

*Incipiunt capitula secundi*

Secunda pars continet: De constitutione ecclesie. De oblationibus fidelium. De dedicatione et consecratione ecclesiarum et altarium. De sepultura. De presbiteris et<sup>1</sup> eorum ecclesiis. De decimis. De legitima possessione. De confugientibus ad ecclesiam. De sacrilegio. De libertorum tutela. De alienatione et commutatione rerum ecclesiasticarum. De scriptis et conciliis autenticis et non autenticis. De consuetudinibus. De iejunio et elemosina.<sup>2</sup>

**Incipit secundus<sup>3</sup>**


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

<sup>2</sup> Incipiunt cap. (*om. Qe*) sec. Secunda - elem. Tb; Secunda - elem. EbPhQeVm; Incipiunt capitula libri secundi (secunde partis Le) LeVo, which has an unnumbered capitulatio of rubrics for each canon, Vo ending Expliciunt capitula, Le continuing Secunda pars: De constitutione – et elemosina; *om.* AdBbBdBeCaDbEaEgFbLcLdLgLoMfMgMhMkMmMoMpMqOaObOdOeOfPfPkPtQaRaRbSeSgSIT cVaVpVqWc

<sup>3</sup> secundus AdBdCaLcLdLeMhMkMmMoMqOaOemgOfPfPhQeSITbTc, PhQe before capitulatio; liber secundus DbFb(*mg*)EaLgVoBrant; pars secunda FbMpRa; secunda pars MfMgMjOd(*mg.*)RbVmWcWd; secunda Mp; tertius ObPwSg; an erasure here Pk, but large initial ‘Æ’ follows; Hic incipit secundus liber Pt<sup>2</sup> in *mg*; Hic incipit secunda pars Vp; Inc. sec. *om.* BeLoPtSe

**1**

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

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

*ID 3.3]*

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

<sup>2</sup> est AdCaMgRaTcVm; sit Pf; nomen est Ra<sup>2</sup>; *om. Qe*

<sup>3</sup> in *mg.* AdBeCaMgPfPt<sup>2</sup>QeRb<sup>2</sup>TcWc; De constitutione ecclesie DbEg(*mg*)Of(after insc.)Vp; Quid est ecclesia catholica Ea(*no insc.*)Vo; *om.* FbOaPhSfTb. ix. De constitutione ecclesie in *mg.* Bd<sup>2</sup>; i *add.in mg.* Be<sup>2</sup>. Hic incipit secundus liber. Quod est eccl. quod est cath. in *mg.* Pt<sup>3</sup>

<sup>4</sup> Grec. est DbMqPhPkPtRbTbVmWc; Grec. nomen est AdBd(ss)BeEaPfSl<sup>2</sup>TcVo<sup>2</sup>; Grec. est nom.

CaFbMgOaVo; nomen est Sl

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

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

<sup>7</sup> Dei *add.* SITcWd, *om.* \*CaDbFbMgPfPhRbQaTb

## 2

[*Quod beneficiis regum et presulum<sup>1</sup> fabricate<sup>2</sup> sunt ecclesie*]<sup>3</sup>. Ex decretis<sup>4</sup>

*Melchiadis pape, cap. xii*

Denique reges et presides ac magistratus non solum adiacentia tribuere, sed etiam ipsi<sup>5</sup> propria largiti<sup>6</sup> sunt per universa regna terrarum, unde alerentur egentes qui in mundo nihil possidebant, ecclesieque<sup>7</sup> fabricarentur, atque<sup>8</sup> restaurarentur<sup>9</sup>, Deoque et ecclesie eius rite<sup>10</sup> famulantum servorumque illius<sup>11</sup> supplementa absque necessitate tribuerunt.

*ID 3.6b]*

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

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

<sup>3</sup> in mg. AdBeCaMgPfRb<sup>2</sup>Tc, in text VmVo(adding ii); om. FbOaPtTbVp

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

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

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

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

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

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

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

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

## 3

[*Quod<sup>1</sup> auctoritate Constantini Romana ecclesia primatum teneat<sup>2</sup> totius mundi*]<sup>3</sup>. Ex

*decretis eiusdem, cap. x<sup>4</sup>*

E<sup>5</sup> quibus vir religiosissimus<sup>6</sup> Constantinus primus fidem veritatis patenter<sup>7</sup> adeptus<sup>8</sup>, licentiam dedit<sup>9</sup> per universum orbem<sup>10</sup> in suo degentes imperio, non solum<sup>11</sup> fieri Christianos, sed etiam fabricandas<sup>12</sup> ecclesias et predia tribuenda constituit. Denique idem prefatus princeps donaria immensa et fabricam templi prime

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

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

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

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

<sup>5</sup> E AdBeCaMgMpMqPfTcVp; A MjOaPhQeSfTb; Ex Vo; om. MoPkRb

<sup>6</sup> religiosissimus \*CaMgMpPfTbVo; reliogissimus Ad; religiosimus Be; religiosus Tc

<sup>7</sup> patenter \*BeCaMgPfTb; om. Tc

<sup>8</sup> ad. pat. later reversed Ca

<sup>9</sup> pauperibus add. and canc. Mm

<sup>10</sup> orbem \*MfMjMoPhRaRaRbTbTcVm; mundum

AdBeCaDbFbLgMgMhMkMmMoMqObOdOePfPtVoVpWcBrant

<sup>11</sup> modo add. Ca, om. \*BeFbMgMpPfTcTb

sedis<sup>13</sup> beati Petri<sup>14</sup> principis<sup>15</sup> Apostolorum instituit, adeo ut sedem imperialem cui  
quiue Romani principes presidebant, relinquenter et beato Petro suisque successoribus  
profutura<sup>16</sup> concederet.

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

<sup>12</sup> -andas \*BeCaMgPfTb; ad fabricandas Mp; -are Tc

<sup>13</sup> prime sedis \*BeCaFbMgPfTb; prima sedis Mp; *om.* Tc

<sup>14</sup> beati Petri \*LgMfMhMjMkMmMoMpMqOePhRaTbTcVm; beati AdBeCaDbFbMgMpOdOfPfPt;  
*om.* ObVo

<sup>15</sup> apostolice *and lacuna* Vo

<sup>16</sup> -ura \*AdBeCaDbFbMgPfVm; -uram TbTc

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

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

Noverint<sup>5</sup> autem conditores basilicarum, in rebus quas eisdem ecclesiis<sup>6</sup>  
conferunt<sup>7</sup>, nullam potestatem habere, sed iuxta canonum instituta sicut ecclesiam ita  
dotem eius ad ordinationem episcopi pertinere.

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

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

<sup>2</sup> *after* contulerunt Be<sup>3</sup>

<sup>3</sup> Quod - contulerunt (-erint Ca, traderunt Tc) *in mg* AdBeCaMgPf(*corr. to here from c 5*)Rb<sup>2</sup>Tc, *in text*  
VmVo(*adding* cap. iii); De oblationibus fidelium Ea (*no insc.*); Quod cond. nullam pot. habeant in  
rebus quas eccl. contulerunt *in text* Sf; *om.* FbOaPtTbVp

<sup>4</sup> Ex – xxxiii] Ex eodem conc. Rb

<sup>5</sup> -erint \*FbMgPfTbTc; -erunt CaWc

<sup>6</sup> ecclesiis CaMgPfTb; *om.* Tc

<sup>7</sup> conferunt \*BeMgPfTbTc; confertur FbCa; contulerunt Vo

#### 5

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

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

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

<sup>2</sup> iii CaMgPfTb; iiiii Tc; iii. v Vo

<sup>3</sup> testamentis \*CaPfTbTc; testimoniis Mg

<sup>4</sup> persisterint \*OaPtRbTb; presumpserint Be<sup>2</sup>CaFbRaTcVo; presumpserunt AdBeMgPf; prestiterunt  
Mq; persisterunt Vm

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

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

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<sup>5</sup> -erint \*AdCaPfTb; -erunt MgTc

<sup>6</sup> sin. san. \*CaMgPfTb; san. syn. Tc

## 6<sup>1</sup>

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

Nemo ecclesiam edificet<sup>5</sup> antequam civitatis episcopus veniat, et ibidem crucem figat publice, et atrium designet, et ante prefinitat<sup>6</sup> qui edificare vult que ad luminaria et ad<sup>7</sup> custodiam et<sup>8</sup> stipendia custodum sufficient, et ostensa donatione sic domum<sup>9</sup> edificet. Et postquam consecrata fuerit atrium eiusdem<sup>10</sup> ecclesie sancta<sup>11</sup> aqua conspergat<sup>12</sup>.

*ID 3.8] De cons. D 1 c 9*

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

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

<sup>3</sup> ed. eccl. AdCaMgPfVm; eccl. ed. SITc

<sup>4</sup> Quod - ep. in mg. AdBeCaMgPfRb<sup>2</sup>Tc, in text VmVo(adding vi); Nemo instruatur ecclesia incons. ep. Sf; om. OaPtTbVp

<sup>5</sup> eccl. ed. \*CaMgPfTb; etiam ed. eccl. Tc

<sup>6</sup> prefinitat \*BeMgPfTbTcVo; prefinitet Fb; presumat Ca

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

<sup>8</sup> ad add. Ca, om. \*FbMgPfTbTc

<sup>9</sup> domum \*CaMgPfTb; demum Tc

<sup>10</sup> -dem \*CaMgPfTc; om. Tb

<sup>11</sup> sancta \*CaPfTb<sup>2</sup>Tc; om. MgTb

<sup>12</sup> conspergat \*AdFbMgMqPfTb; aspergat (vel con. add. ss Ca<sup>1</sup>) CaRa; aspergatur Tc

## 7

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

Gelasius Romane ecclesie presul universis episcopis. Quatuor tam de redditu quam de<sup>7</sup> oblatione fidelium, prout cuiuslibet<sup>8</sup> ecclesie facultas admittit<sup>9</sup>, convenit

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<sup>1</sup> Quot AdBePfTcVmVo; Quod CaMg

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

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

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

<sup>5</sup> pape BeMgPfTcVmVo; episcopi Ad; om. CaOaSfTb

<sup>6</sup> cap. xxxix CaMgPfTb; om Tc

fieri portiones<sup>10</sup>. Quarum sit una pontificis, alia clericorum, tertia pauperum, quarta fabrice<sup>11</sup> applicanda.<sup>12</sup>

*ID 3.203a] C 12 q 2 c 27a*

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

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

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

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

<sup>11</sup> -ice AdBeCaMgPfTc; -icis MqRbTbVmVoWc

<sup>12</sup> De quibus sicut sacerdotis intererit integrum ministris ecclesie memoratam rependere quantitatem, sic cleris non ultra delegatam sibi summam insolenter noverit expetendum *add.* Vp

## 8

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 9<sup>1</sup>

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

Nicholaus episcopus episcopis omnibus. De redditibus primitiarum vel<sup>5</sup> decimatarum seu oblationum, quatuor partes episcopus faciat, quarum sibi unam<sup>6</sup>

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

<sup>2</sup> De eodem *add.* in mg. Ca, in text Vo

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

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

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

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

retineat, secundam clero, tertiam fabricis vel ornamentis ecclesie, quartam pauperibus distribuat<sup>7</sup>. Nullus vero laicorum sine consensu episcoporum de<sup>8</sup> talibus habere vel possidere presumat. Quod si fecerint<sup>9</sup>, communione priventur<sup>10</sup>.

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

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<sup>7</sup> distribuat BeFbMgTbTcVm; tribuat CaPf

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

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

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

## 10

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

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

Solempnitates vero dedicationum ecclesiarum et sacerdotum<sup>7</sup> per singulos annos solempniter sunt<sup>8</sup> celebrande, ipso Domino exemplum dante, qui ad festum dedicationis templi omnibus id faciendo dans formam, cum reliquis populis eamdem festivitatem celebraturus venit<sup>9</sup>, sicut scriptum est, Facta<sup>10</sup> sunt encenia in Hierosolimis et hiemps erat, et ambulabat Iesus in templo in portico Salomonis. Quod autem octo<sup>11</sup> dierum sint<sup>12</sup> encenia celebranda, in libro Regum peracta dedicatione templi reperietis<sup>13</sup>.

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

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

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

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

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

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

<sup>6</sup> Felicis pape BdBeMqOaOePfPkSeVmVo; pape Ad; Gregorii pape Ca; Ex - pape om. EaMg; Gr' Fb; Felicis RbTb; Nicholai pape Tc

<sup>7</sup> et sacerdotum \*AdBdBeFbMgOePfVo; cancellarum Ca; vel sacellorum *add.* ss Fb; om. Rb; a sacerdotibus Tb; et sacellorum Tc

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

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

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

<sup>11</sup> octo \*CaMgPfTc; septem Tb

<sup>12</sup> dierum sint \*AdFbMgPfTc; dierum sunt Ca; diebus sint Tb

<sup>13</sup> -erietis \*CaMgPfTb; -eriens FbRb; -eries Tc

## 11

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

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

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

<sup>1</sup> Quod – cons. *in mg. AdBeCaMgPfRb<sup>2</sup>TcWc, in text Vm; Quod sit iteranda – cons. in text Rb;* Quod ecclesie de quibus dubitatur sacrande sint cp. xi Vo; om. OaPhPkPtQeTbVp, PkPq with no break

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

<sup>3</sup> He Rb

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

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

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

12<sup>1</sup>

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

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

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

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

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

<sup>3</sup> IIII CaMgRbSfTbVm; III PfRa; om. AdBeTcVo

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

<sup>5</sup> const- \*CaMgOaSfPfVmVo; inst- AdBdBeTbTcVp

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

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

<sup>8</sup> preteritum \*AdBeFbOaPfSfVmVo; periteritum Ca; in preteritum Mg; in preterito Tb

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

<sup>10</sup> quod factum - pot. pertineant \*AdCaMgPfSfTb; om. Tc

**13**

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

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

ID 3.32] *De cons. D I c 3a*

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

<sup>2</sup> Evaristi \*MgRaVp<sup>2</sup>; Eucharistii AdMqTc; Eucharistii BdBeCaOePfPhRbSfTbVp; Euvaristi Oa; Euristi Vo

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

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

**14**

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

Vigilius papa Romanus<sup>5</sup> Eleutherio episcopo. De fabrica cuiuslibet ecclesie si diruta<sup>6</sup> fuerit instauranda, et si in eo loco consecrationis solempnitas debeat iterari, in qua<sup>7</sup> sanctuaria non fuerint<sup>8</sup> diruta, nihil iudicamus<sup>9</sup> officere, si<sup>10</sup> per eam minime aqua exorcizata iactetur, quia consecrationem cuiuslibet ecclesie in qua Spiritus sancti ara non ponitur, celebritatem tantum scimus esse missarum. Et ideo, si qua sanctorum basilica a fundamentis etiam fuerit innovata<sup>11</sup>, sine aliqua dubitatione cum in ea missarum solempnitas<sup>12</sup> fuerit celebrata, totius sanctificatio consecrationis<sup>13</sup> implebitur. Si vero sanctuaria que habebat ablata sunt, rursus eorum<sup>14</sup> dispositione<sup>15</sup> et missarum solempnitate reverentiam sanctificationis accipiet.

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

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

<sup>2</sup> In AdCaMgMqPhRbSfTbVm; Ex PfRaTcVo; De eodem *add. in mg. Ca*

<sup>3</sup> pape AdCaOaPfRbTcVo; *om. BeMgMqPhSfTb*

<sup>4</sup> cap. iiii \*AdBeCaMgPhSfTcVo(*adding xiii*); ? Pf; cap. iii MqRb; *om. Tb; no insc. Vp*

<sup>5</sup> Romanus AdCaMgMqPfTbVoWc; *om. RaRbTcVm*

<sup>6</sup> diruta \*AdCaMgTc; dirupta BeMqPfPhTbVmVo

<sup>7</sup> qua \*PfTcVo; quo BeCaMgTb

<sup>8</sup> -erint \*Tc; -erunt AdCaMgPfTbVmVo

<sup>9</sup> iudicamus \*FbMgPfTbTc; videamus Ca

<sup>10</sup> si \*CaMgPfTb; sed Tc

<sup>11</sup> fuerit inn. \*CaMgTbTc; inn. est Pf

<sup>12</sup> solempnitas \*CaMgPfTb; celebritas Tc

<sup>13</sup> sanct. cons. \*CaMgPfTc; cons. sanct. Tb

<sup>14</sup> eorum CaDbMgPf<sup>2</sup>Tc; earum PfTb

<sup>15</sup> dispos- MgPfTbTc; pos- (vel dis id est disposita ss) Ca; repos- Db

## 15

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

*Ut<sup>4</sup> loca que semel<sup>5</sup> Deo dedicata<sup>6</sup> sunt aut monasteria fuerunt<sup>7</sup>, maneant perpetuo sic, nec<sup>8</sup> possunt ultra fieri secularia habitacula.*

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

<sup>1</sup> ampl. fieri EaPfVm; fieri ampl. AdCaMgTc; fieri Wc

<sup>2</sup> Quod - in alios usus nisi ad aliam ecclesiam construendam *in mg* AdCaMgMpTc; Quod – fieri secularia habitacula (hab. sec. Wc) *in mg*. BePfRb<sup>2</sup>Wc, *in text* Ea(*no insc.*)SfVmVo(*adding xv*); *om.* OaPtTbVp

<sup>3</sup> cap. ivii AdBeMgMpOaPfSeTbTcVo; *om.* Mj; cap. iii Mm; cap. v Sf

<sup>4</sup> Et OaRa

<sup>5</sup> semel \*CaMgPfTc; semper Tb

<sup>6</sup> dedicata OePfRbTcVp; dicata AdBeCaMgMpMqOaPhQeTbVm; sanctificata (vel dicata ss) Db

<sup>7</sup> fuerunt \*CaDbMgMpPfTb; fuerint Tc

<sup>8</sup> nec \*CaMgPfTc; ne Tb

## 16

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

*Ligna<sup>5</sup> ecclesie dedicate non debent ad aliud opus iungi nisi ad aliam ecclesiam, vel igni comburenda, vel ad profectum in monasterium<sup>6</sup> fratribus. In laicorum<sup>7</sup> vero<sup>8</sup> non debent admitti<sup>9</sup>.*

*ID 3.44] De cons. D 1 c 38*

<sup>1</sup> eccl. BeCaEaPf; *om.* Vm

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

<sup>3</sup> -tis MgPf; -to Tb; decr' CaTc

<sup>4</sup> iii \*AdCaMgPfRbVmVo; ivii BeSfTbTc

<sup>5</sup> Signa CcOaSl

<sup>6</sup> -erium \*CaDbMgPfTb; -erio Tc

<sup>7</sup> opera add. Be; profectum add. MgRa<sup>2</sup>, usum add. Ca, *om.*

AdBbDbEaFbMfMhMjMkMmMnMoMpPdPhPtObOdOeOfPfRaTbVmVoVp(*in mon. ad prof. Ob*)

<sup>8</sup> usum (usu *Migne*) add. FbBrant

<sup>9</sup> In laicorum – admitti (habitacula add. Ra) \*AdBeCaDbEaFbLgMgPfPhRaTbVmVoBrant; *om.* Tc

**17**

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

Ut nullus presbiter in<sup>6</sup> ecclesia consecrata<sup>7</sup> aliud altare erigat, nisi quod ab episcopo loci vel eius misso<sup>8</sup> sanctificatum<sup>9</sup> est, ut sit discretio inter sacrum et non sacrum. Nec dedicationem fingat nisi sit. Quod si fecerit, si clericus est degradetur, si laicus anathematizetur<sup>10</sup>.

*ID 3.20] De cons. D I c 25*

<sup>1</sup> aliud AdBeCaMgPf; om. Tc

<sup>2</sup> ep. loci] ipsius loci ep. Rb. loci om. Vo

<sup>3</sup> in mg. AdBeCaMgPfRb<sup>2</sup>Tc, in text VmVo(*adding xvii*); om. DbOaPtTbVm; Et altarium in mg. Db<sup>2</sup>

<sup>4</sup> -tis MgPf; concil' Be; decr' Ca; -to Tb; dec' Tc

<sup>5</sup> Et altarium xvi add. in text, Et altarium add in marg. Db

<sup>6</sup> alia add. Tb, om. \*CaMgPfTc

<sup>7</sup> consecrata \*CaMgPfTc; sacra Tb

<sup>8</sup> misso \*CaOePfRbTb; permissu MgTc

<sup>9</sup> sanct. \*CaMgPfTc; significatum Tb

<sup>10</sup> Quod si fecerit - anathem. \*AdCaMgOePfTb; Quod si fecerit si (*canc.*) Rb; om. Tc. Rb places Clericus – anathemat. *after rubr.* Ex cc Mendensi cap. viii *for which cf c 18*

**18**

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

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

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

<sup>1</sup> viii AdBeCaMgOaPfRbTb; x Tc; Quod iteranda sit consecratio altaris et ecclesie si nescitur *add. Be(mg.)SfVm*; Ut ecclesie vel altaria ambigua consecrentur. De eodem xviii Vo. Rb *has the rubric as here, as well as a variant earlier (cf. c 17). In Ad the inscr. are at the end of cc 18-22*

<sup>2</sup> Et Oa

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

**120**

*[Quod moto altari tota consecretur<sup>2</sup> ecclesia]<sup>3</sup>. Ex decretis<sup>4</sup> Igini pape<sup>5</sup>, cap. ii<sup>iiii</sup>*

Si motum fuerit altare denuo consecretur<sup>6</sup> ecclesia<sup>7</sup>. Si parietes mutantur et non altare, salibus tantum exorcizetur<sup>8</sup>.

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

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

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

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

<sup>5</sup> Ig. pp] eiusdem Rb

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

*ID 3.13] De cons. D I c 19a*

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

<sup>8</sup> -etur Ad<sup>2</sup>BeDbEaOaObPhTbTcVm; -entur Ad?CaMgPfRa

## 21<sup>1</sup>

*[Quod propter homicidium vel adulterium tota debeat consecrari ecclesia]<sup>2</sup>. Ex*

*decretis<sup>3</sup> eiusdem, cap. vi<sup>4</sup>*

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

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

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

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

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

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

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

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

<sup>7</sup> fuerit viol. MqRaTbTcVm; viol. fuerit AdBeCaMgOaPfVo

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

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

## 22<sup>1</sup>

*[Quod ecclesia in<sup>2</sup> qua paganus sepultus est non debeat consecrari nec missa in ea*

*cantari]<sup>3</sup>. Ex concilio Aurelianensi, cap. vii<sup>4</sup>*

Ecclesiam ubi paganus sepultus est non liceat<sup>5</sup> consecrari neque missas in ea celebrari<sup>6</sup>, sed iactari<sup>7</sup> foras, et mundari oportet.

*ID 3.15] De cons. D I c 27*

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<sup>1</sup> here BdBeCaCcDbLcLgLhMgMhMkMmMnMoMpMq(*after add.*

*cap.)OaPdPfPhPqPtQeRaRbSfSITbTcVoVpWc; after c 23 Fb; after c 24 MfMj*

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

<sup>3</sup> Quod - in ea cantari (cant. in ea AdTc) *in mg. AdBeCaMgPfTcWc, in text VmVo(adding xxii); Quod ecclesia – sp. est nec missa debet cantare in mg. Rb<sup>2</sup>; Ecclesia in qua pag. sep. est non liceat consecrari (liceat consecretur Sf; consecretur Sf<sup>2</sup>) nec missa in ea cantetur Sf; Ecclesia in qua pag. – in ea celebrare set instare foras et mundare oportet Vo; om. MqOaPtTbVp*

<sup>4</sup> viii Vo. Ex – vii] Ex concil' Agripinensi cap. iii (vi Vp) FbVpWc (*cf c 23*); *om. Mq*

<sup>5</sup> -eat \*CaDbMgPfTb; -et Tc

<sup>6</sup> -ari \*DbTbTc; -are BeCaMgPfRaWc

<sup>7</sup> -ari \*DbTc; -are BeCaMgPfTbWc; -uri Ra

## 23

<sup>1</sup>[*Si in ecclesia iam<sup>2</sup> consecrata<sup>3</sup> sepeliantur mortui, licet in ea<sup>4</sup> missas cantare si tamen<sup>5</sup> fideles fuerint<sup>6</sup> qui sepulti sunt]<sup>7</sup>. Ex concilio Agripinensi<sup>8</sup>, cap. iii<sup>9</sup>*  
*Ecclesiam in qua mortuorum cadavera infidelium<sup>10</sup> sepeliuntur sanctificare<sup>11</sup> non licet, sed si apta videtur<sup>12</sup> ad consecrandum, inde evulsis corporibus et rasis parietibus vel lignis eius loci<sup>13</sup>, reedificetur<sup>14</sup>. [24]<sup>15</sup>. Si<sup>16</sup> hec consecrata prius fuit<sup>17</sup> missas in ea celebrare<sup>18</sup> licet, si tamen<sup>19</sup> fideles fuerint<sup>20</sup> qui in ea sepulti sunt.<sup>21</sup>*

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

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

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

<sup>3</sup> *sacra* Ad

<sup>4</sup> *ea AdBeCaLdMgSfTcVa; eis PfLj*

<sup>5</sup> *missas cant. si tamen BeCaMgPfTcVm; cant. missas si Sf*

<sup>6</sup> *fuerint BeCaPfTcVm; fuerunt AdMg*

<sup>7</sup> *in mg. AdBeCaLjMgPfRb<sup>2</sup>TcWc, in text SfVm; as rubr. to c 19 in mg. LdWc, in text Mo; De eodem. R'. Si in ecclesiis iam consecratas sepeliantur mortui, licet in eis missas cantare, si tamen fideles sint qui sepeliuntur. cap. xxiii Vo; om. BdDbLcOaPtTbVp; De sepultura add. in mg. Lj*

<sup>8</sup> *corr. fr. Aurelianensi Be*

<sup>9</sup> *Ex – iii] Ex concil' Aurelianensi c. vii (viii Wc) FbWc (cf c 22); om. Lc*

<sup>10</sup> *mort. cad. inf. \*CaLdLjOePfPtTbVo; inf. mort. cad. Be; cad. mort. inf. MgTc*

<sup>11</sup> *-are \*BeCaLdLjMgPfPtTb; -ari Tc*

<sup>12</sup> *videtur \*BeCaDbLdMgPfPtTbTc; fuerit AdBdLj*

<sup>13</sup> *loci \*BeCaLdLjPfTbTc; lotis Mg*

<sup>14</sup> *-etur \*Ad<sup>2</sup>BeCaDbMgPtTbTc; -entur AdLdLjPf*

<sup>15</sup> *no break \*AdCaDbLdLjMgPfTbTcWc*

<sup>16</sup> *Si \*AdDbLdLjOePfPtRaTbTc; Sed si CaMgRa<sup>2</sup>; Si vero Be*

<sup>17</sup> *prius (ss Be) fuit \*BeDbLdTc; prius fuerit AdCaPfPtMg; fuerit prius Tb*

<sup>18</sup> *-are \*CaDbLdLjPfPtTb; -are enim Be; -ari MgTc*

<sup>19</sup> *si tamen \*AdBeLdLjPtTb; si tamen non (apta videtur ad consecrandum add. and canc.) Bb; si*

*tantum PfTc; tamen si CaMg*

<sup>20</sup> *-int \*BeCaLdMgPfPtTc; -unt Tb*

<sup>21</sup> *Oe mg. adds: Basilion Grece rex Latine. Hinc est basilica - lapidum conditi sunt. Ier'*

19<sup>1</sup>

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

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

<sup>1</sup> *c 19 here*

*AaAbAdBdBeCaCbCcDbEaEbEcFcGcLbLdLeLfLgLhLjLkLmMgMjMkMmMnMpMqOaObOdOeOf PdPfPhPkPoPqPtPwQaQeRaRbSdSeSgTbTcVaVmVpVtWaWbWcWdZa, om. BbLcKa, after c 23, but before c 22 (qv) Fb; after c 18 SIVoBrant*

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

*For LdWc see prec. cap.*

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

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

*ID 3.16]*

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<sup>5</sup> ecclesia \*AdBdBeCaCbCcLdLfLjLmMfMgMhMjMkMmMoMpOePfPtTb; ecclesiis Tc  
<sup>6</sup> qua \*AdBdBeCaCbCcLdLfLjLmMfMgMhMjMkMMMoMpObOePfPtTbWc; quibus Tc  
<sup>7</sup> sunt *add. and canc.* Oe  
<sup>8</sup> -ari AdBdBeCbDbLdLfLjMfMhMjMkMmMoMpOaObPhPtQeTbTcVmVo; -are  
 CaCcLmMgOePfVpWc  
<sup>9</sup> altare \*AdBdBeCaCbCcLdLfLjLmMfMgMhMjMkMmMoMpObOePfPtTbWc; altaria Tc  
<sup>10</sup> -eat \*AdBdBeCaCbCcLdLfLjLmMfMgMhMkMmMoMpObOePfPtTbWc; -et MjTc  
<sup>11</sup> -atum \*AdBdBeCaCbCcLdLfLjLmMfMgMhMjMkMmMoMpObOePfPtTbWc; -ata FbTc; -eat Pt  
<sup>12</sup> prius fuit \*BeEaLmMfMhMjMkMmOaObOePfPhQeVoWc; prius fuerit AdBdCbLdLjMoPtRaVm;  
 fuit prius CaCcFbLfMgTb; fuerit prius MpVp; prius fuerint Tc  
<sup>13</sup> lic. celebrari in ea (eis Tc) BdBeCaCbLdLfLjMhObOePfPhPtQeTbTcVmVoWc; celebrare licet in ea  
 Ad; celebrari liceat in ea CcOa; licet celebrare in ea Ea; celebrare in ea LmMg; celebrari in ea licet Mf;  
 si tamen fideles fuerunt qui in ea sepulti sunt *add. Mn* (*cf. c 23*)

## 25

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

Ut<sup>3</sup> nemo quemlibet mortuum<sup>4</sup> in ecclesia quasi hereditario iure, nisi quem  
 episcopus aut presbiter pro qualitate conversationis et<sup>5</sup> vite dignum duxerit, sepelire  
 presumat, nec quisquam ossa cuiuslibet mortui de sepulcro suo eicere, aut sepulturam  
 cuiusquam<sup>6</sup> temerario ausu<sup>7</sup> quoquomodo<sup>8</sup> violare<sup>9</sup>, sed unumquemque in loco sibi a  
 Deo<sup>10</sup> parato atque concessu adventum sui iudicis prestolari concedat.

*ID 3.221]*

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<sup>1</sup> De sepultura *add. in mg. DbMg, and in text Db, in text only Ph; Ut nemo quemlibet in ecclesia hereditario iure spelialt aut ossa cuiuslibet de sepulcro suo eiciat add. in mg. Ca; Quod nullus in ecclesia sine iussu episcopi vel presbiteri sepeliendus sit, nec ossa de sepulcro suo eicienda xxiiii add. Vo*

<sup>2</sup> x AdBeCaMgPfTcVmVo<sup>2</sup>VpWc; vi PhQeSfTb; viiiii Vo. Ex – x om here, but as insc. to c 26 Mo

<sup>3</sup> Et Oa

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

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

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

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

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

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

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

## 26

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

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

+C 13 q 2 c 13

<sup>1</sup> Ut nullus aliquid pro sepultura exigat *add. in mg.* Ca

<sup>2</sup> Quod - sep. AdBdBeCaMgMqOaOePfQaRbSeVmVo(*adding xxv*)Vp; xii. De sepultura *in mg.* Bd<sup>2</sup>; Ieronimus Ra; Quod - sep. Ex eodem Sf?; Ex eodem Tb; Ex concilio Meldensi, cap. x. Ieronimus Tc; *om.* PhPt

<sup>3</sup> Posquam PfTb

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

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

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

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

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

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

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

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

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

<sup>13</sup> immutare AdBeCaMgPf; mutari Tb; immutari Tc

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

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

<sup>16</sup> acceperit CaMgPfTb; accepit Tc

## 27

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

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

ID 3.101 end] C 13 q 2 c 12 end

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

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

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

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

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

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

## 28

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

Item placuit ut altaria que passim per agros et<sup>4</sup> per vias<sup>5</sup> tanquam memorie martirum constituuntur<sup>6</sup>, in quibus nullum corpus aut<sup>7</sup> reliquie martiris<sup>8</sup> condite probantur ab episcopis qui eisdem locis presunt, si fieri potest evertantur<sup>9</sup>. Si autem hoc per tumultus populares non sinitur, plebes<sup>10</sup> tamen admoneantur ne illa loca frequentent<sup>11</sup> ut qui recte sapiunt nulla ibi superstitione<sup>12</sup> devicti<sup>13</sup> teneantur, et omnino nulla<sup>14</sup> memoria martirum probabiliter accipiatur<sup>15</sup>, nisi aut ubi corpus<sup>16</sup> aut reliquie certe sunt, aut<sup>17</sup> origo alicuius habitationis vel possessionis<sup>18</sup> vel passionis fidelissima origine<sup>19</sup> traditur<sup>20</sup>. Nam que per somnia et per inanes quasi<sup>21</sup> revelationes quorumlibet hominum ubicunque constituuntur altaria omnimodo reprobentur.

*ID 3.57] De cons. D I c 26*

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

<sup>2</sup> in mg. AdBeCaMgPfRb<sup>2</sup>Tc; in text Ea(no insc.)SfVmVo(adding xxvii); xiii. De ecclesiis et presbyteris in mg. Bd<sup>2</sup>; om. OaPtTb

<sup>3</sup> cap. 1 \*AdBeOePfPkSeTbTc; cap. i CaMg; cap. Vm

<sup>4</sup> et \*AdCaMgPfTb; aut Tc

<sup>5</sup> vias \*BdMqOaOePhRaTbTcVmVo; villas AdBeCaEaFbMgPf; vineas Fb<sup>2</sup>Rb; id est per vias add. ss. Ad<sup>2</sup>

<sup>6</sup> constituuntur \*CaMgPfTc; construuntur RaTb

<sup>7</sup> aut \*CaPfTbTc; vel Mg

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

<sup>9</sup> evert- \*CaMgTbTc; convert- Pf

<sup>10</sup> plebes \*FbMgPfTbTc; plebs Ca

<sup>11</sup> loca freq. \*CaMgPfTc; freq. loca Tb

<sup>12</sup> stuperst- Mg

<sup>13</sup> sup. dev. \*CaMgPfTb; dev. sup. Tc

<sup>14</sup> ibi add. Tc, om. \*CaMgPfTb

<sup>15</sup> probabiliter accipiatur \*BeEaFbMgRa<sup>2</sup>TbVp; probabitur CaTc; probabiliter AdPf(obsc. corr.)RaVm

<sup>16</sup> aut ubi corpus \*BeCaEaMgOeTb; aut corpus ibi Pf; ubi corpus Tc

<sup>17</sup> ubi add. Mg, om. \*CaPfTbTc

<sup>18</sup> vel. poss. in mg. Ra<sup>2</sup>

<sup>19</sup> origine \*CaMgPfTb; relatione Tc

<sup>20</sup> -aditur \*CaMgPfTb; -adatur Tc. Ne quis convertatur add in mg Bb (cf rubr. to c 29)

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

## 29

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

Relatum<sup>8</sup> est<sup>9</sup> auribus nostris esse quosdam perverse agentes, qui subvertere atque dividere conantur ecclesie unitatem, videlicet abbates et<sup>10</sup> monachi<sup>11</sup>, qui non studio caritatis sed zelo rapacitatis invigilant, et docent atque seducere non cessant seculares homines quos illaqueare possunt ut res suas atque possessiones<sup>12</sup> in vita sive in morte in monasteriis illorum tradant<sup>13</sup>, et ecclesiis quibus<sup>14</sup> subiecti<sup>15</sup> esse videntur<sup>16</sup> et a quibus baptismum<sup>17</sup>, penitentiam<sup>18</sup>, eucharistiam, nec non<sup>19</sup> pabulum<sup>20</sup> vite cum lacte carnis acceperunt vel accipiunt, nihil de bonis suis relinquant<sup>21</sup>. Hanc denique famam<sup>22</sup> discordie nos animadvententes<sup>23</sup> omnibus modis inhibere<sup>24</sup> volumus, et ne amplius fiat omnino<sup>25</sup> prohibemus, considerantes non esse bonum ut illi qui olim fuerunt<sup>26</sup> socii passionum secundum apostolum sint immunes a societate consolationum, et quia operarius dignus est<sup>27</sup> mercede sua. Ideoque precipimus atque

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

<sup>2</sup> monacus *add.* Sf, *om.* AdCaEaMgPfTcVm

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

<sup>4</sup> in mg. AdBeCaMgMkMoPfRb<sup>2</sup>Tc, in text Ea(*no insc.*)SfVmVo(*adding xxviii*); monachorum *in mg.* Db; Ne quis convertatur nisi medietatem substantie sue ecclesie cuius parochianus fuit vel est relinquat *in mg.* Bb<sup>2</sup>; *om.* OaPtTbVp

<sup>5</sup> Decreta AdCaPfTb; Decretum Rb; Dec' Tc; Ex decretis MgRaVm

<sup>6</sup> IX \*CaMgMkMmOePfVm; X Be; *om.* AdOaPhTbTcVo

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

<sup>8</sup> Relatum Be?FbMgMqPfPtVoWc; Delatum LcMjMoRb

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

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

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

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

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

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

<sup>15</sup> subiecti \*BeDbMhMkMmMnMoMqPfPtTbVo; subditi CaFb<sup>2</sup>MfMgMjMpRaTc

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

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

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

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

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

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

<sup>22</sup> denique famam \*BeMqTb; denique fidem AdCaFbMgPfRaVoWc; denique fraudem Ea; denique formam Oa; fraudem Tc

<sup>23</sup> -vertes Ca

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

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

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

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

iubemus<sup>28</sup> ut quicumque amodo in monasterio converti voluerit, sive in vita sive in morte, ut omnium rerum et possessionum quas pro salute anime sue disponi<sup>29</sup> decreverit, medietatem ecclesie cui ipse pertinere dinoscitur relinquat, et sic demum in monasterium prout sibi libitum fuerit<sup>30</sup> eundi convertendique licentiam habeat. Quicumque autem huius nostri decreti contradictor<sup>31</sup>, convulsor<sup>32</sup> ac<sup>33</sup> temerator extiterit gladio anathematis subiaceat<sup>34</sup>.

*ID 7.150]*

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

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

<sup>30</sup> fuerit \*DbLgMfMhMjMkMmMnMqPtRaTbTcVmVo; est AdBeCaFbMgMoMpObOdOe<sup>2</sup>OfPfVpBrant; om. Oe

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

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

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

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

## 30

[*Quibus in locis debeat missa cantari<sup>1</sup> quibus non<sup>2</sup>. Ex concilio Triburiensi, cap. iv<sup>3</sup>*

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

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

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

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

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

<sup>4</sup> Concedimus etiam - peccatis nostris (beg. of c 31) added here Cb

## 31<sup>1</sup>

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

Concedimus etiam et<sup>3</sup> sicubi quod<sup>4</sup>, peccatis nostris<sup>5</sup> exigentibus, perplurimum est factum a Normannis et<sup>6</sup> Flavis<sup>7</sup>, et a<sup>8</sup> Bulgaris<sup>9</sup>, et a malis Christianis seu alio

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<sup>1</sup> Mm lacks beginning

<sup>2</sup> Ex concilio Triburiensi (Tribriensi Pt) cap. iiiii \*LdPt; Item in eodem BeCaCbFbLjMgRaVo(adding cp. xxx); om. CcLmOaRbVm (CcRb running c 31 into c 30); Quibus in locis debeat missa cantari, quibus non Ea (cf c 30); Idem in eodem Ad(mg.)LfPfVp; In eodem PfQeSfTb; Item Leo in eodem concilio Triburiensi TcVt?

