

## Incipiunt capitula quarti

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 iudicibus quales debeant esse et quando sententiam iudicii debeant proferre. De appellatione quo tempore et qua ratione debeat fieri et de pena male appellantium.<sup>1</sup>

<sup>1</sup> Incipiunt – appellantium Tb; Quarta pars cont. - appellantium PhQeVm; *om.* AdBbBdBeCaDbEaMfMgMhMjMkMoMqOaObOdOeOfPdPfPkPtRaSeSgSITcVoVpVqWc

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

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

<sup>1</sup> Inc. - quartus Be(*after insc. to c 1*)CaEgLjMqOePdPhPk(*mg*)SITbTc; *om.* BdOb(*cf below*)PtPw; Liber incipit quartus Cb; Incipit liber quintus Ld; Incipit quarta pars BbMgWc; Incipit liber ... Od *mg.*; Incipit quartus EaOfPfVo(*after insc. to c 1*)Qe(*before capitula*); Pars quarta incipit RaVp; Incipit iiii Wc; *om.* OaSg(*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> ordinatione BdCbDbEaFcLdLjPkPtVoWc; ordine CaTcPw

<sup>5</sup> De - et de sublimitate episcopali (episcoporum DbSl) *in text* AdBdCaCbDbEaLjMgMqOb(*after insc. to c.1*)OdOfPkPtPwSITbVo, *in mg.* FcLdOeWc; 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.* BeOa; .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 nostri<sup>5</sup> concedimus<sup>6</sup> ipsis sanctis<sup>7</sup> apostolis dominis meis, beatissimis<sup>8</sup> Petro et Paulo et<sup>9</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.* BbCaMg; constituti nostri Fc; nostri Od; instituti Pt; de testamento Tc

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

<sup>4</sup> Ex. - imp. BeBbCaLdMq(*mg.*)PfTbTcVo; *om.* Pw; liber [*erasure*] quartus *add.* Db. *See above for Vo. i in mg.* Be<sup>2</sup>

<sup>5</sup> Ex – nostri *om.* Pt

<sup>6</sup> concedimus \*CaMgPfPkTb; decrevimus Tc

<sup>7</sup> sanctis \*CaPfTbTc; *om.* Mg

<sup>8</sup> beat. \*CaEgMgPfTb; *om.* Tc

<sup>9</sup> et \*TbTc; *om.* BeCaMgPfVo

pontifici et universali<sup>10</sup> urbis Rome<sup>11</sup> pape, et omnibus eius successoribus<sup>12</sup> pontificibus qui usque in finem mundi in sede beati Petri erunt sessuri, atque de presenti contradimus<sup>13</sup> palatium imperii nostri Lateranense, quod omnibus in toto orbe terrarum prefertur atque precellit<sup>14</sup> palatiis. Deinde diadema, videlicet<sup>15</sup> coronam capitis nostri, simulque phrigium nec non<sup>16</sup> et superhumeral<sup>17</sup>, videlicet lorum<sup>18</sup>, quo<sup>19</sup> imperiale circumdari assolet collum, verum etiam clamidem purpuream atque tunicam coccineam, et omnia imperialia indumenta seu dignitatem<sup>20</sup> imperialium presidentium, equum<sup>21</sup> conferentes etiam et imperialia sceptrata simulque et cuncta atque<sup>22</sup> signabunda<sup>23</sup> etiam et<sup>24</sup> diversa ornamenta imperialia, et omnem processionem<sup>25</sup> imperialis culminis et gloriam potestatis nostre. Viris enim<sup>26</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>27</sup> gloria adornari, id est patricios atque consules effici, necnon et ceteris dignitatibus imperialibus eos promulgantibus<sup>28</sup> decorari, et sicut imperialis militia<sup>29</sup> ita et clerum<sup>30</sup> sancte Romane ecclesie ornari<sup>31</sup> decernimus<sup>32</sup>. 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>33</sup> manibus

<sup>10</sup> -ali \*BeMgPfTb; -alis CaTc

<sup>11</sup> Rome \*CaPfTbTc; *om.* Mg

<sup>12</sup> eius succ. \*BeCaEgPf; succ. eius TbTc

<sup>13</sup> contradimus \*BeCaPfTbVo; tradimus Mg; concedimus Tc

<sup>14</sup> precellit \*CaMgPfTb; precessit Tc

<sup>15</sup> videlicet \*CaMgPfTb; id est Tc

<sup>16</sup> nec non \*CaMgPfTb; *om.* Tc

<sup>17</sup> -ale BeCaMgTc; -alem PfTb

<sup>18</sup> lorum \*CaPfTbTc; locum Mg

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

<sup>20</sup> *corr. fr.* indig- Ca

<sup>21</sup> equum \*CaMgPfTb; equitum et Tc

<sup>22</sup> cuncta atque CaMgPfTb; conta atque Be; *lacuna* Tc

<sup>23</sup> -bunda CaMgPfTb; -banda Be; -blanda Tc

<sup>24</sup> etiam et BePfTbVo; etiam CaMg; et etiam Tc

<sup>25</sup> proc- \*CaMgPfTb; prof- Tc

<sup>26</sup> enim BeCaPf; etiam MgTbTcVo

<sup>27</sup> *corr. fr.* -entur Pf

<sup>28</sup> -antibus CaMgPfTb; -antes Tc

<sup>29</sup> imperialis militia BeCaMgTbVo; imperiali militia Mg; imperialem militiam Pf<sup>2</sup>Tc

<sup>30</sup> clerum BePf(*short lacuna follows*)TcVo; clero et Ca; clero MgTb

<sup>31</sup> ornari \*BeTbTc; ordinari CaMgPfVo

<sup>32</sup> -ernimus \*BeCaPfTbVo; -revimus MgTc

<sup>33</sup> *obsc. addition follows* Pf

nostris<sup>34</sup> imposuimus, et tenentes frenum equi ipsius<sup>35</sup> pro reverentia beati Petri<sup>36</sup>, stratoris officium illi<sup>37</sup> exhibuimus, statuentes eodem phrighio omnes eius<sup>38</sup> successores singulariter in processionibus<sup>39</sup> uti ad imitationem imperii nostri<sup>40</sup>. Unde ut non pontificalis apex vilescat, sed magis amplius quam terreni imperii dignitas et<sup>41</sup> glorie potentia decoretur, ecce tam palatium nostrum, ut prelatum est<sup>42</sup>, quamque Rome<sup>43</sup> urbis et omnis Italie seu occidentalium regionum provincias, loca et<sup>44</sup> civitates sepe fato<sup>45</sup> beatissimo<sup>46</sup> pontifici patri nostro Silvestro universali pape contradentes<sup>47</sup> atque relinquentes ei vel successoribus ipsius pontificum potestati et ditioni firma imperialis<sup>48</sup> censura per hanc nostram divalem sacram et<sup>49</sup> pragmaticum<sup>50</sup> constitutum<sup>51</sup> decernimus disponendum<sup>52</sup>, atque<sup>53</sup> iure sancte Romane ecclesie concedimus permanendum. Unde congruum perspeximus<sup>54</sup> nostrum imperium et regni potestatem<sup>55</sup> orientalibus transferri ac<sup>56</sup> transmutari regionibus, et in Bizantie<sup>57</sup> provincia in optimo loco nomini nostro<sup>58</sup> civitatem edificari, et nostrum illic constitui imperium. Quoniam ubi principatus sacerdotum<sup>59</sup> et Christiane religionis caput ab imperatore celesti<sup>60</sup> constitutum est iustum non est<sup>61</sup> ut illic<sup>62</sup> imperator terrenus habeat potestatem.

<sup>34</sup> manibus nostris \*OaTcVo; per manus nostras BeMgPf<sup>2</sup>; manu nostra CaRa; manus nostras Pf; nostris manibus Tb

<sup>35</sup> eq. ips. \*BeMgPfTb; ips. eq. CaTc

<sup>36</sup> apostoli *add.* MgTc, *om.* \*BeCaPfTbVo

<sup>37</sup> off. illi \*CaMgPfTb; illi off. Tc

<sup>38</sup> eius \*MgPfTbTc; *om.* Ca

<sup>39</sup> proc- \*MgPfTbTc; prec- Ca

<sup>40</sup> imp. nos. \*CaMgPfTc; nos. imp. Tb

<sup>41</sup> et BeCaPfTbTc; *om.* Mg

<sup>42</sup> prel. est \*BeCaMgPf; prefatum est Tb; prel. Tc

<sup>43</sup> Rome BeCaPfTb; Romane MgTc

<sup>44</sup> et \*CaMgPfTc; *om.* Tb

<sup>45</sup> fato \*Be(*after lac.*)TbVo; prefato CaMgPfTc

<sup>46</sup> beatissimo \*CaMgPfTb; beato Tc

<sup>47</sup> contradentes \*CaMgPfTb; tradentes Tc

<sup>48</sup> -alis \*CaPfTb; -ali BeMgTc

<sup>49</sup> firmum *add.* Tc, *om.* \*BeCaMgPfTb

<sup>50</sup> id est casuale *add. ss* Be<sup>2</sup>

<sup>51</sup> -tum \*CaPfTbTc; -tionem Mg

<sup>52</sup> disponendum \*BeCaEgMgPfTb; deponimus Tc

<sup>53</sup> sub *add.* Mg, *om.* \*CaPfTbTc

<sup>54</sup> persp- \*BeCaEgTcVo; prosp- MgPfTb?

<sup>55</sup> regni potestatem \*BeCaTbTcVo; nostri potestatem regni Mg; regni potestate Pf

<sup>56</sup> *obsc. corr.* Pf

<sup>57</sup> brz- Ca (*sic*)

<sup>58</sup> nom. nost. \*CaPfTbTc; nost. nom. Mg

<sup>59</sup> -otum \*BeCaEgPfTb; -otii MgTc

<sup>60</sup> celesti \*CaEgMgPfTb; celi Tc

<sup>61</sup> iust. non est \*CaMgPfTc; non est iust. Tb

<sup>62</sup> *repeated and canc.* Tb

ID 5.49]

## 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.* CaLn<sup>2</sup>; De primatu Romane ecclesie *add. Vo*

<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. BeOaPfTbTcVo; 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 urbis Rome episcopus omnibus orthodoxis. Quamvis universe per orbem catholice ecclesie unus<sup>3</sup> thalamus Christi sit<sup>4</sup>, sancta tamen Romana catholica ecclesia et apostolica<sup>5</sup> nullis sinodicis constitutis ceteris ecclesiis prelata est, sed evangelica voce<sup>6</sup> Domini et Salvatoris nostri primatum obtinuit. Tu es, inquit Dominus<sup>7</sup>, Petrus, et super hanc petram edificabo ecclesiam meam. Cui data est

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

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

<sup>3</sup> unus CaPfTbTc; unius Mg

<sup>4</sup> Chr. sit CaPfTbTc; sit Chr. Mg

<sup>5</sup> tamen Rom. - apost. CbFcMgPfTb; tamen Romana ecclesia catholica et apostolica BeCaPwVo; tamen Romana et apostolica ecclesia Oa; tamen Rom. et apostolica eccl. catholica <non> Ra; Romana tamen et apostolica ecclesia Tc

<sup>6</sup> sed ev. voce MgPfTbTc; si ev. vocem Ca

<sup>7</sup> *ss* Ra

etiam<sup>8</sup> societas beatissimi<sup>9</sup> Pauli apostoli vasis electionis, qui non diverso, sicut<sup>10</sup> heretici garrunt, sed uno tempore, uno<sup>11</sup> eodemque die gloriosa morte cum Petro in urbe Roma sub Cesare Nerone agonizans coronatus est, et pariter supradictam Romanam ecclesiam<sup>12</sup> Christo Domino consecrarunt, eamque<sup>13</sup> omnibus urbibus in universo mundo sui presentia atque<sup>14</sup> triumpho pretulerunt<sup>15</sup>. Est ergo<sup>16</sup> prima Petri apostoli sedes<sup>17</sup> Romana ecclesia non habens maculam nec<sup>18</sup> rugam, nec aliquid huiusmodi.

4L 1.22] +D 21 c 3

<sup>8</sup> data est et. CaMgPfTc; et. data est Tb

<sup>9</sup> beatissimi CaMgPfTc; beati Tb

<sup>10</sup> sicut CaMgPfTc; ut Tb

<sup>11</sup> uno CaPfTbTc; om. Mg

<sup>12</sup> Rom. eccl. MgPfTbTc; eccl. Romam Ca

<sup>13</sup> eamque MgPfTbTc; eodemque Ca

<sup>14</sup> venerando add. EgOaTc, om. BeCaCbFcMgMqPfPwRaTbVo

<sup>15</sup> pret- CaMgPfTb; prot- Tc

<sup>16</sup> ergo MgPfTbTc; igitur Ca

<sup>17</sup> P. ap. sed. CaPfTbTc; sed. P. ap. Mg

<sup>18</sup> nec Be<sup>2</sup>EgMgPfTb; aut Ca; neque TcVo

#### 4

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

<sup>1</sup> ii Vp. De eodem add. Vo

#### 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 1.8] +C 9 q 3 c 13 as from Innocent

<sup>1</sup> Quod Romanus pontifex a nemine iudicabitur nisi a Deo add. in mg. CaLn<sup>2</sup>

<sup>2</sup> vii BeCbEgFcMgPfTb; vi CaMgOa; viii Pw; iii Tc. In - vii] De eodem Vo

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

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

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

<sup>6</sup> iudex iudic. MgMq<sup>2</sup>PfTcVo; iudic. iudex BePfTb; iudic. CaRa; iudex Mq

6<sup>1</sup>*Ex epistola 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 martyr effectus est, adeo<sup>10</sup> compulsus est a paganis ut templum eorum<sup>11</sup> ingressus, grana thuris super prunas imponeret. 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, 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

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

<sup>2</sup> Ex - pape Pf; *om.* BdBeMqOaPhPt; Inde Ca; Nicholaus Michaeli imperatori Cb; Ex - pape, cap. i Eg; Aug' Fc(*mg.*)Pw; In decretis Nicolai cap. i MgRaVp; Nicholaus papa Michaeli augusto Tb; In decr. Nicolai pape Tc; De eodem Vo

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

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

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

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

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

<sup>8</sup> -linus \*CaMgPfTc; -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. Tb

<sup>12</sup> numerosorum CaMgPfTb; universorum Tc

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

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

<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 \*BeCaPfTcVo; in nostro aud. Mg; aud. nostro Tb

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

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

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

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

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

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

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 dictasset? Non plane, sed absque omni<sup>40</sup> controversia hoc in eo multati sunt quia cum esset inferior, potiore 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*

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

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

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

<sup>27</sup> *minorum \*BeTb; iuniorum CaMgMqPfTcVo*

<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 \*CaMgPfTc; in Tb*

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

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

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

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

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

<sup>37</sup> *magne \*BeLe(mg.)MgOaTbTc; in agone CaLePf*

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

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

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

<sup>41</sup> *dicit \*BeCaMgPf; dixit Tb; 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

<sup>1</sup> *In quinta sinodo Simmachi pape CbLjOaRaVo; In quisita sinodo (-odi Be) Simmachi pape (pape Sim. Mg, pape om. Mq) BeCaEgFcLdMgMqPhPwQeTbVpWc; Ex inquisita sin. Simm. Pf; In dec' Simmachi pape Tc. De eodem add. Vo*

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

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

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

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

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

<sup>6</sup> discussionis BeCaEgFcLdOaPwTbTc; discutionis MgPf

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

## 9<sup>1</sup>

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

<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.* CaLn<sup>2</sup>

<sup>3</sup> iiiii BeEgMqPfPwRaVo; iii BdCaCbFcLjMgTc; ii Vp; *om.* Oa. De eodem *add.* Vo

<sup>4</sup> lic. iud. iudicio CaMgPfRa<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, *om.* CaFcMgPfPw. In – Nich. *om.* Pt

<sup>2</sup> cap. i BeCaCbEgFcMgMqPfPwTb; episcopi Oa; cap. Vo; *om.* Tc. De eodem *add.* Vo

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

<sup>4</sup> est BeCaCbFcLjOaPwTbVo; est licitum de MgTc; *om.* Pf; est de Tb

<sup>5</sup> iudicio (*corr. to* -ium Pf<sup>2</sup>) iudicare BeEgOaPfTbTc; iudicia iudicare Ca; iudicare iudicium Mg

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

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



## 11

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

Patet profecto sedis apostolice, cuius auctoritate maior<sup>2</sup> non est, iudicium a nemine<sup>3</sup> fore retractandum, neque cuiquam de eius liceat<sup>4</sup> iudicare iudicio, iuxta quod Bonifacius papa Rufo et ceteris episcopis<sup>5</sup> per Thessaliam constitutis scribens, Nemo, ait<sup>6</sup>, unquam apostolico culmini, de cuius iudicio non licet retractari, manus obvias audacter<sup>7</sup> intulit, nemo in hoc rebellis extitit<sup>8</sup>, nisi<sup>9</sup> qui de se voluit iudicari. Et beatus papa Gelasius, Nec de eius, id est Romane ecclesie, canones unquam preceperunt<sup>10</sup> iudicari<sup>11</sup> iudicio, nec sententiam illius<sup>12</sup> constituerunt<sup>13</sup> oportere dissolvi, cuius potius sequenda decreta mandarunt<sup>14</sup>.

*ID 5.19a] +C 9 q 3 c 10*

<sup>1</sup> pape. De eodem Vo

<sup>2</sup> maior \*BeCaMqOaTbVo; maius EgMgLePfTc(vel -ior ss Eg)

<sup>3</sup> iud. a nem. \*MgPfTbTc; indicium anime Ca

<sup>4</sup> de eius liceat \*CaPfMgTb; liceat de eius Tc

<sup>5</sup> omnibus *add.* Mg, *om.* \*CaPfTbTc

<sup>6</sup> Nemo ait \*CaEgMgPfTb; ait Nemo Tc

<sup>7</sup> obv. aud. \*CaEgMgPfTb; aud. obv. Tc

<sup>8</sup> reb. ext. in hoc *marked for reversal* Tb

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

<sup>10</sup> prec- \*CaMgTbTc; perc- Pf

<sup>11</sup> -ari CaMgPfTb; -are Tc

<sup>12</sup> illius \*BeOaTbTcVo; *om.* CaMgPf

<sup>13</sup> -uerunt \*BeMgVo; -erunt CaPfTbTc

<sup>14</sup> -arunt BeCaMgPfTc; -averunt \*PhTb

## 12

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

Iulius apostolice sedis<sup>3</sup> episcopus omnibus episcopis<sup>4</sup>. Habet sacrosancta Romana ecclesia potestatem singulari privilegio sibi concessam<sup>5</sup>, aperire et claudere ianuas celestis regni quibus voluerit.

