

The Manuscripts and Editions of William Durant the Younger's *Tractatus de modo generalis concilii celebrandi*—Revised

There is no thorough study in existence that does full justice to William Durant the Younger's (ca. 1266–1330) *Tractatus de modo generalis concilii celebrandi*, written on the occasion of the Council of Vienne.¹ It is one of the most important writings in the early history of conciliarism and has accordingly found a place in most of the literature dealing with conciliarism and the political theory of the thirteenth and fourteenth centuries.² But it is obviously far too long and complex to be exhausted by the kind of treatment possible in works of such a general nature. If one turns to the specialized literature on Durant's life,

* Originally published in *Annuaire historique conciliaire* 10 (1978): 290–309.

I would like to thank professors Paul Oskar Kristeller, John H. Mundy, and Robert Somerville for having read and criticized this article. {I have taken advantage of the opportunity furnished by the inclusion of this article in the present volume to improve the manuscript descriptions and correct mistakes. Wherever it made sense to do so, I have identified such changes by enclosing them in curly brackets, as in the present instance. Where new text is running into old text, I have inserted footnotes to explain what was changed. I would like to thank Sean Dunwoody for checking manuscript catalogs that were not included in the third edition of Kristeller, *Latin Manuscript Books before 1600*, but were added to the fourth edition revised by Sigrid Kramer in 1993, and for checking as many additional catalogs published since then as possible. It was both disappointing and reassuring that this did not lead to any previously unknown manuscripts of Durant's treatise.}

- 1 William Durant the Younger's name is spelled differently by different authors in different languages. Heber, *Gutachten*, 65; Andrieu, *Pontifical romain*, 3:3n1, and Viollet, "Guillaume Durant," 2n2, consider arguments for various spellings. I have adopted the spelling preferred by Viollet since his is the authoritative biography, but I write 'William' instead of 'Guillaume' or 'Guilielmus' etc. {I am grateful to Reinhard Elze for pointing out that R. Heckel, "Eine Kanzleianweisung," 110n4, establishes 'Duranti' as the correct form of the name. I nonetheless continue to write 'Durant,' in part for the sake of consistency, but chiefly because I agree with my teacher John Mundy that, whenever a well-established modern form is available for names with a different medieval form, the modern form is preferable.}
- 2 See for example Dempf, *Sacrum Imperium*, 421; Carlyle, *History*, 6:24–5; Haller, *Papsttum und Kirchenreform*, 58–66, 70; Hofmann, *Repräsentation*, 253–5, 257; Jedin, *Geschichte*, 1:5, 7, 471, 510; Rivière, *Problème*, 363–9; Scholz, *Publizistik*, 208–23; Tierney, *Foundations*, 190–9.

his thought, or the *Tractatus* itself, one is disappointed.³ Where one had hoped to find analysis, {290 | 291} one is presented with paraphrase, sometimes embellished with acute observations and detailed information, but paraphrase nonetheless. One suspects the dense technicality of Durant's book of being the reason why the attention given to it has never led to a comprehensive study. But whatever the reasons for the lack of such a study, if one wants to understand Durant's treatise, its design, and its place in the history of conciliarism, one needs to examine it in detail.

The first obstacle to a full understanding is the fact that the manuscripts in which the treatise has been preserved have never been listed in one place, much less collated with the printed editions.⁴ To proceed on a sound basis, one first needs a complete list of manuscripts containing the whole or parts of Durant's treatise, and then the manuscripts must be compared with each other and the printed editions.⁵

The present article is devoted to the first of these tasks: identifying the relevant manuscripts, giving some information about their history, contents, and bibliography, and drawing whatever conclusions about the history of Durant's *Tractatus* this evidence warrants.⁶ The printed editions will {291 | 292} also be

3 Against the background of the Council of Vienne Durant is considered by Heber, *Gutachten*, 40–56, 64–74; Lecler, *Vienne*, esp. 38–50; E. Müller, *Vienne*, esp. 587–8, 591–610. Other studies to be mentioned are Viollet, “Guillaume Durant,” which must be the basis for all further work; Bellone, “Cultura e studi,” Göller, “Geschichte der italienischen Legation,” Posch, “Reformvorschläge,” and Torquebiau, “Gallicanisme.” Finally there are articles in handbooks and encyclopedias, notably Mollat, “2. Durant (Guillaume),” and Naz, “Guillaume Durand.”

4 Even Viollet, who seems to have been the only scholar to use several manuscripts in his work on the treatise, mentions only the five manuscripts we have designated P, C, Ma, Tr, and Tu. It escaped him not only that P divides the text in a manner quite different from that of the printed editions, but also that the second part of the treatise takes the same form in P, C, Ma, and Tr (Tu is fragmentary; see below pp. 132–3): all of these manuscripts contain a section in part two which is identical to chapters 3–30 of the third part of the printed editions. Viollet noticed this only with regard to Tr and then mistakenly identified the transposed section with the entirety of part three in the printed editions; see Viollet, “Guillaume Durant,” 79n2, 82n1. The manuscripts we designate O, R, and Z in this survey are entirely unknown in the literature on William Durant the Younger.

5 The editions will be briefly discussed below, pp. 147–9.

6 Given the state of manuscript cataloguing, one can never be sure of having a complete list of all the manuscripts of a given text, but I have made an effort to cover as many bases as possible. This is the place for me to thank the librarians—their number is close to three hundred—who assisted me in my search by answering a circular letter. The fact that their answers added only one new manuscript to my list, namely R, of which I was made aware almost simultaneously by U. Morelli of the Biblioteca Nazionale Centrale in Rome and by

briefly considered. But I will make no attempt to weigh the merits or defects of one copy of the text against the others.⁷

There is, however, one point concerning the manuscript versions of the text that needs to be brought up in order to avoid confusion. The division of the text into three parts in the printed editions is found in the manuscripts, too, but with an important difference. Whereas the printed editions contain seventy-two chapters or 'titles' in the second part and sixty-three in the third, i.e., a total of one hundred and thirty-five chapters in parts two and three combined, the manuscripts have the same total of one hundred and thirty-five chapters, but divide it differently: one hundred chapters in part two, and the remaining thirty-five in part three. Put differently, the twenty-eight chapters numbered 2.72–99 in the manuscripts are numbered 3.3–30, in the printed editions, and the chapter numbered 2.100 in the manuscripts is numbered 2.72 in some of the printed editions. That makes part two considerably longer and part three considerably shorter in the manuscripts than in the printed editions.

The explanation for this confused state of affairs and the reasons for preferring the arrangement of the text as found in the manuscripts will not be considered here.⁸ It must be borne in mind, however, that the following discussion is based on the manuscripts. If 'part three' is said to be missing from a manuscript, 'part three' refers to the short version of part three found in the manuscripts {which corresponds to the *Tractatus minor*}, not the long version of part three as found in the printed editions. Similarly, if a manuscript is said to contain 'parts one and two,' what is called 'part two' consists of one hundred

Dr. Martin Bertram, may perhaps be taken to corroborate my claim for completeness. It goes without saying that I would be very grateful for any additional information.

7 I hope to address that problem at another time. {See below, chap. 2, which establishes the superiority of the manuscripts here designated as P and M over the printed editions and introduces the distinction between *Tractatus maior* and *Tractatus minor* to indicate that the work printed under the title *Tractatus de modo generalis concilii celebrandi* does not consist of one treatise, but two different treatises that had originally been distinct, but were conflated in the printed editions. Wherever it seemed necessary, I have referred to *Tractatus maior* and *Tractatus minor* in the remainder of this article, even though I was not yet aware of the distinction when it was first published. For a detailed analysis of the manuscript transmission see Fasolt, "William Durant the Younger's *Tractatus*," 54–100; for a stemma of the manuscripts see Figure 1, below, p. 158.}

8 {The explanation is that at some point in the manuscript transmission twenty-eight chapters of the *Tractatus minor* were transposed into part two of the *Tractatus maior*, which made the argumentative structure of both treatises unintelligible, obliterated the distinction between them, and led to their treatment as a single treatise in three parts; see below, chap. 2.}

chapters and includes the twenty-eight chapters placed into part three in the printed editions.

1 The Manuscripts

Each manuscript will be identified by a siglum as well as current and older shelf marks. The sections entitled 'description' provide information about the make-up and contents of the manuscripts, followed by references to catalogs describing them. {Fascicules consisting of more than one gathering are identified by capital letters in parentheses: (A), (B), (C), Different sections of content are identified by arabic numerals in parentheses: (1), (2), (3), Subdivisions within different sections of content are identified by lower-case letters in parentheses: (a), (b), (c), Extensive descriptions are given wherever such information could be obtained, sometimes chiefly from published catalogs, as for C, Ma, Tu, and Z, otherwise through correspondence, as for P, M, Tr, B, O, and R.} C and M, the two manuscripts I have seen myself and not examined only in microfilm, are marked with an asterisk. The sections entitled 'bibliography' refer to passages where the manuscript under consideration is mentioned but not described. They are intended to be complete only as far as the literature on William Durant the Younger is concerned.⁹ The sections entitled 'history' give further information about the history of Durant's book.

*P = Paris, Bibliothèque Nationale, ms. lat. 1443 (Colbert 2530;
Regius 4239³⁻¹)*

Description:¹⁰ parchment, s. XIV, 112 fols. {285 × 210 mm. Justification 195 × 145 mm. Eighteenth-century binding in red morocco decorated with the royal arms. The text is divided into two columns. Fols. 98–112 are damaged by humidity, which destroyed the original foliation in roman numerals. The foliation has been rewritten in a modern hand.

The volume is made up of fourteen quaternions. In each quaternion the four initial folios are signed at the bottom as follows: in the first quaternion, hori-

9 {See the index for references to these manuscripts in this volume.}

10 I am indebted to Denise Bloch, Conservateur, Bibliothèque Nationale, for information on the composition, decoration, and history of this manuscript. {The description has been entirely rewritten on the basis of details provided by Denise Bloch in 1978, and by Marie-Thérèse d'Alverny, Monique-Cécile Garand, Gilbert Ouy, Bernard Bischoff, and Neil Ker in 1981. I am grateful to Amandine Postec, Conservateur, Bibliothèque Nationale, for confirming the accuracy of the revised description in 2013.}

zontal strokes from one to four, – = ≡ ≡; in the following seven quaternions, up to fol. 64^v, vertical strokes from one to four, | || ||| ||||; in the remaining six quaternions, letters with superscript vertical strokes: a^{1-|||}, e^{1-|||}, d^{1-|||}, c^{1-|||}, b^{1-|||}, and o^{1-|||}. The end of each gathering is marked by a catchword at the bottom of the page that is decorated with a pen and ink drawing. The text is decorated in blue and red framing with blue, red, and violet filigrees (fol. 1) and with blue or red initials with blue, red, and violet filigrees and branches that are occasionally decorated with a human head (fols. 24^{vb}, 25^{rb}, 27^{ra}, . . .). The decoration appears to be of Southern French origin. Two initials are decorated with fleurs-de-lys (fol. 2^{vb}, 8^{vb}). The titles are rubricated. There are contemporary marginal annotations and corrections, especially on the first folios. Marginal annotations of the late sixteenth or early seventeenth centuries (fols. 77^{ra}, 81^{rb}) draw attention to differences between this manuscript and the one used for the printed edition.

When I realized that P is the sole surviving representative of one of the two main branches of the manuscript transmission of Durant's treatise, the question of its date and origin became so important that I sought the advice of Marie-Thérèse d'Alverny, Monique-Cécile Garand, Gilbert Ouy, Bernard Bischoff, and Neil Ker, to all of whom I am grateful for their paleographical expertise and the detailed responses they sent me in 1981.

There was general agreement that the main script, a rotunda or littera textualis formata, most likely dates to the fourteenth century and indicates a Southern French provenance, but is too generic to rule out a different origin and later date. Matters are different with the decorations and the notula of the marginal corrections and annotations, both of which can be dated and traced to a particular origin with greater confidence. Bernard Bischoff believed that the annotations might well have been written in the second half of the fourteenth century. Gilbert Ouy was similarly confident that the manuscript was copied in the last quarter of the fourteenth century. He was also certain that it was Southern French in origin, not Italian, and that it might well have been written in a place like Toulouse or Montpellier, where it is known to have been owned by a certain M. de Rignac in the seventeenth century before it was sold to Colbert in 1682.

Marie-Thérèse d'Alverny examined the manuscript in person and gave the most detailed response. She judged the style of the decoration and the use of colors, particularly the violet filigrees, to be typical of manuscripts copied in Southern France in the fourteenth century. The notula of the contemporary corrections and marginal notes struck her as unequivocally French, probably Southern French, and dating from perhaps as early as the first half of the fourteenth century. She thought the decoration of the catchwords with pen

drawings at the end of each gathering may be considered evidence of Italian influence, which would not be uncommon at Avignon, but she was also certain that the deep black ink and the angularity of the main script were so thoroughly un-Italian that the manuscript was definitely not Italian in origin. She speculated that the scribe might well have been a northerner working in Avignon or Toulouse. She identified three missals from Southern France—Paris, Bibliothèque Nationale, ms. lat. 828 (from Riez in Provence, 1342–52), ms. lat. 837 (from Toulouse, 1364), and ms. lat. 877 (from Toulon, 1334–42)—as important points of reference because they were copied in a similar script and can be confidently dated to the middle of the fourteenth century.¹¹ Overall, to the degree that paleographical evidence allows for any firm conclusions at all, she believed that P was copied in Southern France at some point between 1330 and 1360.

Monique-Cécile Garand concurred with Denise Bloch and Marie Thérèse d'Alverny that the script and decorations point to a Southern French origin, and also believed that their hybrid character suggests an Italian influence, as would have been normal in Avignon, where scribes from Italy mingled with scribes from Provence, Languedoc, and even Paris. In terms of dating, she identified three additional but slightly later manuscripts as equally important points of reference. Two are missals from Avignon, Bibliothèque Municipale, mss. 133 and 136, copied under the pontificate of Urban V (r. 1362–70).¹² The third, Bibliothèque Nationale, ms. lat. 5407, contains a part of Bernard Gui's *Speculum sanctorale* and was copied in Avignon in 1378 for Cardinal Guillaume de Chanac (ca. 1320–83), who had become bishop of Mende in 1371.¹³ One would dearly like to speculate that Guillaume de Chanac paid the scribe of ms. lat. 5407, or a scribe with the same training, to make the copy of William Durant the Younger's treatise that is preserved in P. As bishop of Mende and servant of the papacy in Avignon, Guillaume de Chanac certainly had good reason to furnish himself with a copy of the treatise on the reform of the church that his predecessor in Mende had written sixty years earlier. Sadly this is no more than speculation.

11 {Samaran, *Catalogue des manuscrits datés*, 2:33, 35.}

12 {Samaran, *Catalogue des manuscrits datés*, 6:71 and plates LIX, LXI. Cf. Leroquais, *Sacramentaires et missels manuscrits*, 2: 322, 324.}

13 {Samaran, *Catalogue des manuscrits datés*, 2:271 and plate LX. As it happens, there is a town by the name of Chanac on the river Lozère in the county of Gévaudan, about thirteen miles southwest of Mende. However, apart from the name and his service as bishop of Mende from 1371, I have not been able to document any specific relationship between Guillaume de Chanac and the town of Chanac in the Gévaudan.}

Certain though is this: in the expert opinion of scholars familiar with late medieval French manuscripts, P was copied in Southern France before the end of the fourteenth century—definitely long before the Council of Constance met and before the other surviving manuscripts of the treatise were copied. Thus P is not only the sole surviving witness to one of the two main branches of the manuscript tradition of Durant's treatise, but also the only one that can safely be dated to the fourteenth century and traced to Southern France, closer to Durant in time and place than any other. That makes it the single most important source for the text of both the *Tractatus maior* and the *Tractatus minor*.)

