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GLOSSES,

ALICA.

X

dee 11

LEX SALICA:

THE TEN TEXTS WITH THE GLOSSES,

AND THE

LEX EMENDATA.

SYNOPTICALLY EDITED BY

J. H. H ESSELS.

WITH NOTES

ON THE

FRANKISH WORDS IN THE LEX SALICA.

Hendrik ERN,

PROFESSOR OF SANSKRIT IN THE UNIVERSITY OF LEIDEN.

LONDON:

JOHN MURRAY, ALBEMARLE-STREET.

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1880.

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THE present work was undertaken because none of the existing editions of the Lex Salica afford facilities for that synoptic study which is essential when we have to deal with different texts of one document.

A great deal has already been done to make the Lex Salica—the most important of the Leges Barbarorum-accessible to students. The first edition of it was published about the middle of the 16th century, by Jean Du Tillet, bishop of Meaux, without name of editor, date or place of printing, under the title: Libelli sev decreta a Clodoveo et Childeberto & Clothario prius ædita ac postremum a Carolo lucide emendata auctaque plurimum. In quibus hæc habentur Capitula ex Isidori Etymologiarum lib. V. Pactum pro tenore pacis DD. Childeberti & Clotharii regum. Decretio Clotharii regis. Sententiæ de septem septenis. Lex Salica, &c. This edition contains the Lex Emendata, and was re-issued with a fresh title-page dated 1573. In 1602 and 1609 a text similar to that of Du Tillet was published by Lindenbrog, based on a collation of several MSS. by Fr. Pithou, with a Glossary by the latter; it was reproduced by Goldast in his Constitutiones imperiales, tom. iii. (1610), and again by Lindenbrog in his Codex legum antiquarum (1613). In 1665 Theod. Bignon republished the same text with the Glossary of Pithou and Notes of Jérôme Bignon. A new collation of the Lex Emendata was published in 1677 by Baluze, in his first vol. of the Capitularia. These editions were reproduced by Eccard, Leges Francorum et Ripuariorum (1720); Schilter, Thesaurus, tom. ii. (1727); Georgisch, Corpus juris Germanici (1738); Bouquet, Rerum Gallic. et Francic. Scriptt., tom. iv. (1741); Canciani, Barbarorum Leges, tom. ii (1783); Wiarda, Gesch. u. Auslegung des Salischen Gesetzes (1808); Walter, Corpus juris Germanici, tom. i. (1824). Different readings found in a MS. containing the Lex Emendata, preserved at Este, were published (1739) by Muratori, Antiqq. Italicae Medii Aevi, ii.

Of the versions containing the so-called Malberg Glosses we have an edition by Herold in his Originum ac Germanicarum Antiquitatum libri, Basle, 1557, published from a MS. which is now lost. His text was reprinted by Wendelin, Leges Salicae illustratue (1649); Eccard (1720); Georgisch (1738); Bouquet (1741); Canciani (1783); Wiarda (1808); Walter (1824). Another version preserved in the Wolfenbüttel Cod. (Cod. 2) was published by Eccard (1720), and reprinted from his edition by Bouquet (1741); Canciani, vol. v. (1792); Walter (1824). The text preserved in a Paris Cod. (Cod. 8) was first published, but very inaccurately, by

Schilter (1727), and reprinted by Bouquet, Canciani (in his vol. v), and Walter. The text contained in the Munich Cod. (Cod. 3) was published in 1831 by Prof. Feuerbach.

It is, perhaps, not too much to say that all these editions are now out of date.

Pardessus' Loi Salique, which appeared in 1843, was a great improvement on all previous editions, and placed the study of the Law at once upon a firmer basis. But as he gave all the existing versions of the Lex in eight successive texts, his work is not easy for a comparative study of the different versions.

Merkel's Lex Salica, published in 1850 "mit einer Vorrede von Jacob Grimm," in which he condensed all the texts of Pardessus into one, is not without its merits. But in order to make one text of a number of versions, which often materially differ, Merkel rejected all various readings, except those which related to the so-called Malberg Glosses, and thereby deprived students of the necessary aids for clearing up the difficulties abounding in the Lex Salica. Nor can his division of the Lex into text and novellae be considered judicious.

In 1874 Behrend's Lex Salica appeared as a most valuable substitute for Merkel's edition, though it does not afford the necessary facilities for synoptic study.

A synoptic edition of the *Lex Salica* has already been published in 1833, by Laspeyres at Halle, but his texts cannot be relied upon, apart from the fact that it contains only the Wolfenbüttel and Munich codd. by the side of the texts published by Schilter, Herold, the Lex Emendata, and the Lex Ripuariorum.

For the present edition Codd. 1-9, B, F, G, and Codd. 4418, Q (also called Cod. 11), T, V &c., of the L. Emendata have been re-collated from the original MSS. by myself; Herold's text is reprinted, verbatim, from his work. The Royal Library at Munich (Librarian, Prof. Dr. Von Halm) readily sent cod. 3, the Chapter Library of St. Gallen (Librarian, the Rev. J. Idtenson) equally readily despatched Codd. 9 and G to this country for my examination. In 1876 the authorities of the School of Medicine at Montpellier sent Cod. 7 to Paris for my use, and in the following summer kindly placed the same codex at my unrestricted disposal during my stay at Montpellier, while their Librarian, the Rev. Dr. Gordon, and M. le Professeur Boucherie, treated me with great hospitality. Wolfenbüttel authorities considered it unsafe to send their MS. across the sea, but the many kindnesses which I afterwards received from their Librarian, Prof. Dr. Otto Von Heinemann, made my personal visit to that town very pleasant.

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As this work was undertaken with the intention of supplying materials and facilities for a thorough study of this important document, no attempt has been made to give what is usually called a critical edition. The codices have been reproduced without any alteration except in the punctuation, which is my own, and may be altered by the reader at his pleasure; that of the MSS. is in most cases a full-stop, and usually placed where it is not customary at present to put one. The letters represented by contractions in the MSS. are represented in print by italics, except in the Glosses, which are given as they appear in the MSS. Only in one or two instances, where the type did not readily lend itself to a representation of the contractions of the Gloss, italics have been used, e. gr. in ch. 3, § 2 (thinzimus of cod. 8), and ch. 5, § 1 (haper of cod. 7). I have not extended the words denarii, denarios qui faciunt solidi, solidos, and culpabilis iudicetur, which occur in the MSS. in almost every paragraph, and nearly always abridged. I have printed uniformly: den. . . . qui fac. sol. . . . culp. iud., extending by italics the contractions of the MSS. as far as was necessary to keep up this uniformity.

In some cases where a correction has been made by the scribe of the MS. or by some cotemporary corrector, I have given both the original word and the emendation. But this was not possible everywhere, as sometimes the original word is no longer legible. Observations on readings or corruptions in the texts are placed by the side of the texts in a separate column, where also references are given to corresponding or similar enactments in the other Barbarian Laws, including the A. S. Laws, but not the vernacular Frisian nor any of the Skandinavian Laws. The Glossarial Index is intended 1° to be an Index to all the words treated in Kern's Notes, and 2° to register all words and phrases of any importance in the Lex Salica. Very few words occurring in the Salic Law can be properly discussed without quoting a variety of other Mediæval documents. As this was not my plan, I have given only such explanations or observations on words or readings in the texts as could be reasonably expected in an Index prepared more with the view of facilitating than satisfying inquiries. On coll. 565 and 566 will be found further explanations regarding the Index. The Glosses from the Cod. Est. &c. inserted in the Index have been taken from Merkel's edition. The abbreviations made use of in the column of observa-

App. = Anhang (I-XXIII) in Reinh. Schmid, Die Gesetze der Angelsachsen, 1858.

Boretius = his edition of the Capitularies in Behrend's ed. of the Lex Salica.

Cancian. = Canciani, Barbarorum Leges antiquae, 1783-92.

Cap. Lud. = Capitulare Ludovici Primi (A. D. 819); cf. column 419. of this work.

Ed. Child. (595) = Childeberti II regis decretio (596, wrongly 595 in col. 243), in Mon. Germ. Legg. I. 8.

Ed. Li. or Liu. = Ed. or Legg. Liutprandi, in Mon. Germ. Legg. IV.

Ed. Roth. = Edictus Rothari, in Mon. Germ. Legg. IV.

Grimm, D. R. = Grimm's Deutsche Rechtsalterth.

Grimm, Pref. = Preface to Merkel's edition of the Lex Salica, 1850. Hubé = Hubé's edition of the Lex Salica, 1867.

L. Aelf. & Guv. = Laws of Alfred and Guthrum, in Schmid's Ges. L. Aeth. = Laws of Aethelberht, ibid.

L. Aethel. or Aethelr. or Aethr. = Laws of Aethelred in Schmid's Ges. L. Ah. = Leges Ahistulfi reg., in Mon. Germ. Legg. IV.

L. or Leg. Al. or Alam. = Leges Alamannorum, in Mon. Germ. Legg. III.

L. Baj. or Bajuv. = Lex Baiuwariorum, in Mon. Germ. Legg. III.

L. Burg. = Leges Burgundionum, in Mon. Germ. Legg. III.

L. Cham. = Lex Francorum Chamavorum, herausgeg. von E. T. Gaupp, 1855.

L. Cn. = Laws of Cnut, in Schmid's Ges.

L. Edw. = Laws of Edward, ibid. (p. 110).

L. Hen. = Laws of Henry I, ibid.

L. Hlo. or Hloth. = Laws of Hlothar &c., ibid.

L. In. = Laws of Ine, ibid.

L. Liu. = Ed. Li., see above.

L. Rip. = Lex Ripuariorum, in Canciani, vol. ii. p. 287.

L. Sal. = Lex Salica, the present edition.

L. Sax. = Lex Saxonum, in Mon. Germ. Legg. V.

L. Thur. = Lex Thuringorum, in Mon. Germ. Legg. V.

L. Wi. = Laws of William, in Schmid's Ges.

L. Wihtr. = Laws of Wihtræd, in Schmid's Ges.

L. Wis. or Wisig. = Lex Wisigothorum in Canciani, vol. iv. p. 45.

Marculf. = Marculfi Formulae.

Merkel = Merkel's edition of the Lex Salica.

Mon. Germ. = Monumenta Germaniae hist. (usually the vols. of the Leges).

Pa. or Par. Sax. = Capitula de partibus Saxoniae, in Mon. Germ. Legg: V.

Pact. Al. = Pactus Alamannorum in Mon. Germ. Legg. III.

Pact. Child. & Chl. = Pactum pro tenore pacis.

Pard. or Pardessus = Pardessus, Loi Salique, 1843.

Recap. L. Sal. = the document called *Recapitulatio Legis Salicae*, three texts a, b, c; cf. coll. 425, 426 of the present work.

Sent. Sept. Sept. = the document called Sententias de Septem Septinas; cf. col. 424 of the present work.

Sept. Caus. = the document called Septem Causas; cf. col. 424 of the present work.

Sohm, Pr. or Proc. = Sohm, Procesz der Lex Salica, 1867.

Sohm, R. u. Ger. = Sohm, Fränk. Reichs-und Gerichts-Verfass., 1871.

Waitz = Waitz, Das alte Recht der Salischen Franken, 1846.
(His larger work: Deutsche Verfassungs-Gesch. has not been consulted).

Zoepfl, D. R. = Zoepfl, Deutsche Rechtsgesch., 4th ed., 1871.

The order in which the first 65 chapters are given will explain itself; that in which the rest of the work appears has been explained at the commencement of each fresh set of chapters or each new document, with the necessary references to other works in which they have been published. It will be observed that more attention has been paid to the place which the chapters or document occupy in the MSS. than to any date assigned to them by Pertz, Pardessus &c. The uncertainty as to the time when, or the kings from whom, the later portion (after ch. 65) of the Lex Salica emanated, is as yet so great that it is unsafe to arrange it in any definite order.

The chapters have been divided into paragraphs, and the divisions of Pardessus, Merkel, and Behrend retained as much as was compatible with the divisions in the MSS.

All possible precautions to secure accuracy have been taken, but errors have crept in notwithstanding. The reader is requested to alter the following, and to pardon any others that may have been over-

looked. I add, moreover, some notes and observations which have escaped me while preparing the work for press:-Col. 17, § 12, at DCC add note: DCCXX den. qui fac. sol. XVIII, Cod. Est. ,, 26, § 5, at domitam add note: domesticam, Cod. Est. ,, 17, at tenuerit add note: nec umquam iunctus fuisset, Cod. Est. ,, 53, 1 1, note b, read : peccus. ,, 57, 16 (of tit. XXXV) read : quod, not quod. 62, 14 note, add: taxetam, id est mercatum, Gl. Est. ., 63, line 9 from top read: Cf. L. Sal. 32, 39; Pact. &c., 80, \(\frac{1}{2}\) 11, at inplicetur add note: applicetur. Dum ipsa vixerit tantum, Cod. Est. " " 16, for fratris uxorem, aut auunculi, the Cod. Est. reads: aut avunculam. 10, to note add: tracte, Cod. Est. 81, by the side of \ 4 of col. 80 add: Cf. L. Sal. 71, \ 2. ,, 89, § 4, at adsallire uel auz laciniam, add note: adsalierit, vel vio-lentiam, Cod. Est. ,, at rubric of tit. XVI add note: Cod. Est. adds: cum collecta. ,, 90, li. 1 from top after VI. 1; add: Recap. L. Sal. 29b. ,, 96, at the end of § 8 (of tit. XIV) read: (For § 9 and 10, tit. 14, of codd. 7 & 8 &c.). ,, 98, 1 1, sec. line from top read: (cui, corr.) cuius. ,, ,, 12, at spicarium add note: picharium (id est cellarium), Cod. Est. at maholum add note: macholum (id est canavam), Cod. Est. " § 4 (of tit. XVIII) at sepem add note: Cod. Est. adds: id est arevativum. ,, 99, by the side of \ 3 at top add : Cf. L. Sal. 55. 4. ,, 107, \(\frac{1}{2}\) 10, at expoliauerit add note: eum exspoliauerit vel, Cod. Est. ,, 108, by the side of \(\frac{1}{2}\) 11 add: Cf. L. Sal. 61. " 116, 1 3 of tit. XXIII at ascum add note: asclum de intro clauem furatus fuerit, Cod. Est.

,, 125, \(\frac{1}{2} \), note * add : clausuram de molino alieno, Cod. Est. " 126, last line, read: Tac. Germ. 11, not 2. ,, 134, 18, note * read : Cod. Est., not E. " 141, second line from top read \ 4 instead of 7 .. 144, by the side of 1 6 of cod, 1 add : Cf. L. Sal. 70. ,, 152, 16, note b add : treffare, Cod. Est. 1 13, note add: rapinam, Cod. Est. ,, 155, 1 13, read cauallo. ,, | 20, read pronas. This is one of the few Malberg Glosses which could not be given as they are witten in the MS., owing to the smallness of the p not allowing the cutting of a stroke through it. ,, 161, } 32, note add: id est retias.-note add: tremaculum, Cod. Est. 170, § 19, at testauerit add note: restauerit, id est uetauerit, Cod. Est. 179, 1 11, read ibi for ibidem. ,, 188, § 1 (of tit. XXXII) at cenitum add note: Cod. Est. adds: id est arga. 189, by the side of § 5 add the observat.: Cf. Recap. L. Sal. 25°, 27°. ,, 197, 1 2 (of tit. XXXV) cod. 4418 has: mansuefactus, not mansuetus factus. ,, 206, } 1, at illum add note: illud, Cod. Est. ,, 215, tit. XXXVIII, line 3 from top, cod. 4418 has pecodis. "Hartmann, in Forschungen z. D. Gesch., XVI. 612." ,, 242, § 5, at etiam nolenti add: aut nolente, Cod. Est. " 251, li. 10 from foot read 15 instead of 5. ,, 261, li. 1 and 14 from top read 103 instead of 102

,, 270, li. 7 from foot read: 105; Recap. L. Sal. 11b.
,, ,, li. 6 ,, ,, read: 30 instead of (b) 11.

LVIII. col. 36a, li. 15 from top).

" 321, note to § 2 (of tit. LXXXV) li. 2 read index instead of index.

. 19 ,, , read: mans, and li. 31 read: mallsbergo or mallobergo. The contractions found in the MS. are here the same as that in the words amachallsom (tit. XVI. 2); andechabinsos (tit. XVII. 5); cauallo (tit. XVII. 13); diximsos (tit.

,, 299, li. 19

b 2

Col. 333, li. 2 from foot after 4; add: Hilp. Rd. 7; ,, 351, by the side of 1 3 (of tit. LVII) add: Cf. L. Sal. 14 (coll. 96-98), where the corresponding paragr. of cod. 7 &c. will be found. ,, 359, § 4 (of tit. LVIII) read: interficerit. ,, 368, li. 8 from foot read: uices, Q; ad tertiam vicem, Cod. Est., ,, ,, 8 ,, ,, after note hadd: (4) legem dicere, Cod. Est., ,, ,, 15 ,, ,, after dicendiand legem add: (4). ", ", ", ", ", after dicendi and legem add: (!).

", 386, § 6, note "read: ; terrae, om., instead of and.

", 396, li. 1 from top read: Cf. L. Sal. 17. 12 (cod. 6 &c.).

", 406, tit. LXVI add 16 to note " after c. 9. tit. LXVIII add note: Cf. L. Sal. 107. 2. 407, tit. LXXI add note: See Test. A.D.C. 700 in Pardessus, Dipl. II. ,, 412, tit. XCVIII in note to cod. 11 correct tit. 99 to tit. 100. 415, Pactus &c. This document is also found in the Bonn MS. and in the Vat. Christ. MSS. 1036, 1728, but no collation of these MSS, has been made for this work. ,, 420, col. of L. Em. tit. LXXII add : Pithou adds : exc. cap. in loco restituat. Pithou's various readings of this tit. are mentioned by Baluze, Capitularia, I. 324, II. 989, but it is not known in which work Pithou gave these readings. ,, 422, Prol. I, text A. This document is also found in Paris Lat. 4759; 18238 (formerly 247 Fonds N. D. olim F. 4); Cambray 576; Bonn MS.; Modena MS.; Vat. Christ. 1036 and 1050; but no collation of these MSS. has been made for this work. ,, 423, Prol. II occurs also in the Bonn MS. and Vat. Christ. 1036. note to Prol. II, li. 2 note b read: 14 adds: aux. dom. 424, Sept. Caus., II, last line, after 1 2 add: & 3 of cod. 7. ,, 425, Recap. 1 30, read: = L. Sal. 42. 4; cf. Recap. L. Sal., text B, 1 33, instead of: cf. tit. 63, 12. 444, \(\frac{1}{2}\) 18, line 4 read: 10 (\(\frac{1}{2}\) 14 & 15).
453, \(\frac{1}{2}\) 40, line 2 from the end, read LXIII instead of LXII. 454, line 3 from the beginning read: feto, in 7 &c. 467, 1 68, last line, read 49 instead of 32.
468, 1 71, last line, read 460 instead of 456. 621, li. 8 from foot after impotus add: inmetus. 624, between li. 7 & 8 from top insert: inpotus, see impotus " after the last li. insert: intestatus, in tab. rubr., XCIII, of Codd. H. B. G. ,, 635, between li. 3 and 4 from foot insert: malicia, malitia, in tab. rubr., XLVII of codd. H. B. G. 675, li. 23 from top, after tenere insert: detenere, detinere.

"" " 25 " " after the numeral 4 insert: Pact. 17; Sept. C. I. ", ", 25 ", ", after the numeral 4 insert. Pact.

1. 2.—infirmitas aut ambascia eum det., XCVI.

Alfred Holder's editions of codd. 2, 3 and the Leiden Cod. have come to my notice after the whole text was printed. It was encouraging to find that he would have preferred to publish a synoptic edition, but refrained from doing so on account of typographical difficulties. These obstacles have been overcome for the present edition in a manner which it is hoped scholars will find satisfactory. I have observed the following differences between his readings and mine, and though these differences do not affect the sense of the texts, I consider it my duty to call attention to them:—

" 29 after LII. a. b. insert: -truste detenere, LXVI.

WOLFENBÜTTEL CODEX:

Co	l. 2,	, fir	st li. 1	from	top,	Holder reads salicze	instead of	salice.
,,	,,	li	. 17	,,	,,	suam	,,	sua.
,,	,,	,,	26, 3	4 ,,	**	inzymus	**	inzijmus.
,,	11	,,	8	,,	foot,	inzymus	,,	inzijmus.
,,	74	,,	12	,,		ingenuam	,,	ingenusm.
,,	,,	,,	10			alienæ	**	aliena.
,,	83	,,	12			musdo	**	murdo.
,,	,,	,,	33, 34			sexagenis senes .	,,	sexagenus semes
**	,,	,,	12	**		friomurdū	,,	friomusdum.
,,	92	,,	18	,,	**	amachallo	"	amachalless.
,,	101	,,	11	,,	,,	musdo	,,	murdo.
,,	IIO	,,	22	,,	,,	chamim	,,	chamini.

Col. 137, li. 13 from foot, predinero instead of praedi uero. top, moci ,, 182 ,, 2 ,, ,, 209 ,, 18 requerenti requerent., ,, ,, ,, 218 6 han 3ia(co) hanziam. ,, ,, cc colapus. ,, 236 ,, 16 ,, acolapus ,, acolapus foot, accipiat accipiter. 272 ,, 32 ,, auncolus. "281 "8 top, tuncolus ,, mallobergo mallubergo. ,, 299 ,, 26 " alt*ers*i. alter ,, 389 ,, 3 ,, of interciatus. interciatur instead (col. of co ,, 412 9 ,, prouocatur ,, 414 tit. 74 prouocatus. distruerit. distraerit ,, ,, ,, 93 nnā. ,, 416 ,, 79, 12, nut ,, 418 ,, 89, li. 6 from top, interdicat. interdicta

MUNICH CODEX:

Col. 21, \(\frac{1}{4}\), Holder adds at the end: cetera.

"48, \(\frac{1}{4}\) 4 of tit. VIII he reads XLU, i. e. XLV.

"57, \(\frac{1}{2}\) 2, carpantarium, instead of carpent.

"210, li. 2 from foot, uiolenter instead of uidenter.

"210, li. 1 " top, gaballorum " caballorum.

"264, \(\frac{1}{2}\) 3, legis instead of legi.

"300, li. 4 from top, tungimus instead of tunginius.

"381, li. 15 " foot, QUÆ " QUA.

"390, rubr. of tit. 62, PATERNI " PATRUM.

"418, tit. 79 first li. of text, ut " uel.

LEIDEN CODEX:

Col. 413, tit. 96 (98), † 1, andustrio andustrionem. ,, ,, tit. 98 (100), li. 1, andustrione.

> Kern has informed me that Holder's readings of this word are correct. The form andrustic occurs, however, elsewhere.

Many friends have assisted me in the work, but I owe special thanks to Mr. T. V. Keenan, M.A., Assistant Librarian of Trinity College, Dublin, for his patient reading of all the proof-sheets and for many valuable hints, and to Prof. Paul Meyer, of Paris, for occasional verifications made for me in the Paris Library.

Prof. Kern readily responded to my invitation to give the present edition the advantage of his long-continued study of the Frankish elements in the *Lex Salica*. During the progress of the work I had often occasion to consult him on obscure points, and seldom or never consulted him in vain. Some of his explanations and observations, conveyed to me by letter, I have inserted in their proper place.

A MERE analysis of the discussions, which have been raised for centuries past on matters connected with the Lex Salica, would be too lengthy a task for the scope of this work. In an English edition, however, it will be necessary to state briefly the principal points which have been the subject of elaborate treatises in Germany, France. Holland. &c.

The question as to whether the Latin texts of the Lex Salica, which have come down to us, are original or a translation or translations from some Frankish original, has been treated by Kern in

his preliminary remarks. Whether the original Frankish Law-book was ever reduced to writing, or merely retained in, and handed down to posterity from, the memory of some persons charged with the preservation of the Law, cannot now be ascertained. Nor is it certain when and where the translations were made or the necessities for the original arose. We can only say that the Latin translations were not made before Chlovis had extended his power as far as the Loire, as in tit. 47 the boundaries of the Frankish empire (i. e. of the Latin Lex Salica) are stated to be the *Carbonaria silva* (in Southern Belgium) and the *Loire*.

As regards the original Law-book, the short Prologue (II) says that four men "in villis que ultra renum sunt . . . per tres mallos convenientes, omnes causarum origines sollicite discutiendo tractantes, iudicium decreverunt." Here the Prologue must refer to a period anterior to the emperor Julian, because in his time the Salian Franks occupied the Batavian island and Toxandria. The longer Prologue (I) agrees with the short one in the names of the villages, though it does not say that these places were situated beyond the Rhine. Moreover, it supplements Prologue II in that it states that the Lex Salica was compiled while the Franks were still heathens A clue to the date of this Prologue is perhaps to be found in the fact that some of the codices containing it speak of the Gens Francorum as "nuper ad catholicam fidem conversa," though the majority of the codd. have simply "ad catholicam fidem conversa."

The Franks are not mentioned in history before circa A. D. 240: "(Aurelianus) apud Moguntiacum tribunus legionis sextae gallicanae Francos irruentes cum vagarentur per totam Galliam sic afflixit, ut ccc ex his captos septingentis interemtis sub corona vendiderit" (Vopiscus V. Aureliani c. 7). The exact year of this event cannot be fixed. The same author (c. 7) mentions a song sung by Aurelian's soldiers marching against the Persians: "Mille Sarmatas, mille Francos semel et semel occidimus, mille . . . Persas quaerimus," and we know that the Persian war commenced in 241 A. D. But the war lasted for some years, and it is not specified whether the soldiers who sang this song were the first who marched against the Persians.

After this year we read of protracted struggles between Rome and the Franks and other Teutonic nations along the whole course of the Rhine, and of various invasions of Gaul and even of Spain by the Franks, Alamanni, &c. (cf. Aurel. Victor, de Caes. 33 &c.; Eutrop. ix. 8. 21 &c., x. 3; Zosimus, I. 30. 68; Treb. Pollio, Gallieni, Postumus, Saloninus &c.; Greg. Turon. I; Orosius, vii. 22 &c.; Vopisc. Prob. 11. 13. 5, Tac. 3. 4; Nemesian. carm. venat. 67 sqq.; Nazar. Paneg. 17). Franks'occupied the Batavian island about 288 under the Menapier Carausius (Eumen. in Constantin. 5), but were defeated by Maximianus, who transported a great number of them into the depopulated regions of the Nervii and Treviri as Laeti (Eumen. 21). The island was cleared of all (?) the Franks by Constantius Chlorus (Eumen. in Constantium 8, in Constantin. 5 &c.; Mamert. Paneg. I. 7). But they re-appeared in other places, and, with the aid of other German tribes (Nazar. Paneg. 18), continued the struggle with Rome. (Cf. Richter, Annalen der Deutschen Gesch. I, where the details are worked out).

Not before the year 358 do we hear of the Salian Franks. They had penetrated as far as Toxiandria (mod. Tessender-loo, the country to the South and West of the Lower Meuse), where they were subdued by Julian: "Caesar (i.e. Julianus)... petit primos oinnium Francos, eos videlicet quos consuetudo Salios appellavit, ausos olim in romano solo apud Toxiandriam locum habitacula sibi figere praelicenter" (Ammian. Marcell. xvii. 8). Julian himself speaks of

them (Ep. ad Athen., Spanheim 280) as Zaller 88005. He allowed them to remain in the country which they occupied, only requiring them to supply him with auxiliary troops (Zosimus, III. 8). In the Notitia dignit. we find Salii among the auxilia Palatina

Nothing certain is known of the history of the Salians before Ammianus. Gregory of Tours tells us (II. 9) that the Franks (he always means the Salian Franks) at one time lived on the bank of the Rhine. This statement agrees with Zosimus, who says (III. 6) that the Salians at one time occupied the Batavian island, having been driven from their proper abode by the Saxons. Some authors (Grimm, Ledebur, Zeuss &c.) think that they are the descendants of the Sigambri, who were transplanted by Tiberius in B. C. 8. Watterich, in a work specially devoted to this subject (Die Germanen des Rheins, 1872, pt. 1), comes to the same conclusion. He argues that the Sigambri, whom Tiberius removed from their home on the right bank of the Rhine, were not placed on the Merwede, a stream and locality near Dordrecht and Zwyndrecht, nor transformed into the Gugerni, but transplanted to the region now called the Veluwe, between the Utrecht Vecht and the eastern Yssel. Here the Romans probably made of them what the Batavi had been for years past-their allies-perhaps on the same condition as the latter, who merely furnished the Romans with men and arms; hence the Sigambrian cohort in the Thracian war in A.D. 26, 34 years after they had been transplanted.

There can be no doubt as to a certain connexion existing between the Sigambri and Salii: "detonsus Vachalim (the Waal) bibat Sicamber" (Sidon. Apollin. carm. 13 v. 31)—"Ut Salius iam rura colat flexosque Sicambri In falcem curvent gladios" (Claudian de laude Stilic. I. 222)—" & δ δ καὶ Συγάμβροις ἐπαγρυπνεῦν ἡπείλει (Φράγγους αὐτοὺς ἐξ ἡγεμόνος καλοῦσιν ἐπὶ τοῦ παρόντος οἱ περὶ "Ρῆνον καὶ "Ροδανόν") (Lydus de Magistr. III. 56). According to the Gesta Francorum, c. 1, the Franks at one time inhabited the town of Sicambria. Franks and Franks hings are often called Sigambri, and always with the intention of honouring them. When St. Remigius baptised Chlovis he exhorted him: "Mitis depone colla Sicamber" (Gregor. Tur. II. 31). Venant. Fortun. says to king Charibert (vi. 4): "Cum sis progenitus clara de gente Sygamber." For other quotations see Waitz, Verfassungsgesch. II. 22 &c.

In the year 431, the Frankish (Salic) king Chlodio (Chlojo, Chlogio, qui apud Dispargum castrum habitabat, quod est in termino Thoringorum, Gregor. Tur. II. 9), said to be the founder of the Merovingian dynasty (Gregor. l. c.), defeats Aetius, takes Cambrai and advances his domain as far as the Somme (Gregor. ibid.; Sidon. Apoll. v. 211; cf. Idatius Chron. Roncall. II. 23; Jordan. de r. g. 34). King Childerich, the father of Chlovis (Chlodovech), reigned from 457-481, and resided at Tournai, where his grave was discovered in 1653. His son was born in 466 (Gregor. Turon. II. 43), and succeeded him in 481 (Gregor. II. 27). Portions of the Salic empire were at that time governed by other kings independent of Chlovis. The career of the latter is well known and is, moreover, accurately sketched in Richter's Annalen. Whether he ever was proconsul of the Roman empire, as is usually inferred from the long Prologue, is a doubtful point in the face of different readings in other MSS.

The origin of the name Salicus, Salius is uncertain. It is not impossible that it was derived om the river which is now called Yssel, and in the Middle Ages Isloa, Hisloa, Isla, Isela, Isalia. The region about Deventer, in the east of Holland, is called Sal-

land till the present day, though it is nowhere expressly said that the Salians lived there.

The codices of the Lex Salica, which have been preserved to us, may be divided into five classes or families.

As the genealogy of the MSS. is as yet unsettled, I have not thought it prudent to place them in any other order than that adopted by Merkel. It is not impossible, that, when the study of the Lex Salica has more advanced, this order will have to be changed. Most of the following MSS. have been described by Pardessus (Loi Salique, Préface) and in various volumes of the Mon. Germ. Hist., and I refer to these works for further information.

FIRST FAMILY.

- 1. MS. No. 4404 Lat., of the Paris Nat. Library; Fol., beginning of the 9th century. Cf. Monum. Germ. Legg. I Praef. XXI; II, pag. I. 2. 5. 9. 10; III. 2; Pardessus, Loi Salique, pref. p. X, who published it as his first text; Merkel made it the basis of his edition and called it cod. I. It is also taken as the basis of the present work.
- 2. Wolfenbüttel, second half of 8th cent., 8°, written by Agambertus (ora pro agamberto, on fol. 87b), a monk of Tours, and preserved in the Ducal Library, where it bears the pressmark Weissenburg, 97, it having belonged to the ancient abbey of that name in Alsace. The verso of fol. 13 seems to have been written by a different hand. It was first published by Echardt in his Leges Francorum et Ripuariorum. Francof. & Lips. 1720. p. 119-140. Cf. Pardessus, p. 157, who published it as his First Appendix; it is Merkel's 2nd codex.
- 8. Munich, K. Bibl. Cimel. IV. 3 g, about the end of the 8th or beginning of the 9th cent., 8°. Second Appendix of Pardessus; Merkel's third text. It formerly belonged to the Church of the Holy Cross at Augsburg, and was first published by Feuerbach, Die Lex Salica und ihre verschiedenen Recensionen. Erlangen, 1831. Cf. Pardessus, p. 193; Mon. Germ. Legg. III. 3.
- 4. Paris Lat. (formerly suppl. Lat. 65, at present) 9653, 9th cent., sm. Fol. Second text of Pardessus. Merkel's 4th text. Cf. Pardessus, Pref. XXIV; Mon. Germ. Legg. I. p. XXIV. III. 509.

Codd. 1 and 2 contain a great number of the so-called Malberg Glosses. In cod. 4 they occur in Titt. 17 and 35 alone. In cod. 3 they are found only in a few places, but the scribe, who regarded them as Greek words, says at the end of the table of rubrics: "Nos propter prolixitatem voluminis vitandam seu fastidio legentium vel propter utilitatem intelligendi abstulimus hinc verba Graecorum et numero dinariorum, quod in ipso libro crebro conscribta invenimus."

It is now generally assumed that the above four MSS. contain the short and oldest redaction of the Lex Salica in 65 chapters, the first entitled: De mannire; the last: De caballo mortuo excorticato. These 65 chapters correspond to the first 68 chapters of the Lex Emendata. It is true, cod. I presents, in an almost unbroken

[•] The difference of a number of three chapters is caused by the Lex Emendata containing a chapter VIII: De furtis arborum, which either does not occur in the oldest texts at all, or, as is the case in texts 5 and 6, is united with ch. VII. The Lex Emend. further contains two chapters XVI and XVII: De eo qui villam alienam adsallierit and De eo qui hominem mortuum expoliauerit, which in the older texts are either omitted or combined with ch.

series, a number of 89 chapters, but the first 65 terminate with the chapter: De caballo &c., and the remainder seem to be later additions. Again, in cod. 2 the number of chapters from De mannire, to De caballo &c., or Lex I as the cod. has it (see titt. 65 and 99), is actually 68, but the 46th and 47th are mere repetitions of chapters 66 and 65, and chap. 58: De dispeccionibus, is in none of the other texts, except in Herold's edition, where it is combined with tit. 59. In cod. 3 the number of Capitula legis Salicae is 84 as given in the table of rubrics, and apparently 83 in the text, which seems to be defective at the end. But the chapters 66-80 contain a text of the Pactum pro tenore pacis (forming the chapters 78-91 in cod. 2), and the chapters 81, 82, and 83 are a corrupt copy of the 78th, 42nd, and 75th chapters of the Lex Burgundionum.

Therefore, codd. 1-3 have in reality a text of 65 chapters, just as codd. 4, 5 and 6.

It may be presumed that allusion is made to these 65 chapters in the Recapitulatio Legis Salicae (see col. 425), where it is said: "Sciendum est quod in quibusdam legis (libellis) Salicis inueniuntur capitula principalia LXV." On the authority of the Epilogues this first portion (namely, the Latin version of it) may be ascribed to Chlovis. In any case it may be assumed that the text of codd. 1-4 is anterior to all the others and dates from a time when Christianity had not yet become general among the Franks. Codd. 1-4 do not contain any of the enactments against those who murder priests, pillage or burn churches (cf. tit. 55), nor the clause prohibiting marriages between near relatives (cf. tit. 13) which, with regard to the Franks, were first forbidden by an edict of King Childebert, A.D. 596 (see Monum. Germ. Legg. I. p. 9). Nor do these codd. say of Chrenecruda (cf. tit. 58) that it was a pagan custom (also abolished by the same edict of 596, cap. 5). Moreover, the Leiden cod., which contains a text almost literally the same, in the first 71 chapters (except ch. 2), as the text adopted by Charlemagne, says in the second chapter (see ch. 102 of the present work): "Non est sacramentum in Francos; quando illi legem composuerunt, non erant Christiani." Waitz (Das alte Recht der Sal. Franken, p. 5 sqq.) points out other characteristics of codd. 1-4, which do not occur in the later codd, and seem to claim for the former a greater originality than for the other families.

SECOND FAMILY.

- 6. Paris Lat. (formerly Fonds Notre Dame 252 F. 9, at present) 18237; 9th cent. Cf. Mon, Germ. Legg. III. 9. Pardessus published it as his third text, with the various readings of 5. It is Merkel's sixth text, and has in the present work also been called cod. 6, and made the basis of the text in the 5th column. Cf. Pardessus, Préf. XXXI.
- 5. Paris, 4403 B. (End of the 8th or commencement of the 9th cent.) Merkel's 5th text. Cf. Pardessus, Préf. X.

Both these MSS. contain a text in 65 chapters, with the so-called Glosses, like the MSS. of the First Family, but with interpolations or numerous additions which point to a later period. In the first

XIV. Again, ch. LVIII: De expoliatione ecclesiae vel incendio sive homicidiis clericorum, is not represented in the oldest redactions, made at a time when the Franks had not yet embraced Christianity (the first \u03b1 occurs in texts 5 and 6, but as \u03b1 7 of ch. 55, = ch. 57 of the Lex Em.). On the other hand the older texts have a separate chapter XV, which, in the Lex Emend., is combined with ch. XIV.

place, ch. 13: De raptu mulierum contains a paragraph (11) pronouncing fines on marriages between near relatives. The text of this paragraph is a copy of the interpretation of Alaric's Breviary on the 3rd constitution of the Cod. Theod. III. 12, and could have been inserted in a text of the Salic Law only after A. D. 506. Moreover, Pardessus (Loi Sal. p. 35) remarks that, if the Salic Law had, from the beginning, contained this enactment, the Edict which Bouquet ascribes to Childebert I. an. 532, others to Childebert II. an. 596, and by which such marriages are prohibited, would not have been necessary; neither would the Councils of Orléans (511), Albon (Epaonense, 517), Auvergne (535), Orléans (538, 541), Tours (567), have confined themselves to prohibiting them in the name of religion and pronouncing canonical punishments. They would evidently have invoked the civil law if it had existed. Whether the paragraphs 6 and 7 of tit. 55 relate to Christianity is doubted by Kern (§ 253).

The similarity of the text presented by codd. 5 and 6 to the Lex Emendata is evident on a mere comparison of the two texts.

It would appear that a text, which seems to be lost, served as the basis of this one and the codd. of the third Family. Sohm (R. u. Ger. Verf. p. 41) and Waitz (A. R. p. 7) discuss this point at length. That the arrangement of the text of the Third Family, or, let us say, its enactments were known to the compiler or compilers of cod. 6 is evident from the table of rubrics in this cod., where we find between the rubrics of titt. 47 and 48, the unnumbered rubric: De homine de barca abatuto. Under tit. 41 it will be seen that this tit. occurs neither in cod. 6, nor in 5, and it is further to be observed that cod. 1 puts it in a different place, not to speak of the arrangement adopted in the other texts.

THIRD FAMILY.

First Division, with the Malberg Glosses.

- 7. Montpellier, Faculté de Médecine, H. 136, 9th cent. sm. fol. Pardessus made it the basis of his fourth text, with the variations of 8 and 9 and (at least partly) of B and F of the second division. It is Merkel's seventh text. Cf. Pardessus, Préf. XXXV.
- 8. Paris Lat. (formerly 5189 at present) 4627. Merkel's 8th text. 10th cent. sm. 4°. First published in Schilter's *Thesaurus Antiquitatum Teutonicarum*, Tom. II. Ulmae, 1727, p. 1 sqq. Cf. Pardessus, Pref. XVII. and p. 114.
- 9. St. Gallen, 731, 8°, dated Oct. 793 (see the Prologus I, note v at the end). On p. 234 we find the miniature of a man who carries a raven in one hand, and a book in the other; underneath is written: Vandalgarius fecit hæc. Cf. Mon. Germ. Legg. III. 3.

Second Division, without the Glosses.

- M. Formerly Collège Clermont at Paris, afterwards in the possession of Von Keller, at present in the Central Library at Warsaw, published by Rom. Hubé: La Loi Salique d'après un manuscrit de la bibliothèque centrale de Varsovie, 1867. 8°.
 - B. Paris, Lat. 4409, ancien fonds, 4°, 9th cent. Cf. Mon. Germ. Legg. I. p. xix.
 - F. Paris, Lat. 4629, 4°, 9th cent. (imperfect, commencing with tit. 24, § 3, but even then only partly legible till § 2 of tit. 37).
- Gt. St. Gallen, 729, 9th cent., 4°; cf. Mon. Germ. Legg. III. 2. To this division belong a) MS. Middlehill, (1741, according to Behrend: it is probably MS. Phillipps, Meerman-Clermont, 373-566, and perhaps identical with the Clermont MS. 624 indicated by

Pardessus as not to be found; see below, col. xxii), 4°, 9th or 10th cent., b) Vatican Christin., 846, 4°. According to Pardessus (Pref. L) the latter MS. has after the edict of Childebert of 596: "Anno feliciter undecimo regni domni Caroli gloriosissimi regis, mense martio," i. e. circa A. D. 779, as the title of emperor is not given to Charlemagne.

The MSS. of this Family contain a text resembling that of the Second Family and the Lex Emendata, but divided systematically into 99 (the St. Gallen MS. 731 has 100) chapters. This Family is to be divided into two subdivisions. The codd. of the first division contain the so-called Malberg Glosses, which are omitted in the MSS. of the second division. The text of the latter division differs moreover from that of the first in that it bears traces of attempts to make the language more concise, while in several places it approaches the text of the Lex Emendata. These differences, however, were not substantial enough to justify the text being treated separately in the present work. Hence the various readings have been given in notes to the text of the first division, for which cod. 7 has been taken as the basis. One important difference between the two classes is that the MSS. of the first division contain the whole chapter 99 De chrenecruda, in terms analogous to those of the First and Second Family, with the addition in the rubric "quod paganorum tempus observabant," while the MSS. of the second division say of this custom: "De chrenecruta lege quae paganorum tempore observabant deinceps nunquam valeat, quia per ipsam cecidit multorum potestas."

We have no evidence as to the time this redaction was made, or the motives for such a complete alteration in the numbering and classification of the chapters. But Pardessus (Loi Salique, p. 115) calls attention to a short announcement which occurs in the Montpellier MS. at the end of the Prologue I, immediately before the table of rubrics which precedes the text of the Lex Salica: "Anno ter XIII decimo regnante domno nostro Pipino gloriosissimo rege Francorum." As the MS. contains documents posterior to the reign of Pepin, the object of this announcement could not be to indicate the time the MS. was copied. It may, therefore, be supposed that it must refer to the time when the document itself, to which it is joined, was composed, and that this redaction of the Salic Law was made by order of Pepin.

FOURTH FAMILY.

LEX SALICA EMENDATA.

First Division.

- Paris, Lat. 4418, fol., circ. 9th cent. Cf. Mon. Germ. Legg. III. 516. Fifth text of Pardessus, and also taken as the basis of the text of the L. Em. in the present work.
- A. Paris, Lat. 4417, sm. fol., 9th cent. Cf. Mon. Germ. Legg. I. p. xxv, III. 9, 510.
- B. Paris, Lat. 4626, sm. fol., 9th cent. Cf. Mon. Germ. Legg. I. p. xxxii, III. 517.
- E. Paris, Lat. 4628, large 8°, 10th cent. Cf. Mon. Germ. Legg. I. p. xxiii.
 - Paris, Lat. 4628A, 4°, 10th cent. Cf. Mon. Germ. Legg. I. p. xxx.
- G. Paris, Lat. 4758, sm. 4°, 9th cent. Cf. Mon. Germ. Legg. III. 516.

- H. Paris, Lat. 4760, 4°, 10th cent. Cf. Mon. Germ. Legg. I. p. xxx.
 - Paris, Lat. 4995, 9th cent. Contains only the Recap. Legis Sal.; cf. Mon. Germ. Legg. I. p. xxiii.
- Paris, Lat. 8801, 12°, in two parts, the first cont. Martianus Capella, written in the 13th cent., the second cont. the Lex Em., but mutilated, written in the 9th cent.
- K. Paris Lat. (formerly 75 suppl. Lat., at present) 9654, 10th cent. Cf. Mon. Germ. Legg. I. p. xxxi.
- N. Paris Lat. (formerly 164 bis suppl. Lat., at present) 10758, 4°, probably of the 10th cent. Cf. Mon. Germ. Legg. I. p. xxix.
- O. Paris Lat. (formerly 215 suppl. Lat., at present) 10753, 9th cent., 8°. Cf. Mon. Germ. Legg. III. 1, 518.
- P. Cambrai, Town-Library 576, fol., 9th cent.
- R. Lord Ashburnham, Barrois Collⁿ. 214, 10th cent., sm. fol. (formerly in the Libraries of P. Pithou, Des Marés, Le Peletier and the Duke de Berry; see the Rosny Cat. No. 2401. Some of the deficient matter is supplied in Pithou's writing. 15 leaves belonging to this MS. are in the Brit. Mus., Egerton 269 (from Spangenberg's collⁿ.). Another portion of the same MS. is in the Paris Library, Lat. 4663, but Lord Ashburnham's portion contains the fragments of the Lex Salica. Cf. Mon. Germ. Legg. III. 184, 514, V. 2. It is identical with Pardessus' xxxiv.
- S. Lord Ashburnham, Barrois Coll^a. 201, 11th cent. (formerly Bibl. Reg. Par. Lat. 4789, from Colbert (No. 6631), originally "Liber S. Remigii Remensis vol. viix ij "), Pardessus, No. xx and xxxv being identical. Cf. Delisle in Bibl. de l'Ecole des Chartes, 1866, p. 222.
- T. St. Gallen, Town-Library (formerly No. 7, at present) 383. fol., 10th cent.
- V. St. Gallen, Chapter-Library, 728, 8°, 10th cent.

Various readings taken by Pardessus from these MSS. will be found in the column of the Lex Em., indicated by the letters given here; codd. T and V have been collated by myself. The above MSS. contain all a text of 70 chapters, the first entitled: De mannire, the last: De eo qui filiam alienam &c. To the same division belong:

- F. Paris, 4632, 4°, 10th cent. (cf. Mon. Germ. Legg. III. 6), containing a text of 72 chapters.
 - Wolfenbüttel, 50, 2 Aug. 8, 4°, probably of the 9th cent., cf. Mon. Germ. Legg. I. p. xxiv, cont. a text of 71 chapters.

Second Division.

Q (also called Cod. 11). Leiden. Voss. Lat. 119, 4°, 9th cent. Merkel's 11th text.

This cod. contains the usual Lex Emendata in 70 chapters, but so full of palpable errors that it is almost worthless for this portion of the Salic Law. In addition, however, to these 70 chapters it comprises a number of other chapters, some of which occur either in cod. I or 2 or 10, while some have hitherto not been found in any other MS. It is the only MS. which has preserved to us the chapters 79–95, and also ch. 78, or the Edict of King Hilperic; for though this Edict is also mentioned in the table of rubrics of cod. I, it is not found there in the text. The MS. contains, moreover, a short text of the document called Reca-

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pitulatio Legis Salicae, not found in any other MS., and a peculiar chapter 2, which occurs also in Codd. 1, 2 and 10, but much shorter.

To the first division belong also the following MSS., which all contain the Lex Emendata, and have been briefly described but not collated by Pardessus (Loi Salique, Préface), nor have they been examined for the present work.

Paris, Lat. 3182, fol., 11th cent.

Paris, Lat. 4630, fol., a copy made on paper, in the 16th or perhaps 15th cent.; it has the signature of Aug. de Thou at the foot of the first page.

Paris, Lat. 4631, a copy (of Par. Lat. 4628 A) made in the 15th cent., partly on veilum, partly on paper. Cf. Mon. Germ. Legg. I. p. xxx.

Paris, Lat. 4759, 10th or 11th cent. Cf. Mon. Germ. Legg. III. 9.

Paris, Lat. 4787, small 4°, 10th cent. Cf. Mon. Germ. Legg. III. 6.

Paris, Lat. 4788, small 8°, 9th cent. Cf. Mon. Germ. Legg. I. p. xxiii.

Paris, Lat. (formerly 303 suppl. Lat., at present) 10754, probably 9th cent.

Paris, Lat. (formerly 247, fonds Notre-Dame, olim F. 4, at present) 18238, 8°, probably 9th cent. Cf. Mon. Germ. Legg. I. p. xxv.

Paris, Lat. (formerly 1109, Suppl. Lat., at present) 9656, 4°, 11th cent. or earlier. The MS. formerly belonged to the Convent of St. Euphemy at Verona (cf. Canciani, Barbarorum leges, II. 461); Mon. Germ. Legg. IV, p. lviii.

Paris, nouv. acq. Lat. 204, 10th or 11th cent. (bought by the Paris Library in 1875, therefore not seen by Pardessus). Cf. Delisle, in Biblioth. de l'école des Chartes, tom. xxxvii, p. 79.

Autun, Library of the Seminary, No. 36, 40, 9th cent.

Lyon, Town Library, fol., 10th or beginning of the 11th cent. Bamberg, Town Library, D, 8°, 9th cent. Cf. Mon. Germ. Legg. III. 5.

Berne, Town Library, N°. 442, small 4°, 9th cent. Cf. Jahn, Kunde u. Benutsung der Bongarsischen Handschriften der Stadtbibl. in Bern. Bern, 1878 (p. 42, Cramer's Beilage). Bonn, University Library, large 8°, 11th or 12th cent.

Copenhagen, Royal Library, No. 1943, coll. Vetustior, 4°, 9th cent. Cf. Mon. Germ. Legg. III. 5.

Gotha, Ducal Library, No. 84; end of the 10th or beginning of the 11th cent., with the chapters arranged in an order differing from all the other MSS., except that at Modena. Cf. the table of rubrics. Cf. Mon. Germ. Legg. III. 4, IV. p. xxxvii.

Hamburg, Town Library, 83, 4°, end of the 9th cent. Cf. Mon. Germ. Legg. I. 265.

Ivrea, Chapter Library, No. 33, 10th cent. Cf. Mon. Germ. Legg. III. 6, 511.

Leiden, Voss. Lat. 86, 8°, 9th or 10th cent. (this MS. has been collated for the present work, but it is imperfect or rather illegible in many parts, and where it is legible it offers no variants of any importance).

Modena, Cathedral Library, No. 2, 40, 10th cent. The chapters are arranged in this cod. in an order agreeing with that of the Gotha MS. Cf. Mon. Germ. Legg. III. 3, IV. p. xl.

Rome, Vatican Christin. 338, 4°, 11th cent.; imperfect, wanting chapters 40-70.

Rome, Vatican, 857, 9th or 10th cent. Cf. Mon. Germ. Legg. III. 7.

Rome, Vatican Christin. 991, 4°, beginning of 9th cent. Cf. Mon. Germ. Legg. III. 7.

Rome, Vatican Christin. 1036, 4°, on vellum, 16th cent., probably a copy of Du Tillet's ed.

Rome, Vatican Christin. 1050, fol., 10th cent.; imperfect, wants the latter part of tit. 38 to the end. Cf. Mon. Germ. Legg. III. 7, 585.

Rome, Vatican Christin. 1128, fol., 10th or 11th cent. Cf. Mon. Germ. Legg. III. 8, 519.

Rome, Vatican Christin. 1728, 4°, on paper, 15th cent., probably a copy of Du Tillet's text, imperfect, wanting from chapter 1 to the middle of ch. 66.

St. Paul, in Carinthia, 4°, 9th cent. Cf. Mon. Germ. Legg. I. p. xxii.

Wolfenbüttel, Guden, 299, 8°, 9th cent., imperfect. Cf. Mon. Germ. Legg. I. p. xxii.

Wolfenbüttel, Guden, 327, 8°, beginning of 9th cent. Cf. Mon. Germ. Legg. III. 4.

Wolfenbüttel, Blankenbourg, tab. III, 3, No. 130; 10th cent. Cf. Mon. Germ. Legg. III. 512.

Middlehill, No. 3899 (p. 54 of Catal.). Roche MSS., 15th cent.

The text of this Family is usually called Lex reformata, Lex (a Carolo Magno) emendata. Two MSS. bear a date. In MS. No. 4626 of the Paris Library it is said at the end of the short Prologue Placuit &c.: "Anno ab incarnatione D. N. I. C. DCCLXVIII, indictione VI, dominus rex noster Carolus hunc libellum tractati legis Salice scribere jussit." In the St. Gallen MS. No. 728 we find: "Anno ab incarnatione D. N. I. C. DCCLXXVIII indictione sexta domnus Karolus rex Francorum inclitus hunc libelli tractati Legis Salice scribere ordinavit." In two other MSS. (Paris, Lat. 4628A and 4760) the indiction VI is mentioned without the year. Of the above two years, 768 and 778, only the first agrees with the indiction VI. Former editors (Du Tillet, Pithou, Bignon, Baluze) of the Lex Emendata have the same notice, but with the year DCCXCVIII (798). It seems that this year is not based on the authority of any MS. An alteration of DCCLXVIII to 798 might be made if we knew that the MSS. in which the wrong date occurs wrote 90 as it is done in some MSS. (e. gr. in 2, 7 and 9) of the Lex Salica, namely LXL; but as the date of the MS. 4626 not only agrees with the indiction VI, but also belongs to the reign of Charlemagne, it is not impossible that the year in the St. Gallen MS.is a mere mistake. As regards the operation effected, either in 768, or in 798, if it means more than scribere, and is the same as lucide (lucidius) emendatum of the Prologue, it appears to have consisted in eliminating the Malberg Glosses from the text, correcting the Latin, omitting a certain number of paragraphs found in previous redactions, and admitting a few others. Charlemagne, however, does not seem to have prohibited the use of the earlier redactions, as almost all the MSS. of the preceding Families date from his time or after his reign.

In 803 Charlemagne again occupied himself with the laws of his

II

subjects (see the Capit. of 803), but Eginhard (Vita Karoli Magni, cap. 29) says: pauca capitula, et ea imperfecta legibus addidit.

The MSS. of the L. Em. contain a text of 70 chapters, the first entitled: De mannire, the last: De eo qui filiam alienam &c. But it has already been remarked above that one MS., Paris 4632, adds two more chapters, the one entitled: De terra condemnata (also occurring in the MSS. of the Third Family, and in Herold, though with an entirely different bearing), the other: De invictu stricto. The index of the MS., however, records only 70 chapters. One other MS., Wolfenbüttel 50, 2. Aug. 8, adds the chapter De invitus tritto to the 70 usual chapters. These additional chapters will be found among the (capita) Extravagantia. It is clear from the Capitulary of 819 (see col. 419 of the present work) that the order of the chapters of the L. Em. must have been as we possess it from the beginning of its compilation.

In comparing the 70 chapters of the L. Em. with the 65 chapters of the earliest redaction, it will be seen that only the three chapters LVIII, LXIX and LXX have been added to the L. Em. (cf. above the note on col. xiv).

The MSS. 4628A, 4631, 4760 and 10758 contain what may be called a general table of contents (p. 58 of 10758, cf. Pardessus, Loi Sal., p. 275): Incipiunt libelli uel decretio (decreti, 4628A) Chlodeueo et Childeberto, siue Chlothario et Karolo fuit lucide emendatum. I. De legibus diuinis et humanis. II. Pactus Childeberti regis, inde sunt capitula XCVIII (XVIII, 4628A). III. Decretio Chlotharii regis, cap. XVII, Lex Suauorum (cf. Mon. Germ. Legg. III. 14). IV. Decretum Childeberti regis, de eo qui hominem nobilem plagauerunt (plagauerit, 4628A). V. De reliquis conditionibus, id sunt capitula XVII. VI. Decretio Karoli regis, cap. XVIII; memoratio de octo bannos, id sunt cap. XXIV (XXXIV, 4628A), id sunt capitula VIII. VII. De septem septinas (septennis, 4628A), cap. XIX; jussio domni (4628A adds: nostri) Karoli; inde sunt cap. VIII. VIII. Sciendum est quod in quibusdam, id sunt capitula IV. IX. Decretum est ut qui in uigilias qualiter ordinauit (ordinatum, 4628A) propter famis inopiam. X. De tractatu legis Salicæ. XI. Pro legis Salicæ. XII. De homicidiis clericorum, id sunt cap. XI. XIII. Ut nullus praesumat hominem, inde sunt cap. VI. XIV. De mannire, inde sunt capitula LXX. XV. Lex Ribuariorum, inde sunt capitula XCI. XVI. Lex Alamannorum.

Pardessus informs us that the MSS. 4760 and 10758 do not contain the *Leges Rip*. and *Alam*. The MSS. 4628A and 4631 (which is a copy of the former) contain only the first nine documents.

FIFTH FAMILY.

10. The text published by Herold in his Originum ac Germanicasum Antiquitatum libri, Basil. 1557, fol. pp. 1-38. Third Appendix of Pardessus. Merkel's tenth text. Cf. Mon. Germ. Legg. IV. 39.

This version differs from all the others we know at present, and no trace of the Fulda MS. which Herold used has hitherto been found. That he had more than one MS. at his disposal is clear from the various readings he gives in the margin, which differ not only from Herold's text itself, but also from all the other texts (cf. tit. II. 8; VI. I &c.). There is, therefore, reason to suppose that at least two of the MSS. he used have been lost, unless we assume with Grimm (Pref. LXXVI) that the marginal notes may also have been in Herold's MS.

Herold's text has the appearance of being an amalgamation of several versions. Occasionally we find in the same tit. repetitions of paragraphs almost identical (cf. tit. XVII (XX). 10; XIX (XXII). 1b. 3); in some chapters such expressions as: in alia mente (tit. II. 19; XV; XXIII (XXVI). 1); in alia pacto (X (XI). 8); in alia sententia (XIV (XVII). 5); antiqua lege (LV (LVIII). 1b). But it is impossible to say whether Herold faithfully followed one MS., or whether he compiled his text from materials collected from various MSS. On the title-page of his work it is said: "... Opera B. J. Herold, ac collatione exemplariorum quae vetustissimis necnon ante septingentos annos depictis characteribus expressa erant, descripti, emendati, atque in lucem magna religione editi."

In the main the text agrees with cod. 6 (cf. Kern's notes, § 3). But the influence of the Lex Emendata is also perceptible in many respects. Several of his paragraphs are marked with a •, and in most instances these paragraphs agree exactly with those of the L. Em. (cf. titt. VIII (IX). 4-7; XIII (XVI). 4; XIII (XIV). 12, &c. &c.), though in other cases they evidently belong to a different version (cf. tit. XIX (XXII)).

Herold's book has apparently remained unfinished. In numerous places of his work we find certain words marked with small letters in alphabetical order. In the second chapter alone a whole series of such letters from a to s may be observed. Whether these letters were intended to refer to the commentary which Herold proposed to publish, or to notes with other readings, it is impossible to say, as his book contains nothing except the texts of the various laws.

His text consists of 80 chapters, of which the first 71 represent the 70* chapters of the L. Emendata. Cf. Mon. Germ. Legg. IV. p. xxxix.

MSS. which existed formerly, but seem to be lost at present. (See Pardessus, Préf. LXVIII)

1. Codex Estensis from which Muratori (Antiqq. Italicæ medii ævi, II. 286) published some glosses and different readings. See Pardessus, pref. LXVIII. A copy of the MS. is preserved at Modena, but the Modena glosses, when compared with Muratori's readings, offer some differences; cf. Merkel's glosses in his Lex Salica, and Muratori's. Cf. Mon. Germ. Legg. III. 195. 2. No. DCXXIV, formerly belonging to the College of Clermont, at Paris, and described in the Catalogue of that institution, printed in 1764 (perhaps at present the Phillipps MS., Meerman-Clermont, 373-566, see above, col. xvi.). 3. A MS. containing a text differing from the Lex Emend., indicated by D. Montfaucon in his Bibliotheca bibliothecarum (Cat. of St. Germain des-Prés), p. 1078 (vol. 780). 4. The MS. containing the Lex Salica, indicated (on the leaf following the table of contents) in "Annalium et historiæ Francorum . . . scriptores coetanei XII.ex bibl. Petri Pithoei, Franc. 1594." Pardessus suggests that the MS. 4995 of the Paris Nat. Libr. may be the MS., as this apparently contains the Chronicle indicated by Pithou, though it has not the Lex Salica. 5. Codex Fauchetianus mentioned by Baluze (Capit. II. 1049?; see Pardessus, LXXI). 6. The MS. which according to Pertz (Archiv, V. 209) was preserved in the Laurentian Library at Florence. 7. A MS. which according to Loisel (Annales de Beauvais, p. 60) was preserved in the Chapter Library of that town.

J. H. H.

CAMBRIDGE, November, 1879.

This difference is caused by Herold's text making a separate chapter of four paragraphs which form the paragraphs 12-15 of tit. XIV of the L. Em.

GODD. 1. 8. 4. 5. 6.	CODD. 7. 8. 9. B. G. H.	L. Em.	Herold.	Modena.	Leiden.	
INCIPIUNT (*) CAPITULA IN PACTO SALICAR. (*) Capitula legis Salice supter inserta, 3. No heading in 4. Incipiunt Capituli legi Salicae, 6. Incipit Pactus Salicae Legis, 5.	Incipiunt capitulacionis (*) lege (*) Salicae (*). (*) Capitula, 8.9.H. (*) legis, 8.9.H. (*) Salice diæ Mercoris proximo ante K <i>alendas</i> Nouembris in anno XXVI regui domno nostro gloriosissimo Carolo rege, 9.					
I. De manire (a). (b) mannire, 4-6.	I. De manire (1). (*) mannire, 9; mannere, G.	ī.	I.	I.	I.	De mannire.
II. De furtis porcorum.	II. De furtis porcorum.	II.	II.	LI.	III.	De furtis porcorum.
III. De furtis animalium.	III. De furtis animalium.	ш. •	m.	L.	IIII.	De furtis animalium.
 IIII. De furtis (a) ouium (a). (a) ouibus furatis, 4. 	, IIII. De furtis ouium.	Ш.	IV.	LII.	v.	De furtis ouium.
V. De furtis caprarum.	V. De furtis caprarum (a). (*) cabrarum, 9.	v.	v.	LIII.	VI.	De furtis caprarum.
VI. De furtis canum.	VI. De furtis canum.	VI.	VI.	XLVII.	VII.	De furtis canum.
VII. De furtis (a) auium (a). (b) auibus furatis, 4. In cod. 3 this tit. is numbered VIII.	VII. De furtis auium.	VII.	VII.	XLVIIII.	VIII.	De furtis auium.
	VIII. De furtis arborum.	VIII.	VIII.	LV.	VIIII.	De furtis arborum.
VIII. De furtis apium (a). (a) apum, 3; apibus furatis, 4.	VIIII. De furtis apium (*). (*) abium, 9 ; aplarium, G.	VIIII.	VIIII.	LIIII.	X.	De furtis apium.
VIIII. De damno (*) in messe uel (*) qualibet (*) clausura (*) in-latum (*). (*) damnum, 3. (*) uel - inl., om. 4; 3 and 5 add: in. (*) quemibet, 3. (*) clausuram, 3. (*) inl., om. 35 &	X. De damno(*) in messe uel in qualibit clausura. (*) damnum, 8.9.	Х.	X.	LXI.	XI.	De (*) damno (*) in messe uel in qualibet clausura (*). (*) Si damnum, H. (*) H adds: illatum fuerit.
X. De seruis (*) uel mancipiis furatis (b). (*) seruis uel, om. 5.6. (b) fur., om. 3.	XI. De seruis uel mancipiis (*) furatis. (*) mantipiis, G.	XI.	XI.	XLII.	XII.	De seruis uel (*) mancipiis furatis. (*) uel, om. H.
XI. De furtis ingenuorum uel (*) fractura (*). (*) uel fr., om. 5.6. (*) de fracturis, 3; effracturis, 4.	XII. De furtis ingenuorsm uel efraturis (*). (*) effracturis, 8; effractoris, 9; infractores, H. B.G.	XII.	XII.	XXXVIIII.	XIII.	De furtis ingenuorum uel (*) in- fracturis (b). (*) uel inf., om. M. (*) effracturis, H.
XII. De furtis seruorum uel (*) fractura (*). (*) uel fr., om. 5.6. (*) efracturis, 4; De efractura uel furtis seruorum, 3.	[XIII. De furtis seruorum uel effractoris] (*). (*) Supplied from cod. 9.	XIII.	XIII.	XL.	XIIII.	De furtis seruorum uel (4) in- fracturis (b). (*) uel inf., om. M.L. (*) effracturis, H.
XIII. De rapto (*) ingenuorum (b). (*) raptum, 3; raptu, 4; raptis, 5. (*) mulieris, 4; 3 and 5 add: uel mulierum; 6 adds: siue mulierum.	XIII[I]. De rapto ingenuorum uel mulierum.	XIIII.	XIIII.	XXIII.	xv.	De ingenuis hominibus (a) qui (b) ingenuas mulieres rapiunt. (b) mulierum raptoribus, M.L. (b) qui —rap., om. M.L.
	XV[I]. De superuentis(*) uel expoliacionibus ([qui] hominem ingenuum expoliat.	(xv.	XVI.	XVIII.	XVI.	De (*) eo qui hominem ingenuum expoliauerit. (*) De superuentis, H.
XIIII. De superuenientis(*) uel(b) expoliatis (*). (*) -uenlentes, 6; -uentis, 3-5. (*) uel, om. 5.6. (*) -tionibus, 3.56; -tionem, 4.	(*) superuenientes, 8; Si quis hominem expoliauerit, H.B.G. XVI[I]. Si quis in (*) uillam alienam adsal-	XVI.	XVIII.	VIIII.	[XVII.]	De eo qui uillam alienam adsal- lierit (*). (*) ass-, M; no rubric in L.
2 1,	lierit (b). (b) in, om. 8.9. H.B.G. (c) adsallerit, H.B.G; adsalleret aut expolianeret, 9.	XVII.	XVII.	XX.	(XVIII.)	De (*) eo qui hominem mortuum expoliauerit. (*) De expoliationibus, H; no rubric in L

		KOBKICS				
CODD. 1. 3. 4. 5. 6.	CODD. 7. 8. 9. B. Q . H.	L. Km.	Herold.	Modena.	Leiden.	
XV. De (*) homicidiis uel si (*) quis uxorem alienam tulerit (*). (*) De -uel, om. 3-6. (*) De coqui uxore aliena uluo marito tollit, 5.6. (*) tollit uluo marito, 4.	XIIII[I]. De [eo](*) qui alterius muliere(*) tullerit. (*) his, 9. (*) mulierum (muliere, 9) tollit uiuo marito, 8.9.		xv.			De eo qui uxorem tulerit alienam.
XVI. De incendiis.	XVIIII[I]. Si quis super hominem dormientem casa (*) incenderit. (*) casam, 9.H.B.G. XX[I]. Si quis espicarium (*) aut mafolum (*) cum annona (*) incenderit. (*) spicarium, 8.9.H.B; ispicarium, G. (*) maufahum, 8; aut maf., om. H.B.G. (*) anona, 8.	XVIII.	xviiii.	X.	XVIIII. (17) The	De incendiis. numbers between () are those of the MS., two rubrics being omitted from the table of rubrics but not from the lest.
XVII. De uulneribus.	XXI[I]. Si quis adulterum (*) uoluerit (*) oc- cidere et colepus (*) fallierit (*). (*) alterum, 8.0. (*) uoluit, 8. (*) colpus, 8; colibus, 9. (*) faliret, 9. Si quis hominem occidere uoluerit, H.B.G. XXII[I]. Si quis ingenuo (*) hominem de fuste	xviiii.	XX.	xv.	XX . (18).	De uulneribus.
XVIII. De eum(*) qui ad(b) regem innocentem (*) hominem accusat. (*) eo, 3-5.6. (*) h. l. absentem (-te) ad regem illum accusat, 5.6. (*) h. l. accusat absente, 3; homini innocenti absente hac- cusat, 4.	percusserit. (*) ingenuum, 8.9; ing., om. H.B.G. XXIII[I]. Si quis ad(*) rege[m] hominem innocente (b) absente (*) accussat (4). (*) ad reg., om. H.B.G. (*) aloncentem, 8.9; inn., om. H.B.G. (*) absentem, 8; abs., om. 9.H.B.G. (*) accussat, 9.	XX.	XXI.	v.	XXI. (19).	De eo qui hominem innocentem et (*) absentem (*) ad (*) regem accusauerit (*). (*) uel, M; et, om. L.H. (*) Madds: sine causa; abs., om. L.H. (*) apud, H. (*) accusat, M.
[XVIII[I]. De maleficiis.] (*) (omitted in table, but not in text). (*) 3 adds: hominum; 5 and 6 add: uel herbis.	XXIIII[I]. De maleficis (*) qui (*) alterius (*) erbas dederint (*). (*) maleficis, g.H.B. (*) qui -ded., om. H.B.G. (*) alteri, 8. (*) dediret, 9.	XXI.	XXII.	XXXII.	XXII. (20).	De maleficiis (*). (*) maleficis, H; M adds: uel herbis.
XVIIII[I]. De eum qui ingenuam mulierem manum aut brachium uel digito extrinxerit (*). (*) Si quis m. i man. uel b. extrinxerit, 3; Si quis ingenuam mulieri m. a. b. strinxerit, 4; De manu (manum) uel brachio (brachium) mulierum (mulieru) stringendum, 6,5.	XXV[I]. De manu (*) mulieres (b) stringenda (*). (*) manum, 9. (b) mulieris, 8.H.B.G. (*) extringenda, 9.	XXII.	ххііі.	ххи.	XXIII. (21).	De (*) eo qui mulieri (*) ingenuæ (*) manum (4) strinxerit (*). (*) De manu mulierum non stringenda, H. (*) mulierem, L. (*) ingenuam, L. (*) Madds: aut brachium.
XX[I]. De nauibus furatis.	(XXVI[I]. De(*) naue qui (*) sine permissu (*) domini (*) sui (4) mouent (*). (*) Si quis nauem, H.B.G. (*) permisso, 9.H.B.G. (*) domino, H.B.G. (*) sui, own. H.B.G. (*) mouent, 8; mouet, 9; mouerit, H.B.G. XXVII[I]. De asco de intra (*) claue (*) furato (*). (*) intro, 9. (*) claue, 8. (*) Si quis arcum (ascum) de intro claue (clauem) furauerit, H.B.G.	XXIII.	xxIIII.	LXIII.	XXIIII. (22).	De (*) eo qui nauem, sine (b) per- missu domini, mouerit, aut furauerit. (*) De nauthus furatis, M. (b) sine - dom. om. L; alterius mouerit uel furauerit, M.
XXI[I]. De furtis in molino (*) conmissis (*). (*) mulino, 4. (*) conm., 699. 4. (Codd. 5, and 6 have a correspond-	XXVIII[I]. De furtu(*) in molino(*) conmissis (*). (*) furtis, 9; furto, H.B.G. (*) mollino, H. (*) commisso, 8.G; comisso, H.B. XXVIIII[I]. De [eo](*) qui alterius ex-	XXIIII.	xxv.	LVI.	XXV. (23).	De furtis in molino (*). (*) mulino, L; M.H add: commissis.
ing \in tit. 22, but no rubric in the table.)	clusa (*) rumpit (*). (*) his, 9. (*) sciusa, 9. (*) Si quis alterius esciusam (exclusam, sciusa) ruperit, H.B.G.					(,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
XXII[I]. De caballo (*) extra consilium (b) domini sui accensum (c). (°) caballum, 3. (b) consilio, 5. (°) ascen- sum, 3.4; ascenso, 5; asc., om. 6.		xxv.	xxvi.	XLIIII.	XXVI. (24).	De caballo sine (*) permissu (*) domini ascenso (*). (*) sine – dom., sm. H. (*) permisso, M. L. (*) ascensu, L.
XXIII[I]. De homicidiis (*) par- uolorum (*). (*) homicidio, 4. (*) paruulorum, 3.4.6; 3 adds: et mulierum; 5.6 add: uel mulierum.	(*) hum-, 9. (*) paruolorum, G. **XXXIIII[I]. De puero tunsorato (*). (*) tons-, 8.H.B.G. **XXXIIII[I]. De necligentias (*) paruolorum (b). (*) neglegentiis, 8.H.B.G; neglienciis, 9. (*) paruul-, H.B. **XXXIII]. De femina postquass infantes habere (*) cepit (b) occiderit (b). (*) habet, 9. (*) coeperit occidit, 8; occiderit, 9. Si quis feminam infantes habentes (-tem) occiserit (occiderit), H.B.G. **XXXIII[I]. De femina post media (*) aetatem occiderit, (*) medletate, 8.9. Si quis feminam post mediam aetatem occisserit, H.B.G.	XXVI.	XXVIII.	xxxIII.	XXVII. (25).	De (*) his qui pueros (*) uel mulieres (*) occiderint (*). (*) De homicidiis parudorum, H. (*) pueris, L. (*) puelas, M. L. (*) -rit ud tunderit, L.; M addr.: uel totonderint.

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	TABLE OF	RUBRICS	S.	***		
GODD. 1. 8. 4. 5. 6.	CODD. 7. 8. 9. B. G. H.	L. Rm.	Herold.	Modena.	Leiden.	
XXIIII[I]. De adulteriis (*) ancillarum (*). (*) alteriis, 5. (*) incellarium, 4; 5.6 add:	XXXV[I]. De alteriis (*) ancillarum. (*) adulteriis, 8.9.H.B.G.	XXVII.	XXVIIII.	LXVII.	[XXVIII.]	Do adulteriis ancillarum (*). (*) No rubric in L.
XXV[I]. De libertis demissis (*). (*) dimissis, 4.6.	XXXVI[I]. De libertis demissis (*) ingenuis (b). (*) dim -, 8; ingenulos demissus, 9. (b) De manciplis allenis ingenuis dimissis.	XXVIII.	XXX.	LXVIII.	XXVIIII. (26).	De libertis dimissis.
	XXXVII[I]. De furtis diuersis. XXXVIII[I]. Si quis messem alienam medit(*). (*) meterit, 8; metit, 9; metet, H.R.G. XLII[I]. Si ques in (*) orto alieno (b) in (*) ingressus (d) fuerit. (*) in, om. 9. (b) ortum alienum, 9. (*) in, om. 8.H.R.G; 9 adds: furtum. (4) egressus, 9.					·
	XXXVIII[I]. Si quis de (*) campo alieno messem (b) furauerit. (*) de, 000. 9. (*) lino, 9. Si quis linum alienum fur., H.B.G.					
XXVI[I]. De furtis diuersis.	XL[I]. Si quis prato(*) alieno [furauerit et](*) secauerit (*). (*) prado, 9; pratum alienum sec, H.B.G. (*) fur. et, supplied from 8. (*) segauerit, 9. XIIII. Si quis rice and the segauerit (*).	XXVIIII.	ххуп.	LVII.	XXX. (27).	De furtis diuersis.
	XLI[I]. Si quis uineam alienam [in furtum] (*) uindemiauerit (*). (*) in f., supplied from 9. (*) uindim -, 8.9. XLIII[I]. Si quis retem (*) de aquam (b) furauerit.			•		
	(*) rete, H.B.G. (*) aqua, 8; anquilis de flumins, 9. XLIIII[I]. Si quis de (*) screona (b) qui (*) clauem habet (*) aliquid furauerit. (*) screonam q. c. h. infregeret, 9. (*) screunam, 8. (*) clauem habentem, H.B.G.					
	XLV[I]. Si quis campo alieno arrauerit (*) et (*) non seminauerit (*). (*), arauerit, 8.9; exarauerit, H.B.G. (*) et - sem., om. 9. (*) seminauit, 8.					
XXVII[I]. De locationibus (*). (*) eloc -, 35.6; elog -, 4.	XLVI[I]. De logationibus (*). (*) elog -, 8; ælog -, 9; Si quis hominem ad malitiam (maliciam) faciendam locauerit, H.R.G.	XXX.	XXXI.	LXIIII.	XXXI. (28).	De locationibus (*). (*) eloc -, H.
XXVIII[I]. De dibilitatibus (*). (*) deb -, 3-56; ullitatibus, 4.	XLVII[I]. De dibeletatibas(*). (*) debült-, 8; dibült-, 9; Si quis hominem membrum tulerit, H.B.G.	XXXI.	XXXII.	xvi.	XXXII. (29).	De debilitatibus (*). (*) dib—, L.
XXVIIII[I]. De conuiciis (*).	XLVIII[I]. De conuiciis (*). (*) conuitiis, 8.H.B.G; conuicies, 9.	XXXII.	xxxiii.	LXX.	XXXIII. (30).	De conuiciis (*). (*) conuitiis, M.L.H.
XXX[I]. De uia lacina (*).	XLVIIII[I]. De uia lacina (*). (*) lacinia, H. B.G.	XXXIII.	XXXIIII.	XXXVIII.	XXXIIII. (31).	De uiæ (*) lacina (b). (*) ula, M.H ; ule, L. (b) lacine, L.
XXXI[I]. De ligaminibas (*) ingenuorum (*). (*) leg-, 35; ligamentibus, 4; ligamnibus, 6. (*) ing., om. 4.	L[I]. De legaminibus (*) ingenuorum (*). (*) lig-, 8.9. (*) De hominibus ligatis (legatis), H.B.G.	XXXIIII.	XXXV.	XVIIII.	XXXV. (32).	De (*) eo qui hominem ingenuum sine causa ligauerit. (*) De ligaminibus ingenuorum, H.
XXXII[I]. De uenationibus (*). (*) uenatiobus, 3; 5.6 add: furatis.	LI[I]. De uenationibus (*).	xxxv.	xxxvi.	XLVIII.	XXXVI.	De uenationibus.
•	LII[I]. De sepibus (*). (*) saepibus, H. LIII[I]. De (*) homine (*) qui (*) per alienam (4) messem erpicem (*) traxerit. (*) Si quis, 9; Si quis per me. al. herpicem aut carrum traxerit, H.B.G. (*) hominem, 8; hom., om. 9. (*) qui,					
XXXIII[I]. De sepibus (*) fura- tis (b). (*) saepibus, 6. (*) fur., om. 356.	om. 9. (*) allena messe, 9. (*) erpece aut carro, 9. LIIII[I]. Si quis per (*) allenam (*) messem (*) expalmetantem (*) transierit (*). (*) per, om. 8. (*) al., om. 9. (*) messe, 9. (*) expalmitantem, 8; expalmitante sine ula semita fecerit, 9. (*) Si quis per messem allenam semitam (seminatam, 6) fecerit, H.B.C.	XXXVI.	xxxvii.	LXII.	XXXVII. (34).	De sepibus.
	LV[I]. Si quis per(*) mallo (*) ingenuo (*) in curte aut in casa in furto (4) aliqued miserit (*). (*) in curte uel in casa per mode ingenio in f. a. mis., o. (*) malo, 8. (*) ingenio, 8. (*) furtum, 8. (*) Si quis in mitto (mitho, G) alieno per ingenio (ingenuo, G) furtum (ecerit, H.B.G.					
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CODD, 1. 8. 4, 5. 6.	CODD 7 8 0 B G H	L. Em.	Herold.	Modens.	Loidon	
יס יט יל זי טי די טיי דיתחחי	OODD. 7. 8. 9. B. G. H.	L. EIL.	Terota.	MOUSILE.	Leiden.	
	LVI[I]. De homicidiis seruorum uel expoli- cationibus (1). (*) expolat -, 8,9; Si quis seruum occiserit aut expoliane- rit, H.B.G.					
XXXIIII[I]. De homicidiis ser- uorum (*) uel (*) expoliationibus (*).	LVII[I]. Si quis seruum alienum battit (4). (*) batterit, 8; baptit, 9; percusserit, H.B.G.	XXXVII.	xxxviii.	LXVI.	XXXVIII.	De homicidiis seruorum uel ancil- larum (*).
(*) paruulorum, 3. (*) et, 3. (*) expolicationibus, 3; expoliatim, 6.	LVIII[I]. Si quis homo (*) ingenuus litum alienum (*) expoliauerit. (*) homo, om. H.B.G. (*) al., om. H.B.G.				1337	(*) expoliationibus, H.
	LVIII[I]. Si quis seruus hominem (*) in- genuum (b) occiserit. (c) hom., om. H.B.G. (b) alienum, 8.					
XXXV[I]. De quadrupedibas (*) si (*) hominess occiderit (*). (*) quadrupe—5; quatrupedio, 6. 6; si — occ., ess. 3. (*) occidit, 6.	LX[I]. De quadrupedis (*) pecorum si (*) hominem occiserit. (*) quatro pedis se, 9; St pecus, H.B.G.	XXXVIII.	XXXVIIII.	LXV.	(36).	De quadrupedibus, si (*) hominem occiderint (*). (*) qui, M.H. (*) hedunt, H.
XXXVI[I]. De uestigio minan- do (*). (*) menando, 3.	LXI[I]. De uestigio (*) menando (*). (*) uistigio, 9. (*) min –, 8.H.B.G.	XXXVIIII.	XL.	LVIII.	XL. (37).	De uestigio minando.
XXXVII[I]. De furtis (*) cabal- lorum uel equorum (*). (*) fur, 3; furtibus, 6. (*) equarum, 3-4.6.	LXII[I]. De furtis caballorum. See above LXIII[1].	XL.	XLI.	XLV.	XLI. (38).	De caballis (*) furatis (b). (*) caballisus, L. (*) De furtis caballorum, H.
	/ LXIIII[I]. De plagatoribus (*). (*) placatoribus, 9; Si quis mancipium alienum sollici- auerit, H.B.G.					
	LXV[I]. Si quis seruus (*) alienus furatus fuerit (*).					
XXXVIII[I]. De plagiatoribus.	(*) seruum alienum furauerit, H.B.G. (*) 8 adds: uendiderit.	XLI.	XLII.	XLIII.	XLII. (39).	De (*) his qui aliena mancipia sollicitauerint. (*) De plagiatoribus, H.
	LXVI[I]. Si qui hominem ingenuum pla- gauerit (*) aut (*) hoc est uindederit. (*) placauerit, 9; uendiderit, H.B.G. (*) aut – uind., cm. 8.H.B.G; aut, cm. 9.					() De pagamonions, si.
XXXVIII[I]. Si seruus (*) in furtum (*) fuerit (*) insculpatus (*). (*) furtum, 6. (*) 6 adds : seruus. (*) inculpatus, 3-6.	LXVII[I]. Si(*) seruus (*), in (*) furto (4) fuerit inculpatus. (*) 9.H.B.G. add: quis. (*) seruum, G. (*) de, H.B.G. (4) furtu, 8; furtus, 9;	XLII.	XLIII.	XLI.	XLIII. (40).	De seruo qui de furto (*) fuerit interpellatus (*). (*) furtu, L. (*) inculpatus, M.L.H
	LXVIII[I]. De homicidiis ingenuorum (*). (*) H.B.G add: Francorum uel Romanorum.					
	LXXIII[I]. De homine (*) ab inimicis truncato & postea interfecto (*). (*) -nem, 8. (*) -fectum, 8.9; Si quis hominem iam truncatum alter occiserit, H.B.C.					,
XL[I]. De (*) mortibus (*) inge- nuorum. (*) rubr. com. 5. (*) homicidis, 3.4.6. See below Tit. XLVII.	LXXIII[I]. De homine de barga (*) uel de furca (*) demisso (*). (*) bargo, 8.9. (*) fur, 8. (*) dimisso, 8; Si quis hominem de furca presumptiosus dimiserit, H.B.G.	XLIII.	XLIIII.	XI.	XLIIII. (41).	De homicidiis ingenuorum.
	LXLVII[I]. De eo qui alterum in pucium (*) aut in pellagum (*) inpinxerit (*). (*) puteum, 8. (*) pelagum, 8; pelicum, 9. (*) Si quis hominem in periculo (periculum, 6) mortis inp., H.S.C.					
XLI[I]. De homicidiis a contu- bernio (*) factis (*). (*) -niis, 5.6. (*) facto, 4.	LXVIIII[I]. De homicidiis (*) in contuber- nio (*) facto (*). (*) humicidio, 9. (*) contuberniis, 8. (*) factis, 8.H.B.G.; factom, 9.	XLIIII.	XLV.	XII.	XLV. (42).	De homicidiis a contuberaio factis.
XLII[I]. De homicidio (*) in contubernio (b) facto (c). (*) - diis, 3-6. (*) contubis, 3; conuluiis, 5-6. (*) factis, 3-56.	LXX[I]. De homicidio a (*) contubernio facto (b). (*) ad, o. (*) De homicidiis ubi alii homines fuerint factas, H.B.G.	XLV.	XLVI.	XIII.	XLVI. (43).	De homicidiis in conuiuio factis.
XLIII[I]. De reipus (*). (*) regibus, 3: rebus, 4; reiphus, 6.	LXXVIII[I]. De reiposse(*) ut solit(*) homo moriens (*) & uidua (*) demiserit (*). (*) reipusse, &o. (*) solet, &o. (*) mori, &. (*) uiduass, &. (*) dim-, &. Qualiter uidua (uiduam, G) in coniugium unusquis accipiat, H.B.G.	XLVI.	XLVII.	ххии.	XLVII. (44).	De reippus (*). (*) re Ipus, H.
XLIIII[I]. De migrantibus.	LXXVIIII[I]. De migrantibus (*). (*) Si quis uillam alterius occupauerit uel si XII mensibus eam tenuerit, H.B.G.	XLVII.	XLVIII.	xxvi.	XLVIII. (45).	De (*) eo qui uillam alterius (*) occupauerit uel (*) si (*) duodecim mensibus (*) eam tenuerit. (*) De Migrantibus, H. (*) alienam, M.L. (*) et, L. (*) menses, M.
XLV[I]. De hac (*) famirem (*). (*) acfatmire, 3; adramire, 4; adhramire, 5; achramire, 6.	LXXX[I]. De affatussire(*). (*) afactumiq, 8; factumiris, 9; affatumiae, H.B.G.	XLVIII.	XLVIIII.	xxvII.	XLVIIII. (46).	De affatomiæ (*). (*) afatomie, M ; adframire, H.

	TABLE OF			1		
GODD. 1. 8. 4. 5. 6.	CODD. 7. 8. 9. B. G. H.	L. Em.	Herold.	Modena.	Leiden.	
XLVI[I]. De filtortis (*). (*) filtortus, 3; feltorits, 5; feltorto, 6; 4-6 add; qui lege salica ununt (uiuit, 6). Cod. 6 has after this rubr, another rubr, hut without a number: De homine de barca abatuto, which goes with tit. XLI.	LXXXI[I]. De filtorto (*). (*) filo torto, 8; Qualiter homo furatas res interciare debet, H.B.G.	XLVIIII.	L.	LVIIII.	L. (47).	De(*) filtortis, hoc(*) est, qualiter homo furatas res intertiare debeat(*). (*) De interciatis rebus, M.L. (*) qui Salica lege uiuunt, H.
XLVII[I]. De falso (*) testi- monio (*), (*) falsa, 4; falsum, 35.6. (*) -monia, 4; -monium, 35.6.	LXXXII[I]. De falso testimonio (*). (*) Si quis falso testimonio prebuerit, H.B.G. LXXXIII[I]. Si quis (*) alicui fuerit inpotatum (*) quod (*) periurassit (*). (*) quis, om. e.H.B.G. (*) quod, om. 8. (*) - set, 8.H.B.G.	L.	LI.	xxvIII.	LI. (48).	De falso testimonio.
XLVIII[I]. De testibus (*). (*) testes, 3.	LXXXIIII[I]. De testibus qui necessaria (*) habuerit dare (*). (*) necessitatibus, 8. (*) Si testes uenire permiserint (promiserint, G) et postea se distulerint (distullerunt, G), H. B. G.	LI.	LII.	LX.	`LII. (49).	De testibus adhibendis.
XLVIIII[I]. De fides(*) factas(b). (*) fide, 3-6. (b) facta, 3; factis, 45.	LXXXV[I]. De fides (*) factas (*). (*) fede, 9. (*) factus, 8; Si quis ingenuus ad litum fidem factam non reddiderit, H.B.G.	LII.	LIII.	xxviiii.	LIII. (50).	De (*) eo qui fidem factam alteri reddere (*) noluerit (*). (*) De fide facta, H. (*) non reddiderit, M.L.
L[I]. Si (*) quis grafionem (b) iniusti (*) ad res alienas tollendas (*) inuitauerit (*). (*) De androctema, 6; De andoctimetho hoc est qui garafionem ad res alienas, 5. (b) grauionem, 4. (*) tolendas, 3. (*) inuitat, 3.	LXXXVI[I]. De (*) eo qui grafionem ad res alienas iniusti (b) inuitauerit. (*) Si quis, H.B.G. (*) iniuste, 8; iniuste tollendas, H.B.G.	LIII.	LIIII.	III.	LIIII. (51).	De (*) eo qui grafionem ad res alienas tollendas iniuste inuitaue- rit (b). (*) De andocmito, H. (*) adduxerit, L.
LI[I]. De rem pristitam (*).	LXXXVII[I]. De rom prestata(*). (*) prestatam, 9; Si quis beneficium alterius reddere noluent (non uoluent, G), H.B.G.	LIIII.	LV.	XXX.	LV. (52).	De re (a) praestata (b). (b) rem, L.H. (c) praestita, M; prestatam, L.
LII[I]. De (*) manu (*) ad (*) inium (*) redimendam (*). (*) De quium manum redimendum, 4. (*) manum, 35. (*) de, 56. (*) inio, 3; ineum, 5; hinio, 6. (*) redemendam, 35; redimenda, 6.	LXXXVIII[I]. De mano (*) de inio (*) re- demenda (*). (*) manu, 8 (*) enio, 8.9. (*) Qualiter manus de aeneo (eneo, G) redematur uel iuratores donent, H.B.G.	LV.	LVI.	XXXI.	LVI. (53).	De manu ab (*) æneo (*) redimenda. (*) ad, L. (*) eneo, M.L.; ęneo, H.
LIII(I). De(*) grafionem(*) occisum(*). (*) Si quis, 3. (*) grafionem, 4; grafionem, 5; grafione, 6. (*) occiderit, 3; hocciso, 4; occiso, 6.	LXXXVIIII[I]. De (*) eo qui (*) grafionem (b) occiderit (*). (*) Si quis, H.B.G. (b) grafione, 9; grafionem aut sagibaronem, H.B.G. (*) occisserit, 8.	LVI.	LVII.	VII.	LVII. (54).	De (*) eo qui grafionem occiderit. (*) De grauione occiso, H.
LHH[I]. De corporibus expoliatis.	XVIII[I]. Si quis corpus in (*) furtu (*) expoliauerit antequam (*) in terra mittatur. (*) inhumatum, H.B.; inumatum, G. (*) furtum, 9; furt., om. H.B.G. XVII[I]. Si quis hominem mortuum (*) [effoderit (*) aut (*)] expoliauerit. (*) mort., om. H.B.G. (*) exfodiret, 9; effodierit, H.B.G. (*) aut exp., om. 9. LXXV[I]. De expolicata (*) ecclesia (*). (*) expoliata, 8.9. (*) eclesia, 9; Si quis basilicam expoliauerit, H.B.G. LXXVI[I]. De basilica incenduta (*). (*) incenduda, 9; Si quis basilicam incenderit, H.B.G.	LVII.	LVIII.	XXI.	LVIII. (55).	De corporibus expoliatis.
	LXXVII[I]. De (*) presbiteris uel diaco- nibus (*) interfectis (*). (*) Si quis presbiterum (praesbiterum, G) occiserit, H. B.G. (*) diaconus interfectus, 9.	LVIII.	LXXI.	VI.	LVIIII. (56).	De expoliatione (*) ecclesiæ, uel incendio siue homicidiis. (*) incendio ecclesiarum (ecl., L) et (uel, L) expoliatione (-nem &, L) de hom. cl., M.L; De Basilica insensa, H.
LV[I]. Si (*) quis ad mallum uenire contempnit (*). (*) De dispecto, 6; De dispecto. Si quis ad mallum uenire dispexerit, 5. (*) con- tempserit, 3.4.	LXXXX[I]. De eo qu' ad mallo (*) uenire cont. mpscrit (*). (*) mallum, 8.0. (*) Si quis ad malum (mallum, G) uen. distributierit, G) aut quid (quod) ei indicatum est cont., H.B.G.	LVIIII.	LVIIII.	II.	LX. (57).	De (*) eo qui ad mallum uenire contempserit. (*) De spectionibus, H.
LVI[I]. De rachineburgiis (a). (a) rachinburgiis, 3; rationeburgiis, 4; rachinburgis, 6.	LXLI[1]. De rachinburgies (*). (*) racimburgis, 8; recemburgis, 9; racimburgis (raciburgis, G) qui legem non iudicant, H.R.G.	LX.	LX.	ші.	LXI. (58).	De rachinburgiis (*). (*) rathinburgiis, H; rachimburgiis (rachymburgis, L) qui secundum (sec., ************************************
LVII[I]. De chrene cruda (*). (*) chera cruda, 3; theuna trude, 4; chenechruda, 5; cenecruda, 6.	LXLVIIII[I]. De chrenecruta (*) qui a (b) paganorum (*) teporae (d) obseruabunt (*). (*) criminecrude, 8; crenecruda, 9. (*) ad, 9; a. om. 8. (*) pagano, 9. (*) tempore, 8.9. (*) -bant Dro gracias expliciumt capitular, 9.	LXI.	LXI.	XVII.	LXII. (59).	De chrenechruda (*). (*) chrenecruda, M; crenecruda, L; crencrude, H.
LVIII[I]. De alodis (°). (°) allodis, 6.	LXLII[I]. De alodis (*). (*) alodes, 9; De intestatorum hereditatibus, H. R.G	LXII.	LXII.	XXXIIII.	LXIII. (60).	De alode (*). (*) alodis, H.

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	TABLE OF	RUBRICS	5.			
CODD. 1. 3. 4. 5. 6.	CODD. 7. 8. 9. B. C . H.	L. Rm.	Herold.	Modena.	Leiden.	
LVIIII[I]. De eum (*) qui se de parentilla (*) tollere uult. (*) eo, 34.6. (*) parentela, 4; parentibus, 5.6.	LXLIII[I]. De (*) eo qui se de parentilla tollere uult. (*) Qualiter homo se parantilla tollatur, H.B.G.	LXIII.	LXIII.	xxxv.	LXIIII. (61).	De eo qui se de parentilla (*) tollere uoluerit (*). (*) parentela, M; parentlla, L. (*) uult, H.
LX[I]. De charoena (*). (*) charoenna, 3; carohen, 4; charoene, 5.	LXLIIII[I]. De aroena (1). (1) Si quis per iram aliquid tulerit uel expoliauerit, H.B.G.	LXIIII.	LXIIII.	xxxvi.	LXV. (62).	De charoena (*). (*) charorina, M; haruueno, H.
LXI[I]. De conpositione (*) homicidii. (*) homicidiis conpositionibus, 5,6; —nem, 3.	LXXII[I]. De compositione (*) homicidie (b). (*) conpusicione, 9. (b) homicidii, 8; humicidiuss, 9; Qualiter homicidia conponantur, H. B.G.	LXV.	LXV.	XIIII.	LXVI. (63).	De conpositione homicidii (*). (*) - diis, L.
LXII[I]. De hominem (*) ingenuo (*) qui in oste occiditur. (*) homine, 3.4. (*) in hoste (hostem) occiso (hocciso, occisum), 3-6.	LXXIII[I]. De homine in (*) hoste (*) occiso. (*) salico in oste, 9.	LXVI.	LXVI.	VIII.	LXVII. (64).	De homine in hoste (*) occiso. (*) oste, L.
LXIII[I]. De herbugium (*). (*) eborgium, 3; herburium, 4; chereburgium, 6; cherrenburgium, 5.	LXLV[I]. De hereburga (*). (*) ereburgio, 8; recemburgie, 9; Si quis hominem trio- portio (strioporcio, G) clamauerit, H. R.G.	LXVII.	LXVII.	XXXVII.	LXVIII. (65).	De (°) eo qui alterum herebur- gium (°) clamauerit. (°) De herburgium, H. (°) erinburgium, M; ereburgium, L.
LXIIII[I] (*). De caballo (*) mortuo (*) extra (*) consilium. (*) 1.VI, in cod. 6. (*) caballum, 3-5. (*) mortuum, 3.5; domini sui, 6; extra consilium domini sui decotatum, 4. (*) decorticatum, 3.6; sine consilium domini sui decortaticum, 5; cons., om. 6.		LXVIII.	LXVIII.	XLVI.	LXVIIII. (66).	De caballo excortigato (*). (*) scorticato, M; excorticato, H; mortuo extra consilio domaini sui excorticato, L.
(The following rubrics occur in cod. 1 only).						
LXV[I]. De mitio fristatito. LXVI[I]. Si quis hominem de) ·				[•]	De mitio fristratrito. (*) substic not numbered in L., see below.
furcas descenderit extra consilium iudicis. LXVII[I]. De eum qui hominem uiuum de furcas furauit.		LXVIIII.	LXVIIII.	LXVIIII.	LXX. (67).	De eo qui hominem de (*) bargo (b) uel de furca (*) dimiserit (*). (*) uluum de furca tulerit, H. (*) barco, M. (*) furcis, M. (*) deponit, M.
	LXLVI[1]. De eo qui filia (*) aliena (*) spunsuerit (*) et se retraxerit (*). (*) filiam alienam, 9. (*) sponsauerit, 8. (*) Si quis desponsatam se retraxerit, H.B.G.	LXX.	LXX.	xxv.	LXXI. (68).	De eo qui filiam alienam adqui- sierit (*) et (*) se (*) retraxerit (*). (*) desponsauerit, M.L. (*) et – retr., ow. M; but the rubr, in the kest has: et eam non unit accipere. (*) non unit eam decipere.
	LXLVIII[I]. De terra condemnata (*). (*) Si quis terram alterius condempnauerit, H.B.G (last rubric in these Codd., though H has XCIX, C.)	LXXI.	LXXII.			De terra condemnata (*). (*) commendata, H.
		LXXII.				De inuictu stricto.
			a L	reodiba. I ntrussione. XXVIII. In atter rubrio	XXV. De m LXXVII. quantas ca comes secon	II. De cultello exadro. LXXIIII. De uliere grauida occisa. LXXVI. De De eo qui in aliena domo resedit. ussas Thalaptas debeant iurare. [The d in the Leiden Cod.: De iuratores apus debet iurare]. LXXVIIII. De
	[C[I]. Incipiunt chunnas, in 8 only].		LXXX.	Ciatura.	<u> </u>	Incipiunt chunnas.
LXVIII[I]. De eum qui infantem alienum tunderit.						•
LXVIIII[I]. De muliere qui se cum seruo suo cupulauerit.					LXXII. (69).	De mulieri quicumque seruo suo copulauerit.
LXX[I]. De conciliatoribus.					LXXIII. (70).	De conciliatoribus.
LXXI[1]. De muliere uidua qui se ad alium marito donare uoluerit.					LXXIIII. (71).	De mulierem uiduam qui se ad alio marito dare uoluerit.
LXXII[I]. De uiros qui alias ducunt uxores.					LXXV. (72).	De uiris qui alienas ducunt uxores.
LXXIII[I]. De hominem inter duas uillas occisum.					LXXVI. (73).	De hominem inter duas uillas oc- cisum.
LXXIIII[I]. De pignoribus.			:		LXXVII. (74).	De pignoratoribus.
LXXV[I]. De muliere cessa uel excapilata.					LXXVIII. (75)-	De mulierem cesam usl scapil- latass.
LXXVI[I]. De eum qui causam alienam dicere praesumpserit.					LXXVIIII. (76).	De eo qui in causam alienam mal- lare praesumpserint.
LXXVII[I]. Edictus domni chil- perici regis. (Omitted in the text).					LXXX. (77).	De dicta domnini hilperici regis pro tenore pacis.

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CODD. 1. 8. 4. 5. 6.	CODD. 7. 8. 9. B. G. H.	L. Em.	Herold.	Modena.	Leiden.	
EXPLICIUNT CAPITULA. Here follow in Cod. 1, though not mentioned in the table of contents: XCVII (the numbers are those in the present work), sine rubrica; XCVII, sine rubrica; Prologus; Leges Alam. & Ripuar.; XCIX, sine rubrica; C [De chane creudo]; CII [In quantas causas electi debeant iurare]; CIII [De creu beba]; CIV, sine rubrica; CV, sine rubrica; CV, sine rubrica; CVI, sine rubrica; CVI, sine rubrica; CVII, Sine rubrica; CVIII. Pactus pro tenore pacis].—In cod. 6 we find further: LVII. Pactum Childeberto & flotario reges. LVII. Decretio childeberti regis. And in cod. 3 the following rubrics occur in the Table after that of Tit. LXV. LXVI. Pactum pro tenore pacis domnorum hildeberti et blotharii. LXVII. De furto cælato. LXVIII. Si homo ingenuus in furtu inculpatur. LXX. Si seruus tremisse inuolauerit. LXXII. Si quis mancipia allena iniusta tenuerit. LXXIII. Si uestigius conprobatur latroni. LXXV. De suuspectis furtis uel capits. LXXVI. De seruis ecclesiae sel uisci seu culus-libet. LXXVIII. De latrones ad ecclesiam fugientibus. LXXVIIII. Vt fiscali instrutem eant. LXXXVI. De heredes qui in hereditatem succedunt. LXXXII. De corum hereditate qui sine filiis moriuntur. LXXXIII. De hereditatem inter nepotem & amitane. LXXXIII. De hereditatem inter nepotem & amitane. LXXXIII. De hereditatem inter nepotem & amitane. LXXXIII. De hereditatem inter super omnsia diligenter consederandum est quod in lege salica unusquisque solidus quadraginta dinarius habet ita ut centum sel propter utilitatem intellegendi abstulimus hinc uerba grecorum et numero dinariorum quod in ipso libro crebre coascribta invenimus.					• Tabu	1. Cod. Lugd. adds: LXXXI. (78). Si quis puerum regis aut libertum occiderunt. LXXXII. (79). Si quis stadalem uaidaris ceruum aut bouen cerui atributar asalierit. LXXXIII. (80). De furtis de uenationibus ud piscationibus. [LXXXIIII]. Si quis pedicam imbolauerit. LXXXVIII. De eo qui alterum ad (cabadam, corr.) cabidam prouocauerunt. LXXXVII. (82). De seruo si alienam occiseri ancillam. LXXXVIII. (83). De eo qui porcina aliena de uia ostiauerit. LXXXVIII. (84). Si quis nauem alienam per uim tulerit. LXXXVIII. (85). De eo qui cum seruo alieno negotiauerit. XC. (86). De eo qui seruo alieno sine causa liguaerit. XCII. (87). Si quis messe aliena gleanere presumserit. XCIII. (88). De eo qui alienam mansionem expoliauerit. XCIII. (89). De eo qui alienam ortum aut nabinam effregerit. XCV. (91). De liberto qui alienam ortum aut nabinam effregerit. XCV. (91). De liberto qui alienam iliberta rapuerit. XCVII. (92). De eo qui alterum inputauerit periurasse. XCVIII. (93). De co qui femina diprobatus. XCVIII. (93). De co qui femina in genua a contubernio uel puella in itinere infere presumpserit. CI. (97). De co qui anstrutione de quaecumque causa mallauerit. CII. (98). De eo qui alterum in periudi nipriserini è uiuns euaserit. CVI. (103). De co qui alterum in periudi nipriserini è uiuns euaserit. CVI. (103). De oqui alterum in periudi nipriserini è uiuns euaserit. CVI. (103). De oqui alterum invenibus periudi miserium periudi nipriserini è uiuns euaserit. CVI. (103). De oqui suritum suum invenibus domum alienum per furtu appellauerit.—Si quis furtum suum invenibus periudi nipriserini è uiuns euaserit. Evi. (103). De oqui alterum invenibus periudi nipriser periudi serium invenibus periudi nipriser euro contila contilatoribus.—Si quis occulte furum sine iudice pagauerit.—De saccilibus.—HNCIP/T LIBER III.—Quem uero primus rex francorum.—De piemito fristratritio (see above the rubr. of ch. LXVI.—De muliere uidau qui se ad alio marito dare uoluerit.—De homine inter duas uillas occulte furum seruo suo copula unicre.—De conciliatori

SYNOPTIC TABLE OF TEXTS

indicating the relation of the different texts to one another. The • in the col. of codd. 5 and 6 denotes that the \$\frac{1}{2}\$ is found only in cod. 6. Those \$\frac{1}{2}\$ between [] in the same col. are found in cod. 5 alone, while those between [] in the col. of 7-9, L. Em. &c. occur only in a certain number of MSS. Paragraphs between () are defective. Hub. = Hubé's text of the Lex Salica; this col. includes the MSS. B.F.G belonging to the same class as Hubé's text.

	1.	2.	8.	4.	5, 6.	7–9.	Hub.	10.	L. R.		1.	2.	8.	4.	5, 6.	7-9.	Hub,	10.	L. E.
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(†) Paragraph 6 om. 8. Paragraph 5 om. 9

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									ARTR O		AIS.								
	1.	2.	8.	4.	5, 6.	7–9.	Hub.	10.	L. E.		1.	2.	8.	4.	5, 6.	7–9.	Hub.	10.	L. B.
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(β) This § om. 8. (γ) This is 15, 1 in cod. 9 (see next note). (δ) This is 15, 1 in cod. 9, of which 15.2.3 = 14.9, 14.10 of codd. 7 & 8; hence cod. 9 is from this title onward always one number in advance of codd. 7 & 8. (4) This § om. 9. (7) Here is a lacuna in 8 up to ch. 29.

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19	1	1	1	7	1	94. z	94. z	22. r	91. z	97	1	1	1	1	1	87. z	87. 1	97. r	29. 1
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(B) Cod. 5 combines §§ 2 & 3. (Y) This § om. 8. (B) This ch. is wrongly numbered 27 in cod. 2; consequently all the following ch. are wrongly numbered by one in the MS.

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—		-	-																
	1.	2.	8.	4.	5, 6.	7–9.	Hub.	10.	L. B.		1.	2.	8.	4.	5, 6.	7-9.	Hub.	10.	L. B.
20	I	1	1	1	r	_	-	89. I	81. z	84	1	1	1	1	1	59un.	59. un.	87. 1	86. z
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	gh	7 ^b	12	13	12	6	6	5	13		9	84	94	9	10	8	8	38	10
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(β) See table of rubrics, note to rubr. XLVII.

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97		99. a	77. z	104. r	16	89, un.	79. un.	[16]
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96	un.	-	_	105. un.	18	90.b. 91	} ~~	18
99	wn.	69. un.	- .	-			<u> </u>	
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101	un.	71. un.	_	-				•
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(f) In the Cod. ch. roz is f zz of ch. roo

xliii

Fragment of the O.H.G. translation of the Lex Salica, of the 9th century.

The two leaves containing this fragment were discovered by Mone in the Town-Library of Trier, and were there still at the time of the publication of Merkel's edition of the Lex Salica (1850). At present they seem to have disappeared; the following text is, therefore, merely a reprint of Merkel's text as supplied to him by Pertz.

	Pag. 1.	Pag. 2.	Pag. 3.	Pag. 4.
LXX. INCIP I. HERI	der scasloos man andran arslahit fon alode; desih fonsinë magun der fonandres henti eo pihnimit; hpeman peragelt gelte; der man inhereslahit; sohperso andran mit losubiliugit; der andres hrosbifillit; der piib gimahalit in tini pilsea halon; EXPL/CIT. /TLIBER LEGIS SALICAE ST(*) FON MENI. Sohperso andran zidinge gimenit. intierni cuimit thinks that the original word was	ibu ini sunne nihabet; geite scillinga. xv; der andran gimenit ibuernicuimit in ti sunne nihabet; sosama geite sol. xv; derandran me nit mit urcundeom zisine me huuse cueme. inti dan negibanni ini erdo sina cuenun. erdo sinaro hi pono ettes hpelihemo gi sage dazis emogicunde peo hergimenit ist; ibuer in cuninges deonoste haft ist; danne nimager ini gimenen; ibuer innandes gepes in sinemo arunte ist. danne mager ini menen. so so iz heer obana	giscriban ist; II. Fon diubiu suino. sohper so suganti farah forstilit. fonderu furistun stigu; erdo inmetalostun. intides gipunnan pirdit; gelte sol. m; foruzan haubitgelt. inti pirdriun. ibudanne indrit tiunstigu forstolanpirdit gelte sol. xv. foruzzan hau pitgelt intipirdriun; sohper sofarah forstilit. fondemo sulage der slozhaftist. gel te sol. xv. foruzan hanpit gelt indipirdriun; sohperso farah infelde daarhirti mit ist. forstilit gelte sol. xv. foruzan haubitgelt inti pird;	Sohperso farah forstilit daz biuzan deru mooter lebenmag, feorzug pentin ga. die tuent sol. I. gelte foruzan haubitgelt inti pird Soherso sui bistoozzit indiu biugelte. sol. vii. foruzan haubitgelt. inti pird; Sohperso sumit farahum forstilit. gelte sol. xvii. foruzan haubit; inti pird Sohperso farah iarigaz for stilit gelte sol. III foruzan haubit inti pird; Sohperso zui iarisuin for stilit. gelte sol. xv. foruzan haubit inti pird; Sohperso zui iarisuin for stilit. gelte sol. xv. foruzan haubit inti pird; Sohperso hant zugiling
forlassit. (2) This	is Merkel's reading; Pertz read R., i.e. rubrica.			

The following burlesque law occurs at the end of the Lex Salica in the Wolfenbüttel MS. (cod. 2), and has become barely legible in some parts:—

Incepst totas malb.

In nomine dei patris omnipotentis, Sit placuit uoluntas landobranno et adono, ut pactum salicum de quod titulum non abit gratenter suplicibus aput gracia fredono una (?) cum uxore sua et obtimatis eorum, in ipsum pactum titulum unum cum dissino adiuturio pertractare debirent, ut si quis homo aut in casa aut foris casa plena botilia abere potuerint tam de eorum quam de aliorum in cuppa non mittant ne gutta; se ullus hoc facire presumserit mal leo dardi, sol. xv consonat, et ipsa cuppa frangant la tota ad illo botiliario frangant lo cabo at illo scanciono tollant lis potionis; sic conuinit observare aput satubo bibant et intus suppas faciant cum senior bibit duas uicis sui uassalli; la tercia bonum est ego qui scribsi mei nomen non hic scripsi culpabilis iudicetur.

LEX SALICA.

GOD. 1.	. COD. 2.	COD. 3.	COD. 4.	CODD. 6 & 5.
INCIPIUNT CAPITULA IN PACTO SALICAE.	INCIPIT LEX SALICE PRIMUM TITOLUM. DE MANIRE.	IN NOMINE DOM/NI INCIPIT LEX ZALICA.	INCIPIT TRACTATUS LEGE SALICAE.	[LEX SALICA.](*)
(Here follows the table of contents.) I. DE MANNIRE. [1] Si quis ad mallum legibus dominicis mannitus fuerit et non uenerit, mal reaptē, hoc est pc dinarios qui faciunt solidos xv culpabilis iudicetur.	[1] Si quis ad mallum legibus dominicis manitus fuerit et non uinerit, solidos xv culpabilis iudicitur.	I. DE MANIRE. [1] Si quis ad mallum legibus dominicis manitus fuerit et non uenerit, seum sunnis non detenuerit, solidos xv culpabilis iudicetur.	I. DE MANNIRE. [1] Si quis ad mallum legis dominicis mannitus fuerit et non uenerit, is eum sonies non detenuerit, De denarios qui faciunt solidos xv culpabilis iudicetur.	I. DE MANNIRE. [1] Si quis ad mallum legibe dominicis mannitus fuerit [et nuenerit] (b), si eum sunnis non de tenuerit (c), De denarios qui faciunt solidos xv culpabilis iudicetur. (*) Cod. 5 has (before the table of rederic lapitol in lege salica. Prologus III. (c) after the table in 5. (b) The worst braning from the table in 5. (c) The worst braning from Cod. 5. (f) tenuerit. (d) 5 gr. nowhere the number of denaris.
[2] Ille uero qui alium mannit et ipse non uenerit, si eum sunnis non tricauerit, et qui manebit xv sol. culp. iud.	[2] Ille uero qui alium manit et ipse non uinerit, mallare abtena, ei qui manebit pc dinarius qui fac. sol. xv culp. iudic.	[2] Ille uero qui alium manit et ipse non uenerit, ei quem maniuit sol. quinque culp. iud.	[2] Ille uero qui alium mannit et ipse non uenerit, pc den. qui fac. sol. xv culp. iud.	[2] Ille uero qui alium (*) mann: si non uenerit et (*) eum sunnis ne detenuerit(*), quem (*) manniuit sim- liter sol. xv culp. iud. (*) eum. (*) si. (*) tenuerit. (*) ei qu
[8] Et ille qui alium mannit cum testibus ad domum illius ambulare debet: et si praesens non fuerit, sic aut uxorem aut quaecumque de familia illius apellit, ut illi faciat notum quod ab eum mannitus est.	sic eum manire, ut aut uxor illius aut		[3] Ille autem qui alium mannit cum testibus ad domum illius ambulet, et sic eum manniat, aut uxorem illius uel cuicumque de familia illius denuntiat, ut ei faciant notum quomodo ab illo est mannitus.	[8] Et ille qui alium manit (e certestibus ad domum illius ambular debet), et sic eum manitre debet), et sic eum manitre debet), et sic eum manitre debet), et sic eum manitre debet, et sic et sic et facar familia illius aut quemcumque et en facar fotum quomodo ab illo manitres (est et el manitre), et sic et el el eum de el el el el el el el el el el el el el
[4] Nam si in dominica ambasia fuerit occupatus, mannire non potest.	[4] Nam si in dominica ambascia fucrit occupatus, manire non potest;		[4] Nam si in iussione regis fuerit hoccupatus, mannire non potest.	[4] Nam si in dominica ambaxia fueritoccupatus, manire (b) non potes: (a) ambascia. (b) mannire.
[5] Si uero infra pago in sua ra- tione fuerit, sicut superius diximus mannire potest.	si uero intro pago fuerit sua racionem, sics f superius diximus manire potest.		[5] Si uero infra pago in sua ratione fuerit, potest mannire sicut superius dictum est.	[5] Si uero infra pago in sua ratione fuerit, potest manire (*) sic.: superius diximus. (*) mannire.
II. DE FURTIS PORCORUM. [1] Si quis porcellum lactantem furauerit et ei fuerit adprobatum, mai chrane calcium, hoe est cxx din. qui tac. sol. III culp. iud.	II. DE FURTIS PORCORUM. [1] Si quis porcellum lactentem furauerit, cui fuerit adprobatum, Malb charcalcio, sunt dinarius cxx fac. sol. III culp. iud.	II. DE FURTIS PORCORUM. [1] Si quis porcellum lactantem furauerit et ei fuerit adprobatum, maldirāni, solid. tres culp. iud.	II. DE FURTIS PORCORUM. [1] Si quis porcellum lactantem furauerit et ei fuerit adprobatum, cxx den. qui fac. sol. III culp. iud.	II. DE FURTIS PORCORUM. [1] Si quis porcellum lactantem furauerit de chrannac (*) prima au demediana et ei fuerit adprobatum malb chranalteo lescalti bo est unum tualepti*, sunt den. con qui fac. sol. III culp. iud. (*) chranne. [3] Si (*) uero in tertia chranne fuerit(*), mlb chranchalteo*, po den. qui fac. sol. xv culp. iud., etcepto capitale et delatura.
				(*) add: quis. (*) chrance. (*) furawri [3] Si quis (*) porcellum de sute- te clauem habuerit, m.il. DCC den. qui fac. sol. XLV culp. ind. (*) add: uero. (b) sutem.
[2] Si quis porcellum furauerit qui sine matrem possit uiuere et ei fuerit adprobatum, mal chrane calcium, hoc est xL din. qui tac. sol. 1 culp. iud.	[3] Si quis porcellum de campo furauerit qui sine matre uiuere possit, mal in zij mus, sunt din. XI fac. sol. uno, cui fuerit adprobatum, culp. iud.	[2] Si quis porcellum de campo furauerit qui sine matre uiuere possit, mai imnis fit, sunt din. xxx.	[2] Si quis porcellum de campo furauerit qui sine matre uiuere possit et ei fuerit adprobatum, den. XL qui fac. sol. 1 culp. iud.	[8] Si quis porcellum furauerit qui sine matre uiuere possit, malb hinnifiht sine tertega", sunt den. xi qui fac. sol. 1 cutp. iud., except capitale et delatura.
[3] Si quis scroba in asso subaterit et ei fuerit adprobatum, mai na rethalthi, hoc est CCXLI (*) din. qui fac. sol. VII culp. iud. (*) leg. CCLXXX (7).		[8] Si quis scrobam in furto sub- batterit, mal nare chalt, sol. vii culp. iud.	[8] Si quis scruua in furto subba- taerit, ccixxx den. qui fac. sol. vii culp. iud.	[6] Si quis scrofam (*) sobattit in furtum, malb narechalte*, sunt den. CCLXXX qui fac. sol. VIII (*) culp. iud. (*) scruuam. (*) subbattet. (*) srs. [7] Si quis scropham (*) cum porcellis furauerit, mlb focifale*, ncc den. qui fac. sol. XVII; (*) culp. iud. (*) scrouam. (*) XVII.
[4] Si quis porcum anniculum furauerit et ei fuerit adprobatum, mal drache, hoe est exx [din.] qui fac. sol. III culp. iud., excapto capitale et dilatura.			[4] Si quis porcellum usque hono- colatum furauerit, no den qui fac. sol. xv culp. iud.	[8](*) Si quis porcum anniculum furauerit, malb inzymis natariz. sol. III culp. iud. (*) This i is not in 5.

CODD. 7, 8, 9.	COD. 10.	LEX EMEND.	OBSERVATT.
INCIPIT LEX SALICA(*).	IN CHRISTI NOMINE INCIPIT PACTUS LEGIS SALICÆ. Hi autem sunt, qui Legem Salicam tractauerunt: Vuisogast, Arogast, Sale- gast, Vuindogast, in Bodham, Saleham, & Vuidham.	INCIPIT LIBER LEGIS SALICÆ.	
I. DE MANIRE(*). [1] Si quis ad mallum legibus dominicis manis (*) fuerit et non uenerit (*), si (*) eums sunnis en detenuerit, [sunt dinarii De qui faciunf] (*) blidos xv culpabilis iudicetur. (*) So in 8; no rubricin 7.B.G.; IN NOMINE DOM/NI OSTRI INIU XPI INCIPIUNT TITULUS LEGIS ALICE, 9; Incipit legis Salicae, H. (*) MANNIRE, BG H. (*) manitus, 80, B.G.H. (*) uenuerit, 9. (*) e., [nays in 9. (*) The words between [] in this and the illowing \$\frac{1}{2}\$ have been supplied from Cod. 8.	I. De Mannire. 1 Si quis ad mallum legibus dominicis †mannitus fuerit & non uenerit, si eum Sumis non detinuerit, solidorum quindecim culpabilis iudicetur, qui faciunt denarios sexingentos. † manit per simplex n.	I. DE MANNIRE. [1] Si quis ad mallum legibus dominicis mannitus (*) fuerit et non uenerit, si eum sunnis non detenuerit, DC dinarios qui faciunt solidos xv culpabilis iudicetur. (*) In S the m of mannire has everywhere been erased and replaced by b: bannire, bannit, &c.	With tit. 1. cf. L. Sal. 56; Rip. 32; Sept. Caus. 1. 1, 2; Cap. Lud. † 1; L. Cham. 40, 43; Waitz, 154, 191; Sohm, Proc. 126; 5d. R. u. Ger. 114, 139. Herold's text has been followed throughout; consequently the letters (4, b, *, &c.) to indicate the notes (which he never published) are also given here.
[2] Ille (*) uero qui alio (*) manet (*) et ipse (4) on uenerit, si eum sunnis non detenuerit, [sunt in. DC qui fac.] sol. xv ei (*) cui manuit (†) cononat. (*) 1Bi, 9. (*) alium. 8.B.G.H. (*) mannet, 8.G.H.; anit, 9.; mannit, B. (*) ipsi, 9. (*) el, om. 8. (*) mannuit; mannuit, B.G.	2 Ille uero qui alium mannit, & ipse nom uenerit, si eum Sumis non detinuerit, ei qui mani- bit similiter no den. qui fac. sol. xv componat.	[2] Ille uero qui alium mannit, si non uenerit et eum sunnis non detenuerit, ei quem manniuit similiter DC dinarios qui fac. sol. xv conponat.(*) (*) culpabilis iudicatur, Q.	
, manning, p.o.	3 Ille autem qui alium mannit, cum testibus ad domum illius ambulare debet, et sic eum mannire debet, aut uxorem illius, uel quemcunqme de familia illius, ut ei faciat notum, quomodo ab illo mannitus est,	[8] Ille autem qui alium mannit cum testibus ad domum illius ambulet, et sic eum manniat (*), aut uxorem illius, uel cuicumque de familia illius denuntiet, ut (*) ei faciat notum quomodo ab (*) illo est mannitus. (*) manniet, O. (*) et, V. (*) ad, Q.	Cf. L. Sal. 106.
	+ nam si in dominica b Ambascia fuerit occu- patus, manniri non potest. † nam si in iussione regis.	[4] Nam si in iussione regis occupatus fuerit, mannire (*) non potest. (*) manniri, K; banniri, S.	
	Si uero intra pagum, in sua ratione fuerit, potest manniri, sicuti superius dictum est.	[5] Si uero infra pago (*) in sua ratione (b) fuerit, potest manniri (*) sicut superius dictum est. (*) pagum, N. P.; pauco, G. (b) regione, Q. (f) mannire, Q. V.	
II. DE FURTIS PORCORUM. [1] Si quis porcellum(*) lactantem(*) de franne(*)	II. De furtis Porcorum. 1 Si quis porcellum lactantem furauerit, de	II. DE FURTIS PORCORUM. [1] Si quis porcellum lactantem furauerit de	With tit. II. cf. L. Sal. 84; L. Alam. 101-3; Ripuar. 18; Gund. 4; Thur. 36, 37; Cham. 25; App.
furauerit et ei (4) fuerit adprobatum (4), mat hramnechalti redialti (7), [sunt din. CXX sur fac.] sol. III culp. iud. (*) purcellum, o. (*) lactentem, o. (*) cranne, o; de ranne, om. B.G.H. (*) exinde, B.G.H. (*) adprobatus, B.G.H. (*) malb (so always in 8) chrinne chulti, 8; mal (always in 9) chranne chalti rechalti, o.	*rhanne prima, aut de mediana + & ei fuerit adprobatum, Malberg * rhannechala lere- chala, hoc est, * unum ahe lepte cxx den. qui fac. sol. III culp. iud., excepto capitale & delatura. † et inde fuerit conulctus.	hranne (*) prima aut de mediana, et inde fuerit conuictus, CXX din qui fac. sol. III culp. iud., excepto capitale et delatura. (*) chranea, K; O has ranne besides branne; chranne, p.V.	1. 7. With 1 r cf. L. Sal. 81. 4; Recap. L. Sal. 6(b). The s which Pardessus gives at the end of the gloss in Cod. 8 is in the MS. 3, i.e. sunt, and does not, therefore, belong to the gloss.
	2 Si uero in tertia rhanne † furauerit, malb. 4 rhanne chalteo, DC den. qui fac. sol. xv culp. iud., excepto capitale & delatura. † priserit.	[2] Si uero in tertia hramne (*) furauerit, pc din. qui fac. sol. xv culp. iud., excepto capitale et delatura. (*) chramne, V.	
	3 Si quis porcellum de Sutenn furauerit & clauem habuerit, MDCCC den. qui fac. sol. XLV culp. iud., excepto capitale & delatura.	(3) Si quis porcellum de sude furauerit, quae(*) clauem habet, MDCCC din. qui fac. sol. XLV culp. iud., excepto capitale et delatura. (*) qui, Q.V.	On theft from a place locked- up and theft from an open place, cf. tit. 7. 3; 8. x, 2, &c. 13. 5; 21. 3, 4; 27. 21, 22. Cf. L. Sax. II. 33 (Legg. v. p. 66, note 85).
[2] Si quis porcellum(*) furauerit qui sine matrem(*) uiuere possit et ei(*) fuerit adprobatum(*), mal hymnis thetica(*), [sunt din. xL qui fac.] solido uno culp. iud., excepto capitale et delatura(*). (*) purcellum, 9. (*) matre, 8.0. B.G. H. (*) exinde, B.G. H. (*) adprobatus, B.G. H. (*) himnes theca, 9. (*) dilatura, atways in 8.9, B.G. H.	5 Si quis porcellum furauerit, qui sine matre uiuere possit, malb. s ymnisfith siue htherte- sun, in XL den.qui fac.solidum i unum culp.iud., excepto capitale & delatura.	[5] Si quis porcellum (*) furauerit qui sine matre uiuere potest, xr. din. qui fac. solidum unum culp. iud., excepto capitale et delatura. (*) purcellum, V.	The gloss in Cod. 3 is distinctly imnis fit. Cf. Recap. L. Sal. 3.
	6 Si quis k Scrouam + 1 subbapatit in furtum, malber. muarachalt, in CCLX den. qui fac. sol. VII culp. iud., excepto capitale & delatura. † subbatit in furtum, hoc est porcellos à matre subtrahit.	[6] Si quis scrouam (*) subbattit (*) in furtu (*), hoc est porcellos (4) a matre subtrahit, ccl.xxx din. qui fac. sol. vii culp. iud., excepto capitale et delatura. (*) scrofam, B.K.R; scrobam, E; scrofas, P; scrouam subacta, G. (*) subbatin, Q. (*) furto, V. (4) porrocellus, Q.	Cf. Recap. L. Sal. 9(*), where a fine of 7½ sol. is indicated just as in Cod. 5, while in text b of the same document 7 sol. is given. The half solidus is expressed as in the MSS, by 5 (semis); some
	7 Si quis Scrouam cum porcellis furauerit, malb. * focichalta in DCC den. qui fac. sol. + xvII culp. iud., excepto capitale & delatura. + xvII & dimidium et benè.	[7] Si quis scrouam cum porcellis furauerit, DCC din. qui fac. sol. xvII cum dimidio culp. iud., excepto capitale et delatura.	MSS. omit this sign; others give a whole sol. instead. In the Lex Emend. cum dimidio has been adopted from Pardessus. The gloss focifale in \(\frac{1}{2}\) of Cod. 6 is distinctly so written in the MS., but it is an emendation, apparently made by the same scribe. The original word is illegible.
	S Si quis porcum+ anniculum furaucrit malb. +in "Zymis ethatia, cxx den. qui fac. sol. III culp. iud., excepto capitale & delatura. † annicolatum. † zymisengano sol. XV.	[8] Si quis porcellum anniculum furauerit, CXX din. qui fac. sol. III culp. iud., excepto capitale et delatura.	
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GOD. 1.	COD. 2.	COD. 8.	COD. 4.	CODD, 6 & 5.
[5] Si quis porcum bimum fura- uerit, pc din. qui fac. sol. xv culp. iud., excepto capitale et dilatura.				[9] Si quir porcum bimum firs- uerit, malb inzymis senio*, 13 den. qui fac. sol. xv culp. iud.
[6] Quo numero usque ad duos porcos simili conditione conuenit observare.	[5] Qui numerus usque ad duus porcus conuenerit observare.	[5] Qui numerus usque ad duos porcos conuenit obseruari.	[5] Qui numerum usque ad duos porcos conuenit observare.	
[7] Si uero III aut amplius imbula- uerit, Mcccc din. qui fac. sol. xxxv culp. iud., excepto capitale et dila- tura.		[7] Si quis tres porcos aut amplius furauerit usque ad sex capita, [maib] ing is mus . taxaga, sol. solt (sic) xxxvi culp. iud., excepto capitale et dilatura.	[7] Si quis tres porcos aut amplius furauerit, MCc den. qui fac. sol. xxxv, exceptis capitale et dilatura, culp. iud.	[10] Si quis tres porcus (*) aut as- plius furauerit usque ad sex cape: mato inzymis texaca (*), sunt de; Mcccc qui fac. sol. xxxv culp. ind, excepto capitale et delatura. (*) porcos. (*) malo texeca.
[8] Si quis porcello de inter porcos furauerit, DC din. qui fac. sol. xv culp. iud.	[6] Si quis porcellum de inter porcus furauerit et ei fuerit adpro- batum, mai suane calte, sunt din, ce fac. sol. xv culp. iud., excepto capitale et dilatura.	[6] Si quis porcellum inter porcos furauerit, malb suuachine calte, sol. xv culp. iud.	[6] Si quis porcellum de intra porcos furauerit, den. DC qui fac. sol. xv culp. iud.	[4] Si quis porcellum deinter porcus ipso porcario adtendente furauerit, malb soagn e chalt, uden, qui fac. sol. xv culp. iud., excepto capitale et delatura. (*) (*) deinter. (*) adtendentem. (*) except et del., om. 5.
[9] Si quis porcello tertusu imbu- lauerit usque ad anniculum, CXX din. qui fac. sol. III culp. iud.	[7] Si quis certussum porcellum furauerit usque ad anneculatum, mai drace, sunt din. CXX fac. sol. III culp. iud., excepto capitale et dilatura.	[8] Si quis tertusum porcellum fu- rauerit usque ad anniculatum, mai drauge, sol. III culp. iud.	[8] Si quis porcellum tortossum furauerit usque ad honocolatum, DC den. qui fac. sol. xv culp. iud.	[12] Si quis tertussum (*) porcelles furauerit usque ad anniculatum malb drache*, sol. III culp. icd. [excepto capitale et delatum.] (*) testussem. (*) usque annicolatum.
[10] Post anniculatum uero, mal redonia, hoc est DC din. qui fac. sol. xv culp. iud., excepto capitale et dila- tura.	[8] Post annecolatum uero, mai drace, sunt din. De fac. sol. xv culf. iud., excepto capitate et dilatura.	[9] Post annicolatum uero, sol. xv culp. iud.		[18] Si quis (*) post anniculatum furauerit, malb (drahe, con- drache*, sunt den De qui fac. ss. xv culp. iud., excepto capitale e delatura. (*) Siq., con. 5. (*) annicolatum uero.
[11] Si quis uerrem aut scrobam ducariam furauerit, mal sunnista,	[9] Si quis uerrem furauerit, cui fuerit adprobatum, mai cristiau, sunt din. DCC fac. sol. xvII culp. iud., excepto capitate et dilatura.	[10] Si quis uerrem furauerit, sol. xvIII culp. iud., excepto capitale et dilatura.	[9] Si quis uerrum furauerit, DCC den. qui fac. sol. XVII culp. iud.	[14] Si quis uerrum (*) furaueri. malb cristau*, sunt den. DCC ca fac. sol. XVIIs culp. iud., except capitale et delatura. (*) uerrem.
hoe est noc din. qui fac. sol. xvu et exculp. iud., excepto capitale et dila- tura.	[10] Si quis scroua docaria fura- serit, cui fuerit adprobatum, mai re- donii, sunt din. DCCC fac. sol. XVII culp. iud., excepto capitate et dila- tura.	[11] Si quis scrobam ducariam furauerit, sol. XVIII culp. iud., excepto capitale et dilatura.	[10] Si quis scruua ducaria fura- uerit, occ den. qui fac. sol. xvII culp. iud.	[18] Si quis scropham (*) docarias furauerit, maib ra do n i a*, sant des DCC qui fac, sol. xviii(*) culp. iud., cs-cepto [captate et delatura]. (*) scrouam. (*) xviis.
[12] Si quis maiale notino furanerit et hoc testibus quod notinus fuit potuerit adprobare, mai rhammodo(*), hoc est ncc din. qui fac. sol. XVII exculp. ind., ex[cepto] capitale et dilatura. (*) So alterna by a record hand, or by the same scribe, from mammodo, as it stood at first.	[11] Si quis maiale sacribo furauerit et hoc testibus quod sacribus fuit, cui fuerit adprobatum, mai chuc cham, sunt din. DCC fac. sol. XVII culp. iud., excepto capitale et dilatura.	[19] Si quis maialem sacriuum furauerit et hoc testibus quod sacriuum fuerit adprobatum, sol. xviii culp. iud., excepto capitale et dilatura.	[11] Si quis maiale uodiuo furauerit et hoc cum testibus quod uotiuus fuisset adprobatum fuerit, pcc den. qui fac. sol. XVII culp. iud.	[16] Si quis maialem sacriums furauerit et hoc cum testibus potur: adprobare quod sacriuus fuisset, mall baragameo amiteotho e, sari den. DCC qui fac. sol. xvii; culp. ied. excepto capitale et delatura.
[13] Si maiale uero quae uotiuus non fuit, sol. xv culp. iud.	[19] Iterum de alio maiale qui sa- crifus non fuit, et eum furauerit, cui fuerif adprobatum, mai barcho, sunf din. De fac. sol. xv culf. iud., excepto capitale et dilatura.	[18] Item de alio qui sacriuus non fuerit, sol. xv culp. iud.	[19] Item de alio maiale qui uotiuus non fuerit, no den. qui fac. sol. xv culp. iud.	[17] De alio maiale qui sacriuus nca fuit, maib bracho bog bagine*. sunt den. DC qui fac. sol. XV cul; iud., excepto [capitale] et delatura.
[14] Si quis xxv porcos qui fura- uerit ubi amplius non fuerit in grege illa, et ei fuerit adprobatum, mai sonista, hoc est MMD din., qui fac. sol. xLII (*) culp. iud. (*) leg. LXII (*).	[18] Si quis uiginti et quinque por- cus furauerit ubi amplius in gregem illum non fuerint, mai sun esta, sunt din. MMD fac. sol. LXII culp. iud., excepto capitale et dilatura.	[14] Si cui xxv porci fuerint inuio- lati ubi amplius in grege illo non fuerit, sol. Lxn culp. iud., excepto capitale et dilatura.	[18] Si quis XXV porcos furauerit, hubi amplius in grege illo non fuerit, [MM] lo den, qui fac. sol. LXII, exceptis capitale et dilatura, culp. iud.	[18] Si qui XXV porcus furanent ubi amplius in illo (*) grege non feerint (*), malb sonista, sunt der. MMD qui fac. sol. LXIIs culp. ind. excepto capitale et delatura. (*) illa. (*) fuerit.
[15] Si uero amplius fuerit imbulati, excepto capitale et dilatura, MCCCC din. qui fac. sol. xxxv culp. iud.	[14] Si uero amplius super viginti et quinque remanserin'i qui non fuerint inuolati, cui fuerit adprobatum, mai inzij m us, sunt din. Mecce fac. sol. xxxv culp. iud., excepto capitate et dilatura.	[15] Si uero amplius super xxv remanserint qui non fuerint inuiolati, xxxv sol. culp. iud.	[14] Si uero amplius super xxv remanserit qui non fuerint inuolati, den. McCcqui fac. sol. xxxv, exceptis capitale et dilatura, culp. iud.	[19] Si uero super xxv porci fac- rint furati et aliqui ex ipsis remaner- rint qui non fuerint inuolati, ma' texaca(*), sunt den. Mcccc qui fac. xxxv sol. culp. iud., [excepto capitale et delatura]. (*) malb texeca.
[16] Si uero L porci fuerint imbulati et si adhuc aliqui remaneant, excepto capitale et dilatura, mat sonnista, hoc est MMD din. qui fac. sol. LXIII culp. iud.	[18] Si uero L porci fuerint inuo- lati, cui fuerit adprobatum, mal sun- nesta, sunt din. MMD fac. sol. LXII culp. iud., excepto capitale et dila- tura.	[16] Si uero quinquaginta porci fuerant inuolati, sol. LX culp. iud.	[18] Si uero L porti fuerint furati, MMD den. qui fac. sol. LXII, exceptis capitale et dilatura, culp. iud.	[11] Si uero quinquaginta porc fuerunt (*) inuolati et adhuc aliqui r gregem illum (*) remanserunt (*), mall sonista, MMD den. qui fac. sol. LXIIs culp. iud., excepto capitale et delatura (*). (*) fuerint. (*) grege illa. (*) remanser 2 (*) This § is the last of this On. in Cod. 5
10	11	12	13	14

CODD. 7, 8, 9.	COD. 10.	LEX EMEND.	OBSERVATT.
[3] Si quis bimum (*) porcum furauerit, mat inzimus sinani(b), sol. xv(*) culp. iud., excepto capitale et delatura. (*) binum, G. (*) maß ingismus sui anni id est, 8; inzimis suiani, 9. (*) Cod. 8 does not give the number of denarii, but has sol. ixv; a mistake, no doubt, of the scribe.	9 Si quis bimum porcum furauerit, malb. in ° Zymissoagni, nc den. qui fac. sol. xv, excepto capitali & delatura.	[9] Si quis porcum bimum (*) furauerit, pc din. qui fac. sol. xv culp. iud., excepto capitale et delatura. (*) bium, Q.	Cf. Rec. L. Sal. (b) 14.
	10 Si quis tres porcos aut amplius furauerit, usque ad sex capita, malb. in PZymis exachalt, & cepto tua septunchunna den. MCCCC qui fac. sol. xxxv, excepto capitale & delatura.	[16] Si quis tres porcos uel amplius usque ad sex capita furauerit, MCCCC din. qui fac sol. XXXV culp. iud., excepto capitale et delatura.	
	4 Si quis porcellum + de intro porcos, ipso por- cario + custodiente furauerit, mal. 'soagne chalte in pc den. qui fac. sol. xv culp. iud., excepto capitale & delatura. † in campo inter porcos. † adtendente.	[4] Si quis porcellum in campo inter porcos, ipso(*) porcario custodiente, furauerit, DC din. qui fac. sol. xv culp. iud., excepto capitale et defatura.(b) (*) ipse, Q. (b) This § does not occur in E.	
	14 Si quis porcellum rtertussum, usque ad anni- colatum furauerit, malb. dracechalt, cxx den. qui fac. sol. III culp. iud., excepto capitale & delatura.	[10] Si quis tertussum porcellum furauerit usque ad anniculatum, cxx din. qui fac. sol. III culp. iud., excepto capitale et delatura.	Cf. Sept. Caus., 1. 3, where a fine of 15 sol. is given.
	15 Post anniculatum uero, qui eum furauerit, malb. dracechalt, pc den. qui fac. sol. xv excepto capitale & delatura.	[11] Si quis uero porcum post anniculatum fura- uerit, DC din. qui fac. sol. XV culp. iud., excepto capitale et delatura.	
[4] Si quis uerrum furauerit, mal cristiano, [suns' den. DCC qui fac.] sol. xviis(*) culs'. iud., excepto capitale et delatura. (*) XVIII., H.	16 Si quis uerrem furauerit, malb. christiao, DCC den. qui fac. sol. xvII cum dimidio culp. iud., excepto capitale & delatura.	[12] Si quis uerrum furauerit, DCC din. qui fac. sol. xvII cum dimidio culp. iud., excepto capitale et delatura.	Cf. Recap. L. Sal. 13; Ed. Roth. 351. The gloss in Codd. 8, 9, is the same as in 7.
[5] Si quis scrouam(*) ducariam(*) furauerit, mai reo dimia(*), [sunt den. DCC qui fac.] sol. xviis(*) culpt iud., excepto capitale et delatura. (*) scroma, 9; iscrofam. B; scrofam, G.H. (*) ducaria, 9. (*) mald reodemia, 8. (*) XXVIIS, 9.	17 Si quis scrouam "ducariam furauerit, mal. "chredunia, DCC den. qui fac. sol. XVII & dimidium, culp. iud., excepto capitale & delatura.	[18] Si quis scrouam ducariam furauerit, DCC din. qui fac. sol. xvII cum dimidio culp. iud., excepto capitale et delatura.	
[6] Si quis maiale(*) sacriuo(*) furauerit et illi(*) qui illum(*) perdedit(*) hoc(*) cum testibus potuerit adprebare quod(*) sacriuus(*) fuissit hoc est uotiuus(*), mal bartcho cahimo(*), [sunt den. DCC qui fac.] sol. xvus culs. iud., excepto capitate et delatura. (*) maialo, 8 9; magale, B; maialem, C.H. (*) sagriuo, B; sagriuum, G; B.G.H. add: qui dictur uotiuus. (*) ille, 8.B.C.H. (*) ipsum, B.G.H. (*) perdidit, 8.9.B.H; perdiderit, G. (*) hoc. om. 8. (*) quo, H. (*) sacriuos, 8.5. sagriuus, 9.6. (*) hoc. e. uot., om. B.G.H. (*) malb bracho cahimo, 8; bartcho caimo, 9.	18 Si quis 7 maialem sacrifum furauerit, & cum testibus quod sacrifus fuisset, potuisset ille qui perdidit approbare, malb. *barcoanomeo anitheotha, pcc den. qui fac. sol. xvII cum dimidio culp. iud., excepto capitale & delatura.	[14] Si quis maialem sacriuum, qui dicitur uotiuus, furauerit, et hoc cum testibus ille qui eum perdidit potuerit adprobare quod sacriuus fuisset, DCC din. qui fac. sol. XVII cum dimidio culp. iud., excepto capitale et delatura.	Cf. Recap. L. Sal.(*) 15; Waitz, 167.
sgriuus, 9 (*) not e. not., 798. R.C.R. (*) maio bracho cahimo, 8; bartcho caimo, 9. [7] Si quis maiale(*) qui sacriuos(b) non fuerit(*) furauerit, mai bartho siue badiani(4), [sunt den. Dc qui fac.] sol. xv(*) culp. iud.(f'), excepto capitale et delatura. (*) maialo, 9. (*) sacriuus, 8; sagriuus, 9. (*) S. q maialem non sacriuum (sagriuum), R.C.H. (*) maio bratho siue babane, 8; bartho siue babani, 9. (*) XVS, is 9, but filled in by a later hand. (*) culp. iud., om.	19 Alium uero maialem, qui sacrifus non fuerit, si quis furauerit, (*) brarecho malb & in alia mente babene, cc den. qui fac. sol. xv culp. iud., excepto capitale & delatura.	[15] Si quis maialem non sacriuum furauerit, DC din. qui fac. sol. xv culp. iud., excepto capitale et delatura.	
[8] Si quis de gregem(*) xv(*) porcus(*) fura- uerit, mal taxaca, [sunt den. Mcccc qui fac.] sol. xxxv cult. iud., excepto capitate et delatura, (*) grege, B.G.H. (*) XII, 9. (*) porcos, B.G.H.		[17] Si quis de grege(*) xv porcos furanerit, et reliqui ibi remanserint, MCCCC din. qui fac. sol. xxxv culp. iud., excepto capitale et delatura. (*) rege, A.	
[9] Si quis xxv(s) porcus (b) furauerit, mat son n ista (d), [sunt den. MMD qui tac.] sol. IXIIc culp. ind., excepto capitale et delatura. Quae(d) lex(d) usque quinquaginta(f) porcus(d), excepto capitale et delatura, uno(s) iudicio(d) terminantur(d). (d) xv. 9. (d) porcos, B.G.H. (d) sunista 8; sunista 9. (d) Qui, 8,9. (d) lex, 699. B.G.H. (d) quinquegenta, 9. (d) Qui, 8,9. (d) lex, 699. B.G.H. (d) quinquegenta, 9. (e) omnium, 8; unum, 9. (e) iudicium, 8,9. (f) terminentur, 9.	11 Si quis uigintiquinque porcos furauerit, † ubi amplius in grege illo non fuerint, malb. † Sonischalt tua Zymis fit mihachunna, MMD den. qui fac. sol. LXVII cum dimidio culp. iud., excepto capitale & delatura. † et de grege illo ampliss non fuerit.	[18] Si quis xxv porcos furauerit, et de grege illo amplius non fuerit(*), MMD din. qui fac. sol. IXII cum dimidio culp. iud., excepto capitale et delatura. (*) remanserit, Q.	On the fine of 62½ sol.cf. Sohm, Pr. p. 67.
	19 Si uero quis uigintiquinque porcos furauerit + & adhuc aliqui remanserunt, malb. texachalt, MCCC den. qui fac. sol. XXXV culp. iud., excepto capitale & delatura. † si autem aliqui ex iisdem porcis super XXV porcos remanserint & nos fuerint furati.	[19] Si autem aliqui ex isdem porcis super xxv porcos remanserint et non fuerint furati, MCCCC din. qui fac. sol. xxxv culp. iud., excepto capitale et delatura.	
(See above, } 9, second clause.)	18 Si uero quinquaginta porcos furauerit, ubi amplius non habuerit, malb. sonischalt, MMn den. qui fac. sol. LXX & dimidium, culp. iud., excepto capitale et delatura.	[90] Si uero L porcos furauerit et aliqui reman- serint, MMD din. qui fac. sol. LXII (*) cum dimidio, culp. iud., excepto capitale et delatura. (*) Q has sol. XIII, but MMD din., and there is such a constant confusion in this Cod. in the numbers of din. and sol. that it would be impossible to point them out regularly.	
15	16	17	18

00D. 1.	COD. 2.	COD. 3.	COD. 4.	CODD. 6 & 5.
III. DE FURTIS ANIMALIUM.	III. DE FURTIS ANIMALIUM.	III. DE FVRTIS ANIMALIVM.	III. DE FURTIS ANIMALIUM.	III. DE FURTIS ANIMALIUM.
[1] Si quis uetellum lactantem furauerit et ei fuerit adprobatum, mai podero, hoe est cxx din. qui fac. sol. III culp. iud.	[1] Si quis uetellum lactentem furauerit, cui fuerit adprobatum, mal protero, sunt dinarius CXX fac. sol. III culp. iud., excepto capitale et dilatura.	rauerit, sol. xiii culp. iud., excepto	[1] Si quis uitulum lactantem furauerit, cxx den. qui fac. sol. III, exceptis capitale et dilatura, culp. iud.	furauerit, malb pondero, cxx den.
[2] Si quis bimum aut anniculum animal furauerit et ei fuerit adprobatum, mal scolo, hoc est DC din. qui fac. sol. xv culp. iud.	[2] Si quis bimum animalem fura- merif, cui fuerit adprobatum, mat scedo, sunt din De fac. sol. xv culp. iud., excepto capitale et dilatura.	uerit, sol. xv culp. ind., excepto	[2] Si quis bonum [leg. bimum] animale furauerit, DC den. qui fac. sol. xv, exceptis capitale et dilatura, culp. iud.	[2] Si quis anniculatum (*) fura- uerit, ocsteorci*, sunt den. De qui fac. sol. xv [culs. ind.], except. capitale et delafura. (*) anculatum. [3] Si quis bimum animal furauerit, malb inzymis pondero mala. sunt den. De qui fac. sol. xv culp. iud., excepto capitale et delafura.
[3] Si quis bouem aut uaccam cum netellum furauerit, mai potero, he	[8] Si quis uacam cum uitolum furauerit, cui fuerit adprobatum, mal protero, sunt din. Mecce fac. sol. xxxv culp. iud., excepto capitale et dilatura.	[3] Si quis uaccam cum uitulo furauerit, sol. xxxv cuip. iud., excepto capitale et dilatura.	[3] Si quis uacca cum uitulo fura- uerit, MCCCC den. qui fac. sol. xxxv, exceptis capitale et dilatura, culp. iud.	[4] Si quis uacam (*) cum uitulo: furauerit, malb pondero*, sunt den. MCCCC qui fac. sol. xxxv culp. iud., [excepto capitale et delatura.] (*) uacca. (*) uitulum.
est Mcccc din. qui fac. sol. xxxv culp. iud.	[4] Si quis bouem furauerit, cui fuerit adprobatum, mai obosino, sunt din. MMCCCC fac. [sol.] XXXV culp. iud., excepto capitale et dilatura.		[4] Si quis bouem furauerit, Mcccc den. qui fac. sol. xxxv, exceptis capitale et dilatura, culp. iud.	[7] Si quis bouem furauerit, malt (ocxinos, corr.) ocxinos, sunt den. MCCCC qui fac. sol. XXXV culp. ind., excepto capitale et delatura.
				[5] Si quis uacam (*) sine uitulo furauerit, malb maia*, MCc den qui fac. sol. XXX culp. iud., excep/capitale et delatura. (*) uaca. (*) uitulum.
				[6] Si quis uacca domita furauent, malb chanzyn ponderos*, sunt den. Mcccc qui fac, sol. xxxv culp. iud.(*), ex[cepto capitale et delatura.] (*) culp. iud., om. 5.
[4] Si quis taurum furauerit illuss qui gregem regit et neumquam iunc- tus fuisset, mal charohitum, hoc est DCCC din. qui fac. sol. XLV culp. iud.	[5] Si quis taurum furauent qui illum gregem regit, nec umquam iunctus fuit, cui fuerit adprobatum, mai chariocito, sunt din. Mcccc fac. sol. XIV culp. iud., excepto capitale et dilatura.	gregem regit, netumquam junctus	[5] Si quis tauro furauerit qui illo grege regit et qui iunctus non fuisset, M'occ [den.] qui fac. sol. xLv, exceptis capitale et di latura, culp. iud.	[8] Si quis taurum(*) furauerit qui illum (*) gregem regit ne(*) umquam iunctus fuisset, [malb] arith e o cto'. sunt den. Nocc qui fac. sol. LXV culp. iud., excepto capitale et delatura(*).
·	34 31 d			(*) taurem. (b) illam. (*) nec. (d) XLV. (*) exc. cap. et del., om. 5.
				[9] Si taurum (*) bimum furaucri: malb trasile*, sol. xxxv culp. iud. (*) taurem.
[5] Si uero taurus ipse de tres uillas cummunis uaccas tenuerit, hoc est tres pillius, qui eum furauerit, mat chāmitum, hoc est in triplum, XLV sol. culp. iud.	[6] Si uero taurus ipse de tres uillas uacas tenuerit, hoc tres pellius, qui eum furauerit, mai chamachito, sunt din. MCCCC fac. sol. XLV, cui fuerit adprobatum, culp. iud., excepto capitate et dilatura.	[5] Si quis taurum furauerit qui de tres uilas communes tenuerit uaccas, sol. XI. culp. iud., excepta capitale et dilatura.	[6] Si quis tauro furauerit qui de tres uillas communis est, Moccoc den. qui fac. sol. xuv, exceptis capitale et dilatura, culp. iud.	[10] Si quis taurum (*) furaucrit qui de tres uillas communes tenuerit uaccas, hoc est tres pellios 1°. amitheoto*, sunt den. MDCC qui fac. sol. XIV culp. iud., ex[cepts capitale et delatura.] (*) taurem. (*) trespellius.
	•		·	[11] Si quis taurum(*) regem fura- uerit, maib anteotho*, sunt den. MMDc qui fac. [sol.] xc culp. iud excepto capitale et delitura. (*) taurem.
[6] Si quis XII animalia furauerit, et nec unus exinde remaneat, excepto capitale et dilatura, MMD din. qui fac. sol. LXIII culp. iud.	[7] Si quis uero duodice animalia furauerit, ut nec unus ex inde remanit, mai sun esta, sunt din. MMD fac. sol. LXII culp. iud., excepto capitate et dilatura.	[6] Si quis XII animalia furauerit, ut nec unus exinde remaneat, sol. LXII culp. iud.	[7] Si quis XII animalia furauerit, ut nec hunus exinde remaneat, MMD den, qui fac. sol. LXII, exceptis capitale et dilatura [culp. iud.].	[19] Si quis XII animalia furauerit. ut ne (*) unus exinde remanserit bi malb sonista, sunt den. Mo qui fac. sol. LXIII (*) culp. iud., excepto capitale et delatura (*). (*) neque. (*) remanuerit. (*) LXIII. (*) exc. cap. et del., om. 5.
		,	,	[18] Si quis (*) super ipsis (*) XII or remanserint aliqui, malb inzymis texaca (*), sol. LXV (*) culp. iud., excepto capitale et delatura. (*) add: uero. (*) ipsas. (*) add: ammalia. (*) malb texeca. (*) XXXV.
[7] Si uero amplius usque ad xxv animalia furauerit, et si adhuc aliqui remaneant, excepto capitale et dila- tura, mai sunnista, hoc est MMD din. qui fac. sol. LXIII culp. iud.	[8] Si uero pluribus xxv furauerit, et si adhuc aliquid remanent qui non fuerint inuolati, mai s un n est a, sunt din. MMD fac. sol. LXII culp. iud., excepto capitate et dilatura.	[7] Si uero de pluribus xxv fura- uerit, sol. LXII culp. iud., excepta cap <i>itale</i> et delat <i>ura</i> .	[8] Si uero de pluribus xxv fura- uerit ut exinde aliquid qui non fucrint inuolati, MMD den, qui fac. sol. LXII, excep <i>fis</i> cap <i>itale</i> et di <i>latura</i> , culp. iud.	[14] Si quis (*) uero de pluribus quam de xxv furauerit(*), et aliquid ex ipsis et adhunc (*) remanserint. malb sonista, sunf den. MMD quisca. sol. kimi (*) culp. iud., ex[cepticapitale et delatura.] (*) quis, om. 5. (*) fuerint furati et aliquiex plass ad huc. (*) LXIIS.
IIII. DE FURTIS OUIUM. [1] Si quis agnum lactantem fura- uerit et ei fuerit adprobatum, mal lammi, hoc est vii din. qui fac.	IIII. DE OVIBUS FURATIS. [1] Si quis agnum lactentem fura- uerit, cui fuerit adprobatum, mal lap, sunt dinarius vii fac. medio	IIII. DE FVRTIS OVIUM. [1] Si quis agnum furauerit et ei fuerit adprobatum, sol. vii culp. iud.	IIII. DE OUIBUS FURATIS. [1] Si quis agnum furauerit, vii den. componat.	IIII. DE FURTIS OUIUM. [1] Si quis agnum furauerit, malt leuis, vii den culp. iud., excepto cantitate et deleture.
	triante culp. iud.	21	. 22	cap <i>itale</i> et del <i>atura</i> .

CODD. 7, 8, 9.	COD. 10.	LEX EMEND.	OBSERVATT.
III. DE FURTIS ANIMALIUM.	III. De furtis Animalium.	III. DE FURTIS ANIMALIUM.	With tit. III. cf. Log. Alam. 76,
[1] Si quis uitulum lactantem (*) furauerit, mat pordor aut friocho(*), [sunt den. CXX qui fac.] sol. III culp, iud., excepto capitale et delatura. (*) lactentem, 9. (*) podor aut fricho, 8; podor aut friocho, 9.	1 Si quis uitulum lactantem furauerit, malb. *pedero, aut *freodo, cxx den. qui fac. sol. III culp. iud., excepto capitale & delatura.	[1] Si quis uitulum lactantem furauerit, cxx din. qui fac. sol. III culp. iud., excepto capitale et delatura.	77, 101, 102; Gund. 4; Cham. 25; Rip. 18; Thur. 36, 37; Ed. Roth. 312; Sohm, Proc. p. 67; id. R. u. Ger. 561.
[2] Si quis anniculum (*) usque ad bimatum furauerit, mal thinzimus pordors ū(*), [sunt den. DC qui fac. sol.] xv culp. iud., excepto capitale et delatura. (*) annuculum, 9; anniculum, B; animalium, G. (*) thinzimus podor, 8; thin zimus podor, 9.	9 Si quis anniculum animal furauerit, mal. ochsaiora, pc den qui fac. sol. xv culp. iud., excepto capitale & delatura. 3 Si quis bimum animal furauerit, malb. 4 Zymis pedero malia, mccc den qui fac. sol. xxxv culp. iud., excepto capitale & delatura.	[2] Si quis anniculum animal, aut bimam (*) uitulam, furatus fuerit, DC din. qui fac. sol. xv culp. iud., excepto capitale et delatura. (*) binam, Q.	The gloss in 8 has podor, not poda as read by Pardessus; it is therefore the same as in 9. A comparison with the word interpletor in the same codex (tit. 69, 2) leaves no room for doubt on this point. SR, after the gloss in 7, is probably a mistake for sol., which is here omitted in 7.
[3] Si quis bouem aut uaccam (*) furauerit, mal podor, [sunf den. MCCCC qui fac.] sol.	4 Si quis uaccam cum uitulo furauerit, malb. Zymis pedero malia, MCCCC den. qui fac. sol. xxxv culp. iud., excepto capitale & delatura.	[3] Si quis uaccam cum uitulo furauerit, MCCCC(*) din. qui fac. sol. XXXV culp. iud., excepto capitale et delatura. (*) MCC din. qui fac. sol. XXX, Q.	Cf. Sept. Caus. 11. 5; L. Fris. (Add. S.) 1. 3; Alfr. 16; App. 1. 7.
xxxv (b) culø. iud., excepto capitale et delatura. (*) uacam, 8; uaca, 9. (b) xv, 9.	11 Si quis bouem furauerit, malb. ohseno, MCCCC den. qui fac. sol. xxxv culp. iud., excepto capitale & delatura.	[6] Si quis bouem furauerit, MCCCC din. qui fac. sol. XXXV culp. iud., excepto capitale et delatura.	
	5 Si quis uaccam sine uitulo furauerit, malb. *mala, MCC den. qui fac. sol. xxx culp. iud., & excepto capitale & delatura.	[4] Si quis uaccam sine uitulo furauerit, MCC din. qui fac. sol. XXX (*) culp. iud., excepto capitale et delatura.(*) (*) MCCCC din. q. f. sol. XXXV, V. (*) This is not in Q.	
	6 Si quis uaccam domitam furauerit, malb. fabazym pedero, Mcccc den qui fac. sol. xxxv culp. iud., excepto capitale & delatura.	[5] Si quis uaccam domitam furauerit, MCCCC din. qui fac. sol. XXXV culp. iud., excepto capitale et delatura.(*) (*) This i is not in Q.	
[4] Si quis taurum gregem (*) regentem (b) furaucrit, hoc est trispellium (*), qui (*) de tres (*) uillas cummunis (f) uaccas (s) tenuerit et numquam iunctus fuissit, mal chegmene teo (*), [sunt den. MDCCC qui fac.] sol. XLV culp. iud.(i), excepto capitale et delatura. (*) grege, 8.G. H. (*) regente, 8. (*) [trespellium, 8; trispilium, 9; h. e. t., om. B.G. H. (*) quae, G.H. (*) traes, G; tris, p. (f) communes, §; communes, g.; communes, g.; communes, G.H. (*) uacas, 8.9. (*) chegmenecco, 8. (*) culp. iud., om. 8.	7 Si quis taurum qui gregem regit, & nunquam uinctus fuit, furauerit, mal. s cherecheto, mocco den qui fac. sol. XLV culp. iud., excepto capitale & delatura.	[8] Si quis taurum furauerit qui unam (*) gregem regit et iunctus numquam fuit, MDCCC din qui fac. sol. XLV culp. iud., excepto capitale et delatura. (*) unum, Q.	The gloss in 6 is distinctly aritheocto.
	8 Si quis bimum taurum furauerit, malb. traslo, MCCCC den. qui fac. sol. XXXV, excepto capitale & delatura.	[9] Si quis bimum (*) taurum furauerit, mcccc din. qui fac. sol. xxxv culp. iud., excepto capitale et delatura. (*) binum, Q.	
(This \(\frac{1}{4}\) is combined with \(\frac{1}{4}\).	9 Si quis taurum furauerit, qui de tribus uillis communes uaccas tenuerit, hoc est, tres ibellio malb. ichami theuto, mdccc den. qui fac. sol. XLV culp. iud., excepto capitale & delatura.	[7] Si quis taurum gregem regentem furauerit, qui de tribus uillis communes uaccas tenuerit, hoc est trespellius, MDCCC din. qui fac. sol. XLV culp. iud., excepto capitale et delatura.	Cf. Waitz, 126.
	10 Si quis taurum regis furauerit, malb. chamutheuo, mmmoc den. qui fac. sol. xc, excepto capitale & delatura.	[10] Si quis taurum regis furauerit, MMMDC din. qui fac. sol. xc culp. iud., excepto capitale et delatura.	
[5] Si quis XII animalia furauerit, mat sonista(*), [sunt den. MMD qui fac.] sol. LXII5 cult. iud., excepto capitate et delatura, et usque ad (*) XXV (*) unum (*) ludicium terminantur (*). (*) sonesta, a. (*) ad, om. g. (*) XX, 8; XXXV, g. (*) uno iudicio, H. (*) terminentur, g.G.; terminetur, B.	19 Si quis duodecim animalia furauerit, ut neqme unum exinde remaneat, malb. son ischalt, mmn den. qui fac. sol. XLV cum dimidio culp. iud., excepto capitale & delatura.	[11] Si quis XII animalia furauerit, ut nec unum quidem animal ex eis (*) remanserit, MND din. qui fac. sol. LXII cum dimidio culp. iud., excepto capitale et delatura. (*) his, Q.	
	14 Si quis duodecim animalia furauerit, ut ex eis aliqua remaneast, mal. MCCCC den. qui fac. sol. xxxv culp. iud., excepto capitale & delatura.	[12] Si autem XII furauerit et super (*) aliqua remanserint, MCCCC din. qui fac. sol. XXXV culp. iud., excepto capitale et delatura. Et usque ad XXV uno judicio (b) terminantur(*). (*) insuper, E. (*) inditio, Q. (*) Et usque—term., om. A.	
(Cf. ₹ 5.)	18 Si uero de pluribus uigintiquinque furauerit, & adhuc aliqua remaneant, que non fuerunt iuncta, malb. sonis chalt, man [den.] qui fac. sol. LXV & dimidium, excepto capitale & delatura.	[18] Si quis xxv animalia furauerit, et supra aliqua remanserint, mmp din. qui fac. sol. LXII cum dimidio culp. iud., excepto capitale et delatura.	
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IIII. DE FURTIS OUIUM.	IIII. De furtis Ouium.	IIII. DE FURTIS OUIUM.	Cf. Recap. L. Sal. 1; L. Gund.
[1] Si quis agnum furauerit, mat leue, din. VII(*) culp. iud., excepto capitate et delatura. (*) 8 adds: qui fac.	1 Si quis agnum lactantem furauerit, malb. lem, vii den. culp. iud., excepto capitale et delatura.	[1] Si quis agnum lactantem furauerit, vII din. culp. iud., excepto capitale et delatura.	4; Thur. 36; Cham. 25.
24	25	26	27

00D. 1.		COD. 3.	GOD. 4.	1 CODD , 6 & 5.
[2] Si quis anniculum uel bimum	[2] Si quis annicolum aut bimum	[9] Si quis anniculum uel binum	[9] Si que anniculum uel binum	[9] Si anniculatum (*) uel bimum
berbicem furauerit, excepto capitale et dilatura, mal lamilam, hoc est CXX din. qui fac. sol. III culp. iud.	ueruicem furaserit, et ei fuerit adpro- batum, mal lampse, sunt din. cxx fac. sol. III culp. iud., excepto caps- tale et dilatura.	uerbicem furauerit, sol. in culp, iud., excepta capitale et del <i>atura</i> .	berbicem furauerit, cxx den, qui fac. sol. III, exceptie [capitale et dilatura culp. iud.]	ueruicem furauerit, malb in zymis*, swaf den. cxx qwi fac. sol. III calp. iud., excepto capitale et delaturs. (*) quis annicolatum.
[3] Certe si tres furauerit, ACCCC din. qui fac. sol. XXXV culp. iud. Qui numerus usque ad XL berbices conuenit observare.	[8] Certe si in tres aut amplius furauerit, cui fuerat adprobatum, mal lampse, sunt din. Mcccc fac. sol. xxxv culp. iud., excepto capitale et dilatura. [4] Qui numerus usque ad XL uiruicis conuenit observare.	[8] Certe si tres furauerit, xxxv sol. culp. iud., excepto capitale et delatura.	[3] Certe si tres furauerit, Mcccc den, qui fac. sol. xxxv, exceptis capitale et dilatura, culp.	[8] Certe si tres aut amplius fura- uerit, malb faisseth*, den. Mcco. qui fac. sol. xxxv culp. iud., ex[cep- to capitale et delatura].
[6] Si uero XL aut amplius fura- uerit, mai sun nista, hoc est MMD din. qui fac. sol. LXIII culp. iud., ex- cepto capitale et dilatura.	[5] Si uero L aut am . amplius (sic) furauerit, malb feto, sant din. Malb fac. sol. LXII culs. iud., excepto capitale et dilatura.	[4] Si quis uerbices I furauerit, sol. LXII culp. iud., excepto capitale et delatura.	[4] Si quis [xl.] berbices furauerit et ei fuenit adprobatum, MMD den. qui fac. sol. LXII, exceptis capitale et dilatura, culp.	[4] Si quis XL ueruices, aut L, sice LX, aut amplius furauerit, malb sornista, sunt den. MM qui fac. so. LXIII(*) cubl. iud., excepto capitale et delatura. (**) LXIIS.
				i
V. DE FURTIS CAPRARUM.	V. DE FURTIS CAPRARUM. [1] Si quis tres capras furauerit,	V. DE FVRTIS CAPRARUM. [1] Si quis tres capras furauerit,	V. DE FURTIS CAPRARUM. [1] Si quis tres capras furauerit,	V. DE FURTIS CAPRARUM. [1] Si quis tres capras furauent.
[1] Si quis tres capras furauerit et ei fuerit adprobatum, mal laux-mada, hoc est exx din. qui fac. sol. III culp. iud., excepto capitale et dilatura.	cui fuerit adprobatum, malb laus- mata, sunt din. cxx fac. sol. tii culp. iud., excepto capitale et dila- tura.	sol. III culp. iud., excepto capitale et delatura.	CXX den. qui fac. sol. III culp. iud.	malb afræ, siue laphebrus mala, uel pecti*, sunf den CXX qui fac sol. III culp. iud., excepto capitale et delatura.
[2] Si super tres imbulauerit, excepto capitale et dilatura, mal musci si mada, hoc est pc drn. qui fac. sol. xv culp. iud.	[2] Si super tres furauerit, mal roscimada, sent din. DC fac. sol. xv culp. iud., excepto capitale et dilatura.	[9] Si quis tres furauerit, sol. xv culp. iud.	[3] Si super III fuerint capras et eas furauerint, DC (den.) qui fac. [sol.] xv, excepto capitale, [culp. iud.].	[2] Si uero super tres capras (*) furauerit, malb chene cru do *, san: den. De qui fac. sol. xv (*), except: capitale et delatura. (*) capras, om. 5. (*) add: culp. ind.
VI. DE FURTIS CANUM.	VI. DE FVRTIS CANVM.	VI. DE FVRTIS CANUM.	VI. DE FURTIS CANUM.	VI. DE FURTIS CANUM. [1] Si quis canem seusium (*) ma-
[1] Si quis sigusium canem magis- trum imbulauerit aut occiderit, mat leu dar di, hoe est pc din. qui fac. sol. xv culp. iud.	[1] Si quiz subuso magistro fura- uerit, cui fuerit adprobatum, mai leo dar di, sunt din. De fac sol. xv cuip. iud., excepto capitale et dila- tura.	[1] Si quis secusium magistrum furauerit, mai leodardi, sol. xv culp. iud.	[1] Siquis siutium magistrum fura- uerit, DC den. qui fac. sol. XV culp. iud.	gistrum furauerit, malb troitoher hunni* (*), sunt den. DC qui fac. sol. xv culp. iud., et (*) capitale et deletura. (*) socusium. (*) so in 6, not hunne, 2: read by Pardessus. (*) excepto.
·				[9] Si quis canem acutarium: furauerit, malb hunuane, sunt den. DC qui fac. sol. xv culp. iud., ex- cepto(*) [capitale et delafura](*). (*) agutatium. (*) exc., om. 5. (*) cap et del., is omitted in both codd.
	[8] Si quis canem, qui legamine nouit, post solis hoccassum occiderit, sicut superius diximus intemamus.	[8] Siquis canem, qui legamen non nouit, furauerit aut post solis occa- sum occiderit, sicut superius diximus indomabitur.	[3] Si quis canem, qui ligamus nouit, post solis hoccasum hocciderit, sicut supra diximus intimabitur.	[8] Si quis canem, qui ligamen nouerit (*), post solis occasum occiderit, malb rephuo uano ", sunt den. De qui fac. sol. xv culp. iud., excepto capitale et delatura (*). (*) legamen non nouerit. (*) exc. cap. et del., om. 5
[2] Si quis pastoricialem canem furauerit aut occiderit, excepto capitale et dilatura, cxx din. qui tac. sol. in culp. iud.	[8] Si quis pastoralem canem occiderit, aut fu[rau]erit, cui fuerit adprobatum, mal leodardi, sunt din. CXX fac. sol. III culp. iud., excepto capitate et dilatura.	[8] Si quis pastoralem canem occiderit, sol. 111 culp. iud.	[3] Si quir pastoralem canem hocciderit, cxx den. qui fac. sol. III culp. iud.	[4] Si quis pastoralem canem occi- serit (*), malo theofoano*, sunt den cxx qui fac. sol. III culp. iud., excepto capitale et delatura. (*) occiderit.
VII. DE FURTIS AUIUM.	VIII. DE AVIBVS FURATIS.	VII. DE FURTIS AUIUM.	VII. DE AUIBUS FURATIS.	VII. DE AUIBUS FURATIS.
[1] Si quis acceptrem de arborem furauerit et ei fuerit adprobatum, excepto capitale et dilatura, CXX din. qui tac. sol. III culp. iud.	[1] Si quis accepitrem de arborem furauerit et ei fuerit adprobatum, mat horhut, sunt din. CXX fac. sol. III culp. iud., excepto capitale et dilatura.	[1] Si quis accipitrem furauerit de arborem, sol. III culp. iud.	[1] Si quis hacceptorem furauerit de arbore, CXX den. qui fac. sol. III culp.	[1] Si quis acceptorem (*) furauerit de arbore, malb orflocia*, sunt den. cxx qui fac. sol. III culp. iud., excepto capitale et delatura. (*) accipitrem.
[9] Si quis acceptrem de pertega furauerit, mal hymnis sith, hoc est DC dsn. qui fac. sol. xv culp. iud.	[2] Si quis accepitrem de pertica furauerit et ei fuerit adprobatum, mai marthocla, suns din. De fac. sol. XV culs. iud., excepto capitale et dilatura.	[2] Si quis accipitrem furauerit de perticam, sol. xv culp. iud.	[2] Si quis hacceptorem furauerit de pertica et ei fuerit adprobatum, pcc den. qui fac. sol. xv culp. iud., atque causa superius intimata. (*) (*) The last four wordt appeared to Pardessus to be a fragment of a provision the object of which is not known.	[2] Si quis acceptorem de perteca furauerit, malb uueippe ort focla, sund den. De qui fac. sol. xv culp, iud., ex[cepto capitale et delatura.](*) (*) This § is not in Cod. 5.

CODD. 7, 8, 9.	COD. 10.	LEX EMEND.	OBSERVATT.
[2] Si qués annuculum (*) uel bimum (*) uer- uicem (*) lurauerit, mal in zimus (*), [sunt den. CXX qui lac.] sol. III culf. iud., excepto capitale et delatura. (*) anniculum, 8.B.H; agniculum, G. (*) binum, 9.G. (*) uerbecem, 9; uerbicem, B.G.H. (*) ingzimus, 8; inzimis, 9.	9 Si quis anniculum uel bimum + ueruecem furauerit, malb. in b Zymis, den. cxx qui fac. sol. III culp. iud., excepto capitale et delatura. † berbicem.	[2] Si quis anniculum (*) uel bimum (*) berbicem (*) furauerit, cxx din. qui fac. sol. III culp. iud., excepto capitale et delatura. (*) agnicolum, Q. (*) binum, V. (*) ueruicem, V.	
[8] Certe se (*) duos aut tres (*) furaueret, mal fet us cheto (*), [sunt den. Mcccc qui tac.] sol. XXXV culp. iud., excepto capitale et delatura; qui numerus usque ad (*) quadraginta ueruices (*) conuenit (*) obseruare. (*) si, 8; Si uero, B.G.H. (*) tris, 9. (*) fretus chaeto, 8; retus cetho, 9. (*) ad, om. 9. (*) uerulices, om. 9. (*) sonuinit, 9; uerbices obseruetur, B.G.H.	3 Certe, si tres aut amplius+ uerueces fuerint, qui furati sunt, malb. feisfecho et fetischefo, MCCCC den. qui fac. sol. XXXV culp. iud., excepto capitale et delatura. † qui numerus usque ad XL uerueces obseruetur.	[8] Si uero II aut III furauerit, MCCCC din. qui fac. sol. XXXV culp. iud., excepto capitale et delatura. Qui numerus usque ad XL berbices (*) obseruetur (*). (*) uerbices, K.S. (*) Q gives: Qui obseruetur, as § 8 of the preceding tit.	
[4] Si quis (*) quinquaginta (*) ueruices (*) aut amplius furauerit, mal feto (4), [sunt den. MMD qut fac.] sol. LXIIs culp. iud., excepto capitale et delatura. (*) vero, B.G.H. (*) XI., 8. (*) uerbicis, 9; ueru., om. B.G.H. (4) freto, 8; feto, 9.	4 Si+ quis quinquaginta uerueces furauerit, aut amplius, malb. 4 sonischalt, mmd den. qui fac. sol. Lxv cum dimidio culp. iud., excepto capitale et delatura. † aut LX.	[4] Si quis L berbices (*), aut Lx, uel amplius, furauerit, mmp din. qui fac. sol. LxII cum dimidio, culp. iud., excepto capitale et delatura. (*) ueruices, V.	
V. DE FUR[TIS] CAPRARUM (*). [1] Si quis tres (*) capras (*) furauerit, mal (aper, corr.) haper (*), [sunt den. CXX qui fac.] sol. III culp. iud., excepto capitale et delatura. (*) cabrarum, 9. (*) capritum, B.G.H; tris cabras, 9. (*) aper, 89.	V. De furtis Caprarum. 1 Si quis capram unam, duas, nel tres furauerit, malb.+* lamp, cox den. qui fac. sol. III culp. iud., excepto capitale & delatura. † afres sue läphebros, nel pectis.	V. DE FURTIS CAPRARUM. [1] Si quis capritum (*) siue capram, aut duas capras, uel tres, furatus fuerit, cix din. qui fac. sol. III culp. iud., excepto capitale et delatura. (*) capriduss, Q.	Cf. Recap. L. Sal. 5; L. Al. 102. 5; Gund. 4; Cham. 25.
[2] Si (*) super tres (*) capras (*) furauerit, mat chanchurda (*), [sunt den. pc qui tac.] sol. xv culp. iud., excepto capitale et delatura. (*) 8 adds: quis: B.C. add: uero. (*) tris, 9. (*) cabras, 9. (*) chanchus, 8.	2 Si uero super tres capras furauerit, malb. b chrene cruda, DC den. qui fac. sol. xv culp. iud., excepto capitale et delatura.	[2] Si uero supra tres capras furauerit, pc din. qui fac. sol. xv culp. iud., excepto capitale et delatura.	
		[[8] Si quis buccum furauerit, pc din. qui fac. sol. xv culp. iud., excepto capitale et delatura.]	Pardessus has found this para- graph in MS. Paris. 4628 only.
VI. DE FURTIS CANUM. [1] Si quis seusium (*) magistrum furauerit, mai fhuunichuus curnutu nechana (b), [sunt den. Dc qui tac.] sol. xv culs. iud., excepto capitale et delatura. (*) seusium. 8: siusum. 9; secusum. B; segusium. G; segusium. H. (*) fluunicus hus cornutu nechana, 8; phuunichuus cornutu nechana, 9; phuunichuus cornutu nechana, 9.	VI. De furtis Canum. 1 Si quis canem+*segusium magistro suo fura- uerit, malb.+* Leo dasdi, Dc den, qui fac. sol. xv culp. iud., excepto capitale et delatura. † seusium, melius seugium. † troci uuithier cunni, MDCCC den. qui fac. sol. XLV.	VI. DE FURTIS CANUM. (Cf. 24 1 and 2.)	Cf. L. Alam. 84; Gund. 58, 97; Bajuv. 20; Fris. 4; Ed. Roth. 329-331.
,	2 Si quis segusium magistrum canem furauerit, malb. Trouuidou uu ano tuene chunne, MDCCC den. qui fac. sol. XLV culp. iud., excepto capitale et delatura.	[1] Si quis canem seusium(*) furauerit aut occiderit, qui magister sit, mocc (*) din. qui fac. sol. XLV (*) culp. iud., excepto capitale et delatura. (*) siusium, Q. (*) MCCCC din. q. f. sol. XLV, Q.V.	
[2] Si quis ueltrum (*) agutario (*) furauerit, mal chuno uano (*), [sunt den. DC qui fac.] sol. XV culp. iud., excepto capitale et delatura. (*) uueltrum, 9; uultrum, G; gueltrum, H. (*) agatario, 8; acutarium, 9; (argutario, corr.) argutarium, B; argutario, G; argutarium, H. (*) chunabana, 8.	4 Si uero fagutarito furauerit, malb. 8 ch un- nouano, malb. DC den. qui fac. sol. xv culp. iud., excepto capitale et delatura.	[2] Si quis uero seusium (*) reliquum (*), aut ueltrem (*) porcarium, siue ueltrem (*) leporarium, qui et argutarius dicitur, furatus fuerit uel occiderit, De din. qui fac. sol. xv culp. iud., excepto capitale et delatura. (*) seusum, Q. (*) relicum, Q. (*) sekruss, Q.	
	3 Si quis canem+ 4 qui ligamen nouerit, post solis occasum occiderit, malb,+ * theophano, Dc den. qui fac. sol. xv componat, excepto capi- tale et delatura. † reppophano.	[3] Si quis uero canem custodem domus siue curtis (*), qui die ligari solet ne damnum (*) faciat, post solis occasum solutum furatus fuerit uel occiderit, DC din. qui fac. sol. XV culp. iud., excepto capitale et delatura. (*) cortis, G. (*) dampnum, Q.	•
[8] Si quis canem pastoralem (*) furauerit aut occiserit (*), mat leodardi (*), sunt den. cxx qui fac.] sol. III culp. iud., excepto capitale et delatura. (*) pasturalem, 9; pastorem, B.G.H. (*) aut occiserit, which is written above the line in 7, is not found in 8 at all: it is also omitted in H. (*) leudardo, 8.	5 Si quis pastoralem canem occiderit, aut fura- uerit, malb.† b leos das di siue the oprano, cxx den. qui fac. sol. III culp. iud., excepto capi- tale et delatura. † leodardi.	[4] Si quis uero canem pastorem (*) furatus fuerit uel occiserit, cxx din. qui fac. sol. III culp. iud., excepto capitale et delatura. (*) pastoralem, Q.	
VII. DE FURTIS AUIUM.	VII. De furtis Aujum.	VII. DE FURTIS AUIUM.	Cf. L. Alam. 102; Baj. 21, 22,
[1] Si quis aceptorem (*) de arbore furauerit, mal hocticla, [sunt den. cxx qui fac.] sol. III culs. iud., excepto capitale et delaturu. (*) acceptorem, 8.9. B.G.H.	1 Si quis accipitrem furauerit de arbore, malb. * ortfocla, cxx den. qui fac. sol. III culp. iud., excepto capitale et delatura.	[1] Si quis acceptorem de arbore furauerit, cxx din. qui fac. sol. III culp. iud., excepto capitale et delatura.	11; Gund. 98; Ed. Roth. 317, 320, 321.
[2] Si quis aceptorem(*) de pertica furauerit(*), mal u e ganus antete, [suni den. DC qui fac.] sol. xv culp. iud., excepto capitale et delatura. (*) acceptorem, 8.9. (*) Et si de pert. eum f., R.G.H.	9 Si quis de pertica accipitrem furauerit, malb. b unei ano sine + ortfocla, pc den. qui fac. sol. xv culp. iud., excepto capitale et delatura. † malb. uneiape urthefocla uneiano anthedio.	[2] Si quis acceptorem de pertiga (*) furauerit, DC din. qui fac. sol. xv culp. iud., excepto capitale et delatura. (*) pertica, O.Q. V.	Cf. Sept. Caus. 1. 4.
33	34	35	36

COD. 1.	COD. 2.	COD. 3.	COD. 4.	CODD. 6 & 5.
[3] Si quis acceptrem de intro clauem furauerit et ei fuerit adprobatum, mal uerthi fugium, hoe est MDCCCC din. qui fac. sol. XLV culp. iud., excepto capitale et dilatura.	tum, mai naobfocla(*), sunt din. MDCCC fac. sol. XLV culp. iud., ex-			[3] Si quis acceptorem de introclauem furauerit repositum, man (orflocla, corr.) ortfocla una. uanae antedio, sunt den. Mui qui fac. sol. Xiv culp. iud., except capitale et delatura. (*) (*) This i is not in Cod. 5.
				[4] Siquis speruarium(*) furaueri: maib socelino*, sunt den. CXX qui fac. sol. III culp. iud., excepto capi- tale et delatura. (*) (*) sparoario. (*) exc. cap. et del., om. 5
			·	[5] Si quis gallum furauerit, mar cannas uu i do °, sunt den. Cxx q.: fac. sol. III culp. iud., excepto capi- tale et delatura. (*) (*) exc. cap. et del., om. 5.
				[6] Si quis galinam (*) furauent, malb solāpinā*, cxx den. qui tac. sol. III culp. iud., excepto capitate et delatura. (b) (*) gallina. (*) exc. cap. et del., om 5
				[7] Si quis grugem (*) aut cicerdomesticus (*) furaueris, malb (ori-focla, corr.) ortfocla *, suns der cxx qui fac. sol. III culp. lud. (*) gruge. (*) domesti.
[4] Si quis ansare furauerit et ei fuerit adprobatum, mal sundolino, hoc est cxx din. qui fac. sol. III culp. iud.	[4] Si quis ansare furauerit, cui fuerit adprobatum, mai sundoleno, sunt din. cxx fac. sol. III culp. iud., excepto capitale et dilatura.	[4] Si quis anserem furauerit, sol. III culp. iud., excep <i>ta</i> cap <i>itale</i> .	[4] Si quis anserem furauerit, cxx den. qui fac. sol. III culp. iud.	[8] Si quis anserem (*) aut andam (*) furauerit domesticam, matt sunt dilino*, sunt den. CXX qui fac. sol. III culp. iud. (*) anseram. (*) anedem.
·				[[9] Si quis turture de rete alien- furamerit, sol. III culp. iud.] (*) (*) This pocurs in Cod. 5 ontp. [10] Si quis aucellum de trapa furamerit, malb baofalla*, sol. r culp. iud. (*) trappa.
				[11] Si quis pomarium domesticum de intus curte aut de latus curte capulauerit (*) aut inuolauerit, sol. II. culp. iud. (*) capolauerit.
				[19] Si in orto fuerit et ipsum au: capulauerit (*) aut inuolauerit, sant den. DC qui fac. sol. xv(*) culp. iud. (*) capolauerit. (*) sol. xv., corr. III.
				[18] Si quis cultellum furauerit, maib leodarde, sunt den. De qu. fac. sol. xy (*) culp. iud. (*) sol. xv, corr. III.
VIII. DE FURTIS APIUM.	VII. DE FVRTIS ABIVM.	VIII. DE FVRTIS APU <i>M</i> .	VIII. DE APIBUS FURATIS.	VIII. DE APIBUS FURATIS.
[1] Si quis unass apem de intro clauem furauerit, et hic si probabu- erit, mal sundolino, hoe est M DCC din. qui fac. sol. XLV culp. iud.	[1] Si quis vnum vasum deintus clauem furauerit et tictum super aperierit, cui fuerit adprobatum, mai autedi leodardi, sunt din. Mocco fac. sol. xxv culp. iud., excepto capitate et dilatura.	[1] Si quis apem furauerit de intro clauem et supra tectum habuerit, sol. xLv culp. iud., excepta [capitale] et delatura.		[1] Si quis unam apem, hoc est unum uasum, de intro clauem et sub tecto fueri/(*), malb antedio olephardis*, sunt den. Mocce qui facsol. XLV culp. iud. (*) furauerii.
37	38	_ 39	40	41
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CODD. 7, 8, 9.	GOD. 10.	LEX RMEND.	OBSERVATT.
[3] Si quis acceptorem deintro clauem(*) furauerit, mai orto fugia (*), [suns den. Mocce qui fac.] sol. LXLV (*) culp. iud., excepto capitale et delatura. (*) claue. 8; Et si deintro (dam intro, G.) c. ipsum f., R.G.H. (*) ortho fugia, 9. (*) XLV, &9.G.H; LXV, B.	8 Si quis accipitrem deintro clauem repositum furauerit, malb. ortfocla, siue uueiano pan- dete, MDCCC [den.] qui fac. sol. XLV culp. iud., excepto capitale et delatura.	[8] Si quis acceptorem intra clauem repositum furauerit, mocc din. qui fac. sol. xLv culp. iud., excepto capitale et delatura.	Cf. Sept. Caus. III. 2.
[4] Si quis isparuario (*) furauerit, mal sondolino (*), sol. III (*) culé. iud., excepto capitale et delatura. (*) spreuario, 8; sparuarium, 9; isperuarium, B; speruarium, C. II. (*) sundelino, 8; sundulino, 9 (*) sundelen. CCXL, qui fac. sol. VI, 8	4 Si quis *sparuarium furauerit, malb. 4 su- celin, cxx den. qui fac. sol. in culp. iud., ex- cepto capitale et delatura.	[4] Si quis sparuarium furauerit, cxx din. qui fac. sol. III culp. iud., excepto capitale et delatura.	On this and the following H cf. Waitz, p. 5.
[6] Si quis coccum (4) aut gallina (4) furauerit, mal annas uiuido et solāpinā (4), sol. III culp. iud., excepto capitate et delatura (4). C) cocco, 9; gallina, B.G.H. (9) gallina, 9; gallinam.	5 Si quis gallum furauerit, malb. *chanas- uuido, cxx den. qui fac. sol. III culp. iud., excepto capitale et delatura.	[8] Si quis gallum aut gallinam furaucrit, ucl	
B.G.H. (*) cannas uiuido et solam phinam, o. (*) § 6 is not in Cod. 8, and it is § 5 in Cod. 9, where § 5 of Codd. 7 & 8 is omitted.	7 [a] Si quis gallinam furauerit, malb. s so- la m pi nam, cxx den. qui fac. sol. III culp. iud. excepto capitale et delatura.	cignum (*), aut gruam domesticam, cxx din. qui fac. sol. III culp. iud., excepto capitale et dela- tura. (*) cicenum, Q.	
[7] Si quis grui (*) aut cicino (*) domestico (*) furaucrit, mal ortifucia (*), [sunst den. CXX qui fac.] sol. III culp. iud., excepto capitale et delatura.	7 [b] Si quis gruem aut cygnum furauerit do- mesticum, malb. ortfocla, cxx den. qui fac. sol. III culp iud., excepto capitale et delatura.		The gloss in 7 is distinctly ortifucia.
(*) griuo, 9; grugem, B.G.H. (*) cicenum, 8; cecino, 9; (cicenum, corr.) cignum, B; cichnum, G.H. (*) domesticum, B.B.G.H. (*) horti fuda, 8. [5] Si quis ansera (*) domestica (*) aut (*) auch (*) framed (*) f	6 Si quis auserem aut anatam domestica; furauerit, malb. f sundleno, coxx den. qui fac.	[5] Si quis anserem domesticam aut anetem (*) furauerit, CXX din. qui fac. sol. III culp. iud.,	
aneda (*) furauerit, mai sondolino (4), [sunt den. cxx qui fac.] sol. III culp. iud., excepto capitate et delativas (*). (*) anserem, B.G.H. (*) domesticam, B.G.H. (*) auaneta, B.; aut (anedem, corr.) anetem, B.; aut anedem, G.H. (4) sundelino, 8. (*) this § is not in 9.	sol. III culp. iud., excepto capitale et delatura.	excepto capitale et delatura. (*) (*) anctam. V; anctam domesticam. Q. (*) This \$, which had been omitted in Q, is there added by a later hand.	
[8] Si quis aucellum (*) de trappa (*) furauerit, mal acfalla (*), [sunt den. DC qust fac.] sol. XV (*) culp. ind. (*) (*) aucello, 9; auiculam, B.G.H. (*) trapa, S.B. (*) hacfalla, 8; hacfalla, 9, (*) sol. I, G. (*) Sadds: excepto cap. ct dii.	8 + Si quis turturem de trappa furanerit, malb. h acfalla, pc den. qui fac. sol. xv culp. iud., excepto capitale et delatura. † Si quis turturem de rete aliena furanerit, aut quassilibet autculass de quolibet laqueo uel decipula furatus fuerit, CXX den. qui fac. sol. III.	[7] Si quis turturem de rete alterius, aut quam- libet auiculam, de quolibet laqueo uel decipula, furatus fuerit, CXX din. qui fac. sol. III culp. iud., excepto capitale et delatura.	
VIII. DE FURTIS ARBOREM (*).	VIII. De furtis arborum.	VIII. DE FURTIS ARBORUM.	With the following \ cf. L. Rip. 76; Baj. 22; Ed. Roth. 300- 302; L. Wisig. viii. 3; cf. also L.
[1] Si quis pomario (b) domestico cappola- uerit (c) aut inuolauerit, [suns den. CXX quis fac.] sol. III culfs. iud. (c) arborum, 8.9.B.G.H. (b) pummario, 9. (c) capula- uerit, 8.9.	1 Si quis uero + pomarium domesticus aut perarium deintus curte + aut * latus curte fura- uerit aut capulauerit, CXX den. qui fac. sol. III culp. iud. † pomarium siue quamlibet arborem. † aut extra clau- suram.	[1] Si quis pomarium, siue quamlibet arborem domesticam, extra (*) clausuram exciderit aut furatus fuerit, cxx din. qui fac. sol. III culp. iud., excepto capitale et delatura. (*) Q adds: uel intra, and consequently omits the following 1.	302; L. Wisig. vin. 3; cf. also L. Sal. tit. 27, 1 8-11 of Codd. 5, 6, &c.
[2] Si quis pomario (*) domestico intus (*) curte aut in orto (*) uel in (4) uinea (*) cappulauerit (*), aut inuolauerit (*), [sund den. DC quis lac.] sol. XV culd. iud., excepto capitale et delatura (*). (*) pummario, o. (*) intusin, 8; in, o. (*) horto, 8. (4) in, orres. 8. (*) intusio, 9. (*) capulauerit, 80. (*) furauerit, 8. (*) exc. cap. et del., om. 8. H; H. B. G. combine §§ 1 and 2: S. q. pomarium domesticum capul. a. furauerit, sol. III c. i., et si de infra curte (curtem) aut de orto (horto), aut de uinea ipsum furauerit, sol. XV. &c. (For H 3 and 4 of tit. 8, see tit. 27.)	2 Si uero pomarium aut quamlibet arborem domesticam exciderit, aut furatus fuerit, in horto similiter nc den. culp. iud., qui fac. sol. xv.	[2] Si quis uero pomarium, aut quamlibet arborem domesticam, infra clausuram exciderit aut furatus fuerit, DC din. qui fac. sol. xv culp. iud., excepto capitale et delatura.	
	8 Hanc quoque legem et de uitibus furatis observare jussimus. (For } 4 of tit. 8. see tit. 27.)	[8] Hanc quoque legem et de vitibus furatis observari iussimus. (For § 4 of tit. 8, see tit. 27.)	Though this \$\frac{1}{2}\$ is wanting in Codd. 7-9, B-H, the culture of the vine was not unknown in the regions where the MSS. originated, as tit. 42, \$\frac{1}{2}\$, treats of theft in vineyards. (Pardessus, note 109.)
	XXVII. 95 + Si quis cultellum alienum fura- uerit, DC den. qui fac. sol. xv culp. iud.	XXIX. [19] Si quis cultellum alienum fura- uerit, DC din. qui fac. sol. xv culp. iud.	Herold repeats this \(\frac{1}{2}\) under tit. 73: cf. Capp. Extrav. A, cap. 4.
VIIII. DE FURTIS APIUM (*).	IX. De furtis Apium.	IX. DE FURTIS APIUM.	Cf. L. Baj. 22. # 8-10; Sax. 30;
[1] Si quis apèm (b) intro (c) clauem furauerit aut amplius se (d) dictus (c) super eos (f) fuerit (s), mal antedio olecharde (b), [sunt den. Mocco qui fac.] sol. XIV(f) culfs. ind., excepto capitale et delatura.	tectum desuper habuerit, malb. antidio ole- thardis, MDCCC den. qui fac. sol. xLV culp. iud., excepto capitale et delatura. tunum usa spium deintro claue aut sub tecto.		Ed. Roth. 318, 319; L. Wis. vIII.
(*) abium, o; aplarium, G. (*) abem, o, (*) de intro, 8.0, B.C.H. (*) si, 8. (*) tectus, 8.0, (*) cas, 8.0, (*) claat de sub tecto furauerit, ubi amplius non fuerint, sol. &c., B.C.H. (*) antedeo elecharde, 8; antedio holecardo, 9. (*) XV, 9.			
42	43	44	45

COD. 1.	COD. 2.	COD. 8.	COD. 4.	CODD. 6 & 5.
[2] Si quis unam uasum ubi amplius non fuerit, qui eam furauerit, legem superius conpraehensam conuenit obseruare.	[2] Si uero unum uasum cum apis foris casa furauerit, ubi amplius non fuerit, et ei fuerit adprobatum, causam superius conpensam, sol. xtv culp. iud., excepto capitale et dilatura.	[2] Si quis unum apem, hoc est unum uasum ubi amplius non fuerint, furauerit, causam superius conprae- hensam si conuenit obseruare.	[2] Si quis hunum apem, hoc est hunum uascellum hubi aut amplius, causa superius conprehensa conuenit obseruare.	[2] Si quis unam apem, hoc e-t unum uascellum ubi amplius non fuerint, furauerif(*), causa superius conprehensa conuenit obseruare. (*) fur-, om. 5.
[8] Si amplius usque ad sex foris tinctum furauerit, ut aliquid exinde remaneant, mal texaga, hoc est DC din. qui fac. sol. xv culp. iud., excepto capitale et dilatura.	[3] Si amplius apepus usque ad vi furauerii, ut aliquid remaniant, et diuerit adprobatum, mai leo dardi, sunt din. De fac. sol. xv culp. iud., exceptum capitale et dilatura.	[8] Si ad plures uero usque ad sex apes foris tecto furate fuerint et ut alique remaneant, sol. xv culp. iud., excep to capitale et delatura.	[8] Si pluribus uero usque ad sex apes foras tectum furati fuerint, ut aliquid remaneat, DC den. qui fac. sol. xv culp. iud.	[8] Si quis (*) a pluribus usque ad sex furauerit apes foras tectu (*), malb leodardae*, sunt den. Dr. qui fac. sol. xv culp. iud., excepti capitale et delatura (*). (*) uero. (*) tecto. (*) exc. cap. et del. om. 5.
[4] Si uero septem aut amplius furauerit, et si adhuc aliquid exinde remaneant, mal hole chartis, hoc est MDCCC din. qui fac. [sol.] XLV culp. iud., excepto capitale et dilatura.	[4] Si uero VI aut amplius fura- uerif, adhuc et aliquid remaniant, cui fuerit adprobatum, mal leo- dardi, sunt din. Moccc fac. sol. XLV culp. iud., excepto capitate et dila- tura.	[4] Si uero septem aut amplius furauerit, et si adhuc alique remaneant, sol. xLII culp. iud., excepto capitale et delatura.		[4] Si uero septem aut amplius furauerit, et adhuc aliquid (*) remanserit(*), malb antedio texaca (olecardis, corr.) olechardis(*), sunt den. Mocce qui fac. sol. x.v. culp. iud., excepto capitale et delatura. (*) et aliqui remanserint. (*) malb antedio texeca.
IX. DE DAMNO IN MESSE UEL QUALIB <i>ET</i> CLAU[SU]RA INLATU <i>M</i> .	VIIII. DE DAMNUM IN MESSE UEL IN QUALIBET CLAU- SURA FUERIT.	VIIII. DE DAMNUM IN MESSE UEL QUALIBET CLAUSURAM INCLAUSAM.	VIIII. DE DAMNUM IN MES- SEMUEL IN QUALIBET CLAU- SURA INLATUM FUERIT.	VIIII. DE DAMNO (*) IN MESSE SIUE (*) IN ALIQUALIBET (*) CLAUSURA.
[1] Si quis animalia, aut caballus, uel quolibet pecus in messe sua inuenerit, penitus eum uastare non debet. Quod si fecerit et hoc confessus fuerit, capitale in locum restituat; ipse uero debilem ad se recipiat. Si uero confessus non fuerit et ei fuerit adprobatum, excepto capitale et dilatura, DC drn. qui fac. sol. xv culp. iud.	[1] Si quit animal, aut cauallum, uel qualibet pecus in messe sua in- uinerit, penituseum uastare non debit; quod si fecerit et hoc confessus fuerit, capitale in loco restituat; ipsum uero dibilem qui eum percussit ad se re- coligat; si uero confessus non fuerit et ei fuerit adprobatum, mal leo- dardi, sunt din. De fac. sol. xv culp. iud.	[1] Si quis animal, aut caballum, sel quemilibet pecus in messem suam inuenerit, penitus eum uastare non debet. Quod si fecerit et confessus fuerit, capitalia in locum restituat; ipsum uero debilem quem inclusit ad se recipiat. Si uero confessus non fuerit et ei fuerit adprobatum, sol. xv culp. iud., excepta capitale et delatura.	uenerit, penitus eam festare non debeat; sed si fecerit et confessus fuerit, capitale in loco restituat. Si uero confessus non fuerit et ei fuerit adprobatum, DC den. qui fac. sol. XV	[1] Si quis animal, aut caballum, aut quemlibet pecus in messe sua inuenerit, paenitus eum uastare non debet; quod si fecerit et confessus fuerit, capitale in locum(c) restituat. Ipsum uero debilem quem (d) percussit ad se recipiat. Si uero negauerit et ei fuerit adprobatum, malt ledard sunt den. DC qui fac. sol. XV culp. iud.(c) (e) damnum. (e) uel in qualibet. (f) loco. (d) add: ipse. (f) add: excepto capitale et delatura.
				[2] Si quis animalem(*) aut iumentum in furto (*) puncxerit, malb st all a chia *, sunt den. DC qui fac. sol. xv culp. iud., excepto capitate et deletura. (*) animalem, caballum, adiumentum in fustum.
[2] Si quis in messe sua pecora aliena inuenerit qui pastorem suum non habent, et eas inclauserit, et nulli paenitus innotescerit, et aliqua ex ipsis pecoribus perierit, capitale in locum restituat, et super MCCCC din. qui fac. sol. xxxv culp. iud.	abent, et eas inclauserit ut nulli peni- tus innotiscat, aliqua ex ipsis pecori-	[2] Si quis in messem suam pecora aliena inuenerit qui pastorem suum non habent, et eas incluserit ut nulli penitus innotescat, et aliqua ex ipsipecoribus perierit, sol. xxxv culp. iud., excepto capitale et delatura.	aliena inuenerit qui pastorem non habent, et eas uiolenter inclauserit, et nulli penitus innotescat, et illa	[8] Si quis in messe sua peccora (c) aliena inuenerit qui pastore (b) non habent, et eas incluserit (c), et (d) nulli
[8] Si quis animale aut qualibet pecus per sua negligentia nocuerit, et hoc confessus fuerit, capitale in locum restituat; ille uero debilem ad se recoligat. Si uero negauerit et ei fuerit adprobatum, mal' leu dar di, hoc est DC din. qui fac. sol. XV culp. uud., excepto capitale et dilatura.	pecus per sua negligenciam nocuerit, et ipse fuerit confessus, capitale in loco restituat; illum debilem ad se	[8] Si quis animal aut quolibet pecus per suam neglegentiam no- cuerit, et ipse fuerit, confessus, capi- tale in locum restituam (sic); si uero negauerit et ei fuerit adprobatum, sol. xv culp. iud.	pecus et per sua neglegentia no- cuerit, et ei fuerit adprobatum, capi- tale in loco restituat. Si uero nega-	[4] Si quis animalem aut quem- libet peccus ^(*) per suam neglegentiam nocuerit, et ipse confessus fuerit, capitale in loco restituat. Si uero negauerit et ei fuerit adprobatum, malb leod ard ⁶ , den. Dc qui fac. sol. xv culp. iud., exceplo capitale [et delatura]. (*) pecus.
[4] Si quislibet porci aut qualibet pecora in messe aliena currerint, et illum negantem ei fuerit adprobatum, pc din. qui fac. sol. xv culp. iud.		[4] Si alicuius porci aut qualibet pecora ipso custodiente in messem alienam cucurrerint, et illo non negante ci fuerit adprobatum, sol. xv culp. iud.	pecora ipso custodiente in messe aliena nocuerint, et illum negantem	aut porci ipsum custodientem (b) in messem alienam cucurrerint, et illo
46	47 _.	48	49	50

(Part of this & is found in & 1 and 2 of Codd. B.G.H, and also in & 2 of Codd. 7-9.)

