, vel

<sup>1</sup> EdLh<sup>2</sup>Lk<sup>2</sup>QaTc here (LhLk in mg.); after c 85 FbVc(in mg. with tie-mark)Vp; after c 87

LgEgMgVtWa; pt only after c 97 Mo; in mg. PcRa; om.

AaAbAdBbBdBeCaCbCcCeDaDbEaEbEcFcGaGbGcHaKaLaLbLdLfLjLmLnMfMhMjMkMmMqOb OcOdOeOfPaPdPfPhPkPqPrPtPwPyQeSbSdSeSgSITbTdVmVoWbWcZa

<sup>2</sup> Ex - x LgMg; Idem Fb; om. LkPcQaTc

<sup>3</sup> et Pc

<sup>4</sup> furte ... add. and canc. Lk

periurio vel falso testimonio, ad iuramentum non admittatur, sed sicut qui ingenuus non est ferventi aqua vel candenti ferro se<sup>5</sup> expurget.

*BD 16.19] +C 2 q 5 c 15, Palea*

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<sup>5</sup> se LgLkMgPcRaTc; set Qa

## 89

*<sup>1</sup>In dec' Silvestri pape<sup>2</sup>, cap. iii<sup>3</sup>*

Silvester papa in generali residens sinodo<sup>4</sup> dixit<sup>5</sup>, Nullus laicus audeat crimen inferre clerico<sup>6</sup>. Testimonium autem clerici adversus laicum nemo suscipiat. Clericum vero quemlibet nemo in publico examinare presumat, <sup>7</sup>nisi in ecclesia.

*4L 1.60] C 11 q 1 c 9 from Testimonium only*

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<sup>1</sup> Ut nullus laicus clerico crimen inferre debeat nec clericus adversus laicum testimonium dicat *add. in mg.* CaDaLn<sup>2</sup>, , Ut nullus – inferre debeat *add.* Ce Quod nullus laicus clericum criminetur, nec clerici testimonium adversus laicum recipiatur *add.* Pa, Quod nec laicus adversus clericum nec clericus adversus laicum accusationem afferre debeat (-et Td) *add.* Td(mg.)Vo

<sup>2</sup> pape BeEaEgFcGcLjMgPwTcVoWc; *om.* CaLdOcPfPhTb

<sup>3</sup> cp ii BePc; ii Mq; cap. iii *om.* Ea

<sup>4</sup> res. sin. BeCaEgGcMgPfVo; sin. res. TbTc

<sup>5</sup> For Fb *see Conspectus*

<sup>6</sup> clerico CaEgMgPfTb; laico Tc

<sup>7</sup> Oa *here resumes from 4.25 above*

## 90

*<sup>1</sup>Ex dec' Silvestri pape<sup>2</sup>, cap. ii<sup>3</sup>*

In<sup>4</sup> consensu<sup>5</sup> subscriptione omnium constitutum est, ut nullus laicus episcopo vel alicui in ordinibus posito, crimen aliquod possit inferre, et ut presbiter adversus episcopum, diaconus adversus presbiterum, subdiaconus adversus diaconum, acolitus adversus subdiaconum, exorcista adversus acolithum<sup>6</sup>, lector adversus exorcistam, ostiarius adversus lectorem nullo modo aliquam presumat dare

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<sup>1</sup> Ut nullus crimen inferat in maiori ordine constituto et quot testibus episcopus, quot presbiter, quot ceteri dampnari debeant *add. in mg.* CaDaLn<sup>2</sup>, Ut nullus crimen inferre audeat in ordine maiori constituto *add. in mg.* Ce, Quod minores gradus maiores non accusent et quot testes habendi sunt ad singulum dampnandum *add.* Pa, (De eodem et *add.* Vo) Quod minor in ordine positus maiorem in ordine (in ord. *om.* Td) accusare non presumat *add.* Td(mg.)Vo

<sup>2</sup> Ex decr' Silvestri pape \*DaOaOcPhPtPwVo; Idem in eodem Be; In dec' Silvestri pape CaEaGcFcPaPcTbTc; Ex decr' eiusdem CbLjRaSb; Idem Eg; Ex decr. Silv.Mq; Eiusdem Pf; Idem papa Vp

<sup>3</sup> cap. ii \*CaGcMgMqOaPfPhPtTcVo; *om.* EaTbVp. In dec. - ii *in mg.* Ca.

<sup>4</sup> qua etiam synodo *add.* Vo

<sup>5</sup> et *add.* EgMgTc, *om.* BeCaEaFcGcLjOaPfPwTbVo

<sup>6</sup> exor. - acol. \*CaEgLjMgPfTb; *om.* Tc

accusationem. [91] Presul autem non damnabitur nisi in lxxii<sup>7</sup> idoneis<sup>8</sup> testibus<sup>9</sup>. Presbiter autem<sup>10</sup> cardinalis, nisi<sup>11</sup> in xliiii<sup>12</sup> testibus non<sup>13</sup> damnabitur, diaconus cardinalis urbis Rome nisi in xxvi testibus non condempnabitur<sup>14</sup>. Subdiaconus, acolitus, exorcista, lector, ostiarius nisi in septem<sup>15</sup> testibus non condempnabitur<sup>16</sup>. Testes autem et accusatores sine aliqua sint infamia.

*ID 5.264 to lxxii testibus, ID 6.334a from Presbiter autem; cf 4L 1.69b] C 2 q 4 c 2 from Presul non dampnetur*

<sup>7</sup> lxxii \*BeDaEaMgPfTbTcVoBrant; lix duobus Ca

<sup>8</sup> idoneis \*MgTcVp; om. BeCaDaEaGcOaPaPcPfTbVoWc

<sup>9</sup> neque presul summus a quoquam iudicetur, quoniam scriptum est, Non est discipulus super magistrum *add. Td(mg.)(in mg. part. illeg.)Vo*

<sup>10</sup> cum *add. Vo*

<sup>11</sup> in cardinalibus *add. and canc. Ca*

<sup>12</sup> xliiii \*BeCaGcMgPfPwTbVo; lxiii EaTc

<sup>13</sup> non \*CaMgPfPwTb; om. Tc

<sup>14</sup> condempnabitur \*BeCaPfPwTb; dampnabitur GcMgVo; condempnetur Tc

<sup>15</sup> septem BeDaFcGcLdMgOaPaPfTbTdVoVp; sex CaLjRa; octo Tc. Oa *expuncts se before vii*

<sup>16</sup> -itur \*BeMgPfTbTc; -untur CaDaSb. Subdiaconus – condempn. om. Lc

## 92

### <sup>1</sup>*In dec' Euticiani<sup>2</sup>, cap. ii*

Nulli unquam<sup>3</sup> infami atque sacrilego de quocumque negotio liceat<sup>4</sup> adversus religiosum Christianum, quamvis humilis servilisque<sup>5</sup> persona sit, testimonium dicere<sup>6</sup> nec de qualibet re, actione<sup>7</sup> vel inscriptione<sup>8</sup> Christianum impetere.

*4L 1.57; ID 6.333b] C 3 q 4 c 11*

<sup>1</sup> Ut nullus infamis vel sacrilegus adversus religiosum Christianum testimonium dicat *add. in mg. CaDaLn<sup>2</sup>, Quod non sit credendum infami et sacrilego add. Pa, Quod nulli (om. Vo) infami liceat Christianum accusare religiosum add. Td(mg.)Vo*

<sup>2</sup> Eutiani Ea; Numiani (?) Fc; Eutici Ph; Eutiani et Felicis Vp; papa *add. Tc*

<sup>3</sup> umquam BeCaCbEaGcLjMgOaPfTbTcVo; autem Ld; antiqua Fc; om. Oc

<sup>4</sup> neg. lic. CaPfTbTc; lic. neg. Mg

<sup>5</sup> servilisque CaMgPfTb; et servilis Tc

<sup>6</sup> test. dic. CaPfTbTc; dic. test. Mg

<sup>7</sup> accusatione *add. ss Sb<sup>2</sup>*

<sup>8</sup> quamvis humilis ( *obsc. variant in Mq*) servilisque persona – actione vel scriptione *at foot of leaf Mq<sup>2</sup>*

## 93

### <sup>1</sup>*In decr' Calixti pape<sup>2</sup>, cap. ii<sup>3</sup>*

<sup>1</sup> Ut testes non per scripturam sed presentes ex his que viderunt aut veraciter noverunt testificentur (-entur Da) *add. in mg. CaDaLn<sup>2</sup>, Nota. Neminem testimonium perhibere nisi de his que sub presentia sua facta fiant add. lower in mg. Lg, Quomodo et de quibus negotiis testes testimonium dicant add. Pa, Ut testes non per scripturam nec de aliis causis nisi de his que viderint testimonium dicant add. Td(mg.)Vo*

Testes per<sup>4</sup> quamcumque scripturam testimonium non proferant, sed presentes ex his que viderunt<sup>5</sup> veraciter<sup>6</sup> testimonium dicant. Nec de aliis causis vel negotiis testimonium dicant, nisi de his que sub presentia eorum acta esse<sup>7</sup> noscuntur<sup>8</sup>.

*cf ID 5.289 pt.] C 3 q 9 c 15, where the earlier version lacks 'Nec de aliis – dicant' ex inf. AW*

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<sup>2</sup> pape CaCbEaFcLdLjMgPwTbTc; *om.* Pf

<sup>3</sup> cap. ii *om.* Ea

<sup>4</sup> per \*MgPfTbTc; in Ca

<sup>5</sup> et noverunt *add.* BeCaCeDaGcMgMqOaPaPcPhPkPqPrTbTc Td(*mg.*)VmVp, et noverint *add.* Fb, *om.* \*BdCbEaLjPfPwSbTdVo

<sup>6</sup> vaciter Ca

<sup>7</sup> acta esse \*CeLdLcOaPaPhPkTb; facta esse BdCaDaEaFbFcGcLjMgPcPfPrPwSbTdVmVoVp; esse acta Be; facta est Cb<sup>2</sup>; esse facta Tc

<sup>8</sup> Nec de - *nosc. over erasure* Cb

## 94

*Gregorius Iohanni defensori, cap. xl<sup>1</sup>*

Querendum est utrum testimonium ex auditu dixerint, aut certe specialiter se<sup>2</sup> scire testati sunt, si scriptis iudicatum est et<sup>3</sup> partibus presentibus sententia recitata est. Quod si forte<sup>4</sup> hec solemniter acta non sunt, neque causa probata est que exilio vel depositione digna sit, in ecclesiam suam modis omnibus revocentur.

*ID 6.343 end, var.] C 2 q 1 c 7, the second half of a passage in the early version, which was later much enlarged*

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<sup>1</sup> De prolatis testimonii inquisitione *add.* Pa, De eodem *add.* Vo

<sup>2</sup> certe spec. se BeEaGcPfTbVo; certe spiritualiter se Ca; spec. se certe Tc

<sup>3</sup> est et GcPfTbTc; est Ca

<sup>4</sup> Quod si forte *in mg.* Pc

## 95

*<sup>1</sup>Pius papa VIII a Petro<sup>2</sup> fratribus per Hispaniam<sup>3</sup>*

Apostolus<sup>4</sup> inquit, adversus presbiterum inscriptionem non<sup>5</sup> recipiendam, absque duobus vel tribus idoneis testibus<sup>6</sup>. <sup>7</sup>Si hec de presbiteris vel<sup>8</sup> ceteris fidelibus sunt<sup>9</sup> precavenda, quanto magis de episcopis?

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<sup>1</sup> Quod adversus presbiterum non sit inscriptio recipienda absque duobus vel tribus idoneis testibus *add. in mg.* CaCeDaGbLn<sup>2</sup>, Quot ad minus debeant esse testes secundum apostolum et evangelium *add.* Pa, Quod inscriptio non sit recipienda absque duobus vel tribus idoneis testibus *add.* Td(*mg.*)Vo

<sup>2</sup> VIII a Petro BeCaEaGcLdMgOaOcPaPrPwTbTd; VIII a Petro CbDaLjSbTcVoVp; XIII a Petro Pc; *om.* Pf

<sup>3</sup> fratr. per Hisp. *om.* Mq

<sup>4</sup> Populus Vo

<sup>5</sup> esse *add.* MgTc; *om.* \*BeCaEaPfTbVo

<sup>6</sup> idon. test. \*CaMgTbTc; test. idon. Pf

ID 5.247b, as Sixtus] C 2 q 7 c 19b

### *Evangelium*<sup>10</sup>

In ore duorum vel trium testium stat omne verbum.<sup>11</sup>

da C 2 q 4 c 1

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<sup>7</sup> Sed *add.* Tc, *om.* \*CaLjMgPfTb

<sup>8</sup> de *add.* Tc, *om.* \*CaMgPfTb

<sup>9</sup> sunt \*BeMgPfTcVo; sint CaPhTb

<sup>10</sup> Et evangelium Pa; De evangelio Ra. Stephanus V Astulfo *add.* BeCaGcWc (*cf c 96*); De eodem *add.* Vo

<sup>11</sup> In - verbum *om.* Lf

## 96

<sup>1</sup>Stephanus<sup>2</sup> V<sup>3</sup> Astulfo<sup>4</sup>

Nec<sup>5</sup> evangelium nec ulla divina humanaque lex unius<sup>6</sup> testimonio etiam idoneo quempiam condempnat<sup>7</sup> vel iustificat.

