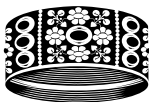


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The *Liber Ardizonis*. Reshaping the *Libri Feudorum* in the Thirteenth Century*

I. IACOBUS DE ARDIZONE AND LEGAL HISTORY

About one century ago, historians believed Iacobus de Ardizone de Broilo (c. 1200 – † 1254), a pupil of Azo and Hugolinus at Bologna, to be one of the central figures in the history of the *Libri Feudorum*. In the early nineteenth century, the citation apparatus of his *Summa feudorum* provided the first evidence of a second recension of the *Libri Feudorum*, which was thus named *recensio ardizoniana*¹. The *Summa* became soon a milestone in legal history and Iacobus one of the earliest innovators of feudal law. However, in 1934, Edouard Meijers² proved that this *recensio* was already available in the late twelfth century, some decades before Iacobus was born. This discovery entailed a dramatic decrease of the historians' interest towards Iacobus's role in the codification of feudal law, even though he was still credited as the author of the so-called *Capitula extraordinaria Iacobi de Ardizone* – which Karl Lehmann inserted in his critical edition³, – a

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1. E. A. LASPEYRES, *Über die Entstehung und älteste Bearbeitung der Libri feudorum*, Berlin, 1830, pp. 46–62.

2. E. M. MEIJERS, *Les glossateurs et le droit féodal*, in *Tijdschrift voor Rechtsgeschiedenis*, 13 (1934), pp. 137–140.

3. K. LEHMANN, *Das langobardische Lehnrecht (Handschriften, Textentwicklung, ältester Text und Vulgattext nebst den capitula extraordinaria)*, Göttingen, 1896. I rely on this edition for the references to the *Libri Feudorum*. Lehmann offered a synoptic edition if the *Libri* comparing the first version (*antiqua*) with the latest one (*vulgata*). I refer to the former as *LF Ant.*, and to the latter as *LF I* (*Libri Feudorum*, book 1) or *LF II* (*Libri Feudorum*, book 2).

readjustment of the *Libri Feudorum* known as *Liber Ardizonis*, and what Emil Seckel called *Extravaganten-Sammlung Ardizos*, an extensive collection of *extravagantes* to the *Libri Feudorum*⁴.

The *extravagantes* were laws or fragments on feudal matters which were generally copied after the text of the *Libri Feudorum* and some of which would reach its standard text. Analysing the exceptionally generous ms *Wien 2094*⁵, Seckel showed that Iacobus collected a remarkable number of *extravagantes* which he systematised and attached to in his copy of the *Libri*. The result was a re-shaping (*Rekonzinnation*) of the code whose index Seckel found in *Wien 2094* (f. 72ra-rc) as the *Compilacio Feudorum secundum Ar(dizonem)*, which outlined the text proper of the *Libri* (titles A-O) augmented of nine titles (O'-Y). The text of the last four titles of the index (T-Y) was partially transcribed in another section of *Wien 2094* (Extr. I-IV), as the first part of a wider collection of fifteen titles (Extr. I-XV). For this reason, Seckel identified titles A-S of the *Compilacio* as the *Liber Ardizonis*; as we will see more in detail, he thought of O'-S as a batch Iacobus had received from an unknown compiler. Consequently, the jurist worked only on the second collection, which, however, he assembled only partially (namely Extr. I-V, VI. 1-2, VII. 2). Iacobus completed this *extravagantes* collection after 1234, and utilised it extensively in his *Summa Feudorum*⁶. In a survey of the manuscript traditions of the *Libri Feudorum*, Peter Weimar agreed with all of Seckel's points, except for the authorship of O'-S, which he attributed to Iacobus⁷. One crucial point on which the two authors concur, is that in the early thirteenth century the *Libri* were not thought as an unmodifiable text, since, besides the tradition which would lead to the definitive version of

4. E. SECKEL, *Quellenfunde zum lombardischen Lehenrecht, insbesondere zu den Extravaganten-Sammlungen*, in *Festgabe der Berliner juristischen Fakultät für Otto Gierke zum Doktor-Jubiläum 21. August 1910*. I, *Staatsrecht. Verwaltungsrecht. Kirchenrecht. Lehenrecht*, Breslau, 1910, pp. 47-168.

5. The manuscript is WIEN, Österreichische Nationalbibliothek, hs. 2094 (hereinafter: *Wien 2094*).

6. Seckel offers an analysis of the index and of the sources of the second collection Extr. I-XV in SECKEL, *Quellenfunde* cit. (footnote 4), pp. 136-152 and 73-114, respectively. Extr. I-XV is split in two different sections of *Wien 2094*: ff. 53ra-54vb and 22ra-24rb. Appendix 1 of this essay offers a synoptic table of the titles of the index of the *compilacio secundum Ar(dizonem)* compared with the *vulgata* and *antiqua* versions of the *Libri Feudorum*, whereas Appendix 2 reports titles Extr. I-XV, to which I refer throughout the whole article.

7. P. WEIMAR, *Die Handschriften des Liber feudorum und seiner Glossen*, in *Rivista internazionale di diritto comune*, 1 (1990), pp. 31-98, in part. pp. 41-42 and 68-69.

the code – the so-called *Liber Accursii*, codified by the great glossator Accursius – different *Rekonzinnationen*, readjustments of the text, circulated. The *Liber Ardizonis* was the earliest example, but other ones were available: the *Liber Odofredi* by Odofredo Denari, the *Liber Symonis* by Simon Vicentinus, and the *Liber Iacobi de Aurelianis* by Jacques d'Orleans⁸.

The aim of this article is to shed new light on the *Liber Ardizonis* in the context of the history of the codification of feudal law, by comparing the manuscript traditions of Iacobus's *Summa feudorum* with new and old evidence about Iacobus's life and writings. I make use in the first place of the *editio princeps* published in Asti in 1518 referring to it as *Asti 1518*, to distinguish it from the versions transmitted in different manuscript traditions⁹. Since the *Summa* is the primary source for the study of the *Liber Ardizonis*, it is opportune to start from the *status quaestionis* of its writing process. Laspeyres, who was the first to realise the potential of this treatise as a source for the analysis of the *Libri*, elaborated the first hypothesis about its drafting. In the *prooemium*, Iacobus admitted to having added and removed material repeatedly to his opus, justifying thus a protracted elaboration process¹⁰. In the incipit, he also wrote two revealing sentences:

Cum Bononie fere amore legalis sciencie discende exulassem et personam ibidem exinanissem, quod sepe scolares facere contingit. (*Asti 1518*, f. 3ra)

Tandem destructibili tempore olim gloriose civitatis Verone et seditionis intrinsece, aliis sollicitudinibus destitutus, hoc opusculum [...] explevi. (*Asti 1518*, f. 3rb)

Laspeyres believed this internal sedition (*seditio intrinseca*) to be the war between rival factions of Verona, led respectively by the marquises d'Este and Ezzelino da Romano, in which the former

8. On the tradition connecting the *Liber Iacobi Columbi de Regio* – by Iacobus Columbi – to the codification of the *Liber Accursii*, see: Ibid.: pp. 46–70. Weimar also casts doubts on the *Liber Symonis* and the *Liber Iacobi de Aurelianis* as actual *Rekonzinnationen* of the *Libri* (Ibid., p. 31–32); however, the glosses to *Wien 2094* edited by Seckel suggest that these books contained some substantial differences in comparison with the text proper of the *Libri*. Seckel also analysed the structure of the *Liber Odofredi*: SECKEL, *Quellenfunde* cit. (footnote 4), pp. 63–68.

9. IACOBUS DE ARDIZONE, *Summa super usibus feudorum composite per dominum Iacobum de domino Ardizone de Verona hactenus non impressa*, Astae, 1510. Anast. reprint in: *Corpus glossatorum iuris civilis*, V, edidit M. VIORA, Augustae Taurinorum, 1970.

10. *Asti 1518*, f. 3ra–rb: « Per tempora hucusque presenti operi prout mihi videbatur utilius adieci atque detraxi ».

were defeated, and their followers exiled in 1225–1226¹¹. According to Laspeyres, Iacobus was banished that year and sought refuge in Bologna, where he lived in exile (« exulassem ») and began his academic studies. Based on his remarkable analysis of *Asti 1518*, Laspeyres believed Iacobus to have finished a first draft of the *Summa* shortly after 1227 and completed a definitive version between 1234 and 1240¹². He derived these last dates from five points: (1) the *Summa* cites the *Liber Extra* of Pope Gregory IX, which was compiled in 1234, and (2) Iacobus's *summa De decurionibus* (C. 10.32), which Laspeyres thought to be concluded after 1233. (3) Laspeyres interpreted the « destructible time of the once glorious Verona and its internal subversion », that is, when Iacobus admitted to having concluded his treatise, as the beginning of Ezzelino's « arbitrary and cruel tyranny » (« die willkürlichste und grausamste Tyrannei »), which he individuated in 1235–1240¹³. (4) Emperor Frederick II is mentioned as still alive (« iste nunc Federicus Rogerius Imperator »). This element would place the conclusion of the *Summa* before 1250, but (5) since around 1240 Jean Blanc, a French jurist who studied in Modena, brought a copy of the treatise to Marseille, his hometown, the *terminus ante quem* was thus 1240¹⁴. These dates have been long accepted, with only a minor modification since Gérard Giordanengo proved Jean Blanc to be back to Marseille already in 1237, backdating Laspeyres's *terminus ante quem* of at least three years¹⁵.

11. On this war, see: L. SIMEONI, *Il comune veronese sino ad Ezzelino e il suo primo statuto*, in *Miscellanea di Storia Veneta*, ser. 3a, XV (1922) [also available in *Studi storici veronesi*, 10 (1959)], pp. 1–131; A. CASTAGNETTI, *La Marca Veronese-Trevigiana*, in *Storia d'Italia*, diretta da G. GALASSO, VII/1, Torino, 1987, pp. 235–237 et passim.

12. The dense argumentation about the *termini post* and *ante quem* of 1227–1240 is in: LASPEYRES, *Über die Entstehung* cit. (footnote 1), pp. 67–77. As to the *terminus post quem*, the author was puzzled by two points: first, although Iacobus probably began his opus in Bologna, he did not cite the *Constitutio in Basilica sancti Petri* issued by Frederick II in 1220, which was included in the new versions of the *Corpus iuris civilis*. Second, Iacobus cited statutes of Verona dating before 1225, so he probably started writing before then, i.e., before being banished from his hometown. Formal analysis of Canon law sources in *Asti 1518* proved that he originally used sources prior to 1227, updating them only after 1234.

13. The quotation is from: *Ibid.*, p. 71. IACOBUS DE ARDIZONE, *Summa de decurionibus*, in AZO, *Summa super codicem, instituta, extraordinaria*, Papiæ, 1506, anastatic reprint in: *Corpus glossarum iuris civilis*, II, edidit M. VIORA, Augustae Taurinorum, 1966, ff. 446–455.

14. LASPEYRES, *Über die Entstehung* cit. (footnote 1), pp. 72–73.

15. G. GIORDANENGO, *Jean Blanc, feudiste de Marseille (XIIIe siècle)*, in *Université de Bordeaux I. Annales de la faculté de droit. Centre d'études et de recherches d'histoire institutionnelle et régionale*, 2 (1978) [now in *Id.*, *Féodalités et droits savants dans le Midi médiéval*, Aldershot, 1992], p. 73.

Collecting data from previous studies and new archival evidence of Verona, Iacobus's hometown, a recent survey by Gian Maria Varanini – to which, *si parva licet*, I partly contributed – elaborated an updated profile of Iacobus's life, bringing back the jurist to his socio-political background¹⁶. Varanini definitively proved that Iacobus's academic experience in Bologna must have taken place in 1224–1228, years in which he does not appear in the local documentation¹⁷. However, Iacobus's 'exile' in Bologna could not be the result of a banishment, for in his first appearance in 1229 Iacobus fulfilled an important civic office – *iudex appellacionum* – and one year later he played an active role in mediating between the two opposed factions. Varanini stressed that Ezzelino did not impose any « arbitrary and cruel tyranny » in the 1230s; in fact, the first extensive banishments from Verona occurred only in 1239, and the hegemonic presence of Ezzelino had substantial effects on civic institutions only in the late 1240s¹⁸. One detail which Varanini overlooked may even strengthen his point decisively: the passage of the *prooemium* that Laspeyres took as a proof of banishment was nothing but a rephrased quotation from Fredrick I's *Privilegium scholasticum*, which Iacobus cites just after considering his 'exile' and 'poverty'¹⁹. Varanini also had the merit to

Notwithstanding this finding, in his repertoire of medieval jurists, H. Lange still accepts Laspeyres's *terminus*: H. LANGE, *Römisches Recht im Mittelalter*, I, *Die Glossatoren*, München, 1997, pp. 279–282.

16. G. MOSCHETTI, *Il cartularium veronese del magister Ventura del secolo XIII*, Napoli, 1990; G. DE SANDRE GASPARINI, *Tra religione e politica. La famiglia veronese De Broilo, le religiones novae, Ezzelino da Romano*, in *Tempi, uomini ed eventi di storia veneta*. Studi in onore di Federico Seneca, a cura di S. PERINI, Rovigo, 2003, pp. 95–112; G. M. VARANINI, *Iacopo di Ardizzone e la sua famiglia nella documentazione veronese*, first part of G. M. VARANINI – A. STELLA, *Scenari veronesi per la Summa Feudorum di Iacopo di Ardizzone da Broilo*, in *Honos alit artes*. Studi per il settantesimo compleanno di Mario Ascheri, a cura di P. MAFFEI e G. M. VARANINI. I, *La formazione del diritto comune. Giuristi e diritti in Europa (secoli XII–XVII)*, Firenze, 2014, pp. 256–265.

17. On 23 October 1223, an undoubtedly young Iacobus – *dominus Iacobinus* – was among the witnesses of a feudal investiture to a canon of the Veronese chapter. When his father Ardizzone retired to religious life, around 1225, Iacobus vanished from the documentation, to reappear only in 1229, as *iudex appellacionum*: *Ibid.*, p. 260. During his eclipse, of his four brothers, all sufficiently represented in the records of the 1230s, I found evidence of only one, the notary Ognibene, who appeared just once, in 1226: CITTÀ DEL VATICANO, *Archivum Secretum Vaticanum*, Fondo Veneto I, perg. 9221.

18. G. M. VARANINI, *Il comune di Verona, la società cittadina ed Ezzelino III da Romano 1239–1259*, in *Nuovi studi ezzeliniani*. I, a cura di G. CRACCO, Roma, 1992, pp. 115–160.

19. Asti 1518, f. 3ra: « Cum Bononie fere amore legalis scientiae exulasset, et personam ibidem exinanissem, quod sepe scolares facere contingit, ut in De Privilegio Scholastico,

individuate a unique and late source, determining the date of Iacobus's death, sentenced by Ezzelino in 1254. This discovery, and the fact that our lawyer disappeared from documentation after 1250, induced Varanini to suggest that the « destructible time » of the « internal subversion » of Verona referred to the early 1250s. Therefore, Iacobus would have concluded his *Summa* in this period of seclusion, once he had been « relieved from other tasks »²⁰.

Such an attentive contextualisation of the author, however, does not match two correct suggestions by Laspeyres. First, if it is true that Iacobus completed the *Summa* in the 1250s, it is not clear why he did not modify the passage describing Frederick II as still alive – he died in 1250 – since Iacobus admittedly took much care in updating his writing. Second, since Jean Blanc brought a copy of the *Summa* in Marseille already in 1237, there must have been at least one version compiled before that date. Therefore, the question needs further analysis. On the other hand, also Laspeyres's suggestions need to be updated in light of both such new evidence and the manuscript traditions of the *Summa*, which, unfortunately, after Seckel's efforts, have been substantially overlooked.

The analysis I carried out on the manuscript traditions of the *Summa* confirmed that the treatise was the outcome of constant adjustments. Moreover, the citation apparatus of the different versions also revealed the changing structure of the *Liber Ardizonis*, which Iacobus was updating simultaneously. The dialectic between the two texts offered thus new insights on the process of codification of feudal law, as it became evident that Iacobus had in mind a bold systematisation of all the available sources of feudal law, and that he already handled all the material which would later constitute the definitive version of the *Libri*, the *vulgata* glossed by Accursius. Thus, this article aims to restore the role of Iacobus in the history of feudal law. Recent reassessments on the activity of Iacobus Columbi († 1244 ca.) on Pilius's gloss and *Summa feudorum*, make of Iacobus de Ardizzone one of the earliest

Authentica Habita super hec ». The text of the *authentica habita* reads: « Quis enim eorum non misereatur, cum amore scientie facti exules, de divitibus pauperes semetipsos exinaniant, vitam suam omnibus periculis exponunt et a vilissimis sepe hominibus, quod graviter ferendum est, corporales iniurias sine causa perferunt » (FRIDERICI I *Constitutiones*, M.G.H., *Legum* IV/1, p. 249). Iacobus took this law into great consideration, as he inserted it in his *extravagantes* collection as Extr. V.

20. The source is a previously unknown sixteenth-century chronicle by Girolamo Dalle Vacche: VARANINI, *Iacopo di Ardizzone* cit. (footnote 16), pp. 264–265.

Civilians, after Pilius, to work on the *Libri Feudorum*²¹. Indeed, both the *Liber Ardizonis* and the *Summa* – the widest known works in this genre for the thirteenth century – were broadly known among medieval jurists: Jean Blanc reused entire chapters of the *Summa*, whereas Jacques d'Orleans glossed or even interpolated it²². The Pseudo-Revingny used the *Liber Ardizonis* as a primary source²³. Baldus de Ubaldis (1327–1400) listed Iacobus among the *magni viri glosatores*²⁴; Iacobus Alvarotti (1385–1453), a professor in Padua, described him as one of the most excellent authors of feudal law²⁵.