[9] Si quis unum uasum ab (*) apis (*) aut amplius foras tectum furauerit (*), maf taxaca ab chratis (*), [sunf den. De qui fac.] sol. xv culp. iud., excepto capitale et delafura (*).
(*) ad, 8; aput, 9. (*) abes, 9. (*) Et si foris (fores) tectum aut unum uas aut amplius fur. B.G.H. (*) taxaca ab grates, 9. (*) exc. cap. et del., om. 8.

[[3] Si uero septem aut amplius furauerit, et adhuc alique (*) remaneant, sol. XLV culp. iud.] (b) (°) aliqui, G.H. (b) This § is found in B.G.H. only.

2 Si quis unam apem, hoc est, uno uascello, furauerit de sub tecto et sub claue, ubi amplius non fuerint, MDCC den. culp. iud., qui fac. sol. XLV, excepto capitale et delatura.

6° Si quis ex plurimis usque ad sex uasa foris tecto furauerit, DC den. qui fac. sol. xv culp. iud., excepto capitale et delatura.

4° Si quis unum uas cum apibus inter alia uasa sub tecto aut sub claue furauerit, caussam supe-rius comprehensam conuenit obseruare, excepto capitale et delatura.

5° Si uero unum uas cum apibus foris tecto, ubi amplius non fuerit, furauerit, caussam superius comprehensam componat, excepto capitale et delatura.

S Si uero septem aut amplius furauerit, et aliqui remaneant et retro clauem fuerint, malb. btexara antidio ale thardis, MDCCC den. qui fac. sol. XLV culp. iud., excepto capitale et delatura.

7º Si autem septem aut amplius furauerit, ita ut nulla remaneant, MDCCC den. qui fac. sol. XLV culp. iud., excepto capitale et delatura.

[2] Si quis unum uas (*) cum apibus (*), ubi amplius non fuerit, furauerit, MDCCC din. qui fac. sol. XLY culp. iud., excepto capitale et delatura.

[5] Si quis ex plurimis usque ad sex uasa foris tecto furauerit, DC din. qui fac. sol. xv culp. iud., excepto capitale et delatura.

[8] Si quis unum uas cum apibus, inter alia uasa, sub tecto aut sub clane (*), furauerit, causam (*) superius conprehensam (*) conuenit obseruare. (*) clauem, Q. (*) causa, Q. (*) conprehensa, Q.

[4] Si uero unum uas cum apibus foris tecto, ubi amplius non fuerit, furauerit, causam superius conprehensam componat (*).
(*) This § ts not in Q.

[8] Si uero septem aut amplius furauerit, et adhuc aliqua remanserint, MDCCC din. qui fac. sol. XLV culp. iud., excepto capitale et delatura (*). (*) This § is not in Q.

[7] Si autem septem aut amplius furauerit, ita ut nulla remaneant (*), MDCCC din. qui fac. sol. XLV culp. iud., excepto capitale et delatura.

The causa superius compre-hensa refers, of course, to the fine indicated in the paragraphs preceding in the MS.

X. DE DAMNO (*) IN MESSE UEL IN QUA-LIBIT CLAUSURA INLATUM FUERIT(*).

[1] Si quis animal, aut caballum, uel quemlibit [1] Si quis animal, aut caballum, uel quemilibit pecus in messa (°) sua (4) inuenerit, penitus eum (°) uastare non debet; quod si fecerit et confessus fuerit, capitale (°) in loco (s) restituat (°), ipsum uero dibilem (°) ad (°) se (°) teniat (°) quem (°°) percussit (°); si uero confessus non fuerit et ei fuerit adprobatum, mal leo dardi (°), [sunt den. Dc qui fac.] sol. xv culp. iud., excepto capitale et delatura.

fura.

(*) damnum, q. (*) ini. fuer., om. 8.9, B.G.H. (*) messe, 8.B.; messem, q.G.H. (*) suam, q.G.H. (*) eum, om. 8. (*) capital, q. (*) locum, q. (*) reddat, B.G.H. (*) debilem, 8.B.; dibilium, q. (*) secum, B.G.H. (*) reteneat, 8.G.; reteniat, q.; retineat, B.H. (*) q. perc., om. 8. (*) leudardi, 8.

[2] Si quis animal, aut caballum, uel iumentum punxerit (*), mal tra chlagia (*), [sunt den. DC qui fac.] sol. xv culp. iud., excepto (*) capitale et delatura.

(*) puncxerit, 8.9.R.G. (*) thradiligia, 8. (*) exc. cap., om. B.

[8] Si quis in messe (*) sua (*) pecora aliena inuenirit qui (*) pastorem (4) nom (*) habent (*), et
eas (f) inclauserit (8) ut (*) nulli penitus innotiscat (*), et aliquid ex ipsis pecoribus (*) perierent (*),
mai taxaca, [sunt den. Mcccc qui fac.] sol.
xxxv (*) cul p. iud., excepto capitale et delatura.
(*) messem, o. B. G. H. (*) suam, o. B. G. H. (*) sine, B. G. H.
(*) pastore. B. (*) non h. om. B. G. H. (*) et, g. B. G. H.
(*) innotescat, 8; innotuerit, B. G. H. (*) pec, om. B. G. H.
(*) perierint, s. B. G. H. (*) xv, in 8, though it has 1400 den.

[4] Si quis animal uel quelibet (*) pecus per sua neclegentia (*) noguerit (*), et hoc dominus (4) ei (*) confessus fuerit, capitale in loco (f) restituat. Si uero negauerit et ei fuerit adprobatum, mal leodardi (s), [sunt den. DC qui tac.] sol. xv culf. iud. (b), excepto capitale et delatura.

(*), excepto capitate et delatura.
(*) quemlibet, 8,9 H; (quamlibet, corr.) quodlibet, B:
quamibet, G. (*) neglegentia, 8, H; necliencia, 9; negligentiam, G; suam neglegentiam, B. (*) nocuerit, 8,9 B.G.H.
(*) domino, B.G.H. (*) et, om. B.G.H. (*) locum, 9. (*) leudardi, 8. (*) culp. iud., om. 8.

[5] Si quis alicui porci(1) aut quolibet pecora (1)

[8] Si quis alicui porci (*) aut quolibet pecora (*) costodiente (*) pastore in messe aliena incucurrerint(*), et illum(*) negantem(*) si(*) ci(*) fuerit adprobatum, mal andesito, [sunt den. Dc qui fac.] sol. XV culp. iud., excepto capitale et delafura.(8) (*) pecus, B.G.H. (*) custodiente, 8. B.G.H.; costodiente, 9. (*) incurrernt, 8; incurrernt, 8; incurrernt, 8; incurrernt, B.; inclusernt, G.H. (*) negante, 8. B. B. (*) si e, 8; si ei, om. B.G.H. (*) exc. c. et d., om. H.

X. Si damnum in messe, uel in qualibet clausura illatum fuerit.

1 Si quis animal, aut caballum, uel quodlibet pecus in messe sua inuenerit, penitus + eum at Si quis animai, aut caoalium, uei quodifier pecus in messe sua inuenerit, penitus + eum uastare non debet, quod si fecerit et confessus fuerit, capitale +loco restituat, +ipse uero debilem ad se recipiat. Si uero confessus non fuerit + et ei fuerit adprobatum, malb. leodardi, DC den. qui fac. sol. xv, excepto capitale [et] dela-

† penitus id ledere. † locum. † ipse uero debile quod percussit. † inde fuerit conuictus.

Si quis uero animal, caballum, uel iumentum + in furtum pinxerit, malb. stalacha, DC den. qui fac. sol. xv culp. iud., excepto capitale et delatura.

† in furtu, at male,

8 Si quis in messe sua pecora aliena inuenerit quæ pastorem non habeant, et ea incluserit ut nulli penitus innotescat, et aliqua ex ipsis pecori-bus perierint, malb. texaca, accco den qui fac-sol. xxxv culp. iud., excepto capitale et delatura.

4 Si quis animal, aut quodlibet pecus, per suam negligentiam o nocuerit + et confessus fuerit, capitale in loco restituat: o si uero negauerit + sed tamen uictus fuerit, malb. leodardi, pc den qui fac. sol. xv culp. iud., excepto capitale et qui fac. delatura.

† et hoc domino eius confessus fuerit. * et illud debile ad se recolliget. † et ei fuerit adprobatum.

5 Si alicuius porci, aut quodlibet pecus, pastore illud custodiente in messem alienam cucurrerit, et ipso negante si ei fuerit adprobatum, malb. leodar di siue ande sitto, ipso negante si adprobatum fuerit, pc den. fac. sol. xv culp. iud., excepto capitale et delatura.

X. DE DAMNO IN MESSE UEL (*) IN QUALIBET CLAUSURA.

[1] Si quis animal, aut caballum, uel quodlibet pecus(b) in messe sua inuenerit, penitus eum ledere

(*) aut, Q. (*) pecus, Q. [2] Quod si fecerit et confessus fuerit, capitale in locum restituat, ipsum uero debile (*) quod percussit ad so recipiat.

(*) debilem, Q.
[8] Si uero confessus non fuerit et inde fuerit conuictus, pc din. qui fac. sol. xv culp. iud., excepto capitale et delatura.

[4] Si quis animal, aut (*) caballum, aut (*) iumentum (*) in furtu punxerit (*), DC din. qui fac. sol. xv culp. iud., excepto capitale et delatura. (*) an. Q. (*) lumento, Q. (*) (pugxerit, corr.) pungxerit, Q.

[5] Si quis in messe sua pecora (*) aliena in-uenerit quæ (*) pastorem non habeant, et ea (*) inclauserit, et nulli penitus innotescat, et aliqua ex ipsis pecoribus (*) perierint, mcccc din qui fac. sol. xxxv culp. iud., excepto capitale et delatura. (*) peccora, Q. (*) qui, Q. (*) eas, Q. (*) peccoribus, Q.

[6] Si quis animal uel quodlibet pecus per suam neglegentiam nocuerit, et hoc domino ejus confessus fuerit, capitale in locum restituat, et illud debile ad se recolliget.

[7] Si uero negauerit, sed tamen conuictus fuerit, pc din. qui fac. sol. xv culp. iud., excepto capitale et delatura.

Cf. L. Rip. 82; Gund. 23, 64, 89, 106; Sax. 57; Thur. 60; Wis. viii. 3-5; Ed. Roth. 304, 343-350, 380; Li. 86, 151; Aeth. 27-20; In. 42, 49; Alfr. 40; Hen. 12. 2, 35. 2; Waitz, pp. 117, 168, 169, 197.

Cf. Sept. Caus. II. 1.

[8] Si alicuius porci, aut quælibet (4) pecora (4), pastore custodiente, in messem alienam cucur-rerint, et ille negando fuerit conuictus, nc din. qui fac. sol. xv culp. iud., excepto capitale et dela-

(") quolibet peccora, Q.

COD. 1.	COD. 2.	COD. 3.	COD. 4.	CODD. 6 & 5.
[5] Si quis uero pecora de damno aut in clausura aut dum ad domum minantur expellere aut excutere praesumpserit, MCC din. qui fac. sol. XXX culp. iud.	/ad domo cuius messe uastauerint	fuerint, quas uiolenter expellere praesumpserit, sol. xv culp. iud.	[8] Si uero pecora de damno in- clausa fuerint, qui eas uiolenter expellere presumpserit, no den. qui fac. sol. xv culp. iud.	
·	[7] Si uero pecora de damno in clausura fuerint, ille cuius pecora sant damno instematum reddat, et insuper decim dinarias culp. iud.	[6] Si uero de damno inclusa fuerint, ille cuius pecora sunt damnum intomatum reddat, et insuper x din. culp. iud.	[6] Si uero pecora de damno in- clausas fuerint, ille cuius pecora sunt damno estimando reddat, et insuper x den. culp. iud.	[7] Si uero de (*) damno peccora (*) inclausa fuerint, damnum extimatum (*) reddat, et insuper x (*) den. culp. iud. (*) pecora de damnum. (*) stimatum. (*) dece.
(The corresponding & of cod. I is probably & 5 of tit. 27, which has there no corresponding & in the other texts. That & gives a fine of 15 sol., which was also intended here, as is evident from the gloss in codd. 2, 7-9, 10.)	in messe, in prato, in uinia, uel qua- libet laborem pecora miserit, cuius	[7] Si quis uero aut per inimicitiam aut per superbiam sepem alienam aperuerit, et messem aut inprobato uel in quolibet labore pecora sua miserit, cuius laborem si eum conuictus fuert contestibus, intomatum damnum reddat, et sol. xxx culp. iud.	[7] Si uero aut per inimicitia aut persuperbia sepem alienam aperuerit, et in messem aut in qualibet laborem pecora miserit, et ille cuius laborem conuinctus testibus fuerit, extimato damno reddat, Mcc den. qui fac. sol. xxx culp. iud.	[8] Si quis uero per inimicitiam aut per superbiam sæpem (*) alicnam aperuerit, et in messe sua uel in qualibet labore(*) peccora miserit(*), si conuictus testibus suent, damnum æstimatum (*) reddat, insuper (4) den. Mcc qui fac. sol. xxx culp. iud. (*) sepem. (*) laborem pecora miserit. (*) stimatum. (4) et insuper.
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X. DE SERVIS UEL MANCIPIIS FURATIS.	X. T/TULUS DE SERVIS VEL MANCIPIIS FURATIS.	X. DE SERUIS ET ANCILLIS FURATIS.	X. DE SERUIS UEL MANCIPIIS FURATIS.	X. DE MANCIPIIS FURATIS.
[1] Si quis seruo aut caballo uel iumentum furauerit, mai alfalchio, hoc est MCC din. qui fac. sol. XXX culp. iud.	[1] Si quis seruum aut ancilla, cauallum uel iumentum furauerit, cui fuerit adprobatum, mal teoducco, sunt din. MCCCC fac. sol. XXXV culp. iud.		[1] Si quis seruum aut ancillam, caballum aut iumentum furauerit, MCCCC den qui fac. sol. xxxv, exceptis capitale et dilatura.	[1] Si quis seruum aut ancillam alienam furauerit, malb teoxaca(1). sunt den. MCCC qui fac. sol. xxxv culp. iud., excepto capitale et delatura. (7) texeca.
[2] Si seruus aut ancilla cum ipso ingenuo de rebus domini sui aliquid portauerit, fur, praeter quod eius mancipia et res restituat, et insuper, mai the ubardi, hoc est pc din. qui fac. sol. xv cu/p. iud.	[2] Si seruus aut ancilla cum ipsum ingenno de rebus domini sui aliquit portauerit dum(*), sunt dinarius, quicquid ille praeter de mancipia ipsa restituat, sicut superius diximus, excepto capstale et dilatura, culp. iud. (*) 1 leg. domum.	[1] Si quis seruum aut ancillam cum ipso ingenvo de rebus domini sui aliquid portauerit, sol. xv culp. iud., excepto capitale et delatura. Atque causam quæ superius diximus adhuc amplius culp. iud.	[2] Si seruus aut ancilla cum ipso ingenuo detribus (leg. de rebus) domine sue aliquid portauerit, no den. qui fac. sol. xv, exceptis capitale et dilatura, adhuc amplius culpa iudicetur.	[2] Si seruus aut ancilla cum ipso ingenuo de rebus domini sui aliquid deportauerit, malb the ophardo(*), fur ille, preter(*) quod mancipia restituat, pc qui fac. sol. xv culp. iud. (*) teophardo. (*) preter.
				[8] Si quis seruum alienum occiderit (uel uindiderit, aut ingenuum dimiserit](*), malb (metheo, corr.) meotheo*, sunst den. Mcccc qui fac. sol. XXXV culp. iud. (*) uel dimis., supplied from Cod. 5. as these words, having been omitted in and afterwards added at the foot of the page, were cut away by the binder.
XXXV. [6] Si quis uasso ad ministerium, aut fabrum ferrarium, uel aurifice, aut porcario, uel uinitorem, aut stratorem furauerit aut occiderit, cui fuerit adprobatum, MCC din. qui fac. sol. XXX culp. iud. [7] Inter freto et faido sunt MDCCC din. qui fac. sol. XIV., excepto capifale et dilatura. In summa sunt simul sol. LXXV.	sol. XXXV; si nisterium quod est pro uinitore, si strogau, puella fabrum, si car- ad ministerium, pentario, si stra- aut fabro ferracio, tario, ualente sol. uel aurefice aut XXX, mal teo- porcario furauerit	cillam perdiderit quis puerum ad ualentesolid.xxv; ministerium, quod si porcario, uena- est thorogao, tore, si fabrum, puella ad minisaut carpentarium, terium, aut fauel stratorem, brum ferrarium, sol. LXX culp. iud. aut aurificem fura-		[4] Si quis ancillam alienam fura- uerit, malb teothexaca(*), Mcc den. qui fac. sol. xxx culp. iud. (*) texeca. [6] Si quis ancillam furauerii aut uindiderit (*) ualentem sol. xv aut xxv; si portario (*), si fabrum, si uenatorem (*), molinario (*), carpen- tario(*), uel quemcumque artificem(*), malb theocho thexacha ismala texacha chrochro texaca äbotanea, hec sunt de ministeria, sunt den. MMDCCC qui fac. sol. Lxv culp. iud., excepto capitale.(*) (*) uindederit. (*) porcaio. (*) uiniatori. (*) mullinario. (*) carpantario. (†) artificem ualente solidar Xxv. malb texeca, sol Lxv culp. iud.
				[7] Si quis puerum aut puellam de ministeri (*) furaueril, malb horogaut orogania*, xxv sol. in capite (*) restituat, et insuper Mcccc den. qui fac. sol. xxxv culp. iud.(*) (*) ministerium. (*) capitalem. (*) add: excepto capitale et delaturo.
(Cf. } 25 of tit. 27).	(Cf. } 23 of tit. 27).	(Cf. § 22 of tit. 27; § 15 of tit. 40).	(Cf. § 20 of tit. 27; § 17 of tit. 40).	[5] Si homo ingenuus seruum alienum in texaca (*) secum ducat, aut aliquid cum ipso negotiat, malb teolasina*, sumt den. DC qui fac. sol. xv culp. iud. (*) texeca. (Cf. § 30 of tit. 27; § 16 of tit. 40).
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CODD. 7, 8, 9.	COD. 10.	LEX EMEND.	OBSERVATT.
[7] Si uero aut (*) per inimicicia (*) aut per superbiam (*) pecora de (*) damno (*) cuius messe uastaueri! (!) aut inclausas (*) fuerint expellere aut excutere, dum ad domum (*) illius (!) menauerum! (*), prrsumpserit, mal hischoto (!), [sunt den. De qui fac.] sol. Xv culp. iud.(*) (*) aut, om. 8. (*) himiciciam. R.G.H. (*) superbia, 8.9. (4) de, om. 9. (!) damnum, 9; damno reclusa (recludat, B; reclausa, C) expellere aut foras excutere presumpserit, sol. &c., B.G.H. (!) uastauerent, 9. (!) inclausa, 8. (*) modum, 9. (!) illi, 9. (!) minauerunt, 8; minauerent, 9. (!) chisto, 8; Scuto, 9. (*) G.H. add: exc. cap. et del	6 Si cuius pecora de damno, cum alios labores uastantur, aut inclaudantur, aut in domum minantur, et ea quiuis expellere aut excutere præsumpserit, malb. schoto, Dc den. qui fac. sol. xv culp. iud., excepto capitale et delatura.	[9] Si qua (*) pecora(*), propter damnum messis alienæ, clausa (*) fuerint, aut minantur (*), qui ea excutere uel expellere presumpserit, Dc din. qui fac. sol. xv culp. iud., excepto capitale et delatura. (*) quis, Q. (*) peccora, Q. (*) inclausa factint animala, Q.	The words "per inimicitiam auf per superbiam," which are here in Codd. 7-9.B.G.H, occur in the other Codd. in the last tof this tit.
[6] Si quis pecora de damnum (*) inclausis (*) fuerint, damno stemato (*) reddat (4), et insuper x din. soluat. (*) damno.8; damnis.9. (*) inclausa.8.9. (*) estimato.8; stimato.9; S. q. p. d. fructu suo incluserit, aestimationem (stimacioni, Gidamni domino (domicus, cerr. dominicus, B; domno, G.), H.B.G. (*) redat, 9.	7 Si uero pecora de damno inclausa fuerint, ille cuius pecora sunt æstimatum reddat, insuper x den. culp iud., excepto capitale et delatura.	[10] Si aliculus pecora (*) propter damnum (b) inclausa fuerint, damnum(b) æstimatum(*) reddat, et insuper x dinarios persoluat. (*) peccora, Q. (b) dampnum, Q. (f) estimatum, Q.	Cf. Recap. L. Sal. 2.
[8] Si quis sepe (*) alienam aperuerit et in messe (*) aut (*) in qualibet (4) labore (*) pecora miserit (*), se (s) conuictus (*) testibus tuerit, ei cuius (*) labor es damnum(*) stimatum(*) reddat (m), et insuper (*), mal leodardi (*), [sumf den. Mcc qui fac.] sol. XXX culp. iud. (*) saepem, 8; sepem, 9, B.G.H. (*) messem, 9, G.H.; B.G.H. add: aut in pratum. (*) uel. R.G.H. (*) quolibet, 8, B. (*) laborem, 9, (*) misserit, R. (*) si, 8, B.C.H.; 9 adds: eum. (*) uin. vey; 8, 9, B.G. H. adds: cum. (*) uin. vey; 8, 9, B.G. H. adds: cum. (*) uin. vey; 8, 9, B.G. H. adds: cum. (*) uin. vey; 8, 1, 2, B.G. H. adds: cum. (*) uin. vey; 8, 1, 2, B.G. H. adds: cum. (*) uin. vey; 8, 1, 2, B.G. H. (*) laestimato, 8; stimaclonem, a (k. l.) aestimatonem damni, B.H. (**) restituat, B.H. (*) ins., om. B.G.H. (*) leu dardi, 8,	8 Si quis autem per inimicitiam, aut per superbiam sepem alienam+ ruperit, et in messem aut in pratum, *uel in quemlibet laborem pecora miserit, ille cuius est labor, testibus eum conuincat, ei reputetur damnum et zetimatum reddet, malb. leodardi, mcc den. qui fac. sol. xxx culp. iud., excepto capitale et delatura. † aperuerit. * uel in uineam.	[11] Si quis propter inimicitiam aut propter superbiam sepem alienam aperuorit, aut in messem aut in pratum, uel in uineam, siue in quemilibet laborem quælibet (*) pecora miserit, et testibus fuerit conuictus, ei cuius (*) labor (*) est (*) æstimationem damni reddat, et insuper MCC din. qui fac. sol. xxx culp. iud. (*) et, Q. (*) cul, V. (*) laborem tulit, Q.	Cf. L. Baj. 10. 16, 17; Gund. 27; Ed. Roth. 285-287.
XI. DE SERUIS UEL MA NCIPIIS FURATIS.	XI. De seruis mancipijs furatis.	XI. DE SERUIS UEL MANCIPIIS FURATIS.	Cf. Pact. Al. III. 35-37; L. Al.
[1] Si quis seruum (*) aut ancillam (*) furauerit et ei fuerit adprobatum, mal theostaxaca(*), sol. xxx (*) culp. iud., excepto capitale et delatura.(*) (*) 9 adds: alienum (*) ancilla, 9. (*) mal theus taxaca, 9. (*) sunt den MCCCC qui fac. sol. XXXV, 8; XXXV, B.C.H. (*) exc. cap. et del., om. 8.	1 Si quis seruus aut ancilla, caballum aut iumentum alterius furauerit, malb. theu tha texaca, MCCCC den. qui fac. sol. XXXV culp. iud., excepto capitale et delatura.	[1] Si quis seruum aut ancillam alterius fura- uerit, MCCCC din. qui fac. sol. XXXV culp. iud., excepto capitale et delatura.	Cf. Pact. Al. III. 35-37; L. Al. 33, 81; Li. 132; Thur. 36; Cham. 35; Fris. 2. 11; Aeth. 7; Hlo. 5. Cf. Recap. L. Sal. 16, 17.
[8] Si quis seruus(*) aut ancillas(*) ad homine(*) ingenuo (4) de se (*) res domini sui aliquid deportauerit in (*) taxaca, qui hoc recipit (*), mat the obardo (*), [sunt den. DC qui tac.] sol. xv culp. iud., excepto capitale et delatura. (*) seruum, 9. (*) ancilla, 8.9. (*) hominem, 8. (*) ingenuum, 8. (*) se. om. 8.9. (*) de, 8. (*) recepit, 8; Si seru. a. ancilla de rebus domini sui a. d. et homo ingenuus in furtum hoc receperit, sol. &c., B.G.H. (*) teobardo, 9.	8 Si quis seruus aut ancilla, cum homine ingenuo, de rebus domini sui aliquid deportauerit, malb. le ud ard i, DC den. qui fac. sol. xv culp. iud., excepto capitale et delatura.	[2] Si seruus (*) aut ancilla(b), cum ipso (*) ingenuo, de rebus domini (4) sui (4) aliquid portauerit, de din, qui fac. sol. xy, excepto capitale et delatura, atque causam (*) quam (*) superius diximus, culp. ind.(f) (*) seruum, Q. (*) ancillam, Q. (*) ipsa, Q. (4) domino suo, V. (*) causa que, Q. (f) Q repeats here: excepto capitale et delatura.	Cf. L. Gund. 4, 91; Baj. 9. 6.
	28 Si quis seruum alienum furauerit, aut occiderit, aut uendiderit, aut b ingenuum dimiserit, et ei fuerit adprobatum, malb. theu texaca, MCCCC deu. qui fac. sol. XXXV culp. iud., excepto capitale et delatura. De ancilla uero sol. XXX.	[3] Si quis seruum alienum occiderit, uel uendiderit, uel (*) ingenuum dimiserit, mcccc din. qui fac. sol. xxxv culp. iud., excepto capitale et delatura. (*) aut, Q.	Cf. L. Sal. tit. 83; Capit. Lud. 2. The Lex Em. has been taken as basis for the arrangement of the following H. The H of tit. 35 of codd. 1-4, which are given here, were lett by Merkel in their place, but he removed from the present it. 10 all the H which correspond to them. The present arrangement seems better, though codd. 1-4 constitute a separate
[2] Si quis seruum aut ancillam perdiderit ualentes sol. XXV (1), se (1) porcario (2), se (3) uena-tore, se(4) fabro, se(5) carpentario, se(6) stratore (4), uadentes sol. XXV (1) carpentario, se(6) stratore (4), uadentes sol. XXV (1) culp. iud., excepto capitale et delatura. (1) S. q. s. perdiderit aut ancilla ualentes sol. XXV furamerit, 8; S. q. s. a. acilla ualentes sol. XXV pordedirit, 9; S. q. s. a. a furauerit ualentem sol. XXV, G.H. (2) si. S. G. S. ancilla furauerit ualentem sol. XXV, G.H. (2) si. S. G.H. (1) portario (3) porcaries, H. (4) istratore, B. (1) ualente sol. C.C., om. B. G.H. (2) throthesis (2) (2) conservit, 8; ua. — MCCCC qui fac. sol. LX, 8.	6 Si quis *maiorem, infestorem, scantionem, mariscalcum, stratorem, fabrum ferrarium, aurificem, siue carpentarium, unitorem, uel porcarium, uel ministerialem furauerit, aut occiderit, uel uendiderit, ualentem solidos xxv, malb. theuca texara, MCCCC den, qui fac. sol. culp. iud., excepto capitale et delatura. (1) The number of sol., which, according to the number of denarit, should be XXXv, has been omitted by Herold. 7 Si uero f maiorissam aut ancillam ministerialem ualentem sol. xxv, superiorem causam conuenit observare.	[5] Si quis seruum aut ancillam, ualentem solidos XV aut XXV, furauerit aut uendiderit, seu porcarium, aut fabrum, siue uinitorem(*), uel molinarium, aut carpentarium, siue uenatorem(*), siue(*) aut quemcumque artificem, mmoccc din. qui fac. sol. LXX culp. iud., excepto capitale et delatura. (*) uiniatorem, F.G.P; uineatorem, R.S; uenatorem, Q. (*) uineatorem, Q; s. uen., om. F. (*) siue, om. T. Pardessus remarks that in none of the codd. Nas he found the word stratorem, which is here added in the printed editions of the Lex Emend.	family of MSS. Cf. Recap. L. Sal. 11 16, 21, 22 (text a) and 1 23 (text b); Waitz, p. 105; Sohm, Proc. p. 158; id. R. u. G. 559.
	8 In alio Pacto dicit, de ipsis malb. s thenca texaca is mala texaca, amba texaca, amba othonia, precia hec sol. in summa LXXXV qui fac. den. MMMCC culp. iud., excepto capitale et delatura.		
	5 Si quis seruum +puledrum furauerit, malb. 4 usu dredo, MDCC den. qui fac. sol. XLV culp. iud., excepto capitale et delatura. † puerum uel puellam de ministerio dominorum.	[6] Si quis puerum aut puellam de ministerio dominorum (*) furauerit, m (*) din. qui fac. sol. xxv in capitale restituat(*), et insuper mcccc den. qui fac. sol. xxxv culp. iud., excepto capitale et delatura(*). (*) Q addt: suorum. (*) M din. — rest., om. T. (*) this is not in V.	Cf. Recap. L. Sal. 11, 15.
[4] Si (*) homo ingenuus seruum alienum in taxaca (b) secum inuolare duxerit (*), aut aliquid cum ipso in taxaca (4) neguciat (*), mal theolasina, [sumt den. De que fac.] sol. Xv culp. iud. (*) 8 adds: quir. (*) taxaica, 8 (*) al. ad furtum faciendum dux., B.G.H. (*) taxaica, 8; taxaga, B.G.H. (*) negotiat, 8; negotiauerit, B.G.H.	4 Si quis homo ingenuus in texaca secum duxerit aut aliquid cum eo negotiauerit, malb. theu lasina, DC den. qui fac. sol. XV culp. iud., excepto capitale et delatura. (Cf. § 8 of tit. 40 (43)).	[4] Si quis homo ingenuus alienum seruum in texaca (*) secum duxerit, aut aliquid cum eo negotiauerit, De din. qui fac. sol. xv culp. iud., excepto capitale et delatura. (*) taxaca, Q.	Cf. L. Sal. 86; Rip. 74.
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COD. 1.	COD. 2.	GOD. 8.	COD. 4.	CODD. 6 & 5.
XI. DE FURTIS INGENUORUM UEL EFRACTURIS.	XI. TITULUS DE FVRTIS INGENUORUM.	XI. DE FURTIS INGENUORUM UEL FRACTURAS.	XI. DE FURTIS INGENUORUM UEL DE EFFRACTURIS.	XI. DE FURTAS INGENUORUM UEL EFFRACTURA(4).
[1] Si quis ingenuus de foris casa quod ualit duos dinarii furauerit, DC din. qui fac. [sol.] xv culp. iud.	[1] Si quis ingenuus foris casa quod ualit duus din. furauerit, cui fuerit adprobatum, mai leodardi, sunt din. De fac. sol. xv culs. iud., excepto capitale et dilatura.	[1] Si uero ingenuus de foris casa quod ualent duo dinarii furauerit, sol. xv culp. iud.	[1] Si quis ingenuus foris casa quod ualet duos dænarios furauerit, DC denarios qui fac. sol. xv, exceptis capitale et dilatura, culp. iud.	[1] Si quis uero ingenuus de foris (b) casa quod ualet duos denarios furauerit, malb leodard*, sunt den. De qui fac. sol. xv culp. iud. (f) effracturis. (b) foras.
[2] Si uero foris casa furauerit quod ualent xL din. et ei fuerit adprobatum, praeter capitale et dilaturam, Mcccc din. qui fac. sol. xxxv culp. iud.	[3] Si uero foris casa quod ualit xL din. furauerit, cui fuerit adprobatum, mal texxaga, sunt din. Mcccc fac. sol. xxxv culp. iud., excepto capitate et dilatura.	[2] Si uero foris casa quod ualent XI. dinarii furauerit, XXXV sol. culp. iud.	XL denarii furauerint, MCCCC denarios	[3] Si uero foras casa quod ualet denarios (*) XL furauerit, malb texaca (*), sunt den. Mcccc qui fac. sol. xxxv culp. [iud.], excepto capitale et delatura. (*) denarius. (*) texeca.
[8] Si ingenuus homo efractura fecerit quod ualit ī!(*) din. et ei fuerit adprobatum, mal anthe dio, hoc est sol. xv culp. iud. (*) The stroke above the II compels us to read MM, but it should probably be II din. just as in tit. 12 \(\frac{1}{2} \) 1.		[3] Si quis ingenuus efractura fecerit quod ualent [duo] din. fura- uerit, sol. xxx culp. iud.	[3] Si quis ingenuus effractura fecerit quod ualet duos denarios, MCC den. qui fac. sol. xxxv, exceptis capitale et dilatura, culp. iud.	[[8] Si quis ingenuus efractura fecerit et quod ualet II denarios furamerit, sol. XXX culp. iud.](*) (*) this \$ occurs in cod. 5 only.
[4] Si uero supra v din. quod ualet furauerit et ei fuerit adprobatum, excepto capitale et dilatura, Mcccc din. qui fac. sol. xxxv culp. iud.	[4] Si uero super v din. furamerit et ci fuerit adprobatum, mal ante dio, sunt din. De fac. sol. quindice culp. iud., excepto capitate et dilatura.	[4] Si quis quod ualent super L din. furauerit, xxxv sol. culp. iud., excepto capitale et delatura.	[4] Si uero super L porcos (*) fura- uerit, MCCCC denarios qui fac. sol. XXXV, exceptis capitale et dilatura. (*) L porcos is no doubt a mistale of the copyrist for L din. On the theft of porci cf. tit. III.	[4] Si quis uero(*) ingenuus effracturam (*) fecerit et (*) quod quinque den. ualet furauerif(*), maib tantedio*, sunt den. MCCCC qui fac. sol. XXXV culp. iud. (*) uero.om. 5. (*) efractura. (*) et.om. 5. (4) furauerit, om. 5.
[8] Si uero clauem effrigerit aut adulterauerit, sic in domo ingressus fuerit, aut exinde furtum aliquid tulerit, excepto capitale et dilatura, MDCCC din. qui fac. sol. XLV culp. iud.	[5] Si uero clauem effregerit aut adulterauerit, et in domum eingressus fuerit, et in furtum aliquid tullerit, et ei fuerit adprobatum, mai antedio, sunt din. Mocc fac. sol. xxv culp. iud., excepto capitate et dilaturu.	[5] Si uero clauem efrigerit, XL sol. culp. iud.	[5] Si uero clauem effregerit, et si in domo ingressus fuerit, et sic inde aliquid furtus tulerit, Mocco denarios qui fac. sol. LXV, exceptis capitals et dilatura.	[8] Si uero clauem effregerit aut adulterauerit, et sic in domum (*) ingressus fuerit, et in (*) furtum aliquid tulerit, malb anorlenet antheodio*, sunt den. Mocco qui fac. sol. xi.(*) culp. [ind.], excepto capitale et delatura. (*) domo. (*) inde. (*) XLV
[6] Si uero nihil tulerit aut fugiens euaserit, Mcc din. qui fac. sol. xxx culp. iud.	[6] Si uero nihil tullerit ut fugiens euadat, taliter propter efractura tantum MCCCC din. fac. sol. xxxv culp. iud.	[6] Si uero nihil tulerit ut fugens euadat, propter efracturam tantum xxx sol. culp. iud.	[6] Si uero nichil tulerit et fugiens euadat, prætter tanto effractura, Mcc denarios qui fac. sol. xxxv culp. iud.	[6] Si uero nihil tulerit(*) effugiens euadat, propter(*) effucturam (b) tantum MCC den. qui fac. sol. xxx culp. iud. (*) et fugiens euadat preter. (b) efractura.
XII. DE FURTIS SERUORUM UEL EFRACTURIS.	XII. DE FURTIS SERVORUM VEL EFFRACTURIS.	XII. DE FRACTURA UEL FURTIS SERUOR <i>UM</i> .	XII. DE FURTIS SERUORUM UEL EFFRACTURIS.	XII. DE FURTIS SERUORUM ET (*) EFFRACTURA(*).
[1] Si seruus foris casa quod ualit II dinarios furauerit, excapto capitale et dilatura, cxx flagellus extentus accipiat.	[1] Si quis seruus foris casa quod ualit dinarius furauerit et ei fuerit adprobatum, mai falcono, sunt din. CXX fac. sol. III, pro dorsum suum, aut CXX flagellus suscipiat.	[1] Si quis seruus de foris casa quod ualent duo dinarri furauerit et ei fuerit adprobatum, excepto capitale et delafura, aut flagellis Cxx accipiat aut solidos tres reddat.		[1] Si quis seruus quod ualet duos denarios foras casa furauerit et ei fuerit adprobatum, aut cxx ictus accipiat, aut cxx (°) den. qui fac. (°) sol. III pro dorso suo culp. iud. (°) UEL. (°) EFFRACTURIS. (°) CXX—fac., occurs also in 5.
[9] Si uero quod ualit XL din. furauerit, aut castretur aut sex sol. reddat. Dominus uero serui qui furtum fecit capitale et dilaturum requirenti restituat.	[2] Si uero quod ualit xL din. inuolauerit, aut castretur aut CCXL din. qui fac. sol. VI culs. iud.; dominum uero serui capitale in loco restituat.	[2] Si uero furauerit quod ualet xi dinarii, aut castretur aut vi solid. reddat; domnus uero serui qui furtum fecit capitale in locum restituat.	qui fac. sol. vi reddat. Dominus	[8] Si quis uero furauerit quod ualet XI. den., aut castretur aut CCXI. den. qui fac. sol. VI reddat; domnus(*) uero serui qui furtum faccit (*) capitale in loco restituat. (*) dominus. (*) fecit.
XIII. DE RAPTO INGE- NUORU <i>M</i> .	XIII. DE RAPTO INGENUO- RUM UEL MULIERUM T/- TULUS.	XIII. DE RAPTUM INGENUO- RUM UEL MULIERUM.	XIII. DE RAPTUM MULIERIS.	XIII. DE RAPTO INGENUO- RUM UEL MULIERUM.
[1] Si tres homines ingenuam puellam rapuerint, mai schodo, hoc est tricinus sol. cogantur exsoluere.	[1] Si tres hominis ingenuam	[1] Si tres homines ingenuam puellam de casam rapuerint, trigenos xxx sol. culp. iud.	[1] Si quis tres homines ingenua puella de casa rapuerint, Mcc den. qui fac. sol. xxx culp. iud. hunusquisque;	[1] Si quis tres homines ingenua(*) puella (*) de casa aut de screona (b) rapuerint, malb antomia*, MCc den. qui fac. sol. XXX (*) culp. iud. (*) ingenuam puellam. (*) ddd: unusquisque. (*)
[2] Illi qui super tres fuerint, quinos sol. soluant.	illi qui super tres fuerint, docentinus dinarius hoc est quinus sol. quisque illorum culp. iud.	[2] Illi uero qui super tres fuerint, unusquisque ex illis quinos sol. culp. iud.		[2] Illi qui super tres fuerint ducentenos den. qui fac. sol. v unus- quisque illorum culp. iud.
64	65	66	67	68

[1] Si quis tres (°) hominis (4) ingenua puella (°) de casa aut de escreuna (°) rapuerint, mai antonio (s), sol. (°) xxx culs. iud.; (°) rapum, 9; rapus, B.G.H. (°) velmul., ow. 8. (°) tris, 9. (°) homines, 8. B.G.H. (°) puellam, G. (°) screona, 8. G.G.H; iscreona, B. (°) anthonius, 9. (°) suns den. MCCC quí fac., sol. &c., 8.

qui (i) super tres (i) fuerint (l) sol. v conponant (m);
(i) se, 9; quod si, B. H.; quod, G. (i) tris, 9. (i) 8 adds;
ducentinos den. qui fac. (m) unusquisque corum culp. iud., 8.

1 Si aqui tres homines, ingenuam puellam de casa, aut de bscreona rapuerint⁸, malb. authumia, Mcc den qui fac. sol. xxx culp. iud., excepto capitale et delatura.

2+ Illi uero qui super tres fuerint, cc den. qui fac. sol. v culp. iudicentur, excepto capitale et delatura.

† Illi alij qui super tres fuerint unusquisque eorum.

[1] Si qui (b) tres homines ingenuam puellam de casa aut de screuna (c) rapuerint, unusquisque eorum MCC din. qui fac. sol. XXX culp. iud. (c) feminas, Q. (c) qui, om. N: Si quis tres, O; Si quis in homines, P. (f) screons, Q.

[8] Illi alii qui super tres fuerint unusquisque eorum cc din. qui fac. sol. v culp. iud.

Cf. Recap. L. Sal. 7.

7I

C

COD. 1.	COD. 2.	COD. 8.	COD. 4.	CODD. 6 & 5.
[3] Qui cum sagittas fuerint, ternos sol. culp. iud.	[8] Qui cum sagittas fuerint, docentinus din. qui fac. sol. ternus culp. iudicetur quisque illorum;	[8] Qui cum sagittas fuerint, unus- quisque tres sol. culp. iudicetur;	[2] Qui cum sagittas fuerit, CXX den. qui fac. sol. III quisque eorum culp. iud.	[8] Qui cum sagittas fuerint (*), cxx den. qui fac. sol. III culp. iud. (*) fuerit.
[4] Raptores uero MMD din. qui fac. sol. LKIII exigantur.	raptur uero MMD din. fac. sol. LXII culp. iud.	raptor uero sol. LXII culp. iud.	[8] Raptor uero MMD den. qui fac. sol. IXII culp.	[4] Raptor uero MMD den. qui fac. sol. LXIII (*) culp. iud. (*) LXIIS.
[5] Si uero puella ipsa de intro claue aut de screuna rapuerint, prae- cium et causa superius conpraehensa culp. iud.			[4] Si uero puella ipsa de intro claue aut de screunia rapuerit, et praetius uel causa superius intimata conuenit obseruare.	[5] Si uero puella ipsa de intro claue (*) aut de screona (*) rapuerit, malb alteo falthe o *, et pretius et causa superius intimata conuenit observare. (*) clauem. (*) escreonam.
[6] Si uero puella qui trahitur in uerbum regis fuerit, fritus exinde MM p din. qui fac. sol. LXIII esf.	[8] Si uero puella qui traitur in uerbo regis fuerit, ereus inde exiendis sol. LXII cul\$. iud.	[4] Si uero puella ipsa quæ trahitur in uerbo regis fuerit, fredus exinde sol. LKII exigantur.	[5] Si uero puella qui traitur in uerbo regis fuerit, furban exinde MMD den. qui fac. sol. LXXI culp. iud.	[6] Si uero puella qui trahitur in uerbo regis fuerit (*) posita, fretus exinde Mu den. qui fac. sol. LXIII(b) culp. iud. (b) (') fuerat. (b) LXIII exegatur.
[7] Si uero puer regi uel litus ingenuam feminam traxerit, de uita culp. esse debet.	[4] Si uero puer regius uel letus ingenua puella traxerit, de vita conponat.	[5] Si uero puer regius fuerit uel ledus qui ingenuam puellam traxerit, de uita conponat.	[6] Si uero puer regis uel litus ingenuam feminam traxerit, de uita componat.	[7] Si uero puer regius uel litus ingenua femina traxerit, de uita sua (*) conponat. (*) sua, om. 5.
[8] Si uero ingenuam puellam de illis suam uoluntatem seruum secuta fuerit, ingenuitatem suam perdat. (Cf. tit. 25, § 6).	[8] Si uero ingenusm quemcusque de illis sua uolustatem secuta fuerit, ingenuetatem suass perdit.	[6] Si uero feminam ingenuam qui- cumque de illis sua uoluntate secuta fuerit, ingenuitatem suam amittat.	[7] Si uero ingenuam quicuque de illis sua uoluntate secuta fuerit, ingenuetate sua perdat.	[8] Si uero ingenua femina cui- cumque de illis sua uoluntate secuta fuerit, ingenuitate (*) sua (*) perdat. (*) - tatem suam.
[9] Ingenuus si ancilla aliena pris- serit similiter paciatur. (Cf. tit. 25, § 5).	(Cf. tit. 25, § 3).	(Cf. tit. 25, } a).	(Cf. tit. 25, } 3).	[9] Si ingenuus ancillam alienam in coniugium praeserit (*), matb honema*, cum ea in (b) ipso (b) seruitio permaneat. (*) prehenserit. (*) ipse in. (Cf. tit. 25, \frac{1}{2}).
				[10] Si quis litam alienam ad coniugium sotiauerit (*), malb an famia *, MCc den. qui fac. sol. xxx culp. iud. (*) sociauerit. [11] Si quis sororis (*) aut (*) fratris filiam (*), aut certe ulterius gradus consobrina (*), aut certe fratris uxorem, aut auunculis (*), sceleratis nuptiis sibi iuncxerit, hanc poenam subiaccant ut de tale consortio separentur, atque (4) etiam si filiis (*) habuerint, non habeantur legitimi (*) heredes, sed infamiæ sunt natiuitate (*). (1) (soror elus, corr.) sorores. (*) aut ad fratris filia. (*) consubrina. (*) abunculis. (*) ad que (*) dios. (*) legitime heredes
[10] Si quis sponsam alienam tulerit et eam sibi in coniugio copula- uerit, MM[D] din. qui fac. sol. LXIII culp. iud.	[0] Si quir sponsam aliena tullerit et sibi coniugium copolauerit, mai antedio, sunt din. MMD fac. sol. LKII culp. iud.	[7] Si quis sponsam alienam tulerit, sibi in coniugium copulauerit, sol. LXII culp. iud.	[8] Si quis sponsam alienam tu- lerit et sibi in coniugium copulauerit, MMD den. qui fac. sol. LXXI culp. iud.	iniamis innotati,
XIV. DE SUPERUENIENTIBUS UEL EXPOLIATIS. [1] Si quis hominem ingenuum in superuentum expoliauerit, cui fuerit adprobatum, mai anthi falthio, hoc est MMD din. qui fac. sol. LXIII culp. iud.	UEL EXPÓLIACIONIBUS. [1] Si qui hominem ingenuum in superuentum expoliauerit et ei fuerit adprobatum, mal murdo, sunt din. MMD fac. sol. LXII culp. iud.	superuentum expoliauerit, sol. LXII culp. iud.	superuentum expoliauerit, MMD den. qui fac. sol. LXXII culp. iud.	XIV. DE SUPERUENTES (*) EXPOLIACIONIBUS. [1] Si quis hominem ingenuum in superuentum (*) expoliauerit, malb musido*, sun! MMD den. qui fac. sol. LXIII (*) culp. iud. (*) superuenientis uel. (*) superuentis. (*) LXIII.
13	74	75	76	77

CODD. 7, 8, 9.	COD. 10.	LEX EMEND.	OBSERVATT.
ille (*) uero qui cum sagittas fuerint, ternus(*) sol. conponere faciant (*); (*) ills, 8.9. R.G.H. (*) ternos, 8. (*) 8 actor: unusquisque corum. (o.p) ternos sol. conponant, B.G.H.	8º Qui cum sagittis fuerint, unusquisque illorum cxx den. qui fac. sol. III culp. iud., excepto capitale et delatura.	[3] Qui cum sagittis fuerint, unusquisque illorum cxx din. qui fac. sol. 111 culp iud.	
raptor (4) uero [MMD den. qui fac.] sol. LXII5 (7) cul p. iud.(4) (5) raptur, p. (7) XLIII, H. (7) cogatur exsoluere, 2.	4 Raptor uero MMD den. qui fac. sol. LXII cum dimidio culp iud., excepto capitale et delatura.	[4] Raptor uero mmp din. qui fac. sol. LXII cum dimidio culp. iud.	
[2] Si uero puella in uerbo regis fuerit qui tractur (*), fredus (*) exinde (*) LXIIS 801. (*) cogatur exsoluere (*). (*) tractur, 9; traitur, B.H; traitur, G. (*), fredos, G.H. (*) sol., som. 9. (*) this § does not occur in 8.	5 Si uero puella quæ trahitur in uerbo Regis tuenit, propter fredum mmb den. qui fac. sol. LXII et dimidium cogatur persoluere, excepto capitale et delatura.	[5] Si uero puella quæ trahitur in uerbo regis fuerit, propter fredum MMD din. qui fac. sol. LXII cum dimidio cogatur persoluere (%). (*) culp. iud., Q.	Cf. L. Sal. tit. 76, § 7; Sohm, R. u. Ger. 109, 145.
[3] Si uero puer regi (*) ue (*) litus (*) ingenua (*) femina (*) traxerit (f), de uita conponat. (*) regis, 8.B.G.H. (*) uel, 8.9.B.G.H. (*) litos, 8; letus, 9.B.; laetus, G.H. (*) ingenuam, B.G.H. (*) 8 adds: tunc.	6 Si quis spuor regis, uel s lidus, ingenuam fœminam traxerit, de uita componat.	[6] Si uero puer regis uel lidus ingenuam feminam traxerit (*), de uita conponat. (*) traxerunt, Q.	Cf. L. Sal. titt. 79, 92. 3.
[4] Si uero ingenua femina (*) quicumque (*) de illis sua uoluntate (*) secuta (4) fuerit, ingenuitatem (*) suam (f) perdat. (*) femina, om. B.G.H. (*) quecumque, B.G.H. (*) uolumptate, 9. (*) sequuta, G. (*) ingenuitate, 8.9. (*) sua, 8.9.	7 Si uero ingenua fœmina, aliquemcunque de illis, sua noluntate secuta fuerit, ingenuitatem suam perdat.	[7] Si uero ingenua (*) femina quemque (*) de illis sua uoluntate secuta fuerit, ingenuitatem suam perdat. (*) ingenuam feminam que, Q.	Cf. L. Alam. 18; Gund. 35; Marculf. 2. 29; cf. L. Sal. tit. 25, where the toccurs again in Cod. 1 only; Cod. 1 alone mentions the seruum.
[7] Si quis ingenuus (*) ancilla (*) aliena (*) priserit (*) in coniugio (*), mal bonimo, ipsi (*) cum ea (*) in seruitio inplicetur (*). (*) ingenuo, o. (*) ancillam, B.G.H. (*) alienam, B.G.H. (*) priserit, om. 8.B.G.H. (*) coiugium, 9; 8 adats: sociauent; B.G.H adat: acceperit. (*) ipse, B.G.H. (*) eam, 9. (*) inplecetur, 9. (*For § 8, see tit. 15; for § 9 and 10, tit. 25).	11 Si quis ingenuus ancillam alienam sibi in coniugium + sociauerit, malb. + honomo, ipse cum ea in seruitium + inclinetur. + priserit capulauerit alias. + on e mo. + cuw ipsa in seruitio premaneat; implicetur alias.	[11] Si quis ingenuus ancillam alienam in coniugio acceperit, ipse cum ea in seruitium inplicetur (*). (*) For § 12 see tit. 15; for §§ 13 and 14, tit. 25.	It is difficult to say whether the first letter of the gloss in Codd. 6-8 is \$h\$ or \$h\$. In 9 it is \$h\$. This \$h\$ occurs again in tit. 25, \$\$ (3, 6), francus being substituted in Codd. 5, 6, and L. E. for ingenuus; cf. L. Sal. 92; Cap. Lud. cap. 3; L. Wisig. III. 2, 3; Cham. 45;
	XVI. 4º Si quis didam alienam in coniugium sociauerit, MCC den. qui fac. sol. xxx culp. iud.	[15] Si quis lidam alienam (*) in coniugium sociauerit, mcc din. qui fac. sol. xxx culp. iud. (*) ludo cum alienum, Q.	
	19° Si quis sororem, aut fratris filiam, aut certe alterius gradus consobrinam, aut fratris uxorem, aut auunculi sceleratis nuptijs sibi iunxerit, huic pœne subiaceat, ut a tali consortio separetur, atque etiam si filios habuerint, non habeantur legittimi hæredes, sed infamia sint notati. (For § 13 of tit. 14, see tit. 105).	[16] Si quis sororem, aut fratris filiam, aut certe alterius gradus consubrinam (*), aut fratris uxorem, aut auunculi, sceleratis nuptiis sibi iunxerit, huic pœnæ subiaceat, ut a tali consortio separetur. Atque etiam si filios (*) habuerint, non habeantur legitimi heredes, sed infamia sint notati. (*) consobrinam, Q.V. (*) A adds: non; the same word was originally in 4418, but has been effaced.	Cf. Ed. Roth. 185; L. Wisig. III. 5; Pa. Sax. 20; Cn. 1. 7; Waitz, 108. This 1, if it be derived, as is supposed, from the interpretation of Alaric's Breviary on the 3rd constitution of the Cod. Theod. III. 12, could only have been inserted in the Salic Law after the year 506.
[5] Si quis spunsam (*) aliena (*) tullerit (*) et sibi in conjugium (*) sociauerit, mal andrateo (*), [sunt den. MMD qui fac.] sol. LXIIs culp. iud. (*) sponsam. R.B.G.H.; spunsa, p. (*) alienam. R.B.G.H. (*) tulerit, B.G.H. (*) coiudium, 9; conjugio, B.G.H. (*) andratheo, 8; andratho, p.	in coningium sociauerit, malb. ana stheo, mmp den. qui fac. sol. LXII cum dimidio culp. iud.	[8] Si quis (*) sponsam alienam tulerit (b) et sibi in coniugium (*) copulauerit (4), mmp din. qui fac. sol. LXII cum dimidio culp. iud. (*) qui, Q. (*) tulerint, Q. (*) coniugio, Q. (*) copulauerint, Q.	Cf. L. Alam. 52; Baj. 8. 16; Sax. 11. 49; Cham. 47; Ed. Roth. 190-192.
	9+ Sponso autem eius DC den. qui fac. sol. xv culp. iud.	[9] Sponso (*) autem eius DC din. qui fac. sol. xv culp. iud. (*) sponsa, Q.	Cf. Recap. L. Sal. 12.
[6] Si quis puella (*) dispunsata (*) dructi (*) ducenti (4) ad maritum (*) aliquis (f) eam in uiam (*) adsallierit (*) et ipsa (*) uiolenter michatus (*) fuerit, mat gaugechaldo (*), sol. Cc (*) cul s. iud. (*) puelle, 9; puellam, B.G.H. (*) desponsata, 8; disponsatam, B.G.H. (*) dructu, 9; dructe, B.G.H. (*) ducentem, B.G.H. (*) marito, 9. (*) al., som, B.G.H. (*) uia, 9. B.G.H. (*) uia, 9. B.G.H. (*) usaslarit, 9. (*) ipsam, 8.H.; cam, B. (*) mechatus, 8; migatus, 9; moechatus, B.G.H. (*) gaugecaldo, 9. (**) sunt den. VIIIM qui fac. sol. Cc, 8; sol. Cc, 9.B.G.H.	cente ad maritum, et eam in uia aliquis i adsal- lierit, et cum ipsa uiolenter mœchatus fuerit, malb. k changichaldo, viiim den qui fac. sol. cc. culp. jud.	[10] Si quis puellam, quae (*) druchte (b) ducitur (e) ad (4) maritum, in uia adsallierit, et cum ipsa uiolenter mœchatus (*) fuerit, viiim din. qui fac. sol. cc culp. iud. (*) qui, Q. (b) dructe, G.K.O.P.Q.; druhte, E; drute, F. (*) dictur, I.P.Q. (*) aut, Q. (*) mecatus, Q.	Cf. Sept. Caus. vi. 7.
XV.(*) DE SUP <i>ER</i> UENTIS U <i>E</i> L EXPOLIA-	XVII. De Superuentis uel Expoliationibus.	XV. DE EO QUI HOMINEM INGENUUM(+)	Cf. L. Gund. 29; Waitz, 97, 171;
CIONIBUS (*). [1] Si quis hominem ingenuum in (*) supernenti (*) expoliauerit, mal mosido (*), [sunt den. MM D qui tac.] sol. LXIIs culp. ind. (*) XVI, in 9; for it. XV of that col. see it. XV and XXV. (*) 9 adds: qui hominem ingenuum expoliault. No rubric in G.H; De furtis, B. (f), om. B.G.H. (*) superuento, 8; superuenientem, B.G.H. (*) musido, &	1 Si quis hominem ingenuum + superuentum expoliauerit, malb. mosedo, MMD den qui fac. sol. LXX cum dimidio culp. iud. † in superuentu.	EXPOLIAUERIT. [1] Si quis hominem ingenuum in superuentu	Sohm, R. u. Ger. 572. Cf. L. Sal. tit. 61, 1 2, where a
8; superuenientem, B.G.H. (*) musido, & 78	79	80	81

COD. 1.

82

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COD. 8.

CODD. 7, 8, 9.	COD. 10.	LEX EMEND.	OBSERVATT.
[2] Si(*) romanus homo barbaro expoliauerit(*), al mosido (*), [sunt den. MMD qui tac.] sol. (*) (4) culp. iud. (*) 8 adds: quis. (*) Si romanus barbarum e., R.G.H. musido, & (4) XVIIS, 9.	2 Si uerò Romanus, Barbarus, Salecum Francum expoliauerit, caussam superius com- prehensam conuenit obseruare.	[9] Si Romanus homo Francum expoliauerit, MMD din. qui fac. sol. LXII cum dimidio culp. iud.	
-			
[3] Si uero (*) francus homo (*) romano (*) ex- poliauerit, mai mosido (*), [sunt den. Mcc qui ac.] sol. xxx culp iud. (*) quis. 8. (*) romanum, B.G.H. (*) musido, 8.	S Si uero Francus Romanum expoliauerit, malb. mosedo, MCC den. qui fac. sol. XXX culp. iud.	[8] Si uero Francus Romanum expoliauerit, MCC din. qui fac. sol. xxx culp. iud.	
[4] Si quis homine (*) qui aliubi (*) migrare dis- conit et de rege (*) habet cartas et se alundiuit (*) in mallo publico(*), et aliquis extra(*) ordinatione(*) regis testare aut adsallire eum presumpserit (*), mat alachra et hii uia lacina (*), [sunt den- viii.11 qui fac.] sol. cc culf. iud. (*) homo, 8; hominem, 9, (*) alicubi, 8, (*) regi, 9, (*) homodiuit, 8, (*) pupiko, 9, (*) extra, om, 9, (*) ordinacionem, 9, (*) S. q. hominem cartam regis habentem extra ordinationem (ordinem, H) regis adsalire uel uia lacina facere pres. sol. &c., B.G.H. (*) alagra et hii uia lacina, 9.	4 Si* quis hominem qui alicubi migrare disponit, et dirigere habet præceptum Regis, et si aliunde ierit in mallum publicum, et aliquis extra ordinationem Regis restare eum facit, aut adsalire presumpserit, malb. 4 alacfacis uia lacina, viim den, qui fac. sol. ec culp. iud. (For 14 5-10, see the following tit.)	[4] Si quis hominem, præceptum regis habentem, contra ordinationem regis adsallire uel uiæ laciniam (*) ei facere præsumpserit, viiim din. qui fac. sol. ce culp. iud. (*) uie lacinei, Q.	Cf. Sept. Caus. vi. 1; Ed. Roth. 177; Alfr. 37; Waitz, 144, 210; Sohm, R. u. Ger. 60.
XVI. DE(+) QUI ALTERIUS UILLAM	XVIII. De eo qui Villam alienam adsalierit.	XVI. DE EO QUI UILLAM ALIENAM	Cf. L. Sal. tit. 42, § 5, titt. 89,
ALIENAM (*) ADSALLIERIT (*). [1] Si quis uillam alienam adsallierit (4), mat a la fa lc io (*), [sunt den. MCC qui fac.] sol. xxx culp. iud. (f) (*) 8 adds: co. (*) alienam,om. 8. (*) adsallit, 8; rubric in 0: XVII. Si quis uillam alienam adsallirit uel explauerit; no rubriciu B. G.H. (*) adsalliret, 9, (*) ala fa lmo, 2 la fa	1 Si quis uillam alienam adsallierit, *malb. * alac falthio, MCC den. qui fac. sol. XXX culp. iud. * et omnes qui convicti fuerint quod in eius contubernio fuissent. MMD den. qui fac. sol. LXII cum dimidio culpabilis unusquisque corum iudicetur.	ADSALLIERIT. [1] Si quis uillam alienam adsallierit, ipse et omnes qui conuicti fuerint quod in eius contubernio fuissent, mmd din. qui fac. sol. LXII cum dimidio unusquisque ipsorum culp. iud.	97; Sept. Caus. IV. 4; L. Baj. 11; Aeth. 5, 13, 17, 27-30; Ine, 45.
5. (f) this 5 om. G. [2] Si quis uillam alienam adsallierit (*), et (*) ibidem (*) hustia (*) fregerit (*) et (f) canus (*) occiserit aut homines plagauerit (*), aut exinde in carro (i) aliquid duxerit, mal turriphathio, [sunt den. viilim qui fac.] sol. cc culp. iud. (*) adsalliret, 9; B.H. combine § 1 and 2 and omit. therefore: S. q. u. a. a; G. also omits there words. (*) B.H add: si. (*) blidem, om. 8. (*) hostia, 8.G.H; viila, 9; ostia, B. (*) frigerit, 8. (*) aut, B.C. (*) carra, 8; c. 7, 9; ple. uel in carro al dux, H.	2 Si quis uillam adsalierit alienam, et ibidem ostia fregerit, canes occiserit, aut homiem plagauerit, uel in carro aliquid exinde duxerit, maib. *turpha falchio, VIIIM den. qui fac. sol. cc culp. iud.	[2] Si quis uillam alienam adsallierit, et ibidem ostia (*) fregerit, canes occiderit uel homines (*) plagauerit, aut in carro aliquid inde adduxerit (*), viiim din. qui fac. sol. cc culp. iud., et quicquid inde abstulerit in locum restituat. (*) hostia, A.H.K.N.S; ustia, G; hostias, P. (*) hominem, Q. (*) aduxerit, P; duxerit, Q.	Cf. Sent. Sept. Sept. 3. The gloss is the same in 7, 8, and 9.
	8 Et quicquid inde abstulit, in locum restituat, et quicunque in eius contubernio fuisse o conuccti fuerint, unusquisque corum mmd den. qui fac. sol. LXII et dimidium culp. iud. • uel superuenti.	[8] (*) Et quanticunque in eius contubernio fuisse conuicti fuerint, unusquisque illorum MMD din, qui fac. sol. LXII cum dimidio culp. iud. (*) C. the last clause of 2. which corresponds to the first clause of this section in Codd. 5, 6 and 10.	
XV. [5] Si qui homine(*) ingenuo dormiente(*) expoliauerit, mal frio mosido (b), [sunt den. IIII.V qui fac.] sol. C culp. iud. (*) hominem ingenuum dermientem, 8,9 B.G.H. (*) prio mosido, 8; fhrio mosido, 9.	XVII. 10 Si quis hominem dormientem expoliauerit, malb. Chreo mosdo, IIIM den. qui fac. sol. c culp. iud. † ingenuum hominem furtu.	XV. [5] Si quis hominem ingenuum dormientem (*) furtu expoliauerit, IVM din. qui fac. sol. c culp. iud., excepto capitale et delatura. (*) Q adds: in.	A corresponding a occurs under tit. 61 in Codd. 2, 3, 5, 6, with the exception of dimente instead of dormientem in Cod. 2. Cf. Sept. Caus. V. 2.
	XVII. 5 Si quis hominem mortuum antequamin terram mittatur in furtum expoliauerit, malb. °chreo mosdo, MDCCC den. qui fac. sol. XLV, et in alia sententia MMD den. qui fac. sol. LXII cum dimidio culp. iud.	XVII. DE EO QUI HOMINEM MORTUUM EXPOLIAUERIT. [1] Si quis hominem mortuum antequam in terra mittatur furtu (*) expoliauerit, rvm din. qui fac. sol. c culp. iud. (*) in furtw, Q.	The following \$\frac{1}{2}\$ reoccur, to a great extent, under tit. 61 (\$\frac{1}{2}\$ 20 Cod. 1 only) and tit. 55. In accordance with the Lex Emend, tit. 17 and \$\frac{1}{2}\$ 1 of tit. 18 of Codd. 7-9 have been put under tit. 55. Cf. L. Rip. 54, 85; Alam. 50; Baj. 19; Ed. Roth. 15, 16; L. Fris. (Add. Sap.) III. 75; Wisig. XI. 2.
	6 Si quis hominem mortuum exfodierit et expoliauerit, malb. 'thurnichalt, mms den. qui fac. sol. c culp. iud. 7° Et postea parentes defuncti, iudicem rogare debent, ut inter homines non babitet author sceleris, et qui ei hospitium dederit, antequam parentibus satisfaciat, pc den. qui fac. sol. xv culp. iud.	[2] Si quis hominem mortuum effodierit et (*) expoliauerit, VIIIM din. qui fac. sol. cc culp. iud. Et postea parentes defuncti iudicem rogare debent, ut inter homines non habitet auctor sceleris, et qui ei hospitium (*) dederit antequam parentibus satisfaciat, DC din. qui fac. sol. XV culp. iud. (*) aut, Q. (*) ospicium, V.	Cf. Sept. Caus. v. 1, where a fine of 100 sol. is given; while a fine of 200 sol. occurs in Sent. Sept. Sept. § 6.
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COD. 1.	COD. 2.	GOD. 8.	GOD. 4.	CODD. 6 & 5.
XV. DE HOMICIDIIS UEL SI OUIS UXOREM ALIENAM TULERIT.		XV. DE UXOREM ALIENAM AB ALIO SUBLATA.	XV. [Sine rubrica.]	XV. DE EO (*) QUI UXOREM ALIENAM TULLERIT UIUO MARITO.
Si quis hominem ingenuum occiderit aut uxorem alienam tulerit a uiuo marito, mai leudardi, hec est viii din. qui fac. sol. cc culp. iud.	affalthecha, sunt din. VIIIM fac.	[1] Si quis uxorem alienam tulerit uiuo marito, sol. cc culp. iud. (For H 2 & 3, see tit. 25).	[1] Si quis uxorem alienam tulerit huno (leg. uiuo) marito, viii den. qui fac. sol. Cc culp. (For 14 2 & 3, see tit. 25).	[1] Si quis uxorem alienam tullerit uiuo marito, malb abtiga s, suni den. viiiM qui fac. sol. CC culp. iud. (*) De eo, om. 5. (For H 2 & 3, see tit. 25).
XVI. DE INCENDIIS. [1] Si quis casa qualibet super ho-	XVI. TITULUS DE INCENDIIS. [1] Si quis casa aliena qualibet	XVI. DE INCENDIIS. [1] Si quis casam qualibet superho-	XVI. DE INCENDIIS. [1] Si quis casam quamlibet super	XVI. DE INCENDIIS. [1] Si quis casam quamlibet super
mines dormientes incenderit, quanti ingenui intus fuerint mallare debent, et si aliquid intus arserint, mal alfathio, hoc est MMD din. qui fac. sol. LXIII culp. iud.	super hominis dormientis incendederit, cui fuerit adprobatum, mal selane effefa, quam ingenui fuerunt intus mallare debint; et si aliquis intus arserit, mal leodi selane effa, sumi din. MMMOC fac. sol. LXII culp. iud.; de leode sol. CC culp. iud.; cui causa est, mal anda dil, sumt din. VIIIM fac. sol. CC culp. iud.	mines dormientes incenderit, quanti intus fuerint ingenui mallare debent, et si aliquis intus arserit, LXII sol., de leude CC sol., cui Casa est LXII sol.	homines dormientibus incenderit, quanti ingenui intus fuerint mallare debent; et si aliqui intus crema- uerint, MMD qui faciunt sol. LXII culp. iud. De laude sol. CC, cui casa est MMD den. qui faciunt sol. LXII.	homines dormientes incenderit, malt seolando et uas haldem pa , cui causa (s) est sol. LXIIs conponat.
[9] Si quis casa cletem salina in- cenderit et ei fuerit adprobatum, mat althifathio, hoe est MMD din. qui fac. sol. LXIII culp. iud.				
[8] Si quis spicario aut machaluss crim annona incenderit, MMD din. qui fac. sol. LXIII culp. iud.	[3] Si quis spicario aut amachal- lum cum anona, sote cum porcus, scuria cum animalia incenderit, cui fuerit adprobatum, maib leo deba, sunt din. MND fac. sol. LXII culp. iud.	[9] Si spicario aut mahalo cum anona incenderit, cui fuerit adpro- batum, exti sol. culp. iud.	[3] Si quis spicarium aut magalum cum anona incenderit, MMD den. qui faciunt sol. LXII culp.	[2] Si quis spicarum (*) aut mau- folum(*) cum annona incenderit, malb leodeua *, sunt den. MMD qui fac. sol. LXII; culp. iud. (*) espicarios. (*) maolum.
[4] Si quis sutem cum porcis aut scuria cum animalibus incenderit et ei fuerit adprobatum, excapto capitale et dilatura, mat sundela, hoc est MMD din. qui tac. sol. LXIII culp. iud.	(Cf. ₹ 2).	[4] Si quis uero sotem cum porcis, scruria cum animalibus incenderit, LXII sol. culp. iud.	[8] Si quis sudem cum porcis, scuria aut [leg. cum] animalibus incenderit, MMD den. qui faciunt sol. LXII culp.	[3] Si quis sutem cum porcus, scuriam (*) cum animalibus uel fenilem(*) incenderit(*), malb leodeba*, sunt den. MMD qui fac. sol. LXIIs culp. iud. (4) (*) scuria. (*) fenile. (*) incendiderit. (4) add: excepto capitale et delatura.
	[3] Si romanus hoc romanum admiserit, et certa probacio nom fuerit, per xx se iuratores exsolbat, medius tamen electus; se iuratoris inuenire nom potuerit, tunc ad inium ambulit, hoc dicunt malb leodecal, sunt din. mcc fac. sol. xxx culp. iudicetur.			
[5] Si quis sepem aut concidem alienum incenderit, cc din. qui fac. sol. xv culp. iud.	[4] Si quis sepe aut concisa inciderit et ei fuerit adprobatum, malb bila, sunt din. De fac. sol. xv culp. iud.	tel Si was	[4] Si quis sepem aut concisam incenderit, no den qui faciunt sol. xv culp.	[4] Si quis sepem (*) alienam aut concisam incenderit (*), malb bila *, DC den. qui fac. sol. xv culp. iud. (*) sepe aliena a concisa incendiderit.
		[8] Si uero sepe concisa cappu- lauerit, sol. v culp. iud.	[5] Si quis uero sepem aut concisam capulauerit, DC den. qui faciunt sol. xv culp.	[5] Si capulauerit (*), malb bia- bigo *, sunt den. De qui fac. sol. xv culp. [iud.], excepto capitale et dela- tura. (*) capolauerit
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CODD. 7, 8, 9.	COD. 10.	LEX EMEND.	OBSERVATT.
XVIII. [2] (*) Si quis hominem mortuum super alterum (*) in naufum (*) aut in petra (*) miserit (*), mal hidulgus, [sunt den. MMD qui fac.] sol. LXIIs culp. iud. (*) For § 1 see tit. 55. (*) B.G.H add: aut. (*) naufo, B; nosfo, G.H. (*) petram, B.G.H. (*) misserit, 8.	8° Si quis mortuum hominem aut in +soffo aut in petra, quæ uasa ex usu sarcophagi dicuntur, super alium miserit, MMD den. qui fac. sol. LXII et dimidium, culp. iud. † aufa.	[3] Si quis mortuum hominem aut in noffo aut in petra, quæ (*) uasa ex usu sarcofagi dicuntur (*), super alium miserit, mmd din. qui fac. sol. LXII cum dimidio culp. iud. (*) qui uasa elus usus sarcofagi ducitur, Q.	
XVIII. [8] Si quis arestatonem (*) super hominem mortuum capolauerit (*), mai cheolbarbio (*), de unumquemque (*) [DC den. qui fac.] sol. xv culp. iud. (*) (*) testatorem, 9; aristaconem, B; aristatonem, G.H. (*) capal -, & M.C.H. (*) chlebarbio, 8; cheobarbio, 9, (*) hunumquemque, 9; unoquoque, B.G.H. (*) conponat, B.	9° Si quis baristatonem super hominem mortuum capulauerit, de unoquoque DC den. qui fac. sol. xv culp. iud.	[4] Si quis aristatonem (*) super hominem mortuum capulauerit, de unoquoque no din. qui fac. sol. xv culp, iud. (*) aristationem, A.P.	
XIV. [8] (*) Si quis uxorem alienam tullerit (*) uiuo marito, mal abteca in alimitæ abhatto ueelentemo (*), sol. cc culp. iud. (*) This 4 forms the first of thi. XV. in Cod. 9 with the rebrue: De his qui alterus mullere tollit uiuo marito; and this Cod. remains from this tid. neurad always one number in advance of Codd. 7 and 8. (*) tulerit, 8.B.H. (*) abteca inalia fite abhato uelentemo, 8. (*) tulerit, abhate uelentemo, 9. (For §) 9 and 10, tit. 14, of Cod. 8, and §) 2 and 3 of tit. 15 of Cod. 9, see tit. 25).	XVI. De eo qui Vxorem tulerit alienam, uiuo marito. 1 Si quis uxorem alienam uiuo marito tulerit, malb. abtica: et in alia mente, arba theus en lanthamo, viiim den. qui fac. sol. cc culp. iud. (For # 2 and 3, see tit. 25; for # 4, see tit. 13).	XIV. [19](*) Si quis uxorem alienam uiuo marito tulerit, viiim din. qui fac. sol. cc culp. iud. (*) For the other 15 of til. XIV of. til. XIII.	Cf. L. Sal. 95; Sent. Sept. Sept. 5; Capit. Lud. cap. 4; L. Rip. 35, 1; Al. 51; Ed. Roth. 211; L. Fris. (Add. Sap.) III. 76. Only Cod. 1 mentions the homo ingensus, but repeats it under tit. 41 with the other texts.
XVIIII. DE INCENDIIS (*). [1] Si quis casa (*) quamilibet super hominem dormientem incenderit, ei cui casa (*) est, mal anteba (*), [sunt den. MMD qui fac.] sol. LXIIIs (*) culp. iud. Ille (*) uero qui exinde euaserint unusquisque ex ipsis mallare (s) eum debent per mal secolando ueua (*), [sunt den. MMD qui fac.] sol. LXIIs qui incendium misit eis culp. iud. (*) xx Si quis casam super hominem domentem sin cenderit, p. (*) casam, p. B.G.H. (*) domus, B.G.H. (*) andeba, sp. (*) LXIIS, 8p.BC; LXIII, H. (*) Ill. p.B.H. (*) malare, 8; unusq. eum mallare debet et q. im. sol tXIII (LXIIS) culp. iud., B.G.H. (*) seco lando ueua, 8. [2] Si quis bidem arserit (*), mal leodardii (*), [sunt den. VIIIM qui fac.] sol. cc culp. iud. (*) R.G.H. add: ille qui incendium misit parentibus defuncti sol. CC culp. iud. (*) leud, 8; leodardi, p.	XIX. De Incendijs. 1 Si quis casam quamlibet, intus dormientibus hominibus incenderit, ei cuius casa + est, malb. *a ndebau, mmo den. qui fac. sol. Lxu et dimidium culp. iud., excepto capitale et delatura. Illi uero qui exinde euaserint, unusquisque ex ipsis eum mallare debent, per Malberg seu, lan deueuas, et IIIIM den. qui fac. sol. c culp. iud. unicuique eorum. † fuit. 2º Et quicquid ibi perdiderint in locum restituatur. 3 Si aliqui ibidem remanserint, malb. leudi, IIIM den. qui fac. sol. c culp. iud. 4º Et ille qui incendium misit, parentibus uniuscuiusque defuncti VIIIM den. qui fac. sol. cc culp. iud. (For # 5 and 6 see tit. 96).	XVIII. DE INCENDIIS. [1] Si quis casam quamlibet, intus hominibus dormientibus, incenderit, ei cui (*) casa (*) fuit, mmp din, qui fac. sol. Lxii cum dimidio culp. iud., excepto capitale et delatura: et quanticumque intus fuerint [et euaserint] (*), mallare (*) eum debent; et unicuique illorum mmp din. qui fac. sol. Lxii cum dimido conponat (*), (*) cuius. V. (*) causa, Q. (*) et e., om. ms. 4418. (*) malare, Q. (*) culp. iud. Q. (*) et quicquid ibi perdiderint in (f) loco (f) restituat. (f) illorum, Q. Et si aliquis (s) intus arserit, ille qui incendium misit, parentibus defuncti (h) viiim din. qui fac. sol. cc culp. iud. (f) aliquid, Q. (h) def., om. V.	Cf. L. Sal. tit. 96; Rip. 17; Alam. 83, 100, \$1; Baj. 1. 6, 10; Gund. 41; Ed. Roth. 146, 149; L. Sax. 11. 38; Thur. 43; Fris. 7; Wisig. VIII. 2, 3; Ine, 43. 1. Cf. Sohm, R. u. Ger. 42.
XX. (Rubrica deest in omnibus). [1] Si quis spicario (*) aut mafio (*) cum annona (*) incenderit, maf deba, [sunt den. MMD qui fac.] sol. LXIIs culp. iud. (*) spicarium, 9.G.H.; kpicarium, B. (*) mafia, 8; mafohum, 9; mafolo, B.G.H. (*) anona, 8.	7 Si quis spicarium aut machalum cum annona incenderit, malb. °saldeban, mmo den. qui fac. sol. LXII cum dimidio culp. iud. 8 Si quis sudenn cum porcis, °scuriam cum animalibus uel fœnile incenderit, malb. saldeba leosdeba, mmo den. qui fac. sol. LXII et dimidium culp. iud.	[2] Si quis spicarium aut maholum (*) cum annona incenderit, mmp din. qui fac. sol. LXII cum dimidio culp. iud. (*) uel madrolum. ?; mauolum. E; moalum. B; machalum. O; moffolum. Q. [3] Si quis sudem cum porcis (*), scuriam (*) cum animalibus, uel fenile, incenderit, mmp din. qui fac. sol. LXII cum dimidio culp. iud., excepto capitale et delatura. (*) portis, T. (*) scuram. Q.	
	9° Et si aliquid non remanserit ibidem, malb. leudi, viiim den. qui fac. sol. cc culp. iud., excepto capitale et delatura.		Cf. L. Sal. tit. 14, 11 2 and 3 of Cod. 2, tit. 42, 15; Waitz, 171.
[2] Si quis concidem aut sipem (*) capulauerit aut incenderit, mat uiua, [sunt den. DC quis fac.] sol. XV culb. iud. (*) sæpem, 8; sepem, 9.B.H; sepem, G; B.G.H addialterius.	11 Si quis uero cuncida uel sepe incenderit, malb. + bica, DC den. qui fac. sol. xv culp. iud. + bicha biggeo. 10 Si quis f cuncida alienam capulauerit, malb. bila, DC den. qui fac. sol. xv culp. iud.	[4] Si quis concisam uel sepem alterius capulauerit uel incenderit, DC din. qui fac. sol. xv culp. iud.	Cf. L. Sal. tit. 34, \ 2 of Codd. 5 & 6 and \ 5 of Herold.

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CODD. 7, 8, 9.	GOD. 10.	LEX EMEND.	OBSERVATT.
XXI. [DE UULNERIBUS](*). [1] Si qui alterum uoluerit occidere et cole- pus(*) preterfallierit(*), mai seo lando uena(*), sund den. MMD qui tac.] sol. LXIIs culf. iud. (*) rubric in 8 only. (*) colapus, 8; colibus, 9; [colpo.	XX. De Vulneribus. 1 Si quis alterum uoluerit occidere et *colpus prætersallierit, malb seu landoueuas, mmd den. qui fac. sol. LXII et dimidium culp, iud.	XIX. DE UULNERIBUS. [1] Si quis uoluerit alterum occidere et colpus ei fallierit, uel cum sagitta toxicata (*) eum percutere uoluerit et ei ictus fallierit, mmD din. qui fac. sol. LXII cum dimidio culp. iud.	Cf. L. Rip. 1-5, 19-25, 68; L. Alam. Pact. 1, 11; 59-66, 93; Baj. 4, H. 1-6, 9-16, 21. 5, H. 2-8; Gund. 5, 48; Ed. Roth. 45-128, 382; L. Sax. 1-13; Thur. 4-24; Fris. 22, (Add. Sap.) 2, 3; Wis. vt. 4; Cham. 18, 20-23; Aeth. 19, 3aff., 87; Alf. 44-47; Wi. I. 10, 11, 19; App. 14-24; H. 14-24; Par. 15, 14
(*) ** robric in 8 only. (*) colappe, 8; colibus, 9; (colpo, corr.) colpus, B; colalus, C.H. (*) preterialret, 9; fallierit, 8B.C.H. (*) scolandoucus, 8.9. [9] (*) Si quis alterum de sagitta tuscata percutere uoluerit, mal seo lando uena (b), [sumi den. MMD qui fac.] sol. LNIE culp. iud. (*) \$ 20 m. 9; B.C.H unite it with \$ 1: fall. uel si de sag. toscata (toscada, B) ipsum percutere uol. sol. LNIE culp. iud. (*) \$ 9 colando ueua, 8.	2 Si quis alterum de sagitta toxicata percutere uoluerit, similiter malb. & caussam superius conuenit obseruare.	(°) toxsicata, Q. (Cf. § x).	Cham. 18, 20-23; Aeth. 19, 32 ff., 87; Alf. 44-47; Wi. I. 10, 11, 19; App. xx. 20-39; Henr. 93, 94. Cf. Sept. Caus. IV. 1, 2; Recap. L. Sal. 20.
[3] Si quis hominem in capita(*) placauerit(*) et (*) exinde (*) ossa (*) exierint (*), mai cu sfred \(\text{u}' \) (*), sol. xxx cul\$\(\text{p}' \) iud. (*) capite 8.9 B.G.H. (*) plagauerit, B. (*) unde, B.G.H. (*) the commence of laxung in 8, which extends to the the commence of laxung in 8, which extends to	4 Si quis hominem in capite plagauerit, + et exinde ossa exierint, malb. charfrido, MCC den. qui fac. sol. XXX culp. iud. † ut inde tria ossa.	[8] Si quis hominem in caput ita plagauerit (*) ut inde tria ossa exeant (*), ncc din. qui fac. sol. xxx culp. iud. (*) plagiauerit, Q. (*) exeunt, Q.	·
test of the Lex Emend. by a later hand; no variations, therefore, are given from 8 until chapter 30. (1) extrent, 9. (1) custrett, 9.	5° Si quis hominem ita plagauerit ut cerebrum appareat et tria ossa desuper cerebro exierint, malb. °aude afenus, sedecc den qui fac. sol. XLV culp. iud.	[4] Si quis hominem in caput ita plagauerit (*) ut cerebrum appareat et tria ossa desuper cerebro exierint, MDCCC din. qui fac. sol. XLV culp. iud. (*) plagiauerit, Q.	
[4] Si uero intra costas aut in uentre (*) miserit uultus (b) et currat et non sanat (*), mal cus fredum (*), sol. LKH; culø. iud., excepta (*) medicaturios (*) sol. VIIII.	6 Si uero intra costas aut in uentrem, ita ut uulnus ad interanca peruenerit, et semper currat- et non sanat, malb. 4 frioblitto, man den. qui fac. sol. LXII cum dimidio, excepta medica-	[5] Si uero intra costas uulnus intrauerit et usque ad intrania (*) peruenerit, MCC din. qui fac. sol. xxx culp. iud. (*) intranes, Q. [6] Si uero plaga ipsa semper currit (*), et ad	Cf Pagen I Sal (b) vo.
(*) uentrem. 9.B.G.H. (*) uuhus, 9.B.G.H. (*) sanet, B.G.H. (*) cus fretü, 9. (*) excepto, B.G.H. (*) medicaturas, 9.B.G.H.	qui fac. 801. Extr cum diminio, excepta medica- tura pro qua solidos viiii componat, qui fac. den. CCCLX. † ad sanitatem non peruenerit.	(a) Si derio paga i paga semper curit (*), et au sanitatem non peruenerit, mmo din. qui fac. sol. LXII cum dimidio culp. iud., excepta (*) medicatura (*) quæ est CCLX dinariorum, et faciunt sol. IX. (*) currerit, V. (*) excepto cap. et dil., Q.	Cf. Recap. L. Sal. (b) 12; Waitz, 200. The gloss of Cod. 6 is not very distinct in the MS.
	3 Si quis hominem plagauerit, et sanguis ad terram cadit, et ei fuerit adprobatum, malb. + charfrido, Dc den. qui fac. sol. xv culp. iud. * in capite. † leodardi.	[8] Si quis hominem (*) in caput (*) ita plaga- uerit (*) ut sanguis ad terram (*) cadat, nc din. qui fac. sol. xv culp. iud. (*) hominem, om. V. (*) in caput, om. Q. (*) plagiauerit, Q. (*) in terra, Q.	
XXII. [Rubrica deest in omnibus].		·	
[1] Si quis hominem ingenuum de fuste (*) percusserit et sanguis nom exiit (*), usque ad tres colepus (*), mal uui difalt, sol, vī culp. iud. (*) fusto, B.C.H. (*) exirct, 9; exierit, B.G.H. (*) coll bus, 9; (colaphus, corr.) colaphos, B; colafus, H; colafos, G.	7 Si quis ingenuus ingenuum cum fuste per- cusserit et sanguis tamen non exierit, usque ad tres colpos, malb. "uuadfaltho, cccix den- qui fac. sol. viiii culp. iud., id est, per unum- quemque ictum semper ternos solid. soluat.	[7] Si quis ingenuus ingenuum fuste percusserit et tamen sanguis non (*) exierit, usque ad tres colpos, pro unoquoque ictu cxx din. qui fac. sol. III soluat (b). (*) non, om. V. (b) persohut, Q.	
[2] Si uero sanguis exierit (*), tali (*) culpa conponat (*) quasi de ferramentum eum(*) uninerasset. (*) exirct, 9; B.G.H. add: ita culp. iud. (*) tale, 9. (*) tal. c. conp., om. B.G.H. (*) ipsum, B.G.H.	8 Si uero sanguis exierit, taliter culpam componat quantum si eundem ferramento uulnerasset, hoc est DC den. qui fac. sol. XV.	[8] Si uero sanguis exierit, ita conponat ueluti (*) eum de ferramento uulnerasset, id est DC din. qui fac. sol. xv culp. iud. (*) uel ut, Q.	
	9 Si quis alius, + clauso pollice ter alium per- cusserit, malb. un adefaltho, CCCLX den. qui fac. sol. viiii culp. iud., * ut pro unoquoq**e ictu ternos solidos componat. † clausa manu, i. pugno.	[9] Si quis alterum clausa manu, id est pugno, percusserit, CCLX din. qui fac. sol. IX cuip. iud., uidelicet ut pro unoquoque ictu III sol. reddat (*). (*) persoluat, Q.	Cf. Recap. L. Sal. 10.
	11° Si quis alterum in uia adsallierit et expoliare tentauerit, et ille fuga euaserit, malb. mosdo, MCC den. qui fac. sol. XXX culp. iud.	[10] Si quis alterum in uia adsallierit et expoliare temptauerit, et ille (*) fuga euaserit, MCC din. qui fac. sol. XXX culp. iud. (*) Q adds: per.	
	10 Si quis alterum in uia +adsallierit et eundem fraubauerit, malb. leitrit et eum raubauerit, schaeroeno, MCC den. qui fac. sol. XXX culp. iud. † coeperit.	[11] Si uero ceperit eum et expoliauerit, MMD din. qui fac. sol. LXII cum dimidio culp. iud.	
XXIII. [Rubrica deest in omnibus].	XXI. De so qui hominem Innocentem apud Kegem accusauerit.	XX. DE EO QUI HOMINEM INNOCEN- TEM ET ABSENTEM (*) AD REGEM ACCUSAUERIT.	Cf. L. Rip. 38; Alam. 44 Waitz, 212.
De (*) cuique(*) ad regem (*) hominem inno- centem absentem (*) accussat (*), mat seolando uena (4), sol. LXBs culp. iud. (*) Si quis, B.C.H. (*) rege homine innocente absente, g. (*) accusat, 9; accusauerit, B.G.H. (*) seolando ueua, 9.	1 Si quis hominem innocentem, absentem apud Regem accusauerit, malb. seulādoueuas, mmd den. qui fac. sol. LXII cuss dimidio culp. iud.	[1] Si quis hominem innocentem et absentem, de culpis minoribus ad regem accusauerit, MMD din. qui fac. sol. LKH cum dimidio culp. iud. (*) et abs., om. Q.V.	
	2º Si uero tale crimen ei imputauerit, unde mori debuisset si uerum fuisset, ille qui eum accusauerit, viim den qui fac. sol. cc culp. iud.	[2] Si uero tale crimen ei inputauerit, unde mori debuisset si uerum fuisset, ille qui eum accusauerit, VIIIM din. qui fac. sol. cc culp. iud.	·
105	. 106	107	108

XVIII. DE MALEFICIS. [1] Si qui alord a larde de la control production produ	COD. 1.	СОД. 2.	COD. 8.	COD. 4.	CODD. 6 & 5.
D) Signs aberta brehas design bleers are not status, and corespond to the status and discrepancy of the status and discrepan	XVIIII. DE MALEFICIIS.	XVIIII. DE MALEFICIIS.		XVIIII. DE MALEFICIIS.	XVIIII. DE MALEFICIIS UEL HERBIS.
at the cit dates (note assert, short, cit forth forther research, properly explored and select and the complexity and a city (sign) and the city of th		aut dederit bibere ut moriatur, et ei fuerit adprobatum, malb touer- bus, sunt din. VIIIM fac. sol. CC	[1] Si quis alteri herbas dederit bibere ut moriatur, sol. cc culp. iud.	bibere aut moriatur, malb uuirio,	ut moriatur, malb trouverpo*, sol. cc culp. iud.
XX. DE SUM OUT INDENUA MULISEE MANUM UE MACHINA STATUS INDENUA MI MULISEE MANUM UE MACHINA STATUS INDENUA MULISEE MANUM UE MACHINA STATUS INDENUA MULISEE MANUM UE MACHINA STATUS INDENUA MULISEE MANUM UE MACHINA STATUS INDENUA MULISEE MANUM UE MACHINA STATUS INDENUA MULISEE MANUM UE MACHINA STATUS INDENUA MULISEE MANUM UE MACHINA STATUS INDENUA MULISEE MANUM UE MACHINA STATUS INDENUA MULISEE MANUM UE MACHINA STATUS INDENUA MULISEE MANUM UE MACHINA STATUS INDENUA MULISEE MANUM UE MACHINA STATUS INDENUA MULISEE MANUM UE MACHINA STATUS INDENUA MULISEE MANUM UE MACHINA STATUS INDENUA MULISEE MANUM UE MACHINA STATUS [1] SI quis home ingremen feminen Machina in second in contraction, each min, sort dis Machina praesesti, solo MACHINA STATUS INDENUA MACHINA MANUM WAIL [1] SI quis home ingremen feminen Machina status indenua Machina status indenua Machina status indenua Machina status indenua MACHINA STATUS INDENUA MACH	et ille cui factum fuerit euaserit, auctor sceleris qui hoc admississe probatur, mal urtifugiam, hoc est MND din. qui fac. sol. LKIII culp.	ficerit, cui fuerit factum euaserit, auttor si sceleris qui admisisse pro- batus uel conuictus fuerit, mal selando effa, sunt din. MMD fac.	bibere et euaserit, sol. LXII culp. iud.	bibere et euascrit, malb seulando uauas, sunt den. MMD qui fac. sol.	euascrit, maib trouuer*, sol. LXIIs culp. iud. (*) herbas dederit bibere uel maleficia
XX. DE EUM QUI INGENIA XX. DE EUM QUI INGENIA AMANUM UEEL AMANUM UEEL AMANUM was breaching I. Si quis ingenue abone ingenue mainter manum urch braching and digenum arterimizit, cut fuerte approach of the continue mainter manum urch braching and genue arterioris, in all charits, box or feel xv culp, ind. I. Si quis ingenue and qualifest terminative, cut fuerte xv culp, ind. I. Si quis ingenue and qualifest terminative, cut fuerte xv culp, ind. I. Si quis ingenue multire ingenue and charits, box or feel xv culp, ind. II. Si quis ingenue multire ingenue and charits, box or feel xv culp, ind. II. Si quis ingenue (a) Si brachinum presservit, analth charits, cult fuert disproachine, manum materit, and charits, box or feel xxx culy, ind. II. Si quis acture consilium domini [a) Sax culy, ind. III. Si quis acture cons			·		iactauerit ubilibet miserit, sol. LXIIs culp. iud.] (*)
BRACHIO AUT DIGITO EXTRINEMENT. [1] Signis ingenues bone ingenues femmes digite extrinanceri, cris florist adjordstares, mall min, sever disconstruction, and love days to the serior of the serior o					maleficium fecerit unde infantes non potuerit habere, sol. LXII; culp. iud.] (*)
BRACHIO AUT DIGITO EXTRINEMENT. [1] Signis ingenues bone ingenues femmes digite extrinanceri, cris florist adjordstares, mall min, sever disconstruction, and love days to the serior of the serior o					
multers 'manument of inprit shyrologism's milk milk method of the state of the stat	MULIERE MANUM UEL BRACHIO AUT DIGITO EX-	LIERE MANUM uel brachium	I INGENUAM MANUM VEL	XX. SI QUIS INGENUA MU- LERI MANU AUT BRA- CHIUM STRINXERIT.	XX. DE MANU UEL (*) BRA- CHIO MULIERUM STRIN- GENDUM (*).
chismini, samet din. McC fac. sol. XXX (culp. ind.) [3] Certe si supper cubitum manum miserit, and chamin, hoe set McCcc din. qui fac. sol. XXX (culp. ind.) [4] Si quis extra consilium domini un anem alienam mouerit et cum eas transierit, mall chamin, hoe der ACCC din. qui fac. sol. XXII. DE NAUIBUS FURATIS. [3] Si quis extra consilium domini un anem alienam mouerit et cum eas transierit, mall chamin, hoe der ACCC din. qui fac. sol. XVIII. qui fac. sol. XVIII. qui fac. sol.	muliere manum uel brachio aut digito extrinxerit, cui fuerit adpro- batum, mal leudardi, hoc est sol.	ingenui digitum extrinxirit, cui fuerit adprobatum, malb min, sunt din.	nuus homo digitum uel brachium	digito strinxerit, Mcc den. qui fac.	lierem ingenua uel qualibet feminam digitum uel manum b) strinxerit, malb chamnob, sol. xv [culp. iud.] (b) STRINGENDA. (b) mulierem inge-
miserit, mal châmis, hee est MCCC din. qui fac. sol. XIXV culp. ind. Si quis acture consilium domini and transierit, mal charmino, hee est CXX din. qui fac. sol. XIXV culp. ind. Si quis extra consilium domini and transierit, mal charmino, hee est CXX din. qui fac. sol. XIXV culp. ind. Si quis extra consilium domini and transierit, mal charmino, hee est CXX din. qui fac. sol. XIXV culp. ind. Si quis extra consilium domini and transierit, mal charmino, hee est CXX din. qui fac. sol. XIXV culp. ind. Si quis cultra consilium domini and transierit, mal charmino, hee est CXX din. qui fac. sol. XIXV culp. ind. Si quis cultra consilium domini and transierit, mal charmino, hee est CXX din. qui fac. sol. XIXV culp. ind. Si quis cultra consilium domini and transierit, mal charmino, hee est CXX din. qui fac. sol. XIXV culp. ind. Si quis acume de intro clauem furament est pervuentus fuerit, mal fimire, head of cit. qui fac. sol. XIXV culp. ind. Si quis acume de intro clauem furament, ACCCC din. qui fac. sol. Si quis acume de intro clauem furament, ACCCC din. qui fac. sol. XIXV culp. ind. Si quis acume de intro clauem furament, ACCCC din. qui fac. sol. XIXV culp. ind. Si quis acume de intro clauem furament, ACCCC din. qui fac. sol. XIXV culp. ind. Si quis acume de intro clauem furament, ACCCC din. qui fac. sol. XIXV culp. ind. Si quis acume de intro clauem furament, ACCCC den. qui fac. sol. XIXV culp. ind. Si quis acume de intro clauem furament, ACCCC den. qui fac. sol. XIXV culp. ind. Si quis acume de intro clauem furament, ACCCC den. qui fac. sol. XIV culp. ind. Si quis acume de intro clauem furament, ACCCC den. qui fac. sol. XIV culp. ind. Si quis acume de intro clauem furament, ACCCC den. qui fac. sol. XIV culp. ind. Si quis acume de intro clauem furament, ACCCC den. qui fac. sol. XIV culp. ind. Si quis acume de intro clauem furament, ACCCC den. qui fac. sol. XIV culp. ind. Si quis acume de intro clauem furament, ACCCC den. qui fac. sol. XIV culp. ind. Si quis acume de intro c		chamini, sunt din. Mcc fac. sol.		!	
XXI. DE NAUIBUS FURATIS. (1) Si quis extra consilium domini sui name alienam mouerit et cum eam ca transierit, mal cham min o, her est cum ex mouerit et cum eam mouerit et cum eam mouerit et cum eam ca transierit, mal cham min o, her est cum ex mouerit et cum eam mouerit et cum	miserit, mal chamin, hoc est MCCCC	miserit, cui fuerit adprobatum, malb chamino, sunt din. Mcccc fac. sol.		sumpserit, Mcccc den. qui fac. sol.	miserit, mail milicharde*, sol. xxxv[culø. iud.]
[1] Si quis extra consilium domini sul nauem alienam mouerit et cum ea transierit, mat chammino, hoc est CXX din. qui fac. sol. III culp, iud. [2] Si uero ipaa naue furauerit et peruentus fuerit, mat fimire, hoc est DC din. qui fac. sol. XY culp. iud. [3] Si quis nauem die intro clauem furauerit, MCCC din. qui fac. sol. XY culp. iud. [4] Si quis ascum de intro clauem repositum et insuspensum pro studio posito firaveerit, mat fine clauerit, or clauerit, consilium domini sui nauem alienam mouerit et cum ea fluenam ransierit, not den, qui fac. sol. XY culp. iud. [5] Si quis naue de intro clauerit din. MCCC fac. sol. XXXV culp. iud. [6] Si quis nauem de intro clauem furauerit, MCCC den. qui fac. sol. XY culp. iud. [6] Si quis nauem de intro clauerit, MCCC den. qui fac. sol. XY culp. iud. [7] Si quis nauerit at consilium domini sui nauem alienam mouerit et cum ea fluenam ransierit, not den, qui fac. sol. XY culp. iud. [8] Si quis naue de intro clauerit dransierit, MCCC den. qui fac. sol. XY culp. iud. [8] Si quis naue de intro clauerit dransierit, MCCC den. qui fac. sol. XY culp. iud. [8] Si quis naue de intro clauerit dransierit, MCCC den. qui fac. sol. XY vol. culp. iud. [9] Si uero ipsam nauem de intro clauerit dransierit, MCCC den. qui fac. sol. XY culp. iud. [9] Si quis naue de intro clauerit dransierit, MCCC den. qui fac. sol. XY vol. culp. iud. [9] Si quis nauerit de intro clauerit dransierit, MCCC den. qui fac. sol. XY culp. iud. [1] Si quis ascum de intro clauerit dransierit, malb femere, sol. ill culp. iud. [1] Si quis ascum de intro clauerit dransierit, malb femere, sol. XXV culp. [1] Si quis ascum de intro clauerit dransierit, malb femere, sol. XXV culp. [2] Si quis naue de intro clauerit dransierit, MCCC den. qui fac. sol. XXV vol. culp. iud. [3] Si quis ascum de intro clauerit dransierit, malb cantiasco', XXXV sol. culp. iud. [4] Si quis ascum deintro clauerit dransierit, MCCC den. qui fac. sol. XXV vol. culp. iud. [5] Si quis ascum deintro clauerit dransierit, MCCC den. qui fac. so					strinxerit aut sciderit quod sanguis egressus fuerit de bructe, sol. (*) XLV culp. iud.
sui nauem alienam mouerit et cum cat ransierit, mal to fine re, sunt din. DC fac. sol. III culp. iud. [8] Si uero ipas naue furauerit et cificerit adprobatum, malb femere, sunt din. MCCC fac. sol. xxxv culp. iud. [8] Si quis nauem de intro clauem furauerit, MCCC din. qui fac. sol. xxv culp. iud. [8] Si quis ascum de intro clauem furauerit, MCCC din. qui fac. sol. xxv culp. iud. [9] Si quis ascum de intro clauem furauerit, MCCC din. qui fac. sol. xxv culp. iud. [1] Si quis ascum de intro clauem furauerit, MCCC din. qui fac. sol. xxv culp. iud. [1] Si quis ascum de intro clauem furauerit, MCCC din. qui fac. sol. xxv culp. iud. [1] Si quis ascum de intro clauem furauerit, MCCC din. qui fac. sol. xxv culp. iud. [2] Si quis naue de intro clauem furauerit, MCCC din. qui fac. sol. xxv culp. iud. [2] Si quis nauem de intro clauem furauerit, MCCC den. qui fac. sol. xxv culp. iud. [2] Si quis nauem de intro clauem furauerit, MCCC den. qui fac. sol. xxv culp. iud. [2] Si quis naue de intro clauem furauerit, MCCC den. qui fac. sol. xxv culp. iud. [2] Si quis ascum de intro clauem furauerit, malb cantias co², xxv culp. iud. [3] Si quis ascum de intro clauem furauerit, malb cantias co², xxv culp. iud. [3] Si quis ascum de intro clauem furauerit, malb cantias co², xxv culp. iud. [3] Si quis ascum de intro clauem furauerit, MCCC den. qui fac. sol. xxv culp. iud. [4] Si quis ascum deintro clauem furauerit, malb cantias co², xxv culp. iud. [4] Si quis ascum deintro clauem furauerit, malb cantias co², xxv culp. iud. [4] Si quis ascum deintro clauem furauerit, malb cantias co², xxv culp. iud. [4] Si quis ascum deintro clauem furauerit, malb cantias co², xxv culp. iud. [4] Si quis ascum deintro clauem furauerit, malb cantias co², xxv culp. iud. [5] Si quis ascum deintro clauem furauerit, malb cantias co², xxv culp. iud. [6] Si quis ascum deintro clauem furauerit, malb cantias co², xxv culp. iud. [6] Si quis ascum deintro clauem furauerit, malb cantias co², xxv culp. iud. [6] Si quis ascum deintro clauem fura	XXI. DE NAUIBUS FURATIS.	XXI. DE NAUIBUS FURATIS.	XXI. DE NAUIUM FURATIS.	XXI. DE NAUIBUS FURATIS.	XXI. DE NAUIBUS FURATIS.
per uentus fuerit, mal fimire, hoc est not din. qui fac. sol. xx culp. iud. [8] Si quis nauem de intro clauem furauerit, Mcccc den. qui fac. sol. xxxv culp. iud. [8] Si quis nauem de intro clauem furauerit sol. [8] Si quis ascum de intro clauem repositum et insuspensum pro studium positu furauerit, mal fectho, hoc est Mccc din. qui fac. sol. xxv culp. iud. [8] Si quis ascum de intro clauem repositum et insuspensum pro studium positu furauerit, mal fectho, hoc est Mccc din. qui fac. sol. xxv culp. iud. [8] Si quis ascum intra clauem furauerit, Mcccc den. qui fac. sol. xxv culp. [8] Si quis ascum de intro clauem furauerit, malb cantias co*, xxxv culp. [8] Si quis ascum de intro clauem furauerit, malb cantias co*, xxv culp. [8] Si quis ascum de intro clauem furauerit repositum et insuspensum pro studium positum furauerit, and fectho, hoc est furauerit, et i fuerit adprophetam, malb chanzyso, Mpccc din. qui fac. sol. xv culp. iud. [8] Si quis ascum intra clauem furauerit repositum, sol. xv culp. [9] Si quis ascum deintro clauem furauerit, Mcccc den. qui fac. sol. xxv culp. [18] Si quis ascum deintro clauem furauerit, Mcccc den. qui fac. sol. xv culp. [18] Si quis ascum deintro clauem furauerit, Mcccc den. qui fac. sol. xxv culp. [18] Si quis ascum deintro clauem furauerit, Mcccc den. qui fac. sol. xxv culp. [18] Si quis ascum deintro clauem furauerit, Mcccc den. qui fac. sol. xxv culp. [29] Si quis ascum deintro clauem furauerit, Mcccc den. qui fac. sol. xxv culp. [29] Si quis ascum deintro clauem furauerit, Mcccc den. qui fac. sol. xxv culp. [29] Si quis ascum deintro clauem furauerit, Mcccc den. qui fac. sol. xxv culp. [29] Si quis ascum deintro clauem furauerit, Mcccc den. qui fac. sol. xxv culp. [29] Si quis ascum deintro clauem furauerit, Mcccc den. qui fac. sol. xxv culp. [29] Si quis ascum deintro clauem furauerit, Mcccc den. qui fac. sol. xxv culp. [29] Si quis ascum deintro clauem furauerit, Mcccc den. qui fac. sol. xxv culp. [29] Si quis ascum deintro clauem furauerit, Mcccc den. qui	sui nauem alienam mouerit et cum ea transierit, mai chammino, hoc	sui naue aliena mouerit et cum eam transierit, malb fimere, sunt din.	sui nauem alienam mouerit. III sol.	sui nauem alienam mouerit et cum ea transierit, oc den qui fac. sol. xv	sui nauem alienam mouere prae- sumpserit et cum ea flumen trans- gressus(*) fuerit(*), malb femire*, sol. III culp. iud.
[3] Si quis nauem de intro clauem furauerit, MCCC din. qui fac. sol. XXXV culp. iud. [4] Si quis ascum de intro clauem repositum et insuspensum pro studium positum furauerit, and fect ho, hoe est MCCC din. qui fac. sol. XLV culp. iud. [5] Si quis naue de intro clauem furauerit, MCCC den. qui fac. sol. XXXV culp. [6] Si quis ascum de intro clauem furauerit, math cantias co, XXXV culp. [7] Si quis ascum de intro clauem furauerit, math cantias co, Capitale et delatura. [8] Si quis ascum de intro clauem furauerit, math cantias co, Capitale et delatura. [8] Si quis ascum de intro claue furauerit, MCCC den. qui fac. sol. XXXV culp. [8] Si quis ascum de intro clauem furauerit, MCCC den. qui fac. sol. XXXV culp. [8] Si quis ascum de intro claue furauerit, MCCC den. qui fac. sol. XXXV culp. [8] Si quis ascum de intro claue furauerit, MCCC den. qui fac. sol. XXXV culp. [9] Si quis ascum de intro claue furauerit, MCCC den. qui fac. sol. XXXV culp. [9] Si quis ascum de intro claue furauerit, MCCC den. qui fac. sol. XXXV culp. [9] Si quis ascum de intro claue furauerit, MCCC den. qui fac. sol. XXXV culp. [9] Si quis ascum de intro claue furauerit, MCCC den. qui fac. sol. XXXV culp. [9] Si quis ascum de intro claue furauerit, MCCC den. qui fac. sol. XXXV culp. [9] Si quis ascum deintro claue furauerit, MCCC den. qui fac. sol. XXXV culp. [9] Si quis ascum deintro claue furauerit, MCCC den. qui fac. sol. XXXV culp. [10] Si quis ascum deintro claue furauerit, MCCC den. qui fac. sol. XXXV culp. [12] Si quis ascum deintro claue furauerit, MCCC den. qui fac. sol. XXXV culp. [13] Si quis ascum de intro claue furauerit, MCCC den. qui fac. sol. XXXV culp. [14] Si quis ascum deintro claue furauerit, MCCC den. qui fac. sol. XXXV culp. [15] Si quis ascum de intro claue furauerit, MCCC den. qui fac. sol. XXXV culp. [15] Si quis ascum deintro claue furauerit, MCCC den. qui fac. sol. XXXV culp. [15] Si quis ascum deintro claue furauerit, MCCC den. qui fac. sol. XXXV culp. [15] Si quis ascum deintro claue furauerit,	peruentus fuerit, mai fimire, hoc	ei fuerit adprobatum, malb femere, sunt din. Mcccc fac. sol. xxxv culp.		furauerit, Mcccc den. qui fac. sol. xv culp.(*) (*) This * has been confused with the fol-	praeserit, malb flemere, sol.(*) xv [culø. iud.]
repositum et insuspensum pro studio posito in suspensum pro studiom posito furauerit, mal fect ho, hoc est must repositum et insuspensum pro studiom positum furauerit, et ei fuerit adpropriation. Mccc din. qui fac. sol. XLV culp. iud. Mccc din. qui fac. sol. XLV culp. iud. furauerit, malb chanzyso, Mpccc din. suspensum pro studium positum furauerit, et ei fuerit adpropriation. (a) sol. XLV culp. furauerit, Mpccc denarios qui fac. setudium positum (e) furauerit, malb chanzyso, Mpccc din. sol. XLV culp. sol. XLV culp. (a) add: excepto capitale et delatura.	furauerit, Mcccc din. qui fac. sol.			[8] Si quis naue de intro claue furauerit, Mcccc den. qui fac. sol.	clauem furauerit, malb cantiasco, xxxv sol. culp. iud.(b)
109 111 112 113	repositum et insuspensum pro studio posito furauerit, mal fectho, hoc est	posito in suspensum pro studium positum furauerit, et ei fuerit adpro- batum, malb chanzyso, MDCCC din.	furauerit repositum, sol. XLV culp.	furamerit, Mocco denarios qui fac.	chamciosco, sol. XLV culp. iud.(4)
	109	110	111	112	113

CODD. 7, 8, 9.	COD. 10.	LEX EMEND.	OBSERVATT.
XXIIII. DE MALEFICIIS(*).	XXII. DE MALEFICIS.	XXI. DE MALEFICIIS.	Cf. Sept. Caus. vi. 2; Sent. Sept. Sept. 4; L. Rip. 83; Baj.
[1] Si quis (*) alteri (*) herbas (4) dederit ut mornatur, mai quo uirgo (*), sol. cc culs.	[1] Si quis alteri herbas dederit bibere ut moriatur, malb. affectu leudi, viii den.	[1] Si quis alteri herbas dederit bibere et mortuus fuerit, viiim din. qui fac. sol. cc culp.	4. 22; Gund. 32; Wisig, VI. 2:
iud. No rubric in B.G.H. (*) G.H add's maleficio suo; B add's maleficioso. (*) alterii, 9. (*) erbas, 9.B. (*) coulrgo, 9.	qui fac. sol. cc culp. iud.	iud.	
[2] Si quis maleficium fecerit et qui eum priscrit(*) euaserit, mal thoouerpota sado (b), sol. Luis [culs.] ind. (*) prinserit, G. (*) thoouerpo hac fado, 9.	Et si is cui malefi- cium feccrit euascrit, malb. b tho vuespho ac faltho, mmb den. qui fac. sol. LXII cum dimidio culp. iud. **B** Si uero quis quod alius dedit ueneficium biberit +et mortuus biberit +et mortuus vuesfo ac faltho, mmb den. qui fac. sol. LXII cum dimidio culp. iud. † euascrit.	[9] Si uero biberit et mortuus non fuerit, MMD din. qui fac. sol. LXII cum dimidio ille qui dedit pro alio (*) maleficio (*) culp. iud. (*) (*) Ass: alico malefitio, and malefitio a second time written above the time; aliquo maleficio, T.V. (*) culp. iud., om. Q.	C£ Waits, 189.
	4 Si quis alteri aliquod maleficius superiactauerit, siue cum °ligaturis in aliquo loco miserit, MND den. qui fac. sol. LXII et dimidium culp. iud.	[8] Si quis alteri aliquod (*) maleficium superiactatus (*) fuerit, siue cum ligaturis in quolibet loco miserit, MMD din. qui fac. sol. LXII cum dimidio culp. iud. (*) alterius aliquid. Q. (*) superiactator, Q.	§ 3 of Cod. 5 was overlooked by Pardessus, and has, in conse- quence, remained hitherto un- noticed. It is not found in Cod. 6.
[3] Si qui muliere (*) herbas (*) dedirit bibere (*), ut (*) infantes habere non possit (*), sol. LXII culf. iud. (*) mulier, 9; mulierem, G.H; (mulierem, corr.) mulieri, B. (*) crbas, 9.B. (*) bibere, om. B.G.H. (*) et, 9. (*) potest, 9.	2 Si que mulier alteri mulieri maleficium fecerit, ut infantem habere non possit, mmo den. qui fac. sol. IXII cum dimidio culp. iud.	[4] Si quis mulieri herbas dederit, ut infantes habere non possit, mmn din. qui fac. sol. LXII cum dimidio culp. iud.	Cf. Leg. Alam. 91; Baj. 8. 18- 23.
(X)XV. DE MANU(*) MULIERIB <i>US</i> STRINGENDA(*).	XXIII. De Manu mulierum non stringenda.	XXII. DE EO QUI MULIERI INGENUÆ(*) MANUM STRINXERIT.	Cf. L. Rip. 39; Baj. 8. 3-5; Liu. 121; Wi. 1. 18; Alf. II. Cod. Par. 4629 (the F of Pardessus), which is deficient in titt. 1-24,
[1] Si quis homo ingenuos ad femina ingenua digitu (*) aut (*) manu (*) strinxerit (*), mal chra m (*), sol. xv culs. iud. (*) mano mulieris extringenda, 9; no rubric in B.G.H. (*) dayito, 9; h. ingenuus ad feminam ingenuam digitum, B.G.H. (*) aut occurs funice in 7. (*) mano, 9; manum, B.G.H. (*) extrinxerit, 9.G.H; extrinserit, B. (*) chramea, 9.	1 Si homo ingenuus fæminæ ingenuæ digitum aut manum + instrinxerit, malb. chamni, nc den. qui fac. sol. xv culp. iud. † exstrinxerit.	[1] Si quis homo ingenuus feminae ingenuae manum aut digitum strinxerit (*), DC din. qui fac. sol. xv culp. iud. (*) mullerem ingenuam, Q. (*) extrinxerit, Q.	commences here, though not wholly legible until tit. 38; its various readings will be given in the column of Codd. 7-9, by the side of those of Codd. B.G.H.
[2] Si brachium strinxerit (*), mai chrami (*), sol. xxx culp. iud. (*) extrinxerit, 9.B-H. (*) erami, 9.	2 Et ei si brachium destrinxerit, malb. cham- num, Mcc den. qui fac. sol. xxx culp. iud.	[9] Si uero brachium strinxerit (*), MCC din. qui fac. sol. XXX culp. iud. (*) brahlum extrinxerit, Q.	
[8] Certe (*) si super cupitum (*) manum mi- serit (*), mal chrannis malichardi (*), sol. XXXV culp. iud. (*) Certe. om. B.G.H. (*) cobitum. 9. (*) cubitum cam extinuent (extrinserit, H), BH. (*) chrannes mali- cardt. 9.	3 Certè si super cubitum manum + strinxerit, malb. *champin mane charde, MCCCC [den.] qui fac. sol. xxxv culp. iud. † miserit.	[3] Si autem super cubitum manum miserit, MCCCC din. qui fac. sol. xxxv culp. iud.	
[4] Si qwis ad mulierem mamellass strinxerit, mal itë bracti (4), sol. XLV culp. ind. (*) Si qwis muliere mamella extrinxerit, mal itembracti, 9; Si mammillam (mamillam, H) ejus extrinxerit, B-H.	4 Si quis mulieri mammillam +capulauerit, malb. ibidem bruche, MCCC den. qui fac. sol. XLV culp. iud. † strinxerit.	[4] Si ergo (*) mamillam strinxerit (*), mdccc din. qui fac. sol. xuv culp. iud. (*) uero, Q. (*) extrinxerit, Q.	
XXVI. DE NAUIBUS(*).	XXIIII. De Nauibus furatis.	XXIII. DE EO QUI NAUEM, SINE PER- MISSU DOMINI, MOUERIT, AUT FURAUERIT.	Cf. L. Baj. 19. 9, 10; Gund. 94.
sol. III culø. iud.	1 Si quis + extra consilium domini sui nauem alienam mouere præsumpserit + aut cum ea flumen transierit, malb. flemere, cxx den. qui fac. sol. III culp. iud. † sine permissu. † et.	[1] Si quis sine permissu (*) nauem alienam mouere præsumpserti et cum ea flumen transierit, cxx din, qui fac. sol. III culp. iud., excepto capitale et delatura (*). (*) LP.Q add: domini. (*) exc. c. e. del., om. T.V.	
[2] Si uero ipsam (*) furauerit, mal femire (*), sol. xv culø. iud., excepto (*) capitate et dela- fura (*). (*) ipsa. o. (*) fimire, q. (*) exc. cap. & del., om. B.H. (*) § 2 om. F.	9 Si quis ipsam nauem furauerit, malb. flemere, DC den. qui fac. sol. xv culp. iud.	[9] Si uero ipsam nauem furanerit, pc din. qui fac. sol. xv culp. iud., excepto capitale et delatura.	Cf. L. Sal. tit. 85.
	8 Si quis +ascum deintro clauem furauerit, malb. bcham zy asco, MDCCC den. qui fac. sol. xLv culp. iud. † namem uel ascum.	[8] Si quis nauem (*) uel ascum de intro claue (*) furauerit, MCCCC din. qui fac. sol. XXXV culp. iud., excepto capitale et delatura. (*) nauem absconse (or, abscanse) intro clauem, Q.	Cf. Sept. Caus. II. 2. Of the gloss in Cod. 6 the letters cans and iasco are distinct in the MS. but the f is doubtful; it seems that an s has been changed into f.
XXVII. DE ASCO DEINTRO (*) CLAUE FURATO (*).			Cf. Sept. Caus. III. 3.
capitale et delatura (*).	cham zy asco, MDCCC den. qui fac. sol. XLV culp. iud.	[4] Si quis ascum de intro claue (*) repostum (*) et in suspenso pro studio positum furauerit (*), MDCCC din. qui fac. sol. XLV culp. iud., excepto capitale et delatura. (*) claum repositum et suspenso pro &c., Q. (*) repositum, V. (*) fuerit, Q.	
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CODD. 7, 8, 9.	COD. 10.	LEX EMEND.	OBSERVATT.
XXVIII. DE FURTIS IN MOLINO CONMISSIS (*).	XXV. De Furtis in *molino commissis.	XXIV. DE FURTIS IN MOLINO (*).	Cf. L. Wisig. vIII. 4, 30; Ed. Roth. 149-151.
[1] Si quis homo ingenuos in molino alieno annona furauerit, mal antedio (b), hoc est (c) cui molinus est, sol. xv culp. iud. (b) No rubric in B-H. (b) anthedio, 9. (c) hoc est, em. 9.	1 Si quis ingenuus annonam alienam in molino furauerit, malb. bauthedio, id est, cui mo- linus est ipsius molinario, pc den. qui fac. sol. xv culp. iud.	[1] Si quis ingenuus in molino alieno annonam furauerit, ei cuius (b) molinus est, DC din. qui fac. sol. xv culp. iud.; (*) N adds: commissia. (b) cui, Q.	·
[2] Si uero alicui anona (*) furauerit, alius xv sol. culp. iud. (b) (') annona, 9. (b) B-H combine §§ 1 and 2: S. q. h. ingenuus in mol. annona, Bl., cui farinarius est, sol. Xv culp. iud. (B. H. add.: t) cui annona fur. (fuerit, B) (B. G add.: alios) sol. Xv conponat.	Ei uero cuius annona fuisse probatur, alios xv sol. similiter soluat, excepto capitale & delatura.	ei uero cuius (°) annona est, similiter pc din. qui fac. sol. xv culp. iud., excepto capitale et dela- tura. (°) cul, Q.	
	8° Si quis °ferramentum de molino alieno furauerit, malb. authedio, MDCCC den. qui fac. sol. MLV culp. iud.	[2] Si quis ferramentum (*) de molino alieno (*) furauerit, moccc din qui fac. sol. XLV culp. iud., excepto capitale et delatura. (*) ferramento, Q. (*) alieno, om. Q.	Cf. L. Al. lib. 3, sect. 2; Wisig. vii. 2, 12.
XXVIIII. DE (*) QUI ALTERIUS SCLUSA RUMPIT (*).	·		
Si que es sclusa (*) de farinario (*) ruperit, mat urb uia lacina (*), sol. XV culp. iud. (*) De his, 9. (*) No ruberic in BH. (*) exchusa, BH. (*) farenario, 9. (*) urbis ula lacina, 9.	Si quis esclusam de farinario alieno ruperit, malb. d'urbis uia lacina, pc den. qui fac. sol. xv culp. iud.	[8] Si quis sclusam (*) de farinario alieno ruperit (*), Dc din. qui fac. sol. xv culp. iud. (*) exclausam, G; exclusam, O. (*) rapuerit, Q.	Cf. L. Cham. 37.
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LXIII. DE CABALLO ALIENO (*) EXTRA PERMISSO (*) DOM/NI SUI ASCENSO (UEL EXCURTATO) (*).	XXVI. De Caballo ascenso.	XXV. DE CABALLO SINE PERMISSU DOMINI SUI ASCENSO.	Cf. L. Rip. 40; Burg. 4.7; Ed. Roth. 340.
[1] Si que's caballum alienum extra consilium (4) domini sui ascenserit (*) aut cabalicauerit (*), mal leo dardo in alia mite borio sito (s), sol. XXXV (*) culp. iud. (*) alieno, om. 8. (*) permissum, 8. (*) ar \$\frac{1}{2} \tilde \	1 Si quis acaballum, textra consilium domini sui ascenderit, et eum caballauerit, malb leudardi et in alia mente Burgo sitto, pc den. qui fac. sol. xv culp. iud., et pro eo quia ascenderit, quando descendet similiter alios xv sol. soluat. † sine permissu.	Si quis caballum alienum sine permissu domini sui ascenderit et eum caballicauerit, no din. qui fac. sol. xv culp. iud.; et pro eo quia (*) discenderit (*), similiter aliis (*) no din. qui fac. sol. xv culp. iud. (*) quod discendit, Q; quia ascenderit, P. (*) alios, V.	
Sito, 8; leodardi in alia mente borlo sitho, 9. (h) MNCC den. que fac. sol. XXX, 8; sol. XXX, 9.B-H.		·	
XXX(*). DE HOMICIDIIS(*) PARUOLO- RUM UEL MULIERUM(*).	XXVIII. De Homicidijs paruulorum.	XXVI. DE HIS QUI PUEROS UEL MULIERES OCCIDERINT.	Cf. L. Rip. 12, 13. Cf. L. Sal. 76. 4-11; Sept.
[1] Si quis puerum (4) infra duodecem annorum (5) non (7) tunsorato (8) occiserit (h), mal charcaro leodardi (h), fsunt den xxiiiii qui fac.] sol. De culp', iud. (7) The lacuna in Cod 8 which commenced at chapter 21, \$3, cearst here. (4) humicidiis, 9, (7) No rubrici ni & BH. (4) puero, 9, (7) annos, B.G.H. (1) nee, B.G.H. (1) ton, & BH. (2) cocisserit, 8, (4) chacharo leudardi, 8; charcharo leodardi, 9,	1 Si quis puerum infra duodecim annorum + non tonsoratum occiserit, malb. *aschara leudardi, xxiiiim den. qui fac. sol. de culp. iud. + crinitum siue non crinitum.	[1] Si quis puerum infra duodecim annos, siue crinitum siue incrinitum, occiderit, XXIVM din. qui fac. sol. DC culp. iud.	Caus. vii. 1, viii. 4; Recap. L. Sal. 32; Waitz, 116, 188; Sohm, R. 548.
•	(Cf. § 1, note).	(Cf. § 1).	Cf. Sept. Caus. vii. 1, viii. 4.
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[2] Si quis femina graue (4) debatterit (4), et ipsa (4) exinde mortua fuerit, mal leodiniz (4), sol. wcc (4) culp. iud. (7) graua, 9. (4) debattit, 8; debapterit, 9; feminam grauidam percusserit unde mortua f., B.F.H.; fem. grauidem perc. sol., G. (7) ipse, 8. (4) anoano leodinia, 8; anno ano leodinia, 9. (7) sunt den. XIIM qui fac. sol. CCC, 8; sol. CCC, 9.BH.	4 Si quis foeminam ingenuam grauidam 4 tra- battit, et ipsa foemina fuerit mortua, malb. anuano leudinia, xxvIIIM den. qui fac. sol. DCC culp. iud.	[4] Si quis feminam grauidam occiderit, XXVIIIM din. qui fac. sol. DCC culp. iud.	Cf. Ed. Roth. 334; Pact. Al. 13; L. Al. 79; L. Wisig. VI. 3; Alf. 9; Henr. 70. Codd. 1 & 2 have a fine of 800 solidi, but the 28,000 denarii point to the fine of 700 solidi which is found in texts 3-5, 10 & L. Em. Texts 6, 8, 9, and B-H have distinctly 300 sol., and Pardessus read also 300 sol. in Cod. 7. But this MS. has plainly vcc, which may be read either 700 or 800. On the fine cf. Recap. L. Sal. (*) 29, (*) 32; Sept. Caus. VIII. 3. Herold repeats this & under tit. 75 & 1; cf. Extrav. A, cap. 5.
[8] Si wero infantess in utero matris suae (*) occiserit (b), mai annona(*), [sunt den. IIIIM qui fac.] sol. C culp. ind. (*) sue, 8; sui, 9; suae, om. R.G.H. (*) anno uano, 8; anno ano, 9.	SOI. CC.	[5] Si quis infantem in uentre matris suze, aut natum antequam nomen habeat, infra VIII noctes occiderit, IVM din. qui fac. sol. C culp. iud.	Cf. Sept. Caus. v. 3; Ed. Roth. 75. On the ancient custom of the Germans to count by nights cf. Caes. B.G. vi. 18; Tac. Germ. 2. [Pard.]
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COD. 1.	COD. 2.	COD. 3.	COD. 4.	CODD. 6 & 5.
For the corresponding # of text 1, see tit. 69.	[5] Si quis uerum puerum crini- tum ingenuum tundere pruesump- serit ex[tra] uoluntatem parentum, cui fuerit adprobatum, malb uir- dade, sunt din. DCCC fac. sol. XIV culp. iud.	consilio parentum totunderit, sol.		consilio (*) parentum suorum (*) to-
see iii. oy.	[6] Si quis ingenuam puellam entra consilium parentum tundere presumserit, cui fuerit adprobatum, maib tuschada, sunt din. Mocco fac. sol. XLV culp. iud.	parentum totunderit, sol. xLv culp.	[8] Si uero puella si[ne] parentum consilium tunderit, Muccc denarios qui fac. sol. XLV culp. iud.	[8] Si uero puella tutunderit, malb theoycata * sol. XLV (*). (*) The MS. has distinctly sol. XLV, not XV as read by Pardessus.
[8] Si uero puer infra XII annos aliqua culpa committat, fretus ei nullatenus requiratur.	[8] Si uero puerum infra XII anno- rum aliqua culpa comiserit, fretus ei non requeratur.	[7] Si uero puer infra XII annis culpas aliquas commiserit, fredus ei non requiratur.	[7] Si uero puer in[fra] XII annos aliqua culpa commiserit, fredss exinde non requiratss.	
	XLVIII. [4] Si quis puellam in- genuam occiderit, mal sol. (sic) CCC(*) culp. iud. (*) We may read here CC or merely C, as the last C alone is distinct; an attempt at erasure seems to have been made.	XLI. [18] Si quis ingenuam puel- lam occiderit, mat chismala, sunt din. vnr[m] qui fac. sol. cc culp. iud.	XLI. [10] Si quis puellam ingenuam hocciderit, VIIIM den. qui fac. sol. cc culp.	antequam infantes (*) habere possit occiderit, malb hismala*, sol. (c culp. iud.
[6] Si quis femina ingenua post- quam coeperit habere infantes occi- derit, xxiiii den. qui fae. sol. no culp. iud.		[8] Si quis feminam ingenuam quis mulierem inpostquam infantes coeperit habere occiderit, sol. pc culp. iud.	[8] Si quis femina ingenua mulier ingenua postquod infantes ceperit habere hocciderit, XXIII.M den. qui fac. sol. pc culp.	[9] Si postquam (*) infantes coeperit habere occiderit, DC sol. culp. ind. (*) quis feminam ingenuam postquam.
[7] Post quod infantes non potuit habere qui eam occiderit, VIIIM din. qui fac. sol. CC culp. iud.	[10] Post infantis non potuerit abere occiderit, cui fuerit adproba- fum, matb leodinia, sunt din. VIIIM fac. sol. cc culp. iud.	[9] Si quis feminam occiderit postquam infantes deserit babere, sol. cc culp. iud. XLI. [15] Post media uero etate to postquam infantes son potest habere qui eam occiderit, sol. cc culp. iud.	[9] Post quod infantes non potuerit habere, viiii den, qui fac. sol. cc culp. iud. XLI. [19] Post quod infantes non potuerit est habere, viiii den. fac. sol. cc culp.	[10] Si(*) post media etate, hoc est postquam infantes non potest habere (*), maib leodinia*, sol. cc culp. iud. (*) Si quis feminam pastquam infantes non potest habere occiderit.
XXV. DE ADULTERIIS ANCILLARUM.		·		
[1] Si quis cum ingenua puella	XV. [8] Si quis cum ingenua puella mechatus fuerit et ei fuerit adprobatum, mal uirtuane, sunt din. MMD fac. sol. LXII culs. iud.	XV. [8] Si quis cum ingenua puella per uirtutem moechatus fuerit, ixii sol. culp. iud.	XV. [2] Si quis ingenuus ingenuam per uirtutem mecatus fuerit, MMD den. qui fac. sol. LXII culp.	XV. [2] Si qui cum ingenua (1) puella (1) per uirtutem (1) moechatus (1) fuerit, malb (uueruanate, corr.) uueruanathe*, sunt den. MM qui fac. sol. XIII culp. ind. (1) ingenuam puellam. (1) uirtute. (7) mechatus.
[9] Si quiscumque ingenua puella spontanea uoluntate, ambis conuenientibus, mechati fuerint, Mocco din. qui fac. sol. XLV culp. iud.	XV. [4] Si quis cum ingenua puella spontania uoluntatem, ambis conuenientibus, mina, firilayso, sunt din. MD fac. sol. XLV culp. iud.	XV. [9] Si quis cum ingenuam puellam spontanea uoluntate, ambis conuenientibus, oculte moechati fuerint, cui adprobatum fuerint, xxv sol. culp. iud.	XV. [3] Quicumque ingenua puella spontanea uoluntate, ambis con- uenientibus, ut hoccultum mecatus fuerit, MDCCC den. qui fac. sol. XLV culp. iud.	XV. [8] Si quis ingenuam puel- lam sponsatam (*) uoluntatem ambo- rum (*) conuenientibus, in occultum mochati (*) fuerint, malb fredo- lasio *, sumf den. MDCCC qui fac. sol. XLV culp. iud. (*) spontanea uoluntate ambis. (*) me- chati.
	XXV. DE ADULTERIIS AN- CILLARUM UEL SERUO- RUM.	XXV. DE ADULTERIIS AN- CILLARUM.	XXV. DE ADULTERIIS AN- CILLARUM.	XXV. DE ADULTERIIS AN- CILLARUM.
[8] Si quis ingenuus cum ancilla aliena mechatus fuerit et ei fuerit adprobatum, domino ancillae DC din. qui fac. sol. xv culp. iud.	[1] Si quis ingenuus cum ancillam alienam mecatus fuerit et ei fuerit adprobatum, malb teolosina, sunt din. pc fac. sol. xv culp. iud.	[1] Si quis ancillam alienam moechatus fuerit, sol. xv culp. iud.	[1] Si quis cum ancilla aliena moecatus fuerit, DC den. qui fac. sol. xv culø.	[1] Si quis cum ancilla (*) aliena (*) moechatus (*) fuerit, malb theolasina uertico*, sol. xv [culø. iud.] (*) ancillam alienam. (*) mechatus.
[4] Si quis uero cum rege ancilla mechatus fuerit, mal theolosina, hoc est MCC din. qui fac. sol. xxx culp. iud.	[9] Si uero cum regi ancilla mechatus fuerit et ei fuerit adpro- batum, malb teolosina, sunt din. Mcc fac. sol. xxx culp. iud.	[2] Si quis cum ancillam regis moechatus fuerit (*), sibi publice iunxerit, ipse cum ea in seruitio permaneat. (*) Here is evidently a break in the MS.; the end of the \$ pronouncing a Rine against one "qui cum ancilla regis moechatus fuerit" and the commencement of the following \$ retating to one who married a slave, having been omitted.	[9] Si uero cum rege ancilla mecatus fuerit, MCC den. qui fac. sol. XXX culp.	[9] Si uero regis est (*), sol. xxx [cul#. iud.] (*) Si quár uero cum rege ancillam mychatus fuerit.
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GODD. 7, 8, 9.	. COD. 10.	LEX EMEND.	OBSERVATT.
XXXIIII. DE PUERO TUNSORATO (*). [1] Si quis puero (*) sine consilio (*) parentum suorum tunsorauerat (*), mal autchardo (*), [sunt den. MMD qui fac.] sol. LXIIs (*) culp. iud. (*) tonsorato, 8; no rubric in BH. (*) puerum, 8.BH. (*) ucutate, G.H. (*) tunsur-, tunsor-, tonsur	2 Si uero puerum crinitum sine consilio aut uoluntate parentum totonderit, malb. b schuisara chrogino, mmo den. qui fac. sol. LXII & dimidium culp. iud.	[2] Si quis puerum crinitum sine uoluntate parentum totunderit (*), MDCCC din. qui fac. sol. XLV(b) culp. iud. (*) tunderit, Q. (*) MMD din. qui fac. sol. LXII cum din., I; MCCCC din. qui fac. sol. XXXV, E.	Cf. L. Sal. 69; Sept. Caus. III.
[2] Si uero puella sine uoluntatem (*) parentum tunsorauerit (*), mal theochada (*), [sunt den. M DCC qui tac.] sol. xi.v (*) culf. iud. (*) uoluntate, 2.B.F.H.; uolumtate, 2. (*) tunsora, 9; suorum tonsoraueris, H. (*) ne gless in 8; theo hichada, 9. (*) LXV. G.	8 Si uero puellam similiter sine patris aut matris uoluntate totonderit, + theoctidia, MDCCC den. qui fac. sol. XIV culp. iud. † uuerdarda & thercoheata.	[8] Si uero puellam totunderit (*), MMD din. qui fac. sol. LXII cum dimidio culp. iud. (*) puella tunderit, Q.	
XXXIII. DE NECGLIGENTIIS (*) PARUO-LORUM (*). Si queis puer infra duodecem (*) annus (*) aliqua (*) culpa (*) comiserit (*), fridus (*) ei non requiratur. (*) neglescentis, 8; necliencies, 9. (*) paruulorum, 8; normore in BH. (*) duodecim, B.G.H. (*) annus, 8; annos, BH. (*) aliqua, one, B.G.H. (*) culpan, B. (*) commiserit, 8; commiserit, BH. (*) fredus, 8,9; fredos, B.F.H; fredo, G.	6 Si quis puer infra duodecim annorum ali- quam culpam commiserit, fredus ei non requi- ratur.	[9] Si quis puer infra duodecim annos aliquam culpam commiserit, fredus ei non requiratur.	Cf. Capit. Lud. cap. 5; L. Fris. (Add. Sap. III) 70; Wisig. II. 4, 11; Inc, 7, 2; Cn. II. 21; Waits, 116, 193, 196; Sohm, Proc. p. 233.
XXXII. [2] Si quis ingenua (*) puella (*) occiserit, mal (scha ledi, corr.) schmala ledi (*), sol. č (*) culp. iud. (*) puellam ingenuam, B-H. (*) smalchaledi, 8; simalchaledi, 9, (*) susus den IIIIM qui fac. sol. C, 8; sol. C, 9, B-H.	9 Si quis puellam ingenuam + occiderit, malb. ex mala leudi, vilim den. qui fac. sol. CC culp. iud. + infra annos quam infantes habere possit.	[6] Si quis puellam ingenuam infra annos (*) antequam infantes possit habere occiderit, VIIIM din. qui fac. sol. cc culp. iud. (*) annum, Q.	With the following N cf. L. Sal. 76; Thur. 48, 49. Herold repeats this 1 under tit. 75 (1 2); cf. Extrav. A. cap. 5; cf. Sept. Caus. VI. 4.
XXXI. [Rubrica deest in omnibus]. Si quis femina (*) ingenua (*) postquam infantis (*) abere (*) ceperit occiserit, mal leodinia, sol. Dc (*) culp. ind. (*) feminam ingenuam, B-H. (*) infantes habere, &o. B-H. (*) sant den. XXIIIIM qui fac. sol. Dc, 8; sol. Dc, 9B-ti.	8 Si quis fœminam ingenuam, postquam ceperit infantes habere, occiderit, malb. leodinia, xxiiim den. qui fac. sol. pc culp. iud.	[7] Si quis feminam ingenuam postquam infantes coeperit (*) habere occiderit, xxivx din. qui fac. sol. Dc culp. iud. (*) cepit, Q.	Cf. Sept. Caus. vII. 2; L. Alam. 49. 2. Herold repeats this 4 under tit. 75 (13); cf. Extrav. A. cap. 5. Cf. also L. Sal. 41. 3.
XXXII. [Rubrica deest in omnibus]. [1] Si quis femina(*) post media(*) aetate(*), hoc est quando(*) iam(*) infantes habere nou potest, occiserit, mal leodinia(*), [sunt den. VIIIM qui fac.] sol. cc culp. iud. [7] femnam, B-H. (*) mediam, B-H. (*) aetatem, B-H. (*) postquam, &B-H. (*) iam, om. &B-H. (*) (*) (malchalede, corr.) leodinia, &	7 Si quis foeminam ingenuam, postquam infantes habere non potest occiderit, malb. leodinia, vuim den. qui fac. sol. cc culp. iud.	[8] Si quis feminam (*), postquam infantes habere non potuerit, occiderit, vuim din. qui fac. sol. cc culp. iud. (*) (*) f. ingenuam, E. (*) This § is not in I.	Herold repeats this \(\frac{1}{4}\) under tit. 75 (\(\frac{1}{4}\)); cf. Extrav. A. cap. 5.
[XIV. 9] Si quis cum ingenua puella per uirtute(*) michatus(*) fuerit, mal uero manū(*), sol. lxiis culė. iud. (*) (*) ultutem, R.G.H. (*) migatus, 9; moechatus, B.G.H. () uerouhano, 9. (*) this § is not in 8, and forms § 2 of the XV in 9.	XVI. 2 Si quis cum puella per uirtutem mocchatus fuerit, malb. b theurora, MMD den. qui fac. sol. LXII cum dimidio culp. iud.	XIV. [18] Si quis cum ingenua puella per uirtutem mocchatus (*) fuerit, mmp din. qui fac. sol. LXII cum dimidio culp. iud. (*) moccatus, Q.	Cf. L. Alam. 82; Baj. 8; Gund. 30, 44; Fris. 9, 13; Ed. Roth. 189, 194; Li. 130, 130, 140; Wisig. III. 4; Aeth. 10, 11, 14, 16, 31; Alf. 10, 25, 26; Cn. II. 54; Waits, 106, 201.
XIV. [10] Si quis cum ingenua puella (*) spunsata (*) ambo partis (*) comuinerit (*) et in oculto (*) michati (*) fuerint (*), mal fribasina (h), sol. LXV (i) culp. iud. (*) (') puella, om. G. (*) sponsada, 8; spunsada, 9. (*) partes, 8. (*) conuenerit, 8; conueneret, 9. (*) oculto, 8, B; oculto, 9. (*) mechati; 8; migati, 9. (*) sponsata eam consententem in occulto merchauerit (moccaberit, moccaberit), sol. &c., B.C.H. (*) frilafina, 8. (*) smet den. MCCCC quet fac. sol. XLV, 8; XLV, 9, B.G.H. (*) this \$ is the year of the XV in Cod. 9.	XVI. 8 Si quis cum ingenua puella et spontanea uoluntate amborum partium coiuerit, et in occulto mœchatus fuerit, malb. *frio lasia, moccc den. qui fac. sol. xLv culp. iud.	XIV. [14] Si quis cum ingenua puella desponsata, ea consentiente, in occulto moechauerit (*), MDCCC din. qui fac. sol. XLV culp. iud. (*) mechauerunt, Q.	
XXXV. DE ADULTERIIS ANCILLARUM(*).	XXIX. De Adulterijs ancillarum.	XXVII. DE ADULTERIIS ANCILLARUM.	
[1] Si quis(b) cum ancilla aliena michatus(b) fuerit, mal eualisina(4), [sunt den. DC qui fac.] sol. xv culf. iud. (*) no rubric in 8.B-H. (*) B-H add: ingenus. (*) mechatus, 8.B; migatus, 9; moechatus, G.H. (4) eualesina, 8.	1 Si quis ingenuus cum ancilla aliena mecha- tus fuerit, malb.+ anilasina, DC den. qui fac. sol. xv culp. iud. † theolasina unirtico.	[1] Si quis ingenuus cum aliena ancilla moe- chatus fuerit, pc din. qui fac. sol. xv culp. iud.	
[2] Si quis cum ancilla regi (*) michatus (*) fuerit, mal eualesina (*), [suné den. MCC qui fac.] sol. XXX culé. iud. (*) regis, 8.BH. (*) mechatus, 8; moechatus, B.G.H. (*) eualisina, 9.	S Si uero cum ancilla regia mechatus fuerit, malb. theulasina, MCC den. qui fac. sol. xxx culp. iud.	[3] Si quis uero cum regis ancilla moechatus fuerit, MCC din. qui fac. sol. xxx culp. iud.	
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CODD. 7, 8, 9.	COD. 10.	LEX EMEND.	OBSERVATT.	
(Cf. tit. x3 (x4), \} 7).	5° Si quis Francus alienam ancillam sibi publicè iumzerit, ipse cum ea in seruitute permaneat.	[8] Si quis (*) Francus (*) alienam ancillam sibi publice iunxerit, ipse cum ea in seruitio permaneat (*). (*) quis, om. Q. (*) franchus, T.V. (*) S. q. F. cum alienam ancillam mechatus fuerit et sibi p. i., i. c. e. i. s. implicetur, E.	Cf. L. Sal. 13. 9; Capit. Lud. cap. 6.	
(Cf. tit. 13 (14), § 7).	(Cf. tit. 13 (14), § 7).	(Cf. tit. 13 (14), § 7).		
[5] Si(*) seruus cu(*) ancilla aliena michatus(*) fuerit et ex ipso crimine ipsa mortua fuerit, aut sol. (*) VI domini (*) ancilla (*) conponat, aut castretur(*s); dominus serui capitale de ancilla(*) in loco (*) restituat. (*) 8 adds: quis: Si uero ex ipso cr. mortua f., aut sol. VI. domino (dominii, G) ancillae (ancilla, B) c., a. c.; d. uero veru c. d. a. i. 1 rest., B-H. (*) cum, 8.9. (*) mechatus, t. (*) den. (CLXI. corr.) CXI. qui fac. sol., å. (*) dominum, 8. (*) ancille, 9. (*) castraretur, G. (*) de anom. 8. (*) locum, 8.9.	6° Si seruus cum ancilla mœchatus fuerit et de ipso crimine ancilla mortua fuerit, seruus ipse aut castretur, aut CCXL den. qui fac. sol. VI culp. iud.; dominus uero serui capitale in locum restituat.	[4] Si seruus cum ancilla aliena (*) moechatus fuerit et de ipso crimine ancilla mortua fuerit, seruus ipse aut castretur, aut ccxL din. qui fac. sol. vi culp. iud.; dominus (*) uero serui capitale in locum restituat. (*) aliena, om. G.K.N.Q.T. (*) domini, Q.	Cf. L. Sal. 13. 8; Ed. Roth. 193, 217-221; Waitz, 201.	
[3] Si quis seruus cum ancilla aliena michatus ("fuerit, [sunt den. CXX qui fac.] sol. III culp. iud. (b) ("mechatus, 8. (b) B-Huniu #1 3 & 4: S. q. s. c. a. a morch. f. aut extra voluntatem (-tate, B.G) domini in (ad, B) coniugium (coniugio, G) soc., sol. III c. iud.	[6 contin.] Si autem ancilla propter hoc non fuerit mortua, seruus ipse aut cxx ictus accipiat, aut cxx den. qui fac. sol. III domino ancillae cogatur persoluere. 3 Si uero seruus cum ancilla mechatus fuerit, cxx den. qui fac. sol. III componat.	[5] Si autem ancilla propter hoc mortua non fuent (*), seruus ipse aut CXX (b) ictus accipiat, aut CXX din. qui fac. sol. III domino ancillae cogatur persoluere (*). (*) Q addr: sic. (b) CCXX, A.G.N.T. (*) exsoluere, Q.	Cf. Recap. L. Sal. vIII; Waitz, 197, 198.	
[4] Si (*) seruus ancilla aliena extra uolunta- tem (*) domini sui ad coniugium (*) sociauerit, mal anthamo, [sunt den. CXX qui fac.] sol. III culp. iud. (*) 8 auds: quis. (*) -tate, p. (*) coiugium, p.	4 Si seruus ancillam alienam extra uoluntatem domini sui ad coniugium sociauerit, malb. bauthanio, cxx den. qui fac. sol. I (sic) culp. iud.	[6] Si quis seruus ancillam alienam sine uoluntate domini sui sibi in (*) coniugium copulauerit, cxx din. qui fac. sol. III culp. iud., aut cxx ictus accipiat. (*) in, oms. Q.		
	•			
XXXVI. DE LIBERTIS DEMISSIS(*) INGENUIS(*).	XXX. De Libertis dimissis.	XXVIII. DE LIBERTIS(*) DIMISSIS.	Cf. Sept. Caus. v. 4; L. Rip. 57, 61; Cham. 11-13; Li. 52; Wihtr. 8; Sohm, R. u. Ger. 46.	
[1] Si quis litum(*) alienum(4) qui apud domino suo (*) in hoste (f) fuerit, extra (*) consilium(*) domini sui, ante rege(!) per dinario (*) ingenuum (!) demiserit (*), mat maltholitho frioblito (**), [umf den. IIIIM qui fac.] sol. c culp. iud.; [*] dim 8.BH. (*) De lib. ingenuos dem., 9; no rebric in BH. (*) liberto, 9; libertum, BH. (*) alieno, 9. (*) suo, om. H.F. (f) oste, 9; boste, B. (f) extra-sui, om. BH. (*) consilio, 8.s. (*) regem, 9.B.H. (*) denarum, 8.B.C.H. (*) ingenuo, 9. (*) malcho litto frioblito, 8; maltho hitho frio blito, 9.	1 Si quis lidum alienum extra consilium domini sui ante Regem per denarium ingenuum dimiserit, malb. emaltho theato meolito, nim den, qui fac. sol. c culp. iud., et capitale domino ipsius restituat. equi apud dominum suum in haste fueris.	[1] Si quis lidum alienum qui cum domino suo in hoste fuerit, sine consilio domini sui, ante regem per dinarium ingenuum dimiserit, IVM din. qui fac. sol. c culp. iud.; (*) liberis, Q.		
res uero ipsius lito(") legitimo(") domino re- formetur ("). (") liti, & F.G. H; leto, 9; litis, B. (") leg., om. BH. (") reformentur, 9; reformentur, B.F.H; reformentur, G.	2 Res uero ipsius lidi legittimo domino *restituantur. * reformeztur.	res uero ipsius lidi legitimo domino restituantur.		
[2] Si quis seruum (*) alienum (b) per dinarium (*) ante rege (4) ingenuum (*) demiserit (?), mal malthofiato meoto (*), [sunt den McCc qui fac.] sol. XXXV culp. iud., et (h) capitale in loco restituat (i). (*) seruo, 9. (*) alieno, 9. (*) denarium, 8; dinario, 0. (*) regem, 9. (*) ingenuum, om. 9. (*) diniserit, 8. (*) maltho fiatho (meatho, corr.) meotho, 8; maltho fratho meotho, 9. (*) ex, in 7; el, om. 9. (*) § 2 om. B-H.	3 Si quis seruum alienum ante Regem per denarium ingenuum dimiserit, malb. maltho theatha meotheos, mcccc den. qui fac. sol. xxx culp. iud., excepto capitale, quod domino restituatur; res uero ipsius serui proprius dominus recipiat.	[9] Si quis seruum alienum ante regem per dinarium ingenuum dimiserit, mcccc din. qui fac. sol. xxxv culp. iud., et capitale in locum restituat, et res (*) serui ipsius proprius dominus recipiat. (*) rem, Q.	§ 2 of cod. 6 was first written: "Si seruum per denarium inge- nuum dimiserit, malb maltho chiado (freoledo, corr.) meotheo, sol. c. Res uero ipsius lito legi- timæ reformetur." The scribe, however, finding that this was all wrong, put his pen through the § and re-wrote it as it stands at present, making the fresh mistake of moetheo, instead of meotheo.	
XXXVII. DE FURTIS DIUERSIS(*).	XXVII. De furtis diuersis.	XXIX. DE FURTIS DIUERSIS.	Cf. L. Sal. 81; Rip. 43-45, 76; Alam. 99; Baj. 9; Gund. 25, 27, 70; Ed. Roth. 281-299; L. Wisig.	
[1] Si quis tentinnum (b) de (c) inter porcus (d) furauerit, mal thuochapo (e), [suns den. DC qui fac.] sol. xv culs, ind. (*) diuersorum, B-H. (*) tintinnum, 8.B.F.G.; tentenno, c; tintinum, H. (*) de, om. B-H. (d) porcos, B-H. (f) thuochaido, 8; tulochapo, 9.	1 Si quis etintinnum de eporcina aliena fura- uerit, malb. aurappo, no den. qui fac. sol. xv culp. iud.	[1] Si quis tintinnum de porcina aliena fura- uerit, DC (*) din. qui fac. sol. xv (*) culp. iud. (*) DC d. q. f. sol. III, Q.	70; Ed. Roth. 281-290; L. Wisig. VII. 2. 11; Inc, 7; Waitz, 117.	
[13] Si quis tentenno inuolauerit de qualibet pecus praeter porcus, in sol. culp. iud.](*) (*) This § occurs in Cod. 9 only.	4 Si quis tintinnum de pecoribus furauerit, malb. leudardi, cxx den. qui fac. sol. III culp. iud.	[2] Si uero de pecoribus tintinnum furauerit, cxx din. qui fac. sol. III (*) culp. iud. (*) cxx den. q. f. sol. xv, v.		
		[8] Si quis skellam (*) de caballis furauerit, DC din. qui fac. sol. xv culp. iud. (*) (*) schellam, A.F.; scallam, H.N.; skellum, G; schillam, O; sellam, B; kellam, Wolf. Aug. 8. (*) § 3 om. Q.	Cf. L. Gund. 4. 5.	
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[9] Si quis pratum alienum seca-uerit, opera sua perdat;

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[10] Si quis prato alieno secauerit, opera sua perdat;

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[10] Si quis prato alieno secauerit, opera sua perdat;

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(°) opera.

[9] Si quis pratum alienum seca-ierit, opera sua perdat;

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[19] Si quis pratum alienum seca-uerit, ope (*) sua perdat, insuper et sol. xv culp. iud.

