

Repertorium juris [Legal Thesaurus of Canon Law]

In Latin, decorated manuscript on paper,

The Netherlands, Utrecht?, or Belgium, Antwerp ?, c. 1450-1470

270 ff., complete (although parts of first and last leaves are damaged, with some loss of text) (collation i-xxvii¹⁰), on paper (with watermarks close to (1) Briquet no. 9177, "Lettre Y": Anvers, 1451-1453; (2) Briquet no. 5799, "Crosse" (crozier): Utrecht, 1462; Utrecht, 1462-1467; Anvers, 1463; Rotterdam, 1463-1483), paper ruled in plummet, written in a regular gothic bookhand with some cursive features in brown ink, with horizontal catchwords and alphabetical leaf signatures, text copied in double columns, with up to 46 lines per column, paper ruled in plummet (justification 195 x 143 mm.), opening words of each section in gothic display script, some capitals touched in red, paragraph-marks throughout in red, large painted initials for each letter of the alphabet, mostly in red, the first 7-line high in divided red and blue with penwork in brown, a few marginal notes, some dampstaining especially at the beginning and from about f.77 onwards to the end (increasingly obtrusive with loss of text), edges of first two and last half dozen leaves defective with some loss of words of text, other extreme margins frayed and fragile from damp, nonetheless the majority of pages in fine condition. Contemporary Netherlands blind-stamped binding of wooden boards sewn on 4 thongs, sides covered with dark calf blind ruled into frame and lozenge pattern and stamped with repeated impressions of small tools of a fleur-de-lys (two, one in a rectangle, one in a lozenge), a swan, a double-headed eagle, a long-necked dragon in a triangle, a spray of flowers, etc., a contemporary title or possibly ownership inscription blind-stamped and etched indistinctly into the upper frame of the lower cover apparently "Frater Jo: de iiiiis t...is", stubs of 2 clasps on edge of upper cover held by metal plates, corresponding metal catches on edge of lower cover (Binding very worn and defective but sound, crudely rebacked). Dimensions 292 x 212 mm.

Fine example of an exhaustive canon law thesaurus, signed by the scribe (and/or author?) Simon Lambrecht *presbiterum* (priest) in the partially defective colophon. Over 500 entries, arranged alphabetically, quote a wide range of canonists such as Baldus de Ubaldi, Johannes Andrea, Azo de Romanghis, Bartolus de Saxoferrato, Johannes de Lignano, Antonius de Butrio, and many others. Not yet fully studied, these types of legal thesauruses were working tools that offer insight into the classification of legal notions, as well as the choice of key concepts for the study and practice of canon law.

PROVENANCE

1. Copied and illuminated in the Netherlands based on paper, from Holland or Flanders (Antwerp?) (for watermarks, see description above). The manuscript is signed by the scribe on f. 269 in a colophon partly defective on its right-hand edge, " [...] completum per me sim[onem lam]brechts presbiterum, teste ma[...] atque in Decretis l[...], with the signature "Lambr[echt]" with an 'S' entwined around the 'L'. No scribe Simon Lambrecht is recorded by the Benedictines of Bouveret.
2. Petrus Cappellanus Merantinus (?), early ownership inscriptions on both pastedowns. On the inside upper cover is inscribed, "Petrus Cappellanus Merantinus (?) juris doctor" and on the inside lower cover, "Petrus Cappellanus juris doctor verus huius volumen possessor est dominus." This owner has not been identified otherwise.
3. Dr. André Rooryck (1923-2010), bibliophile and coin collector, his MS 4, sold at

Sotheby's, London, July 5, 2005, lot 72. Rooryck's passion for studying and collecting books was driven in part by his religious and philosophical interests. He had begun collecting medieval manuscripts in the 1970s and became fascinated in them both as texts and as objects.