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

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

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

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

qualicumque<sup>10</sup> modo<sup>11</sup> ecclesie fuerint<sup>12</sup> incense et combuste, in capellis cum tabula consecrata<sup>13</sup> missas<sup>14</sup> interim<sup>15</sup> celebrare permittimus<sup>16</sup>, donec ipse ecclesie restaurari queant<sup>17</sup>. In itinere vero positis<sup>18</sup>, si ecclesia defuerit ut<sup>19</sup> sub divo seu in tentoriis<sup>20</sup>. Item.<sup>21</sup> Si tabula altaris consecrata ceteraque sacra misteria<sup>22</sup> ad id<sup>23</sup> officium pertinentia ibi adfuerint, missarum solemnia celebrare concedimus<sup>24</sup>. Aliter omnino interdicimus.<sup>25</sup>

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

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

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

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

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

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

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

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

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

<sup>15</sup> interim \*MgRaTcVo; iterum AdBeCaCbCcLdLfLjLmMqPfPtTb

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

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

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

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

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

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

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

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

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

<sup>25</sup> Tc<sup>2</sup> *here inserts two leaves of canons from elsewhere*

## 32

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

<sup>4</sup> Altaria si non sint<sup>5</sup> lapidea chrismatis unctione non consecrentur. Ad celebranda autem divina officia<sup>6</sup> ordinem quem metropolitani<sup>7</sup> tenent comprovinciales eorum observare debebunt<sup>8</sup>.

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

<sup>1</sup> *in mg.* AdBeCaMgMpPfRb<sup>2</sup>Tc, *in text Ea(no inscr.)VmVo*(adding cap. xxxi); Ne consecrentur altaria nisi lapidea *in mg.* Bb; om. OaPtTbVp

<sup>2</sup> Epaon- Be?CaPfVm; Epan- AdTc; Apon- MgSfTb; Apaon- Ph; Epon- Vo; Epen- Vp

<sup>3</sup> cap. x \*Mg; cap. vi AdBeCaPfPhRaSfTcVmVp; cap. vii Oa; om. TbVo

<sup>4</sup> Ut add. Ra

<sup>5</sup> sint \*AdCaEaMnMpPfVmVo; fuerint Tc; sunt MgTb

<sup>6</sup> divina officia \*AdCcEaFbMgMpPfTb; divina misteria Tc; officia Ca

<sup>7</sup> metropolitani \*AdCaEaMgPfTcVm; in metropoli Tb

<sup>8</sup> observare debebunt \*AdBeCaFbMgMoMpOaPfVm; observare debent CcEaPhTbVpWc; observabunt Tc

## 33

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

De ecclesiarum enim⁴ consecratione et de missarum celebrationibus non alicubi quam in sacratis Domino locis absque magna⁵ necessitate fieri debere liquet omnibus⁶ quibus sunt nota Novi⁷ et Veteris Testamenti precepta. Tabernaculum vero Moisen⁸, Domino precipiente, fecisse et sacrasse⁹ cum mensa et altari eius, et certis¹⁰ vasis et utensilibus¹¹ ad divinum cultum explendum¹² legimus, et non solum divinis precibus eas sacrasse¹³, sed etiam sancti olei unctione¹⁴ Domino iubente perlinisse novimus.

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

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

<sup>2</sup> in mg. AdBeCaMgPfRb<sup>2</sup>TcWc(against prec. cap.), in text VmVo(adding x); om. OaPtTbVp

<sup>3</sup> omn. epis. dir. (direptis Ad) \*AdCaMgOaPfTbVm; ad omnes episcopos Pt; om. Sf; omn. dilectis epis. Tc

<sup>4</sup> enim \*CaMgPfRa<sup>2</sup>Tc; om. RaRbTb

<sup>5</sup> magna \*CaMgTbTc; om. Pf

<sup>6</sup> in sacratis – omnibus *at foot of leaf* Mo<sup>2</sup>

<sup>7</sup> Novi \*CaMgTbTc; Novis Pf

<sup>8</sup> Moisen \*CaMgPfTc; Moisi Tb

<sup>9</sup> sacr- \*OaTbVm; consec- AdBeCaMgPfTc

<sup>10</sup> vel ceteris add. ss Ca<sup>2</sup>

<sup>11</sup> utensibus Ca

<sup>12</sup> explendum \*Ca<sup>3</sup>FbMgPfTb; om. Ca

<sup>13</sup> cum mensa et altari - sacrasse \*AdCaMgPfTb; om. Tc

<sup>14</sup> et add. Tb, om. \*CaMgPfTc

## 34

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

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

*ID 3.270a]*

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

<sup>2</sup> altare Pt

<sup>3</sup> in mg. AdBeCaMgPfRb<sup>2</sup>Tc, in text PtVmVo(adding xxxiii cap.); om. EaOaTbVp

<sup>4</sup> Ex – i om. EaPtRb

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

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

## 35

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

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

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

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<sup>1</sup> Ex conc. Urbico \*AdBeCaMgPfVo; om. EaPtRb; Ex Urbico conc. PhSfTb; Ex conc. urbis Tc; Non debere presumere presbiterum post episcopum in eodem altari cantare cap. xxxiiii add. Vo

<sup>2</sup> Ut Pk

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

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

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

<sup>6</sup> ss Be

## 36

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

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

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

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<sup>1</sup> De translatione reliquiarum add. in mg. Be; Ut corpora sanctorum nullus transferat sine episcoporum consilio add. in mg. Ca; De non transferendis irrationabiliter sanctorum corporibus cap. xxxv add. Vo; De tr' reliq' add. in mg. Vm<sup>2</sup>

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

## 37

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

Temporum qualitas admonet episcoporum sedes antiquitus certis civitatibus constitutas ad alia que securiora putamus eiusdem<sup>4</sup> diocesos loca transponere, quo et habitatores securius degere<sup>5</sup>, et barbaricum<sup>6</sup> possit<sup>7</sup> periculum facilius declinari<sup>8</sup>.

Propterea te Iohannem fratrem coepiscopumque<sup>9</sup> nostrum Bellitranensis civitatis

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

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

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

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

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

<sup>6</sup> -aricum \*CaMgPfTc; -arum Tb

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

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

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

sedem tuam in loco qui<sup>10</sup> appellatur Renati, ad Sanctum Andream apostolum precipimus exinde transmigrare, quatenus ab hostilitatis<sup>11</sup> incursu liberior existere valeas, et illic consuetudinem solempnium festorum<sup>12</sup> disponas.<sup>13</sup>

*ID 3.79] C 7 q 1 c 44 var.*

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

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

<sup>12</sup> dierum Vo

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

## 38

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

Tribus<sup>5</sup> causis loca sanctorum transmutanda sunt. Primo<sup>6</sup> cum necessitas persecutorum<sup>7</sup> loca eorum<sup>8</sup> gravaverit; secundo<sup>9</sup> cum difficultas locorum fuerit; tertio<sup>10</sup> cum malorum societate gravantur.

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

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

<sup>2</sup> in mg. AdBeCaMgPfRb<sup>2</sup>TcWc, in text Ea(*no inscr.*)SfVmVo(*adding xxxvii*); *om.* LcOaPtTbVp

<sup>3</sup> sanctis CaMgPfTb; *om.* Oa; sacris Tc; sanctorum Wc

<sup>4</sup> dicit CaMgPfTbTcVm; ait Sf; *om.* AdWc. De mut. – dicit] *om.* Lc; Augustinus Pt

<sup>5</sup> Tribus \*AdBeEaEgOaPkPtPwQaRaSeVmVoVpWc; Pluribus BdMgMqPfVq; [ ]ribus Ca; Pluribus de Lc; Quibus PhQeTb; Tribus de RbSe<sup>2</sup>Tc

<sup>6</sup> Primo \*AdBeEaFbMgMqPfPhVmVo; Prima CaOaQeRaRbTb; Prima est Tc

<sup>7</sup> persecutorum \*CaMgPfTb; persecutionum Tc

<sup>8</sup> eorum \*CaMgPfTb; sanctorum Tc

<sup>9</sup> -undo \*MgVo; -unda AdBeCaPfTbTcVm

<sup>10</sup> tertio \*MgVo; tertia AdBeCaPfTbTcVm

## 39

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

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

*ID 3.76] De cons. D 1 c 33*

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<sup>1</sup> Quod unusquisque in domo sua oratorium habere sed non missas celebrare potest *add. in mg* Ca; Quod licitum sit oratorium fieri in domibus, sed non sacrificare *cp. xxxviii add.* Vo

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

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

**40**

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

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

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

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

<sup>2</sup> Theophili Ad

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

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

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

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

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

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

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

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

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

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

<sup>3</sup> cap. xvi BeCaMgPfRbTbTc; cap. vix AdOa; cp. xl Vo; om. Ea

<sup>4</sup> sive her. sive Iud. \*CaMgPfTc; sive Iud., sive her. Tb

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

**42**

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

Ecclesias singulas singulis presbiteris dedimus, et unicuique ius proprium habere statuimus, ita videlicet ut nullus alterius parochie terminos aut ius invadat, sed unusquisque suis terminis sit contentus, et taliter ecclesiam et plebem sibi commissam

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

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

<sup>3</sup> sit eccl. CaPfTc; eccl. sit AdMg; sit missa Rb<sup>2</sup>

<sup>4</sup> in mg. here AdBeCaMgPfRb<sup>2</sup>, in text Ea(no insc.)SfVmVo(adding xxxix); om. QaPtTbVp; before c

43 Tc mg; v add. in mg. Be<sup>2</sup>

<sup>5</sup> iii AdBeFbMgTbTcVmVo; iii CaPf; vi OaRb

custodiat, ut ante tribunal eterni iudicis ex<sup>6</sup> omnibus sibi commissis rationem reddat,  
et non iudicium sed gloriam pro suis actibus<sup>7</sup> accipiat<sup>8</sup>.

*ID 3.47 med.] C 13 q 1 c 1*

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<sup>6</sup> ex \*CaMgPfTb; de Tc

<sup>7</sup> actibus \*MgPfTbTc; auctibus Ca

<sup>8</sup> accipiat \*CaPfTbTc; recipiat Mg

## 43

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

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

*ID 3.48]*

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<sup>1</sup> De ead. re AdBe(*after insc.*)EaOaPfPhRbTbTcVmVoVp; De eodem. Item Ca; Item FdMg; *om.* Pt. Quod unusquisque sua sit contentus ecclesia *add. in mg.* Tc

<sup>2</sup> iii AdBeCaPfTbTc; ii OaRbVm; *no inscr.* EaPt; Non licet presbiterum ministrare in duabus ecclesiis cp. xxxxii *add.* Vo

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

## 44

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

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

*ID 3.49] +C 21 q 2 c 4*

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

<sup>2</sup> Item ex eodem OaRb; Item AdBeCaEaMgTbTcVo; Idem Pf; *om.* Pt

<sup>3</sup> Ex conc. Rem. AdBe<sup>2</sup>CaMgPfTbVo; Ex conc. Meldensi Be; Ex (In Vm) eodem conc. EgTcVm; Ex concilio quo supra Oa; Conc. ex quo supra Rb

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

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

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

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

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

## 45

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

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

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

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

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

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

<sup>3</sup> in mg. AdBeCaMgMpPfRb<sup>2</sup>Tc, in text Ea(*no inscr.*)SfVmVo(*adding xlivi*); om. MoOaPq(*but see c 43*)PtTbVp

<sup>4</sup> *no insc.* MoPt

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

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

## 46

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

Inventum est quod multi arbitrii sui temeritate et<sup>3</sup>, quod est gravius, ducti<sup>4</sup> cupiditate presbiteris quibuslibet absque consensu episcoporum suorum ecclesias dant vel auferunt. Unde oportet ut canonica regula<sup>5</sup> servata<sup>6</sup> nullus absque consensu episcopi sui cuilibet presbitero ecclesiam det. Quam si iuste adeptus fuerit hanc non nisi culpa gravi<sup>7</sup> coram<sup>8</sup> episcopo canonica severitate amittat.

*ID 3.88] +C 16 q 7 c 38*

<sup>1</sup> Quod nullus debeat (debet Sf) - cons. ep. sui (ep. sui cons. Sf) in mg. AdBeCaMgMpPfRb<sup>2</sup>Tc, in text SfVmVo(*adding xlvi*); Quod nullus debeat dare aut auferre eccl. absque cons. episcopi sui Ea(*no inscr.*); om. OaPtTbVp

<sup>2</sup> xlvi \*AdCaPfTbTcVo; corr. fr. xl to xlvii Mg<sup>2</sup>

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

<sup>4</sup> ducti \*OaTb; deducti AdBeCaEaMgMqPfRbTcVo

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

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

<sup>7</sup> culpa gravi \*AdEaMgMpPfTc; culpam gravi Ca; gravi culpa Tb

<sup>8</sup> cora Ca

**47**

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

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

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

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<sup>1</sup> Quod laici presbiteros non eiciant neque constituant *add in mg. Ca*

<sup>2</sup> xxviii AdBeCaMgPfPhQeVm; xxiii OaRb; v Tb; xxvii Tc; xxxvii Vo, *adding Non posse laicos eicere presbiteros de ecclesiis suis cp. xlvi*

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

**48**

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

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

*ID 3.89]*

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

<sup>2</sup> preter *add. ss Mg<sup>2</sup>*

<sup>3</sup> commend- \*BeOaPhQeTcTb; emend- AdCaEgPfMgMqRbVmVo

**49**

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

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

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

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

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

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

<sup>5</sup> in mg. AdBeEgMgMpPf Rb<sup>2</sup>Tc (*in mg. to c 48 Ca*), *in text VmVo(adding cap. xlvi); om. MoOaPtTbVp*

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

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

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

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

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

\*AdBbBeCaCcDbEaEgLeLgMfMgMhMjMkMmMpObOdOeOfPfPhPt RbTbVaVmVoBrant

*ID 3.90] +C 7 q 1 c 33*

## 50

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

Investigandum est si nihil patrimonii habens presbiter quando provectus est ad ordinem ecclesiasticum postea emerit predia, cuius<sup>4</sup> iuris sint<sup>5</sup>, quoniam ecclesie ad quam de nihil<sup>6</sup> habenti promotus est debent iuxta canonicam auctoritatem esse.

*ID 3.94] X 3.25.1*

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<sup>1</sup> quec- AdCaMgPfTcVm; quodc- Sf

<sup>2</sup> alicuius AdCaMgPfVm; alio Tc

<sup>3</sup> in mg. AdBeCaMgPf Rb<sup>2</sup>(against c 51)Tc, in text Pq<sup>2</sup>VmVo; om. OaPtTbVp. vi add. in mg. Be<sup>2</sup>

<sup>4</sup> cuius \*CaMgPfTb; eius Tc

<sup>5</sup> sint \*AdCaMgTbVm; sunt Pf; non sint Tc

<sup>6</sup> nihil \*AdMgMqPf; nihilo BeCaTbTcVm

## 51

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

Presbiter<sup>4</sup> cum diocesim tenet, de his que emerit ad ecclesie nomen scripturam faciat, ut ab eius quam tenet ecclesie<sup>5</sup> ordinatione non discedat.

*ID 3.95] C 12 q 4 c 3*

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

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

<sup>3</sup> liiii \*MgPf RbTcVmVo(adding xlviisi); lvii Be; viii Ca; liii SfTb; cap. liiii om. Ad

<sup>4</sup> Resbiter Mn

<sup>5</sup> eius quam ten. eccl. \*AdBeOaTbTcVm; eius eccl. quam ten. CaMg; eiusdem eccl. quam ten. Pf

## 52

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

Placuit ut episcopi, presbiteri, diaconi vel quicumque clerici qui nihil habentes ordinantur, et tempore episcopatus vel clericatus sui agros vel quecumque predia sui nominis<sup>3</sup> comparant, tanquam rerum dominicarum invasionis crimine teneantur

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<sup>1</sup> De eadem re AdBeCaEaMgOaPf RbTcVmVp; De eodem (after corr.) Vo; om. PhPtSfTb

<sup>2</sup> cap. xlvi BeCaMgOaPf RbVmVo(adding li); om. AdEa; cap. xliv Tb; cap. xxxviii Tc; cap. xlvi Vp

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

obnoxii, nisi ad ecclesiam ad quam titulati sunt, eadem ipsa contulerint. Si<sup>4</sup> autem ipsis propria liberalitate<sup>5</sup> alicuius vel successione cognationis<sup>6</sup> aliquid evenerit, faciant inde quod velint.

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

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

<sup>5</sup> liberalitate \*Eg<sup>2</sup>MgMp; libertate AdBeCaEgMqPfPhQeRbTbTcVmVo; largitate Oa

<sup>6</sup> cognationis \*AdCaEgPfTbTcVo; cognitionis Mg; cogitationis Vm

## 53

*De eadem re<sup>1</sup>. Eodem concilio cap. xlvi<sup>2</sup>*

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

*ID 3.96b] X 3.25.3*

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<sup>1</sup> et add. vO

<sup>2</sup> De ead. re. Eod. conc. cap. xlvi Tc; De eadem re. Eod. conc. xlvi Ad; De eadem re. Ex conc. Carthag. cap. xlvi (xlvi Vm) BeCaVm; Ex concilio Cartag<sup>3</sup> cap. xlvi. De eadem re Mg; De eadem re. Ex (et VoVp) eodem (concilio *add.* RbVo) cap. xlvi OaRbVo(*adding* cp. lii)Vp; Item idem Pf; Ex concilio Cartag<sup>3</sup> cap. xlvi PhPtTb

<sup>3</sup> Et Oa

<sup>4</sup> eccl. rel. \*CaMgPfTc; rel. eccl. PhQeTb

## 54

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

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

*ID 3.77]*

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<sup>1</sup> -esias Ad<sup>2</sup>BeCaMgTcVm; oculos Ad; -esia Pf

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

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

<sup>4</sup> fieri *add.* AdBeCaMgTc, *om.* \*OaMqPf PhRbTb

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

## 55

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

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

*ID 3.40]*

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

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

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

<sup>4</sup> in mg. AdBeMgPf Rb<sup>2</sup>Tc; *against c 56 Ca mg.; in text Vm; as rubr. to c 56 Vo; om.* OaPtTb

<sup>5</sup> Ex - cap. i AdBeCaMgPfTcVo(*adding lllii*); *om.* Pt; Ex – Elib. Tb; Ex conc. Cartag' Vm (*cf c 54*)

<sup>6</sup> -atur \*BeCaMgPfTc; -uatur AdTbVo

## 56

*Item de pictura<sup>1</sup>. Ex epistola<sup>2</sup> Gregorii pape Secundino Dei recluso directa<sup>3</sup>*

Aliud est enim<sup>4</sup> picturam adorare, aliud per picture historiam quid sit adorandum addiscere. Nam quod legentibus scripturam<sup>5</sup> hoc idiotis patet<sup>6</sup> picturam cernentibus<sup>7</sup>, quia in ipsa ignorantes vident quod<sup>8</sup> sequi debeant, in ipsa legunt qui litteras nesciunt. Unde et precipue gentibus pro lectione pictura est. Quod magnopere tu qui inter gentes habitas attendere debueras ne, dum recto zelo incaute succenderis, ferocibus animis scandalum generares. Frangi ergo non debuit quod non ad<sup>9</sup> adorandum in ecclesiis sed ad instruendas solummodo mentes fuit nescientium<sup>10</sup> collocatum<sup>11</sup>, et quia in locis venerabilibus sanctorum depingi historias<sup>12</sup> non sine ratione vetustas admisit, si zelum discretione condidisses<sup>13</sup>, sine dubio et ea que

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<sup>1</sup> Item de pictura \*AdMgMqOaPf RbVm; De pictura CaVa; *om.* BePtTb; Idem de pictura Tc

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

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

<sup>4</sup> enim BeCaMgPfTcVoVq<sup>2</sup>; *om.* TbVq

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

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

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

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

<sup>9</sup> ad \*TcTb; *om.* AdBeCaMgMqPfVm

<sup>10</sup> fuit nesc. BeMgPfVm; nesc. Tc; nesc. fuit CaTb

<sup>11</sup> collocatum \*BeMgMqTcVm; collatum AdCaPfTb

<sup>12</sup> -rias \*CaMgPfTb; -riam Tc

<sup>13</sup> condidisses AdBeCaPhTbTcVo; credidisses MgPf; condidisses Vm

intendebas salubriter obtinere<sup>14</sup>, et collectum gregem non dispergere sed potius poteras congregare, ut pastoris intemeratum excelleret nomen, non culpa dispensoris incumberet.

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

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<sup>14</sup> poteras add. Mg, om. CaPfTbTcVm

## 57

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

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

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

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

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

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

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

<sup>5</sup> decimas \*AdBeCaMgTb; decime PfTc

<sup>6</sup> omnino Deo dare Vm; omn. dare AdBeCaTb; omn. dare Deo Mg; Deo omn. dare Mq; omn. dari Pf<sup>2</sup>Vo; omn. dari Deo Tc

<sup>7</sup> -antur PFTc; -ant AdBeCaMg; -atur Mq; -atis Tb

<sup>8</sup> ipse add. \*Mg, om. AdCaMqPfTbTcVm

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

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

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

## 58

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

Omnis decime terre sive de frugibus<sup>3</sup> sive de pomis arborum, Domini sunt, et illi<sup>4</sup> sanctificantur. Boves et oves et capre que sub virga pastoris transeunt<sup>5</sup>, quicquid decimum venerit, sanctificabitur Domino<sup>6</sup>. Non eligetur nec bonum nec malum nec

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

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

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

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

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

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

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

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

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

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

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

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

## 59<sup>1</sup>

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

*xviii<sup>5</sup>*

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

*ID 3.198] C 16 q 1 c 46*

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

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

<sup>3</sup> in mg. AdBeCaMgMpPf Rb<sup>2</sup>Tc; in text Ea(*no inscr.*)SfVmVo(*adding lviii*); *om.* OaPtTbVp

<sup>4</sup> Capuan' Pt

<sup>5</sup> This is the last rubric in Rb, which still has mg. rubrics for a while

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

AdBbBdBeCaEgMgPdPfPqRaQaTcVoVpWc

<sup>7</sup> presbiteri Mn

<sup>8</sup> sancti \*OaRbTbVm; fratres EaMfMgMjMpPhQaRa; *om.* AdBeCaEgMoMqPdPfTcVoWc; facti Pt; quid. sancti *om.* Mn

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

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

<sup>11</sup> misas Tb

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

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

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

<sup>15</sup> suum vel fratrum stip. \*MgOaPhQeRbVm; usum et stip. AdBeVo; usum vel stip. CaEgPfTbTc; usum suum vel fratrum stip. Ea; (usum et fratrum *ss*) stip. Mo; usum suum vel stip. fratrum Mq; usum vel fratrum stip. Qa; usum fratrum stip. Vp

<sup>16</sup> def- \*BeCaMgPfTc; aff- Tb

## 60

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

Decimas Deo et sacerdotibus Dei<sup>4</sup> dandas Abraham factis Iacob promissis insinuat. Deinde<sup>5</sup> lex statuit et omnes doctores sancti commemorant, et profecto dignum<sup>6</sup> erat, ut Israhelite decimas pecorum et frugum<sup>7</sup> et omnium primitiarum Domino<sup>8</sup> darent, qui eos<sup>9</sup> liberaverat a decem plagis quibus percussit Egiptios<sup>10</sup>, et in novissima plaga primogenita cunctorum disperdidit, gratiamque suis<sup>11</sup> prestitit, ut impetratis pecuniis spoliarent Egiptum. De quibus decimis Augustinus doctor venerabilis<sup>12</sup> dicit<sup>13</sup>, Decime ex debito requiruntur. Quid<sup>14</sup> si diceret Deus, nempe meus est homo<sup>15</sup>, mea est terra quam colis, mea sunt semina que spargis, mea animalia que fatigas, meus est solis calor, et cum omnia<sup>16</sup> mea sint tu qui minus accommodas, solam decimam vix merebaris, sed reservo tibi novem, da mihi decimam. Si non dederis mihi<sup>17</sup> decimam auferam tibi novem. Si<sup>18</sup> dederis mihi<sup>19</sup> decimam multiplicabo novem. Cum itaque Iudaicus populus preceptum decimarum tanta diligentia observaret ut<sup>20</sup> de quibusque<sup>21</sup> minimis rebus, ruta videlicet et mentha et cimino<sup>22</sup>, ut ipse Dominus testatur<sup>23</sup>, decimam daret, cur non maiori studio plebs evangelica eamdem impleat iussionem, et cui maior numerus est<sup>24</sup> sacerdotum et

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

<sup>2</sup> in mg. AdBeCaMgMpPf Rb<sup>2</sup>Tc; in text Ea(no inscr.)SfVmVo(adding lviii); om. OaPkPtTbVp. Tc adds: Abraham, victis quinque regibus, obtulit Melchisedech decimas

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

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

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

<sup>6</sup> profecto dignum \*MgOaRbVmVp; preceptum Ad<sup>2</sup>BeCaEaTb; profectum (preceptum ss) Eg; profectum MqPf; profecto dignum et preceptum Tc; prophetatum Vo, profectus Vo<sup>2</sup>

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

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

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

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

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

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

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

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

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

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

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

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

<sup>19</sup> mihi \*CaMgPfTc; om. Tb

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

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

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

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

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

sincerior cultus sacramentorum? Ideo ergo dande sunt ut hac devotione Deus placatus largius prestet que necessaria sunt, sicut superius ostendimus<sup>25</sup>. Et ut sacerdotes ac<sup>26</sup> ministri<sup>27</sup> ecclesie cura et sollicitudine necessitatum corporalium, sine quibus hec vita transigi non potest, relevati liberiiores fiant ad meditationem divine legis et doctrine administrationem atque spiritualis servitutis voluntariam<sup>28</sup> expletionem<sup>29</sup>, et ut munus<sup>30</sup> populi in cotidiana oblatione Domino immoletur, nec non<sup>31</sup> statuta canonica<sup>32</sup> in sustentatione<sup>33</sup> pauperum et restauratione<sup>34</sup> ecclesiarum proficiant. Quatuor enim partes iuxta canones fieri<sup>35</sup> de fidelium oblationibus debent<sup>36</sup>, ut una sit episcopi, altera clericorum, tertia pauperum, quarta restaurationi ecclesiarum servetur<sup>37</sup>.

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

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

<sup>26</sup> sacerdotes ac Ad<sup>2</sup>BeCaMgPf; sacerdos ac AdVm; sacerdos et Tb (*after corr.*); sacerdotes et Tc

<sup>27</sup> ministri \*BeTcVm; magistri AdCaMgPfPh(vel ministri ss)Vo; magister Tb (mag. et sacerdos *before reversal*)

<sup>28</sup> voluntariam \*BePhTbVm; *om.* AdCaMgPfTcVo

<sup>29</sup> sp. serv. exp. over erasure Ca

<sup>30</sup> ut munus \* BeCa<sup>2</sup>EgTc<sup>1</sup>; ut minus CaMgTc; ut unius Ad<sup>2</sup>Pf?Vo; ut in unius Mq; munus PhTb; ut non minus Rb

<sup>31</sup> nec non \*AdBe<sup>2</sup>CaMqPfVo; nec non iuxta Ad<sup>2</sup>PhTbTc; secundum Ca<sup>2</sup>; nec non secundum Mg

<sup>32</sup> stat. can. \*CaMgPfTc; can. instituta Tb

<sup>33</sup> -atione CaPfTbTc; -ationem Mg

<sup>34</sup> -ione CaPfTbTc; -ionem Mg

<sup>35</sup> iuxta can. fieri PfTbTc; fieri iuxta can. CaMg

<sup>36</sup> obl. deb. CaMgPfTb; deb. obl. Tc

<sup>37</sup> quarta restaurationi ecclesiarum (ecclesie Rb) servetur OaPhQeRbTb; quarta ad restaurationem ecclesiarum AdCaCcLgMfMgMjMpPdPtTcVmVoVpWc; quarta ad restituendam ecclesiam BdEgMoObOeOfPfRaVaWd; quarta ad restaurationem ecclesie BeOdSIVoBrant; et restaurationem ecclesiarum proficiant Ea; quarta ad restaurationem ecclesiarum (eccl. rest. Mm) fabrice applicanda LeMhMkMmMq; quarta edificandum Mn

## 61<sup>1</sup>

*[Quod tres partes debeant fieri de<sup>2</sup> decimis, due clero, tertia episcopo]<sup>3</sup>. Ex<sup>4</sup> concilio  
Toletano<sup>5</sup>*

De his<sup>6</sup> que ad ecclesiam a parochianis offeruntur in terris, in vineis, in  
mancipiis, peculiis, antiquorum canonum instituta serventur, ut omnia in episcopi

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

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

<sup>3</sup> in mg. AdBeCaMgMpPf Rb<sup>2</sup>Tc, *in text* VmVo(*adding lx*); De legitima possessione Ph; *om.* OaPtTbVoVp. Fabrice applicande *in mg.* Bb

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

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

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

potestate consistant. De his autem que altaribus offeruntur, tertia pars fideliter episcopis<sup>7</sup> deferatur<sup>8</sup>, due clericis<sup>9</sup>. Decime autem secundum quosdam singulis annis tertia pars, aut in tertio tota. Sed tamen nos<sup>10</sup> sequentes Romanos<sup>11</sup>, singulis annis quartam partem, aut in quarto anno totam episcopi recipient<sup>12</sup>.

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

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

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

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

<sup>10</sup> Sed tamen nos] Si non Oa

<sup>11</sup> precipimus ut add. QeTb, ut statuimus add. Ph, om. \*AdCaMgMoMpPfTcVm

<sup>12</sup> due clericis – rec. in mg. Vc<sup>2</sup>

## 62

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

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

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

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

<sup>2</sup> Decime AdBeCaMqOaPfPtTcVmVo; De decimis MgMpQe<sup>2</sup>Tb; [ ]ecime Ph; Decimis QeVp; De his Rb; Decimas Vq

<sup>3</sup> ab eo \*MqOaPhRbTcTbVm; om. AdBeCaMgMpPfVp

## 63

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

Quo iure defendis villas ecclesie, divino an humano? Divinum ius in scripturis habemus, humanum in legibus regum. Unde quisque<sup>3</sup> possidet quod possidet?<sup>4</sup> Nonne iure humano? Nam iure divino Domini est terra et plenitudo eius. Pauperes et divites Dominus ex uno limo fecit, et<sup>5</sup> pauperes et divites una terra subportat. Iure ergo humano dicitur, Hec villa mea est, hec domus mea est, hic servus meus est. Iura ergo<sup>6</sup>

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<sup>1</sup> in mg. AdBeCaMgPf Rb<sup>2</sup>Tc; in text EaSfVmVo(adding lxii); in mg. against Item. Tolle below Lj; xv. De legitima possessione ecclesiarum in mg. Bd<sup>2</sup>; De decima possessione in text, De legitima possessione in mg. Db; Quod tres partes debeat fieri de decimis Pt; De legitima possessione Vp; om. OaTb

<sup>2</sup> tractatu vi \*CaMgPfVmVo; Aug. – Ioh. only Ad; tractatu vii BePhSfTb; Aug. only Ea; om. Eg; tractatus Tc. No insc. Pt

<sup>3</sup> quisque \*AdBeMgPfTb; unus quisque Tc; quis Ca

<sup>4</sup> quod poss. in mg. Ph

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

<sup>6</sup> sunt add. Tc, om. \*AdCaMgPfTb

humana, iura imperatorum. Quare? Quia ipsa iura humana<sup>7</sup> per imperatores et reges seculi Deus distribuit<sup>8</sup> generi humano. Item. Tolle iura imperatoris, et quis audebit dicere, Mea est illa villa, meus est iste servus, mea est ista domus? Si autem ut teneantur ista ab omnibus<sup>9</sup>, iura acceperunt regum, vultis ut<sup>10</sup> recitemus leges ut gaudeatis?<sup>11</sup> Item. Relegantur leges ubi manifeste<sup>12</sup> preceperunt imperatores eos qui propter ecclesie catholice<sup>13</sup> communionem usurpant sibi nomen Christianum, nec volunt in pace colere pacis auctorem, nihil nomine ecclesie audeant possidere. Sed quid nobis et imperatori? Sed, etiam ut<sup>14</sup> dixi, de iure humano agitur<sup>15</sup>, et tamen apostolus voluit serviri<sup>16</sup> legibus<sup>17</sup>, voluit honorari<sup>18</sup> reges et dixit, Regem veremini<sup>19</sup>. Dicere noli, Quid mihi et regi? Quid tibi ergo et possessioni? Per iura regum possidentur possessiones<sup>20</sup>. Dixisti, Quid mihi et regi? Noli dicere possessiones tuas, quia ad<sup>21</sup> ipsa iura renuntiasti<sup>22</sup> humana, quibus possessiones possidentur<sup>23</sup>.

*ID 3.194] D 8 c 1*

<sup>7</sup> iura hum. \*RbTbTcVm; hum. iura AdBeCaMgPf

<sup>8</sup> Deus dist. \*AdTbTcVm; dist. Deus CaMgPf

<sup>9</sup> omnibus MgPfTbTc; hominibus Ca

<sup>10</sup> ut CaMgPfTc; *om.* Tb

<sup>11</sup> gaudeatis \*MgPfTbTc; audiatis Ca

<sup>12</sup> ubi man. \*CaMgPfTc; ibi (man. *in mg.*) Tb

<sup>13</sup> eccl. cath. \*MgTbTc; cath. eccl. CaPf

<sup>14</sup> ut CaMgTc; *om.* Pf

<sup>15</sup> Sed quid - agitur \*CaMgPfTc; *om.* Tb

<sup>16</sup> -iri \*Tb; -ire AdCaMgPfTcVm

<sup>17</sup> legibus BeMgMqPfTbTcVo; regibus Ad<sup>2</sup>Ca

<sup>18</sup> -ari \*MgPfTbTc; -are Ca

<sup>19</sup> veremini MqPfPhTbVm; veneremini AdBeCaMgTc; uremini Rb; reveremini Vo

<sup>20</sup> possid. possess. \*CaMgPfTc; possess. possid. Tb

<sup>21</sup> ad \*TbVm; *om.* AdCaMgPfTc

<sup>22</sup> iura ren. \*CaMgPfTb; ren. iura Tc

<sup>23</sup> possess. possid. \*CaMgPfTb; possid. possess. Tc

## 64

[*Quod est legitimum tempus ecclesiastice possessionis*]<sup>1</sup>. *Ex concilio Chalcedonensi,*

*cap. xvii*<sup>2</sup>

Per singulas ecclesias<sup>3</sup> rusticanas, parochias<sup>4</sup> sive possessiones manere immobiles apud eos<sup>5</sup> qui eas<sup>6</sup> retinent episcopos et maxime qui eas sine violentia<sup>7</sup> iam

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

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

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

per triginta annos tenentes gubernaverunt<sup>8</sup>. Si vero intra triginta annos<sup>9</sup> facta fuerit aut fiat de his altercatio<sup>10</sup>, licere<sup>11</sup> eis qui se dixerint lesos propter eas<sup>12</sup> movere<sup>13</sup> apud sinodum provincie certamen<sup>14</sup>.

*ID 3.106a] C 16 q 3 c 1*

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

<sup>5</sup> eos \*CaMgTbTc; eas Pf

<sup>6</sup> ss Ad

<sup>7</sup> vel molestia add. in mg. Ph

<sup>8</sup> decernimus add. ss Eg

<sup>9</sup> tenentes – annos in mg. Ad<sup>2</sup>

<sup>10</sup> de his alt. \*CaMgPfTb; alt. de his Tc

<sup>11</sup> licere \*MgTb; licet CaPfTc

<sup>12</sup> eas \*CaMgPfTb; eos Tc

<sup>13</sup> here \*CaMgPfTb, before certamen PtTc

<sup>14</sup> decrevimus add. MgVp, om. \*AdBeCaCcMqPfTbTcVmVo

## 65

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

Gelasius Romane ecclesie episcopus fratribus qui in Sicilia sunt constituti.

Illud etiam annexi placuit, ut si, quod absit, facultates ecclesie nec non et dioceses ab aliquibus<sup>3</sup> possidentur episcopis<sup>4</sup>, iure sibi vindicent quod tricennalis lex conclusit<sup>5</sup>, quia et filiorum nostrorum principum ita emanavit auctoritas, ut ultra triginta annos nulli liceat pro eo appellare quod legum tempus exclusit<sup>6</sup>.

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

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

<sup>2</sup> De tric. poss. AdBeCaMgMqOaPfTcVmVo(adding lxiiii)Vp; Gelasius papa capitulo ii Pt; om.

PhRbTb. Ex decretis Gelasii pape add. Tc

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

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

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

<sup>6</sup> -usit \*AdBeCaMgPf Rb<sup>2</sup>Tb; vel exclusit vel eduxit Pt; -udit RbTc

## 66

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

Si monasterium<sup>4</sup> sancti Theodori fines, de quibus causatio commota est, inconcussis<sup>5</sup> quadraginta annis possedisse<sup>6</sup> reppereris, nullam deinceps, etiamsi quid

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

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

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

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

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

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

sancte Romane ecclesie competere<sup>7</sup> potuit, patiaris sustinere calumniam, sed quietem eorum modis omnibus procurare<sup>8</sup>.

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

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

<sup>8</sup> sed quietem - procurare \*AdBeCaCcEaPhQaTbVmVoWc; sed quietem - procurare (studeas ss) inconcussam Eg; sed quietem - procura MgMqPf; sed quietem - procurare studeas OaRb; Si vero monstratum fuerit intra tempora hec aliquam motam fuisse questionem eorumdem finium electis arbitris tranquille et legaliter sopiatur Pt; sed quietem - procurare inconcussam debes Tc; sed quietem - procurare debes VpWd

## 67

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

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

*ID 3.131, 5.175] C 16 q 3 c 4*

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

<sup>2</sup> Avernensi MgTcVp; Ariminensi Ad; Arruensi BePfTb; Arrunsi Ca; Tolet. IIII cap. xxxii Eg; Arrunensi MqVm; Advernensi Oa; Arimensi Ph; Arvernico Qa; Arruensi Sf; Arunensi Vo

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

<sup>4</sup> annos AdCaMgPfTbVm; annorum spacia Tc

<sup>5</sup> lxvi add. Vo

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

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

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

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

<sup>10</sup> reposcendi \*BeCcEaEgMgMqOaPhQaTbVmVoVp<sup>2</sup>Wc; respondendi (vel reposcendi add. ss AdCa) Ad CaPfRbTc; poscendi Vp

## 68

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

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

<sup>1</sup> tricenna Ad

<sup>2</sup> Quod - sit in mg. AdCaRb<sup>2</sup>Tc; in text EaLeMgMqOaVmVo(adding lxvii); against c 67 Pf; om. BePtTbVp

<sup>3</sup> Ex - xxv AdMgPfTbTcVm; om. Ea; Ex eodem concilio cap. xxxv Eg; Ex - Tol. Qa

<sup>4</sup> dicesim Mg

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

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

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

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

## 69

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

Dilectio tua<sup>5</sup> quesita omnium fidelium<sup>6</sup> fideliter<sup>7</sup> rerum veritate<sup>8</sup>, si de spatiis quibus memoratur orta contentio<sup>9</sup>, definitio<sup>10</sup> dudum certa processit<sup>11</sup>, intemerata servetur. Alioquin, si nihil unquam constiterit terminatum, nunc de perscriptione<sup>12</sup> temporum, si qua pars fidit<sup>13</sup> prebeat sacramentum, ut tamen<sup>14</sup> que hactenus possedisse perhibetur iusurandum sinatur afferre<sup>15</sup>.

*ID 3.135, cf 6.105] C 16 q 3 c 7*

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

<sup>2</sup> prob. deb. AdCaMgPfTcVm; proset Sf

<sup>3</sup> *in mg.* AdBeCaMgPf Rb<sup>2</sup>Tc; *in text* SeSfVmVo(*adding lxvii*); *om.* MqOaTbVp

<sup>4</sup> Iusto \*AdBeCaMgPfSeTcVm; Iustino SfTb

<sup>5</sup> studeat *add.* MgMoTcVo, *om.* \*AdBeCaDbMqPfRbSeTbVm

<sup>6</sup> *om.* BeVo

<sup>7</sup> fideliter \*BeDbMgMq<sup>2</sup>OaSeTbVmVo; firmiter AdCaPfTc; fidelium Mq

<sup>8</sup> ut *add.* MgTc, *om.* \*CaDbPfTbVm

<sup>9</sup> et *add.* Mg, *om.* \*CaDbPfTbTc

<sup>10</sup> tua *add.* Pf, *om.* \*CaDbMgTbTc

<sup>11</sup> -essit \*CaPfTbTc; -esserit Mg

<sup>12</sup> persc- PfRbTb; presc- BeCaMg; prosc- AdTc

<sup>13</sup> fidit AdBeMgTb; fidei CaPfTc

<sup>14</sup> ut tamen \*CaCcMgTbTc; de his Pf

<sup>15</sup> aff- AdBdCaCcEgMgMoSeTbTc; off- Ad<sup>2</sup>Pf; offerre Rb

## 170

*[Que penitentia sit danda incentoribus ecclesiarum]<sup>2</sup>. Ex decretis<sup>3</sup> Iulii pape*

Si quis ecclesiam comburit, quindecim annos peniteat, et eam sedule restituat, et pretium suum pauperibus tribuat.