2. THE *LIBRI FEUDORUM* AND THE *LIBER ARDIZONIS*

Despite a series of reassessments, historians agree on the existence of three phases of codification of the *Libri*²⁶. The so-called *recensio antiqua* or *obertina* (ca. 1150–1160s), the *recensio ardizoniana* (1180–1190s), and the *vulgata* (1250 ca.). The *antiqua* consists of seven essays collected together probably around 1150, even though some of them were written before 1136. The two only authors whose name are known prove the origin of this ancient compilation in Pavia and Milan: Ugo de Gambolò, a judge from Pavia, and Obertus de Orto († 1175), the famous Milanese lawyer²⁷. The *recensio ardizoniana* took

21. WEIMAR, *Die Handschriften* cit. (footnote 7), pp. 46–49 and 83–87. Even though the question is still open, Columbi's personal contribution to the feudal law would be reduced to a minor reshaping of the *Summa Feudorum* of Pilius: M. MONTORZI, *I giuristi e il diritto feudale*, in *Il contributo italiano alla storia del pensiero. Diritto*, a cura di P. CAPPELLINI – P. COSTA – M. FIORAVANTI – B. SORDI, pp. 35–42. Giordanengo does not include Columbi among the medieval feudists: G. GIORDANENGO, *La littérature juridique féodale*, in *Le vassal, le fief et l'écrit. Pratiques d'écriture et enjeux documentaires dans le champ de la féodalité (XF–XVI^e s.)*. Actes de la journée d'étude organisée à Louvain-la-Neuve le 15 avril 2005, édité par J.-F. NIEUS, Turnhout, 2008, pp. 31–34.

22. GIORDANENGO, *Jean Blanc* cit. (footnote 15); SECKEL, *Quellenfunde* cit. (footnote 4), pp. 61–62.

23. About this controversial author, see: footnote 75.

24. BALDUS UBALDI PERUSINUS, *In feudorum usus commentaria*, Venetiis, 1580, f. 2vb.

25. « Fuit praeterea inter alios summista excellens Iac(obus) Ardizoni (!) Veronensis qui summam adeo copiosam scripsit hisque iuribus feudalibus redundantem, ut nihil in ea quod ad rem feudalem pertineat intactum relinquatur »: IACOBUS ALVAROTUS, *Super Feudis*, Lugduni, 1545, f. 2ra.

26. WEIMAR, *Die Handschriften* cit. (footnote 7), pp. 32–67.

27. The *antiqua* encompasses the texts corresponding to titles *LF Ant.* 1–10 = *LF I.* 1 – *II.* 24, in the synoptic edition of Lehmann, with the exclusion of *LF II.* 6 and *II.* 7pr ('De

its name after Iacobus de Ardizzone, whose *Summa* – namely, its citation apparatus – provided the first evidence of a second version of the *Libri Feudorum*²⁸. Although today we know of its availability decades before Iacobus was born, it is still conventionally called *ardizoniana*. In this phase, the text proper was augmented of twenty-six titles (*LF* II. 25–51) and subdivided into two books, as in all the later *recensiones*. These additions consist of two batches entrenched in the Milanese legal practice, mentioning *consilia* of Milanese lawyers such as Obertus de Orto and Gerardus Cagapistus (*LF* II. 25–26 and 27–51)²⁹, and an 1152 constitution of Emperor Frederick I (*LF* II. 27), known as *De pace tenenda*³⁰. As we will see, the insertion of this constitution has raised debate, for it was missing in the manuscript glossed before 1207 by Pilius and historians have thought the same of the copy used by Iacobus. However, the most striking peculiarity of the early-thirteenth-century manuscripts, is the occurrence of a variable number of *extravagantes* – consisting of imperial laws, fragments of treatises, and Canon law material – copied without apparent logic or order at the end of the text proper – after *LF* II. 51.

Only some of these *extravagantes* eventually reached the Accursian tradition, which led to the *vulgata*. Among them: seven imperial

forma fidelitatis' and 'De nova forma fidelitatis'), and with a title – the 'Capitula Ugonis' (Ant. 9. 1–5) – that would not figure in the *vulgata*. The four earlier essays, Ant. 1–2 (= *LF* I. 1–6), Ant. 3–5 (= *LF* I. 7–13), Ant. 6. 7–16 (= *LF* I. 19–24), and Ant. 7–8 (= *LF* I. 25–28), are from unknown authors, and provide sometimes discordant interpretations of two imperial laws of Conrad II (*Constitutio de beneficiis*, 1037: CONRADUS II, *Constitutiones*, M.G.H., Leges IV/1, pp. 89–91) and Lothar III (Laws of Roncaglia, 1136, eventually included in the *Vulgata* as *LF* II. 51 part 1). One of these ancient writings bears the name of Ugo de Gamboldò, the author of the so-called *Capitula Ugonis*. The title's heading is: *Haec fecit Ugo de Gambolato usque ad epistolam Oberti*. This text appears twice, with slight differences, in *LF* Ant. 6. 1–6 and Ant. 9. 1–5, even though only the former reached the *vulgata* (*LF* I. 14–18). Obertus de Orto – after whom the alternative nomenclature of the *antiqua: recensio obertina* – is the author of two letters to his son Anselminus, a student in Bologna, which are the last texts to reach the *antiqua*: *LF* Ant. 8. 1–29 (= *LF* II. 1–5, 7 § 1–22); Ant. 10. 1–2 (= *LF* II. 23–24). G. DI RENZO VILLATA, *La formazione dei Libri Feudorum (tra pratica di giudici e scienza di dottori...)*, in *Il feudalesimo nell'Alto Medioevo*. Atti della XLVII Settimana di Studio del Centro italiano di studi sull'alto medioevo (Spoleto 8–12 aprile 1999), Spoleto, 2000, pp. 651–721.

28. WEIMAR, *Die Handschriften* cit. (footnote 7), pp. 42–46, identified twenty-one manuscripts transmitting this recension.

29. Gerardus Cagapistus was himself the author of glosses to the *Libri Feudorum*: E. BESTA, *Fonti*, in *Storia del diritto italiano*, I/2, a cura di P. DEL GIUDICE, Milano, 1925, p. 442.

30. FRIDERICUS I, *Constitutiones*, M.G.H., Leges IV/I, pp. 194–198.

constitutions on fiefs³¹, an ancient formula for the feudal oath written by Fulbert of Chartres in 1020 (*LF* II. 6)³², another formula allegedly imposed by common usage (« utentium approbata consuetudine ») (*LF* II. 7pr), and a fragmentary selection of glosses known as *De notis feudorum* (*LF* II. 58). Around 1250, Accursius completed Pilius's gloss to the *Libri* augmented of these titles, legitimising thus its authoritative nature and justifying its inclusion in the *Authenticum*. Although this inclusion granted broad diffusion to the code and imposed the *vulgata* as the standard text, alternative compilations continued to circulate, the earliest of which was the *Liber Ardizonis*.

This collection, which represents the first attempt to systematise the fluid mass of *extravagantes*, was a readjustment based on a *recensio ardizoniana* of the *Libri*, only seemingly identical to the one on which Pilius had worked before 1207 and which did not include *LF* II.27 (*De pace tenenda*) yet. The index of the *compilacio secundum Ar(dizonem)* presents this law outside the text proper, ending with title O, in a collection (O'-S) which Seckel believed to be compiled by an unknown author³³. He took the absence of II. 27 from the text proper as proof that Iacobus did not know about this constitution before receiving

31. The three laws issued at Roncaglia by Frederick I in 1158: the constitution *Hac edictali* (*LF* II. 53-54); the law *Imperialem decet* (*LF* II. 55); the law *Regalia sunt* (*LF* II. 56). Then, three laws attributed to Lothair III: the *Imperialis benevolentie* of 1136 (II. 52 part I); the decree *Satis bene*, and the 1127 law *Quoniam inter* (II. 52 part II and III); eventually, the constitution *Si vasallus* wrongly attributed to Henry III (1039-1056) (*LF* II.57). A series of other imperial laws remained *extravagantes*: Conrad II's *constitutio de beneficiis In nomine* (1037), Frederick I's scholastic privilege *Habita* (1158 or 1155), Frederick I's *constitutio Hac edictali* (1177), the Peace of Constance (1183), and Frederick II's coronation act *Ad decus* (1220). Among the other *extravagantes* excluded by the *Vulgata*, are most notably the *summulae* of Anselmus de Orto, son of Obertus: WEIMAR, *Die Handschriften* cit. (footnote 7), p. 98.

32. G. GIORDANENGO, *Epistola Philiberti. Note sur l'influence du droit féodal savant dans la pratique du Dauphiné medieval*, in *Mélanges d'archéologie et d'histoire*, 82 (1970), pp. 809-853.

33. See Appendix 1. In the collection O'-S, the constitution appeared under title Q. *De pace tenenda*, after titles O' (with no header) and P (*Que sit forma sacramenti et qualiter iurare debeat vasallus*), before titles R (*Que sint regalie*) and S (*De pace Constanciae*). The *Liber Ardizonis* presents another peculiarity: in the *antiqua* the last section of the sixth title is the famous constitution of Lothair III *Si quis ex militum ordine* (Ant. 6.7 - 6.16 = *LF* I. 19-24). The end of the matching title of the *Liber* (F. *Qualiter usus beneficii sit retinendus*) does not correspond with the end of the constitution, the last chapter of which (Ant. 6.16 = *LF* I. 24) is quite oddly inserted as the first chapter of the following title (G. *Qualiter iudicium feudi sit examinandum*), which is off-topic. This inconsistency is maybe the reason why Iacobus inserted under Extr. II. 19 the entire constitution of Lothair: Appendix 2.

the batch O'-S. Meijers confirmed this suggestion by supposing the continuity of the copy of the *Libri Feudorum* originally used by Iacobus with the tradition utilised by Pilius³⁴. Two elements convinced Seckel that Iacobus did not compile O'-S. Titles T-Y, of which the *compilacio* provides just the headings, correspond to the first four titles (Extr. I-IV) of the *extravagantes* collection partially transcribed in *Wien 2094*³⁵. Now, this batch contained all the chapters listed under title O'-S of the index – and much more. When Iacobus cited these chapters in his *Summa*, he always mentioned them in the form they assumed in Extr. I-IV. The double occurrence of this material and the citation of only the second collection proved thus the original unrelatedness of Iacobus and O'-S. This, however, did not prevent Seckel from deeming title S as the last of the *Liber Ardizonis* and the following titles as Iacobus's *extravagantes* collection. Eventually, he proved that Iacobus compiled only part of the collection transmitted by *Wien 2094* (Extr. I-XV), namely Extr. I-VI.3, and VII.2³⁶. Peter Weimar accepted most of Seckel's suggestions, holding titles A-S as the real *Liber Ardizonis* and the following batch as the *extravagantes* collection. However, he indicated Iacobus as the author of O'-S, which he concluded around 1230 or earlier. He also suggested that Iacobus extracted *LF* II.27 (*De pace tenenda*) from the text proper of his copy of the *Libri Feudorum* and moved it to the collection O'-S, under title Q, together with other imperial constitutions³⁷.

The analysis of the manuscript traditions of Iacobus's *Summa* clarified most of these questions, supporting Weimar's insights on *LF* II.27 and the authorship of O'-S but also showing that Iacobus conceived of the second collection – Extr. I and the successive titles – as an integral part of the *Liber Ardizonis*, which was open to continuous additions.

3. THE *SUMMA FEUDORUM IACOBI DE ARDIZONE*: A LIVING TEXT

Despite the fact that seven manuscripts transmitting the *Summa* were available at Seckel's time, most of the analyses of its relations

34. SECKEL, *Quellenfunde* cit. (footnote 4), pp. 149-150; MEIJERS, *Les glossateurs* cit. (footnote 2), pp. 137-138.

35. See Appendix 2.

36. SECKEL, *Quellenfunde* cit. (footnote 4), pp. 115-129 and 149-150.

37. WEIMAR, *Die Handschriften* cit. (footnote 7), p. 68.

with the *Libri feudorum* relied on the printed edition *Asti 1518*, transmitting the *editio princeps* derived from a lost antigraph³⁸. Today we know of nine manuscripts:

1. WIEN 2094, ff. 29r-52v;
2. EL ESCORIAL, Real Biblioteca de San Lorenzo, E.I.10, ff. 1-59 (*El Escorial E.I.10*);
3. PARIS, Bibliothèque Nationale de France, Lat. 4604, ff. 55r-67r (*Lat. 4604*);
4. PARIS, Bibliothèque Nationale de France, Lat. 4677 ff. 1ra-55ra (*Lat. 4677*);
5. PARIS, Bibliothèque Nationale de France, Lat. 16008, ff. 1-65 (*Lat. 16008*);
6. PARMA, Biblioteca Palatina, Lat. 1227, ff. 23-53 (*Parma 1227*);
7. NAPOLI, Biblioteca Nazionale, III.A.32 (*Napoli III.A.32*);
8. MADRID, Biblioteca Nacional, 577, ff. 117r-144r (*Madrid 577*);
9. LA SEU D'URGELL, Arxiu Capitular, ms. 2042, 2, ff. 89ra-104rb (*Urgell 2042*)³⁹.

When I first approached these manuscripts, I aimed to identify which one could be considered the closest to the *editio princeps*, expecting to find only minor differences. In a first survey, I noticed that even though mss. 1, 2, 4, 5, 6, and 7 contained references to the *Liber Extra*, and were thus successive to 1234, mss. 3, 8, and 9 did not transmit these citations. Therefore, I focused on them and realised that they presented a similar, peculiar structure and a text considerably shorter than that of the other traditions: they seemed incomplete, some chapters were entirely missing, and their citation apparatus drew from a much poorer corpus of legal sources. Since I suspected that *Lat. 4604* (ff. 55r-67r) transmitted the most ancient tradition, I analysed in depth this manuscript, comparing the results with evidence from *Urgell 2042* and *Madrid 577*⁴⁰. The three traditions, all early fourteenth-century copies,

38. The only exceptions are the mentioned work of Seckel and a tangential interest of Vittore Colomi in a study about the « lost laws of Roncaglia »: V. COLONI, *Le tre leggi perdute di Roncaglia*, in *Scritti in memoria di Antonino Giuffrè*, 1, Milano, 1966, pp. 111-170.

39. LANGE, *Römisches cit.* (footnote 15) p. 281, does not indicate the mss. *Madrid 577* and *Urgell 2042*, which are nonetheless listed in the database *Manuscripta Juridica*, developed under the direction of G. R. Dolezalek (<http://manuscripts.rg.mpg.de/>).

40. I was initially convinced to base my analysis on *Urgell 2042*. However, the reading of *Lat. 4604*, which should have served only to verify my hypotheses, convinced me to use the Parisian manuscript, as it transmitted a less accurate citation apparatus than both *Urgell 2042* and *Madrid 577*. Its imperfections result clearly from the following footnotes. Even though

differ from each other only under minor aspects, mostly the formulation of some sentences and the use of abbreviations, but bear a similar rubrication. References to Canon law sources in *Lat. 4604* suggest a dating of this stage of the *Summa* well before 1234. Of eighteen citations, four are to the *Decretum Gratiani*⁴¹; one, deceptively to the *Decretum*, refers instead to a decretal of Pope Celestine III (1191–1198) collected in the *Compilatio secunda* (1210–1218)⁴²; one is to the *Compilatio prima* (1187–1191)⁴³; ten are to the *Compilatio tertia* (1210)⁴⁴.

The two remaining references to Canon law are to a decretal of Innocent III: « In Const(itutione) Innoc(entii) Cap(itulo) Excommunicamus § Si vero dominus » (*Lat. 4604*, ff. 58vb, 59va). This constitution was issued during the fourth Council of Lateran (1215) and was part of the *Compilatio quarta* (Comp. IV. 5.5.2), published between 1218 and 1226. Iacobus did not quote this code but cited the decretal as an individual law. Although all these sources date before 1218, Iacobus must have written this first version of the *Summa* after 1220, since the mention of Emperor Frederick II, crowned that year, is present (*Lat. 4604*, f. 65va). However, Iacobus did not use the constitution *Ad decus* issued at the emperor's coronation ceremony, which had absorbed the paragraph § *Si vero dominus* of the above-mentioned decretal of Innocent III⁴⁵. Although he would do so in the later versions of the

only further comparison of the three traditions may dispel any doubt on the matter, I took low accuracy as a first proof of *Lat. 4604* to derive from an earlier tradition.

41. The references to the *Decretum* in *Lat. 4604* are: *XV q. III, Aliis, et C. ult(imo)* [Decr. C. 15 q. 6 c. 3 (*Alius*) and c. 5 (*Iuratos*)] (ff. 58vb, 59va); *XI q. III, Non semper, et C. Si dominus ei iubet*; [Decr. C. 11 q. 3 c. 92, 93] (f. 58vb); *XXXIII, In lectum* [Decr. C. 34 q. 1 c. 6] (f. 59vb).

42. *Decretum, De excessibus prelatorum (in subditos) § Sicut unire* [Comp. II, 5.13.4] (*Lat. 4604*, f. 60vb).

43. *Extra De purgatione canonicorum. Quotiens in fine* [Comp. I, 5.29.4] (*Lat. 4604*, f. 65vb).

44. The references to the *compilatio tertia* in *Lat. 4604* are: <Extra III> *De electione et electi po(testate), Venerabilem* [Comp. III 1.6.19] (f. 55va, 65va); *Ex(tra) <III> De Donac(ione), L. III* [Comp. III. 3.18.2 = X. 3.24.5] (ff. 55vb and 56ra); <Extra III> *De feu(dis), Cap. I, Lib. Tercio* [Comp. III, 3.16.1] (f. 60vb); *Ex(tra) III. De feu(dis), Cap. Ex parte* [Comp. III. 3.16.2 = X. 3.20.2] (ff. 55vb, 62va); *Ex(tra) III De ca(usa) p(ossessionis)et propri(etatis), Cap. I, § Per nos igitur, § Venum* [Comp. III, 2.5.1] (f. 56vb); *Ex(tra) III De evict. iurati [= De iureiurando], C. Veniens in fi.* [Comp. III. 2.15.5] (f. 59ra); *Ex(tra) III De iuramento (!), C. Decrevimus* [Urg. 2042: Ex. III. De iureiuran(do), C. Ea te credimus: Comp. III. 2.15.8] (f. 59ra).

45. Incidentally, Iacobus inserted the constitution, including Innocent III's decretal, under title Extr. VI. 1: see Appendix 2.

Summa, at this stage, he did not cite imperial legislation after Frederick I's (1152-1190).