CODD. 7, 8, 9.	COD. 10.	LEX EMEND.	OBSERVATT.
[2] Si quis petica (*) de caballo furauerit, mal leodardi (*), [sunt den. CXX qui fac.] sol. [III] (*) cul p. iud. (*) pedica, o.BH. (*) leudardo, & (*) the number of sol it manting in 2, but not in the other codd.; IIII, C.	2 Si quis uero pedicam de caballo furanerit et ei fuerit adprobatum, malb. leu dardi, cxx den. qui fac. sol. 111 culp. iud.	[4] Si quis pedicam de caballis furauerit, CXX din. qui fac. sol. III culp. iud. (*)	Cf. L. Sal. 81. 1; Gund. 4. 6.
•	8 Si uero ipsi caballi perierint, capitale in locum restituat.	[5] Si caballi ipsi perierint, capitale in locum restituat.	Cf. Waitz, 197.
			This \(\frac{1}{2}\) has been separated from the following \(\frac{1}{2}\), because it is not equivalent to it, though the fines are the same. It probably = the last \(\frac{1}{2}\) of iit. 9, where all the codd. have, indeed, a fine of 1200 den. (= 30 sol.), but where the gloss \(\text{less less days is in codd. 2, 7-10 indicates that a fine of 15 sol. was intended. Waits (A. R. 13) considers the \(\frac{1}{2}\) to have arisen from the author of the MS. having misunderstood his model-text.
XXXVIII. [SI Q <i>UIS</i> MESSRM ALIENA METIT] (*).	•		Cf. L. Sal. 88; Baj. 13, 6-8.
[1] Si quis messem (b) alienam (c) in furtu (d) metere (c) presumpserit (l), mal (e), [sunf den. DC qui fac.] sol. XV culp. ind. (f) rubric of 9; no rubric in 7.8.B-H. (f) messe, H. (f) aliena, 9.H. (f) furtum furumetri mittere, p.G.; mittere, F. (f) in furum furumetri mittere pres-, B. (f) mal leud, 8; 9 has only mal.	5 Si quis messe aliena in furtum metere pre- sumpserit + aut repascere inuentus fuerit ibidem, malb. leudardi, DC den. qui fac. sol. xv culp. iud. † Si quis messem alienam tripauerit aut mederit.	[6] Si quis messem alienam per furtum(*) metere aut reffare (*) praesumpserit, DC din. qui fac. sol. xv culp. iud. (*) furtu, Q. (*) rinfacere (f), Q; refare, T.V.	
XLI. [Rubrica deest in omnibus]. Si quis in orto alieno (*) in (*) furtu (*) ingressus fuerit, mal leodardi (*), [sunt den. DC qui fac.] sol. xv culp. iud. (*) alienum, 9. (*) in, om. B-H. (*) furtum, 20; furtum causa, B.F.; furti causa, H.; furta causa, G. (*) leu &, 8.	6 Si quis in hortum alienum ad furtum ingressus fuerit, aut in 'napinam uel in fabariam, in pisariam, in lenticulariam, malb. leudardi, DC den. qui fac. sol. xv culp. iud.	[7] Si quis hortum (*) alienum ad furtum faciendum ingressus fuerit, DC din. qui fac. sol. xv culp. ind. (*) (*) ortum, Q.V. (*) this \$ follows after \$ 10 in A.	Cf. L. Sal. 91; Baj. 9. 12; Gund. 25; Ed. Roth. 284; L. Wisig. VIII. 3.
1	91° Si quis in "potus de pomario aut de + pirario diruperit, malb. leudardi, CXX [den.]	[8] Si quis impotos (*) de milario (*) aut de pirario (*) tulerit, cxx din. qui fac. sol. III culp.	
	qui fac. sol. ili culp. iud. † tulerit.	iud. (*) inpotus, H.I.O; impodos, K; impotus, Q. (*) miliario, I; malario, K.N; miliario, G; melario, B.O; mesiario, Q. (†) perario, Q.	
	22 ° Sin in horto fuerit, malb. ortopodun, nc den. qui fac. sol. xv culp. iud.	[9] Si uero in horto (*) fuerint, DC din. qui fac. sol. XV culp. iud. (*) orte, Q.	Cf. L. Sal. 7. R 11 and 12 of
	23° Si quis ° melarium aut pirarium decorti- cauerit, malb. leudardi, cxx den. qui fac. sol. III culp. iud.	[10] Si quis milarium (*) aut pirarium (*) decorticauerit (*), CXX din. qui fac. sol. III culp. iud. (*) meslarium, Q. (*) perticarium, Q. (*) decortigauerit,	Codd. 5, 6 &c.
_	94° Si uero in horto fuerit, Pmalb. ortobaum, DC den. qui fac. sol. xv culp. iud. (For \ 25 see tit. 7).	[11] Si uero in horto (*) fuerint (*), DC din. qui fac. sol. XV culp. iud. (*) orte, Q; orto, V. (*) fuerit, Q. (For } 12 see tit. 7).	
XXXVIII. [3] Si ques in namina (*), in fabaria, in lentiliaria (*) in furtu (*) ingressus (*) fuerit (*), mal leodardi (*), [sssat den. cxx que fac.] sol. III culp. iud. (*) nabina, a. (*) lentiaria, a. (*) furtum, 8.9. (*) egressus, y. (*) S., nabina, faba, lenticula (fabam, lenticulam, G)in agro furamerit, BH. (*) leud, 8.	(Cf. 16).	[13] Si quis in napinam(*), in fabariam(*), in lenticulariam(*) uel in his similia, ad furtum faciendum, ingressus fuerit, cxx din. qui fac. sol. III culp. iud. (*) nabinam, Q. (*) fauariam, Q; most of the MSS. add here: in pissriam. (*) lenticalariam, Q.	Cf. L. Sal. tit. 91.
XXXVIII. [Rubrics deest in omnibus].		<u> </u>	
[1] Si quis de campo alieno (*) lino (*) furauerit et in carro duxerit, mat leodardi (*), [sunt den. M'DCCC qui lac.] sol. XLV culp. ind. (*) alterio, G. (*) lino, om. 8, but it is veritten above the line in a later hand; linum, B-H. (*) leu 6, 8.	7 Si quis +aliquid de campo alieno furauerit, et hoc exinde in carro aut per caballum duxerit, malb. leu dardi, MDCCC den. qui fac. sol. XLV culp. iud. † in campo alieno linum.	[14] Si quis in campo alieno linum (*) furauerit, et hoc in caballo aut in carro duxerit, pc din. qui fac. sol. xv culp. iud. (*) V addr: alienum.	
[2] Si nero tantum presumpserit quantum in dorsum (*) postare (*) postareit (*), [smnt den. de qui tac.] sol. xv culp. ind. (*) dorso, H; dosso, G; &9 and: suum. (*) portare, &9.B-H. (*) potent, F.	8 Si nero tantum priserit quantum in dorso suo portare ualuerit, malb. leudardi, pc den. qui fac. sol. xv culp. iud.	[15] Si uero tantum tulerit quantum in dorsu (*) portare potuerit, cxx din. qui fac. sol. m culp. iud., excepto capitale et delatura (*). (*) dorso, Q. (*) exc. c. e. d., om. Q.	
	99 ° Si quis in agro alieno arborem insertam exciderit, MCC den. qui fac. sol. XX culp. iud.	[16] Si quis in agro alieno arborem insertam exciderit, MCC din. qui fac. sol. XXX culp. ind.	
XL. [Rubrica deest in omnibus.]			Cf. Sept. Caus 1. 4; Ed.
[1] Si quis pratum (*) alienum secauerit (*), opera sua perdat et insuper (*) [suns den. DC qui fac.] sol. xv culs (4) iud. (4); (*) pradum, 9. (*) seguerit, 9. (*) insuper, om. B-H. (*) coaponat, B-H.	Si quis pratum alienum secauerit, + operam suam perdat, et insuper sol. xv culp. iud.; † laborem.	[20] Si quis pratum alienum secauerit (*), laborem suum perdat, et insuper DC din. qui fac. sol. xv culp. iud. (*) segauerit, Q.	Roth. 356.
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GOD. 1.	COD. 2.	COD. 3.	сор. 4.	CODD. 6 & 5.
et si fenum exinde ad domum suam duxerit et discaregauerit, excapio capitale et dilatura, MDCCC din. qui fac. sol. XLV culp. iud.	et si exinde ad domo sua duxerit fenum et discargaucrit, et ei fuerit adprobatum, malb leodardi, sunt din. Mocco fac. sol. XLV, excepto capitale et dilatura.	et si ex fenum secauerit in furtu duxerit et discauerit, sol. xxxv culp. iud.	et si exinde ad domum suam duxerit et discargauerit, MOCCC den. qui fac. sol. XLV culp.	Et si exinde fenum ille (*) ad domum suam in carro duxerit et discarca- uerit (*), malb leod*, sunt den. Mocce qui fac. sol. XLV culp. iud. (*) ille, om. 5. (*) discargauerit.
[11] Si uero tantum furauerit quantum in dorsum suum portare potuerit, sol. III culp. iud.	[11] Si uero tanto pruesumserit quantum in dorsum suum porta- uerit, et ei fuerit adprobalum, malb leodardi, sunt din. cxx fac. sol. III culp. iud.	[10] Si uero tantum praesumpserit quantum in dorsum suum portauerit, sol. III culp. iud.		[30] Si uero tantum tantum (*) praeserit (*) quantum in dorso suo portauerit, malb leod*, sunt den. cxx qu' fac. sol. III culp. iud. (*) tantum, om. 5. (*) priserit.
[12] Si quis uinea aliena in furtum uindimiauerit et inuentus fuerit, DC [din.] qui fac. sol. xv culp. iud.	[19] Si quis uiniam aliena in furtum uindimiauerit et inuentus fueret, malb leodarde, sunt din. DC fac. sol. xv culp. iud.	[11] Si quis uineam alienam in furtum uindimiare inuentus fuerit, sol. xv culp. iud.	[11] Si quis uinea aliena in furtum uindemiauerit et inuentus fuerit, DC den. qui fac. sol. xv culp.	[21] Si quis uineam (*) alienam (t) in furtum uendemiauerit (*), malb (led, corr.) leod*, sunt den. De qui fac. sol. XV culp. iud. (*) uinea. (*) uinea. (*) uindemiauerit.
[18] Si uero uino ad domum suam exinde duxerit et discarecauerit, MDCCC [din.] qui fac. sol. XLV culp. iud.	[18] Si uero uinum ad domum suam duxerit, aut in cauallo aut in carro discargauerit, et ei fuerit adprobatum, maib leodardi, sant din. Myccc fac. sol. xLv culp. iud.	[12] Si uero uinum exindo ad domum suam adduxerit et discarica- uerit, excepto capitalia et delatura, sol. XLV culp. iud.	[12] Si exinde uinum ad domum suam duxerit et discargauerit, MOCCC den. qui fac. sol. XLV, excepto capitals et dilatura, culp.	Et si exinde uinum in carro ad domum suam adduxerit (4), malb leo d*, sunt den. Moccc qui fac. sol. xLv culp. iud., [excepto capitale et dilatura]. (4) duxerit et discargauerit.
[14] De messibus uero simile condictione conuenit observare.	[14] De missibus uero simul observandum est.	De messibus uero similiter obser- uandum est.	[13] De messibus uero similiter observandum est.	[39] Do messibus uero similiter observandum est.
		·		[28] Si quis uero clausuram alienam deruperit, malb orbis uia lazina, sol. [xv] (*) culp. iud. (*) supplied from cod. 5; in cod. 6 space is Us open for the amount of the fine after sol.
[15] Si quis in siluam materium alterius concapulauerit aut incenderit, DC din. qui fac. sol. xv culp. iud.	[15] Si quis in silua materium alienum capolauerit aut incideret, cui fueret adprobatum, malb leodardi, sunt din. DC fac. sol. xv culs. iud.	[18] Si quis in siluam materium alienum incenderit aut cappulauerit, sol. xv culp. iud.	[14] Si quis in silua materium alienum incenderit aut concapula- uerit, DC den. qui fac. sol. XV culp.	[24] Si quis in silua materium alienum incenderit (*) aut capula- uerit (*), malb leod *, sunt den. DC qui fac. sol. xv culp. iud. (*) incendiderit. (*) capolauerit.
[16] Si quis materium alienum ex une parte dolare praesumpserit, cxx din. qui fac. sol. III culp. iud.	[18] Si uero materio ex una parte dolato in furtum præsumpserit, CXX din. fac. sol. III culp. iud.	[14] Si uero materio ex una parte dolato in furtu priserit, sol. III culp. iud.	[15] Si uero materium ex huna parte dolatum in furtum praesump- serit, cxx den. qui fac. soli 111 culp.	[25] Si quis materium ex una parte dolatum furauerit, malb leod*, sunt den. cxx qui fac. sol. III culp. iud.
[17] Si quis ligna aliena in silua aliena furauerit, sol. III culp. iud.		[15] Si quis ligna alterius in silua furauerit, sol. III culp. iud.	[16] Si quis ligna in silua aliena furauerit, MDCCC den. qui fac. sol. XLV culp.	
[18] Si quis arborem post annum quod fuit signatus praesumpserit, nullam habeat culpa.	[17] Si quis arbore post anno signatum praesumpserit, nullam abiam culpam.		,	[38] Si quis in siluam (*) fustem signauerit et non capulauerit (*), si uero post anno quod fuerit signatus qui eum preserit (*) nullam habeat culpam. (*) silua. (*) capolauerit. (*) priserit. Et si infra annum(4) ipso capulauerit, malb leod*, sol. III culp. iud. (4) anno.
[19] Si quis retem ad anguillas de flumen furauerit, mai obtobbo, hoc est MDCCC din. qui fac. sol. XLV culp. iud.	[18] Si quis retem ad anquilas de flumen furauerit, cui fuerit adprobatum, malb obtubbo, sunt din. MDCCC fac. sol. XLV culp. iud., excepto capitale [et] dilatura.	[16] Si quis retem ad anguilas de fluuio furauerit, sol. xLv culp. iud.		[96] Si quis retem(*) anguilaritiam(*) furaueril de fluuio, malb obduplo *, sunt den. MDCCC qui fac. sol. XLV culp. iud. (*) rete. (*) angularicia.
[90] Si quis statuale, tremaclem aut uerteuolum furauerit, mal nascondinar, hoe est DC din. qui fac. sol. xv culp. iud.	[19] Si quis statualem, tremacle aut uerteuelem furauerit et ei fuerit adprobatum, malb nasco dinar, sunt dinarie DC fac. sol. XV culs.	[17] Si quis statuam, tremalem aut uerteuolo de fluuio furauerit, sol. xv culp. iud.	[17] Si quis statua, tremagilo aut uertiuolo de fluuio furauit, DC den. qui fac. sol. xv culp.	[37] Si quis statuam (*) aut trama- culam (*) aut uerticulum (*) de fluuio furauerit, malb nas de *, sunt den. De qui fac. sol. xv culp. iud. (*) staduam. (*) tremaculam. (*) uerte- uolum.
[21] Si quis screona sine clauem effrigerit, mat obdo, hoe est [DC] din. qui tac. sol. xv culp. iud.	[90] Screonas qui sine claue est efregerit, cui fuerit adprobatum, mal pronas an thi so, sunt din. Mocce fac. sol. xxv culs. iud., excepto capitate et dilatura.	[18] Si quis screona sine clauem efrigerit, sol. xv culp. iud.		[20] Si quis escreonam sine claue effregerit, malb obdo , sunt den. DC qui fac. sol. xv culp. iud.
[29] Si quis screona qui clauem habet effrigerit, MOCCC din. qui fac. sol. XLV culp. iud.		[19] Si clauem habuerit, xLv sol. culp. iud.	[18] Si quis screunia qui clauem habet effregerit, MDCCC den. qui fac. sol. XLV culp.	[38] Si quis screonam (*) qui clauem habet effregerit, malb stronis anthedio*, sunt den. MDCCC qui fac. sol. XLV culp. iud. (*) escreonam.
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CODD. 7, 8, 9.	COD. 10.	LEX EMEND.	OBSERVATT.
et si exinde (*) fenum (*) in carro ad (*) domum suam duxerit, [sunt den. MDCCC qui fac.] sol. XLV (*) culp. iud. (h), excepto capitate et delatura (*). (*) exinde foenum, 8; ipsum furtum, G.H; ipsum fructum, B.F. (*) in, G.H. (*) XV, B.H. (*) condamnetur, B; condempetur, F.H; condomerur, G. (*) et del., om. B.	et si ipsum fœnum in carro ⁴ carrauerit et ad domum suam + adduxerit, malb. leu dar di, MDCCC den. qui fac. sol. XLV culp. iud., excepto capitale et delatura. † discurrauerit.	[21] Et si inde fœnum (*) ad domum suam in carro duxerit et discarcauerit, MDCCC din. qui fac. sol. XLV culp. iud., excepto capitale et delatura (*). (*) fenum, Q.T. (*) exc. c. e. d., Q.	
[2] Si uero tantum praesumpserit quantum in dorsum (*) suum portare potuerit (b), [sunt den. (xx qui fac.] sol. III culp. iud. (*) (*) dosso, G; in do. s., om. R.F.H. (b) potest, 9. (*) conponat, B.F.H.	10 Si uero tantum priserit quantum in dorso suo portare potuerit, malb. leudardi, nc den. qui fac. sol. xv culp. iud.	[29] Si uero tantum tulerit quantum in dorsu(*) suo portare potuerit, cxx din. qui fac. sol. III culp. iud., excepto capitale et delatura. (*) dorso, Q.	
XLII. [Rubrica deest in omnibus.]			Cf. L. Sal. 7; Gund. 27. 7-9,
[1] Si quis(*) uineam(*) alienam(*) in furto (4) uindimiauerit(*), mal leodardi(*), [sunt den. DC qui fac.] sol. xv culp. iud. (*) 8 adst: in. (*) uinea, 8; i uhiam, 9. (*) aliena, 8. (4) furtum, 9.B.F.G. (*) uindem-, 8.B.G.H. (*) leud, 8.	11 Si quis uineam alienam in furtum uinde- miauerit, malb. leudardi, DC den. qui fac. sol. xv culp. iud.;	[93] Si quis uineam alienam per furtum uinde- miauerit, DC din. qui fac. sol. xv culp. iud.	103.
[2] Si uero in carro (*) carcauerit (*) et (*) ad domum suam duxerit, [sunt den. MDCCC qui fac.] sol. XLV culp. iud. (*) carra, 8. (*) cargauerit, 8; carrigauerit, 9. (*) carcauerit et, om. B-H.	et si ipse uinum in carro carrauerit et ad domum suam duxerit, et discarrauerit, malb. leudardi, MDCCC den. qui fac. sol. XLV culp. iud.;	[24] Et si inde uinum (*) in carro in domum suam adduxerit et descarcauerit (*), MDCCC din. qui fac. sol. XLV culp. iud., excepto capitale et delatura. (*) ui in carrum suum add. et discarcauerit, Q. (*) Muratori says that the fist. MS. adds: et si in caballo adduxerit XII sol.; et si in dorso VI sol. culp. iud.	
	de messe uero similiter conuenit observare.	[[25] De messibus autem similiter conuenit observare] (*). (*) this § is not in MS. 4418, but in other MSS. of the L. Em.	Cf. L. Sal. 88.
	96° Si quis clausuram alienam ruperit, Dc den. qui fac. sol. xv culp. iud.	[26] Si quis clausuram alienam ruperit (*), DC din. qui fac. sol. XV culp. iud. (*) rapuerit, Q.	Cod. 6 has distinctly lazina.
VIII. [8] Si quis in silua materium alienum capulauerit aut inuolauerit(*) aut incenderit, mal leodardi(b), [sunt den. DC qui fac.] sol. xv culp. iud. (*) furauerit, & R.G.H; aut inuol., om. 9. (b) leudardi, 8.	VIII. 4 Si quis in sylua alterius + materiam aut ligna furauerit, aut incenderit uel 4 concapulauerit, aut ingua alterius furauerit, DC den. culp. iud., qui fac. sol. xv. excepto capitale et delatura. materiam.	VIII. 4 Si quis in silua alterius matriamen furatus fuerit, aut incenderit uel concapulauerit, aut ligna alterius furauerit, DC din. qui fac. sol. xv culp. iud., excepto capitale et delatura.	Cf. L. Sal. 84; Ed. Roth. 281-283; L. Gund. 28; Alf. 12.
	97° Si quis materiam de una parte dolatam furauerit, malb. leudardi, cxx den. qui fac. sol. III culp. iud.	[28] Si quis materiamen (*) de una parte dolatum furauerit, cxx din. qui fac. sol. III culp. iud. (*) matriamen, Q.	
VIII. [4] Si quis in silua alterius ligna fura- ucrit (*), mat leodardi, [suns den. De qui fac.] sol. xv culp. iud. (*) involueret, 9.	(See above } 12 and tit. 8 } 4).	(See above § 27 and tit. 8 § 4).	
	98° Si quis + arborem post annum quam fuerit signata priserit, nullam exinde habeat culpam; † Si quis in sylua fustem signauerit et non capulauerit si uero post annum.	[88] Si quis arborem post annum quam (*) fuerit signata (*) capulare præsumpserit, nullam exinde habeat culpam. (*) quod, Q. (*) signatus, Q.	Cf. Ed. Roth. 238, 239.
	si quis infra annum eam capulauerit, cxx den. qui fac. sol. III culp. iud.	[30] Si infra annum quis eam (*) capulauerit, cxx din. qui fac. sol. III culp. iud.	
XLIII. [DE RETIBUS] (*). [1] Si quis ritem (*) ab (*) anguilas (*) de flam (*) furanerit, mal obdubas (*), [sumf den. MDCCC qui fac.] sol. XLV (*) culp. ind. (*) rubric in 8 outp. (*) retem, 8.9.B-H. (*) ad, 8.B.G.H; de, 9. (*) anguilis, 8; anguilis, 9; anguilis, 81.G.H; ab ang., om. F. (*) so in 7; flumine, 8.G.H; flumen, B.F; de fl., om. 9. (*) obdub, 8; obdubus, 9. (*) 8 har atto XLV sol., and not XV as read by Pardessus.	18 Si +quis rete+ ad anguillas de flumine inuolauerit, malb. ob dopus, DC den. qui fac. sol. xv culp. iud. † ad anguillas caplendas.	[31] Si quis rete ad anguillas capiendas de flumine furauerit, MDCCC din. qui fac. sol. XLV culp. iud.	Cf. L. Sal. 81. 1. The contraction of the gloss in 9 has been extended, as the; which is found in the MS. would be likely to create confusion.
[2] Si quis statuam aut trimaclem (*) uel uerte nollo (b) de flumen (*) furauerit, mai narcus taxaca(4), [suni den. DC qui fac.] sol. xv cul p. iud. (*) trammaclem, 8; trimaclem, B.F.H; tremaglem, G. (*) ueruulol, 8; uertuolo, 9; uerteuolo, 13-H (*) flumine, 8.B-H. (*) naschus taxaca, 8; nachus taxaca, 8;	14 Si quis "statuam aut + tremagolum uels uertebolum de fiumine furauerit, malb. "nastthus, texacha, DC den. qui fac. sol. xv culp. iud. tremaclum.	[32] Si quis statuam (*) aut tremachlum (*) uel uertiuolum de flumine furauerit, Dc din. qui fac. sol. xv culp. iud. (*) stratuam, V. lam, E; tremalicum, O; tramagulam, Q.	·
	16 Si quis screona sine claue fregerit, malb. 1 obdon, nc den. qui fac. sol. xv culp. iud.	[35] Si uero (*) screonam (*) quae (*) sine claue est effringerit (4), DC din. qui fac. sol. xv culp. iud. (*) quis, Q. (*) chreonanam, A. (*) qui, Q. (4) infrangerit, A; chrangerit, I; effregerit, Q.	Cf. L. Fris. (Add. Sap.) 1. 3.
XLIIII. [DE SCREONIS EFFRACTIS](*).	·		
[1] Si quis screonam(b) qui clauem habet efrigerit (c), mal strona antidio (d), [suns den. MDCCC qui fac.] sol. XLV (c) culp. iud. (c) rubric in 8 and, (c) escreona, 8; screona (screona, B) clauem habentem effreg., B.H. (f) effrigerit, 8; infregerit, 9; B.H. add: et aliquid (explude furaverit (c) estrona anthedio, 8; strona anthidio, 9.	15 Si quis screona! qui clauem habet infre- gerit, malb. nasche streonas anthedi, moccc den. qui fac. sol. XLV culp. iud.	[33] Si quis screonam (*) quae (*) clauem habet effregerit et aliquid furauerit, MDCCC(*) din. qui fac. sol. XLV culp. iud. (*) schreonam, I; screonam, E; screona, O. (*) qui, O; qui nauem qui clauem h., Q. (*) DC, I.	
(*) sol. xv, B.	160	161	162

GOD. 1.	COD. 2.	COD. 8.	COD. 4.	CODD. 6 & 5.
				Et si exinde nihil tulerit, malb leod ² , pro sola effractura sol. xv culp. iud.
[98] Si quis campo alieno arauerit extra consilium domini sui, sol. xv culp. iud.	[21] Si quis campum alienum arauerit et non semenauerit, mai leodardi, sant din. DC fac. sol. xv culs. iud.	arauerit et non seminauerit, sol. xv		[17] Si quis campum (*) alienum (*) arauerit aut (*) non seminauerit, maib leod*, sund den. DC qui fac. sol. xv culp. iud. (*) campo. (*) alieno. (*) et.
[94] Si quis uero eum seminauerit, mal o ueppo andrepa, hec est MDCCC din. qui tac. sol. XLV culp. iud.	[39] Si quis campo alieno arauerit et semenauerit, hoc her paande escrippas, din. MDCCC fac. sol. XLV culp. iud.	uerit et seminauerit, sol. XLV culp.	[19] Si quis campo alieno arauerit et seminauerit, MDCCC den. qui fac. sol. XLV culp.	[[16] Si quis campum alienum arauerit nel seminauerit, sol. XLV culp. iud.](*) (*) This i occurs in 5 only.
				[18] Si quis aratro de campo alieno ante ostauerit aut iactauerit aut (*) testauerit, malb au uerphe*, samt den. DC qui fac. sol. XV culp. iud. (*) uel.
[25] Si quis cum seruo alieno aliquid negutiauerit, hoc est nesciente domino, DC din. qui fac. sol. xv culp. iud.	[28] Si quis cum seruum allienum aliquid neguciauerit, nesciens domino suo. Mal theo lasina, sunt din. De fac. sol. xv culp. iud.	aliquid negotiauerit, sol. xv culp.	[90] Si quis cum seruo alieno negociauerit, DC den. qui fac. sol. xv culp.	[80] Si quis cum seruo alieno sine consilio domini sui aliquid negociaucrit, malb theolasina*, sunt den. DC qui fac. sol. XV culp. iud.
				[31] Si quis mulierem brachilem(*) trauerit, malb subto*, sunt cxx den. qui fac. sol. III culp. iud. (*) bracilem.
				[39] Si quis casam alienam sine consilium (*) domini sui traxerit, malb alachis cido*, MCC den. qui fac. sol. xxx culp. iud. (*) consilio.
XXVIII. DE ELOCATIONIBUS.	CIONÍBUS IN FURTUM.	XXVIII. DE ELOGATIONIBUS.	XXVIII. DE ELOGATIONIBUS.	
[1] Si quis in furtum alium loca- uerit, cui fuerit adprobatum, maî theolosina, hoc est MMD din. qui fac. sol. LXIII culp. iud.	[1] In furtum alliquid elogare un- lucrit, cui fuerit adprobatum, malb morter, sunt din. MMD fac. sol. LXII culp. iud. (*) The number XXVII has been employed twice in the MS.: consequently all follow- ing titul are numbered wrongly by one in the MS.	[1] Si quir in furtum aliquid elocare uoluerit, cui fuerit adprobatum, sol. LXII culp. iud.	[1] Si quis in furtum aliquid elogare uoluerit et non fecerit, cui fuerit adprobatum, MMD den. qui fac. sol. LXII culp.	[1] Si quis in furtum alique (*) wlocare (*) uoluerit et non fecerit (4), ut hominem interficiat et pretium ab (*) hoc acciperit, et non fecerit, cui fuerit adprobatum, maib seulandefa*, sunt den. MMD qui fac. sol. LXIIS culp. iud. (*) elocationibus. (*) aliquem. (*) elocare. (*) et non fec., om. 5. (*) ob.
[2] Si quis in furtum elocatur	[9] Si quis furtum elogatum,	[9] Si qs:is in furtu elocatus,	[9] Si quis in furtum, accepto	[2] Si quis in furtum elocatum,
hominem occidere uoluerit et ei fuerit adprobatum, MMO din. qui fac. sol. LXIII culp. iud.	acceptum praecio, homino hocciderit et ei fuerit adprobatum, malb morter, sumf din. MD fac. sol. LXII culp. iud.	accepto pretio, hominem occidere uoluerit, cui fuerit adprobatum, sol. LXII culp. iud.	przecio, hominem hoccidere uoluerit et non fecerit, et ei fuerit adpro- batum, MND den. qui fac. sol. LXII culp.	pretium (*) acceptum (*), hominem occidere uoluerit et non fecerit, math seulandefa*, smrt den. MMD qui fac. sol. LXII5 culp. iud. (*) accepto pretio.
[8] Si uero per tertio hominem elocatio ipsa transmissa fuerit, et ipse ingenuus, hac si dans, accipiens et portans, sol. LXIII singuli eorum culpabiles iudicentur.	[8] Si uero pro tertio homine elogacio ipsa fuerit transmissa, si adprobatus fuerit, malb morter, sunt din MMD fac. sol. LXII culf. iud.; hat sic dans, accipiens et portans, sexsagenus binus simis sol. culf. iud.	tans, LXII solidos singuli eorum cul-	[3] Si quis post tertio elogatio ipsa fuerit transmissa, MND den qui fac. sol. LXII culp. Hoc sic dans, haccipiens, LXII semis singuli eorum culp.	[8] Si uero past tertia elocatione(*) ipsa transmissa fuerit, MMD [den.] qui fac. sol. LXII; culp. iud. Illo- rum (*) culpabilis iudicetur quisque accipiens sic dans (*). (*) elocatio. (*) sic dans, accipiens, por- tans quisque illorum culs iud.
	·			
XXVIIII. DE DIBILITATIBUS.	[XXVIIII] XXVIII. DE DIBI- LICTACIONIBUS.	XXVIIII. DE DEBILITATIBVS.	XXVIIII. DE DEBILITATIBUS.	XXVIIII. DE DEBILITATI- BUS(*).
[1] Si quis alterum manum uel pedem debilitauerit, aut oculum uel nasum amputauerit, IIIIM din. qui fac. sol. c culp. iud.	[1] Si quis alterum manum, pedem uel oculum eiecerit aut excusseret, nasim ampotauerit, cui fuerit adprobatum, malb sicti, sumé din. IIIIM fac. sol. c culé. iud.	[1] Si quis alteri manum, pedem uel oculum eicerit, aut auriculam uel nasum amputauerit, sol. c eulp. iud.	[1] Si quis alterum manum, pede, hoculum aut auriculam uel nasum amputauerit, IIIIM den. qui fac. sol. c culp.	[1] Si quis alteri manum aut pedem uel oculum eiecerit, aut auriculam uel nasum amputauerit, malb sectie, sant den. IHIM qui fac. sol. c culp. iud.
163	164	165	166	167

CODD. 7, 8, 9.	COD. 10.	LEX EMEND.	OBSERVATT.
[2] Si uero de screona clauem efrigerit (*) et nihil exinde tullerit (*), mal leodardi (*), [sun! den. DC que fac.] sol. xv culs. iud. (*) effrigerit, 8; infregeret, 0; S. u. clau. ibidem effregerit, BH. (*) tulerit, B.F.H. (*) leu d, 8. XLV. [DE EO QUI ALTERIUS CAMPO	17 Si uero de screona clauem fregerit et nihil exinde tulerit, malb. leudardi, oc den. qui fac. sol. xv culp. iud., pro sola effractura.	[84] Et si inde nihil tulerit, pro sola effractura nc din. qui fac. sol. xv culp. iud.	
ARAUERIT](4). [1] Si quis campo (b) alieno (c) arauerit, mat leodardi (4), [DC den. qui fac.] sol. xv culp. iud. (c) (f) Rubric in 8 only. (h) campum, R.G.H. (f) alienum, B.G.H. (4) leu G. 8. (f) this \$follows after \$2\$ in 8; it is not in \$F\$	18 Si quis campum alienum arauerit et non seminauerit, malb. leudardi, DC den. qui fac. sol. XV culp. iud.	[18] Si uero tantum arauerit et non semina- uerit, pc din. qui fac. sol. xv culp. iud.	
[2] Si quis campo alieno erauerit (*) et seme- nauerit (*), mai obrebus andappus (*), [suns den. MCC qui sac.] sol. KXX culs. iud. (*) arauerit. 80; Si uero ar et semin-, B.G.H. (*) semi- nauerit, 8; et sem., om. F. (*) obrebus andappus, 8.	19 Si quis in campo alieno arauerit et seminauerit, malb. obreppus, MCC den. qui fac. sol. XXX culp. iud.	[17] Si quis campum alienum arauerit et semi- nauerit, MDCCC din. qui fac. sol. XLV culp. iud.	Cf. Ed. Roth. 354, 355. Codd. 7 and 9 have obreb; To prevent misunderstanding this contraction has been extended.
[8] Si quis arratrum (*) cum aratore (*) de campo alieno ostauerit (*) aut iactauerit (*), maf cu u a erso (*), [De den qui fac.] sol. Xv culp, ind. (*) aratrum, 8; aratro, 9, (*) arratore, 9; S. q. aratorem cum aratro, BH. (*) uetauerit, BH. (*) iectauerit, 9; iestauerit, G. (*) chuuarso, 8; chucarso, 9.	90 Si quis uero +de campo alieno aratrum manteortauerit aut iactauerit, malb. anhu- ner bo, Dc den. qui fac. sol. xv culp. iud. † aratrum in campum alienum intrare prohibuerit, uel arantew foras uastauerit.	[19] Si quis aratrum(*) in campum alienum intrare prohibuerit uel arantem foras(*) iactauerit uel testauerit, pc din. qui fac. sol. xv culp. iud. (*) aratum, Q. (*) foris, Q.	
The corresponding # of Codd. 5-10 Cf. also the last # of tit. 40.	will be found under tit. 10.	[36] Si quis cum seruo alieno sine consensu domini sui aliquid negotiauerit, DC din. qui fac. sol. xv culp. iud.	Cf. L. Sal. 86; Rip. 74; Wisig.
	80° Si quis mulieri 9 brachiale furauerit, malb. subtho, cxx den. qui fac. sol. III culp. iud.	[87] Si quis mulieri brachile (*) furauerit, cxx din. qui fac. sol. III culp. iud. (*) muliere bracile, O.	
	81 * Si quis per casam alienam siue (Leg. sine) permissu + possessoris * traxerit, malb. ala chescido, MCC den. qui fac. sol. XXX culp. iud. † domini sui.	[88] Si quis (*) casam alienam sine permissu possessoris traxerit, MCC din. qui fac. sol. XXX culp. iud. (*) (*) T.V add: per. (*) Q adds: excepto capitale et delatura.	
XLVI. DE OBLIGATIONIBUS (*).	XXXI. De Elocationibus.	XXX. DE LOCATIONIBUS.	Cf. Ed. Roth. 10, 12; L. Fris. 2; Wisig. VI. 2; Aeth. 18; Inc.
[1] Si quis aliquid (*) in furtum (*) hominem locauerit (*) ut alium (*) interficiet (*), mal tua (s), [sumf den. MMD qui fac.] sol. LKIIs (*) culp. iud. (*) elogationibus, & 0; no rubric in B - H. (*) aliquis, F.G. (*) in f., om. B. (*) logauerit, 0. (*) alienum, F. (*) interficial, & B - H. (*) The glass in 8 and 9 is the same as in 7. (*) XLIIS, B.	2º Si quis in furtum aliquem elocare uoluerit ut hominem intercipiat et præcium ab hoc acceperit, et non fecerit, cui fuerit adprobatum, malb. è seu lando efa, MMD den. qui fac. sol. LXII et dimid. culp. iud.	[1] Si quis furtim (*) aliquem (*) locauerit ut hominem interficiat, et pretium propter (*) hoc acceperit (*) et non fecerit, MMD din. qui fac. sol. LXII cum dimidio culp. iud. (*) in furtum, Q. (*) aliquid, V. (*) pro, V. (*) acciperit, V.	20; Alf. 4, 19; App. xx. 40; Henr. 85, 87.
	1 Si quis in furtum aliquem locare uolucrit, ut hominem interficiat +ct inde pretium accipiat, malb. *auuena, IIIM den. qui fac. sol. c culp. iud. † elocare.		
	4° Si quis in furtum elocatum, acceptum præ- tium, hominem occidere uoluerit et nom fecerit, mal. seulando efa, mmp den. qui fac. sol. exil cum dimid. culp. iud. 3° Similiter et ille qui prætium accepit ut hominem occideret, mmp den. qui fac. sol. exil et dimidium culp. iud.	[2] Similiter et ille qui pretium accepit ut hominem occiderit, mmp din. qui fac. sol. LXII cum dimidio culp. iud.	Cf. Sept. Caus. IV. 6.
[2] Si quis ut (*) dans (*), accipiens et (*) portans (*), [sunt den. MMD qui fac.] sol. LXIIs (*) unusquisque (*) illorum conponat (*). (*) aut. B - H. (*) B - H add: aut. (*) aut. B - H. (*) B - H add: similiter. (*) XLIIS, B; XLIII, F. (*) unusquis, B.F; unus, G. (**) culp. lud., 8	5° Si uero per tertium locatio ipsa fuerit transmissa, mmp den. qui fac. sol. LXII et dimid. culp. iud. unusquisque illorum, scilicet dans, accipiens et portans.	[8] Si uero per tertium locatio (*) ipsa fuerit transmissa, MMD din. qui fac. sol. LXII cum dimidio culp. iud. Sic dans, accipiens, portans, unusquisque illorum culp. iud. (*) locuto, V.	
	•		
XLVII. DE DIBELITIBUS(*).	XXXII. De Debilitatibus.	XXXI. DE DEBILITATIBUS.	Cf. Sept. Caus. III, IV, V. 5; L. Rip. 5, 6; Pact. Al. I. II; L. Al. 59-66; Baj. 4. I-6. 9-16. 27,
(Texts 7-9 give in } 9-11 the provisions of } 1 of the other texts).	(Cf. the note to \(\frac{1}{2}\) which is equivalent to \(\frac{1}{2}\) r of the other texts).	[1] Si quis alteri manum aut pedem trunca- uerit, uel oculum effodierit, aut auriculam uel nasum amputauerit, IVM din. qui fac. sol. c culp. iud.	Al. 50-66; Baj. 4. 1-6. 9-16. 27, 5. 1-8, 6; Gund. 11, 26; Sax. II. 1-13; Thur. 4-24; Ed. Roth. 43-128, 384; L. Fris. 22, Add. Sap. II., III, Jud. Wul.; Wisig. VI. 4; Cham. 20-23; Aeth. 32 ff., 87; Alf. 44-77; Wil. I. 10, 11, 19; App. xx. 20-39; Henr. 93, 94; Waitz, p. 189.
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COD. 1.	COD. 2.	COD. 8.	COD. 4.	GODD. 6 & 5.
[2] Si cui uero manus ipsa man- cata ibi pendiderit, mal chaminus, hoc est MMD din. qui fac. sol. LXIII culp. iud.		[9] Si uero manus ipsa ibidem manca penderit, sol. LxII culp. iud.	[2] Si uero manus ipsa emancada penderit, MMD den. qui fac. sol. LXV culp.	[3] Si uero manum (*) capulauerit et ipsa manca super eum pependerit, malb chaminis*, sunt den. M DCCC qui fac. sol. XLV culp. iud. (*) manu.
				[8] Et si ipsa manus perexcisa (*) fuerit, malb secthe *, sunt den. MMD qui fac. sol. LXIIS culp. iud. (*) perexcussa.
[3] Si quis de manum uel pedem policem excusserit, mal alatham, hoc est um din. qui fac. sol. L culp. iud.	[2] Si quis policare de manum uel pedem excusserit, cui fueril adprobatum, malb al a tham o, sunt din. ILM fac. sol. L culp. iud.	[3] Si quis pollecarem de manu uel pede excusserit, sol. LXV culp. iud.	[8] Si quis policem de manum uel pede excusserit, MDCCC den. qui fac. sol. XLV culp.	[4] Si quis pulcarem(*) de manu(*) uel pede (*) excusserit, malb athlatā*, sunt den. MDCCC qui fac. [sol.] XLV culp. iud. (*) polecare. (*) manum uel de pedem.
[4] Si ibidem ipse polix mancatus pependerit, MCC din. qui fac. sol. xxx culp. iud.	[3] Si uero ibidem mancatus fuerit, malb alathamo, sunt din. Mcccc fac. sol. xxxv culp. iud.	[4] Si uero ibidem pendiderit mancatus, sol. xxx culp. iud.	[4] Si uero esmancatus penderit, Mcccc den. qui fac sol. xxxv culp.	[8] Si uero ipse (*) policis man- catis (*) pependerit, malb ablatā chaminis*, sunt den. Mcc qui fac. sol. xxx culp. iud. (*) ipsa polacis mancatus,
[5] Si uero se[cun]dum digito, id est unde sagittatur, excusserit, MCCCC din. qui fac. sol. xxxv culp. iud.	[4] Si secundo uero digitum, id est unde sagittatur, excusserit, malb alathamo, sunt din. Mcccc fac. sol. xxxv culp. iud.	sagittatur excusserit, sol. xxxv culp.	[5] Si secundo uero digito, id est quidem sagittator, excusserit, Mcccc den. qui fac. sol. xxxv culp.	[6] Secundum uero digitum(*) unde sagittatur sagitta excusserit (*), malb ablatam biorotro*, sunt den. Mcccc qui fac. sol. xxxv culp. iud. (*) add: id est. (*) excutent.
[6] Sequentes uero digitis, id est tres si pariter in unum iectum in- ciderit, sol. L culp. iud.		[6] Sequentes uero digiti, hoc est si tres pariter in uno ictu excusserit, sol. xL culp. iud.	[9] Si uero tres digitos in hunum hictum excusserit, MDCCC den. qui fac. sol. XLV culp.	[7] Sequentes uero digitos, id est tres si pariter in uno hictu (*) excusserit, malb chaminis *, sunt den. Mocce qui fac. sol. XLV culp. iud. (*) isto.
[7] Si duos excusserit, sol. xxxv culp. iud.		[7] Si duos xxxv,		į
[8] Si uero unum inciderit, sol. xxx culp. iud.		si uno xxx sol. culp. iud.		
			[6] Sequenti uero digito excusserit, pc den. qui fac. sol. xv culp.	[8] Et si unum medianum (*) ex- cusserit, malb daphanu *, sol. xv culp- iud. (*) mediantur.
			[7] Quarto uero digito qui excussus fuerit, sol. VIIII culp.	[9] Si uero quattuor(*) digitos(*) excusserit, malb melachano*, sol. xv culp. iud. (*) quarto digito.
			[8] Minimo digito qui excussus fuerit, pc den. qui fac. sol. xy culp.	[10] Si uero minimus digitus ex- cusserit (*), malb mineclino*, sol. xv culp. iud. (*) excussus fuerit.
				[11] Si uero pedes capulatus fuerit et bidem mancatus fuerit (*), [malb] (*) chuldeclina chamina"; sunf den. MDCCC qui fac. sol. XIV culp. ind. (*) (*) tunuerit. (*) malb, om. 6. (*) culp. ind., om. 5.
				[19] Si uero pedes excusserit (*), malb childeclina sictae *, sunt den. [MMD] qui fac. sol. LXIIs culp. iud. (*) S. u. ipse pedis excussus fuerit.
				[18] Si quis alterum oculum quis euellerit, malb inchabina, sol. LXII; culp. iud.
				[14] Si nasum exciserit(*), malb frasito*, sun/ den. MDCCC qui fac. sol. XLV culp. ind. (*) excusserit.
				[15] Si auriculam excusserit, malb chanodeora*, sol. xv culp. iud.
				[16] Si linguam alteri (*) capula- uerit (*) et (*) loqui non possit, malb achaltea *, sol. c culp. iud. (*) alterum. (*) capolauerit. (*) ut.
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GODD. 7, 8, 9.	COD. 10.	LEX EMÊND.	OBSERVATT.
[1] Si quis alterum manum capolauerit (b) unde homo mancus est (s), et ipsa manus super eum pendat (4), mal secti (s), sol. LXV (f) culs. iud. (†) dibilitatibus, 8,9; no rubric in BH. (b) capul, 8,0 (f) sit, 8,9 (f) pendit, 9; S. q. manu alterius capul, unde manois femanais, B) sit et ipsa manus bidem pendat (pendit, F. G. sol. &c. BH. (f) the gloss is the same in 7,8,0, (h) six CC den. qui fac. sol. XIV, 8; sol. XIV, 9, BC. H; (h)	1 Si quis alterum manu aut pede capolauerit de manu capolata, unde homo mancus est, et ipsa manus super eum pendit, malb. *sichte, mmD den. qui fac. sol. LXII et dimidium, culp. iud. † § Si quis altri manum aut pedem truncauerit, uel oculum effoderit, aut auriculam uel nasum amputauerit, IIIIM den. qui fac. sol. C culp. iud.	[9] Si uero manus ipsa ibidem mancata (*) pependerit, mucco din. qui fac. sol. xxv culp. iud. (*) manucata, Q.	Cf. Sept. Caus. IV. 5. Cf. the first part of the note to \(\frac{1}{2}\) in Cod. 10, which properly-belongs to this \(\frac{1}{2}\).
sol. xv. F. [3] Si uero ipsa (*) excusserit, mai cramere (*), [IIIIM den. qui fac.] sol. c culø. iud. (*) ipsam, B-H. (*) chramere, 8.	Si uero ipsa manus super excussa fuerit, malb. chamin, IIIM den. qui fac. sol. c culp. iud.† † Si uero manısı ipsa ibidesı pependerit, malb. chaminis, MDCCC [den.] qui fac. sol. XLV culp. lud.; si manus ipsa perexcussa fuerit, malb. sochte, MMD den. qui fac. sol. LXII et dimidium culp. iud.	[8] Si manus ipsa perexcussa (*) fuerit, MMD din. qui fac. sol. LXII cum dimidio culp. iud. (*) percussa, Q.	Cf. Sept. Caus. v. 5. Of the note in Cod. 10, the second part alone belongs to this §.
[3] Si police(*) de manu (*) capolauerit (*), mai chra mire (*), [MDCCC den. qui fac.] sol. XIV culp. iud. (*) pollicem, B; policem, G. (*) mano, g; de manu, om. B-H. (*) capul, 8g, B-H. (*) chra mine, g.	8 Si quis pollicems de manu uel pede excus- serit, malb. ⁵ alachtä, MDCCC den. qui fac. sol. xLV culp. iud.;	[4] Si quis pollicem (*) de manu uel pede (*) excusserit, MDCCC din. qui fac. sol. XLV culp. iud. (*) pollcem, Q. (*) de pedem, Q.	Cf. Sept. Caus. III. 5. The gloss in 8 is the same as in 7, though we may, with Merkel, read diramire; in 9 also diramine may be read.
	si uero ipse pollex in ipsa manu mancatus pependerit, malb. *alachtamo chaminis, MCC den. qui fac. sol. XXX culp. iud.	[8] Si uero ipse pollix (*) mancatus (*) pependerit, MCC din. qui fac. sol. XXX culp. iud. (*) polix, Q; pollex, V. (*) Q adds: ibl.	
[4] Si (*) secundum digitum unde sagitta- retur (*) excusserit, mal brioro, [sunt den. MCCC qui fac.] sol. XXXV culp. iud. (*) (*) 9 adds: quis. (*) sagitta trahitur, 8; sagitta trahitur, 9. (*) B-H unite §§ 4 and 5; Si sec. uel tertium unde sagitta trahitur (trahitur, G) excusserit, sol. &c.	4 Si secundum digitum quo sagittatur excusserit, malb. 4 alatham briorodero, Mcccc den. qui fac. sol. xxx culp. iud.	[6] Si secundum digitum, quo(4) sagittatur, excusserit, mcccc din. qui fac. sol. xxxv culp. iud. (*) quod, Q.	Cf. Sopt. Caus. 11. 3.
	5 Si quis alteri tres sequentes digitos pariter uno ictu excusserit, malb. chaminis, MDCCC den. qui fac. sol. XLV culp. iud.	[7] Si quis tres sequentes digitos pariter uno ictu excusserit, MDCCC din. qui fac. sol. XLV culp. iud.	
	·		
[5] Si medianum digitum unde sagittatur excusserit, mai thaphano (*), [MCCCC den. qui fac.] sol. xxxv culp. iud. (7) taphano, 8.	6 Si quis + medianum digitum excusserit, malb.º taphano+, DC den. qui fac. sol. xv culp. iud. † medium. † repphano.	[8] Si quis medium digitum excusserit, DC din. quì fac. sol. xv culp. iud.	Cf. Sept. Caus. 1.6. The gloss in 6 is not quite legible in the MS.; originally there seems to have been taskanu, but a stroke was added, to make either daskanu or thaskanu.
[6] Si quarto (*) digito (*) excusseris (*), mat mclagno (*), sol. xxv culp. iud. (*) quartum, g.B. (*) digitum, g; dig., om. B. (*) excusseri, 8, g. + H. (*) no glass in 9.	7 Si uero quartum digitum excusserit, malb. + f malegano, oc den. qui fac. sol. xv culp. iud. † in elechano.	[9] Si quis quartum digitum (*) excusserit (b), DC din. qui fac. sol. xv culp. iud. (*) quatuor digitos, Q. (b) Q adds: similiter.	·
[7] Si minimus(*) digitus(*) excussus(*) fuerit(*), mai menecleno(*), sol. xv culp, iud. (*) menino, 9; quintum, B-H. (*) digito, gidg-, om. B-H. (*) excussent, 9B-H. (*) meledeno, 8.	8 Si minimus digitus excussus fuerit, malb. s minechleno, Dc den. qui fac. sol. xv culp. iud.	[10] Si minimum (*) excusserit, similiter (*) DC din. qui fac. sol. xv culp. iud. (*) Q adds: digitum. (*) s., om. Q.	Cf. Sept. Caus. 1. 7.
[8] Si uero pedis (*) capulatus fuerit et ibidem mancus teniat (*), mal chudachina chamina, [sunt den. Mocco qui fac.) sol. xtv (*) culp. iud. (*) pedes, 8; pes, B-H. (*) teheat, 8; fu. unde homo mancus teneatur, B-H. (*) xL, 6.	9 Si uero + pes capolatus fuerit, mancus ibidem + tenuerit, malb. b chal de china chamin, MDCCC den. qui fac. sol. XLV culp. iud. † quis pedew alterius capulauerat. † manserit.	[11] Si quis pedem alterius capulauerit et ibidem (*) mancatus remanserit, MDCCC din. qui fac. sol. XLV culp. iud. (*) ibi, Q.T.V.	
[9] Si uero pedis (*) percussus (*) fuerit, mal chudachina (*), [IIIIM den. qui fac.] sol. C culs. iud. (*) pes. 8; p., om. B-H. (*) perexcussus, 8; excussus, B-H. (*) chuladachina, 8; chludachina, 9.	11 Si uero ipse pes excussus fuerit, malb. +chaldachina sichte, mmb dem. qui fac. sol. LXXII cum dimidio culp. iud. † chāna chiora.	[19](*) Si uero ipse perezcussus (*) fuerit (*), MMD din. qui fac. sol. LXII cum dimidio culp. iud. (*) §§ II & 12 occur twice in Q. (*) percusserit, first time; percussus fuerit, second time, in Q.	
[10] Si quis alterium (*) oculus (*) eicerit (*), mal luchauina (4), sol. c̄ (*) culp. iud. (*) alterum, 8,9; alterius, B-H. (*) oculum, 8,9.B-H. (*) ciccerit, 8,6; eiceriet, 9, (*) the gloss in 7 is not sery cicsr in the MS; liaha hauma, 8; licauina, 9, (*) sent den. IIIIM qui fac. sol. C, 8; sol. C, 9.B.F.H; G omits the fine.	19 Si quis alteri oculum + tulerit, malb. klic- lamina, MMD den. qui fac. sol. LXXII et dimi- dium culp. iud. † euellerit.	[18] Si quis alteri(*) oculum euellerit, mad din. qui fac. sol. LKII cum dimidio culp. iud. (*) alterius, Q.	
[11] Si quis alterius (*) nasum aut auriculam (*) excusserit, mai funne chleura (*), [Dc den.	18 Si quis nasum alteri excusserit, malb. 1 frasitto, MDCCC den. qui fac. sol. XLV culp. iud.	[14] Si nasum excusserit (*), MDCCC (b) din. qui fac. sol. XLV (*) culp. ind. (*) excuserit, V. (*) DC dén. qué fac. sol. LXV, Q.	Cf. Sept. Caus. III, 6.
que fac.] sol. XV culp. iud. (*) atterum, p. (*) auricula, p. (*) fune deura (or cleura), 8.	14 Si quis auriculam alteri excusserit, malb. chunni cleura, DC den. qui fac. sol. c culp. iud.	[18] Si auriculam excusserit, DC din. qui fac. sol. xv culp. iud.	Cf. Sept. Caus. II. 6.
[19] Si quis alterius linguam (*) capolauerit (*) unde loquere (*) non possit, mal alchacio (4), sol. c cul s. iud. (*) lingua, 9.B.H. (*) capul., 8.9.B.H. (*) loqui, B.F.G.; eloqui, H. (4) alcheio, IIIIMOC den. qui fac., 8; halachacio, 9.	qui fac, sol, c culp, iud.	[16] Si quis (*) linguam alterius amputauerit ut loqui non possit, IVM din. qui fac. sol. C culp. iud. (*) quis, om. Q.	Cf. Sept. Caus. v. 5.
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COD. 1.	СОД. 2.	COD. 8.	COD. 4.	CODD. 6 & 5.
[9] Si quis hominem ingenuum castrauerit, viii din. qui fac. sol. cc culp. iud.	[5] Si quis uero sequens hominem castrauerit, mai gasferit, sunt din. VIIIM fac. sol. cc culp. iud.	[8] Si quis hominem ingenuum castrauerit, sol. III culp. iud., excepto medico nouem sol.	[10] Si quis hominem ingenuum castrauerit, viille den. qui fac. sol. cc culp.	[17] Si quis'(*) dentem (*) excusserit, maib (laclabia, corr.) laclabia, *, sol. xv culp. iud. (*) quis, om. 5. (*) add: alienam. [18] Si quis hominem castrauerit ingenum, aut uiriculam(*) suam transcapulauerit (*) unde mancussit, maib uuirodarde*, sol. c culp. iud. (*) uirculam. (*) transcapoi. [19] Si uero ad integrum tulerit, [maib] alatharde*, sunf den. VIIIM qui fac. sol. cc culp. iud.
XXX. DE CONUICIIS.	[XXX] XXVIIII. DE CONUI-	[XXX]. DE CONUITIIS.	XXX. DE CONUITIIS.	XXX. DE CONUITIIS.
[1] Si quis alterum cinitum uoca- uerit, sol. III culp. iud.	[1] Si quis alterum cynitum cla- mauerit, pc din. qui fac. sol. xv culs. iud.	[1] Si quis alterum cinitum uoca- uerit, sol. xv culp. iud.	[1] Si quis alterum cinitum uoca- uerit, pc den. qui fac. sol. xv culp.	[1] Si quis alterum cinitum (4) clamauerit, matb quinthac , suns den. Dc qui fac. sol. xv culp. iud. (*) cenkum.
[8] Si quis alterum concatum clamauerit, cxx din. qui fac. sol. 111 culp. iud.	[2] Si quis alterum concagato clamauerit, cxx din. fac. sol. III culs. iud.	[2] Si ques alterum concatum clamauerit, sol. III culp. iud.	[2] Si quis alterum concagatum apellauerit, cxx den. qui fac. sol. III culp.	[3] Si quis alterum concagatum clamauerit, sant den. CXX qui fac. sol. III culp. iud.
[8] Si quis mulierem ingenuam, seu uir, seu mulier, alteram meretrice uocauerit et non potuerit adprobare, MDCCC din. qui fac. sol. XLV culp. iud.	[8] Si quir mulier ingenuam, seo uir, seo mulier, altera meletrice clamauerit et ei non potuerit adprobare, MDCCC din. fac. sol. XLV culp. iud.	tricem clamauerit et non potuerit	[8] Si quis mulierem ingenuam, seu uir, se[u] mulier, altera meretrice clamauerit et non poterit adprobare, MDCCC den. qui fac. sol. XLV culp.	
[4] Si quis alterum uulpe cla- mauerit, sol. 111 culp. iud.	[4] Si quis alterum uulpe cla- mauerit, cxx din. fac. sol. 111 culs. iud.	[8] Si quis alterum uulpem cla- mauerit, sol. III culp. iud.	[4] Si quis alterum uulpiga cla- mauerit, cxx den. qui fac. sol. III culp.	[3] Si quis alterum uulpicula (*) clamauerit, cxx den. qui fac. sol. III culp. iud. (*) uulpe.
[5] Si quis alterum leborem, sol. m.culp. iud.	[5] Si quis alterum lepore clamauerit, DC din. fac. sol. xv culp. iud.			[4] Si quis alterum leporem(1) clamauerit, ccxL den. qui fac. sol. vi culp. iud. (*) lepore.
[6] Si quis alteri reputauerit quod scutum suum iactasset et non potuerit adprobare, cxx din. qui fac. sol. III culp. iud.	[6] Si ques alterum repotauiret quod suum scutum iactassit et non potuerit adprobare, cxx din. fac. sol. III culé. iud.	[6] Si quis alterum inputauerit quod scutum suum iactasset et non potuerit adprobare, sol. III culp. iud.	[6] Si quis altero inputauerit quod scutum suum iactasset et ei non potuerit adprobare, CXX den. qui fac. sol. III culp.	[8] Si quis alterum putauerit (*) quod scutum (*) suum iactasset et non potuerit adprobare, cxx den. qui fac. sol. III culp. iud. (*) inputauerit. (*) escutum.
[7] Si quis alterum dilatorem aut falsatorem clamauerit et non potuerit adprobare, DC din. qui fac. sol. xv culp. iud.	[7] Si quis alterum dilatorem aut falsatorem clamauerit et non potuerit adprobare, pc din. fac. sol. xv culp. iud.	[4] Si quis alterum delatorem aut falsatorem clamauerit et non potuerit adprobare, sol. xv culp. iud.	[5] Si quis alterum deladore aut falsatore clamauerit et non potuerit adprobare, CXL den. qui fac. sol. VII culp.	[6] Si quis alterum delatorem clamauerit et non potuerit adprobare, maib leod , sumi den de qui fac. sol. xv culp. iud.
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XXXI. DE UIA LACINA.	[XXXI] XXX. DE UIA LACINA.	XXXI. DE VIA LACINA.	XXXI. DE UIA LAICINA.	XXXI. DE UIA LAZINA.
[1] Si quis baronem ingenuum de uia sua ostauerit aut inpinxerit, mal uialacina, hoc est pc din. qui fac. sol. xv culp. iud.	[1] SI QUIS barone ingenuum de uia sua ostaueret aut inpinxeret, matb uia lacina, sant din de fac. sol. xv culé. iud.	[1] Si qui barone de uia sua ostauerit aut inpinxerit, sol. xv culp. iud.	[1] Si quis baronem de uia sua ostauerit aut inpinxerit, DC den. qui fac. sol. xv culp. iud.	[1] Si quis baronem de uia sua ostauent aut inpinxerit (*), malb uia lazina*, DC den. qui fac. sol. xv culp. iud. (*) inpincxerit.
[2] Si quis mulierem ingenuam de uia sua ostauerit aut inpinxerit, mat machina, hoe est MDCCC din. qui fac. sol. xLV culp. iud.	[2] Si quis mulierem uiam suam ostauerit aut inpinxerit, malb mallacina, sunt din. Mccc fac. sol. XLV culs. iud.	[2] Si quis mulierem ingenuam de uia sua ostauerit aut inpinxerit, sol. XLV culp. iud.	[2] Si quis mulierem ingenuam de uia sua ostauerit aut inpinxerit, MDCCC den. qui fac. sol. XLV culp.	[2] Si uero (*) muliereme ingenuam (*) de uia sua hostauerit (*) aut inpinxerit, malb orbis uia (latina, corr.) lazina*, sunt den. M DCCC qui fac. sol. XLV culp. iud. (*) add: quis. (*) add: aut puellam. (*) ostauerit.
				[8] Si uia quod ad farinario uadit cluserit(*), malb urbis uialacina*, DC den. qui fac. sol. xv culp. iud. (*) clauserit.
181	182	183	184	185

	GODD. 7, 8, 9.	COD. 10.	LEX EMEND.	OBSERVATT.
	[18] Si quis alterius dentem excusserit, mal inchlauina(*), [Do den qui fac.] sol. xv culp. iud. (*) inchauina, 8; inclauina, 9.	16 Si quis dentem excusserit, malb. °incla- nina, pc den. qui fac. sol. xv culp. iud.	[17] Si quis (*) dentem excusserit, pc din. qui fac. sol. xv culp. iud. (*) quis, om. Q.	The gloss in 6, as corrected by the scribe, is laclabina, not lac- labiam, as read by Pardessus.
	[14] Si quás ingenuos (*) ingenuum (*) castra- uerit, aut uirilia (*) transcapolauerit (4) unde mancus sit (*), mat uuidardi (1), sol. C(s) culs. iud.	17 Si quis ingenuum castrauerit aut uirilia transcapolauerit, unde mancus sit, malb. Puuiradardi, IIIIM den. qui fac. sol. C culp. iud.	[18] Si quis ingenuus ingenuum castrauerit aut uirilia truncauerit ut mancus fiat, IVM din. qui fac. sol. c culp. iud.	Cf. L. Sal. ro4; Sept. Caus. v. 5.
	(*) ingenuus, 8, B – H. (*) ingenuo, 9. (*) uiriliam, 8, B.G; ninculam, 9. (*) transcapul, 8, 9, B – H. (*) unde m. s., om, B – H. (*) no giors in 8. (*) VIIIM den, qui fac, sol, CC, 8.			
	(The fine of Cod. 8 in the preceding 8 properly belongs to this 8, which is wanting in all the codd. of this text).	18 Si uero ad integrum tulerit uirilia, malb. alacharde, viiim den. qui fac. sol. cc culp. iud. (For it 19 & 20 see tit. 104).	[19] Si uero ad integrum tulerit, VIIIM din. qui fac. sol. CC culp. iud.	
		(=== 1, ================================	·	
	XLVIII. DE C <i>ON</i> UICIIS (*).	XXXIII. De Conuitija.	XXXII. DE CONUICIIS.	Cf. L. Sal. 64; Fris. 3. 9.
	[1] Si quis alterum cinido (*) uocauerit, mat quinte (*), [DC den. qui fac.] sol. xv culp. iud. (*) conuitis. AB.H. (*) cinidum, 8; cinitum, B-H. (*) quinthe, 9.	1 Si quis alterum cinitum uocaret, malb. quintuo, DC den. qui fac. sol. xv culp. iud.	[1] Si quis alterum cenitum (*) clamauerit, pc din. qui fac. sol. xv culp. iud. (*) comitum, I; cennitum, Wolf. Aug. 8.	
	[8] Si quis alterum concagato (*) clamauerit, [et non potuerit adprobare, cxx den. qui fac.](b) sol. III culs. [ud. (*) concagatum, 8.9.B-H. (*) the words between [], which are wanting in 7 and 9, have been supplied from 8.	8 Si quis alterum concacatum, aut uulpecu- lam uocauerit, cxx den. qui fac. sol. III culp. iud.	[9] Si quis alterum conchagatum clamauerit, cxx din. qui fac. sol. III culp. iud.	
	[4] Si quis mulier(*) ingenua, seo (*) uero (*), muliere (*) meretricem (*) clamauerit et non potueret (*) adprobare, mal solis trabo (*), [MDCCC den. quis fac.] sol. xiv culp. ind. (*) mulieri, 8. (*) see su eure, 8; se euw uir, 9; aut ulr, B.C. H.; aut ud. F. (*) mulierem, 8.BH. (*) meretrice, 8. (*) - rit, 8.9; poterit, F.H. (*) moglass in 8; sole strabo (or solertrabo), 9.	2 Si quis alterum falsatorem, et mulier alteram mulierem meretricem clamauerit, malb. *extra- bo, DC den. qui fac. sol. xv culp. iud.	[18] Si quæ mulier ingenua, aut uir, mulierem meretricem clamauerit et non poterit adprobare, sol. XLV culp. iud.] (*) (*) Pardessus remarks that this § is not found in any of the MSS. of the L.E., but has been inserted by Pithou, Tillet & Baluze. It is not in Q.T.V. Cl. tit. 64, § 2	
	[5] Si quis alterum uulpiculam (*) clamauerit, [cxx den. qui fac.] sol. III cul.j. iud. (*) (*) uulpicula, 8.9. (*) B-H unite §§ 5 and 6: Si quis alterum uulpiculam aut lepram (leprem, B) clam, sol. &c.	(Cf. ₹ 3).	[3] Si quis alterum uulpiculam (*) clamauerit, cxx din. qui fac. sol. III culp. iud. (*) uulpigolam, I; uulpiculum, G; uelpeculam, H.K.N.	
	[8] Si quis alterum lepore (*) clamauerit, [CXX den. qui lac.] sol. III culp. iud. (*) lepose, 8: lebore, 9.	4 Si quis alterum leporem clamauerit, CCXL den. qui fac. sol. VI culp. iud.	[4] Si quis alterum leporem clamauerit, CCXL din. qui fac. sol. v1 culp. iud.	Cf. Recap. L. Sal. (b) 9.
	, 1	5 Si quis homo ingenuus alio improperauerit quod scutum + suum iactasset et fuga lapsus fuisset, et non potuerit adprobare, malb. daus- trapo, Dc den. qui fac. sol. xv culp. iud. † proiecisset in hoste uel fugiendo præ timore.	[6] Si quis alteri inputauerit quod scutum suum projecisset in hoste (*), uel fugiendo prætimore, cxx din. qui fac. sol. III culp. iud. (*) oste, Q.	
	[3] Si quis alterum falsatorem clamauerit et non potuerit (*) adprobare, mal iscrabo (*), [oc den. qui fac.] sol. xv cul s. iud. (*) poterit, H. (*) ischrabo, 8; hischrabo, 9.	6° Si quis alterum delatorem (°) clamauerit et non potuerit adprobare, malb. leudardi, de den, qui fac. sol. xv culp. iud. (°) For the falsatorem of the other texts, cf. § 2.	[7] Si quis alterum delatorem clamauerit et non potuerit conprobare, DC den. qui fac. sol. xv culp. ind. [8] Si quis alterum falsatorem clamauerit et non potuerit conprobare, DC din. qui fac. sol. xv culp. ind.	Cf. L. Sal. 48.
			[[9] Si quis compari suo pittum excusserit, cxx din. qui fac. sol. 111 culp. iud., aut similem illi reddat, uel cum duodecim iuret quod similem illi restituisset] (*). (*) Pardessus remarks that this 3 is found only in MS	
			Parks. (75, Suppl. Lat.); cf. 64. 72 (Extrav. A. 111).	
	XLVIIII. DE UIA LACINA(*). [1] Si qui hominem ingenuum de(*) uia sua	XXXIIII. De Via Lacina. 1 Si quis Baronem de uia + ortauerit aut	XXXIII. DE ULÆ LACINA (*). [1] Si quis baroni uiam suam obstauerit (b) aut	Cf. Sept. Caus. 1. 5; L. Rip. 80; Alam. Pact. 11. 53, Hloth. 67; Baj. 10. 19-21; Ed. Roth. 17,
	ostauerit (*) aut inpinxerit (*), mal uia lacina (4), [DC den. qui fac.] sol. Xv cul p. iud. (*) lacinia, F.G.H.; De alacinia, B. (*) ulam suam contenderit, BH. (*) inpincxerit, 9. (*) the gloss in 8 and 9 is the same as in 7.	impinxerit, malb. uia lacina, pc den. qui fac. sol. xv culp. iud. † Si quis baroni uiam obstruerit.	eum inpinxerit, DC din. qui fac. sol. XV culp. iud. (*) latiniae, Q; lacinia, T.V. (*) ostauerit, F; hostauerit, K.Q; ortauerit, O.	26-28; L. Fris. (Add. Sap.) 111 b.
	[3] Si quis femina(*) ingenua(*) de uia sua qstauerit (*) aut inpinzerit (*), mai uia lacina(*), sol. xv (*) culp. iud. (*) feminam, 8.B.H. (*) ingenuam, 8.B.H. (*) uetauerit, B.H. (*) uetauerit, B.H. (*) mpencrerit, 9; pinzerit, B. (*) no giasz in 8. (*) MDCCC den. qui lac. sol. XLV, 8; sol. XLV, 9, B.H; XV, F; LXV, G.	S Si uero mulierem ingenuam de uia sua ortauerit aut impinxerit, malb. burbis uia lacina, MDCCC den. qui fac. sol. XLV culp iud. (For § 3 see tit. 17).	[2] Si quis mulieri ingenuze uiam suam obsta- uerit (*) uel eam inpinxerit, MDCCC din. qui fac. sol. XLV culp. iud. (*) ostauerit, Q.T.	·
		4° Si quis uiam quæ ad farinarium †ducit clauserit, malb. °urbis uia lacina, pc den. qui fac. sol. xv culp. iud. †uadi.	[8] Si quis uiam quæ (*) ad farinarium (*) ducit clauserit, pc din. qui fac. sol. xv culp iud. (*) qui, Q. (*) farinariam, V.	
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00D. 1.	COD. 2.	COD. 8.	COD. 4.	'' D D. 6 & 5.
				(:\MINIBUS
[9] Si quis hominem ingenuum castrauerit, VIIIM din. qui fac. sol. cc culp. iud.	[5] Si quir uero sequens hominem castrauerit, mai gasferit, sant din. viii fac. sol. cc culp. iud.	[8] Si qui hominem ingenuum castrauerit, sol. III culp. iud., excepto medico nouem sol.	[10] Si quis hom castraucrit, VIIIM d cc culp.	ייי ייי יייי יייי ייייי ייייי יייייי יייי
XXX. DE CONUICIIS.	[XXX] XXVIIII. DE CONUI- CIIS.	[XXX]. DE CONUITUS.	X 5	
[1] Si quis alterum cinitum uoca- uerit, sol. III culp. iud.	[1] Si quis alterum cynitum cla- mauerit, DC din. qui fac. sol. xv cul¢.	[1] Si quis alterum cinitum uoca- uerit, sol. xv culp. iud.	[1] uerit.	
[2] Si quis alterum concatum clamauerit, cxx din. qui fac. sol. III culp. iud.	[2] Si quis alterum concagato clamauerit, cxx din. fac. sol. III culs. iud.	[9] Si quis alterum concatum clamauerit, sol. III culp. iud.	a ₁ c:	
[8] Si quis mulierem ingenuam, seu uir, seu mulier, alteram meretrice uocauerit et non potuerit adprobare, MDCCC din. qui fac. sol. XLV culp. iud.	[8] Si quis mulier ingenuam, seo uir, seo mulier, altera meletrice clamauerit et ei nom potuerit adprobare, MDCCC din. fac. sol. XLV culp. iud.	[5] Si quis mulierem ingenuam, siue uir, siue mulier, alteram merctricem clamauerit et non potuerit adprobare, sol. XLV culp. iud.		es's nenationibus,
[4] Si quis alterum uulpe cla- mauerit, sol. 111 culp. iud.	[4] Si quis alterum uulpe cla- mauerit, cxx din. fac. sol. III culs. iud.	[8] Si quis alterum uulpem mauerit, sol. 111 culp. iud.		et de piscationibus conuenit
[5] Si quis alterum leborem, sol.	[5] Si quis alterum lepore cla- mauerit, DC din. fac. sol. xv culp.			2] Si quis ceruum domesticum,
[6] Si quis alteri reputauerit quod scutum suum iactasset et non potuerit adprobare, cxx din. qui fac. sol. III culp. iud.	[6] Si quis alterum repotauiret quod suum scutum iactassit et non potuerit adprobare, cxx din. fac. sol. III culé. iud.	[6] Si quis alterum : quod scutum suum iacto potuerit adprobare, sol. 1	. 11t . 1.4- d ias	mansuctus erf, et hoc cum testibus potuerit adprobars quod eum dominus suus in uenationem habuisset, et cum ipso duas aut tres feras occississet (b), malb trouuido*, sunt den. Mocce qui fac. sol. XLV culp. jud.
[7] Si quis alterum dilatorem aut falsatorem clamauerit et non po- tuerit adprobare, DC din. qui fac. sol. XV culp. iud.	[7] Si quis alterum dilatorem aut falsatorem clamauerit et non potuerit adprobare, DC din. fac. sol. xv culs. iud.	[4] Si quis alterum falsatorem clamauerituerit adprobare, sol.		(*) qui ad. (*) occidisset.
			noro domestico qui in dhuc non fuit, Acc den. i. xxx culp.	[8] Si uero alium ceruum, qui in uenatione (*) adhuc non fuerit, domesticum, occiserit (*) aut inuolauerit, malb uuisnouida*, sunt den. DC qui fac. sol. xv (*) culp. iud. (*) uenationem. (*) occiderit. (*) xxxv.
•				[[4] Si quis alium ceruum quem canes mouerint uel adlassauerint, sol. xv culs. iud.] (*) (*) This socurs in 5 only. [6] Si quis aprum lassum quem
XXXI. DE UIA LACINA.	[XXXI] XXX. DE UIA LACINA.	XXX	i	canes uomerunt(*) occiderit, malb haroassina*, sunt DC den. qui fac. sol. xv culp. iud.
[1] Si quis baronem ingenuum de uia sua ostauerit aut inpinxerit, mal uialacina, hoe est pc din. qui fac. sol. xv culp. iud.	[1] SI QUIS barone ingenuum de uia sua ostaueret aut inpinxeret, malb uia lacina, sunt din. nc fac. sol. xv culp. iud.			(*) mouernas.
[2] Si quis mulierem ingenuam de uia sua ostauerit aut inpinxerit, mat mac hina, hoc est MDCCC din.	[2] Si quis mulierem uiam suam ostauerit aut inpinxerit, malb mal- lacina, sunt din. Mccc fac. sol. xtv	FPIBUS.	XXXIV. DE PISCIBUS (leg. sepibus) FURATIS.	XXXIII[I]. DE SEPIB <i>US</i> ,
qui fac. sol. xLv culp. iud.	culs. iud.	es uirgas unde polimerit, au serit, aut unde anburtos excer- und.	[1] Si quis uero tres uirgas quod sepis superligator, uel retorta unde sepes continetur, capulauerit, aut	aut tres cambortus (*) executicauerit, malb leod *, pc den. qui fac. sol. xv. culp. iud. (*) superleg (*) sepis. (*) setorta
181	100		101	capol" (4) cambortos.
	-	100	193	

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GOD. 1.	COD. 2.	COD. 8.	COD. 4.	CODD. 6 & 5.
XXXII. DE LIGAMINIBUS INGENUORUM.	[XXXII] XXXI. DE LIGAMINI- BUS Ingenuorum	XXXII. DE LEGAMINIBUS INGENUORUM.	XXXII. DE LIGAMENTIBUS.	[XXXII. DE LEGAMINIBUS INIENUORUM](*).
[1] Si quis hominem ingenuum sine causa ligauerit, mai anderebus, hoc est Mcc din. qui fac. sol. xxx culp. iud.	[1] sine causa ligauerit, malb anderobus, sunt din. MCC fac. sol. xxx culp. iud.	[1] Si qui hominem ingenuum sine causa legauerit, sol. xxx culp. iud.	[1] Si quis hominem ingenuuss sine causa ligauerit, Mcc den. qui fac. sol. xxx culp.	[1] Si quis hominem ingenuum ligauerit (*) sine causa, malb and- reiphus *, sunt MCC qui fac. sol. xxx culp. iud. (*) rubric supplied from 5 (*) leg. every- where in 5
[2] Si quis uero ipsum ligatum in aliqua parte duxerit, MDCCC din. qui fac. sol. XLV culp. iud.	[2] Si uero aliquam partem liga- tum duxerit, mal anderebus, sunt din. MDCCC fac. sol. XLV culp. iud.	[9] Si uero ipsum ligatum aliqua pa[r]te duxerit, sol. xxv culp. iud.	[2] Si uero ipsum ligauerit et ligatum aliqua parte duxerit, MDCCC den. qui fac. sol. XLV culp.	[2] Si uero ipsum ligatum aliqua parte duxerit, malb andreiphus o, sunt den. MDCCC qui fac. sol. XLV culp. iud.
		•		[3] Si uero romanus franco sine causa ligauerit, MMCc den. qui fac. sol. xxx (*) culp. iud.
				[4] Si uero francus romano sine causa ligauerit, pc den. qui fac. sol. xv culp. iud.
				[5] Si quis ligatum per super- biam (*) aut per uirtutem (*) ad (*) graphione (*) tulerit, malb mitho- forasta *, de uita sua redimat (4). (*) superbia. (*) uirtute. (*) a garasonem. (4) conponat.
XXXIII. DE UENATIONIBUS FURATIS.	[XXXIII] XXXII. DE UENA- CIONIB <i>US</i> .	XXXIII. DE VENATIONIBUS.	XXXIII. DE UENATIONIBUS.	XXXII[I]. DE UENATIONIBUS.
[1] Si quis de diuersis uenationibus furtum fecerit et celauerit, praeter capitale et dilaturam, MDCCC din. qui fac. sol. XLV culp. iud.	[1] Si qui uero de diuersis uena- cionibus,	[1] Si quis uero diuersis uena- tionibus furauerit et celauerit, sol. XLV culp. iud.	[1] Si quis uero diuersis uena- tionibus furauerit et celauerit, MDCCC den. qui fac. sol. XLV culp.	[1] Si quis de diuersis uenationibus, de apibus, de piscibus furatis,
Quia lex de uenationibus et pisca- tionibus obseruare conuenit.	quam legem de uenacionibus et pes- cacionibus conuenit observare.	[2] Qualem legem de uenationibus talem et de piscationibus conuenit observare.	Qualem legem de uenationibus et de piscationibus conuenit observare.	quam legem et de uenationibus (*) auim (*) et de piscationibus conuenit observare. (*) uenatione auium.
[2] Si quis ceruo domestico, signum habentem, furauerit aut occiderit, quia de uenatione mansuetus est, et hoc per testibus fuerit adprebatum quod eum dominus suus in uenationem habuisset, aut cum ipsum duas aut tres feras occidisset, mat throuidioso, hoc est MDCCC din. qui fac. sol. XLV culp. iud.	derit, qui in uenacionem mansuetus est, et hoc testibus adprobatum fuerit	[8] Si quis ceruum domesticum, signum habentem, furauerit et occiderit, qui ad uenationem consuetus est, et per testibus adprobatum est quod eum dominus suus in uenationes habuit, et cum ipso tres uel duas feras occidisset, sol. XLV culp. iud.	[3] Si quis ceruum, signum habentem, furauerit aut hocciderit, quia de uenationibus mansuetus sit, et per testibus adprobatum ei fuerit quod eum dominus eius in uenationem habuisset, et cum ipso duas et tres feras hocciderit, Moccc den. qui fac. sol. XLV culp.	[9] Si quis ceruum domesticum, signum habentem, furameril aut occiderit, quia(*) de(*) uenatione mansuetus est, et hoc cum testibus potuerit adprobare quod eum dominus suus in uenationem habuisset, et cum ipso duas aut tres feras occississet (*), maib trouuido*, sun! den. Moccc qui fac. sol. XIV culp. iud. (*) qui ad. (*) occidisset.
[8] Alio uero qualibet domestico ceruo quique in uenationem adhoc non fuit, qui eum inuolauerit aut occiderit, mai throueinso, hoc est MCCCC din. qui fac. sol. xxxv culp. iud.	[8] Alium uero domesticum cer- uum, qui in uenacionem adhuc non fuit, inuolauerit et ei fuerit adpro- batum, malb trouisido, sunt din. MCc fac. sol. xxx culs. iud.	[4] Alium uero domesticum qui in uenationem adhuc non fuit, xxx sol. culp. iud.	[8] Alio uero domestico qui in uenatione adhuc non fuit, A/CC den. qui fac. sol. xxx culp.	[8] Si uero alium ceruum, qui in uenatione (*) adhuc non fuerit, domesticum, occiserit (*) aut inuolauerit, malb uuisnouida *, sunt den. De qui fac. sol. xv (*) culp. iud. (*) uenationem. (*) occiderit. (*) xxxv.
			·	[[4] Si quis alium ceruum quem canes mouerint uel adlassauerint, sol. xv culp. iud.] (*) (*) This j occurs in 5 only. [5] Si quis aprum lassum quem canes uomerunt (*) occiderit, malb. haroassina*, sunt de den. qui fac. sol. xv culp. iud. (*) mouerunt.
				1
XXXIIII. DE SEPIBUS FU- RATIS.	[XXXIIII] XXXIII. DE SEPE- BUS UERO T <i>ITULUS</i> .	XXXIIII. DE SEPIBUS.	XXXIV. DE PISCIBUS (Leg. sepibus) FURATIS.	XXXIII[I]. DE SEPIBUS.
[1] Si quis uero tres uirgas unde sepis super ligatur uel super extringitur capulauerit, aut tres cambortus inuolauerit aut exceruicauerit, pc din. qui fac. sol. xv culp. iud.	[1] TRES UIRGAS unde sepes sublegatur furauerit aut capulauerit, aut III cambortus inuolauerit aut exceruicauerit, uel retorta unde palum aut sepes contenetur capolauerit, cui fuerit adprobatum, malb leodardi, sunt din. De fac. sol. xv culé. iud.	[1] Si qui uero tres uirgas unde sepis contenetur cappollauerit, aut tres cambortos inuolauerit, aut unde labor clausa est tres cambortos excer- uicauerit, sol. xv culp. iud.	[1] Si quis uero tres uirgas quod sepis superligator, uel retorta unde sepes continetur, capulauerit, aut tres cambortos inuolauerit, aut hunde labor clausa est exceruicauerit, oc den. qui fac. sol. xy culp.	[1] Si quis tres uirgas unde sepis superligatur (*), et unde saepis (*) continetur retortas (*) capulauerit (*), aut tres cambortus (*) exceruicauerit, malb leo d*, po den. qui fac. sol. xv culp. iud. (*) superleg (*) sepis. (*) retorta capol (*) cambortos.
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CODD. 7, 8, 9.	COD. 10.	LEX EMEND.	OBSERVATT.
L. DE LEGAMINIBUS(*) INGENUORUM.	XXXV. De ligaminibus Ingenuorum.	XXXIV. DE EO QUI HOMINEM INGE- NUUM SINE CAUSA LIGAUERIT.	Cf. L. Sal. 87; Rip. 41; Baj. 4. 7, 8; Gund. 32; Ed. Roth. 42; L. Thur. 42; Fris. 22. 82; Cham.
[1] Si quis hominem ingenuum sine causa legauerit (b), mal andreppus (*), sol. XXX (4) cul.b. iud. (*) ig, 8.0; ne rubric in BH. (*) ig, 8.0, B.F.H. (*) andrephus, 9. (*) CCXL den qui izc. sol. XXX, 8.	1 Si quis hominem ingenuum sine causa liga- uerit, malb. obrepus, andrepus, MCC den. qui fac. sol. xxx culp. iud.	[1] Si quis hominem ingenuum sine causa ligauerit, MCC din. qui fac. sol. xxx culp. iud.	L. Thur. 42; Fris. 22. 82; Cham. 17; Aeth. 24. 88; Alf. 35; Aetheir. VIII. 33; Hen. 90; Sohm, Proc. p. 136.
[2] Si uero ipso ligato (*) aliqua parte duxerit, mal andreppus(*), [MDCCC den. qui fac.] sol. xxv (*) culs. iud. (*) legato, 9; homine, B-H. (*) mal andrephus, 9. (*) LXV, (*)	2° Si uero eum ligatum in aliquam partem duxerit, malb. andrepus, MDCCC den. qui fac. sol. XLV culp. iud.	[9] Si uero eum ligatum (*) in aliquam partem duxerit, MDCCC din. qui fac. sol. XLV culp. iud. (*) (*) lig-, om. A. (*) ‡ 2 om. Q.	
	8° Si uero Romanus Francum ligauerit sine caussa, Mcc den. qui fac. sol. xxx culp. iud.	[3] Si uero Romanus (*) Francum (*) ligauerit sine causa, MCC din. qui fac. sol. XXX culp. iud. (*) francus romanum, Q.	
•	4° Si uero Francus Romanum ligauerit sine caussa, no den. qui fac. sol. xv culp. iud.	[4] Si autem Francus (*) Romanum (*) ligauerit sine causa, pc din. qui fac. sol. xv culp. iud. (*) romanus francum, Q; franchus rom., T.V.	
	5° Si quis ligatum per superbiam aut per uirtutem à Grauione tulerit, malb. amitho fosa stadiuo, uitam suam redimat.	[5] Si quis hominem noxium ligatum per uim tulerit grafioni (*), uitam suam redimat. (*) grafio, A; garafine, I; grauioni, G.H; grafionem, E.	t 5 of Cod. 6 is distinctly written in the MS. as it is given here, and not as it was road by Pardessus.
LI. DE UENATIONIB <i>US</i> (*).	XXXVI. De Venationibus.	XXXV. DE UENATIONIBUS.	Cf. L. Sal. 27, 80, 81; Rip. 42; Ed. Roth. 309-316.
[1] Si quis de (b) diversis venationibus furaverit aut celaverit (*), (*) No pubric in B.F.H. (b) de, om. 8.9. (*) Si – cela- verit, om. BH.	1 Si quis + aliqua de uenatione de auibus aut de piscibus furauerit, malb. leudardi, DC den. qui fac. sol. xv culp. iud. † de diuersis uenationibus aliquid aut furauerit, aut cela- uerit, sol. XLV culp. iud.	[1] Si quis de diuersis uenationibus aliquid aut (*) furauerit aut celauerit, MDCCC din. qui fac. sol. XLV culp. 1ud. (*) aut, om. Q.	
	2 ° Quam legem tam de uenationibus quam et de piscationibus conuenit observare.	Quam legem tam de (b) uenationibus quam et (c) piscationibus conuenit observare. (b) de, om. O.Q. (c) et, om. O; V addr: de.	
Si(4) ceruo (*) domestico (?), signum abente (s), furauerit aut occiserit (*) quem (*) ad (*) uenationem (*) mansuetus (*) est, et dominus suos (*) per (*) testibus (*) potuerit adprobare quod eum in(*) uenatione (*) ha'uisset, et cum (*) quod eum in(*) uenatione (*) ha'uisset, et cum (*) quod eum in(*) uenatione (*) ha'uisset, et cum (*) quod eum in(*) uenatione (*) ha'uisset, et cum (*) dua aut tres feras occissisist (*), mal treu u'idio(*), sol. (*) kLy (*) culþ. iud. (*) B H. add: quis. (*) cerum, G. (*) dominio, 9; dom'no, B.G.H. (*) habentem, B H. (*) admotum, 9. (*) uenaticone, G. uenat om, 9; uen faciendum, B H. quidd: tris. silve, 9, (*) sous, 8, 8, 8, 8, 1, (*) uenationem, 8, 9, 1, (*) quid pisum, B H. (*) uenationem, 8, 9, 1, (*) puid pisum, B H. (*) uenationem, 8, 9, 1, (*), puid pisum, B H. (*) uenationem, 8, 9, 1, (*), puid pisum, B H. (*) uenationem, 8, 9, 1, (*), puid pisum, B H. (*) uenationem, 8, 1, (*), ou. (*), uenationem, 8, 1, (*), ou. (*), uenationem, 8, 1, (*), uenationem, 8,	8 Si quis ceruum domesticum signum habentem furauerit aut occiderit, qui ad uenationem faciendam mansuetus factus est +et *telarium cum testibus potuit adprobare quod extelarius fuisset, malb. +trou andio, MDCC den. qui fac. sol. XIV culp. iud. † et cum testibus comprobare dominus eius potuerit, quod eum in uenatione habuisset et cum ipso duas aut tres feras occidisset. † throu u i do.	[3] Si quis ceruum domesticum, signum habentem, aut (*) occiderit aut furauerit, qui (*) ad uenationem faciendam mansuetus (*) factus (*) est, et cum testibus conprobare dominus ejus potuerit quod eum in uenatione habuisset, et cum ipso duas aut tres feras occidisset, MDCCC din. qui fac. sol. XLV culp. iud. (*) aut. om. Q. (*) quod, V. (*) mansuetus, Q. (*) mansuefactus, T.	Cf. Sept. Caus. II. 7; L. Alam. 101. 4 ff; Waits, 167.
[2] Si uero ceruo domestico, qui in uenatione (*) adhuc nom fuissit (*), furauerit aut occiserit (*), mat trio iobio amestalla (*), [Dc den. qui fac.] sol. xv culp. iud. (*) uenacionem. o. (*) S. u. dominico. G) et adhuc in uenatione (uenationem, F. G) non fuisset, BH. (*) occiserit, 6; occident, H.G. (*) no gloss m8; trio i ubco a mestella, p.	4 Si quis uero alium ceruum domesticum, qui in uenatione adhuc non fuisset, oociderit aut +furauerit, malb. trouu idio cham stala, MCCCC den. qui fac. sol. XXXV culp. iud. † inuolauerit.	[8] Si quis uero (*) ceruum domesticum, qui in uenatione adhuc non fuit, aut occiderit aut fura-uerit, Mcccc din. qui fac. sol. xxxv culp. iud. (*) uero, om. Q.	
[8] Si quis ceruo (*) aut abro (b) lasso (*), quem (4) alterius canes (*) mouunt (*), occiserit (s) aut celauorit (b), mal a cuuerna (i), [Dc den. qui fac.] sol. xv (*) culp. iud. (*) ceruum, 8.BH. (b) aprum,8.F.G.H; caprum, B. (*) lassum, 8.BH. (a), a. (*) quam, B. (*) canis, 8; cani, 9.BH. (f) mouent, 9.BH. (f) occiserit, 8; occiserint, B. (b) caelauerit, F. (i) no glass in 8. (b) B repeats; sol. xv.	5 Si quis ceruum *lassum quem alterius canes mouerunt et adlassauerunt, inuolauerit aut celauerit, malb. trochuuido, oc den. qui fac. sol. xv culp. iud. 6 Si quis aprum quem alieni canes mouerunt et alassauerunt, occiderit* uel furauerit, malb. 4 aruuernon, oc den. qui fac. sol. xv culp. iud.	[14] Si quis ceruum quem alterius canes mouerunt aut lassauerunt, occiderit et (*) celauerit, DC din. qui fac. sol. xv culp. iud.] (*) (*) aut, Qv. (*) liki ş is noi in MS. 418. [5] Si quis aprum lassum, quem alieni canes (*) mouerunt, occiderit uel furauerit, DC din. qui fac. sol. xv culp. iud. (*) (*) cani, Q. (*) Q adds: excepto capitale et delatura.	
LII. DE SEPIBUS (*). Si quis tres(b) uirgas unde sepes (*) super (+) legata (*) est, uel retortas (*) capolauerit (h, aut ipsa (s) sepe (b) aperuerit (h, mal leodardi (k), [Dc den. qui inc.] sol. xv cult. iud. (*) sepius, G; saepibus, H. (*) tris, 9. (*) saepis, 8; sepis sepis, 9; saepes, H; de sepe unde, G. (!) sup. om. BG. (*) higata, 8.C. H. (*) tortas, H. (*) capual., 8.C. B. H. (*) saepes, 8; sepem, BH. (*) specuent, 8. (*) noglass in 8.	XXXVII. De sepibus. 1 Si quis tres uirgas + unde sepes superligata est, uel retortas ° capulauerit aut + aperuerit, malb. leu dardi, de den qui fac. sol. xv culp. iud. † quibus. ° tres a cambortos ecxercuicauerit. † quibus sepes continetur.	XXXVI. DE SEPIBUS. [1] Si quis tres uirgas cum quibus sepis superligata est, uel retortas quibus sepis continctur, capulauerit, aut (*) tres cambortas exceruicauerit, nc din. qui fac. sol. xv culp. iud. (*) et, Q.	Cf. L. Sal. 83; Al. lib. 111. sect. 2; Baj. 10. 16, 17; Gund. 27; Ed. Roth. 285-287; L. Wis. VIII. 3; Waitz, p. 117.
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COD. 1.	COD. 2.	COD. 8.	COD. 4.	CODD. 6 & 5.
				[2] Si quis sepem (*) conscisam (*) aliaena arserit, mafb bila *, nc den. qui fac. sol. xv culp. iud. (*) sepe concisa.
[2] Si quis per aliena messe post- quam leuauerit erpicem traxerit, aut per eam cum carro sine uia trans- uersauerit, cxx din. qui fac. sol. III culp. iud.	carro sine uia transierit, mai leo-	[2] Si quis messem alienam post- quam leuauerit carrugam traxerit, aut carrum sine uia transierit, sol. III culp. iud.		traxerit, aut cum carro sine uia
[8] Si quis per messem alienam iam palmitantem sine uiam aut sine semitam transuersauerit, DC din. qui fae. sol. xv culp. iud.	expalmitante sine uia transierit, mal	[8] Si quis per alienam messem iam expalmitantem sine uia transierit, sol. xv culp. iud.	[8] Si quis per alienam messem expalmetantes sine uia transierit, pc den. qui fac. sol. xv culp.	[4] Si quis per aliam (*) messem iam spalmitata (*) sine uia cum carro transierit, malb leod *, sunt den. DC qui fac. sol. xv culp. iud. (*) alienam. (*) ispalmitata.
[4] Si quis per malo ingenio in curte alterius aut in casa uel in quolibet aliquid de furto miserit, boc est nesciente domino, et ibi inuentus fuerit, mal fistirbiero, hoc est MNn din. qui fac. sol. LXIII culp. iud.	furtum in casa miserit, hoc est ne- sciente eum cuius domus uel curtis	[4] Si quis per malum ingenium in arte alterum aut in casa uel ubilibet aliquid miserit, hoc est nesciente domino, et ibidem uictus fuerit, sol. LXII culp. iud.	aliquid de furtum amiserit, hoc est	
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XXXV. DE HOMICIDIIS SER- UORUM UEL EXPOLIATIS.	[XXXV] XXXIIII. DE HUMI- CIDIIS SERUORUM UEL EXPOLIACIONIBUS.	XXXV. DE HOMICIDIIS [S]ER- UOR <i>UM</i> UEL EXPOLIA- TIONIBUS.	XXXV. DE HOMICIDIIS SER- UORUM UEL EXPOLIA- TIONIBUS.	XXXV. DE HOMICIDIIS [SERUORUM].
[1] Si quis seruus seruus occi- derit, homicida illum domini inter se diuidant.	[1] Si quis seruum occiderit aut expoliauerit se similem, et ei fuerit adprobatum, theolede tholo thodina, id est humicida illum domi ni inter se diuidant.	[1] Si seruus seruum aut ancillam sibi similem occiderit, mai theoli- dias teuleudina, hoc est ut homicida illum domini inter se diuidant.	[1] Si uero seruus seruum hoc- ciderit aut ancilla sibi similem, homicidium illum domini inter se diuident.	[1] Si quis seruum aut ancillam (*) similem occiderit, malb the ladina*, homicidia (b) illum domini inter se dividant. (*) ass: sibl. (*) homicida.
[2] Si quis ingenuus seruum alienum expoliauerit et ei supra xL dinarios quod ualit tulisse conuincitur, maf leotos musdo, hoe est Mcc din. qui fac. sol. xxx culp. iud.	[9] Si qués ingenuus seruum alienum expoliauerit et super xi. dinarius tollisse conuenctiur, maib rencusmusdo, sunt din. DC fac. sol. xv culp. iud.	[9] Si quis ingenuus seruum alienum expoliauerit et ei supra xi. din. quod ualet tulisse conuincitur, sol. xxxv culp. iud.	[9] Si quis ingenuus seruum alienum expoliauerit et insuper xL den. quod ualet tulerit et conuinctus fuerit, MCC den. qui fac. sol. xxx culp.	[2] Si quis ingenuus seruum alie- num adsallierit et expoliauerit et ei super XL den. quod ualet tulise(*) con- uincitur, mato t eo m o s i d o*, sunt den. Mcc qui fac. sol. XXX culp. iud. (*) tollisse.
[8] Si uero minus quam xL din <i>arios</i> expolia eiss ualuerint, DC din. qui fac. sol. xv culp. iud.		[8] Si uero minus quadraginta din <i>arius</i> expolia eius minus ualuerint, sol. xv culp. iud.	[3] Si uero minus XL denarios expolia eius ualebit, MCCCC den. qui fac. sol. XXXV culp. (For § 4 see tit. 10).	[8] Si uero minus XI. denarrii (*) expoliauerit (*), malb the omu si do*, DC den. qwi fac. sol. XV culp. iud. (*) denarios tollisse (suprascriptum: spolia eius ualuerit).
		-		[4] Si quis seruum alienum batterit (*) et ei super noctes KL opera sua tricauerit, malb claudin ario*. solidum 1, autriante (*) I (*), culp. iud. (*) battederit. (*) et triant el.
[4] Si quis homo ingenuus letum alienum expoliauerit et ei fuerit adprobatum, Acccc din. qui fac. sol.	[8] Si quis homo ingenuus letum alienum expoliauerit et ei fueris adprobatum, malb leciim musdo, sust din. MCCCC fac. sol. xxxv culs. iud.	[4] Si homo ingenuus letum ex- poliauerit, sol. xxxv culp. iud.		[5] Si uero home ingenuus litum alienum expoliauerit, malb teomo- sido*, den. Mecce que fac. sol. xxxv culp. iud.
				[8] Si quis seruum alienum mortuum in furtum expoliauerit et ei super XI denarios ualentes (*) tulerit, malb (teofriodo, corr.) teofriomosido*, Mecce den. qui fac. sol. xxxv culp. iud. (*) ualentis.
				[7] Si quis spolia(*) minus XI. denariis(*) ualuerit, malb (teofrimosido, corr.) teofriomosido*, Doden. qui fac. sol. XV culp. iud. (*) add: ipsa. (*) denarios.
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GODD. 7, 8, 9.	COD. 10.	LEX EMEND.	OBSERVATT.
LIII. [Rubrica deest in omnibus].	5 Si quis sepe concisa aliena arserit, malb. bila, pc dem. qui fac. sol. xv culp. iud.		Cf. tit. 16\(\frac{1}{2}\)5, where the \(\frac{1}{2}\) occurs in all the texts. In Cod. 5, dots, the usual signs of erasure, are placed above and under the words of this \(\frac{1}{2}\); consequently the \(\frac{1}{2}\) may be said to occur under the present chapter in Codd. 6 & 10 only.
Si quis per aliena (*) messe (*) erpice (*) aut carro (*) traxerit et sine uia transierit (*), mai leodardi (*), [bc den. qui fac.] sol. xv culp. iud. (*) alienam, 8.BH. (*) messem, 8.BH; terre, q. (*) erpicem, 8.F. g. arpicem, B. herpicem, H. (*) caro, 9; aut carro, om. 8. (*) transiert, q. (*) nogloss in 8.	2 Si quis per alienam messem postquam +leuauerit b herbice traxerit, aut cum carro sine uia transierit, malb. leudardi, DC den. qui fac. sol. xv culp. iud. † germina produxit.	[2] Si quis per alienam messem postquam germina produxerit herpicem (*) traxerit, aut cum carro sine uia transierit, cxx din. qui fac. sol. III culp. iud. (*) erpicem, Q.	
LIIII. [Rubrica deest in omnibus]. Si quis per messem aliena (*) expalmetantem (*) sine uia aut sine (*) semita (*) uias fecerit, mal leodardi (*), [Dc den. qui fac.] sol. xv culp. iud. (*) alienam, B-H; alienam iam, 8. (*) expalmitantem, 8.9; ambulandum, B.G.H; ambulanerit, F. (*) sine, om. F. (*) semite, 9. (*) noglost in 8.	8 Si quis per alienam messem iam + expalmitantem sine uia transierit, causam superius conuenit obseruare. † quae in culmum erigitur.	[8] Si quis per messem alienam, postquam in culmum (s) erigitur, sine uia cum carro transierit, DC din. qui fac. sol. xv culp. iud. (*) culmen, Q.	Cf. L. Liu. 146.
LV. [Rubrica deest in omnibus].			
Si quis in curte, uel in (*) casa, uel (*) in qualibet (*) in (4) furtum aut (*) per malo (*) ingenio (s) aliquid (*) miserit, nesciente domino cuius domins est, mal (*) ferimbera, [sunt den. MMD qui fac.] sol. LXII5 culp. ind. (*) in. om. B. (*) uel. om. G.H. (*) colibet loco, B.F.G.; quolibet loco, H. (4) in. om. B. H. (*) aut. om. B. H. (*) malum, B. H. (*) ingenium, B. H. (*) al., om. B. H. (*) and, om. g.	4 Si quis per malum ingenium in 4 curtem alterius uel in casam uel ubilibet aliquid + de furato miserit, nesciente domino * cuius possessio est, ubi inuentum fuerit qui hoc miserat, malb. ferthebero, MMD den. qui fac. sol. LXII cum dimidio culp. iud. † quod furatum est.	[4] Si quis per malum ingenium in curtem alterius uel in casam uel ubicunque miserit aliquid quod furatum est, nesciente domino cuius possessio est, et ibidem inuentum fuerit, ille qui per malum ingenium hoc miserit, MMD din. qui fac. sol. LXII cum dimidio (*) culp. iud. (*) MD den. q. f. sol. XLIII, Q.	In Cod. 6 it is not clear whether the number of den. is MMDC; the c is visible, but covered by the D. The gloss in 6 is distinctly fertibero.
		[15] Si quis in curte alterius post solis occasum in furtum ingressus fuerit et ibidem fuerit inuentus, MDCCC din. qui fac. sol. XLV culp. iud.] (*) (*) This § occurs in Ms. Par. Lat. 10758 (164 bis Suppl.) only.	Cf. L. Cham. 19, 20.
LVI. DE HOMICIDIIS (*) SERUORUM UEL EXPOLIACIONIBUS (*).	XXXVIII. De homicidijs seruorum uel expolia- tionibus.	XXXVII. DE HOMICIDIIS SERUORUM UEL ANCILLARUM.	Cf. L. Gund. 2, 10; Ed. Roth. 14, 129-138, 370; L. Sax. 16-19; Thur. 1-3; Liu. Not. 3, 4; L.
[1] Si seruus (*) seruum aut ancillam (*) occiderit (*), mal theodilinia (*), id est homicida (*) ille (*) sol. xx cul s. iud. (*) hum-, o. (*) no rubric in B-H. (*) quit, 8. (*) ancilla, o. (*) occiserit, 8; occiserit, 9.B-H. (*) theodolina, 8; theodulima, 9. (*) illi, 9; id - ille, om. B-H.	1 Si quis seruus seruum uel se consimilem occiderit, malb. theu leude, aut theu leudinia, hoc convenit ut homicidam illum domini inter se dividant. suel ancillam, wel sibl.	[1] Si quis seruus seruum aut ancillam sibi consimilem occiderit, homicidam illum domini inter se diuidant.	Thur. 1-3; Liu. Not. 3, 4; L. Fris. 1, 4; Wis. VI. 5, 9, &c. Cham. 6; Aeth. 7, 86; Hlo. 1, 3; Ine, 74; App. xx. 42; Henr. 68, 70, 75-77; Sohm, R. u. Ger. 559, 562; Waitz, 106, 193, 194, 201. The gloss in 8 is indistinct.
[2] Si quis ingenuos (*) seruum alienum expoliauerit, mal rincus modi (*), [DC den. qui fac.] sol. xv culp. ind. (*) (*) ingenuus, 8, B - H. (*) no glass in 8; renchus mod, 9. (*) B places this § al the end of til. LX.	2 Si quis ingenuus seruum alienum adsalierit et exspoliauerit et insuper quadraginta denarios ei tulisse probatur, malb. htheu nosdo, DC den. qui fac. + sol. xv culp. iud. † xxx sol.	[2] Si quis ingenuus seruum alienum adsallierit (*) et expoliauerit et conuictus fuerit (*) quod ei plus quam xL dinarii ualeant tulisset, MCC din. qui fac. sol. xxx culp. iud. (*) adsalierit, V. (*) Q adds: et.	The last part of the gloss in 9 is moh, not mohso as read by Pardessus, as so belongs to sol(idos).
	8° Si uero minus tulerit quam ualent xL denarij, DC denarijs qui fac. sol. xv culp. iud.	[8] Si uero minus quam xL dinarii ualent (*) tulerit, DC din. qui fac. sol. xv culp. iud. (*) ualeant, Q.	
LVII. [Rubrica deest in omnibus].			
Si quis seruum alienum battit (*) et super (*) XL noctis (*) opera trigauerit (*), mal daus (*), [CXX den. qus fac.] sol. III culp. iud. (*) baptis, 9; presumpserit battere, B.H; pres. batere, F.G. (*) supra, B.F. (*) noctibus, 8; noctes, BH. (*) tricaperis, 8.F.H; triuerit, B. (*) noglass in 8; dahus, 9.	4 Si quis seruum alienum +battiderit + et ei insuper quadraginta noctes *trigauerit opera sua, malb. daudinariæ, XL den. qui fac. sol. I et triente uno culp. iud. † flagellauerit. † ut in XL noctibus operare non potuerit.	[4] Si quis seruum alienum flagellauerit et in quadraginta noctibus (*) operare non potuerit, xL din. qui fac. solidum unum, et trianti (*) uno (*), quod est tertia pars solidi, culp. iud. (*) noctes, Q. (*) XXX. r, H. (*) tria ante, I; triginta, N; trienta, G; triante una, E.K; triantew, Q.	Cf. Recap. L. Sal. 4; L. Liu. 123, 124.
LVIIII. [Rubrica deest in omnibus]. Si quis homo ingenuos (*) litum (b) alienum expoliauerit (*), male modi (4), [suns den. MCCCC quis fac.] sol. XXXV (*) culp. iud. (*) ingenuos, 8.B.—H. (b) litem, 8; letum, 9. (*) expoliat, 9. (4) malb læusmodi, 8; mal læus modi, 9. (*) XXX, 9.	6 Si quis uero homo ingenuus lidum alienum expoliauerit, malb. theu mosido, MCCCC den. qui fac. sol. XXXV culp. iud.	[8] Si quis homo ingenuus lidum alienum expoliauerit, MCCCC din. qui fac. sol. XXXV culp. iud.	,
	5° Si quis seruum alienum mortuum expolia- uerit per furtum et spolia ipsa plusquam XL denarios ualeant tulerit, malb. d then frio mosido, DC den qui fac. sol. XV + culp. iud. † XXXV sol. componat; si uero usque XL denarios tulerit, XV sol. persoluat.	[6] Si quis seruum alienum mortuum per furtum expoliauerit et spolia ipsa plus quam quadraginta dinarii ualeant, MCCCC din. qui fac. sol. XXXV culp. iud. (*) (*) This 3 is not in Q.	Cf. L. Sal. tit. 14.
	(Cf. § 5).	[7] Si autem spolia minus quam quadraginta dinarii ualet (*), DC din. qui fac. sol. xv culp. iud. (*) ualeant, Q.	
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COD. 1.	COD. 2.	СОД. 8.	COD. 4.	GODD. 6 & 5.
[6] Si seruus alienus aut laetus hominem ingenuum occiderit, ipse homicida pro medietatem conpositionis illius hominis occisi parentibus tradatur. Et dominus serui aliam medietatem conpositionis se nouerit soluiturum. (For ¾ 6 and 7 see tit. 10).	[4] Si quis letus aut seruus hominem ingenuum occideret, ipsa homicida pro medietatem conposicionis hominis hoccisi parentibus tradatur; dominus uero serui alia medietatem se noueret esse solueturus. (For § 5 see tit. 10).	pro medictatem conpositionem pro		[8] Si seruus hominem ingenuum occiderit, ipsa (*) homicidia per (*) medietatem conpositionis hominis occisi parentibus tradatur, et alia medietate dominus (*) serui se nouerit soluiturum; et si intelexerit (*) de lege, potest se obmallare ut hoc non soluat. (*) ipsum homicidam prs. (*) domini (*) intellegerit.
XXXVI. DE QUATRUPEDIBUS SI HOMINEM OCCIDERUNT. Si quis home ex quolibet quadrupedem domesticum fuerit occisus, et hoc per testibus fuerit adprobatus, medietatem conpositionis dominus ipsius quadrupedis cogatur exsoluere. Ipse uero quadrupedem pro alia medietatem requirentem restituat.	[XXXVI] XXXV. DE QUATRU-PEDIBUS SI HOMINEM OCCISERIT. Si quis homo ex quolibet quatro-pedem domisticum occisus fuerit, et testibus fuerit adprobatum, medietatem conposicionis dominus ipsius quatropedem auctorem criminis pro medietatem conposicionis restituat requerenti.	XXXVI. DE OVADRVPEDIBUS SI HOMINEM OCCIDERIT. Si quis ex qualibet quadrupedibus domesticus hominem occiderit, et hoc per testibus potuerit adprobare, medietatem conpositionis dominus quadrupedi ipsius gogatur exsoluere, pro alia medietate ipsum uero quadrumpedem auctorem criminis per medietatem conpositionis restituat requirente.	XXXVI. DE QUADRUPEDIBUS SI HOMINEM HOCCIDERINT. Si quis homo ex qualibet quadrupedia domestica fuerit hoccisus, et hoc per testibus potuerit adprobare, medietatem conpositionem in quadrupedis cogatur exsoluere. Ipsum uero quadrupedem auctorem criminis per medietatem conpositionem restituat requirente.	XXXVII]. DE QUATRUPEDI- BUS (*) SI QUIS HOMINEM OCCIDERIT. Si quis homo de (*) qualibet qua- trupede(*) domestico(*) fuerit occisus, et hoc cum testibus potuerit adpro- bare, dum et ilius dominus cui pecus fuisset (4) antea legem non adim- pleuit, medietatem (*) conpositionis dominus ipsius quatrupedis (*) co- gatur exsoluere. Ipsum uero qua- trupedem (*) auctorem (*) criminis pro medietatem (*) conpositionis re- stituat requirendi (*). (*) quadropedibus. (*) ex. (*) quadrupede domest.cus. (4) fuerit. (*) medictate. (*) quad (*) auctore. (*) requirenti.
XXXVII. DE UESTIGIO MI- NANDO. Si quis bouem aut caballo uel qualibet animal per furtum perdi- derit, et eum dum per uestigio sequi- tur consequutus inucenerit, ut in tres noctes ille qui eum ducit emisse aut cambiasse dixerit uel pracclamauerit. Ille qui per uestigio sequitur res suas per tercia mane agramire debet.	[XXXVII] XXXVI. DE UESTI-GIUM MINANDO. [1] Si quis bouem aut cauallum uel quelibet animal ad furtum perdedirit, et eum dum per uestigium sequentur fuerit consecutus usque in III noctes, ille qui eum ducit aut emisse aut cambiasse dixerit uel proclamauerit, ille qui per uestigium sequitur per tercia manum debit adcramire;	XXXVII. DE VESTIGIO ME-NANDO. [1] Si quis bouem aut caballum uel quemibet animal in furtum perdiderit, et eum dum per uestigium sequitur fuerit consecutus usque inter tres noctes, si ille qui eum ducit aut emisse aut campiasse si dizerit uel proclamauerit, ille qui per uestigium sequitur res suas per tertia manu debit achramnire.	XXXVII. DE UESTIGIO ME-NANDO. [1] Si quis bouem aut uaccam, caballum uel qualibet animale perdiderit, et eum dum per uestigium sequerit consecutus fuerat usque intres noctes, ille qui eum duxerit aut emisit aut camiasset si dixerit uel proclamauerit, ille qui per uestigium res suas per tertia manu debet adramire.	XXXVI[I]. DE UESTIGIO MI- NANDO. [1] Si quis bouem aut caballum uel qualibet (*) animal in furtum per- diderit, et eum (b) per uestigio sequi- tur consecutus fuerit usque in tres noctes, ille qui eum ducit (*) aut emisse aut camiasse (*) se dixerit uel proclamauerit, ille qui per uesti- gium (*) sequitur res suas debet per tertia manu adchramire (*). (*) quemiibet. (*) add: dum. (*) duxit. (*) cambiasse. (*) uestigio. (*) adharamire.
tibus qui res suas requiret eas per- uenerunt, ille apud quem inueniuntur sic eas emisse aut cambiasse dixerit, ipse liceat agramire,	ille aut emisse aut cambiasse dixerit, ipse liceat adcramire.	suas quaerit et eas inuenerit, ille aput quem inueniuntur si eas emisse aut campiasse dixerit, ipsum liceat ahramnire.	[2] Si uero iam tribus noctibus exhactis qui res suas inquirit eas inuenire, ille apud quem inueniuntur eas emisisse aut cambiasse dixerit, liceat adramire.	[2] Si uero iam tribus noctes exactis qui res suas querit eas inuenerit ille apud quem inuenitur(*) si eas empsisse(*) aut camiasse(*) dixerit, ipse(*) licet(*) adchramire(*). (*) inuenjuntur. (*) emisse. (*) cambiasse. (*) (ille, corr.) illi. (*) liceat. (*) adharamire.
Si ille uero quod per uestigio sequitur quod si agnoscere dicit, illi alii proclamantem, nec offerre per tertia manum uoluerit, nec solem secundum legem colocauerit, et tulisse conuincitur, Mcc din. qui fac. xxx sol. culp. iud.	tercia manum uoluerit, nec sole secundum legem collegauerit, et ei	alio reclamante, nec auferre per tertia manu uoluerit, nec solem secundum legem colecauerit, et ei uidenter aut agnoscere dicit tullisse	solem) secundum legem cognouerit,	[8] Si uero ille qui per uestigium(*) sequitur quod si (*) agnoscere dicit, illum alium reclamantem, nec auferre (*) per tertia manu (*) uoluerit, nec solum (leg. solem) secundum legem (*) culcauerit, et ei uiolenter (*) tulisse (*) conuincitur, malb mithostrastatido *, sunt den. Mcc qui fac. sol. xxx culp. iud. (*) uestigio. (*) se. (*) offerre. (*) mano. (*) lege. (*) add: quod se cognoscere dicit. (*) tollisse.
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LVIII. [Rubrica deest in omnibus].

Si qu's servos (*) hominem ingenuum (*) occiserit(*), ipso (4) homicida (*) pro () mediaetate (s) parentibus tradatur, et illa (*) alia mediaetate omnus (*) servii si noluerit seruitutem (*); aut (*) si intellexerit (*) de lege si (*) obmallare (*) potit (*) ut (*) ipsa leode (*) non soluat.

(*) servis, 8.0. B.— H. (*) ling., om. H. (*) occisserit, 8.
(*) ipso, om. B.— H. (*) humicida, 9. (*) per, G. (*) medietatem, 9. (*) lilla, om. 8; dominus illius medietatem term of ominus (donus, B) serviutuem servii noluerit aut &c., B.— H. (*) dominus, 8. (*) servitute, 9. (*) seru, aut, om. G. (*) intellexit, G. (*) se., 4H; si, om. F. (*) obmallare, 9. B. (*) potest, 8.B.— H. (*) et, 9.H. (*) leude, B; leud, F.

7 Si seruus hominem ingenuum occiderit, ipse homicida pro medietate compositionis occisi parentibus tradatur, et aliam medietatem do-minus serui se nouerit soluturum. Sed si seruus legem intellexerit, poterit dominus se obmallare ut ipse • leudem non soluat.

[8] Si seruus hominem ingenuum occiderit, ipse homicida pro medietate conpositionis hominis occisi parentibus tradatur, et aliam medietatem dominus serui se nouerit soluiturum; aut si legem intellexerit (*), poterit (b) se obmallare ut leudem non soluat.

(*) intellegerit, Q. (b) potuerit, V.

Cf. Edict. Hilp. 5; Capit. Lud.; Sohm, Proc. 84.

LX. QUADRUPEDES SI SE HOMINEM OCCISERINT (*).

Si quis homo ex quolibet (b) pecu (e) occisus fuerit, et hoc parentis (4) illius (e) testibus potuerint (1) abprobare (s), dum ille (b) domanus (1) pecoris (b) antea legems (1) non adimpleuerit (m), mediaetate (e) de ipsa (e) leode (e) conponat et pro (s) illa alia mediaetate ipso (e) quadrupede (e) donet (e); si (e) enims domus (e) intellezerit per lege (e) se (e) defendere potet (f) ut nihil pro ipso pecore soluat.
(e) De quadrupedibus si hom. occ., 8: De quatropedis se

lege (*) se (*) defendere potet (*) ut nihii pro ipso pecore soluat.

(*) De quadrupedibur si hom. occ., 8; De quatropedis se hom. occsserit, 9; no rubric in B-H. (*) colibet, F. (*) pecus, 8; peco, 9; pecudem, B-H. (*) parentes, 8,9.B-H. (*) 8,9.ada: cum. (*) potuerit, 9. (*) adpracte, 8,9.B-H. (*) 18,9.ada: cum. (*) potuerit, 9. (*) pecoras, 9; pecudis, B-H. (*) 18,9. (*) dominum, G.H. (*) pecoras, 9; pecudis, B-H. (*) lege, 9; B-H ada: exinde legem. (*) adirpleuit, B-H. (*) legen, 9; pro-med., om. B-H. (*) leude, B.F. (*) pro, om. 9; pro-med., om. B-H. (*) leudenpe, 8; quatropede, 9; quadrupedem, B.H. (*) quadrupedem, F. quadrupedem, G. (*) donat, 9(*) co (eum. G) uidelicet modo si dominus se per (semper, F; semper, G) legem (lege, G) non intellexent derendere, B-H. (*) dominus, 8; domus, 9. (*) legem, 8. (*) salica, 9. (*) potest, 8; potit, 9; potet – soluat, om. B-H.

XXXIX. De Quadrupedibus qui hominem lædunt.

Si aliquis homo ex quolibet quadrupede qui domesticus fuerit occidatur, et hoc + cum testibus potuerit adprobari, + dum illius dominus + cuius pecus erat, ante legem non adimpleuit, medietatem de ipsa leudi componat et pro alia medietate ipsum quadrupedem homini donet. + Si uero pecoris dominus uitium in eo nom intellexerit, secundum legem ex inde se potest defendere, et de ipso pecore nibil soluat.

† parentes illius possint comprobare. † quod. † eo uidelicet modo si dominus quadrupedis nom intellexerit secundum legem se defendere.

XXXVIII. DE QUADRUPEDIBUS SI HOMINEM OCCIDERINT.

Si quis homo a quolibet pecude (*) domestico fuerit occisus, et hac (*) parentes illius potuerint testibus conprobare quod dominus pecudis (*) antea legem non adimpleret, medietatem conpositionis dominus ipsius quadrupedis cogatur exsoluere; ipsum nero quadrupedem, qui est auctor criminis, pro medietate conpositionis restituat requirenti, eo uidelicet modo si dominus quadrupedis non intellexerit secundum legem se defendere.

(*) quadrupede, Q. (b) hoc, Q.V. (c) quadrupedis, Q.

Cf. L. Alam. (Pact. III. 17-19), 102, 103; Rip. 46; Gund. 18. 73; Ed. Roth. 324-328; Li. 137; L. Fris. (Add. Sap.) III. 68; Alf. 23. 24; App. XX. 41; Sohm, Proc. 84.

LXI. DE UESTIGIO MINANDO (*).

[1] Si quis bouem aut caballum uel quemlibet (b) pecus in furtu (e) perdiderit (e), et eum (e)
dum nistigio (f) seq[u]itur consequtus (s) fuerit
usque ad tres noctis (b), si illi (i) qui eum ducit
aut emisset (b) aut cambeasset (l) dixerit uel proclamauerit; Ille (e) qui per uestigio (e) sequitur
res suas per tercia mano (e) (caramire, corr.)
charamire (r) debet (e).
(f) Deu six men. 9; mo rubric in F.G. (e) qualibet, F.
(f) lurtum, 8.9, B.— H. (e) perdediret, 9. (f) ipsum, B.— H.
(f) uestigio, 8.9, B.— H. (e) consecutus, 8.9, B.— H. (e) noctes,
8; noctes et illum (ille, B.F) qui lpsum furtum in potestate
(-tem, G) habet dixerit, se aut comparasse (-set, F) aut
concamiasse (-set, G), tunc liect ei, qui per uest, &c. B.— H.
(s) üle, 8. (e) emisit, 8. (l) cambi-, 8; cami-, 0. (f) illi, 9;
(l) sitsigio, 9; uestigium, G. (f) manu, 8.B.F. H; mane, G.
(e) adchramire, 8; clamare, e; adframire, B.F.; aframire, G;
aframire, H. (l) debit, 9; deb., om. B.— H.

[2] Si uero tres (*) noctis (*) exactis (*) qui res suas querit eas inuenerit (*), ille (*) apud quem inuenitur (*) eas (*) emisset (*) aut cambiasset (*) dixerit, ei (*) liceat (*) achramire (**).

(*) tris, 9 (*) noctes, 8 (*) exactas, 8; exhactis, 9 (*) inuenire, 9 (*) illi, 9 (*) inuenerit, 8 (*) eas, om 8 (*) emisti, 8 (*) camiasset, 9 (*) ei, om, 9 (*) 9 adds: mihi (**) adchramire, 8; hachramire, 9

Quod si ille (*) qui per uestigio sequitur res suas quas agnuscere (*) dicit (*), ille alio reclamante, nec ofierre re (*) per tercia manu (*) uoluerit, uel solem secundarm legem (*) calcauerit (*), sic (*) uolentar (*) hoc quod se agnuscere (*) dicit. Tollisse (**) conuncitar(*), mal mithio (frasito, corr.) frasitho (*), [Mcc den. qui lac.] sol. XXX culp. iud.(*)

(*) ill qui res suas sequitur, nistigio res suas 9. (*) agnoscere (*). (*) e. 8. 9. (*) uolenter, 8. (*) nichtur, 8. (*) re, om. 9. (*) is written abrie the line in 8. (*) manum, 9. (*) secund leg., om. 8. (*) culcamit, 8. (*) c. 8. 9. (*) uolenter, 8. (*) nithio frasito, 9. (*) m. iithio fr

XL. De Vestigio minando.

Si quis bouem aut caballum siue quodlibet animal in furto perdiderit, et eiusdem uestigia sequitur, et il consecutus fuerit usque in tertia nocte, et ille qui id duxerit aut emisse se aut a cambiasse dixerit aut proclamauerit, ille qui per uestigia sequitur res suas per tertiam manum b adrhamire debet.

Si uero iam tribus noctibus exactis qui res suas quærit et inuenerit, apud quem inueniuntur si cas emisso aut cambiasse dixerit, ipsi liceat adrhamire.

Qui uero per uestigium sequitur, quod se agnoscere dicit, illo alio reclamante, + non offerre per tertiam manum uoluerit, nec solum secundum legem calcauerit, et ei uiolenter quod se agnoscere dicit tulisse conuncitur, malb. en ittinio + frastatitio, NCC den. qui fac. sol. XXX culp. iud.

nolucrit. † frastathipto.

XXXIX. DE UESTIGIO MINANDO (*).

Si quis bouem aut caballum uel quodlibet animal sibi furatum perdiderit, et eum per uestigium sequendo fuerit consecutus infra tres noctes, et ille qui eum ducit se conparasse aut (*) cambiasse dixerit uel proclamauerit, ille qui per uestigium sequitur res suas debet per tertiam (*) manum (4) adhramire (*).

(*) uestigis minandis, 0. (*) et non, 0. (*) tertis, 0.

(*) uestigiis minandis, Q. (*) et non, Q. (*) tertia, Q. (*) manu, Q. (*) achramire, O; adramire, Q; adframire, V.

Cf. L. Sal. 47, 89; Rip. 33, 47;

Cf. L. Sal. 47, 89; Rip. 33, 47; Gund. 16, 73, 95; App. 1. 1; Waitz, 156, 158, 159; Sohm, Proc. 3, 56 ff, 97 ff.
Cf. L. Sal. 66, which may, probably, be regarded as a novella to this tit. or as having originally formed one of its paragraphs.

Si uero iam tribus noctibus exactis (¹) qui (ɛ) res suas quæsierit et inuenerit, ille apud quem inueniuntur si eas emisse aut cambiasse se (ʰ) dixerit, liceat adhramire (¹).

(f) exactibus, Q. (f) quibus qui, V. (h) se, om. Q.V. (l) adramire, Q; adframire, V.

Quod si ille qui per uestigium sequitur, quod se agnoscere dicit (*), illo alio reclamante, per tertiam manum adhramire (*) noluerit, nec solem secundum legem culcauerit, sed ei uiolenter (*) quod se agnoscere dicit tulisse conuincitur, MCC din. qui fac. sol. XXX culp. iud.

(*) didicit, Q. (*) adramire, Q; adframire, V. (**) uolenter, Q.

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COD. 1.	GOD. 2.	GOD. 8.	COD. 4.	CODD. 6 & 5.
XXXVIII. DE FURTIS CARAL- LORUM UEL EQUORUM.	[XXXVIII] XXXVII. DE FUR 7/S CAUALLORUM UEL EQUARUM.	XXXVIII. DE FVRTV CABAL- LOR <i>UM</i> ET EQVITARUM.	XXXVIII. DE FURTIS CABAL- LORUM UEL EQUIS.	XXXVII[I]. DE FURTIS CABALLORUM.
[1] Si quis caballum carrucaricium inuolauerit, cui fuerit adprobatum, excepto capitale et dilatura, mai anzacho, hoc est MDCCC din. qui fac. sol. XLV culp. iud.	[1] Si quir cauallum qui carruca trahit furaucrit, cui fucrit adpro- batum, maib hanziam, sunt din. MDCCC fac. sol. XIV culf. iud.	[1] Si qwie caballuss qui carucam trahit furauerit, sol. XLV culp. iud.	[1] Si quis caballum qui carrucam tr[a]hit furauerit, MDCCC den. qui fac. sol. xLV culp.	[1] Si quis caballum qui carruga trahit furauerit, malb chansocho*, sunt den. MDCCC qui fac. sol. XLV culp. lud., [excepto capitale et dela- tura].
			[2] Si quis uuaranione furauerit, M'DCCC den. qui fac. sol. XLV culp.	[2] Si quis uuaranionem(*) homine franco furauerii, malb uuadrido*, sunt den. Mocco qui fac. sol. XLV culp. iud., excepto capitale et delatura. (*) uuaranione.
[22] Si quis admissario furauerit, cui fuerit adprobatum, mat uualderido, hoc est MDCCC din. qui fac. sol. XLV culp. iud.	[9] Si quis armessario furauerit, cui fuerit adprobatum, malb u aderedo, sunt din. MDCCC fac. sol. XLV culp. iud.		[3] Si uero admasserium furati fuerant, precius superius conprehen- sam conuenit obseruare.	ļ
			•	[8] Si quis caballo spado (*) fura- uerii, maib chanzisto*, sol. xxxv culp. iud., excepto capitale et delatura (*). (*) spato. (*) exc. cap. et del. om. 5.
				[4] Si uero uuaranionem (*) regis(*) furauerit, malb selcho*, sol. xc culp. iud., excepto capitale et delatura. (*) uuarenione rege.
[8] Si quis admissario cum gregem suam, hoc est xII equas, inuolauerit, praeter capitalem et dilaturam, mat u u alderido, hoc est MMD din. qui fac. sol. IXIII culp. iud.	[8] Si quis armessarium cum gregem suum, hoc est equas, cui fuerit adprobatum, malb sunnista, sunt din. MMD fac. sol. LXII culp. iud.	[3] Si uero admissarium cum grem suum, hoc est cum xII equas, turauerit, sol. 1xII culp. iud., excepta capitate et delatura.		[5] Si uero amissario (*) cum gregem suum (b), hoc est cum VII aut XII zequas (c), furauerii, malb. sonista*, sunt den. MD qui fac sol. LXIIs (*) culp. iud., excepto capitale et delatura (*). (*) (amassario, corr.) amassiro. (b) suam (f) equas. (4) LXII. (*) exc. cap. et del., om. 5.
[4] Si uero grex miuor fuerit usque ad septem capita cum admissarium, excepto capitale et dilatura, sol. LXIII culp. iud.	usque ad vii capita cum armessario	[3] Si uero grex minor fuerit usque ad septem capita et cum admissario furate fuerint, causa superius in- timata conuenit obseruare.		[8] Si uero greges(*) minor fuerit(*) usque ad sex capita, et pretius et causa ut superius est conuenit ob- seruare. (*) gregis minora fuit.
[5] Si quis equam pregnantem inuolauerit et ei fuerit adprobatum, mat marthi, boc est MCC din. qui fac. sol. XXX culp. iud.	[8] Si quis equa pregnante fura- uerit et ei fuerit adprobatum, malb anciaca, sunt din. MDCCC fac. sol. XIV culp. iud., excepto capitale et dilatura.			[10] Si quis iumentum prignantem furauerii, malb stalachaia*, suni den. MDCCC qui fac. sol. XLV culp. iud., excepto capitale et delatura (*). (*) exc. cap. et del., om. 5.
[6] Si quis poledrum anniculum furauerit, cui fuerit adprobatum, mal marsolem, hoc est pc din. qui fac. sol. xv culp. iud.	[8] Si quis poletro annocolo fura- uerit et ei fuerit adprobatum, mato sunnista, sunt din Dc fac. sol. xv culs. iud., excepto capitate et dila- turz.	[4] Si quis polletro anniculum furauerit, sol. xv culp. iud., excepta capitalia et delatura.		
		·		
[7] Si uero sequente poletrum furauerit, cxx din. qui fac. sol. III culp. iud.	[7] Si uero sequentis poletrus furauerit et ei fuerit adprobatum, malb nare, sunt din. cxx fac. sol. III culp. iud.	[5] Sequenti polletro furauerit, sol. III culp. iud.	[5] Si uero sequenti pulletro fura- uerit, cxx den. qui fac. sol. III culp.	[8] Si uero poletro sequente fura- uerii, malb nare sunt den. exx qui fac. sol. III culp. iud., [excepto capitale et delatura].
		[8] Si quis jumentum alienum trabatterit, sol. xxx culp. iud.		[9] Si quis iumentam (*) alienam trebatterit (*), malb stalachaia*, sunt den. Mcc qui fac. sol. XXX culp. iud., [excepto capitate et delatura]. (*) iumenta aliena tribatterit.
				[11] Si quis caballum aut iumen- tum furauerit, malb azisto, Mecce
				den. qui fac. sol. xxxv culp. iud., excepto capitale [et delatura]. [12] Si quis amisarium (*) alienum extra (*) consilium domini (*) sui spadauerit (*), malb andeabina*, sunt den. Dc qui fac. sol. xv culp. iud., et pro quisque iumento triante 1 con-

CODD. 7, 8, 9.	COD. 10.	LEX EMEND.	OBSERVATT.
LXII. DE FORTIS(*) CABALLORUM.	XLI. De furtis cabellorum.	XL. DE CABALLIS FURATIS.	Cf. L. Rip. 18; Alam. (Pact. III. 13), 70-72; Sax. 29; Thur. 35; Fris. (Add. Sap.) I. 3; Sohm, R. u. G. 562.
[1] Si quis caballum qui carrua (*) trait (*) furauerit, mal channas zascho (4), [MDCCC den. qui fac.] sol. XLV culs. iud. (*) furits. 8,9.B-H. (*) carruca, 8.H; carruca, 9.R.G; caruca, F. (*) trahit, 8.B-H. (*) carazasco, 8; chanzascho, 9.	1 Si quis caballum qui °carrucam trahit furauerit, malb. chanco, MDC den. qui fac. sol. XL culp. iud., excepto capitale et delatura.	[1] Si quis caballum qui carrugam trahit furauerit, MDCCC din. qui fac. sol. XLV culp. iud., excepto capitale et delatura (*). (*) e. c. et d., om. Q.	R. u. G. 562.
	8° Si quis ° Vuaranannionem homini Frasco furauerit, malb. uuadrido, MDCCC den. qui fac. sol. XLV culp. iud., excepto capitale et delatura.	[2] Si quis warannionem (*) homini Franco (*) furauerit, MDCCC din. qui fac. sol. XLV culp. iud., excepto capitale et delatura. (*) uwaranionem, Q. (*) f ancho, T.V.	Cf. Recap. L. Sal. 18; L. Cham. 25; Sohm, R. u. G. 562.
[2] Si quis admisario (4) ad homine (b) franco (b) furauerit, mal unadreto (c), [MDCCC den. qui fac.] sol. XLV culp. iud., excepto capitale et delatura (d). (c) admissario, 8; amissario, 9; emissarium, B; admessarium, F.H; admissarium, G. (d) hominem francum, B-H. (f) unadretho, 9. (e) ex cap: et del., om. 8.	7 Si quis Franco homini admissarium furauerit, malb. uuadredo, MDCCC den. qui fac. sol. XLV culp. iud., excepto capitale et delatura.		
	2 Si quis caballum b spathum furauerit, malb. chen gisto, MCCCC den. qui fac. sol. XXXV culp. iud., excepto capitale et delatura.	[3] Si quis caballum spadatum furauerit, MCCCC din. qui fac. sol. XXXV culp. iud. (*), excepto capitale et delatura (*). (*) Q adds: similiter. (*) § 3 om. O.	
	4 Si quis uuaranionem Regis furauerit, malb. setheo, + mmcccc den. qui fac. sol. Lx culp. iud., excepto capitale et delatura. † HIMDC den. qui fac. sol. XC.	[4] Si quis warannionem (*) regis furauerit, MMMDC din. qui fac. sol. xc culp. iud., excepto capitale et delatura. (*) uuaranionem, Q.	Cf. Recap. L. Sal. 23.
[3] Si quis admissario (*) cum grege (*) usque ad (*) duodecem aequas (*) furauerat (*), mal u u ad reto (*), [MMD den. qui fac.] sol. LXIIs culé. iud., excepto capitale et delatura. (*) admissarium, 8.G. (admissarium, corr.) ademissarium, B.; admessarium, F.H. (*) gregem. 9. (*) ad. om. B-H. (*) quis, 8; equas, 9; iumenta, B-H. (*) - rit, 9.B.F.H; furatus fuerit, G. (*) u u ad seto, 8; (u u ad retho, or) u u ad setho, 9.	5 Si quis admissarium °cum grege, hoc est cum vii aut xii equabus, furauerit, malb. 4 huicthe sonistha, MMDC den. qui fac. sol. txii cum dimidio, culp. iud., excepto capitale et delatura.	[5] Si quis amissarium cum grege, hoc est cum septem aut (*) duodecim equabus, furauerit, mmb din. qui fac. sol. LxII cum dimidio culp. iud., excepto capitale et delatura. (*) Q adds: cum.	
·	6 Si autem de grege minus fuerint usque ad sex capita, et pretium et caussam superius conuenit obseruare.	[6] Si autem de grege minus fuerit usque ad sex capita, et (*) pretium et causam superius intimatam conuenit observare (*). (*) causa s. intimata c. o. Q. (*) The Est MS. adds according to Muratori: Si ucro minus de sex fuerint M denaris, qui faciunt sol. XXV, cuip. iud., excepto capitale et delatura.	
	18° Si quis + equam prægnantem furauerit, malb. estalathia, moccc den. qui fac. sol. xLv culp. iud., excepto capitale et delatura. † iumentum prægnans.	[11] Si quis equam pregnantem furauerit, MDCCC din. qui fac. sol. XLV culp. iud. (*) (*) Q adds: excepto capitale et delatura.	Cf. Alf. 16; App. 1. 7.
[5] Si quis poletrum (*) annuculum (*) fura- uerit, mai nabohot (*), [Dc den. qui iac.] sol. xv cul p. iud., excepto (*) capitale et delatura (*). (*) poledrum, 8; pulletrum, 9; pol. om. B.G.H. (*) anni- culum, 2B.G.H. (*) angioss in 8. (*) exc. c. et del., om. 8. (*) this § is not in F.	9 Si quis puledrum anniculum siue bimulum furauerit, malb. Inapodero, oc den. qui fac. sol. xv culp. iud., excepto capitale et delatura.	[7] Si quis puledrum (*) anniculum uel (*) bimum furauerit, DC din. qui fac. sol. XV culp. iud., excepto capitale et delatura. (*) pulledrum, Q. (*) aut. Q.	·
[4] Si quis polletrum (*) furauerit, mal u u adretto (*), sol. xxx culp. iud., excepto (*) capitale et delafura (*). (*) puletrum, 9; poletrum, B; poletero, F; poledrum, H. (*) u u a dretho, 9. (*) exc. c. et d., om. F. (*) this \$ is not in 8.	8 Si quis * puledrum furauerit, malb. uu adredo, MIX (c den. qui fac. sol. XLV culp. iud., excepto capitale et delatura.		
	10 Si uero sequentem puletrum furauerit, malb. s nare, cxx den. qui fac. sol. III culp. iud., excepto capitale et delatura.	[8] Si uero sequentem puledrum (*) furauerit, CXX din. qui fac. sol. III culp. iud., excepto capitale et delatura. (*) polledrum, Q.	
[6] Si quis iumenta (*) aliena (*) trabatterit (*) ut (*) cuascrit (*), mai sitabaim (*), [do den. qui fac.] sol. xv culp. iud. (*) iumentum alienum, 8. (*) trabaterit, 8; trabatteret, 9; traisera tenuerit, B; trabata euenerint, F; trabatenuerint, G; trat attenuerint, H. (*) aut, 8; c, 9.B-II. (*) cuascrint, B-H. (*) sitabahim, 8; sithabahun, 9.	11 Si quis iumenta aliena btribatterit et et euascrint, malb. stalathia, MCC den. qui fac. sol. xxx culp. iud., excepto capitale et delatura.	[9] Si quis iumenta aliena tribatterit (*) et euaserint (*), pc din. qui fac. sol. xv culp. iud. (*) (*) tribaterit. G.I; tribuaterit. N; trebatauerit. B; trebatterit. Q; tribattierit, V. (*) euaserit, V. (*) V adds: excepto capitale et delatura.	·
[7] Si (*) exinde mortua fuerit (b), mal sitabatim (c), sol. XXX (4) culp. iud., excepto capitale et delatura. (*) Et si. 8. (b) fuerint, B-H. (*) sitabahim, 8; c) thabahim, 9. (4) DC den. qui far. sol. XV, 8.	19 ° Si autem mortua inde fuerint, MCC den. qui fac. sol. xxx culp. iud.	[10] Si autem mortuæ (*) inde fuerint, MCC din. qui fac. sol. XXX culp. iud. (b) (*) mortua l. fuerit, Q. (b) A adds: excepto capitale et delatura.	In Cod. 7 the amount of the fine has been altered, but it is not clear whether xxx was changed into xv, or xv into xxx.
	14 ° Si quis iumentum aut caballum furauerit, MCCCC den. qui fac. sol. xxxv, excepto capitale et delatura.	[19] Si quis iumentum aut caballum furauerit, MCCCC din. qui fac. sol. xxxv culp. iud., excepto capitale et delatura.	
•	18° Si quis admissarium alienum sine consensu domini sui spadauerit, malb. andechobina, de den. qui fac. sol. xv culp. iud., et unumquodque iumentum quod ille inire consucuerat, trientem, quod est tertia pars solidi, id est, xiii den. et tertia pars unius denarii.	[18] Si quis amissarium alicnum sine consensu domini (*) spadauerit (b), DC din. qui fac. sol. xv culp. iud. Et per (*) unumquodque iumentum quæ ille (d) continere consueuerat triente uno (*) conponat, quod est tertia (*) pars solidi, id est, tredecim dinarii et tertia pars unius dinarii. (*) T. V add: sul. (*) expadauerit, O. (*) pro, Q; per, om. V. (*) ill. Q. (*) triaen, 4418. A.O; trienti, N: trien, G. T.Y; trianto, Q. (*) tres, Q. (*) tre	Cf. Recap. L. Sal. (b) 3.
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00D. 1.	GOD. 2.	COD. 3.	COD. 4.	CODD. 6 & 5.
[8] Si quis caballo alieno excurta- uerit, mal leodardi, hec esf cxx din. qui fac. sol. III culp. iud.		[7] Si ques caballum alienum ex- corticauerit, sol. III culp. iud.	[6] Si quis caballum alienum scortauerit, CXX den. qui fac. sol. III culp.	[13] Si quis [per] superbiam aut per inimicitiam caballos aut iumenta aliena trebatterit (*) uel debilitauerit, malb stalachia*, sunt den. MCC qui fac. sol. KXX culp. iud. (*) tribatterit. [14] Si quis caballum alienum escur[tauerit, malb leodardi, sol. III culp. iud.] (*) (*) The words between [], which are not in 6, have been supplied from 5.
XXXVIIII. DE PLAGIATORI- BUS.	[XXXIX] XXXVIII. DE PLA- GIATORIBUS.	XXXVIIII. DE PLAGIATORI- BVS.	XXXVIIII. DE PLAGIATORI- BUS.	XXXIX. DE PLAGIATORIBUS.
[1] Si quis mancipia aliena solici- tare uoluerit et ei fuerit adprobatum, mal obscult, hee est de din. qui fac. sol. xv culp. iud.	[1] Si qué mancipia aliena sub- licitare uoluerit et adprobatus fuerit, malb obsculte, sunt din. De fac. sol. xv culp. iud.	[1] Si quis mancipia aliena sollici- tare uoluerit, sol. xv culp. iud.	[1] Si quis mancipia aliena sublicitare uoluerit, DC den. qui fac. sol. xv culp.	[1] Si qui mancipia aliena sollici- tauerit (*) et adprobatus fuerit, malb leod thelazina*, no den. qui fac. sol. xv culp. iud. (*) solicitauerit.
	[2] Si seruus alienus fuerit plagiatus et ipse trans mare ductus fuerit, et ibidim ad domino suo inuentus fuerit et ad quo ipse in patria plagiatus est in mallo publici nominauerit, et ibidim testis debit collegire.	sua plagiatus est in mallo publico	uentus et a quo ipse in patria plagia- tus est in mallo publico nominauerit,	[2] Si quis seruus alienus plagatus (*) fuerit et ipse trans mare fuerit ductus, et ibidem a domino suo fuerit peruentus et a quo ipse in patria plagiatus est in mallo publico nominauerit, tres ibidem testes collegere (*) debet (*). (*) plagiatus (*) colligere debent.
	[8] Iterum cum seruus si de trans mare fuerit reuocatus in alterum mallum debit nominari, ibidim simul in testis debit collegi edoneus; ad terciums uero mallum similis fieri debit ut noue testes iurent quod seruum ipsum equaliter super plagiatorem audiersi dicentem, et sic postea qui eum plagiauit, maib unistario, propher capitale et dilatura, din. Mcccc fac. sol. xxxv culp. iud.	fuerit reuocatus in altero mallo aimi- liter fieri debet, ut nouem testes iurent ut seruum ipsum per tres mallos equaliter super plagiatorem dicentem audierint, sic postea qui eum plagiauit debet, mal mallo,	Iterum eum (Leg. cum) seruus ipse citra fuerit remedatus in altero mallo debet iterum nominare, hibi similiter tres testes debent collegi; ad tertio uero mallo similiter facere debent ut nouem testes iurent quod seruum ipsum equaliter super plagituram dicentem audientes, sic postea qui eum plagiauit, hoc est Mocccc den. qui fac. sol. XXXV culp.	Iterum cum seruus ipse citeri(*) mare fuerit (*) reuocatus in alterum uero mallum (*) debet iterum nominare, ibi similiter tres testes debent collegere(*); ad tertio uero mallo similem fieri debet ut nouem (*) testes iurent quod seruum ipsum zequaliter semper super plagiatorem dicere (*) audierunt, sic postea qui eum plagiauit (*), hoc est malb mallo uuiridariü*, sunf den. MCCCC qui fac. sol. XXXV culp. iud., excepto capitale et delatura. (*) chitra mari fuerat. (*) mallo. (*) collige. (*) noul. (*) dicentem. (*) plaganit.
	[4] Qui confessio serui usque III plagiatoris amittitur, sed eam tamen racionem ut nomina hominum et uilarum semper debiat nominare.	Oui confessio serui usque ad tres plagiatores admittitur. Sed ea tamen ratione ut nomina hominum et uilla- rum semper et debeat nominare.	Quod confessus seruus usque ad tres plagiatores admittat, si eam tamen rationem ut nominauit nomina homi- num et uillarum semper debeat nominare.	[8] Qui confessio serui usque ad tres plagiatoribus (*) admittitur, sed ea tamen ratione et (*) nomina hominum et uillarum semper æqualiter debeat nominare. (*) plagiatoris. (*) ut.
[2] Si quis hominem ingenuo plagiauerit et probatio certa non fuit sicut pro occiso iuratore donet: si iuratores non potuerit inuenire, viii. M din. qui fac. sol. cc culp. iud.	[5] Si quis uero hominem plagia- uerit et uendeueret et probacio certa non fuerit, sicut pro hocciso iuratores dare debit; si iuratores non potuerit inuenire, mafb 'falconü, sunt din. VIIIM fac. sol. cc culp. iud.	[8] Si quis hominem ingenuum plagiauerit et uendiderit, sol. cc culp. iud.	[8] Si quis hominem ingenuum plagiauerit aut uendiderit, viil den qui fac. sol. cc culp.	[4] Hi (*) quis hominem ingenuum plagiauerit et uindiderit, et postea in patria (*) reuersus fuerit, malb (chald efico, corr.) chald eficho*, sol. c culp. iud. (*) Si. (*) patriam ad propria. [5] Si quis hominem ingenuum uenderit (*) et postea in patria propria (*) reuersus fuerit (*), malb (fanchamo, corr.) franchamo* sunf den. VIIIM qui fac. sol. cc (*) culp. iud. (*) uindiderit. (*) reuersus ad propria non fuerit. (*) c.
[3] Si romano plagiauerit, sol. LXIII culp. iud.	[6] Si romanus ingenuum plagia- uerit, MMD din. qui fac. sol. LXII culp. iud.			
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GODD. 7, 8, 9.	COD. 10.	LEX EMEND.	OBSERVATT.
	16° Si quis per superbiam aut per inimicitiam caballos aut iumenta aliena tribauerit uel debilitauerit, malb. *stala sthia, MCC den. qui fac. sol. XXX culp. iud.	[14] Si quis per superbiam aut inimicitiam caballos aut iumenta aliena trebatterit (*) uel debilitauerit, MCC din. qui fac. sol. XXX culp. iud. (*) tribatterit, T; tribatterit, V.	
LXIII. [2](*) Si quis caballum alienum ex- curtauerit (*), mal leodardo (*), [cxx den. qui fac.] sol. III culp. iud. (*) far 10 fit. 6, par tit. 23. (*) scurtauerit, 9; excur- taberit, G. (*) leod, 8; leodardi, 9.		[16] Si quis caballum alienum excoriauerit (*), CXX din. qui fac. sol. 111 culp. iud. (*) excorticauerit, Q.	Cf. L. Sal. 65.
LXIII. [8] Si quis caballum mortuum sine permisso (*) domini sui excorticauerit (*), mal leo dardo (*), [Cxx den. qui fac.] sol. III culs. ind. (*) permissum, B-H. (*) escorticauerit, 8; decodauerit, 9; excurtauerit, F; excurtaberit, C. (*) leu d. 8; leo dardi, 9.	17 Si quis caballum alienum sine consensu domini sui excorticauerit, malb. leudardi, cxx den. qui fac. sol. III culp. iud., excepto capitale et.delatura.	[15] Si quis caballum alienum sine consensu domini (*) excurtauerit (b), cxx din. qui fac. sol. III culp. iud. (*) Q adds: sul. (*) excortauerit, Q.	
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LXIIII. DE PLAGIATORIBUS (*).	XLII. De Plagiatoribus.	XLI. DE HIS QUI ALIENA MANCIPIA SOLLICITAUERINT.	Cf. Pact. pro ten. pac. vii; L. Rip. 16; Alam. 46-48; Baj. 9. 4; Gund. 107; Fris. 21; Sax. 20;
Si quis mancipium(b) alienum(e) solicitauerit(4), mat the olasina, [DC den. qus fac.] sol. XV culp. iud. (*) no rubric in B-H. (b) mancipio, 9. (*) alieno, 9. (*) soll 8.B-H. LXV. [Rubrica deest in omnibus].	1 Si quis mancipia aliena sollicitauerit et conuictus fuerit, malb. theu la sina, DC den. qui fac. sol. xv culp. iud.	[1] Si quis mancipium alienum sollicitauerit et conuictus fuerit, DC din. qui fac. sol. xv culp. iud.	Gund. 107; Fris. 21; Sax. 20; Wis. vii. 3.
[1] Si quis seruus alienum (*) furatus fuerit et ipse (*) trans mare fuerit (*) ductus, et ibidem (*) domino (*) suo (*) peruentus (*) fuerit et ipsi (*) qui in patria aliena placatus (*) est (*) in mallo publico nominauerit (*), tres testes ibidem collegere (*) debit. (*) alienus, 8,0 B-H. (*) tpse, sm. B.F.H.; h, G. (*) dominsm., g. (*) suum, g. (*) inuentus, BH. (*) tpse, 8B.G.H. (*) plagiatus uel uenditus, BH. (*) est, sm., g. (*) - rint, F; 8 adds: et. (*) colligere, 8.B.H.	2+ Si seruus alienus fuerit furatus et ipse trans mare fuerit ductus, malb. "uiridio", siue in quamlibet regionem ipsum duxerit, et ibidem a domino suo inuentus fuerit et ipsum a quo in patria aliena plagiatus est in mallo publico nominauerit, et tres ibidem testes colligere dominus debet, † Si quis seruuse alienuse plagiarit, id est per circumuestioness de seruitio domini sul abstulerit.	[2] Si quis seruum alienum plagiauerit (*), id est per circumuentionem de seruitio domini sui abstraxerit, et trans mare siue in (*) qualibet regione ipsum duxerit et ibidem a domino (*) inuentus fuerit et ipsum a quo in patria plagiatus est in mallo publico nominauerit, et tres ibidem testes dominus habere debet. (*) placauerit, Q. (*) In, om. Q. (*) domnino, Q.	Cf. Sept. Caus. 111. 7; Waitz, 61, 144, 167, 171.
Iterum cum seruis (n) ipse (e) de (p) trans (e) mare (e) fuerit reuocatus (f) in alio mallo iterum(e) minare (f) debit, et ibi (n) tres testes debit collegere (n). Edonius (n) a (n) tercio uero mallo similiter faciat ut(f) nouem testes iurent quod seruum ipsum (n) equiter (n) per totus (n) tres mallus (n) super plagiatorem dicere audissent (n), sic postea qui euum plagauit (n) hoc est uuargauerit (n), mat malo ui eridario (s), [MCCCC den. qui fac.] sol. xxxv (n) culp. iud., excepto capitale et delafura (n). (n) seruus, 8.9.B.H. (f) ipsi, 9. (f) de, pm. F. (f) trans-	et iterum cum seruus ipse citra mare fuerit reuo- catus in altero mallo iterum debet nominare qui cum plagiauerit, et ibidem similiter tres testes colligere debet, ad tertium uero mallum similiter facere debet ut nouem testes iurent quod seruum ipsum æqualiter per totos mallos super plagia- torem dicentem audissent. Sic postea qui eum plagiauerit, MCCCC den. qui fac. sol. XXXV culp. iud., excepto capitale et delatura.	Et iterum cum seruus ipse citra mare uel de qualibet regione fuerit reuocatus in altero mallo debet nominare qui eum plagianerit (*); et ibidem similiter tres testes debent (*) adesse. Ad tertium uero mallum similiter fieri debet ut nouem testes inrent quod seruum ipsum æqualiter semper super plagiatorem dicentem audissent. Sic postea qui eum plagiauit, MCCCC din. qui fac. sol. XXXV culp. iud., excepto capitale et delatura; (*) placauit, Q. (*) debeant, Q.	
(*) serius, \$9, B-H. (*) ipsi, \$2. (*) de, om. F. (*) transmarina, B-H. (*) reuersus, B-H. (*) inerum, om. \$9. (*) nominare, \$8, B-H. (*) indem, \$8, F. (*) colligere, \$8, B.H. (*) indement, \$9, E donius, \$9, indemest, B.H. (*) indexes, \$4, \$9, \$100, \$1		·	
[2] Qui (*) confessio serui usque ad tres plagiatores ascendit, sed eam tames rationem (*) ut nomina hominum uel uilarum (*) equaliter per tres totus (4) mallus (*) debeat nominare (7). (*) Qui - sed, om. B-H. (*) racione, o. (*) uillarum, & o. (*) totos, & ; tot., om. o. (*) mallos, & (*) nomerare, o.	8º Quæ confessio serui usque ad tres plagia- tores admittatur, ea tamen ratione ut nomina hominum et uillarum æqualiter per totos tres mallos debeant nominare.	ea tamen ratione ut (?) nomina hominum et uilla- rum æqualiter per totos tres mallos debeat (6) nominare. (f) et, Q. (f) debeant, Q.	
LXVI. [Rubrica deest in omnibus]. Si quis hominom ingenuum plagauerit (*) uel uindederit (*), mal frio falchino (*), [VIIIM den. quí fac.] sol. co culp. iud. (*) plagiauerit, 2 R.G.H; placauerit, 2 F. (*) uendiderit, 2 R.H; uindediret, 9; uindiderit, F.G. (*) frio falcino, 2,9.	4 Si quis hominem ingenuum plagiauerit et uendiderit, et postea in patriam reuersus fuerit, malb. b frio faltouo seu audel fecto, viii den. qui fac. sol. cc culp. iud.	[8] Si quis hominem ingenuum plagiauerit uel uendiderit, et postea in patria reuersus fuerit, rvm din. qui fac. sol. c culp. iud.	Cf. Sept. Caus. VI. 3; Sent. Sept. Sept. 7.
	5 Si quis hominem ingenuum uendiderit et postea in patriam reuersus non fuerit, malb. fal. cham, VIILM den. culp. iud. qui fac. sol. cc.	[4] Si quis hominem ingenuum uendiderit et postea in patriam (*) ad propria (*) reuersus non (*) fuerit, VIIIM din. qui fac. sol. cc cuip. iud. (*) patria. Q. (*) ad propria. om. V. (*) non. om. Q; post in patriam reuersus non f., T.	
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COD. 1.	СОД. 2.	COD. 3.	COD. 4.	CODD. 6 & 5.
XL. SI SERUUS IN FURTUM FUERIT INCULPA[TUS].	[XL] XXXVIIII. SI SERUUS IN FURTUM FUERIT INCULPATUS.	XL. SI SERVVS IN FVRTV FVERIT INCVLPATIS.	XL. SI SERUUS IN FURTUM FUERIT INCULPATUS.	XL.(*) SI SERUUS IN FURTUM FUERIT INCULPATUS.
[1] Si talis fuerit causa unde ingenuus DC din. hoc est sol. xv cumponere debuerat, seruus super scamno tensus CXX iectos flagellorum [accipiat].	[1] Si talis fuerit causa unde ingenuus DC din. qui fac. sol. xv conponere debuerit, seruus super scamnum tinsus cxx hicfus accipiat.	[1] Si talis fuerit causa unde ingenuus sol. xv conponere debuerat, seruus super scamnum tensus cxxxv ictos accipiat.	[1] Si talis fuerit causa unde ingenuus sol. xv componeret, seruus super scamnum tensus cxx ictus haccipiat.	inculpatus si talis causa est unde
[2] Si uero antequam torquatur fuerit confessus et ei cum domino seruo conuenerit, cxx din. qui fac. sol. III dominus reddat.	[2] Si uero antequam torquatur,	[2] Si uero antequam torcatur fuerit confessus et ei cum domino serui conuenerit, solides culp. iud., pro dorsum suum conponat et capitalem dominus in locum restituat.	[2] Si uero antequam torquetur confessus fuerit et cum domino serui conuenerit, cxx den. qui fac. sol. III culp. pro dorsum serui et capitali dominus reddat.	fuerit confessus et ei cum domino suo conuenerit, cxx den. qui fac. sol.
[8] Si tamen maior culpa fuerit unde ingenuus xxxv sol. reddere debet (<i>Hic nonnulla desunt</i>).	•	[8] Si tamen maior culpa fuerit unde ingenuus sol. xxxv soluere possit, similiter seruus CXXI colapos accipiat,		unde ingenuus Mcccc den. qui sol. xxxv solueri (*) possit, similiter ser-
[4] Et si confessus non fuerit, ille qui eum torquet si adhuc uoluerit ipso seruo torquere, etiam nolente domino, pignus domino serui donare debet.		et si confessus non fuerit, ille qui eum torcuit si adhuc uoluerit ipsum scruum torquere, etiam nolente domino, pignus domini serui dare debeat;	quì eum torquid si adhuc nolucrit ipsum seruum torquere, etiam nolen-	[4] Et si confessus non fuerit, ille (*) qui eum torquitur (*) si adhuc uoluerit ipsum seruum torqueri, ctiam nolente (*) domino, pignus domini serui donare debet. (*) illi. (*) torquetur. (*) nolentem.
Si seruus postea ad suppliciis maioribus subditur et si confessus fuerit, nihil ille super domino credatur; ipse illo seruo in potestatem habiturus est qui eum torsit. Dominus serui unde iam pignus accepit praecium pro suo seruo accipiat.	si fuerit confessus, nihil suum domino credat; ipse uero in potes- tatem seruum illum abiturus qui eum torsit; dominus uero serui unde iam pignus accipit precio pro suo seruo accipiat.	et sic seruus postea ad supplicia maioribus similiter datur, et si con- fessus fuerit, nihii illi super dominus credatur. [4] Si uero ipsum seruum habetur usque eum torsit dominus serui unde pignus praetio pro seruo accipiat.	nichil ille super domino credatur, ipse uero illum seruum habiturum	[8] Et si (*) seruus postea ad suppliciis maioribus subdatur et si confessus fuerit, nibil ei super domino credatur. Ipse uero qui cum torsit illum seruum in potestatem (*), dominus serui unde iam pignus accipiat pretium (*) pro ipso (4) seruo (*) accipiat. (*) sic. (*) potestate habetur. (*) pretio. (4) ipso, om. 5. (*) add: suo.
Si uero inter priora supplicia id est infra CXX culapus fuerit confessus, aut castretur aut sex sol, reddat. Dominus uero serui capitale requirenti restituat.		id est intra cxxI colapos fuerit con- fessus, aut castratur aut sex sol.	[6] Si uero intra priora supplicia CXXI colobos fuerit confessus, aut castretur aut CXL den. qui fac. sol. VI reddat. Dominus uero serui capitale restituat requirenti.	[6] Si uero (*) super priore (*) supplicia id est CXX colpos fuerit confessus, aut castretur aut CXL den. qui fac. sol. VI reddat; dominus uero serui capitale (*) in loco restituat requirenti (*). (*) add: seruo. (*) priora. (*) capitalem restituat requirenti.
[8] Si uero maiore crimine seruus conpraehenditur id est unde in- genuus XLV solidos possit culpabilis iudicari, et inter supplicia seruus ipse confessus fuerit, capitali sen- tentia feriatur.	[8] Si maius crimine seruus incul- patus id est unde ingenuus MDCCC din. hoc est sol. XIV conponere possit, et inter suplicia confessus tuerit, capitali sentencia feriatur.	[6] Si uero in maiore crimine scruus inculpetur unde ingenuus XLV sol. culpabilis iudicetur, et inter supplicia confessus fuerit, capitale sententia feriatur.	seruus inculpatur hunde ingenuus MMDCCC den. qui fac. sol. LXII culpa possit iudicare, inter supplitia con-	seruus inculpatur unde ingenuus Mocce den. qui fac. sol. XLV possit
[6] Si uero in quolibet crimine seruus conprehenditur, dominus ipsius, si praesens cs/, ab eo qui repetit uirgas paratas habere debet quae ad magnitudinem minoris digiti minime sint et quoaequales, et scamno pristo ubi seruo ipso tendere debeat.	[4] Si uero seruus in colibet crimine culpatur, dominus serui ipsius, si presens est, ab eo qui requeret admanere debit ut seruum suum dibiat suppliciis dare, ubi qui repetit et uirgas paratas habere debit que ad magnitudinis minoris digiti, et senum et scamnum prestet ubi seruum tendere dibiat.	[7] Si uero seruus in qualibet crimine inculpetur, dominus serui ipsius, si presens est, ab eo qui recepit admonere debet ut seruus iustis debeat suppliciis dare, ubique repetit et uirgas paratas habere debet quæ ad magnitudinis minoris digiti sunt, et scamnum paratum ubi ipsum tendere debeat.	[8] Si uero seruus in quolibet crimina in culpa, dominus serui ipsius, si præsentiem, allud eo qui resistit admonire debet ut seruum iustis debeat suppliciis dare, hubique repedit et uirgas paratas habere debet que ad magnitudine minoris digiti sunt, et scamnum paratum hubi seruum tendere debeat.	[8] Si ucro seruus in quolibet crimen culpatur (*), dominus (*) ucro serui ipsius, si presens est, ab ec qui repetit admonere debet ut scruum suum istis (*) suppliciis (*) dare, et qui repetit uirgas paratas habere debet qui ad magnitudinis minoris (*) digiti sunt, et scamnum (*) paratum habere debet. (*) inculpatur. (*) dominus is refeated in 6. (*) insis debet subpliciis. (*) minores. (*) escamnum.
[7] Si dominus serui supplicia dis- tulerit et seruus praesens fuerit, continuo domino illo qui repetit solem collegere debet. Et ad eadem septem noctes placitum facere debet ut seruum suum ad supplicium tradat.	debit, et sic in VII noctes placitum facire dibit ut seruum suum suppliciis	[8] Si dominus serui supplicia dare distulerit et si seruus presens fuerit, continuo ipse, qui repetit dominus serui solem culcauerit, et in septe noctes placitum facere debet ut seruum ad supplicia tradatur.	[9] Si dominus serui suppliciis distulerit et seruus praesens fuerit, continuo ipse qui repedit dominus dominu serui solem collegare debet ut seruum ad supplicia tradet.	[9] Si dominus serui suppliciis distulerit et seruus praesens fuerit, continuo ipse qui repetit dominus serui solem colecit (*), et in octo (*). noctes placitum facere debet ut seruum ad suppliciis tradat. (*) collegit. (*) septem.
[8] Quod si ad septem noctes seruo ipso tradere distulerit, solem ei qui repetit collecit; et sic iterum ad alias septem noctes placitum faciat id est ad XIIII noctes de prima admonitione conpleantur.	[6] Quod si ad vII noctis tradire distullerit, sole ei qui repetit iteratum colecit; et sic ad alteras vII noctes placitum faciat id est in quatuor dece noctes,	[9] Quod si adhuc septem noctes seruum tradere distulerit, solem ei quod repetit iterato culcet, et sic ad alia septem noctes placitum faciat id est ut in quattuordecim noctes de prima admonitiones conpleatur.	[10] Quod si adhuc septem noctes seruum tradere distulerit, solem ei quem repetit iteratum collecit, eo sic iterum ad alias septem noctes placitum faciat id est quattuordecim noctes de prima admonitione conpleantur.	Quod si adhuc semptem (*) noctes seruum tradere distulerit, solem ei qui repetit et (4) cracto (4) collicet (*) et sic iterum usque (7) ad alias septem noctes placitum faciat id est XIIII noctes de prima admonitione (*) conpleatur (*). (7) VII. (4) iterato. (7) collegit. (7) usque, om. 5. (8) admonitionem compleantur.
235	236	237	. 238	239 .
-99	230	4 3/	230	239

L[X]VII. [Rubrica deest in omnibus].

[1] Si quit seruus in furtu (*) fuerit (b) inculpatus si talis fuerit causa unde ingenuos (*) sol. xv conponere debeat, seruus super scamno (*) tensus cxx ictus (*) accipiat.

(*) furtum, 8.9; furto, B-H. (b) furauerit, R.G. (*) ingenuus, 8.B-H; inienuos, 9. (*) scamnum, 9. (*) ictos, 8; icctus, G.

[2] Si uero antequam torquatur (*) fuerit confessus et ei cum domino suo conuenerit, sol. III pro dorsum (*) ipsius serui accipiat, capitale (*) domino (*) serui (*) reddat (*).

(*) torqueatur. B.F.; torquetur, H. (*) dorso suo. 9.

(*) capitalem, B.G.H. (*) dominus, 8.B. H; 9 adds: suo.

(*) seruo, F. (*) reddat, 9.

[3] Si tamen maior culpa fuerit unde ingenuos (*) sol. xxxv (*) soluere debeat (*), similiter (*) seruus cxx ictus (*) accipiat; (*) ingenuus, B-H. (*) cxx, & (*) debet, & (*) sim. m. B-H. (*) ictos, & F; lactus, G.

et si (*) confessus non fuerat illi qui eum torsit, si adhuc ipsum seruum torquaere uoluerit, et nolente domino, pignus dominus (*) serui dare (*) debeat;

(*) B - H continus: si in ipso supplicio fuerit confessus, aut castretur (castratur, H) aut sol. VI reddat, et insuper dominus serui capitalem restituat requirenti; et si seruis conf. non fuerit et ille (illi, F) qui eum torsit adhuc ipsum scruum (seruo, F) torquere uol. (B.F.G add: et) nolente domino pigneris (pignoris, F) causa ipsum seruum susceperit (pign. - susc., om. B). (*) domino, 8. (*) dari, 8.

ct si (*) postca ipsi seruus (!) ad maioribus suppliciis (*) tradatur, et si confessus fuerit, niĥil suprr (!) domino (*) credatur, ipsi (*) uero illum (*) seruum erit habiturus qui eum torsit; dominus serui unde iam pignus accipit precium pro suo (*) seruo (*) accipiat.

setud (4) accipiat.

(*) postea ipse seruus in mal suppl. (causa—suppl., om. C) traditus confessus non fuerit, qui eum torsit (F addr. et ipsum habeat, dominus uero serui precium p. s. s. a. Si uero seruus supra dominum confessus fueri nunquam credatur, B—H. (!) seruum, 9. (*) supliciis, 9. (!) supra, 9. (?) dominum, 9. (*) sipse, 8. (*) illum, om. 9. (*) surum, 9. (*) seruum, 9.

[4] (*) Si uero infra (*) prioribus subpliciis id est (*) CXX ictus (4) fuerit confessus, aut castretur aut sol. v1 (*) reddat; dominus uir (*) serui culpabilis (s) restituat requirentes (*).

(*) B-H combine this \$ with the second part of \$ 3. (*) infra, om. 9. (*) id est, om. 9. (*) ictos, 8. (*) XV, 9. (*) uero, 8. (*) capitale, 9. (*) requirentis, 8; requerentes, 9.

XLIII. De Seruo qui de furto fuerit inculpatus.

1 Si cuius seruus in furtum fuerit inculpatus si talis caussa est unde ingenuus DC den. qui fac. sol. xv componere debeat, seruus super scamno trusus CXX ictus accipiat,

si uero antequam torqueatur fuerit confessus et ei cum domino suo conuenit, cxx den qui fac. sol. III dorsum suum redimat; dominus uero suus capitale restituat.

Requirenti autem si maior culpa fuerit unde ingenuus MCCCC den. qui fac. sol. XXXV soluere debet, similiter seruus CXXI a colaphos accipiat.

Et si in ipso supplitio confessus fuerit illi qui cum torquet, et ipse seruum adhuc magis uult torquere etiam nolente domino, pignus domino serui dare debet,

et sic seruus ad supplitia maiora datur, et si confessus fuerit, nihil ei super dominum cre-datur; ipse uero illum seruum habiturus qui eum torsit, et dominus serui qui iam pignus accepit precium pro seruo recipiat.

© Si uero infra priora supplicia id est CXXI colaphis fuerit confessus, aut castretur aut CCXL denarios qui fac. sol. VI reddat. Dominus autem serui capitalem in loco restituat.

8 Requirenti uero si talis culpa est unde homo ingenuus siue Francus VIIIM den. qui fac. sol. cc culp. iud., seruus solidis xv id est Dc den. componat.

Si uero in maioribus criminibus seruus inueniatur unde ingenuus MDCCC den. qui fac. sol. XLV possit iudicari, et inter supplicia confessus fuerit, capitali sententia feriatur.

4 Si autem seruus de quolibet crimine incul-patus, dominus serui si præsens est ab eo qui repetit admoneatur ut seruum ad iusta supplicia reddat. Et qui repetit uirgas habeat paratas que in similitudinem minimi digiti b grossitudinem habeant, et scamnum paratum habere debet et ibi seruum ipsum extendere debet.

Si dominus serui supplicium + detulerit et seruus præsens fuerit, continuo ipse qui repetit domino serui ° solem collocet, et ad septem noctes placitum + concedat ut seruum ad supplicium tradat.

† distulerit. † facere debet.

Qui si adhuc septem noctibus impletis seruum tradere distulerit, solem ei, is qui petit, iterato collocet cum testibus, et sic iterum ad alias septem noctes placitum faciat id est in xiiii noctes a prima admonitione compleatur.

XLII. DE SERUO QUI DE FURTO (*) FUERIT INTERPELLATUS.

[1] Si cuius seruus de furtu fuerit interpellatus si talis causa est unde ingenuus pc din. qui fac. sol. xv conponere debeat, si (b) seruus super scamnum tensus Cxx ictus accipiat.
(*) furtu, A.G.N.Q.T. (b) si, om. Q.T.V.

[2] Si uero (*) autequam torqueatur (b) fuerit confessus et domino eius ita placuerit, CXX din. qui fac. sol. III pro dorso (*) suo reddat, et capitale dominus serui in locum restituat. (*) Some MSS, have: Si seruus, (*) dorsu, V. (b) torquetur, Q.

[3] Si autem talis culpa fuerit de qua ingenuus MCCCC din. qui fac. sol. xxxv conponere debeat, similiter seruus CXX ictus accipiat tensus.

[5] Et si seruus confessus non fuerit, et ille qui eum torquet adhuc ipsum seruum torquere uoluerit, etiam (*) nolenti (*) domino serui, pignus donare debet, et ipsum seruum ad maiora supplicia (*) retinere (*).

(°) retinere (°). (°) aut noiente, Cod. Est. (°) subplitia, Q. (°) ret., om. Q.

Et si postea ipse seruus ad maiora supplicia (°) Et si postea ipse servius au maiora supplicia (*) traditus confessus non fuerit, qui eum torquebat ipsum habeat. Dominus uero serui de quo iam pignus acceperat pretium pro ipso (4) suo seruo suscipiat.

(*) Et-suppl., om. Q. (*) ipso, om. Q.

[6] Si uero supra dominum seruus confessus fuerit, numquam credatur.

[4] Et si in ipso supplicio (*) fuerit confessus, aut castretur aut CCKL din. qui fac. sol. VI soluat; dominus uero serui capitale in locum restituat requirenti.
(*) subplitio, Q.

[7] Si uero in maiori crimine (*) seruus inculpatus fuerit, de quo ingenuus MDCCC din. qui fac. sol. XLV possit culpabilis iudicari, et (b) inter supplicia (*) confessus fuerit, capitali (*) sententia feriatur.
(*) crimine, Q. (*) Q adds: si. (*) subplicia, Q. (*) culpabilis, Q.

[8] Si autem seruus de quolibet crimine incul-patus fuerit et dominus serui ipsius præsens adfuerit, ab co qui repetit ammoneatur ut seruum suum ad iusta supplicia (1) dare non differat; et qui repetit uirgas paratas debet habere quæ in similitudinem minimi digiti grossitudinem habeant, et scamnum paratum habere debet ubi seruum ipsum tendere possit. (*) subplitia, Q.

[9] Quod si dominus serui supplicia distulerit et seruus præsens fuerit, continuo ipse qui repetit domino serui solem (*) collocet, et (*) ad septem noctes placitum concedat ut (*) seruum ad supplicia tradat.

(*) solam, Q. (*) et, om. Q. (*) ud, Q.

[10] Si infra septem noctes seruum ad supplicia distulerit tradere, solem(a) ei iterato is(b) qui repetit collocet, et sic (b) iterum ad alias septem noctes placitum tribuat id est ut (d) quatuordecim noctes a prima ammonitione (e) conpleantur.

(*) (solem, corr.) solum, Q. (*) iteratio his, Q. (*) si, Q. (4 ut, om, Q. (*) amonitione, V.

Cf. Ed. Chilp. 5, 7; Pact. Child. & Chl. 5, 6; Ed. Chl. 8-10; Ed. Child. (595) 11, 14; L. Rip. 23, F. Baj. 9, 10; Gund. 4, 7, 19, 77; Fris. 3; Wisig. VI. 1; Cham. 44; Ine, 46; Waitz, 156. 162, 169, 190, 201; Sohm, Proc. 130, 145, 157, 159, 210, 233.

Cf. Waitz, 191.

Cf. Sohm, R. u. Ger. 392.

Cf. Waitz, 193.

[1] Si quis ingenuum francum aut barbarum occiderit, qui legem salicam uiuit, sol. cc culp. iud.

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[1] Si quis uero ingenuus franco aut barbarum, qui legem salicam uiuit, occideret, cui fueris adpro-batum, matb leo di, sunt din. VIIIM fac. sol. cc culp. iud.

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[1] Si quis ingenuo franco aut

barbarum, qui legem salega uiuit, occiderit, cui fuerit adprobatum, viim din. qui fac. sol. cc culp. iud.

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(*) ug. ingenuoru

[1] Si quis ingenuum francum aut barbarum hocciderit, qui lege salica uiuit, VIIIM den. qui fac. sol. cc culp.

[1] Si quis ingenuus (*) franco aut barbaro occiderit, qui lege (*) solia uiuit (*), malb lede*, sunt den. VIIIM qui fac. sol. cc culp. iud.

(*) In Cod. 5 this til, is numbered XL, and the preceding, XLI. (b) inienuorum. (l) 5 has here hominem ingenuo, but hominem is surrounded by dots, therefore intended to be crased. (4) legem salica uluet.

COD. 10.

		Quod si impletis XIIII noctibus seruum noluerit ad supplicium tradere, omnem causam uel compositionem dominus in se recipiat, hoc est si talis causas fuerit unde ingenus Dc den. qui fac. sol. xv potuerit componere, ipse dominus pro seruo reddat.	[11] Quod si impletis quatuordecim noctibus seruum noluerit ad supplicia dare, omnem causam et conpositionem dominus in se excipiat, hoc est ut si talis causa fuerit de qua ingenuus no din. qui fac. sol. xv (*) conponere debeat, tantos ipse dominus serui reddat. (*) Q asda: culp. tud.	
	[8] So iam (*) uero (*) in maiorem (*) crimine fuerit inculpatus unde ingenuos (*) XLV sol. conponere debuerit (*), dominus serui si eum non presentauerit, ad ipso (*) numerum (*) eum (s) teneatisv ut (*) ipsum numerum reddat (*) et capitale in locum (*) restituat. C) seruis, BH. (*) hanlore, 8,8-H. (*) ingenuus, BH. (*) debeat, BH. (*) ipsum, 8.B. H. (*) numero, 8; nomero, 9, (*) soluendum, BH. (*) ut-reddat, om. BH. (*) loco, BH.		[19] Si uero maior culpa fuerit de qua ingenuus anocc din. qui fac. sol. XIV conponere debeat, et dominus seruum non praestauerit (*), ipsum numerum (*) solidorum reddat et capitale in locum restituat. (*) presentauerit, Q.T.V. (*) Q adds: et.	
	[6] Si(*) adhuc maior causa fuerit quae (*) seruo(*) requeiretur (*), domeines serui non ut seruus sed ut ingenuos (*) tota (*) legem super (*) se soluiturus (*) suscipiat (*). (*) Sed, 9; B-H add: nero. (*) que, 8.B.F; qui, 9() seruen, 9.C.H; serui, B.F. (*) sequeretur, 8; requeratur, 9; requiratur, B-H. (*) ingenuus, 8.B-H. (*) totam, 8.B-H; inserue, 9(*) sup. se, om. B-H. (*) soluiturus, 9; desokuat, B.G.H; dissokuat, F. (*) susc., om. B-H.	5 Quod si adhuc maior culpa fuerit de qua seruus requiritur, et dominus serui non ut seruus soluat sed ut ingenuus totam legem super se soluturus excipiat.	[18] Quod si adhuc maior culpa fuerit quae seruo requiritur (*) dominus (*) serui non ut seruus sed ut ingenuus totam legem super se soluiturus (*) accipiat. (*) requiratur, Q. (*) domino, Q. (*) uohiturus, V.	
	[7] Si seruus absens fuerit cui aliquid inpotatur (*), dominas (*) serui a repetente (*), tribus testibus (*) presentibus, secrecius admonere debet ut seruum suum infra septem noctis (*) debeat praesentare; (*) inputatur, 8.B; pulsatur, F.G.H. (*) dominum serui ile qui repetit trib, &c., B-H. (*) repetent, 8.9. (*) 9 adds: in. (*) noctes, 8.B-H.	6 Quod si uero seruus absens fuerit, dominus serui a repetentibus tertio admoneri debet ut seruum suum intra septem noctes debeat pre- sentare,	[14] Si autem seruus absens fuerit, dominum(*) serui is (*) qui repetit secretius ammonere debet ut seruum suum infra septem noctes praesentem (*) faciat. (*) dominus serui his, Q. (*) presentare, Q.	Cf. Waitz, 160.
	si (¹) infra septem noctis (s) eum (¹) noluerit presentare, tunc repetens (¹) solem culcauerit illi (²) cum testibus colocare (¹) debet, et sic ad alias septem noctis (=) placitum faciat. Si nec ad alias septem noctis (=) placitum faciat. Si nec ad alias septem noctis (=) ipsum seruum presentauerit, terciam (°) uicem (?) adhuc septem noctis (=) spacium illius (s) dare debet. Id est ut totus numerus ad uiginta et una nocte ueniat. Qued si (²) placitum ipsum seruum noluerit ligatum (³) suppliciis dare et ei per singulus (¹) placitus (³) solem culcauerit, tunc dominus seruu innem (²) repetitionem (²) sicut superius diximus non sicut seruus sed (=) quasi ingennus admississet (²) talem (²) conpositionem (²) repetendi (²) restituat. (²) et si, 8; et se, 9; quod si hoc facere neglezerit neclexerit, B.F) tunc repetens cum alias tribus testibus ipsum (ipsam, F) admonest (admouest, F) ut ad alias septem noctes ipsum presentare; quod si et hoc facere neglezerit; adhac terria uice ad alias vii noctes el denunciet ipsum presentare, ut totus numerus (totos numeros, B) usque (seque see, B.F.G. (°) adm sumerus (totos numeros, B) usque (seque see, B.F.G. (°) levatum, g. B.F.G. (°) unice, s. e. (°) alias, s. (°) noctes, s. e. (°) levatum, s. B.F.G. (°) insque, s. e. (°) alias, s. (°) s. e. G. (°) adm tal., sm. B.H. (°) tale couposicione, 9. (°) repetenti, 8.B.H. (°) adm tal., sm. B.H. (°) tale couposicione, 9. (°) repetenti, 8.B.H. (°) repetenti, 9. (°) adm tal., sm. B.H. (°) tale couposicione, 9. (°) repetenti, 8.B.H. (°) repetenti, 9. (°) adm tal., sm. B.H. (°) tale couposicione, 9. (°) repetenti, 8.B.H. (°) adm tal., sm. B.H. (°) tale couposicione, 9. (°) repetenti, 8.B.H. (°) adm tal., sm. B.H. (°) tale couposicione, 9. (°) repetenti, 8.B.H. (°) adm tal., sm. B.H. (°) tale couposicione, 9. (°) repetenti, 8.B.H. (°) adm tal., sm. B.H. (°) tale couposicione, 9. (°) repetenti, 8.B.H. (°) adm tal., sm. B.H. (°)	quod si non fecerit tunc repetens cum testibus solem illi collocet, et sic ad alias VII noctes placitum illi concedat. Si tunc seruum nom præsentauerit, tunc repetens cum testibus solem illi collocet tertia uice adhuc ad septem noctes, ita ut totus numerus ad XXI noctem perueniat, quod si per tria hac placita seruum noluerit ligatum supplicijs dare aut præsentare, et tames per singula placita ei solem collocauerit, tunc dominus serui omnem repetitionem non qualem seruus sed qualem ingenuus, si hoc admisisset tandem, compositionem repetenti restituat.	Quod si non fecerit tunc repetens solem (*) illi cum testibus (*) collocet. Et (*) si infra alias septem noctes ipsum seruum non praesentauerit (*), iterum repetens cum testibus solem ei collocet, et tertia uice (*) adhuc septem noctes placitum illi concedat, id est ut totus numerus ad uiginti et unam noctem perueniat. Quod si post tria placita (*) seruum noluerit ligatum ad supplicia (*) dare et per singula placita solem ei collocauerit, tunc dominus serui omnem (*) repetitionem sicat superius diximus non ut seruus sed quasi ingenuus hoc commisisset, talem conpositionem repetenti restituat. (*) (solem, corr.) solum, Q. (*) cum test., om. V. (*) Et -collocet, om. T.V. (*) Q sastr: et. (*) tres ulces, Q. (*) tres placitas, Q. (*) subplicia, Q. (*) hominem, Q.	·
ļ	[8] Si uero ancilla (*) crimine (*) inuenitur (*) unde seruus castretur, [CCKL den. qui fac.] sol. vii (*) pro ipsa dowinss (*) reddat, aut KCLII (*) ictus (*) accipiat flagellorum (*). (*) 8.0 8.1 and : n tale. (*) crimines 8; crimens 0. (*) muenarur, C., (*) vii, F.G.H. (*) domini, F.H. (*) (CLKLII (**) (**) (KLII, 9.BH. (**) ktos, 8.F.; iectus, G. (*) flagellarum, 9.	7 Si uero ancilla in tale crimen inculpetur unde seruus castrari debeat, aut CCXL ictus accipier flagellorum, ipsa totidem ictus accipiat, aut CCXL denar. qui fac. sol. vi componat.	[5] Si uero ancilla in tale (*) crimine inculpatur de quo seruus castrari debuerat, ccxl. din. qui fac. sol. vi si (*) conuenit dominus reddat, aut ccxl. ictus accipiat flagellorum. (*) tali, Q. (*) si-reddat, om. T.V.	Cf. L. Grim. 9; Liu. 147.
i			1	Cf. Sohm, R. u. Ger. 226.
		8 Si quis cum seruo alieno sine consilio domini sui negotiauerit, DC den. qui fac. sol. XV culp. iud. Certe si talis culpa est unde ingenuus homo Francus VIIIM den. componere debet, seruus sol. XV culp. iud.		H corresponding to this I occur under tit. 10 and 27; cf. also L. Sal. 86; Rip. 74.
	LXVIII. DE HOMICIDIIS (*) INGENU- ORUM (*).	XLIIII. De homicidijs Ingenuorum.	XLIII. DE HOMICIDIIS INGENUORUM.	Cf. L. Sal. 79; Sent. Sept. Sept. 2; Recap. L. Sal. 26; Sept.
	[1] Si quis ingenuos (*) francium (*) aut barbarum (*), qui salica lege uiuit, occiserit (7), mat leo dardi (\$), [VIIIM den. qus tac.] sol. cc culs. iud.	1 Si quis ingenuus Franco aut Barbarum, aut hominess qui Salica lege uiuit, occiderit, malb. leu di, viiis den. qui fac. sol. cc culp. iud.	[1] Si quis ingenuus Francum aut (*) hominem barbarum occiderit, qui lege salica (*) uiuit (*), viim din, qui fac. sol. cc culp. iud. (*) aut.om. V. (*) Some MSS. Aere: saliga. (*) uiuet, Q	Caus. vii. 6. 7, viii; L. Rip. 7, 9, 11, 15, 36; Alam. (Pact. II. 42), 49, 69, 78, 79; Baj. 4. 28, 10; Gund. 2; Sax. 19; Thur. 1, 2; Ed. Roth. 14, 377; L. Fris. I. 16. 17, 20.
	(*) hum., a. (*) inien., a. (*) ingenuus, 8.H.; ingenuus, F.G. (*) francus, S.G.H; francho, 9; francus, B; hominess Francus, F. (*) barbaro, 9. (*) occisserit, 8; occiderit, BH. (*) leod, 8.	250	25x	vision somewhat similar to that which is found here. Cf. Sohm, R. u. Ger. 39, 570; Waitz, 97, 201.
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GOD. 1.	COD. 2.	COD. 8.	COD. 4.	CODD. 6 & 5.
[2] Si uero eum in poteum aut sub aqua miserit, aut de rammis aut de quibuslibet rebus celaturus texerit, XXIIIM din. qui fae. sol. DC culp. iud.	aqua miserit et eum aut de camisa aut de collis aut de quibus rebus	aqua miserit, sol. DC culp. iud., ex qualibet celatura, sicut supra diximus, culp. iud.	miserit, XXIIIIM den. qui fac. sol. DC	
		[8] Si non fallaniuit, mai moan- theuthi, sunt din. viii[M] qui fac. sol. cc culp. iud.		
(Cf. § 2).	(Cf. § 2).	[4] Si uero eos de hallis aut de rama super aperuerit, mai marchat, sunt din. xxiiii[M] sol. DC culp. iud.	rama super cooperuerit, xxiiiM den.	[8] Si uero eum de ramos (*) aut de aliis cooperuerit uel de qualibet(*) rebus texerit, maib (leodi, corr.) mortis leodi (*), sunt den. xxiiii mortis leodi (*), sunt den. xxiiii mortis aut de aliis uel de quibarlibet (*) maib mortes.
[8] Si uero eum qui in truste dominica fuit, aut mulierem ingenuam occident, mal leodem, hoe est XXIIIM din. qui fac. sol. DC culp. iud.	cam est, aut mulierem occiderit, cui fuerit adprobatum, malb leodi,	leude, sunt din xxIII[M] qui fac.	nica est hocciderit, xxuuM den. qui	
[4] Si uero eam in aquam aut in poteum miserit, aut de quibuslibet celaturis texerit, mai mat heleode, hoc est inchis din. qui fac. sol. MDCCC culp. iud. Si uero eam (leg. cum) alesum eum percoperuerit, DC (sic) sol. iud.	puteum miserit, aut de rammis aut de clalis super coperuerit aut de quibuscumque rebus celatores ste- terit, malb matte leodi, sunt din.	[7] Si uero de hallis aut de rama	[5] Si uero eos aut in aqua aut in puteum miserit, LXXIM [den.] qui fac. sol. MCCC culp. Si uero eum de callis aut de rama cooperuerit, XXIIM den. qui fac. sol. MDCCC culp.	aqua miserit, aut de hallis (b) aut de
[5] Si quis uero romano homine, conuiua rege, occiderit, cui fuerit adprobatum, XIIM din. qui fac. sol. ccc culp. iud.		[8] Si uero romanus homo, con- uiua regis, occisus fuerit, sol. ccc culp. iud.	[6] Si uero aliquis homo, conuiua regis, hoccisus fuerit, xnM den. qui fac. sol. ccc culp.	[6] Si uero romanus homo, con- uiua regis, occisus fuerit, suns den. XIIM que fac. sol. ccc culp. iud.
[6] Si uero romano possessorem et conuiua regis non fuerit, qui eum occiderit, IIIIM din. qui fac. sol. c culp. iud.		[9] Si autem romanus homo pos- sessor occisus fuerit, qui eum occi- sisse probatus fuerit, sol. * culp. ind. (*) The amount of the sol. is omitted in the MS.	[7] Si uero romanus homo pos- sessor hoccisus fuerit, IIII den. qui fac. sol. c culp.	[7] Si romanus homo possessor occisus fuerit (4), qui eum occidisse probatur, sunt den. IIIIM qui fac. sol. c cuip. iud.
[7] Si uero romanum tributarium occiderit, sol. LXIII culp. iud.	[6] Si romanus triutarius occisus fuerit, cui fuerit adprobatum, malb uu ala leodi, sunt din. IIIM fac. sol. LXX culp. iud.	[10] Si qui romano tributario occiderit, cxx sol. culp. iud.		[8] Si que's romanum (1) tribu- tarium (1) occident, MDCCC den. que' fac. sol. XLV culp. iud. (2) romanus tribudarium.
[8] Si quis uero hominem in quadruvio inuenerit sine manus et sine pedes, quem inimici sui demisserunt, et eum perocciderunt (leg. – rit), cui fuerit adprobatum, mal frio ferto, hoc est IIIM din. qui fac. [sol.] c culp. iud.	pedes, quem inimici sui ibidim mise-	[11] Si quis hominem inuenerit in quadruuio sine pedes et manus, quem inimici sui demittunt, et eum perocciderit, sol. c culp. iud.	[8] Si quis homo inuentus in quadruulum sine manus et sine pedes, qui inimici sui dimiserint, et eum hocciderit, IIIIM den. qui fac. sol. c culp.	[9] Si qui hominem inuenerit in quadrunium sine manibus (*) et sine pedibus (*), quod iniminic sui dimitunt, et euum perhociderit (*), malb freth falto uuasbugo*, suns den. IIIIM qui fac. sol. c culp. iud. (*) manus. (*) pedis. (*) perocciderit.
(Cf. titt. 67 and 68, which probably correspond to the 24 of text 7—L. Em.)		•	•	
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	[from tit. XLVIII (XLIX.) De reibus].			
	[2] Si quis hominem in puteo iactauerit et uiuus exiet sua causa, mai sol. (sic) LXII culp. isid.		exierit, IIIM den. qui fac. sol. c culp. (For \ 10-14, see tit. 24).	[12] HP (*) Si quis hominem ingenuum (*) in puteum iactauerit (*) ut uox exinde exeat (4), malb callissolio *, sunt den. HILM quis fac. (*) In Cod 5, this is precedes §§ 10 & 11 and the letters HP are omitted. (*) inicanum (*) include.
253	254	255	256	≥ 57

CODD. 7, 8, 9.	COD. 10.	LEX EMEND.	OBSERVATT.
[2] Si uero eum in puteeum (*) aut sub aquam (*) miserit (*), mai matdalio (4), [XXIIIIM den. qus fac.] sol. DC culp. iud. (*) puteum, 8.H; puclum, 9. (*) aqua, 8.9.H. (*) misserit, 8. (*) no glass in 8; mathdaleo, 9.	9 Si uero eum in puteum aut sub aquam miserit, malb. vuath leudi, xxiiiim den. qui fac. + sol. Dc culp. iud. † solid. MDCCC.	[2] Si uero eum in puteum aut sub aqua miserit (*), xxrvıs din. qui fac. sol. de culp. iud. (*) mitterit, Q.	Cf. L. Sal. 102; Sept. Caus. VIII; L. Wis. vr. 4; Cham. 3, 4, 46; Aeth. 6, 20-22; Inc, 21, 76; Aelf. & Gud. 2; Aeth. II. 5; Wi. 1. 7, 22; App. 1. 5, xx. 7. 43; Henr. 68-70, 75-77, 92; Waitz, 188.
[3] (*) Si uero eum de allis (*) aut de ramis (*) super cuperberit (4) aut eum incenderit, mat modo leodi (*), [xxiiiiii den. qui fac.] sol. de cul s. iud. (*) 13 om. H; in 8 it is written in the margin; it is united with \$s\$ is B.F.G.; S. u. e. i. pateum a. s. aqua m. a. de rants cooperuent, aut eum incenderit, sol. De culp. iud. (*) albis, \$s\$, alis, \$o\$, (*) rames, \$o\$, (*) cooperuent, \$s\$; cuuernesti, \$o\$, (*) mossous in \$s\$; modific odi; \$o\$, the second control of the secon		[3] Si autem de ramis uel de hallis (*) aut de qualibet [re] (*) cooperuerit (*) aut incenderit, xxivm din. qui fac. sol. de (4) culp. iud. (*) (*) aliis Q. (*) re. om. 4xi2; rem. E.G.H.O.Q. (*) quo operuerit. (*) DCL, in Q. here and in the following \$. (*) \$ 3 om. Cod. Est.	Cod. 9 has as gloss mofileodi, but an attempt seems to have been made to erase the stroke through the d.
[4] Si quis antruscione (*) dominico (*) occiserit (*), mai malchom (4), [XXIIIIM den. qui fac.] sol. DC culp. ind. (*) (*) -nem. 8; -tionem. B.G.H; anstrutionem, F. (*) dominicum, 8.G. dominicum, 8.H; domicum, F. (*) occiderit, H. (*) malcho, 8. (*) † 4 mm. 9.	4 Si uero eum qui in 4 truste dominica est occiderit, malb. lendi, xxиим den. qui fac. sol. DC culp. iud.	[4] Si quis eum occiderit qui in truste dominica est, XXIVM din. qui fac. sol. DC culp. iud.	The mulier ingenua of Cod 1 and 2 appears again in tit. 24 § 6.
[5] Si uero eum (*) in aqua aut in puteeum (b) miserit, aut de allis (*) aut (4) de ramis (*) uel (f) quislibet rebus caelauerit (s), mal morcherter (h), [LXXIII den. qui fac. sol.] MDCC culp.; iud. (*) eum, om. 9. (*) puteum, 8.B-H; pucium, 0. (*) albis, 8; ails, 9; aut de al., om. B-H. (4) uel, 8. (*) rammis, 8. (f) seu, 8. (*) cel, 8.9; uel de quibuscunque rebus ipsum celauerit, B-H. (*) molcherter, 8.	5 Si uero eum de hallis aut de frama super operuerit, similiter lexuim den qui fac. sol. MDCCC culp. iud. * aut de qualibet re. * malb. math leud muster.	[5] Si uero in puteum aut sub aquam (*) miserit, aut de hallis (*) uel de ramis eum cooperuerit aut incenderit, LXXIIM din. qui fac. sol. MDCCC culp. iud. (*) aqua, V. (*) allis, Q.	Cf. L. Sal. 102; Recap. L. Sal. 31.
[6] Si romanus homo, cusuiua (*) regi (b), occissus fuerit, mai leoti (*), [XILM den. qui fac.] sol. ccc qui euss interficit (4), culp. iud. (*) conuiua, & B. B. H.; in conuiua, F. G. (*) regis, & B. H. (*) leuti, 9. (*) occisit, B. H.	6 Si Romanus homo, conuiua Regis, occisus fuerit, malb. leu di, xiim den. qui fac. sol. ccc componatur.	[6] Si quis Romanum hominem, conuiuam (*) regis, occiderit, XIIM din. qui fac. sol. ccc culp. iud. (*) in conulula, Q.	Cf. Recap. L. Sal. 28 (b); Waitz, 101. Cod. 7 has distinctly sol ccc, not xxx as read by Pardessus.
[7] Si uero romanus homo possessor (*) occisus fuerit, qui eum occiserit (b), [IIIIM den. qui fac.] sol. c (*) culp. iud. (*) possessur, 9; possessione, F.G. (b) occisit, H. (f) CC, F.	15° Si quis Romanus homo possessor, id est, qui res in pago ubi remanet proprias possidet, occisus fuerit, is qui eum occidisse conuincitur, IIIIM den. qui fac. sol. v. (sic) culp. iud.	[7] Si(*) Romanus homo possessor, id est qui res in pago ubi commanet proprias possidet, occisus fuerit, is (*) qui eum occidisso conuincitur, 17M din. qui fac. sol. c culp. iud. (*) Q adds: uero. (*) bis, Q.	Cf. Recap. L. Sal. 24; Waitz,
[8] Si quis (1) romanus (1) tribudarium (1) occi- serit, sol. LXX (4) culp. iud. (1) uero. B. (1) romanum. B H. (7) - tarium, 8.B H; - dario, o. (4) Mil DCCC den, qui fac. sol. IX, in Cod. 8, but the third. C has been added by a later hand.	7 Si quis Romanum tributarium occiderit+, MDCCC den. qui fac. + sol. XLV culp. iud. † aut eum incenderit. † sol. LXX.	[8] Si quis Romanum tributuarium occiderit, MDCCC din. qui fac. sol. XLV culp. iud.	Cf. Recap. L. Sal. 14, 19 (*), 20 (*); Waitz, 101.
[LXXIII (*). DE HOMINE AB INIMIC/S TRUNCATO ET (*) INTERFECTO] (*). Si quis hominems ingenuum sine manus (*) et (*) sine (*) pedis (*), quem inimici (*) sui (*) in uia truncatum (*) reliquent (*), occisserit, maf u u a s b u co (**), [IIIIM den. qui fac.] sol. c culp. iud. (*) rubric supplied from 8 and 9; me rubric im 7, B-H. (*) 9 add: : postia. (*) - tum. 9, (*) manes, 9, (*) et, om. 9, B. (*) sine, om. F-H. (*) pedes, 8, B-H. (*) liminicis, 9, (*) suis, 9, (*) truncato, 9; truncum, F. (*) reliquent, 89; reliquerint, B-H. (**) u u a s b u cho, 8; u u as (or u u a r) b u cho, 9.	8 Si quis hominem ingenuum inuenerit in quadriuio aut in uia, sine manibus aut pedibus, inimici sui ui detruncatus, et eus uita priuat aut occiderit, malb. s frio faldo, ини den. qui fac. sol. c culp. iud. • иназ дидо.	[9] Si quis hominem inuenerit in quadrubio sine manibus et sine pedibus, quem inimici sui detruncatum (*) diniserint, et eum uita priuauerit, rym din. qui fac. sol. c culp. iud. (*) detruncantur et, Q.	Cf. Sept. Caus. v. 6; Sohm, Proc. 179; Waitz, 189.
[LXXIIII. DE HOMINE DE BARGO UBL DE FURCA DEMISSO](*).		LXIX. DE EO QUI HOMINEM DE BARGO(*) UEL DE FURCA DIMISERIT(*).	Cf. L. Sal. 67, 68, 107; Sohm, Proc. 179, 180.
[1] Si quis hominem (*) de bargo uel de furca abattere (*) presumpserit sine uoluntate iudicis, mal sabanc heo (4), [MDCCC den. qus fac.] sol. XLV (*) culp. iud. (*) rubric supplied from 8 and 9; no rubric in 7.B-H. (*) F adds: ingenum. (*) abaptere, 9; sine uol. iud. dimittere pres., B-H. (4) sambach 90; 8. (*) XL, F.G.	9 Si quis hominem ingenuum de bargo abbatiderit sine uoluntate, MDCCC den. qui fac. sol. XLV culp. iud. LXIX. 8 Si quis hominem de bargo uel de furca dimiserit sine uoluntate iudicis, MDCCC den. qui fac. sol. XLV culp. iud.	[1] Si quis hominem de bargo (*) uel de furca sine uoluntate iudicis dimiserit, MDCCC den. qui fac. sol. XLV culp. iud. (*) (*) barco, Q. (*) deponit, Wolf. Aug. 2. (*) For § 2 see stf. 67.	
[2] Si quis caput (*) de (*) homine (*), quem (*) suus (*) inimicus in palo (*) mississet (*), aliquis eum exinde (*) sino permisso (*) iudicis aut illius qui eum (*) ibidem missit (*), tollere presumpserit, mal banchal (*), [DC den. quis iac.] sol. xv cul p. iud.	10 Si quis caput de homine, quod inimici sui in palum miserunt, sine uoluntate alterius deposuerit, malb. ¹ R aba nal, DC den. qui fac. sol. xv culp. iud.	[8] Si quis caput hominis, quod inimicus suus in palo miserit, sine permissu iudicis aut illius qui eum ibi posuit, tollere praesumpserit, pc din. qui fac. sol. xv culp. iud. (*) (*) For § 4 see tit. 68.	
(*) capud, 8. (*) hominis, B-H. (*) quem, oms. G. (*) suos, g. (†) parlo, B. (*) misisset, 8; misit, g.B-H. (*) ale. ex., oms. B-H. (*) permissu, 8. (*) B adds: illius. (*) misit, 8.9; posuit, B-H. (*) banchal, 8.9.			
XCVII. DE EO QUI ALTERUM IN PUTEEUM(*) AUT IN PELAGO(*) INPINXERIT UEL IN PERICULUM(*) MORTIS(*).			Cf. L. Sal. 98; Recap. L. Sal. 11, 15; Baj. 4. 17; Sax. 9; Fris. (Add. Sap.) 111. 66, 67; Waits, 189.
Si quis hominem (*) in puteum (*) aut in pellago (\$) inpinxerit uel in periculum mortis, et ipse (*) exinde uiuus euaserit (*), et ipse (*) causam suam possit mallare, mai chaldis obduplo (*), [IIIIM den. qui tac.] sol. c culp. iud. (*) puteum, 8; pucium, 9, (*) pelico, 9, (*) periculo, 8, (*) no rubric in BH. (*) alterum, 8, (*) pucium, 9, (*) pelago, 8; pelico, 9; pellagum (pelagum, B.F. G) uel per. m. mpinxerit (impinczerit, B.F.) unde u. cu. e. ipse &c., BH. (*) ipsi, 9, (*) euaserit, 8, (*) (*) ipsi, 9, (*) challis obduplio, 8; callis obdublio, 9.	8 Si quis hominem in puteum aut in buipida in puteum s'iactauerit, actauerit, et uiuus exinde euaserit ut ad casam suam possit accedere, malb. °c halip sub dupio, iiiim den. qui fac. sol. c culp. iud. 11 Si quis hominem in puteum °iactauerit, et se exeundo uiuus euadit, iiiim den. qui fac. sol. c culp. iud. 22 satt in quolibrat pracipitum ubi periculum mortis esse potuerit, impinuarit.	XLIII. [10] Si quis hominem ingenuum in puteum aut in pelagum aut (*) quolibet (*) praecipitium, ubi periculum (*) mortis esse possit, inpinxerit, et ille qui proiectus est quolibet modo ab eodem periculo uiuus euaserit, ille qui eum inpinxit, IVM din. qui fac sol. c culp. iud. (*) Q.T.V add: in. (*) quolubet, Q. (*) u. p., em. Q.	
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COD. 1.	COD. 2.	COD. 8.	COD. 4.	CODD. 6 & 5.
	[3] Simili modo qui alium in pel- lago inpinxerit, mal sol. (sic) 1x11 culp. isid. (For † 4, see tit. 24).	.•		[10] Si quis hominem ingenuum in pellago (*) inpinxerit (*), malb phimarina*, sant den. IIIM qui fac. sol. c culp. iud. (*) pilago. (*) inpincxerit. [11] Si quis hominem ingenuum ex quolibet crimen (*) superdixerit, et inde homo mortuus fuerit, malb ago epha*, IIIM den. qui fac. sol. c culp. iud. (*) crimine.
XLII. DE HOMICIDIO IN CONTUBERNIO FACTO.	[XLV] XLIIII. DE HUMICIDIO IN CONTUBERNIO FACTO.	XLII. DE HOMICIDIIS A CONTUBERNIO FACTIS.	XLII. DE HOMICIDIIS A CONTUBERNIO FACTO.	XLII. DE HOMICIDIIS A CONTUBERNIIS FACTIS.
(leg. si in) truste dominica fuit ille	adsallierit et ibi eum occiderit, malb bistolio, si andruscio dominicus fuerit ille qui occisus est, sol. MDCCC	[1] Si quis, collecto contubernio, hominem ingenuum in domum suam asalliuerit et ibidem eum occiderit, mat chambestaliz, sol. DCCC culp. iud., et si in trustæ dominicam ille qui occisus fuerit, sol. MDCCC culp. iud., qui eum occisisse si probatur.	[1] Si quis, collectum contubernium, in domo sua adsallierit, et ibidem ipsum hocciderit, LXXIIM den. qui fac. sol. MDCCC culp.	[1] Si quis, colecto(*) concubinio(*), hominers ingenums ad(*) domums sum (*) adsallierit et ibidem eums occiserit (*), maib chamē habia*, sunt den. xxiiii quis fac. sol. DC culp. iud. (*) collecto contubernio. (*) in domo sua. (*) occiderit. [2] Si in truste dominica est iuratus (*) illae (*) qui occissus (*) erf, qui eum occises (*) probatur (*), sunt den. LXXIIII qui fac. [sol.] MDCCC culp. iud. (*) ille iuratus. (*) ille iuratus. (*) occidisse. (*) occidisse.
[2] Si uero in truste dominica nos fuit ille qui occisus e[st], XXIIIIM din. qui fac. sol. De culp. iud.	si uero antruscio dominicus non fuerit interfectus, sol. DC culp. iud.	[9] Si uero in truste dominica ille qui occisus est non fuerit, sol. DC culp. iud.	[2] Si uero in truste dominica ille qui hoccisus est non fuerit, XXIIIM den. qui fac. sol. DC qui eum hocciderit culp.	[3] Si uero in truste dominica now est ille (*) qui occisus est, sunt den. xxiiila qui fac. sol. de culp. iud. (*) ille. (Cf. above, \(\frac{1}{2}\) 1).
[8] Si uero corpus occisi hominis tres uel amplius habuerit plagas, tres quibus inculpatur qui in eo contubernio fuisse probatur, legem superius conpraehensa cogantur exsoluere.	III uel amplius abuerit plagas, tris quibus inculpatur qui in eo contu-	usque ad tres uel amplius habuerit plagas, tres quibus inculpatur qui in eum contubernium fuisse pro-	usque ad tres uel amplius habuerit plagas, tres quibus inculpatur quod in eo contubernio fuisset probantur,	[4] Si uero corpus occisi homines(*) usque ad tres uel amplius habuerit (b) plagas, tres quibus inculpatur qui in eo contubernio fuisse conpro- batur(*), legem superius conprehen- sam singultim (4) cogatur (*) exsol- uere; (*) homins (*) habuerat (*) probantur. (*) singilatim. (*) cogatur.
Alii uero tres de & (sic) contubernio IIIMDC din. hoc est nonaginus sol. soluant. Et tres adhuc in tertio loco de eo contubernio MDCCC din. qui fac. sol. XLV culpabiles iudicentur.	alii uero III de hoc contubernio nonaginta sol. singuli eorum con- ponant; et adhuc in tercio loco de ipso contubernio sol. XLV soluant.	Alii uero tres de eo contubernio hoc est nonagenos solidas singulari eorum soluant, et tres adhuc in tertio loco de eo contubernio sol. Lx soluantur.	alios uero tres de eo contubernio MMDC den. hoc est nonaginta sol. singuli correm soluerent, et tres adhuc in tertio loco de eo contubernio IM octingentos den. qui tac. sol. XLV soluat.	aliis uero tres de eo contubernio, maib (dructhemici, corr.) dructhelimici (?), MDCCXL den. qua' fac. sol. L(s) culp. (s), et tres adhuc in tertio loco de eo contubernio MDCCC [den.] qua' fac. sol. XLV culp. iud., singulis (!) eorum (!) cagantur(!) exsoluere, maib seo lasthasia *. (!) maib dructe limici. (!) XC culp. iud. (!) singuli. (!) eorum, com. 5. (!) cogantur.
[4] De romanis uero uel letis et pueris haec lez superius conprae- hensa ex medietate soluantur.	[8] De romanus uero occisus uel litus, qui in tale contubernio inter- fecti fuerent, hec lex ex medietate soluantur.	[4] De romanis uero occisis uel letis haec lex medietatem soluatur.	[4] De romanos hoccisos ue[1] litus hac lex medietatem soluat.	[5] De romanis (*) uero uel (*) litis occisis (b) hec (*) lex medietate soluantur (d). (*) romanus. (*) occisis uel litis. (*) hęc. (*) soluatur.
[5] Si quis uillam alienam expug- nauerit et res ibi inuaserit, si tamen probatio certa non fuerit, cum xxv juratores medius electus exsolaat. Si juratores non potuerit inuenire, MMD din. qui fac. sol. LXIII culp. iud.		[5] Si quis uillass alienam expoliauerit et res inuaserit, mal malach faltio, sunt din. MMDc qui fac. sol. LXII culp. iud.	[5] Si quis uillam alienam expoliauerit et III inuaserit, MMD den. qui fac. sol. LXII culp.	[6] Si quit tres uillas alienas euaserit (*), malb alatfaltheo, sunt den. MMD qui fac. sol. XLII5(*). (*) preusserit, corr. euaserit. (*) LXII5 culp. iud.
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OODD. 7, 8, 9.	COD. 10.	LEX EMEND.	OBSERVATT.
	19 Si uero in puteo mortuus fuerit,* malb. musthest, xxiiii den. qui fac. sol. de culp. iud. * tota leode sua confonatur atque tia unaqueque fersona, que maiori uel minori compositione componi deburrat, i de precipito pericule mortis enaderit, medicate leodis sue componatur, qua confoni deburrat, si mortuus fuisses.	[11] Si autem qui praecipitatus est mortuus (*) fuerit, tota leude (*) sua conponatur (*). (*) S. a. precipitatus m., Q. (*) leode, Q.T. (*) conponat, Q. [13] Atque ita unaquaque persona quae maiori minoriue (*) conpositione conponi debuerat (*). (*) minori uero, Q. (*) debeat, Q. [18] Si de præcipitio periculo mortis enaserit (*), medietate leudis (*) suaz conponatur, qua conponi debuerat si mortuus fuisset. Nam et (*) si mortuus (*) fuerit unusquisque secundum modum leodis suaz conponatur. (*) Si de precip periculum, 1; Si de praecipio periculo mortis, E; Si praecipitatio p. m. e., Q. (*) leode, Q; leodis, T.V. (*) et, om. Q. (*) V addt: non.	
	18 Simili modo qui in pelagus hominem im- pinxerit et exinde euaserit, malb. piomarina, IIIM den. qui fac. sol. C culp. iud. (For § 14, see tit. 24).		Cf. Sept. Caus. v. 7; Recap. L. Sal. 14, 19(4), 28(4).
	16 ° Si quis hominem ingenuum quemlibet socium suum, de quolibet crimine accusauerit, et per eius commotionem siue mendacium ille qui accusatus est occisus fuerit, si ei adprobatum fuerit, medietate leodis eius componat. Ille uero qui eum occiderit secundum legem pleniter eum componat.	[14] Si quis hominem ingenuum cuilibet socio (*) suo, de quolibet crimine accusauerit, et per eius commotionem (*) sieu mendacium ille qui accusatus est occisus fuerit, si ei adprobatum fuerit, medietate (*) leodis eius (*) conponat. Ille uero qui eum occisit secundum legem pleniter eum conponat (*). (*) culus libet sotio, Q. (*) commonitionem, B.Q.; cummunitione, I. (*) mediaetatem, Q. (*) el, Q. (*) conposatur, Q.	Cf. Waitz, 187.
LXVIIII. DE HOMICIDIO(*) A (*) CON- TUBERNIO FACTO(*).	XLV. De Homicidijs a contubernio factis.	XLIV. DE HOMICIDIIS A CONTU- BERNIO FACTIS.	Cf. L. Sal. 43. 3; Recap. L. Sal. (b) 31, 35; Ed. Roth. 12, 19;
[1] Si quis, collecto (4) contubernio, hominem ingenuum (*) in domo (†) sua (s) adsallierit (*) et eum occisserit (*), sol. M'DCCC culø. iud. (*) homicidis, 8; humicidio, 9. (*) in, 8.9. (*) factis, 8;	1 Si quis collecto contubernio, hominem in- genuum in domo sua adsallierit, et ibidem eum occiderit, malb. chames talia, xxuum den. qui fac. sol. de culp. iud.	[1] Si quis, collecto contubernio, hominem ingenuum in domo sua adsallierit (*), et ibidem eum (b) occiderit, xxivm din. qui fac. sol. DC culp. ind.	Cf. L. Sal. 43. 3; Recap. L. Sal. (*) 31, 35; Ed. Roth. 12, 19; L. Liu. 134; Thur. 57; Cham. 19, 20; Aeth. 5; Alf. 29-31; App. xix. 2, xx. 3-5, 8; Henr. 13, 80, 87. 4. 7, 88. 18; Waitz, 104, 188.
(*) homicidiis, 8; humicidio, 9. (*) In, 8.9. (*) factis, 8; factiwe, 9; no rubric in B. H. (*) colectio, 9. (*) BH. add: antistionem. (*) domume, 9. (*) susaw, 9. (*) adsalierit, F. (!) occiserit, 9; occiderit, BH; 8 adds: malb be site alio, si antivuscio dominicus fuerit ille qui eum occiderit, LXXVM den. qui fac.; 9 adds: malbasit alio, si antivusticio dominicus fuerit ille qui eum occiserit.	Si + uero in truste dominica, ille qui occisus est fuerat ⁹ , LXXIIM den. qui fac. sol. MDCCC culp. iud. † in truste dominica illi iuratus qui occisus est. * qui eum occidisse probatur.	(f) adsalierit, V. (h) eum, own. Q. (g) Si uero in truste dominica, ille qui occisus (h) fuerat (h), LXXIIM din. qui fac. sol. MDCCC culp. iud. (h) T.V add: est. (h) fuerit, Q.	Cf. Recap. L. Sal. (*) 34.
[2] Si uero antrutio (*) dominicus (*) non fuerit, sol. $D\overline{C}$ (*) interfector (*) cul β , iud. (*) antrusclo, 8; antrusticlo, 9; antrustio, F.G.H. (*) dominico, 9, (*) se se 7; XXIIIIM den, que fac. sol. DC, 8; DC, 9, B.H; mille DCCC, F; DCCC, G. (*) — tur. 9.	(Cf. § 1).	(Cf. § 1).	§ 1 of Codd. 5, 6, 10 and Lex Rmend. correspond to this §, but it is necessary to keep them by the side of § 1 of Codd. 1-3, 7-9 on account of the glosses.
[8] Si uero corpus occisi (*) hominis tres (*) uel amplius habuerit (*) plagas (*), tres quibas inculpatar qui in eo (*) contubernio fuissent, se (*) conprobatar (*), legoms superius conprobatar (*), legoms superius conprobatar (*) exsoluere (*). (*) occissi, 8. (*) tres, em. F. (*) habueri, 8. (*) plapas, 9. (*) euw., 9. (*) si, B-H. (*) betus, 9. (*) -sa, 9. (*) congantar, B; cogatar, F.G.H. (*) exoluere, B.	8 Quod si corpus occisi hominis tres plagas uel amplius habuerit, tres qui inculpantur et quod in eo contubernio fuerint probantur, legem superius comprehensam singillatim cogantur exsoluere.	[8] Quod si corpus occisi hominis tres plagas uel amplius habuerit, tres qui inculpantur (*) et quod in eo contubernio fuissent conuincuntur, legem superius conprachensam singillatim (b) cogantur exsoluere. (*) calpantur, Q. (*) sigillatim, Q.	
[4] Alii uero tres (*) de eo contubernio sol. LXL (*) conponant (*), et tres adhuc in tercio loco de ipso contubernio sol. XL (*) soluant. (*) tres, em. F.G. (*) MMDC den. qui fac. sol. XC, 8; sol. LXL, 9; sol. XC, B-H. (*) conponat, F. (*) MDCCC den. qui fac. sol. XLV, 8; sol. XI, B.	Alij uero tres de eodem contubernio "IIIMDC den. qui fac. sol. xc unusquisque eorum culp. iud., et tres adhuc in tertio loco, de eodem contubernio "mucco den. qui fac. sol. xxv singuli eorum cogantur exsoluere. "malb. "druche lennici. ""malb. seo lastasta.	Alii uero tres de eodem contubernio MMMDC din. qui fac. sol. XC unusquisque illorum culp. iud. Et tres adhuc in tertio loco de eodem contubernio moccc din. qui fac. sol. XLV, singuli (*) eorum cogantur exsoluere. (*) culs tud. et singuli, Q.	Cf. L. Sal. 43. 3, 105.
[5] De romano uero uel litu(*) occissis(*), qui(*) in tale contubernio interfecti fuerint, hace lex ex medietate soluatur(*). (*) lito, 8.B H; leto, 9. (*) occisus, 9; qui in tale (tall, F) cont. occisi fuerint (fuerit, B) hace lex medietatem praecipit desoluere (exsoluere, F.G., B H. (*) 8 repests: qui. (*) solumiter, 8.9.	Si uero Romanus uel lidus in tali costubernio occisus fuerit, huius compositionis medietas soluatur.	[4] Si uero Romanus uel lidus in tali contu- bernio occisus fuerit, huius (*) conpositionis medietas soluatur. (*) usus, Q.	Cf. Recap. L. Sal. (*) 11; Aeth. 26; Waitz, 100.
	4 Si quis contubernio facto, uillas alienas cum tribus effregerit, malb. 4 a latfalthoo, IIIMCKK den. qui fac. sol. LXXVIII culp. iud.	·	Cf. L. Sal. 14. 6, and the two following 14, of Codd. 5-Lex Em.; also tit. 14, 14 s and 3 and tit. 16, 13 of Cod. 2.
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COD. 1.	GOD. 2.	COD. 8.	COD. 4.	CODD. 6 & 5.
XLIII. DE HOMICIDIO IN CONTUBERNIO (leg. CON- UIUIO) FACTO.	[XLVI] XLV. DE HOMINEM IN CONTUBERNIO (Leg. CON- UIUIO) OCCISO.	XLIII. DE HOMICIDIIS IN CONTVBERNIO (Leg. CON- UIUIO) FACTIS.	XLIII. DE HOMICIDIIS IN CONTUBERNIO (leg. CON- UIUIO) FACTO.	XLIII. DE HOMICIDIIS(4) IN CONUIUIO(4) FACTO.
[1] Si quis in conuiuio, ubi quin- que fuerint, ex ipsis fuerit inter- fectus, illi qui remanent aut unum convictum dare debent aut totae	que aut amplius fuerint, et unus ex ipsis fuerit interfectus, malb seo-	[1] Si quis contubernio, ubi quinque fuerint, et unus ex ipsis fuerit interfectus, mal seulando ueua, hoc est ut illi qui remanent aut (*) toti morti morti (sic) illius coniectent; que lex usque ad septimo qui	que (leg. ubi quinque) fuerint, et ex ipsis interfectus fuerit, hoc est ut illi qui remanent hunum conuictum de se dare debent aut toti mortuos coniectent; quia lex usque ad septem	seolande stadio, hoc est(b) et illi qui remanent unum de se con-
quam septem fuerint, non omnes	siue in conuiuio illo plus quam vir fuerint, non ommes teneantur obnoxii sed quibus fuerent et adprobati illi secundum legem conponant.	sed quibus fuerit adprobatum, secun-		reteneantur (1) obnozii sed quib#s
[8] Si uero foris casa sibi (leg. siue) iter agens sibi (leg. siue) in agro positus a contubernio fuerit interfectus tres amplius habuerit plagas, tunc tres de eo contubernio qui adprobati fuerint singillatim mortem illius coniactant. Et tres su (leg. si) plures fuerint, MCC din. qui fac. sol. xxx soluant. Et tres adhuc de eo contubernio, nc din. qui fac. sol. xv culpabiles iudicentur.	inter agens siue in agro a contu- bernio fuerent occisi et III uel am- plius abuerit placas, malb dructi flido, hoc est ut III de eo contu- bernio qui probati fuerint singuli mortem illius conponant; et III ad hunc si fuerint de ipso contubernio, tregintini solidi soluant; et III	contubernio fuerit occisus et tres uel amplius habuerit plagas, mat drocfledio, hoc est singulatim mortem illius conjectent; et tres si plures fuerint de eo contubernio, xxx sol. unusquisque illorum; et tres adhuc de ipso contubernio, sol. xv	agro positum a contubernio fuerit hoccisus et tres uel amplius habuerit plagas, hoc est ut tres de eo contu- bernio qui adprobatus fuerit singuli mortem illius coniectent; et tres	inter (b) agens sine inter (c) agro positus a contuberni (d) fuerit (d) occisus et tres uel amplius habue- rit(e) plagas, malb dructe clidioe, hoc est (f) et tres de eo contubernio
XLIIII. DE REIPUS.	[XLIX] XLVIII. DE REIBUS.	XLIIII. DE REIBVS.	XLIV. DE REBUS SICUT	XLIV. DE REIPHUS.
[1] Sicut adsolit homo moriens et uiduam dimiserit, qui eam uoluerit accipere, antequam sibi copulet ante thunginum aut centenario, hoc est ut thunginus aut centenarius mallo indicant, et in ipso mallo scutum habere debet. Et tres homines tres causas demandare debent.	uiduam demiserit, qui eam noluerit	[1] Sicut adsolet homo moriens et uiduam demiserit, qui eam uoluerit accipere, antequam eam accipiant ante thunginum aut centenarium mallum indicant, et in ipso mallo scutum habere debet, et tres homines tres causas mandare;	[1] Homo moriens et uidua dimi- serit, qui eam uoluerit haccipere, antequam haccipiat ante thunzinum aut centenario mallum indicant, et in ipso mallo scutum habere debet; tres homines tres causas demandare debent;	[1] Si quis (*) adsolet home moriens uiduam dimiserit (*), qui eam uoluerit accipere, antequam eam acciperit (*) ante tunzinum (*) aut centenarium (*), hoc est ut tunzinus aut centenarium mallum incidant (*); ipso (*) mallo scutum habere debet, et tres homines tres causas demandare debet (*). (*) add: ut. (*) dem- (*) accipiat (*) tunzino. (*) centenario. (*) indicanz
Et tunc ille qui uiduam accipere debet tres solidos acque pensantes et denario habere debet. Et tres erunt qui solidos illius pensare uel probare debent, et hoc factum, si eis conuenit, accipiat.	tunc ipsi qui uiduam ipsam accipere debit et 111 solidos equos pensantes qui proferat; et 111 erunt qui ipsos solidos pensare debent aut probare; et hoc factum, si eis conuenissit, ipsi qui uiduam queret accipiat.	et tunc ipse qui duam (sic) acciperit debet tres solidos equos pensantes et dinarium habere; et tres erunt qui solidos pensare uel probare debeant; hoc facto, si eis conuenerit, sic eam accipiat.	tunc ipse qui eam haccipere debet III solidos atque pensantes et denarius habere debet; et III adherint qui solidos pensare uel probare debeant; et hoc factum, si eis conuenerit, haccipiat.	[2] Tunc ipse qui uiduam accipere (*) III solidos eique pensantes et denarium habere debet (*); tres erunt qui solidos pensare uel habere (*) uel probare debent; et hoc factum si (*) eis conuenit, sic accipiat cui debentur. (*) accipere debet. (*) add: et. (*) uel hab., om. 5. (*) sic.
[3] Si uero istud non fecerit et sic eam acciperit, mal reipus nihil sinus, hoc est MMD din. qui fac. sol. LXIII (4), reipi debentur exsoluere debet. (*) Suppl. ei cui.	[XLI] XL. [7] Si uero stud non ficerat et sic ea acciperat, maî reipus, sunt din. D fac. sol. LXII culp. iud., cui reipe debentur debe exsoluere (4). (*) This and the following \$ are wrongly joined in the MS. to tit. 40, while \$\$ 2-4. placed in the MS. wider iti. 48, belong to tit. 41 (q.v.). This \$ commences in the MS. with a repetition of the last part of \$\$1\$ crunt qui solidor pensare uel probare diblant; et hoc facto, al eis conulnerit, accipiat.	[2] Si uero istud non fecerint et sic eam acciperit, sol. XLII (sic) culp. iud. Cui reibi debentur exsoluere.	[2] Si uero istud non fecerit, MMD den. qui fac. sol. LXII, cui reipe debuntur exsoluere.	[8] Si uero istud non fecerit et sic eam acciperit, malb reiphus heealisinus, sunt den. MMD qui fac. sol. IXII (*) culp. iud. (*) LXIIS.
[8] Si uero quod superius diximus omnia secundum legem impleuerit, tres solidos et denario electo (*) reipi debeantur (*). (*) leg. (f) ille cui reipe debetur accipiat.	[8] Si uero quod superius diximus omnia secundum legem impleuerit, ili solidos cui reipe debentur accipiat:	[8] Si uero quod superius diximus omnis secundum legem impleuerit, ili solidos ille cui re (sic) debentur accipiant;	[8] Si uero superius quod diximus omnia secundum legem impleuerunt, III soludos ille cui reipe debuntur.	[4] Si uero que superius diximus omnia secundum legem impleuerit(*), tres solidos cui reiphus(*) debentur accipere (*). (*) -rat. (*) reiphi. (*) acc-, om. 5.
	hoc discernendo stud cui reipe debentur	hoc discernendum est cui rei (sic) debetur.		[5] Hoc est discernendum cui reiphus debentur (*). (*) Hoc-deb., om. 5
[4] Si nepus sororis filius fuerit senussimus, ipse eos accipiat.	sine possessoris filius fuerit, acci- piat;	[4] Si uero nepus sororis filius fuerit senior, ille accipiat.	[4] Si nepos sororis filius senior nepos fuerit, ille haccipiat.	Si nepus fuerit sororis filius senior, ille (*) reiphus accipiat. (*) illa.
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CODD. 7, 8, 9.	GOD. 10.	LEX EMEND.	OBSERVATT.
LXX. [DE HOMICID//S IN CONUIUIO FACTIS](*).	XLVI. De Homicidijs in conuiuio factis.	XLV. DE HOMICIDIIS IN CONUIUIO (*)	Cf. Henr. 87. 8-11, 88. 18.
[1] Si quis in conuiuio, ubicumque(b) uel tres aut amplius fuerint, et unus ex ipsis fuerit interfectus, mal seolantis thadio(*), hoc est(*) ille(*) qui remanent(*) aut uno(*) conuicto(*) dare(*) debent(*) aut tuti(*) mortem illius(*) conponant; que(*) lex(*) ad septem(*) fuerint in conuiuio observantur(*). (*) So in 8; De humicidio ad contubernio factam, 9; nor rubric in; B-H. (*) ubi duo, 8; gadets; dui; B-H add: duo. (*) se ollanthis thadio, 8; gloss in 9 as in, 7. (*) hoc est, em. B-H. (*) ill, 8, B-H. (*) enunt, 8. (*) unum, 9, B. (*) conuictum, 8; conuictum, 8. (*) donent, B-H. (*) tot, 8B-H; tutti, 9. (*) illius, em. 8. (*) Qui, 8; qui, 9; quae, B-H. (*) 8, B-H add: saque. (*) VII te, 9; B-H add: si. (*) obse, em. B-H.	1 Si in conuiuio, ubi quatuor aut quinque fuerint homines, unus ex ipsis interfectus fuerit, ille qui remanet aut unum conuictum reddant aut omnes mortis illius compositionem + conlectent; quæ lex usque ad septem qui fuerint in conuiuio illo conuenit observare. * malb. seo lande esthadto. † * coniectent.	[1] Si in conuiuio, ubi (b) quattuor aut quinque fuerint (e) homines, unus ex ipsis interfectus fuerit, illi qui remanent aut unum conuictum reddent aut omnes mortis illus conpositionem conjectent (4). Quae lex usque ad septem qui fuerint in conuiuio illo (e) conuenit observare. (f) contubernio, A; conultio, Q. (f) ibi, Q. (f) fuerunt, G. (d) collectant, Q. (f) iiii, Q.	
[3] Si uero in conuiuio illo (*) plus quam septem fuerint, non omnis (*) teneantur obnoxius(*) sec(*) duobus(*) fuerint ille(*) secondum(*) legem conponant. (*) illo, om. o.BH. (*) omnes, BH. (*) obnoxio, 3; obnoxii, BH. (*), is, BH; sed, o. (*) duo, 8.BH. (*) illi, 8.9.BH. (*) secundum, 9.BH.	2 Si uero in illo conuiuio plusquam septem fuerint, non omnes teneantur obnoxij sed quibus fuerit imputatum illi secundum legem componant.	 [2] Si uero in illo conuiuio plus quam septem fuerint (*), non omnes teneantur obnoxii sed quibus fuerit inputatum illi secundum legem conponant (*). (*) fuerunt, Q. (*) conponantur, Q. 	·
[3] Si quis (*) uero foris (b) casa uel (*) iter (4) agens siue in agro a (*) contubernio (f) fuerint (e) interfectus et tres uel amplius habuerit plagas (h), mai drocchlidio (!), hoc est ut (*) tres de eo contubernio (!) qui adprobati fuerint singuli (*) mortem illius (*) conponant; tres adhuc si fuerint de ipso contubernio, xv sol. conponat (*). (*) quis, som. BH. (*) foras, p.B.H. (*) aut. B.G.H; ut. F. (*) interf. **, p.B.H. (*) conturbernio, **, p.H. (*) placas, p. (*) droclidio, **, drochlidio, p. (*) hoc est ut. om. BH. (*) conturbernio, **; conturbernio, **, (*) illi, F. **, pnant, p.BH.	3 Si quis foris casa siue iter ageus seu in agro positus à contubernio fuerit occisus et tres uel amplius habuerit, malb. d'uchtelidio, hoc est et tres de eodem contubernio comuciti fuerint singillatim mortis illius compositionem componant; et tres alij de ipso contubernio, MCC den. qui fac. sol. xxx unusquisque illorum culpabilis iudicetur. Et tres alij adhuc de ipso contubernio, DC den. qui fac. sol. xv culp. iud.	[8] Si quis foris (*) casa siue iter agens seu in agro positus a contubernio fuerit occisus et tres uel amplius habuerit plagas, tres de codem contubernio qui conuicti fuerint singillatim (*) mortis illius conpositionem conponant; et tres alii de ipso contubernio, xcc din. qui fac. sol. xxx unusquisque illorum culp. iud.; et tres adhuc alii (*) de ipso contubernio, pc din. qui fac. sol. xx (4) singuli (*) eorum (*) culpabiles iudicentur. (*) foras, 1,Q. (*) sigillatim, Q. (*) alii, om. Q. (4) XXX, V. (*) sing. eor., om. Q.	This is probably a completion of the preceding chapter. Cf. L. Sal. 42. 3, 105.
I VVVIII (DP DPIDIICCP)(A)	XLVII. De re° Ipus.	XLVI. DE REIPPUS(*).	Cf I Sal yay Pesan I Sal
LXXVIII. [DE REIPUSSE] (*). [1] Si quis homo moriens et (*) uiduam demiserit (*) qui (4) eam noluerit (*) accipere, antequam eam accipiat zonzinus (f) aut (s) centenarius (*) mallou indicant (i) et in mallo (*) ipso (i) scutum (**) habere (*) debent (*) et tres hominis (*) tres causas demandare (*) debent (*); (*) rubrit of 8; De reipus, 9; no rubrit in 7.BH. (*) et, om. BH. (*) dimisserit, 8; f. f. f. f. dad: et. (*) qui, om. F.C. (*) uoluerit, 8; g. BH. (*) tunnellus, 9; B.H. (*) unginus, F.C. (*) uoluerit, 8; demiserit, B.C. (*) uoluerit, 8; demiserit, B.C. (*) uoluerit, 8; demiserit, B.C. (*) uoluerit, 8; demiserit, B.C. (*) uoluerit, 8; demiserit, B.C. (*) uoluerit, 8; demiserit, B.C. (*) uoluerit, 8; demiserit, B.C. (*) uoluerit, 8; demiserit, B.C. (*) demandant, B.C. (*) demandant, F. (*) deb., om. BH. (*) demandant, E.G. (*) demandant, E.C. (*) demandant, E	1 Si ut fieri adsolet, homo moriens uiduam dimiserit, et eam quis in coniugium uoluerit accipere, antequam eam accipiat, b Tunginus aut *Centenarius* mallum indicent, et in ipso mallo scutum habere debet, et tres homines uel caussas + mandare.	[1] Si quis homo moriens uiduam dimiserit, et eam quis (*) in coniugium (*) uoluerit accipere, antequam eam accipiat (*) tunginus aut centenarius mallum (*) indicent; et in ipso mallo scutum habere debet (*), et tres homines causas tres demandare (*). (*) reippis Q. (*) qui, Q. (*) coniugio, Q. (*) ancipiat, I. (*) malum, Q. (*) debent, Q. (*) E adds: debent.	Cf. L. Sal. 72; Recap. L. Sal. 6; Capit. Lud. 8; L. Gund. 24, 69; Ed. Roth. 182; L. Sax. 42-47; Wisig. 111. 2. 1; Aeth. 75, 76; Sohm, R. u. Ger. 67, 370, 391; Waitz, 135, 144, 145; Form. ant. ap. Cancian. 11. 476, 477.
et tunc illi (*) qui uiduam accipere debet (*) tres solidos equi (") pensantis (*) et denarium ("); et tres erunt (*) qui solidos pensare uel probare debeant; et hoc factum, si eis conuenerit, accipiat; (*) ille, 8; ille q. u. a. volet (voluerint, B) cum tres (tres, om. B) testibus qui adprobare debeant, soledos 111 et denario acqualter pensantes donet, et hoc facto, es (sie, F) c. acc., B.—H. (*) debent, p. (*) aeque, 8. (*)—tes, 8. (*) desent, p. (*) aeque, 8. (*)—tes, 8.	Et tunc ille qui uiduam accipere uult, cum tribus testibus qui adprobare debent, tres solidos eque pensantes et denarium habere debet. Et hoc facto, si eis conuenit, + uiduam accipiat. † debent tunc ipse qui uiduam accipere debet tres solidos eque pensantes et denarium habere debet; et tres erunt qui solidos pensars uel probare debent; et hoc factum si el conuenit, sic accipiat cui debeatur.	Et tunc ille (h) qui uiduam accipere uult (l), cum (h) tribus (l) testibus qui adprobare debent, tres solidos aeque pensantes et dinarium habere debet; et hoc facto, si eis conuenit, uiduam accipiat. (h) illam, Q. (l) uel, Q. (h) cum, em. Q. (l) tres, Q.	
si uero(7) istud non fecerit et sic eam acciperit, mal reipus nicholessinus(*), [MMD den. qui fac.] sol. LXII; culf. iud. (7) uero, om. 8. (*) malb reipus nicolensinus, 8; mal reipus nicholissimus, 9; mal reippus nicholesinus, B; malla (male, G.H) reippus nicolesinus, F-H.	S Si uero † ista non fecerit et sic eum acce- perit, malb. Rei phus haec cha la sinus, mmp den. qui fac. sol. LXII cum dimidio culp. iud. † istud.	[2] Si uero ista non fecerit et sic (*) eam acciperit, illi cui reippus debetur, anno din. qui fac. sol. LXII cum dimidio culp. iud. (*) si, Q.	Cf. Recap. L. Sal. (*) 22.
[3] Si uero quod superius diximus omnia secundum legem (*) impleuerit (*), tres solidos et dinario ille cui reipe (*) debentur accipiat (*). (*) lege, 9. (*) implentur, F.G.H. (*) reippe, B.F.G. (*) din. Illi uir ei pedebenter accipiat cui rei pedebentur, 9.	3 Si autem quæ superius diximus omnia secundum legem impleuerit et tres solidos et denarium ille cui reiphe debetur acceperit, tunc eam legittime accipiat.	[8] Si autem quae superius diximus omnia (*) secundum legem impleuerit, et tres solidos et dinarium ille cui reippus debetur acciperit, tunc eam legitime accipiat. (*) gader: que.	Cf the andre f arrange
	Hoc discernendum uidetur cui Reipus debeatur.	[4] Hoc (4) discernendum uidetur cui reippus debeatur. (7) Oc. Q.	Cf. the order of succession in Ch. 59.
[3] Si nepus (*) sorores (*) filius fuerit senior, ipsc (*) accipiat. (*) nebus, 9; nepoti, B; nepti, F.G; neptis, H. (*) sororis, 8,9; sorore, F.G.H. (*) 1988, 9.	Si nepos fuerit sororis filius, senior ille accipiat.	 [5] Si nepus fuerit sororis filius senior, ille reippum (*) accipiat. (*) reippus, I.Q; reipplus, H.N; r., om. T. 	
276	277 _	278	279

