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ALBERTO GALEOTTI, *Summula quaestionum, sive, Aurea Margarita* (A Little Summa of Questions, or, Golden Pearl)

In Latin, decorated manuscript on parchment

Northern Italy (perhaps Modena), c. 1300-1340

ii (paper) + 26 + ii (paper) folios on parchment, foliated 1-26 in modern Arabic numerals upper right corner rectos, complete (collation i-iii^s iv²), no catchwords or signatures, ruled in lead with full length double bounding lines (justification ff. 1-17, 205 x 130 mm.; ff. 17v-26, 215-235 x 150 mm.), pricking often visible in upper or lower margins, written below the top line in Italian rotunda probably by two similar hands (ff. 1-17 in two columns of 43 lines, ff. 17v-26, in two columns of 45-50 lines), one-line red paraphs throughout the text, larger paraphs (frequently elongated) in left margins, the abbreviation q or qo (for quaestio) in red frequently entered in left margins, two-line initials in red, occasional rubrics in red, early corrections in text, f. 1 faded and stained, ff. 26 col. b-26v faded or erased, occasional fading or abrasion elsewhere in text occasionally obscuring readings, original holes or slits in several folios with no evident loss of text. Binding of late eighteenth- or early nineteenth-century marbled paper over thin pasteboards (frayed at edges and corners). Dimensions 262 x 183 mm.

An important but little-known text by a fifteenth-century professor of civil law, which seeks to reconcile the principles of civil law as inherited from antiquity with the statutes and customs current in the city states of northern Italy. Although a number of manuscripts are known, all in European institutional collections, the text has not been published since the sixteenth century, and no sales of this text are recorded in the Schoenberg Database. The present manuscript appears to offer an early, possibly the earliest, recension of the text, and will surely repay study.

PROVENANCE

1. Copied in Northern Italy, possibly Modena, likely in the fourteenth century, c. 1300-1340, based on the evidence of the script and the text, and probably by two scribes whose hands are quite similar. The scribal colophon at the end of the text reads: [f. 26, col. a], "Explicit summa de questionibus domini Sembelini de Papyia [sic] excellentissimi legum professoris. Istam summam scripsit Iacobus de Filiaco clericus quod numquam magis aliam scribet pro tali precio domino <credente?>" (Here ends the summa of questions of domini Sembelini de Papyia [sic], an outstanding professor of the laws. Iacobus de Filiaco, a cleric, wrote this summa and will never copy another one for such a price, the Lord <believing>.)

The copyist Iacobus de Filiaco is not known other than in this manuscript. The question of the author's name, here given in a garbled version, will be discussed below. The evidence for possibly assigning the text to two different scribes, dividing ff. 1-17, 17v-26, is derived from subtle differences in letter forms, for example, the abbreviation 'FF', the change in the justification, and the fact that the first section contains many more corrections to the text than the second.

2. Frequent marginal annotations in several contemporary hands (some cropped), manicules (pointing hands), and marginal drolleries in ink ff. 1v-3v, all evidence of active use, likely evidence of how this text was used by students of the law, and will certainly repay further study.
3. Seventeenth- or eighteenth-century shelfmark and ownership inscription: "N. 22 842 [or 84,2] L. [or S.] Nemus S. [or abbreviation for de] Pordenone" (verso first flyleaf). Pordenone is a city in the Friuli-Venezia-Giulia region of north-eastern Italy.

TEXT

ff. 1-26, incipit, "Cum ego Cenbelinus de Papyra [sic] legum doctor ... [f. 25v], *An nati ex dampnato cobitu [sic] possint legitimi fieri*, *Responsa*, incipit, "Sed numquam nati ex dampnato cohitu possunt fieri legitimi ... aut erat emancipatus et tunc tenet aut in potestate et tunc non tenet ut FF. de bonis libertorum sed queritur et est questio Iofredi bene ventamensis"; [followed by the scribal colophon transcribed above, Provenance].

Alberto Galeotti, *Summula quaestionum* (also known as *Aurea Margarita*), printed in Lyon in 1579 and in Cologne in 1589, 1591, and 1595. The 1595 edition has been digitized and is cited here (see Online Resources). Although the incipit to the preface in this manuscript is partially illegible owing to fading and spotting on f. 1, the text in general corresponds to the prooemium printed in the 1595 edition, the incipit of which is quoted here more extensively: "Cum ego Albertus Galeotti legum doctor Parmensis essem in Mutine in studio constitutus, et essem a sociis meis saepientissimae rogatus, ut quandam summulum de quaestionibus facerem ... Ideo presentem summulam quaestionum tum ex quaestionibus in glosulis ordinariis positis, quam in extraordinariis quas ex facto vidi, duxi breviter componendum ..." (When I Alberto Galeotti of Parma, doctor of laws, was a member of the university in Modena, I was asked by my associates to compile a little summa of questions.... Therefore I have briefly compiled the present little summa of questions both from the ordinary glosses and the extraordinary which I have seen in practice ...)