Contents:

{The manuscript has no contents other than the complete text of Durant's treatises, i.e., both the *Tractatus maior* and the *Tractatus minor*. (fols. 1^{ra}–91^{vb}) *Tractatus Maior*: (fol. 1^{ra}) Inscription:¹⁴ “>In dei nomine amen. Incipit prima pars.<” {292 | 293}—(fol. 1^{ra}–b) Prol.: “Scribitur in consilio tholetano, quod bone rei dare consilium. Et presentis vite habetur subsidium . . . — . . . scribendum duxi ea, de quibus iuxta paruitatis mee modulum agendum esse videtur in consilio memorato.”—(fols. 1^{rb}–17^{ra}) Part one: “Rubrica prima de correctione eorum que male aguntur premittenda in dei ecclesia a ministris ecclesiasticis in capite et in membris. Et primo siquidem cum dominus dicat in euangelio Jo[hannis] viii. Qui sine peccato est vestrum [John 8:7] . . . — . . . et multe discordie, scissure, scissmata, mala scandala, onera, et dispendia proueniant ex eisdem prout in precedentibus plenius est probatum.”—(fols. 17^{ra}–91^{vb}) Part two: “>Incipit secunda pars.< Incipit secunda pars istius tractatus, in qua in speciali agitur de hiis que ab antiquo fuerunt spiritus sancti instinctu ab apostolis constituta . . . — . . . lxxx. lxxxi. et ii. vi. vii. viii. et ix. Et in xc. scilicet ut decimas et primicias et alia iura ecclesiastica solvant. >Explicit secunda pars.<”—(fols. 91^{vb}–112^{va}) *Tractatus minor*: “>Tractatus Reuerendi in Christo patris domini G[uilelmi] dei gratia Mimatensis episcopi.< >Rubrica prima. De reformatione vniuersalis ecclesie. Et quod in ea est primo a capite, scilicet Romana ecclesia, prelatis et aliis superioribus inchoandum.< Sane quantum ad reformationem vniuersalis ecclesie utilitater [*sic*] et perseuerabiliter ac efficaciter faciendum videtur quod a capite ratio sit edenda . . . — . . . Nam qui in modico fidelis est et supra multa constituitur et intrat in gaudium domini sui. Ad quod nos perducatur qui viuit et regnat per omnia secula seculorum. Amen.”—(fol. 112^{va}) Colophon: “Ista dictata fuerunt in consilio generali Vienne celebrato

14 {I use single-angle quotation mark to indicate portions of text the scribe set off as a heading.}

per Reverendum patrem dominum G.[uilelmum] dei gratia episcopum Mimatensem.”}

See: *Catalogus codicum manuseriptorum*, 3:112; Lauer, *Catalogue général des manuseripts latins*, 2:3.

Bibliography: Viollet, “Guillaume Durant,” 79n2, 99n4, 100n2; Rambaud-Buhot, “Baluze,” 1:333, 1:333n90. {Fasolt, “William Durant the Younger’s *Tractatus*,” 54–100; Fasolt, *Council and Hierarchy*, 5n15, 6n19, 7n26, 9n35, 295n20, 322.}

History: The first known owner of the manuscript was M. de Rignac, counsellor at the Cour des Aides in Montpellier, whose manuscripts were given to Colbert on 6 February 1682. The list of manuscripts Colbert received contained a *Durandus de modo concilii celebrandi*, as shown by a catalog drawn up by Baluze (Bibl. Nat., ms. lat. 9364, fol. 74^v). Since ms. Colbert 2530 is the only Colbertine manuscript of Durant’s treatise, it must be identical to the one originating in M. de Rignac’s collection. The fact that the manuscript’s provenance can thus be traced to Montpellier agrees well with the Southern French style of its decoration. In 1732 the manuscript entered the royal library together with the other Colbertine manuscripts.¹⁵

**M Munich, Bayerische Staatsbibliothek, Clm 6605
(Codex Frisingensis chartaceus 405)*

Description:¹⁶ paper, s. XV, I + 478 fols. {290 × 205 mm. A composite volume consisting of four fascicules, each with its own characteristics, bound in wooden boards covered with undecorated leather. Two clasps and a chain formerly attached to the binding have been removed. The title at the top edge of the book block reads: *contra Judaeos et de conciliis generalibus*. A small label on the spine dating to the time of secularization carries the signature Fris. 405. Beneath it is a label with the old signature of the cathedral library of Freising.¹⁷ The Ex libris of the cathedral library of Freising, dating to ca. 1770, is glued to

15 Cf. Delisle, *Cabinet des manuseripts*, 1:439–86.

16 {The description has been improved on the basis of notes I took in 1977 and correspondence in 2012 with Dr. Bettina Wagner and Dr. Anja Freckmann, Bayerische Staatsbibliothek, Munich, and with Prof. Annalisa Belloni in 2013. I am especially grateful to Dr. Freckmann for sharing the draft of a detailed description of Clm 6605 she prepared in the context of a project aimed at furnishing full descriptions of the paper manuscripts held by the library of the cathedral of Freising until secularization in 1802, and since then by the Bayerische Staatsbibliothek. Most of the description is taken directly from her draft.}

17 {The catalog of the cathedral library of Freising prepared by Anaklet Reiffenstuel and Franz Muttner in 1687 is now held by the Bayerische Staatsbibliothek, Munich, Cbm Cat. 8a; cf. *Mittelalterliche Bibliothekskataloge*, 4/2:623.}

the inside front cover. It shows a haloed Virgin Mary standing on a quarter-moon with haloed child in her arms and framed by an aureole.¹⁸ The inside back cover carries a restoration note dated 1958.

At the front of the volume a parchment folio with writing in a gothic minuscule dating to the twelfth century is folded horizontally across the middle and bound into the volume at the fold to form two guard leaves, numbered I–1, with vertically aligned text. A similar parchment fragment with writing in gothic minuscule forms a guard leaf numbered 474 at the back of the volume. The writing on the guard leaves consists of passages from Roman law: fol. I^r: Dig. 16.1.32.4–16.2.9.1: “. . . cauere debet excepcione se non usuram [et] sic ad iudicem ire . . . id est non exacturum quod is compensauerit.” Fols. I^v–1^r: Dig. 16.2.10 pr.–16.2.20: “[S]i ambo socii patrem diligenciam [*sic*] societati adhibuimus . . . pecuniam iure compensacionis retinere non placuit, quoniam ea non compensantur.” Fol. 1^v: Dig. 16.1.32.1–16.2.8: “. . . ne melioris condicionis emptor sit, quam fuerit uenditor . . . ne diligencior quisque deterioris condicionis habea[tur, si compensatio ei denegetur].” Fol. 474^r–^v: Dig. 3.5.5 pr.–3.5.7.2: “. . . [fidei]ussero, dum michi puto a te mandatum esse . . . uerius est quasi re publicata [*sic*] amplius agi contrario iudicio [non posse] . . .”

The modern foliation in penciled arabic numerals runs from 1–474. Nineteenth-century foliation in ink is still visible on fols. 134 and 300, and was corrected in pencil to 141 and 305. In the course of re-cataloguing the foliation was revised by numbering the first of the two front guard leaves roman numeral I (since the penciled arabic foliation begins, uncharacteristically, with the second guard leaf counted as fol. 1), and by numbering three previously unnumbered folios 69a, 141a, and 305a. Initial letters, titles, paragraph marks, and underlining of names of authors and/or citations are rubricated.

Fol. 305^{rb} gives Basel as the place where, and 23 August 1336 as the date when, the third fascicule was completed. Judging by the nature of the paper, the watermarks, and the dates when the contents were composed, all four fascicules are likely to have been copied in the late 1430s at the Council of Basel. It is uncertain when and where they were bound into one volume and how they made their way to Freising. The titles entered for the four pieces at fols. 2^r, 70^r, 142^r, and 306^r, as well as a note on fol. 85^v, were written by a slightly later hand, most likely shortly before or after the fascicules were bound together.

(A) first fascicule, fols. 2–69a. Watermark: a hand with cuff, without additional motif, variant of Piccard online, nr. 154363, documented 1439 in Brunswick.—Gatherings: five sexternions (fols. 2–61), one bifolium (fols. 62–3), and a ternion (fols. 65–9a) with a single leaf (fol. 64) glued to its front.—

18 {Cf. Warnecke, *Bücherzeichen*, 67, nr. 559.}

Justification 220 × 140 mm, divided into two columns of 48–52 lines per page, written in two hands and rubricated.—Hands: (1) bastarda without loops¹⁹ (*hybrida libraria*),²⁰ fols. 2^{ra}–5^{rb}, 38^{ra}–69^{vb}; (2) chancery bastarda (*cursiva currens*), fols. 5^{va}–37^{vb}. There are occasional marginal annotations in later hands, especially in the first half. Fol. 69a is blank.

(B) second fascicule, fols. 70–141a. Watermarks: (1) a raceme with three clusters of berries, variant of Piccard online, nr. 129548 = Piccard, *Wasserzeichenkartei*, Frucht I, 810, documented in 1437; (2) ox head with eyes and nostrils below a single-lined starred pole, Piccard online, nr. 76038 = Piccard, *Wasserzeichenkartei*, Ochsenkopf VII, 558, documented in 1438–39.—Gatherings: a sexternion (fols. 70–81), a quinternion minus one leaf (fols. 82–90), a quinternion (91–100), three sexternions (fols. 101–36), and a ternion (fols. 137–41a). Catchwords at fols. 81^v, 90^v, 100^v, 136^v.—Justification 185 × 115 mm in a single column of 39–46 lines.—Hands: (1) chancery bastarda (*cursiva currens*), fols. 70^r–84^r; (2) bastarda without loops (*hybrida libraria*), fols. 84^v–91^v line 8; (3) bastarda without loops (*hybrida libraria*), fols. 91^v line 8–141^v. Rubricated with marginalia by later hands. Fol. 85 is intentionally left blank on front and back. A note on fol. 85^v declares “*nihil vacat per totum folium.*” Fol. 141a is blank.

(C) third fascicule, fols. 142–305a. Watermark: a cluster of grapes on a two-lined stem, without additional motif, Piccard online, nr. 129129, documented 1439 in Waldeck.—Gatherings: ten sexternions (fols. 142–261), one septernion (fols. 262–75), two sexternions (fols. 276–99), and an irregular quinternion (fols. 300–5a). The thread visible between folios 304 and 305 in the final gathering suggests that fols. 304–5 were initially the inner bifolium of a complete quinternion that seems to have had four separate leaves (fols. 300–3) glued to fol. 304. Catchwords.—Justification 205 × 140 mm in two columns of 43–8 lines.—Written by three hands in bastarda without loops (*hybrida libraria*): (1) fols. 142^{ra}–7^{rb}; (2) fols. 147^{va}–238^{ra} line 6; (3) fols. 238^{ra} line 6–305^{rb}. An apparent change of hands from 169^{va} to 169^{vb} is due to an increase in the size of the script. Hand (2) begins with traces of humanist influence (*gothico antiqua*). Rubricated. Fol. 305a is blank.

(D) fourth fascicule, fols. 306–473. Watermarks: (1) ox head with eyes and nostrils below a single-lined starred pole in two variants: (a) 70 mm high, Piccard, *Wasserzeichenkartei*, Ochsenkopf VII, 551, documented 1431–36 in Basel and Frankfurt; cf. Piccard online, nr. 75968, documented 1433 in Geldern,

19 {Thus in the terminology of Schneider, *Paläographie*.}

20 {Thus in the terminology of Derolez, *Palaeography*, which I will continue to supply in parentheses, in addition to Schneider's.}

and nrs. 75952, 75986, 75990, documented 1441–42 in Basel; (b) 67 mm high, Piccard, *Wasserzeichenkartei*, Ochsenkopf VII, 596, documented 1431–37 in Basel and Frankfurt; cf. Piccard online, nr. 76228, documented 1437 in Geldern; (2) ox head with eyes and nostrils below a single-lined starred pole, 42 mm high, Piccard, *Wasserzeichenkartei*, Ochsenkopf VII, 502–3, documented 1434–37 in Basel and Frankfurt; cf. Piccard online, nrs. 75748–9, documented 1435 in Landau and Basel.—Gatherings: a quinternion minus one leaf (fols. 306–14), fifteen quinternions (fols. 315–464), and a quinternion minus one leaf (fols. 465–73). Catchwords.—Justification 180–5 × 115 mm in one column of 29–32 lines.—Written by two hands in bastarda (cursiva libraria-formata): (1) fols. 306^r–461^v line 26; (2) fols. 461^v line 26–473^v. Rubricated. Headers indicating *prima pars*, *secunda pars*, *tercia pars*. Marginalia in later hands.}

Contents:²¹

{(1) fols. 2^{ra}–69^{vb}: the complete text of Durant's *Tractatus maior* and *Tractatus minor*. (fols. 2^{ra}–57^{rb}) *Tractatus maior*: (fol. 2^{ra}) Inscription: “›Jhesus‹” Title added by a later hand: “Tractatus Guilhelmi Durandi de reformatione ecclesie vniuersalis.”—(fol. 2^{ra}) Prol.: “Scribitur in Concilio Toletano quod bone rei dare consilium et presentis [vitae] habetur subsidium . . . — . . . scribendum duxi ea de quibus iuxta paruitatis mee modulum agendum esse videtur in concilio memorato.”—(fols. 2^{ra}–11^{ra}) Part one: “›Rubrica prima de correctione eorum que [male] aguntur premittenda in dei ecclesia a ministris ecclesiasticis in capite et in membris.‹ Et primo siquidem cum dominus dicat in ewangelio Jo[hannis] viii^a: Qui sine peccato est vestrum [John 8:7] . . . — . . . et multe discordie scissure et scismata mala scandala onera et dispendia proueniant ex eisdem prout in precedentibus plenius est probatum.”—(fols. 11^{ra}–57^{rb}) Part two: “›Secunda pars‹ Incipit secunda pars istius tractatus in qua in speciali agitur de hiis que ab antiquo fuerunt episcopis sanctis instituta ab apostolis constituta . . . — . . . lxxxviii et lxxxix et in xc. scilicet ut decimas et primitias et alia iura ecclesiastica solvant.”—(fols. 57^{rb}–69^{vb}) *Tractatus minor*: “›Incipit tercia pars Tractatus Reuerendi In Christo patris domini G.[uilelmi] dei gratia episcopi Mimatensis‹ ›Rubrica prima de Reformatione vniuersalis Ecclesie et quod in ea est primo a capite scilicet Romana ecclesia prelatis et aliis superioribus inchoandum‹ Sane quantum ad Reformationem vniuersalis ecclesie vtiliter et perseuerabiliter ac efficaciter faciendum videtur quod a capite ratio sit edenda . . . — . . . nam qui in modico fidelis est supra multa constituitur et intrat in gaudium domini sui, ad quod nos perducat ille qui viuit et regnat in secula seculorum. Amen.”—(fol. 69^{vb}) Colophon: “›Explicit tercia pars.‹ Ista dictata

21 {I use single-angle quotation mark to indicate portions of text the scribe set off as a heading.}

fuerunt in Concilio generali Vienne celebrato per Reverendum patrem dominum Guillelmum dei gratia Episcopum Mimatensem.”

fol. 69a: blank.