(a) Si nere aerjaa filten non foorti. (b) Si nere aerjaa filten non foorti. (c) Si nere aerjaa filten non foorti. (c) Si nere aerjaa filten non foorti. (c) Si nere aerjaa filten non foorti. (d) Si nere aerjaa filten non foorti. (e) Si nere aerjaa filten non foorti. (f) Si nere aeria non non foorti. (f) Si nere aeria filten non foorti. (f) Si nere aeria filten non foorti. (f) Si nere aeria filten non foorti. (f) Si nere aeria filten non foorti. (f) Si nere aeria filten non foorti. (f) Si nere aeria filten non foorti. (f) Si nere aeria filten non	COD. 1.	COD. 2.	GOD. 8.	COD. 4.	CODD. 6 & 5.
considerate fillist qui un semante securitation considerate fillist qui un suste succession de la considerate fillist qui un suste succession de la considerate fillist qui un constitute de la c		si uero nepus nos fuerit, neptis filius senior si fuerit, ille eos accipiat.			[16] Si uero nepus non fuerit, neptis filius senior ille accipiat] (*). (*) This & is found in Cod. 5 only.
forest trace executed, faster matrix, provided matrix regions accipate. (9) Si sero nee ablica caipment in the faster that is not accorded forest interfaster, the faster that is not desirable forest interfaster. The care faster interfaster is not extra regions accipate. The care faster is not extra regions accipate. (9) Si sero nee ablica caipment is not desirable forest interfaster in the care in the care in	consobrine filius qui ex maternae	consubrino filius qui ex materne	consobrini filius qui ex matre genere	consobrinus filius tui (leg. qui) ex	[7] Si uero neptis filius non fuerit, consubrine (*) filius qui ex materno genere (*) uenit ipse accipiat. (*) consobrinus, corr. consobrini. (*) generi.
there there is that a little will be seen controlled the control of the control o	fuerit tunc auunculus, frater matris,	si nec consubrini filius fuerit tunc frater matris reipus accipiat;	non fuerit tunc auunculus, frater	fuerint tunc auunculus, fratres mater	[8] Si uero nec consubrinae (*) non(*) fuerit tunc auunculus(*), frater matris, reiphus accipiat. (*) consobrini filius. (*) auuncolus.
prominuos ategination deri secondom parentilla dum curved and practical desired and parentilla district on parentilla district on parentilla district on parentilla district on parentilla district on parentilla district on parentilla district on parentilla district on parentilla district on parentilla district on parentilla desired in one acceptate, illus effects on parentilla desired in one acceptate, illus effects on parentilla desired in one acceptate, illus effects on parentilla desired in one acceptate, illus effects on parentilla desired in one acceptate, illus effects on parentilla desired in one acceptate, illus effects on parentilla desired in one acceptate, illus effects on parentilla desired in one acceptate, illus effects on parentilla desired in one acceptate, in facto respisate on the factor in factor	fuerit, tunc frater illius qui eam mulierem ante habuit, si in heredi- tatem non est uenturus, ipse eos	hereditatem non uenturus est, ipse reipus accipiat;	fuerit, tunc frater illius qui eam mulierem habuit, si in hereditatem uenturus non est, ipse reibus acci-	fuerit, tunc fratres illius qui eam muliere ante habuit, si in hereditate uenturus [non] est, res ipsas (leg.	[9] Si uero nec auunculus(*) fuerit, tunc frater illius qui ipsa mulieri ante (*) habuerat, illius (*) si in hereditate (*) non est uenturus (*), ipso reiphus accipiat. (*) auuncolus. (*) antea. (*) illius. om. 5; and it it written under habuerat in 6. (*) - tatem. (*) inuenturus.
xiv. De Migrantibus. [1] Si quis super alterum in ullia migrare voluerir; a unsu una liguid de justi qui in ulla consistenti come maria dicat, migranti libidem licentiam non habeat. [2] Si uero contra libidem licentiam non habeat. [3] Si uero contra libidem licentiam non habeat. [3] Si uero contra libidem licentiam non habeat. [4] Si uero contra libidem licentiam non habeat. [5] Si uero contra libidem licentiam non habeat. [6] Si uero contra libidem licentiam non habeat. [6] Si uero contra libidem licentiam non habeat. [7] Si uero contra dictus minute non habeat. [8] Si uero contra libidem licentiam non habeat. [8] Si uero contra dictus minute non habeat. [9] Si uero contra dictus minute non	proximior tuerit extra superiores nominatos singillatim dicti secun- dum parentilla, usque ad sextum genuculum si hereditatem illius mariti defuncti non accipiat, ille	qui singulatim secundum parentilla dicti sunt, usque ad VI genucolo si in hereditatem illius mariti defuncti	proximior fuerit extra superius no- minatos qui singulatim secundum parentilla dicta erunt, usque ad sexto genuculo si in hereditatem illius mariti defuncti non accedat ipse	qui proximior fuerit extra superius nominatos qui singillatim secsadum parentelam sunt (*) hereditatem illius mariti defuncti non fuerint, ipsas res	[10] Si nec ipsi (*) fuerit, tunc qui (*) proximior fuerit extra superius nominatus qui singulatim (*) secumdsm parentilla (*) sunt, usque ad sexto genuculo si in hereditate mariti illius defuncti non sunf uenturi, ipse (*) reiphus accipiat (*). (*) ipse. (*) qui, om. 5 (*) singillati. (*) parentela dict. (*) ipsi. (*) accipiant.
[3] Si quis super alterum in nilla migrare uoluerit, si unus uel aliquid (leg., aliqui) de ipsis qui in uilla migrare uoluerit, si uel unus exteerit qui contradicat, migranti inidem in un succipere uoluerit, si uel unus exteerit qui contradicat, migranti inidem licentiam un habesti. [4] Si uero contra interdicto unus uel duorum in uilla ipsa adsendere duorum in uilla ipsa adsendere duorum in uilla ipsa adsendere praesumperit tunc ei testare debet; et si noluerit inde exire, ille qui el testat cum testibus si cel testat debet; et si noluerit inde exire, ille qui el testat cum testibus si cel testat debet et state. Et si noluerit inde exire, ille qui el testat cum testibus si cel testat debet et state debet; cum testibus si cel testat debet et state debet; cum testibus si cel testat debet et state debet et state debet et state debet et state debet et state debet et state debet et state debet et state debet et state debet et state debet et state debet et state unus et testat debet et state debet et state unus et la dorum in uilla ipsa adsendere praesumperit tunc estate debet et si noluerit inde exire, ille qui el testat cum testibus si cel testat debet et si noluerit inde exire, ille qui el testat cum testibus si cel testat et state debet et si noluerit inde exire, ille qui el testat cum testibus si cel testat et state debet et si noluerit inde exire, ille qui el testat cum testibus si cel testat et state debet et si noluerit inde exire, ille qui el testat cum testibus si cel testat exite et si noluerit inde exire, ille qui el testat cum testibus si cel testat exite et si noluerit inde exire, ille qui el testat cum testibus si cel testat exite et si noluerit inde exire, ille qui el testat cum testibus el debet exite exite et si noluerit inde exire, ille qui el testat cum testibus el debet exite	non fuerint, in fisco reipus ipse uel causa quae exinde orta fuerit colli-	fuerint, in fisco reipe ipse uel causa	iam post sexto genuculo si non fuerit, fico recipi (sic) uel causa quæ inde orta fuerit collegatur.	culum si non fuerit, in fisco res ipsas (leg. reipus) uel causa [quae inde] orta fuerit collegatos modis obser-	[11] Iam post sexto uero genuculo si non fuerint, reiphus ipse(*) uel causa que inde orta fuerit (b) colligatss'(*) a fisco (*). (*) ipsl. (b) fuerat. (*) colleg (4) a fisco, om. 5.
[3] Si quis super alterum in nilla migrare uoluerit, si unus uel aliquid (leg., aliqui) de ipsis qui in uilla migrare uoluerit, si uel unus exteerit qui contradicat, migranti inidem in un succipere uoluerit, si uel unus exteerit qui contradicat, migranti inidem licentiam un habesti. [4] Si uero contra interdicto unus uel duorum in uilla ipsa adsendere duorum in uilla ipsa adsendere duorum in uilla ipsa adsendere praesumperit tunc ei testare debet; et si noluerit inde exire, ille qui el testat cum testibus si cel testat debet; et si noluerit inde exire, ille qui el testat cum testibus si cel testat debet et state. Et si noluerit inde exire, ille qui el testat cum testibus si cel testat debet et state debet; cum testibus si cel testat debet et state debet; cum testibus si cel testat debet et state debet et state debet et state debet et state debet et state debet et state debet et state debet et state debet et state debet et state debet et state debet et state unus et testat debet et state debet et state unus et la dorum in uilla ipsa adsendere praesumperit tunc estate debet et si noluerit inde exire, ille qui el testat cum testibus si cel testat debet et si noluerit inde exire, ille qui el testat cum testibus si cel testat et state debet et si noluerit inde exire, ille qui el testat cum testibus si cel testat et state debet et si noluerit inde exire, ille qui el testat cum testibus si cel testat et state debet et si noluerit inde exire, ille qui el testat cum testibus si cel testat exite et si noluerit inde exire, ille qui el testat cum testibus si cel testat exite et si noluerit inde exire, ille qui el testat cum testibus si cel testat exite et si noluerit inde exire, ille qui el testat cum testibus el debet exite exite et si noluerit inde exire, ille qui el testat cum testibus el debet exite					
migrare ioducrit, at unus uel aliquid de just qui in uilla consistant cum suscipere uoducrit, at uel unus exteterit qui constitunt cum suscipere uoducrit, si uel unus exteterit qui constitunt cum suscipere uoducrit, si uel unus exteterit qui ciam non habebit. [8] Si uero contra interdicto units sel non mon abului; [8] Si uero contra interdicto units sel non mon abului; [8] Si uero contra interdicto units sel non mon abului; [8] Si uero contra interdicto units sel non mon abului; [8] Si uero contra interdicto units sel non mon abului; [8] Si uero contra interdicto units sel non mon abului; [8] Si uero contra interdicto units sel non mon abului; [8] Si uero contra interdicto units sel non mon abului; [8] Si uero contra dictus munius units de duorum in uilla ipna adsentire (terror proxima in hoc quo de se est saliga de constitut de certa debet; et si nolucrit inde exire, ille qui testat cum testibus sic ei debet; et si nolucrit inde exire, ille qui testat cum testibus sic ei debet; et si nolucrit inde exire, ille qui testat cum testibus sic ei debet; et si nolucrit inde exire, ille qui testat cum testibus sic ei debet; et si non testat obbit, diata: homo, in hoc quo des est saliga. Postea adhuc post decem noctes exeat: Postea adhuc post decem noctes exeat: Si adhuc nolucrit exire item tertio decem noctes exeat: si adhuc nolucrit exire item tertio decem noctes exeat: si adhuc nolucrit exire item tertio decem noctes exeat: si adhuc nolucrit exire item tertio decem noctes exeat: si adhuc nolucrit exire item tertio decem noctes exeat: si adhuc nolucrit exire item tertio decem noctes exeat: si adhuc nolucrit exire item tertio decem noctes exeat: si adhuc nolucrit exire item tertio decem noctes exeat: si adhuc nolucrit exire item tertio decem noctes exeat: si adhuc nolucrit exire item tertio decem noctes exeat: si adhuc nolucrit exire item tertio decem noctes exeat: si adhuc nolucrit exire item tertio decem noctes exeat: si adhuc nolucrit exire item tertio decem noctes exeat: si adhuc nolucrit e	XLV. DE MIGRANTIBUS.	[XLII]XLI. DE MIGRANTIB <i>US</i> .	XLV. DE MIGRANTIBVS.	XLV. DE MIGRANTIBUS.	XLV. DE MIGRANTIBUS.
uel duorum in uilla ipsa adsedere praesumpserit tunc etestare debet; et si noluerit inde exire, ille qui etestate un testibus sic et debet testare. His tibi testo in hac nocte proxima in noc quod lex ext saliga habet sedeas, et testo tibi ut in x noctes deuilla ipsa ergedere debeas. Postea adhuc post decem noctes exeat et tierum in decem noctes exeat; et depost in an octe proxima in noc quod lex salica habit sedeas, noctes deuilla ipsa ergedere debeas. Postea adhuc post decem noctes exeat; et de postia adhuc de post iterum unit at di psum ut et iteste ut iterum in decem noctes exeat; et esto tibi ut in x noctes inde debeat exire. Si adhuc noluerit exire item tertio decem noctes exeat. Si adhuc noluerit exire item tertio decem noctes exeat: si adhuc noluerit exire item tertio decem noctes impleature. Si nec tunc uoluerit exire tunc maniat eum admalum et testes super singula placita qui fuerunt pib praestos habeat. Si ipse, cui testatum exf, noluerit inde exire, ille qui et estatat cum testibus sic ei testare debet extert cum testibus sic ei testare debet cum testibus sic ei testare debet cum testibus sic ei testare debet extert cum testibus sic ei testare debet cum testibus sic ei testare debet cum exterto inde exire, ille qui et estet cum testibus sic ei testare debet cum testibus sic ei testare debet cum testibus sic ei testare debet cum exterto und testibus sic ei testare debet cum exterto unde	migrare voluerit, si unus uel aliquid (leg. aliqui) de ipsis qui in uilla consistunt eum suscipere uoluerit, si uel unus exteterit qui contradicat, migranti ibidem licentiam	uilla migrare uoluerit et unum uel aliquis de ipsis tunc eum suscipere uoluerit, si uel unus exteterit qui contradicat, migranti ibidim licien-	migrare uoluerit et unus uel aliqui de ipsis qui in uilla consistunt eum suscipere noluerit, si uel unus ex-	migrare uoluerit, ut hunusquisque aliqui de ipsis qui in uilla consistunt eum suscipere uoluerint, si uel hunus ex ipsis extiterit qui contra- dicat, migrandi ibidem licentiam	
decem noctis ad placitum suum totature tusic xxx noctes impleatur. Si nec tunc uoluerit exire tunc maniat eum ad mallum et testes suos per singula placita qui fuerunt ibi praestos habeat. Si pse, cui testatum est, noluerit inde exire et eum aliqua sunnis non tenuerit et sta quae superius diximus somnia secundum legem est testatus. Et tunc ipse qui testatuit sua ponat et roget grafionem ut grafionum loci lillius terius in cotes impleantur; et si nec tunc uoluerit exire tunc maniat eum ad addat et sic triginta noctes impleantur; et si nec tunc uoluerit exire tunc exire noluerit tunc eum mannat eum ad mallum et testes suos per singula placita qui fuerunt placita qui fuerunt ibidim pristus suos in singulos placitos habeat; si ipse cui testatum est noluerit exire tuncire et eum aliqua sunnis detenuerit et stat quae superius diximus secundum legem est testatus. Et tunc ipse qui testatuit super furtunam suam ponat et roget grafionem ut grafionum loci illius	uel duorum in uilla ipsa adsedere praesumpserit tunc ei testare debet. Et si noluerit inde exire, ille qui testat cum testibus sic ei debet testare: Hic tibi testo in hac nocte proxima in hoc quod lex est saliga habet sedcas, et testo tibi ut in x noctes de uilla ipsa egredere debeas. Postea adhuc post decem noctes iterum ueniat ad ipsum et ei testet	duorum in uilla ipsa adsentire (leg- adsedere) uoluerit tunc ille testare debent; et si noluerit inde exire, ille qui ei testat cum testibus sic ei testare debit, dicat: homo, in hoc tibi testor ut in hac nocte proxima in hoc quod lex salica habit sedeas, et testo tibi in x noctis de uilla sta exseas; et de postia adhuc de post x nocles iterum debit ad eum uenire et testare in alias xx nocles ut indo	duorum uillam ipsam adsedere pre- sumserit tunc testare debet; et si noluerit inde exire, ille qui ei testat cum testibus sic ei testare debet ut in decim noctes exeat; et si adhuc post x noctes iterum debet ad ipsum uenire ei testare ut iterum	uel duorum in uilla ipsa adsedere prussumpserit tunc testare debet; et si noluerit inde exire, ille qui ei testet cum testibus ei debet testare ut iterum in decem noctes exeat. Si adhuc post decem noctes iterum debet ad eum uenire et ei testare	(*) illi. (*) inter. (*) decem. (*) inde- excat is written above the line in Cod. 5; and in the same Cod. after decem notes the following words are written, but marked with dots above and undermeath, therefore intended to be erasted; notherit extre iterums debet ad ipsum uenire et ei testare similiter ut iterum ad alias decem notes exinde.
	decem noctis ad placitum suum addatur ut sic xxx noctes impleatur. Si nec tunc uoluerit exire tunc maniat eum ad mallum et testes super singula placita qui fuerunt ibi praestos habeat. Si ipse, cui testatum est, noluerit inde exire et eum aliqua sunnis non tenuerit et ista omnia quae superius diximus secundum legem est testatus. Et tunc ipse qui testauit super furtuna sua ponat et roget grafionem ut	tercium x nockes adat ut sic xxx nockes impleantur. Si nec tunc exyre uoluerit tunc maniat eum ad mallum et testes suos per singula placita qui fuerint ibidim pristus abere debit; et sic ipse, cui testatum est, noluerit uenire et sunnis non tenuerit et sta quae superius diximus omnia secundum legem et testatum, tunc ipse qui testauit super furtuna sua ponat et rogit grafionum loci illius	tertio ad decim noctes placitum addat et sic triginta noctes impleantur; et si nec tunc uoluerit exire tunc maneat eum ad mallum et testes suos in singulos placitos habeat; si ipso cui testatum est noluerit nenire et eum aliqua sunnis detenuerit et testes quos superius diximus secundum legem testatus est. Tunc ipse qui testauit ut super furtunam suam ponat et roget grafioness ut	decem noctes ad placitum addat et si xxx noctes impleantur; si nec tunc exire noluerit tunc eum manneat ad mallum et testes suos in singula placita qui fuerant pristum sibi habeat; isti (¿ɛ̞, et si) ipse cui testum est noluerit uenire et eum aliquas sonies non tenuerit et ista que superius diximus secundam legem testatur. Tunc ipse qui testautt super furtunam suam ponat et roget graffione ut	

[4] Si nepus (*) non fuerit, neptis (*) filius senior ille (*) accipiat (*).
(*) nebur, 9. (*) neptes, 9; nepotis, F.G. (*) illa, 9; ipsa, H. (*) § 4 om. 8.

[8] Si uero neptis (*) filius noss fuerit, consubrine (*) filius qui ex materno (*) genere uenit (4) ipse (*) accipiat.
(*) neptes, 9. (*) consubrino, 9; consobrini, G; consubrini, H. (*) materni, 8; materne, 9. (4) uluit, 9. (*) ipse, 9.

[6] Si uero (°) consubrine (°) filius non fuerit unc auunculus, frater (°) matris, reipus (°) acci-

tunc auunculus, frater(*) matris, reipus (*) accipiat (4).
(*) enim, 8. (*) consobrinze, 8; consubrinus, 9; consubrini, H. (*) fr. ma. reip., om. B.H. (4) § 6 om. F.G.

[7] Si uero adhuc nec auunculus (*) fuerit, tunc frater illius qui eam mulierem habuit, se (*) in hereditatem nom (*) uenturus est, ipse (*) ipsius reipus (*) accipiat.
(*) abun-,o. (*) sl, 8.B-H. (*) adhuc non uenit, ille ipsos (ipsus, B) reippos (reipsus, B) accipiat, B-H. (*) lpsi, 9. (*) reipsus, 9.

[8] Si ne ipse (*) frater fuerit, qui proximior fuerit, extra superius nominatus (*), ipse (*) reipus (4) accipiat.

(*) Si quist nec ipse, 8; Si nec ipse, 9.F.G.H; Si nec ipsi, B. (*) nominatos, B-H. (*) ipsi, 9. (*) reipsus, 9.B; reippos, F.G.H.

[9] Si nec isti (*) fuerint, in fisco reipi (*) ipsi (*) uel causa quem (*) exinde orta fuerint (*) collegatur (*).
(*) ista, 8; ipsi, 9, B; iste, F.
(*) reipsi, F.G.H.
(*) ipsi, 098. 9; ipse, F.
(*) quae. B-H.
(*) fuerit, 8,9,8,G.H.
(*) coll-, 9; colligitur, F.G.H; coll., ..., B.

LXXVIIII. DE MIGRANTIBUS (4).

[1] Si quis super (b) alterum in uillam (c) alienam (c) migrare uoluerint (d) et se (c) unus uel aliqui (f) de ipsis (s) qui in uillam (h) ipsam (h) consistent (i) eum suscipere uoluerint, et se (b) unus exteterit (i) qui (=) contradicat (n) migrante (c), ibidem licenciam (p) non habiat (q) permanere (r).

(*) no rubric in B-H. (*) sup., om. B-H. (*) uilla aliena, 9. (*) uoluerit, 8,9.B.F.G. (*) si, 8.B-H. (*) aliquid, 9.B.F.H. (*) issos, 8. (*) uilla ipsa, 9. (*) - tant, 8; -tunt, B-H. (*) si, 8; fuerit, B-H. (*) extircit, 8; exteiret, 9; ext., om., B-H. (*) B-H. add: hoc. (*) -cant, 8. (*) -ti, 8; -tem, 9.F.G.H; uitigantem, B. (*) licencia, 9.B.F.H. (*) sit, B.H. (*) -mire, 9.

[2] Si uero contradictum fuerit et unus (*) uel duorum in uilla ipsa et (*) ipse (*) adsedere prz-sumpserit. Tunc (*) testare illum debit (*), et (*) si noluerit exsire (*), ille quem (*) testat cum testibus ei (*) debit testare. Ut (*) iterum in decem (*) noctis (*) exinde (*) exsiat (*a); et si adhuc post decem noctis (*) steterit iterum ad ipsum cum testibus debit (*) uenire et ei similiter testare debit (*) ut (*) iter (*) in (*) alias decem (*) noctis (*) exinde debeat exsire (*).

(*) unus - et. om. B.-H. (*) in (*). et. B-H add.; ibidem.

noctis (4) exinde debeat exsire (7).

(*) unus - et, om. B-H. (*) ipsi, 9; B-H add: ibidem.

(*) B-H add: contradictor. (*) debet, 8.B-H. (*) ettestat, om. B-H. (*) exite [9 adds: iiii) qui eum, 8.8.

(*) etm., 6.B-H. (*) exite [9 adds: iiii) qui eum, 8.8.

(*) etm., 6.B-H. (*) exite [9 adds: iii] qui eum, 8.8.

a. [8 adds: post] X noctibus (ii. a. i. c. t. ueniat et el
testibus ut inter alias (aliquas, B; alius, F) dedim noctibus
ex. deb. exire, B-H. (*) exeat, 8; exiat, 9 (*) noctibus,
8; noctes, 9, (*) et, 9. (*) iterum inter, 8.9. (*) noctes,
8.9. (*) exire, 8.9.

quod si neptis filius non fuerit, consobrinus filius qui ex materno genere uenit ipse accipiat.

Si autem nec compobrinus filius fuerit tumo auusculus, frater matris, Reipum accipiat.

Si uero auunculus non fuerit, tunc frater illius qui ipsam mulierem antea habuerat, si in hæredi-tatem defuncti fratris, id est mariti mulieris illius, uenturus non est, ipse Reippum accipiat.

Quod si nec ipse fuerit, tunc qui proximus fuerit superius nominatis sui singillatim secundum parentelam dicti sunt, usque ad sextum geni-culum, si in hæreditatem illius mariti defuncti non accedat, ipse Reippos accipiat.

4 Si autem nullus, nisi post sextum geniculum proximus fuerit, in fiscum reippi uel caussa quæ inde acta fuerit colligatur.

XLVIII. De Migrantibus.

1 Si quis super alteruss in uilla migrare uoluerit et aliqui ex eisdem qui in uilla con-sistunt eum suscipere uoluerint, et uel unus uel aliquis ex ipsis extitorit qui contra dicat, migrandi licentiam ibidem non habeat.

Si uero contra intradictum unius uel duorum in uilla ipsa adsedere præsumpserit tunc testare illi debent, et si noluerit exinde exire, ille qui testat cum testibus sic ei debet testare ut inter decem noctes exinde exeat; et si adhuc post docem noctes noluerit exire, iterum debet ad ipsum uenire et testare similiter ut iterum ad alias decem noctes exinde debeat exire.

et si adhuc noluerit iterum decem noctes ad placitum addat et sic xxx noctes impleat. Si nec tunc uoluerit exire tunc manniat eum ad mallum et testes suos in singulos mallos qui ibidem fuer[i]nt secum habere debeat + præstos; et si ipse cui testatum est noluerit uenire et aliqua Sumis non detinuerit eum, ipse secundum legem qua diximus testatus est, tunc ipse qui testauit super fortunam suam ponat et roget Grauionem ut

[6] Si uero nepus non fuerit, neptis filius senior lle (*) accipiat (*). (*) ipse, V. (*) § 6 om. T.

[7] Quod si neptis (*) filius non fuerit, consubrinae (*) filius qui ex materno genere uenit (*) ipse accipiat.
(*) nepotis, Q. (*) consobrine, V. (*) conuenit, Q.

[8] Si autem nec (*) consubrinae (*) filius fuerit tunc auunculus (*), frater matris, reippum (4) accipiat.
(*) ne, Q. (*) consobrine, V. (*) adhuculus, Q. (4) reipum, Q.

[9] Si uero auunculus (*) non fuerit, tunc frater illius qui ipsam mulierem ante habuerat, si in hereditatem defuncti fratris, id est, mariti nulieris illius, uenturus non est, ipse (*) reippum (*) accipiat.

(*) adhuculas, Q. (b) ipse, om. Q. (c) reipum, Q.

[10] Quod si nec ipse (*) fuerit, tunc qui proximior fuerit post (*) superius nominatos qui singillatim (*) secundum parentillam (*) dicti sunt usque ad sextum genuculum, si in hereditatem illius mariti defuncti non accedat, ipse reippos (*) accipiat.

(*) ipsi, Q. (b) post, om. T.V. - (*) sigillatim, Q. (4) parentelam, V. (*) reippus, Q.

[11] Si autem nullus, nisi post sextum genu-culum proximus (*) fuerit, in fiscum ipsi (b) reippi uel causa quae (°) inde orta fuerit colligatur. (*) primus, Q. (*) ipse, Q. (*) quae, om. Q.

XLVII. DE EO QUI UILLAM ALTERIUS OCCUPAUERIT, UEL SI DUODECIM MENSIBUS EAM TENUERIT.

[1] Si quis super alterum (*) in uilla migrare uoluerit et aliqui (*) de his (*) qui in uilla consistunt eum suscipere uoluerint (*), et uel unus ex ipsis extiterit qui contradicat (*), migrandi licentiam (*) ibidem non habeat (*).

(*) alterium, Q. (*) aliquid ets, Q; a. ex isdem, T.V. (*) noluerint, E; uoluerit, Q. (*) contradicit, Q. (*) ietium non habeat, A.

[2] Si uero contra interdictum (*) unius uel duorum in ipsa uilla consedere presumpserit tunc interdictor testari illi debet cum testibus ut infra decem noctes inde exeat; et incluerit, iterum ad ipsum cum (*) testibus (*) ueniat et testetur illi ut infra alias decem noctes secedat (*). (*) intradictum, Q. (*) cutibus, Q. (*) inde exeat, E recedat, Q.

Quod si noluerit iterum tertio placito (*) ut (*) infra decem noctes exeat denuntiet. Si uero triginta noctes impletze fuerint et nec tunc uoluerit (*) exire, statim illum manniat ad mallum (*) et testes suos qui ad ipsa placita (*) fuerant secum præstos habeat. Si autem (!) ipse cui testatum est uenire noluerit et eum aliqua sunnis non detenuerit et secundum legem supra dictam testatus fuerat(*), tunc ipse qui ei testatus est (!) super furtuna sua (*) ponet (*) et grafionem (*) roget ut

Cf. Waitz, 114, 206.

Cf. L. Sal. 14; Ed. Roth. 177; Liu. 134; Alf. 37; Waitz, 124, 126, 128, 136, 156, 160, 166; Sohm, Proc. 7 ff, 38, 128, 133, 169, 170, 193; sd. R. u. Ger. 61, 82.

The text represented by the Codd. B-H and also the L. Em. have omitted the first lestare of Codd. r-10. (Cf. Sohm, Proc. 15). Cod. 6 omits the third testare, and though this occurs in 5, it is with several other words marked with the signs of erasure. Codd. r and a alone have: "(homo) in hoc tibi testo (testor) ut in hac nocte proxima in hoc quod lex (est) saliga (salica) habet sedeas." On one night's forbearance, and a further respite of ten or seven nights, cf. tit. 52.

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[8] Si (*) noluerit iterum tercium placitum ad decem (*) noctis addat (*) et si (*) treginta (*) noctis (*) impleantur; et si ne (s) tunc uoluerit exire tunc maniat (*) eum ad mallum ex (*) testis suos qui in singulis placitis fuerint secum habeat pristus; et se ipsi ciuitatum est non uinerit (*) aut noluerit (*) uenire, so (*) eum aliqua sunnis (*) non tenuerit (*) et ipsa que superius diximus secumdam legem (*) testatum est. Tunc ipse (*) cui testauit super furtuna (*) sua (*) ponat (*) et roget (*) grafionem ut

00Th 4	1	TAR A TON
COD. 4.	- 1	CODD. 6 & 5.

COD. 1.

(accepit, corr.) accedat (*) in loco (*) et ipsi (*) eum (r) exinde expellat (*) quia lege (*) noluit (*) audire. Quod si ibidem aliquid (*) laborauerit amittat et insuper, mal uuidrositelo (4), sol. xxx (*) culø. iud.

amittat et insuper, mal uuidrositelo (4), sol. XXX (*) culf, iud.

(*) et se, 9; quod si nohuerit (-rint, F] iterum tertium placitum ad X noctes (noctibus, B, F) exinde exire demunitet. De solution ad X noctes (noctibus, B, F) exinde exire demunitet. Si

accedat ad locum et ipsum inde expellat, et si ibi aliquid elaborauit, quia legem noluit audire, amittat et insuper, malb. e uu dre sa thalo, mcc den. qui fac. sol. xxx culp. iud.

accedat ad locum et ipsum inde(*) expellat; et si bii aliquid elaborauit, quia (*) legem noluit audire (*), amittat, et insuper MCC din. qui fac. sol. XXX culp. iud.

sol. XXX culp. iud.

(*) placido, Q. (*) ut, om. V. (f) uohuerint, Q. (*) placido, Q. (*) placida, Q. (*) cum, Q. (*) fuerit, Q. (*) Cod. Est. adds: omnem substantiam suam promilitit; si silis supradicta probare non potuerit, super fortunam suam ponetur, et grafionem (id est comitem) rog. ut acc. ad let ipse inde expellat eum, &c. (*) Q. adds: malum. (*) ponat, Q.V. (*) grauionem, G.T.V. and 4418; garabonem, I.; graphionem, O. (*) unde, Q. (*) qualem noluit ualere, Q.

8° Si quis uero aliam in uillam alienam migrare, antequam conuentum fuerit, rogauerit°, MDCCC den, qui fac. sol. XIV culp. iud.
° malb. 4 anduu theocho.

2 Si quis uero admigrauit et ei aliquis infra MI + Menses nullus testatus fuerit, ubi admi-grauit securus, sicut alij uicini, + consistat. † noctes. † manest.

[8] Si uero quis alium in uillam alienam migrare rogauerit antequam conuentum fuerit, MDCCC din. qui fac. sol. XLV culp. iud.

[4] Si autem quis migrauerit in uillam alienam et ei aliquid infra duodecim menses (*) secundum legem (*) contestatum non fuerit, securus ibidem consistat sicut et alii uicini.
(*) mensibus, Q. (*) legem, ows. A.

Cf. Capit. Lud. cap. o.

Cf. Capit. Lud. 10; L. Rip. 49; Cham. 16; Waitz, 117, 135, 138, 143-145, 147, 153, 166, 167, 212; Sohm, Froc. 197, 209; 1d. R. u. Ger. 68, 83, 370, 391, 559.

LXXX. DE AFFACTUMIRE (*).

[4] Si uero quis admigrauit et ei aliquid infra duodecem mensis (*) nulli (*) testatus fuerit, ubi admigrauit securus sit et (*), sicut alie (4) uicini, maneat (*).

"Menes, 8.B.-H. (*) secundum legem testatum non f. u. adm., sicut alli uncini securus maneat, B.-H. (*) ut, 9. (*) alli, 8.9. (*) maniant, 9.

Hoc conuinit(*) observare ut tunzinus(*) aut centenarius mallum indicans(*) et scutum(*) in ipso mallo(*) habere(s) debeant(*), et postea(!) tres hominis(*) tres causas demandare debeant(!),

ipso mailo (*) nabere (\$) depeant (*), et postea (*) tres hominis (*) tres causas demandare debeant (*), postea (**) requirant (**) homine (*) qui ei non perteniat (*) et fistucam (*) in (*) lesum (*) fistucam (*) iactauerit (*) dictum (*) uerbum quantum de furtuna (*) sua (*) ei noluerit (*) dare sicut (*) a (*) furtuna (*) alicui (*) uoluerit dare (*);

(*) afetumiae, s.; sfatumiri, g. affatumise, B.C.H.; afatumise, B; tunzinus, B; tunzinus, B; tunzinus, F.C. (*) indicant, g.; indigans, B; tunzinus, B; tu

postea ipse (¹) in casa (s) ipsius manere debit (¹), et tres hospitis (¹) ibidem suscipere debit (¹) et de tota facultate sua quantum ei datur in potestate (¹) sua (m) habere debit (¹), et postea ipsi (a) cui istum (°) creditum est ista omnia cum testibus collectis (²) agere debit.
(¹) ipsi, g.F.G. (²) causa, q. (²) debet, ŝ.g.B-H. (¹) hospites, ŝ.G.H.; ospites, g.B.F. (²) debet, ŝ.g.B-H. (¹) tesp. (°) susam, q. (²) ipse, ŝ.B-H. (°) ista, ŝ. (²) coll., om. B-H.

Postea (4) aut ante rege (*) aut in mallo legitimo illi (*) cui (*) furtunam (*) suam (*) depotauit (*) ei reddere (*) debit (*). Accipiat (*) fistucam in mallo ipso (*) ante duodecem minis (b) ipsi (*) quos (*) heredis (*) depotauit (*) in lesum (*) suam iactit (b), et nec minus (!) nec maius nisi quantum ei creditum est. ci creditum est:

e: creditum est;

(1) Et p., 9; et sic p., B-H. (7) regem, B-H. (7) Me, 8-H. (9) cui in, B.F.G. (7) fortunam, g.B-H. (7) seam, om. B-H. (8) seputauti, 8.B-H. (7) redere, 9. (7) debet, 8.B-H. (9) postea uero ac., B-H. (7) tpse, 8.B. (9) meruses, 8.B.G.H; mensis, 9.F. (9) ipse, 8.B-H. (4) quos, om. F.G.H. (7) -des. 8; -dem, B.F.G.; -ditatem, H. (9) deput-, 8.B.F.G.; deputauerit, H. (9) lesum, 8; lisum, F.G.; lacisum, H. (4) tactet, 8.B-H. (9) maius nec minus, B-H.

XLIX. De Adframire.

Hoc conuenit obseruare ut Tunginus aut Centenarius mallus indicent et scutum in ipso mallo habere debet, et postea tres homines tres caussas demandare debent; postea in ipso mallo requirant hominem "qui et non pertinet et sic fistucam in "laisam iactet; et ipse in cuius laisam fistucam iactauerit dicat uerbum de fortuna sua quantum et indusert dare, aut si totase tuna sua quantum ei uoluerit dare, aut si totam aut si mediam fortunam suam cui uoluerit dare.

Postea ipse in cuius laisam fistucam iactauit in rostea ipse in cutti islam intucan iscutain to casa ipsius manere debet, et hospites tres suscipere et de facultate sua quantum ei datur in potestate sua habere debet. Et postea ipse cui creditum est omnia cum testibus collectis ista agere debet,

et sic postea ante Regess aut in mallo legittimo illi cui fortunam suam deputauerit reddere debet, et accipiat fistucam in mallo ipso. Et ipsum quem hæredem deputauit ante XII menses in laisio suo iactet nec minus nec maius nisi quantum ei creditum est,

XLVIII. DE AFFATOMLÆ(*).

Hoc conuenit observare ut tunginus uel centenarius mallum indicent et scutum in ipso mallo habeat(*), et tres homines(*) causas tres demandare debent in ipso mallo; et requiratur postea homo qui ei non pertinet, et sic fistucam in laisum iactet; et ipsi(*) in cuius laisum fistucam(*) iactauerit dicat uerbum de fortuna sua quantum ei uoluerit dare. (*) affattoone, Cod. Est. (*) habeant, Q. (b) homini, Q. (f) ipse, Q.V. (d) festucam, Q.V.

Postea ipse in cuius laisum fistucam iactauit (*) in casa (f) issus manere, et hospites (s) tres susci-pere et de facultate sua quantum et datur in potestate sua habere debet; et postea ipse cui creditum est ista omnia cum testibus collectis agere debet.

gere debet.
(*) iactauerit, Q. (*) causa, Q. (*) ospites, Q.

Postea aut ante regem aut in mallo legitimo illi cui fortunam suam deputauit ei(l) reddere debet; et accipiat postea fistucam in mallo ipso ante duodecim menses ipse quos heredes (l) deputauit in laisum (l) suum iactent (n), et nec minus nec maius nisi quantum ei creditum est. (l) et, om. Q.T.V. (l) heredis, Q. (l) leisum, Q.T.V.

COD. 1.	COD. 2.	COD. 3.	COD. 4.	CODD. 6 & 5.
dicere uolucrit, debent tres testes iurati dicere quod ibi fuissent in mallo quem thunginus aut centenarius indixerit. Et quomodo uidissent hominem illum qui furtuna sua dare uolucrit in laisum ille iam quem elegit fistucam lactare. Nominare debent denominatim illo qui fortuna debent denominatim illo qui fortuna	iurati dicere quod ibi fuissent in mallum quem tunginus aut cente- narius mallum indixerunt, quomodo dixissent hominem illum qui furtuna	quod ibidem fuissent in mallum quem tunginius aut centenarius dixerunt, et quomodo uidissent illum qui foctunam suam dare noluit et in lesium iam quem elegit festucam iactare, et nominare debent, et qui fortunam suam in lesium iactat, et si	et si contra hoc aliquid dicere uo- luerit, debent in testes ueraces dicere quod ibi fuissent in matum quem thunsinus aut centenarius indixe- runt, et quomodo uidissent hominem qui furtunam suam dare uoluerit, et in lesum iamque elegit fistucam iactare et demominare debet qui furtunam suam in lesum iactatur, et illum quem heredem apellat semel nominet,	dare uoluit in leso(*) iam quem elegit festicam(*) iactare, et denominare
et altere tres testes iurati dicere debent quod in casa illius qui fur- tuna sua donauit ille in cuius laisu fistuca iactata est ibidem mansisset, et hospites tres uel amplius ibidem collegisset et in beodum pultis man- ducassent et testes collegissent. Et illi hospites ei de susceptione gracias egissent.	et alteri III testis iurati dicere debent quod in causam illius qui furtuna sua donauti in cuius leso fistucam iactata est ibidim mansit, et ospites III aut amplius collegisset et pauissit et ospites III III aut amplius de suscep- cionem gracias egisset et in beudo pultis manducassent et testes colle- gisset;	quod in casa illius qui fortunam dominauit ille in cuius lesium festuca iactata est ibidem mansisse, et hos- pites tres illi uel amplius de suscep- tione gratias egissent et in beoto	et alii III testes iuste dicere debent quod in casa illius qui furtunam suam donauit ille in cuius leso fistuca iactata est ibidem mansis- sent, et hospites III uel amplius ibidem collegisset et pauisset et hospites illi III uel amplius de susceptione grafias egissent et testes collegissent.	quod in causa (*) illius que fortuna (*) sua (*) donauit illi in cuius laesi festuca iactata est ibidem man- sisset (*). Et hospites ibidem (*) tres uel amplius collegisset (*) et pauisset et hospites ili (*) tres uel amplius
dicere debent, et hoc quod in mallo ante regem uel legitimo mallo pu- blico ille quem accepit in laisum furtuna ipsa aut ante regem aut in	et sta omnia illi alii tres testis iurati dicere debent, et de hoc quanto in mallum aut ante regem uel in legimimo publici qui accipit in leso furtunam ipsi ante regem aut in mallum legitimus publicum, hoc est in mallubergo anteuda aut tuginus, furtunam suam quod eredis apellauit publici coram homnibus fistucam in leso iactassit, hoc est viii testimonia uel testis sta omnia debunt adfirmare.	dicere debeant, et hoc quod in mallo aut ante regem uel legem aut legi- timo mallo publice et ille qui accepit in lesum fortunam ipse ante regem aut in mallum publicum, hoc est ante deuda aut tunginum, fortuna	Ista omøia illi alii III testes iurare dicere debent, et de hoc quod in mallo ante rege uel legitimo mallo publico ille qui haccepit in lesusø furtunam suam, aut ante rege aut in mallo publico legitimo, hoc est in mallolargo ante theuda aut ante thunsino, furtuna illa quos heredes apellauit publice coram omnibus fistucam in lesum iactasset, hoc est noue testimonia uel testes ista omøia debent adfirmare.	[6] Ista omnia illi alii tres (* dicant, et hoc quod in mallo ante rege uel in publico mallo, hoc est legitimo, quod ante theoda aut tunzino(*), fortuna(*) illa quos(*) heredes apellant (*) publice (*) coram omnibus festucam(s) in leso illis(*) iactasset, hoc est ut nouem (*) testes ista (*) omnia debent adfirmare. (*) and: iurati. (*) tunzinus. (*) furtuna. (*) quod. (*) appeliat. (*) publicl. (*) fistucam. (*) illius. (*) noue. (*) istam.
XLVII. DE FILTORTIS.	(XLIV) XLIII. DE FELTORTUS QUI LEGE SALICA UIUENT.	XLVII. DE FILTORTVS QVI LEGEM SALICAM VIVERIT.	XLVII. DE FILTORTIS QUI LEGE SALICA UIUUNT.	XLVII. DE FELTORTIS QUI LEGE SALICA UIUANT (*).
manu. Et ille super quem cognos- citur debea[t] agramire; et sic eligere (¿eg. et si cis ligere) aut carbonarias» ambo manent et qui agnoscit et apud quem cognoscitur in noctis XI. placitum faciant, et inter ipso placito qui interfuerit qui caballo ipso aut uenderit aut cam- biauerit aut fortasse in solitudinem(*) dederit. Omnes intro placito isto	manu, et ille quod quem agnuscitur debet agramire; et si intra legere aut carbonaria ambo manent qui agnuscit et cum quem agnuscitur in noctis xL placitum faciant, et ipsum placitum quanti fuerint qui cauallum ipsum aut uindederint aut cambia- uerunt aut fortasse in solitudinem dedirunt, omnia intra placitum stum commoneantur, hoc est unusquisque cum neguciatoribus alter alterum	quem agnoscitur debet ad hominem ire; et si citra mare aut carbonaria	Si quis seraum aut ancillam, caballo, bouem uel qualibet rem cum altero agnouerit, mittat eum in tertia manu, et ille aput quem cognoscitur debet adramire; et sic (leg. si) citraligare aut carbonarius iam commanent qui agnoscit in noctes XLII placitum faciat, et in ipso placito quanti fuerint qui caballo ipso aut uendiderint aut cambiauerint aut fraudasset (leg. fortasse) in solutione dederunt, omeia inter placitum istum communiant, hoc est hunusquisque qui cum negotiatoribus alterum admoneat;	[1] Si quis seruum aut ancillam, caballum, bouem uel iumentum aut quemilibet rem cum alterum [agnouerit](b), mittat eum in tercia manu, et ille apud quem agnoscitur debet achramire(*); et sic(*) inter alligare(*) aut carbonarius(*) ambomanent. Et qui agnoscit et apud (f) quem (f) agnoscitur in noctes xu placitum faciant. Et in ipso placito quanti fuerint qui caballum ipsum aut rem ipsam uendiderims aut camiauerins(s) aut fortasse in solicitudino(*) dederunt, omnes(*) placitum istum commoneantur, hoc est ut unusquisque cum negotiatoribus alterutrum commoneat (*). (*) uiunt. (*) agn., supplied from Cod. 5. (*) adnamie. (*) si cleint tera, corr) uitra ligeri. (*) - ria. (*) cum quo. (*) cambusum (*) solutione. (*) ada: inter. (*) soluti
sunnis non tenuerit et ad placitum uenire distulerit, tunc ille qui cum eum negotiauit mittat tres testes quomodo ei nunciasset ut ad pla-	distullerit, tunc ille qui cum eum	communitus fuerit et eum sunnis non detenuerit et ad placitum uenire dis- tulerit. Ille qui cum eo negotiauit mittat testes III quomodo ei nun- ciasset et ut ad placitum suum ueniret, et alteros III quod publice negotiasset et idoniter	et si quis admonitus fuerit et sunnis non detenuerit et ad placitum uenire distulerit, ille qui cum eo negotiauit mittat III testes quomodo ei man- dasset ut ad placitum uenire; alte- rius III quod publice ab eo et huniter (leg. idoniter) negotiasset;	[9] Et si quis commonitus fuerit et eum sunnis non detenuerit (*) et ad placitum uenire distulerit, ille qui cum eo negotiauerit mittat tres testes quomodo ei nuntiasset (*) et (*) ad placito (*) uenisset (*), et alios tres quod publice ad (*) eum idoniter (*) negociasset. (*) detricauerit. (*) negociasset. (*) ut. (*) placitum. (*) ueniret. (*) ab eo idoneo-

et si contra hoc aliquid (*) dicere uoluerit (!) debent tres tes (*) iurati dicero qsod ibi (*) fuissent illo (*) quem centenarius (*) uel tunzinus indixerunt, quomodo uidissent (*) hominem (*) illum (*) quit (*) furuna (*) sua (*) dare uoluit (*) in lesu (*) quem elegit (*) fistuca (*) iactare; et denominare (*) debent qui (*) furtunam (*) suam in lesum (*) iactauit (*), et sic ille (*) cuius lesum (*) iactatus et (*) illum quem heredis (!) apellant (*) similiter nominent (!).

(*) aliquis, B-H. (*) -rint, H. (*) desense (*) illum quem heredis (!) apellant (*) similiter nominent (!).

(*) aliquis, B-H. (*) -rint, H. (*) et sido - quomodo, om. B-H. (*) centharius, 9. (*) et uid, B-H. (*) homine, 9. (*) illo, 9. (*) quod, F; quo, 6. (*) fortunam, 9; fortuna, F.G. (*) suam, 9. (*) uoluisset et, B-H. (*) kesum, 40; fostica, F. (*) dinumerare, 8. (*) esum, 9. (*) illosum, 8; clanomerare, 9. (*) eum qui, B-H. (*) fort. 9, B-F.G. (*) lassum, m, m, F.G. (*) fillosum, 8; alsoum, F.; lausum, G.; laeisum, H. (*) fortunation, m, fortunation, et al. (*) et al. (*) appellant, 8; appellant, 9; appellant, B.F.G.; apellant, H. (!) nominant, 8; nomenant, 9.

Et alteri tres testis (*) iurati dicere (*) debent (*) quod in casa ipsius que (*) furtunam (*) suam (*) donauit ille (*) in (*) cuius lesum (*) fistucam (*) iactauit (*) ibi (*) demansissent (*), et tres hospites (*) aut amplius collegissent (*) et pauissent, cum (*) libidem gracias egissent et (*) in beodo (*) suo pultis (*) manducassent (f) et (*) testes collegissent (*) legisset.

legisset.

"") testes, 8,9 B - H. (") dicant, B - H. (") deb., ow. B - H. (") qui, 8, 2B - H. (") fortuna, 9; fortunam, B - H. (") sua, 6, 1 (") life, 9 (") lin, own, 9, ["] lacsum, B - F; lacisum, 8, B - F; lacisum, 8, B - F; lacisum, 8, B - F; lacisum, 8, B - F; lacisum, 8, B - F; lacisum, 8, B - F; lacisum, 8, B - F; lacisum, 8, B - F; lacisum, 8, B - F; lacisum, 9, B - F; coll, et in beodo suo pultes manducassent et pauissent et euw licidem gracias egissent et testes collegissent, 9; ibidem collegisset et pauisset et eum (cum, F, C) ibidem gratias egissent et et eum (cum, F, C) ibidem gratias egissent (agisset, F, C), B - H. (") euw et, 8, (") euw et, 8, (4) beode, 8, (") pultes, 8, B - H. (") - set, F, C. (") et - collegisset, ow. B - H.

Ille (*) alie (!) tres testes ista omnia iurati (*) dicere (!) debent, et (*) quod in mallum (*) uel ante rege (*) illi (*) qui accipit in lesum furtunam (*) ipse (*) aut ante regem (*) aut in mallum (*) publicum (!) legitimo (*), hoc est anteoda (*) et tunxinio (*), furtunam suam quem heredem apellauit (*) publice (*) coram (*) bonis hominis (*) fistucam (*) in lesum (*) ipsius iactassit (4), et (*) hoc nouem testis (*) ista omnia debent adfirmare.

(*) et illi 8; illi, o; et adhuc, B-H. (!) alii 8, B-H.

debent adfirmare.

(*) et illi 8; illi, 9; et adhuc, B-H. (*) alli, 8, B-H.

(*) iurata, 8. (*) dicl, 8. (**) its ut novem testes haccomia debent addrimare eo quo (H addr. nullum) ad (In, B) nallum publicum aut ante regem fortunam suam quem &c., B-H. (*) mallo, 9. (*) regem, 8. (*) ille, 8. (*) ilortunam, 9. (*) ipsi, 9. (*) rege, 9. (*) puplico, 9. (*) legitimum, 8. (*) antheoda, 8, antehoda, 9. (*) tunzino, 9. (*) app., 8. B.F.H. (*) puplici, 9; plublicem, G; publicae, H. (*) quoram, 9. (*) hominbus, 8, 9.F.G. H; omnibus, B. (*) festugam, 9. (*) hominbus, 8, 9.F.G. H; omnibus, B. (*) festugam, 9. (*) hominbus, 8, 9.F.G. H; omnibus, B. (*) festugam, 9. (*) hominbus, 8, 9.F.G. H; omnibus, B. (*) festugam, 9. (*) hominbus, 8, 9.F.G. H; omnibus, B. (*) festugam, 9. (*) hominbus, 8, 9.F.G. H; omnibus, B. (*) festugam, 9. (*) hominbus, 8, 9.F.G. H; omnibus, B. (*) festugam, 9. (*) hominbus, 8, 9.F.G. H; omnibus, B. (*) festugam, 9. (*) hominbus, 8, 9.F.G. H; omnibus, B. (*) festugam, 9. (*) hominbus, 8, 9.F.G. (*) allegum, 8, 9. (*) hominbus, 8, 9.F.G. H; omnibus, B. (*) festugam, 9. (*) hominbus, 8, 9.F.G. H; omnibus, B. (*) festugam, 9. (*) hominbus, 8, 9.F.G. H; omnibus, B. (*) festugam, 9. (*) hominbus, 8, 9.F.G. H; omnibus, B. (*) festugam, 9. (*) hominbus, 8, 9.F.G. H; omnibus, B. (*) festugam, 9. (*) hominbus, 8, 9.F.G. H; omnibus, B. (*) festugam, 9. (*) hominbus, 8, 9.F.G. H; omnibus, B. (*) festugam, 9. (*) hominbus, 8, 9.F.G. H; omnibus, B. (*) festugam, 9. (*) hominbus, 8, 9.F.G. H; omnibus, B. (*) hominbus, 8, 9.F.G. H; omnibus, B. (*) festugam, 9. (*) hominbus, 8, 9.F.G. H; omnibus, B. (*) hominbus, 8, 9.F.G. H; omnibus, B. (*) hominbus, 8, 9.F.G. H; omnibus, B. (*) hominbus, 8, 9.F.G. H; omnibus, B. (*) hominbus, 8, 9.F.G. H; omnibus, B. (*) hominbus, 8, 9.F.G. H; omnibus, B. (*) hominbus, 8, 9.F.G. H; omnibus, B. (*) hominbus, 8, 9.F.G. H; omnibus, B. (*) hominbus, 8, 9.F.G. H; omnibus, B. (*) hominbus, 8, 9.F.G. H; omnibus, 8, 9.F.G. H; omnibus, 8, 9.F.G. H; omnibus, 8, 9.F.G. H; omnibus, 8, 9.F.G.

LXXXI (*). DE FILTORTO.

Si quis qui (b) lege salica niuit serunm aut ancillam, caballum uel bouem uel (c) quemlibet (d) rem super alterum agnouerit (c), mittat eum (f) in tertia mane (s). Et ille (c) super quem agnuscetur (d) in noctis (d) quadraginta placitum faciant (d). Et in (c) ipso (c) placitum (c) quanti fuerint qui rem uindederint (p) uel camiauerunt (d) aut furasse (d) hominis (d) cummoneantur (d). Hoc est ut (d) unusquisque de (d) neguciantibus (d) sis alter alterius commoneant (d).

alter alterius commoneant (*).

(*) In 8 this chapter follows after the next ch. (*) qui, om. 8. (*) B. H add: aliam. (*) quaml, B. H. (*) cognouent, 9. (*) ipsam rem, B. H. (*) manu, 8.B. H; inano, 9. (*) lili, 9. (*) agnosciture, 8.B. H. (*) notes, 8.9.B. H. (*) placita, 8.B. H. (*) ad, B. H. (*) placita, 8.B. H. (*) placita, 8.B. H. (*) indedirent, 9; uendiderunt, B. H.; uindiderunt, F. G. (*) -rent, 9. (*) forasse, 9; furauerunt, B. H. (*) homines, 8; hom. om. B. H. (*) commoneantur, 8; cummoneantur, B. H. commoneantur, F. G. (*) ut, om. B. (*) sicut interoco negotiatum fuit alter alterius negotiatum fuit uenire, H. S. C. A. S. a. commoneat uenire, B.F. (*) negot. 8; negucie. 9, 6*) commoueant, 9; communent, 9.

et si (7) conmonutus (*) fuerit et eum sunnis (*) non detenuerit et (b) placitum uenire (*) distullerit (4), illi (*) qui cum eum (?) negociauit (s) mittat tres testis (h) quomodo (!) ei nunciassit (h) ut ad placitum uenire (!) debnissit (=) et alterus (*) tres testis (h) quod publicia (*) aput (p) eum neguciasset (4);
(?) B-H add conse (h) consentir (h) experimental (h) et all consentir (h) experimental (h) et all consentir (h) experimental (h) et all consentir (h) experimental (h) et all consentir (h) experimental (h) et all consentir (h) experimental (h) et all consentir (h) et all conse

neguciasset (4);

(7) B-H add: quis.

(8) commonitus, 8; comunitus, 9; commonitus, B-H.

(9) sumais, 8; sunnes, 0.

(9) 8,0,F,G.H.

add: ad.

(7) non uenerit, B-H.

(4) distulerit, 8; dist.,
orn, B-H.

(7) lile, 8B-H.

(8) co, 8B-H.

(9) neguc
9; negut9; negut10; nuntiasset, 8,B-H.

(1) qualiter,
B-H.

(2) deb., orn, B-H.

(3) alteros, 8,B-H.

(4) publice, 8,H;
puplice, 9; pilice, B; publici, F.G.

(5) apud, 8,B-H.

(4) negot1,8,B-H.

et si contra hoc aliquid dicere noluerit, tres testes habere debet qui iurati dicant quod ibi fuerint in mallo quod Tunginus aut Centenarius indixerunt. Et quomodo uidissent homineæ illum, quod fortunam suam + donauit in laiso illius quam iam elegerat fistucam iactare, et + dominare debent qui fistucam in laisum fistucam iactatit, nec non et illum in cuius laisum fistucam iactatit, et illum quem hæredem appellauit. Similiter nomineæt † dominaut; atiss dare uohit. † nominare debent oui

† dominauit ; *alias* dare uoluit. † nominare debent, qui sțucam in laisum electi iactauit.

Et si contra hoc (*) aliquid dicere uoluerit, debent tres testes iurati (*) dicere quod ibi fuissent in mallo ubi tunginus uel centenarius indixerunt et quod uidissent (*) hominem illum qui fortunam dedit in laisum illius quem iam elegerat fistucam iactare; et nominare illum debent qui fortunam suam in laisum electi iactauit, necnon et illum in cuius laisum fistucam iactauit et heredem appellauit, similiter nominent (*). nent (9).

(") hec, V. (") iurari, Q. (") dixissent, Q. (" manent, Q.

alii testes iurati et dicant quod in casa illius qui fortunam suam donauit, illi in cuius laisam fistucam iactauit, ibidem mansisset, et hospites tres uel amplius colegisset et pauisset, et ei ibidem gratias egissent et in boudo suo pultes manducassent et testes collegissent.

Et alteri tres testes iurati debeut dicere quod in casa illius hominis qui fortunam suam donauit ille in (*) cuius (*) laisum fistucam iactauit ibidem mansisset (*) et hospites tres uel amplius collegisset (*) et pauisset et ei (*) ibidem gratias egissent, et in beudo (*) suo pultes manducassent et testes colligissent
(*) cui, O. (*) mansissent, O. (*) collegissent, O. (*) et

(*) cui, Q. (*) mansissent, Q. (*) collegissent, Q. (*) el, om. Q. (*) beodo, Q.

Ista omnia alij tres testes iurati dicere debent, quoniam in mallo legittimo uel ante Regem, illi qui accepit in laisam fistucam fortunam suam donauit, et ille accepenti in mallo hoc est, ante "Theada uel Tunginum fortunam illam, qua +hæredem eum appellauit, publicè corâm omnibus hominibus fistucam in laisam ipse iactasset, et hæc omnia nouem testes debent affirmare.

+ appellare placuit.

ista (*) omnia. Alii (*) tres testes iurati dicere debent, quod in mallo legitimo uel ante regem ille qui accipit in laisum suum fortunam in mallo publico, hoc est ante theada (*) uel tunginum, fortunam (*) illam quem haeredem appellauit, publice coram (*) omnibus fistucam in (*) laisum (*) upsius iactasset. Et haec omnia nouem testes debent adfirmare.

(") ista o. alia, Q. (") teda, Q. (") furtuna, Q. (") curam, Q. (") in l., om. Q.

L. De · Filtortis qui Salica lege uiuunt.

Si quis seruum aut ancillam, caballum aut bouem aut iumentum aut quamlibet ress sub alterius potestate agnouerit, mittat eam in tertiam manum, et ille apud quem agnoscitur debet adrhamire, et si intra "Ligerim aut Carbonariam aut citra mare ambo manent, et qui cognoscitur et apud quem cognoscitur in noctes XI. placitum faciant, et in ipso placito quanticunque fuerint qui rem "ipsam uendiderunt aut cambiauerunt aut fortasse in solutionem dederunt, omnes intra placitum istum commoneantur: hoc est unusquisose cum negotiatoribus suis hoc est unusquisque cum negotiatoribus suis alter alterum admoneat.

XLIX. DE FILTORTIS(*), HOC EST, QUALITER HOMO FURATAS RES INTERTIARE DEBEAT (*).

Si quis qui lege salica (*) uiuit seruum aut ancillam, cabailum uel bouem seu iumentum seu quamlibet rem suam sub alterius potestate agnouerit (4), mittat (*) eam in tertiam manum (*); et ille apud quem agnoscitur debet adhramire (*). Et (s) si intra Ligere (*) aut Carbonaria ambo manent et qui (*) agnoscit (*) et (*) apud quem agnoscitur in (**) noctes quadraginta placitum faciant (*). Et in ipso placito quanticumque fuerint qui rem intertiatam uendiderunt aut cambiauerunt aut fortasse in solutionem dederunt, omnes intra placitum istum commoneantur (*) ut unusquisque cum negociatoribus suis alter alterum admoneat.

(*) filtorità, O. (*) debet, O: De intertiatis rebus. evalut.

alter alterum admoneat.

(*) fillrortis, Q. (*) debet, Q: De interdiatis rebus, rubric
in Wolf. ms. Aug. 8. (*) saliga, 4418. A.G. N.V.; salica, Q.
(*) inuenerit, Q. (*) mitt and cum in terdis manu, Q.
(*) adramire, Q.: adhrammire, V.
(*) Legere, Q. (*) qui, om. Q. (*) agnosciutu, Q. (*) q.
(*) Legere, Q. (*) qui, om. Q. (*) agnosciutu, Q. (*) q.
(*) ". (*) ". (*) ". (*) ". (*) ". (*) ". (*) commoucentur, E.

Si quis uero commonitus fuerit et Sumis eum non detinuerit et ad placitum uenire distulerit, tunc ille cum quo negotiauit mittat tres testes quo-modo ei maniauerit quod ad placitum ueniat. Et alios tres similiter habeat quod publicè cum eo

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Si quis uero commonitus fuerit et (P) aliqua sunnis Si quis uero commonitus fuerit et (*) aliqua sunnis eum non detenuerit et ad placitum uenire distriberit, tunc ille qui cum eo negociauit habeat tres testes quod enunciasset (*) ut ad placitum uenire debuisset, et (*) alios (*) tres similiter habeat quod publice cum eo negociasset.

(*) Q adds: non uenerit et.

(*) el nuntiasset, Q.

(*) alias, Q.

Cf. L. Sal. 37, 89, 99; Rip. 33, 47, 58; Gund. 83; Aethel. v. 2; Edm. III. 6; Aethr. II. 8; Wi. 1. 6. 21; App. 1. 8; Waitz, 59, 156, 158, 164, 166, 167; Sohm. Proc. 56 ff, 98 ff, 118, 209; 4d. R. u. Ger. 66 66, 337.

COD. 1.	COD. 2.	COD. 3.	COD. 4.	CODD. 8 & 5.
istud si fecerit exuit se de latronicio. Et ille qui non uenerit super quem testes iurauerunt, ille erit latro illius qui agnoscit et precium reddat ille qui cum illo negocianit, et ille secun- dum legem conponat ille qui res suas agnoscit;	Ille qui non uinerit super quem testes iurauerunt, ille erit latro illius qui agnuscit, precium reddat illis, secundum legem conponat illi qui	istud si fecerit exuit se de latrocinio; ille qui non uenerit super quem III testes iurauerint, ille erit latro illus qui agnoscit et practium reddat. Ille qui cum eo negotiauit et ille ei secundum legem conponat qui res suas agnoscit,	Ille qui non uenerit super quem testes iurauerunt, ille erit latro illius qui agnoscit et przecio reddat illi qui cum eo negotiauit, et secundum	quem testes iurauerunt (*), ille erit
ista omnia in illo mallo debent fieri ubi ille est gamallus super quem res illa primitus fuit agnita aut inter- tiata.	Sta omnia in illum mallum debent fieri ubi ille est gamallum super quem res illa primitus fuerit agnouta aut in tercia manum missa;		uenire hubi ille est caballus (leg.	fieri ubi illi (*) est hamallus (*) super quem(*) res illas(*) primitus agnouita
Quod si trans legerem aut car- bonaria mannent cum quibus res illa agnoscitur, LXXX noctis lex ista custodiatur.	quod intra legere aut carbonaria ambo manent cum quibus agnus- citur, in noctis LXXX lex sta costo- diatur.	quod si trans legem aut Carbonariam ambo manent cum quibus agnoscitur, in octuaginta noctes lex ista custo- diant.	quod se (leg. si) trans legere aut carbonarias manent cum quibus res agnita fuerit, in LXXX noctes lex ista om[n]imodis custodiatur.	[5] Quod si trans legere (*) aut carbonarias(*) manent(*) cum quibas agnoscitur, in octoginta (*) noctos lex ista custodiatur. (*) ligeri. (*) carbonaria maniat. (*) octusg.
XLVIII. DE FALSO TESTI- MONIO. [1] Si quis falso testimonio per- hibuerit, DC din. qui fac. sol. xv culp. iud.	[L] XLVIIII. DE FALSUM TESTIMONIUM. [1] Si quis falsum testimonium preberit uel iurauerit, mal calistanio, samt din. De fac. sol. xv culs. iud.	XLVIIII. DE FALSO TESTI- MONIO. [1] Si qwis falsum testimonium praebuerit, sol. xv culp. iud.	XLVIII. DE FALSO TESTI- MONIO. [1] Si quis falsum testimonium przebuerit, DC den. qui fac. sol. xv culp.	XLVIII. DE FALSUM TESTI- MONIUM. [1] Si quis falsum testimonium præbuerit, DC den. qui fac. sol. xv culp. iud.
[2] Si cuicumque fuerit incul- patum quod periurasset, iuratores quinos sol <i>idos</i> condemnentur.	[2] Si cuiuscussque aliquid fuerit inculpatuss quod periurassit et probatus fuerit, iuratoris quinus solidus condemnentur;	quod periurasset et ei fuerit adpro-	[9] Si cuiuscumque aliquid fuerit inculpatum et periurasse fuerit adprobatus, XV sol. componat.	[9] Si uero cuiuscumque aliquid fuerit inputatum et periurasse adprobatur, III de ipsis (*) iuratores xv sol. culp. iud. quisquis illorum. (*) ipsos.
[8] Ille uero cui adprobatum fuerit, excpl (leg. excepto) capitale et dilatura atque causa extra hoc, DC din. qui fac. sol. xv culpabilis iud.	ipsi uero cuius adprebatum fuerit, excepto capriate et causam extra hoc, sol. xv culø. iud.	et ipse qui iurat, sol. quinque culp. iud.	[8] Ipse uero cuius adprobatum fuerit, exceptis capsials et dilatura, sol. xv culp.	[8] Illorum (*) uero qui super III fuerint, quinos sol. soluant. (*) IIII. [4] Ilpse uero cuius inputatum fuerit (*), excepto causa uel culps (*) et (*) delatura, xv sol. culp. iud. (*) fuit. (*) capitais. (*) aut.
XLVIIII. DE TESTIBUS. [1] Si quis testis necesse abuerit ut donit et fortasse testes nolunt ad placitum uenire, ille qui eos necessarius habet satisfacere et manere eos cum testibus debet ad placitum ut ea quae nouerunt iurati dicant.	uenire, ille qui eos placuit neces- sarium abit satis facire manire illos debit ut ea que nouerint iurati	eos necessarios habet satisfacere	XLVIIII. DE TESTIBUS. [1] Si quis testes necesse habuerit ut donet et fortasse testes nolunt ad placitum uenire, ille qui eos necessarium habet satisfacere mannire illos debet cum testibus ad placitum ut ea qui nouerit iurati dicant.	XLVIIII. DE TESTIBUS. [1] Si quis testibus (*) necessarium habuerit dare et fortasse testes nolunt ad placitum uenire, ille qui eos habet necessarios ad satisfacere manire (*) illis (*) debet cum testibus ad placitum ut ea quas nouerint iurati dicant. (*) testes. (*) mannire. (*) illos.
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GODD. 7, 8, 9.	GOD. 10.	LEX EMEND.	OBSERVATT.
istud se(') fecerit exiuit(') re(') de latrocinio; et illi(") qui non uinerit(') ille(") erit latro illius(") qui res suas agnuscit(') et(") preciume reddat(') illius qui cum eo(*) negociauit('), et ad illum secondum(4) legem conponat qui res suas agnuscit("), (') si, 8.B.H. (') exibit, 9; exuit, H. (') se, 8.9.B.H. (') ille, 8.B.H. (') uen-, 8.9.B.H. (') illi, 9; et, F; ille, mm. B.C.H. (') ipsius, B.H. (') agnoscit, 8; agnuscet, 9; agnout, B.H. (') et el (els, B) secund. legem ipsas conponat et insuper pretum lillus (ipsius, F.G) reddat qui cum eo negotiauit, B.H. (') redat, 9. (') eum, 9. (') neguc-, 9. (4) secundum, 9. (') 8 adds: et pretium reddat.	istud si fecerit exuit se de Latrocinio, ille autem qui amonitus non uenerit, si super eum testes iurauerint, erit latro et fur illius qui res suas agnoscit, et pretium ei reddatur, et omnia secundum legem componat + cum quo negotiauit. † apud quem suas res agnoscit.	Hoc si fecerit exuit(*) se de latrocinio. Ille autem qui ammonitus non uenerit super quem(*) testes iurauerint erit latro illius qui res suas agnoscit; et ei secundum legem ipsas conponat et insuper pretium illi reddat qui cum eo negociauit. (*) exiuit, E. (*) Q adds: tres.	
ista omnia facere († debet in illo (s) mallo (b) ubi ipse (!) amallus (b) esse dinuscitur (!) super quem res illa agnita (=) fuerit aut interciata; (†) ubi suus amallus (adm., B) est 5, q. r. agn, f. a. l. fuerit facere debet, B H. (*) illum, 8. (b) mallum, 8. (!) illi, 9. (b) amallatus, 9. (!) denosc., 8. (*) agnitus, 9.	Ista omnia facere debet in mallo ubi ipse ⁴ rhamallus esse uidetur super quess res primitus agnita fuerit aut intertiata.	Ista omnia, ubi suus hamallus (*) est super quem res primitus agnita fuerit aut (*) intertiata, fieri debeant. (*) amallus, Q. (*) an, Q.	
quod si trans ligere (*) aut carbonaria manent illi (*) cum (*) quem (*) res agnuscitur (*), in noctis (*) octuaginta lex ista costodiatus (*), (*) legere, 9: Ligerem (ligerim, B) a Carbonariam m. ille quo cum (cum quo, B.F.G) res a in noctibus &c., BH. (*) ille, 8. (*) qui cum, 8. (*) agnosc., 8. (*) noctes, 8.9. (*) cust., 8.B; —antur, 9; custoditus, F.G.H.	Quod si trans Ligerim aut Carbonariam ambo manent ille apud quem res agnoscitur, in noctibus LXXX lex ista custediatur.	Quod si trans Legerem (*) aut Carbonariam manet ille apud quem res (*) agnoscitur, in noctibus octoginta lex ista custodiatur. (*) ligere, Q; mast MSS. kanv ligerem. (*) res, om. Q.	
LXXXII (*). DE FALSO TESTIMONIO (*).	LI. De falso Testimonio.	L. DE FALSO TESTIMONIO.	Cf. L. Sal. 30. 7, 93, 94, 102; Cham. 32; Gund. 80; Liu. 144;
[1] Si quis falsum (*) testimonium (*) pre- bucrit (*), [Dc den. qui fac.] sol. XV culp. iud. (*) This tit. is numbered 81, and precedes tit. 82, in 8; no rubrus in B- H. (*) testimunio, 9. (*) falso, 9. (*) tes- timunium, 9. (*) perhibucrit, F.	1 Si quis falsum testimonium prebuerit, no den. qui fac. sol. xv culp. iud.	[1] Si quis falsum testimonium præbuerit, pc din. qui fac. sol. xv culp. iud.	Wisig. II. 4. 6, 7; Hlo. 11; Ine, 13; Edw. 3; Aethel. II. 25; Cn. II. 36, 37; Waits, 175.
[9] Si (*) aliquis alicui iure inpotauerit (b) quod periurasset et non potuerit adprobare, qui inpotauit (*) [Dc den. qui fac.] sol. xv cui f. iud. (*) B-H combine \$\frac{1}{2}\$ 1 and 2: et si &c. (b) infin)putauerit, & B-H; inpotant, 2. (*) input-, & B-H.	9 Si cuicunq se aliquid imputatum fuerit quod aliquid periuratus sit et nos potuerit adprobari, nc den. qui fac. sol. xv culp. iud.	[3] Quod si aliquis alicui inputanerit quod se periuraret (*) et non potuerit adfirmare (*), de din. qui fac. sol. xy culp. iud. (*) periurasset, E.P. (*) adprobare, V.	
LXXXIII. [DE PERIURIO](*).			
[1] Si (*) alicui fuissit (*) inpotatum (*) quod periurasset (*) et hoc qui inpotat (*) potuerit adprobare, qui (\$) periurauit (*) [DC den. que fac.] sol. xv cui p. iud. (*) (*) Rubric in 8 only. (*) 8 adds: ques; F adds: et. (*) fuerit, 8.0 B-H. (*) input-, 8.B-H. (*) iurasset, B. (*) inputat, 8; im-, 9; inputatui, B-H. (*) lequi, B-H. (*) periurauerit, 8; iurauerit, B. (*) B-H, which omit \$i\$ and \$i\$ add here: excepto capitale et dilatura (c. e. d. om. F.). Iuratores uero sui (sic, B) unusquis (unusquisque, B) quinos soledos condempnetur (condamentur, B.)			
[2] Si alicui fuerit inpotatum (*) quod periu- rasset et hoc qui inpotat (*) potuerit adprobare, iuratori (*) sui quinus (*) sol. (*) condempnentur (*). (*) input 8. (*) inputat, 8. (*) iuratore, 8; iuratoris, 9. (*) quinon solum, 8. (*) conposat, 9.	8º Si alicui fuerit imputatum quod se per- iurasset, et hoc qui imputauerit adfirmare poterit, tres de ipsis coniuratoribus periuri unusquisque ad illorum pc den. qui fac. sol. xv culp. iud.	[8] Si alicui fuerit inputatum quod se periurasset, et hoc qui inputauerit adfirmare (*) potuerit, tres de ipsis coniuratoribus (*) periuri (*) unusquisque illorum DC din. qui fac. sol. xv culp. iud. (*) adramire, E.P. (*) periuriatoribus, Q; adiutoribus coniuratoribus, V. (*) periurii, V.	
	Alii uero qui super tres fuerint, singuli quinis solidis id est cc den. culp. iudicestur;	[4] Alii uero qui super ipsos tres fuerint, quinis solidis culpabiles iudicentur.	
[3] Ipsi uero cui adprobatum fuerit, excepto capsiale et delatura aut quae (*) causa (*), sol. xv culp. iud. (*) que, 8; qui, 9. (*) caus, 8.	ipse uero cui imputatum fuerit, excepta caussa uel capitale et delatura, cc den. qui fac. sol. xv culp. iud.	 [5] Ipso uero cui inputatum fuerit, excepto causa uel capitale et delatura, DC(*) din. qui fac. sol. xv culp. iud. (*) quingentis din. q. f. s. xv, Q. 	
			
LXXXIII. DE TESTIBUS(*). [1] Si quis testes necesse habuerit ut donit (*) et fortasse ipsi testis (*) noluerunt (*) ad placitum uenire, illi (*) qui eos (*) necessario (*) habet mannire (*) illus (*) debit (*) cuss testibus ut eo (*) quod uiderusst testimonium prebeant (*). (*) No rubric in B-H. (*) donet, 8. (*) testes, 8. (*) -rint, 8; -rent, 9. (*) libe, 8. (*) eus, 9. (*) necesse, 8. (*) manire, 9. (*) libe, 8. (*) debet, 8. (*) erssus, 8. (*) manire, 9. (*) libe, 8. (*) q. e. necessario (-los, plac, u. noluerint, ille noluerit libe, (*) q. e. necessario (-los, B; -lus, F. (*), h. m. jusqe (fjose, F. (*)) debet (F. C. add: haber) c. alist ut (B.F.G. add: hoc) quod uid. t. reddan,	LII. De Testibus adhibendis. 1 Si quis testis necesse habet + ut donet et fortassis testis now uult ad placitum uenire, ille qui eos necessarium habet manire illos debet cum testibus ut de eo quod uiderunt testimonium præbeant,	LI. DE TESTIBUS ADHIBENDIS. [1] Si quis testes necessarios habuerit et fortasse ipsi ad placitum uenire noluerint, ille qui cos necessarios habet mannire illos debet cum testibus ad placitum ut ea quae sciunt iurantes dicant.	Cf. L. Rip. 50; Baj. 17; Waitz, 166, 167, 191; Sohm, Proc. 133, 147, 148, 209.
B-H. 312	313	314	315

[2] Si uenire noluerint et [e]os sunnis non tricauerunt, mai uui dridarchi, hac est oc din. qui fac. sol. xv quisque illorum culp. iud.

si uenire noluerint et eos sunnis non tenuerit, DC din. fac. sol. xv culø.

[2] Si uenire noluerint et eos sunnis non detenuerint, sol. xv culp. iud. unusquisque illorum.

[2] Si uenire noluerint et eos unnis non tricauerint, hunius [quissunnis que] illorum DC den. qui fac. sol. xv culp. [2] Si uenire noluerint et sunnis non detenuerit (*), DC den. qui fac. sol. xv quisquis illorum conponat. (*) detricauerit.

[8] Si uero praesentes fuerint uocati in testimonium et noluerint ea quae nouerint iurati dicere, et ferbanniti fuerint, DC din. qui fac. sol. xv culp. iud.

• [2] Quisquis illorum si uero pre-sentis fuerint iurati in testimonium uocati et noluerint iurati dicere ea que nouerunt, et ferbanniti fuerent, nc din. qui fac. sol. xv culs. iud. unusquisque illorum.

[8] Si uero presentes fuerint in testimonio uocati et noluerint ea quae nouerint iurati dicere, et forbanniti uenerint, sol. xv culp. iud.

[8] Si uero presentis noluerint iurati dicere ea quae nouerint, et forbannati fuerint, hunusquisque illorum DC den. qui fac. sol. XV cu/p.

[3] Si uero presentes fuerint (a) in [3] Si uero presentes merint(*) in testimonio uocati et noluerint (*) iurati dicere ea quae nouerint, et forbanniti fuerint, DC den. qwi fac. sol. xv culp. iud.

(*) fuerit et. (*) noluerunt.

LX (leg. L.) DE FIDES FACTAS.

[1] Si quis ingenuus aut letus alteri fidem fecerit, tunc ille cui fides facta est in XL noctes aut quomodo illius cum testibus uel cum illo qui praecium adpreciare debent accedere debet. Et si ei noluerit fidem facta soluere, mal thalasciasco, hoc est sol. xv super debitum quod fidem fecerit culp. iud.

[LII] LI. DE FIDIS FACTAS.

[1] Si quie ingenuus uel letus alteri fidem fecerit, tunc ille cuius fidis facta est in XL noctes, aut quomodo placitum fecerit ut quando fedem fecit, ad domum illius qui fidem fecit cum testibus uel cum illis qui precium adpreciare debint uenire debit; et si ei noluerit fidem facta soluere, mal huc chram mito, sunt din, DC fac. sol. XV culp. iud. super debitum quod fidem fecerat.

L. DE FIDE FACTIS.

[1] Si quis ingenuus aut litus fidem fecerit, tunc ille cui fides facta est in XL noctis, aut quomodo pacitum fecerit quando fidem facit, ad domum illius qui fidem fecit cum testibus uenire debet uel qui pretio adpretiare debent; et ei si noluerit fide facta soluere, sol. XV culp. iud. supra debitum quod fidem fecerit.

L. DE FIDES FACTAS.

[1] Si quis ingenuus aut litus alterum fidem fecerit, tunc ille cui fides facta est in XL noctes, aut quomodo placitum fuerit quando fidem fecit, ad domum illius qui fidem fecit cum testibus uel cum illis qui precio adpreciare debet; et si noluerint fidem factam dissoluere, DC den. qui fac. sol. XV culp.

L. DE FIDE FACTA.

[1] Si quis ingenuus aut litus alterius (*) fide (*) fecerit, tunc ille cuius fides facta est in XL noctes, aut quomodo [placitum](*) fecerit quando fidem fecit, ad domum illius ambulare debet cum testibus uel cum lilius (*) qui pretium adpretiare debent. Et (*) si noluerint (*) fides (*) facta soluere, pc den. qui fac. sol. xv culp. iud. super debitum unde fidem fecerit.

(*) alterifidem. (*) pl. supplied from s.

(") alteri fidem. (b) pl., supplied from 5. (c) illis. (d) et, om. 5. (e) noluerit. (f) fidem.

(2) Si adhuc noluerit conponere debet eum ad mallum manire et sic nexti canthichius mallare debet: Rogo te, thungine, ut nexti canthichus gasacio meo illo qui mihi fidem fecit et debitum debet; et nominare debet quale debitum debeat unde ei fidem fecerat. Tunc thunginus dicere debet: nexthe ganthichio ego illo in hoc quod lex salega ait. Tunc ipse cui fides facta est testare debet ut nulli alteri nec soluat nec pignus donet solutionis, nisi ante ille impleat quod ei fidem fecerat. Et festinanter ad domum illius illa die antequam sol collocet cum testibus ambulare debet et rogare sib debitum soluere. Si hoc noluerit facere solem ei collocet. Tunc si solem collocauerit, cxx din. qui fac. sol. III super debitum adcrescant. Istud usque ad tres uices per tres notinas fieri debet, et in tercio ista omnia facta uoluerit conponere, usque ad cccix din. hoc est solidos noue adcrescat. Id est ut per singulas admonitiones uel solem collocatum terni solidis super debitum adcrescant.

[2] Si adhuc noluerit conponere quod debit ad mallum eum manire debit et sic nexticantigus mallare debit et soo te, tungyne, ut nexticantigyus gasacium meum illum qui mihi fidem fecit et debit dibiat unde fidem fecerat; tunc tunginus dicire debit: nexticantigium ego illum in hoc quod lex salica abit; tunc ipse cui fidis facta est debit testare ut nulli alteri nec soluat nec pignus cui fidis facta est debit testare ut nulli alteri nec soluat nec pignus donit solucionis, nisi ante conponat quod ei fidem fecit; et cum testibus ambulsre et rogare debit ut debitum suum soluere dibiat; et si adhuc noluerit soluerem solem ei colecit; et tunc si ei solem collegauerit, sol. III super superiorem debitum adhuc soluat; stut usque ad III uicis per III sta omnia facta et noluerit adhuc conponere, usque ad solem cobitum, et ad noue solidos adsendat, et super singulas admonicionis uel ad solem colecato terni solids adcriscant.

[2] Si adhuc noluerit conponere debet eum ad mallum manire et sic nestiganti huius mallare: Rogo te, tungire, ut nestiganti his sagatio meo ille qui mihi fidem fecit et debitum debit; nominare qualem debitum uel undem fidem fecit. Tunc tunginus dicere debet: nestigante ego illum in hoc teneo quod lex salica habet; et tunc ipse cui fides facta est debit testare ut nulli alterince soluat nec pignus donet solutionis, nis ante qued ei impleat quod fidem fecit; et festinanter in domum illius qui ei fidem fecit cum testibus ambulare debit et rogare sibi soluere; solem ei culcet, et si sol culcauerit, tres solidos super debitum superius adhuc addat et usque ad ill uices per ill nouenas facere debet; et si per ill uices ista omwia facta noluerit adhuc conponere, usque ad solidos nouem debitus ascendat, id est ut per ill dies solem calcatum ternos solidos crescant.

[2] Supra debito uero quem fecerat si adhuc noluerit conponere debet et ad mallum mannire et sicti cantidios mallare: Rogo te, thunzinus, ut instigante cuius cassatium meum illo qui fidem michi fecit et debitum [non] dedit; tunc nominare debet qualem debitum uel hunde fidem fecit, et thunzinus dicere debet; instigante ego illum in hoc quod lex salica habet; et tunc ipse cuius fides facta est debet testare ut nulli alteri nec soluat nec pignus donet subitionis, antequam illum adimpleat quod ei fidem fecit; et ipse dicat cum testibus ambulare debet et rogare sibi debitum soluere; et si hoc noluerit soluere, solem ei collecet; tunc si ei solem culcauerit, III solidos super debitum superiore reddat. Adhuc addit istud usque ad III uices per III nondenas facere debet, qui super III ista ommia et noluerit adhuc componere, usque solidos viiii noue debitus ascendat; id est ut per singulas ammonitiones uel solem collegato III solidos adcrescat.

[2] Et si(*) adhuc noluerit debitum conponere ad mallum manire (*) et sicum(*) nestigante mallare: rogo, tunxino, et (*) nestigante mallare: rogo, tunxino, et (*) nestigantio cassahone meo (*) illo qui mini fidem fecit et debitum legitimum (*) debet; nominare qualem debitum uel unde fidem fecit. Tunc tunzinus(*) dicere debet: nestigatio (*) ego ille (*) in hoc mallo quod soleta (*) habet. Tunc(*) ille cuius fides facta est debet testare ut nulli alteri nec soluat nec pignus donet solutionis, nisi antequam illum impleat quod ei fidem fecit; ipsa die cum testibur ad donum illius ambulare debet et rogare sibi debitum soluere. Et si nec tunc uoluerit soluere, solem ei collicet(*); tunc ei (*) si ei solem culcauerit, III solidos super debitum superio (*) redat (*); usque ad (*) tres uices adhuc per tres nundinas facere debet, et super ipsa (*) omnia facta et noluerit adhuc connonere usque ad (*) nouem: per tres nundinas facere debet, et super ipsa (*) omnia facta et noluerit adhuc conponere usque ad (*) nouem solidos debitus ascendar; id est ut per singulas admonitiones uel solem culcatum terni (*) solidi adcres-

culcatum terni(†) solid: adcres-cant (*).
(*) si, om. 5. (*) mannire. (*) sic cuo-(*) ut nesto gassatione meo. (*) add: de-bitur. (†) tunzino. (*) nestigantio. (*) illo. (*) les salica. (*) Et unc. (†) colecti. (*) ei, om. 5. (*) superiore addat. (*) ad. om. 5. (*) ista. (*) ad, om. 5. (*) ternis. (*)—cat.

[3] Si quis ad placitum legitimi fidem factam noluerit soluere, tunc ille cui fides facta ess ambulet ad grafionem loci illius in cuius pago manet et adprehendat fistucam et dicat uerbum: Tu grafio, homo ille mihi fidem fecit quem legitime habeo iactiuo aut admallatum in hoc quod les asilica continet. Esso sures me iactiuo aut admallatum'in hoc quod lex saliga continet. Ego super me et furtuna mea pono quod securus mitte in furtuna sua manum. Et dicat de qua causa aut quantum ei fidem fecerat. Tunc grafio collegat secum septem rachineburgius idoncos et sic cum eos ad casa illius qui [fidem] fecit ambulet et dicat: Qui ad praesens es uoluntatem tuam solue homine isto quod ei fidem fecisti. Et elege tu duos quos

[8] Si quis fidem factam ad placitum noluerit soluere, ambulit ad grafionum loci illius in cuius pago manit et prehindat fistucam et dicat uerbum: tu grafio, homo ille qui mihi fidem ficit quem legitime abeo abio illum iactibus admallatum in hoc quod lex salica abit et contenit; ego super me et super furtunam meam pono quod tu securus mitte in furtuna sua manom; et dicat de causam de quantum ei fidem ficit; tunc grafio collegat vii racineburgiis et sic cum ipsis ad domum illius qui fidem ficit ambolit et rogit illus sibi presens estum fidem ficit: uolumtate tua solui homine ste quod fidem ficitiet e elegit ut duus quos

[8] Si quidem factam ad placitum legitimum noluerit soluere, tunc ille cui fides facta est ambulet ad festucam et dicat uerbum: Tu grafio, homo ille qui mihi fidem fecit quem legitime abeo admallatum in hoc quod lex salica contenit; ego super me et fortuna mea pono quod securus mitto manum super fortunam suam; et dicat causam quantum ei fidem fecerit. Tunc grafio collectis secum septem rachiniburgus idoniis et sic in casam illius qui fidem fecit ambulent et rogent illum si praesens est qui fidem fecit sic dicat: Voluntatem tuam solue homine isto quod ei fidem fecisti, et elegi de duos quod

[8] Si quis fidem factam ad placitum legitimo facto noluerit soluere, tunc ille cuius fides facta est ambulet ad graffione loci illius in cuius pago manet et adpraehendat fistuco et dicat uerbis: graffio, Homo ille michidem fecit qui legitimi habeo illo et admallatum in hoc quod lex salica habet et continet; ego supra me et furtuna mea pono quod securus mitto manu in furtuna mea (Leg. sua); que dicat de causa quantum ei fidem fecit. Tunc graffio colligit vii rationeburgiis et sic cum eum ad domum illius qui fidem fecit ambulet. Si praesens est qui fidem fecit sic dicat; qui ad praesens est qui fidem fecit isi dicat; qui ad praesens est uoi untate feciati, qui ad praesens est uoluntate fecisti, et eligite duos quos

[8] Si quis fides (*) facta ad placitum legitimum (*) facto (*) noluerit soluere, tunc ille (*) cuius (*) fides facta est ambulet(*) ad graphionem(*) loci illius in cuius pago manet et (b; adpraehendit (*) festuca (*) et dicat uerbum (*); Tunc, graphio (*), homo ille qui mihi fidem fecit quem legitime habeo admallatum in hoc quod lex salica habet et continet. Et (*) super me et super fortuna mea pono quod securus mitem (*) fortuna sua manum; et dicat de causa de quantum ei fidem fecerat. Tungraphio (*) rogat vii rahinburgis (*) et sic cum eos a (*) domum illius qui fidem fecit ambulet, ipso (*) presens est que fidem fecit et dicat sic. Qui (*) a (*) presens es (*) uoluntate tua solue hominem istius cui fidem fecisti, et elegete (*) duos quos

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[2] Si uero (*) nuluerii (*) et eos sonnis (*) non detenuerii, [Dc den. qui fac.] sol. xv unusquisque (*) illorum (*) cuiß, ind.
(*) uenire. 8. (*) noherint. 8; noherent, 9; noherint uenire. B-H. (*) sunnis, 8.B-H; sunnes, 9. (*) un. Ill., om. B.F.G.

[3] Si uero presentis (*) fuerint in (*) testimonio (*) uocati, iurauerint ea quae (*) uiderunt et audierunt testimonium (*) preberent (*), ferbanniti (*) fuerint (*), [De den. qui fac.] sol. xv culp, iud. (*)

(*) presentes, 8. (*) hil, 9. (*) - munium, 9. (*) que, 8; qui, 9. (*) - nia, 8. (*) - buerunt, 8. (*) firbaniti, 9. (*) - runt, 9. (*) § 3 om. B - H.

LXXXV. DE FIDES FACTA (*).

[1] Si quis ingenuus (b) aut litus (c) alteri fidem fecerit (d), tunc (c) ille (f) cuius (s) fides (b) facta est (i) in (c) xxita noctis (l), aut quomodo placitum fecerit, cum testibus uenire debet uel qui precium adpreciare debeant (m) et si noluerit fidem facta (m) soluere, [DC den. qui fac.] sol. xv culs ind culs, jud.

culf. iud.

(*) factis, 8; factas, 9; no rubric in B.-H. (*) ingenuos, 0.

(*) letus, 9; liber, F.G.H. (4) fecit, 8. (*) tunc, om. B.-H.

(*) ill. 8, 6. (*) cui, 8. (*) fiden, 9. (*) est, om. B.H.

(*) ad plactium ueniet (H odde: et) cuin tales testibus qui
ipsum pretium legitimi (legittime, B) adpr., &c., B.-H.

(*) noctes, &s. (*) debent, 9. (*) factam, B.-H.

[8] Si (*) nec fifides (*) facta (*) ad placitum legitimum soluere uoluerit (4). Tunc ille (*) cuius fides (*) facta est ambulet (*) ad grafionem (*) illius (*) loci (*) in cuius pago manet (*) et prindat (*) fistucam (*) et (*) dicat uerbum (*): Tu, grauio (*), rogo tibi (*), homo ille (*) qui mihi fidem fecit quem legitimum (*) aleo (*) adiectiuum (*) et admallatum (*) in (*) quo (*) lex (*) salica (*) contenit (*); et ego super me et super furtuna (*) mea pono quod secrus (*) mitto (4) super furtunam (*) suam mano (*); et dicat (*) causam aut de quantum ei fidem fecit. Tunc grafio (*) colligat (*) secum septem racemburgis (*) idonius (*) et (*) sic cum eos (*) ambulet (*) ad causam (*) illius qui (*) fidem fecit et (*) roget illum, si presens est qui fidem fecit, et dicat ei: uoluntatem (*) tuam solue homine (*) illo quod ei fidem fecisti, et elege (*) tecum duos quos

et si uenire noluerint et eos Sumis non detinuerit, unusquisque illorum pc den, qui fac. sol. xv culp. iud.

2 Si uero presentes in testimonium fuerint uocati et ea que uiderunt testimonium præbere noluerint, pc den qui fac. sol. xv culp. iud.

LIII. De fide facta.

1 Si quis ingenuus aut lidus alteri fidem fecerit et noluerit soluere, tunc ille cui fides facta est in noctes XIIII siue XL aut quomodo placitum fecerit, is qui fidem dedit, ad domum illius qui fidem accepit cum testibus uenire debet uel cum illis qui precium adpretiare debent. Si is fidem factam noluerit soluere, pc den qui fac. sol. xv culp. iud.

2 Si uero adhuc supra dictum debitum soluere noluerit debet eum manire et "uestigantio sic admallare. Rogo te, Tunsino, ut ne istigante "gassachio meum illum qui mihi fidem lecit, legittimum enim mihi debet debitum (et nominare debet quale debitum debeat et unde fidem fecit) secundum legem Salicam mihi adstringas. Tunc Tunzinus dicere debet: Ego nestigantio gasachio illo tuo in hoc mallo quod Lex Salica habet, et tunc ipse cui fides facta est debet testificare ut nulli alteri nec soluat nec pignus donet solutionis, antequam impleat quod fidem fecit; et sic festinantes ipsa die ad domum illius qui ei fidem fecit cum testibus ambulare debet et rogare ut debitum suum illi soluat, et si hoc noluerit, solem ei +collocet, et si ei solem collocauerit, tres solidos super debitum addat, et sic usque ad tres uices, per tres + manitas faceta si noluerit componere, usque ad nouem solidos debitum ascendat, id est ut per singulas admonitiones uel solem +collocatum terni solidi accrescant.

† culcet. † nundinas. † cukatum.

8 Si uero nec fidem factam ad placitum legitime factum uoluerit persoluere, tunc ille cui fides facta est ambulet ad Grauionem loci illius in cuius pago manet accipietque fistucam et dicat uerbum: Tu Grauio, rogo te, homo ille qui mihi fidem fecit quem legittime habeo + admallatum secundum legem Salicam et in hoc quod lex Salica habet et coutinet. Et ego super me et super fortunam meam pono quod securus mitto super fortunam suam manum. Et dicat de quanta caussa quantum ei fidem fecerit. Tunc Grauio roget septem «Rathmiburgios qui secum ambulent ad domum illius qui fidem fecit, dicat si præsens est: uoluntate tua solue homini isto, de eo quod ei fidem fecisti & elige duos ex his quos 8 Si uero nec fidem factam ad placitum legit-

[2] Si uero noluerint (*) uenire et eos sunnis non detenuerit, unusquisque illorum no din. qui fac. sol. xv conponat (b). (*) noluerit, Q. (b) culp. iud., Q.V.

[3] Si uero praesentes fuerint ad testimonium uocati et noluerint iurando dicero ea (*) quae sciunt, et ferbanniti fuerint, pc din. qui fac. sol. xv unusquisque illorum (*) culp. iud.
(*) eam. Q. (*) III. sm. Q; ipsorum, T.

LII. DE EO QUI FIDEM FACTAM ALTERI REDDERE NOLUERIT.

[1] Si quis ingenuus aut lidus alteri fidem fecerit, tunc ille cui fides facta est quadraginta noctes, aut quomodo placitum fecit quando fidem ei fecit, ad domum illius cum testibus ambulare debet uel cum (*) illis qui pretium adpretiare debent. Et (*) si noluerit fidem (*) factam soluere, pc din. qui fac. sol. xv culp. iud. (*) g adds: de. (*) si, om. Q. (*) fide, Q.

Cf. L. Sal. 45, 52; Gund. 19, 82, 96; Ed. Roth. 245-252; L. Liu. 16, 36, 128; Par. Sax. 27; L. Wisig. V. 6; Waitz, 139, 144, 150, 152, 156, 175, 179, 182, 191, 192, 201; Sohm, Proc. 16 ff, 128, 165, 168, 173, 175, 193, 213, 23, 6; id. R. u. Ger. 70, 74, 83, 87, 100, 117, 391, 392.

[2] Si uero adhuc supradictum debitum soluere noluerit debet eum sic admallare: Rogo te, judex, ut hominem illum denominatum gasac-chionem (*) meum qui mihi fidem fecit de debito chionem (*) meum qui mihi fidem fecit de debito tali denominato secundum legem salicam (*) mihi inde eum adstringas. Tunc iudex dicere debet: Ego gasacchium (*) tuum illum in hoc mallo quod lex salica (*) habet. Tunc ille cui fides facta est debet testificari fideiussori ut nulli alteri nec soluat nec pignus donet (*) solutionis (*), antequam ei impleat unde fidem fecit. Et sic festinanter ad domum illius qui ei fidem fecit cum testibus accedat et roget eum soluere debitum suum. Quod si noluerit, solem ei collocet. Si ei solem culcauerit, tres solidos super debitum addat; et sic usque ad tres uices per tres mannitas (*) facere debet. Ista igitur omnia facta si(*) adhuc noluerit debita conponere, usque ad nouem solidos debitum onponere, usque ad nouem solidos debitum conponere, usque ad nouem solidos debitum ascendit, id est ut per singulas ammonitiones uel solem culcatum terni solidi adcrescant.

(*) gassaccionum, Q. (*) saligam, V and 4478. (*) gassaccium, Q. (*) saliga, G.H.N.V and 4478. (*) gassaccionum, Q. (*) solitones, Q. (*) manites, Q. (*) s. (*)

Si uero nec (1) fidem factam in placito (1) legitimo soluere noluerit, tunc ille cui fides facta est ambulet ad grafionem (1) loci illius in cuius pago manet accipietque (11) fistucam et dicat uerbum istud (1): Tu grafio, rogo te quia ille bomo denominatus qui mihi fidem fecit quem legitime habeo adjacthiuum (2) uel admallatum secundum legem salicam, et ego super me et super fortunam meam pono quod securus mitto in fortunam illius manum; et dicat de quanta causa ei fidem fecerat. Tunc grafio congreget secum septem raginburgios (2) idoneos et cum ipsis ad casam illius fideiussoris ueniat et roget eum si præsens est: per uoluntatem tuam solue (2) homini isto de quo ei fidem fecisti

There is a difference of opinion among jurists as to whether the action described in \(\) \(2 \) is a continuation of the process described in \(\) \(1 \) and \(2 \), or a separate one. Siegel (Gerichtsverf. p. 248), who, probably, had only Merkel's text (cod. I) before him, says there could be no question of a connexion between the first and latter part of this chapter, unless \(\) 3 continued: Si adhue noluerit soluere, instead of: Si quis \(\) acceptage to Sohm (Proc. 18 ff. and \(p_1 \) 1255 adopts Siegel's view, without making remarks on the text. It will be observed that in \(\) 2 the words \(quidem, \) in Cod. 3, \(adhue, \) in Cod. 5 and \(usero) nec \((use, \) is ic, \) in Cod. 5 and \(usero) nec \((use, \) is ic, \) in Cod. 7-10. B-H and L. Emdecidedly suggest a continuance of the actions related in \(\) I and 2. There is a difference of opinion

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CODD. 6 & 5.

uolueris idoneos (*) cum rachemburgiis (*) istos de quos (*) soluere debes adpractiare et hoc quod debes secundam iustum praetium satisfacias. Quod si audire noluerit si praesens aut absens fuerit, tunc racheburgii (*) adpraetiato praeti quantum ualuerit praetius quod debet de (*) fortuna (*) sua tollant; et de ipsam (*) legem quem debet duas partes ille cui (*) causa est ad se reuocet, et graphio (*) tertia parte ad fredo (*) colligat (*), si tamen de ipsa causa antea fretus non fuerit solutas (\$). uolueris cum rachineburgius istos de quo soluere debeas adpreciare debeant hace quae debet secundum iustum praecium satisfaciatis. Quod si audire noluerit praesens aut absens, tunc rachineburgii praecium quantum ualuerit debitus quod debet hoc de furtuna sua illi tollant. Et de ipsa secundum legem quae debet duas partes cuius causa est, tertia parte grafio frito ad se recolligat. Si tamen fritus iam ante de ipsa causa non fuit solutus. uolueris idoneos rationeburgiis his usque soluere debes expraeciare debeant et hoc debes excundum praetium satisfactionem; quod si audire noluerit praesens aut absens, tunc rationeburgiis adpraeciato praetio quantum ualuerit praecius quod dedit hoc de furtuna illius tollat, et de ipsam legem quam debet duas partes; [tertiam] grafio frido ad se recollegat. Si tamen si fredo istam de ipsam causam non fuerit solutum. uolueris edoneis cum recyneburgiis stus de quod soluere debit adpreciare dibiant, et hoc solidos stum precium satisfacia. Quod si audire noluerit presens aut absens, tunc racineburgiis adpreciando precium quantum ualuerit debitum quod debit hoc est de furtuna illius tollant, et de ipsa legem quem debit duas partis ille cuius causa est ad se reuocit, tercia parte grafio fredum ad se colegat; si tamen ei fredus iam de ipsa causa nom fuerit solutus. uclueris idoneos cum rachiniburgiis sos de quo soluere debis ut et pretiare debeant et hoc quod debis secundum istum praetium satisfaciat; quod audire noluerit praesens aut absens. Tunc rachiniburgii adpraetiatum quantum ucluerit debitus quem debit hoc de furtuna illius tollant, et de ipsam legem quam debet duas partes ille cui causa est ad se reucocet. Tertia parte grafio ad se in fletum recollegat, si tamen fredus ei de ipsa causa iam non fuerit solitus. solutum. causa antea fretus non fuerit solutas (s).

(*) fidem. (*) legitimo. (*) add: adhuc.
(*) lill. (*) cui. (*) —lat. (*) grafionem.
(*) uterbox. grafio. (*) ** fistuco.
(*) mitrit in. (*) Tunc grafio. (*) cui-burgitis (second i corr. risto c). (*) ad.
(*) et si. (*) quia. (*) es, om. (*) elegite.
(*) idonius. (*) racimburgitis (*) hoc de. (*) idu.
(*) rachinburgit. (*) hoc de. (*) itarin.
(*) ipsa. (*) cuius. (*) grafio. (*) freto.
(*) collegat. (*) solutus. [4] Ibi grafio rogitus fuerit sunnis eum non detenuerit aut certa racio dominica, et distullerit se ut non ambulit neque aliquem in rem mittat qui cum iusticiam exegere dibiat, de uita culpablir esse debiat aut rede-mat quantum ualit. [LI. 4] (*) Si quis graphio (*) rogatus fuerit et non uenerit et sunnis eum non detenuerit aut certe dominicæ (*), et si distulerint (*) ut ibidem non ambulet neque mittat qui cum iustitia exigere debeat, aut se redemat aut de uita conponat. [4] Si grafio rogitus fuerit et sunnis eum non tenuerit aut certa ratio dominica, et si distulerit ut non ambulet neque in rem mittat qui cum legem et iustitiam exire debeat, de uita culpabilis esse debet aut quantum ualet se redemat. [4] Si graffio rogatus fuerit et sunnis eum non detenuerit aut certa sunnis eum non detenuerit aut certa non ambulet neque mittat qui ei iustitia ex lege reddat, de uita cul-pabilis esso debet ut si quantum ualuerit redemat. [4] Et si grafio rogitus fuerit et sunnis eum non detenuerit aut certa causa uel ratio dominica, et distulerit se ut non ambulet ne quem aliquem transmittat, de uita conponat ut quantum ualet se redemat. (*) Cod. 6 places this at the end of tit. 51 (*) grafio. (*) ratio dominica. (4) distulcrit LI. DE GRAFIONEM AD RES ALIENAS INUITATO TOLLENT. SI QUIS GRAFFIONEM AD RES ALIENAS INUITAUERIT. L (leg. LI.) [Sine rubrica]. [LIII] LII. DE ANDO METO. LI. DE ANDOCTEMITO (*). [1] SI QUIS GRAFIONEM INiuste (*) ad res alienas tollendas
inuitat et rogauerit ambulare et legitime eum iactiuum aut admallatum
non habuerit, aut fides ei facta fuerit,
VIIIM din. qui fac. sol. cc culp. iud.
(*) Si... in are in red cap. in the MS. by
way of rubric. [1] Si qui grafionem ad res alienas tollendum inuitauerit et rogauerit ambolare et legitimi illum iectiuum aut mallatum non abuerit, illi qui eum rogit ut iniuste tollat antequam legitimi admallatus fuerit, malb anthomito, sunt din. IIIIM fac. sol. cc culé. iud. [1] Si quis graphionem (*) ad res alienas tollendas inuitauerit et eum legitimum iectiuum (*) aut admallatum non habuerit, ille qui eum rogat ut iniuste aliquid infiscare debeat, den. VIIIM qui fac. sol. cx culp. iud. [1] Si quis grafionem aliquid rogauit iniuste ad res alienas tollere, ille qui eum rogat ut iniuste tollat antequam mallatus fuerit, aut fides ei facta fuerit, cc sol. culp. iud. [1] Et legitimo eo iectatum aut admallatum non habuerit, ille qui eum rogat ut iniuste tollat antequam legitime admallatus fuerit, aut fides ei facta fuerit, viilm den. qui fac. sol. cc culp. iud. (°) antoctimetho. (b) graf—, always in 5. [2] Ille qui grafionem rogat iniuste aliquid confiscaueret, sol. cc culø. iud. [2] Ille uero qui rogat graffione iniuste aliquid confescare, cc sol. culp. iud. [2] Ille uero qui graphionem rogat ut iniuste tollat, VIIII den. qui fac. sol. cc culp. iud. [2] Ille uero qui rogat grafionem aliquid infiscare, cc sol. culp. iud. [8] Si uero grafio inuitatus supra legem aliquid tollere presumpserit, aut se redemat aut de uita conponat. [8] Si uero graphio supra lege aut debitum aliquid presumserit, aut se redemat aut de uita conponat. (Cod. 6 gives here as fourth è the last paragraph of tit. L., g. v.) [2] Si uero grafio inuitatus supra lege aut debitum iustum aliquid amplius tollere praesumpserit, aut se redimat aut de uita conponet. [8] Si uero graffio supra legem aut debitum aut aliquid presump-serit, aut se redemat aut de uita [8] Si uero grafio inuitatus super legem aut debitum aliquid amplius tulerit, aut se redemat aut de uita componat. 326 328 325 327

COD. 3.

uolueris idoneos cum rachiniburgiis

uolueris idoneus (*) cum racimburgis (*) istis (*) de quod soluere debis (?) quod (*) adprazciare debeant (*) et hoc quod debes (*) secundum iustum praecium satisfacias. Quod si audire noluerit presens aut absens, tunc racemburgiae (*) adpraeciatum praecium quantum ualuerit de (4) lute (4) quem debet hoc (*) de furnam (*) illius tollant (s), et ipsa (*) lege quantum debet (*) duas partes illius cuius causa est ad se reuocet. Tertiam (*) partem (*) grafio (*) ad se recolgat (*). Si (*) tamen si fredus iam antea de ac (*) causa non fuerit solutus.

Tertiam (*) partem (*) grafio (*) ad se recolgat (*).

Si (*) tamen si fredus iam antea de ac (*) causa non fuerit solutus.

(*) Cod. 7 connects si — uchuerit with the preceding \$ and commencer \$ 3 with: Tunc.

(*) Bdes, 8; se nec se fides, 9; su uch certification \$ and commencer \$ 3 with: Tunc.

(*) Bdes, 8; se nec se fides, 9; su uch certification \$ and commencer \$ 3 with: Tunc.

(*) Graphionew, F; graulonem, G. (*) filius, ow. Or. (*) Glocus, 8—11.

(*) In manit, 9; manchine, 10; filius, ow. Or. (*) Colour, 8—11.

(*) In manit, 9; manchine, 10; filius, ow. Or. (*) Colour, 8—11.

(*) In manit, 9; manchine, 10; filius, ow. Or. (*) Colour, 10; filius, ow. Or. (*) Colour, 10; filius, ow. Or. (*) Colour, 10; filius, ow. Or. (*) Glocus, F. G. (*) Colour, 10; filius, ow. Or. (*) Glocus, F. G. (*) Colour, 10; filius, ow. Or. (*) Glocus, F. G. (*) Colour, 9. H. (*) habeo, 8. H. (*) and latum, 9; admalatum, F. (*) sectudum, B.—H. (*) and latum, 9; admalatum, 8. 9. B; fortuam, F. (*) secturus, 8. 9. H. (*) hortus, 8. 9. B.—H. (*) fortus, 8. 9. B.—H. (*) collegat, 9. F. G. H. (*) tandhalum, 9; graphio, F. (*) collegat, 9. F. G. H. (*) tandhalum, 8. 9. B; fortus, 8. 9. B.—H. (*) prafilo, 9; graphio, F. (*) collegat, 9. F. G. H. (*) tandhalum, 8. 9. B; fortus, 8. B.—H. (*) manum, 8. 9. B; fortus, 8. B.—H. (*) prafilo, 9; graphio, F. (*) collegat, 9. F. G. H. (*) tandhalum (des) section (des) section (*) B. Section (*)

[4] Si (*) grafio (*) inuitatus fuerit et ibidem (*)
non uenerit si eum sunnis non detenuerit aut
certa (4) racio (*) dominica, et (*) si (s) distullerit (*)
ut (*) ibidem (*) non (*) ambulet neque alium
transmiserit, de uita sua grauio (*) conponat (*)
aut se redemat (*) quantum ualet.
(*) Et si R. H. (*) erafio (*) grapio R. grapio E.

aut se redemat (°) quantum ualet.
(°) Et si, B.-H. (°) graffio, 9; granio, B; graphio, F;
B.-H add: biodem. (°) lb., om. B.-H. (°) certe, 8.F.G.H.
(°) ratio, 8.H. (°) et, om. 9. (°) se, 8.9.B.G.H. (°) distulerit, 8.B.F.H. (°) et, 5.9.B.-H. (°) jo, n.m. B.-M.
(°) 9 referats non. (°°) grafio, 8; graffio, 9; satisfactum, B; sit satisfactum, F.G.H. (°) conp., om. B.-H. (°) redimat, 8.B.-H; redemet, 9.

uolueris quibus cum quod soluere debes, adpreciato et hoc quod debes secundum iustum
precium solue et satisfac. Quod si audire
noluerit præsens aut si absens fuerit, statim
Rathimburgij adpreciato precio et quod debito
secundum iustum precium satisfaciat et quantum
ualuerit debitum quod debet, hoc de fortuna
sua tollat et ipsa lege duas partes ille cuius
caussa est ad se reuocet et tertiam partem in
Frido Grauio ad se recolligat, si tamen Fridus
uim de ipsa caussa non fuit solutus.
† ad t iachitum (Ag.? adiachitum).

et (4) hoc quod debes secundum pretium legitime pretiatum satisfacere stude. Quod si tunc adimplere noluerit praesens aut si absens fuerit statim raginburgi (*) pretium adpretiatum quantum debitum quod debet ualuerit (*) de fortuna illius tollant. Et si fredus antea de ipsa causa non fuerat datus, duas partes ille cuius causa est ad se reuccet, et grafio tertiam partem obtineat.

Obtineat.

(1) Pardessus added here sic, but this word is not found in MS. 4418; nor is it is Q.T.V.

(3) Placeloo, Q.

(4) Placeloo, Q.

(5) Placeloo, Q.

(6) Placeloo, Q.

(7) Placeloo, Q.

(8) Stain, in MS. 4418

(7) addectiuum, B; adiahctiuum, G; ablectiuum, Q; adiachtiuum, T.

(7) rachimburgios, B. G. I.O; rachimburgios, Q.

(8) Sohi, Q.

and 4418.

(1) Q. addes; in.

(7) rachimburgii, Q; q; rachimburgii, Q; rachimburgii,

Cf. L. Sal. 92. 2.

4 Si Grauio inuitatus fuerit et non uenerit si Sumis eum now detinuerit, aut certa ratio dominica eum non distulerit ut ibi non ambulet neque mittat ut cum iustitia exigatur debitum, aut se redimat aut de uita componat.

[8] Si autem grafio, ibi inuitatus, non uenerit et sunnis eum (*) aliqua non detenuerit aut certe ratio dominica, et si distulerit ut ibi non ambulet neque mittat ut cum iustitia exigatur debitum, aut (*) se redimat aut de uita conponat. (") enim, Q. (b) (aut, corr.) a, Q.

Cf. L. Rip. 51; Gund. 81; Liu. 25; Sohm, Proc. 5, 170.

LXXXVI. DE EO QUI GRAFIONEM AD RES ALIENAS INIUSTE (*) INUITAUERIT (*).

[1] Si quis grafionem(*) ad res alienas iniuste(*) tollendas inuitauerit antequam gasacium(*) suum per lege (*) habeat mallatum(*), ille (*) qui eum rogat (*) ut iniuste (*) tollat (+). Antequam(*) legitime admallatus (!) fuerit aut fides (*) ei facta fuerit et (!) iniuste (*) inuitauerit, [VIIIM den. qui fac.] sol. Cc culf. iud.
(*) iniusti, 9. (*) inuitat. o: no substitut R. II

1ac.] 501. CC culp. iud.

(*) iniusti, 9.

(*) iniusti, 9.

(*) grafinonem, 9; grafinionem, B; graphionem, B; grafinionem, B; grafinionem, B; grafinionem, B; grafinionem, B; grafinionem, B; grafinionem, B; grafinionem, B; grafinionem, B; grafinionem, B; diplomentationem, B; diplome

[2] (*) Ille (*) qui grafionem (*) rogat iniuste (4) aliquid (*) confiscare (f)
(*) 9, B—H unite this \$ with \$ 1. (*) III. 9. (*) graffionem,
9; grafuionem, B; graphionem, F. (4) iniusti, 9. (*) al.,
om, B—H. (*) confis, G.

[3] (*) si (+) uero grauio (*) inuitatus supra (*) legem aut (4) debitum iustum aliquid (*) amplius tollere (*) presumpserit, aut se redemat (5) aut de uita componat.

(*) \$\frac{1}{2}\$ and 3 are united in Codd. 7 and 8. (†) \$\frac{1}{2}\$ \$\circ\$, \$\circ\$, \$\frac{1}{2}\$ \$\circ\$, \$\

LIIII. De Andocmito.

1 Si quis Grauionem ad res alienas tollemdum inuitauerit + et eum legittime iachtiuum aut admallatum non habuerit, qui eum rogat ut iniuste aliquid + tollat antequam eum per legem habeat admallatum, aut consecutum quod ei in mallo fidem fecisset, viii den. qui fac. sol. cc culp. iud.

antequam gasachium suum. † fiscare debeat.

LIII. DE EO QUI GRAFIONEM AD RES ALIENAS TOLLENDAS(*) INIUSTE INUITAUERIT.

[1] Si quis grafionem ad res alienas iniuste tollendas inuitauerit antequam gasacchium(*) suum(*) secundum legem habeat admallatum, VIIIM din. qui fac. sol. cc culp. iud.
(*) toll., om. V.
(*) gasacchum, A; kalacium, E; gasatium, Q.
(*) tuum, V.

Cf. the preceding chapter; Sept. Caus. vi. 6; L. Rip. 51, 84; Waitz, 182, 201; Sohm, Proc. 167, 170, 210; id. R. u. Ger. 117.

2 Si uero Grauio inuitatus ad alterius caussam + supra legem aut debitum aliquid + presump-serit, aut uuereguldum suum redimat aut de uita componat.

[2] Si uero grafio inuitatus contra legem supra debitum iustum aliquid amplius tulerit, aut se redimat aut de uita conponat.

Cf. L. Sal. 50. 4; Rip. 51. 2; Sohm, Proc. 5, 174.

COD. 1.	COD. 2.	COD. 3.	COD. 4.	CODD. 6 & 5.
LI (leg. LII). DE REM PRI- STITA.	[LIV] LIII. DE REM PRI- STATAM.	LII. DE REM PRESTITAM.	LII. DE REM PRESTITAM.	LII. DE REM PRESTATA.
Si aliquis alteri aliquid prestiterit de rebus suis et ei noluerit reddere, sic eum debet admallare. Cum testibus ad domum illius cuius res suas praestetit accedat et sic contestetur: Quia res meas noluist reddere quem tibi praestiteram, in hoc eas teneas nocte proxima quod saliga lex continet; sic ei solem collocit.	ei noluerit reddere, sic eum debit ad mallum: se cum testibus ad domum illius cui res suas prestetit accedat et sic illi testitus: quia res meas noluisti reddere quas tibi preste- tiram, in hoc eas tene nocte proxima quod les salica contenet; et sic ci	prestiterit et ei noluerit reddere, sic eum dobet mallare: cum testibus ad domum illius cui res suas pro- stiterit accedat et contestetur: quia res meas noluisti reddere quas tibi prestiteram, in hoc eas teneas nocte	prestiterit et ei noluit reddere, sic eum debet admallare: cum testibus ad domo illius cui res suas prestitit accedat et sic contestetur: qui res meas noluisti reddere quas tibi prestiteram, in hoc cas teneas nocte	aliquid prestiterit et noluerit red- dere, sic eum debet admallare: cum testibus ad domum illius cui res suas prestitit accedat et sic contestetur ei: quia res meas noluisti reddere quas tibi prestiti, in hoc eas tene
Si nec tunc reddere uoluerit, adhuc super septem noctes ei spacium dare debet. Et ad septem noctes ad eun similiter cum testior (*) ut nocte proxima in hoc quod lex saliga habet res suas teneat. (*) leg. contestetur.	: }	et si nec tunc uoluerit reddere, ad super septem noctes similiter facere debet;	si nec tunc noluerit reddere, adhuc septem noctes ei spatium donet, et ad septem noctes similiter ei con- testetur sicut ante fecerat, in nocte proxima in hoc quod lex salica habet res suas tenere debeat;	adhuc super septem (*) noctes simi- liter contestetur sicut antea fecit, ut nocte proxima quod (*) lex salica
Si nec tunc uoluerit reddere, ad alias septem noctes ad eum similiter cum testibus ueniat et tunc ei roget ut debitum suum reddat.	:1	si nec tunc uoluerit reddere, ad alias septem nostes (sic) ad eum cum testibus uenire debet et roget eum ut debitum suum reddat;		[8] Si nec tunc uoluerit reddere, alias vii noctes ad eum similiter cum testibus ueniat et roget ut debitum suum reddat.
Si nec tunc uoluerit conponere, solem ei collocit. Quod si per III tres (sic) uices solem ei collocauerit, semper per singulas uices cax din hoc est terni solidi ad debitum adcrescant.	gulas uicis solidos III hoc est per	ei cultet (sic); et quod per tres uices sol ei culcauerit, semper sinculas		
nec fidem facere reddendi, super debitum ei qui praestetit et super	si noluerit et tunc rogare, nec fidem facire redde de ei que prestetit, super illus viii sol. solem colle- catum qui per singulas admonicionis creuerunt, sol. EXIIII culs. iud.	Si uero nec tunc uoluerit reddere nec fidem facero reddendi, super debitum ei qui praestiterit, et sic pro illos nouem solidos qui per tres admonitiones adcreuerint, sol. xv culp. iud.		[4] Si tunc noluerit reddere nec fidem facere reddi (*), super debitum: ei qui prestitit (b) aut super illo (*) VIIII sol. qui per singulas admonitiones adcreuerunt, maib necthanteo antesalina, sunt den. DC qui fac. sol. XV culp. iud. (4) (*) reddendi. (*) prestetit. (*) illos. (4) the words after adcreuerunt are not found in Cod. 5.
	, ;			
LII (&g. LIII). DE MANU IDO- NEUM (&g. AD ENEUM) REDEMENDAM.	[LV] LIIII. DE MANUM AD ENIUM REDIMENDA.	LIII. DE MANV AD ENEO REDEMENDA.	LIII. DE ENEUM MANUS REDIMENDUM.	LIII. DE MANU DE HINIO (* REDEMENDA.
[1] Si quis ad hineum admallatus fuerit, forsitan conuenit ut ille qui admallatus est manum suam redemat et iuratores debeat dare;	[1] Si quis ad inium admallatus fuerit, fursitam ut manum suam redimat et iuratores donit,	[1] Si quis ad eneum admallatus fuerit, forsitan conuenit ut ille qui admalatus est ut manum suam rede- mat et iuratores donet;	[1] Si quis ad enium admallatus fuerit, forsitan conuenit ut illi qui mallatus est manum suam redemat et iuratoris donet.	
si talis causa est unde legitimi DC din. qui fac. sol. XV si adprobatus fuerit, reddere debuerat, CXX din. hoc est sol. III manum suam rede- mat.	si talis causam est unde legitime sol. xv conponat, si adprobatus fuerit, sol. III ultime manuss redemat.	si talis causa est unde legitime sol. xv debeat. Si uero adprobatus fuerit, sol. III manum suam redemat.	Si talis causa est unde legitime DC den. qui fac. sol. xv debeat. Si probatus fuisset, CXX den. qui fac. sol. III ultimam manum suam rede- mat.	si talis causa est unde legitime si probatus fuisset quod (*) DC den. qui' fac. sol. XV conponere deberet (f. tunc (*) CXX den. qui fac. sol. III manum suam redimat. (f) quod – fac., om. 5. (f) debet. (f) et
[2] Si plus ad manum redemendum dederit, fritus grafine (Lg. grafioni) soluatur quantum de causa illa si conuictus fuisset.		[2] Si plus ad manum redemendam dederit, fredum grafione soluat quan- tum de causa illa conuictus fuerit redditurus erit.	[2] Si plus ad manum redimendam dederit, fridus graffione soluatur quantum de causa illa conuinctus fuisset redditurus erat.	[2] Si uero plus ad manum suam redemenda dederit, fretus graphionem (*) soluatur quantum si uictus (*) fuisset debuerat esse rediturus (*). (*) grafionem. (*) conuictus (*) redditurus.
[8] Si uero fuerit causa que xxxv sol., si adprobatus fuisset, culpabilem iudicare, et si conuenerit ur manum suam redimat, CCXL din. qui fac. sol. [vi] manum suam redemat.	culp. judicare, et sic conuenerit ut	[3] Si uero causa fuerit quae xxx solidos, si adprobatus fuisset, poterat culpabilis iudicari, et sic conuenit ut manum suam redemat solidis v;	[8] Si uero causa fuerat qui xxxv sol <i>idos</i> , si adprobatus fuisset, poterat culp <i>abilis</i> iudicare, et si conuenerit ut manu sua redemat, sol. vi donet.	[8] Si uero talis causa fuerit unde, si probatus fuisset, poterit (*) XXXV solidos soluere, et conuenit ut manum suam redimat [et iuratores donet, VIIII sol. manum suam redimat] (*). (*) potuerit. (*) The words between [] are not found in 6, and they are writen in the margin in 5.
[4] Quod si amplius dederit, fretus grafione soluatur. Quantum de causa illa si conuictus fuisset erit redditurus. Ista redemptio de manu redemendam usque ad leudem sic permanet.	de causa illa si conuictus fuissit rediturus erit; sta redimpcio de manum usque leudem sic permanit;	quod si amplius dederit, fredus grafione soluatur quantum de causa ipsa, si conuictus fuisset, redditurus crat. Ista redemptio de manu rede- menda usque leudem sic manet.	[4] Quod si amplius dederit, fridus graffione soluatur quantum de causa, si conuinctus fuerit, redditurus erat; sed ad redemptione de manu redi- menda usque ad licude sic perueniat.	[4] Quod [si] amplius dederit, [fretus] graphioni (*) soluatur quantum [si] fuisset conuictus potuerat conponere, culpabilis ind. (*) grafonem,
334	335	336	337	338

CODD. 7, 8, 9.	COD. 10.	LEX EMEND.	OBSERVATT.
LXXXVII. DE REM PRESTITAM (*).	LV. De Rem prestata.	LIV. DE [RE] PRÆSTATA(*).	Cf. L. Sal. 45. 2; Rip. 52; Fris. Add. Sap. 10; Waitz, 156,
Si quis alteri de rebas suis aliquid presta- uerit (*) et ei noluerit (*) rendere (*), sic eum debit mallare ut cum testis (*) ad (causa, corr.) casa (*) sua(*) cui res(*) prestauit (*) accedat et (*) sic con- testatus : quia (*) res (*) meas noluisti rendere (*) quas tibi prestaui, in boc eas tene ut super nocte proxima sicut lex salica est; et sic ei solem (*) culcauerit. (*) presticit, B-H. (*) nobult, 8. (*) reddere, 8.B.G.H; redite, 9; redde, F. (*) testibus, 8.B-H. (*) casam. 9.B.H; causam, F.G. (*) suam, 9.B-H. (*) rem, (*) prestitit, B-H. (*) et - culcauerit, om. B-H. (*) qui, 9. (*) prestitit, B-H. (*) et - culcauerit, om. B-H. (*) qui, 9. (*) prestitit, B-H. (*)	Si quis alteri de rebus suis aliquid præstiterit et alius ei reddere noluerit, sic debet eum mallare. Cum testibus ad domum illius cui rem suam prestitit accedat et sic contestetur ei. Quia res meas noluisti reddere quas tibi prestiti, in hoc eas tene nocte proxima quod lex Salica continet: et sic ei solem collocet,	Si quis alteri de rebus suis aliquid præstiterit et ei reddere noluerit, sic eum debet mallare. Cum testibus ad domum illius cui res præstauit accedat et sic contestetur ei: Quia res meas noluisti reddere quas tibi præstiti, in hoc eas tene nocte proxima quod lex salica (*) continet; et sic ei (*) solem collocet. (*) rem prestaiam, Q. (*) saliga, C.H.N.V and 4418. (*) cis, Q.	16t, 191; Sohm, Proc. 16, 34 ff., 84, 128, 193; 1d. R. u. Ger. 392; Grimm, D. R. 611 ff.
Et si tunc eas noluerit rendere (°), (°) reddere, 8; redire, 9; et si eas reddere (redde, F) noluerit, B-H.	et si nec tunc noluerit reddere, adhuc super VII noctes similiter facere debet: et si nec tunc noluerit reddere, ad alias septem noctes similiter facere debet,	Si nec tunc uoluerit reddere, adhuc super septem noctes similiter contestetur sicut antea fecit, ut nocte proxima secundum quod lex salica con- tinet res suas tenere debeat.	
ad (?) alias septem noctis (+) adhuc cum testibus uenire debet et (?) roget eum (*) ut debitum suum (*) reddat (*). (?) per III (III, om. F.G) ulces cum testibus el, B-H. (*) noctibus, 8; noctes, 9. (*) eum, om. B-H. (*) suum, om. 9. (*) redat, 9.	et si nec tunc uoluerit reddere, ad alias septem noctes id faciat. Post quas ad hunc cum tes- tibus uenire debet et roget ut sibi debitum suum reddat,	Quod si nec tunc noluerit (4) reddere, iterum post alias septem noctes ad eum similiter cum testibus ueniat et roget ut debitum suum reddat. (4) uoluerit, E.G.H.N.T.V.	
Et (+) si nec (*) tunc reddiderit (*). Iterum ei solem (*) culcit (*), quod se (*) per (*) ulces (*) solem ei culcauerit, semper (+) per singulus (*) uices (*) terni (*) solidi (*) adcrescant (*). (*) et (et, m. F. per (per, m. C) totas III vices ei solem culcet, quia (qua, B) sis ef ecerit, B. BH. (*) ne, 9. (*) redderit, 8; rediret iterum, 9. (*) sol, 8. (*) culcet, 9. (*) sol, 8. (*) sol, 8. (*) et (*) singulas, 9. (*) sol, 8. (*) et (*) singulas, 9. (*) et (*) singulas, 9. (*) et (*) singulas, 9. (*) et (*) singulas, 9. (*) et (*) singulas, 9. (*) et (*) singulas, 9. (*) et (*) singulas, 9. (*) et	et si nec tunc reddiderit, solem ei collocet, et si per tres uices solem collocauerit,		
Et (*) si tunc noluerit rendere (f) nec fidem facere(s) super(*) debitum quem ei praestiterat(*) et super illus (*) nouem solidus (*) qui (*) per tres admonitiones (*) adcreuerunt (*), mal nectanto, [Dc den. qui fac.] sol. xv culp. iud. (*) F.G. omit this whole section; si uero nec tunc, &c., B.H. (*) reddere, 8.B.H; redire, 9. (*) el fecerit, B.H. (*) supet, oms. B.H. (!) presiterit, 8; prestetirat, 9) (*) illos, B.H. (!) solidos, B; soledos, H. (*) quos, B.H. (*) amoniciones, 9. (*) adcriu-, 9; adcrescuntur, B.H.	et si nec tunc reddere uoluerit, aut fidem facere super illos viiii solidos, qui per tres amonitiones adcreuerunt, super debitum superius adhuc am- plius, malb. ^b Tauthe, pc den. qui fac. sol. xv culp. iud.	Ergo si tunc noluerit reddere nec fidem facere reddendi, supra debitum quod ei præstitum (*) est et super illos nouem solidos qui per tres admonitiones adcreuerunt (*), nc din. qui fac. sol. xv culp. iud. (*) prestitutum, Q. (*) adcreuerit, Q.	Sohm (Proc. 36) refers to Grimm (Pref. Lv) for an explanation of the glosses in Codd. 5-10, but Kern gives an explanation different from that of Grimm.
		·	
LXXXVIII. DE MANU(*) DE INIO(*) REDEMENDA(*).	LVI. De + manu ab Æneo redimenda.	LV. DE MANU(*) DE ÆNEO(*) REDI- MENDA.	Cf. L. Sal. 82, 94; Waits, 170, 190, 191, 193; Sohm, R. u. Ger. 83, 96, 501; Wilda, in Ersch u. Gruber's Encycl. i. v. ordalien.
[1] Si quis ad inio (4) mallatus (*) fuerit, forsitan (7) conuenerit ille (5) qui mallatus esf (*) ut (*) manum suam redimat (*) et iuratores (!) donet. (*) mano, 9. (*) enio, 8. (*) redi - 8; no subric in B - H. (*) enio, 8; eneum, B; aeneum, F.G.H. (*) malatus, F. (*) et postea inter eos, B - H. (*) ill., 9; ut ille, B - H. (*) fuerit, 8. (*) ut, 9m. B - H. (*) redemet, 9. (*) - ris, 9	Si quis ad + Inium mallatus fuerit, et forsitan conuenerit ut manum suam redimat [®] et iuratores donet, † manum de Inium. † Aeneum.	[1] Si quis ad æneum (b) mallatus fuerit, et forsitan conuenerit ut ille (e) qui admallatus est manum suam redimat (d) et iuratores donet, (e) manu aenca, Q. (e) eneum, Q. (f) iiii, Q. (d) reddat, V.	Gruber's Encycl. i. v. ordalien.
[2] (*) Si talis causa est unde legitimi (*) solidos(*) xv conponere debeat, solidis III manum suam redimat; (*) B-H combine # x ond 2. (*) legitimus, 8; legidini, 9; legitimi, F. (*) solidi, 9.H.	et si talis caussa est de qua si legittime comulctus fuisset xv sol. componere deberet, tunc cxx den. qui fac. sol. III manum suam redimat;	si talis causa est de qua legitime si conuictus fuisset DC den. qui fac. sol. xv conponere debeat, tunc CXX din. qui fac. sol. III manum suam redimat.	
qmod si (4) amplius dederit, frido (*) soluat tam- quam se (*) de causa conuictus (5) fuisset. (4) sl. om. 9. (*) fredo, 8.9; fredum, B-H. (*) sl, 8.B-H. (*) conuinctus, F.G.	quod si amplius ad manum suam redimendam dederit, fredus exinde soluatar Grauioni quan- tum de ipsa caussa si conuictus fuisset.	[2] Si uero plus ad manum suam redimendam dederit, fredus grafioni (*) soluat (*) tamquam si de ipsa causa conuictus fuisset. (*) grafione, Q; grafioni, V. (*) soluatur, T.V.	
[8] Si uero (*) maiora (*) causa est (*) unde XXXV solidos soluat, et conuinerit (*) ut manum suam redimat, solidos vi donet; (*) uero, om. 8. (*) maior, 8.9. B-H. (*) fuerit, B-H. (*) conuenerit, 8.9. B-H.	Si uero maior caussa est unde MCC den, qui fac. sol. +XXX poterat componere, et conuenit ut manum suam redimat, CCXXXX [den.] qui fac. sol. +VI manum suam redimat. +XXXV. +IX.	[8] Si uero talis causa fuerit de qua, si conuictus fuisset, MCCCC din. qui fac. sol. XXXV debuisset soluere, et conuenit ut manum suam redimat et (*) iuratores donet, IX solidis manum suam redimat (*). (*) et - red., om. Q.	
quod si amplius dederit, fridus (*) soluat quantum se (*) de (\$) causa illa conuictus fuisset. (*) fredo, &9; fredum, B-H. (*) si, B-H. (*) de, em. H.	Quod si amplius dederat, fredum soluat quantum si de caussa conuictus fuisset.	[4] Quod si amplius dederit, fredus grafioni(*) soluat (*) tamquam si de ipsa causa conuictus fuisset. (*) MS. 4428 has sometimes i, sometimes u; grafione, Q. (*) soluatur, T.V.	
339	340	341	3 ; 2

70 D. 4	000	SOP O	COD 4	0000
COD. 1.	COD. 2.	COD. 3.	COD. 4.	CODD. 6 & 5.
				[8] Si (*) maior culpa fuerit do (b) qua (b) LXIIs solidos posset iudicare et conuenit ut manum suam (*) redimat, xv sol. manum suam redemat(4). (*) add: uero. (*) qui. (*) surrounded by dots in 5, therefore intended to be erased. (4) redimat.
				[6] Quod si amplius dederit, fretus graphioni (*) soluatur tamquam si de causa illa fuisset adprobatus (*); ista redemtio usque ad leodem (*) sic permaneat. (*) grafionem. (*) probatus. (*) leudem
impotauerit et eum ad hinneum	si uero leudem alter alteri inpota- uerit et eum ad inium adte mallatum abuerit, et conuenit ut iuratores donit et manum suam redemat, sol. xxx manum suam redemere potest;	inputauerit et eum ad eneum admal- latum habuerit, et conuenit ut iura-	reportauerit et eum ad enium mal- latus habuerit, et conuenit ut iura-	uerit et eum ad eneum(b) habeat(c) mallatum(d), et conuenit ut manum suam redemat (c) et iuratores (f)
[6] Quod si amplius dederit, fretus de leodem grafionem soluat.	quod plus aliquid dederit, fretus leudi ipsius soluatur.	si amplius dederit aliquid, fredus de leude ipsi grafione soluatur.	[8] Quod si plus aliquid dederit, fredum de ipsa lieude ipsius graffione requiratur.	[8] Si(*) amplius dederit, fretus graphionem(*) soluatur. (*) Quod si. (*) grafionem.
LIII (kg. LIIII). DE GRAFIONE OCCISUM.	[LVI] TITULUS LV. DE GRA- FIONUM OCCISUM.	LIIII. DE GRAFIONE OCVSO.	LIIII. DE GRAFFIONE HOCCISO.	LIIII. DE GRAPHIONE (*) OCCISO (*).
[1] Si quis grafionem occiderit, xxiii.M din. qui fac. sol. DC culp. iud.	[1] Si quis grafionum occiderit, mai leodo samitem, sunt din. xxiiiiM fac. sol. DC culp. iud.	[1] Si quis grafionem occiderit, sol. nc culp. iud.	[1] Si quis graffionem hocciderit, xxiiii den. qui fac. sol. DC culp.	[1] Si quis graphionem (b) occiserit (*), XXIIIIM den. qui fac. sol. De culp. iud. (*) grafionem occisum. (b) grafionem. (*) occident.
[2] Si qui sacebarone aut obgra- fionem occiderit qui puer regius fuit, xILM din. qui fae. sol. ccc culp. iud.	[3] Si quis saceborone qui puer regiis fuit occiderit, cui fuerit adprobatum, mai leude sacce muther, sunt din. XIIM fac. sol. ccc culs. iud.	regius fuerit occiderit, sol. ccc culp.	[2] Si quis saceborronem et graf- fionem bocciderit qui puer regius fuerit, ccc sol. culp.	[2] Si quis sacibaronem(*) occiderit qui puer regis furat (*), xILM den. qui fac. sol. ccc culp. iud. (*) sachib (*) fuerat.
[8] Si quis sacebarone qui ingenuus est occiderit, XXIIIIM din. qui fac. sol. DC culp. iud.	[3] Si quis sacerborone qui ingenuus est, et saceborone occiderit, xxiiii din. qui fac. sol. ccc culp. iud.	[8] Si quis saciborone qui ingenuus est, et se saceborone posuit, occiderit, sol. DC culp. iud.	[8] Si quis saceborronem ingenuum hocciderit, xxIIIIM den. qui fac. sol. DC culp.	[8] Si quis sacibaronem (*) occiderit qui ingenuus ess, et si sacibaronem (*) posuit, XXIIIIM den. qui fac. sol. DC culp. iud. (*) sachib—.
[4] Sacibaronis uero in singulis mallibergiis plus quam tres non debent esse. Et de causas aliquid de quod eis soluuntur factum dixerint, hoc ad grafionem non requiratur unde ille securitatem fecerit.	[4] Saceboronis uero in singulis malloberges plus quam III [non] debent esse, et de causa de quid de quod fortasse dixerint, hoc grafionsm remoueat unde illi securitatem fecerunt.	[4] Si quis in singulis malbergis plus quam tres non debent esse, et si de causa aliquid, id est quod eis soluitur, factum discrit hoc ad grafionem non requiratur unde ille securitatem fecerit.	[4] Si quis saceborronem in singulis malbergis plus quam tres non debent, et si de causa aliquid de quod ei soluetur factum dixerit, hoc ad grafione non remouatur hunde illis securitatem fecerint.	[4] Sachibarones in singulis mallobergis (*) plus quam tres nom debent esse, et de causa unde eis aliquid soluitur et sanum dixerint, hoc ad graphionem (*) non remouatur unde illi securitatem fecerint. (*) mallos bergies. (*) grafi
		<u> </u>		
LV. DE CORPORIBUS EXPOLIATIS.	[LVII] LVI. DE CORPORIBUS EXPOLIATIS.	LV. DE CORPORIBUS EXPOLIATIS.	LV. DE CORPORIB <i>US</i> EXPOLIATIS.	LV. DE CORPORIBUS EXPOLIATIS (*).
nerit in furtum, mai uuaderido, hoc est MMD din. qui fac. sol. LXIII		[1] Si quis corpus hominis ante- quam in terra mittatur expoliauerit, sol. LXII culp. iud.	expoliauerit, MMD den. qui fac. sol.	[1] Si quis corpus hominis mortui antequam in terra mitatur(b) in furtum expoliauerit, malb freomosido b, sunt den. MMD qui fac. sol. LXIIS culp. jud. (b) expoliationibus. (c) mitatur.
1				[9] Si quis tumulum super hominem mortuum expoliauerit (*), malb thornechales*, sol. xv culp. iud. (*) add: uel dissipauerit
1		 		[8] Si quis cheristonicam (*) super- hominem mortuum capulauerit, maib madoalle*, aut (*) selaue que est ponticulus sequentem (*) mortuum expoliauerit, maib cheoburgio*, de unaquaque de istis, sol. xv culp- iud.
	!			(a) (cheristiadona, corr.) cheristadona (b) aut si (lauanerit, corr.) lauane quod est

CODD. 7, 8, 9.	COD. 10.	LEX EMEND.	OBSERVATT.
	Si uero maior culpa fuerit unde si probatus fuisset MMD den. qui fac. sol. LXII cum dimidio culpabilis iudicetur, et comuenit ut manum redimat, DC den. qui fac. sol. XV soluat,	[5] Quod si maior culpa fuerit de qua LXII cum dimidio solidos soluere, si conuictus fuisset, deberet (*), et conuenit ut manum suam redimat, cum solidus xv manum (*) suam redimat (*). (*) debuerit, Q. (*) m. s. r., om. Q.	
	quod si amplius dederit, fredus exinde * soluatur tantum quantum si de caussa illa probatus fuisset. Ista redemptio usque ad leudem per- manet. • Granioni.	[6] Et si amplius dederit, fredus grafioni sol- uatur tamquam si de ipsa causa convictus fuisset. Ista redemptio usque ad lendem (*) sic permaneat. (*) letidem, Q.	
[4] Si uero leodo (*) alteri reputauit (*) et ad inio (*) illum habet mallatum, et uoluerit manum suam redimeret (*) et iuratores (*) dare (*), sol. xxx donet, (*) leudem, B: leodem, F.G.H. (*) repotauit, 9. (*) aeneum, B.F.H.; edoneum, G. (4) redemere, 8.9; redimere, B.H. (*) -ris, 9. (*) dederit, B.H.	Si uero leudi alteri imputauerit et eum ad +æneum habet amallatum, et conuenit ut manum suam redimat, solider xxx donet, † inlum.	[7] Si autem leudem (*) alter alteri inputauerit et eum ad æneum habet mallatum, et conuenit ut manum suam redimat et iuratores donet, cum solidis xxx manum suam redimat. (*) letidess, Q.	
quod si amplius dederit, fidrus(s) de ipsa lege componat. (*) fredus, 8.F.G.H; fredo, 9; fredos, B.	quod si amplius dederit,+ fredus de ipso leudi soluatur. + fredum Grauloni persoluat tanquam si de ipsa caussa comuictus extitisset.	[8] Et si (*) amplius dederit, fredum grafioni persoluat tamquam si de ipsa causa (*) conuictus extitisset. (*) si, om. Q. (*) causa, om. V.	
LXXXVIIII. DE EO QUI GRAFIONEM OCCISERIT (*).	LVII. De Grauione occiso.	LVI. DE EO QUI GRAFIONEM OCCIDERIT.	Cf. Sept. Caus. vii. 4, viii. 2; L. Rip. 53; Par. Sax. 30; Cham.
[1] Si quis grafionem (b) occiserit (a), [XXIIIM den. qui fac.] sol. DC culp. iud. (b) occiserit, 8; no rubric in B-H. always in 9; graphionem, always in F. (c) grafionem,	1 Si quis Grauionem occiderit, XXIIIM den. qui fac. sol. DC culp. iud.	[1] Si quis grafionem occiderit, xxivu din. qui fac. sol. nc culp. iud.	7; Waitz, 137, 140; Sohm, Proc. 231 ff; sd. R. u. G. 40, 83, 84, 266, 415.
[3] Si quis sagsbarronem (*) aut grafionem qui pur (b) regi (*) fuerit (4), [XIIM den. qui fac.] sol. ccc cul p. lud. (*) sagibaronem, 8.B-H; sagsbarone, 9. (*) puer, 8.9.B-H. (*) F.G.H add: occiserit; B adds: occiderit.	2 Si quis + Sagbaronem aut Grauionem qui puer regius fuerat, XIIM den. qui fac. sol. ccc culp. iud. + Sale baronem.	[2] Si quis sagibaronem qui puer regis fuerat occiderit, XIIM din. qui fac. sol. ccc culp. iud. (*) (*) This § is not in Q.	Cf. Recap. L. Sal. (*) 30; Waitz, 205.
[3] Si quis sagsbarronem (*) qui ingenuus est et (b) alio (*) sagsbarronem (*) posuit aliquis eum (4) occiserit (*), [axillam den, qui fac.] sol. De culp. ind. (*) sagybaronem, 8; sagsbarone, 9; sagibaronem, BH. (*) ct. om. 8.9. (*) alium, BH. (*) eum, 8.9; al. e., om. BH. (*) occidere, B.	8 Si quis Sacebaronem qui ingenuus est, et se uel alium Sacebaronem posuerit, occiderit, xxiiiim den. qui fac. sol. de culp. iud.	[8] Si quis sagibaronem qui ingenuus est, et se sagibaronem posuit, occiderit, xxivm din. qui fac. sol. DC culp. iud. (*) (*) § 3 is not in R.	Cf. Sept. Caus. VII. 5.
[4] Sagsbarronis (*) in (*) singulis (*) mallis (*) plus quam tres esse non debent, et si de (*) causa (*) aliqua (*) ante illus (*) aliquid (*) factum (*) fuerit, penitus (*) grafionem remonire (*) non possit (**). (*) saybaroner, 8; saxbarone, 9; sagibarones, B-H. (*) per, B-H. (*) singulos mallos, 8.B-H. (*) de, om. 9. B-H. (*) causam, 9. (*) silquid, 8; shiquam, 9. (*) illos, 8.B-H. (*) aliq, om. 8.9; legibus fuerit definita (diffinita, H; difinita, F.G) ante grafionem (-phionem, F) cam (cam, om. G) remouere non licet, B-H. (*) facta, 9. (*) poen-, 8. (*) remouere, 8.9. (**) posset, 8.9.	4 Sachibarones uero in singulis mallebergijs plusquam tres esse non debent, et si + de caussa illi aliquid sanum dixerint, penitus Grauio nullam habeat licentiam remouendi. † aliqua ante illos secundum legem suerit definita, ante Grauionem cam remouere non licet, si illi securitatem presiterint.	[4] Sagibarones in singulis mallobergiis, id est plebs (*) quae ad unum mallum conuenire solet (b), plus quam tres esse non debent. Et si (*) causa aliqua ante illos secundum legem fuerit definita, ante grafionem remouere eam non licet. (*) plest, Q. (*) debet, Q. (*) sic, Q.	Cf. Waitz, 143, 200; Sohm, Proc. 232.
XVIIII. (½g. XVIII.)(*) DE CORPUS OCCISI HOMINIS ET EXPOLIATO AN[TE]OUAM IN TERRA MITTATUR (*).	LVIII. De Corporibus exspoliatis.	LVII. DE CORPORIBUS EXPOLIATIS.	Cf. L. Sal. 14 18, &c. of Codd. 2-6, Herold and L. Em, 57 12 of Cod. 1; Sept. Caus. 1v. 3; L. Rip. 54, 85 Wisig., xt. 2;
[1] Si quis corpus occisi (*) hominis (4) antequam in terra (*) mittatur in furto (*) expoliauerit, mal creo mardo (5), [sunt den. MMD qui fac.] sol. LXII5 culp. iud. (h) (*) XVIII, 8. (*) no rubric (in 8.B.G.H; Si quis corpus in furtum expoliauerit anteq. 1. mittitur, 9. (*) occissi, 8; occisum, B.G.H. (*) homines, 8; hom., om. B.G.H. (*) terram, G.H. (*) tortum, 8.0. (*) chreo mardo, 8; crehomardo, 9. (h) For § 2 and 3, see tit. 14.	1 Si quis corpus occisi hominis antequam in terram mittatur * exspoliauerit, malb. cheo mosido, mmo den. qui fac. sol. LXII et dimidium culp. iud. (†) * in furtum, alias per furtum. (†) The rest of this § will be found in col. 358.	[1] Si quis corpus hominis mortui antequam in terra mittatur per furtum expoliauerit, MMD din. qui fac. sol. LXII cum dimidio culp. iud.	Waitz, 191, 201.
	8 Si quis +tombam super mortuum hominem exspoliauerit, malb. Turnichalis, pc den. qui fac. sol. xv culp. iud. † tomolam.	[2] Si quis tumulum (*) super hominem mortuum expoliauerit ucl dissipauerit, DC din. qui fac. sol. XV culp. iud. (*) stumulum, Q.	
(Cf. tit. 18, § 3, under tit. 14).	4 Si quis cheristaduna super hominem mortuum capulauerit, malb. mandoado, aut. silaue, quod est + porticulus, super hominem mortuum deiecerit de unaquaque, malb. chreo + burgio, DC den qui fac. sol. xv culp. iud. + staffus. + bardio.	[3] Si quis aristatonem hoc est stapplus(*) super mortuum missus capulauerit, aut mandualem, quod est ea structura (*), siue selaue qui est ponticulus, sicut mos (*) antiquorum (*) faciendum fuit; qui hoc distruxerit aut mortuum exinde expoliauerit, de unamquemque de istis (*), DC din, qui fac. sol. Xv culp. (*) staplus, Q. (*) strunctura, Q. (*) Q adds: est. (*) anticorum, Q. (*) histis, Q.	

	GOD. 1.	COD. 2.	COD. 8.	COD. 4.	CODD. 6 & 5.
	[3] Si corpus iam sepultum effuderit et expoliauerit et ei fuerit adprobatum, uuargus sit usque in die illa quam ille cum parentibus ipsius defuncti conueniat, et ipsi pro eum rogare debent ut ille inter homines liceat accedere. Et qui ei antequam parentibus conponat aut panem dederit aut hospitalitatem dederit, seu parentes seu uxor proxima, pc din. qui fac. sol. xv culp. iud. [8] Ipse uero qui hoc admississe probatur, viiii din. qui fac. sol. cc culp. iud.	maib muther, hoc est uirgo sit usque in diem illa quam illi cum parentibus ipsius defuncti ut ipsi conueniant, et ipsi pro erogare dibiant ut uincto hominem liciat accedirem; et qui ei antequam conponat cum parentibus ante pene auttor, qui tale dedirit, sol. xv culs.;	expoliancrit, uuargus sit usque ad die illa quam ipse parentibus ipsius defuncti conueniat, et ipsi pro eum rogare debeant ut ei inter homines accedere liceat, et quia antequam conponat ad propriis parentibus pane aut hospitium dederit, sol. xv culp. iud.	die illa quam ille cum parentibus ipsius defuncti conueniant, ut et ipsi pro eo rogare debeant ut ei inter omnes liceat haccedere, et quis antequam componat aut panem aut hospitalem dederit, pc den qui fac. sol. XV culp.; (*) suppl. uuargus sit.	tornechale, unargo () sit usque de (*) illa quæ (*) cum parentibas illius defuncti conuenerit (*), ut ad (*) ipso (*) pro eo rogent ut ei inter homines liceat accedere. Et quæ-
	[4] Si quis hominess mortuum super alterum in nauco aut in poteo miserit et ei fuerit adprobatum, mat chaminis, hee est MDCCC din. qui fac. sol. XLV culp. iud.	·	[8] Si quis hominem mortuum super alterum in nachao aut in petra miserit, sol. XLV culp. iud.	·	[4] Si quis hominem mortuum super alterum in naupho (*) aut in petra miserit, malb edulcus*, sol. xxxv culp. iud. (*) nauco. corr. naucho. [6] Si quis basilicas expoliaueris desuper hominem mortuum, malb chereotasino*, sol. xxx culp. iud. (*)
ŀ			·		(*) add: excepto capitale et delatura. [7] Si quir basilica ubi requiescunt (*) insertas, aut ipsa basilica est sancificata, incendiderit (*), malb chenechruda*, sol. cc culp. iud. (*) reliquie sunt. (*) incenderit.
	LVI. DE EUM QUI AD MAL- LUM UENIRE CONTEMNIT.	[LVIII] LVII. DE DISPEC- CIONIBUS.	LVI. DE HIS QUI AD MAL- LUM UENIRE CONTEMNUNT.	LVI. [Sine rubrica].	LVI. DE DISPECTIONIBUS.
		Si qui in mallum terum per lege coniunzerit, ad fidem facire dispezerit aut precium soluere, tunc racineburgiis de eum ante audire secundum legem qualis causa est, et illi qui eum mallauit ad causa sua ei nunciare debit precium ante-dictum; et tunc ei soluere noluerit, tunc per legem debit atendere et postia grafionem ad casa sua inuitare, aut quod lex est de ipsa causa, de res suas secundum legem debit atendere et est quod lex est de ipsa causa, de res suas secundum legem debit atendere et est est est est est est est est est		1	
1	Si quis ad mallum uenire con- tempserit, aut quod ei a rachine- burgiis fuerit iudicatum adimplere listulerit, si nec de conpositione nec nineo nec de ulla legem fidem facere soluerit; tunc ad regis praesentia pso manire debet.	[LIX] LVIII. [Sine rubrica]. SI QUIS AD MALLO ante uenire presumpseret, aut quo racineburgie iudicatum fueret imple contempseret, sic nec de eneum nec de conposionem nec de ulla rem fide ficiret uult, tunc ad regi presencia eum manire debis;	iudicatum fuit adimplere distulerit; Si nec tunc de conpositione, est nec de eneo nec de ulla lege fidem face uoluerit. Tunc ad regis praesentiam	Si quis ad mallum uenire con- tempserit, aut quod ei a ratione- buries iudicatum tuerit adimplere distulerit. Si nec de conpositione nec de enio nec de ulla lege fidem facere uoluerit, tunc ad regis pras- sentia eum mannire debet,	[1] Si quis ad mallum uenire dispezerit, aut quod ei ad rachineburgiis (4) fuerit (4) iudicatum adimplere noluerit, si nec de conpositione nec ad hinium (4) nec de ullam legem fidem facere noluerint (4), tunc adregis presentiam ipsum manire (4) debet. (7) rachenburgies fuerant. (9) (cum, corr.) meum. (7) noherit. (4) manire.
	352	353	354	35\$	356

GODD. 7, 8, 9.	COD. 10.	LEX EMEND.	OBSERVATT.
XVII. SI QUIS HOMINEM MORTUUM EXFUDIERIT(+) AUT EXPOLIA- UERIT(+).			
Si quis corpus sepultis (*) exfodierit (*) et (4) expoliauerit, uuargus sit, id est expellis set usque in diem illum quam ipsa causa cum (*) parentibus defuncti faciat (*) emendare; et ipsi (parentis, corr.) parentibus (s) rogare ad iudicem debeant ut ei inter homines liciat habitare, si tamem auctor (*) sceleris (i), mal turnichal, [sunt den. VIIIM qui fac.] sol. cc culp. iud.; et qui eum antequam cum parentibus defuncti satisfaciat (*) ospicium (!) dederit (**), [sunt den. DC qui fac.] sol. xv culp. iud. (†) exfodiret, p. (*) De homine occise et expoliato antequam interes mitteles (**).	[t 1, cont.] Et antiqua lege, si corpus iam sepultum exfodierit et exspoliauerit, "uuargus sit usque in diem qua cum parentibus ipsius defuncti conuenerit, et ipsi pro eo rogent ut inter homines liceat ei accedere, et quicunque antea ei aut panem aut hospitale, siue uxor sua siue proxima, ei dederit, pc den. qui fac. sol. xv culp. iud.	[5] Si quis corpus iam sepultum effodierit (*) aut expoliauerit, unargus sit, hoc est expulsus de eodem pago usquedum cum parentibus defuncti(*) conuenerit, ut et ipsi parentes rogati sint pro eo ut liceat ei infra (*) patriam (*) esse. Et quicumque antea panem aut hospitalitatem (*) ei dederit (*), etiam si uxor eius hoc fecerit, Dc din. qui fac. sol. xv culp. iud. (*) effoderit, Q. (*) Q repeats here: cum parentibus. (*) in, V. (*) paternam, Q; V adds: suam. (*) hospitalem, Q. (*) Q adds: aut.	Cf. L. Sal. 14; Sept. Caus. v. 1; L. Al. 50; Baj. 19; Ed. Roth. 15, 16; Sohm, Proc. 188 f.
B.C.H. (9) sepultum, 8.0 (1) eff. off. off. off. off. off. off. off.	Tandem auctor ex scelere qui hoc admisisse probatur, malb. • thurnichale, VIIIM den. qui fac. sol. cc culp. iud.	[6] Auctor uero sceleris huius si ipse hoc fecit et conprobatus fuerit, uel alium ademptum faciendi (*) locauerit, viiim din. qui fac. sol. cc culp. iud. (*) uel ad alium admetum (adestum, E) faciendum, B.H.	
	9 Si quis hominem mortuum super alterum in petra aut in + enaufo miserit, malb. e idulgus, sol. xxxv culp. iud. † naucho.	[4] Si quis hominem mortuum super alium in naufo uel (*) in petra miserit, MCCCC din. qui fac. sol. xxxv culp. iud. (*) aut. Q.	Cf. L. Sal. tit. 14 (coll. 96-98), where the corresponding 1 of Codd. 7-9, and the repetition of Heroid and L. Em., but with a different fine, will be found.
LXXVI. [SI Q <i>UIS</i> BASILICA EXPOLIAT](*).			
Si quis basilica (b) expoliauerit (c), mal chrotarsino, [Mcc den. qui fac.] sol. XXX culp. iud., excepto capitale et delatura (d). (l) rubric of 9; no rubric in 7.8 B- H. (l) basilicam, B- H. (l) spohauerit, F.G. (d) exc. c. e. d., om. F.G.	5 Si quis basilicam super hominem mortuum expoliauerit, malb. chre ottar sino, MCC den. qui fac. sol. xxx culp. iud., excepto capitale et delatura.	[7] Si quis domum, in modum basilicæ factum, super hominem mortuum expoliauerit, MCC din. qui fac. sol. XXX culp. iud., excepto capitale et delatura (*). (*) This i preceder i 6 in E.	
LXXV. [DE BASILICA INCENDUTA (*)](*).	LXXI. De Basilica incensa.	LVIII. DE EXPOLIATIONE ECCLESIÆ, UEL INCENDIO SIUE HOMICIDIIS CLERICORUM.	Cf. Sept. Caus. vi. 5; Sent. Sept. Sept. 1; L. Rip. 36; Baj. 1. 6-10; Fris. Add. Sap. 11.
Si quis basilica(b) incenderit, mat alatrudua, [VIIIM den. qui fac.] sol. cc culp. iud. (a) incenduda, o. (b) rubric of 8; no rubric in 7.B-H. (b) basilicam, B-H.	Si quis uoluntario ordine aut fortasse per negligentiam Basilicam incenderit, malb. alu trude theo tidio, viim den. qui fac. sol. cc.	[1] Si quis ecclesiam sanctificatam uel ubi (*) reliquiæ sanctorum reconditæ sunt incenderit, uel infra ipsa ecclesia aliquam (*) expoliationem de altare aut de infra illa ecclesia (*) aliquid tulerit, viiim din. qui fac. sol. cc culp. iud., excepto capitale et delatura. (*) bubi, Q. (*) aliq. – eccl., om. V.	
LXXVII. [DE PR <i>ESBITER</i> IS UEL DIACONIS INT <i>ER</i> FECTUS](*).			
[1] Si quis presbiterum (*) interfecerit (*), mat teorzine (4), [xxiiilM den. qus fac.] sol. DC (*) culp. iud. (*) rubric of 0; no rubric in 7.8 B-H. (*) prisbitrum.		[8] Si quis presbyterum interficerit, xxIVM din. qui fac. sol. DC culp. iud.	Cf. Par. Sax. 5.
(*) rubric of 9; no rubric in 7.8 B-H. (*) prisbitrum, 9; presbyterum, G. (*) interfacent, 8.9. (4) theoretine, 8.9. (4) considered by the			
[28] Si quis (1) diaconum (b) interfecerit (1), mail teorgiae (4), [XILM den. qui fac.] sol. ccc culp. iud.		[2] Si quis diaconem interficerit (*), XIIM din. qui fac. sol. ccc culp. iud. (*) interfecerit, Q.	
(*) uero, B. (*) diaconess, F. (*) interficent, 8.9; -rint, F. (*) theorgize, 8; theorgie, 9.		[[4] Si quis episcopum interfecerit, DCCCC sol. culp. iud.] (*) (*) This & is found in MS. stat only.	Cf. Sept. Caus. VIII. 5.
XC. DE EO QUI AD MALLO(*) UENIRE NOLUERIT(*).	LIX. De Despectionibus. 9 Si quis alterum in mallo per legem uicerit, et is fidem facere dispexerit aut precium soluere, tunc Rathinburgij eum debent attendere secundum legem qualis caussa esse uidetur, et ille qui eum mallauit ad casam suam ei nunciare debet precium aut debitum, et si tunc ei satisfacere noluerit, tunc per legem debet attendere et postea Grafio ad casam suam inuitari, ut quod lex est, is de caussa et rebus suis secundum legem referat.	LIX. DE EO QUI AD MALLUM UENIRE CONTEMPSERIT.	Cf. L. Sal. 1, 106; Rd. Chilp. 7; L. Rip. 32; Wisig. II. 18; Cham. 40, 43; Aethel. II. 20; Cn. II. 25; Waitz, 138, 143, 150, 153, 160, 169, 175, 179, 183, 191, 202; Sohm, Proc. 124, 128, 130, 134, 157, 160, 162, 164, 166 f., 170, 181 ff., 185, 188, 199, 202, 205, 208 f.; id. R. u. Ger. 64, 98, 392, 393, 501.
[1] Si quis ad mallum (*) uenire contempserit, aut ei (*) racemburgii (*) iudicatum fuerit adimplere distullerit (*), si nec de conpositione (*) nec de neo nec de (*) ulla lege facere uoluerit. Tunc ad reges (*) presentia (*) eum mannire (*) debet (*), (*) mallum, 8.0. (*) contempserit, 9; no rubric in B. H. (*) iudicium legibus datum quod racinburgi f.c. (*) ei iudicauerunt (-rint, F) adi dist. tunc ante rege fregem, B) presentiam e.m. faciat, BH. (*) racinburgi, 8; racemburgiae, 9. (*) distulerit, 8, B.H. (*) conpusucione, 9. (*) de, om. 9. (*) regem, 9. (*) presentiam, 8; presenciae, 9. (*) mannere, 9. (*) debent, 8.	1 Si quis ad mallum uenire dispezerit, aut quod ei à Rathinburgijs fuerat indicatum adimplere noluerit, si nec de compositione nec ad eneam nec de ulla lege fidem facere uoluerit, tunc ad Regis præsentiam ipse manniri debet,	Si quis ad mallum uenire contempserit, et quod ei a raginburgis (*) iudicatum fuerit implere distulcrit, si nec de conpositione (*) nec (*) ulla lege fidem facere uoluerit (*), tunc ad regis praesentiam ipsum mannire debet. (*) -giis, A; rachim-, T; rachimburgiis, B.F.G.H.N.O V; rachymburgiis, Q. (*) positione, 4418. (*) nec de, Q.V. (*) noluerit, Q.T.V.	
357	358	359	36 0

00D. 1.	COD. 2.	GOD. 8.	COD. 4.	CODD. 6 & 5.
per singulas uices tres iurati dicant quod ibi fuerunt ubi rachineburgius	et ibi xII testis per singulas uicis III iurati dicant quod ibidim fuerunt et ibi raciniburgi iurauerini aut ad eum ambolabant aut fidem de con- posicionem ficiret;	et ei ibidem duodecim testes erunt qui per singulas uices ter iurati dicant quod ibidem fuer ubi rachini- burgiis iudicauerunt ut ad eneum ambulare debet aut fidem de con- positione facere, et ille dispexerit.	et ibi duodecim testes per singulas uices III iurati dicant quod ibidem fuissent hubi rationeburies iudicaue- rumf aut ad enium ambulauerit aut fidem de conpositione fecerit, et ille dispexerit.	[3] Et ibidem cum XII testibus ire debet qui per singula placita iurati dicant qued ibidem fuissent ubi racheburgit (*) iudicauersmt ut (*) ad hinium (*) ambularet aut de conpositione fidem faceret (4), et ille dispexit. (*) rachenburgit, (*) aut. (*) inium.
Iterum alii tres iurare debent ut ibi fuisses die quando rachineburgii iudicauerunt ut aut per hineo aut per conpositione se deducerit; hoe est de illa die in XL noctis in mallobergo iterum ei solem collocauerit et nullatenus legem uoluerit adimplere.	et alii in iurare debent quod ibidem fuissent post illo die quando racine- burgi iurauerunt aut ad enium aut per conposicionem se educirent; hoc de illa die in Lx noctes in mallo iterum et sol coligauerit et nulla- tenus legem implere;	Iterum alii alii (sic) tres iurare debeant quod ibidem fuissent post illa die quando rachineburgii iudicauerunt aut pro eneum aut pro conposicionem se educerit; hoc est de illa die in XL noctes in mallobergo. Iterum ei sol culcauerit et nullatenus legem noluit implere.	Iterum alii III iurarent quod ibidem fuissent illa die quando rationeburies iudicauerunt aut de lege aut per conpositione se diceret; hoc est de illa die in xt. noctes in mallo iterum uiolenter alligauerit et nullatenus legem uoluit implere.	tiones se duceret; hoc est de illa die
Tunc eum debet manire ante regem, her est in noctes xiii, et tria testimonia iurare debent quod ibi fuerant ubi eum manibit et solem collocauit. Si nec tunc uenit, ista noue testimonia iurati sicut superius diximus dicant	tunc eum debit manere ante regem in noc <i>iss</i> XIII, et III testimonia iurati sicui superius diximas,	Tunc eum debet manire ante regem, hoc est XIII, et tria testimonia iurare debent quod eum manissent. Si nec tunc uenerit, ista omnia nouem testimonia iurare debeant sicut superius diximus dicant.	Tunc eum debet mannire ante regem, hoc est in noctes XIII, et tres testimonia iurare debent quod eum mannisset, et si nec tunc uenerit, VIII testimonia	[4] Tunc [eum] (*) debet manire (*) ante regem, hoc est in XIIII noctes, et tres testimonia iurare quod eum manisset (*). Et si nec tun[c] uenerit, ista omnia nouem(*) testimonia iurati dicant sicut superius diximus. (*) eum supplied from Cod. 5. (*) mannisset. (*) noue.
similiter. Illi die si non uenerit, collocet ei solem et illa tria testimonia ubi collocauit solem, tunc si ille qui admallat ista omnia et qui admallatus est ad nullum placitum uenire uoluerit; Tunc(*) ad que manitus est extra sermonem suum ponat eum. (*) suppl. rex.		Similiter et illa tria testimonia qui ibi fuerunt ubi sola legauit; tunc ista omnia fecerit qui eum ad mallum, et ille qui admallatur ad nullum placitum uenire noluerit. Tunc rex ad quem manitus est extra sermonem dominicam conponat,	qui ibi fuerunt hubi culcat solem tunc ei ista omzia inuenerit sic euz admallat, et ille admallatus ad nul- luz placituz uenire noluerit; tunc rex ad eum qui mannitus est euz extra sermone suo ponat;	
Tunc ipse culpabilis et omnes res suas erunt. Et quicumque eum aut pauerit aut hospitalem dederit, etiam si uxor sua proxima, mat I am pi cii, hoc est DC din. qui fac. sol. xv culp. iud. Donec omnia que inpotatur conponat.	uxorem sua prop[r]iam, sol. xv culø.		tunc ipse culpabilis et omnes res suas erunt, et qui eum aut pauerit aut hospitalem collegerit, sibi usore sua propria, DC den qui fac. sol. Xv culp., donec omnis qui ei legibus inputatur modis omnibus componat.	uoluerit. Et quicumque eum aut panem dederit aut hospitalitatem (*)
·				
LVII. DE RACHINEBURGIIS.	[LX] LVIIII. DE RACINIBUR-	LVII. DE RACINEBURGIIS.	LVII. DE RATIONEBURIES.	LVII. DE RACHINBURGIIS(*).
[1] Si quis rachineburgii in mallobergo sedentes dum causam inter duos discutiunt et legem dicere noluerint, debet ei dicere ab illo qui causa prosequitur: hic ego uos tancono ut legem dicatis secundum legem salegam. Quod si ille dicere noluerint, septem de illos rachineburgios, mal schodo, hoe est exx din. qui fac. sol. III, ante solem collocatum, culpabiles iudicentur.	G//S. [1] Si quis raciniburgius in mallo sedentes causa sine duus discote lege noluerit dicere uinit, dicet ad illo quicum causa prosequitur: hic uos tangono ut lege tre secando lege salica; quod nee ille legem dicere noluerit, uir de illis raciniburgiis collecato sol ternus solsides soluat;	prosequitur: Hic ego uos tancno	[1] Si rationeburies in mallum resedentis dum causas inter duos discutent legem nolucrint dicere, debes eis dicere ab illo qui causa prosequitur: hic ego uos tangane ut legem dicatis accundum lege salica; quod ille nolucrint, vii de illis rationeburies, collegato sole, ill solidos soluant.	qui causam requirit (*). Dicite nobri legem salicam (*). Si uero legem noluerint dicere, ille qui causam pro- sequitur: Hic ergo uos tangono (*)
[2] Quod si nec legem dicere noluerint nec de ternos solidos fidem facerent, solem illis collocatum, pc din. qui fac. sol. xv culpabiles iudicentur.	nec ternus solides soluat fidem ficit tunc sol illius culpato ess quinus dinarius c culp.	et nec ternos solidos fidem facere; Tunc sol illis culcet, et sol. xv culp. iud.	noluerint nec III solidas fidem facere, tunc solem illius collegatus, hoc est [nc] den. [qui fac.] sol. [xv] culp.	facere uoluerint, tunc solem illis (*) culcatum (*), DC den. qui fac. sol. XV singuli culpabiles (*) iudicentur (*); unusquisque illorum culpabilis indi- catur. (*) nec - solem is surrounded by dots in 5, therefore intended to be erased. (*) ith collocatum. (*) culp. iud., om. 5.
36 1	362	363	364	365

ut (*) ibi (*) duodecem testis (*) erunt qui (*) per singulas uices (*) iurati (*) tres dicant quod ibi fuerunt ubi racemburgi (*) iudicauerunt aut denuum (*) ambulaueri (*) aut fidem de conposicionem (*) facerit (*), et ille (*) dispexit (*), (*) et, B-H. (*) ibidem, 8; ubl, F.G. (*) testes, 8,B-H. (*) quo, 8, (*) uetes, 9, (*) Ill iurati dic., ibidem fuissent ubi racinburgi (racimb--F.G) iudicium el decreuissent (fuditium el dicite iusent, F.F. el psum contempsissen', B-H. (*) racimburgii. 8; racemburgiae, 9, (*) de neum, 8; deneo, q. (*) ambulare, 9, (*) - tione. 8; conpus-, 9. (*) fecerit, 8,9, (*) illi, 9, (*) dispexerit, 8,9.

