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The Manuscripts of Johannes Teutonicus' Apparatus to *Compilatio tertia*: Considerations on the Stemma

Johannes Teutonicus' most important work was his apparatus — which he called his *summula* — to *Compilatio tertia*.¹ There are eighteen manuscripts of his apparatus, and they will be referred to by the letter preceding each manuscript.

- A Admont 22 fol. 129r-244v (Italian)
- C Cordoba Bibl. del Cabildo 10 fol. 138r-273r (Italian)
- F Frankfurt Stadtbibl. 28 fol. 1r-110r (French)
- Fc Florence S. Croce IV sin. 2 fol. 130r-237v (inc. Italian)
- G Graz Univ. 106 fol. 123r-241r (German)
- H Hereford Cathed. Chap. P.4.x fol. 1r-185v, unfol. (English)
- L Leningrad lat. F II uel. 1 fol. 1r-124v (French)
- Lr London B.M. Royal 11 C.vii fol. 113r-209r (English)
- Lu Lyon Univ. 6 fol. 82r-176r (inc. French)
- M Munich Staatsbibl. 3879 fol. 150r-266v (German)
- N New Haven, Yale Univ. 423 fol 1r-87v (Spanish)
- P Padua Ant. II.35 fol. 123r-248r (Italian)
- Pr Paris B.N. 3930 fol. 99r-215r (inc. French)
- Ps Paris B.N. 15997 fol. 101v-103r, 129v (fragment)
- S Siena (owned by Prof. Domenico Maffei)
- So St. Omer 447 (severely damaged)
- V Vat. Ottobon. lat. 1009 fol. 1r-40v (inc. Italian)
- Vc Vat. Chis. lat. E.AII 207 fol. 135r-256v (Italian)

Johannes completed this work *ca.* 1218 and left Bologna shortly afterwards.²

The work which he left behind was an unfinished revision, and the manuscripts reflect this in several ways. First the format for books one and two of his apparatus is quite different from what we have in books three, four and five. In the last three books, Johannes' apparatus is composed of his own glosses together with many which bear the *sigla* of Laurentius, Vincentius and Tancred. In the first two books, Johannes incorporated glosses which contained the substance of earlier glossators' opinions, but reworked with his own *siglum* appended. There are only a handful of texts in books one and two which have the *sigla* of other canonists. Consequently, we may conclude that books one and two are

¹ 3 Comp. 5.23.10 (X 5.40.25) s.v. *assumi*, Admont 22 fol. 244v. 'Coram deo profiteor quod hec summula inflationem uel inuidiam aspernatur', The term *summula* was undoubtedly an expression of modesty rather than an accurate description of the work.

² The most recent work on Johannes is my 1972 Cornell University dissertation which contains a transcription of Johannes' apparatus in Admont 22.

probably a revision of an earlier draft which was quite similar to the text which is found in the last three books. Secondly, in books one, two, four and five, Johannes always cited the canons of the Fourth Lateran Council as *constitutiones Innocentii*. In book two, he began to change his method of citation, and at 3 Comp. 2.9.1 (X 2.17.1) s.v. *ieicit*, he wrote:

Vtrum talis possit petere restitutionem dixi in constitutione illa, Contingit, que est de dolo et contumacia.³

He continued to refer to the Lateran canons in this fashion for the remainder of book two. About one-third through book three, Johannes changed his method of citation again and cited the canons as part of *Compilatio quarta*, with no indication that they were also conciliar canons.⁴ This seems to be clear evidence that Johannes completed *Compilatio quarta* while working on a draft of his apparatus to *Compilatio tertia*. But, how can we explain his return to citing the canons as constitutions in books four, five, one and two when all four of these books were presumably written later than book three?

In order to answer this question, we must consider the genesis of *Compilatio quarta*. Almost twenty-five years ago, Stephan Kuttner published the text of an early history of canon law which he found in Vatican Borgh. 45.⁵ The anonymous chronicler reported that after Johannes had compiled and glossed his new collection, he brought it to Pope Innocent III. Innocent refused to approve it, and Johannes left the curia in anger. Why did Innocent reject the new collection? Kuttner hypothesised that perhaps Innocent wished to keep the constitutions as a single collection of texts,⁶ and the text of Johannes' apparatus supports Kuttner's theory. If Johannes finished *Compilatio quarta* while writing a first draft of book three and then went to Rome when the book was completed, his text shows that upon returning to Bologna he acceded to Innocent's wish that the Lateran constitutions remain an independent collection and changed his method of citation accordingly. After finishing his draft, he continued to use the same method of citation in his revised version of books one and two. Thus the text unwittingly gives us evidence both of Innocent's reason for and Johannes' response to the events recounted in Vat. Borgh. 45.

With a text which reflected an unfinished revision, I expected that perhaps I would find a copy of Johannes' *summula* which contained books one and two in their pristine form. This expectation was reinforced when I discovered that the

³ Admont 22 fol. 174r. Johannes used this form until the end of book two. In book three, he began to refer to them as *constitutiones* again.

⁴ 3 Comp. 3.12.1 s.v. *si mandatum*.

⁵ 'Johannes Teutonicus, das vierte Laterankonzil und die *Compilatio Quarta*', *Miscellanea Giovanni Mercati* V (Studi e testi 125; Città del Vaticano 1946) 608-34 at 627.

⁶ *Ibid.* 625-8. The expanded collection would have probably been more suitable for a semester's work in the classroom.

very first gloss of the apparatus had three different textual traditions. However, my supposition proved wrong. Except for a very few cases — the opening gloss in text I and the minor omissions and changes in texts III, IV, V and VI are some examples — the manuscripts are remarkably uniform (the texts are appended to this paper).

Nonetheless, if Johannes did publish his apparatus in the middle of a revision, we must ask why. The most likely reason is that he left Bologna before the revision was complete. We can place his visit to Rome in the spring or summer of 1216, shortly before the death of Innocent III. After his return from Rome, he finished books four and five of his apparatus and revised books one and two. This labor could have easily taken him to the year 1218, the time when he left Bologna for Halberstadt.

There is support for this theory in the *stemma* of the manuscripts. Like the text, the *stemma* is a puzzle. After preliminary collations, I was convinced that A was the best text of Johannes' apparatus. Not only did A often give a better reading than the other manuscripts, but A also provided a text which was closer to Johannes' original. In the problem passages which texts I, III, IV, V contain, A's readings are more complete and are supported by either correctors' notations or the text in other manuscripts. In the *stemma*, however, A and Pr are the only two manuscripts which represent the readings of this group, and unfortunately Pr is incomplete and damaged in the last three books. In contrast, the group which I have labeled *b* (see page 22) contains seven manuscripts of which four are carefully written versions of Johannes' gloss (P, C, Vc, Fc). Groups *c* and *d* are related to group *b* more closely than to group *a*, but all five manuscripts in these two groups present texts which are inferior to A, Pr, P, C, Vc, Fc.

