

PETRUS DE UBALDIS IUNIOR [PETRUS DE PERUSIO], attr. [*Commentarium super Decretales Gregorii IX or Lectura super quibusdam titulis lib. II. Decretalium Gregorii IX*]

In Latin, manuscript on paper

Northern Italy, perhaps Perugia?, first quarter of the 15th c.

57 folios, lacking a leaf after f. 7 and probably leaves after fol. 54, else complete (collation: i7 [presumably of 10, i-ii cancelled, lacking x], ii-v10, vi10 [probably really 7 + 3, lacking viii-x, replaced by ff. 55-57]), on paper (watermarks close to Briquet 11853, "montagnes ou collines": Fano, 1378-1390; Pisa, 1385-97; and Briquet 11859, "montagnes ou collines": Fano, 1402; Fabriano, 1404), horizontal catchwords, text on two columns, on up to 37 lines, written in dark brown ink in a cursive bookhand quickly and with many changes of ink, headings and opening words in gothic display script, principal initials left blank except for fol. 1 where opening initial 'E' has been supplied in ink (the same type of ink-traced initial is found in Exhibition catalogue: *Tesori di una biblioteca francescana* (Prandi, ed., 2000, no. 14, initial "T"), some medieval additions and marginal notes. Modern diced calf (some internal stains and frayed edges, some skillful repairs to first leaves). Dimensions 296 x 218 mm.

Unrecorded and unedited copy of a commentary on Book II of the Decretals of Gregory IX, attributed by Petrus de Perusio, most likely Petrus de Ubaldis Junior from an important Perugian family of canonists. The commentary on the successive *casi* taken from Book II of the Decretals is attributed to Petrus de Perusio at the foot of a significant number of columns. Further study of the relationship of the manuscript to other commentaries by the same author, as well as those by his presumed father (Petrus de Ubaldis Senior) and uncle (Baldus de Ubaldis), would help disentangle the manuscript tradition of these interrelated glosses.

## PROVENANCE

1. Script and watermarks suggest a northern Italian origin for this manuscript, as well as an early date of c. 1400-1425. The repeated presence of the name of the author is placed in the upper margin of first folio ("Petrus de Perusio doctoris...super capitula aliquorum rubricas secundi libri decretalium") and at the bottom of a number of columns (see ff. 10v, 12, 17, 18, 37v, 42v, 43, 45, 46v *et passim*). For example: "[...] Petrus de Perusio doctor" [f. 37v] and "[...] Petrus de Perusio" [f. 45]. Perhaps the lacking leaves at the end of the manuscript once provided confirmation of date of copy, or even a colophon.

2. Early sixteenth-century inscription in lower margin of f. 1 reads: "Liber loci sancti Nicolai intra carpum," presumably the medieval church of San Niccolo in Carpi, rebuilt in 1522. Carpi is located to the north of Modena, northwest of Bologna. Above this inscription reads in the same hand: "In hoc volumen debuit primo in paginari quod est super primum deinde hoc quod est super secundum tertio illud quod etiam est in [...] super tertium librum decretalium. Hoc quod est super est super duas rubricas (?) sed de iudiciis et de foro competenti. Domini Petri de Perusio utriusque juris doctoris... Nota etiam bene quod circa medium hujus voluminis est tractatus Dini et Bartholi de successionibus ab intestato" (f. 1). This hand seems to be the same hand that added inscriptions in a number of books exhibited and reproduced in *Tesori di una biblioteca*

*francescana* (Prandi, ed., 2000), in particular in an inscription that discusses the retrieval of a specific book by the Convent in 1511, removed notwithstanding its chain. This note is signed with the initials "F.S," probably the keeper of books of the "libraria sancti Nicolai" who apposed a second chain to avoid further theft (Pandi, 2000, p. 211, no. 522, Flavius Josephus). The inscription suggests that the commentary by Petrus de Perusio was once followed by a copy of Dinus de Mugello / Bartolus de Sassoferrato, *De successionibus ab intestato*: this is not present in the manuscript, probably disbound at an early date.