Iterum (*) alii tres iurare debent quod ibi fuissent post (*) illa die (*) quando racinburgi (*) iudicaucrum aut per neum (*) aut per conposicionem (*) se ducerit. Hoc est de illa die (*) in xt. noctis in mallibergo (*) Iterum ei (*) solem culcauerit et nullatenus noluit (*) legem adimplere.

(*) Item, 89; Iterum – adimplere, 598. B-H. (*) post – die, 599. (*) racimburgii, 8; racemburgiae, 9. (*) neo, 9. (*) conposicione, 9. (*) diae, 9. (*) malloburgo, 9. (*) ct, 9. (*) uoluit, 9.

Tunc (+) eum debit manire (1) ante regem, hoc est in noctis XIIII, et trea (1) testimonia lurent quod eum manisset (1), et si nec tunc uenerit, ista noue testimonia (=) iuratis sicut superius diximus testimonia (**) dicant

(†) Tunc - dicant, om. B-H. (i) mannire, 8.9. (k) tres, 8. (i) mannissent, 8; manissent, 9. (iii) -munea, 9.

similiter (+). Illa die (*) si (*) non uenerit culcit (r) ei solem, illa trea testimonia quomodo culcauit (s) solem. Tunc se (*) ista omnia impleuerit qui eum mallat, et ille (*) qui admallatur ad nullum (t) placitum uenirit (*) et per lege (*) se ducere noluerit. Tunc rex ad quem manitus (*) esf extra sermonem suum ponat (*) eum.

(†) simil – noluerit, om. B-H. (*) diae, a. (*) se, 8,9, (*) culcet, 9. (*) culcauerit, 9. (*) si, 8. (*) illi, 9. (*) nullium, 9. (*) uenrit, 8; uenirit, 9. (*) legem, 8. (*) mannitus, 8. B.H. (*) ponet, 8.

[2] Tunc (*) ipse (*) culpabilis (*) et ommes (*) res suas erunt; et quicumque eum (*) aut pauerit aut (*) ospitalem (*) collegerit (*), etiam se (*) uxor sua preterea (*), sol. XV culf. iud., donec ommis quae (*) ei (*) legitibus (*) inputatur (*) conponat. (*) et ita, B-H; 9 adds: eum. (*) ipsi, 9. (*) culpabile, 9. (*) homines, 8; ommis, 9. (*) eum, om. H. (*) 8. H. add: ad. (*) hospitalem, 8; hospitium, B.G.H; auspicium, B-H. (*) collegerit, 8; receperit, B-H. (*) si, 8; se. om. B-H. (*) qui, 8; quaecunque, B-H. (*) ei, om. 9. H. (*) legibus, 8, 9. B-H. (*) inputantur, 9. B-H; inpotantur, 9.

XCI. DE RACIMBURGIS (4).

[1] Si racimburgi (*) loge (*) noluerint (*) dicere in mallo residentes (*) cum causas inter duus (*) discusserint, debit (*) eis dicere qui causam querit: dic (*) nobis lege (*) salicam (*); si ille (!) noluerunt (*) dicere, tunc iterum ipse (*) debet dicere: ego uos (*) rogo ut mihi et (*) isto gasationem (*) quo (*) legem dicatis; bis aut tres (*) hoc (*) debet dicere (*): Ego uos tancono (*) usque quo mihi legem dicatis; shica (**), quod (*) si dicere noluerint septem de illis racemburgiis(), culcati sole (*), ternus (*) solidos culp. iud.

(*) recemburgiis (*) so rubric in B-H. (*) necimburgii, (*), culcati sole (*), ternus (*) solidos culp. iud.

(*) recemburgiis (*), so rubric in B-H. (*) necimburgii, (*), escenburgiis (*), escenburgiis (*), escenburgiis (*), escenburgiis (*), escenburgiis (*), escenburgiis (*), escenburgiis (*), escenburgiis (*), escenburgiis (*), escenburgiis (*), escenburgiis (*), escenburgiis (*), escenburgiis (*), escenburgiis (*), escenburgiis (*), escenburgiis, (*), escenbur

[2] (*) Quod sic (*) nec (*) sic (*) legem dicere noluerint (*) nec ternus (*) solidos fidem (*) facere, unusquisque xv sol. culp. iud.

(*) B-H unite § 1 and 2 . (*) si. 8.B.F.H; se, 9. (*) nec, om. B-H. (*) sic, om. 8.9.B.F.G. (*) uol-, 8; B-H add: salicam. (*) ternos, 8.B-H. (*) fidem, om. F.G.H; 5d. — XV, om. 9.

et ibidem cum duodecim testibus ire debet qui per singula placita iurati dicant quod ibidem fuissent ubi Kathiburgij ei, indicauerunt ut ad eneum ambularet aut per compositionem fidem faceret, et ille dispexerit.

Iterum alij tres iurare debent quod ibidem fuissent post illam diem quo ei Rathenburgij indicauerunt aut per eneum aut per composi-tiones se educeret: hoc est de illa die in quadra-ginta noctes in Mallobergo iterum solem collo-cauerit, et nullatenus legem uoluerit implere.

Tunc eum debent mannire ante regem in XIIII noctes, et tria testimonia iurando dicant quod eum mannisset, et si nec tunc uenerit, ista omnia nouem testimonia iurati dicant sicut superius

Similiter illa die si non uenerit, collocent ei solem iterum, et illa tria testimonia quæ ibidem fuerint ubi collocauerit solem. Tunc cum ista omnia impleuerit, qui eum admallat, et ille qui admallatur ad nullum placitum ueniret et pro lege se educere noluerit, tunc Rex ad quem mannitus est + extra sermonem ponet, † extra sermonem suum eum esse dijudicet.

et ita ille culpabilis, et res suz erunt in fisco aut eius cui fiscus dare uoluerit, et quicunque ei aut panem dederit aut in hospitalitatem collegerit, siue sit +uxor sua, aut proxima, pc den. qui fac. sol. xv culp. iud., donec omnia secundum legem ea quz illi iniuncta sint componat.

LX. De Rathin burgijs.

1 Si qui Rathinburgij legem uoluerint dicere in mallebergo residentes cum caussa inter duos discusserint, debet eis qui caussam requirit dicere. Dicite nobis legem Salicam. Si illi tunc noluerint dicere, tunc iterum qui caussam requirit dicit: Vos atangano ut mihi et isto legem dicatis, bis aut tertio hoc debet facere. Si uero illi noluerint dicere, tunc qui caussam repetit debet dicere: Ego uobis tangano usque quo mihi legem dicatis Salicam; tunc septem de illis Rathemburgiis, collocato sole, ix solid. culpabilis unusquisque iudicetur.

Quod nec sic legem dicere uoluerint nec soluere nec fidem facere, tunc solem illis iterum collocet, et sic postea XV solidis unusquisque culp. iud.

Et ibidem duodecim (*) testes esse debent qui per singula placita () iurando dicant quod ibidem fuissent ubi raginburgi (*) ei iudicassent, et ille decretum iudicium contensest (*).

(*) XV, Q. (*) placida, Q. (*) rachymburgii, Q; rachinburgi, T.V. (*) contempsissent, Q.

Iterum (¹) alii tres iurare debent quod ibidem fuissent post illum diem in qua ei raginburgi iudicauerunt ut aut (¹) per aeneum (¹) aut per conpositionem (=) se educeret (+); hoc est de illa die in quadraginta noctes in mallo iterum solem culcauerit, et nullatenus legem implere uoluerit (*).

(4) Item, V; it. - fuissent, om. Q. (2) ita ut, A. (1) enneum, Q. (2) confessionem, Q. (3) exdiceret, Cod. Est. (4) nolucrit, Q.

Tunc eum debet mannire ante regis praesentiam in quatuordecim noctes; et tria (*) testimonia iurando dicant quod eum mannisset (*). Quod si nec tunc uenerit, et ista omnia nouem (*) testimonia (*) coniurando (*) quae superius diximus uera esse dixerint, (*) tres, (*) ** manisset, V. (*) VIII, Q. (*) testibus, T.V. (*) iurando, G.N.

similiter ei iterum solem culcet, et illos tres testes ibidem habeat. Ubi culcauerit solem, et ista omnia compleuerit qui eum admallat, et ille qui admallatur ad nullum placitum uenire nec per legem se educere(') noluerit, tunc rex ad quem(") mannitus est extra sermonem suum (') esse dijudicet; (') edicere, 4478. B.G. N.T.V; sedicere, Q; exdicere, Cod. Est. (*) aliquem, V. (*) T.V add: eum.

et ita ille(") culpabilis("), et omnes res suæ erunt in fisco aut cui fiscus dare voluerit. Et quicumque ei panem dederit aut (") in hospitium colligerit, etiam si uxor eius propria sit, pc din. qui fac. sol. xv culp. iud.; donec omnia quae ei legibus inputantur secundum legem conponat. (") Q adds: per. (") Cod. Est. adds: iudicetur. (a) an, Q.

LX. DE RACHINBURGIIS (*).

[1] Si quidem rachinburgii in mallo resedentes (*) cum causa discussa fuerit inter duos causatores, ammoniti ab eo qui causam (*) requiret ut (*) legem salicam dicant, et si legem (*) dicere noluerint, tunc ab eo qui causam requiret sint iterum ammoniti usque tertia uice (*). Quod si dicere noluerint, tunc dicat ille qui causam requiret: Ego uos tangano (*) usque dum uos inter me et contra (*) causatorem meum legem iudicatis. Et si tunc dicendi se legem distulerint, sole culcato, septem de illis unusquisque CXX din. qui fac. sol. III culp. iud.
(*) rachymburgiis, always in Q with ym; raginburgiis,

(*) rachymburgis, afragar is Q wilk ym; raginburgis, Cod. Est.; R.T.V and Wolf. Aug. 8 add.; qui secundum legem non iudicant. (*) residentes, Q. (*) causas, Q. (*) at -requirat, om. E. (*) Q addr.; salicam. (f) ad tres uices, Q. (*) tangono, Q. (*) contra, om. E.V.

[2] Et si adhuc tunc rachinburgii despexerint(*) nec legem dicere (*) uolunt (*) neque de tribus solidis conpositionem facere, tunc unusquisque illorum septem, culcato sole, pc din. qui fac. sol. xy culp. iud.

(*) dispexerint, Q.V and 4418. (b) dispexerint nec legem d., Q. (*) notherint, Q.V.

Cf. L. Rip. 55; Waits, 143, 150, 152, 169, 175, 191; Sohm, Proc. 143 ff., 151, 172; id. R. u. Ger. 64, 125, 386.

C	OD:	D.	в	&	5.
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COD. 1.

				<u></u>
[3] Si uero illi rachineburgii sunt et non secundum legem iudicauerint, his contra quem sen[ten]tiam dederint causa sua agat et potuerit adprobare quod non secundum legem iudicassent, nc din. qui fac. sol. xv quisque illorum culp. iud.	[2] Si uero ipsi raciniburgii sunt et non secundum legem iudicare, eam contra quem sentencio dediret, sol. xv culp. iud.	[3] Si uero illi rachiniburgii sunt et non secundum legem iudicauerunt, his contra quem sententiam adderunt, causam agant et eis potuerit adprobare quod non secundum legem iudicauerunt, aliis xv sol. culpabiles iudicentur.	[8] Si uero ille rationeburie sunt et non secundum legem iudicauerunt ei, quem contra sententia addiderunt causa sua agat; et si eis potuerit adprobare ut non secundum legem iudicauerumi, oc den. qui fac. sol. xv culpabiles.	cauerint, contra quem sententia dederint causa sua ageat (b), et si potuerit adprobare quod secundum
			,	[4] Si uero rachinburgiae (*) legem dixerint (*), et ille contra quæ in legem (*) dicunt eos contradixerint (*) quod legem non iudicant, simili modo contra unumquemque sol. XV culp. iud. (*) rachimburgie. (*) dixe et illi contra quem legem. (*) rit.
		·		
LVIII. DE CHRENE CRUDA.	[LXI] LX. DE CRENECRUDA.	LVIII. DE CHERA CRUDA.	LVIII. DE THEUNETRUDA.	LVIII. DE CHRENECRUDA.
Si quis hominem occiderit et, totam facultatem data, non habuerit unde tota lege conpleat, XII iuratores donare debet [quod] nec super teram nec subtus terram plus facultatem non habeat quam iam donauit.	+ Si quis hominem occiserit et, tanta facultatem data, non abit unde tota lege impleat, xii iuratores nec super terra nec subtus terra plus de facultate non abis que donauit;	[1] Si quis hominem occiderit et, totam facultatem datam, non habuerit unde conponat ut totam legem impleat, XII iuratores donet quod nec super terram plus de facultate non habeat quam iam donauit;	Si quis hominem hocciderit et totam facultatem non habuerit hunde tota lege impleat, XII iuratores donet quod nec super terra neque subtus terra qui de facultate non habeat quam donauit,	tota lege conponat (*), XII iuratores donet quod nec super (b) terram (*)
Et postea debet in casa sua introire et de quattuor angulos terrae in pugno collegere et sic postea in duropullo, hoe est in limitare, stare debet intus in casa respiciens, et sic de sinistra manum de illa terra trans scapulas suas iactare super illum quem proximiorem parentem habet.	quatuor angulus terra in pogno cole-	pugno tollere debet et sic postea	et postea debet in casa intrare et de IIIIº angulos terre in pugno colligere et sic postea in duropelle, hoc est in limitare, stare debet et [intus] casa hac plansside sinistro (leg. aspicere, et sic de sinistra) manu de illa terra transe escapulas (leg. trans scapulas) iactare super illo quem proximiore habet parente;	postea debet stare in duropello, hoc est (*) intus captare, et de sinistra (4) manu (4) de illa terra (*) suas scapulas iactare super quem proximiorem (f)
Quod si iam pater et fratres solse- runt, tunc super suos debet illa terra iactare, id est super tres de genera- tione matris et super tres de genera- tione patris qui proximiores sunt.	quod si iam pater aut fratris solse- runt, tunc super suos filius debit illa terra iactare, super III de genera- cionem patris et de matris qui proxi- mioris sunt;	quod si proximor illo et mater et frater solserint, tunc superiorem sororem et matrem aut suos filios debet illa terra iactare, id est super tres de generatione patris qui proxi- mores sunt;	quod si tam (leg. iam) pro illo et mater et frater persoluerunt, tunc super sororém matris aut super suos filios debet illa terra iactare. Quod si ille non fuerit, de illa terra iactata, id est super tres de generationem patris qui proximiores sunt;	[8] Quod si iam mater et frater solserii(*), tunc super suorem matris aut super suos filios debet de illa terra iactare, idem(*) super tres de generatione matris qui proximiores sunt. (*) solserunt. (*) add: de.
discalcius, palo in manu, sepe sallire	et sic postia in camisam discinctus, discalcius, palo in mano sua, sepe debit sallire, medietatem quanto de conposicionem, idem aut quanto lex est, illi ili soluant, hoc est illi alii de patris geniracionis facire debst,	et sic postea in camisa discinctus et discalciatus, palo in manu sua, sepe sallire debet; pro medietatem quan- tum de conposicione diger est, aut quantum lex addicat illi tres soluant, hoc est illi alii qui de paterna gene- ratione ueniunt facere debent.	et sic postea in camisa discinctus, discalciatus, palo in manu sibi psallire debet, ut pro medietate quantum de conpositionem, id est ut quantum lex addicat, ille III solidos soluant, et ille alii qui de paterno (*). (*) The rest of the chapter is manting in the MS.	[4] Et sic postea in camisa (*) discin[c]tus (*), discalciatus, palo in (*) manu (4), sarpe (*) sallire debet, ut pro mediaetatem (f) aut quantum lex addicat, et illi (t]res soluant, hoc est et illi qui de paterna generatione ueniunt similiter faciunt. (*) camisia. (*) add. et. (*) in, em. 5. (4) manum. (*) sepe. (f) medictate.
Si uero de illis quicumque proximior fuerit ut non habeat unde integrum debitum saluat; Quicumque de illis plus habet iterum super illum chrenecruda ille qui pauperior est iactet ut ille tota lege soluat.	super illo crenecurando ille qui pauperior est iactauit ille totam	[2] Si uero de illis plus habent iterum super illum chera cruda ille qui pauperior est iactet ut		[5] Si quis uero quicumque de illis (*) pauperior fuerit et non habet unde integrum debitum reddat (*), quicumque de illis plus habet (*), terum super illum chenecruda (*).
martes ut inte tota lego soluat.	legem persoluat;	ille totam pers oluat.		illæ (*) qui pauperior est iactet et ille tota lege conponat. (*) illos. (*) soluat. (*) chrenechruda. (*) ille.
	que si uero necesso abit unde totam legem soluat, tunc illi qui humicidio ficit qui eum sub pede abuit in mallo presentare debit, et sic eum per in mallus ad sua fide tollat; et si eo in conposicionem nulla a fide tollerent, hoc est ut eum redimat de que non solsit, de sua uita conponat.	Tunc illum qui homicidium fecitille qui eum sub fide habet in mallum presentare debet, et sic postea eum per quattuor mallos ad suam fidem tollant; et si eum in conpositionem nullus ad fidem tollere, hoc est ut eum redemat de hoc qued non persolsit, de uita conponat.		[6] Quod si uero nec ipse habuerit. tunc illum qui homicidium fecit qui eum sub sua (*) fide (*) habent, sic postea (*) per quattuor mallos (*) ad suam fidem tollant, et si eum in conpositionem nullus uoluerit redemere, de uita componat. (*) sua, om. 5. (*) fidem. (*) add: eum.
370	371	372	373	374

CODD. 1, 8, 8.	СОД. 10.	LEX EMEND.	OBSERVATT.
	Si uero Rathinburgij non secundum legem iudicauerunt Salicam, his contra quos sententiam dederunt, solidos xv soluant.	[8] Similiter si conprobati(*) fuerint legem non iudicasse, septem ex eis unusquisque oc din. qui fac. sol. xv culp. iud. (*) comprebata, Q.	,
[3] Si uero illi racimburgiae (*) legem dixerint (*), eis (*) contradixerint (*) quod legem (*) non dicant contra unumquemque de illis (*) racemburgiis (*), [nc den. qui fac.] sol. xv culp. iud. (*) racimburgii. 8; recemburgiae, 9; racimburgi. H; racimburgi. B.F.G. (*) - runt, 9. (*) lege, 9. (*) illius, 8. (*) racimburgiis, 8; recemburgiis, 9; racimburgis, H; racimburgis, B.F.G.	2 Si uero Rathenburgij illi legem dixerint, et ille contra quem dixerunt eis contradicat, et hoc sustinere noluerit eos enim contra legem iudicasse sibi putat, et id comprobare non poterit, unicuique de septem Rathinburgijs DC den. qui fac. sol. xv soluat.	bare non potuerit, contra unumquemque de (*)	Cf. Sohm, R. u. Ger. 130.
XCVIIII. DE CRENECRUDA (*) Q <i>UO</i> D PAGANORUM TEMPUS (*) OB- SERUABANT (*).	LXI. De Chren ceude.	LXI. DE CHRENECHRUDA (*).	Cf. Waitz, 109, 111, 114, 129, 171, 176, 193; Sohm, Proc. 170, 174, 175 ff., 213; id. R. u. Ger.
[1] Si quis hominem occiserit et facultatem non habuerit unde totam (4) legem (4) componat, duodecem iuratores donet quod nec super terram (*) nec subtus terra (7) amplius nom habeat nisi quantum donauit de terra facultate. (*) crinnecruda, 8. (*) tempore, 9. (*) Of this whole chapter, Be-H have only: De chrenechruca (crenechruta, B; chrenechruca, F) lege (legem, F) quae paganorum tempore obscruabant deinceps numquam ualeat, quia per ipsam cecidit multorum potestas. (4) tota lege, 9. (*) terra, 9. (*) terra, 9.	1 Si quis hominem occiderit et in tota facultate non habuerit unde totam legem impleat. Duodecim iuratores dabit quod nec subtus terram neque supra terram plus de facultate habeat + quam donauit. † nisi quod donatum habeat.	Si quis hominem (b) occiderit et in tota (*) facultate sua (*) non habuerit unde legem totam implere ualeat, duodecim iuratores donet ut nec super terram nec (*) sub terra (*) amplius de facultate non habeat nisi quod donatum habet. (*) H.N add as gioss: i. e. terra mala; Q has: creat cruda, with an a writine above th: cr of Crene, therefore: Carene. (b) hom., om. Q. (*) totam facultatem suam, Q. (*) nec s. t., om. Q.	100.
[2] Et postea debet in casa intrare (*), per quattuor angulus (*) terre (*) in pugno collegere (*) et sic portit (*) in duropelle (*), hoc est (*) in limitare, stare debet, intus (*) casa aspiciat, et sic (*) de sinistra (*) manu (*) de illa terra trans suas scapulas (*) iactare super illum quem proximiorem parentum (*) habet. (*) 9 addz: et. (*) angulos, 8. (*) terre, 8. (*) colligere, 8. (*) portet, 8. (*) duro in duro pelle, 9. (*) est, om. 9. (*) 8 addz' in. (*) si, 9. (*) senextra, 9. (*) manum, 9. (*) scabulas, 9. (*) parentem, 9.	Et postea debet in casam suam intrare et de quatuor angulis terræ puluerem in pugno colligere et postea in ° duropello stare et intus casam cuptare debet, et sic de sinistra manu trans suas scapulas iactare super proximiorem parentem.	Postea intrare debet (*) [in] casam suam (*) et de quattuor angulis de terra illa (*) in pugno suo colligat et stare (*) in durbilo (*), hoc est in liminare (*), et intus captare (*) et cum sinistra (*) manu de illa terra ultra suas scapulas iactare super quem proximiorem parentem (*) habet. (*) habeat in casa sua, Q. (*) illa, om. Q. (*) Q. addt. debet. (*) durpio, H.N.T.V.; dorpio, G.; durbillo, Cod. Est. (*) luminare, 4418; limitare, Q.; limitari, Cod. Est. (*) parente, Q.; intercaptare, Cod. Est. (*) senixtra, Q.	·
Oxod si (*) iam pro illo pater(*) aut mater(*) uel fratris (*) soluerint, tunc super sororis (*) matris aut (*) super suos (*) filios (*) debet illa terra iactare (*). Id est super generationis (*) aut matris qui proximioris (*) sunt. (*) si, om. 8. (*) mater aut pater, 8. (*) fratres, 8; 9 adds; non. (*) sorores, 8. (*) et, 8. (*) suus filus, 9. (*) icctare, 9. (*)rationes, 8; -racionem, 9. (*)res, 8.	ct matris, qui proximiores sunt.	Quod si iam pater aut mater uel frater solue- runt, tunc super sororem(*) matris aut super suos filios debet illam terram(*) iactare; id est, super tres de generatione matris qui proximiores sunt. (*) sorem, Q. (*) illa terra, Q.	
[8] Sic postea in camisa (*) discinctus (*), disculcius (*), palo (*) in mano (*), sepem psallire (*) debet, et pro medietatem quantum de conposicionem (*) dederit aut quantum lex dicat ille (*) tres soluant, hoc est illi alii qui (*) de generatione paterna ueniunt facere debent. (*) camicia, 9. (*) discenctus, 9. (*) disculciatus, 8. (*) psalum, 8. (*) manu, 8. (*) salure, 8.9. (*) conpusucionem, 9. (*) illi, 8.9. (*) qui, om. 8.	et postea bin camisia discinctus, discaleatus (sic), palo in manu supra sepem salire, ut pro medictate quantum pro compositione deberet, aut quantum lex addicat, illi tres soluant de materna generatione, hoc et illi alij qui de paterna generatione ueniunt facere debent.	Et postea in camisa discinctus (4) et discalciatus, cum palu (r) in manu supra sepem sallire (*) debet, ut pro medietate quantum de conpositione diger (*) est (*), aut quantum lex dicat, illi tres soluant. Idem (*) illi (*) alii (*) qui de paterna generatione ueniunt facere debent. (*) discunctur, Q. (*) palo, Q. (*) salire, Q. (*) digerit, E; detter est, K; digerre, Q; debet digerere, Cod. Est.; quant. de conp. dig. e., om. F. (*) id est, 412 A.E.G.Q.T.V. (*) alii alii, V.	·
[4] Si uero de illis quicumque pauperior fuerit et non habeat (*) unde integrum debetum (*) soluat, quicumque de illis plus habet iterum super illum chrendeiruda (*) ille (*) qui pauperior cs² iactit (*) ut illi (!) tota lege persoluat. (*) habet, 8. (*) debitum, 8.9. (*) chrinne chruda, 8; crenucruda, 9. (*) illi, 9. (*) iactet, 8; lectit, 9. (*) ille, 8.	ut ille totam legem soluat,	que de illis amplius habet (3) iterum super illum	Cod. 7 has distinctly chrenedi- ruda.
[5] Qwod (*) si uero nec ipse habuerit unde tota lege persoluat (*); Tunc illum qui homicidium (*) fecit (*) qui cum sub sua fide (4) habet in mallo presentare debet, et sic rostea per quatuor mallus (*) ad suam (*) fidem (*) tollat; et si (*) eum in conpositione(*) nullus(*) ad fidem tullerit, hoc est ut eum redimant (*) de qwod non persolserit (*), tunc (**) de uita conponat. (*) Quod - persoluat, om. 9. (*) hum -, 9. (*) facit, 9. (*) sic, 9. (*) conpuscionem, 9. (*) nullus, 9. (*) redemant, 9. (*) persoluart, 8; persolserent, 1 (**) tunc, om. 9.	et per quatuor mallos præsentem faciat, et si eum per compositionem aut fidem nullus suorum tulerit, hoc est, eum redimat, aut pro eo per- soluit, tunc de uita conponat.	Quod si nec ipse (h) habuerit (*) ut totam legem persoluat, tunc illum (4) qui homicidium (*) fecit ille qui cum in fide sua habet per quatuor mallos praesentem faciat. Et si eum nullus suorum per conpositionem uoluerit redimere, de uita conponat. (h) ipsi, Q. (*) Q adds: aut. (4) illi, V. (*) homicitidium, Q.	salica deo gracias amen. Incipit decretio. Childebertus rex fran-
	8 At præsentibus temporibus, si de suis proprijs rebus non habuerit, unde transoluere aut se de lege desensare possit omnis caussa superius comprehensa, ad caput suum pertinet obseruare.		Cf. Sohm, Proc. 212.
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COD. 10.

LEX EMEND.

OBSERVATT.

CODD. 7, 8, 9.

COD. 1.	COD. 2.	COD. 8.	GOD. 4.	CODD. 6 & 5.
LVIIII. DE ALODIS. [1] Si quis mortuus fuerit et filios non demiserit, si mater sua superfuerit, ipsa in hereditatem succedat.		LVIIII. DE ALODIS. [1] Si quis mortuus fuerit et filios non dimiserit, si mater sua superfuerit, ipsa in hereditate succedat.	LVIIII. DE ALODIS. [1] Si quis mortuus fuerit et filios non dimiserit, si mater sua superfuerit, ipsa in hereditate succedat.	LVIIII. DE ALODES (*). [1] Si quis homo mortuus (*) fuerit (*) et filios non dimiserit (*), si pater, si mater superfuerit (*); ipse (*) hereditate succedat. (*) aludis. (*) mortuos. (*) dem (*) fuerit ipsi in.
[2] Si mater non fuerit et fratrem aut sororem dimiserit, ipsi in here- ditatem succedant.	[2] Si mater non fuiret et frater remansiret, ipsi hereditatem acce- dant.	[2] Si mater non fuerit et fratrem et sororem dimiserit, ipsi in heredi- tatem succedant.	[2] Si mater non fuerit et fratrem aut sororem dimiserit, ipse in heredi- tatem succedat.	[2] Si pater (*) aut mater (*) non fuerint et fratres (*) aut sorores habuerit (*), ipsi in heretate (*) succedant. (*) mater aut pater. (*) frater aut soror remanserint. (*) hereditatem.
[8] Tunc si ipsi non fuerint, soror matris in hereditatem succedat.	[8] Si ista non fuerint, tunc sororis matris in hereditatem accidant.	[8] Si isti non fuerint, Tunc soror matris in hereditatem succedat.	[8] Si isti non fuerint, tunc soror matris in hereditate succedat.	[3] Si isti non fuerint, tunc soror matris in hereditate (*) succedat. (*) hereditatem.
	[4] Si uero sorores matris non fuerent, sorores patris accedant in hereditate,		·	[4] Si(*) soror matris non fuerit, sic patris soror in hereditate succedat. (*) add: uero.
[4] Et inde de illis generationibus quicumque proximior fuerit, ille in hereditatem succedat.	et inde illis generacionibas quecum- que proximor fuiret, illi hereditatem succidat.	[4] Et si de illis generationibus quicumque fuerit proximior ille in hereditatem succedat.		[5] Et si patris [soror] (*) non fuerit, sic de illis generationibus qui proximiores sunt, illi in hereditate (b) succedant qui ex paterno genere uiuunt (*). (*) supplied from Cod. 5. (*) -tem. (*) ueniunt.
[5] De terra uero nulla in muliere hereditas non pertinebit, sed ad uirilem secum (leg. sexum) qui fratres fuerint tota terra perteneunt.		[5] De tera uero nulla in mulieri portio aut hereditas est, sed ad uirili sexum qui fratres fuerint, tota terra perteneat.		[6] De terra uero salica in muliere nulla pertinet portio, sed qui fratres fuerint, et ad uirile sexu tota terra pertineat (*). (*) perteneant.
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			1	
LX. DE EUM QUI SE DE PARENTILLA TOLLERE UULT.	[LXIII] LXII. DE EO QUI SE DE PARENTILLA TOLLERI UULT.	LX. DE EO QUA DE SE PARENTIBUS TOLLERE UULT.	LX. DE EO QUI [SE DE] SUA PARENTELA TOLLERE UOLUERIT.	LX. DE EUM (*) OU/ SE DE PARENTILLA TOLLERE UULT.
In mallo ante thunginum ambu- lare debet et ibi tres fustis alinius super caput suum frangere debet. Et illos per quattuor partes in mallo iactare debet et ibi dicere debet quod iuramento et de bereditatem et totam rationem illorum tollat;	(*) In mallo leuth et het tunzino ambulare debit et ibidim IIII fustus alninus frangere super caput suo debit, et illos III partis mallo lactare et ibi sidero quod eromento et hereditatem tota racionem eo tollat. (*) The MS. has here an ornamented S surrounded by rad dots.	In mallum ante tunginum ambu- lare debet et quattuor fustes sali- cinos super caput suum frangere debet, et illos in quattuor partes in isso mallo mallo (sic) iactare debet et ibi dicere quod se de iuramento et de hereditate et de tota ratione illorum tollat.	debet et ibi dicere quod si iuramento	[1] In mallo autem (*) ante tunzinem (*) aut centenarium ambulare debet et ibi IIII fustes alninos (*) super caput suum (*) frangere debet, et illos (*) in quattuor pecias per quattuor angulus (s) iactare debet et ibi dicere debet quod se de iuramezto uel (*) hereditate uel de tota (*) ratione eorum sibi (*) tollat. (*) eo. (*) autem. ow. 5. (*) tunzinum. (*) eo. (*) autem. (*) immallo ante tunzino aut centenarium. (*) immallo ante tunzino aut centenarium.
et sic postea aliquis de suis paren- tibus aut occidatur aut moriatur, nulla ad eum nec hereditas nec conpositio perteneat,	Sic postia aliquis de suis parentibus aut moriatur aut occideret, nulla ad eo nec hereditas nec conposicio permanit:		Et sic postea si aliqui de suis paren- tibus aut moriatur aut hoccidatur, nullam ab illum nec conpositio nec hereditas pertineat.	[2] Et si(*) postea si aliquis (*) de suis parentibus aut moriatur aut occidatur, nullum ad illum nechereditas nec conposio (*) pertineat. (*) sic. (*) aliqui. (*) conposito.
sed hereditatem ipsius fiscus adquirat.	si uero solo moriatur aut occidatur, conposicio aut hereditas ad eis per- maniat.		[9] Si uero illi aut moriatur aut hoccidatur, compositio ad fisco per- ueniat.	[3] Si uero ille (*) aut (*) occidatar aut moriatur (*), conpositio aut here- ditas suis parentibas non pertinet causa sed ad fisco pertineat aut cui fiscus dare uoluerit. (*) ill. (*) a moriatur a occidatur.
		;		
379	380	38 1 ⋅	382	383

XCII. DE ALLODIS(*).

[1] Si quis(b) mortuus(c) fuerit et filius(d)
non demiserit(c), si pater aut mater siperfuerint(c), ipsi in hereditatem(s) succedant.

(*) alodis, §; alodis, 9; no rubric in B. H. (*) omo is adaed in 7, above the line, apparently by a later hand. (*) mortus, 9, (*) fillos, 8.B. H. (*) dim, p. a. in in eius hereditate succesta, B. H. (f) superfuerint, 8; superfuerint, 8; superfuerint, 9.

- [2] Si pater aut mater non fuerint (*), si fratres aut sororis demiserit (*), ipsi in hereditatem (*) succedant.
- (*) fuerint (fuerit, F) fratres a. sorores in eius hereditate s., B.- H. (*) si fratres a. sorores dimisserit, & (*) tate, &

[8] Si uero isti non fuerint (*), tunc sororis (b) matris in hereditate (*) succedant (4).

(*) fu. sorres patris in eius hereditate succ., H; fu. sor. matris in eius hereditatem succ., B.G; F. combines §§ 3 and 4: S. u. i. n. f. sor. matris in e. h. s. et postea d. illorum gen. q. p. f. i. e. h. s. q. e. p. lpsius g. u. (b) sorores, 8. (c) – tatem, p. (d) – dunt, p.

[4] Si (*) uero sororis matris non fuerint, sic sororis patris in hereditatem (b) succedant (o); (*) Si – succedant, om. 8. (b) g adds: patris. (*) S. u. sorores patris (matris, B.G) n. f. sorores matris (patris, B; matres, corr. matris, G) in eius hereditate succ., H.B.G.

et postea de illis generationibus quicumque przximioris (4) sunt, ipsi in hereditatem (*) succe-dant qui ex paterno (f) genere ueniunt (s). (4) - res, 8. (*) - tate, 8. (*) parte, 8.9. (*) e. p. d. illorum g. q. proximior fuerit in eius hereditate a. q. e. parte istus (ipsins, G) generis u., H. R.C.

[5] De terra uero salica (*) nulla in muliere (*) hereditatis (*) transeat porcio, sed (*) ad uirilis (*) sexus (*) tota terra (*) propriaetatis suae (*) possedeant (*).

(") saleca, 8. (*) mulieris, 8. H; mulieres, F.G. (") here-ditates, q.F.G. (4) se, q. (*) uirile, 8; uirili, q.G. H. (*) sexu, F.G. H. (*) proprietas perueniat, B.- H. (*) sui, q. (*) possideant, 8; possediat, q; suae poss., own. B.- H.

XCIII. DE EO QUI SE DE PAREN-TILLA TOLLERE (*) UULT (*).

[1] Si quis de parentibus tollere (+) uoluerit (*), in mallo (4) ante tunzino (*) ambulare (f) dobet (s) et ibidem (h) quattuor fustis (!) alninus (h) super caput (!) suum frangere (*) debit, et illus (*) in (*) quattuor partis (*) iactare debet et illus (*) in (*) quattuor partis (*) iactare debet et ibi dicere debit quod se de iuramento (*) et de hereditatem et de tota rationem (*) illorum;
(*) tullere, 9. (*) no rubric in B-H. (*) se tollere, F.G. (*) uult, 8; se toll, R.H. (*) mallum, 8, (*) tunzinum, 8; tungino, F.G. (*) ambulet, B-H. (*) de, om. B-H. (*) ibi de, 8. (*) instes, 8; fustibus, B-H. (*) alninos, B-H. (*) capud, 8. (*) frangat et dicat quod se tam de iuramento quam et de hereditate (q. de hereditatem, F.G) uel de tota illorum ratione (rationes, F), B-H. (*) illos, 8. (*) partes, 8. (*) - tum, 9. (*) ratione, 8.

aut si aliquis de suis parentibus aut (*) moriatur aut occidatur, nulla (*) ad illum nec hereditas nec conpositio (*) perueniat (*). (*) aut, om. B-H. (*) nullum, 9. (*) positio, B. (*) perteniat, 9.F.

[2] Si uero ille (*) aut (*) occidatur (*), conpositio aut hereditas ad fisco (*) perteniat (*).
(*) ill, p. (*) aut, off. B. H. (*) occisis fuerit, B. H. (*) add : aut moriator. (*) fiscum, B. H. (*) pertineat, 6; perueniat, 6;

LXII. De Alodis.

1 Si quis mortuus fuerit et filios non dimiserit, si pater aut mater superstites fuerint, in ipsam hæreditatem succedant.

- 2 Si pater et mater anon superfuerint et fratrem aut sororem dimiserit, in hæreditatem ipsi succedant.
- 3 Si isti non fuerint, tunc soror matris in hæreditate succedat.
- 4 Si uero soror matris non fuerit, sic soror patris in hæreditate succedat.
- δ Et postea sic de illis generationibus quicunque proximior fuerit, ipsi in hæreditate succedant qui ex paterno genere ueniunt.

6+ De terra vero Salica, in mylierem nylla portio haereditatis transit, sed hoc virilis sexys acqvirit, † De terra uero Salica nulla portio hæreditatis me eniat, sed ad uirilem sexum tota terræ hæreditas peru

hoc est, filii in ipsa haereditate svccedvnt. Sed vbi inter nepotes avt pronepotes, post longvm tempvs, de alode terrae contentio svscitatvr, non per stirpes sed per capita dividantvr.

LXIII. De eo qui se de Parentisla tollere uult.

Si quis de parentilla tollere se uoluerit, in + mallum aut in *Tunchinium admallare debet et ibidem quatuor fustes * aluinos super caput suum frangere debet in quatuor partes, et illas in mallo iacere debet et ibi dicere. Quod se et de iuramento et de hæreditate et de tota + ratione

illorum tollat,

† malb. ante tunchis
lorum secatione.

et sic postea si aliquis de suis parentibus aut moriatur aut occidetur, nulla ad illum compositio hæreditatis perueniat,

simili modo: si ille moriatur ad suos parentes non pertineat caussa nec hæreditas eius, sed amodo cum duodecim iuratoribus se exinde educat.º

• hareditas autem eius ad fiscum pertineat, aut cui fiscus dare uoluerit.

[1] (*) Si quis homo mortuus fuerit et filios non dimiserit, si pater aut mater superfuerint, ipsi in hereditate succedant (*).

(*) Q combines \$\frac{1}{2}\$ = \$\frac{1}{2}\$ thus: S. q. h. m. f. et f. n. d. s. p. a. m. s. et fraires uel sorores reliquerint ipse hereditatem obtineant, quod si nec ipse fuerint sorores patri hereditate succedant. (*) hereditatem obteneant, V.

[2] Si pater et (*) mater non superfuerint et fratres uel sorores reliquerit, ipsi hereditatem obteneant (*).

(*) aut, E.G. (*) § 2 is omitted in V.

[8] Quod si nec isti fuerint, sorores patris (*) in sereditatem eius (*) succedant.
(*) matris, F. (*) eius, om. V.

[4] Si uero sorores patris non extiterint (a), sorores matris (b) eius hereditatem sibi uindicent. (°) stiterint, Q. (b) patris, F.

[5] Si autem nulli borum fuerint, quicumque proximiores fuerint de paterna generatione, ipsi in hereditatem succedant.

[6] De terra uero Salica (*) nulla portio hereditatis mulieri ueniat sed ad uirilem sexum tota terrax (*) hereditas (*) perueniat.
(*) saliga, V and 4418. (*) terra hereditatis, Q and Cod Est.

LXII. DE ALODE.

Cf. L. Sal. 99; Ed. Chilp. 3; L. Rip. 58; Gund. 14, 74, 75, 78 (this last tit. is given at the end of the L. Sal. in Cod. 3); Bd. Roth. 153-160; L. Grim. 5; Liu. 1, 13, 14, 145; Ah. 10; Sax. 14, 44; Thur. 26-24; Wisig. IV. 2; Cham. 42; Alf. 41; Hear. 70; Waitz, 108, 117, 113, 115, 117, 1; Sohm, R. u. Ger. 118; Mon. Germ. Legg. 1, 101.

Germ. Legg. 1. 191.

H 3 & 4 of the L. Em. are in a reversed order from that of the other texts, and agree in this respect with Hubé's text.

LXIII. DE EO QUI SE DE (*) PAREN-TILLA (*) TOLLERE UOLUERIT.

[1] Si quis de parentilla (*) tollere se noluerit, in mallo ante tunginum (*) aut centenarium ambulet et ibi quattuor fustes alninos (*) super caput suum frangat, et illas quattuor(*) partes(*) in mallo iactare debet et (*) ibi dicere ut (!) et (*) de (*) iuramento et de hereditate et de tota illorum se ratione tollat.

(*) in, A. (*) (parentilla, corr.) parentela, Q. (*) parentela, Q. (*) tungqimm, Q. (*) alninas, Q. (*) tres, Q. (*) Pand other MSS. add: per angulos coram omnibus; G has: alninus super scabulas quattor partes in mallo iactare. (*) et, om. Q. (!) ut, om. T. (*) aut, Q.

[3] Et si postea aliquis (*) de parentibus suis aut moritur (*) aut occiditur (*), nihil ad eum de eius hereditate uel de conpositione pertineat.
(*) aliquis, om. Q. (*) moriatur, Q. (*) occidatur, Q.

[3] Si autem ille occiditur aut moritur, conpositio aut (*) hereditas eius non ad hæredes eius sed ad fiscum pertineat (b) aut cui fiscus dare

(*) et, Q. (b) pertineant, Q.

Cf. L. Henr. 88.13; Waitz, 114, 115, 149, 172, 206; Sohm, R. u. Ger. 70, 391.

COD. 1.	COD. 2.	COD. 3.	CQD. 4.	CODD. 6 & 5.
LXI. DE CHAROENA.	[LXIV] LXIII. DE CAR-	[LXI]. DE CHAROENNA.	LXI. DE CAROEN.	LXI. DE CARRO ENNO(*).
[1] Si quis alteri de manum suam desuper alterum aliquid rapuerit, rem in caput reddat et insuper, mai alcham, hoc est Mcc din. qui fac. sol. xxx culp. iud.	VENNA. [1] Si quis alters super illo idem mano super illo alique inripuit, rem in capite reddat, sol. xxx culp. iud.	[1] Si quis alteri de manu per uirtutem aliquid tulerit de super illam rem in capitalem restituat, et insuper sol. xxx culp. iud.	[1] Si quis alteri de manu per uirtutem aliquid tulerit desuper illam rem in caput reddat, et ille MCc den. qui fac. sol. xxx culp.	desuper (b) illium (c) aliquid per
[2] Si quis uero hominem mor- tuum expoliauerit uiolenter, IIM din. qui fac. sol. IXIII culp. iud. Similiter et super hominem uiuo aliqua expolia tulerit uiolenter, mai mosido, hoc est sol. IXIII culp. iud.				
[8] Si uero quicumque homo quemlibet rem desuper hominem mortuum in terra manum mittere uoluerit, sed si hæc manum uiolenter tulerit, **Mcc din. qui fac. sol. **xxx culp. iud.	in uiolente, quo si agnusciret dicitur	rem super hominem in tertia manu	hominem in tertia manu miserit et ei per uirtutem tulerit, MCC den. qui	hominem in tertia manu miserit et ci
	[8] Si quis hominem dimente expoliauiret, sol. \overline{c} (sic) culs.	[8] Si quis hominem dormientem expoliauerit, c sol. culp. iud.		[2] Si quis hominem dormientem in furtum expoliauerit, math freomosido, sunt den. HILM qui fac. sol. c culp. iud.
I.XII. DE CONPOSITIONE HOMICIDII,	[XLVIII] XLVII. [LXV] LXIIII. DE CONPOSI- CIONE HUMI- CIDII. CIDII.	LXII. DE CONPOSITIONE HOMICIDII PATRUM, QUA- LITER PARENTES INTER SE DIUIDAT.	LXII. DE CONP <i>OSI</i> CIO HOMICIDIUM.	LXII. DE CONPOSITIONI- BUS(*) HOMICIDLÆ(*).
[1] Si cuiuscumque pater occisus fuerit medietate conpositionis filii collegant, et alia medietate parentes quae proximiores sunt tam de patre quam de matre inter se diuidant.	Si cuius pater occisus fuerit medietate conposicious fueret mecionis filii ad se colegant, et illa cione filio, et alia alia medietate parentis qui proximioris sum tam vimioris sum tam de patre quam et de matre quam et de matre inter se decuidant;	Si quis cuiuscumque pater occisus fuerit conpositionem homicidii me- dietatem filii collegant; alia medie- tate parentes qui propinqui sunt tam de paterna quam et de materna diuidant;	Si cuiuscumque pater hoccisus fuerit conpositionem homicidii me- dietatem fili collegant; alia medie- tate parentes propinqui qui sunt ad se recollegant uel inter se diuidant.	Si quis cuiuscumque pater fuerit occisus medietatems parentes qui proximiora (*) sunt tam de patre quam et (4) de matre diuidant; (*) conpositionis. (*) homicidie. (*) proximiores. (4) et, em. 5
[2] Quod si de nulla paterna seu materna nullus parens non fuerit, illo portio in fisco colligatur.	quod se de una quod si una parte seu materna paterna si cum nullis parentis mater nullus parentis fuerit, illa porcio rentis fuiret, illa porcio in fisco coligatur.	quod si de una parte nullus parens fuerit, illa portio in fisco collegatur.		quod si (*) una parte seu paterna scu materna nullus parens fuerit, portio illius in fisco collegatur aut cui fiscus dare uoluerit. (*) da.
LXIII. DE HOMINE INGENUO QUI IN HOSTE OCCIDITUR.	[XLVII] XLVI. [LXVI] LXV. DE HOMINE IN OSTE OC- CISO. CISO.	LXIII. DE HOMINE IN HOSTE OCCISO.	LXIII. DE HOMINE IN OSTE HOCCISO.	LXIII. DE HOMINEM IN HOSTE OCCISUM.
[1] Si quis hominem ingenuum in oste occiserit et in truste dominica non fuit ille qui occisus est, mal leude, hoc est xxiiiii din. qui fac. sol. de culp. iud.	Si quir hominem, quia lege nem ingenuo in salica uiuit, dum oste occiseret, est in oste hoccideret, malb leodardi, sol. DC culp iud.	[1] Si qu's hominem ingenuum in hoste occiserit, cui fuerit adprobatum, sol. nc culp. iud.	[1] Si quis hominem ingenuum in oste hocciderit, cui fuerit adprobatum, xxivM den. qui fac. sol. oc culp.	Si quir in hoste in conpanio de conpagenses (*) suos hominem occiderit, secundum quod in patria si ipso occidisset (*) conponere debuisset, in triplo (*) conponat. (*) conpaniones. (*) occisisset. (*) triplum.
[2] Si uero in trustae dominica fuerit ille qui occisus est, cui fuerit adprobatum, mal mother, hoc est Mocce sol. culp. iud.		[8] Si qui uero in truste dominica est ille qui occisus fuerit, sol. DCCC culp. iud.	[8] Si quis in truste dominica qui hoccisus fuerit, M'DCCCC den. qui fac. sol. LXX culp.	
388	380	300	391	. 392 .

CODD. 7, 8, 9.	COD. 10.	LEX EMEND.	OBSERVATT.
XCIV. DE AROENA (4).	LXIIII. De Harouueno.	LXIV. DE CHAROENA (*).	Cf. Recap. L. Sal. (*) 18; L. Gund. 9; Waitz, 158, 197, 198.
[1] Si quis de manu (*) ad (*) ira aliquid per uirtutem tollerit (*) aut rapuerit uel expoliauerit (*), sol. xxx culp. iud. (*) no rubric in B. H. (*) manum. 9. (*) aliquid per iracundiam (iram, B) aut per uirt., B.C.H. (*) tulerit, 8.B. H; tullerit, 9. (*) 8 adde: CCXL den qui fac.	1 Si quis alteri de manu aliquid per uim tulerit et raubauerit aut exspoliauerit, MCC den. qui fac. sol. xxx culp. iud., et rem pro capitale restituat.	[1] Si quis alteri de manu aliquid per uim tulerit aut rapuerit, rem pro capitale restituat et insuper MCC din. qui fac. sol. XXX conponat. (*) chrarenai, Q; charenous, Cod. Est.	
[2] Si uero quicumque desuper hominem aliquid in (*) tertia manu (*) miserit et per (*) uirtutem aliquis (*) ei (*) tullerit (*), mal aroena, [Mcccc den. qui fac.] sol. xxxv culp. iud. (*) de, 8. (*) manum, p. (*) super, 8. (*) aliquid, 8; aliquit, 9. (*) ei, om. 9. (*) B.G.H.: Si quis desuper h. a. per uirtutem tullerit et in tertia manu miserit, s. XXV.v. c. i.; F. unites §§ 1 and 2: S. q. d. m. akq. p. irac. et aut per u. tulerit et in tercia manu m. s. XXXV.c. i.	2 Si uero + quicunque desuper hominema aliquid in tertia manu miserit et ei per uirtutem aliquid tulerit, malb. charouueno, MCC den. qui fac. sol. xxx culp. iud. + Si quis homini aliquid quod el in tertiam manum missum fuerat, per uim tulisse conuincitur.	[2] Si quis homini aliquid quod ei (*) in tertia manu missum fuerat per uim tulisse conuincitur, MCC din. qui fac. sol. XXX culp. iud. (*) euw, Q.	The first part of this \$, which occurs in Cod. 1 only, seems to be a repetition 1) of \$1 of tit. 55; 2) of \$8 &c., of Codd. 2-6, Herold and L. Em. under tit. 14. The second part seems to be a repetition of \$1 of tit. 14.
·			A corresponding \(\frac{1}{2}\) occurs under tit. 14 in Codd. 2, 3, 5-10 and L. Em., with the exception of dormicatem instead of dimente in Cod. 2.
LXXII. [DE (*) CONPOSITIONE (*) HOMICIDII (*)].	LXV. De Compositione Homicidii.	LXV. DE CONPOSITIONE HOMICIDII.	Cf. L. Sal. 101; Waitz, 110, 111, 114, 206.
Si quis cuiuscumque pater occisus fuerit medietatem (4) conposicionis (9) filii collegant (7), illa alia medietate qui propinquioris (8) sunt tam de patre quam de (b) matre diuidant; (7) rubric 9/8; no rubric in 7.B.H. (b) conpusicione, 9, (7) humicidiis, 9, (4) - tate, 8, (7) - tiones, 8, (7) 9 adds: et; recipiant et aliam medietatem qui &c., B.H. (9) - res, 8.B.H.; proximiores, F.G. (b) de, om. F.G.	Si cuiuscunque pater occisus fuerit medietatem filii in compositione colligunt, et aliam medietatem parentes qui proximiores fuerunt tam de paterna quam de materna generatione diuidunt.	[1] Si alicuius pater occisus fuerit medietatem conpositionis (*) filii colligant, et aliam medietatem parentes qui proximiores fuerint tam de paterna quam de materna generatione diuidant. (*) conp. – medietatem, om. Q.	
quod si de una parte seu(1) paterna seu(2) materna nullus parens fuerint(1), illa(2) porcione(2) fiscus adquirat. (1) se cum, o. (2) se cum, o. (3) fuerit, 8.9. B - H. (2) silam, B - H. (3) portionem, B - H.	Quod si de paterna uel materna parte nullus proximus fuerit, portio illa ad fiscum perueniat uel cui fiscus concederit.	[2] Quod si de una parte uel paterna uel materna nullus proximus fuerit, portio illa ad fiscum perueniat uel cui fiscus concederit (4). (*) conceditur, Q; dare uoluerit, V.	
	·		
LXXI. [DE HOMINE IN OSTE OCCISO] (*).	LXVI. De homine in hoste occiso.	LXVI. DE HOMINE (4) IN HOSTE OCCISO.	Cf. Recap. L. Sal. 27, 28; Sept. Caus. viii. 1; L. Rip. 63; Waitz, 104, 105, 188; Sohm, Proc. 155 (note); id. R. u. Ger.
Si (b) homincm (e) ingenuum (d), qui (e) lege (f) salica (f) uiuit (h), dum (l) in (k) hoste (l) esf (m) occiserit (n), [VIIIM den. qui fac.] sol. cc culp. iud.	tripla composi- Salica uiuit in lege uiuit, in	fuerit ille homo.	40, 572.
(1) rubric of 9; no rubric in 7.8.B-H. (1) 8.9.B-H. add: quis. (1) homo, 2. (1) ingennum, 8. (1) qui, orn. B-H. (1) legens, B.F.G. (2) salicam, B.F.G. (3) uluentem, B-H. (4) dum, orn. B-H. (4) in, orn. F.G. (7) oste, 8.9.B; h., orn. F.G. (**) est, orn. B-H. (**) occisserit, 8.	tione compo- natur sicut in patria compo- nere debuit. hoste, in b com- panio, de o com- paniei suorum occiderit, se- cundum quod in patria si ipse occisus esset componere de- buisset, in triplo componat. hoste occide- it, malb. leu- da r di t res pellia, xxiiii. den. qui fac. iud. sol. DC culp.	(*) omine, Q. (*) tripliciter conpositionem, Q. (*) truxte, Q.	
	4 Si uero in triste dominica ille qui occisus est occisus fuerit, mal. leudardi tres pellia, LXXIIM den. qui fac. sol. MDCCC culp. iud.	[2] Nam si ex truste regale fuerit, eandem (*) conpositionem quam infra patriam facere debuit culp. iud., hoc sunt din. LXXIIM qui fac. sol. MDCCC. (*) candem, om. Q.	Cf. Recap. L. Sal. 30, 31.
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COD. 1.	COD. 2.	GOD. 8.	GOD. 4.	GODD. 6 & 5.
LXIIII. DE HERBURGIUM.	[LXVII] LXVI. DE ERE- BURGIIS.	LXIIII. DE ERBORGIUM.	LXIIII. DE HERBURGIUM.	LXIIII. DE CHEREBUR- GIUM(*).
[1] Si quis alterum herburgium clamauerit, hoe est strioporcium, aut illud qui hineo portare dicitur ubi strias coccinant, mal humnisfith, hoe est ILM(*) din. qui fac. sol. LXIII culp. iud. (*) leg. MMD.	[1] Si quis alterum barbaro clamaueret, hoc est strioporcio, aut illo qui inco portare dicitur abstrias cucinant, maib sol. LXII culp. ind.	[1] Si quis alterum herborgium clamauerit, hoc est strioportio, aut illum qui eneum portat ubi strias coquinantur, et non potuerit adprobare, sol. LXII culp. iud.	clamauerit, hoc est strioportio, aut	aut qui eneum (e) portare dicitur ubi strias (4) conueniant (4), et non
[3] Si quis mulierem ingenuam stria clamauerit et probare non potuerit, MMD din. que fac. in triplum sol. LXXXVIIII culp. iud.	[2] Si uero mulierem clamaueret, hoctoaginta et semis sol. conponat.	[2] Si quis mulierem striam clamauerit et non potuerit adprobare, xxxv sol. culp. iud.	[2] Si quis mulierem striam clamauerit et non potuerit adprobare, MCC den. qui fac. sol. xxx culp.	[2] Si quis mulierem ingenuam striam (*) aut meretricem [cla-mauerit] (*), malb faras *, sicui superius diximus, in triplo conponat. (*) estriam. (*) clam. supplied from Cod. 5.
				[8] Si stria (*) hominem commederit et ei fuerit adprobatum, malb granderba*, suns den. VIIIs qui fac. sol. cc culp. iud. (*) estriam.
				•
LXV. DE CABALLO MORTUO EXTRA CONSILIUM DOMINI SUI DECOTATO.	[LXVIII] LXVII. DE CABALLO MORTUO EXCORTEGATO.	LXV. DE CABALLO EXCOR- TICATO.	LXV. DE CABALLUM EXTRA CONSILIUM DOMINI SUI DECOTATUM.	LXV. DE CABALLO MORTUO(*) SINE CONSILIUM DOMINI SUI DECORTICATO(*).
 Si quis caballum alicuius extra consilium domini sui decota- uerii, interrogatus confessus fuerit, caballum in capite reddat. 	Si quis caballo extra consilio domini sui excortigaueret, sol. xxx conponat, excepto capitate et dilatura.	Si quis caballum extra consilium domini sui decorticauerit, si inter- rogatus confessus fuerit, caballum in simblum reddat;	[1] Si quis caballum mortuum extra consilium domini sui decota- uerit et interrogatus confessus fuerit, caballum in simblum reddat.	Si quis caballum alienum sine consilium (*) domini sui excortica- uerit (*) et interrogatus fuerit con- fessus, caballo ipso in capitale (*) restituat; (*) mortuum. (*) -catum. (*) -lio. (*) decotegauerit. (*) capite.
[2] Si uero negare uoluerit et ei fuerit adprobatum, excepto capitale et dilatura, mai secthis, hoc est MCCCC din. qui fac, sol. xxx culp. iud.		si uero negauerit et ei fuerit adpro- batum, xxxv sol. culp. iud., excepto capitale et dilature.	[9] Si uero contra uoluntatem domini sui decotauerit et ei fuerit adprobatum, excepto capitale et dilatura, Mcc den. qui fac. sol. xxx culp.	si uero negauerit et ei fuerit adpro- batum, malb turnechroso*, DC den. qui fac. sol. xv culp. iud., [excepto capitale et delatura] (7). (7) exc. c. et del., supplied from Cod. 5.
	107); 74 [75] (see ch. 75); 75 [76] (see ch. 74); 76 [77] (see ch. 76); 77-80; [78-81] (Pactus Childeberti regis); further, as Liber III, chapters 81-90 [82-01] (Decretic Chlotharii regis).	Here follow in Cod. 3, as Chapters 66-80, the Pactum pro tenore pacis, and as Chapters 81-83, the Chapters 78, 42 and 75 of the Lex Burgundionum.		Here follows in Cod. 6, as Chapter 66, the Pactum pro tenore pacis.
	91 [92] (see ch. 97); 92 [93] (see ch. 107); 93 [94] (see ch. 104).			
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				! ; !
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00DD. 7, 8, 9.	COD. 10.	LEX EMEND.	OBSERVATT.
XCV. DE HEREBURGIO (*).	LXVII. De Herburgium.	LXVII. DE EO QUI ALTERUM HERE- BURGIUM (*) CLAMAUERIT.	Cf. Ed. Roth. 197, 198, 376, 381; Par. Sax. 6.
Si quis alterum hereburgio (*) clamauerit, hoc est strioporcio (*), aut illum (*) qui inio (*) porta (*) dicitur ubi strias coccinant (*), et probare uoluerit (*) et (*) nom potuerit (*), [MMD den. qui fac.] sol. LXIIS (!) culp. iud. (*) recemburgio, 9; no rubric in B-H. (*) herburgio, 3; recemburgio, 5, hereburgio, F.G. (*) istrio portio, 8.B; strioportio, F.G.H. (*) ill., 9. (*) aenco, F.G.R; in zenco, B. (*) portare, 8.BH; portaurit, 9. (*) cocinant, 8.9.B.F.G. (*) noluerit, H; uol., om. 8. (*) et, om. 8. (*) poterit, H. (*) LX, F.G. (For Ch. 96 see Extravag. A.1).	1 Si quis alterum "Cheruioburgum, hoc est strioportium clamauerit, aut illum qui "inium dicitur portasse ubi Strias cocinant", et eum conuincere non poterit, mmo den. qui fac. sol. LXII et dimidium culp. iud.	[1] Si quis alterum hereburgium (*) clamauerit, hoc est strioportium, aut (*) qui aeneum (*) portare dicitur ubi strize concinnunt (*), et conuncere non potuerit, MMD din, qui fac. sol. LXII cum dimidio culp. iud. [**) herburgium, Q; ereburgium, Wolf. Aug. 8. (*) at qhium, Q; with tomething written over the u which seems to be L. (*) (concuniunt, corr.) conveniunt, Q.	
(Cf. tit. 48 } 4, under tit. 30).	2 Si quis mulierem ingenuam Striam clama- uerit, aut meretricem, et conuincere non potuerit, VIIMD den. qui fac. sol. CLXXXVIII culp. iud.	[2] Si quis mulierem ingenuam striam clama- uerit, aut meretricem, et conuincere non potuerit, viimu din. qui fac. sol. CLXXXVI(*) cum dimidio culp. iud. (*) CLXXXVIII, G.Q; CLXXXVIIS, T.V; CLXXXII et semis, R.E.	Cf. L. Sal. 30. 3; Recap. L. Sal. (*) 25 (*) 27. In Cod. 6 the gloss is not quite legible, owing to its being written over some letters which have been but partly erased. The second a seems to be \(\bar{a}\).
	8 Si Stria hominem comederit et conuicta fuerit, viiim den. qui fac. sol, cc culp. iud.	[3] Si stria (4) hominem comederit et conuicta fuerit, viiim din. qui fac. sol. cc culp. iud. (*) striam, Q.	
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	LXVIII. De Caballo excorticato.	LXVIII. DE CABALLO EXCORTIGATO(*).	Cf. L. Sal. 38, 8 &c. Rip. 86; Gund. 73. 3; Waitz, 167, 169, 197.
(Cf. tit. 63, under tit. 38).	Si quis caballum extra consilium domini sui decorticauerit, malb. leudardi, pc [den.] qui fac. sol. xv culp. iud., excepto capitale et delatura, et si confessus fuerit, capitale tantum restituat.	[1] Si quis caballum alienum sine consensu possessoris (*) decortigauerit (*) et interrogatus fuerit confessus, caballum ipsum in capite (*) restituat. (*) excorticato, Q; ecorticato, V. (*) possoris, Q. (*) excorticauerit, Q. (*) capitale, Q.	
	Si uero negat et conuictus fuerit, sol. xv componat.	[2] Si uero negauerit et conuictus fuerit, pc din. qui fac. sol. xv culp. iud., excepto capi- tale et delatura.	
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402	403	404	405

The 12 following chapters (66-77) occur in 1) Cod. Par. 4404 (Cod. 1), where they follow immediately after chapter 65, which concludes, as is generally supposed, the oldest redaction of the Lex Salica. Chapters 74-76 occur in 2) the Wolfenbüttel MS. (Cod. 2), and there form ch. 76, 75 and 77. Chapter 67 occurs in 3) Herold's edition (Cod. 10), and all the chapters (except the 4th and the text of the first ch.) occur in 4) the Leiden Cod. (Voss. Lat. 119) referred to as Q under the 65 first chapters, but here called Cod. 11. Lastly, Chapters 67 and 68 are found in 8) all the codices of the Lex Emendaia. In 1837, Pertz, having regard to what is said in the Prologues and Epilogues, published these chapters (Mon. Germ. Legg. 11. fol. 1) as: "Chlodovechi regis capitula Pacto Legis Salicae addita, A. 500-11." Pardessus, adopting Pertz' views, published the same chapters, first in 1843 (Diplom. 1. 43) as: "Capitula quæ Legi Salicae addita fuisse videntur a Chlodoueo 1 (circa ann. 501)," and in 1846 (Loi Salique, p. 329) as Capita extravagantia, 1-xII. In 1850, Merkel, not wishing to ascribe them to any particular king, published them in his edition of the Lex Salica as "Capp. (66-76) of the Merovingian kings." Lastly, in 1874, Boretius edited them (in Behrend's edition of the Lex Salica) as "First Capitular," saying that neither the Codd. nor the epilogues allow the chapters to be ascribed, with any degree of probability, to definite kings or definite years. They appear here in the same order as they occur in Cod. 1 and, therefore, in the same order as in Merkel's edition, except that in the latter work ch. 67 is numbered 67°, and ch. 68 is numbered 67°; in the present work, therefore, the numbers of the chapters are, after ch. 67, one in advance of Merkel's edition.

COD. 1.	COD. 2.	COD. 10.	COD. 11.
LXVI (*). DE MITIO FRISTITO (b). Si quis truste dum uestigio minant detenere aut battere praesumpserit, MMD din. qui fac. sol. LXIII culp. iud. (*) Cf. L. Sal. 37; Pact. pro ten. pac. (Decret. Chlot.) c. q. (*) fristatito, in tab. rubr.			do micio fristati - o. [The above rubric (which appears in the index of the MS. as: De mitio fristratitio) is the only portion of this chapter which has been preserved in Cod. 11. They are the last words of the last line on the verso of leaf 88, and follow immediately after the epilogue: Quem uero rex francorum. After this a whole quaternio is wanting in the MS. The letter, here represented by - , is no longer visible].
[LXVII](*) Si quis hominem de furcas abaterit (*) extra consilium domini (*) sui (*) iudicis.			
Si quis hominem extra consilium iudicis de furcas abaterit, aut de ramum ubi incrocatur, aut reponere (4) praesumpserit, Mcc din. qui fac. sol. xxx culp. iud. (*) Cf. L. Sal 4r, 107; Sohm, Proc. 179, 180. (*) descenderit, in tab. rubr. (*) dom. sui, om. in tab. rubr. (4) Cf. L. Sal. 74.		LXIX. 4° Si quis sine consensu iudicis de ramo ubi incrocatur, deponere praceumpserit, MCC den. qui fac. sol. XXX culp. iud. (*) (*) For \$\frac{1}{2}\$ z and 2 see tit. 107; for \$\frac{1}{2}\$ 3 see tit. 41.	LXVII [LXX]. [2] (*) Si quis hominem sine consu iudicis de ramo ubi incrogatus est, deponere presumpserit, MCC den. qui fac. sol. xxx culp. iud. (*) (*) For 16 1 and 3 see tit. 41. (*) The MSS. of the Lex Emend. have (LXIX. 2): S. q. h. s. consensu (consu, Wolf. Aug. 8): d. r. u. incrocatur d. p., MCC d. q. f. sol. xxx c. i.
LXVII[1]DE_EUM_QUI_HOMI-			
NEM UIUO(*) DE FURCA FURAUERIT.			T T T T T T T T T T T T T T T T T T T
Si quis hominem uiuo de furca (*) tollere aut demittere praesumpserit, mat mor chamo, hoe est hill din. qui fac. sol. c culp. iud. (*) uiuum, in tab. rubr. (*) furcas, in tab. rubr.		·	LXVII [LXX]. [4] Si quis hominem niuum de furca dimiserit, IIIIM den. qui fac. sol. c culp. iud. (*) (*) The L. Emend. (LXIX. 4) has. S. q. u. h. d. f. d., IVM d. q. f. sol. C culp. iud. (For Ch. 68 (71) of Cod. 11 see Extrav. A.1).
LXVIII[I]. DE EUM QUI INFAN- TEM ALIENUM TÜNDERE PRAESUMPSERIT(*).			
[1] Si quis puerum crinitum extra con- silium parentum tundero praesumpserit, mat uidri darchi, hoe est MDCCC din. qui fac. sol. XLV culp. iud.			
[9] Si uero puella tunderit, hoc est extra concilio parentum, IIIM din. qui fac. sol. C culp. iud. (*) Cr. til. 24, where the corresponding \$1 of the other texts are found. Cf. Sohm, R. u. Ger. 548.			
LXVIII[I]. DE MULIERE QUI SE CUM SERUO SUO COPULAT().			LXVIIII (LXXII). DE MULIERE QUI SE CUM SERUO SUO COPULAUERIT.
[1] Si quis mulier qui cum seruo suo in coniugio copulauerit, omnes res suas fiscus adquirat et illa aspellis faciat. (*) Cf. L. Sal. 12, 25, 6; Ra. L. 6; Wisig. III. 2. 3-4; Sohm, Proc. 188.			[1] Si (quis, corr.) qua (mulierem, corr. mulier qui cum seruo suo in coniugio copulauerit, omnes res suas fiscus atquirat et illa aspellias fa
[2] Si quis de parentibus eum occi- derit, nullus mortem illius nec parentes nec fiscus nullatenus requiratur.		-	si quis eam occiderit, nullus morte illius nec parentes nec filius requiratur.
Seruus ille pessima truciatu ponatur, hæ est in rota mittatur. Et uero muliere ipsius de parentibus aut quaelibet panem aut hospitalem dederit, sol. xv culp. iud.			[2] Seruus uero pessima poena ponatur, hoc est ut in rota mittatur; et mulier uero ipsius de parentibus aut quaelibet panem aut hospitalem dederit, sol. xv culp. iud.

TITULI LXXILXXIII.				
COD, 1,	COD. 2.	OOD. 10.	COD. 11.	
LXX[I]. DE CONCILIATO-RIBUS(*). [1] Si quis filium aut filiam alienam extra consilio parentum in coniugio copulandum consiliauerit et ei fuerit adprobatum, et parentes exinde aliquid damnati fuerint aut certe raptores uel conuiuas conciliatores fuerint, morte damnentur, et res ipsorum fiscus adquirat. (*) Cf. L. Sal. 13, 105. [2] Raptores uero, quod in anteriorem legem (*) scriptum est, amplius non damnentur. (*) L. Sal. 13, 4			LXX [LXXIII]. DE CONSILIATO-RIBUS. Si quis filium aut filiam alienam extra consilium parentium in coniugio copulandum conciliauerit et ei fuerit adprobatum, et probatis exinde aliquid dampnati fuerint aut certe rapta res ucl conuluas conciliatores fuerint, morte damnentur, et res ipsorum fiscus atquiratur; raptores uero, quod in anteriore scriptum est, amplius (damnetur, corr.) damnentur.	
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LXXI[I]. DE MULIERE UIDUA QUI SE AD ALIUM MARITUM DONARE UOLUERIT (*). Si quis mulier uidua post mortem mariti sui ad alterum marito dare uoluerit, prius qui eam accipere uoluerit, reibus secundum legem (*) donet; et postea mulier, si de anteriore marito filios habet, parentes infantes suorum consiliare. Et si in dotis xxv solidos accepit, iii solidos achasium parentibus qui proximiores sunt marito defuncto donet; hoc est si pater aut mater desunt, frater defuncti aut certe nepus, fratris senioris filius, ipsis achasius debetur. Et si isti non fuerint, tunc in mallo iudici, hoc est comite aut grafione, roget de eam in uerbum regis mittat. Et achasium quem parentibus mortui (chariti, corr.) mariti dare debuerant, parti fisci adquirat.			LXXI [LXXIV]. DE MULIERE UIDUA QUI SE AD ALIO MARITO DARE UOLUERIT. [1] Si quis mulierem post mortem mariti sui ad altero marito se dare uo- luerit, primus qui eam accipere uoluerit, rebus secundum legem donet; postea mulier si de anteriore marito infantem habet, parentes infantum suorum consi- liare debent; et si in dotis xxv soli do: accipit, III soludos adecium parentibus qui proximiores sunt marito defuncto donet; si pater aut mater defuncti aut certe nepus, frairis seniores filius, ipsis ade- sium debet; et si isti non fuerint, tunc in mallo iudici, hoc est comiti aut grafioni, roget de ea in uerbo regis mittat; et hacesium quam parentibus mortui mariti dare debuerant, parti fisci adquiratur.	
"(*) Cf. L. Al., Pact. III. 1, 2; Hloth. 55; Bal. 15.7-10; Gund. 24; Wisig. III. 2, 1; Waliz. 24; Sohm, R. u. Ger. 151, 161, 176 (*) L. Sal. 44. Si uero LXIII solidos in dotis accipiat, solido vi in achium dentur, hoc est v per decinus solidos singuli in achasium debentur. Sic tamen ut dotem quem anterior maritus dedit, filiis suis post obitum matre sine ullum consorcium sibi uendicent ac defendant. De qua dotem matre nec uendere nec donare praesummat. Certe si mulier de anteriore marito filios non habuerit, et cum dote sua ad alias nuptias ambulare uoluerit, superius diximus achasium donet. Et sic postea scamno cooperia et lecto cum lectaria ornet; et ante viiii testes parentibus defuncti inuitat et dicat: Omnis mihi testes scitis quia et achasium dedi ut pacem habeam parentum et lectum stratum et lectaria condigna et scamno coperto et cathedras quae de casa patris mei exhibui, hic dimitto. Et hoc liceat cum duas partes dotis sui alio se dare marito.			[2] Si uero solidos IXIII in (dotis, corr.) dote accepit, solidi III adesium dentur, hoc est quinque per decenos solidos singuli adhesium debet; sic tamem ut dotem quem anteriorem maritus dedit, filits suis post obitum matris sine ullam consorciam sibi uindicent hac defendat; de qua (dotem, corr.) dote mater nec (uinderit, corr.) uindat nec donare presumat; certe si mulier de anteriore marito filios nom habuerit, et cum dote sua ad alias nuptias ambulare uoluerit, sicut superius diximus adhesium donet; et sic postea scamno co-operiat et lecto cum (let., corr.) lectaria ornet; et ante nouem testes parentibus defuncti marito inuitare debet et dicat: omnis mihi testes sitis que adhesium dedi ut pacem habeat in parentum et lectum stratum et lectaria condigna et scamno cooperto et cathedras que de casa patris mei exhibui, hic dimitto; et hoc liceat cum duas partes dotis in alio sedere marito.	
Si uero istud non fecerit, duas partes dotis perdat, et insuper fisco solidos LXIII culp. iud. De (*) puellas militurias uel litas haec lex medietate seruetur. (*) De-seruetur, to perhaps not here in its place; cf. below tit. 76, § 9.			[8] Si uero istud non fecerit, duas partes (dotes, corr.) dotis perdat, et insuper fisco solidos LXIII culp. iud.	
LXXI (leg. LXXII(I)). DE UIRIS QUI ALIAS DUCUNT UXORES(*). [1] Si quis uxorem amiserit et aliam habere uoluerit, dotem quem primarie uxorem dedit, secunda el donare non licet. Sic tamen adhuc filii paruoli sunt, usque ad perfectam aetatem rex (sic) uxores anteriores uel dotis caute liceat iudicare; sic uero de has nec uendere nec donare praesummat. (*) Cf. L. Sal. 46; Capit. Lud. 10. [2] Si uero de anteriorem uxorem filios non habuerit, parentes qui proximiores sunt mulieris defuncti duas partes dotis recoligant et duos lectaria demittant, dua scamna coperta, duo cathedras. Quod si istud non fecerint, tertia sola de dote recoligant; tamen si per adfatimus antea non cromauerint.			LXXII [LXXV]. DE UIRIS QUI ALIAS DUCUNT UXORES. [1] Si qui uxorem admixerit et alium habere uoluerit, dotem quem primaria (uxorem, corr.) uxor ei dedit, secunda ei dotare nom licet; si tamem adhuc fili paruuli sunt, usque ad perfectam ætatem res uxores anteriores uel dotis causa liceat iudicare; sic uero ut (heas, corr.) eas nec uinderet nec donare pre- sumpmat. [2] Si uero de (anteriorem uxorem, corr.) anteriore uxore filios non habuerit, parentes qui proximiores sunt mulieres defuncti duas partes dotis recollegat et dua lectaria dimittant, et duos scamnos coopertos et duas cathedras; quod si istud non fecerit, tertia sola dotæ recol- legant; et tamen si per adfacimus antea nom	
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COD. 1. COD. 2. COD. 10. COD. 11. LXXIII[I]. DE HOMINEM INTER DUAS UILLAS OCCISUM. LXXIII [LXXVI]. DE (HOMINEM, corr.) HOMINE INTER DUAS
UILLAS (OCCISUM, corr.)
OCCISO. LXXV[I]. DE HOMINEM INTER DUAS VILLAS OCCISUM. Sicut adsolet homo iuxta uilla aut inter duas uillas proximas sibi uicinas fuerit interfectus, ut homicida illa non appareat, sic debet iudex, hoe est comis aut grafio, ad loco accedere et ibi cornu sonare debet. Et si non uenerit qui corpus cognoscat, tunc uicini illi in quorum campo uel exitum corpus inuentum est, debet facere bargo v. pedes in altum, et praesentia iudicis leuare corpus. Et debet iudex nuntiare et dicere: homo iste in uestro agro uel in uestibulum ext occisus. Contestor ut usque septem noctes non reponatur, et de homicidium istud uos admallo ut in mallo proximo ueniatis, et uobis de lege dicatur quod observare debeatis. Sicut adsolet homo iuxta strada aut inter duas uillas proximas siue uicinas fuerit interfectus, ut humicida non apareat, sic debit iudex, hoc est comis aut grafio, ad locum accedere, et ibi cornus sonare; et si uinerit (4) qui corpus cognuscit occisi, sic parentibus in noticia ponatur. Si uero (4) non uinerit qui corpus, tunc uicini illi in corum campo uel exitum corpus inuentum est, debent facere bargum v pedis in altum, et presentia iudicis ibi leuare corpus, et debit iudex nunciare et dicere: homo iste in uestro agro uel in uestipolo est occisus; contestor ut usque in vii nocfes non reponatur, et de humicidium stum uos ad mallum ut in mallo proximo ueniatis, et uobis de lege dicatur quis obseruare debiatis. (7) uin. -uero, does not occur in Codd. 1 and 11. OCCISO.

[1] Si(cut, corr.) quis adsallitur homo inxta uilla aut inter duas uillas proximas sibi uicinas fuerit et ibi (crat, corr.) fuerit homo interfectus, et (-dia, corr.) homicida illa non apparuerit, sic debet iudex, ut hoc est comis aut grafio, ad locum accedere et ibi cornos sonare debet; et si non uenerit qui corpus agnoscat, tunc uicini illi in cuius campum uel exitum corpus inuentus est, debet facere barco gurios pedes in altum, et in presentia iudicis leuare corpus, et debet iudex nunciare et dicere: homo iste in uestro agro uel in uestibulum occisus est; contestor uos que VII noctis non reponatis, et de homicidium istum ad mallum uos maneo ut in mallo proximo ueniatis, et uos de lege (docatur, corr.) dicatur quod observare debetis. Tunc uicini illi quibus nunciatur, ante XI noctis, qui meliores sunt cum sexaginus quinus iuratoris se exuant quod nec occississent nec sciant qui occisissest; mino flidis uero uicini quinus denus iuratoris donent singuli, qui id superius diximus, id est quod iurant; si stud sic ante XI noctes non ficerent, nouerint se personam mortui requirenti legibus satisfacire; [2] Tunc uicini illi quibus nunciatur ad iudicem ante XL noctis, que meliores sunt cum sexannos (srie) quinos excusent quod nec occisissent nec sciant qui occisissent; uero quinos denos iuratores donent quod du superius diximus, id est qui querant si istud ante L(1) noctis non fecerint sed persona mortui satisfacere.
(1) The sign for & is visible before the L in the MS., but not X. Tunc uicini illi quibus nuntiatur a iudice ante XL noctes, qui meliores sunt cum sexaginos quinos se exuant quod nec occidissent nec sciant qui occidissent. Minofiidis (*) uero quinos dinos iuratores donent. Qui ut superius diximus, id est qui iurant. Si istud ante XL noctes non fecerint sed persona mortui satisfacere.

(*) Cf. Pact. Alam. 11. 37. III. 25. Si uero iurant quod superius diximus et semper sacramentum idoniauerint, nulla conpositio eis requiratur. si uero iurent quod superius diximus, et se per sacramento edeniauerini, nulla eis conposicio requiratur(*). (*) For Ch. 76 [77] see Ch. 76. [8] Si uero iurant quod superius diximus et rem sacramentum (ædumauerint, corr.) ædomauerint, nulla conpositione requiratur. LXXIIII [LXXVII]. DE PIGNATO-RIBUS. LXXIIII[I]. DE PIGNORIBUS (*). LXXIIII[I]. DE PIGNORACIONE. Si quis debitorem suum per ignoran-tiam sine iudice pignorauerit antequam eum nesti canthe chigio, hoc est accu-sante, et debitum perdat, et insuper, si male pignorauerit, cum lege conponat, hoc est capitale reddat, et solidos xv culp. iud. Si quis debitorem suum pignorancia sine iudice pignorare presumserit, ante-quam eum nestigante higio, et debitum perdat, et insuper similiter, si male de-pignorauerit, cum lege conponat, hoc est capitalem reddat, et insuper xv solidos culp. iud. (4) (*) For Ch. 75 [76] see Ch. 74. Si quis debitorem suum per ignoran-tiam sine (iudici, corr.) iudice pigno-rauerit antequam eum (nesucante, corr.) nesticante chigio, hoc est acusante, et debitum componat, hoc est capud reddat et solidos xv conponat. cuip. 1ud. (*) Cf. L. Sal. 50; Al. 89; Bal. 13; Gund. 19; Ed. Roth. 245-25; L. Liu. 15, 108-110; Pa. Sax. 55, 27; L. Wisig. V. 6; In. 9; Waitz, 182; Sohm, Proc. 3, 4, 31, 125, 168. LXXV[I]. DE MULIERE CESA UEL EXCA-PILATA(*). LXXVI[I]. DE MULIEREM CESAM UEL EXCA-PILLATAM. LXXV[LXXVIII]. DE (MULIEREM CAESAM UEL CAPILLATAM, corr.) MULIERE CAESA UEL CAPILLATA. [1] Si quis excapillauerit, ut ei abonnis ad terra cadat, sol. xv culp. iud. (*) Cf. L. Al. Hloth. 58; Baj. 8; Gund. 33, 92. [1] Si quis mulierem excapillauerit, ut eam (obpinis, corr.) obclinis ad terram cadat, sol. xv culø. iud. [1] Si quis mulierem excapillauerit, t ei obbonis ad terra cadat, sol. xv culø. iud. [2] Si uero uitam suam soluerit ut capilli in scapulam suam tangant, xxx sol. culp. iud. [9] Si uero uittam suam soluerit ut (capillis in capulam, corr.) capilli scapulam suam (tangient, corr.) tangant, xxx sol. culp. iud. [2] Si uero uitta sua solserit ut capilli ad scapula sua tangant, xxx sol. culp. [3] Si seruus mulierem ingenuam per-cusserit aut excapillauerit, aut manum suam redemat aut sol*idos* v reddat. [8] Si quis seruus mulierem ingenuam percusserit aut excapillauerit, aut manum perdat aut sold. reddat (sic). [8] Si seruus mulierem ingenuam per-cusserit aut excapillauerit, aut manum perdat aut sol*idos* v reddat. [4] (*) Si quis mulierem ingenuam prignantem in uentre aut in renis percusserit pugno aut calcem, et ei pecus non excuciat, et illa propter hoc grauata fuerit quasi usque ad mortem, CC sol. culp. iud.

(*) With the following §§ cf. L. Sal. 24. [4] Si quis mulierem ingenuam pre-gnantem in uentre aut in renis percusserit pugnum aut calcem, et ei pecus non excuciat, et illa propter hoc grauata fuerit quasi usque ad mortem, cc sol. culp. iud. [4] Si quis mulierem ingenuam pre-gnantem in uentrem aut in renis percus-serit (pigno, corr.) pygno aut calicem (sic), et ei pecus non excutiat, et illa propter hoc grauata fuerit quasi usque ad mortem, cc sol. culs. iud. [5] Si quis uero pecus mortuum excusserit, et ipsa euaserit, DC sol. culp. iud. [5] Si quis uero pecus mortuum excusserit, et ipsa euaserit, DC sol. culp. iud. [5] Si quis uero pecus mortis mortuum (sic) excusserit ei, et ipsa euaserit, ei pc sol. culp. iud. [6] Si uero ipsa mulier propterea mortua fuerit, DCCCC sol. culp. iud. [6] Si uero ipsa mulier propteria mortua fuerit, DCCCC sol. culp. iud. [6] Si uero ipsa mulier propter hoc nortua fuerit, DCCCC sol. conponat. [7] Si uero mulieri qui mortua est pro aliqua causa in uerbum (*) regis missa est, Mcc sol. culp. iud. [7] Si uero mulier qui mortua est pro aliqua causa in uerbo regis missa est, MCC sol. culf. iud. [7] Si uero mulier qui mortua est pro aliqua causa in uerbo regis missa est, MCC sol. culp. (*) Cf. L. Sal. 13. 6. [8] Si uero infans puella est qui excutetur, MMCCCC solidos conponat. [8] Si uero infans puella est qui excutitur, Mcccc sol. culp. iud. [8] Si uero infans puella est excussitur, duo mille cccc sol. conponat.

GOD. 1.	00D. 2.	GOD. 10.	COD. 11.
[9] (*) Haec lex de militunias uel letas romanas in medietate conuenit obseruare (*). (*) Cf. Pact. pro ten. pac. § 8.	[9] Hec lex de miletunias, uel letas siue romanas in medietatem conuenit obseruare.		[9] Hæc est lex de multitudinis uel (litas, corr.) lites siue romanus in mediætate conuenit observare.
[10] Si quis ancillae pecus mortuum excusserit, spulicella fuerit, LXIII sol <i>idos</i> conp <i>onal</i> , similiter et d <i>inarium</i> unum.	[10] Si quis ancille pecus mortuum excusserit, si pulicella fuirit, LXII sol. culp. iud., similiter et m et dinarium.		[10] Sicut quis ancille pecus mortuum excusserit, si puella fuerit, LXIII sol. conponat, similiter adinarium (sic) unum.
[11] (*) Si uero ancilla ipsa celararia aut genicium domini sui tenuerit, c sol <i>idos</i> et din <i>arium</i> pro ipsa conpo- natur. (*) Cf. L. Alam. Pact. III. 30; L. Alam. 82.	[11] Si uero ancilla ipsa cellarium domini sui uel geniceum tenuerit, c solizios et m et dinarium pro ipsa conponat (*). (*) For Ch. 77-90 [78-91] see Pactus pro tenore pacis &c.	·	[11] Si uero ancilla ipsa cellaria aut genitium domini sui tenuerit, c sol <i>idos</i> et dinarium pro ipsa componat.
LXXVI[I](*). DE EUM QUI CASA ALIENA DICERE PRAE- SUMPSERIT.			LXXVI [LXXIX]. DE EO QUI IN CAUSA ALIENA DICERE PRESUMSERIT.
Cui nec demandata nec laeuespita fuerit et non potuit uindicare, sol. xv culp. iud. (*) Cf. Waitz, 148.			[1] Si quis cuique demandata nec leuerpita fuerit et potuerit uindicare, sol. xv culp. iud.
De postea ei cui causa est liceat legibus causam suam mallare (b). (c) Here follow, in Cod. 1, the chapters 96-98.			[2] De postea ei cuius causa est liceat legibus causam suam mallare.

The following Edict of King Hilperic was discovered by Pertz in the Leiden Cod. (Voss. Lat. 119) where it follows immediately after the preceding chapter. He published it for the first time in the Monum. German. (Legg. II. 10), placing it between A.D. 567-584. Pardessus published it (Diplom. I. 143) from Pertz' text, ascribing it to circ. A.D. 574, King Hilperic having, about that time, conquered the country between the Loire and the Garonne, which was not under the Salic law (Vid. cap. 1). Merkel republished it as cap. 77 of his edition of the Lex Salica, and Boretius (p. 105 of Behrend's ed. of the Lex Salica) as 5th Capitular. The edict is mentioned in the table of contents of Cod. Par. 4404 (Cod. 1), but omitted in the text. For the present work the Leiden Cod. itself has been followed throughout, and no notice has been taken of the apograph of that MS., preserved in the National Library at Paris, as this cannot be trusted in any way.

TIT. 78, SIVE HILPERICI REGIS EDICTUM.

LXXVII[1] (LXXX). DE DICTIS DOMNI HIL-PERICHI REGIS PRO TENORE PACIS. [In the tab. rubr.: De dicta domnin hilperici regis pro tenore pacis, and at the end of the tab. rubr. again: INCIP/T AEDICTUS DOM . HILPERICI REGIS](*).

[1] Pertractantes in dei (nomen, corr.) nomine cum uiris magnificentissimis obtimatibus (b) uel antrustionibus (b) et omni populo nosfro conuenit, quia fluuium caronna (*) hereditas non transiebat (4), ubi et ubi in regione nosfra hereditas detur, sicut et reliqua loca ut et turrouaninsis (*) hereditatems dare debent et accinera (f.)

accipere (f).

(*) Edictus domni Chilpirici regis, Cod. 1, in the tab. rubr. (*) Cf. Zoepā, D. R. II. 27, 60. 62, 64, 68. (*) i.e. Garonna. (*) In his entim regionibus, codex Wisigothorum et codex Alaricianus imperabant, qui de successionibus longe aliter statuebant ac lex salica et ripnaria, Pardessus. (*) Petre explains: "i.e. Ternanensis," referring to Tervanna or Tervenna (ferouanne) in French Flanders. Boretius would read: Turoninsis = Tours. (*) Id est salicis aut ripnariis legibus, Pardessus.

[2](*) Simsleter conuenit ut rebus(*) concederemus omnibus leodibus nosfris, ut per modicam rem (scandalos, corr.) scandalum non (negetur, corr.) generetur in regione nosfra.

(*) No new § in Cod. (*) Le reibus = reipus; cf. L. Sal titt. 44 and 72.

[8] (*) Simili modo placuit atque conuenit, ut si (*) cumque (*) uicinos (*) habens aut filios aut filias post obitum suum superstitutus (4) fuerit (4), quamdiu filii (aduiserit, corr.) aduixerint terra habeant, sicut et lex salica habet. Et (*) si subito (filios, corr.) filii defuncti fuerint, (filio, corr.) filia simili modo (accipiant, corr.) accipiat terras ipsas, sicut et filii, si uiui fuissent, aut (*) habuissent. Et (s) si moritur, frater alter superstitutus fuerit, frater terras (accipiant, corr.) accipiat, non uicini. Et subito frater moriens, frater (4) non derelinquerit superstitem, tunc soror ad terra ipsa accedat possidenda det (*) illi (*) uero et conuenit singula de terras istas qui si adueniunt, ut leodis qui patri nostro turunt consuztudinem quam habuerunt de hac re intra se debeant.

(*) With § 3 Cf. L. Sal. 30 De alodis; Pact. Al III. 1; L. Bal. 15.

(*) With § 3 cf. L. Sal. 50 De alodis; Pact. Al III. 1; L. Baj. 15.
-ro; Gund. 14; Zoepfi, D. R. III. 221 f.; Waitz, 130. No new §
a Cod. (b) leg. quicumque. (*) On micini cf. L. Sal. 45. 3.

(4) i.e. superstites habuerit. (7) Here the Cod. commences a new §. (7) aux is apparently superfluous. (9) New § in Cod. (8) Age, fratrem. (1) Dr. Kern, in a letter to me, suggests to read: Dr. titlit. Titlit, he says, would in the main be the same as O. Fris. Itilities, acquisition, from the D. Mein. which, in "vurchten telen" (to grow fruit) and in "kinderen telen" (to beget children) is an old synonym of the still older winnen (to win). In former times the Dutch said "land winnen," and even now they sometimes the expression is none on dochtern of the "land winnen" (meaning to cultivate land). Dr fill, therefore, menns "de acquisitione. Out it advantism is perhaps an unsuccessful translation of: swa hove (17, rwa (whosoever) the temper (coming) sien (be); cf. the French fearming. Us. before qui, has been omitted, because the conjunctive debrant (for which we must probably read habeaut) made it superfluous, while ut -quam, is a bad construction for qualem. The reading, therefore, would be: "De till uero et conuent: singula de terras istsa ut qui si (= siqui) adueniunt, leodis, qui patre nostro fuerunt, consuetudinem quam habuerunt de hac re, intra se debeant (habeaut, or conservare debrant). And the meaning: But as regards acquisition it has been agreed upon that, with respect to every single piece of such land, the descendants shall maintain among them, in this respect, the same custom which the free subjects who lived under my father (at the time of my father) observed. The two clauses of § 3, therefore, indicate a distinction between patrimonial estates and acquisition, a separate right of succession being reserved to the latter; cf. Marculf, II. 19 & Append. 49 (Roz. 268, 133).

[4] (*) Idemque conuenit, ut quicumque uxorem acceperit et infantes inter se non habuerint, uir, uxorem (*) suam superstitem (*), mortuus fuerit, tunc illa mulier (dimediam, corr.) dimidiam dotem accipiat et (dimediam, corr.) dimidiam partis (*) defuncti marito (4) ad se (recolligant, corr.) recolligat; et similiter (*) sub (maledictione, corr.) tali maledictione (*) mortua fuerit, media maritus simili modo ad se reuocet et medizetatem parentibus ipsius (muliere, corr.) mulieris ad se recollegant (*).

(*) Cf. L. Al. Hloth. 55; Baj. 15, 8-10. No new § in Cod. (*) i.e. uxore sua superstite. (*) leg. parentes (*) leg. mariti. (*) leg. si mulier sub tali condictione. (*) Cf. L. Sal. 72.

[5](*) Quare condictione placuit atque conuenit, ut(*) si seruus hominem ingenuum occiderit(*), tunc dominus serui cum vi iuramento(*), quod pura sit conscientia sua, nec suum consilium factum sit, nec uoluntatem eius, et seruum ipsum det ad uindictam. Et si seruum dare nom potuerit, in ipso iuramento fide(*) data donet, nec ibi sit ubi eum sensit nec scit nec eum (atingere, corr.) adtingere possit; dulgat(*) seruum hoc

est de(s) licentia(s) parentibus coram parentes(h) qui (hoccisus, corr.) occisus est, et de ipso quod uoluerint faciant, et ille sit exolutus.

(*) Cf. L. Sax. II. 51-53; Sohm. Proc. p. 178, 201.

(*) Here the cod. commences a new 1. (*) Cf. L. Sal. 35, 5, 40.

(*) Suppl. proc. 201.

(*) Dr. Kern proposes to read: det licentiam.

(*) Suppl. clus.

[6](*) Similster conuenit, ut quicumque ad (*) mallum (*) fuerit et in (ucritatem, corr.) ueritate testimonia non habuerit unde se zducat, et necesse est aut (*) initium (*) fidem (*) faciant (*) et non habuerit simili modo qui pro eum fidem faciat; et ipse in (senextra, corr.) sinesstra manu fistucam teneat et dextera manu auferat (*).

auterat (*).

(*) Cf. Sohm, Proc. 164, 202, 220; id. R. u. Ger. 122.

(b) Leg. admallatus.

(c) Though the MS. clearly seems to have: aut institum, the general opinion is that we should read: aut milium, and that we should be substituted for aut. The word occurs also in L. Sal. ch. 32 (§ 5 of Cod. 6), 37 (though here it is, probably, a corruption of some other word), and 66.

(c) Cf. L. Sal. 50.

(e) For offerat i cf. Sohm, Proc. p. 81.

[7](*) Quale conuenit modo, ut (*) si seruum soros (*) nunciata fuerit de furtum, tunc dominus serui inter x noctes mittat seruum ad sortem. Si ibi illum in illas x noctes nom miserit in presente, tunc in xL et duas noctes nom miserit in presente, tunc in xL et duas (noctis, corr.) noctes eum mittat, et eum (*) ibi seruus ad sortem uenire debet, et illi qui (*) furtum pertulit ius sit cum vi uidere (*). Et (*) si ad xL et duas noctis non uenerit nec sunnia adnuntiauerit, tunc seruus culpabilis iudicetur; et causa super domino magis soma ascendat nisi quantum de seruo lex est, aut ipsi seruus decidat (*) aut dominus pro seruo conponat hoc est solidos xII et capitalem et dilaturum. Et (*) si in XL et duas (noctis, corr.) noctes legibus (sunia, corr.) sunnia nuntiauerit, in octuaginta et quatuor noctis postea placitum intendatur. Et(*) si ibi se non eduxerit, sicut supra scriptu[m] est culpabilis iudicetur. Nam(*) ad XL et II noctes sunni[a] adnuntiauerit, lectus (*) xv solidos componat; et si inter ipsas XL et II noctes nec fidem facere nec conponere uoluerit, tunc rogat ille qui consecutus est ut de (legem, corr.) lege inter ximi(*) soluat quod antea dictum est; et si adhuc inter ipsas XIII noctes noluerit soluere, (rogit, corr.) roget inter VII (noctis, corr.) noctes. [Et (*) si inter ipsas VII

noctes](*) nec fidem facere nec conponere uoluerit, tunc in proximo mallo, ante rachymburgiis sedentes et dicentes quod (*) ipsi illum ante audierit (*), sic inuitetur graphio (*); cum fistuco mittat super se, ad res suas ambulet, et prendat quantum rachymburgii antea odierit (*); et graphio cum vii rachymburgii antea odierit (*); et graphio cum vii rachymburgii antea odierit (*); et graphio cum vii rachymburgiis sedentes nom fuerit inuitatus, nom ibi presummat ambulare; et si inuitatus fuerit et ibidem noluerit ambulare, de uita sit culfabilis (*). Et si (griphio, corr.) graphio super pretium aut extra legem aliquid tollere presumpserit, nouerit se uite suae (periretis, corr.) perire dispendium; et si dixerit illi (*) cui res tolluntur, quod male eum destruat, et contra legem et iustitia, tunc (*) muniat (*) graphio eum inter (noctis, corr.) noctes quadraginta et duo, et ille (*) et suo contractorem(*) qui eum inuitauit similiter maneat(*). Et(*) si nom negauerit ille qui inuitauit, adducat vii rachymburgiis (*) ferrebannitus (*) qui antea audissent causam illam (*), nobis presentibus erit (*). Et si vii uenire nom possint, tunc ueniant III de ipsis qui preside (*) sua dicant et pro (paris, corr.) pares suos sunia (nuntiunt, corr.) nuntiant; et si rachymburgiis nec vii nec III dare potuerit nec dat (*) graphio et ille qui accepit res illius quem contra legem et iustitiam extruderit (*) et ille qui male inuitauit soluat (*), cui res fuerunt. Et (*) quicumque ingenuus de (*) actione et ui (*) reiecte (*) mallauerit (*) de qualibet causa, simili modo ubi (*) habet lege (*) directa sic facere (*) debet. Et (*) si homo malus fuerat qui male facit et si res non habet unde sua mala facta conponat, legibus consecutus super illum, nihi-hominus graphio ad legem que antea auditus (*) est in (*) uita (elegetur, corr.) elegitur (*); et auferat (*) per mallauerit (*) de qualibet causa, simili modo ubi (*) habet lege (*) directa sic facere (*) debet. Et (*) si homo malus fuerat qui male facit et si res non habet unde sua mal

scriptum est.

(*) With \$7 cf. L. Sal. \$0; Edict. Childeb. & Chlot. c. 5. 6. 12;
L. Gund. \$4,7; Sax. 11. 5:-53; Sohm, Proc. pp. 150, 131, 133, 145,
152, 154, 154, 165, 170, 174, 177, 195, -160, 218; taf. R. U. Ger. 75, 825,
150, 153, 356, 396, 396; Waitz, 159, 178, (b) Here the Cod. commences the new \$\frac{1}{2}\$ and connects q. c. m. with the preceding one.

(*) Leg. Sors. (4) Leg. (f) tunc. (?) Leg. (f) cul. (f) Sohm (Proc. p. 20) proposes to read: violeradum, instead of violers, and to add: dare, which would give sense. Or, perhaps, donare might be added, and it is also possible that the reading may be: et ille cul furtum pertuilt, interf cum sex videredum.

(5) A new \$\frac{1}{2}\$ in Cod.

(b) Boretius explains: Ipse seruus cedatur; in vindictam detur; cf. Ed. Childeb. & Chlot. c. 5, 12: cessionem faciat de servo. (f) A new i in Cod. (h) A new i in Cod. (h) A new i in Cod. (h) Buretius would read a read of the control of the contro reddat is perh ps concealed in the preceding nec dat. (!) Namely the fine for the lilegal summons of the count (according to L. Sal. 51. 1: 200 501; cf. Sohm, Proc. p. 50, 210. (!) Sohm (blot), and proc. p. 200. (!) Sohm (blot), and proc. p. 200. (!) Sohm (blot), and proc. p. 200. (!) Sohm (blot), and proc. p. 200. (!) Sohm (blot), and activater and extruders, mentioned above. (!) Sohm, Lot, thinks that in rejecte the adverb of pr-sectus, tectious, appears, and translates: disboediently. (!) i.e. (!) mallatus fuerit; cf. Sohm, Proc. 210. (!) For 111 Sohm who explains (Proc. 210, 211) that the present clause, from Et – debet, refers to a person who has property, and the next to one who is insolvent, thinks that 101 habet means: in case he has property. (!) Sohm (Proc. 210) would combine directa facere = directum facere, i.e. Justitiam facere, i.e. satisfy, hence lege directa facere, to make legal satisfaction. (!) Cf. L. Sal. 98; L. Liu. 152; Sohm, Proc. p. 211. (!) i.e. auditation (!) Cf. L. Sal. 98; L. Liu. 152; Sohm, Proc. p. 211. (!) i.e. auditation: Interest of the same as: ante auditation of the same set above, proceeding the proceeding the same set of the sa

[8] Illas et marias (*) qui (nuntiabatur, corr.) nuntiabantur ecclesias nuntienter consistentes ubi admallat.
(*) Sohm (Proc. 63; R. u. Ger. 210) would read marcas and explains: "Those assemblies of the marches (marken), which were formerly called together in the vicinity of churches, shall hence-forward be called together there where the neighbours were sum-moned to court." Pardessus (Lto Sal, 509, 600) explains marriar by the O. Frank. marr, a rumour, tale, and thinks the § refers to summons by a public posting up.

[9] Si(*) quis causam mallare debet et sic ante uicinas (*) causam suam notam faciat et sic ante rachymburgiis uideredum donet; et si ipsi hoc (dubiant, corr.)(*) dubitant, ut malletur causam. Nam antea mallare non presummat; et si ante mallare presumpserit causam perdat. Nam(*) si certe fuerit malus homo qui male in pago faciat et non habeat ubi consistat nec res unde conponat et per (silua sua addit, corr.) siluas uadit et in presentia nec agens nec parentes ipsum adducere possunt, tunc (*) agens ille et cui male fecit nobiscum (adcusent, corr.) acusent et ipsum mittemus foras nosito sermone, ut quicumque cum inuenerit, quomodo (f) sic ante paudio (f) interfitat.

(*) Cf. Sohm, Proc. 188, 201, 216. (*) l.e. vicines. (*) Perhaps

(*) Cf. Sohn, Proc. 188, 201, 216. (*) i.e. vicinos. (*) Perhaps non is to be supplied. (4) Cf. Sohn, Proc. 216; id. R. u. Ger. 336. (*) New § in Cod. (*) Dr. Kern would read: q. s. a impartide (i.e. impavidus, or perhaps the adverb impavide) and translate: "let him kill him fearlessly as has been customary (as formerly). Sohn, who says (Proc. 188) that sic = then, and gramodo will (Fr. que), would translate: let him then kill him without fear. Cf. Grimm, R.A. 735.

[10] De (trotia, corr.) trotinia (*) uero si (*) conuenit observare, ut sicut antea consuzetudo fuit sub tempori-bus patri uel genitoris nostri, sic sequatur; et (mali-bominis, corr.) mali hominis (*) (repmantur, corr.) reprimantur.

bominis, corr., mali hominis (*) (repmantur, corr., reprimantur.

(*) Pertz (Legg. II) read tronia, and added by way of explanation: trona, trutina, statera publica? Pardessus (Diplom), also printed tronia, but proposed to read telonia, in which case, he says, the \$\frac{1}{2}\$ would agree with cap. IX. of the edict of a 614. Merkel gives tronia, without making any comment. Boretius, too, print-tronia, and adds in a note: "the MS. had first trotia; probably the trustis is here indicated." Zoepfi (D. Rechtsgesch.) thinks it could be nothing else but trotia, roctia = trustis. However this may be, the MS. has clearly trotia, but nt is distinctly written say be, the MS. has clearly trotia, but nt is distinctly written says be, the MS. has clearly trotia, but nt is distinctly written says be, the MS. has clearly trotia, but nt is distinctly written says in the distinct of the same trouble of the same trouble of the same trouble of the same trouble of the same trouble of the same trouble of the same trotians in the same trotians. The latter word seems preferable, and is perhaps, a bad spelling for trathinia, which is, no doubt, connected with the Med. Lat. trutanns (i.e. truthanns =) trudanus, as well as with the O. Norse trudit, a juggler; A.S. trud, histrio, an itinerant, beggar, vagabond = main tomines, of the present \$\frac{1}{2}\$ or Trotinia, therefore, would mean vagabondry. The other reading troutia might suggest a mistake for latronicia, which would also be suitable here. (*) leg. sic. (*) i.e. homines.

The following 17 chapters (79-95) are here republished from the Leiden Cod. (Voss. Lat. 119), the only MS. in which they occur, following immediately after the Edict of King Hilperic. They have already been published, 1° by Pertz (Monum. Germ., Legg. II. 12) as "Capitula Pacto Legis Salicae addita." He places them between A.D. 561-584, and on p. 1 of the same vol. says they are: "Capitula ei (edicto Chilperici) subjecta et fortasse ab ipso Chilperico profecta." 2° by Pardessus (Diplom. 1. 183) as "Capita Legi Salicæ addita (circa fin. sec. vi) 14-30"; 3° by the same in his Loi Salique (p. 340) as "Capita Extravagantia 24-40;" 4° by Merkel as capp. 78-94; 5° by Boretius as 6th Capitular.

I.XXVIII[I] [LXXXI]. [Si quis puerum regis aut libertum occiderunt] (*).

[1] Si quis puerum regis aut libertum occiderit, sol. c culp. iud. (b)
(*) The rubrics have been supplied from the table of contents.
(b) Cf. L. Sal. 13, 7; Rip. 9.

[2] Aut romanum ingenuum usl tributarium aut militem, sol. c culp. iud. (4) (*) Cf. L. Sal. 41. 5-7; Rip. 36. 3.

LXXVIIII[I] [LXXXII]. [Si quis stadalem uaidaris ceruum aut bouem ceruia tributari asalierit] (*).

Si quis stadalem uaidaris ceruum aut bouum ceruia tribute saliuerit, MDCCC din. qui fac. [sol.] LXV culp.

(*) Cf. L. Sal. 6, 33; Rip. 42; Alam. 101. 5. 6.

LXXX[I] [LXXXIII]. [De furtis de uenationibus uel piscationibus] (*).

[1] Si quis pedicam (immolauerit, corr.) embola-uerit (*), aut retem (*) aut nassam de (neuu, corr.) naue tulerit, mt then lasinia, sunt din. MCC qui fac. sol. xxx culp. iud.

(*) Cf. L. Sal. 33. (b) L. Sal. 27. 3. (e) L. Sal. 27. 19.

[2] Si quis de (uena, corr.) nave furauerit piscem, ut de retem, nc din. qui fac. sol. xv culp. iud.

[3] Si quis pedicam cum feramen aut sagitatum detoxitum inuenerit, et eum calcare uoluerit quem canes minauerunt (4), ad quem uenationem in bargo inuolauerit aut de mansionem furauerit, Mcc din. qui fac. sol. xxx culp. iud.

(a) Cf. L. Sal. 33.

[4] Si quis porcellum lactantem de rane furauerit, ccc din. qui fac. sol. XII culp. iud. (*)
(*) Cf. L. Sal. 2. 1.

LXXXI[I] [LXXXIV]. [De eo qui alterum ad (caba-dam, corr. cabidam, also wrongly for) calidam prouocauerunt](*).

Si quis alterum ad calidam provocauerit preter euisionem dominicam, DC din, qui fac. sol. XV culp. iud.
(*) Cf. L. Sal. 53; Waitz, 174.

LXXXII[I] [LXXXV]. [De seruo si alienam occiserit ancillam] (*).

Si quis cuius seruus aliquid inputatum fuerit aut occiderit ancillam alienam, ne din. qui fac. sol. xv culp. iud., et pretium quod mancipius ualuerit. Certe si abantonia uel porcarios siue artificis fuerit inputatum, simili modo nobis conuenit observare; siue

autem de operariis et minoribus mancipiis aliquid fuerit inputatum, DC din. qui fac. sol. xv culp. iud.
(*) Cf. L. Sal. 10, 35.

LXXXIII[I] [LXXXVI]. [De eo qui porcina aliena de uia ostiauerit] (*).

Si quis porcina de uia sua hostauerit, uel matriamen de silua (inuoluerit, corr.) inuolauerit, aut lignarium quem alter capulauerit, uel in carro carcauerit, pro utraque causa Dc din. qui fac. sol. xv culp. iud. (*) Cf. L. Sal. 27. 15-17; Ed. Roth. 281-283.

LXXXIIII[I] [LXXXVII]. [Si quis nauem alienam per uim tulerit] (*).

Si quis nauem per uim tulerit, pc din. qui fac. sol. xv culp. iud. (*) Cf. L, Sal. 21. 2.

LXXXV[I] [LXXXVIII]. [De eo qui cum seruo alieno negotiauerit] (*).

Si quis ingenuus alieno, nestiente domino, negotia-uerit, aut cum liberto in uilla, nestiente domino, negotiauerit, De dim. qui fac. sol. xv culp. iud. (°) Cf. L. Sal. 10/Last by 6/Codd. 5-L. Emend.), 27. 25. 40 (§ 10 of Cod. 2. and the last §§ of Codd. 2-6, and Heroid).



TITULI LXXXVII-XCVII.

LXXXVI[I] [LXXXIX]. [De eo qui seruo alieno sine causa ligauerit] (*).

Si quis sine causa eos ligaucrit et ei fuerit adprobatum, cc din. qui fac. sol. vii culp. iud.

LXXXVII[I] [XC]. [Si quis messe aliena glennare presumserit] (*).

Si quis in messem alienam sine consilio glenauerit, DC din. qui fac. sol. xv culs. iud. (*) Cf. L. Sal. 27 (§ 5 of Codd. 2—L. Emend.)

LXXXVIII[I] [XCI]. [De eo qui alienam mansionem expoliauerit](*).

[1] Si quis mansionem expoliauerit uel in man-sionem aliquid comederit, DC din. qui fac. sol. XV culp. iud.

[2] Et qui in ipsam mansionem aut sortem aliquid petrio taratro fuerit factum, cui adprobatum fuerit, acrebrastasit, DC din. qui fac. sol. xv culs. iud.

(°) Cf. L. Spl. 14. 6, 97.

LXXXVIIII[I] [XCII]. [De eo qui res alienas furtiuauerit] (*).

Si quis res alienas furtiuauerit et (*) suas fuisset et non potuerit adprobare, cui furtiuauerit, sol. xv cul s. iud.

(*) Cf. Sohm, Proc. 36, 68 (note 8). Borethus (p. 112) observes that this iti. does not treat of the punishment of a thief, but of that this iti. does not treat of the punishment of a thief, but of that of a period of the punishment of a thief to have been sloten, as in til, 33 in case of a false accusation of perjury. Furture and furare, he say, differ, and fines for thefr would not be all the same, but vary according to the object stoken; (f. titl. 81, 12) Perts would supply: (dirent).

XC[I] [XCIII]. [De eo qui alienum ortum aut nabinam effregerit](1).

Si quis ortum aut nabinam effregerit, DC din. qui fac. sol. xv culs. iud.
(*) Cf. L. Sal. 27. 6. 7.

XCI[I] [XCIV]. [De liberto qui aliena liberta rapuerit).

[1] Si (4) quis libertus libertam alienam rapuerit, DCCC din. qui fac. sol. xx culp. iud. (*) Cf. L. Sal. 13. 9 and \$ 10 of Cod. 6 &c.; Waltz, 194.

[9] Preter graphione sol. x soluat (*), et mulier l. corr.) ad potestatem domini sui reuertatur. (°) As fredus, cf. L. Sal. 50. 3 (end of §).

[8] Si(*) ingenuam rapuerit, de uita sua conponat.
(*) Cf. L. Sal. 13. 7.

XCII[I] [XCV]. [De eo qui alterum inputauerit periurasse] (*).

[1] Si quis alterum inculpauerit periurasse et ei potuerit adprobare, xv sol. conponat qui periurat. (*) Cf. L. Sal. 48.

[2] Si tamen non potuerit adprobare qui crimen dixerit sols des xv soluat, et (*) postea si ausus fuerit pugnet.

(*) Borcius doubts whether the following words are geaulae.

Pardessus remaris that this is the first mention of the duel among the Franks; single combat is admitted by Legg. Alam. 44. 7, 96. 7; Baj. 2. 7, 9. 3; Burg. 45.

XCIII[I] [XCVI]. [De eo qui de falso testimonio fuerit adprobatus](*).

Si qui (falses, corr.) falsi testes fuerit adprobati quinos (dinos, corr.) denos solidos (multos, corr.) multa sustineat; si uero eis inculpauerit quod falsum testimonium dedissent, (menum, corr.) manum suam in eum (*) mittat et sicut sana tulerit, sicut superius diximus, simili multa sustineant; si certe manum suam comburet, xv solidos damnum sustineat.

(*) Cf. L. Sal. 48. L. (*) log. eneum; cf. L. Sal. 53.

XCIIII[I] [XCVII]. [De alienam mulierem uiuo marito tulerit](*).

Si ques uxorem alienam tulerit, uiuo marito, mai sunt dinaris viiiM qui fac. sol. cc culp. iud. ") Cf. L. Sal. 15

The following three chapters (96-98) occur 1) twice in Cod. Paris. 4404, first on fol. 196 verso, and again on the verso of fol. 229; they are neither numbered in the MS., nor mentioned in the table of contents. The trifling differences in the repetition have been given as notes. The second chapter occurs also 2) in the Wolfenbüttel Cod. The first and second chapters are moreover found 3) in Herold's edition, and all three appear 4) in the Leiden Cod. They have been published 1° by Pertz (Monum. Germ., Legg. 11. 9) as "Chlothacharii regis capitula pacto Legis Salicae addita (c.a. 550)"; 3° by Pardessus (Diplom. 1. 182) as "Capita Legi Salicae addita (circa fin. sec. v1) 9-11"; 3° by the same (Loi Salique, p. 339) as "Capita extravagantia 21-23"; 4° by Merkel (Lex Salicae, p. 43) as "titt. 98-100"; 5° by Boretius as "third Capitular." In Merkel's edition these three chapters are preceded by the chapters numbered 104, 105, 106, 107 in the present work. In this arrangement Merkel followed the Leiden Cod. But as they appear in Cod. Paris. 4404 (the MS. which has been taken as the basis of the present work), immediately after tit. 77 (76), their proper place seems to be after the Edict of King Hilperic (which is mentioned in the index of Cod. 4404 after tit. 77 (76), though omitted in the text), and after the 17 titt. (79-95), which have been preserved in the Leiden Cod. alone, and occur there immediately after the Edict and before any of the titt. 90-107. the Edict and before any of the titt. 99-107.

COD. 1.	COD. 2.	COD. 10.	GOD. 11.
[XCVI. Sine rubrica] (*). Ut cuicumque quae (*) domus arserit, et res quas liberauerit ubi reponat non habet; (*) Cf. L. Sal. 16; Waitz, 165; Sohm Proc. 133. (*) quae, om. in repetition.		XIX. 5 Secundum (*) legem Salicam, hoc conuenit observare, ut quicunque domum alienam arserit, et is res quas liberauerit, non habuerit ubi reponat. (*) The words: "Secund. leg. Sal. h. conv. obs." appear also in Codd. 1 and 2, but at the end of ch. 107 (Q.V.)	C[I] [CIII]. DE AGSONIIS(*). Vt (quicunque, corr.) cuicunque domus arserit, et res suas liberauerit ubi (reponant, corr.) reponat non (habuerint, corr.) habuerit; (*) saccioniis, in tab. rubr.
similiter si eum infirmitas detenuerit, aut certe de proximis aliquid mortuo in domo sua habet, uel in dominica ambassia (*) fuerit detricatus, per ista sunnis se homo, si prouasione dederit, excusare se. (*) Cf. L. Sal z.	_	6 Si in mallum uocatus fuerit, et is qui uocatus est non uenit, si eum aut infirmitas aut ambascia Dominica detinuerit, uel forte aliquem de proximis mortuum intra domum suam habuerit, per istas Sumis se poterit homo excusare, alias de uita componat, aut cc sol. culp. iud.(*) () For the other §\$ of til. 19 see til. 16.	similiter si eum infirmitas detenuerit, aut (ĉ:e, corr.) certe de proximis aliquæm mortuum in domo sue habuerit, uel in dominica ambasia fuerit dericatas, per ista sunnis, sed homo probatione dederit, potuit exercere.
[XCVII. Sine rubrica]. Si quis ingenuus dum in domum suam resedit, alius ingenuus quamlibet de supra tecto uoluntate sua hominem (*) casu (*) lapede miserit, et ei fuerit adprobatum, pro illius contumelia aut aliorum ingenuorum, sicut ipso alii fuerint (*), per	LXLI[I]. [Sine rubrica]. SI QUIS super aliena domum lapide miserit aut iactauerit, cui fuerit adprobatum, pro illius contumilia aut alienorum ingenuorum, si cum ipsum alii fuerint, unaquiqui per quindicinus solidos culp. iud.	LXXVII. De eo qui in aliena domo resedit. [1] Si quis super ingenuum in domo sua resedit, aut alius ingenuus, uoluntate sua, lapidem super tectum iacta uerit, in illius contumeliam, uel aliorum quicumque in domo sua resederunt, pro unaquaque persona quinos denarios solid.	CI[I] [CIV]. [De eo qui lapidem super domum alienum iactauerit]. [1] Si quis superius ingenuum dum in domo sua resederit, alius ingenuus qualibet de supra tecto noluntate homo casu lapide miserit, et ei fuerit adprobatum, pro illius contumelia aut aliorum ingenuorum, sicut ipsi alii fuerit, pro
unaqueque persona XV sol. culpabilis iudicetur (4). (*) homme, in repet. (b) chasu, iu repet. (f) fuerunt, in repet. (4) With this chapter if. L. Sal. 14 6 &c.	-	culp. iud.	unamquemque personam xv sol. culs. iud. 411



TITULI XCVII-CI.

COD. 1.	COD. 2.	COD. 10.	COD. 11.
Si uero letus fuerit qui hoc facere (*) praesumpserit, sol. xv culp. iud. (*) fecerit, in repet.	Si uero letus fuerit qui hoc facire pre- sumpserit, sol. vii culp. iud.(*) (*) For Ch. 92 [93] see Ch. 107.	[2] Si certum fuerit, qui iactauerit, et illud fecerit, vii sol. culp. iud.	[2] Si uero letus fuerit qui hoc facere presumpserit, septimæ semis sol. culø.
[KCVIII. Sine rubrica] (*). Si quis ingenuus alio hominem (b) in poteum iactauerit aut in uopida, et ibi eum ad interficiendum miserit, si ibidem inuentus fuerit ita ut euadere non possit, qui ipsum scelus admississe, et fuerit adprobatum (*), sol. cc culpabilis iudicetur (*). (*) Cf. L. Sal. 41. 2-4. 9. (b) homine, in repet. (c) Probatus, in repet. (e) Here follows in the MS.: Explicit, and immediately thereupon the Prologue: Gens francorum.		·	CII[I] [CV]. [De eo qui alterum in periculo inpigerint et uiuus euaserit]. Si quis ingenuus hominem ingenuum in puteum iactauerit aut in fouea aut ibidem (aut, corr.) ad infersiciendum miserit, is ibidem inuentus suerit sir it a ut eadem repossit, qui ipsum scelus admiserit, et ei fuerit adprobatum, sol. cc culpabilis iudicetur (*). (*) Here follows in the MS.: Explicit liber 1. Incipit II fro tenore; although according to the index the titulus: De ane crenodum (see tit. 99) should have followed.

The following nine chapters (99-107) occur 1) all in Cod. Paris. 4404, where they follow after the Prologus: Gens francorum. Ch. 99-104 and 107 are also found 2) in the Wolfenbüttel MS., which repeats, with some differences, the first 2 of the last chapter. Ch. 102-106 occur also 3) in Herold's edition, while 4) the Leiden Cod. contains only ch. 102, 104, 105, 106 and the rubric of ch. 100. They have been published 1°b Pertz (Monum. Germ., Legg. II. 5) as "Childeberti regis capitula Pacto Legis Salicae addita (c. a. 550)"; 2° by Pardessus (Diplom. I. 177) as "Capita Legi Salicæ addita (circa fin. sec. 11 - 8"; 3° by the same (Loi Salique, p. 334) as "Capita Extravagantia 13-20"; 4° by Merkel (Lex Salica, pp. 41-44) as "titt. 101-105, 95-97"; 5° by Boretius (p. 93) as "second Capitular."

COD. 1.	COD. 2.	COD. 10.	COD. 11.
[XCIX. Sine rubrica](*).	LXVIII[I]. EXPL/C/T LEX I. Incipit II. DE REBUS IN ALODE PATRES.		
Si quis super alterum de rebus in alode patris inuentas et intertiauerit, debet ille super quem intertiauit tres testimonia mittere quod in alode patris hoc inuenisset. Et altera trea testimonia, qualiter pater suus res ipsas inuenisset. Si hoc facere potuerit, rem intertiata uindicare. Si istum non fecerit, mittat tres iurare quod in alodis patris hoc inuenisset. Si hoc fecerit, se de damno causa eliberat; si nec istud fecerit, ille qui eas intertiauit suo feltroctum, sic postea, quod lex(b) inter docet, apud quem eas inuenit, sol. (°) xxxv (°) culp. iud. (°) Cf. L. Sal. 47, 59; Rip. 33; Waitz, 121, 127; 50hm, Proc. 94, 98, 105, 114, 209. (°) L. Sal. 47, 3. (°) Boretius considers these words to be a gloss inverted in accordance with L. Sal. 40, 3, 53. 3.	Si quis super alterum de rebus qui in alode inuentas interciauiret, debet ille interciatus III testimonia mittere quod in alode patris hunc inuenisset; alia trea qualiter patris ipsas inuenissit. Hoc si ficeret, potest rem interciata uindicare; si istas non ficeret, mittat III iuratoris, quod in alode patris hoc inuenissit, sed boc causa liberans; si hoc non ficerit, ille qui eas interciauiret filtorto, et si postia quod lex interdocuit, aput quem eas inuinit, culé. iud.	·	·
[C]. DE CHANE CREUDO (*).	LXVIIII [LXX]. DE CANE CREUTO.		[CIII (CVI). De ane crenodum].
Si quis pater aut parentella quando filia sua ad mater domo, quantum ei in nocte illa quamlibet rem donauit, totam extra partem incontra fratres suos uindicet. Capillaturias facit, quicquid ei donauit fuerit, extra parte boc temptat, et reliquas res equale ordine inter se diuidant. (*) Cf. Sohm, R. u. Ger. 345, 548.	Si quis pater aut parentis quando filiam suam ad marito donat, tota extra parte fratris suis uindicit. Similiter quando filius suus ad capilatorias ficiret quo quod donato fuiret, extra parte hoc teniat; et aliquas res diuidat.		(The above rubric is found in the index of Cod. 11, but the chapter itself is omitted in the text).
CI]. DE HOMINEM INGENUO OCCISO.	LXX[I]. DE HOMINE INGENUO OCCISO. Qvomodo parentis sui conprebindit uitam suam.		
Si quis hominem ingenuum occiderit et ille qui occiderit probatum fuerit, ad parentibus debeat secundum legem(*) conponere; media conpositione filius habere debet. Alia medietate exinde ei debet ut ad quarta de leude illa adueniat. Alia quarta pars parentibus propinquis debent. Id est tres de generatione patris et tres de generatione matris. Si mater niua non fuerit, media parte de leudae illi parentes inter se diuidant. Hot est tres de patre proximiores et tres de matre. Ita tamen qui proximiores fueri[n]t parentes de praedictis conditionibus prendant. Et tres partes illis duabus diuidendam dimittat. Et nam et illis duabus ille qui proximior fuerit, illa tertia parte duas partes prendant, et tertia parte patre suo demittat. (*) L. Sal. 62; Cf. L. Fris. 14.	Si quis hominem ingenuo occiseret et ei fueret adprebatum, parentis dibiat secundum legem conponat; media conposicio filiis, alia medietas exinde eis debis ut quarta ut de illa leude adueniat; aut quarta pars parentibus prepinquis debit; III de generacionem patris et III de generacionem matris; et mater uiua nom fuerit, media parte de leode illa parentis inter se deuidant, hoc est III de parentis prezimiores fuirent parentis de predictis condicionis prehendant; tercia parte duas partis prehendant, tercia patri suo demittant.		41-2
			412

00D 4	00D 0	00D 40	60D 44
COD. 1.	COD. 2.	COD. 10.	COD. 11.
[CII]. IN QUANTAS CAUSAS ELECTI DEBEANT IURARE (*). De dode et tres qui in hoste praedata sunt et de homine qui in scruitio reuocantur. Si amplius iurarent quam tres causas rem illa in capite reddat. Et quantum lex de causa illa habet culpabilis; de illis qui iurauerunt tres qui seniores fuerant, sol. xv culpabiles iudicentur et reliqui iuratores quinon solidos soluant. (*) Cf. L. Sal. 41. 2. 4, 48; Waitz, 171, 174.	LXXI[I]. QUANTAS CAUSAS IURARE LICIT. De dote et de res qui in oste perditas sunt, de hominem qui in seruicio reuocatur; si amplius iurarent quams tres causas rem illa in capite reddant, et quanto lex de causa illa abit culpabilis; alli qui iurauirent III qui senis res fuirent, p din. culp. et reliqui iuratoris quinus solidos soluant.	LXXVIII. In quantas caussas a Thalaptas debeant iurare. Si amplius iurauerit quam tres caussas, rem illam in capite perdat, et quantum lex de caussa illa habuerit, culpabilis iudicetur, et de illis qui iurauerunt tres, qui seniores fuerunt, xv sol. culpabilis iudicentur et reliqui iuratores quinis solidis componant. Possunt autem iurare, de dote, de re in hoste perdita, et de homine qui in seruitium reuocatur.	II. DE IURATORES DE QUAN- TAS CAUSAS THOALAPUS DEBET IURARE. [1] In quantas causas talentas iuratores sunt XII; in reliquo in dextera et arma talenta; causas sunt talentas tres: unam de ducem et alias de res qui in hoste perdidit, tertiam de homine qui reno- cantur; et causa est sed nom misticis suam mala barginam non te respondo. Propterea non est sacramentum in fran- cos; quando illi legem conposuerunt, non erant xpiani. Propterea in eorum dextera et arma eorum sacrame[n]ta ad- firmant. Sed post ad xpianitatem fuerunt reuersi. Propterea in eorum arbitrio ad sacramento reuocauerunt. [2] Nam nom per arma eorum; et in
		·	eorum arbitrio in eorum sacramento resederint, ut sic iurant super nispatio: uide ille tu auditor uobis arbitriorum, per istum arbitrium, de illas res unde tu me mallasti ego de illas te mallare non redebeo, nisi isto idoneo sacramento orbens iuro per isto arbitrio.
[CIII]. DE CREU BEBA. [1] Si quis hominem ingenuum sibi in silua aut in quodlibet locum occiserit et eum ad celandum conburserit, et ei fuerit adprobatum, DC sol.	LXXII[I]. DE CREOBEBAT. [1] Si quis hominem ingenuum in silua aut qualibet loco occiseret et eum ad celando conbusiret, DC solidos conponat.	LXXIIII. De Chreodiba. 1 Si quis hominem ingenuum seu in sylua seu in quolibet loco occiderit, et ad celandum igne combusserit, xxiiiim den. qui fac. sol. DC culp. iud.	
[2] (*) Si antruscione uel feminam talem ordine interfecit, aut talare uo- luerit uel igne concremauerit, et ei fuerit adprobatum, DCCC sol. culp. (*) Cf. L. Rip. 64; Al. Landfr. 33.	[2] Si antruscionem uel femene tale ordinis interficial, aut tale rem uoluerit uel igne concremauiret, Mocccc dinarios conponal (*). (*) For Ch. 73 [74] see Ch. 107.	9 Si quis antrussionem uel fœminam taliter interfecerit, aut celaucrit aut igne cremauerit, LXHMD den. qui fac. sol. MDCCC culp. iud.	
[CIV. Sine rubrica] (4).	LXLIII[I]. [Sine rubrica].		XCV[I] [XCVIII]. [De anstrutione si anstrutionem crastinauerit]. [1] Si andrustio andrustionem castrauerit et ei (furauerit, corr.) fuerit adprobatum, sol. DC culp. iud.
[1] Si salicus salicum castrauerit et ei fuerit adprobatum, cc sol. culpabilis iudicetur, excepto medicaturas VIIII. (*) Cf. L. Sal 29, 9 &c.	Si salicus salicum uiolenter castrauerit et ei fuerit adprobatum, sol. Cc culé. iud., excepta medicatura sol. VIIII (*). (*) Here follows in the MS.: Explicit Lex Saleca, qui uero curiacio infra hæ libros IIII contincre uiditur, and after this the Epilogue: Primus rex francorum &c.	XXXII. 19(*) Si quis Salecus Salecum castrauerit, VIIIM den. culp. iud. qui fac. sol. CC, excepta medicatura quæ componatur sol. IX. (*) For §§ 1-18 see tit. 29.	[2] Si salicus salicum castrauerit et ei fuerit adprobatum, cc sol. cxlp. iud., excepta medicamenturas sol. vuii componat.
[2] Si quis antrustione castrauerit et ei fuerit adprobatum, DC sol. culp. iud., excepto medicaturas VIIII.		20 Si quis rantrussionem castrauerit, xxiiii den. qui fac. sol. DC culp. iud., excepta medicatura quæ viiii sol. componatur.	[8] Si andrustio andrustioness castra- uerit et ei fuerit adprobatum, pvi (in- genius, corr.) ingenuus sol. culp. iud., excepta medicamenturas sol. viiii con- ponat.
[CV. Sine rubrica] (*).			XCVI[I] [XCIX]. [De eo qui femina ingenua a conturbernio uel puella in itinere inferre presumpserit].
Si quis ingenuam feminass a contu- bernio facto aut puellam in itinere aut quodlibet locum praesumpserit, quam unus tam plurimi qui ipsum scelus ad- mississe fuerit probatus, cc sol. culp. iud. De illo contubernio si adhuc remanserit qui ipsum scelus non admiserit et ei fuisse noscuntur, si plures admiserit numerum fuerit tres et ipsi quadragenus solidos soluant. (*) Cf. L. Sal. 13, 42, 3, 43, 3, 71; Ine, 14.		XIV. 18(*) Si quis ingenuam foeminam aut puellam contubernio facto, seu in itinere aut quolibet loco adsalierit, et uim illi inferre præsumpserit, tam unus quam plurimi qui in ipsa uiolentia fuerint admixti, cc sol. unusquisque ipsorum culp. ind. Et si adhuc de illo contubernio remanserint, qui scelus istud non admisisse noscuntur, et tamen ibidem fuerint, si plures aut minori numero quam tres fuerint, eorum quilibet pro ipsis xLv sol. culp. iud. (*) For \$\frac{1}{2}\$ 1-12, ses til. 13.	Si quis ingenua femina a contubernio aut puella in itinere a quolibet loco inferre persumpserit, quam unus tam plurimi quam ipsum tam scelus admisisse fuerint probati, ce solidos culp. iud.; et de illo contubernio si adhue remanserint qui ipso scelus non admiserit et ibi fuisse nascuntur, si plurimis a minore numero fuerit tertio et ipse quadragenus quinos solidos cals, iud.
[CVI]. DE ANTRUSCIONE (*).		LXXVI. De Antrussione.	XCVII[I] [C]. DE ANDUSTRIONE .GHALMALTA.
[1] Si antruscione antruscio de quacumque causa admallare uoluerit, ubiquicumque inuenire potuerit(*), super noctes VII (*) eum cum testibus rogare debet, ut ante iudicem admallare debet ego de causa que inputatur ex hoc responso dare debeat uel conuenire; et eis si ibidem non conueniret aut certe se uenire distulerit, qui ipsum admallauit ibi eum sole latere debet, et inde posteat iteratam tres uices ad noctes XIII eum rogare debet, ut in illo malebergo respondere aut conuenire ubi antruscione simithio reddant. (*) Cf. L. Sal. 2, 40, 53, 56; Waltz, 170, 173, 50hm, Proc. 128, 131, 161, 165, 184, 185, 187, 100		1 Si antrussio antrussionem de qua- cunque caussa admallare noluerit, ubi- cunque eum inuenire potuerit, super septem noctes cum testibus eum rogare debet, ut ante iudicem ad Mallobergo de causa quæ inputatur ex hoc respondendo debeat comuenire. Si eis ibidem non conuenerit, aut iste uenire distulerit, qui ipsum admallauerit in hubi eum sol- satire debet. Sic postea iterata uice ad noctes XIII eum rogare debet, ut ad illum Mallebergo debeat uenire ad dandum responsum,	Ut anto iudice ad malebargo de causa quae (inpotatur, corr.) ei inputatur et hoc responso dare debet uel conuenire; et eis ibidem non conuenerit aut certe si uenire distulerit, qui ipsum admallauit ibi eum solisacire debet, et ille postea (iterate, corr.) iterata uice ad noctis xiliu eum
(*) Cf. L. Sal. 1. 3, 40, 53, 56; Waltz, 170, 173; Sohm, Proc. 128, 131, 161, 166, 184, 185, 187, 190, 191 Int. Sal. 1, 3 the proceedings are different.		1	413

THOSE CVI—CVII.				
COD, 1,	COD. 2.	GOD. 10.	COD. 11.	
Et qui mallantur si ibidem uenerint, tunc qui eum admallauit, si causa minor fueri unde minus quam XXXV sol. conpositione habere, debet sibi sextus iurare;	:	et qui admallatur, si eo uenerit, tunc qui eum admallauit, si causa minor fuerit, aut minus quam xxxv solid. componatur, debet ibi sextus ^b vuedredo iurare,	uenerit, tunc qui eum admallauit, si	
et illi postea qui rogati fuerunt, ex hoc idoneo esse cognoscet, eum cum xii ad sacramentum absoluere se debet.		et ille postea qui rogatus fuerat, si se ex hoc idoneum esse cognoscat, se debet postea cum duodecim per sacramenta absoluere.		
Qui uero maior fuerit causa unde xxxv sol. culp. iud. si inuenire possit,		Si uero maior caussa fuerit quam xxxv solidis, culpabilis inueniatur,	[4] Si uero maior fuerit causa, XXXV solidos culp. iud.	
si maior numerus est unde minus XLV sol. iudicare poterant, ipse eum roget siue nonus iurare debet;		seu adhuc maiori numero superest, ut unde minus quam XLV solidi non iudi- centur, ipse qui eum rogauit cum nono vuedredo debet iurare,	[5] Si maior numerus est unde minus XLV solidos iudicare potuerit, ipse eum rogauit siue nonus uideredum iurare debet.	
et ille qui eum rogatus est, si se idonce esse cognoscet, sibi octauus aut decimus dictus sacramentus absoluere debet. Si certe talis fuerit causa unde Lx sol. aut certe amplius usque ad leudem conponere debet, ipse eum rogatus est si se idoneum esse cognoscet, se uicissimus quintus datus sacramentus absolui potest. Si uero leudem eum rogatum habet qui eum rogatur cum XII uiros idoneos iurare, et ipsas in XIIII noctes ignem calefacere dispexerit, aut manum suam ardent eum mittere noluerit.		et ille qui rogatus est, si se idoneum agnoscit, secum octauo decimo datis sacramentis absoluere debet. Si certe talis fuerit caussa unde XLV solidos aut amplius usque ad leudem componere debet, ipse qui eum rogauit, debet duo decimus vuedredo iurare, et ipse qui rogatus est, si se innocentem esse cognoscit, uicesimus quintus, datis sacramentis absoluere se debet. Si uero de leude eum rogatum habuerit, debet qui eum rogauit cum XII vuedredo iurare, et ipsas XIII noctes eneum calefacere, et si ad ipsum placitum uenire despexerit, aut manum suam in zeneum mittere noluerit,	[6] Et ille qui rogatus est, (se sic, corr.) si se idoneum cognoscit, siue octo aut decimus datis sacramentis absoluere se debet; si certe talis fuerit causa unde XLV solidos aut certe amplius usque ad leodum conponere debeat, ipse qui eum cum rogatus est sic se idoneum esse cognoscit, siue xxv date sacramentis absolui potest. Si uero de leodem eum rogatum nabuit debuit eum qui rogatut cum xii uirido iurare, et in ipsas XIIII noctes aeneo calefacere debet, et ad ipso placio uenire dispexit, aut manum suam ad eneum mittere noluerit.	
Quicumque antruscio ille de causa superius conpraehensa per sacramenta absoluere non potuerunt, manum suam ad igneum pro leude mittere dispexerit. Tunc ille qui eum rogat habet, solem ille collectum ad ipso die in mallobergo illo in xi noctes nec sibi se non dixerit. Tunc ipse qui eum rogatum habet, solem ille collectum: Postea illum in praesentia rege ad noctes xiiii rogare debet, et ibi xii ponat per singulas uices iurati dicant, quod ibi fuerint ubi mitthio ad noctes xiiii solem collocasset. Ille nec sacramentum nec manum suam pro leude posuit; et alii tres erunt qui dicant quod in xiiii noctes ei solem collocasset, et illi nullatenus de andrustione chamalta se legibus duxisset; tres testimonia dare debet qui dicant qualiter eum presentia regis uenire rogasset.		quicunque Antrusco ille, de causa superius comprehensa, per sacramenta se absoluere non potuerit, aut manum suam pro leude in æneum mittere despexerit, aut in placitum uenire distulerit, tunc ille qui eum rogatum habuit, solem ei collocare debet, ad ipsam uero diem, in mallobergo ipso, in XI noctibus. Si nec ibi se condustrit, tunc ille qui eum rogatum habuit, solem collocet, postea illum ad præsentiam Regis ad noctes XIIII rogare debet ei bidem duo-decim testes ponere, qui per singulas uices tres iurati diant, quod bit fuissent, ubi illi amonitio ad XIIII noctes solem collocasset, et ille de sacramento se non absoluat, nec manum suam pro leude in æneum posuisset. Similiter et alij tres testes dicant, quod in XI noctibus sole ei collocato, et ille nullatenus de Antrussione gauialto estre legibus dixisset. At tertia uice tria testimonia similiter dabit, qui dicant qualiter eum ad præsentiam regis ueniere rogasset,	[7] Quicumque andustrio ille de causa superius per sacramenta absoluere potuerit, aut manum suam in eneum pro laude (sic) mittere dispexerit aut in placito uenire distulerit. Tunc ille qui eum rogatum habet, soli illi (colliget, corr.) colligant ab ipso die in mallobargo illo XL noctes nec (ibis, corr.) ibi se non duxerit. Tunc ille qui rogatum habet, soli (collicet, corr.) collocet, et postea illi presentia regis ad noctes XIII ponat per singulas uices iurati dicant, quod sibi fuerint ubi ad mitteo ad noctes XIII sol culcasset; et ille qui nec (samentum, corr.) sacramentum nec manum suam pro leode posuit; et alii tres erunt qui dicant (quo, corr.) quod XL noctes ei culcasset; et illi (nulatenus, corr.) nullatenus de andustrione gamalta se legibus duxisset; se tertia testimonia dare debet qui dicant qualiter eum presentia regis uenire rogasset.	
Si nec tunc ueniret, istas noue testimonia iurati sicut superius diximus dicant; similiter illa die si non uenerit, collo- catum ei solem, et illa trea testimonia qui ibi fuerunt ubi colcatum ei sol; et illa trea;		et si nec tunc uenerit, ipsa nouem testi- monia sicut superius diximus iurati, dicant. Similiter illa die si non uenerit, collocet ei solem, et illa tria testimonia, quæ ibi fuerant quando sol collocabatur.	[8] Et si nec tunc ueniret, ista nouem teatimonia iurati sunt superius diximus dicant; similiter illa die si non uenerit, culcat ei sol, et (trea, corr.) tria testimonia qui ibidem fuerunt ubi culcatum solem.	
tunc ista omnia impleuerit qui eum admallauit et ille qui eum admallatur ad nullum placitum uenire uolueret et per legem se non dixerit. Tunc admanitis est extra sermonem suum poene; tunc ipse culpabilis iudicetur, et omnes res eorum erunt suas, et qui eum pauerit aut hospitales collegat etiam uxor sua propria sol. xv culp. iudicetur. Donec omnia quae ei legibus inpotatur conponat.	·	Si ista omnia impleuerit qui eum admal- lat, et ille qui admallatur, ad nullum placitum uenire uoluerit, tunc Rex ad quem mannitum est, eum extra ser- monem suum ponat, et quicunque eum aut panerit, aut hospitium illi dederit, si fuerit uxor propria, solidos xv culp. iud., donec omnia quæ illi imputantur legibus componat.	[9] Tunc ista omnia impleuerit qui ad eum admallat; et ille qui eum admallat et ille qui eum admallatur ad nullum placitum noluerit et per legem (sed, corr.) se non duxerit; tunc rex admannitus est eum extra sermonem suum ponat; tunc ipse culpabilis et omnes res suas erunt, et qui pauerit aut hospitalem collegerit etiam uxor sua propria sol. xv culpabilis iudicetur, donec omnia que ei legibus inputentur conponat.	
[2] (*) Si antruscio antruscione pro qualibet causa maniret aut ibidem fideiusserit qui fierit et eum secundum legem propter causam illius anno interito nullatenus tenentur. (*) Cf. Sohm, Proc. 3, 131, 142; td. R. u. Ger. 139.		[2] Si antrusio antrussionem pro qualibet caussa manierit, aut fideiussorem quæsierit, et eum secundum legem nom rogauerit, sol. xv culp. iud., excepto quod prætermittit caussa illius anno integro nullatenus terminetur.	[10] Si andrustio (andustionem, corr.) andrustionem pro qualiblet causa manniret aut (fidemiussores, corr.) fideiussores quesierit et eum secundum legem non rogauerit, xv sol. culp. iud.; excepto quod legem prae causa illius anno integro nullatenus terminetur.	
Si (*) antrustio antruscione iurauerit, xv sol. culpabilis iudicetur. (*) Cf. L. Sal. 48. z.		[8] Si antrussio contra antrussionem testimonium iurauerit, sol. xv culp. iud.	[11](*) Si andruscio contra andrustione testimonium (*) iuraret, xv solidos culp. (*) In the Cod. this is it given as tit, 98 without rubric, but it is not mentioned in the index. (*) Pardessus (Loi Sal. 410) thinks the word fasum has been omitted.	
[CVII. Sine rubrica] (4).			XCVIIII[I] [CII]. [De eo qui domum alienum destruxerit].	
[1] Si quiscumque domum uiolenter distruerit, domum si pro firmamentum ebrius habuisse probatum, qui hoc facere praesumpserit et ei fuerit adprobatum, XLV sol. culp. iud. (*) Cf. Ed. Roth. 379.	LXXIII(I). 1. CUICUNQUB DOMUM UIO- LARE presumpse- rit Que domo pro firmamento ebrius abuissit proucca- tus, qui hoc facire cui fuerit adpro- presumserit, sol. xLII cul p. iud. (1)	XIII. 8(*) Quicunque alienam domum uiolenter † disturbauerit, et domus si pro firmamento Iberus habuisse probatur, qui hoc fecerit MNCC den. *culp. iud. Et si de ipsa domo proinde cum carro aliquid trahere presumpserit, excepto superiore numero MCC den. qui fac. sol. xxx culp. iud., excepto capitale et delatura. (*) For § 1 and 2 see tit. 12. † destruxerit.	Si uero quicumque uiolenter disti- tuerit, que domum si pro firmamentum hebrius (habuis, corr.) habuisse probatur, qui hoc facere presumpserit et ei fuerié adprobatum, xLv sol. culé. iud.	
	(°) For Ch. 93 [94] see Ch. 104.		_	
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COD. 1.	. COD. 2.	COD. 10.	COD. 11.
[9] (*) Si quis hominem uiuum de furca tollere praesumpserit, qui eum tulisset fuerit probatum, aut uita pro ipso admittat aut cc sol. soluat. (*) Cf. L. Sal 41, 67, 68; Sohm, Proc. 179, 180. [8](*) Si quis uero de furca iam mortuo sine consilio iudicis aut uoluntate ipsius cuius causa est tulerit, pro culpa qua suspensus est, quicquid exinde lex Salica docuerit, ille qui eum tollere praesumpserit culpabilis iudicetur: secundum (*) legem salicam hoc conuenit observari. (*) Cf. L. Sal 41, 67, 68. (*) The words: "secund. leg. sal h. conv. obs.," which appear at the end of this Chapter is Codi. 1 and 2, are found in Herold's edition at the commencement of 5 50 (ft. 10, which se under Ch. 96.	[2] Si quis hominem de furca tollere presumseret, qui eum tollit, et ei fuerit adprobatum, uita sua pro ipso admittat aut sol. CC conponat. [3] Si quis uero de furca iam mortuo sine consilio iudicis aut uolumtate ipsius cuius causa est tollerit, pro culpa qua suspinsus est, quiquis exinde lex salica caleam (*) ille erunt qui eum adtollere presumserit culpatitis, secundum lege salica boc conuenit, obseruat (*). (*) Pardessus read: adcam. (*) For Ch. 74[75] sec Ch. 75	furca sine uoluntate aut consilio iudicis, aut ipsius cuius caussa est tulerit, pro culpa qua suspensus est, quicquid exinde	

PACTUS CHILDEBERTI ET CHLOTHARIL

The following document occurs 1) in Cod. Paris. 4404; 2) the Wolfenbüttel Cod.; 3) the Munich Cod.; 4) Cod. Paris. 18237 (Cod. 6 of Lex

Sal.) as chapter 66; 5) the Leiden Cod. (Voss. Lat. 119); 6*) Cod. Paris. 10758; 7*) Cod. Paris. 4628A; 8*) Cod. Paris. 4760.

Texts 1 and 5 may go together as they differ but very little from each other; consequently the text of 1 has been given here with the variations of 5 appended as notes.

Text 2 stands separate, as it contains some words, phrases, and additions which are in none of the other texts.

- ,, 3, though it is in a great measure similar to 1 and 5 (especially by having the same omissions in ch. 13 and 14), yet it contains too many deviations to be classed with them.
- 4 contains what may be called an emended text, which is substantially the same in 6°, 7°, and 8°. But 4 alone has the complete text; 6*, 7*, and 8* omit all from subiaceant (the last word of ch. 13) till ita (in ch. 16), and commence again with ut continuo capitale. each of these MSS., however, we have a partial repetition (as chapters 69 and 70) of the document, namely, of the first ch. (with slight variations), of ch. 9 and 10 (to legem), and of ch. 12-15 (also with slight variations). Therefore a portion of ch. 16: De fiscalibus — remanest ita, is wholly unrepresented, except in text 4. These partial repetitions are here designated as 64, 74, 84.

 The document has been published 10 in 1835 by Pertz (Mon. Germ. Hist., Legg. 1. 7 sqq.) who places the Pactum c. 593, and the decretio Chlotharii, c. 595; 22 in 1843 by Pardessus (Diplom. 1. 166; circa ann. 593, 4); 32 in 1846 (the Wolfenbüttel and Munich texts only) by the same (Loi Salique pp. 188, 217). 42 in 1850 by Merkel (Lex Salica, p. 44-46); 52 by Boretius (Lex Salica, by J. F. Behrend, p. 99) as 4th Capitular.

 In accordance with the rubrics at the commencement of chapters 1 and 9, the chapters 1-8 have hitherto been regarded as an agreement

between two Frankish kings, the chapters 9-18 as a decree of k. Clotaire. Boretius, however, contends that the words in c. 16: inter nos [legislatores] germanitatis caritas, indisruptum vinculum and inter communes provincias make it impossible that the chapters 16-18 could be part of a decree promulgated by Clotaire alone. Again, in c. 16 and 17 the same subject is treated in the same words as in c. 9, only in the latter case in somewhat more definite terms, a circumstance which makes it very doubtful whether the three chapters, originally, stood together. A similar conformity, he holds, may be observed between the legal precepts of c. 10-16 and those of c. 1-8. In this manner we have, according to Boretius, in these 18 chapters three different elements which are yet to a certain extent connected. Considering the contents of the chapters, which nowhere indicate that they proceed from two royal lawgivers, and the heading in Cod. 2: Pactus Childeberti regis, the chapters 1-8 were probably originally promulgated by k. Childebert alone. Thereupon, a similar decree was perhaps issued by Clotaire, consisting of the chapters 9-15, the authorship of which is evident from the rubric of c. 9: Decretio Chlotharii regis. Afterwards the two kings made an agreement, confirmed both the decrees as valid for their two kingdoms, and explained and completed them by the chapters 16-18, so that they could now be issued as (and so denominated) a joint "Pactus

pro tenore pacis domnorum Childeberti et Chlotharii regum."

As regards the question whether the Pactum is to be ascribed to Childebert I. and Clotaire I., or Childebert II. and Clotaire II., Perts, without giving his reason, attributes it to the latter kings. Pardessus ascribes it to the same kings, because he thinks that the king Childebert who promulgated this Pactum must have been the same as the Childebert who issued the Decretio: Cum in Dei nomine nos omnes Kalendas Martias, &c. (cf. Pertz, Mon. Germ., Legg. I. 8), which could only have been promulgated by Childebert II., as it is dated from Cologne, which town belonged to him but never to Childebert I. Sohm (R. u. Ger. 182) agrees with Pertz and Pardessus, and argues that the contemporaneousness of the decretio Chlotharii (chapters 9-16) with the decretio Childebert II. is proved by the fact that Decr. Chlot. c. 8 (here chapter 16) refers to the introduction of Chlotharii (chapters 9-16) with the decretio Childeberti II. is proved by the fact that Decr. Chlot. c. 8 (here chapter to) reters to the introduction of the same arrangement in Austrasia (Decr. Childeb. c. 11. 12). Boretius, however, assumes, with Bouquet, that the first kings of the name are the authors, on account of the words: germansitas, indisruptum uinculum, which, though Frankish kings addressed one another, without consideration of relationship, as fratres, could hardly be used except by those who were in reality brothers, which is only the case with Childebert I. and Clotaire I. A confirmation of this view Boretius finds in the Epilogue, the author of which, when he speaks of chapters, which the brothers (germansi) Childebert and Clotaire had added to the Lex, probably referred to our Pactum, which, in the Wolfenbüttel and Munich MSS., follows immediately after the Lex, and bears the almost identical numbers which the author of the Epilogue declares to have been added by these two kings. Cf. also Hartmann, in Forschungen zur D. Gesch. xvi. 609. The joint reign of the two kings lasted from A.D. 511-558.

[PACTUS PRO TENORE PACIS DOMNORUM CHILDEBERTI ET CHLOTHARII REGUM]. (Decretio Childeberti regis).

CODD. 1 & 5.	COD. 2.	COD. 8.	CODD. 4 (6), $6-8$.
PRO ITINERE PACIS Ad (+) omnes (+) reges childebertu et chlotarize missum (*). [1] ibique (*) admallorum (*) insania cumualuerit (*), malis per (4) inmanitatis celauerit digna reddantur (*). Id ergo decretum est (*), ut apud quemcumque post (f) se (f) interdictum latroniciis (*) conprobatur, uitae incurrat periculum. (†) leg. (f) a domnis. (*) s places this edits after tit. 102 (103, net tit. 08) conimencing: EXPLICIT LIBER f INCIP/T II PRO TENORE Ad omnes regis hildebert et lotharit emissum. (*) id quia malorum. (*) qui uoluerit. (*) pro inmani- tatem scelerum d. reddentur. (*) et. (*) posse. (*) latrociniis.	LXXVII[I]. PACTUS CHILDE- BERTI REGIS De retinore pacis,	LXVI. PACTUM PRO TENORE PACIS DOMNORUM CHILDE- BERTI ET CHOLOTHARII REGUM FRANCORUM. [1] Et quia multorum licet insania conualuerit, males etiam inmanitates scelerum necesse est ut digna red- dantur: Id ergo decretum est apud(*) nos maioresque natus francorum palacii procerum(*), ut apud quemcumque post interdicto latrocinio, uite periculum in- currat. (*) apud – procerum, occurs in none of the other texts.	PACIS DOMINORUM(b) CHI- DERTI(e) CHLOTARII REGIS(e).

CODD. 1 & 5.	GOD. 2.	GOD. 8.	CODD. 4 (6), 6 - 8.
[2] (+) Si quis ingenuns (*) de furtum appellatus et negauerit (*), iuratores medium (*) licthus (*), quod furtum quod abiecit (*) uiro sit; et sic latro redemptus cs f (*) si facultas deest, tribus malos (*) parentibus offeratur (*), et non (*) sic (*) redemitur, uita charebit (*). (†) With \$1 of L. Sal. 58; Wil. I. 14; Sohm, Proc. 135, 213. (*) hominem ingenuum pro furtu appellauerit et negotiauerit. (*) medius electus. (*) abiacit uerum sit et si l. redimendus cs f. (*) c., c., (*) malus. (*) efferatur. (*) si non.	apellauirit et negauerit, iuratoris medius letus, quod fuerit quod o[b]ligauiret uero sit; sic latro reuerendus est si facultatem abit, et si facultatem distribuit, malis parentibus offeratur, si non redimitur, uita correpit.	[2] Si quis ingenuam personam per furtum ligauerit (*) et negator exteterit, XII iuratores medios electos dare debet quod furtum quem obiecit uerum sit, et sic latro redemendi se facultatem habeat. Si facultas deest, tribus mallis parentibus offeratur, et si non redemitur, uita careat. (*) Perts, Merkel and Boretius, who took Cod. 3 es basis for this 1, printed: S. q. ing, pers, pro futro ligauert. It is, however, doubtful whether ligare, to oind, be the word intended. The accused ind, indeed, to redeem himself, but perhaps from the accusation, not from fetters. "Quod obbijauiret uero sit," of Cod. 2 would suggest that obligare is the right word, and signified "to a case," in which case it = oblicere and appellar of the other texts. On ligare homines cf. L. Sal. 32, 87; Sohm, Proc. 135	[9] Si quis ingenua (*) persona (*) furto (b) ligauerit et negator extiterit, XII iuratores (*) medius electos (*) dare debet quod (*) furtum quod obicit uerum sit. Et (*) si latro redimendi se habeat (*) facultatem (*); si facultas non (*) deest, tribus mallis (*) parentibus offeratur, et (*) non (*) redemetur (*) de uita conponat. (*) ingenuam personam, */. (*) profurto, *f-**. (*) ut, *f-*. (*) ut, *f-*. (*) ut, *f-*. (*) quod, *f-*. (*) habet, *f-*. (*) ut, *f-*. (*) quod, *f-*. (*) habet, *f-*. (*) *f-*. adds: se redimat. (*) non, om. 6*5*. (*) aliis, *f-*. (*) e. si n., *f-*. (*) redemitur (redim-), 6*5*.
[3] (*) Si quis furtum suum (*) inuenerit occultae (*) sine iudice conpositione acceperit, latroni similis est. (*) Cf. L. Baj. 9, 7, 16; Gund. 71; In. 36; Sohm. Proc. 166 (note 6). (*) suum, om. 5. (*) et obculte.	de oculte sine iudice conponat, acceperit simile latrone sit.	LXVII. DE FURTU CELATO. Si quis furtum uult celare et occulte conpositionem fecerit, et qui acceperit, latronem similis est illi.	[8] Qui furtuss uult celare et occulte sine iudice conpositionem acciperit (*) latroni similis est. (*) acceperit, 6°-8°.
	LXXVIII[I]. SI HOMINEM IN- GENUO IN FURTO APELLA- UIRET T/TULUS.	LXVIII. DE MANU AD ENEUM INCENSAM.	
[4] Cuius (*) manum ad ignem (b) incendit (*). Si quis ingenuus in (d) furtum inculpatus (*) et ad ignem (f) prouocatus, manum suam incenderit (s). De quantum inculpatus (b), conponat. (*) Cul. (b) (incum, corr.) encum. (f) incenderit. (d) in, om. 5. (f) inuchit. (f) encum. (f) incenderunt. (b) add: fuerit furtum.	Si quis ingenuus in furtum inculpatus fueret et deinde manducatur, et manum suam de quantum in culpa inuentus est conponat.	Si homo ingenuus in furtum incul- patur et ad eneo ei manum incenderit, quantum inculpatus fuerit tantum con- ponat.	[4] Si homo ingenuus in furto (*) inculpatus (*) aut (*) ineum prouocatus manum incenderit, quantum inculpatur (*) furtum conponat. (*) furtu, & & (*) - tus, & & (*) ad, & & (*) atus (*) adds: est), & -8*.
	LXXVIII [LXXX]. CUIUS MANUM AD HENIUM INCIDERIT.	LXVIIII. SI SERUUS IN FUR- TUM INCULPATUR.	
[5] Ut seruus ad furtum (*) ambulauerit (*). Si seruus fuerit inculpatus in (*) furtum, et (*) requiratur dominus (*) ut ad xx noctes ipsum ad mallum praesentet, et si dubietas (*) est (*) ad sorte (*) ponatur. Quod si in (*) placitum sunnis detricat (*), ad alias xx noctes ita fat (*), et (*) praesentetur caude seruus (*) consimilis tres et de electos (*) alios tres debet (*), qui sacramenta firment (*) per (*) placita quod lex saliga (*) habet fuisse completo. Et dominus (*) seruum non praesentetur (*), legem (*) unde inculpatus (*) conponat et cessionem (*) seruum (*) faciat. (*) domino. (*) dubitasset. (*) sortem (*) in som 5 (*) detricat, also in 5 (*) faciat. (*) aprosecuntur causa de seruis. (*) electis aliis III restes debet. (*) firmant. (*) proc. (*) salica. (*) donino. (*) decsione de seruo.	[1] Seruus in furtum inculpatur, requeratur dominum ut ad Xv nocles in mallum presentit, et si dubietas est ad sortem ponatur. Quod si placitum sunnis detricauiret, ad alias Xv noclesita fat, et prosecutur cause de suos consimilis III elictus alius III dabet, qui sacramentum firment pro suplicacionem (4) debet eum liberare (4); et si dominus non presentauiret, legem unde inculpatur conponat et cessionem de seruo faciat. (*) The words supl. – liberare, which are not found in any of the other texts, and could hardly have been corrupted from placita quod lex salica habet fuisse completum, in 1, (3), 4, 6-8, seem to indune cither an addition to 2 not found in the other Codd., or some omission in 1, 3, 4, 6-8.	Requiratur ad omnino ut in xx noctes ipsum in mallum presentet, et si dubietas est ad sortem ponatur; quod si placitum suum detricauerit, ad alias xx noctes ita placitum faciat, et prosecutor cause de suos consimiles tres et de electos alios tres debet esse completum. Quod si dominus seruum non presentauerit, legem unde inculpatur conponat et de seruo cessienem faciat.	[5] Si seruus in furtum (*) fuerit (*) inculpatus, requiratur domino aut (*) xx noctes ipsusm (*) in mallo (*) presentet (*), et si dubietas est ad sortum (*) ponatur. Quod si placitum sunnis non detricauerit, et(*) alias xx noctes ita fat(*), et prosecutor (*) causæ de suos (*) consimiles (*) III (*) dabit (*), qui sacramenta firmarent pro placito (*) quod lex salica habet fuisse conpletum (*); et(*) dominus seruum non presentauerit, legem unde inculpatur conponat et de seruo faciat cessionem. (*) furtu, 6*8*; furto, 7*. (*) fuerit, om. 7*. (*) ut ad, 6*8*; ad, 7*. (*) isos, 7*. (*) consimilitus, 7*. (*) presentetur, 7*. (*) sortem, 6*-8*. (*) presentetur, 7*. (*) sortem, 6*-8*. (*) presentetur, 7*. (*) consimilitus, 7*. (*) consimilitu
[6] (+) Si seruus manum miserit (*) sortem mala priserit, dominus (*) serui solidos III reddat, et seruus ille (b) ccc iectus (*) accipiat. (1) With § 6 : f. Solim, Proc. p. 210. (*) ipsam sorte mala presumpserit dominum. (*) ictus.	[2] Si seruus minus tremisse (+) sortem (*) nuam (Leg. malam) preserit, dominus serui tree solidos soluat, et seruus ille ccc hictus accipiat. (*) Codd, 1 and 5 do not say anything of minus tremisse, though this is perhaps concaled in manum misent of Cod. 1, and manum ipsem of Cod. 5. (*) sorte nua prinderit, PUA.	LXX. [Sine rubrica]. Similiter seruus minus tremise inuolauert. de(+) quo inculpatur legibus conponat et de seruo cessionem faciat. (†) Cod. 3 scens to repeat here the last words of the preceding §.	[6] Si seruus minus tremisse (*) inuolauerit et male (*) sorte preserit(*), dominus serui (*) ini solidos soluat. Et seruus ille ccc ictus (*) accipiat flagellorum. (*) tremisso, 6*-6*. (*) mals, 6*-6*. (*) priserit, 6*,6*; presserit, 7*. (*) seruus, 7*.
	LXXX[I]. [Sine rubrica].	LXXI. DE MANCIPIA ALIENA INIUSTE DETENTA.	(m) Si and la (a) and line in the land
[7] Si quis mancipia (*) aliena tenuerit, dies XL redderet (*), latro mancipiarum teneatur obnoxius. (*) al. manc. iniuste t. aut infra XL d. non reddiderit.	[1] SI QUIS ALLENA mancipia iniuste tenuerit et infra dies XL nom eas reddederit, latro mancipiarum teniatur obnoxius.	Si quis mancipia aliena iniuste tenuerit et inter dies quadraginta non reddiderit, ultra mancipiore teneatur obnoxius.	[7] Si quis in(*) mancipia aliena insuste tenuerit et intra (*) dies Lx(*) non reddiderit (*), ut latro mancipiorum teneatur obnoxius. (*) in, om. 6°-8°. (*) XL, 6°-8°. (*) YL, 6°-8°. (*) redderit, 6°.8°.
[8] (+) Si lex de hunc (*) quod in (b) culpa a sorte iacevet (b) et mala sorte (*) preserit (4), medictate ingenuae (*) lex conponat. Et sex iuratores medius donare debet electus (*). (†) With \$8 of. L. Sal. 76. 9; Sohm, Proc. 200. (*) hoc. (*) inculpatur ad sorte et iecerit (*) sortem. (4) (prescrit, corr.) presserit. (*) ingenuum conponat ad VII iuratores donare debet.	[2] Si lex de hoc quod inculpatur ad sortem adiacirit et mala sortem presserit, medietatem ingenui conponant, et septem iuratoris medius elictus dare debit.	[LXXII. Sine rubrica]. Si ledus de quod inculpatur ad sortem ambulauerit et mala sorte coeperit, medietatem ingenuo legem conponat, et sex iuratores medios electos dare debet.	[8] Si litus de quo inculpatur (+) ad sortem ambulauerit mala sortem (*) præserit (*), medietatem ingenui legem conponat. Et iuratores v1 (*) medios (*) electos dare debet. (*) - tus, 6°,8°; - tus est, 7°. (*) sorte, 6°,8°. (*) priserit, 6°,8°. (*) priserit, 6°,8°. (*) D sex medius, 6°,8°; duodecim medius, 7°.
i	i		410

CODD. 1 & 5.

COD. 2.

COD. 8.

CODD. 4 (6), 6 - 8.

Decretio Chlotharii regis.

DECRETUS (*) CHLOTHARIO (*).

[9 1] Decretum est ut qui nigilias constitutas (*) nocturnas foras (*) non caperent, eo quod per diuersa, intercedente conludio (*), scelera sua praetermissa(*) custodias exercerent, centenas(*) aliquod (f) perierunt capitalem qui eum perdiderat (f) recipiat. Et latro (s) uel si in alterius centena apparet deduxerit, et pro hoc admonitus si neglexerit (s) quinos XV (†) solidos condempnetur. Capitalem (*) tamen hac (*) centena (*) illa accipiat absque dubio. Hoc est (!) de sede uel de teracia (!).

(*) DEINDE INCPIT LIBER INCIPIT DECRETIO HLOTARII REGIS. (*) constitutus nocturnis furis. (*) conludia. (*) aliquid periertt capitale qui p. (*) 1. ille uel sì a. c. ad patriam deduxerint et hoc amonitus si (neglexerit, corr.) neglexerint. (!) XV. om. 5. (*) capitale. (*) ille qui prerdiderat accentena. (*) et de seconda uel tertia.

[92] Si uestigio (k) conprobatur latronis, tamen, praesentiae aut longe, multandus (*), et sequens latronem suum conpraehenderunt (1) integram sibi con-positione recipiat (*).

(*) uestigins conprobet. Latrones t. presentia a. l. multandis. (1) conprehenderit. (12) reciperit.

[9²] Quod si post(*) truste inuenitur, medietate (*) conpositione truste (*) adquirat et capitale (*) exigant ad (+) latrone (*).

(*) per. (*) mediaetatem conpositionis trustis. (†) t.e.: a. (*) capitalem (exegat, corr.) exigat ad latronem.

[10] (+) Si quis in domo fuerit (*) ubi clausum (*) furtum conuentus (*) dominus damno (*) de uita conponat. Si quis cum furtus (*) inuenitur antedicte subiaceat legem (*); si de suspectionem (*) inculpatus (*) ad sorte inueniat (*); et si male (*) sorte praeseri (*), ita tamen de utraque (*) partes (*) sint ternas personas electas, ut non conludius (*) fieri possit.

(*) Cf. L. Gund. 8; In. 37; Sohm, Proc. 200.

(*) alterius. (*) clauis erf. (*) inuenitur domino domis. (*) furtu capitur (antedictur, corr.) antedicte s. lege. (*) susceptione. (*) inculpatur. (*) ueniat. (*) maia. (*) presumeerit. (*) una parte. (*) (lidius, corr.) vidius.

[11] De (*) seruum ecclesiae aut fisca-linis uel cuiuslibet si aliquo quicumque in potestatem ad sorte aut ad plibium promouatur, ut ipse precius (+) dominum reformetur. Nam probus periculum subiacebit (*).

subiacebit (*).

(*) De seruls e. a. fisci aut uel c. si a cocumque quem putatur ad sorte aut ad plebium promoueatur ut i. p. dominis r. n. probati subiacebunt. (†) It would seem that recepto is omitted in all the texts (cf. § 15 below), and that we are to read: ipse, pretio recepto, domino reformetur, i.e. tel kim he restored to his master, if his ransom has been paid, breause the ordeal exposes to danger (i.e. might injure the slave and make him usters).

[12 1] Si cuiuslibet de potentibus (+) seruus qui per diuersa possedent (*) de crimine habere suspectus, dominus (*) secrecius cum testibus condicatur ut intra xx noctes ipsum ante iudicem debet praesentare. Quod si institutum tempus,

LXXXIII. INC/P/T LIBER III;
DEINDE Chlotarius rex posuit decreta
ut qui ad uigilias, hoc est ad qua et,
constitutas nocturnas diuersi furis non
capire et quod deuersa, interrudentem
conludio, scelera sua praetermitat costodias exercerent, centenas fierent; in
cuius centena aliquid deperiet caput
trustes restituat, uel in alterius centenam
uestigium proponat aut deduxerent, et
ad hoc admuniti si neclescrent quinus
solidos conponat; capitale tamen qui
prodederat a centena illa accipiat absque
dubio, est de secunda uel tercia

With § 9 cf. Par. Sax. 21; Achlst. VI. 8. 4, 5; Wil. 1. 49, 50. The purport of the chapter is clearly
that on account of the appointment of centeni or trustes fi. But the readings of the different lext
have been variently interpreted. The most obvious reading of 1, 5, 3, 4, 68 would be: D. e. u. qui
divisso intercedente conludio, scelera sua praetermissa (i.e. vigiliae constitutae nocturnae, non. plur.), fures n. c. e. p.
diverso intercedente conludio, scelera sua praetermissa (i.e. scelera corum praetermissa, nannety, of
the thicus, accus, plur. for the ablat, absol.) cust, exerc, centenae fierent. In cuius (i.e. trustis)
centena aliquid deperierit, capitale qui eum perdiderat, recipiate. Et latro insequatur, visit in alternis.
(i.e. trustis) centena appareat, deducat &c. According to Cod. 2 the text might be construed
thus: D. e. u. quil ad vigilias (hoe est ad guacti constituti nocturus, diversi (i.e. of the thirtory) praetermissa
(i.e. trustis) (i.e. trust

si uestigius conprobatur latronis, tamen, per presencia aut longe, multandus, et si persequens latronem suum conprehen-derit integram sibi conposicionem acci-

et si per trustem inuenitur, media con-posicionem trustes ad se recipiat et capi-talem exeat (+) ad (+) latronem. (†) i.e. : exigat a.

LXXXII[I].

SI QUIS IN ALTERIUS domum ubi clauis est furtum inuinerit, dominum domui de uita conponat. Se cum furtum ubicumque capitur antedicte subiaceat legem; et de suscepcionum inculpatur ad sortem ueniat, et si malam sortem priserit, ita tamem ut utraque partis ternas personas elictas, duas nec costodia fieri poesit.

LXXXIII[I].

DE SERUOS ECLESIE aut uel cuiuslibet, si adquecunque inculpantur aut ad sortem aut ad pleuium promoue-antur, aut ipse aut precium domino re-furmetur, probacio periculum subiaciunt.

LXXXIIII [LXXXV].

SI Q*UIS* QUODLIBIT DE POTEN-SI QO/S QUODLIBIT DE POTEN-TIS pro suo servo admoniatur, ut per diuersa possedent loca, de crimine habere susceptus, domino secricius cum testibus cundicatur ut intra xv nocfes ipsum ante iudicem debiat presentare; quod si intra statutum tempus,

LXXIIII. [Sine rubrica].

Si uestigius conprobatur latroni latronis, tamen, presentia aut longe, multa, dominus si persequendo latronem suum conprohenderit, integram sibi conpositionem recipiat;

quod si per truste inuenitur, dominus de uita conponat (*). (*) The last four words evidently refer to the provision mentioned in the other texts in the following §.

LXXV. [Sine rubrica].

Si(*) quis cum furtu capitur antedictas subiaceat leges, id est de suspectione inculpatur ad sortem ueniat, et si malam sortem prisserit latro, tamen utrasque petissent, ternas personas electas, non conludius fieri possit.

(*) Cf. the note to the preceding paragraph.

LXXVI. DE SERUIS DIUERSIS LUDICIO PROBANDIS.

Si quis seruus ecclesia ut fisci uel cuiuslibet a quocumque pro qualibet causa inculpatur, ad sortem aut plebeium promobatur, praetium dominus reformetur, nam probati periculo subiaceantur.

LXXVII. DE SERUIS ACCU-SATIS IN MULTIS.

SATIS IN MULIIS.

Si cuiuslibet de parentibus seruis qui per diuersa possedent discrimina habere susceptus, a domino secretus cum testibus condicatur ut inter xx noctes ipsum ante iudicem debeat praesentare; quod si institutum tempus,

LXVI. DECRETIO CHLOTARII REGIS (*).

Si(4) uestigius(4) conprobatur latronis(*), tamen, presentia nihil (†) longe multandus(s). Et super sequens(h) latronem suum (i) conprehenderit et (k) integram sibi conpositionem (l)

(pristis, corr.) trustis adquirat(1), et capitalem (**) exigat (**) a (**) latronem (**).
(*) si nestia, 0**; si nestigits, 7*.8**; si nestigits conprobantiur, (**-batri), 7*.8**. (**) latrones, 0*.8**; (latrones, c-rr.) latronis, **p*. (**) militando aut si pessequens latr. &c., 0*-8**. (**) militando aut si pessequens latr. &c., 0*-8**. (**) ext., om. 0*-8**. (**) c., om. 0*-8**. (**) c., om. 0*-8*. (**) c., om. openitione (-nem) reciperit (accipiat). Quod si per (in) truste innenitur mediacatem compositionis (-onem) trustis (trustes) adq., 0*-8*. (**) capitales, 0*-8*. (**) excat. (**-8*. (**) ad, 0*-8*. (**) latrone, 0*-9**, 9**, 9**, 8**.

[10] Si quis in domi (*) alterius (*) ubi clauis est furtum inuenerit, dominus domus de uita conponat. Si quis furto (*) capitur antedicti subiaceat legem (*). Si (*) de suspitione inculpatur ad sorte ueniat; si mala sorte preserit latro (*), tamen ad utrasque (*) partes (*) sint ternas (*) personas electas (*), nec (*) ludius (*) fieri possit.
(*) domo, 6*-8*; domum, 6*-8*. (*) alterum, 6*, 8*. (*) cum furtu, 5*-8*; cum furto, 7*-8*, (*) lege, 6*, 8*; legi, 7*, antedicts oucedat legi, cocada legi, conticte (- ta) succest legis, 6*, 5*, (*) Sf-subiacebunt (c. 11), 6*-8*, 7*, adds: quis. (*) 7* adds: est. (*) utraque parte, 6*, 8*; utramque parten, 7*, (*) terne persone electe, 7*. (*) ne, 7*. (*) conludius (cami-), 6*-8*.

[11] De seruis ecclesiæ (*) aut fisci aut (*) cuiuslibet allicumque(*) inculpatur (*), ad sorte (*) ueniat aut ad plebium promoueantur (*), aut ipse (*) pretius (*) domini (*) performetur (*), nam probati (*) periculo sublacebunt (*).
(*) aeclesiae, *^. (*) uel, 6*-8*. (*) allicumque.
6*.8*; qui culpa inc., *^. (*) 1 7 adds; aut.
(*) sortem, 6*.8*. (*) ipsum precium, *^. (*) a domino, *^. (*) reformetur, *^. (*) a domino, *^. (*) reformetur, *^. (*) promouetur, *^. (*) subiacebit, *^. (*)

[12] Si quis cuiuslibet de potentibus (*) seruus (*) qui per diuersa possident de crimine habere suspectus (*), a (4) domino secretius cum testibus condicatur ut intra (*) xx noctes ipsum (1) ante iudicem debeat presentare (s). Qued si in(*) stutum (*) tempus (!),



PACTUS PRO TENORE PACIS (Decretio Chlotharii regis).				
CODD. 1 & 5.	GOD. 2.	COD. 8.	CODD. 4 (6), 6-8.	
intercedente conuidio (*), non fuerit praesentatus, ipse dominus statutum sui iusta modum culpe inter freto et fedo (*) conpensetur (*). (†) Cf. Sohm, Proc. 130, 158, 201; id. R. u. Ger. 302; Capitul, in Mon. Germ. Legg. 1, p. 15, c. 19. (*) cossideant. (*) domino. (*) Cf. L. Sal. 35, 7. (*) cum ludionem fuerunt p. ipsum dominum in statum sui instat modum c. in fretum. Et effedum conpensatur.	intercedentem conludium, non ei fecerit, ipsi dominus statutus sui iusta modo sui culpe inter fretum et feitum conpensetur.	intercedentem conludio, non fuerit prae- sentatus, ipse dominus status tres iuxta modum et inter fredo et faido conpen- sabitur.	interludende (*) conludio (*), non (*) fecerint (*), dominus status sui iuxta modum culpae inter (*) fretum (*) et foedum (*) compensabit (*). (*) potentioribus, &-5*. (*) seruis, &-5*. (*) interludente, &-5*. (*) interludente, &-5*. (*) conduit, &-5*. (*) interludente, &-5*. (*) conduit, &-5*. (*) interludente, &-5*. (*) conduit, &-5*. (*) interludente, &-5*. (*) conduit, &-5*. (*) interludente, &-5*. (*) int	
[18*] Si seruus ante amonitus (*) dominum defuerit, culpa dominum (*) restituat et de seruo faciat cessione, ut cum inuentus fuerit uindicta (*) facta (*). (*) monidum domini fuerit capitate domino. (*) detur uindictæ.	Seruus tum admonitum domino de- fuerit, capitalem dominus restituat et de seruum dominus faciat cessionem futurum, et cum inuentus fuerit detur uindictam.	Si seruus aute admonitum dominum defuerit, capitale domnus restituat et de seruo faciat cessionem, aut cum inuentus fuerit detur ad uindictam.	Si seruus ante admonitum (*) dominum (*) defuerit, dominum (*) restituat et de seruo faciat cessionem (*), ut (*) cum inuentus fuerit (*) detur (*) uindicta (*). (*) munitum, &-s*. (*) ad dominum, &-s*. (*) captitud dominu, &-s*. (*) concessionem. &-s*. (*) concessionem. &-s*. (*) cu., ov.z. &-s*. (*) du., ov.z. &-s*. (*) du., ov.z. &-s*.	
	LXXXV[I].	LXXVIII. DE LATRONES AD ECCLESIAM FUGIENTIBUS.		
[13] Si quis occulte de res(*) ibi furatas aut quodiibet latrone (*). (*) rem furatæ a quolibet latronem uel quem- fibet culpabilem.	SI OUIS OCULTE REM SIUE CONPOSICIONEM at quemlibet la- tronem acciperet ut (+) res quem latronis culpam subiaceat, fures tamen iudicibus presentetus; nullus latronis ut quemlibet culpabilem ocultare presumat. Cui (+) si ficerit, similis illi subiaceat culpe. (+) leg. (*) uterque latronis culpae subl.; fur. t. 1. presentetur; n. latronem aut quemiibet c. o. p. Qui &c.	Quis occulte de rem sibi furatam quo- libet latronem	[18] Si quis occulte de (*) rem sibi furatam (*) a (*) quolibet (*) latronem (*) conpositionem (*) acceperit (*) utraque (*) latronis (*) culpa subiaceant (*). (*) d. r. s. furata, 6*; rem sibi furata, 7*; de re sibi furata, 7*; de re sibi furata, 7*; de re sibi furata, 7*; de re sibi furata, 7*; de re sibi furata, 7*; de re sibi furata, 7*; de re sibi furata, 7*; de re sibi furata, 7*; de re sibi furata, 7*; de re sibi furata, 7*; de re sibi furata, 7*; de re sibi furata, 7*; de re sibi furata, 7*; de re sibi furata, 7*; de re sibi furata, 7*; de re sibi furata, 7*; de re sibi furata, 6*; de re sibi furata, 6*; de re sibi furata, 6*; de re sibi furata, 6*; de re sibi furata, 6*; de re sibi furata, 6*; de re sibi furata, 6*; de re sibi furata, 7*;	
[14] (*) (+) uel quemlibet culpa, sicut episcopo conuenit, de atrio ecclesiae (+) quibus atriae clausae non sunt, utraque partibus parietum terrae spacium pro atriae obseruetur arripens; nullus confugiens foris antedicta loca pro operum chepeditatis educat (*). Quod si fecerit et capti fuerunt, ad digne sibi supplicio condempnentur (‡). (*) s unites the three first words with the preceding ‡ and commences this ‡ thus: Si quis cum episcopis c. d. a. e. q. a. clausin. sint utriusque p. parietum terre aripenne uno pro a. o. c. foras a. l. p. o. cupiditatis æducat. Quod (si fuerint.crv.) si nom terint e. c. ficerint a. dignum s. subplicium condempnetur. (†) There is no break in the MS. (*) Codd. 6-8 add. si re (scire), which suggest the reading: seducatur exire. (‡) C. L. A. Hoth. 3-5; Bal. 1. 7; Fris. Add. Sap. 1; Ed. Roth. 27; L. Liu. 143; Par. Saz. 2; L. Saz. 8; Wisig. IX. 3; Ali. 2.5.	LXXXVI[I]. [Sine rubrica]. Nullus quemlibet culpabilem, sicut cum episcofis conuenit, de atrio eclesie extrahere presumpserit, cannonibus feriatur; quod si sunt eclesie quorum clause non sunt, ab utrasque partebus parietum terre expacium aripennis pro adrio obseruentur, et nullatinus fugiens foras ante dicta loca properarum cupietatis se dicat; quod non sit et capti fuerint, ad dignum sibi subplicium condemnentur.	sicul cum episcopis conuenit, de atrio ecclesiae	[14] Nullus latronem uel (*) quemilibet culpabilem, si quid (*) cum (*) episcopis conuenit, de atrio ecclesize extrahere (*) presummat (*). Quod si sunt ecclesize non (*) sint, utrasque partibus parietum terre spatium arpennis pro atrio observabitur. Nullus confugens foris antedicta loca pro operarum cupiditates se ducat. Quod si eit et capti fuerint, ad dignum sibi subplicium condemnetur. (*) uel. om. 60-80. (*) sicher, 60-80. (*) praesumat, 60-80. (*) praesumat, 60-80. (*) praesumat, 60-80. (*) quibus atria clausa non sinet utraque parte p. t. s. appennis p. a observetur. N. confugiens f. a. l. properarum cupiditate se dicat si re (scire, r)* quod si fecerint et capti f. a. d. s. condempnentur, 60-80.	
[15] Quod si cuiuslibet seruus deserens (*) domino suo ad ecclesiae confugiens (*), ubi primum dominus (*) eius ad (4) imperii continuo (4) excusatus reddatur. (*) deferens. (*) (configerit, corr.) confugerit. (*) dominum. (4) aduenerit.	LXXXVII[I]. Si cuilibit seruus ad quocumque deserat confugium fecerit, Primum dominus eius aduenerit cito excusatus reddatur, futurum ut si de precium (+) cumuenerit precius redatur; tamen admunicionem perientes redere noluerit precium soluat, futurum cum inuenitur si placit, receptum precium, seruus dominum refurmetur. (i) Cf. § 11 above.	[2] Quod si cuiuslibet deseruiens domino suo ad ecclesiam confugerit, ubi primum dominus eius aduenerit continuo excusatus reddatur, futurum se de pretium conuenerit non negetur; quod si repetent domino datus non fuerint sed fugerint, illi qui eum reddere noluerit eius pretium reddat; postmodum si inuenitur et placuerit, receptum pretium, domino reformetur.	[15] Quod si cuiuslibet seruus deserens suum (*) dominium (*) ad ecclesiam (*) confugiret (*), bit (*) primitus (*) dominus eius aduenerit omnium (*) rerum (*) excusatus reddatur, futurum (*) aut si de pretio domino reformetur. (*) suo domino, 6*.8*; suum dominum, 7*. (*) suo domino, 6*.8*; suum dominum, 7*. (*) ccclesias, 6*.8*, (*) confugerit, 6*.8*. (*) ccclesias, 6*.8*, (*) confugerit, 6*.8*. (*) ccclesias, 6*.8*, (*) confugerit, 6*.8*. (*) ccclesias, 6*.8*, (*) confugerit, 6*.8*. (*) furum ut se de pretium (precio) redimat, 6*.8*; these Codd. end here.	
[16] De fiscalibus ut (*) omnium dominum censuemus; pro itinere (*) pacis iubemus ut in truste electi centenariae (*) ponantur, per quorum fide (*) atque sollicitudine (*) pax praedicta seueritas (*). Ut centenariae latro licet prae esse caritatis indisrupta uinculum ut centenariae (*) inter communes prouintias licentiam habeant (*) latrones sequi uel uestigia adsignata (*) minare aut in truste qua defeceret (*), seut dictum est causa remaneat, ita ut continuo capitalem (*) ei quem (*) perdiderat (*) reformare festinet (*), et latronem perquirat; quem (**) sibu uindicet uel dilatura (*) si fuerit (*), de facultate latronis (*) ci qui (*) damno (*) pertulerit (*) sartiatur. Nam qui (*) latronem coeperit, integra (*) sibu ionopositione (**) somul (*) et solutione (*) uel quicquid de dispendii fuit (*) remeauit (*); fretus tamen iudicii (*) in cuius prouintia latro est requiratur (*). (*) ut ad o. domus censuimus. Pro tenore. (*) centenarii. (*) fidem. (*) sollictudinem. (*) servetu propricianet LXLIII doc inter nos ger-	LXXXVIII[I]. Ut in truste electicentenarius ponantur. Pro (+) fiscalibus et omnium domibus censimus (+); pro timore pacis iubemus, in truste electicentenarius ponantur, per eorum ad que solicitudinem pax interdicat obseruetur; et quia deo propicio germanitas uinculum caritatis costoditur; centenarius ergo uel qui in troste esse dicuntur, abent latronis persequere uel uestigia adsignata tamem menare et in truste qui defuerint, sicut dictum esf, cumsarciatur ut continuo capitale et qui perdedit refurmetur. Ita tamem ut latronis perquirantur, quem si truste per se inuenerent, medietatem conposicionem sibi uindicit, capitale uel dilatura si fuerit, de facultatem latronis ei qui furtum pertullit sarciatur; nam si per se latrone coeperit, integra sibi conposicione uel dissulucione uel quidquid dispendite fueret, reuocauerit; fretus tamen iudecibus in cuius prouencia esf latror stratetur requerenti. (†) Boretius (p. 104) connecte Pro (De) fiscalibus et with the preceding churthes. Or, in cose n	[LXXVIIII]. VT FISCALES IN TRUSTEM EANT. De fiscalibus uel omnium domos censuimus; pro tenore pacis in truste electicentenarii ponantur, per quorum fidem atque sollicitudinem pax predicta obseruetur. Et quia, propitiante domino, inter nos germanos fratres caritas indisrupto uinculo custoditur, centenarii inter communes prouintias licentiam habeant latrones persequere uel uestigia adsignata minare, aut in truste qua defecerit, sicut dictum est, causa remaneat, ita ut continuo capitalem ei qui perdiderit, reformare festinet, tamen ut latronem perquerat; quem in truste inuenerit, medietatem sibi uindicet uel delaturas si querint, de facultatem latronis ei quod dum non pertulit sarciatur. Nam qui persequi latronem uel quicquid dispendius fuerit reuocatus; fredus tamen iudices in cuius prouintia est latro resseruetur. [vel] omnium domibus (domos, dominum, dominus) fiscal and private houses, we have ordeived the read dominis for dominus, he vasad dominis for dominus, he vasad dominis for dominus, he vasad dominis for dominus, he vasad dominis for dominus he vasad dominis for dominus he vasad dominis for dominus he vasad dominis for	[16] De fiscalibus ut contra dominus censuimus; pro timore pacis iubemus ut in truste electi centenarii ponatur, per quorum fidem atque solicitudine pax predicta seruetur. De qui, adpropiciante domino, inter nos germanitatis caritas indirupta uinculo custodiatur, centerii inter communes provincias licentiam habeant latrones persequi uel uestigia adsignata minare, et in truste qua defecerit, sicuri dictum est, causa remaneat, ita ut (†) continuo capitale ei qui perderit (*) reformare festinet, et latronem perquirat. Quem si in truste peruenerit (*), medietatem sibi uindicet uel delaturam (*) si fuerit, de facultate latronis et que damnum pertulit sarciatur (*). Nam si persequens latronem conperit (*), integram sibi conpositionem simul et solutionem uel quicquid dispendii fuerit reuocabit (*); fretus (*) tamen iudici in cuius pago est reseruetur. (*) Texts 6-8-7 commence here again. (*) perdiderit, 6-8-8. (*) sanciatur, 7-1; saciatur, 6-8-8. (*) delatura, 6-8. (*) sanciatur, 7-1; saciatur, 6-8-8. (*) caperit, 7-8. (*) reuocauit, 6-6-8. (*) fredos, 7-8. (*) reuocauit, 6-6-8. (*) fredos, 7-6-8. (*) fredos, 7-6-8. (*) reuocauit, 6-6-8. (*) fredos, 7-6-8. (*) reuocauit, 6-6-8. (*) fredos, 7-6-8.	
(1) seructur popiciante ALII deo inter nos ger- manitatis caritatis indisruptum u. ut centenarii. (1) habent l. persequere u. u. adsinuata. (1) de- fecerit. (8) capitale. (4) qui. (4) perdiderit. (1) festinat. (9) qui. (1) perinuenerit. (7) mer- diactatem. (7) defatura. (5) fuerint. (7) larones. (1) quidem nom. (1) pertulit. (1) add: persequi. (2) nitegram. (1) conposionem. (2) simul. (3) solutionem. (5) fecerit reuocauerit. (1) iudici. (4) reseruetur.	saint as here respecting churches. Or, in case ne this regards fiscalini and private slaves. Cf. Sol	re read gominis for domibus, he would translate: im, R. u. Ger. 188 sqq.	6°-8°. (f) fredus, 7°.	



CODD. 1 & 5.	COD. 2.	COD. 8.	CODD. 4 (6), 6 – 8.
[17] Si quis ad (*) uestigio uel latrones (*) persequendo admonitus penitus (*) uentre noluerit, sol <i>idos</i> v iudice (*) condemnetur. (*) a. (*) latronem persequendum ammonitus ponitur. (*) a (tide, cerr.) iudice.	LXXXVIIII [XC]. [Sine rubrica]. Si quis ad uestigium uel ad latrone prosequendo ire noluerit, si moniti fuerunt, et si cos sunnis nom detenuerit, solidos xv culpabilis ludicitur,	[LXXX. Sine rubrica]. Si quis ad uestigium uel latronem persequendum admonitus uenire noluerit, quinque solidos iudicio damnetur,	[17] Si quis ad uestigio (*) minandum uel latronem persequendum aduenire (*) admonitus (b) noluerit, v (*) solidos condemnetur. (*) nestigium, 6° -8°. (b) admonitus uenire, 0° -8°.
[18] Et qui in dei nomen (*) non pro pacis tenere constituimus, in perpetuo (*) uolumus custodire. Hoc statuentes ut si quis ex iudicibus hunc decretum uiolare praesumpserit, uitae (*) periculum (*) se subiacere cognoscet (*). (*) aomine pro tenore pacis c. i. perpetuum u. c. (*) ante. (*) pericula. (*) cognoscat.	et in dei nomine pro timore pacis con- stituemus, et in perpetuo uolumus costo- dire, interdicentes. LXL[1]. Si quis a iudicibus hec uiolare presumpserit, uita incurrat peri- culum, et sta omnia ante dicta nosfra sicut priora stare iubemus.	et quia in dei nomine pro pacis tenore constituimus, in perpetuum uolumus custodire, hoc est atuentis ut si quis ex iudicibus hunc decretum uiolare pre- sumpserit, uite periculum se subiacere pertimiscat (*). (*) Here follow in the MS., as titt. 81-83, the fitt. 78, 42 and 75 of the Lex Burgundionum.	[18] Sicque (*) in nomine dei pacis tenore (b) constituimus in perpetuum uolumus custodire (*), hoc statuentes ut si quis ex iudicibus hunc decretum uiolare praesumpserit, uitæ periculum(4) subiacere cognuscat (*). (*) Et quia, 6*-5*. (b) tenorem, 7*. (*) constare, 7*. (4) periculo, 7*. (7) cognoscat. Explicit, 6*, noscatu, 7*.

