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guis.ꝛ de ꝑle dubitaret.C.de repu.ↄſenſu.§.ſi ỽo.ff.de his q no.iſa.l.liberto rum.§.i.ꝛ no.ꝙ canones iſti nō ſolū talem mulierem liberāt ab īſamia ſed oī pena quā exprimit lex.C.de ſe.nup.l.i.ꝛ in auc.hiſdem penis ꝛ in auc.de reſti.ꝛ ea que pa.§.ult.col.iiii.nec debet dici īfamis in foro ciuili: ex quo ꝑ eccleſiam lnia apoſtoli remiſſa eſt ar.ſ̄.q ſi.ſunt le.ꝑ venerabilem:ꝛ.ii.q.iii.§.hinc col ligit. Quidā tñ dicunt ꝙ pro pterea nō euadit penaꝫ illaꝫ:q̄ ꝓuat añ nuptiali dōatiōe auc. ꝑdicte de reſti.ꝛ ea q̄ pa.§.ul.col.iiii.q̄ vix ſuuꝫ ita velociter dehōeſtauit: ut appareat ēt eo uiuente eam nō caſte vixiſſe ut ibi dr̄:ꝛ ideo ꝑdere dꝫ qcqd ex liberalitate viri ad eam potuit ꝑuenire:nec eccleſia in hoc po tuit penā illam tollere.qꝛ quā dam īgratitudinem vr̄ mulier cōmiſiſſe argu.ſ̄.de dona.ꝑꝑ eius nec eſt hoc ↄ̄ apoſtoluꝫ.ſ̄. de diuor.gaudemus.

a Ab apl'o.quam alicui au ferre nō poſſumus.xxviii.diſ. de his.bn̄ficiū.n.iuris nemini eſt auferendū.v.diſ.ad ei⁹ ỽo .ff.de re iudi.l.iiii.§.ſi qs cō dēnatus:ꝛ beneficium ꝑncipis latiſſime īterp̄tanduꝫ eſt.ff.de ↄſti.ꝑn.beneficiuꝫ.ꝛ ſic ad oēs mulieres hoc bn̄ficiū extendit.

b Cum his.ſ.matrimoniis ↄ̄hendis ī qbus ſacre leges ſa cros canones imitant:in auc. quō oportet epi.§.ult.col.i.ꝛ ī auc.ut cle.apud ꝓprios epiſc. .§.ul.col.vi.ꝛ.ſ̄.de iudi.at ſi clerici.ꝛ in auc.de eccle.ti.cir ca prin.col.ix.

Rubrica d' accuſationib⁹ duo bus modis pōt continuari pri mo ad precedentia.ſcdo ad ſe quentia.ab.ſi.

Illegitimus. Aliter ꝛ ſic pōt ſū mari ad petitionem illegitimi accuſato ris reus nō ē ad iudicium tra hendus.h.d.ꝛ non diuiditur

Ab.ſiculus.

unius āni ſpaciū nubat:ꝛ cōceſſa ſibi tñ ab apoſtolo[a] vtit ꝑtāte:cuꝫ[b] in his preſertim ſecl'ares leges nō dedignent ſacros cāones imitari

Liber quintus.

Rubrica De accuſationib⁹ īquiſitionibus ꝛ denunciationibus.

Felix papa.

Ad petitiōeꝫ illegitimi accuſatoris re⁹ nō ē ad iudiciū trahēdus.

Si legitimus[c] non fuerit accuſator:non fatigetur[d] accuſatus.

Idem ep̄is per galliam conſtitutis.

A denūciatione repellit is qui non premonuit.

Si quis epiſcopus ab illis accuſatoribus[e] q recipiēdi ſunt accuſatus[f] fuerit:poſtquam ab eis charitatiue[g] cōuentus[h] fuerit ut cau ſam emendet ꝛ eam corrigere no luerit:nō olim[i] ſed nūc[k] ad ꝑmates cauſe eius canonice deferant.

G Reg.duci campanie.

Criminatio ꝑlati dꝫ tractari coram illis quorum intereſt.

