

MARTINUS POLONUS [MARTIN OF TROPPEAU or MARTINUS OPPAVIENSIS],
Margarita Decreti et Decretalium, added lists of *tituli* from *Decretales* of Gregory IX, and
works within the *Corpus iuris civilis*; list of sermons preached in 1459
In Latin, manuscript on parchment and paper
Italy, c. 1425-1450; and before 1459

261 folios on parchment and paper (with watermarks close to Briquet no. 11725, "Monts": Florence, 1423-24; Briquet no. 11728, "Monts": Verona, 1443), outer bifolium of first gathering of parchment, contemporary foliation CCCLiii and cropped foliation "3. . ." in red on f. 244, modern foliation in pencil, bottom outer recto, 1-20, 261 (on f. 259), and top outer recto, 1-261 (collation, i^s [+9, leaf tipped in at the end of the quire] ii-iv¹⁰ v⁸ vi-xx¹⁰ xxi⁸ xxii-xxiv¹⁰ xxv⁸ xxvi¹⁰ xxvii⁸), quires xxii-xxiv signed a-c and numbered in Arabic numerals (mostly cropped away) in outer lower margin, quire xxvi numbered in Arabic numerals (partially cropped away) in inner lower margin, vertical catchwords by scribe one on the inner lower margin (quires i-xxi), horizontal catchwords center lower margin (quires xxii-xxvi, possible catchword "Tabule" at the end of quire xxvii), parchment reinforcement strips pasted in the fold on the inner and outer bifolia of each quire, paper ruled lightly in lead with full-length vertical bounding lines, prickings visible in upper, lower, and outer margins (justification, 155-160 x 107-113 mm.), text in quires i-xxv written in brown ink in gothico-antiqua scripts in two columns of 36 lines by two scribes: scribe one, ff. 1-205v, 236-243v, in a careful, upright hand, scribe two, ff. 206-235v, in a quicker hand with more abbreviations, text in quires xxvi-xxvii written in a script with hybrida features, 33 lines to the page, with running headings, guide notes for rubrication partially visible in inner and outer margins (eg. ff. 14v-15, 59v-60), red rubrics, 2- to 6-line spaces left for initials, some of which contain guide letters (eg. f. 106v), trimmed (eg. partial loss of marginal scribal note on f. 200), corrections in the first scribe's hand, some medieval marginal notes and additions (eg. f. 33v), slight staining in the outer margin, ff. 65-66, 123-125, 152-153, 195-196, possible previous ownership inscription effaced from the bottom margin of f.1. Bound in seventeenth-century half vellum (comprising several fragments of fourteenth-century manuscript glosses, possibly from legal texts) over pasteboards (retaining traces on the outside boards from a Hebrew manuscript of the Babylonian Talmud, cropped and upside down, and single aligned holes at the bottom center of both boards) with two double bands, pressmark "9917" written on the spine in faded brown ink, book block cocked, seventeenth-century Spanish manuscript pastedowns, cropped on two sides, in modern cloth case with label noting author, title, and approximate date. Dimensions 225 x 167 mm.

This popular legal concordance is important as an early example of the use of alphabetization in a finding aid. Although it circulated widely in manuscript and print, there are only two recorded copies in the United States, and it is very rare on the market (only two sales in the Schoenberg Database); there is still no modern critical edition. Of particular note are the added texts, including, unusually, civil law indices and a remarkable record of the sermons preached in Venice in 1459 by an early owner, and its binding that includes traces from a Hebrew manuscript.

PROVENANCE

1. The evidence of watermarks and script suggest that this manuscript was copied in Italy, most likely in the second quarter of the fifteenth century.
2. The final two quires of the manuscript were probably copied separately and added slightly later, most likely around the middle of the fifteenth century. These are executed

in a different hand and on different paper (the second of the two watermarks listed in the description). The content of f. 261v, likely added by one of the manuscript's early owners or users, is executed in another gothico-antiqua hand, which may be the same hand that added the catchwords on ff. 243v, 253v, and possibly also copied the text on f. 261v (notably, still visible on f. 253v there are the remains of an earlier, partially cropped catchword whose ascender matches those of the scribe responsible for the final two quires). If the same hand is responsible for these catchwords and f. 261v, it is probable that the final two quires were added to the manuscript while in this individual's hands.