It occurred to me, since almost all of the manuscripts in group *b* were Italian (except for Lr and M), that this group might represent the recension of Johannes' apparatus which was copied at Bologna, although none of the manuscripts has any indication of provenance. A way of checking this assumption would be to compare the readings of group *b* with those glosses of Johannes which Tancred included in his commentary on *Compilatio tertia*. As text V illustrates, when its readings are in agreement, Tancred almost always follows group *b*. In examining a large number of Johannes' glosses in Tancred's apparatus, I have found that Tancred often corrected faulty readings in group *b*, but in text V, lines 15-18, he reproduced the errors of group *b*, although the context clearly demands the readings of A. Group *b* reverses the citations to *Considerauimus* and *Constitutus* and gives *accusationem* instead of *actionem*, which changes the text to:

Vt supra de appell. Constitutus, quandoque etiam nulla est iure exceptionis, quia non potest ex ea sic excipi, ut dicatur quod ea non cassata non debet fieri secunda, que est facta ab excommunicatis, prout intelligitur illud, supra de elect. Considerauimus, sicut aliquis consequitur sumptus quod fecit per retentionem, quos non posset consequi per accusationem.

But if group *b* does represent the recension of Johannes' apparatus which was circulated at Bologna, how can one explain group *a*? The most likely explanation is that after Johannes left Bologna, the stationers of the university continued to produce his work, but because Johannes was no longer teaching in Bologna, he could not supervise the publication of his apparatus. Hence the Bolognese 'edition' was slightly inferior to the *Urtext*, which A more closely represents.⁷

This hypothesis may give support not only to the assumption that Johannes left Bologna ca. 1218 with his revision of *Compilatio tertia* unfinished, but may also explain the only unusual textual problem in his apparatus, the initial gloss. I do not think that one can doubt that Johannes wrote the text s.v. *seruus seruorum dei*: not only does A reproduce it, but group *c* derives from a manuscript in which a scribe had miscopied and misplaced the gloss. Further, P in group *b* also has the gloss — we might imagine that the gloss was a marginal addition to the text from which P was copied.⁸ Why was the gloss omitted from the Bolognese recension? It may have been chance, or perhaps the Bolognese redactors balked at Johannes' slightly cynical observations concerning papal titles, and they deleted the gloss. There is additional evidence for the latter view in text III. Again Johannes described papal prerogatives and ended his gloss with a thought which was similar to that found in the opening gloss, 'alibi tamen appellatur successor piscatoris'. This sentence is missing from the Bolognese tradition (except for Lr), but a corrector added the missing sentence to P and C. Evidently, the corrector had some basis for considering it to be part of the gloss. Since there are so few texts in Johannes' apparatus which pose such a problem, and since it would be unusual for a scribe to err at the very beginning of his work, I believe that the Bolognese redactors probably deleted the gloss intentionally.⁹

Further, even in the rare instances in which A and Pr present a reading which is not supported by any other manuscript, I think that we can fairly certainly attribute their version of the text to Johannes. One such example is text VI, and here there is another reason as well. Johannes based his poem on one written

⁷ We know very little about the production of books in this period. For the regulations of the fourteenth century, see H. Denifle, 'Die Statuten der Juristen-Universität Bologna vom Jahre 1317-1347 und deren Verhältnis zu jenen Paduas, Perugias, Florenz', *Archiv für Literatur- und Kirchengeschichte des Mittelalters* (Berlin 1887, reprint Graz 1956) 196-397.

⁸ Besides the version of A and P given below in text I, the other two glosses read:

Licet hic te appelles seruuum Petri, ut infra de transl. epis. Quanto, et a Ieronimo appellatur successor piscatoris, xxiii. q.i. Quoniam uetus. jo. (LuFGH)

Licet hic se appellet seruuum seruorum dei, tamen infra dicit quod non puri hominis set dei uicem gerat in terris, ut infra de transl. prelat. Quanto, lib. eodem, et appellatur successor piscatoris, xxiii. q.i. Quoniam uetus. jo. (N)

⁹ Unlike literary works, legal manuscripts were working texts, and scribes often changed them without any hesitation. In M, for example, a later scribe did not copy the portions of Johannes' text whenever it was similar to a gloss in the first layer of glosses by Johannes Galensis. In C, a scribe added Tancred's ordinary gloss to the margin, and he erased portions of Johannes' text in order to make the changes which Tancred had made in Johannes' glosses.

by Vincentius. He changed the order of the text and added a last line.¹⁰ Early in the textual tradition, due perhaps to a homoioteleuton caused by *Attrahe*, when a scribe or lawyer was confronted with an imperfect text, he reverted to Vincentius' original poem.

Finally, if I have presented the *stemma* of the manuscripts correctly, on what basis can we decide which manuscripts' readings should be included in a critical edition? Such conclusions must be tentative since I have not yet seen L and S, but without a doubt A and Pr along with P, C and Vc of the Bolognese group must be given in the apparatus. The variants from the *codices deteriores* in group *b* and the manuscripts in groups *c* and *d* contribute very little to the text. In problem passages such as text II, line 8, the variants for the word *natione*¹¹ in Lu, F, G, H and M are hardly important, while an examination of the following texts reveals that where the readings of groups *c* and *d* differ from groups *a* and *b*, the readings are either errors — of which there are many — or inconsequential.

The only contribution which group *c* makes to the text in the passages given below is text V, line 12, *Quidam tamen*, and text VIII, line 6, *Aliter* and line 9, *set quia*, and these passages are typical. Nevertheless, group *c* should be given a full reading in the critical apparatus, although omitting all unimportant variants. I have completed a study of almost forty manuscripts of *Compilatio tertia* which will appear in next year's *Bulletin* and have found that the version of *Compilatio tertia* which was probably copied at Paris had a core of nine *decretales extravagantes* added to Petrus Beneventanus' text. L, Lu and F of group *c* are examples of this Parisian compilation. One may hypothesize then that the readings from group *c* are not just derived from an inferior tradition, but represent Johannes' apparatus as it circulated at Paris.

Since the modern editing of the *glossae decretalium* has just begun, we are only becoming aware of the complex problems which these texts pose. The *stemma* of Johannes Teutonicus' apparatus may be unique in some respects, but I suspect that the difficulties of evaluating *codices deteriores* will try the patience of many future editors. One must always remember that legal manuscripts were used for very practical purposes, and the medieval lawyers who read Johannes' *summula* were far more interested in the discussion which the glosses offered than in an exact rendering of the text.

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¹⁰ Vincentius' poem was:

Collige per primum, medio rege, punge per imum, Attrahe, sustenta, stimula, uaga, morbida, lenta.

(Paris B.N. lat. 14611 fol. 30v, Graz Univ. 138 fol. 146r)

¹¹ 'natione' is correct, cf. his gloss to 3 Comp. 3.38.1 (X 2.16.1) s.v. *sue notio nationis*, Admont 22 fol. 220v: 'Forte ideo querebant de natione ut sciretur de fama ipsorum'.