Illa prepoſitorū:ꝛ infra. Si uero aliquis eſt de monaſterio[l] predicti abbatis qui poſſit dicere[m] quod ad culpam reatūqꝫ eius pertineat nos cū eis quorū[n] itereſt cām diſtricte uolum⁹ ꝑſcrutari.ut uel ↄdenet[o] vel abſoluatur.

Idem conſtātie aug.

c Legitimus.ideo dicit:qꝛ ſi ſit criminoſus nō pōt aliū accuſare.iii.q.vij.q ſine:ꝛ.c.poſtulatus:ꝛ q trabem geſtat in oculo:feſtucam de oculo ffis nō pōt eruere.ea.cā.ꝛ.q.ea.§.tria.uer. porro in fi.ꝛ.i.q.i.multi ꝛ.vi.q.i.q crimen.Qui.n.alium accuſat:dꝫ eſſe bone fame nō ſuſpectus ꝑ iura ꝑdcā.ſi.n.ad denunciādū viles pſone nō admitūtur ut.ſ̄.de ſpon.cū.in tua:multofortius nec ad accuſandū.Itē nec debēt eſſe inimici.ī.eo.cum oporter:ꝛ.c.cum.ꝑ.manconella:ꝛ.c.meminimus:dꝫ.n.eſſe ſine crimine nō inimicus bone fame ꝛ opinionis q alium accuſat:al's non eſt legitimus accuſator.criminoſus.n.criminoſum accuſare non pōt aut ēt denunciare.

d Fatiget.ſed repellat accuſator:ꝛ abſoluatur re⁹ ab obſeruatiōe iudicij.vj..q.ult.c.ul.§.actor.niſi fuerit īfamatus tunc dꝫ indici ei purgatio.ii.q.v.preſbyter.ii.ꝛ.ī.de pur.cano.c.cū.p.ꝛ hec decre.ꝑtinet ad ꝑmam partem rubrice.

e Si qs epiſcopus.accuſatoribus.i.denunciatoribus.

f Accuſatus.i.denunciatus.

g Charitatiue.ar.ꝙ admonitio ſꝑ eſt ꝑmittenda ante accuſationeꝫ ꝛ añ vindictam.xii.q.ii.īdigne:ꝛ.xvi.q.i.qdam monachi:ꝛ.q.vii.oēs decime:ꝛ.xxiiii..q.iii.de illicita:ꝛ.ī.de ſen.excō.ſacro cum agit in modū denūciationis ad penitētiam:tūc neceſſaria eſt admonitio ſm euangelicā veritatē.ſ̄.d iudi.nouit ꝛ.ii.q.i.ſi peccauerit:ꝛ.ī.de ſimo.lꝫ hely.ꝛ.ī.e.cum dilectus.ii.in quo caſu loqtur hoc.c.ꝛ ita ꝑtinet ad vltimam partē rubrice.ꝛ ubi dicit accuſatoribus exponē.i.denunciatoribus.Accuſatus.i.denunciatus ut dcm̄ eſt.

h Conuentus.i.monitus ut ſequens lr̄a indicat.

i Nō olim.i.non ante admonitionem admittatur ad denunciandum.

k Nunc.i.poſt admonitionem debet admitti ut dictum eſt.

Illa prepoſitoruꝫ. Illi debēt accuſar̄ quoꝝ itereſt al' accuſatio eſt nulla.h.d.ul' ſic ut ī rubro.Et prīo pōit ↄcīſū ſcm̄.ſo diſpoſitio ibi.ſi ỽo

l De monaſterio.no.ꝙ nō debēt admitti ad denūciādū.niſi illi quoꝝ itereſt ut monachi ut h aut ēt pr̄oni.xvi.q.ul.filiis.aut ēt parochiani.lxiii.di.uota ciuium:ꝛ.vii.q.i.factus eſt.

m Dicere.i.accuſare.ī.c.ex parte:ꝛ.i..q.iii.eleutheriū.ſed potius loqtur in modū inqſitionis ſiue denunciationis in quo caſu tenent ad denunciādū:ut.ii.q.vii.qua pp:ꝛ ar.ſ̄.de cog.ſpi.tua ad h .n.qlibet tenet ēt ſi iuraſſet nō denunciare.ſ̄.de iureiur.quemadmodum.