This manuscript's attribution of the work to one Cenbelinus or Sembelinus of Pavia is surprising, as the contents clearly correspond, albeit with variants, to Galeotti's *Summula quaestionum*. The Manuscripta juridica database makes no reference to either of the names given in the present manuscript but uses the standardized title *Quaestiones "Margarita legum"* for the text and lists Albertus Galeottus as the author (see Online Resources). If Cenbelinus/Sembelinus is seen as a radical deformation of Albertus, and the city is given as Papyra, i.e. Pavia, rather than Parma, these misunderstandings must arise either from corruptions in the text and misinterpretation of abbreviations in the exemplar, or from the use of an exemplar that was very hard to read. This is consistent with the amount of correction to the text of the manuscript, especially in the first part, where very many pages contain multiple corrections by strikethrough, erasure, and overwriting, as well as insertions in the text itself or entered as annotations in the margins.

f. 26r, col. b-26v, Hastily written notes in highly abbreviated cursive script, probably fifteenth century, faded or erased.

Alberto Galeotti (1220s/1230s-1280s) was an Italian jurist. A native of Parma, he studied law probably at Bologna. From 1251 he taught civil law at the University of Padua, later at the University of Modena, and possibly also at Parma. He is said to have been well versed also in canon law. Between 1251 and 1272 he carried out various diplomatic missions for his native city, and also on occasion acted as emissary for the pope (Buffoni, 1998).

His *Summula quaestionum*, composed during his time at Modena, examines a series of questions relating to legal procedure in practice. Topics discussed include, for example, procurators or attorneys, wills and executors, judges, arbitration, interrogations, confessions, and witnesses and their testimony, among many others. Each question is constructed according to the dialectic method developed in scholastic theology and adopted by legal commentators. That is, a question is posed, an actual or imaginary case is discussed, opinions for and against are stated, with reference both to ancient authority and to current experience, leading to a resolution of the question. As practiced by Italian civil lawyers of the thirteen century this method was intended to reconcile traditional legal teachings, referenced primarily from Accursius's *glossa ordinaria* on the Code of Justinian, with the statutes and customs current in the Italian cities where professors of the law also served as judges or consultants.

According to Solmi, Galeotti's *Summula quaestionum* was the first work fully to adopt this form and these goals. As such, many of his questions were appropriated and copied by later jurists writing in the same tradition, among them Albertus da Gandino, said to have been one of Galeotti's students (Solmi, 1937, pp. 358, 370-371). The textual relationships among these treatises and the attributions of individual *quaestiones* has never been completely worked out. The present manuscript deserves special attention in this regard. The text as copied here ends with chapter 37 of the printed edition, whereas the received text contains 42 chapters. In discussing Galeotti's work, Solmi proposed that there had been a previous version that included only 38 chapters, and that the later chapters from chapter 39 on had been added by Galeotti or others. That the present manuscript includes only 37 chapters suggests that it may represent an even earlier recension, possibly the earliest. Resolution of this question, and in general clarification of the textual tradition of the *Summula*, will depend on comparison of this manuscript with the others, some of which have been described (without details) as lacking chapters at the end.

The Manuscripta juridica database lists seventeen manuscripts of this text, including two which are described as fragmentary, and one that was burned during the bombing of Chartres in 1944 (see Online Resources). The sixteen surviving codices all belong to institutional libraries in Europe. The present manuscript should well repay study, both in itself and in relation to the larger tradition. Although a few passages present some difficulties to reading with the naked eye, application of modern techniques, such as the enlargement and manipulation of high-resolution digital images, will surely result in the recovery of additional information and thereby facilitate understanding of the text and its history.

LITERATURE

Dolezlek, Gero. *Verzeichnis der Handschriften zum Römischen Recht bis 1600*, Frankfurt am Main, 1972.

Savigny, Friedrich Karl von. *Geschichte des römischen Rechts im Mittelalter*, Heidelberg, 1834-1851, vol. 3, p. 637; vol. 5, pp. 474, 527-532.

Solmi, A. Arrigo. "Alberto da Gandino e il diritto statuario nella giurisprudenza del secolo XIII," in *Contributi alla storia del diritto comune*, Rome, 1937, pp. 355-385.

ONLINE RESOURCES

Buffoni, Maria Barbara. "Galeotti, Alberto," in *Dizionario Biografico degli Italiani*, vol. 51, Rome, 1998.

http://www.treccani.it/enciclopedia/alberto-galeotti_%28Dizionario-Biografico%29/

Galeotti. *Aurea margarita ac pene divina in qua frequentiores in foro & praxi ocurrentes quaestiones proponuntur, & diligenter pretractantur*, Cologne, 1595.

[https://books.google.com/books?id=Dg9nAAAAcAAJ&pg=PT3&lpg=PT3&dq=albertus+galeotti+aurea+margarita&source=bl&ots=7vH2uY49YR&sig=ACfU3U3HntIF-j20YA294WA3aLB-](https://books.google.com/books?id=Dg9nAAAAcAAJ&pg=PT3&lpg=PT3&dq=albertus+galeotti+aurea+margarita&source=bl&ots=7vH2uY49YR&sig=ACfU3U3HntIF-j20YA294WA3aLB-U0yaPw&hl=en&sa=X&ved=2ahUKEwinjO25vZPrAhUGJt8KHUuJAvEQ6AEwAAnoECACQAQ#v=onepage&q=albertus%20galeotti%20aurea%20margarita&f=false)

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http://manuscripts.rg.mpg.de/item/?title_of_item=&author=Albertus+Galeottus+%28Parmensis%29&beginning_words=&closing_words=

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<http://sip.mirabileweb.it/search-place/italia-emilia-romagna-modena--place/6/5311>

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