The rubrication of *Lat. 4604* is incomplete – the headings of some titles and chapters are missing, and a blank space is left where the scribe should have copied the text in red ink (*rubrum*). Headings and blank spaces point towards a division into thirteen titles, whose headings I obtained from the text after the blank. For example, I derived title *De compositione i(dest) de pace tenenda et componenda*, which reports a blank space, from the first words of the following text: « supra-dictum est de interpellatione et de contentione, unde consequenter apponit de compositione i(dest) de pace tenenda et componenda » (*Lat. 4604*, f. 66vb). Analysing the reference apparatus, I reconstructed the titles composing the version of the *Libri Feudorum* upon which Iacobus relied. Such references are usually expressed by title, chapter – only occasionally – and paragraph, as follows:

i(nfra) De successione feudi (C. Si quis fuerit) § Nam

Mentions of chapters occur quite inconsistently even in citations to the same paragraph, making problematic any attempt to reconstruct the subdivision in detail. However, the titles appeared very clearly and enabled a comparison between the structure of the *Summa* and the version of the *Libri Feudorum* Iacobus was using.

4. IACOBUS'S *SUMMA* AND THE FIRST *EXTRAVAGANTES* COLLECTION (O'-S)

Lat. 4604 transmits a tradition of the *Summa* which is subdivided into thirteen titles: A-M and title *De pace tenenda*. Its citation apparatus reflects a manuscript of the *Libri* containing five more titles: N, O, *Que sit forma sacramenti fidelitatis*, *Quod sit sacramentum fidelitatis iurandum*, *De pace Constanciae*. Table 1 sheds light on four elements. (1) As Laspeyres proved for *Asti 1518*, also *Lat. 4604* offers a *Summa Feudorum* which is a collection of *summae* to each title of the *Libri*, of which it reproduces the order. (2) This *Summa*, however, does not encompass all the titles of the *Libri* it cited and is, therefore, an incomplete draft; *Asti 1518*, indeed, covers all the text proper of the *Libri* (A-O) plus titles T-Y. (3) In *Lat. 4604*, the *summa* to title *De pace tenenda* (LF II. 27) occurs after the *summa* to title M (LF II. 24-26), which is the exact position it has in the *recensio ardizoniana* and the *vulgata*. (4) The *Libri* which Iacobus used at this stage were thus a

Tab. I. Synoptic table of the titles of the *Summa Feudorum*, the *Libri Feudorum* and the *Liber Ardizonis*. Source: *Lat. 4604* (Columns 1-2); *Asti 1518* (Columns 3-4)

Titles of SF in <i>Lat. 4604</i>	Titles of LF in the apparatus of <i>Lat. 4604</i>	Titles of SF <i>Asti 1518</i>	Titles of L. <i>Ard.</i> in the apparatus of <i>Asti 1518</i>
[Proemium, Book 1] A. [Quibus modis feudum acquiritur] B. [Quibus modis feudum amittitur] C. De natura feudi D. De successione feudi E. [De contentione feudi] F. [Qualiter usus beneficii sit tenendus] G. [Qualiter iudicium feudi sit examinandum] [Book 2] H. Explicit liber primus J. [Qualiter iurare debeat vasallus] K. Novum non paternum L. [Quibus causis feudum amittitur]	[Book 1] A. Quibus modis feudum acquiritur B. Quibus modis feudum amittitur C. De natura feudi D. De successione feudi E. De contentione feudi F. Qualiter usus beneficii sit tenendus G. Qualiter iudicium feudi sit examinandum [Book 2] H. Explicit liber primus [De cognitione feudi] J. Qualiter iurare debeat vasallus K. Novum non paternum L. In quibus causis feudum amittitur - De pace tenenda M. Si de feudo vasallus fuerit interpellatus N. Hic incipiunt consuetudines regni O. Qui debeat succedere in feudum - Que sit forma sacramenti fidelitatis - Quod sit sacramentum fidelitatis iurandum - De pace Constantie	[Proemium, Book 1] A. Quibus modis feudum acquiritur (c. 1-54) B. Quibus modis feudum amittitur (c. 55-133) C. Que sit natura feudi (c. 136) D. De successione feudi (c. 137) E. De contentione feudi (c. 138) F. Qualiter usus beneficii sit tenendus (c. 139) G. Qualiter iudicium feudi sit examinandum (c. 140) [Book 2] H. De feudi cognitione (Explicit liber primus) (c. 141) J. Qualiter iurare debeat vasallus fidelitatem (c. 142) K. Quod sit novum feudum et paternum (c. 143) L. In quibus causis feudum amittitur (c. 144) M. De interpellatione feudi (c. 145) N. De consuetudinibus regni (c. 146) O. Qui de consuetudine regni in feudum succedant (c. 147)	[Book 1] A. Quibus modis feudum acquiritur B. Quibus modis feudum amittitur C. De natura feudi D. De successione feudi E. De contentione feudi F. Qualiter usus beneficii sit tenendus G. Qualiter iudicium feudi sit examinandum [Book 2] H. Explicit liber primus (De cognitione feudi) J. Qualiter iurare debeat vasallus K. Novum non paternum L. In quibus causis feudum amittitur M. Si de feudo vasallus fuerit interpellatus N. Hic incipiunt consuetudines regni O. Qui debeat succedere in feudum [O] [P] [Q] [R] S. De pace Constantie Extr. I. De capitulis extraordinariis... Extr. II. De feudis et beneficiis... Extr. III. De forma et sacramento fidelitatis Extr. IV. De pace et tregua tenenda et componenda Extr. V. De privilegio scolastico Extr. VI. De privilegiis ecclesiarum - De pacis inferendis [extra summam] (c. 153)

copy of the *recensio ardizoniana* transmitting title *De pace tenenda* in the place it would maintain in the *vulgata* but not containing the two collections of *extravagantes* as they are transmitted in *Wien 2094*.

Lat. 4604 provides thus a snapshot of the copy of the *Libri Feudorum* owned by Iacobus before he started working on the *Liber Ardizonis*. However, as the citation apparatus contains as *extravagantes* almost all the sources that would soon enter the collection O'-S, therefore, it is evident that Iacobus was its author. I propose a brief analysis of this material, title by title, highlighting how Iacobus organised it. The structure of these titles is outlined in Appendix 1, in which I inserted after the chapters composing titles O'-S the reference to their occurrence in the second *extravagantes* collection, which I outline in Appendix 2.

Title O' [*Qui debeant succedere in feudum*]⁴⁶. All the chapters constituting this title appear in *Lat. 4604*: the *Constitutio de beneficiis* of Emperor Conrad II (1037) [O. 3 = Extr. II. 32], the constitutions of Roncaglia of Emperor Lothar II (1136) [O. 4 = Extr. II. 23 = *LF* II. 52 part I]; the dubious constitution *De militum* attributed to Emperor Henry III (1047-56)⁴⁷ [O. 5 = Extr. II. 33], which oddly appears in *SF U* § 1 (*Asti 1518*, f. 35vb), but in no manuscript tradition; the constitution *Imperialem decet solertiam* of Emperor Frederick I, issued at Roncaglia in 1158 [O. 6 = Extr. II. 24 = *LF* II. 55]. All these imperial laws reached Iacobus's second collection, under title Extr. II. It is very likely that Iacobus found them among the *extravagantes* of his copy of the *LF*. The *Constitutio de beneficiis*, for instance, recurs in eleven of the twenty-three manuscripts bearing *extravagantes*, according to Weimar's survey; Lothair's constitution in fifteen, the *Imperialem*, in twenty-one⁴⁸. The only doubt might concern the *De militum*, which only the gloss of *Wien 2094* defines « *hec lex est extravagans* » but is not listed by Weimar.

Title P *Que sit forma sacramenti fidelitatis et qualiter debeat vasallus iurare*. *Lat. 4604* makes only three references to two titles related to the oath of fealty: *Que sit forma sacramenti fidelitatis* (*Lat. 4604*, f. 66vb) and *Quod sit sacra(mentum) fidelis iura(ndum)* (*Lat. 4604*, f. 66va, 66vb).

46. *Wien 2094*, f. 72rb, does not detach this first group of *extravagantes* from title O of the text proper, whose heading is *Qui debeant succedere in feudum*.

47. The constitution *De militum* is probably attributable to Lothair III (1127): *LOTHARIUS III, Constitutiones, M. G. H., Leges IV/1*, p. 104.

48. WEIMAR, *Die Handschriften* cit. (footnote 7), p. 98.

Title P includes six chapters from the *Decretum* which reached the second collection (P. 1-6 = Extr. III. 1, 2, 3, 8, 6, and 9 respectively); P. 1 is the mentioned letter of Fulbert of Chartres (*LF* II. 6 in the *vulgata*). P. 7 is the ‘customary’ feudal oath also included in the *vulgata* (= Extr. III. 29 = II. 7pr), whereas P. 8 is an unknown formula⁴⁹. The first part of the heading of title P matches exactly the first of the two ancient titles mentioned in *Lat. 4604*, which may suggest, very tentatively, that Iacobus had at least part of the former – maybe the batch derived from the *Decretum* – already available at the time. The second of the titles mentioned in *Lat. 4604* might refer to P. 8, as the similarity of the texts suggests⁵⁰.

Title Q *De pace tenenda*. *Lat. 4604* contains references to all the twelve chapters that would constitute title Q. The first one is the mentioned constitution of Frederick I *De pace tenenda* (Q. 1 = Extr. IV. 14 = *LF* II. 27)⁵¹. Then, there are twenty-two references to another constitution of Frederick I, the law *Hac edictali*, which reached the *vulgata* as *LF* II. 53-54; nonetheless, under the heading *Hac edictali* Iacobus cited three different sources. The first one is the original text of the constitution (Q. 2 = Extr. II. 15 = *LF* II. 53)⁵². The second one is a text that both *Lat. 4604* and title Q attached at the end of the *Hac edictali*, as it appears in the *vulgata* (Q. 3 = *LF* II. 54)⁵³ but that

49. « Qui fidelitatem iurant, hoc modo iurant: “ego ero fidelis domino meo sicuti meo patri fidelis esse debeo. Ego non ero in consilio vel in facto ut perdat vitam vel rectum suum honorem. Et si quis contra fecerit, ego sibi providebo bona fide per me vel per meum nuncium. Et credencias quas michi commiserit salvas habebo sine fraude et malo ingenio. Sic Deus me adiuvet et hec Sancta Evangelia”. Et hoc prioribus dominis non existentibus. Si vero dominos anteriores habeat, dicet: “priorum dominorum fidelitate excepta et salva fidelitate imperatori” »: SECKEL, *Quellenfunde* cit. (footnote 4), pp. 95-96. See: Appendix 2.

50. *Lat. 4604* f. 66vb: « Et id quod sub debito fidelitatis ei commissum fuerit in credenciam ad dampnum domini non manifestabit [...] infra Quod sit sacra(mentum) fidelis iu(randum), in fine »; P. 8: « [...] credencias quas michi commiserit salvas habebo sine fraude et malo ingenio [...] ».

51. Title *De pace tenenda* is mentioned nine times in *Lat. 4604*: § *Si vero pacis violator* in fi. (f. 58ra); § *Quicumque quibus* (f. 58ra); § *Si (t)res* (ff. 65va, 66va); § *Si interst.* (= *Si ministeriales*) (f. 65va); § *Si duo* (ff. 65vb, 66va); § *Miles rusticum* (f. 65vb); § *Si alium iudicem* (= *Si ministeriales*) (f. 66rb).

52. The seven references in *Lat. 4604* are: *i(n)fra* *Con(stitutio)ne* *Fre(derici) Hac edictali* § *Et si quis temerario* (55vb; 62vb, 67ra, 67ra); § *Hac edictali lege in perpetuum valitura ut omnes* (56vb); .i. resp(onso) (66vb); § *Indices* (67ra).

53. *Lat. 4604*: *i(n)fra* *Con(stitutio)ne* *Fre(derici) Habere Consilia* [but *Urgell 2042: Hac edictali lege*] § *Ut aequitas* (ff. 55va, 60rb).

the second collection of Iacobus puts under a different title, Extr. II.26, still attributed to Frederick I. This element encourages some doubts on the authenticity of these paragraphs⁵⁴. The last source cited under the heading *Hac edictali* (Q. 4-12) corresponds to *LF* II. 58, a collection of glosses known as *De notis feudorum*. Iacobus cited these chapters as if they were an integral part of the imperial constitution. E.g., paragraph *Notandum est*, the incipit of title *De notis feudorum* (Q. 4 = *LF* II. 58 pr.), appears as « in constitutione Frederici Hac edictali § Notandum est quod domini ». It seems likely that Iacobus originally deemed this source as an extension of the imperial constitution, maybe meticulously following the text he was using, and realised the mistake only later. Indeed, his second collection has Q. 4-12 under title *De capitulis extraordinariis et alterius compilationis feudorum* (Extr. I. 1-11). The analysis of title Q confirms that Iacobus began his work on the *Liber Ardizonis* on a version of the *Libri* which differed from the one of Pilius in that *LF* II. 27 was in the same place as in the other traditions of the *recensio ardizoniana*. Iacobus's choice to move it from the original position to a separate title among other imperial laws is all the more reasonable if one considers that the *De pace tenenda* in the *recensio ardizoniana* and the *vulgata* divides two batches (*LF* II. 25-26 and II. 28-51) which are entirely based on the Milanese judicial practice.

Title R. *Que sint regalie*. This title presents a striking singularity, for neither the manuscripts nor *Asti 1518* reports citations to the sources it encloses. It contains the chapter *Regalie*, which would eventually reach the *vulgata* (R. 1 = Extr. II. 27 = *LF* II. 56), and the three so-called 'lost laws' of Roncaglia (R. 2-4 = Extr. II. 28-30), which Frederick I enacted in 1158. It is likely that these four laws were originally transmitted as one batch, even though the last three were erased from the Accursian *recensio*. Vittore Colorni found a transcription of them in *Lat. 4677* just after the text of Iacobus's *Summa*⁵⁵. Although Iacobus never cited these sources in the *Summa*, he eventually moved them as one batch to his new collection (Extr. II. 27-30). The Pseudo-Revisigny, in his mid-thirteenth-century *Summa feudorum*, cited the law *Omnis iurisdictio* under title *De regalibus* (as in R. 2). Since he cited

54. This second group is, according to Lehmann, a « falsatio in favorem ecclesie »: LEHMANN, *Das langobardische* cit. (footnote 3), p. 179. See also FRIDERICUS I, *Constitutiones*, M.G.H., *Leges* IV/1, p. 247.

55. COLORNI, *Le tre leggi* cit. (footnote 38).

also titles from the second collection of Iacobus, it is very likely that he had to hand an extended version of the *Liber Ardizonis*⁵⁶.

Title S *De pace Constanciae*. In *Lat. 4604* there are eleven citations to the Peace of Constance (1183), which became title S of the *Liber Ardizonis*⁵⁷. The text occurs as an *extravagans* in only two of the twenty-three manuscripts surveyed by Weimar⁵⁸, yet its broad circulation in the thirteenth century is undoubted⁵⁹. In the second *Extravagantes* collection, it appears as dissected in several parts: Extr. II. 31 and Extr. III. 26–27. The Pseudo-Revigny cited this title as well⁶⁰.

5. FOR A CHRONOLOGY OF IACOBUS'S EARLY WRITINGS

The author of the glosses to *Wien 2094* suggested that the titles after S. *De pace Constanciae* were « alii tituli libri sui »⁶¹, inducing Seckel to deem this title as the last one of the *Liber Ardizonis* and what followed as the *extravagantes* collection. However, considering that Iacobus wrote *summae* on the first four titles of this collection (Table 1), it is licit at least to think that he conceived them as an integral part of the *Liber Ardizonis*; all the more so, if one considers that he did not treat O-S at all, once he had dissected its content in a wider and more systematic compilation. To clarify this passage, I try to put in order the chronology of Iacobus's early writings by comparing the new manuscript evidence with the studies on his life and other works.

In the 1220s, Iacobus owned a copy of the *recensio ardizoniana* containing several *extravagantes* and, soon after he returned from Bologna to Verona, used it as a reference to write a first draft of the *Summa*. Five elements, which have been used as proofs to determine the date of Iacobus's works, can be now re-examined: (1) the legal sources he used and cited. Then, three elements he mentioned in the *prooemium*

56. *Ibid.*, p. 134. On the Pseudo-Revigny and the *Liber*: see footnote 75 and chapter 8.

57. *Lat. 4604*: § *In caus(is) ap(pellacionum)* (55rb); § *Vasalli qui tempore* (56va, 59ra, 59va); § *Libellarie* (61va); § *In civitate illa* (65va); § *si qua controversia* (65va, 65va); § *Omnes de societate* (66vb); § *Consules* (67ra); § *Si qua vero civitatum* [by mistake under the *Hac edictali*] (67ra).

58. WEIMAR, *Die Handschriften* cit. (footnote 7), p. 98.

59. G. DOLEZALEK, *Der Friede von Konstanz 1183 in der Literatur des "Jus Commune"*, in *Gli inizi del diritto pubblico*. 2, a cura di G. DILCHER, Bologna, 2009, pp. 277–307.

60. COLORNI, *Le tre leggi* cit. (footnote 38), pp. 134 f64.

61. SECKEL, *Quellenfunde* cit. (footnote 4), p. 144.

of the *Summa*: (2) the death of his master Azo; (3) the death of his father; (4) the internal seditions of Verona. Eventually, (5) the date of Jean Blanc's return to Marseille.

1. I showed that Iacobus, at this stage, used legal sources dating before 1218, even though he wrote the treatise after the coronation of Frederick II (1220). In this draft, he cited his *summa De decurionibus* (*Lat.* 4604, f. 65va: « ut notavi in summa C(odicis) De decurio(nibus) § Sexto »). This treatise is usually dated as successive to 1233 since Iohannes from Vicenza appears as *podestà* of Verona, an office he fulfilled that year⁶². Nonetheless, also the *De decurionibus* cites the *Summa feudorum*, making the entire argument circular. Evidently, Iacobus followed in this work the same *modus operandi* as in his feudal treatise, updating its content in different stages. Quite interestingly, the *De decurionibus* on the one hand refers to a paragraph which appears in both the first and later drafts of the *Summa feudorum*⁶³, and on the other one cites, among some chapters of the *Libri*, the constitution *Federici Imperialem*⁶⁴ as an individual law. Iacobus included this law under O. 6 in his first collection and under Extr. II.24 in the second one. Thus, when he deemed the *De decurionibus* as complete, he had not compiled O'-S yet, and referred to the same copy of the *Libri* he utilised when he wrote the first draft of the *Summa*. This clue suggests that he concluded the *De decurionibus* in 1233-1234, and that, at this stage, the collection O'-S was not finished yet.

