

Divergences in the Latin Texts of the *Weichbild*

The differences between the texts analyzed in this study can be categorized as follows:

- 1) modification of a provision (e.g. *metseptimus* replaced by *mettertius*);
- 2) amendments intended to clarify the meaning of the text ([*consules*] *honorem civitatis custodire*);
- 3) amendments that can be confusing (e.g. *Vir si vulneratus aut trucidatus fuerit* – the phrase removed from the text and inserted into the heading of the article);
- 4) additions reaffirming an existing regulation (e.g. *aliquis subtraxerit* – the phrase *aut subtracto fuerit* is added);
- 5) omission of tautologies or unnecessary words and phrases (e.g. *actor et ille, hoc est superquem conqueritur, respondens est sive reus, possunt habere colloquia*);
- 6) linguistic amendments – introduction of synonymous words and phrases (e.g. *probare oportet* replaced by *iurare oportet*);
- 7) amendments of grammar and spelling (e.g. *sententiis* replaced by *sentenciis*);
- 8) changes in the sequence of words and short phrases (e.g. *tria talenta demeretur* replaced by *demeretur tria talenta*).

For the sake of clarity only the first three categories are indicated in the Concordance Table (it can be assumed that the remaining ones are of no consequence for any practical use of the texts).

The entries contain: 1) number of the article in the Latin text of MS Gn.; 2) a list of manuscripts that include a given feature; 3) notes and explanations concerning the corresponding German text, and cross-references to other legal texts.

1

1. [1] Qum consules suum conventum exponunt, extunc quitquit ibi statutum fuerit aut compromissum in isto conventu, *quod iuri divino non contradicit*, firmum et inviolabiliter debet observari [Gn.]
- 2a. in: Gn., Dział. I, BJ 4405, Plesz., BOZ, 951b, BN 3068, *Statutes*
- 2b. missing: F 143, Q II 157 (1), Q II 157 (2), BN 12600, Przem., AJG, Kiel., Flor., Dział. IV, BN 12607, II Q 4
- 2c. missing folio: Oss., Warsz.
- 3a. F 143 Art. 1 Article 1 radically amended, the underlined words missing
- 3b. see No. 302

2

1. [1] Et hoc non dimittendo ratione amoris, molestie, ire vel munerum, sicut eos iuvet Deus et sancti eius. [*Statutes*]
- 2a. in: II Q 4, *Statutes*
- 2b. missing: Gn. and other Latin texts except 2a
- 2c. missing folio: Oss., Warsz.
- 3a. as a gloss in 951b; cf. NS 1.4
- 3b. see. No. 303

3

1. [1] [Consules et scabini] Dum eliguntur ius ac profectum et honorem
- 1a. custodire [Gn. and other Latin texts except 1b, 1c]
- 1b. *civitatis* custodire [AJG, Kiel., Flor., Dział. IV, BN 12607, II Q 4, BN 3068, *Statutes*]
- 1c. *et fructum civitatis* conservare [F 143]
2. missing folio: Oss., Warsz.
- 3a. included in a gloss in Dział. I
- 3b. see No. 304

4

1. [1] Cesar Otto Rufus fundavit templum in Meydeburc et dedit civibus municipale ius secundum eorum arbitrium *et secundum consilium seniorum* [Gn.]
- 2a. in: Gn. and other Latin texts except 2b
- 2b. missing: F 143, BOZ
- 2c. missing folio: Oss., Warsz.
3. cf. No. 7

5

1. [1] Et quicumque violaverit, hoc consules habent agere [Gn.]
- 2a. in: Gn. and other Latin texts except 2b
- 2b. missing: Dział. IV
- 2c. missing folio: Oss., Warsz.
3. see No. 305

6

1. [1] Et quicumque ad conventum venire neglexerit, cum signum datur per campanam, demeretur sex denarios. Sin autem sibi conventus sibi pronunciatus fuerint, demeretur *quinque*/sex solidos. [Gn.]
- 2a. *sex*: BN 12607, BN 3068
- 2b. *quinque*: Gn. and other Latin texts except 2a
- 2c. missing folio: Oss., Warsz.
3. see No. 306

7

- 1a. [1] Consules exponunt suum conventum secundum suum placitum ac voluntatem cum seniorum consensus. [Gn.]
- 2b. [Consules] exponunt legale suum iudicium, quando volunt, cum consilio sapienciorum. [F 143]
- 2a. derivation only in F 143
- 2b. missing folio: Oss., Warsz.
3. cf. No. 4

8

1. [1] Consules inter se eligunt proconsulem [F 143]
- 2a. in: F 143
- 2b. missing: Gn. and other Latin texts except 2a
- 2c. missing folio: Oss., Warsz.
3. —

9

1. [1] Si mensure aliquae aut pensae nimis parvae sint aut iniuste, hoc consules bene repetant secundum decreta civitatis, aut recipiant melioracionem in emenda triginta sex solidorum. [F 143]
- 2a. in: F 143
- 2b. missing: Gn. and other Latin texts except 2a
- 2c. missing folio: Oss., Warsz.
3. F 143 repeats here a regulation of Art. 3 but a punishment is inconsistent with the version of Sandomierz, and consistent with the Cracow version

10

1. [3] Si metrete aut alie mesure parve seu iniuste fuerint et iniuste pense, quod consules bene agere possunt secundum honorem civitatis aut cum *triginta* solidis emendare [Gn.]
- 2a. *triginta*: Gn. and other Latin texts except 2b
- 2b. XXXVI: AJG, Kiel, Flor., Dział. IV, BN 12607, II Q 4, BN 3068, *Statutes*
- 2c. missing folio: Oss., Warsz.
- 3a. 951b in gloss *sex* written by a commentator
- 3b. see No. 309

11

1. [3] Si que res mercionales falsificantur, sive ulnas duas vel libras habuerint, ille honore privatur et satis consulibus facere compellitur. Si quis parvulus convictus fuerit, ille honore privatur et satisfacere consulibus compellitur, et iudici solvet penam [e]ius. [BN 3068]
- 2a. in: BN 3068
- 2b. missing: Gn. and other Latin texts except 2a
- 2b. missing folio: Oss., Warsz.
3. concerning forgery and the use of false weights and measures, see in NS, MS D I.14–15, MS P I.14

12

1. [3] Ius enim consulum est civitati sic providere, quod singule emptiones, et in iure mechanici, et pauper populus, valeant sufficere ac sustinere, quod ipsi non efficiantur periuri. [*Statutes*]
- 2a. in: BN 3068, *Statutes*
- 2b. missing: Gn. and other Latin texts except 2a
- 2c. missing folio: Oss., Warsz.
3. slight linguistic divergences between BN 3068 and *Statutes*

13

1. [4] [courts of] *castellanus* [Gn.] / *burgravius* [Flor.]
- 2a. *castellanus*: Gn. and other Latin texts except 2b i 2c
- 2b. *burgravius*: Flor.

- 2c. *both*: II Q 4
- 2d. missing folio: Oss., Warsz.
- 3. each German texts burgravius (burgraf)

14

- 1a. [4] Secundum [iudicium magnum] in festo sanctorum *Johannis et Pauli*. [Gn.]
- 1b. Secundum [iudicium] in festo sanctorum *Petri et Pauli*. [AJG]
- 2a. Gn. and other Latin texts except 2b–2c: *Johannis et Pauli*
- 2b. AJG, Kiel.: *Petri et Pauli*
- 2c. F 143: a free space to supplement
- 2d. missing folio: Oss., Warsz.
- 3. BJ 4405: *Joannis; Pauli*: addendum in gloss

15

- 1. [4] Dies ligati sunt omnes dies dominicales et festi dies: dies rogacionum aut Penthecostes et adventus Christi et septuaginta dies ante Pascha, in talibus quibus diebus non debent iudicari. [BN 12607]
- 2a. in: BN 12607, II Q 4
- 2b. missing: Gn. and other Latin texts except 2a
- 2c. missing folio: Oss., Warsz.
- 3a. gloss in BN 3068 and Dział. 1: Polish translation of *dies celebres* (*naroczysztj dzjyen*)
- 3b. only in the German text in II Q 4: *In sulchin tagin sal man nicht dingin*
- 3c. in: NTO No. 158 and in the Latin collection of Magdeburg *ortyle* in BJ 4405 No. 148, f. 45r

16

- 1. [5] [courts of] *castellanus* [Gn.] / *burgravius* [Flor.]
- 2a. *castellanus*: Gn and other Latin texts except 2b and 2c
- 2b. *burgravius*: Flor.
- 2c. *both*: *Statutes*, BN 3068
- 2d. missing folio: Oss., Warsz.
- 3. each German texts burgravius (burgraf)

17

1. [5] Pena ad sex ebdomadas solvi debet, emenda post penam ad XIII dies. *Recompensa debet solvi ad XII ebdomadas.* [Statutes]
- 2a. complete wording in the *Statutes*
- 2b. no underlined fragment: BN 3068
- 2c. missing: Gn. and other Latin texts except 2a and 2b
- 2d. missing folio: Oss., Warsz.
- 3a. cf. PS II.31 and PS II.37
- 4b. cf. No. 18

18

1. [5] Si autem vir emendam ante pena adquisierit, exsolvi debet ad sex ebdomadas et pena post hoc ad XIII dies. *Recompensa debet solvi ad XII ebdomadas ad domum illius, cui debitum tenetur, ante solis occasum, aut in propria domo, si ibi domum non habuerit.*
- 2a. in: BN 3068
- 2b. missing: Gn. and other Latin texts except 2a
- 2c. missing folio: Oss., Warsz.
3. cf. No. 17

19

1. [5] Talentum autem signat XX solidos.
- 2a. in: BN 3068
- 2b. missing: Gn. and other Latin texts except 2a
- 2c. missing folio: Oss., Warsz.
- 3a. BN 12607 in gloss: Talentum XX solidorum
- 3b. cf. PS II.37

20

- 1a. [5] Pena castellani *tria talenta* ... [Gn.]
- 1b. Pena castellani *30 solidi* ... [F 143]
- 2a. *tria talenta*: Gn. and other Latin texts except 2b

- 2b. 30 *solidi*: F 143
- 2c. missing folio: Oss., Warsz.
- 3. 30 *solidi* does not equal 3 *talenta*

21

- 1. [5] Et statim iudicium sculteti disponit a proximo ad duas septimanas. [Gn.]
- 2a. in: Gn. and other Latin texts except 2b
- 2b. missing: F 143
- 2c. missing folio: Oss., Warsz.
- 3. –

22

- 1. [6] [scultetus] *Insuper liber esse debet* et legitime natus de terra. [Gn.]
- 2a. the underlined words: Gn., Q II 157 (1), Q II 157 (2), BN 12600, Dział. I, BJ 4405, Przem., BOZ, 951b, BN 3068, *Statutes*
- 2b. missing: F 143 AJG, Kiel., Flor., Dział. IV, BJ 12607, II Q 4
- 2c. missing folio: Oss., Warsz.
- 3a. see No. 313
- 3b. in MS BN 12607 the copyist appended to the article the maxim: *Summa iuris actus legit cum condicione non recipiunt neque diem* of *Liber sextus*

23

- 1. [6] Iudicium sculteti nemo potest hominum indicare, nisi scultetus solus vel preco, *nec suus famulus* ... [Gn.]
- 2a. the underlined words: Gn. and other Latin texts except 2b
- 2b. missing: F 143
- 2c. missing folio: Oss., Warsz.
- 3. –

24

- 1a. [7] Si quis eciam fideiusserit aliquot iudicio pro aliquo adiutorio praesentare ex parte homicidii et eundem non representat, extunc fideiussorem dare oportet

querulatori unam recompensam, videlicet *XVIII talenta*, et iudici suam penam octo solidos. *Si autem sententia fuerit pro uno vulnere duellari, protunc fideiussor det unam mediam recompensam querulanti, scilicet novem talenta, et iudici suam penam octo solidos*, istorum nummorum, qui in eodem iudicio sunt currenti communiter et dativi. [BN 12607, II Q 4]

- 1b. Sed si quis per fideiussoriam obligat aliquem pro adiutorio ex parte homicidii statuere et eundem non representat, extunc fideiussor tenetur actori seu querulanti dare plenam recompensam, hoc est *XIII talenta*, et iudici emendam VIII solidorum, istorum nummorum, qui in eodem iudicio et districtu sunt currenti communiter et dantur. [BN 3068, *Statutes*]
- 2a. missing the whole text: Gn. and other Latin texts except 2a
- 2b. *XVIII talenta*: Latin and German text: BN 12607, II Q 4
- 2c. *XIII talenta*: BN 3068, *Statutes*
- 2d. *Si autem sententiam fuerit pro uno vulnere duellari, pro tunc fideiussor det unam mediam recompensam querulanti scilicet novem talenta, et iudici suam penam octo solidos*: Latin and German text: BN 12607 and II Q 4
- 2e. slight linguistic divergences between BN 3068 and *Statutes*
- 2f. missing folio: Oss., Warsz.
- 3a. compliance of German texts in BN 12607 and II Q 4
- 3b. in: NTO No. 62 and in the Latin collection of Magdeburg *ortyle* BJ 4405 No. 151, f. 45v; cf. MFr. II.2.8 (P. Laband, *Magdeburger Rechtsquellen*, s. 98)
- 3c. see No. 317

25

1. [7] Talentum quis facit xx solidos denariorum.
- 2a. in: BN 3068
- 2b. missing: Gn. and other Latin texts except 2a
- 2c. missing folio: Oss., Warsz.
3. cf. (PS II.37)

26

1. [9] *Castellanus* et scultetus bene possunt omni die iudicare pro debito, pro quo absque testimonio agitur, nisi si civis agat contra hospitem vel hospes contra civem pro debito *cum/absque* testimonio [Gn./F 143]
- 2a. *cum*: Gn. and other Latin texts except 2b
- 2b. *absque*: F 143, AJG

- 2c. missing folio: Oss., Warsz.
- 3. —

27

- 1. [9] [courts of] *castellanus* [Gn.] / *burgrabius* [Flor.]
- 2a. *castellanus*: Gn and other Latin texts except 2b
- 2b. *burgrabius*: Flor.
- 2c. missing folio: Oss., Warsz.
- 3. each German texts burgrabius (burgraf)

28

- 1. [9] Nec sculteto, nec castellano tenetur scabinus nec civis aliquem sententiam extra veros dies iudiciales diffinire, nisi sit factum manifestum, *ut vulnera mortalia* aut homicidia, *vel furta seu alia criminalia*. [Gn.]
- 2a. the complete text in: Gn., Q II 157 (1), Q II 157 (2), BN 12600, Dział. I, BJ 4405, Przem., Plesz., BOZ, 951b, BN 3068, *Statutes*
- 2b. the words in italics missing in: Flor., BN 12607, II Q 4
- 2c. the underlined words missing in: F 143, AJG, Kiel., Dział. IV
- 2d. missing folio: Oss., Warsz.
- 3. see No. 317