An inscription in this individual's hand at the top of f. 261v helps fix a place and a date for his use of the book: "Iste sunt predicationes facte per me in sancto zacharia anno domini millesimo cccc. l. 9 [1459]." The writer's use of "ç" rather than "z" suggests an Italian or Spanish training, and the inscription may well refer to the church and affiliated Benedictine convent of San Zaccaria, in Venice. The text that follows this inscription is a list of the sermons this writer preached at San Zaccaria in 1459, including a list of sermon topics keyed to feast days and Sundays beginning in December and leading up to Lent; below, in at least two subsequent stints, there are lists of daily Lenten sermons. This is an exceptionally interesting document, providing very rare, concrete evidence of the sermons preached at a known place and date (i.e. at San Zaccaria in 1459), and certainly deserves further study.

The church of San Zaccaria was rebuilt and the convent was founded in the early ninth century near the newly erected dogal palace under the auspices of Doge Agnello Partecipazio with the donation of the body of St. Zacharias by the emperor Leo V. The convent housed nuns from many of Venice's wealthy patrician families and enjoyed dogal patronage throughout the Middle Ages.

3. The materials used in the seventeenth-century binding are noteworthy in their variety and common legal tenor. The fourteenth-century fragments reinforcing the spine contain glosses, most likely belonging to legal manuscripts. The fragmentary Hebrew manuscript traces on the front board contain text from the Babylonian Talmud, tractate *Avodah Zarah*, which regulates Jewish conduct towards idolatry and idolaters. Viewed as critical of Christian practices, this tractate was subject to censorship in medieval Europe. The seventeenth-century paper manuscript pastedowns are copied on both sides in a cursive documentary hand and contain records in Spanish of judicial interrogations, among other things. The front pastedown contains the signature "Pedro Luis Cruz." The presence of these pastedowns in the binding suggests that the manuscript might have passed into Spain by the time it was rebound.

TEXT

ff. 1-239v, [added in later hand, "Dictionarium materierum que tractantur in decreti et decretalibus editum a Magistro Martino ordinis Predicatorum"] prologue, incipit, "[I]nter alia que ad fidelium Christi doctrinam scripta sunt ius canonicum ad ipsorum doctrinam et consolacionem conscriptum repitur [sic] ..."; f. 1v, incipit, "Aaron. [A]aron. Quod aaron sacerdocium approbatur distinctio xxij sacrosacta [sic] ..."; f. 239v, *Zizania*, "... Quod sinenda sunt utraque crescere vsque ad messem iudicij extremj et tunc angeli colligent zizaniam in fasciculos ad comburendum xx4. questio i. paragrapho i. ante finem. *Explicit*";

ff. 239v-242v, Alphabetical list of proper names and terms featured within preceding text, incipit, "[A]aron, Abbas ... Zelus, Zizania";

ff. 242v-243v, List of *tituli* from the *Decretales* of Gregory IX, incipit, "De summa trinitate et fide catholica, De constitutionibus ... De verborum significacione, De regulis juris. *Et sic est finis*";

ff. 244r-259r, Alphabetical tables keyed to different works within the *Corpus Iuris Civilis*: incipit, *Digestum vetus*, heading: "[Digesti] veteris"; "Adopcionibus i, Alienacione iudicij iiii ..."; *Infortiatum*, f. 246v, heading: "Infortiati"; "A. Actione rerum amotarum 2, Agnoscendis liberis 2 ..."; *Digestum novum*, f. 248v, heading: "[Digesti] noui"; "A. Aqua pluuiali 1, Adempcione libertatis 2 ..."; *Codex*, f. 251, heading: "Codicis"; "A. Apostatis 1, Assessoribus 1 ... [f. 253v: "Hic nichil deficit"]; *Authenticum*, f. 257v, heading: "Autenticorum"; "A. Abbatum ordinaciones 1, Administratonibus [sic] officij 2 ... Vt iudices non expectant 9";

ff. 259v-261r, ruled but blank;

ff. 261v, List of sermons preached at San Zaccaria in 1459, beginning, "Iste sunt predicationes facte per me in sancto çacharia anno domini millesimo cccc. l. 9 [1459]"; topics keyed to the liturgical calendar, from the feast of Saint Thomas the Apostle (21 December) to Palm Sunday; list of questions pertaining to sin, some of which are drawn from Thomas Aquinas's *Summa Theologica*.