*ID 3.127] +C 17 q 4 c 14, Palea*

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<sup>1</sup> Mn resumes; added at head of leaf Vc<sup>2</sup>; LeMq have rubric but neither insc. nor text for c 70

<sup>2</sup> Que pen. – incent. (incensoribus AdMg) eccles. *in mg.* AdBeCaMgTc, *in text* Ea(*no inscr.*)LeMq(*in black*)SfVm; Que pen. sit danda Pf; Que pen. incentoribus ecclesiarum sit danda Pt; Que pen. danda sit incendiariis Rb<sup>2</sup> *in mg.*; Que pen. sit danda crematoribus lxviii Vo; *om.* OaTbVp

<sup>3</sup> -etis AdCaMgPfTb; -eto TcVm

71<sup>1</sup>

<sup>2</sup>*Ex concilio<sup>3</sup> Magontiensi, cap. vii<sup>4</sup>*

Quisquis fastu<sup>5</sup> superbie elatus domum Dei dicit contemptibilem, et possessiones Deo sacratas atque ad<sup>6</sup> honorem Dei sub regie munitatis<sup>7</sup> defensione constitutas, inhoneste tractaverit vel infringere presumpserit, aut incendia vel vastationes ausu temerario perpetraverit, quasi invasor et violator ecclesie Dei, que est domus Dei vivi, communione omnium fidelium abscidatur.

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

<sup>1</sup> whole canon in upper mg. Tc

<sup>2</sup> De invasoribus ac vastatoribus rerum ecclesiasticarum add. Ea(*no insc.*)Vo

<sup>3</sup> decreto Ad

<sup>4</sup> lxxviiii add. Vo; cap. vii om. Be

<sup>5</sup> Quisquis fastu] Si quis fatu (*after corr.*) Pk; Si quis fastu Rb

<sup>6</sup> ad CaMgTbTc; om. Pf

<sup>7</sup> regie munitatis AdCaEaMqPfTcVoVp; rege mun. Mg; regie emunitatis BeOaPhTbVm; regie eternitatis Rb

## 72

<sup>1</sup>[*Quid faciendum sit de<sup>2</sup> raptoribus ad ecclesiam configuentibus*]<sup>3</sup>. *Ex<sup>4</sup> concilio*

*Calcedonensi<sup>5</sup>, cap. iii<sup>6</sup>*

De raptoribus autem feminarum<sup>7</sup> id<sup>8</sup> constituendum esse censuimus<sup>9</sup>, ut si ad ecclesiam raptor<sup>10</sup> cum rapta<sup>11</sup> configuerit<sup>12</sup>, et feminam ipsam violentiam pertulisse constiterit, statim liberetur de potestate raptoris, et parentibus reddatur, et raptor

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

<sup>2</sup> ss Be<sup>2</sup>

<sup>3</sup> in mg. AdBeCaLdPf Rb<sup>2</sup>Wc, in text Ea(*no inscr.*)LeLmMqSfVmVo(*adding lxx*); om. LfOaPtTbTc; (xvi add. Bd) De configuentibus ad ecclesiam in mg. (*also in text Db, with De rapt. conf. ad eccl. quid fac sit below Lj*) BdCbDbLj, in text PhVp; De fugientibus ad ecclesiam. Quid - config. Mg mg, in text MmMo

<sup>4</sup> Ex AdBeCaCbLdLfLjLmMgPfPtTbWc; De Tc

<sup>5</sup> Calc. BeCaCbLdLfLjLmMoOaPfPhPtRaTbTcVmWc; Caldonesi Ad; Aureliani Eg; Aureliano Mg; vel Aurelianensi add. ss Ra<sup>2</sup>; Aurelianensi Vp

<sup>6</sup> iii BeLmMoMqOaPfPhTbTc; ivi AdCaCbLdLfLjPtVoWc; ii Eg?MgVm; Ex - iii om. Cc. Calc. conc. only Qa. Qe fo. 113v (*end of quire*) ends. After the loss of a leaf it resumes in c 85 below

<sup>7</sup> De—feminarum om. Pq

<sup>8</sup> De rapt. – id] Ad Pq

<sup>9</sup> const. esse cens. \*Ad<sup>2</sup>BeCa<sup>2</sup>EgLdMgPfPtQaVmWc; const. esse censeamus Ad; const. cens. Ca; constituimus Tb; constitutum esse cens. Tc

<sup>10</sup> ad eccl. raptor \*AdBeCbCcLdLfLjLmMgPfTbTcWc; raptor ad eccl. Ca

<sup>11</sup> rapta \*AdBeCaLdMgPfPtQaTbTc; raptura Lf

<sup>12</sup> configuerit AdBe<sup>2</sup>CaCcLdLfLjLmMfMgMhMjMkMmMnMoPdPfPhPtQaRaTbWc; fuerit Be; fuderit CbDbLfTc

mortis vel penarum<sup>13</sup> impunitate concessa, liberam habeat eundi facultatem<sup>14</sup>. Si vero parentes mulieris ecclesiasticis viris obedire noluerint, excommunicentur.<sup>15</sup>

*ID 3. 108J C 36 q 1 c 3 is widely var.*

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<sup>13</sup> vel penarum \*AdBeCaEgLdMgMoPfPtTcWc; penarum Lm; *om.* Tb

<sup>14</sup> lib. hab. eundi fac.

AaAbAdBdBeCaCbCcDbEaEbEcFcGcKaLbLdLeLfLgLjLmMfMgMhMjMkMmMqOaObOeOfPdPfP  
hPkPtPwQaRaRbSdSeSgTbVaVmVpWaWbWcZa; lib. hab. abeundi fac. Mn; lib. eundi hab. fac.  
OdVoVosm.; aut serviendi conditione subiectus sit aut redimendi se (liberam habeat *add.* Eg<sup>2</sup>)  
facultatem EgTcVt(*with Hispana, C. Orleans [511], c 2, against BD 3.191, ID.*) lib. eundi fac. hab.  
*Brant, Migne.* Eg<sup>2</sup>Ra *continue:* Si vero que rapitur patrem habere constiterit, et puella raptori  
consenserit, potestati patris excusata reddatur et raptor a patre superioris conditionis satisfactione <vel  
non> teneatur obnoxius. *For* liberam habeat eundi fac. Mo *has* aut serviendi conditionem subtilisset (?  
*add. ss*) aut redimendi se (*et sic add. ss*) liberam habeat (eundi *add. in mg.*) facultatem. Si vero que  
rapitur patrem habere constiterit, et puella raptori consenserit, potestati patris excusata reddatur, et  
raptor a patre superioris conditionis satisfactione non teneatur obnoxius.

<sup>15</sup> Si vero - excommunicentur *at foot of leaf with tie mark* Mo<sup>2</sup>

## 73

[*Qua ratione sint<sup>1</sup> reddendi<sup>2</sup> ad ecclesiam configuentes*]<sup>3</sup>. Ex eodem concilio<sup>4</sup>, cap.  
iii<sup>5</sup>

Servus qui ad ecclesiam configuerit pro qualibet culpa, si a domino pro  
comissa culpa<sup>6</sup> ecclesiasticum<sup>7</sup> sacramentum susceperit, statim ad servitium domini  
sui redire cogatur, et postquam dato sacramento domino suo<sup>8</sup> fuerit consignatus<sup>9</sup>, si  
aliquid pro eadem culpa qui accusatur probatus fuerit<sup>10</sup> pertulisse, pro contemptu  
ecclesie et prevaricatione fidei a communione<sup>11</sup> catholicorum, sicut superius  
comprehensum est, extraneus habeatur. Si vero servus pro culpa sua ab ecclesia  
defensatus, sacramentum domini sui clericis<sup>12</sup> exigentibus, de impunitate perceperit,  
exire nolentem a domino liceat<sup>13</sup> occupari.

*ID 3. 109J +C 17 q 4 c 36b is var.*

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

<sup>2</sup> servi *add.* Pf; *om.* AdBeCaEaMgSfTcVm; sint redd. *after config.* Vo

<sup>3</sup> *in mg.* AdBeCaMgPfTc; *in text* Ea(*no inscr.*)LeMnMqSfVmVo(*adding lxxi*); *om.* OaPtRbTbVm

<sup>4</sup> eod. conc. BeCaPfTcVo; concilio Calcedonensi AdMqOaSeSfTbVm; conc. eod. Mg

<sup>5</sup> iiiii AdBeCaMqPfTb; iii MgSeSfTcVm; vii Vo. Ibidem *only* Pt

<sup>6</sup> si a domino – culpa *in mg.* Mq<sup>2</sup>

<sup>7</sup> -icum \*CaPfTbTc; -ici Mg

<sup>8</sup> dato sac. dom. suo \*CaMgPfTb; dom. suo dato sac. Tc

<sup>9</sup> restitutus Ra; vel consignatus *in mg* Ra<sup>2</sup>

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

<sup>11</sup> communione \*CaMgPfTb; communicatione Tc

<sup>12</sup> clericis \*BeTbTcVm; cleris AdCaMgMqPf

<sup>13</sup> -eat \*CaMgPfTb; -et Tc

## 74

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

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

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

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

<sup>2</sup> papa add. PtTc, om. \*AdCaMgPfTb

<sup>3</sup> ex concilio apud Theodonis villam cap. ix (xi LeOa) add. LeOaSe, apud villam Theodonis cap. x add.

Tc, Ex concilio apud Theodonis add. Vm (cf c 75), om. \*AdBeCaMgPfTbVp, lxxii add. Vo

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

## 75

<sup>1</sup>Ex concilio apud Theodonis villam, cap. xi<sup>2</sup>

Servum<sup>3</sup> confugientem ad ecclesiam, seu in atrium ecclesie, aut in officinas regularium fratrum vel in curtem, aut in domum episcopi, quia hec in antiquis canonibus pro emunitate tenentur, nemo abstrahere audeat, neque inde donare aut<sup>4</sup> ad penam vel ad<sup>5</sup> mortem, ut honor Dei et sanctorum eius pre omnibus conservetur. Sed rectores ecclesiarum pacem et vitam ac membra ei<sup>6</sup> cum iuramento obtinere studeant. Tamen legitime componat<sup>7</sup> quicquid inique fecerat, et si insecutor magistris ecclesie obedire noluerit, canonice constringatur.

ID 3.111] +C 17 q 4 c 9 is very remote

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<sup>1</sup> De eodem add. in mg. Ca; De eadem re add. Vo

<sup>2</sup> Ex - xi (xl Be) \*AdBeCaMgMqPfTbVm; Item Ea; Apud – cp. xi. lxxiiii Vp; om. OaRb(*with no break*)SeTc, cf c 74.

<sup>3</sup> Reum Vo

<sup>4</sup> aut MgTbVm; om. BeCaPfTc

<sup>5</sup> vel ad \*CaMgPfVm; aut ad Tb; vel Tc

<sup>6</sup> ei CaMgTbTc; om. Pf

<sup>7</sup> componant, *with* vel compreciant in mg. Ph

## 76

<sup>1</sup>Hilerdensi concilio<sup>2</sup>, cap. vi<sup>3</sup>

Nullus clericorum servum aut discipulum suum ad ecclesiam fugientem extrahere audeat vel flagellare presumat<sup>4</sup>. Quod si fecerit, donec digne peniteat a loco cui honorem non dedit<sup>5</sup> segregetur.

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<sup>1</sup> Ut nullus clericorum servum suum aut discipulum ab ecclesia vi extrahere presumat add. in mg. Ca. Item (*no inscr.*) Ea; De eodem add. Vo; Ex add. AdBePf, om. CaMgTbTcVo

<sup>2</sup> Hil. conc.] conc. Ilerbensi Be

<sup>3</sup> vi CaMgPfTbTcVo(*adding lxxiiii*); vii Vm

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

<sup>5</sup> dedit \*BeEaMgMqOaPfTbTcVmVp; dederit BdCaCc; ?? Ad

*ID 3. 117J +C 17 q 4 c 19a*

**77<sup>1</sup>**

*[Qua ratione sint reddendi inimici ad ecclesiam configuentes<sup>2</sup>]<sup>3</sup>. Ex concilio<sup>4</sup>*

*Chalcedonensi<sup>5</sup>, cap. v<sup>6</sup>*

Similiter in Matiscensi<sup>7</sup> sinodo decretum est, ut<sup>8</sup> hi qui fugiunt suos<sup>9</sup> inimicos, aut in<sup>10</sup> ecclesiam, aut in<sup>11</sup> atrium ecclesie, aut in domum episcopi, aut in claustrum regularium, non inde abstrahantur, nisi prius supra sacra securitate accepta a persecutore, de morte, de<sup>12</sup> debilitate et omnium penarum genere sint securi, etiam si servi sint<sup>13</sup> illorum qui eos insequuntur, ita ut ei<sup>14</sup> cuius rei criminosi fuerint, de satisfactione conveniat<sup>15</sup>. Quod si is<sup>16</sup> qui supra sacra prius iuraverat<sup>17</sup> convictus fuerit iuramentum<sup>18</sup> violasse, reus perjurii a communione privetur quousque satisfaciatur.

*ID 3. 110J +C 17 q 4 c 32 is very remote indeed*

<sup>1</sup> after c 78 Vp

<sup>2</sup> inim. ad eccl. conf. AdBeMgPfTcVm; ad eccl. conf. inim. Ca; inim. ad eccl. fugientes Vm

<sup>3</sup> in mg. AdBeCaMgPf Rb<sup>2</sup>Tc, in text LeMqVmVo(adding lxxv); om. OaPtTbVp

<sup>4</sup> concilio CaMgPfTbTc; eodem Vm

<sup>5</sup> Calcedonum Tb; Maticense Vo

<sup>6</sup> v \*AdCaMgPfTb; vi BeTc

<sup>7</sup> Matiscensi BeTb; Maticensi AdVoVp; Maticense CaMgMqPhRb; Manticensi Pf; Matizensi Tc

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

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

<sup>10</sup> in \*CaMgPfTb; ad Tc

<sup>11</sup> in \*CaMgPfTb; ad Tc

<sup>12</sup> de MgTbTc; om. Pf; et Ca

<sup>13</sup> servi sint \*MgPfTbTc; sint servi Ca

<sup>14</sup> ei \*CaMgPfTb; eis Tc

<sup>15</sup> -iat \*CaPfTb; iant MgTc

<sup>16</sup> is \*MgTb; his CaPfTc

<sup>17</sup> iuraverat \*CaPfTbTc; intraverat Mg

<sup>18</sup> iuramentum \*AdCaMgTbTc; sacramentum Pf

## 78

*[De his qui ad ecclesiam configientibus iniuriam faciunt<sup>1</sup>]<sup>2</sup>. Ex concilio Toletano,  
cap.<sup>3</sup> xii<sup>4</sup>*

Pro his qui quolibet<sup>5</sup> metu vel terrore ecclesiam appetunt, consentiente pariter ac iubente domino nostro Ervicio rege, hoc sanctum concilium definivit ut nullus audeat configuentes ad ecclesiam<sup>6</sup> residentes inde abstrahere, aut quocunque nocibilitatis vel dampni seu spoliationis residentibus in loco sancto inferre, sed esse potius his ipsis qui ecclesiam petunt per omnia licitum intra triginta passus<sup>7</sup> ab ecclesie ianuis progredi, in quibus triginta passibus uniuscuiusque ecclesie in toto circuitu reverentia defendantur<sup>8</sup>. Sic tamen ut hi qui ad eam configiunt, in extraneis vel longe separatis ab ecclesia<sup>9</sup> domibus nullo modo abscedant<sup>10</sup>, sed in hoc sancto triginta passuum numero absque domorum extranearum receptaculo progredientes, aditum obtinebunt, ut adquisite<sup>11</sup> nature usum debitum<sup>12</sup> exeant locis, et nullo teneantur eventu necessitudinis<sup>13</sup>, qui se dominicis defendendos commiserunt claustris. Si quis autem hoc decretum violare temptaverit, ecclesiastice excommunicationi subiaceat, et severitatis regie feriatur sententia. Ipsos tamen qui ad ecclesiam configium fecerunt, si iuxta priscorum canonum<sup>14</sup> instituta hi qui eos repetunt<sup>15</sup> sacramenta reddiderunt<sup>16</sup>, et sacerdos ecclesie ipsius ab ecclesie non abstraxerit<sup>17</sup> foribus, aut fuga talium si evenerit sacerdoti<sup>18</sup> querenda est, aut dampnorum<sup>19</sup> sententia, secundum electionem principis huiusmodi<sup>20</sup> sacerdotibus irroganda.

<sup>1</sup> faciunt Mg; fugiunt Pf

<sup>2</sup> in mg. MgPf Rb<sup>2</sup>; De his qui configium ad ecclesiam faciunt in text Ca(after cap. xii)VmVo(adding lxxvi); De his qui ad – faciunt et de his qui ad ecclesiam configiunt in text Ea(no inscr.); De his qui ad ecclesiam configiunt Be(mg.)Sf; De his qui ad eccl. configientibus nocte in black, with De his qui ad eccl. configientibus again in red after insc. Mq; om. AdOaPtTbTcVp

<sup>3</sup> cap. PftbTc; om. AdCaMgOaVo

<sup>4</sup> cap. xii om. Be

<sup>5</sup> quolibet \*CaMgTbTc; quoslibet Pf

<sup>6</sup> conf. ad eccl. \*AdCaMgPf; ad eccl. conf. Tb; conf. ad eccl. vel Tc

<sup>7</sup> trig. pass. \*CaMgPfTb; pass. trig. Tc

<sup>8</sup> -antur \*MgPf; -atur CaTbTc

<sup>9</sup> -esia CaMgTbTc; -esie Pf

<sup>10</sup> abscedant \*BeMgPfTb; accedant CaCcTc

<sup>11</sup> adquisite AdBeOaPfPh(vel consuete ss)Vo; ad requisite CaCc; ad exquisite Mg; ad quesite Mq; ad cogentis Tb; ad Tc

<sup>12</sup> debitum \*MgPfTbTc; debeat Ca

<sup>13</sup> necessitudinis \*CaMgPfTc; necessitatis Tb

<sup>14</sup> prisc. can. \*CaMgPfTb; can. prisc. Tc

<sup>15</sup> corr. fr. ? in mg. Ad

<sup>16</sup> -erunt MgPfTb; -erint CaTc

<sup>17</sup> abstr- \*CaMgPfTb; extr- Tc

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

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

<sup>19</sup> dampnorum \*BeCaMqOaRbTbVm; dampnatorum AdMgPfTc; dominorum Vo?

<sup>20</sup> in mg. Tb

## 79

[*Quod modis fiat sacrilegium*]<sup>1</sup>. *Iohannes VIII*<sup>2</sup> in libro *Gotice*<sup>3</sup> legis  
<sup>4</sup>Sacrilegium enim committitur si quis infregerit ecclesiam vel triginta  
 ecclesiasticos passus<sup>5</sup> qui in circuitu ecclesie fuerint, vel in domibus que infra  
 predictos passus fuerint<sup>6</sup>, aliquid inde diripiendo<sup>7</sup> vel auferendo, seu qui<sup>8</sup> iniuriam vel  
 ablationem<sup>9</sup> rerum intulerit<sup>10</sup> clericis arma non ferentibus vel monachis sive Deo  
 devotis omnibus ecclesiasticis personis. Non<sup>11</sup> enim capelle que infra ambitum  
 murorum castellorum sunt, mittuntur vel<sup>12</sup> ponuntur in hac observatione. Similiter  
 etiam sacrilegium committitur, auferendo sacrum de sacro, vel non sacrum de sacro<sup>13</sup>,  
 sive sacrum de non sacro<sup>14</sup>. Non sacrum vero de non<sup>15</sup> sacro<sup>16</sup>, quia<sup>17</sup> non potest  
 computari in crimine sacrilegii, secundum mundanarum legum censuram debet  
 emendari, vel secundum morem<sup>18</sup> patrie.

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

<sup>1</sup> Quod (Quot AdTc) – sacr. in mg. AdBePf Rb<sup>2</sup>Tc; in text Ea(no inscr.)LeMgSfVmVo(adding lxxvii); xvii. De sacrilegio in mg. Bd<sup>2</sup>; De sacrilegio. Quod modis - sacr. in mg. CaMg; De sacrilegio LjPhVp; om. OaPtTb. viiiii in mg. Be<sup>2</sup>

<sup>2</sup> VIII \*AdBePfPtTbTc; IX Ca; XI Mg; VII Vm; nonus octavus Vp

<sup>3</sup> Gotice \*AdCaMgPfTbVm; Cotire PkSf; Geotice OaTc

<sup>4</sup> Sic add. Pk

<sup>5</sup> eccl. pass. \*CaMgPfTb; pass. eccl. Tc

<sup>6</sup> vel in domibus - passus fuerint \*AdCaCcMgPfTb; om. Tc

<sup>7</sup> inde dirip. \*CaMgPfTb; dirip. inde Tc

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

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

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

<sup>11</sup> Non \*CaMgPfTb; Neque Tc

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

<sup>13</sup> non sac. de sac. \*MgPfTbTc; sac. de non sac. Ca

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

<sup>15</sup> non CaMgPfTbTc; om. Vm

<sup>16</sup> non sacrum – sacro ss Ad<sup>2</sup>

<sup>17</sup> quia \*BeCaTcVo; quia quod AdMgMqTbVm; quod Pf

<sup>18</sup> morem \*CaMgPfTb; legem Tc

**80**

[*Que<sup>1</sup> sit lex sacrilegii?*<sup>2</sup>. *Idem in eodem libro*<sup>3</sup>

Inspectis legibus Romanis ubi habebatur de sacrilegiis, invenimus ibi a Iustiniano imperatore legem compositionis sacrilegii constitutam, scilicet in quinque libras auri optimi. Sed nos leviorem legem precipimus esse tenendam, que a Carolo est<sup>4</sup> constituta pio principe de compositione sacrilegii<sup>5</sup>, videlicet in triginta libras argenti examinati, id est sexcentorum solidorum summam<sup>6</sup> argenti purissimi. Ideoque quisquis inventus fuerit reus sacrilegii, istam leviorem<sup>7</sup> compositionem emendet<sup>8</sup> ipsis episcopis vel abbatibus, sive personis<sup>9</sup> ad quos querimonia sacrilegii iuste pertinuerit. Et si ipse reus sacrilegii<sup>10</sup> facere noluerit, tandiu excommunicationi subiaceat usque quo<sup>11</sup> predictam compositionem sexcentorum solidorum persolvat. Et si<sup>12</sup> in hac obstinatione mortuus fuerit, corpus eius cum psalmis et himnis non deferatur ad sepulturam. Et precipimus ut in fine codicis mundane legis scribatur hec lex<sup>13</sup>.

Hucusque lex pape.

*ID 3. 98b]*

<sup>1</sup> Que AdCaMgPfTc; Quid Vm

<sup>2</sup> in mg. AdBeCaMgPf Rb<sup>2</sup>Tc, in text LeMqPtVmVo(adding lxxviii); om. TbVp

<sup>3</sup> Idem in eod. lib. EgPfVo; Iohannes VIII in libro Gotice legis AdCaMgMqPhSfTb; Item in eodem Be; Idem ibidem Pt; Item in lib. eod. Tc; Idem in eodem Vp

<sup>4</sup> a Carolo est \*CaMgPfTb; est a Carolo Tc

<sup>5</sup> sacrilegii \*MgPfTbTc; om. Ca

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

<sup>7</sup> leviorem AdCaPfTb; levem Tc; leniorem Mg

<sup>8</sup> et add. Mg, om. \*CaPfTbTc

<sup>9</sup> personis \*Ca<sup>2</sup>MgPfTc; perponis ? Ca; sanctis Tb

<sup>10</sup> reus sac. \*CaMgPfTb; sac. reus Tc

<sup>11</sup> usque quo \*AdMgPfTb; quousque Tc; usque post Ca

<sup>12</sup> ss Tb

<sup>13</sup> que sic incipit add. Vp

**81**

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

Nicholaus episcopis omnibus. Sicut antiquitus a sanctis patribus statutum<sup>6</sup> est, statuimus ita ut maior ecclesia per circuitum sexaginta<sup>7</sup> passus habeat, capelle vero

<sup>1</sup> Quod Mg

<sup>2</sup> quod Mg

<sup>3</sup> in mg. AdBeCaMgPf Rb<sup>2</sup>Tc; in text Ea(no inscr.)LeMqSfVmVo(adding lxxviii); De libertorum tutela after insc. Ph; Quot (corr. fr. quod) passus habeat atrium ecclesie Pt; om. OaTbVp

<sup>4</sup> Antioceno \*AdBeCaEgMgPhTb; Agatensi PfTc; Anticeno Sf

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

vel<sup>8</sup> minores ecclesie, triginta. Qui autem confinium eorum<sup>9</sup> confringere<sup>10</sup> temptaverit, aut personam hominis vel bona eius inde abstraxerit, nisi publicus latro fuerit, quousque emendet<sup>11</sup> et quod rapuerat<sup>12</sup> reddat<sup>13</sup>, excommunicetur.

*ID 3. 104] +C 17 q 4 c 6*

<sup>6</sup> statutum \*CaMgPfTb; constitutum Tc

<sup>7</sup> sexaginta \*CaMgPfTb; quadraginta Tc

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

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

<sup>10</sup> confringere \*CaEgPfTbTc; constringere Mg

<sup>11</sup> quousque em. *suppl.* Ca<sup>2</sup>

<sup>12</sup> -erat \*CaMgPfTc; -erit Tb

<sup>13</sup> et quod rap. redd. ss Be<sup>2</sup>

## 82

[*Quod ecclesia debeat<sup>1</sup> tueri libertos legitime factos*]<sup>2</sup>. Ex Agatensi concilio<sup>3</sup>, cap<sup>4</sup>.

*xxviii*

Libertos legitime a dominis suis factos<sup>5</sup> ecclesia<sup>6</sup>, si necesse fuerit, tueatur<sup>7</sup>.

Quod si quis ante audientiam aut pervadere eos aut exspoliare<sup>8</sup> voluerit vel presumpserit, ab ecclesia repellatur<sup>9</sup>.

*ID 16. 51] +D 87 c 7*

<sup>1</sup> -eat CaPfTcVm; -et SfVo

<sup>2</sup> in mg. AdBeCaPf Rb<sup>2</sup>Tc, in text LeMqSfVmVo(adding lxxx); (xviii add. Bd) De libertorum tutela in text Ea(*no inscr.*)Ph, in mg. Bd<sup>2</sup>Vp; De libertorum tutela. Quod - factos Mg mg.; om. PtTb. x add. in mg. Be<sup>2</sup>

<sup>3</sup> Ex Agat. conc. PfTc; Agat. conc. BeCaPhTbVmVo; Conc. Agat. Mg; Agantense conc. Sf

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

<sup>5</sup> a dom. suis factos \*AdCaMgPf; factos a dom. suis Tb; a dom. suis Tc

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

<sup>7</sup> ecclesia add. Pf, om. \*CaMgTbTc

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

<sup>9</sup> repell- \*AdBeCaDbMgMqPfRbTc; pell- SITb; expell- Vo; depell- Wd

## 83

*<sup>1</sup>Toletano concilio IIII, cap. lxxiiit<sup>2</sup>*

Liberti<sup>3</sup>, quibuscumque manumissi sunt atque ecclesie patrocinio commendati existunt, sicut regule antiquorum patrum constituerunt<sup>4</sup>, sacerdotali defensione a

<sup>1</sup> De eodem in mg. Ca, text Vo. Ex add. AdPfTc; om. BeCaMgSfPtTbVmVoVp

<sup>2</sup> Tol. - lxxiiii (lxxviii Vp) \*AdBeCaDbMgTbTcVmVp; Tol. conc. *only* Ea; Tol. - lxxii Pf; Ob *has here* Vita - xlvi (*from 83A below*); Tol. concil. cp. lxxviii Vo

<sup>3</sup> quia add. Db, qui a add. Eg<sup>2</sup>, a add. TcVo, om. \*BeCaMgPfTb

<sup>4</sup> sicut regule - const. \*AdCaDbMgPfTb; om. Tc

cuiuslibet insolentia protegantur, sive in statu libertatis eorum sive in peculio quod habere noscuntur.

*ID 16. 52J +D 87 c 8*

### 83A<sup>1</sup>

<sup>2</sup>*Vita beati<sup>3</sup> Gregorii, libro III<sup>4</sup>, cap. xlvi<sup>5</sup>*

Libertatem cuiusque<sup>6</sup> hominis Gregorius contra iudicium insolentias liberis nichilominus vocibus defendebat.

*ID 16.53]*

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<sup>1</sup> in

AbAdBdBeCaCbCcDbEaEbEcEgFcHaKaLcLdLeLfLgLhLjLkLmMfMgMhMjMkMmMnMoMpMqO  
bOdOePdPfPhPkPqPtPwQaRbRfSdSeSkSgSITbTcVaVmVoVpWaWbWcW; om. AaLbOaOf Brant

<sup>2</sup> De eodem in mg. Ca, in text Vo. In add. Tc, om. \*BeCaMgMqObPfTbVm

<sup>3</sup> beati \*Ad(before Vita)CaCbMgMqOdPfPkTb; om. Ea; sancti TcVp

<sup>4</sup> II Be

<sup>5</sup> xlvi \*AdBeCaCbMgOdPfPkPtTbVmWc; clvii Fc; clvi Tc; lvii. lxxxii Vo after corr.. ObPw have  
insc. of c 84 here; lib. – xlvi om. Ea; Vita – xlvi om. Mo; Petrus diaconus vel vita – xlvi Ra mg.

<sup>6</sup> cuiusque \*AdCaCbEaMgOdPfPhPkTbWc; quibuscumque Be; cuiuslibet Cc; quoque FcOe;  
cuiuscumque RbTc

### 84

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

In<sup>3</sup> ecclesie manumissos vel per testamentum ecclesie commendatos, si quis in servitutem<sup>4</sup> vel in obsequium vel ad colonariam conditionem imprimere temptaverit, animadversione ecclesiastica cohercebitur<sup>5</sup>.

*ID 3. 154J +D 87 c 6b*

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

<sup>2</sup> Ex - vi here BeCaMgOaPfTbTcVmVo(adding lxxxiii); om. Mo; as insc. of c 83A ObPw; Ex conc.  
Toletano cap. iii Sf (cf c 85)

<sup>3</sup> In CaMgPfTc; om. BeOa; [ ]n SfTb

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

<sup>5</sup> coherceatur SIWd

**85**

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

Hec sancta sinodus nulli episcoporum licentiam tribuit res ecclesie alienare, quoniam et antiquioribus canonibus hoc prohibetur. Si quid vero quod utilitatem non gravet ecclesie, pro suffragio<sup>4</sup> monachorum vel ecclesiis<sup>5</sup> ad parochiam suam pertinentium<sup>6</sup> dederint, firmum maneat. Peregrinorum<sup>7</sup> vel clericorum et<sup>8</sup> egenorum necessitati salvo iure ecclesie prestare permittuntur pro tempore que potuerint<sup>9</sup>.

*ID 3. 167]*

<sup>1</sup> don. mut.] commutare Rb; mut. don. Vo

<sup>2</sup> Quod – conc. (*om.* Mq) cl. suorum (suorum cl. Ca) *in mg.* AdBeCaPf Rb<sup>2</sup>Tc, *in text* MqPtVmVo(*adding lxxxiiii*); (*xix. add.* Bd) De alienatione et commutatione ecclesiasticarum rerum (rerum eccl. BdLj) *in mg.* Bd<sup>2</sup>LeLjVp, *in text* Ph; De commutatione et alienatione *in text* Ea(*no inscr.*); Quod episcopi ecclesie – absque consensu cl. suorum Le; De commutatione et alienatione. Quod - suorum *in mg.* DbMg, *and in text* Db; Quod – mutare non debent sine clericorum suorum consensu *in text* Sf; *om.* Tb. xi *add. in mg.* Be<sup>2</sup>

<sup>3</sup> III AdCaMgPfVm; cap. iii MqPhSfTbTc; cap. iiia Oa; II Vo; *om.* Be

<sup>4</sup> eccl. pro suff. AdBeCaMgOaTcVm; pro suff. eccl. Pf; pro suff. Tb

<sup>5</sup> ecclesiis \*BeCaMgTb; ecclesiarum PfTc

<sup>6</sup> -entium PfTc; -entibus BeCaMgTb. Qe resumes

<sup>7</sup> vel laicorum *add.* Mg, *om.* \*CaCcPfTbTc

<sup>8</sup> et \*TbTcVm; vel AdBeCaMgPfVo

<sup>9</sup> -erint \*Mg<sup>2</sup> Rb<sup>2</sup>TbTc; -erunt AdBeCaMgPfRb; ecclesie prestare perm. – potuerint *in mg.* Mq<sup>2</sup>

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

<sup>2</sup>*Ex concilio apud Valentias<sup>3</sup>, cap. l<sup>4</sup>*

Irrita erit<sup>5</sup> episcoporum donatio vel venditio vel commutatio rei ecclesiastice absque collaudatione et subscriptione<sup>6</sup> clericorum<sup>7</sup>.

*ID 3. 231] C 12 q 2 c 52b var.*

<sup>1</sup> cc 86-87 reversed Le(*before corr.*)Lm

<sup>2</sup> De eodem *add. in mg.* Ca, *in text* Vo; Quod res que inconsulte facte sunt licite a successoribus emendentur *in mg.* Mq<sup>2</sup> (*repeated before c 87 in main hand*)

<sup>3</sup> -tias MgPfTb; -tiam BeCaTc

<sup>4</sup> 1 AdBeMgPfTbTcVm; i CaVo(*adding lxxxv*)Vp; *whole insc. in mg.* Mq<sup>2</sup>

<sup>5</sup> Irrita erit *in mg.* Mq<sup>2</sup>; Mq originally ran c 86 from episcoporum donatio onto end of c 85.

<sup>6</sup> subscriptione \*AdBeMgPfRbTbTc; susceptione Ca; subiectione Oa

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

**87**

[*Quod res<sup>1</sup> que<sup>2</sup> inconsulte<sup>3</sup> facte<sup>4</sup> licite<sup>5</sup> a successoribus emendentur]<sup>6</sup>. Ex<sup>7</sup> concilio apud Belvacum<sup>8</sup>*

<sup>1</sup> obsc. corr. Mm

Ut<sup>9</sup> commutationes rerum<sup>10</sup> ecclesiasticarum valde caveantur et subtilissime, si aliquando fieri debent, inspiciantur. Que autem inconsulte facte<sup>11</sup> sunt, iuxta decretum canonicum<sup>12</sup> Hilarii pape, quas illicite decessor episcopus admiserit, vel ab aliis illicite commisso sunt, ab eo qui successor est emendentur<sup>13</sup>.

*ID 3. 232] X 3.19.2*

<sup>2</sup> que AdBeCaEaMfMgMhMmSfTcVm; *om.* Pf

<sup>3</sup> sunt *add.* AdCaEaMq(*after facte*)TcVmVo, *om.* MgMhMkMmPfSf

<sup>4</sup> et *add.* AdTcVo, sunt consulte et *add.* MgSfVm, consulte et *add.* Sf; *om.* CaPf

<sup>5</sup> illicite Vo

<sup>6</sup> -entur CaPfTcVo; -etur MgSf. *Rubric in mg.* AdBeCaMgPfTc, *in text* Ea(*no inscr.*)LeMhMkMmMqSfVmVo(*adding lxxxvi*); *om.* MjOaPtRbTbVp

<sup>7</sup> De Mf

<sup>8</sup> apud Belv. BeCaMfMgMjMkMmMnPtTbTcVm; Belvagensi Pf; Apud Belvacensem Vo; Quod – Belv. *om.* Mo

<sup>9</sup> Ut AdBeMgMkMqTcVmVo; Et CcEaMoOaPfRaTbVp; [ ]t Ca

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

<sup>11</sup> autem inconsulte facte \*MqOaTbVm; inconsulte facte AdTcVo; <non> inconsulte facte Ad<sup>2</sup>; non consulte facte BeCa(facte over erasure)EaMgPf; non consulto Vp

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

<sup>13</sup> emendentur \*AdBeEaMgPf<sup>2</sup>RbTcVm; emendetur CaTbVo; emendantur OaPf

## 88

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

Quicumque<sup>4</sup> presbiter de iure tituli sui quolibet modo aurum<sup>5</sup>, argentum, vel gemmas, vestes quoque<sup>6</sup> si sunt<sup>7</sup>, vel si accesserint<sup>8</sup> aliqua mobilia ad ornamenta divina aliquid in perpetuum alienare temptaverit, donator, alienator ac<sup>9</sup> venditor honoris sui amissione multetur.<sup>10</sup>

*ID 3. 241]*

<sup>1</sup> Ut nullus presbiter de iure tituli sui aliquid alienare presumit *add. in mg.* Ca; Item de eadem re *in text* Ea(*no insc.*); De eodem *add.* Vo

<sup>2</sup> conc. Bracarensi AdBeCaEgMgOaVm; Bracanensi conc. PfTc; conc. Cartaginensi SfTb; Bracacensi concil' Vo

<sup>3</sup> xxxi \*AdMgPfTbTcVmVo(*adding lxxxvii*); xxi Ca

<sup>4</sup> Quocumque Rb

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

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

<sup>7</sup> sunt \*PfTbTc; sint CaMg

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

<sup>9</sup> ac \*CaMgPfTc; *om.* Tb

<sup>10</sup> multetur amiss. SIVo. A considerable space is left before c 89 in Mn

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

*[Qui<sup>2</sup> libri in ecclesia sint<sup>3</sup> legendi, et quamdiu et quando legendi]<sup>4</sup>. Ex concilio Aurelianensi, cap. iii<sup>5</sup>*

Nihil aliud in ecclesia legatur aut cantetur nisi<sup>6</sup> que auctoritatis divine sunt, et patrum orthodoxorum sanxit auctoritas. Nec falsa angelorum nomina colantur<sup>7</sup>, sed ea tantum<sup>8</sup> que prophetica et evangelica docet scriptura, id est, Michael, Gabriel, Raphael<sup>9</sup>.

*ID 3.250]*

<sup>1</sup> to Raphael only Ea

<sup>2</sup> Qui AdBePfTcVm; Quot CaMg

<sup>3</sup> in eccl. sint BePfVm; sint (sunt Ad) in eccl. AdCaMgTc

<sup>4</sup> Qui - quando legendi (*om.* Pf) in mg. AdBeCaPfSITc, in text VmVo(*adding lxxxviii*); De scripturis in mg. Db; De scripturis et conciliis autenticis et non autenticis Ph; De script. et conc. aut. et non aut. Qui libri - quando legendi in mg. Mg; Quid sit legendum in ecclesia, et quid non in mg. Rb<sup>2</sup>; *om.* EaMqOaPtSfTbVp. xii add. in mg. Be<sup>2</sup>

<sup>5</sup> Aurel. (-ensium Mg, -iano Sf) cap. iii \*AdCaMgPfPtTcVo; Cartaginensi, cap. xxxi Tb; Ex – iii *om.* Sl  
<sup>6</sup> ea add. Tb, *om.* \*AdCaMgPfTc

<sup>7</sup> ang. nomina colantur BeCaEaMg; ang. nomina colant AdPt; ang. coluntur nomina Eg; ang. colantur nomina Eg<sup>2</sup>Tc; ang. colant nomina MqOaPfRbVm; nomina angelica colant SIVo; ang. nomina Tb

<sup>8</sup> ea tantum \*CaMgPfTb; eorum Tc

<sup>9</sup> Raphael \*CaMgTbTc; Tobial Cc

*<sup>1</sup>De ordine librorum veteris testamenti<sup>2</sup>*

Genesis liber unus<sup>3</sup>. Exodus<sup>4</sup> liber unus. Leviticus liber unus. Numerus<sup>5</sup> liber unus. Deuteronomii liber unus. Iesu Nave liber unus. Iudicum<sup>6</sup> liber unus. Regum liber unus<sup>7</sup>. Ruth liber unus. Paralipomenon liber unus<sup>8</sup>. Psalmorum<sup>9</sup> CL liber unus<sup>10</sup>. Salomonis liber unus<sup>11</sup>. Iob liber unus. Thobie liber unus. Hesdre liber unus. Hester liber unus. Judith liber unus. Machabeorum liber unus<sup>12</sup>.

