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## The ms. Stockholm, Kungliga Biblioteket B682. A description

The ms Stockholm B682 has been hardly accessible until today. The *Verzeichnis* of Gero Dolezalek simply offers this plain and incomplete description about it: “Stockholm KB, ..., saec. XIV”. Thanks to Anna Wolodarski (Kungliga Biblioteket) and to the Interlibrary Loan Service of the Biblioteca Comunale di Imola, I had the opportunity to read it in microfilm. Seemingly written in the last decades of the XIIIth century, the ms. contains the *Codex* of Justinian (books I-IX) with the Accursius's *apparatus* and many marginal *additiones* from various times – at least until the first years of the XVth century. B682 – without miniatures and scarcely decorated – was clearly the object of intense and prolonged study in an Italian University: perhaps Padua (see below).

In my opinion, this ms. – and others of the same kind – should contribute to a better understanding of the *additiones*, a teaching method that met increasing success not only in the second half of the *Duecento* and the first years of the following century but also later on, as attested by our ms. just exhibiting notes signed “Bartolus”, “Baldus” or other contemporary lawyers.

An accurate analysis of the *glossae* ascribed to the commentator of Sassoferrato should, again, shed new light on a problem dealt, some years ago, by Bruno Paradisi who examined Bartolus's glosses on the Code in few manuscripts: Barb. Lat. 1462, Borgh. 372, Vat. Lat. 1428 and 10726, Madrid, Arch. Hist. Nac. 1300, Paris, B.N. 8941.

Although recently quoted by Speciale and Pace in their works, B682 still remains, by and large, unexplored. I therefore offer, in the following lines, its description hopefully to scholars' benefit.

Parchment, in folio. Interior margins hardly legible (at least, in the microfilm) because of inappropriate binding.

*Origin*: Italy, Padua. According to Pace (p. 134, n. 33) a note written at fol. 3r bears witness to the introduction of the code into Padua already in the second half of the Fourteenth century and in 1404: but I have not seen it, despite accurate examination of the whole folio. Anyway, many lawyers subscribing the *additiones* collected in the ms. taught in the University of that town from the second half of the Fourteenth up to the first years of the following century (e.g. Raynerius Arsendi, Riccardus and Bartholomaeus de Saliceto, Paganinus de Sala, Baldus de Ubaldis, Franciscus de Ramponibus). The large number of *additiones* signed “Alber., Alb.”, admittedly problematical, could suggest the presence of Odofredus's son in Padua asserted (though confusedly) by Andrea Gloria.

Analogous question concerns the subscription “Symon, Sy. de Sancto Georgio” raising the question of a probable teaching of Simon *de Sancto Georgio* in the same town. As far as we know, he lectured in Bologna from 1349 up to 1365, but news about him is lacking in the years 1354-57 (Tavilla, *Additiones*, p. 255). Is it possible to presume his stay in Padua during that time, just close to a kinsman, the influent clergyman *Iohannes de Sancto Georgio* (1347-58)?

For Simon's lecture on Justinian's Code see Tavilla, *Orientamenti*, p. 461, n. 24.

*Time:* XIIIth century, second half. The ms. was used in the schools seemingly until the first years of the Sixteenth century (fol. 291V: “1503”).

*Content:* *Codex Iustiniani*, books 1-9 with *Glossa ordinaria*, sometimes signed *Accursius doctor* or *legum doctor*. *Additiones in glosam, quaestiones, casus* and introductory *summaria* (“hoc dicit”) to the *leges*, by different hands.

*Back cover, parchment:* “B. 682”, by modern hand. Notes of medicine: “Ad stagnandum sanguinem prius imponatur illi cui egreditur sanguinis...”; *in medio:* “Nota quod mcccvi... mcccvii... mcccclxxiiii...”; *in fine*, description of diseases or feelings: “Sanguineus... Collericus... Melancholicus... Flematicus...”.

*fol. n.n.:* modern hand, by pencil: “B 682”; by pen: “Codex Iuris Sacratissimi principis Iustiniani constitutionum lib. I-IX”. Flying paper: “Corpus Iuris Iustiniani n° 10 (e:31:1)” by modern hand.

*fol. 1r-2v:* index of *rubricae*.

*fol. 2v:* Ia. But., “Quaestio. Si queras an iudex corigat vel mutet sententiam suam”; Anonymous *additio*; Dy., *Notabile* (*Incipit:* “Nota quod si statuatur...”).

*fol. 3r-291v:* *Codex Iustiniani cum glossa ordinaria*.

*fol. 291v:* “Explicit liber Codicis domini Iustiniani”; “1503”, written by contemporary hand.