*4L 1.9]*

<sup>1</sup> pape *add.* MgMqTc, *om.* BeCaPf; ??Tb

<sup>2</sup> ii BeMgPfTcVoVp; iii Ca; i OaRa; ? Tb; cap. ii *om.* Ea. De eodem *add.* Vo

<sup>3</sup> ap. sed. CaMgPfTc; sed. ap. Tb

<sup>4</sup> omn. epp. BeMgTc; epp. omn. CaPfTbVo

<sup>5</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.* CaLn<sup>2</sup>; (ii. *add.* Bd) De conciliis convocandis *in mg.* BdDbEgLjTc, *in text* DbPh; De conciliis *in mg.* Db; *om.* BeMgMqPf; ? Tb

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

<sup>3</sup> Anastasio CaMgTc; *om.* BeFcMqPfPwVo

<sup>4</sup> Thess. - vii BeCaMgPfTcVo; Thessalonicensi cap. iiii 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; indicibus Tc

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

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

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

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

<sup>11</sup> nost. cog. BeMgPfTcVo; nost. conditionem Ca; cog. nost. Tb

## 14

<sup>1</sup>Capitulo Isidori<sup>2</sup> viii<sup>3</sup>

Sinodorum vero congregandarum<sup>4</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>5</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.* CaLn<sup>2</sup>

<sup>2</sup> Cap. Isid. viii FcOaPfVo; Ex epistola Ysidori Be; Isidorus (-ri Mq) cap. viii CaMgMqTcVp

<sup>3</sup> Quod synodus generalis rata non sit sine auctoritate Romana *add.* Vo; ...singulari et sic prerogativa *in mg.* Ra<sup>3</sup>

<sup>4</sup> -arum \*CaMgPfTb; -orum Tc

<sup>5</sup> hist. eccl. \*BeCaMgPf; 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 que consequitur<sup>10</sup>, id est<sup>11</sup> medio Pentecosten<sup>12</sup>, conveniat sinodus metropolitano comprovinciales episcopos admonente. [16] Secunda vero sinodus fiat Idus Octobris, id est<sup>13</sup> xv die mensis Octobris<sup>14</sup>, quem Perherechon<sup>15</sup> Greci nominant. In ipsis autem conciliis adsint<sup>16</sup> presbiteri et diaconi, et omnes qui se lesos<sup>17</sup> existimant<sup>18</sup> et sinodi experiantur examen<sup>19</sup>.

*ID 5.154]*

<sup>1</sup> Quo tempore sint habende synodi *in mg.* CaLn-

<sup>2</sup> x BeCaPfTbTcVo; xx Mg; cap. x *om.* Ea. Cur et quibus celebranda sunt concilia *add.* Vo

<sup>3</sup> et \*BeCaCbEgLmMgTcVo; *om.* MqOaPfTb

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

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

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

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

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

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

<sup>10</sup> conseq- \*BeCaCbEgLmMgPfTb; seq- FcTc

<sup>11</sup> id est \*BeCbLmPfTbTcVo; id est in CaEgMg; idem Lm; id est prima Oa

<sup>12</sup> -en \*BeCaCbLmOaPfTbTcVo; -es EgMg. med. Pen. \*MgPfTc; Pen. med. Tb

<sup>13</sup> est \*CaLmMgTbTc; *om.* Pf

<sup>14</sup> id (est) - Oct. \*CaMgPfTbTc; *om.* Cb

<sup>15</sup> Perherechon BeCbDbEgMg<sup>2</sup>MqPfRa<sup>2</sup>Tb; Perhercon Ca; Perherecon MgOaVo; Perethon Lm; Perhechon Ra; Perhoretton Tc; Pererchcon Vp

<sup>16</sup> adsint \* MgPfTbTc; adsunt Ca

<sup>17</sup> se les. \*CaMgPfTc; les. se Tb

<sup>18</sup> existim- \*MgPfTbTc; estim- Ca

<sup>19</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*

AdBdBeCaCbDbEaEbEcEgFcGcKaLbLcLdLfLgLhLjLkLmMgMqOaObOdOeOfPfPhPkPqPtPwQaQ  
eRaSdSeSgSkSITbTcVmVoVpVtVqWaWbWcZa, *after c 17 Ab*

<sup>2</sup> Quod sit integrum et perfectum concilium cui interest metropolitanus *in mg.* CaLn<sup>2</sup>

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

<sup>4</sup> xvi \*BdCbEgFcLcLdLfLjLmMgMq(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 \*CaBeEaEgLcLdLfLjLmMgObPfPtQaSeSkTbTcVpWc; *om.* Pk

<sup>6</sup> et perf. \*BeEgLmMgOaQaSeTbTcVp; *om.* BdCaCbEaFcLcLdLfLgLjPfPtPwRaSIVo; perfectumque  
Mq; atque perfectum Wc

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

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

**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 synodum invitet, postpositis  
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> synodum caritate fratrum et ecclesie communione  
priventur<sup>7</sup>.

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

<sup>1</sup> Ut omnes episcopi ad ordinationem confratris sive ad synodum invitati conveniant *add. in mg.* Ca Ln<sup>2</sup>

<sup>2</sup> cap. xxxvi *om.* Ea. Quod episcopi invitati ad synodum vel ordinationem alicuius fratris venire  
postposita omni occasione debeant *add.* Vo

<sup>3</sup> aut ad \*CaPfTbTc; ut Mg

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

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

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

<sup>7</sup> -entur \*BeCaMgTb<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 episcopiis qui synodo adesse neglexerint *add. in mg.* Ca Ln<sup>2</sup>

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

<sup>3</sup> xv BeFcMgOaPfTbTcVoVp; xx CaPw; v Lj; *cap. xv om.* Ea. Qua sententia plectendi sint episcopi qui se irrationabiliter absentaverint *add. Vo*

<sup>4</sup> Quisquis \*BeCaEaMgMqPfTbVo; Si quis PkOaTc

<sup>5</sup> inevitabili Pf

<sup>6</sup> erit com. \*CaMgPfTc; 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.* CaLn<sup>2</sup>

<sup>2</sup> xi \*CaCbLjMgOaPfPwTbVo; xv BeFc; xii Tc; *cap. xi om.* EaMq. Ut venire non valens episcopus pro se legationem mittat *add. Vo*

<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 alius alii sedenti<sup>4</sup> deferat locum<sup>5</sup>.

*ID 5.165] +D 18 c 1*

<sup>1</sup> Ut episcopi secundum sui ordinis tempus alter alteri honorem prebeat *add. in mg.* CaLn<sup>2</sup>

<sup>2</sup> *cap. vi om.* Ea. Ut sibi invicem deferant locum secundum sue ordinationis tempus *add. Vo*

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

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

<sup>5</sup> def. loc. \*BeCaCbEaFcMgOaPwTcVo; 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]*

<sup>1</sup> Ut episcopi ad sinodum venientes que ad emendationem vite pertinent primum tractent *add. in mg.* CaLd<sup>2</sup>Ln<sup>2</sup>

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

<sup>3</sup> cap. i *om.* Ea. Ut quando congregati fuerint quid primum tractandum sit *add.* Vo

<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 BeCaMgPfTc; firmantur Mq; fiant PhQeTb; confirmentur Wc

## 22

<sup>1</sup>*Ex epistola Bonifacii pape ad episcopos Gallie*<sup>2</sup>

Si inter episcopos eiusdem concilii dubitatio emerit de ecclesiastico iure vel<sup>3</sup> de aliis negotiis, primum metropolitanus eorum cum aliis quibusdam in concilio considerans<sup>4</sup> rem iudicet<sup>5</sup>. Et si non acquiescat<sup>6</sup> utraque pars iudicanti<sup>7</sup>, tunc primas regionis<sup>8</sup> inter ipsos audiatur<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>1</sup> De rebus dubiis in conciliis episcoporum mergentibus (emergentibus Ld) *add. in mg.* CaLd<sup>2</sup>Ln<sup>2</sup>

<sup>2</sup> Ut quod metropolitanus per se diffinire non potuerit ad primatem (*corr. fr.* -arem) deferatur *add.* Vo

<sup>3</sup> vel \*CaMgPfTb; et Tc

<sup>4</sup> -ans \*CaMgPfTb; -et Tb

<sup>5</sup> iudicet CaMgPfTc; videlicet Tb

<sup>6</sup> -cat \*CaMgPfTb; -cit Tc

<sup>7</sup> -anti BeCaMgMqPfTcVo; -atis \*Tb

<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 necesse fuerit, confugerent, eosque appellarent, et ipsi nomine primatum<sup>14</sup> fruerentur, et non alii. Reliquae vero metropolitane civitates, quae minores iudices habebant, licet maiores comitibus essent, haberent metropolitanos<sup>15</sup> suos, qui predictis iuste<sup>16</sup> obedirent primatibus, sicut et in legibus seculi ordinatum erat, qui non primatum<sup>17</sup> sed aut metropolitanorum aut archiepiscoporum nomine fruerentur. Et licet singulae metropoles civitates suas provincias habeant et suos metropolitanos habere debeant episcopos, sicut prius metropolitanos habebant<sup>18</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,

<sup>1</sup> Quare ante adventum Christi et post diverse sint provinciae *add. in mg.* CaLd<sup>2</sup>Ln<sup>2</sup>, De provinciis *add. in mg.* Db<sup>2</sup>, (iii. *add.* Bd) De provincia quomodo constituenda sit *add. in mg.* BdLj, *in text* DbPh; De constitutione provinciarum et quae civitates habere debeant primates vel qui metropolitanus ac de iure eorum *add. 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>

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

<sup>11</sup> ipsosque appellabant - erat \*BeCaMgMqOaRaTbTcVoVpWcBrant; *om.*

CbDbFcLgLjObOdOeOfPfPtPw

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

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

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

<sup>15</sup> episcopos *add.* Ca, *om.* \*MgPfTbTc

<sup>16</sup> iuste CaMgPfTc; iure Tb

<sup>17</sup> -tum \*CaMgPfTc; -tuum Tb

episcoporumque cause et summorum negotiorum iudicia<sup>19</sup>, salva apostolice sedis auctoritate, iustissime terminentur.

*ID 5.53] D 99 c 1 to nomine fruerentur only*

<sup>18</sup> habere - metrop. habebant \*CaMgPfPhTc; habeant Tb

<sup>19</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 suos. Et quicumque causam habuerit, a suis iudicibus iudicetur, et non ab alienis, id est<sup>7</sup> a suis<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>1</sup> Que sit certa provincia *add. in mg.* CaLn<sup>2</sup>

<sup>2</sup> Gelasii RaVp. pape *add.* CbMqRaRfTcVo, *om.* BdBeCaLdMgOaPfPkPwQaSeTb

<sup>3</sup> cap. i *om.* Ea. Que sit certa provintia et quod ius habeat *add.* Vo

<sup>4</sup> Pelagius BdBeCaFcLdMgMqPfPhPkPwRaTcVo; Gelasius CbQaSeSITbVp; Gelagius Oa

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

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

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

<sup>8</sup> sue MgPfTb; *om.* Tc

<sup>9</sup> iudicibus iudicetur - iudicibus (sue *add.* Tc) LdLjPfMgTbTc; *om.* Ca

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

<sup>11</sup> -atum BeCaFcLdMgPfQaTbTcVp; -atus BdBdDbEaObPkVoWc; -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 temporis incommoditatem 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 primatem dioceseos aut apud hanc apostolicam sedem audiatur.<sup>16</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>1</sup> (iiii. add. Bd) De potestate primatum (primatum Tc) et metropolitanorum episcoporum (om. Tc) in mg. BdLeLjTc, in mg. Ph; De potestate primatum. Qui iuste vocentur primates in mg. Ra<sup>2</sup>; om. BeCaEaMgMqOaPfPtTbVp

<sup>2</sup> De eadem re et quod metropolitanus non presumat agere, nisi quod ad suam propriam pertinet parochiam add. Vo. 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; alias Tc

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

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

<sup>9</sup> tantum \*BeMgTbVo; 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

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

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

<sup>15</sup> -etur \*CaPfTbTc; -itur Mg

<sup>16</sup> Similiter - audiatur \*MgRa<sup>2</sup>Vp; om.

AdBeCaDbLgMjMkMmMoMqObOdOeOfPdPfPhPtQaQeRaTbTcVoWcBrant

27<sup>1</sup>

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

Nullus primas vel metropolitanus diocesani<sup>5</sup> ecclesiam vel parochiam<sup>6</sup> aut aliquem<sup>7</sup> de eius parochia presumat excommunicare<sup>8</sup> vel iudicare, aliquidve<sup>9</sup> agere absque eius consilio vel iudicio, sed hoc observent<sup>10</sup> quod ab apostolis ac patribus et<sup>11</sup> predecessoribus nostris<sup>12</sup> statutum<sup>13</sup> et a nobis confirmatum<sup>14</sup>. Idem<sup>15</sup>. Si quis metropolitanus episcopus, nisi quod<sup>16</sup> ad suam solummodo propriam<sup>17</sup> pertinet parochiam, sine consilio et voluntate omnium<sup>18</sup> comprovincialium episcoporum extra aliquid agere temptaverit, gradus sui periculo subiacebit, et quod egerit irritum habeatur et vacuum. [28] <sup>19</sup>Item. Nullus primas, nullus metropolitanus, nullusque<sup>20</sup> reliquorum episcoporum<sup>21</sup> alterius adeat civitatem, aut ad<sup>22</sup> possessionem accedat que ad eum non pertinet, et alterius episcopi parochiam super cuiusquam<sup>23</sup> dispositione<sup>24</sup>, nisi vocatus ab eo cuius iuris esse dinoscitur, ut<sup>25</sup> quicumque ibi disponat vel ordinet aut iudicet si sui gradus honore potiri voluerit. Sin<sup>26</sup> aliter presumpserit damnabitur, et non solum ille sed et<sup>27</sup> cooperantes et consentientes ei<sup>28</sup>, quia sicut ordinatio, ita eis et<sup>29</sup> iudicatio et aliarum rerum dispositio prohibetur.<sup>30</sup>

<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 ecclesiam absque eius consensu aliquid agere presumat *add. in mg.* CaLd<sup>2</sup>Ln<sup>2</sup>

<sup>3</sup> fratri \*BeCaCbMgPfPwTb; patri Tc

<sup>4</sup> coep- \*BeCaCbEgMgPwTc; ep- PfRaTbVo. De eodem *add. Vo*

<sup>5</sup> -siani \*BeEgMgVo; -sianam CaRaTc; -siam PfTb

<sup>6</sup> -am \*CaPfTbTc; -ianum Mg

<sup>7</sup> aliquem \*CaPfTbTc; aliquid Mg

<sup>8</sup> pres. exc. \*MgPfTbTc; exc. pres. Ca

<sup>9</sup> aliquidve \*BeMgPfTb; aliquid vel CaTc; aliquid ne Vo

<sup>10</sup> -ent BeCaPfTbVo; -et MgTc

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

<sup>12</sup> est *add. Be*

<sup>13</sup> est *add. MgTb, om. CaPfTcVo*

<sup>14</sup> est *add. PfTc, om. \*BeCaMgTb*

<sup>15</sup> Idem \*BeMgPfVo; Item CaLjQaTbTc

<sup>16</sup> quod \*MgPfTbTc; quid Ca

<sup>17</sup> propriam \*CaMgPfTc; *om. Tb*

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

<sup>19</sup> [De negotiis et causis clericorum] *in mg. Tc (cf cc 29-30); om. CaMgPfTb*

<sup>20</sup> sacrorum *add. and canc. Ca*

<sup>21</sup> rel. ep. \*BeMgTb; rel. CaEaVo; ep. Pf; ep. rel. Tc

<sup>22</sup> ad \*BePfTc; *om. CaEaMgTb*

<sup>23</sup> *ss over longer erasure Vo*

<sup>24</sup> cuiusquam dispositione \*CaMgPfTb; cuiusque dispositionem Tc

<sup>25</sup> ut \*CaMgPfTc; aut Tb

<sup>26</sup> *corr. to Si Ca. autem add. CaMgTc, om. \*BeEaPfTbVo*

<sup>27</sup> et \*Mg; *om. BeCaEaPfTbTc*

<sup>28</sup> ei MgPfTbTc; eis Ca

*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>29</sup> eis et \*CaMgPFTb; et eis Tc

<sup>30</sup> Sin aliter presumpserit – prohibetur *om.* Ra

## 29

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

Conquestus est apostolatui 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 decesserit<sup>7</sup> res ecclesie sue iudicio tuo dispensare voluerint<sup>8</sup>. Primate 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 serventur ecclesiis, preter si apostolica sedes aliquam ecclesiam vel rectorem ipsius quolibet<sup>12</sup> episcopali<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>1</sup> De iure primatum *add. in mg.* CaLd<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*)

<sup>2</sup> Nich. - Bit. arch. (arch. Bit. Tb) \*BeCaEgMgPFTb; *om.* Tc. De eodem et quod apostolica sedes fas habeat aliquam ecclesiam quolibet episcopali privilegio honorare *add. Vo. v in mg* Be<sup>2</sup>

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

<sup>4</sup> hoc \*BeCaPf; hec Tb; h' MgTc

<sup>5</sup> provocaverint \*CaPFTbTc; promoverint Mg

<sup>6</sup> vel \*CaPFTbTc; et Mg

<sup>7</sup> dec- \*BePf; disc- et CaRaTc; disc- MgMqVo; dec- et Tb

<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> episcopali CaMgMqPFRaTcVo; speciali BeTb

## 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.* CaLd<sup>2</sup>Ln<sup>2</sup>. Nich' 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. Ut nullus clericus alium clericum ante secularem iudicem accusare audeat *add.* Vo

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

<sup>5</sup> cam Ca

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

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

## 31

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

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>1</sup> Ut clericus clericum ad seculare iudicium non trahat nec laicus clericum accuset *add. in mg.* CaLn<sup>2</sup>

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

<sup>3</sup> Marcellini BeCbFcLdLjMgOdPfpwTb; Marcelli CaEgOfPkTc; Martini Ra; Marcellii Se

<sup>4</sup> *cap. ii* CaCbFcLdMgOdPfpkPwTbVo; pape *ii* EgLj; *cap. iii* Of; pape *cap. ii* Ra; *om.* BeEaTc. De eodem *add.* Vo

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

<sup>6</sup> papa Wc

<sup>7</sup> *lic. acc.* CaPftbTc; *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.* CaLn<sup>2</sup>; ...ullus sacerdotum causam alieno commit... iudicio nisi ad ... apostolicam fuerit *add. in marg.* Db

<sup>2</sup> In dec. - ii (i Eg) BeCaCbEgFcLdLjMgMqOdPfpkPwSeTb; cap. ii *om.* Ea; Cornelius papa Rufo episcopo Tc. Quod nullus clericus causam suam ad alios iudices pertrahat nisi vim temerarie multitudinis timuerit vel susceptos iudices inibi habuerit *add.* Vo

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

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

<sup>5</sup> compr- CaMgPftc; pr- Tb

<sup>6</sup> illic MgTbTcVo; illuc Be; *om.* CaPf

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

<sup>8</sup> inibi MgPftbVo; 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>

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>1</sup> Ut omnis accusatio intra audiatur provinciam nisi fuerit ad apostolicam sedem appellatum *add. in mg.* CaLn<sup>2</sup>

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

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

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

<sup>5</sup> intra CaPftbTc; 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 *add. in mg.* CaLn<sup>2</sup>, Ne prelatos subditi accusent *add. in mg.* Pf<sup>2</sup>

<sup>2</sup> cap. ii BeCaCbFcLdLjMgPpWtBVo; cap. i Eg; *om.* EaMq; *no insc.* Tc. Ut qui causas adversus episcopum habuerit, prius karitative illum conveniat, ne temere accusare presumat *add. Vo*

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

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

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

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

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

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

<sup>9</sup> eg. pen. \*MgPpTbTc; 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, 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 a<sup>10</sup> communione privetur, tanquam apostolorum patrumque aliorum contemptor.