2. The first version of the *Summa Feudorum* was written shortly after the author's studies in Bologna, where he attended the lessons

62. LANGE, *Römisches* cit. (footnote 15), p. 282. IACOBUS DE ARDIZONE, *Summa de decurionibus* cit. (footnote 13), f. 447b: « Veruntamen ubi solus est aliquis qui debet eligere, licet Gadaldianus de Englaro ac frater Ioannes Vicentinus super ducatu et potestaria Verone et Englarii contra fecerint (!) ». *Englarium* corresponds to the modern Angiari, a village in the Veronese contado. On the *potestaria* of Iohannes see: *Syllabus potestatum Veronensium (1194-1305)*, in *Antiche cronache veronesi*, a cura di C. CIPOLLA, Venezia, 1890, p. 391. Gabaldianus de Angiari is probably a *miles*, vassal of the cathedral chapter of Verona, dead by 1222: E. MARINO, *Il Capitolo della cattedrale di Verona ad Angiari dall'alto medioevo agli Scaligeri: proprietà e signoria*, in *Angiari. Il territorio, la storia, il patrimonio artistico*, a cura di B. CHIAPPA, Angiari (Vr), 1998, pp. 38-39.

63. IACOBUS DE ARDIZONE, *Summa de decurionibus* cit. (footnote 13), f. 449a: « Et ad hoc multa argumenta invenies in summa quam feci de feudis, in titulo De success(sione) feu(di) § Sed queritur an filius emancipatus »; this paragraph appears in *Lat.* 4604, f. 63rb.

64. IACOBUS DE ARDIZONE, *Summa de decurionibus* cit. (footnote 13), f. 446a: « Qualiter usus beneficij § Si vero fuerit contemptio; C. Qualiter in feu. § Inter dominum; C. Novum [non paternum] § Illud tamen, et in sequenti § Quaesitum; in ti(tulo) Hic incipit L. Coradi § .i. et .ii., in Consti(tucione) Fede(rici) C. Imperialem § Ulti ».

of Azo, and, after his death, of Hugolinus Presbyteri. The general disagreement about the date of Azo's death – interpretations vary from 1220 to 1233 –, and the fact that recent studies use the dating of the *De decurionibus* and its citation to the *Summa* as a source to determine it⁶⁵ convinced me to discard this argument as potentially circular.

3. Iacobus remembered in the *prooemium* his father Ardizo 'de Broilo', in commemoration and honour of whom he used the signature « AR. ». He then added that « one shall bring honour to the living as well as to the dead »⁶⁶. Therefore, Ardizo was already dead when Iacobus finished the *Summa*. The *terminus post quem* for the completion of this first *summa* would consequently be between January 1226 – the last appearance of Ardizo as alive – and January 1230, when he is mentioned as already deceased⁶⁷.

4. In the *prooemium*, Iacobus also wrote that he completed his « summula » in the « destructibile tempus » of the internal subversion of the once great Verona. On this point, neither Laspeyres nor Varanini was correct. First of all, Laspeyres was not aware of the earlier traditions of the *Summa*, which Iacobus probably concluded before 1233 and in which he already mentioned the Veronese internal wars. Therefore, Iacobus could not refer to 1234-1240, as Laspeyres suggested; nor could he refer to the 1250s, as Varanini thought⁶⁸. It is likely that Iacobus had in mind the time of the exhausting wars which opposed the urban factions since the last months of 1225. This conflict underwent a series of violent outbreaks until 1236, with the stabilisation under

65. E. CONTE – L. LOSCHIAVO, *Azzone*, in *Dizionario biografico dei giuristi Italiani (XII-XX secolo)*. I, a cura di I. BIROCCHI – E. CORTESI – A. MATTONE – M. N. MILETTI, Bologna, 2013, pp. 137-139; N. SARTI, *Sull'identità del 'dominus Iacobus qui Ianuae in equo armatus tulit sententiam'*. *Intorno a una nuova fonte*, in *Rivista di Storia del Diritto Italiano*, 62 (1989), pp. 363-382.

66. *Lat. 4604*, f. 55ra: « Mihi Iacobo de domino Ardeçone de Broilo, a quo origine sumpsit [...] ad cuius commemorationem et honorem signum AR glosulis meis et sumulis apposui, persona cuius mihi semper honesta ac sancta debet apparere [...] cui tam vivo quam mortuo debet honor exhiberi ».

67. Varanini suggests that Ardizo died in an unknown date between 1225 and 1230: VARANINI, *Iacopo di Ardizzone* cit. (footnote 16), p. 259. I found more detailed evidence in CITTÀ DEL VATICANO, Archivum Secretum Vaticanum, Fondo Veneto I, perg. 9205 (23 January 1226), and 9433 (15 January 1230): the latter was drafted in the « domus domini Iacobi cauidici et suorum fratrum filii quondam domini Ardicionis cambiatoris ».

68. *Supra*, footnotes 11-13 and 17-20 and the corresponding text.

Ezzelino's government and the ultimate defeat of the marquises d'Este. The series of political upheavals between 1225 and 1236 – and later ⁶⁹ – prove that, in the eyes of Iacobus, who perceived himself as *super partes* and put effort in the pacification process, any year could fit the generic description « *seditio intrinseca* ».

5. Laspeyres believed the *Summa* to be completed before Jean Blanc came back to Marseille, in 1240, a date which Giordanengo proved to be 1237 ⁷⁰. This date may match, as we will see, some of the later version of the treatise. However, Jean Blanc knew Iacobus was dead when he concluded his feudal law opus, an element which dates its conclusion after 1254 ⁷¹. It is well possible that Jean Blanc received an updated copy of the *Summa* after 1237. After all, it had a broad circulation, as the diffusion of early fourteenth-century copies proves, and was known and glossed by other French scholars such as Jacques d'Orleans.

Now that I have pondered the elements traditionally used to date the *Summa*, it is possible to propose a hypothesis which take into account the development of Iacobus's writings. In the later versions of the treatise, Iacobus admitted to having written his *opus* « suddenly » after the end of his studies in Bologna: « *ab eisdem* [Azo and Hugolinus]

69. On the attempt of reconciliation in June 1230: G. M. VARANINI, *Primi contributi alla storia della classe dirigente veronese del Duecento. Un documento del giugno 1230*, in *Viridarium floridum*. Studi di storia veneta offerta dagli allievi a Paolo Sambin, a cura di M. C. BILLANOVICH - G. CRACCO - A. RIGON, Padova, 1984, pp. 191-228. Until then the war had been continuous: Ezzelino da Romano took over Verona in the last months of 1225, exiling all his political opponents, followers of the counts San Bonifacio and the marquises d'Este. In 1228, the Lombard League imposed a government of members of both factions, whose last act was the mentioned pacification in 1230, which failed. Indeed, that year Ezzelino took the city by force, imprisoning his rival Count Rizzardo; in 1231, the League freed Rizzardo and imposed an external rector, soon expelled (1232) by Ezzelino, who had gained the support of Emperor Frederick II. In 1233, the Dominican preacher Iohannes from Vicenza, counting on a large popular consensus – people were evidently exhausted of the endless wars – was elected *podestà* of Verona and tried to reconcile – without success – the two factions. For two years, Verona, even though under Ezzelino's control, was governed alternatively by rectors of the League and imperial legates. Only in 1236, with the support of Frederick II, Ezzelino took over the city, which he ruled, directly or not, until his death, in 1259: SIMEONI, *Il comune veronese* cit. (footnote 11); VARANINI, *Il comune di Verona* cit. (footnote 18).

70. *Supra*, footnotes 14-15 and matching text.

71. JEAN BLANC, *Epitome iuris feudorum*, Coloniae, 1565, f. 90: « Iacobus de Ardizone, compositor alterius summae feudorum, sed salva eius reverentia et pace ». See: GIORDANENGO, *Jean Blanc* cit. (footnote 15).

collectis hincinde argumentis [...] repente visum fuit mihi utile summulam [...] componere » (*Wien 2094*, f. 29rb). The term « repente » does not occur in the early versions – *Lat. 4604*, *Urgell 2402*, *Madrid 577*, and, as we will see, *Lat. 4677*. In other words, he would remember only some years later of this decision as « sudden ». Thus, he must have begun to write not too shortly after his return to Verona, which seemingly occurred in 1228. The year after, he was *iudex appellacionum*, an office he cited in the first draft of the *Summa*: « vel etiam a sententia alicuius appellando, cum et quandoque iudex appellacionis in deterius proferat sententiam »⁷².

Another passage of the first draft reports that Iacobus concluded it in a moment of separation from the administrative and political life of the city, relieved from any other task, « aliis sollicitudinis destitutus ». In light of the new archival evidence, the likeliest hypothesis is that he completed this early version during a period of absence from the documentation successive to 1229. The only possible time span is between June 1230, when he took part in a failed attempt to pacify the opposing factions, and February 1233, when, after almost three years, he reappears in the records, now the leader of his family⁷³. Even though the reasons of this eclipse are not clear – they might simply be an archival casualty – from then on Iacobus occurs in the records regularly, and there is no other plausible period of separation from public life. Be it as it may, whether in Verona or somewhere else, Iacobus must have started writing the first draft around 1229 and completed the version transmitted in *Lat. 4604* by 1233 or 1234. This *terminus* matches the fact that in that period he was seemingly concluding the *De decurionibus*, but the collection O'-S was not compiled yet.

6. THE EVOLUTION OF THE *SUMMA* AND THE SECOND *EXTRAVAGANTES* COLLECTION

After the completion of O'-S, arguably around 1234 or shortly after, Iacobus began the systematisation of a massive corpus of sources in a

72. Citation from: *Urgell 2042* f. 89ra. *Lat. 4604*, f. 55ra is illegible because of a large stain of humidity.

73. CITTÀ DEL VATICANO, Fondo Veneto I, perg. 9524: 4 February 1233, Verona *in civitate in hora S. Cecilie in domo dominorum Iacobi caudidici, domini Carlaxarii, Nasscinbene et Omneboni fratrum filiorum q. domini Ardiçonis*.

new *extravagantes* collection. We have seen that *Wien 2094* is the only available source for its tradition and transmits it in two forms: as the last four titles in the index of the *Liber Ardizonis* (T–Y), which match the first four titles (Extr. I–IV) of a wider collection (Extr. I–XV). As *Asti 1518* cites only part of this material, Seckel believed Iacobus to be the compiler of just Extr. I–V, VI. 1–2, and VII. 2 (App. 2), excluding thus from further analysis Extr. VIII–XV⁷⁴. New interesting evidence on this collection came from the *Summa feudorum* of the Pseudo-Revisny, apparently written towards 1250⁷⁵ and whose apparatus refers to five titles of Iacobus's *extravagantes* collections, plus one whose tradition is also related to Iacobus⁷⁶. These citations provide an interesting insight on the early diffusion of the *Liber Ardizonis* and confirm its deep entanglement with the writing of the *Summa*, whose analysis is now necessary to understand the development of the former.

First of all, I need to clarify that the rubrication of the printed edition does not reflect the distribution of the text, and is in fact quite misleading. The *summae* to the first two titles include 135 rubrics out of a total of 153 (88%) whereas they cover only 58% of the text; the last titles, on the other hand, are considerably longer⁷⁷. As the rubrication of the printed editions is no reliable indicator for the structural analysis of the *Summa*, I will follow the subdivision described in column three and four of Table 1. As the tradition of the second *extravagantes*

74. SECKEL, *Quellenfunde* cit. (footnote 4), pp. 115–129.

75. Pecorella attributed this treatise to Jacques de Revisny: IACOBUS DE RAVANIS, *Summa feudorum*, a cura di C. PECORELLA, Milano, 1959 [1st ed. 1957]. Robert Feenstra convincingly rejected this hypothesis in R. FEENSTRA, review of C. PECORELLA, *Jacobus de Ravanis. Summa feudorum*, in *Tijdschrift voor Rechtsgeschiedenis*, 25 (1957), pp. 411–416. Kees Bezemer attributes this treatise to Iacobus Balduini, who died in 1235, and suggests that the occurrence of later sources is due to an updating carried out by Balduini's pupils: K. BEZEMER, *Jacobus Balduini: probably the author of the Summa feudorum Parmensis*, in *Tijdschrift voor Rechtsgeschiedenis*, 74/3–4 (2006), pp. 325–335.

76. *Quae sint regalia* (= title R); *De pace Consantiae* (= title S); *De capitulis extraordinariis* (= title T = Extr. I), *De feudis et beneficiis constitutiones imperiales* (= title U = Extr. II), *De privilegiis ecclesiarum et quarundam personarum* (= title Extr. VI). The last title is *De quibusdam aliis capitulis extraordinariis de feudis*: COLORNI, *Le tre leggi* cit. (footnote 38), pp. 134–136. On its attribution, see chapter 7.

77. *SF A* corresponds to *SF 1–54* in *Asti 1518* (ff. 3ra–11va); *SF B* to *SF 55–135* (ff. 11va–25rb). *SF C* (f. 25rb) is relatively short, but *SF D* (ff. 25rb–30va) covers twenty-one columns of text, corresponding to only one rubric. *SF E* (ff. 30vb–32vb) covers nine columns, again under only one rubric. On average, every rubric of *SF A* covers just 0.64 columns (35 columns, 54 rubrics); *SF B*: 0.71 columns per rubric (58 to 81).

collection is quite complex, to avoid possible confusion, I use expressions such as *SF T* to refer to the *summa* to title T, *SF U* for the *summa* to title U, and so on. When I refer to the matching titles of the *Liber Ardizonis*, I stick to Seckel's nomenclature: Extr. I (= T), II (= U), III (= X), IV (= Y).

The treatise is a collection of *summae* to every title of the *Libri* – and then, in its later versions, of the *Liber Ardizonis*. The structure of the latter, thus, shaped the structure of the former. However, since some titles of the *Liber* dealt with similar topics – such as title D. *De successione feudi* and title O. *Qui debeant succedere in feudo*, both treating the succession to fiefs – Iacobus would discuss the matter only in its first occurrence. Thus, *SF D* consists of an extensive discussion, whereas *SF O* contains just a brief reference to the first one. This *modus operandi* entails an evident disproportion in the distribution of the text, which is considerably larger in the first sections of the opus. According to this methodology, Iacobus devoted extensive treatment to just seven titles of the first thirteen titles – excluded thus the sections after O', which I discuss separately. The subjects he treated are respectively: a fief's acquisition (A), loss (B), nature (C), succession (D), and litigation (E), the feudal oath (J) and the distinction between new and ancient fiefs (K). *SF F* (*Qualiter usus beneficii sit tenendus*) consists of a short paragraph referring to *SF A* and B⁷⁸. In a similar way, *SF G* and M are just references to *SF E* (*De contentione feudi*), whereas the *SFL* and O are brief references to *SF B* and D respectively. Furthermore, title H (*De cognitione feudi*) was not discussed, for what Iacobus had to say of the *cognitio feudi* « was already dealt with in all the previous sections »⁷⁹. Title N (*Hic incipiunt consuetudines regni*), eventually, « non est summandum per se, cum omnes precedentes et sequentes possunt dici consuetudines regni »⁸⁰.

After *SFA-O*, Iacobus decided to not discuss at all titles O'-S, which he must have deemed as obsolete once he concluded his second collec-

78. *Asti 1518*, f. 32vb: « Supra dictum est quibus modis feudum acquisitum amittatur. Nunc videndum est qualiter usus beneficii sit tenendus. Sed quia scimus per id quod notatum est supra ti. *Quibus modis feu. acqui.* et acquisitum amittatur, per consequentiam scire possumus quibus modis feudum acquisitum retineatur. Unde ad praesens omitto, nam scito uno contrariorum, scitur et relinquitur [...] ».

79. *Asti 1518*, f. 33ra: « id quod in eo titulo continetur satis in superioribus summis comprehenditur ».

80. *Asti 1518*, f. 34vb-35ra.

tion, and jumped directly to the *summae* to titles T-Y (= Extr. I-IV). The absence of treatment of three out of four titles (Extr. I-III), and, more importantly, the occurrence of the same text in both *SF T* and Extr. I, induced Seckel to believe this section of the *Summa* to be a reproduction of the titles of the *extravatantes* collection; scribes would have simply omitted from their copy of the *Summa* the text they had already available in the other collection⁸¹. Therefore, we need to inquire into the relation between Extr. I-II and *SF T-U*.

Asti 1518 reports as *SF T* (*De capitulis extraordinariis et alterius compilationionis feudorum*: ff. 35ra-35va) some chapters which also appear in the *Extravagantes* collection of *Wien 2094*, under the homonymous title (Extr. I. 23-54). However, under *SF U* (*De feudis et beneficiis constitutiones...*) the same edition reports other chapters which do not occur in *Wien 2094*⁸². Karl Lehmann accepted Iacobus's authorship and included the two batches in the *Capitula extraordinaria Iacobi de Ardizone* as an appendix to his edition of the *Libri Feudorum*⁸³. Seckel was of a different opinion: he saw in title T's repetition the scribe's deliberate choice to report in the *Summa* the text he had available in his copy of the *Liber*; but since the chapters of *SF U* do not occur in the collection of *Wien 2094*, Seckel deemed them as spurious. He believed the *SF T*, U, and X to be extraneous to the rest of the treatise⁸⁴. On the contrary, Iacobus was utilising here the same methodology as in the previous titles, and no clues point to the fact that Iacobus conceived of *SF T-Y* in a different way⁸⁵. I will try to substantiate this point by reassessing the tradition of the *Capitula extraordinaria Iacobi de Ardizone* edited by Lehmann, through the analysis of three post-1234 traditions: *Lat. 4677*, *Lat. 16008*, and *Parma 1227*⁸⁶.