*Glossae* or *Additiones* of many authors:

Alber., Alb.: 3r; 9r-v; 11v; 12; 17r; 28r; 32r; 49v; 50v; 52r; 60r; 61r; 62v; 63v; 74r; 76v; 77r; 94r; 100r; 117r; 121r; 164v; 165r; 170v; 171r-v; 172v; 177v; 178r-v; 186r; 188r; 192v; 237v; 239v; 240v; 243v; 244v;

Antonius de Presbiteris, Antonius: 274r; 280v;

Baldus, Bal.: 29r-v; 31r; 33r (“no. hic Baldus in papirio... ut in papirio per eundem”); 33v; 34r; 60r; 74v; 75r; 78r-v; 80v; 87v; 142v; 206v;

Bar. de Saxoferrato, Bar.: 3r; 7r-9r; 10r; 32v; 33r; 34r; 41v; 42r; 44r-45r; 46r-48v; 51v; 52r-56v; 57r-58r; 59r-v; 61v; 62v; 63r-66r; 75r; 169r-176v; 177v-180v; 182v-186r; 187r-v; 189r; 190v-194r; 195r-v; 196r-v; 198r-v; 199v-200v; 204v; 207r; 208r;

Bartholomeus de Saliceto: 165v;

B.us: 72v; 74r; 79r; 106v;

Cy.: 79r;

Dionisius: 207v;

Doc.: 223r; 243v; 245r; 248v; 270v; 275r-v; 276v; 278v; 280r;

Dy.: 8r, 27v; 33v; 34r; 43r; 65r-66r; 68r; 70v-71r; 73v; 76v; 77r; 102r; 140v-141r; 146v; 180r; 199r; 274r;

Flor.: 203v;

Fran. de Ramp.: 10v

F. Sas.: 238v;

Ia. Bu., de Butrigariis, 9r; 54r; 207r;

M.: 249r;

Martinus Fanensis, 26r;

M. Sy.: 42v; 54r; 57r; 184v-185v; 192r; 193r;

Nic. Flor.: 10v;

Odofredus, Odd.: 41v-42v; 44v; 72r; 198r;

Paganinus de Padua, Paganinus, Pag.: 9r-v; 45v; 48r-49v; 53v; 55r; 56r-57v; 58v; 59r; 60r; 67r-v; 69v-80v; 81v; 82v; 83r-84r; 85v-86r; 87r-89r; 110v; 127v; 129r-130r; 133r; 150v; 151v-153v; 154v; 156r-157v; 159v-160v; 162v; 164r; 165r; 168v; 170r; 179r; 198r; 202v; 203v; 232v; 233r; 242r;

Ray.: 76v;

Ric.: 134r;

Ricardus, Ry. de Sal., Ry.: 3r; 5r; 8r; 81r-v; 82v-83v; 85v; 86v; 93v; 94v-95v; 97r-98r; 99r-100v; 101v-102r; 104v; 106v; 108r; 109r-v; 111r; 112v; 115r; 116r; 119r; 120r; 121v; 124v; 125v; 126r; 129v; 131r; 138r; 144v; 145r; 164v; 165v; 167r; 171r; 173r; 175r; 177r; 178r; 179r-180v; 182r-183r; 184r; 187r; 199r; 223r; 232v; 235r; 236r; 237r; 239r; 273r; 274r-v; 287v;

Symon, Sy. de Sancto Georgio, Sy.: 43v; 44r-48v; 49v; 50v; 52r-54v; 55v; 56r-65v; 67r-75r; 76r-77v; 78v; 79r; 80r; 81r-v; 82v-84r; 86r-87r; 88r-v; 89v-91r; 92r-93v; 94v-96r; 97r-100r; 101r-v; 103r-104v; 105v-109r; 111r-v; 113r; 114r; 116v; 118v; 125r-v; 126v; 127r; 191r-v; 194v-199v; 200v-201v; 202v-203r; 205r-209r; 222r; 230v.

Anonymous *additiones*, written out at full length: fol. 6v to C. 1.1(4).8(6).25 (*Liquet igitur*); fol. 25v-26r to C. 1.14; 31v to C. 1.17(20) (*De vetere iure enucleando*); fol. 34r to C. 1.23(26) (*De diversis rescriptis*); fol. 68v to C. 3.1.14(12) (*Rem non novam*); fol. 70r to C. 3.2 (*De sportulis*); fol. 110r to C. 4.31 (*De compensationibus*); fol. 203v to C. 6.58(57).14 (*Lege duodecim*); fol. 226r to C. 7.39.8 (*Si quis emptionis*); fol. 227r to C. 7.40.2 (*Ut perfectius*) and C. 7.40.3 (*Si ex multis*); fol. 230v to C. 7.48 (*Si non a competente iudice*). At fol. 164va to gl. acc. *prescriptionem* (C. 6.1.1) *circa medium* after “...et sic sunt duo casus” we read (catchword inserted) in the lower margin: “Vel potes dicere quod imperator non habuit respectum ad tantam subtilitatem, sed cum quereretur de uno, scilicet de usucapione, incidit in aliud, scilicet in prescriptionem ut et alias, ff. ad l. fal., l. I, § Sed operis et similiter habetur in § Si quarta, sicuti sepe contingit cum peto a te quinque, tu dicis non habeo quinque, neque X. Et hec est additio cervotina”. Pace (p. 135, n. 33) assumes incorrectly that the words “Et hec... cervotina” have been written by some different hand than the one which reported the previous text. Moreover, he maintains that the attribution to Accursius’s son is the clue of a moment when his father’s gloss was not yet “completely consolidated”. But, as far as I can see, at least the gloss “fideicommissi” to C. 6.26.8 is here referred in the complete and mature version expressing Accursius’s last opinion on the subtle matter of the *substitutio compendiosa* (Padovani, p 117, n. 151).

