Circa quã inſinuatõnẽ hmõi appellatõis ſeruabit hũc modũ·videlꝫ quia appellãs aſſumet ſibi notariũ publicũ ⁊ teſtes·⁊ accedat ad ptem appellatã vl' ad ipſius ꝓcuratorẽ ſi ipoꝝ vel alterius corã pſentiã habere põt·alioqn ꝓteſtãdo de ipoꝝ abſentia ⁊ hmõi appellatõem p ipm añ interpoſitam vt p̄mittiꝰ p notariũ publicũ legi ⁊ publicari pti appellate faciet ſeu eius ꝓcuratori legittimo·⁊ copiam hmõi appellatõis tradat:reqrendo notariũ vt ſup p̄miſſis publicũ cõficiat inſtrm·alioqn ſi illius ptis vel ꝓcuratoris eiuſdẽ pñtiam habere nõ poterit·tũc ſi cã fuerit bñficialis expedit ꝙ i loco bñficij ſup quo agiꝰ vel in loco vbi pars appellata bñficiata fuerit infra miſſaꝝ ſolẽnia·vl' qñdo dicũtur hore diei in loco bñficij vel partis appellate in pñtia duoꝝ bñficiatoꝝ in ipa eccia per ptem appellantẽ vel eius ꝓcuꝛ·aut per notariũ publicũ legaꝰ publice·⁊ pars appellãs petat apl'os inſtanter ꝓteſtañ nihilominꝰ ꝙ ſi partis appellate pñtiam haberet eidẽ appellatõnem hmõi inſinuaret·⁊ ſic ſimiľr faciet in domo appellati ſi cõmode ⁊ tute accedere poterit ad domum·Si aũt in eccleſia cathedrali in loco bñficij ⁊ in eccia parochiali ſub qua deget ⁊ morabiꝰ:⁊ bonũ eſt affigere copias eaꝝ in valuis eccie ⁊ etiã in domo habitatõis partis appellate·⁊ al's adhibere talẽ diligẽtiam circa inſinuatõem hmõi appellatõis·qual' adhibẽda eſt in executõe citatõis legittime in ptibꝰ faciende·Si pars appellãs ꝓſeq̃ noluerit appellatõem ſuã·⁊ ps appellata vellet ꝓſequi eam in Ro·cu·expedit ꝙ pars appellata inſtet ꝓ copia habẽda appellatõis ſub forma publica notarij·ſ·ipſius q̃ inſtrm appellatõnis cõfecit·ꝙ ſi ille notariꝰ negauerit ſibi tradere copiã illius ſub publica manu·accedat pars appellata ad officialẽ curie epalis vel ad aliũ iudicẽ ſup hoc poteſtatẽ habentẽ·vt ꝯpellat notariũ ad tradẽdũ copiã:ꝓducẽdo inſtrm originale appell'onis p̄dcẽ·⁊ citari faciat appellantẽ ad videndũ dcãm copiã appellatõis illius ſub manu publica tradi·⁊ dñs intponẽdo decretũ dũmodo pñtiam partis appellãtis hr̃e põt·Si aũt in ipſius notarij pñtia petat ſibi decerni copiã appell'ois illius ſub manu publica·⁊ dñs interponẽdo decretũ ſuũ mãdet notario pñti ꝙ ſcribat copiam illius appellatõis ſub manu publica·qua habita pars appellata poteſt ꝓſequi appellatõem in curia:et cauſa cenſetur ad curiam deuoluta·

⁋ Secũdus tractatus Titulus I

Cum a pſonis que digniores ipis rebꝰ ſunt·vt inſti·de iure na·gẽ·⁊ ci·§·ſi·p̄mittẽdũ eſt ⁊ ſciẽdũ ꝙ in quocũq3 iudicõ ſeu arbitrio q̃tuoꝛ pſone ſunt neceſſarie·ſcꝫ iudex·actoꝛ·reꝰ·⁊ notariꝰ·vt·c·forus·ex̃ de ver·ſi·⁊·c·qm̃ ꝯ·de ꝓba·⁊ interdũ dicũ teſtiũ:vel alia ꝓbatõ loco teſtiũ·vt·c·j·iij·q·iij· ⁋ Itẽ ſciẽdũ eſt ꝙ actoꝛ eſt ille q̃ petit vel agit·Et reꝰ eſt ille q̃ defendit ſe·Iudex eſt ſupioꝛ coꝝ ordinariꝰ vel delegatus·vt ex̃ de officio dele·per totũ

⁋ De oblatõe libelli II

Item eſt ſciẽdum ꝙ actoꝛ dat·i·teneꝰ dare ſuũ libellũ in ſcp̃tis:p̄ſertim i cauſis arduis·vt c·j·de libel·obl'·narrãtem factũ ſuũ ⁊ cõcludentẽ·vel petitiõem verbalẽ in qua pariter narret ⁊ cõcludat·vt in auct·offeraꝰ·C·de lit·ꝯte·⁊·c·offeraꝰ·iij·q·iij·⁊ notariꝰ ſeu ſcriba p iudicem deputatꝰ eam recipiat ⁊ teneat·⁊ etiã oĩa alia que per ptes ipas vel eaꝝ ꝓcuꝛes vl' aduocatos ſeu alios nomie eaꝝ·⁊ ꝑ eis ſeu iudicẽ dicunꝰ·vt in·c·qm̃ ꝯtra·de ꝓba·⁊ redigit in actis·et debet cõtinere libellus ſeu etiam verbalis petitio quinq3:ſcꝫ quis petit·a quo petiꝰ·quid petit·et cauſam quare petit:⁊ hoc in actõne perſonali·In reali vero deſignatõem conformem iuxta·l·ſi in rem·ff·de rei vendi·cõfirmatõnis·Unde verſus·Quis quid corã quo quo iure petatur et a quo·Recte compoſitus quiſq3 libellus erit·Hos verſus ponit textus cum glo·in·c·j·extra de libell'·obla·Et interdũ ipſe actoꝛ dat libellum articulatũ per poſitõnes ⁊ articulos·⁊ in fine dat concluſionem·⁊ vlterius in fine petit reſponderi p reum inquãtũ diciꝰ in libello ſeu petitõe iuſticiã ſibi miniſtrari implorãdo iudicis officiũ in his in quibus fuerit oportunum quod eſt latiſſimum in·l·j·ff·de iuriſdic·om·iudi·

⁋ De petitõe copie libelli· III

Reus vero citatus p̄us per ſeruiẽtem vel curatum vel alium nũcium iuratum·vel alias in iudicio repertus:petit copiam libelli vel petitioñ cõtra eum oblatoꝝ vel articuloꝛum contra eum datoꝝ·⁊ diem ad deliberãdum an debeat cedere vel cõtendere·ac quid et qualiter debeat dicto libello reſpõdere ſibi aſſignare:⁊ iudex eũdem terminum ſibi aſſignat·nec debet vel poteſt ſibi hũc denegare·ad·j·alle·in aucten·offeraꝰ:dat ſibi dilatõnem ad octauam·vel interdum ad p̄mam diem iuridicã:ſi tale negocium requirit celeritatẽ·vt cum agitur de alimẽtis preſtandis·vel reparatõne vl' ſuſtentatõe domus ruinoſe minãtis ruinã ⁊ dãtis damnum domui vicini vl' arreſtatõne hominis fugitiui·⁊ ſimilibus vel alijs ſcḋm ſtilum curie·

⁋ De litis conteſtatõne IIII

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Item adueniēte dicta die ipi reo pfixa ⁊ aſſignata·ſi non ꝯpareat actoꝛ nec reus:talis ter
minus circūciditur·id eſt ſtat ſic in ſuſpēſo·⁊ nihil aliud fit ex quo neuter comparꝫ·Si ve
ro actoꝛ non ꝯparet nec ꝓcuratoꝛ ꝓ eo·tūc reus abſoluat ⁊ actoꝛ in expēſis ꝑ reuꝫ factis
cōdemnet·vt·c·i·de do·⁊ ꝯtu·li·vj·nec amplius actoꝛ audit niſi ꝑus pdictis expēſis ſolutis ⁊ da
ta cautōe ꝙ decetero in cauſa ꝯpareat ⁊ cā ꝓſequat·vt·c·actoꝛ·pall·Si aūt non comparet reꝰ ſed
actoꝛ·tūc ꝑ actorē defectus vel ꝯtumacia ꝯtra reum accuſat·⁊ ꝓceditur ꝑ iudicē vlterioꝛ ꝓceſſus·ſi
non ſe excuſet reus aliquo legittimo impedimēto·quia tūc habet ꝓ excuſato·quia legittimū impe
dimentū ſemꝑ excuſat ꝑ ꝯmunia iura·vtputa ſi eſſet captus vel infirmus·vel ꝑ ſupiorē ſuū deten
tus vl' per hoſtes ⁊ ſimilia:tūc aſſignat ſub alia dilatōne ꝯpetēti·ſ·ad ꝑmam vl' aliā ſcḋm diſtātiā vi
arum ⁊ cauſe ac tempoꝝ ⁊ patrie ac ꝑſonaꝝ qualitatē·⁊ hoc eſt ad arbitriū iudicis·facit ad hoc·c
ſi·de trāſac·⁊·c·cum ſit·de appl·Die adueniēte comꝑente actoꝛe reqratur reus vt rñdeat libello ac
toris aut rñdere tenet vel cām dicere quare reſpondere non tenet·⁊ ad hoc terminus ſibi aſſignat
ad aliquā diē ſequeñ·nec hoc poteſt ſibi denegare·qꝛ die adueniēte debet ipe reus vel eius ꝓcura·
per eum in ꝑncipio cauſe vel poſt in iudicō vel ex ꝯſtitutus legittime qui onus aſſumpſit·vel ꝑ eiꝰ
aduocatū dare in ſcṗtis·vel ꝓponere verbo exceptōes quare nō tenet rñdere libello ipius actoris
ꝯtra eum dato·vtputa qꝛ ipe libellus eſt nimis general' indebite ſpecificās·vel incertus obſcurus
vel alternatiuus negatiuꝰ ſeu captioſus·vel dicere ꝙ actoꝛ eſt excōicatus maioꝛi excōicatōe:ſic nō
poteſt agēdo ſtare in iudicio·⁊ iſte ⁊ ſimiles exceptōes ſunt dilatorie·vel poſſit opponi exceptō de
clinatoꝛia·vt qꝛ eſt cleri cꝰ ꝯuētus in iudicio ſeclari ſuꝑ actōe reali·de quo in illo iudicio non tenet
rñdere·vel qꝛ eſt laicus ꝯuētus in iudicio eccliaſtico·vt·c·cām·ij·q·ſi·ſint le·vel in actōe ꝑſonali vbi
non eſt iuratū ⁊ ſimilia·⁊ niſi cōſuetudo curie haberet ꝙ laicus ſuꝑ bona fide poteſt ibi cōueniri
ꝙ valet ⁊ petat ſe remitti ſuo iudici cōpetenti·⁊ iſte exceptōes declinatorie vel recuſatōes iudicis
fieri poſſunt ⁊ ꝓponi vſqꝫ ad lit' ꝯteſt·excluſiue·Sed tutius eſt ꝙ in ꝑncipio ⁊ in ꝑma dieta vel in
ſecūda ꝓponatur ꝑ cōmunia iura:preſertim recuſatō iudicis·quia ſi cōſenſiſſet in aliquem actum
qui nō poteſt fieri per iudicē·vel corā eo non poſſet poſtmodū talē iudicē recuſare·quia quem ſe
mel approbaui:non poſſum expoſt reprobare·c·j·de iuḋ·⁊·c·cuius in agendo·ij·q·vij·cum ſi·ad
hoc·c·inter monaſteriū·⁊ ibi glo·ple·que incipit·ꝗcunqꝫ·ex de re iuḋ·⁊ facit·c·inſinuāte·de of·de
le·vbi dꝛ ꝙ poſt lit' ꝯte·ex cauſa nouiter ſuꝑuenta vel ad eius noticiā deducta poteſt iudex recuſa
ri·vel etiā poteſt opponi cōtra talē libellū vna cum tribus exceptōibus ꝑemptoꝛijs·ſ·de lite finita
vel trāſacta vel iudicata vel ꝯcoꝛdata vel pactū de nō petēdo factū per actorē reo·vel ſolutōnem ſi
in cōtinēti ꝓbatō offerat·al's nō impedirēt iſte due rñſionem ſeu litis ꝯteſtatōem·vt in·c·j·de litis
ꝯte·li·vj·⁊ ſi·Et caſu quo nō dederit reus exceptōes ꝯtra dictū libellū·vl' poſito ꝙ det ſi ñ fuit ſuſ
ficiēter ill' rñſum·ꝑ iudicē oꝛdinabit foꝛe rñdēdum dc̄o libello ꝑ reū:nō obſtātibus exceptōnibꝰ in
oppoſitū·⁊ mouebit ꝑ iudicē eccliaſticū vt rñdeat ſub pena excōicatōis·ꝙ ſi non rñdeat excōicabit
ꝓ ꝯtumacia ⁊ inobediētia·⁊ ꝑ iudicē ſecularē pignoꝛibus·vel alia pena arbitraria ad rñdēdū cō
ſtringit·vt·c·tua·extra vt lit'·nō ꝯte·cum ſi·Et tūc rñdebit reus affirmatiue vl' negatiue dc̄o libello
vel petitōi ꝯtra eū datis cōcedēdo ꝯtēta in eo vel ea negādo:dicēdo ſic·Ego dico narrata proutꝫ
narrant ⁊ ꝯtenta in dicto libello nō foꝛe vera neqꝫ petita fieri debere aīo litē ꝯteſtādi·Et ꝑ mo
dos pdictos ⁊ rñſionē factā libello affirmatiue vel negatiue fit litis ꝯteſtatō que eſt fundamentuꝫ
ꝑncipale totius ꝓceſſus·⁊ ea obmiſſa ꝓceſſus eſt nll's·⁊ ex tali ꝓceſſu nulla ſentētia debet ferri nec
ſequi·imo ꝓpter nullitatē ꝓceſſus iudicaret ſentētia nulla·vt·c·j·extra de lit'·ꝯte·⁊ in·c·dudum·ij
de elec·niſi fiat toti petitōni vel libello vt ibidē·qui libellus eſt tanqꝫ totū vel genus·⁊ poſitiones
et articuli ſunt tanqꝫ pars ⁊ ſpecies deſcēdētes ex libello·vnde vide pleniorē differētiā inter libel
lum ⁊ articulos