TEXTS

In the passages which follow, I have given full collations of all manuscripts, but the final edition will eliminate most of the readings which I have included here. The main text is A, and the letters of related manuscripts are grouped together (e.g. PCVcFc LuFGH), so that the reader may follow the apparatus easily. Except for L, Ps, S and So, all of the manuscripts listed at the beginning of this paper are collated. The following manuscripts are incomplete for one or several of the texts :

Text I: V, Pr, Fc, and partly G (damaged text)

II: V, Pr, Fc

III: V, Pr, Fc

IV: V, Lu

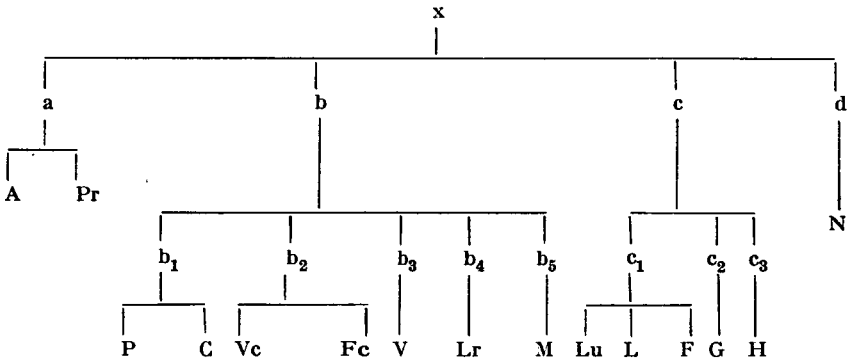
V: V, Lu

VI: V

VIII: partly Pr (margin is damaged)

T in text V represents the readings from Tancred's apparatus in Vat. lat. 1377 fol. 165v. For the most part, I have followed A in spelling.

THE STEMMA OF JOHANNES TEUTONICUS' APPARATUS TO COMPILATIO TERTIA



I. Glosses to the Introductory Letter of Innocent III

Seruus seruorum dei: «Licet hic te appelles seruum seruorum dei, altius tamen intonas, cum dedignaris dici uicarius Petri, ut infra de transl. epis. Quanto,¹ et a Ieronimo appellaris successor piscatoris, xxiiii. q.i. Quoniam

I. 1-4 Licet — jo. A P: om. CVcLrM, sequenti glossae (v. Ad cautelam) iungunt in fine, omisso ibi siglo LuFGH 1-3 Licet — Petri] Licet hic se appellet seruum seruorum dei, tamen infra dicit quod non puri hominis set dei uicem gerat in terris N, Licet hic te appelles seruum Petri LuFGH 1 te] re H 1 seruorum dei] Petri P (cf. LuFGH) 2 epis. Quanto] prelat. Quanto lib. eodem N 3 a Ieronimo] ineremino LuFH, om. N appellaris] appellatur LuFH N

I. ¹ 3 Comp. 1.5.3 (X 1.7.3)

uetus.² jo.¹ *ad cautelam*: Tamen licet non sit in hac compilatione, si tamen
 5 apparet bulla uel si est insinuata publice, recipitur, ut infra de fide instrum.
 Pastoralis,³ uel etiam si inter alias decretales pro decretali est habita, arg.
 xx. q.i. Quem progenitores⁴ et arg. infra de paroch. Coram, ibi, 'Sic agebat'
 et cetera.⁵ jo.

II. 3 Comp. 1.1.1 (X 1.2.6) s.v. *libertate*

Verum est quod in percipiendis stipendiis non habetur ratio personarum,
 an sint nobiles uel ignobiles, nec enim persone honorabili plus conferendum
 est, unde alii scrupuloso corde moueantur, ut xvi. q.vii. c.i, et secundum
 Apostolum quorundam remissio aliis non debet esse tribulatio, ut xxv.
 5 q.i. § Hiis ita, in fine,⁶ nec nobilis preponitur ignobili, extra. iii. de appell.
 Constitutis,⁷ nec refert unde originem duxerit, ut infra de instit. Ad decor-
 rem,⁸ et dummodo laudabiliter quis exequatur officium suum, ex habundanti
 queritur de natione sua, ut infra ne clerici uel monach. c.i,⁹ et ex eadem
 societate non debet unus plus consequi quam alter, ut ff. pro socio Verum §
 10 Si cum tres.¹⁰ Set contra: Secundum locum et meritum persone conferende
 sunt dignitates, ut xii. q.ii. Vulterane et c. sequenti¹¹ et i. q.ii. Clerici, ¹²
 'et ille gradu ceteros antecedit quem labor prolixior et stipendia longiora
 fecerunt anteire', ut lxi. di. Miramur.¹³ C. de offic. magist. offit. l.ii,¹⁴

4 jo. om. P non om. C sit] sic Vc compellatione M^{ac} tamen] cum Lu
 5 si est] sit PCM G, sic Lr LuF, om. Vc N insinuata] insingnata N ut om.
 PCVcLrM 6 etiam si om. N, si om. LuF habita] habenda N 7 q.i.] q.ii.
 LuFH Quem] Quoniam CM et arg. om. PCVcLrM, et om. Lu, arg. om. N paroch.]
 peroch. LuH^{ac} Sic] Si Lu 8 et cetera] et cum Lu, om. N jo. om. Lr N
 II. 1 quod] si H in om. G^{ac} stipendiis om. C^{ac} habeatur C
 2 uel] an Lr ignobiles] ignobiles CM, innobiles G persone] cuiquam *praem.* N
 honorabilius N^{ac} plus] per has Lu, om. N, beneficium G 3 scrupulos C
 ut om. H q.vi. F et] etiam G secundum] li M 4 quod quorundam G^{ac}
 non om. Lr ut om. Lr 5 His P ignobili] ignobili C extra.ii. FG
 6 Constitutis P^{ac} G^{ac}: Constitutus A *et cett. codd.* nec] set *praem.* N reffert P,
 refet M, refertur Vc originem] corrigenem C^{ac} 7 quis laudabiliter *tr.* PCVcLrM
 exequatur quis *tr.* F abundanti Vc 8 natione] natiuitate A, ratione LuF, nomine HG,
 donatione M (*male pro de natione*) sua om. LuFG^{ac}H N, sia M et om. LuFG^{ac}H P N
 9 plus unus Vc unus quam plures plus Lr^{ac} alter] aliter C^{ac} § Verum H
 §] infra M meritum] mitum Vc 11 ut om. LuFGH N xii. q.v. FG^{ac}H sequenti]
 i. *praem.* LuG N^{ac} i.q.iii. F Clerici om. F 12 ceteris F antecedit
 PCVc quem] quam Vc 13 fecerint F anteire] anire M offit.²] millt.
 PCVcLrM l.i. PVcLrM 14 nobilis] ignobilis N

² C.24 q.1 c.25 ³ 3 Comp. 2.13.3 (X 2.22.8) ⁴ C.20 q.1 c.6 ⁵ 3 Comp. 3.22.1 (X 1.29.34)

II. ⁶ C.25 q.1 p.c.16 § 4 (2 Cor. 8.13) ⁷ 3 Comp. 2.19.4 (X 2.28.46), male 3 Com. 2.19.3 (X 2.28.45) ⁸ 3 Comp. 3.7.1 (X 3.7.5) ⁹ 3 Comp. 3.38.1 (X 2.1.16)

¹⁰ Dig. 17.2.63.5 ¹¹ C.12 q.2 c.25 et c.26 ¹² C.1 q.2 c.10. ¹³ D.61 c.5

¹⁴ Cod. 1.31.2, male Cod. 1.29.1

et nobilis preponitur ignobili, ut in authen. de defen. ciu. in principio,¹⁵
 15 et clerici maiorum ordinum preponuntur aliis in stipendiis, ut lxxiii. di.
 c.ultimo.¹⁶ jo.