29

- 1. [9] Ille debet esse hospes qui ultra *undecem/XII* miliaria extra iudicium suum domicilium habet. [BN 12607/*Statutes*]
- 2a. *undecem*: BN 12607, II Q 4, BN 3068
- 2b. *XII*: *Statutes*
- 2c. the complete phrase missing: Gn. and other Latin texts except 2a, 2b
- 2d. missing folio: Oss., Warsz.
- 3a. compliance of the German texts in BN 12607 and II Q 4
- 3b. cf. *undecem*: NTO No. 160; in the Latin collection of Magdeburg *ortyle* in BJ 4405 No. 151, f. 45r; in MFr. II.2.8 (P. Laband, *Magdeburger Rechtsquellen*, s. 98); in the collection of Magdeburg *ortyle* in BN 12607
- 3c. cf. *XII*: § 7 of *Magdeburg's Legal Instructions for Chelmno* (Laband p. 141)
- 3d. see No. 319

30

- 1a. [9] Hospites, si hospiti vel alteri, qui in iudicio non habuerit possessionem, ratione debiti per manum fuerit presentatus, hunc iudex illi servare debet tam diu, quousque se de debito expurget iuridice vel persolvat. [BN 12607]
- 1b. Et si aliquis alienigena datur per manum in modum pignori, iudex tenetur eum dare ad observandum tamdiu, quousque se debito expurget iuridice aut illud persolvat. [Statutes]
- 2a. slight linguistic divergences between BN 12607, II Q 4, BN 3068
- 2b. partly another linguistic redaction in the *Statutes*
- 2c. missing: Gn. and other Latin texts except 2a, 2b
- 2d. missing folio: Oss., Warsz.
- 3a. slight linguistic divergences between German texts in BN 12607 and II Q 4
- 3b. cf. NTO No. 160 and the Latin collection of Magdeburg *ortyle* in BJ 4405 No. 151, f. 45v
- 3c. see No. 319

31

1. [10] Quodsi *vir/victor* vulneratus fuerit
- 2a. *vir*: Gn. and other Latin texts except 2a
- 2b. *victor*: Q II 157 (2), BN 12600
- 2c. missing folio: Oss., Warsz.
3. –

32

1. [10] Quodsi vir vulneratus fuerit et ea die iudicium non fuerit, quesierit et sua querimonia pernoctaverit et, qui inculpatur, tunc conparuerit, evadit eum
- 2a. *metseptimus* [Gn., Q II 157 (1), Q II 157 (2), BN 12600, Dział. I, BJ 4405, Przem., Plesz., BOZ, II Q 4, 951b, BN 3068, *Statutes*]
- 2b. *metseptimus suis vicinis* [Kiel., BN 12607]
- 2c. *septem suis vicinis* [AJG, Flor., Dział. IV]
- 2d. *sola manu* [F 143]
- 2e. missing folio: Oss., Warsz.
3. in gloss in 951b: 2b

33

1. [10] *evadit eum ... quam ille super eum possit protestare.* [Gn.]
- 2a. the underlined words: Gn. and other Latin texts except 2a
- 2b. missing: BN 12607, II Q 4, *Statutes*
- 2c. missing folio: Oss., Warsz.
3. the underlined words missing in the German texts, see No. 320

34

1. [11] *Si aliquis irruit super alterius domicilium tempore nocturno aut diurno, temeraria violencia, nulla procedente querimonia, et si in manuali facto deprehensus fuerit cum clamore, et si clamorem cum auditoribus metseptimus suorum vicinorum* [Gn.]
- 2a. the underlined words: Gn. and other Latin texts except 2b
- 2b. missing: F 143
- 2c. missing folio: Oss., Warsz.
3. —

35

- 1a. [12] *Sin autem plures iudicialiter infestaverit, quam vulnera habuerit, alii omnes evadent suo iure quivis metseptimus.* [Gn. and other Latin texts except 1b and 1c]
- 1b. *Si autem plures iudicialiter infestaverit, quam vulnera habuerit, alii omnes evadent suo iuramento, qui ius [s] sua sola manu pro eo, quoadiutorio ratione homicidii vel vulneris duellaris, vel mettertus ad hoc, si pro eo cum testibus fuerit impulsatus.* [BN 12607, II Q 4]
- 1c. *Si autem plures iudicialiter infestaverit, quam vulnera habuerit, alii omnes evadent suo iure quilibet metseptimus, vel quivis sua sola manu pro adiutorio ratione homicidii vel vulneris duellaris, vel mettertius ad hoc, si pro eo cum testibus fuerit impulsatus.* [*Statutes*]
2. missing folio: Oss., Warsz.
- 3a. in gloss in 951b
- 3b. see No. 322

36

1. [12] Sin autem hii homines conparuerint, duellum in ipsis acquirere potest. [Gn.]
- 2a. in: Gn. and other Latin texts except 2b
- 2b. missing: F 143
- 2c. missing folio: Oss., Warsz.
3. —

37

1. [13] Obligat aliquis mercimonia aut alia bona *mobilia* ex parte iudicii, et ille pronunciet tribus iudiciis, ut est iuris, et quarto iudicio super eo dominium receperit ac appropriatum sibi fuerit, et cognoscencie domini dederit coram iudice et scabinis. [Gn.]
- 2a. in: Gn. and other Latin texts except 2b, 2c
- 2b. missing: Dział. IV, 951b
- 2c. missing Article: BOZ
- 2d. missing folio: Oss., Warsz.
3. see No. 324

38

- 1a. [13] Nullus etiam hospes ab alio advena, et e contra, indiget pignus recipere pro debito recognito. Si autem ipsum receperit, extunc ipsum acquirere et prosequi prout alter vir iuridice oportebit, *nisi aliter fuisset inter eos ordinatum verbotenus in contractu*. [Statutes]
- 1b. Etiam non debet aliquis hospes nec aliena unus ab alio aliquod pignus actipere pro debito quem fatetur, sed si hoc pignus recipit, hec debet iure obtinere et acquirere in iudicio, sicut alii homines, *exceptis si hoc pignus recipit cum prolocutione et excepcione*. [BN 3068]
- 2a. compliance: BN 12607, II Q 4, Statutes
- 2b. another redaction: BN 3068
- 2c. the complete phrase missing: Gn. with other Latin texts except 2a, 2b
- 2d. missing Article: BOZ
- 2e. missing folio: Oss., Warsz.
- 3a. compliance of the German texts in BN 12607 I II Q 4
- 3b. the text in BN 3068 by Art. 9

- 3c. in gloss in 951b
- 3d. cf. NTO No. 159 and the Latin collection of Magdeburg *ortyle* in BJ 4405 No. 151, f. 45r; cf. pledge for a guest in § 8 of *Magdeburg's Legal Instructions for Chełmno* (Laband p. 141); cf. collection of Magdeburg *ortyle* in BN 12607
- 3e. see No. 325

39

- 1a. [14] Et si *pueri vellent* dotalicium infringere, servare potest testimonio virorum ac mulierum *metseptima* [Gn.]
- 1b. Et si *mulieri vellent* dotalicium infringere, servare potest testimonio virorum ac mulierum *metseptima* [Plesz.]
- 1c. Et si *pueri vellent* dotalicium infringere, servare potest testimonio virorum ac mulierum [BN 3068]
- 2a. compliance: Gn. and other Latin texts except 1b and 1c
- 2d. missing folio: Oss., Warsz.
- 3. –

40

- 1a. [14] Si vir oves habuerit, *quas mulier recipiet* ad suppellectile [Gn.]
- 1b. Si vir oves habuerit ad suppellectilia recipient [II Q 4]
- 2. missing: II Q 4
- 2c. missing folio: Oss., Warsz.
- 3. –

41

- 1. [14] si moritur vir, hii pueri, qui in hereditate patris sunt, recipiunt bona, *et non hii, qui exhereditati sunt* [Gn.]
- 2a. the underlined words missing: Dział. IV
- 2b. the complete phrase missing: Dział. I, BOZ, 951b (suplement in gloss)
- 2c. BN 3068: a longer portion of the Article is missing, undoubtedly due to copyist's error
- 2d. in: Gn. and other Latin texts except 2a–2c
- 2e. missing folio: Oss., Warsz.
- 3. see No. 326

42

1. [14] Si vir oves habuerit, quas mulier recipiet ad suppellectile. [Gn.]
- 2a. in: Gn. and other Latin texts except 2b
- 2b. missing: Q II 157 (1)
- 2c. missing folio: Oss., Warsz.
3. –

43

1. [14] Hii pueri, qui in potestate patris *mortis* tempore *fu*erunt, *si ex hiis unus* moritur, istius partem dividunt inter se equaliter, tam exhereditati quam domestici. [Gn.]
- 2a. in: Gn. and other Latin texts except 2b
- 2b. the underlined words missing: Q II 157 (2)
- 2c. missing folio: Oss., Warsz.
3. –

44

1. [14] Sed deservitum precium et rationabile debitum debeant solvi de bonis mortui viri pre dotalitio, et hoc si mulier fuerit dotata pecuniis in paratis. Si autem dotata fuerit in hereditate propria, tunc suum dotalitium pre aliis debitis iure valeat obtinere.
Etiam quivis vir habens mansionem infra ius municipale, ille sue contorali dare potest pro dotalitio suam propriam hereditatem, quam in posse habeat alienandi, et etiam in aliis bonis suis mobilibus in quantum voluerit. [*Statutes*]
- 2a. in: BN 12607, II Q 4, *Statutes*
- 2b. missing: Gn. and other Latin texts except 2a
- 2c. missing folio: Oss., Warsz.
- 3a. compliance of German texts in BN 12607 and II Q 4
- 3b. the first part can be found in MFr. II.2.7, the second part in H. Wasserschleben's edition of the *Magdeburger Urteile* (p. 84; Dresden MS); both in: *Poznańska księga prawa magdeburskiego* IV.150,151, in the Latin translation of the Magdeburg *ortyle* in MS BJ 4405 and in a collection of German *ortyle* from Pilzno
- 3c. in gloss in 951b
- 3d. see No. 328

45

1. [16] Quitquit masculus dat sub banno, si possidebit pacifice et quiete
- 1a. absque *arestacione* aliqua anno et die [Gn., Q II 157 (1), Q II 157 (2), BN 12600, Dział. I, BN 4405, Przem., Plesz., BOZ, 951b, BN 3068]
- 1b. absque *contradicione* aliqua anno et die [F 143, AJG, Kiel., Flor., Dział. IV, BN 12607, II Q 4]
- 1c. absque *arrestacione et condicione* aliqua anno et die [*Statutes*]
2. missing folio: Oss., Warsz.
3. see No. 330

46

1. [17] Nemo masculus, nec ulla mulier possunt in lecto egritudinis de suis bonis alicui ultra tres solidos dare absque heredum consensu seu voluntate, *nec mulier sine consensu sui viri*. [Flor.]
- 2a. the underlined words: Flor., Dział. IV, BN 12607, II Q 4, *Statutes*
- 2b. missing: Gn., F 143, Q II 157 (1), Q II 157 (2), BN 12600, Dział. I, BJ 4405, Przem., Plesz., BOZ, AJG, Kiel., 951b, BN 3068
- 2c. missing folio: Oss., Warsz.
- 3a. in gloss in Dział. I, BJ 4405 and 951b
- 3b. see No. 331

47

1. [17] Aliquis potest sua bona dare in infirmitate positus, nisi tali ratione, videlicet quando aliquis esset in aliqua manifesta, tunc sellabitur [?] sibi equus et induat se arma bellica vel vestes suas meliores, et si posset equum ascendere de lapide, qui esset altus ad unam ulnam, vel de aliquo et tunc equitaret ad iudicium et sedens in equo potest, quidquid vult, ita [?] quod simul posset ad similem lapidem descendere de equo.
- 2a. in: Q II 157 (1)
- 2b. missing: Gn. and other Latin texts except 2a
- 2c. missing folio: Oss., Warsz.
3. —

48

1. [18] extunc omnes hii, qui se linea equali consanguinitatis ostendere poterint, in hereditate succedunt equaliter, *sive sit masculi sive femine, ex paterna et materna consanguineitate*. [*Statutes*]
- 2a. the underlined words: II Q 4, *Statutes*
- 2b. missing: Gn. and other Latin texts except 2a
- 2c. missing folio: Oss., Warsz.
- 3a. in gloss in 951b
- 3b. in the German text only in II Q 4: iz man adir vap von vatr adir von mutir halbin.

49

1. [18] Si autem puella et sacerdos fueri[n]t, tunc supellectilia inter se dividunt. [Gn.]
- 1a. ... *equaliter*. [F 143, BJ 4405, II Q 4]
- 1b. ... *equali forma*. [*Statutes*]
- 2a. missing: Gn. and other Latin texts except 1a, 1b
- 2b. missing folio: Oss., Warsz.
- 3a. in gloss: 951b (as *Statutes*) and Dział. 1 (as II Q 4)
- 3b. see No. 332

50

1. [19] Quitquit masculus dat in iudicio bannito coram iudice et scabinis, ibi recipiens dat unum solidum pro doni cognitione, *quod* recipiunt scabini, *quod possidebat quiete*. [Kiel.]
- 2a. the underlined words: Kiel.
- 2b. missing: Gn. and other Latin texts except 2a
- 2c. missing folio: Oss., Warsz.
3. —

51

1. [20] Quociens tunc mandatum debitor adimplere neglexerit, tociens penam suam iudex in eo acquisivit, *nisi iure se excusaverit*. [Przem.]
- 2a. the underlined words: Przem.

- 2b. missing: Gn. and other Latin texts except 2a
- 2c. missing folio: Oss., Warsz.
- 3. —

52

- 1. [21] Si aliquis ad limina sanctorum aut ad nundinas extra provinciam aut extra *limites et terminos* ire voluerit [*Statutes*]
- 2a. the underlined words: *Statutes*
- 2b. missing: Gn. and other Latin texts except 2a
- 2c. missing folio: Oss., Warsz.
- 3. see No. 335

53

- 1a. [21] Et si uni *debitum* adiudicatum fuerit, [F 143]
- 1b. Et si uni *testis* adiudicatum fuerit, [AJG]
- 1c. Et si uni *testimonium* adiudicatum fuerit, [Gn.]
inducias trinas duas ebdomadas optinebit, quodcumque elegerit aut iudicio proximo.
- 2a. *debitum*: F 143
- 2b. *testis*: AJG, Kiel.
- 2c. *testimonium*: Gn. and other Latin texts except 2a, 2b
- 2d. missing folio: Oss., Warsz.
- 3. —

54

- 1. [21] Et si uni *testimonium* adiudicatum fuerit, inducias trinas *duas* ebdomadas optinebit, quodcumque elegerit aut iudicio proximo. [Flor.]
- 2a. the underlined words: Gn. and other Latin texts except 2b
- 2b. missing: Flor.
- 2c. missing folio: Oss., Warsz.
- 3. —

55

1. [23] Sin autem contingeret, quod alter eam infringeret, hunc tamen emendare cum reconpensa oportet, pro vulnere novem talenta, *pro homicidio decem et octo tale[n]ta* [Gn.]
- 2a. the underlined words: Gn. and other Latin texts except 2b
- 2b. missing: Kiel.
- 2c. missing folio: Oss., Warsz.
3. –

56

1. [23] Sed ubicunque concordia ordinata fuerit extra iudicium, hoc facilius potest probare vir cum *sex* testibus solus septimus [Gn.]
- 2a. *sex*: Gn. and other Latin texts except 2b, 2c
- 2b. *tribus*: Q II 157 (1)
- 2c. *septem*: Dział. IV
- 2d. missing folio: Oss., Warsz.
3. see No. 338

57

1. [23] Ubi concordia et vera fremitus diuturna coram iudicio confirmata fuerit, si ipsam violat adversa pars, et si vincetur, ut ius dictaverit, *cum* iudice et scabinis, pro vulnere manum, pro homicidio collum. [Gn.]
- 2a. *cum*: Gn. and other Latin texts except 2b
- 2b. *coram*: F 143
- 2c. missing folio: Oss., Warsz.
3. –

58

1. [24] Similiter et vir potest filium suum, quem in potestate habet, tribus vicibus eximere, ubi aut ad collum aut ad manum pertransit. Quarta vero vice ipsum solum propria in persona respondere oportebit, et primum in suo iure non impedit, si filius prius bene respondisset. [Gn.]