<sup>1</sup> Ex decretis Gelasii papae *add in mg.* Mg

<sup>2</sup> De ordine librorum veteris (et novi *add.* Tc) testamenti \*Ad(mg)BeCaMgOaTcVmVo; De ordine – test. De libris autenticis Mq; Ordo librorum veteris testamenti PfPhPtQeSfTb; Ex decretis Gelasii pape. Quando et quo tempore libri veteris et novi testamenti legantur Vp (*cf c 90*)

<sup>3</sup> lib. unus BeCaMgPf; unus liber (*and so passim*) Tb; libri quatuor Tc

<sup>4</sup> -odus \*CaMgPfTb; -odi Tc

<sup>5</sup> -erus \*CaMgPfTb; -eri Tc

<sup>6</sup> Deut., Ies. Nave, Iud. \*CaMgPfTb; Ies. Nave, Iud., Deut. Tc

<sup>7</sup> lib unus BeCaPf; libri quatuor MgTc; unus liber Tb

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

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

<sup>10</sup> lib. unus CaMgPf; unus liber Tb; *om.* Tc

<sup>11</sup> liber unus AdBeCaPfVo; libri v Mg; unus liber Tb; libri tres Tc; Vm *inserts here from below* Osee – Malachie lib. i. Be places Paralipomenon – Sal. lib. i after Hester

<sup>12</sup> liber unus BeCaPf; libri duo MgTc; unus liber PhQeTb

*Ordo prophetarum<sup>13</sup>*

Isaie liber unus. Ieremie cum Cinoth, id est Lamentationibus suis<sup>14</sup> liber unus<sup>15</sup>. Ezechiel liber unus. Daniel liber unus. Osee liber unus. Amos liber unus. Michee liber unus. Iohel liber unus. Abdie liber unus. Ihone liber unus. Naum liber unus. Abbacuc liber unus. Sophonie liber unus. Aggei liber unus. Zacharie liber unus. Malachie liber unus.

*Ordo librorum novi testamenti<sup>16</sup>*

Evangeliorum libri quattuor. Secundum Matheum liber unus. Secundum Marcum liber unus. Secundum Lucam liber unus. Secundum Iohannem liber unus. Actuum Apostolorum liber unus. Epistole Pauli numero quatuordecim<sup>17</sup>. Ad Romanos epistola una. Ad Corinthios<sup>18</sup> due. Ad Galathas<sup>19</sup> una. Ad Ephesios<sup>20</sup> una. Ad Philipenses<sup>21</sup> una. Ad Colosenses<sup>22</sup> una. Ad Thessaliconenses<sup>23</sup> due. Ad Thimotheum due. Ad Thitum una. Ad Philemonem una. Ad Hebreos una. Apocalipsis Iohannis<sup>24</sup> liber unus.

*Ordo septem epistolarum canonicarum<sup>25</sup>*

Petri apostoli epistole<sup>26</sup> due. Iacobi apostoli<sup>27</sup> epistola una<sup>28</sup>. Iohannis apostoli<sup>29</sup> epistole<sup>30</sup> tres. Iude Zelotis apostoli epistola<sup>31</sup> una

*ID 4.61-2]*

<sup>13</sup> Ordo proph. PfTb (*after* Ysaie unus liber) ; De ordine prophetarum AdCaMgVm; *om.* BePtTcVoVp

<sup>14</sup> cum Cinoth - suis \*CaMgPfTb; *om.* Tc

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

<sup>16</sup> Ordo lib. novi test. MgPfTb; De ordine librorum novi testamenti Ad<sup>2</sup>BeCaVm; Liber novi testamenti Sf; *om.* PtTcVoVp

<sup>17</sup> num. quatuordecim \*MgTbTc; xiiii Ca; num. duodecim Pf

<sup>18</sup> epistole *add.* Tc, *om.* \*CaMgPfTb

<sup>19</sup> epistola *add.* Tc, *om.* \*CaMgPfTb

<sup>20</sup> epistola *add.* Tc, *om.* \*CaMgPfTb

<sup>21</sup> epistola *add.* Tc, *om.* \*CaMgPfTb

<sup>22</sup> epistola *add.* Tc, *om.* \*CaMgPfTb

<sup>23</sup> epistole *add.* Tc, *om.* \*CaMgPfTb

<sup>24</sup> Ioh. \*CaMgPfTc; *om.* PhTb

<sup>25</sup> Ordo - can. \*AdBeCaMgPfTb; Septem – can. Sf; Ordo epist. can. Vm; *om.* PtTcVoVp

<sup>26</sup> Petri ap. epp. \*CaMgPfTb; Epp. Petri ap. Tc

<sup>27</sup> *ss* Tb

<sup>28</sup> Iac. - una *before* Petri CaCcTc, *after* due \*BeMgPfTb

<sup>29</sup> apostoli \*CaPfTbTc; *om.* Mg

<sup>30</sup> epistole \*CaMgPfPh; *om.* TbTc

<sup>31</sup> epistola \*CaMgPfTb; *om.* Tc

90<sup>1</sup>

[*Ordo librorum qui legendi sunt a Septuagesima usque ad Epiphaniam*]<sup>2</sup>. Quando et quo tempore libri veteris et novi testamenti leguntur<sup>3</sup>

In Septuagesima ponunt<sup>4</sup> Eptaticum<sup>5</sup> usque in quindecim dies<sup>6</sup> ante Pascha, quinta decima die ante Pascha ponunt<sup>7</sup> Iheremiam usque in cenam Domini. In cena Domini legunt tres lectiones<sup>8</sup> de Lamentatione Iheremie, Quomodo sedet sola civitas etc<sup>9</sup>. Et tres lectiones de tractatu sancti Augustini in psalmo LXIII, Exaudi Deus orationem meam cum deprecor, et tres de apostolo ubi ait ad Corinthios, Convenientibus vobis in unum. Secunda lectio sic incipit, Similiter<sup>10</sup> postquam cenavit. Tertia, De spiritualibus autem nolumus<sup>11</sup> ignorare, fratres. In Parasceven<sup>12</sup>, tres lectiones<sup>13</sup> de Lamentatione Iheremie, et tres de tractatu sancti Augustini in psalmo<sup>14</sup> LXIII, et tres de Apostolo ubi ait in epistola ad Hebreos, Festinemus ingredi in illam requiem<sup>15</sup>. Secunda lectio, Omnis namque pontifex. Tertia, De quo<sup>16</sup> nobis grandis sermo<sup>17</sup> est. In Sabbato sancto, tres lectiones de Lamentatione Iheremie, et tres de tractatu sancti Augustini in psalmo LXIII, Exaudi Deus orationem meam cum deprecor<sup>18</sup>, et tres de apostolo, ubi ait<sup>19</sup> in Epistola ad Hebreos, Christus adsistens pontifex, secunda lectio ubi ait<sup>20</sup>, Testamentum enim, tertia<sup>21</sup>, Umbram enim habens

<sup>1</sup> Wc has a widely variant version: In Septuagesima cantatur et legitur In principio, id est Pantathecum Moysi usque ad passionem Domini –

<sup>2</sup> Ordo - usque in Epiphaniam in mg. BePf Rb<sup>2</sup>Sl, in text Ad<sup>2</sup>BeCaSf; xx. De scripturis et conciliis autenticis in mg. Bd; Ordo – usque in Epiphania Domini as second rubric in text Vm; Ordo - ad Sept. in text EgMgTc; om. LeMqTbVoVp

<sup>3</sup> Quando (Qualiter Pf) - leg. (leg. om. Oa, legantur LeMqVo) BeLeMgMqOaPfSI TbTcVo (adding lxxxviii); as second rubr. in mg. Ad<sup>3</sup>, as first rubric Vm; before c 89 Vp; Quo tempore libri – legantur et quo ordine Pt; om. Ca

<sup>4</sup> In Sept. ponunt \*MgPfPhTbTc; A Sept. Ca; In Sept. Qe

<sup>5</sup> Eptaticum AdBeMgPfPh(*obsc. corr.*)TbVmVo; Epatiticum Ca; Eptategum Ca<sup>2</sup>; Enptaticum Oa; Emptaticum Qe; Eptateucum Tc. Epta v theos divinus v. libri Moysi et Iudicum et Iosue add. in mg. Ad

<sup>6</sup> quindecim dies \*AdBeCaTbTc; quinta decima die Pf; quintam decimam diem Mg

<sup>7</sup> ponunt \*CaMgPfTb; cant' Tc

<sup>8</sup> -iones \*MgPfTbTc; -ione Ca

<sup>9</sup> etc CaMgPf; plena populo etc Tb; om. Tc

<sup>10</sup> et calicem add. Tb, om. CaMgPfTc

<sup>11</sup> vos add. CaMg, om. PfTbTc

<sup>12</sup> -even PfTb; -eve CaMgTc

<sup>13</sup> tres add. Tc, om. \*CaMgPfTb

<sup>14</sup> psalmo CaMgPfTb; ipso Tc

<sup>15</sup> in illam requiem \*MgPfTbTc; om. Ca

<sup>16</sup> quo \*MgPfTbTc; qua Ca

<sup>17</sup> gr. sermo est CaMgTc; sermo gr. est Pf; gr. est sermo Tb

<sup>18</sup> Exaudi Deus orationem meam cum deprecor (de Vo, om. Be) AdBeTbVo; om. CaPf; Exaudi Mg;

Exaudi Deus orationem Tc

<sup>19</sup> ait \*CaMgPfTb; dicit Tc

<sup>20</sup> lectio ubi ait \*MgPfTc; om. Ca; ubi ait Tb

<sup>21</sup> enim add. Mg, om. \*CaPfTbTc

lex bonorum futurorum<sup>22</sup>. In Pascha Domini omelias ad ipsum<sup>23</sup> diem pertinentes. Infra hebdomadam<sup>24</sup> homilias. In octava<sup>25</sup> Pasche<sup>26</sup> ponunt<sup>27</sup> Actus apostolorum, et epistolas canonicas, et Apocalipsim usque in octavis<sup>28</sup> Pentecosten<sup>29</sup>. In octava<sup>30</sup> Pentecosten ponunt librum<sup>31</sup> Regum et Paralipomenon, usque in Kalendis Augusti. In dominica prima mensis Augusti ponunt Salomonem usque in Kalendis Septembbris, et tunc<sup>32</sup> ponunt Iob<sup>33</sup>, Tobiam, Hester, Esdram, Iudit<sup>34</sup>, usque in Kalendis Octobris. In dominica prima mensis Octobris ponunt Machabeorum<sup>35</sup> usque in Kalendis<sup>36</sup> Novembbris. In dominica prima mensis Novembbris ponunt Ezechiel et Daniel<sup>37</sup>, et minores prophetas, usque in<sup>38</sup> Kalendis Decembris.<sup>39</sup> In dominica prima mensis Decembris ponunt Isaiam prophetam usque in<sup>40</sup> Nativitatem Domini. In vigilia Natalis Domini legunt primum<sup>41</sup> de Isaia<sup>42</sup> tres lectiones. Prima lectio, Primo tempore alleviata est<sup>43</sup>, secunda, Consolamini<sup>44</sup>, tertia, Consurge. Deinde leguntur sermones vel omelie ad ipsum diem pertinentes. In Natali<sup>45</sup> sancti Stephani, omelias<sup>46</sup> de ipso die, in Natali<sup>47</sup> sancti Iohannis, similiter, in Natali<sup>48</sup> Innocentum, similiter, in Natali<sup>49</sup> sancti Silvestri, similiter. In octava<sup>50</sup> Domini<sup>51</sup> omelias de ipso die. In dominica prima

<sup>22</sup> lex bon. fut. MgPfTc; lex fut. bon. Tb; *om.* Ca

<sup>23</sup> ipsum \*CaMgPfTb; ipsam Tc

<sup>24</sup> Infra hebd. \*CaMgTbTc; In hebdomada Pf

<sup>25</sup> -ava Pf; oct' Ca; -avis Mg; -abas Tb; -avas Tc

<sup>26</sup> *From here Wc is widely variant and much fuller; see note below.*

<sup>27</sup> ponunt \*CaMgPfTc; Pentecosten Tb

<sup>28</sup> -avis Mg; oct' CaTc; -av' Pf; -abas Tb

<sup>29</sup> -ten Pf; -tes CaTb; -t' MgTc

<sup>30</sup> -aba Pf; -abas TbTc; -avis Mg; oct' Ca

<sup>31</sup> librum CaMgTc; *om.* PfTb

<sup>32</sup> in Dominica mensis Sept. *add.* MgTc, *om.* \*AdBeCaPfTb

<sup>33</sup> et *add.* Tb, *om.* \*CaMgPfTc

<sup>34</sup> Iudit CaMgTc; *om.* BdPfTb

<sup>35</sup> Mach. CaPfTb; librum Mach. Tc; Mach. lib. Mg

<sup>36</sup> et tunc ponunt Iob – Kalendis *in mg.* Bd

<sup>37</sup> -iel, -iel \*CaPfTb; -ielem. -ielem MgTc

<sup>38</sup> in \*CaMgPfTb; ad Tc

<sup>39</sup> ponunt Actus apostolorum -in kal' Septembbris] leguntur Actus apostolorum quidecim diebus et cantatur apocalipsis, id est - apostolus concorditer predicavit Wc

<sup>40</sup> in \*CaMgPfTb; ad Tc

<sup>41</sup> legunt primum \*CaMgPfTb; leguntur primo Tc

<sup>42</sup> de Isaia \*CaMgPf; de Ysaia propheta Tb; *om.* Tc

<sup>43</sup> est CaMgTc; est terra Be; est terra Za. et terra Nep. Tb; *om.* Pf

<sup>44</sup> consol' *add.* Pf, consolam' *add.* Ca, *om.* \*MgTbTc

<sup>45</sup> -ali \*Ca; nat' Mg; -al' Pf; -ale TbTc

<sup>46</sup> -ias CaMgPfTc; -ia Tb

<sup>47</sup> -ali \*Ca; nat' Mg; -al' PfTc; -ale Tb

<sup>48</sup> -ali Ca; nat' Mg; natal' Pf; -ale Tb; -ale sanctorum Tc

<sup>49</sup> -ali \*Ca; nat' Mg; -al' Pf; -ale Tb; -al' Tc

<sup>50</sup> -ab' Pf; -abas Tb; oct' CaMgTc

<sup>51</sup> Domini \*MgPfTbTc; Dominum Ca

post Nativitatem Domini ponunt epistolas Pauli, usque in Septuagesimam. In Epiphania lectiones tres de Isaia. Prima lectio sic incipit<sup>52</sup>, Omnes sitientes<sup>53</sup>, secunda, Surge illuminare, tertia, Gaudens gaudebo in Domino<sup>54</sup>. Deinde leguntur sermones vel omelie ad ipsum diem pertinentes.

*ID 4. 63J cf +D 15 c 3 end, Palea*

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<sup>52</sup> sic inc. \*CaMgPfTb; *om.* Tc

<sup>53</sup> etc add. Tc, *om.* \*CaMgPfTb

<sup>54</sup> in Domino MgPfTbTc; *om.* Ca

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[*Quos libros, <sup>1</sup> quos auctores sancta recipiat ecclesia*]<sup>2</sup>. *Ex decretis Gelasii pape*<sup>3</sup>

<sup>4</sup> Sancta Romana ecclesia, post illas veteris vel<sup>5</sup> novi testamenti quas regulariter suscipimus<sup>6</sup>, etiam has suscipi non prohibet<sup>7</sup> scripturas, Sanctam sinodum Nicenam CCCXVIII patrum, mediante maximo Constantino augusto, in qua Arius hereticus<sup>8</sup> condempnatus est, sanctam sinodum Constantinopolitanam, mediante Theodosio seniore augusto, in qua Macedonius<sup>9</sup> hereticus debitam dampnationem exceptit<sup>10</sup>, sanctam sinodum Ephesinam<sup>11</sup>, in qua Nestorius dampnatus est, cum consensu beatissimi<sup>12</sup> Celestini pape, mediante Cirillo Alexandrine sedis antistite et Archadio episcopo ab Italia destinato, sanctam sinodum Chalcedonensem, mediante Martiano<sup>13</sup> augusto, et Anatolino Constantinopolitano episcopo, in qua Nestoriana<sup>14</sup> et Eutichiana heresis simul cum Dioscoro eiusque complicibus dampnate sunt. Sed et si qua sunt concilia<sup>15</sup> a sanctis patribus hactenus instituta preter istorum quatuor

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<sup>1</sup> et add. Tc, *om.* AdCaMgPfVm

<sup>2</sup> Quos – s. rec. (rec. s. Mq) eccl. in mg. BePfTc, *in text* CaLeMqVo(*adding* De libris autenticis et apocrifis lxl)Vp(*which adds* De libris autenticis); Quos libros - susc. s. eccl. Ad *in text*; De libris autenticis et apocrifis. Quos – rec. ecclesia (eccl. rec. Vm) *in text* MgVm; Que scripture recipi debeant et que non *in mg.* Rb<sup>3</sup>; De libris autenticis et apocrifis ex decreto Gelasii. Quos libros auctores sancta recipiat ecclesia *in text* Sf; De libris autenticis et apocrifis *in text* \*OaPhPtTb, *in mg.* Ad<sup>2</sup>; De libris autenticis et apocrifis ex decreto Gelasii *in text* Pk

<sup>3</sup> See prev. note for Sf

<sup>4</sup> Cum add. Oa

<sup>5</sup> vel \*BeCaMgOa ; et PfTbTc

<sup>6</sup> -ipimus \*CaMgPfTb; -epimus Tc

<sup>7</sup> non prohibet CaMgPfTb; iubet [? and over erasure] Tc

<sup>8</sup> Ar. her. \*CaMgPfTb; her. Ar. Tc

<sup>9</sup> Macedonius \*CaPfTc; Mazedonius Mg; Nic<h>edonius Tb

<sup>10</sup> exc- \*CaPfTb; acc- MgTc

<sup>11</sup> -inam \*CaMgPfTb; -ianam Tc

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

<sup>13</sup> Martiano \*CaPfTbTc; Martiniano Mg

<sup>14</sup> -iana CaMgPfTb; -ia Tc

<sup>15</sup> sunt conc. \*MgPfTc; conc. Ca; conc. sunt Tb

auctoritatem, et custodienda et recipienda decrevimus. Iam nunc subiciendum<sup>16</sup> de opusculis sanctorum patrum que in ecclesia catholica recipiuntur: Opuscula beati Cipriani martiris et Carthaginensis episcopi, item, opuscula beati Gregorii Nazanzeni episcopi, item, opuscula beati Basili Capadoceni episcopi, item, opuscula beati Athanasii<sup>17</sup> Alexandrini episcopi, item, opuscula beati Iohannis Constantinopolitani episcopi, item, opuscula beati Theophili Alexandrini episcopi, item, opuscula<sup>18</sup> beati Cirilli Alexandrini episcopi<sup>19</sup>, item<sup>20</sup>, opuscula beati Hilarii Pictavensis episcopi, item<sup>21</sup>, opuscula beati Ambrosii Mediolanensis episcopi, item<sup>22</sup>, opuscula beati Augustini Ypponensis episcopi, item<sup>23</sup>, opuscula beati Ieronimi presbiteri, item<sup>24</sup>, opuscula beati<sup>25</sup> Prospere viri religiosissimi<sup>26</sup>, item<sup>27</sup>, epistola<sup>28</sup> beati Leonis pape ad Flavianum Constantinopolitanum episcopum destinata, cuius textum si quispiam usque<sup>29</sup> ad<sup>30</sup> unum iota disputaverit, et non eam in omnibus venerabiliter receperit<sup>31</sup>, anathema sit. Item, opuscula atque<sup>32</sup> tractatus omnium patrum orthodoxorum qui in nullo a sancte Romane ecclesie consortio deviarunt<sup>33</sup>, nec ab eius fideli<sup>34</sup> predicatione seiuncti sunt, sed ipsius communionis per<sup>35</sup> gratiam<sup>36</sup> Dei usque ad ultimum diem vite sue fuere participes, legendos decernimus<sup>37</sup>. Item, decretales epistole quas beatissimi pape diversis temporibus ab urbe Roma pro diversorum patrum consolatione dederunt venerabiliter suscipiende sunt. Item, gesta sanctorum martirum que multiplicibus<sup>38</sup>

<sup>16</sup> est add. CaMgPfTc, om. \*Tb

<sup>17</sup> Athanasii CaMgPfTc; Anastasii Tb

<sup>18</sup> item opuscula \*CaMgTb; Item Tc; opuscula Pf

<sup>19</sup> Alex. ep. PfTb; ep. Alex. MgTc; ep. Ca; item opuscula beati Cir. Alex. ep. om. Be; Item op. b. Hier. presb. Item op. b. Prosp. viri rel. add. here from below Tb

<sup>20</sup> item \*CaMgTbTc; om. Pf

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

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

<sup>23</sup> item \*CaMgTbTc; om. Pf

<sup>24</sup> item \*CaMgTbTc; om. Pf

<sup>25</sup> beati \*CaPfTbTc; om. Mg

<sup>26</sup> viri rel. \*CaMgPfTb; rel. viri Tc; Ambr. and Prosp. before Hilarius Tb

<sup>27</sup> item \*CaMgTc; om. Pf

<sup>28</sup> epistola \*MgPfTc; opuscula CaTb

<sup>29</sup> ss Tb

<sup>30</sup> ad \*CaMgPfTb; om. Tc

<sup>31</sup> rec- \*MgPfTb; acc- Tc; susceperit Ca

<sup>32</sup> atque \*CaMgPfTb; et Tc

<sup>33</sup> deviarunt \*CaPfTb; deviaverunt MgTc

<sup>34</sup> fideli \*CaMgPfTb; fidei Tc

<sup>35</sup> per \*Pf<sup>2</sup>Tc; om. CaMgPfTb

<sup>36</sup> gratiam \*CaPfTbTc; gratia Mg

<sup>37</sup> decernimus \*CaMgTb; decrevimus PfTc

<sup>38</sup> que multiplicibus \*CaMgTb; que multipliciter Pf; qui multiplicibus Tc

tormentorum cruciatibus et mirabilibus confessionum triumphis irradient. Quis ista<sup>39</sup> esse catholica dubitet et maiora eos in agonibus fuisse perppersos, nec suis viribus sed Dei gratia et adiutorio<sup>40</sup>, universa tolerasse, sed ideo<sup>41</sup> secundum antiquam auctoritatem vel consuetudinem<sup>42</sup> singulari cautela in sancta<sup>43</sup> Romana ecclesia non leguntur, quia et eorum qui scripsere<sup>44</sup> nomina penitus ignorantur, et ab infidelibus aut dictis superflua aut minus apta quam rei ordo fuerit scripta esse putantur. Sicut<sup>45</sup> cuiusdam Cirici et Iulitte, sicut Georgii aliorumque huiusmodi passiones que ab hereticis perhibentur conscripte<sup>46</sup>, propter quod, ut dictum est, ne vel levis subsannandi<sup>47</sup> oriretur occasio, in sancta Romana ecclesia non leguntur. Nos tamen cum predicta ecclesia omnes martyres et eorum gloriosos agones, qui Deo magis quam hominibus noti sunt, omni devotione veneremur<sup>48</sup>. Item, vitas patrum Pauli, Antonii, Hilarionis et omnium heremitarum quas tamen<sup>49</sup> vir beatissimus scripsit Hieronimus<sup>50</sup>, cum omni honore suscipimus<sup>51</sup>. Item, actus beati Silvestri apostolice sedis<sup>52</sup> presulis, licet eius qui scripsit nomen ignoremus<sup>53</sup>, a multis tamen in urbe Roma catholicis legi cognovimus, et pro antiquo usu multe hec imitantur ecclesie. Item, scriptura de inventione crucis dominice<sup>54</sup>, et alia scriptura de inventione capitis beati<sup>55</sup> Iohannis Baptiste, novelle quidem revelationes sunt, et nonnulli eas catholici legunt. Sed cum hec ad catholicorum manus advenerint<sup>56</sup>, beati Pauli apostoli<sup>57</sup> precedat sententia, Omnia probate, quod bonum est tenete. Item, Rufinus vir religiosus plurimos ecclesiastici operis edidit libros<sup>58</sup>, nonnullas autem<sup>59</sup> scripturas

<sup>39</sup> ista CaMgTc; ita Pf; enim ita Tb

<sup>40</sup> -orio \*CaMgPfTb; -oria Tc

<sup>41</sup> ideo \*CaMgTb; iam Pf; ideo iam Tc

<sup>42</sup> ant. auct. vel cons. (in add. Tb) \*CaPfTb; ant. cons. vel auct. Tc; auct. ant. vel cons. Mg

<sup>43</sup> sancta \*CaMgPfTb; sacra Tc

<sup>44</sup> scrips- \*TbTc; prescrips- CaMgPf; prescripserunt Be

<sup>45</sup> et add. Tc, om. \*CaMgPfTb

<sup>46</sup> consc- \*CaMgPfTc; sc- Tb

<sup>47</sup> subsannandi \*CaMgPfTb; subsanni Tc

<sup>48</sup> -emur CaPfTb; -amur MgTc

<sup>49</sup> tamen \*MgPfTbTc; tantum Ca

<sup>50</sup> scr. Ier. \*PfTbTc; Ier. scr. CaMg

<sup>51</sup> -ipimus CaMgPfTc; -epimus Tb

<sup>52</sup> ap. sedis \*CaMgTbTc; sedis ap. Pf

<sup>53</sup> licet eius qui scr. nom. ign. (ignoramus Mg) CaMgPf; licet nom. ign. eius qui scr. Tb; licet eius qui scr. ign. nom. Tc

<sup>54</sup> crucis dom. CaMgPfTc; sancte crucis Tb

<sup>55</sup> beati \*TbTc; om. CaMgPf

<sup>56</sup> adven- \*MgPf; perven- CaTb; ven- Tc

<sup>57</sup> apostoli \*CaMgTb; om. PfTc

<sup>58</sup> op. ed. lib. Ca<sup>2</sup>MgPfTb; ed. op. lib. Ca; op. lib. ed. Tc

<sup>59</sup> autem \*CaPfTbTc; aliter Mg

interpretatus est. Sed quoniam beatissimus Ieronimus in aliquibus eum de arbitrii libertate<sup>60</sup> notavit, illa sentimus que predictum beatum<sup>61</sup> Ieronimum sentire cognoscimus. Et non solum de Rufino sed etiam de universis quos vir<sup>62</sup> sepius memoratus<sup>63</sup> zelo Dei et fidei religione reprehendit. Item, Origenis nonnulla opuscula que vir beatissimus<sup>64</sup> Ieronimus non repudiat, legenda suscipimus<sup>65</sup>. Reliqua autem omnia cum auctore suo dicimus esse renuenda<sup>66</sup>. Item, chronica<sup>67</sup> Eusebii Cesariensis atque eiusdem historie ecclesiastice libros, quamvis in<sup>68</sup> primo narrationis sue libro tepuerit, et post in laudibus atque excusatione Origenis schismatici unum conscripserit<sup>69</sup> librum, propter rerum tamen<sup>70</sup> singularem notitiam<sup>71</sup> que ad instructionem pertinet, usquequaque non dicimus renuendos<sup>72</sup>. Item, Orosium<sup>73</sup> virum<sup>74</sup> eruditissimum collaudamus, quia valde nobis necessaria adversus paganorum calumpnias<sup>75</sup> ordinavit, miraque<sup>76</sup> brevitate contexit. Item, venerabilis viri Sedulii paschale opus quod heroicis descriptsit versibus, insigni laude proferimus. Item, Iuvenci<sup>77</sup> nihilominus laboriosum opus non spernimus, sed miramur. Ceterum<sup>78</sup> que ab hereticis<sup>79</sup> conscripta<sup>80</sup> vel predicta<sup>81</sup> sunt, nullatenus recipit<sup>82</sup> catholica et apostolica Romana ecclesia. E quibus pauca que ad memoriam venerint, et a catholicis vitanda sunt, credimus esse subdenda<sup>83</sup>.

*ID 4.64] +D 15 c 3a, pt as Palea*

<sup>60</sup> libertate \*MgPfTbTc; voluntate Ca

<sup>61</sup> pred. beat. PfTb; beat. Tc; beat. pred. CaMg

<sup>62</sup> vir \*MgPfTbTc; ubi Ca

<sup>63</sup> sepius memoratus CaMgPfTc; beatissimus Tb

<sup>64</sup> beat. \*CaMgPfTb; religiosissimus Tc

<sup>65</sup> suscipimus \*CaMgPfTb; suscepimus Tc

<sup>66</sup> renuenda \*CaMgPfTb; removenda Tc

<sup>67</sup> Cronia Tc

<sup>68</sup> in \*CaMgPfTb; *om.* Tc

<sup>69</sup> conscripserit \*CaMgPf; scripserit Tb; conscriptsit Tc

<sup>70</sup> tamen \*CaMgTbTc; tantum Pf

<sup>71</sup> sing. not. \*CaMgPfTc; not. sing. Tb

<sup>72</sup> renuendos \*CaMgPfTb; esse removendos Tc

<sup>73</sup> -osium \*CaPfTbTc; -osum Mg

<sup>74</sup> religiosissimum et *add.* Tc, *om.*\*CaMgPfTb

<sup>75</sup> calumpnias \*CaMgPfTc; insidias Tb

<sup>76</sup> miraque \*CaMgPfTb; mirataque Tc

<sup>77</sup> Iuvenci \*CaMgPfTc; Vincentii Tb

<sup>78</sup> -erum \*CaMgPfTb; -era Tc

<sup>79</sup> vel scismaticis *add.* MgTc, *om.* \*BeCaPfTb

<sup>80</sup> conscripta \*CaMgPfTb; scripta Tc

<sup>81</sup> predicta CaMgPfTb; predicata Tc

<sup>82</sup> recipit \*CaMgPfTc; recipiat ecclesia Tb

<sup>83</sup> in tertio folio Ariminensem synod. et cetera *add.* ss Eg

## 92

<sup>1</sup>*Cassiodorus in prologo tripartite historie*<sup>2</sup>

Historia ecclesiastica<sup>3</sup> que a cunctis<sup>4</sup> Christianis valde necessaria comprobatur a tribus Grecis auctoribus mirabiliter constat esse conscripta<sup>5</sup>, uno scilicet Theodorico<sup>6</sup> venerabiili episcopo<sup>7</sup>, et duobus disertissimis viris Sozomeno et Socrate, quos nos per Epiphanium scholasticum Latino condentes eloquio, necessarium duximus eorum dicta deflorata in unius stili tractatu, Domino iuvante, perducere<sup>8</sup>, et de tribus auctoribus unam facere dictionem<sup>9</sup>. Item, legat intrepidus qui Domino iuvante ad opuscula pervenerit<sup>10</sup>, multum utilitatis et notitie lucraturus<sup>11</sup> si que posita sunt per hos duodecim libros memorie sue sollicita mente condiderit<sup>12</sup>.

*ID 4. 143]*

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<sup>1</sup> De eodem *add. in mg.* Ca

<sup>2</sup> Cassiodorus *after* historie Pt; Ixli *add. Vo*

<sup>3</sup> Historia ecclesiastica AdMgPfTbVmVo; Historiam ecclesiasticam CaOaTc

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

<sup>5</sup> conscripta AdBeMgPfRbTbVo; conscriptam Ca; composita Oa; scriptam TcVp; scripta Vm

<sup>6</sup> -ico CaMgPfTb; -ito Tc

<sup>7</sup> ven. ep. \*CaMgPfTb; *om.* Tc

<sup>8</sup> perd- \*CaMgPfTb; prod- Tc

<sup>9</sup> dictionem AdBeCaMg<sup>2</sup>Tb; distinctionem PfTc; dilectionem Mg

<sup>10</sup> perv- CaMgPf; pervenit Tb; ven- Tc

<sup>11</sup> lucraturus \*AdCaMgPfVm; lucratus Tb; lucrabitur Tc

<sup>12</sup> condiderit CaPfTbTcVm; crediderit Mg

## 93

<sup>1</sup>*Augustinus ad Prosperum*<sup>2</sup> et<sup>3</sup> *Hilarium de vita sanctorum*

Non debuit repudiari<sup>4</sup> sententia libri Sapientie, qui meruit in ecclesia Christi de gradu lectorum<sup>5</sup> ecclesie Christi tam longa annositate<sup>6</sup> recitari, et ab omnibus Christianis, ab<sup>7</sup> episcopis usque ad extremos laicos fideles, penitentes, catechumenos cum veneratione divine auctoritatis audiri. Item. Qui sententiis tractatorum instrui voluit, oportet ut istum librum Sapientie, ubi legitur, Raptus est ne malitia mutaret<sup>8</sup> intellectum illius, omnibus tractatoribus anteponant<sup>9</sup>, quoniam sic eum anteposuerunt

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<sup>1</sup> Ixli *add. Vo*

<sup>2</sup> Probum Pt

<sup>3</sup> ex Vp

<sup>4</sup> deb. rep.] rep. deb. Ad

<sup>5</sup> lect- \*CaMgPfTb; elect- Tc

<sup>6</sup> recitate *add.* Tc, *om.* \*CaMgPfTb

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

<sup>8</sup> mutaret \*CaMgPfTc; mutet Tb

<sup>9</sup> tractatoribus anteponant (-nat Ca) \*CaMgPfTb; tractatibus anteposuerunt Tc

etiam temporibus proximis apostolorum egregii tractatores, qui eum testem adhibentes nihil se adhibere nisi divinum testimonium crediderunt. Item<sup>10</sup>. Liber Sapientie qui tanta numerositate annorum legi meruit in ecclesia Christi nullam pati debet iniuriam, quoniam resistit eis qui pro meritis hominum<sup>11</sup> falluntur.

*ID 4. 228]*

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<sup>10</sup> Item \*CaMgPfTc; *om.* Tb

<sup>11</sup> hominum \*MgPfTbTc; hominis Ca

## 94

*Augustinus<sup>1</sup> de doctrina Christiana, libro II<sup>2</sup>*

Quod<sup>3</sup> Eusebius<sup>4</sup> fecit de temporum historia propter divinorum librorum questiones, que usum eius flagitant, suscipimus.

*ID 4. 82]*

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<sup>1</sup> Aug. \*AdCaMgTbTc; Item Pf

<sup>2</sup> II] VII Ixlii Vo

<sup>3</sup> Que Rb

<sup>4</sup> quam *add.* Ph

## 95

*Isidorus, Etimologiarum<sup>1</sup> libro VI<sup>2</sup>, cap. vii<sup>3</sup>*

Ieronimus atque Gennadius ecclesiasticos scriptores<sup>4</sup> toto orbe querentes ordine prosecuti<sup>5</sup> sunt, eorumque studia in uno voluminis indiculo<sup>6</sup> comprehenderunt.

*ID 4. 89]*

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<sup>1</sup> in *add.* Ad

<sup>2</sup> *om.* Pt

<sup>3</sup> vii \*AdBeMgPfTc; vi Ca; ?? Tb; iii Vm; libro VII Ixliii Vo; cap. vii *om.* Vp

<sup>4</sup> atque – script. *in mg.* Vo<sup>2</sup>

<sup>5</sup> pros- \*PfTb; pers- AdCaMgMqTcVm; consecuti Be

<sup>6</sup> indiculo \*AdCaMgTbTc; opusculo Pf

## 96

*Beda super Actus apostolorum<sup>1</sup>*

Dionisius Ariopagita episcopus ordinatus<sup>2</sup> Corinthiorum<sup>3</sup> rexit ecclesiam gloriose, multaque ad utilitatem ecclesie pertinentia, que hactenus manent<sup>4</sup> ingenii sui volumina<sup>5</sup> reliquit, cognomen a loco cui preerat accipiens<sup>6</sup> Ariopagus.

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<sup>1</sup> Ares, virtus, Arius, Mars, pagus villa, Ariopagus id est villa Martis, quia rexit scolas Ixliii *add.* Vo;

<sup>2</sup> Po has Ares – ibi r... scol' *in mg.*, partly *illeg. in gutter*

<sup>2</sup> -atus \*CaMgTbTc; -atur Pf

*ID 4. 90]*

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<sup>3</sup> Corinth. AdCaMgPfTbTc; Athenensium *over erasure* Vm

<sup>4</sup> et *add.* PfTb, *om.* \*CaMgTc

<sup>5</sup> volumina \*CaMgPfTc; monumenta Tb

<sup>6</sup> a loco cui pr. acc. \*AdPfTbTc; acc. a loco cui pr. CaMg

## 97

### *Gregorius in Dialogo, libro II<sup>1</sup>*

Benedictus scripsit monachorum regulam, discretione precipuam, sermone luculentam.

*ID 4. 91]*

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<sup>1</sup> Dial. libro ii] libro Dialogorum Oa; Dialogo ii Vp. lxxv *add.* Vo

## 98

### *Ex Libro pontificali<sup>1</sup>*

Gelasius<sup>2</sup> fecit libros quinque adversus Nestorium et Eutichen<sup>3</sup>, fecit<sup>4</sup> et tractatus in<sup>5</sup> modum Ambrosii<sup>6</sup>. Item, libros duos adversus Arium<sup>7</sup>. Fecit autem et sacramentorum prefationes et orationes cauto sermone, et epistolas fidei de limato<sup>8</sup> sermone multas.

*ID 4.94]*

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<sup>1</sup> Ex - pont. *om.* Cc; *in text with Lib'* pontificali *in mg.* Lm. Greg' *add.* Vo

<sup>2</sup> Gelasius \*BdBeCaCcDbLdLfLgLjLmMgMqOaOePfPhPtSITbTcVaVmVpBrant; vel Pelagius *add.* Bd<sup>2</sup>; Pelagius AdCbObOdOfVo; 'P' *add. in mg.* Mg<sup>2</sup>

<sup>3</sup> -cen \*BeCbCcLdLjLmTbTc; -cem AdCaLfMgPf

<sup>4</sup> fecit \*CaCbCcLdLfLjLmMgPfTb; *om.* Tc

<sup>5</sup> in \*CaMgPfTc; ad Tb

<sup>6</sup> *suppl in mg.* Lf<sup>2</sup>

<sup>7</sup> Arium \*CaMgPfTbTc; adversarium Cc

<sup>8</sup> de limato AdCaCbCcLdLfLjLmMgPfTb; eliminato RbSITc

## 99

### *Gregorius episcopus<sup>1</sup> servus servorum Dei Secundino episcopo<sup>2</sup>*

Inter sacra missarum solemnia, ex his que diebus certis in ecclesia hac legi ex more solent sancti evangelii<sup>3</sup> lectiones exposui quadraginta<sup>4</sup>, et quarundam quidem

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<sup>1</sup> Greg. ep. \*AdMgMqPfTcVmVo; Ep. Greg. Ca; Gr. BePhSfTb

<sup>2</sup> ep- CaSfTbTcVmVo; coop- BeMgMqOaPfVp; Sec. ep. *om.* Ad

<sup>3</sup> sol. sancti ev. \*MqPfTbTc; sancti ev. sol. CaMg; sol. ev. sancti Vo

<sup>4</sup> exp. quad. \*CaMgPfTc; quad. sollerter exp. Tb

dictata expositio assistenti plebi est recitata per notarium: quarundam<sup>5</sup> vero explanationem<sup>6</sup> coram populo ipse locutus sum, atque, ut loquebar, excepta<sup>7</sup> est. Item. Easdem omelias eo quo<sup>8</sup> dicte<sup>9</sup> sunt ordine in duobus codicibus ponere curavi, et priores quidem viginti que dicte sunt, et posteriores totidem.

*ID 4. 97-8]*

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<sup>5</sup> quar- \*CaPfTbTc; quor- Mg

<sup>6</sup> -onem \*CaMgPfTc; -ones Tb

<sup>7</sup> excepta \*CaMgPfTbTc; excerpta Tc<sup>2</sup>

<sup>8</sup> quo \*CaMgTb; quod PfTc

<sup>9</sup> dicte \*CaMgTbTc; ficte Pf

## [100]<sup>1</sup>

Quod dicitis neque Sardicense concilium, neque decreta alia nos<sup>2</sup> habere sanctorum patrum<sup>3</sup> vel recipere, non facile nobis facultas credendi tribuitur, maxime cum Sardicense concilium quod penes vos in vestris regionibus actum est<sup>4</sup>, omnis ecclesia recipit; qua ratione conveniat<sup>5</sup> ut hec sancta Constantinopoli ecclesia abiceret<sup>6</sup>, et, ut dictum est, non reciperet?