III. 3 Comp. 1.5.2 (X 1.7.3) s.v. *set ueri dei*

In hoc gerit uicem dei, quia de nichilo facit aliquid, ut iii. q.vi. Hec quippe.¹⁷
 C. de rei uxor. act. l. una, in principio.¹⁸ Item in hoc quod habet plenitudinem
 potestatis in rebus ecclesiasticis, ut ii. q.vi. Decreto.¹⁹ Item in hoc quod
 supra ius dispensat, ut infra de conces. preb. non uac. c.i,²⁰ ut ibi dixi. [Alibi
 5 tamen appellatur successor piscatoris, ut xxiii. q.i. Quoniam uetus.²¹ jo.

IV. 3 Comp. 1.6.13 (X 1.6.27) s.v. *quam multorum*

Infra eodem, c.ult.²² et lxxiii. di. Obeuntibus.²³ supra de offic. del. Causam,
 lib. i.²⁴ ff. de recept. Item si § ult.²⁵ Quod posset intelligi nisi id fieret quod
 absens merito teneretur habere ratum, ut ff. de ritu nup. Si filius,²⁶ uel si sint
 adeo suspecti ut non sit eos necesse uocari, ff. soluto matrim. Si cum § Eo,²⁷
 5 [uel si sine periculo more non possunt eos uocare, xvii. q.iiii. Nullus.²⁸ xxvi.
 q.vi. Aurelius.²⁹ C. lib. x, de decur. Nominationum.³⁰ Quandoque tamen

14 proponitur M ignobili] nobilis N, ingnobilis C ut in] infra PCVcLrM
 ciu.] ca. F, inci. M 15 preponerentur Vc, preponentur CLrM H lxxxiii. G^{ac}, lxxiii. A,
 lxxiii. LuFH M 16 jo.] hec contrarietas consuevit solui xvi. q.vii. c.i add. P, om. Vc H
 III. 1 nichil H ut supra iii. G iii. ut iii. M^{ac} q.vii. F Hec] Hac C
 2 una] unica F, iiii. H in om. N^{ac} quod] gerit add. CM habet post 3 potestatis
 tr. PCVcLr Lu 3 potestatis] partis M Lu, om. G ut om. PCVcLr Lu ii.] vii.
 PCLrM LuF^{ac}G^{ac}H, v. N^{pe}, viii. Vc q.vi.] q.i. P^{ac}M LuF^{ac} (q.iv.F^{pe}) G^{ac}H
 N^{pe}, q.vii. C^{ac} G^{pe}, q.viii. Vc^{ac} Decreto] Deceretero N^{ac} (Decectero N^{pe}) Item]
 Vel G 4 supra ius] quis C^{ac}M, om. G^{pe} ius supra tr. N^{ac} ut²] supra ut CM LuFG^{ac}H
 dixi ibi LuFGH Alibi — uetus om. P^{ac}C^{ac}VcM LuFGH N 5 ut om.
 PLr uetus] actus P jo. om. PCLrM LuFH N
 IV. 1 Sic (Si H) infra (1. M) PCM Pr FGH N et om. Lr supra lxxiii. VcLr
 lxxiii. G Obeuntibus G, Obedientibus H 2 ff.] conf. N^{ac}, supra F^{ac}H
 Item] Tunc F^{ac}H, Inter LrM § ult.] unus G^{pe} N, § i. G^{ac} 3 absens] absentes N
 merito om. VcFc tenerentur N, tenetur PC^{ac}, detinetur M habere] haberet
 Vc^{ac} uel. om. G^{ac} si²] nisi N, om. VcFc H sint] fuit C 4 adeo] ab eo Pr
 eos om. FG^{ac}H N^{ac} necesse eos tr. PCVcFcLrM G^{pe} N^{pe} uocari] reuocari FH, reuocare
 G^{ac}, uocacari N de soluto N Si cum] Sicut Lr F^{ac} §] ff. F Eo] Ea
 VcFc G^{pe} N, om. Lr 5-6 uel — Aurelius om. P^{ac}C^{ac}VcFcM F^{ac}G si om. Lr H N
 possunt alii N ut xvii. Lr FH xvii.] xviii. Apr, xviii. P^{pe}, xix. C^{pe}Lr H, lxxiii.
 (lxxiii. di. H N^{ac})N q.iiii.] q.iii. PC, quoniam H, q. N^{ac} 6 q.vi.] q.i. Pr Au-
 relius] Aure Lr et C. Pr decur.] cur. H 7 inpedit VcFc G N

¹⁵ Authen. 3.21 (Nov. 15.1) ¹⁶ D.74 c.9
 III. ¹⁷ C.3 q.6 c.10 ¹⁸ Cod. 5.13.1 ¹⁹ C.2 q.6 c.11 ²⁰ 3 Comp. 3.8.1
 (X 3.8.4) ²¹ C.24 q.1 c.25 ²² 3 Comp. 1.6.19 (X 1.6.34) ²³ D.63 c.35
²⁴ 1 Comp. 1.21.21 (X 1.29.16) ²⁵ Dig. 4.8.17.7 ²⁶ Dig. 23.2.11 ²⁷ Dig.
 24.3.22.5 ²⁸ C.17 q.4 c.39 ²⁹ C.26 q.6 c.5 ³⁰ Cod. 10.32.35

plus impedit contradictio presentis quam absentia, ut liiii. di. Quis aut,³¹
ff. de curat. fur. Consilio § ult.³² ff. de reg. iuris Qui potest.³³ jo.

V. 3 Comp. 1.6.14 (X 1.6.28) s.v. *electionem utramque*

Hic electio que nulla est ipso iure impedit secundam. Prima enim et a
longe paucioribus et post appellationem est facta, sic dominium perditur
quandoque per id quod nichil est, infra de renun. Quod in dubiis,³⁴ sic uides
quod ab accusatione que nulla est, non potest quis desistere, ff. ad turpill.
5 l.i § Accusationem,³⁵ sic et testamentum secundum quod nullum est rumpit
primum, ff. de iniusto rup. testa. Cum in secundo,³⁶ sic et primum matri-
monium quod nullum est impedit secundum, supra de spon. c.i, lib. i,³⁷ sic
manumissio que nulla est prestat impedimentum usucipienti, ff. de usucap.
pro donato Qui pro donato,³⁸ sic accusatio que nulla est impedit matrimonium
10 sequens, infra de despon. impub. Ad dissoluendum, in fine.³⁹ In stipulatione
tamen aliud est, quia si stipulatio prima non ualet quia elidi potest per
exceptionem, secunda tenet, ut ff. de uerb. ob. Si dari stipuler.⁴⁰ Quidam hic
distingunt quod electio quandoque nulla est iure actionis, quando ex ea

