

Krakau

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Sehr geehrter Herr Professor Hoffmann,

mit grossem Interesse habe ich Ihren neusten Beitrag zu den Romanescahandschriften gelesen. Ich bin selbst noch wenig erfahrener Palaeograph. Deswegen moechte ich Ihnen fragen, ob der Hand J in der Krakauer Tripartita (f. 152v-169) vielleicht aus dem Romanescabereich kommen kann (s. 2 Abb. im Attachment). Meine Behauptung war, dass "die Krakauer Handschrift mit der Tripartita, der Institutio canonicorum Aquisgranensis, dem Martyrologium Bedae Venerabilis und den Ordines romanae ecclesiae in einem Skriptorium wahrscheinlich ins Rheinland oder sonst in Norddeutschland geschrieben wurde und ist sicher um 1110 entstanden."

Mit freundlichen Gruessen und herzlichen Dank im voraus,

Przemyslaw Nowak

Dr. Przemyslaw Nowak
Tadeusz-Manteuffel-Institut fuer Geschichte
der Polnischen Akademie der Wissenschaften
Rynek Starego Miasta 29/31
00-272 Warszawa
POLEN

16.11.09

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Criminationes maiorū natu p̄ alios n̄ fiant. n̄ p̄ ipso q̄ emina utendū. sitam̄ ipsi digni et uti
probenfibile apparuerunt. & actus docuerunt publicis. om̄i se carere suspitione. aq; uinu
tata. & irrephensibile fidē ac cōuersationem. ducere. **De appollacione.**

Placuit utaq; ep̄ ecclesiasticis iudicib; ad alios iudices ecclesiasticos ubi ē maior auctoritas suū p̄
uocatum. audiencia nō negetur. **Hec ex cōmunicati accusent**

Est insup̄ imp̄dicia sc̄a inuena synodo statutu. ut nemo anathema int̄ā suscipiatur accusati
one. nec illi q̄ nos infua nolunt recipere accusatione. cū nō sup̄ illos sciam; actio statutos. n̄
illos sup̄ nos. Et sicut maior nō potest amonere iudicari. na nec colligari. q̄ rarū ē om̄e q̄ magnū ē;
Poriamus onera om̄iū q̄ grauant. quin imo hoc portat in nob̄ beat; apl̄s petrus cui; uice fungim̄
legatione. & cui; reglā informamur. quatin; et; fulta auxilio ab oib; nē & imp̄petuam tueam; aduer
sus. **De petendis indutiis. & inq̄mēt locū sibi tutū eligā. Felix. ii. De differentia eccl̄as
tice. & secl̄aris cause. iii. Accusati legitime ad eccl̄iā ire. debe; uū. & unde beāt; admittendi
ad accusationē ep̄g. Anastasio. & egyptiis. Cap̄ xiiij. de petendis indutiis. & ut**

Felix papa in p̄mo decretali suo. Cum ad iudiciū **quittiment locū sibi tutū eligā**
uenerit q̄s. si uoluerit. & necesse fuit indutit; ei petenti a patrib; cōstituit. absq; impedim̄to c̄cedat.
& iudices ase electi tribuant. ut in loco unde ē. ille q̄ accusat. aut sibi aliqua temerarie multi
tudinē non timuerit. locū sibi ē grūū eligat. quo absq; timore suos sine cessitas exposcerit
testes habē. & absq; impedim̄to suā canonice sententiā finire ualeat. q̄ multa p̄ subreptione
euenire solent. **Cap̄ xvii. de differentia eccl̄astice. & secl̄aris cause.**

Nonna in eccl̄asticis agendū ē negociis sic in secl̄arib;. Nam in secl̄arib;. p̄ quā legib; uocat; uenit.
& in fore decerta re ceptū aliq̄s. nō licet ante pacā causā recedere. In eccl̄asticis ū diuta causa
te cedere. licet sine cōc̄ fuit. aut si se p̄ grauari uidit. **Cap̄ vi. accusati legitime ad eccl̄iā**

Siquis legitime accusatus. & ad eccl̄iā canonice conuocatus fuit. absq; ulā trepidatione ire debet
& si n̄ potuerit. p̄ se legatū ad sinodum mittat. **Egyptiis. ep̄s. Cap̄ xiii. qui n̄ debet**

Dullus seruus. nullus libert;. nullus infidus. nullus c̄minib; admitti **ad accusationē ep̄g.**
irreat;. nullus calūpnatō nullus qui in uentis studet. nullus qui frequēt; iurat; & ad causan
dū. ul; detrahendū ē facilis. nulla infamis p̄sona. ul; om̄s q̄s ad causanda c̄mina publica. leges
publice n̄ admittunt;. p̄mittant; ep̄s accusare. & in accusatorib;. & accusationib;. quas secl̄a leges
n̄ recipiunt;. quā ratione sacerdotalis eas recipere debeat. ordo inuenire nequeo. Cū hęc & inuena sy
nodo p̄hibita sūt. & illi magis ab istis n̄ ista ab illis iudicari debeant. & apl̄s dicat. Sp̄ualis iudicat om̄ia.
ipse uero. ananite iudicatur. **De ep̄s uacare uolentibus.**

Qominus sc̄issimus & deo amantissimus uniuersis ep̄s. libert; ep̄s in d̄no salutē; Suggestū nob̄ ē q̄ p̄ p̄n
tis laborib; & in festacionib;. n̄nulli ur̄m assignatas sibi met; & ad cōmissas relinquāt plebes. & i
futurū plures relinquere uolunt eas quas tueri debent eccl̄as. & p̄ uob; sibi commissis laborare
negligant. & monasteriorū se quēn tradere festinet;. & uacacionē ab ep̄at; laborib; eligere & silentio
atq; ocio utā ducere magis appetāt. quā in his q̄ sibi cōmissa sūt p̄manere. dicent; d̄no. Beat; q̄
p̄seuerauit usq; infine. Vn̄ nāq; ē beata p̄seuerantia ū de uirtute paciencie. & in sc̄dm̄ ap̄licam
p̄dicacionē om̄s qui uoluerint in x̄o pie uiuere. p̄secutionē paciunt;. **Ido sūt carissimi. n̄ uos afflic**

ad aduocandum descendere, de quo...
hoc dicitur dicitur ut non sit esse leuitatis ostenderet si quis mala graua...
probat non possunt. Vn scilicet uestra debet mentem suam amaledictis hominum...
ad dea uocacione desuingeret. 7 sola s' inuic' uia sunt. atq' ad humilitatem subditos profici
unt cogitare; 18. in ep'la ad arhanasium. qd' loca uel ordinis n' fuerit no' primos do;

CVIII

N... aut mala disuungunt; **Ex ep'la gregorii pp' ad octauianam reginam gallic.** qd' ecclesiastica rex icon
C... um deuotissimam dniam sua de celesti uita atq' remedio animar' suar' dia' 7 de p'dic'io' 7 p'munitione
scilicet cogitare. Culpam me committore uehementer orisimo. si cas' p'romerit de' emunda det
omnipotentis dei sunt. suggerenda siluere. et te scilicet de ecclesiastica capere sedule non co
pu monuere. Nihil me uiliari fr'is 7 eo ep'i nostri p'cedamio nuper conseruauit. maxime
cum uille suq' uidelicet eccl'e antiquissimis p'cedonibus sint de p'cedat. atq' noctur
nis incendi' mase firum combuste. 7 duos id' maligni iuxta nostri p'cedonibus bo
ne facti decreta p'cedonibus illud emundare noluerunt. dum 7 scilicet leges h'c' cas' ead'
ita habere uoluerunt. lege uulgali teste. in qua sic scribitur. si quis manu arma
ta usq' ad quatuor hoies in uicium alterius ad malefaciendum uenerit. ille qui prior
p'cedonibus p'cedonibus componat solidos. d. cece. 7 sequaces uero eius unus quisq' solidos.
Lxxv. si uero ibi incendi' fecerint. sibi noua componat. p'cedam uero inquadrupli
restituat. 7 si scilicet leges talem iustitiam habere uoluerint. lxx diuina cu' inferia ee' debe
re. cum imp'ius uicinis p'cedonibus cenebo collaudatum sit. si aliquem defraudaret.
ut inquadruplum restitueret. atq' summum in rebus bonum e' iustitiam colere. ac
sua cuiq' iure seruare. 7 in subiectis non sine re quod potestatis est fieri. sed q' equum
7 cu' todum. quod uos 7 diligere 7 oina confidimus studere. Qua p'cedonibus excoellente
7 p'cedonibus mense nouembrio p'cedonibus anni scilicet indictione petrum fr'um 7 eo ep'm nos
trum agrumio sic remare eccl'e transmittimus. ut fr'ibus eiusdem p'cedonibus in unum
congregatis emundat. 7 p'cedonibus. 7 sacrilegium. canonica auocitate. 7 uita regia
dignitate tale terminum accipiat. non post hac membra diaboli filii nequaquam
in scilicet eccl'a 7 etiam ibi regnare talia p'cedonibus; **Gregorius seruus seruorum**

F **Sti. Venerio caratitano. An mulier extraneo uiro nupta cognationi ei' p'cedonibus**
p'cedonibus tuq' sagittati fr' 7 si eo defuncto maneat eadem cognatio;
amand' quas debes refero gratias. qm' quesisti q' debuisti. iocundum me reddidisti.
Lynde placide ad inquisita respondeo. s' ede' aptica' consulere decreuisti. si mulier
copula nuptiali extraneo uiro uinosa cognationi eius p'cedonibus. si eo defuncto
cognatio maneat eadem. uel si sub alio uiro cognationis uocabula disoluantur. uel
si sub alio p'cedonibus possint legitime ad prioris uiri cognationis transire copulam.
7 s' enim uerbum d'ni ualidum 7 forte. est p'cedonibus. est immutabile. non mo
mentaneum. non transitorium. dicitur aut' p'cedonibus ipsa uital. qd' d's est uerbum dei. Celi
7 terra transibunt. uerba aut' mea non transient. ante qm' d's in carne uicet hoies
appareret. eo inspirante. dixit ad a. Quia obr'e. relinquet ho' patre' 7 matre' sua' 7 adhere
bit uitali suq' 7 erit duo in carne una. Cui n' o'ra dixit d'ns. De id' cu' uitali uir' d'ira in
tra' 7 inuisibiles in humanitate apparuit. n' rogatu' e'. silicet cu' bo' uir' relinquit. qd'
p'cedonibus h'c' uerba. p'cedonibus sola excluderet copula marital'. Lynde p'cedonibus in
medie. uand' ipsa sementia. qm' ante scilicet manet cu' patre' ubi u'p'rauerat. iada. ipse e' fr'

CXV

Dispensationes rex nunquam cogunt parū qd ad obitū quosdā foras extra
ut mai' aliqd lucē faciant. Sic enī hi q mare navigant tēpestate argente
nauiq; pietatis amicitia qdā exhibent ut cetera salua pmaneat.
ita moscū nhabent saluandoy omniū negotioy penit' certitudinē despiciunt
et hū qdā. ne cunctoy patriam dispendia; Anastas' patriarcha felici pape. Ad licet
aplice sedis iniuste dāpnatos t' excomunicatos restituere. 7 suis redditus eadē p
nator' eoy. t' excomunicatores aplice punire p r i v i l e o i o . v .

Fuit sup ur̄e aplice sedis licentia iniuste dāpnatos t' excomunicatos potestatis
sua auctoritate restituere. 7 sua eis omnia reddere. illos q eos edēnauer' aplice
punire privilegio sic etiā ur̄is iustiorib; cognouim' actū tēporib; hē. Antiqu' regū
consuetū ē. ut qdqd quāuis in remotis. aut in longinq; partib; puniunt sup eoy qdrolū
aut accusationib; agerēt. n̄ p̄us tractandū t' accipiendū eēt. qm̄ ad noticiā alme
sedis ur̄e eēt deductū. ut hūi auctoritate iuxta qd fuisse pnummatio infirmaret.
aut firmaret. Urogari na ranzeri sic ipis i'patorib; loq; de excellentia sādotali. vi.