[It is not impossible that here should follow the Capitulare Karoli Magni, A.D. 803, which contains chapters which Charlemagne, according to the testimony of four MSS., added to the Salic Law. It has, however, been omitted here, 1º. because Boretius (die Capitularien im Langobardenreich, pp. 71-85) seems to have proved that this Capitulare does not belong exclusively to the Lex Salica; 2º. because a reproduction of the document seemed to be superfluous, it being found in the Monum. Germ. Logg. 1. 112. Cf. Peyron, in Mem. della R. Acc. d. scienze di Torino, ser. 11, tom. VIII, p. 162].

CAPITULARE LUDOVICI PRIMI.

(Capp. Legi Salicae add. A.D. 819).

This Capitulary is found 1) in MS. Paris. Lat. 10758 (164 bis suppl.); 2) in Paris. Lat. 4632; 3) in Paris. Lat. 4628 A. It has already been published: 1°. by Pertz (Monum. Germ. Legg. 1. 225); 2°. by Merkel (Lex Salica, p. 48); 3°. by Boretius as 7th capitular.

IN (*) NOMINE DOM/NI. INCIPIUNT CAPITULA LEGIS SALICAE (*).

I. DE CAPITULO(*) I(*) [LEGIS SALICE](*)
ID BST DE MANNIRE(*). DE HOC CAPITULO [iudicatum est], ut ille qui mannitur spatium mannitionis suae per XL noctes habeat; et si comes(*) infra (*) supradictarum noctium numerum mallum si (*) non habuerit, ipsum spatium usque ad mallum comitis extendatur; et deinde detur ei spatium [ad respectum] ad VII noctes. Inde(*) non noctium spatiae(*) sed proximus (*) mallus (*) comitis ei concedatur.

(*) In - salicae, om. 2. (*) capitate, 3. (*) The words between [in this document occur in Cod. 2 only. (*) maine, 2. (*) Cf. Sohm, R. u. Ger. 402. (*) Intra, 2. (*) suum, 2. (*) exinde, 2. (*) spatia, 2; spacie, 3. (*) proximos, 2; proximum, 3. (*) malum, 3.

II. DE XII (*) CAP/TULO LEGIS SALICAE (tit. 10 } 3 of Cod. 6, &c.). Si quis seruum alienum occiserit uel uendiderit uel ingenuum dimiserit, Mcccc denstrios qui faciunt solidos xxxv culp. iud., excepto capitale et dilatura. De hoc capitulo iudicatum est ab omnibus, ut, si ille seruus qui iniuste uenditus uel ingenuus dimissus apparet, non alter pro eo in loco (b) illius restituatur; quia diserunt aliqui quod (*) idem (*) seruus, qui ingenuus dimissus fuerat, denuo ad seruitium reddere (*) non debeat sed pristino (*) domsino et seruitio restituatus fiat iudicauerunt.

(*) XI. 2. (*) locum. 2. (*) que id est. 2. (*) redire et

(*) XI, 2. (b) locum, 2. (f) que id est, 2. (d) redire, 2. (f) 2 adds: et.

III. DE XIIII CAP/TULO LEGIS SALICAE (tit. 13 § 9). Si quis ingenuus ancillam alienam in coniugium acceperit, ipsi (*) cum ea in seruitium inplicetur. De hoc capitulo iudicatum est ab omnibus ut si ingenua femina quemilibet seruum in coniugium sumpserit, nom solum cum ipso seruo in seruitio permaneat, sed etiam (†) omnes res quas habet si eas cum parentibus suis dinisas tenet ad dominum, cuius seruum in coniugium accepit, perueniant; et si cum parentibus suis res paternas uel maternas nom diuisit, nec alia(*) quaerenti respondere nec cum suis heredibus in rerum paternarum hereditate ultra diuisa(*) accedere possit. Similiter et si francus (*) homo alterius ancillam in coniugium sumpserit, sic (*) faciendum esse ludicauerunt.

(*) ipse, 2. (†) 2 adds : et. (*) alicui, 2. (*) diuisor, 2. (*) fractus, 2. (*) sic, om. 2.

IV. ITEM DE EODEM CAP/TULO (tit. 15). Si quis uxorem alienam uiuo marito tulerit, viiiM denarios qui faciunt solidos CC (*) culpabilis iudicetur. De hoc capitulo iudicatum est (b), ut uiuo marito qui (*) eadem uxor contra legem subtracta fuerat, ab illo qui eam ei iniuste tulerat cum lege suprascripta id est CC (*) solidis reddita fat.

(*) 2 has in both place: CCC, though an attempt seems to have been made in the first instance to erase the last C. (*) est, om. 2. (*) cui, 2.

V. DE XXXVI(*) CAP/TULO (tit. 24 § 5). Si quis puer infra XII annos aliquam culpam commiserit fredus ei non requiratur. De hoc capitulo iudicatum est, ut si infans infra XII annos res alterius iniuste sibi usurpauerit, eas (*) excepto fredo cum lege sua conponat (*), et item (*) maniatur (*) sicut ille [maniri potest (*) cui contra legem fecit, et ita a comite ad mallum suum adducatur sicut ille] adduci (*) potest cui contra legem fecit. De hereditate uero paterna uel materna si aliquis eum (*) interpellare uoluerit, usque ad spatium XII annorum expectare iudicatus est.

(*) XXVI, 2. (*) eos, 2. (*) reddat, 2. (*) ita, 2. (*) maniatur, 3. (*) potest, it in none of the Codd. (*) addici, 2. (*) cum, om. 2.

VI. (tit. 25 \$\frac{1}{2}\$ 5 & 6). Iudicatum est ab omnibus, ut si francus homo uel ingenua femina (*) sponte sua (*) inplicauerit se, ut si res suas, dum in libertate sua permanebat, ad (*) ecclesiam (*) dei aut (*) cuilibet legibar tradidit, ipse cui tradite fuerint eas (*) habere et tenere possit; et si filios uel filias dum in sua fuit libertate generauit, ipsi liberi permaneant.

(a) 3 adds: in seruitio. (b) suam se, 2. (f) ad, om. 2. (d) ecclesiae, 2. (f) aut, om. 3. (f) cas - generauit, om. 2.

VII. DE XXXVI (*) CAPITULO (tit. 35 \ 5). Si quis seruus hominem ingenuum occiserit, ipse (*) homicida pro medietate conpositionis parentibus hominis occisi traditur (*), et aliam medietatem dominus serui se (*) nouerit soluiturum (*), aut si legem intellezerit, poterit se obmalare ut leodem (*) non soluat. Quia nullum (*) de ecclesiastico aut beneficiario uel alterius persona (*) seruo (*) discretionem lex fecit (*), si ita ecclesiastici aut beneficiarii serui sicut liberorum (*) tradi aut dimitti possunt, [ad interrogationem domni imperatoris reseruare uoluerunt].

(*) XXXVII. 2. (*) ipsa. 2. (*) tradatur, 2. (*) si, 2. (*) soluturum, 2. (*) leadem, 2. (*) nullam, 2. (*) persone, 2. (*) seruo, om. 2. (*) facit, 2. (*) liberum, 2.

VIII. DE XLVI CAP/TULO [tit. 44] id est qui VIII. DE XLVI CAPTULO [tit. 44] Id est qui uiduam in coniugium accipere uult, iudicauerunt homines (*) ut non ita sicut in lege salica scriptum est eam accipiat, sed cum parentorum consensu et uoluntate, uiro (*) usque nunc antecessores eorum fecerunt in coniugium sibi eam sumat.

(*) omnes, 2. (*) uelut, 2.

VIIII. DE XLVII CAP/TULO (tit. 45 \ 3) de eo qui uillam alterius occupauerit. De hoc capitulo iudicauerunt, ut nullus uillam aut res alterius (*) migrandi gratia per annos tenere uel possidere possit; sed in quacumque die inuasor illarum rerum interpellatus fuerit, aut (*) easdem res querendi (*) reddat aut (*) easdem res querendi (*) reddat aut (*) easte (*) legem se defendendo (*) sibi uindicet. (*) alterius, om. 2. (b) ante, 3. (c) querenti, 2; quirendi, 3. (d) ante, 3. (e) iuste defendendo, 2.

X. DE AFFATOMIE (*) [tit. 46] DIXERUNT QUOD RADICTIO (*) FUISSET. De hoc capitulo iudicatum (*) est (*) ut sicut per longam consuetudinem antecessores corum facientes habuerunt, ita et omnes qui [in] lege salica uiuunt, inantea habeant et faciant. (*) afatomie, 2; afatomie, 3. (*) traditio, 2.3. (*) ludicauerunt, 2.

XI. Et hoc iudicauerunt, ut si seruus cartam ingenuitatis adtulerit, si(*) seruus eiusdem carte auctorem legitimum habere non potuerit(*), domino(*) serui ipsam cartam falsare liceat.

(b) domini, 2. (") si - potuerit, om. 3.

XII. Et hoc iudicauerunt, ut omnis qui alteri aliquid querit licentiam habeat prius sua testimonia producere contra eum. Et si ille cui queritur dixerit, quod legibus teneat ea que tenet et talia (*) sunt (*) testimonia qui (*) hoc ueraciter adfirmare possit; Iudicauerunt ut huius rei (*) ueritas secundum capitulo (*) domni imperatoria que prius (*) pro lege tenenda constituit (*) rei (*) ueritas conprobetur.

(*) alias in 2.
(*) que, 3.
(*) regi, 2.
(*) capitula, 2.
(*) prius, om. 2.
(*) (*) Capit legg. addenda 817 c. 20 (Mon. Germ. Legg. 1. 221).
(*) regi, 2.

[After this Capitulare follow in Monum. Germ. Legg. 1. fol. 227: "Responsa misso cuidam data (Capitula legi Salicae addenda), circ. A.D. 819," which it was not thought advisable to insert here].

EXTRAVAGANTIA.

A.

CODD. 7, 8, 9.

COD. 10.

LEX EMEND.

LXX(*). DE EO QUI FILIAM ALIENAM ADQUISIERIT(*) ET SE RETRAXERIT.

Si quis filiam alienam ad coniugium quasierit, praesentibus (*) suis et (*) puellas (*) parentibus (*), et postea se retraxerit et eam accipere noluerit, mmn den qui fac. sol. LXII cum dimidio culp. iud. (*)
(*) LXVIII (LXXII), ét n. (Cod. Lug.d.). (*) quesierit, 11; despossuerit et nou uult eam accipere, Wolf. Aug. 8. (*) parentibus. 11. A. (*) et, om. 11. (*) puelle, 11. (*) 11 adds: Suis. (*) This § it not in B.

[LXXI. DE TERRA CONDEMNATA.

Si quis terra condemnata fuerit et ei fuerit adpro-batum, sol. LXII cum dimidio culp. iud. (*)]
(*) Pardessus remarks that this § is found in none of the Codd. of the Lex Emend. except in Paris. 4632.

XCVI(+). DE EO QUI FILIAM ALIENAM SPONSAUERIT(*) ET SE RETRAXERIT(*).

Si quis filiam alienam sponsauerit (*) et se (*) retraxerit et (*) eam noluerit prindere (*), mal frifastina (*), [MMD den. qui fac.] sol. Luis culé. (\$) ind. (\$) (*) Cf. L. Alam, 5, 9; Ed. Roth. yp-8*s; Bal, 8, 15. (*) spunsauerit, 9. (*) no rubric is B.-H. (*) B.-H add: exinde. (*) aut cam in conlugio accipere noluerit, B.-H. (*) prehendere, 8; prendere, 9. (*) fribastina, 9. (*) componat, B.-H.

XCVIII. DE TERRA CONDEMPNATA (*).

Si quis terram alienam condempnauerit (*) et ei (*) fuerit adprobatum, [MMD den. qui fac.] sol. lxiis culé. iud.
(*) condemn., &F; no rubric in B.-H. (*) et, om. 9.

LXX. De eo qui Filiam alienam acquisierit et se

Si quis filiam alienam ad coniugium quæsierit, præsentibus suis et puellæ parentibus, et postea se retraxerit, et eam accipere noluerit, malb. frifrasigena, MMD den. qui fac. sol. IXII & dimidium culp. iud.

П.

LXXII (*). De terra Commendata.

Si quis alteri auicam terram suam commendauerit, et ei noluerit reddere, si eum admalluerit et cossuinxerit, pc den. qui fac. sol. xv culp. iud.
(*) Cf. Waltz, 179.

ш.

[LXXII. DE INUICTU (*) STRICTO (*).

[1] Si quis pitto alterius (b) excusserit inuitu (c) stricto (c), Cxx den. qui fac. sol. III culp. iud. (d) (f) So in Cod. Parts. 4632; inuitus tritto, Wolf. 50. 2. Aug. 8. (c) alterum, Pilhoeus. (f) malls inuitus tritto, Wolf.; vuistritto, Pilhoeus. (f) Cf. L. Sal. 30. 8 9 of Lex Em.

[2] Si uero contra uolontatem (*) domini (*), et negare uoluerit, et ei fuerit adprobatum, capitale (*) restituat et insuper MCCCC den. qui fac. sol. XXXV culp. iud. (*)]
(*) uoluntate domni, Wolf. (*) add: in locum, Wolf. (*) add: exceptic capitale et delatura, Wolf.

LXXIII (*). De cultello "Sexxaudro.

Si quis alteri cultellum furauerit et ei fuerit adpro-batum, ipsum in loco restituat, et insuper DC den. qui fac. sol. xv culp. iud. (*) CL tit. xxvII, i 35 under tit. VII.

₹.

LXXV. De muliere Grauida occisa.

1(*) Si quis mulierem grauidam occiderit, XXIIIIN den. qui fac. sol. DC culp. iud. Et si probatum fuerit quod partus ille puer fuerit, simili conditione pro ipso puero DC sol. culp. iud.

(*) Cf. L. Sal. 24.

- 2 Si quis puellam intra duodecim annos usque ad duodecimum impletum occiderit, sol. cc culp. iud.
- 8 Si uero maiori ætate usque ad sexagesimum annum, quo usque partum habere potuerit, occiderit, xxiiim den. qui fac. sol. de culp. iud.
- 4 Si postea fuerit occisa, quando iam partum amplius habere non potuerit, sol. cc culp. iud.

VI.

LXXIX (*). De Delatura.

- 1 Si quis hominem occiderit, et quod lex habuit pro eo dederit, sol. xxx pro delatura componat.
- 2 De puero aut liberto, sol. xv.
- 8 De furtibus nero aliis, vu sol.
- 4 Causæ uero Dominice, in triplo componuntur. (*) Cf. Waitz, 199.

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В.

From Cod. 33 (saec. X) of the Chapter at Ivrea. It was first published by Am. Peyron in the Memorie della R. Accademia delle scienze di Torino, 1846, p. 129 sqq.; afterwards (from Peyron's text) by Merkel (Lex Sal. p. 99) and Boretius (in Behrend's Lex Salica, p. 120).

1.

Si quis aliquem ad servitium mallaverit, et ille uuadium dederit et fideiussorem posuerit, ut anthmallo legitimos (*), in patria de qua est, testes sue libertatis dare debeat, faciat tunc comes, in cuius [presentia mallatio facta est, duas epistolas uno] (b) tenore, et unam habeat ille qui mallat, alteram similem ille qui mallatur.

Veniente itaque illo qui mallatus est ad constitutum cum suis sacramentalibus, si ipse qui eum mallavit defuerit, faciat comes, in cuius presentiam ipse mallatus advenit, epistolam, et cum testibus ad mallatorem suum redeat, et iectum (*) de xv solidis ei det, qui ad placitum non venit constitutum, et placitum ei proponat aliud. Et si iterum ad placitum constitutum mallator venire distulerit, iterum det iectum de xv solidis; et mittat mallatus tertium constitutum mallatori, ut veniat ad testes recipiendum. Et si iterum mallator venire distulerit, det mallato iectum sol. xv, et faciat tuuc comes notitiam cum raginburgiis et testibus (4). Et sic ipse qui mallatus ad servitium fuit, ab hoc die liber et ingenuus vadat, nec sit causatori ulla facultas amplius requirendi eum ad servitium.

(*) Sohm, R. u. Ger. Verf. (316) would read legitimo. (b) The words between [] have been supplied by Peyron, the MS, being Blegible in these parts. (c) Cf. Sohm, R. u. Ger. 159 note 96. (d) Cf. Sohm, R. u. Ger. 285.

2.

Si (a) quis quemlibet mallaverit ad servitium, ut superius dictum est, qui in alia regione fuit natus, aut longe infra patria, et ille dicit quod ipsius servus non sit. et suam libertatem in suo anthmallo proportare possit, tunc comes faciat illum dare uuadium ad suam libertatem proportandam. Et si ille dixerit quod fideiussorem habere non possit, tradat eum comes in manu mallatoris, ut eum salva custodia inlesum ducat in anthmallo suo ad suam libertatem proportandam. Et si ex paterna genealogia mallatur, adhibeat ex materna progenie [septem] testes qui proximiores sunt, et ex paterna quattuor, et sic se id[oncet. Quod si v]ero ex materna progenie mallatur, septem [testes] proximiores adhibeat [ex paterna], et quattuor ex materna progenie, et sic suam libertatem proport[et; ita ex q]ua parte mundior est, ex ipsa parte plus dabit testes. Si autem tal[es postquam pro]duxerit, dicat qui eum ammallavit non recipio istos testes, qu[ia proximiores] habes, qui tibi dicant testimonium, et si ille dixerit quia non [habeo alios testes] quam istos, tunc ille qui eum ammallavit det contra illum [testimo]nia, qui sapiant eum propinquiores habere quos ad testimonium [dicendum adducat. Et si ille] qui mallatus est non vult se concredere, det ei qu nde illa iura tamen et sic per pugnam contenda talia testi-

(*) Cf. Sohm, R. u. Ger. Verf. 316.

8.

Si aliquis cartam falsam adclamaverit, et eam falsam ille facere [contendat] qui illam falsam adclamavit, prebeat ipse, cui falsa dicta fuit, duodecim sacramentales, et ipse sit tertiusdecimus, qui iurati faciant illam bonam; et sic se ille concredat qui eam dixit [falsam esse].

4.

Si aliquis cartam suam in mallo adduxerit, et aliquis illam dixerit falsam esse, et ille cui carta est dixerit eam magis esse bonam, quam falsam, et ille, qui falsam [esti]mauerit, subula statim transforavorit, adhibeat contra unumquemque testem ex vii testibus, qui eam firmaverunt, vii testes, qui fiunt insimul xlviii (4), et sic iurati falsam illam faciant. Si autem ille, cuius carta est, se concredere noluerit, unus ex vii testibus, qui eam firmaverunt, et unus ex illis, qui eam ream dixerunt, per pugnam contendant.

(*) leg. XLVIIII,

5.

In lege salica XII iuratores esse debent; ita tenent Franci. Nos tamen in Italia propter Hludouuici et Lotharii capitulare cum sua manu septima. Testes autem vii contra Francum sint. Franci [autem] post testes non adfirmant sacramentum.

€.

Postquam autem debitor uuadium dederit liber erit, si fideiussor moritur, propter uuadium quod emisit in debitore. Et si vivent ambo, quod spopondit qui uuadium dedit det. Et si domo(1) non dat, fideiussor quantum spopondit pro neglectu debitoris det; si non, proiectos(1) conponat xv solidos, et supra quod spopondit.

(*) Sohm, Proc. 224, proposes to correct homo. (*) Sohm, Proc. 295, proposes to read pro icetus, but in his R. u. Ger. Verf. 169 he thinks it should be pro iceto, i.e. "as icetus."

7.

Nihil homo sterchire debet nisi quod ei ex hereditate venit. Alias (vero res), quas Francus adquirit ex

Franco homine, et ille vivus est qui vendit, debet ille alius, qui ex eo comparavit, probare quia in sua proprietate habebat eo die illas res quando illi vendidit quieto ordine, et postea dari testes contra istum. Et si ille mortuus est, qui vendidit, debet probare quia illo die quando sibi vendidit [in sua] proprietate habebat quieto ordine, et mortuus est, et non debet ille [alios] testes dare super ipsius testes.

8.

Contra suum caput, et contra suam hereditatem non debet homo accipere testes.

9.

Si quadrupedia domestica aliquam bestiam occiderint, nihil inde respondendum est, nec aliquid emendandum, excepto dominum occiderint. Et si caballus herbam alterius paverit, nihil respondendum erit, nec includendus. De aliis animalibus quod est in lege Salica solvetur quod neglexerint.

10.

De benefitio non debet trahere auctorem, nisi si mallatus fuerit. Quod [si] non malo ordine introisset, debet iurare quod nec malo ordine vel sua auctoritate intro[ivit aut] benefitio hab[uit].

11. 、

Non potest homo migrare, nisi convicinia, et herba, et aquam, et via

19.

Si aliquis mallat hominem de quacumque causa, et dicit, malo or[dine fecisti, sacrament]ales testes habeo, non debet contra malum ordinem et contra testes insi atim ad unamquamque. Et si ei aliquid quesierit, et malo testes habere dixerit, tacendum erit. Et si eum secundum legem te qui mallatus est respondere noluerit, ille cui respondere debuit, quia retinuit suum responsum, et si convictus fuerit cum xv solid. emendet. [Quod si quis m]allat alium, et dicit malo ordine illum aliquid fecisse, et ille dicit deto on potest postea ad testes redire. Quicumque servus fugetivus sua manu septima dominus eius ei conprobet ubi eum invenerit fuit quia de suo servitio fugit.

PROLOGUS I.

This Prologue is found in several manuscripts, with apparently little difference. Yet two texts may be clearly distinguished, more, however, by certain additions, than by differences in the wording. The two texts are here respectively called a and b. For the first, Cod. 6 (Paris. Lat. 18237; formerly N.D. 252) has, in the main, been taken as basis, while the notes give the variants of Codd. 1, 7-10, 14 (Paris. 4626 = Boret. 5 b), 15 (Paris. 4628 A), 16 (Cambrai = Boret. 5 p), 17 (Paris. 10758 = Boret. 5 n), 18 (Paris. 9654, formerly 75 suppl. Lat. = Boret. 5 k), 19 (Paris. 4760 = Boret. 5 h), 20 (St. Gallen, 728, quoted as V in the Lex Salica). Of text b, Cod. 11 (Lugd., Voss. Lat. 119) has been made the basis, while the notes give the variants of 12 (Hubb's text), 13 (Paris. 4409 = Boret. 4 ß, quoted as B in the Lex Salica), 13° (St. Gallen, 729, quoted as G in the Lex Salica). The differences presented by Cod. 10 are not such as to justify its being separated from text a.

TEXT a.

INCIPIT (*) PROLOGUS LEGE SALICA (*).

Gens francorum inclita (b), auctore (c) Deo condita, fortis in arma (d), [firma (c) in(+)] pacis(*) foedere(‡), profunda(¹) in consilio, corporea(s) nobilis(h), incolumna(i) candore, forma (1) egregia, audax (1), velox (2) et aspera, ad (2) chatholica (0) fide(2) conversa et (1) inmunis (1) ab herese (1). Dum adhuc teneretur barbara (1), inspirante Deo, inquirens (1) scienciæ (2) clauem, iuxta (7) morum (7) suorum qualitatem (x) desiderans iustitia[m] (x), custodiens (x) pietatem (x). Dictauerunt (b) salica (°) lege (4) per (°) proceris (f) ipsius gentis (s) qui tunc (h) tempore (i) eiusdem aderant rectores (k) electi (l) de pluribus uiris (m) quattuor his nominibus (n): Uuisogastis (*), Bodogastis (P), [Salegastis] (4), et Uuidogastis (7), in loca (8) nominancium (1) Salchamz (1), Bodochamz (1), Uuidochamz (1), qui (1) per tres mallos (7) conuenientes (2) omnes (2) causarum origines (2) sollicite (3) discuciendum (*) tractandis (4) de singulis iudicibus (*) decreuerunt hoc modo (1). At(s) ubi (s) Deo fauente (h) rex (l) Francorum Chlodeueus (h) torrens (l) et pulcher (m) et (*) primus (*) recepit (*) catholicam (*) baptismi (*) et (*) quod (*) minus in pactum (") habebatur (") idoneo (") per (") proconsolis (") regis (") Chlodouehi (") et (*) Hildeberti (b) et (+) Chlotarii (c) fuit lucidius (d) emendatum (e).

Uiuat qui (!) Francos (s) diligit (h), Christus eorum regium custodiat (i), rectores eorum(h) lumen(i) suz gracize(=) repleat(n), exercitum(o) protegat(n), fidei(s) munimenta(r) tribuat, pacem(s), gaudia(t) et felicitatem(s) tempora dominancium dominus Iesus Christus(r) pietate(=) concedat(n). Hec est enim(n) gens quze(n) fortis(n) dum esset et (h) ualida (n), Romanorum iugum durissimum de suis ceruicibus (h) excusserunt (n) puguandum (n), atque post agnitionem (s) baptismi (h) sanctorum martyrum (n) corpora quae (h) Romani (n) igno cremauerant (=) uel ferro truncauerant (=) uel (o) bestiis (n) lacerandum (n) proicerant (n), Franci (n) super eos (n) aurum et lapides praetiosos (n) ornauerunt (n).

(*) I. p. l. a., om., r; I. p. legis salicae, 7.9; In Christi nomów i. p. l. a., 8; In Legem quam Salicam vocant praefatio, ro; Laus Francorum, 15; I. tractatus legis salice, 9. (*) inclyta, ro. (*) auctorem, 1.9; authore, ro. (*) armis, 10.15.00. (*) firma, om. 6.14.16.00. (*) incom. 6.17.9. ro. 14.16.00. (*) pace, 1.8.9; pacte, 7. (!) foedera, 6.15; conseruans foedera, so; fetera, 1.7.9; freta, 8. (*) profundo, 8. (*) corpore, 9; corpore, 10.17.19; corpore candida, 15. (*) et incolumis, ro; incol. cand., om. 15. (*) et incolumis, ro; incol. cand., om. 15. (*) et forma, 10. (!) Aut dax, 9. (*) uebux, 7.9. (*) a., 7.8; nuper ad, 10.15.9. (*) catholica, 8. (*) dem., 1.0.15.19.00; catolica, 7.9; catholica, 8. (*) fedem., 1.0.15.19.00; catolica, 1.9; heresi, 10. (*) on the role of the role

(*) VVIsogast, 10, and Arogast, as note.
(*) hodogastis, 11, Bodogast, 10.
(*) hodogastis, 12, Bodogast, 10.
(*) Salicastis, 7.9; Salogast, 10.
(*) unisugastis, 12; unidegastis, 12; unidegastis, 13; unidegastis, 12; unidegastis, 13; unidegastis, 14, unidegastis

TEXT b.

INCIP/T (*) PROLOGUS (*) LEGIS (‡) SALICE (*).

Gens francorum inclita (d), auctore deo condita, fortis in arma, fidelibus atque amicis suis satisque firma, profunda in consilio; Nobilitasque eius incolumna uel forma mirabiliter aegregia (*). Audax, uelox, uel (1) aspera, at (5) catholicam fidem firmiter conuersa, inmunis (h) quidem ab omni herese (i), dum adhuc teneretur(+) barbara, deo inspirante, iuxta morum suorum qualitatem desiderans iustitiam, peruenit ad lucem (k) scientiae (l) custodiens piaetatem, dictauerunt legem salicam per proceres ipsius gentis ("), qui tunc tempore aderant rectores. Electi de plurimis (*) uiris IIIIº his nominibas: Vuisogast (°), bodigast (P), Saligast (1), et (7) guidigast (1), in loca cognominantia Saleaim (1), bodoaim (1), Vuidoaim (v), qui per tres mallos omais causarum origo (v) conuenientes sollicite discutiendo tractantes de singulis, sicut ipsa lex declarat, iudicium decreuerint (x). (Ad, corr.) At (7) ubi deo fauente rex francorum chlodeueus (2) ildebertus (2) chlottharius (b) in (clumine, corr.) culmine regale deo protegente peruenerunt, quicquid minus in pactum (°) (habeatur, corr.) habebatur idoneam (d) per ipsos (°) fuit lucidius emendatum. Uiuat qui francos diligii (1), Christus eorum regnum usque in sempiternum custodiat; Rectores corundem lumen(s) gratiae sue repleat, exercitumque corum protegat atque defendat. Fidem muniat, pacem atque(h) felicitatem et sanitatem per infinita secula tribuat; hec est enim gens ualida que romanorum iugum durissimum de suis ceruicibus discussa(i) pugnando. atque post agnitionem baptismi sanctorum marthyrum (b) corpora que romani igne cremauerunt uel ferro truncauerunt atque bestiis (1) lacerando proiecerunt, franci super eos aurum et lapides preciosos adornauerunt (=).

(*) In nomine Sanctae Trinitatis. Incipit, 12.13°, (*) 12.13° add: ilbri. (!) 169., .om. 13.13°, (*) 161. (!) 169., .om. 13.13°, (*) 161. (!) 169., .om. 13.13°, (*) 161. (!)

haim, 13°. (**) origines, 13. (**) decreuerunt, 12-13°. (**) Aut, 13°. (**) Chlodoueus, 12-13°. (**) Hildebertus, 12; Childebertus, 13; Childebertus, 13°. (**) Hildebertus, 13; Childebertus, 13°. (**) Hotharius, 13; Childebertus, 13°. (**) pacto, 13.13°. (**) idonam, 12-13°. (**) pso, 13.13°. (**) diligat, 13°. (**) luminis, 12; lumine, 13. (**) discussit, 12-13°. (**) martirum, 12; (**) discussit, 12-13°. (**) martirum, 12; martyrum, 1313°. (**) bettis, ix Cod. 11. (**) ornauerunt, 13; Cod. 11 addt: Explicit prologus; 12 addt: Explicit prologus, Amen.

8; habiatur, 9. (*) edonii, 1; idoneum, 7.8.10.1519.20; Hedonium, 9. (*) perculsus, 1; per perculsus, 7; perculsus, 8; pep epracelsos, 10.1520; per precelson, 10.1520; per precelson, 10.1520; per prec

no(note). (?) enim. om. 8. (?) qui, 9. (?) furtis, 7; fortes, 8; forti, 20; parua dum esset (esse) numero fortis robore ualido (ualidum), 15.27.19.
(b) robore, 1.7-9.20; cf robore, 10. (?) naleda, 7. (4) seruicibus, 8. (?) excussit; 10.15.17-20.
(?) pugnando, 1.7.8. 10.15.20. (?) agnationem, 1; agnitiones, 8. (h) baptisme, 7; baptismum, 8. (!) martirum, 0.19. (*) quem, 9. (?) 15.19.2001.
1.10; concremauerunt, 9. (?) truncauerunt, 1.10; concremauerunt, 7; trucidaerunt, 1.15.19; truncauerunt, 7; trucidaerunt, 1.15.19-19. (?) besteis, 1.7; bisties, 9. (!) lacerando, 1.7.20; lacerando, 1.7.20; lacerando, 0.7; sumptuose auro et lapidibus prætiosis exponentis, 10; 15.19.2002. (!) proticoerunt, 1.10; sumptuose auro et lapidibus prætiosis exportant, 10; 15.19.2002. (!) preciosis, 7; preciosus, 9; 1.2002. (!) preciosis, 7; preciosus, 9; 1.2002. (!) preciosis explicit; Anno ter XIII decimo regnante domno nastro Pipino gioriosissimo rege Francorum Amen: 9 addi: Explicit prolicus legis salice. Incipiunt capitula legis Salice dim Mercoris proximo ante Kl. Nouembris in anno XXVI regni domno nastro Gioriosissimo Carolo rege.

PROLOGUS II.

This Prologue is found in Codd. 6, 14 (Paris. 4626 = Boret. 5 b), 15 (Paris. 4628 A), 17 (Paris. 10758 = Boret. 5 n), 18 (Paris. 9654, formerly 75 Suppl. Lat. = Boret. 5 k), 19 (Paris. 4760). Cod. 15 has been taken as the basis for the text.

INCIPIT PROLOGUS LEGIS SALICAE (*).

Placuit (*) atque conuenit inter francos et (*) eorum proceres (4), ut pro seruando (*) inter se pacis studio (f) omnium (e) incrementa uirtutum, rixarum odia (*) resecare deberent, et (i) quia ceteris gentibus iuxta se positis fortitudinis brachio prominebant (*), Ita etiam (!) legis (*) auctoritate (*) procellerent, ut iuxta qualitatem (*) causarum sumeret (*) criminalis (*) actio (*) [terminum] (*). Extiterunt igitur inter eos electi de pluribus quattuor uiri his nominibus: uuisogaste (*), Salegaste (*), Arogaste (*), et uuidogaste (*), in (*) uillis (*) que ultra renum sunt, in bodochem (*) et (*) salechem (*) et uuidochem (*). Qui per tres mallos conuenientes, omnes causarum origines sollicite discutiendo (*) tractantes, iudicium (*) decreuerunt (*).

(*) This Prol. being a continuation of Prol. 1. in Cod. 6, the morals I. p. l. s. are working there. (*) auxiliante domino, 14. (*) atque, 6. (*) proceribus, 6. (*) seruandum, 6.19. (*) studhum, 6.19. (*) commis increments rizarum res., 6.71.18. (*) odds, om. 19. (*) et. prom., om. 6. (*) praeminebant, 17. (*) 6 adds: om. 19. (*) et. prom., om. 6. (*) rittem, 19. (*) -tate, 19. (*) sumerent, 6. (*) criminales actiones, 6. (*) terminum, om. 15. Cf. Sohm, Proc. 134. (*) Uuisogastus, 6.19. (*) Salegastus, 6; -tos. 19. (*) Argastus, 6; -tos. 19. (*) Argastus, 6; -tos. 19. (*) in - uuidochem, om. 6. (*) uillas, 19. (*) bothem, 19. (*) discuclentes de singulis ludicium, 6.14. (*) 19 adds: hoc mode.

PROLOGUS III.

It is found only in Cod. 5 (Paris. 4403b) where it follows after the table of contents, immediately before the Lex.

Hoc sunt qui lege Salica tractauerunt: UUisogast; UUidegast; Arogast; Bodegast; Salegast; (UUisouuado, corr.) UUisouuando in Bodachaem et in Salachaem.

PROLOGUS IV.

This Prologue occurs in the Leiden Cod. (Voss. Lat. 119) at the end (or rather as part) of the Epilogue: Quem uero rex, &c., and has never yet appeared in any of the editions of the Lex Salica exactly as it is found in the Codex. The letter in the last word, here represented by—, is illegible. Grimm (Pref. xii) thinks that the last 11 words mean "qui uero manserunt in locis salicaim bodicaim unidocaim." Pardessus (Loi Sal. 423) goes so far as to find in this Prologue a material proof that the first redaction of the Lex Salica consisted of 65 tituli. He says: "However bad the Latin may be, we understand it; even the word budice, which might have come from the German biutan, and signify

ordinance, edict, law; for we know that often the different chapters of a code are called by this name. We could therefore translate: Voici les noms de ceux qui ont fait la loi Salique: Visuast, Saleanats, Vicats, qui se sont arrêtés, en faisant cette loi, au titre intitulé: De mitio frestatitro." Perts would read codice for budice.

However this may be, it is certain that do micio f. are the very last words of fol. 88, after which a whole quaternio is wanting in the MS., which recommences with tit. 60 of the Lex Ripuariorum. According to the table of contents, the chapter: De mitio fristratrito (cf. ch. 66 in the present work), was to follow after the Epilogue: Quem uero primus rex francorum, which it really does, as is evident from the three words preserved to us. And, according to the same table, after the chapter De mitio, &c., the 6 chapters which already appear in the Cod. as titt. 69-74 (titt. 70-75 in the present work) were again to appear; while the same table has once more, the rubrics of these 6 tituli : Incipit Aedictus dom Hilperici regis, which already appears in the Cod. as tit. 77. From the unfortunate defect in the MS., combined with what we find twice indicated in the table of contents, we may, probably, infer that the MS. had at one time the whole titulus De micio, &c., in the same way as we find it in Cod. 1; that it had also the tituli 69-74 and the Edict of King Hilperic twice over, and that some careless proprietor of the MS., observing the repetition of these documents, lifted the second copy out of the volume, without noticing that he removed at the same time the short tit. De micio, &c., and a portion of the Lex Rip. Grimm's inter-pretation of the Prologue would seem the most plausible as far as bodicaim.

hec sunt nomina eorum qui fecerunt lege salicæ (uisuat, corr.) vuisuast, AROAST, saleanats, uicats, qui uero manserunt in lege salice in budice do micio fristati a.

PROLOGUS V.

This Prologue is found at the commencement of Herold's text; see col. 7 of the present work.

Hi autem sunt, qui Legem Salicam tractauerunt: Vuisogast, Arogast, Salegast, Vuindogast, in Bodham, Saleham & Vuidham.

EPILOGUS I.

From the Wolfenbüttel MS. (Cod. 2); cf. L. Sal. tit. 104.

Primus rex francorum statuit a primo titulum usque LXII (*) disposuit iudicare; postmodo autem tempus cum obtimatis suis a LXIII titulum usque ad LXXVIII addedit. Sic uero Childebertus rex, post multum autem tempus, pertractauit quid addere debirit; ita a LXXVIII usque ad LXXXIII perinuenit, quod ibidim digne inposuisse nuscuntur, et sic fratri suo Clotario hec

scripta transmisit; post hec uero Clotarius, cum hoc titulus a germano suo seniore gratenter excepit; sic postia cum rignum suum pertractauit, ut quid addere debirit ibidim, quid amplius dibiat construhere ab LXXXVIIII titolus usque ad LXIII (b) statuit permanere; et sic postea fratre suo rescripta direxit; et ita inter ets conuinit, ut sta omnia sicut anteriore constructa starent.

(*) Pardessus (Loi Sal. 424) thinks that the copyist must have omitted a V between the X and II which would have made LXVII, which is exactly the number of tituli comprised in the Lex prima of the Wolfenbüttel codex. The same omission must, of course, be presumed in the numbers following. (*) leg. LXLIII ?

EPILOGUS II.

From Cod. 7 (Montpellier, 136H), with the variants of Codd. 8, 9, 11, 12 (Hub6), 13 (Paris. 4409 = Boret. 4\$\beta\$, quoted as B in the Lex Salica), 13° (St. Gallen, 729, quoted as G in the Lex Salica), 15 (Paris. 4628A), 17 (Paris. 10758 = Boret. 5 n), 19 (Paris. 4629, quoted as F in the Lex Salica).

EXPLICIT LEGES SALICAE LIBER III (*). Quem uero (b) rex francorum (c) statuit et (d) postea (c) una cum francis (1) pertractauit ut (5) et a tres titulos (6) aliquid amplius adhesit(h), sicut a(i) primo(h) ita(i) usque ad LXXVIII(=) perduxer: (a); deinde(o) uero childebertus (P) post multum tempus tractauit, ut quid (4) aduenire (') potuerit ('), quod (') ibi cum suis francis (') addere (v) deberet (v). A (z) septuagisimo octavo (z) usque (7) octuagissimo(1) quarto(1) perinuenit(1), quod(1) ibi digne (°) inposuisse (4) cognuscetur (°). lterum (°) cum hoc (s) hus titulus (s) chlotarius (h) a (i) germano (h) suo seniorem (1) suum (=) gradenter (=) excipit (o): Sic (o) et (P) ipse (4) similiter cum regnum (5) suum (6) perinuenit (t), ut (u) ab (v) octuagissimum (v) quartum (v) adderet (*) et ita perfectum (7) perduxif (*), et(†) inde (*) quod ipse inuenit fratrem (b) snum (b) rescripta (c) dixerit (4). Sic (*) inter eis (1) conuenit, ut ista omnia quas constituerunt starent (s). Explicit (h).

REMISSORIA.

INCIPIUNT CHUNNAS.

Text A. In Cod. 8 (Paris. 4627), as tit. 100.

c. INCIPIUNT CHUNNAS.

- [1] Hoc est unum thoalasti, solidos III culpabilis iudicetur.
- [2] Sexan chunna, sol. xv culø. iud.
- [3] (Tu, corr.) Thu unalt chunna, sol. xxx culp. iud.
- [4] Then uene chunna, sol. xLv culø. iud.
- [5] Thothocundi fitme chunna, sol. LXIIS.
- [6] Fit tertius chunde, sol. c culp. iud.
- [7] Actoetus chunde, sol. cc culs. iud.
- [8] Triothus chunde therte chunna, sol. DC culé, iud.
- [9] Fit tertos chunde tue apta chunna, sol. DCC culp. iud.

EXPL/CIT CHUNNAS.

Text B. In Herold's edition, as tit. 80.

LXXX. Incipiunt Chunnas.

- 1 Hoc est unum Thoa lasthi, sol. III culp. iud.
- 9 Sex anchunna, sol. xv culp. iud.
- 8 Septun chunna, sol. xvII culp. iud.
- 4 Theu vualt chunna, sol. xxx culp. iud.
- 5 Thue septen chunna, sol. xxxv culp. iud.
- 6 Theu vuenet chunna, sol. x.v culp. iud.
- 7 The to condi vueth chunna, sol. LXII et dimidio culp. iud.
- 8 Fit ternu sunde, sol. c culp. iud.
- 9 Acto et usunde, sol. cc culp. iud.
- 10 Their tho sunde ter theo chunna, sol. DC culp. iud.
- 11 Fit terno sunde thue aptheo chunna, sol. DCCC culp. iud.

HOC SUNT SEPTEM CAUSAS.

In Cod. 6 (Paris. Lat. 18237, formerly N. D. 252. F. 9). Published by Pardessus (Loi Sal. p. 350-355), Merkel (Lex Salica, p. 95-97), Boretius (p. 129).

T

1. Si quis ad mallum legibus dominicis manitus fuerit et non uenerit, si eum sunnis non detenuerit, soledos xv culpabilis iudicetur (tit. $r \nmid r$). 8. Ille µero qui alium mannet et ipse non uenerit, si eum sunnis non detenuerit, sol. xv culp. iud. (tit. $r \nmid a$). 8. Si quis porcellum tartussum furauerit usque ad aniculatum, sol. xv (tit. $r \nmid a$). 4. Si quis acceptorem de pertica furauerit, sol. xv culp. iud. (tit. $r \nmid a$). 5. Si quis homo qui facit uia latina, sol. xv culp. iud. (tit. $r \mid a$). 6. Si quis mediano dido excusserit, sol. xv culp. iud. (tit. $r \mid a \mid a$). 6. Si quis mediano dido excusserit, sol. xv culp. iud. (tit. $r \mid a \mid a$). 7. Si quis minimo dido excusserit, sol. xv (tit. $r \mid a \mid a$) 8 of cod. 4, &c.).

II. De soledis xxxv.

1. Si quis in messe sua pecora aliena inuenerit qui pastore non habent et eas incluserit ut nulli paenitus innotescat et aliqua ex ipsis pecoribus perierit, sol. xxxv culp. iud. (tit. 9 ½). 2. Si quis nauem de intro clauem furauerit, sol. xxxv culp. iud. (tit. 2x ½ 3). 3. Si secundo dido unde sagitatur excusserit, sol. xxxv (tit. 29 ½). 4. (Deest, exeso forsitan codicis folio). 5. Si quis francus franco auricula capulauerit, sol. xxxv (tit. 3 ½ 3). 6. Si quis francus franco auricula capulauerit, sol. xxxv (tit. 3 ½ 15 of cod. 6, &c.). 7. Si quis ceruum domesticum qui signum habet furauerit aut celauerit, sol. xxxv (tit. 33 ½ 2).

III. De soledis xLV.

1. Si quis puerum crinitum totunderit sine consilio parentorum, sol. XLV culp. iud. (tit. 24 \(\frac{1}{2}\) of cod. 2, &c.).

2. Si quis acceptorem de intro claue furauerit, sol. XLV culp. iud. (tit. 7 \(\frac{1}{2}\) 3).

3. Si quis cescum (leg. ascum) de intro claue furauerit, sol. XLV culp. iud. (tit. 21 \(\frac{1}{4}\)).

4. Si quis pratum alienum secauerit, exinde fenum cum carro ad domum suam duxerit et discargauerit, sol. XLV (tit. 27 \(\frac{1}{4}\)).

5. Si quis dido polcare excusserit, sol. XLV (tit. 29 \(\frac{1}{3}\)).

6. Si quis nasum capulauerit, sol. XLV (tit. 29 \(\frac{1}{4}\)).

7. Si quis homo mancipia aliena pedes fugitiuos recolligerit, sol. XLV (tit. 39 \(\frac{1}{4}\)).

IV. De soledis LXIIs.

1. Si qui de sagitta toxicata hominem sagittauerit et euaserit, sol. LXII5 culp. iud. (tit. 17 \(\frac{1}{2}\)2). \$\mathbb{B}\$. Si qui homo alio adsallierit et sua (?) arma et occidere uoluerit et retentus fuerit, sol. LXII5 culp. iud. (tit. 17 \(\frac{1}{2}\)1). \$\mathbb{B}\$. Si qui corpus occissum hominem antequam in terra mittatur in furtum expoliauerit, sol. LXII5 (tit. 57 \(\frac{1}{2}\)1). \$\mathbb{A}\$. Si qui uillam alienam inuaserit, LXII5 (tit. 14 \(\frac{1}{2}\)6). \$\mathbb{B}\$. Si qui manum alterius capulauerit et ipsa manca pependerit, LXII5 (tit. 29 \(\frac{1}{2}\)2). \$\mathbb{B}\$. Si qui minum occidere uoluerit et ei fuerit adprobatum, sol. LXII5 (tit. 28 \(\frac{1}{2}\)2).

V. De soledis c.

1. Si quis hominem mortuum exfoderit et expoliauerit, sol. c (tit. 14, § 1 of tit. 15 of cod. 2, &c.) S. Si quis hominem dormientem in furtum expoliauerit, sol. c (tit. 14) of cod. 2, &c.) S. Si uero infantem infra matris sui utero occiserit, sol. c (tit. 24 § 4). 4. Si quis homo ingenuus alienum lidum extra consilium domini sui ante rege pro denarium ingenuum dimiserit, sol. c (tit. 26 § 1). 5. Si quis alteri manum excusserit aut lingua capulauerit aut castrauerit aut uerenda transcapulauerit, sol. c culp. iud. (tit. 29, § 1, 9; and § 3, 16 of cod. 6, &c.). S. Si quis hominem ingenuum sine manus et pedes quæ inimici sui in uia relinquerunt quique eum occiserit, sol. c (tit. 41 § 8). 7. Simili modo qui alium in pelago inpinxerit et uiuus exinde euaserit, sol. c culp. iud. (tit. 41, § 10 of cod. 6, &c.).

VI. De soledis cc.

1. Si quis hominem qui migrare dosponit (leg. disponit) et de regi habuerit praeceptum et aliquis contra ordinatione regis stare praesumet, sol. cc (tit. 14 \}4). 2. Si quis allo herbas dederit bibere ut moriatur, sol. cc culp. iud. (tit. 19 \}1). 3. Si quis hominem francum inuolauerit et uenderit, sol. cc culp. iud. (tit. 39 \}2). 4. Si quis puella ingenua occiserit, sol. cc (tit. 24, \} 8 of cod. 6, &c.) 6. Si quis basilica incenderit, sol. cc (tit. 55, \}7 of cod. 6, &c.). 6. Si quis grafione ad res alienas tollendas

inuitauerit et legiptime (sic) eum iactiuum aut mallatum non habuerit, ille qui eum rogat ut iniustæ tollat antequam fuerit et fides facta fuerit, sol. cc (tit. 51 \ 1), 7. Si quis puella sponsata dructe ducente ad marito alicuius in uia eam adsallierit et cum ipsa uiolenter mechatus fuerit, sol. cc (tit. 13, \ 14 of cod. 5, &c.).

VII. De soledis DC.

1. Si quis puerum crinitum occiserit, sol. DC (tit. 24 \ 1, 2). 3. Si quis femina transbattit ut moriatur, sol. DC (tit. 24, \ 2 of cod. 2, and \ \ 6, &c., of the other texts).

3. Si quis femina ingenua postquam infantes coepit habere et occiserit, sol. DC (tit. 24 \ 6). 4. Si quis grafione occiserit, sol. DC (tit. 54 \ 7). 6. Si quis sacebarone occiserit, sol. DC (tit. 54 \ 7). 6. Si quis franco inter quattuor solia occiserit, sol. DC (cf. tit. 41 \ 1 -3; Recap. L. Sal. (b) 31; Sohm, Proc. p. 15; id. R. u. Ger. 40). 7. Si quis francus francum occiserit, sol. DC (cf. tit. 41 \ 1 -3).

VIII. De soledis Mocce (cf. tit. 41)(a).

1. Si quis hominem ingenuum in hoste occiserit et in mortridam mittitur, sol. MDCCC culp. iud. (cf. tit. 63 % 1, 2). 29. Si quis grafionem occiserit et in mordrem miserit, sol. MDCCC (cf. tit. 54 % 1). 3. Si quis femina ingenua que infantis pot[ui]t habere et occisa fuerit et mordrida fuerit, sol. MDCCC (cf. tit. 24 %). 4. Si quis puerum crinitum occiserit et in mordrem miserit, sol. MDCCC (cf. tit. 24 % 1, 2). 5. Si quis episcopum occiserit et in mordrem miserit, sol. MDCCC (cf. tit. 55, last % of L. E.). 6. Si quis legadario regi in uia adsallierit et occiserit et in mordrem miserit, sol. MDCCC culp. iud. (cf. Sohm, R. u. Ger. 39). 7. Si quis andrustione qui inter duos reges pagauerit, qui eum adsallierit et occiserit et in mordrem miserit, sol. MDCCC culp. iud. (cf. Sohm, R. u. Ger. 40).

(*) Pardessus (Loi Sal. 354) remarks that this chapter was, probably, added to a text which, originally, comprised only seven series of seven compositions each. In the seven cases which it contains the assassin has caused the corpse to disappear (mixit in mordrem, in mordredam), a case already mentioned in titt. 41 and 103.

INCIPIUNT (*) SENTENTIAS DE SEPTEM SEPTINAS HOC SUNT PARICULAS CAUSAS (*).

From 1) Cod. Paris. Lat. 10758 (formerly 164 bis suppl.). The document occurs also 9) in Paris. Lat. 4628 A, 8) Paris. Lat. 4631, 4) Paris. Lat. 4760, and has been published by Pardessus (p. 355), Merkel (p. 97), Boretius (p. 131).

1. Si quis basilicam incenderit, solidos ce culpabilis indicetur (tit. 55, \(\frac{1}{2}\) of cod. \(\frac{1}{2}\). C. Si quis francum occiderit, sol. ce culp. ind. (tit. 41 \(\frac{1}{2}\) 1). 3. Si quis uilla (\(\frac{1}{2}\)) aliena (\(\frac{1}{2}\)) adallierit et ibidem hostia fregerit et (\(\frac{1}{2}\)) c. VII. 2. (\(\frac{1}{2}\)) uillam alienam, 2.

canes occiderit et homines (*) plagauerit (*) uel aliquid exinde (*) in carro duxerit, sol. cc culp. iud. (tit. 14, § 6 of cod. 6, &c.). 4. Si quis alicui herbas dederit bibere unde moriatur, sol. cc culp. iud. (tit. 19 § 1). 5. Si quis (*) omns plagauerunt, 4. (*) ex., om. 2.

uxorem alienam tulerit uiuo marito, sol. cc culp. iud. (tit. 15). 6. Si quis hominem mortuum exfodierit et expoliauerit, sol. cc culp. iud. (tit. 14, § 1 of tit. 15 of cod. 2, &c.). 7. Si quis francus francum uendiderit, sol. cc culp. iud. (tit. 39 § 2).



RECAPITULATIO LEGIS SALICAE.

Of this document only two versions have hitherto been known, which have been published by Pardessus (p. 355-358), Merkel (p. 97-99), and Boretius (p. 131-134). A third, which occurs in the Leiden Cod. (Voss. Lat. 119), is now published for the first time. The three versions are here respectively called a, b, c.

A.

This text is given as printed by Pardessus (Loi Sal. p. 355), from MS. Paris. Lat. 4995. The notes give the principal variants of Codd. 7 (Montpellier), 10 (Herold), 17a (Paris. 10758, formerly 164 bis suppl., first copy on p. 75), 17b (ibid., second copy on p. 278), 18 (St. Gallen, 728, quoted as V in the Lex Salica), A¹ (Paris. 4628 A, 4631, 4760), A² (Paris. 4628 A, second copy on p. 156²), B (Barrois MS., as quoted by Pardessus). A = A¹ and A².

RECAPITULATIO (*) LEGIS SALICAE (*).

Sciendum (*) est quod in quibusdam legis (*) Salicis (4) inveniuntur capitula principalia Lxv (*); in quibusdam(f) uero(f) Lxx(+); in quibusdam(s) etiam paulo plus, ant paulo minus. Quæ (*) continentur alia (*) capitula, in quibusdam codicibus (*) ccc (*). In quibusdam uero minus (*) uel (*), Habent (*) etiam species in quibusdam libellis (*). In quibusdam uero minus uel paulo nlus.

1 (*) Rec. l. S. om. 7.17*.A1; Epilogus, 10; Capitula principalla, 17*.A2; Rec. solidorum, 18. (*) 10 adds: autem; Sciend. — LXV, om. 17*.A2. (*) legibus, 10; libellis, 17*.A2. (*) salicae, 7.10. (*) salicae, 7.10. (*) LXV, om. 43. (*) nonnuli. SLXXX, 10. (*) quit, 7.17*.A3; Que-plus, om. 10, but it has surfaced: Sunt qui habeant compositiones CCCLVIII, ac etiam plus minusue. (*) alia, om. 17*.A3. (*) locibus, 7; locis CCCLVIII in quibusdam uero plus minusue, inquirendum &c., B. (*) CCCLVIII, 7.17*.A3. (*) plus minus, 17**.A; plus minus uae, 7. (*) Hab. – plus, om. 7.17*.A3. (*) 17*.A4 adds: XX et VII.

Inquirendum est (*) conpositiones (*) legis (*) Salicæ quod (*) uarietates et quem (*) numerum per minimum, quæ(*) uero(*) per maximum habeat [diuisiones. Compositiones (-nis, 17^b.A²) sunt (sua, 17^b.A²) ccclviii, uarietates (-nis, 17^b.A²) xxxi] (s).

(*) legitur erit in compositionibus 1.5., quid uarietatis et q. n. min., quem max. habeant. Diu. namque compositionum s. CCCLVIII. Var. autem XXXI, que ita inueniuntur, 10. (*) - onis, 17^h. A. (*) leges, 7. (*) quot, 17^h. (*) quemque, 17^h. (*) din. - XXXI, supplied from 7.17^h. A. B.

- [1] Imprimis (*) enim inde ad (*) septem denarios, ut usi quis agnum furauerit (tit. 4, \frac{1}{2} x).
- (*) Incipit (-unt, 10) a septem denarios(-iis) ut si &c., 7.10.17*6.A.
 (b) The MSS. have often a instead of ad.
- [3] Inde ad decem(*) denarios(*) ut si quis alterius(*) messem (*) damnauerit (tit. 9, } 7 of texts 2-L. E.).
- (') decem, om. 7; XX, 17b; Inde X dicuntur, As. (b) to adds: uenit. (') alteri, 17b.As. (4) missem, 7; mensem, As.
- [8] Inde ad solidum unum, ut si (*) quis (*) porcellum (*) qui sine matre uiuere (*) potest, foras (*) domum (*) furauerit (tit. 2, \ 2).
- (*) si, om. 7.10. (*) qui, 7.10. (*) purc -, 7. (*) et reliqua. Inde ad sol. unum et trem. &c.., 10. (*) for. dom., om. 7.17b.As.
- [4] Inde ad (*) solidum unum (b) et tremisso (*), ut (4) si quis (4) alterius seruum cedit (*) (tit. 35, § 4 of cod. 6, &c.).
- (*) 7.17^h.A² have in this and all subsequent instances a instead of ad. (*) 11, B. (*) tramessem, 7; tramissum, 17^h; remisio, A². (4) et qui, 7. (*) caedit, oędit, 7.10.17^h.A.
- [5] Inde ad solidos III, ut si quis tres capras furauerit (tit. 5, § 1). Hæc compositio tres (*) solidorum (*) in XLI(*) locis legis (*) Salicis (*) habetur.
- (*) tres sol., om. 7.10.17*bA1. (b) XLIII, 7.10; XL et, 17*.A1; LXIII, 17*.A2. (7) leg. Sal., om. 7.10.17*b.A.
- [6] Inde ad solidos III et denario, ut si quis uiduam in coniugio uoluerit(*) sociare(*) (tit. 44, } 1).
- ") sociauerit, 17".A1; 10 adds: et reliqua.
- [7] Inde ad solidos v, hi sunt qui (*) rapto (*) secundam (*) compositionem (*) persoluant (*) (tit. 13, § 2).
- (†) 7.10.17th.18.A add: in. (†) raptu, 10.A1. (†) secundom, 7; dum, 17th; sec., om. 10; secunda, 17th.A2. (†) legem, 17th.A1; compositione, 17th.A2. (†) persohuat, 7; sohuse, 10; componunt, 17th.A1; produanter, A2; 7.10.17th.A2. B add: hace compositio in duo (secunda) locis habetur.

- [8] Inde ad solidis v1 pro redemptione(*) serui ut non castretur (tit. 25, \(\frac{1}{2}\)). Haec compositio sex solidorum in quinque locis habetur.
- (*) red., am. 17*.A1.
- [9] Inde ad solidos VII et dimidium (*), ut si quis scrouam (*) subbatit (*), ut (*) porcellos non habeat (tit. 2, \{ 3\}.
- (*) denarium, 10. (*) iscrouam, 7; scropam, scropham, 17*b.A.
 (*) subbattit (-batit) in furtum, 7.10.17b.A.2; alterius subbattit,
 17*a.ra.A.1. (*) ut hab., 698. 7.10.17*b.A.
- [10] Inde ad solidos IX(*), ut si quis alterum(*) clauso pugno percutit (*) (tit. 17, § 8); haec conpositio IX solidorum in tres (4) locis habetur.
- (*) VIII, zo. (*) 7.z7.A add: de. (*) percussit, percusserit, A; percuterit, z8. (4) quinque, 7.zo.B; quatuor, z7.A1; quinta, z7.A2.
- [11] Inde ad solidos XII et dimidium (*), ut si quis seruum (*) ministerialem in mortis periculum inmiserit(*) et (4) enm Deus liberauit (titt. 10, 41, § 0).
- (*) denarium, 10. (*) misterialem (minist-) in m. periculo miserit (ministri), 7.10, 7.20, A.S. (*) inm. Bb., om. 10. (4) et Bb., om. 7.17.A.B.
- [18] Inde ad solidos xv, ut si quis sponsam(*) alterius tulerit (tit. 13, \(\frac{1}{2}\) 13 of cod. 6, &c.). Hæc compositio xv solidorum in xc (b) et III (b) loca habetur.
- (*) isponsam, 7. (b) XCV, 7.17b, A2; XV, B; XC, in 4608A first copy.
- [18] Înde ad solidos xvII et dimidium, ut si quis alterius uerrem (*) furauerit (tit. 2, † II). Hac compositio xvII et dim. solidorum in tria (*) loca habetur (*).
 (*) uerrum, 7.17**, As: uaccam, 10. (*) quattur, 7.10. B; quarta.
- (*) uerrum, 7.17 A2: uaccam, 10. (*) quattuor, 7.10.B; quarta, 17.A2. (*) \$ 13 om. 4568 A first copy.
- [14] Inde ad solidos XXII (*) et dimidium (*), ut si quis tributarium Romanum in pelago inpinxerit (*) (cf. tit. 41, § 7, and also § 3 of cod. 2, &c.)
- (*) XXVIIS, 17b; XXVIII, A2. (b) demorserit, 4628A first copy; inp., one. 10.
- [15] Inde ad solidos xxv (*), ut si quis seruum ministerialem occiserit (b) (titt. 10. 41).
- (*) XV, 7.B; XXX, As. (b) 7.10.17b.As.B add: hec compositio in II (secunda) locis habetur.
- [16] Inde ad solidos xxx, si quis alterius (*) ancillam furauerit (tit. 10, † 4 of cod. 6, &c.). Hæc compositio xxx solidorum in xxvIII (*) locis habetur.
- (°) alt., see. 7.20.27b.As. (b) XXVI, 7.20.27b.As; XXV, 27a.A1.B.
- [17] Inde ad solidos xxxv, ut si quis seruum alterius furauerit (tit. 10 \(\bar{t}\) 1, &c.). Hæc compositio xxxv solidorum (*) in xxv (b) locis habetur.
- (*) sol. hab., om. 4628A first copy. (b) XXVIII, 7.175.A2; XXIX, 10.B.
- [18] Inde(+) ad solidos XLV, ut si quis waranionem (*) furauerit (tit. 38, § 2). Hæc compositio XLV solidorum in XXXVI (*) locis habetur.
- (†) Inde comp., om. 4608A first copy. (*) waragionem, 7; warennionem, 17°.A1. (*) XL, 7; XLI, 10.17°.A3.B; XXXIII, 18.
- [19] Inde ad solidos L, ut si quis Romanum in pelago inpinxerit (cf. tit. 41, 27 and 10 of cod. 6).
- [20] Inde ad solidos LXII (*) et dimidium, ut si quis hominem percutere uult cum gladio, et (*) eum (*) non tetigerit (tit. 17, ½ z). Hæc compositio LXII et dimidii solidorum in XI. (*) locis habetur.
- (*) LXVI, 7.17. A : septuaginta, II & 5, 4508 A first copy; XLVI et denarios, in B which has aiways dinarios instead of dimid. (*) et tet., om. 10. (*) eum, om. 7.17. A. (4) XXXVIII, 7.10.17. A 2. B.

- [21] Inde ad solidos LXX, ut si quis seruum cum (*) ancillam ministerialem (b) furauerit (tit. 10).
- (a) aut, 7.10.17 .18.A. (b) de ministerio, 7.10.17 .A.S.B.
- [39] Inde ad solidos LXXV, ut si quis seruum ministerialem (4) in oste (5) occiserit (tit. 10).
- (a) ministrantem, 10. (b) hoste, in 7.10.17 h.A.B, here and further on.
- [28] Inde ad solidos xc, ut si quis waranionem (*) regis furauerit (tit. 38, % 4 of cod. 6). Hæc compositio xc solidorum in tria loca habetur.
- (*) taurum, 7.10.17b.A2; warennionem, 17*.A1.
- [94] Inde ad solidos c, ut si quis Romanum occiserit (tit. 41, § 6). Hæc compositio c solidorum in xxiv (*) locis habetur.
- (*) XIII, 7.17b.18.A2; 31, and in marg. XIII, 10; XIIII, 17b.A1.
- [95] Inde ad solidos CLXXXVIII(*) et dim.(*), ut si quis mulierem striam (b) uel (*) meretricem clamauerit (tit. 6a. 3 2).
- (*) CXXXVII et dem., 7; CLXXXVII et dim., 10; CLXXXVIIS, 17b.18.A*; CLXXXIIIIs, in 4608 first copy. (*) istriam, 7; striem, 17°.A*. (*) aut, 17b.A*; uel m., om. 10.
- [96] Inde ad solidos cc, ut si quis hominem ingenuum occiserit (tit. 41, \(\frac{1}{2}\)\) Hzec compositio cc solidorum in xVII (4) locis habetur.
- (*) XXXV. 7; XIIII, in 4608A first copy; XXV. 10,175, A 2, B.
- [27] Inde ad solidos ccc, ut si quis litum(*) alienum(*) in oste occiserit (tit. 63, § 1). Hæc compositio ccc solidorum in dua loca habetur.
- (*) Hdem, 7; lidum, 17³.18.A³; supersor. seruum, in 17³; litum seruum, in 4760. (*) al., om. 7.10.17³.A³.
- [98] Inde ad solidos DC, ut si quis hominem ingenuum in cete occiserit (*) (tit. 63, § 1). Hæc compositio DC solidorum in XIV (*) loca habetur.
- (*) occ., om. 10. (b) XI, 7.10.17b.A2.B.
- [29] Inde ad solidos DCC, ut si quis mulierem habentem in utero paruulum (*) occiserit (*) (tit. 24, § 3).
- (°) paru, occ., oss. 10.
- [180] Inde ad solidos DCCCC, ut si quis Romanum uel lidum (*) in truste dominica occiserit] (b) (cf. tit. 63, b e)
- (*) litum, ro. (b) § 30 is not in MS. 4995, nor in 17.18.A1, while 17b. A2 have "in curte domini," instead of "in truste dominica."
- [81] Inde ad solidos MDCCC, ut si quis(*) in truste(+) dominica hominem occiderit, et (*) in puteum iactauerit (b) '(cf. tit. 41, è 4, tit. 63 è 2). Hæc compositio MDCCC solidorum in dua loca habetur (*).
- (*) 7.10.17^h.Aⁿ add: hominem here and not after dom. (†) trusta, 17^h.A¹. (*) et lact., om. 7.10.17.A. (*) 17^hA¹ have nearly everywhere: habet lex, instead of habetur.
- [[89] Si quis puerum infra duodecim annis siue crinitum, siue incrinitum occiderit, xxivm dinariis qui faciunt solidos Dc culpabilis iudicetur (*) (tit. 24, † 1)].
- (*) § 32, says Pardessus, is found only in MS. 4995, where it is written in a hand differing from that of the rest of the MS.

B.

This text is found in MS. Paris. 4629 (quoted as F in the Lex Salica) only.

Sciendum est quibusdam salice legis inueniantur capituli principaliter posita LXX, qui habent CCCLXII uel paulo plus aut minus, quem numerum per minimum quem uero per maximum in conpositionibus teniat.

[1] Incipit enim a vii denariis ut sicut agnum furaserii (tit. 4, 1 1). [2] Ut supra x dinarios de damnum stimatione (tit. 9, 1 7 of cod. 2, &c.). [3] XIII damnum stimatione (tit. 9, \(\frac{1}{2}\) 7 of cod. 2, &c.). [3] xiii dinarios et tertia pars de unius dinarii pro iumenta qui uuranione spatauerit (tit. 3\(\frac{1}{2}\), \(\frac{1}{2}\) 2 of cod. 6, &c.). [4] solidum i ut si quis procellum furauerit que sine matre thuere possit (tit. 2, \(\frac{1}{2}\)). [5] solidum i et tramesso ut si quis seruum alienum flagellauerit (tit. 35, \(\frac{1}{2}\), 4 of cod. 6). [6] solidos iii ut qui procellum lactantem (tit. 2, \(\frac{1}{2}\)i). [7] solidos iii et dinarium i ut qui uiduam accipere uoluerit (tit. 44, \(\frac{1}{2}\)i). [8] solidos vut qui ir rapto super tres fuerunt (tit. 13, \(\frac{1}{2}\)). [9] solidos vii ut qui hominem leborem clamauerit (tit. 30, \(\frac{1}{2}\)5). [10] solidos vii ut qui scrouam in furtu subbatet (tit. 2, \(\frac{1}{2}\)). [11] solidos viie ut qui romanum hominem in asro [11] solidos viis ut qui romanum hominem in agro contubernio occiserit, in tertia sententia (cf. tit. 42,

4). [19] solidos VIIII de medicaturis (tit. 17, § 4). [18] solidos xue ut si quis hominum misterialem in pelago inpinxerit (titt. 10. 41, § 9). [14] solidos xv ut si quis bimum porcum furauerit (tit. 2, § 5). [15] solidos XVIIs ut si quis magellum sacriuum furauerit (tit. 2, § 12). [16] solidos XXIIs ut qui hominem tributarium in elago inpinzerit (cf. tit. 41, § 7 and also § 3 of cod. 2, &c.). [17] solidos xxv ut qui hominem de ministerio furauerii (titt. 10. 41). [18] solidos xxx de eo qui aliquid de manu per uim tullerit (tit. 61, \ 11). [19] solidos xxxv de eo qui seruum alienum furauerii (tit. 10). [20] solidos xxxv de eo qui seruum alienum furauerii (tit. 10). dos xLv de eo qui hominem tributarium occiserit (tit. 41, 7). [21] solidos L ut si quis hominem romanum in pelago inpinxerit (cf. tit. 41 \(\)7, and also \(\)3 of cod. 2, \(\)c.).

[32] solidos LXIS ut qui uiduam sine legem acciperit (tit. 44, \(\) 2).

[38] solidos LXX de eo qui hominem artificem furauerit (tit. 10).

[34] solidos LXXV de eo qui hominem artificem in oste occiserit in capitale restituat (tit. ro). [25] solidos xc ut quis uuaranionem regis furauerit (tit. 38, § 4 of cod. 6). [26] solidos c ut

si quis romanum hominem occiserit (tit. 41. 3 6). [37] solidos claxxxvir ut si quis mulierem meletrices (sit. 41, † 6). [37] solidos claxxxvir ut si quis mulierem meletrices clamauerit (tit. 64, † 2). [38] solidos CL ut si quis romanum hominem cunuiuam reges in pelago inpinereri (cl. tit. 41, † 5 and also † 3 of cod. 2). [39] solidos cu ut si quis hominem contra ordinationem regis adsalieret (tit. 14, 14). [30] solidos ccc ut si quis graphioness qui [35] solidos MMDXXXV ut qui hominem in domum suam a contubernio occiserit (cf. tit. 42, † 1). [36] solidos CMMDV ut qui antrusionem in domum suam occiserit. De Romanus uero uel litus lex ista ex medietate soluatur (cf. tit. 42, } 4).

This text is here published for the first time from the Leiden Cod. (Voss. Lat. 119), where it is found on the recto of leaf 64, preceding the Prologus: Gens francorum.

Sciendum est quod in quibusdam libellis salice legis inueniantur principaliter posita LXV. In quibusdam uero LXX, qui abent spetiales ccct., nel paulo plus aut minus. Nam et hoc sciendum est, conpositio legis salice quam numerum per minimum, quam uero per maximum habeat et quod uarizatatis in conpositionibus teneat. Incipit enim a vii demaris ut si quis agnum

furauerit: transcendit usque ad MDCCC solidos, vt si furauerit; transcendit usque ad mocco solidos, vi si quis in truste dominica hominem occiserit et postea in puteum iactauerit. Varizetas uero conpositionum in 1932 sunt XXX; id sunt demarii VII ut supra, demarii x solidus 1 et demarii IIII. Iuret cum VI, solidi VI et medius; iuret cum VI, solidi vi, solidi vi et medius; iuret cum VI, solidi xv, solidi vi et medius; iuret cum VI, solidi xv, solidi xvII et dimidium; iuret

cum vi, solidi xxii et medius, solidi xx, solidi xxx, solidi xxx, solidi xxx, solidi xxx, solidi xxx, solidi ci. luret cum xii, solidi ccc, solidi DC, sol

REGUM FRANCORUM GENEALOGIA.

The following Genealogies of the Frankish kings are found 1) in the Wolfenbüttel MS. (Cod. 2 of the Lex Salica); in the Montpellier MS. (Cod. 7 of the Lex Salica); in MS. Paris. Lat. 10758 (formerly 164 suppl. bis Lat.) here called N; in MS. Paris. Lat. 4628 A, here called W. 9) in MS. Paris. Lat. 4627 (Cod. 8 of the Lex Salica). 8) in the St. Gallen MS. 731 (Cod. 9 of the Lex Salica). 4) in MS. Paris. Lat. 4409 (Cod. B of the Lex Salica). For other Genealogies of the same, and earlier, Frankish kings, cf. Pertz, Mon. Germ. Scriptt. 11. 304.

CODD. 2, 7, N,W. COD. 9. COD. 8. COD. B. (Paris. Lat. 4409). INCIPAT DE REGNORUM. INCIP/T REGNORUM UEL TEMPORUM. HAEC SUNT NOMINA REGUM FRANCORUM. TEMPORUM.

Eraglius dehinc quintum annum ait sui imperii. Sisbodus, godorum gloriosissimus principis, in Spania plurimas Romane milliciae orbis bellando subgicit et iudeis suis regni subditus a fidem Christi conuertit.

Fiunt igitur ab exordio mundi usque in eragli et quarto relegiosissimo principis sisbodo et dagoberto regi francorum anni xi. Chlothario sunt xi.viii. Albinicio mundi usque ad heraglio imperio et sisbodo rege godorum et dagoberto regi franchorum sunt anni vandoccini. Clotharius regnauit annos xLVII. Regn*ausi*^{*} Dagobertus annus xvii. Regn*ausi*^{*} Segobertus annus xxii. Regn*ausi*^{*} Heldobertus annus vii. Cionarius regnauit annos XIVII.
Dagobertus regnauit annos XVII.
Sigobertus regnauit annos XXIII.
Childebertus idest adoptiuus Grimaldus regnauit annos VIII.
Childricus regnauit annos XIIII.
Theudericus regnauit annos XVII. Regnauit Heldericus annus xv. Regnauit Thedoricus annus xv... (a) Teudericus (b) rex (c) Theudericus regnaust annos xvII. rignauit (4) annos xvII.
Chlodoueos (*) Rex (f) rignauit (s) Regnauil Chlodouius annus III. Chlodoueus regnauit annos III. Clodoueus regnauit annos IIII, obiit in nnos III.
Childebertus (h) rex (i) quinto.
Childebertus regnauit annos xvn. Regnaust Chelbertus annus xvII. rign*auit* (k) Childebertus regnauit annas XVII. annos xvii.

Dacobertus (1) rex (1) rignauit (2) Dagobertus regnauit annos v. Regnauit Dagobertus annus v. Dagobertus regnauit annos IIII, obiit in ansos v.
Hilpericus (=) rex (i) rignauit (k) Regnauit item Helperigus annus v. Chilpericus regnauit annos v. Chilpericus regnauit annos v. annos v.

Item Teudericus (*) rex (*) rignamif (*)
annos xvII; anno (*) septimo inter (*)
alius rex non rignauit (*).
Childericus (*) rex (*) rignamif (*) Regnauit item Theoderigus annus xvII. Annum septimum intrim alius rex non Theudericus regnauit annos xvII. Carolus sine alio rege imperauit Annos vII. Childericus regnauit annos vIIII. Anno septimo inter his alius rex non fuit.
Regnauit item Helderigus annus VIIII. regnauit. Childericus regn*auit* annos viiii. Regnaust Pipinus annus XVII. Pippinus regnauit annos xv et dimidio sunt in summa annus (*) LXXVIII (*).
(*) Codd, 7.N.W. commence: Incipit regnorum.
(*) Theod—; 7; Thed—, N; Teod—, W. (*) rex.,
cm. W. (*) regn—, N.W. (*) - eus, 7.N.W.
(*) rex., om. N.W. (*) regn—, N. ; rign., om. W.
(*) Hild—, N.W. (*) regn—, N. ; rign., om. W.
(*) Hild—, N.W. (*) regn—, N.W. (*) Chilp—, 7.
(*) Theod—, 7; ted—, N. (*) Annus, 7; Annos, N.W. (*) interim, 7.N.W. (*) Hild—, N.W. (*) rex.,
om. 7. (*) anni LXXVIII septuagina et octo feliciter Amen, 7; numeri annorum quos (quibus, W) isti reçes regnarent (regnauerunt, W) anni LXXVIII, N.W. Sunt in summa Anni LXIII. De dagoberto usque ad pipino sunt anni ctviii. Tutti in semul sunt anni vMDCCCCLVIII.

.H. KERN.

NOTES

ON

THE FRANKISH WORDS

IN THE

LEX SALICA.

ABBREVIATIONS MADE USE OF IN THE FOLLOWING PAGES.

i. v. = in voce.

Teut. = Teutonic.

Tit. = Title.

A. S. = Anglo-Saxon. A. S. LL. = R. Schmid, die Gesetze der Angelsachsen. 2nd ed. (1858). Bj. Halld. = Björn Halldorson, Icelandic Dictionary. B. and R. Dict. = O. Böhtlingk and R. Roth, Sanskrit Dictionary. Bosw. = Bosworth, Anglo Saxon Dictionary. D. = Dutch. Dan. = Danish. D. W. = Deutsches Wörterbuch, by J. and W. Grimm, and continued by R. Hildebrand, K. Weigand and M. Heyne. E. = English. Egills. Lex. Poet. = S. Egillson, Lexicon Poeticum. Ettm. Lex. = L. Ettmüller, Lexicon Anglosaxonicum. Frank. = Frankish. Frank. Ps. = Frankish Psalms in Heyne's Kleinere Denkmäler. Freckenhorst Doc. in Heyne's Kleinere Denkmäler. Fris. = Frisian. Fris. LL. = K. von Richthofen, Friesische Rechtsquellen. G. = German. Gl. A. = Strasburg Glosses in Heyne's Kleinere Denkmäler. Gl. L. = Glossae Lipsianae Gl. Mers. = Merseburg Glosses " ,, Gl. Prud. = Prudentius ,, gloss. = glossary. Goth. = Gothic. Graff, Spr. = E. G. Graff, Althochdeutscher Sprachschatz. Grág. = Grágás, ed. Copenhagen, 1829. Grein Gloss. = C. W. M. Grein, Sprachschatz der Angelsächsischen Dichter (Glossary). Grimm D. G. = Jacob Grimm, Deutsche Grammatik. ", Geschichte der deutschen Sprache. , G.D.S. = ,,, Pref. = , Preface to Merkel's edition of the Lex Salica. " R. A. = " , Deutsche Rechtsalterthümer. H. = High ---.

Heliand = Heliand, ed. by J. A. Schmeller.

Isidorus = K. Weinhold, die althochdeutschen Bruchstücke des

Tractats des Bischof Isidorus von Sevilla: de fide Catholica

Icel. = Icelandic.

contra Iudaeos.

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Ital. = Italian.
Jonss. Ordb. = E. Jonsson, Oldnordisk Ordbog.
Kil. = Kilianus Dufflaeus, Etymologicum, ed. by van Hasselt (1777).
Kl. D. = Moritz Heyne, Kleinere altniederdeutsche Denkmäler.
      2nd ed. 1877.
L_{\cdot} = Low -
Laut-und Flexionsl. = Moritz Heyne, Kurze Laut-und Flexions-
      lehre der altgermanischen Dialecte. 3rd ed. 1874.
LL. = Laws.
M. = Middle -.
M. H. G. Dict. = Mittelhochdeutsches Wörterbuch, by Benecke
      and Müller.
M. Stoke = Rijmkronijk by Melis Stoke, ed. Huydecoper.
Müllenhoff-Scherer Denkm. = Denkmäler deutscher Poesie und
      Prosa, ed. by K. Müllenhoff and W. Scherer, 2nd ed.
N. = New.
n. or neut. = neuter.
nom. act. = nomen actionis.
nom. ag. = nomen agentis.
O. = Old -.
O. N. = Old Norse.
Oork. = L. A. J. W. Sloet, Oorkondenboek der Graafschappen
      Gelre en Zutsen.
Otfrid = Krist by Otfrid, ed. Graff.
Oxf. Dict. = R. Cleasby and G. Vigfusson, Icelandic-English
      Dictionary.
Pet. Dict. = B. and R. Dict. (vide supra).
Richth. Gloss. = K. von Richthofen, Altfriesisches Wörterbuch.
S_{\cdot} = Saxon.
Schmid, Gloss. &c. = R. Schmid, die Gesetze der Angelsachsen,
      2nd ed. (Glossary).
Skr. = Sanskrit.
Slav. = Slavonic.
Swed. = Swedish.
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Werken Maatsch. Ned. Lett. = Werken van de Maatschappij der Nederlandsche Letterkunde te Leiden (new series).

Teuthonista = Teuthonista by van der Schueren.

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PRELIMINARY REMARKS.

§ 1. THE Frankish elements in the Salic Law have never ceased to attract the attention of the students of mediaeval law(1). Still higher do they rank in the estimation of philologists, especially those who occupy themselves with the study of the Teutonic languages. And deservedly so, for the little scraps of Frankish which occur here and there in the various texts of the Lex Salica, are the chief source for our knowledge of that language. There are no poems, no translations of the Gospels, nor any other literary remains of the period when a part of the Salian Franks settled in Gaul. The numerous proper names known to us from charters, show too much of the influence of the prevailing Romanic tongue of Gaul to be of great use (2). The French words, derived from a Teutonic source, when reconstrued into their ancient form, seldom enable us to pronounce upon their specifically Frankish character; they may have been borrowed from Burgundian, Gothic, Rhinefrankish, Alamanic, not to speak of such words as had already passed into Latin before it broke up into distinct dialects.

The Salic Law possesses, accordingly, an interest of its own such as it would hardly claim if we had more or less copious texts of another kind at our disposal. In the latter case, indeed, few persons would care, at least for linguistic purposes, to study a document abounding with difficulties of all sorts.

§ 2. Our first and greatest difficulty is the sad condition of the codices. Grimm, whose preface to Merkel's edition of the Lex (Berlin, 1850) marks an epoch in the elucidation of the so-called Malberg Glosses, has justly observed that a comparison of the various readings of the glosses makes it at once evident that they are disfigured to such an extent as to make one despair, after repeated fruitless endeavours, of penetrating to the meaning of the words (3). To this he adds: "If the Salic Law sprung into existence in the 5th century, and if no manuscripts of it anterior to the 8th and 9th have been preserved, the gradual decline, even in the Merovingian period, of the Teutonic tongue as distinguished from the Romanic, must render it conceivable how the scribes, mostly of Latin training, became more and more ignorant of the Frank terms, and transmitted the text disfigured, confused and mutilated."

The ignorance and carelessness of the scribes has not been exaggerated by Grimm. This will be readily admitted by all who have studied the subject. Grimm's statement requires no limitation, but, on the contrary, a greater extension. Our codices of the Lex Salica, if superlatively bad as regards the Frank terms, are but little better in the Latin or rather semi-Latin part. It is not too much to say that they are carelessly written, corrupt and vitiated, in fact untrustworthy in every respect. Suppose we had no continuous text and came across a Latin honocolatus (1), then we should hesitate as to the word intended; and even after finding it out, still continue to doubt whether in any dialect or any period honocolatus had really been in use.

A remarkable instance of the untrustworthiness of the MSS. is afforded by the various readings in Tit. XLVII. There we find in I, one of the oldest codices, instead of si citra Ligeri(m) aut Carbonariam an utterly meaningless sic eligere aut carbonariam. Another (6) exhibits: sic inter alligare aut carbonarius, which should be: sic intra Ligerem et Carbonarias. A third (3) vitiates the whole passage by introducing a would-be correction, and has: si citra mare aut carbonaria. To find out the original text seems well-nigh impossible; upon the basis of the different codices the only justifiable inference is, as far as I can see, that the readings are reducible to two, viz., si citra (al. intra) Legerem (Ligerim) aut Carbonariam:

In general it may be asserted that the errors and peculiarities in the writing of the Latin text find their counterparts in the glosses. Thus there is a regular confusion of the Latin endings um, o and us, whence we may infer that all three were pronounced alike or nearly so, viz. as o. Instances of this confusion, which is natural and to a certain extent quite allowable in the semi-Latin of the Lex, but preposterous in Frankish words, are far from scarce. In Tit. II. δ 1, where 2 has calcio, 1 shows calcium. Such an impossible um for o is the first step in a wrong direction; subsequent scribes will take a second step and change um, let us say, into iim. In this way arose the monstrous leciim of cod. 2 in Tit. XXXV for leto.

It cannot be called an error when, in the idiom of the Lex, the Latin spoliare becomes expoliare, but it is decidedly wrong when a Frank scuto is written excuto, for in the one case it is only a symptom of the growing development of Latin into French, in the other we have evidence of the scribe being wholly unacquainted with any Teutonic language.

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⁽¹⁾ It will suffice to mention the comparatively recent publications of Prof. R. Sohm, der Process der Lex Salica (1867), and Die Fränkische Reichs-und Gerichtsverfassung (1871).

⁽²⁾ A careful study of those proper names may, however, lead to some valuable results. M. d'Arbois de Jubainville has given a convincing proof of it in his able paper: Étude sur la déclinaison des nons propres dans la langue franque à l'époque mérovingienne (Bibliothèque de l'École des Chartes,

Tome xxxi).
(3) L. c. p. IV.

⁽¹⁾ Tit. II, § 4 in cod. 4.

NOTES. PRELIMINARY REMARKS.

Wherever a gloss has become corrupt owing to the peculiarities of the semi-Latin pronunciation, we may be satisfied that such a gloss was written under dictation. But it is certain that other errors have crept in because the scribes mistook the written characters. It is impossible, even approximately, to guess the relative date of the birth of each particular error, since the codices belong to widely different families, with such restrictions as will be pointed out presently.

§ 3. If, in order to determine the genealogical relation of the MSS., we allow ourselves to be guided by the glosses, we shall, unless I greatly err, arrive at the following results. Codd. 7, 8 and 9 are intimately connected, and derived from a not very distant common source, so that their combined testimony, where it is opposed to that of others, only counts for one. Viewed separately, they appear to stand at an equal distance from their source, but not so from each other. That is to say, from a common parent—let us call it A—have sprung a and b; 7 and 9 are the issue of a, 8 of b. Consequently 7 and 9 may be termed brothers, 8 is their cousin.

The connexion between codices 6 and 10, though distant and somewhat veiled, is unmistakeable. The glosses in the latter MS., now lost, show throughout the traces of an ably revising and renovating hand. The person who was able to replace chariocheetto by cherecheto (III. 7), changisto by chengisto (XLI. 2), and the like, was perfectly acquainted with the language. The unknown reviser cannot have been the same person as the scribe, for there are a few blunders in 10 which prove beyond doubt that the copyist was quite ignorant of Frankish, the numerals two, three, five, &c., being mysteries to him. Taken as a whole, cod. 10 is the best manuscript, or rather the only tolerably good one, a fact the more explicable when we consider that the revised readings had not yet had time to become so utterly corrupt as the older ones in the other MSS., which had remained without the benefit of a revision by competent hands. Hence the glosses in 6, though much more ancient in their phonetical aspect and in a few cases, perhaps, essentially more original too, are far more deteriorated than those

Cod. 2 belongs to a third family. Its glosses look nowhere younger, but in a few cases older, than those in 6. When 2 has a gloss materially different from the corresponding one in the other codices, it becomes difficult to decide which of the two is more original, because the different terms, considered as mere words, must have existed side by side in the language. The clerical errors in 2 are numerous; its scribe was evidently a stranger to Frankish.

The glosses in cod. I look as ancient as those in 2. Some coincidences in the choice of the terms might at first sight suggest the idea of a special connexion between the two, but on closer inspection we perceive that the coincidences between 2 and 6, 10 or 7, 8, 9 are more numerous, and certainly more close than between 2 and I. The stray coincidences between 1 and 2 may be explained by assuming that cod. I or its parent is an eclectical work based upon various ancient MSS. At any rate, cod. I, as a whole, stands far away from 2 as well as from 6, 7, 8 and 9. It differs in one important point from all the other codices, 4 excepted, in that it consistently writes thunginus, whereas the others have as consistently tunginus.

A determination of the relative place of codd. 3, 4, and 5 is of no practical interest, as far as the glosses are concerned; for our purpose they are all but worthless.

I do not think it necessary to trace the genealogy of the MSS. any

further. The chain of evidence is broken, and only a few links have been preserved which we may violently weld together, but cannot make to fit.

It must not be supposed that, in basing my estimation of the relationship of the codices upon the glosses, I pretend to decide anything as to the jurist's view of the question. This is wholly out of my sphere. Still, I think it right to observe that the results I have come to, nearly coincide with those arrived at by Merkel, independently and in another way.

§ 4. A disquisition on the probable origin of the *material* variations in the glosses must ultimately lead to the question, whether the Latin text be an original composition or a more or less free translation. Grimm, in the passage already quoted, expresses the opinion that the Lex Salica sprung into existence in the 5th century. He considers it to have been composed by the Franks in Latin, though in doing so they could not avoid using many indigenous words which were Latinized for the purpose (1). At the same time he fully admits (2) that "the words and formulae, as remainders of the indigenous forensic language (*gerichtssprache*), by no means look as if they were translations from the Latin, but rather as original."

In fact, the profound scholar nowhere intimates a doubt as to the previous existence of Frank laws. On the contrary, he speaks of a "forensic language," which presupposes a comparatively developed practice of the law. All the materials for the compilation of the Latin Lex Salica being extant, its originality can only be an originality of the second order; the Latin text may be original in its arrangement, but it is not so in its constituent parts. It is possible, not to say probable, that every phrase of it existed already in a Frankish form. Even if the whole of the first part, dating from a period before Chlovis, has not been bodily translated, its originality is a qualified one. Supposing the first Frank compilers to have written down the result of their legislative labours in Latin, even then the Latin text is but quasi-original, because those men certainly did not discuss and think in a foreign language. For those who wish to explain the Frank terms, either in the glosses or in the text, such a kind of originality is in reality nothing else but a translation from an original which was never written down, but nevertheless actually existed in the mind of the author.

If we have to believe the statements of the Prologues, grave doubts arise even in regard to the qualified originality of the Latin text. We are told that the greater and oldest part of the law was framed or compiled by a committee of four men elected from three villages situated, according to one of the Prologues, beyond the Rhine—of course the Lower Rhine. Due allowance being made for the legendary character of such statements, we may, I imagine, fairly infer from the Prologues that, in the tradition of the Franks, their Salic Law dated from a period considerably anterior to the 5th century, and had remained essentially the same, notwithstanding such modifications and additions as became necessary in the course of time. This much seems to be well ascertained and generally admitted that the first part of the Law is anterior to the reign of Chlovis, What could have induced the heathen Franks of those

⁽¹⁾ Pref. to Merkel's ed., p. v.: "Im salischen gesetze selbst, also auch in seinen unglossierten handschriften, treffen sich nicht wenige wörter deutsches ursprungs, nur mit lateinischer endung oder zuthat versehn, welche lehren, dass die Franken zur darstellung ihres rechts heimischer und technischer ausdrücke gar nicht entraten konnten."

⁽a) Ib. p. iii.

NOTES. PRELIMINARY REMARKS.

days to compile a Latin text? After their conversion to Catholicism and the settlement of their king in the heart of France, where they came among a Latin-speaking population, the aspect of things changed. A Latin edition, adapted to new circumstances, was at that time as much wanted, or thought to be necessary, as it was superfluous before.

The study of the so-called glosses has led me to the supposition that the Latin text of the Lex Salica is a revised and translated edition, made long after the date of its original compilation. The boundaries named in Tit. XLVII, a title in the first part of the Lex, are simply impossible for any period previous to Chlovis.

It may be asked whether the genuinely original law was or was not committed to writing. There is no essential difference between poems, laws, moral precepts, etc., handed down by oral tradition or in writing. The Vedas are not a whit less authoritative or less rigidly fixed because they were perpetuated by tradition (1). Far from being dependent upon Vedic manuscripts, the latter on the contrary are of unusual correctness, because the stains could at any time be washed out by the clear waters of the everflowing fountain of tradition. No codices can vie in purity with the Vedic texts, nay, not even inscriptions on brass or rocks, exposed as they are to the all corroding influence of time. In the case of the Salic Law, however, I do not entertain the idea of its having been transmitted in such a way, just because it shows all sorts of blunders not easily committed by a trained oral tradition. I would rather think that it was written down a long time before it was translated.

It can hardly be doubted that the Franks knew the art of writing before their conversion to the Christian faith. Venantius Fortunatus (Carm. VII. 18) found the practice of Runic writing amongst them at the end of the 6th century (2). From the Runic writing holding its ground among the Christian Franks at so late a period, we may safely conclude that their forefathers practised it still more in the preceding two or three centuries.

As a mere guess, I advance the opinion that the title of the Frankish law-book, whether in Runic or Latin characters, was Malberg, i. e. Forum, a title not half so strange as Gragds, or even as Sachsenspiegel. Since malberg properly means "forum," it is readily explained how the Spanish laws came to be called Fuerós, this being probably the literal rendering of some Gothic word identical or synonymous with the Frank malberg.

The so-called glosses are, in my opinion, quotations from the Frank Fuero, and were intended as a guarantee for the substantial correctness of the translation and to supply its formal deficiencies. At any rate they are no glosses in the common sense of the word, though for convenience sake we may call them by that name.

§ 5. Returning from the attractive but dangerous region of speculation to the level plain of sober facts, I wish to make some general remarks to which I shall be obliged to refer from time to time while discussing the various readings of the glosses.

The mistakes of the copyists in reading their original are so frequent, and, so to say, regular, that, for our purpose, it will suffice to adduce a few examples of the most common errors. The letters most apt to be confused, and consequently misread, are: t and c,

c and t: certussum, II, § 7, in 2; tertussum, etc., in the other codd.

alatharde, XXIX, § 19, in 6; alacharde in 10. solisacire, CVI, § 1, in 11; solsatire in 10.

f and s: frilafina, XXV (XIV), in 8; fribasina in 7, 9.
n and u: seolandouena, XVII (XXI), in 7; seolandoueua in 8, 9.
uuas, XLI (LXXIII), in 7, 8, 9; unas in 10.

b, l and h: fribasina, XXV (XIV), in 7, 9; frilafina in 8.
honema, or bonema, XIII, § 9, in 6; bonimo in 7, 8,
9; honomo in 10.

barbaro, LXIV, in 2; hereburgio, herburgio in 7, 8. ch and di: chalti, II, § 1 in 9; dialti in 7.

chramne (chrinne, chranne), II, in 7, 8, 9; dirani in 3.

cl and d: cleura, XXIX, § 14, in 10; deora in 6.
c and g: sagrivo, II, § 6, in 9; sacrivo in 7, 8.
drace, II, § 7 and 8, in 2; drauge in 3.

f and h: franne, II, § I, in 7; hranne in L. emend.; rhanne in 10.

d and b: chreodiba, CIII, in 10; creubeba in 1; creobebat in 2.

e and o: maiale, II, § 6, in 7; maialo in 8, 9. s and l: solsatire, CVI, § 1, in 10; solelatere in 1.

The r has now and then been confused with s; e.g. fora, XXXII, § 5 in 6, fosa in 10.

This confusion of similar letters is observable in the Latin text as well as in the glosses. Another trait common to both is what may be termed graphical cockneyism. The scribes were not in the habit of pronouncing the h, whether additive or genuine. Now, we frequently perceive that in the same codex and in the same word an initial h is either written or dropt or expressed by ch, according to caprice. E.g. in Tit. XXXVIII, cod. 6 has in § 3 chanzisto (read changisto), but immediately afterwards azisto (read hangisto); in Tit. LXIV we meet with cher, her, er. Similar instances abound. The easiest way to account for this fact is by assuming that the Franks pronounced the h in the same manner as all other Teutons do to this day, and that the ch was only a clumsy device to represent that sound already lost in the Romanic tongues of the period. Gradually the ch came to be pronounced as a k, and transmitted as such in the French, but only in bookish words. Thus Hluwis was written Chlovis and afterwards Clovis, a form which in reality never existed in the mouth of the people, as is proved by the French Louis, which could never have arisen from Clovis, and is only explicable when we suppose that the Franks said Hluwis.

Although the ch occasionally denotes an h, it must at the same time have served as a sign for the Scotch, Dutch, and German ch, but only at the end of a syllable, as e.g. in *sichte* and *sochte* (Tit. XXIX, in 10). Where ch as an initial interchanges with g, it must be regarded as an inaccurate manner of writing, or a rough pronunciation of the g. It is known that the g has preserved in Dutch and Low-German a sound which is easily confused with that of the ch(l) by the people themselves, and with that of the h by foreigners who have no strong h in their own language.

f and s, n and u, b and l or h, ch and di, cl and d, c and g, f and h, d and b, e and o, s and l. Examples:

⁽¹⁾ Cf. what J. F. G. Schlegel, in his Commentary on the Gragas (§ 3), remarks on the Icelandic law: "Leges autem illae Ulfiioti non promulgationis tempore in scripturam redigebantur, sed ore prolatae memoriae commendabantur. Litteris enim duobus paene seculis serius Islandi leges suas demum mandari curarunt."

⁽²⁾ See Gibbon, ch. 1x. p. 371 (ed. Milman, 1838).

⁽¹⁾ It has more than once struck me that a Greek of my acquaintance pronounced the γ , in well-known cases, like a Dutch ck, though the usual sound coincides with the Dutch g.

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Sometimes we must leave it undecided whether a particular error be one of commission or of omission. E.g. if we see written alac for alag and alach (Tit. XIV), it is certain that the c is wrong, but doubtful whether ch or g was the letter intended, for both ch and g are, in such a case, regularly interchangeable, and the scribes are just as apt to leave out the h of ch, ph and th, as to confuse c and g.

The omission of h in the compound letters ph, th and ch is as common as its being wrongly added. Thus, 6-10 all have a wrong turrip, turp. Is it by way of compensation that cod. 6 gives reiphus for reipus, e. g. Tit. XXXII, whereas in 9 we find rephus, while its brother 7 and cousin 8 prefer reppus? (1) Theo, theu, i.e. Gothic piws and piwi, were capriciously written with or without the necessary h. In Tit. LV, cod. 7 has creo, its brother 9 creho, its cousin 8 chreo; in CIII instead of chreo, as 10 really shows, cod. I gives creu, 2 creo.

It must be observed that the use of the digraphs pt and ct to represent the sounds pht (ft) and cht (ht) cannot be considered erroneous. It is a peculiar way of spelling, of frequent occurrence in Frankish charters, Old English documents, and, as regards pt, in Icelandic. The frequency of this manner of writing, far from pointing to a pronunciation different from ft and cht, proves on the contrary that the Teutonic people using it were unable to sound a real pt or ct. For those who cannot pronounce pt and ct, there is no inconvenience in writing them, because it is a matter of course that everybody sounds them according to the idiom. I have been told by Mr. Henry Sweet, that Icelanders, up to this day, have a difficulty in pronouncing pt, so that if they have to pronounce an English word like accept, they naturally say acceft. There is no doubt that this trait was formerly common to all people of the Teutonic race. Hence (as an example of ct) the O. E. sohte, Engl. sought, Dutch socht; and (as an example of pt) Dutch kocht, instead of the still dialectic koft, from koopen, A. S. cedpian, &c.

Nor should we call it an error when, in all cases where Old Saxon works, as the Heliand or Frank charters of the same period, promiscuously use b (δ), f and v, we perceive in Frankish words a fluctuation between b, v, f or ph. Even in the Latin text we find examples of those letters having the same value, of course under certain circumstances. Not to go further than Tit. II, we see how the Latin scrofa is expressed by scrova and scruva in 2; scrofa and scropha in 6; scroba in 1; scrova in 5 and 10. Sacrivus in 6, 7, 8, 9, is written sacribus and sacrifus in 2; sacrifus in 10. These examples, taken at random, will suffice to prove that the Latin v(2) had, in some regions at least, acquired the sound which it has retained in French and Italian, i.e. a sound regularly passing into that of f, under certain conditions; e.g. Latin noua has become in French neuve, whereas novus yielded neuf.

Wherever we see a v in Frank words alternating with f(ph)and b, we may be sure that it was sounded like the letter v in English and Dutch, and most likely in Old and Middle High German. To express the w, the normal spelling appears to have been uu, as in uuala, a Walloon, in 2, Tit. XLI. It is difficult to say whether the Franks pronounced their w (uu) in the English or

Dutch way; the former supposition is the more probable. Instead of uu we often meet with a single u, and that not merely in cases where the Heliand also writes u. In Latin words uu (w) never occurs; the scribes very often turned the w into m.

The Latin of the text may be said to stand almost midway between Latin properly so called and the French of the 9th century, some characteristics of which are distinctly foreshadowed in the language of the Lex. A few of these peculiarities, in so far as they affect the exterior form of the glosses, deserve to be pointed out. An initial s, if followed by a consonant, has a tendency to receive before it an e or i; such an s is sometimes represented by x. E.g. spoliare passed into expoliare; scrofa became iscrofa, Tit. II, § 5 in B, a MS. which belongs to the same family as codd. 7-9. Owing to graphical cockneyism, the prefixed i is often spelt hi, in the same manner as e. g. LIV, cod. 4, hoccisus for occisus. This semi-Latin e, i, hi has not seldom, by mistake, found its way into the glosses. Hence, in Tit. IX, excuto and scuto, both in one and the same codex 2, by the side of hischoto in 7, but scuto in 9. The varying glosses extrabo, iscrabo and hischrabo in Tit. XXX, clearly denote one and the same word, the genuine form of which must have been either scrabo (schrabo) or strabo.

It is another characteristic of semi-French Latin, that t and pbetween vowels had already begun to be softened down to d and b; e.g. vodivo II, § 11 in 4, instead of votivus. It is not to be wondered at when the MSS., in which the semi-French character appears most developed, do not leave the Frank words unimpaired. Hence the erroneous rebus in XXXII, reibus, rebus in XLIV, for which the Frankish text must have had repus, reipus. In the same way, scapin (Dutch schepen), Latinized to scapinus, became scabinus, escabinus, &c., until it reached the modern French form échevin.

A few cases remain where the origin of a false reading is open to discussion. When we see in Tit. XXXVIII the word chanzisto in 6, which is the O. Frisian hangst, O. Eugl. hengest, &c., the question arises how to account for the z. Though the original sound was certainly g, it is far from impossible that before an i or e it became palatalized as in Frisian, not to speak of languages of more remote affinity. If gi in Frankish really had the tendency to become si, we should expect the examples to increase the younger the words are in their general phonetic aspects. But the contrary happens; the older form, in 6, is chanzi, the younger, in 10, chengi. It is true that elsewhere 10 also writes in Zymis, e.g. II, § 8; on the other hand 2 and 10 have both tunginus where we might expect tunzinus, and 8, though it has tumzimus, at the same time as capriciously writes ingismus. If we remember that in the so-called Anglo-Saxon (also Irish, Cymric) style(1) of letters the g, i.e. g, may be easily confounded with z, and observe how 10 strangely uses a capital in in Zymis, we shall be safe in ascribing such a peculiar s to scribal ignorance.

Such confusions as are inexplicable from the style of writing of our MSS. must date from a previous period. According to Prof. Freund (2) the minuscule writing—that of our MSS.—goes back to the end of the 8th and beginning of the 9th century, so that the Lex Salica must have been exposed for nearly four

(*) Triennium philologicum, I. p. 227: "Die Minuskelschrift bildete sich gegen Ende des 8 und Anfang des 9 Jahrh. (durch Alkuin's Schule im Martinskloster zu Tours) und gelangte im Verlaufe der Zeit zur Alleinherrschaft."

⁽¹⁾ In the particular case of 6, the $\not h$ instead of $\not p$ is so frequent, almost constant, that it would seem as if the copyist of 6 had been influenced by the High-Frankish pronunciation. At the same time it must be observed that cod. 10, though younger and in other respects nearly allied to 6, regularly A noteworthy exception is stafflus for stapplus in the text of Tit. LV, though this exception may after all be an illusory one.

²⁾ It is unnecessary to observe that # and v are not distinguished in the MSS. For shortness sake I express by v the consonant sound.

⁽¹⁾ Cf. J. Rhys, Lectures on Welsh Philology, p. 201 (1st ed.).

centuries to the mistakes of copyists in the reading of majuscule letters. It is during this lapse of time that so many C's and G's became confused.

§ 6. The character and condition of the glosses and Latinized words in the Lex Salica are not such as to turnish us with more than a general outline of the phonetics and grammar of the language. Broadly stated, its features differ but slightly from that of Old Saxon, though in many respects it looks more archaic, as might be expected. Down to the present day the new Saxon dialects of North Germany and the eastern part of the Netherlands beyond the Yssel are closely allied to Frankish Dutch, even to such an extent that it is difficult to discover discrepancies of any consequence and consistency. Everything considered, there is perhaps but one characteristic deserving to rank as a criterion (1), namely, the form of the plural in the present and preterite tenses of the verbs. Saxon in this respect keeps to Frisian and Old English, whilst Dutch stands on the same side with High German. Unfortunately the required data are wanting in the glosses.

Of late years it has become customary, chiefly with German scholars, to classify Dutch as a Lower Frankish dialect. From an historical point of view there is nothing against this method. Just as in the time of Leofwin, the English saint whose remains rest in Deventer, the demarcation was formed by the Yssel, so now-a-days the same river separates the Dutch of the Veluwe from the Saxon dialect of Salland, Twente and part of the county of Zutphen, the ancient Hamuland or Chamavia. Whilst admitting the full force of the arguments derived from the history of the Salian Franks, I cannot pass over in silence the fact that some glosses in their peculiarities remind us rather of Frisian than of Saxon or Dutch. Thus the term for "way" is consistently written uia (Tit. XXXI), which shows a greater family likeness to the O. Frisian wi than to a Saxon and Dutch wega, wege, wech. On the other hand it cannot be denied that uia, however consistent, has something suspicious about it. If it were a genuine Frank word we might expect it to be spelt, at least for once, with uu (w). This not being the case, it is not unlikely that the scribes, with their naïve Latinizing tendencies, understanding for once the Frank word for "way," replaced it by the similar Latin word. Some MSS. of the Lex Emend., including cod. 11, actually give the Latin genitive viae.

As another Frisian trait in the Frank language we might adduce the zi for gi, if the reading were not extremely doubtful, as I have already endeavoured to prove. Yet I am not prepared to deny that the Salians, in language and still more in law and customs, had much in common with the Frisians. As they had been neighbours for some centuries it would be strange if it were otherwise. The connexion between Frankish and Frisian, as far as we are able to judge from our scanty data, is exemplified by a word common to both. A threshold is called in the Lex (Tit. LVIII) duropal(us), durpel(us), Dutch dorpel, O. Fris. dreppel. Here we see that the relation between duropal, durpel, and dorpel, allowance made for the difference in time, is one of identity, between the same and dreppel one of affinity.

I need not enter here into the vexed question as regards the relation of the dialects of the Salian Franks to the High- and Middle-Frankish, briefly also termed Frankish, and its varieties. This interesting subject lying beyond the scope of this work, the

reader is referred to Prof. K. Müllenhoff's Preface to the 2nd ed. of his Denkmäler, published by that distinguished scholar in conjunction with Prof. W. Scherer, and further to Prof. Heinzel's Geschichte der Niederfränkischen Geschäftssprache, especially his introduction. Some of Prof. Müllenhoff's conclusions have been controverted by Dr. W. Braune in an excellent essay in the Beiträge (I) edited by him in conjunction with Prof. Paul. I only wish to add the remark that, in drawing inferences from the testimony of ancient writers, we ought to be very cautious. The same Nithart who gives the well-known Strasburg oaths speaks of frilingis lazzibusque(1) amongst the Saxons. Now a High German form lazzi is preposterous in Saxon, which can only have had latti or lati. Hence it is evident that Nithart, unless he were very ignorant, did not mean to teach his readers the dialectic peculiarities of Saxon, but to inform them of a fact. Consequently we are not allowed to adduce the peculiar dialect in which Nithart, Eginhart, etc., clothed some Teutonic word as a proof of anything but the dialect of the author.

After the foregoing explication of the subject and principles of a linguistic inquiry into the Frankish elements in the Lex Salica, it only behaves me to apologize to the reader should he find in the following pages too many discussions, too few established facts.

I.

§ 7. Of the compound reapte in cod. I I take the latter part to be apten, of which abtena (in cod. 2) is a variation. On pt representing the sound of ft, cf. § 5; the bt in abtena is a bad spelling for ft, as in Gothic fragibts for fragifts (St. Luke, i. 27). The so-called gloss has the appearance of being a nomen actionis formed by the fem. suffix ni, nia, Goth. ns, O. Fris. ne, A. S. n(n), O. N. n. The oldest Frank form of the stem, if indeed it be not the nominative case, of such words, appears in theulasinia (Tit. LXXXI) and latiniae of codex II(Q) (Tit. XXXI); much more frequent are the variations na, no, ne. The distinction between words ending in eins, ons, and ains, which we find in Goth., e.g. in naseins, mitons, and libains, is to a certain extent preserved in Frankish, e.g. in lasina, roufano (but also rofen), falchono. Aftena, aften, may be a derivative from a verb of the ai-class, and the same as O. Fris. achtene, echtene, judicial prosecution (cf. Richth. i. v.), from achta, echtia, echta, O. S. ahtian, A. S. ehtan, to prosecute. The letters ft and ht (cht) are frequently interchanged in all Frankish, Sax. and Fris. dialects; e.g. druftin for druhtin (cf. Heyne, Kl. Denkm. p. 113); O. Fris. aft, eft, for Dutch echt, genuinus, legitimus; aftigia, O. N. ekta, in matrimonium ducere.

The Fris. achtene, Sax. achte, Germ. acht, is nearly, if not entirely, identical in meaning with bonn, bann (cf. Grimm, R. A. 732). In the Fris. LL. p. 251, we read: "the sitter (i. e. the defendant) sê ladet fon dâ riuchter, hi cume jef hi cume naet; kumtter naet and hi uursûme det ryucht so scel die richter him tb bonne duaen." On comparing this passage with the parallel one in the Lex Salica we are led to suppose that aften means the same as bann, the more so because the latter is also used to denote forseiture; e.g. Fris. LL. 405: "dâ ban bêta mittâ alra hâgista ban."

Much more difficult is the explanation of the syllable re in

⁽¹⁾ I feel bound to confess that this criterion, however important up to a certain degree, is one that will become less absolute the farther we go back, for even from the Heliand 3rd plurals in nd (nt) are not wholly absent.

⁽¹⁾ Pertz, Monumenta, Scriptt. II, p. 669. In the same volume p. 361 Hucbald in Vita Lebuini speaks of Saxon *lassi*. If Hucbald had been a Salian Frank by birth, he would hardly have failed to recognize the Frankish *leti*.

Cod. 1, and of mallare in Cod. 2. Re is common enough in Frankish and even in M. H. G. as a variation of er, ir, e.g. refangan, refagnussi in the Gl. Lips.; reslat and rislag in the Psalms (Heyne, Kl. D. p. 177). Like the Goth. us it often means again; e.g. Goth. usgiban = ἀποδοῦναι, Lat. reddere; so too in O. H. G. irwentan, revocare (cf. Grimm, D. G. ii. 823). Reapten, reabtena would consequently be 'the act of re-banning,' and moreover denote the fine imposed on him who has disregarded the aftena or summons of the judge. If this be the true interpretation of the term, the reading mallare abtena in 2 is wrong, and must be changed into malb. reabtena.

II.

§ 8. Calcium in 1 contains three errors (cf. above, § 2 and § 5): we have to read chaltio or galtio, which is a diminutive of a supposed Frank. galti or galtu, = O. N. göltr, a bear or hog, and may be regarded as identical with O. N. galti. The corresponding fem. is O. N. gylta, O. H. G. galza, gelza, sucula; cf. A. S. gilte, M. E. yelt, O. N. gyltr, Dan. and Swed. galt. Chalteo in 6 and 10 differs from chaltio only in spelling, whereas chalti in 7 and 9 is almost the O. N. gyltr, which exactly agrees with chulti in 8; cf. also provinc. N. H. G. golze. Dialti in 7 is a misread chalti.

§ 9. The word which forms a compound with chaltio and chalti, chulti, is variously written chrane, chranne, hranne, chramne, hramne, etc. In the O. H. G. version of the Lex Salica it has been rendered by stiga, E. stye; no doubt correctly, for in Tit. LXXXI we read: "Si quis porcellum lactantem de rane furaverit," which goes far to prove that rane signifies some enclosed place. Stealing from an enclosure was a greater crime than stealing from an open place. Hence the person stealing even a very young chramne-chaltio, i.e. a stye-porker, has to pay three times more than another who steals a somewhat older pig from a field. The Latin text, stating that the theft of a "porcellus lactans" is to be punished with 120 denarii, but that of a "porcellus [de campo] qui sine matre vivere possit" with only 40 denarii, would be absurd, save for the difference of the two kinds of theft.

The genuine form of the word is probably chramne, hramne. From the fact that the D. boed, though etymologically identical with E. booth, G. bude, means "a pig-stye," whilst the D. kraam, O. H. G. kram, means "a booth," I infer that chramne is a variation of kraam; because in the Teutonic languages the combinations kr and hr may be said to be twin representatives of Aryan kr, just as kl and hl, kn and hn are of Aryan kl and kn. Again, from some Slavonic words borrowed from a Teutonic source, I infer that the Goth. form of chramne must have been hramini (stem hraminja) or hramina, whence Slavonic chramina, a house; cf. Russian chorómina, a room; chorómy, a wooden house. It is scarcely accidental that up to the present day a sow is called krâm, kriem, in some parts of Westphalia (1); the Teuthonista has cryme, i.e. soege (D. zeuge); the original meaning of this krâm, cryme, as derived with a lost suffix from kram, a booth, a stye, must have been "a stye-porker."

§ 10. Lere in 10, mutilated to re in 7 and 9, is evidently quite a different word; les in 6 is better. It is radically the same as Goth. lasiws (aoberhs), superl. lasiwosts; A. S. læssa, læst and lærest (3); E. less, least; O. Fris. lessa, lerest. Identical with les

in 6 is A. S. læs in Cnut's Laws, iii, 2: "ex mediocribus hominibus (quos Angli læspegnas nuncupant, Dani vero yoongmen vocant)." Les and les look like comparatives, notwithstanding the ending of the strong declension; lere is rather the positive, i.e. the Goth. lasiws, unless it stand for lerere. The approximately correct reading will be in 6: chramnechalte, leschalti; in 7 and 9: chramnechalti, lerechalti; in 10: hramnechalti, lerechalti. Both terms may be regarded as synonymous, the former properly denoting a pig still kept in the stye, the other a younger or very young pig in general.

§ 11. Unum tualepti in 6, unum ahelepte in 10, express the fine to be paid. We must read hunn-tualepti (pron. twalefti), A. S. hundtwelftig; or (if unum be right) tualepti, which would stand to the A. S. word in the same relation as E. seventy to A. S. hundseofontig.

§ 12. The reading dirani in 3 is clearly a mistake for chramni; chrinne in 8 probably stands for chremne, chremni, the e being the Umlaut caused by the i in the final syllable of the stem. Such an e occasionally passes into i; e g. in the Frank. Psalms we find ind for endi, andi (cf. Heyne, Kl. D., i. v.). Char in 2 would suggest the so-called M. Lat. hara, but the cod. is a bad one and has little authority where it differs from all the others.

§ 13. A "porcellus qui sine matre vivere possit" is termed chranecalcium (i.e. chramnechaltio) in I: doubtless an error. The word inzymus, i. e. ingymus (which we find in the corresponding § of 2, etc.), applies as well to pigs as to neat, sheep, and goats (see below). It is either the genit. case of a word ingym, "a period of one year or winter," or a derivative from the same word signifying "a one year (winter) old animal" or "a yearling." The root of inzymus-and of gymis and tuigimus in Tit. III (see below)-is gym, i.e. gim or gim, in which we recognise the Slav. zima, winter, Gr. χειμών, Lat. hiems, Bactr. sima, Skr. heman (1). Derivatives from it are Lat. bimus (for bi-himus) and trimus; Gr. xiµapos, a young goat, a yearling: Icel. gimbr (gymbr), a ewe lamb, and gemsi, a one year old sheep; Scotch, gimmer (2).

Ingimus is the same as gimus, compounded with the cardinal number en, the vowel of which has been lightened owing to the combination of consonants following, upon the same principle as in O. N. flestr, mestr, ekkja (older enkja), for fleistr, meistr, einkja; in A. Sax. ellefne, andlufon; E. eleven, (for elleven); in O. Fris. andlova, alvene, elleva; in D. elf for eelf; twintig for twentig. Gymus has its counterpart in Icel. vetrungr, Lat. anniculus, O. H. G. jarig, while ingymus corresponds to N. H. G. einjährig, D. ewinter, enter (for eenwinter, one winter, i.e. year, old), Skr. ekahayana.

As regards the final syllable us, is, it would seem to be rather some secondary suffix than the sign of the genit. case. For a derivative gim-is, gim-us, would be quite analogous to the Icel. vetrungr, and the E. yearling. The form of the suffix is that of the diminutive ending is, es, s, in D., e. g. dreumis, a dapperling, bors, a bear (cf. O. N. bersi); much used in proper nouns, especially femin. ones, as Mies, Polly; Jans, Jenny. The same or a kindred suffix, but used in the neuter gender, is the Icel. si in hryssi (merhryssi; unghryssi); nearly allied also is the Icel. si of weak masculines, and sa of feminines; e. g. bersi, kussi, hruzi,

¹ Cf. Korrespondenzblatt des Vereins für Siebenbürgische Landeskunde, No. I. p. 6.

⁽²⁾ For the last word cf. Aedelbirhtes Dômas, 56.

⁽¹⁾ The quantity of the vowel must be left undecided, the more so because it strikingly varies in the cognate languages. The is in the worthless cod. 3, and sometimes in 8, is a mistaken ij.
(2) Cf. J. Rhys, Lectures on Welsh Philology, p. 432.

borsi, gemsi (Oxf. Dict. i. vv.). As to gemsi, a dimin. form of gemlingr, a year old sheep, it differs but little from the Frank. gimis, gimus, though the latter belongs to the strong declension, and in so far stands nearer to Icel. gymbr, Provincial [North] English gimmer. The constant variation in the final syllable which in some codices is written us, in others is, leads me to suppose that the suffix, with due allowance for the difference in gender, is the same as O. H. G. usi or isi in hazus, hazis, hazes, furia; gen. pl. hazusso and hazisso (cf. Graff, Spr. IV. 1092). Thus we have gimus, gimis, stem gimusi, gimisi, a yearling; like the Icel. vetrungr; ingimus, ingimis, "an animal one year (winter) old"; both terms are occasionally somewhat loosely applied to a young animal.

§ 14. Apparently akin to gimis, gimus, is hymnis in 7 and 8; himnes in 9; hinni in 6; ymnis in 10; imnis in 3. The initial ought to be ch, more accurately, g. From the confusion between the two values of ch (see § 5), arose the error of writing a single h, which led to a second step in the wrong direction, viz., the dropping of the letter altogether. In the same way the word gamallus in Tit. XLVII (4th sect.) also written chamallus, was corrupted first to hamallus, and afterwards to amallus. The formation of hymnis, etc., is not clear, and indeed, the correct reading is doubtful. If chymni, chimni, without final s, be genuine, the suffix may be the same as O. N. ni in sefgrisnir, a wolf (cf. Oxf. Dict.), and akin to the weak ni in gráni, a grey mare; asni, an ass; skjóni, a piebald horse. If, on the other hand, chymnes (gymnis) be genuine, I am at a loss to account for it, except by assuming that the word is derived from a stem hîman, Gr. χειμών, Skr. heman, in the same manner as in Skr. dryamna from aryaman, but with the same suffix as we found in gimis. With much more confidence we may affirm that hinni in 6 is an error of the same kind as chranne for chramne, and that we should read chimni.

§ 15. Fiht in 6, fith in 10, fit in 3 contains a diminutive suffix t, found also in E. rabbit, pewet, pewit, tirwhit, and very likely also in colt; in D. kievit, kreeft. From fih are derived the M. D. vigge and viggen, a pig(1); fiht is another dimin. form of the same radical. The transposition of ht into th in 10 (fith) is very common, almost the rule, in that codex.

§ 16. Synonymous with chimni fiht must be tertega in 6, thertesun in 10, thetica in 7, 8, theca in 9. This word is certainly connected with the Latinized tertusu, tertussu, tortossu &c. which we find in § 9. From the wording of the phrase "si quis porcello tertusu imbulaverit usque ad anniculum" it is clear that tertusu denotes a porker not fully one year old. The fines specified do not agree, indeed, as we have xv sol. in cod. 4 and the Sept. Caus. I. 3, while the other MSS. give merely 3 sol., but in the confused state of the MSS. such a discrepancy is of little importance. We have seen that in cod. 2 insymus is identical with the "porcellus qui sine matre vivere possit," while the same insymus is the Malb. of "porcus anniculus," notwithstanding the difference in the fine which in one place is 40, in the other 120, denarii. Therefore, no objection will be raised against our identifying tertusu of the text with thertesun, &c., of the glosses. The Frank. su or sû may have been of common gender like the corresponding Latin sus and Gr. Is, whereas the Bactrian hu occurs as a mascul., and the O. H. G. su as a feminine. Sun is either a contraction of suin or an error for suu,

(1) Vigge and viggen stand to each other in the same relation as O. H. G. folo, E. foal, to N. H. G. füllen, D. veulen. For examples of vigge and viggen see de Jager, Frequentatieven, i. v. biggelen.

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i.e. sû. Therte is nearly the same as the M. D. dertel, tenellus, delicatus, lascivus (cf. Kil. i. v.); derten, fastidiosus, petulans; so likewise dartten in the Teuthonista, which is explained by vertardt. The D. d of these words is the dental, answering to E. th; still, it interchanges, according to a rule not yet discovered, with a t, just as in E. tangle compared with Icel. bongull. It is interesting to note that M. D. tortelmoedig (fastidiosus, morosus, irritabilis) is a variation of dertelmoedig (cf. Kil. i. vv.), and that the D. dwingen (for thwingen, O. S. thwingan) has its counterpart in N. H. G. zwingen, which, allowance made for the different degree of Lautverschiebung, stands to the Sax. and D. word in the same relation as E. tangle to Icel. böngull. Quite the same applies to Germ. zart compared with D. dartel. So too the Frank. therte = O. H. G. zart, tenellus; farzart means "delicatus;" farzertit, verzertet, delicatus; ephebus, puer. With O. H. G. farzart or farzertit is to be compared the above mentioned vertardt of the Teuthonista, while with Kiliaen's tortelmoedig we may compare O. H. G. zurdel, impatiens; delicatissimus. In short, the Frank. therte, therti must have had the meaning of "tenellus," and the various readings terte, tertu, tortu are more probably legitimate variations than clerical errors. Theti in 7 and 8 is to be restored to therti. The final ga in 6, ca in 7, 8, 9 may be a mutilated galt, as this would answer to sun and su, though a derivative thertiga (= thertinga) would by no means be impossible. Still the final a, i. e. the sign of a femin. in this case, creates some doubt, because a similar and synonymous word, namely the O. S. ferscung, verscung, O. H. G. frisking, is always used as a masculine.

§ 17. The term for "scrofa" is narethalthi in 1; naricalti (read narigalti) in 2; narechalte in 6; narechalt in 3; uarachalt (read narachalt) in 10. Grimm (Pref. XVII) aptly compares the Bavarian nersau, nerschwein, from neren, Frank *narian, to feed, to breed. Focichalta in 10, focifale (read focichalt) in 6, must be synonymous with narichalti; for focian is D. fokken, to breed; and focichalta answers to D. fokxwijn, a breeding sow. That the fine for the theft of a focichalta is higher than that for the theft of a narichalti is probably caused by the addition "cum porcellis." The stem of chalti, chalta, chalt is chaltia (galtia), a femin. of the strong decl., not to be confounded, either in form or in meaning, with the weak O. H. G. galza, and O. N. gylta, a young sow.

§ 18. Drache is a term applied to pigs of at least one year old, and corresponds to the Latin "anniculus, anniculatus," and "post-anniculatus." Besides drache in I (§ 4) and 6 (§§ 12 & 13), drace (read drage or drache) in 2 (§§ 7 & 8), drac(h)e-chalt in 10 (§ 15), we find drauge in 3. The word seems to answer to hant-zugiling in the fragment of the O. H. G. version. As A. S. dragan; M. D. dragen, E. to draw, is expressed in O. H. G. by ziuhan, from which zugiling is derived, it is not unlikely that drage, drache is synonymous with zugiling.

§ 19. To ingymus, ingymis, which has been discussed in § 13, we find added natariæ in 6, ethatia in 10. Both readings are clearly corrupt, perhaps from narichalte, narechaltia, unduly repeated. Zymisengano in 10 (note) is likewise out of place, and belongs to the next paragraph. For sengano we must read suegano, a variation of soagni.

§ 20. The rendering of ingymis by the Lat. "bimus" is wrong, as this would be in Frank. tuigymus or tugymis. It will be observed that cod. I has no gloss for "bimus," and that 6 and 10 have the same word for "anniculus" and "bimus," which cannot be right. The O. H. G. version has correctly zwijāri suin. Senio in 6, and the misplaced sengano in 10, point to suenio and suegano as the

genuine readings. In like manner the reading of 7, 8, 9 points to a common suiani or suianni. All these forms are decidedly derivatives from si, and show an unmistakeable analogy with O. N. kvi, a fold or pen, and kviga, a young cow, from kvi. Supposing the g in suegano to have arisen from a j (in suijani) I would compare the Skr. derivatives in ydyani, e. g. karmarydyani, a patronymic belonging to karmara (see B. & R. Dict. i. v. karmarya). The variation soagni, however, would seem to be more closely allied to such Skr. derivatives as kauñjâyana (see B. & R. Dict. i. v.) from kuñja. Originally identical with soagni of 10 is soagne (chalte), which occurs a few lines further down in 10 and 6, suane (calte) in 2, suuachine in 3. The translators of the Law recognized in this word the O. H. G. swein, subulcus, A. S. swan, E. swain, etc. Hence the Lat. words "ipso porcario attendente, (custodiente)." Without questioning the fact that in Frank. soagne, suianni, etc., also signified a "porcarius," I think the rendering of soagnechalt by "porcus ipso porcario attendente" is a mistake. All the forms mentioned can, according to the manner of their derivation, mean either "a family of swine," or a single member, especially a young one, of the family, or a person tending swine. It would seem that the Frank translators themselves were at a loss to decide which of the three meanings of soagne was intended by the compound soagne-chalt, and were therefore not satisfied with "ipso porcario attendente," but added also "de intro porcos," or in campo inter porcos." We must bear in mind that in a compound any difference of gender of soagne is lost. An interesting proof of the existence of suane in O. H. G. is afforded by a passage in Notker's Psalm 79, 14, where the Lat. "singularis ferus" is rendered by and amplified to der einluzzo wilde bêr der mit demo sudneringe ne gât: "the single boar that goes not with the herd of pigs."

§ 21. Taxaga, texaca (read texaga or texacha); texeca (read texega or texecha); taxaca (read taxaga); texaga, has been rightly connected with O. H. G. zascôn, rapere, by Grimm (Pref. VIII). The infinitive of the Frank. verb must have been taxaian, taxoian, taxian, texian, after the analogy of O. S. wacoian; A. S. habban; D. hebben (for havian, hafaian); O. S. libbian and libon; O. H. G. leben, and the like. In other words, the Frank. verb must have belonged to the Goth. ai class; hence the Umlaut of the radical vowel. Such verbs were afterwards confounded with verbs of the Goth. o class. The substantive is formed in the same way as tiloga, exercitatio (O. H. G. zilunga), from tilon (in Frank. Ps. 54, 3); hatega, aemulatio (Gl. Lips. 551), from hatoian (O.S. hatogean), haton, O. H. G. hazen and hazen. The x for sc reminds us of the A. S. fix for fisc, dxian, and the like. Technically, texaga denotes a certain degree of the crime of robbery, punishable by a fixed fine of 1400d. Thus it has become a forensic term implying a fine of that value. Now, ingymis-texaga, if taken as a compound, can only mean "stealing of yearlings." But the question arises whether it is really a compound, about which more below. Exachalt etcepto tuaseptunchunna in 10 exhibits several blunders; exachalt should be texacha(lt), as in § 12 of the same cod.; etcepto is an anticipation of excepto in the next line. Tua septunchunna manifestly expresses "two sevenhundreds" or "two heptads of hundreds" = 1400 den.; and is synonymous with, or a paraphrase of, texaga. For septun we should rather expect sephun, seven, or sephunt (for sephund), a heptad (cf. O. N. sjaund), since septun cannot be traced in any other Teut. language. Should the reading, after all, be right, then the form is to be identified with Lithuanian septyni; cf. Notes on the Chunnas.

§ 22. Redonia in I (§ 10) is put in the wrong place; so, too, is sunnista in the same codex (§ 11), where mistakes of the same kind are more frequent than in the other codd. We have seen that a "post anniculatus" is termed drage, drache; but redonia is the name for a "scrofa ducaria." Cod. 6 writes radonia; 2 redonii; 10 chredunia; 7 and 9 reodimia; 8 reodemia (read reodunia or reedunia). This interesting word is regularly derived from Goth. wribus, herd of swine; A. S. wrat, Old Swed. wrath, wrad, Dan. vraad (cf. Grimm, D. G. III, 475). The suffix is the femin. ni, nia, also occurring in Frank. litunia, leudinia, etc. The radical vowel in the A. S., Dan. and Swed. word is long, like that in the Skr. vráta, a herd. The i in Goth. wripus is of doubtful value, because a dialectic i for & (e. g. qimi, St. Luke, 7, 3; qi peina, 8, 56) is far from rare, especially in St. Luke, where wribus is found. The Frank, forms are equally uncertain in regard to the quality of the vowel, for a Goth. e, O. H. G. d, is generally represented in the idiom of the Malberg and the Psalms by &, but occasionally also by &. The same applies to the O. S. of the Merseburg glosses (for examples see Heyne, Kl. D. XIV), and even of the Heliand. Hence we may safely assume the a to be long in radonia (for wradonia), but must leave undecided both the quality and quantity of the e in chredunia, redonia. Owing to this uncertainty we cannot be sure whether the eo in reodunia be a mere mistake for reedunia, i.e. rédunia, or the u-Umlaut of a short e, as in A. S. seofon, or dialectic D. veul (for velo, Goth. filu), zeuven (for sevon), deuze (for thesiu); O. N. sökkva (for senkva), etc. From the same root wradh is derived O. N. rdbi, a boar. If at first sight it seems strange that the initial w has been dropt in the Frank. word at so early a period, it must be observed that we find another instance exhibiting a comparatively advanced degree of phonetic decay in the idiom of the Malberg in lammi, lem, a lamb, of Tit. IV. We have an example of a transitional form between wredunia and redunia in chredunia (pron. hredunia) in 10; compare the D. pronunciation of reus, a giant, in which the r is sounded as in ring (for hring), rug (for hrug), thereby pointing to a form hreus (for hreso), intermediate between G. riese, O. H. G. riso, and Frank. wrisil in Ps. 18, 6 and Gl. L. 1067. Still more striking is hritan for writan in Gl. Prud. (in hritanthion 327, along with rittun 358). This same word, in D. also rijten, and the above-mentioned reus, are the only words in which the D. has dropt the initial w; otherwise, in contradistinction to H. G., D. retains the sound, e. g. in wreed, whilst E. takes up a middle position by writing, without sounding, the letter.

§ 23. A boar is called cristiau, cristau, christiao, cristiano. Both reading and interpretation are somewhat doubtful. The normal form of the gloss I take to be gristian, christian, whereas gristiano, c[h]ristiano, shows an additional o, not rare in the Malberg, especially after an n; cf. the remarks on ohseno, Tit. III. The other readings are corrupt. The word seems akin to Skr. ghrshti, a boar, to which it may stand in the same relation as suane, suiani, suenio to sû. On the other hand it must be admitted that it recalls O. N. griss, Swed. and Dan. gris, a young pig, a pig; Dan. grisso, scrofa; O.N. grislingr, porcellus (Bj. Hald. i. v.). In the latter case I am at a loss to account for tiano, tian, unless it be the M. D. diminutive suffix tiaen (i. e. tiân, or tjân), which is not probable. I rather think that gristian is the acc. sing. of gristio.

§ 24. For "maialis votivus" I has mammodo or rhammodo, read thammodo. The word is apparently an adj. masc. of the weak declension used as a subst.; thammod (tamod) is the partic. perf. pass. of the verb tamon, O. H. G. zamon, domare; and may, therefore, be fittingly rendered by "mansuetus." The notion of

"tame," "mansuetus," is also expressed by the synonymous chuccham of 2, read thuchtham, a bad, but not uncommon, spelling for tuchttam; cf. thesewun for tesewun, Gl. L. 909; thui for tui, Gl. A. 4. As tucht is O. H. G. zuht, a feeding, breeding, and tam is "tame," the compound tuchttam may be said to express the same idea as thammodo. Further on (cf. Titt. V and X) are found other examples of this confusion of rh or m with th. Mammod(o) may have been intended for O. H. G. mammont, mansuetus.

§ 25. The other codd. exhibit a well-known term for "maialis," with another word added to express "votivus, sacrivus." A "maialis" in general is called barach or bracho, read barcho, in 6; barco, read bargo, or brarcho, read barcho, in 10; bartcho, bracho, bratho, bartho, tead barcho, in 7, 8, 9. It is, of course, the A. S. bearug, bearh; E. barrow; D. barg, barch, dial. borg; O. N. börgr; O. H. G. baruch, barch, maialis; Fris. baerch and Northumb. berg, porcus. The final o in barecho is either the sign of the nom. in the weak decl. masc. or of a dative in the strong declension.

§ 26. For anomeo anitheotha in 10, ameo amiteotha in 6, I would read anemeo antcheeta or antcheeto. Anêmeo is the weak nomin. masc. of a verbal adj. anėmi, formed like Goth. andanems, etc. Even anomi is not wholly inadmissible, because it would have its exact counterpart in such forms as Lat. eximius; Skr. namya; gamya; dreya, etc. The verb, in either case, is *animan, to take up, to take off (cf. A. S. animan, tollere, adimere, Ettm. Lex. 240; Grein, Gl. 33); thus anêmi or anomi will be Gr. efalperos. Antcheeta is a regular dative of a word corresponding to O. H. G. antheiza, votum, but of the strong decl. Or it may be the weak nomin. masc. of an adj. derived from the same root, i. e. be identical with O. H. G. antheizzo, devotus, and O. S. antheti (acc. sg. fem. andhéttia, anthéttea), devotus, sponsus. Such an adj. would stand to the subst. in nearly the same relation as in Lat. votivus to votum; cf. O. N. heitdagr, a votive day; heithleifr, a votive loaf; cf. Oxf. Dict. i. vv. The spelling eo instead of ee, Goth. di, D. ee, is rather a clerical error than a peculiarity of Frank pronunciation. I do not think that in order to defend the reading of the codd. we can appeal to the O. Fris. liova for leeva, A. S. lafan, O. N. leifa, since in this particular case the o is due to the influence of the following labial. Such an erroneous eo for ee recurs in a variant of chariocheto in Tit. III (q. v.).

Cahimo in 7 and 8, caimo in 9, seems a modification of ganimo, which would be radically the same as animeo; cf. O. H. G. ganami, acceptable; whence ungename in das appher was ungename (Graff, Spr. II, 1073). The i, supposing it to be long, may in Frankish stand for $\ell=d$; or rather may be its Umlaut. The sound of ℓ , whether arising from an older ℓ or di, is apt to pass into t, chiefly, but not exclusively, when the subsequent syllable has an i; several instances of t for ℓ (= d) are found in Gothic; those of t for ℓ (= di) are not very rare in the Heliand; e. g. gehrinid for gehrlid ; gehilian; fullistian; mira; see Schmeller's ed., vol. 2, p. 184.

§ 27. A common barrow is also termed babene in 10, babani in 9, babane in 8, badiani in 7, bog bagine in 6. The di in 7 is a misreading of ch, so that the b in the other codd, is an error, and should be read h = ch, a quasi H. G. spelling for c. The M. D. bake, a hog and bacon, O. H. G. bacho, perna, would require a Frank. baco, which, as we see, is not identical with the forms quoted above. Along with bake, however, we find in M. D. an acc. sing. baken, which, if regular, cannot but belong to a nomin. baken (M. Stoke 5, 811). If an oblique case is intended, a form bacine for the gen. and

dat., and bacane for the accus. would be right. Bog in 6 is a doubtful reading. One might be tempted to read borg = barg (see above); but in comparing it with the Latin sive and in alia mente of the other codd. we see that it may possibly represent a corrupt hot, i. e. aut, "or," which in the Latin of the Lex is used in the sense of sive, exactly as ou in French.

§ 28. The term for a herd of twenty-five swine, sunesta, sunista, sonista, etc., is radically the same as A. S. suner, sunor. In the Lex Ripuar. tit. 18, sonesti, sonista is defined to be: "12 equae cum admissario, aut 6 scrofae cum verre, vel 12 vaccae cum tauro"; see Ducange i. v. and Grimm, G. D. S. 383. In the Lex Salica a herd of swine comprises a number varying from 25 to 50, according to circumstances. There is nothing strange in such a discrepancy between the two laws. Nevertheless it may be questioned whether the Lat. version be wholly accurate, as a distinction between "25 porci ubi amplius in grege illo non fuerint" and "50 porci" or "50 porci et si adhuc aliqui remaneant" is rather strange, the more so because in both instances the same term, sonista, is appended. The addition of ingymus in 2, though at a wrong place, suggests the idea that in the original Frank. text the term sunesta in the context, where it occurs the first time, was intended to convey the meaning of "a complete herd," i. e. a herd including boar, sow, and pigs, but further on, at the words "si amplius super 25 remanserint," a herd of only "25 young pigs" without boar and sow, consequently an ingymus-sonesta.

§ 29. Sonischalt, as 10 writes here and in Titt. III and IV, cannot contain sonis or sonist and chalt, a pig. There is no question of pigs in the two Titles just mentioned in which sonischalt occurs twice. It is a misreading for sonisthalt, i.e. sonistalt. Stalt for stalth or stald (cf. O. H. G. scâfestalta, caulas, Graff, Spr. VI, 667) must mean the same as stathl or stadl, statol (cf. A. S. stadol, O. Fris. stathul, O. S. stadal, with A. S. stòd, armentum equorum; O. H. G. stuot, etc., but especially Russian stado, a herd; stanitsa, a flock, a troop).

The unmeaning tua Zymis fitmiha chunna, in 10, evidently denotes the amount of the fine specified, viz. two thousand five hundred denarii. The approximately correct reading will be tua thusundi fimti (? O. N. fimt, a number of five, or finvi, five) chunna. In the Chunnas (see col. 424) the equally corrupt numbers are thotocondi uueth chunna, al. thothocundi fitme chunna. The origin of the error in 10 is obscure. Can there be any connexion between zymis and the inzymus of 2? Or did there exist some word superficially like sonistchalt and synonymous with tuagymis, a two years old pig? Without discussing this question further, by reading: sonistalt, tua thusundi fimti (or finvi) chunna, we get a combination entirely in the style of the Fris. laws; e. g. wifstreuene, sextene pennyngar, or thiu hagheste soldede, fif merk and tua enta jeftha fiuwer withethar and enne fia-êth (Fris. LL. p. 95).

The *lt* of *texachalt* in 10 is a curious repetition of the same letters in *sonischalt*; this time undoubtedly a mere error. Still worse is *exachalt*, of which we have already treated in § 21.

Ш.

§ 30. Podero in I, protero in 2, etc., cannot be the Frank. equivalent of "vitulus lactans," since the very same word is applied in the next § but one to a "vacca cum vitulo." Hence it must have had a much wider meaning, viz. that of a young cow or a young animal. The forms of the word vary between podero and potero (read pothero) in I, pondero in 6, podor in 8, 9, pordor and podor in 7,

pedero in 10, protero (read prothero?) in 2. Grimm (Pref. XX) with some plausibility suggests a connexion with Skr. pṛthuka, a young animal, and Gr. πόρτις, πόρταξ, πορτάκιον. Unfortunately there is nothing in the Teutonic languages, as far as I know, that could throw light on the Frank. word. Whether it may or may not claim a distant relationship to Icel. pet, a small boy (s. Jonsson Ordb. i. v.) I am not prepared to decide. It is just possible, though far from evident, that pordor, etc., is akin to O. H. G. corter, chorder, quorter, grex (Graff, Spr. IV, 490), A. S. corbor, just as Plattdeutsch podder, D. pojer, seems to be a mere variety of N. H. G. köder, M. H. G. querder, korder, kerder, O. H. G. querder, a bait; so, too, M. D. keuteren, koteren, is a twin form of N. D. peuteren and M. D. poyeren (for poderen), to fumble, to finger; cf. Kil. i. vv. I rather think that the various readings of the codd. point to another word, viz. A. S. hryder, hrider, hruder, hrover, a cow, or a heiser; O. Fris. hrither, hreder, and its semin. in N. Fris. riere (for ridere), akin to O. H. G. hrind, rind, D. rund and runder. But this explanation will seem rather bold, as it may be urged that, however slight may be the authority of each codex, if taken singly, their united agreement in showing a p as initial letter carries too much weight to allow us to make any change in that letter. Yet it will be admitted that the letters Rand P are liable to be confused, and that hrother = hronder, hrederis the very term we should expect (cf. the note on pondero in Tit. XXXVIII). About the declension of the word in question it is unsafe to affirm anything.

§ 31. Freodo in 10 goes far to prove that in 7, 8, 9 not a ch, but a th is required. The true reading then will be fritho, friotho, freodo. This I consider to be O. N. hrebi, a bull (s. Oxf. Dict. i. v.). Fr and hr are often confounded in the Malberg, either by mistake or idiomatically; we have had an instance of it in franne for hranne, and we meet with another in frio for hreo (cod. 7, Tit. XV, § 5, col. 87). The eo along with i in the word causes some difficulty, for, if the Frank. word really agrees with the O. N. word, the final o will be the ending of the weak masc. and such an o has not the power of modifying a preceding vowel i or e into a middle sound between e and o; at least I can produce no example of such a change; cf., however, the A. S. forms freodian = fridian; freoda.

§ 32. A "bimum aut anniculum animal" is called scolo in I, scedo in 2. The resemblance between both readings is so close that we cannot help surmising that they contain essentially the same word, and that somehow there must be an error. I suspect that we must read scoto, scotto, or scodo, connecting it with the dialectic (South Holland) D. schot, a young cow between two or three years old.

§ 33. In 6 and 10 we find a distinction made between an "anniculatum" and a "bimum animal"; this however is wrong, for ingymis pondero, gymis pedero cannot exactly express "bimum," nor can "anniculatum" be equivalent to ocsteorci, ochsaiora (read ochstiorci; i. e. ochs + steorci). Steorci is A. S. stiorc, styrc, stirc, a calf, a cow between one and two years old, vitulus, juvencus; Scotch stirk, sterk, a bullock, a heifer between one and two years old; s. Bosw. A. D. i. v. and cf. styric in St. Luke, 15, 23: ân fætt styric. A decided femin. is M. D. stierik (s. Kil. i. v.). If ocs, ochs has been rightly added—which there is no reason to doubt—the purpose of the addition must have been to distinguish the masc. from the femin. because the simple steorci would have been ambiguous. Considering the tenor of the Lat. text, we arrive at the conclusion that the translators have failed in determining the exact meaning of the original Frank. names of various descriptions of neat. Hence the

confusion and inconsistencies in the codices. A more accurate rendering of ingymis pondero, al. gymis pedero, would be "anniculatum animal"; in E. we say a yearling, in O. N. vetrungr, in D. ewinter, enter, i.e. an animal (cow) between one and two winters (years) old.

The proper expression for "bimum animal" occurs in 7, 8, 9, where thinzimus podor (pordor) is an error for thuigimus p. For gimus s. § 13; thui is a bad, but not uncommon, spelling for tui (i.e. twi); cf. thuihôbdig (Gl. A. 4 in Heyne, Kl. D.) As to the whole compound cf. A. S. ân priwintre hryder, a heifer of three winters (years); s. Bosw. A. D. i. v. hryder.

§ 34. The addition of *malia* in 10, *mala* in 6, is an anticipation of the next § and in flagrant contradiction to the fine mentioned there. As it now stands, the fine for stealing a *malia*, *mala* would be 600d. and 1200d. at the same time.

Malia, mala is clearly D. maal, Gueldrian dial. mâle, a young cow that has not yet calved, either owing to its youth or else to exceptional weakness. In most cases, then, a mâle will be a yearling, but there are also mâles of two years. In so far there is no objection to its being identified with an ingymus (gymis) as well as a tuigimus p., but undoubtedly the rendering "vacca sine vitulo" is the better; the other rendering "vacca cum vitulo" is wholly wrong. The second maia in 6 is, of course, an error for mala or malia.

§ 35. The expression "vacca domita" in 6 and 10 answers to "vacca cum vitulo" in the other codd. Hence we have to take "domita" in the sense of "subdued by the bull"; cf. the use of Gr. dander, άδμήs and άδμητος. The Malb. chanzyn ponderos in 6 is a curious corruption of thuagym pondero, which is a mere variety of thuigimus p. in 7, 8, 9. Still worse is abazym pedero, read thuagym p. in 10. The corruption has not unlikely gone through the following stages: (thua), tuha, taha, taba, aba. The dropping of the initial t finds its counterpart in ahelepte read thualepti of the same MS. Tit, II, mentioned above. A third example is afforded by exachalt for texacha; s. § 29. For gym one would expect gymi, the nomin. sg. femin. of a strong adj. belonging to the stems in ia. Unlike gymus, gymis, this gym or gymi does not contain a diminutive As to tua (al. tui) in compounds, cf. O. N. tvaufaldr, twofold, A. S. twaniht, binoctium; twascealu, bilanx; s. Ettm. Lex. p. 552.

§ 36. The Latin "bos," in § 3 of cod. 1, &c., distinctly signifies an ox, as is evident from the Malb. obosino (read ochsino) in 2, ohseno in 10, ocxino in 6. The form in which this well-known word here appears is very awkward. It looks like a genit. or dat. case sing. of ohso (Frank. Psalm 65, 15), Goth. auhsa, O. H. G. ohso, A. S. oxa, etc. If it be a genit. (Goth. auhsins), it must have been governed by some substantive expressive of theft in the original text. Should it be a dat. (Goth. auhsin), then we must assume that the governing verb expressive of stealing was construed with the dative, just as in O. N. stela (s. Oxf. Dict. i. v.). The final o I see no chance of explaining otherwise than as an "irrational" vowel, analogous to the Goth. a which follows the ending in n of the 3rd pers. plur. of the conj. mood.

§ 37. As highly taxed as an ox is a "taurus bimus" for which 6 and 10 have the special term trasile, traslo, which Grimm (Pref. XXI) proposes to identify with O. N. drasill, drōsull, a horse, from drasla, succursorie ferri. It must be observed that an O. N. dr does not regularly answer to a Frank. tr—or, maybe, thr, for th is very often carelessly expressed by a single t in our MSS.—but such an anomaly is not uncommon: e.g. in O. S. drusinon, variant trusnon

(Hel. 5, 8); D. tril = dril (cf. Kil. i. v. driel); Northumbr. traga, trôg = A. S. dragan, drôg (s. Bouterwek, Vier Evangelien, Gloss. i. v.); D. troffel = thrufla (in Gl. Prud. 299), thrembil, and drembil, toga (both in Gl. Prud. 204 and 670).

§ 38. Higher in value is a bull "qui gregem regit," called cherecheto in 10, chariocito in 2, charohitum in 1, aritheocto in 6. Cherecheto, the reading of 10, is the only one admissible; the other forms are corrupt, though decidedly more ancient and readily admitting of reconstruction into chariochito, charohito, haricheetto. Chêto (heeto) is O. H. G. heizo, N. H. G. heisz, M. D. heet in sculdheizo, schultheisz, schultheet, whereas cheetto (for cheetio) answers to O. H. G. heizzo (haizzo, haizeo) in sculthaizeo; s. Graff, Spr. IV, 1090. That both chêto and chêtio are admissible we may infer from a similar double form in Goth., viz. fauragagga and fauragaggja. Chario, hario is the stem of the widely used Teutonic word, Goth. harjis, stem harja. The compound consequently signifies "a commander of the troop." The same form of the stem chario is also found in the Batavian Chariovalda, the "dux Batavorum" according to Tacitus, Ann. 2, 11. This word shows exactly the same formation as A. S. heretoga, ealwealda, Bretwalda, etc., and the Frank. chariocheeto, or O. H. G. sculdheizo. Hari is, of course, a later form than hario; still later is chere, which already shows the Umlaut. Chito may be a legitimate variety of chêtio, just as chêto.

§ 39. The next Malberg is strikingly similar to, and at the same time provokingly different from, the former. In 2 we have chamachito, in 1 chammitum, in 6 amitheoto, in 10 chamitheuto, in 7 and 9 chegmeneteo, in 8 chegmeneceo. It will not be doubted that these words look as if they were the same as that applied to a "taurus rex" in 6 (curiously: "taurus regis" in 10), viz. anteotho, chamutheuo. On the other hand, as a "taurus rex" is virtually the same as a "taurus qui gregem regit," it follows that chariocheetto and chamicheuto, or whatever the correct form may be, must be synonymous terms. Still the difference between the readings, however slight, is too great to allow us to regard them as mere varieties of one and the same original reading. In endeavouring to determine the meaning of this compound, chamachito, it will be convenient to consider first the prior element chama. D. hamme (ham), dial. Flemish am, as well as hammerik, means "pratum, pascuum;" hamme van wilgen "salicetum:" see Kil. i. v. As it means an inclosure in general, it nearly coincides with D. heem, heim, A. S. hâm, Goth. haims (in St. Mark, 5, 14 = appos), so nearly, indeed, that in some cases it is difficult to avoid identifying the two words. The O. Fris. hemmerike, himrik, hamreke, etc. (s. Richth. i. v.), though not decisive, goes far to give us the impression that both hâm (D. heem) and ham, hem (D. ham), were used almost promiscuously, although the Flemish "hammerik, pratum, clearly shows ham, not heem: cf. also Heyne in D. Wört. i. v. hamm. From the different Prologues to the Lex Salica we learn that chaem (i. e. heem) or hem alternates in the names of villages with ham, whereas a Malberg in Tit. XLII (q. v.) shows that ham was also used by the Franks in the sense of court, king's court; in some parts of the Netherlands, especially in the Betuwe, ham is even now a common name for ancient mansions, such as in mediæval Latin were termed curtes. Synonymous with heem, heim, and ham, but radically different from the former, is another M. D. heim, heiming, sepes, septum, the common D. form of which is heining (for hegining), enclosure; omheinen, to fence; O. N. hagi, a pasture, etc. An older form of this heim (for hegime) we have in chegme of 7, 8, 9. We may now proceed to the second part of the compound. Chito in 2 is obviously the same as the erroneous cito of the same codex in chariocito; chîto was developed from chêtio. In I one syllable has been lost; the final tum is a bad spelling for to, owing to um being sounded o in the semi-Latin of the Lex. We may conjecturally read chammihito. Neteo (in 7-9) is an error for heteo; the same confusion between h and n we have discovered in the same codd. in cahimo instead of ganimo; s. above, § 26. Both chamachito (1) and chegmehêteo have the meaning of "commander of the pasture." Quite a different word is theuto, theoto, in 10 and 6, which can only be a nom. ag. of A. S. peôtan, O. N. hjóta, O. H. G. diozan, stridere, strepere, ululare. Grimm (Pref. XXI) takes it in the sense of bellowing, and compares it with O. N. bauli, taurus, baula, vacca, from baula, mugire. The explanation looks plausible enough, but is only partly correct, it would seem, for theutan might as well be taken in the sense of "calling loud" (cf. Goth. puthaurn, σάλπιγξ), so that theuto is "he who calls, gives the signal." In fact, heeto is properly the "caller;" cf. A. S. beohâta and hildecalla in Exodus, 252 (ed. Grein). Moreover it must be observed that the Skr. word which radically corresponds to theuto, viz. toda, means "the inciter, the pusher on," and that the idea of motion, pushing, appears no less in O. N. hjóta, to rush (s. Oxf. Dict. i. v.) than in Skr. tudati and tundate (s. Pet. Dict. i. v. tud). Whether in the N. H. G. hagen, dial. haigel, heigil, taurus, we should understand the "inciter," toda, or some derivative from hagi, so that hagen would contain the same idea as the Frank. chamicheeto, I must leave undecided, and rather refer the reader to Heyne's interesting remarks in Grimm's Wtb. 4, 151.

I have said above that the Malb. anteotho and chamutheuo in 6 and 10 is m. m. only a repetition of amitheoto and chamitheuto. The approximately correct reading will be hamtheoto, chamitheuto, i. e. "the bull of the pasture," or, as 6 puts it, "taurus rex." What could have induced the authors of 10 and the Lex Emendata to change the Latin term? I suspect that on finding in their texts "taurum regem," and not unlikely a variant "taurum gregis" besides, they changed the latter into "taurum regis" because they took cham to mean "the king's court." Happily the ancient reading has been preserved in 6. And not only 6, but also 1 and 2, prove that cham has no reference at all to the king or any possession of his.

§ 40. In the Latin text is mentioned a bull which "de tres villas communis vaccas tenet." It is not easy to see why there should be bulls keeping the cows of three villages or commons rather than of two. This much is clear from the Malberg, that it contains not even an allusion to three [villages]. I presume that trespillius is one of the numerous Frank. words which became Latinized and passed into the Romance language of the country, and that it really contains the noun of number three, but without any reference to villages or commons. Spille is, up to our own time, the word for village-bull in the Veluwe and Drente; therefore, threspilli may be literally "a three-bull." Thre (thri) is to be taken in the sense of "three years (at least) old." The elliptical use of a cardinal noun we know e. g. from O. N. pritugr, which, as an adj., means "aged thirty," or "having thirty oars," or "measuring thirty"; s. for examples Oxf. Dict. i v. pritugr, and cf. hamarr. In the same manner we find in Skr. dvi, two, used in dwidhûrwaha, an ox which has been worked two years (Lîlâvatî, 76, and Colebrooke's Transl. p. 34). If a threspilli is a bull of three years and more, it

⁽¹⁾ The quality of the vowel in the second syllable is uncertain.

is easily explained why in 6 and 10 the stealing of a "taurus bimus" is fined with 35 sol. and that of the "taurus qui gregem regit" in other codd. with 45. If further the fine for a "taurus qui gregem regit" differs from that for a "taurus rex," we may be satisfied that there is something wrong in the codification, for the two Latin expressions are virtually the same, and the Malberg terms likewise. I am the more inclined to reject the etymological knowledge of the Frank. lawyers because in Skr. the triwatsa (sånda), the "three years old bull," is a solemn term and, as the use of watsa in an obsolete sense shows, one of the highest antitiquity. By rejecting the etymology given in the Lex I do not mean to say that it was wholly groundless. On the contrary, there must have been a word spel, spil, in the sense of "district, division"; it occurs in O. Fris. szerekspel, O. H. G. kirspil, N. H. G. kirchspiel, D. kerspel, a parish; O. Fris. eedspel, N. Fris. espel, a district; Drentian dingspil, dingspal, jurisdiction. That threspelli also signified "threefold" will be seen below under Tit. LXII. Hence probably the interpretation of threspilli as "a bull for three villages."

§ 41. A'sonesta, as has been said before (§ 28), is in the Lex Ripuaria defined as comprising " 12 vaccas cum tauro"; in the Salica it comprises a herd from 12 up to 25 neat, according to circumstances. The Latin words "12 animalia ut nec unus exinde remaneat" seem a clumsy way of expressing "a complete herd," i. e. 12 cows including one bull. In the case of a complete herd numbering more than 12 animals, the term sunesta is rejected by 6, which uses ingymis texac[h]a the purport of which would be that the stealing of 12 yearlings is punishable by 1400d. The Latin words "si qui super ipsis duodecim remanserunt aliqui" cannot have expressed the intention of the law, and are contradicted by the Malberg. The isolated mal. in 10 must be either a mistake or indicative of an omission of the gloss.

§ 42. A sucking lamb is termed lammi in I, lap, read lamp, in 2, lem in 10, leui in 6, leue in 7, 8, 9. Lammi has the appearance of a diminutive, the original form of which would be lammih = lamming; cf. Frank. Psalm 67, 28 jungelig, and, for the dropping of final h, the Malb. twalefti and the name Chlowi-s. The mm, for which we should expect mb, is a surprisingly old example of the assimilation of mb to mm, a process which afterwards has been going on in all Teutonic languages, Icelandic excepted (1). In M. D. we find an original mb treated in two ways. If final, it becomes either m (mm) or it passes into mp; the latter according to the D. rule that a media, at the end of words and the first parts of compounds, is replaced by the tenuis. The latter rule is very old in Frank.; we see an instance of it in lamp in 2 for lamb, Goth. lamb. etc.; a somewhat later example is dump-eide (for dump-heide), insipientiae, in Gl. L. 216. In a charter of A. D. 720 (2) by Ebroin we meet with examples as Walamunt for -mund, and similarly Gunt-brectus for gunth-. The Saxon Gl. Pr. 256 shows dumphedi, but dumb 132. The Frank Gl. L. 217, has dumben, insipienti. M. D. has both domp-heit and dom-heit.

It is not easy to account for the form lem. The e may be a dialectic pronunciation of a, such as occasionally occurs in the O. S. Gl. Mers.; s. Heyne, Kl. D. XIV. Considering the variant leui in the more ancient cod. 6, and leue in 7, 8, 9, one feels rather inclined to think that the original reading has been tampered with, as lewi strikingly reminds us of euri (ewi), agna, Gl. Pr. 740. The I may be due to confusion between two readings, lammi and euui,

§ 43. A sheep of one or two years old is called lampse in 2. This is a regular diminutive of lamb, by aid of the suffix se, which is identical with O. N. si in hrussi (genit. hrussis), unghrussi, a young colt. A cognate suffix is si, genit. sa in O. N. hruzi (hrutsi), a young ram. kussi, bassi, and the like; essentially the same is D. s in such words as dreumis, a dapperling, etc. It is difficult to understand how lampse, i. e. a lambkin, can be a term for sheep of one year and upwards. The proper word for a yearling is ingymis, ingimus, as is actually found in codd. 6-10, the affinity of which with Icel. gemsi and gemlingr, a year old sheep (s. Oxf. Dict. i. v.), is at this place particularly striking. We may be satisfied that lampse was a term alternating with lamp, and it is probably owing to some error that it is put twice in the wrong place. The same applies to lamilam in 1, which is moreover a corrupted reading, apparently consisting of two words, lam(m)i and lam; the former may more particularly be a "lambkin," the latter "a lamb" in general.

§ 44. A flock of 40 (50) sheep and upwards is called sunnista, sonista in 1, 5, 6, sonischalt, read sonisthalt, in 10. Quite different is feto in 2, 9, fito in 7, freto in 8. The same word is found also in the compound fetuscheto in 7, fretu schaeto in 8, retuscetho in 9. It is not easy to understand how the same word can denote at one time a large flock of 40 or 50 sheep, and at another time a small one of only three animals. The difficulty will be removed by assuming that fetuscheto, etc., ought to follow after the words "qui numerus usque ad 40 berbices" and not after "si tres furaverit." It may further be supposed that the original reading was fertu, ferto (for fertuh, fertoh), O. H. G. fiorzug, O. S. fiertich, viertih, viarteg, etc., D. veertig, forty. Scheto, schaeto, reminds us of O. Fris. sket, genit. skettis, cattle, but the single t, and to a certain extent the vowel e, makes the identification of the two words rather doubt-On the other hand we find in 10 fetischefo along with feisfe-With a slight change, fretuscetho resolves itself into fertuc (i. e. fertug) fecho or faecho, which I take to have been the original reading. Fecho is apparently the Goth. faihu, etc.; it may be a sing. or a pl., like fio and fe, pecus, pecora, in the Frank. Psalms; s. Heyne, Kl. D. p. 119. In faisseth of 6 the second syllable is probably a clerical error for fech = fe of Psalm 67, 11. If in 10 we transpose the letters of chefo thus, fecho, we get fetisfecho, which must have originated from the same source as the supposed -fech in 6. Fetis may be an error for fertih = O. S. fiertich; thus the form fertuc, fertu, ferto, supposed for 2, 7, 8, 9, would be a variety of fertih. Fais in 6 looks very strange. If it showed no connexion with feis and fetis in 10, one might think of identifying it with O. N. far, Swed. far, Dan. faar; in which case faisfech, feisfecho would literally be "sheep cattle" (cf. the Icel. expression geitfe). Unfortunately the other codd. are not favourable to such a supposition. I dare not propose the change of faisseth into fiartech, which, from a grammatical point of view, would be unobjectionable, but can hardly be made to harmonise with the forms in 10. If we wish to reconcile the readings of 6 and 10, two codices which are undoubtedly near relatives, we must change the reading of 6 into fiartech fech.

^{§ 45.} In respect to the Malbergs of this Title the codd. may be divided into two distinct groups, the one represented by I and 2,

⁽¹⁾ English makes no real exception, because mb is sounded mm

the second by all the other codd. Whatever may be the cause of the discrepancy, this much is obvious, that terms so essentially different cannot have been derived from one and the same source.

On comparing the two Malbergs lauxmada, lausmata and musci simada, roscimada in I and 2, we perceive that, due allowance made for clerical errors, the latter part of both glosses consists of scimada, scimatha. In this we recognise O. N. skimuŏr, a he-goat. The a where the O.N. word has u makes no difficulty, because even in O. N. uŏr alternates with aŏr, e. g. in bautaŏr = bautuŏr (s. Egils. Lex. Poët. i. v.). Scimada is most probably a plural, just like the corresponding terms in the other codd., as we shall see below. The gender and case of scimada are uncertain. Difficult is lau, which I dare not identify with M. D. louw, a catch, a grasp (1). As the letters l and f are easily confused in some MSS., I guess that the original reading must have been fuu scimada, a few goats; fau would exactly answer to Goth. faws, faus, A. S. feawa, etc.

A flock of more than three (goats) is apparently called mu or ro (scimada). It is easy enough to identify mu (for muh) with O. N. mugr, a crowd, but nothing is gained by such a comparison, because we want to find out some reading that may have produced both mu in 1 and ro in 2. Mu may be a mistaken thu, which does not agree with ro unless we put both readings together, and read thriu, thrio, i.e. three, O. H. G. driu, tria; drio, tres, nomin. pl. fem.; drio, trium.

§ 46. The second group of MSS. shows, as has been remarked above, quite different terms. In the first place afres in 10 (note), afrae in 6, haper in 7, aper in 8, 9. We have to read : hafres, haphres, being the plural of hafr, A. S. hæfr, O. N. hafr, a he-goat. The ending es is but a variation of us (cf. Tit. XXXII), O. S. os, A. S. as. Another form of the same ending may be contained in lamp-hebros of 10, lamp-hebrus, of 6. Lamp-hebr is, literally, a lamb-goat, i. e. a young goat, answering to the word "capritus" in the Lex Emend. (cf. the O.S. compounds kô-suin, a sow, and bier-suin, a boar, in Heyne, Kl. D.). The e in hebr (pron. hevr) may be explained as a dialectic variation, which, it must be owned, makes a strange appearance immediately after the a of the preceding gloss. To remove the difficulty we may suppose that hebr stands for hebri, habri, and that it is a neuter formed like O. S. ewi, a lamb, in Gl. Prud. 740. In this case hebru, hebroand not hebrus, hebros—would be the plural, analogous to such A S. neuter plurals as getimbru, getimbro. A further consequence would be that in 6 we should have to read lamphebru smala. Smala is the plural, both masc. and neuter, of the adjective smal, small.

§ 47. For pecti in 6, pectis in 10, I would read geeti or geiti, the gen. sing. of *geet, O. H. G. gaiz, O. N. geitr, Goth. gaits, etc. The final s in 10 is rather archaic; we may compare such O. S. genitives as custes, giburdies in the Heliand. The isolated lamp in 10 is an error of some sort.

§ 48. A flock of more than three goats is termed chrenecruda in 10. This compound may be analysed into chrene = A. S. hræn, capreolus (Ettm. Lex. p. 502) and criida, akin to A. S. criid, E. crowd, and A. S. (lind)croda and gecrod (cf. Grein, Gl. i. v.); further to Slav. Russian gruda, grudie, a crowd, multitude. For chenecrudo in 6, I would read chrenecrudo; for chanchurda in 7, 9, and the mutilated chanchus in 8, either chranicurda or chrancruda. If the a of chran be a long one, which cannot with certainty be inferred from A. S.

hræn, it would have its counterpart in the O. S.å for é as occasionally met with in Cod. Cott. of the Heliand; e. g. hålag for hélag, 171, 7; scån for scén, 96, 22; arås for arés, 155, 3; sårag for sérag, 33, 15. The declension and case of cruda, crudo are uncertain.

VI.

§ 49. The term leudardi, leodardi, which we here meet with for the first time, answers to M. L. G. luidweerde and O. Fris. liudwerdene, liodwerdene, which in the Fris. LL. technically denotes a certain kind of delicts and further a certain fixed fine to be paid; e. g. there wive hiri liodwerdene mith 12 merkon tô fellande (LL. Fris. 77, 3); or: jefter een man word worpen in een onwad wetter, soe schilma him bêta mit eenre lioedwirden (ibid. 463, 7). The Latin gloss to luydwerdene (p. 388, 18 ibid.) is: "hoc est secundum poenam limitatam et taxatam a Frisonibus et est summa 8 librarum." Synonymous with it is urjeld, i. e. an indemnity. In my opinion the same notion of "indemnity" is also contained in the term cinewerdunia or cinewerduria in the Lex Ripuaria. The i in cine is the Umlaut of u; thus cine stands for cuni, A. S. cyne, etc. As cuni is a synonym of liudi, the O. Fris. liudwerdene and the Ripuar. Frankish cinewerdunia come to one and the same, at least in their general meaning. Werdunia answers to O. Fris. werdene, whereas werduria shows the same form as O. H. G. wirdria (cf. Graff, Spr. I, 638 i. v. wirdira). The usual Latin rendering is "delatura" (cf. Grimm, Pref. LXXXVII). Closely connected is M. D. waerder, arrha, arrhabo, and warande, indemnitas, satisdatio (s. Kil. i. vv.). Werd, werdene, werdunia, etc., are derivatives from a verb the O. N. form of which is verba, and more usually varoa, "to warrant, guarantee, bail," and "to be finable, punishable" (cf. Oxf. Dict. i. v. varba and verba, B) (1).

Leodardi (for leoddardi, leodwardi) denotes, analogously to O. Fris. liodwerdene, a fixed amount, viz. of 600d., to be paid for certain offences. The elision or rather assimilation of w finds its counterpart in O. H. G. frammart, frammert for framwart; hintert, widarert (cf. Grimm, D. G. III, 98); M. D. in proper nouns as Ludig for Ludwig; Reinald for Reginwald; O. Fris. onderdia for ondwardia; in O. N. and E. examples abound.

As to the declension, leodardi, leodard points to a fem. stem in ia, or id. Here and there we come across a form leodardo in 8. This too may be explained if we compare such A. S. feminines as hyldo, halo, menigo and the like. In O. S. we find words of the same class rarely treated in that way; yet menigo occurs Heliand I, instead of the more usual menigi; utrengiu 133, I. The common ending of such words in O. S. is i and so too in Frankish, for leodardo is extremely rare, and may represent an oblique case.

§ 50. Sigusius, etc., is a Latinized Frank. sigusi, seusi. It is O. H. G. siusi, siuso (Graff, Spr. VI, 282), M. D. sies, M. H. G. seuse, sus, "a hound." The word "magister" is an ill chosen expression for "doctus," and has given rise to a curious misunderstanding in 10. As "magistrum" was pronounced, and sometimes also carelessly written, magistro, the author of this cod. took this magistro for a dative and added the word suo, by which the sense has been wholly perverted. This alteration of the original text in 10, and in fact, the whole Title, shows that, with the exception of the oldest texts, I

⁽¹⁾ In Seghelijn van Iherusalem, 9832: Wi en hadde noit so goede proy Tenen hope, tenen louwe.

⁽¹⁾ The words for slaying, injuring, and for imposing a punishment or a fine are generally derived from the same root; cf. e. g. Skr. wadha, striking, killing, wadhya, punishable, sentenced, and to be killed; danda, stick, and punishment, fine.

and 2, the others have committed several blunders, such as can only be explained by the supposition that the revisers of the later texts of the Lex used corrupted Frankish texts of the Malberg; and, partly on account of the bad condition of their materials, partly from ignorance, have brought about a state of hopeless confusion, an assertion which I will endeavour to prove.

§ 51. The stealing or killing of a " sigusius magister" is punishable with 600d., according to the undoubtedly correct reading in codd. 1, 2, 3 and 10. But in the Lex Emend, we find the same delict fined with 1800d. The origin of this alteration can be traced back to § 2 in cod. 10, where the same amount of fine is given. This unwarranted change arose, in my opinion, from the Malberg tue ne chunne in 10, which the reviser understood to mean tue neun chunne (chunna), twice nine hundred. Indeed, the sound of this term resembles theune ne (read tune neun) chunna (i. e. 2 x 900) in the Chunnas, and the expression "two nine" or "twice nine" must have been as common in the forensic language of the Franks as twia niugun (i. e. 18) in that of the Frisians; cf. Fris. LL. p. 120, where twia niugun skillinga occurs no less than three times in one column. It is therefore perfectly natural that the reviser saw in the term the expression for 1800. Yet, on consulting the other codices, we perceive that his interpretation was wrong, for it is palpable that tuenechunne, whatever may be its real meaning and original reading, is but a slight variation of tunechanna in 8, tunechana in 7, tunechana in 9, and must even be somehow related to the syllables tohenhunni in 6. Now, there is no question of anything like 1800 in these four codd., all of which distinctly give a fine of 600d. Consequently, the socalled gloss means something different, but what? I think, we have to read tunechunna, tunechunne, a dative of tunechunn, i. e. canis curtis. Tune is the stem of the common Teut. word, A. S. tûn, domus, vicus, villa, septum, E. town, O. N. tún, a farm-house, homestead, Frank. of the Psalms tûn, maceria, D. tuin, garden, etc. The dative chunna, chunne is probably due to the verb denoting stealing governing that case as in O. N. stela. As to hunn (chunn) for hund, it suffices to remember the fact that in several Frankish, Saxon, and Frisian dialects the assimilation of nd to nn is quite common; the modern Fris. form of the word is huwn, North Fris. hun.

Tunechunn is but one of several words denoting a "canis custos domus sive curtis," as the Lex Emend. puts it. It is not unlikely that tunechunn more particularly answers to "canis curtis," whereas another term obtained for "canis domus," viz. chuuscurru, chuscurru, which occurs, slightly corrupted, in 7, 8, 9. Curru, corru is M. D. korre, canis domesticus (cf. Kil. i. v.); chuus i. e. hūs needs no comment. E. cur is of course etymologically identical with M. D. korre, Frank. curru, so that hūscurru, literally translated, means "house cur."

The question as to whether henhunni in 6 may be explained as a synonym of huscurru and tunechunn seems to me capable of being answered in the affirmative, for hen may very well stand for hegn, D. heining, which means exactly the same as H. G. saun. Hence henhunn would be virtually the same as tunechunn. There is no cogent reason for reading hémhunn, though I must add that in the N. Saxon dialect of Drente the "canis curtis" is called heemhond.

§ 52. The Malberg of this Title contains as yet no trace whatsoever

of the "sigusius" (1); all the terms treated of refer to a "canis domus

§ 53. The delicts specified in the two §§ of cod. I are punishable, the first with a fine of 600d., the other with one of 120d. It has already been observed that cod. 2 repeats the term leodardi; but as it indicates a fine of 600d. it has got, the second time, into the wrong place, for it ought to stand as Malb. to "sicut superius," and should not be connected with 120d. Cod. 10 commits the same error, and 7-9 make another mistake in that they separate leodardi from the words denoting the "canis domus sive curtis," the stealing or killing of which is punished by the fine called leodardi. From 10 we learn that an equivalent of leodardi (2) is theoprano. This evidently means the same as theofoano in 6, which again cannot be separated from chunouano in 7, 9, chunabana in 8, nor from theophano and chunnouano in 10, hunuane in 6. If we bear in mind that the letters f(ph), b, i. e. b, and v, written u, as medials are interchangeable, and moreover that t and c are constantly confused with each other, we may feel satisfied that all these readings must originally have meant the same. They may be corrected into cheo (or che) ofano, chwi (or chwiu) ovano (obana) (or chuu ubana), chwi ovano, hwi ovane (or hwiu ovane). Cheo (or perhaps che) stands for chwee, like O. H. G. hiu for hwiu, D. hoe, for hwoe; zoet for zwoet; N. H. G. sūsz for swüsz; O. N. hjól for hviól; O. Fris. hat, N. Fris. het for hwat; E. who, in sound. Cheo, as well as chwi, or chu, chuiu, etc., answer to O. S. hueo (Heliand, 142, 8), hui, huuo, etc.; O. H. G. hweo, (h)wi, (h)we, hiu, etc.; A. S. and O. Fris. hû (E. how). Ofano, obana, ovane is O. S. obana, obane, obona, O. H. G. obana, obane, desuper, supra. Cheo,

sive curtis," the stealing or killing of which is punishable with as high a fine as that of a "sigusius." The equality of the fine is the cause of the terms for a housedog and all other dogs having been put together. Indeed, cod. I shows only leudardi once in the whole Tit.; this is also found in 2, but, as we shall see afterwards, in the wrong place. Before proceeding, however, to show this, we have to occupy ourselves with troito in 6, fhunuic in 7, flunuicus in 8, phuuuic in 9, trociuuithier in 10. After removing some palpable errors, these glosses represent: tro(w)it(t)o, thruwith(o), trochwithi. Thru(h), tru(h), throch, tro(h), etc., agree with O. S. (hals)-thru(h), boia, in Gl. Prud. 190 and 419; O. H. G. truh, druh (thruh), etc. pedica, compes; halstruh, halsdruh, etc. baga, boia (cf. Graff, Spr. V, 254, sq.) (1). Witte, withthe in O. Fris. is "a strap, a halter"; A. S. wione "restis, loramentum." From a compound thru(h)witta, trochwittha, etc. we get a derivative adj. thru(h)wittio, etc. (cf. O. S. antervidio, Gl. Prud. 573), the sense of which must be having a thruh as a fetter" or "being bound to a thruh." It is curious to see how the Frank translators have rendered thruhwitto. They wholly misunderstood witto (notwithstanding that some codices must have had witthie, as we learn from 10), and derived it from witan, to know. Hence their quasi accurate rendering: "canis qui ligamen novit"! It is but just to observe that we are under some obligation to this odd translation, as it confirms the readings which we have arrived at by a comparison of the codices. It will be understood that the readings proposed above make no pretension to being more than approximately correct. Thus it may be that in 10 the true reading is trochwitthies chunnis, i. e. a genitive case, governed by some substantive denoting stealing or killing.

⁽¹⁾ Naturally so, for the Frank term itself is signsi, sensi, which appears but slightly disguised in its Latin garb.

⁽¹⁾ The existence of a double form, one with initial t, the other with th, is proved by the O. H. G. examples given by Graff, l. c. Cf. also D. troffel and O. S. thrufta, Gl. Prud. 209.

⁽²⁾ Leosdasdi is a mistaken leordardi; the latter ought to be leoddardi. It should be remarked that eo for en in this word is unusual in 10.

(chwiu, chwi, chi) ofano (ovano, obana, ovane), N. H. G. wie oben, has been literally rendered by the Latin "sicut superius." Since the fine "as above" is a leodardi, it is a matter of course that the expressions "as above" and leodardi are virtually the same; hence "sive" in 10. A similar expression is soso iz heer obana giscriban ist in the O. H. G. translation of the Lex Sal. Tit. I.

In 6 and 10 rephuouano, reppophano, remain to be explained. This is either another corrupted variant of huue (hwe) ovano (ophano) or an attempt of somebody to correct an already corrupted reading by writing an otherwise well-known word, viz., rtp, a rope, because the text speaks of "ligamen." If it be a conjecture, it is at any rate an inadmissible one, for the remaining syllables huouano, pophano, are perfectly meaningless. There can hardly be any doubt that this Malb. too contains ovano, ophano, "superius," and that the word preceding it is one of the multifarious forms of the conjunction answering to "sicut." That the r sometimes originates in a misread c appears from rhamallus, in Tit. XLVII. If we restore the c and transpose a couple of letters, we get as the probable reading, common to 6 and 10, chueo ophano.

VII.

§ 54. The difficulties caused by the bad condition of the MSS. are enhanced by those arising from the subject of this Title. It need not be said that various species of birds are often named alike, whereas different names are applied to one and the same species. This circumstance seems to have perplexed the translators or revisers of the law almost as much as it does us, and to have left them in doubt about the true meaning of the Frankish words they found in their original texts, their Malberg. Thus we find in 7, 8, 9, the same Malberg, sundelino, added to "speruarius" as well as to "anser aut aneda domestica." At first sight this looks strange; first, because the word sund unmistakeably points to an aquatic bird, as we shall see hereafter; secondly, because the common Frank. word for sparrow-hawk was certainly sparwari, sperwari, M. D. spareware, sperware, speerware, sporeware (1), O. H. G. sparwari, spariwari, sperwere, etc. (cf. Graff, Spr. VI, 363), N. D. sperwer, N. H. G. sperber. But if we look closer into the matter and observe that not only the sources of Graff, but also those of Kiliaen, i. v. sperwer, render it by "nisus," and further that another name of the "nisus" is "haliaeetus," in which that is as unmistakeable as sund, we must hesitate before we pronounce the Malb. sundelino to be an error. It seems more likely that sundelino more particularly denoted the musket, and that the translators, not knowing the exact Latin equivalent, took to the Latinized Frankish sperwarius, perhaps because some Franks applied sperwari also to the musket. Indeed, the Dutch sperwer denotes the sparrow-hawk as well as the musket. Kiliaen renders musket by "haliaeetus, nisus: avis ex accipitrum fringillariorum genere," and sperwer by "accipiter fringillarius, accipiter minor mas: nisus, vulgo sperwerius." He adds the highly interesting notice: "speruerius in Latina translatione legis Salicae accipitur pro accipitre minore." It is a pity that we do not know what codex of the Lex he used, and whether he had in view the gloss in 7, 8, 9, or any other reading.

If, on the one hand, we must take care not to impugn the reading of the codd. without sufficient cause, we ought not on the other hand to shut our eyes to their manifest faults. Thus, for instance, we could not pardon the gross blunder of cod. I, the oldest text, which transfers *sundolino*, a word undoubtedly denoting one or more species of birds, to the next chapter on bees! See further § 59.

§ 55. The Latin words "accipitrem de arborem furaverit" are quite nugatory, unless "accipiter de arbore" be the rendering of some compound like O. H. G. poumfalcho or witefalcho, D. boomvalk, which Kil. renders by "arborarius falco." The Malb. to it in 10 is ortfocla. Focla is, in spite of the agreement among the codd., a misread fogla, if not fogal. Fogla, if it be a singular, can only be the dative, the use of which here may be explained in the same way as in Titt. III and VI with reference to the construction of O. N. stela. Further on we find fugia in 7, 8, 9, and again fucla. Both should be corrected into fugla. Fugium (uerthifugium) in 1 points to fuglo, which, it must be confessed, looks rather like an instrumental than a dative. It is just possible that fugla, fogla, fuglo, are plurals in the genitive (1), but the Latin text does not warrant the supposition that the original Frankish showed plural forms. Fog(a)l, fugl, O. H. G. fogal, fugal, O. N. fogl, fugl, etc., needs no comment. Orflocla in 6 should be ortfogla, not because flogl is unheard of, for flugol, volucris, really exists in A. S. (cf. Ettm. Lex. 362), but because the same cod. afterwards repeatedly writes ortfocla.

The latter part of the compound ortfogl is clear, but what is the former? Grimm (Pref. XXIV) explains the word as meaning "the bird sitting on the spear, on the point," from ord, O. H. G. ort, cuspis, A. S. ord, M. D. oort, etc. Grimm's etymology is plausible enough, for a Frankish ord regularly passes into ort, when the d is final, just as in Dutch; and though ord is not exactly "a spear," it has at least a cognate signification. But if ort stands for ord, how shall we account for orto, ortho which once occurs in 7, 8, 9, and uerthi in 1? Of a Frankish orto instead of ord there can be no question, unless all the MSS. have made the same mistake. Let us see whether there are similar words, likely to throw light on ortfogal, in the cognate languages. In O. N. we have geirfálki (2), in O. H. G. waluchaebuc, walhapuc, erodius (cf. Graff, Spr. IV, 755). Geirr meaning "a spear," we may explain geirfdlki as properly signifying "a spearfalcon," or (as A. S. spere, etc., also denotes "contus") a "bar-falcon." Wal(u) is etymologically identical with Goth. walus, a rod, wand; hence the waluhapuc may be the "accipiter de pertica"; but as we find, along with O. H. G. waluhapuc and A. S. wealhafoc, an O. H. G. walt-falcho, erodius, we remain in doubt whether wal in the compound may not be taken in the sense of "wood." In the latter case walhapuc would answer to "accipiter de arbore." Where we are not able to trace the historical development of a word, its true etymology will be doubtful; we may know the component parts, the elements of the word, but we cannot with certainty decide which of the multifarious values

⁽¹⁾ The ending a by the side of the more common one in o is far from rare in O. S.; cf. Schmeller, Heliand, 2, 183.

^(*) The D. word giervalk is, I think, a corrupted, or otherwise a dial., form. The Latinized gerofalco probably goes back to a Frank. gérfalco; hence the French gerfaut. The Latinized "gyrfalco" owes its preponderance to a bad etymology from "gyrare." It is worth while, perhaps, to remark, that falco is no more a Latin word than phenix is an English one. Pliny, an authority on the subject, knew no such word as falco. It is clear that O. H. G. falucho, falcho, is in the main identical with the Skr. pálanka, i. e. it is derived from a radical pal, whence a. o. Skr. paliia, Gr. πόλιος, Lat. pallidus, Teut. falwa. The notion of white recurs in the synonymous Skr. cyena, "a hawk, a faucon."

of each element has to be substituted in each particular case. Even perfectly clear words, like O. H. G. poumfalcho, D. boomvalk, are ambiguous, for poum, boom, means "a tree," as well as "a beam, a bar, a shaft," so that the perspicuity of the compound is but an apparent one. It is only by comparing poumfalcho with synonymous terms like waltfalcho, wiltfalcho, witefalcho, that we shall be justified in taking boom, poum, in this particular case in the sense of "a tree, wood."

It is doubtful whether spariwari contains the word spari, A. S. spere, etc., allied to O. H. G. sparro, tignus, D. spar, a spar, perch; E. spar, etc. This much seems certain, that spariwari, on account of its very form, cannot be derived from Goth. sparwa, O. H. G. sparo, E. sparrow, though in some way or other the words may be connected, in so far as both may be reduced to the same etymon. I think that spariwari, be it original or the result of popular etymology, is virtually the same as walhapuc and geirfalki, allowance being made for the difference of species. In the dial. M. D. sperware, sporwane (cf. Kil. i. v. sperwaen), commonly sperware, sporeware, etc. (cf. above), the latter part of the compound does not differ, at least phonetically, from walewane, the Malb. to "accipiter" in 6. In short, I identify wale, as to its meaning, with spari and sparro, and, in a certain sense, with geir; consequently we get the equation spariwane = walewane.

The foregoing discussion has prepared the ground for the proposition that ort = orto = uerthi (?) is a synonym of wale, spari, sparro. There is no doubt that a similar word is contained in marthocla of 2, for which we may confidently read wart- or wurthfogla. The syllable or is a contraction of war, wur, wor, or wer. The various readings point to a stem warthia (or warhtia?), orthia (or orhtia?), urthia (or urhtia?). In a similar relation stands Goth. aurts, herba, to O. H. G. wurz, pl. wurzi, A. S. wyrt (cf. Grimm, D. G. III, 371); Frank. wirte, olera (Gl. L. 1032); uurti (i. e. wurti), herbam (Gl. L. 1068). Now, Goth. waurts, O. H. G. wurz, D. wortel, A. S. wyrt (wirt, wart, wert), wyrttruma, etc., "a root" stands for waurhts, as may be inferred from gawaurhtai = έρριζωμένοι (Ephes. 3, 18). Thus it appears that it is a derivative from a verbal base with, to hew, the pres. tense of which in Skr. is wręcati; part. perf. pass. wrkna: hence the Skr. wrksha, a tree. Waurhti, a root, is the same word, except in the difference of suffix. That the word "root" may be derived from a verb denoting hewing, will appear obvious when we remember how often in Skr. we find wṛṛcati (or chinatti) mulam (cf. Pet. Dict. i. v. wracc); equally indisputable is Skr. wrksha, a tree. Now, in A. S. wyrt not only means "herba" and "radix" but also "tree," for in wyrtweard "hortulanus" (St. John, 20, 15) wyrt does not mean "herbs" or "roots," but the plantation in general. And, as if to complete the coincidence between the above Frankish forms and those in A. S., the latter possesses the well-known ortgeard, orcerd (Genesis, ii. 8), E. orchard, which most distinctly and decidedly is a tree-garden, D. boomgaard, Germ. baumgarten. Another form of this ortgeard is A. S. wyrtgeard in Ps. 143, 16 (Ettm. Lex. 98).

To sum up the various items of information, I conclude that in Frankish there were two cognate forms, the one contracted, the other not, agreeing with A. S. ort and wyrt (wert, wart), and signifying, according to circumstances, a tree, a plant, a root. We shall find this assertion confirmed in Tit. XXVII. Ortfogal, etc., on account of its etymology, may signify, to use the expressions of the Lex, a bird, "de arbore," and "de pertica," and even "de horto." If the Malb. ortifugla, ortfogla, where 6, 10, 7, 8, 9 have it after "grus aut cicenus domesticus," be no mistake, we shall

have to assume that orti was in this instance taken as "a garden," or that the Latin translation is a failure.

§ 56. Returning to the beginning of the Tit. we first come across the Malb. horhut in 2. Is it a corrupted hortfugl? Not unlikely, for otherwise cod. 2 would stand entirely isolated. Yet I will not omit saying that the ending ut, as well as ot, it, is not rare in the names of birds; e. g. M. D. scuvuut, scowut (1), N. D. schuifuit, a screechowl; M. D. cucuut, a cuckoo; A. S. ganot, ganet, fulica; D. kievit, kiewit, E. pewit, and the like. Hocticla in 7, 8, 9, when compared with hortifuda (a misread hortifucla, ortifucla) in the same texts, leaves no doubt as to its being a mutilated hortifugla; the h is here due to graphical cockneyism; the real h sound is generally represented by ch in these three codices.

 \S 57. Hymnis sith in 1 stands wholly aloof from the other texts, yet the letters of the word are similar to those in the name for a cock, viz. channaswido. We may go further and contend that hinni is a perfectly intelligible variation of channa (chania), for in M. D. hinne and henne, E. hen, are equally used. Swith is even a better orthography than swid. As hinniswith is required by the etymology (about which more in \S 60), and a variation of it really occurs in other codices, though in another and more appropriate place, I feel satisfied that we have to read hynniswith(a), and that the oldest text 1 furnishes us here with an example of an error as great as that by which the same authority causes the aquatic bird sundo-leno to make its appearance in the company of bees.

§ 58. Weiano in 10, ueganus in 7, 8, 9, is undoubtedly, as Grimm has pointed out (Pref. XXIV), O. H. G. wio, wigo, weho, "milvus", and also "ibis"; M. D. wuwe, N. D. wouw, a kite. Since O. H. G. weho is paraphrased in the glossaries (cf. Graff, Spr. I, 643) by "ibis" and wego by "milvus," it is but natural that, as in 10 we find ortfogla sive weiano, the former term was thought, rightly or not, to be applicable to an aquatic bird called "grus aut cicenus (cygnus) domesticus." Weiano looks as if it were either a regular genit. pl. or a dat. sing. with an additional o (cf. the remarks on oxeno, Tit. III). Weganus may be a mistake for wegano, arising from a final o and us being sounded alike, or nearly so, in the semi-Latin of the period. There is, however, such a number of derivatives from wiho in O. H. G., as wehir, wihil, wigil, wihilla (prov. N. Sax. in Drente: wichel) wannowehe, wannunwuchel; M. D. wannewaeyer; N. H. G. wannewäher, wanneweihe (cf. Graff, Spr. I, 643; Grimm, G. D. S. I, 50) that a nominative wegan, a genit. weganus (= weganes) would by no means be surprising .- Antedio (in 6, etc.) is the term for a certain kind of theft with breaking, the fine for which is 1800d.; the explanation of it will be attempted in the next Title.—Weippe in 6, weiape in to, look suspicious; perhaps weigge, weihhe (cf. O. H. G. wihil), or weiare (cf. O. H. G. wehir, D. wouwer) is intended.

Naobfocla in 2 is the mutilated remnant of (weia)na, orthfogla = weiano sive ortfogla in 10.