n Quorū itereſt.ſ.fratrum ſuoꝝ.lxxvi.di.ſi.quid.

o Cōdemnetur.hoc ſꝑ dꝫ cōtinere diffinitiua ſnia ↄdēnationē uel abſolutionē alias non tenet.ii.q.vi.§.diffinitiua:ꝛ.xxiii.q.iiii.illud ēt uel eqpollens .ī.de uer.ſig.in his:ꝛ.ff.de arbi.qd tñ.§.ſi arbiter.ſic ꝛ ſnia que ſine certa quātitate ꝓfert nulla eſt.nec in aliqua parte actoꝝ hoc reperit.C.d ſenten.que ſine cer.quā.profertur.l.pe.ꝛ ul.tan.

p Omnipotens.nūciant ꝛ ſic ad vltimā partem tituli ꝑtinet cum ēt aliqs accuſat aut denūciat uel ēt ingrit grauata eſt ſtatim eius opi.ut iterim nō debeat ꝓmoueri.lxxi.diſ.tantis daniel:ꝛ.ſ̄.de teſti.c.ulti. .C.de ꝓcur.reum.ꝛ.ff. de mu.ꝛ hon.l.reus.i. rñ.niſi poſt annum:ut ea.l.reus.§.eum.

q Honoret.i.ad honorem.ꝓmoueatur.

r Nulli epoꝝ.repellere.Iudex tamē ex offō ſuo pōt repellere accuſatorem ſi nō fuerit idoneus.arg.ii.q.vii. alieni:ꝛ.c.qui ſi ſunt:ꝛ .c.querēdum.ff.de poſtulā.quos ꝓhibet:ꝛ.ſ̄. de excep.exceptionem in fi.ꝛ.ff.de pe.her.l.vlti.

s Familiaritate.nō enim mō pōt reprobare ēt mores quos prius ꝓbauit.ff.de adul.ſi vxor in fi.ꝛ.xxxii.q.v.horrēdus:ꝛ.ſ̄.de fi.preſby. ueniens.ff.de neg.geſ. pōponius.Sed ↄ̄.ii.q. vii.alieni.ꝛ.iii.qō.ult. .§.ſi quis ex familiaribus.ꝛ.C.qui accu.non poſ.iniquuꝫ.imo videt ꝙ criminoſus criminoſum accuſare poſſit.ii. q.vii.§.in hoc.ꝛ.C.de her.qm̄ ꝛ.C.de ioffi.teſta.in arenaꝫ.ar.ꝙ nullus criminoſus reputat legitima pſona ad accuſandum uel ad denunciandum ut dixi.ſ̄.c.i. argu.C.de adulter.qm̄ xxxii.q.vi.nihil iniq⁹.ꝛ.C.de lib.ca.ſi filium:uel forſitan iſte ep̄s accuſabatur de crimine excepto:qꝛ ꝛ erat male fame.ii.q.i.in ꝑmis.vñ admittebantur uiles pſone ↄ̄ eum.Sed dic ꝙ ſpāle eſt in ep̄is ꝛ in odium ipſorū ſtatutum:qꝛ debent ſecum habere honeſtas pſonas:que ꝓhibeāt teſtimoniū de vita eoꝝ.ii.q.vii.cum paſtoris.Et ideo ſi prauos ꝛ viles habent ſecum ſibi imputent: al's vilis perſona non eſt audienda:ut dixi.ſ̄.eo.c. .i.uel forte ſuperioꝛ ex officio ſuo poſſet tales repellere:ut dr̄ in prin.c.ꝛ in ꝑcedenti notula.

Omnipotens de⁹ ꝛ infra. Valde graue eſt vt uir de quo tāta ꝛ talia nunciant[p] cū añ requiri ꝛ diſcuti debeāt honoretur[q].

Paſcalis papa.