TEXT

ff. 1-13v, [Anonymous]. *Repertorium juris* [Legal Thesaurus of Canon Law], Letter A, incipit, "A. Ista dictio denotat separationem ut notatur..."; explicit, "[...] *Auxilium* prestans an teneatur si faciens non tenetur dic ut no. ff. so. ma. l. cum mulier";

ff. 13v-16, *Repertorium juris* [Legal Thesaurus of Canon Law], Letter B, incipit, "*Bannitum*. Quilibet potest capere sed non occidere...";

ff. 16-43v, *Repertorium iuris* [Legal Thesaurus of Canon Law], Letter C, incipit, "*Campana*. Vide sub verbo citacio sonus";

ff. 43v-60v, *Repertorium iuris* [Legal Thesaurus of Canon Law], Letter D, incipit, "*Dacio* similis permutacioni...";

ff. 60v-84v, *Repertorium iuris* [Legal Thesaurus of Canon Law], Letter E, incipit, "*Ecclesia* dicitur curate si quondam fuit curate...";

ff. 84v-107, *Repertorium iuris* [Legal Thesaurus of Canon Law], Letter F, incipit, "*Factum* suum nullus (?) potest in fungere allegando dolum...";

f. 107, *Repertorium iuris* [Legal Thesaurus of Canon Law], Letter G, incipit, "*Gabella* quantum as fiscum dicitur...";

ff. 107-109v, *Repertorium iuris* [Legal Thesaurus of Canon Law], Letter H, incipit, "*Habeo*, vide sub verbo castrum...";

ff. 109v-140v, *Repertorium iuris* [Legal Thesaurus of Canon Law], Letter I/J, incipit, "*Iam*, de significacione hujus verbi vide glo...";

ff. 140v-150, *Repertorium iuris* [Legal Thesaurus of Canon Law], Letter L, incipit, "*Latro*, vide sub verbo "fur"...";

ff. 150-158, *Repertorium iuris* [Legal Thesaurus of Canon Law], Letter M, incipit, "*Maleficium* proprie loquendo non est...";

ff. 158-163, *Repertorium iuris* [Legal Thesaurus of Canon Law], Letter N, incipit, "*Negativa* allegata per reum...";

ff. 163-166v, *Repertorium iuris* [Legal Thesaurus of Canon Law], Letter O, incipit, "*Ob*, vide sub verbo "ex". *Obligacio* dandi est...";

ff. 166v-203v, *Repertorium iuris* [Legal Thesaurus of Canon Law], Letter P, incipit, "*Pactum* quod quis non tenetur de evictione ...";

f. 203v, *Repertorium iuris* [Legal Thesaurus of Canon Law], Letter Q, incipit, "*Qualitas* vide sub

verbo "probacio" ...";

ff. 203v-212, *Repertorium iuris* [Legal Thesaurus of Canon Law], Letter R, incipit, "Racio est alicuius dicti vel facti certa et indubitata...";

ff. 212-239v, *Repertorium iuris* [Legal Thesaurus of Canon Law], Letter S, incipit, "Sacerdos tamquam publica persona potest alteri stipulari..."; explicit, "Suspectus vide sub verbo debitor";

ff. 240-258, *Repertorium iuris* [Legal Thesaurus of Canon Law], Letter T, incipit, "Tabellio vide sub verbo notarius per totum..."; explicit, "[...] Tutor licet...; Tuum vide sub verbo meum";

ff. 258-269, *Repertorium iuris* [Legal Thesaurus of Canon Law], Letter U/V, incipit, "Vacans. Vide sub v[erbo] beneficium. Vasallus..."; explicit, "[...] jus vel uti pub. l. finali deo gratias";

f. 269, Colophon, partially defective, reads "[...] completum per me sim[onem lam]brechts presbiterum, teste ma[...] atque in Decretis l[...], with the signature "S. Lambr[echt] [...]"

ff. 269v-270v, blank.