Suscipimus libere ubi libere accipitur qd lex & sādotali uos ur̄e subid potestati.
atq; istū t' bunalib; subdit. Dedit enī nob potestati. dedit pncipatū multis pfectioe
pncipatib; ur̄is. Aut nūq; iustū uob uidē. si codat ip̄e carni. Aatronū celestia supent.
si diuini pferunt humana. Lot's crisostomū sup matim omel' iii. hōn ob esse in hō

Nūqm̄ de uinis erubescam' nescitē parentū filii honore uiuentibus. v11.
parentū si unū illud qm̄ sēp d'plectamq; auritate. hūi modi enī etiā si alienigenam
hāc matre aut fornicatione pullitā. ut qleba; omni de decore sordidatā nichil tam
de d' aut uilitate suscipit. aut emine polluet. Ad si fornicationē ipsū ad meliora
dūctū nūq; p̄e una cōmascalat. multo magis exmeretee nat' adubū si p̄pa
uirtute decorēt. parentū suq; n̄ de colorat obpbrū. l' r' e' c' o' . Non ē omnino n̄ est.
nec de uirtute nec de uicio parentū. aut laudand' aliq; aut culpand'. Hemo de
uere aut obscur' aut clar' ē. Immo 7 cōsiderant' aliq; diuin' ac exp̄s' nescio qm̄
magis die resplendē q' ex parentib; uirtutib; p̄s' alienis. ipse tam fuerit
de uirtute mirabilis. Quali timore 7 fide t' respectu p̄epe debam' corporū

Timore qdē doce nos ap̄s dicens. Qui man' & sanguinis xpi grām. Basil' ep̄s dix. viii.
dicit 7 bibit iudiciū sibi manducat 7 bibit. fide & edoce nos sermo dñi dicit. hoc
ē corp' meū qd p̄mittit dat'. hoc facite in meā cōmemorationē. & ap̄s de unigenito
di filio. humiliante semet ipsū fact' obediens usq; ad mortē. mortē autē oracū.
Cū g' anima fidē hē indictū. 7 cōsiderat magnificentiā gr̄e ip̄s. admirat' nimietate
humilitatis. qm̄ tam' ac talis obediens fuit pat' usq; ad mortē p̄ra. uita. p̄tūq;
possit p̄uagari ad effectū. 7 dilectionē ipsius dñi patris. q' amico filio n̄ p̄p̄t. sed
p̄ nob' omib; t' dicit illū. Tale g' adē t' affectū p̄parare debet in animo suo ut q'
p̄no calicē dñi p̄cipit. Cū sup. Q' in iudicio p̄sidentū positū sit. quantū

De impatoribus pueris. xii De his qui in ecclā libellos famosos ponunt.
 De falsifresibus. fecerint. xiiii De uidiis orochissis eadē postea inuenerit. habuerit.
 De mulieribus que lenociniū xv De his qui tabula ludunt.
 De his qui impetore baptizant. De libetis. In cap de cōilio eliberitano
 ut clerum n̄ ueniant. Si dñs p̄ zelū ancillā occiderit
Siqua femina furore zeli accensa. flagellis uerberauerit ancillā suā. ita. ut intra
 reum die animā eū cruciatu emittat. eo qđ incertū sit. uoluntate an casu occide
 rit. si uoluntate. post septem annos. si casu. p̄ quinque annos tēpora acta legitima
 penitentia ad cōmunionē placuit admitti. Qđ si unū tēpora cōstitutā fuerit
Si quis u maleficio inſiciat alterū eo qđ sine idolatria p̄ficere scelus n̄ potuit. nec inſi
 nē impediendā illi eē cōmunionē. De feminis que alteros maritos relinqt. & alius nubt̄. viii
Ita fidelis femina que adulterū maritū reliquerit fidelē. & ad alterū ducit p̄hibe
 at ne ducat. Si aut duxerit. n̄ postea accipiat cōmunionē quā uqđ dō sp̄culo exi
 erit. n̄ forte necessitas infirmitatis dare cōpulerit. De mulieribus que lenociniū
Oratō. uel parentis. ut quilibet fidelis si lenociniū exerceuerit. eo qđ fecerint. xii
 alienū uendiderit corpus. ut potius suū. placuit eā nec in fine accipe cōmunionē.
Virgines que se dō dicauerunt si pactū de uirginibus dō sacratis. si adulterauerint. xiii
 p̄diderunt uirginitatis. atq; idē libidini seruerit. n̄ intelligentes qđ amiserint. pla
 cuit nec in fine dandā eis eē cōmunionē. Qđ si semet p̄fualerint quod infirmitate
 corporis lapsę fuerint. etiā ip̄e uite sue h̄ mōi femine eḡerint penitentia
 & abstineant a coitu. eo qđ lapsę potius uideantur. placuit eas in fine cōmunionē
 accipere debere. De sacerdotibus & ministris. si mechati fuerint. xviii
Epi p̄bri. diacones. si in ministerio positi detecti fuerint qđ sint mechati. placuit. &
 p̄p̄t scandalū. & p̄p̄t infandū erūm nec in fine eos cōmunionē accipere debere.
Om̄s qđ in peregre fuerint baptizati. De his qđ p̄egre baptizantur. ut ad clerū n̄ ueniant.
 eo qđ eorū minime sit cognita uita. placuit ad clerū n̄ eē p̄mouendos in alienis p̄uiri. xviii
Placuit p̄hiberi ne femine Ne femine in cimiteris p̄uigilent. xxv. v. *Trus.*
 in cimiterio p̄uigilent. eo qđ sepe sub obtentu orationis latent scelera cōmutant.
Em̄ dari placuit. ut hi qđ baptizant̄ ut fieri solebat. De baptizandis ut nihil accip̄ clerici. xliiii
 in concā nūmos n̄ mutant. ne sacerdos qđ gratis accepit p̄cio distrahere uideat.
 neq; pedes eorū lauandi s̄t a sacerdotibus uel clericis. De his qđ in ecclā libellos famosos ponunt. Lu.
Hi qui inuenta fuerint libellos famosos in ecclā ponere. anathemati zent.
Siqui parentes fidē frugerint sponsalioy. De parentibus qđ fidē sponsalioy frangit. lvi
 triennū p̄p̄t abstineant se a cōmunionē. si tam idē sponsus ut sponsa. in
 graui crimine fuerint dephensi. excusati erunt. parentes. Si ū in eodē fuerint uitio.
 & polluerint se cōfessendo. superior sententia seruetur. De stupratoribus
Stupratoribus p̄ueroz nec in fine dandā esse cōmunionē. p̄ueroz. lxxi

Quod observanda ecclesiastica lege sunt tenenda. De consuetudinibus ecclesiasticis.

De consuetudinibus ecclesiasticis observandis. iiii. Quod agendum sit in causis in quibus certa canonibus non veniunt iudicia. iiii. De eod. v. De statutis patrum custodiendis. vi. In scriptis suis multa culpam possunt. vii. De honore tractatorum canonicorum scriptorum conferendo. viii. De maruchis scripturis apocryphas legentibus. viii. Non esse canonice quod iohanni per sit beate marci. x. Quod lex obscuritate aliquid contineat. xi. Quod sit de legibus. xii. Sed in istis iudicandis. xii. In libro theodosiano. xiii. Quod iustitiam augusti constitutiones principum lege magistratum. atque quatuor libros institutionum abbreviant. xiiii. De causa lotharii regis uxoris eius. xx. De iure consuetudine ut lege firmato non violando. xxi. Terreni imperii leges iudiciorum quandoque assumendas

Ultimas legibus imperatorum obtemperandum esse. multis aut nequaquam. xxiii. Quod christiani imperatores perna vita pontificibus indigeant. et pontifices per temporalibus rebus unquam utantur legibus. xlii. In his enim rebus de quibus nihil certa statuit. Quod consuetudine ecclesiastica lege sunt tenende scriptura divina. mos populi dei. instituta maior lege dum ad casulanum per b. m. . . . tenenda sunt. sicut privatorum legum diuinarum. ita exceptae consuetudinum ecclesiarum coercendi sunt.

Ecclasticarum consuetudinibus ecclesiasticis observandis. Ex libro basilien. Cap. xxvii. Institutionum quasdam scripturis. quasdam vero apostolica dignitate traditione predecessorum in ministerio confirmatas accepimus quedam vero in consuetudine roborata approbavit usus. Quibus pariter et vide utriusque pietatis debet affectus. Unde quod ut aliquotulum scripturarum excepto scripturarum hesitauerit. Si enim attendauerunt consuetudines ecclesie non scripturas a patribus traditas nihil estimare. quantum religio detrimenta laeta sit. despicientibus. liquidum estabit. Que enim ut inde ordiamur. Scriptura salum fere crucis signaculo fideles docuit insigniri. Que ut triphariam digesta super panem et calicem plene orationis. ut et consecrationis verba commemorant. Nam enim quod iuglio et met. ut ab aplo insertum secretis dicimus. si valia plura adicimus. magna quasi in commendatione misteris. Que orientem versus nos orare litterarum forma prestat. Bene dicimus fontem baptismatis oleo unctiois. Huc accedit quod est immergimus quos baptismam. oleo unguimus. verbis abrenuntiare sathane malignis eius informantibus. Unde hec valia in hunc modum non pauca non taeta ac mystica traditione a patribus ecclesiastico more reuerentiori diligentia sunt in ministeris observata silentio quam publicita scripto. Innocentii pp. Cap. xviii.

Quid agendum sit in causis in quibus certa canonibus non veniunt iudicia. Ex libro basilien. Cap. xxviii. nulla solvendi ligandique aut toritas in libris veteris testamenti usque euangelio cum scriptis totis apostolorum non appareat adduina recurrit scripta greca. Si nec illis ad catholicos ecclesie. historiarum catholicas ad hoc toribus catholicis scriptas. manu mure. Sineo illis scriptis exemplis precipue recordare. Quod si his omnibus inspec tus huius questionis quasdam alucide iuestigat. seniores pumie egregia. eos interroga. Facilius namque iuenit quod a pluribus senioribus querit. Verum etiam repmissis dominis aut. Si duo ex vobis vel tres conveniunt super terra in nomine meo de omni re qua cumque peccierint fiet illis a patre meo. De eodem augustus in prologo. libri terti.

Noli meis litteris quasi scriptis canonicis inseruire. Et nullis. quod de trinitate.

De eapau. xxvi. De eodem. xxvii. Quid autem libi magis sit attendendum arbitrium -

De prohibendis concubinis. De concubinae nepos. et patris ecclesie famuli. Poveru. si exa.

De ea muliere quam aliquis sibi, non maritali affectione copulavit. cumque tam conjugium habeat filios ut filias genuerit. et postea cum ea nuptialia instrumenta fecit. Mere ea dimittat.

De eodem. xxxvi. Quid si quis maritali affectione sine dotalibus instrumentis uxorem odierit non?

De laudando se ostendere propha eoque meretricem quam duxit evertat ad pudicitiam.

Quare matrimonium parentum prohibuitur. nulla dos sit interposita.

De legitimis coniugiis. xxxv. De quarto coniugio novo. non debet ista compensatio peccare.

Quod si quis uxorem mulieri se esse habiturum legitimam uxorem. illa sit legitima uxor quam uis.

Quod qui ducuntur uxores tales se servare debent. quales eas ad se venire uolunt.

De libis hominibus qui uxores fiscalinas accipiunt. eorum fide media ut nec ille cum alia.

De muliere ingenua si sciens servum accepit. id faciat.

De libero si ancilla in matrimonio accepit. et andorum filios. si causa incontinentie copulantur.

De coniugis servorum legales concubine uxorum nominandis. etiam fideles dominos habent.

De eo si libi per errorem ancilla duxit. et liba servum. xliii. De his qui non causa prore.

Quis sunt liberi et quae nascitur deterior sumat parentis statum. xlv. Quis sunt naturales filii.

Quis nubendi licentia concedatur. et quibus non. quod quis non alligat uxori continentiam de nouerit. nullo.

Quod qui dimittit uxorem suam non ducat alteram. etiam si propterea duxerit. ut epianam faciat. ut

Quid faciendum sit si maritus usque ad duos annos cum uxore sua coire non possit.

Quod eo tempore quo carnes agni manducantur sumunt. acarnis quibus uacare debent.