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

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

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

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

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

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

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

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

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

<sup>9</sup> aut iustam *add. Be(before accipiat)MgTc*, aut *add. Ca*, an *add. Vo*, *om.* MqPpTb

<sup>10</sup> ab aliis a Tc; ab aliis BeMgTbVo; a ceteris Ca; a MqPp

**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*


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<sup>1</sup> 35A-B in Tc here; as 33A Eg; 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.  
AaAbAdBbBdBeCaCbDbEaEbEcFcGcKaLbLcLdLfLgLhLjLkLmMfMhMjMkMmMoMqObOdOeOf  
PdPfPhPkPqPtPwQeSdSeSgTbVmVoVpVqWbWcZa

<sup>2</sup> Ex conc. - viii \*Mg; 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*


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

<sup>2</sup> Ex conc. Calc. cap. xviii Mg; 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. MgRa

**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*


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<sup>1</sup> Quod oves pastorem suum non debent reprehendere nisi a recta fide exorbitaverit *add. in mg.* CaLn<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

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

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

<sup>4</sup> ecclesiis \*BeCaLdLjMgPwSeTbTc; episcopis Pf; *om.* Mq. Quod pastores a subditis suis non sunt reprehendendi vel accusandi sed a Deo iudicandi *add.* Vo

<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*

Non est itaque a plebe aut a vulgaribus<sup>3</sup> hominibus arguendus vel accusandus episcopus,<sup>4</sup> licet sit inordinatus, quia pro meritis subditorum disponitur<sup>5</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> a plebe aut a vulgaribus \*BeEgFcMgTbTcVp; a vulgaribus CaCbLfMqPwVo; aut a vulgaribus DbLdPf

<sup>4</sup> Non est – episcopus *om.* Ea – *see note to end of c. 36*

<sup>5</sup> a Deo *add.* EgTc, *om.* \*BeCaCbFcLdMgPFPwTbVoVp

38<sup>1</sup>*Ex<sup>2</sup> epistola Calixti pape<sup>3</sup>, cap. i<sup>4</sup>*

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>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 BeLdMgPfTbTc; *om.* CaEaLfMq; Ex - i *om. with no break* Lm. De eodem *add.* Vo

<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 deviaerint – *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.

<sup>1</sup> Oves pastorem nisi a fide deviet non accuset *add. in mg.* Pf, *om.* LdLjMgTbTc

<sup>2</sup> Gagii BdFcLgLmObOdOeOfSeTb(*cf c.38*)Vp; Gai Be; Gelasii CaLf; Eusebii Eg; Gaii

DbLdMgPFPwTc; *om.* PkSg. Ex – Gagii] Gaius Mq

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

<sup>4</sup> vero \*BeCbEgFcLdLjLmMgMqPfSeTb; *om.* BdCaLfPwTc

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

<sup>6</sup> nec \*BdBdLdPfTbTc; *non* CaMg; *non ss before* eum Se

<sup>7</sup> oris glad. \*BdBdCa<sup>2</sup>CbEgLdLjLmMqPfSeTb; *minoris* glad. Be<sup>2</sup>CaLf; eorum glad. Mg; glad. oris Tc

<sup>8</sup> *ss* Be

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



ID 5.253] C 2 q 7 c 13

#### 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 dstringendus, 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.

ID 5.239 med. or 5.250]

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

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

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

<sup>4</sup> cap. i \*BeCaCbFcLdLjMgTcVo; om. MqPfPwTb. De eodem add. Vo

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

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

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

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

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

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

<sup>11</sup> deos \*BeCbLdPfTb; Deus Mg; d. CaTc

#### 41<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

<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, om. BeCaFcLdMgPfPtPwTbTcVo

<sup>4</sup> i Be; De eodem add. Vo

<sup>5</sup> ap. auct. CaEgMgPfTb; auct. ap. Tc

<sup>6</sup> -erint CaMgTcVo; -erant BePf; -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 BeEgMgPfTbVo; apud Be<sup>2</sup>CaTc

<sup>12</sup> aut apud Be<sup>2</sup>CaEgTc; aut ad BeMgPfTb; an ad Vo

<sup>13</sup> etiam a add. MgEg, et add. BeLdOdVo; short erasure Pf, om. CaObOd<sup>2</sup>OeOfSg(lacuna follows)TbTc

<sup>14</sup> magis tolerandus – subditis suis ss Be<sup>2</sup>

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>15</sup> eum PfVo; eis CaMgTbTc

<sup>16</sup> dic. ap. BeEgMgPfTb; ap. dic. CaTc

<sup>17</sup> resistit CaMgPfTc; restiterit Tb

## 42<sup>1</sup>

<sup>2</sup>Zepherinus<sup>3</sup> fratribus<sup>4</sup> per Egiptum<sup>4</sup> in secundo decretali<sup>5</sup>

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

<sup>1</sup> Ea begins with c 43

<sup>2</sup> Quod non sunt cogendi ad respondendum a propriis sedibus pulsus *add in mg.* CaLn<sup>2</sup>; De spoliatis restituendis *add. in mg.* Tc; vi. (*om.* Eg) De spoliatis revestiendis *in mg.* BdEg<sup>2</sup>Lj, *intext* Ph

<sup>3</sup> Zepherinus AdCa<sup>2</sup>EgLdMgMqPfQeSeTbVo; Zephrinus 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

<sup>5</sup> in sec. dec. BeCaCbEgLd(*bef.* Zeph.)LfLmMgPfPwTbVo; *om.* Tc. Ut nullus episcopus vel clericus suis rebus expoliatus a sede propria pulsus ad iudicium vocetur donec eis omnia legibus restituantur *add. Vo*

<sup>6</sup> vestros \*BeLmMgMqPfVo; nostros CaCbEgLdLfLjTbTc

<sup>7</sup> nost. (*obsc. corr.* Lm) episcoporum videlicet \*CaLdLfLjLmMgPfTbVo; 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) \*CbLdLfLjMgPfTb; 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 CaCbLdLfLjLmPfTbVo; -olorum MgMqTc

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

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

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

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

\*AdBbBeCaCbDbLdLfLgLjLmMfMgMhMjMkMmMoMqObOeOfPdPfPtPwQaRaSeSgSITbVoWcBrant

<sup>18</sup> prohibeant et apostolice sedis auctoritas id ipsum fieri *add.* \*BePhQeTb, *om.*

AbAdBbBdCaDbEbEcEgKaLbLdLgMfMgMhMjMkMmMoMqObOdOeOfPdPfPkPtPwQaRaSdSeSITcVoVpWaWbWcZaBrant

<sup>19</sup> vetet \*BeLmPhPkTb; vetent BdCaDbEgLdMgMkMqObOdOePfPtPwQaRaSeTcVoVpWc; vetetur Of

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

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

episcopus 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>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.*

AdBbBeCaCbDbEgFcLdLfLgLjLmMfMgMhMjMkMmMoMqObOdOeOfOhPdPfPhPkPtPwQaRaSeSgSITbTcVoWc

<sup>26</sup> Preceptum est - Item (*om. Oh*) AdBdBeLdMgMqPfPkOhPwQaSeTbTcVoWc; *om. CaSg*

<sup>27</sup> eos (*ss Be*) resp. deb. \*BeLdOhPfTbTcVo; eos deb. resp. CaLfPw; resp. eos deb. Mg

<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. Vo*

<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 \*CaEgMgPfVo; deb. esse BeTbTc

<sup>6</sup> ante \*BeCaPfTbVo; 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. \*BeCaLdMgPfPwTbVo*

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> 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.

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

<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. LjPf, om. BeCaEgFcLdMgPwTbTc*

<sup>3</sup> *De eodem add. Vo*

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

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

<sup>6</sup> *Eusebius - suo CaEgFcLdLjMgMqPwTbTc; om. BePf*

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

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

<sup>9</sup> *suis esse rebus \*BeCaLdPf; ex suis rebus esse Mg; esse suis rebus Tb; suis rebus TcVo*

<sup>10</sup> *pulsos \*BeLdMgTbTcVo; depulsos CaPf*

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

<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 \*BeMgPfTbTcVo; constitutam CaLd<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 \*CaLdMgPfTc; -quam Tb*

## 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.

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

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

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

<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- Tb

<sup>7</sup> in BeCaEaPfPwTbVo; et (vel in *ss.*) Eg; *erased* Ld; etiam MgTc

<sup>8</sup> canonico \*BeCbPpKtTbVo; canonicè destinato (vel -atum *ss* Eg) CaEgMgRa; canonico destinatum EaFcLjPw; in canonico (destinatum *add. in mg*) Ld; canonicè determinato Tc

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

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

<sup>11</sup> -ionibus \*BeCaEaMgPwTbTcVo; -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 \*BeCaCbFcLdMgPwTbTcVo; Ex decr. Fel. papae EaLc; Felix papa II epp. per Eg. Eg; Ex decretis eiusdem epp. per Eg. missis Pf

<sup>2</sup> cap. x \*BeCaEgLdLjMgPfTb; cap. iix. De eadem Vo; *om.* Tc

<sup>3</sup> *om.* Lc

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

<sup>5</sup> aut a \*BeMg; aut CaPfTb; 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>LdMgPfTc; aut Ca; et Tb

<sup>10</sup> -onicam \*BeTb; -onum CaEaLdMgPfTc

<sup>11</sup> non *add.* CaEaLcLdLeMgMqPwRaTc, *om.* \*BePfRa<sup>2</sup>TbVoWc (*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 sublatae 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 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>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.* Vo

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

<sup>4</sup> privilegio Tb

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

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

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

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

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

<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. BeCaEgMgPfPwTb

<sup>3</sup> i BeCaMgPfPwTcVo; secundo TbWc; x Eg. De eodem *add.* Vo

<sup>4</sup> aut timore BeMqPfPkTb; aut timore aut terrore LdTc; aut terrore vel timore CaEgMgVp; aut terrore aut timore CbFcLj; an timore Vo

<sup>5</sup> omnia ei leg. redin. BeLcPfVo; ei omnia leg. redin. CaMg; ei omnia leg. redin. Tb; ei leg. omnia redin. Tc

<sup>6</sup> car. visus est BeMgPfVo; car. usus (*corr. to visus Ca<sup>3</sup>*) est Ca; car. visus Mq; car. iussus (vel visus *add. ss Qe*) est PhQeTb; 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 legitima et condigna accusatoris persona fuerit, presente videlicet eo<sup>9</sup> quem accusare desiderat, quia nullus absens aut<sup>10</sup> accusari potest aut accusare<sup>11</sup>.

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

<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 *add. in mg.* CaLn<sup>2</sup>

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

<sup>3</sup> Ut nullus per scripta sed propria voce accuset et defendat se qui accusatur utroque presente *add.* Vo. vii *in mg* Be<sup>2</sup>

<sup>4</sup> et *add.* BeCaTc, *om.* EgMgPfTb

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

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

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

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

<sup>9</sup> eo CaPfTbTc; ea Mg

<sup>10</sup> aut BeEgLjMgPfRa<sup>2</sup>Tb; an Vo; *om.* CaEaRaTc

<sup>11</sup> accusari potest aut (an Vo) accusare BeEaMgPfPhTcVo; accusari (*corr. fr.* accusari) poterit aut accusare Ca; accusare aut accusari potest Tb

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*

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

<sup>2</sup> Quod non sit audiendus accusatorum qui absentem accuset (*after corr.*) *add. in mg.* CaLn<sup>2</sup>

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

<sup>4</sup> cap. i Mq; 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

*Ex epistola*<sup>1</sup> Calixti pape, *cap. ii*<sup>2</sup>

Nullus ergo doctorum<sup>3</sup> per scripta accusetur.

<sup>1</sup> epistola BeCaCbLdMgOePwRfTbTc; decr' PfVo

<sup>2</sup> no *inscr.* Ea, which runs the text on to c 54 without a break

ID 5.234 med.]

<sup>3</sup> doctorum MgPfTbTc; om Ea

*Ex<sup>1</sup> decretis<sup>2</sup> Iulii pape<sup>3</sup>, cap. xviii<sup>4</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>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 \*CbFcMgOd<sup>2</sup>OePkRfTbTcVo; xviii Ld; viii Eg; xvi. Pf; xviii Vp; om. CaEaMq; no *in sc.*, no *break* BePwOd

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

<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 accusare potest, nec accusatus per aliam<sup>3</sup> personam se defendere permittitur<sup>4</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.* CaLn<sup>2</sup>

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

CaFcLdLjMgPfPwTbTcVo. cap. i om. EaLc

<sup>3</sup> aliam CaMgPfTc; aliquam Tb

<sup>4</sup> -itur BeCaEaLeMgPfPkPwTb; -atur EgTc

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

<sup>1</sup> Quod accusatio non nisi ab idoneis et bone conversationis fieri debeat add. *in mg.* CaLn<sup>2</sup>, Quales oporteat esse accusatores add. *in mg.* Tc

<sup>2</sup> in sec. dec. om. Ea. A qualibet personis fieri debeat accusatio, a quibus non, et quomodo add. Vo. 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



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>8</sup> vite et *add.* LgMgTc, *om.* \*BeCaDbEaFcLjObOdOeOfPpWtBVo

<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>, non nisi 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 calumniari<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 BdBeCaLdLfLmMgOdPpWtBVo; Anacletus (Anastadius CbLj) epp. Gallie in sec. decreto CbLjTc. De eodem *add.* Vo

<sup>3</sup> eorum \*EgLfMgMqTbTc; *om.* AdBdCaCbEaLdLjPpObOd; cuiusque Be; quosque Lc; eorum quisque Lm; episcoporum Vo

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

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

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

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

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

<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.*

BdBeCaCbDbEaFcKaLbLcLdLfLgLjLmMgMqObOdOePpPkPtPwQaSdSeSgTbVoWaWbWc

## 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 iudicibus 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,

<sup>1</sup> papa *add.* Tc, *om.* CaEaMgPpWtB

<sup>2</sup> *corr. fr.* Gallie Be. De eodem *add.* Vo

<sup>3</sup> Hii Vp

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

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

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

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

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

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>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 EgTc; *om.* Ea. De eodem *add.* Vo; Quo ordine at adversus quos accusatio fieri debet *add.* Vp; ...essoribus legum *add. in mg.* Mq<sup>3</sup>

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

<sup>3</sup> eiusque \*BeEgMgTbTcVo; *om.* CaFcPfPw

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

<sup>5</sup> enim \*EgMgTb; autem BeRaVo; *om.* CaFcMqPfPwTc

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

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

<sup>8</sup> aut testimonium *add.* \*CaRaSg<sup>2</sup>Brant, aut testimonio *in mg.* Od, in testimonium *add.* Vo; *om.*

BeEgDbFcLcLdLgLjMgObOdOeOfPfPtPwSgTbTc

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

*At foot of the leaf Ea<sup>2</sup> adds:* Gr. Unusquisque superbus rector totiens ad culpam apostasie dilabitur quotiens preesse hominibus ...lectatur. De humilitate potest dici, Non sum qui fueram, perit pars maxima nostri

## 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

<sup>1</sup> Quod nec clericus laicum nec laicus clericum accusare debeat *add. in mg.* CaLn<sup>2</sup>(*in far mg. with tie-mark*)

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

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

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

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

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

recipiantur, quoniam sicut Domini sacerdotum conversatio segregata debet esse ab eorum conversatione, ita et litigatio<sup>7</sup>, quia servum Domini non oportet litigare<sup>8</sup>.