- 2a. in: Gn. and other Latin texts except 2b
- 2b. missing: AJG, Kiel., II Q 4, *Statutes*
- 2c. missing folio: Oss., Warsz.
- 3. see No. 339

59

- 1. [24] Sin autem pater cum filio simul in eodem crimine coram iudicio inpulsati fuerint, extunc pater filium eximere non potest, nisi prius se ab eodem crimine expurgabit. [Gn.]
- 2a. in: Gn. and other Latin texts except 2b
- 2b. missing: AJG, Kiel.
- 2c. missing folio: Oss., Warsz.
- 3. see No. 340

60

- 1. [24] Famulus potest mercedem suam, quam promeruit, quinque solidos probare tacto sacramento *mettercius, ita tamen, si dominus voluerit consentire. Si autem dominus velit probare tacto sacramento mettercius*, quod sibi solvit [*Statutes*]
- 2a. the underlined words: F 143, Q II 157 (1), Q II 157 (2), BN 12600, BJ 4405, Przem., BOZ, AJG [partly], Kiel. [partly], Flor., Dział. IV, BN 12607, II Q 4, BN 3068, *Statutes*
- 2b. missing: Gn., Dział. I, Plesz., 951b
- 2c. missing folio: Oss., Warsz.
- 3a. in gloss in Dział. I
- 3b. see No. 341

61

- 1. [24] Si alter alterum pro vino aut alio potu inculpate voluerit, evadet ut aliud debitum, in quo nullum *dominium/dampnum* ostendere poterit aut protestare. [Gn.]
- 2a. *dampnum*: Kiel., Przem.
- 2b. *dominium*: Gn., F 143, Q II 157 (1), Q II 157 (2), BN 12600, Dział. I, BJ 4405, Plesz., BOZ, AJG, Flor., Dział. IV, BN 12607, II Q 4, 951b, *Statutes*
- 2c. *both*: BN 3068
- 2d. missing folio: Oss., Warsz.
- 3. —

62

1. [25] Si moritur femina absque herede, ita quod nullum heredem a suo marito pepererit, ipsa heredit sua successoria, seu sua prospera fortuna acquisita super suum proximum naturalem successorem, sive sit masculus sive femina, qui sibi sit paris condicionis. *Idem facit vir* illi, qui sibi paris fuerit conditionis. [Gn.]
- 2a. the words in italic: Gn., F 143, Q II 157 (1), BN 12600, Dział. I, BJ 4405, Plesz., BOZ, AJG, Kiel., Flor., 951b, BN 3068, *Statutes*
- 2b. the words in italic missing: Przem., Dział. IV, BN 12607, II Q 4,
- 2c. only the underlined words: Q II 157 (2)
- 2d. missing folio: Oss., Warsz.n
3. see No. 342

63

1. [25] Insuper omne aurum et argentum non informatum [s], et omnis siligo et carnes cum cervisia et vino, et panis, que vel quod aut quantum post trecenum permansit, vel permanserunt, totum cedit heredibus viri et non mulieribus, exceptis pulmentariis, de quibus mulier *mediam* recipit partem [Gn.]
- 2a. *mediam*: Gn. and other Latin texts except 2a, 2b
- 2b. in Dział. I missing *mediam*, written in gloss
- 2c. *mediam* missing: F 143
- 2d. missing folio: Oss., Warsz.
3. Przem. again in Art. 100

64

1. [26] Ubi pulmentaria dantur et omnis expensa domestica, que in potestate viri est *tempore mortis*, et omnes vacue cuppe, pulvinaria recipit mariti uxor, et non sua cognata proxima. [*Statutes*]
- 2a. the underlined words: BJ 4405, Przem., Plesz., BN 3068, *Statutes*
- 2b. missing: Gn., F 143, Q II 157 (1), Q II 157 (2), BN 12600, Dział. I, BOZ, AJG, Kiel., Flor., Dział. IV, BN 12607, II Q 4, 951b
- 2c. missing folio: Oss., Warsz.
3. —

65

1. [26] a text see No. 65
- 1a. ... recipit mariti uxor, *non sua cognata proxima*. [Gn. and other Latin texts except 1b–1e]
- 1b. ... recipit mariti uxor, *non sua agnata proxima*. [BOZ, 951b]
- 1c. ... recipit mariti uxor, *non cognata proxima ipsius mariti*. [II Q 4]
- 1d. ... recipit mariti uxor, et cognata *proxima*. [F 143]
- 1e. ... recipit mariti uxor, *non cognata sua*. [BN 12607]
2. missing folio: Oss., Warsz.
3. see No. 343

66

1. [26] *Omne proprium, quod locando possessum est ... spectant ad hereditatem*. [Gn.]
- 2a. the underlined words: Gn. and other Latin texts except 2b
- 2b. missing: F 143
- 2c. missing folio: Oss., Warsz.
3. –

67

1. [27] *conqueratur iudici et scabinis*, et ostendat sua vulnera [Gn.]
- 2a. the underlined words: Gn. and other Latin texts except 2b
- 2b. missing: BOZ
- 2c. missing folio: Oss., Warsz.
3. –

68

1. [28] *alterum non oportet sibi respondere, si placet, nisi conqueratur in eo ydiomate* [Gn.]
- 2a. in: Gn. and other Latin texts except 2b
- 2b. missing: Q II 157 (1)
- 2c. missing folio: Oss., Warsz.
3. –

69

1. [29] [after a compromise] iste sibi suus adversarius respondere non tenebitur *coram iudicio* [Gn.]
- 2a. in: Gn. and other Latin texts except 2b, 2c
- 2b. missing the underlined text: Plesz., BN 3068
- 2c. missing the sentence: Q 11 157 (2), BN 126000
- 2d. missing folio: Oss., Warsz.
3. —

70

1. [30] Quodsi se duo mutuo vulneraverint *equaliter* [Gn.]
- 2b. the underlined words: Gn. and other Latin texts except 2a
- 2a. missing: Przem
- 2c. missing folio: Warsz.
3. —

71

1. [31] Duellum quamvis dicitur duorum bellum, hic tantum accipitur pro illo, qui obtinet principium agendi. [Dział. IV]
2. in: Dział. IV
- 2b. missing: Gn. and other Latin texts except 2a
- 2c. missing folio: Warsz.
3. see No. 350

72

1. [31] Et si se duo mutuo vulneraverint equaliter et querulantur equaliter, quicunque ex eis in alterum duellum acquisierit, tunc eius
- 1a. adversarius *manum* demeretur [Gn. and other Latin texts except 1b]
- 1b. adversarius *colum* demeretur [Q 11 157 (2)]
- 2a. missing Article: F 143
- 2b. missing folio: Oss., Warsz.
3. —

73

1. [32] Etiam ullo precio conventi in aliquibus causis non valent contestari, qui eiici iure possunt. [*Statutes*]
- 2a. in: II Q 4, *Statutes* – both compliance with German text II Q 4
- 2b. missing: Gn. and other Latin texts except 2a
- 2c. missing folio: Warsz.
- 3a. cf. No. 95 – the same regulation in BN 12607, Oss., II Q 4 in Art. 42
- 3b. in gloss in 951b
- 3c. the German text only in II Q 4: Ouch mogen keyne gewette lawte geczengin yn keyner sache, wen man mag sy vorferfin mit rechte.

74

1. [32] Ille, qui ipsum captivum in manifesto facto detinuit,
- 1a. facilius eum vincere potest cum testimonio, *quam ipse captivus cum testimonio* evadere possit. [Gn. and other Latin texts except 1b]
- 1b. facilius eum vincere potest cum testimonio, *eum* evadere possit. [951b]
2. missing folio: Warsz.
3. –

75

1. [33] et hoc si ambo in recenti actione cum clamore ad iudicium fuerint deducti. [*Statutes*]
- 2a. in: II Q 4, *Statutes* – both compliance with German text II Q 4
- 2b. missing: Gn. and other Latin texts except 2a
- 2c. missing folio: Warsz.
- 3a. in gloss in 951b
- 3b. the German text only in II Q 4: Ap si beide in den hantaffte tat gerufte vor gericht brocht werden.

76

1. [34] Si autem vulnus monomachale fuerit, tunc continuo sibi iudex formari debet pro facto manifesto. [Gn. and other Latin texts except 2]
2. BN 3068: the complete text in Art. 12 and as a gloss in Art. 35
3. –

77

- 1a. [34] Si autem vulnus monomachale fuerit, tunc continuo sibi iudex *formari* debet pro facto manifesto. [Gn. and other Latin texts except 1b]
- 1b. Si autem vulnus monomachale fuerit, tunc in continenti sibi iudex *iudicium facere* debet pro facto manifesto. [*Statutes*]
2. missing folio: Warsz.
3. the *Statutes* includes language corrections

78

1. [35] Sin autem ad diem duellum dilatum fuerit, et si alter pugilem convenerit super alterum, et si ille protestare poterit, quod pugil sit *mercennarius*, extunc iure sibi a duello cedere potest. [Gn.]
- 2a. *mercennarius*: Gn. and other Latin texts except 2a
- 2b. missing: Dział. IV
- 2c. missing folio: Warsz.
3. see No. 356

79

1. [37] Si se duo mutuo vulneraverint et ambo coram iudicio conparent et querulose proponant, et querimonia usque ad iudicium dilata fuerit, qui primo querulatus fuerit, moriatur ab hiis vulneribus, mortuus ad iudicium portetur, et alter vulneratus eciam comparuerit, et unus, de mortui,
- 1a. *agnatus* loquatur [Gn., F 143, Q II 157 (1), Q II 157 (2), BN 12600, Dział. I, BJ 4405, Przem., Plesz., BOZ, Flor., 951b, *Statutes*]
- 1b. *cognatus* loquatur [AJG, Kiel., Dział. IV, BN 12607, Oss., II Q 4, BN 3068]
2. missing folio: Warsz.
3. see No. 359

80

1. [37] a text see No. 79
- 1a. loquatur super vulneratum cum testimonio [Gn., F 143, Q II 157 (1), Q II 157 (2), BN 12600, Dział. I, BJ 4405, Przem., Plesz., BOZ, AJG, Kiel., Dział. IV, 951b, BN 3068]

- 1b. loquatur super vulneratum cum testimonio *sive duello* [Flor., BN 12607, Oss., II Q 4, *Statutes*]
- 2. missing folio: Warsz.
- 3. see No. 362

81

- 1. [37] Si hoc, ut iuris est, protestaverit, propius est evadere
- 1a. quam ille super eum poterit protestare. [Gn., F 143, Q II 157 (1), Q II 157 (2), BN 12600, Dział. I, BJ 4405, Przem., Plesz., BOZ, AJG, Kiel., Dział. IV, 951b, BN 3068]
- 1b. *metseptimo*, quam ille super eum protestari possit. [Flor., BN 12607, Oss.]
- 1c. *homicidium metseptimus*, quam vincere possit. [II Q 4]
- 1d. quam ille super eum protestari possit *homicidium metseptimus*, alias quam protestari et vinci possit. [*Statutes*]
- 2. missing folio: Warsz.
- 3a. text in the *Statutes*: compilation of Gn. and II Q 4
- 3b. see No. 363

82

- 1a. [37] *quia ambo coram iudicio querimoniam inceperunt. Sed suum testimonium sic debet procedere, quod initium contencionis illius fuerit, et non suum.... Sin autem ille ipsum monomachaliter alloquitur, extunc ipsum pro suo collo pugnare oportebitur.* [Gn.]
- 1b. *Si autem ille ipsum duellare fuerit alloqutus, extunc ipsum pro suo collo respondere oportet. Si autem evaserit cum testimonio, tunc suum testimonium sit procedere debet, quod initium contencionis illius fuerit et non suum.* [Flor.]
- 1c. *Et si evadet, tunc suum testimonium debet sic procedere, quod initium contencionis illius fuerunt et non suum.* [BN 12607, Oss.]
- 1d. *Si autem aliquis agnatus ipsius mortui duellarie salutaverit ipsum, tunc pro collo suo respondere oportet. Si autem evadere voluerit cum testibus, extunc testimonium sic debet procedere, quod initium contencionis illius mortui fuisset et non suum.* [II Q 4, *Statutes*]
- 2a. compliance of Gn. with F 143, Q II 157 (1), Q II 157 (2), BN 12600, Dział. I, BJ 4405, Przem., Plesz., BOZ, AJG, Kiel., Dział. IV, 951b, BN 3068
- 2b. slight linguistic divergences between II Q 4 and *Statutes*
- 2c. missing folio: Warsz.
- 3. see No. 364

83

- 1a. [37] Et si suos testes incontinenti habere non poterit, terminum *sex ebdomadis* acquirit, tunc *facilius potest evadere homicidium metseptimus*, quam ille cum *testimonio ipsum vincere possit*. [Gn., F 143, Q II 157 (1), Q II 157 (2), BN 12600, Dział. I, BJ 4405, Przem., Plesz., BOZ, AJG, Kiel., Dział. IV, 951b, BN 3068]
- 1b. *potest evadere homicidium mettercius* [Dział. IV]
- 1c. Et si quis incontinenti habere non poterit, terminum *trium quindenarum* acquirit, ex *hiis sibi eligat unam quindecinam quamcumque voluerit*. [Flor., II Q 4]
- 1d. Et si suos testes incontinenti habere non potuerit terminum ad sex ebdomadas *acquirit, hiis sibi eligat unam quindecinam quicumque voluerit*. [Oss., BN 12607]
- 1e. Et si suos testes incontinenti habere non poterit, inducias et terminum *trium quindenarum* *acquiret, ex iis sibi eligat unam quindenam, quamcumque voluerit, in qua facilius possunt evadere homicidium metseptimus, quam ille cum testimonio ipsum vincere possit*. [Statutes]
- 2a. in MS Flor. and MS II Q 4 a substantive divergence from MS Gn.; but also found in the German texts of MS BJ 168, MS BN 12607 Ger. and MS II Q 4 Ger.
- 2b. text in *Statutes* is a compilation of Gn. and II Q 4
- 2c. missing folio: Warsz.
3. see No. 365

84

1. [39] Si fur clara luce diei deprehensus fuerit, qui bone fame sit, et
- 1a. furtum *minus quam tres solidos* [Gn., F 143, Q II 157 (1), Q II 157 (2), BN 12600, Dział. I, BJ 4405, Przem., Plesz., BOZ, 951b, BN 3068]
- 1b. furtum *tres solidos* [Dział. IV]
- 1c. furtum *non plus quam tres solidos* [AJG, Kiel., Flor., BN 12607, II Q 4, Oss., *Statutes*]
2. missing folio: Warsz.
- 3a. in gloss in Dział. I: *Solidus hic valet tres grossos*
- 3b. see No. 367