De iuramento calumnie V

Deinde poſt lit' conteſtatōꝫ ſtatim pſtatur iuramētum calumnie ſi actoꝛ hoc requirat·⁊ idē
ſi reus hoc requirat·vñ ſi actoꝛ recuſet cadit a cauſa·quia preſumit eo ipō ꝙ iurare recuſat
ꝙ foueat cauſam iniquā·Si vero reus recuſet illud pſtare ꝯdemnari poteſt·quia nō pſumitur ha
bere iuſtā cām defendēdi ⁊ haberet ꝓ cōfeſſo·vt·c·ſi·de iura·calū·pōt tñ tacite obmitti ſi nō petat
pſtari·vt·c·i·§·i·e·ti·li·vj·Et ſi petat pſtari ⁊ nō pſtat·ꝓceſſus eſt nullus vt ibidē·Et ideo cautiſſo
ſi aduocati petūt illud pſtari in fine libelli vel alicuiꝰ exceptōis vel ſcṗture·Et ſi ꝑ aduerſariū non
preſtetur:proceſſus iudicabit nullus·⁊ cōdēnabit ille qui recuſauit pſtare·in expenſis totius pro
ceſſus·vnde illud iuramētum calumnie cōtinet quattuoꝛ vel quinqꝫ·Primo ꝙ actoꝛ iuret ⁊ etiaꝫ
reus ꝙ credit habere iuſtā cauſam·Itē ꝙ non vtetur falſa ꝓbatōe·Itē ꝙ ſi interrogatus fuerit re
ſpondebit veritatem de his que ſciet·Item ꝙ non corrumpet iudicem neqꝫ teſtem·Item ꝙ non
petit fruſtratoꝛiam neqꝫ malicioſam dilatōem·Vñ verſus·Iſtud iuretur ꝙ lis ſibi iuſta videtur·

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Ut lis tardet dilatio nulla petetur· Nil ꝓmittet nec falſa ꝓbatio detur· Et ſi queretur verum non inficietur· Hos verſus ponit glo· in· c· i· extra de iura· calum· vnde debet preſtari per ptes principales· vel ꝑ ꝓcuratores ꝓuatarꝫ perſonarꝫ per yconomos eccleſiarꝫ· ꝑ ſindicos vniuerſitatū habent· ad hoc ſpecialē poteſtatē· c· fi· de iura· calū· li· vj· al's ad hoc iuramētum preſtandum non deberent admitti vt dicit ibidē

¶ De iuramento malicie VI

Item ſciendū eſt ꝙ eſt aliud iuramētum: quod dicit malicie· ſcꝫ quādo iudex videt partē aliquā vel ꝓcuratorē petentē dilatōem fruſtratoriam: faciat illū iurare an hoc petat ex malicia ⁊ in ſimilibus· ⁊ illud iuramētum poteſt exigi ⁊ debet preſtare in quacūqꝫ parte litis: quādocūqꝫ requirit a iudice in cauſa principali ⁊ etiam appellatōnis· vt in· c· ij· e· ti· li· vj· et dicitur deciſorium quod datur a parte parti· ⁊ quando pars videt ꝙ non poteſt ꝓbare ſuam intentiōem in totū: ſiue ſit actor ſiue ſit reus vult ſtare iuramēto partis aduerſe vel iurare hoc non poteſt recuſari· vt· l· manifeſte· ff· de iureiurā· que dicit ꝙ manifeſte turpitudinis eſt nolle iurare vl' nolle deferre· Uel quādo pars altera habet ſemiplenā ꝓbatōem ꝑ ſe· ſ· vnum teſtē qui non facit plenam probatōem· tūc iudex dat iuramētum illi parti habēti talem teſtem· vel interdū aduerſario ſuo inſpecta qualitate ꝑſonarꝫ: ⁊ qualitate ⁊ quātitate cauſe· hoc eſt ſibi arbitriū cui illud ꝯmittat· vt· l· bone fidei· C· de re· creð· ⁊· ff· de iureiurā· l· iuſiurādum· ⁊· c· fi· extra de iureiurā· Et iſta iuramēta dicunt deciſoria· quia decidūt litem in defectu aliarꝫ ꝓbationū· ⁊ eſt magnum releuamē ꝓbationuꝫ· ⁊ maxime efficacie· ⁊ magnū remediū ad lites faciliter decidendū ⁊ terminādum· que debent cito decidi ne ſint immortales· quia ptes ꝑ eas releuant a laborib⁹ ⁊ expenſis ⁊ multis alijs dānis ⁊ incōmodis liberant· vt· c· finē· de dolo ⁊ ꝯtu· ⁊· c· vt litigātes· extra de of· or· li· vj·

¶ De poſitōibus ⁊ articulis VII

Poſt iuramētum calūnie ꝑſtitum petit actor terminū ad ponendū ⁊ articulādum· i· ad dādum poſitōes ⁊ articulos· ⁊ ſibi datur cōmuniter in Ro· cu· ꝓut ſupius ī alio tractatu declaratū eſt de terminis ⁊ actib⁹· ſed iſte termin⁹ olim ſolebat teneri ad· xxx· in cauſ ciuilibus· i alijs vero inferiorib⁹· ſ· eccleſiaſticis ⁊ bñficialibus ad· xx· In alijs cauſis inferiorib⁹ datur cōiter ad· viij· vel al's ſm ſtilū curie ⁊ qualitatē negocij ⁊ partiū ⁊ diſtātiā locorꝫ vel lōgior arbitrio iudicis· vnde poſitōes debēt formari ex maria libelli que in ꝑoribus ampliat· vt magis ꝙ̄ in libello declarat ſpecificat ⁊ extēditur ¶ Quib⁹ in iudicio datis ꝯtra reū petit rñderi eis ꝑ reū qui petit copiam et ſibi dat· ⁊ termin⁹ ſibi aſſignat ad reſpōdēdum eiſdē ſimplr· Qua rñſione facta petit actor reſponderi medio iuramēto: ⁊ reus petit ꝑmo ipos articulos adiuuari ⁊ aſſeri ꝑ actorem medio iuramēto ſingulariter ⁊ diuiſim· al's reus nō tenet reſpōdere medio iuramēto eiſdē· c· ꝑſtitum· de teſti· li· vj· quia nō debēt actor ⁊ reus ad imparia iudicari· i· nō licet vni qð nō liceat alteri· c· j· ⁊· ij· ð mutu· pet· ⁊ in regula nō liceat· de reg· iur· li· vj· Et etiā ex alio· quia ptes ꝑncipales que melius ſciūt et ſcire ꝑſumunt veritatē: debēt aſſerere ⁊ reſpondere ſcietēr· vt in· c· paſtoral'· de iuð· ⁊· l· fi· C· de ꝓcura· tanꝙ̄ legaliores· quia interdū ꝓcuratores ſolent cauillare: ⁊ veritatē occultare vel celare· Et ipis aſſert· cum iuramēto ꝑ actorē ꝑñtem vel eius ꝓcuratorē inſtructū: ꝑmo ꝑ actorē ꝑñtem cū iuramēto aut ꝑ ꝓcuratorē cum ſpeciali mādato de ſic aſſerēdo· tūc reus rñdet ⁊ reſpōdere cogit dictis articulis cum iuramēto ſuo· Qua reſponſione facta vl' viſa per actorē ſi non reſpōdit oībus vel nō reſpōdit ſufficiēter ⁊ clare cogitur iterꝫ reſpōdere illis actore hoc requirēte per remedia iuris: ſalicꝫ per iudicē eccleſiaſticū· per ſentētiam excōmunicatōnis· vl' per iudicem ſecularē· per arreſtatōem perſone· vl' pignorum ſuorꝫ captōem· vel pene pecuniarie impoſitiōem· vel alias penas arbitrarias· Tamē ſi reus poſt iuramētum veritatis vel calūnie preſtitū iuſſus a iudice reſpondere nō reſpondet· ⁊ ſi ꝯtumaciter recederet: haberet ꝓ ꝯfeſſo· vt· c· ij· de ꝯfeſ· li· vj· Tamē poſitioni negatiue nō tenet reſpōdere niſi equitate ſuadēte iudex eam duceret admittendū· vt· c· j· de confeſ· li· vj· quia qui negat nihil ponit· ⁊ ideo negatiua poſitō vix poteſt ꝓbari· ideo dicit in· c· veniens· extra de ver· ſi· ꝙ plus creditur duobus teſtibus idoneis ꝯcordibus ſup affirmatiua: ꝙ̄ centū ſup negatiua· quia negātis factū nulla eſt directa ꝓbatō ꝑ rerum naturā· in· c· quoniam contra ð ꝓba· in pan· ⁊ in· c· bone· j· de elec· vltra medium

