

LES ENLUMINURES

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Imprint: *Instituta cum summariis* [JUSTINIANUS, *Institutiones* (Institutes), with ACCURSIUS, *Glossa ordinaria*]; manuscript: NICASIUS DE VOERDA, *Lectura libri Institutionum* (Lectures on the Institutes, extensive extracts added as marginal commentary); and other notes and commentaries including several anonymous poems
In Latin, imprint on paper with extensive manuscript commentary
Venice, per Paganinum de Paganinis Brixiensem, 1501; Germany, c. 1501-1525

8vo, ii + 140 original folios on paper, here with nine inserted blanks for additional commentary, printed foliation top outer corner recto (incorrect), 1-60, *73-152, complete (collation a-b^s c-e^t f-t^s, interleaved for commentary: g: + one leaf after f. 38, and one leaf after f. 40; h, + one leaf after f. 49; l, + one leaf after f. 81; m, + two leaves after f. 93, and + one leaf after f. 96; n, + one leaf after f. 99; q + one leaf after f. 125), printed in gothic letter in red and black in two columns, extensive marginal commentary on every folio, and nine inserted leaves, copied in a quick cursive gothic script, with lemmata and poems on the front flyleaves copied in a more formal cursive gothic script, first leaf darkened, slight marginal spotting and browning, a few very small worm holes at the beginning, some edges slightly frayed, but overall very good condition. Unbound, with fragments of sewing remaining in a few of the later quires, otherwise unsewn, in a custom half leather box with inner folding cover by the Abrams Bindery, Wellington, Somerset (binder's ticket within the box). Dimensions 172 x 120 mm.

Portable law texts by the Venetian printer Paganini Paganino were aimed at students (unlike the rather pricey Aldine classics, the first of which also dates from 1501), and a student used this book vigorously, painstakingly adding additional commentary in the margins of each printed page and on added blanks. The result is almost a new edition, with the text of Justinian's *Institutes*, the commentary called the Ordinary Gloss by Acursius, both in print, and a second layer of gloss, in manuscript, extracted from the fifteenth-century commentary by Nicasius of Voerda.

PROVENANCE

1. Printed in Venice, 1501 by Paganino Paganini (active 1483-c. 1538). Paganini, originally from Brescia, printed in Venice, Salò and Toscolano, where he owned a paper mill. At the beginning of his activity in Venice he worked with Giorgio Arrivabene; later he printed both alone and with his son Alessandro. He produced between fifty and sixty editions, (including, famously, the first edition of the Koran in Arabic), specializing in religious and legal texts.
2. Annotated by a reader, probably the first owner, likely a student, who painstakingly added commentary in the margins of every folio and on inserted blanks; this reader also added the poems on the front flyleaves as well, suggesting he was part of the circle of German humanists writing in the decades before the Reformation, and was familiar with poems and epigrams exchanged between Jakob Wypfeling (1450-1528) and Dietrich

Gresemund (1472-1512), whose names are found among the poems copied on the front flyleaves, dated 1500 and 1502.

3. Belonged to the Franciscan nuns of Trier in the seventeenth century: "Liber Clarissarum Treviris," inscription, f. 1.
4. F. i, in pencil, "L296"; Sotheby's, July 3, 2018, lot 108.

TEXT

Imprint: ff. 1-152, [f. 1, Title page], *Instituta cum summaris*; [f. 1, verso, blank; f. 2], incipit, "In nomine domini nostri Jesu christe imperator Cesar Flavius Justinianus ...; ... f. 152, *Tabula huius operis*, Adoptionibus, char. 15 ... Uli bonorum raptorum, 121; *Impressum Uenetiis per Paganinum de paganinis Brixiensem, Anno incarnationis domini 1501 Die xxv Maii*"; [followed by a *Registrum* recording the collation]; [f. 152v, blank];

Universal Short Title Catalogue 801631 (Online Resources), recording ten copies, all in Institutional libraries, nine in Italy, and one in Russia; Censimento Nazionale delle Edizioni Italiane del XVI Secolo CNCE 14113 (Online Resources); additional copies in Germany, four listed in BVB BibliotheksVerbund Bayern (Online Resources); one copy in Paris, BnF; the Library of Congress appears to have the only copy in the United States (described as imperfect).

Manuscript:

ff. i-ii, incipit, 1 "Venit hyperborens hoc monstrum nuper ab oris[?]/... Aspicit et vellet tangere in pudeat; incipit, "Tuisque es/ hoc carnem legito et nos aspice lecto/ aspice totum versus secundum Diogenes ergo/ Theoderici gresemundi Epigramma ... Anno 1502 ..."; [f. i verso], incipit, "Vultibus exhibuit nigri miracula tuli/ ... te pepulere uiri/ Iristicon[?] Jacobe Wymphelgingi <?> 1502/ ..."; [f. ii], incipit, "Fuge statum feminorum/ ... impregit tum maculam, 1500" [Walther, 1959, no. 6944]; [f. ii verso, blank];