§ 59. Sundolino in 1, sundoleno in 2, s[unt]dilino in 6, sondolino in 7, sundelino in 8, sundleno in 10 is the name of some tame aquatic bird or sorts of such birds. Sund is manifestly A. S. sund, swimming; sea passage; sea; O. N. sund, etc. If the reading sundleno in 10 be correct, the word has been formed analogously to M. D. merlin, smerlin, N. D. smerlijn, E. merlin, but suntdilino would rather induce us to come to a contrary conclusion, viz., that sundolino stands for sunddoleno; in sunt-dilino the final d has passed

⁽¹⁾ Maerlant Naturen Bloeme (ed. Verwijs), III, 607.

into t, according to the rule, whereas the elision of d between n and d in sundolin is equally warranted; e. g. ond + doen becomes in M. D. ont-doen or ondoen, and even ontoen. Dolin, dilin, admits of a comparison with N. H. G. duln = dohle, dahle (cf. Grimm, D. W. i. v. dahle). As in M. H. G. we have bergdol, a mountaindaw, the existence of a swimming-daw or sea-daw (sund-dolin) would be far from improbable. It may be added that for the H. G. dohle, a daw, the Low-Germ. has quite a different word, ālke, without doubt the same word as D. alk, O. N. álka, E. auk, the well-known sea-fowl, in would-be Latin "alca." The final o in sundolino is additional or the mark of some case.

Why the same sondolino, sundelino, sundolino, need not be regarded as an error where it stands in the Malb. in 7, 8, 9, added to speruarius, I have attempted to explain above. 6 and 10 have the different readings socelin, sucelin. Grimm (Pref. XXIV) identifies it with Lithuan. sakalas, Slavonian sokol, a falcon. We might as well think of Low-Germ. siuken-dr, a hawk (1). If we wish to connect the divergent readings and to reduce them as much as possible to one source, instead of treating them as if they had nothing whatever in common, we should read sotelin, sutelin, for sonttelin, sunttelin, which stands to sundelin in the same relation as M. D. ontaen to ondaen.

§ 60. A cock is called chanasuuido (i. e. channaswido) in 10, c(h)annasuuido in 6, annasuiuido in 7, cannasuiuido in 9 (read channa-, hannaswido). We have to add hinniswith of I (s. § 57). This word, interesting for more than one reason, is a compound of hanna (channa), hinni, O. H. G. henna (for hanja), heinna, M. D. henne, hinne, E. hen, and swithi, swidi, vigorous, O. S. swithi, swidi, swidi, A. S. swid, Goth. swinps, etc. Just like its Icel. synonym hvatr, vigorous, the Frank. word is here used in the sense of "a male," e. g. hvatr köttr, a tom-cat (cf. Oxf. Dict. i. vv. hvatr and blaudr). In so far as channaswido, hinniswith is a compound, it keeps close to the O. H. G. haeo heninnono, gallus, gallinaceus (Graff, Spr. IV, 958), for channa not in composition would be construed in the plur. genitive. The O. H. G. haeo is essentially the same as M. D. hie, hi, properly the pronoun "he," but, when used as a substantive, it is the usual term for "a male of animals" (2). Of this hie, hi, O. H. G. haeo is an extended form; another is O. N. hæingr, hængr (s. Oxf. Dict. i. v.), which usage has restricted to the male salmon, al. hvatr lax. It is not a little interesting to find the form swith instead of swinth already in the oldest Frankish documents known; as to the Frank. of the Psalms, suitho, nimis, is transmitted to us in Gl. L. 872; in M. D. swide was used along with (ge)swind, e. g. Melis Stoke, II, 495: Doe si saghen there so swide, "when they saw the host so strong"; even in more modern D. swidig occasionally occurs, though it is nowadays superseded by geswind (cf. Kil. i. v. swindigh and the note to it). channaswido is the sign of the weak masc. nominative (3).

§ 61. The word for a hen is solampinam in 6, 10, 7, solamphinam in 9. Grimm (Pref. XXV) deems it akin to M. D. sclemp, lepidus, and at the same time to Czechian slepice, a hen, properly a blind or pinking hen, Moravian and Slowak slepka, sljpka. I am rather inclined

Ende van der aerde sonder ghegade Wast die paeldinc, seght men mi: Sine hebben suwe noch hie.

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to see in so the M. D. soe (1) " a female"; N. H. G. sie, sieke. Lampinam looks doubtful, in so far as a final m is wholly out of the question. I propose to read haninnana, the genit. pl. of haninna; so haninnana as a term for the hen is just the counterpart of O. H. G. haeo heninnono, the cock. That haninnana is as much justified as haninnono would be, is proved by O. S. treuuana (Heliand, 140, 1) interchanging with treuuono (143, 10). We must bear in mind that the generic name "hen" in common language includes the cock.

§ 62. At the words "de trappa" the Malb. has bao falla in 6, ac falla in 10 and 7, hac falla in 8, hac fala in 9. We have to read at falla, which by graphical cockneyism was written hat f. and was further corrupted to bao. At is, of course, O. S. at, E. at, etc.; all verbs with the notion of taking, getting, buying, bidding, and the like require in Goth., O. N., O. S., O. Fris., etc., the preposition at, where the Greek uses παρά c. genit. or ἀπό, the Latin de. Therefore it is certain for syntactical reasons that the true reading is at falla. Falla is the dat. sing. of a probably strong femin., answering to A. S. feall, decipula (as given by Lye, cf. Ettm. Lex. 337), and differing from the weak O. H. G. falla. The quasi-Latin trappa itself is a Teutonic word, A. S. treppe, decipula, E. trap, M. D. trappe, muscipula, decipula. Derived from the Frankish trappa are D. betrappen, to catch, and the French attraper.

§ 63. Sundolino in I has gone astray; it belongs to the preceding Title (s. §§ 54, 59). Leodardi would be equally misplaced, if it were no corrupt reading, as leodardi can only stand where the fine amounts to 600d.; but it is really a corruption, and, as we shall see, an interesting one.

Antedi, antedio means "breaking open," i. e. theft with breaking, and, by amplification, also denotes the fixed amount of penalty for such a delict, viz. 1800d. It is derived from a supposed verb antôn, M. D. ontoen (e. g. antede, aperuerit, Theophilus, 421, sqq.), the same as ontdoen (e. g. Beatrijs, 757), O. S. antduan and andôn, O. H. G. anttuon, A. S. undôn, aperire. The t stands for tt, assimilated from td, as in M. D. ontoen, ontaen; ontede. Another way of assimilation is shown in O. S. andôn for anddôn; cf. the relation between sundolino and suntelin, supposing my analysis of this word, as given in § 59, to be right. The & in antedi is either the equivalent of a simple d, as in the Frank. Psalms in andrédandi, Gl. L. 25, by the side of andradendero, Gl. L. 26, andradondon, Ps. 59, 6, or, more probably, the Umlaut of d, as in gevi, Ps. 59, 6, besête, 73, 2; etc. Antêdi, if neuter, must have been formed like O. N. bdædi, but considering the other form antêdw it is more likely a femin. and a stem in i; a dat, instrum. dêdio might be formed like O. S. brûdiu, Hel. 9, 12; a dat. dêdi like O. S. dâdi; a nomin. dêdi would agree with O. Fris. dêde. Besides antedi, antedio and antedeo, we frequently meet with slight variations of it, all of them corrupt forms or due to bad orthography.

For "apiarium"—to use for shortness sake the common Latin word -6 has olephardis, olechardis; 10 olethardis, alethardis; 7, 8, 9 olecharde, elecharde, holecardo; abchratis, abgrates; 1 holechartis. The latter part of the compound is clear: we ought to read chardis, charthis (for gardis, garthis (2), garthes), the genit. sing. of gard,

⁽¹⁾ Wörterb. Ostfries. Spr. by ten Doornkaat Koolman, p. 54, i. v. arend.
(2) E. g. Maerlant, Naturen Bloeme, v, 56:

⁽³⁾ Among the various words for a cock in Skr., the one corresponding to swide is dakska, properly "the strong one."

⁽¹⁾ Soe is another form of surve, and a variant in the passage from Maerlant quoted in a preceding note.

^(*) The th for d after r is peculiar Frankish; e. g. farth, iter, ferthe; &f-ferthi alternating with &ferdi, all occurring in the Psalms (cf. Heyne, Kl. D. i. vv.); rt for rd occurs also in O. Fris., e. g. ondertia for onderdia.

Goth. gards, O. S. gard, O. N. garor, A. S. geard, O. H. G. gart, eart, etc. Charde in 7, 8; c(h) ardo, once in 9, is either a dative or the nomin. sing. of a weak substantive, O. H. G. garto. The genitive is governed by antedio and texacha.

The former part of the compound is a hard problem. According to Grimm's suggestion (Pref. XXV), ole, ale would be the Lithuan. awilys, a beehive in the tree. It seems to me dangerous to make doubtful readings the basis of comparison, especially if by comparison nothing is gained but the somewhat startling result that the Franks used sundry words wholly at variance with those in all other Teutonic languages, ancient and modern. If we had only to etymologise, and not to criticise, the various readings of such bad codices as those of the Lex, omnium consensu, happen to be, we should be justified in proposing some etymology like the following: ale, ele, ole recalls Skr. ali, "a bee" and "a strong drink." Now, another Skr. word, madhu, means "a strong drink, mead," and "honey," and "a bee" (1). The Teutonic equivalent of madhu, viz., A. S. meodu, etc., being synonymous with A. S. ealu, it would not be strange if Frank. ale, ole, ele, were radically identical with ealu, and signified not only "ale, beer," but also "honey" or "a bee," analogous to the Skr. ali. We might even draw the parallel further and put down the following equation: A. S. beór, O. N. bjórr: Skr. piyúsha, Slavon. piwo = Engl. bee: Lat. apis.

Unfortunately the base of the etymological fabric, i. e. the proof of the existence of such a word as ale, ole, ele in Frankish or any other Teutonic language, is wanting. The various readings, all more or less corrupt, require a remedy, and this we discover in cod. 2, where, slightly disguised, the true reading has been preserved. Not antedio leodardi, but antedio beochardis, is required; in 7, 8, 9 antedio beocharde(s) and taxacha biagarthis; in 6 antedio beochardis and texacha b.; in 10 antedio beochardis and texacha beachardis. Beo, bia, bea is A. S. beo, D. bie, bij, E. bee. In M. D. there are many words for "apiarium" and "alvearium"; the next approach to beogard is bie-hof, for hof is synonymous with gard; biegaard is lost. That, however, the very word beogard formerly existed follows from the word biegaarder, apiarius (s. Kil. i. v.).

§ 64. Texaga, in contradistinction to antedio, is robbery without breaking, the stealing something of a certain value "foras tectum," to use the expression of the Lex. In so far we may readily understand why 1, afterwards 7, 8, 9, and finally 6 and 10, have the word where there is question of such a kind of robbery. Still the fine specified does not agree, as the penalty of the texaga is 1400d., and not 600d. The latter, as we know, is termed leodardi, which, indeed, is shown by 2 and 6 in the third §, and by 2 moreover in the fourth. Texara in 10 is of course to be corrected into texac(h)a.

IX.

 \S 65. Trachlagia, thradiligia, stalacha, &c., will be treated under Tit. XXXVIII, q. v.

Andesitto (andesito) I take to be a femin. subst. formed like O. H. G. herisezza, or, perhaps, O. N. seta, from a supposed antsitan (andsittan), Goth. andsitan, O. H. G. intsizzan, M. D. ontsitten. Ande is Goth. anda, used in composition with nouns, whereas and is usual with verbs. In Goth., O. H. G., and M. D., the verb means "to scruple, to dread," a meaning which cannot suit andesitto in the Malberg. Since in compounds the verbs standan and sitan in all Teuton. languages express well-nigh the same idea, and

different conclusion will be arrived at, since here leodardi belongs, apparently, to "aestimatum damnum," and is separated from the fine of 1200d. It is just possible that in this case leodardi has been rendered by "aestimatum damnum" agreeably to the original meaning of the word, which I have tried to explain when treating of its etymology. But even if this were the true reason for its appearing in § 8 of 2, it would not interfere with the thesis that andesitto should have been put as the Malb. to "1200d." In other words, suppose we added the Malb. in § 8 of 6, the text would run thus: "Si quis vero per inimicitiam-convictus testibus fuerit, damnum aestimatum reddat, Malb. leodardi, et insuper, Malb. andesitto, sunt den. 1200," etc. § 66. Scuto in 2 and 9, schow in 10 (better scutto, schotto), looks like a regular 3rd pers. sing. pres. tense of the subjunctive mood. Frank. scutton, excutere, occurs Gl. L. 812 in the preter. scutta, excussit; the infin. scutton, Ps. 63, 5; U. H. G. scozôn, scozzôn, pellere; farscuzzan, pellere (cf. Graff, Spr. VI, 562, sq.); D. schutten is both "pellere, excutere," and "(pecus) subsistere, sistere, in septum agere, includere et pignoris loco retinere: capere et detinere pecus alienum" (cf. Kil. i. v.). I venture to say that this paraphrase of schutten in Kiliaen, the correctness of which is proved by the word being used in exactly the same sense in the modern language, is a more accurate rendering of the Frank. scuton (scutton) than the Latin text of the Lex. Hischoto in 7, chis(cu)to in 8, contain the prefix hi, chi = gi; cf. O. S. hiburilicuru, Mers. Gl. 12; for dial. O. H. G. hi, chi, see Weinhold, Isidorus, p. 73. It is difficult to decide whether excuto in 2, excoto in 6, is a mere Gallo-romance writing for scuto, scoto, or is intended to represent escuto, escoto = iscuto, iscoto. The form e = ge, along with i = gi, is not strange; it is the usual one in O. Fris. and N. Saxon dialects; i is known from

the Mers. Gl., e. g. iwêgde, idômde (cf. Heyne, Kl. D. XV), and M. D., e. g. imanc = gemanc (Maerlant, Naturen Bloeme, V, 259).

It is only the Gallo-romance spelling xc which creates some doubt.

Goth. andstandan renders ανθιστάναι αντικείσθαι and αντιλέγειν, we

shall be justified in assigning to andesitto the sense of denying, the

more so because in O. Fris. hine undsetta signifies "to resist, to op-

pose." Now, undsetta is the causative form of undsitta, Frank. *antsittan, which, when construed with the reflexive pronoun (hine), has

the same value as the neuter antsittan. Andesitto, i. e. opposition

in words, denial, refers to the words "ipso negante." If, by way

of amplification, the term was used to intimate a certain fine imposed on one who "negando fuerit convictus," as the Lex

Emend. puts it, then the word "sive" in 10 would be appropriate. But I have grave doubts as to the correctness of the Malb. both of

10 and 6, 7, 8, 9, because one would expect the fine specified in the

last of the Tit., viz. 1200d., to have been indicated by another

term than leodardi. The latter is, at any rate, wrong; the word

required would be tui-leodardi, i. e. "twice leodardi, double leo-

dardi," analogous to A. S. twibôt, O. Fris. twibête, thribôte, thribête,

thrimjeld, or something similar. Now, we happen to know from Tit. LXV that a word for "denial," viz. secthi (sechti), really

points to a fine of 1200d., so that we may conclude that the

synonymous andesitto has to serve the same purpose here, and that it ought to stand in codd. 6-10 as the Malb. for the fine of 1200d.

The mistake of putting it in an earlier paragraph may have arisen from

an original reading, "tu(i)-leodardi sive and esitto," having by oversight lost its first syllable. It should be understood that my sup-

position is based upon the tenor of the text in 7, 8, 9, and 10, in

which leodardi is identified with 1200d. and separated from the words "damnum aestimatum." If we keep to cod. 2, a somewhat

⁽¹⁾ E. g. Shadwinça Brâhmana in Indische Studien, I, 140.

X.

§ 67. Alfalchio in I contains falchio, a fem. subst., and the nom. act. of a verb corresponding to O. H. G. falgjan, subtrahere; givalgan, attrectare, usurpare (Graff, Spr. III, 500). Al is apparently connected with O. N. ali, used of "household" animals, e. g. alidyr, a domestic animal (Oxf. Dict. i. v.). Since the other codd. show the term theo, "a servant," about the meaning of which there can be no doubt, we may reasonably assume that al was one of the words denoting "a domestic." Alfalchio may be rendered by "plagium domestici," because we find in Tit. XXXIX derivatives from the very verb falgian, viz. falchino, etc., rendered by "plagiare." Now the sense attached to "plagiare" is expressed in the Lex Emend., Tit. XXXIX, by the words "id est per circumventionem de servitio domini sui abstraxerit." Consequently, falchio must have meant not only kidnapping, but also enticing, seduction. Knowing this, we can understand how cod. 2 shows teoducco, read theoducco, and t(h)eodocco, in one place rendered by "furaverit," in another by "prodederit," read "perdiderit." Theo, where mascul., is Goth. pius, etc.; where fem. Goth. piwi, O. S. thiw, thiu, etc. Ducco, docco, stands for ducjo, M. H. G. and N. H. G. tücke, fallacia, dolus; cf. duck in Grimm, D. W. II, 1489. Theoducco may be rendered "enticing a domestic, a servant." Alfalchio and theoducco convey the same notion, and so far it is easily understood why codd. I and 2 have different terms.

Slightly different is theos(theus)taxac(h)a in 7, 8, 9. Theos, theus, is the genit. c. of the masc. sing., Goth. piwis. Taxacha has been explained before. For teoxaca in 6, texeca in 5, we must read theotexacha, theotexecha. In 10 the syllable tha is superfluous; the required theutexac(h)a appears in the same cod. in the next §.

§ 68. Theubardi in 1, theophardo in 6, theobardo, etc., in 7-9 cannot contain theu, a servant, because we see b alternating with ph, which would be impossible if the letter were the initial of a word. Hence we must conclude that the term in question is either a compound with theub, theoph, thief, or a substantive derived from a verb corresponding to A. S. beofian, furari. One would expect theubadi, theophado, stem theobadia (cf. O. Fris. thiuvethe, thiufthe, A. S. peof δ, pýfδ), or theubandi, analogous to O. Fris. warande, or O. N. kvebandi, and the like. Yet we have no sufficient reason to impugn the authority of the MSS. in this respect. If the word be a derivative it must mean "theft" or "stolen goods." In the context it rather seems to be used as a term to express a fine of 600d., otherwise denoted by leudardi, such as 10 has. This circumstance does not favour the supposition that theubardi simply means "theft" or "stolen goods;" much more natural would be some term like A. S. peofgild, -gyld, e. g. Aeth. I. I, 2. As leudardi stands for leudwardi, theubardi may be a compound of theub and wardi. Such a compound would exactly answer to peofgild; cf. above, § 32.

§ 69. By "vassus (or puer) ad ministerium" is rendered a Frank. hôrog (chôrog), i. e. O. Fris. hêroch, M. H. G. hærec, N. H. G. hōrig, subditus; a serf. It is an adjective, and follows, even where it is used as a substantive, the declension of the adjectives. Hence the strong accus. masc. is hôrogano, hôrogan = N. H. G. (einen) hōrigen. It answers to the Latin accusative vassum or puerum, in the text. The errors of the codd. are easily corrected; for strogau in 2 read chorogan; for thorogao in 3, horogauo in 4, read chorogano, horogano.

The corresponding fem. form is hôrogani, accus. hôrogania, which is rendered "puellam de ministerio" in § 7 of 6, where, of

course, h has to be added. For "horog aut" we ought to read "horogan aut." The femin, suffix is the same as in Goth. Saurini, a Syrian woman; O. H. G. wirtun, hospita; A. S. (e)nn, (e)n, in peowen, serva, etc.

§ 70. In the same manner is derived ambahtani, accus. ambahtania, from a masc. *ambaht (stem otja = Goth. andbahteis) or *ambahtio = O. S. ambahtio (stem ambahtjan). It may mean a handmaid, like O. N. ambatt, and also a workwoman knowing some "métier." From the context we gather that the latter is meant; cf. Tit. XIII. Ambaht, A. S. ambaht, ambiht, ombiht, embeht, O. S. ambaht, ammaht, O. Fris. ombeht, ombet, ambet, M. D. ambacht, ambocht, ambt, N. D. ambacht, ambt, etc., occur in the Malberg in different altered forms. Nearest to the original stands ambaothonia, read ambahtonia, ambohtonia in § 8 of 10; somewhat further off, ambitania in 2, and ambotanea in 6. We shall find still more corrupted forms in Tit. XIII.

§ 71. Theocho, thexacha, in 6, is manifestly derived from the same source as theachro, taxaca, in 7, 8, and theuca, texara (read texacha) in 10. Theoch, theach, is properly an adjective derived from theo, and consequently identical with A. S. peow, servilis. The latter follows the declension, both strong and weak, of the adjectives; hence freora and feowra (1) in the genit. plur. (Cædmon's Genesis, 2753), and also peowna in Ine's LL. procem. and § 1 as a variant of beowa. That the A. S. adjective has lost a h (g) is rendered probable by the Frankish word and the O. H. G. thiohmuati = common thiomuati (s. Graff, Spr. II, 696). If theocho in 6 and theuca (read theucha) in 10 be correct, the word must have passed into the substantive declension. At any rate theoch properly means "servilis"; theachro and theocho, theucha, are genitives pl., with the meaning of "servilium, hominum servilium, servitorum." It is difficult to decide whether chrochro in 6 is a second-hand reading for theochro, or a real variant, chôrochro. Nor is it clear what amba texaca in 10 represents. For thenca, in § 8 of 10, we have, of course, to read theucha; about the final a, as alternating with o, in the gen. plur., cf. col. 456, note 1.

§ 72. Ismala in 6 and 10, also spelt chismala and exmala (Tit. XLI), answers to M. D. smale, a maiden, a damsel. The spelling exmala is so unequivocally and peculiarly French that I feel little hesitation to ascribe the i in ismala to the influence of the idiom of the scribes (2). Some Frank, or at least some person acquainted with the Frank. language, knowing that i in Frankish was a dialectic form of gi (chi), changed ismala into chismala, which has at least a Frankish look about it. Smala will be a regular genit. sing. of the fem., provided the word, though originally an adjective, followed the declension of the substantives. It is, however, just possible that it is part of a compound, viz. smalatexacha.

§ 73. Decidedly a compound is teolasina, theolasina, theulasina, which, in signification, scarcely differs from theoducco (cf. § 67). It means "seducing a servant." The Latin words "si quis homo ingenuus (alienum servum) in texaca secum duxerit aut aliquid cum eo negotiaverit" have virtually the same purport as "si servus cum ipso ingenuo de rebus domini sui aliquid portaverit" in the 2nd § of 1, except that in the latter phrase it is left undecided whether the servant or the freeborn man has taken the initiative. Theolasina, seducing a servant, decidedly points to the servant having been a

⁽¹⁾ I am at a loss to understand why Grein changed the reading of the MSS. into Peowna.

⁽²⁾ So, too, we find in cod. B istratore instead of stratorem in \ 2 in the col. of codd. 7, 8, 9.

passive accomplice in the crime. As to the grammatical bearings of the term cf. Tit. XXV.

§ 74. Usudredo in § 5 of 10 has nothing to do with the stealing of servant boys, but is a corrupt reading of a term denoting "shaving the hair of a boy," of course a freeborn one, for others were not allowed to wear long hair; cf. Tit. XXIV.

Meotheo in § 3 of 6 owes its origin to a repetition, viz. theo theo; that th now and then has been erroneously read m, we have learnt from mammodo in Tit. II.

XI

§ 75. Taxac(h)a in § 1 of 7, 8, 9 is a mistake, as the fine specified shows that *leodardi* is required, just as in the other codd.

Antedio in § 3 of 1 and 2 must be taken in its etymological sense of "effractura," otherwise it is misplaced; for technically it denotes a fine of the fixed amount of 1800d. The text of the § in 1 is corrupt; the words "si effracturam fecerit quod valet 11 din." having no sense. There is no doubt that antedio is wanting where it ought to stand, namely in § 5.

For anorlenet antheodio in 6, norchlot in 8 and 9, norchot in 7, antheoco in 8, anthedio in 7, I propose to read avorsclute: antedio; avorschlot, a. Avorsclute or avorschlot is materially the same as O. H. G. afterslusel, "adulterina clavis" (Graff, Spr. VI, 815), for avor, M.D. aver, N.H.G. aber, does not materially differ from after; cf. such words as N. H. G. aberwits and afterwits; M. D. averwijs and averwittig, insipiens (s. Kil. i. v.). Sclot or sclute (the latter a stem in i; cf. O. N. hlutr, plur. hlutir and hlotar; N. H. G. schluss), M. D. slot, "sera, claustrum ferreum," serves the same purpose as sclutil, slutil, a key. The Latin text distinctly says "si clavem adulteravit," and this agrees very well with avorsclot. I am at a loss to account for the eo in antheodio, and for the whole word antheoco. Perhaps two readings have got mixed up, the one being antedio, the other some derivative from a verb signifying to open, say, anthleedia, from O.S. anthlidan, A.S. onhlidan, recludere, etc., or antscleot (1), from antscleotan, O. H. G. antsleozan, insleozan, N. D. ontsluiten, to unlock. The scl in the Frank. word needs no comment; it is well known from sclot in Gl. L. 800, from O. Fris. skluta, etc.

XII.

§ 76. Falcono may be some case of falchon (falgon), the nom. actionis of falchon or falgian, plagiare, or to purloin; cf. alfalchio in Tit. X and cf. Tit. XXXIX. Such a term does not seem very appropriate, though it may not be wholly inadmissible. One would rather expect a term for flogging, answering to the "flagelli" of the Latin text. Now, O. N. fld, M. D. vlaeyen, vlaen, vlaeghen, E. to flay, is synonymous with D. villen, O. H. G. fillan. Just as from the latter filla, flagellum is derived, so from the former may be formed flacha, flaga, the genit. plur. of which will be flachono, flagono, precisely like fillono, verberum, in O. H. G. (Graff, Spr. III, 471). The genit. c. is required owing to the preceding noun of number, 120.

XIII.

§ 77. Schodo, which stands wholly isolated in 1, is, in my opinion, a mistake for scholo, an oblique case, or a vicarious form, of schola, M. D. schole, A. S. scolu, caterva (E. shoal). It is, in a more

(1) As to the form cf. Goth. andabeit, ἐπιτιμία.

restricted sense, a gang of three men, and as such used technically and elliptically in the Lex to express what in A. S. is called hlobbot bôt (Latinized hlobbota), LL. Aelfr. § 29, sqq., except the difference in the number of men in a hlob and a schola. The addition of scholo tends to show that each person has to pay his share in the whole fine; cf. the wording of the A. S. Law, in Latin translation: "si quis twihindum – cum hlobe, i. e. cohorte, occidat, reddat qui ictum confitebitur weram et witam (1), et omnis qui interfuerit reddat xxx sol. pro hlob-bota," with that of our Lex.

§ 78. Malzantania in 2 is corrupt; read smala, amtania. Smala is a maiden, especially a "puella ingenua"; see above § 72; amtani is "ancilla," but also a girl or woman skilled in handiwork. That the latter is here meant appears from the addition "de screona" in most codd., for screuna is, what otherwise in O. H. G. is called tunc, i.e. textrina, a workshop; s. Ducange i.v. The word is generally supposed to have been derived from Latin scrinium, though it has never been explained for what reason the Franks should have changed the gender. I do not regard screona as a Latin word. That the A. S. scrin, a shrine, N. H. G. schrein, E. shrine, and even O. Fris. skrin, skrin, are directly borrowed from the Latin I readily admit (2), but I doubt the Latin origin of E. to screen.

For antomia in 6 read amtonia; for antonio in 7, 8, anthonius in 9 read amtonio; for authumia in 10 read amtania, all accus. cases of amtoni, amtani, better spelt amitani.

§ 79. Alteofaltheo in 6 is a perfect riddle to me. Altheo may signify "aliena puella"; for al, Goth. alja-, A. S. æle, ele, el, etc., is "alius," and in a compound also "another's"; theo, Goth. þiwi, etc. is a girl. Falcheo, if it be = falchio, is, as we have seen, "seducing." Now there is no distinct word here in the Latin text for "aliena," which occurs in § 9 of 1 and 6, § 7 of 7, 8, 9. The gloss is probably misplaced and should have been put in § 12 as a variant of anestet.

§ 80. Of honema in 6, honomo and onemo in 10, bonimo (read honimo) in 7, 8, 9, ho stands for hjo, hio, hiu, O. N. hju, man and wife, household; essentially the same is O. S. hiwa, conjux, etc. The transition of hiu into ho finds its counterpart in M. D. houwelijk (along with huwelijk), marriage, houwbaer, etc., and in Dan. and Sued. hos = O. N. hjd, not to mention a number of other instances where Norse and Frisian, more than any other Teutonic languages, show the elision of a j. Nemo (nimo) as well as nomo, can mean "a taker," like O. H. G. nemo and nomo, e. g. in sigenemo, victor; erbinomo, haeres (Graff, Spr. II, 1074); or "a taking" like O. H. G. sigenomo, victoria; the final a in honema is not strange. The reason that honemo was used in the Salic Law as a term for a lower sort of marriage may be that neman was often, though not necessarily, used in the sense of taking by force.

§ 81. Anfamia in 6 reminds us of O. S. femea, fehmea and fadmia (Hel. 9 and 174). This, however, is not sufficient to suggest a plausible explanation of the isolated gloss, the true reading of which, uncorroborated as it is by other evidence, is far from certain.

§ 82. Andra theo in 8, corrupted to andrateo in 7 and andra tho in 9, is literally O. H. G. andra (andera) thiu "aliam ancillam," the nomin. of which ander thiu, alia ancilla, occurs Tatian (ed. Sievers)

⁽¹⁾ Cf. also L. Sal. XLII.

⁽a) It seems an error of the Latin translator in Fris. LL. p. 36 (ed. Richthofen) to give "infra suum ergasterium vel fabricam," where the original texts show inna sinra smitha—jeftha scrine, but such an error goes far to prove that there existed in Frisian a scren in the sense of a "workshop."

188, 1. There is no difficulty in taking theo in the sense of "puella," though in the cognate languages it appears as "ancilla," for theo is properly "a girl," like O. S. thiorna, O. H. G. diorna "virgo, puella," and "famula," but O. N. herna, exclusively "a maid-servant." A greater difficulty lies in andra, which can never mean "aliena," but only "alia." To remove the difficulty we should read andras theo, O. H. G. andras (al. andres) thiu, another's girl.

Less ambiguous, and therefore preferable, is the term anestet in 6, anastheo in 10, slightly corrupt for aneftet, anafteo. Aneftet is the p. p. p. of a verb *aneftian (= anehtian) and materially the same as an afteo or perhaps an adj. anafti = O. S. anehti, sponsa (Hel. 15, 15 Cotton.; anehti 83, 4 Monac.; an ehti Cotton.); synonymous are anthehti and antheti. For the ft = ht, cf. O. Fris. aft, eft; aftigia, to wed; aftinge, matrimonium.

Antedio in 2 is, of course, wrong; read antectio = O. S. anthehti; eht and heht are constantly confused.

§ 83. Dructe (pron. druchte), dructi, dructu, druchte, druthe (= druhte), in § 14 of 6, &c., is the instrum. c. of drucht (stem druchti), a company, train. It here denotes either the bridal train, O. Fris. drecht, or, if taken in a concrete sense, what in O. H. G. is called truhtigomo, truhting, paranymphus; cf. Slavonic druz'ba, drus'ka, drus'ban, drug (1). It is interesting to compare the following passages in the Frisian Laws (p. 52, Richth.): "jef ther tuêne brôthere send end thi ôther wîf halat ti hove and ti hûse mith dôme and mith drechte"; and p. 98: "huersa ma hir êne frowe halleth mit horn ande mit hlûd, mit doem anda mit drechte."

§ 84. Changichaldo in 10, (gaugechaldo, gaugecaldo read) gangechaldo in 7, 8, 9 is rendered by "in via adsalierit." Gange, changi, answers to O. H. G. gang, the plural of which is gengi, genge, N. H. G. gang, gange, and to O. Fris. gense (s. Graff, Spr. IV, 99, and Richth. gloss. i. v. genze). Chaldo is O. H. G. halta, impedimentum, be it the nomin. or any other case of the singular. Gangichaldo consequently is "marring the way, impeding one in going." For gaugiealtho in 6 read gangic(h)altho. The th instead of d is a counterpart of such Frankish spellings as ferthi for ferdi, Ps. 73, 5; 64, 9, and the nth = nd in the present participle.

XIV.

§ 85. For anthifalthio in I I propose to read anchifarthio (= angifardio), a nom. act. of a verb anchifarthon = O. H. G. anagifartôn, impetere (Graff, Spr. III, 589). Anchifarthio, or in nom. c. perhaps -thi, impetus, would appropriately express the "superventus" of the text. It is scarcely necessary to observe that it, st, rt, ft are easily confused.

§ 86. Entirely different from anchifarthi(o), impetus, superventus, is the word used to express what in the semi-Latin of the Lex is called expoliatio (2), viz. murdo in 2. This is a femin., the stem of which is murdia, murdja. Murdo, whether it be a nom. c. analogous to A. S. hyldo, etc., or an oblique case, alternates with murdi or mordi, which is intended in Tit. XXXV, where modi of 7, 8, 9 is a clerical error for mordi. Murdo, mordi (older form murdia, mordia) answers to M. D. femin. mort (mord), which sometimes

signifies murder, but more often a heinous crime in general (see de Vries, Lekenspiegel, Gloss. i.v.). Cod. 2 also writes musdo in Tit. XXXV, and muther in Tit. LV. The latter corrupt reading points to murthe or murther, A. S. mordor, mordur, E. murder rather than to murdo, but this is an additional reason to convince us that the s in musdo is wrong, notwithstanding the frequent occurrence of musido, mosido, mosedo in 6, 10, 7, 8, 9. It proves against 6 that it has mundo in § 10; for mundo may easily arise, by mistake, out of murdo or murido, but hardly out of musido. The evidence of 7, 8, 9 is valueless; 1° because they write modi elsewhere, which is clearly a mistake for, or a bad pronunciation of, mordi, not of mosido; and 2° on account of their own distinct rd in Tit. LV. As to 10, this cod. has regularly s, both in mosedo and mosdo. The latter, as well as musdo of 1 in Tit. XXXV, is wholly out of the question, because it is phonetically inadmissible. The conclusion we arrive at is that murdo of 2 is right, and that mosido, musido, musdo are alterations of, or perhaps would-be emendations for, mordio, murdio, murdo. Grimm (Pref. XLIV) prefers musido, deriving it from a supposed mosian, musian, N. H. G. mausen, suffurari. He had expressed a contrary opinion in his G. D. Spr. (p. 390), where he said that it would be "silly" to have recourse to N. H. G. mausen. To me it would seem that the existence of some verb like miusan or musian might have been defended by appeal to Skr. mush, to steal, but this is not the question. What we have to decide in the first place is whether a critical comparison of the various readings allow us to see in mosido, musido, genuine words, by the side of an equally genuine murdo. The answer has been given above.

In order fully to understand the purport of the term, we should bear in mind that murdio expresses the idea of a clandestine misdeed, be it killing or otherwise, e. g. M. D. mortbrant, N. H. G. mordbrand, etc. The sense attached to O. N. myroa is strikingly illustrated by such passages as in Völsunga Saga 1: "þá kemr upp, at Sigi hefir drepit þrælinn ok myrðan." In the Oxf. Dict. i. v. mort, it is said, "To slay a man asleep or feloniously was also called morb." Is it not evident that, when we find in the Lex Salica "si quis hominem dormientem expoliaverit" with the Malb. freomundo, alternating in the same codex with chreumusido, nothing is meant but hreomurdo, chreumurdio, and that "mortuum expoliare" is exactly the O. N. drepa einan ok myroa?

I find another indirect proof that murdio, murdo is the genuine term, in the O. S. waldad. This, like M. D. mort, means "a heinous crime," and is apparently connected with wal, A. S. wal, strages, mors; etc. In the same manner as waldad comes to express a very grave delict, a capital crime, so too murdio has the same meaning.

I dare not assert that the semi-Latin "expoliatio" is a happy rendering of murdio. Some doubt will be allowed if we compare the tenor of § 2 in 2 with § 3 of Tit. XVI in the same codex. In the former passage there seems to be question of mort, in the same way as we find it used in O. N. and M. D.; in the latter passage more particularly of mordbrand.

§ 87. Alag, alach, ala (for alah, like Chlowi(s) for -wih = wig), is rendered by an ambiguous "villa." It rather seems to be "a farm" than "a village," but the Lex confounds it with thurp. Grimm identifies it with O. S. alah, Goth. alhs, A. S. ealh, templum, and strengthens his etymology by referring to A. S. ealgian. tueri, defendere. This etymology may or may not be right, but it leaves us in the dark about the exact meaning of the word as a forensic term.

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⁽¹⁾ Kunik, Mém. de l'Acad. Impér. des Sciences de St. Pétersb. XXIII,

No. 1, p. 373.

(*) Expoliatio is a Frenchified Latin spoliatio, just as exmala is a Frenchified Frankish smala; x for s also occurs in senextra (sinistra).

The latter part of alachtaco in 2 is a derivative from takan, M. D. taken, O. N. taka, to take. In O. N. the neuter subst. tak means seizure; the femin. taka also "tenure of land." Taco is either some case of a strong fem., essentially answering to O. N. taka, a taking, tenure, or the nomin. c. of a weak masc. in the sense of "one who takes"; supposing, of course, that the final vowel be

For alcata alchatheocus uialacina in cod. 6 we must read aliath (or aliara) alch-ateochus (or -chiis) uialatina. The last, more or less Latinized, term signifies "obstructio itineris, viae," as will be shown presently. It governs a word in the genit. case, a derivative from ateochan (ateohan), A. S. ateon, iter facere, meare, which does not differ much from the simplex teon, meare, migrare (for examples see Grein, Gloss. i. vv.). Ateochus (= ateochas) may be the gen. c. of a masc. stem in a, but it is doubtful whether such derivatives from verbs with radical u occur in the sense of an agent, though various other strong verbs yield nomina agentis in a, as well as in ja and an. Yet, whatever may have been the exact form of the suffix, I think that alch-ateochus or alch-ateochiis (the latter a stem in ja) means "qui meat in villam," or "meatus in villam." Aliath = Goth. alja), aliorsum (1), or aliara (Goth. aljar), from the same base in the same manner as O.H.G. dara, thither, combined with ateochan, expresses the notion of "migrare," just as the Goth. aljah afleihan in St. Mark 12, 1, translates the Greek ἀποδημεῖν. Aliatha (aliara) alch-ateoch then is "in aliam villam migrans" or "migratio." Cf. Tit. XLV.

Undoubtedly allied to the term in 6 are those we meet with in 7, 8, 9, and 10. Both faeti and faci admit of an explanation and come to the same thing, because A. S. facian, afeccan, gefeccean, acquirere, O. Fris. faca (2), to hold, catch, coincides in meaning with O. Fris. fatia, to lay hold of; A. S. fatian, fetian, to fetch, wif fetian, uxorem ducere (s. Ettm. Lex. 333 and 337). The only reason which induces me to prefer fatis is that by doing so we get a word synonymous both with ateohan and taco, because fatian, like Skr. apadyate, abhipadyate, is "to come, to enter upon, obtain."

The existence of O. H. G. gevazi, commeatus, tends to confirm the conclusion arrived at. Consequently I would read the term in 10 alac(h) fatis uialatina; alachfatis is the genit. of a masc. alachfati, stem -fatia, formed like Goth. fauramapleis, witodafasteis, or of a neuter in ja, like Goth. fauramapli. Upon the former supposition alachfatis would be "in villam meantis, villam capessentis"; on the latter: "in villam meatus, villae usucapionis"; in either case the governing word is uialatina. In 7, 8, 9, we must read alag- or alachfaethiis (pron. faetjis).

§ 88. As regards uia latina, it is only here and there that the true reading with t has been preserved, viz. Tit. XXXI, where the cod. Vossianus has uiae latiniae (3), and cod. 6 § 2 (prima manu), latina; otherwise the codd. show almost everywhere a c. Now, lacina has no meaning at all, and uia lagina, i. e. "way-laying," does not suit,

because there is no question of way-laying. Latini, latine, stem latīniā, the Gothic form of which would be lateins, is the nom. action. of latian, O. S. lettian, D. letten, impedire, Goth. latjan, χρονίζειν, galatjan, εγκόπτειν, etc. Hence uiae latini, viae impeditio, is what in O. Fris. is called weimeringa, marring the way, and also weischettinge and weiwendene, the latter having the same suffix as latini. The whole term has been Latinized to such an extent that the genuine Frankish pronunciation of the first part of the compound cannot be determined. It is pretty certain that it is not represented by uia or uiae, for the reason stated in § 6 of the preliminary notes; probably the Franks said wega-, wege-, or wei-latini (latine). It must be observed that the term has passed into the texts; hence its alteration, which afterwards reacted upon the so-called gloss.

§ 89. Thurp is a well-known Tcutonic word. It is not clear from the text of the Lex whether we have to understand by it a village, A. S., S., and O. Fris. porp, villa, vicus, Dutch dorp, or a farm, Goth. paurp, appos; and in a linguistical respect this is a matter of indifference. Falthio is, apparently, a derivative from fallan and we would have expected either farthio or fandeo, fâthio. Both would suit, for thurp-farthio has its counterpart in O. Fris. husfere, huisfrrd, A. S. hûsfaru, domus (mansionis) invasio; thurpfandeo, -fâthio is O. Fris. hêmsêkinge, hêmsêkninge, A. S. hâmsôcn, O. N. heimsókn (cf. Schmid, Ges. d. Ang. p. 606) in so far as A. S. fandian, O. S. fandon, inquirere, tentare, M. D. vanden, visitare, invisere aegrum, N. H. G. fahnden, etc., may be considered to express nearly the same as sôkian. As, however, such a compound with fandian (fandon) is found in no Teutonic tongue, it is safer to read farthio, which is some oblique case of farthi, fardi, or the nomin. of a derivative from a denominative verb fardon; cf. O. H. G. anafarton, M. D. anevaerden, N. D. aanvaarden,

The approximately correct readings of the gloss will be: thurpphardeo, thurpephardeo, in 6; alachfarthio and thurpafarthio in 10; alafarthio and thurripfarthio in 7, 8, 9. In the strangelooking alafalmo of 8, the m is, as elsewhere, e. g. in mammodo for thammodo (Tit. II), a misread th, after which the i has been dropped by inadvertence of the scribe. Apart from the similarity, in sound and form, of rt and lt, there may have been another cause why French scribes would be tempted to replace rt by lt, viz., a certain tendency of the French language which appears, e. g. in auberge, alberge, instead of hariberge; heraud (herald) for harard (1). It must be owned that the r has passed into l in auberge and heraut under circumstances not exactly the same; the examples adduced only prove that the change shows itself in connexion with a tendency to dissimilation, as in Italian albero; in so far the alteration of thurpfardeo into thurpfaldeo would be accounted for, but not that of alachfardio. Cf. the Notes on filtortis, Tit. XLVII.

§ 90. However this may be, there is little doubt that the peculiarities of the decidedly French-coloured semi-Latin of the Lex, have, to a considerable extent, altered the shape of the Frankish words in the Malberg too. We have an instance in § 7 of cod. 2, where the final um in friomurdum is due to the Gallo-romanic manner of pronouncing um like o, or nearly so. The word meant is hriomurdo. In 6 we should read hreomurdo and chreumurdio; in 7, 8, 9 chriomordio; in 10 chreomordo. Chreo, hreu, is the well-known

⁽¹⁾ Cf. sama), ὁμόσε.

⁽²⁾ In the passage LL. Fris. p. 36: "and ma hine befereth ur ther facada bernde," faca expresses the same as fatia, as is proved by the parallel passage 427: "jef hi mit fatiender bernte biginsen wirt." Richthofen, however, gives

⁽a) The same error occurs in a quite different word in Lex Ripuar. Tit. 71 (Ducange i. v. lacina): "De quacunque causa fistuca intercesserit, lacina interdicatur se cum sacramento idoneare." The term intended is lathina, O. Fris. lathe, lade, A. S. 16d, ladung, exculpatio; cf. Schmid, Ges. d. Angels. p. 620. Either lathina or "se cum sacramento idoneare" appears to be a gloss.

⁽¹⁾ This word is generally derived from hariwald, as if the commander of an army and the herald were convertible ideas. It would seem much more natural to derive herald from O. H. G. harén, etc., whence the word for praeco, viz., forakaro.

ancient Teutonic word for "a corpse"; O. S. hreu, hreo, etc., still extant in D. reeuw and reeroof; Fris. rêrâf, rêsrâf; cf. Grimm, R. A. 635. It is strange that the term for "spoliatio mortui," used in the Netherlands as well as in Lombardy, does not appear in the Lex Salica, and that we find instead chreomurdio. What the Norsemen understood by the morb of a corpse we have seen in a passage from the Völsunga Saga, quoted in § 86. The clandestine character of murdio is emphasized by the words "in furtum." We have no means to decide whether "spoliatio" is essential to the crime termed murdio. At any rate, chreomurdio cannot refer to "hominem dormientem spoliare"; the gloss is misplaced, and, in my opinion, mistranslated. As to "mortui spoliatio," this is called noreb'r in 2. It may, possibly, seem bold to guess that here we have the very (h)reorôb, mixed up, perhaps, with nôrôb; but when we have regard to the corruption of rhairaub, in the Longobardian Law, into vrubhi, (s. Graff, Spr. II, 358) our guess will not seem improbable. Norôb would also be appropriate because no answers to Goth. naus, O. N. nár, etc., "a corpse."

§ 91. For turnicale, etc., in 2 (col. 83) I refer to Tit. LV, as well as for hidulgus, etc., in 7,8,9, 10. One gloss is left to be explained, viz. secthis in § 6 of 1. We have to read feethis (pron. fechtis), "of fighting." The notion expressed by "villam alienam adsalire" is, if we take "villa" in the sense of a farm, not different from what otherwise is called in A. S. hâmsôcn, O. Fris. hêmsêkinge. Now we find in the LL. Fris., p. 230, that the very word hêmsêkinge is rendered in the Low German paraphrase by befechtinge, radically the same as feethi. Another proof that fechti, identical in every respect with A. S. fiht, was synonymous with hâmsôcn, is a passage in the Leges Henrici I (Schmid, Ges. d. Ang., p. 478) running thus: "Infiht vel insocna est, quod ab ipsis qui in domo sunt contubernales agitur." Hâmsôcn and fechti (fiht) being "invasio domus alienae," it follows that infiht, owing to the prefixed in, denotes as it were "invasio interna," or if we prefer it, "internal fighting." Fechtis is the gen. sg.

XV.

§ 92. Affalthecha in 2 should be affatthecha, better spelt affattecha, the nomen action. of a verb affattechan (A. S. fetigean) = affattian, affatian (A. S. fetian), O. H. G. fassôn, fasôn, abducere, to take away. It is a derivative of the same kind as texecha, hatega (Gl. L. 551), tiloga (Ps. 54, 3), and, except the difference in gender, O. Fris. tichtega, accusatio.

§ 93. A word of similar formation is abtiga, bad spelling for aftiga, in 6; for abteca, abthega, abtica, in 7, 8, 9, 10, read abtega, abtiga. It is a variation of O. Fris. aftinga, the taking to wife, from aftigia, Low German echtigen, in matrimonium ducere.

There can be no reasonable doubt that aftiga was a common Frank. word, though it may be questioned whether it be the original reading. This is probably not the case, as no term for "taking to wife" is here required, but one for "taking away a wife." In short, abtiga is a good word, but a bad variant for abfatiga. Some revisers of the Lex seem themselves to have felt that a term for "taking to wife" was not suitable here; they added, therefore, another expression from other books or whatever material they had at their disposal, and hence their in alia mente, French autrement. The addition of this second term must have taken place long before the time when our codd. 7-10 were written, for it appears in them in a much altered shape. Cod. 7 has abhatto ueelentemo, 9 abhacto uelenthemo, 8 abhato uelentemo, 10 arbathe usenlanthamo. From 10 I gather that here also different readings are mixed together.

To begin with the last word, it would seem that some MSS. had wesanthamo, others leventhemo, viventi. Both, of course, represent a dat. sing. of a pres. partic., wesanthamo = Goth. wisandamma, O. H. G. wesantemo, etc.; leventhemo = O. H. G. lebendemo (lebentemo). The nth in the part., where Goth. and A. S. have nd, agrees with the usual writing in the Gl. Prud.: wemmanthi 371; rethinanthemo 288; undarwerpanthi 391; hritanthion 327, etc. That wesan was used in the sense of "being still alive," and in so far synonymously with leven, O. H. G. leben, etc., appears from some passages in the Frisian Laws and the Gragas; e. g. LL. Fris. p. 410: "Nû schilmase dâ mêgem dêla; nû scil di brôder habba een pond jef hi deer is (i. e. if he be still alive); ende jef hi deer naet is, so aegh hit tô nimen sînes brôders soen." In Grágás, I, p. 305 (ed. of 1829), one cod. has: "Nú lifir eigi móþir, þá scal systir samfeþra ef hon á bóanda," the other: "Nú er eigi móþir, þá á sa maþr er á systor hennar samfeþra."

Therefore abhacto, &c., as it stands, may be explained if we suppose that hacto (pron. hachto), an instrum. case governed by ab = af, from, is taken in the concrete sense of husband, O. Fris. afteman (but cf. O. S. anthehti), though we can produce no example to show that either hacht or synonymous words of similar sound with which it is constantly confounded, such as haft, acht (aft, echt), occur in this way. After all we must bear in mind that abhacto looks like a conjecture for abfatto (affattio = affattecha, or a verbal form corresponding to it). Arbathe in 10 is decidedly wrong; read abfathe, which, in my opinion, is the remnant of abfatte, either a substantive or a verbal form, but possibly understood by the reviser as ab (af), from, and fathe, Goth. fadi (in bril) faps), Skr. patya, Gr. πόσει, marito. The uncertainty of the reading of 10 is increased by the fact that in this cod. ht usually passes into th, just as in many Frank. charters, in most of the documents of Werden, on the borders of Franks and Saxons, and in Middle Frankish (Ripuarian) dialects. If we knew for certain that 7, 8, 9 offered an approximately correct reading, we should then change arbathe into afhathe. The case being otherwise, it is unsafe to do so.

§ 94. The Malb. leudardi in 1 is quite distinct from the terms in the other codd., which point more or less to one common bad source. What this well-known word here means is fully illustrated by the Fris. LL., from which we learn that liudwerdene (al. liudwed, wetma, urjeld, jeld) is a particular pecuniary satisfaction, amends. In these Laws, ch. 74–77, we read in the Latin version: "tunc debet ille vitam duplici emenda emendare et illi matronae liudwirdene"; the original texts have (a): "sa scel hi thet lff tuifalda jelde jelda and liudwed mith tuelef merkum te jeldane"; (c): "thet jeld and there liodawed alsa håge alså thå liode loviat, and thet urjeld bi twilif merkon, and there wive hiri liodwerdene mith twilif merkon to fellande"; the Saxon text reads: "so sal he dat lijf dubbelt betalen ende der vrouwen eer luydweerde mit 12 marke vorvullen."

In saying that the Malb. in I is radically different from those in all the other codd. I do not imply that there is any conflict between *leudardi* on one side, and *affattecha*, etc., on the other. The former indicates the penalty, the latter the offence. The conclusions to be drawn from the appearance of discrepancies of such a kind may be left to the reader.

XVI.

§ 95. Alfathio in I requires correction which, fortunately, is suggested by althifathio in § 2 of the same codex, though even this is not wholly correct. From the Latin words "casa, cletem,

salina" in the latter 6, we perceive that the translator had before him a word admitting of different rendering. Such a word is easily found, viz., hal, written al according to the cockney propensities of the codex. Hal is properly a covered or roofed place, a sense which survives in N. H. G. trinkhalle, drinking booth; D. vleeschhal, shambles; French halle; and appears also in A. S. heall, aula, O. N. höll, O. S. halla, etc.; in O. H. G., halla is rendered by "templum," but also in the compound halhas by "salina" (Graff, Spr. IV, 859 and 850); hence M. H. G. halgrave, halstat (1); for the various shades of meaning of M. D. halle see Kil. i. v. The obvious meaning of hal in halthifathio is that of A. S. heall, but the translator, more cautiously than judiciously, preferred to enumerate the different significations in which hall was used, and has by doing so given the clue to the restoration and explanation of the term. Thifathio, better thefathio, is the nomen act. of a verb thefon, A. S. hefian, aestuare in animo (Ettm. Lex. 581), Skr. tap; cf. Lat. tepidus, Slav. teplo, topiti, etc. Thef alternates with def, which appears in other codices (2), and is nearly allied to O.N. pefja, to smell, as appears from comparing D. reuk, rieken, ruiken, Germ. geruch, riechen, with rook, rauch, E. reek. Thefathio, thifathio, is derived from the fon, like Goth. mitadjo, μέτρον, from miton, and the numerous Latin words in tio, as crematio, etc. Halthefathio consequently is the "burning of a (wooden) hall"; in other words: "si quis casam quamlibet incenderit."

§ 96. Selaneeffefa in 2 should be sel-anetheffa or -anttheffa. Sel either stands for sele, O.S. seli, A.S. sele, or it is bodily A.S. sel; in either case it means the same thing, viz. "aula, aedes, domus." Anetheffa, apparently a strong femin. like O.S. sorga, sorrow, and similar words, has as its verb anethefôn; antthefa would belong to antthefôn. Both prefixes are appropriate; cf. A.S. onælan, incendere, accendere, with D. ontsteken, but O.H.G. inzundjan; cf. Grimm, D. G. II, 808 sqq.

§ 97. The second Malb. in 2, leodi selaneessa, is either a superstuous repetition or more probably a corruption of leodi selan-thessa or selan-defa. Leodi, A. S. leod, Latinized leudis, "weregild," needs no comment. Selan is the weak gen. c. sing. of sela, often sound in the Frank. Psalms along with sila; also O. H. G. sela, but O. S. seola, siole, agreeing, as we shall see presently, with seeola, seola, seula, in other codd. of the Lex, and with M. D. siele, N. D. siele, ziel, soul. Sela is here taken in the sense which we attach to "a living soul," i.e. a living being; cf. Skr. jiwa, soul, and a living being. Selan thessa is burning of a living soul," i. e. of an innocent living being, or as the text puts it, "si aliquis arserit" (3); it may be a regular gen. case dependent upon leodi; "weregild for the burning of a living being" = so many solidi. See further § 99.

§ 98. Andadil, read andadif, incendium, which is either a femin. like Goth. wrôhs, accusation (verb wrôhjan), or a masc. like A. S. hete, O. S. heti, O. H. G. haz, stands to ant-defon (and-defon) in

the same relation as Goth. andabeit to the verb andbeitan; andahafts to andhafjan; andawaurdi to andwaurdjan, etc.

§ 99. Of exceptional importance is the first § in 6. Here again we meet with a case of two readings having got mixed together. Seolando etuas haldempa resolves itself into seolan do (variant seolan deva), saldempa (variant haldempa). Seolan is another pronunciation of selan in 2 (see § 97), and quite Saxon. Do, which has the stem dawja, is a neuter, like strô in Frank. Ps. 62, 7; gen. strôs (stem strawja), D. stroo, O. H. G. strao, N. H. G. stroh; D. go, O. H. G. gawi, whence Goth. gauja. This subst. do belongs to the O. S. verb dojan, O. H. G. touuan, O. N. deya, etc., which, with its offshoots, yields the most common words for dying and death in all Teutonic languages. Just as in the case of thef and def, we perceive the anomaly that O. H. G. possesses along with touuan not only douuen, but also thousen, which all occur in the MSS. of one and the same author, Otfrid (s. Graff, Spr. V, 340). Now, there can be little doubt that the corresponding so-called root in Skr. is dhû (dhu), meaning to shake, vex, destroy, and also: to kindle, whence dhuwana, fire. Dhuwana also denotes "the place of execution," a meaning which shows a remarkable likeness to the most common use of the root in the Teutonic languages. When once we know that dhû also signifies to kindle, and dhuwana fire, we must be satisfied that O. H. G. ka-dauuan, gidouuian, etc. (s. Graff, Spr. V, 233), N. H. G. verdauen, D. verdouwen, to digest, belong to the same foot; the Skr. word for digestion is udaragni, fire of the belly, etc., or, more usually, simply agni, fire. We may be sure that the same dawian once denoted to quell, especially by smoke. Radically the same is O. H. G. daubôn (with the interesting vicarious form thaubôn), subigere, domare, O. N. deyfa, to stupefy, D. dooven, to quench; cf. Skr. dhilpayati, to envelop in damp, but also to damp, to vex (1); see also the following paragraphs.

The foregoing linguistic comparisons were necessary to justify my explanation of seolan do, which I would render by "quelling of a living being." The variant seolan deva we may explain in this way, that in do the notion of damping, burning, is contained and was felt as such, if not in the days of the scribes or compilers of the Lex, at least in more ancient times. The English to quell (D. kwellen, to vex, A. S. cwellan, cwalu; D. kwaal, etc.) originally refers exclusively to the action of a blazing fire, as is proved by D. kwalm, damp (but A. S. cwealm, pernicies, cruciatus), Germ. qualm, and still more distinctly by Skr. jwalati, to blaze, to burn.

§ 100. Saldempa and haldempa practically amount to the same thing, sal being A. S. sal. Dempa is the nomen act. of dempan (for dampian), O. H. G. demphan (again with a remarkable variation themfan), suffocare, etc. (Graff, Spr. V, 142); O. Fris. thempane means stifling, suffocating, smothering. It is obvious that dempa of the Malberg, as regards its initial consonant, agrees with E. damp and, we may add, D. damp, smoke (2), and that the verb dampian, according to the manner of its derivation, must have signified "to cause to go up in smoke, to lay in ashes." In point of fact haldempa does not differ from halthefathio (§ 95), nor saldempa from selanethefa (§ 96).

(*) Pronounced with lingual d, answering etymologically to Engl. d.

⁽¹⁾ Those who started the theory that the Germ. kalle, salina, is borrowed from Celtic kal, salt, were not aware that the Dutch equivalent of kalle is keet, properly "a shed," but elliptically the term for "salina." Herewith the Celtic etymology, and the fabric of "kulturhistorische" theories based upon it, fall to the ground.

⁽³⁾ The anomaly, real or apparent, in the "Lautverschiebung," visible in the = def, has its exact counterpart in O. H. G. themphen (demphen), comp. with E. to damp, and kindred words. This is not the place to investigate the cause of the anomaly. Suffice it to say that the f and def, if not originally identical, have at least become identified.

^(*) The notion of innocence, harmlessness, found in such expressions as "poor soul" and Dutch "onnozele ziel," seems to be expressed by "dormientes" in the text; cf. Tit. XVIII.

⁽¹⁾ A curious instance, out of many, of the connexion between the notions of burning, setting on fire, and of quenching, damping, quelling, is afforded by Icel. bala, to burn (see Oxf. Dict.), and also to quench, suppress (wanting in the Dict.). In the newspaper Isafold, of 4 Dec. 1876, we find: "Ekki hafa Spánverjar enn getað bælt uppreistina á Kúba."

For anteba in 7 read antdeba. Andeba in 8 and 9, whether it stands by assimilation for anddeba or has as prefix an, is unobjectionable. The b represents, as usually in these codd., the b = v(f). Séolan, accurately spelt seeolan in 8, is known from § 97 and 99. For doueua read dovena or douena. Both are admissible, being nomina act. in the accus. case governed by per. Both too are capable of conveying the meaning of quelling as well as burning; cf. O. H. G. dovil or douil, cauterium (1), and what has been adduced in § 99 to show the connexion between dhû and dhûpi. In 10 we have seulan deueuas, the gen. of devena or deuena. If the spelling in 7, 8, 9 were absolutely consistent, we should prefer u (w), because these codd. write elsewhere deba. But neither these MSS. nor 10 are wholly consistent in this respect; in fact, even in the Heliand we find the same unsettled state of orthography. For examples of dew = dow see Graff, Spr. V, 233, sq.—The ending ena is that of an accus. sing., the stem being -nia, the nomin. ni, ne, n. Such a nominative is deban. The use of per in 7-10 in the sense of for, on account of, propter, where 6 has de, seems to be a Teutonism; for Goth. pairh, Frank. thuro, thuru, M. H. G. durch, M. D. dore, not only means through, but also "propter"; for the Frankish cf. especially Ps. 72, 18, sq.

Leve, which appears in § 2 of 8, is a common abbreviation for leudardi but is here a mistake, because leudi, not leudardi, is required. The error must have existed in the common source of 7, 8, 9. Whereas 8 left the word as it found it, the two others extended the contraction, and took one step further in the wrong direction.

§ 102. Of leodeba in 2, leodeva and leodeba in 6, deba = deva, incendium, is clear. Leo, according to the interpretation of the compilers of the Latin text, would be a granary, a pig-stye, and a cow-house at the same time. This amounts to saying that leo is a word of somewhat indefinite meaning, something like D. schuur, Gueldrian skure, a barn, a cow-stall, O. Fris. schura, the very Salic word scuria, which has passed into the semi-Latin of the Lex (French lecurie, in a more restricted sense). Considering that O. H. G. schura renders "horreum," scyr, tugurium (Graff, Spr. VI, 536), and that N. H. G. schuuer is synonymous with obdach, we are justified in taking leo for hleo, A. S. hleo, shelter, a shelter (2). Leos in 10 is the genit. sing., A. S. hleowes. The Salic (h)leo will be a sheltered place, a shed for different purposes.

§ 103. Sundela in 1 cannot be separated from saldeba in 10. Dela is a misread defa or deba, incendium. The problem we have to solve here is: how can sal be synonymous with sun? By supposing that sal is here taken, like Icel. sel, in the sense of "a shed" and by reading scun for sun, in order to bring it in accordance with N. H. G. scheune, O. H. G. scugina, a synonym of scuria. Still nearer to sal, at least graphically, would be scul, the shortened

form used in compound for scall, O. Fris. scale = M. Saxon boed, a shed (in Dutch a stye) and = scaria.

§ 104. A "sepes aut concisa" is termed bica (read biga), bicha, and biggeo in 10. Grimm (Pref. XLVIII) aptly compares N. H. G. beige, M. H. G. bige, O. H. G. piga, strues. The vicarious N. H. G. form beuge, M. H. G. biuge (cf. Grimm, D. W. i. v. beige) links the preceding form to M. D. bucht, bocht, septum, septa, stabulum (Kil. i. v.). Bia in 6 represents bija = bigia. Bigo, the fuller and more ancient form of which is biggeo in 10, answers to the O. H. G. weak mascul. pigo. I do not feel sure whether bila in 2 and 6 is an error, say for biha; cf. Tit. XXXIV. Uncertain also is the reading uiua in 7, 8, 9. It looks rather like a misread miua or mua, Engl. mew, A. S. muwa (muga, muha), strues (s. Bosw. Dict. i. v.), than an altered biua = biuia, M. H. G. beuge.

§ 105. Leodecal in 2 has nothing corresponding to it in the other codices, so that the correctness of the reading cannot be tested. The gloss as it stands can hardly mean anything but "a claim to a leodi," i. e. "the being challenged to pay weregild." Cal is O. N. kall, in kalla-laus, free from claim; cf. kalla til, to claim, to demand (see Oxf. Dict. i. v.). But we might just as well read leodetal "the (legal) number of men (viz. consacramentales)." Tal, number, is known from O. N. and Dutch. In a M. Saxon (Westphalian) document in the records of Zutphen containing a lawsuit before the Veem we find: "dat gij des nicht en laten noch versumen, Gij en komen sementlijken und synt myd juwes selves lijve persoenlijken in geboerlijker waet myd enen rechten tal van luden,-an und vor den opgemelten vrijen stoel tho B. und verandwerden alzdan aldaer iuw lijff, eer und gelimp" (1). Cf. in LL. Henrici I, 64, § 2: "In furto-et incendio, omnes fracto sacramento iurent in Westsexa ... Hii de quacunque compellatione, capitali vel communi, plane iurabunt, congruo numero consacramentalium"; cf. § I ibidem.

XVII.

§ 106. This title may be said to be a continuation of the former. The delicts as qualified in both belong to the category of maliciously injuring the lives and goods of others, and might be summed up in the Skr. terms pranihinsa sattwahinsa and wihinsa, injury to persons, animals, or goods, injuring of living beings.

Selan do in 2 needs no further comment in respect to its etymological meaning, this having been explained in §§ 97 and 99. Nor will it be necessary to point out how and why an attempted outrage is indicated by the name of the injury itself; cf. Tit. XXVIII, the Malbergs in 2. As to seolan in § 2 of the same codex, it is of course a vicarious form of selan; yet it looks as if it were not original in 2, because, all allowance made for the eclectical tendencies of many ancient documents, the codex strictly adheres elsewhere to the dialectical form selan.

§ 107. Uitoidoefa in I is meaningless. I would read cuicois (quicois) or cuicos doefa (or dofa, defa). Cuicois or cuicos is the regular genit. sing. of cuico (stem cuicwa), A. S. cwicu, cwic, Goth. qius, etc., "a living being," Skr. fiwa, virtually the same as seola. As to the latter part of the term, I think that efa has been added, if not in I itself, at least in its source, for the purpose of intimating that by the side of do, defa or dofa were used. Such a defa has to be taken in the sense of hurting, quelling, O. H. G. bideben (piteppen) opprimere (Graff, Spr. V, 347), essentially agreeing with N. Saxon

⁽¹⁾ O. H. G. thenuon, cauteribus (s. Graff, Spr. V, 234), rather belongs to thef. It represents, in my opinion, thereon $(v=\delta h,f)$, in so far agreeing with neumon, i. e. neuvon, nepotes (Graff, Spr. II, 1052), N. H. G. neffen; about the nature of the vv of which there can be no doubt.

⁽²⁾ Preserved as lee in E. leeward.

⁽¹⁾ Werken van de Maatschappij der Nederl. Letterk, te Leiden, X, p. 222.

deffen, stupefacere. Dofa, if it has a long vowel, would be D. dooven, to quench, O. N. deyfa, to stupefy. If the short vowel is intended, it would agree m.m. with D. dof, dull, hollow, dead; doffen, to knock, thrust. The secondary nature of dofa, al. defa, or let it be doefa (1), at least in 2, is rendered highly probable by the fact that this codex consistently shows do, with two exceptions, viz. in § 3 where it has doefa, and in the next Tit. where we find "selando sunt effa." This looks uncommonly like an indirect proof of what has just been asserted. The writer seeing effa added above the line or in the margin, and not knowing where to place it, put it behind sunt, instead of before it. In short, defa, dofa, deffa were indiscriminately used in the sense which these words themselves or their cognate forms have preserved up to this day, but do was vanishing from the memory of the rising generations in its meaning of "hurting by blows," though otherwise it remained in use for some time longer (2). Therefore it was replaced by a clearer, living word, first in the old cod. I and partly in 2; afterwards it was wholly ousted in the later codices (3).

The conclusion we have arrived at agrees with what we find in 6-10. Seolan doefa in § 1 of 6 is surely the same as seolan defa in § 2; in other words it is somehow a vicarious form; dofa or doefa = $d\delta fa$ or $d\alpha fa$ is a variant of defa. The terms in 7–10 have to be corrected in the way explained in the preceding chapter. So, too, we have to read seulan dovena or dovena in 4.

§ 108. Wounding of the brain is called chicsio-, chisio frit in 2, uiuisio feth in 1. Frith (for frid) is a perfectly intelligible vicarious form of firth; feth is obviously the same word, whether it be a clerical error for ferth or, what I think more probable, a corrupted form of it, like O. Fris. bernwedene for -werdene, etc. Nothing is more common in Frisian and later Saxon than the almost or wholly imperceptible sound of r before d, t or th (4). We have as cognate words O. Fris. fereth, ferth, offence, injury; benfrotha, bonewound (cf. Richth. Gl., i. vv.); A. S. forad, forod, fored, fractus, contritus; e.g. LL. Aelfr. 62, 50; O. H. G. freti, livor vulneris; fratôt, sauciat; Langob. vradeht (walapaus) in Graff, Spr. III, 819.

Chicsio, chisio is the genit. pl. of a word denoting "cerebrum"; the plural is used just like in Engl. brains, D. hersenen. This much is clear; nor is it doubtful that chicsio, chisio and uiuisio point to one and the same word, which, though I feel some hesitation in saying it, must be chirsi, in the main O. N. hjarsi, Swed. hjesse, and D. hersen (8). It is by no means unlikely that chirsi was now and then less nicely pronounced, just like hjarsi which becomes hjesse. In so far chesfrido in § 3 of 6 may be due rather to a fault in pronunciation than in copying. Frido exactly agrees, as to the ending, with O. Fris. bên-frotha. So, too, does fredo.

§ 109. Peculiar to 6 is inanbina abilicae. Inan is the O. Fris. inna, ina, O. S. innan, etc., within; bina, more correctly spelt bena, is the

plur. genit. of bên, bone; for the ending a instead of o in Saxon, cf. Schmeller in his edition of the Heliand II, 183. Anbilica is a substantive belonging to a verb an-bilican = anbilican, to lie open, patere. Save its having the prefix an, anbilice exactly answers to A. S. blice in Aethelb. LL. § 34: "Gif bânes blice weordes, III scillingum gebête." The verb is A. S. blican, O. Fris. blika, O. N. blika, D. blijken. Cf. Fris. LL. p. 83, blicande blbdresne, patens (sanguinis) effusio. It is not a little curious that the expression "si exinde tria ossa exierint," which sounds rather strange in Latin, agrees with the Frisian thria bêna uutgong (l. c.), rendered by "pro trium ossium (scil. capitis) exitu." It is by no means improbable that the Salic original of the text, represented in I and 2, had something like it, and that inan bêna anblice was a variation found in other sources, just as in the Fris. LL. (l. c.) thrira bêna breke is to thria bêna uutgong.

§ 110. A wound in the short ribs is called gasfrit in 2, geiso fredo in Consequently the d is here, it would seem, a dialectic variation of ℓ, Goth. ái; such an á occasionally occurs also in the Heliand; hálag for hêlag 171, 7; ards v. l. 153, 3; scan 96, 22. The ei in geis is another dialectic variety which is quite common in the Low Frankish of Dutch Limburg and in several Saxon dialects, e. g. in Twente and parts of Westphalia. As, however, the stem seems to be gesi or gesja (on account of hisi in 1), it may be that ei represents the Umlaut of ê, as in literary Dutch; cf. D. heel, E. whole, but D. heil, E. hail; klein alternating with kleen, etymologically E. clean, etc. Geiso is the plur. genitive, whereas gasfrit is a real compound. The word is, apparently, allied to Icel. geisl, the short ribs, costae. Hisi in 1 might be compared to M. D. hijse "torus, lacertus, lacertorum torus, hijsen, praesecare, abscindere partem," were it not that in order to keep up the connexion between the various codices, we more safely consider hisi to stand for chisi = gisi, gesi. As to cus, which occurs twice in 7 and 9 (1), it is clear either that two terms, one for the brain, the other for the short ribs, have been blended, or that cusfredo, etc., in general denotes "excidium," O. Fris. gersfal. For fredum, fretum we ought to read fredo, fretho, the um being due to a confusion in the Romanic pronunciation between o and um. Char in 10, supposing the vowel to be a long one, would mean "hair"; but it looks more like a mistake. There is a provoking similarity between charfrido in § 3 of 10, chesfrido in 6, and the O. Fris. gers-fal, gresfal, etc., as the technical term for "excidium" and "casus ad terram"; see LL. Fris. 87, 30. The words "thera thrira domma gersfel" (88, 22) run in Latin thus: "pro trium intestinorum ad terram lapsu"; cf. the O. Fris. adjectives gersfallich, garsfallich; gersfelle, gresfelle, etc., in Richth. Glossary. As I see no means to discover the true reading in the variations in the codd. I refrain from pronouncing a more decisive opinion. Cf. also § 170 below.

§ 111. Andechabinus, etc., will be treated of presently. The Latin words "plaga ipsa semper currit et ad sanitatem non pervenit" must somehow render the term freobleto in 6, frioblitto in 10. Blet answers to A. S. blet, lividus, e. g. bletast benna in Cynewulf's Crist, 771; blitto is a femin. substantive derived in like manner as O. H. G. bleissa, livor vulneris, though it may have belonged to the strong declension; the shortening of \(e \) to \(i \) is due to the double consonant following, like in D. hitte, heat, from heet, hot; in O. H. G. bittar, A. S. bitter, Goth. baitrs. Bleto stands for bletto; the older stem of both blitto and bleto must have been bletja. Free points to

⁽¹⁾ Oe in M.D. often represents the oo, Goth. as, but there is no certain instance of this spelling to be found in the Malberg; oe may be the Umlaut of

^(*) In Dutch doove kool and doode kool both mean E. dead coal (s. Kil. i. v.).

^(*) In M. H. G. betonben still survived in the sense of killing; thus Kudrun, 808: "Des künic Hetelen degene waren hie vil schedelich betoubet"; i. e. simply killed.

^(*) Even the Heliand is not entirely free from such deterioration; Cott. 91, 4, has wath for warth; 59, 24 thust for thurst, which I do not regard as errors because the same pronunciation is the usual one in the living Saxon dialects.

⁽³⁾ D. hersen stands to hjarsi almost in the same relation as Skr. cfrshanya to cirasya.

⁽¹⁾ Cod. 8 is imperfect from this § till ch. 29.

freho, ferehw, A.S. feorh, O.S. ferah, ferh, fera; Goth. fairhwus, etc. Freoblitto, -blêto virtually answers to A. S. feorhben in feorhbennum seóc, Beowulf, 2740.

§ 112. Andechabinus in 2 means handechafinus, as is proved by candechapanus (read chandechaphanus) in 4. It is a substantive derived with Goth. suffix (n)assus, A. S. (n)ess, O. S. (n)uss, Frankish nuss of the Psalms and Gl. L., etc., from handehafan, D. handhaven; cf. French maintenir, Spanish mantener, and (as regards the ending) A. S. ahafenes, O. H. G. bihabannissi, and the like. Such substantives in nassus are co-ordinate formations with verbs in inon, as Goth. skalkinassus, skalkinon, etc., and in so far handehabinus, handehafanus might be said to be directly derived from handehabinôn, -hafanôn, and indirectly from -haban. In Dutch occurs handhavenen, to leech, along with handhaven, to maintain (1). We learn from the Lex that with the Franks also handehasinus meant "medicatura," i. e. the expenses for the cure. In 6 and 10 the term has been misplaced; it should have come in § 7, &c. We should read in 6 handehafen, in 10 handehafenus; the former is a legitimate variation, and a substantive directly derived from handehafan (a verb of the ai class) with the common suffix nia.

§ 113. The slightly varying terms expressing beating with a club or stick are compounds, the former part of which is at one time wal, at another time widi or wado, wad, wald. Wal is Goth. walus, O. Fris. walu, wale, wal (in walubera), O. N. völr, a stick. Synonymous with it is widi for widu, A. S. wudu, O. H. G. witu, wood; M. D. wede, virga. Both words recur as synonymous in the O. H. G. terms walaworf (i. e. waleworf) and witworf in the Lex Bajwar.; s. Ducange i. vv. and cf. the Langobardic walapaus. It is not easy to say whether wald and wad must be looked upon as other synonymous substitutes. Wald, indeed, is scarcely distinguished from wal, in so far as wood, a piece of wood, and a stick, are cognate notions; and since walu is synonymous with widu, and on the other hand widu with wald, as we perceive e. g. in O. H. G. walt-falcho = wite-falcho (Graff, Spr. III, 498), it follows that in the Malberg also wald may be taken in the sense of a piece of wood, a club. It cannot be denied that wado may be a badlypronounced waldo, but if we suppose an error in the pronunciation or writing, we may as well think of waldo being a corruption of wando, Goth. wandus, O. N. vöndr, E. wand; cf. especially O. N. vandar-högg, a wand-stroke, flogging (s. Oxf. Dict. i. v. vöndr). I really think that in some cases the parent of wado, wad, is wandus, a wand, but as we find wade, wald, and wal also in another connexion, viz., as making part of a word expressive of "beating with the fist," clausa manu, clauso pollice or pugno, we must necessarily come to the conclusion either that the term is misplaced or that two similar words have been mixed together. Where wado, wade appears in connexion with the fist, it may more properly have been the equivalent of O. N. vödvi, whence vödva-sdr, explained to be "a fleshwound," Grágás II, 18 (2); vödva-skeina (Oxf. Dict. 721). The O. Fris. terms for the delict in question are even more variable, and to no small degree visibly influenced and altered by popular etymology, for how else shall we account for wedling and wednelsa interchanging with wonnelsa (see Fris. LL. 212, 16, and 333, 18)? Somehow or other there certainly is some relation between the O. Fris. wedne sleka (Fris. LL. 121, 10) and wadeflat in 2, waldphalt in 6. I shall not enter into any speculation about the connexion between wado, as well as widu, and Skr. wadha, because it would be out of place and rather tend to entangle matters than otherwise.

The second part of the compound, flat, and by metathesis phaltheo, faltho, falto, phalt, stands for flaht, falhteo, falhto, falht. It is a derivative from a verb *flahan, O.N. flá, A.S. flean, M.D. vlaen, E. to flay; to the same radical belong O.N. flagna, to flake off (s. Oxf. Dict.), and E. to flay. Allied to it is O. H. G. filljan, fillan, percutere, flagellare, verberare, Frankish of the Psalms (be)fillan, flagellare, D. villen, to flay. To the Frankish flat, i. e. flaht, answers exactly the O. Fris. fleht, flecht (for flahti) in offlecht, synonymous with of slech; e. g. Fris. LL. 32, one text has: "neiles ofslech fiwer enza; felles ofslec alsa fule" the other: "neiles offlecht fiuwer enza; felles offlecht alsa felo." The Latin translator, to whom the antiquated word was not very clear, had recourse to etymology, and renders it by: "unguis effugium (!) quatuor unciae; pro pellis effugio (!) quatuor unciae." He took flocht, i. e. flachti, for flecht, i. e. fluhti, flight. It is but fair to add that his error proves most useful to our purpose, for it shows that the reading of the MSS. is beyond doubt. I need not point out how near offlecht is allied to O. N. flagna, to flake off.

Fach in I is undoubtedly wrong, but whether it represents a legitimate form flach = flah, derived like Goth. slahs, etc., or should be flath = flaht, cannot be made out. For fodo in 2, foth in I, we probably should read flodo (for flogitho), floth; the vowel agrees with that in E. to flog.

Uueu adepaltheo in 6 has arisen from a combination of two readings, a fact which we have repeatedly had occasion to observe in that codex. The parent of the MSS. showed, it may be surmised, something like : { wade weduphaltheo. The upper w, after having been

mistaken for m, was subsequently expressed by a contraction.

§ 114. The text of § 9 cannot be an accurate rendering of the original law. For what has an attempt at spoliation to do in this Title? Our doubt is increased by the Malberg in 2 having murdo, in 6 nurdo, read murdo, in § 11 of 10 mosdo, read mordo; cf. Notes to Tit. XIV. The grave delict, so termed, seems to be that of a treacherous assault on the highway, with weapons in hand; hence the large amount of the fine, being as high as in the two first 66 of the Title. That § 12 in 6 and the corresponding ones in 10 are a later addition, we infer from two circumstances; first, because a special Title, LXI, treats of harawano, chaeroeno, chereno; and secondly because it is preposterous that one should have to pay 62½ solidi for an attempt, and only 30 solidi for the act of robbing. The very form in which harawano here appears shows that the § is taken from another source than that from which the bulk of 6 is derived, the same codex having carroenno in Tit, LXI. More about harawano will be found in the Notes to the said Title.

§ 115. Entirely different from the Malb. in 2, 6 and 10 is the one we find in I, namely, urtifugia. As the text has "per fugam evaserit," the word intended must be untflugia, escape by flight, from untfliohan, D. ontvlien, Goth. unhahliuhan, O. H. G. intfliahan, etc., to escape by flight. A feminine untflugia is not known from other sources, but justifiable as the counterpart to the O. N. neuter flug = flótti, flight. Flugia may also represent the dative of a neuter or masculine ja- stem: as such it occurs Gl. Prud. 521.

⁽¹⁾ See de Jager, Woordenboek der Frequentatieven, II, 785: "Weshalve ik haar beloofde 'sanderen daags weder te komen om de dochter te hand-

^(*) Misquoted in Oxf. Dict.

XVIII.

For the Malberg in this Title I refer to the discussion in §§ 95, 97, 99, 101. The notion of "innocence" attaching to seola as used in the Frank. Law is clearly indicated by the Latin words "innocens homo."

XIX.

§ 116. In touerbus of 2, thoour po of 7, 9 we easily recognise D. toover, O. H. G. soubar, incantatio, maleficium, veneficium (s. Graff, Spr. V, 580). Trouver in 6 should be touver (1), a dialectic variety of toover, agreeing as to the vowel with toufere, veneficus, in the Frank. Ps. 57, 6. The th in 7, 9, 10 is another instance of a bad but frequent spelling, just as in E. Thames. Quovirgo in 7 is an instructive instance of text corruption. Already the common parent of 7, 8, 9 had couirgo, or at any rate such a t as could be mistaken for c by all subsequent copyists. The change of co to quo is due to both co and quo being pronounced alike in the semi-Latin period. The temptation to express the sound heard as ko by quo was all the greater because quo virgo has such a nice Latin look about it. Errors of this kind go far to prove that the scribes were entirely ignorant of Frankish.

The variations in the latter part of the term are not readily accounted for. How shall we reconcile bus with 10 in 4, po in 6, go and po in 7, 9, pho, fo in 10? I guess that the word intended is gibus, gifo (gipho), the remnants of which are scattered in the MSS. Gibus is the gen., gifo the gen. or dat. c. of a fem. stem giba, gifa, O. S. giba, gifa, geba, Goth. giba, O. H. G. geba, giba, A. S. gifu, geofu, etc., donum. Tovergiba, toovergifa, exactly answers to the synonymous O. H. G. eittargheba, veneficium (s. Graff, Spr. IV, 122), and from the O. H. G., M. H. G., N. H. G., and D. word gift, poison, as well as from D. vergeven and vergiftigen, O. H. G. fergiftjan, etc., it is clear that the most common term for poisoning in the languages next akin to that of the Salic Franks must have been the very word givan.

Tovergiba may as well be rendered by "maleficium" as by " veneficium "; hence text 2 uses " maleficia facere aut dare bibere." A somewhat more limited sense may have been attached to the words "herbas dare bibere," as cod. I puts it. The Malberg wanting in the first & has, by some oversight, I fancy, passed into the next. For urti of urtifugiam answers so exactly to the Frank. uurt, uwurt (stem wurti), herba, in Gl. L. 1032 and 1068, A. S. wyrt, O. S. uurt, hettaruurt, etc., that we can hardly suppose the coincidence to be an accidental one (2). For fugiam, which in its way is as quaint a would-be Latinisation as quo virgo, I propose to read fulgiu or fulgia, both genitives of a supposed fulgia, being the nom. action. of fulgian, A. S. fylgian, to persecute, O. S. folgon, to inflict (injuries). It matters little whether we take fulgian in the sense of persecuting, as e.g. in Cynewulf's Crist, 1440: "fylgdon me mid firenum, fæhde ne rôhtun, and mid sweopum slôgun," or in

that of inflicting, casting upon, as in Heliand 161, 16, "folgodun im firinword, thar hie an feteron geng," i. e. "afficiebant eum blasphemiis;" in either case urtifulgia or uurt is capable of being rendered by "a giving, administering, of poisonous herbs," i. e. "herbas dare bibere."

The proposed insertion of the l may be justified by an appeal to the Malb. acfaltho, read atfaltho in 10, where the letter really makes its appearance twice over. Faltho, i. e. falhtho = falgdo, is not identical with fulgia; it is derived from another verb and with another suffix, but from the same root, and it can be proved from the use of felgian (for falgian) in the Heliand, that falgian (falhian) and folgon were synonymous. For in that poem (151, 19) we read: "thar im ôc en wif bigan felgian firinspråka." The corresponding verbs in A. S. ætfyligan and ætfelgan, both meaning "adhaerere" (cf. Grein, Gl. i. vv.), are likewise synonymous. The strong verb ætfeolan also shows essentially the same significations of "tradere" and "adhaerere, insistere." The same applies to the A. S. befeelan, bifeolan, immittere, infigere, tradere, O.S. bifelhan, and A. S. befelgan, bifelgan.

After reconstruction the Malb. in 10 will read thus: thouvergifo atfaltho; in 7 [8], 9, thoovergipho atfaldo, two substantives which may be rendered by the phrase "si veneficio (or maleficio) affectus fuerit." Whether gifo represents the instrum. or the genit. c. cannot be discerned; both are admissible.

§ 117. Closely allied to A. S. befeolan, tradere, infigere, is befæstan (s. Grein, Gl. i. vv.), whilst atfastan entirely coincides with O. S. felgian and folgon; cf. such expressions as êce edwit ætfæstan (Ps. 77, 66), and O. S. firinspraka felgian. It seems to me that the Malb. affectu leudi in 10 points to an original reading atfestu leudi. Atfestu would be the genit. c. of atfesta, the nom. action. of a supposed atfestan (for atfastian), a variation of A. S. ætfæstan. The appropriateness of such a word is shown by expressions like teónan, lad, ætfæstan (cf. Grein, Gl. i. v.). An indirect confirmation of the presumption that affectu is to be corrected into atfestu or, perhaps, atfestii, is the fact that in the latest MS. only we find a § running thus: "Si quis alteri aliquod maleficium superjactaverit sive cum ligaturis in aliquo loco miserit." What can have given rise to this addition? No doubt, the very word atfesta, which occurred in some sources, but, most likely, only as a synonym of atfaltho, atfalgdo. As however atfestian properly means "to fix upon, bind upon," some reviser took it in the sense of fastening or fastening upon (impingere), and thought it necessary to add a new o, in which he put his interpretation of atfesta or atfesti in the cautiously chosen words: "maleficium superiactaverit (i. e. impegerit) sive cum ligaturis miserit."

As regards the gloss in § 2 of 2 and 4, I can only remark that it is an erroneous repetition of the Malb. in the preceding Title, owing to the amount of the fine in both places being equal. No wonder that there is nothing like it in the other codices.

XX.

§ 118. The term for squeezing, pinching, is chamin, with the usual variations; the stem is chaminia, answering to such Goth. words as laiseins. The ending in, ini, ni belongs to the nominative; ino, no to the genit. or dat. case (1). Cod. I shows both chamin and cham-

(1) It is not absolutely impossible that here and there the word was pro-

nounced trouver, with a surreptitious r, as in French tresor, O.S. tresor and tresu in tresurhus, O.H.G. treso, D. trees [kamer], A.S. tresor; the O.

Frank. of the Psalms has trisewer, Gl. L. 957; the O.S. of the Gl. Prud.

(1) The i (j) must be elided before o, just as in Goth. gen. pl. laiseino for laiseinjo, etc. Equally so too before the ending osa of the comparatives, e.g. frodosa for frodjosa. This elision is older than the development of the Umlaut; hence adv. O. H. G. schoo, N. H. G. schon from the adjective sconi, N. H. G. schon.

^{576,} trasa-hūs. An analogous troover is possible, but at the same time it would be an unoriginal form. (a) It will be noticed that both here and in § 9 of Tit. XVII the text has "evaserit." Far from supposing that ustifugia in XIX also might be an altered untflugia, I think that the superficial similarity between both glosses has contributed to the corruption of the former gloss, not the reverse.

mino, the latter having gone astray into the next Title. In 2 we find (cha?)min, chamini, and chamino; in 6 chamno and chamin; in 10 chamni, chamnum, chamnin, read chamno. Chaminia is the nom. action. belonging to a supposed verb chamian, chammian, O. Fris. hamma, hemma, to pinch; e.g. Fris. LL. 333, 12: "jeved (i. e. lith) ehemmed is jeftha lemed is," i. e. if it (the limb) is pinched (squeezed) or lamed; and 220, 21: "tha endelesta lithe hammeth jeftha lammeth."

Slightly different is the term in 7, 9, to wit, chram (read chramn), chramen, chrami(n), erami (read cramin or chramin), chrannis (read chramne). The corresponding verb hramian, hrammian, is O.N. hremma, to clutch, whence hramm, a paw. It stands to Germ. krammen, to clutch, to wound by squeezing (cf. Hildebrand in D. Wrtb. i. v.), Danish kramme, etc., in the same relation as A.S. clemman, O.S. clemmian, M.D. and N.D. klemmen to Goth. hlamma. It is just possible that the corrupt erami in 9, and, consequently, chrami in 7, fully represents cramin, for in these MSS. the c is now and then expressed by ch; cf. chruda or churda for cruda in Tit. V.

Milicharde in 6, malichardi, -cardi in 7, 9, mane charde in 10 is an incorrect combination of two terms. The former dissyllable points to in elli, in ali, in alne, i. e. "in the elbow"; cf. Goth. aleina, O. H. G. elina, elin, elne, elle, O. N. alin, öln, etc., cubitus. Chardi, charde is O. H. G. harti, scapula; O. N. plur. herdar, the shoulders. In ali (alne, elli) ought to come in the second §. The original may have run thus: aramis (al. alne, elli, alin-) chamin; chardi-chamin. Alne, etc., would show the stem, as forming part of a compound; the same applies to charde and chardi, though this last word might also be a genitive sing.

§ 119. Most interesting is the word for breast, namely, bruct (i. e. brucht) in 6, bract (i. e. bracht) in 7, 9, bruch, read bruth in 10. The e in bructe, bruthe, as well as the i in bracti, are the signs of the dative. Brucht, etc., stands to O. S. briost, O. H. G. brust, A. S. breost, etc., in pretty much the same relation as e. g. O. H. G. kumft (presupposing an older kum(p)t), N. H. G. kunft, to M. D. and N. D. kom-st, and is exactly analogous to M. D. and N. D. (ge) wricht, compared with E. wrist; O. N. rist, the instep, answers to D. wreef, dialect. wreeg, wrieg; O. Fris. wrist, wirst; A. S. wrist, carpus. Wrist stands according to rule for wrihst, and is a derivative from the same root as the verb A. S. wringan, E. to wring, D. wringan, and Skr. wrhati, to wring, pull, snatch (1). In the same manner brust, i. e. bruhst and bruht, owe their origin to a verb which in Skr. appears in the form of brnhati, to swell; whence brhat, swelling, high, big; brnhayati, to cause to wax, to render big, etc. To strengthen this etymological explanation I refer to the Skr. wakshas, the breast, which belongs, apparently at least, to the family of the verb wakshati, to wax, and to uras, meaning also breast, allied to uru, extensive, broad; in all these words the notion of swelling, extending, extending one's self, covering, protecting, are contained at the same time. An almost convincing proof that bruht, brust, is really derived from brnhati is the fact that in O. N. we have, by the side of brjost, the form bringa, the breast, Swed. bringa, Dan. bringe.

As to the variation between the vowels u and a in brucht, bruth, and bracht, we meet with the same phenomenon in O. Fris., in which brust and brast are equally common, along with sundry other forms nearly allied to those in O. S., A. S., and O. N., viz.,

briast, and to the Dutch borst, viz., burst, borst. As to the dialectical th in 10 instead of ht (cht), cf. the remarks on druthe in Tit. XIII. Cf. also O. H. G. widharbruhtic, rebellis, widerbrustic with D. wederbarstig.

For itē (item) bracti in 7, 9, we have to read bi them bracti, by the breast; in 10 bi dem bruthe. Bi them or dem answers to O. S. bi them.

XXI.

§ 120. Flemere in 10, fimere and femere in 2, etc., must indicate the name of some kind of vessel, because the same Malb. stands in § I and 2, though in the former § there is question of transire, in the latter of furare. Considering that a Frankish w has often been mistaken by the scribes for an m, I think that the word intended is flewere, flewire, fliwere, fliwire, which is essentially the O. N. fley (1), fleyskip, D. vlieboot, E. flyboat. The personal ending ere, ire, very frequently enters, as we know, into the names of various kinds of ships, because ships as well as weapons are so to say treated as if they were living beings. In English we have such words as schooner, dogger, lugger, steamer; in Dutch there are perhaps a dozen of them, as eiker (O. N. eikja), a small ferry-boat; dogger, schoener, logger, driedekker, driemaster, lichter, stoomer, etc. Instances of even more distinct personification are the E. man-of-war and D. beurtman, a packet-boat. For the Frankish ending ere, Goth. areis, cf. helpere, Ps. 58, 18; hulpere, 61, 7; antfengere, 58, 11, etc.; ire is at least explicable; cf. the Saxon iri in biscermiri, Gl. Prud. 76.

§ 121. The Latinized ascus shows that the Franks, in common with the Norsemen and other Teutons, had the word which in O. N. sounds askr, a small vessel, a bark; A. S. asc, dromo; whence ascman, O. N. askmaör, and the would-be Latin Ascomanni. When we consider that the Malb. decidedly shows asco, which may be the dative or the accusative (2), and observe the dative plur. askim in the O. H. G. Hildebrand fragment and the D. form esch, an ash tree, N. H. G. esche, we must conclude that the word was a stem in u, which afterwards passed into the i class.

Changiasco, changasco, changascho—these are the readings intended—is a compound of asc, asch and changi, O. N. hengi, hanging. Changiasc, and with elision of i, changasc, is rendered in Latin by "ascum in suspensum positum"; the dative in Frankish is, probably, governed by the verb "to steal."

The isolated fectho in I is a riddle which I have no means of solving.

XXII.

§ 122. As antedio, anthedio, etc., indicates a fine of 1800d., it does not tally in the first § with the fine there specified. There must be somehow an error in the paragraph. The gloss not unlikely belongs to the preceding Title; at least, the required antedio has been omitted there in the last § and the last but one.

Urbis uialatina—thus read in 6-10—is here rendered by: "si quis sclusam de farinario ruperit"; in Tit. XXXI (cod. 6) by: "si quis mulierem—de via sua obstaverit aut impinxerit." Both translations decisively prove that there is no question of waylaying,

⁽¹⁾ The so-called root wark has nothing whatever to do with bark.

⁽¹⁾ It need not be remarked that fey, as it is etymologically identical with Gr. πλοΐον, must originally have denoted a vessel, a boat in general.

^(*) More probably the former, because after the analogy of O.S. and A.S. we might expect in the accus. asc, the syllable being a long one.

but of marring, obstructing the way. Consequently any other reading but latina (properly latini) is out of the question (cf. Notes to Tit. XIV). Urbis, a contraction of warbis, wurbis, is the genit. sing. of a word identical with O. Fris. warf, werf, a bank, dam; an elevated place on which a house is built; the place of the assemblies, which the Franks used to call the malberg (1). In much the same sense is used the D. werf; molenwerf is more especially the yard or wharf round a mill. It is unnecessary to point out that in this Title urbis uialatina denotes the obstructing the way to the mill wharf, whereas in Tit. XXXI in the first instance it signifies the obstructing the dike-way. From the context we learn that the would-be Latin sclusa which of course = D. sluis, is not only what in English is denoted by sluice, i. e. the floodgate, but also the upper part of it, i. e. the bridge. Up to this day sluis is the usual term in Amsterdam for a small bridge. The connexion between a wharf and a sluice may be illustrated by the following passage from the Fris. LL. (174, 16): "Thi ther welle ênne sîl ledza bî thâ hâga werve, thi urtle thrê fêt," i. e. "he who wishes to lay a sluice by the high dam, let him draw off three feet."

XXIII.

§ 123. Rasidio in 6 is certainly wrong. By reading rosridio, the riding a horse, we get a plausible explanation. Ros for hros is not strange, considering that the form with h has well nigh wholly disappeared in O. H. G., as may be seen in Graff, Spr. IV. 1179, sq. Ridio is an oblique case, not unlikely the instrumental, of ridi, D. rid, G. ritt, a ride. For all practical purposes the same term (h)rossreiv and (h)rossa reiv, is the usual one in O. N., decidedly in the sense of unlawful (2) horse-riding; s. Grág. I, 432; 442. The beginning of Tit. XXXII, p. 432 of Vol. I of the Grág., headed Of rossa-reivir shows a great family likeness to the Salic Law. It runs thus: "Ef maor hleypr d bak hrossi mans ólofat, þat vardar VI aura dfang. Nú rtor hann fram or stað ok varðar pat III marka útlego." This reads almost like the Latin text of 6 and 10: "si quis caballum alienum extra consilium domini sui ascenderit et eum caballicaverit." The difference between the Norse law and the Lex Salica is that in the latter the mounting and riding on are considered as constituting one act; on the other hand the Lex resolves, so to speak, the act into the two stages of mounting and alighting; the whole fine, which amounts to 30 sol., is also divided into two halves, each of them of 15 sol. In 7-9 indeed the division is not made, or if we would distinguish two parts or stages of the offence they would be the mounting and riding on. It would seem, however, that the text in 7-9 has been tampered with, for leodardi, i. e. a technical term for a fine of 15 sol., does not harmonize with the tenor of the text, which probably originally had the same as 10.

An analogon to the theoretical reduction of a whole act into two parts is the distinction between the entering and going out of some wounding object, as found in the Frisian Laws. Instead of stating the full amount of a fine for a complete wound, half the sum is fixed for the going in, ingong, inkeme, and the other half for the going out, algong; e.g. p. 120, 20: "Binetha tha midrede thruchsketen, thi onkimi en skilling wichtgoldis, thi utgong also felo." For other instances cf. Richth. Gloss. i. v. utgong.

§ 124. Burgositto in 10, boriosito—thus read in 7-9—is apparently quite clear, viz., "a sitting for bail," i. e. "the being a surety, responsible." Burgo, and its legitimate vicarious form borio, is O. H. G. burgo, burio, D. borg, N. H. G. burge, A. S. borg, a bail, guarantee. It is materially the same as O. N. abyrgo and abyrgja, responsibility, pledge; the verb dbyrgja, dbyrgjas is "to answer for" (cf. Oxf. Dict. i. v. and Grág. I, 432). Now, this responsibility for any damage in some cases necessarily implies the obligation to indemnify the owner in case damage has been suffered. How can the damage be made good? In two ways, either by paying a certain sum of money or by giving a substitute of equal value. This is, so far as I can see, implied in the words dbyrgiz sd rassit, "is responsible for the horse," in Grág. I, 383. Quite so in the Salic Law burgositto is the alternative of paying a certain sum, namely leodardi. Sitto is, grammatically, most likely a femin. stem in ia, like O. H. G. sessa in herisessa, obsidio, or in idn, entirely like the Latin obsidio. At any rate it is either the nom. action. of sitian, sittan, to sit; or (if it be a bad spelling for setto) of satian, to set.

Gestabo is obviously corrupt, and mutilated to boot. As a mere guess I propose to read borgestalio, which, if we except the suffix, answers to the D. borgstelling, suretyship. Stalio would be a femin. subst. formed like e.g. O. H. G. neri, sustentatio, from stalian, O.S. stellian, O.H.G. and A.S. stellan, G. and D. stellen, to put.

XXIV.

§ 125. For chrascaro in 6 and charcaro in 7, read charscaro; in 8 and 9 we are to read charscharo; in 10 harschara. Harscara, etc., in genit. and dat. c. or or ora, governed by leodardi, is a genuine Frank. word signifying "hair-shearing," from the common Teutonic har and scara, A. S. scaru, scearu, tonsura (1). For more about the word see below. It may be asked how it came to pass that a term for shaving of the hair stands in the Malb. of § 1. I am not able to offer a wholly satisfactory answer, and can only suppose that charscare, which is wanting in the older texts, is an innovation of the revisers, a substitute for an older reading the meaning of which they failed to understand. In the original text the term may have been charechano, harechano, crinitum, the accus. sing. masc. of the adject. charech, hareg, etc., hairy. Such a word might be easily understood, it would seem. In reality, however, the reverse is the case, because "hairy" may be used in two senses, and one of them, in a certain point of view, exactly the reverse of the other. The wearing of long hair was in general a token of nobility or of high caste; in so far a "puer crinitus" may mean a noble or freeborn boy. But if hair was taken in the conventional sense of hairtust on the head, a "hairy boy" would be one who had not yet his hair hanging down; in such a case a hairy boy may be said to be the opposite of "puer crinitus" (2). Now, it is curious to note how even the more ancient texts first speak of a boy below twelve years of age and afterwards of a "puer crinitus," whereas 7-10 add "non tonsuratus," further amplified into "sive crinitum sive incri-

⁽¹⁾ The O. Fris. warf, werf is of masc. gender, which Richth. in his Gloss.

has failed to notice; see e.g. Fris. LL. 180, 6.

(*) The translation "equitatio illicita", in the edition of 1829, gives the right sense; "horse-riding" as the Oxf. Dict. has i.v. **Arves* is defective; "horse race" positively wrong. Right again is Erik Jonsson's "Ridt paa en Hest (uden Tilladelse)."

⁽¹⁾ Another meaning of scara shows O. N. skör, O. H. G. scara, i. e. tuft of hair, the hair of the head.

^(*) It entirely depends upon the custom of the various tribes or families in which sense the same word "hair" is to be taken.

nitum" (1). Consequently, they must, not unlikely, have found in their source a term, either *chârag* itself or a word synonymous with it, which admitted of a double interpretation. This much may be held as certain that the original text at any rate contained a word for hair (or tuft) or hairy (or wearing a tuft).

Basing ourselves upon this result we may proceed to discuss the meaning of familishth. For fith we have to read frith or firth, a word known from Tit. XVII. We may render it by "damage, injury"; cf. A. S. mid unforedan &ve, "pleno iuramento" in Will. II, 3. The translators confused the word with frithu, i. e. satisfaction, as we see from § 5 below. Their error, which is quite intelligible in a case like this, proves that they read frith or perhaps fredo, i. e. O. Fris. frotha, not O. Fris. frethu. Virtually both words amount to the same, and thus leode of 2 is perfectly right. Familis must be a genitive and bears the distinctive mark of it. The only difficulty lies in the radical syllable. Aided by the Malb. in 7-10 we see that the word intended is faxiis (al. fahsiis), the genit. sing. masc. of faxi, crinitus, an adjective derived from fax, A. S. feax, fax, O. S. and O. H. G. fahs, O. Fris. fax, a tust of hair, and the mass of hair falling mane-like down at both sides of the head; less accurately used for the head-hair in general. The slight variations in the meaning of fahs must date from time immemorial, for we may trace the same back to the Skr. paksha and keçapaksha. This is not the place to enlarge upon the otherwise attractive topics of the prominent part played by the ceremonies of shearing or shaving the hairtuft of boys, of their wearing the paksha, (kakapaksha,) the fahs, and kindred subjects. Suffice it to hint at the connexion between the "pueri criniti" of the Franks and the kakapakshadharas of the Indians, in order to impress upon the reader that we have here to do with customs dating from the remotest antiquity, which, under the influence of modifying circumstances, became so altered that the idea underlying the symbolism of the custom was no longer recognised. It is not the task of the philologer to make out what faxi implies. It may mean either "one who by right of birth is allowed to wear long hair" in contradistinction to slaves and serfs, or "one who has attained the age in which boys, especially of the warrior classes, wear locks." The latter interpretation is the more probable of the two, both on account of the common meaning of paksha kakapaksha, and kakapakshadhara with the Indians, and of the tenor of the Latin text in the oldest codices. An adjective faxi, crinitus, would be regularly derived with possessive suffix i from fax, like e. g. A. S. sliv (stem slevi), Goth. sleips from Goth. sleipa; O. H. G. rumi, spacious, from rum, space, etc.

§ 126. The term for "femina ingenua" is leodini, leudini, formed with femin. suffix niā from leodi, leudi, the Latinized plural of which, Leudes—it is well known—may be rendered by "homines, cives," answering to M. H. G. and M. D. mannen. Leudinia is as regular an accusative as a genitive.

Leodosanii in 2 is meaningless. Leodonie or leode leodonia would suit. Sanii may be a misplaced faxiis.

§ 127. A "femina ingenua et gravida" is called adnouaddo, anouaddo, in 2; annouuano in 6, etc. Leode in 2 must be dismissed at once; the true reading is leodinia, as preserved in 7-0, a reading cor-

roborated by "ingenua" in 2. By comparing the Malb. of 2, etc., with facts known from elsewhere, I have arrived at the conclusion that the approximately correct readings are as follow: andoca[n]ddoalong with a variant anoca[n]ddo leodinia in 2; ann-ocano or dialect. annoucano in 6; anocano or anoucano (leodinia) in 7-9; anocano leudinia in 10. And-ôcan = ann-ôcan, anôcan, is, except the immaterial difference of preposition, A. S. edcen, gravida, praegnans; for examples s. Grein, Gloss. i. v. It is properly a past participle. The present participle of a cognate verb is used in A. S. in the same sense, in edeniende wif, mulier praegnans, Exod. 21, 22; the corresponding Frankish form is ôcnandio, in the accus. also ôcnandio (1) assimilated to ôcnaddo; the O. S. form would show ôcnandia, ôcnandie, or -da, -de. It is by no means impossible that under the various readings of the Malb. a third variation, viz. A. S. geedonod (Elene 341), gravidata, is hidden; the Frank. would be (and)ocnado, etc. A participle is O. S. gibcana, impraegnatam, in Heliand 9, 10: "sagda thêm siu welda, that sia habde giôcana, thes alowaldon craft, hêlag fon himile." An adjective is ôcan, like Frank. anôcan, in the same poem 6, 11: "ward thiu quân (quena) ôcan, idis an ira eldiu."

Although we know that in ancient MSS. ci can scarcely be distinguished from a u (2), it will be worth while to show that the Latin text in the very next paragraph bears traces of being partially based upon Frank. words which contained a c. Before endeavouring to make good my assertion I have to observe that at one time the Franks must have had the two verbs canian, cannian, A. S. cennan, O. S. kennian, O. H. G. chennian, the one signifying "gignere, producere," Skr. janayati, etc.; the other "to acknowledge, to know, to note, name, cognominare," O. N. kenna, etc. Let us now look at the Latin text.

In the oldest codd, we find two cases mentioned, viz. of a child "in utero matris," and "antequod (quam) nomen habeat." The younger MSS. add "intra (infra) novem noctes." The words "antequam nomen habeat" point to and (ant)- cand; ant also meaning "usque ad, until," and cand being the past partic. of cannian (cf. bicanda in Frank. Ps. 55, 10; 70, 15; becandon 73, 5, O. H. G. chanta, N. H. G. kannte, gekannt); the supposed variant an(t)cando, i. e. "conceptum" or "generatum," scil. barn, was interpreted as if the word were no compound; cf. A. S. oncennan, parere, etc., Ettm. Lex. 406. Not far from this hypothetical andcando (annc., antc.) stands the gloss anneando of 2. It is difficult to decide whether the necessary c, both in the former Malb. and here, had already passed into a u or e. The appearance of the rather strange addition, "infra novem noctes," in 6, 5, and the Lex Emend., suggests the idea that the corrupt neuu, nouu, is at any rate anterior to the text of the said MSS. such as we have them. For the addition is the product of a wrong interpretation; neuuando, dial. nouwando, is "the ninth," or a substantive neuuand, O.N. niund, a nonad, or a period of nine days. And newando "usque ad nonam," in the meaning of the amplifier and reviser, was translated by "infra (intra) novem noctes."

It is, of course, impossible to make out what the original Salic Law had or intended. Most likely, however, the word "newborn," which everybody would expect in this place, was not absent. Ann is so extremely like niu, niu, ni, that it would seem far from

(2) Cf. e. g. arte for curte, in cod. 3, Tit. XXXIV, § 4-

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⁽¹⁾ The absurdity of the distinction and addition in the later texts need not be pointed out. According to them it is all the same whether one kills a "haired" or a "not haired" boy. Why then mention them at all? The earlier texts are not much better; in them, too, the distinction made is nuratory.

⁽¹⁾ The accus, on account of the same case standing in the Latin text and of *leodinia*; otherwise a nominat, in io, o, after the analogy of e. g. O. H. G. berantiu, berantu, would seem to be more regular.

rash to assume that by ann of the Malb. niw has been effaced or superseded. Annona in 7, anno ano in 9, anno uano in 8, look as if they were written by one who saw traces of some letter between o and a, without being able to make out what character it was. In short, the original may have had something like the following: barn ancando (variant antcando) and niuu- (nû-, nuw) ôdano (oudano). Niu, etc., requires no justification; cf. Goth. niuklahs, new-born, rhnios. Ôdano, O. S. ôdana, ôdane, oudano, is the weak neuter accus. sing. of ôdan, O. S. ôdan, born, a word familiar to all readers of the Heliand.

§ 128. In the second § of 6 we meet with a repetition of the error chascaro, read charscaro, hair-shearing, corresponding to "si quis puerum totonderit." The cutting off the hair of a girl is called theoycata, read theoiscatha. Theoi, representing thewi, Goth. piwi, etc., a girl, shows a spelling not common in the Malb., but frequent enough in Frank. documents, e. g. Ebroin for Ebrwin, and the like. This way of writing points to a pronunciation of the w, like that of the English, among some Franks (1). Scatha, if it be a variety of scatho—which is possible—would be exactly O. Fris. scatha, scada, O. H. G. scado, injury: allied to Goth. skapis. It may also be a femin. word, D. schade. However that may be, it is at any rate derived from a verb, A. S. scæddan, sceddan, sceddan, sceddan, laedere, vulnerare, O. N. skeoja, to scathe, hurt. A legitimate variation in spelling is schada in t(h)uschada of 2. Thû is another pronunciation for thiu; it also occurs in the plural thuwe in Gl. L. 936; cf. D. wouw for wiu, houwelijk for huwelijk from hiwi, etc. For theochada in 7 read theoschada; for theohichada in 9, theoischada. In order to show how closely the idiom of the Franks resembles in small details that of the Frisians, their neighbours, it is worth while to remark that in the Frisian Law we observe the same words scara and scathigia, scathia (*scathon, *scathoian) or their derivatives as fully synonymous. Thus O. Fris. hersced is used in the same sense as harscara in the Malberg (s. Richth. Gloss. i. v.). A common term for cutting, sharp, is O. Fris. scath, scade; thus mith scadu wepne, scade wepne alternate with mith scerpe wêpen (cf. Richth. Gloss. i. v. skad). Clear traces of the same idiom occur in O. N.; e. g. in Grag. II, 11 we read: "En þá er skorit, er skeddr beini eðr brjóski," which the editor translates by "secatum dicitur cum os vel cartilago laeditur."

In theoctidia (read theoscidia?) in 10, scidia stands for scedia, in which e is the Umlaut of a. Since the i, taking the place of the Umlaut of a, very frequently occurs in M. D. when followed by n, it may be that we ought to read scindia = scendia, materially the D. schending, violation, spoiling; from schenden, A. S. scendan, scyndan, contumelia afficere; cf. Ettm. Lex. 672, sq. and Grein, Gloss. i. v. scendan. Thercoheata in 10 shows unmistakeable traces of a second-hand correction misunderstood by the scribe; theoschatha, a vicarious form for thuschada in 2, will be right. That the term must agree with the one used in 2 follows moreover from the juxtaposition of uuerdarda in 10, evidently the gloss uirdade in 2. Add to this uidridarchi of cod. I in Tit. LXIX. For darda we would rather expect dardi = darde (thus we must read in 2) and darthi (intended in 1). Darthi is a not uncommon Frankish form for dardi, like ferthi of the Frank. Psalms for ferdi. It is derived from a lost deran, whence A. S. derian, D. deren, to hurt, scathe, in the same way as O. H. G. scarti, abscisio (in lidscarti, s. Graff,

Spr. VI, 528); or, perhaps we might say, from an adjective darth, dard, like scarti from scart, O. N. skaror, sheared, hacked, diminished; O. Fris. skerde. In fact, in meaning, dardi, and a possible vicarious darda for dardia, do not differ from D. deer, hurt, or A. S. derung (Ettm. Lex. 559), daru, O. H. G. tara, tarunga, O. Fris. dera, etc., all synonymous with scatha, etc., and akin in signification to schara. The former part of the compound is uuerd, werd, wird, wirid, O. H. G. wirt, tortus, flexus; wirta, filix (1), evidently meaning here a hair-plait, wreath. Wiriddarthi, intended in I (Tit. LXIX), wirdarde, werd(d)arda in 10 signify "the scathing the hair-plait or wreath."

It cannot be doubted that the strangely disfigured autchardo in 7, etc., contains, if not the same elements as werddardi, at least the same idea. The same may be said of schuisara chrogino in 10. In schuisara we perceive that uis, being an after-correction, has penetrated into the body of the word schara. Schara being known, we may be satisfied that chardo in 7-9 requires to be corrected into schardo, O. H. G. scarti, O. Fris. scherd, a shearing, which stands to schardi in the same relation as e. g. A. S. hyldo to O. S. huldi; or leodardo to leodardi, and similar instances. Chrogino is a mistake for charogino, i. e. "criniti," the genit. masc. sing. of the weak declension of charog. That the Frank idiom keeps to Goth. and O. H. G. with respect to the ending in of the genit. and dat. we know from the Malb. oxino; in preponderates also in the Frank. Psalms, e. g. herrin (domini), 67, 21; 70, 16; herrin (domino), 67, 32; 72, 28. Yet the ending on, analogous to A. S. an, O. S. on, an, un, is not wholly wanting in the dialect of the Psalms and the Gloss. L. (cf. Heyne, Laut-und Flexionslehre, p. 277), nor in the Salic Law; cf. Notes to Tit. CVI. As regards the additional o, cf. the Notes on oxino in Tit. III.

It now remains to explain uis of 10, aut of 7, huut of 9, uus of 8. This much is obvious, that aut is a badly read uut, which some cockney wrote huut. Further, it will hardly be contested that uis, uut, uuz, must be radically and virtually identical with wird, a hairplait, wreath. Were it not for a doubtful O. H. G. wista, filix, mentioned by Graff, Spr. I, 1025, I would not hesitate to read uuirt-schardo in 7, 8, 9; as wird regularly becomes wirt in a case like this. At all events we cannot be far wrong in reading unirt. Uis or uist would be admissible if the doubtful wista proved to be right (*). The Malb. allows us also to read uisa or uira. Wira would be O. H. G. wira, wiara, a crown, diadem, crest (cf. Graff, Spr. I, 961), allied to A. S. wir, O. N. virr, wire; wir would be identical with the English word; cf. O. N. vira-virki, filigree. The corresponding Skr. word is weni, weni, a plait, wreath, wire, thread; the lingual n points to an older wesni or werni; the simpler form of the root is wi, wi (wayati), to which also belongs, among others, Old Slavonic wênici, a crown, wreath; cf. Tit. XXIX, at the end.

§ 129. Smala, M. D. smale, a damsel, a young lady, has been, so to say, Frenchified into exmala in 10; cf. extringere for stringere, Tit. XX. Another corruption of the same kind is ismala, changed by some cockney into hismala; cf. ispicarium of cod. B, Tit. XVI,

⁽¹⁾ Now-a-days such an English sound of w only survives in villages on the seacoast of South Holland.

⁽¹⁾ Cf. Graff, Spr. I, 1025.

^(*) I suspect that in usualredo in § 5 of 10 (col. 61) some word like unis- (or unis) derdo = wirdardi is hidden, and that the gloss is misplaced. In order to explain such an error, I assume that the original text had chârogino (i. e. criniti) wisderdo; the translator took chârog in the sense of chârog, a servant. The confusion is the more easily explained because a dialectic form chârog may have existed by the side of chôrog; cf. below § 133.

col. 96, and the still further corrupted instrinxerit, Tit. XX (XXIII), § 1 of cod. 10. The cockney h being mistaken by some copyist for the genuine h, it was changed into chi in cod. 3. In smala leudi we see smala, a genit. or dat. femin. after the declension of the substantives. Ledi in 7, 8, 9 is another pronunciation of leodi; such an l, very common in modern Saxon dialects, was not wholly unknown to O. S.; lef for leof, liof, lief, occurs Heliand, 82, 24; 150, 18. Schala in 7 should have been corrected into smala, or rather smalcha, as 8 has, and as it ought to stand in 9 also. Smalecha, smalcha is properly a diminutive of smala, formed like O. H. G. wipihha "foemina," properly "femella," a female.

§ 130. As to nuchala in 10 I suppose the true reading is iunchala or iuchala, i. e. a form standing to M. D. jongeling, a young woman, maiden, much in the same relation as Lat. iuvenca to French jouvencelle (1); the mascul. counterpart, Frank. jungelig in Ps. 67, 28; O. H. G. jungeling, A. S. geongling, etc., is well known.

In 10 §§ 7 and 8 must have been supplied from another source, because the spelling *leodinia* with eo instead of eu is against the custom of the codex.

XXV.

§ 131. For sinaerohen in I read thinne- (i. e. thine) rôfen, the ravishing a girl. Rôfen, the Goth. form of which would be raubons, is a femin. stem in ia, and the nom. action. of rofon, robon, rdvon, A. S. reafian, O. Fris. rdvia, rdva, D. rooven, etc., rapere. Substantially the same is theurora, read theorofa, in 10; likewise thuueroubano, the word intended in 9; in 7 we ought to read thuuerouvano, the final u in the cod. being a mere mistake arising from the o and um being sounded alike in the semi-Latin of the period. The loss of the initial t, a wrongly spelt th, is occasioned by the similarity of the characters ci and u; we have already met with many instances of the same error, the last in anocano, etc., in the preceding Title; cf. the notes on ahelepte and abasym in Tit. III. The ou we know to be a dialectic variety of oo; it is the usual one in the Frank. Ps., e. g. rouvas, rapinae, Ps. 61, 11; gerouvi, 67, 13. In unervanathe of 6 the head has been put at the tail; the word meant is, of course, theunerovana (or -rouvana). For uirtuane in 2 thiuirovane (or rofane) is required; uirtu looks so very much like Latin that the ignorant copyist could not help improving upon his original.

§ 132. Fredolasio in 6, by the side of the more or less varying forms of the other codd., signifying "fornication, concubinage," are derivatives partly with the femin. suffix ia, partly with ina, from fredolaf, friolaf, frilaf, expanded into firilaf, manifestly the O. Fris. friudelf, frudlef, frudelf, amasius; closely akin to O. N. fribill, a lover; fribla, frilla, a concubine; O. H. G. friudel, friudol, fredel, fridel, amasio; fridila, amica; friudalin, friudalinna, concubina. Consequently the approximately correct forms will be firilafyo in 2; fredolafio in 6; friolafia in 10; frilafina in 7-9.

§ 133. Theolosina is "the beguiling, seducing of a girl, servant girl" (2). Losina is substantially A. S. ledsung, E. leasing, Frank. losong, dolus (Ps. 37, 13), O. N. lausung, etc. The quantity of the o is not clear; if it be short, the word is formed like Frank. and O. S. lugina, D. leugen, logen, mendacium; Frank. drugina, dolus, Gl.

L. 210. If on the other hand the vowel be a long one, the suffix is niă; cf. such nominatives as O. Fris. dépene, etc., against Goth. daupeins (1). An interesting dialectic variety is shown by theolasina in 6. Both long and short o, i. e. Goth. au and o, Goth. u, very frequently pass into d and a in sundry Saxon dialects, especially in those spoken on the borders of Franks and Saxons, in Twente, formerly in Zutphen, Cleves, Geldern, Jülich, and thereabout. Even in the classical Heliand we come across gibaran for giboran, C. 25, 10; thalon for tholon, C. 95, 10; bâm M. 53, $5 = b\delta m$ C. For the frequent occurrence of a and d instead of o and oo in the Saxon of the Freckenhorst document, cf. Heyne, Laut-und Flexionslehre, p. 46. The same dial. a or a recurs in anilasina, read thuuilasina in 10. Eualesina in 8 we should correct to theuulesina; the e or e represents the Umlaut of o or oo, better written a, as it is not likely that such an Umlaut was pronounced in another manner than it is at present in the Frankish and most Saxon dialects, or in M. H. G. and M. D. It is just possible that e is an innovation of the scribes, who, being in the habit of replacing even a Latin oe by e (2), saw no harm in doing the same for the Frank. In Latin documents of the Frank kings we repeatedly find names of well-known places in the Netherlands containing the æ (spelt eu in D.) written with i, e. g. Lisidun, now-a-days Leusden. In short, a real e or i, sounded as such, in cases where the Umlaut of o or oo is required, would be an anachronism in any ancient Frankish, Saxon, or High-German dialect. In A. S. and Frisian the case is quite different, of course. Theulasina in 10 wants no further comment; it shows the usual orthography of the cod., and is therefore genuine. The reverse is the case with theolasina unirtico, which has been added from another source, the same from which 6 is derived. The common source was already troubled: the term required is uvirligo or uverligo, in substance O. H. G. ubarligida, adulterium; from ubarligan, stuprare. Perhaps we should replace uvirligdo at once; yet a femin. subst. uvirligo for uvirligio, be it a nomin. or an oblique case, is admissible upon the analogy of giba or hilpa and such-like formations. Theolasina, the seducing a girl, and uvirligo fornication, adultery, are, of course, two distinct words and ought to have been separated, or else connected by "or."

§ 134. Babmundo in 2 and bathmonio in 6 do not agree. To restore the harmony between them we have to read bah for bab, and bach for bath. The ending of the word reminds us of O. Fris. nedmund, which means "violence" as well as "violation, ravishing." Here and in sundry other words mund is not the well known Teutonic mund, manus, tutela, but a suffix corresponding to Latin mentum. Nedmund is a derivative from the Goth. naujan, δναγκάζειν, βιάζειν, just as e.g. Lat. blandimentum from blandiri, testamentum from testari. With the same suffix is formed O. H. G. hliumund, N. H. G. leumund. Closely allied is the suffix muni, e.g. in Goth. lauhmuni, lauhmoni, lightning; essentially the same as Lat. monium, e.g. in vadimonium, testimonium. A third suffix of the same family is Lat. mnia, Goth. fni; e.g. calumnia and Goth. wundufni, wound (3); while a fourth of the same family is Skr.

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⁽¹⁾ Young is etymologically Lat. invencus, Skr. yuwaça, and in so far already a diminutive; but in sense it has become identical with Lat. invenis, which in

its turn is an amplified *iuven*, Skr. yuwan.

(*) This must be gathered from the text; for in composition the themes thiwa, a male servant, and thiwja, a female servant, have become alike.

⁽¹⁾ It is moreover by no means necessary that losing should here represent a nomin, case.

^(*) We find a striking example in the very same MSS., namely, mechatus and michatus for moechatus.

^(*) The variations in the quantity of the vowel are explained by a reference to such forms as Skr. mana, Gr. µevos, Lat. manus, Bactr. mno in the partic. medii; and by the interchanging of Skr. man, man, e.g. in daman, naman. The alternating of forms with and without f is exemplified by dróµaros against Lat. nominis, Goth. namins, etc.

man, etc., O. Fris. ma in brekma, werthma, the latter being a variety of werthmond, in meaning = A. S. weotuma; Goth. ahma, hliuma; O. H. G. wahsamo, Frankish wahsemo, wasmo in Gl. L. and Psalms, etc. Bahmund and bachmoni therefore are legitimate vicarious forms, standing to each other well-nigh in the same relation as O. Fris. werthmond to werthma, whereas O. Fris. wetma (for wedma), A. S. weotuma, M. D. wedem are mere varieties of a word which in Latin has survived in vadimonium [1].

Light is thrown upon bach or bach by O. N. bagga, to hinder; bagi, inconvenience; baglatr, broken, maimed; bagindi, pl. difficulties, distress; bdgskaddr, distressed (s. Oxf. Dict. i. vv.); O. H. G. bah, kipah, corrupto; bahemero, vitiato vel scabro (see Graff, Spr. III, 29). Bahemer is an extremely interesting word; as to its meaning and the suffix it entirely agrees with Skr. pamara, scurvy, miserable; a knave. The Skr. suffix mara is properly a secondary one, and denotes intensity, e. g. in ghasmara, voracious, lickerish; açmara, stony; pâmara, etc. Such formations point to a primary formation of substantives and adjectives in man. Therefore bahemer points to a lost bahemo, which would be a vicarious form of bahemuni, bahemoni, bahemund. From the instances adduced from O. N. we gather that the notion of distress, pressure, is prominent; the same may be said of Goth. naups, O. S. nod, angustia, periculum, violentia, A. S. ned, etc.; O. Fris. ned, D. nood, O.N. neyo, need, distress. Hence we get the equation: Fris. nedmund = Frank. bahmund, bachmoni, the former derived from a verb nêda, nêdgia, O. N. neyba, to force; naubga, to ravish; whence nauogan, ravishing = O. Fris. nedmund.

It is not clear for what purpose bahmundo, bachmonio—not unlikely an instrum. case meaning "by way of ravishing"—should stand where we find it. Paragraph 4 of cod. 2 contains two clauses, but there is only question of one act, which, however, may have two totally different issues. Now, as the term for the act itself is of much more importance than that for its results, it would appear that bahmundo, etc., is misplaced; in short, that the Malb. represents the subject matter, the rubric, perhaps, of the whole § in 2, and of the two corresponding §§ in the other codd.

§ 135. Anthamo in 6, 7, 8, 9, authanio in 10 is more awkward than it seems at first sight. The most probable correction—for in the shape in which the word appears it is quite meaningless-will be by reading anthavio, the nom. action. of anthavian, a word as ambiguous as the Latin "tollere"; it is the O. H. G. anthevan, intheban, etc., sustentare, sufferre; differre; anthabên, sustinere, torquere, suscipere (s. Graff, Spr. IV, 818 and 730); O. S. anthebbian, sustinere; D. ontheffen, to deprive, exempt. Anthavia therefore signifies, at one time "the taking up," at another "the taking away." It would seem that the translators did not wholly agree about the choice of the rendering; for anthavia if interpreted in the sense of "the taking up, taking to one's self" may have given rise to the Latin "in conjugium associaverit," whereas the other interpretation is represented by "invitain traxerit" of I. It is for this reason that I would prefer an ambiguous word, and such a one is anthafia. It is all the more difficult to arrive at a satisfactory conclusion because by a slight change we get amtanio, the dative of amtani, "ancilla."

XXVI.

§ 136. The two formulas, one for the solemn manumission of a litu, the other for that of a slave, must necessarily contain the same words, except the difference of litu and slave. Not one of the codd. with the single exception of 10 approaches the required reading, and by giving self-contradictory evidence they put themselves out of court. After a slight correction in the readings of 10 we get the following formulas:

maltho: the atomeo, lito! maltho: the atomeo, theo!

i. e. "(si) concionetur (dicat): te libero, lite," or "serve." Maltho is the 3rd sing. pres. subj. of malthon, malthoian, A. S. madelian, matolian, praet. matelode; metlan, mætlan, to speak, deliver a speech; Goth. mapljan, etc. The metathesis of mathlo into maltho has its exact counterpart in the D. naald, needle, for nadl; O. Fris. neld by the side of nedl; cf. A. S. bold and botl (bodl). The subj. mood will be governed by a word like "if" or "whosoever." The = A.S. pe, O.S. thi, te; atômeo = O.S. atômeo, atuomeo, libero. Lito and theo are vocative cases of litu, O. Fris. letma, a litus (letus), serf, and theo, a slave. Letu in 1, and leto (as we must read in 6) are legitimate vicarious forms. For chi in 6 and hi in 2, hi, ft, and fr in 7, 8, 9 read thi, O. S. thi, te. The use of the oratio directa is a constant rule in the old Teutonic Laws wherever a formula is introduced; e.g. Grág. I, 392: "Ef maör mælir svá," " þú skalt gjalda mér vaðmál ok skil ek frá annat fé allt," " þá kömrat hann öbro við." So, too, in the Fris. LL., e.g. 152, 12: "Hwerså ma spreck umbe ên gold and spreke," "ic nebbe nên undhent," "så undgunge hi mith sînre sêle"; s. also

Among the numerous blunders of the MSS., both in the Latin text and the Malb., some are so instructive that they deserve to be pointed out, in the first place those which are occasioned by the manner of pronouncing the semi-Latin (Galloromance) of the period. In I and 2 we see tus meo; the scribe, unacquainted with the Frank. word atomeo, separated the syllables, and as a final s was but slightly sounded or not at all, he expressed the sound δ , which in his ears had a sound between θ and \hat{u} , by us. Those who are in the habit of writing a final s, inherited from an ancient language, but no more sounded, will be prone to add the same mute letter where there is no etymological reason for such an addition (1). The repeated d in 6 instead of t points to such a state of the Romance language of the country as has continued in Spanish; in other words, the people of France, who used the Roman idiom, no longer pronounced the t, e.g. in potest, amatus, but sounded a d, just as in Spanish we find poder, amado; they had not yet reached the later French pronunciation in which the letter was wholly dropt. It is not only in the Malb. that we observe ledo and adomeo, but also lidus in text Lexm in 2 can only be explained by supposing that the process of corruption had been going on through several generations of MSS. A first step in the wrong direction was that the true reading leto was altered by being spelt letum or lecum, because in the language of the scribe um and o were interchangeable sounds. Lecum by a second wrong step became corrupted into leccim; cf.

⁽¹⁾ I have not the slightest doubt that along with werthmond there once existed a word wedmond, as wed is the word here required, guaranteed by the English wedding and wedlock, not to speak of the regular confusion in Frisian between rd (rth) and d. The high antiquity of wed is proved by Skr. wadks, sponsa, épouse; the so-called root wadk properly means "to bind, to slay"; cf. Lat. icers fadus.

⁽¹⁾ It seems to me that the French spelling of je mets and suchlike words is, at least partly, due to the same reason.

leciim in Tit. XXXV, § 3 of cod. 2. As cci does not differ in sound from xi the error leccim was subsequently made worse by the spelling lexim; from this emanates lexm. Fr in 6-9 is the result of ur, a misread m; the scribe pronounced vr and expressed this according to his orthography by fr. In anthamo (s. preceding Title) the same MSS. did not recognize anthavio, and thus by its very corruption the vi escaped the fate of being changed, though in this case the change would have done no harm. Athamo in the second formula in 10 is a mistaken athumeo, a bad spelling for atumeo; the u instead of o has nothing peculiarly surprising in so young a MS.; cf. in Gl. L. 975 untumig for untuomig, i. e. untomig. Homitto in 2 is an ingenious endeavour of the scribe to make Latin out of Salic; a touch of cockneyism is rather an ornament than otherwise.

XXVII.

§ 137. Thuochapo, etc., in 7-10, is misplaced; for thuo, tuho is unmistakeably O. H. G. chua, chuoa, chuo, Frank. of Gl. L. 196, cuo, a cow; au in 10 is a corruption of cu or cuu (i. e. cu). The Malb. no doubt signifies a "tintinnum de pecore," and ought to stand in the next. 6. On comparing chapo with rappo we may be satisfied that the better reading is chappo or cappo. How are we to explain it? Is it the A. S. hoppe? This is used to render the Latin bulla in Oros. 4, 10; but a dog's hoppe cannot have been a simple string, it must have had some sounding instrument attached to it, for in Edgar's LL. 1, 8 it is stated that "Hryberes belle and hundes hoppe and blæshorn, pissa preora ælc bið scill. weorð, and ealc is melda geteald." Now, melda, i. e. denuntiator, betrayer (not manifestatio, as the appended Latin version puts it), if applied to lifeless objects, as a horn, an axe, etc., indicates that such objects by their noise betray the delinquent; cf. Ine's LL. 43, § 1. The difference between the vowel of A. S. hoppe and the supposed Frank. happo would be, curiously enough, analogous to that in D. klappen and kloppen, to clap, knock, etc., N. H. G. klapfen and klopfen, etc. (cf. Hildebrand in D. W. i. v. klapf). Or is the very word clappo, M. D. klappe, crotalum, Swiss klapfe, a copper bell, intended in the Malb.? The choice is the more difficult because both chappo and clappo are equally admissible, and the evidence of the MSS, in regard to the point at issue is not worth anything.

Unfortunately the variant chaido in 8 gives us no light. It is beyond doubt that chai is corrupt, as a diphthong ai is alien to the codex. The easiest way to mend it would be to read chaldo. This reminds us of M. D. helde (halde), compes, numella; O. N. halda, hadda, a chain, especially a pot-hook; cf. in particular the passage adduced in Oxf. Dict. i. v. hadda: "hann kastabi katlinum svá at haddan skall við (i. e. rattled)." It is curious that O. H. G. halda means "clivus, praecipitium, crepido." Now the connexion between two such widely different notions as a bluff and a rattle is illustrated by a comparison of Lat. crepido with crepare, and by the fact that words for noise and breaking (whence a brink) very frequently are derived from the same root. It is quite an analogous fact that N. H. G. klapf, klapf, klupf, signify precisely the same as O. H. G. halda; cf. the interesting remarks by Hildebrand in D. W. i. v. klapf.

§ 138. It is a pity that the Malb. campania in 6 is an emendation by which the original has been obliterated. That campania in this shape is a Latinized form cannot be denied, but at the same time it should be observed that the origin of the word which has passed into the Romanic languages is obscure. Saying that a word is

derived from mediæval Latin is an elegant phrase for confessing that the origin is unknown; for a word that neither occurs in the Latin of the Romans nor has its root in it, is no Latin, whatever else it may be. At any rate the outward appearance of campania and chappo, or some cognate form, is such that a scribe with Romance tendencies could easily be induced to replace the latter by the former.

§ 139. Decidedly Teutonic, it has been admitted on all hands, is skella, schella, schilla, G. schelle, D. schel, tintinnabulum; O. N. skella, a horse-rattle or bell, Grág. I, 441.

§ 140. The Latinized inripare in § 6 of 6 proves that the common word for mowing in Frankish was ripan, to reap, A. S. ripan, rapere, metere; e. g. Aelfric's Gen. 45, 6; cf. Ettm. Lex. 267. Another form rifjan, riffan, reffan, is found in the Latinized reffare in the Lex Emend.; it agrees with O. N. rifja, to rake hay. It may be that ripan was commonly used in the sense of reaping, rifjan, reffan in that of mowing. The preposition in of inripare points to a misunderstood Frank. anripan, better andripan, to reap off, to reap unlawfully. "Repascere" in 10 is an attempt at emendation for ripare; "rinfacere" a like one for rifare or riffare; "tripaverit" perhaps for "ant-ripaverit." As to the alternating of f and p cf. E. scoff, M. D. schop; E. step(son), D. stief(soon); O. N. reifa and rippa; M. Sax. drepen, D. treffen.

§ 141. The would-be Latin inpotus, impotus (in § 8 of cod. 5 (6) &c.), M. D. ente, inte, N. D. ent, is a derivative from a verb impoton, impetan, O. H. G. impiton, inserere, conserere (cf. Graff, Spr. I, 262), formed, with the diminutive and frequentative element t, like Goth. lauhatjan, or the numerous A. S. verbs in etan, ettan, O. H. G. in asan, ison (cf. Grimm, D. G. II, 217, sqq.), from A. S. impian, E. to imp. Such verbs are in many cases nothing else but the stems of the substantives with the verbal endings added. Thus impoton, impitan may be regarded as a derivative from, or rather the verbal counterpart of, a diminutive impota, impiti, a cutling, slip; the element t constitutes a part of the numerous Germ. diminutives of proper nouns, as Kunzo, Fritz, etc., and of the Dutch dimin. suffix tje; cf. Gr. idiov. It would seem that the D. ent dates from the Frank. period, because the French ente points to a popular Frankish int (1), rather than to the more classic impot. Quite analogous is antani for ambahtani; "inmetus," in § 8 of 6, is almost imt.

§ 142. A garden or orchard is called hortopondo in 6, which is a cockneyism for ortopondo. The first part of the compound is A. S. ort in ortgeard, orcerd, E. orchard, and (with the exception of the suffix) Goth. aurti in aurtigards, kõmos; cf. the notes on ort, § 55. The second part, gards, geard, is here replaced by a synonymous pond, A. S. pund, a fold, septum, so that the whole compound m. m. answers exactly to the Goth. and A. S. terms. The final o is probably the ending of the instrum. depending upon in. For ortopodun in 10 read ortpondu or ortopondo.

§ 143. Ortobaum in § 24 of 10 cannot be separated from ortobano, nor from orthobano in § 15 of 6. The correct forms would be ortobanno, and ortobano, both instrum. cases, the former of a masc. or neuter ortoban(n), the latter of a femin. -bana; both banna and bana are equally admissible. The meaning of the term is "an enclosed piece of land on which trees are growing, a park," rather than "an orchard," though the difference is so slight that it is not surprising to see it used in 10 for "hortus," in 6 for "ager." Bann and bana occur here in the same sense as in D. wildbaan, G. wild-

(1) Otherwise it would be spelt empte.

bahn, a hunting-park, in the O. H. G. wiltpan (Latinized wiltpannus) in a charter of A. D. 1059 (1) and in the Teutonic burgban, N. H. G. burgbann, i. e. "termini civitatis" (s. Graff, Spr. III, 125). Ban, like its more modern substitute in German and Dutch, gebiet, gebied, territory (from G. gebieten, D. gebieden, to command), properly means domain, imperium, dicio; hence French banlieue, which in German may be rendered by burgbann, in Dutch by stadgebied. Bann by itself, in the sense of jurisdiction, territory, frequently occurs in O. Fris., as may be seen in Richth. Gloss., i.v. bon. ban.

§ 144. In § 23 of 6 we unexpectedly come across the Malb. orbis uia lasina, read latina. In Tit. XXII we have seen the meaning of the term; here the question arises, is clausura a literal translation of the Frank. sclusa? If not, the translation is an inaccurate one for "obstructing the road to or from one's premises."

§ 145. As gloss to "retem ad anguillas" we find in § 19 of 1 obtobbo, in 2 obtubbo. Ob is Goth. uf, under; but I guess that for tubbo, tobbo, we must read cubbo, cobbo, because the D. (aal)kubbe is the very term for a weel (i.e. basket) for eels. In Icel. netkubbar are the quills of a net. Now, the quill of a net is called in D. dobber, with which the Malb. obduplo in 6, obdopus in 10, obdubas in 7, obdubus in 9, obdub in 8 apparently shows some connexion. Thus it may be said that the variety of the readings supports to a certain extent the supposed cubbo (2). The grammatical form is not clear; the word shows either a genit. case of the singular of the masc. or neuter gender, or a nomin. and accus. case of the plural of a masculine. As to the radical, cf. A. S. dyppan on the one hand, and dufan, dyfan on the other, as well as D. dobberen, to fluctuate.

§ 146. Tremacle, etc., in § 20, is a diminutive, more or less Latinized. The Frank. word must have differed but slightly, if at all, from the Drenthian (N. Saxon) treemke (for tremike, tramike), a trammel. Both the English and Drenthian word point to a simplex trami or tramia.

§ 147. Uerteuolus in 1, uerteueles (?) in 2, etc., is another would-be Latin word; wol, wel answers to O. N. vel, væl, an engine; væl til at taka fiska með, an engine to catch fish with, a net (see Oxf. Dict. i. v.); in substance E. weel. The variant uer allows us to identify wer with O. N. ver, a fishing place, a were, D. weer (vischweer), O. S. or Frank. werr, werrstad in Crecelius' Analecta (3). Werte (werth, werd) is very likely an amplified form of wer; it is rendered by "fluvius, flumen" in 3-10 and L. Em.

§ 148. Nascus, naschus, the word intended in 7-10, looks as if it were the genit. sing. of a masc. stem in u or wa. Nascon in 1 has the appearance of being the same case of a weak fem. nasca. With the exception of the initial, nasca would be identical with O. H. G. masca, a mesh, net; while a masc. nasco would = O. N. mõskvi; nascu is the same word belonging to the strong declension. The initial n instead of m is strange, and at variance with the common Teutonic forms in which the word appears. Considering that nascu is justified, to a certain extent at least, by Skr.

akshu, a net, snare, we have no sufficient reason to doubt the unanimous testimony of the MSS. (1). Nasde in 6 is a misread nasche, which in its turn is an altered naschen or nasches.

Dinar in I and 2 is a puzzle to me. As codd. 7-10 have texacha, theft, instead, I feel tempted to read diufa (i. e. $\delta iufa = thiufa$), O. H. G. diufa, thiuba, etc. (s. Graff, Spr. V, 98), M. H. G. diebe, theft. The only difficulty is that in 2 we never find the diphthong expressed by iu but by eo.

§ 149. Obdo in I and 6 stands, by assimilation, for opdo, which I regard as the 3rd pers. sing. pres. subj. of opdon, O.S. uppdon, uppduan, N. H. G. aufthun, to open. For obdon in 10 read obdo or obduo = O.S. uppdua.

§ 150. Screonis, scronis (a bad spelling for scrūnis) is the genit. of a neuter screoni, scruni, stem in ia, O. N. skygni, whereas screona is the same case of a femin. screona, screuna, O. H. G. scugina, M. H. G. schiune, N. H. G. scheune (cf. Tit. XIII). Streonas (read screonas) in 10 likewise looks like a gen. sg. of a fem. screona. Nasche screonas antedi, as we find it in 10, is "the breaking open of a shed for nets." Pronas anthiso in cod. 2 is not only a mistake for scronas antedio, but misplaced, as is evident from the various readings. Probably the original reading in 2 was opdo; nasce-scronas anthedio, in accordance with 1, 6, and 10.

§ 151. The Malb. hocherpa ande escrippas in 2 reminds us of similar phrases in the Fris. LL.; e.g. 237, 12: "Hwasa ôthers lond erth ande skerth," i.e. "whosoever ploughs and shears (cuts, reaps) another's land"; 396, 2: "Jef een man dêth ureer ende ovirscheer," i. e. "if a man does unlawful ploughing and unlawful shearing (cutting, reaping)." Ur is uvr = ovir, here used in the sense of transgressing, trespassing, like A.S. ofer. Another, but later, expression for the same thing is raf-erd and raf-skerd; 489, 26: "Sohotsoe joe toe claghe kompt, se hit an raeferd, se hit um raefscherd."

It is clear that the phrase in 2 cannot express "campi alieni aratio et seminatio," unless the reading be entirely corrupted. Hoche bears a false resemblance to Goth. hoha, a plough, as an initial h does not occur in 2 unless by way of cockneyism; (h)ocherpa rather agrees with Northumb. ohtripp, messio, St. Matth. 9, 38; St. Luke 10, 2. Very likely there existed in Frankish a word ochtrip, othrip, but it is misplaced in the present Malb., and looks as if it were a mere synonym of escrip, which is apparently a compound of esc, Westphal. and Twentian esch, cornfield, N.H.G. esch, Goth. atisks (cf. Grimm, D. W. i.v.), and rip, genit. rippas for rippias; ripp agrees with the Northumb. ripp in ohtripp, (h) rippes, St. Matth. 13, 39; (h) rippemonnum 30, alternating with (h)ripe. The tautological character of othripa(s) and escrippas is no slight proof of the genuineness of the phrase; but it can by no means belong to such a reading of the original text as we find translated by "campum alienum arare et seminare." By a slight change we get the word for ploughing, at least in 1, 7-9, if we take for 1: overer po and reppa; for 7, 8, 9: obrerdu and rippus. Overer po, etc., is the genit. or dat. sing. of a femin. overerpa = O. Fris. uvrerthe, -erde. Reppus represents rippes, with a dull vowel sound in the ending, variously expressed by a, e, i, in O. S. and Frank, and in the Malb. also by u; rippes (reppus) = Northumb. rippes; reppa may also be a dat. sg. masc. or neuter. The three words signify "of (for) unlawful ploughing and reaping." How naturally the ideas of erian and ripan are connected is exemplified

⁽¹⁾ Graff. Spr. III, 125; cf. Benecke's M. H. G. Dict., i.v., I, 86.

⁽a) On the other hand it may be urged that the interchange of tub and dub has its analogy in D. tobbe = dobbe, E. tub; doppe = toppe, tup (cf. Kil. i. vv.); as to pp alternating with bb, cf. D. toppen, tobben, insanire (Germ. toben); tobben, toppen, crinibus apprehendere.

^(*) Cf. Heyne, Kl. D., 200. Whether it is necessary to suppose, as Heyne does, that a werr was made of stones, is doubtful. In D. a weer is simply an enclosed private fishing place.

⁽¹⁾ Cf. the three alternating N. H. G. forms, mespel, nespel, espel, medlar.

by Aelfric's Gen. 45, 6 where we see: "Nu twa gear was hungor ofer ealle eoroan and git sceolon fife, on ham man ne mæg naver ne erian ne ripan." A repetition of uver is unnecessary, according to a well-known principle. Quite so in the Fris. LL. 475, 35: "om een raeferd jeftha scerd (of course: raefscerd) jeftha meta (of course: raefmeta)." Another explanation would be that andrepp was taken for a compound with and "unlawfully," about which see notes on Titt. XLV and LI. As according to this interpretation andrepp and overepp would amount to the same thing, the omission of one of the two terms in 10 might be accounted for.

It may be objected that the Latin text shows no word for reaping. True, but the case stated in the paragraph is practically an absurdity. It would be sheer folly in any man to plough and sow his neighbour's field without reaping it, or at least trying to do so. The Franks could have had no desire to punish a man simply because he chose of his own accord to throw away time, labour, and grain, merely for the benefit of his neighbour. It is difficult to say where and how the error originated. The translators probably used a somewhat corrupted source, and it is not unlikely that the paragraph, in its original shape, ran somewhat in this way: "If a man ploughs and mows another's field, he will be punished (or: have to pay a fine) for unlawful ploughing and cutting." The translator, I fancy, read saith or seith (O. S. said, D. zaait, A. S. saweb), sows (or rather the 3rd pers. subj.) instead of scerith (O. Fris. scereth, O. N. skerr), mows, shears.

§ 152. Auuerphe in 6 and anhunerbo in 10, combined with cuuaerso in 7, chuuarso in 8, chucarso in 9, contain all the data necessary for the restoration of the true reading. In 6 an (or av) werphe is intended; in 10 an (or av) hwerbo; in 7-9 (an or af) chwarfo, chwerfo, i. e. the instrumental or dative sg. of werf, warf, already known to us (cf. § 122). We see here the original h (ch) preserved, except in 6. An hwerfe is "in the yard," etc.; av hwerfe "from the yard." The Latin text decides nothing, the Lex Emend. having "in campum," the other codices "de campo."

For theolasina (in § 25) see Tit. XXV.

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§ 153. Subtho in 10, subto in 6 (pron. sufto), seems connected with Fris. soebe, according to Kil. "palla, muliebre vestimentum," and a contraction for swibto or swabto; cf. O. H. G. (umbi) sweift, perizoma, femorale; but also E. swath and D. swachtel, fascia, mitella.

§ 154. For alachis cido in 6, alachescido in 10, read alachis scido, alaches scido, or perhaps tido. Alaches, alachis is a regular genit. of the word which we find rendered in Tit. XIV by "villa" (cf. above, § 87). Scido is "the spoiling, undoing," as I have endeavoured to show under Tit. XXIV. Tido for tidio would be a substantive belonging to a verb tidian, O. Fris. tidia, M. D. tiden,

XXVIII.

§ 155. Theolosina in I comes too late, as it belongs to § 25 of the preceding chapter. It is remarkable that blunders of this kind are far more frequent in I than in the other codd.

Morter (read morther) in 2 is Goth. maurpr, A. S. morber, murder. The repetition of the term shows that both the perpetrated deed and the proved design fall under the head of morther. That seulan defa, seulan doefa (i. e. $d\bar{o}fa$ or $d\bar{o}fa$) is but another term for morther is evident from the Malb. in 6 and 10.

§ 156. Tua in 7-9 is "two," in the femin. or neut. gender, O. S. twa. Auuena in 10 is a misread twena, two, in the mascul., O. S. twêna. The word is certainly not in its place in the first paragraph;

its purport, if it stood in par. 2, would be to intimate that both the originator of the plot, he who bribes another to perpetrate the crime, and the other who accepts the commission, are guilty of murder. In the A. S. Laws both are banan, murderers; the former is called radbana, the latter dadbana; Aethelr. VIII, 23; Henr. 85.

§ 157. The Latin text is miserably corrupted in the older codices; in 2 it is simply gibberish. The cause of the deficient state of the text in 1 may be that the reviser did not catch the meaning of in furtum, i. e. stealthily; or "elocare" must in his eye have had the pregnant sense of "taking a hireling," i. e. a hired murderer. The phrase "et pretium—acceperit" in § 1 of the Lex Emend. and 10 is a Teutonism, in so far as et takes the place of a relative pronoun, and the subject of "acceperit" is not "quis," but "aliquem." Another example of this peculiarity of the old Teutonic idioms occurs, for instance, in Tit. II, § 3 of 10: "Si quis porcellum de sute furaverit et clavem habuerit."

The whole Title in the Lex Salica differs considerably from Tit. II of the Lex Frisonum and the A. S. Laws of Ine and Aethelb., where the traitor is much more passive than in our Lex, and is not regarded as the mental author of the crime, the dædbana, but as one who wickedly assists the perpetrator of the crime. It would seem that the legal provisions are deficient on both sides; no one will doubt that treachery in its different aspects was equally known amongst Franks, Frisians, and English.

XXIX.

§ 158. Sicti in 2, secti and secthe (i. e. sechte) in 6, secti in 7-9, sichte and sochte in 10, is O. Fris. secht, sjocht, a wound, sore, disease, Goth. sauhts, O. N. sótt, O. H. G., O. S., and A. S. suht, D. sucht. For the e or i in the radical syllable cf. O. H. G. trektin = truhtin, and (a third form without Umlaut) O. S. drohtin, M. D. drochtijn, etc. The e and i in the termination is that of a genit. or dat. case; cf. sufte, pestilentiae, Gl. L. 874; datives in i or e of femin. stems in i need no reference; an accusat. of such stems in e (i) is alien to O. S., but occurs occasionally in O. Fris. and A. S. (1). The stem is, of course, sichti, sochti, etc.; in the Malb. a genit. or dative case is intended, depending upon some term like bôta, a mulct, fine.

§ 159. Chaminus, chaminis, is a derivative from chamian, O. Fris. hamma, hemma, to pinch (cf. Tit. XX), and coordinate to a supposed verb chaminon, substantially the same as O. Fris. (hamilia), homelia (hemilia), to cripple, undo; whence homelenga, hemilinge, truncatio; s. Richth. Gloss. i. vv. Chaminis I take to be the gen. sg. of chaminiä; cf. such O. S. genitives as custes, giburdies, weroldes; chaminus may be the same, or belong to a vicarious form chaminid.

Chamin in 10 is also a femin., its stem being chaminia; one would rather expect a dat. chamina, chamino, chamine. In 7-9 we ought to read chramine, chramene, a feminine, and a derivative from chramian, which in Tit. XX we have found to be synonymous with chamian in the sense of pinching; as to the connexion of the ideas cf. Germ. quetschen, to pinch, bruise, with Dutch kwetsen, to wound, burt.

§ 160. The Malb. alatham, etc., repeated twice over in 2, 6, and 10, receives light from the following passage of the Fris. LL. (444, § 10): "Jef tha manne thi thuma offe is bi tha cnocla, soe send

⁽¹⁾ E. g. nikte, Metra 29, 36; O. Fris. dede, Fris. LL. 144, 24.

(read sent) fior pond; jef thi thûma al offe is, soe send (read sent) sex pund. Jef thi scotfinger al offe is itta knocla, soe send (sent) fior pund; jef hi al offe is, soe ist sextehal pund; sulke bôka haldeth fijf pund." It is clear that the Frisian law distinguishes between "off at the knuckle" and "all off." The latter is expressed in the Salic Law by "pollicem (or: secundum digitum) excusserit," the former by "pollex mancatus."

Alat ham in I, alachtam (read alat cham) in 10, athlatam (read allat cham) in 6, contains alat, allat, O. H. G. allas, M. D. allet, alet, totum. Ham, cham is O. H. G. hamm, cripple, in Otfrid 3, 4, 8: "Then bifiangun umbi porzicha finfi, thie lagun fol al mannes siaches inti hammes." It may also be a substantive; indeed, hamo in 2 looks like the genit. or dat. of a femin. hama, but if it be intended as such, the form alat is not admissible; a compound alacham would not be objectionable, cf. O. S. alajung, alahêl, alamahtig, alahwit. It must be observed that the readings alachtam and alachtamo in 10, though slightly corrupt, decidedly prevent us from taking the word as a compound. For ablatam in 6 read allat ham. That the term is added in § 3 of 2, § 5 of 6, and the latter part of § 3 of 10, is a mistake, as only chaminis is required. Wrong also is the addition of biorotro in 6, briorodero in 10, brioro in 7-9. The words meant are brioro thero (1) (bero) and brioro, O. H. G. driero dero, O. Fris. thrira thera, trium eorum (scil. digitorum). Drioro is simply "trium," unless we suppose that 7-9 intended brio iro, tria (or trium) eorum. The genit. must have been governed by a word denoting entire mutilation, consequently not chaminis. Drioro thero should be transferred to § 7 (of 6); it answers to "sequentes digitos, id est tres." Of 7-9 the text itself has suffered mutilation, the case stated in § 6 of I, etc., being wanting. From the Malh. brioro (read drioro) in 7-9, we may gather that their source must have contained something to the same effect as the other codd., but that it had already mixed up two paragraphs.

§ 161. The middle finger is called daphanu in 6, taphano, repphano in 10, thaphano in 7, 9, taphano in 8. The corrected reading is darphano, tharphano, therphano, an accus. masc. of an adjective darfi, confounded with tharfi, therfi, O. Fris. derve = therve, rough, coarse, blunt; therva dusslech, Fris. LL. 454, 23, but derve dusslech 445, 23. Darfi agrees with O. S. derbi, dervi, improbus, audax; O. N. djarfr, bold, impudent; O. Fris. derve, whereas tharfi, therfi is the counterpart of O. N. bjarfr, unleavened, vile, thirfingr, a wretch (s. Jonss. Oldn. Ordb. i. v.); N. H. G. derb. It is beyond the scope of this work to treat of the confusion between d and th in these words, as in O. S. thurban and durban (cf. Schmeller's Gloss. on the Heliand i. v.). Suffice it to say that we meet with the same phenomenon in the Frank. term. Both tharfi and darfi allow us to suppose that popular etymology understood it in the sense of "digitus impudicus," but also of "the rough, big finger," agreeing with the Frisian thi langesta, langa or grâta finger. The real etymology, i. e. the sense attached to tharfi or darfi fingr by him who first used the word was, of course, as unknown to the Franks as to us. The accus. case of the Malb. agrees with "medianum" of the Latin text.

§ 162. Likewise an accusat. is "quartum digitum" and the corresponding Frank. word, which we should read: welachano, welagno, welegano, welechano. Welag, welach, welech is O. H. G. welag, welac, walac, A. S. welig, rich; D. welig, luxuriant; cf. O. S. welo, riches, opulence. The "rich finger" is synonymous

with the usual O. Fris. and A. S. term, viz. goldfinger, preserved in N.H. G., along with the more common ringfinger, O. N. baugfinger. The origin of one of the names of the goldfinger in M. D., viz. hertvinger, is unknown to me; I guess that it is a dial. pronunciation of hort-vinger, literally "hoard-finger," i. e. goldfinger.

§ 163. The little finger is called *mineclin*, a substantive in the form of a diminutive, exactly like O. S. nessiklin, a small worm, from nesso, a worm (Heyne, Kl. D. 91). Mine is coordinate with Goth. mins, A. S. and D. min, smaller, very small. The final o in mineclino is a phonetical addition. The readings in 7-10 are hardly correct; mene for mine is scarcely better Frankish than menimus, as 9 writes, is Latin; both were altered under the influence of the Romanic pronunciation of the scribe.

§ 164. Chalde, chalda in 10 answers to "teneat"; childe in 6, if correct, to "tenuerit." In other words chalde, chalda is the 3rd pers. sing. pres. subj. of haldan, tenere, = A. S. healde, O. S. halde, halda; childe would be O. S. heldi, M. D. hilde, hielde. The u in chulde, chulda causes some trouble; to change it into a would not be safe, notwithstanding a and u are regularly confused. It is just possible that chulde is a less accurate spelling for cholde, and that the more ancient ald had already begun to pass into old. This much is certain that old in its turn had become obsolete in the standard M. D. before A. D. 1200.

China, clina is an altered thêna or têhna, "of the toes," from tê(h), A. S. têh, tê, O. N. te, O. H. G. zeha, D. tee and teen. Chamina is the accus. of chamin, the laming, hurting; sictae (read sicte), sichte the same case of sicht, complete mutilation. Chalde têhna chamina, literally translated, would be: "(sic ut) teneat digitorum pedis debilitatem"; chalde têhna sichte, "teneat digitorum pedis mutilationem." The Malb. chāna chlora (in note to § 11 of Cod. 10) is an anticipation of § 14.

§ 165. Luchauina in 7, licauina in 9, liahahauma in 8, inchabina in 6, liclamina in 10, is a compound the latter part of which is hâvina = hâbina, the nom. action. of hâvian, O. S. hâvian, in the partic. gihdvid, mancus, Gl. Prud. 166; arens (manus) 592; gihâvidlico, mancum 608. The verb is derived from the adjective O. S. hâf, hâb, crippled, Goth. hanfs, κυλλόs, O. H. G. hamf. On comparing the various readings we arrive at the conclusion that liaha is a mistake for liaht; luc for luct, i. e. lucht; lic for lict, i. e. licht; all well-known developments of Goth. liuha, light (here eyelight, eye); O. S. lioht, leoht, liaht; O. H. G. lioht, leoht, lieht, liht; O. Fris. liacht, licht, ljucht; M. D. lucht, licht. The approximately correct reading of the term denoting "oculi debilitatio" will be lucthavina, licthavina, liahthavina, liuct- (or luct) habina, licthavina. Cf. also § 169 below.

§ 166. Frasito in 6, frasitto in 10 means fraslito, fraslitto, from fraslitan, O. S. farslitan, O. H. G. farslitan, fersliten, abscindere, discindere; fra shows the old Goth. form. The gender, case, and formation of the word are not clear, though it may be supposed that fraslitto is the more accurate spelling, and the genit. or dat. of a femin. fraslitta, contracted from fraslititha; cf. O. H. G. sislizida, discidium (Graff, Spr. VI, 819).

§ 167. As gloss to "auriculam excusserit," we find chunnicleura in 10, to which we must add the erratic chanachlora of § 11; 6 has chanodeora; 7, 9 funnechleura; 8 funedeura (or cleura). The latter part of this compound is meant to be cleofa, cleufa (awkwardly spelt chleufa), the cleaving, which is a femin. subst. belonging to the verb cleofan, cleufan, A. S. cleofan, O. N. kljúfa, O. S. klioðan, D. klieven, to cleave. The corresponding term in O. Fris.

⁽¹⁾ Thre instead of there occurs also in Heliand, Cot. 84, II.

is drkleve, or -klève; dialect. drcljuwene (s. Richth. Gloss. i. v. drklef). The restoration of the corrupt chunni is doubtful; I hesitate between chlunni and chliumo, chliume, the former = A. S. hlyn, hlin, sound; the latter = Goth. hliuma, the hearing, ear. Since O. S. hlust most distinctly signifies not only the ear in Heliand 148, 24, but clearly also the listening, attention, 119, 19, there is not a single reason why hlunni should be limited to the one meaning it has in A. S.; cf. Skr. crawas, ear; sound; fame. Our MSS. strongly point to the latter alternative, and I would, therefore, prefer chlunni- (chlunne) cleofa (cleufa). The corrupted chano in 6, châna in 10, yield after correction chlunno, chlunnu; in other words, the original stem of the word was hlunjus, formed like its synonym Goth. drunjus, a noise, D. dreun.

§ 168. For alchacio in 7 read althagio or althachio; for halachacio in 9 alathagio without the cockney h; alcheio in 8 stands for althe(h)io. This Malb., be it one word and a substantive or adjective, or two words and one of them a verb, contains at any rate al, ala, all. Thagio, thachio, theio, may be a regular 3rd pers. sing. pres. subj. of thagoian, thagian, etc., a verb of the ai class, Goth. pahan, O. S. thagian, O. N. pegja, O. H. G. dagen, tacere. On the other hand it must be admitted that althagia, genit. or dat. -gio, may as well be a substantive, materially the same as O. N. pogn, silence. We may go further and affirm that if ala in 8 be correct—and there is no sufficient reason to doubt it the compound, and consequently no verbal form, is intended, as ala is exclusively used in composition, differently from the adverbs with double 1. A similar passage in the Fris. LL. 87, 1: "Jef thet age is elle blind, hundred skillinga", decides nothing; yet it shows that the use of an adjective, be it a compound or otherwise, would be admissible. I do not think, however, that such an adjective, let us say althagul, is concealed in alchaltua of 10. Alchaltua (read alchaltia) in 10, and achaltea (read alchaltea) in 6, are substantives derived from an adjective alchalt, i. e. wholly halting (in speech); cf. A. S. healt, O. H. G. hals, halt. That halt is also applied to a defect in speech appears from O. N. haltr at mali and mdlhaltr; s. Oxf. Dict. i. v. haltr.

§ 169. Laclabina in § 17 of 6, etc., is an erroneous repetition of the Malb. in § 13 of the same cod., and as if to make up for the omission of the required initial there, the cod. puts a wrong l where it is not wanted. It is difficult to see what the original term for "dentem excusserit" can have been, obscured as it is by scribes who everywhere and at all times are apt to overlook minor differences between words they do not understand. There must have been a certain similarity between the terms denoting "excussio oculi" and "excussio dentis;" otherwise the temptation of repeating what preceded would not have overpowered the copyists of at least two of the principal codices. It is easy to guess tant- or tuschabina (havina), but it remains a mere guess.

§ 170. Gasferit in 2 is another example of scribes having a predilection for uniformity. We have seen in Tit. XVII what gasfrit means; it can never have expressed castration, though ferit certainly is a vicarious form of frit (i. e. frith), hurt, scathing. That ferit is really right is proved by dardi of the other MSS., for we know from Tit. XXIV that the two words are synonymous. There can, consequently, be no question of identifying ferit with A. S. fyran, O. H. G. fiurian, fûren, apart from the difficulty of reconciling the e in ferit with the iu or its Umlaut. By a slight change we get the word we want, namely, gart-ferit, "the hurting of the virga", as gard is the common Teutonic word to express this idea. The decisive proof that the Franks used the same word is

afforded by the Malb. alacharde (= garde) in § 18 of 10, i. e. the whole virga, or, as the text puts it: "(virgulam) ad integrum"; for tharde in the corresponding § of 6 read charde. Cf. A. S. geard, O. H. G. garda, garde (1), gardea, D. garde, E. yard. Ala, according to the interpretation of the translators, seems to be an adverb, hence their "ad integrum." One would rather expect alla, integram, or even, if an adverb, alla = O. Fris. elle, omnino, wholly.

Dardi, darde, needs no further comment. Uniro, unira, and mutilated uni must be synonymous with garde. Although the word does not occur, as far as I know, in the sense of "virga," yet I consider it to be genuine, and not differing etymologically from wird, A. S. wir, Skr. weni, etc. (cf. Notes on Tit. XXIV). Not to speak of A. S. wir or wir, which the dictionaries explain as "ramus" (cf. wirtreo, myrtus, Ettm. Lex. 91), I would point out that Skr. weni is manifestly connected with wenu, a rod, reed, bamboo, flute, and at the same time with wetasa, a reed, ratan, Lat. vitis, etc. Now waitasa, another form of wetasa, is used in Rgweda 10, 95, 5 in the sense which garde, charde has in the Malberg.

XXX.

§ 171. Quin is in all probability the D. kween, Geldrian kwen, a barren cow; a hermaphrodite; in M. D. kwene (quene) is moreover used in the sense of the corresponding E. quean (cf. Kil. i. v.). The in 9, i. e. thee, may be explained by reference to the construction with the accusative in exclamations, such as me miserum! and the like; the accusative is usual in D. also, e. g. jou schelm! In Skr. the accus. is the most common construction after dhik, fie! shame! dhik twam, shame on thee! If this explanation be right, thac in 6 can only be an error for thae = the, or thæc = thec, A. S. bec, te, whereas tuo (in 10) may have been intended for th, i. e. thu, thou, which, when an enclitic, usually loses the aspirate. The only difficulty is the place of the pronoun after quin, for which I am not able to adduce a sure example.

§ 172. Extrabo in 10 is a quasi French form of strabo, which ought to be scrabo. Another manner of Frenchifying is seen in iscrabo of 7 in § 2, which has given rise to the cockney h in hischrabo in 9. Scrabo, schrabo is certainly allied to O. N. skræfa, a coward, and, with the exception of the gender, perhaps identical with it, as the O. N. word is a grammatical, though not a logical, femin. and scrabo can hardly be otherwise than a weak mascul., about which more hereafter. Besides O. N. skræfa, there are many other words of abuse which stand in more or less close relationship, having this in common with the Frank, terms in the Malb., that their signification is very indistinct, except so far as they are decidedly terms of abuse. Nearest to scrabo and skrafa stand O. N. skraffinnr, skrafinnr, a chatterer; skrafari, a nickname; M. D. schrobber, homo vilis; in N. D. a scoundrel; M. D. schraeffeler, cerdo, lucrio. In austrapo of 10 we may safely regard strapo as a misread scrapo, whatever au may be. This form with p has its counterpart in O. N. skrapr, a tattler. Somehow there must be a connexion between all these forms and those of the verbs to scrape, to scrabble, to scraffle, D. schrapen, schrabben, M. D. schraven. Allied are D. krabben, O. N. krabba, krafsa, to scratch. Therefore I think that scrape and scrabe were used also

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⁽¹⁾ Both in Isidorus; Prof. Weinhold proposes to read gardea, 5, 25.

in the sense of E. craven. In a more remote degree of relationship to the various forms mentioned stand E. scrat, A. S. scritta, a hermaphrodite; O. N. skratti, a word of abuse, a variety of kratti (cf. Oxf. Dict. i. vv.); cf. E. to scrat and to scratch, not to forget Old Scratch. The latter leads us to O. H. G. scraz and scrato, a monster, a devil. M. H. G. schrawas, wood imp (Kudrun, 112), stands, so to say, between scrat and scrafo, or it may be a mixture of both. The decisive proof that skrat (skratto) and skrafo are identified, be it by popular etymology or otherwise, is afforded by the fact that O. N. skraf-karl and skratta-karl are alternating (see Oxf. Dict. i. v.).

It seems strange at first sight that the mascul. scrabo in the Malb. is equally applied to a female, to a "meretrix." This peculiarity also is strikingly illustrated by O.N., for the grammatical mascul. skratti, a goblin, monster, may be applied to women; hence kvenn-skratti, a hag, fury (see Oxf. Dict. i. v.).

The O. N. kvenn-skratti leads us back to quin, D. kween, etc. We have seen that all those terms of abuse are phonetically allied to verbs denoting to chatter, tattle. Now M. D. quene, besides its other meanings, also possesses that of "mulier vana, garrula, loquax." Thus we get the strong conviction, even where we are not able to lay bare all the variously coloured threads of the texture, that there is an intimate connexion between the familiar nicknames or abusive terms in use among the Franks and those of their Teutonic brethren (1).

Solistrabo in 7, solestrabo or solertrabo in 9, is a dubious reading and cannot be tested by any other authority. For strabo we may read scrabo, and as to soli, sole, this recalls A. S. and O. H. G. sol, volutabrum; cf. O. N. sōlna, to be begrimed; Goth. bisaulnan, μωαίνεσθαι; bisauljan, μωαίνευ; bisauleins, μολυσμόs. This agrees pretty well with μωρόs, or E. black devil or blackguard, and similar words. The notion that blackness is the colour of devils and of sin, moral depravity, is deeply rooted in the Aryan mind and language.

XXXI.

§ 173. The erroneous lacina which, with few exceptions, is common to all the MSS., is a trifle in comparison with the much graver mistakes we meet with from time to time. In the first place there can be no doubt that the Malb. in § 2 of 6 and 10 is either misplaced or corrupt. Fortunately we know from Tit. XXII the meaning of urbis (orbis) uia latina, and are thus enabled to assert the correctness of the Malb. in § 3 of 6, and § 4 of 10. The cause of the mistake in § 2 is the same clerical partiality to uniformity which we alluded to in the Notes on Tit. XXIX. It is not so easy, however, to decide whether urbis, orbis, be a mere repetition of urbis in the next § or a corruption of another word, let us say unibis, i. e. wibis, "a female's."

The corresponding Malb. in I and 2 machina, mallacina, affords no clue. Were we to place implicit confidence in the reading of 7-9, then we should not hesitate to adopt the same for I and 2, because graphically ma and uia can scarcely be distinguished from each other. But as the case stands, we may not do more than assert that the Malb. in I and 2 is either corrupt or misplaced.

There is, indeed, one way of saving both mallatina and urbis uialatina, but at the sacrifice of the Latin text. Mal and werf are

synonymous (see Tit. XXIX and cf. Grimm, R. A. 747); hence the Malb. in 2, and we may add in 1, amounts materially to the same thing as that in 6 and 10. It does not appear which of the various shades of meaning of mal and werf would suit our case. Mallatina, however, must most naturally mean "the obstructing of the public meetingplace." Such an offence fully deserves to be punished by thrice the amount of the fine for a common uialatina, whereas it is rather difficult to understand why a person who obstructed the road to a lady should be mulcted so much more heavily than one who does the same to a gentleman. I think it necessary to point out that there is not a shadow of a word for lady or woman in any of the Malbergs.

The origin of the s in *lasina* is not clear. The s may be the High-German equivalent of a Low-Frankish t; it is at any rate due to inadvertence of the scribe.

XXXII.

§ 174. Andrepus in 10, andreiphus in 6, anderebus, read anderepus, in 1 and 2, is the term for "vincula" or, as the heading of the Title has it: "ligamina." It is a nomin. or accus. pl., the O. S. form of which would be *andrepos. That it is a plural may be gathered from the ending and the fact that O. S. herubendi and O. Fris. hiribenda, herebende are constantly used in that number, even where the Latin text in the Fris. LL. 96, 3 shows the singular "vinculum exercitus"; the Lex Salica, slavishly following the original, retains the plural. To and, ande (Goth. and, anda), answers A. S. &b in &bfastan, infigere, Satan 445; &bclifan, adhaerere, Crist 1267; &bceran, afferre, Beow. 579. Less clear is obrepus in 10; we may as well compare Lat. obligare as Skr. upabadhndti, to fetter; it is not impossible even that obrrepus is intended.

The ei in 6 is a dialectic variety of ee, and conformable to the habit of the codex; the ph is frequent in 6 where the others generally have a single p. It is an indication, though not a conclusive one, that the pronunciation of the scribe approached the High or rather Middle-Frankish idiom. It must at any rate be regarded as a peculiarity of the scribe of 6 or his immediate predecessors, because 10, which has sprung from the same fountainhead as 6 and is younger at the same time, adheres to the Low-Frankish ϕ . The b in I and 2 is due to the prevailing way of pronouncing the semi-Latin or Oldest French, whatever we wish to call it. Such a b, which is rendered highly probable by the varieties scrofa, scroba, scrova, had already received the pronunciation of the French v; just as the b of scabinus, a corrupted form of scapin, may have been sounded like the v in échevin. It is just possible that the ph in such cases is but a clumsy reproduction of the v sound, frequently written Instead of removing this b where the Frank. words required a p, the scribe, who was in the habit of spelling ph for the genuine Frank. $\delta = v$, may have changed every b in the middle of words into ph. I confess that I should prefer explaining the ph of 6 by the High-German tendency of the scribe, both of 6 and of 9. That in the latter cod. the ph, whatever it may represent, is not original, appears from the closely allied codd. 7 and 8, the double p of which is a piece of bad spelling of no consequence.

§ 175. Mitho forasta in 6, mitho fosastadiuo in 10 is a mistaken wicho forasta (or: forastal), wicho forastadino. Wicho is the instrum. case of wich, O. S. wig, Frank. of Gl. L. in dat. c. wige, wie, A. S. wig, wigg, O. Fris. wich, dat. c. wige, wiche, fight. Forastan, forastandan, A. S. forstandan, O. Fris. vrstonda, means

⁽¹⁾ An indirect proof of the same term expressing "meretrix" and "stria" is afforded by Recapitulatio Leg. Sal., 25: "Si quis mulierem striam vel meretricem clamaverit."

"to defend, protect, secure against"; e. g. Andreas 1145: "Hine God forstôd hæbenum folce"; Ine's LL. 62: "Gif hine forb nelle forstondan," in Latin: "Si ei praeesse nolit" (Schmid, Ges., p. 50). Where protection is given against the legal authorities, forstandan implies unwillingness to deliver up a culprit; thus we find it in Aethelst. LL. II, 1, 4: "And gif hine hwa forstande, forgilde hine be his were," in Latin: "Et si quis obstabit, persolvat se were sua." This agrees exactly with the Fris. LL. 116, 3: "Therefter hwasane (i. e. the criminal pauper) hovi jestha hûse jestha êniga monne vrstonde, hundred merk tha lioden to fretha," i. e. "Thereafter whosoever gives him shelter or lodging or is unwilling to deliver him up, a hundred marks to the people for a satisfaction (frethus)." The O. N. term standa fyrir is, in point of fact, the same, e. g. Grag. II, 12: "Of pat er maor stendr fyrir weganda," i. e. "De eo si quis homicidam protexerit"; see the whole chapter l. c. and cf. p. 115; the corresponding substantive is fyrirstaba, propugnatio, pp. 12 and 115 (misunderstood and with imperfect reference in Oxf. Dict.). A third shade of meaning, viz. to resist, obstruct, shows itself in the Fris. LL. 43, 5: "Thet him sin siand thene wie vrstôde mith wîge and mith wêpne," i. e. "That his enemy obstructs his way with fight and with weapons"; so too O.N. standa fyrir, Grag. II, 92. To it belongs A. S. foresteall, forstall, defined as "coactio vel obsistentia in via regia" (cf. Schmid, Gloss. i. v. forsteall). Forasta is either a 3rd pers. sing. pres. subj. of forastån = forastandan, or else an error for forastal. Forastadino is a genit. or dat. c. of forastadin, formed like O. H. G. irstandin, umbestandin, widarstandin, all of which have ni in the genit. sg. (Graff, Spr. VI, 608). As to the absence of the nasal in the radical syllable, cf. O. N. fyrirstada.

The crime stated in the § is the act of a man who violently and with force of arms saves another from the justice of the grafio. Hence the heaviness of the penalty, which would be out of proportion if the offence consisted in bringing somebody fettered into the presence of the grafio. It is only 6 which has the reading "ad graphione," but this proves nothing except that the common pronunciation of ad was a, as it has continued to be ever since in French; hence the confusion between a and ad.

XXXIII.

§ 176. A deer "signum habens" is termed trouisido in 2, in 6 trouuido, in 7 treuuidio, etc. Cod. 10 has a variant throuuido with an initial th; so too throuidioso in 1. Both initials are equally admissible as well here as in some other cases where they appear. Whatever may be the true explanation of this phonetical peculiarity, it is impossible for us to keep the two forms separate; cf. Notes on Tit. VI.

In a highly interesting passage of the Preface to Merkel's edition (p. xxvi., sq.) Grimm pointed out the radical identity of the terms in this Title and the *triutis*, *treudis* in L. Rip. 42 and Alam. 101. He also hinted at the connexion between the words mentioned and O. H. G. *truh*, al. *thruh*, *druh*, compes, pedica; *fuozdruh*, pedica; *halsdruch*, baga, boia, to which we may add the O. S. *halsthru(h)* in Gl. Prud. 190 and 419.

A further analysis of the multifarious terms is difficult, especially owing to the gender and case being unknown. Throuvido, trouvidio, trochuvido in 10 look like the dat. or instr. fem. of a compound consisting of tro(h), troch, troch = O. H. G. truh, druh, and wida, widia = A. S. wibbe, restis, loramentum; O. Fris. withtha, witta, wooden collar; cf. O. Fris. widuben, wide-, wedeben, A. S. wido-

bdn (Aethelb. LL. 52), O. N. viobeina, viobein, the collar-bone. Trochwido, trowidio accordingly must mean as much as "with a truh bound at the collar." That such a dative case may be used to express what otherwise a participle or adjective does, appears from O. H. G. fuozdruhun, -thruhin, rendered by "compeditus" (see Graff, Spr. V, 255).

Trouandio, i. e. trowandio in 10, treuimdio, read treuwindio, and trioiubeo, read trioindeo, i. e. triowindio in 9, are explicable on the supposition that widia was replaced by a synonymous wandia and windia, derivatives from windan, torquere; cf. O. H. G. fahswinda = fahswitta, discriminalia (Graff, Spr. I, 760 and 746), and O. N. vinbeina = wibbeina. Trioiobio in 7 has gone one step further in the wrong direction than trioiubeo, read trioindeo; the final io, however, is right.

Trouisido in 2 shows the same tro(k), whereas wisido is apparently allied to D. wisse, vimen, restis (s. Kil. i. v.), Flemish wissen, made of wicker; Goth. wiss, a band, in gawiss, and; is diswiss, and wissen. Wissida, in dative c. wissido, as an amplified form of wissi, wissia, is perfectly intelligible (1). The exact counterpart of O. H. G. urstendida in relation to Goth. usstass, resurrectio, would, however, be widida (widitha) = wiss, not wissida. It is possible also that wissido represents a partic. pass. of a verb wissian, to tie, attach. If so, the word cannot but be the weak masc. nomin. of trowissid. Throuidioso and throweinso in I, neither of which can be right, seem a mixture of two various readings: throwidio and throwisso.

Unisnouida in 6 is obviously wrong too, and the correction uncertain. Wis-trowidan would be the accus. masc. of trowid = O. H. G. gedruhot, gedrucht, compeditus; wistrowid like gefuosdruhet (cf. Graff, Spr. V, 255, sq.). By a slighter change we get wiswonida(n), trained, accustomed to the viss, the tie; wonian to be taken in the sense of O. S. wenian, wennian, assuefacere, O. N. venja, to train, tame, etc., or O. H. G. giwonén, adsuescere; cf. N. H. G. gewöhnt and O. S. giwono, D. gewoon, E. wont. The a in the ending instead of an may be right, because in various Frankish dialects, High, Middle, and Low, a final n is apt to be dropped. A weak neuter nomin. or accus. in a would be entirely the O. S. form; nor would a weak masc. nomin. in a be strange, considering the relative frequency of a for o in the Heliand.

§ 177. "Domesticum" is expressed by chamstala in 10, (h)amestalla in 7, (h)amestella in 9, from cham, hame, synonymous with cheem, and the adjective stalli, O. Fris. stalle, steady. The adjective is derived from stall with the suffix which has been gradually superseded by ig. The form is apparently a weak neuter in the nomin. or accus. case; the word for a deer, stag, may have been a neuter, say dior, A. S. deor, or even herot, hirut, for the latter, though a mascul. in A. S., O. N., and Germ., is neuter in M. D. and N. D.

§ 178. Arwernon is the weak accus. masc. of an adjective arwern, radically agreeing with O. N. visinn and entirely = O. H. G. arwern, irweran, confectus, decrepitus; whence erwerni, senium (see Graff, Spr. I, 944). Since A. S. weernian, forwernian, tabescere, senescere; wêrig, E. weary, worried, etc., belonging to the same family, are related to awisnian, forwisnian, forwesnian, arescere; O. H. G. arwesanen, erwesnen, it is not surprising to meet with harvassina in 6. The h is, of course, a cockneyism and the spelling differs, but otherwise the difference is small. Yet we

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⁽¹⁾ I cannot see any reason why O. H. G. witede (contracted witts) as the MS. gives it, should be changed into winde; see Graff, Spr. I, 760.

should rather expect aroisana (i. e. arwisana) or arwasina than arwassina; as to the a in the radical, cf. the note on washuco in Tit, XLI. The final a I here decidedly take as a vicarious form of an, and refer to what has been remarked above regarding the dropping of final n. The same applies to accuserna in 7, 9, for which we should read arwerna.

XXXIV.

§ 179. Bila in 6 and 10 confirms the genuineness of the same term in Tit. XVI, without affording any further means of discovering its counterpart in the cognate tongues.

In § 2 of 2 and § 3 of 6 either leodardi or the amount of the fine is erroneous.

§ 180. In frictebero of 2, ferthebero of 10, fertibero of 6, ferimbera of 7-9, etc., we easily recognize bero = bera, a bearer, one who bears, A. S. and O. Fris. bera, etc. Ferim, for ferin, owing to the following labial, is Goth. fairina, airia, μομφή; O. S. firina, A. S. firen, crimen, culpa; cf. O. S. firinddd, -werk, -quidi. Ferinbera, literally "culpam, crimen afferens," means one who maliciously casts suspicion upon another (1).

Fricte, i. e. frichte, ferthe = ferhte, ferti for ferhti, is not so clear; but we might assume it to be a synonym, or nearly so, of ferin. Indeed, Goth. fairina is not only "fault, blemish, crime," but also "a reason, λόγος." Now A. S. ferht, firht, frikt, fert, ferht (²), is well known in the sense of reason, mind, animus, λόγος. Not far removed is the notion of suspicion; the translators seem to have interpreted the word as if it meant "one who bears with ferhte," that is (bad) intention, cunning, wile, D. list. Hence the phrase "per malum ingenium," which practically comes to the same thing as the simple "per ingenium" in Lex Fris. Tit. II. Thus ferht being "ingenium," the ferhtebero would not unaptly be rendered by "qui per ingenium (i. e. by cunning) miserit."

Fistir in 1 is a mere corruption of firti = firhti. Biero is an instance of so-called breaking, such as in O. S. in hieri, Heliand, Cott. 162, 32; anthiennien Mon. 109, 23; 110, 16.

Not without interest is the corruption of curte into arte in § 4 of 3. It shows us that not only in the Malberg but also in Latin words, cu, by the similarity of the strokes composing it, easily loses its head and gets damaged at its tail into the bargain.

XXXV.

§ 181. Theuleuds in 10 means "the weregild for a slave or servant woman." There is no sufficient reason to doubt the appropriateness of this Malb.; at all events it is a good word. The case is quite different with theuleudinia, "i.e. the lady of a slave," which is no phrase at all. The incorrectness of theuleudinia is as obvious as its connexion with theladina in 6, etc. What may have been the original reading? An idea of what the compiler of the Latin text had before him, either in his book or in his mind, is suggested by the phrase "homicidam illum domini inter se dividant." This gibberish enables us, not to understand the term, but to fix the reading adopted by the translator. We have to transpose the letters d and l, whereby we obtain theodeulina. Indeed, 7–9 give the letters in that order. Dilinia, stem dilinia, may be a case

(1) There is in all probability some connexion between the Malb. and the O. N. term bora-föli (the Oxf. Dict. writes borw-), "a stolen article put into an innocent man's house."

(*) Cf. Grein's Gloss, i. vv.

of dilini = delini, a dealing, division, provided the i of the syllable d were long, which does not appear from the writing. It really seems that instead of the corrupt dealinia, the Malb. in the older MSS. had deelinia, delinia, for ee is not seldom expressed by eo, as we have seen in Titt. II. and III. Those scribes who were wont to spell ee for eo would naturally replace, without discrimination, any eo, both the correct and the spurious ones, by ee, and consequently write dealina where their source showed deolina, in the present case an altered deelina. The final result will not be affected if we suppose that the transposing of deolina into leodina had taken place before the modification of eo into ee. The e in ladina might be explained in different ways; but it is of no use to do so, because the e is wrong, whatever may have been the stages of corruption by which it was produced.

The Malb. in 2 will stand thus: theoléde (= theoleode); theodeolina, bad spelling for theodeelina; in 10 theuleude; theudeelinia. In 6 theodeilina is meant.

As to the question: "what may theodélini signify?" we must answer: more than one thing. Its meaning may be "the deciding the lot of, transaction about, the slave" (for O. N. deila and its synonym shipta; O. H. G. teiljan, etc., see Oxf. Dict. i. vv. and Graff, Spr. V, 407). But it may as well denote "the parting with the slave"; cf. O. H. G. teilida, divisio (conjugiorum); A. S. gedél, the parting with; gedélan, to part with. Gedelan moreover most naturally has the notion of giving up, forsaking (s. Grein's Gloss. i. v.).

The Latin text of the codd. 1-6, 10, and the Lex Em. shows the first interpretation, for what else could be elicited from the absurd "homicidam inter se dividant?" But the text of codd. 7-9 differs entirely from that of the other codd., and we have, therefore, to inquire which of the two texts is right. In my opinion the one represented by codd. 7-9, where "id est homicida(m)" means, I think, "that is to say the theu who has committed the murder" (must be given up). The homicidal slave should be given up by his master to the vengeance of the parents of the killed man; he has to disown, to forsake him. This we learn from the edict of King Hilperik, § 5: "Si servus hominem ingenuum occiderit, dominus servi-servum ipsum det ad vindictam. Et si servum dare non potuerit, in ipso iuramento fide data donet quod nec ibi sit ubi enm sensit nec scit nec eum attingere possit : dulgat servum, hoc est: det licentiam parentibus (eius) qui occisus est et de ipso quod voluerint faciant."

The more probable interpretation then is that the term implies that the master of the slayer is obliged to give him up, disown him. This is called in Latinized form dulgere, which points to a Frankish verb dulgan = duligan = dulian, O.N. dylja, Dan. dölge, to conceal; to disavow. Disavowing and disowning are nearly allied notions, and are often expressed by one word; e. g. A. S. witsacan, negare, renunciare, abdicare, repudiare; D. verzaken is not only E. to forsake, but also "negare, inficiari" (s. Kil. i.v.). Dulinia, dolina, in theodulinia (read thus in 9) and theodulina, is a regular derivative from dulian, dolian, dulgan, to forsake. In dilinia of 7 the i represents the Umlaut of u.

The existence of two different words, delinia and dulinia, being established, it always remains a matter of doubt whether the dilinia of 7 was intended for delinia or dylinia. As both 8 and 9 show o and u we must adopt for this family of MSS. dulina. The other codd. agree in having delinia in various disguises. Both terms must have been usual long before the period of the Lex Salica, and have equal rights. Virtually both amount to the same,

though the translators of the Lex deemed otherwise. The original statement of the Frank, law must have been such that the juxtaposition of theoleode and theodeelinia, al. theodulinia is explicable, which is not the case in the Latin edition. The article of the Frank, law probably ran somewhat like Ine's L. 74: "Gif peowwealh Engliscne monnan ofslihö, ponne sceal sepe hine ah weorpan hine tô honda hlaforde obse 60 scill, gesellan wið his feore. Gif he ponne pone ceáp nelle fore gesellan, ponne môt hine se hlaford gefreogan; gielden siððan his mægas pone wer, gif he mægburg hæbbe freo. Gif he nebbe, hêden his þå gefan." The difference in the social condition of the slain can hardly have affected the obligations of the culprit's owner save in so far as the amount of the weregild is concerned; cf. our Lex itself, § 5 of this Title.

§ 182. For lectos musdo in 1 read letos murdo. The genit. letos (letus in 7-9) of letu, leto is noteworthy, as it differs from the O. S. form of mascul. stems in u, which is o or ies. The Malb. seems to be misplaced, and to belong to § 4, though the manner in which 6 and 10 use theo where the text has "litus" would suggest that letu and theo were sometimes applied promiscuously. This would not be so very strange; traces of such a carelessness—if we must call it so—are visible, e. g. in the use of serf in English. Besides theo and letu a third term occurs, viz. rinc, renc, O. S. and A. S. rinc, invenis, minister, of which the genit. rincus, rencus followed by murdo, etc., occurs in the Malb. of 2 and 7-9, where the corrected reading requires: rencus murdo; rincus mordi. As for the e instead of i it is not rare in dial. Dutch before ng, nk, e. g. M. D. West-Flemish drenken for drinken and much more frequently in the Limburg M. D.

Teomosido, theomusido in 6 should be theo-mordio, -murdio; in 10 we must read theumordo, -mordio. Leciim musdo is a corruption of letomurdo, be it a compound like theumurdio, or leto a genit. c. analogous to O. S. suno. Distinctly a gen. sg. is letus in letus modi (read mordi) in 7-9. The error in 2 must have arisen from leto being spelt letum by a copyist who wrote under dictation, while letum became afterwards leciim (cf. above, § 2).

§ 183. Of claudinario in 6, and daudinariæ in 10, either one is corrupt—for it is evident that both cannot be correct at the same time—or both are altered. The restoration is doubtful. Chandinaria (in the main = D. handnering) would be "livelihood by the hand"; naria = O. H. G. nara or nert, sustentatio, stipendium. Chandinario, being taken as a dative, might be rendered: "for the livelihood"; and as the fine stated in 7-9 is higher than in 6, 10 and Lex Emend., the purport of the Malb. was, perhaps, to intimate that, in addition to the fine of 1\frac{1}{2} sol., the offender had to pay a certain sum in order to make up for the loss sustained by the owner of the slave who had been disabled from working during 40 days; or it points, perhaps, to a custom, which probably existed, of a certain charge being made for the maintenance of such a slave.

The strokes of the letters would also allow us to read chandmario, i.e. -marrio, or in two words chand mario (mariæ). The latter would mean: "(if) he lays lame the hand," or "mars the hand, the working by the hand"; the former "the laying lame, marring of the hand"; marrian, O. H. G. marrian, O. Fris. merian, impedire, tricare, O. S. merrian, Frank. of the Gl. L. merran, D. marren, merren, meren, tardare, etc. (s. Kil. i. v.): cf. A. S. amyrran in the phrase "på he pæs eorles earm amyrde", Byrhtn. 165.

I would prefer adopting *chandmario* because we find so to say the echo of it in the Latin "tricare opera sua," and also because daus in 7, dahus in 9 represents, if I am not mistaken, chanf, O. H. G. hanf, Goth. hamfs, κυλλόs, another form of which, viz., haf, we have already met with in derivatives. The proof that hanf may be applied to the laming of the hand is afforded by O. S. gihdvid (in Gl. Prud. 592) being a rendering of "arens (dextera)." Save the difference of adjective and substantive, chanf and chandmaria convey the same meaning.