¶ De admiſſione articulorꝫ ⁊ ꝓductōe teſtium VIII·

Deinde actor admittit ad ꝓbādum ſuos articulos ⁊ poſitōnes ſibi negatas ꝑ reū· ⁊ tunc poteſt ꝓducere parte ꝑſente: vel ea vocata ⁊ ꝯtumaciter abſente· in ei⁹ ꝯtumaciā teſtes vl inſtrumēta· ⁊ citātur teſtes ⁊ etiam citati ꝓducātur ꝑ ipm actorē· ⁊ recipiuntur ꝑ iudicem iurati· et debēt deponere veritatē quam ſciūt ſeu nouerint in ipa cauſa: ⁊ non debēt venire ſpōtanei ſeu voluntarij ſed rogati· vt auctent· Rogati· C· de teſtibus· qꝛ tūc ſe ingererēt ⁊ eēnt ſuſpecti· l· quis omnia· ff· de procur· vbi dicit ꝙ qui ſe ingerit ſuſpectus eſt: ſiue ſit ꝓcur ſiue teſtis· ⁊ eis obijcere tur ꝑ

reū ſeu aliū contra quem ꝓducerent̄· quia non debet eis dari fides ⁊ debēt citari· ⁊ ſi non compa
ruerint in prima citatōne debēt excōmunicari ꝓ ꝯtumacia· ⁊ interim citari totiens quouſqꝫ cōpa-
reant· quia al's iudiciū redderet̄ in inuitum· l· inter ſtipulantē· §· ſocia· ff· de verbo· obli· ad hoc ſi
quis in ius vo· non ie· l· j· Si aūt eſſent nobiles vel egregie ꝑſone aut infirmi vel mulieres que nō
debēt vocari in iudicio nec ibi venire preſertim religioſi vel captiui iudex vadat vel mittat ad ta-
les· ff· de iureiurā· l· ad ꝑſonas· ⁊ c· ij· de iu ō· li· vj· c· ſi qui teſtiū· extra de teſti· ⁊ in domo taliū per-
ſonaꝝ recipitur iuramētum tale· In frācia tamē eccīaſticus iudex impetrare ſolet territoriū a cu-
ria regia vel eius officiario ad hoc faciendū· quia rex ꝓtēdit ꝙ iudex eccīaſticus extra loca ſacra
vel religioſa nullā iuriſdictionē̄ exercere poteſt Succeſſiue quādo teſtes ſunt ꝓducti ⁊ iurauerūt
ad que faciēda dantur tres dilatōes· ſcꝫ ꝓma· ſecūda· tertia: ⁊ interdū cum ſolēnitate quarta· c· vl-
tra tertiā· extra de teſti· ſcꝫ quādo pars que teſtes vult ꝓducere in quarta dilatiōe iurare vult ꝙ in
alijs primis dilatōnibus teſtes quos nūc ꝓducere intēdit habere nequiuit· quia forſan erāt extra
patriā· vel quia neſciebat̄ ꝙ ſcirent aliquid in cauſa ip̄a· Et eſt ratō quare dantur quattuor dilati-
ones ad teſtes ꝓducēdum: ne pereāt copie ꝓbationū ip̄i parti: ad quod iudex debet aduertere· vt
l· currēt· ff· de teſti· ⁊ c· quoniā frequēter· in prin· extra vt lite nō ꝯte· ⁊ quia interduꝫ teſtes difficul
ter poſſunt haberi: vel quia partē aduerſam timēt ꝯtra quam debēt ꝓduci ⁊ dubitāt incurrere dā
num ⁊ periculū vel odium· quia veritas ꝓbata odium interdū parit vt dicit ſcriptura· Et interdū
iurant ſi reus hoc requirat ꝙ dicēt veritatē ꝓ vtraqꝫ parte quā nouerint in tota cauſa· ⁊ tunc ſi di
cant ꝓ reo: nō poterit ip̄e reus tales teſtes impugnare· c· p̄ſentium· extra de teſti· vel cōtra eorum
ꝑſonas aliq̄d obijcere· quia videt̄ approbaſſe· ⁊ ideo nunqꝫ poteſt eos impugnare ibidē· tū bn̄ poſ
ſet obijcere ꝯtra eoꝝ dicta ⁊ depoſitōes ſi vellet ⁊ haberet materiā ſufficiētem

¶ De interrogatorijs dādis ⁊ formādis· IX

Teſtibus aūt vt p̄fertur ꝓductis ⁊ iuratis aſſignat̄ terminus per iudicē parti ree ꝯtra quā
ſunt ꝓducti ad dandū interrogatoria ſuꝑ quibus teſtes ip̄i examinētur interrogent̄· ⁊ in
curia ſolet aſſignari per diē ꝓductōnis ⁊ diem ſequenē̄ vt dentur generalia· ſ· ꝙ ſi teſtes cō
tra eum aliquid deponere videātur ꝙ interrogētur de cauſa ⁊ modo ſciēdi· ⁊ an viderint ea de q̄
bus deponūt vel audiuerint: ⁊ a quibus ꝑſonis: ⁊ de circūſtantibus· vt· c· cum cauſam· extra ō te-
ſti· vt poſſit ſciri vel perpēdi ſi ſint inſtructi vel ſubornati per ſenſum corpis· vt ſi dicat ꝙ vinū erat
dulce ⁊ dicat cauſam· quia ſic vidit vel tetigit vel audiuit nihil valet· quia ꝑ ſolū guſtum ſapor ap-
prehēditur ⁊ ſic de ſimilibus· Si aūt vult reus dare interrogatoria ſpecialia: debet petere ꝙ actor
ſpecificet ⁊ deſignet articulos ſuꝑ quibus vult ſuos teſtes facere examinari· ⁊ hoc facere debet ſi ꝑ
reum requirat̄ ſeu per iudicem vel notariū· ⁊ tunc de illis datur copia reo· ⁊ ſm̄ illā ſpecificatōnē
formabit interrogatoria ſua· ⁊ cōmuniter in om̄i cauſa dantur· Interrogātur ſupradicta genera-
lia ⁊ etiā ſequētia· ſ· ſi teſtis ſit de ꝯſanguinitate ſeu affinitate vel ſimilia partis ꝓducētis· Item an
fuerit doctus inſtructus vel ſubordinat⁹ ſeu auiſatus per dictā partem ip̄m ꝓducētem vt ſic depo
neret vt deponit· Itē an habeat partē ſeu intereſſe aliquod in ip̄a cauſa in qua deponit vel ſperat
quid habere de ea directe vel indirecte· Itē ſi vellet partē per quā ꝓducitur victoriam obtinere in
cauſa· vel quā partē mallet in dicta cauſa triūphare· An ſit criminoſus nō debet interrogari· et ſi
interroget̄ non debet r̄ndere· quia nemo tenet̄ ſe ꝓdere ſiue diffamare· c· cū tibi dico· de pe· diſt· j·
nec ſibimet laqueū parare· tamē ſi ſemetip̄m criminoſum dixerit expellit̄

¶ De retractatōne interrogatorioꝝ datorum X

Item interrogatōibus ſic per reū datis ſi actor hoc reqrat qđ eſt ſibi tutū: debet reqrere a
iudice: dicēdo ſic· Dn̄e iudex mihi ꝓ parte aduerſa data ſunt īterrogatoria. peto per vos
retractari ⁊ reſecari ſuꝑflua qđ iudex debet facere p̄ſertim per partē r̄quiſitus· ⁊ etiam ex
ſuo officio· quia ſicut articl's ſiue poſitō imptinēs ⁊ nō releuās ptē dantē repellit̄ ⁊ a ꝓceſſu reijcit̄
vt in· c· cū ꝯtingat· in ſi· de offi· dele· ⁊ l· ad ꝓbationē̄· C· de ꝓbat̄· Ita ⁊ interrogatoriū ſuꝑfluū de-
bet etiā reſecari ꝑ iudicē· quia interdū pars ꝯtra quam teſtes ꝓducunt̄ dat interrogatoria impti-
nentia ad cām: puta interroget̄ teſtis ſi ſol eſt calidus· ſi de⁹ eſt iuſtus: ⁊ ſimilia· formā aūt interro
gatoriis vide in· c· i· de teſti· li· vj· in glo· poſita ſuꝑ verbo interrogata· Iudex vel notari⁹ examinās
debet interrogare teſtē in p̄dictis generalib⁹ poſtqꝫ p̄miſſa ſunt data ⁊ facta iudex ip̄emet audit ⁊
examiat teſtes ſeorſuꝫ· i· vnū poſt aliū ⁊ ſeꝑatim ad inſtar teſtiū ꝓductoꝝ ꝯ̄ Suſannā Danie· xiij
et ponit glo· quarta in· c· ij· extra de teſti· ⁊ per ſe iudex debet eos examiare in cauſa criminali vbi
agit̄ de ſtatu hois· in aut̄· apud eloq̄ntiſſimū· C· de fi· inſtru· ⁊ c· ij· de iuđ· li· vj· In alijs aūt cauſis
ip̄oꝝ teſtiū examinationē̄ ꝯmittit notario cauſe· Vl' interdū alicui ſpāli ꝯmiſſario· vt in dicto· c· ij·
de iuđ· li· vj

¶ De admiſſiōe rei ꝓ defenſionibus dandis XI

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Ipſis aūt oībus teſtibus auditis ⁊ eoꝝ depoſitōnibus per notariū cāe ⁊ ſcribā in ſcriptis redactis vel ante· petit reus ſe admitti ad dandū ſuas defenſiones· quia quādo teſtes actoris eſſent publica· nec ipſemet nec actor ſup eiſdē articulis vel in eis incluſis vl' alijs de directo ꝯtrarijs ꝓpter periculū ſubornatis vel eoſdē vel alios teſtes ꝓducere poſſent in pͥma vel ſecūda inſtātijs· vt in· c· fraternitatis· extra de teſti· nec in cauſa appellatōnis· vt in cle· teſtis· eo· ti· ſaltē in foro eccl'aſtico· Et ideo tutius reo dare defenſiones ante teſtiū publicatioñ· Et hoc admittitur vt eas det ſicut vult lōgas vel breues ad elidēdum ⁊ eneruādum intētiōem actoris· puta ſi ſolutō vel pactū de non petēdo vel ꝯmitato vel al's put ſibi ꝯpetūt ⁊ occurrūt in ſcriptis vl' verbo et petat eis reſpōderi p actorē qui eis reſpōdere debet pͥmo ſimpl'r· deinde medio iuramēto ſicut ſupra dictū eſt de articulis actoris· ⁊ deinde niſi releuetur p cōfeſſionem ⁊ reſponſionē actoris admittitur reus ad illas ꝓbādum p teſtes· Et alia ſcꝫ inſtrumenta cedulas ꝯfeſſiones ⁊ alia ſimilia· Et ſeruat' modus ⁊ ordo in teſtiū hmōi ꝓductōne ſicut ſupra dictū eſt de ꝓbatōibus articulorum actoris