*ID 4. 135, cf below c. 117b] +D 16 c 14*

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<sup>1</sup> in Brant; om.

AaAbAcAdBaBdBeCaCbCcDaDbEaEgFcGcHaKaLaLbLcLdLeLfLgLhLjLkLmLnMfMgMhMjMkMmMnMoMqOaObOcOdOeOfOgPaPbPcPdPfPgPhPjPkPmPnPoPpPqPrPsPtPuPwPxQaQbQeRaRbRfSdSeSgSgSkSITcTdTeTgVaVbVcVdVeVgVhVjVkVmVmVoVpVqVtWaWbWcWdWeZa

<sup>2</sup> decreta alia nos Brant; decretalia vos *ID*

<sup>3</sup> sanctorum patrum Brant; pontificum sacrorum *ID*

<sup>4</sup> et add. *ID*

<sup>5</sup> -iat Brant; -erit *ID*

<sup>6</sup> ab- Brant, *ID*; ob- Migne

## 101

*Agatho papa omnibus episcopis<sup>1</sup>*

Sic omnes apostolice sedis sanctiones accipiente sunt tanquam ipsius divini<sup>2</sup> Petri<sup>3</sup> voce firmate.

*ID 4.238] D 19 c 2*

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<sup>1</sup> Gesta v. synodi die iii add. Vm (cf c 102)

<sup>2</sup> ipsius divini \*BeCaMgPfTbVo; ipse divine Oa; divina Rb; ipsius divina Tc

<sup>3</sup> Petri \*Tc; P. AdMgPfPhSfVmVp; precepta Ca; precepti BeTb; potestate Mq; patris Pt; om. Oa

## 102

*Gesta quinte<sup>1</sup> sinodi, die iii<sup>2</sup>*

Sequimur<sup>3</sup> per omnia<sup>4</sup> sanctos patres et doctores Ecclesie, Athanasium, Hilarium, Basilium, Gregorium theologum<sup>5</sup> et<sup>6</sup> Gregorium Nisenum<sup>7</sup>, Ambrosium, Augustinum, Theophilum, Iohannem Constantinopolitanum, Cirillum, Leonem, Proculum, et suscipimus omnia que de recta fide et condempnatione hereticorum exposuerunt. Suscipimus autem et alios sanctos et<sup>8</sup> orthodoxos patres qui in sancta Dei ecclesia rectam fidem irreprehensibiliter usque in finem sue vite<sup>9</sup> predicaverunt.

*ID 4. 99J*

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<sup>1</sup> vere PtVp

<sup>2</sup> iii \*BeCaOaPfTbTcVo; iiii MgPt; no inscr. Vm (cf c 101)

<sup>3</sup> Seq. AdMgPfPtRbTbTcVm; [ ]equimur Ca; Loquimur Oa

<sup>4</sup> per omn. *after* patres, *but marked for moving* Tb

<sup>5</sup> theologum AdCaPfTc; theologum Mg; t<h>eologum Tb

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

<sup>7</sup> Nisenum CaMgTbTc; Nazanenum Pf

<sup>8</sup> et MgPfTbTc; *om.* Ca

<sup>9</sup> sue vite CaMgPf; vite sue BeOaRbTbTcVo

## 103

*Ex Libro diurno<sup>2</sup>. Professio<sup>3</sup> Romani pontificis<sup>4</sup>*

Sancta octo universalia concilia, id est<sup>5</sup> Nicenum<sup>6</sup>, Constantinopolitanum<sup>7</sup>, Ephesinum primum<sup>8</sup>, Chalcedonense quintum et sextum; item Constantinopolitanum<sup>9</sup> et<sup>10</sup> septimum, Item<sup>11</sup> Nicenum octavum quoque constanter<sup>12</sup> usque ad unum apicem immutilata servare<sup>13</sup>, et pari honore et veneratione digna<sup>14</sup> habere, et que<sup>15</sup>

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<sup>1</sup> Que concilia sunt autentica *add. in mg.* Ca

<sup>2</sup> diurno \*BeCaOaTbVm; divino MgPfPtTcVo; Ex – diurno *om.* Ad

<sup>3</sup> Professio \*TbTcVm; Professione BeLeMgOaPfVp; Professionum Ca; De confessione Pt

<sup>4</sup> Romani pontificis \*CaMgPfPtTb; pont. R. Be; Greg' pontificis LeMq; pontificis Oa; Romanorum pontificorum Tc. Prof. Rom. pont. *om.* Ad

<sup>5</sup> id est Tb; .i. CaPfTc; primum Mg

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

<sup>7</sup> Constantinopolitanum MgPfTbTc; Constantinopolis Ca. tertium *add.* Mg, *om.* CaPfTc

<sup>8</sup> primum CaPfTbTc; quartum Mg

<sup>9</sup> -anum CaMgPf; -ana Tb; -op' Tc

<sup>10</sup> et CaMgTb; ? Pf; Item Tc

<sup>11</sup> Item \*MgTbVm; tunc AdPf; *om.* CaTc

<sup>12</sup> constanter AdMgPfTb; Constantinopol' Tc; Constantinum Ca

<sup>13</sup> -are \*CaMgPfTb; -ire Tc

<sup>14</sup> est *add.* Tb, *om.* \*CaMgPfTc

<sup>15</sup> que \*CaMgPfTb; quecumque Tc; quam Vo

predicaverunt<sup>16</sup> et statuerunt omnibus modis sequi et predicare, quecunque  
condempnaverunt ore et<sup>17</sup> corde condempnare profiteor.

*ID 4. 132] D 16 c 8*

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<sup>16</sup> predicaverunt BeCaMqOaTcVo; preiudicaverunt MgPfTbVm

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

## 104

*<sup>1</sup>De quatuor conciliis principalibus<sup>2</sup>. In proemio canonum<sup>3</sup>*

Canones generalium conciliorum a temporibus Constantini imperatoris  
ceperunt. Inter cetera autem concilia, quatuor constat esse venerabiles sinodos, que  
totam principaliter fidem complectuntur quasi<sup>4</sup> quatuor evangelia, ut<sup>5</sup> totidem paradisi  
flumina. Harum prima<sup>6</sup> Nicena sinodus CCCXVIII<sup>7</sup> episcoporum Constantino augusto  
imperante peracta est, in qua Ariane perfidie condempnata est blasphemia, quam de  
inequalitate sancte Trinitatis idem Arius Alexandrinus presbiter asserebat.

Consubstantiale Deo Patri Deum Filium eadem sancta sinodus diffinivit. Hec  
sinodus acta est temporibus Silvestri pape Romani, Macharii Iherosolimitani episcopi,  
Alexandri Alexandrini<sup>8</sup>. De hac autem sinodo Leo papa in epistola ad Anatolium  
Constantinopolitanum episcopum sic ait, Nulla sibimet de multiplicatione  
congregationis sinodalia concilia blandiantur, neque CCC illis X et VIII<sup>9</sup> episcopis  
quantumlibet copiosior numerus sacerdotum vel comparare se audeat vel preferre,  
cum tanto divinitus privilegio Nicena sit sinodus<sup>10</sup> consecrata ut sive per pauciores  
sive per plures ecclesiastica indicia<sup>11</sup> celebrentur, omni penitus auctoritate sit vacuum,  
quicquid ab illorum fuerit constitutione diversum. Beatus quoque Ambrosius hoc  
Nicenum concilium in libro de Trinitate his verbis in immensum<sup>12</sup> effert, De conciliis  
id potissimum sequitur<sup>13</sup> quod CCCX et VIII<sup>14</sup> sacerdotes tanquam Abrahe lecti<sup>15</sup>

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<sup>1</sup> Que concilia sint autentica *add in mg.* BeCaLjLkPf, *in mg and text Ad, in text MqSfVo*, Que concilia  
de quatuor – canonum (*first rubr.*) Que concilia sint autentica (*second rubr.*) Vm

<sup>2</sup> conc. princ. CaMgPfTc; princ. conc. PhTb

<sup>3</sup> De – canonum *in mg.* Ad<sup>3</sup>

<sup>4</sup> quasi CaMgPfTb; *om.* Tc

<sup>5</sup> ut CaMgPfTb; vel Tc

<sup>6</sup> prima OaTc; i CaMgPf; una PhTb

<sup>7</sup> CCCX et VIII OaPfTc; CCX et VIII CaMg; CCCXVIII Tb; CCC et XVIII Vm

<sup>8</sup> episcopi *add.* Tc, *om.* CaMgPfTb

<sup>9</sup> X et VIII CaMgPf; XVIII TcTb

<sup>10</sup> sit sin. CaMgPfTc; sin. sit congregata vel PhTb

<sup>11</sup> indicia Pf; Tc *obscurely altered*; iudicia CaMgTb

<sup>12</sup> in immensum CaTbTc; inimmensum MgPf

<sup>13</sup> -uitur CaPf; -uimur MgTc; sequar PhTb

iudicio consona fidei virtute victores velut tropheum, toto orbe subactis perfidis extulerunt, ut mihi videatur hoc esse divinum quod eodem numero in conciliis habeamus oraculum quod in historia pietatis exemplum<sup>16</sup>.

*4 L 4. 1a] D 15 c 1 begins so, but is widely var.*

<sup>14</sup> X et VIII CaPf; XVIII MgTb; et XVIII Tc

<sup>15</sup> lecti MgPfTbTc; electi Ca

<sup>16</sup> est add. Tc, om. CaMgPfTb

## 105

*Zepherinus<sup>1</sup> papa<sup>2</sup> episcopis per Siciliam*

Sexaginta apostoli sententias prefixerunt<sup>3</sup> cum aliis quamplurimis episcopis et servandas censuerunt.

*ID 4.107b; D 16 c 2*

<sup>1</sup> Zepherinus \*AdCaMgPfTb; Severinus Tc

<sup>2</sup> omnibus add. Tc, om. \*CaMgPfTb

<sup>3</sup> prefixerunt \*OaPfRbTbTcVo; prescriperunt Ad(*obscurely altered*)CaMg

## 106

*Athanasius Alexandrinus Marco pape<sup>1</sup>*

Septuaginta<sup>2</sup> Niceni concilii capitula que de prefata sinodo iubente domino meo<sup>3</sup> Alexandro decreto omnium episcoporum attuli quia<sup>4</sup> sunt igne combusta optamus ut a sancte<sup>5</sup> sedis ecclesie vestre auctoritate percipere per presentes legatos mereamur. Item. Presentibus nobis octoginta in memorata sinodo capitula tractata sunt, scilicet quadraginta a Grecis Greca edita lingua<sup>6</sup>, et quadraginta a Latinis similiter Latina edita lingua<sup>7</sup>; sed visum est CCCX et<sup>8</sup> VIII episcopis in predicto<sup>9</sup> Sancto Spiritu repletis concilio congregatis<sup>10</sup> et maxime iam dicto Alejandro et apostolice sedis apocrisiariis, ut decem capitula adunarentur aliis, atque congruis locis insererentur, et ad formam septuaginta discipulorum vel totius orbis terre linguarum

<sup>1</sup> insc. in text, BeCaOaPtQeSfWd, with no break AdBeLeMgMqPhQeRbSITbVoVpWc; Athan. Alex. and no break Pk

<sup>2</sup> om. Pk

<sup>3</sup> meo \*CaMgPfTb; nostro Tc

<sup>4</sup> quia \*CaMgPfTb; que Tc

<sup>5</sup> sancte CaMgPfTb; sacre Tc

<sup>6</sup> Greca ed. ling. \*AdPfTbTc; ed. Greca ling. Mg; ed. ling. Greca Ca

<sup>7</sup> et xl a Lat. similiter Latina ed. ling. BeTbVmVp; et xl Latinis similiter edita lingua Latina Ca; et a Latinis totidem Mg; om. AdPfVo; et XL a Latinis - lingua Tc

<sup>8</sup> et CaMgPf; om. TbTc

<sup>9</sup> concilio add. Tc, om. CaMgPfTb

septuaginta tanti<sup>11</sup> et tam excellentis concilii fierent capitula, que omnem Christianorum informarent orbem.

*ID 4. 108J*

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

<sup>11</sup> tanti \*MgPfTbTc; tanta Ca

## 107

*Stephanus Liuthobio<sup>1</sup> Magontino episcopo, cap. xx*

Viginti in ecclesia tantum<sup>2</sup> sancta Romana habentur<sup>3</sup>, sed quo neglectu<sup>4</sup> reliqua defecerint<sup>5</sup> ambiguum est. Arbitrantur enim<sup>6</sup> plurimi ea Antiocheno inserta concilio.

*ID 4. 232b] D 16 c 13*

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<sup>1</sup> Liuthobio BdBeMqPfPhSeVo; Luitumbio Ad; Leutherio CaTcVm; Liutobio (*corr. fr. -oio*) Mg; papa Leutobio Pt; Liutheberto Tb

<sup>2</sup> in eccl. tantum CaMgPfTc; tantum in eccl. SITb

<sup>3</sup> capitula *add.* Tc, *om.* \*CaMgPfTb

<sup>4</sup> neglectu \*CaMgPfTb; defectu Tc

<sup>5</sup> -erint \*CaMgPf; -erunt TbTc

<sup>6</sup> enim \*MqRbTbTcVm; *om.* AdBeCaMgPfVo

## 108

*[Idem]<sup>1</sup>*

Secunda<sup>2</sup> sinodus CL patrum sub<sup>3</sup> Theodosio seniore Constantinopoli<sup>4</sup> congregata est, que Macedonium Spiritum sanctum Deum esse negantem condempnans<sup>5</sup> consubstantiam Patri et Filio<sup>6</sup> Spiritum sanctum demonstravit<sup>7</sup>, dans<sup>8</sup> simboli formam quam tota Grecorum et Latinorum confessio<sup>9</sup> in ecclesiis predicat. Hec sinodus acta est temporibus Damasi pape Romani, Cirilli Ierosolimitani episcopi<sup>10</sup>, Nectarii<sup>11</sup> Constantinopolitani.

*4 L 4. Ib] D 15 c 1 med. to predictat*

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<sup>1</sup> Idem Tc; Stephanus Be; *om.* AdCaMgPfPtTbVm(*no break*)VoVp

<sup>2</sup> Sancta MqRb

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

<sup>4</sup> -oli Tc; -ol' AdCaPf; -olit' Mg; -olim Tb

<sup>5</sup> neg. con. CaMgPfTc; con. neg. Tb

<sup>6</sup> et Filio CaMgPfTc; Filium et Tb

<sup>7</sup> esse *add.* Tc, esse Deum *add.* Mg, *om.* CaPfTb

<sup>8</sup> latius *add.* Tc, *om.* CaMgPfTb

<sup>9</sup> *corr. fr.* concessio Ca<sup>2</sup>

<sup>10</sup> et *add.* Tc, *om.* CaMgPfTb

<sup>11</sup> Nectarii CaMqPfTbTc; Nestorii MgRb

**109***[Idem]<sup>l</sup>*

Tertia sinodus Ephesina<sup>2</sup> prima CC episcoporum sub iuniore Theodosio augusto edita est, que Nestorium duas personas in Christo asserentem iusto anathemate condempnavit, ostendens manere in duabus naturis unam Domini nostri Iesu Christi personam. Hec sinodus acta est temporibus Celestini pape Romani, Iuvenalis Constantinopolitani episcopi<sup>3</sup>, Cirilli Alexandrini.

*4 L 4. 1c] D 15 c 1 med. to personam*

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<sup>1</sup> Idem Tc; om. AdBeCaMgPfPtTbVmVoVp

<sup>2</sup> -sina CaMgPfTb; -siana Tc

<sup>3</sup> et add. Tc, om. CaMgPfTb

**110***[Idem]<sup>l</sup>*

Quarta sinodus Chalcedonensis DC<sup>2</sup> et XXX sacerdotum sub Martiano<sup>3</sup> principe habita est. In qua Eutichen Constantinopolitanum abbatem<sup>4</sup> Verbi Dei et carnis unam naturam pronuntiantem et eius defensorem Dioscorum quondam Alexandrinum episcopum, et ipsum rursum. Nestorium cum reliquis hereticis, una patrum sententia predampnavit, predicans eadem sinodus Christum Deum sic natum de Virgine ut in eo substantie et<sup>5</sup> divine et humane confiteamur naturam. Hec sinodus acta est temporibus Leonis pape Romani, Iuvenalis Ierosolimitani episcopi<sup>6</sup>, Anatholii Constantinopolitani<sup>7</sup>. He sunt quatuor<sup>8</sup> sinodi principales fidei naturam<sup>9</sup> plenissime continentes, sed et si que sunt concilia que sancti patres Spiritu Dei pleni sanxerunt, post istorum quatuor auctoritatem omni manent<sup>10</sup> stabilita vigore.

*4 L 4. 1d] D 15 c 1 med. to confiteamur naturam*

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<sup>1</sup> Idem Tc; om. AdBeCaMgPfPtTbVmVo

<sup>2</sup> DC] CC Vp

<sup>3</sup> Martiano MgPfTbTc; Martiniano Ca

<sup>4</sup> abbatem CaMgPfTb; erased in Tc

<sup>5</sup> et PfTb; om. CaMgTc

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

<sup>7</sup> episcopi add. Ca, om. MgPfTbTc

<sup>8</sup> sunt quatuor CaMgPfTc; quatuor sunt Tb

<sup>9</sup> naturam CaMgPfTb; doctrinam Tc

<sup>10</sup> -ent CaMgPfTb; -eant Tc

**111**

*Beda de temporibus, cap. dcxxxviii<sup>1</sup>*

Quinta Constantinopolim<sup>2</sup> temporibus Iulii pape sub Iustiniano principe contra Theodorum et omnes hereticos.

*ID 4.125 pt.] D 16 c 9 end*

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<sup>1</sup> dcxxxviii AdBdBeCaMgPhVm; de xxxviii MqSl; dc Pf; dcxxxvii Pt; dcxxxviii Tc; dcxxxiii SeWc;

dcxxxv Tb; de.c.xxxviii Vo

<sup>2</sup> -olim CaMgPf; -oli BeTbTcVm

**112**

*Beda de temporibus<sup>1</sup>*

Sinodus Aquileie facta ob imperitiam fidei quintum universale concilium suscipere diffidit<sup>2</sup>, donec salutaribus beati pape Sergii monitis instructa, et ipsa huic cum ceteris Christi ecclesiis annuere consentit.<sup>3</sup>

*ID 4.119]*

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<sup>1</sup> Beda de temporibus MqSeSfTb; Beda de temporibus cap. dcxxxviii repeated from c 111 Ad; Beda in eodem Be; Item de eodem Ca; om. MgPt; Idem Pf; Item Sl; Idem in eodem TcVmWc

<sup>2</sup> -idit \*CaMgPfTc; -init Tb

<sup>3</sup> -entit \*PfPhQeTbVm; -ensit BeCaMgSITcVo

**113**

*Beda de temporibus, cap. dcxxxviii<sup>1</sup>*

Sexta sinodus universalis Constantinopoli<sup>2</sup> celebrata est et Greco sermone conscripta temporibus pape Agathonis, exequente ac<sup>3</sup> residente piissimo<sup>4</sup> principe Constantino intra palatium suum, simulque legatis apostolice sedis et episcopis CL residentibus.

*ID 4.125a] D 16 c 9a*

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<sup>1</sup> Beda de temporibus cap. dcxxxviii (de xxxviii Mq, de.c.xxx.viii Vo) BeCaMgMqQeSeSITbVo; Beda de temp. Ad; De temp. prefato cap. Pf; Beda libro Pt; Idem in eodem cap. dcxxxviii (viii om. Tc) TcVmWc

<sup>2</sup> -oli \*BePfTbTc; -olim CaMg

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

<sup>4</sup> et clementissimo add. Tb, om. \*CaMgPfTc

**114<sup>1</sup>**

*Ex Libro pontificali<sup>2</sup>*

Leo<sup>3</sup> iunior<sup>4</sup> suscepit sanctam sextam sinodum<sup>5</sup> que per Dei providentiam nuper<sup>6</sup> regia urbe celebrata est Greco eloquio scripta, exequente ac residente piissimo ac<sup>7</sup> clementissimo magno<sup>8</sup> principe Constantino.

*ID 4.124b]*

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<sup>1</sup> after c 116 VmWd

<sup>2</sup> pontificali \*AdCaMgPfTbVo; pontificum Tc

<sup>3</sup> Nec Oa

<sup>4</sup> minor Sl

<sup>5</sup> sext. sin. \*CaMgPfTc; sin. sext. Tb

<sup>6</sup> in add. Tc, om. CaMgPfTb

<sup>7</sup> ac \*TbTc; et CaMgPf

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

**115**

*In prologo historie Anastasii bibliotecarii Romane<sup>1</sup> ecclesie*

Sufficere arbitror ad preconium Theophanii chronographi<sup>2</sup>, quod a sede approbatus sit apostolica<sup>3</sup>, quando scilicet vicarii eius una cum CCCL patribus in Nicena urbe secundo convenientes universalem sinodum celebrarunt. Siquidem et<sup>4</sup> laus eius in eodem septimo sancto concilio reperitur.

*ID 4.129]*

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<sup>1</sup> om. Be

<sup>2</sup> -graphi \*MgPfTbTc; -fragi Ca

<sup>3</sup> approb. sit apost. \*BeOaTcVm; approbatus apost. AdCaMgRbVoVp; approbatur apost. Pf; approb.

apost. sit SfTb

<sup>4</sup> et \*CaMgOaTbTc; om. Pf

**116**

*Adriani pape<sup>1</sup> ad Carolum, cap. xxv<sup>2</sup>*

Ipsam septimam sinodum suscepimus, nam si eam minime recepissemus, ad suum pristinum vomitum erroris fuissent reversi Greci, qui pro tot<sup>3</sup> millibus animarum Christianorum interitu habemus reddere rationem.

*ID 4.128]*

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<sup>1</sup> Adriani pape AdCaMgOaSf; Adrianus papa BePfTcVmVo; Arriani pape PhTb

<sup>2</sup> xxv AdMgPfTbTc; xv Ca

<sup>3</sup> pro tot \*MgPfTbTc; propter Ca

## 117

*Sexta sinodus, cap. ii<sup>1</sup>*

Confirmamus sanctorum patrum canones et sinodos, id est Nicenam, Antiochenam, Neocesariensem<sup>2</sup>, Grangensem, Antiochenam, Laodicensem, Constantinopolim<sup>3</sup>, Ephesinam, Chalcedonensem, Sardicensem<sup>4</sup> et Carthaginensem, et opuscula Theodosii Alexandrini<sup>5</sup> episcopi, et Dionisii Alexandrini episcopi et<sup>6</sup> martiris, et Gregorii thaumasturgi Neocesariensis episcopi<sup>7</sup>, Athanasii Alexandrini episcopi<sup>8</sup>, Basilii Cesarie Cappadocie episcopi, Gregorii Niseni<sup>9</sup> episcopi, Gregorii theologi<sup>10</sup>, Amphilocii Biconiensis<sup>11</sup> episcopi, Timothei Alexandrini episcopi, Cirilli Alexandrini episcopi, Germani Constantinopolitani episcopi, Cipriani Carthaginensis episcopi et sinodum suam.

*ID 4.134] D 16 c 7b*

*Nicholas<sup>12</sup> Photio*

Quod dicitis neque Sardicense concilium neque decretalia vos<sup>13</sup> habere pontificum<sup>14</sup> sanctorum vel recipere, non facile nobis facultas credendi tribuitur<sup>15</sup>, maxime cum Sardicense concilium quod penes vos in vestris regionibus actum est et omnis ecclesia recipit, qua ratione convenerit ut hec sancta Constantinopolitana ecclesia abiceret<sup>16</sup> et<sup>17</sup>, ut dictum est, non retineret?

*ID 4.135; cf above, 2.100] +D 16 c 14*

<sup>1</sup> ii MgOaPfTbTc; i Ad; Sexta – ii *om.* Vo

<sup>2</sup> Neoces- \*CaPfTbTc; Necces- Mg

<sup>3</sup> pol' MgPfTbTc; -polim Ca

<sup>4</sup> -icensem \*MgPfTc; -iensem Ca; -iocensem Tb

<sup>5</sup> Alex. \*MgPfTbTc; *om.* Ca

<sup>6</sup> Dion. Al. ep. et CaPfTc; *om.* Mg

<sup>7</sup> corr. fr. ep. Neoc. Ca<sup>2</sup>

<sup>8</sup> et Dionisii Alex. - Alex. episcopi *om.* Tb, *in* Ca(Mg)PfTc; martiris et Gregorii thaum. – episcopi *in* mg. Mq<sup>2</sup>

<sup>9</sup> Niseni \*CaMgPfTb; Miseni Tc

<sup>10</sup> -ogi \*CaPf; -ogii MgTb; -ogi episcopi Tc

<sup>11</sup> Biconiensis CaMgPfVo; Bichonensis Oa; Biconensis Tb; Hiconiensis Tc

<sup>12</sup> Nich. \*AdBdCaMgOaQeTbTcWc; Nichil MqPfVm. AdBdCaLeMgMqOaPfPhQeSfTbVmWc *with no break*; Nici *with no break* Wd. RbSIVoVp *have neither break nor insc.*

<sup>13</sup> vos \*CaMgTc; nos OaPfPhQeSITbVo

<sup>14</sup> nostrorum *add.* Tb, *om.* \*CaMgPfTc

<sup>15</sup> fac. cred. trib. \*CaMgPfTb; cred. trib. fac. Tc

<sup>16</sup> abiceret \*CaMgPfTb; reciparet Tc

<sup>17</sup> *add.* Tc<sup>2</sup>

## 118

*Quod in ecclesiasticis iudiciis auctoritas canonum<sup>1</sup> et decreta Romanorum pontificum preferenda sint<sup>2</sup> dictis Augustini, Ieronimi<sup>3</sup> et aliorum<sup>4</sup>. Leo IV episcopis Britannie<sup>5</sup>*

De libellis et commentariis aliorum non convenit aliquos iudicare et sanctorum conciliorum canones relinquere vel decretalium regulas, id est que habentur apud nos simul cum canone, in illis<sup>6</sup> et quibus in<sup>7</sup> omnibus ecclesiasticis utimur iudiciis, id est, apostolorum, Nicenorum, Anciranorum, Neocesariensium, Grangrensum, Antiocensum, Laodicensum, Calcedonensum, Sardicensum<sup>8</sup>, Carthaginensum, Affricensum, et cum illis regule presulum Romanorum Silvestri, Sirici, Innocentii, Zosimi, Celestini, Leonis, Gelasii, Hilarii, Simachi, Simplicii, Ormisde et Gregorii iunioris. Isti omnino sunt et<sup>9</sup> per quos iudicant episcopi, et per quos episcopi simul et clerici iudicantur. Nam si tale emerserit vel contingenter inusitatum negotium quod minime possit<sup>10</sup> per istos finiri, tunc si<sup>11</sup> illorum quorum meministis dicta<sup>12</sup> Ieronimi, Augustini, Ysidori, vel ceterorum similiter sanctorum doctorum<sup>13</sup> similium<sup>14</sup> reperta fuerint, magnanimiter sunt retinenda ac promulganda, vel ad apostolicam sedem referatur de talibus. Quam ob causam luculentius et magna voce pronuntiare non timeo quia qui illa que diximus sanctorum patrum statuta<sup>15</sup>, que apud nos canones pretitulantur, sive sit episcopus, sive<sup>16</sup> clericus, vel<sup>17</sup> laicus indifferenter<sup>18</sup> receperit<sup>19</sup>, ipse convincitur nec catholicam et apostolicam fidem nec sancta vera Christi quatuor evangelia utiliter et efficaciter ad effectum suum retinere vel credere.

*ID 4.72] D 20 c 1*

<sup>1</sup> auct. can. AdBeCaCcMgPfTbTc; can. auct. FcOe

<sup>2</sup> sint BeCaTc; sunt AdFcMgOePfTb

<sup>3</sup> Aug. Ier. CaCcFcMgOePfTb; Ier. Aug. Tc

<sup>4</sup> *Rubric in text here CaMgPfPh, as distinct cap. 117A CcFcOeTb, in mg. AdBeObTc, as end of c 117 MqOdSIVoWc, om. PkPtRbSfVmVp*

<sup>5</sup> Leo – Brit. om. Ad; Leo papa episcopis Britannie Ixii Pt

<sup>6</sup> can. in illis \*CaPfTbTc; illis in can. Mg

<sup>7</sup> in \*MgTc; om. CaPfTb

<sup>8</sup> Calc. Sard. CaMgTb; Sard. Calc. PfTc;

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

<sup>10</sup> minime possit \*CaMgPfTb; non queat Tc

<sup>11</sup> si \*Tb; om. CaMgPfTc

<sup>12</sup> quor. mem. dicta \*CaMgPfTc; dicta quor. mem. Tb

<sup>13</sup> sim sanct. doct. CaMgPf; sim. doct. sanct. Tb; sanct. sim. doct. Tc

<sup>14</sup> si add. CaMgTc, om. \*PfTb

<sup>15</sup> statuta \*CaMgPfTb; instituta Tc

<sup>16</sup> sive \*MgTbTc; sive sit Ca; vel Pf

<sup>17</sup> vel MgPfTb; sive sit Ca; sive Tc

<sup>18</sup> non add. Tc, om. CaMgPfTb

<sup>19</sup> et add. Mg, om. \*CaPfTbTc

**119**

*Augustinus ad Ieronimum, epistola viii<sup>1</sup>*

Ego solis eis scripturarum libris qui iam canonici<sup>2</sup> appellantur didici hunc timorem honoremque referre, ut nullum eorum auctorem scribendo errasse aliquid firmissime credam. Aut si aliquid in eis<sup>3</sup> offendero quod videatur contrarium veritati, nihil aliud quam vel mendosum esse codicem, vel non esse assecutum interpretem quod dictum est, vel minime intellexisse non ambigam . Alios autem ita lego, ut quantalibet<sup>4</sup> sanctitate doctrinaque polleant, non ideo verum putem, quia ipsi ita senserunt, sed quia<sup>5</sup> mihi vel per illos auctores et canonicas vel probabiles rationes, quod a vero non abhorreat persuadere<sup>6</sup> potuerunt.

*ID 4.74] D 9 c 5*

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<sup>1</sup> lxiii add. Pt

<sup>2</sup> -ici \*MgPfTbTc; -icis Ca

<sup>3</sup> al. in eis CaMgPfTb; in eis al. Tc

<sup>4</sup> quantalibet \*CaMgTbTc; quantumlibet Pf

<sup>5</sup> sed quia \*AdBeCaTcVp; scilicet quia PfTbVmVo; si qua Mg

<sup>6</sup> non add. Rb

**120**

*Augustinus in<sup>1</sup> prologo libri III<sup>2</sup> de Trinitate*

Noli<sup>3</sup> meis litteris quasi scripturis canonicis inservire, sed in illis et quod non credebas cum inveneris, incunctanter crede. In istis autem et quod certum<sup>4</sup> non habebas nisi certum intellexeris, noli firme retinere<sup>5</sup>.

*ID 4.71] D 9 c 3*

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<sup>1</sup> libro add. and canc. Ca

<sup>2</sup> IIII Vo

<sup>3</sup> corr. fr. Soli Ca

<sup>4</sup> et add. Ca, om. \*MgPfTbTc

<sup>5</sup> retinere AdBeMgOaPfRbTbVmVo; tenere CaTcVp

**121**

*Epistola prima Augustini<sup>1</sup> ad Ieronimum*

Mihi<sup>2</sup> videtur exitiosissime credi aliquid in sacris libris esse mendacium, id est eos homines per quos nobis illa scriptura ministrata est atque conscripta, aliquid in

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<sup>1</sup> (Ex add. Pt) Epistola prima (prioris Vo) Aug. \*(but as inscr. to ID 4.215)AdCaMgPtTbTcVmVo; Eiusdem epistola Pf; Epistola una. Augustinus ad Ier. Sf

<sup>2</sup> Nichil Pk

suis libris fuisse mentitos<sup>3</sup>. Alia questio est utrum scriptorem sacrarum scripturarum mentiri oportuerit, immo non alia sed nulla questio est.

*ID 4.216a]*

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<sup>3</sup> fuisse ment. \*CaMgOaTbTc; ment. fuisse Pf; ideo (*for id est*) – esse mentitos *in mg.* Vo<sup>2</sup>

## 122

[*Que concilia sunt respuenda, et que scripta<sup>1</sup> apocrifa?*]<sup>2</sup>. Ex Libro pontificum<sup>3</sup>  
 Sergii pape temporibus, Iustinianus<sup>4</sup> imperator<sup>5</sup> concilium<sup>6</sup> in regia urbe fieri iussit. In quo et legati sedis apostolice convenerunt<sup>7</sup>, et decepti subscripserunt<sup>8</sup>. Compellebat<sup>9</sup> autem et ipsum subscribere sed nullatenus acquievit, pro eo quod quedam capitula extra ritum ecclesiasticum fuerant in eis annexa.

*ID 4.79a]*

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<sup>1</sup> que scr.] scripta sunt Ad; que scripta sint Mq

<sup>2</sup> Que conc. sunt (sint Sf) - apocrifa PfSf; *in mg.* AdBeLh<sup>2</sup>; *as end of c* 121 Mq; *om.* Mg(*cf c* 123)OaPtTbTcVmVoVp; Que sunt respuenda et que scripta sunt apocripha *in mg.* Ca

<sup>3</sup> -ali PtVp

<sup>4</sup> corr. fr. Iustianus CaMg

<sup>5</sup> Iust. imp. \*CaMgTbTc; imp. Iust. Pf

<sup>6</sup> concilium \*BeCa<sup>2</sup>MgPfTb; *om.* CaTc; *superscr. after* urbe Tc<sup>2</sup>

<sup>7</sup> coven- Pf

<sup>8</sup> corr. fr. consc- Ca<sup>2</sup>

<sup>9</sup> -ebat \*BeMgPfTbVo; -ebant CaTc

## 123

<sup>1</sup> *De notitia librorum apocriforum qui a sanctis patribus<sup>2</sup> dampnati sunt eterna dampnatione<sup>3</sup>*

<sup>4</sup> Ariminensem<sup>5</sup> sinodum a Constantino cesare Constantini filio congregatam, mediante Tauro prefecto, extunc<sup>6</sup> et in eternum confitemur esse dampnatam<sup>7</sup>. Item. Itinerarium nomine Petri apostoli quod appellatur sancti Clementis libri<sup>8</sup> octo apocriphi<sup>9</sup>. Actus nomine Andree apostoli apocriphi<sup>10</sup>. Actus nomine Thome apostoli

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<sup>1</sup> De apocrifis. *in mg.* Pf, Que concilia sint respuenda et que scripta sint apocrifa *in mg.* Mg

<sup>2</sup> patribus \*AdMqPfTbTcVm; *om.* CaMg

<sup>3</sup> eterna dampnatione \*AdCaMgTbTcVmVo; *om.* BeMqPf.Wc. De – dampn. *in mg.* Lh<sup>2</sup>. De notitia apociforum librorum Pt. *No rubric* Ph

<sup>4</sup> Rb *text adds at beginning:* Ceterum que ab hereticis vel scismaticis scripta vel predicata sunt nullatenus recipit sancta et apostolica Romana ecclesia. [ ] je quibus pauca que ad memoriam venerint, et a catholicis vitanda sunt credimus esse subdenda. In primis

<sup>5</sup> Arim- \*BeCaMgPfTbVm; Primi- Vq; Erim- Tc

<sup>6</sup> et nunc add. Tc, *om.* \*CaMgPfTb

<sup>7</sup> conf. ess damp. \*CaMgPfTc; damp. esse conf. Tb

<sup>8</sup> libri \*CaMgTbTc; librorum Pf

<sup>9</sup> -cryphi \*CaMgTbTc; -cryphum Pf

apocriphi. Actus nomine Petri apostoli apocriphi. Actus nomine Philippi apostoli<sup>11</sup> apocriphi. Evangelia Thadei nomine apocripha. Evangelia nomine Barnabe apostoli<sup>12</sup> apocripha. Evangelia<sup>13</sup> Thome apostoli quibus Manichei utuntur apocripha.<sup>14</sup> Evangelia nomine Bartholomei apostoli apocripha. Evangelia nomine Andree apostoli apocripha. Evangelia que falsavit Lucianus aprocrica. Evangelia que falsavit Ycius, apocripha<sup>15</sup>. Liber de infantia Salvatoris apocriphus. Liber de nativitate Salvatoris et<sup>16</sup> de sancta Maria, vel de<sup>17</sup> obstetricie Salvatoris apocriphus. Liber qui appellatur Pastoris<sup>18</sup> apocriphus. Libri omnes quos fecit Leutius<sup>19</sup> discipulus diaboli apocriphi. Liber qui appellatur fundamentum apocriphus<sup>20</sup>. Liber qui appellatur thesaurus, apocriphus. Liber qui est de filiabus Ade vel<sup>21</sup> Genesis apocriphus. Centimetrum de Christo Virgilianis<sup>22</sup> compaginatum versibus<sup>23</sup> apocriphum. Liber qui appellatur Actus Thecle et Pauli apocriphus. Liber qui appellatur Nepotis apocriphus. Liber proverbiorum ab hereticis conscriptus et sancti Sixti nomine signatus, apocriphus. Revelatio que appellatur Pauli apocripha. Revelatio que appellatur Thome apostoli<sup>24</sup> apocripha. Revelatio que appellatur Stephani apocripha. Liber qui appellatur Transitus sancte Marie apocriphus. Liber qui appellatur<sup>25</sup> penitentia Adam<sup>26</sup> apocriphus. Liber Diogie nomine<sup>27</sup> gigantis, qui post diluvium cum dracone ab hereticis pugnasse perhibetur, apocriphus<sup>28</sup>. Liber qui appellatur Testamentum Iob apocriphus. Liber qui appellatur penitentia Origenis apocriphus. Liber qui appellatur penitentia Cipriani apocriphus<sup>29</sup>. Liber qui appellatur<sup>30</sup> Iamne et Mambre apocriphus. Liber qui

<sup>10</sup> -iphi MgPfTc; apoc' Ca; -iphum Tb

<sup>11</sup> Phil. ap. \*CaMgTc; ap. Phil. Pf; Phil. Tb

<sup>12</sup> nom. Barn. ap. CaPfTbTc; Barn. ap. nom. Mg

<sup>13</sup> nomine add. CaMfMgMhMjMkMmPtRaTb, om. \*PfTc

<sup>14</sup> (apoc. quibus man. utuntur Mk) Evangelia nomine Petri apostoli aprocifa add. Mg, om.

\*BeCaMfMhMjMkMmMoPfPtRaTbTcVo. Evangelia nomine Barnabe – utuntur apocr. om. Oa.

<sup>15</sup> Evan. que fals. Yc. apoc. \*CaMgPfTb; om. Tc

<sup>16</sup> et CaMgPf; apoc' . Liber Tb; ap' Tc

<sup>17</sup> vel de CaMgPf; et de Tb; et Tc

<sup>18</sup> Pastoris \*CaMgPfTb; De pastore Tc

<sup>19</sup> Leutius \*CaPfTc; Leuticius Mg; Lucius Tb

<sup>20</sup> Lib. qui app. fund. ap. here \*CaMgPfTb; before the Acts of Thecla and Paul in Tc

<sup>21</sup> Adel add. Mg, om. \*CaPfTbTc

<sup>22</sup> Virgilianis \*CaMgTc; virginalibus Pf; virginale Tb

<sup>23</sup> comp. vers. \*CaMgPfTb; vers. comp. Tc

<sup>24</sup> apostoli CaMgPfTc; om. Tb

<sup>25</sup> appellatur \*CaTbTc; vocatur Pf; appellantur Mg

<sup>26</sup> Adam \*CaMgPfTc; Ade Tb

<sup>27</sup> Diogie nomine CaMgPf; Dioge nomine Tb; Diogenoe Tc

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

<sup>29</sup> Liber qui appellatur penitentiam Orienis – Cipriani apoc. in mg. Mq<sup>2</sup>

<sup>30</sup> penitentia add. Tc, om. \*CaMgPfTb

appellatur Sors apostolorum apocriphus. Liber Iusan<sup>31</sup> apocriphus. Canonum liber<sup>32</sup> apostolorum apocriphus<sup>33</sup>. Liber<sup>34</sup> Phisiologus ab hereticis conscriptus et beati Ambrosii nomine presignatus<sup>35</sup> apocriphus<sup>36</sup>. Historia Eusebii Pamphili apocripha. Opuscula Tertulliani<sup>37</sup> sive Africani apocripha. Opuscula Postumiani<sup>38</sup> et Galli apocripha. Opuscula Montani et Priscille et Maximille apocripha. Omnia opuscula<sup>39</sup> Fausti<sup>40</sup> Manichei apocripha. Opuscula alterius Clementis<sup>41</sup> Alexandrini apocripha. Opuscula Cassiani presbiteri Galliarum apocripha<sup>42</sup>. Opuscula Victorini Pictavensis apocripha. Opuscula Fausti Reginensis Galliarum apocripha.<sup>43</sup> Opuscula Frumentii<sup>44</sup> apocripha<sup>45</sup>. Epistola Iesus ad Abagarum<sup>46</sup> apocripha.<sup>47</sup> Passio Cirici et Iulitte apocripha. Passio Georgii<sup>48</sup> apocripha. Scripta que appellantur<sup>49</sup> Salomonis contradictio<sup>50</sup> apocripha. Philacteria omnia que non ab angelo ut illi configunt sed magis a demone conscripta sunt apocripha.