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

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

<sup>8</sup> sed mitem esse ad omnes *add. Brant, om.*

AbBdBcCaCbDbEaEcEgFcKaLbLdLgLjMgMqObOdOeOfPfPkPtPwQaRaSdSeSgTbTcVoVpWaWb  
Wc

## 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. Ca (not Ln)*

<sup>2</sup> pape *add. Tc, om. BeCaEgMgPfTb*

<sup>3</sup> cap. ii BeCaFcMgPfPwTbVo; cap. i EgTc; *om. Ea; no insc. Lc. De eodem add. Vo*

<sup>4</sup> Rep- \*CaCbEgFcLdLjMgPfPwTb; Dep- Tc

<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 debeant *add. in mg. CaLn<sup>2</sup>*

<sup>2</sup> Gaii Mq;Gaius Se; Gaaii Vo; Gagi Wc. pape *add. EaMgMqSeWc, om. BeCaPfTbTc*

<sup>3</sup> c. ii Vp; cap. i *om. Ea. De eodem add. Vo*

<sup>4</sup> Gaius Mq

<sup>5</sup> inf- CaCbEaFcLjMgPfPwTb; aff- Tc

## 64

<sup>1</sup>Ex<sup>2</sup> concilio Carthaginensi VII, cap. iiii<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.

4L 4.85; ID 6.271] C 3 q 10 c 1

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<sup>1</sup> Ut si clericis multa obiciuntur unumque ex his probari non potest, accusator de ceteris non audiatur *add. in mg.* CaLn<sup>2</sup>; de probatione *add. in mg.* Mq<sup>3</sup>

<sup>2</sup> Ex MgPfTbTc; *om.* Ca

<sup>3</sup> Carth. VII (VIII CaMq) - iiii (ii FcVo) BeCaCbFcLdLjMqPfTbTcVoVp; Carth. Ea; Africano cap. lxxxv Mg (*with ID*). De eodem *add.* Vo

<sup>4</sup> ex CaMgPfTc; de PhTb

## 65

<sup>1</sup>In dec' Fabiani, cap. ii<sup>2</sup>

Fabianus papa omnibus fidelibus. <sup>3</sup>Statuimus eos ad accusationem non recipi qui sunt suspecti, aut qui heri et nudiustertius vel dudum fuerunt<sup>4</sup> inimici, quoniam suspecti facti sunt, et qui non sunt bone conversationis, vel quorum vita est accusabilis<sup>5</sup>, aut dubii in<sup>6</sup> recta fide. Similiter quorum fides, vita et libertas nescitur, vel qui infamie maculis sunt aspersi, aut sceleribus<sup>7</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>8</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 nudiustertius dudum fuerint inimici, et qui non sunt bone conversationis vel quorum fides et libertas nescitur *add. in mg.* Ca

<sup>2</sup> cap. ii *om.* Ea. De eodem *add.* Vo

<sup>3</sup> Cc *resumes*

<sup>4</sup> -erunt CaMgPfTb; -erint Tc

<sup>5</sup> acc. CaPfTbTc; inexcusabilis (vel *accu ss*) Mg

<sup>6</sup> dubii in BeCaLcTbVo; dubia in MgTc; dubii Pf

<sup>7</sup> irretitibus *add.* Tc, *om.* CaFcLdLjMgPfPwTb

<sup>8</sup> aut BeCaLcPfRa; et EgTbTcVo; ac Mg

## 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. Infames esse illas personas<sup>5</sup> dicimus, que pro aliqua culpa

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<sup>1</sup> Qui sint infames *add. in mg.* CaTc, Que sint infames persone *add. in mg.* Mg, *in text* Vp

<sup>2</sup> cap. i *om.* Ea. De eodem *add.* Vo

<sup>3</sup> sancte CaMgPfTb; *om.* Tc

notantur infamia, id est omnes qui Christiane legis<sup>6</sup> normam abiciunt, et statuta ecclesiastica contempnunt. Similiter fures<sup>7</sup>, sacrilegos et omnes capitalibus criminibus irretitos. Sepulcrorum quoque<sup>8</sup> violatores et apostolorum atque successorum eorum, reliquorumque<sup>9</sup> sanctorum patrum statuta libenter violantes, et omnes qui adversus patres armantur, qui<sup>10</sup> in omni mundo infamia notantur. Similiter et incestuosos, homicidas, periuros, raptores<sup>11</sup>, maleficos, veneficos, adulteros<sup>12</sup>, de bellis publicis<sup>13</sup> fugientes, et qui indigna sibi petunt loca<sup>14</sup> tenere, aut facultates ecclesie auferunt iniuste, et qui fratres calumpniantur aut<sup>15</sup> accusant, et non probant, vel qui contra innocentes principum animos concitatos<sup>16</sup> provocant ad iracundiam, et omnes anathematizatos, vel pro suis sceleribus ab ecclesia pulsos, et omnes quos ecclesiastice vel seculi<sup>17</sup> leges infames pronuntiant. Hi nimirum omnes nec servi ante legitimam libertatem, nec penitentes, nec digami<sup>18</sup>, nec illi qui curie deserviunt, vel qui non sunt integri corpore, aut sanam non habent mentem vel<sup>19</sup> intellectum, aut inobedientes sanctorum decretis existunt, aut furiosi manifestantur. Hi omnes inquam nec ad sacros gradus<sup>20</sup> debent provehi, nec ad accusationem seu ad<sup>21</sup> testimonium ullatenus possunt iuste<sup>22</sup> recipi.

4L 1.51] C 6 q 1 c 17

<sup>4</sup> amico CaEgMgPfTb; episcopo Tc

<sup>5</sup> illas per. CaCbEgMgPfTb; pers. illas Tc

<sup>6</sup> legis BeMgPfTbVo; religionis CaTc; religionis et legis *Brant*

<sup>7</sup> latrones *add. Mg, om. CaPfTbTc*

<sup>8</sup> Sep. quoque MgPfTbTc; Sepulchrorumque Ca

<sup>9</sup> reliquorumque CaMgPfTb; reliquorum quoque Tc

<sup>10</sup> qui BeMgTbTc; quoniam CaPfVo

<sup>11</sup> raptores CaMgTbTc; rapaces Pf

<sup>12</sup> ven. ad. CaMgTbTc; ad. ven. Pf

<sup>13</sup> pulicis Ca

<sup>14</sup> sibi pet. loca BeCaMgPfVo; pet. sibi loca Tb; sibi loca pet. Tc

<sup>15</sup> aut CaMgPfRa<sup>2</sup>Tb; et RaTc

<sup>16</sup> concitatos MgMqPfVo; concitant et Be; concitando CaRaTc; concitantes Tb

<sup>17</sup> seculi MgRa<sup>2</sup>TbTcVo; sancte BeCaMqPfRa

<sup>18</sup> dig- CaMgPfTc; big- Tb

<sup>19</sup> vel CaMgPfTb; aut Tc

<sup>20</sup> gradus BeCaPfVo; ordines Mg(vel gradus *ss*)MqTbTc

<sup>21</sup> ad CaMgPfTc; *om. Tb*

<sup>22</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 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>1</sup> Quod neganda est accusatis licentia criminandi priusquam se crimine quo premuntur exuerint *add. in mg.* CaLn<sup>2</sup>

<sup>2</sup> cap. xi \*CaEgMgPfTbVo; cap. iii FcTc; *om.* BeEa. Quod accusati quod non habent criminandi donec se expurgaverint *add.* Vo

<sup>3</sup> Quod neg. \*BeCaFcLdLjPpWtTcVo; Deneg- Eg; Et neg. Mg

<sup>4</sup> acc. lic. \*BeCaFcLdLjMgPfTbVo; lic. acc. PwTc

<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 \*BePfTbVo; quemquam CaMgRaTc

<sup>8</sup> -erunt \*BeCaPfTbVo; -erint EaMg; -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.* CaLn<sup>2</sup>

<sup>2</sup> De libro nono \*BeCaCbFcLdLjMgPwVoVp; Novellarum libro nono Eg; In libro nono Pf; De libro undecimo Tb; De nono libro Tc; Ea *illeg.*

<sup>3</sup> earundem legum \*BeCaCbFcLdLjMgPwTbTc; eorum Mq; legum PfPt; *om.* Eg. Ut nulli super alterius accusationem occasione credatur qui se sic reum esses confessus est *add.* Vo

<sup>4</sup> vel confess... *add. in mg.* Ra

<sup>5</sup> et *add.* Mg, *om.* \*CaPfTbTc

<sup>6</sup> prof- \*MgPfTbTc; conf- Ca

<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.

*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>1</sup> Dionisius \*CaCbEaEgMgTbTc; Diosius Pf

<sup>2</sup> Severo \*CaCbEgFcLjMgPfPwTb; Severino Tc

<sup>3</sup> De eodem *add.* Vo

<sup>4</sup> prof. per. est *corr. fr.* confessio Ra

<sup>5</sup> -arie \*CaMgPfTb; -arii Tc

<sup>6</sup> aut \*CaMgPfTb; et Tc

<sup>7</sup> const. \*EaMgPfTbTc; 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, nec a quoquam credantur<sup>5</sup> que ab eis vel<sup>6</sup> dicuntur vel conscribuntur<sup>7</sup>. Eos dico anathematizatos<sup>8</sup> esse quos episcopi sui<sup>9</sup> scriptis anathematizaverunt aut eorum<sup>10</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.* CaLn<sup>2</sup>

<sup>2</sup> papa BeCaFcMgMqPfTb; *om.* EgTc

<sup>3</sup> in sec. dec. omn. ep. BeCaEaFcMgPfTcVo; omn. ep. in (*om.* Eg) sec. dec' EgTb; papa Lc. Ut nullus anathema vel hereticus a scismaticus ad accusationem recipiatur *add.* Vo

<sup>4</sup> anathematizatur Lc

<sup>5</sup> -antur \*MgPfTbTc; -atur Ca

<sup>6</sup> ab eis vel \*CaPfTb; vel ab eis Be; ab eis MgTc

<sup>7</sup> consc- \*CaMgPfTc; sc- Tb

<sup>8</sup> anathematizatos \*BeCaCbLdLjMgPfPwTbVo; anathema Tc; anathematizantes Fc

<sup>9</sup> sui \*CaMgTbTc; suis Pf

<sup>10</sup> eorum \*CaEgMgPfTb; eos Tc

## 72

*Ex<sup>1</sup> Carthaginensi concilio<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.

<sup>1</sup> Ex MgTc; ?? Pf; *om.* BeCaTbVoVp

<sup>2</sup> Cart. conc. \*LjTbTc; Carthaginense concilium BeCaVo; conc. Cart. MgPfVp

<sup>3</sup> VII \*BeCbFcLjMgPfPwTbVo; VIII CaLdTc; *om.* Vp

<sup>4</sup> i \*BeMgTbTcVo; ii Ca; ??Pf; *om.* Vp. De eodem *add.* Vo

ID 14.69] C 4 q 1 c 1a

<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, inquit, 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 innocuos semetipsos<sup>14</sup> illatorum sibi ostenderit criminum.

ID 14.70] + C 4 q 1 c 2 med

<sup>1</sup> Ut nullus hereticus aut quilibet excommunicatus ad accusationem episcopi accipiatur *add. in mg.* CaLn<sup>2</sup>

<sup>2</sup> Nich. Mic. imp. \*BeCaCbEgLdLjMgPfTbVo; Nich. Nich' imp. Fc; Fabianus papa in tertio dec' Tc; De eodem *add.* Vo

<sup>3</sup> primo \*BeCaEgLdMgPfPwTbVo; in primis Tc; in primo Lj

<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 Mg

<sup>13</sup> -ionem \*BeMgPf; -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 alicui obiecerint *add. in mg.* CaLn<sup>2</sup>

<sup>2</sup> in tertio decretali BeCaPt; *om.* Ea; in tertio decreto (decr' MqVo) MgMqTcVo; in secundo decretali Pf; in quarto decretali Tb; in tertio decretorum Vp. Quod convicium pro accusatione non est habendum *add. Vo*

<sup>3</sup> iratus \*CaMgPfTc; *om.* Tb

<sup>4</sup> *corr. fr.* -quid Pf

<sup>5</sup> Oc *begins*

<sup>6</sup> perm- \*BeCaPfTcVo; permissio Mg; prom- Ph; prem- Tb

<sup>7</sup> fortasse CaMgPfTb; forte Tc

<sup>8</sup> crim. ob. CaMgPfTb; ob. crim. Tc

<sup>9</sup> obiecit \*CaPfTbTc; obiecerit Be; obicit Mg

<sup>10</sup> -erit \*BePfTbTcVo; -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.* CaLn<sup>2</sup>

<sup>2</sup> Stephanus papa (*ss* Mg) episcopis (omnibus ep. Pw, ep. omnibus BeCaPk) Gallie in (*om.* ObOdPw) secundo decr' (dec. sec. Pt) AdBdBcCaDbFcLdLgMgObOcOdOeOfPkPtPwRaSgTcWc [*cf rubr. to ID 6.327*]; Euticianus (papa *add.* Cb) episcopis Sicilie (per Siciliam CbCc, ep. Sic. *om.* Eg) in secundo decr' CbCcEgLj; Stephanus papa epp. Gallie Ea; Ex decretis Eut. pape et de vinculo inscriptionis Ln<sup>2</sup>; In ii decret' Mq; Stephanus papa iiii episcopis Gallie in decreto Oh; Ex decr' Euticiani pape Pf; Iustinianus papa episcopis Gallie in secundo decretali Tb; Ex decr' Euticiani pape. Stephanus episcopis Gallie in decr'. Qualis debeat esse ordo accusationis Vo; Item (*om. Migne*) Sixtus papa *Brant*

<sup>3</sup> Euticianus \*BeCbDbEaLdLjMgMqOdOeOfOhPfPtPwRa<sup>2</sup>SgTcVoWc; Euticianus Ad; Luticianus Ca; Levitianus Ob; Iuticianus Ph; Suticianus Ra; Iustinianus Tb; Nuntiamus Vp

<sup>4</sup> *om.* Vp

<sup>5</sup> Eut. – Siciliam *om. Brant*

<sup>6</sup> ord. tal. \*BePfOhTbTc; tal. ord. CaMg

<sup>7</sup> et did. AdBeCaFcLdLjOhPfTbVo; et habere dicimus Eg; et habere didicimus Mg; 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

statim reus estimetur qui<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*

<sup>11</sup> qui \*Tc; quia BeCaMgOhPfTbVo

<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- \*BeCaPfTbTcVo; pat- Mg; ponatur Oh. Consideranda est dignitas persone *in mg.* Mg

<sup>19</sup> Nec fore CaMg<sup>2(ss)</sup>PfTbTcVo; Ne forte BeMg; Nec forte Oh

<sup>20</sup> *om.* Oh

<sup>21</sup> nov. lic. BeCaPfTbTc; lic. nov. Mg; 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*

<sup>1</sup> Ex ep. decreti (-ete Oc) FcOcPfPw; ex ep. decretali BeRaTbVo; Ex ep. decretorum i Ca; Exemplar decreti CbLj; *om.* Ea; Ex decr' Damasi pape Eg; Epistola decretum Lc; Ex ep. decretali primo MgWc; Ex ep. decretorum PkTc; Idem Pt; Ex epistola Damasi pape dec. i Vp. De eodem *add.* Vo

<sup>2</sup> primo \*BeCaEaEgLjMgPfPwRa<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 episcopis Gallie in secundo decr<sup>2</sup>*

Infamis enim persona nec procurator potest esse<sup>3</sup> nec cognitor.

*ID 6.331a] C 3 q 7 c 1 (with distinct insc.)*

<sup>1</sup> *in mg.* Mq<sup>2</sup>

<sup>2</sup> episcopis omnibus Gallie *add.* Tc, *om.* CaFcLjMgPfPwTbVo. Gall. in sec. doc. *om.* Ea; Gallie iii dec' Vp. De eodem

<sup>3</sup> pot. esse \*CaLjMgPfPwTb; esse pot. Tc

79<sup>1</sup>

<sup>2</sup>*Stephanus papa in secundo decretali<sup>3</sup> omnibus<sup>4</sup> episcopis<sup>5</sup>*

Nullus alienigena aut accusator eorum<sup>6</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*)Ln<sup>2</sup>

<sup>3</sup> Steph. - decr' \*BeCaLdLjOcMgTbTcVo; Item Ea; Idem in eodem Pf; Idem Vp; Stephanus papa omn. epp. Gallie in secundo d' Pw

<sup>4</sup> *om.* Be

<sup>5</sup> De eodem *add.* Vo

<sup>6</sup> *after corr.* Pf

## 80

<sup>1</sup>*In decr' Damasi pape<sup>2</sup>, cap. iii<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 alii sint iudices quam testes *add. in mg.* Tc

<sup>2</sup> pape CbLjPf; *om.* BeCaFcLdMgPwTcVo

<sup>3</sup> In - iii (xvi Mg) BeCaCbMgOcPfTcVo; 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. CaMgPfTc; *om.* Tb

<sup>6</sup> ordinabiliter \*BeCaEaFcLdMgMqPhPwTcVo; ordinaliter CbLjPf; ordinabitur Mg<sup>2(ss)</sup>RaTb; ordinetur Vp

## 81

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

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

<sup>1</sup> Ut accusatores et iudices non idem sint *add. in mg.* CaLn<sup>2</sup>, Quatuor persone sint in causa, iudex, accusator, defensor, testis *add. in mg.* Tc

<sup>2</sup> cap. iii *om.* Ea; *om. with no break*, Lc. Quod quatuor personas in omni iudicio esse oporteat, accusatores, iudices, testes, accusati *add.* Vo

<sup>3</sup> unquam BeEaEgLjMgPfTbVo; inquam Ca; *om.* Tc

<sup>4</sup> pres. acc. simul BeCaEaLjMgTc; 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 CaMgTc

<sup>7</sup> congruos vel *add.* Ca

debent uti<sup>8</sup> equitate, testes veritate, accusatores intentione ad amplificandam causam<sup>9</sup>,  
defensores extenuatione ad minuendam causam.