7 contradictio CLrM F N presentibus G^{ac} ut om. VcFc di. om. P
Quis aut leges (legis H) PCVcFcLrM FGH N 8 Si consilio G reg.] iure Vc^{ac}
iuris] iud. VcFc Qui] Quis Lr potest] inuitis alienare potest et ignorantibus
add. N jo. om. PC^{ac}VcFcLrM FG N
V. 1 Hic] Hec C H N que om. M^{ac} est om. H N impedit FcVc G
enim] est P et om. T et a om. Lr a om. M^{ac} 2 appellationem] apud H
appellationem factam A^{ac} est] fuit T facta est LrM N sic] sicut F N
2-3 quandoque perditur PCVcFcLrM FGH N T 3 est om. F sic] sicut Lr T
4 ab h Vc^{ac}Fc^{ac} accusatione] accusatore M^{ac}, accusatoribus F nulla] uisa F
non om. Lr turpill.] turpis. F 5 et sic tr. Lr H, om. T secundum om.
VcFc secundum testamentum (*iterat* G^{ac}) tr. PCLrM FGH N T rumpit] impedit
VcFc 6 primum¹ om. Fc ff. — primum² om. H rup.] nup. Fc N, rap. F^{ac}
secunda C 6-7 matrimonium] munerum A^{ac} 7 impedit Fc G T secundum] pri-
mum Pr^{ac} spon.] sponsalibilis G^{ac} c.i] c.Vc^{ac}Fc c.i lib. i *del.* G
8 est om. C^{ac} impedimentum VcFc G usucapiendi G N 9 Qui] Quod Lr
Qui pro (om. N) donato om. H sic] sicut T manumissio que nulla est accusatio
Vc^{ac} accusatio om. Pr impedit] impedim M^{ac}, impedit Fc G T matrimo-
nium] munerum A^{ac} matrimonium om. F 9-10 sequens matrimonium tr. N
10 despon.] spon. CLr H N impub. CFeLr FGH N dispendasandum G^{ac}
stipulatione] stipulationem F 11 tamen] autem T tamen — prima om. N^{ac}
quia si non A^{ac} prima stipulatio (postulatio M) tr. PCVcFcLrM Pr FGH N^{ac} T
potest potest G 12 Si om. F^{ac} dari om. FG^{ac}H stipuler] stipulatur F^{ac}, ftipuler A,
om. N Quidam tamen FGH N hic] hoc C^{ac}LrM F 13 tantum distingunt
hic T quandoque electio est nulla tr. H nulla est quandoque tr. Lr in iure H
actionis] accusationis PC^{ac}LrM F^{ac}G^{ac}H quando] quandoque PVcLr FG, quoniam Fc T

³¹ D.54 c.11 ³² Dig. 27.10.7.3 ³³ Dig. 50.17.26

V. ³⁴ 3 Comp. 1.8.1 (X 1.9.8) ³⁵ Dig. 48.16.1.10 ³⁶ Dig. 28.3.16

³⁷ 1 Comp. 4.1.1 (X 4.1.4) ³⁸ Dig. 41.6.5 ³⁹ 3 Comp. 4.2.1 (X 4.2.13)

⁴⁰ Dig 45.1.25

non potest peti confirmatio, ut in illa que facta est a paucioribus et post
 15 appellationem ut hic, et supra de elect. Considerauimus,⁴¹ quandoque etiam
 nulla est iure exceptionis, quia non potest ex ea sic excipi, ut dicatur quod
 ea non cassata non debet fieri secunda, que est facta ab excommunicatis,
 prout intelligitur illud, supra de appell. Constitutus,⁴² sicut aliquis conse-
 20 quitur sumptus quos fecit per retemptionem, quos non posset consequi per
 actionem, ff. de condit. indeb. Si in area⁴³ et instit. de rerum diu. § Certe,⁴⁴
 sicut multa compensantur que non possunt peti, ut debitum naturale, ff.
 de compen. Etiam.⁴⁵ Alii dicunt quod ideo papa utramque cassauit, se dare
 nolens malitiam discordie, sicut aliter pro scandalo uitando cassatur electio
 a pluribus facta, supra de iure patron. Quoniam in quibusdam, lib. i.⁴⁶
 25 Verius credo dicendum quod ubi euidentis est primam electionem non tenere,
 uel quia facta est aliquibus absentibus, ut infra eodem Venerabilem,⁴⁷
 uel cum eligitur qui euidenter est ineligibilis, ut supra eodem Cum Wintonien-

14 peti non potest (om. F^{pc}) tr. LrM in] cum N, om. CLrM GH T est facta
 PCVcLrM FH T 15 appellationem om. M, appellatio A ut hic om. A^{ac}Pr
 M hic et om. PCVcFclr FGH N T elect. Considerauimus] appell. Constitutus
 Pr PVcFclrM FG, appell. Constitutis C G^{pc} T Considerauimus] lib. i. add. N
 15-16 est etiam nulla tr. H 16 est nulla tr. PCVcFclrM G T exceptionis] acceptionis
 F^{ac} sic om. N^{ac} 17 non¹ om. FH cassata] quassata N debet (debeat
 T) om. H fieri] fieri cassata G^{ac} secunda puta C^{pc} T que (quia N) est
 om. Lr G facta om. Lr 18 illud intelligitur F illud (om. Pr) Constitutis
 C^{pc} T supra om. M appell. Constitutus] elect. Considerauimus Pr PCVcFclrM
 FG T, elect. appell. Constitutis N Constitutus] Considerauimus A^{ac}, 19 sump-
 tus] subtus G retemptionem] retentionem PCVcFc FG^{pc}H N, exceptionem Pr,
 reptionem Lr, retemptionem T possit H 20 actionem] accusationem PC^{ac}LrM
 F^{ac}G^{ac}H T, reptionem F^{pc} condit. condit. H^{ac} area] rea N^{ac}, § Si his qui add. N^{ac}
 et om. VcFc H N T et — diu. om. F^{pc} de rerum om. H Certe] Credit F^{ac},
 Credo G^{ac}H, Cum in suo N 21 sicut] sic PVcFclr FH N sicut multa om. G
 compenuentur G^{ac}, compensantur Lr que] quod Lr peti om. G^{ac} ut]
 in FG^{ac}H ut ff. Lr FGH N 22 compen. VcFc Etiam] Et F utraque
 M^{pc} cassauit] cessauit M^{pc}, quassauit N dari G 23 nolens] uolens Pr
 CVcFcM FGH T discordie malitiam VcFc sicut] sic H N proj responso M
 uitando datur P^{ac} electio cassatur (cessatur Vc, quassatur N) tr. P 24 pluribus
 patronis PCVcFclrM Pr FGH N facta patron. C^{ac} 25 et uerius F credo]
 dico N^{ac} esse dicendum P euidentis] auidentis P, auidentis M^{pc} G^{ac}, auidentis M^{ac}
 euidentis et certum C non om. N tenere potest M^{ac} 26 quia] que N
 est facta CVcFclrM GH N T aliquibus] a pluribus VcFc, quibuslibet F^{ac}H, quibusdam
 F^{pc}, a quibus licet G^{ac} pre absentibus P^{ac} aliquibus presentibus aliquibus absenti-
 bus Pr ut om. F eodem om. HN 27 eligit P qui] talis qui N, quod Lr
 ineligibilis est euidenter (euideniter G) F illegibilis PCM GH, inelligibilis A^{ac}
 Wintoriensis M F 28 In om. H casibus] casibus propria non cassata C^{pc}

⁴¹ 1 Comp. 1.4.22 (X 1.6.10). De inversione huius et sequentis allegationis in pluribus codd. vide app. crit. et introd. supra p. 19 sq. ⁴² 3 Comp. 2.19.3 (X 2.28.45) ⁴³ Dig. 12.6.33

⁴⁴ Inst. 2.1.30 ⁴⁵ Dig. 16.2.6

⁴⁶ 1 Comp. 3.33.4 (X 3.38.3)

⁴⁷ 3 Comp.