(2) fols. 70^r–141^v: John of Segovia, *De auctoritate conciliorum generalium*, also known as *Tractatus decem avisamentorum*.²² Title added by a later hand: “>Tractatus magistri Jo[hannis] de Segouia in Hispania de auctoritate sacrorum conciliorum<” Inc.: “Apud sapientes in decisione questionum ac disputacionum frequencia, necnon per ipsos et alios quoscumque de ecclesia, prout est omnium magistra fidelium, sepe mencio fit in communi sermone . . .— [fol. 85^{rv} is blank except for two lines on fol. 85^r, with a comment by the scribe: “Nihil vacat per totum folium.”]— . . . inductionis autem huius extitit causa cupiditas sciendi de sanctitate ecclesie et auctoritate generalium conciliorum ex sacra scriptura. Vnde ex hoc impositum est nomen opusculo.”—(fol. 141^{rv}) Tabula: “Tractatus decem avisamentorum ex sacra scriptura de sanctitate ecclesie et generalis concilii auctoritate. Decem avisamenta contenta in superioribus sunt hec: Primum, quod ecclesia non predestinatorum solum aut in gratia sistencium, sed est congregacio omnium fidelium in vnitate fidei . . .— . . . et in materia scandali, quod nemo eximitur a iudicio etc.” The rest of the page is blank.

fol. 141a: blank.

(3) fols. 142^{ra}–305^{rb}: Paul of Burgos, *Dialogus de Iudaeis*.²³ {293 | 294} Title added by a later hand: “>Tractatus Burgensis episcopi de Iudeis<”—A further title, “Dialogus Saulus Paulus de Iudeis,” was added by a still later, most likely seventeenth-century hand.—(fols. 142^{ra}–3^{ra}) Prol.: “Scrutamini scripturas . . . [John 5:39]. Christus volens Iudeos instruere circa cognicionem, in qua vita eterna consistit . . .— . . . in custodiendis illis retribucio multa, quam nobis concedat Christus dei filius.”—(fols. 143^{ra}–245^{va}) Part 1, dist. 1–10: “Distinctio

22 Cf. Fromherz, *Johannes von Segovia*, 152, nr. 6, for information on this work. {Cf. Belloni, “Iohannes Heller,” 56–7; Hernández Montes, “Obras de Juan de Segovia,” 275–6, nr. 9; Utz, “Zur Chronologie der kirchenpolitischen Traktate,” 304–5, 314; Helmraht, “*Ecclesia enim parva esse potest*,” 300–2 and n. 44. The first *avisamentum* was edited by Krämer, *Konsens und Rezeption*, 385–412, with commentary, *ibid.*, 227–41, and the table of contents taken from this manuscript, *ibid.*, 413–15. On the tenth *avisamentum* cf. Black, *Monarchy and Community*, 141–4.}

23 This text goes under varying names, e.g., *Dialogus Pauli et Sauli contra Iudaeos, sive scrutinium scripturarum*, or, most frequently, *Scrutinium scripturarum*; see A. L. Willams, *Adversus Iudaeos*, 267–76; Hartmann, “Paul of Burgos.” The book was printed repeatedly in early modern times: Mantua 1475, Mainz 1478, Paris 1507, 1513?, 1535, and Burgos 1591. {Cf. Miethke, “Konzilien als Forum,” 762n85; Reinhardt and Santiago-Otero, *Biblioteca bíblica*, 245–8.}

prima de scrutinio scripturarum, que locuntur de hiis, qui saluandi seu redimendi erant per Christum in lege promissum . . . Capitulum primum sequitur. Saulus ad Paulum. O Paule audiui, quod magister tuus, dum viueret, dicebat magistris nostris: Scrutamini scripturam . . . — . . . ut forte in sequentibus appareret temerarie recipiebas et sic ad vota tua implendo deo duce procedamus.”—(fols. 245^{va}–305^{rb}) Part 2, dist. 1–6: “Incipit secunda pars tractatus de scrutinio scripturarum et est didascalica, cuius prima distinctio, que est quasi continuatiua eorum, que dicta sunt ad dicenda . . .” (fol. 245^{vb}) “Capitulum primum, in quo ponuntur a discipulo quedam argumentaciones contra ea, que dicta sunt de deitate Christi, et petit discipulus earum soluciones ad infidelium confutationem. Discipulus: Firmiter ardens ea, que per te michi tradita sunt circa deitatem Christi seu Messie . . . — . . . ipse autem mediator dei et hominum homo Christus Ihesus veritas est sine fallacia, bonitas sine malicia, felicitas sine miseria, cui honor et gloria in secula seculorum. Amen.”—Colophon: “Finiui in vigilia Bartholomei in sacro concilio Basiliensi anno xxxvi^o” (23 August 1436).

fols. 305^{va}–305^{av}: blank.

(4) fols. 306^r–468^v:²⁴ Nicholas of Cusa, *De concordantia Catholica*.²⁵ Title added by another hand: “Jhesus Prefatio in collectionem Nicolai de Cusa de Catholica concordancia” —(fol. 306^{rv}) Prol.: “Exposcunt agitata sacri huius Basiliensis concilii, que forte nouitate quadam facile apud eos, que [*sic*] modernioribus scribentibus indubiam fidem in [*sic*] eciam in voluntariis prebent . . . — . . . per quam salus eterna et rei publice terrene consistit.”—Chapter overviews: (fols. 306^v–8^r) Part 1, (fols. 308^r–12^r) Part 2, (fols. 312^r–15^v) Part 3.—(fols. 315^v–37^r) Part 1: “Quia facile scienti fundamenta patescere possunt elicenda, quantum minimo ingenio ex alto dabitur . . . — . . . hec vnio vocatur apud Grecos Synodus, apud nos Concilium, restat nunc de concilio aliqua subnectere.”—(fols. 337^r–410^v) “Incipit secunda pars de Conciliis.”—(fols. 410^v–68^r) “Incipit tercia pars. Si quis ab exordio fundamenta nostro proposito non tam vtilia quam necessaria inuestigare curaret . . . — . . . et ad eternam claritatem tibi et subiectis nostro euo reficiatur in laudem Christi regnantis in secula benedicti. Deo gracia et Marie filio.”—(fols. 468^v) Colophon: “Finit Collectio de concordancia catholica ex variis veterum approbatis scripturis ad laudem dei omnipotentis, quam ego, Nicolaus de Cusa, decanus sancti Florini Confluentie, decretorum doctor minimus sacro huic Basiliensi concilio cum omni humilitate

24 {In the original version of this article I was misled by Halm, von Laubmann, and Meyer, *Catalogus codicum Latinorum*, 117, nr. 869, to overlook the fact that the *Concordantia Catholica* ends on fol. 468^v and that fols. 469^r–73^v continue with Nicholas of Cusa's *Tractatus de auctoritate praesidendi in concilio generali*.}

25 Cf. Nicholas of Cusa, *De concordantia Catholica*, ed. Kallen. {Cf. Posch, “*Concordantia Catholica*”; Kallen, “Handschriftliche Überlieferung,” 44; Izbicki, “Auszüge,” 128–9.}

offero nichil in omnibus uerum aut defendendum pro uero iudicans seu asserens, nisi quod ipsa sacra synodus catholicum et uerum iudicauerit, in omnibus ab omnibus orthodoxis corrigi paratus.”

(5) fols. 469^r–73^v: Nicholas of Cusa, *Tractatus de auctoritate praesidendi in concilio generali*.²⁶ Inc.: “In questione prima de presidencia primo considerandum occurrit, si queritur, quis concilio aut quis in concilio presidere debeat . . . — . . . et synodus nullius efficacie fuit, ut Leo papa ad Theodosium scribit, et aliis multis locis. Deo gracias.”}

See: Halm, von Laubmann, and Meyer, *Catalogus codicum Latinorum*, 117, nr. 869.

Bibliography: E. Müller, *Vienne*, 593n28; Fromherz, *Publizistik von Segovia*, 152, nr. 6. {Fasolt, “William Durant the Younger’s *Tractatus*,” 54–100; Fasolt, *Council and Hierarchy*, 5n15, 9n35, 295n20, 322; Belloni, “Iohannes Heller,” 56–7; Hernández Montes, “Obras de Juan de Segovia,” 275–6, nr. 9; Utz, “Zur Chronologie der kirchenpolitischen Traktate,” 304–5, 314; Helmrath, “*Ecclesia enim parua esse potest*,” 300–2 and n. 44; Miethke, “Konzilien als Forum,” 762n85; Reinhardt and Santiago-Otero, *Biblioteca biblica*, 245–8; Kallen, *Handschriftliche Überlieferung*, 44–5; Izbicki, “Auszüge,” 128–9.}

History: {The paper, the watermarks, the contents, and the date in 1436 when Paul of Burgos’s work was copied (see fol. 305^{rb}) make it certain that this manuscript was written in the second half of the 1430s or the early 1440s at the Council of Basel.²⁷ According to Annalisa Belloni the Basel watermarks, the hands, and the relationship of this manuscript to other manuscripts leave no doubt that it belongs to the substantial group of manuscripts produced and purchased by Iohannes Heller (ca. 1400–78), a jurist trained at the universities of Vienna and Padua, during his activities at the Council of Basel.²⁸ After returning from the Council of Basel, Heller took his manuscripts to Freising, where he went on to serve as a canon.²⁹ Like other manuscripts once owned by Heller, this one remained in the cathedral library of Freising until seculariza-

26 {Cf. Nicholas of Cusa, *De auctoritate praesidendi*.}

27 {Cf. Belloni, “Iohannes Heller,” 56–7.}

28 {Personal communication from Annalisa Belloni. For details see Belloni, “Iohannes Heller.”}

29 {It may be worth mentioning Heller’s connection to Johannes Grünwalder (after 1392–1452), also a canonist trained in Vienna and Padua, who served as vicar general of Freising, became bishop of Freising in 1440, and is known to have participated in the Council of Basel for long stretches of time in the 1430s and again after 1440. Grünwalder was a determined advocate of the conciliar cause and would have had an obvious interest in Heller’s manuscripts. Cf. Meuthen, “Johannes Grünwalder,” and Wesche, “Johannes Grünwalder.”}

tion in 1802.} Since 1802 it has been the property of the Bayerische Staatsbibliothek.

*C = *Kues, St. Nikolaus Hospital, ms. 168*

Description:³⁰ paper, s. XV, 212 fols. {290 × 215 mm. Bound in wooden boards covered with brown calfskin tooled with diagonal fillets that form a panel of lozenges surrounded by a border. The lozenges are decorated with animal figures. The border is decorated with rosettes and images of saints. Two metal clasps have been torn off. The back has been repaired in black-brown. There are one parchment cover leaf and two guard leaves in front. The first guard leaf carries a librarian's note in a sixteenth-century hand. The first part is composed of quinternions. The second part, starting with fol. 99, is composed of an irregular variety of different gatherings. There are no watermarks in the first part, thereafter many different watermarks. Written in a variety of fifteenth-century gothic cursive or current bookhands. After fol. 99 the hand changes almost with every piece. Initial letters are colored red.}

Contents:

{(1) fols. 1–95^v: William Durant the Younger, parts one and two of the *Tractatus maior*. Inc.: “Incipit liber Guillermi durandi spe[culatoris] | de modo generalis Concilii celebrandi. || Scribitur in Concilio [*capital letters*] || Tholetano quod bone rei...” Des.: “...et quod cohiberent se a gravaminibus ecclesie. Etcetera - - - || Deo gracias [*capital letters*].” Note that the text breaks off in the middle of a sentence in *Tractatus maior* 2.100, a few lines before the end of the treatise, at the same point as Ma, Tr, B, and R (fol. 51^{vb} line 12 in the edition of Lyon, 1531).³¹ A number of passages are underlined and there are marginal notes in the hand of Nicholas of Cusa. On fol. 1^r he comments: “Liber iste corrupte multum scriptus est.”

fols. 96–8^v: blank.

(2) fols. 99–211: an untitled collection of original documents and copies of documents from the Council of Basel probably made at the council by Nicholas of Cusa himself. Most of the items in this collection do not exceed one or two folios in length.

30 {The description has been improved on the basis of J. Marx, *Verzeichnis*, 155–7. Marx uses single vertical strokes (|) to indicate line breaks, and double vertical strokes (||) to indicate blank lines.}

31 {It is striking that all five copies of the *Tractatus maior* preserved in C, Ma, Tr, B, and R break off at precisely the same point. This confirms the close relationship between them. Cf. Figure 1, below, p. 158, and “Chapter Two: An Analysis of the Textual Tradition,” in Fasolt, “William Durant the Younger’s *Tractatus*,” 54–100, esp. 83.}

(a) fols. 99–100^v: *Avisamenta episcopi Conchenensis* (original). Inc.: “Apuntata in concilio constanciensi . . .” Des.: “. . . non committere.”

(b) fol. 101: Untitled recommendation regarding expectancies. Inc.: “Ad finem ut papa . . .” Des.: “. . . commodo impetracionis.”

(c) fols. 102–4^v: *Paterfamilias*. Bull of John XXII concerning chancery taxes.

(d) fols. 104^v–5^v: *Execrabilis*. Bull of John XXII. Cf. *Extravagantes Johannis XXII*, 3.1.

(e) fols. 106^v–7: *Avisamenta nationis Hispanicae*. Inc.: “Ab yspanis. || Est providendum pater reverendissime . . .” Des.: “. . . a vendicionibus.”

(f) fols. 108–10: Untitled draft of a decree against violations of ecclesiastical liberty. Inc.: “Rex regum et dominus dominantium . . .” Des.: “. . . esse voluerunt.”

(g) fols. 111–12^v: Submission of a canonicus regularis to the president of the council, cardinal Cesarini (original). Inc.: “Reverendissime pater . . .” Des.: “. . . videbitur in predictis. Subscribo.”

(h) fol. 114^r–^v: Alberti Scenk *Avisamentum plurimorum defectuum* (incomplete). Inc.: “Quoniam lamentabilis multorum habet querela . . .”

(i) fols. 115–16^v: *Ut detestandum*. Untitled draft of a decree against simony.

(k) fol. 117^r–^v: *Avisamentum episcopi Placentini*. Inc.: “Quoniam nonnulli diversis . . .” Des.: “. . . indicari debere.”

(l) fols. 118–24^v: Submission of Magister Matthaëus Maynage, Andegavensis dioecesis. Inc.: “Non est etiam . . .” Des.: “. . . remedium adhibendum.” Between fols. 121 and 122 there are two smaller leaves entitled: *De contractibus dubiis*.

(m) fols. 126–31: Untitled draft of a decree against simony. Inc.: “Contra labem simoniace pestis . . .” Des.: “. . . in c. Nemo.”

(n) fols. 132–3: Untitled submission to the council concerning various issues requiring reform. Inc.: “Festivitates. || Item providendum esset . . .” Des.: “. . . sacrilegium loqui.”

(o) fols. 135–47^v: Untitled reform statutes of bishop John VI of Liège, dated 4 June 1406. Inc.: “Universis presencia statuta Quamvis bone memorie . . .” Des.: “. . . duximus apponendum. Datum anno a nativitate domini 1406 mensis Juni die quarta.”

(p) fols. 148–50^v: *Avisamentum Joannis Pulchripatris*. Inc.: “Sequuntur aliqua super quibus . . .” Des.: “. . . faciliter concurrere.” The author, Jean Beaupère (ca. 1380–1463), served as representative of the University of Paris.³²

(q) fol. 152^r–^v: *Statuit sancta synodus*. Decree of the council concerning canon law procedure.

32 {Cf. Sullivan, *Parisian Licentiate*, 2:447–52.}

(r) fols. 153–5: Untitled. [*Avisamentum Francisci de cruce.*] The beginning is missing. Des.: "... de parciū consensu procedere."