De publicatōne depoſitioñ teſtium· XII

Teſtibus igit' ſic ꝓductis examinatis ⁊ eoꝝ depoſitōibus in ſcriptis redactis petit' hincinde publicari· ⁊ iudex partib9 hoc volēti habet ꝓ publicat'· i· ꝙ vult dicta teſtium ⁊ depoſitiones que erāt ſecreta ſibi ⁊ notario cauſe qui eos examinauit nūc fore nota ⁊ publica ipſis ambab9 partibus actori vt videat ſi ꝓbauit intētioñ· ⁊ reo vt videat ſi ꝓbauit actor contra eū ſuā intētioñ ⁊ etiā dicta teſtium rei vt videat actor ſi reus ꝓbauit ſuam intētōem

De modo excipiendi ꝯtra pſonas ⁊ dicta teſtium XIII

Deinde ibidē cōceditur copia dictoꝝ teſtiū ipſis partibus ⁊ admittūtur ad obijciēdum cōtra pſonas teſtiū· ſ· excōmunicationē· piuriū· infamiā· parentelā· affinitatē· familiaritatem cum pte ꝓducente· vel crimina ⁊ delicta ꝯtra teſtes ⁊ per ipſos ꝯmiſſa· vel ꝙ nō fuerūt citati vl' iurati: ⁊ ſimilia· vt eo· ti· c· ex parte· ⁊ c· teſtiū· ⁊ c· ex litteris· extra de teſti· vel cōtra eoꝝ dicta ⁊ depoſitiones· vtputa quia ſunt ſibi inuicē ꝯtrarij· vel ſunt ſingulares in ſuis dictis auditu dicti alicui· qđ non ꝓbat regulari' niſi ad ꝓbandū gradū cōſanguinitatis in cauſa matrimoniali in qua probat· vt in· c· licet ex quadā· extra de teſti· vel quia depoſuerint extra articulū· vel non interrogati iux' interrogatoria data per ptē aduerſam ꝗꝗ fuerint ꝓducti· vt· c· cum clamor· ⁊ c· per tuas· extra de iudi· vel extra dilationes· vel die feriata etiā feſtiua: dū tñ fuerāt ꝓducti die iuridica· Facit ſinus demētinarum vbi eſt feſtum omnium ſanctorum·

Modus reſpondēdi exceptōibus predictis· XIIII

Qualibus obiectōnibus datis p reū ꝯtra teſtes per actorē ꝓductos· ⁊ ecōtra petitur reſponderi ex aduerſo· ⁊ reſpōſione facta ſimpliciter· quia eſt de facto alieno hic nō agitur· reſpōdetur medio iuramēto quia eſt de facto alieno· ſ· tertij vbi cadit ꝓbabilis ignorātia· quia factū alieni pſertim tertij poteſt quis veriſimilit' ignorare· ⁊ ſi fuerint negate tales obiectōes eſt opus ꝙ ſuerint bene ſpecificate de loco ⁊ loco loci ⁊ tēpore ⁊ circūſtātijs alijs· al's debet repelli ne nimiū vergeret in preiudiciū aduerſarij ad ꝓbandum tales obiectōnes niſi ex cauſa ratōnabili ſibi darētur due vel tres dilatōes· ſi in pͥma facta diligētia debita teſtes ſuos nō potuiſſet habere: quia iſta eſt materia odioſa ⁊ ideo reſtringēda· vt· c· preſentium· de teſti· li· vj· ⁊ facit regula odia· đ regu· iuris eo· li· Et ſicut de obiectōibus teſtiū actoris ſic ſiēdum eſt ⁊ dici poteſt đ teſtibus rei: ⁊ ipſe actor poteſt repellere teſtes ꝓductos cōtra ſuos teſtes ⁊ non ecōuerſo· ⁊ nō fit per reum alia ꝓbatio per· c· licet· de teſti· vnde verſus· Quod ꝓbo tu reprobas ⁊ ego reprobo reprobañ· Nō poteris teſtes tu reprobare meos· In teſtis teſtē ⁊ in hūc ſed nō dat' vltra· Et eſt rō vt litiū ſit finis ⁊ ne ſit ꝓceſſus infinitus qui reprobatur a iure· vt· c· ij· de reſcript'· li· vj·

De ꝓductione iurium XV

Premiſſis aūt vt pmittit' factis actor ꝓducit alia iura ſua· vt ſunt bulle autētice vel ꝓceſſus in cauſ' bñficialib9 inſtrumēta cedulas vel alia iura de archiuis antiqs extracta ⁊ alia documēta in ſcptis ſeu alia ꝓbationū genera que ſunt multa collecta p glo· que incipit omnio qmor· in fi· in· c· cū ad ſedē· extra de reſti· ſpo· ⁊ notādo addit ibidē multa· ſ· vſqꝫ ad ſpe· c· ti· §· fi· ⁊ c· ij extra de preſum·

De impugnatōne iurium XVI

Deinde citatur aduerſarius ſi ſit pſens in iudicio vel eius procurator per iudicem ſibi aſſignatur terminꝰ ad comparēdum ⁊ ad dicēdum cōtra dicta iura· ⁊ tunc poteſt talia iura producta impugnare ex falſitate vel ex defectu· vt quia non habuerunt locum vel locum loci· vel tempus· vel annum· indictōnem· menſem· diem· nomen principis regnantis: et teſtes· vel ſubſcript'· vel ꝙ ille qui ea ſcripſit vel ſignauit ceſſat eſſe notarius publicus· vel fuit de crimine condemnatus· ⁊ officium notariatus eſt ſibi interdictum ad tempus· vel perpetuo

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ſeu ſibi inhibitũ vel quia fuit reptum territoriũ illius q̃ talem notarium creauit· ad hoc· c· romana de fo· compet· li· vj· vel poteſt obijcere ꝙ ↄtinẽt falſum: quia die ↄtẽta in inſtrumẽto vl' cedula ipſe reus erat alibi in alio loco diuerſo ⁊ diſtãti ab illo expſſo ĩ inſtrumẽto· ⁊ ita ꝓbat̃ vl' directis falſificati inſtrumẽti· vt· l· optimã· ff· de ↄtrahẽ· ⁊ ↄmut· ſtip· c· ex lr̃is· ex̃ de teſti· Et eſt rõ quia vnum corpus naturalr̃ eodẽ tempe nõ poteſt eſſe in duob⁹ locis diuerſis vt dicũt phi ⁊ naturales: ſic etiam per indirectũ ꝓbari poteſt negatiua· vt· c· ſup hoc· ex̃ de re· permu· vt ſi q̃s vellet ꝓbare ꝙ non reſignauerit bñficiũ ſpõte eoipo ꝙ ꝓbat ꝙ fuerit compulſus ⁊ hoc ꝓbat̃ vel ſi coactus vel induct⁹ per metum vel al's

❡ De ſaluatõne iurium XVII

Poſt hec aũt actor admittit̃ ad ſaluãdũ ⁊ ſuſtinẽdũ ſua ꝓducta ⁊ iura ↄ̃ impugnatões rei q̃a ſaluatõ repellet impugnatõem ſeu obiectõem rei ſicut exceptõ repellit actorẽ ⁊ replicatio exceptionẽ ⁊ duplicatõ replicationẽ ⁊c̃· vt inſti· de repli· §· j·

❡ De concluſione cauſe XVIII.

Deinde poſt p̃miſſa ſic facta ſi partes hoc req̃rãt· ⁊ idem ſi actor vel reus ſolus req̃rat ⁊ aduerſarius nõ allegat cauſam iuſtã quare fieri nõ debet· renunciat̃ ⁊ ↄcluditur in cã qd̃ importat ꝙ ipſe partes renunciãt vlteriorib⁹ ꝓbatõnibus facti· quia nil ampli⁹ poſſunt ꝓducere quod continet factum· ad hoc· c· cum dilectus· extra de fide inſtru· ⁊ c· ij· de reſti· in integ· li· vj et de· ſepe· de ver· ſig·

❡ De informationibus iudicum XIX·

Poſt ↄcluſionem aũt ipſe partes ⁊ eaꝝ quelibet poſſunt dare inſtructões iudici: ⁊ allegationes iuris ad ptem que non ſcribẽtur in ꝓceſſu· Sed ꝓ auiſamẽto iudicis ſeu ad ipm̃ reuelandum ⁊ illuminãdũ: ⁊ hoc multũ ꝓdeſt p̃ſertim in iudicibus non iuriſtis vl' peritis· Et ſi unt hmõi informationes ſm̃ caſum facti vel iurib⁹ productis: aut al's iux̃ ſtatum ⁊ merita cauſe·

❡ De ſententijs ferendis XX

Poſt hec iudex videat vl' faciat videri ꝓceſſum totũ ⁊ diligẽter viſitari ⁊ videri ſi ſit correctus: ⁊ etiã ꝓbatões q̃ omia debẽt eſſe correcta ⁊ bñ ordinata ꝑ notarium cãe: ⁊ ꝓceſſus rubricatis in marginib⁹ Quibus omibus viſis ⁊ diligẽter inſpectis facit iudex relatõem dicti ꝓceſſus ſuo ↄſilio aut ſuis aſſeſſoribus· vl' ſi ipſe non viderit ꝑ ſe facit fieri relatõnem vel report· corã ſe ⁊ ſuo cõſilio de toto ꝓceſſu· Et habita matura deliberatõe cũ eiſdẽ concepta concorditer ſententia diffinitiua vel interlocutoria ſcribat̃: deinde partibus vocatis ⁊ citatis ſeu al's per iudicem aſſignatis ſentẽtia ꝓferatur· ⁊ ꝑ iudicẽ ſedeñ ſi eſſet diffinitiua in ſcp̃tis al's eſt nulla· vt· c· fi· de re iud· li· vj· Secus in interlocutoria: quia illa poteſt dari verbo ſiue ſcp̃tis ⁊ a iudice ſtãte vel ſedẽte niſi iudex eſſet ep̃s vl' ꝑſona illuſtris: que ꝑſone poſſunt facere dari ſniam etiã diffinitiuã ꝑ ↄmiſſariũ vt ibidẽ· vel facere eã legi in ſui p̃ñtia ꝑ notariũ cãe