C 33 q 2 c 8 *med.*

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<sup>1</sup> Quod nullus dampnetur vel iustificetur unius testimonio licet idoneo *add. in mg.* CaDaLn<sup>2</sup>, Quod unius testimonium non sufficiat *add.* Pa

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

<sup>3</sup> quintus CaEaFcLdLjMgMqOcPfPhTc; *om.* PtTb

<sup>4</sup> Astulfo BeCa(*in sc. before 95b above*)EaEgFbFcLcLdLjMgOaOcPaPrPtPwSb; *no in sc.* CbPc; Astupho Mq; Astulpho PfRa; Asulfo PhQeTb; Aculfo Pk; Austulfo Tc: Haystulfo. De eodem Vo

<sup>5</sup> Hoc Pk

<sup>6</sup> *erasure in Ca*

<sup>7</sup> condempnat BeCaEaFcGcLdLjOaPwSbTbTc; condempnet Mg; commendat Pf

## 97

<sup>1</sup>Ex concilio Bracarense II<sup>2</sup>, cap. viii<sup>3</sup>

Placuit ut<sup>4</sup> si quis aliquem clericorum in accusatione fornicationis impetit, secundum preceptum Pauli apostoli<sup>5</sup> duo vel tria testimonia requirantur ab illo. Quod si non potuerit<sup>6</sup> datis testimoniis approbare quod dixit, accusationem<sup>7</sup> accusati accusator accipiat.

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<sup>1</sup> Ut si quis clericus de fornicatione impetit secundum preceptum apostoli duo vel tria requirant ab eo testimonia *add. in mg.* CaDaGbLn<sup>2</sup>, Quod accusator accipiat accusationem accusati si non potest probare quod dixit *add.* Pa, (De eodem *add.* Vo) Qui accusat nec probare potest sententiam accipiat accusati *add.* Td(*mg.*)Vo

<sup>2</sup> \*Bracarense II (\*)PhOaTb; Braccarense III BeCePa; Cabilonensi II

CaCbDaEgFbGcLcLdLjLnMgOcPcPfPrPtPwRaSbTcTdVmVoVp; Cabilonensi Ea; Cab. VII Fc; Gab. II Mq; Bracarense IV Pk

<sup>3</sup> cap. viii \*BeCaEgGcLdLjMgOcPkPtRaTbTcVo; cap. viiii OaPc; *om.* EaPf

<sup>4</sup> Placuit ut \*CaMgPfTbTc; *om.* Qa

<sup>5</sup> P. ap. CaGcPfTbTc; ap. P. Mg

<sup>6</sup> potuerit \*CaPfTbTc; poterit GcMg

ID 6.276 ] C 2 q 4 c 1

<sup>7</sup> -onem \*MgPfTbTc; -one Ca

## 98

<sup>1</sup>Felix<sup>2</sup> Anastasio<sup>3</sup> et<sup>4</sup> Egiptiis<sup>5</sup>, cap. xiiii<sup>6</sup>

Felix papa in primo decretali<sup>7</sup> suo. Cum ad iudicium venerit quis si voluerit, et necesse fuerit<sup>8</sup>, inducie ei petenti<sup>9</sup> a patribus constitute absque impedimento concedantur, et iudices a se electi tribuantur.

ID 6.335a] C 3 q 3 c 1, var.

<sup>1</sup> (xix. add. Bd) De induciis (corr. fr. indic- Bd) quo tempore et quanto (tempore add. EaGaLj) dande sunt (sint Ph) add. in mg. BdEgGaLjTc, in text PhEa, Quod (Quando Be) dande sint inducie in mg BeCaCeLn<sup>2</sup>Mg, in text Fb, Quando dande sunt inducie et cuius electione iudices tribuendi add. Pa, De induciis in mg. Ra, Ut inducie petenti et iudices a se electi tribuantur add. Td(mg.)Vo, om. MqPfOaTb.

<sup>2</sup> papa add. Tc, om. CaLjPfMgPwTb<sup>3</sup> A<tha>nasio Da<sup>4</sup> et \*BeFcGcOaPfPwTcVo; episcopo et Mg; om. CaTb<sup>5</sup> et Egipt.] e Gratus Ph<sup>6</sup> cap. xiiii \*BeDaGcMgPfTbTcVo; om. CaFbVp; no insc. Ea. ix in mg. Be<sup>2</sup><sup>7</sup> -tali \*CaLjMgPfTb; -to Tc<sup>8</sup> et add. Mg, om. \*CaGcPfTbTc<sup>9</sup> suppl. Sb<sup>2</sup>

## 99

*Qui timet locum tutum sibi eligat<sup>1</sup>*

Ut<sup>2</sup> in loco unde est ille<sup>3</sup> qui accusatur, aut si ibi<sup>4</sup> aliquam temerarie multitudinis vim metuerit<sup>5</sup>, locum sibi congruum eligat, quo absque timore suos si necessitas exposcerit<sup>6</sup> testes habere et absque impedimento suam canonice sententiam finire valeat, quia multa per subreptionem evenire solent.

ID 6.335b]

<sup>1</sup> Qui - eligat in mg. and as text Tc; as rubric

BeCbCe(mg.)EaFbFcGcLdMqOaOcPcPfPhPwRSb(mg.)TbTdVoVpWc; Idem PtSb<sup>2</sup>; om. EgMgPk; Ut quisque locum sibi congruum eligat si vim aliquam timuerit add. in mg. Ca, Ut timens tutum locum eligat add. in mg Mg, Quod accusatus si timet tutum sibi eligat locum Pa. A new paragraph in LdOaPfPkPwTbVo, no break in EgTc

<sup>2</sup> Ut \*BeCbGcMgMqPfTbTcVo; Et CaEaOc; aut EgPy<sup>3</sup> est ille \*CaEgMgPf; ille est Tc<sup>4</sup> si ibi \*CaMgPfTb; sibi Tc<sup>5</sup> -tuerit \*CaMgPfTb; -tuit Tc<sup>6</sup> exposcerit \*BeCaEaFbGcMgOaPhTcVo; poposcerit Cb; deposcerit Ld; eposcerit MqPf; expoposcerit Tb

## 100

<sup>1</sup>*Felix papa*<sup>2</sup> *in primo*<sup>3</sup> *decretali*<sup>4</sup> *suo, cap. xvii*<sup>5</sup>

Non ita<sup>6</sup> in ecclesiasticis agendum negotiis est<sup>7</sup> sicut in secularibus. Nam in secularibus, postquam legibus vocatus venerit et in foro decertare ceperit aliquis, non licet ante peractam causam recedere. In ecclesiasticis vero dicta causa recedere licet si necesse fuerit, aut si se pregravari<sup>8</sup> viderit.

4L 1.56; ID 6.336] + C 2 q 6 c 18

<sup>1</sup> Quod non ita sit agendum in ecclesiasticis negotiis sicut in secularibus *add. in mg.* CaCeDaLn<sup>2</sup>, Utrum decedendum si ante peractam causam de iudicio <necne> *add. Pa*, Quod non (*om.* Td) ita sit agendum in ecclesiasticis (*hystoriis add. and canc.* Vo) negotiis sicut in secularibus Td(*mg.*)Vo

<sup>2</sup> Felix papa BeCaCbLdLnMgOcPfTbTcVoVp; Euticianus papa DaSb<sup>2</sup>; Eutic' Eg; *lacuna Sb* [4L, XP 5.15.3 *have* Euticianus]

<sup>3</sup> primo BeCaCbGcMgOaOcPfPkPwSbTbVo; secundo EgSb<sup>2</sup>Tc

<sup>4</sup> decretali CaPfTb; decreto Mg; dec' Tc

<sup>5</sup> cap. xvii BeCaFcGcLdMgOaOcPf(?)PwSbTbTc; cap. xvi Cb; *om.* Ea; cap. ii Eg; cap. xviii Pc; cap. viii Pk

<sup>6</sup> Non ita] Monita Fb

<sup>7</sup> neg. est CaMgPfTb; est neg. Tc

<sup>8</sup> -guari Ca

## 101

<sup>1</sup>*In decretis Damasi, cap. iii*<sup>2</sup>

Inducie autem accusatis in criminalibus<sup>3</sup> episcopis sex mensium vel eo amplius concedende sunt.

ID 5.287a] + C 3 q 3 c 4, *Palea*

<sup>1</sup> Quante inducie dande sint in criminalibus *add. Pa*, Quales debeant esse inducie (*om.* Vo) *add. Td(mg.)Vo*

<sup>2</sup> cap. iii BeCaEgFcGcLdMgOcPf(?)PwTb; *om.* Ea; cap. iiii Tc; pape cap. iii Vo

<sup>3</sup> -inalibus CaLdMgOaPwTbTc; -inibus Pf

## 102

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

Felix papa Romanus Athanasio<sup>4</sup> episcopo. Inducie non sub angusto tempore sed sub longo spatio concedende sunt, ut accusati se preparare et universos<sup>5</sup>

<sup>1</sup> Quod non sub angusto sed sub longo spatio dande sunt inducie *add. in mg.* CaCe(*subs. erased*)DaLn<sup>2</sup>, De eodem *add. Pa*

<sup>2</sup> pape *add. BeEaTcVo*, II *add. Eg, om.* CaGcMgOcPfPwTb

<sup>3</sup> i *om.* Da; cap. i *om.* Ea; *no insc.* Lc

<sup>4</sup> Athanasio BdBeEaFbFcLcGcMgMqPaPfPhPkPqPrPtPwSbTbTdVmVoVp; Anastasio CaDa(al. Atan... *in mg.*)PcOaRaTc; vel Agatho *add. Ca*<sup>2</sup>; Athanasio Ce; Anathasio LdLjWc

communicatores in provinciis positos convenire et testes preparare<sup>6</sup> atque contra insidiatores se pleniter armare valeant. Quidam autem ad repellenda impetitorum<sup>7</sup> machinamenta<sup>8</sup>, et suas preparandas responsiones et testes confirmandos, et consilia episcoporum atque amicorum querenda, annum et sex menses mandaverunt<sup>9</sup> concedi. Quidam vero annum in quo plurimi concordant. Minus autem quam sex menses non reperi.

4L 1.110; ID 5.296 in part, re-arranged] C 3 q 3 c 2b to armare valeant

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<sup>5</sup> univeris Pf

<sup>6</sup> et universos - prep. om. Ca

<sup>7</sup> impetitorum BeCaCbCeDa(after corr.)EaFbFcLjMgPaPfPkPhPqSbTbTdVmVp; impetitorum PcPwVo; impedimentorum Tc

<sup>8</sup> -hi ss Ra. In Sb se preparare et – machinamenta is in cramped script over an erasure - ? because et universos – et testes had been omitted by eye-skip?

<sup>9</sup> corr fr. manduc- Ca

### 103

#### *In<sup>1</sup> decretis Eleuterii, cap. i<sup>2</sup>*

Eleuterius Romane ecclesie episcopus omnibus episcopis<sup>3</sup>. Inducie non modice ad inquirendum dande sunt, ne aliquid<sup>4</sup> prepropere<sup>5</sup> agi a quacumque parte videatur, quia per subreptionem multa proveniunt. [104] Litigantibus autem non prius velit iudex sua sententia<sup>6</sup> obviare, nisi quando ipsi iam peractis omnibus nihil habeant in questione quod proponant<sup>7</sup>, et tamdiu actio ventiletur quousque ad rei veritatem perveniatur. Frequenter interrogari oportet, ne aliquid pretermisum<sup>8</sup> forte remaneat<sup>9</sup> quod annecti<sup>10</sup> conveniat.

4L 1.109; ID 6.317 mod.] C 3 q 3 c 3 to proveniunt, C 30 q 5 c 11b from Litigantibus, var.