85

1. [39] minus quam tres solidos valeat, *cutem cum crine demerentur*. Sed si furtum *ultra tres solidos*, reus est suspendio. [Gn.]
- 2a. the underlined words: Gn. and other Latin texts except 2b
- 2b. missing: BN 3068

- 2c. missing folio: Warsz.
- 3. —

86

- 1. [39] Si autem fur tempestate noctis deprehensus fuerit cum sex denariis, reus est suspendio. [Gn.]
- 2a. in: Gn. and other Latin texts except 2b, 2c
- 2b. in F 143: VII
- 2c. missing: Q II 157 (2), BN 126000
- 2d. missing folio: Warsz.
- 3. —

87

- 1. [39] Sed vel quitquid suarum rerum, qui sibi subtractum vel captum fuerint, ad hoc se trahere debet tacto sacramento, ut iuris est.
- 2a. in: BN 3068
- 2b. missing: Gn. and other Latin texts except 2a
- 2c. missing folio: Warsz.
- 3. —

88

- 1. [40] Conqueritur vir super alterum pro bonis, quod vera sua hereditas sit, et quod ille teneat cum iniuria, et sua vera sit succession a patre suo,
- 1a. vel ab alio *suo angnato*, aut a suo predecessore [Gn., F 143, BJ 4405, Przem., Plesz., BOZ, 951b, *Statutes*]
- 1b. vel ab alio *suo cognato*, aut a suo predecessore [Q II 157 (1), BN 12600, Dział. I, BJ 3068]
- 1c. vel a *suo alio amico*, aut predecessore [AJG, Kiel., Dział. IV, BN 12607, Oss., II Q 4]
- 1d. predecessore [Q II 157 (2)]
- 1e. decessore [Flor.]
- 2. missing folio: Warsz.
- 3a. in Dział. I written by a commentator 'amico'
- 3b. see No. 368

89

- 1a. [40] actor conservat suam legalem proprietatem, in bonis eisdem, quia quivis homo conservat suam innatam hereditatem, *sive naturalem porcionem, facilius quam alter emptam hereditatem, aut obligatam hereditatem, aut datam proprietatem, aut predium censuale* [Gn., Dział. I, BN 4405, Przem., AJG, Kiel., Flor., Dział. IV, BN 12607, II Q 4, BN 3068]
- 1b. missing: *facilius quam alter emptam hereditatem* [BOZ, 951b]
- 1c. missing: *obligatam hereditatem* [Q II 157 (2), BN 12600]
- 1d. missing: *datam proprietatem* [Q II 157 (2), BN 12600, Oss., *Statutes*]
- 1e. missing: *predium censuale* [Q II 157 (1)]
2. missing folio: Warsz.
3. —

90

- 1a. [40] quivis homo conservat suam innatam hereditatem, *sive naturalem porcionem* [Gn., F 143, Q II 157 (1), Q II 157 (2), BN 12600, Dział. I, BJ 4405, Przem., Plesz., Dział. IV, BN 3068]
- 1b. quis homo suam innatam hereditatem, *seu porcionem* [AJG, Kiel., Flor., II Q 4]
- 2a. the underlined words missing: BN 12607, Oss., *Statutes*
- 2b. a longer portion of the text is missing: BOZ, 951b
- 2c. missing folio: Warsz.
3. see No. 374

91

1. [40] actor conservat suam legalem proprietatem ... cum impossibile sit aliquem de naturali porcione defraudari. [Gn.]
- 2a. in: Gn., Q II 157 (1), Q II 157 (2), BN 12600, Dział. I, BJ 4405, Przem., Plesz., BOZ, 951b, BN 3068, *Statutes*
- 2b. missing: F 143, AJG, Kiel., Flor., Dział. IV, BN 12607, Oss., II Q 4
- 2c. missing folio: Warsz.
3. see No. 374

92

1. [41] Si homo habuerit hereditaria censualia et bona a quodam monasterio, aut alio domino, et si dominus aut abbas sibi non fatetur, aut conventus, hic vir potest *metseptimus* protestare [Gn.]
- 2a. *metseptimus*: Gn. and other Latin texts except 2a
- 2b. *mettertius*: Dział. IV
- 2c. missing folio: Warsz.
3. see No. 376n

93

1. [42] Si debet vir producere testimonium super proprium alterius *metseptimus*, aut *mettercius*, hoc facere oportet cum possessis hominibus, *qui in suo iure argui non possunt* [Gn.]
- 2a. the underlined words: Gn., Dział. I, Przem., BOZ, 951b, BN 3068, *Statutes*
- 2b. missing: F 143, Q II 157 (1), Q II 157 (2), BN 12600, BJ 4405, Plesz., AJG, Kiel., Flor., Dział. IV, BN 12607, Oss., II Q 4
- 2c. missing folio: Warsz.
3. see No. 377

94

1. [42] a text see No. 93
- 1a. *metseptimus* aut *mettercius* [Gn. and other Latin texts except 1b]
- 1b. *metseptimus* aut *octavus* [Oss.]
2. missing folio: Warsz.
3. —

95

- 1a. [42] In nullis causis precio conventi seu empti valeant *protestare*, *quia* iure possunt *eici*. [BN 12607, Oss., II Q 4]
- 1b. In nullis eciam causis precio conventi seu empti valeant *contestari*, *qui eici* iure possunt. [*Statutes*]
- 1c. Oss.: *eici* replaced by *vinci*
- 2a. missing: Gn. and other Latin texts except 1a, 1b
- 2b. missing folio: Warsz.

- 3a. cf. No. 73 – the text in II Q 4 and in *Statute* in Art. 32
- 3b. in gloss in BJ 4405: In nullis causis precio conventi seu empti, possunt esse testes, quia iure possunt eici.
- 3c. see No. 379

96

- 1. [43] Si aliquis debet persoluta debita protestari vel probare pro debito, hoc facere debet talibus cum hominibus, qui in suo iure argui non possunt *mettercius*. [Oss.]
- 2a. *mettercius*: BN 12607, Oss., BN 3068
- 2b. missing: Gn. and other Latin texts except 2b
- 2c. missing Article: *Statutes*
- 2d. missing folio: Warsz.
- 3. see No. 380

97

- 1. [44] Si vir ducit viduam que unum filium aut plures pueros habuerit et ipse nulla bona habuerit nec ipsa, **et vir unum filium habuerit cum sua prima uxore**, et si fortuna arriende per suos labores bona habuerint et proprietatem sive hereditatem emerint, aut super bona mobilia sive mercimonia posuerint, et in posterum vir moritur et uxor, extunc filius viri propior est recipere hereditatem, quam *pueri femine*, aut pueri sororis *sue*, *vel etiam nepotes seu nepte* ex filia sua. [Gn.]
- 2a. the underlined words in: Gn. and other Latin texts except 2b
- 2b. missing: Q II 157 (1)
- 2c. missing folio: Warsz.
- 3. –

98

- 1. [44] a text see No. 97
- 1a. **et vir unum filium habuerit cum sua prima uxore** [Gn.]
- 2a. in: Gn. and other Latin texts except 2b
- 2b. missing: BOZ
- 2c. missing folio: Warsz.
- 3. –

99

1. [45] Si vir aliquis dederit pueris suis aliqua bona sua, et sue uxori, in iudicio ban-
nito circa vitam suam, et bone rationis, et si sibi pueri paris condicionis fuerint,
et si desuper vera pax firmata fuerit [Gn.]
- 2a. the underlined words: Gn. and other Latin texts except 2b, 2c
- 2b. missing: Flor.
- 2c. missing folio: Warsz.
3. —

100

1. [45] et inposterum aliteri in eisdem bonis aliquit dederit *aut heres fuerit, aut ille,*
cui prima donacio sit data, bene contradicere potest de iure. [Gn.]
- 2a. the underlined words: Gn. and other Latin texts except 2b
- 2b. missing: F 143, Q II 157 (2)
- 2c. missing folio: Warsz.
3. —

101

1. [46] Si vir mercimonia aut bona mobilia habuerit, quod cum bonis emerit
eisdem
- 1a. successoris paterna successione [Gn. and other Latin texts except 1b]
- 1b. sunt censariis paterna successione [BOZ, 951b]
2. missing folio: Warsz.
3. —

102

1. [46] Sin autem vir habuerit bona mobilia aut mercimonia, que sibi propriis
laboribus aut prospera fortuna accreuerunt
- 1a. que potest dare [Gn., Q II 157 (1), Dział. I, Przem., Plesz., BOZ, 951b, BN 3068]
- 1b. *cum sua uxore*, potest dare [F 143, Q II 157 (2), BN 12600, BJ 4405, AJG, Kiel., Flor.,
Dział. IV, BN 12607, Oss., II Q 4, *Statutes*]
2. missing folio: Warsz.
3. see No. 385

103

- 1a. [46] Sin autem *vir habuerit bona mobilia aut hereditaria censualia* bona fuerint, [Plesz.]
- 1b. Sin autem hereditaria *censualia* bona fuerint, [Gn.]
extunc sue uxori dare non potest absque heredum consensu, vel absque domini proprietatis consensu, in cuius bonis sunt.
- 2a. *censualia*: Gn. and other Latin texts except 2c
- 2b. the words in italics: Plesz.
- 2c. missing both: Dział. iv
- 2d. missing folio: Warsz.
3. see No. 386

104

1. [46] de iure liberti in emendis sine [s] obnoxii et in successionibus in bonis naturalibus. [BOZ]
- 2a. in: 951b i BOZ
- 2b. missing: Gn. and other Latin texts except 2a
- 2c. missing folio: Warsz.
3. this fragment is mistakenly included in the text of the provision the title of the next article, in the wording close to Gn.

105

1. [47] Quando obnoxius moritur, extunc *suo domino aut* suo advocato oportet dare denarios obnoxietarum [s] et meliorem equum, quem habet [Gn.]
- 2a. the underlined words: Gn. and other Latin texts except 2b
- 2b. missing: Przem.
- 2c. missing folio: Warsz.
3. —

106

1. [48] Si moritur vir absque herede et nepotem ex filia habuerit, que exheredata fuerit circa suam vitam, idem nepos maiori iure recipit bona avi materni,

quam iudicium, qui sibi est paris condicionis. *Iudicium recipit sua arma bellica.*

[Dział. IV]

- 2a. the underlined words: Q II 157 (1), Q II 157 (2), BN 12600, BJ 4405, Plesz., AJG, Kiel., Flor., Dział. IV, BN 12607, Oss., II Q 4, BN 3068, *Statutes*
- 2b. missing: Gn., Dział. I, Przem., BOZ
- 2c. missing Article: F 143
- 2d. missing folio: Warsz.
- 3a. written by commentators: Gn. and Dział. I
- 3b. see No. 387

107

- 1a. [48] Si etiam filius duxerit uxorem tempore vite sui patris, et premoriatur patri indivisus a sua hereditate, extunc ipsius filii hereditatem sui avi recipiunt, equaliter cum suis patruis, et non filii filiarum. Si autem filium a se diviserit, protunc filii filiorum in bonis sui avi equalem recipiunt portionem. Sed in hereditatibus avie recipiendis filie filiorum et filiarum iuridice sunt equales. [*Statutes*]
- 1b. Si autem filius uxorem duxerit vincule patre. Si moritur filius absque divisione patris in hereditate, tunc pueri eiusdem filii hereditatem patris: partem patris recipiunt sed non pueri filie seu ancille. Sin autem filium a se diviserit cum hereditate, tunc cum sui pueri recipient partem equalem in hereditate ave, sed in hereditate ave equalem divisionem, tam filiorum pueri, quam filiarum. [BN 3068]
- 2a. in: BN 12607, Oss., II Q 4, *Statutes*
- 2b. another linguistic redaction BN 3068, in Art. 15
- 2c. missing: Gn., Q II 157 (1), Q II 157 (2), BN 12600, Dział. I, BJ 4405, Przem., BOZ, AJG, Kiel., Flor., Dział. IV, 951b
- 2d. missing Article: F 143
- 2e. missing folio: Warsz.
- 3a. cf. NTO No. 164 and in Latin collection of Magdeburg *ortyle* in BJ 4405 No. 153, f. 45v–46r; cf. also MFr. I.7.13. (P. Laband, *Magdeburger Rechtsquellen*, p. 98)
- 3b. the German text in II Q 4; in BN 12607 Ger. only a free space and a return to f. XXI (current f. 47v), where another German fragment about inheritance, see No. 163 and No. 389

108

1. [49] cum *malefactor* ad iudicium deductum fuerit [Gn.]
- 2a. *malefactor*: Gn. and other Latin texts except 2a
- 2b. *malediccion*: Q II 157 (1)
- 2c. *viro*: Dział. IV
- 2d. missing folio: Warsz.
3. –

109

1. [49] hoc oportet, quod faciat mettercius cum talibus hominibus
- 1a. qui in suo iure argui non possunt. [Gn. and other Latin texts except 1b]
- 1b. iudicio astantibus ac fidedignis. [II Q 4]
2. missing folio: Warsz.
3. –

110

1. [50] Cum moritur vir, qui pueros habuerit, qui ad annos discrecionis non dum pervenerunt, proximus *agnatus* / *cognatus* debet ipsorum esse tutor
- 2a. *agnatus*: Gn., F 143, Q II 157 (1), Dział. I, BJ 4405, Przem., Plesz., BOZ, Dział. IV, 951b, BN 3068, *Statutes*
- 2b. *cognatus*: Q II 157 (2), BN 12600, AJG, Kiel., Flor., BN 12607, Oss., II Q 4
- 2c. missing folio: Warsz.
- 3a. a commentator changed *agnatus* into *cognatus* in Dział. I
- 3b. see No. 391

111

1. [50] *Et si idem non dum ad huc annos pubertatis attingerit*, adiutor suus esse debet *proximus agnatus suus*, eousque ipse ad annos pervenerit discrecionis [Gn.]
- 2a. in: Gn., F 143, Q II 157 (1), Q II 157 (2), BN 12600, Dział. I, BJ 4405, Plesz., Dział. IV, AJG, Kiel., Flor., BN 12607, Oss., II Q 4, BN 3068
- 2b. the complete phrase missing: *Statutes*

- 2c. the italic text missing: Przem.
- 2d. the underlined words missing: BOZ, 951b
- 2e. missing folio: Warsz.
- 3. –

112

- 1. [50] [tutor] rationem anno ad annum de bonis pupillorum
- 1a. coram vero ipsorum tutore facere tenetur. [Gn., F 143, Q II 157 (1), Q II 157 (2), BN 12600, Dział. I, BJ 4405, Przem., Plesz., AJG, Kiel., Flor., Dział. IV, BN 3068]
- 1b. coram vero ipsorum tutore vel coram consulibus aut scabinis. [BN 12607, Oss.]
- 1c. quidquid factum fuerit cum hiis bonis. [II Q 4]
- 2a. missing: BOZ, 951b, *Statutes*
- 2b. missing folio: Warsz.
- 3. see No. 392