Quod uir ad concubinas concubitus accedere non debet. quo ad usque ablaetur quod gignit. et

maiores filios quos gignit. aliis mulieribus admittendum non datur.

Quod uir cum uxore dormiens scotam intro non debet. nisi lotus aqua. **Lvi. De eodem.**

Quod abstinentia nulla uota reddenda sunt. nisi quorum uir auctor fuit promittendo.

De his qui puderi alienae uxoris illud putant. conjugium.

Quod si in matrimonio concubitus placuerit acarnali concupiscentia continere. uir eum non recipit.

Quod concubitus non ex consensu fraudare non debet debitu carnale. lvii. De eodem. Poveru.

De eodem. lviii. Unde supra. lx. duo iugibus esse reddendum. quod ambo pari ostendit.

Quod concubitus quibus concupiscentia carnali abstineant. concubitus esse non desistunt.

Quod maritalis habitus fidelibus concubitus. salua religione possit conuenire. De sume. h

Ut nullus occulte nuptias celebret. lxiii. Quo tempore nuptiae celebrantur.

De muliere si sine licentia uiri sui uelut sibi imposuerit. Hic uero quod uxor suam

et singlari certamine quod lotharius moluit et eura reuberiga uxorem suam. Quolare p...

De illis qui malitias puercias fugerunt aut suos seniores sequuti fuerunt. r...

et uxores suas domi relinquunt. lxxviii. De matrimonio cumus. si coire non possit.

De illo qui in paganismus uxorem suam dimittit. lxxxi. De baptizato si uxor eius

infidelis eum noluerit.

De eo ecia qui pro alieno in agro suo deprehendat.
 De eo si seru occiderit dno nesciente ut sciente. qd datur obre honesta repertu potest. si res
 pp q datur e nesc sequuta. Si u corpus sit causa. ecia si res sit sequuta repertu potest.
 qd q patre ab alio mandari. ut s credat. mandare intelligit.
 qd societas causa fraudande ut malefici cogita. nulli momenti sit. qd questu e ex furto. ut
 maleficio. n oportere cferri in societate. **cxv.**
 qd si qd re alii minoris ueniat. qm s mandatu sit. res nesc alienata.
 qd si iurib. pbatio que dicit. nei qui negat.
 qd aduersus quos testimoniū dicere n debeat. qd duo freres. qui in eode patris potestate sunt.
 teste in eode negotio fieri possunt. qd si u mulier e uis habet testimoniū dicendi iudicio.
 qd sponsalia nuptie cōsensu cōrahentiu fiat. qd filia patri n repugnans consentire intel
 ligit. qd ecia filio familias dissentiente. sponsalia fieri n possunt. qd in sponsalib; cōrahendis
 qd si u n fuerit cōtra hū matrimoniu. s n impeditur recte cōrahē. qd si uetudine mulieris
 libero n abunat. s nuptias intelligend; sunt. si questu corpore n fecerit. qd ecia mulier i
 adultio deprehensa. publico iudicio sit dāpnata. nec nq. nulli uxori sit licitū suo marito
 ieiunantate uiuere. ad aliud migrare matrimoniu.
 qd dicitur more legē imitari. qd ea q cōstituit. qd ciuitas sepe mutari solet.
 qd dno seruos uite necis habent. qd qd pseruū acqrit dno acqrit. qd q sine causa ser
 uū suū occidit. nimirū sic puniend; quā qui alienū. qd ecia serui intolerabili seuitia dno
 pōt uendi cogant. qd dno pōt dec. qd qui in potestate testatoris e.
 qd duo freres qui sub eode patre s. testes in unū testam fieri possunt. qd i testab; esse n debet.
 quib; n licet facere testamtu. **cxvii.** De eo si qd maritali affectione mulierem sibi
 copulauerit. qd ex ea liberos sustulerit. postea si ecia nuptialia instrumenta cū ea fe
 qd n ualeat istud qd exturpi causa pmissū e.
 qd de u. atq; iniuria ppulsanda. **cxv.**
 qd receptū sit pfer tu partū septimo mēse nasci. qd qui filii sequit patre. qd matre. qd si uolū
 n potest ducere. s; matrimoniu retinere. **cxvii.** De illicito pacto.
 De eo qui unā rem duob; donauerit.
 De pentione debiti. qd dāpnū si cō lucubrū unū socios sit cōmunicandū. nisi qd culpa
 sociū sui sit euersū. qd pacto abinuitas cōtra leges facta. nullā habeant. qd pacto mala
 fide factū debet esse. qd ecia puata cōuētio nichil derogat uiri publico.
 qd reddendū sit ab herede. si ante cōtra ei n fuerit defacti sui scelere cōuentus atq; c
 qd uideat iurare.
 De iuramento testiu. qd de his qui quos libet alicui offēdit. in maiori silentio reuocare
 frater uo. ut aliq. mēbrū excusserit. ut aliq. occidit.
 De eo qd aliquē in carcere detruserint. ut ex aliquo extorqueat. qd de eo qui dolū ut
 metū adhibuerit ut ires ad aliū transeat. de eo ecia qui id minori etate
 qd anathema sit qd cūq. iudex aut scitaris alicui declero absq; audientia epi ut

in qui in respectu populi male uiuit. quantum in illo est. eum atque attendit occidit.
Non tibi ergo blandiat. quia ille non est mortuus. Et ille uiuit. et ille homicida est.
quoniam cum Iosephus homo intendit ad mulierem ad concupiscendum eam. Iam mechabael
est eam in corde suo. Non peruenit ad illius cubiculum. et in interiori iam suo cubiculum
uoluntatut. Sic omnes qui male uiuit. in respectu eorum quibus propositum est quantum in ipso
est occidit et foras. Qui uiuat. moritur. qui non uiuat uiuit. tamen quantum ad illum
punit. ab eo occidit. Et quod crassum est inquit interfecistis. et uos meos non
pascetis. Iam audistis qui diligant. uidete. quod negligant. Quod infirmatum est non est
foras. et quod male. habuit non corroboraui. et quod con- tribulatum est. idem quod
confractum est non colligastis. et quod errabat. non reuocastis. et quod perire non inquisis-
tis. et quod forte fuit confregistis. interfecistis. occidistis. Infirmatum est ouis. idem in-
firmum non corrigat. ut non possit. eadem temptationibus incauto. et imparato superuenientibus.
Pastor negligens. quando credit tal. non illi dicit. fili accedens ad sorustum dei.
Et in uoluntate. et timore. et propara animam tuam ad temptationem. Qui hec loquitur est foras
infirmum. et ex infirmo facit firmum. ut non ille cum creditur pro sapia huius seculi ipsa pro-
spiratione est corrupta sperare prospera huius seculi ipsa prosperatione corrupta. super ueni-
entibus. ad ueritatibus succutitur. aut foras ex tinguunt. Non ergo cum edificat. super
petram qui sic edificat. sed super arenam ponit. Petra autem erat Christus passiones
et uentis sunt. non aspirant. et sic equitendit. Confortat infirmum. cum ei dicit.
spera quidem temptationes huius seculi. si ab omnibus te eruet dominus. si ab illo non recesserit
raro cor tuum. Non ad confortandum cor tuum. uenit ille pati. uenit ille mori.
uenit super uentis. illis enim uenit. et probrum. uenit spinis coronari. audire uenit
potremo ligno confrigi. Quia hec ille propter te nichil pro illo. et propter. Quales autem
sunt et eminentes hos ledere. quos quibus locunt. non solum non proparat ad iminentes
temptationes. et etiam promittunt felicitatem huius seculi. quam deus ipsi seculo non promissit.
Ille pro dicit labor et super labor et usque in finem uenturos ipsi seculo. et tu uis ab ipsis
laboribus exceptum esse christianum. Quia christianum est aliquid plus passurum est in hoc seculo.
Et tamen ut apostolus omnes qui uolunt in christo pie uiuere. persecutionem patient. Iam si tibi placet
passio sua querens. non que ihesu christi. ille dicit omnes qui uolunt in christo pie uiuere. perse-
cutionem patient. et tu dic. si in christo pie uixeris. habundabit tibi omnia bona. Et si filios
non habes. suscipies. et nucries omnes. et nemo tibi morietur. Hec uenit edificatio tua
et uenit quod fias. et ponas. Super arenam est que est truuus. uenturum est imber. et fluxus
et fluxus. et uenit. et impinge domum istam. et caute. et fiet ruina eius magna.
Uenit de arena ponit super petram in christo sit que uis esse christianum. attendat ad passiones.
et attendat. attendat illi sine ullo peccato. que non rapuit exoluentem. attendat
scripturam dicentem sibi. Flagellat omnem filium quem recipit. Et tu dicis forte excepti
eris. Si excepti a passione flagello. ex nullo filio. Iam inquit. Flagellat
omnem filium. pro filio. et flagellat unum filium ut de unicu. Unum ille de patre
substantia natum equali patri. et uerbum quod facta sunt omnia non habebat ubi

...trinitas quibidem... **le q m fuit i monastiu.**
Vbi aut baptismus fuit. ad benedictum rafaclote asportat i oi domo sua ut ordo e sic manducat i sacmtoy
 codice sic caritoy. Et ut finierint absq cantu reuertunt i sacruu. Psa i gduant aduersum. Psa modico m
 uallo ut fuerit pma stella i celo uisa. sonant signa. r incipiunt canere lecania aditutu. r statu cu magno de
 core. cu vii. candelis i candelabro r cereis cu incenso r turibul. pcedit sacerdos canentib iteri clericis lecania.
 pa finierint dic sacerdos. Glia mercellis da. Psa die orone. r legi apls. hunc au sup scpt ordo baptismi sic
 in h libro pasc. sic i libro pentecostes omimodis celebrat. **In nocte sci pasche ordo.**

In uigilia resurrectionis dñi an modu nocte pls n e dimittendus de pccat. iuxta canonu sanctiones. In ipsa
 nocte matutina luce rupente tenent surgentes i ecclia ueniunt. r mutua caritate se i uice osculantes dicit.
 Surrexat dñs de sepulchro. Deum Dñe labia mea aperit. Ds in adiutoriu meum. Sup Venite dicit. Alta
 de ant. Occupent facie dñi. Secunt in. ps cu anaph. Bar ut. cu ant. Ego su osu. Ut fr. cu ant. Iosulau.
 Dñe qd mult e ant. Ego dormiu. Secunt lect. in. de omelut scy. par ad ipsu die pmanet. cu respons.
 sequuntur matutinu cu antiphony.

Item.

...nisi abas... **U**enite dñe... Surrexat dñs uere alta. Et tres psalmos p noctem i ponit p singlas
 noctes. sic p os psalmos cantat alta usq i ocl pasche h ordine. Fra. ii. Cu inuocare. Uba mea. Dñe nei sur.
 Fra. iii. Dñe dr ms rre spau. Dñe dñs nr. In dno oficio. Fra. iii. Saluu me fac dñe. Uq q dne. Dix insipiens.
 Fra. v. Dñe qd h. e serui m. Exaudi dñe. Fra. vi. Celi enat fraudat te. Dñe iurat. Fra. vii. Dni etia.
 done dñe leguan. In dca m. d. hre apascha usq ad octauas admillu. etu cantat responsor. neq loc recitat
 sup istu r responsor. cantat responsori gdat. hre dies. r alta tm pma.