❡ De appellatõe interponẽda XXI

Qua ſentẽtia lata poteſt appellari ab eadem illico ⁊ viua voce dicẽdo· Ab hac ſentẽtia veſtra tanq̃ȝ iniqua appello ⁊ peto apoſtolos mihi dari qui ſemꝑ debẽt dari reuerẽtiales dimiſſorij q̃n̄do appellat̃ a diffinitiua ſententia: quia iudex debet velle ꝙ ſi male iudicauerit ꝙ alius ſupior talẽ ſententiã corrigat ⁊ emẽdet· ne pars cõdemnata leſa maneat in periculo aĩme ipſius iudicis· Poteſt etiã appellari infra decẽ dies qui currũt de momẽto ad momẽtuȝ ab illa hora qua ſentẽtia lata eſt· vt· c· quod ad ↄſultatiõȝ· extra de re iud· ⁊ tũc tenetur appellare in ſcriptis· al's appellatõ eſſet nulla· vt· c· cordi· de ap· li· vj· ⁊ petere in fine appellatõis apoſtolos reuerẽtiales vel dimiſſorios a diffinitiua· Sed q̃n̄do appellat̃ a grauamine vel ab interlocutoria tũc poteſt dare refutatorios ⁊ iuſtificare ſuũ ꝓceſſum vt ſupior informet̃ legittime ꝺ eodem· interim ꝓceditur in cauſa vlterius quãdo dedit refutatorios donec fuerit inhibitus per ſupiorem ad quem appellatur c· ſuper eo· extra de appel· ⁊ poſt non poſſet· Sed quãdo eſt inhibitus ſi faceret ante oĩa reuocarentur tanq̃ȝ attemptat̃ et innouat̃· vt· c· nõ ſolum· de appell· li· vj· ⁊ ff· nil innouã· appel· pendẽn· in rubro ⁊ nigro· Et hec ſufficiãt de prima inſtãtia· Unde poſſunt eſſe tres inſtãtie in vna cauſa· ſ· prima ſecunda ⁊ tertia: ⁊ tres ſentẽtie anteq̃ȝ poſſit executõni demãdari ſi fuerit appellatum a prima et ſecunda ſentẽtia· quia a tertia appellari non poteſt·

❡ De executione ſententiarum XXII

Et ita in eadẽ cauſa tres poſſunt eſſe inſtãtie ⁊ tres ſentẽtie diffinitiue vl' interlocutorie et due appellatões etiã ſup eodẽ articlo· q2 a tertia ſentẽtia non põt nec licȝ appellari· c· directe· extra de appell· ⁊· c· ſua nobis· ⁊ hoc eſt verꝫ ꝙ poteſt bis appellari niſi prima trãſiuerit in rem iudicatam· vel niſi pars cõdemnata eidem acquieuit vel eã acceptauit vel expſſe appellatõi renũciauit facte iam vel fiende anteq̃ȝ appellaret: quod fieri poteſt per· l· fi· C· de tẽp· ap· §· fi· ⁊ ex glo· fi· de arbitr̃· cum dilectus· Et modis predictis renunciatur eidem expreſſe· poteſt etiam eidem per

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appellātem renunciari tacite· ⁊ quia nō appellat̃ infra decē dies qui currūt de momēto ad momē-
tum a tempe ſentētie·vel quia nō appellat pn̄cipalis vel eius ꝓcurator·vl' quia non habebat talis
appellās poteſtatē appellādi·c·nō ſolū·ij·q·v·c·cū int̃·ex̃ de elec̃·vel qꝛ nō eſt appellatū in ſcr̄ptis ab
interlocutoria vel diffinitiua qn̄ appellat ex interuallo·vel qꝛ nō petijt apl'os ſibi dari·vel quia licʒ
eos petierit nō ꝯparuit in t̄mino ſibi p̄fixo ꝑ iudicē a quo ad ip̄os recipiendum·q̄uis rigor ð ap-
pel·vt in cle·vl' qꝛ lʒ appellauerit in abſētia iudicis nō intimauit iudici appellatiōm̄ ſuā infra trigin
ta dies·c·ab codē·de appl'·li·vj·vel qꝛ poſt appellatōnem appellās ꝯparet corā iudice a quo appella-
uit·c·gratū·de offi·dele·⁊·c·cum veniſſet·de teſti·vl' quia nō exp̄mit iuſtā cām grauaminis in ſua ap
pellatiōe:talem videlʒ q̄ ſi vera eēt legittima deberet reputari·vt in·c·vt debit᷒·de appl'·⁊·c·roma-
na·e·ti·li·vj·§·ij·ꝑ diſcurſum tex·vel ſi·j·terminū ꝑ iudicē a quo ſibi appellāti p̄fixum in ſuis aplis
qn̄ dat aplos reuerētiales vel remiſſorios ad iter arripiendū nō obedit iuxta dc̄m terminū·vel qꝛ
infra terminū ſibi p̄fixū non introduxit ſeu reuelauit ſuā appellatiōem corā iudice ad quē·c·memi
nimus·⁊·c·ſuggeſtū·⁊·c·ꝑſonas·⁊·c·cum ſit romana·extra de appel·vl' quia infra tp̄s iuris videlʒ
infra annū vel ex cā impedimēti ſibi dati infra primū annū ⁊ infra primū fatale infra annū ſecūdū
non fuit ꝓſecut᷒ nec finiuit ſuā appellatōem:que ſummope ⁊ diligēter eſt ꝓſeq̄nda·vt·c·cum ſit ro-
mana·⁊·c·excōicatōis·extra de appel·vbi vero modis p̄dictis vl' alijs in iure exp̄ſſis canonico vel
ciuili renūciatū fuerit appellatiōn̄:tūc ſn̄ia diffinitiua ⁊ etiā interlocutoria trāſit in rem iudicatā·c·
perſonas·⁊·c·cum ſit romana·ſ·alleg·⁊ tūc poteſt ⁊ debet executōi demādari·Silr̄ qn̄ nullo mō
fuit appellatū vel etiā ſi fuerit appellatū ſed appellatōi exp̄ſſe renunciatū fuit:⁊ tūc reus nihil poteſt
obijcere qn̄ ſn̄ia ꝯtra eum exequet̃ ꝑ ꝯmunia iura:quia par eēt ſn̄iam ferre niſi executōi deman-
daretur·vt·c·perſonas·c·cum ſit romanū·⁊·c·reprehenſibilis·extra de ap·⁊ de executōe rei iudica·
li·vj·⁊ ꝑ to·ti·Si aūt fuerit renūciatū dicte appellatōi facte ex modis p̄dictis aliquo:⁊ tūc anteq̄
decernat̃ executio ꝯtra reū ꝯdemnatū de mādato iudicis a quo citari debet ip̄e ꝯdēnatus ad fa-
ciendū fidē de diligētia ꝓſecutōis appellatōis ꝑ eum emiſſe·vel ꝯtinebit dicta citatō ꝙ ꝯpareat fa
ctur᷒ fidē ſi ⁊ q̄liter fuit ꝓſecut᷒ ſuā appellatiōn̄ cum intimatōe ꝙ al's ꝓcedet̃ ad executōem ſn̄ie ꝯ̄
eum late·quia tūc in termino p̄fixo ſi nō ꝯparet talis ꝯdēnatus ſeu alius ꝓ eo·vel ſi cōparet ⁊ nō
doceat ſufficiēter de diligētia ꝓſecutiōn̄ ſue appellatōis ꝑ quā appareat appellatiōem adhuc pēdere
et non eē deſertā decernet̃ tūc ⁊ ꝓcedat̃ executō ꝯtra eum·quia per forꝝ eccl'iaſticū mouebit̃ pure ⁊
ſimpl'r vt infra·viij·vel·x·dies ſoluat actori ſummā in qua fuit ꝯdēnatus ſub pena excōicatōis la-
te ſn̄ie·nec apponet̃ clauſula:niſi cām ꝛc·ex quo eſt iudicatū vel taxatū:que ponit̃ in monitōnibus
que nō deſcēdunt ex iudicato ꝯdemnato vel taxato:⁊ ſi hoc petat̃ in p̄mo termino tal' monitio re
ſoluit̃ et reducit̃ in vim ſimplicis citatōnis al's importat grauamē·⁊ poſſet appellari ſm̄ collecta in
c·ꝑſonas·extra de ap·tn̄ poterit p̄us citari ip̄e reus ſi fuerit cōdemnat᷒ in expēſis ſicut in pn̄cipio
ad vidēdū taxari expēſas factas in ip̄a cā cum intimatōe·ꝙ ſi non ꝯpareat taxabunt̃ per curiam·
et ita fiet iuxta intimata·Si vero ꝯpareat ⁊ aliquid dicat vel excipiat petēdo moderari expenſas
ſuꝑ hoc audit̃:⁊ etiā actor obtinebit in ꝯtrariū·Et demū taxabunt̃ q̄ndo fuerint date ⁊ ſpecifica-
te ꝑ actorē arbitrio iudicis·q̄bus taxatis iurabit actor ꝙ tātum vel plus expoſuit vel eſt expoſitu-
rus in ea ⁊ ꝓ ip̄a cā·⁊ ſi min᷒ vel exceſſiue taxarent̃ poſſet appellare re᷒ ab exceſſiua taxatōe ad iu-
dicem ſupiorē·qui ſi appellatiōm̄ ip̄am ꝓſeq̄tur forſan taxatōem ip̄am ꝯfirmabit vel moderabit·⁊
adhuc ſcd̄o poſſet appellari·Deinde cū talis taxatō in rem trāſiuerit iudicatā:tunc ſuꝑ pn̄cipali ⁊
expenſaꝝ taxatōe ꝓcederet̃ actori executō ⁊ fiet de facto ꝯtra reum ꝑ monitōem ſub pena excōica
tionis late ſn̄ie·⁊ ſi infra terminū ſibi reo p̄fixū nō ſatiſfecerit actori de pn̄cipali ⁊ de expenſis ag-
grauabit̃ ⁊ deinde lr̄a ꝯtra pticipātes ꝓcedet̃·⁊ deinde bis ꝯtra eos denunciabit̃·⁊ deinde porta
bitur tertia ſi fuerit op᷒ ſm̄ ſtilum curie talis:⁊ dicat̃ pſalmus·Deus laudē meā ne tacueris ꝛc·an̄
domū eius dieb᷒ feſtiuis·⁊ ꝯtra hoſtiū ꝓijciant̃ lapides in ſignū maledictiōis eterne·vel ſm̄ ſtilū
aliaꝝ curiaꝝ poſt tertiā lr̄am inuocabit̃ brachiū ſeculare·⁊ requiret̃ ꝙ bona talia capiant̃ ⁊ vēdā-
tur vſq̄ ad ſummā talis debiti ꝑ ſn̄iam declarati·vel ſi erat obligat᷒ carceri ⁊ nō ꝯpetūt neq̄ ſuffi
ciunt bona ſua donec ſoluerint in auiniōe ⁊ in multis alijs locis·⁊ dicit̃ in lr̄a req̄ſitōis qn̄ inuo-
cat̃ brachiū ſeculare clauſula hec poſt narrat̃·eoꝝ que facta ſunt dicet̃:cum eccl'ia nō habeat q̄d vl
tra faciat·⁊ ne talis excōicatus ſit ꝛc·iuxta·c·cū nō ab hoīe·extra de iud·Et ſi nō fuerit tal' inuocatō
brachij ſeclaris ſicut nō fit in ptibus tholoſanis ſi talis re᷒ excōicatus cōdemnat᷒ ⁊ aggrauatus
vel ſimpl'r excōicatus ſuſtineat animo indurato·talis excōicatus ꝑ annū poſt citabit̃ ꝑſonalr̄ ꝑ or
dinariū eccl'iaſticū vel inq̄ſitorē heretice prauitatis ꝯparitur᷒ corā eo tanq̄ ſuſpect᷒ de fide·⁊ eſt lo
cus p̄uentiōn̄ inter ep̄m vel eius officialem ⁊ inq̄ſitorē:cum ep̄s ſit inq̄ſitor in ſua dyoc·Inq̄ſitor
vero eſt generalis ſuꝑ ꝓuincijs ⁊ in negligen̄ ordinarij pōt tales excōmūicatos tanq̄ criminales