(s) fols. 156–8: Untitled. [*Statuta reformationis Juliani (Cesarini) legati in Germania.*] Inc.: "Julianus... Iniuncte nobis legacionis officii..." Des.: "... in suo robore duraturis."

(t) fols. 160–1^v: *Avisamenta reformationi monachorum nigrorum accommoda.* Inc.: "Quamvis sint aliqua concepta..." Des.: "... totum cassum erit."

(u) fols. 162–3^v: *Abusus provinciae Narbonensis.* Inc.: "Signantur abusus..." Des.: "... in alia altero."

(v) fols. 166–77^v: *Conceptus avisamentorum super reformatione status ecclesiastici.* Inc.: "Ad extirpandas in agro..." Des.: "... restaurentur."

(w) fols. 178–87^v: *De reformatione curiae et officialium eius.* Inc.: "De conciliis generalibus et adversus futura scismata. Quoniam ex obmissione..." Des.: "... tractaretur die sequenti."

(x) fols. 189–91^v: Untitled recommendations against violations of ecclesiastical liberty. Inc.: "Quoniam variis in locis..." Des.: "... forma dictorum boemorum."

(y) fols. 195–6^v: *Avisamentum Nicolai Gee.* Inc.: "Pro aliquali reformacione..." Des.: "... efficiantur et existant."

(z) fol. 199. Untitled draft decrees for the Council of Ferrara. Inc.: "Ut similitium tollantur dispendia..." Des.: "... volumus expedire."

(aa) fol. 200: second copy of the beginning of (2).

(bb) fols. 203–11: *Avisamenta Joannis episcopi Lubecensis de reformatione.* Inc.: "Primo vigilanter insistendum..." Des.: "... tribuat omnipotens, cui laus sit et gloria in eternum. Amen."}

See: Kraus, "Handschriftensammlung," 54; J. Marx, *Verzeichnis*, 155–7, nr. 168.

Bibliography: Viollet, "Guillaume Durant," 3n4, 79n2, 99n4, 128n1; Vansteenbergh, *Cardinal Nicolas de Cues*, 26n2; Rivière, *Problème*, 368n1; Posch, "Reformvorschläge," 303n2; Lehmann, "Konstanz und Basel," 1:280n2; Nicholas of Cusa, *De concordantia Catholica*, 150, nr. 115**8. {Fasolt, "William Durant the Younger's *Tractatus*," 54–100; Fasolt, *Council and Hierarchy*, 5n15, 6–7, 7n71, 9n35.}

History: Since the second part of the manuscript is a collection probably made at the Council of Basel by Nicholas of Cusa himself,³³ it is not unlikely {294 | 295} that Nicholas also acquired Durant's treatise there.³⁴ The important fact, however, is that this manuscript provides direct evidence for the familiarity

33 See J. Marx, *Verzeichnis*, 157.

34 See P. Lehmann, "Konstanz und Basel als Büchermärkte."

of one of conciliarism's major thinkers with Durant's treatise. The manuscript has been in Cusanus's library since the fifteenth century.

Ma = Paris, Bibliothèque Mazarine, ms. 1687 (1010)

Description:³⁵ parchment and paper, s. XV, 295 fols. {283 × 203 mm. In the nineteenth century the volume was restored and given a new binding, but the structure of the gatherings remains intact: one parchment folio at the beginning, then a regular sequence of fourteen paper folios and two parchment folios in the remainder of the volume. The sole exceptions come towards the end, at fols. 274–85 (twelve paper folios) and fols. 288–93 (six paper folios). A collation by the Bibliothèque Mazarine's librarian Maslon, dated December 1849 and glued to the guard leaf of the new binding, counts 254 paper folios and 29 parchment folios. There are two decorated initials on fols. 1 and 192, available online at http://liberfloridus.cines.fr/textes/biblio_fr.html. There are no other decorations. The writing is framed.}

This manuscript contains parts one and two of Durant's treatise on fols. 1–82, i.e., all of the *Tractatus maior* except for the conclusion of 2.100. There are occasional marginal annotations in a different hand (fol. 2^v, 4^r, 4^v, 6^r, 7^v, 8^r, 13^v, then more rarely). There follows a considerable collection—fifteen pieces in addition to Durant's treatise—of treatises, letters, and occasional writings connected with questions of conciliarism and the authority of church and state. The most important authors are Geoffroy de Mont-Choisi (d. 1436), Antonius de Butrio (1338–1408), Konrad of Gelnhausen (ca. 1320–90), Pope Hadrian IV (ca. 1100–59), John of Paris (ca. 1255–1306), Jordan Brice, and Pope Martin V (ca. 1368–1431).

Contents:

{(1) fols. 1–82: William Durant the Younger, parts one and two of the *Tractatus maior*. Inc.: "Incipit liber Guillelmi durandi spe[culatoris] de modo generalis concilii celebrandi. Scribitur in concilio tholetano quod bone rei dare . . ." Des.: ". . . et quod cohiberent se a gravaminibus ecclesie. Explicit." Note that the text breaks off in the middle of a sentence in *Tractatus maior* 2.100, a few lines before the end of the treatise, at the same point as C, Tr, B, and R (fol. 51^{vb} line 12 in the edition of Lyon, 1531).

35 I am indebted to Pierre Gasnault, Conservateur en chef, Bibliothèque Mazarine, for information about this manuscript. {The description has been improved on the basis of Molinier, *Catalogue des manuscrits*, 2:165–7, information retrieved from <http://www.calames.abes.fr/pub/> on 2 February 2013, and correspondence with Isabelle de Conihout, Conservateur en chef, fonds ancien, Bibliothèque Mazarine, in 2013. I am grateful to Isabelle de Conihout for information about the composition of the volume.}

(2) fol. 82:³⁶ Anonymous writing on the Great Schism and reform in favor of assembling a general council. Inc.: "Qualis fuit status ecclesie in veteri et novo Testamento..." Des.: "...Per ejus medium exercebatur [*sic*] sive proferebatur."³⁷

(3) fol. 90: Geoffroy de Mont-Choisi (d. 1436), abbot of St. Honorat, Lérins (1420–36) and St.-Germain-des-Prés, treatise on the authority of a general council, submitted to the examination of his masters, Jean Bouhale, rector of the school of Angers and Mathieu Hoyau, theologian and canon of Le Mans.³⁸ Inc.: "Facta est contencio inter discipulos Domini..." Des.: "... Sub correctione, emendacione et totali examine singularis domini et magistri mei domini scolastici Andegavensis, non solum eximii doctoris, ymo doctorum institutoris, discipulus suus G., abbas Sancti Honorati Lirinensis, talis qualis decretorum doctor."

(4) fol. 97: Another treatise by Geoffroy de Mont-Choisi on conciliar authority, also submitted to Jean Bouhale and Mathieu Hoyau; see fol. 104. Inc.: "Libellus de auctoritate sacri concilii generalis.—Quia video nonnullos de veritate juris..."

(5) fol. 105^v: Various notes on *Qualitates nacionum*, and a decree by the Council of Basel dated 24 April 1439.

(6) fol. 106: Letter from Jean Mauroux (1408–37), titular patriarch of Antioch, to the Council of Basel. Inc.: "Quia nonnulli os suum aperientes..." Printed in Labbé, *Sacrosancta Concilia*, 12:912–30.

(7) fol. 120: Anonymous recommendations for the reform of the church. Inc.: "Advisamenta quedam super reformatione ecclesie.—Quia si singulos status ecclesiasticos..."

(8) fol. 122: Antonius de Butrio (1338–1408), *Tractatus de schismate*. Inc.: "Incipit tractatus de scismate, domini Anthonii de Butrio.—Reverendissimis in Christo patribus et dominis..." Printed from an incomplete manuscript in Mansi, *Sacrorum conciliorum collectio* (1748–52), 3:1041–60.

(9) fol. 172: Konrad of Gelnhausen, *Spes concordie*. Inc.: "Alius tractatulus, eodem scismate durante editus per prepositum Wormacensem, qui intitulatur *Spes concordie*.—Serenissimo principi domino Karolo, regi Francorum gloriosissimo, Conrardus de Gerlenhusen, prepositus ecclesie Wormacensis..."

(10) fols. 190–1: Letter from Pope Hadrian IV to Frederick Barbarossa (Jaffé, *Regesta pontificum*, nr. 7121), and the emperor's response. Forged letter from

36 {Here and elsewhere Molinier, *Catalogue des manuscrits*, identifies only the folio on which a given text begins.}

37 {Tr identifies the author of this piece as Theolophorius, possibly identical to Telesphorus of Cosenza; see below, p. 130 and n. 45.}

38 {H. Müller, "Zwischen Konzil und Papst," 268.}

Boniface VIII to Philip IV, and Philip IV's response. Fifteen hexameters on the power of money, inc.: "In terris nummus rex est hec tempore summus . . ."

(11) fol. 192: John of Paris, *De regia potestate et papali*. Inc.: "Tractatus de potestate pape.—Interdum contingit quod vitare . . ." Des.: "... Explicit tractatus de potestate papali et regali, et nota quod quidam Augustinensis scripsit contra precentem [*sic*] tractatum." The Augustinian author who criticized this treatise is most likely meant to be Giles of Rome, *De ecclesiastica potestate*.

(12) fol. 243: Letter from King Henry VI to the Council of Basel, dated 14 February 1436, followed by satirical verses posted, according to the scribe's annotation, in the church of Paris.

(13) fol. 244: Decretal of Pope Martin V, dated 24 May 1425. Followed by the treatise of Jordan Brice against cardinal Domenico Capranica (1400–58) that was written at the request of cardinal Pierre de Foix (1386–64) in 1433. Printed on the basis of this manuscript by Baluze, *Miscellanea*, 3:301–50.

(14) fol. 264: Giuliano Cesarini, *Propositio facta in concilio Basileensi, coram ambaxiatoribus regni Bohemie, anno Domini MCCCCXXXIII*. Inc.: "Locuturus pro publica populi Christiani utilitate . . ."³⁹

(15) fol. 275: Letter from King Charles VII to the Bohemians. Inc.: "Karolus, etc., carissimis in Christo fratribus qui coequalem . . ."

(16) fol. 277: Geoffroy de Mont-Choisi, *Libellus adversus hereses Boemorum*. Inc.: "Pro laboribus multis . . ."⁴⁰

fol. 295 contains the beginning of another copy of William Durant the Younger's *Tractatus maior*.}

See: Molinier, *Catalogue des manuscrits*, 2:165–7, nr. 1687.

Bibliography: Viollet, "Guillaume Durant," 3n4, 79n2, 82n1, 99n4. {Fasolt, "William Durant the Younger's *Tractatus*," 54–100; Fasolt, *Council and Hierarchy*, 5n15, 6n19, 7n23, 9n35; H. Müller, *Franzosen*, 267n14, 268nn16–17, 274n42, 276n56, 277n63, 282.}

History: The *terminus a quo* for this manuscript appears to be established by the fifth item (fols. 105^v–6), which is dated 24 April 1439. At the end of the fifteenth century the manuscript was in the possession of Louis Pinelle (ca. 1465–1516), rector of the Collège de Navarre since 1497, later chancellor of the University of Paris and bishop of Meaux, where he was succeeded by his

39 {Printed in Mansi, *Sacrorum conciliorum collectio* (1759–98), 29:679–700. See now Christianson, *Cesarini*.}

40 {Dedicated to Nicholas de Chapelle, rector of the school of St. Martin in Tours; see H. Müller, "Zwischen Konzil und Papst," 268. Published by Neumann, *Francoúská Hussitica*, 66–91, in an edition that H. Müller, "Zwischen Konzil und Papst," 264n4, judges to be "sehr fehlerhaft."}

student Guillaume Briçonnet.⁴¹ It is the only text of Durant's treatise for which a direct connection with the University of Paris, one of the centers of the conciliar movement, can be proven. After Pinelle's death the manuscript passed into the library of the Collège de Navarre, where Baluze was able to use it for his edition of Jordan Brice's treatise against cardinal Capranica.⁴² At the time of the French Revolution the manuscript entered the Bibliothèque Mazarine.

Tr = Troyes, Bibliothèque Municipale, ms. 786
(*ancien fonds Pithou II 52*)

Description:⁴³ {295 | 296} s. XV, 255 fols. (not 154 as in the catalog). {Bound in tooled leather. The title page carries the notarial mark of the brothers Pierre Pithou the Younger (1539–96) and François Pithou (1543–1621).⁴⁴ On fol. 1, there is a large illuminated initial 'S,' contemporary with the writing of the manuscript. It is formed by a green dragon with two small blue and red wings on golden ground. A branch with white leaves extends from the dragon's mouth and fills the space surrounding the dragon's body. On the same page, in the right margin, there is an illumination that covers part of the writing and must thus have been added after the manuscript was finished, possibly much later. It consists of a tree from which a shield is suspended by a red strap. The tree stands on a patch of grass. The green coloring of the leaves of the tree and the grass is similar to the green of the dragon in the illuminated initial. The shield displays a coat of arms on azure with bend gules accompanied by two dragons (amphisteres) with wings or. The dragons' wings are indented, which distinguishes them from the dragon of the illuminated initial.}

Contents:

(1) fols. 1–179: William Durant the Younger, parts one and two of the *Tractatus maior*. Inc: "Incipit liber guillermi durandi spec.[ulatoris] de modo generalis concilii celebrandi. Scribitur in concilio tholetano quod bone rei..." Des.: "... et quod cohiberent se a gravaminibus ecclesie. Explicit." {Note that the text

41 On Louis Pinelle, see Chevalier, *Bio-Bibliographie*, 2:3762; Du Boulay, *Historia Universitatis Parisiensis*, 5:903–4. {See now Sullivan, *Parisian Licentiates*, 2:428–9; Veissière, *Un précurseur*.}

42 See Baluze, *Miscellanea*, 3:301–50.

43 I am indebted to F. Bibolet, Bibliothèque Municipale de Troyes, for a description of this manuscript and information about its history. {The description and the history have been improved on the basis of details provided by F. Bibolet and Hélène Loyau, Institut de Recherche et d'Histoire des Textes, in 1978–80. The Bibliothèque Municipale de Troyes was not able to provide me with information about the composition of this manuscript in 2013.}

44 On the Pithous, see Carreyre, "Pithou."

breaks off in the middle of a sentence in *Tractatus maior* 2.100, a few lines before the end of the treatise, at the same point as C, Ma, B, and R (fol. 51^{vb} line 12 in the edition of Lyon, 1531).}

(2) fols. 179^v–95^v: A treatise by one Theolophorius⁴⁵ and his companion, brother Eusebius, on the state of the church in the Old and New Testaments and the schisms suffered by the church since that time. Inc.: “Qualis fuit status ecclesie in veteri et novo testamento, et qualiter ecclesia fuit recta . . .” Des.: “Talis autem resistentia convenienter fieri debet in concilio generali quod ecclesiam repraesentat.”

(3) fols. 196–207^v: Treatise by Geoffroy de Mont-Choisi (d. 1436), abbot of St. Honorat, Lérins (1420–36) and St.-Germain-des-Prés, on conciliar authority. Inc.: “Exordium per modum contemplationis. Facta est contentio inter discipulos domini quis eorum videretur esse maior.” Des.: “Sub correctione emendatione et totali examine singularis domini et magistri mei do. scholastici andegavensis non solum eximii doctoris immo doctorum institutoris. Discipulus suus G. abbas sancti Honorati Lirinensis talis qualis decretorum doctor.”

(4) fols. 208–22^v: Treatise by the same author on the authority of a general council. Inc.: “Libellus de auctoritate sacri concilii generalis. Quia video nonnullos de veritate iuris forsitan minus informatos de potestate et auctoritate sacri concilii Basiliensis dubitare . . .” Des.: “. . . quorum correctioni et emendationi premissa omnia submitto. Eorum discipulus G. Lirinesis inter decretorum doctores novissimus.”