81. SECKEL, *Quellenfunde* cit. (footnote 4), pp. 115-129; COLORNI, *Le tre leggi* cit. (footnote 38), p. 125, convinced of Seckel's point, sought in *SF T-U* the texts of Extr. I-II, and confirmed that text of the *Summa* must be incomplete and not genuine.

82. *Asti 1518*, ff. 35vb-36va.

83. LEHMANN, *Langobardische* cit. (footnote 3), pp. 186-198.

84. SECKEL, *Quellenfunde* cit. (footnote 4), pp. 153-160.

85. The only part which is not technically a *summa* of a title of the *Liber* is title *De poenis inferendis* – which Iacobus indeed introduced as chapters «*extra hanc summam notandis*» (*Asti 1518*, f. 40va).

86. I could not analyse manuscripts *El Escorial E.I.10* and *Napoli III.A.32*. It consoles me the fact that Lehmann suggested that the Neapolitan manuscript does not contain any relevant evidence on the *extravagantes*: LEHMANN, *Langobardische* cit. (footnote 3), p. 44.

7. TITLES EXTR. I-II AND THE *CAPITULA EXTRAORDINARIA IACOBI DE ARDIZONE*

The heading of Extr. I is *De capitulis extraordinariis et alterius compilacionis feudorum* (App. 2)⁸⁷. Its first batch is the so-called *De notis feudorum* (Extr. I. 1-11 = LF II. 58), which Iacobus had collected under the constitution *Hac edictali* (title Q. 4-12) but now deemed as « capitula extraordinaria » – i.e. the first part of the heading. The remaining chapters (Extr. I. 12-54) constituted an independent tract, an « altera compilacio feudorum », as the second part of the heading reports. A glossator of *Lat. 4677* annotated the phrase « in veteri compilacione » in the margin of any occurrence of these chapters⁸⁸. However, *Asti 1518* reports only part of them (Extr. I. 23-54 as SF T §§ 1-26), so that it is possible that Extr. I. 12-22 had also circulated independently. Lehmann, who understood the value of this material but did not know the collection of *Wien 2094*, derived this corpus from the *Libellus Reformatus* (c. 1440) of Bartholomeus Baraterius and published it as the *Capitula extraordinaria Baraterii*⁸⁹. He then derived from *Asti 1518* the other batch (SF T §§ 1-26) and published it as the first part of the *Capitula extraordinaria Iacobi de Ardizone*⁹⁰. To sum up, Iacobus had to hand two ancient compilations, which he inserted in Extr. I as one « altera compilacio » under Extr. I. 12-22 and 23-54 respectively; the scribe of the lost antigraph of *Asti 1518*, according to Seckel, transcribed under SF T §§ 1-26 only the second corpus, which he must have found in a copy of the *extravagantes* collection. From this tradition, Lehmann derived the first section of the *Capitula extraordinaria Iacobi* (1-27).

Furthermore, Lehmann inserted in the *capitula Iacobi* another twenty-six chapters (*C. extr. Iac.* 28-53) which he derived from *Asti 1518*, SF U. 1-27 (ff. 35ra-35vb) (Tab. 2). Except for the first chapter, the constitution *De militum* which figures in both *extravagantes*

Colorni suggests the same about the ms El Escorial: COLORNI, *Le tre leggi* cit. (footnote 38), p. 140.

87. See Appendix 2. In the index of the *Compilacio*, title T is only slightly different: *De variis et extra ordinem capitulis et alterius compilacionis feudorum* (*Wien 2094*, f. 72rc).

88. One of the glossators of *Lat. 4677* reports this expression in the margin of all chapters from Extr. I. 12 (f. 20rb) to Extr. I. 54 (ff. 36rb, 36va).

89. LEHMANN, *Langobardische* cit. (footnote 3), pp. 199-200.

90. *Ibid.*, pp. 186-192.

Tab. 2. The 'spurious' chapters of Iacobus de Ardizzone

SF U.1: Imperator Henricus, De militum beneficiis	[O. 5 = Extr. II. 33 = Cap. Extra. lac. de Ard. 27]
SF U.2: Si quis investitus de feudo ligio	[“De quibusdam alis capitulis” = Cap. Extra. lac. de Ard. 28]
SF U.3: Ex facto incidisse scio	[“De quibusdam alis capitulis” = Cap. Extra. lac. de Ard. 29]
SF U.4: De negotio super quo	[“De quibusdam alis capitulis” = Cap. Extra. lac. de Ard. 30-31]
SF U.5: Mulier quae feudum	[“De quibusdam alis capitulis” = Cap. Extra. lac. de Ard. 32]
SF U.6: Si cui militi ad certum servitium	[“De quibusdam alis capitulis” = Cap. Extra. lac. de Ard. 33-34]
SF U.7: Iugales a quodam milite	[“De quibusdam alis capitulis” = Cap. Extra. lac. de Ard. 35]
SF U.8: Feuda habitacionum	[“De quibusdam alis capitulis” = Cap. Extra. lac. de Ard. 36]
SF U.9: Imperator Henricus, Si contingerit feudum incuria	[Cap. Extra. lac. de Ard. 37]
SF U.10: Quaestum scio dudumque apud prudentes	[Cap. Extra. lac. de Ard. 38]
SF U.11: Antiquatum esse ipsis rerum experimentis	[Cap. Extra. lac. de Ard. 39]
SF U.12: Gregorius Septimus, Si quis imperator, regum	[Cap. Extra. lac. de Ard. 40; Decr. C. 16 Q. 7 c. 12 § 1]
SF U.13: Quoniam investiture contra sanctorum	[Cap. Extra. lac. de Ard. 41; Decr. C. 16 Q. 7 c. 13]
SF U.14: Si quis clericus, abbas, vel monachus	[Cap. Extra. lac. de Ard. 41bis; Decr. C. 16 Q. 7 c. 16]
SF U.15: Constitutiones sanctorum canonum	[Cap. Extra. lac. de Ard. 42; Decr. C. 16 Q. 7 c. 17]
SF U.16: Maius est possessionem dare	[Cap. Extra. lac. de Ard. 43; Decr. C. 16 Q. 2 c. 1 § 1]
SF U.17: Nulla iuris constitutioe	[Cap. Extra. lac. de Ard. 44]
SF U.18: Longinquitate temporis	[Cap. Extra. lac. de Ard. 45; Decr. C. 12 Q. 2 c. 64]
SF U.19: Liberti ecclesiae	[Cap. Extra. lac. de Ard. 46; Decr. C. 12 Q. 2 c. 65]
SF U.20: Quicumque fidelium propria devotioe	[Cap. Extra. lac. de Ard. 47; Decr. C. 16 Q. 7 c. 30]
SF U.21: Et iure moribus receptum est	[Cap. Extra. lac. de Ard. 48; derived from Decr. C. 23 Q. 8 c. 19]
SF U.22: Si quis episcopus saecularibus potestatibus	[Cap. Extra. lac. de Ard. 49; Decr. C. 16 Q. 7 c. 14]
SF U.23: Illud per omnia interdicimus	[Cap. Extra. lac. de Ard. 50; Decr. C. 12 Q. 2 c. 37 § 1]
SF U.24: Quicumque militum	[Cap. Extra. lac. de Ard. 51; Decr. C. 12 Q. 2 c. 4]
SF U.25: Si tributum petit imperator	[Cap. Extra. lac. de Ard. 52; Decr. C. 11 Q. 1 c. 27; C. 23 Q. 8 c. 22]
SF U.26: De his quae clerici emerint	[Cap. Extra. lac. de Ard. 53; Decr. C. 23 Q. 8 c. 25, <i>diat. Grat.</i>]

Source: *Acti 1518*; Lehmann, *Langobardische cit.* (footnote 3), pp. 186-198

collections (O.5 = Extr. II. 33), Seckel deemed this corpus as not genuine for at least three reasons. (1) Iacobus never cited these chapters in his *Summa*. (2) There are substantial inconsistencies between some of these chapters and some passages of the treatise. (3) The content of *SF U* §§ 2–26 does not match the heading and conclusion of the title, where it is stated that it contains « de feudis et beneficiis constitutiones regales et imperiales et decreta(les) et statuta ». On the contrary, Seckel concluded, it presents numerous fragments of « private laws » more appropriate to the previous *SFT* ⁹¹.

As for the first point, Seckel himself showed that Iacobus cited these chapters with the formula he used to quote the *Liber Ardizonis* – « i(nfra) Cap(itulis) Extr(aordinariis) » – and not the *Summa* – « ut notavi/notatur i(nfra)/s(upra) ». Seckel was confident that the text of the *Summa* after title O was a repetition of the matching texts in the *Liber*. However, if one does not take this equivalence as a given fact, it makes perfect sense that Iacobus would have added *SF U*. 2–26 only to the *Summa* because he did not do so, yet, in the *Liber*. As for the second point, one ought not to overestimate contradictions as substantial proof, for the addition of material did not follow any logic of consistency, but simply aimed at collecting any available source even remotely related to feudal matters.

The third point, stressing that *SF U* should contain only laws, decretals and statutes, is the one best made. To Seckel's legitimate doubts, I may add that the Pseudo-Revigny cites *SF U*. 2–8 as title *De quibusdam aliis capitulis extraordinariis de feudis* ⁹², which constitutes the vast majority of what Seckel deemed as private laws. By 1250, therefore, these chapters had become an independent title, recalling title T *De capitulis extraordinariis*. Table 2 shows that *SF U*. 2–8 occur in *Asti 1518* between two imperial laws; the rest of the title contains fourteen extracts from the *Decretum* (*SF U*. 12–16 and 18–26) and three titles of unknown origin (*SF U*. 10, 11, and 17). Of them, the first seems a *consilium* (§ 10, *Quaesitum scio*) and the third is almost

91. Seckel knew that Iacobus Alvarottus, in his *Lectura feudi*, reported these chapters as *collecta per dominum Iacobum Ardizonis*, but he also stressed that Baldus de Ubaldis had cast doubts on their authenticity. He concluded that Alvarottus possessed a manuscript very similar to the antigraph of *Asti 1518*. The argumentations are in: SECKEL, *Quellenfunde* cit. (footnote 4), pp. 153–160.

92. COLORNI, *Le tre leggi* cit. (footnote 38), pp. 134–36.

certainly a gloss⁹³. On the other hand, title Extr. II contains fifty-seven chapters, among royal-imperial constitutions and papal decretals from the *Lombarda* (Extr. II. 1-18), *extravagantes* laws (Extr. II. 19-33), and Canon law compilations (Extr. II. 34-57), plus some chapters from the Veronese statutes which do not occur in *Wien 2094*⁹⁴. In the light of such composition, the reservations of Seckel are perfectly understandable, and only a closer look at the manuscript tradition can remove doubts on the matter.

In *Lat. 4677*, there is no *SF T* at all. In *Lat. 16008* (f. 51vb) and *Parma 1227* (f. 49ra) the title consists of one sentence:

Hoc respectu tituli non potest summari, sed capitula extravagantia et alterius compilationis que non erant in supradicta compilatione *hic* ponuntur ut allegari possint sub certo titulo.

« Hic » in this case seems to mean « in the respective title of the *Liber* » rather than « here in the *summa* », and indeed this title « non potest summari ». The way Iacobus treated this title is not so different from what he did with *SF F*, *G*, *H*, *L*, *M*, *N*, and *O*, all consisting of brief statements justifying the absence of dissertation. This hypothesis is confirmed by the extensive *summa* to title *De pace tenenda* (*SF Y: Asti 1518*, ff. 36va-40va) (Tab. 1). One possibility is that *SF T* and *U* worked as containers where Iacobus gathered material which he would later codify in the *Liber Ardizonis* – this might be the relation between Extr. I. 23-54 under *SF T*. 1-26. The insertion of new titles under *SFU*. 2-26 might be much less surprising than Seckel suggested.

The heading of *SF U – De feudis et beneficiis constitutiones regales, imperiales, decretales, statuta communis Ver(one)* – confirms that Iacobus collected in Extr. II legal material produced by what he deemed as public authorities – kings, emperors, popes, and the city-commune. He added that some of these chapters did not occur in any code (Extr. II. 20-33); some others were already collected under titles, but dispersed in various *loci*: the *Lombarda* (Extr. II. 1-18), Canon law compilations

93. *Asti 1518*, f. 36rb: « Nulla iuris constitutione aut consuetudinis ususque longaevi observantia prohiberi suscitato invenio, vasallum arctiori, quam in se habeat, lege feudum in alium ubilibet posse transferre ».

94. SECKEL, *Quellenfunde* cit. (footnote 4), pp. 123-128; A. STELLA, *La Summa feudorum e la consuetudo Veronensis*, in VARANINI - STELLA, *Scenari veronesi* cit. (footnote 16), pp. 266-269 and 278.

(Extr. II. 34–57), and the statutory code of Verona⁹⁵. In the three manuscript traditions, the title consists only of these succinct considerations about the chapters contained in the matching title of the *Liber*⁹⁶. In *Asti 1518*, however, *SFU* reports an abbreviated heading (*De feudis et beneficiis constitutiones imperiales*), the controversial §§ 1–26, and a closing paragraph which is different from the text of the manuscripts in that it substitutes the expression « these chapters » with « the above-written chapters »⁹⁷. The text was thus altered to fit the insertion of §§ 1–26, either by Iacobus himself or by someone who felt entitled to modify the tract. However, the circulation of *SFU* 2–8 as an independent title *De quibusdam aliis capitulis extraordinariis de feudis* together with the other titles of the *Liber* cited by the Pseudo-Revigny, makes very likely my hypothesis that Iacobus was the compiler of the additions of *SFU* 1–26. If I am right, all the *Capitula Iacobi* of Lehmann's edition would be genuine.

8. THE *EXTRAVAGANTES* COLLECTION I–XV. COMPOSITION AND ATTRIBUTION

Now that I have dealt with its most problematic passages and confirmed that Iacobus deemed of at least Extr. I–IV as an integral part of the *Liber Ardizonis*, I can briefly describe Extr. I–XV, of which I offer an outline in Appendix 2.

Extr. I, *De capitulis extraordinariis et alterius compilationis feudorum*, consisted of two batches. (1) *De notis feudorum* (Extr. I. 1–11 = *LF* II.58) – also referred to as *Capitula Extraordinaria* – and (2) the

95. Ibidem. See also text corresponding to footnotes 101–104.

96. *SFU*: « § De feudis et beneficiis constitutiones regales, imperiales, decretales, statuta communis Ver(ona). Hec non sumatur sed cum leges, decretales, et statuta super feudis essent extravagancia, et quedam sine titulis, et quedam cum titulis sed in diversis locis sparsa, visum fuit utile ponere sub titulo, ut per titulum certum possint allegari ». *SFX* « § De sacramento et forma fidelitatis et eius remissione. Rubrica. Pro summa huius tituli sufficiat alia summa similis huic s(upra) qualiter iurare debeat vasallus, ut quod ibi notatur, hic repetatur »: *Lat.* 4677, f. 47vb. These texts occur with negligible differences in *Panna 1227* (f. 49ra) and *Lat.* 16008 (f. 51vb).

97. *Asti 1518*, ff. 35vb–36ra: [*SFU*] « § De feudis et constitutiones imperiales. [...] Suprascripta capitula [§§ 1–26] non summantur sed cum leges et decretales et statuta super feudis essent extravagancia, et quedam sine titulis, sed in diversis locis sparsa: fuit visum utile ponere sub titulo ut per titulum certum possint allegari ».

so-called « altera compilacio feudorum » (I. 12–54) or « vetus compilacio » according to the glossator of *Lat. 4677*. As to the second corpus, we have seen that it probably circulated in two parts (II. 12–22 and 23–54), which Lehmann published respectively as the *Capitula extraordinaria Baraterii* and *Capitula extraordinaria Iacobi de Ardizone*. The pseudo-Revigny knew this title, from which he cited only chapters of the *De notis feudorum*⁹⁸.

Extr. II. This title figures as *De feudis et beneficiis* in the index of the *Compilacio*, and as *De feudis et beneficiis constitutiones regales, imperiales, et decretales* in the *Extravagantes* collection. *Wien 2094* describes fifty-seven among royal and imperial constitutions and papal decretals, derived in part from the *Lombarda* (Extr. II. 1–18), in part from Canon law compilations (Extr. II. 34–57), and in part from *extravagantes*, extracts from other laws, or other traditions (Extr. II. 19–33). Quite oddly, Extr. II. 19 reproduces Lothair III's law already present in LF I. 19–24⁹⁹; Extr. II. 25 reports three paragraphs of the *De pace tenenda* (Extr. IV. 14 = Q. 1 = LF II. 27). With minor variations, *Lat. 4677* (f. 47vb), *Lat. 16008* (f. 51vb), and *Parma 1227* (f. 49ra) report this title as *De feudis et beneficiis constitutiones regales, imperiales, decretales, statuta comunis Verone. Asti 1518* omits the part « decretales, statuta comunis Verone » (f. 35vb). Thus, the title was originally subdivided into three parts: (1) the *constitutiones regales et imperiales*, (2) the *decretales*, and (3) the *statuta communis Veronae*. The Pseudo-Revigny cites only chapters of the first section (Extr. II. 2, 4, 8, 15, 26). *Wien 2094* transmits the first two sections, respectively in Extr. II. 1–33 and 34–57, seven chapters of which reached the *vulgata*¹⁰⁰. Extr. II. 57 derives from the *Liber Extra* (X. 5.1.27), an element that dates the title to after 1234. *Asti 1518* contains thirty-eight references to sixteen titles of the municipal laws of Verona, which were nonetheless omitted by later scribes. At least twelve of these citations are rendered as *constit(utio)* instead of *in stat(uta)*, causing confusion on the source¹⁰¹. Chapter *Nulla capto viat(ore)*, which does not appear in the Veronese statutes, derives from an incorrect reading of *Mulctabo viatorem*. This text proves that Iacobus relied on a version of the statutes successive to the one issued in 1228¹⁰²: the author evokes

98. COLORNI, *Le tre leggi* cit. (footnote 38), p. 134.

99. *Supra*, footnote 33.