Ep̄s ꝑ exceptionē criminis illū ab accuſatione ſua repellere ñ poteſt queꝫ añ a ſua familiaritate neglexerit ſeparare.

Nulli ep̄orū ab accuſatōe ſua repellere[r] liceat quos añ qꝫ ſe ab eis ipetēdū cognoſcert a ſui cōi familiaritate[s] neglexerit ſeꝑare.

Ex ↄcilio maguntino.

Abſolut⁹ de certo crimine d eodem iterū accuſari non poteſt.

De his criminibus: d quibus abſolutus eſt accuſatus:non poteſt accuſatio replicari[t].

Stephanus papa.

Cohabitantes inimicis accuſati ab accuſatione repelluntur.

Repellantur ab accuſatiōe cohabitantes[u] inimici:quia infeſtatiōes blaſphemie affectio ſolet amicitie[x] vel inimicitie incitare.

Ex brocardo lib.xliiij.

Ponit penitentiā accuſatoris calūnioſi cuꝫ ſequit inde mors vel membri debilitatio.

Accuſaſti aliquē:ꝛ per tuam[y] accuſationem occiſus eſt:niſi

t De his replicari.qꝛ ſi ꝓbato crimine iudex cum illo diſpēſauit ſi fuit tale crimen qō potuit diſpēſare:crimina ſemel dimiſſa iteꝝ in ultionem diuina clementia venire nō patit.de pe.di.iiii.diuina clemētia ad fi. di.ꝛ.xxiii.q.iiij.ſi illic:ubi de hoc:ꝛ.ii.q.iij.§.notandum.Si vero abſolutus eſt.qꝛ accuſatoꝛ non ꝓbauit tutus eſt qꝛ de delicto vnius hois ſepi⁹ q̄ri non dꝫ.ff.nau.cau.lꝫ.§.ult.ꝛ.xxxv.q.ix.ueniam:ꝛ hoc veꝝ eſt niſi in duobus caſib⁹ puta ſi ſcds accuſator ꝑmum doceat preuaricatum fuiſſe .ff.de preuari.l.iii.C.de accu.ſi qs homicidii.ꝛ de collu.c.i.Item ſi ſuuꝫ dolorem ꝓſequatur ignorans accuſationem ab alio īſtitutaꝫ.ff.de accuſ. ſi cui.§.hiſdem.Et hoc īlellige cum actū ē.ī forma iudicii.Si aūt pniaꝫ egiſſet occulte quo ad deum abſolutus ē ſed accuſatio in iudicio facienda nō ceſſat pp hoc.xxxiii.q.ii.admonere.vin.

u Repellantur. Prio ponit ſtatutū.ſcdo rōnem ibi qa.ab.ſi. Cohabitantes.nō ſolum inimici:ſed eis cohabitātes repellunt qꝛ ex hoc inimici ꝑſumūtur.iiii.q.iii.§.item teſtes.ꝛ.ī.e.cū oporteat.C. de iof.teſta.liberi.xciii.di ſi inimicus:ar.ↄ̄.ff.pro ſocio:nā ſocius.Nam ſocius ſocij mei nō eſt ſocius meus:ꝛ.lxxxi.di.legitur:ꝛ eſt arg.ex cohabitatione ꝑſumendum ꝓ aliquo uel ↄ̄ aliqueꝫ.xviii.q.ii.diffinimus:ꝛ.ſ̄. eo.nulli:ꝛ.ſ̄.de of.delega.īſinuante.iiii.q.v.accuſatores.

x Amicitie.iii.q.v.accuſatores:pp amicitiam uel odium humanum iudicium ſepe peruertitur.xi.q.iii.quattuor.

y Accuſaſti.ꝑ tuā tm̄ accuſationē calūnioſam ꝛ nō culpa ſua:nam ſi qs iuſte accuſet criminoſuꝫ:ꝛ crimine probato iterficiatur re⁹:immunis eſt accuſator.xxiii.q.iiii.illud:ꝛ iudex ꝛ miniſter.xxiii.q.v.homo qui malos:ꝛ.c.iudex:ꝛ.c.homicidas:ꝛ.c.miles in fi.