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hereticos ⁊ ſuſpectos de fide citari· ⁊ corā ſe ꝑſonalr̄ vocare· ⁊ ita obſuat̄ cōis ſtilus ⁊ practica cu
riaꝝ per iura cōmūia· de here· ex̄ in· vj· ⁊ in cle· ⁊ ſi talis citatus nō cōparet corā eo ꝗ eum manda
uit ⁊ citari fecit ⁊ ſtaret ꝯtumax ſic per annū: poſt poſſꝫ cōdēnari tāꝗ̃ heretic⁹· c· cū ꝯtumax· de he
re· li· vj· Et ſi ep̄s vel officialꝭ ꝓueniſſet inqſitorē in citādo: ipē inqſitor de hoc certificatus nō debet
ſe intromittere ampli⁹· ⁊ ita cōiter ſeruat̄· vn̄ poteſt etiā decerni ⁊ fieri executō ſnīe late ꝯtra reum
de ⁊ ſup negocō ꝑncipali: obmiſſa taxatōe expēſaꝝ· Et demū facta ⁊ ꝯpleta executōe ſup ꝑncipa
li ſiue fuerit actū actōe reali vel ꝑſonali: tūc poterit fieri taxatō ⁊ executō ſup expen̄ taxatis an̄ ſuc
ceſſiue ⁊ ſeparatim· iudex aūt ſecularis exeq̄ pōt ſnīam ſuā vnicā que in rē trāſiuit iudicatā· vl' q̄ndo
late ſunt tres cōformes· qꝛ tūc nō pōt plus appellari· de· vt calūnijs· ꝯ re iuꝯ· nā ſi fuerit actū actiōe
reali mādat ⁊ facit poni actorē victorē in poſſeſſiōe rei imobilis ſibi adiudicate· ⁊ ſi fuerit res mo
bilis: puta equ⁹ liber ⁊ ſimilia· facit talē rē tradi ipi actori ꝑ viā facti ꝑ ſemetipm̄ vel aliū executo
rem ad hoc ꝑ eum deputatū· Si vero fuerit actū actōe ꝑſonali· puta ſup aliq̄ ſumma pecūie vel ſi
mili· ⁊ tūc precipit reo ꝯdēnato vt ſoluat realr̄ ipſi actori victori ſummā infra certū terminū· q̄ elap
ſo facit capi ⁊ vēdi de ei⁹ bonis ꝑmo mobilib⁹ ſi ſufficiāt· alioqn̄ de imobilib⁹ vſq₃ ad dcām ſum
mam in qua fuit cōdēnat⁹· Deinde vero venit̄ ad noīa ⁊ ad debita eius· iux̄· l· a diuo pio· ff· de re
iuꝯ· ⁊ ꝑ ꝑncipali ⁊ expen̄· ⁊ ſi re⁹ talis nō hēret bona poſſet deduci in arreſto ſeu carcere· ⁊ tādiu
ibi detineri donec ſoluerit: ꝑſertim cū erat obligat⁹ carceri ſeu arreſtatōi ꝑſone ſue· Et ſic eſt finis
talis litis ⁊ cāe· qui q̄̃ breui⁹ pōt fieri in litibus imponi debet· nā ad hoc laborāt fere oīa iura·

De apoſtolis XXIII

Et quia eſt fcā mētō de ap̄lis· Eſt ſciēdū ꝙ ap̄li ſunt remiſſiōes quas facit iudex a quo fu
it appellatū ipi appellan̄· ⁊ ſunt triplices· Quidā ſunt reuerētiales q̄ cōiter dant̄ a diffiniti
ua ꝑ hec verba ⁊ ſīlia ob reuerētiā ſedis ap̄lice vl' ſupioris mei ad quē appellat· admitto veſtrā ap
pellatōem vel defero veſtre appellatōi· ⁊ aſſigno vob certū terminū· x· vl· xv· dieꝝ ſi in ptib⁹ appella
tur· vl' triū aut quatuor mēſiū qn̄ appellat̄ ad cur̄· Ro· qn̄ eſt vltra mōtes· Alij ſunt dimiſſorij· ⁊ illi
dant̄ interdū a diffinitiua interdū ab interlocutoria qn̄ iudex a quo etiā defert appellatōi: ⁊ remit
tit cām ipſam iudici ſupiori ad quē eſt appellatū· ⁊ ſic abdicat iuriſdictionē· ⁊ tūc nō pōt ſe āpli⁹ in
tromittere niſi ſupior eādē cām ſibi remitteret· c· cū parati· de app̄l· ⁊ rn̄det ſeu dat ap̄los ꝑ hec ver
ba· Defero appellatōi vr̄e vel admitto appellatōnē vr̄am vel remitto cām iſtā meo ſupiori· vl' nolo
me ampli⁹ intromittere de hac cā vel ſic· ⁊ in cōueniēs nō credo vos in aliquo grauaſſe· ⁊ ideo de
fero veſtre appellatōi pn̄ſe niſi inq̄̃tum ſupior ad quē eſt appellatū duxerit admittēdū: inq̄̃tū a iu
re ei fuerit deferēdū hanc rn̄ſionē ꝓ debitis ap̄lis vobis faciēdo· ꝑ tales ap̄los abdicat a ſe iuriſdi
ctionē· qꝛ remittit cognitionē appellatōis iudici ad quē· ⁊ ideo ſi ex poſt ꝓcedit totū nulluꝫ eſt· ⁊ ſic
vidi iudicari· ⁊ dādo iſtos ap̄los reuerētiales pōt aſſignare terminū appellāti ad iter arripiēdum
vel ad ſe ſupiori iudici pn̄tandū vel appellationē introducēdū ſeu reuelandū vel eā ꝓſequēdū ſi ap
pellās nō obedit renūciat appellatōi· Sed ad finiēdū cām nō pōt ꝑfigere terminū· qꝛ id nō ē i po
teſtate appellātis· c· ex inſinuatōe· ꝯ app̄l· Alij ſunt ap̄li refutatorij· ſ· qn̄ iudex a quo refutat appella
tionē vel eā nō admittit· qꝺ fit ſepe qn̄ appellat̄ ab iterlocutoria· ⁊ tūc pōt ꝓcedere donec fuerit in
hibitus· qꝛ ſi inhibit⁹ eēt nō plus ꝓcederet· qꝺ ſi faceret ꝑ iudicē ad quē fuit appellatū ante omnia:
et velo eleuato cōſtito tn̄ de ꝓceſſu ſi fuerit petitū ꝑ appellatōem reuocabit̄ tanq̄̃ attēptatū ſeu ino
uatū anteq̄̃ cognoſcat̄ de valore appellatōis ꝓpter ſpretū iudicis a quo q̄ ꝯtēpſit iudicē ad quē: lꝫ
fuerit inhibit⁹· vt· c· nō ſolū· de ap· li· vj· etiā poſito ꝙ appell'o poſtmodū repiat̄ friuola vel iniuſta vel
nulla vt ibi tenet glo· ⁊ hoc eſt ꝓpter bonū obediētie quā debꝫ iudex ſupiori ſuo· c· oīs aīa· de ſent·
excō· tūc qn̄ dat refutatorios nō aſſignat appellāti terminū ad ꝓcedēdū· nec aliud niſi ad ꝓducen
dum in cā ꝑncipali corā ſe· vn̄ dꝫ etiā aduertere iudex a quo fuit appellatū ꝙ ex quo ſunt petiti ap̄li
ꝙ nō ꝓcedat donec eos dederit· qꝛ fcā interim eēnt nulla· vt· c· ab eo· de app̄l· ⁊ appellās tenet̄ dare
verā ⁊ correctā copiā ſue appellatōis iudici a quo· vt ſup ea poſſit ꝺliberare quos ⁊ q̄les ap̄los de
beat dare· ⁊ expen̄ ipius appellātis ſm̄ cōem vſum de doctrina ſiue practica· vn̄ qn̄ appellās compa
ruit in termīo ſibi ꝑfixo ꝑ iudicē a quo ad recipiēdū ap̄los corā eo ſemel eos parat⁹ recipe: ſi tūc ſi
bi nō dant̄ nō tenet̄ ampli⁹ corā eo ꝯparere: ſed pōt ꝓſeq̄ ſuā appellatiōem vt pꝫ in glo· in· c· q̄̃uis
rigor· de app̄l· in cle· ⁊ debet peti ſepe ⁊ ſepius ⁊ inſtāter ſeu cū inſtātia multiplicata ⁊ vno cōtextu·
vt ea· clemē· in pn̄·

Sequitur ſcḋa inſtātia· ſ· qn̄ fuit appellatū a diffinitiua vl' ab in
terlocutoria iudicis ⁊ legittime· nec fuit renūciatū appellatōi expꝛſſe nec tacite ⁊ ꝑmo in ro· curia

XXIIII

Primo ſciēdū eſt ꝙ qn̄ appellatū fuit ab interlocutoria ſiue grauamine in Ro
mana cu· ꝓcedit̄ ſic· qꝛ ſunt tres citatōes ⁊ tenent̄ tres termini anteq̄̃ iudex ad quē poſſit
inhibere iudici a quo Primus ad dicēdū ꝯtra ꝯmiſſionē· qꝛ illi iudices curie Ro· cēſent̄

delegati nō ordinarij · qꝛ nō danꝛ niſi ꝑ cōmiſſionē ſpecialē quā ſignat interdū papa ⁊ cōiter vice-
cancellarius aut ꝑlatus alius ad hoc ſpealiter deputat⁹ · Quo termio tēto ſi nihil dicaꝛ ꝯtra cō-
miſſionē citaꝛ iterū appellatus ad dicendū cōtra appellationē ad idē · ⁊ ſi nihil ꝯtra eā dicat citaꝛ
iterū ad impugnādū ⁊ iuſtificādū · impugnandū · ſ · appellationē ꝑ appellatū · ⁊ iuſtificādū ꝓceſſū ·
⁊ ecōtra ꝑ appellantē · qꝛ appellat⁹ teneꝛ iuſtificare ꝓceſſum iudicis a q̄ · vt · l · q̄ ad ciuilia · ꝺ appell ·
Quibus tētis ī q̄rto termio ꝓcedit iudex ad quē inhibitionē ꝯtra iudicē a q̄ ⁊ nō ante nec vltra
ꝓcedat inſtañ appellāte ⁊ ꝑte aduerſa ad hoc vocata · Poſt hoc ꝯgnoſcit iudex ad quē de valore
⁊ virtute appellatōis an fuit bñ vel male appellatū · ⁊ tūc aut ꝓnūciat male fuiſſe ꝓceſſum ⁊ bene
appellatū ⁊ retinet cām ꝑncipalē corā ſe ꝯdēnādo appellatū in expeñ · factis ꝑ appellātē in ꝓſecuti-
one cāe appellatōis hmōi · aut ꝓnūciat male ⁊ indebite fuiſſe appellatū ⁊ bñ ꝓceſſum ⁊ cām ꝑnci-
palē remittit iudici a q̄ fuit appellatū ꝯdemnādo appellantē in expeñ factis ꝑ appellatū ⁊ has tax-
at ⁊ cōpellit eū ad eas ſoluendū · Et ita vidi ad vnguē ſeruari in palatio aplico ·