100. See Appendix 2.

101. STELLA, *La Summa feudorum* cit. (footnote 94), p. 278.

102. *Liber iuris civilis urbis Veronae*, ed. by B. CAMPAGNOLA, Veronae, 1228.

it to punish the *falsa ambaxata*, a crime for which only the municipal code of 1276 made provision¹⁰³. The citation of the unknown chapter *Et qui aliquem* must belong to the same intermediate version of the statutes¹⁰⁴. With these additions, Extr. II is the widest title of the *Liber Ardizonis*, containing at least seventy-six chapters.

Extr. III: *De forma et sacramento fidelitatis et eius remissione*. The heading of this title appears in an abbreviated form in the index of the *Compilacio* (X. *De forma et sacramento fidelitatis*). In the *Summa*, the corresponding title consists of just a reference to title J: « Pro summa huius tituli sufficiat alia summa similis huic s(upra) *Qualiter iurare debeat vasallus, ut quod ibi notatur, hic repetatur* » (*SF X, Asti 1518, f. 36va*). It includes twenty-nine chapters on the oath of fealty, mostly taken from Canon law compilations (Extr. III. 1-23). The remaining material consists of a chapter from the *Authenticum* (Extr. III. 24), three extracts from imperial laws (Extr. III. 25-27), and two 'customary' texts (Extr. III. 28-29). Some chapters had been part of title P, such as Extr. III. 1 (the *Epistola Philiberti*) and III. 29 (« Est et alia »), which reached the *vulgata* as *LF II. 6* and *II. 7pr*. Since Iacobus derived Extr. III. 17 from the *Liber Extra* (5. 7. 16), the completion of this title is successive to 1234. The Pseudo-Revigny did not cite this title.

Extr. IV: *De pace et treuga (!) tenenda et componenda*. The same title occurs in the index of *Wien 2094*. Iacobus dedicated a full dissertation to Extr. IV already in the early versions of the *Summa* (*SF Y, Asti 1518, ff. 36va-40va*). Its twenty-two chapters derive from the *Lombarda* (Extr. IV. 1-13), imperial laws (IV. 14-16 and 21-22), Canon law (IV. 17-19), the *Tres Libri* (IV. 20). Iacobus included here some of the material he had collected in title Q and would then reach the *vulgata*: the *De pace tenenda* (Extr. IV. 14 = Q. 1 = *LF II. 27*), and the constitution *Hac edictali* (Extr. IV. 15 = *LF II. 53-54*). No citations of this title result in the Pseudo-Revigny.

103. *Lat. 4677, f. 54vb*: « Item viator Ver(one) bullari debet in fronte si falsam ambaxatam fecerit, ut in Statutis Ver(one), C(apitulo) mulctabo viatorem »; the title of the 1228 statute is in: *Liber iuris civilis urbis* cit. (footnote 102), pp. 189-90. The chapter from the 1276 statute is in: VERONA, Biblioteca Civica, ms. 3037 cit., III, cap CXXXII, *De viatoris mulctandis*, c. 323. See also: P. LÜTKE WESTHUES, *Die Kommunalstatuten von Verona im 13. Jahrhundert. Formen und Funktionen von Recht und Schrift in einer oberitalienischen Kommune*, Frankfurt am Main, 1995.

104. *Asti 1518, f. 39rb*: « Ut in statuto Verone, ubi dicitur: et qui aliquem vel aliquos receperit suo mandato pro iniuria seu damno dato ei, et infra annum negocium non diffiniet vel diffiniri faciet, non possit nec debeat eum gravare, sed ipso iure ab illa obligatione facta sit absolutus; ut in eo(dem) statuto, c(apitulo) Et qui aliquem ».

Extr. V: *De privilegio scholastico*, includes the renowned privilege which Frederick I issued around 1155. Even though the law had reached the *Authenticum*, Iacobus cited it in his early works as the *con(stitutio) Fre(derici) Habita super hoc* (Lat. 4604, f. 55ra), and in the later versions as title Extr. V: « infra De privil(egio) schol(astico), l(ege) Habita super » (*Wien 2094*, f. 29rb; *Asti 1518*, f. 3ra). Lat. 4677, which contains references to Extr. I-IV and VI, ignores the existence of Extr. V and maintains the same form as the earlier versions'¹⁰⁵. It is therefore very likely that Extr. V was compiled after Extr. VI.

Extr. VI: *De priv(i)leg(iis) ecclesiarum et quarundam humilium personarum, et de hereticis et fautoribus, et de naufragis et peregrinis, rubrica*. Extr. VII: *De pena iudicum male iudicantium*. In the *extravagantes* collection, these titles include respectively five and two constitutions of Emperor Frederick II. Iacobus's *Summa* contain references only to Extr. VI. 1-2. Extr. VI. 1 is the coronation act of 1220. Seckel showed that VI. 2-3 and VII. 2 belong to a tradition dating at the latest to 1231, whereas VI. 4-5 and VII. 1 were issued in Padua in 1239. Consequently, he attributed to Iacobus Extr. VI. 1-3 and VII. 2, and to an unknown compiler, active after 1239, the remaining chapters. With these chapters, according to Seckel, ends the *extravagantes* collection originally compiled by Iacobus. The Pseudo-Revigny cites Extr. VI. 1, 2, and 5, probably referring to a version of the *Liber Ardizonis* successive to 1239¹⁰⁶.

Extr. VIII-XV: are the so-called *capitula addita*. Seckel attributed the corpus to a later compiler, who collected this 'customary' material dealing only to a little extent with feudal matters. These titles discuss horse services (Extr. VIII), hunting rights (Extr. IX-X), agistment pacts (Extr. XI-XIV) and agrarian contracts (Extr. XV). Seckel admitted that only the analysis of the content of these chapters would solve the matter definitively; he also described a tradition of Extr. XI-XIV through the *Tractatus de societate et soccida* of the fifteenth-century jurist Angelo Perigli († 1447), professor in Padua and Perugia. Perigli derived these *iura quedam extravagantia* as part of the *extraordinaria capitula feudorum*, i.e. at the end of the *Libri* in his copy of the *Corpus iuris civilis*¹⁰⁷. Seckel assessed this corpus as Italian and dated it to the

105. *Urgell 2402*, f. 89ra; *Madrid 577*, f. 117ra.

106. COLORNI, *Le tre leggi* cit. (footnote 38), pp. 134-135.

107. SECKEL, *Quellenfunde* cit. (footnote 4), pp. 161-165.

thirteenth century; his rejection of Iacobus's authorship rests on three points: (1) in *Wien 2094*, titles Extr. VIII–XV are the only ones not glossed; (2) Iacobus does not cite them in his *Summa*; (3) the connection to feudal law is fragile in Extr. VIII and does not subsist in the other titles.

9. THE DEVELOPMENT OF THE *LIBER ARDIZONIS*

It is possible to add just slight reassessments to Seckel's philological analysis in light of the diachronic development of Iacobus's writings. Iacobus completed an early version of the *Summa* – as we see it in *Lat. 4604*, *Urgell 2402* and *Madrid 577* – probably around 1233, and worked on the collection O'-S since around 1234. Afterwards, he gathered together a vast collection of sources which he systematised in his new *Extravagantes* collection. Every manuscript tradition of the *Summa* I could analyse offered a different portrait of this collection, suggesting that Iacobus deemed his writings as definitive only after a meticulous process of additions and modifications – as in the case of the *summa De decurionibus*, which he completed around 1234. Surely after 1234, he went on expanding the *Liber Ardizonis* and updating his *Summa* accordingly. It is possible to outline very roughly the succession of the traditions I analysed.

Lat. 4677 transmits the first known version of the *Summa* based on the *Liber Ardizonis*. It cites Extr. I–IV and Extr. VI, but does not contain references to Extr. V. Moreover, since it does not offer any SFT, *Lat. 4677* is likely to reflect a phase in which Extr. I was perhaps an appendix to the *Liber*, and the *Privilegium scholasticum* had not become Extr. V yet. *Parma 1227* offers evidence of a second phase, as it refers to Extr. V, but does not contain a critique to a passage of the *libelli iuris civilis* of Roffredus Beneventanus¹⁰⁸ occurring in both *Lat. 16008* (ff. 54va–vb), which is thus successive to *Parma 1227*, and *Asti 1518* (SF J, ff. 34rb–34va). *Wien 2094* offers an incomplete transcription, which does not reach the passage about Roffredus¹⁰⁹. All the later traditions present titles SF A–O and T–Y, which means that Iacobus

108. Laspeyres dates Roffredus's chapters to 1235 or earlier, which does not change the substance of my point: LASPEYRES, *Über die Entstehung* cit. (footnote 1), pp. 19 and 72–73.

109. It reproduces, however, a version very similar to that of *Parma 1227* and *Lat. 16008*, that is, successive to *Lat. 4677*.

may have compiled titles Extr. V-VII only for the sake of completeness. The fact that the Pseudo-Revigny cited both Extr. VI. 5 – which Seckel dated to 1239 – and title *De quibusdam aliis capitulis extraordinariis de feudis* – which amounts to the allegedly spurious chapters SFU. 2-8 – proves the vitality of the text in the 1240s, as the *summa* of the Pseudo-Revigny was seemingly concluded by 1250. From what we have discovered about Iacobus's methodology, it is well possible that he collected the material amounting to the entire titles VI and VII after 1239, as well as the new title mentioned by the Pseudo-Revigny, which at least one of the traditions of his *Summa* transmits.

One last challenge, eventually, consists in inquiring into the origins of the last titles of the *Extravagantes* collection. Here, I limit myself to outlining some cautious hypotheses. Extr. VIII (*Consuetudo curiarum*) treats the case in which someone has his horse killed or injured while performing a horse service (« Si quis equitaverit in servicio alicuius »), in which case the beneficiary of the service should pay the compensation for the damage¹¹⁰. Iacobus dealt with horse services in chapter *Quando datur feudum ad servicium equi*, a text which is present only in the versions of the *Summa* successive to 1234. He tells us that in Verona it was held « by custom » that, should a feudal lord require a *servicium equi*, as long as he benefitted from the vassal's service, he was to pay for the horse's maintenance and compensate the damages occurred to the horse throughout the duration of the service¹¹¹. The similarities with Extr. VIII § 1 are evident and suggest a striking convergence of intents between Iacobus and its unknown author. However, the attentiveness of the former towards the feudal relations in seigniorial *curie* and local usages in the rural context is no mystery.¹¹² Now, what is more interesting is that Iacobus's was not an isolated case. Evidence from the *Summa Feudorum* of Odofredus Denari – the author of another *Rekonzinnation*, the *Liber Odofredi* – shows a similar approach. While Odofredus was serving as an assessor of the *podestà* of Padua, in 1236, he was indeed fascinated by the *feuda condicionalia*¹¹³

110. See the text in Appendix 2.

111. *Asti 1518*, ff. 9ra-rb: « Et dum equus est apud dominum, vel precium equi vel si culpa domini equus sit peremptus, non tenetur vasallus alium equum domino emere, sed dominus restituat vel emat equum, et vasallus eum retinebit ».

112. This is the main point of STELLA, *La Summa feudorum* cit. (footnote 94).

113. In his *Summa* he described the *feuda condicionalia* as follows: « Feuda alia pura alia condicionalia [...] condicionalia quando opponuntur condiciones, scilicet ut per hoc faciat certum servitium propter id, ut in feudo de caballo, vel quando datur in hoc ut sit et scutifer, vel quando datur propter inhabitationem, scilicet quod debeat inhabitari. Et ista feuda

which he observed in the contado of Padua among the clientele of the Abbey of Santa Maria di Praglia ¹¹⁴:

In monasterio Pratalie multa talia vidi feu(da), et bovaria, et porcaria, et similia quae sunt necessaria (*Lat. 16008, f. 82vb*)

The mention of fiefs granted in exchange for cow-keeping, swine-keeping, or other necessary matters confirms on the one hand that feudal bonds were utilised to frame an incredibly broad set of professional activities, even the humblest ¹¹⁵, and, on the other one, that these practices somehow attracted thirteenth-century learned lawyers. Even though the attribution of Extr. VIII-XV remains a mystery, these titles embody some of the commonest objects of bargain – and thus litigation – in the sphere of local power. These connections between learned law and peasant practices, I believe, call for further in-depth research.

10. CONCLUSIONS

This reappraisal of the *Liber Ardizonis* is due to the extraordinary and dynamic source which is Iacobus's *Summa feudorum*. Through its manuscript traditions, I could confirm how the *Libri Feudorum*, still in the 1230–1240s, were conceived of as a fluid text, to be commented, extended and improved. However, the reasons for the circulation of different versions of the *Summa* are not easy to comprehend. If one of its main purposes was clearly that of supporting lawyers in judicial practice ¹¹⁶, one may very hypothetically suggest that Iacobus used it as a teaching book. In his *summa De decurionibus*, he admitted to having taught Roman law, and it is very likely that his teaching activity on the *Tres Libri* was wider than we might suspect ¹¹⁷. This is why it is

condicionalia amittuntur si non faciat vasallus id propter quod datum est feudum»: *Lat. 16008, f. 82vb*.

114. S. BORTOLAMI, *Un grande patrimonio monastico medioevale: Formazione, consistenza e conduzione dei possedi di S. Maria di Praglia (1107-1448)*, in *Chiese, spazi, società nelle Venezie medioevali*, a cura di S. BORTOLAMI, Roma, 1999, pp. 227–258.

115. B. CASTIGLIONI, *L'altro feudalesimo: vassallaggio, servizio e selezione sociale in area veneta nei secoli XI-XIII*, Venezia, 2010.

116. STELLA, *La Summa feudorum* cit. (footnote 94).

117. IACOBUS DE ARDIZONE, *Summa de decurionibus* cit. (footnote 13), f. 446a: « Veruntamen quia hunc titulum legi, hanc sumulam composui ». He wrote at least two more *summae*

possible – but still to be proven – that his activity as a feudist aimed also to a similar purpose.

Among the *Rekonzinnationen* of the thirteenth century, Iacobus's is the best known. The *Liber Odofredi* still awaits a systematic survey, but we already know that it consisted of just a reorganisation of the messy material of the *Libri Feudorum*, which Odofredus carried out by reordering its content by subject, without adding any material to it¹¹⁸. Eventually, neither the *Liber Ardizonis* nor the *Liber Odofredi* succeeded in replacing the tradition of the *Libri* which led to the *vulgata*, once Accursius approved it, around 1250. The success of the Accursian standard, legitimised by the Bolognese school, caused the eventual decline of its alternative traditions. If no text, but many traces are available of the *Liber Ardizonis* and the *Liber Odofredi*, the other paths that the *Libri Feudorum* might have walked – the *Liber Symonis* and the *Liber Iacobi de Aurelianis* – have been sentenced to an almost complete *damnatio memoriae*.

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on Roman law: one on title *De praediis curialium* (C. 10.34) and one on title *Quando et a quibus quarta pars* (C. 10.35). The first is mentioned in the *De decurionibus* – « ut infra *De predi(is) curia(lium)*, *l(ege) ult(ima)*, et in summa illius tituli notavi » (Ibid., f. 448a), the second in his *Summa feudorum: Asti 1518*, f. 16rb.

118. SECKEL, *Quellenfunde* cit. (footnote 4), pp. 66–68.

ABSTRACT: The *Liber Ardizonis* is an early thirteenth-century readjustment (*Rekonzinnation*) and expansion of the *Libri Feudorum* – the feudal laws codified in twelfth-century Lombardy – which is credited to the glossator Iacobus de Ardizone 'de Broilo'. Although Iacobus's *Summa Feudorum* has long been recognised as an essential source for the study of the *Libri Feudorum*, until today and with very few exceptions historians have disregarded its manuscript traditions. By relying on new evidence from seven manuscripts of the *Summa*, the article reappraises a 1910 survey by Emil Seckel on ms *Wien 2094* and unveils the relationship between the *Liber* and the *Libri Feudorum* before the latter crystallised in its standard edition circulating all over Europe (Ch. 2, 9, 10; App. 1). The central section of the article (Ch. 3–9) describes the protracted interweaving of the *Summa* and the *Liber Ardizonis* in 1220–40, clarifying some crucial points. It suggests a chronology of Iacobus's writings (Ch. 5, 8), determines the attribution of the *Capitula extraordinaria Iacobi de Ardizone* and *Baraterii* (Ch. 7), and outlines the content and development of the *extravagantes* collections contained in the *Liber Ardizonis* (Ch. 8–9; App. 2).

APPENDIX I

SYNOPTIC TABLE OF THE *LIBER ARDIZONIS*, THE *VULGATA* AND *ANTIQUA* VERSIONS OF THE *LIBRI FEUDORUM*.¹¹⁹

COMPILACIO FEUDORUM SECUNDUM AR(DIZONEM) TITLE, CHAPTER, § PARAGRAPH	VULGATA TITLES	ANTIQUA TITLES
Title A. QUIBUS MODIS FEUDUM ACQUIRITUR ET RETINEATUR		
1. Quia de feudis	[LF I. 1]	[Ant. 1.1]
2. Quia vidimus § Hoc quoque sciendum est		[Ant. 1.2] [Ant. 1.3]
3. Notandum est autem § Item illud, quod datur	[LF I. 2]	[Ant. 1.4]
4. Si vero archiepiscopus	[LF I. 3]	[Ant. 1.5–6]
5. Sin autem controversia § Si quis de manso uno	[LF I. 4]	[Ant. 1.7]
Title B. QUIBUS MODIS FEUDUM AMITTITUR		
1. Quia supra dictum est § Item si episcopus	[LF I. 5] [LF I. 6]	[Ant. 2]
Title C. DE NATURA FEUDI		
1. Natura feudi	[LF I. 7]	[Ant. 3]
Title D. DE SUCCESSIONE FEUDI		
1. Sequitur vero § Si quis fuerit investitus	[LF I. 8] [LF I. 9]	[Ant. 4.1] [Ant. 4.2]
Title E. DE CONTENTIONE FEUDI		
1. Si fuerit contentio	[LF I. 10]	[Ant. 5.1]
2. Similiter si quis voluerit § Si contentio fuerit § Si clientulus	[LF I. 11] [LF I. 12] [LF I. 13]	[Ant. 5.2] [Ant. 5.3]
Title F. QUALITER USUS BENEFICII SIT RETINENDUS		
1. Qui de marchia	[LF I. 14]	[Ant. 6.1]

¹¹⁹. Sources: *Wien 2094*, f. 72ra–rc; LEHMANN, *Langobardische* cit. (footnote 3). The table mentions only the paragraphs of the *Liber Ardizonis* corresponding to chapters of the *antiqua* or *vulgata*. Some chapters of the *Liber* also appear in the second *extra-vagantes* collection of Iacobus: these references are in square brackets and bold type after the incipit of the matching text. For a fuller edition of the *Liber* and its sources, see SECKEL, *Quellenfunde* cit. (footnote 4), pp. 136–152.