Many copies of the *Margarita Decreti* of Martinus Polonus exist in manuscript and print, but no modern critical edition of the text exists. The *Margarita* survives in over 120 manuscripts (Kaeppeli, 1980, lists 121). Nearly all of these are in European collections, though there are two in the United States. First printed in Nuremberg, 1481 (Hain 10841), the *Margarita* was repeatedly printed in the incunabular period (Hain 10834-52; *Gesamtkatalog der Wiegendrucke* M 21402-11, 21413-16, 21418-22, 21424-28) and was later often annexed to print volumes of Gratian's *Decretum*, though notably not in Emil Friedberg's edition of the *Corpus iuris canonici* (1879-81; reprinted 1955-59). A brief collation against the 1582 Rome edition of the *Margarita Decreti* reveals differences in the ordering of the topics included and in the quoted phrases listed under these topics. Some, though by no means all, of these differences stem from the fact that the 1582 edition does not include topics or quoted phrases from the *Decretales* of Gregory IX; these are printed separately in the *Margarita Decretalium*. These topics and quotes are fully integrated within the manuscript's *Margarita*.

Martinus Polonus (died c. 1278) was born in Troppau (Oppavia), entered the Dominican order in Prague, and served in Rome as papal chaplain and penitentiary under Pope Clement IV and several of his successors. In 1278 Pope Nicholas III appointed him Archbishop of Gnesen and he died in the same year while in route to his seat. He is best known for his *Chronicon Pontificum et Imperatorum*, a popular epitome of world history structured around a parallel treatment of papal and imperial rulers. He most likely produced the *Margarita* between 1261 and 1274.

As noted in a later hand at the beginning of the *Margarita*, this may properly be called the *Margarita Decreti et Decretalium*, as it addresses topics covered within Gratian's *Decretum* and the *Decretals* promulgated by Gregory IX (known as the *Liber extra*). This legal concordance lists these topics, including both named individuals and concepts, by keyword in alphabetical order. Each entry then lists quoted phrases pertaining to these topics and their locations in the *Decretum* and *Decretales*. Rather unusually, Martinus writes in the preface to the *Margarita* that he initially compiled this concordance for his own use: "I, brother Martin ... for my own easier discovery, and chiefly to my advantage, with great diligence and toil I busied myself with compiling the sayings of these books [the *Decretum* and *Decretales*] along with their meanings following the order

of the alphabet." The substantial circulation of the text in manuscript and print testify to a significantly wider appreciation of its value and utility.

As in other print and manuscript copies of the *Margarita*, an alphabetical table listing the entries within the *Margarita* immediately follows that text in this manuscript. Several additional tables follow this one, and in their coverage of *tituli* from within Gregory IX's *Decretales* and works encompassed within the *Corpus iuris civilis* these tables suggest a shared interest in rendering large legal texts more accessible and searchable. Their presence in this volume may indicate that this manuscript served at one time as a multipurpose legal finding aid. As far as we can tell, the inclusion of the civil law indices is unusual. A preliminary survey of descriptions of twenty other manuscripts containing the *Margarita*, suggests that this text circulated most commonly either on its own, or with other texts concerned with canon law (treatises, finding aids, etc.); we have found no other instances in which it circulated with texts concerned with civil law.

There are some signs of use, including the addition of references and the alphabetical insertion of an entry (*Carcer*) in another medieval hand. This entry notably compares the legal consequences of jail-breaking under civil and canon law and refers to a fifteenth-century commentary on the Decretals by the renowned jurist Nicolaus de Tudeschis.

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