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<sup>1</sup> In BdMgPfPhTbTc; Ex Gc

<sup>2</sup> l Mq; ii Vo; cap. i om. Ea

Quando iudex causam diffiniat et quomodo inquireat add. Pa, (De eodem et add. Vo) quod iudex non ante sententiam proferat quam utraque pars causantium nichil habeat quod proponat add. Td(mg.)Vo

<sup>3</sup> omn. epp. BeCaEaEgMgPfPhPwVo; epp. omn. OaTbTc

<sup>4</sup> -quid CaPfTbTc; -qui Mg

<sup>5</sup> prepropere BeFcLdLjMgPwRaSbTbVo; prope Ca; propere Ce<sup>2</sup>DaEaFbPcPrTcVp; proprie corr. to perpropere Mq; preperpere Oa; perpropere PaTd; prepore Pf

<sup>6</sup> iud. sua sent. CaPfTbTc; sua sent. iud. Mg

<sup>7</sup> Cc ends, at foot of leaf but not end of line

<sup>8</sup> preterm- BeCaPfTbTc; interm- Mg

<sup>9</sup> reman- BeCaMgPwTbTc; man- Pf

<sup>10</sup> annecti BeCeDaOaPaPfTbTcTdVoVp; advecti Ca; admitti FbGcMgWc



## 105

<sup>1</sup>*Ex epistola* <sup>2</sup>*Bonefacii pape* <sup>3</sup>*ad episcopos Gallie* <sup>4</sup>

Bonefacius<sup>5</sup> episcopus Patroclo, Remigio<sup>6</sup>, Maximo, Hilario, Severo, Valerio, Iuliano, Castorio, Leontio, Constantino, Iohanni, Montano, Marino<sup>7</sup> et ceteris episcopis per Gallias et per septem provincias constitutis. Valentine nos clerici civitatis<sup>8</sup> adierunt proponentes<sup>9</sup> libellum et<sup>10</sup> crimina que<sup>11</sup> Maximum teste tota provincia<sup>12</sup> asserunt commisisse, delegata<sup>13</sup> totiens cognitione illum constituta semper subterfugisse iudicia, nec confisum conscientia<sup>14</sup> festinasse, ut si esset innocens examinatis omnibus purgaretur, que totiens decreta ex nostrarum<sup>15</sup> quoque cartarum instructione cognovimus<sup>16</sup>. Qui e contrario probavit de se<sup>17</sup> illa que dicta sunt, quia ad ea confutanda cum essent innumera a decessoribus<sup>18</sup> meis provincialis est delegata cognitio<sup>19</sup>. Conventus etiam dicitur vitasse et adesse<sup>20</sup> minime voluisse. Et nullus dubitat quod<sup>21</sup> ita iudicium nocens subterfugit, quemadmodum ut absolvatur qui est<sup>22</sup> innocens querit. Sed astuta cavillatio eorum qui versutis agendum esse credunt<sup>23</sup> consiliis<sup>24</sup>, nunquam innocentie<sup>25</sup> nomen accipiet. Confitetur enim de omnibus

<sup>1</sup> (x. add. Bd) De subterfugientibus (iudicium add. Vp) quanto tempore et qua ratione expectari debeant add. in mg BdDbEgLj, in text Ea?LaPh, partly in mg. Vp; Quod qui post datas inducias ad iudicium venire contempnit feriendus sit sententia add. in mg. CaCeDaLn<sup>2</sup>, De accusatis iudicium subterfugientibus add. Pa, Ut qui accusatur et ad ea que sibi obitiuntur dilationes querens respondere subterfugit dilationem de absentia non decretur add. Td(mg.)Vo

<sup>2</sup> Ex ep. BeGcMgOcPfTbTcVo; om. Ca; ep. Eg

<sup>3</sup> pape \*BeCaMgOcPcPfTbTc; om. Eg

<sup>4</sup> x in mg. Be<sup>2</sup>

<sup>5</sup> Don- Oa

<sup>6</sup> ss Be

<sup>7</sup> Mauricio add. ss Sb

<sup>8</sup> nos. cl. civ. \*BeCaGcMgPfVo; civ. nos cl. OaTbTc

<sup>9</sup> per add. Tc, om. \*CaMgPfTb

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

<sup>11</sup> et add. Ca, om. \*MgPfTbTc

<sup>12</sup> tota prov. \*BeCaGcPfVo; prov. MgTc; prov. tota PhTb

<sup>13</sup> que add. Tc, om. \*CaMgPfTb. Delegatur minori a maiori ut cognoscat in mg Mg

<sup>14</sup> consc- \*CaPfTbTc; sc- Mg

<sup>15</sup> nost- BeGcPfTbVo; vest- CaMgTc

<sup>16</sup> -ovimus \*CaPfTbTc; -oscimus Mg

<sup>17</sup> esse add. Tb, om. \*CaMgPfTc

<sup>18</sup> dec- \*CaMgPfTb; predec- Tc

<sup>19</sup> est del. cog. \*CaMgPfTb; del. cog. est Tc

<sup>20</sup> dicitur add. and canc. Ca

<sup>21</sup> obsc. corr. Tc

<sup>22</sup> est \*CaPfTbTc; es Mg

<sup>23</sup> in mg. Ra<sup>2</sup>

<sup>24</sup> cons- \*BeCaMgTc; conc- GcPfTb

<sup>25</sup> -tie \*CaMgPfTb; -tis Tc

quisquis se<sup>26</sup> subterfugere iudicium dilationibus putat. Veniet tamen aliquando ille<sup>27</sup> qui talis perhibetur in medium<sup>28</sup>, nec prodest illi totiens latuisse, totiens subterfugisse<sup>29</sup>, quem sui actus et commissa, quocumque fugerit ea que<sup>30</sup> obiciuntur illi, si vera sunt, crimina persequuntur. Debueram quidem iam nunc<sup>31</sup> dignam pro eius<sup>32</sup> accusatis in nostro iudicio actibus, qui cognitionem et<sup>33</sup> decretum iudicium sepe declinando credidit<sup>34</sup> illudendum, dare<sup>35</sup> sententiam. <sup>36</sup>Aliquis preco, qui<sup>37</sup> forsitan<sup>38</sup> iudicaret, et sibi qui absens<sup>39</sup> est, licet sit quesitus a nobis<sup>40</sup>, reservatum esse nihil<sup>41</sup> diceret<sup>42</sup> maluimus intercapedine<sup>43</sup> temporis data<sup>44</sup> differri<sup>45</sup>, cum hoc<sup>46</sup> etiam eius accusatores assererent<sup>47</sup>. De cuius intentionibus et moribus sit decretum<sup>48</sup> Maximum tanto magis damnanda committere, quanto tardius se constituto iudicio presentaret. Quem Manicheorum involutum caligine arguunt<sup>49</sup>, turpique secta olim<sup>50</sup> ita eum non<sup>51</sup> posse<sup>52</sup> abluere, animam in sordida improbatione obiectaque ei<sup>53</sup> gesta sinodalia proferentes, et commissis involutum undique<sup>54</sup> flagitiis, nullum eum<sup>55</sup> sanitatis

<sup>26</sup> quisquis se \*CaMgSb<sup>2</sup>; quisquis BeGcPfSbTbVo; quisque se Tc

<sup>27</sup> ille al. *marked for reversal* Tb; quando ille *add. and canc.* Pc; ille *add.* Sb<sup>2</sup>

<sup>28</sup> medium \*BeCeGcMgPaPfPrSbTbVo; iudicium CaDaTcTd; medium iudicium *Brant*

<sup>29</sup> lat. tot. subt. \*MgPfTbTc; subt. tot. lat. Ca

<sup>30</sup> que \*CaMgPfTbTc; quoque Pf<sup>2</sup>

<sup>31</sup> nunc BeGcMgTbTc; *om.* CaPf

<sup>32</sup> eius \*Be<sup>2</sup>CaGcMgTb; eis Be?PfTc

<sup>33</sup> et \*MgPfTbTc; in Ca

<sup>34</sup> -idit \*MgPfTbTc; -iderit Ca

<sup>35</sup> *corr. to artis in mg.* Ra<sup>2</sup>

<sup>36</sup> At ne *add.* MgTc, Hanc *add.* Pc, Sed ne *add.* Pf<sup>2</sup>, Hanc ne *add.* Sb, *om.* BeCaGcPfTbVo[with *IDcp*; *IDm* has Quam ne]

<sup>37</sup> qui CaGcPfPh; q' BeMg; quam Tc; *om.* Tb

<sup>38</sup> *om. with* forsans ss Sb<sup>2</sup>

<sup>39</sup> *corr. fr.* assens Ca

<sup>40</sup> ne *add.* Tb, *om.* \*CaMgPfTc

<sup>41</sup> esse nihil \*CaMgPfTb; nihil esse Tc

<sup>42</sup> dic- \*MgPfTbTc; disc- Ca

<sup>43</sup> intercapedine Tc

<sup>44</sup> a nobis *add.* ss. Ra<sup>2</sup>

<sup>45</sup> *corr. fr.* ref- Mg

<sup>46</sup> hoc \*GcMg?PfTb; hec CaTc

<sup>47</sup> ass- \*CaMgPfTc; des- Tc

<sup>48</sup> sit decretum CaFcGcMgPwTbVo; sic est decretum Be; fit decretum Pf; sit securum Tc

<sup>49</sup> arguunt \*CaMgPfTb; asserunt Tc

<sup>50</sup> *repeated* Ca

<sup>51</sup> ita eum non BeCaGcMgPc<sup>2</sup>PfTbVo; ita ne eum PcTc; ita eum ne *ID*

<sup>52</sup> posse CaMgPfTb; posset Tc

<sup>53</sup> animam in sordida improbatione (im- ss Be) obiectaque (-que *om.* Ca) ei BeCaFcGcPfPwTbVo; animum sordida imp. obiectaque ei Mg; animum <in> sordida se (*canc.*) improbatione obiectaque (*ocrr. fr.* -ecte) Pc; animum sordidasse in probationem abiecte rei Tc

<sup>54</sup> inv. und. \*CaMgPfTb; und. inv. Tc

<sup>55</sup> *corr. fr.* ei Ra<sup>2</sup>

habuisse respectum<sup>56</sup> quem furore suo<sup>57</sup> et insana<sup>58</sup> temeritate ad secularium quoque iudicum<sup>59</sup> tribunalia<sup>60</sup> subsidium<sup>61</sup> questioni, quod in vili<sup>62</sup> persona turpissimum est, obicerent<sup>63</sup>. Pervenisse eum ad<sup>64</sup> homicidii damna asserunt gestis prolatis in medium. Et hunc talem post tanta taliaque commissa episcopatus adhuc<sup>65</sup> sibi nomen in suis latibulis vindicare, in proprie civitatis infamia nimiis doloribus conqueruntur, et sanctum nomen vindicando sibi<sup>66</sup> velle polluere. Ideoque, fratres carissimi, quia audiendus hic presentare se<sup>67</sup> noluit, ne<sup>68</sup> convictus forsitan ab accusantibus se clericis defendere<sup>69</sup> possit, digna tandem aliquando presentatus<sup>70</sup> episcopali iudicio pronuntiationis congrue feriri sententia iudicamus. Quanquam illi cum hec docta<sup>71</sup> fuerint sciamus huius nominis iacturam esse, qui pudorem nunquam habuisse sacerdotii<sup>72</sup> perhibetur<sup>73</sup>, et locum suum nec modico quidem<sup>74</sup> tempore custodisse dilationem dedimus et decrevimus vestrum debere intra provinciam esse iudicium, et congregare sinodum ante diem Kalendarum Novembrium, ut, si adesse voluerit, presens, si confidit<sup>75</sup>, ad obiecta respondeat. Si adesse neglexerit, dilationem sententie de absentia non lucretur. Nam manifestum est confiteri eum<sup>76</sup> de crimine, qui indulto et totiens delegato iudicio purgandi se occasione non utitur<sup>77</sup>. Nihil enim interest utrum in presenti examine omnia que dicta sunt comprobentur, cum ipsa quoque professione<sup>78</sup> procurata totiens constet absentia. Nos autem per omnes provinciales<sup>79</sup>

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<sup>56</sup> res- \*CaPfTbTc; sus- Mg

<sup>57</sup> suo \*BeGcMgRa<sup>2</sup>TbTc; om. CaPfRa

<sup>58</sup> corr. fr. -ania Pf

<sup>59</sup> -cum \*CaPfTbTc; -cium Mg

<sup>60</sup> -alia \*CaPfTb; -ali Mg; -al Tc

<sup>61</sup> subsidium CaGcPfRaTbTc; subditum MgRa<sup>2</sup>

<sup>62</sup> quoque add. Tc, om. \*CaMgPfTb

<sup>63</sup> obicerent CaMgPfTb; obiciunt Tc

<sup>64</sup> ad \*CaMgPfTb; per Tc

<sup>65</sup> adhuc \*CaMgPfTb; om. Tc

<sup>66</sup> nom. vind. sibi \*CaMgPfTb; sibi nom. vind. Tc

<sup>67</sup> ss Be

<sup>68</sup> ne \*BeCaGcMgPhTcVo; nec Pf; ut Tb

<sup>69</sup> non add. MgTc, om. \*BeCaGcPaPfTbTdVo

<sup>70</sup> -tus \*BeCaGcMg; -tum PfTbTc

<sup>71</sup> docta \*BeCaGc; dicta MgPfTb; edocta Tc

<sup>72</sup> hab. sac. \*BeCaGcMgPfPh; sac. hab. Tb; sac. Tc. Ra mg. adds tamen but uncertain where it is to be inserted

<sup>73</sup> perh- CaMgPfTbTc; proh- Ph

<sup>74</sup> nec modico quidem (quod Vo) BeCaMgTbVo; nec modico Tc; medico nec (marked for reversal) quidem Pf

<sup>75</sup> -dit \*CaMgPfTb; -iderit Tc

<sup>76</sup> conf. eum CaMgPfTb; eum conf. Tc

<sup>77</sup> non ut. \*CaMgPfTc; nititur Ph; nutatur Tb?