113

- 1. [51] Et si factum manifestum cum viro ad iudicium deductum fuerit, stuprum et obsidium, et irruenciam domicilii, homicidium, furtum, spolium, probat homo protestando *metseptimus*. [Gn.]
- 2a. *metseptimus*: Gn. and other Latin texts except 2b
- 2b. *mettertius*: Dział. IV
- 2c. missing folio: Warsz.
- 3. see No. 397

114

- 1. [51] [oath] "Domine iudex, ego conqueror Deo et vobis, quod hic homo iste venit intra municipalia, et in me pacem violavit, et me stupravit corpore et rebus et honore muliebri, de quo sufficiens habeo testimonium per eos, qui meum clamorem audierunt, et ostendere volo factum, ut de iure teneo aut debeo, *et requiro in sententia diffinitiva, quomodo ipsum vincere debeam*, ut michi proficiat in iure meo".
- 2a. the underlined words: Gn. and other Latin texts except 2b
- 2b. missing: Dział. IV
- 2c. missing folio: Warsz.
- 3. see No. 398

115

1. [51] Item factum manifestum eciam est ibi, ubi unum cum gladio aut cultello aut alia *sica* in manu deprehenderit [Gn.]
- 2a. in: Gn. and other Latin texts (also another weapon) except 2b
- 2b. BN 3068: *litiosa* (res furtivae)
- 2c. missing folio: Warsz.
3. –

116

1. [51] Et factum manifestum dicitur quam quis scientur claves ad furta gesserit, aut ea in sua defensione tenuerit, nec sin tam parva [s], quod ad [?] cellarii reponi sive ipsius scitu valeant. [F 143]
- 2a. in: F 143
- 2b. missing: Gn. and other Latin texts except 2a
- 2c. missing folio: Warsz.
3. –

117

1. [51] Tunc diffinitur iure, quod possit ipsum possibilis vincere cum hiis, qui suum clamorem audierunt, quam evadere possit. [Gn.]
- 2a. in: Gn. and other Latin texts except 2b
- 2b. missing: F 143
- 2c. missing folio: Warsz.
3. –

118

1. [52] Et sicut ipsum in manifesto facto deduxit ad iudicium, sic in sententia requirit, quomodo ipsum vincere debeat, ut sibi proficuum sit in suo iure.
- 1a. *Et sic diffinitur cum clamore metseptimus eum vincere debet.* [BN 12607]
- 1b. *Tunc diffinitur metseptimus.* [Dział. IV]
- 2a. missing: Gn. and other Latin texts except 1a and 1b
- 2b. missing folio: Warsz.
3. see No. 400

119

1. [53] [accusation] Tunc hic conqueritur super virum ·N· et super ·N·, quod ipsi venerunt intra municipale, et in eo pacem infregerunt, et ipsum vulneraverunt aut suum affinem *proximum trucidaverunt*, si homicidium fuerit, et ipsum spoliaverunt corpore et rebus, et pro eo iudicium petit. [Gn.]
- 2a. *proximum trucidaverunt* [Gn. and other Latin texts except 2b, 2c]
- 2b. *occiderunt* [Dział. IV]
- 2c. *trucidaverunt* [BJ 4405]
- 2d. missing folio: Warsz.
3. see No. 402

120

1. [53] Si vulneratus vir ad iudicium cum clamore deductus fuerit *in facto manifesto, et si ita* inbecillis aut *debilis fuerit*, quod per tutorem ipsum querulari oportet et prolocutorem per sententiam petat [Gn.]
- 2a. in: Gn. and other Latin texts except 2b, 2c
- 2b. missing the cursive text: Q II 157 (1)
- 2c. the underlined words missing: Q II 157 (2), BN 12600, Dział. IV, II Q 4
- 2d. missing folio: Warsz.
3. see No. 406

121

1. [53] [two persons sent to the victim] *Tunc unus interrogetur* ad dicendum, quid ab eo audierint. [Gn.]
- 2c. the underlined text: Gn. and other Latin texts except 2b, 2c
- 2b. missing: Przem.
- 2c. a longer portion of the text is missing: Dział. I, BOZ, BN 3068
- 2d. missing folio: Warsz.
3. in gloss in Dział. I

122

- 1a. [53] [victim] si iam profecerit, cum sibi diffinitur, quod sic, et eciam secundus et tercius *interrogetur. Extunc sibi diffinitur, quod profecerit. Extunc querelam*

incipiat [Gn., Q II 157 (1), Q II 157 (2), BN 12600, Dział. I, BJ 4405, Przem., Plesz., BOZ, Flor., BN 12607, Oss., 951b, BN 3068, *Statutes*]

- 1b. si iam profecerit, cum sibi diffinitur, quod profecerit secundus et tertius, deinde querelam incipiat [II Q 4, AJG, Kiel.]
- 1c. sic interrogetur secundus et tertius, deinde querela incipiat [Dział. IV]
- 1d. si iam profecerit, deinde querelam incipiat: [F 143]
2. missing folio: Warsz.
3. see No. 407

123

1. [53] [asking for an attorney] diffinitur, quod non. Extunc sibi petat correccionem. Cum obtinuerit coreccionem [Gn.]
- 2a. in: Gn. and other Latin texts except 2b
- 2b. missing: BN 3068
- 2c. missing folio: Warsz.
3. —

124

1. [56] Qui monomachaliter suum equalem salutare seu alloqui voluerit, hunc iudicem petere oportebit, ut se intromittere possit de uno suo pacis violatore, quem videat in presenti. Cum hoc sibi per sententiam diffinitum fuerit, tunc eciam in sententia requirat, per quem modum se de ipso intromittere debeat, ut sibi in suo iure proficere possit. Tunc sibi de iure diffinitur, curialiter *per oram vestimenti*. [Gn.]
- 2a. the underlined words: Gn. and other Latin texts except 2b
- 2b. missing: Oss.
- 2c. missing Article: Plesz., Dział. IV
- 2d. missing folio: Q II 157 (2), Warsz.
3. —

125

1. [56] Et cum se de ipso intromittat, pronunciet sibi causam, pro qua se de ipso intromiserit, quod statim facere potest, si vult, aut pro eo habere colloquium.

Tunc ipsum inculpare oportebit, quod pacem in eo infregerit *aut in strata regia, aut in villa*, qualiter infregerit, eodem modo queruletur super eum. [Gn.]

- 2a. the underlined words: Gn. and other Latin texts except 2b
- 2b. missing: F 143
- 2c. missing Article: Plesz., Dział. IV
- 2d. missing folio: Q II 157 (2), Warsz.
- 3. —

126

- 1. [56] *Si sub banno regio fuerit*. Extunc ille petat satisfacionem, *quam sibi facere debet*. [Gn.]
- 2a. the underlined words: Gn. and other Latin texts except 2b
- 2b. missing: F 143
- 2c. missing Article: Plesz., Dział. IV
- 2d. missing folio: Q II 157 (2), Warsz.
- 3. —

127

- 1a. [56] *Tamen* vir potest suam querimoniam meliorare ante satisfacionem [Gn.]
- 2a. *Tamen*: Gn. and other Latin texts except 2b, 2c
- 2b. *Pauper*: [Oss.]
- 2c. a longer portion of the text is missing: F 143
- 2c. missing Article: Plesz., Dział. IV
- 2d. missing folio: Q II 157 (2), Warsz.
- 3. —

128

- 1. [56] quod ipsum spoliaverit bonis suis et de ipsis sibi tanta receperit, quod bene duellum meretur. Hec tria criminalia facta omnia simul conqueratur [Gn.]
- 2a. in: Gn. and other Latin texts except 2b
- 2b. missing: BOZ
- 2c. missing Article: Plesz., Dział. IV
- 2d. missing folio: Q II 157 (2), Warsz.
- 3. —

129

- 1a. [56] Hec tria criminalia facta omnia simul conqueratur, de quoquunque horum trium *de uno obliviscitur aut tacuerit*, extunc suum *duellum* amisit. [Gn. and other Latin texts except 1b]
- 1b. Hec tria criminalia facta omnia simul conqueratur, de quoquunque horum trium *obtinuerit*, ex tunc suum ammisit. [Flor.]
- 2c. missing Article: Plesz., Dział. IV
- 2d. missing folio: Q II 157 (2), Warsz.
3. —

130

- 1a. [56] A duello eciam potest accipere suos affines, si uterque suus affinis et ita consanguineitatis linea coniuncti fuerint, quod simul pungnare non poterint. [Gn., and other Latin texts except 1b]
- 1b. A duello eciam excipere potest vir suos affines, si uterque suus affinis *fuerit*, *hoc probare debet metseptimus tacto sacramento* et ita sanguineitatis linea coniuncti fuerint, quod simul pungnare non poterint. [BN 12607, Oss., II Q 4]
- 2a. slight linguistic divergences in II Q 4
- 2b. missing Article: Plesz., Dział. IV
- 2c. missing folio: Q II 157 (2), Warsz.
3. see No. 414

131

1. [56] Quivis vir potest se a duello excusare *illi viro, qui sibi paris condicionis non fuerit*. Ille autem, qui nobilioris nature fuerit, *ille preesse non potest [illi]*, *qui deterioris nature fuerit*, si ipsum alloquetur. [Gn.]
- 2a. the underlined words and the cursive text: Gn. and other Latin texts except 2b, 2c
- 2b. the underlined words missing: BOZ, AJG, Kiel.
- 2c. missing the cursive text: Przem.
- 2d. missing Article: Plesz., Dział. IV
- 2e. missing folio: Q II 157 (2), Warsz.
3. —

132

1. [56] iudex eciam debet habere clipeum *et gladium* [Gn.]
- 2a. the underlined words: Gn. and other Latin texts except 2b
- 2b. missing: BN 12607, Oss.
- 2c. missing Article: Plesz., Dział. IV
- 2d. missing folio: Q II 157 (2), Warsz.
3. –

133

1. [56] [court duel] unum clipeum rotundum in *sinistra* manu [Statutes]
- 2a. *sinistra*: II Q 4, Statutes
- 2b. missing: Gn. and other Latin texts except 2a
- 2c. missing Article: Plesz., Dział. IV
- 2d. missing folio: Q II 157 (2), Warsz.
3. –

134

1. [56] Etiam iudex, *vel preco communis*, debet indicare pacem circa collum, quod nemo eos inpediat circa duellum. [Statutes]
- 2a. the underlined words: II Q 4, Statutes
- 2b. missing: Gn. and other Latin texts except 2a
- 2c. missing Article: Plesz., Dział. IV
- 2d. missing folio: Q II 157 (2), Warsz.
3. –

135

- 1a. [56] Cuilibet ipsorum iudex unum virum *habeat, qui flangam ferat, qui ipsos in nichilo nullo inpedire debent, nisi si unus ceciderit, quod flangam interponat*, aut si vulneratus fuerit. *Aut si flangam desiderat, hoc idem facere, nisi voluntas iudicis fuerit, non potest.* [Gn. and other Latin texts except 1b, 1c]
- 1b. Cuilibet ipsorum iudex unum virum dare debet, *qui flangam ferat. Qui ipsos in nichilo inpedire debet, nisi si unus cecidit, quod flangam desiderat.* Quod idem facere nisi voluntas iudicis fuerit non potest. [BN 12607, II Q 4, AJG, Kiel.]

- 1c. Cuilibet ipsorum iudex unum virum dare debet, qui falangam desiderat. Quod ille facere nisi voluntas iudicis fuerit non potest. [Oss.]
- 2a. missing Article: Plesz., Dział. IV
- 2b. missing folio: Q II 157 (2), Warsz.
- 3. see No. 416

136

- 1a. [56] *Finalia ferramenta de vaginis gladiatorum deponere debent*, nisi a iudice licentiam habuerint. [Gn. and other Latin texts except 1b]
- 1b. *Vinculos [?] fereos debent affringere*, nisi ex iudicis licencia possunt optinui. [Przem.]
- 2a. missing Article: Plesz., Dział. IV
- 2b. missing folio: Q II 157 (2), Warsz.
- 3. —

137

- 1. [56] [before duel] *Ambo ornati debent ire ante iudicem, et ambo iurare debent*: unus, scilicet actor, quod causa sit vera, pro qua super ipsum querelam fecerit, et respondens, quot sit innocens. [Gn.]
- 2a. the underlined words: Gn. and other Latin texts except 2b, 2c
- 2b. missing: Przem.
- 2c. the complete phrase missing: II Q 4
- 2d. missing Article: Plesz., Dział. IV
- 2e. missing folio: Q II 157 (2), Warsz.
- 3. —

138

- 1. [56] *Si vincetur ille, super quem conqueritur, tunc iudicetur sententia capitali. Sin autem vicerit, dimittetur cum pena et emenda.* [Gn.]
- 2c. *emenda*: Gn. and other Latin texts except 2b
- 2b. missing: BN 3068
- 2c. missing Article: Plesz., Dział. IV
- 2d. missing folio: Q II 157 (2), Warsz.
- 3. —

139

- 1a. [56] Et iudex sibi iudicare debet, sicut *per duellum adversarius suus* convictus. [Statutes]
- 1b. Et iudex sibi iudicare debet, sicut *fuisset duello* convictus. [Gn. and other Latin texts]
- 2a. missing Article: Plesz., Dział. IV
- 2b. missing folio: Q II 157 (2), Warsz.
3. cf. PS II.75, p. 56

140

1. [56] Si autem alter **agnatus** mortui quicumque fuerit loco ipsius ad duellum se exhibuerit, hic extinguet omne testimonium, quia tunc ipsum absque *duello* vincere non potest, *nisi fuerit prescriptus*, ut superius est expressum. [BN 12607]
- 2a. the underlined text in: BN 12607, Oss.
- 2b. missing: Gn. and other Latin texts except 2a
- 2c. in II Q 4 *duello* replaced by *testimonio*
- 2d. missing Article: Plesz., Dział. IV
- 2e. missing folio: Q II 157 (2), Warsz.
3. see No. 419

141

1. [56] text in No. 140
- 2a. **agnatus**: Gn., Q II 157 (1), BJ 4405, Przem., BOZ, Flor., BN 12607, Oss., 951b, BN 3068, *Statutes*
- 2b. **cognatus**: F 143, BN 12600, Dział. I, AJG, Kiel., II Q 4
- 2c. missing Article: Plesz., Dział. IV
- 2d. missing folio: Q II 157 (2), Warsz.
3. see No. 420

142

- 1a. [58] Et si tempore vite unius plura bona fuerint, quam quod suo iuramento exactionaliter alias solvendo exactionem comprobasset, et si fatetur eadem bona esse sua, tunc periurius existit, perdidit omne ius suum civile et caret iure, propter

quod infamis dicitur. Et quidcunque periurus debeat protestari, hoc coram iudicio oportet fieri, ita quod sibi causa nominatur propter quam sit periurus. Et si fateatur, vel bona sub ipso valeant promptari, alias cognosci vel inveniri, pro quibus patenter iuravit, extunc periurus est et convictus carensque iure et perdens suum ius civile. [*Statutes*]

