

MANUSCRIPT 39

[Commentary on Book V of the decretals of Gregory IX.]
First caption title: "De accusationibus, inquisitionibus et denuntiationibus." Title on spine:
"Rubricae de accusationibus."
MS 39

Italy (in Latin)

Ca. 1475?

Book V of the Decretales Gregori Noni (Venice, 1572) deals with actions classified as "crimes" under canon law, especially the misdeeds--robbery, perjury, rape, homicide, and the like--committed by ecclesiastics. The original decretals of 1234 (see the description of MS 34) were rather terse and needed additional elaboration or interpretation. Various canonists have worked on the many hundreds of paragraphs (or "chapters") which comprise the decretals, although the elaborate glosses of Bernardo Bottoni (d. 1266) were considered to be the most authoritative.

This particular commentary was evidently the community effort of some north Italian monastic establishment, and--although it forms a complete and continuous whole--it is written in many hands, expresses possibly the opinions of various authors, and may even, in places, express the consensus of a group. The name "Jacobus de Rochis" (or "Rohis") appears on a number of pages, and he may have been the leading spirit in the enterprise, although it does not appear that he was the author of all of the rubrics. He himself is quite obscure, and none of the standard catalogues, bibliographies, and encyclopedias mentions him. Probably this

commentary has never been printed--since prelates were reluctant to allow every canonist to publish his own interpretation of canon law--and it is also possible that the work was intended as no more than an educational monastic exercise, a way of keeping the religious usefully and instructively occupied.

The dating of the codex is problematic. The different hands all wrote in the traditional cramped Lombardic "Gothic" minuscule, with the conventional excessive use of contractions. There is little evidence in this codex of the influence of the rounded "humanist" minuscule script (which itself may be a sign of the traditional character of the scholarship of its authors). The watermark--three "mounts" and a cross--is of a very common type. Goodspeed, Descriptive catalogue, pp. 39-41, and De Ricci, Census, I, 560, indicate only a 15th-century date. There are one or two indications that the codex may have originated later in the 15th century, rather than earlier--although no certainty on these points seems possible. Goodspeed gives an elaborate list of the contents of the codex.

Folio, 32 x 22 cm.

189 leaves (fully foliated).

Bound in University of Chicago red boards.

Owned by the Marquis of Taccone of Naples, who was treasurer to the king of Naples late in the 18th century. Part of the Berlin Collection.

10 January 1968
T. Bentley Duncan

Addendum: MSS 6, 12, 14, 17, 18, 47, 54, 63, 66, and 101 all belonged to the Taccone collection, acquired in the Berlin purchase of 1891; all once had oval labels on the spine, bearing the Taccone MS number. 9Apr71
TBD