<sup>78</sup> professione \*CaPfTbTc; pro confessione Mg

litteras dirigemus<sup>80</sup>, ne excusationem sibi ignorationis<sup>81</sup> obtendat, ut ad provinciam venire cogatur et illic se constituto presentare iudicio<sup>82</sup>. Quicquid autem vestra caritas de hac causa duxerit<sup>83</sup> decernendum, cum ad nos relatum fuerit nostra ut condecet<sup>84</sup>, necesse est auctoritate firmetur<sup>85</sup>.

ID 5.271] C 3 q 9 c 10 has short section from decrevimus et vestrum to constet absentia only, of which the end was a later addn

<sup>79</sup> -iales \*GcMgPfTb; -ias CaTc

<sup>80</sup> -emus \*GcMgPfTb<sup>2</sup>Tc; -imus BeCaTb

<sup>81</sup> -ationis \*CaMgPfTb; -antie Tc

<sup>82</sup> se const. pres. iud. \*BeGcMgPfTbVo; se const. iud. pres. Ca; const. iud. se pres. Tc

<sup>83</sup> causa dux. BeGcOaPfTbVo; re duxerit CaDa; dux. causa Mg; re dixerit PcTc

<sup>84</sup> ut condecet BeCaMgSbTc; ut condecet Da; ut concedam GcPrTbVm; aut concedam Pf; ut concedat Vo

<sup>85</sup> nec. est auct. firmetur \*CaFcLjMgPcPfPwTb; auct. firmabitur Tc

## 106

### <sup>1</sup>Ex concilio Cartaginensi, cap. xix<sup>2</sup>

Aurelius episcopus dixit, Quisquis episcoporum accusatur<sup>3</sup> ad primatem provincie ipsius causam<sup>4</sup> deferat accusator<sup>5</sup>, nec a communione<sup>6</sup> suspendatur cui crimen intenditur, nisi ad causam suam<sup>7</sup> dicendam electorum iudicio<sup>8</sup> die statuta<sup>9</sup> litteris evocatus minime<sup>10</sup> occurrerit. Hoc est<sup>11</sup> infra spatium mensis ex<sup>12</sup> ea die qua<sup>13</sup> eum<sup>14</sup> litteras accepisse constiterit. Quod si aliquas vere necessitatis causas probaverit, quibus eum occurrere non potuisse manifestum sit<sup>15</sup>, cause sue dicende

<sup>1</sup> Ut episcopus accusatus non communione privetur nisi die statuta venire neglexerit *add. in mg.* CaDaLn<sup>2</sup>, Quantum temporis expectetur episcopus accusatus ad causam dicendam *add. Pa*, De qualitate iudicii et quales esse debeant iudices et quando sententiam iudicii debeant proferre *add. in mg.* Tc (*cf* Lj c. 108), Quantum spatium habere debeat accusatus postquam vocatus fuerit ad causam dicendam, vel (et Vo) si subtraxerit se vel ipse accusator presente (presentante Vo) accusato quam sententiam uterque accepturus sit *add. Td(mg.)Vo*

<sup>2</sup> xix CaCbDaGcLdLjMgOcPfPhPkPwTbTc; xx Be; xxi Fb; xxc Fc; xiiii Mq; ix Qe; <III> cap. <vii> Sb [*cf* XP 5.16.3 (2)]

<sup>3</sup> -atur \*BeCaMgOaOcTbTcTd<sup>2</sup>Vo; -ator FbFcGcPfPwTd

<sup>4</sup> suam dicenda *add. Vp*

<sup>5</sup> accusator \*BeDa(*over erasure*)FbMgOaOcPrTbTcVo; accusatus CaGc; accusatus est Pa; *om.* FcPfPw

<sup>6</sup> nec a comm. \*MgPfTbTc; non ad communionem Ca

<sup>7</sup> suam \*CaFcMgPfPwTb; *om.* Tc

<sup>8</sup> -cio \*CaPfTbTc; -cium Mg

<sup>9</sup> -uta \*CaMgPfTb; -uto Tc

<sup>10</sup> minime \*CaFcMgPfPhPwTb; non Tc

<sup>11</sup> est \*BeFcGcPfRaTbVo; est autem CaMgPwRa<sup>2</sup>; autem Tc

<sup>12</sup> ex \*BeDa<sup>2</sup>FcGcMgPfTcTd<sup>2</sup>Vo; ab Pa; *om.* CaDaPwPhTbTd

<sup>13</sup> ea die qua \*CaMgPfTc; eo die qua Ph; eo die quo Tb

<sup>14</sup> eum \*CaPfTbTc; cum Mg

<sup>15</sup> sit \*MgPfTbTc; est Ca

intra alterum mensem integram<sup>16</sup> habeat facultatem. Verum<sup>17</sup> post mensem secundum non communicet donec examinetur. Si autem ad concilium universale infra anni spatium occurrere noluerit, ut vel<sup>18</sup> ibi<sup>19</sup> causa eius<sup>20</sup> terminetur ipse in se damnationis sententiam dixisse iudicetur. Tempore sane quo non communicat, nec in sua ecclesia vel parochia communicet. Accusator autem eius<sup>21</sup> si nunquam<sup>22</sup> diebus cause dicende defuerit a communione non removeatur. Si vero aliquando defuerit subtrahens se, restituto in<sup>23</sup> communione episcopo, ipse removeatur a communione accusator, ita<sup>24</sup> tamen ut nec ipsi adimatur facultas cause peragende, si se ad diem constitutum occurrere non voluisse<sup>25</sup>, sed non potuisse probaverit. Illud vero placuit ut cum agere ceperit in episcoporum iudicio, si fuerit accusatoris persona culpabilis<sup>26</sup>, ad arguendum non admittatur nisi proprias causas<sup>27</sup>, non tamen ecclesiasticas asserere voluerit.

*ID 5.270] C 4 q 5 c 1 to potuisse probaverit; C 4 q 6 c 1 from Illud to end*

<sup>16</sup> -ram \*CaMgPfTb; -rum Tc

<sup>17</sup> Verum \*MgPfTbTc; Utrum Ca

<sup>18</sup> ut vel \*CaMgPfPhTc; vel ut Tb

<sup>19</sup> *corr. fr.* ubi Ph; sibi Tc?

<sup>20</sup> eius \*BeMg; *om.* CaGcPfTbTcTd

<sup>21</sup> eius \*BeGcMgPfTcVo; *om.* CaPwTb

<sup>22</sup> nunquam \*CaFcMgPfPwTb; non Tc

<sup>23</sup> in \*MgPfTbTc; a Ca

<sup>24</sup> ita \*CaMgPfPhPrTc; ipsa Tb

<sup>25</sup> vol- CaGcPfPwTbVo; nol- MgTc

<sup>26</sup> -oris pers. culp. \*MgPfTbTc; -or culp. pers. Ca

<sup>27</sup> causas \*MgPfTbTc; *om.* Ca

## 107

### *In decretis Iulii<sup>1</sup>, cap. ii<sup>2</sup>*

Iulius Romane<sup>3</sup> ecclesie presul episcopis omnibus<sup>4</sup>. Nullus dubitat quod ita nocens iudicium subterfugit<sup>5</sup>, quemadmodum illud innocens<sup>6</sup> ut absolvatur requirit. Nec suspicione caret qui alium calumniis derogat falsa dixisse, cum ipse ad iudicium ut probet quod intulit evocatus venire distulerit.

*4L 1.104]*

<sup>1</sup> pape *add.* Ea?LjTc, *om.* BeCaFcGcMgOcPfPwTbVo

<sup>2</sup> Iterum de subterfugientibus iudicium *add.* Pa, De iudicibus quales debeant esse et quando sententiam debeant proferre *add.* Ph, De eodem *add.* Vo

<sup>3</sup> *corr. fr.* Rome Mg

<sup>4</sup> ep. omn. CaEaFcGcLdLjOaPfTbVo; omn. ep. BeFcMgVp; omn. coepiscopis Tc

<sup>5</sup> *corr. fr.* interf- Be

<sup>6</sup> ill. inn. EaGcMg<sup>2</sup>PcPfTcVo; innocens BeCaLcMqPh; ill. nocens Mg; ita nocens OaVp; eum inn. Tb

## 108

[De qualitate iudicum]<sup>1</sup>. In decretis Felicis, cap. i<sup>2</sup>

Felix<sup>3</sup> alme Romane<sup>4</sup> ecclesie episcopus Athanasio<sup>5</sup> et ceteris<sup>6</sup> episcopis.

Iudices tales esse debent qui omni<sup>7</sup> careant suspitione, et<sup>8</sup> ex radice caritatis suam desiderent promere sententiam.

4L 1.98]

<sup>1</sup> De qualitate iudicum BdBeCbCeGcLdLjMgPcPtSb, (BeCeGcLdMgPcSb in mg.; xi. add. Bd), De iudicibus quales debeant esse et quando debeant proferre sententiam (sent. deb. prof. Bd) iudicii in mg. BdLj (cf PhTc c 106), in text Ea?; De qualitate iudicii in mg. CaDaLn<sup>2</sup>; Quales debeant esse iudices PaTd(mg.)Vo

<sup>2</sup> cap. i LjMgOaOcPfTbTcVo; cap. ii BeCaPw; om. EaVp. xi add. in mg. Be<sup>2</sup>

<sup>3</sup> .b. add. ss Tc

<sup>4</sup> corr. fr. ratione Mq<sup>2</sup>

<sup>5</sup> Athanasio BdDaEaEgFcGcMgMqOaPc<sup>2</sup>PfPrPwSbTcTdVo; Anastasio BeCaPcPhTb

<sup>6</sup> et cet. CaGcPfTbTc; ceterisque Mg

<sup>7</sup> tempore add. Tb, om. CaMgPfPhTc

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

## 109

<sup>1</sup>In dec' Iulii<sup>2</sup>, cap. ii<sup>3</sup>

Iulius episcopus omnibus episcopis<sup>4</sup>. Iudices alii esse non<sup>5</sup> debent, nisi quos ipse qui impetitur<sup>6</sup> elegerit, aut quos suo consilio cum<sup>7</sup> consensu hec sancta sedes aut eius primates auctoritate huius sancte sedis delegaverint.

4L 1.99] C 11 q 1 c 4

<sup>1</sup> Ut alii non sint iudices nisi quos impetitus elegerit add. in mg. CaDaLn<sup>2</sup>, Iudices alii non sint nisi – elegerit add. in mg. Ce, Quis debeat eligere iudices add. Pa, De eodem add. Vo

<sup>2</sup> pape add. BeCbLjTc, om. CaGcMgOaOcPfPwTb

<sup>3</sup> cap. ii CaFcGcMgOcPfPwTb; cp. Vo; om. BeTc; Niceni concilii as only insc. Brant; Iulius 1 cap. 34 in decretis Vosm.

<sup>4</sup> omn. ep. BeCaGcEgLjMgPfPhPw; ep. omn. TbTcVo

<sup>5</sup> alii esse non EaMgPfTbTc; tales esse Ca

<sup>6</sup> qui impetitur MgPfTbTc; impetitus Ca

<sup>7</sup> consilio cum CaDaEaGcFcPwRa<sup>2</sup>TdVo; cum BeCbLjMq<sup>2</sup>OaPaPfTbVmVp; consilio et EgMgTc; om. CeMqPhPrRaBrant

## 110

<sup>1</sup>Cap. vii<sup>2</sup>

<sup>1</sup> Quod iudex probare debeat (-bet Da) quo animo accusator accuset add. in mg. CaDaLn<sup>2</sup>, Iudex prius probare debet quo animo accusator accuset add. in mg. Ce, Quid facere debeant iudices antequam iudicent add. Pa, Quod iudices prius debent probare suspitionem et causam aut (a Vo) quo animo accusator hoc faciat (corr. fr. facit Vo) Td(mg.)Vo, Absque certa probatione quisquam non credat add. Vp

Iudices prius probare debent suspicionem et causam aut quo animo accusator hoc faciat, et postmodum suscipere, quia<sup>3</sup> veritatis professioni<sup>4</sup>, propinquitatis, inimicitie, timoris, amoris, odii et cupiditatis intentio impedire<sup>5</sup> et adversa fratribus solet irrogare.