¶ Secūdo in curijs inferioribus · XXV

IN alijs aūt curijs inferiorib⁹ · ſ · metropolitañ ⁊c̄: Introducta appellatiōe ꝑ appellātē vel
eius ꝓcuratorē corā iudice appellatiōis · Si appellatio ꝯtineat cās grauaminis · i · cās tales
q̄ ſi vē cēnt deberēt legitime reputari · ⁊ talis appellatio recipiꝛ · ⁊ tūc ꝓcediꝛ citatio appel-
lāti ꝯtra appellatū cū narratōe ꝯtentoꝝ in appellatiōe cū intimatiōe ꝙ ſi nō ꝯpareat nihilominus
ꝓcedeꝛ in ea iuxta ꝓuilegiū cāꝝ appellationū · ⁊ ſic iudex a q̄ pōt ꝓcedere vſqꝫ ad inhibitionē
⁊ ante obſeruatōem dictoꝝ triū terminoꝝ · iudex ad quē nō pōt inhiberi niſi iudex ad quē alias
eſſet ordinarius ipſaꝝ ꝑtiū ⁊ poſſet adiri ꝑ ſimplicē querelā ſicē eſt ſi appelleꝛ a decano ꝓpoſito vł
archidiacono ad epūm vel ad papā vł eius delegatū · quia tūc talē clauſulā iudex pōt licite appo-
nere · qꝛ nō eſt metropolitañ q̄ nō pōt adiri ꝑ ſubditos ſuffraganeoꝝ niſi ꝑ remediū appellatiōis
c · romañ · de fo · ꝯpe · ⁊ c · romana · de appell · li · vj · quoꝝ iuriſdictionē nō habet turbare vel abſol-
uere niſi inquātū de iure ⁊ ꝯſuetudīe legittima ⁊ ꝓſcripta ſibi ꝑmittiꝛ · vt · c · ſ̄ · allegat · atiñ poſito
ꝙ nō fuerit iudex a q̄ inhibitus eſt ꝓcedere ⁊ ꝓceſſit · ac appellatio poſtmodū ꝓnūcieꝛ legittima
totū id qd̄ fecerit poſt appellatiōem ſibi intimatā reuocabiꝛ ꝑ iudicē ad quē · Secus ſi nō fuerit
appellatō legittima · c · nō ſolū · in ſi · de appel · in · vj · niſi fuiſſet inhibitū vt dictū eſt qꝛ tūc veniſſet ꝑ
modū attemptatoꝛ reuocādū · Et in tali termio ꝓfixo ipi appellato ipe pōt dicere ꝯtra appellatōē
ea que ſibi ꝯpetūt de iure · ſ · ꝙ nō fuit appellatū infra · x · dies a tpe ordinatis vel ſnīe late vel ꝙ nō
fuit appellatū ꝑ ꝑncipalē vel ille q̄ appellauit ceſſabat eſſe legittimus ꝓcuꝛ eius vel quia nōdū cō-
ſtitutus nec tūc erat vel fuerat reuocatus expſſe vel tacite iuxta · c · ſi quē · de ꝓcu · li · vj · vel qꝛ inhi-
bitus fuit appellare ⁊ ſilia · vel quia appellās acqeuit ſnīe vel eā acceptauit vel eidē tacite vel expſ-
ſe renūciauit puta ꝯparēdo poſt appellatōem corā iudice a quo vel qꝛ nō petijt ap̄los vel ſi petijt
nō ꝯparuit vel qꝛ nō appellauit in ſcriptis ab interlocutoria vel etiā a diffinitiua qñ interponiꝛ
ex interuallo vł qꝛ appellatio interpoſita eſt ante grauamē illatū vel qꝛ nō cōtinet grauamē · Hec
et ſilia pñt allegari cōtra appellatōem q̄ nota ꝑ Jo · an · in · c · j · de appel · in ſexto · in nouella ſup ver-
bo reputabiꝛ nō appellās · Et cōcludēdo dicē ꝙ nō debet admitti talis appellatō ꝑ iudicē ad quē
ſed refutari ꝑ eundē ⁊ cū ipa ꝑncipali remitti iudici a q̄ ⁊ appellās in expeñ condemnari · ¶ Et
ſi iudex ad quē recuſaret dare terminū appellato vel audire eū ſup iſtas cās · grauaret eū ⁊ poſſet
appellari ab eo ad ſuū ſuperiorē · puta ad metropolitañ · ad papā · qꝛ faceret cōtra iura ⁊ tolleret
bñficiū iuris appellato cōtra regulā indultū · de re · iuꝛ · in ſexto · Illo aūt termino ſeruato ſi appel-
latus nihil excipiat cōtra talē appellationē iudex ad quē eā admittit ⁊ recipit ac retinet tanquā
emiſſam ex cā vel cāis ꝓbabilibus licitis iuridicis ⁊ legittimis ⁊ ꝓcedit appellāti inhibitionē cō-
tra iudicē a quo generalē in tota cā · et tūc licite pōt cōcedere ⁊ claudit ſeu ligat manus iuriſdic-
tionis iudicis a quo donec fuerit ꝓnunciatū ſup articulo dicte appellatōis · ⁊ tūc admittiꝛ appel-
lans ad ꝓbandū xitatē ſuoꝝ grauaminū in ſua appellatōe expſſoꝝ · Sed ſufficit ſibi ꝙ licꝫ ſint in
appellatōe expſſa qd̄ vnū ꝓbet · c · exhibita · de iudi · c · ſignificauit · de appel · vbi tex · ꝙ ab interlocu-
toria vel grauamine appellatio interiecta nō pōt iuſtificari niſi ꝑ ꝓceſſum iudicis a quo · et habet
tres terminos ſeu dilatiōes ad habendū ꝓceſſum ⁊ faciendū fidē de grauaminib⁹ · Et ꝑmiſſis fa-
ctis iudex ipe ad quē ꝓnūciabit ſup articulo dicte appellatōis vno de duobus modis · vel ꝑmo ꝑ
appellato · ſ · fuiſſe male appellatū ꝑ appellantē ipm totā cām remittēdo iudici a quo cōdemnādo
ipm appellantē in expeñ ꝑ appellatū in ipa cā legittime factis · taxationē ipaꝝ ſibi ⁊ curie ſue reſer-
uando · quas poſtea taxabit declaratas per appellatū · ⁊ appellantē cōpellet per remedia iuris ad
ipas appellato ſoluendū · Vel ꝓnūciabit ꝓ appellante · ſ · bñ et legittime fuiſſe appellatū per appel-
lantē ⁊ male ꝓceſſum ſeu ordinatū per iudicē a quo cām ꝑncipalē penes ſe et curiā ſuā retinēdo

⁊ appellatū in expēſ in hmōi cā appellatōis ꝑ appellātē factis cōdemnādo·vt·ſ·ꝓxime·Et tūc ꝓcedit in cā ſeu negocio ꝑncipali ⁊ cā recipiet in ſtatu in quo remāſit corā iudice a quo fuerat appellatū·vt·c·ſignificauit·de teſti·⁊ cā cōtinuabit vſq; ad ſniam incluſiue·⁊ faciet oīa illa que iudex a quo erat facturꝰ ſi nō grauaſſet·q2 iudex ad quē in eius locū ſuccedit culpa iudicis ꝑmi a quo q̄ grauauit·c·dilecte·de except·Et hec ſufficiāt ꝓnūc qn̄ appellaꝛ ab interlocutoria vel grauamīe in iudicio·

¶ De appellatione extraiudiciali a grauamine· XXVI

Interdū aūt appellaꝛ extra iudiciū ab aliq̄ etiā grauamine·c·cū ſit romana·ex̄ de appel·et in tali appellatōe corā iudice ad quē introducta vocato ⁊ citato ꝯtra quē fuit appellatū·⁊ ꝓcedaꝛ ſic̄ in alijs cāis in q̄bus nō fuerat appellatū ordine iudiciario ſeruato ſicut ſupra fuit deductū ſeriatim·ſaluo ꝙ ſi poſt appellationē factā ⁊ pti grauanti intimatā in quo ꝓceſſiſſet ſeu appellantē grauaſſet illud poſtmodū totū attentatū reuocabiꝛ ac repabiꝛ ⁊ ad priſtinū ſtatū reduceꝛ·c·bone·ſ·alle·vt ſi poſt appellationē expoliaſſet appellantē in ſua poſſeſſiōe reducaꝛ ⁊ reſtituitur ꝑ oīa iura cōia· ¶ Et iterū ab ordinatōe iudicis ad quē appelleꝛ·qḋ fieri pōt in tali ſecūda inſtātia ⁊ ꝓcedeꝛ in tertia ſic̄·ſ·dictū eſt ⁊ deductū in ſcḋa inſtātia nil addito nilq; remoto hec ſufficiant quando appellatur a grauamine extraiudiciali·

¶ De appellatione a diffinitiua ſententia· XXVII

Si vero appellatū fuerit a diffinitiua ſnīa itroducta ipa appellatōe corā ipo iudice ad quē ⁊ citato ipo appellato ad ꝓcedendū in cā appellatōis ſtatim appellatio in pmo termio admittiꝛ ꝑ iudicē ad quē et inhibitio cōtra iudicē a quo ꝯcediꝛ q̄ ſibi manus claudit omnino donec ſnīa ſua fuerit cōfirmata et ꝓ debita executōe fienda ſibi remittiꝛ vel donec ſua ſnīa fuerit cōfirmata·q2 tūc ſibi amplꝰ nō remittiꝛ ſ3 ꝑ iudicē ad quē omnino retineꝛ· Et tūc in illa cā ſc3 in ſcḋa inſtātia eſt ꝓcedendū et ꝓcedi debet ſic̄·ſ·fuit et eſt clare deductū in pma inſtātia·Et ſi iterato a ſnīa iudicis ad quē appellaꝛ qḋ fieri pōt in tertia inſtātia interdū ꝓcedeꝛ ſicut factū fuit in pma ſicut pꝰs·Sed quia in cā appellatōis remiſſe a diffinitiua nō allegata allegabo nō data dabo·⁊ nō ꝓducta ꝓducā·⁊ nō ꝓbata ꝓbabo·c·fraternitatis·de teſti·l·ꝑ hanc·C·ḋ tēpo·appell·
¶ Et ſi cōfirmetur talis ſnīa diffinitiua pmo data tūc remittiꝛ iudici a quo ꝓ debita executōe fienda eam tamē poteſt facere de expēſ·coram eo factis·debita taxatione per eum facta precedente·
¶ Et ſic eſt finis totius litis et ordinis iudiciarij cauſarū ſpiritualiū ⁊ temporaliū·