*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>8</sup> deb. uti BeCaPfTb; uti deb. MgTc; ipsi deb. uti Vo

<sup>9</sup> -dam causam CaPfTbTc; -dum causas Mg

## 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 specialiter<sup>15</sup> se scire testati sunt,  
si scriptis iudicatum est et partibus presentibus sententia recitata est. Quod si forte hec  
solempniter acta non<sup>16</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>1</sup> Quod nullam vim habeant iniusta iudicia et incerta *add. in mg.* Ca; Defensores extenuationem ad  
minuendam causam *add. in mg.* Ld<sup>2</sup>

<sup>2</sup> Ioh. def. \*EaMgPfTbTc; def. Ioh. Ca

<sup>3</sup> Qualiter retractanda sit causa iniuste condempnatim *add.* Vo

<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 \*BeCaMgPfTb?Tc; verum EaPf<sup>2</sup>Vo; vel verum *add. ss* Mg

<sup>13</sup> in. hab. utrum test. \*CaMgPfTc; hab. in. utrum Tb

<sup>14</sup> -erint \*CaMgPfTb; -erunt Tc

<sup>15</sup> specialiter \*BeEaTbTc<sup>2</sup>Vo; specialiter si CaOcPf; spiritualiter CaMgTc

<sup>16</sup> non \*MgPfTbTc; *om.* Ca

83<sup>1</sup><sup>2</sup>*Ex concilio Cartaginensi VII<sup>3</sup>, cap. iiii<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> \*BeLmPhPkQeSITb as here; AaAdBdCbCcEaFcKaLbLcLdLjObOcOdOeOfPdPfPtPwVqWaZa omit text of c 83 and insc. to c 84 (Oc with mg. note: Hic deest capit'); CaDbEgLfLhLnQaRaSgTcUaVp place text of c 84 under insc. to c 83; text of c 83 add. in mg. Od<sup>2</sup>; AbBbGcLgLk(c 83 om., added in marg. with tiemark before c 82 Lk<sup>2</sup>)LjMfMgMoMjPqRaSeVmVtWc 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.

<sup>2</sup> (viii. add. Bd) De testibus qui et quomodo et quot et in quo negotio testificari debeant (deb. test. EaLjOf) vel non (vel non om. OdOfVp) add. in mg. BdLjOdOfTcVp, in text Ea, Quod non sunt recipiendi ad testimonium qui sunt in... xiiii annos aut quos accusator de sua domo produxit add. in mg. CaLn<sup>2</sup>; De testibus, qui, quot et quomodo et in quo negotio testificari debeant vel non Ph

<sup>3</sup> VI PhQe

<sup>4</sup> Ex conc. (om. Be) Cart. VII (om. Mq, VI Tb) cap. iiii (iii LmRa)

\*BdBcCaCbFcLdLfLmMqOcOdOeOfPpPwRaSeSITbTcWc; om. AbCcEa; Ex conc. Cart. VII cap. iiii.

Ex conc. Triburiensi Lj; Ex conc. Triburiensi Mg; ex conc. Cart. Qa

<sup>5</sup> om. Be

<sup>6</sup> etiam \*BeCaLflmMqPkTb; om. MgQaTc

<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> nudius tertius 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>.

<sup>1</sup> Quod non presumant esse testes et accusatores ante hesternum diem fuerunt inimici add. in mg. CaLn<sup>2</sup>

<sup>2</sup> In decr' Anacleti, cap. iiii (iii LmPhQeTbVo, ii Pk) CaLflh<sup>2</sup>LmLnMgMqPkQeSITbVoVpWc; Ex concil. Cartaginensi cp iiii Be; Anacletus in tertio decretali \*Eg (followed by text of c 83); Cartaginensi concilio Lc; Item Tc (followed by text of c 83). No insc. then text of c 83 QaRa. 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. Lj (cf c 83); 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

<sup>3</sup> aut accusatores add. BbBe<sup>2</sup>CaCcLflnRa, om. BeDbEaFcMgPfPhPtQaTbTcVoWc

<sup>4</sup> om. Mf

<sup>5</sup> qui ante] quia non Qa

<sup>6</sup> hesternum \*BeCaCbCcEaLdLjLmMgPftbVo; externum FcLfpTqA; hesternam Tc

<sup>7</sup> aut \*BeCaCbCcEaFcLdLfLjLmMgPtpwTcVo; vel MgQa; aut a Tb

<sup>8</sup> fuerunt \*BeCaEaPftSeTbTcVo; fuerint MgQa

<sup>9</sup> noc. cup. \*BeCaEaFcMgPftQaTbTc; cup. noc. Cc

<sup>10</sup> se \*BeCaCbCcEaFcLdLfLjLmMgPftQaTbVo; om. PwTc

<sup>11</sup> vel add. Cc

<sup>12</sup> -sus \*BeCaFcMgPftQaTbTc; -sis EaLj

ID 5.239a] C 3 q 5 c 2 var.

<sup>13</sup> igitur CaEaFcPfPtQaTbTc; ergo Mg

<sup>14</sup> accusatorum \*BeEaFcMgPfPtQaTbTcVo; accusator CaCcLm

<sup>15</sup> testium \*EaFcMgPfPtQaTbTc; om. Ca

<sup>16</sup> non \*BeCaCbCcEaEgFcLdLlJmMgPfPtPwQaTbTc; om. Pk

<sup>17</sup> est add. CaLm; om. \*BeEaFcMgPfPtQaTbTc

## 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 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>1</sup> Ut consanguinei adversus extraneos testimonium non dicant add. in mg. CaLn<sup>2</sup>

<sup>2</sup> pape \*BeFcLjMgTcVo; om. CaLdPpPwTb

<sup>3</sup> In decr. – ii] Ex concil' Cartag' cap. vii Mq (cf c 83 above). Quod consanguinei adversus extraneos non testificentur nec de eadem domo prodeutes add. Vo. 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), om. BeCaEaFcLdLjMgObOcOdOeOfPfTbVo

<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. iii<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

<sup>1</sup> Ut testes sint absque ulla infamia et in fide plene instructi add. in mg. CaLn<sup>2</sup>

<sup>2</sup> Damasi BeCaFcLdLjPpPkPwTb; Dam. pape EaMgMqVo; Dam... Qa; Dionisii Tc

<sup>3</sup> cap. iii BeCaFcLdLjMqPpPwTbVo; cap. x MgVp; cap. ii Tc; om. Ea. Quales ad accusandum vel testificandum suscipiendi sunt, quales autem non add. Vo

<sup>4</sup> et accusatores episcoporum add. EgLgLh<sup>2</sup>MgMo<sup>2</sup>QaRa<sup>2</sup>Tc, om.

BeCaEaLcMqPpTbPkVmVoWcBrant

<sup>5</sup> aut BeCaPfMqTb; atque EgMgQaTc; an Vo

<sup>6</sup> vere CaMgQaTbTc; vera Pf

<sup>7</sup> pleniter CaMgPfQaTb; plenitudine Tc

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.

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>8</sup> ant. tradit auct. CaMgPfTc; auct. ant. trad. Tb

<sup>9</sup> Item TbTc; In dec. Eleutherii (with break) BeCa; om. CbEaFcLcMqPfPk; 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 mg. Ra, with break in text; De eodem Vo

<sup>10</sup> concurrerunt BeCaMgTbPk; concurrerint EaPf; convenerunt Tc; occurrerunt Vo

## 87

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

Proditoris vero nec calumniatoris nec vox<sup>3</sup> audiatur<sup>4</sup>.

ID 6. 319 med.]

<sup>5</sup>[Item in eodem]<sup>6</sup>

Nemini de se confesso<sup>7</sup> credi potest<sup>8</sup> super crimen alienum<sup>9</sup>, quoniam eius<sup>10</sup> professio periculosa est, et admitti non debet. [88] Similiter<sup>11</sup> alieni erroris<sup>12</sup> socium vel a sui voluntarie<sup>13</sup> propositi tramite recedentem, aut sacris patrum regulis et constitutionibus inobedientem suscipere non possumus<sup>14</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> Dionisii BeCaCbEgLdLhLjMgOcOdPfPkPwTbVo; Dionisii pape EaPt; Dionii Fc; Eleutherii Ph; Damasi Tc

<sup>2</sup> cap. ii BeCaCbEgFcLdLhMgOcPfPtPwTbVo; cap. i Ph; cap. iiiii Tc; om. Ea. De eodem add. Vo

<sup>3</sup> nec calumniatoris nec vox \*SgPkPt; nec calumniatoris vox

BeCaCbDbEaFcLdLjMqOcOdOeOfPhSIRaWcBrant; vel calumniatoris vox Cc; nec calumniatoris unquam vox MgOd; 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>4</sup> exaud- Se

<sup>5</sup> Item in eodem. Nemini - nec debemus replaced by c 88A EgLgMg, om. BbSl

<sup>6</sup> Item in eodem Pf; In decr. Dionisii cp. ii Ph; In decr' Eleutherii, cap i Tb; paragraph mark only Tc; om. but with break FcPk; In decr' Dionisii cp. ii. De eodem. In xviii cp. ii Vo; om. with no break BdBeCaCbLdLjMqOdPtPwRaVpVqWc

<sup>7</sup> -esso \*CaCcLdLjPfTb; -essio Tc

<sup>8</sup> Nemini – potest om. Vq

<sup>9</sup> requiris add. Vo, which ends the canon here

<sup>10</sup> rei add. BeQaTbTc, om. CaCcEaLdLjMqPf

<sup>11</sup> et add. QaTc, om. \*BeCaCcLdLjPfTb

<sup>12</sup> al. err. \*CaCcLdLjPfTb; err. al. Tc

<sup>13</sup> -arie \*CaCcLdLjQaPfTb; -arii Tc

<sup>14</sup> pass- Ca; possumus Mo

**88A<sup>1</sup>***Ex concilio Triburiensi, cap. x<sup>2</sup>*

Nobilis homo vel ingenuus si in sinodo accusatur et negaverit, si eum fidelem esse sciunt, cum duodecim ingenuis se expurget. Si antea in furto deprehensus fuerit, vel periurio vel falso testimonio, ad iuramentum non admittatur, sed sicut qui ingenuus non est ferventi aqua vel candenti ferro se<sup>3</sup> expurget.

*BD 16.19] + C 2 q 5 c 15, Palea*

<sup>1</sup> EdLh<sup>2</sup>Lk<sup>2</sup>QaTc here, after c 87 LgEgMgVtWa; pt only after c 97 Mo; in mg. Ra; after c 85 Vc(in mg. with tie-mark)Vp; om.

AaAbAdBbBdBeCaCbCcDbEaEbEcFcGcKaLbLdLfLjLmLnMfMhMjMkMmMqObOcOdOeOfPdPfp hPkPqPtPwQeSdSeSgSITbVmVoWbWcZa

<sup>2</sup> Ex - x LgMg; om. QaTc

<sup>3</sup> se LgMgRaTc; set Qa

**89***<sup>1</sup>In dec' Silvestri<sup>2</sup>, cap. iii<sup>3</sup>*

Silvester papa in generali residens sinodo<sup>4</sup> dixit, Nullus laicus audeat crimen inferre clerico<sup>5</sup>. Testimonium autem clerici adversus laicum nemo suscipiat. Clericum vero quemlibet nemo in publico examinare presumat, <sup>6</sup>nisi in ecclesia.

*4L 1.60] C 11 q 1 c 9 from Testimonium only*

<sup>1</sup> Ut nullus laicus clerico crimen inferre debeat nec clericus adversus laicum testimonium dicat *add. in mg. CaLn<sup>2</sup>*

<sup>2</sup> pape *add. BeEaEgFcLjMgPwTcVoWc, om. CaLdOcPftb*

<sup>3</sup> cp ii Be; ii Mq; cap. iii *om. Ea. Quod nec laicus adversus clericum nec clericus adversum laicum accusationem afferre debet add. Vo*

<sup>4</sup> res. sin. BeCaEgMgPfvO; sin. res. TbTc

<sup>5</sup> clerico CaEgMgPftb; laico Tc

<sup>6</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,

<sup>1</sup> Ut nullus crimen inferat in maiori ordine constituto et quot testibus episcopus, quot presbiter, quot ceteri dampnari debeant *add. in mg. CaLn<sup>2</sup>*

<sup>2</sup> Ex decr' Silvestri pape \*OaOcPtPwVo; Idem in eodem Be; In dec' Silvestri pape CaEaFcTbTc; Ex decr' eiusdem CbLjRa; Idem Eg; Ex decr. Silv.Mq; Eiusdem Pf; Idem papa Vp

<sup>3</sup> cap. ii \*CaMgMqOaPfPhPtTcVo; *om. EaTb. In dec. - ii in mg. Ca. De eodem, et quod minor in ordine positus maiorem in ordine accusare non presumat add. Vo*

<sup>4</sup> qua etiam synodo *add. Vo*

<sup>5</sup> et *add. EgMgTc, om. BeCaEaFcLjOaPfPwTbVo*



acolithus adversus subdiaconum, exorcista adversus acolithum<sup>6</sup>, lector adversus exorcistam, ostiarius adversus lectorem nullo modo aliquam presumat dare 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, acolithus, 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>6</sup> exor. - acol. \*CaEgLjMgPfTb; om. Tc

<sup>7</sup> lxxii \*BeEaMgPfTbTcVoBrant; lix Ca

<sup>8</sup> idoneis \*MgTc; duobus Ca; om. BeEaOaPfTbVoWc

<sup>9</sup> neque presul summus a quoquam iudicetur, quoniam scriptum est, Non est discipulus super magistrum *add. Vo*

<sup>10</sup> cum *add. Vo*

<sup>11</sup> in cardinalibus *add. and canc. Ca*

<sup>12</sup> xliiii \*BeCaMgPfPwTbVo; lxiiii EaTc

<sup>13</sup> non \*CaMgPfPwTb; om. Tc

<sup>14</sup> condempnabitur \*BeCaPfPwTb; dampnabitur MgVo; condempnetur Tc

<sup>15</sup> septem BeFcLdMgOaPfTbVo; sex CaLjRa; octo Tc. Oa *expuncts se before vii*

<sup>16</sup> -itur \*BeMgPfTbTc; -untur Ca. Subdiaconus – condempn. *om. Lc*

## 92

### <sup>1</sup>*In dec' Euticiani<sup>2</sup>, cap. ii<sup>3</sup>*

Nulli unquam<sup>4</sup> infami atque sacrilego de quocumque negotio liceat<sup>5</sup> adversus religiosum Christianum, quamvis humilis servilisque<sup>6</sup> persona sit, testimonium dicere<sup>7</sup> nec de qualibet re, actione 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 ....anum testimonium dicat *add. in mg. CaLn<sup>2</sup>*

<sup>2</sup> Eutiani Ea; Numiani (?) Fc; Eutici Ph; Eutiani et Felicis Vp; papa *add. Tc*

<sup>3</sup> Quod infami liceat Christianum accusare religiosum [!] *add. Vo*

<sup>4</sup> unquam BeCaCbEaLjMgOaPfTbTcVo; autem Ld; antiqua Fc; *om. Oc*

<sup>5</sup> neg. lic. CaPfTbTc; lic. neg. Mg

<sup>6</sup> servilisque CaMgPfTb; et servilis Tc

<sup>7</sup> test. dic. CaPfTbTc; dic. test. Mg

<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>*

Testes per<sup>4</sup> quamcumque scripturam testimonium non proferant, sed presentes ex his que viderunt et noverunt<sup>5</sup> veraciter<sup>6</sup> testimonium dicant. Nec de aliis causis vel negotiis testimonium dicant, nisi de his que sub presentia eorum facta 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*

<sup>1</sup> Ut testes non per scripturam sed presentes ex his que viderunt aut veraciter noverunt testificantur *add. in mg.* CaLn<sup>2</sup>; Nota. Neminem testimonium perhibere nisi de his que sub presentia sua facta fiant *add. lower in mg.* Lg

<sup>2</sup> pape CaCbEaFcLdLjMgPwTbTc; *om.* Pf

<sup>3</sup> cap. ii *om.* Ea. Ut testes non per scripturam nec de aliis causis nisi de his que viderint testimonium dicant *add.* Vo

<sup>4</sup> per \*MgPfTbTc; in Ca

<sup>5</sup> et noverunt BeCaMgMqOaTbTc; *om.* CbEaLjPfPwVo

<sup>6</sup> vaciter Ca

<sup>7</sup> facta esse CaEaFcLjMgPfPwVo; esse acta Be; facta est Cb<sup>2</sup>; acta esse LdLcOaTb; 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 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*

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

<sup>2</sup> certe spec. se BeEaPfTbVo; certe spiritualiter se Ca; spec. se certe Tc

<sup>3</sup> est et PfTbTc; est Ca

## 95

<sup>1</sup>*Pius papa VIII a Petro<sup>2</sup> fratribus per Hispaniam<sup>3</sup>*

Apostolus, inquit, adversus presbiterum inscriptionem non<sup>4</sup> recipiendam, absque duobus vel tribus idoneis testibus<sup>5</sup>. <sup>6</sup>Si hec de presbiteris vel<sup>7</sup> ceteris fidelibus sunt<sup>8</sup> precavenda, quanto magis de episcopis?

<sup>1</sup> Quod adversus presbiterum non sit inscriptio recipienda absque duobus vel tribus idoneis testibus *add. in mg.* CaLn<sup>2</sup>

<sup>2</sup> VIII a Petro BeCaEaLdMgOaOcPwTb; VIII a Petro CbLjTcVp; *om.* Pf

<sup>3</sup> fratr. per Hisp. *om.* Mq. Quod inscriptio non sit recipienda absque duobus vel tribus idoneis testibus *add.* Vo

ID 5.247b, as Sixtus] C 2 q 7 c 19b

*Evangelium*<sup>9</sup>

In ore duorum vel trium testium stat omne verbum.<sup>10</sup>

da C 2 q 4 c 1

<sup>4</sup> esse *add.* MgTc; *om.* \*BeCaEaPftbVo

<sup>5</sup> idon. test. \*CaMgTbTc; test. idon. Pf

<sup>6</sup> Sed *add.* Tc, *om.* \*CaLjMgPftb

<sup>7</sup> de *add.* Tc, *om.* \*CaMgPftb

<sup>8</sup> sunt \*BeMgPftcVo; sint CaTb

<sup>9</sup> De evangelio Ra; Stephanus V Astulfo *add.* BeCaWc (*cf c 96*); De eodem *add.* Vo

<sup>10</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.*

<sup>1</sup> Quod nullus dampnetur vel iustificetur unius testimonio licet idoneo *add. in mg.* CaLn<sup>2</sup>

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

<sup>3</sup> quintus CaEaFcLdLjMgMqOcPftc; *om.* PtTb

<sup>4</sup> Astulfo BeCa(*insc. before 95b above*)EaEgFcLcLdLjMgOaOcPtPw; *no insc.* Cb; Astulpho 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 BeCaEaFcLdLjOaPwTbTc; 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.