Hec et his<sup>51</sup> similia que Simon Magus, Nicolaus, Cherintus<sup>52</sup>, Marcion, Basilides, Ebion, Paulus etiam Samosatenus<sup>53</sup>, Photinus et Bonosus qui simili errore defecerunt, Montanus quoque cum suis obscenissimis sequacibus Apollinaris, Valentinus sive Manicheus, Faustus, Sabellius, Arius, Macedonius, Eunomius, Novatus<sup>54</sup>, Sabbatius<sup>55</sup>, Calixtus, Donatus, et Eustachius, Iubianus<sup>56</sup>, Pelagius,

<sup>31</sup> Iusan TcPt; Iusa apostoli MgRa

<sup>32</sup> Can. liber Tc; Liber canones DbMgRa; Liber canonum MkMmMoRaVm Brant

<sup>33</sup> Liber Iusan (*Susanna Migne*) - apost. apoc. \*MgMoRamg.TcBrant; Liber Iusan apoc. before Historia Eusebii below Pt; om. BeCaDbLgObOdOeOfPfSgSITbVaVo

<sup>34</sup> qui appellatur add. Tc, om. \*CaMgPfTb

<sup>35</sup> presign- \*CaMgPfTb; sign- Tc

<sup>36</sup> Liber Lusan add. Oe

<sup>37</sup> Tertulliani CaMgTbTc; Tertullinii Pf

<sup>38</sup> Postumiani \* MgPfTbTc<sup>2</sup>; Postulamiani Ca

<sup>39</sup> Omnia op. \*CaMgPfTc; Op. omnia Tb

<sup>40</sup> et add. Tc, om. CaMgPfTb

<sup>41</sup> alt. Clem. \*CaMgPfTc; Clem. alt. Tb

<sup>42</sup> Opus. Frumentii ap. here Tb

<sup>43</sup> Op. Victorini - Galliarum apoc. \*CaMgPfTb; om. Tc

<sup>44</sup> Frum- \*CaMgPfTb; Furm- Tc

<sup>45</sup> op. Fr. ap. after *Cassian* above Tb

<sup>46</sup> Abagarum CaMg; Gabarum Be; Agabarum PfTc; Abgarum TbVo; et Abagari ad Ihesum add. Vo

<sup>47</sup> Epistola Abagari ad Iesum apoc. add. MfMgMhMoRaTc; om.

\*BeCaLgMjMkMmObOdOeOfPfPtSITbWc

<sup>48</sup> martiris add. Tb, om. \*CaMgPfTc

<sup>49</sup> Scripta que appellantur CaMgPfTc; Scriptura que appellatur Tb

<sup>50</sup> contradictio \*CaMgPfTc; condicatio Tb

<sup>51</sup> his \*CaPfTbTc; illis Mg

<sup>52</sup> Cherintus \*CaMgPfTb; Corinthus Tc

<sup>53</sup> -satenus MgPfTb; -satanus Ca; -saheus Tc

<sup>54</sup> -atus \*CaMgPfTb; -atius Tc

<sup>55</sup> Sabbatius MgPf; Sabacius Ca; Sabastius Tb; Sabatheius Tc

<sup>56</sup> Iubianus BeCaTb; Nibinianus Mg; Iulianus Pf; Nubianus SlVo; Iovinianus Tc

Iulianus et Laciensis Celestinus<sup>57</sup>, Maximianus, Priscillianus<sup>58</sup> ab Hispania, Lapedius<sup>59</sup>, Dioscorus, Euticius<sup>60</sup>, Petrus<sup>61</sup> et alias Petrus, e quibus unus Alexandriam, alias Antiochiam maculavit, Achatius Constantinopolitanus cum consortibus<sup>62</sup> suis, nec non et omnes hereses quas ipsi eorumque discipuli sive<sup>63</sup> schismatici docuerunt vel conscripserunt, quorum nomina minime retinemus, non solum repudiata, verum etiam<sup>64</sup> ab<sup>65</sup> omni<sup>66</sup> catholica et<sup>67</sup> Romana ecclesia eliminata, atque cum suis auctoribus auctorumque<sup>68</sup> sequacibus sub anathematis indissolubili vinculo in eternum confitemur esse dampnata<sup>69</sup>.

*ID 4.65] +D 15 c 3 med, Palea*

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<sup>57</sup> et add. Ca, om. \*MgPfTbTc

<sup>58</sup> -lianus \*TbTc; -lanus CaMgPf

<sup>59</sup> -edius \*CaMgPfTc; -ideus Tb

<sup>60</sup> -icius \*CaMgPfTc; -ius Tb

<sup>61</sup> Petrus \*CaMgPfTc; om. Tb

<sup>62</sup> consort- \*CaMgTbTc; sort- Pf

<sup>63</sup> sive \*CaMgPfTb; atque Tc

<sup>64</sup> verum etiam \*PfTbTc; sed CaMg

<sup>65</sup> ab \*CaMgPfTb; om. Tc

<sup>66</sup> etiam add. CaMg, om. \*PfTbTc

<sup>67</sup> et MgPfTbTc; om. \*Ca

<sup>68</sup> auct- auct- \*CaMgPfTc; act- act- Tb

<sup>69</sup> dampnata \*CaMgPfTb; dampnanda Tc

## 124

*Leo IX<sup>1</sup> contra epistolam Nicete<sup>2</sup> abbatis de monasterio Studii<sup>3</sup>*

Clementis librum<sup>4</sup>, id est Petri apostoli<sup>5</sup> Itinerarium et canones apostolorum numerarunt<sup>6</sup> sancti patres inter apocripha, exceptis capitulis quinquaginta que decreverunt regulis orthodoxie adiungenda.

*ID 4.105] D 16 c 3*

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<sup>1</sup> IX \*AdBeCaMgPfTbVm; II TcVo

<sup>2</sup> Nicete \*AdBeCaMg<sup>2</sup>PfTbVm; Niceni Tc; Nicene Mg

<sup>3</sup> de monasterio Studii AdCaMgPfVm; om. Tb; de monasterii studio Tc

<sup>4</sup> Clem. lib. \*AdCaMgPfTb; Clem. pape lib. Cc; Lib. Clem. Tc

<sup>5</sup> apostoli \*CcMgPfTbTc; om. Ca

<sup>6</sup> numerarunt \*CaMgMqRbTb; nunciarunt (vel numeraverunt ss) Ad; numerant Be; numeraverunt Mq<sup>2</sup>PfTcVo; numeravere Vp

## 125

<sup>1</sup>*Sexta sinodus*,<sup>2</sup> cap. ii

Placuit huic sancte sinodo ut<sup>3</sup> amodo confirmata et rata sint canonum apostolorum LXXXV capitula.

*ID 4.106] D 16 c 4a*

*Epistola Isidori in capite canonum<sup>4</sup>*

Isidorus mercator<sup>5</sup> servus Christi, lectori<sup>6</sup> conservo suo. Propter eorum auctoritatem<sup>7</sup> ceteris conciliis<sup>8</sup> preposuimus canones qui dicuntur apostolorum, licet a quibusdam apocriphi dicantur, quoniam populares eos<sup>9</sup> recipiunt, et sancti patres eorum sententias sinodali auctoritate roboraverunt, et inter canonicas posuerunt constitutiones. Item. Primus ordo, ut predictum est, de celebrando concilio insertus habetur, et postmodum canonum apostolorum<sup>10</sup>, ac primorum apostolicorum<sup>11</sup>, id est a sancto<sup>12</sup> Clemente usque ad sanctum Silvestrum, decretorum atque diversorum conciliorum breviarium interpolatum<sup>13</sup> sequens ordinem suum.

*ID 4.107] D 16 c 4b*

<sup>1</sup> Continues without break from c 124 AdCaLeMqPfSeVmVp(no insc.)Wd

<sup>2</sup> synodo add. Vo

<sup>3</sup> ut \*EgMgPfTbTc; aut Ca

<sup>4</sup> Ep. (om. Le) - can. om. Se; in text, but run on from c 125a AdLeMqSIVmVoWcWd

<sup>5</sup> mercator AdBeCaCcEg(later canc.) MgSeTbVmVoWc; peccator Pf; vel peccator ss Se; om. Tc

<sup>6</sup> proprium add superscr. Tc

<sup>7</sup> auctoritatem \*BeTbVmVp; infirmitatem AdCaCcMqPfSIVoWc; infirmitatem vel auctoritatem (vel auct. ss Ld) LdMg; firmitatem Tc

<sup>8</sup> conc- \*CaMgPfTc; cons- Tb

<sup>9</sup> populares eos CaMgPf(vel plures add. ss.)Tb; eos plures Tc

<sup>10</sup> apostolorum \*Ad(over erasure and repeated in mg.)MgPfTbTc; om. Ca

<sup>11</sup> -olicorum \*PfTc; -olorum CaMgTb; ac prim. ap. om. Rb

<sup>12</sup> Rb ends

<sup>13</sup> -atum CaMgPfTb; -atur Tc

## 126

*Adrianus<sup>1</sup> papa ad Carolum, cap. xvii<sup>2</sup>*

Vite patrum sine probabilibus auctoribus<sup>3</sup> minime in ecclesia legantur. Nam<sup>4</sup> ab orthodoxis<sup>5</sup> titulate<sup>6</sup> et<sup>7</sup> suscipiuntur et leguntur. Magis enim passiones sanctorum<sup>8</sup>

<sup>1</sup> Arrianus PhSfTb

<sup>2</sup> xvii AdCaMgPfTbTc; xviii Vm; cap. xvii om. Vo

<sup>3</sup> auctoribus \*AdBeCaMgPfSeVo<sup>2</sup>; actoribus Oa; auctoritatibus TbTc; auctores Vo

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

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

<sup>6</sup> -late \*MgPfTbTc; -lete Ca

martirum sacri canones censem ut liceat eas etiam in ecclesia legi cum anniversarii dies eorum celebrantur.

*ID 4.141]*

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<sup>7</sup> et \*CaMgPfTc; *om.* Tb

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

## 127

*Augustinus contra Faustum, libro II, cap. ii*

Legunt scripturas apocriphas Manichei, nescio<sup>1</sup> quibus sutoribus<sup>2</sup> fabularum sub apostolorum nomine scriptas, ut que suorum scriptorum temporibus in auctoritate sancte ecclesie recipi mererentur, si sancti homines et iusti et docti, qui tunc in hac vita erant et<sup>3</sup> examinare<sup>4</sup> talia poterant, eos vera locutos esse<sup>5</sup> cognoscerent<sup>6</sup>. Ibi tamen legunt apostolum<sup>7</sup> Thomam, cum esset in quodam<sup>8</sup> nuptiarum convivio peregrinus et prorsus incognitus, a quodam ministro palma percussum<sup>9</sup>, imprecatum fuisse homini continuam sevamque vindictam. Nam cum egressus fuisset<sup>10</sup> ad fontem ut inde aquam convivantibus ministraret, eum leo rugiens interemit, manumque eius qua caput apostoli levi ictu percusserat, a corpore evulsam<sup>11</sup>, secundum vocem eiusdem apostoli id optantis atque imprecantis, canis intulit mensis<sup>12</sup> in quibus ipse discumbebat apostolus.

*ID 4.151a]*

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<sup>1</sup> a add. AdCaMg, *om.* \*OaPfTbTc

<sup>2</sup> sutoribus \*AdBeCaOaPfPhQeSITb; scriptoribus MgTcVp; autoribus Vm; corr. fr. factoribus to fectoribus Vo

<sup>3</sup> et \*CaMgTb; *om.* PfTc

<sup>4</sup> -are \*CaMgTc; -ari PfTb

<sup>5</sup> esse \*CaMgPfTc; *om.* Tb

<sup>6</sup> obscurely corr. Pf

<sup>7</sup> apost. \*CaMgPfTc; *om.* Tb

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

<sup>9</sup> et add. Tc, *om.* \*CaMgPfTb

<sup>10</sup> fuisset \*CaMgPfTb; esset Tc

<sup>11</sup> evul- CaPfTbTc; avul- Mg

<sup>12</sup> int. mens. \*AdCaMgOaTb; mens. int. PfTc

**128***Item<sup>1</sup>, cap. *iiii*<sup>2</sup>*

Quod beata Maria patrem habuerit<sup>3</sup> ex tribu Levi sacerdotem<sup>4</sup> quemdam<sup>5</sup> nomine Ioachim canonicum non est.

*ID 4.151b]*<sup>1</sup> Item \*AdCaMgPfTb; Augustinus Ea; Idem Tc<sup>2</sup> cap. *iiii* \*AdPfTbTcVm(*treating insc. as text run on from c 127*)VoWd; cap. secundo CaMg; *om.* Ea<sup>3</sup> -uerit \*CaMgPfTc; -uit Tb<sup>4</sup> -otem \*MgPfTbTc; -otum Ca<sup>5</sup> hominem *add.* Ca, *om.* \*AdEaMgOaPfTbTc**129***Ieronimus<sup>1</sup> ad Letam<sup>2</sup>, De institutione filie<sup>3</sup>*

Caveat omnia apocripha et si quando ea<sup>4</sup> non ad dogmatum veritatem sed ad signorum reverentiam legere voluerit, sciat non eorum esse quorum titulis<sup>5</sup> prenotantur<sup>6</sup>, multaque in his admixta vitiosa et grandis esse prudentie aurum in luto querere.

*ID 4.155]*<sup>1</sup> Gr' Pt<sup>2</sup> Letam \*AdBeCaMgPfTbVm; Oletam Sf; Athletam Tc; Aletam Vo<sup>3</sup> filiorum Pt. Ieronimus *only* Ea<sup>4</sup> ea \*CaMgTbTc; *om.* Pf<sup>5</sup> -ulis PfTbVmVo; -uli AdBeMgTc; -ulus Ca<sup>6</sup> -antur \*MgPfTbTc; -atur Ca**130***[Quod episcopi non debeant legere libros gentilium<sup>1</sup>].<sup>2</sup> Concilium IIII Cartaginense,**cap. ix<sup>3</sup>*

Episcopus<sup>4</sup> gentilium libros non legat hereticorum, autem<sup>5</sup> pro necessitate et<sup>6</sup> tempore.

*ID 4.160] D 37 c 1*<sup>1</sup> leg. lib. gent. (gentium Vm) BePfVm; lib. gent. leg. AdMgSfTc; gent. lib. leg. Ca; lib. leg. gent. Mq<sup>2</sup> in mg. AdBeCaMgPfTc, in text MqSfVm; Quod episcopus non debeat legere libro gentilium Ea (*no inscr.*); Non debere gentilium episcopos legere libros Vo; *om.* OaPtTbVp<sup>3</sup> ix LeOaTbVm; ii AdCaTcVo; xx Be; ??Pf; viii Mg; xi Sf<sup>4</sup> Christus Lc<sup>5</sup> autem \*BeEaMgTbTc; aut AdCaLeOaVmVo; nisi Pf<sup>6</sup> et \*AdEaPfTbVmVo; aut pro BeCcTc; aut MgOa; vel pro Ca

## 131

*<sup>1</sup>Ieronimus ad Damasum<sup>2</sup>, De prodigo filio<sup>3</sup>*

Sacerdotes Dei omissis evangeliis et prophetis videmus comedias legere, amatoria bucolicorum versuum verba cantare, tenere Virgilium, et id quod in<sup>4</sup> pueris necessitatis est, crimen in se facere voluptatis.

*ID 4.162] D 37 c 2*

<sup>1</sup> De eadem re *add.* Vo

<sup>2</sup> Ier. ad Dam. \*PfTbTcVm; Ier. ad Amadum Ad; Ad Dam. Ier. CaMg; Ieron' Ea; Ad Dam. Vp

<sup>3</sup> De prod. fil. \*AdMgPfTbTcVo(*adding, either here or against the previous canon, lxxxviii*)Vp; prod.

filio Be; De fil. prod. Ca; *om.* Ea

<sup>4</sup> in \*CaMgPfTc; *om.* Tb

## 132

*<sup>1</sup>Rabanus<sup>2</sup> de pressuris<sup>3</sup> ecclesiasticis, parte<sup>4</sup> secunda<sup>5</sup>*

Legimus de beato Ieronimo, quoniam cum librum legeret Ciceronis<sup>6</sup>, ab angelo est correptus<sup>7</sup>, eo quod vir Christianus paganorum intenderet figmentis<sup>8</sup>.

*ID 4.164] D 37 c 7*

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

<sup>2</sup> *after eccl.* Vm, *om.* Vo

<sup>3</sup> pressuris \*MgPfTbTcVm; institutionibus Ca

<sup>4</sup> partibus Ad

<sup>5</sup> secunda \*AdBeCaMgPfTbVo(*adding xci*); prima Tc; parte sec. *om.* Vp

<sup>6</sup> leg. Cic. \*CaMgPfTc; Cic. leg. Tb

<sup>7</sup> -eptus \*CaMgPfTc; -ectus Tb

<sup>8</sup> int. fig. \*CaMgPfTb; fig. int. Tc

## 133

*[Quod legendi sint<sup>1</sup> gentilium libri]<sup>2</sup>. Beda super Regum librum II<sup>3</sup>*

Turbat<sup>4</sup> acumen legentium et deficere cogit, qui eos a legendis secularibus litteris omnimodis estimat prohibendos, quibus ubilibet inventa<sup>5</sup> utilia, quasi sua sumere licet. Alioquin Moises et Daniel sapientia vel litteris Egiptiorum Chaldeorumque<sup>6</sup> paterent eruditi, quorum<sup>7</sup> tamen<sup>8</sup> superstitiones simul et delicias

<sup>1</sup> sint BeCaMgTc; sunt Pf

<sup>2</sup> Quod – libri *in mg.* AdBeCaMgPfTc, *in text* Vo; Quod leg. sint lib. gent. *in text* Mq; Quod leg. gent. lib. sint *in text* Sf; Qui leg. gent. lib. *in text* Vm; *om.* PtTbVp

<sup>3</sup> super Reg. lib. II \*BeCaMqPfTbVo; librum Regum Ad; super lib. Reg. lib. [ii ??] Mg; super librum Reg. II, libro Tc; in libro II reg. Vm

<sup>4</sup> Turbat \*MgPfTbTc; Turbabat Ca

<sup>5</sup> sunt *add.* CaMg, *om.* \*PfTbTc

<sup>6</sup> non *add.* CaMg Pf<sup>2</sup>Tc, *om.* Pf

<sup>7</sup> quorum \*CaMgPfTb; quoniam Tc

<sup>8</sup> tamen \*CaPfTbTc; tantum Mg

horrebant, nec ipse magister gentium aliquot versus poetarum<sup>9</sup> suis vel<sup>10</sup> scriptis<sup>11</sup> indidisset vel dictis.

*ID 4.85] D 37 c 8*

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

<sup>10</sup> vel \*CaMgPf; *om.* TbTc

<sup>11</sup> scriptis AdCaPfTbVo; scripturis MgTc

## 134

[*Qua ratione<sup>1</sup> legendi sint<sup>2</sup>].*<sup>3</sup> Ambrosius super Lucam, libro I<sup>4</sup>

Legimus aliqua ne negligantur<sup>5</sup>; legimus ne ignoremus; legimus non ut<sup>6</sup> teneamus sed ut repudiemus.

*Arsenal 713 fos 136v-7] D 37 c 9*

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<sup>1</sup> ratione AdBeCaMgPfTc; ordine Vm

<sup>2</sup> leg. sint CaMgTc; leg. sunt BePf; sint leg. Sf

<sup>3</sup> in mg. AdBeCaPfMgTc, in text MqSfVmVo; *om.* EaPtTbVp

<sup>4</sup> Amb. sup. Luc. lib. (*om.* Sf) I (II Tc) AdBeCaPfSfTbTcVmVoVp; Ambrosius Ea; Lib. i Amb. sup. Luc. Mg; *om.* Pt

<sup>5</sup> negligantur CaMgTc; legantur AdBeEaMqPfVmVo; legamus PhQeTb

<sup>6</sup> non ut BeCaMgPfTb; ut non Tc

## 135

<sup>1</sup>Ieronimus super Epistolam ad Titum, libro VII<sup>2</sup>

Si<sup>3</sup> quis grammaticam artem<sup>4</sup> noverit vel dialecticam ut recte loquendi rationem habeat, et inter falsa et vera diudicet<sup>5</sup>. Geometrica<sup>6</sup> quoque et arithmetic<sup>7</sup> et musica<sup>8</sup> habent<sup>9</sup> in<sup>10</sup> sua scientia veritatem, sed non est scientia illa pietatis. Scientia pietatis est nosse legem<sup>11</sup>, intelligere prophetas, evangelio<sup>12</sup> credere<sup>13</sup>, apostolos non ignorare.

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

<sup>2</sup> VII AdBeCaPfPhQeTcVm; VIII MgVp; II TbSf; VI. xciiii Vo; Ieronimus (*only*) Ea. Vo<sup>3</sup> in mg: Hoc c. habetur xxxvii di, Si quis

<sup>3</sup> Est (Est plane veritas que non habet pietatem ss) Qe

<sup>4</sup> gram. artem BeCaMgPfTc; artem gram. Tb

<sup>5</sup> non peccat add. Tc, *om.* AdBeCaEaMgPfTbVm

<sup>6</sup> -etrica CaPf; -etria BeMgTc; -etriam Tb

<sup>7</sup> arithmetic<sup>a</sup> BePfTc; arimetia Mg; arimeticam Tb

<sup>8</sup> -ica BeCaMgPfTc; -icam Tb

<sup>9</sup> -ent BeMgPfTbTc; -eant Ca

<sup>10</sup> se add. Be, *om.* AdCaMgPfTbTcVm

<sup>11</sup> legem AdBeCaEaTc; *om.* Pf; legem et Mg; legere Tb

<sup>12</sup> Evang. AdBePfTbTc; *om.* Mg; in Evang. Ca

<sup>13</sup> credere BeCaEaMgTbTc; cedere Pf

*Rabanus Maurus*, Enarrationes in epistolas beati Pauli (*PL cxii. 655*); *Atto of Vercelli*, Expositio (*PL cxxxiv. 655*); *Arsenal 713 fo 137] D 37 c 10a*

## 136

*<sup>1</sup>Isidorus, Sententiarum libro III, cap. xiii<sup>2</sup>*

Grammaticorum autem doctrina potest etiam proficere ad vitam dum fuerit in meliores usus assumpta.

*ID 4.167b] D 37 c 10b*

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<sup>1</sup> Qua ratione legendi non sunt *in mg. here* CaTc (*cf c 137*); Qua ratione non (*later canc.*) sint legendi Mq; De eodem *add.* Vo

<sup>2</sup> Is. - III cap. xiii \*BeCaTbVm; Is. – cap. xiiii. xciiii Vo; *whole insc. (as CaTb) placed before c 137, with text here continuing from c 135 BeMgVp; III cap. iii Mq; IIII cap. xiii Pf (cf c 137)*; Idem in eodem Ad; Is. - IIII Tc

## 137

*[Qua ratione legendi non sunt<sup>1</sup>]<sup>2</sup>. Isidorus, Sententiarum libro III, cap. xiii<sup>3</sup>*

Ideo prohibetur Christianus<sup>4</sup> legere figmenta poetarum, quia per oblectamenta inanum fabularum<sup>5</sup> mentem incitant<sup>6</sup> ad incentiva libidinum. Non enim solum<sup>7</sup> thura offerendo demonibus immolatur, sed etiam eorum<sup>8</sup> dicta libentius capiendo.

*ID 4.167a] D 37 c 15*

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<sup>1</sup> sunt AdCaMgSfTc; sint Pf

<sup>2</sup> *in mg. here* AdBeMgPfVo, *against c 136 CaTc, in text Vm; om. MqTbVoVp*

<sup>3</sup> Isidorus Sent. libro III cap. xiii AdBeMgSfSIbVm Item Ca; Idem Pf; Idem capitulo eodem Pt; Idem in eod. cap. xiii MqTc; Ysid. in eodem Vo; Ysidorus (*only*) Ea

<sup>4</sup> -ianus \*BeMgMqTbTc; -ianis CaPfSIVo

<sup>5</sup> inan. fab. \*BePfTbTcVo; fab. inan. CaMg

<sup>6</sup> inc- \*Ca; exc- MgPfTbTc

<sup>7</sup> enim solum \*CaMgPfTc; solum enim Tb

<sup>8</sup> et. eorum \*CaMgPfTc; eorum et. Tb

**138<sup>1</sup>**

*[Quod lex imperatorum recipi debeat post legem Dei in iudiciis ecclesiasticis]<sup>2</sup>.*

*Nicolaus papa in concilio<sup>3</sup> apud Convicinum<sup>4</sup>*

Lege<sup>5</sup> imperatorum non in<sup>6</sup> omnibus ecclesiasticis controversiis utendum est, presertim cum conveniat evangelice ac canonice sanctioni aliquotiens obviare<sup>7</sup>.

*ID 4.86a] +D 10 c 1a*

<sup>1</sup> after c 141 below Le, after c 140 MhMkMmMqVc, after c 139 Ra

<sup>2</sup> Quod lex imperatorum recipi debeat post legem Dei in iudiciis ecclesiasticis (eccl. iud. Ca) *in mg.* CaMgTc; Quod lex imp. vel iudiciis ecclesiasticis recipi debeat post legem Dei *in mg.* Ad; Quod lex imperatorum in iud. eccl. rec. deb. post legem Dei *in text EaLeMqSfVm, in mg.* BeWc; Quod legibus imperatorum in iudiciis ecclesiasticis utendum est post legem Dei *in mg.* Pf; Quod lex imperatorum nullius auctoritatis sit contra legem Dei (*corr. fr. legendi*) xcvi Vo; *om.* MqOaPtTbVp

<sup>3</sup> -ilio \*AdPfTbVo; -il' BeMgTc; -iliis Ca

<sup>4</sup> -inum \*AdBeMqTbTcVo; -inium Pf; -ulum CaMg; Convincianum Wc; *no inscr.* Ea

<sup>5</sup> Lege \*MqOaPhSITbVmWc; Legibus AdBeCaEgLfMgPfPoPqPwTcVoVpVq; Lex Le; Legem Le<sup>2</sup>

<sup>6</sup> non in MgTc; in AdBeCaLeMqOaPfSITbVmVoVqWc; non Vp

<sup>7</sup> abnuere Oa

**139**

*[Quod lex imperatorum<sup>1</sup> nullius auctoritatis sit<sup>2</sup> contra legem Dei]<sup>3</sup>. Adiecti*

*capitulares, cap. xviii<sup>4</sup>*

Lex imperatorum non est supra legem Dei, sed subtus.

*ID 4.86b] +D 10 c 1b*

<sup>1</sup> -orum BeMgPfTc; -oris Vm

<sup>2</sup> auct. sit AdCaMgSfTcVm; sit auct. Be; est auct. Pf

<sup>3</sup> *in mg.* AdBeCaMgPfTcWc, *in text EaSfVm; om.* Mq(*cfc 141*)PtTbVo(*cfc 138*)Vp

<sup>4</sup> (*Quod add. and canc. Po*) Adiecti (*Abiecti Po, Adicti Sf*) - xviii (*om. Tc*)

AdPfPoPtSfTbTcVmVpWc; xxiiii Ca; Nicholaus episcopis in concilium apud Convicinum BeVo (xcviii *add.* Vo); Adiecti – xviii. Nicolas papa Mq; *om.* EaMg

**140**

*Nicholaus<sup>1</sup> in concilio apud Convicinum<sup>2</sup>*

Imperiali iudicio non possunt ecclesiastica iura dissolvi<sup>3</sup>. Non quod imperatorum leges quibus sepe ecclesia contra hereticos utitur, sepe contra tirannos atque contra pravos<sup>4</sup> quosque defenditur<sup>5</sup>, dicamus penitus renuendas<sup>6</sup>, sed eas quas

<sup>1</sup> papa *add.* TbTc, episcopi *add.* Sf, episcopis *add.* Ea, episcopus *add.* Sl; *om.* Pf

<sup>2</sup> Nich. - Conv. (Corinthum Ea, Convincianum Wc) \*EaPfPo(*before Non quod*)SfSITbTcWc(*cfc 141 for Vm*); De eodem Vo; *om. with no break* AdBeCaLdMgMqPkPtVmVp

<sup>3</sup> Adiecti capitulares *add.* Mg; BdCaCc *break here*

<sup>4</sup> pravos \*CaMgPfTcVm; impios Tb

<sup>5</sup> -itur \*MgPfTbTc; -it Ca

<sup>6</sup> renuendas \*CaMgPfTbVm; renuntiandus Tc

evangelicis et apostolicis<sup>7</sup> atque<sup>8</sup> canonicis decretis quibus postponende sunt nullum posse<sup>9</sup> inferre iudicium asseramus<sup>10</sup>.

*ID 4.187] D 10 c 1c, including some that was added later, but with a large omission*

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<sup>7</sup> eas quas ev. et (om. SIWc) ap. AdEaMgSIWc; eas evang. et apost. Be; eas que ev. et ap. Ca; eas quos ev. ap. Ld; eas quas ap. et ev. PfVo; quo eas ev. et ap. Tb; quia eas ev. et ap. Tc; eas quod ev.

apostolicisque Vm; eas quidem ev. ap. ID

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

<sup>9</sup> posse \*MgPfTbTcWc; om. Ca

<sup>10</sup> -amus \*CaMgPfTbWc; -imus Tc

## 141

*<sup>1</sup>Sexta sinodus Simachi pape<sup>2</sup>*

Non licet imperatori vel cuiquam pietatem custodienti aliquid contra mandata divina<sup>3</sup> presumere, nec quicquam quod evangelicis, propheticis apostolicisque regulis obviat<sup>4</sup> agere.

*ID 4.231] D 10 c 2*

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<sup>1</sup> De eodem add. Vo; Quod lex imperatorum nullius auctoritatis sit contra legem Domini add. Mq (cf 139)Po(? partly in gutter)

<sup>2</sup> l. v cap. xx. Nicholaus episcopis in concilio apud Convicinum add. Vm (cf cc 140, 142); xcviij add. Vo; et decretum Calixti, Adriani et Marcellini add. Vp (see *Conspectus*)

<sup>3</sup> mand. div. \*CaMgPfTb; div. man. Tc

<sup>4</sup> -iat AdCaMgMqTc; -iatur PfSITbVmVo

## 142

*[Qualis debeat esse lex]<sup>1</sup>. Isidorus, Etimologiarum libro V, cap. xx<sup>2</sup>*

Erit<sup>3</sup> lex honesta<sup>4</sup>, iusta<sup>5</sup>, possibilis, secundum consuetudinem patrie, loco temporive conveniens, necessaria, utilis, manifesta quoque, ne aliquid per obscuritatem in cautione<sup>6</sup> contineat, nullo privato commodo, sed pro communi civium utilitate conscripta.

*ID 4.168] D 4 c 2 var.*

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<sup>1</sup> in mg. AdBeCaMgPfTc; in text Ea(no inscr.)SfVm; xxi. (om. Lj) De consuetudinibus in mg. BdLj; Qualis esse deb. lex Mq; Qualis (corr. fr. Quod) lex debeat esse Vo; om. PtTbVp

<sup>2</sup> cap. xx \*AdCaMgPfTcVm; om. Tb

<sup>3</sup> Erit \*AdMgPfTbTc; Erat Ca

<sup>4</sup> et add. AdBeCaEaMgVm, id est add. Pf, om. \*MqTbTcVo

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

<sup>6</sup> -one \*AdCaEaMgPfVm; -onem Tb; -onis Tc

## 143

<sup>1</sup>*Augustinus, De vera religione*<sup>2</sup>

In istis temporalibus legibus<sup>3</sup> quanquam<sup>4</sup> de his homines iudicent cum eas instituunt, tamen cum fuerint institute ac firmate, non licebit iudici de ipsis iudicare, sed secundum ipsas.

*ID 4.169] D 4 c 3*

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<sup>1</sup> Quod iudex (iudices Po) non de legibus statutis iudicare debeat (-eant Po) sed secundum ipsas add. in mg. CaPo; De institutione legum observanda add. Po(mg.)Vo

<sup>2</sup> c. i add. Vo

<sup>3</sup> ss Qe

<sup>4</sup> temporalibus legibus quanquam \*Qe<sup>2</sup>Vo; temporalibus quanquam BeEaMqPfPhQeTbWc; temporibus (vel temporalibus add. ss. Ca) quamquam AdCaMgVm; temporalibus quamquam Sl; imperialibus quamvis Tc; temporalibus <legibus deleted> quamquam (adding legibus after his) Vp

## 144

[Quare vocentur Theodosiane leges]<sup>1</sup>. Isidorus, *Etimologiarum libro V, cap. i*

Theodosius minor augustus ad similitudinem Gregoriani et Hermogeniani codicem factum<sup>2</sup> institutionum a Constantini temporibus sub proprio<sup>3</sup> cuiusque imperatoris titulo disposuit, quem a suo nomine Theodosianum vocant.<sup>4</sup>

*ID 4.170] D 7 c 2b*

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<sup>1</sup> Quare vocentur Theodosiane (-sine Ca, corr. fr. Iustiniane Mq) leges in mg. AdBeCaMgPoSl, in text Ea(no inscr.)SfVmVo(adding cii); Quibus modis debeat lex constitui in mg. Tc; om. Pf (cf c 147)PtTbVp

<sup>2</sup> factum \*CaMgPfTb; om. Tc

<sup>3</sup> proprio \*AdBeCaTbTcVm; proprii EaMgPfSlVo

<sup>4</sup> -ant AdCaMgMqTb; -avit BeEaPfSlTcVmVo

## 145

[Quod Iustinianus diversa legum volumina diversis nominibus<sup>1</sup> appellaverit]<sup>2</sup>.

<sup>3</sup>*Historia Longobardorum*<sup>4</sup> libro V, cap. xxv<sup>5</sup>

Iustinianus augustus leges Romanorum, quarum prolixitas nimia erat et inutilis dissonantia mirabili brevitate correxit. Nam omnes constitutiones principum, que

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<sup>1</sup> nominibus Be<sup>2</sup>MgPf; voluminibus Ca

<sup>2</sup> in mg. Be(further down)CaMgPf, in text Ea(no inscr.); before Rursus singulorum below Lg; om. MqPtSfTbTcVmVoVp

<sup>3</sup> Quare vocentur (-antur SfVp) Iustiniane leges add. Ad<sup>2</sup>(in mg)BeCaDbEa(before Quod)LgMgSfVmVo(adding ciii), om. MfMhMjMkMmMoMqPfPtTbTc; Ex add. Tc, om. CaMgMmMoPfTb

<sup>4</sup> Longo- \*CaMgMhPfTb; Lango- Tc

<sup>5</sup> xxv \*AdBeCaPfTbVm; i Tc; xv Mg

utique multis voluminibus habebantur, intra<sup>6</sup> duodecim libros coartavit, idemque volumen codicem Iustiniani appellari precepit. Rursus, singulorum magistratum sive iudicum leges que usque ad duo<sup>7</sup> milia pene libros<sup>8</sup> erant extense, intra quinquaginta librorum numerum redigit, eumque codicem Digestorum<sup>9</sup> sive Pandectarum vocabulo nuncupavit. Quatuor etiam Institutionum libros in quibus breviter universarum legum textus comprehenditur noviter composuit. Novas quoque leges quas ipse statuerat in unum volumen redactas, Codicem Novellarum appellari sancivit<sup>10</sup>. Item. Tunc apud Constantinopolim Priscianus Cesariensis grammaticae artis profunda rimatus est<sup>11</sup>.

*ID 4.171] Ff. De origine iuris*

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<sup>6</sup> intra \*CaMgPfTc; in Tb

<sup>7</sup> corr. fr. dua Tb

<sup>8</sup> pene libros \*CaMgPfTb; pene librorum Mo; librorum pene Tc

<sup>9</sup> Dig- \*PfTbTc; Deg- CaMg

<sup>10</sup> sancivit \*BePfVo; sanctivit AdCaMgTb; sanxit Tc; sanctificavit Vm

<sup>11</sup> *The passage Tunc - est is found in IDpva, but not in IDcrdm*

## 146

*<sup>1</sup>Historia Anastasii bibliotecarii Romane<sup>2</sup> ecclesie<sup>3</sup>*

Removit Iustinianus augustus contrarias leges, faciens singularem codicem, et vocans eum novellas constitutiones<sup>4</sup>, in quibus<sup>5</sup> non permittit principem, in<sup>6</sup> quibus preest, tenere possessionem, aut edificare domum, aut hereditari<sup>7</sup> extraneam personam, nisi quis<sup>8</sup> sibi cognatus existat.

*ID 4.172]*

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<sup>1</sup> Ex add. Tc, om. \*CaMgPfTb; Quibus modis debeat lex constitui add. in mg. Mg (cf c 147), in text Ea; De eodem add. in mg. Ca

<sup>2</sup> om. Ad

<sup>3</sup> Hist. - eccl. in mg., Ex concilio Metensi in text Qa. Quod Iustinianus diversa legum volumina diversis nominibus appellatur add. Sf; c.iii add. Vo

<sup>4</sup> const- \*CaMgPfTb; inst- Tc

<sup>5</sup> quibus \*MgPfTbTc; om. Ca

<sup>6</sup> in \*CaMgPfTb; eorum Tc

<sup>7</sup> hereditari \*AdBeCaEaMgPfTbVm; hereditare Tc; exhereditari Pf<sup>2</sup>

<sup>8</sup> quis \*CaMgPfTb; qui Tc

## 147

[*Quibus modis debeat lex constitui*]<sup>1</sup>. *Institutionum libro I, titulo*<sup>2</sup> *ii*

Quodcumque imperator per epistolam constituit, vel cognoscens decrevit, vel edicto precepit, legem esse constat. He sunt que constitutiones appellantur. Plane ex his quedam sunt<sup>3</sup> personales, que non ad exemplum trahuntur<sup>4</sup>, quod<sup>5</sup> non hoc princeps vult. Nam quod alicui ob merita indulxit, vel si cui penam irrogavit, vel si cui sine exemplo subvenit<sup>6</sup>, personam<sup>7</sup> non transgreditur.