*cf 4L 4.134b]*

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<sup>2</sup> cap. vii GcMgPrSbTbVm; cap. viii PcTc; In decr. Iulii pape cap. ii CbFb; Item Ea; eiusdem cap. vii Eg; cap. cxxxvi Pw; Evaristus. (Iulius c. vii *in mg.*) Vp; *om.* BeCaDaLdLjMqOaOcPaPfPhPkPtWc, OaPkWc *with no break*

<sup>3</sup> quia CaLjMgPfPwTb; quorum Tc

<sup>4</sup> -ioni BePfPhPwVo; -ione CaGcRa; -ionem Be<sup>2</sup>CbEaLjMgTc; -ionis Tb

<sup>5</sup> imp- CaMgPfPhTc; prep- Tb

## 111

### <sup>1</sup>Cap. vii<sup>2</sup>

Iudex criminosum discutiens, non ante sententiam proferat capitalem<sup>3</sup>, quam aut reus ipse confiteatur, aut per innocentes testes convincatur.

*4L 3.124] C 2 q 1 c 2*

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<sup>1</sup> Ut iudex non ante proferat sententiam quam aut reus confiteatur aut per testes convincatur *add. in mg.* CaDaLn<sup>2</sup>, De eodem *add.* Pa, Ut nemo condempnetur nisi confessus vel iuste convictus *add.* Vo

<sup>2</sup> Cap. vii BeCePaPkSb<sup>2</sup>TbVo(*in mid-rubric*); Cap. cxxxvi CaCe<sup>2</sup>(*mg.*)LdOc; Cap. viii Da; Cap. xxxvi EaGcLjMgPcTc; Cap. xxxvi. Ex decretis Adriani c. ii Fb; In decr' Melchiad' <cap.> vii Mq; Cap. vii. c. xxxvi Oa; cxxxvi. cp. vii Ph; cxxxvi Pr; Cap. vii. cxxxvi Pt; Ex decretis Adriani cap. cxxxvi Pw; Cap. cxxxvii Sb; Ex decretis Adriani Vp; *om.* LnPf

<sup>3</sup> vel finitivam *add. in mg.* Ra<sup>2</sup>

## 112

### <sup>1</sup>In dec' Melchiadis<sup>2</sup>, cap. i<sup>3</sup>

Primo semper omnia<sup>4</sup> diligenter inquire, ut cum iustitia et caritate definiatis, neminem condemnantes ante<sup>5</sup> verum et<sup>6</sup> iustum iudicium. Nullum iudicetis suspicionis arbitrio, sed primum<sup>7</sup> probate et<sup>8</sup> postea caritativam proferte sententiam<sup>9</sup>.

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<sup>1</sup> Ut nullus iudicetur ex sola (*om.* Ce) suspicione *add. in mg.* CaCeDaLn<sup>2</sup>, De eodem *add.* PaVo

<sup>2</sup> pape *add.* Tc, episcopi *add.* Pw, *om.* BeCaGcLdLjLjLmMgPfTb

<sup>3</sup> cap. i *om.* DaEaPaSb; *no insc.* Mq

<sup>4</sup> semper omnia BeCaCbLdLjLjLmMgOaPfPwTbVo; super omnia La; omnia semper PcTc; ante semper omnia Se

<sup>5</sup> et *add.* Mg, *om.* CaPfTbTc

<sup>6</sup> ss Lj

<sup>7</sup> -mum CaMgPfPhTc; -mo Tb

<sup>8</sup> et CaMgPfTbTc; etiam Lm

<sup>9</sup> sententiam Cb. et quod vultis non vobis fieri, alteri non faciatis *add. Vosm. with Ctp 1.31.1 and Gratian, om.*

AaAbBdBcCaCbCeDaDbEaEgFbEcFcGcKaLbLcLdLfLgLjLmMgMqOaObOcOdOeOfPaPcPfPhPkPqPtPwQaQeRaSbSdSeSgTcTdTdVoVpWaWbWcZaBrant

*BL Arundel 173 fo. 115; cf Ctp 1.31.1] + C 2 q 1 c 13*

### 113

*<sup>1</sup>In<sup>2</sup> dec' Victoris<sup>3</sup>, cap. i<sup>4</sup>*

Victor papa Theophilo episcopo. Audivimus<sup>5</sup> apud vos vestrosque diversa iudicia fieri et incerta iudicare<sup>6</sup>. Incerta, carissimi, nullatenus iudicemus quousque veniat Dominus qui latentia<sup>7</sup> producet in lucem, et illuminabit abscondita tenebrarum, et manifestabit<sup>8</sup> consilia cordium.<sup>9</sup> Quamvis enim<sup>10</sup> vera sint<sup>11</sup> non tamen credenda sunt, nisi<sup>12</sup> que manifestis indiciis<sup>13</sup> comprobantur<sup>14</sup>, nisi que manifesto iudicio<sup>15</sup> convincuntur, nisi que<sup>16</sup> iudiciario ordine publicantur.

*ID 5.244a, with distinct inscr., Ctp 1.12.2] dp C 30 q 5 c 9*

<sup>1</sup> Ut non iudicetur de incertis *add. in mg. CaLn<sup>2</sup> (om. Da), Quod iudex de incertis non iudicet add. Pa, De eodem add. Vo*

<sup>2</sup> *om. Vo*

<sup>3</sup> *pape add. CbLjTcVo, om. BeCaEaGcLdLfLmMgMqOaPcPfTb*

<sup>4</sup> *cap. i om. EaVp*

<sup>5</sup> *quod add. DaLdMqOa, quidem add. BeCaEa, om. \*Da<sup>2</sup>GcMgPfTbTcVo*

<sup>6</sup> *-are CaCbLdLjLmMgPfTb; -ari \*Tc*

<sup>7</sup> *laternicia Lm*

<sup>8</sup> *manf- Lf*

<sup>9</sup> *Unde Augustinus in libro De poenitentia add. Brant, om.*

*\*BeCaCbDaDbEaGcLdLfLjLmMgMqOaObOcOdOeOfPfPtPwRaSgTcTbTdVoVp*

<sup>10</sup> *veraciter add. Fb*

<sup>11</sup> *sint \*CaMgPfTbTc; sit Ld*

<sup>12</sup> *vel que (que vel Wc) manifesta sunt add. FbGcMfMgMjPrVmWc, om.*

*\*BbBeCaCeDaDbEaLcMhMkMmMoMqOaPaPcPdPfPtRaTbTcTdVoVp*

<sup>13</sup> *ind- \*BeLjMgTcVo; iud- CaCbLdLfLmMqPfPwTb*

<sup>14</sup> *-antur \*CaPfTbTc; -entur Mg*

<sup>15</sup> *man. iud. \*BeCaMgPfPhTcVo; iud. man. Cb; in man. iud. Tb*

<sup>16</sup> *que \*CaMgPfTbTc; quem Lm*

### 114<sup>1</sup>

*In<sup>2</sup> dec' Sixti<sup>3</sup>, cap. ii<sup>4</sup>*

Sixtus papa Romanus episcopis per Hispaniam constitutis. Incerta nemo pontificum<sup>5</sup> iudicare presumat. Et quamvis vera sint, non tamen credenda sunt, nisi que certis iudiciis comprobantur, nisi que manifesto iudicio<sup>6</sup> convincuntur, nisi<sup>7</sup> que iudiciario ordine publicantur.

<sup>1</sup> *after c 117 Lm*

<sup>2</sup> *In BeCaLjMgPwTcTb; Ex Pf*

<sup>3</sup> *pape add. BeEa, om. GcMgPfTbTc*

<sup>4</sup> *Pk omits whole inscr.; cap. ii om. Ea, Si xxx add. Vo. De eodem add. PaVo*

<sup>5</sup> *pontificum CaGcMgMqPfTc; unquam pontificum BeOaVo; episcoporum unquam Tb*

<sup>6</sup> *iudicio CaMgPwTcTb; om. PcPf*



4L 1.106; cf ID 5.247 var., Ctp 1.22.1] dp C 30 q 5 c 9

<sup>7</sup> nisi CaMgPfPwTb; et Tc

## 115

### *In decretis Eleuterii, cap. i<sup>1</sup>*

Dominus noster Iesus Christus Iudam esse furem<sup>2</sup> sciebat, sed quia non est accusatus<sup>3</sup>, ideo non est eiectus, sed et<sup>4</sup> quicquid inter apostolos egit, pro dignitate ministerii<sup>5</sup> ratum permansit.

4L 1.47b; ID 6.317 med., var.] C 2 q 1 c 4b var.

<sup>1</sup> cap. i om. Ea; whole insc. in mg. Mq<sup>2</sup>. Quod memo<sup>a</sup> dei <debet> nisi q.... cusatus add. Pa, De eodem add. Vo, Nichil absque legitimo et idoneo accusatore fiat. Nam add. Vp

<sup>2</sup> esse furem CaMgPfPwTb; furem esse Tc

<sup>3</sup> non est acc. MgPfTbTc; acc. non est Ca

<sup>4</sup> et CaMgPfPwTb; etiam Tc

<sup>5</sup> ministerii BeCaLjMgMqPfPwTcVo<sup>2</sup>; misterii GcTbVo; ministerium Oa

## 116

### *In dec' Evaristi<sup>1</sup>, cap. ii<sup>2</sup>*

Evaristus<sup>3</sup> papa omnibus episcopis. Dominus omnipotens ut nos a precipitante<sup>4</sup> sententie prolatione compesceret, cum omnia nuda et aperta sint oculis eius, mala tamen Sodome et Gomorrhe<sup>5</sup> noluit audita vindicare, priusquam manifeste<sup>6</sup> cognosceret<sup>7</sup> que dicebantur. Unde ipse ait, Descendam et videbo utrum clamorem qui venit ad me opere compleverint, an non est ita<sup>8</sup> ut sciam. Deus omnipotens, cui nihil absconditum est sed omnia manifesta sunt ei etiam antequam fiant, non ob aliud hec per se inquirere dignatus est<sup>9</sup>, nisi ut nobis exemplum daret, ne precipites in discutiendis et iudicandis fratrum negotiis essemus, et ne mala de cuiusquam persona prius quisquam<sup>10</sup> presumat credere quam probare. Cuius exemplo monemur ne ad

<sup>1</sup> pape add. Vo

<sup>2</sup> cap. ii EgGcMgOaPfTcTbVo; cap. i BeCaFbPw; om. EaVp. Insc. in mg. Pr. Quod iudices non sint precipites ad iudicandum add. Pa, De eodem add. Vo

<sup>3</sup> Evaristus BeCaCeDaEaGcMgOaPaPkPrPwTbTdVoVp; [ ]varistus Fb; Eucaristus Pc; Eucharistus Tc; Euaristus Vp; Pf obscure

<sup>4</sup> -tante BeGcPfTb; -tate CaMgPwTcVo

<sup>5</sup> etiam add. Tb, om. CaMgPfTc

<sup>6</sup> in mg. Pc

<sup>7</sup> cogn- PcPfTcVo; agn- BeCaGcMgTb

<sup>8</sup> est ita MgPfTbTc; ita est Ca

<sup>9</sup> dign. est CaMgPfTb; voluit Tc

<sup>10</sup> quisquam CaMgPfTb; quis Tc

proferendam sententiam unquam precipites simus, aut temere indiligenterque<sup>11</sup> indiscussa queque quoquomodo iudicemus, dicente Veritatis voce, Nolite iudicare et non iudicabimini<sup>12</sup>. Mala<sup>13</sup> audita nullum moveant, nec passim dicta absque certa probatione quisque<sup>14</sup> unquam<sup>15</sup> credat, sed ante audita<sup>16</sup> diligenter inquireat, nec precipitando quicquam aliquis<sup>17</sup> agat. Si enim Dominus omnium Sodomorum mala quorum clamor ad celos<sup>18</sup> usque pervenerat omnia sciens prius nec credere nec iudicare voluit, quam ipse ea que cum fidelibus testibus diligenter investigans audierat, ex opere veraciter agnosceret<sup>19</sup>, multo magis nos humani et peccatores homines quibus incognita sunt occulta iudicia Dei hec<sup>20</sup> precavere, et nullum ante veram iustamque probationem iudicare aut damnare debemus<sup>21</sup>, teste Apostolo qui ait, Tu quis es qui iudicas alienum servum?<sup>22</sup> Suo domino stat aut cadit.