ID 6.276 ] C 2 q 4 c 1

<sup>1</sup> Ut si quis clericus de fornicatione impetit secundum preceptum apostoli duo vel tria requirant ab eo testimonia *add. in mg.* CaLn<sup>2</sup>

<sup>2</sup> Bracarense II OaTb; Braccarense III Be; Cabilonense II CaCbEgFcLcLdLjMgOcPftbVo; Cabilonense Ea; Cab. VII Fc; Gab. II Mq; Bracarense IV Pk

<sup>3</sup> cap. viii \*BeCaEgFcLdLjMgOcPftbVo; cap. viii Oa; *om.* EaPf. De eodem. Qui accusat nec probare potest sententiam accipiat accusati *add.* Vo

<sup>4</sup> Placuit ut \*CaMgPftbTc; *om.* Qa

<sup>5</sup> P. ap. CaPftbTc; ap. P. Mg

<sup>6</sup> potuerit \*CaPftbTc; poterit Mg

<sup>7</sup> -onem \*MgPftbTc; -one Ca

## 98

<sup>1</sup>*Felix*<sup>2</sup> *Anastasio et*<sup>3</sup> *Egyptiis, cap. xiiii*<sup>4</sup>

Felix papa in primo decretali<sup>5</sup> suo. Cum ad iudicium venerit quis si voluerit, et necesse fuerit<sup>6</sup>, inducie ei petenti 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 quo tempore et quanto (tempore *add.* EaLj) dande sunt (sint Ph) *add. in mg.* BdEgLjTc, *in text* PhEa; Quod (Quando Be) dande sint inducie *in mg.* BeCaLn<sup>2</sup>Mg; De induciis *in mg.* Ra; *om.* MqPfOaTb.

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

<sup>3</sup> et \*BeFcOaPfPwTcVo; episcopo et Mg; *om.* CaTb

<sup>4</sup> cap. xiiii \*BeMgPftTcVo; *om.* CaVp; *no insc.* Ea. Ut inducie petenti et iudices a se electi tribuantur *add.* Vo. ix *in mg.* Be<sup>2</sup>

<sup>5</sup> -tali \*CaLjMgPftB; -to Tc

<sup>6</sup> et *add.* Mg, *om.* \*CaPftTc

## 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 canonicè 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* BeCbEaFcLdMqOaOcPfPhPwRaTbVoVpWc; Idem Pt; *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; *A new paragraph in* LdOaPfPkPwTbVo, *no break in* EgTc

<sup>2</sup> Ut \*BeCbMgMqPftTcVo; Et CaEaOc; aut Eg

<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 \*BeCaEaMgOaPhTcVo; 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 in ecclesiasticis agendum negotiis est<sup>6</sup> sicut in secularibus. Nam in secularibus, postquam legibus vocatus venerit et in foro decertare ceperit aliquis, non

<sup>1</sup> Quod non ita sit agendum in ecclesiasticis negotiis sicut in secularibus *add. in mg.* CaLn<sup>2</sup>

<sup>2</sup> Felix papa BeCaCbMgOcPftTcVo; Eutic' Eg

<sup>3</sup> primo BeCaCbMgOaOcPfPkPwTbVo; secundo EgTc

<sup>4</sup> decretali CaPftB; decreto Mg; dec' Tc

<sup>5</sup> cap. xvii BeCaFcLdMgOaOcPf(?)PwTbTc; cap. xvi Cb; *om.* Ea; cap. ii Eg; cap. viii Pk; xvii. Quod non ita sit agendum in ecclesiasticis (historiis *can.*) negotiis sicut in secularibus Vo

<sup>6</sup> neg. est CaMgPftB; est neg. Tc

licet ante peractam causam recedere. In ecclesiasticis vero dicta causa recedere licet si necesse fuerit, aut si se pregravari<sup>7</sup> viderit.

*4L 1.56; ID 6.336] +C 2 q 6 c 18*

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<sup>7</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*

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<sup>1</sup> Quales debeant esse *add. Vo*

<sup>2</sup> cap. iii BeCaEgFcLdMgOcPf(?)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> 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>1</sup> Quod non sub angusto sed sub longo spatio dande sunt inducie *add. in mg. CaLn<sup>2</sup>*

<sup>2</sup> pape *add. BeEaTcVo, II add. Eg, om. CaMgOcPfPwTb*

<sup>3</sup> cap. i *om. Ea; no insc. Lc*

<sup>4</sup> Athanasio BeEaFcLcMgMqPfPtPwTbVo; Anastasio CaOaRaTc; vel Agatho *add. Ca<sup>2</sup>; Anathasio LdLjWc*

<sup>5</sup> univerisos Pf

<sup>6</sup> et universos - prep. *om. Ca*

<sup>7</sup> impetitorum BeCaCbEaFcLjMgPfTb; impeditorum PwVo; impedimentorum Tc

<sup>8</sup> -hi ss Ra

<sup>9</sup> *corr fr. manduc- Ca*

## 103

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

Eleuterius Romane ecclesie episcopus omnibus episcopis<sup>2</sup>. Inducie non modice ad inquirendum dande sunt, ne aliquid<sup>3</sup> prepropere<sup>4</sup> agi a quacumque parte videatur, quia per subreptionem multa proveniunt. [104] Litigantibus autem non prius velit iudex sua sententia<sup>5</sup> obviare, nisi quando ipsi iam peractis omnibus nihil habeant in questione quod proponant<sup>6</sup>, et tamdiu actio ventiletur quousque ad rei veritatem perveniatur. Frequenter interrogari oportet, ne aliquid pretermissum<sup>7</sup> forte remaneat<sup>8</sup> quod annecti<sup>9</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.

<sup>1</sup> cap. i om. Ea; cap. I Mq; cp. ii. De eodem et quod iudex non ante sententiam proferat quam utraque pars causantium nichil habeat quod proponat Vo

<sup>2</sup> omn. epp. BeCaEaEgMgPfPwVo; epp. omn. OaTbTc

<sup>3</sup> -quid CaPftbTc; -qui Mg

<sup>4</sup> prepropere BeFcLdLjMgPwRaTbVo; prope Ca; propere EaTcVp; proprie corr. to perproprie Mq; preperpere Oa; prepore Pf

<sup>5</sup> iud. sua sent. CaPftbTc; sua sent. iud. Mg

<sup>6</sup> Cc ends, at foot of leaf but not end of line

<sup>7</sup> preterm- BeCaPftbTc; interm- Mg

<sup>8</sup> reman- BeCaMgPwTbTc; man- Pf

<sup>9</sup> annecti BeOaPftbTcVo; advecti Ca; admitti MgWc

## 105

*<sup>1</sup>Ex epistola<sup>2</sup> Bonifacii pape<sup>3</sup> ad episcopos Gallie<sup>4</sup>*

Bonifacius<sup>5</sup> episcopus Patroclo, Remigio<sup>6</sup>, Maximo, Hilario, Severo, Valerio, Iuliano, Castorio, Leontio, Constantino, Iohanni, Montano, Marino et ceteris episcopis per Gallias et per septem provincias constitutis. Valentine nos clerici civitatis<sup>7</sup> adierunt proponentes<sup>8</sup> libellum et<sup>9</sup> crimina que<sup>10</sup> Maximum teste tota provincia<sup>11</sup> asserunt commisisse, delegata<sup>12</sup> totiens cognitione illum constituta semper

<sup>1</sup> (x. add. Bd) De subterfugientibus quanto tempore et qua ratione expectari debeant add. in mg BdDbEgLj, in text Ea?Ph; Quod qui datas inducias ad iudicium venire contempnit feriendus sit sententia add. in mg. CaLn<sup>2</sup>

<sup>2</sup> Ex ep. BeMgOcPftbTcVo; om. Ca; ep. Eg

<sup>3</sup> pape \*BeCaMgOcPftbTc; om. Eg

<sup>4</sup> Ut qui accusatur et ad ea que sibi obitiuntur dilationes querens respondere subterfugit dilationem de absentia non decretur add. Vo. x in mg. Be<sup>2</sup>

<sup>5</sup> Don- Oa

<sup>6</sup> ss Be

<sup>7</sup> nos. cl. civ. \*BeCaMgPfVo; civ. nos cl. OaTbTc

<sup>8</sup> per add. Tc, om. \*CaMgPftb

<sup>9</sup> et \*CaMgPftb; om. Tc

<sup>10</sup> et add. Ca, om. \*MgPftbTc

<sup>11</sup> tota prov. \*BeCaPfVo; prov. MgTc; prov. tota Tb

<sup>12</sup> que add. Tc, om. \*CaMgPftb. Delegatur minori a maiori ut cognoscat in mg Mg

subterfugisse iudicia, nec confisum conscientia<sup>13</sup> festinasse, ut si esset innocens examinatis omnibus purgaretur, que totiens decreta ex nostrarum<sup>14</sup> quoque cartarum instructione cognovimus<sup>15</sup>. Qui e contrario probavit de se<sup>16</sup> illa que dicta sunt, quia ad ea confutanda cum essent innumera a decessoribus<sup>17</sup> meis provincialis est delegata cognitio<sup>18</sup>. Conventus etiam dicitur vitasse et adesse<sup>19</sup> minime voluisse. Et nullus dubitat quod<sup>20</sup> ita iudicium nocens subterfugit, quemadmodum ut absolvatur qui est<sup>21</sup> innocens querit. Sed astuta cavillatio eorum qui versutis agendum esse credunt<sup>22</sup> consiliis<sup>23</sup>, nunquam innocentie<sup>24</sup> nomen accipiet. Confitetur enim de omnibus quisquis se<sup>25</sup> subterfugere iudicium dilationibus putat. Veniet tamen aliquando ille<sup>26</sup> qui talis perhibetur in medium<sup>27</sup>, nec prodest illi totiens latuisse, totiens subterfugisse<sup>28</sup>, quem sui actus et commissa, quocumque fugerit ea que<sup>29</sup> obiciuntur illi, si vera sunt, crimina persequuntur. Debueram quidem iam nunc<sup>30</sup> dignam pro eius<sup>31</sup> accusatis in nostro iudicio actibus, qui cognitionem et<sup>32</sup> decretum iudicium sepe declinando credit<sup>33</sup> illudendum, dare<sup>34</sup> sententiam. <sup>35</sup>Aliquis preco, qui<sup>36</sup> forsitan iudicaret, et sibi qui absens<sup>37</sup> est, licet sit quesitus a nobis<sup>38</sup>, reservatum esse nihil<sup>39</sup> diceret<sup>40</sup> maluimus intercapedine<sup>41</sup> temporis data<sup>42</sup> differri<sup>43</sup>, cum hoc<sup>44</sup> etiam eius

<sup>13</sup> consc- \*CaPfTbTc; sc- Mg

<sup>14</sup> nost- BePfTbVo; vest- CaMgTc

<sup>15</sup> -ovimus \*CaPfTbTc; -oscimus Mg

<sup>16</sup> esse *add.* Tb, *om.* \*CaMgPfTc

<sup>17</sup> dec- \*CaMgPfTb; predec- Tc

<sup>18</sup> est del. cog. \*CaMgPfTb; del. cog. est Tc

<sup>19</sup> dicitur *add. and canc.* Ca

<sup>20</sup> *obsc. corr.* Tc

<sup>21</sup> est \*CaPfTbTc; es Mg

<sup>22</sup> *in mg.* Ra<sup>2</sup>

<sup>23</sup> cons- \*BeCaMgTc; conc- PfTb

<sup>24</sup> -tie \*CaMgPfTb; -tis Tc

<sup>25</sup> quisquis se \*CaMg; quisquis BePfTbVo; quisque se Tc

<sup>26</sup> ille al. *marked for reversal* Tb

<sup>27</sup> medium \*BeMgPfTbVo; iudicium CaTc; medium iudicium *Brant*

<sup>28</sup> lat. tot. subt. \*MgPfTbTc; subt. tot. lat. Ca

<sup>29</sup> que \*CaMgPfTbTc; quoque Pf<sup>2</sup>

<sup>30</sup> nunc BeMgTbTc; *om.* CaPf

<sup>31</sup> eius \*Be<sup>2</sup>CaMgTb; eis Be?PfTc

<sup>32</sup> et \*MgPfTbTc; in Ca

<sup>33</sup> -idit \*MgPfTbTc; -iderit Ca

<sup>34</sup> *corr. to artis in mg.* Ra<sup>2</sup>

<sup>35</sup> At ne *add.* MgTc, Sed ne *add.* Pf<sup>2</sup>, *om.* BeCaPfTbVo

<sup>36</sup> qui CaPf; q' BeMg; quam Tc; *om.* Tb

<sup>37</sup> *corr. fr.* assens Ca

<sup>38</sup> ne *add.* Tb, *om.* \*CaMgPfTc

<sup>39</sup> esse nihil \*CaMgPfTb; nihil esse Tc

<sup>40</sup> dic- \*MgPfTbTc; disc- Ca

<sup>41</sup> intercarpedine Tc

<sup>42</sup> a nobis *add. ss.* Ra<sup>2</sup>

accusatores assererent<sup>45</sup>. De cuius intentionibus et moribus sit decretum<sup>46</sup> Maximum tanto magis damnanda committere, quanto tardius se constituto iudicio presentaret. Quem Manicheorum involutum caligine arguunt<sup>47</sup>, turpique secta olim<sup>48</sup> ita eum non<sup>49</sup> posse<sup>50</sup> abluere, animam in sordida improbatione obiectaque ei<sup>51</sup> gesta sinodalia proferentes, et commissis involutum undique<sup>52</sup> flagitiis, nullum eum<sup>53</sup> sanitatis habuisse respectum<sup>54</sup> quem furore suo<sup>55</sup> et insana<sup>56</sup> temeritate ad secularium quoque iudicum<sup>57</sup> tribunalia<sup>58</sup> subsidium<sup>59</sup> questioni, quod in vili<sup>60</sup> persona turpissimum est, obicerent<sup>61</sup>. Pervenisse eum ad<sup>62</sup> homicidii damna asserunt gestis prolatis in medium. Et hunc talem post tanta taliaque commissa episcopatus adhuc<sup>63</sup> sibi nomen in suis latibulis vindicare, in proprie civitatis infamia nimiis doloribus conqueruntur, et sanctum nomen vindicando sibi<sup>64</sup> velle polluere. Ideoque, fratres carissimi, quia audiendus hic presentare se<sup>65</sup> noluit, ne<sup>66</sup> convictus forsitan ab accusantibus se clericis defendere<sup>67</sup> possit, digna tandem aliquando presentatus<sup>68</sup> episcopali iudicio pronuntiationis congrue feriri sententia iudicamus. Quanquam illi cum hec docta<sup>69</sup> fuerint sciamus huius nominis iacturam esse, qui pudorem nunquam habuisse sacerdotii<sup>70</sup> perhibetur, et locum suum nec modico quidem<sup>71</sup> tempore custodisse

<sup>43</sup> *corr. fr.* ref- Mg

<sup>44</sup> hoc \*Mg?PfTb; hec CaTc

<sup>45</sup> ass- \*CaMgPfTc; des- Tc

<sup>46</sup> sit decretum CaFcMgPwTbVo; sic est decretum Be; sit securum Tc; fit decretum Pf

<sup>47</sup> arguunt \*CaMgPfTb; asserunt Tc

<sup>48</sup> *repeated* Ca

<sup>49</sup> ita eum non BeCaMgPfTbVo; ita ne eum Tc; ita eum ne *ID*

<sup>50</sup> posse CaMgPfTb; posset Tc

<sup>51</sup> animam in sordida improbatione (im- *ss* Be) obiectaque (-que *om.* Ca) ei BeCaFcPfPwTbVo;

animum sordida imp. obiectaque ei Mg; animum sordidasse in probationem abiecte rei Tc

<sup>52</sup> inv. und. \*CaMgPfTb; und. inv. Tc

<sup>53</sup> *corr. fr.* ei Ra<sup>2</sup>

<sup>54</sup> res- \*CaPfTbTc; sus- Mg

<sup>55</sup> suo \*BeMgRa<sup>2</sup>TbTc; *om.* CaPfRa

<sup>56</sup> *corr. fr.* -ania Pf

<sup>57</sup> -cum \*CaPfTbTc; -cium Mg

<sup>58</sup> -alia \*CaPfTb; -ali Mg; -al Tc

<sup>59</sup> subsidium CaPfRaTbTc; subditum MgRa<sup>2</sup>

<sup>60</sup> quoque *add.* Tc, *om.* \*CaMgPfTb

<sup>61</sup> obicerent CaMgPfTb; obiciunt Tc

<sup>62</sup> ad \*CaMgPfTb; per Tc

<sup>63</sup> adhuc \*CaMgPfTb; *om.* Tc

<sup>64</sup> nom. vind. sibi \*CaMgPfTb; sibi nom. vind. Tc

<sup>65</sup> *ss* Be

<sup>66</sup> ne \*BeCaMgTcVo; nec Pf; ut Tb

<sup>67</sup> non *add.* MgTc, *om.* \*BeCaPfTbVo

<sup>68</sup> -tus \*BeCaMg; -tum PfTbTc

<sup>69</sup> docta \*BeCa; dicta MgPfTb; edocta Tc

<sup>70</sup> hab. sac. \*BeCaMgPf; sac. hab. Tb; sac. Tc. Ra *mg. adds tamen but uncertain where it is to be inserted*



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>72</sup>, ad obiecta respondeat. Si adesse neglexerit, dilationem sententiae de absentia non lucretur. Nam manifestum est confiteri eum<sup>73</sup> de crimine, qui indulto et totiens delegato iudicio purgandi se occasione non utitur<sup>74</sup>. Nihil enim interest utrum in presenti examine omnia que dicta sunt comprobentur, cum ipsa quoque professione<sup>75</sup> procurata totiens constet absentia. Nos autem per omnes provinciales<sup>76</sup> litteras dirigemus<sup>77</sup>, ne excusationem sibi ignorationis<sup>78</sup> obtendat, ut ad provinciam venire cogatur et illic se constituto presentare iudicio<sup>79</sup>. Quicquid autem vestra caritas de hac causa duxerit<sup>80</sup> decernendum, cum ad nos relatum fuerit nostra ut concedat<sup>81</sup>, necesse est auctoritate firmetur<sup>82</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>71</sup> nec modico quidem (quod Vo) BeCaMgTbVo; nec modico Tc; medico nec (*marked for reversal*) quidem Pf

<sup>72</sup> -dit \*CaMgPfTb; -iderit Tc

<sup>73</sup> conf. eum CaMgPfTb; eum conf. Tc

<sup>74</sup> non ut. \*CaMgPfTc; nutatur Tb?