**Anna dnice incarnationis. M. C. i. Indictione. viii. Iohanne reue
 rentissimo presule ac bone memorie Lamberto. datus est opatus uene
 rabilis uiro Caslao. ab inuictissimo duce poloniar. sladiaslao. quibz
 coplacuit ut ornamenta ecclie inscripta haberent. Idcirco nequis
 clericor. uel custodu possit aliqd subtrahere. Inuenta snt aut in ciario.
 Lxxxiij. pallia. xxiiii. cappe. Casule xxvii. Calices xiiii. quatuor aurei
 octo argentei. Cruces octo. iiii ex his auree. iiii. argentee. Dalmaticae. vi.
 Sabtilia. xiiii. Candelabra. x. urne due argentee. Turibula. vi. Plenaria. iii.**

Anno dñice incarnationis. M. cx. defuncto reuerentissimo p̄sule
balduino successit in locū eī uenerabilis pontifex maur^{us}. Cui placuit
ut ecclāsticę res inscriptę haberent. Inuente s̄ aut in gario scī uencezle
Casale xxviii. octo exbis cū aurifrasis. Cappelxxv. Pallia. cii. Subtilia. xiiii.
Dalmaticę. vii. Calices xxiiii. sex ex eis de auro. duo de aurati. Candelabra x
argentea. Thuribula v. argentea. i. decupro de aurati. Tres vicei argentei
cū pelui argentea. Corona aurea. Duę coronę argenteę pendentę. Plonari
ii. auro tecta. iii. argento tecta. Una tabula aurea. ii. argenteę. Seruola
argento tecta cū reliquis unū corneū y unū ligneū. Cruces. iii. aureę. vii. ar
cupreę. iii. ^{ma}gia. v. Pedes argentei. ii. ad uoces. cuprei. ii. Duo oua strucionis
Vasculū argento paratū ad uinū defferendū. aliud ad corpus dñi. fistula
argentea. Tria cornua argento clausa. Hexillū auro paratū. Tapetia. vii.
Bibliotheca. Moralia iob. Isid^{us} sup leuiticū. Isidor^{us} etymologiarū. Sermones
ab aduentu dñi usq. ad quadragesimā. Omelie. Ordinales. iii. Bene dictio
Eptę pauli. Boeci de consolatione. Staci thebaidos duplex. Salusti. Terentii
Duo psū. Dialog^{us} gregoriⁱ. Psalteria. iii. Ouidi de ponto. Dialectica. Arator.
Regule gramaticę. Leges longobardę. Leges longobardi. Quinq. lach
nares. amisonariū. Nocturnales. iii. Dissalia. ii. Gradualia. ii. Capitula
Brenariū. Tabule viii. ante altaria. Lustruę cortinę. Scto dordalla
Supraditte s̄ aut infra notate res. iā ep̄ante supra dicto p̄sule dñi
Wozhlau dedit duo sacerdotilia indumta plena y unū pa
lūm. Catebor unū palliū. Cadriob. calia. i. Michabrel sac
dotale uestim̄t. ampleni. Oilei sacerdotale uestim̄tum pleni
Dozdeu. laniarū. i.

Hd F

Krakau, Met. Kap. KP 84

Quires	Main Hands on fos										
	A	B	C	D	E	F	G	H	I	J	K
1	1r-8v										
2	9r-16v										
3	17r-21v										
4		22r-29v									
5			30r-37v								
6		38r-45v									
7		46r-53v									
8				54r-61v							
9				62r-69v							
10					70r-77v						
11					78r-85v						
12						86r-93v					
13						94r-100v					
14							101r-108v				
15							109r-117v				
16								118r-125v			
17								126r-135v			
18									136r-143v		
19									144r-151v		
20										152r-159v	
21										160r-169v	
22									170r-177v		
23									178r-185v		
large lacuna											

24						186r-193v					
25						194r-201v					
26								202r-209v			
27								210r-217v			
28										218r-225v	
29										226r-233v	
30										234r-235v	
31					236r-243v						
32					244r-249r	249r-v					

f. 152^v Händewechsel?

anderer Hd 169^a unklar?

185^v Fundament

185^r

184^{r-v}

178^r

171^r P-Initials

151^v

15^v

15^v Hd. Wechsel

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Essays in Honour of Martin Brett

Edited by

(Clark)
BRUCE C. BRASINGTON
West Texas A&M University, USA

(Grace)
KATHLEEN G. CUSHING
University of Keele, UK

ASHGATE

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* H Cracow Cathedral Chapter Archives and Library

Chapter 6

The Manuscripts of the *Collectio Tripartita* in Poland¹

Przemysław Nowak

At the beginning of the twelfth century, the Polish church consisted of the archbishopric of Gniezno along with four bishoprics at Poznań, Kraków/Cracow, Wrocław (all of which already existed in the year 1000) and Płock (established c. 1076).² Books were collected at this time in treasuries or libraries by the cathedrals, churches and abbeys, but also perhaps in ducal *palatium*. Yet only a small number of books from Polish libraries—mostly imports from southern Germany, the Rhineland and the Meuse region—have survived from the eleventh and twelfth centuries.³

The oldest canon law books that we know were used in Poland are two copies of the *Collectio Tripartita* traditionally associated with Ivo of Chartres (d. 1115).⁴ They are found in Gniezno, Archiwum Archidiecezjalne, Biblioteka Katedralna, MS 25 (hereafter N); and Kraków, Archiwum i Biblioteka Krakowskiej Kapituły Katedralnej, MS KP 84 (hereafter P). The first scholars who studied and described N and P in the nineteenth century faced serious problems in identifying the canonical material. Fr Jan Łukowski criticised the earlier characterisation by Fr Brodziszewski of N as a Pseudo-Isidorian codex which St Adalbert of Prague brought to Poland in the tenth century; in addition, he rightly pointed out a connection to Vatican, Reg. lat. 973, previously described by the Ballerini brothers.⁵ Later, Fr Ignacy Polkowski described

1 I am very grateful to Martin Brett for his comments and discussion with me especially during my scholarship from the Clifford and Mary Corbridge Trust at Robinson College, University of Cambridge, in July 2005 and July 2006, and to Fr Dr hab. Grzegorz Ryś, the Head of the ~~Chapter Cathedral Archives and Library of the at Cracow Wawel~~ for his extraordinary generosity with my investigation of MS KP 84. The plates published here are reproduced with his permission. H*

2 See *Słownik Starożytności Słowiańskich = Lexicon Antiquitatum Slavicarum*, 8 vols (Wrocław-Warsaw-Cracow, 1961–91), iii (1967): 508–11, s.v. Organizacja Kościoła. Polska (Józef Szymański).

3 See *Słownik Starożytności Słowiańskich*, ii (1964): 543–4, s.v. Książki, skryptoria, biblioteki. Polska (Brygida Kürbisówna).

4 For more on the *Tripartita* see Kéry, *Canonical Collections*, pp. 244–50. On the *Tripartita* in Poland esp. Horst Fuhrmann, *Einfluß und Verbreitung der pseudoisidorischen Fälschungen*, 3 vols (MGH, Schriften, 24/i–iii; Hanover, 1972–74), 3, pp. 777–8 n. 9.

5 Fr [Jan] Łukowski, 'Rzekomy kodeks św. Wojciecha i tak zwane Dekretały Pseudoizydora', *Roczniki Towarzystwa Przyjaciół Nauk Poznańskiego*, 11 (1881): 415–41 with plate. On Vatican, Reg. lat. 973 see Petrus [Pietro] et Hieronymus [Ghirolamo] Ballerini, *Disquisitiones de antiquis collectionibus et collectoribus canonum*, 4.18.2 (PL 56.348–9).

* H Cracow Cathedral Chapter Archives and Library

228 manuscripts from the Cracow Cathedral Chapter Library, including P.⁶ At about the same time, Romuald Hube, who had collaborated closely with Savigny, correctly identified the *Collectio Tripartita* in both manuscripts.⁷ Succeeding historians took only a passing interest in the manuscripts. In 1933 Adam Vetulani began to prepare a catalogue of the canonical collections and canonistic literature from the Polish libraries up to the Council of Trent (1545–63).⁸ In the same year Fr Pierre David published his important findings in a paper delivered at the Seventh International Congress of Historical Sciences in Warsaw.⁹ There he proposed that the two surviving Polish copies of the *Tripartita* were made—one for Gniezno and the other for Cracow—from one exemplar, which had been brought to Poland in 1103 in the course of the legation of Bishop-elect Galon of Beauvais, who had close connections with Ivo of Chartres. David's claim was of considerable potential importance, since, if valid, it would have provided the earliest external date for the compilation of the *Tripartita*. His hypothesis was accepted by succeeding historians¹⁰ apart from Władysław Semkowicz, who saw both manuscripts as imports from northern province of France (probably Reims) on the basis of characteristic 'scriptura franco-saxonica', especially in the ligatures and abbreviations in P.¹¹ Jakub Sawicki intended to edit the *Collectio Tripartita* jointly with French colleagues,¹² but this edition was never

6 Ignacy Polkowski, *Katalog rękopisów kapitulnych katedry krakowskiej, Archiwum do dziejów literatury i oświaty w Polsce*, 3 (1884): 61–78, no. 84.

7 Romuald Hube, 'Dwa rękopisy średniowiecznego zbioru praw kościelnych, gnieźnieński i krakowski', *Biblioteka Warszawska*, 178, 2 (1885): 1–9. On Romuald Jan Ferdynand Hube (1803–90), see *Polski Słownik Biograficzny*, currently 44 vols to letter S (Cracow, 1935–2006), x (1962–64): 70–3.

8 Adam Vetulani, 'W sprawie skatalogowania pomników powszechnego prawa kanonicznego i literatury kanonistycznej, zachowanej w bibliotekach polskich', *Nauka Polska*, 17 (1933): 226–8. See too *idem*, 'Projet d'un catalogue des manuscrits juridiques du moyen-âge conservés dans les bibliothèques polonaises', *Collectanea Theologica*, 18 (1937): 436–51; repr. in his *Institutions de l'Eglise et canonistes au Moyen Age. De Strasbourg à Cracovie*, ed. Wacław Uruszczak (Aldershot, 1991), no. III.

9 Pierre David, 'Un disciple d'Yves de Chartres en Pologne—Galon de Paris et le droit canonique', in *La Pologne au VII-e Congrès International des Sciences Historiques Varsovie 1933*, 3 vols (Warsaw, 1933), i, pp. 99–113.

10 Most recently, Krzysztof Skwierczyński, *Recepcja idei gregoriańskich w Polsce do początku XIII wieku*, Monografie Fundacji na Rzecz Nauki Polskiej (Wrocław, 2005), p. 263 with n. 673.

11 Władysław Semkowicz, *Paleografia łacińska* (Cracow, 1951; 2nd edn, 2002), pp. 123–33, 20–22 with fig. 98.

12 Jakub Sawicki, 'Die Entwicklung der Kirchenrechtswissenschaft in Polen 1918–1957', *Österreichisches Archiv für Kirchenrecht*, 9 (1958): 243–69 at 262; Rudolf Weigand, 'Der polnische Beitrag für die Erforschung der klassischen Kanonistik und internationale Wissenschaft', in *Canon Law: a Basic Collection a współczesne prawo kanoniczne: materiały II Międzynarodowego Sympozjum Prawa Kanonicznego – zorganizowanego przez Katedrę Prawa Kanonicznego Wydziału Teologii Uniwersytetu Opolskiego w Opolu 25 III 1998*, ed. Bronisław Wenanty Zubert O.F.M., Uniwersytet Opolski, Wydział Teologii, Sympozja, 37 (Opole, 2000), pp. 31–49 at 49.

completed.¹³ Another legal historian, Witold Sawicki, later published two studies on section B 29 'De causis laicorum' in P and the influence of foreign law in Poland in the eleventh and twelfth centuries.¹⁴ Fundamental studies were also published on the Cathedral Library at Gniezno and its large collection of manuscripts.¹⁵ Most recently, Linda Fowler-Magerl noted in passing that 'in the second quarter of the twelfth century, the *Tripartita* was taken to Poland from either southern Germany or the Steiermark'.¹⁶ The issue of the *Tripartita* in Poland took another turn with Martin Brett's research on the manuscript transmission of the collection. He discovered that both Polish copies of the *Tripartita* represent a later revised version of the earlier form, and that the two books were certainly not copied from the same exemplar. N is derived from an incomplete south German tradition, while P is an 'intermediate' version of which other copies were made at Fécamp (his B) and Vorau (his V).¹⁷ For all these reasons Davis's suppositions about the origin and the date of N and P are no longer acceptable.

13 Preparational material can be found in the Sawicki bequest, held since 1980 in the Archive of the Polish Academy of Sciences at Warsaw: for a brief description, see *Przewodnik po zasobie Archiwum PAN*, ed. Hanna Krajewska and Alicja Kulecka (Warsaw, 1999), p. 233.