¶ Sequitur epilogatio omniū terminoꝝ dilationū ordinis iudiciarij· XXVIII

Dictus aūt ordo iudiciarius et practica cōis·ſ·ſeriatim deduct vt melius retineatur pōt ſic epilogari ⁊ abbreuiari·Nā in iudiciario ordie ſpūaliū ⁊ ſclariū cauſaꝝ multi ſūt termi·
¶ Prima citatio idē eſt qḋ adornamētum hoc eſt rei ad iudiciū vocatio· ¶ Itē verbalis petitio actoris ſeu libelli in ſcriptis oblatio· ¶ Itē cōtra libellū porrectū ipius rei exceptio ſeu impugnatio· ¶ Item ſi nō obſtent ꝑ reum excepta ꝙ reſpondeat libello iudicis ordinario·
¶ Item ipius rei libelli reſponſio per quam fit litis conteſtatio· ¶ Item iuramenti calumnie per vtramq; partem proteſtatio· ¶ Item poſitionum ⁊ articiculorum per actorem contra reum datio· ¶ Item affirmatiua vel negatiua dictis poſitionū ⁊ articulis ſimplex rei reſponſio·
¶ Item eiſdem poſitionū ⁊ articulis cum iuramento per actorem facta aſſertio ſiue datio·
¶ Itē poſitōibus et articulis negatis ipius actoris ꝑ iudicē admiſſio· ¶ Itē teſtiū ꝑ actorem nominatoꝝ facta ꝓductio· ¶ Itē ipoꝝ teſtiū ꝓductoꝝ ⁊ iuratoꝝ ſuꝑ pncipali ⁊ interrogatorijs datis per reū ſi ea dare voluerit ſiue dederit debita examinatio et interrogatio· ¶ Item defenſionē rei ad actoris intentionē elidenḋ datio ¶ Itē teſtiū rei ꝓductio receptio ⁊ admiſſio· ¶ Itē ipoꝝ teſtiū hincinde publicatio· ¶ Itē cōtra perſonā et dicta teſtiū hincinde data obiectio· ¶ Itē cōtra obiecta data cōtra teſtes rei obiectio ⁊ ipoꝝ teſtiū ſaluatio· ¶ Itē inſtrumentoꝝ ⁊ aliarū ſcripturarū hincinde ꝓductio· ¶ Itē cōtra hmōi ꝓducta cōtradictio ⁊ cōtra ſolutionē impugnatio· ¶ Itē renūciatio cōcluſio et deinde ſnīe diffinitiue ꝓnūciatio ⁊ finis impoſitio·Et interdū a ſentētia appellatio alias expēſ taxatio ⁊ omniū iudicatoꝝ finalis executio·

¶ De abbreuiando proceſſum· XXIX

Verū ſtilus ſupradictus q̄ cōiter obſeruaꝛ ⁊ obſeruari ſolet eſt lōgus ⁊ ex malicia litigantiū aliqn̄ plus ꝓlongaꝛ ⁊ iḋo eſt aduertēdū ꝙ ſi reus an̄ liꝛ ꝯteſt·ꝯfiteꝛ petitōem actoris illico dareꝛ ſibi·ſ·reo pceptū ꝙ ſolueret illud qḋ fuiſſet cōfeſſus gratis et ſponte ac pure actori infra·viij·vel decē dies vel alias ſm ſtilū curie ⁊ ſm quātitatē ꝯfeſſati·nā magnis ſummis daꝛ magna dilatio ⁊ in puis modica·⁊ de iſto pcepto iudicis habeꝛ in·c·dudū·ij·ḋ elec·ꝑ Innō·⁊ in·l·ſi debitori·ff·de iudi·pn·et al·Si aūt nolit cōfiteri ſic ſimplr an̄ liꝛ cōteſt· poſſent ſufficere tres vel q̄tuor actꝰ·ſ·petitio videlic3 actoris·⁊ rn̄ſio·ſ·rei q̄ ſi fuerit affirmatiua ſtatim poſſet ſeq̄

ꝯdēnatio· qꝛ in cōfeſſum nulle ſunt ptes iudicis niſi in ꝯdemnādo· et tūc ſnīa eſt notoria· Si vo
fuerit negatiua ⁊ illico ꝓbaret͡ poſſet dari ſnīa diffinitiua· ⁊ valet ꝓceſſus ſm· l· ꝓbatā· C· de ſen·
⁊ inter iudi· ¶ Nūc ſequūt͡ termini palacij aplīci cu· ro· ſuſtātiales ꝯſueti ſerua
ri in oībus cāis ſpūalibꝰ ⁊ ciuilibꝰ q̄ oēs ſunt ꝑemptorij· ſ· ſi pars nō ꝯpareat ſemꝫ citata ꝓcedet͡
ſꝑ in eiꝰ ꝯtumaciā ac ſi pn̄s eēt· qꝛ ſi obmitteret͡ aliq̄s vel vnus eorundē terminoꝝ ꝓceſſus iudi
caret͡ nullus· ⁊ etiā ſnīa diffinitiua ſuꝑ tali ꝓceſſu defectuoſo ferret͡· ⁊ ita ad vnguē ſeruat͡ in di
cta Ro· cu· ꝙ ex ꝓceſſu nullo ſequitur ſententia nulla·

¶ Ad dicendū contra cōmiſſionē citationē ⁊ eius executionē XXX

P Rimus terminus ꝙ pars rea citet͡ ad inſtantiā ptis actoris de mādato iudicis
ꝑ curſorē· in curia curſoꝛ portat virgā argenteā vel baculū· vel ꝑ rectorē ſeu cura
tū vel notariū aut nunciū iuratū in ptibus citat͡ ad dicendū cōtra cōmiſſionem
actoris in quo reo cōparito ſi velit copiā citationꝭ ⁊ executionꝭ obtinebit diem ad
dicendū cōtra cōmiſſionē citationē et executionē ad primā diē iuridicā· in qua
dat verbo vel in ſcriptis illa q̄ vult cōtra cōmiſſionē ⁊c· vel cōtra iudicē· videlꝫ
cōtra cōmiſſionē hmōi dicēdo allegādo ꝙ eſt impetrata et obtēta tacita vitate et exꝓſſa falſitate
illa ſpecificādo· ⁊ ſi ſint ptinētia admittit͡ ad ꝓbandū· q̄bus ꝓbatis interdū ꝓnūciat͡ cōmiſſionē
valere· ⁊ ſic liberabit͡ reus· vel cōtra iudicē· vt qꝛ eſt de parētela vel familia ſeu affinitate partis
impetrātis· vel qꝛ dedit ꝯſiliū in cā ipa· vel qꝛ inimicus capitalis· ⁊ ſilia· de q̄bus in· c· legittima·
de appell· in· vj· vbi Jo· an· enumerat· xviij· ſuſpitiones ex quibus iudex pōt recuſari· ⁊ ſi vna ex
illis ꝓbet͡ ꝓnūciabit͡ ſuꝑ nō valore cōmiſſiōis· ⁊ ſic liberabit͡ reus· Si aūt nihil dicat͡ ꝯtra cōmiſ
ſionē vel illud qd̄ obicit͡ cōtra eā nō ꝓbat͡· tūc iudex ꝓcedet vlterius in pn̄cipali et omnes termi
ni aſſignant͡· vt ſupra dictum eſt·

¶ Ad libellandū· iurandū de calūnia· articulandū· ⁊ dicendū ꝯtra articulos· XXXI

E T pmo citat͡ reus ad dandū et recipiendū dariq̄ ⁊ recipi videndū libellū ⁊c· in quo ter
mino cōparēs actoꝛ ꝑ ſe vel ꝓcuratorē in cāis ſpūalibus vel bn̄ficialibus dat libellū vbo
ſaluo iure dandi facto loco et tpe oportunō· Et reus dicit idem ſi cōpareat et nihil dat͡ in
ſcriptis tūc regulariter· deinde obtinet͡ ibidē a iudice citatio ꝯtra reū ad iurand̄ de calūnia cū ca
pitulis ſuis ad hoc ꝑ iudicē admiſſis· deinde fit citatio ad ponend̄ ⁊ articulandū in cāis ſpūalibꝰ
olim ad· xx· diē hodie ad· xij· in ciuilibꝰ vo olim ad xxx· hodie ad· xv· ⁊ in termino aſſignato dā
tur poſitionꝭ ⁊ articuli in ſcriptis· vel ſi pars nō ſit ꝑata tenet illū terminū verbo ſaluo iur͡ dandi
facto ſuis loco et tpe oportunō· ⁊ idē facit reus· deīde citet͡ reus ad dicend̄ cōtra poſitōes ⁊ articu
los ad· viij· in ꝓphanis· ⁊ ad ſcd̄am in bn̄ficialibus ⁊ in termino pfixo actoꝛ accuſat ꝯtumaciā rei
nihil dicētis ꝯtra poſitiōes ⁊ articulos ſuos interdū reus dat ibi impugnatōes de imptinentia
ꝯtra articulos actoris ex q̄bus narrat ⁊ ꝯcludit ipos eē imptinētes ⁊ inefficaceſ ac nō ꝓbātes nō
releuātes ptem actricē nec pıudicant parti ree et ſic nō fore admittend̄·

¶ Ad producendum omnia· XXXII

C Onſeqnēter fit citatio ad ꝓducend̄ omīa ⁊ in termino pfixo ꝯparens actoꝛ ꝓducat bul
las ⁊ alia documēta in ſcriptis ſi habet ea ꝑata· alioqn ꝓducit ea verbo ſaluo iure ꝓdu
cendi facto ⁊ in ſcriptis ſuis loco et tempore oportunō et idem faciet reus·

¶ Ad dicendū contra producta· XXXIII

D Einde citat͡ reus ad dicend̄ ꝯtra ꝓducta ad· viij· in ꝓphanis in bn̄ficialibꝰ ad· ij· vt· ſ· in
termio accuſat͡ ꝑ actorē in ꝯtumacia rei nihil dicētis ꝯtra ꝓducta ⁊ infra terminū inter
dū reus dat impugnatōes vbo ⁊ in ſcriptis cōtra iura ptis actricis· ſ· de falſitate vel ra
ſura in loco ſuſpecto vel antidata ⁊ ſilia vel cōtra notariū q̄ ipa documēta recipit ⁊ ſignauit· vel
differētie loci vel date puta anni mēſis diei ſeu pōtificatus ⁊ ſilia vel de ꝯtrarietate iuxta· c· impu
tari· de fi· inſtru· vel dat de falſitate volēs ꝓbare ꝙ allegata in eis erāt illa die de qua dicunt͡ rece
pta in aliq̄ diuerſo loco iux͡· c· ex tenore· de teſti· l· optimā· C· de ꝯtrahē· ⁊ ꝯmit· ſti· ⁊· c· item vboꝝ
inſunt· de in inte· reſti· ⁊ ſilia·

¶ Ad videndū admitti articulos· XXXIIII

D Einde citat͡ reus ad videnđ admitti articulos ⁊ ꝓband̄ in cu· et ex͡ vt· ſ· in termio pfixo
actoꝛ ꝯparēs petit ⁊ reqrit ſe admitti et recipi ad ꝓband̄ in cu· et extra ꝑ teſtes ⁊ etiā do
cumēta ſuos articulos tanq̄ ptinō· vt ſi ſint admiſſibiles· ſ· bn̄ narrań et ptinēter ꝯcluden
tes maxime ſi reus nihil obiciat admittit͡ pmo in curia ⁊ tūc citant͡ teſtes· ſ· q̄s reperit in curia ſi
ſciant factū ſuū vel ptem et citat͡ pars aduerſa ad videndū eos iurare ⁊ ſi ꝓducunt͡ ipi teſtes qui
veniētes in iudicio recipiunt͡ et iurāt dicere veritatē quā ſciuerint ſuꝑ tota cauſa·

¶ Admiſſio articulorum extra curiam· XXXV