<sup>75</sup> professione \*CaPfTbTc; pro confessione Mg

<sup>76</sup> -iales \*MgPfTb; -ias CaTc

<sup>77</sup> -emus \*MgPfTb<sup>2</sup>Tc; -imus BeCaTb

<sup>78</sup> -ationis \*CaMgPfTb; -antie Tc

<sup>79</sup> se const. pres. iud. \*BeMgPfTbVo; se const. iud. pres. Ca; const. iud. se pres. Tc

<sup>80</sup> causa dux. BeOaPfTbVo; reduxerit Ca; dux. causa Mg; re dixerit Tc

<sup>81</sup> ut concedat BeCaMgTc; ut concedam Tb; aut concedam Pf; ut concedat Vo

<sup>82</sup> nec. est auct. firmetur \*CaFcLjMgPfPwTb; 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>

<sup>1</sup> Ut episcopus accusatus non communione privatur nisi die statuta venire neg..... *add. in mg.* CaLn<sup>2</sup>, De qualitate iudicii et quales esse debeant iudices et quando sententiam iudicii debeant proferre *add. in mg.* Tc (*cf Lj c. 108*)

<sup>2</sup> xix CaCbLdLjMgOcPfPhPkPwTbTc; xx Be; xxc Fc; xiiii Mq; ix Qe. Quantum spatium habere debeat accusatus postquam vocatus fuerit ad causam dicendam, et si subtraxerit se vel ipse accusator presentante accusato quam sententiam uterque accepturus sit *add. Vo*

<sup>3</sup> -atur \*BeCaMgOaOcTbTcVo; -ator FcPfPw

<sup>4</sup> suam dicenda *add. Vp*

<sup>5</sup> accusator \*BeMgOaOcTbTcVo; accusatus Ca; *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

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 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*

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<sup>9</sup> -uta \*CaMgPfTb; -uto Tc  
<sup>10</sup> minime \*CaFcMgPfPwTb; non Tc  
<sup>11</sup> est \*BeFcPfRaTbVo; est autem CaMgPwRa<sup>2</sup>; autem Tc  
<sup>12</sup> ex \*BeFcMgPfTcVo; om. CaPwTb  
<sup>13</sup> ea die qua \*CaMgPfTc; eo die quo Tb  
<sup>14</sup> eum \*CaPfTbTc; cum Mg  
<sup>15</sup> sit \*MgPfTbTc; est Ca  
<sup>16</sup> -ram \*CaMgPfTb; -rum Tc  
<sup>17</sup> Verum \*MgPfTbTc; Utrum Ca  
<sup>18</sup> ut vel \*CaMgPfTc; vel ut Tb  
<sup>19</sup> sibi (?) Tc  
<sup>20</sup> eius \*BeMg; om. CaPfTbTc  
<sup>21</sup> eius \*BeMgPfTcVo; om. CaPwTb  
<sup>22</sup> nunquam \*CaFcMgPfPwTb; non Tc  
<sup>23</sup> in \*MgPfTbTc; a Ca  
<sup>24</sup> ita \*CaPfTbTc; ipsa Tb  
<sup>25</sup> vol- CaPfPwTbVo; 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.

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<sup>1</sup> pape *add.* Ea?LjTc, *om.* BeCaFcMgOcPfPwTbVo

<sup>2</sup> De iudiciis quales debeant esse et quando sententiam debeant proferre Ph; De eodem *add.* Vo

Nec suspicione caret qui alium calumniis derogat falsa dixisse, cum ipse ad iudicium ut probet quod intulit evocatus venire distulerit.

4L 1.104]

<sup>3</sup> *corr. fr.* Rome Mg

<sup>4</sup> ep. omn. CaEaFcLdLjOaPfTbVo; omn. ep. BeFcMgVp; omn. coepiscopis Tc

<sup>5</sup> *corr. fr.* interf- Be

<sup>6</sup> ill. inn. EaMg<sup>2</sup>PfTcVo; innocens BeCaLcMq; ill. nocens Mg; ita nocens OaVp; eum inn. Tb

## 108

<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 iudicii *add. in mg.* CaLn<sup>2</sup>

<sup>2</sup> cap. i LjMgOaOcPfTbTcVo; cap. ii BeCaPw; *om.* EaVp. De qualitate iudicum *add.*

BdBe(mg.)CbLd(mg.)LjMg(mg.)Pt, (xi. *add.* Bd) De iudicibus quales debeant esse et quando debeant proferre sententiam (sent. deb. prof. Bd) iudicii *add. in mg.* BdLj (*cf* PhTc c 106), *in text* Ea?; Quales debeant esse iudices *add.* Vo. 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 BdEaEgFcMgMqOaPfPwTcVo; Anastasio BeCaPhTb

<sup>6</sup> et cet. CaPfTbTc; ceterisque Mg

<sup>7</sup> tempore *add.* Tb, *om.* CaMgPfTc

<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.* CaLn<sup>2</sup>

<sup>2</sup> pape *add.* BeCbLjTc, *om.* CaMgOaOcPfPwTb

<sup>3</sup> cap. ii CaFcMgOcPfPwTb; cp. De eodem Vo; *om.* BeTc; Niceni concilii *as only insc.* Brant; Iulius 1 cap. 34 in decretis *Vosm.*

<sup>4</sup> omn. ep. BeCaEgLjMgPfPw; 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 CaEaFcPwRa<sup>2</sup>Vo; cum BeCbLjMq<sup>2</sup>OaPfTb; consilio et EgMgTc; *om.* MqRaBrant

**110**<sup>1</sup>Cap. viii<sup>2</sup>

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]

<sup>1</sup> Quod iudex probare debeat quo animo accusator accuset *add. in mg.* CaLn<sup>2</sup>

<sup>2</sup> cap. viii Tc; In decr. Iulii pape cap. ii Cb; Item Ea; eiusdem cap. vii Eg; capitulo septimo MgTb; cap. cxxxvi Pw; Quod iudices prius debent probare suspicionem et causam a quo animo accusator hoc facit Vo; Evaristus. Absque certa probatione quisquam non credat (Iulius c. vii *in mg.*) Vp; *om.*

BeCaLdLjMqOaOcPfPhPkPtWc, OaPkWc *with no break*

<sup>3</sup> quia CaLjMgPfPwTb; quorum Tc

<sup>4</sup> -ioni BePfPwVo; -ione CaRa; -ionem Be<sup>2</sup>CbEaLjMgTc; -ionis Tb

<sup>5</sup> imp- CaMgPfTc; prep- Tb

**111**<sup>1</sup>Cap. vii<sup>2</sup>

Iudex criminis discutens, non ante sententiam proferat capitalem<sup>3</sup>, quam aut reus ipse confiteatur, aut per innocentes testes vincatur.

4L 3.124] C 2 q 1 c 2

<sup>1</sup> Ut iudex non ante proferat sententiam quam aut reus confiteatur aut per testes vincatur *add. in mg.* CaLn<sup>2</sup>

<sup>2</sup> Cap. vii BePkTb; Cap. xxxvi EaLjMgTc; Cap. cxxxvi CaLdOc; Cap. cxxxvi Lc; In decr' Melchiad' <cap.> vii Mq; Cap. vii. c. xxxvi Oa; cxxxvi. cp. vii Ph; Cap. vii. cxxxvi Pt; Ex decretis Adriani (cap. cxxxvi *add.* Pw) PwVp; Ut nemo condempnetur nisi cp. vii confessus vel iuste convictus Vo; *om.* Pf<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 inquirete, ut cum iustitia et caritate definiatis, neminem condempnantes 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>.

<sup>1</sup> Ut nullus iudicetur ex sola suspicione *add. in mg.* CaLn<sup>2</sup>

<sup>2</sup> pape *add.* Tc, episcopi *add.* Pw, *om.* BeCaLdLjLmMgPfTb

<sup>3</sup> cap. i *om.* Ea; *no insc.* Mq. De eodem *add.* Vo

<sup>4</sup> semper omnia BeCaCbLdLjLmMgOaPfPwTbVo; ante semper omnia Se; omnia semper Tc

<sup>5</sup> et *add.* Mg, *om.* CaPfTbTc

<sup>6</sup> *ss* Lj

<sup>7</sup> -mum CaMgPfTc; -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.*

*BL Arundel 173 fo. 115; cf Ctp 1.31.1] + C 2 q 1 c 13*

AaAbBdBcCaCbDbEaEgEcFcKaLbLcLdLfLgLjLmMgMqOaObOcOdOeOfPfPhPkPqPtPwQaQeRaS  
dSeSgTcTbVoVpWaWbWcZaBrant

### 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 vera sint<sup>10</sup> non tamen credenda sunt, nisi<sup>11</sup> que manifestis indiciis<sup>12</sup> comprobantur<sup>13</sup>, nisi que manifesto iudicio<sup>14</sup> convincuntur, nisi que<sup>15</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>

<sup>2</sup> *om.* Vo

<sup>3</sup> pape *add.* CbLjTcVo, *om.* BeCaEaLdLfLmMgMqOaPfTb

<sup>4</sup> cap. i *om.* EaVp

<sup>5</sup> quod *add.* LdMqOa, quidem *add.* BeCaEa, *om.* \*MgPfTbTcVo

<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.*

\*BeCaCbDbEaLdLfLgLjLmMgMqOaObOcOdOeOfPfPtPwRaSgTcTbVoVp

<sup>10</sup> sint \*CaMgPfTbTc; sit Ld

<sup>11</sup> vel que (que vel Wc) manifesta sunt *add.* MfMgMjWc, *om.*

\*BbBeCaDbEaLcMhMkMmMoMqOaPdPfPtRaTbTcVoVp

<sup>12</sup> ind- \*BeLjMgTcVo; iud- CaCbLdLfLmMqPfPwTb

<sup>13</sup> -antur \*CaPfTbTc; -entur Mg

<sup>14</sup> man. iud. \*BeCaMgPfTcVo; iud. man. Cb; in man. iud. Tb

<sup>15</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.* MgPfTbTc

<sup>4</sup> Pk *omits whole inscr.*; cap. ii *om.* Ea, De eodem *add.* Vo

<sup>5</sup> pontificum CaMgMqPfTc; unquam pontificum BeOaVo; episcoporum unquam Tb

<sup>6</sup> iudicio CaMgPwTcTb; *om.* Pf

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>; 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>; ministerium Oa; misterii TbVo

## 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> sententiae prolatione compesceret, cum omnia nuda et aperta sint oculis eius, mala tamen Sodome et Gomorrhe<sup>5</sup> noluit audita vindicare, priusquam manifeste cognosceret<sup>6</sup> que dicebantur. Unde ipse ait, Descendam et videbo utrum clamorem qui venit ad me opere compleverint, an non est ita<sup>7</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>8</sup>, nisi ut nobis exemplum daret, ne precipites in discutiendis et iudicandis fratrum negotiis essemus, et ne mala de cuiusquam persona prius quisquam<sup>9</sup> presumat credere quam probare. Cuius exemplo monemur ne ad proferendam sententiam unquam precipites simus, aut temere indiligenterque<sup>10</sup> indiscussa queque quoquomodo iudicemus, dicente Veritatis voce, Nolite iudicare et

<sup>1</sup> pape *add.* Vo

<sup>2</sup> cap. ii EgMgOaPfTcTbVo; cap. i BeCaPw; om. EaVp. De eodem *add.* Vo

<sup>3</sup> Evaristus BeCaEaMgOaPkPwTbVo; Eucharistus Tc; Euvaristus Vp; Pf *obscure*

<sup>4</sup> -tante BePfTb; -tate CaMgPwTcVo

<sup>5</sup> etiam *add.* Tb, om. CaMgPfTc

<sup>6</sup> cogn- PfTcVo; agn- BeCaMgTb

<sup>7</sup> est ita MgPfTbTc; ita est Ca

<sup>8</sup> dign. est CaMgPfTb; voluit Tc

<sup>9</sup> quisquam CaMgPfTb; quis Tc

<sup>10</sup> indiligenterque CaLdLjMgPfPhTc; indulgenterque Tb

non iudicabimini<sup>11</sup>. Mala<sup>12</sup> audita nullum moveant, nec passim dicta absque certa probatione quisque<sup>13</sup> unquam<sup>14</sup> credat, sed ante audita<sup>15</sup> diligenter inquirat, nec precipitando quicquam aliquis<sup>16</sup> agat. Si enim Dominus omnium Sodomorum mala quorum clamor ad celos<sup>17</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>18</sup>, multo magis nos humani et peccatores homines quibus incognita sunt occulta iudicia Dei hec<sup>19</sup> precavere, et nullum ante veram iustamque probationem iudicare aut damnare debemus, teste Apostolo qui ait, Tu quis es qui iudicas alienum servum? 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> in quo enim iudicio (*om. Migne*) iudicaveritis, iudicabimini, et reliqua *add. Brant, om.*  
AbAdBdBcCaCbDbEaEcEgFcGcKaLbLdLgLjMgMqOaObOcOdOeOfPfPkPtPwQaRaSdSeSgTcTbVoVpWaWbWcZa

<sup>12</sup> enim *add. Fc, om. CaMgPfPkTbTc*

<sup>13</sup> quisque BePfPwTbVo; quisquam CaMgTc

<sup>14</sup> unquam CaMgPwTcTb; iniqua Pf

<sup>15</sup> audita MgPfTbTc; dicta Ca

<sup>16</sup> quicq. al. BeCaPfTbVo; quisquam aliquid Mg; quicq. unquam al. Tc

<sup>17</sup> celos CaMgPfPwTb; celum Tc

<sup>18</sup> agn- MgPfTcVo; cogn- BeCaPwTb

<sup>19</sup> incognita sunt occulta iudicia Dei (Dei iud. Vo) hec (hoc CbLjMgVo) BeCaCbLdLjMgPwTcVo; incogn. sunt occ. iud. hec Pf; occulta sunt divina iudicia hoc Tb

## 117

### <sup>1</sup>Stephanus papa V<sup>2</sup> Leoni Zianensi<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> cum fuisset fur, quia non est accusatus, minime abiecit<sup>7</sup>. Cognito autem opere isto, pellendum illum de cetu fuisse fraternitatis censuit. Omnes enim crimen eius sciebant<sup>8</sup>, et non arguebant. Publice enim novercam suam loco uxoris habebat, in qua re neque<sup>9</sup> testibus opus<sup>10</sup> erat, neque tergiversatione aliqua poterat tegi crimen. Et

<sup>1</sup> Quod non sint querendi testes in manifestis *add in mg. Ln<sup>2</sup>*; Non condemnavit et apostolus illum qui peccavit *add. in mg. Tc<sup>3</sup>*

<sup>2</sup> \*V CaEgLdMgPfPwTb; *om. Tc*

<sup>3</sup> Zianensi BeLdLjMgPfPhPwRaVoWc; et Ianensi Ca; Tanensi Eg; Scianensi Mq; Thianensi Oa; \*Tianensi Pk; Ziansi Pt; Ticianensi Tb; et Lanensi Tc

<sup>4</sup> Leon. Tian. ep. *om. Ea. Quod de manifesta causa non sunt querendi testes add. Vo*

<sup>5</sup> -tione CaPfTbTc; -tore Mg

<sup>6</sup> ss. Tc

<sup>7</sup> abiecit \*CaLjMgPfPwTb; dampnavit Tc

<sup>8</sup> eius sc. \*CaMgPfTc; sc. eius Tb

<sup>9</sup> neque \*CaMgPfPhTc; utique Tb

paulo post. Absens facie, presens autem<sup>11</sup> auctoritate Spiritus, qui nusquam abest, iam iudicavi ut presens eum qui hoc admisit tradi Satane in<sup>12</sup> interitum carnis.<sup>13</sup>

*ID 6.431] + C 2 q 1 c 17*

<sup>10</sup> non *add.* Tb, *om.* \*CaMgPFTc

<sup>11</sup> autem \*MgOaPfTcVo; *om.* CaTc

<sup>12</sup> in \*CaMgPFTc; *om.* Tb

<sup>13</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 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>1</sup> Quod prelati ecclesiis non sit ad preiudicium si coacti scripserint vel fecerint *add. in mg.* CaLn<sup>2</sup>, De appellatione qua ratione et quo tempore fieri debeat et de pena male appellantium *add. in mg.* Tc; 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

<sup>2</sup> Evaristus CaEaFcOfPfPkPtPwRaTbVoWc; Eucharistus papa Be; Alexander papa CbLj; Euristus LdOc; Evarisus Oa; Eucharistus TcVp; *om.* MgMq

<sup>3</sup> ep. omn. CaLjPfPhTbTcVoWc; omn. epp. BeLd; l Mq; *om.* Mg. Quod non sunt ad nocumentum vel damnum sacerdotibus vel auctoribus ecclesie si ab eis alique scripture vi fuerint extorte an ut se liberarent *add.* Vo

<sup>4</sup> Al. - decr. *as insc.* Mg

<sup>5</sup> act- \*BeOaPfTbTc; auct- CaMgVo

<sup>6</sup> aut \*BeCaMgOa; aut per PfTc; et Tb; an Vo

<sup>7</sup> extorte \*BeOaPfTbTcVo; exorte CaMg

<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 \*BeCaPfPwTbVo; ullam eos Mg; eos ullam Tc

<sup>12</sup> vel CaMgPfPwTb; et Tc

<sup>13</sup> unquam \*CaMgPf<sup>2</sup>Tc; iniquam Tb?