14 Witold Sawicki, 'Zbiór prawa dla ludzi świeckich w krakowskim rękopisie "Zbioru Troistego (Collectio Tripartita)" (Drogi wpływu praw obcych na prawo państwa Piastów w pierwszej połowie XII wieku) = Collection de droit pour les laïques dans la "Collection Tripartite (Collectio Tripartita)" du manuscrit de Cracovie', *Annales Universitatis Mariae Curie-Skłodowska*, Sectio G, 7 (1960): 295–352, including 6 plates and summaries in Russian and French; repr. in his *Studia nad wpływem praw obcych w dawnej Polsce* (Warsaw, 1971), pp. 77–127 and on 361–7, pls 1–8); *idem*, 'Wpływ niektórych praw obcych na ustroj prawny państwa pierwszych Piastów (wiek XI–XII) = Influence de quelques sources étrangères sur le droit polonais aux XI-e et XII-e s.', *Annales Universitatis Mariae Curie-Skłodowska*, Sectio G, 11 (1964): 29–61, including 20 plates and summaries in Russian and French (revised and enlarged version in his *Studia*, pp. 34–76). The plates are poor quality.

15 Jadwiga Rył, 'Biblioteka Katedralna w Gnieźnie', *Archiwa, Biblioteki i Muzea Kościelne*, 32 (1976): 159–248; 33 (1976): 237–97; 36 (1978): 211–65; *idem*, 'Katalog rękopisów Biblioteki Katedralnej w Gnieźnie', *Archiwa, Biblioteki i Muzea Kościelne*, 45 (1982): 5–201; 46 (1983): 5–149, with summary in French; *idem*, 'Biblioteka Katedralna w Gnieźnie w latach 1650–1975', *Archiwa, Biblioteki i Muzea Kościelne*, 51 (1985): 117–281, with summary in French. Description of N at (1982), 29–30. See also the earlier description of N in Fr [Tadeusz] Trzcziński, 'Średniowieczne rękopisy biblioteki kapitulnej w Gnieźnie', *Roczniki Towarzystwa Przyjaciół Nauk Poznańskiego*, 35 (1908): 169–320 at 195–6; and published separately as *Katalog rękopisów biblioteki kapitulnej w Gnieźnie aż do początku wieku XVI = Catalogus codicum manusccriptorum usque ad initium saeculi decimi sexti qui in bibliotheca almae Ecclesiae Metropolitanae Gneznensis asservantur* (Poznań, 1910), pp. 11–2.

16 Fowler-Magerl, *Clavis Canonum*, p. 189.

17 Martin Brett has made available a working text of the *Tripartita*, with the manuscripts list, at <http://project.knowledgeforge.net/ivo/>.

Description of N

Gniezno, Archiwum Archidiecezjalne, Biblioteka Katedralna, MS 25.

Long lines xv (paper) + 200 fos (parchment) + viii (paper). 245 x 185 mm. Collation scheme: xv + 1-15⁸ + 16⁴ + 17⁸ + 18⁴ + 19-25⁸ + 26⁵⁺³ + viii. Inside the MS are several seals: 'Capitulum Metropolitanum Gnesnense' (s. xix); 'Capitulum Metropolitanum Gnesnense / Bibliotheca' (s. xix); 'Archiwum Archidiecezjalne w Gnieźnie / Zespół: Biblioteka / Synatura: Ms 25' (s. xx); 'Archiwum Archidiecezjalne / Gniezno' (s. xx); 'Archiwum Archidiecezjalne Gniezno / BK' (s. xx). The nineteenth-century binding is blind-tooled black leather and on the spine is a modern title in gold: 'M.S. Isidorus Mercator'.

Contents:

- p. 1: the antiphon for St Adalbert *Magna vox laude sonora*;¹⁸ a zonal mappa mundi in the geocentric diagram of the celestial spheres;¹⁹
- p. 2: Arbor consanguinitatis, unfinished; Responsorium prolixum *O pastor apostolice* from the office of Leo IX for St Gregory *Gloriosa sanctissima solemnia* with German musical notation s. xii;²⁰
- pp. 3-399: the *Tripartita*, incomplete, ends at B 20.32;
- p. 388: Arbor consanguinitatis.

N was made in an unknown scriptorium in South Germany or Steiermark, probably at the order of Archbishop Jacob of Gniezno (c. 1124-48).²¹ The *Tripartita* was copied by several hands. The text has been heavily annotated at Gniezno by several later hands, including extensive cross-references to Gratian. The antiphon on p. 1 and the sentence on p. 400 (a half leaf) 'Qui ideo male accipit, ut bene dispenset,

18 The most recent edition with commentary: Fr Wojciech Danielski, *Kult św. Wojciecha na ziemiach polskich w świetle przedtrydenckich ksiąg liturgicznych*, ed. Jerzy Józef Kopeć C.P., Towarzystwo Naukowe Katolickiego Uniwersytetu Lubelskiego, Prace Wydziału Teologicznego, 117 (Lublin, 1997), pp. 186-7.

19 Edward Schnayder, 'Trzy polskie lub z Polską związane mapy świata ("mappae mundi") na tle zawierających je łacińskich kodeksów średniowiecznych', *Zeszyty Naukowe Akademii Górniczo-Hutniczej im. Stanisława Staszica*, 900, *Geodezja*, 74 (1982): 33-64 at 35-8 with pl. 1. The map in N is the oldest in the Polish cartographic collections, see *idem*, 'The Polish Cartographic Collections', in *The Polish Cartography: Dedicated to the Fifth General Assembly of the International Cartographic Association and to the Eight International Cartographic Conference, Moscow 1976*, ed. Jerzy Ostrowski (Warsaw, 1976), pp. 114-26 at 120 n. 2.

20 Janka Szendrei, 'Notacja liniowa w polskich źródłach chorałowych XII-XVI wieku', in *Notae musicae artis: notacja muzyczna w źródłach polskich XI-XVI wieku*, ed. Elżbieta Witkowska-Zaremba (Cracow, 1999), pp. 187-281 at 189-90, 234 and on 239, pl. III/1.

21 Ryś, 'Biblioteka' (1976), 214, believed that N came to the cathedral library in the bequest of Archbishop Jacob of Gniezno. On Archbishop Jacob so-called from Żnin, see *Polski Słownik Biograficzny*, x (1962-64): 371-2; *Słownik Starożytności Słowiańskich*, ii (1964): 310.

gravatur potius quam adiuvatur' were written by the same hand in diplomatic minuscule s. xii ex.²² On p. 3 the same hand also added 'LIBER s(an)c(t)i Adalberti episcopi et martiris d'. By the nineteenth century only the first two words were still in good condition, and Fr Brodziszewski highlighted the remaining words. There are further annotations by Brodziszewski on pp. 2, 41, 42, 132, 167, 196, 198, 201, 207, 208, 212, 226, 239, 272, 284, 285, 289, 330, 331, 334, 339, 348, 352, 359, 369 and 400. Bound together with N, is also Brodziszewski's manuscript *Antiquus Codex Sti Adalberti, episcopi et martiris, propriae ejusdem possessionis, dum in his terris nobiscum viveret. / M. S. Isidorus Mercator*, dated at Gniezno, 1852, with later polemical annotation at the conclusion by Fr Jan Łukowski, dated at Gniezno, 24 August 1878.²³

Description of P

Kraków, Archiwum i Biblioteka Krakowskiej Kapituły Katedralnej, MS KP 84.

i (paper) + 249 fos (parchment) + i (paper). Dimensions after trimming for the binding: 290 x 221 mm. Collation scheme: i + 1-2⁸ + 3³⁺² + 4-12⁸ + 13⁴⁺³ + 14⁸ + 15⁴⁺⁵ + 16⁸ + 17⁴⁺⁶ + 18-20⁸ + 21⁴⁺⁶ + 22-29⁸ + 30² + 31⁸ + 32⁶ + i. Between quires 23 and 24 it is likely that at least one, perhaps two, quires are now missing.²⁴ The new pencil foliation came in 2006. Blank fos 135v (a half leaf), 169v, 217r-v, 235v. The second decorative tint after red is a mixture of white with green in quires 18-23 and 26-7. The most decorated letters are majuscules Q on fo. 1r (Pl. 6. 1) and P on fo. 171r (see pl. 6.5). The most characteristic script is in quires 20-21 (an example is shown on pl. 6.4).²⁵ On fo. 1r there is an old shelf-mark: 'CCXVII' (pl. 6.1).²⁶ Inside the MS are several seals: 'Ex Archivo Capituli Cathedralis Cracoviensis' (s. xx); 'Archiwum Kapituły Metropolitalnej Krakowskiej' (s. xx); 'Archiwum i Biblioteka Krakowskiej Kapituły Katedralnej / K.P. 84' (February 2002); 'Arch(ivum) Capit(uli) Cath(edralis) Crac(oviensis)' (February 2002). The nineteenth-century binding is blind-tooled brown leather, and on the spine is the modern title in gold: 'Decreta Romanorum pontificum, cod. saec. XI'.

P was copied by not less than eleven hands.

22 This hand has no evidence in charters, see *Monumenta Poloniae Palaeographica*, ed. Stanislaus [Stanisław] Krzyżanowski, 68 plates in 2 fascicles (Cracow, 1907-10).

23 On Anzelm Wojciech Brodziszewski (1779-1866), see *Polski Słownik Biograficzny*, ii (1936): 453. On Jan Nepomucen Łukowski (1846-1904), see *ibid.*, xviii (1973): 565-7.

24 Sawicki, 'Zbiór prawa', p. 299 n. 8; repr. his *Studia*, pp. 81-2 n. 9.

25 Semkowicz, *Paleografia*, p. 322 has misleadingly called this script 'scriptura franco-saxonica'. I am grateful to Martin Brett for alerting me to his consultations with Tessa Webber and Michael Gullick, who suggested that the script might be characterised as broadly lower Rhineland, but it remains unclear as to which side of the river.

26 Polkowski, *Katalog rękopisów*, p. 4 noted that in his time P was under shelf-mark MS 48.

Contents:

- fos 1r–185v: the *Tripartita*, incomplete, ends at the *capitulatio* to B 29 c. 172 (Pls 6.1–7: fos 1r, 85v–86r, 153r, 171r, 185r–v);
- fos 186r–231r: *Institutio canonicorum Aquisgranensis*, incomplete, lacks prologue (Pl 6.8: fo. 186r);²⁷
- fos 231v–241v: the *Martirologium Bedae*;²⁸
- fos 242r–249r: *Ordines romanae ecclesiae* (Pl 6.9: fo 249r);²⁹
- fo 249r–v: two inventories of the cathedral treasury, one dated 1101 during the episcopate of Bishop Czaślav of Cracow (1101–02), the other 1110 from the time of Bishop Maurus of Cracow (1110–18) (Pls 6.9–10).³⁰

It has been argued, especially by David, that **P** is the *capitulare* listed in the 1110 inventory.³¹ However, linking this term to **P** is problematical, because this is not a conventional word for a collection of canons; rather, it normally refers to a book of liturgical readings or regulations for it.³² The earliest unambiguous information about the *Tripartita* itself comes from the second archival inventory from the beginning of the sixteenth century.³³

According to my codicological and palaeographical observations there are eleven hands in 32 quires. The most important are hands E (Pls 6.2, 9), F (Pls 6.3, 8–10) and I (Pls 6.5–7). Hand E copied quires 10–11 of the *Tripartita* (fos 70r–85r) and returned in the two last quires with *Martirologium Bedae* and *Ordines romanae ecclesiae* (fos 236r–249r). Hand F copied quires 12–13 of the *Tripartita* (fos 86r–

27 See particularly Józef Szymański, 'Krakowski rękopis reguły akwizgrańskiej z roku około 1103', *Studia Źródłoznawcze*, 11 (1966): 39–52, with summary in French.

28 David, 'Un disciple', pp. 104–6.

29 *Ibid.*, pp. 106–7.