1.6.19 (X 1.6.34)

sis.⁴⁸ In istis casibus licite attemptatur secunda non obstante prima, ut supra de iure patron. Quamuis, lib. i,⁴⁹ uel quia est facta ab excommunicatis uel ab hiis qui eligunt euidenter indignum, licite potest attemptari secunda electio. Set si aliquo modo dubium est an possit tenere quia aliqua causa probabilis allegatur quare possit tenere, tunc supersedendum est ne uideantur esse iudices in proprio negotio, infra de conces. preb. non uac. Post electionem,⁵⁰ set in priore casu secus est, cum enim a iure sit reprobata electio, non est necesse adire iudicem ut cassetur, ff. de condit. inst. Que sub conditione § ult.,⁵¹ et hec uera sunt quando una electio post aliam fit ex magno interuallo, ex quo enim tunc non contradixerunt electioni, uidentur eam approbasse, viii. q.ii. Dilectissimi.⁵² infra de offit. del. c.ult.⁵³ ff. ad municip. l.ii,⁵⁴ set si in continenti una sit post aliam, tunc preualet qui a maiori parte capituli est electus, ut supra eodem Dudum.⁵⁵

VI. 3 Comp. 1.11.1 (X 1.15.1) s.v. *ystoriam*

Beatus Petrus quendam discipulum suum in Germaniam misit cum baculo suo, quem postea non habuit. Vel aliter Martialis qui fuit discipulus Petri, de quo dixit Dominus, 'nisi efficiamini sicut paruulus iste, etc.',⁵⁶ quem postea Petrus cum alio misit ad predicandum, qui dum iret mortuus est, et

28 attemptatur] aptatur VcFc, app M^{ac}, attentatur H secundam G^{ac} 28-29 ut
— lib. i om. PCVcFcLrM FGH N 29 est causa facta A^{ac} facta est tr. F 30 his
PCM euidenter Pr attemptari] attentari Pr N, aptemptari VcFc, apari H
31 aliquo] alio F, aliquo G^{ac} est om. G tenere possit PCVcFcLrM FGH N T
quia] quod H 32 alegatur G quare supersedere F^{ac} est supersedendum F
33 iudices esse tr. VcFcLr, iudices H, esse iudex F negotio om. Pr conces.
preb. non uac.] excess. prelat. APr 34 priori Pr F N casu om. P est om. G
reprobata sit VcFc 35 adire] audire P, addire N^{ac} quassetur N ut ff. F
et inst. Lr 36 condictione VcFc ult.] finali P hec] hoc Vc
quando] quoniam F fit post aliam tr. F fit] sit H aliam] alteram Lr
ex om. N 37 enim om. H tunc om. PC^{ac}VcFcM FGH contradixerit FG,
contradixit H uidetur FH 38 q.ii.] q.i. Fc c. ult.] c. finali P de ad Fc
39 sit] fit Pr M FG N T post om. A^{pe} preualet electio illius N qui]
quin C^{ac}, quod Lr, que T qui a] quia PVcFc H, quia a M FG^{ac}, qui a a G^{pe}
40 capituli om. Lr electus est Pr ut om. PCVcFcM FGH N T Dudum, jo.
PCVcFcLrM FG N T

VI. 1 quendam (quemdam Pr Lr G) om. Lu misit (ammisit G) in Germaniam (Ger-
mania H) Pr P dixit misit M^{ac} 2 non om. F^{ac} Martialis] Marthialis Lr, sine
articulis N qui] quidam G^{pe} discipulus om. Lr Petri] Perci C^{ac}
3 efficiamini A sicut om. VcFc paruulos G^{ac} 4 postea] preterea PLrM
LuFGH, post C cuml C^{ac} misit cum alio VcFc

⁴⁸ 3 Comp. 1.6.10 (X 1.6.25) ⁴⁹ 1 Comp. 3.33.10 (X 3.38.8) ⁵⁰ 3 Comp. 3.8.4 (X 3.8.7) ⁵¹ Dig. 28.7.8.8 ⁵² C.8 q.2 c.2 ⁵³ 3 Comp. 1.18.11 (X 1.29.32)

⁵⁴ Dig. 50.1.2 ⁵⁵ 3 Comp. 1.6.7 (X 1.6.22)

VI. ⁵⁶ Matt. 18.3

- 5 *collega rediit ad Petrum, et Petrus ait, 'accipe baculum et tangas eum et dic ut in nomine Domini surgat', et in quadragesimo die a tempore mortis tetigit eum et resurrexit, et tunc Petrus remouit a se baculum et dedit subditis. Quid baculus designet, collige hiis uersibus:*

Attrahe, sustenta, stimula, uaga, morbida, lenta,
 10 Attrahe per primum, medio rege, punge per imum,
 'Vocem pastoris hec uirga figurat honoris.'¹

VII. 3 Comp. 2.1.1 (X 3.30.25) s.v. *de spiritualibus*

Vt xcvi. di. Bene.⁵⁷ Tamen quandoque habet iurisdictionem siue in rebus uel etiam in personis clericorum, ut si compromittatur in eos, ut supra titulo proximo, Dilecti.⁵⁸ Item cum sunt incorrigibiles, ut xxxii. di. Eos qui,⁵⁹ quandoque propter ambitionem, ut lxxix. Si quis pecunia.⁶⁰ Item cum scisma 5 faciunt, et contempnunt excommunicationem, ut xxiii. q.v. De Liguribus.⁶¹ Item cum fidem subuertunt, ut xvii. di. Nec licuit.⁶² Item in crimine falsi, ut infra de fals. Ad falsariorum,⁶³ et ubicumque ecclesiastica potestas deficit, ut xxiii. q.v. Principes.⁶⁴ Item iudices eorum sunt quantum ad defendendum eos, ut xxiii. q.v. Regum et c. Administratores,⁶⁵ alias nec etiam in modum