The first two poems are unidentified, and are likely compositions circulating in humanist circles in the late fifteenth or early sixteenth century; the first is about a monster; the second seems heavily influenced by Ovid. The third poem, warning of the dangers of women, is earlier, and is also found in a fifteenth century manuscript, Augsburg, Universitäts Bibliothek, MS II.1.2° 38, f. 98v. The first poem is followed by an epigram dated 1502 mentioning Theodoricus Gresemundus (that is Dietrich Gresemund in German); and the second poem is followed by lines on adultery mentioning Jakob Wympfeling, with the date, 1502.

ff. 1-151v, [f. 1, top margin], incipit, "Est ergo subiectum huius ad quod est subiectum moralis philosophie ...; ... Nomina facit abilem/ ars facilem vsus portentem"; ... [f. 1v], incipit, "Utilitas titulus intentio parsque sophie. Subiectum vero est bonum ...; [f. 2, top margin], Intellectus rubrice prohemii libri institutionem que incipit in nomine domini etc. Est iste imperator scribit iuuenibus cupientibus addiscere ...; ... [f. 151v, Book 4, 18] Sed et de publi. Que hic dicta sunt de publicis iudiciis per diligens stadium ... scientia aduentura h. d."

Begins with two pages of unidentified short notes; the commentary begins on the first page of the printed edition (f. 2, since the title page is f. 1), and continues in the margins of every page

of the printed text, as well as on nine blanks, added to accommodate even longer passages; on f. 2, the opening citation is directly from Nicasius de Voerda, *Lectura libri Institutionum cum tractatibus de successione de arboribus consanguinitatis affinitatis spiritualis cognationis et actionum* (Cologne, 1493, ed., "Rubrica proemii libri Institutionum"; Online Resources). Study of selected passages of the handwritten commentary suggest Voerda's commentary was the main source, with the chosen extracts copied word for word. Further study would be necessary to see if other sources were also used.

Printed in Venice in 1501, this is an example of the portable legal texts published by Paganini Paganino. 1501 was the very year that Aldus Manutius published the first of his famous classical texts in a new portable format, but Paganini anticipated Manutius, printing his first small-format edition of the *Institutiones* in 1493 (ISTC ij00535000), and applying in 1494 for the privilege to print texts of canon and civil law in portable formats, in particular, octavos on median paper (Richardson, 1999, p. 126). His 1501 edition of this essential text for the study of Roman law, reproduces the format found in so many legal texts produced in Italy in large folio-size manuscripts and printed editions, but presented in a very small book, with the text in the center of the page, encircled by commentary. The new small format was aimed at students who needed less expensive texts for their studies (unlike the rather pricey Aldine classical texts). And a student certainly used the book described here, copying commentary in the margins and on added blanks in a tiny script. The result is almost a new edition, the text of the *Institutiones* the commentary known as the Ordinary Gloss by Accursius (c. 1182-1263), and a second extensive gloss extracted from the commentary by Nicasius of Voerda (c. 1440-1492).

Justinian I (Flavius Anicius Justinianus), the nephew of Justin I, was proclaimed sole emperor and crowned along with his wife Theodora in 527. His greatest legacy was as a legislator and promoter of the codification of Roman law. The *Institutes*, *Digest*, *Code* and *Novella* together comprise what is known as the *Corpus Juris Civilis*, the Body of Civil Law. The *Institutes* (529 C. E.) was intended as a sort of legal textbook for law schools and included extracts from the *Codex* and the *Digest*, offering those studying the law a more accessible, rationally ordered, and concise summary of the main concepts of Roman Law than the much larger and more comprehensive *Digest*. Rediscovered during the Middle Ages, it became a standard textbook of Roman law. It is accompanied here, as it was in most manuscript from the Middle Ages, by the commentary known as the *Glossa ordinaria* by Accursius (c. 1182-1263), a professor of law at Bologna.

The additional commentary in the margin seems largely to be extracts from the commentary by Nicasius de Voerda (c. 1440-1492). Nicasius, who was born near Mecheln, went blind at a very early age; his contemporaries marveled at his memory and erudition (Steenackers, 1924). He studied arts and theology at Louvain, was ordained a priest, and later studied law and then taught at the University in Cologne. His major work was the extensive commentary on the *Institutes* of Justinian, used by our annotator, which circulated under two titles, *Lectura libri Institutiones*, and as *Enarrationes Nicasii de Voerda in quatuor libros institutionum*. It was first printed posthumously in Cologne in 1493, and then in numerous editions, including seven in Venice, Leipzig in 1541, Lyons in 1550; the last edition appeared in 1596. Although common in print, his text does not appear to have circulated in manuscript.

The poems added at the beginning of this book add another layer of interest, and are evidence that the law student who owned (and annotated it), was at home in the circle of German

humanists active in the decades before the Reformation, he may even have been a student of Dietrich Gresemud, although we cannot offer proof of this idea. Dietrich Gresemund (1472-1512) was a German humanist and theologian. He studied in the Arts faculty in Mainz, and then travelled to Italy, studying law in Padua and Bologna, and then in Ferrara, where he graduated in Roman and Canon law in 1498. He returned to Germany, and is found at the University of Heidelberg, and then was once again in Italy in Siena and Rome in 1501. Around 1506 he entered the faculty of the University of Mainz; he lived in Mainz until his death, holding various positions in the church. As early as 1493, while still quite young, he was associated with Jakob Wimpheling, Abbot Trithemius, and other German humanists.

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BVB BibliotheksVerbund Bayern (this imprint)

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