*BL Arundel 173, fo. 113r-v; cf ID 5.240, 6. 312A, which are not source] C 2 q 1 c 20*

<sup>11</sup> indiligenterque CaLdLjMgPfPhTc; indulgenterque Tb

<sup>12</sup> in quo enim iudicio (*om. Migne*) iudicaveritis, iudicabimini, et reliqua *add. Brant, om.*

AbAdBdBcCaCbDaDbEaEcEgFbFcGcKaLbLdLgLjMgMqOaObOcOdOeOfPcPfPhPkPtPwQaRaSdSe SgTbTcTdVoVpWaWbWcZa

<sup>13</sup> enim *add. Fc, om. CaMgPfPkTbTc*

<sup>14</sup> quisque BePfPwTbVo; quisquam CaGcMgTc

<sup>15</sup> unquam CaMgPwTcTb; iniqua Pf

<sup>16</sup> audita MgPfTbTc; dicta Ca

<sup>17</sup> quicq. al. BeCaPfTbVo; quisquam unquam aliquid Gc; quisquam aliquid Mg; quicq. unquam al. Tc

<sup>18</sup> celos CaMgPfPwTb; celum Tc

<sup>19</sup> agn- GcMgPfTcVo; cogn- BeCaPwTb

<sup>20</sup> incognita sunt occulta iudicia Dei (Dei iud. Vo) hec (hoc CbLjMgVo)

BeCaCbGcLdLjMgPhPrPwTcVo; incogn. sunt occ. iud. hec Pf; occulta sunt divina iudicia hoc Tb

<sup>21</sup> et nullum ante – debemus *in mg.* Pc

<sup>22</sup> Nolite iudicare *add. in mg.* Gb<sup>2</sup>

## 117

<sup>1</sup>*Stephanus papa V<sup>2</sup> Leoni Tianensi<sup>3</sup> episcopo<sup>4</sup>*

De manifesta et nota plurimis causa non sunt querendi testes, ut sanctus Ambrosius in epistola ad Corinthios dicit, de fornicatione<sup>5</sup> sententiam exponens apostoli, Iudicis, inquam, non est sine accusatore dampnare. Quia Dominus Iudam<sup>6</sup>

<sup>1</sup> Quod non sint querendi testes in manifestis *add in mg.* CeDaGbLn<sup>2</sup> (*om. Ca*), Quod testes non sint querendi in manifestis causis *add. Pa*, Non condempnavit et apostolus illum qui peccavit *add. in mg.* Tc<sup>3</sup>, Quod de manifesta ca<usa> non sunt querendi testes *add. Vo*

<sup>2</sup> \*V CaEgLdMgPfPwTb; *om. GcTc*

<sup>3</sup> Tianensi \*CePaPhPk; Zianensi BeDaGcLdLjMgPfPhPrPwRaTdVoWc; et Ianensi Ca; Tanensi Eg; Scianensi Mq; Thianensi Oa; et Lanensi PcTc; Ziansi Pt; Ticianensi Tb; Tuzianensi Vp

<sup>4</sup> Leon. Tian. ep. *om. Ea.*

<sup>5</sup> -tione CaPfTbTc; -tore Mg

<sup>6</sup> ss. Tc

cum fuisset fur, quia non est accusatus, minime abiecit<sup>7</sup>. Cognito autem opere isto, pellendum illum de cetu fuisse<sup>8</sup> fraternitatis censuit. Omnes enim crimen eius sciebant<sup>9</sup>, et non arguebant. Publice enim novercam suam loco uxoris habebat, in qua re neque<sup>10</sup> testibus opus<sup>11</sup> erat, neque tergiversatione aliqua poterat tegi crimen. Et paulo post. Absens facie, presens autem<sup>12</sup> auctoritate Spiritus, qui nusquam abest, iam iudicavi ut presens eum qui hoc admisit tradi Satane in<sup>13</sup> interitum carnis.<sup>14</sup>

ID 6.431] +C 2 q 1 c 17

<sup>7</sup> abiecit \*CaLjMgPcPfPwTb; dampnavit Tc

<sup>8</sup> ss after illum Sb

<sup>9</sup> eius sc. \*CaMgPfPhTc; sc. eius Tb

<sup>10</sup> neque \*CaMgPfPhTc; utique Tb

<sup>11</sup> non add. Tb, om. \*CaMgPfPhTc

<sup>12</sup> autem \*GcMgOaPfTcVo; om. CaTc

<sup>13</sup> in \*CaMgPfPhTc; om. Tb

<sup>14</sup> Be adds without a break: Simile quid – et inmunditia.

## 118

### <sup>1</sup>Evaristus<sup>2</sup> episcopis omnibus<sup>3</sup>

Alexander papa quintus a Petro in suorum primo decretalium<sup>4</sup>. Si sacerdotibus vel actoribus<sup>5</sup> ecclesie quedam scripture quoquomodo per metum aut<sup>6</sup> fraudem aut per vim extorte<sup>7</sup> fuerint, vel ut<sup>8</sup> se liberare possent, quocumque<sup>9</sup> ab eis conscripte vel laborate fuerint<sup>10</sup> ingenio, ad nullum eis preiudicium vel nocumentum valere censemus, neque ullam eis<sup>11</sup> infamiam vel<sup>12</sup> calumpniam, aut a suis sequestrationem

<sup>1</sup> Quod prelati ecclesiis (-sie Da) non sit ad preiudicium si coacti scripserint vel fecerint add. in mg. CaDaLn<sup>2</sup>, De preiudicio add. in mg. Lj, De eis qui pro suarum non requisitione rerum iurare coguntur et scripturas inde facere et in publico recitare add. in mg. Mg, De scripturis extortis ab auctoribus ecclesie add. Pa, De appellatione qua ratione et quo tempore fieri debeat et de pena male appellantium add. in mg. Tc, Quod non sit ad nocumentum vel damnum sacerdotibus vel auctoribus ecclesie si ab eis aliquae scripture vi fuerint extorte (exorte Vo) an ut se liberarent conscripte add. Td(mg.)Vo

<sup>2</sup> Evaristus BdCaCeEaFbFcLdLnOfPaPfPhPkPqPrPtPwRaTbVmVoWc; Eucharistus papa Be; Alexander papa CbLj; Euristus LdOc; Evaristus Oa; Alexander Sb; Eucharistus TcVp; om. DaMgMq

<sup>3</sup> ep. omn. BdCaCeGcLjPaPcPfPhPkPrPwTbTcVmVo<sup>2</sup>Wc; omn. epp. \*BeLd; l Mq; episcopus omn. Vo; om. DaMg

<sup>4</sup> Al. - decr. as insc. Mg

<sup>5</sup> act- \*BeOaPfTbTc; auct- CaGcMgVo

<sup>6</sup> aut \*BeCaGcMgOa; aut per PfTc; et Tb; an Vo

<sup>7</sup> extorte \*BeOaPfTbTcVo; exorte CaGcMg

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

<sup>9</sup> quoq- \*MgPfTbTc; quec- Ca

<sup>10</sup> vel ut se liberare – fuerint in mg. Mq<sup>2</sup>

<sup>11</sup> ullam eis \*BeCaGcPfPwTbVo; ullam eos Mg; eos ullam Tc

<sup>12</sup> vel CaMgPfPwTb; et Tc

bonis unquam<sup>13</sup> auctore<sup>14</sup> Deo et<sup>15</sup> sanctis apostolis eorumque successoribus sustinere permittimus.

*ID 5.241a] C 15 q 6 c 1 as here in earlier version, later expanded*

<sup>13</sup> unquam \*CaMgPf<sup>2</sup>PhTc; iniquam Tb?

<sup>14</sup> auctore \*BeGcMgPfPhTc; actore Tb; auctorem Ca

<sup>15</sup> et \*CaGcPfTbTc; vel Mg

## 119

<sup>1</sup>*Eleutherius papa XII loco succedens Petro apostolo<sup>2</sup> in primo decretali<sup>3</sup>*

Iudicantem tamen<sup>4</sup> oportet cuncta rimari et ordinem rerum plena inquisitione discutere, interrogandi ac proponendi<sup>5</sup> adiciendique<sup>6</sup> prebita patientia ab eo, ut ibi actio<sup>7</sup> ambarum<sup>8</sup> partium limitata<sup>9</sup> sit<sup>10</sup> pleniter<sup>11</sup>.

*ID 6.316c] C 30 q 5 c 11a*

<sup>1</sup> Quod iudex prius cuncta patienter rimari debeat antequam iudicet *add. in mg.* CaDaGbLn<sup>2</sup>, Quod iudex patienter ambarum parcium audiat causam antequam iudicet *add. Pa*, Quod iudex debeat cuncta inquirere, et habere ad utramque partem patientiam proponendi et aditiendi *add. Vo*

<sup>2</sup> Pet. ap. (apostoli Vo) BdBeCaEaFcObOdOeOfPwTcVo; ap. Pet. GcMg

<sup>3</sup> El. - decretali (-eto Tc) BdBeCbDaFcLjMgOaOfPhSbTcVo; El. - apostolo CaEaObOdPw; El. papa XII in primo dec. (suo *add. Eg*) EgTb; El. - Petro LdOc; El. papa XII a Petro in iiii d. Mq; El. papa XII a petro in i. dec. Pa; El. papa in primo decr. Pf; El. papa XXII – dec. PrVm; El. – XII a Petro apostolo in i. dec. Pt; El. papa xv loco succ. Qa.

<sup>4</sup> tamen \*BeCbdaEaFcLdLjMgObOcOdOfPwQaSb<sup>2</sup>Tb; *om.* CaSbTc

<sup>5</sup> ac proponendi BeEaEgFbFcGcMgMqOePaPfPhPrPtQaSbTbVo; ac respondendi BdCaCbDaEg<sup>2</sup>LjObOcOfPwRaTd; ac promendi Ce; vel respondendi *add. ss* Mg; ac proonendi Oa; ac reponendi Od; vel proponendi *add. ss* Ra<sup>2</sup>; et respondendi Tc; et proponendi Vp

<sup>6</sup> discendique Be

<sup>7</sup> auctio Ca

<sup>8</sup> -arum \*BeMgPfTbTc; -orum Ca

<sup>9</sup> limitata BdCbDaFbFcLjPaObOcOdOfPtTd; liminata BeCeDbEaEg (vel limata *add. ss*) Gc (vel lu *ss*) MgMqObPcPfPhPkPwQaQeSeVpWc; luminata (vel rimata vel limitata *add. ss*) Ca; limata Da<sup>2</sup>SbTc; limatu Pq<sup>2</sup>; limina ita PrVm; eliminata RaTb; liminita Vo

<sup>10</sup> fit *ss* Pc; ita stet Vm

<sup>11</sup> beniter Be

## 119A<sup>1</sup>

<sup>2</sup>*Non<sup>3</sup> esse<sup>4</sup> iudicandum donec utrinque<sup>5</sup> sit peroratum<sup>6</sup>*

<sup>1</sup> *om.* QaVosm., with rubric as last line of preceding canon; *om.* AaLgMgWaWc; in AbAdBbBdBeCaCbCeDaDbEaEgFbFcGbGcKaLbLcLdLfLhLjLkLmLnMfMhMjMkMmMnMoMpMq OaObOcOdOeOfPaPcPdPfPhPkPqPrPtPwQaRaSbSdSeSgSkTbTcTdVmVoVpVqWbZaWBrant; after c 131 Ec

<sup>2</sup> Idem *add. Pf*, *om.* BdBeCaLdLfLjLmObOcOdPwTbTc

<sup>3</sup> Non BdBeCaGcLdLfLjLmObOcOdPfPwTb; Nec EgTc

<sup>4</sup> esse \*BdBeEgOcOfPfTbTcVo; est CaLfOb

<sup>5</sup> utrinque \*BdEgPfTbVo; utrimque Be; utrumque CaCeLnTc

Nec litigantibus iudex prius sua velit<sup>7</sup> sententia obviare, nisi<sup>8</sup> quando<sup>9</sup> iam peractis omnibus nichil habeant in questione quod proponant, et tamdiu actio ventiletur quousque ad rei veritatem perveniatur. Frequenter interrogari oportet ne aliquid pretermisum forte remaneat quod annecti conveniat.

*cf 4. 104 above, ID 6.317a] C 30 q 5 c 11b*

<sup>6</sup> Non - per. (paratum Oa)

\*BdBcCaCbCeEgFbFcGcLdLfLjLmOaObOcOdOeOfPfPrPwRaSeTbVmVoVp (BeCeFcOe in mg.); om. DaLc(*running on from last c.*)MqPaPcPk; Item Pt; as last sentence of prec. canon in Tc Vosm.