3. Eighteenth-century red stamp with letters "C" and "OG" beneath a coronet (f. 1), which is the stamp of Conte Ottavio Greco, identified as "Timbro H" in the exhibition catalogue *Tesori di una bibliotheca francescana* (Prandi, 2000, p. 125). Interestingly the exact same stamp is found on the opening folios of other books that formed part of the library of the Convento di San Nicolo in Carpi. Reproductions on certain of these first folios can be found in the exhibition catalogue, *Tesori di una bibliotheca francescana* (Prandi, 2000): one finds the exact same stamp, as well as the fifteenth-century inscription "Loca Sancti Nicolai Carpi," in the same hand as our manuscript (Pandi, 2000, p. 234-235, no. 705, Pietro da Bergamo; see also another example, no. 85, Nicolaus de Ausmo, p. 159). Also, one finds similar shelfmark or localization indications: compare our manuscript (upper right-hand margin) and an incunable with same shelfmark indications (as well as same red stamp) in *Tesori di una bibliotheca francescana* (Pandi, 2000, p. 188-189, no. 333, Duns Scotus).

4. Ex-collection André Rooryck, his MS. 6.

## TEXT

ff. 1-37v, Petrus de Ubaldis or de Perusio, *Commentarium super Decretales Gregorii IX*, [Liber II, pars I, titulus I, *De iudiciis*]; incipit preface, "Expeditis preparatoris iudiciorum ad vitia procedamus et dictum est in plurari quia iudiciorum aliud criminale ut prima eo at si clerici et c. (?) non abhominare aliud civile..."; incipit, "De quovult deo. Qui promisit iudicem non declinare penitere non [potuit hoc dicuntur] in prima ponitur factum..."; explicit, "[...] si intelligeretur et de electione fundat[i]one]. 4o Vlo. Petrus de Perusio doctor";

ff. 37v-54v, Petrus de Ubaldis or de Perusio, *Commentarium super Decretales Gregorii IX*, [Liber II, pars I, titulus II, *De foro competenti*]; rubric, *Sequitur rubrica de foro competenti*; incipit, "[S]ic continuatur hec rubrica ad precedentia quia rei ad iudicia..."; explicit: "[...] hujus canonis absolutoria..." [lacks ending];

The present text is a commentary on the two first *tituli* of Book II of the Decretals of Gregory IX, respectively *De iudiciis* and *De foro contempto*, as identified by its contemporary but added title: "Dominus Petrus de Perusio decretorum & juris super capitula aliquandorum rubricarum secundi libri decretalium", more specifically a commentary on the *casi* as they appear successively in the Decretals. The name of the author, "Petrus de Perusio" appears at the end of many chapters (ff. 1, 4, 10v, 12, 17, 18 etc.), and the present copy is written quickly, with many corrections and changes of ink.

In 1230, Gregory IX ordered his confessor Raymond of Penaforte to form a new canonical collection of decretals to replace all earlier collections. Complete in 1234 in five books, the

Decretals of Gregory IX or the "Corpus Juris Canonici" was declared in a bull of the same date to be the official code of the canon law. The Decretals were soon glossed both between the lines and in the margins. The identification of the numerous glossators and the content and importance of their glosses is a study unto itself. Some of the earliest include Innocent IV (d. 1254), Godefridus de Trano (d. 1245), Bonaguida Aretinus (thirteenth century), Enrico de Seguisio (d. 1271), Johannes Andreae (d. 1348), and Baldus de Ubaldis (c. 1319-1400), as well as many others writing through the fifteenth century.

The glossator Petrus de Ubaldis "Junior," who is here referred to as Petrus de Perusio, was perhaps the son of another canonist, Petrus de Ubaldis Senior (1327-c.1406) (see Chabanne, 1957, DDC, VI, col. 1455-1460), who was himself the younger brother of the well-known canonist Baldus de Ubaldis, mentioned above. Baldus de Ubaldis is author of a *Lectura super Libr. I. II. III Decretalium* (see Schulte, 1956, QL II, 276; Scalvanti, 1901, pp. 181-359; Chevrier, 1937, *Dict. de droit canonique*, II, col. 39-52). Little is known about the life of Petrus de Ubaldis Junior, and his writings have not been well studied or even adequately identified. He seems to have taught law in Perugia, and he is sometimes referred to as *Doctor veritatis* (see A. Oldoinus, *Atheneum augustum Perusinorum*, 1678, quoted in Chabanne, 1957, DDC, VI, col. 1460). Among the works ascribed to Petrus de Ubaldis Junior there are various commentaries on canon law, of which the present manuscript, although not cited by title, is an example (Oldoinus, cited by Chabanne, DDC, VI, 1957, col. 1460-1461). The more renowned Petrus de Ubaldis Senior evidently did not compose commentaries on the Decretals (see Schulte, 1956, QL II 277-78).