(5) fols. 223–4^v: A short piece entitled *Nota qualitates nationum*, followed by a decree of the Council of Basel. Inc.: “Veritas de potestate concilii generalis . . .” Des.: “In aliis vero quinque sequentibus conclusionibus pro tunc fuit conclusionem supercessum.”

(6) fols. 225–52: Letter from Jean Mauroux (1408–37), titular patriarch of Antioch, to the Council of Basel. Inc.: “In nomine domini nostri Jesu Christi amen. Sacrosancte generali synodo Basiliensi in spiritu sancto legitime congregata . . .” Des.: “Sed ei iuxta decretum concilii generalis constantiensis et alia supradicta obedire tenetur. Et sic est finis. Laus deo.”

(7) fols. 252^v–5: Inc.: “Advisamenta quedam super Reformatione ecclesie. Quia si singulos status ecclesiasticos a summo . . .” Des.: “Que vestro coadiuvamine prestat omnipotens deus. Amen.”

45 Theolophorius might well be identical to Telesphorus of Cosenza, whose prophetic *libellus* was widely read in the later Middle Ages. See Reeves, *Influence of Prophecy*, 325–31. I owe this information to Prof. Paul Oskar Kristeller.

A glance at Paris, Bibliothèque Mazarine, ms. 1687, {296 | 297} described immediately above, will reveal that the texts it contains on fols. 1–122^v are the same as the contents of this manuscript. The variants appear to be so few that presumably both manuscripts have a common and not too distant ancestor.

See: *Catalogue général des manuscrits des départements* (1849–85), 2:324, referring only to the first item in this manuscript.

Bibliography: Schulte, *Geschichte*, 2:196n4; Potthast, *Bibliotheca historica*, 1:556; Viollet, “Guillaume Durant,” 3n4, 79n2, 82n1, 99n4. {Fasolt, “William Durant the Younger’s *Tractatus*,” 54–100; Fasolt, *Council and Hierarchy*, 5n15, 7n25, 9n35.}

History: The manuscript bears the old shelf mark II 52 of the ancien fonds Pithou, but it is impossible to tell whether it was acquired by the older Pierre Pithou (1496–54), his son François Pithou (1543–1621), or François’s brother Pierre Pithou the Younger (1539–96).⁴⁶ {The coat of arms on fol. 1 looks very much like that of the family Baillet, except that it has a bend gules, not the bend argent otherwise documented for the Baillet.⁴⁷ The dragon in the illuminated initial ‘S’ similarly evokes the arms of the Baillet. That makes it likely that the manuscript belonged to a member of the family Baillet before it entered the library of the Pithou. Potential owners may have been Jean Baillet, bishop of Auxerre (1477–1513), whose coat of arms can be seen in Auxerre, Bibliothèque Municipale, ms. 52, fol. 1, and Thibault Baillet (1483–1525), who served as president of the Parlement of Paris, and whose coat of arms can be found in Paris, Bibliothèque Nationale, ms. français (ancien petit fonds) 23926, in the margin of fol. 6, as well as in Paris, Bibliothèque de l’Arsenal, ms. 848, fol. 1, and Beauvais, Bibliothèque Municipale, ms. 16, fol. 1.⁴⁸ The last owner of the manuscript before it entered the library of the Pithou was most likely Pierre Baillet, abbot of the Cistercian monastery of Larrivour near Troyes from 1577 until after 1602 (d. before 1613), whose coat of arms has been described as having, not the bend argent usual for the Baillet, but a bend purple, similar to the gules of the coat of arms on fol. 1 of this manuscript.⁴⁹ The proximity of Larrivour to

46 On the Pithous see Carreyre, “Pithou.”

47 {Thus according to Hélène Loyau, Institut de Recherche et d’Histoire de Textes, to whom I am very grateful for heraldic information about the Baillet family drawn from the files of the IRHT. By contrast, Rietstap, *Armorial général*, 1:205, who locates the Baillet in the Ile-de-France (as opposed to the Baillet from Burgundy, Belgium, and Brabant), does in fact describe their coat of arms as having a bend gules.}

48 {I am grateful to Hélène Loyau for these details.}

49 {See Le Clert, “Armorial historique de l’Aube,” 94, nr. 92. An example can be found on a stained glass window in the cathedral of Troyes. I am grateful to F. Bibolet for this information.}

Troyes and the dates of Pierre Baillet's abbacy make it seem entirely plausible that the brothers Pithou acquired the manuscript from him at some point in the late sixteenth century.}

Pierre Pithou the Younger must have known the book, at any rate, so that there is evidence to suggest a connection between Durant's treatise and the ideas expressed in Pierre Pithou's book *Les libertez de l'Église gallicane* (Paris, 1594). The work of Pierre Pithou may accordingly have furnished a channel through which Durant became known to seventeenth-century Gallicanism and especially to Bossuet.⁵⁰ Seeing that Pithou's work has also been called "le texte classique où puisèrent les parlementaires, notamment au XVIII^e siècle,"⁵¹ one is even tempted to investigate the traces Durant's ideas may have left in eighteenth-century political theory.

After Pierre Pithou's death the library was divided and the part containing manuscript Tr was kept by Pierre's brother François. After the latter's death in 1621, it was donated to the Collège de Troyes that he and his brother had founded. The Collège was, by royal order, turned over to the Oratorians in 1630, who kept the library until 1790. At that date their library was incorporated into the municipal library of Troyes, where it has since then formed the fonds des Oratoriens du Collège.⁵²

Tu = Tours, Bibliothèque Municipale, ms. 237 (320; St. Gatien, 202)

Description:⁵³ vellum and paper, s. XV, 77 fols. {280 × 187 mm. The volume is perfectly preserved with its original binding of wooden boards covered in white sheepskin.⁵⁴ There is one guard leaf in front, and two in the back. The text is divided into two columns. Except for colored initials there are no decorations.} The manuscript contains part one of Durant's *Tractatus maior* and part two up to the middle of chapter seventy-one, breaking off in the middle of a sentence {fol. 51^{va} line 10 in the edition of Lyon, 1531}. Inc.: "Incipit liber

50 That Bossuet knew and appreciated Durant was already noted by Viollet, "Guillaume Durant," 123–4.

51 Cf. Carreyre, "Pithou," 2237.

52 Cf. *Richesses de la Bibliothèque de Troyes*, 34.

53 I am indebted to F. Bernier, Bibliothèque Municipale de Tours, for information about this manuscript. {The description has been improved on the basis of details provided by F. Bernier in 1978. Much information was lost in 1940, when the library was burned. The library was closed from 2012–13, which made it impossible to obtain new information about the composition of this manuscript.}

54 {F. Bernier described the manuscript as made of *vélin et papier* (calfskin and paper) and the wooden boards as covered with *peau blanche* (white animal skin). Dorange, *Catalogue descriptif*, 134, nr. 237, identifies the covering as *basane* (sheepskin).}

Guillermi durandi spe[culatoris] de {297 | 298} modo generalis Concilii celebrandi. Scribitur in concilio Tholetano quod bone rei . . ." Des.: "... et ore promulgamus ad placiturnam [*sic*] sententiam, simul etiam cum suorum."⁵⁵

See: Dorange, *Catalogue descriptif*, 134, nr. 237; *Catalogue général des manuscrits* (1885–), 37:172, nr. 237.

Bibliography: Schulte, *Geschichte*, 2:196n4; Potthast, *Bibliotheca historica*, 1:556; Viollet, "Guillaume Durant," 3n4, 79n2, 82n1, 99n4. {Fasolt, "William Durant the Younger's *Tractatus*," 54–100; Fasolt, *Council and Hierarchy*, 9n35.}

History: Concerning the history of this manuscript, it is only known that prior to the French Revolution, when it became the property of the municipal library of Tours, it belonged to the library of the cathedral of St. Gatien, bearing the shelf mark 202.

*B = Vatican City, Biblioteca Apostolica Vaticana,
ms. Barb. lat. 1487 (XXVI 24)*

Description:⁵⁶ paper, s. XV, III + 403 fols. {435 × 295 mm. The binding in hard boards covered with yellowed parchment appears to be contemporary. A generic title on the front is written in capital letters datable to the fifteenth century.

Fol. I is a separate leaf with an index written in a fifteenth-century hand. The numbers referring to the contents of the volume are written in roman numerals. The foliation is in arabic numerals. Both can be dated to the fifteenth century. The numbering in the index and the foliation agree with each other.

(A) first fascicule, fols. II–III + 1–8, and 9–78: seven quinternions written in a humanist hand that grows steadily more cursive. Fols. 77^v–8^v are blank.

(B) second fascicule, fols. 79–156: eight quinternions written in a single humanist bookhand. The quinternion fols. 99–106 is missing the two last leaves. Fols. 105^v–6^v are blank.

(C) third fascicule, fols. 157–286: thirteen quinternions written in a humanist cursive.

(D) fourth fascicule, fols. 287–312: two quinternions (fols. 287–306), and one ternion (fols. 307–12). Fols. 287–96 are written in cancelleresca by a single hand; fols. 297–312 are written in a humanist cursive by another hand.

55 {It is interesting that the point where Tu ends is very close—less than a column in the edition of Lyon, 1531—to the point where the printed editions begin to differ from the manuscripts; that may not be an accident. For details see below, pp. 178–9.}

56 I am indebted to Miss Adriana Marucchi for a detailed description of the contents and the composition of this manuscript. {The description has been improved on the basis of information provided by Adriana Marucchi in 1978.}

Fol. 287^{r-v} is blank. The arms of cardinal Marco Barbo (1467–91) appear in an illumination on fol. 288.⁵⁷

(E) fifth fascicule, fols. 313–62: five quinternions written in *corsiva libraria* that becomes steadily more hurried. Fol. 362^v is blank.

(F) sixth fascicule, fols. 363–402: four quinternions written in *corsiva libraria*. Fol. 403 is a separate leaf.}

The volume forms a unit, but its contents seem to have been written in installments of six fascicules entrusted to different scribes; hence the blank folios at the end of (A) and (E). The contents described below are distributed as follows: (A) nrs. 1–2, one hand, fols. II–78; (B) nrs. 3–5, one hand, fols. 79–156; (C) nrs. 6–15, one hand, fols. 157–286; (D) nrs. 16–20, two hands, fols. 287–312; (E) nrs. 21–2, one hand, fols. 313–62; (F) nr. 23, one hand, fols. 363–402. Judging by the stemma on fol. 288, fascicule (D) must initially have been the property of cardinal Marco Barbo and was only later bound into the present volume as a pre-existing unit. There is no indication of the circumstances in which fascicule (D) or the volume as a whole originated.

Contents:

fol. I: index.

fols. II–III^v + fol. 1: *Tabula sequentis operis* (another hand).

(1) fols. 1–38: *Ad Eugenium IIII, Fratris Jo. Leonis Rom. O.P. De synodis et eccl. potestate* (same hand).⁵⁸

(2) fols. 38–77: *Gesta conciliorum ferrariensis et florentini sub Eugenio IV* (same hand).⁵⁹

fols. 77^v–8^v: blank.

(3) fols. 79–88^v: Rodericus Sancius, *Libellus* (sub Paulo II ed.) *de appellatione a sententia Romani pontificis non informati ad se ipsum bene informandum* . . . (another hand).

(4) fols. 89–105: Rodericus Sancius *utriusque iuris et artium prof., episcopus Palentinus, castellanus in castro S. Angeli de Urbe, Libellus de septem questionibus circa convocationem generalis synodi* (same hand).

fols. 105^v–6^v: blank. {298 | 299}

(5) fols. 107–56^v: Rodericus Sancius, *episc. Calaguritanus, praefectus in castro S. Angeli de Urbe, Libellus de remediis afflictae ecclesiae . . . ad card. Bessarionem* (same hand).⁶⁰

57 Cf. Ruysschaert, “Miniaturistes ‘romains,’” 261–2.

58 See Kaeppli, *Scriptores Ordinis Praedicatorum*, 2:469, nr. 2428.

59 Although Kaeppli, *Scriptores Ordinis Praedicatorum*, 2:470, nr. 2433, s.v. ‘Johannes Leonis, *Gesta conciliorum Ferrariensis et Florentini*,’ gives no incipits or manuscripts, his entry probably refers to nr. 2 of Barb. lat. 1487.

60 On nrs. 3–5 cf. Trame, *Rodrigo Sanchez de Arevalo*, and Jedin, “Sanchez de Arevalo.”

(6) fol. 157: *Exemplum litterarum super indulto concesso imperatori Federico III a Pio II* (another hand).

(7) fols. 157–61^v: Dominicus episc. Torcellanus, *Apparatus seu glossae factae ad requisitionem imperatoris Federici . . .* (same hand).⁶¹

(8) fols. 161^v–9^v: Dominicus episc. Brixiensis quondam Torcellanus, *Tractatus an sit oboediendum superiori praecipienti revelationem secreti* (same hand).⁶²

(9) fols. 169^v–88^v: P. de Monte, episc. Brixiensis, *De concilio et potestate pontificis* (same hand).⁶³

(10) fols. 188^v–90^v: Nilus, archiep. Thessalonicensis, *Oratio de causa dissensionis inter ecclesiam latinorum et graecorum* Leonello Chieregato episc. Arbense interprete (same hand).⁶⁴

(11) fols. 190^v–210: *Collecta et excerpta ex Summa Benedicti abbatis Massiliae contra errores diversos impugnantium fidem catholicam* (same hand).⁶⁵

(12) fols. 210–18^v: *Flores sententiarum b. Thomae de Aquino de auctoritate Summi Pontificis* per magistrum Johannem de Turrecremata in concilio Basiliensi a. d. 1437 (same hand).⁶⁶

(13) fols. 218^v–28: Petrus de Ancharano, *De laico homicida qui effractis carceribus se promoveri fecit ad sacerdotium* (same hand). {299 | 300}

(14) fols. 228^v–52: *Impugnatio pragmaticae Sanctionis Regni Franciae* (same hand).⁶⁷

(15) fols. 252–86^v: Nicolaus Siculus, abbas monacensis [i.e., Maniacensis], *Aliqua collecta de potestate pape, concilii etc.* (same hand).⁶⁸

fol. 287^{r-v}: blank.

(16) fols. 288–95^v: Dominicus episc. Brix., *Tractatus de reformatione Romanae Curiae ad Pium II* (another hand).⁶⁹

(17) fols. 295^v–6: *Expositio psalmi centesimi ad propositum regiminis quod papa servare debet* (same hand).

61 On nos. 6–7 cf. Jedin, *Studien über Domenico de' Domenichi*, 223 and 275–6, nr. 22.

62 Cf. *ibid.*, 223 and 280–2, nr. 26.

63 Cf. Haller, ed. *Piero da Monte*, *25n59 and *25–*33.

64 The speech in question by Nilus Cabasilas (1298–1363) is printed in the original Greek in Migne, *Patrologia Graeca*, 149:683–700. See Candal, “Opus ineditum Nili Cabasilae,” 247–8, and Candal, *Nilus Cabasilas*, 31. On the translation by Leonello Chieregato see Paschini, *Leonello Chieregato*, 38–9, and Angiolgabriello di Santa Maria, *Biblioteca*, 3: CXIX.

65 Perhaps the author in question is Benedict of Veroli; cf. Albanès, *Gallia Christiana novissima*, 2:395–7, and Calendini, “Benoît, évêque de Marseille.”