<sup>7</sup> prius sua velit \*BdCbFcGcLdLfLjLmMqOcOePfTcVmVo; prius velit sua BeCaLfPwRa; prius velit Ph; sua prius velit Tb

<sup>8</sup> nisi BeCaPfTbTc; non Lf

<sup>9</sup> ipse add. BePh, ipse add. Tb, om. CaCbFcGcLdLfLjObOcPfPwTcVm

## 119B<sup>1</sup>

*Ex concilio Moguntiensi<sup>2</sup>*

In sancto concilio<sup>3</sup> decretum est ut presbiteri suos plebesanos<sup>4</sup> et accusare et testimoniare possint. Si autem neglexerint, sui gradus periculo subiacebunt  
*BD 16.7] C 2 q 7 c 7*

<sup>1</sup> EdEgLgLh<sup>2</sup>Lk<sup>2</sup> (*both in marg. with tiemark*)MgQaTcWa only

<sup>2</sup> Ex conc. Moguntiensi cp. v (*om.*Mg) LhMg; Item Tc; *om.* Qa

<sup>3</sup> sancto conc. LhQaTc; conc. sancto Mg

<sup>4</sup> plebesanos LhMgQa; plebeianos Tc

## 120

<sup>1</sup>*Ex decretis<sup>2</sup> Fabiani pape Hilario episcopo missis<sup>3</sup>, cap. xxvii<sup>4</sup>*

Si quis vero episcopus<sup>5</sup> iudicem suspectum habuerit et viderit se ingravari<sup>6</sup>, libere sedem apostolicam appellet. [121] Appellantiem<sup>7</sup> autem<sup>8</sup> non debet afflictio ulla, aut<sup>9</sup> detentionis iniuriare custodia, sed liceat appellatori vitiatam causam appellationis remedio sublevare. [122] Liceat etiam in causis criminalibus appellare, nec vox

<sup>1</sup> (xii. add. Bd) De appellatione quo tempore et qua ratione debeat fieri et de pena male appellantium add. in mg. BdGaLj, in text La, Ut episcopus libere sedem appellet apostolicam si iudicem suspectum habuerit add. in mg. CaCeDaLn<sup>2</sup>, Quibus causis appellari possit apostolica sedes add. Pa, Ut episcopus qui se senserit pregravari libere at absque ulla iniuria sedem apostolicam appellet, et ut nullus nisi a suo iudice iudicetur add. Td(mg.)Vo

<sup>2</sup> Ex decr. \*BeCaOaPfTb; In decr. GcMgPrTc

<sup>3</sup> missis BeCaCbGcOaPfTcTb; misso EaPw; *om.* Mq

<sup>4</sup> Ex - xxvii (*om.* Da, xxviii Pc) BeCaCbDaGcMqPcPfPwSbTbTcVo; Hilario ep. missis xxvii cap. In decretis Fab. pape Eg(mg)Mg; Ex - misso Ea. xi add. in mg Be<sup>2</sup>

<sup>5</sup> episcopus \*BeCaGcMqPfPwTcTbVo; *om.* EgMgVp

<sup>6</sup> ingrav- CaMgPfPwTc; grav- Tb

<sup>7</sup> -antem \*BeCaMgOaPcPwVo; -atum GcMqPfTbTc

<sup>8</sup> autem \*CaEgMgPcPfPwTb; *om.* Tc

<sup>9</sup> aut \*Da<sup>2</sup>PfMgTbTc; *om.* Cada

appellandi denegetur ei quem in supplicio sententia destinarit<sup>10</sup>. [123] Pulsatus ante<sup>11</sup> suum iudicem<sup>12</sup> causam dicat, et non<sup>13</sup> ante suum iudicem pulsatus si voluerit taceat, et<sup>14</sup> ut<sup>15</sup> pulsatis<sup>16</sup> quotiens appellaverit<sup>17</sup>, inducie dentur, nec quemquam sententia<sup>18</sup> non a suo iudice dicta constringat.

4L 1. 6 has all from Appellantem autem but begins var.; ID 5.261 (from BD as here) to destinarit; ID 6.323 (H 168) has Pulsatus - inducie dentur, but lacks end] +C 2 q 6 c 2, Palea, Appellantem – custodia; C 2 q 6 c 1, Liceat appellatori –sublevare; C 2 q 6, c 20, Liceat etiam – sententia destinaverit; C 3 q 6 c 3, Pulsatus ante – inducie dentur

<sup>10</sup> -arit LjMgPfPwTb; -avit CaTc; -arat Gc

<sup>11</sup> ante CaLdLjMgPfPwTb; autem Tc

<sup>12</sup> vocet add. Tc, om. BeCaLjMgPfPwTb

<sup>13</sup> non CaCeMgPfPhTc; qui Ce<sup>2</sup>Pa; om. Tb

<sup>14</sup> nec Ca

<sup>15</sup> ut BeDa<sup>2</sup>GcMqPcPrRaSbWc; om. CaDaMgOaTc

<sup>16</sup> pulsatus OaWc. si vol. tac. et (nec Ca, ut add. BeDa<sup>2</sup>GcMqPcPrRaSbWc) puls. (-atus OaWc, -ato Vp) BeCaDaGcHa<sup>2</sup>LjMgMqOaPc<sup>2</sup>PrRaSb<sup>2</sup>TcTd(mg.)VpWc; om. CeEaHaLdPaPcPfPtPwSbTbTdVo

<sup>17</sup> -erit CaPfPwTbTcVo; -erint BeGcLjMgTc

<sup>18</sup> corr. fr. -iam Ca

## 124

*Ex decr' Iulii<sup>1</sup> pape orientalibus episcopis<sup>2</sup> missis, cap. xviii<sup>3</sup>*

Ut omnes<sup>4</sup> episcopi qui in quibusdam gravioribus pulsantur vel criminantur causis, quoties necesse fuerit, libere apostolicam appellent<sup>5</sup> sedem, atque ad eam<sup>6</sup> quasi ad matrem confugiant, ut ab ea sicut semper fuit<sup>7</sup> pie fulciantur, defendantur, et liberentur. [125] Item<sup>8</sup>. Placuit ut accusatus vel iudicatus a<sup>9</sup> comprovincialibus<sup>10</sup>, in aliqua causa episcopus licenter appellet et adeat apostolice sedis pontificem, qui aut per se aut per vicarios suos eius retractari negotium<sup>11</sup> procuret. [126] Item<sup>12</sup>. Si quis putaverit se a proprio metropolitano gravari, apud<sup>13</sup> primatem dioceseos, aut penes apostolice<sup>14</sup> universalis ecclesie papam iudicetur.

<sup>1</sup> Sixti Da, add. ss Sb<sup>2</sup>

<sup>2</sup> Grato episcopo Da, add. ss Sb<sup>2</sup> [cf XP 5.21.1]

<sup>3</sup> cap. xxvii Be; cap. xviii om. EaFbLnVp. De eodem add. PaVo

<sup>4</sup> corr. fr. omnis Tc

<sup>5</sup> corr. fr. -ant Ca

<sup>6</sup> eam \*CaPfTbTc; eandem Mg

<sup>7</sup> fuit \*BeCaLjMgPfPhPkPwVo; sit Tb; om. Tc

<sup>8</sup> Item BeCaGcMgOaTbTc; om. \*Pf. ex dictis Sixti pape add. Brant

<sup>9</sup> a \*CaMgTbTc; ac Pf

<sup>10</sup> compr- \*CaMgPfPhTc; pr- Tb

<sup>11</sup> ret. neg. CaMgPfPhTc; neg. ret. Tb

<sup>12</sup> Victor episcopus add. Brant; Victor ad Theophil. ep. 1 Migne

<sup>13</sup> patriarcham aut add. Brant

<sup>14</sup> et add. Tc, om. \*CaLjMgPfPwTb

*ID 5.257, with omissions] C 2 q 6 c 5 to matrem confugiant; C 3 q 6 c 5a Accusatus vel iudicatus - procuret, then distinct; C 2 q 6 c 15, Si quis putaverit - end*

## 127

*Excepta de<sup>1</sup> legibus Theodosianis quas interpretatur Paulus, cap. xxxv<sup>2</sup>*

Propter superfluum appellatorum licentiam, ne in retractandis vel<sup>3</sup> revocandis sententiis, liberum habere arbitrium<sup>4</sup> viderentur<sup>5</sup>, et tempora appellationis et pene constitute sunt, ut quicumque apud iudicem qui causam eius<sup>6</sup> audivit appellare et ad alium iudicem provocare voluerit, infra quinque dies appellet, et in his ipsis quinque diebus<sup>7</sup> ad iudicem ad quem provocaverit sine aliqua dissimulatione perveniat, et ipse dies in quo accepit litteras in his quinque diebus specialiter computetur<sup>8</sup>. Quod si longius iter sit, exceptis his<sup>9</sup> quinque diebus, spatium dierum<sup>10</sup> quo iter agi possit, computetur.

*ID 5.281] C 2 q 6 c 22, of which much from ad iudicem ad was a later addn*

<sup>1</sup> Excepta de BdBeCaDaGcMgMqPfTbVo; Excerpta de CbMq<sup>2</sup>Ra; Ex decretis et PcTcWc

<sup>2</sup> De eodem. De temporibus appellationis *add.* Pa, De eadem re *add.* Vo

<sup>3</sup> vel \*BeCaOaPfPwTbVo; vel in GcMg; et Tc

<sup>4</sup> hab. arb. \*CaMgPfPhTc; arb. hab. Tb

<sup>5</sup> -erentur \*CaMgPfPhTc; -entur Tb

<sup>6</sup> qui causam eius *repeated and canc.* Pc

<sup>7</sup> quinque diebus \*BeGcMgPfTb; diebus quinque CaTc

<sup>8</sup> -etur \*CaMgPfPwTb; -et Tc

<sup>9</sup> his \*CaMgPfPwTb; *om.* Tc

<sup>10</sup> in *add.* Tc, *om.* \*CaLdMgPfPwTb

## 128

<sup>1</sup>*Cap. xxxvi<sup>2</sup>*

Ab eo a quo appellatum est ad eum qui de appellatione cogniturus est littere dimissorie dirigantur, que<sup>3</sup> vulgo epistola<sup>4</sup> appellatur<sup>5</sup>, quarum postulatio et acceptio intra quintum diem ex officio facienda<sup>6</sup> est.<sup>7</sup> Ista iam superius sub titulo de cautionibus et penis appellationum interpretata est<sup>8</sup>. Qui intra tempora prestituta

<sup>1</sup> De legibus Theodosianis quas interpretatur Paulus *add. in mg.* Bd<sup>2</sup>, Item de tempore et de pena appellationis *add.* Pa, De eodem *add.* Vo

<sup>2</sup> Cap. xxxvi EaFbGcPcPrTc; xxxvi cap. BdBeCaCeMqOaPaPtSbTbVo; xxvi cap. DaRa; cap. xxxv Mg; Item cap. xxxvi Pf; xxxv cap. Vp; *om. with no break* Wc

<sup>3</sup> que \*BeCaMgTb; quod GcPfTc

<sup>4</sup> -ola \*GcPfMgTbTc; -ole Ca

<sup>5</sup> appellatur \*GcMgPcPfPwTbVo; appellantur BeCaPc; dicitur Tc

<sup>6</sup> facienda \*BePfMgTbTcVo; finienda CaDa; vel fini *add. ss* Mg

<sup>7</sup> Interpretatio Pauli *add. in mg.* Sb<sup>2</sup>

<sup>8</sup> est \*CaMgPfPwTb; sunt Tc

dimissorias<sup>9</sup> non postulaverint vel acceperint, vel reddiderint, rescriptione<sup>10</sup> ab agendo submoveantur, et penam appellationis ferre cogantur<sup>11</sup>.

ID 5.282] C 2 q 6 c 24

<sup>9</sup> corr. fr. -arias Mg

<sup>10</sup> resc- \*MgPfTbTc; presc- Ca

<sup>11</sup> -antur BeMgPfTcVo; -entur OaPwTb

## 129

xxvii cap.<sup>1</sup>

Quicumque non confidentia<sup>2</sup> iuste cause sed causa afferende more, ne contra eum sententia proferatur, appellaverit, vel si de facto suo confessus, ne addicatur<sup>3</sup> appellare voluerit, huiusmodi appellationes non recipiuntur.

ID 5.283] C 2 q 6 c 25

<sup>1</sup> xxvii cap. BdCaCeDaFbOaPcPtRaTb; Cap. xxviii Be; Cap. xxxvii GcPaPrWc; Cap. xxxvi Mg; Item cap. xxvii Pf; xxvi (p.c) cap. Sb; Cap. xxvii Tc; xxvii Vo

Que appellatione<sup>a</sup> non recipiuntur add. Pa, De eodem add. Vo

<sup>2</sup> -identia \*BeCaMgPwTbTc; vel du add. ss Mg; -idutia PfQa

<sup>3</sup> add- \*BeCaGcMqPfVo; abd- MgOaPwTbTc

## 130

[Item. cap. xxx<sup>1</sup>]

Quotiens post auditam causam iudicem<sup>2</sup> possessor appellat fructus possessionis de qua agitur, dum sequende<sup>3</sup> audientie eventus dubium<sup>4</sup> est, merito sequestrantur. Nam si petitor appellaverit hoc<sup>5</sup> ab eo non potest postulari, quia non potest sequestrari quod non habet. Si propter<sup>6</sup> predia urbana vel mancipia<sup>7</sup> appellatur, possessiones<sup>8</sup> eorum vel mercedes, vel vectura<sup>9</sup>, etiamsi de navi<sup>10</sup> agatur, deponi solent.