30 The most recent edition of both inventories and analysis of the collection of books in the 1110 inventory is found in Marian Plezia, 'Księgozbiór katedry krakowskiej wedle inwentarza z r. 1110', in *Silva Rerum* (Cracow, 1981), pp. 16–29 and plates nos 1–2. See also Adam Vetulani, 'Krakowska biblioteka katedralna w świetle swego inwentarza z r. 1110', *Slavia Antiqua*, 4 (1953): 163–92, with summary in French; *idem*, 'La Bibliothèque de l'Eglise Cathédrale de Cracovie d'après le catalogue de 1110', in *Mélanges Joseph de Ghellinck, S.J.*, 2 vols, Museum Lessianum, Section Historique, 13, 14 (Gembloux, 1951), ii, pp. 489–507 (repr. in his *Institutions de l'Eglise*, no. V); *idem*, *Le plus ancien inventaire d'une bibliothèque polonaise* (Cracow, 1971); Lech Kalinowski, 'Najstarsze inwentarze skarbcza katedry krakowskiej jako źródło do dziejów sztuki w Polsce', in *Cultus et cognitio: studia z dziejów średniowiecznej kultury* (Warsaw, 1976), pp. 217–31.

31 David, 'Un disciple', pp. 107–8.

32 Słownik łaciny średniowiecznej w Polsce = Lexicon mediae et infimae latinitatis Polonorum, currently 8 vols to letter R (Cracow, 1953–2006), ii (1959–67): 154, s.v. *capitulare*.

33 Polkowski, *Katalog rękopisów*, p. 21: 'Item liber continens, decreta multorum Summorum pontificum et conciliorum in pergameni de antiquissima scriptura in laceris asseribus quericinis'. In this inventory there is no information on a separate book with *Institutio canonicorum Aquisgranensis*, *Martirologium Bedae* and *Ordines romanae ecclesiae*.

100v) and returned in quires 24–5 of the *Institutio canonicorum Aquisgranensis* (fos 186r–201v). This scribe also inserted two inventories of the cathedral treasury (fo. 249r–v). In the free space on fo. 249r and the whole of fo. 249v hand F at Cracow added the inventories of 1101 and 1110. Hand I copied quires 18–19 and 22–3 of the *Tripartita* (fos 136r–151v, 170r–185v) and returned in quires 26–7 of the *Institutio canonicorum Aquisgranensis* (fos 202r–217v). All eleven hands worked in a single unknown scriptorium probably in Rhineland.³⁴ The scribes wrote to dictation without paying much attention to the text they were copying, so they frequently made mistakes.³⁵ Further acquisitions in the inventory of 1110 were added by another hand except first line (fo. 249v 20–4), though still in the lifetime of Bishop Maurus (1110–18).³⁶ As mentioned above, the term *capitulare* cannot be confidently taken as a reference to **P**; nonetheless, the inventories can be used to date the entire contents to the period 1110 x 1118. Consequently, it may indeed be treated as the earliest dated occurrence of the *Tripartita* with sections A and B combined.

34 See above n. 25. Szymański, 'Krakowski rękopis', pp. 44–5 speculated about the origin of **P** at the Cracow scriptorium from an archetype which was brought by the papal legate Galon of Beauvais to Poland in 1103. It should be noted that the first Polish document for a Polish recipient is known from the time of Bishop Maurus of Cracow (1110–18): see Zofia Kozłowska-Budkowa, *Repertorium polskich dokumentów doby piastowskiej* (Cracow, 1937; repr. 2006), p. 77, no. 21. Unfortunately this bishop's document survives only in a very late copy, see *Zbiór dokumentów katedry i diecezji krakowskiej*, ed. Stanisław Kuraś, 2 vols, Materiały źródłowe do dziejów Kościoła w Polsce, 1, 4 (Lublin, 1965–73), i, pp. 4–5, no. 2.

35 Szymański, 'Krakowski rękopis', p. 42 with n. 26.

36 They are only the second and the third surviving examples of bookhand from Poland after the letter of Bishop Aaron of Cracow (1046–59), in the *Praedicationes*, s. viii/ix or s. ix¹⁴—Kraków, Archiwum i Biblioteka Krakowskiej Kapituły Katedralnej, MS KP 140(43), fo. 3r, see *Codices Latini Antiquiores*, ed. Elias A. Lowe, 12 vols (Oxford, 1934–71), xi (1966), 3, no. 1593; Bernhard Bischoff, *Katalog der festländischen Handschriften des neunten Jahrhunderts (mit Ausnahme der wisigotischen)*, currently 2 vols (Wiesbaden, 1998–2004), i, 416, no. 2006; Brygida Kürbis, 'Aron Episcopus w rękopisie z VIII wieku', in *Benedyktyni tyńiecy w średniowieczu: materiały z sesji naukowej Wawel-Tyńiec 13–15 października 1994*, ed. Klementyna Żurowska (Cracow, 1995), pp. 47–58 and pls 1–4; Aleksander Gieysztor, 'List Arona biskupa krakowskiego: następna próba odgadnięcia tekstu', in *Benedyktynska praca: studia historyczne ofiarowane o. Pawłowi Szczanieckiemu w 80-rocznicę urodzin*, ed. Jan Andrzej Spież O.P. and Zbigniew Wielgosz (Cracow, 1997), pp. 45–8. The Polish historians (e.g. Brygida Kürbis, Gerard Labuda, Małgorzata H. Malewicz, Walerian Meysztowicz, Michał Walicki) believed that the Calendar together with lunar and weather prognostics in the so-called Codex Gertrudianus was copied in an eleventh-century hand from an archetype at Cracow—Cividale del Friuli, Museo Archeologico Nazionale, MS CXXXVI, fos 2ra–4vb, 11r–12r: see introduction to *Modlitwy księżnej Gertrudy z Psalterza Egberta z Kalendarzem = Liber precum Gertrudae ducissae e Psalterio Egberti cum Kalendario*, ed. Małgorzata H. Malewicz and Brygida Kürbis, *Monumenta Sacra Polonorum*, 2 (Cracow, 2002), esp. p. 25 and 31, with further references.

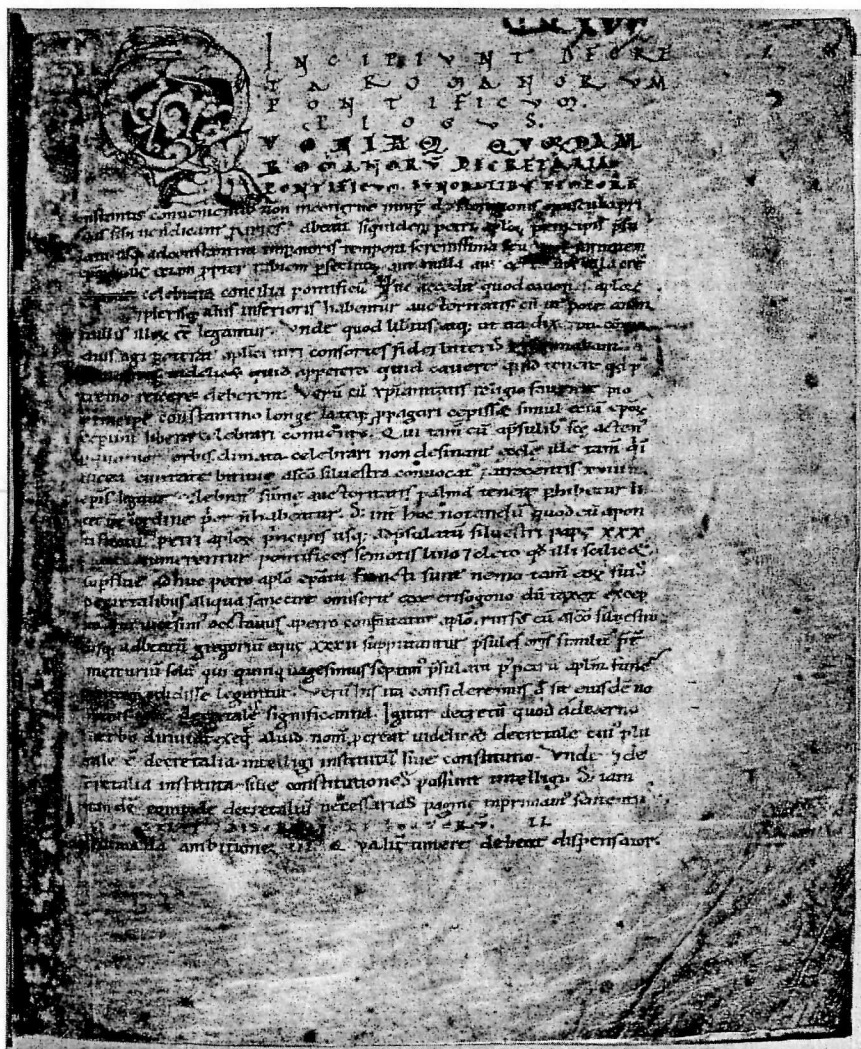


Plate 6.1 Kraków, Archiwum i Biblioteka Krakowskiej Kapituły Katedralnej, MS KP 84, fo. 1r.

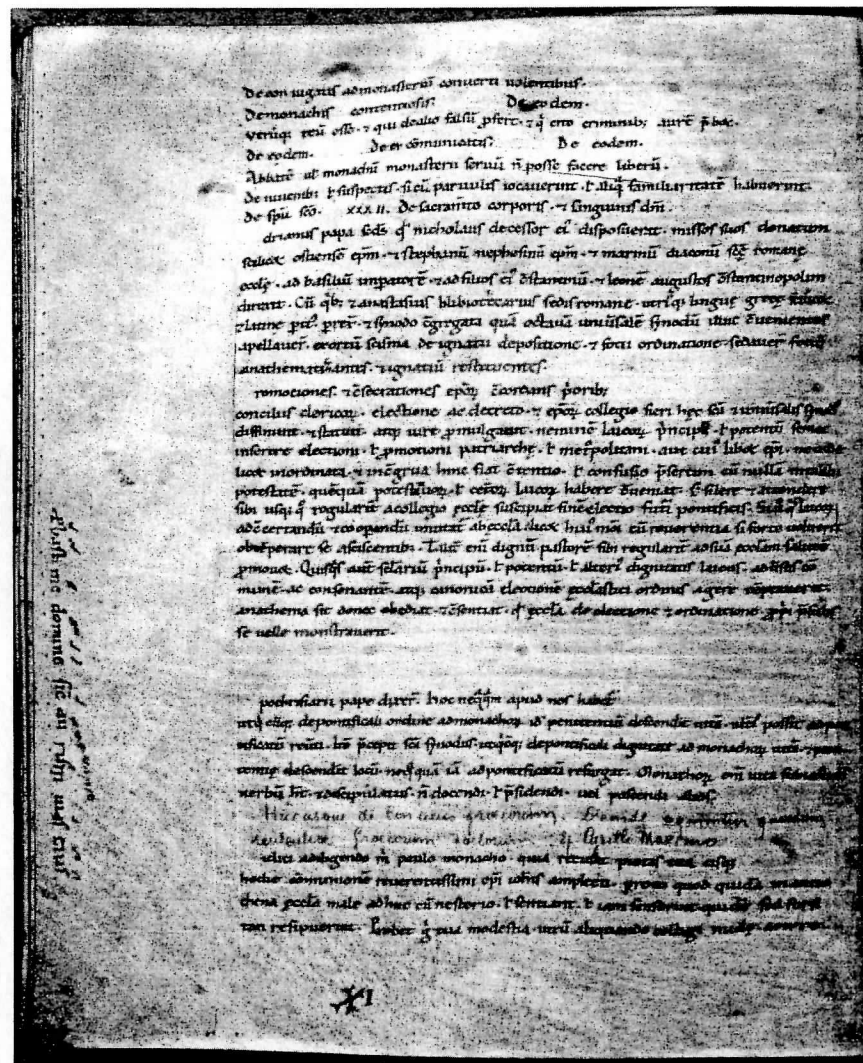


Plate 6.2 Kraków, Archiwum i Biblioteka Krakowskiej Kapituły Katedralnej, MS KP 84, fo. 85v.