66 See Garrastachu, “Manuscritos del cardinal Torquemada.”

67 See Daly, “Some Political Theory Tracts,” 89–90.

68 See Lefebvre, “Panormitain,” Nörr, *Kirche und Konzil*.

69 See Jedin, *Studien über Domenico de' Domenichi*, 223 and 247–50, nr. 15.

(18) fols. 296–301: *Tractatus de creatione Cardinalium* (another hand begins on fol. 296^v).⁷⁰

(19) fols. 301–12^v: Dominicus episc. Torcellanus, *Consilium in materia creatio- nis Cardinalium* (same hand).⁷¹

(20) fol. 312^v: Dominicus episc. Torcellanus, *Questiuncula an b. Silvester bap- tizavit Constantinum* (same hand). {The text breaks off after only eighteen lines. A marginal annotation in another hand explains: “Non mireris si non sequitur quia questiuncula hec posita est in alio loco videlicet in fine libri intitu- lati Guillelmo de ocham qui appellatur defensorium pacis.”}

(21) fols. 313–62: Guilelmus Duranti, *Tractatus de reformatione ecclesiae* (another hand) i.e., parts one and two of the *Tractatus maior*. The title appears only in the index, not here. Inc.: “Guiglelmi mimatensis successoris, alterius guiglelmi qui composuerat [?] speculum iuris. Scribitur in concilio Tholetano quod bone rei . . .” Des.: “. . . et quod cohiberent se a gravaminibus ecclesie. Deo gratias.” {Note that the text breaks off in the middle of a sentence in *Tractatus maior* 2.100, a few lines before the end of the treatise, at the same point as C, Ma, Tr, and R (fol. 51^{vb} line 12 in the edition of Lyon, 1531.)}

(22) fol. 362: *Epitaphium Guilelmi Duranti* (senioris).

fol. 362^v: blank.

(23) fols. 363–403: Dominicus episc. Brixiensis, *Tractatus de inseparabilitate matrimonii* (another hand).⁷² {300 | 301}

See: Tomasini, *Bibliothecae Patavinae*, 12–15, nr. VII; Montfaucon, *Bibliotheca bibliothecarum*, 485 D; Garrastachu, “Manuscritos del cardinal Torquemada,” 316–17; Hubert Jedin, *Studien über Domenico de’ Domenichi*, 223; Daly, “Some Political Theory Tracts,” 30, 89–90; Kristeller, *Iter Italicum*, 2:446–7.

Bibliography: Angiolgabriello, *Biblioteca*, 3: CXIX; Sauer, *Symbolik des Kirchengebäudes*, 30n2; Scholz, *Publizistik*, 523 with reference to 210; Paschini, *Leonello Chieregato*, 38–9; Jedin, “Sanchez de Arevalo,” 96, 99–100, 101–3, 105, 107–16; Kaeppli, *Scriptores Ordinis Praedicatorum*, 2:469, nr. 2428. {Black, *Monarchy and Community*, 70nn2–5, 71n2, 72n5, 114n1; 173; Fasolt, “William Durant the Younger’s *Tractatus*,” 54–100; Fasolt, *Council and Hierarchy*, 5n15, 9n35; Richardson, *Reclaiming Rome*, 91nn97–8, 92nn100–1, 93n102, 123n103, 137n136, 200n63, 480.}

History: This rich collection of texts is perhaps the most interesting among the manuscripts containing Durant’s treatise, although in the literature on William Durant the Younger only Sauer and Scholz appear to have known of its

70 Ibid., 223, 236–41, nr. 12.

71 Ibid., 223, 257–63, nr. 17.

72 Ibid., 223, 283–8, nr. 28.

existence—and Sauer was really writing on William Durant the Elder. Jedin, however, called it a “für die Geschichte der konziliaren Idee ausserordentlich wichtige Handschrift,” and the bibliography shows how much attention this manuscript has received.⁷³ {301 | 302} Unfortunately it seems impossible to trace the ways in which it entered the collection formed by Francesco Barberini (1597–1679).⁷⁴ The Barberini manuscripts were acquired by Pope Leo XIII in 1902, which is when this manuscript received its present shelf mark.

*O = Vatican City, Biblioteca Apostolica Vaticana, ms. Ottob. lat. 823
(Bianchini: J.6.10)*

Description:⁷⁵ paper, s. XV. {IV + 219 + 1 fols. A miscellany that must have been assembled after 26 March 1464, the date of the poem by Leodrisio Crivelli (nr. 9, fol. 159), probably in the late fifteenth century. There is one recent paper guard leaf in front (fol. I), followed by three paper leaves contemporaneous to the volume (fols. II–IV). There is one guard leaf in the back (fol. 220). The shelf mark 232 from the library of Guglielmo Sirleto is entered on fol. II.

(A) first fascicule, fols. 1–22b: two quaternions with catchwords (fols. 1–16), and one quaternion lacking its last folio (fols. 17–22 + 22a, 22b). One hand. Fols. 22a–b are blank.

(B) second fascicule, fols. 23–55: one sexternion with catchword (fols. 23–33a + 23a); one sexternion without catchword (fols. 34–45); one quinternion (fols. 46–55). A new hand for fols. 23–53. Fols. 54^v–5 appear to be written by the same hand as (A). Fols. 53^v–4^r and 55^v are blank.

73 See Jedin, *Studien über Domenico de' Domenichi*, 223. {In the original version of this article I went on to claim that Barb. lat. 1487 is identical to manuscript VII in the old library of San Giovanni in Verdara, as described by Tomasini, *Bibliothecae Patavinae*, 12–15. But that claim was mistaken. It was based on a careless reading of Tomasini, who was in fact describing two different manuscripts: one was Barb. lat. 1487, the other was manuscript VII in the old library of San Giovanni in Verdara. Tomasini knew about Barb. lat. 1487 only from a table of contents he had received from Leone Allacci (Leo Allatius, 1586–1669); see above, p. 11 and Miethke, “Nachricht.” I have removed the offending passage with its accompanying footnotes in order to avoid further confusion. Note that Montfaucon, *Bibliotheca bibliothecarum*, 485 D, made the same mistake when he referred to a manuscript of Durant's treatise supposedly held in Padua.}

74 On the history of the Barberini collection cf. Ermatinger, “Checklist,” 1 (1957): 159; 2 (1958): 41, and Daly, “Some Political Theory Tracts,” 28–30, 156–7.

75 I am indebted to Martin Bertram for the shelf mark of this manuscript and Adriana Marucchi for the description. {The description has been improved on the basis of Pellegrin, *Manuscrits classiques latins*, 1:449–50, and details provided by Adriana Marucchi in 1978.}

(C) third fascicule: two gatherings of nine folios each (fols. 55a + 56–72) with catchwords; one binion (fols. 73–5 + 75a). A new hand (fols. 56–66), thereafter another new hand (fols. 67^v–74). Fols. 55a^r–^v, 66^v–7^r, and 75^r–5a^v are blank. Note that Pellegrin, *Manuscripts classiques latins*, 1:449, incorrectly considers this fascicule to consist of two distinct fascicules.

(D) fourth fascicule, fols. 75b–108d: one quinternion without catchword (fols. 75b–84; note that the numbering begins with 75b; the preceding fol. 75a is unnumbered); one quinternion without catchword (fols. 85–94); one quinternion with catchword (fols. 95–104); one quaternion (fols. 105–8, 108a, b, c, d). A single hand, which seems to be the same as the hand on fols. 67^v–74 in the preceding gathering. Fols. 108a–d are blank.

(E) fifth fascicule, fols. 109–24b: one quaternion (fols. 109–16); one quinternion without catchword (fols. 117–24 + 124a, 124b). Various hands; the hand on fols. 109–10^v seems to be the same as on fols. 1–22; the hand on fol. 111^r–^v appears to be the same as on fols. 67^v–74 and 75b–108.

(F) sixth fascicule, fols. 125–59: four quaternions with catchwords (fols. 125–55); one binion (fols. 156–9). A single hand that differs from each of the preceding ones; on fol. 159 the same hand enters the date “Senis VII kal. aprilis 1464.”

(G) seventh fascicule, fols. 160–219: five quinternions signed A, B, C, D, and E (fols. 160–9, 170–9, 180–8 + 188a, 189–98, 199–208); one incomplete sexternion (fols. 209–19). Fols. 163–6 must be read in the following sequence: fol. 164, 163, 166, 165. Written in a lightly inclined humanist cursive that differs from each of the preceding hands; on fol. 219^v the same hand entered the date “Finitus Rome septimo idus maii 1460.”

Note that in terms of their content fascicules (A)–(E) and (F)–(G) form two reasonably coherent units. Fascicules (A)–(E) end with blank pages and are written in a variety of hands, but deal consistently with ecclesiastical and legal issues of contemporary interest, and some of the hands appear in more than one fascicule. Fascicules (F)–(G) reflect an interest in classical antiquity. The two units were evidently bound together by someone with an interest in both kinds of issues.}

Contents:

{(1) fols. 1–22^v: *Anonymi praecepta dicendi*.

fols. 22a–b: blank.

(2) fols. 23–53: The first part and, ending in the middle of a sentence, a fragment of the second part of the *Tractatus maior*, up to part 2, chapter 7 (fol. 17^{rb} line 17 in the edition of Lyon, 1531). Inc.: “Incipit liber domini Guillermi Durandi De modo generalis Concillii celebrandi. Scribitur in Concilio toletano quod bone rei dare consilium...” Des.: “... Nam qui contempnit contempnitur et dolus.”

fols. 53^v–4^r: blank.

(3) fols. 54^v–5^r: *Compactata Bohemie*.

fols. 55^v, 55a^r–^v: blank.

(4) fols. 56–66: *Nova doctrina suscitata in partibus Bohemie a tempore Concilii Constantiensis contra doctrinam ecclesie*.

fols. 66^v–7: blank.

(5) fols. 67^v–74^v: *Tractatus compendiosus de officio et potestate camerarii apostolici*.

fols. 75–5a^v: blank.

(6) fols. 75b–108: *Quaestiones iuris* (De iudicio, De foro competenti, etc.).

fols. 108a–d: blank.

(7) fols. 109–24: *Notae variae in quaestiones iuris*.

(8) fols. 125–57^v: *Ps. Orphaei Argonautica, Leodrisio Crivelli interprete*, with a verse preface to Pope Pius II.⁷⁶

(9) fols. 158–9^v: *Leodrisii Crivelli Ad thermas petreolas encomium*, {302 | 303} dated in the same hand “Senis VII kal. aprilis 1464.”

(10) fols. 160–219^v: *Claudiani Carmina*, dated in the same hand (fol. 219^v) “Finitus Rome septimo idus maii 1460.” (a) *Epithalamium de nuptiis Honorii Augusti* (fols. 160–2^v, 164^r–^v, 166^r–^v, 165), inc.: “Hauserat insolitos . . .” The preface is missing.—(b) *Panegyricus dictus Manlio Theodoro consuli* (fols. 165^r–^v, 167–72^v).—(c) *In Rufinum* (fols. 172^v–88a). The preface to book II is missing.—(d) *De consulato Stilichonis* (book III) (fols. 188a–95), inc.: “[M]aior Scipiades . . .”—(e) *De bello Gothico* (fols. 195–207^v). (f) *Panegyricus de sexto consulatu Honorii Augusti* (fols. 207^v–19^v); fol. 207^v contains only the first four lines of the preface. The text starts on the middle of fol. 208.}

See: Montfaucon, *Bibliotheca bibliothecarum*, 189 D, under the rubric “praecipui Codices Bibliothecae Eminentissimi Cardinalis Ottoboni” (ibid., 188) and with the shelf mark T.VI . . . N.10; Kristeller, *Iter Italicum*, 2:426; Pellegrin, *Manuscrits classiques latins*, 1:449–50.

Bibliography: Birt, ed., *Claudii Claudiani carmina*, CXXIII; Smith, “Lodrisio Crivelli,” 34, 38. {Fasolt, “William Durant the Younger’s *Tractatus*,” 54–100; Fasolt, *Council and Hierarchy*, 5n15, 7n24, 9n35.}

History:⁷⁷ The manuscript is Italian in origin. {Since Lodrisio Crivelli (1412–ca. 1488) is known to have taught and practiced law, not to mention his presence at the Council of Basel,⁷⁸ one is tempted to look for evidence that he was the original owner of this manuscript—a humanist with an interest in William

76 {See Gabotto, “Ricerche,” and Smith, “Lodrisio Crivelli.”}

77 {I am indebted to Adriana Marucchi for information about the provenance of the manuscript.}

78 {See Smith, “Lodrisio Crivelli,” 32–4.}

Durant the Younger; unfortunately I know of no such evidence. Around 1550 the manuscript belonged to cardinal Guglielmo Sirleto and carried the shelf mark 232.⁷⁹} Like many of the Ottoboni manuscripts, it later belonged to Giovanni Angelo, duke of Altemps, with whose collection it passed into the library of cardinal Ottoboni.

R = Rome, Biblioteca Nazionale Centrale, ms. Fondo Varia 1

Description:⁸⁰ paper, s. XV, 314 fols. {285 × 210 mm. Shelf mark Varia 1, chain number 671. I (modern) + I flyleaves in front; IV (numbered 311–14) + I (modern) paper flyleaves in the back. An organic composite volume consisting of three fascicules, bound in plain parchment. The binding has no other marks and probably dates to the seventeenth century. The colophon on fol. 81^{va} identifies 1437 as the year in which the first fascicule was completed.

(A) first fascicule, fols. 1–84: mainly sexternions. The main watermark is an oxhead, difficult to identify. The text is written by one hand in two columns. Frame ruling in color. There are no catchwords. Simple red initials, titles, and marginalia in red. Minor initials are touched with red. Fols. 82^r–4^r are blank. An epitaph of William Durant the Elder was added by another hand on fol. 84^v. There are sparse marginalia by the same hand throughout the entire manuscript.

(B) second fascicule, fols. 85–198: mainly quinternions. The main watermark is similar to Piccard, *Wasserzeichenkartei*, *Kronenwasserzeichen*, I, 315, documented 1430–32 in Basel. Frame ruling in color. Full-page writing by one hand at thirty-four lines per folio, with large margins. Catchwords are written horizontally in the inner lower corner of the last folio. Simple red initials, and minor initials touched with red. Fols. 197^r–8^v are blank.

(C) third fascicule, fols. 199–310: quinternions. The main watermark is an oxhead, similar to the one in the first fascicule. Dry-point ruling. Full-page writing in several bastarda hands, with large margins. Catchwords are written horizontally in the center of the lower margin of the last folio, and often cut off.}

79 {Cf. fol. 321 in the catalog of Sirleto's library, ms. Vat. lat. 6163.}

80 I am indebted to Dr. Martin Bertram, and to U. Morelli of the Biblioteca Nazionale Centrale in Rome, for pointing out to me the existence of this manuscript, and to the latter for additional information from the inventory. {The description has been improved on the basis of correspondence with Dott. Valentina Longo, Biblioteca Nazionale Centrale, in 2013. I am very grateful to Dott. Longo for corrections to the original description and details on the physical make-up of this manuscript.}

Contents:

(1) fols. 1^{ra}–81^{va}: Andreas de Escobar,⁸¹ *Gubernaculum conciliorum*, beginning with a dedication to Giuliano Cesarini. Inc.: “Ad perpetuam Conciliorum generalium memoriam . . .” Des.: “. . . et sancta Romana civitas.” The main body of the text inc.: “Quod mundus regitur auctoritate pontificum et regum potestate. In primis pro fundamento . . .” Des.: “. . . vestre beatitudini recomendo semper humillime ad laudem etc. Explicit gubernaculum conciliorum. Scriptum Basilee anno domini M^oCCCC^oXXXVII. Sacro ibidem durante Concilio.”

fols. 82–4: blank.