§ Si capitanei		[Ant. 6.2]
§ Si duo fratres		[Ant. 6.3]
§ Si femina	[LF I. 15]	[Ant. 6.4]
2. Si minores	[LF I. 16]	
3. Si capitanei	[LF I. 17]	[Ant. 6.5]
4. Si contentio	[LF I. 18]	
5. Si vero fuerit		
6. Si aliquis		[Ant. 6.6]
7. Si quis ex militum [Extr. II. 19]	[LF I. 19]	[Ant. 6.7]
8. Si quis miles (mortuus) [Extr. II. 19]		[Ant. 6.8]
§ Si quis adquisierit	[LF I. 20]	[Ant. 6.9]
§ Sancimus ut nemo miles sine cognita	[LF I. 21]	[Ant. 6.10]
§ Si quis miles		[Ant. 6.11]
§ Sancimus ut nemo miles ultra	[LF I. 22]	[Ant. 6.12]
9. Si quis dominus [Extr. II. 19]		[Ant. 6.13]
10. Sancimus ut nemo miles eiciatur [Extr. II. 19]		[Ant. 6.14]
§ Si quis miles (in possessione)	[LF I. 23]	[Ant. 6.15]

Title G. QUALITER IUDICIUM FE(UDI) SIT EXAMINANDUM

1. Si quis sine [Extr. II. 19]	[LF I. 24]	[Ant. 6.16]
2. Sciendum est	[LF I. 25]	[Ant. 7.1]
3. Si dominus		[Ant. 7.2]
§ Si inter dominum	[LF I. 26]	[Ant. 7.3]
§ Si quis se		[Ant. 7.4]
§ Si aliquis		[Ant. 7.5]
§ Si quis obligaverit	[LF I. 27]	[Ant. 7.6]
§ Si quis investierit		[Ant. 7.7]
§ Quidam obligavit	[LF I. 28]	[Ant. 7.8]

Title H. EXPLICIT LIBER PRIMUS. INCIPIT SECUNDUS

1. Ubertus [=Ant.]	[LF II. 1]	[Ant. 8.1]
§ Sciendum est		[Ant. 8.2]
2. Investitura	[LF II. 2]	[Ant. 8.3]
§ Si vero vasallus		[Ant. 8.4]
§ Investitura autem	[LF II. 3]	[Ant. 8.5]
§ Personam vero		[Ant. 8.6]
§ Femina quoque		[Ant. 8.7]
§ Nulla		[Ant. 8.8]
§ Utrum autem	[LF II. 4]	[Ant. 8.9-10]

Title J. QUALITER IURARE DEBEAT VASALLUS

1. Qualiter autem	[LF II. 5]	[Ant. 8.11]
[abest]	[LF II. 6]	[abest]
[abest]	[LF II. 7pr]	[abest]
§ Investitura vero	[LF II. 7.1]	[Ant. 8.12]
§ Cum de re aliena	[LF II. 8]	[Ant. 8.13]
§ Rei autem		[Ant. 8.14]
§ E contrario		[Ant. 8.15]
§ Est enim optima	[LF II. 9]	
§ Qui a principe	[LF II. 10]	[Ant. 8.16]
§ Per successionem	[LF II. 11]	[Ant. 8.17]

Title K. NOVUM NON PATERNUM		
1. Si duo fratres	[LF II. 12]	[Ant. 8.18]
§ 1 Si duo fratres in communi		[Ant. 8.19]
2. Ticius a Sempronio	[LF II. 13]	[Ant. 8.20]
§ Quidam vasallus	[LF II. 14]	[Ant. 8.21]
§ Vasallus	[LF II. 15]	[Ant. 8.22]
3. Si inter dominum	[LF II. 16]	[Ant. 8.23]
4. Qui sibi	[LF II. 17]	[Ant. 8.24]
§ Duo fratres	[LF II. 18]	[Ant. 8.25]
5. Si inter dominum et fidelem	[LF II. 19]	[Ant. 8.26]
§ Ex eo quod scriptum est	[LF II. 20]	[Ant. 8.27]
§ Miles	[LF II. 21]	[Ant. 8.28]
§ Dominus vocat	[LF II. 22]	[Ant. 8.29]
6. Qui de marchia	[abest]	[Ant. 9.1]
§ Si capitanei	[abest]	[Ant. 9.2]
§ Si duo fratres	[abest]	[Ant. 9.3]
[abest]	[abest]	[Ant. 9.5]
[abest]	[abest]	[Ant. 9.5]
Title L. IN QUIBUS CAUSIS FEUDUM AMITTATUR		
1. Ubertus	[LF II. 23]	[Ant. 10.1]
§ Huius autem generis		
2. Prima autem causa	[LF II. 24]	[Ant. 10.2]
Title M. SI DE FEUDO VASALLUS FUERIT INTERPELLATUS		
1. Negotium	[LF II. 25]	[abest]
	[LF II. 26]	[abest]
[abest = Q. 1 = Extr. IV.14]	[LF II. 27]	[abest]
Title N. HIC INCIPIUNT CONSUETUDINES REGNI		
1. Domino guerram	[LF II. 28]	[abest]
§ Quidam habens	[LF II. 29]	[abest]
§ Si femina	[LF II. 30]	[abest]
§ Vasalli	[LF II. 31]	[abest]
§ Si vero clericus (=Sive clericus)	[LF II. 32]	[abest]
§ Sciendum est itaque	[LF II. 33]	[abest]
2. Lex Conradi	[LF II. 34]	[abest]
§ Clerico	[LF II. 35]	[abest]
§ Mutus	[LF II. 36]	[abest]
§ Si quis interfecerit	[LF II. 37]	[abest]
§ Si vasallus contra const(itutionem)	[LF II. 38]	[abest]
§ Alienacio	[LF II. 39]	[abest]
3. Haec sunt capitula	[LF II. 40]	[abest]
§ Item sciendum	[LF II. 41]	[abest]
§ Domino cum emptore	[LF II. 42]	[abest]
§ Praeterea si vasallus	[LF II. 44]	[abest]
§ Si contigerit	[LF II. 45]	[abest]
§ Ex eo quod supra diximus	[LF II. 46]	[abest]
§ Ex facto	[LF II. 47]	[abest]
§ Si quis ea	[LF II. 48]	[abest]
§ Tres erant	[LF II. 49]	[abest]
Title O. QUI DEBEANT SUCCEDERE IN FE(UDUM)		
1. Successionis	[LF II. 50]	[abest]

§ Quidam capitaneus	[LF II. 51]	[abest]
Title O'.		
2. In nomine sancte Extr. II. 32	[abest]	[abest]
3. Imperialis benevolencie Extr. II. 23	[LF II 52 part I]	[abest]
4. De militum Extr. II. 33	[abest]	[abest]
5. Imperialem decet solertiam Extr. II. 24	[LF II. 55]	[abest]
Title P. QUE SIT FORMA SACRAMENTI FIDELITATIS ET QUALITER IURARE DEBEAT VASALLUS		
1. De forma Extr. III. 1	[LF II.6]	[abest]
2. Si quis laycus Extr. III. 2	[abest]	[abest]
3. A fidelitatis Extr. III. 3	[abest]	[abest]
4. Alius item Extr. III. 8	[abest]	[abest]
5. Iuratos Extr. III. 6	[abest]	[abest]
6. Tibi domino Extr. III. 9	[abest]	[abest]
7. Est et alia Extr. III. 29	[LF II. 7pr]	[abest]
8. Qui fidelitatem Extr. III. 28	[abest]	[abest]
Title Q. DE PACE TENENDA		
1. Quoniam divina Extr. IV. 14	[LF II. 27]	[abest]
2. Hac edictali Extr. IV. 15	[LF II. 53]	[abest]
3. Ad hec Extr. II.26	[LF II. 54]	[abest]
4. Notandum Extr. I. 1-11	[LF II. 58]	[abest]
Title R. QUE SINT REGALIE		
1. Regalie Extr. II. 27	[LF II. 56]	[abest]
2. Omnis Extr. II. 28	[abest]	[abest]
3. Palacia Extr. II. 29	[abest]	[abest]
[4. T]ributum Extr. II. 30	[abest]	[abest]
Title S. DE PACE CONSTANCIE		
	[abest]	[abest]
Title T. De variis et extra ordinem capitulis et aliter compilationis feudorum		
	[see Appendix 2]	[abest]
Title U. De feudis et beneficiis		
	[see Appendix 2]	[abest]
Title X. De forma et sacramento fidelitatis		
	[see Appendix 2]	
Title Y. De pace et treuga (!) tenenda et componenda		
	[see Appendix 2]	[abest]

APPENDIX 2

THE *EXTRAVAGANTES* COLLECTION OF THE *LIBER ARDIZONIS*

Appendix 2 lists the chapters constituting the second *extravagantes* collection of Iacobus de Ardizone. The description consists of the incipit as transmitted in *Wien 2094* and, in square brackets, the occurrence of the chapters in the primary sources cited in the essay.

In bold type, the feudal law sources: Iacobus's *Summa feudorum* [*SF* T and U, which in the traditional rubrication are *SF* 149 and 150], the collection O'-S [see Appendix 1], and cross-references to other sections of the *extravagantes* collection (Extr. I-XV); the *Libri Feudorum* [*LF*]; the *Capitula extraordinaria Iacobi de Ardizone* [C. ex. Iac.] and *Baraterii* [C. ex. Bar.]: Lehmann, *Langobardische*, cit. (footnote 3), pp. 186-200.

In regular font: the *Lombarda* (I refer to Bluhme's rubrication of the *vulgata* edition: M.G.H., *Leges* II, pp. 623-638); Canon law sources: the *Decretum Gratiani* (Decr.), the *Compilaciones Antiquae* (Comp. I-V), and the *Liber Extra* (X.); Roman law sources: the *Codex* (Cod.) and the *Novellae Constitutiones* (Nov.); Frederick II's *Constitutiones Regni Siciliae* (1231). Frederick I's constitutions in Extr. IV.22 and V.1 and Frederick II's constitutions in Extr. VI. 1, 4, 5 and VII. 1-2, do not occur in any of the codes mentioned above, so I provided a brief heading, the year of enactment, and a reference to the M.G.H.

The last eight titles, the source of which is unknown, are fully transcribed (Extr. VIII-XV). For a more exhaustive analysis of these sources and the glosses in *Wien 2094*, see: Seckel, *Quellenfunde*, cit. (footnote 4), pp. 73-114.

**EXTR. I. DE CAPITULIS EXTRAORDINARIIS ET ALTERIUS COMPILACIONIS
FEUDORUM**

1. Notandum est in feudo [**LF II.58pr.**]
2. Quod autem pares [**LF II.58 § 1**]
3. Item sciendum est [**LF II.58 § 2, part 1**]
4. Item heres eius [**LF II.58 § 2, part 2**]
5. Item eadem lege [**LF II.58 § 2, part 3**]
6. Item investitura [**LF II.58 § 2, parts 4-5**]

7. Idcirco pares [LF II.58 § 2, part 6]
8. Si instrumentum dicatur [LF II.58 § 3]
9. Notandum est quod de omni [LF II.58 § 4]
10. Cum (datur) domino defensio [LF II.58 § 5, part 1]
11. Si qua investitura [LF II.58 § 5, parts 2-3]
12. Illud quodue curiali usu [Cap. ex. Bar. 7]
13. Si de allodio [C. ex. Bar. 8, part frase 1a]
14. Si de proprio beneficio [C. ex. Bar. 8, part 1b]
15. Si dominum offensum [C. ex. Bar. 8 part 2]
16. Si inter duos [C. ex. Bar. 8 part 3]
17. Si vasallus spernit [C. ex. Bar. 8, part 4]
18. Beneficium intelligitur quasi ex bono [C. ex. Bar. 1, part 1]
19. De fidelitate autem [C. ex. Bar. 1, part 2-3]
20. Beneficium intelligitur investitura [C. ex. Bar. 3]
21. Si quis nominatim [C. ex. Bar. 5]
22. Beneficium paternum [C. ex. Bar. 2, 6, 4]
23. Summo opere (summopere) [SF T. 1 = C. ex. Iac. 1]
24. Feuda scutiferorum [SF T. 2 = C. ex. Iac. 2]
25. Ut inter condicionalia [SF T. 3 = C. ex. Iac. 3]
26. Quoniam de fidelitate [SF T. 4, parts 1-3 = C. ex. Iac. 4 part 1]
27. Si cui militi [SF T. 4, parts 4-5 = C. ex. Iac. 4 § 2]
28. Librum autem [SF T. 4, part 6 = C. ex. Iac. 4 § 2 fi.]
29. Evenit aliquando [SF T. 4, part 7 = C. ex. Iac. 4 § 3]
30. Qui fidelitatem [SF T. 4, part 8 = C. ex. Iac. § 4]
31. Cum plures fratres [SF T. 5 = C. ex. Iac. 5]
32. Cum feudum [SF T. 6 = C. ex. Iac. 6]
33. Si contencio fuerit [SF T. 7 = C. ex. Iac. 7]
34. Generaliter verum est [SF T. 8 = C. ex. Iac. 8]
35. Unum quidem non minus [SF T. 9 = C. ex. Iac. 9]
36. Si qua contencio [SF T. 10 = C. ex. Iac. 10]
37. Si alter ex fratribus [SF T. 11 = C. ex. Iac. 11]
38. Quoddam usui [SF T. 12 = C. ex. Iac. 12]
39. Si maritus [SF T. 13 = C. ex. Iac. 13]
40. Unum quidem satis usitatum [SF T. 14 = C. ex. Iac. 14]
41. In beneficiis [SF T. 15 = C. ex. Iac. 15]
42. De ingressu curie [SF T. 16 = C. ex. Iac. 16]
43. Beneficia condicionalia [SF T. 17 = C. ex. Iac. 17]
44. Si duo fratres [SF T. 18 = C. ex. Iac. 18]

45. Beneficium intelligitur de veteri [SF T. 19, part 1 = C. ex. Iac. 19]
46. Dicitur etiam quod [SF T. 19, part 2 = C. ex. Iac. 19 fi.]
47. Quicumque paratus [SF T. 20 = C. ex. Iac. 20]
48. Quoddam satis bene [SF T. 21, part 1 = C. ex. Iac. 21 pr.]
- [§] Quidam miles [SF T. 21, part 2 = C. ex. Iac. 21]
49. Quod nomine gastaldie [SF T. 22 = C. ex. Iac. 22]
50. Quidam dominus benef. reliquid [SF T. 23 = C. ex. Iac. 23]
51. Qui accipit [SF T. 24 = C. ex. Iac. 24]
52. Inter dominum [SF T. 25 = C. ex. Iac. 25]
53. Dicimus autem [SF T. 25 fi. = C. ex. Iac. 25 fi.]
54. Vasallus habens [SF T. 26 = C. ex. Iac. 26]

EXTR. II. DE FEUDIS ET BENEFICIIS CONSTITUTIONES REGALES, IMPERIALES ET DECRETALES

1. Rex Liup. (Liutprandus). Si infans [Lombarda, 2, 29, 2]
2. Imperator Kar. (Karolus). Ut iudices [Lombarda, 2, 39, 3]
3. Id. Si quis ad mallum [Lombarda, 2, 43, 1]
4. Id. Quicumque beneficium [Lombarda, 3, 8, 1]
5. Id. Precipimus etiam [Lombarda, 3, 3, 2]
6. Imperator Lodoicus. Et qui nonas [Lombarda, 3, 3, 5]
7. Imperator Kar(olus). Ut servi [Lombarda, 2, 44, 2]
8. Imperator Pip(pinus). De exenodochiis [Lombarda, 3, 1, 31]
9. Id. Si forsitan [Lombarda, 2, 52, 14]
10. Id. Qui latronem in hospicio [Lombarda, 1, 25, 82]
11. Id. [Lodoicus?]. Si quis proprium [Lombarda, 1, 34, 3]
12. Imperator Lodoicus. Si liber [Lombarda, 3, 7, 1]
13. Id. Quicumque terram [Lombarda, 3, 8, 2-3]
14. Id. Si quis in aliena [Lombarda, 2, 41, 7]
15. Imperator Karolus. Si vassallus noster iusticiam [Lombarda, 2, 52, 2]
16. Id. Vasalli nostri [Lombarda, 3, 1, 39]
17. Imperator Loth(arius). Ubi cumque per legem [Lombarda, 2, 55, 31]
18. Imperator Otho. De investitura [Lombarda, 2, 56, 38]
19. Imperator Loth(arius). Quicumque igitur [LF I. 19-24]
20. Imperator Henricus. Si vasallus [LF II. 57]