*The whole passage occurs in the Prologue, ed. Brasington 141; ID 4.173] Leg. Quod principi, § Quodcunque; ff. De constit. pr., § Quodcunque, instit. De iure nat. gen. civili*

<sup>1</sup> Quibus – constitui (institui Vo) *in mg. AdBeCaPf* (*cf Tc c 144, EaMg c 147*), *in text VmVo*(*adding c.v*); *om. MqPtTbVp*

<sup>2</sup> I tit. ii \*BeCaFbMgPfTb; I Ad; *om. Ea*; I cap. ii Tc; cap. ii Vm

<sup>3</sup> qued. sunt PfTbTcVmVo; sunt qued. CaFbMg

<sup>4</sup> trah- \*AdCaPfTbTc; pertrah- Mg

<sup>5</sup> quod \*AdCaFbMgPfTb; quoniam Tc; quia Ca<sup>2</sup> ss

<sup>6</sup> subv- CaMgPfTcVm; non convenit (?) Tb

<sup>7</sup> -onam \*CaMgPfTc; -ona Tb

## 148

[*Quod liber capitularium*<sup>1</sup> *auctoritate Zacharie pape confirmatus sit*]<sup>2</sup>. *Prefatio libri quinti capitulo*<sup>3</sup>

Precedentes<sup>4</sup> quatuor libelli nonnulla gloriosorum Caroli atque Ludovici imperatorum<sup>5</sup> continent capitula. Item. Illa que postmodum a fidelibus sancte Dei ecclesie Pipini et Caroli atque Ludovici<sup>6</sup> didicimus in iamdictis libellis minime<sup>7</sup> inserta esse pro Dei omnipotentis amore et sancte Dei ecclesie, ac<sup>8</sup> servorum eius atque totius populi utilitate, fideliter investigare curavimus, et in tribus sequentibus libellis<sup>9</sup> distinete, cum suis coadunare<sup>10</sup> ac Ludovico, Lothario atque<sup>11</sup> Carolo nobilissimis regibus, filiis videlicet<sup>12</sup> Ludovici imperatoris piissimi, habenda et

<sup>1</sup> capitularium PfVmVo; capitulorum BeCaMgSf

<sup>2</sup> *in mg. BeCaMgPf, in text SfVmVo*(*adding cvi*); *om. AdMqPtTbTcVp*

<sup>3</sup> libri quinti capitulo PfTbVmVoVp; lib. v BeMqSf; libri quinti capitulo v Ca; libri quinti capitularium Mg; quinti lib. capitularii Tc

<sup>4</sup> *The ‘P’ much enlarged Pw*

<sup>5</sup> Car. atque Lud. imp. (-oris Tb) \*CaMgPfTb; imp. Car. atque Lud. Tc

<sup>6</sup> Illa - Ludovici \*CaMgPfTcVm; *om. Tb*

<sup>7</sup> minime \*CaMgPfTc; *om. Tb*

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

<sup>9</sup> libellis \*CaMgPfTb; libris Tc

<sup>10</sup> coadunare \*AdMgPfTbVm; codicibus coadunare BeCa; adunare capitulis Tc

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

<sup>12</sup> vid. \*CaMgPfTb; *om. Tb*

omnibus Christianorum fidelibus tradenda<sup>13</sup>, scribere non distulimus. Item. His itaque peractis, est in fronte primi libelli posita Zacharie pape<sup>14</sup> epistola omnibus episcopis ac reliquis ecclesiastici ordinis gradibus, et cunctis ducibus atque comitibus omnibus Deum timentibus per Gallias et Francorum provincias constitutis<sup>15</sup> directa, sicut in ea continetur. Quam sequuntur sinodales conventus quos sancte Romane et apostolice ecclesie legatus Bonefacius Magontiensis<sup>16</sup> ecclesie archiepiscopus vice supradicti<sup>17</sup> Zacharie pape una cum Carolo magno Francorum principe canonice<sup>18</sup> tenuit, ut agnoscant<sup>19</sup> omnes hec predictorum principum capitula maxime apostolica auctoritate<sup>20</sup> fore firmata<sup>21</sup>.

*ID 4.174]*

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<sup>13</sup> tradenda \*AdBeMgPfTcVm; trahenda Ca; tractanda Tb

<sup>14</sup> pape \*MgPfTbTc; *om.* Ca

<sup>15</sup> corr. fr. -tas Tb

<sup>16</sup> -ontiensis PfTb; -uciensis MgTc; -unciensis CaVm

<sup>17</sup> supradicti \*CaMgPfTc; suprafati Tb

<sup>18</sup> canonice \*CaMgPfTc; *om.* Tb

<sup>19</sup> agnos- \*CaMgPfTb; cognos- Tc

<sup>20</sup> ap. auct. \*MgTbTc; auct. ap. CaMg

<sup>21</sup> confirmata Sl

## 149

*[Quod liber capitularium<sup>1</sup> confirmatus sit auctoritate Leonis pape IIII<sup>2</sup>]<sup>3</sup>. Leo IIII*

*Lothario augusto*

De capitulis vel preceptis<sup>4</sup> imperialibus vestris nostrorumque etiam pontificum predecessorum irrefragabiliter custodiendis et conservandis<sup>5</sup>, quanto<sup>6</sup> valuimus et valemus, Christo propitio, et nunc et in evum<sup>7</sup> conservaturos modis omnibus profitemur<sup>8</sup>. Et si fortasse<sup>9</sup> quislibet<sup>10</sup> vobis aliter dixerit vel dicturus fuerit, sciatis eum pro certo<sup>11</sup> mendacem.

*ID 4.176] D 10 c 9*

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<sup>1</sup> capitularium PfVm; capitulorum AdBeCaMgSf; capitular' Ea; capitularum Sl; capitularius Vo

<sup>2</sup> IIII AdBeCaMgPfVmVo; *om.* EaSf

<sup>3</sup> *in mg.* AdBeCaMgPfSl, *in text* Ea(*no inscr.*)SfVmVo(*adding cxii*); *om.* MqPtTbTcVp

<sup>4</sup> cap. vel prec. \*CaMgPfTc; prec. vel cap. PhTb

<sup>5</sup> conservandis \*CaPfTbTc; confirmandis Mg

<sup>6</sup> quanto \*CaPfTb; quantum MgTc

<sup>7</sup> evum \*CaMgPfTc; eternum Tb

<sup>8</sup> prof- \*CaMgPfTb; conf- Tc

<sup>9</sup> fortasse \*CaPfTbTc; forte Mg

<sup>10</sup> quislib- MgPfVm; quil- CaTbTc

<sup>11</sup> esse add. Tc, *om.* \*CaMgPfTb

**150**

[*Quod nove leges et nove regule auctoritati non contrarie<sup>1</sup> in auctoritate habeantur*]<sup>2</sup>.

*Gelasius Rufino et Aprili episcopis<sup>3</sup>*

Quis aut<sup>4</sup> leges principum aut patrum regulas aut admonitiones modernas dicat debere contempni, nisi qui impunitum sibi<sup>5</sup> tantum estimet transire<sup>6</sup> commissum?

*ID 4.179] D 10 c 11, D 54 c 11a*

<sup>1</sup> non contrarie *add.* Be<sup>3</sup>

<sup>2</sup> in mg. AdBeCaMgPf, in text Ea(no inscr.)VmVo; om. MgPtSfTbTcVp

<sup>3</sup> et Aprili epp. \*AdCaMgPfTbVo; et Aprili archiepiscopis Sf; et Aprillo epp. Vm; om. Tc

<sup>4</sup> aut \*AdCaEaMgTbTc; autem PfVm

<sup>5</sup> sibi \*CaPfTbTc<sup>2</sup>Vm; om. MgTc

<sup>6</sup> est. trans. \*CaPfTbTc; trans. est. Mg

**151**

[*Quod leges Romane sint in auctoritate*]<sup>1</sup>. Item<sup>2</sup> Theodorico<sup>3</sup> regi

Certum est magnificentiam vestram leges Romanorum principum<sup>4</sup>, quas in negotiis hominum custodiendas esse precepit, multo magis circa reverentiam beati Petri apostoli<sup>5</sup> pro sue felicitatis augmento velle servari.

*ID 4.180] D 10 c 12*

<sup>1</sup> in mg. AdBeCaMgPf, in text VmVo(adding cviii); om. MqPtSf(cf c 152)TbTcVp

<sup>2</sup> Item \*AdCaMgPfTb; Idem TcVm

<sup>3</sup> Theorico Sf

<sup>4</sup> principum \*CaMgPfTb; regum Tc

<sup>5</sup> apostoli \*CaMgPfTb; om. Tc

**152**

<sup>1</sup> *Leo III Lothario<sup>2</sup> augusto<sup>3</sup>*

Vestram flagitamus clementiam, ut sicut hactenus Romana lex viguit absque universis procellis, et pro nullius persona hominis reminiscitur esse corrupta, ita nunc suum robur propriumque<sup>4</sup> vigorem obtineat.

*ID 4.181b] D 10 c 13*

<sup>1</sup> De eodem *add.* in mg. Ca

<sup>2</sup> Lothario \*AdCaMgTbTc; Lotharico Pf

<sup>3</sup> Quod reges Romane sint in auctoritate *add.* SfSlmg.; v *add.* Sl; De eodem cx *add.* Vo

<sup>4</sup> propriumque \*AdPfTbTcVm; proprium et CaMg

## 153

*Dialogus<sup>1</sup> Augustini contra Petilianum<sup>2</sup>*

Si in adiutorium vestrum<sup>3</sup> et<sup>4</sup> terreni imperii leges assumendas putastis, non reprehendimus. Fecit<sup>5</sup> hoc Paulus cum adversus iniuriosos Romanum<sup>6</sup> civem se esse testatur.

*ID 4.183] D 10 c 7*

<sup>1</sup> Petilinum Sf. Determinatio sententie quod leges veritati contrarie respuantur, veritati consentaneae teneantur add. in mg Be(cf c 154). Dialogus BeCaMgPfTb; Ex dialogo Tc

<sup>2</sup> -ilianum \*Be<sup>2</sup>MgPfTcVo; -ulianum CaTbVm; -ilinum Sf; De eodem cxi add. Vo. contra Petil. om. Pt

<sup>3</sup> vestrum \*CaMgPfTc; vestri Tb

<sup>4</sup> et \*CaMgTbTc; etiam Pf

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

<sup>6</sup> -anum \*CaMgPfTc; -anorum Tb

## 154

*[Determinatio sententie quod<sup>1</sup> leges veritati contrarie respuantur, veritati consentaneae teneantur<sup>2</sup>].<sup>3</sup> Augustinus<sup>4</sup> ad Bonefacium*

Quicumque autem legibus imperatorum, que pro Dei veritate feruntur, obtemperare non vult, adquirit grande supplicium.<sup>5</sup> Quicumque ergo legibus imperatorum, que contra veritatem Dei<sup>6</sup> feruntur, obtemperare non vult, acquirit<sup>7</sup> grande premium.

*ID 4.184] D 9 c 1b, which was the earlier form of the cap.*

<sup>1</sup> quod CaPfVm; quid Mg

<sup>2</sup> teneantur AdMgPfVm; reverentur Ca

<sup>3</sup> in mg. AdCaMgPf, in text Ea(no inscr. cf c 151)VmVo(adding cxii); om. BeMqPtTbTcVp

<sup>4</sup> Augustinus \*AdBeCaMgTbTc; Eiusdem Augustini Pf

<sup>5</sup> Item add. Tc, om. \*CaEaMgPfTb

<sup>6</sup> ver. Dei \*AdPfTbTc; Dei ver. CaMg; Dei voluntatem Ea

<sup>7</sup> sibi add. Vp. grande supplicium. Quicumque – acquirit (premium corr. to supplicium in mg.) Mq

## 155

*[De consuetudinibus que debeant stare, que non]<sup>1</sup>. Leo IX<sup>2</sup> Michaeli patriarche Constantinopolitano<sup>3</sup>*

<sup>1</sup> in mg. AdBeCaLdMgTcWc, in text VmVo(adding ccxiii); De consuetudinibus in mg. Db<sup>2</sup>; om. EaMqPfTb; for Vp see later note

<sup>2</sup> IX \*AdBeCaLdPfpkPtTbTcVmVo; II EaMg; XI Sf

<sup>3</sup> Mich. – Const. om. Ea; Leo – patr. Ad; Leo - Const. om. Qa; De cons. – Constant. ] Nicholaus Michaeli imperatori. Quod non sit resistendum cui canonica non obstat auctoritas Vp (as Grat.)

Scit<sup>4</sup> sancta<sup>5</sup> Romana ecclesia quia nihil obsunt saluti credentium diverse pro loco et<sup>6</sup> tempore consuetudines, si illis canonica non obsistit<sup>7</sup> auctoritas<sup>8</sup>, quando una fides per dilectionem operans uni Deo commendat omnes<sup>9</sup>.

*ID 4.223 var., 5.44 pt. as here] D 12 c 3, which has pt. I of this cap. and the middle of the next, as QeTb*

<sup>4</sup> Sit Qa

<sup>5</sup> om. Wc

<sup>6</sup> et \*AdBeEaMgPfPkPtQaTbTcVoWc; et pro Ca; om. Vm

<sup>7</sup> obsistit AdBeCaEaLgMgObOdPtQaSgTb; obstitit OeOfVoWc; obsistat Tc; obstat Brant

<sup>8</sup> si (in add. Ca) illis - auctoritas AdBdBeCaCcEaEgFcLgMgObOeOfPwQaSgTbTcVc<sup>2</sup>Brant; om.

\*DbLdMqPfPhPkSeSfVcVm; auct. si illis non obsistit can. Se<sup>2</sup>

<sup>9</sup> quando (quia Ld) una - comm. omn. (homines Pk, omn. comm. Sl)

\*AdBdBeCaCbDbEaLdLgMgMqObOdOeOfPfPhPkPtSeSfSIVmVoVpWc; quando una - omn. comm. EgSgTcBrant; pro qua eis obviare debemus nichil iudicamus vel eis resistimus (*cf c 156 below, and Gratian*) QeTb

## 156<sup>1</sup>

*[Quod consuetudines diverse in diversis ecclesiis constitute maneant, si<sup>2</sup> contra fidem non sunt<sup>3</sup>, et veritati consentiunt]<sup>4</sup>. Leo III Lothario Augusto*

De consuetudinibus quas nobis opponere visi<sup>5</sup> estis<sup>6</sup>, scribentes per diversas ecclesias diversas esse consuetudines, si<sup>7</sup> illis canonica non obsistit<sup>8</sup> auctoritas<sup>9</sup>, pro qua eis obviare<sup>10</sup> debemus, nil iudicamus vel eis resistimus<sup>11</sup>. Item. Igmaro archiepiscopo. Ridiculum est et satis abominabile dedecus ut traditiones<sup>12</sup> quas antiquitus a patribus suscepimus infringi patiamur.

*ID 4.211b, 212] D 12 c 3b var. for si illis – debere vel posse resisti, c 5 for end, from Ridiculum*

<sup>1</sup> Ea begins with Ridiculum

<sup>2</sup> si MgPfTc; si et AdBeLdSfVo; sed et CaVm

<sup>3</sup> sunt LdTcVm; fiunt AdCaMgPf(?)Vo; fuerint BeSf

<sup>4</sup> Quod (Quas Ad, Quando Vo) – cons. in mg. AdBeCaLdLgMgPfTcWc, in text SfVmVo(*adding cxiiii*); Quod – fidem non sunt Ld; om. MqPtTb

<sup>5</sup> visi \*AdBeCaDbFdLdMgObOeOfPfPtVm; nisi SgTcBrant

<sup>6</sup> any rubric and text to visi estis removed by plough at head of Lc fo. 88.

<sup>7</sup> set Ob

<sup>8</sup> obsistit \*AdCaFbMgObTc; obstitit PfSfVm

<sup>9</sup> De consuetudinibus - auctoritas

\*AbAdBdBeCaDbEbEcEgFbFcGcKaLbLdLeLgMgMqObOdOeOfPfPhPtPwQaSdSeSgSITcVmVoVp VtWaWbWcZaBrant; om., running pro qua - eis resistimus on to end of c 155 QeTb

<sup>10</sup> eis obv. \*CaFbLdMgPfTbVm; obv. eis Tc

<sup>11</sup> -imus \*CaFbLdMgTbTc; -amus Pf

<sup>12</sup> tradiciones \*BeCaDbFbLdMgPfTcVmVoBrant; tradiciones Ad; contradictiones PkQeSfTb

## 157

[*In quibus negotiis debeant valere consuetudines*] <sup>1</sup>. Ex epistola Pii pape <sup>2</sup>

Consuetudinem<sup>3</sup> laudamus que tamen contra fidem catholicam nil usurpare dinoscitur.

*ID 4.66b] D 11 c 6*

<sup>1</sup> In - consuetudines in mg. AdCaMgTc; De eodem in mg. Ca, in text Vo; De consuetudine Ea(*no inscr.*); *om.* BeFbMqPfSfTbVm(*cf c 158 below*).

<sup>2</sup> In quibus – pape] Item. Aug' ad Casulanum presbiterum. Laudabilis est consuetudo que nicil fidei contrarium usurpat Vp (*as Grat.*); cxvi add. Vo

<sup>3</sup> -es Vp

## 158

<sup>1</sup> *Augustinus ad Casulanum*<sup>2</sup> *presbiterum*<sup>3</sup>

In his enim<sup>4</sup> rebus de quibus nichil certi statuit scriptura divina<sup>5</sup> mos populi Dei et instituta maiorum pro lege tenenda sunt. Et sicut prevaricatores legum divinarum, ita contemptores consuetudinum<sup>6</sup> ecclesiasticarum cohercendi sunt.

*ID 4.68] D 11 c 7*

<sup>1</sup> In (*om. Sf*) quibus negotiis debeant valere consuetudines *add. in mg.* BePfWc, *in text SfVm* (*cf c 157*)

<sup>2</sup> Consulandum Vo

<sup>3</sup> ad Cas. presb. *om.* Ea (*for Vp see c 157*). De eodem *add.* Vo

<sup>4</sup> enim \*CaEaMgPfTb; *om.* TcVp

<sup>5</sup> script. div. PfTbTcVo; div. script. CaFbMg

<sup>6</sup> cont. cons. \*CaMgPfTb; cons. cont. Tc

## 159

*Ex dictis Basili<sup>1</sup>, cap. xxvii<sup>2</sup>*

Ecclesiarum institutiones<sup>3</sup> quasdam scripturis, quasdam vero apostolica traditione<sup>4</sup> per successiones in ministerio confirmatas accepimus, quedam<sup>5</sup> vero consuetudine roborata approbavit usus. Quibus<sup>6</sup> par ritus et idem utrisque<sup>7</sup> pietatis debetur affectus. Unde quis vel aliquantulum sacrarum expertus scripturarum hesitaverit? Si enim attemptaverimus consuetudines ecclesie non per scripturas a

<sup>1</sup> Ex – Bas.] Basilii pape Pt

<sup>2</sup> cap. xxvii \*AdCaMgPfTbTcVo; cap. xxii Vm; *om.* Ea. In quibus negotiis debeat valere consuetudines (cxvii *add.* Vo) Ljmg. Vo. Ex – xxvii] Inviolabilis est consuetudo que nec humanis legibus nec sacris canonibus obviare monstratur. Aug' vel Basilii Vp (*cf D 11 c 3*)

<sup>3</sup> Ecclesiarum institutiones AdCaEaFbMgPf; Eccles. constitutionum BePw; Eccles. institutionum MqTcVmVo; Ecclesiasticarum institutionum PhPtQeSIWc; Eccles. consuetudinum Tb

<sup>4</sup> traditione CaMgPfTb; institutione Tc

<sup>5</sup> quedam CaPfTc; quasdam MgTb

<sup>6</sup> omnibus *add.* Tc, *om.* \*CaMgPfTb

<sup>7</sup> utriusque Ca??

patribus traditas nihil estimare, quantum religio<sup>8</sup> detrimenti latura sit despicientibus liquido constabit. Que enim, ut inde<sup>9</sup> ordiamur, scriptura salutifere crucis signaculo fideles docuit insigniri?<sup>10</sup> Que vel trifariam<sup>11</sup> digesta super panem et calicem prolixe orationis vel consecrationis verba commendavit? Nam non modo quod in evangelio continetur vel ab<sup>12</sup> apostolo<sup>13</sup> insertum secretis<sup>14</sup> didicimus, sed et alia perplura adicimus magnam quasi vim commendantia<sup>15</sup> misteriis. Que orientem versus nos orare<sup>16</sup> litterarum forma prestitit<sup>17</sup>? Benedicimus fontem baptismatis oleo unctionis. Huc accedit quod ter mergimus quos<sup>18</sup> baptizamus, oleo ungimus<sup>19</sup>, verbis abrenuntiare Satane et angelis eius informamus<sup>20</sup>. Unde hec et alia in hunc modum non pauca, nisi<sup>21</sup> tacita ac mistica traditione a patribus ecclesiastico more, reverentiori<sup>22</sup> diligentia<sup>23</sup> sunt in ministeriis<sup>24</sup> observata silentio, quam publicata<sup>25</sup> scripto.

*ID 4.69] D 11 c 5*

<sup>8</sup> religio \*BeCaMgTc; legio Pf; lectio Tb

<sup>9</sup> modo Ca??

<sup>10</sup> corr. *to -ari* Tb

<sup>11</sup> vel trifariam \*CaPfTbVm; multifariam MgTc

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

<sup>13</sup> -olo \*MgPfTbTc; -olis Ca

<sup>14</sup> misteriis *add.* Tc, *om.* \*CaMgPfTb

<sup>15</sup> commendantia \*BeCa<sup>3</sup>PfTcVm; commodantia AdCa; ac in commodantiam Mg; commendatia Tb

<sup>16</sup> nos or. \*CaMgPfTb; or. nos Tc

<sup>17</sup> prestitit AdBeCaPfTbVm; precepit Tc; prestituit Mg

<sup>18</sup> quos \*MgTbVm; quod CaPfTc

<sup>19</sup> ungimus \*PfTbTc; unguimus CaMg

<sup>20</sup> Vo has Huc usque accedit – informamus *marked for insertion here, in the mg, and informamus in the text has been expuncted*

<sup>21</sup> quia *add.* MgTc, *om.* \*CaPfTb

<sup>22</sup> -iori \*CaMgPfTb; -iore et Tc

<sup>23</sup> diligentia \*AdMgPfTb; diligenda Ca; et diligentia Tc

<sup>24</sup> minist- \*AdCaPfTcVm; mist- MgTb

<sup>25</sup> -cata \*AdBeCaMgTc; -ca LePfPhQeTbVm

## 160

*[Quis<sup>1</sup> usus, qui<sup>2</sup> mores debeant teneri]<sup>3</sup>. Constitutionum libro I, titulo i<sup>4</sup>*

Non scripto<sup>5</sup> in<sup>6</sup> ius venit quod usus probavit. Nam diurni mores consensu utentium approbati<sup>7</sup> legem imitantur. Item. Ea que ipsa sibi queque civitas constituit sepe mutari solent vel tacito consensu principis vel alia postea lege lata<sup>8</sup>.

<sup>1</sup> Quis AdCaEaMgPfVm; Qui BeQeSf

<sup>2</sup> qui AdBeCaEaPfSIVm; vel Mg

<sup>3</sup> in mg. AdBeCaMgPfQeSIWc, in text Ea(*no inscr.*)VmVo(*adding cxviii*); *om.* FbMqPhPtQaTbTcVp

<sup>4</sup> tit. i AdBePfSI TbVmVoWc; lib. i Qa; cap. i Tc; *om.* CaFbMg

*Inst. 1.2.9; ID 4.194] Institut. de iure nat. gen. et civ., § Ex non scripto; cf D 12 c 6 for central section*

<sup>5</sup> Non scr. Bd<sup>2</sup>LeMgMqPfPhPtPwQaQeSITbTcVoVp; Conscripto AdBdEaPkSeVmWc; Cum scripto Be; Ex non scr. CaFbLd; Ex scr. Cc; Non ex conscripto Po

<sup>6</sup> om. QaVp

<sup>7</sup> approb- \*BeMgPfPtSITbTcVoWc; comprob- CaFb

<sup>8</sup> lata AdBeCaFbMqPfPhPtPw<sup>2</sup>Qe(vel data add. Qe<sup>2</sup>)SITbVmVo; data LeMgPwTcVpWc

## 161

[*Quid sit mos, quid sit<sup>1</sup> consuetudo*]<sup>2</sup>. *Isidorus, Etimologiarum libro V, cap. iii*<sup>3</sup>

Mos est vetustate probata consuetudo, sive lex non scripta<sup>4</sup>. Item. Consuetudo autem est ius quoddam moribus institutum<sup>5</sup> quod pro lege suscipitur cum deficit lex. Nec differt utrum scriptura an ratione consistat.

*ID 4.200] cf D 1 c 4, remote, D 1 c 5a*

<sup>1</sup> sit AdCaSfVm, om. BeEaMgPf

<sup>2</sup> Quid – cons. in mg. AdBeCaMgPf, in text Ea(no inscr.)SfVm; Quod consuetudo et usus antiquitus (antiquus SI) sit tenendus ut (si SI) nec legi nec rationi sit contrarius Vo, in mg. Vo; om. MqFbPtTbTc

<sup>3</sup> Isidorus - lib. V cap. iii \*AdBeFbMgPfSITcVm; Isidorus - lib. V cap. iiiii CaVo; Codicum libro VIII cap. ii titul' i Sf; Isidorus - lib. I ...Tb

<sup>4</sup> scripta \*CaMgPfTc; scriptura Tb

<sup>5</sup> id est add. Mg, om. \*CaPfTc

## 162

[*Quod consuetudo et usus antiquus sit tenendus si nec legi nec rationi fuerit contrarius*]<sup>1</sup>. *Codicum<sup>2</sup> libro VIII<sup>3</sup>, cap. lii, tit. i<sup>4</sup>*

Consuetudo precedens et ratio<sup>5</sup> que consuetudinem suasit tenenda est, et quicquid contra longam consuetudinem<sup>6</sup> fiet, ad sollicitudinem<sup>7</sup> suam revocabit<sup>8</sup> preses provincie.

*ID 4.201] D 12 c 7*

<sup>1</sup> Quod – contrarius in mg. AdBeCaMg, in text MqSfVm; De eodem Vo; Quod cons. – tenendus legi et rationi non contrarius in mg. Pf, om. PtTbTc

<sup>2</sup> Codicum \*BeCaFbLdMgPfTbVm; Constitutionis Tc; Item Codicum Vp

<sup>3</sup> VIII BeCaFbMgPfTbTc; V Ad

<sup>4</sup> capitulo - i \*AdBeLdPfVmVo(adding cxxii)Vp; cap. lii CaFbMg; cap. ii tit. i SfTb; concilio Tc

<sup>5</sup> ratio \*CaFbMgPfTc; oratio Tb

<sup>6</sup> longam cons. \*CaFbMgPfTb; cons. longam Tc

<sup>7</sup> vel consue ss Pw<sup>2</sup>

<sup>8</sup> revocabit \*BeLd<sup>2</sup>TbTc; revocavit AdCaFbLdMgPfPwVo; revocabis Vm

**163***<sup>1</sup>Titulo ii<sup>2</sup>*

Consuetudinis<sup>3</sup> ususque<sup>4</sup> longevi non vilis auctoritas est, verum non usque adeo valitaram<sup>5</sup> momento<sup>6</sup> ut aut rationem vincat aut legem.

*Codex 8.52.2; ID 4.202] D 11 c 4*

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

<sup>2</sup> Titulo ii \*AdBeCaLdTbVmVo(*adding cxxii*); Titulus ii MgSf, *cf Ea c 163*; Eorundem tit ii Pf; Item Tc. Consuetudo et usus antiquus sit tenendus si nec legi nec rationi fuerit contrarius Ea(*cfc 162, no inscr.*)

<sup>3</sup> -ines PhQe(vel -is ss)

<sup>4</sup> ususque \*BeCcFbPhVm; iusque AdEaLeMqTbSIWc; usque CaQe; iurisque MgTcVo; iuris Pf

<sup>5</sup> valitaram AdEaLeMgMqPfTbVm; sui valitura CaFb; valitura BeCcLd(*followed by erasure*)SITcVo

<sup>6</sup> momento \*CcLd; memento AdBeCaFbEaLeMgMqPfQeSITbVmVoWc; *om. Tc*

**164***Nicolaus papa Igmaro<sup>1</sup>*

Mala consuetudo que<sup>2</sup> non minus quam perniciosa corruptela vitanda est, que nisi citius radicitus evellatur, in privilegiorum ius ab impiis assumitur, et incipiunt prevaricationes et varie presumptiones<sup>3</sup> celerrime<sup>4</sup> non compresse pro<sup>5</sup> legibus venerari, et privilegiorum more perpetuo celebrari.

*ID 4.203] D 8 c 3*

<sup>1</sup> Igmaris Be; *om. Ea*; Quod mala consuetudo uitanda sit cxxiii *add. Vo*

<sup>2</sup> que \*CaEaMgMqVm; *om. with lacuna Pf*; *om. BePhTbTcWc*

<sup>3</sup> et var. pres. \*CaMgTbTc; *om. Pf*

<sup>4</sup> celerrime \*CaPfTbTc; celeberrime Mg

<sup>5</sup> pro \*MgPfTbTc; pre Ca

**165<sup>1</sup>***<sup>2</sup>Isidorus in Sinonimis<sup>3</sup>, libro II<sup>4</sup>*

Usus auctoritati cedat. Pravum usum<sup>5</sup> lex et ratio vincat.

*ID 4.207] D 11 c 1*

*<sup>6</sup>Augustinus, de unico baptismo<sup>7</sup> libro III<sup>8</sup>*

<sup>1</sup> for Vp see *Conspicetus after 2. 159*

<sup>2</sup> De eodem *add. in mg. Ca, in text Vo*

<sup>3</sup> Is. in Syn. \*CaMgPfTbVm; In Syn. Is. Tc

<sup>4</sup> lib. II \*AdCaMgPfTbVmVo(*adding cxxiiii*); lib. I Tc; *om. Ea*

<sup>5</sup> Po fo. 56v ends, fo. 57r begins (*after loss of a leaf or two*) in c 181

<sup>6</sup> De eodem *add. in mg. Ca, in text Vo*

<sup>7</sup> Aug. de unico bapt. \*BeCaMgPfSfSkTbVo; Aug' in mg. Ea; Beda PtTc; *om. Ad; no inscr. no break* Vm

Veritate manifestata<sup>9</sup> cedat consuetudo veritati. Plane quis dubitet veritati manifeste<sup>10</sup> consuetudinem cedere? Item. Nemo consuetudinem rationi et veritati preponat, quia consuetudinem ratio et veritas semper excludit, si<sup>11</sup> ratio, si<sup>12</sup> veritas optime<sup>13</sup>.

*ID 4.208] D 8 c 4, which lacks si ratio - optime*

<sup>8</sup> lib. III \*AdCaMgPfTcVo(*adding cxxv*); lib. II Be; b. I Tb; *om.* Ea

<sup>9</sup> manifestata \*TcVm<sup>2</sup>; manifesta AdBeCaEaMgMqPfPtTbVmVo

<sup>10</sup> ver. man. CaMgPfTbVo; man. ver. Tc

<sup>11</sup> si \*BeCaMgTbTcVo; sit Pf; si sit Pf<sup>2</sup>

<sup>12</sup> ratio si \*BeCaMgTbVm; ratio sit Pf; ratio si sit Pf<sup>2</sup>; ratio et Tc; rationem Vo

<sup>13</sup> optime \*MqPfSITbVm; optinet AdBeEaMgPfTcVo(*in mundo subscript*); optinetur CaLe

## 166

*<sup>1</sup>Gregorius VII<sup>2</sup> Guimundo Aversano<sup>3</sup> episcopo<sup>4</sup>*

Si<sup>5</sup> consuetudinem fortassis opponas, advertendum fuerit<sup>6</sup> quod Dominus dicit, Ego sum, inquit, veritas<sup>7</sup>. Non ait, Ego sum consuetudo, sed veritas. Et certe, ut beati Cipriani utamur sententia, quelibet consuetudo quantumvis vetusta<sup>8</sup>, quantumvis<sup>9</sup> vulgata, veritati omnino<sup>10</sup> postponenda et usus qui veritati est contrarius abolendus est<sup>11</sup>.

*ID 4.213] D 8 c 5*

<sup>1</sup> Item de eodem *add. in mg.* Ca. Fas lex divina est. Ius lex humana est, au[tem] ius generale nomen.

Lex autem iuris est species *add. in cramped hand* Ea (*only Greg. in mg. as inscr.*); De eodem *add.* Vo

<sup>2</sup> VII \*BeCaMgPfTbVmVo; VIII Sf; II Tc

<sup>3</sup> -ano \*CaPfTbTc; Aussano Be; Aversario MgVmVo; Ausano Mq; Causano Pt; *om.* Ad

<sup>4</sup> VII – episc. *om.* Ea

<sup>5</sup> In Pk

<sup>6</sup> fuerit \*CaMgPfTb; est Tc

<sup>7</sup> Ego – veritas *suppl. ss* Vo

<sup>8</sup> quantumvis vetusta \*AdBeCa<sup>2</sup>(ss)EaMgPfTcVm; quantumvis venusta Ca; quantum vetusta vis Tb

<sup>9</sup> quantumvis \*AdBeMgPfTbTc; quantum Ca

<sup>10</sup> ver. omn. \*AdBeEaMgPfTc; ver. omn. est CaTb; est ver. omn. Vm

<sup>11</sup> est cont. ab. est PfTc; est cont. ab. AdLeMqSIVmVo; est cont. est ab. BeCaEaMg; cont. est ab. est Tb

## 167

*<sup>1</sup>Ut non cito iudicetur ubi res obscura fuerit<sup>2</sup>*

Revelatione igitur facta, cedat error veritati, quia et Petrus qui circumcidebat cessit Paulo veritatem predicanti.

*ID 4.234 pt.] D 8 c 6 med.*

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

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<sup>2</sup> Ut (Unde Vo) non cito iudicetur ubi res obscura fuerit (fuerit obs. Ea) AdBeCaEaMgMqTcVmWc;  
De eodem. Unde non cito – fuerit Vo; Idem de eodem Pf; *om.* PtTb

## 168

*[Quod usus qui<sup>1</sup> nec<sup>2</sup> auctoritate robatur, et in aliis locis aut vix aut nunquam tenetur, omnino respuatur, quamvis contra fidem non<sup>3</sup> constituatur]<sup>4</sup>.<sup>5</sup> Augustinus ad inquisitiones Ianuarii*

Omnia talia, que neque sanctorum scripturarum<sup>6</sup> auctoritatibus continentur, nec de conciliis episcoporum<sup>7</sup> statuta inveniuntur, nec consuetudine universe ecclesie roborata sunt, sed diversorum locorum diversis moribus innumerabiliter variantur, ita ut vix aut omnino nunquam<sup>8</sup> inveniri<sup>9</sup> possint cause quas in eis constituendis homines secuti sunt, ubi facultas tribuitur sine ulla dubitatione resecanda estimo. Quamvis enim neque hoc inveniri possit quomodo contra fidem sint<sup>10</sup>, ipsam tamen religionem quam paucissimis et manifestissimis celebrationum<sup>11</sup> sacramentis misericordia<sup>12</sup> Dei voluit esse liberam<sup>13</sup>. Quam<sup>14</sup> servilibus oneribus<sup>15</sup> premunt<sup>16</sup>, ut tolerabilius sit conditio Iudeorum, qui etiam<sup>17</sup> si tempus libertatis non cognoverunt<sup>18</sup>, legalibus tamen sacramentis non humanis presumptionibus subiciuntur.

*ID 4.206] D 12 c 12*

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<sup>1</sup> ss Mg

<sup>2</sup> nec CaMgPfTcVm; non Sf

<sup>3</sup> contra fidem non BeCaMgPfTcVmVo; non contra fidem Sf

<sup>4</sup> in mg. BeCaPfTc, in text MgMqSfVmVo; *om.* AdPtTb. qui nec auctoritate robatur in aliis locis aut vix aut nunquam tenetur omnino respuatur quamvis contra fidem <non> constituatur *in text below after scripturarum* Pw

<sup>5</sup> cxxviii add. Vo

<sup>6</sup> For Pw see note to rubr. above

<sup>7</sup> corr. fr. eorum Ca<sup>3</sup>

<sup>8</sup> omn. nun. \*BeMqPfTbVm; nun. omn. AdCaMgTc; omn. vel nun. Vo

<sup>9</sup> -iri \*MgPfTbTc; -ire Ca

<sup>10</sup> sint \*CaMgTbTc; fuit Pf

<sup>11</sup> -ationum \*BeTcVo; -ationem AdMqVm; -atiorem CaTb; -ationem liberam Mg; -atam Pf

<sup>12</sup> lacuna follows in Pf

<sup>13</sup> liberam \*CaPfTbTc; *om.* Mg

<sup>14</sup> *om.* BeVo

<sup>15</sup> oneribus \*BeCaPfTb; hominibus (?) Ad<sup>2</sup>; orationibus Mg; honoribus MqVo; vel honoribus Tc

<sup>16</sup> adeo add. MgTc, *om.* \*AdBeCaPfTb

<sup>17</sup> etiam \*PfTb; et CaMgTc

<sup>18</sup> -erunt \*Tc; -erint CaMgPfTb

**169**

[*De observantia Sabbati*]<sup>1</sup>. *Gregorius papa civibus*<sup>2</sup> *Rome*

Pervenit ad me quosdam perversi spiritus homines prava inter vos<sup>3</sup> aliqua et sancte fidei adversa seminasse, ita ut die Sabbati aliquid operari prohiberent, quos quid aliud nisi Antichristi predicatorum dixerimus, qui veniens<sup>4</sup> diem Sabbatum atque dominicum ab omni faciet opere<sup>5</sup> custodiri? Quia enim mori se et resurgere simulat, haberi vult in veneratione<sup>6</sup> dominicum diem<sup>7</sup>. Et quia populum iudaizare compellit, ut exteriorem ritum legis revocet, et sibi Iudeorum perfidiam subdat, coli vult Sabbatum.

*ID 4.6a] De cons. D 3 c 12a*

<sup>1</sup> in mg. AdBeCaPf, in text EaMqSfVmVo(adding cxxviiii); om. MgOaPtTbTcVp

<sup>2</sup> civibus CaEaPfVm; urbis Sf

<sup>3</sup> vos \*AdCaMgTcVm; nos BeMqPfTb

<sup>4</sup> veniens \*TbTcVmVo; venientes AdBeCaEaMgMqPf

<sup>5</sup> faciet op. TbTcVm<sup>2</sup>Vo; op. facient BeEaMg; facient op. CaMqPfVm

<sup>6</sup> vult in ven. \*AdBeCaEaMgMqVo; in ven. vult PfTbTcVm

<sup>7</sup> Dom. diem \*CaMgPfTb; diem Dom. Tc

**170**

[*De dignitate dominice diei*]<sup>1</sup>. *Ex concilio apud Compendium, cap. ii*

Omnis dies dominicos a vespera in vesperam cum omni veneratione et observatione<sup>2</sup> decrevimus et ab illicito opere abstinere<sup>3</sup>, et ut mercatus in eis minime sit, nec placitum ubi aliquis ad mortem vel ad penam iudicetur, nec sacramenta iurentur nisi pro pace facienda.

*ID 4.16] X 2.9.1 var.*

<sup>1</sup> De dign. (corr. fr. dignatione Mq) - diei in mg. Ad(against c 171)BeCaMgPf, in text Ea(no inscr.)MqVmVo(adding cxxx) ; De die dominico in mg. Tc; om. OaPtTbVp

<sup>2</sup> et observatione \*AdCaPfTbVm; observare MgTc

<sup>3</sup> op. abst. CaMgPfTc; abst. op. Tb

**171**

*De eodem concilio*<sup>1</sup>, cap.<sup>2</sup> viii<sup>3</sup>

Ut<sup>4</sup> mercatus die dominico in nullo loco habeatur<sup>5</sup>.

*ID 4.21B]*

<sup>1</sup> concilio \*AdCaMgTbTcVm; om. Pf

<sup>2</sup> capitulo concilio later reversed Ca

<sup>3</sup> cxxxii add. Vo

<sup>4</sup> Ut AdBeCaMg<sup>2</sup>PfTbTcVmVoWc; Et CcMgOa

<sup>5</sup> loco hab. \*BeMgPfTbTc; hab. loco Ca; modo hab. Vm

## 172

*De eodem concilio<sup>1</sup>, cap. vi<sup>2</sup>*

Tria<sup>3</sup> catartaria<sup>4</sup> opera licet fieri in dominica die<sup>5</sup>, id est, hostilicidia, carra, victualia vel angaria, et, si forte necesse sit<sup>6</sup>, corpus cuiuslibet duci ad sepulcrum.

*ID 4.20]*

<sup>1</sup> De eodem concilio AdBeCaMgTbTc; Item Pf; De eodem SfVm; De tribus operibus in die dominico Ea

<sup>2</sup> cap. vi \*AdBeCaPfTbVo; *illeg.* Mg; cap. viii Tc; *om.* EaLc. Que opera fieri liceat in die dominica cxxxii add. Vo

<sup>3</sup> Vria Vo

<sup>4</sup> catartaria PfSIVm; carthataria Ad; carartaria Be; carraria CaCcLeMqPtTbVo<sup>2</sup>; cartraria EaMg; Tria cat. *om.* Lc; cartaria PhQeVpWc; carateristica, id est determinativa *add. ss* Pt; catataria Tc; carria Vo

<sup>5</sup> dominica die \*CaEaMgPfTb; die dominico Tc

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

## 173

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

In dominicis diebus vel<sup>3</sup> ceteris festis, a vespera usque ad<sup>4</sup> vesperam non flectant<sup>5</sup> genua, sed stantes<sup>6</sup> incurvati orent.

