

YALE UNIVERSITY
BEINECKE RARE BOOK AND MANUSCRIPT LIBRARY
MEDIEVAL AND RENAISSANCE MANUSCRIPTS

MS 808

Northern France, s. IX^{2/4}

Capitulary (fragm.); Memorandum for a Capitulary of Louis the Pious

1. f. 1r, lines 1-2 *Cap. XV.* Ut, qui hereditatem hominis suspendio mortui acceperint, capitali et dilatura solvere non cogantur.

Last article of an unrecorded Capitulary, probably from the beginning of the reign of emperor Louis the Pious (814-840).

2. f. 1r, line 3- 1v De his capitalis [*l. capitulis*] interrogandum est: Qualiter homo manniendus sit de statu suo vel hereditate. De maxima et minima conpositione quod solidorum esse debeat. Similiter de maximo et minimo sacramento cum quod hominibus iurandum sit. ... [f. 1v:] De longa vestitura ecclesiarum, quae per annos defendi non potest, sicut est, quod nos in Colonia [*corr. from Coloni*] habemus et traditum fuit ad sanctum Bavonem tempore Pipini regis. De liberis hominibus, qui super terram ecclesiasticam sedent et de proprio nihil habent, in quantum eos comes vel centenarius distringere debeat, quia praeceptum inmunitatis eos in totum excusat. [the rest of f. 1v is blank]

Capitula adhuc conferenda, i.e. Memorandum for a Capitulary, c. 819 (?). This is a list of 18 questions to be discussed in view of a planned new Capitulary. “Colonia”, mentioned in the last but one paragraph, is probably Coulogne (*pagus Cambrai*), “sanctus Bavo” is the Benedictine abbey of that name in Ghent. According to Mordek Einhard, abbot of Saint Bavo from 819 onwards at the latest (d. 840), may have played a part in the making of this document.

Artt. 1-2. First edition, with full commentary: H. Mordek, “Unbekannte Texte zur karolingischen Gesetzgebung. Ludwig der Fromme, Einhard und die *Capitula adhuc conferenda*”, *Deutsches Archiv für Erforschung des Mittelalters*, 42 (1986), pp. 446-470 (ed. pp. 468-470).

Parchment, 1 leaf, 240 x 185 mm.

Hard-point ruling for one column of 27 lines above top line. Ruling type 11,197 x 142 mm. The ruling has been applied on the verso.

Copied by one hand writing Carolingian script. On the verso the first 7 lines only are written (on erasure according to B. Bischoff, quoted in Mordek, “Unbekannte Texte”, p. 446, n. 4, but this is rightly contradicted in a letter of Robert G. Babcock to Prof. Mordek, 27 August 1997); the words “et traditum fuit” on the second line are, however, written in a noticeably darker ink than the rest of the text.

“Cap. XV” in art. 1 is written in Uncialis in red ink, and the opening letter *V*, in the same colour, is a 2-line initial. In art. 2 all the opening capitals (*D*, *Q*, *S* or *U*) are said to be likewise red, but their colour is hardly distinguishable from the colour of the text.

The fragment was perhaps the final leaf of a codex, which would explain the smudges and offsets visible on the verso. Sotheby sale, London, 25 June 1985, lot 49. Bought by Alex Bender, Düsseldorf. Acquired 1997.

Bibliography:

H. Mordek, "Recently Discovered Capitulary Texts Belonging to the Legislation of Louis the Pious", in P. Godman, R. Collins, eds., *Charlemagne's Heir. New Perspectives on the Reign of Louis the Pious* (Oxford, 1990), pp. 437-453 and pl. 27.

H. Mordek, ed., *Bibliotheca capitularium regum Francorum manuscripta*. MGH, Hilfsmittel, v. 15 (Munich, 1995), pp. 1009-1011.

R. 21.03.11

Albert Derolez