*Quaestiones signatae*: fol. 286r, *incipit* “Sed pone quod sententia lata est in civili...” signed “Dy.” with short appendix signed “Ry.” to C. 9.32 (*De crimine expilate hereditatis*).

Anonymous *quaestiones*: fol. 55r to C. 2.17(18) (*Ne fiscus*): “Quaestio talis est. Aliquis erat pupillus cui pater non dederat tutorem...”; fol. 84r to C. 3.33.13 (*Cum antiquitas*): “Quid si emit scarletum...”; fol. 96v to auth. *Immo a debito* post C. 4.10.12: “Quidam est condempnatus et sententia transit in rem iudicatam...”; fol. 287r to C. 9.39 (*De his qui latrones vel aliis criminibus reos occultaverint*): “Statutum civitatis cavetur quod si receptat exbannitum puniatur in centum...”.

Inside the *additiones* (anonymous or signed) many lawyers are quoted: *az.*; *ia. bal.*; *io. fa.*, *faz.*; *gnido*, *gnido de suza.*, *ghuido de suz.*; *ry. mal.*; *ia. de bel.*; *ray.*, *ray. de for.*; *io. de li.*; *ro. de sali.* E. g. *Io. de y.*, *ymola* is mentioned twice, fol. 215r to C. 7.14.2: “Hanc glo. tenet Io[hannes] de

y[mola]” and fol. 273v (referred to gl. acc. *Plurima*, C. 9.2.9): “Io[hannes] de ymola in l. divortio, soluto matrimonio (D. 24.3.7[8])”.

*Bibliography:* E. Seckel, *Distinctiones Glossatorum. Studien zur Distinktionen-Literatur der romanistischen Glossatorenschule, verbunden mit Mitteilungen medierter Texte*, in *Festschrift der Berliner Juristischen Fakultät für Ferdinand von Martitz*, Berlin 1911, p. 401, n. 3; B. Paradisi, *Le glosse di Bartolo da Sassoferrato*, in *La critica del testo. Atti del II Congresso Internazionale della Società Italiana di Storia del Diritto* (Venezia 18-22 settembre 1967), Firenze 1971, pp. 575-618, now in *Studi sul Medioevo giuridico*, II, Roma 1987 (*Istituto Storico Italiano per il Medio Evo. Studi Storici*, 163-173), pp. 855-896; G. Dolezalek, *Verzeichnis der Handschriften zum Römischen Recht bis 1600. Materialsammlung, System und Programm für elektronische Datenverarbeitung*, Frankfurt am Main 1972; R. Abbondanza, *Baldovini Iacopo*, in *Dizionario Biografico degli Italiani*, 5 (1963), p. 524; A. Padovani, *Studi storici sulla dottrina delle sostituzioni*, Milano 1983 (*Ius nostrum. Studi e testi pubblicati dall'Istituto di Storia del Diritto Italiano dell'Università di Roma*, 18); C.E. Tavilla, *'Additiones' di Simone da San Giorgio al 'Digestum Vetus'*, in *Quaderni Catanesi*, VI.11 (1984), pp. 251-270; Id., *Orientamenti dell'insegnamento giuridico a Bologna nel secolo XIV*, in *Quaderni Catanesi*, VII.14 (1985), pp. 455-490; N. Sarti, *Un giurista tra Azzozone e Accursio. Iacopo di Balduino (...1210-1235) e il suo Libellus instructionis advocatorum*, Milano 1990 (*Seminario Giuridico della Università di Bologna*, CXXXVII), p. 73; G. Speciale, *La memoria del diritto comune. Sulle tracce d'uso del Codex di Giustiniano (secoli XII-XV)*, Roma 1994, pp. 68, 138, 201, 222, 312-13; G. Pace, *Riccardo da Saliceto. Un giurista bolognese del Trecento*, Roma 1995, p. 46 (ed. *casus ad auth. Sed novo iure post C. 6.1.3*, fol. 164va: but see p. 51).