This manuscript contains a legal thesaurus of canon law, comprising some 540 entries arranged alphabetically. The partially defective colophon indicates the manuscript was copied and/or compiled by Simon Lambrecht, but there is no certitude that Simon Lambrecht is the actual author of the thesaurus.

The text is not recorded in the *In Principio* database nor in the list of incipits compiled by Giovanna Murano (see link below), and it may be unique. Both the colophon and the inscription on the lower cover probably give the author's name, but both are defective in the crucial places. The colophon seems to read, "Hoc reportoriu[m ...]baldi per Jo[...]", etc., and the cover title "Frater Jo: de ...", leaving us unsure of the identities of author or scribe. The manuscript contains an alphabetical encyclopedia of canon law, citing a wide range of authorities such as Baldus de Ubaldi, Johannes Andrea, Azo de Romanghis, Bartolus de Saxoferrato, Johannes de Lignano, Antonius de Butrio, and many others.

As a type of text and tool for canonists and students of canon law, the alphabetical *Repertorium* is quite well-represented. Giovanna Murano includes a number of such "Repertoria" in her list of canon law incipits (Initia operum iuris canonici medii aevi). For example, there are Antonius de Butrio (?) a *Repertorium alphabeticum iuris canonici* (MSS.: BAV, Vat. lat. 2351; Oxford, All Souls Coll., 67 (A-luxta)) and Iacobus de Zocchis, *Repertorium alphabeticum* (MS.: Lucca, BCF, 261, ff. 351-376) and many others. Some of these repertories concern both canon and civil laws ("utriusque iuris"), such as the work by Ludovicus de Curtosiis, *Repertorium alphabeticum utriusque iuris* (MS: BAV, Vat. lat. 2681, ff. 1-170). Some were printed in the incunable age, for instance a *Repertorium iuris* by Johannes de Milis, Segovia, c. 1474 and again in Basel, 1488 (see Goff, M-573).

These types of legal *repertoria* or thesauruses (canon and/or civil) are not yet fully studied, although they offer interesting insight into the classification of legal notions, the choice of key concepts for the study and practice of canon law in the later fifteenth century. A census and analysis of these alphabetically-arranged thesauruses of canon law concepts and words would allow the student of canon law to answer better a series of questions pertaining to these thesauruses. Specifically, are there national differences between a *repertorium* copied in Italy or in

the Netherlands? Are there dogmatic differences and/or conceptual variations? Are the sources and *auctoritates* cited different depending on the periods and regions of compilation and redaction? Who used these *repertoria*, and how did they circulate? The number of similar *repertoria* that circulated in Europe leads us to wonder if they constituted a common working tool for canonists and/or members of the clergy.

LITERATURE

Bryson, W. H. *Dictionary of Sigla and Abbreviations to and in Law Books before 1607*, Virginia Legal Studies, 1996.

Dolazalek, Gero. *Manuscripts of Canon Law and Roman law: Notes from Literature and from Catalogues*. Accessible online: <http://www.uni-leipzig.de/~jurarom/manuscr/Can&RomL/introduc.htm>

Quaglioni, D. "Pietro del Monte a Roma: La tradizione del *Repertorium utriusque iuris* (c. 1453)." in *Genesi e diffusione della letteratura giuridico-politica in eta umanistica*, Roma 1984 (Studi e Fonti per la storia dell'Universita di Roma, 3).

Johannes de Milis, *Repertorium iuris canonici*, Segovia, c. 1474.

http://bibliotecadigitalhispanica.bne.es/view/action/singleViewer.do?dvs=1386548729104~364&locale=fr&VIEWER_URL=/view/action/singleViewer.do?&DELIVERY_RULE_ID=10&frameId=1&usePid1=true&usePid2=true

ONLINE RESOURCES

Giovanna Murano, Canon Law Incipit list:

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

K. Pennington on collections and jurists (1298-1500) :

<http://faculty.cua.edu/pennington/1298a-z.htm>

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