(2) fol. 84^v: *Epitafium D. Guillelmi Durandi episcopi [senioris] Mimatensis*. Inc.: “Hic licet egregius . . .” Des.: “. . . hac celebrare capella.”

(3) fols. 85–196^v: William Durant the Younger, parts one and two of the *Tractatus maior*. Inc.: “Incipit liber Guillelmi durandi spe[culatoris] de modo generalis concilii celebrandi. Scribitur in concilio Tholetano . . .” Des.: “. . . cohiberent se a gravaminibus ecclesie. Deo gratias.” {Note that the text breaks off at the same point as the versions preserved in C, Ma, Tr, and B, in the middle of a sentence in *Tractatus maior* 2.100, a few lines before the end of the treatise (fol. 51^{vb} line 12 in the edition of Lyon, 1531).}

fols. 197–8^v: blank.

(4) fols. 199–310^v: Pseudo-Isidore, *Decretalium collectio*. Inc.: “Canones generalium Conciliorum . . .” Des.: “. . . et cuius expeticio erat ante profugium etc. Expliciunt quatuor concilia principalia.”

See: *Catalogo dei manoscritti in scrittura latina*, 1:85–6; Kristeller, *Iter Italicum*, 2:120.

Bibliography: Mordek, “Handschriftenforschungen,” 630n8.⁸² {303 | 304} {Fasolt, “William Durant the Younger’s *Tractatus*,” 54–100; Fasolt, *Council and Hierarchy*, 5n15, 9n35.}

History: The provenance of this manuscript is uncertain. {An entry in the handwritten catalog of the Fondi Minori states that it is probably from Farfa, but there is no other evidence to substantiate that origin. Like other manuscripts with no clear indication of their provenance, this one was included in the Fondo Varia at the time of the organization of the manuscript collections in the newly founded Biblioteca Nazionale Centrale, after 1873. It was heavily restored in 1958, which makes it unlikely that it still contains any hitherto unnoticed information about previous owners.}

81 Cf. Walters, *Andreas von Escobar*.

82 This manuscript was not used by Hinschius, *Decretales Pseudoisidorianae*, nor is it mentioned by S. Williams, *Codices Pseudo-Isidoriani*. See Mordek, “Handschriftenforschungen,” 630n8. I am indebted to Prof. R. Somerville for this reference.

Z = Zurich, Zentralbibliothek, ms. S 204 o (523; C . . . ; D 24.2)

Description:⁸³ paper, s. XV, 291 fols. {280 × 210 mm. Bound in wooden boards covered with tooled leather. Two clasps. On the front cover is a parchment label indicating contents and owner: “Ad Bibliothecam Maioris Ecclesie Tigurinae.” A note on the inside of the front cover states: “Liber iste Petri Numagen Treveren. continet infrascripta.” A table of contents follows. Beneath it are older signatures: 523; C . . . ; D 24.2. The volume is a miscellany of works by St. Gregory, St. Jerome, St. Cyril, St. Augustine, William Durant the Younger, Pierre d’Ailly, Jerome II of Prague,⁸⁴ Ludovico Pontano, Peter Nümagen, the Council of Basel, Horace, and Walter Burley. Titles and initials are rubricated. Annotations by Erasmus Fabritius.

Up to fol. 282 the gatherings run as follows: VI¹² + 2 V³² + VI⁴⁴ + VII⁵⁸ + 2 VI⁸² + V⁹² + VI¹⁰⁴ + III¹¹⁰ + V¹²⁰ + IV¹²⁸ + V¹³⁸ + 2 III¹⁵⁰ + V¹⁶⁰ + IV¹⁶⁸ + 3 VI²⁰⁴ + V²¹⁴ + VI²²⁶ + VII²⁴⁰ + IX²⁵⁸ + IX²⁷⁶ + III²⁸² + The volume is so tightly bound that it is not possible to be certain beyond this point. For the most part the gatherings correspond to the contents. The volume appears to consist of a variety of different fascicules that were prepared independently of each other and only later bound together.}

Contents:

{(1) fols. 1^r–109^v: *Gregorii Magni opera*: (a) fols. 1^r–58^r: *Dialogorum libri IIII* (PL 77:149–429);—fol. 58^v is blank;—(b) fols. 59^r–91^v: *Regula pastoralis* (PL 77:13–128), followed by additions by Peter Nümagen (fols. 91^v–2^r); Peter Nümagen’s colophon on fol. 91^v: “Completio huius operis .s. manu petri Numagen . . . Basilea Nonas Augusti Anno orbis creati 6683 Nati dni ihu Xi 1484 [5 August 1484] Pontificatu Dni Sixti IIII . . .”;—fol. 92^v is blank;—(c) fols. 93^r–109^v: excerpts from *Expositio super cantica canticorum* (PL 79:471–548, 150:1364–70).

fol. 110^r–^v: blank.

(2) fols. 111^r–15^r: inc.: “Devota sanctaque et commendabilis gloriosi Hieronimi . . . vita. Hieronimus in opido [*sic*] Stridonis . . .” (PL 22:175–84);—there follow: (a) fol. 115^r–^v: four short excerpts concerning Jerome;—(b) fol. 116^r–^v: excerpts

83 I am indebted to Dr. A. Schönherr for additional information. {The description has been improved on the basis of Mohlberg, *Katalog der Handschriften*, 85–6. I am also grateful to Rainer Walter, Stv. Leiter der Handschriftenabteilung, who established the composition of the gatherings in 2013.}

84 {A Camaldulensian monk also known as John-Jerome (1368–1440) and not to be confused with the Jerome of Prague who died at the Council of Constance; cf. Hyland, “John-Jerome of Prague.”}

from Jerome and Cyril of Jerusalem, inc.: "Hymnum novum decantamus..." Cf. Chevalier, *Repertorium hymnologicum*, nr. 8295.

(3) fols. 117^r–27^r: excerpt from *De trinitate* 1.4, nr. 7–15, 38, nr. 51. Inc.: "Luculens et elegantissimus katholiceque confessionis anchora stabilitus Sancti Augustini Yponensis [in *is struck out*] affricane ecclesie Episcopi De summe trinitate deoque vero sermo feliciter incipit: Omnes quos legere potui qui ante..." Des.: "... sicut procedit de ipso." Printed in *Spicilegium Casinense*, 1:15;—there follow: (a) fol. 127^v: inc.: "Oracio fidei: Domine Deus noster..." (*PL* 101:1395);—(b) fol. 128^r: inc.: "Fides orthodoxa...: Credo in unum Deum..."

fol. 128^v: blank.

(4) fols. 129^r–41^r: the first part and, ending in the middle of a sentence, a fragment of the introduction to the second part of Durant's *Tractatus maior*, corresponding to the edition of Lyon, 1531, fols. 4^{ra} line 1–13^{vb} line 35. Inc.: "Incipit liber Gwillermi durandi speculatoris et magistri racionalis de modo generalis Concilii celebrandi: Scribitur in concilio Toletano..." Des.: "... Nempe prout predictus Augustinus in libro confessionum ait."

fols. 141^v–4^v: blank.

(5) fols. 145^r–9^v: Pierre d'Ailly, *De reformatione ecclesie*, also known as *De emendatione ecclesie libellus*. Inc.: "Tractatus Card. Camerac. de reformatione ecclesie: De reformatione ecclesie plura..." Des.: "... pretioso filii sui sanguine redimere dignatus est." Often printed in early modern times, separately as well as in collections, particularly in Gerson, *Opera omnia*, 2:903–16; fol. 149^v notes the date of composition and the date of the copy made by Petrus Nümagen: "Scriptum Constancie Anno domini MCCCCXVI die prima mensis Novembris. S. per manum Petri Numagen accoliti Treverensis XI^o Kal. augusti, ipso die exemplaris et Christo dilecte Marie Magdalene [22 July 1484]. Anno eiusdem Xi 1484. Anno vero mundi creati 6683."

fol. 150^r–^v: blank.

(6) fols. 151^r–60^r: treatise by Jerome II of Prague (1368–1440), not to be confused with his more famous namesake. Inc.: "Invectiva in fedam ac spurcidam Bohemorum sectam. Hoc est corpus meum hec IIII^{or} verba..." Des.: "... et ad vitam eternam pervenire procurante domino..." Prefaced by a dedicatory letter to Prior Albert of the charterhouse in Basel. Inc.: "Exegisti a me..." Printed in Mittarelli, *Annales Camaldulenses*, 9:255–802.

fol. 160^v: blank.

(7) fols. 161^r–8^r: Ludovico Pontano, *Tractatus de auctoritate concilii generalis*. Inc.: "Ludovici de Roma juris et legum interpretis celebratissimi de maiestate auctoritatis conciliorum generalium. Reverendissimi patres primum diligenter revolvens..." Des.: "... ad depositionem procedere possit." Ed. Woelkl, *Lodovico Pontano*, 577–636; cf. Zurich, Zentralbibliothek, ms. F 49, nr. 7, fols. 145^r–50^r.

fol. 168^v: blank.

(8) fols. 169^r–208^v: Petrus Numagen, *Gesta Andreae Zamometič*. Inc.: “Gesta archiepiscopi Craynensis in facto indictionis concilii per Petrum Numagen Treverensem descripta . . . : Canit non arte dulciter Philomena . . .” Des.: “. . . grata referentes dominis nostris nuncia.” Printed in Hottinger, *Historia ecclesiastica*, 4:355–93; cf. Zurich, Zentralbibliothek, ms. F 49, nr. 9, fols. 159^r–69^v;—fols. 209^r–12^r are blank;—there follows: fols. 212^v–13^v: inc.: “Andreas . . . Archiepiscopus Crayensis . . . dno Casparo, Ep. Basileensi: Accedat homo ad cor altum . . .” Des.: “. . . in die vindictae Dei.” Printed in Hottinger, *Historia ecclesiastica*, 4:593–604; cf. Zurich, Zentralbibliothek, ms. F 49, nr. 9, fols. 188–90.

fol. 214^{r–v}: blank.

(9) fols. 215^r–69^v: acts of the Council of Basel; cf. Zurich, Zentralbibliothek, ms. F 49, nr. 10, fols. 190^v–219^r: (a) fol. 215^r: edict of the Council of Basel dated 26 June 1434, inc.: “Sacrosancta generalis sinodus Basiliensis . . . : Ad magnam ecclesie catholice utilitatem . . .”;—fols. 215^v–16^v are blank;—(b) fols. 217^r–18^r: inc.: “Modus observandus in sessionibus generalium conciliorum more concilii Constantiensis: Primo in loco . . .” Des.: “. . . in consuetis habitibus abeunt”;—there follows: fol. 218^{r–v}: inc.: “Miraculum horrendum Sancti Hilarii Pict. in leonem papam: Africana heres . . .”;—(c) fol. 219^r: inc.: “Sacrosancta generalis sinodus Basiliensis . . . : Cum inter cetera pietatis opera . . .”;—fol. 219^v is blank;—(d) fols. 220^{r–3^r}: various documents of January 1433 concerning the Bohemian and Moravian delegations sent to the Council of Basel, including on fol. 222^r: “Mandatum Rectoris et Universitatis Studii Pragensis”; fol. 223^r: “Mandatum regni Bohemie Civitatis Pragensis et marthionatum Moraviae”;—fol. 223^v is blank;—(e) fols. 224^{r–37^r}: inc.: “Sequuntur decreta sacri Basiliensis concilii, per ecclesiam Gallicanam in Congregacione Bituricensi sub Karolo VII Francorum rege acceptata, quam vocant Pragmaticam sanctionem: Karolus Dei gracia Francorum Rex . . . : Inscrutabilis divine altitudinis providencia . . .”;—fols. 225^{r–v}, 227^{v–9^r}, and 237^{v–40^v} are blank;—(f) fols. 241^{r–56^r}: excerpts of negotiations between the Council of Basel and Pope Eugenius IV (1432–33);—fols. 245^{r–v} and 256^{v–8^v} are blank;—(g) fols. 259^{r–62^r}: documents concerning the participation of the Greeks in the Council of Basel;—fol. 262^v is blank;—(h) fols. 263^{r–9^v}: inc.: “Sequuntur obsceni errores quibus a veritate catholica infelicissimi Greci aberrant: Primus error, quod spiritus sanctus procedat . . .”; twenty-four points.

fol. 270^{r–4^v}: blank.

(10) fols. 275^{r–85^r}: Horace, *Ars poetica*. Inc.: “Oracii Flacci Venusini de arte poetica liber foeliciter incipit: Humano capiti . . .”

(11) fols. 285^r–91^r: Walter Burley, *De vita et moribus philosophorum* (*De philosophis*). Inc.: “Thales Milesius asianus . . .” Des.: “. . . nec illi Asinos nec ego eos curo.” Printed in Burley, *Gualteri Burlaei Liber*, 2–148.}

See: Mohlberg, *Katalog der Handschriften*, 85–6, nr. 217. {Germann, *Reformierte Stiftsbibliothek*, 279.}

Bibliography: Bänziger, *Beiträge*, 63. {Fasolt, “William Durant the Younger’s *Tractatus*,” 54–100; Fasolt, *Council and Hierarchy*, 5n15, 7, 7n22, 9n35.}

History: This is the most recent manuscript in this survey. It was written by Peter Nümagen or Neumagen of Trier (ca. 1450–1515), who acted as secretary of the council which Andrea Zamometič attempted to assemble in Basel in 1482.⁸⁵ The manuscript must have been completed in August 1484 or later (see fols. 91^v, 149^v). {Nümagen became chaplain of St. Leonhard outside of Zurich in 1488, notary and scribe of the Grossmünster in 1494, and was commissioned by the bishop of Konstanz to manage lawsuits related to marriage until 1502. Before his death in 1515 he sold his books to the library of the Grossmünster.} That library was absorbed into the Kantonsbibliothek in the nineteenth century, which in turn was united with the Zentralbibliothek in 1914.

X

Was there a manuscript of William Durant’s treatise in the papal library of Avignon? We know from the correspondence between John XXII and the {304 | 305} king and queen of France on the occasion of Durant’s temporary conflict with the pope in 1318–19, that Durant had, to say the least, incurred the displeasure of Clement V at the Council of Vienne, when Clement heard of Durant’s book and the proposals he made in it.⁸⁶ But John XXII also tells us that Durant pretended to make up for his behavior and dedicated the book to Clement V.⁸⁷

85 On Peter Nümagen see Schlecht, *Andrea Zamometič*, 125–7, 140–7; Bänziger, *Beiträge*, 57–63; Haubst, *Studien*, 23–6. {Germann, *Reformierte Stiftsbibliothek*, esp. 136–7, 164n96; Achnitz, *Deutsches Literaturlexikon*, 3:1009–10.}

86 John XXII, *Lettres secrètes*, 1:737–41, nrs. 849, 850. On the entire incident see also Haller, *Papsttum und Kirchenreform*, 58–60; Viollet, “Guillaume Durant,” 29–30; E. Müller, *Vienne*, 592–5.

87 John XXII, *Lettres secrètes*, 1:739, nr. 849: “In consilio siquidem Viennensi, contra felicitis recordationis Clementem papam quintum, predecessorem nostrum, cui ipsum fidelitatis vinculum astringebat, scisma suscitare voluit et temptavit librum contra ipsum et Sedem hujusmodi, sicut notum est fratribus nostris qui tunc aderant et multis aliis, fabricando, et demum cum hec ad prefati predecessoris nostri notitiam pervenissent, librum ipsum cum humilitate apparenti maxima, eidem predecessori nostro, petita venia, assignavit sicut sciunt qui reconciliationem hujusmodi procurarunt.”