<sup>1</sup> Item cap. xxx Pf; xxxvi cap. Ld; cp. xxv Pa; xxxviii Pt (cf IDm); cap. xxvii Sb; De eodem Vo; no inscr. BdBeCaCeDaEaFbGcMgMqOaPcPkPrPwTcTbVpWc

De pena male appellancium add. Pa

<sup>2</sup> iudicem PfMgTbTc; a (ss Sb) iudice CaSb

<sup>3</sup> -ende \*CaPfTbTc; -ente Mg

<sup>4</sup> -ium PfPrPwTbVo; -ius BeCaMgPf<sup>2</sup>Tc; Gc obsc. corr.

<sup>5</sup> hoc \*CaMgPfPwTb; hic Tc

<sup>6</sup> Si propter \*PfMgTbTc; Super Ca

<sup>7</sup> vel iumenta add. Brant, om. \*BeCaMgMhMjMkMmPdPfPwRaTbTcVoWc

<sup>8</sup> Corr. fr. passiones Mq<sup>2</sup>

<sup>9</sup> vel vectura CaDaLdMgMhRaSbTcTdVp; vel vecturam Bd; vectura BeMkPtTb; in venturam Ce; victura EaMqPwVo; et vecturam Gc; venturam Lj; et vectura Mj; ventura Mm; in vecturam Pa; eorum victura Pf; victuram Ph; meturam PrVm



ID 5.284] C 2 q 6 c 26

<sup>10</sup> navi \*BeCaCeDaLdMfMhPaPfPhPkRaTb; navi manu

BdEaGcLjMgMkMmMoMqPcPdPqPrPtPwSbTdVmVoVpWc; manu Fb; navi si de manu MjTc

### 131

<sup>1</sup>Cap<sup>2</sup>. xxxviii<sup>3</sup>

Omnimodo puniendum est quotiens iniusta appellatio pronuntiatur. Sumptus<sup>4</sup> quos dum<sup>5</sup> sequeretur adversarius impendit, reddere cogatur, non simplos, sed<sup>6</sup> quadruplos.

ID 5.285] C 2 q 6 c 27

<sup>1</sup> Quod puniendi sunt qui iniuste appellant et sumptus quos adversarii expendunt reddere debeant *add.* *in mg.* CaDaLn<sup>2</sup>, De eodem *add.* PaVo

<sup>2</sup> Cap. CaGcMgTcWc; Item cap. Pf; *om.* MqOaRaTbVp

<sup>3</sup> xxxviii CaEaGcLjMgMqOaPfPwTbVpWc; xxxviii cap. Be; *no inscr.* LdVo; xxviii PkRa; Ex concil' Hispalensi cap. ix Pt; xxviii Tc. xiii *in mg.* Be<sup>2</sup>

<sup>4</sup> igitur *add.* Pf, *om.* \*CaMgPwTbTc

<sup>5</sup> quos dum \*CaPfTbTc; quosdam Mg

<sup>6</sup> vel aut *add.* *in mg.* Ra<sup>2</sup>

### 132

*Ex concilio Spalensi, cap. viiii<sup>1</sup>*

Iudices autem<sup>2</sup> episcopos<sup>3</sup> quos<sup>4</sup> communi consensu<sup>5</sup> elegerint, non liceat quemquam provocare, et quisquis probatus fuerit pro contumacia nolle obtemperare iudicibus<sup>6</sup>, cum hoc prime sedis episcopo fuerit probatum, det litteras ut nullus ei communicet episcoporum donec obtemperet.

4L 4.88; ID 6.365 var. close to Pt below] C 2 q 6 c 33, widely var, to non liceat provocari; +C 2 q 6 c 19, from Quisquis probatus to end

<sup>1</sup> Ex - viiii (viii Be) BeCaCbGcLdLnMgMqPfPkPrRaTbWc; Ex conc. Milevitano cap. xxiiii (xxv Pt) DaPtSb; Ex conc. Spal. EaPc; Ex Spalensi concilio, cap. viiii LjPw; Spalensi concilio Tc; Ex conc. Affricano (*corr. fr.* Exspalensi) cp. viiii Td; Ex concilio Africano cp. xi Vo [*cf Conspectus*]; Ex concilio Planensi Vp

Quod non liceat quemquam provocare episcopos iudices communi consensu electos *add.* Pa, A iuditibus quos communis consensus elegerit non esse provocandum *add.* Vo

<sup>2</sup> autem PaPfTbVo; ante DaMgTc

<sup>3</sup> Iud. aut. ep. LdLjMqPfPhPwTbVo; Iud. ante ep. CaDaGcMgPkQaRaTcWc; A iudicibus autem episcopis Pt; [ Iudicibus autem *Brant*; A iudicibus autem *Vosm.*

<sup>4</sup> *om.* Vo

<sup>5</sup> consensu Be<sup>2</sup>GcMgMqPfTcTbVo; sensu Be; assensu CaDaPw; vel as *add.* ss Mg

<sup>6</sup> iud- MgPfTbTc; ind- Ca

## 133

*Ex concilio Cartaginensi III<sup>1</sup>, cap. x<sup>2</sup>*

Placuit ut a quibuscumque iudicibus ecclesiasticis ad alios iudices ubi est maior<sup>3</sup> auctoritas fuerit provocatum, non eis obsit quorum fuerit soluta sententia, si convinci non potuerint<sup>4</sup> vel inimico animo iudicasse, vel aliqua cupiditate aut gratia depravati<sup>5</sup>. Sane si ex<sup>6</sup> consensu partium iudices electi fuerint, etiam a pauciori numero quam<sup>7</sup> constitutum est, non liceat provocari.

4L 4.83; ID 6.363, sl. var.] C 2 q 6 c 37 beginning Hoc etiam placuit to depravati

<sup>1</sup> Ex - III BeCaGcLjLdMgOaPfPkPwTbVo; Ex – Cart. EaTc

<sup>2</sup> cap. x \*BeCaGcMgOaPfTbTcVo; cap. ix CbLj; om. Ea; no insc. Wc

Quomodo non oberit minoribus iudicibus ecclesiasticis si provocatum erit ad maiores add. Pa, Ut si iudicum soluta fuerit sententia, non eis obsit, nisi victi fuerint sponte iudicasse prave add. Vo

<sup>3</sup> est maior \*CaMgPfTb; maior est Tc

<sup>4</sup> -uerint CaMgPfTb; -erint Tc

<sup>5</sup> -ati BeCaGcMgPfPh; -ari TbTc

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

<sup>7</sup> quam \*MgPfTbTc; qui Ca

## 134

*In decr' Victoris pape<sup>1</sup>, cap. i<sup>2</sup>*

Quoniam<sup>3</sup> quanquam<sup>4</sup> a comprovincialibus episcopis accusati causam pontificis scrutari liceat, non tamen definire, inconsulto Romano pontifice, permissum est<sup>5</sup>.

ID 5.244 med.] C 3 q 5 c 5b

<sup>1</sup> pape TcTb; om. BeCaEaGcMgOaPcPfPhPrPw

<sup>2</sup> cap. i om. Ea

Qualiter liceat provincialibus episcopis diffinire causam pontificis add. Pa, Non licere causam accusati episcopi diffiniri inconsulto Romano pontifice add. Vo

<sup>3</sup> Quoniam \*BeCaCeDaEaGcMgMqOaPfPkPtPwTbTdVo; Quamquam Py; om. CbLjPaPcRaTc

<sup>4</sup> Quandam Pa

<sup>5</sup> perm. est] scrutari Pt

## 135

*In decr' Zepherini, cap. i<sup>1</sup>*

Zepherinus Romane urbis archiepiscopus<sup>2</sup> omnibus episcopis. Patriarche vel primates accusatum discutientes episcopum, non ante sententiam proferant finitivam<sup>3</sup>

<sup>1</sup> cap. i BeCaGcMgPfPwTbVo; insc. in mg. Mq<sup>3</sup>; cap. iii PkTc; om Ea. De eodem add. PaVo

<sup>2</sup> archiep- CaMgPfPkPwTb; ep- Tc

<sup>3</sup> finitivam CaMgPfPhPwTc; om. Tb

quam apostolica fuerint fulti auctoritate, aut reum se ipse confiteatur, aut per innocentes et regulariter examinatos convincatur<sup>4</sup> testes. Qui nimirum testes minori non sint<sup>5</sup> numero quam illi discipuli fuerunt quos Dominus<sup>6</sup> ad<sup>7</sup> adiumentum apostolorum elegit<sup>8</sup>, id est lxxii<sup>9</sup>.

4L 1.84; ID 5.245a]

<sup>4</sup> -atur CaPfTbTc; -ant Mg

<sup>5</sup> sint MgPfTbTc; sunt Ca

<sup>6</sup> Dominus MgPfTbTc; Deus Ca; om. Sb

<sup>7</sup> ad BeCaMgPaPfPhPwSbTcVo; om. PkTb

<sup>8</sup> ap. el. CaFbMgPaPfPkSbTc; el. ap. BdLj

<sup>9</sup> quos Dominus - lxxii om. Brant. id est lxxii BdCbCe(corr. fr. Idem item)DaEaMg<sup>2</sup>OaPaPcPfPhPkPqPtRa<sup>2</sup>SbTcVoWc; id est lxxiiii Mq<sup>2</sup>; id est lxx PwVp; id est lxxii Td(mg.); om. BeCaFbGcMgMqPrRaTbTdVm

### 136

<sup>1</sup>Eleuterius papa XII<sup>2</sup> loco succedens<sup>3</sup> Petro apostolo<sup>4</sup> in<sup>5</sup> primo decretali<sup>6</sup>

De accusationibus ergo clericorum de quibus consulti sumus, quia omnes eorum accusationes difficile est ad sedem apostolicam deferri, finitiva<sup>7</sup> episcoporum tantum<sup>8</sup> iudicia huc deferantur, et huius sancte sedis auctoritate finiantur<sup>9</sup>, sicut ab apostolis eorumque successoribus multorum consensu episcoporum iam definitum est. Nec in eorum ecclesiis alii aut preponantur aut ordinentur antequam hic eorum iuste<sup>10</sup> terminentur negotia. Quoniam quamvis liceat apud provinciales<sup>11</sup> et metropolitanos atque<sup>12</sup> primates eorum ventilare accusationes vel criminationes, non tamen licet definire secus quam predictum est. Reliquorum vero clericorum apud provinciales<sup>13</sup> et metropolitanos et primates et ventilare et iuste finire licet.

ID 6.316a, cf 5.2A] C 3 q 6 c 7b, from Quamvis liceat, is fuller

<sup>1</sup> Incipit liber v add. Mh mg, Mk in text, Hic incipit quinta pars huius libri in mg. Pq

<sup>2</sup> El. papa XII (XXII Ce) \*BeCaCeEaLjMgPwTbTc; om. Pk

<sup>3</sup> loco succ. \*CaCeLjMgPwTb; a PaPtWc; succ. loco Tc

<sup>4</sup> om. PaWc; loco succ. Petro ap. om. Mq. Incipit liber quintus add. in mg. Mq<sup>3</sup>

<sup>5</sup> in \*CaMgTbTc; om. Lj

<sup>6</sup> -tali \*PfTb; -to Mg; dec' BeCaTc; in prim. dec. om. Ea; XII – decr. om. Lc.

Ubi debeant diffiniri iudicia episcoporum<sup>a</sup> et ubi reliquorum episcoporum add. Pa, De eodem et quod in ecclesiis eorum interim nullum licet preponi, et quod reliquorum clericorum accusationes apud metropolitanos possunt diffiniri add. Vo

<sup>7</sup> finitiva \*CaLjMgPfPwTb; finitiva GcTc

<sup>8</sup> episc. tantum BeCaGcOaPfPhVo; episc. tamen Mg; tamen epis. Tb; tantum epis. Tc

<sup>9</sup> et huius - finiantur \*BeCaLjMgPfPwTbTcVoBrant; om. Migne

<sup>10</sup> iusiuste Tb

<sup>11</sup> pro- \*CaLjMgPfPwTb; compro- GcTc

<sup>12</sup> atque \*BeGcMgTbTc; et CaLjPfPwVo

<sup>13</sup> pro- \*CaLjMgPfPwTb; compro- Tc

Explicit liber quartus<sup>1</sup>

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<sup>1</sup> Expl. lib. quartus BdCaDbEaFbHaLhObOcOdOfPfPwQeSbSI TbTdVo; Quarta pars explicit Lj;  
Explicit quarta pars et liber octavus Pa; Expl. quarta pars Pd; Expl. pars quarta Pt; *om.*  
BbBeCeDaGcLfLgMfMgMhMjMkMmMoMqOaOePcPdPhPqPrRaSeSgTcVpVq. Require retro *in mg.*  
Lf