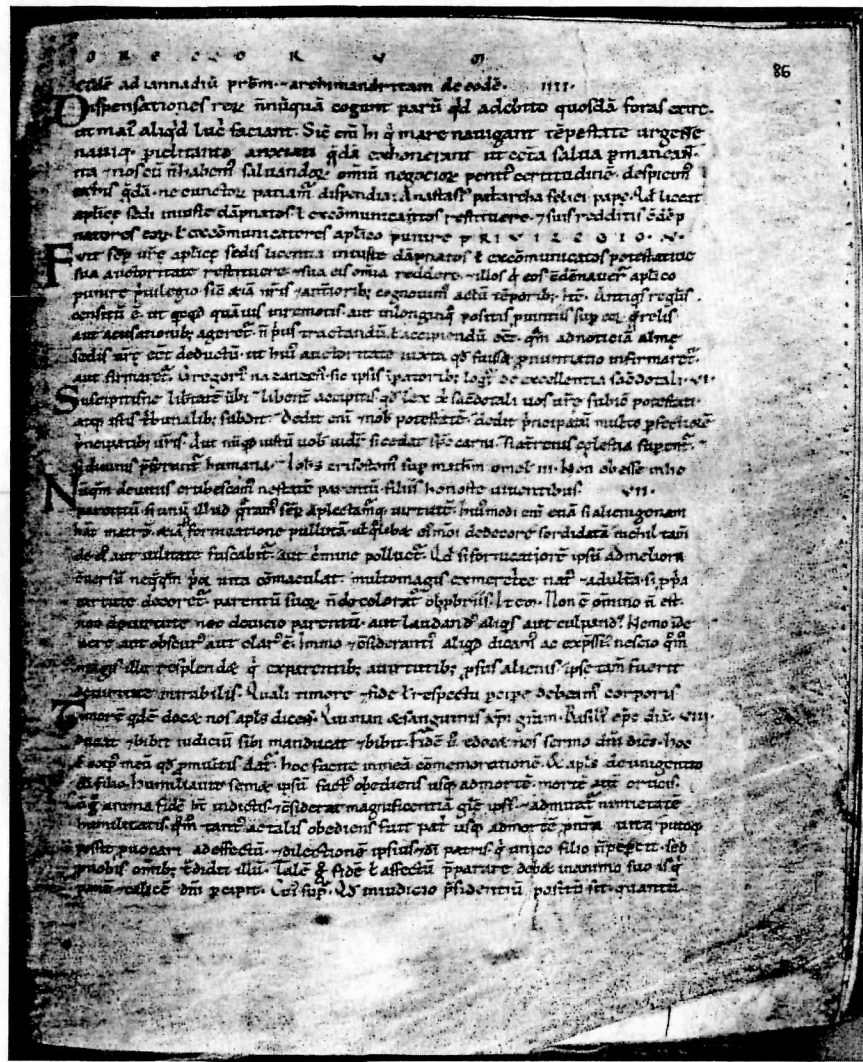


Plate 6.3 Kraków, Archiwum i Biblioteka Krakowskiej Kapituły Katedralnej, MS KP 84, fo. 86r.

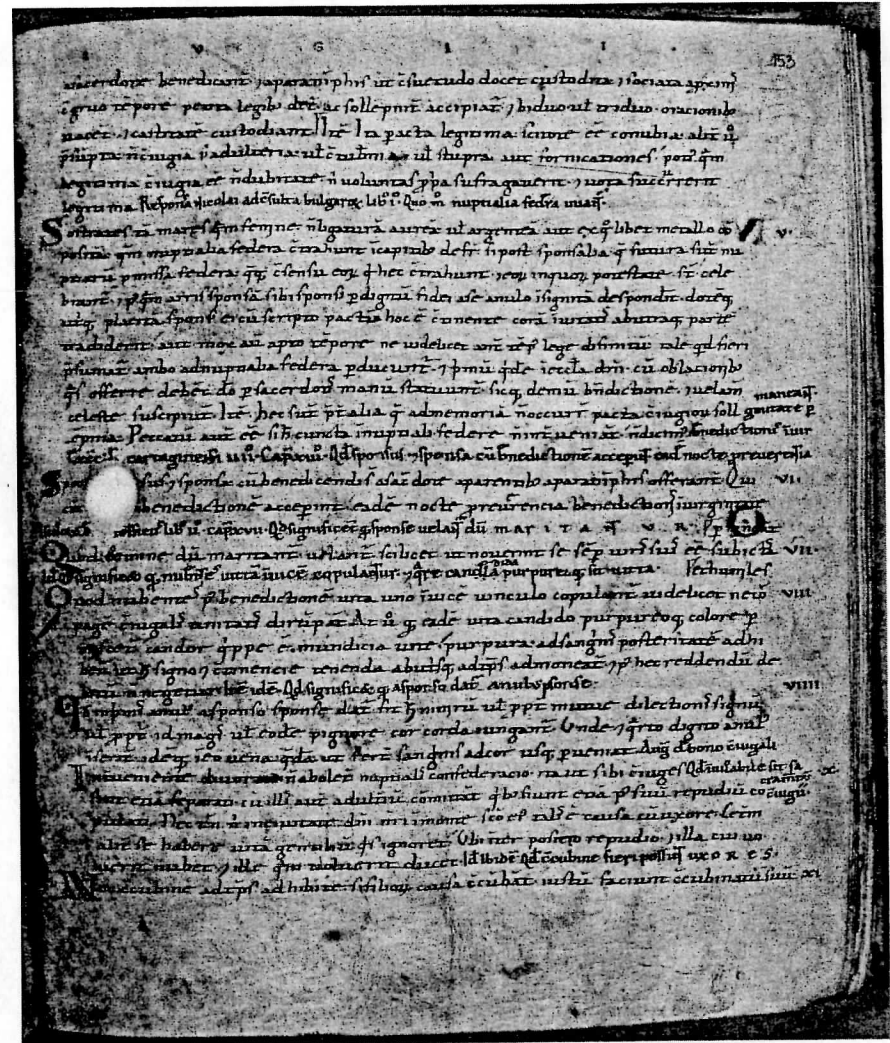


Plate 6.4 Kraków, Archiwum i Biblioteka Krakowskiej Kapituły Katedralnej, MS KP 84, fo. 153r.

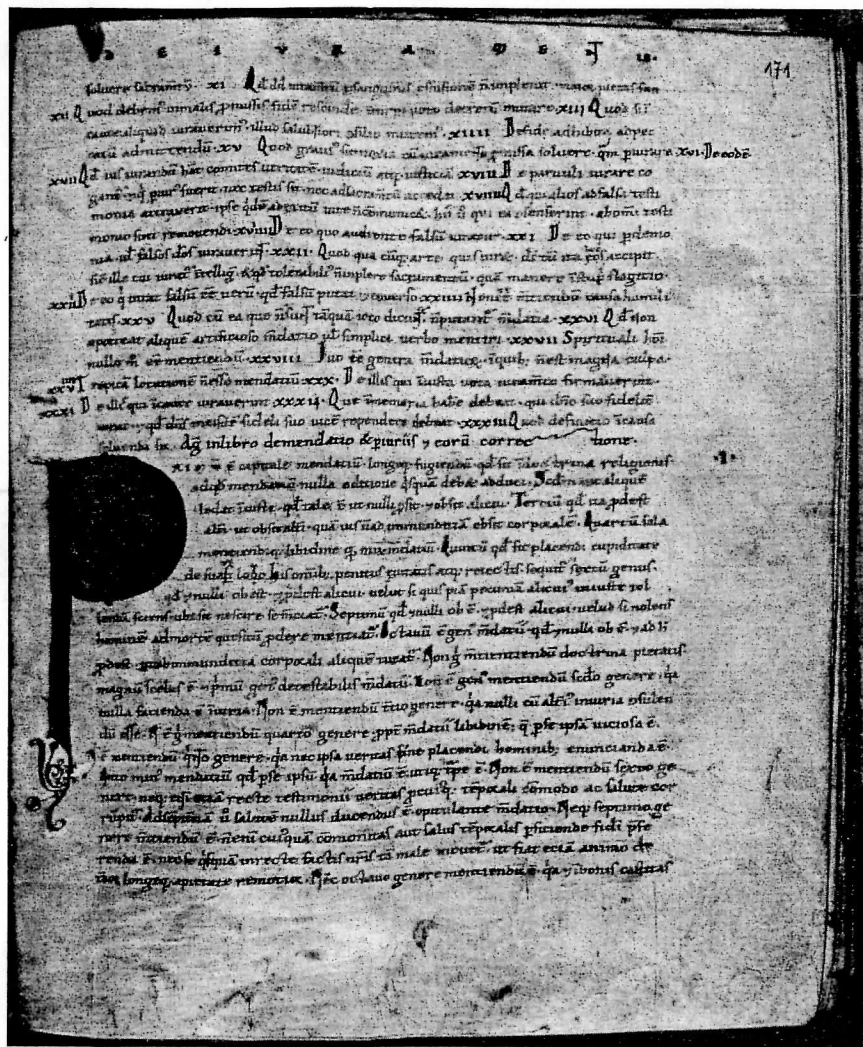


Plate 6.5 Kraków, Archiwum i Biblioteka Krakowskiej Kapituły Katedralnej, MS KP 84, fo. 171r.

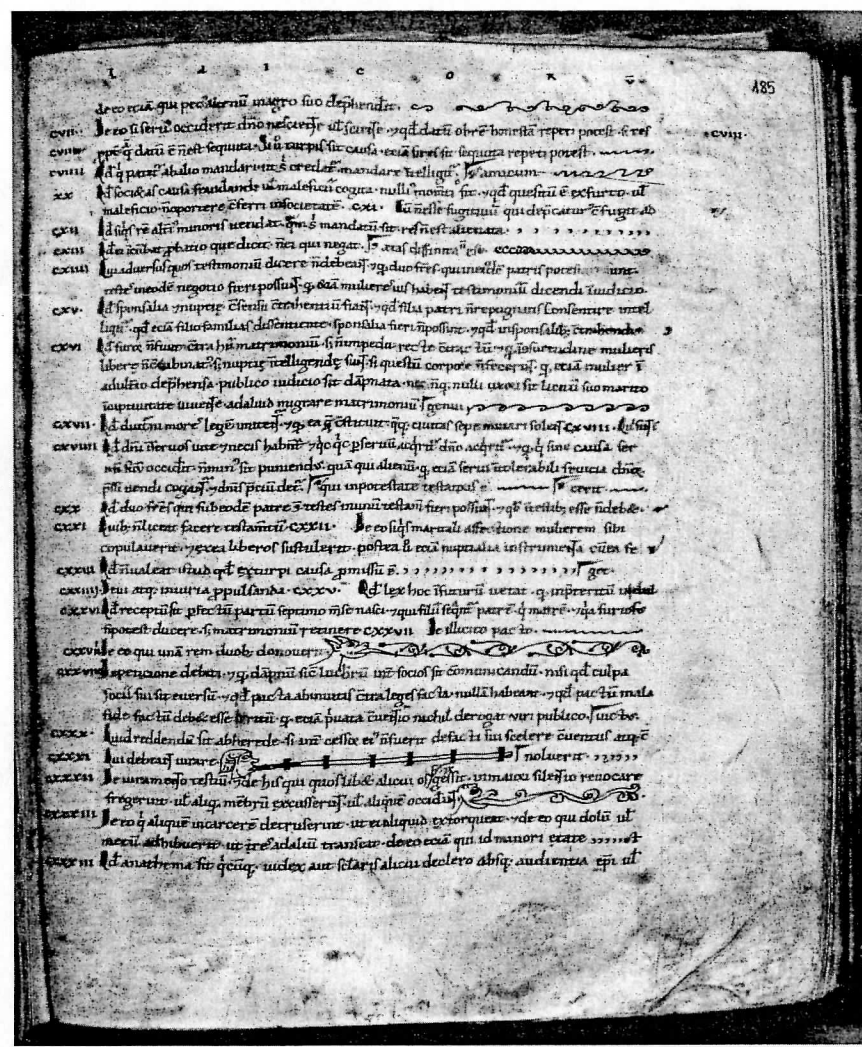


Plate 6.6 Kraków, Archiwum i Biblioteka Krakowskiej Kapituły Katedralnej, MS KP 84, fo. 185r.