<sup>14</sup> auctore \*BeMgPfTc; actore Tb; auctorem Ca

<sup>15</sup> et \*CaPfTbTc; 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 pleniter<sup>10</sup>.

*ID 6.316c] C 30 q 5 c 11a*

<sup>1</sup> Quod iudex post cuncta patienter rimari debeat antequam iudicet *add. in mg. CaLn*<sup>2</sup>

<sup>2</sup> Pet. ap. (apostoli Vo) BdBeCaEaFcObOdOeOfPwTcVo; ap. Pet. Mg

<sup>3</sup> El. - decretali (-eto Tc) BdBeCbFcLjMgOaOfTcVo; 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 in primo decr. Pf; El. - XII a Petro apostolo in i. dec. Pt; El. papa xv loco succ. Qa. Quod iudex debeat cuncta inquirere, et habere ad utramque partem patientiam proponendiet aditiendi *add. Vo*

<sup>4</sup> tamen \*BeCbEaFcLdLjMgObOcOdOfPwQaTb; *om. CaTc*

<sup>5</sup> ac proponendi BeEaEgFcMgMqOePfPtQaTbVo; ac respondendi BdCaCbEg<sup>2</sup>LjObOcOfPwRa; vel respondedi *add. ss Mg*; ac proonendi Oa; ac reponendi Od; vel proponendi *add. ss Ra*<sup>2</sup>; et respondendi Tc; et propendi Vp

<sup>6</sup> discendique Be

<sup>7</sup> auctio Ca

<sup>8</sup> -arum \*BeMgPfTbTc; -orum Ca

<sup>9</sup> limitata BdCbFcLjObOcOdOfPt; liminata BeDbEaEg(vel limata *add.*

*ss*)MgMqObPfPhPwQaQeSeVpWc; luminata (vel rimata vel limitata *add. ss*) Ca; limata Tc; eliminata RaTb; liminita Vo

<sup>10</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>

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 pretermissum forte remaneat quod annecti conveniat.

*cf 4. 104 above, ID 6.317a] C 30 q 5 c 11b*

<sup>1</sup> *om. QaVosm., with rubric as last line of preceding canon; om. AaLgMgWaWc; in*

AbAdBbBdBeCaCbDbEaEgFcGcKaLbLcLdLfLhLjLkLmLnMfMhMjMkMmMnMoMpMqOaObOcOdOeOfPcPdPfPhPkPqPtPwQaRaSdSeSgSkTbTcVoVpVqWbZaWBrant; *after c 131 Ec*

<sup>2</sup> Idem *add. Pf, om. BdBeCaLdLfLjLmObOcOdPwTbTc*

<sup>3</sup> Non BdBeCaLdLfLjLmObOcOdPwTb; Nec EgTc

<sup>4</sup> esse \*BdBeEgOcOfPfTbTcVo; est CaLfOb

<sup>5</sup> utrinque \*BdEgPfTbVo; utrimque Be; utrumque CaLmTc

<sup>6</sup> Non - per. (paratum Oa)

\*BdBe(mg.)CaCbEgFc(mg.)LdLfLjLmOaObOcOdOe(mg.)OfPfPwRaSeTbVoVp; *om. Lc(running on from last c.)MqPk; Item Pt; as last sentence of prec. canon in Tc Brant*

<sup>7</sup> prius sua velit \*BdCbFcLdLjLmMqOcOePfTcVo; prius velit sua BeCaLfPwRa; sua prius velit Tb

<sup>8</sup> nisi BeCaPfTbTc; non Lf

<sup>9</sup> ipsi *add. Be, ipse add. Tb, om. CaCbFcLdLfLjObOcPfPwTc*

**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] Appellatem<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 appellandi denegetur ei quem in supplicio sententia destinavit<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 pulsatus<sup>14</sup> quotiens appellaverit<sup>15</sup>, inducie dentur, nec quemquam sententia<sup>16</sup> non a suo iudice dicta constringat.

*4L 1. 6 has all from Appellatem autem but begins var.; ID 5.261 (from BD as here) to destinavit; ID 6.323 (H 168) has Pulsatus - inducie dentur, but lacks end] +C 2 q 6 c 2, Palea, Appellatem - 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>1</sup> (xii. add. Bd) De appellatione quo tempore et qua ratione debeat fieri et de pena male appellantium in mg. BdLj; Ut episcopus libere sedem appellet apostolicam si iudicem suspectum habuerit add. in mg. CaLn<sup>2</sup>

<sup>2</sup> Ex decr. \*BeCaOaPfTb; In decr. MgTc

<sup>3</sup> missis BeCaCbOaPfTcTb; misso EaPw; om. Mq

<sup>4</sup> Ex - xxvii BeCaCbMqPfPwTbTcVo; Hilario ep. missis xxvii cap. In decretis Fab. pape Eg(mg)Mg; Ex - misso Ea. Ut episcopus qui se senserit pregravari libere at absque ulla iniuria sedem apostolicam appellet, et ut nullus nisi a suo iudice iudicetur add. Vo. xi add. in mg Be<sup>2</sup>

<sup>5</sup> episcopus \*BeCaMqPfPwTcTbVo; om. EgMgVp

<sup>6</sup> ingrav- CaMgPfPwTc; grav- Tb

<sup>7</sup> -antem \*BeCaMgOaPwVo; -atum MqPfTbTc

<sup>8</sup> autem \*CaEgMgPfPwTb; om. Tc

<sup>9</sup> aut \*PfMgTbTc; om. Ca

<sup>10</sup> -arit LjMgPfPwTb; -avit CaTc

<sup>11</sup> ante CaLdLjMgPfPwTb; autem Tc

<sup>12</sup> vocet add. Tc, om. BeCaLjMgPfPwTb

<sup>13</sup> non CaMgPfTc; om. Tb

<sup>14</sup> si vol. tac. et (nec Ca, ut add. BeMqRaWc) puls. (-atus OaWc) BeCaLjMgMqOaRaTcWc; om.

EaLdPfPwTbVo

<sup>15</sup> -erit CaPfPwTbTcVo; -erint BeLjMgTc

<sup>16</sup> corr. fr. -iam Ca

## 124

*Ex decr' Iulii pape orientalibus episcopis missis, cap. xviii<sup>1</sup>*

Ut omnes<sup>2</sup> episcopi qui in quibusdam gravioribus pulsantur vel criminantur causis, quoties necesse fuerit, libere apostolicam appellent<sup>3</sup> sedem, atque ad eam<sup>4</sup> quasi ad matrem confugiant, ut ab ea sicut semper fuit<sup>5</sup> pie fulciantur, defendantur, et liberentur. [125] Item<sup>6</sup>. Placuit ut accusatus vel iudicatus a<sup>7</sup> comprovincialibus<sup>8</sup>, in aliqua causa episcopus licenter appellet et adeat apostolice sedis pontificem, qui aut per se aut per vicarios suos eius retractari negotium<sup>9</sup> procuret. [126] Item<sup>10</sup>. Si quis putaverit se a proprio metropolitano gravari, apud<sup>11</sup> primatem diocesens, aut penes apostolice<sup>12</sup> universalis ecclesie papam iudicetur.

*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*

<sup>1</sup> cap. xxvii Be; cap. xviii om. EaVp. De eodem add. Vo

<sup>2</sup> corr. fr. omnis Tc

<sup>3</sup> corr. fr. -ant Ca

<sup>4</sup> eam \*CaPfTbTc; eandem Mg

<sup>5</sup> fuit \*BeCaLjMgPfpkPwVo; sit Tb; om. Tc

<sup>6</sup> Item BeCaMgOaTbTc; om. \*Pf. ex dictis Sixti pape add. Brant

<sup>7</sup> a \*CaMgTbTc; ac Pf

<sup>8</sup> compr- \*CaMgPfTc; pr- Tb

<sup>9</sup> ret. neg. CaMgPfTc; neg. ret. Tb

<sup>10</sup> Victor episcopus add. Brant; Victor ad Theophil. ep. 1 Migne

<sup>11</sup> patriarcham aut add. Brant

<sup>12</sup> et add. Tc, om. \*CaLjMgPfpwTb

## 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 sentiis, liberum habere arbitrium<sup>4</sup> viderentur<sup>5</sup>, et tempora appellationis et pene constitute sunt, ut quicumque apud iudicem qui causam eius audivit appellare et ad alium iudicem provocare voluerit, infra quinque dies appellet, et in his ipsis quinque diebus<sup>6</sup> ad iudicem ad quem provocaverit sine aliqua dissimulatione perveniat, et ipse dies in quo accepit litteras in his quinque diebus specialiter computetur<sup>7</sup>. Quod si

<sup>1</sup> Excepta de BdBeCaMgMqPftbVo; Excerpta de CbMq<sup>2</sup>Ra; Ex decretis et TcWc

<sup>2</sup> De eodem add. Vo

<sup>3</sup> vel \*BeCaOaPfpwTbVo; vel in Mg; et Tc

<sup>4</sup> hab. arb. \*CaMgPfTc; arb. hab. Tb

<sup>5</sup> -erentur \*CaMgPfTc; -entur Tb

<sup>6</sup> quinque diebus \*BeMgPftb; diebus quinque CaTc

<sup>7</sup> -etur \*CaMgPfpwTb; -et Tc

longius iter sit, exceptis his<sup>8</sup> quinque diebus, spatium dierum<sup>9</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>8</sup> his \*CaMgPpPwTb; om. Tc

<sup>9</sup> in add. Tc, om. \*CaLdMgPpPwTb

## 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. Ista iam superius sub titulo de cautionibus et penis appellationum interpretata est<sup>7</sup>. Qui intra tempora prestituta dimissorias<sup>8</sup> non postulaverint vel acceperint, vel reddiderint, rescriptione<sup>9</sup> ab agendo submoveantur, et penam appellationis ferre cogantur<sup>10</sup>.

*ID 5.282] C 2 q 6 c 24*

<sup>1</sup> De legibus Theodosianis quas interpretatur Paulus *add. in mg.* Bd<sup>2</sup>; De eodem *add. Vo*

<sup>2</sup> Cap. xxxvi EaTc; xxxvi cap. BdBeCaMqOaPtTbVo; cap. xxxv Mg; Item cap. xxxvi Pf; xxvi cap. Ra; xxxv cap. Vp; *om. with no break* Wc; De legibus Theodosianis quas interpretatur Paulus *add. in mg.* Bd<sup>2</sup>

<sup>3</sup> que \*BeCaMgTb; quod PfTc

<sup>4</sup> -ola \*PfMgTbTc; -ole Ca

<sup>5</sup> appellatur \*MgPpPwTbVo; appellantur BeCa; dicitur Tc

<sup>6</sup> facienda \*BePfMgTbTcVo; finienda Ca; vel fini *add. ss* Mg

<sup>7</sup> est \*CaMgPpPwTb; sunt Tc

<sup>8</sup> *corr. fr.* -arias Mg

<sup>9</sup> resc- \*PfMgTbTc; presc- Ca

<sup>10</sup> -antur BeMgPpTcVo; -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. BdCaOaPtRaTb; Cap. xxviii Be; Cap. xxvii Tc; Cap. xxxvi Mg; Item cap. xxvii Pf; De eodem xxvii Vo; Cap. xxxvii Wc

<sup>2</sup> -identia \*BeCaMgPwTbTc; vel du *add. ss* Mg; -idutia PfQa

<sup>3</sup> add- \*BeCaMqPpVo; abd- MgOaPwTbTc

## 130

[Item. cap. xxx<sup>1</sup>]

<sup>2</sup>Quotiens post auditam causam iudicem<sup>3</sup> possessor appellat fructus possessionis de qua agitur, dum sequende<sup>4</sup> audientie eventus dubium<sup>5</sup> est, merito sequestrantur. Nam si petitor appellaverit hoc<sup>6</sup> ab eo non potest postulari, quia non potest sequestrari quod non habet. Si propter<sup>7</sup> predia urbana vel mancipia<sup>8</sup> appellatur, possessiones<sup>9</sup> eorum vel mercedes, vel vectura<sup>10</sup>, etiamsi de navi<sup>11</sup> agatur, deponi solent.

ID 5.284] C 2 q 6 c 26

<sup>1</sup> Item cap. xxx Pf; xxxvi cap. Ld; De eodem Vo; xxxviii Pt (cf IDm); no inscr.

BdBeCaEaMgMqOaPkPwTcTbVpWc

<sup>2</sup> Eg<sup>2</sup> mg adds: Ex corpore canonum. Quod appellationes que fiunt - firmam securitatem fecerit

<sup>3</sup> iudicem PfMgTbTc; a iudice Ca

<sup>4</sup> -ende \*CaPfTbTc; -ente Mg

<sup>5</sup> -ium PfPwTbVo; -ius BeCaMgPf<sup>2</sup>Tc

<sup>6</sup> hoc \*CaMgPfPwTb; hic Tc

<sup>7</sup> Si propter \*PfMgTbTc; Super Ca

<sup>8</sup> vel iumenta add. Brant, om. \*BeCaMgMhMjMkMmPdPfPwRaTbTcVoWc

<sup>9</sup> Corr. fr. passiones Mq<sup>2</sup>

<sup>10</sup> vel vectura CaLdMgMhRaTc; vel vecturam Bd; vectura BeMkPtTb; victura EaMqPwVo; venturam Lj; et vectura Mj; ventura Mm; eorum victura Pf; victuram Ph

<sup>11</sup> si de manu add. MjTc, manu add. BdEaLjMgMkMmMoMqPdPtPwVoWc, om.

\*BeCaLdMfMhPfRaTb

## 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. CaLn<sup>2</sup>

<sup>2</sup> Cap. CaMgTcWc; Item cap. Pf; om. MqOaRaTbVp

<sup>3</sup> xxxviii CaEaLjMgMqOaPfPwTbVpWc; xxxviii cap. Be; no inscr. LdVo; xxviii PkRa; Ex concil' Hispalensi cap. ix Pt; xxviii Tc. De eodem add. Vo; 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 episcopos<sup>2</sup> quos<sup>3</sup> communi consensu<sup>4</sup> elegerint, non liceat quemquam provocare, et quisquis probatus fuerit pro contumacia nolle obtemperare iudicibus<sup>5</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) BeCaCbMgMqPfPkRaTbWc; Ex conc. Spal. Ea; Ex Spalensi concilio, cap. viiii LjPw; Ex conc. Milevitano cap. xxv Pt; Spalensi concilio Tc; Ex concilio Africano cp. xi Vo [cf *Conspectus*]; Ex concilio Planensi Vp. A iudicibus quos communis consensus elegerit non esse provocandum *add.* Vo

<sup>2</sup> Iud. aut. ep. LdLjMqPfPwTbVo; Iud. ante ep. CaMgPkQaRaTcWc; A iudicibus autem episcopis Pt; [Iudicibus autem *Brant*; A iudicibus autem *Vosm.*

<sup>3</sup> *om.* Vo

<sup>4</sup> consensu Be<sup>2</sup>MgMqPfTcTbVo; sensu Be; assensu CaPw; vel as *add. ss* Mg

<sup>5</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 BeCaLjLdMgOaPfPkPwTbVo; Ex - Cart. EaTc

<sup>2</sup> cap. x \*BeCaMgOaPfTbTcVo; cap. ix CbLj; *om.* Ea; *no insc.* Wc. Ut si iudicum 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 BeCaMgPf; -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 a comprovincialibus episcopis accusati causam pontificis scrutari liceat, non tamen definire, inconsulto Romano pontifice, permissum est<sup>4</sup>.

<sup>1</sup> pape TcTb; *om.* BeCaEaMgOaPfPw

<sup>2</sup> cap. i *om.* Ea. Non licere causam accusati episcopi diffiniri inconsulto Romane pontifice *add.* Vo

ID 5.244 med.] C 3 q 5 c 5b

<sup>3</sup> Quoniam \*BeCaEaMgMqOaPfPkPtPwTbVo; om. CbLjRaTc

<sup>4</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> 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>1</sup> cap. i BeCaMgPfPwTbVo; *insc. in mg.* Mq<sup>3</sup>; cap. iii PkTc; om Ea. De eodem *add.* Vo

<sup>2</sup> archiep- CaMgPfPkPwTb; ep- Tc

<sup>3</sup> finitivam CaMgPfPwTc; om. Tb

<sup>4</sup> -atur CaPfTbTc; -ant Mg

<sup>5</sup> sint MgPfTbTc; sunt Ca

<sup>6</sup> Dominus MgPfTbTc; Deus Ca

<sup>7</sup> ad BeCaMgPfPwTcVo; om. PkTb

<sup>8</sup> ap. el. CaMgPfTc; el. ap. Lj

<sup>9</sup> quos Dominus - lxxii om. *Brant.* id est lxxii BdCbEaMg<sup>2</sup>OaPfPtRa<sup>2</sup>TcVoWc; id est lxxiiii Mq<sup>2</sup>; id est lxx PwVp; om. BeCaMgMqRaTb

## 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>

<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 \*BeCaEaLjMgPwTbTc; om. Pk

<sup>3</sup> loco succ. \*CaLjMgPwTb; a PtWc; succ. loco Tc

<sup>4</sup> om. Wc; 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. 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 Tc

<sup>8</sup> episc. tantum BeCaOaPfVo; episc. tamen Mg; tamen epis. Tb; tantum epis. Tc

<sup>9</sup> et huius - finiantur \*BeCaLjMgPfPwTbTcVoBrant; om. Migne

<sup>10</sup> iustiuste Tb

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 2 q 6 c 7b, from Quamvis liceat, is fuller*

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<sup>11</sup> pro- \*CaLjMgPfPwTb; compro- Tc

<sup>12</sup> atque \*BeMgTbTc; 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 BdCaDbEaLhObOcOdOfPfPwQeSITbVo; Quarta pars explicit Lj; Expl. quarta pars Pd; Expl. pars quarta Pt; *om.* BbBeLflgMfMgMhMjMkMmMoMqOaOePdPhRaSeSgTcVpVq. Require retro *in mg.* Lf