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MS 1027

Southern Germany, 1456

**Bartholomaeus de Sancto Concordio, *Summa de casibus conscientiae***

1. f. 1ra-va            § Tractatus de modo legendi iura et leges. Sequitur modus legendi iura et leges. Notandum quod quidquid in summa de casibus sive matrimoniis ponitur, confirmatur per auctoritates Veteris et Novi Testamenti, sanctorum doctorum Augustini, Gregorii, Yeronimi, Ambrosii et aliorum ... et c significat codice, si titulo paragrapho vel significat quando sequitur c li, tunc significat lege codicis; ar significat argumentum, preall significat preallegatum, re significat remissionem, etc.

*Modus legendi libros iuris canonici*. Similar texts in Klosterneuburg, Augustiner-Chorherrenstift, MS 319, f. 171r; Luxemburg, Bibliothèque nationale, MS 17, ff. 379r-380r; Mainz, Stadtbibliothek, MS I 458, f. 208v; Melk, Benediktinerstift, MS 196, f. Iir; Munich, Bayerische Staatsbibliothek, MS clm 27302, ff. 48v-49v.

2. f. 2ra-va            Quoniam, ut ait Gregorius super Ezechielem, nullum omnipotenti Deo tale sacrificium est quale est zelus animarum, ideo a pluribus nostri Predicatorum ordinis fratribus huiusmodi sacrificium offerre Deo cupientibus et proximorum salutem zelantibus ... non placuit procedere per rubricas, ne forte multitudo illarum difficultatem et retardacionem induceret inquirenti; ordinavi pocius secundum alphabetum, ut cuilibet esset promptum et facile quesitam materiam invenire. Verum, quia nec exarare possim, ydcirco super quibuslibet obmisis ac eciam non bene dictis piam postulo correccionem.

Prologue to art. 3.

3. ff. 2va-246vb      Abbas in suo monasterio conferre potest suis subditis primam tonsuram et duos ordines minores, du<m>modo sit sacerdos et manus inposita erit ei secundum morem preferendorum ... Si vero aliquis doleret de bono alterius in quantum alter axcedit [*sic*] ipsum in bonis; tunc enim invidia est, ut dictum est supra invidia § 2°. Explicet summa de casibus consciencie, quam compilavit gloriosus doctor decretorum et frater Bartholomeus, ordinis Predicatorum, in civitate Pysana anno Domini millesimo trecentesimo tricesimo, die decima mensis Decembris [10 Dec. 1330, error for 1338], tempore Benedicti pape duodecimi. *Deo gracias*.

Bartholomaeus de Sancto Concordio (Bartholomaeus Pisanus O.P., c. 1260-1347), *Summa de casibus conscientiae*. Kaeppli 436. The work actually was finished on 7 Dec. 1338. Printed from 1473 onwards (GKW 3450-3456).

4. ff. 247ra-250ra      Abbas. Abbatissa. Absolutio I. Absolutio II. Absolutio III ... Christus (Xpus). Ypocrisis. Yronia. Ystrio. Zelus, etc.

List of the rubrics of art. 3.

5. ff. 250ra-251ra      Secuntur tituli atque rubrice decretalium et primo libri primi. De summa Trinitate et fide catholica. De constitutionibus. De rescriptis ... [Liber 5<sup>us</sup>] ... De sententia

excommunicacionis. De verborum significacione. De regulis iuris, etc. § Deo gracias. Inceptus finitusque liber iste per Iodocum Sparlützel, arcium baccalarium, anno Domini millesimo quadringentesimo quinquagesimo sexto, indicione 4<sup>a</sup>, quarto decimo kal. Iulii [18 June 1456], pontificatus sanctissimi in Christo domini Calixti, divina providencia pape tercii, anno 2<sup>o</sup>, etc. *Deo gracias.* f. 251rb and 251v blank

List of the titles of the five Books of the Decretals of Pope Gregory IX. Aem. Friedberg, ed., *Corpus Iuris Canonici*, v. 2 (Leipzig, 1879; repr. Graz, 1959).

Paper, ff. I + 251 + I, 315 x 215 mm. Folio folding. Parchment stays in the center of the quires cut from a manuscript. The upper part of the leaves of the final quires is waterstained and their top lines are partly illegible.

I-XX<sup>12</sup> (ff. 1-240), XXI<sup>12</sup> (-12, ff. 241-251). Horizontal catchwords low in the inner margin.

Frame ruling in lead for two columns of text, 34-45 lines; single bounding lines, c. 225 x c. 135 mm., intercolumnar space c. 15 mm.

Copied by a single hand in Gothica Hybrida Libraria. The scribe is Jodocus Sparlützel, who copied also Tübingen, University Library, MS Mc. 325. The latter manuscript was written in Stuttgart-Weilimdorf in the years 1454-1456, and it gives the full name of the scribe: Jodocus Sparlützel (Swicker) de Wil, adding that he had studied at the university of Heidelberg.

Red stroking of the majuscules and red underlining. Red plain initials, normally 1-2 lines (initials "I" 3-5 lines, inserted in text area); the initial of the first lemma beginning with a given letter of the alphabet is larger (up to 7 lines) and may be a flourished initial with penwork in the same red colour (ff. 152v, 155v, 196v, etc.); many initials are given strange and fancy forms; erroneous initials are found on ff. 109r ("F" instead of "I"), 246v ("R" instead of "X"), 248v ("R" instead of "L"); an initial "U" is missing on f. 246r, and in art. 4 no initials "T", "X", "Y" and "Z" were provided by the scribe.

Original binding (spine repaired): undecorated (?) brown leather (very damaged) over wooden boards. Spine with four raised bands and plaited headbands. Five small brass bosses on each cover (the central boss on the rear cover is missing). Remains of two clasps attached to the rear board and rectangular engraved catches on the front board; the inscription, in Northern Gothica Textualis Formata, is not deciphered.

MS 140 in the collection of Bernard M. Rosenthal, Berkeley, California. Armorial bookplate with the device "Imitare quam invidere" of the Albert H. Childs, Yale '61, Memorial Collection at Yale University Library.

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