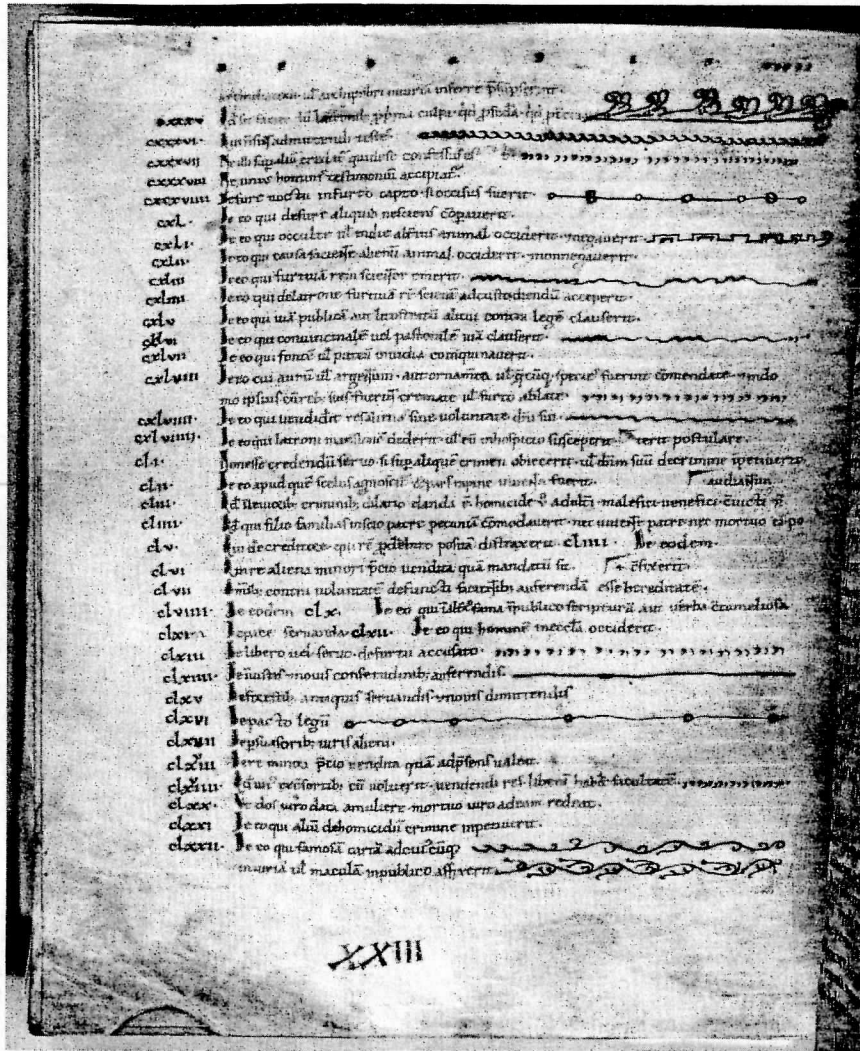


Plate 6.7 Kraków, Archiwum i Biblioteka Krakowskiej Kapituły Katedralnej, MS KP 84, fo. 185v.

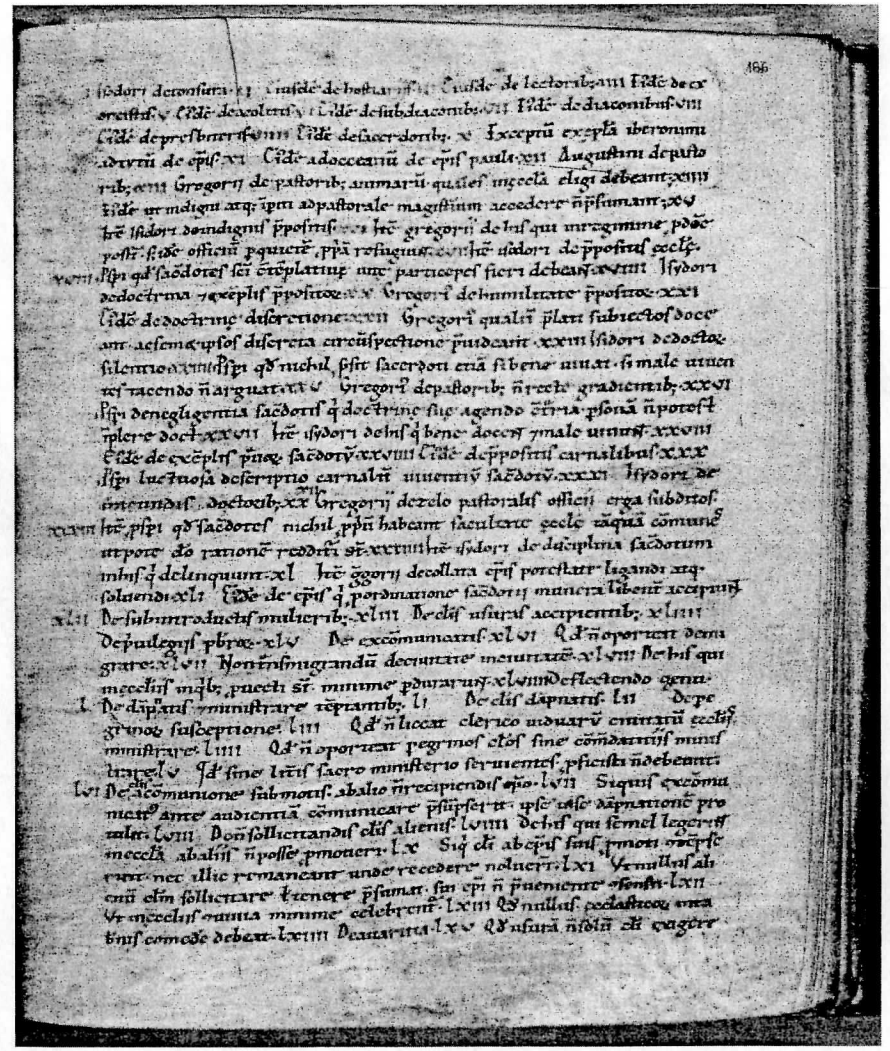


Plate 6.8 Kraków, Archiwum i Biblioteka Krakowskiej Kapituły Katedralnej, MS KP 84, fo. 186r.

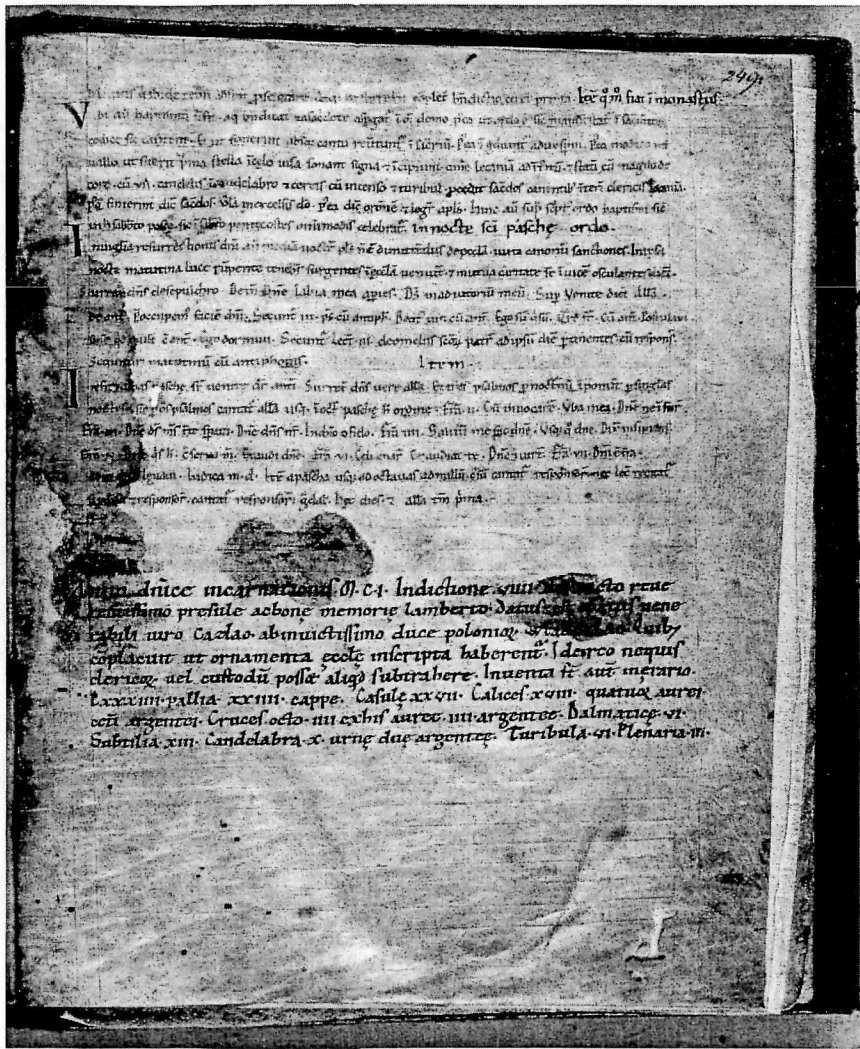


Plate 6.9 Kraków, Archiwum i Biblioteka Krakowskiej Kapituły Katedralnej, MS KP 84, fo. 249r.

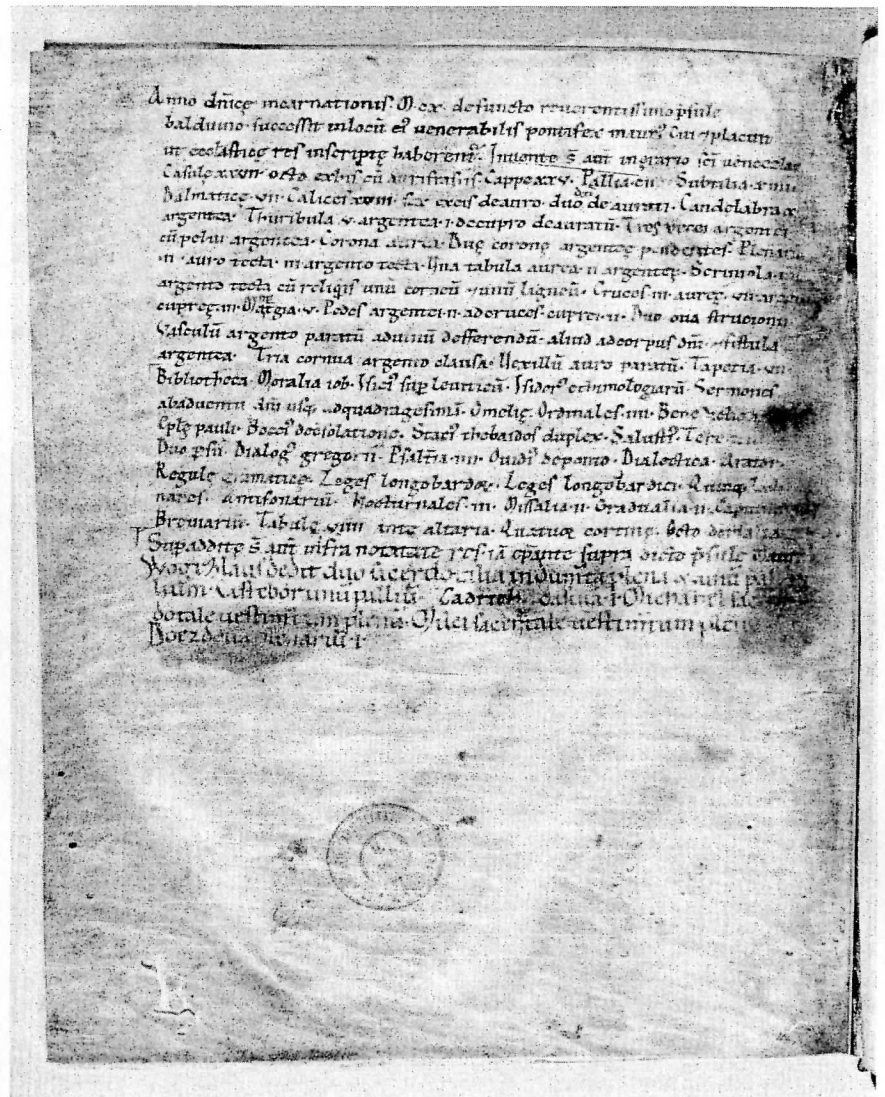


Plate 6.10 Kraków, Archiwum i Biblioteka Krakowskiej Kapituły Katedralnej, MS KP 84, fo. 249v.