This suggests that there may have been a copy of the *De modo generalis concilii celebrandi* in the papal library almost as soon as the book was written.

Unfortunately the fourteenth-century catalogs of that library contain no entry that would unquestionably confirm this conjecture. In the catalog made in 1375 at the command of Gregory XI, however, we do find the following entry at nr. 1201: *Consilia generalia et institutiones domini Guillelmi episcopi Mimatensis*.⁸⁸ There is no such work on record, either by the older or by the younger Durant. Ehrle, it is true, identified these *Consilia generalia* with the *Instructiones et constitutiones* by William Durant the Elder,⁸⁹ a book mainly concerned with the diocesan clergy and intended to provide the bishop with guidance on how to instruct his subordinates.⁹⁰ Ehrle's identification may be correct: there is in fact a copy of the *Instructiones et constitutiones* entered with its (almost) exact title as nr. 1161 into the same catalog of 1375.⁹¹ Nevertheless, it is not certain that Ehrle was right. Though nr. 1201 bears a title that could be taken to refer to the elder Durant's *Instructiones et constitutiones*, it is surrounded by works that are quite different {305 | 306} in character from the *Instructiones et constitutiones*, and much closer to a work such as the *De modo generalis concilii celebrandi*. More specifically, the eight works surrounding nr. 1201 on either side are by Giles of Rome (ca. 1243–1316), Alexander of San Elpidio (1269–1326), Augustinus Triumphus de Ancona (1243–1328), and by anonymous authors under such titles as *Liber de primatu romane ecclesie*, *Parvus libellus de ecclesiastica potestate*, *Canones et decreta . . . in valde pulcro volumine*, *Liber diversorum consiliorum sanctorum patrum*, and *Liber canonum*. The entire section in which all of these works are found is entitled *tabula librorum . . . romanorum summorum pontificum et imperatorum et de ecclesiastica potestate cum sermonibus de dominicis et festivitibus*. Judging by the contents of William Durant's treatise, it would have fitted well into the place of nr. 1201.

One should also remember that the title of nr. 1201 does by no means preclude its identification with the *De modo generalis concilii celebrandi*, even

88 Ehrle, *Historia*, 527, nr. 1201.

89 Ehrle, *Historia*, 527n283, refers to *ibid.*, 525, nr. 1161, which is undoubtedly identical to William Durant the Elder's *Instructiones et constitutiones*. In the index, however, Ehrle, *Historia*, 567, nrs. 1161 and 1201 are both identified as "Guillelmus Durandus episcopus Meldensis [*sic*] de concilio, nr. 1161, 1201."

90 The book by the elder Durant was edited by Berthelé and Valmary, *Instructions et Constitutions de Guillaume Durand le Spéculateur*. There also remain a few undated incunabula of this work together with additions to it made by William Durant the Younger. These additions are only known through the incunabula. See Viollet, "Guillaume Durant," 75–9, esp. 75n5, 76n1; Falletti, "Guillaume Durand," 1057–60.

91 Ehrle, *Historia*, 525, nr. 1161.

though the word *institutiones* in the title seems to have led Ehrle to identify it as Durant the Elder's *Institutiones et constitutiones*. The eventual title of Durant's treatise on the councils is not documented before the fifteenth century, and even then there was some uncertainty: sometimes there was no title at all;⁹² sometimes *De reformatione ecclesie universalis* was added in a later hand;⁹³ sometimes it was *De modo generalis concilii celebrandi*.⁹⁴ There is no reason to believe that the treatise may not have been called *Consilia generalia et institutiones* at some time in the fourteenth century.

Unfortunately the evidence is too slim to allow any definite conclusions. One is left with the possibility that there was a copy of Durant's treatise in the papal library in Avignon, but that is all one can assert with confidence.⁹⁵

2 The Printed Editions

A few words ought to be said about the printed editions, of which there were several in the sixteenth and seventeenth centuries.⁹⁶ Jean Crespin (Joannes Crespinus), who produced the editio princeps of Lyon, 1531, explained in his preface (fol. 2^{r-v}) how he found a manuscript containing the *De modo generalis concilii celebrandi* in a library which unfortunately he did not identify. Realizing the bad state of his text, Crespin began to look for additional manuscripts, but had failed to find any when an acquaintance of his—again no names are mentioned—provided him with another copy, “exemplar paulo emendatius.” As he says himself, Crespin made a considerable effort to establish a good text, but one of his manuscripts, or both, must have contained the chapters in that confused order which has been mentioned in the introduction to this survey, an error that Crespin was unable to correct and {306 | 307} which

92 P, M, and B give no title to Durant's treatise in the text. {Note that P and M are the oldest and best manuscripts, as well as the only witnesses to the *Tractatus minor*}.

93 In M and in the index of B.

94 Thus by manuscripts C, Ma, Tr, Tu, O, R, and Z. {Note that these are the latest manuscripts, that none of them contain the *Tractatus minor*, that C, Ma, Tr, and R seem particularly closely related to each other, and that Tu, O, and Z contain only fragments of the *Tractatus maior*. That leaves very little doubt that the title *De modo generalis concilii celebrandi* was not given to the treatise until the Council of Basel, and that its usage spread from there.}

95 {For information about a manuscript in Benedict XIII's Bibliotheca Minor see below, pp. 285–6.}

96 {See now Fasolt, *Council and Hierarchy*, 7–9; and below, chap. 6, pp. 287–90.}

was continued by the subsequent editions.⁹⁷ It is of course possible that the confusion arose only in the printed edition, but it is very hard to believe that it should then have escaped the attention of Crespin. If, as seems likely, it already existed in the manuscript(s) used by Crespin, it is also fair to say that he did not use any of the manuscripts considered in this survey as the basis for his text.⁹⁸ But the vitiated order of chapters is not the only characteristic of Crespin's edition for, by identifying the author as William Durant the Elder, often also called the Speculator, it perpetuated a mistake which is not uncommon in the manuscripts.⁹⁹ On the basis of these two misjudgments, which are repeated by all other printed editions examined up to date, one may say that the edition of 1531 became the starting-point for all later editions.

In 1534 the edition of 1531 was reprinted in Lyon, only the frontispiece being changed. In 1545 the book was edited by the jurist Philippe Le Preux (Philippus Probus) in Paris, whose reason for so doing was the convocation of the Council of Trent.¹⁰⁰ In 1549, again in Lyon, the treatise was edited in a collection of works devoted to civil law.¹⁰¹ Summaries of each chapter were added by an editor and placed in front of each chapter heading, thereby facilitating the search for individual proposals. Another edition followed in Venice, 1562. Durant's treatise was also included in the great collection entitled *Tractatus universi iuris*, Venice, 1584,¹⁰² where the summaries found in the edition of Lyon, 1549, were repeated. The last edition to be mentioned is a reprint of Philippe Le Preux's edition of 1545 in Paris, 1671. This, along with the text in the *Tractatus*

97 Since chapters 2.72–99 were moved from the second part of the manuscripts to the third part of the printed editions, chapter 2.71 is immediately followed by chapter 2.100 in the printed editions. This incongruous proximity is faithfully reproduced until 1671 when '2.100' was considered an obvious mistake and renumbered '2.72,' whereby one more indication of the true order of chapters was obliterated. To avoid complications, chapter 2.100 has been equated with chapter 2.72 in the introduction to this article.

98 {To be more precise, he did not use any of the manuscripts containing the full text of the *Tractatus maior*. He might of course have used one of the three fragmentary manuscripts Tu, O, or Z, for none of these would have allowed him to see how the *Tractatus maior* ought to have continued after chapter 2.71. It seems distinctly possible that he used Tu, both because it was available in France and because it broke off just before the point where Crespin's edition begins to differ from the manuscripts; cf. below, pp. 178–9.}

99 C, Ma, Tr, Tu, R and Z unquestioningly identify the author as the Speculator, and only B states explicitly that William Durant the Younger was the author of this treatise.

100 See his preface to the edition. There are two identical editions of Paris, 1545, one printed by Poncet Le Preux, the other by Galliot du Pré (Galeotus Pratensis, Galeotus a Prato).

101 *Tractatus ex variis iuris interpretibus collecti* (1549), 2:88^v–117^v.

102 *Tractatus universi iuris* (1584–86), 13/1:154–82^v.

universi iuris and that of 1545, is the most widely used edition, in part because it was photographically reprinted in 1963(?).¹⁰³ {307 | 308}

3 Conclusions

What conclusions may be drawn from the history of Durant's book? It seems obvious that the third part of the treatise played a minor role in the influence Durant may have exercised on the conciliar movement, since it is preserved in only two copies, P and M. Parts one and two {that is, the *Tractatus maior*} form a self-sufficient whole and all of the arguments found in part three {that is, the *Tractatus minor*} can be traced back to the first two. Part three was not really needed by someone looking for political or ecclesiological arguments.

In manuscript Z, which contains only part one with most of the important theoretical material, we may observe that at this late time interest seems to have narrowed further. The numerous proposals in the second part regarding certain, often very specific 'abuses' were perhaps no longer interesting enough to be copied in their entirety by a humanistically trained scribe such as Peter Nümagen who was looking for generally applicable principles.

It is also striking that all manuscripts {other than P} date from the fifteenth century, and that most of them must have been copied at the time of the Council of Basel or later in the fifteenth century.¹⁰⁴ There remains, in other

103 *Tractatus de modo generalis concilii celebrandi* (Paris: Apud Franciscum Clousier, 1671, reprinted London: Gregg Press [n.d. (1963?)]). It should perhaps also be mentioned that parts of chapter 2.70 are printed in Marca, *De concordia sacerdotii et imperii*, 445–6, 467, and the entire chapter 1.5 (in the form of the edition of Paris, 1671) in Du Boulay, *Historia Universitatis Parisiensis*, 4:130–8.

The following is a list of editions that are mentioned in the secondary literature but could not yet be verified either in the library catalogs of great collections or by other means {and are almost certainly 'ghosts' owing their seeming existence solely to typographical errors}. In each case the earliest available reference is given:

Paris, 1561: Viollet, "Guillaume Durant," 79n2.

Paris, 1572: Naz, "Guillaume Durand," 1014.

Paris, 1617: Potthast, *Bibliotheca historica*, 1:556.

Paris and Venice, 1617: Viollet, "Guillaume Durant," 79n2.

Paris, 1635: Potthast, *Bibliotheca historica*, 1:556.

Paris and Venice, 1635: Viollet, "Guillaume Durant," 79n2.

Paris, 1638: Posch, "Reformvorschläge," 189n2.

104 The printed catalogs do indeed date P into the fourteenth century; see P, section 'description.' But Viollet, "Guillaume Durant," 99n4, calling this a "texte détestable," relegates the manuscript to the fifteenth–sixteenth centuries. The manuscripts which may be said to

words, no trace of the paths by which the book was transmitted to the fifteenth century {other than P}, and no record of its influence, if, in fact, there was one, at the Council of Constance.¹⁰⁵ Even assuming that many manuscripts have been lost, it still seems fair to say that the Council of Basel revived interest in Durant's book, and that his real influence has to be sought in that period.¹⁰⁶ But if on the basis of the manuscript tradition {308 | 309} a real interest in Durant's ideas cannot be documented before the Council of Basel, the printed editions do allow one to assert that, once awakened, interest continued to exist for well over two hundred years, particularly in France and in Gallican circles.

Concerning the geographical distribution of the manuscripts it may be noted that none are to be found in Spain, England, and Scandinavia, France has the greatest number (four), Italy furnishes three,¹⁰⁷ the Swiss manuscript belongs to the tradition of the Council of Basel and the futile attempt to revive it in 1482, and Germany has two manuscripts. The geographical distribution of the manuscripts thus agrees well with the areas where the conciliar movement itself was prevalent.

{It may be useful to conclude with an overview of the various titles given to Durant's writing in the manuscripts and the printed editions. As far as we can tell, Durant himself gave it no title at all. In the body of the text, however, at the beginning of the preface to part two, he referred to the *Tractatus Maior* as a *tractatus*. Unfortunately there is no comparable evidence for the *Tractatus minor*. The colophon refers to the *Tractatus minor* simply as *ista. Tractatus* thus is the only term of which we can confidently say that Durant used it to describe his work.

P, our best witness, also refrains from giving any title to Durant's writing. The same is true of M and B, except that in both of these manuscripts titles were added by later hands. In M, the added title is *Tractatus Guilhelmi Durandi de reformatione ecclesie vniuersalis* and appears at the beginning of the text. In B the added title is *Tractatus de reformatione ecclesiae*, but appears only in the index.

The other seven manuscripts—C, Ma, Tr, Tu, R, O, and Z, all of which can be dated to the Council of Basel or later, and none of which contain the *Tractatus*

have some connection with the Council of Basel are: M, C, Ma, Tr, B, R and Z, that is seven out of a total of ten. {I now believe that Viollet was wrong. There are compelling reasons to date P into the second half of the fourteenth century; see above, pp. 113–15.}

105 {For the reception of Durant's work in general and at Constance in particular, see below, chap. 6.}

106 {Cf. Miethke, "Konzilien als Forum der öffentlichen Meinung," and P. Lehmann, "Konstanz und Basel als Büchermärkte."}

107 {Here I have removed observations based on my erroneous attribution of B to Padua.}

minor—agree in referring to the treatise as *Liber Guillelmi Durandi speculatoris de modo generalis concilii celebrandi*. It thus seems more than likely that it was someone at the Council of Basel who was responsible for canonizing the misattribution of William Durant the Younger's work to the Speculator and giving it the title *Liber de modo generalis concilii celebrandi*.

The editio princeps by Jean Crespin in 1531 reproduces the title invented at the Council of Basel, but omits *liber* and replaces it with *tractatus*. The title above the frontispiece calls it simply *De modo generalis concilii celebrandi*. The more elaborate title below the frontispiece calls it *Celeberrimi, acutissimique, ac iuristarum facile principis domini Guillelmi Durandi speculatoris, Mimatensis praesulis meritissimi, De modo generalis Concilii celebrandi tractatus, in generali Viennae concilio Claementis quinti Pon. Max. iussu aeditus, at nunc primum aeneis Typis missus*. Jean Crespin thus recognized that Durant had called his work a *tractatus* and preferred it to the manuscripts' *liber*, but placed it at the end of the title.

Philippe Le Preux in 1545 was the first to give the book the title by which it has been known ever since: *Tractatus de modo generalis concilii celebrandi*. This form of the title was reproduced in each of the later editions and in the scholarship. For the sake of simplicity this probably remains the best title to use in any references to the printed editions.¹⁰⁸

108 {There are several variants. The editions of Lyon, 1545, and Venice, 1562, call it *Tractatus de modo generalis concilii celebrandi per R. P. D. Guillelmum Durandi iuris Speculatorem nuncupatum*. The editions of Lyon, 1549, and Venice, 1584, call it *Tractatus Guillelmi Durandi Speculatoris de modo generalis concilii celebrandi* or, in the index to the edition of 1584, *De modo celebrandi generalis concilii Guillelmi Durandi*. The edition of Paris, 1671, calls it three different ways: on the title page it is *Tractatus de modo generalis concilii celebrandi per Guillelmum Durandum, Episcopum Mimatensem Iussu Clementis quinti summi Pontificis editus, & Concilio Viennensi oblatus*; on sig. iiiii it is *Tractatus de modo generalis Concilij celebrandi, per R. P. D. Guillelmum Durandum, Juris Speculatorem nuncupatum, Mimatensem Episcopum, mandato foelicis record. Clementis Papae V. Concilium Viennense celebraturi, editus*; and on sig. iiiii^v it is *Tractatus de modo generalis concilij celebrandi, per Guillelmum Durandum Mimatensem Episcopum, &c.*}