*ID 4.36 med., cf c 183 below]*

<sup>1</sup> Aurel. CaMgPfTbTcVm; Augustini Sf

<sup>2</sup> xiii \*AdCaTbVmVo; xii Tc; MgPf *illegible*; Item *only* Ea. De non flectendo genu in festis diebus *add.* Vo

<sup>3</sup> vel \*AdPfTbTcVmVo; et BeCaEaMg

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

<sup>5</sup> -ant \*CaMgPfTb; -ent Tc

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

## 174

*[De ieunio clericorum]<sup>1</sup>. Omnibus episcopis<sup>2</sup>*

Telesphorus septimus a Petro in decretali suo<sup>3</sup>. Cognoscite<sup>4</sup> a nobis et cunctis episcopis in hac sancta et apostolica sede congregatis statutum esse ut septem

<sup>1</sup> De – cler. *in mg.* BeCaPfWc, *in text* ( Mg *adding* De ieunio *in mg*) EaMgMqPtSfSITbVmVo(*adding* cxxxiiii); *om.* TcVp. xxii. De ieuniis et elemosinis *in mg.* Bd; xiiii *add. in mg.* Be<sup>2</sup>

<sup>2</sup> Omn. epp. \*BePfSfTb; [ ]eolopholus vii a Petro in dec. suo. De ieunio clericorum omnibus episcopis Ad; Telesph. - suo de ieunio clericorum omnibus epp. *in text* Ca; Omn. epp. Telephorus papa sextus a Petro *as inscr.* CaEa; Teles. vii a Petro in decretis suis (-alio suo Vp) omnibus episcopis *as inscr.*, *beginning canon:* Cognoscite MgTcVp; Thelesphorus papa omn. episcopis Mq; Thelesphorus – decretis suis *as inscr.* Tc; De ieunio Th<el> omnibus epp. De ieunio clericorum *in text* Vm; Omnibus Vo; Thelesphorus omn. epp. Wc

<sup>3</sup> (Omnibus episcopis *add.* PtSIVoWc) Telesph. – suo *in text* BePfPtSfSITbVoWc; *as inscr.* (*in various forms*) AdCaEaMgMqTcVm

<sup>4</sup> Cognoscite \*AdCaEaMgPfTbVm; Recognoscite Tc

hebdomadas plenas ante sanctum Pascha omnes<sup>5</sup> clerici in sorte Domini vocati a carne  
ieiunent, quia sicut discreta debet esse vita clericorum a laicorum conversatione<sup>6</sup>, ita  
et<sup>7</sup> in ieunio debet fieri discretio. Has igitur septem hebdomadas omnes clerici a  
carne et deliciis ieiunent, et himnis et vigiliis et<sup>8</sup> orationibus Domino inherere die  
noctuque studeant.<sup>9</sup>

*ID 4.25] +D 4 c 4, beginning* Statuimus ut septem

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<sup>5</sup> omnes \*CaMgPfTb; *om.* Tc

<sup>6</sup> laic. con. \*CaMgPfTb; con. laic. Tc

<sup>7</sup> et \*AdEaPfTbVm; etiam CaMgTc

<sup>8</sup> vigiliis et CaMgPfTc; *om.* Tb

<sup>9</sup> studeamus Sl

## 175

*[Quare<sup>1</sup> ieunium per quatuor tempora distinguitur]<sup>2</sup>. De ieunio quatuor temporum<sup>3</sup>*

*Benedicto episcopo<sup>4</sup>*

Calixtus papa et martyr xv<sup>5</sup> a Petro Benedicto fratri suo et coepiscopo salutem.  
Ieiunium quod ter in anno apud nos celebrari didicisti<sup>6</sup>, convenientius nunc per  
quatuor tempora fieri decrevimus, ut sicut annus per quatuor volvitur tempora<sup>7</sup>, sic et  
nos quaternum solempne agamus ieunium<sup>8</sup> per anni quatuor<sup>9</sup> tempora.

*ID 4.26] +D 76 c I*

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<sup>1</sup> Quod Ad

<sup>2</sup> in mg. AdBeCaPf, in text Ea(no inscr.)MgMqSfVmVo; *om.* DbPtTbTcVp

<sup>3</sup> De - temp. \*BeCaMgMqPtTbTcVo; De ie. temp. Ad; *om.* EaPf. Calixtus papa *add.* PfTc, *om.*

\*AdCaMgSfTbVm

<sup>4</sup> Ben. ep. *om.* Pt

<sup>5</sup> xv \*MqPfPhQeTbTcVmVo; xii AdBdBeCaEaMgPtSlVpWc

<sup>6</sup> -isti \*CaMgPfTb; -istis Tc

<sup>7</sup> vol. temp. \*CaMgPfTc; temp. vol. Tb. fieri decrevimus – vol. temp. *ss* Ad

<sup>8</sup> ag. ie. \*PfTbTc; ie. ag. CaMg

<sup>9</sup> anni quat. BdCaMgPfTc; quat. anni Tb

**176**

*[Quod non sit iejunandum<sup>1</sup> die dominico<sup>2</sup> et quinta feria]<sup>3</sup>. Ad episcopos Hispaniarum<sup>4</sup> Melchiades papa<sup>5</sup> XXVIII a Petro<sup>6</sup> in primo<sup>7</sup> decretali suo*  
*Ieiunium dominici diei et quinte ferie nemo celebrare debet, ut inter iejunium Christianorum et gentilium, et<sup>8</sup> veraciter credentium et infidelium atque<sup>9</sup> hereticorum, vera et non falsa discretio<sup>10</sup> habeatur.*

*ID 4.27] De cons. D 3 c 14*

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<sup>1</sup> iejunandum AdCaEaMgPf; iejunium Vm

<sup>2</sup> -ico MgPfVm; -ica Ca

<sup>3</sup> Quod – quinta feria (feria quinta Ea) *in mg. AdBeCaMgPf, in text Ea(no inscr.)MqSfVmVo; om. PtTbTcVp*

<sup>4</sup> ad epp. Hisp. here BeCaMgTbTcVo, episc. Hispaniarum *after* papa Mq, *after* dec. suo PfVm; Hispan' episcopis *after* suo Pt; Hispaniorum ad episcopos Ad

<sup>5</sup> papa \*AdBeMgMqPfTbVo; *om.* CaTc

<sup>6</sup> xxviii a Petro *om.* Mq

<sup>7</sup> primo \*AdBeMgPfTbTc; uno Vo; *om.* Ca

<sup>8</sup> et \*MqPfTbTc; non BeCaMg

<sup>9</sup> atque CaMgTb; et PfTc

<sup>10</sup> discretio \*EaMgPfTbTc; *om.* Ca

**177**

*[Qua ratione sit iejunandum in Sabbato]<sup>1</sup>. Innocentius Decentio Egubino, cap. iv<sup>2</sup>*

Sabbato vero iejunandum esse ratio evidentissima monstrat. Nam si<sup>3</sup> diem dominicum ob venerabilem resurrectionem<sup>4</sup> Domini nostri Iesu Christi non solum in Pascha celebramus, verum etiam per singulos hebdomadarum dies ipsius diei imaginem frequentamus. Ac sicut sexta feria propter passionem Domini iejunamus, Sabbathum pretermittere non<sup>5</sup> debemus, quia inter tristitiam et letitiam temporis illius videtur<sup>6</sup> inclusus. Nam utique constat apostolos biduo isto et<sup>7</sup> in merore fuisse et propter metum Iudeorum se occuluisse, quod<sup>8</sup> utique non dubium est<sup>9</sup> in tantum eos<sup>10</sup> ieunasse biduo memorato<sup>11</sup> ut traditio ecclesie habeat isto biduo sacramenta penitus

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<sup>1</sup> *in mg. AdBeCaMgPf, in text Ea(no inscr.)MqSfVmVo*(adding cxxxvii); *om.* PtTbTcVp

<sup>2</sup> Dec. Egub. cap. iv AdSfVmVp; Decencio et (*om.* Mg) Eusebio cap. iv BeCaMg; Decentio eppiscopo cap. iiiii Mq; Dec. Egub. Pf; Dec. Eusebio cap. ii Tb; Egub. et Dec. Tc; Egubino Dec. cp. iiiii Vo

<sup>3</sup> si \*AdCaEaMgPfVm; sicut Tb; cum Tc

<sup>4</sup> resurrectionem \*CaMgPf; rationem resurrectionis Tb; *om.* Tc

<sup>5</sup> pret. non \*CaMgPfTb; non pret. Tc

<sup>6</sup> videtur \*AdBeEaPfTbVm; esse videtur Tc; videtur esse CaMg

<sup>7</sup> et \*CaMgPfTc; *om.* Tb

<sup>8</sup> quod \*AdPfTbVm; quos BeCaTc; quos quidem EaMg

<sup>9</sup> illum add. and canc. Ad

<sup>10</sup> eos \*MqSITbVm; *om.* AdBeCaEaMgPfTcVo

<sup>11</sup> -ato \*CaMgTbTc; -ata Pf

non celebrari. Que forma utique<sup>12</sup> per singulas tenenda est hebdomadas propter id quod commemoratio<sup>13</sup> diei illius<sup>14</sup> semper est celebranda. Quod si putant semel atque uno Sabbato iejunandum, ergo et dominica<sup>15</sup> et sexta feria semel in Pascha erit utique celebrandum<sup>16</sup>.

*ID 4.28] De cons. D 3 c 13*

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<sup>12</sup> utique Ca<sup>2</sup>MgPfTc; *after* sing. Ca; *om.* Tb

<sup>13</sup> commem- \*CaMgPfTc; mem- Tb

<sup>14</sup> diei ill. CaPfTbTc; ill. diei Mg

<sup>15</sup> -ica EaMgTc; -icum BePfTbVm; ic' Ca

<sup>16</sup> -andum \*BeCaEaPfTbVm; -anda MgTc

## 178

*<sup>1</sup>Ex<sup>2</sup> concilio Eliberitano, cap. xxiii<sup>3</sup>*

Ieiunia super abstinentias<sup>4</sup> per singulos menses placuit celebrari, exceptis diebus duorum mensium, Iulio et Augusto<sup>5</sup>, ob eorundem<sup>6</sup> infirmitatem.

*ID 4.31]*

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<sup>1</sup> Que sint legitima iejunia *in mg.* Mg (*cf c 179*), *in text Ea(no inscr.)*; De mundificatione iejuniorum *add.* Vo

<sup>2</sup> Ex CaMgPfTbTc; *om.* Ad

<sup>3</sup> xxiii \*AdMgPfTbTcVmVo(*adding cxxxviii*); xxiiii Ca

<sup>4</sup> tes *add. ss* Mg<sup>2</sup>

<sup>5</sup> Iulio et Augusto \*AdBeCaTbVmVo; Iulii et Augusti EaMgPfTcVp

<sup>6</sup> eorundem \*AdCaMgPfTb; eorum quidem Tc

## 179

*[Que sint legitima iejunia<sup>1</sup>]<sup>2</sup>. Ex dictis sancti<sup>3</sup> Apollonit<sup>4</sup>*

Ieiunia sane legitima, id est quarta et sexta feria non sunt solvenda, nisi grandis aliqua<sup>5</sup> necessitas fuerit, quia quarta feria Iudas de traditione Domini cogitaverit<sup>6</sup>, et sexta feria crucifixus est Salvator. Videbitur<sup>7</sup> ergo qui in his diebus sine aliqua necessitate solverit statuta iejunia, vel cum tradente tradere Salvatorem vel cum crucifigentibus crucifigere.

*ID 4.32] De cons. D 3 c 16*

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<sup>1</sup> leg. iej. AdCaMgSfVm; iej. leg. Pf

<sup>2</sup> *in mg.* AdBeCaPf, *in text* MqSfVmVo(*adding cxxxviii*); *om.* EaPtTbTcVp; *in mg. to c 178* Mg

<sup>3</sup> sancti CaMgPfTbTc; beati Ad

<sup>4</sup> Apollonii \*AdBeCaPfTbVmVo; Appollonii Ea; Apollini MgSf; Apollinarii Tc

<sup>5</sup> gr. aliq. \*PfTbTc; aliq. gr. CaMg

<sup>6</sup> -averit CaMgPfTb; -avit Tc

<sup>7</sup> -ebitur \*MgPfTbTc; -etur Ca

**180<sup>1</sup>**

*[Quibus mensibus et quibus<sup>2</sup> mensium hebdomadibus iejunia Quatuor Temporum constituantur]<sup>3</sup>. Ex concilio Magontiensi, cap. ii*

Constituimus ut Quatuor Tempora anni ab omnibus hominibus cum ieunio obseruentur, id est in Martio hebdomada<sup>4</sup> prima, in Iunio secunda, in Septembri tertia, in Decembri quarta, que<sup>5</sup> fuerit plena<sup>6</sup> ante vigiliam Natalis Domini<sup>7</sup>, id est feria quarta et sexta<sup>8</sup> et Sabbato veniant omnes ad ecclesiam hora nona<sup>9</sup> cum letaniis ad missarum solempnia.

*ID 4.35] +D 76 c 2 to Decembri quarta*

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<sup>1</sup> added at foot of leaf Ld<sup>2</sup>

<sup>2</sup> et quibus AdCaEaMgSfVm; quibusve Pf

<sup>3</sup> constituimus Ad. Quibus – const. in mg. AdBeCaMgPf, in text Ea(no inscr.)MqSfVm; De quattuor temporibus cxl Vo; om. PtTbTcVp

<sup>4</sup> in Mart. hebd.\*MgPfTbTc; in Mart. added Ca<sup>2</sup>

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

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

<sup>7</sup> Nat. Dom. \*CaMgPfTc; om. Tb

<sup>8</sup> sexta \*CaPfTbTc; vii Mg

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

**181**

*[De eodem]<sup>1</sup>. Ex concilio Salegonstat habito de custodiendo ieunio<sup>2</sup>*

De incerto autem ieunio Quatuor Temporum hanc certitudinem statuimus, ut si Kalend. Martii in quarta feria sive<sup>3</sup> antea evenerit<sup>4</sup>, eadem hebdomada celebretur<sup>5</sup>.

Si autem Kalend. Martii in quinta feria aut in<sup>6</sup> sexta feria, aut<sup>7</sup> in Sabbato distenduntur, in sequentem hebdomadam iejunium differatur. Simili quoque modo<sup>8</sup>, si Kalend. Iunii in quarta feria<sup>9</sup> aut antea evenerint<sup>10</sup>, in<sup>11</sup> subsequente<sup>12</sup> hebdomada

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<sup>1</sup> in mg. Ad<sup>2</sup>BePf; in text AdBe(later canc.)PhTb; om. CaEaMgMqPtTcVmVpWc

<sup>2</sup> Ex -Sal. (Sale constat BeSfTb, Saligenestat Mq, Saler' Vp) habito de custodiendo ieunio

\*BeCaMgMqSfTbVmVpWc; om. Ad; De cust.iei. Ea; Ex - Sal. Pf; Ex – Sal. habito Pt; De concilio Constantiensi habito de custodiendo ieunio Tc; Ex conc. Salegunstat - ieunio. Quibus mensibus et quibus mensium hebdomadibus iejunia quattuor temporum constituantur Vo

<sup>3</sup> sive \*EaMgPfTbTc; vel Ca

<sup>4</sup> evenerit \*AdCaPfVm; evenerint BeMgTc; venerint Tb

<sup>5</sup> iejunium add. Tb, om. \*CaMgPfTc

<sup>6</sup> aut in MgPfTb; vel in Ca; om. Tc

<sup>7</sup> feria aut CaMgPf; aut Tb; et Tc

<sup>8</sup> in ceteris mensibus fiat add. (omitting rest of canon) Ea

<sup>9</sup> qu. fer. CaMgTbTc; fer. qu. Pf

<sup>10</sup> -erint TbTc; -erit CaMgPf

<sup>11</sup> expunct. Tb

<sup>12</sup> subsequente AdCaMgVm; sequente PfTb; sequenti Tc

celebretur *ieiunium*<sup>13</sup>, et si in quinta aut<sup>14</sup> in sexta feria, aut<sup>15</sup> *Sabbato contigerit*<sup>16</sup>, *ieiunium* in tertiam hebdomadam<sup>17</sup> reservetur. Et hoc<sup>18</sup> sciendum est<sup>19</sup> quod si quando *ieiunium* mensis Junii in vigilia Pentecostes secundam predictam regulam<sup>20</sup> evenerit, non ibi celebrandum erit; sed in ipsa hebdomada solempni Pentecostes, quia *vigiliam*<sup>21</sup> similiter<sup>22</sup> et *ieiunium* celebrare non convenit, et tunc propter *solempnitatem Spiritus sancti diacones*<sup>23</sup> dalmaticis induantur, et<sup>24</sup> *Alleluia* cantetur et<sup>25</sup> *Flectamus genua* non dicatur.

Eodem modo de Septembris *ieiunio* constitutum est, ut si *Kalend. Septembri* in quarta feria evenerit<sup>26</sup> aut antea, *ieiunium* in tercia hebdomada celebretur; et si in quinta aut<sup>27</sup> sexta, aut *Sabbato contigerit*<sup>28</sup>, in quarta hebdomada<sup>29</sup> *ieiunandum* erit. In *Decembri* vero illud observandum erit ut<sup>30</sup> proximo *Sabbato* ante *vigiliam Natalis Domini* celebretur *ieiunium*, quia si<sup>31</sup> *vigilia* in *Sabbato* evenerit, similiter<sup>32</sup> *vigilia*<sup>33</sup> et *ieiunium* celebrare<sup>34</sup> non convenit.

*ID 4.33] +D 76 c 3*

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<sup>13</sup> Simili quoque – cel. *ieiunium* *in mg.* Vo<sup>2</sup>

<sup>14</sup> aut BeCaMgPfTb; et Tc

<sup>15</sup> in add. TbTc, om. BeCaMgPf

<sup>16</sup> -erit \*CaMgPfTc; -erint Tb. Po *resumes*

<sup>17</sup> tertiam ebdomadam \*CaMgPfVm; tercia ebdomada TbTc

<sup>18</sup> hoc CaMgPfTb; om. Tc

<sup>19</sup> ss Tb

<sup>20</sup> pred. reg. \*CaMgPfTc; reg. pred. Tb

<sup>21</sup> -iliam \*CaMgPfTb; -ilia Tc

<sup>22</sup> similiter \*MgPfVm: simul CaTb; sim' Tc

<sup>23</sup> -ones CaPfTbTc; -oni Mg

<sup>24</sup> et \*PfTbTc; om. CaMg

<sup>25</sup> et \*CaPfTbTc; om. Mg

<sup>26</sup> -erit CaMgPfVm; -erint TbTc

<sup>27</sup> in add. CaMg, om. AdPfTbTcVm

<sup>28</sup> -erit \*AdCaMgTbVm; -erint PfTc

<sup>29</sup> celebretur et si – ebdomada *in mg.* Ad

<sup>30</sup> ut PfTbTc; ut in CaMg; in Vm

<sup>31</sup> over erasure Pf

<sup>32</sup> similiter MgPfTb; simul BeCa; sim' Tc

<sup>33</sup> -ilia Pf; -iliam BeCaMgTb; il' TcVm

<sup>34</sup> -are \*CaMgPfTb; -ari Tc

## 182

[*Qua supputatione in Quadragesima videatur anni decima*]<sup>1</sup>. Ex epistola Gregorii pape<sup>2</sup>

Quadragesima summa observatione est observanda<sup>3</sup> ut ieunium in ea preter dies dominicos<sup>4</sup>, qui de abstinentia subtracti sunt, nisi quem infirmitas impedierit, nullatenus solvatur, quia ipsi dies decime sunt anni. A prima igitur dominica Quadragesime usque in Pascha Domini sex hebdomade computantur, quarum videlicet dies quadraginta duo fiunt<sup>5</sup>. Ex quibus dum sex dies<sup>6</sup> dominici abstinentie subtrahuntur<sup>7</sup>, non plus in abstinentia quam triginta sex dies<sup>8</sup> remanent. Verbi gratia, si per trecentos sexaginta<sup>9</sup> quinque dies annus ducitur, et nos per triginta et<sup>10</sup> sex dies affligimur, quasi anni decimas Deo damus<sup>11</sup>, et<sup>12</sup> ut sacer numerus quadraginta dierum adimpleatur, quem Salvator noster suo sacro ieunio consecravit, quatuor dies prioris hebdomade ad supplementum quadraginta dierum tolluntur<sup>13</sup>, id est quarta feria que Caput ieunii subnotatur<sup>14</sup>, et quinta feria sequens et sexta<sup>15</sup> et Sabbatum. Nisi quatuor istos dies superioribus triginta sex adiunxerimus quadraginta dies in abstinentia non habemus. Iubemur etiam ab omnipotenti Deo omnium bonorum nostrorum decimas dare. Quapropter ut omnis decima a nobis Deo rite persolvatur, tollamus decimam anni, et in ea peccata nostra confitendo, corrigendo nos, ieunando, vigilando, orando, elemosinas<sup>16</sup> dando abstergamus, et carnem nostram decimemus<sup>17</sup>, ut ad sanctum Pascha securi<sup>18</sup> pervenire possimus.

ID 4.34] De cons. D 5 c 16 to nostrorum decimas dare

<sup>1</sup> Qua - dec. in mg. AdBeCaMgPf, in text EaMqSfVmVo(adding cxlii); om. TbVp; De supp. in Quad. quomodo videatur anni decima esse Tc mg.

<sup>2</sup> Ex ep. Greg. pape \*AdBeMgPfTcVoVp; Ex ep. beati Greg. pape Ca; Greg' Ea; Ep. Greg. pape Tb; Ex omel' Greg' pape Vm

<sup>3</sup> obs. est obs. AdCaMgPf; veneratione est obs. Tb; obs. obs. est Tc

<sup>4</sup> dies Dom. \*CaPfTbTc; Dom. dies Mg

<sup>5</sup> fiunt CaMgTbVm; sunt PfTc

<sup>6</sup> dies CaPfMgVm; om. TbTc

<sup>7</sup> abst. sub. CaMgPfTc; sub. abst. Tb

<sup>8</sup> in abst. quam XXX et (om. CaTc) VI dies (om. Tc) \*CaMgPfTcVm; quam XXX et VI dies in abst.

Tb

<sup>9</sup> sexag. \*MgPfTbTc; 1 Ca

<sup>10</sup> et CaMgTbTc; om. Pf

<sup>11</sup> Deo damus \*MgPfTbTc; damus Deo Ca

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

<sup>13</sup> tolluntur \*PfVo; ponuntur BeCaMgTbTc

<sup>14</sup> subnot- \*CaMgPfTb; prenot- Tc

<sup>15</sup> feria seq. et sexta \*CaMgPfTb; et sexta sequens Tc

<sup>16</sup> -inas \*CaPfTbTc; -inam Mg

<sup>17</sup> et carnem - dec. \*CaMgPfTb; om. Tc

<sup>18</sup> securi \*TbVm; add. ss after pervenire Be; om. AdCaEaMgPfTcVoVpWc

## 183

[*Quibus temporibus debeant<sup>1</sup> fleti<sup>2</sup> genua*]<sup>3</sup>. Ex concilio Aurelianensi<sup>4</sup>, cap.xiii<sup>5</sup>

Ut presbiteri plebis annuntient quod<sup>6</sup> in Quadragesima et in<sup>7</sup> ieunio

Quatuor Temporum, tantummodo ad missarum solempnia genua flectere debeant. In dominicis et in ceteris<sup>8</sup> festivis diebus<sup>9</sup> minime. Nec quisquam uno<sup>10</sup> genu solotenus impresso<sup>11</sup> orare presumat, sicut Iudei irridentes Dominum in passione eius fecisse leguntur, sed utraque genua in terram ponat<sup>12</sup>. Ait enim Apostolus, Flecto genua mea ad Patrem Domini nostri Iesu Christi.

*ID 4.36 mod.]*

<sup>1</sup> debeant AdBeCaEaMgPfTcVm; solent Vf

<sup>2</sup> fleti Ad

<sup>3</sup> in mg. AdBeCaMgPfTc, in text Ea(no inscr.)MqSfVmVo(adding cxlii); om. PtTbVp

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

<sup>5</sup> xiii \*AdCaMgTbVm; xxiii Be; iii Tc; in binding Pf

<sup>6</sup> quod \*CaMgPfTb; ut Tc

<sup>7</sup> in \*BeMg<sup>2</sup>PfTbTc; om. CaMg

<sup>8</sup> ceteris \*AdCaMgPfTc; certis Tb

<sup>9</sup> festivis diebus PtTbVm; diebus festivis BeCaEaMg; festivitatibus Tc

<sup>10</sup> solo Ad

<sup>11</sup> solotenus impresso TbVm; flexo solotenus AdEa; solotenus flexo BeCaMgTcVp; solatenus MqPf; solotenus Vo

<sup>12</sup> ponat \*MgPfTbTc; ponant Ca

## 184

[*Qua hora sit manducandum in Quadragesima*]<sup>1</sup>. Ex concilio Cabillonensi, cap. v<sup>2</sup>

Solent plures qui se ieunare putant in Quadragesima, mox ut signum audierint, ad horam nonam manducare. Qui nullatenus ieunare<sup>3</sup> credendi sunt, si ante manducaverint quam vespertinum celebretur officium. Concurrendum est enim<sup>4</sup> ad missam<sup>5</sup> et auditis missarum solempniis et vespertinis officiis, largitis elemosinis, ad cibum accedendum est. Si vero aliquis necessitate constrictus fuerit ut<sup>6</sup> ad missam venire non valeat, estimata vespertina hora, completa oratione sua, ieunium solvat.

*ID 4.45] De cons. D 1 c 50*

<sup>1</sup> in mg. AdBeCaMgPfTc, in text Ea(no inscr.)MqSfVmVo(adding c et xlivii); om. PtTbVp

<sup>2</sup> Ex decretis Silvestri pape cap. i add. in mg. Mg

<sup>3</sup> ss Ca<sup>3</sup>

<sup>4</sup> est enim CaMgPfTb; enim est Tc

<sup>5</sup> -sam \*AdPfTbVm; -sas BeCaMgTc

<sup>6</sup> ut \*CaPfTbTc; et Mg

**185**

*[Cuiusmodi refectione sit accipienda ieiunanti]<sup>1</sup>. Ex dictis Pimenii<sup>2</sup> heremite*

Sint tibi quotidiana ieiunia, et refectione satietatem<sup>3</sup> fugiens. Nihil enim prodest tibi<sup>4</sup>, biduo aut triduo<sup>5</sup> transmisso, vacuum portare ventrem, si pariter obruatur, si compensantur saturitate ieiunia. Illico mens repleta torpescit, et irrigata terra corporis huius spinas et carduos germinat<sup>6</sup>.

*ID 4.55] De cons. D 5 c 19 to pariter obstruatur only*

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<sup>1</sup> in mg. AdBeCaMgPfTc, in text MqSfVmVo; om. PtTbVp

<sup>2</sup> Pimenii BeCaMgPfVmVo; Pipinenii Ad; Pimenii Mq; Pigmenii Tb; Pigmetii Tc; Pemenii Vp.

Ieronimus add. ss Qe

<sup>3</sup> satietatem \*CaMgPfTb; saturitatem Tc

<sup>4</sup> prod. tibi \*BeMgPfTc; tibi prod. Ca; prod. Tb

<sup>5</sup> bid. aut trid. CaMgPfTc; trid. aut bid. Tb

<sup>6</sup> -abit Vp; in mg. Vo<sup>2</sup>

**186**

*<sup>1</sup>De eadem re. Item idem<sup>2</sup>*

Sint tibi ieiunia pura, continua moderataque, id est quotidie esurire et quotidie prandere.

*ID 4.56] De cons. D 5 c 20a*

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<sup>1</sup> Quod tria sunt genera elemosinarum add. in mg. Mg

<sup>2</sup> De eadem re. Item idem AdCaQeSlTbVp; De eadem re Be; De ieiunio Ea; De eodem item Lc; Item idem de eadem re MgVo; Item de eadem re Mq; Eiusdem de eodem Pf; De eadem re. Iem Ph; Idem PtTc; Idem de eadem re Vm; De eodem Wc

**187**

*Ieronimus<sup>1</sup>*

Parcus cibus et semper venter esuriens<sup>2</sup> triduanis prefertur ieiuniis.

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<sup>1</sup> Gr' add. Pf, papa Gregorius add. Pt; ad Furiam add. Qe<sup>2</sup>; presbiter add. Tb, Gr. de eodem cxlvii add.

Vo, om. AdBeCaEaMgTcVmVp; before c 188 Be

<sup>2</sup> semper vent. es. PfSlTbTcVm; semper es. vent. BeCaEaMg; vent. es. semper Vo

**188**

*Gregorius<sup>1</sup>*

Spernitur ieiunium quod in vesperum<sup>2</sup> repletione ciborum<sup>3</sup> reficitur.

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<sup>1</sup> Gregorius AdCaEa(mg.)LcMgSfIVmWc; Ier' Gregorius Be; Isidorus Mq; Idem Pf; om. Pt; Gregorius episcopus Tb; Gregorius, de elemosina Tc (*cf 190 below*); De eodem cxlviii Vo

<sup>2</sup> vesperum BeCaEaPfTbTc; vespertino Mg

<sup>3</sup> rep. cib. BeEaMgPfTbTc; cib. rep. refertur vel Ca

**189<sup>1</sup>***<sup>2</sup>Isidorus<sup>3</sup>*

Perfectum ieiunium est quando homo noster exterior<sup>4</sup> ieiunat, et interior orat.

<sup>1</sup> after c 190 in smaller hand Ea

<sup>2</sup> xv add. in mg. Be<sup>2</sup>. De elemosina add. Ad (cf c 190)

<sup>3</sup> om. Mq; De elementis add. Vp (and cf c 190); de elemosina add. Sl; Vo replaces Isid. with De eodem cxlviii

<sup>4</sup> noster ext. BeCaEaMgPfTb; ext. noster Tc

**190**

[*De elemosina*]<sup>1</sup>. Ex concilio Cabillonensi cap. v<sup>2</sup>

Diebus vero ieiunii elemosina facienda est, et cibum sive potum quo quisque debuit<sup>3</sup> uti, si ieiunaverit<sup>4</sup>, pauperibus eroget. Quia ieiunare et cibos prandii ad cenam reservare non mercedis sed ciborum est incrementum.<sup>5</sup>

*ID 4.44]*

<sup>1</sup> De el. in text Ea(no inscr.)MqTcVm, in mg. BeCaPfQe; Item Ad(cf c 189); Hysidorus de elemosina cl after insc. and De eodem before it Vo; om. LcMgPhPtTbVp

<sup>2</sup> Ex - cap. v BeCaMgPfPtTbTcVm; Ex conc. Cab. Sf; Gg' de helemosina (with Ex – v as second insc. to c 189) Vp

<sup>3</sup> debuit \*Ad<sup>2</sup>BePfTbVo; debeat AdCaEaMgTc; debet uti Vm

<sup>4</sup> -erit \*MgPfTbTc; -erint Ca

<sup>5</sup> Oa ends II here, omitting cc. 191-end.

**191**

[*Qualis debeat esse<sup>1</sup> elemosina*]<sup>2</sup>. Gregorius<sup>3</sup>

Elemosina<sup>4</sup> Redemptoris nostri oculis illa<sup>5</sup> placet, que non illicitis et iniquitate congeritur, sed que<sup>6</sup> de rebus concessis et bene adquisitis impenditur.

+C 14 q 5 c 7

<sup>1</sup> deb. esse AdBePfTc; esse deb. Ca

<sup>2</sup> Qualis – elem. in mg. AdBeCaPfTc, in text LcMqVmVo(adding cli); Item Ea; om. MgPtTbVp

<sup>3</sup> om. Lc; papa add. Pt

<sup>4</sup> illa add. Tc, om. BeCaMgPfTb

<sup>5</sup> illa BeCaEaMgPfTb; om. Tc

<sup>6</sup> ss Be<sup>2</sup>

**192**

*[Quod tria<sup>1</sup> sunt genera elemosinarum]<sup>2</sup>. Albinus<sup>3</sup>*

Tria sunt genera elemosinarum, una corporalis, egenti dare quicquid poteris; altera spiritualis, dimittere a quo lesus fueris; tertia delinquentem corrigere et errantes in viam reducere<sup>4</sup> veritatis.

+D 45 c 12

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<sup>1</sup> corr. fr. trina Vm

<sup>2</sup> in mg. Ad<sup>2</sup>BeCaPfTc, in text Ea(no inscr.)MqVmVo(adding clii); om. MgPtSfTbVp

<sup>3</sup> Albinus AdBeCaLcmgLePtSfTb?TcVmVo; Alsinus Pf; Albinus Alsinus Mg; Aibinus Vp

<sup>4</sup> reduc- AdBeCaMgPfTbVm; duc- CcTc

**193**

*Augustinus<sup>1</sup>*

Due<sup>2</sup> sunt elemosine, una cordis, alia pecunie. Elemosina cordis est dimittere quod lesus es. Nam dare aliquid indigenti aliquando queris et non habes, indulgere peccanti quantum volueris redundat tibi. Elemosina cordis multo maior est quam elemosina corporis. Caritatis elemosina sine terrena substantia sufficit; illa vero que corporaliter datur, si non<sup>3</sup> benigno corde tribuitur<sup>4</sup> omnino non sufficit.

+D 45 c 13

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

<sup>2</sup> Que Lc

<sup>3</sup> si non BeCaPfTc; sine Mg

<sup>4</sup> corde trib. BeCaMgPfTcVm; trib. corde Tb

**194**

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

Neque elemosina reputanda est si pauperibus dispensemsetur quod ex<sup>3</sup> illicitis rebus accipitur, quia qui<sup>4</sup> hac intentione male accipit ut quasi bene dispensemset, gravatur potius quam iuvatur.<sup>5</sup>

ID 5.112 end] C 1 q 1 c 27a var.

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<sup>1</sup> pape MqTbTcVm, om. AdBeCaEaMgPfSf

<sup>2</sup> cap.cxxviii AdBeCaPoSfTcVmVo; om. Ea; cap.cc.... MgPf; cap. ccxxviii MqPhQe; cap. xxxix Tb; Non debere fieri elemosinam de rebus illicitis add. Po(mg.)Vo. Vp has insc.: Aug. de doctrina Christiana

<sup>3</sup> ex \*MgPfTbTc; om. Ca

<sup>4</sup> qui \*EaMgPfTbTc; in Ca

<sup>5</sup> iuvet Sl

## 195

[*Quod nemo iejunando vel prandendo discrepet a bonis inter quos versatur*]<sup>1</sup>.

*Augustinus in libro de doctrina Christiana*<sup>2</sup>

Quisquis autem rebus pretereuntibus restrictius utitur quam sese<sup>3</sup> habent<sup>4</sup> mores eorum cum quibus vivit, aut intemperans aut superstiosus est. Quisquis vero<sup>5</sup> sic eis<sup>6</sup> utitur ut metas consuetudinis bonorum inter quos versatur<sup>7</sup> excedat, aut aliquid significat<sup>8</sup> aut flagitosus est. In omnibus enim talibus non usus rerum sed libido in culpa est. Quid<sup>9</sup> igitur<sup>10</sup> locis et tempori<sup>11</sup> et personis conveniat diligenter attendendum<sup>12</sup> est, ne temere flagitia reprehendamus. Fieri enim<sup>13</sup> potest<sup>14</sup> ut sine aliquo vitio cupidinis<sup>15</sup> vel voracitatis pretiosissimo cibo sapiens utatur, insipiens<sup>16</sup> autem fedissima<sup>17</sup> gule flamma<sup>18</sup> in vilissimum ardescat et sanius<sup>19</sup> quisque maluerit more Domini<sup>20</sup> pisce vesci quam lenticula more Esau nepotis Abraham<sup>21</sup>, aut hordeo more iumentorum. Non enim propterea continentiores nobis sunt<sup>22</sup> plures bestie quia<sup>23</sup> vilioribus aluntur escis<sup>24</sup>. Nam in<sup>25</sup> omnibus huiuscemodi rebus non ex earum rerum natura<sup>26</sup> quibus utimur, sed ex<sup>27</sup> causa utendi et modo appetendi<sup>28</sup> vel probandum est vel improbandum quod facimus<sup>29</sup>.

<sup>1</sup> Quod – versatur (habitat Sf) in mg. AdBeCaLdMgPf, in text Ea(no inscr.)MqSfVmVo(adding clv); De modo comedendi in ieunio et alibi in mg. Cb<sup>2</sup>, in text Lm; om. CcPtTbTcVp

<sup>2</sup> Aug. in libro de doct. Chr. AdCaCbLdLmTbVmVo; In libro – Chr. Aug. Be; om. Cc; Aug. de doct. Chr. MgTc; lacuna Pf

<sup>3</sup> sese \*BdBeFcPfTbTc; se LdMg

<sup>4</sup> habent \*AdTb; habeant Christiani CaCb; habeant BeCcEaLdLmMgPfTcVmVo

<sup>5</sup> vero \*CaLdMgPfTbTc; autem Cc

<sup>6</sup> corr. fr. ei Cc

<sup>7</sup> versatur \*CaLdMgPfTcVm; conversatur Tb

<sup>8</sup> significat \*BeCaCbCcLmTbVmVo; sg’c Ld; sig’cat Pf; signc’ Tc; sig’e Mg

<sup>9</sup> Quid \*CbLdMgTc; Quod BeCaCcLmPfTbVmVo

<sup>10</sup> ergo Vo

<sup>11</sup> -ori BeCaCbCcLdMgPfTb; -orum Lm; -oribus TcVmVo

<sup>12</sup> attendum Tc

<sup>13</sup> enim \*CcCcLdLmMgPfTbTc; non Ca

<sup>14</sup> potest \*CaCbCcLdLmMgPfTb; poterit Tc

<sup>15</sup> cupidinis \*LdLmTbVm; cupiditatis BeCaMgPfTcVo

<sup>16</sup> incipiens Cc

<sup>17</sup> fedissima \*CaLdMgPfTcVm; fedidissima Lm; fetidissima Tb

<sup>18</sup> fl. gule marked for reversal Tb

<sup>19</sup> sanus Cc

<sup>20</sup> more Dom. \*CaLdMgPfTbTc; Dom. more (corr. fr. amore) Cc

<sup>21</sup> Brahe Cc

<sup>22</sup> nob. sunt \*CaLdMgPfTbTc; sunt nob. Cc

<sup>23</sup> quia CbCcLdLmMgPfTbTc; qui Ca

<sup>24</sup> al. (aliuntur CbCc) escis CaCbCcLdLmMgPfTb; escis al. Tc

<sup>25</sup> in \*Mg; ex Cb; om. CaCcLdLmPfTbTcVm

<sup>26</sup> earum rerum nat. \*CaCbCcLdLmMgPfTb; nat. earum rerum Tc

<sup>27</sup> ex \*CbCcLmTbVm; om. BeLdMgPfTcVo

*ID 4.24] D 41 c 1*

<sup>28</sup> corr. fr. utendi Lm  
<sup>29</sup> quod. fac. ss Mh<sup>2</sup>

Explicit liber secundus<sup>1</sup>

<sup>1</sup> Expl. lib. secundus AdCaDbEaLeMgMqOa(*after c 190*)ObOfPfPhQeSeSfSITbTcVoVq; Expl. secundus Od; *om.* BeEgLcOePtVmVpWcBrant; Expl. lib. tertius Sg. LeMh *precede* Explicit with the rubric to 3.1.

Pt has 23 additional canons, for which see the Conspectus.

**195A<sup>1</sup>**

*Augustinus in omelia de archa Noe*

Quadraginta dierum ieunio quamvis iniquitas peccatoris exorari potest, et quantavis severitas iudicis mitigari. Nam sicut tunc quadraginta diebus pluit ad purgandum mundum, iusta nunc quadraginta diebus miseretur ad hominem purificandum.  
(not identified)

<sup>1</sup> here FcOePtRaSd<sup>2</sup>, Sk after 189