- 1b. Et si eciam circa vitam unus vir plura bona invenerint, quam sub iuramento adidiam [s] dederit secundum arbitrium civitatis, ille homo est periurus, sic homo debet fieri et perdit omne ius suum, si bona illa fatetur, quod sua sint, et si homo vincetur, quod periurius sit, hoc quod debet fieri coram iudicio bannito et si factum et actum, queritur, quare periurus factus sit et si fatetur, possunt bona dicta sub potestate inveniri, pro quibus iuramentum prestitit ac inquit, qui possunt protestari, tunc ius suum perdit et honorem et hominem [s]. [BN 3068]
- 2a. in: BN 12607, Oss., II Q 4; slight linguistic divergences in the *Statutes*
- 2b. another linguistic redaction: BN 3068
- 2c. missing: Gn. and other Latin texts except 2a, 2b
- 2d. missing Article: Plesz., Dział. IV
- 2e. missing folio: Q II 157 (2), Warsz.
- 3a. German text in II Q 4 shorter than in BN 12607
- 3b. cf. NTO p. 151 and a Latin collection of Magdeburg *ortyle* in BJ 4405 No. 140, 141, f. 43r–v
- 3c. see No. 422

143

1. [60] Et cum viro uxor moritur,
- 1a. proxima sua *congata* recipit suppellectilia. [Gn. and other Latin texts except 1b, 1c]
- 1b. uxor *propria* sua *agnata seu neptis* recipit suppellectilia. [BN 3068]
- 1c. proxima sua *agnata vel cognata* recipit suppellectilia. [Przem.]
- 2a. missing Article: Plesz.
- 2b. missing folio: Warsz.
3. –

144

1. [60] *Hec eadem cognata* nulla recipit pulmentaria. [*Statutes*]
- 2a. the underlined words: II Q 4, *Statutes*
- 2b. missing: Gn. and other Latin texts except 2a

- 2c. missing Article: Plesz.
- 2d. missing folio: Warsz.
- 3. —

145

- 1. [61] Et ubi pupilli annos pubertatis nondum attigerint, et
- 1a. *eorum senior agnatus* recipit arma bellica solus [Gn. and other Latin texts except 1b, 1c]
- 1b. *eorum senior cognatus* recipit arma bellica solus [Q II 157 (2), II Q 4]
- 1c. *eorum senior* recipit arma bellica solus [BN 12600, AJG, Kiel.]
- 2a. missing Article: Plesz.
- 2b. missing folio: Warsz. i Oss.
- 3. see No. 424

146

- 1. [61] ita, quod senior dividet [a heritage] et iunior eliget. [*Statutes*]
- 2a. in: Przem., Dział. IV, BN 12607, II Q 4, 951b, *Statutes*
- 2b. missing: Gn. and other Latin texts except 2a
- 2c. missing Article: Plesz.
- 2d. missing folio: Warsz. i Oss.
- 3a. in gloss in Dział. I
- 3b. see No. 425

147

- 1. [61] Ubi etiam duo vel plures unam simul habuerint hereditatem, ibi unus alium ad divisionem iure valeat coartare. [*Statutes*]
- 2a. in: BN 12607, II Q 4, 951b, *Statutes*
- 2b. missing: Gn. and other Latin texts except 2a
- 2c. missing Article: Plesz.
- 2d. missing folio: Warsz. i Oss.
- 3. —

148

- 1a. [61] Sin autem vir, qui dum annos pubertatis inplevit, religionem intraverit, *hic se a iure terrestri ac feodali alienavit*, et sua feoda vacant, *quia scutum bellicum resignavit*. [Gn. and other Latin texts except 1b–1d]
- 1b. Si autem vir, qui annos pubertatis inplevit, religionem intraverit, *hic se a iure terrestri ac pheodali alienavit*, et sua pheoda vacant, *si hoc possit protestari met-septimus cum hiis, qui eum [?] incli vita viderunt*. [F 143]
- 1c. Si autem vir, qui dum annos pubertatis implevit religionem, et sua feoda vacant, *quia bellicum resignavit*. [Q II 157 (2)]
- 1d. Qui alienavit et sua feoda vacant, *quia scutum bellicum resignavit* alienavit. [II Q 4]
- 2a. missing Article: Plesz.
- 2b. missing folio: Warsz. i Oss.
3. –

149

1. [62] Ambo actor et ille, hoc est super quem conqueritur, respondens est sive reus, possunt habere colloquia pro qualibet causa
- 1a. *tribus* vicibus, eousque ipsos preco revocet. [Gn. and other Latin texts except 1b]
- 1b. *tam diu et tot* vicibus, quousque eos preco revocet. [F 143]
- 2a. missing Article: Plesz.
- 2b. missing folio: Warsz. i Oss.
3. –

150

1. [63] In omni loco iuris est, iudex iudicet cum sententiis *scabinorum*. [Dział. IV]
- 2a. *scabinorum*: Dział. IV, II Q 4, 951b, *Statutes*
- 2b. the underlined word missing: Gn. and other Latin texts except 2a and 2c
- 2c. the complete phrase missing: F 143
- 2d. missing Article: Plesz.
- 2e. missing folio: Warsz. i Oss.
- 3a. underlined word missing also in the German text in BN 12607
- 3b. in gloss in Dział. I
- 3c. see No. 430

151

1. [64] Si homo et ubi vir pro pecunia aut debito fuerit et moritur vir, sui pueri *aut sui heredes* non tenentur pro eo solvere. [Gn.]
- 2a. the underlined words: Gn. and other Latin texts except 2b, 2c
- 2b. missing: F 143, AJG, Kiel., Dział. IV, BN 12607, II Q 4, 951b, *Statutes*
- 2c. missing Article: Plesz.
- 2d. missing folio: Warsz. i Oss.
3. see No. 432

152

1. [64] Si vir pro pecunia fideiussor fuerit, fideiussorem pecuniam solvere oportet solum, aut probare *mettercius*, quod pecunia sit integraliter persoluta. [BN 12607]
- 2a. *mettertius*: BN 12607
- 2b. missing: Gn. and other Latin texts except 2a
- 2c. missing Article: Plesz.
- 2d. missing folio: Warsz. i Oss.
3. see No. 433

153

1. [65] Si vir cum fustibus aut baculis percussus fuerit ... ipse est duellum proprius super eos aquirere, quam ipse eum evadere possit suo iure, *id est vincere eum cum testibus, quam ipse cum testibus evadere possit*. [BN 12607]
- 2a. the underlined words: BN 12607, Oss.
- 2b. missing: Gn. and other Latin texts except 2a
- 2c. missing Article: Plesz.
- 2d. missing folio: Warsz. i Oss.
3. see No. 434

154

1. [65] Sin autem super caput et brachia percussus fuerit, quod alter ostendere non possit, illi homines melius ostendere possunt, quam ipse super eos probare possit suo iure. [Gn.]
- 2a. in: Gn. and other Latin texts except 2b

- 2b. missing: AJG, Kiel.
- 2c. missing Article: Plesz.
- 2d. missing folio: Warsz.
- 3. –

155

- 1. [65] Sin autem fatentur, quivis amittit emendam
- 1a. et iudex acquirit suam penam. [Gn. and other Latin texts except 1b, 1c]
- 1b. xxx solidos, et iudex aquirit suam penam ·viii· solidos. [BN 12607]
- 1c. xxx solidos. [Oss.]
- 2a. missing Article: Plesz.
- 2b. missing folio: Warsz.
- 3. see No. 435, 436

156

- 1a. [66] Quod si hereditas mortaliola [s] absque heredibus inventa seu reperta fuerit, regie cedet maiestati. [Gn. and other Latin texts except 1b–d]
- 1b. Si *mortariola* hereditas absque heredibus inventa fuerit *aut remanserit anno et die*, regi cedet maiestati. [AJG, Kiel., BN 12607, Oss.]
- 1c. Si hereditas absque *successoribus relinquitur, ita quod nullus se trahat ad eandem infra annum et die, hoc pertinet ad Regiam Maiestatem*. [Dział. IV, II Q 4, 951b, *Statutes*]
- 1d. Si hereditas mortaliola absque heredibus inventa seu reperta fuerit, **ita quod nullus se ad hanc trahet infra annum et diem nisi legale impedimentum inpedierit**. [Przem.]
- 2a. in BN 3068 two Articles: 1/ in compliance with Gn., 2/ in compliance with *Statutes*
- 2b. missing Article: Plesz.
- 2c. missing folio: Warsz.
- 3a. in gloss in BJ 4405, close to Przem.
- 3b. see No. 437

157

- 1. [67] Quod si vir, qui pueros habuerit, occisus fuerit, tres aut plures, et si vir unus iudicialiter pro <eo> impulsatus fuerit et evaserit, ut ius dictaverit, et si sibi super

eam querimoniam vera satisfactio facta fuerit, non tenetur, nec debet *ab aliis pueris* in posterum pro eodem homicidio infestari. [Gn.]

- 2a. the underlined text: Gn. and other Latin texts except 2b
- 2b. missing: Q II 157 (1)
- 2c. missing Article: Plesz.
- 2d. missing folio: Warsz.
- 3. —

158

- 1a. [68] Si etiam iuramenta promissa venerint super diem ligatum et feriatum, hec iudex protrahere potest super alium diem iudicalem, qui venerit extra dies ligatos. Etiam si vir balbutiens vel alter, seu testis aliquis fuerit impeditus, ita quod imperfecte suum dixerit iuramentum, ille se ipsum emendare valeat, quotiens impeditur et manebit de huiusmodi melioratione sine damno. [*Statutes*]
- 1b. Si homini iuramenta pervenerint ad dies feriatos, iudex bene potest postponere ad secundum et tertium diem iuramenta. Si etiam homo, qui non est facundus ad loquendum aut si testes imperiti fuerint, quod iuramentum bene loqui non potest, tunc potest bene se reiterare quantum voluerit et si nichil nocebit. [BN 3068]
- 2a. in: BN 12607, Oss., II Q 4, 951b, *Statutes*
- 2b. another linguistic redaction in BN 3068
- 2c. missing: Gn. and other Latin texts except 2a, 2b
- 2d. missing Article: Q II 157 (1), Plesz.
- 2e. missing folio: Warsz.
- 3a. the whole German text in BN 12607, the short version in II Q 4
- 3b. cf. NTO No. 158, 167 and in Latin collection of Magdeburg *ortyle* in BJ 4405 No. 148, 156 f. 45r, 46r; cf. MFr. I.16.2. (P. Laband, *Magdeburger Rechtsquellen*, p. 98)
- 3c. see No. 439

159

- 1a. [69] Et si sibi defectus fuerit et neminem pro se habuerit respondentem, utpote venditorem habere poterit, ut se coram iudicio iactitavit, et tunc fideiussorie faciat cautionem iudi(c) pro pena et pro expensis [Gn. and other Latin texts except 1b]
- 1b. Et tunc ibi qui se revocat ad venditorem, fideiussoriam cautionem faciat iudici pro pena et pro expensis [*Statutes*]

- 2a. missing Article: Plesz.
- 2b. missing folio: Warsz.
- 3. —

160

- 1. [69] Sin autem dixerit, quod equum in foro communi aut libero emerit, extunc suam pecuniam, quam pro eodem equo dedit, integraliter ammittit, et illi
- 1a. suum equum reddere oportet, et nullam penam pro eo ammittit. [Gn. and other Latin texts except 1b]
- 1b. non habuerit hospitem, qui mercipotum benedixit. [*Statutes*]
- 2a. missing Article: Plesz.
- 2b. missing folio: Warsz.
- 3a. the same regulation in Art. 85, except in Q II 157 (2) and BN 12600
- 3b. see No. 183

161

- 1a. [71] De viro qui vulneratus aut percussus fuerit et querulare noluerit. // Vir si vulneratus aut trucidatus [Gn. and other Latin texts except 1b]
- 1b. De eo qui trucidatus fuerit et querulare noluerit. // Vir si vulneratus [Q II 157 (2)]
- 2a. in Q II 157 (2) and BN 12600 a part of the Art. was moved to the title of the Art.
- 2b. missing Article: F 143, Plesz.
- 2c. missing folio: Warsz.
- 3. —

162

- 1. [73] Et mater cum hiis bonis nichil facere potest, absque heredum consensu ac voluntate. [Gn.]
- 2a. in: Gn. and other Latin texts except 2b
- 2b. missing: Q II 157 (2), BN 12600
- 2c. missing Article: Plesz.
- 2d. missing folio: Warsz.
- 3. —

163

- 1a. [73] I. Si vero omnes *pueri*, patre mortuo, moriuntur, extunc bona sua heredant super suam matrem, et postea, si mater decesserit ab hac luce, tunc eadem omnia bona heredant *super mulieris* proximiores heredes, sive sint masculi, sive femine, ex paterna et materna consanguineitate. II. Etiam mulier non potest talem hereditatem vendere nec donare, sed cum rebus mobilibus potest facere quicquid vult. Sed cum hereditate quicunque facere non potest absque consensu heredum. [Statutes]
- 1b. I. Si autem moriuntur pueri omnes post mortem patris, tunc heredant sua bona super matrem. Si moritur mater, tunc bona statim spectant ad agnatos sive cognatos mulieris, quicumque fuerint paris condicionis. II. Etsi mulier non potest talem hereditatem dare nec vendere, sed cum rebus mobilibus potest facere, quid vult. Sed cum hereditate quicquam non potest facere absque consensu heredum. [BN 3068 in Art. 74]
- 1c. I. Si moritur mulier post hoc, tunc hereditas spectat ad heredes mulieris, qui sunt sibi paris condicionis, sive sunt de patre sive de matre. II. Vir sive mulier eciam non potest iure eciam cum talis hereditate quaequam facere absque heredum con[sen]su, que spectat post mortem ipsius. Sed tamen cum rebus mobilibus et immobilibus potest facere quid voluerit absque consensu heredum. [BN 3068 in Art. 48]
- 2a. general compliance: BN 12607, Oss., II Q 4, 951b, *Statutes*
- 2b. only in Oss.: si pater decesserit ab hac luce
- 2c. only in the *Statutes*: sed cum rebus mobilibus potest facere quicquid vult
- 2d. BN 3068 in Art. 74: 1st part specific regulation, 2nd part in accordance with the *Statutes*
- 2e. BN 3068 in Art. 48: specific regulation in comparison with *Statutes*
- 2f. missing: Gn. and other Latin texts except 2a–2c
- 2g. missing Article: Plesz.
- 2h. missing folio: Warsz.
- 3a. the German text of Article 74 in MS BN 12607 corresponds with the Latin text of Article 74 in MS BN 3068 (2b)
- 3b. linguistic divergences between German texts in II Q 4 and BN 12607
- 3c. cf. NTO No. 152 and in Latin collection of Magdeburg *ortyle* in BJ 4405 No. 142, f. 3v–44r; cf. MFr. 1.7.1. (P. Laband, *Magdeburger Rechtsquellen*, p. 98)
- 3d. see No. 446

164

1. [74] Quando puer est duodecim annorum, tunc potest eligere pro sua voluntate quem voluerit pro tutore. Et qui suus fuerit tutor, matri rationem facere *habet et adolescenti*, quit cum bonis factum fuerit. [Gn.]
- 2a. *habet et adolescenti*: Gn. and other Latin texts except 2b
- 2b. *tenetur*: BOZ
- 2c. missing Article: Plesz.
- 2d. missing folio: Warsz.
3. —

165

- 1a. [74] Cum etiam puer fuerit duodecim annorum, is mundiburdus alias sui potens est factus, et potest in eo iudicium perpetrari et etiam bona sua a se sine tutore alienare. Sed innatam hereditatem et proprium debet dare cum consensu heredum. Etiam iste puer de iure ad responsionem valeat coartari seu compelli. [*Statutes*]
- 1b. Eciam quando duodecim annorum et antiqu[us], nunc potest sua bona absque tutore vendere cui vult, excepta hereditate sive domorum [s], hoc debet dare cum consensu heredum, qui [s] ad hoc spectant, qui eciam pueris oportet ostendere coram iudicio iure. [BN 3068]
- 2a. in: BN 12607, Oss., II Q 4, 951b, *Statutes*
- 2b. another linguistic redaction: BN 3068
- 2c. missing: Gn. and other Latin texts except 2a, 2b
- 2d. missing Article: Plesz.
- 2e. missing folio: Warsz.
- 3a. the German text in MS II Q 4 is shorter than the one in MS BN 12607
- 3b. cf. NTO No. 143 and in Latin collection of Magdeburg *ortyle* in BJ 4405 Nr. 153, f. 44r; cf. MFr. I.9.1. (P. Laband, *Magdeburger Rechtsquellen*, p. 98)
- 3c. see No. 447

166

1. [75] Et hoc scire debet quilibet legens, ubi scribitur agnatus, designat ex parte patris et ex parte gladii. Et ubi scribitur cognatus, ex parte matris desingnatur. [Gn.]