5 Petrum] Petrum et nuntiauit ei. Tunc N et¹ om. P LuFGH N Petrus autem F
 accipe] accontra Vc 6 dic] dicas Lr ut] et VcFc surgat] surge H^{pe}, om. H^{ac}
 quadagesimo] xl^o Pr PVcFcLrM, xl C LuFGH N^{pe}, lxl N^{ac} a om. N mortis sue H
 7 resurrexit VcFcLrM, resurtexit C, surrexit LuFGH N, et surrexit N^{ac} a se om. N
 a se remouit tr. Lu remoueuit C^{ac} 7-8 subditis] subdidit M, subditis suis N
 8 Quid] Qui M designat M LuFGH N ex hiis H, per hiis P, his Lu uersibus]
 uerbis Pr 9 Attrahe (om. PLrM^{ac} G^{ac}H^{ac}) — lenta tr. post lin.10 imum PCVcFcLrM
 LuFGH N, lenta.jo. Lr G 10 Attrahe] Athene PLr ppunge C^{ac}, pun punge F
 imum] ymium VcFc, primum P 11 Vocem — honoris om. PCVcFcLrM LuFGH N
 VII. 1 Vt supra Vc xcvi.] vi. Lr c.Bene V Bene quidem Fc G^{pe}
 siue in rebus] in re V 2 etiam om. Pr FcLr LuFGH N in¹ om. F uel eti-
 am in personis om. PCVcVM si om. Lr conpromittatur Fc eos] laicum V
 2-3 proximo titulo tr. H 3 proximo] i. PCVcVM, de arbit. c. V^{pe} Dilectus A^{ac}Pr
 PCVcFcLrM LuFG^{ac}H N, in eos Dilectus Lu^{ac} sunt] dilecti sunt Vc^{ac}, sint F cum
 sunt om. G^{ac} incorrigibiles N c.Eos V 4 ut om. Vc lxxix. di. V LuF
 pecuniam A^{ac}Pr FcLr LuFGH Item] Vel G cisma Lr FGH 5 contempnunt C
 6 subuertunt] subtunt Fc, subuertuntur M xvi. Vc^{ac} Nec licuit] Ne clericum
 Vc, c. Nec V 7 infra lib.v. V fals.] crim. fal. Lr, stal. H c. Ad V falsariorum]
 falsarum G, falsariorum N 8 Principis Vc^{ac} 8-9 eorum — q.v. om. G^{ac}
 9 c.Regum V Amministratores PCVcVM F N alias] aliter nec] uero Lr
 etiam] om. Lr Lu N, etiam causa spirituali Fc^{ac} in om. H in modum] imodo G^{ac},
 immodo M

VII. ⁵⁷ D.96 c.1 ⁵⁸ 3 Comp 1.25.1 (X 1.43.4) ⁵⁹ D.32 c.10 ⁶⁰ D.79 c.9
⁶¹ C.23 q.5 c.34 ⁶² D.17 c.4 ⁶³ 3 Comp. 5.11.4 (X 5.20.7) ⁶⁴ C.23 q.5 c.20
⁶⁵ C.23 q.5 c.23 et c.26

10 reconuentionis dico laicum posse iudicare de causa spirituali, ut supra eodem, Relatum et c. Quanto, lib.i.⁶⁶ supra de decim. Quoniam, lib. i,⁶⁷ nec incidenter potest cognoscere de causa spirituali, supra qui filii sint legit. Lator.⁶⁸ Arg. tamen potest induci quod in modum reconuentionis possit cognoscere cum non fecerit uiolentiam clerico, ut supra de iure patron. Perlatum, in 15 fine, lib.i.⁶⁹ ff. de iud. l.ii. § Item si extra.⁷⁰ C. de ordin. iud. Adite.⁷¹

VIII. 3 Comp. 3.1.1 (X 3.1.10) s.v. *super decima*

Videtur ergo quod iudices non possint licite recipere sportulas, quod est contra id iii. q.iii. Offeratur,⁷² set illud potest intelligi de sportulis que dantur executoribus, ut in authen. coll. viii. de litig. § Ad excludendas.⁷³ Nullo autem iure reperitur cautum de decima parte litis prestanda, set hoc inuenio 5 quod delegatus a principe duos aureos habebit in principio cause, et duos in fine ab utraque parte, et hoc cum causa excedit c aureos. Alias nichil habebit, set de fisco habebit duas libras auri, ut in authen. de iudicibus §

10 laicum] locum G^{ac}H spirituali om. G^{ac} 10-11 eodem — supra om. Lr
 10 ut] arg. CVcVM supra] in extra.i. V 10-11 eodem, Relatum] eodem tit. i. Elatum N
 c. Relatum V 11 lib. i¹ supra] et lib. iii. V et (ut Fc) supra Pr CVcFc LuFGH
 N Relatum — Quoniam om. P supra — Quoniam om. M c. Quoniam V
 lib.i² om. V nec] nec etiam Pr 12 causa om. Pr PC^{ac}VcFcV^{pc}M LuFGH N
 ut supra Pr PCVcM LuFGH N supra] infra lib.iii. V de qui A^{ac}
 sint] sunt GH c. Lator V 13 Arg. tamen] Attamen PCVcVM^{ac} induci] dici
 Lr LuFG^{ac}H in modum] inec modum V possit] dico laicum posset M^{ac}, om. N
 14 ut cum Pr fecit Lu ut supra] ut in extra.i., lib.iii. V Perlatum] Proba-
 tum H c. Perlatum V 14-15 Perlatum — Item om. Vc 15 lib.i om. V
 et ff. (lib.v. add. V) PCVM LuFGH N Pr uel. l.ii. P^{ac} si extra] si si extra
 Pvc, sic extra F, om. Lr et C.(lib.vii.^o add. V) Pr PCVcFcVM LuFGH N de
 ordin. iud. Adite *scripsi*: de ordine cognit. Adire (Adite H) APR PCVcFcLrM LuFGH, de
 ordine l. Adire V, jo. add. Lr G

VIII. 1 Videntur G licite non possint tr. H possunt CVcM LuGH N
 licito Fc quod sportulas (portulas Fc^{ac}) quod M quod om. G^{ac} 2 contra] cont A
 iii.] iii. FGH q.iii. M^{ac} illud om. M potest] petit M de] quod C
 portulis Fc 3 executionibus FH ut om. Lu excludendas] exherendas Lr,
 exhibendas LuF^{ac}G^{ac}H N 4 autem] aut M cautum] tantum CVcM de de H
 parte litis] litis quia litis (tempore add. F^{ac}) parte LuF^{ac}G, litis parte tr. PCVcFcLrM H N
 prestanda] prestata Fc in hoc Fc inuenio] inueninio C^{ac}Vc^{ac}, inenio C^{pc}Vc^{pc},
 inieninio M LuFGH 5 a om. Lr aureos] annos H principio] principe C^{ac},
 principit M cause om. Vc F 6 utroque M excedit] cedit Lu Alias]
 Aliter LuFGH 7 duas] ii. H auri] auris Vc^{ac} ut] et Fc F^{ac}GH iudi-
 cibus] iudeis F, de iudicibus om. Lr

⁶⁶ 1 Comp. 2.1.4 (X —) et 2.1.5 (X 2.1.3) ⁶⁷ 1 Comp. 3.27.25 (X 3.30.13)