The present copy integrates the beginning of Johannes Andreae's commentary on each chapter of the Decretals, Book II, but branches off and introduces differing original cases, which constitute the contributions by Petrus de Perusio (not in Kuttner, 1986/1987 or in Murano, see Online Resources below). The author preserves the first words of the original papal decretal, followed by the first lines of commentary by the canonist Johannes Andreae, and then goes on to begin his own original casus. For this reason, it preserves the same incipits as a manuscript in Klosterneuburg (Bibl. d. Chorherrenstifts, 105; see Haidinger, 1991, p. 6-8; manuscript dated 1419-1423), with the following prologue, "Expeditis preparatoris iudiciorum ad iudicia veniamus..." and incipit, "De Quovultdeo... Casus. Qui promisit non declinare iudicem paenitere non potest. Et dividitur in duas partes..." Attributed to Johannes Andreae (*Novella in secundum librum decretalium* [*Novella in Decretales Gregorii IX*]), the Klosterneuburg manuscript deserves further study to ascertain its precise relationship to the present manuscript. A few manuscripts cited in Murano preserve similar incipits (Metz, BM, MS 21; Rome, BAV, Vat. lat. 2241; and Florence, Bibl. Med. Laur., Edili 62) but are not attributed to Petrus de Ubaldis Junior, and insufficient information is published to facilitate further comparison.

The only other manuscript announcing the same content--i.e. a commentary on the *casu* of Book II of the Decretals of Gregory IX--and actually ascribed to Petrus de Ubaldis Junior under the title *Lectura super quibusdam titulis lib. II Decretalium*, is that of Bologna, Bibl. de. Coll. Di Spagna, Cod. 110 (second half of the fifteenth century, Perugia). However, this manuscript presents a different incipit: "Pro declaratione huius rubricae tria sunt consideranda: primo rubricae continuatio a qua initium fieri consuevit..." (see Maffei, *I Codici del Collegio di Spagna di Bologna*, 1992). See also Cod. 95, University of Bologna, a commentary on the third book of the Decretals attributed to Petrus de Ubaldis Junior, which remains unpublished but can be consulted in a digital version on the CIRFID site (perhaps the successive volume of the present work?).

ff. 55-56, Another hand (fifteenth-century cursive script, highly abridged), List of cases justifying excommunication: heading, *Casus [...] specificatus id hoc ut quos possit excommunicari sunt ista videlicet*; incipit: "Qui utilitur literas falsis...";

f. 56v, blank;

f. 57, Augustinus de Statteris de P[is]is, [Legal response on women, marriage and inheritance]: incipit, "Michi talis communis (?) proponitur quaedam puella... contra voluntate patris [Tertio] Si mulier vitam elegerit luxuriosa [...] potest ipsam exheritare..."; explicit, "[...] Et concludo ego Augustinus de Statteris de P[is]is doctor decretorum scilicet quod ista mulier de [quarto] (?) [...] non potest petere aliqua dotatione a fratribus et appono sigillum meum."

On this last leaf, there is a legal response in a different sixteenth-century hand, signed at the foot by "Ego Augustinus de Statteris de P[is]is, doctor decretorum." He is not otherwise recorded, and could be one of the successive owners.

Further study of the works of Petrus de Ubaldis Junior, which remain entirely unpublished, as well as those of his presumed father, Petrus de Ubaldis Senior, and uncle, Baldus de Ubaldis, needs to be undertaken. A fundamental step in such a project would entail a reassessment of works by other related canonists concerned with Book II of the Decretals. Completion of such an undertaking would help to secure the attribution of the present work, confirm the autograph status of this manuscript, and clarify its relationship to texts by other commentators.

## LITERATURE

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### ONLINE RESOURCES

Murano, G. *Initia operum iuris canonici medii aevi*

<http://www.uni-leipzig.de/~jurarom/manuscr/dat/initican.htm>

On Bologna, Coll. Di Spagna, MS 110, attributed to Petrus de Ubaldis Junior

[http://www.cirfid.unibo.it/irnerio/opere\\_volumi.php?Id\\_Codice=110](http://www.cirfid.unibo.it/irnerio/opere_volumi.php?Id_Codice=110)

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