- 2a. in: Gn., F 143, BN 12600, Q II 157 (2), Dział. I, BJ 4405, Przem., BOZ, Flor., 951b, BN 3068, *Statutes*
- 2b. missing: Q II 157 (1), AJG, Kiel., Dział. IV, Warsz., BN 12607, Oss., II Q 4
- 2c. missing Article: Plesz.
- 3a. in MS F 143 this regulation was transposed to Article 73
- 3b. see No. 448

167

- 1. [75] Libertatem suam vir probare potest
- 1a. cum *tribus cognatis et tribus agnatis* [Gn. and other Latin texts except 1b, 1c]
- 1b. cum *agnatis* [BOZ]
- 1c. cum *tribus cognatis* [Q II 157 (2), BN 12600, Oss.]
- 2. missing Article: Plesz.
- 3. —

168

- 1. [76] Si eciam aliquis conqueritur super aliquem pro debito aut *pecunia* ludo seu taxillis aquisita, pro eo sibi non habet respondere. [Gn.]
- 2a. *debito aut pecunia*: Gn. and other Latin texts except 2b, 2c
- 2b. missing the underlined text: Przem.
- 2c. missing the cursive text: Q II 157 (1)
- 2d. missing the sentence: BOZ
- 2e. missing Article: Plesz.
- 3. in 951b, Q II 157 (1) and in the *Statutes* this regulation was moved into another Art., in F 143 as a separate Art.

169

- 1. [76] Si servus bona domini sui perluserit taxilis, aut obligat aut vendit, dominus bene potest arestare denuo iure, ut se ad ea bona trahat, ut iuris sit. Sin autem propria bona sua deluserit, aut quocunque modo a se alienaverit sua voluntate, dominus super ea nichil alloqui potest, quia servus solvere tenetur, et sic domino pro bonis servi non est licitum respondere. [Gn.]
- 2a. in: Gn. and other Latin texts except 2b

- 2b. missing: Dział. IV, Warsz., BN 12607, Oss., II Q 4
- 2c. missing Article: Plesz.
- 3a. cf. SSp III 6 § 1–2 and PS III.80
- 3b. see No. 449

170

- 1. [76] Sin autem servo suus equus, vel alia bona sua furtive, aut spoliando recepta fuerint absque culpa, sin in domini servicio, hoc oportet dominum solvere servo, et pro eo oportet dominum respondere, si super eo queruletur. [Gn.]
- 2a. in: Gn. and other Latin texts except 2b
- 2b. missing: Q II 157 (2), Dział. IV, Warsz., BN 12607, Oss., II Q 4
- 2c. missing Article: Plesz.
- 3a. cf. SSp III 6 § 3 and PS III.80
- 4b. see No. 449

171

- 1. [76] text see Nr. 170, supplement: ter de bonis, que alicui data fuit ad servandum. [AJG]
- 2a. in: AJG, Kiel.
- 2b. missing: Gn. and other Latin texts except 2a
- 2c. missing Article: Plesz.
- 3. –

172

- 1a. [76] Si aliquis etiam conqueritur super alium pro cibariis preparatis, hic propior est obtinere iuramento, quam ille ipsum evadere possit suo iuramento. [Statutes]
- 1b. Si conqueritur hospes super hospitem pro expensis suis comestibilibus, tunc hospes suas melius potest obtinere sub iuramento tacto sacramento, quam ille possit evadere. [BN 3068]
- 2a. in: F 143, AJG, Kiel., Dział. IV, Warsz., BN 12607, Oss., 951b, *Statutes*
- 2b. amendment: BN 3068
- 2c. missing: Gn. and other Latin texts except 2a, 2b
- 2d. missing Article: Plesz.

- 3a. in MS F 143 this regulation was transposed to a separate article
- 3b. in MS Dział. I in a gloss at Article 79
- 3c. see No. 450

173

- 1. [77] De bonis, que alicui danda sunt ad servandum in deposito. // Quicumque alteri bona sua dederit ad servandum, aut in deposito posuerit, si sibi subtracta fuerint, aut spoliatus eis fuerit, aut combusta, vel si mortuum fuerit, si equus vel pecora fuerint, non debet aliquot dampnum pro eo sustinere, si presumpserit iurare, quod absque sua culpa amissum fuerit. Sed quid viro concessum aut obligatum fuerit, hoc in destructum reddere tenetur, aut solvere secundum suum valorem. Sin autem moritur equus aut pecus infra obligacionem absque illius culpa, cui obligatum fuerat, si hoc probaverit, et si iuramentum pro eo prestare presumpserit, quod sine sua culpa decessit, non solvit, sed suam recompensam amittit, in qua sibi fuerat obligatum. [Gn.]
- 2a. in: Gn. and other Latin texts except 2b
- 2b. missing Article: Dział. IV, Warsz., BN 12607, Oss., II Q 4
- 3. see SSp. III 6 § 3–5

174

- 1. [missing Article in Gn., in the *Statutes* Art. 86] Si servus deservitum precium super suum dominum obiurgaverit coram iudicio, pro eo dominus ullam iudici demeretur penam et dominus servo hoc tenetur eodem die solvere. [*Statutes*]
- 2a. in: AJG, Kiel., Dział. IV, Warsz., BN 12607, Oss., II Q 4, 951b, BN 3068, *Statutes*
- 2b. missing Article: Gn. and other Latin texts except 2a
- 3a. a similar regulation can be found in Article 24 in all Latin texts, but in the German text only in this place
- 3b. see No. 451

175

- 1. [79] Sin autem respondens dixerit se debitum persolvisse, extunc inedit sibi suum testimonium. Hoc bene probare potest cum probis viris *metseptimus* tacto sacramento. [Gn.]

- 2a. *metseptimus*: Gn., Dział. I, Dział IV
- 2b. *mettertius*: Q II 157 (1), Q II 157 (2), BJ 4405, Przem., BOZ, AJG, Kiel., Flor., Warsz., BN 12607, Oss., II Q 4, 951b, BN 3068, *Statutes*
- 2c. *both*: BN 12600
- 2d. the regulation missing: F 143
- 2e. missing Article: Plesz.
- 3a. the gloss in MS Dział. I has *tercius*
- 3b. see No. 453

176

- 1a. [81] ubi unum cum gladio aut cultello aut alia sica in manu deprehenderit, cum quo pacem infregit, aut si in fuga facti captivatus fuerit et captivus ad iudicium deductus fuerit cum clamore. Hunc actor met septimus vincere debet circa ius pacis, si factum manifestum cum reo ad iudicium deductum fuerit. [Gn. and other Latin texts except 1b]
- 1b. Ubi apud virum potest cum scitu, si tunc ultra aliquid suum debitum superfuerit cum scitu, illi reddere debet, cuius fuit hereditas, debet, si deficit, agat ulterius. [BN 3068]
- 2. missing Article: Dział. IV, Plesz.
- 3. text in 1b also in Art. 84

177

- 1. [82] et si duxerit, quod persolverit, hoc probabit hominibus fidedignis *mettertius* [Dział. IV]
- 2a. *mettertius*: Dział. IV, Warsz.
- 2b. missing: Gn. and other Latin texts except 2a, 2b
- 2c. missing Article: Plesz., BN 3068
- 3. see No. 457

178

- 1. [82] In iudicio burgrabii vir bene potest pro debito *pecuniali* querulari super actorem [Dział. IV]
- 2a. *pecuniali*: Dział. IV, Warsz.

- 2b. missing: Gn. and other Latin texts except 2a
- 2c. missing Article: Plesz., BN 3068
- 3. see No. 458

179

- 1. [83] Iudex debet iudicium exercere, et eo temptare cottidie in vero iudicii loco, nisi sit, quod vir conqueritur *pro debito* absque testibus voluerit [F143]
- 2a. *pro debito*: F 143, Q II 157 (1), Q II 157 (2), BN 12600, BJ 4405, Przem., Dział. IV, Warsz., BN 12607, Oss.
- 2b. missing: Gn. and other Latin texts except 2a
- 2c. missing Article: Plesz., BN 3068
- 3. see No. 459

180

- 1a. [83] Iudex eciam tenetur iudicium comportare, et non actor neque reus. [BN 12607, Oss.]
- 1b. Iudex etiam iudicium *coordinare debet, quando iudicare debet*, et non actor nec reus. [II Q 4, 951b, *Statutes*]
- 2a. missing: Gn. and other Latin texts except 1a, 1b
- 2a. missing Article: Plesz., BN 3068
- 3. see No. 460

181

- 1. [83] Reconpensam et emendam et penam iudicis solvere debent ad diem, ut fuerit diffinitum,
- 1a. ut tunc pagamentum consuetum fuerit [Gn. and other Latin texts except 2b–2c]
- 1b. cum denariis, prout extunc valent in pagamento [Dział. IV]
- 1c. cum talibus denariis, prout tunc in eodem iudicio sunt transeuntes et daturi [II Q 4, 951b, *Statutes*]
- 2a. the complete phrase missing: F 143, Przem.
- 2b. missing Article: Plesz., BN 3068
- 3. see No. 461

182

1. [83] reconpensam et emendam actori et penam iudici. [Gn.]
- 2a. in: Gn. and other Latin texts except 2b
- 2b. missing: F 143, Q II 157 (2), BN 12600
- 2c. missing Article: Plesz., BN 3068
3. —

183

1. [85] Sin autem equus [fuerit], quem vir alloquitur, quod sibi subtractus sit, aut eo spoliatus sit, ad hoc se trahere debet, *cum suo dextro pede calcare debet* equo super suum pedem anteriorem, et sinistra manu equum capere *per dextram aurem* [Gn.]
- 2a. the underlined words: Gn. and other Latin texts except 2b, 2c
- 2b. the underlined words missing: in Oss.
- 2c. the words in italics missing: Q II 157 (2), BN 12600
- 2d. missing Article: Plesz.
3. —

184

1. [85] Et tunc ille ad suum se trahat venditorem *et ipsum iurare oportet super sanctos, quod trahat se cum equo ad verum venditorem*, ibi eum sequi oportet [Gn.]
- 2a. the underlined words: Gn. and other Latin texts except 2b
- 2b. missing: AJG, Kiel., BN 12607, Oss.
- 2c. missing Article: Plesz.
3. see No. 166

185

1. [86] Si vir conqueritur super virum pro *debito* [Gn.]
- 2a. *debito*: Gn. and other Latin texts except 2b
- 2b. *pecunia*: II Q 4, *Statutes*
- 2c. missing Article: Plesz.
3. see No. 469

186

1. [86] hoc oportet iuramento probare *metseptimus* tacto sacramento. [Gn.]
- 2a. *metseptimus*: Gn. and other Latin texts except 2b
- 2b. missing: Q II 157 (1)
- 2c. missing Article: Plesz.
3. see No. 190

187

1. [87] Unus vir potest filium suum eximere unica manu, qui est in pane suo non uxoratus, tacto sacramento, quod filius suus reus non sit. *Hoc potest facere in eodem iudicio aut per sex ebdomadas querimonia facta aliter norum* [s]. [BN 3068]
- 2a. the underlined words: BN 3068
- 2b. missing: Gn. and other Latin texts except 2a, 2c
- 2c. the complete phrase missing: F 143, Q II 157 (1)
- 2d. missing Article: Plesz.
3. cf. 58 and 59

188

1. [87] Si autem pater et filius ambo pro uno facto fuerint impulsati, extunc patrem oportet se primo de facto veridice expurgare. [*Statutes*]
- 2a. in: Dział. IV, Warsz., II Q 4, 951b, BN 3068, *Statutes*
- 2b. the same linguistic redaction: Dział. IV, Warsz.
- 2c. the same linguistic redaction: II Q 4, 951b, *Statutes*
- 2d. another redaction: BN 3068
- 2e. missing: Gn. and other Latin texts except 2a–2d
- 2e. missing Article: Plesz.
3. see No. 472

189

1. [87] Si hoc, ut iuris est, *metseptimus* protestabitur cum probis hominibus, qui hoc viderunt et audierunt, vel qui presentes fuerunt, primam querelam acquirit. *Sed si sua querela pernoctabitur, hoc facere non potest.* [F 143]
- 2a. the underlined words: F 143

- 2b. missing: Gn. and other Latin texts except 2a
- 2c. missing Article: Plesz.
- 3. —

190

- 1. [88] Si femina deprehensa fuerit in facto manifesto in homicidio aut vulneribus duello dingnis, ac ipsam propius est vincere *metseptimus* cum hominibus fidedingnis, quam innocens fieri possit. [Gn.]
- 2a. *metseptimus*: Gn. and other Latin texts except 2b
- 2b. missing: Q II 157 (1)
- 2c. missing Article: Plesz.
- 3. see No. 186

191

- 1. [90] Si vir scabinum in scampno indecenter in iudicio bannito increpaverit, si hoc probaverit *per suos consodales*, qui audiverunt, illum oportet dare emendam
- 1a. *scabino* et iudici *suam* penam. [Gn. and other Latin texts except 1b]
- 1b. *scabinis xxx solidos*. [BN 3068]
- 2. missing Article: Plesz.
- 3. —

192

- 1. [90] text see No. 192
- 2a. *per suos consodales* in: Gn. and other Latin texts except 2b
- 2b. missing: AJG, Kiel.
- 2c. missing Article: Plesz.
- 3. —

193

- 1a. [90] Scabini si non fuerint in una sententia unanimes, vel eam ignorantes, extunc eandem ad secundum et tertium iudicium valebunt differre, et tunc eam

inferre debent, vel eam mittere ferre illuc quo competit si nequant invenire et non diutius prolongare. [*Statutes*]

- 1b. ignorant quousque ad iudicium tercium, tunc sententiam debent invenitur, longius non tardare. [BN 3068]
- 2a. compliance: BN 12607, Oss., II Q 4
- 2b. slight linguistic divergences: 951b, close to *Statutes*
- 2c. broader linguistic divergences: *Statutes*
- 2d. another version: BN 3068
- 2e. missing: Gn. and other Latin texts except 2a–2d
- 2f. missing Article: Plesz.
- 3a. compliance of the German and the Latin texts (2a) in II Q 4; missing the German text in BN 12607
- 3b. cf. NTO No. 165 and in Latin collection of Magdeburg *ortyle* in BJ 4405 Nr. 154, f. 46r; cf. PS 11.8
- 3c. see No. 476