21. Imperator Lotharius. Quoniam inter dominum [LF II.52 part III]
22. Id. Satis bene dispositum est [LF II.52 part II]
23. Id. Imperialis benevolencie [LF II.52 part I = O'. 4]
24. Imperator Fredericus. Imperialem decet [LF II.55 = O'. 6].
25. Id. Si duo homines [LF II. 27 §§ 7, 8, 16 = Q. 1 § 7]
26. Id. Ad hec qui allodium [LF II. 54 = Q. 3].
27. Id. Regalia sunt hec: artimandie (!), vie publice [LF II. 56 = R. 1].
28. Id. Omnis iurisdictio [LF II. 56 = R. 2]
29. Id. Palacia et pretoria [LF II. 56 = R. 3]
30. Id. Tributum dabatur [LF II. 56 = R. 4]
31. Id. Vasalli qui pro tempore guerre [S De pace Consancie]
32. Imperator Conradus. In nomine sancte ed inividue trinitatis [= O'. 3]
33. Imperator aug(ustus) Henricus. De militum [O'. 5 = SF U. 1 = C. ex. Iac. 28]
34. Alexander III Hospitalariis. Cum seculum [Comp. I. 3.33.16; X. 3.38.13]
35. Id. Ex transmissa nobis [Comp. II 2.2.2; X. 2.2.6]
36. Idem papa. Verum quoniam [Comp. II. 2.2.3; X. 2.2.7]
37. Celestinus papa III, Rav(ennatensi) episcopo. Ut super aliqua [Comp. II. 3.10.1; X. 3.13.8]
38. Innocencius papa III, Tyron. facultaten. episcopo [Comp. III. 1.1.2; X. 1.2.7]
39. Innocencius III Maur(iensi) episcopo. Insinuacione presencium [Comp. III. 3.16.1; X. 3.20.1]
40. Idem, archiepiscopo Mediolan(ensis). Ex parte tua [Comp. III. 3.16.2; X. 3.20.2]
41. Idem, episcopo Florentino. Per tuas litteras [Comp. III. 3.18.2; X.3.24.5]
42. Idem, episcopo Maur(iensi). Ad nostram noveris [Comp. III. 3.13.2; X. 3.13.11]
43. Idem, Vercell(ensi) episcopo. Tua et infra [Comp. IV.3.9.4; X. 3.30.25]
44. Idem papa. Cum apostolica sedes [Comp. III. 3.11.1; X. 3.10.7]
45. Idem papa, in concilio generali. Plerique sicut accepimus [Comp. IV. 1.15.1; X. 1.35.7]

46. Idem papa. Cum laicis quamvis religiosis [Comp. IV. 3.5.1; X. 3.13.12]
47. Idem papa. Ad aures nostri [Comp. IV. 5.13.1; X. 5.37.10]
48. Idem papa. In quibusdam provinciis [Comp. IV. 5.13.2; X. 5.37.12]
49. Alexander. Ceterum quia in eos [Comp. I. 2.1.7; X. 2.1.5]
50. Idem papa. Conquestus est nobis [Comp. I. 5.15.10; X. 5.19.8]
51. Innocencius III. Novit ille qui nichil ignorat [Comp. 2.1.3; X. 2.1.13]
52. Idem papa. Ad audienciam app(osto)latus nostri [Comp. III. 2.17.3; X. 2.26.13]
53. Innocencius III. Nuper a nobis tua [Comp. III. 4.15.2; X. 4.20.6]
54. Honorius III. Vestra nobis relatio declaravit [Comp. V. 3.11.1, X. 3.18.2]
55. Idem papa. Ex parte B. quondam Anglie [Comp. V. 2.2.1; X. 2.2.15]
56. Idem papa. Gravem venerabilis F. [Comp. V. 5.18.5; X. 5.39.53]
57. Gregorius IX. Prelatorum excessus et infra [X. 5.1.27]

EXTR. III. DE FORMA ET SACRAMENTO FIDELITATIS ET EIUS REMISSIONE

1. De forma fidelitatis [Decr. C. 22 q.5. c. 18 = **P. 1 = LF II. 6**]
2. Aug(ustinus). Si quis laycus iuramentum [Decr. C.22 q.5 c. 19 = **P. 2**]
3. Nicolaus papa. A fidelitatis etiam iuramento [Decr. C.15 q.6 c. 3 dict. Gratiani = **P. 3**]
4. Gregorius III. Ego episcopus ab hec hora [Comp. I.1.4.20; X. 2.24.4]
5. Gregorius VII. Non sanctorum predecessorem [Decr. C. 15 q. 6 c. 4]
6. Urbanus II. Iuratos milites negotii [Decr. C. 15 q.6. c.5 = **P. 5**]
7. Idem papa. Nullus episcopus clericos suos [Decr. C. 22 q. 5 c. 23 Palea; Comp. I. 2. 17.1; X. 2. 24. 5]
8. Ungelasius (!), Anastasio imperatori. Alius item Romanus pontifex [Decr. C. 15 q. 6 c. 3 = **P. 4**]

9. Constitutio Othonis. Tibi domino [Decr. Dist. 63 c. 33 = **P. 6**]
10. Alexander III. Ex diligenti tua relatione [Comp. I. 5.2.19; X. 5.3.17]
11. Lucius III. Indignum est [Comp. I. 5.37.13 e II. 5.13.2; X. 5.41.11]
12. Clemens III. Veritatis amica simplicitas [Comp. II. 2.16.5, X. 2.24.14]
13. Innocencius III. Ea te credimus [Comp. III. 2.15.8; X. 2.24.22]
14. Idem papa. Cum clerici Placentini [Comp. III. 5,23,3; X. 5.40.19]
15. Idem papa. Nimis de iure divino [Comp. IV. 2.9.3; X. 2.24.30]
16. Honorius III. Peticio vestra nobis exhibita [Comp. V. 2.1.1; X. 2.24.31]
17. Gregorius IX. Absolutos se noverint [X. 5.7.16]
18. Honorius III. Intellecto iam dudum [Comp. V. 2.15.3]
19. Innocencius III. Si vero dominus [Comp. IV. 5.5.2, X. 5.7.13 § 3; see also: **Extr. VI. 7**]
20. Honorius III. Gravem capituli Laudun(ensi) [Comp. V. 5.15.2; X. 5.37.13]
21. Idem papa. Gravem et dolorem (Gravamen et dolorem) [Comp. V. 5.13.1; X. 5.31.15]
22. Lucius III papa. Retulit nobis dilectus filius [Comp. II. 5.13.2]
23. Innocen(cius) III. Si diligentiet infra [Comp. III. 2.17.7; X. 2.26.17]
24. Imperator Iustinianus. Iusiurandum quod prestatur [Nov. 8, *Iusiurandum*]
25. Imperator Fridericus. Illud quoque sanctimus [**O'. 6 § Illud quoque = Extr. II. 24 § Ult. = LF II.55 § 8**]
26. Imperator Fredericus et Henricus sextus. Vasalli nostri [= S; = Extr. II. 31]
27. In nomine Christi iuro ego quodammodo fidelis ero [**S. De pace Constanciae**]
28. Qui fidelitatem iurant [= **P. 7**]
29. Est et alia de novo [= **P. 8 = LF II.7 pr.**]

EXTR. IV. DE PACE ET TREUGA TENENDA ET COMPONENTA.

RUBRICA

1. Rex Karolus. Si quis ex nostris [Lombarda 1, 13, 1]
2. Rex Liutp(randus). Si iudex [Lombarda 2, 24, 1]
3. Imperator Kar(olus). Et vindictam [Lombarda 1, 25, 74-75]
4. Idem Kar(olus). Qui pacem [Lombarda 1, 14, 14]
5. Idem. Si quis ad ecclesiam [Lombarda 2, 39, 5]
6. Idem. Ut episcopi [Lombarda 2, 45, 1]
7. Idem. De armis [Lombarda 1, 37, 2]
8. Imperator Pip(pinus). De advenis [Lombarda 1, 9, 29]
9. Imperator Lodoicus. Si quis aliqua [Lombarda 1, 9, 35]
10. Idem. Ubi ex utraque [Lombarda 2, 51, 11]
11. Imperator Loth(arius). De hiis qui [Lombarda 1, 37, 3]
12. Imperator Wido. Placuit ut episcopi [Lombarda 2, 53, 2]
13. Imperator Henricus. Qui infra treugam [Lombarda 1, 9, 39]
14. Imperator Fridericus. Quoniam divina [Q. 1 = LF II. 27]
15. Idem. Hac edictali lege [Q. 2 = LF II. 53]
16. Idem. Agricultores et circa rem rusticam [Ext. VI.1 § 10]
17. Alexander III papa. Treugas a quarta feria post [Comp. I. 1.24.1; X. 1.34.1]
18. Decrevit sancta synodus [Decr. C. 22. q.5 c.17]
19. Alexander III. Innovamus ut presbiteri [Comp. I. 1.24.2; X. 1.34.2]
20. Imperator Th(eodosius). Hyrenarche [Cod. 10.77(75).1]
21. Imperator Fridericus et Henricus. Imperialis clemencie [S. De pace Constanciae]
22. Imperator Fridericus. Hac edictali lege [*constitutio Auximana*, 1177: *extravagans*]¹²⁰

EXTR. V. DE PRIVILEGIO SCOLASTICO

1. Idem imperator. Habita super hoc [*privilegium scholasticum*, 1158: *extravagans*]¹²¹

¹²⁰ FRIDERICUS I, *Constitutiones*, MGH Leges IV/1, pp. 378-379.

¹²¹ FRIDERICUS I, *Constitutiones*, MGH Leges IV/1, p. 249.

EXTR. VI. DE PRIV(I)LEG(IIS) ECCLESiarUM ET QUARUNDAM HUMILium PERSONARUM, ET DE HERETICIS ET FAUTORIBUS, ET DE NAUFRAGIS ET PEREGRINIS. RUBRICA.

1. Fridericus [II] Dei gracia Romanorum imperator. Ad decus [*constitutio in Basilica Beati Petri*: 1220] ¹²²
2. Imperator Fridericus IIus. Inconsutilem tunicam [*Const. Reg. Siciliae*, I.1: 1231]
3. Idem aug(ustus). Patarenorum [*Const. Reg. Siciliae*, I.2: 1231]
4. Idem imperator. Adicimus... Data Padue XIII. febr., .XII. indic(itone) [*Edicta contra haereticos*, 1239] ¹²³
5. Idem imperator. Commissi nobis – II – innocencia filiorum [*Edicta contra haereticos*, 1239] ¹²⁴

EXTR. VII. DE PENA IUDICUM MALE IUDICANTIUM

1. Cum falsitates... Data Pad(ue), XXII. febr., XII. indic(tione) [*curia Paduae*, 22 February 1239] ¹²⁵
2. Imperator Fridericus secundus. Corruptores [-, 1231?] ¹²⁶

EXTR. VIII. CONSUETUDO CURIARUM

§ Si quis equitaverit in servicio alicuius et equitando equus eius mortuus fuerit in prelio vel casu vel malum equo evenerit in servicio eius, ita ut ex malo equus moriatur vel vastetur, ille in cuius servicio mortuus est equus vel vastatus, debet emendare equum, quanti ille cuius erat equus iuraverit valuisse tunc temporis quando equitabat cum eo, vel quanti equus deterior factus est.

§ Si quis ierit cum aliquo in servicio eius et amiserit aliquid in servicio eius in prelio vel casu aliquo, ille in cuius servicio fuit de-

¹²² FRIDERICUS II, *Constitutiones*, MGH Leges IV/2, pp. 107-110.

¹²³ FRIDERICUS II, *Constitutiones*, MGH Leges IV/2, p. 285.

¹²⁴ FRIDERICUS II, *Constitutiones*, MGH Leges IV/2, pp. 281-2.

¹²⁵ FRIDERICUS II, *Curia Paduae*, M.G.H. Leges II, p. 330.

¹²⁶ SECKEL, *Quyellenfunde*, cit. (footnote 4), p. 117, dates this section to 1231 or earlier, and not to 22 February 1239 as in FRIDERICUS II, *Curia Paduae*, M.G.H. Leges II, p. 330.

bet emendare id quod amisit ille qui erat in eius servicio, tanti quanti valebat res que amissa est. Et si dubitacio erit de precio, tunc ille cuius res amissa est vel deterior facta, iuret tantum valuisse, et tunc tanti estimetur quanti ille iuraverit rem valuisse vel deteriore factam esse.

EXTR. VIII. CONSUETUDO VENATORUM

(1) Si quis venatores alicuius terre ierint venatum, et ceperint porcum aut capreolum aut cervum, debent partiri secundum numerum guedarum, et illi de gueda debent iterum partiri secundum numerum personarum que sunt in gueda. Et cum illi faciunt partes, si alius qui non est venator supervenerit, etiam illi dare debent; et si alius venator supervenerit, etiam illi dare debent, non pro parte sed pro honore.

(2) Set si canis alicuius levaverit porcum aut capreolum aut cervum, et eum secutus fuerit, et alius venator audierit cazam et eam spectaverit, vel cucurrerit ad cazam, et porcum aut capreolum aut cervum cum suis canibus ceperit, et ille cuius canes levaverint cazam eam secutus fuerit, ipse vel canes eius, debet is qui ceperit habere partem, set ille cuius canes levaverint cazam debet habere ante partem capud et corium; et quod remanserit, parciendum est secundum numerum guedarum. Set si sui canes non fuerint secuti cazam, et ille dixerit "hec est mea caza quam cepisti," et is qui eam ceperit dixerit "nescio si est tua vel non, quia tui canes eam non sequebantur, licet tu eam secutus fueris," non est danda porcio illi qui eam secutum dixerit, nisi ostendere in veritate potuerit eam cazam suos canes levasse: tunc enim partiri debent, ut dictum est, secundum numerum guedarum.

EXTR. X. DE AMISSIONE AVIUM PAISSANCIUM

(1) Si quis habuerit sparvarium vel asturem vel falconem et ei aufugit, et eum persecutum fuerit eumque capere non potuerit, quia se soraverit, et per multos dies eum quesierit et habere eum non potuerit, et alius eum post multos dies ceperit, scilicet post dies .viii. vel .xv., tamen debet domino qui amiserit reposcenti, et tempus amissionis dicenti et cognoscenti suum esse falconem,

sparverium, vel asturem reddere, quia, quamdiu non habuerit animum relinquendi, tamdiu sparverium, falconem, vel asturem suum esse dicimus. Animum derelinquendi habere videtur cum eum non quesierit et homines de eo non interrogaverit ut, si quis viderit eum caperet vel si sciret aut audiret qui caperet, ei renunciaret.

EXTR. XI. CONSUEUDO SOCIETATIS IUMENTORUM

(1) Si quis dederit iumenta iure societatis, ille qui accepit debet tenere per .v. annos, si nichil dictum est de tempore; et omnes poledri debent esse comunes, et id quod quesierit tempore triturationis. Et in capite .v. annorum separatur societas, et ille qui dedit debet habere iumentum ante partem. Set si ille qui accepit dedit terciam, tunc iumenta et omnia parcenda sunt per medium. Et si amiserit iumenta sua culpa, quia non bene custodierit, et corium ostendere non potuerit vel caudam, emendare tunc debet.

(2) Si quis dederit iumenta coperienda equo alicuius, omnes poledri debent esse comunes nati in illo anno de iumentis illis, parciendique sunt secundum conventionem. Et si alius equus coperuerit de iumentis illis, et ille cuius sunt iumenta, debet partiri poledros et mittere illi electionem cuius est equus, utrum velit accipere partem poledrum, an accipere partem precii secundum conventionem.

EXTR. XII. CONSUEUDO SOCIETATIS VACARUM

(1) Si quis dederit vacam alicui ut haberet eam iure societatis, et non dixit de tempore, debet eam tenere per .v. annos, et omnes vituli debent partiri per medium. Et ille qui dedit vacam, debet habere eam pro caposalvo [*ante partem?*] si nichil dictum est, et ille qui suscepit non dedit de suo in precio vace; alioquin, si partem precii dedit, omnia debet partiri per medium. Et si is qui accepit amiserit vacam sua culpa, quia custodem non miserit vel non bene custodierit, et propter hoc vaca amissa est quia fures abstulerunt vel lupus eam comedit, et corium non potest ostendere, debet eam emendare suo socio. Set si ille qui accepit debet primum vitulum de vaca natum tenere pro caposalvo, et caposalvolus natus

non est quia vaca primum mortua est sine culpa, tunc debet vendere carnem et corium vace, et emere aliam eandem condicione dominus de suo. Et si caposalvolus mortuus sine culpa ante tempus convencionis fuerit, perit domino, et dominus debet emere alium caposalvum, et omnia parcenda sunt secundum convencionem. Si autem incontrum acceperit pro caposalvulo, ambo debent emere coposalvum.

EXTR. XIII. CONSUEUDO SOCIETATIS CAPRARUM ET PECUDUM

(I) Si quis dederit capram aut pecudem iure societatis, ille qui accepit debet tenere per tres annos, et in unoquoque anno debet dare [pro] capra .xii. formaticos bonos et optimos, pro pecude .vi.; et medietas capretorum et agnorum debet esse comunis, et medietas lane. Et ille qui dedit capram aut pecudem, ante partem debet eam habere; set si ille qui accepit dedit terciam, tunc omnia p(ar)cienda sunt per medium. Et si ille qui accepit amiserit culpa sua, quia ea non custodierit vel pecorile non bene clauserit, domino tunc emendare debet. Et, ut dictum est, bonos formaticos dare debet, scilicet non quidem de una mungitura, quia, si dedi unam tantum pecudem aut unam capram tantum, non debet michi dare talem formaticum qualis potest fieri de una mungitura tantum, set tres aut .iiii. mungiture insimul mitti debent, ita ut bonus formaticus inde fiat: quia, si dedi alicui .xx. aut .xl. pecudes aut totidem capras, debetne mittere unam mungituram insimul et facere unum formaticum de tota mungitura; et certe non, sed medie extimacionis, ita quod non fraudetur qui dedit, nec qui accepit; set si agni vel capreoli nati non fuerint de una capra (vel pecude), pro illa capra vel pecude non debet dare nisi medietatem formatici quem daret si nati essent agni vel capreoli.

EXTR. XIV. CONSUEUDO SOCIETATIS PORCARUM

(I) Si quis dederit porciam alicui iure societatis et non fuerit dictum de tempore, tunc is qui accepit debet eam tenere per tres annos, et omnes porcelli qui nati fuerint parciendi sunt per medium in unoquoque anno. Vel si placuerit domino et ei qui accepit tenere usque in capite trium annorum, debent omnia partiri

per medium, etiam porcellos natos de porcellis. Et cum porca facit porcellos, debet dominus facere adiutorium ei qui accepit; (et non debet qui accepit) dare terciam aut incontrum; et si amiserit sua culpa quia porcile non bene clauserit vel custodem cum porcis non miserit, debet domino emendare, vel casum amissionis in veritate domino dicere.

EXTR. XV. CONSUETUDO SOCIETATIS ARVARUM

(1) Si quis dederit arvam iure societatis, ille qui accepit debet tenere per tres annos, et omnes fructus qui inde percepti sunt, parciendi sunt per medium. Et in capite trium annorum separatur societas, et ille qui dedit arvam debet eam habere ante partem; sed si ille qui accepit dedit terciam, tunc omnia parcienda sunt per medium.