⁶⁸ 1 Comp. 4.18.5 (X 4.17.5) ⁶⁹ 1 Comp. 3.33.1 (X 3.38.1) ⁷⁰ Dig. 5.1.2.5

⁷¹ Cod. 3.8.1; male allegatur tit. 7.19

VIII. ⁷² C.3 q.3 p.c.4 § 5 ⁷³ Authen. 8.8.2 (Nov. 112.2)

Ne autem, coll.vi.⁷⁴ Sumptus autem licite possunt petere delegati ut hic, et xii. q.ii. Caritatem⁷⁵ et iii. q.iii. § Venturis,⁷⁶ quia nemo cogitur suis stipendiis militare, ut supra de symon. Cum sit Romana.⁷⁷ Munera enim prohibentur recipere, non sumptus, ut i. q.i. Iudices,⁷⁸ unde licite sumunt esculentum et poculentum, ff. de offit. presid. Plebi scito,⁷⁹ et exennia modica possunt sumere, ff. de offit procon. l.Solent.⁸⁰ Verumtamen tales sumptus sument unde litigatoribus graua dampna non infligant, xi. q.iii. 15 Illud,⁸¹ nam et ordinarius non sumit sportulas a pauperibus, ut in authen. de manda. princip. Sit tibi.⁸² Vbi autem de crimine agitur in modum denuntiationis, tunc denuntians non grauatur sumptibus, ut C. de monopol. l.una.⁸³ Vtraque autem pars prouidebit in sumptus iudicibus, ut xiiii. q.v Non sane⁸⁴ et in authen. de iudicibus § Ne autem,⁸⁵ licet testibus dentur

8 coll.vi. post 7 authen. tr. V vi.] sex LuF^{ac}H, sexta F^{pc} N Sumptus] Suptus Lu possunt] potest Lu, positum F^{ac}G, non possunt Fc delegatus Lu 9 xii.] xi. A^{ac}Pr, iii. H q.ii.] q.iii. A PCVcFcVLRm LuFGH N c. Caritatem V iii.] ii. Lu § om. PCVcFcLrM LuFGH N Venturus V^{pc}Lr, Item in crim. uersu, Venturis N set quia Fc LuFGH 9-10 suis stipendiis cogitur tr. PCVcFcVLRm LuFGH N 10 ut om. PCVcFcLrM LuFGH N supra] in extra.i. lib.v. V simon. Lr Cum sit Romana om. M c.Cum V Romana lib.i. N Munera] In una LuG^{ac}H 11 prohibetur H recipere om. H non non M Iudicis C, le Iudices N^{ac} sumunt] sumus LuF^{ac}G^{ac}, summus F^{pc}, sumitur H, recipiunt N 12 esculentum] osculentum CVcM Pr, exculentum LuFG^{ac} N, exulentum H poculentum] pondentum H ff.lib.i. V ff.] supra G pressid. M l.Plebi V scita Apr PCF^{ac}Vm LuFGH, tita Lr N et om. G N exennia] omnia Lr, exsenia M, exenia PCVcFcV, lex enim dicit quod munera N 13 modica post sumere tr. Lu i modica C^{ac} l. om. PCVcFcLrM LNuFGH. talis C 14 sument] sume F, sumere G^{ac}, sumuntur H, debent sumere N litigationibus F^{ac}GH graua H^{ac} infligant] inferant PCVcFcLr LuFGH N, inferant M, inferenda non sint V xi.] x. A^{pc} N, ut xii. V 15 c.Illud V nam et] quia Lu, om. FGH N et om. M^{ac} ordinarius tamen N sumit] debet sumere N portulas Fc, sportatulas G^{ac} pauperibus] paperibus C, pauperibus F^{pc} ut om. H authen. coll.iii.^a cum iii.^a V 16 Sit] Set PCVcFcLrM LuFG^{ac}H N, § Sit V Vbi om. G^{ac} autem om. PCVcFcVLRm LuFGH N^{ac} agitur de crimine tr. F immodum M, in mdum G 17 denuntiationis tenetur A^{ac} tunc om. A denuntians] denuntias CM grauabitur PCVcFcVLRm LuFGH N C.lib.iii^o V monopol.] manuopol. F^{ac}, metropol. H 18 una] unica V autem] enim Lr in om. A^{ac} in sumptus iudicibus] (a Lu) iudicibus (iuditionibus H^{ac}) sumptibus (sumptus PLr Pr LuFH N, sumpti Fc, in sumptibus V^{ac}, om. G)PCVcFcVLRm Pr LuFGH N 18-19 ut xiiii. — iudicibus om. G^{ac} 19 Non] Veni Lu sane] sanum H N authen. coll. vi.^a V § om. CVcM Ne — testibus iterat Vc^{ac}

⁷⁴ Authen. 6.10.9 (Nov. 82.9) ⁷⁵ C.12 q.2 c.45 ⁷⁶ C.4 q.3 § 40 ⁷⁷ 1 Comp. 5.2.9 (X 5.3.10) ⁷⁸ C.1 q.1 c.23 ⁷⁹ Dig. 1.18.18 ⁸⁰ Dig. 1.16.6 ⁸¹ C.11 q.3 c.78 ⁸² Authen. 3.4.3 (Nov. 17.3) ⁸³ Cod. 4.59.1 ⁸⁴ C.14 q.5 c.15
⁸⁵ Authen. 6.10.9 (Nov. 82.9)

20 sumptus tantum ab eo qui eos inducit, ut iiii. q.iii. § Venturis.⁸⁶ Ordinarius autem non debet sumptus petere, cum ei certa stipendia sint constituta, ut xxiii. q.i. Militare,⁸⁷ nam illa debet expendere, cum profiscitur que domi expenderet, ut in authen. de mand. princip. § Illud tamen.⁸⁸ Exenia tamen possunt recipere, dum tamen illa per annum c aureos non excedant, 25 ut ff. ad leg. Iul. rep. Eadem, in fine.⁸⁹ Episcopi autem licite petunt sumptus in consecrationibus et in uisitacionibus, ut supra de simon. Cum sit, lib.i.⁹⁰ supra de prescript. Cum eu officii.⁹¹ jo.

20 tantum] dantur LuFG (tamen dantur G^{pc}), dentur del. N eo] eos Fc^{ac} ab eo] alter G inducit] indicit M § om. PCVcFcLrM LuFGH N Venturis] Venturus V_{Lr}, Beneturis M, Nonteris G, Item in crim. uersu Venturis N 21 sumptus non debet tr. H certu Fc sunt CVcVM, sui Lu 22 q.i.] qui C, q.ii. G c. Militare V illa] cum illa Lr profiscitur LrM, profisciscerit LuFH, proficissitur N 23 expenderet N ut] et M, om. N authen. coll.iii.^a V §] Set M Tamen illud tr. N tamen] tam A^{ac} excenia PCVcFcLr, exennia M LuFGH N 24 tamen om. G^{pc}H, bene N non excedant c. (centum CM) aureos (aures G^{ac}) tr. PCVcFcV_{Lr}M LuFGH N 25 ff.] C. GH^{ac} et Iul. N^{ac} Eadem CVcVM N, l.Eadem V licite] illicite G^{ac}H 26 consecrationibus scilicet (suis Lr) PFc et in uisitacionibus om. LuFGH N in om. V supra] in extra.i. lib.v. V symon. PCVcFcVM LuFGH N c.Cum V lib.i.]om. V, lib.i. et in uisitacionibus N 27 et supra PCVcFcV_{Lr}M FGH supra lib.ii. V c.Cum V jo. om. V

⁸⁶ C.4 q.3 c.2 I 40⁸⁷ C.23 q.1 c.5⁸⁸ Authen. 3.4.9 (Nov. 17.9)⁸⁹ Dig.

48.11.6

⁹⁰ 1 Comp. 5.2.9 (X 5.3.10)⁹¹ 3 Comp. 2.17.6 (X 2.26.16).