194

1. [91] [querulatus] Et si non conparet iudicio eodem, tunc debet describi *et reconpen-
sa super suam hereditatem iudicatur, et iudici sua pena. Et eciam nullus alcius
cogi potest caucionem facere fideiussoriam, quam se sua extendit reconpen-
sa, nisi sit pro debito, quod maius sit.* [Gn.]
- 2a. the underlined words: Gn. and other Latin texts except 2b
- 2b. missing: Q 11 157 (2), BN 12600
- 2c. missing Article: Plesz.
3. –

195

1. [94] Et quando vir moritur, tunc uxori oves presentari debent ad sup[e]llectilia, ubicunque ierint. *Anete, colcidre, vela, tecture curruum, olle picte eciam ad supellectilia pertinent.* [Gn.]
- 2a. the underlined words: Gn. and other Latin texts except 2b
- 2a. missing: Dział. IV, Warsz., BN 12607, Oss., II Q 4
- 2c. missing Article: F 143, Plesz.
3. see No. 479

196

1. [95] Nemo potest nec pro homicidio, nec pro vulneribus, nec pro aliquo *debito* suum probare incolatum. [Gn.]
- 2a. *debito*: Gn. and other Latin texts except 2b
- 2b. missing: Oss.
- 2c. missing Article: F 143, Plesz., BOZ
- 3a. the regulation in Dział. I also as a gloss in Art. 97
- 3b. see No. 480

197

1. [95] pro aliquo debito suo *iuramento* probare incolatum. [AJG]
- 2a. *iuramento*: Q II 157 (1), Q II 157 (2), BN 12600, BJ 4405, Przem., AJG, Kiel., Dział. IV, Warsz., BN 12607, Oss., II Q 4, 951b, *Statute*
- 2b. missing: Gn. and other Latin texts except 2a
- 2c. missing Article: F 143, Plesz., BOZ
3. see No. 481

198

1. [95] Consules si iuramentum unius viri recipient, quod iuste secundum civitatis statuta et consuetudinem exactionem dedisset, tandem vero post mortem illius iurantibus plura bona sub ipsius possessione fuerint inventa, quam peractionata fuissent, illa bona consules non habent recipere, sed ipsius defuncti heredes nisi aliquis heredum eadem denegata bona coram iudicio vel sedenti consilio recipere abrenunciasset, et tunc ipsa bona consulibus pro utilitate civitatis permanent quemadmodum arbitratur *et laudum civitatis disponit*. [*Statutes*]
- 2a. the phrase: BN 12607, Oss., II Q 4, 951b, *Statutes*
- 2b. the underlined words: *Statutes*
- 2c. linguistic compliance: BN 12607, Oss.
- 2d. linguistic compliance: II Q 4, 951b
- 2e. linguistic divergences: *Statutes*
- 2f. missing: Gn. and other Latin texts except 2a
- 2g. missing Article: F 143, Plesz., BOZ
- 3a. in gloss in BJ 4405 – text 2c

- 3b. missing the German text in BN 12607, a small part in II Q 4
- 3c. cf. NTO No. 149 and in Latin collection of Magdeburg *ortyle* in BJ 4405 Nr. 139, f. 43r; cf. MFr. 1.1.16. (P. Laband, *Magdeburger Rechtsquellen*, p. 98)
- 3d. see No. 482

199

- 1. [96] Et si vir super alterum conqueritur, quod sibi abedificaverit aliquit de suis bonis aut de hereditate, hoc ille possibilis optinet, qui habet in possessione unica manu, nisi ipsum cum testimonio allocutus fuerit. Extunc possessor cum testibus servat, si vult *mettercius*. [BN 12607]
- 2a. the text in italic: BN 12607, Oss.
- 2b. the underlined words: Gn. and other Latin texts except 2a, 2c
- 2c. missing: Q II 157 (2), BN 12600, II Q 4
- 2d. missing Article: Plesz.
- 3. see No. 484

200

- 1. [97] Actor etiam si reum pro iuramentis premissis causa Dei vel petitionis hominum proborum mittere absolutum voluerit, extunc iudici etiam competit ad hoc dare suam voluntatem. Et si suum consensum noluerit adhibere, tunc actorem iuramenta recipere oportebit, vel iudici demeretur in pena octo solidorum, et non plus pro causis singulis specialiter. [*Statutes*]
- 2a. in: BN 12607, Oss., II Q 4, 951b, BN 3068, *Statutes*
- 2b. linguistic compliance: BN 12607, Oss.
- 2c. linguistic compliance: 951b, *Statutes*
- 2d. slight linguistic derivation II Q 4 towards 2b and 2c
- 2e. slight linguistic derivation BN 3068 towards 2d
- 2f. missing: Gn. and other Latin texts except 2a
- 2g. missing Article: Plesz.
- 3a. in gloss in BJ 4405
- 3b. the German text in BN 12607 in the compliance with 2b, the shorter version of the German text in II Q 4
- 3c. cf. NTO No. 166 and in Latin collection of Magdeburg *ortyle* in BJ 4405 Nr. 155, f. 46r; cf. PS II.42
- 3d. see No. 485

201

1. [98] Eousque cives *Meydeburgenses* veram accionem seu responsivam tenuerint [Gn.]
- 2a. *Magdeburgenses*: Gn. and other Latin texts except 2b
- 2b. in *Novo Foro aut in Mejděburc*: Q II 157 (1)
- 2c. missing Article: F 143, Plesz.
3. —

202

1. [98] et se coram suo domino pontifice ac *burgravio ac sculteto* ad iusticiam se [s] exhibuerint [Gn.]
- 2a. *burgravio ac sculteto*: Gn. and other Latin texts except 2b
- 2b. *burgravio*: Dział. IV, Warsz.
- 2c. missing Article: F 143, Plesz.
3. —

203

1. [99] Si contingerit in iudicio castellani, tunc tria talenta demerentur, et in iudicio *sculteti* octo solidi [Gn.]
- 2c. *sculteti*: Gn. and other Latin texts except 2b, 2c
- 2b. missing: Przem.
- 2c. the complete phrase missing: Q II 157 (2), BN 12600
- 2d. missing Article: Plesz.
3. see No. 488

204

- 1a. [99] acquirit *emendam et iudex acquirit suam* penam ... ubi homo *suam emendam acquirit, ibi optinet iudex* suam penam. [Gn. and other Latin texts except 1b, 2a and 2b]
- 1b. acquirit penam ... ubi homo suam penam acquisivit. [AJG, Kiel.]
- 2a. missing the underlined text: BN 12607, Oss., II Q 4, 951b
- 2b. missing the second part of the text: Q II 157 (2), BN 12600

- 2c. missing Article: Plesz.
- 3. see No. 489

205

- 1. [99] Si hoc contra iusticiam fecerit, et si paciens ipsum protestaverit cum iudice et *duobus* scabinis [Dział. IV]
- 2a. *duobus*: Dział. IV, Warsz., II Q 4, 951b, *Statutes*
- 2b. missing: Gn. and other Latin texts except 2a
- 2c. missing Article: Plesz.
- 3. see No. 490

206

- 1. [100] Si hoc non ostenderit [inculpatus scultetus] et non nominaverit, et hoc per iusticiam facere denegaverit se excusare de sua iniuria, quam exercuit, et se ad iusticiam exhibere [debet], extunc condempnatur advocato in decem talentis idem *advocatus* ^(scultetus) et illi suum debitum, de quo denegavit, facere iusticiam, et medio quo illa [s] non solvit solus, aut se iure excusaverit iudicio proximo, tunc nullus iudex esse potest, nisi se ex hac culpa eximerit, secundum ut est premissum. Sin autem pro facto criminali pro quo iudicium facere recusavit, sicut pro vulneribus, aut homicidio, aut furto, aut spolio, aut ecclesie violenta, aut incendium, aut hiis similia, que crimina capitalia tanguntur. [Gn.]
- 2a. *scultetus*: F 143, Q II 157 (1), BOZ, AJG, Kiel., Dział. IV, Warsz., BN 12607, Oss., II Q 4, 951b, BN 3068, *Statutes*
- 2b. *advocatus*: Gn., BJ 4405, Przem., BOZ, Flor.
- 2c. a longer portion of the text is missing: Q II 157 (2) and BN 12600, see No. 207
- 2d. missing Article: Plesz.
- 3a. in Gn., Dział. I and BJ 4405 correction *scultetus* written by a commentator
- 3b. see No. 492

207

- 1. [100] the text see No. 206
- 2a. the complete phrase: Gn. and other Latin texts except 2b
- 2b. missing: Q II 157 (2), BN 12600
- 2c. missing Article: Plesz.
- 3. —

208

1. [100] Si pro eo coram *castellano aut* avvocato impulsatus fuerit cum testibus [Gn.]
- 2a. *castellano aut*: Gn. and other Latin texts except 2b
- 2b. missing: Dział. IV, Warsz.
- 2c. missing Article: Plesz.
3. see No. 495

209

1. [100] media reconpensa facit novem talenta. [Gn.]
- 2a. in: Gn. and other Latin texts except 2b
- 2b. missing: Q II 157 (2), BN 12600
- 2c. missing Article: Plesz.
3. —

210

1. [100] Sin autem vir cedere voluerit a testimonio et ipsum inculpare pro suo scitu, de quo unica manu evadere potest. [Gn.]
- 2a. in: Gn. and other Latin texts except 2b
- 2b. missing: BOZ
- 2c. missing Article: Plesz.
3. —

211

1. [100] Sin autem [s] unus vir pro debito in captivitatem publicam presentatus fuerit ad tenendum iure, si ipsum amiserit aut si evaserit absque sua culpa aut negli[g]encia pro crimine, quod transit ad collum, pro eo solvet [scultetus] integram reconpensam. *Sin autem pro manu, tunc mediam solvit reconpensam.* [Gn.]
- 2a. the underlined words: Gn. and other Latin texts except 2b
- 2b. missing: *Statutes*
- 2c. missing Article: Plesz.
3. —

212

1. [100] Ubi etiam vir promiserit iuramentum coram iudicio pro enormibus verbis aut depilacione, aut verberibus, aut effusione sanguinis, de quo solitus dimitti non potest, nisi voluntas fuerit iudicis et consensus. [BN 3068]
- 2a. in: BN 3068
- 2b. missing: Gn. and other Latin texts except 2a
- 2c. missing Article: Plesz.
3. –

213

1. [101] scultetus iudex esse debet super *advocatum seu super burgrabium* [Statutes]
- 2a. *advocatum*: Gn. and other Latin texts except 2b, 2c
- 2b. *burgrabium*: 11 Q 4
- 2c. *both*: 951b, *Statutes*
- 2d. missing Article: Plesz.
3. –

214

- 1a. [102] Si aliquis *irruenciam domicilii* fecerit [Gn. and other Latin texts except 1b]
- 1b. Si aliquis fecerit *violenciam* [11 Q 4]
2. missing Article: Plesz.
3. –

215

1. [103] et homines, qui clamorem audierunt, habere potuerit in testimonium *metseptimus* [BN 3068]
- 2a. *metseptimus*: BN 3068
- 2b. missing: Gn. and other Latin texts except 2a
- 2c. missing Article: Plesz.
3. Art. 103 in AJG is a synthesis of Gn. Art. 102 and Gn. Art. 103

216

1. [105] Sin autem dixerit, quod
- 1a. ipsum persolverit, hoc iurabit *metseptimus*. [Gn.]
- 1b. hoc debitum solus persolverit, hoc *mettertius* iurabit heres. [*Statutes*]
- 2a. *metseptimus*: Gn., Dział. I, Q II 157 (2), BN 12600, Flor.
- 2b. *mettertius*: F 143, Q II 157 (1), BJ 4405, Przem., AJG, Kiel., Dział. IV, Warsz., BN 12607, Oss., II Q 4, 951b, BN 3068, *Statutes*
- 2c. missing Article: Plesz., BOZ
- 3a. *mettertius* in gloss: Gn. and Dział. I
- 3b. see No. 501

217

- 1a. [105] Si vero debitum sui patris recognoscit, hoc solvere debet, in quantum recepta hereditas se extendit. Et si solvere noluerit vel heres hoc consentire recusat, tunc sibi hereditas sua vel proprium potest iudicio possideri pro isto debito et acquiri, aliter ille non potest constringi ad vendendam hereditatem et proprium suum. [*Statutes*]
- 1b. Si autem milles querulatur pro debito patris sui super heredem, ille debet persolvere, ita ut hereditas valeat. Si autem non vult persolvere debitum et quod sibi heredes consentire nolunt, tunc potest sibi hereditas appropriari et cum iudicio protestari querelam, eciam extorquere pro debito, aliter non potest aggravare hereditatem. [BN 3068]
- 2a. in: MS BN 12607, Oss., II Q 4, 951b, BN 3068, *Statutes*
- 2b. compliance: Oss., II Q 4
- 2c. compliance: 951b, *Statutes* (slight linguistic derivation towards 2b)
- 2d. a slightly different redaction in MS BN 12607
- 2e. another regulation: BN 3068, in Art. 107
- 2f. missing; MS Gn. complies with other Latin texts except 2a–2e
- 2g. missing Article: Plesz., BOZ
- 3a. a shorter German version in II Q 4; this part of the German text missing in BN 12607
- 3b. cf NTO Nr. 154 and in Latin collection of Magdeburg *ortyle* in BJ 4405 Nr. 144, f. 44r
- 3c. see No. 502

218

1. [106] Qui canem servat occulte mordentem vel feram indomitam aut avem vel ursum aut symeam, quaecumque damnum faciunt, solvere tenere. Et si eas dampno proprietato alienaverit, per hoc non est innocens, si mettercus poterint protestare et probare, quod eas detinuerit, quousque dampnum facientem. Si homo eradit [s] canem vel feram vel ursum, cum sibi nocere voluerit, manere debet sine satisfaccione, si hoc tacto sacramento probare presumpserit, quod se defendendo hoc fecerit. Qui feras bestias extra gaya banita servare voluerit, debet ea servare sub custodia. [Przem.]
- 2a. in: Przem.
- 2b. missing: and other Latin texts except 2a
3. cf. NS, ms D I.21, ms P I.23; cf. SSp. II.40, III.49

219

1. [108] [Jewish oath] Ipse debet verti contra solem seorsum, stare nudipes debet super sedem unam, indutus clamide esse debet et pilleum Iudaicum habere debet super caput. [Gn.]
- 2a. in: Gn. and other Latin texts except 2b
- 2b. missing: Q II 157 (2), BN 12600
- 2c. missing Article: Plesz.
3. —

220

1. [109] [Jewish oath] Nunc omnes dicite: amen. [Dział. IV]
- 2a. in: AJG, Kiel., Dział. IV, Warsz., BN 12607, II Q 4, 951b
- 2b. missing: Gn. and other Latin texts except except 2a
- 2c. missing Article: Plesz.
- 3a. in gloss in BJ 4405
- 3b. see No. 510