For teofriomosido, etc., read theohreomordio.

XXXVII.

§ 184. Adchramire, etc., in the first section of this title, points to Frank. at-, ant-, an-chramian, which were not unlikely alternating forms. We know chramian already from Tit. XX in the sense of "pinching, squeezing, clutching," O. N. hremma. Almost the same verb as hramian, and only differing from it in conjugational suffix is D. ramen (i. e. hramen), to tax, estimate; to hit; to plan. Another D. word aanslaan combines various shades of meaning of hramian and hramen (ai or o class), viz. to seize, take possession of, confiscate; to hit; to tax; to assess; the subst. aanslag moreover signifies an attempt, design, plot; the same applies to Germ. anschlagen and anschlag. Wholly analogous is the term for adchramire in A. S. ætfon, befon, ætbefon, ætfeng (cf. Schmid, Ges. d. Angels., p. 526), and M. G. anevahen, anevanc; the M. D. aanvangen also denotes "to seize" (see v. Hasselt on Kil. i. v.). It is clear that the different Latin renderings of ætfon, ætfeng, anevanc are defective and too limited; but "intertiatio" is the worst of them all, because this part of the transaction is only required in a peculiar case as stated in our Lex. It was, no doubt, the difficulty of finding a Latin word equivalent to one of such various meanings as (at-, ant-, an-) chramian which induced the translators to retain it. In the languages nearest allied to the ancient Frankish dialects an adequate translation of adchramire is afforded by the word already mentioned, namely D. aanslaan, G. anschlagen. For another use of adchramire cf. Tit. XLVII.

The g in agramire is due to the similarity of the sounds of ch and g, as pronounced in all Low-Frankish and Westphalian dialects.

§ 185. Solem collocare (in the third section) with its corrupted forms collecare, colegare, culcare, etc., is in Tit. CVI (LXXVI of cod. 10) called sol[e]satire, a would-be Latin word, whence with certainty may be deduced a Frank. sôlesatian, sôlsattian. As usual, the compilers of the Latin text, instead of translating, i.e. rendering a certain notion by its equivalent in another tongue, have been etymologizing. Sôl, O. N. sól, A. S. sôl, Goth. sauil, etc., means the sun, and satian, to place; why should not they make "solem collocare" out of it? The answer is because such an idea is nonsensical and because solsatian is no compound at all, but a denominative verb formed from a compound, namely solsati, which must have denoted "a natural day"; cf. O. N. solsetr, in med solsetrum, all day long; milli sólsetra, from sunrise till sunset (s. Oxf. Dict. i. v.). We find quite an accurate rendering of solsatire in French ajourner; in Dutch and German analogously dagen, tagen, to summon, and verdagen, vertagen, to adjourn. The French word, like solsatire, combines the double meaning of summoning and adjourning.

§ 186. The gloss mithio frasito (frasitho, frassitho) in 7-9, mitho strastatido in 6, mittinio frastatitio, frastathinto in 10 recurs afterwards as the rubric of Tit. LXVI. Frasitto, frasittho is the genit. or dat. c. of frasittha, frasitta, a contraction of frasititha (cf. O. H. G. gasisida and the like). The corresponding verb is

frasitian, -sittan or -sitan, O. Fris. vrsitta, O. H. G. furisizsan, A. S. forsittan, to neglect, contemnere (for A. S. see Schmid, Gloss. i. v.; for O. H. G. Muspilli 33: "Ni kitar parno nohhein den pan furisizzan"). In the Fris. LL. 14, 6 we find the following variations where the Latin text has "si quis hoc contempserit"; 1°, "Sawasa hir vrsitte end des riuchtes werne"; 2°, "Sahuasa hir vrsitte and riuchtes werne"; 3°, "Hwaeso dat riucht uursitte"; 4°, "Hwasa tha kininge werth foriwernande jestha sina weldega boda." By comparing these passages we learn that vrsitta riucht is "contemnere legem," and hir vrsitta "to show opposition in this matter," and moreover that vrsitta and foriwerna, to oppose, in word or deed, are notions naturally passing into each other. The causative form of frasittan, viz. frasatian, has produced D. sich versetten, to resist; hence the subst. verset, resistance. Being a substantive verset, though belonging to the reflexive verb, shows no distinctive mark of the reflexive. Practically frasittha is both "contempt, neglect," and D. verzet, resistance.

In the latter sense frasitha is a synonym of A. S. forsteal, obsistentia, O. N. fyrirstaba, etc.; cf. Tit. XXXII. A word belonging to the family of frastandan is discoverable in the Malb. of 6 and 10 though blended, it would seem, with a reading frasattitha, frasattida. The latter is the exact counterpart, except the suffix, of D. verzet, in so far as the causative frasattian by itself is "opponere," whereas the subst. implies the reflexive notion; in English, it need not be said, even the verb "to oppose" is so to say a middle voice without any distinctive mark. From frastathian, stadian, "to bring into opposition," might be formed, analogously to frasattitha, a subst. frastathitha, da; cf. O. H. G. gastatida as to the suffix, and O. N. fyrirtaba as to the verb (1). A derivative from the intransitive frastandan, viz. frastanditha, al.-stanthita amounts in point of fact to the same thing; cf. O. H. G. firstantida, widarstendida, and the like.

There is little doubt that frasittha, -sattitha, -stathitha, and -standitha were in common use and denoted the same thing, namely: "opposition, in word or deed." It may be a matter of doubt only which term we should allot to each single Codex. For 7-9 we cannot but prefer frasittho; in 10 frastathitho must have been intended; in 6 either frasattido or frastathido.

We have now to make out the purport and the sound of the first word of the phrase in question. Suppose the term had been omitted in the Lex, how should we fill up the blank? In order to solve this problem we must take into account the recurrence of the same term in Tit. LXVI. There the delict, so styled, is committed by one who resists the legal recovery of stolen cattle; in the present chapter the culprit is the owner of cattle lost. Consequently the whole phrase can have but one meaning-opposition to the legal authority, or contempt of the legal ordinances. The first word we require would be adequately represented by the Latin auctoritas. The sound of the Frankish word, if we have to trust the scribes, is something like mitia, mita, mittini(a), the final o being the sign of the genit. sing. fem. By dint of etymology, by referring to O. N. metoro, esteem, rank, dignity; metnatr, metnutr, honour, respect, rank; A. S. meotod, providence, fate, destiny; Goth. mitan, to measure; and by comparing Skr. mana, pramana, measure and authority, I might succeed, perhaps, in making out a not very weak case, but anything approaching a grammatical proof I for one am not able to produce. And any explanation wanting a

To sum up the results: either the Salic Franks, alone among all Teutons, treated a verb *metan* in the same manner as if it were synonymous with *witan*, or the scribes have replaced the Frank. w by m. Cf. Tit. CVI.

XXXVIII.

§ 187. A draught-horse is called channaszascho in 7, chanzascho in 9, canasasco in 8. Changasto, O. Fris. hangst, hengst, etc., is intended. As to the fluctuating meaning of hengst I may refer to Heyne in Grimm's D. W. i. v. hengst. As we do not know the context of the original, we are unable to decide whether the final o is the sign of the dative or of a weak mascul. in the nominative or merely additional. Another form with Umlaut is chengisto, in § 2 of 10. As it stands at "caballus spado" we gather that hangast, hengist in common parlance meant a horse in general, just as the O. Fris. hangst, hengst and Dan. hest, Swed. hast. In 6 the term in paragraphs 1 and 3 should be identical, viz., changisto with a probable variety changosto. A further inference from what has just been remarked is that chanco in 10 is a corrupted chan(gs)to. The monstrous hansiam in 2 has arisen from hangistum, in which um represents o according to the prevailing pronunciation of the semi-Latin of the period. For ansacho in 1, a codex which we know to be partial to cockneyism, read hangastho; th is a cumbrous spelling.

§ 188. The would-be Latin waranio is M. D. wrene, admissarius, more or less corrupted in O. H. G. reineo, reinno, etc. (s. Graff, Spr. I, 978). The word is properly an adjective, A. S. wræne, lascivus. The same notion of "lascivus" enters into another Frank. word for "admissarius," namely, walderido in 1, etc. Rido, probably rido, is in the main M. D. rijder, "cuniculus admissarius;" rijdig sijn "equire, coitum appetere; dicitur de equis" (Kil. i. v.). Redo may be redo, which would agree with O. H. G. reit in reithano, gallus gallinaceus (Graff, Spr. I, 958). Consequently, rido, redo and warannio convey the same meaning "a stallion." Walde, wald, a wood, a park, is to be taken in the sense of the O. N. völlr, a paddock; hence walderido may be rendered "a stallion of the stud." In O. H. G. glossaries there is a curious translation of stuothros, a stud-horse, viz. "equus ferus;" this looks as if it originated from a word walthros, because walt is also "a wood." In 2 read walderedo; in 6 waldrido; in 7-9 waldretho; in 10 waldrido, -redo.

§ 189. For "waranio regis" 6 has selcho, 10 setheo, which are both corrupt. Either O. H. G. scelo, schelo, admissarius, is intended, or what is called in Latin sellaris or sellarius (for which cf. Ducange i. v.). In the latter alternative the true reading would be selecho, from eho, O. S. ehu, A. S. eoh, eh, O. N. jór, and O. N.

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grammatical basis is not worth being discussed, still less adopted. Curiously enough wittha, O. H. G. wisida, and wittiä, witiä, Frank. of Gl. L. 1042, wittl, O. H. G. wisi would be perfectly intelligible, and scarcely differ in meaning from Goth. wito), O. H. G. wisod, wissod, Frank. of the Ps. witut, wittut, D. wet, law; for witian and wition, A. S. witian and weotian, ordinare, constituere, cannot be kept separate. Wittini would show an amplified form, like O. N. vitna, to witness, attest; vitni, witness, testimony; cf. A. S. witta = witscipe = witness, testimonium. Calling to witness and protesting being practically the same, wittini would mean protest, protestation; wittinio frasattitha, contempt of the protest. In Tit. LXVI, where there is no question of a protest, not mittinio, but the other more comprehensive term occurs.

⁽¹⁾ Frasattitha is formed like O. H. G. sessida, sezida, and the like.

seli, sili, Dan. sele, harness; so in a passage quoted in Oxf. Dict.: "hvert hross skal i reið skjóta fara, er seli eða saðull hefir á komit;" cf. O. H. G. satulhros, sellarius, equester (Graff, Spr. IV, 1180). I see no chance of reconciling it with the obscure O. H. G. stofiu, sonipes.

§ 190. Huicthe in 10 is very puzzling. If it be a synonym of sonistha, one would be tempted to read ehuisthe, a herd of horses, formed like O. H. G. awist, ewist, owist, sheep pen (cf. Goth. awistr). That the ending st signifies not only a place but by amplification the herd itself, appears from sonista. Or should we read wicche = wigche-sonistha, i. e. "a sonista of horses" (wiggi, O. S. wigg, A. S. wicge, O. N. vigg)?

§ 191. For marthi in 1, which has been rendered by "equa praegnans", we should read marchi (?), O. N. meri, merr, D. merrie, O. H. G. merha, merhe, a mare, though we would rather expect maricha or marcha. Anciaca in 2 is nothing; a femin. hangista is possible, but unknown. It is perhaps a misplaced hangista, a dative masc. Likewise misplaced is sunnista in § 6 of the same cod.

§ 192. Stalachaia in 6 should be stalachia; likewise the Frenchified estalathia and other slight corruptions in 10. By comparing Tit. IX, where 6 shows stallachia, and 10 stalacha as the Malb. to "animal aut caballus aut iumentum", we obtain the result that the term, which originally was clearly an adjective, does not exclusively mean a mare, but answers pretty nearly to O. H. G. stalfeho, iumenta (Graff, Spr. III, 450). The difference will consist in the fem. sing. serving to signify a mare, a iumenta, as we here and there meet with in the Lex, whereas the neuter plural is the equivalent of the Latin plur. iumenta. The nomin. sing. fem. and nomin. plur. neut. most probably were outwardly alike, as in O. H. G. That in stalachia, stallachia the ending answers to an O. H. G. iu is not so strange, because the neuter pl. in O. S. ends in a, so that the Frank. ia forms the link between iu and a (1). Along with ia, however, is or io must have existed in the language of the period, for the corrupted sitabaim in 7, sitabahim in 8, sithabahun, sithabahim in 9 unmistakeably point to stalahiu (2). It may be that stalachaia in 6, where the accusat. fem. sing. is meant, should be corrected into stalacha, and that ia must be regarded as a later addition by one who confounded it with the neuter pl. stalachia.

An interesting variant is hidden in Malb. thradiligia of 8, trachlagia of 7, 9 in Tit. IX. Tr, thr, is an inverted rt, rth, or what appeared to be so in the eyes of the copyist of the parent cod. of 7-9. Not rt but st was meant. The restored reading is stadilagia, sthadiligia. Stadilag, stadilig is derived from stadil, in the same way as stalag, stallig from stal. Both mean the same thing. Stadil is a variety of stadal, O. H. G. stadal, A. S. stabol, O. Fris. stathul, O. S. stadal, statio.

§ 193. For a foal cod. I has marsolem, read marfolen, a nomin. or accus. neut. or marfolene in the dative case. It is literally D. merrieveulen, i. e. a filly; cf. O. H. G. folo and fuli, fulin, N. H. G. folen and füllen, Goth. fula, O. N. foli and fyll. Naboth in 6 is unmistakeably connected with nabohot in 7 and 9, whereas napondero in 6, which seems to be a synonym of naboth, agrees with the Malb. napodero in 10. Naboht (written naboth), nabohot, contains apparently the diminutive suffix -t, like fichit, fiht

though it reminds us of Westphalian page, a horse (cf. Grimm, G. D. S. 22), and, in sound, of M. D. baggele, a pig, farrow (see Kil. i. v.). Napondero raises even more questions. We have seen that the apocryphal pondero, podero in Tit. III does not mean "poledrus," though the copyists may have fancied so, but an animal of the bovine race, a cow. How, then, can it occur here to denote a certain kind of horse? To remove the difficulty we must suppose that there existed a comprehensive term which included any beast of burden, like A. S. woruf, weoruf, weorf, pecus, iumentum, asellus. Now, O. H. G. hrind, the very word we would have expected in Tit. II, is rendered by "bos, armentum" and "iumentum" (s. Graff, Spr. IV, 1171). This fact is apt to confirm us in our suspicion that for pondero, podero, protero, etc., in Tit. II we have to read rondero, rodero, hrothero. Naronder(o), naroder(o), is exactly "sequens iumentum." § 194. Unadredo, unadreto, unadretho denotes, in § 4 of codd. 7-9 and the corresponding of 10, a puledrus; but as we have met

(cf. Notes to Tit. II), E. colt, rabbit, etc. Na may be D. na, after,

following, near; O. S. na in nâbûr (Heyne, Kl. D. 158), D. nabuur; O. H. G. nâh (once also na). At all events we must

suppose that na was interpreted in this sense, because in the next § we find the Latin "poletrus sequens" at na-re. Both the

radical part of the word boh and its relationship are unknown,

§ 194. Unadredo, unadreto, unadretho denotes, in § 4 of codd. 7-9 and the corresponding § of 10, a puledrus; but as we have met before with the very same word indicating a stallion, we must presume that the original reading has become obscured, either by the mistakes or by the assimilating propensities of the scribes. Thus as it stands wadretho, -redo, or rather waldretho, resembles very much the Low German uelthpereth, iumentum, mentioned by Graff, Spr. III, 347, where we may also compare parefret, pherfrit, pherfrid, pherit, paredrus, vilis equus, paledrus (read puledrus(?) cf. 346).

§ 195. Nare is an alteration of mare = marhe, O. H. G. marhe, iumenta, a mare. It ought to stand where I has marthi. The word "sequens" (na) probably led the revisers to remove it to its present place.

§ 196. For asisto in 6 (the same cod. which before showed chan-zocho and chanzisto) we must read hangisto. The variant has at least the value of proving that the ch was sounded in such a way as to be easily dropt in pronunciation; this can only be said of the sound of h, never of ch.

§ 197. In andeabina of 6, andechobina of 10, habina = chabina cannot be habina, the laming, crippling, known from Tit. XXIX, because ande would, in such a case, be meaningless. Therefore habina, chabina (havina), with short a, is intended. Andehabina or handehabina means "maintenance, medical treatment, cure"; cf. Tit. XVII. The real purport of the term is, no doubt, to indicate that besides the fine an extra sum had to be paid to the owner of the disabled animal, by striking or otherwise. It is extremely unlikely that such a small sum as we find mentioned in this paragraph would have been considered an adequate indemnification to the proprietor of a stallion who had sustained a loss in his usual income by the horse having been castrated. The Malb. most probably belonged originally to § 9 and § 13 (of cod. 6) likewise, though the compilers of the text of 6-10 limited the payment to the extra sum of I trians for each mare, to which the corrector in 10 adds: "quod ille inire consueverat" and in Lex Emend. "quam continere consueverat." The absurdity of such phrases, without any limitation as to the period the stallion had been in use, sufficiently indicates that the original law contained nothing of this show of minuteness in the Latin texts.

⁽¹⁾ If the adjective be a stem in s or is, the accus. sing. fem. and nom. pl. neut. will be stalackia; cf. O. S. scônia, Hel. 109, 20; suôtea, 115, 22.
(2) The expansion of sta into sita is due to the Gallo-romance speaking

^(*) The expansion of sta into sita is due to the Gallo-romance speaking scribes not being able to pronounce st; another way of avoiding the nexus is the prefixing of e, as in estalatkia of 10.

§ 198. Leodardi in 1, etc., is out of place, and should stand in Tit. LXV as the fine to "si caballum decotaverit (excortaverit)." It is from such examples that we learn how the original law, nay even the oldest Latin translation, has been dislocated, split up, and mutilated.

XXXIX

§ 199. The paraphrase: "id est per circumventionem de servitio domini sui abstraxerit" belongs to the Latin sollicitare which we find in § 1, and not to plagiare, where the Lex Emend. and 10 have it. Plagiare, it is unnecessary to say, means kidnapping, and not precisely seducing. The whole tenor of § 2 flatly contradicts the interpretation of the Lex Emendata. The Malb. theolasina (1), etc., "the seducing a slave" is plain and removes all doubt. As to obscult in 1, obsculte in 2, the root agrees with O. N. skollr, deceit. As to the sense, obscuht would suit as well, because A. S. scyccan (whence scucca, the seducer, Satan) is the very word for "sollicitare." But as O. N. skolli, the evil one, agrees precisely in this sense with A. S. scucca, there is no reason to impugn the authority of the MSS. From the t in the ending I infer that obscult stands for obsculht, a derivative from a verb which would be formally identical with E. to sculk. Ob may be either of = Goth. uf, under, or = Goth. af, A. S. of, dial. D. of; neither will affect the notion of obscult. The translators took it for of = af, as may be gathered from abstrahere in the misplaced paraphrase.

§ 200. Uiridio (read wiridio) in § 2 of 10 is the O. Fris. wird, werde, judicial proof, assertion of rights (cf. the passages in Richth. Gloss. i. v. werde, 2). The word, along with its collateral forms, as O. Fris. warande, warende, M. D. warande, custodia, defensio, cautio, assertio (see Kil. i. v.), M. S. gewere, werscap, N. H. G. gewähre, etc., is of so wide an application in the ancient Teutonic laws that it is not easy to find a satisfactory equivalent in our modern tongues. In the present case "judicial proof" or assertion of one's rights by adducing the legal proof would be the most suitable. How this proof was to be given forms the subject of § 2 sq. in cod. 2, etc.

The readings of the other codd. are mere variations of wiridio, better wirdio. In 2 wirthario is intended; in 6 wiridario; in 7-9 weridario. That this term here used as "cautio, defensio, vindication of rights" is originally identical with werdere, wardere, waarder, arrha, arrhabo, auctoramentum, treated in Tit. VI, is proved by the fact that A. S. werborh (2), D. waarborg, means guarantee, guaranty, in combination with the other fact that M. D. waer-geld = waert-geld is "arrha, auctoramentum."

§ 201. For mallo, malo we must probably read in mallo (malo), in the public assembly, that is to say, in court. I take o to be the sign of the instrumental; cf. the construction an thiu in Heliand 99, 6, with M. D. indien, in eo ut, si.

§ 202. The quasi-Latin wargars, only found in the family of MSS. represented by 7-9, B-H, as a paraphrase of "plagiare," presupposes a Frank. wargón, different from wargian, Goth. (ga)wargjan, etc., to doom. According to analogous derivatives, it may signify "to treat one wolf-like, rob one," as well as "to reduce one to the state of warg, i. e. outlaw." Since the notions of "outlaw," exile, and wretch, pass into one another, as we see from A. S. wrecca, wrecca, wracca, E. wretch, and its cognate

words, there is no reason to doubt the correctness of wargare, or to change it into wracare. That, according to Teutonic law no less than to the ancient Roman, even he who is involuntarily an exsul was looked upon in the light of a banished man, may still be traced in a passage in the Fris. LL. 48, where the words: "Jef thene mon Normen nimath ande hût (i. e. ût) of londe fereth werth sunder willa and mith urwald" have been rendered: "Si virun quempiam Normanni accipiunt (1) et ille in exilium vel uterlondes ductus fuerit."

§ 203. Friofalchino in 7; friofalcino (read friofalgino) in 8, 9; friofaltouo (read friofalchono) in 10 is the genit. or dat. c. of a fem. stem in nia. It is a compound of the stem fria, Goth. frija (nomin. freis), etc., free, and falchinia, falchonia, the nom. act. of a verb, O. H. G. falgjan, givalgan, subtrahere, attrectare, usurpare. On comparing what has been remarked about this verb under Tit. X, we obtain the result that it is aptly rendered both by plagiare and by "per circumventionem de servitio domini sui abstrahere." It is, no doubt, owing to the Frank. word expressing both notions that the paraphrase "per circumventionem de servitio domini sui abstrahere" has been applied to plagiare. We have seen above that this paraphrase is misapplied where the Latin word was used, but it is true that falchian denotes as well "sollicitare, i. e. per circumventionem abstrahere" as "plagiare." The same ambiguity is observable in the D. word verronselen, to decoy, to kidnap, to barter away, to sell unlawfully. Falchonia belongs to a verb of the b- class (cf. rojania); falchinia to one of the ai- or iaclass. The form with a, precisely answering to rofania and the like, occurs in falcham, read falchani or falchanu in 10. For falconū in 2 read falgono or falchono.

The translation, or we might say interpretation, of falchinio is found in the Latin "plagiare," whereas "vendere" is intended as the equivalent of audelfecto in 10, chaldefico, chaldeficho in 6. In this corrupted term I see traces of a mixture of two readings, namely handeseltho, I see traces of a mixture of two readings, namely handeseltho, O. N. handseld, is a derivative from handesalian, O. N. handself, al. handsala, tradere in manum, tradere venditione, whence handsal (s. Oxf. Dict.), i. e. etymologically, of course, E. handsel. In composition with fra we have the word in D. verhanselen, to barter away; to sell, dispose of in a clandestine or unlawful way.

In the hypothetical reading handefilgo, chandefilcho, filgo (felchto) would be a fem. subst. derived from *felhan, tradere; cf. Goth. filhan, O. S. felahan, O. N. fela, etc., to which belongs O. H. G. feili, D. veil, venalis, etc. It may be supposed that the Franks possessed a word handefelhan or handefalhjan, which in meaning was wholly or nearly the same as handesalian.

The reviser of 6 should have corrected fanchamo into falchamo, which is sufficiently clear by itself and confirmed by falcham (read falchams) in 10. It may be that the corrector discovered in the term the word franc, free, a free man, M. D. vranc, the dative of which would be francamo. He might the more easily have been led to this conjecture by having seen frio in the other MSS. just a few lines before. The ch has a High-Frankish tinge, but the scribe of 6 shows more instances of the same tendency, e. g. in replacing an original p by ph. We should not lay too much stress on this trifle, for even a scribe entirely ignorant of any Frank. dialect might have been tempted to the conjecture franchamo, because franc was one

⁽¹⁾ The z in thelazina of 6 points to s and z being apt to be confused in sound; cf. Lex Zalics in the title of cod. 3.

^(*) See Schmid, Gloss. i. v.

⁽¹⁾ Accipere is a mistranslation; nime is "capere" not "accipere."

of the words that had passed into the Romance, and as to ch for c, it was customary to write promiscuously in Latin charitas and caritas, pulcer and pulcher, and other words of the same kind.

XLI.

§ 204. For leve in 6 we must read lede = leode. The same mistake occurs in 8, where leode is required; how leot could give rise to the much graver error leodardi in 7 and 9 has been explained Tit. XVI.

Unath-leudi, i. e. waht-leudi, in 10 is "the weregild for wetting, drowning" a person. The initial m in the other MSS. is the almost constant corruption of w. Wacte or watte, waht is a substantive belonging to the verb which in O. N. sounds võkva, to moisten; A. S. weccan, part. p. p. weaht, used as an adjective in the sense of moist, wet, in Cadmon's Genesis, 1922: "see eorde wæs wætrum weaht, lagustreámum leóht" (1), the preter. wehte in Beow. 2854. The form watte, if correct, recalls M. D. watte, wette, aquarium, lacus; synonymous with drencke, E. drenck. Related to watte in origin and meaning are O. Fris. wet, weth, weith, A. S. wet, E. wet; O. N. vdtr, wet; væta, to wet, etc.

Leote in 6 is a misread leode; te and de are occasionally written almost alike.

For matdalio in 7, mathdaleo in 9, we must read watduplio, wathdupleo. In this instance wat, wath means a drench, because duplia is the nom. action. of duplian, a verb with diminutive-frequentative suffix and holding the mean, so to say, between D. dompelen, immergere, and A. S. dyppan, E. to dip. Another verb with the synonymous diminutive-frequentative suffix ti (tt) is A. S. dopettan (Ettm. Lex. 566). Watduplia means "immersio (in active sense) in aquarium," etc. The final o is probably the sign of the genit, or dat. case.

§ 205. The Latinized hall-, clumsily spelt all- and call-, and erroneously clal- and coll-, is certainly the parent of the French hallier. Whether it should be identified with O. N. hallarr, a kind of tree, or O. H. G. (wintar)hallun, labruscae, is doubtful. It rather looks like an assimilated harl(a) = hasl(a), O. N. hasl, hasla, O. H. G. hasal, hasala, A. S. hasl, hasel; as for the r, cf. κόρυλοs, and for the sense Lex Rip. 67: "in hasla, hoc est in ramo, conjurare." The form alesum, read haselo (?) in § 4 of 1 tends to confirm our view of the word. Nevertheless, the form hall being so constantly used par excellence as something "covering," may be due to its being connected, really or fancifully, with helan, to cover.

§ 206. Moantheuthi in 3 is corrupted to such an extent that it is difficult to find out the original reading; not unlikely it was wath-leudi or morthleudi.

§ 207. For mortis leodi in 6 read morthis leodi, i.e. "the weregild of murder," the latter term taken in the sense of O.N. moro, defined as: "en þat er moro ef maor leynir eða hylr hræ," i. e. "that is a mord if one conceals and covers the corpse" (cf. Oxf. Dict. i. v.). How closely this resembles the use of the word in our passage of the Lex Salica need not be pointed out. Not only morth, but other derivatives, as murdia, murdr, murthrid, were used by the Franks in the same sense, and the expression answering to O. N. myroa is rendered in semi-Latin by in mortridam-, mordrem mittere; e. g. in Septem Causas, VIII: "Si quis hominem—occiserit et in mortri-

dam mittitur.—Si quis grafionem occiserit et in mordrem miserit.— Si quis femina ingenua occisa fuerit et mordrida fuerit"; etc.

For modoleodi in 7, modi-leodi (the stroke through the d is uncertain) in 9, read mordo (al. mordi) leodi. Mordo and mordi must be taken as genitives of a feminine stem mordia. Marchat, in 3, probably means murthrit. The final m of leodem in § 3 of I is superfluous. Matheleode, read wathe (i. e. wahte) leode, in § 4 of the same cod. answers to "in aquam aut in puteum mittere" of the text, as does also matheode, read wathleode in 6, whereas mort(h)is (leode) expresses the idea conveyed by "de hallis aut de ramis co-operuerit." Hence it follows that matte leodi in § 4 of 2 is misplaced. In 10 we should read wath leude for the former case; murthes (scil. leudi) for the latter. Morcherter in 7, 9, molcherter in 8 should be morthrethes, scil. leodi. Cf. Lex Rip. 15: "celare voluerit quod dicitur mordridus"; and other variations in Graff, Spr. II, 855, sq.

Malchom in 7, malcho in 8 is obscure. As regards truste, troste, etc., cf. the next Title.

§ 208. Walaleodi, which occurs twice in cod. 2, is "the weregild of a Wala(h)," the well-known name given by Teutonic people to their Romanised neighbours; O. H. G. walah, walh, A. S. wealh, weal, D. waal, etc.

§ 209. Friofalto in 2, friofald in 10 is certainly connected with O. H. G. fravali, fravili, frevili, procax, protervus; A. S. fræfele; and O. H. G. fravalt, etc., protervitas, A. S. fræfelness; and moreover with O. H. G. frabald, frapald, procax; frabaldi, frapalds, temeritas. The p in frapald seems due to popular etymology; allowance being made for this change, frabaldt is, with respect to the suffix and the radical, nearest allied to friofald, friofalt(h)o. Along with the forms which show an 1 in the suffixal part, we meet with another, viz. O. H. G. frabari, the counterpart of which is frioferto (friofertho) in 1. A most interesting discussion on the N. H. G. frevel and its kinship is to be found in Grimm's D. Wtb. i. v. From the facts there adduced it will be understood how the Frankish word could have frio, apart from the intricate question of its real etymology, of which only this much may be said with confidence, that it has been obscured by every imaginable freak of popular etymology. After reviewing the changing appearances of the word in question we cannot doubt the genuineness of frethfalto or perhaps frechfalto in 6, though the choice between freth- and frech- is embarrassing, as N. H. G. freidig, to which frêth would be allied, is (like O. H. G. freidi, freidag, etc., "profugus, profanus") both "profugus" and "audax," and in the latter sense synonymous with frech. Since the Frank. form of High-German frech can only be frec, we must prefer frethfaltho, supposing the spelling in 6 to be correct, which remains a matter of doubt. The O. Fris. form is freth, fret, which, used as a substantive, in the weak declension sounds fretha, freta "a doomed man, a proscript." The e in the O. Fris. word is probably long, on account of O. H. G. freideo; if we find in Graff, III, 824, si frevele rendered by "pro fredo," it does not follow that the Latinized fredus must necessarily be referred to an O. H. G. form; the original may just as well have been Low-Frankish, Salic: cf. about freidig Grimm's D. Wtb. i. v.

The question arises whether the Malberg has been rightly interpreted by the translators of the Salic Law. We can understand that acts of wanton cruelty were occasionally committed, but the case, as stated in the Lex, would require an accidental concurrence in wickedness of two parties. The person who could perpetrate the crime which, as described in the Lex, would not only be ferocious, but entirely purposeless, certainly deserved to become a warg, or outlaw.

⁽¹⁾ I cannot adopt Grein's interpretation by suscitars in his Gloss. i. v. weccan.

In fact, the whole tenor of the Latin text gives me the impression that the term friofertho, friofald, and perhaps frethfaltho, in linguistic respects, simply means "wantonness," and further that friofal originally contained the notion not only of lust, but also of petulance, just as Goth. friks, D. vrek means "greedy," whereas A.S. frec, O. N. frekr, O. H. G. frech, etc., means both "greedy" and "cruel, petulant."

§ 210. Unasbugo in 6, unasbuco in 7, etc., is a compound, the latter part of which is, apparently, buc, M. D. buuk, buik, "truncus corporis," like O. N. bikr (1). The ending is that of an instrum. c. governed by some preposition, say an, in, or even to, in the sense of "towards." That "trunk" is meant is clear from the Latin "homo sine manus et sine pedes." In was the interpreters seem to have seen some word connected with O. H. G. dweisi, a carcass; cf. Graff, Spr. I, 522 and 1077, where we find the quotation: "iro irslagenin aweisin, occisa cadavera fresent vulpes et lupi." Still nearer in sound stands M.H.G. awasel, which along with the variations dwesel, abasel, anwasel, awisen, etc., denotes a carcass, the body of a dead animal; the adject. dwesel is "miserable, poorly"; O. N. vesall, wretched; vestingr, a poor soul. An offshoot from the same stem is O. N. vas, misery, toil; cf. vés, toil. Remembering that we have met with an a in arwassina (Tit. XXXIII) as a variation of e in armernon, we are tempted to derive was or was and arwesan, etc., from the same source. By doing so we shall understand how the interpreters of the law could see in wasbuc "a withered trunk" or "a bare trunk," for O. N. vesall often means "destitute." Whether the interpretation is right cannot now be ascertained. A certain amount of scepticism in such matters does no harm; until an analogous example is adduced from other Teutonic laws, it will be safest to assume that the whole paragraph in the Lex is the result of etymology. My suspicion is all the stronger because in the Frisian Laws we repeatedly find the word wase, A. S. and M. D. wase, dirt, mud, mire (cf. O. N. veisa, a pool, cess-pool), used in connexion with such delicts as are treated of in this Title of the Lex Salica. Thus Fris. LL. 95, immediately after the wapuldepene, i. e. the wahte of the Franks, we read: "Hwasa otherne werpth an wetir and an wasa"; at fliuswerp (442), a crime of the same kind as that specified in § 9 of cod. I: "thet is en riucht fliuswerp, thet hi weth and wasich sie." In combination with wapeldepene the Fris. Law contains provisions against the crime called soldede, defined to be "violenta percussio prostrati ad terram postquam per se resurgere non potest" (p. 94). That the soldede is very often deadly appears from pp. 160 and 222: "Huerså ma en soldêde dêth, aldermithe dêthma thene håghesta dadsulma." Now, sol is synonymous with wase and it would be far from impossible that wasbuc was properly a term denoting the same as soldede, i. e. "violenta percussio prostrati ad terram."

The Malb. relating to the taking down of corpses from the gallows will be discussed at Tit. LXVII.

§ 211. The readings aliofedo in 1, callissolio in 6, challis obduplio in 8, callis obdublio in 9, chaldis obduplo in 7, chalip sub dupio in 10, may be restored by an almost mechanical process—the safest method because the least dependent upon preconceived notions—as follows: hali-ofedo in 1, challis-obduplio in 8 and 9, chaldis-obduplio in 7, challis-ubdupio in 10, challis-solio in 6. Obduplia, gen. or dat. -io, means "submersio," from obduplian, D. onderdom-

pelen, to submerge; ob, ub, is Goth. uf, under; for duplian, see above § 204. Ubdupio in 10 is unobjectionable, supported as it is by A. S. dyppan, the Frank. equivalent of which must be dupian, duppian. Ofedo stands for ofdo; do is radically the same word as in selan do (1); ofdo cannot differ much in meaning from Skr. nidhuwanam, from nidhu, to throw down. An amplified form of dhu is D. duiken, to dive; O. H.G. intilhan, innatare; tuchil, mergus, mergulus. The synonymy of duk-, duf- and dump-, dup- is strikingly illustrated by the fact that the bittern is called roerdomp in D. rohrdommel in N. H. G., but horotuchil as well as horotumbil, -tubil in O. H. G. Solia is the nom. act. of sulian, O. S. sulian, volutare, Heliand 52, 8, the same word as A. S. sylian, to soil, of course, but in the passage of the Heliand it should be rendered by volutare, as appears from the context: "hwand sin it an horn spurnat, suliad an sande." Even more distinctly in the sense of throwing down on the soil we find O. Fris. silenge (for sylinge) in gerssilenge, which differs little from horewerp (2); cf. also sullenge and soldede, Richth. Gloss. i. vv. In short, sulian not only means to throw with soil, mud, but also to throw on the soil, into the mud. The word is entirely analogous to D. smijten "to fling down," "to soil," "to smite," A. S. smitan, percutere, but smiting, pollutio; Goth. bi-, gasmeitan, exixpleur, O. H. G. smlsan, linere; bismisan, contaminare. That sulian also can have meant more particularly "to cause to slide," may be deduced from D. sullen, to slide.

There can be no doubt that the translators of the law have rightly caught the general meaning of ofdo, obduplia, etc., as they render it by "iactare" or "impingere." Not so clear is their interpretation of hali, etc. The word certainly has no reference to "puteus." From the tenor of the text in 7-10 we may gather that the interpreters hesitated, and it behoves us to see whether the cognate languages afford us a clue to the signification or significations of the term. Hali is, apparently, M.D. helle, hel, both "altus" and "lubricus"; as a substantive it will be "a high spot" or "a slippery spot." The fact of challis interchanging with chaldis in the Malb. warrants the conclusion that this word is a derivative from a verb which in D. sounds hellen, and in M. D. also helden, inclinare, propendere; whence helling (M. D. also heldinge), declivitas; navale. The forms with ld answer to O. H. G. hald, clivus; halda, praecipitium; etc. (s. Graff, Spr. IV, 892, sqq.); A. S. heald, heldan, etc.; those with U stand nearest to Goth. hallus, πέτρα, Ο. N. hallr, a slope, hill; hali agrees with O. H. G. (ana)hal, acclinis; hala, hali, clivus, crepido; háli, lubricus; Icel. háll, slippery (3). If not wholly identical, at least closely allied to hdll, slippery, is D. hal, frozen earth, and A. S. healh, heal-stán, hal-stán, crusta (s. Ettm. Lex. 458). The examples adduced will be sufficient to convince us that the prevailing notion of all of them is that of something slippery, a spot where there is danger of a slip, and that hali, haldis, hallis is not inaptly rendered by "quodlibet praecipitium ubi periculum mortis esse possit," as the Lex Em. puts it.

§ 212. The would-be Latin vipida in § 3 of 10, or uopida (Tit. XCVIII) is a variation or corruption of the word which in O. Fris. sounds wapul, wapel, wepel (cf. Richth. Gloss. i. v.). It is certainly

⁽¹⁾ See Oxf. Dict. i. v., where it should be noticed that the reference to a word $\partial \delta k$ in the Heliand is a slip. No doubt it existed in O. S., but it does not occur in any O. S. document.

⁽¹⁾ In such O. N. phrases as vatndauör, drowned in water; *tjödauör, drowned at sea; *tjödauöt, death at sea, it would be difficult to make out which notion, that of dying or drowning, is uppermost in the mind of the speaker.

^(*) Whether gers in gerssilenge is "grass," is an open question. I think it answers to D. garse, gors, alluvion.

⁽³⁾ The long d is an Icelandism, as appears from Swed. halka, halkig.

not accidental that vipida and uopida do not occur except where the Lex treats of a crime which is akin to the wapeldepene in the Frisian law.

Musthest in 10 is obviously a clerical error; murthes or murthret

would suit.

As regards pelagus, pelicus, pellagus, etc., cf. Ducange, i. v. § 213. Marina, in phi-, pio-marina of 6 and 10, sheds as much light upon, as it receives from, Skr. upamarana, the plunging, immersio; upamdrayati, to plunge (see B. & R. Dict.). It is a nom. act. belonging to a supposed marian, standing to O. N. mara, to float under the surface of the water, to be water-logged, in the relation of an active or causative to a neuter verb. Phi, pio, stands, I suppose, for si, sio, i.e. O. H. G. sto, mare, lacus, stagnum, lacuna; the well-known word for sea in the Teutonic tongues. As to the i, cf. krio for hreo; M. D. sie along with see; analogous is M. D. siele, N. D. siel, O. S. siola for stola. To account for the error we must assume that the scribe of 6 or one of his predecessors mistook the s for f, and being in the habit of spelling pk instead of f, changed the latter accordingly. I confess that the occurrence of p in 10 is not so readily explained. Yet an instance of an error in the opposite direction, a p having been mistaken for s, is found in reipsus for reippus, Tit. XLIV, § 7 in codd. 9 and B.

§ 214. Agoepha in 6 looks quite genuine. Whether the ph represents a simple p, as is so often the case in this MS., or an f, must be left undecided, and it is, to a certain extent, a matter of indifference, because a discrepancy of this kind need not affect the meaning in the main; cf. O. S. dôpian with A. S. dŷfan, M. D. scop with E. scoff, and similar instances. Nor is it of any consequence whether the oe represent oo, Goth au, or be the Umlaut of it. A Frank. goop would answer to A. S. gedp, callidus, fallax; cf. gedplic, subdolus (s. Grein, Gloss. i. v. gedp). A variation of the same root shows itself in D. gluipen, to sneak; gluipsch, treacherous, perfidious; gluiperd, a sneaking fellow; M. D. gluiper, insidiator. A verb agoopian would therefore be apt to convey the meaning of gulling, and betraying; cf. A. S. ægype (Psalm 106) which, in my opinion, means "ridiculous." How the notions of deriding, scolding, and denunciating, of accusing, reprimanding, are related is exemplified by A. S. gabban, deridere, illudere; O. N. gabba, to mock, make game of one, contrasted with O. Fris. gabbia, to denounce, accuse, prosecute; cf. also E. to chide.

The instances adduced will suffice to warrant the conclusion that the Frank. idiom was possessed of sundry words allied to A. S. gedp and its kin; a further inference is that the interpreters of the law understood by agoepa or agoefa the "gulling" or "betraying, falsely denouncing one." We may remark in passing that it looks strange to find a delict of the kind mentioned in association with other crimes of a totally different character. One would rather expect in this Title some provision against strangling, stifling, and since O. N. gaupn means "a gripe, handful," M. H. G. goufe, the hollow hand, pugillus; goufen, to clutch; O. N. geypna, to encompass; A. S. geopan, to swallow; it is by no means impossible that the Malb. properly intended something different from what the interpreters saw in it; perhaps agoepa or agoefa is the old, obsolete term for what in the Fris. law is called sullenge, i. e. the seizing one by the throat with such a violence that one vomits, "thettem sîn spîse up etta mûthe hlâpe" (Fris. LL. 340, 21).

§ 215. The notion inherent in the Latinized Frank. trusti, trosti,

is that of something valid, firm, trusty, strengthening, comforting; cf. Goth. trausti, a bond, truce; O. H. G. trast, auxilium, solatium; N. H. G. trost, D. trost, consolation, comfort. Its A. S. equivalent, in almost every respect, is dugot, dugut, strength, power, valor, validity, a comfort, force and a force. It is a bond, as well as a band. The Franks themselves attached to it preeminently the notion of E. trust; this is evident from a passage in Marculf (Rozière, Recueil gen. des Formules, No. viii.): "Quia ille fidelis noster in manu nostra trustem et fidelitatem nobis visus est coniurasse, propterea decernimus ut ille in numero antrustionorum (read antrustionum) computetur." Antrustio is he who is in trust, more especially in the king's trust; he who is entrusted with a mission, who is in office, be it military or civil, temporary or standing. The Malbergs we shall have to treat of presently, show that to the Franks the antrustio was simply what we call in English an officer, an official man; in the case before us, a king's officer, of course. The king's service is implied, not expressed. If we speak of "civil service" we mean, of course, Her Majesty's, but the word service or office by no means involves any necessary reference to the highest authority. In order to express the notion of "royal" the Franks added "dominicus"; consequently an "antrustio dominicus" is a king's, His Majesty's, officer.

§ 216. Bistalio, bestalio, (thus we must read in 2, 8, 9), is the nomin, of a masc. subst. of the weak declension, and formed like O. S. ambahtio. The case agrees with the Latin "antrustio dominicus." The word is identical with O. H. G. pistallo, bistello, vicarius, and essentially the same as A. S. steallere, aulae praefectus, oeconomus (s. Ettm. Lex. 732). As the notion of steadiness, firmness, is inherent in A. S. steall, standing place, and statute, just as in all words belonging to the root sta, it is easily understood how stal and trusti come to be the same, and are, therefore, interchangeable. Hence A. S. gestealla in fyrdgestealla, lindgestealla, commilito, expresses exactly the same as O. S. gitrosteo in helmgitrosteo, a soldier, warrior. A bistalio is a person who is in bistali, D. bestel, i. e. direction, administration, disposition; cf. D. bestelling, dispositio, constitutio; conductio; expeditio, apparatus bellicus (see Kil. i. v.).

Chamestalia in 10 is apparently a dative of a neuter stem in ia; the neuter stali stands to the weak masc. stalio in the same relation as Goth. andbahti, ministerium, to O. S. ambahtio, qui habet ministerium, qui est in ministerio, minister. If the word be a neuter, it must mean "office," in which case the preposition an, in was omitted; an chamestalia would be analogous to "in truste dominica." Chame, cham, as we have seen in Tit. III, is synonymous with chêm, a house, court, and with hago, hag, hegme, A. S. haga, gehæg, O. H. G. hag, etc. (1), and with hof. He who is an chamestalia may be called chamestalio, synonymous with which is the A. S. hagosteald, hægsteald (cf. Grein, Gloss. i. v.), O. S. hagustald, hagastold, etc. Chamehabia in 6 is simply a misread chamestalia. Cham-bestaliae in 3 seems to be a genuine variant, regarding the gender and case of which word, the same remark applies as we have made with respect to chamestalia.

Of ambistaile in I this much may be taken for granted that bistaile is an error for bistalie, a dative case of a neuter bistali. Owing to the habit of this codex of neglecting the initial A, we remain in uncertainty about the original reading. It may be either

⁽¹⁾ Up to the present day the D. kaag (kage) has preserved the sense of princely residence in D.'s Gravenhage (the Hague), i. e. the Count's court.

hambistalie, which is identical with chamestalia in 10, or am (by assimilation for an) bistalie, i. e. "in office."

§ 217. Mici in 6, nnici in 10 is a misread witi, uuiti, O. S. witi, A. S. wite, O. N. viti, punishment, penalty, fine. Dructhe (i. e. druchte), druche, read druthe (i. e. druhte), means a company, the contubernium of the Latin text; Goth. drauhts (stem drauhti), A. S. dryht, O. N. drótt, O. H. G. truht, etc. Druchte-witi, i. e. "contubernii poena," means what in A. S. is called hibbbbt in Alfr. LL. 29-31, the contents of which may serve to illustrate the jargon of the Lex Salica: "Gif mon twyhyndne mon unsynnigne mid hlobe ofslea, gielde se þæs sleges andetta sie wer and wite, and æghwelc mon þe on þæm sibe wære geselle 30 scill. tó hibbbbte. Gif hit sie syxhynde mon, ælc mon tô hibb-bôte 60 scill. and se slaga wer and ful wite."

The aim of the quasi-correction consisting in the insertion of li, le is beyond my comprehension. Did the corrector think of druct-heliwiti, penalty of the company's fellows? for heli may be A. S. hale, O. N. halr, a man. Or did he add heli, hele, half, O. Fris. hal, M. D. hel in helt, the half, in order to intimate that not the fulwiti, fulwite was to be imposed on the "alii tres"? However this may be, the original term is druchte-witi, because this alone agrees with hlöbbôt and with the other Malberg, scolastrafia (thus to read instead of the corrupted forms in 6 and 10). Scola, A. S. scolu, O. S. scola, M. D. schole, E. shoal is a band, a contubernium, and in so far synonymous with drucht, though it may have denoted more particularly a band of three persons; cf. the conjecture on the Malb. schodo in Tit. XIII (q. v.). Strafia, D. straffe,

Germ. strafe, penalty, belongs to the verb D. straffen, O. Fris. straffja, Icel. straffa(1), N. H. G. strafen.

Both druchtewiti and scolastrafia may be rendered by "penalty for the whole band," and I think both must have been used promiscuously in the sense of A. S. hlob-bot. If there was a conventional difference between the two terms, it cannot lie in the restriction of scola to a gang of three men, for the same number is mentioned in the passage where the Malb. has druchtewiti.

§ 218. For alatfaltheo in 6 and 10 read alachfartheo; in 3 alachfarthio. It is difficult to see what the m before alach in 3 means. Could the original have had "III (pron. thrioro, trium hominum) alachfarthio, villae invasioni"? This much is certain that in the jargon of 6 we find some support for our conjecture; "tres villas euaserit" is nonsense, of course, but "tres villam invaserint" would suit. Cod. 10, not inaptly, puts it in this way: "villas alienas (read villam alienam) cum tribus." The wording of 1 and 3 is wrong; there can be no question of an alachfarthi by one person, because this case is provided for elsewhere. The compiler of 1 probably found in his source "si quis et tres alii," or something like it; et tres has become with him et res.

XLIII.

§ 219. Seolandi stadio, etc., is paraphrased: "illi qui remanent unum convictum de se dare debent." This affords us the clue to restoring the original reading, which should be in 2 scolandis stadio; in 6 scolandes stadio; in 7-9 scolanthis sthadio; in 10 scolandes sthadio. Scolandis, -es, -nthis, is the genit. c. of the pres. part. scoland, scolanth, O. H. G. scolant(er), etc., from scolan, Goth.

(1) It is very likely that the Icelanders borrowed their straff and straffa, but certainly not from the German as the Oxf. Dict. states it. The double f suffices to show that the origin of straff is not to be looked for in German.

skulan, to be guilty. Stadia, cumbrously spelt sthadia, is the nom. act. of stadian or stadoian, O. H. G. staten, statan, staton, statuere, O. N. stebja, to fix, appoint, permit; cf. N. H. G. gestatten, to permit, allow. We may render scolandis stadia by "putting the culprit at one's disposal." I feel uncertain as to the case of stadio; it is apparently a dative, which may have been governed by some phrase like "condemned to."

Seolan doueua of 3 (for which see §§ 97, 99, 101) is wholly out of the question; it is an unfortunate conjecture for scolandes stadio,

stadina, or something approaching to it.

§ 220. Druchte lidio in 10, along with its variations in the other texts, is, I think, the genit plur of -lidi, -chlidi, i. e. a mascul stem in ia derived from a word agreeing with O. N. hlið, side, latus. From the same word seems to have been formed the obscure O. H. G. lideo, adlator (?), adulator, though with another suffix (s. Graff, Spr. II, 192). Analogous to it is Skr. sapaksha, belonging to the same side, party, from paksha, side, party.

If the explanation here attempted is right, druchtehlidio must have been governed by the word indicating "three"; the corresponding phrase in the Latin text will be "tres de eo contubernio," though the literal rendering would be "three of the associates in the band." The corrected readings will be: dructihlido in 2; dructehlidio in 3; dructechlidio in 6; droctchlidio, droctlidio in 7-9; dructelidio in 10. The initial h occasionally disappears, e. g. in leo for hieo (Tit. XVI).

It is not unlikely that there was some confusion between hlidi and lido, i. e. O. N. livi, a follower, man; O. H. G. lito in kitriuwa liton, fideiussores (s. Graff, II, 192). I do not intend to inquire how far hlidi may be connected with A. S. gehllva, which in Elene 113 means "an inmate, denizen"; in the compound wilgehllva (Riddle 15, 5) the same as wilgestv, a boon companion. I only wish to remark that the i in the Malb. might be the Umlaut of θ , though it is not necessarily so, hence the uncertainty.

I am, moreover, bound to state that I would prefer to explain druchtehlidio, etc., as signifying "solidarity of the band," if I saw any means of supporting such a suggestion by instances of a similar use of a feminine hlidia or gehlidia (or hlôdia, hlædia, hlêdia). That from druchtehlidi, associate, an abstract noun, femin. or neuter, may be formed in the sense of "solidarity," is scarcely doubtful; cf. the obscure O. N. hleyti, hleti, hlæti, leyti, leiti, consanguinity, a share.

XLIV.

§ 221. Rép, reip, Goth. raips, A. S. rap, Germ. reif, etc., "a rope, hoop," is a well-known Teutonic word. What it means in the Frank. law is fully illustrated by its O. N. synonym, viz. baugr. Baugr, in the first place, means a ring, armlet; secondly, to use the phrase of the Oxf. Dict., "in old times baugr simply means money. In the law the payment of weregild is particularly called baugr"; in the third place it is a round shield. From such compounds as bauga-tal, bauga-maor, bauga-brot it appears that in O. N. the word was used in the singular and the plural without any marked distinction, in the same manner as our money and Lat. nummi amount to the same thing. To complete the perfect parallelism between rep and baugr only one thing is wanting: namely, the proof that baugr was occasionally also applied in case of matrimonial coemption. This proof is supplied by the following passages in the A. S. poem Gnomica (Grein, 2, 342): "Cyning sceal mid ceape cwêne gebicgan, bunum and beagum": and in

Versus Gnomici (Grein, 2, 347): "Ides sceal hire freond geseccan [i. e. gesêcean], pæt hi man bedgum gebycge."

Where rep and baugr, bedg are used in the plural we may render it by money; the singular indicates at one time a dowry, at another money or a shield. The prescription in the Lex that the future husband of the widow scutum habere debet, as well as "tres solidos et denarium" decidedly points to the fact that rep, in former times at least, must have combined the various meanings of baugr; the shield is one of the symbols of the idea rep. The singular rep is a dowry, in the sense in which O. H. G. wittemo, A. S. weotuma, O. Fris. wetma, etc., occurs in the Lex Burg.: "Mulier quae ad secundas nuptias traditur, wittemo eius a prioribus parentibus mariti vindicetur" (1).

Reipus, repus (the b in reibus, rebus is not Frankish, but semi-French) in the rubric is, in my opinion, the Frank. plural. Were it otherwise, the spelling reipusse in the rubric of 8 would be unintelligible. The ei instead of e may be dialectic, though it occurs here in codices which elsewhere (s. Tit. XXXII) show e. This circumstance, combined with the fact that even cod. 6 writes in Latin eique to express aeque (§ 2) leads us to the conclusion that the ei is simply a device to render the sound of ee, Goth. ai, as distinguished from e, Goth. i. In other words, the spelling with ei is due rather to the peculiarities of the popular Romance tongue, into which the term was received, than to any dialectic influence.

Reipus nihilsinus in 1, etc., if it be not wholly misplaced, must convey the meaning of payment of a fine to the person to whom the dowry-money, the wittemo is due. On analysing the Malberg we find that lasinus in 10 interchanges with lisinus in 6, lesinus, lessinus, lensinus, lissimus in the codd. of the family of 7-9, ilsinus in I. We know that lasina in 10 is a dial. form of loosina, and that lesina in 7-9 shows the Umlaut (2) of 00, better spelt α , or, as in French and Dutch, eu; this eu is intended by the corrupted en (3) in 8; i is another spelling for the same Umlaut. In short, lásinus = leusinus (lésinus, lésinus) is A. S. lysness, lésness, solutio, redemptio. In 6 the word seems to be alisinus, i. e. A. S. alysness, redemptio; in 10 it must be the same or chaldsinus (galdsinus) from galòsian, A. S. gelŷsan, liberari (s. Bosw. Dict. i. v.). The double s in lessinus may be correct, because in M. D. both lossen and lossen are used in the sense of "solvere"; N. D. lossen, to release, redeem. In O. S. cf. Usian, albsian, liberare in the Heliand; eruere in Gl. Prud. 511; for O. H. G. see Graff, Spr. II, 274, sqq.

Hee in 6, haec or haecch in 10 and nicho, nih, etc., in the other codices are all corrupt: the word intended is fee, faech (fech), vicho, vihu, Frankish of the Psalms and Gl. L. fe, fio, fiu, pecus, pecunia; O. H. G. veho, feho, fiho, fihu. Vihulosinus, vicholésinus, fee-alisinus, fech-aldsinus (or fech-galdsinus), means redemption or payment of money, of a fee, if we like; it is pretty much what is called in O. N. fégjald, a payment, fine, Njála, 111,

120; feohbôt in A. S.; e. g. Alfr. LL. 49, 7, where the Latin has "pecunialis emendatio." Cf. Alfr. LL. introd. 29: "Gif pære fæmnan fæder hie ponne sellan nelle, agife he þæt fioh æfter þæm weotuman."

Reipus, i. e. reepus in the Malb. is the genit. sing., the ending us answering to O. S. as, es; cf. rencus, Tit. XXXV. The whole phrase may be rendered by dowry-fine, payment in money in compensation of the dower.

XLV.

§ 222. Unidrisittolo in I, unedresitelo in 2 means either refractory or refractoriness. In the former alternative it would be the weak masc. nom. of the adjective widrisittol, wedresitel, derived with the frequentative and intensive suffix ol, il, al, A. S. ol, Goth. als, uls, O. N. ull, M. D. and N. D. el, etc.; e. g. Goth. slahals, weinuls; O. H. G. scamal; A. S. fretol, sprecol, sagol, etc. (1). The adjective widrisittol, wedresitel, contumax, from the neuter verb widrisittan, wedresitan, does not materially differ from the N. H. G. widersetzlich, refractory, from sich widersetzen; for the neuter verb and the reflexive form of the causative convey virtually the same idea. If widrisittolo were "refractoriness" or "contumacia," then it would answer to N. H. G. widersetzung or widersetzlichkeit, and probably be the dative of a femin. abstract noun in ia, the O. H. G. equivalent of which would be widrisizzall.

Unidristholo, unidresathalo in 6 and 10 should be widristalo (or -stelo), widrestalo, i. e. either resistance, A. S. widersteall (cf. O. N. vidrstada and D. wederstand, resistance, renixus) in the dative instr. case, or an adjective coordinate with it.

It is not easy to decide whether unidrositelo, unidrositelo, unidrosilito in 7-9 represents widrositelo, -sitilo or widrostelo (for -stalio), because st has more than once been expanded into sit in this family of MSS.; e. g. besitalio for bestalio in Tit. XLII; sitabahim for stalahiu, in Tit. XXXVIII (XLII). The absence of any variant with the vowel a and the in silito (read sitilo) of 8 induce me to prefer widrositelo, -sittilo, i. e. the reading agreeing in the main with that in 1 and 2. As to the d for th, & in widro (Goth. wipra), widri, widre, wedre cf. the spelling wider in the Heliand alternating with withar, etc.

§ 223. Andutheoco in 6, anduutheocho in 10 will agree with the tenor of the text if we read anduntheeto or anduncheeto. And is to be taken in the sense of "adversely, perversely, wrongly," as in O. N. andvitni, contradictory testimony, such as is contrary to law; andmarki, a fault, flaw; andhali, monstrosity, absurdity (cf. Tit. LI). Unt (und), M. D. and N. D. ont, is interchangeable with ant (and), and un also is admissible because it would answer to A. S. on = and, e. g. in onbeodan, M. D. ombieden (onbieden); N. D. ontbieden, A. S. onhâtan, M. D. ontheeten, O. H. G. ant-, intheisan. Andunt-heeto or andun-cheeto, if it be a nominative and an agent, denotes "one who unlawfully promises or invites;" but if it be an abstract noun it means "unlawful invitation," from a femin. stem -heeta, heetia. Owing to the indefinite character of unt (und) it is by no means impossible that the verb untheetan denoted something quite different, vis. to call away, to challenge away. The interpreters of the Law seem to have taken the Malb. in the sense of inviting.

⁽¹⁾ Cf. Graff, Spr. I, 777. Graff erroneously supposes that from the t in the A.S. weofuma we should expect a z in H.G., for the t has developed out of d before m according to rule; bodm becomes bottom; bodl, botl, etc. So too in Frisian. It is different in Saxon and Dutch, where we find wedeme, weeme: bodem. etc.

⁽²⁾ The Umlaut of \$\delta\$ (Goth. \$\sigma\$) is also represented by \$\epsilon\$; from two charters, A.D. 796 and 805, we learn that the father of Ludger is called Hridger (N. S. Roediger); and in a charter A.D. 793 Rödgaer (Sloet, Oork. No. 16 and No. 74).

^(*) The coincidence between this lens and M. D. lenssen (al. lenssen) solvere (Kil. i. v.) is certainly quite accidental.

⁽¹⁾ Cf. Grimm, D. G. II, 98, sqq.

XLVI.

§ 224. The Latinized hacfamirem, etc., shows itself in so many aspects that, with due allowance for palpable errors, we cannot but acknowledge the existence of various collateral forms of the term in Frankish. For the substantive, whence the compound verb is derived, are admissible: fathm, fadm, fatham, fathom, fathum, and even the very advanced form fam; A. S. fatom, fathom, amplexus; sinus; potestas; O. H. G. fadam, fadum, thread; O. N. faomr; O. S. fathmos, fadmas (pl.), etc. The particle must have been at-, otherwise it is difficult to explain hac, ac, which being neither Latin nor Frankish can only be a misread at-. It is very likely that there existed a variation ant or an; perhaps also a; even af is not impossible, though affatomiae in the Lex Em. may, of course, stand for adfathomiae. Atfathomian, as well as an-, ant-, afathmian, by itself says nothing more than "to bring to the fathm"; whether the fathm was to be one's own or that of another is not expressed. Hence the verb may just as well signify to adopt, as to transfer, bestow, convey to another. Equally ambiguous is the O.N. term which corresponds to our word, viz. skeyta, which in the sense of "caring for" evidently has developed from the notion of "taking to one's own bosom, to heart"; but in the other sense in which it occurs in the laws, namely, of transferring land by donation, it has arisen from the idea of bringing into another's lap, power. At first sight it would appear that the D. term den halm schieten is not ambiguous, for Kiliaen i. v. explains it by "infestucare, confirmare et stabilire alienationem sive venditionem traditione fustis, virgae, hastae, calami aut stipulae." But, on considering the meanings of schieten, to shoot, it is far from certain that the original sense of atfathmian, skeyta, den halm schieten was so onesided as it became in later times; cf. Lex Rip. tit. 48: adoptare in hereditatem vel adfatimire; cf. also Capit. Ludov. Primi (col. 419 of the present work) X and cp. O. H.G. gifadiman with A. S. fadman, amplecti (Grein, Gloss. i. v.). As to skeyta, skeyting, scotatio, I refer to Oxf. Dict. i. vv. and Grimm, R. A., 116; 121, sqq.

Affathomia, unless it stand for adfathomia, can only mean the giving up, abdication.

§ 225. Les, Us, leisi, leisa, leis-according to semi-Latin spelling laisus, lesus, laesus, laeisus, laesa, etc.—was undoubtedly synonymous with fathm and O. N. skaut, the sheet of a cloth, airt, outskirt; sheet of a sail; skirt; lap, bosom; A. S. scedt, D. schoot. It is evidently allied to O. H. G. lesa, ruga; in diminutive form O. Fris. lesoka or Usoka; M. D. leese, orbita; waghenleese, O. S. waganliasa, Gl. Prud. 708; O. H. G. waganleisa (-laise, -lesa); O. H. G. Usta, limbus, fimbria; D. lijst, A. S. Ust, etc. A connexion between Goth. fapa, a hedge, and fathm, such as is hinted at in Oxf. Dict. i. v. fatmr, is not improbable, and would fully explain how the tract of country going by the name of Kinneles and Kenne-mare or Kin-hem in the Middle Ages (at present Kennemer land) was known to the Romans as a borderland inhabited by the Canninefates (i. e. Kannine-fatheis, the men of Kannine-fathos); for mare, A. S. mare, gemære is border, outskirt. It is from les, lees = O. N. skaut, scedt, schoot, sheet = faha, fathm that the French livière is to be derived, rather than from the cognate *list*.

The use of such comprehensive, nay ambiguous words like fathm and les, leis, leisa is certainly not accidental, but intentional. In all ancient laws, as well as in the religion and philosophy of the primitive period of mankind, the poetical element or sentiment predominates, and it is essential to poetry that

the words used should be as pregnant, as full of meaning, as possible.

§ 226. Beod (beud), in the fifth section of the present chapter, in would-be Latin beodus, beudus, is the O. S. biod, bied, A. S. beod, Goth. biuds, O. H. G. biet, piot, O. N. bjobr, a table, and requires no comment.

§ 227. Ante theoda aut thunginum, as it stands in our next section, is a hybridic formula, a mixture of Salic and Latin. Theod or theodo is necessarily a notion of the same category as thunginus. There can be no question here of the well-known theod, theoda, people, because a phrase such as "before the people or (and) the thunginus" would be nugatory. Theodo, theado is either wholly identical with O.S. thiodo, dominus (Heliand 138, 12), or it is formed analogously to A. S. lebd, princeps (cf. Grein, Gloss. i. v.). In either case it is a slight variety of A. S. peoden, pioden, dominus, Goth. piudans, etc. Words which have the character of nouns proper, like God, Lord, show in O. H. G., M. H. G., and M. D. the peculiar declension of nouns proper; thus the accus. of O. H. G. got, cot is gotan, cotan; trubtin has trubtinan. In M.D., in similar cases, the final n is regularly wanting; hence the accus. of god is gode, in the same manner as e. g. Adam, Petrus have Adame, Petruse. In O. S. both forms, with and without final n, are equally used, e. g. Lasaruse and Lasarusan, and the like. The M.D. form points to a Salic a; and no matter whether the nominative was theod or theode, the accus. would in any case be theoda. This theory is confirmed by facts. In charters of the Frank. period we find that the accus. and even the genit. of proper nouns in o may end in a. A charter of A. D. 720 (1) has: "Ego Ebroinus comes, filius Oda quondam"; i. e. "the son of the late Odo." Further on Oda occurs as an accusative, whereas a Frankish dative pl. appears in Meginum (Megen); in loco Rinharim (at present Rinderen). For the M. H. G. the corresponding forms in e are given by Weinhold in his Mittelhochdeutsche Grammatik, § 450.

From the words "in mallo ante regem" in I and 6 we must conclude that the translators thought it fit to render theod, theodo, princeps, dominus, by "rex." The purport of the phrase "in mallobergo" is far from clear. Does it mean "on the malberg (law-hill), O. N. lögberg", or " in the malberg, i. e. in the original text of the law"? If we adopt the latter alternative, the phrase ante theoda aut thunginum (or tungino) could not be called hybridic, but corrupted. It is conceivable that one or two genuine Salic words were mistaken for Latin, on account of their accidental similarity to words in this language. If we suppose the Frank. phrase to have run in this way: ant theoda otho (or and) thungin, the error of the scribes must seem a trifle in comparison with the other feats they have achieved throughout the Lex. Ant (and) as a preposition in the sense of "in presence of, with," is extremely rare and could for this very reason the more easily be mistaken for Latin. Yet it occurs in a strikingly similar expression in Caedmon's Genesis 13: "hæfdon gleam and dream and heora ordfruman." And ordfruman, i.e. ante, apud dominum, is synonymous with ant theoda. Anteuda in 2, anteoda in 7 stands for ant teuda, the change of th into t being due to assimilation, like O. S. ant tat, antat, for ant that, M. D. ontat for ont dat (properly ont that). The diphthong ea in theada answers to ia (for older io, eo) which is not uncommonly met with in O. S., O. Fris. and High-Frankish.

§ 228. Thungin, tungin. The codices are so consistent in their

⁽¹⁾ Sloet, Oork. No. 6.

spelling that we must assume both forms, with initial t and th, to be equally correct. If one of the two has passed into the other in consequence of etymological adaptation—which is not impossible—the change must, at any rate, have taken place long before there can be question of a separate Salic law in contradistinction to ancient Teutonic institutions in general. To make good this assertion, it will be necessary to enter into a somewhat lengthy etymological disquisition.

Thungin is substantially the same word as O. N. pengill, a commander; A. S. bengel, dominus, princeps; O. H. G. dwengil, exactor. The suffix in is a mere variation of il, just as, for instance, Goth. himins, O. N. himinn, compared with O. S. and O. H. G. himil, N. H. G. himmel, D. hemel; similarly O. H. G. scefin, scabinus, along with to-scefel, legislator. Whether we derive thungin from a verb thwingan (weak form thwigan) or thingan (thigan) is, in this particular instance, of no consequence: 1° because the corresponding verbs in Skr., viz. twañc (twac), twanakti and taffic (tac), tanakti, to contract, are twin forms of one and the same root; the same applies to the amplified twaksh = taksh, to strain, join, with sundry derivatives, as takshaka, constrictor (a snake); constructor; a joiner; twakshas, strength; cf. Greek τόξος; 2° because in the more limited sphere of the Teutonic tongues there are abundant proofs of thung not differing from thwung. E. g., O. H. G. ungadungan, unrestrained, is wholly = ungadwungan in ungadunganiu kirida, ingluvies; cadhungani = gadwungani, angor; bidungan (pithungan, etc.), constrictus, oppressus; cf. O. N. bungr, heavy (cf. Graff, Spr. V, 272, sqq.). The same is the case with A. S. gepungen, sober; gepungenlice, soberly, in "blive drincen we geoungenlice druncennisse gastes," rendering "laeti bibamus sobrie ebrietatem spiritus." We meet with gepungen in the sense of restrained, full of restraint, e.g. in bedwum gehungen, Judith 129, whereas in the same sense we have O. S. githuungan (i. e. githwungan), in Heliand 10, 4 (1). For more A. S. examples I refer to Grein's Gloss. i. v. gepingan, only observing that, in my opinion, the lexicographer has not been successful in his arrangement of the various meanings of gepungen. He has even wholly misunderstood gepungon in Metra 1, 7: "Hæfdan him gecynde cyningas twegen, Rædgot and Alerîc, rîce gebungon," i. e. "they had their own indigenous kings, two (in number), R. and A., who governed the kingdom"; cf. O. H. G. dwingan, stringere, coercere, moderari, etc.; gadwingan, frenare, coercere, constringere, opprimere, etc. (s. Graff, Spr. V, 269, sqq.). Whether gepungon belongs to a verb gepwingan or gepingan is a disputable point, but, as we have remarked above, the general meaning is not affected by any doubt in this respect.

To resume, thungin, pengel is in the first place "he who constrains, by whom constraint is effected"; he is both the coactor and the exactor. Synonymous with thungin is O. H. G. sculdheizo, O. S. scultheto, O. Fris. skeltdta, M. D. schult-heet (Latinized scultetus), schoutheet (for schoud-heet), praetor, praefectus praetorio, index quaestionis, praesidens inter iudices" (see Kil. i. v.). How closely the functions of the Frisian skeltdta agree with those of the thungin appears from the numerous passages in the Frisian Laws and the summary of those functions as given by Richthofen in his Gloss. i. v. skeltata. Properly scult-heeto means in general "qui imperat debitum," and according as "debitum" was

understood in the wider acceptation of anything one should do, or in the narrower one of "debt," the sculd-keeto was considered to be the magistrate who proclaimed and commanded (1) what was to be done, proclaimed the judgment, or who enjoined the payment of debts; cf. O. H. G. sculdan, condemnare, and gasculdan, gasculdon, and Grimm, R. A. 755.

Tungin, though apparently different from thungin in sound, and most probably in origin too, may be regarded as meaning the same, viz. "he who constrains, coerces." For on comparing the numerous derivatives belonging to a verb tingan, Skr. dang, we observe that thingan, Skr. tañc, and tingan, Skr. danc, convey nearly the same notion. Cf. e. g. O. H. G. sanga and swanga, A. S. tanga, E. tongues, Skr. sandança, etc.; O. H. G. zangar, mordacitas, Skr. danshtra, danshtra, daçana, a tooth; A. S. getenge, connected, incumbent, oppressive, heavy, almost synonymous with O. H. G. gadwungan; A. S. getengan, to enjoin, attach; O. S. bitengi, allied (Heliand 43, 11); oppressive (141, 13); O. N. tengja, to join, connect; tengoir, bonds, affinity. These few instances will suffice to show how easily tungin and thungin could have been looked upon by the Franks themselves in the light of vicarious forms. Let me add that tungin is supported by the Latinized tanganare, clearly taken as "constringere"; further by A. S. intinga = abod, and by O. N. tyggi = tiggi, a chieftain (2). If there is some confusion between tingan and thingan, tungin and thungin, it must date from very remote times indeed, and I for one would even doubt whether such forms as N. H. G. zwingen, where we might expect dwingen (twingen), may be called simple aberrations.

We cannot doubt that tungin can answer to O. N. tyggi, in spite of the difference in their suffixes, if we remember that O.H.G. scaffeo, scaffo, conditor, is substantially the same as scefin, weak form sceffeno, Frank. scapin (whence the semi-Latin scapinus), scepeno (Ps. 67, 6), D. schepen. The suffix in is common to sundry words belonging to the same category: Goth. kindins, a governor; O. S. drohtin, etc., a lord; Frank. scapin, thungin and tungin.

XLVII.

§ 229. Filtort, feltort, here, and filtort, feltroct, in Tit. XCIX is a Romance adaptation of a Salic fir-, fertor(h)t, fertrocht. The change of r into l is the result of the Romance mouth being adverse to the repetition of the sound r, hence hariberga becomes alberga, auberge; paraveredus, palefro; peregrinus, pélerin; arbor, Ital. albero, Span. arbol; etc. As to tort for torht, cf. Frank. forta for forhta, Ps. 54, 4 = Germ. furcht, D. vrucht, E. fright; D. and G. bert = brecht, e. g. in Albert or Albrecht, A. S. beorht, E. bright.

Firtorht, fertrocht is either a part. pret. pass., or, if the stem be firtorhti, an abstract noun. The simple verb must be torcian = trocian, M. D. trukken, trekken, to draw; the compound answers to M. D. vertrekken, which sometimes means "producere." Since trukken is synonymous with A. S. teóhan, whence is derived A. S. teóm, appellatio, tŷman, getêman, vocare ad warrantum (s. Schmid, Gloss.), the conclusion is obvious that the substantives firtorht and tedm are not only synonymous as forensic terms, but also in other

⁽¹⁾ A. S. gsikungen, fit, perfect, developed, grave, is no less deducible from the primitive notion of straining, stretching, stringing; it is the notion underlying the ideas of contraction and extension.

⁽¹⁾ The paraphrase of M. H. G. schultheise by "tribunus qui mille viris pracest" points to the scultetus also having had a military rank; see M. H. G. Dict. by Benecke and Müller, I, 660.

⁽a) In the list given in Skaldskaparmál 64, we find along with pengill and tiggi a title shyli, shylli; might this be connected with scull-heto?

respects. We may render it by "appeal," "the producing of a warrant"; in origin and form it is almost M. D. betrek, "appellatio, provocatio"; the verb betrekken means "appellare, provocare," but "in ius vocare" at the same time. Firtorht, fertrocht very likely combined both meanings of betrek, and this may be the reason why the framers of the Latin text were unable to find a proper Latin equivalent.

§ 230. Adhramire in "ille-debet adhramire" is here taken in another sense than in Tit, XXXVII (first section): "ille qui per vestigium sequitur res suas per tertiam manum debet agramire.' Etymologically anhramian may perfectly well be explained in both significations; for the one I refer to Note on Tit. XXXVII; here it signifies "to impute, refer, appeal to another." We may safely assume that hramian, hramon, like D. ramen, also meant "putare"; consequently anhramian is "imputare." The corresponding term in A. S. is cennan, gecennan (s. Schmid, Gloss. i. v. cannan). This may mean either "to make known, declare" (and it is interpreted in this sense by Schmid), or "imputare" (s. Grein, Gloss. i. v.). The Latinized A. S. cenninga is entirely synonymous with tedm. The best commentary on adhramire is O. N. kenna, as this denotes both "to acknowledge as one's own, claim," and "acknowledge as another's property, attribute, impute, bring home to one."

§ 231. Sunni, stem sunnia (which occurs already in Tit. I, and which we find here again in sect. 2), means a lawful excuse, impedimentum legitimum, exceptio. The M. D. word is nootsinne, O. N. nauδsyn; a derivative is the N. D. verb vernootsinnigen, to excuse (sig, = oneself) by proving a lawful impediment, in the municipal law of Zutphen (1): "ten ware sake dat hij sig dede vernoodtsinnigen, te weten dat hij door lijfsnoodt, watersnoodt ofte heerengebodt verhindert ware geweest." The O. Fris. nedskine, nedskininge, interpreted in a MS. text by noetteken, i. e. proof of necessity, is a curious example of adaptation by so-called popular etymology; cf. Grimm, R. A. 848 and Richth. Gloss. i. v. nedskine. The O. S. sunnea in Heliand 70, 13 is simply "need." Cf. however Goth. sunja, truth; sunjon sik, δπολογείσθαι; sunjons, δπολογείσθαι; sunjons, δπολογείσθαι; sunjons,

§ 232. Gamallus, chamallus is a Latinized gamall, chamall. Hamallus, amallus, rhamallus are mere corruptions. It denotes "he with whom one has the same forum" and "he with whom one has a plea."

XLVIII.

§ 233. Calistanio in § I of cod. 2 is, apparently, some case of galistania, a nom. action. belonging to a supposed verb galiston. As list means "dolus, fraus," galistani may be fraudatio. But I would rather expect galinganio or galuganio, the lying; cf. O.H.G. lugināri, falsarius; D. leugenaar, a liar; or galicsanio; cf. O.H.G. galichesari, hypocrita; N.H.G. gleisner; M.D. gelijcsener. Galicsania would m. m. agree with O. H. G. gelichesung, lichisunga (cf. Graff, Spr. II, 119).

XLIX.

§ 234. Widridarchi in § 2 of cod. I obviously signifies "contumacy, unwillingness." It is a substantive derived from some adj. widridar, in which widri is the well-known particle widri, weder, against. Dar is obscure; it may be allied to A. S. derian, D. deren, nocere; O. H. G. tarôn, nocere, obesse.

§ 235. Ferbannitus, forbannitus is a Latinized ferbannid or ferbannan. It is in substance M. D. gebannen, legitime convocatus, from bannen (de vierschare), which Kiliaen i. v. renders by: "tribunal denuntiare, praetorium cogere, edicere conventum senatorum, dare senatoribus dicendi iuris auctoritatem." The same forbannitus also means "proscriptus," i. e. banished, outlawed. This apparent contradiction is caused by bannan denoting both "to bid" and "to forbid." We have an analogous case in O. N. kvičja, to forbid, banish, but kveča, to say, kvečja, to call on, address, request, summon. From the parallelism in the use of bannan and kvečja, kvičja, we may infer that originally bannan denoted in general to say, to speak loud, to speak emphatically. In fact, the Skr. bhan, bhanati is "to speak, tell, recite, preach"; to the same family belongs Greek port and poreir. All roots expressive of showing by sounds, declaring, etc., denote to show and at the same time to shine. Therefore, bhanati, bannan and pureir are nearly allied to paireir, and to Skr. bhanu, a shine, the sun, etc. The Goth. bandwa, bandwo, on µeior, bandwjan, O. N. benda, to give a sign, beckon, etc. stand nearer to paireir than to pureir or bannan. The d in bandwa may belong either to the suffix or to a stem band, an amplified ban. Such an amplified form is represented by M. D. banden = bannen (see Kil. i. v.), and by Skr. bhand, to chide, censure, abuse, deride; whence bhanda, a buffoon; Pali bhandanam, quarreling, strife; wholly analogous is the connexion between A. S. gabban, O. N. gabba, to mock, and O. Fris. gabbia, to banish; cf. also E. to gab, gabbery, to gabble. A similar variation between nd, and nn as in bannen, banden recurs in another Teutonic word, viz. A. S. pending, penning, O. H. G. phantinc, O. N., O. S., O. Fris., and D. penning, a penny; in this instance, too, as in ban, Skr. bhan, the Skr. shows the lingual n in pana, a coin; a bet, stake; wages, hire. Both the Skr. and Teutonic form of pana and penny show traces of being a development from a more primitive Aryan one, which I need not endeavour to enquire into, as being beyond the scope of this work.

L

§ 236. For thalasciasco in I I guess that we must read talas giasco (or gaisco). Talas is the genit. sg. of tala, O. H. G. sala, numerus, summa, calculus, ratio; cf. N. H. G. sahlung, payment. Gilsca, galsca = O. H. G. eisca, petitio, exactio; D. eisch, demand, pretension, exigence; O. H. G. eiscan, D. eischen, petere, exigere, ciere; gieiscon, postulare, rogare. The O. Fris. term for demanding, dunning, is ût-achtia; and considering the confusion between sc and ft in the MSS., it is by no means impossible that the term intended is talas giafto. At any rate the Malb. must contain some word expressive of exaction of payment, and, by implication, the charges due for the summons.

§ 237. Less uncertain is hucchrammito in 2, read utchrammitho, the dative of utchrammitha, literally "the pinching out," i. e. exaction. The particle ut is also found, as we have seen, in the O. Fris. utachtia. As acht, aft and haft, hacht are apt to get confounded, and hramjan is synonymous with O. H. G. haftian, connectere, tenere, D. hachten, hechten, heften, it is by no means impossible that the O. Fris. utachtia represents a more original uthachtia, which would be wholly analogous to utchrammian.

§ 238. The formula nexticantigyus in § 2, etc., is explained by Grimm (Pref. LIV, sq.) as containing next, nexti, fibula, torques,

⁽¹⁾ Werken Maatsch. Ned. Lett., X, 258.

and chanthigiu, cantigio, cantio, gantio, identified with A. S. hente, O. N. hendi, prehendo, apprehendo, capio; and he renders the two words combined by "fibula, torque stringo." This explanation is plausible enough, yet I doubt its correctness, not so much because next, nexti does not occur (for there is reason to believe that O. N. nist, a brooch, pin, and kindred words really stand for nihst), as because, so far as I know, no symbol or symbolical phrase of the kind survives in any of the other Teutonic laws. I would rather think that there is some connexion, either real or in theory, between thungin and thigio, the last word of the formula, and likewise between tungin and tigio. Now thigian is, apparently, O. S. thiggian, petere; O. H. G. digjan, petere, expetere, intercedere, imprecari; digi, petitio, imprecatio, intercessio. From the rendering "intercedere" it follows that thiggian, digjan is a variation of thingon, A. S. bingian, intercedere, veniam petere. As for tigian, tian (tihian, tichian), this is the counterpart of A. S. teohhian, tihhian, to appoint, judge, pass judgment (cf. Bosw. Dict. and Grein, Gloss. i. v.). To it belongs intinga, which Grein rightly compares with O. H. G. insiht, crimen, but which in most cases means causa. Now, causa, French chose, is in its development wholly analogous to Teutonic bing, so that intinga and bing are synonymous. If we take antigio instead of the simplex tigio, the word may be regarded as the verbal form coordinate with the subst. intinga. This agrees very well with " mallare," by which the Lex Emend. has replaced the Salic term; the codices 6-10 also see "mallo" in it. At the same time the Lex Emend. renders thigius or tigius—it is doubtful which—by "adstringas"; cod. 3 has "teneo." It is uncertain whether A. S. ontyhtan, incitare, impellere, belongs to techan or to than; but why should not the interpreters have seen in the i of tigian the Umlaut of u? In this case tigian would in the main answer to A. S. getegean, getygan, constringere, E. to tie; "adstringas" of the Lex Emend. points to antigio = antygio. Cf. Grimm, R. A. 855: "Der gegner oder gasachio heisst, passiv genommen, der beklagte, geforderte, belangte, pulsatus, der inzihtigo N. Bth. 57, der bemalôtô."

Nextich, nestig I take to be an adverbial form like O. H. G. meistig, meistic, potissimum, of the superlative next, nest, M. D. naest, dial. neest, N. D. naast and nauwst, next, most closely, A.S. neahst, nehst, nihst, for the last time, O. N. næst, next, nearest, last, closest. Nextig is here to be taken in the sense of "most closely": O. N. næsta, very; nær, near, close, sharp. Consequently the formula might be rendered: "I most urgently compel" or "I enjoin." Thichio, tigio, tio is the 1 pers. sing. pres. ind., whereas thichius, tigius, tihis is the 2 pers. sing. in the subj. mood. The ending ius answers to O. S. ies, eas, analogously to the ending of the genitive us, where O. S. has as, es. Cf. § 271.

§ 239. Gasacio is the A. S. gesaca, adversarius, aemulus.

§ 240. Rachin-, raginburgi, etc. (§ 3) is either a stem in i or in ia. The Latinized forms decide nothing, nor the apparently Frankish plurals burgies, burgiæ in 9. If the stem ended in ia, the plural burgiæ, i. e. burgie would be the counterpart of einde, fines, in the Frankish of a later period, viz. Ps. 66, 8; ercetere Gl. L. 259. Cf. the formation of Goth. hairdeis, O.N. hiroir, O. H. G. hirti, etc.; O. N. hilmir, hersir.

The etymology of rachine, ragine, rachin, ragin, rechine, regen is not quite clear; both Goth. ragin, δόγμα, γνάμη, οἰκονομία, and the verb rahnjan, ψηφίζειν, άξιοῦν; garahnjan, τιμάν, may claim to be related. The Raginburgi is (as appears ex. gr. from Tit. LVII) what in Goth. is called ragineis, σύμβουλος. On the other hand he is a taxator: "pretium appretiare debet," and in so far he may be identified with the O. Fris. werdmon, werthmon, which apparently means "worth-man, esteemer," as well as "in esteem, worthy," especially a churchwarden. The Skr. word nearest related to ragine is arhana, arhana, esteem, worship, from arhati, to be worth, valuable, grave, powerful, etc., whence arhant "a worthy, a master, upper teacher," but Gr. άρχων.

Rathim (the m in rathimb. is due to assimilation) in 10, here and in Tit. LVI (LIX), as well as ratione in 4, seem to be more the results of adaptation than clerical errors; cf. Goth. rabjo, account, reckoning; O. H. G. redina, ratio; narratio; N. D. reden, reason, account; M. D. redene, ratio, causa; sermo, oratio, etc.

Burgi is both he who takes up, upholds, and he who begins or is the first, άρχων, άρχόμενος; cf. D. beuren, to heave, take up, receive what is due; O. N. byrja, to support, begin, be due, beseem, get. A vicarious form of burgi (like O. H. G. burjo of burgio) is buri in O. S. and O. H. G. hardburi, magistratus (1). That the Franks attributed to their raginburgii the function of persons who take what is due, i. e. of D. beurers, seems evident from the phrase: "pretium quantum valuerit debitum de fortuna illius tollant."

LI.

§ 241. Andometo, anthomito in the rubric of 2 is a semi-Latin alteration of anttomitho, by assimilation antomitho. In 10 we must read andtomitho. In 5 and 6 two readings have been blended: anttometho (andtomitho) and anttimetho (andtemitho). Andtômitha, in dative case -tho, is derived with the suffix itha from an adjective andtomi, like Goth. diupipa, depth, from diups; A. S. yrmbo from earm, and the like. And, usually meaning "against," "adversely," is here taken in the sense of "contrary"; cf. the remark on and in Tit. XLV. Synonymous with this and is widri, and consequently andtômi is essentially the same as O. H. G. widerzami, being against the law, in "Want is widerzame duhte, åzzen Juden mit heidiniskme liute" (s. Graff, Spr. V, 666). The e in andtemi may be the Umlaut of d, and in that case the formation would coincide, with that of widerzami; it may, however, be just as well the Umlaut of ô. The latter alternative is the more probable of the two. It is not impossible that the corruptions in 5 and 6 are

caused by a reading andtomitho, andtoemitho. The O. Fris. term untame, oentame, i. e. informality in law, is nearly allied to andtomitha; the adjective is untemelik, explained as being "exceptio dilatoria," but from a passage in the Fris. Laws (251) it is quite clear that untemelik means, in general, "informal in law." The passage runs thus:--" Diu onscheldingha is twyra honda wijs, deer thi sitter hyn myde unscheldigia mei. Diu erste diu hat dilatoria, dat is untemelick, hwent aldeerby werth dyu seke unteyn. Det is untemelick als di sitter sprect tojenes den riuchter, under tidum tojenes det riucht. under tidum tojenes den onspreker jef syn foerspreka, jefta tojenist da tyd der hi uppa ladit is."

In O. Fris., just as in A. S., the prefixes and and un interchange so very often-the above quotation gives an instance in unscheldigia, onscheldigia, and unteyn (2)—that we may safely consider untame (Fris. LL. 254) to have arisen from unttame = anttame; oentame (252, 21, and 254, 14) still more decidedly points to an older antame, anttame. The prefix ant (ent) can all the more easily

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⁽¹⁾ Hard is of uncertain origin; I identify it with Skr. krafu, both "coun-

sel" and "power," Gr. apáros.
(a) Cf. A. S. undön, ondön, with M. D. ontdoen, ontoen, O. S. antdön, an don, Salic antedi.

pass into on, un because the notion expressed by the latter in some compounds, viz. that of "against nature, monstrous," does not perceptibly differ from and, against law or due; e. g. in D. onmensch, a monster, miscreant; cf. O. N. andhali, monstrosity; D. ondier, a monster; ondaad, a misdeed. A Frankish untumig, unseemly, abominable, occurs Gl. L. 975; the u is the Umlaut of uo (8), unless the true reading be untamig, M. D. ontamelik, indecent, improper. In short, andtomitha is informality, an unlawful doing, or, as the Latin puts it, doing "supra legem aut debitum," or (as in Tit. LXXVIII, § 7) "contra legem et iustitiam."

LII.

§ 242. Necthanteo (read necthantheo) is some case, probably the dative, of a fem. stem necthanthia, properly a pres. part. used as an abstract noun, like O. H. G. kebandi, gratia (see Graff, Spr. IV, 111 and cf. Grimm, D. G. II, 342), wesantl, materia, substantia, mansio; eowesanti, essentia; O. N. kvetandi, recital; the same formations are very common in Latin, e. g. observantia, diligentia, and the like. The nth instead of nd is, as we have seen before, the usual ending of the partic. in Salic and the Saxon of the Gl. Prud. The verb necthan, i.e. nechtan, for an older nachtion, is a derivative from nechti, M. D. nechte, nachte (also ghenachte, ghenechte) "constitutum, dies ad ius experiendum condictus et constitutus"; ghenachte ten viertien dagen is "actio iuridica post decimam quartam noctem" (cf. Kil. i. v. ghenachte). It is clear that nechti, nachti is properly nothing but what we call "a term of time," while the verb nachtion, nechtan not only means "giving a term for so and so many nights (i. e. days)," but also "to give an adjournment." Nechtantheo, nechtantho may be rendered: "for the adjournment." which is attended with extra expenses. For antesalina in 6 I propose to read antstalina, the supplying, giving a supplement; cf. Goth. andstald, ἐπιχορηγία; andstaldan, ἐπιχορηγεῖν, παρέχειν. Nechtantheo antstalina would be "a supplying, an extra payment for the adjournment."

Tauthe in 10 agrees with the Malb. in 6-9, except that the first syllable is wanting. I believe we may confidently read nehtanthe.

ττν

§ 243. Obgrafio (in § 2 of cod. I) is, apparently, compounded of grafio and ob, Goth. uf, under. Such a word would be the counterpart of D. ondergraaf, viscount, under-sheriff. There is one circumstance which makes this explanation doubtful: namely, cod. I is so addicted to cockneyism that we must assume the possibility of hobgrafio, i. e. hofgrafio being intended; this would be literally "comes palatii," or "comes palatinus."

§ 244. Leodo samitem in 2 cannot be separated from leude saccemuther which is found in the next paragraph. Leodo is a misread leode = leude, the weregild. For samitem = saccemuther I guess that we must read sacwiten = sacceuviten or even saccewuten, for we instead of wi is frequent enough; e. g. A. S. wuta = wita; Germ. wusste for wiste, etc. It matters little whether we identify sacce with O. S. saka, O. H. G. sacha, O. N. sōk, O. Fris. sake, or with O. H. G. secchia, secce, O. Fris. secke, seike, for both mean the same, namely: causa, lis, crimen, culpa, and also penalty, verdict, mulct, as appears from O. N. sekr, sentenced, condemned, outlawed; sekt, sekp, a penalty, fine, mulct. Witen looks like a gen. (governed by leode-) of wito, a knower, one who takes cognizance, A. S. wita, consiliarius, senator. If we prefer reading saccewitres, the result will be the same, as O. N. vitr means "wise," and vitra,

to manifest, reveal. In fact the knower and the reporter is one and the same person. Consequently, the *sacwito* or *saccewitr* is, linguistically speaking, he who takes cognizance of the crime and the pronouncer of the verdict or penalty.

How far the saccewito, -witr differs from a common saccebaro is obscure; at any rate the Malb. of § I seems to be misplaced, for the name for a count is of course grafio. In the absence of collateral evidence we must satisfy ourselves with the guess that saccewito, -witr, which was originally synonymous with saccebaro, was occasionally and conventionally applied to a particular officer belonging to the class of saccebaros, a saccebaro "qui puer regius fuit," or an obgrafio (?)

Sacebaro in 1, saceboro in 2, and the other various readings, may be reduced to two classes, the one marked by saci and its legitimate variations, the other by sagi. A comparison of the readings in their mutual relation yields as result that saci, sace is rather O. H. G. secchia than sacha. If it were otherwise, then some form like saca would not, it might be expected, be wholly wanting. We have seen above that this question is of slight importance as regards the meaning of the word. Sagi, in 7 and 9 sags (1), is O. Fris. sege, enunciation, indictment; e.g. Fris. LL. 418, I, sqq.: "Dat is riucht dat di schelta dera sega monia schil, ende als dio sege ginsen isos aeg di schelta dine aesga to bannene ti ene riuchta dome." In a certain aspect the opposite is O. H. G. antsegia, excusatio; cf. Richth. Gloss. i. v. sege (2). Between saci (sacce, sacia) and sagi the points of contact are so numerous that we cannot be astonished to see some codd: having the former, others the latter form.

Baro and boro are well-known alternating forms of the nom. agentis bero from beran, to bear; e. g. O. Fris. walubora, -bera, but M. S. walbare; M. D. and N. D. mombaar, momboor, O. S. mundboro. Borro stands for borjo, from borjan, D. beuren, O. N. byrja, suscipere, etc.; barro for barjo, from borjan, to indict, accuse, deliver. Now, the O. N. bera is the standing term in the Grágás for the delivery of a verdict by a jury, and thus we obtain the provisional result that baro, boro, barro, borro all practically amount to the same, and convey the notion which the English to bear shows in the phrase to bear witness; cf. Oxf. Dict. i. v. bera.

Sacibaro, sacebaro, saceboro; nearly = O. N. sakar-abero; a plaintiff, accuser; properly he who brings forward a suit; it may also mean he who delivers the verdict; sagibaro, sagibarro, he who delivers the indictment. Or if sagi be taken in the conventional sense which its synonym kviör has in O. N. law, a sagibaro will be a person to whom belongs the kviöburör, the verdict or delivery of the verdict of jurors. Even burör is radically akin to baro, boro.

In giving a linguistic analysis, it is well not to pretend to be able to determine the idiomatic application of a term, for its elements often show so many shades of meaning that a large margin will be left for doubt. We cannot make out what were the functions of the sacebaro in a given period without having other data at our disposal. Unfortunately we learn very little about him from the Lex, and what we do hear of him is conveyed in a couple of phrases which in the greater number of the codices have been sadly disfigured. Under these circumstances it would be easy to find anything we

⁽¹⁾ The s is not unlikely a misread y (s); yet it is not impossible that there was a word like M. D. segumas, arbiter, disceptator. As to the form of the gen. sagz, cf. O. S. weroldes.

^(*) M. D. segge is "pronuntiatio" and "sententia, indicium"; seggene and seggenschap, arbitrium, arbitri sententia (see Kil. i. v.).

desire or want for a system, provided we have come to a foregone conclusion. We must not lose sight of the fact that any attempt at explanation which is based upon one corrupted codex has little chance of being satisfactory. We have, however, more than one manuscript, and may, therefore, try to find some connexion, if possible, between them, in order to discover the intention of the Lex. Let us begin with the text of the Lex Emend., for whatever may have been the shortcomings of its arrangers, it has suffered incomparably less at the hands of ignorant scribes than all the others, some parts of cod. 10 excepted.

The phrase "Et si causa aliqua ante illos secundum legem fuerit definita, ante grafionem remouere eam non licet," i. e. "And if any cause has been lawfully settled before them, it is not allowed to remove it before the sheriff (gravio)," agrees with what cod. 10 says in other words: "Et si de caussa (aliqua) illi aliquid sanum dixerint, penitus gravio nullam habeat licentiam removendi." The Latin sanus, here used in a sense alien to Latin proper, points to a Salic original combining the meanings of sound and true. Such a word must have sounded santh, sand (sôth), O. N. sannr, O. S. sôth, A. S. sôb, E. sooth; or sund, A. S. sund, gesund, E. sound, D. gezond, essentially the Goth, sunjis, true; sunja, truth. Now O. N. sannr, sooth, true, in the forensic phrase vera, verda sannr at einu means "to be convicted of, guilty of." Still more striking is the derived verb sanna, to prove, to convict one of; the Danish sandemand were more especially veridict. Indeed, it is sufficiently clear that verum dicere would have been more appropriate than sanum dicere; still more suitable would have been the rendering "to give a verdict." The reason why the translators preferred sanum dicere is, I suppose, that the Salic term combined the meaning of O. N. sanna, to prove, to convict, and synja, to deny, to prove innocence. In Oxf. Dict. i.v. sanna we find the phrase sannati annarr, en annar synjati, some affirmed, some said no. When we remember that Goth. sunjon sik (identical with O. N. synja) is ἀπολογεῖσθαι, sunjons ἀπολογία, but at the same time sunja, truth, we may be satisfied that a Salic sand, sôth, or sund, can have existed in a double meaning (1) which we may, more or less adequately, paraphrase by "a verdict in affirmative or nega-

It will be granted, that there is strong reason for suspicion that the sacibaros are "veridici," i. e. the deliverers of a verdict, in other words jurors, members of a jury. This provisional result is not shaken by the text of 7-9. The expression "ante illos aliquid factum est" may be rendered: "is done (i. e. finished, settled) before them," or if we like, "acted," M. D. gedadigd, compositus, pactus; cf. M. D. dedingsman, arbiter, synonymous with scheidsman; N. D. dading, transaction. Let us now pass to cod. 1. De causas aliquid (i. e. causarum aliquid) is like the O.S. hwat sakono, M.D. wat saken, "any cause (case)," and does not differ from causa aliqua. The words following, "de quod eis solvuntur factum dixerint" are nonsense. Cod. 2 has an intelligible " de causa de quid (read aliquid) de quod fortasse dixerint"; fortasse has probably the notion of "occasionally"; "de quod (agreeing with aliquid) fortasse dixerunt" means "about which they happen to have pronounced (their verdict)." In 1 "de quod factum dixerint" causes no difficulty; the

(1) The Latin sonticus and sons are not only etymologically akin to sund and sand, but show the same ambiguity in so far as sonticus is "valid, serving as sunnis," and sons "guilty, sinning," agreeing with O.S. sundea, D. zonde; O.N. synd; in the main A.S. syn, E. sin.

To change it into solvitur as 3, 4, and 6 have, would make things worse, for the construction requires a plural; eis = ei (1) is a semi-Latin writing for ei. There remains solvuntur for which I guess we must read solverint et. Solvere, i. e. "to solve," not unlikely renders a Salic lôsian, O. N. leysa, to solve, settle, e. g. leysa pratu, to settle a strife; and with another construction leysa or spyrningu, to solve a problem, answer a question; cf. shera or, to decide; and Oxf. Dict. i. v. leysa. Another possibility is that in the semi-French of the Lex, ei se solvunt, means "they have acquitted themselves"; O. N. leysa sik is "to acquit oneself of one's duty." It does not matter much, I believe, which way we decide between ei solverint et or ei se solvunt et; at all events there can be no question of interpreting solvere by "to pay," such an idea being entirely dispelled by the evidence of codd. 2, 7-10, and Lex Emendata.

The last words in I: "hoc ad grafionem non requiratur unde ille securitatem fecerit" may be rendered: "(if a cause has been settled by them) it cannot be required from the grafio that he should have given his troth." But this would be nonsense; and we could only make sense of it if the text had faciat. Hence the whole phrase is not what it should be. "Securitas" is a translation of some word wara or warida, which may mean "guarantee, pledge, troth," but also "approbation," for O. H. G. warjan, wartn is "probare"; biwarjan "probare, comprobare." The wording of 2, 4, and 6, is intelligible, though, it would seem, somewhat tautological. Here securitas is the probate by the jurors.

On confronting the result obtained by a comparative interpretation of the text with those obtained by a linguistic analysis, we come to the conclusion that the sacibaro, saceboro, otherwise called sagibaro, sagibarro is the member of a jury; further that the old paraphrase by scabinus is perfectly right, provided we understand by schepen the vrijschepen, commonly designated as schepen (2) of the veem, veim, the usual term for jury in Westphalia and Hamaland, but by no means limited to the Saxon parts of the Netherlands (3). Saccewito agrees with the middle Frank. wissig as used in Ripuarian Cologne (cf. Grimm, R. A. 779). That scabinus is used to indicate the vrijschepen needs no proof; one instance will suffice: in a charter of A. D. 1292 two persons are styled scabini seu veimnoote (4).

We have a collateral proof that the sacibaros are nothing but members of the jury, the veem. The veem, it is well known, is called heimelijk, i. e. homely, communal, rural; a word which has given rise to all the absurd stories, still here and there circulating, about the veem. Heimelijk, geheim, after it had become obsolete in the sense of "homely, communal, popular," survived in that of "mysterious, secret," and since words, especially those which are not understood, exercise a far greater influence on men's minds than is usually believed, it is no wonder that the veem, though it was as public a meeting as any could be, became in the idea of the people

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⁽¹⁾ So illis = illi by dittography or idiomatically, in 4: "illis securitatem."
(2) As to the purport of free in connexion with the jury see Grimm, R. A. 880.

^(*) In the old customs of the Island of Voorne we read: "Mach een witteloes worden omdat hij enen anderen geloeft heeft bij trouwen, eeren ende zekerheden, voirwairden die hij hem niet en houdt, ende wert dair verveemt, ende gehangen an den eersten boem dair een veemzeepen zijnre machtich worden mach, nadat hij verveemt is ende die veemzeepen moet dat doen van rechtswegen der vemen" (Werken Maatsch. Ned. Lett., X, 68).

⁽⁴⁾ Werken Maatsch. Ned. Lett., X, 72.

living too near the Middle Ages to care much about it, a "secret" tribunal. That heimelijk gericht, i. e. the veem, is the heimgericht needs no proof (cf. Grimm, R. A. 829); it is the O. N. heimiliskvior, the verdict given by the heimilisbular; and also the college giving the verdict (1); cf. heimiskviðr, heimskviðr, in Oxf. Dict. i. v. kvior. What is called heimili in O. N. is termed mallobergium (of uncertain gender) in the Lex Salica, or mallum. Mallobergi, stem -bergia, is an adjective, a regular derivative from malloberg; if it be used as a substantive, in the neuter gender, it denotes "whatever belongs to a malberg, a forum," i. e. a parish, commune; in dial. Dutch maalschap, commune, commonalty, and collectively those who meet at the same malepol, i. e. male-hill; precisely as Lex Emend. puts it: "plebs (i. e. the commons) quae ad unum mallum convenire solent." In its formation mallobergi may be compared with O. N. heimili. Mal is a more comprehensive term including malberg and malbergi.

To sum up: the mallobergias sacibaron, al. sagibaron, are veridici, a jury, akin to the heimilis-buar of the Norse law, and to the scabini (vriscepenen, freischöffen) of the Veem. In so far as saci, sacce, sace means "crimen, guilt," and "prosecution," the term sacibaro agrees with veemnoot; cf. O.S. aféhian, to doom. No less suitable is the name of sagibaros, because to them belongs the kvibburor.

LV.

§ 245. For muther in 2 read murther, A. S. morber, murder. In 10 we have to read chréomordio or perhaps-morido, a possible careless pronunciation of mordo, like weridario for werdario (Tit. XXXIX). In 6 there is required either hréomordio or hréomorido; in 7-9 chréomurdo. Uuaderido in 1 is a misread murderido, apparently the dative of murderido or murderidio. Such words stand to the partic. pret. pass. (which in the present case is murderid) almost in the same relation as in Lat. divisio stands to divisus, aestimatio to aestimatus, etc. Cf. mordrida, murdrido in Lex Baiovar. 18, 2. The Latinized murderitum in Lex Fris. 20: "si quis hominem occiderit et absconderit, quod murdritum vocant" points to a neuter murdrith, unless it be formed from the partic. murderit (murderid). As to the proper meaning of murda cf. Notes to Tit. XIV.

§ 246. Turni chalis, thurni chale in 10, to which add thurni chalt in Tit. XIV, is a misread thurni chalis, -chale, -chalt. The correct reading in 2 (Tit. XIV) is thurni chale; in 7-9 thurvi chal; in 6 thorne chales, -chale. Thurvi, thurve, thorne is A. S. burfe, O. H. G. thurfi, etc., egeat, from tharf, eget. Chalis, chales is decidedly the genit. case of a masc. or neuter substantive; chalt is as decidedly an accusative; chale may be a genitive, provided the word be a feminine, but it seems preferable to take it for an accusative, whatever may be the gender. We learn from the various readings that thurvan in Frankish like purfa in O. N. is construed sometimes with the genitive, at other times with the accusative.

Chali, chale is O. H. G. hal, tegmen, with the exception, perhaps, of the gender (s. Graff, Spr. IV, 844). Chalt (for chald) is O. H. G. helid, "tugurium," properly "tectum"; O. N. hald, entertainment, support. Thurvi chalis, etc., "egeat tecto, hospitio" is, so to say, a paraphrase of wargus sit, let him be an outlaw.

(1) The Oxf. Dict. should not have failed to remark that herefr is both the verdict and, collectively, those who give the verdict. More accurate is the Index to the Grágás, i. v. quify, veridici; effatum veridicorum.

Cod. 6 has, as so often elsewhere, preserved a fuller form of the imprecation (Tit. XIV): thorne challis sive odo carina. Intended is thorve challis (or chaldis) odo thacina; as odo, O. H. G. odo, A. S. obbe means "or," it follows that the Latin "sive" is superfluous. Thacina is the genit. of thacina, O. S. thecina, tectum (Gl. Arg. 167), A. S. pecen, tegmen, tectum. The association of helan and thacian is so natural that it is not surprising to find them in each other's company; thus in O. H. G. helid luzil zi thechenne; helitin, thah, tegumen (cf. Graff, l. c.). It is always difficult to give an adequate translation of such pregnant phrases, but we shall not be far wrong, I trust, if we render thorve challis odo thacina by: "egeat hospitio et tecto." Odo, or, is here used, because thurvan is a negative idea. Cf. Grágás 2, 100: "tel ek No. eiga at verða sekjan skógarmann óælan, óferjanda, óráðandi öll bjargráð"; and 134, ibid.

§ 247. Stappl, a stake, column, is the common Teutonic word, A. S. stapul, stipes, columna; O. Fris. stapel, a pale, stake; O. N. stöpull, a column; O. H. G. staphal and staphala, alternating with stofful and staffala; cf. the Latinized stafflus in § 4 (note) of 10.

Stapplus serves to explain aristatonem in Lex Emend., whence it follows that the term wanting this explanation had become obsolete. On comparing the various readings we must provisionally adopt as the intended reading in 10 cheristaduna, and haristathone in Lex Em.

Staduna, stathone is the accus. of a weak subst. masc. or fem. stado, statho—if fem. probably stada, statha. The final a and e are to be explained in the same manner as in the case of ohseno (cf. Tit. III); the O. S. form would be stadun, stadon. Statho, stado and stappl are synonymous, and in so far the interpretation in to and Lex Emend. is unimpeachable; cf. A. S. stod, a post; wredstudu, columna, fulcrum (O. H. G. stafal, basis); O. N. studill, a stud, column; A. S. stadol, basis; O. Fris. diestathul has its equivalent in the Middle Sax. text dijkstapel (Fris. LL. 122).

The great difficulty of the word lies in *cheri*, al. *hari*, *hare*, supposing that the form without initial h be incorrect, which is far from certain, because the Lex Emend. is not in the habit of neglecting the h.

Cheristonica in 6 is a very doubtful reading. Stunica might be a diminutive form of some lost word stûna, Skr. sthûnû, a column, but the corresponding terms in the other codd. rather induce me to suppose that the word intended is stocina, a derivative analogous to E. stockade from stoc, A. S. stocc, O. H. G. stoc, stoch, etc.

As to (ari)-stacone in B (Tit. XIV, col. of 7-9), this seems to be right; A. S. staca, a stake, post; O. Fris. stake; O. H. G. steccho, a stake; collectively: the enclosure. We may even go further and suspect that (h)aristato, if not everywhere, at least in 7-9 is a misread (h)aristaco, the more so because by reading cheristiacona for cheristiadona we can explain the i, which recurs in O. N. stjaki, a stake.

§ 248. Madoalle, mandoado, Latinized mandualem, contains walle, walo, wale, which is akin to the common Teutonic wallu, A. S. weall, D. wal, O. N. völlr, etc., and alternates with A. S. wala in wyrtwala, -walu (Ettm. Lex. 99) = wyrttruma; also in Latin vallus and vallum, Skr. walaya, cakrawâla, circumference, compass; also in adjectives as O. H. G. sinawell, sinuwell, sinuwell, all round; O. N. sivalr, etc. In some cases wal appears to have the function of a mere suffix, and to be interchangeable with the suffix ala. How wal- and al- are in every respect connected need not be discussed in this place; suffice it to recall the fact that A. S. wyrtwala means exactly the same as O. H. G. wursala,

D. wortel, a root. After premising thus much, we may identify mandwale with Skr. mandala, a disc, circle, circuit, anything round, especially as it is used in stupamandala, properly "a mound-circle, a tope-round," but commonly not differing from stupa, a tope. A synonymous word, viz. bimba, is equally used in the more or less pleonastic compound stupabimba, which denotes the same as the single stupa, in its sense of an artificial gravemound, a tope. The precise Aryan form of Skr. mandala has not yet been ascertained, but this much is pretty certain that the word is akin to O. N. möndull "the handle of a hand mill"; to Skr. mantha, the churning; manthana, churnstick; manthani, a churn, etc. Mandwale may be rendered by "the fenced mound, mound-fence, framework of the mound," in short stupa-mandala.

§ 249. Silaue, whatever may be its correct form, bears some resemblance to A. S. sylle, syl, basis, fulcimentum, postis; cf. O. H. G. suli "lignum quod sustinet ostium domus, quod nos sulium vocamus" (cf. Graff, Spr. VI, 190). It alternates with O. H. G. suelli; cf. Goth. gasuljan, θεμελιοῦν. In M. D. sulle, sille is "limen," but at the same time "canalis," just like sijle, which is apparently another form of O. Fris. stl, a sluice, a little bridge, N. D. zijl, a sewer, and dialect. a sluice (cf. Tit. XXII). If these or similar words existed in the Salic tongue-and it would be strange if it were otherwise-then we can understand how the arrangers of our texts have adopted the readings "ponticulus" and "porticulus." Still I confidently assert that the older Latin text had something different, for "ponticulus (or porticulus) sequens mortuum" is nonsense. Both the Latin text and the Malb. have been ill treated. The Malb. must have had sinawale (in 5 silauaue), etymologically almost O. H. G. sinawelli, globus (Graff, Spr. I, 840), and differing little from mandwale, save in so far as it is more distinctly expressive of the vault-like, the globular shape of the mound, the O. N. haugr. Such a sinawale is not unaptly rendered by "monticulus." The revisers, not understanding the Malb., which perhaps was already somewhat corrupted, obtained, by dint of etymology, from silaue, as they read or conjectured, a little bridge, and therefore changed monticulus into ponticulus.

Sequentem (-tis) mortuum, which we find in 5 and 6, is a most interesting phrase, to understand which we ought to re-translate it into Salic. The original word probably was after, aftar, after, the very same expression which in the sense of "in memory of" (the dead) is constantly used in the Runic tombstones; verpa haug aftir, aft, after, etc. (cf. Jonsson, Oldn. Dict. i. v. eptir). It is clear that a "monticulus," a haugr, a cairn in memory of the dead, is a suitable phrase, but not "ponticulus."

§ 250. For chlebarbio in 8, cheolbarbio in 7, cheobarbio in 9 (Tit. XIV), we must read chleobardio. Chleo is A. S. hlaw, hlaw, Goth. hlaiw, etc., tumulus. Bardio, also in 10 (Tit. LV), recalls O. N. barb, brim, edge, e. g. of a hill; the stem differs; neither the gender nor the case can be determined. The compound chleobardi, if appearances do not deceive us, is "tumuli margo." The question arises whether the Malb. in 7-9 is a conjecture or a genuine variant, a term handed down from ancient times. This is a point which I fear has little chance of ever being settled. We can only say that chreobardio is wrong, while chreoburgio is right. The most natural interpretation of this term, so far as I can see, would be "the burial-place of a dead man;" cf. Frankish burgish, sepulcrum, Gl. L. 171; A. S. byrgen, burgen, sepulcrum, etc. It denotes, however, at the same time an enclosure, a fence, like O.N. byrgi. From "ponticulus" or "porticulus" may be gathered that the originators of this secondary reading interpreted burgia as a vicarious form of brugia, O. N. bryggia, ponticulus; A. S. brycg, O. H. G. brucca, N. H. G. brücke, D. brugge, brug, etc. They were, to a certain extent, justified in doing so, for along with brugia the pronunciation burgia was not alien to the idiom, as we are able to test by a charter (already quoted more than once) of Ebroin, A. D. 720, where the name of the village at present called Donsbruggen, not far from Cleves, is first written Dangaesbroch, and a few lines further down Da(n)gaesburge. In this way it may be explained how the revisers arrived at their interpretation, which, however, cannot be the right one. Chreoburgia is clearly the tumulus over the bones of a dead man, the burial-place. Burgio is very likely the accus. of a feminine; occasionally in the Heliand o occurs for a in the same case; sorgo, 24, 24; sundeo, 56, 8, etc. (cf. Schmeller in his ed. 2, 183).

§ 251. Chaminis is the gen. of chamini, mutilation, hurting, and here to be taken in the same sense as the corresponding Skr. verb camnâti "to hurt, violate" shows, as well as the substantive camala, a pollution, unhallowing, violating. We may render chamini by "profanation." We have no means to decide whether the profanation of a dead body was really restricted to the peculiar case stated in the text. Codd. 6-10 have a different term: edulcus, idulgus, hidulgus. It would seem that the interpreters saw in it id, ed, rursus, A. S. ed, D. ed (et) (in ederikken, O. H. G. itarucón, ruminare; A. S. edorcan); in etgroen, aftermath, etc. This supposition would explain the wording of the paragraph. Nevertheless it is evident that chamini contains nothing akin to the notion of "again, repeatedly." If possible, we must try to reconcile chaminis and idulgus. The problem is, up to a certain extent, easily solved, for A. S. aideljan is (Beda 2, 13) exactly "profanare"; idelian, exinanire, irritare; O. H. G. arttaljan, exinanire, evacuare, vastare; *Italnissa*, desolatio. Therefore, we may conclude that *Idulgus* means "profanation," leaving it undecided whether the deed consists in spoiling, wasting, or emptying the receptacle of its contents; cf. M. D. den pot ijdelen, to empty the pot or box. On account of chaminis we must understand idulgus in the wider sense of profanation, in accordance with the notion of "insolent, wanton," which the adjective tdel shows. The grammatical form of idulgus is not clear, though it may be asserted that the corresponding verb must have been tdulgian, tduligian; the amplified adjective tdulig, tdulg (cf. E. foolish and fool); which, used in the neuter, would yield a genitive idulgus; cf. the analogous A. S. words (related in signification also) dysegian, ineptare; dysig, stultus, insanus; dysig, stultitia, insania.

§ 252. Noch-, noff-, of which nauch, nauf found in some MSS. seems to be either a more ancient or a semi-French spelling, is allied not only to Icel. nór, a smith's trough, and to O. H. G. noch, foramen, cuniculus, but also to O. Fris. nost, a pit, ditch. In modern North-Frisian nost means a trough, which is remarkable, because in O. H. G. we find droh as a synonym of noch: "in nohin vel in drohin, in canalibus" (Graff, Spr. II, 1015). Now, O. H. G. droh is A. S. pruh, loculus, sarcophagus; O. N. pro, both "a trough" and "a stone coffin" (steinpro). This again is identified—not to say identical—with A. S. troh, trog, alveus, alveolus; pelvis; naviglum; O. N. trog, D. trog, E. trough, etc. For all practical purposes we may safely consider that proh = troh, and this as synonymous with noch, noh, and nost. In Tit. XIV the paraphrase not unaptly has: "quae (scil. noff and petra) vasa ex usu sarcophagi dicuntur."

An older form of noch, noff, etc., may be nochw, nahw, or the former is a bad pronunciation for nocht, noft, like machig for

machtig, slach for slacht in the old Low-German Credo in Müllenhoff-Scherer's Denkmäler, 245, while in a document of A. D. 870 we read Uttrech (Sloet, Oork. No. 54). The Fris. nost may stand for nohst, unless st be a mere phonetic variation of ft, cht; a similar phenomenon, whatever may be its real cause, is seen in D. dost = doft, a rowing bench, A. S. pofte, O. N. pofta, but O. H. G. dosta, D. halter (probably for halhter), halfter, halchter, helchter, halster, E. halter, Frankish Gl. L. 558 heliftra, O. H. G. halftra.

§ 253. The remaining paragraphs in 6-10 bear the traces of confusion both in the text and the appended Malberg. They are absent from the older codd., a circumstance which must raise doubt as to whether those paragraphs are based upon the original law. We may go further and assert without rashness that anything relating to presbyters, deacons and bishops in 7-9 and Lex Emend. is unquestionably a later addition. How could the law of the heathen Franks contain provisions of the kind? At the very earliest these additions can only date from the latter half of the reign of Chlowis. I would speak with more diffidence of §§ 6 and 7 in cod. 6 and the corresponding ones in 7-10 and Lex Em., because I am not able to discover anything decidedly Christian in the Malberg. That "basilica" is not a church is sufficiently clear from the phrase "domus in modum basilicae factus super hominem mortuum." This phrase points to a dome-like or bell-shaped shrine containing a relic, which in India is called a stupa or caitya, a tope. Such caityas, holy gravemounds, date from times immemorial.

Of chreottarsino in 10, chrotarsino in 7-9, chereotasino in 6, tarsino has the appearance of being a dative or genit. case of a nom. act. answering to spoliatio. I derive it from tarsian or tarrian, O. H. G. serjan (rather serrjan, praeter. sarte), to tear, O. N. tarra, terra, to stretch; from the same radical as A. S. teran, rumpere, scindere; O. H. G. seran, destruere; A. S. ateran, diripere ; geteorung, deliquium ; tergan, tyrgan, etc., D. tergen, vexare, irritare; N. H. G. sergen; connected also is O. H. G. sorn, A. S. torn, D. toorn, ira, but O. H. G. also "contumelia, incendium;" Goth. gataurys, nabalpeois. In short tarsina or tarrina means spoiling, undoing, violation, profanation. The former part of the compound has been tampered with, and shows in 10 traces of an attempt to mix up various terms. Chreot by the side of chro in 7-9 points to chrót, Goth. hrôt, στέγη, δώμα, Ο. Ν. hrot. Considering the use of the synonymous A. S. hrof, summum, cacumen, we may ascribe to chrôt the meaning of a dome. a vault. Chereo in 6 is not clear; it may be the same as cheri, (h)ari in the word cheristaduna treated in § 247, for the stem haria may become cherio, chereo; cf. chariocheeto in Tit. III. Yet the arranger or translator of the Lex seems to have taken it for a genitive plural, as he renders it by "basilicas"; not unlikely he saw in it chere(h) = A. S. herig, a vicarious form of hearg (s. Grein, Gloss. i. v. hearg), O. H. G. harug, O. N. hörg. "In provincial Norse a dome-shaped mountain is called horg," says the Oxf. Dict. i. v. hörgr; and it also states that the hörgr was an altar of stone, or a sacrificial cairn, like haugr, built in open air. By this we may account for the translation, though we have no means to make out whether it is the right one, and the reading followed by 6 genuine.

It seems to me that either the same cherech, or otherwise O. H. G. hêri (haer), sanctus, almus, occurs in 6 in the next Malberg chenechruda, read cherechruda. Ruda, rude in 10, rudua, read rudan in 7-9, is a substantive belonging to a verb rudon, O. Fris. ruda, to drag, pluck; O. H. G. ruton, to destroy, blast, as may be inferred from the phrase al rutontemo nordwinde, saevis aquilenibus. Ruda is pretty much the same as tarsina, but as

O. N. ryoja means to clear (e. g. a wood by burning), and also to empty, to strip, and rybjask um, to make great havoc, it is readily understood that the interpreters, rightly or not, made a distinction between chereo tarsina and cherech ruda. In the Lex Em. the word is not exclusively understood as meaning a burning, but applied also to "expoliatio" and "aliquid tulerit." The more usual word denoting all this is A. S. strudan, diripere, vastare, also said of fire, strûdende fŷr (cf. Grein, Gloss. i. v.), O.H.G. strudian, zistrudan, destrucre. Alat, alut is decidedly wrong, but the true reading uncertain. It may be alac- (i. e. alach or alag) rudan (rude), as alah is a common Teutonic word; to account for the t both in 7-9 and 10 we might suppose that it is a remnant of alastrude, i. e. ala(k)strude. We might even propose other changes to obtain something plausible; but the Malb. as it stands is meaningless. Nor is theotidio in 10 clear. Tidio, apparently a dative, or perhaps the nominative of a femin, stem in ia, reminds us of the M. D. verb tiden, O. Fris. tidia, which means to drag, trail, and is therefore synonymous with G. zerren, French tirer. I see no objection to take this tidia as coinciding with, or a variant of, ruda, and tarsina. The genuine reading of the Malb. teorsine, theorsine, and teorgiae, theorgiae, theorgie in 7-9, is so uncertain that I abstain from attempting any explanation.

LVI.

§ 254. For lampicii, in the last section of cod. I, I propose to read samplicit, i. e. "the being an accomplice, accessariness," the D. term being medeplichtigheid, from medeplichtig, M. D. also medplichtig, accessary. The radical part is in both words the same, while mede, med, "cum," is synonymous with O. N. and A. S. sam in a variety of words, O. H. G. sam in samwist = mitiwist, consortium (cf. Grimm, D. G. II, 764, sq.). According to this explanation samplicti or samplict would denote: "for accessariness."

LVII.

§ 255. Schodo is probably an altered schoto, a dat. or instrum. of schot, contribution, A. S. scot (an hlote et an scote, LL. Will. 3, 4), E. scot, M. D. schot. In a charter of A. D. 896 occurs the D. grscot: "in ripis Dorestado, ut nec bannum, nec fredum, nec coniectum quod ab ipsis giscot vocatum esse comperimus, contingere aut exactare presumeret" (Sloet, Oork. No. 69).

LVIII.

§ 256. Chrenecrud, etc., has been treated by Grimm in R. A. III, sqq. He connects the term with the herba pura of the Romans, and points out the close similarity between the collecting the earth from the four corners of the hearth, as prescribed in the Norwegian Gulaþings Law, and the statement couched in the words: "de quatuor angulis terra e pulverem in pugno colligere" (l. c. 117). He analyses the term into chrene, Goth. hrains, pure, O. S. hreni, etc., and crûd, weed, O. S. crûd, M. D. cruud, N. D. kruid. etc.

Grimm's explanation is in my opinion right, at least in the main. Still there are difficulties which ought to be cleared away and not to be ignored. In the first place it must be acknowledged that the reading chrud is, to say the least, as well supported as crud. I believe chrud, in the dat. chruda, or else a fem. chruda, to be allied to O. N. hrubr, scab, crust; and O.H.G. hruda (ruda), scabies, N.H.G. reude, M.D. ruid. Chrinechrud or chrinechruda then is "clean scrapings."

By preferring the reading chrenechrud(a) we gain the additional advantage that the term may be explained as a quibble; for though with us quibbles are only accounted as elements of wit, in ancient times they were considered to be essential to the display of profound wisdom. As chrid(a) belongs to the same root as the O. N. verb hrjoba, to clear, Dan. rydde, to weed, clear, N. H. G. reute, a mattock, reuten, to weed, the compound chrenechrid(a) might be understood as conveying the meaning of "clean-riddance." Not impossible, though somewhat more strained, would be the same quibble in the form chrenecruda; for since crûd means a weed, a derivative crida may have been taken in the sense of a weeding, a clearing. It is obvious that the quibble can be admissible only on condition that crad, like chrad, combined the notions of grit, rubbish, dust, and a clearing. Now D. kruid not only means "herba," but also "gunpowder," and I see no reason why crital should not have denoted powder already with the Franks; an analogous connexion exists between the two meanings of D. stof, viz. dust and stuff.

Along with *chrud* and *crud* we meet with a third variety, namely, *curando*, which occurs once in the 5th section of 2. I guess that *grund* is meant (1). The final o in the supposed *grundo* would be the sign of the dative of a stem in u (cf. Goth. *grundu-vaddjus*).

The variant *chruta* in cod. B (column of 7-9) recalls M. D. gruite, E. grit and groats; the monstrous *chrucx* in cod. F bears a strong, albeit perhaps an accidental, resemblance to D. gruis, gravel, grit, rubbish, dust.

In 3 we find consistently written cheracruda. We could not think of taking chera for a mere corruption of chrene. Chera looks like a fem. subst., or could it be the obscure hera in O. H. G. herapas, mediocris, parvus (Graff, Spr. IV, 1015)? A gloss in some MSS. of the Lex Em. explains chrenechrud(a) by "terra mala," from which we may infer that chrene was taken by the interpreter in the sense not of E. clean, but of D. and G. klein, parvus, tenuis, which approaches "mala terra" near enough. Though the interpretation is wrong, it could hardly be called fanciful.

§ 257. Duropal, duropell, durpil, dorpil is the D. dorpel, a threshold, O. Fris. dreppel, drepl, from *dur, duru, Goth. daur, etc., a door, and *pal, D. paal, O. Fris. pel, O. H. G. phal, etc., "a pile, pale" (cf. Grimm, D. G. III, 432). For the custom of swearing an oath on the threshold, cf. Grimm, R. A. 904.

LXI.

§ 258. Charvena, better charvenna, harvweno, harawano (Tit. XVII), etc., is a derivative from a verb answering to E. to harrow, A. S. herewian, herwan, hyrwian, hyrwan, vexare; O. H. G. harawan, herwen, exasperare. Closely connected is E. to harry, A. S. herian, hergian, vastare, O. H. G. harjôn, herjôn, herrôn, vastare, praedare, O. N. herja, so that in point of fact the Frank. term may be called the counterpart of O. N. hernaðr, hernoðr, a harrying, plundering (e. g. Grágás 2, 134, sqq.). How denominative verbs in wan (wian, wen) and ian may alternate is exemplified by A. S. herian, herigean, vexare, also being used in the sense of hyrwian, aspernari, conviciare, blasphemare in Cædmon's Genesis 2238 and Elene 920. In the same way A. S. bescerwan and bescerian both mean "privare;" and again tyrwian = tyrian, tyrigan (Ettm. Lex.

522). The form chereno in 10 (Tit. XVII) is directly derived from cherian, i. e. A. S. herian, O. H. G. herjan, E. to harry.

The ending a, o is undoubtedly that of a dat. instrum. governed by the preposition, but it is not so easy to decide whether the word be a fem. nom. act. in nia, or a gerund. In the latter case, nna, nno, na, no would answer to O. S. nnea, nna, nne, A. S. nne, e. g. te seggennea, te tôgeanna, te faranne, M. D. te seggene, te toogene, te varene. That in rubrics both the gerund and a nom. act. were used may be inferred from those of Tit. I de mannire and Tit. XLVI de adfathamire, etc., along with de affatomiae. Caroen (read charoen) in 4 proves nothing. As regards the Malb. it is safer to take the term for a dat. of a fem. nom. actionis.

§ 259. Alcham in I I am unable to explain. I guess that we must read falchani, "for a robbing."

LXIII.

§ 260. Leodardi, leudardi in 2 and 10 is here unequivocally synonymous with leude in 1. It is an analogous case when in A. S. leodgeld and manuyro are used promiscuously with leode. In the Fris. L.L. 446, 24 also we find luidwerdene used contrary to its ordinary meaning as a synonym of weregild: "jefma ån man slaith jefta ståth, is hi al daed, soe scelma hem bêta mit en luydwerdene." It should be observed that the fixed number, viz. 600, occurs here as well as in the numerous other cases where leodardi is mentioned, though there denarii are understood, whereas here as many solidi are required.

Leudardi trespellia (read threspellia) is the Frankish for "triplex compositio." Threspellia, better thrispellia, is the strong accussing. fem. of the adj. threspelli, threefold; formed like O. H. G. swispild, double. The ll where O. H. G. shows ld is analogous to ll in O. N. spilla, D. spillen, to spoil, squander, contrasted with O. H. G. spillan, effundere; cf. also O. N. spil, a tablet, alternating with speldi, Goth. spilda. For another Latinized trespellius, s. Tit. III.

For mother in 1 read morther or morthes; cf. Tit. LV, § 245.

LXIV.

§ 261. Hereburgi, herburgi, herborgi, etc., is a term the exact purport of which was unknown even to the arrangers or translators of the Lex. They left us the choice between two paraphrases, viz. "strioportio," whatever that may be, and "qui aeneum portare dicitur ubi striae coquinant." Here, her is clearly O. N. herr, in the sense of "the evil host, the fiends;" whence herkerling, a hag; herliki, a monster. Just as by the side of herkerling we find in O. N. herjans-kerling, a hag, so we see in 10 cheruioburg, the former part of which (be it either cheruio or chernio or cherino) shows a derivative from here, analogous to O. N. herjan, the devil; cf. E old Harry. Considering that the term intended in 2 is harbarowhich the scribe metamorphosed into a nice Latin barbaro—we may render the latter part of the compound, burgi = baro, by "a supporter," and the whole term by "a devil-supporter, a harbourer of fiends." Harbaro reminds us of O. N. Harbaro, as Wodan is called in the Edda; how one and the same word applies to Wodan as well as to the Devil is exemplified by O. N. herjan.

Grimm, R. A. 645, prefers the other paraphrase, and would change *cheruioburg* into *chuerioburg*. It seems to me that such an eclecticism should not be resorted to, when there is no reason to distrust the reading of the MSS.

⁽¹⁾ If gikrund in Heliand 75, 21 were above suspicion we might even think of crund. But as matters stand, it is safer not to appeal to that strange form.

Quite apart stands recemburgi in 9. This looks indeed suspicious, and may be a conjecture of the scribe for cherenburg. The connexion between 7 and 9 is so close that wherever we perceive material differences in their readings, we can only account for them by supposing that one of the scribes has been tampering with his original.

§ 262. Humnisfith seems to be the term for the fine which in the present case amounts to 2500d. Fith, whether it stands for finth or for fihth = fifth, may mean "a pentad," O. N. fimt; cf. Skr. pankti, and as to the absence of the k the Páli panti, and Latin quintus. If it were quite certain that fith stood for fihth, fiht, we could not find anything strange in it, first because ft and ht are frequently interchanged, especially in the Low Frankish dialects; secondly, because the guttural in the word is older than the labial. It is not necessary to appeal to the O. Fris. fich, which occurs twice in the Fris. LL., 173, 14, for, although undoubtedly a numeral is intended, its reading and meaning are not certain; suffice it to observe that the double form, one with a guttural the other with a labial, in the final syllable of "five," both appear in Greek and Celtic. In the Chunnas (see § 301) we perceive that where one cod. has fitme (read fimte or finve) the other shows uueth, a most corrupt reading, indeed, but pointing to vucth = vicht or vich, rather than to anything else.

Suppose fith to mean a pentad, viz. of chunna's, how shall we explain humnis? With great diffidence I propose to read fumvis, quinquies. Such a form is not impossible, but I am not aware that multiplicatives upwards of thrice are formed in any Teutonic tongue in such a manner.

§ 263. Faras in 6, which means both "stria" and "meretrix," is substantially the M. D. varende wijf, incantatrix, venefica; strix volatica; meretrix, and probably connected with O. N. fdrskona, a hag. I consider the final s to be the suffix expressive of contempt; it occurs also in A. S. hæges, hægtes, D. heks, G. hexe, a hag; O. H. G. hazus, hazas, hazis, strio, furia.

§ 264. Granderba, if the reading be correct, can hardly be anything but a compound grand-derba, nequitiae audax (mulier), from grand, O. N. grand, evil doing, guile, and derbi, O. S. derbi, O. N. djarfr, audax. Allied are A. S. grondor, guile, nefariousness, in grandorleds (Juliana 271) and Grendel in the Beowulf. Granderba was not unlikely applied more specially to a personage akin to Grendel's mother, the man-eating hag in the A. S. poem.

LXV.

§ 265. Turne chroso, in 6, is not quite clear, though more intelligible than the Latin text, corrupted as it is by some revisers, who, not perceiving that decorticare is not by any means the Latin decorticare, but an inaccurate spelling for decurticare or decurtare, to curtail, introduced all kinds of nonsense into the text itself and its rubric. I suppose we ought to read curve chroso, A. S. curfe horse "secaverit equo," some word for "tail," let us say tagl, having been left out. Curve is the 3rd pers. pret. subj. of cervan, D. kerven, A. S. ceorfan.

§ 266. Secthis is the genit. sing. of a fem. secthi (sechti), denial. It answers to O. Fris. sekwird, denial, opposed to jechtwird, confession, and is a regular derivative from a verb sacan or sacian, O. Fris. (bi)secka, to deny; cf. A. S. andsacan, wiosacan, etc.

LXVII. LXVIII.

§ 267. The Malb. morchamo, which cod. I has in Tit. LXVIII,

would suit just as well in Tit. LXVII. For the meaningless morchamo I would read worchalno, O. N. virgilndr, a corpse on a gallows. Cf. O. H. G. wurgian, D. worgen, strangulare (1), O. S. wurgil, wurigil, a halter, Heliand 157, 21: "Was imu God abolgan, that he imu selbon thô, Simon warhte; hnêg thô an herusêl, an hinginna, warag an wurgil." Analogously to O. N. gdlgndr, a synonym of virgilndr (3), the Frankish term was probably not applied exclusively to corpses, but also to suspended persons who by some accident remain living. At least this is the only way in which I could interpret Grágás 2, 131: "ef maör er hengþr, oc heitir sá gálgnár. Oc scal þessa menn alla (scil. særndr, grafndr, etc.) gjalda niþgjöldum þóat þeir hafi líf sitt, svá sem þeir sé vegnir."

The terms we meet with in 7-10 (see Tit. XLI) may be easily recognised as synonyms of workhalno in spite of their corrupt condition. Sabancheo, sambacheo, rabanal are all misreadings for rahancheo, rahangal, a body hanging on a yard. Rd is O. N. rd, D. ra, Dan. raa, Swed. rå, a sail-yard. Cf. also the O. H. G. galcraha, mentioned by Grimm, Pref. LII. Hancheo is O. N. hangi, a body hanging on a gallows. Hangal, otherwise spelt hanchal (so to read instead of banchal) is formed like Lat. pendulus, and a shorter expression for rahancheo, rahangal.

LXIX.

§ 268. For uidridarchi (read wirdi-darthi, or wirid-darthi) cf. above, § 128.

LXX.

§ 269. Aspelli, which we'find in § I, may, according to its apparent etymology, just as well mean "given to perdition, undone," as "given up"; cf. O. N. spilla, to spoil; spellandi, a spoiler; D. spillen, to waste, squander away; O. H. G. spilli, effusio; desperatio.

For faciat, fa (in cod. II) we should read fiat. Wherever an active form is erroneously used as a passive it is not the fault of the semi-Latin but of a scribe.

LXXII.

§ 270. The Latinized achasius, adhesius points to a Frank. stem ant- (or an-) chasia, -hesia. The e is the Umlaut of the older a, but it is not clear whether the radical vowel is a long or a short one. I suppose that chasi, hesi is the A. S. has, a command; behas, E. behest, which, though it is to be kept apart from A. S. hatan, Goth. haitan, D. heeten, etc., yet coincides with it in meaning. Thus a supposed anthasi would virtually agree with Goth. andahait, acknowledgment; an adjective anthasia may be "(a fee) given in acknowledgment." The anthasi (and-hesi) accordingly would be, what may be called, a recognizance, i. e. a fee of recognizance.

In point of fact the achasius, adhesius amounts to the same as the O. Fris. mundsket, i. e. the fee to be paid in acknowledgment of the mund, or protection afforded by the guardian. Nothing can be clearer and more explicit than the passage in the Fris. LL. 429, 4 sqq.: "hit ne se, dat dio frouwe ene oderne man nime, soe aegh

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⁽¹⁾ Cf. the M. D. expression hanghen ende worghen, suspendio strangulare (Kil. i. v.).

^(*) The paraphrase of gdigndr in Oxf. Dict. by "the corpse of one hung in chains" seems to be a slip, and is at any rate not warranted by the passage quoted.

hy (i. e. the brother of the widow's former husband) dis mondschettes fan dera frouwa een colensche pond, also fyr soe hy riucht mond habbe wessen der frouwa ende der kyndena." For milituria, in the last section, see Tit. LXXVI.

LXXV.

§ 271. There is something wrong in the Frank formula which we find in this Tit. In 1 we should expect nestich anthichio, i. e. the 3rd pers. sing. pres. subj. "admallet, admoneat"; in 2 nestig antigio. Antihtigio would also be admissible, because tihtigian, as a vicarious form of tigian, finds its counterpart in the O. Fris. subst. tichtega, tichtiga. It is remarkable that by the side of this O. Fris. term we repeatedly find a variant thictega, thichtigha, in the Fris. LL. (153, 1; 155, 9; 175, 14; 200, 32), on account of which we may for 1 also adopt a reading anthichtigio, anthihtigio. That the same verb may have as its subject the judge and the claimant may be seen from Grimm, R. A. 855. See further § 238.

Accusante serves as a nominative; "hoc est accusante" is in French "c'est à dire l'accusant," that is to say, the claimant is to be understood as the subject of antichtigio, and not the judge, the thungin, etc.

LXXVI.

§ 272. Abonnis, obbonis is explained by Grimm (Pref. LIV) as being "properly an under-hood, from ob, under." He adds: "allied is the Romance boneta, bonetum, French bonnet, M. H. G. bônti." I have some doubt whether ob, obe (in 11) does not represent hûva, O. H. G. hûba, D. huif, a hood, in composition shortened into hûv, for the û is very frequently represented by o in semi-Latin spelling, e. g. in Chlodovehus (pron. Hlûdowihs) and the like. The a in abonnis may be a misread u. Bonnis, supposing it to have been accurately Latinized, is reducible to a Frank. fem. subst. bonni = bondi, substantially the O. H. G. gibenti, mitra; M. H. G. gebende, for which I refer to the copious elucidations in Benecke-Müller, M. H. G. Dict.

Obelinis (or obclinis f) is obscure. It is perhaps hobelin, i. e. huveitn, N. H. G. häublein, the diminutive of haube, a hood. Should this conjecture be right, we must suppose that the corrector has either forgotten to omit the final syllable is, or has seen a genit. of the singular in it.

It is but fair to add that Grimm's explanation concerning ob is countenanced by the M. H. G. underbant, decerniculum, discriminale.

§ 273. Pecus in §§ 4, 5, and 10 is a stupid alteration of fetus. Such an error shows that the three codd., in this part of the Lex, are nothing but copies from one and the same original, and that a corrupt one.

§ 274. Militunia, miletunia (corrupt milituria in Tit. LXXII), which the scribe of 11 changed into an otherwise irreproachable but here absurd Latin multitudinis, is a very strange word. There is nothing uncertain about lituni, accus. litunia, which is regularly formed by the fem. suffix nia from litu, letu, in the same manner as e. g. O. H. G. wirtun, hospita, from wirt, Goth. wairdus, hospes; Frank. leudini from leudi, etc. Hence lituni, letuni is a female litus, a "leta." But what is mi? The wording of cod. I suggests the idea that "Walloon litu-women" are meant, and if the MSS. showed ma-litunia, etc., I would not hesitate to explain the term as standing for Wallitunia. In A.S. wilise and wiln are well known and easily accounted for; in the idiom of the Franks the i is subject to

grave doubts, unless there existed a form wali(h) along with wala(h), which cannot be proved.

The wording of the three codices compels us to search, notwithstanding all our doubts, for some word denoting "romana." Whether we prefer the reading "letas romanas", or "letas sive romanas", the notion of "romana" must somehow be expressed in the term in question. Hence we get this dilemma: either the correct reading is wallitunia, or the Franks used wil along with wal. The agreement between the MSS. in this case carries no weight at all, because they all flow from the same corrupted source.

LXXVII.

§ 275. For laeuespita, leuerpita, read laeswerpita, the pret. participle of a Latinized laeswerpire, jactare in laesum, i. e. tradere. The Frank. verb must have sounded laeswerpian, a denominative from laeswerp, a throwing into the leis, les; werpan is the common Teutonic word, Goth. wairpan, etc.

LXXX.

§ 276. Stadal may be the A. S. adjective statol in statolferht, supposing this word to exist, as the Dictionaries give it (see Ettm. Lex. 735). It is more probable and safer too to take stadali for the stem; stadali, stationary, is a regular derivative from stadal, station. In point of fact the stadali, deer, certainly agrees with the A. S. stalhrdn, the decoy reindeer in Orosius I, I, excepting, of course, the difference between a deer and a reindeer.

Uaidaris, i. e. waidaris, is the genit. of waidari, a hunter, O. H. G. weidinari, M. D. weidener; cf. O. H. G. weidón, venari; weida, venatio; O. N. veiða, to hunt, veiðr, a hunting; A. S. wæðan, and wððu (s. Grein, Gloss.); D. weidman, venator; weidwerk, venatio; M. D. weidigh and weidsch, venaticus, venatorius. A stadali waidaris (hirot? deor?) is "a hunter's decoy-deer." In Latin we could use an adj. "venatorius" instead of the genit. "venatoris."

§ 277. Bos cervi is a clumsy Latinization of some word like N. H. G. hirschkuh, a doe, properly "a deer-cow." Another instance of the word cow being used to denote the female of some animals is O. S. co-swin, a sow (see Heyne, Kl. D. 144).

§ 278. For tribute (or rather atribute, atributari) the original must have had chatriut(h)i, i.e. "triutim habens," or a similar phrase which some scribe, in his eagerness to give a Latin shape to a word which he did not understand, changed into (a)tribute. Cf. Tit. XXXIII.

LXXXI.

§ 279. Thenlasinia (by which theulasinia is meant) is slightly corrupt. There is no question of coaxing away a slave, a theu, but of filching a thru, a pedica. We have to read accordingly thrulasinia. As regards thru, thruh, cf. Notes to Tit. XXXIII. Another instance of r having been mistaken for e is afforded by ceude for crude in the heading of Tit. LVIII in cod. 10.

§ 280. Neuu, in § 1, and uena in the subsequent §, which the scribe thought it necessary to correct by changing them into nave, represent vena, otherwise spelt venna, vinna; see Ducange, i. v. venna and vena 4. From a passage quoted in Ducange it appears that venna is synonymous with uer (wer), O. N. ver, O. S. werr, D. weer, a fishing station. Cf. the Note on vertivolo in Tit. XXVII.

555

55

The fine mentioned in § 4 is absurd and evidently an error, as is sufficiently proved by the contents of Tit. II.

LXXXIII.

§ 281. For abantonia (read amba(h)tonia) see the Notes to Tit. X.

LXXXIX.

§ 282. Sors in § 2 is very likely a literal translation of a Frank. *hlut (stem hluti) or hlot, A. S. hlot, O. H. G. hlus (hluss) "territorium quod vulgo dicitur einan hlus" (cf. Graff, Spr. IV, 1124). The French has preserved this word in lot.

§ 283. Acrebrasta is a compound of acre, Goth. akrs, etc., "ager," and brasta, O. H. G. bresta, detrimentum; cf. brestunga, damnum; prastod, fragor; O. N. brestr, fragor; fractura; brasta, to bluster; A. S. brastlung, noise, racket; M. H. G. brastlen, crepitare, etc. The proper meaning of acrebrasta must have been "a making great bustle, an uproar in a field."

Sit is a corrupt sunt.

XCVI.

§ 284. Agsoniis, combined with saccioniis, would lead to an original reading sac-soniis. Sonia being a variety of sunnis, and sac meaning "causa", the compound may be rendered by "judicial lawful excuse, impedimentum actionis", in other words "causa sontica." I ought to add that a term actsoni (achtsoni), from achti, persecutio (cf. O. H. G. achtunga, persecutio; O. Fris. achtene), and sonia would also be suitable. On comparing Tit. I we perceive that the terms achtian, bannire and mannire are not always scrupulously kept separate, and the occurrence of the very word aftena - ahtena in the Malb. of Tit. I tends to corroborate my opinion that ahtsonia is the word intended in this Tit. An additional support to this view is given by the term echtnôt in the Sachsenspiegel (cf. Grimm, R. A. 848), for nod and sunnea are synonymous, and echt is a regular development of ahti. Now, an homonymous echt means "legitimus," a circumstance which has led to the formation, by popular etymology, of the M. H. G. ehaft not (i. e. sunnis), as if echtnôt were echte nôt (cf. Grimm, R. A. 848).

It would not be at all strange if sacsonium and actsonium had been equally used.

C.

§ 285. Chanecreudo, canecreuto, anecrenodum is, in my opinion, the Latinized dat. of channechrenod or channeclenod, in which channe stands for chande, a hand. As hrêni and clêni are but varieties of one and the same word, it is, to a certain degree, a matter of indifference whether we prefer to read clenod or chrenod, M. D. clenode, N. D. kleinood, M. H. G. kleinôt, kleinoete, a trinket, treasure, present. The compound answers pretty much to M. H. G. hantgift, strena; cf. hantgåbe, arrha. It is remarkable that in M. H. G. along with hantgabe we also find angabe, arrha, and it is by no means impossible that anecrenod in II is its counterpart, so that ane would be no corrupt form of hande, but the preposition. There being no trace in the Malb. of any other form of hande in which nd has suffered assimilation, it may even be conjectured that the existence of two synonymous words handeclenod (handechrenod) and aneclenod (anechrenod) has given rise to a compromise, so to say, between both, the result of which was the corrupt forms in 1 and 2.

CTT

§ 286. Thalaptas (read thualaptas and pron. twalaftas) is the nom. pl. of twaleft, properly twelfth, but here used in the sense of "a member of the college of twelve, a duodecimvir", just like the O. Fris. tolfta (Fris. LL. 476, 9), except that the latter follows the weak declension. Talentas in 11 is an error for tualevtas, a bad spelling for tualeftas. The Latinized causa tualefta is an inaccurate rendering of some compound like tualeft-saca; tualeft, i. e. tualeft, differing from tualeft, stem tualefta, and meaning a dozen; cf. O. N. tilftar kvito, a verdict of the duodecimviri. Thoalapus, i. e. toalafos, is O. Fris. tolva, twelve men, in meaning identical with tolftar, Frank. twaleftas.

Suam mala etc. is corrupt to such an extent that it will be safest to abstain from all conjectures.

CITT

§ 287. Chreodiba (i. e. hrłodiba), creubeba (read chreudeba), creobebat (read chreodeba), means the burning of a corpse, as has been explained by Grimm (Pref. XLVII). Cf. above, §§ 95 sqq. and 250.

CVI.

§ 288. Gamalta, ghamalta, chamalta, for an older gamallitha, is, apparently, a fem. subst., a derivative formed in the same way as O. H. G. kiprikhida, usus; kirecchida, interpretatio; kahantreikhida, conspiratio, and the like (cf. Grimm, D. G. II, 243). Gamalta is the "actus mallandi", in construction with which antrustione, i.e. antrustion, cannot but represent the gen. sing. in a form coinciding with that in O. S. and essentially also in O. Fris. and A. S., in contradistinction to the ending ins, in in Goth. and O. H. G., and in the Malb. oxino, ohseno (cf. § 36). This fluctuation between the Goth. and O. H. G. ending—which is very likely the more original one—and that in O. S. is not strange, and recurs in the Frank. Psalms and Gl. L., where, along with such datives as herrin, knapin, namin, etc., we find herron, kimon, tregon, namon (1).

§ 289. Ad noctes 14 rogare is a translation of a Frankish phrase containing the term nechtan; cf. the M. D. phrase ghenachte ten viertien dagen, and the Notes on Tit. LII.

§ 290. The words simithio reddant, in I, are, in my opinion, the original wording of the text, notwithstanding their being slightly corrupt. We ought to read se mitthio (or, perhaps, witthio) reddant. Se reddere is the French se rendre, to betake oneself. It is immaterial whether we prefer reading witthio or think it safer to cling to mitthio, because in either case the notion conveyed by the word remains the same, namely "lawfully" or "legally." The reviser, whose hand we can trace in cod. II, did not understand mitti (or witti), but felt that the idea he wished to express by iure was necessary, and consequently added this word. It is also possible that his source had mittiniu (or wittiniu), which would lead him just as easily to his conjecture. I think we ought to understand mitthio in sect. 7 of 1 in the same sense of "legally," "in legal form." The Goth. dat. witoda is used in the same way adverbially in Timoth. I. 1, 8, to render voulues, where a variant shows witodeigo. As regards the evidently corrupt admitteo of II and amonitio of 10, I suppose that an original gawitteo, gawitnio has been gradually corrupted into the shape in which it appears

⁽¹⁾ That there is no instance of a gen. in on in the text mentioned is merely accidental; for the neuter we have $\delta ugun$ along with kertin.

before us by a process similar to that by which gamallus, chamallus in Tit. XLVII became amallus. There need be no difference between wittia and gawittia, any more than e. g. between A. S. wita, witta, and gewita, testis; witnes and gewitnes, testimonium.

§ 291. Wedred, widered (in sect. 5) is the counterpart of the O. Fris. witheth, withed, i.e. literally "with-oath," or, as the Latin translation hybridically calls it, withjuramentum. Wither (wider, weder) differs no more from with than after from aft; at one time both forms freely interchanged not only in the sense of against, as e. g. in A. S. widersteall or widsteall, O. N. vidrstada or vidstada, resistance, but also in that of with, together, e. g. O. N. vidrmali or vidmali, conversation, a colloquy; vidrtal and vidtal, conversation.

§ 292. For gauialto (which occurs in sect. 7 of cod. 10) read gamalto = gamalta of 11. The ending of the dat. fem. of the strong decl. is, just as in the Frank. Psalms, sometimes a (e. g. hera, Gl. L. 564; scama, 791; salda, 777; stimma, Ps. 67, 35), and sometimes o (u) (e. g. hlôthu, Gl. L. 578; salethu, Ps. 14, 1; saldo, 84, 10).

CVII.

§ 293. Ebr, iber is, in all probability, the well-known Teutonic word for "a boar," A. S. eofor, D. ever, O. H. G. ebur; cf. the Frank. name Ebroin, i. e. Ebrwin. Even the cockneyism hebr in 11 finds its counterpart in O. H. G. heber (s. Graff, Spr. I. 100), perhaps by mere accident. The fact that the D. beer is a technical term for a pier, a prop of a wall, a certain war-engine (the Latin vinea), and that another synonym, namely, the Frisian barchen (English barrows), denotes piles for the support of seadikes (1), warrants the conclusion that the Franks used ebr in the same technical sense of a prop of some kind, even if we are unable to determine its precise meaning in this passage. It remains doubtful whether it is allowable to infer from the ending ius that the word was occasionally treated as a stem in u.

EXTRAVAGANTIA.

A.

§ 294. Frifastina, in 7 and 8, fribastina (pron. frivastina), in 9 (A. I) is a compound of fri, O.S. fri, A.S. free, a young woman, a lady, and fastina, the nom. act. of fastian, or fastinon, spondere, sponsare; cf. O. N. fastna, to betroth; O. H. G. fasti, conscriptio coniugii; festin, pactum; M. H. G. vestenen, to betroth; e.g. in Kudrun 665: "Dô vestent' man die schoenen dem recken an der stunt"; bevestenen, to betroth, e.g. Kudrun 770: "Dem bin ich bevestent: ich lobete in z'einem man, er nam mich ze wibe."

Frifrasigena (better frifrasegena) contains the same fri and frasegena, the nom. act. of frasegian, O. H. G. fersagen, renuntiare, abdicare.

Frifastina renders "filiam alienam sponsare"; while frifrasegena answers to "se retraxerit et eam accipere noluerit."

§ 295. De inuictu stricto (A. III.) The A. S. inwit, malignity, can hardly be the word here intended, though its existence in Frankish may have contributed to the original reading having become corrupt. I assume the true reading is uuita (= uuitu,

uuittu) stricto (i. e. strichto), stritto (for strihto). Wita, witta, gen. witu (wito) or wita, is apparently identical with M. D. wite, witte, the awning of a cart, otherwise called huive, huif. Since huif is the common word for a coif, hood, bonnet, O. H. G. huba, M. H. G. hube, O. Fris. houve, O. N. hufa, etc., there can be no doubt that wite, witte had once a much wider sense. In fact, it is nothing but O. H. G. witta, infula, O. Fris. withtha, witta, etc. That the notion of "awning" is a secondary one may be gathered from the fact that the French word for it is banne, evidently derived from a Frankish banna, banda, a band; cf. E. bandow. Our conjecture is confirmed by the unistritto of Pithoeus. Strichta, dat. strichto, is a fem. subst., a derivative from strican, E. to strike, etc., here to be taken in the sense of striking off. Ofstrica is the very term for striking off a cap, bonnet, hood, etc., in O. Fris., as we learn from the Fris. LL. 212, 3:-"Enre frowa hire hneze osestrizen, fiarda half scilling." Witu (witta) strichta is "the striking off a head-gear," be it a coif, a cap, or a bonnet.

The words "pittum excusserit" in the text must necessarily express the same idea; hence pittus means some kind of head-dress. This word seems to be identical with D. pet, a cap. The origin of pittus is obscure

§ 296. (Sexxaudro, read) sexxandro (A. IV) is the gen. plural of the participle, used as a substantive, from sexxan for sexian, older sahsian, a verb which, with slight difference, agrees with O. N. saxa, to chop, hack. The meaning of the Frank. sehsan certainly was that of cutting (grass or corn). For "cultellus" the Franks undoubtedly had sax, sahs, O. H. G. sahs, A. S. seax, O. N. sax; as they called "a razor" scar-sahs, as we know from Gl. L. 792; O. S. scer-sahss, Gl. Prud. 402.

Extravagantia.

B.

§ 297. Anthmal (in ch. 1 & 2) is a bad spelling for hantmal, O. S. handmahal (Heliand, 11, 1. 11. 126, 7), M. D. hantmael, which Kiliaen renders by: "Forum competens; forum proprium, bannus scabinalis: iurisdictio in qua quis natus magistratu fungi potest: patritius magistratus, patritiatus."

§ 298. Sterchire (in ch. 7) is a Latinized Frank. stercian, O. S. sterkian, O. Fris. sterkia, M. D. sterken, firmare, confirmare, probare, O. H. G. sterchan, kistarkan. The ch in sterchire serves, in the Italian manner, to denote the k sound before the vowels e and i, and should not be confounded with the H. G. ch.

PROLOGUS.

§ 299. The epithets "audax, velox vel asper," render different shades of meaning of the adj. franc, a word which is intimately connected with A. S. frec, O. H. G. freh, N. H. G. frech, "audax, protervus, procax," as well as with A. S. freene, O. S. freeni, asper, atrox, audax, O. N. frækn, and frækinn, valiant, stout. That franc, like frec and freeni, could also be taken in an unfavourable sense we know from the testimony of Ermoldus Nigellus, for he says (I. 344): "Francus habet nomen a feritate sua." While further on (359) he has: "France ferox"; cf. Grimm, G. D. S. 358, where it is pointed out that the D. vrank en vrij is the counterpart of the M. H. G. frech und frt.

The ô in O. S. frôcni stands to an in franc in the same relation as Middle S. gôs, A. S. gôs to D. gans; the e in A. S. frêcne is, of

course, the *Umlaut* of δ . The amplified form O. N. frakinn bears the same relation to frank $(=fr\delta k)$ as e. g. A. S. sliven to slive; cf. O. S. nivin and the numerous O. N. adjectives in inn enumerated in the Oxf. Dict. XXXIII. The ending ni (stem nia) of fricni, etc., is closely allied to the ending inn.

§ 300. Wisogasti, Bodogasti, Saligasti, Widogasti, Arogasti, etc. etc., the names of the men who, according to tradition, were chosen to arrange the original Salic Law, show a striking family likeness, to such an extent as to warrant the inference that they are fictitious. There is besides some discrepancy in the arrangement of the names which are said to be four in number. And there is another circumstance which must throw a doubt upon the historical character of the tradition, viz. the identity of the words wido, sale and bodo, which make a part of the compounds expressing the names of the men and their abodes. All this looks very suspicious, and suggests the idea that the Salian Franks of the 6th century still knew of some arrangement of the law having taken place in the days of yore, in times far off, but that the particulars were blotted out from their memory, and were therefore supplied by fiction.

The oldest form of the final part of the compound names is gasti (Goth. gasts, etc.); later is gaste; the latest gast. The Latinized gastus dates from a time when the final i of the stem was totally lost. Hence the 2nd Prologue in cod. 6, as well as Prol. III—V cannot but be comparatively late.

Chaim (heim, hêm) and cham (ham) are synonymous and interchangeable, as we have seen before (see Notes to Tit. III). In names of places throughout the Frankish and Saxon Netherlands we find heim (shortened hem, um) as well as ham; e.g. Sassenheim, Diepenheim, Arnhem, Zelhem, Renkum (older Redinkhem); Eenham, Barlham. Sometimes both hem and ham are interchanged; e.g. the name of the village called Sidehem in the Middle Ages is at present Zeddam; the present Kleveham occurs in a charter A. D. 720 as Haemmi (Sloet, Oork. No. VI).

Sali is O. S. seli, A. S. sele, sel; salo, if it be correct, stands for sala, M. D. sale, N. D. saal, French salle; sale may be both; cf. A. S. sæl along with sele, sel. Bôdo, bôd (stem bôda) is M. D. boede, domuncula, casa; M. H. G. buode, E. booth; O. N. but, N. D. boed, a sty. The D. boed being synonymous with kot, E. cot, it will, perhaps, not seem wholly fanciful if I infer that Bôdogasti is but another phrase for D. huisman, a cottager, peasant, and the fictitious representative of the peasant-class; whereas Saligasti is that of the nobility living in salis. Instead of Bôdogasti some MSS. have Arogasti. Now, are looks as if it were the very same word as Latin arvum (1), or at any rate a derivative from arian, to plough, and in substance differing neither from M. D. arene, erene, "arvum," nor from O. N. orb, a crop; arbr, a plough; O. Fris. erd (raf-erd), a ploughing. Arogasti, therefore, means "Tiller, Ploughman," whence it follows that it is a perfectly intelligible variant for Bôdogasti.

Widogasti means, apparently, "Woodman," for widu (wido, wide) answers to O. H. G. witu, A. S. wudu, O. N. viőr, E. wood. In Wisogasti we recognize the stem wisa, O. H. G. wisa, N. H. G. wiese, a meadow, pasture; the compound, if taken in the sense of an appellative, might be rendered by "a feeder of cattle."

There is nothing strange in the names of the reputed arrangers of the old Salic Law when we consider them each by itself, but the fact of their being combined is calculated to raise doubts as to their historical character. Would it be too far-fetched to explain the typical names Wisogasti, Bôdogasti (al. Arogasti), Saligasti and Widogasti as being the representatives of the different classes of the people? At the same time I am unable to account for the fact that only three villages are mentioned. We might have expected that fiction would have assigned a village Wisohem to Wisogasti as the place of his domicile; Salihem to Saligasti; Bodohem (= Arohem) to Bodogasti (= Arogasti); Widohem to Widogasti. Buthere is no trace of anything like Wisohem in any of the lists, nor do the names of the villages run wholly parallel to those of the men.

Wisowa[n]do = wisoga[n]do is, in my opinion, the nomin. pl. of a pres. partic. used as a subst., like Goth. nasjands, fijands, O. S. friund, heliand, fiund, A. S. freond, feond, etc. The final o may be a so-called "irrational" vowel. The ending ado, which some codd. show instead of ando, is not wholly inadmissible, considering that participles in ed = end occur in M. H. G., e. g. tõude, helde, and other words (cf. Grimm, D. G. I, 1008); so too in the M. D. dialect of Maastricht, e. g. vligede = vligende; minnede = minnende; in the modern dialect the nof endig (an amplified form of the pres. partic.) is usually elided, and the d treated as if it were the final of a word or first part of a compound; e. g. levetig, common D. lévendig, German lebendig; similarly gleuetig, D. gloeiendig, M.H.G. gluondic; speletig, druimetig; in M. H. G. we find krademedig.

The verb wisowan = wisogan (i. e. wisogjan, wisojan) belongs, I think, to the weak verbs of the ai- or o- class; cf. O. S. wacogean, O. H. G. wachen; fragoian, O. H. G. fragen; folgoian, O. H. G. folgen; thologian, O. H. G. dolen, Goth. hulan (hulai-); but thionogean, O. H. G. dionon. The interesting vicarious form -owan, whatever may be its origin, is analogous to A. S. bescerwan = bescyrian, biscerian; herwan, hyrwan = herigean, herian, convician; tyrwedon = tirigdon (s. Ettm. Lex. 522, and cf. Notes on Tit. LXI).

On the supposition that the radical vowel be a long one, we may identify wisowan, wisogan with O. S. wisian, A. S. wisian, O.H.G. wisin, wisian, monstrare, ducere, regere; whence O. H. G. wiso, dux; forawiso, praeco; A. S. herewisa; O. N. visi, a leader, captain; visir, a leader, king; M. D. wijser, a judge. The plural of wisowand answers to "rectores" of the Latin text, though it would seem more appropriate if the arrangers of the law had been qualified as "iudices," M. D. wijsere.

If, on the other hand, the z was short, the word can only be a common pres. partic. in the plural, meaning "degentes, habitantes." In this sense it has been interpreted in Prol. IV, as "qui vero manserunt" means "who dwelt, were living, having their home"; cf. the French word maison, and E. mansion. It cannot be denied that there may have been a word wisowan, wisogan answering to Goth. wison, which does not exactly mean "to live," as most dictionaries give it, but rather "to cheer," in an intransitive sense. Both notions, however, are intimately connected, and the interpretation adopted in the said Prologue would seem plausible enough, were it not that the other is, to say the least of it, as well supported. If we prefer the translation "qui manserunt" we must take -ndo for the equivalent of -nda, -nde in the Frankish of the Psalms and the Gl. L.; e. g. driepinda, Ps. 71, 6; libbinda 54, 16; libbende 57, 10; thionda 72, 12; which are all nom. pl. masc. of the pres. part. in the strong declension.

CHUNNAS.

§ 301. 1. Unum is a Latinization of hunn; the number meant

⁽¹⁾ The ending wa of the stem, remaining in Gothic, becomes o, u in the later dialects, e.g. Goth. balwawesei, O.S. balosprāca, balowiso, baludād, A.S. bealudād, etc.

is hunn-toalaftih, A. S. hundtwelftig. The corresponding O. Fris. term is tolftig without hund prefixed. Below we see the word, which is here written thoalas, corrupted into theuvualt and tuuwalt, with a would-be correction thuuualt, a sufficient proof that the scribes had not the slightest notion of the existence of such a word as "twelve."

- 2. Sexan is an impossible form, at least for the nominative, there being nothing like it in any Aryan tongue; we ought to read sex or sexiu chunna; the latter in case chunna be a genitive pl., which is probable. At first sight chunna would seem to be identical with Goth. hunda, but the Frankish numbers show a far advanced state of phonetical decay; and it is, therefore, more than improbable that the plural of a neuter chunn would deviate from the form common to all Teutonic dialects, Gothic excepted. In other words, the nom. pl. of a neuter chunn must have been chunn = A. S. hund.
- 3. Septun looks, at first sight, very archaic, and reminds us of Lithuanian septyni. On closer inspection we feel some doubts as to the correctness of this identification. From the Goth. sibun we must infer that the prehistoric Teutonic form of the word was sibdun. In short, septun, and further on septen, are one more instance of the tendency to give to Frank. words a Latin tinge. We should read sephun, sefun.
- 4. Instead of the corrupt theuvualt, etc., the approximately correct form is twalf, Goth. twalif, D. twaalf, twelve.
- 5 & 6. For thue septen read tui (i. e. twi) -sephun (sefun), i. e. twice seven; for theu vuenet, theuuene: tui-neune, i. e. twice nine. Cf. the O. Fris. expression twia niugun (Fris. LL. 120, 6; 13. 536, 4). Twi is O. Fris. twi in twi-bête; O. N. tvi, O. H. G. zwi and zwi, etc. Neune stands nearer to O. H. G. niun (niuni), Goth. niun, O. N. niu, than to O. S. nigun (niguni), A. S. nigon, D. negen, O. Fris. nigun, niogen, along with nion in niontich.

7-9. Thotocondi thothocundi is a corrupted tuthûsundi, tuthûsondi; cf. A. S. tu-hund. As to the final i cf. O. S. (fif) thûsundig. In my opinion tu-thûsundi is the earliest instance known of the word "thousand" being indeclinable when combined with a preceding cardinal. The same principle is followed by O. H. G. in such combinations as drîo stunt, finf stunt, sibun stunt, etc., where the femin. stunt remains unchanged.

Fitne, vueth are meaningless; a word finte for finfti, O. N. fint, a pentad, is imaginable. As we meet below with an impossible fitter instead of fiver, four, there is little doubt that fitne is a mere misreading for finve, O. H. G. vinvi, O. S. flvi, five. The other reading vueth points to something like vuch, vich, viif, A. S. flf, D. viif, etc. (cf. Tit. LXIV).

For fit tertius chunde, fit ternu sundo in which the scribes evidently recognized the Latin words fit and tertius, we ought to read fiver-thusunde (better fiver-thusundi), four-thousand. Fiver stands next to O. S. fiuuar. The numeral following, eight thousand, ought to be acto-thusunde. Acto, i. e. achto, is O. S. ahto, O. H. G. ahto, A. S. eahta, O. Fris. achta. A form thuschunde for thusunde is problematic though possible on account of O. N. pushund and pushundrato (s. Oxf. Dict. i. vv.).

10 & 11. The words expressive of the numbers 2400 and 3200 have sadly suffered at the hands of the scribes. The approximately correct readings will be: thrio stunde tahteto (tahteh) chunna, O. H. G. drio stunt ahtosug (ahtozo, ahzeg) hunt; and fiver stunde tahteo (tahteh) chunna, four times eighty hundred. Tahtetoh (?), tahteh is M. D. tachtech, N. D. tachtig, O. Fris. tachtig, O. S. antahtoda. Similar instances of multiplication are afforded by the Frisian Laws; e. g., twia sextich skillinga, thria sextich skillinga, sex stunda sextich skillinga (Fris. LL. 127); cf. such phrases as "in triplum MCCC dinarios" in the Lex itself.

THE GLOSSARIAL INDEX is intended to supply-

- 1°. An Index to all the so-called Malberg Glosses and other Frankish words as they appear in the Lex Salica and have been explained by Kern in his Notes. No definition of their meaning has been attempted in the Index, but references are given at each word or phrase as to where they can be found in the Lex, and to the paragraph or paragraphs of the Notes where they are explained. The paragraphs of Kern's Notes are everywhere preceded by K. or Kern, and the words treated by him printed in italics.
- 2°. An Index to all words and phrases of any importance which occur in the Lex. Codex 1 having been taken as the basis of the

present work, the tituli of this codex alone have been referred to, and reference to the paragraphs of the same codex is made where its tituli are divided into paragraphs. In a great many instances, however, the codex in which the word or phrase occurs has been expressly mentioned between parentheses. In Titt. 37, 46, 47, 56, 58, 60, the paragraphs of cod. 6 have been taken as basis; in Titt. 72, 74, 106, those of the Leiden cod. Titt. 52 and 60 are not divided into paragraphs, but sections, which have been called a, b, c, &c. in the Index.

J. H. H.

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GLOSSARIAL INDEX.

abantonia, LXXXIII: K. 70. 78. abaptere, abatere, abattere, see battere. abasym pedero, III. 6 (of cod. 10): K. 35. 33. 13. 30. 193. abbundire, abundire, (sibi) habundare,

(se) abmundire, (se) habundire, (se) alundire, XIV. 4. [The origin and the meaning of this word are alike unknown, presuming that it is not a corruption of some other word. Cod. 10 has si aliunde ierit, and Grimm, Pref. XLV, suggested that we should read in all the other codd. si aliunde ivit.] Cf. Sohm, R. u. Ger. 60; Waitz, A. R. 210.

ab chratis, VIII. 3: K. 63.

aber, for aper, XXXIII. 3 (of codd. 7 and o).

ab grates, VIII. 3: K. 63.

abhacto uel enthemo; abhato uelentemo; abhatto ueelentemo, XV: K. 92-94.

abiectiuus, L. 3; see iactiuus.

abis, see apis.

ablatam biorotro, XXIX. 5: K. 160. ablatam chaminis, XXIX. 4: K. 160. 159.

abmundire, see abbundire.

abonnis, LXXVI. 1: K. 272.

absens, L. 3 .- seruus absens, XL. 10 .absentem hominem accusare, XVIII.

absoluere, se cum XII per (ad) sacramenta(-tum) absoluere, CVI. 3.—secum XVIII datis sacramentis absoluere, CVI. 6.—se xxv datis sacramentis absoluere, CVI. 6; cf. also § 7.

abstrahere = plagiare, XXXIX. 2 (of L. Em.).

abstulere, XIV. 2 (XVI of L. Em.). 3 (of cod. 10); XXXIX. 2 (cod. 10, note).

abteca, XV: K. 92-94. abtena, I. 2: K. 7.

abthega; abtica; abtiga, XV: K. 92-94. abundire, see abbundire.

accedere, 1) to go, proceed towards: ad casam suam accedere, XLI. 3 (of cod. 10; cf. codd. 7-9, B-H).—accedere ad locum aliquem, XLV. 2b; LXXIV. 1.-accedere ad domum alicuius, L. 1; LII. 1.accedere inter homines (= habitare inter homines; infra patriam esse), LV. 2.-2) to enter upon the possession of anything: hereditatem, in hereditatem alicuius accedere, XLIV. 9; LIX. 2 & 3 & 4 (of cod. 2; in § 3 accidant occurs).accedere ad terra possidenda, LXXVIII.

accipiter, accepiter, accepter, acceptor, aceptor, hacceptor, a hawk used in falconry : acc. de arbore (Germ. baumfalk), VII. 1. 2. 3; Sept. C. I. 4, III. 2. See Kern, 54. 55.

accrescere, see crescere.

accusante, LXXV: K. 271.

accusare, XLI. 16 (of cod. 10 & L. Em.); LXXVIII. 9; Pact. 121 (cod. 3).—hominem innocentem et absentem apud (ad) regem acc., XVIII.—accusator, a plaintiff, L. 3 (codd. B-H note m).

acfalla, VII. 8 (codd. 7, 10): K. 62. acfatmire, hac famirem, adfathamire, adramire, achramire, adhramire, affactumire, afatumiri, adframire, afetumiae, affatumiæ, afatumiæ, affatomiæ, affattoone, XLVI (rubr.); afatomiae, affatomie, Capit. X: K. 224.

achaltea, XXIX. 16 (6): K. 168.

achasius, achius, adesius, adhesius, hacesius, LXXII. 1. 2: K. 270.

(1) achramire, achramnire, adchramire, adcramire, adframire, adharamire, adhramire, adramire, adrhamire, afframire, aframire, agramire, ahramnire, charamire, hachramire, 1) to seize, take possession of, XXXVII. 1. 2: K. 184. 118.—2) to impute, refer, appeal to another, XLVII. 1: K. 230. 184. 118.

(2) achramire, = acfatmire, XLVI. (rubr. of cod. 6): K. 224.

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acrebrastasit, LXXXIX. 2: K. 283. actio, accio, a cause, action, LXXVIII. 7.—criminalis actio, Prol. II.

actoetus chunde, Ch. A. 7; acto et usunde, Ch. B. 9: K. 301.

acutarius, agatarius, agutaricius, agutarius, argutarius canis, ueltris, a hound, sporting-dog, VI. 2 (cod. 5 &c.; cod. 10 has simply agutaritus). Ducange (i. v. canis argutaritus) explains: qui arguto suo clamore feras insequitur.

acuuerna, XXXIII. 3 (of codd. 7 & 9):

ad for a, e. gr. XXII. 1b (of cod. 2); XXXII. 5 (cod. 6); XXXIX. 2 (codd. 2 & 3); XL. 10.

adchramire = achramire (q. v.).

adclamare, to rate, inveigh against: cartam falsam adclamare, Extrav. B. 3.

adcramire = achramire (q. v.). adcredere, see credere.

adcrescere, see crescere.

addere, to add, XLV. 2b; L. 2 (codd. 3, 5, 7 &c., 10, L. Em.).

addicere, to award, or adjudge to one, LVIII. 4.

adducere, see *ducere*.

ademissarius = admissarius (q. v.).

adepaltheo, XVII. 6: K. 113.

adesius, LXXII. 1. 2 = achasius: K. 270. adfacimus, LXXIII. 2: K. 224.

adfathamire, XLVI (rubr. of cod. 2): K. 224. [De donationibus quae fiunt festuca in sinum ei cui donabatur proiecta, Gl. Pith.]. See acfatmire.

adfatimus, LXXIII. 2: K. 224.

adfirmare, to affirm, XLVI. 6; XLVIII. 2 (L. Em.). 2.—sacramenta (-um) adfirmare, CII. (cod. 11); Extrav. B. 5.

adframire, 1) = achramire, XXXVII. I. 2.-2) = acfatmire, XLVI (rubr. of cod. 10): K. 224.

adharamire = achramire (q. v.). adhesius, LXXII. 2 = achasius: K. 270.

adhibere (testes), to produce, invite to, in a law-suit, XLIX. rubr. (cod. 10 & L. Em.).

adhramire, 1)=achramire (q.v.).—2) = acfatmire, XLVI, tab. rubr., cod. 5: K. 224.

adiachtiuus, adiactiuus, adiacthiuus, adiactiuus, adiactiuus, see iactiuus.

adimere: ademptum faciendi (scelus) locare, LV. 6 (of L. Em.).

adimplere, see implere.

adiumentum, see iumentum.

adlassare, alassare, see lassare.

admallare = mallare (q. v.).

admanere, admanire = manere, manire, see mannire.

admasserius, admessarius = admissarius (q. v.).

admigrare = migrare (q. v.).

admisarius = admissarius (q. v.).

admiscere, to implicate: admixtus in uiolentia, CV (cod. 10).

admissarius, admisarius, admasserius, admessarius, ademissarius, amasarius, amassirus, amissarius, amissarius, armessarius, emissarius, a stallion, XXXVIII.

2. 3. 4. 12 (6). [qui omni tempore cum equabus est, Gl. Pith.]

admittere, 1) to commit, perpetrate, XVI. 3 (of cod. 2); XIX. 2; XL. 9b, 10 (here the L. Em. has committere); LV. 3; XCVIII; CV.—2) to admit, XXXIX. 4 (of cod. 2 &c.).—3) for amittere (q. v.), to lose, forfeit.

admonere, admonire, ammonere, a formal, either private or judicial, summoning to fulfil a judicial obligation, sometimes = mannire, XL. 6. 10 (codd. B-H); XLVII. 1. 2 (cf. here commonere); LVII. 1 (L. Em.); Pact. 9. 122. 17. -secretius adm. XL. 10.—admonitio, ammonitio, amonitio, XL. 8; L. 2 (here it is = sol colcatus); LII. d (cod. 2). e; Pact. 15 (cod. 2). [The notions mannire, admanere, admonere, monere, commonere do not seem to have been kept separate; cf. admanere, by the side of admonere and admonire in XL. 6; monitus, by the side of manitus, mannitus, admanitus, in LVI. 5; commonere, by the side of admonere, XLVII. 1. 2.] adnouaddo, XXIV. 3: K. 127.

adnuntiare, adnunciare = nuntiare
(q. v.). [The word occurs also, XLVI.
1, in codd. F. G. H, where all the other
texts have pertinere.]

adpreciare, see pretium.

adprehendere, see prehendere.

adquirere, said of the fiscus, LX. 2; LXII. 2; LXXI. 1; LXXII.

1;—of the trustis, Pact. 93;—of a Francus, Extrav. B. 7.

adramire (adrhamire), 1) = achramire (q. v.).—2) = acfatmire (q. v.).

adsalire, adsallire, asallire, to attack, assail: ads. puellam sponsatam in uia, XIII. 14 (cod. 6 &c.); Sept. C. VI. 7.-ads. hominem migrantem, XIV. 4 (cod. 6 &c.). 5 (codd. 1-4); Recap. B. 29.—ads. uillam, XIV. 6. 6 (cod. 6 &c.); Sent. S. S. 3.-ads. alium, alterum in uia, XVII. 9. 10 (of cod. 10 &c.).—ads. seruum alienum, XXXV. 2.—ads. hominem ingenuum, XLII. 1. -ads. ingenuam feminam &c., CV. (cod. 10).—ads. hominem, Sept. C. IV. 2 (cf. arma).—ads. legadarium regis, Sept. C. VIII. 6.—ads. andrustionem, Sept. C. VIII. 7. [adsallitur in LXXIV. I (cod. II) is no doubt a corruption for adsolet.]

adsedere, see sedere.

adsolet, adsolit: sicut, ut ads., as the
commencement of a definition, XLIV.
r; LXXIV. r.

adstringere, see stringere.

adtendere, attendere, to attend to, watch over, II. 4 (of codd. 5, 6, 10 note). [The word occurs also, XLV. 2b (of codd. 5 & 6), where it is probably a mistake for addere. It is moreover found twice, LVI. 2 (of cod. 10) where the first time it = ante audire of cod. 2; the second time it appears in the phrase: per legem adtendere, in codd. 2 & 10.]

adtingere, to catch, apprehend, LXXVIII. 5.

adtrutionis (LXXVIII. 7), see trustis.
aduenire, 1) probably = Fr. advenir, to come, used with respect to posterity, descendants, LXXVIII. 3 (cf. note i ibid.).—2) to come to, amount to, CI.
—3) to arrive at, reach, Pact. 15.

adulterare clauem, to make a false key, XI. 5 [et eam furtiue aperit, Gl. Thou]. See clauis.

adulterium, fornication, XXV. rubr. In the text itself moechari is used.

aedictus = edictus (q. v.).

aelocare, see locare.

aeneum, eneum, eneum, enium, enium, hineum, hinium, hinneum, ineum, inium, a) a kettle or pot: aen. portare ubi striae coccinant, a phrase of abuse, LXIV. 1.

—b) the kettle or pot used in the boilingwater ordeal: ad inium ambulare, XIV. 2 (cod. 2); XVI. 3 (cod. 2); LVI. 2.—manum ab (ad, de) aen. redimere, LIII (rubr.).—aliquem ad aen. admallare,

LIII. 1. 5.—al. ad aen. prouocare, Pact. 4.—de aen. fidem facere, LVI. 1.—se per aen. educere (ducere), LVI. 3 (cod. 4 has: se de lege dicere).—manum in (ad) aen. mittere, XCIV; CVI. 6. 7.—manum ad aen. (cod. 1 has ignem) incendere, Pact. 4. 5 (cod. 2).—aen. calefacere, CVI. 6.

aestimare, estimare, extimare, instemare, intomare, stemare, &c.; aest. damnum, IX. 7 (of cod. 2 &c.). 8 (of cod. 2 &c.).

—aest. cartam, Extrav. B. 4.—aestimatio (stimatio) damni, IX. 8 (of codd. B. H & L. Em.); Recap. B. 2.

aetas (etas, etas) media, XXIV. 7 (codd. 3-9, B-H).—aetas perfecta, LXXIII. 1.—aetas maior, Extrav. A. V. 3.

afatomie, Capit. 10; afatumiæ, afatumiri, afetumiae, affactumire, XLVI (rubr. of cod. 7 &c.) = acfatmire (q. v.): K. 224. affalthecha, XV: K. 92-94.

affatomiæ, affatomie (Capit. 10), affattome (cod. Est.), affatumiæ, XLVI (rubr. of L. Em. & codd. B. G. H), affatumire, tab. rubr. LXXXI, cod. 7 &c. = acfatmire (q. v.): K. 224.

affectu leudi, XIX. 1: K. 117. 116. 97; cf. § 49.

afframire, aframire = achramire (q. v.). afræ; afres, V. I: K. 46.

ager, a field, Recap. B. 11.

agere cum testibus collectis, XLVI. 2.—
ag.iter, XLIII. 3.—ag. causam, LVII. 3;
XLIV. 4 (of cod. 10).—agere gratias,
XLVI. 5.—agens, LXXVIII. 7. 9,
one who acts (as judge?) in a law-suit,
according to Sohm (Proc. 213), the
grafio.

agnicolus, agniculus, see anniculus.

agnoscere, cognoscere: se, res suas, XXXVII. 3; XLVII. 3. Cf. LXI. 3 (codd. 2, 5, 6).—agnoscere, cognoscere rem super (cum, apud) alterum; sub alterius potestate, XLVII. 1. 4. 5.—agn., cogn. corpus, LXXIV. 1.—agn., cogn. (ex hoc) se idoneum (esse), CVI. 3. 6.—cogn. (se) uitae periculum subiacere, Pact. 18.

agnus (lactans), IV. 1; Recap. A. 1; Recap. B. 1; Recap. C. ago epha, XLI. 11 (6): K. 214.

agramire = achramire (q. v.).

agsonia, XCVI: K. 284.

ahelepte, II. 1: K. 11.

ahramnire = achramire (q. v.). alacfacis uia lacina, XIV. 4: K. 87. 88. 89. alac falthio, XIV. 6: K. 87. 89.

alacharde, XXIX. 18 (10): K. 170. ala chescido, XXVII. 31 (10): K. 154. 87. alachis cido, XXVII. 32 (6): K. 154. 87. 128. alachra et hii uia lacina, XIV. 4: K. 87, 88. alachtaco, XIV. 4: K. 87. alachta, XXIX. 3: K. 160. alachtamo chaminis, XXIX. 4: K. 160. 159. 118. alacinia, XXXI. I (rubr. of cod. B): K. 173. 88. alafalcio; alafalmo, XIV. 6: K. 87. 89. alagra et hii uia lacina, XIV. 4: K. 87. 88. alassare, see lassare. alatfaltheo, XLII. 5: K. 218. 89. 88. alatham, XXIX. 3: K. 160. alatham briorodero, XXIX. 5: K. 160. alathamo, XXIX. 3. 4. 5: K. 160. alatharde, XXIX. 19 (cod. 6): K. 170. alatrudua, LV (LXXV codd. 7-9): K. 253. albus, alius, allus, alus &c., XLI. 4 (cod. 3 &c.): K. 205. alcata alchatheocus via lacina, XIV. 4: K. 87, 88. alchacio, XXIX. 12 (7): K. 168. alchaltua, XXIX. 15 (10): K. 168. alcham, perhaps for falchami, LXI. 1: K. 259. 203. 67. 76. alchatheocus, XIV. 4: K. 87. alcheio, XXIX. 12 (8): K. 168. alesum, XLI. 4: K. 205. ale thardis, VIII. 4: K. 63. alfalchio, X. 1: K. 67. alfathio, XVI. 1: K. 95, &c. alia mente, aliamentæ (in), Fr. autrement, XV (codd. 7-10). aliofedo, XLI. 9: K. 211. 99. alius, allus, alus, XLI. 3 (cod. 6 &c.): K. 205. alligare, XLVII. I (cod. 6): see K. 2. allus. XLI. 4: K. 205. alninus, of or belonging to the alder: fustes alnini, LX. I (codd. 3 and 4 have salicinus). alodis, allodis = hereditas, LIX. rubr.alodis terrae, LIX. 6 (of cod. 10); XCIX. On this word cf. Monum. Germaniae historica, Legg. III. p. 104, 282, 312; Diez, Wrtb. I. allodio. altare, LV. (Lex Em. LVIII. 1). alteofaltheo, XIII. 5: K. 79. 67. althifathio, XVI. 2: K. 95, &c. alu trude theo tidio, LV. (cod. 10. LXXI): K. 253. alundire, see abbundire. alus, XLI. 4: K. 205. amachallum = machalum (q. v.). amallatus, amallus, XLVII. 4: see gamallus. amasarius, amassirus = admissarius (q. v.).

amba othonia, X. 8 (10): K. 70. 78. ambascia, ambasia, ambassia, ambaxia, a charge, office, employment: amb. dominica, I. 4; XCVI. Cf. Kern, 70. 78; Diez, Wrtb. I. ambasciata. amba texaca, X. 8 (10): K. 71 (cf. §§ 70. 21). ambistaile, XLII. 1: K. 216. a[m]bitania, X (cod. 2 XXXIV. 5); a[m]botanea, X. 6 (cod. 6): K. 70. 78. ambulare: ad domum alicuius, I. 3; L. I (codd. 5, 6 & Lex Em.). 2; (the same said of the grafio) L. 3. 4; LI. 1; LXXVIII. 7.—amb. ad inium, XIV. 2 (2); XVI. 3 (2); LVI. 2.—amb. ad grafionem, L. 3.—amb. in mallum ante thunginum (aut centenarium), LX, I.amb. ad alias nuptias, LXXII. 2.—amb. ad sortem, Pact. 5 (cf. ibid. cod. 5). [It occurs wrongly for expalmitare, XXXIV. 3, codd. B-H.] amestalla, amestella, XXXIII. 3: K. 177. amisarius, amissarius = admissarius (q. v.). amitheoto, III. 5: K. 39. amittere (admittere), 1) to lose: amittere uxorem, LXXIII. 1. -2) to lose, forfeit: amittere (laborem), XLV. 2b (codd. 4-L. Em.; codd. 1-3 have demittere).-uitam pro aliquo amittere, CVII. 2 (codd. 1 & 2 have admittere). The word occurs wrongly a) for mittere, XXXIV. 4 (cod. 4). b) for admittere, to admit, XXXIX. 4 (cod. 2). ammallare, for admallare, see mallare. ammallus, see gamallus. ammonitus, amonitus, see admonere. anastheo, XIII. 10: K. 82. anata, see aneda. a[n]bilicæ, XVII. 3: K. 109. anciaca, XXXVIII. 5: K. 191. ancilla: theft of an anc., X. I. 3 (of codd. 2 & 4). 2 (of cod. 3). 4. 6 (of codd. 5 & 6). 2 (of codd. 7-9, B-H). 7. 8 (of cod. 10). 5 (of Lex Em.); Recap. A. 16. 21.—an anc. taken in marriage by an ingenuus, XIII. 9; XXV. 5; Capit. III; by a seruus, XXV. 9 .adulterium anc., XXV. 3. 4. 7. 8.homicidium anc., XXXV. I.—if an anc. committed a crime for which a seruus would have been castrated, XL. 11 .- if found in the possession of another XLVII. 1.—ancillae pecus (for fetus) mortuum excutere, LXXVI. 10.-anc. tenens cellarium aut geniceum domini sui, LXXVI. 11.—if killed by a seruus, LXXXIII.

anda dil, XVI. 1: K. 98. 95 &c.

andeabina, XXXVIII. 12 (6): K. 197. 112. andeafen, XVII. 3: K. 112. 197. andeba, andebau, XVI. 1: K. 101. 95 &c. andechabinus, XVII. 4: K. 112. 197. andechobina, XXXVIII. 15 (10): K. 197. anderebus, XXXII. 1. 2: K. 174; cf. K. 22I. andesito, IX. 4: K. 65. andesito leodarde, IX. 4: K. 65. 49. andesitto, IX. 4: K. 65. andocmito, andoctemito, antoctimetho, ando meto, LI. rubr. : K. 241. andrateo, andratheo, andratho, XIII. 10: andreiphus, andrephus, andreppus, andrepus, XXXII. 1.2: K. 174; cf. K. 221. androctema = andocmito, &c., in tab. rubr., LI (cod. 6): K. 241. andruscio, andrustio, see *trustis*. andu[n]theoco, anduu theocho, XLV. 3 (codd. 6, 10): K. 223. ane crenodum, C: K. 285. aneda, anedes, anata, aneta, anetes (O. H. G. anut, anit, enit; M. H. G. ant, ent; N. Germ. ente; A. S. ened; M. D. aent; N. D. eend; Lat. anas; cf. Grimm, Wrtb. in v. ente; Wh. & Riddle in v. anes), a duck, VII. 4. anestet, XIII. 10: K. 82. aneta, anetes, see aneda. anfamia, XIII. 10 (6): K. 81 [meaning not known]. anguila, anguilla, anquila, anquilia: rete ad anguillas; retis anguilaritia; rete angularicia (cod. 5), XXVII. 19. angulus: quattuor anguli terrae, LVIII. 2.—per quattuor angulos iactare, LX. 1' (codd. 5 & 6). anhunerbo, XXVII. 20 (10): K. 152. 122. aniculatus = anniculus (q. v.). anilasina, XXV. 3: K. 133. animalia, neat, III; Cf. IX; XVI. 2 (cod. 2). 3; XXXVII. 1; Extrav. B. 9. annas uiuido, VII. 6 (7): K. 60. anneando, XXIV. 4: K. 127. anniculus, annicolus, annocolus, annuculus, agnicolus, agniculus, aniculatus, annecolatus, anneculatus, annicolatus, anniculatus, honocolatus, a year old, yearling, II. 4. 9. 10; III. 2; IV. 2; XXXVIII. 6; Sept. C. I. 3. anno ano, XXIV. 4: K. 127. anno ano leodinia, XXIV. 3: K. 127. 126. annona, XXIV. 4: K. 127. annona, anona, corn, grain, XVI. 3; XXII; XXVII. 7 (cod. 3; codd. 1, 4-9, B-H, Lex Em. and 10 note, have linum, but cod. 2 messis). anno uano, XXIV. 4: K. 127.

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annouvado, XXIV. 4: K. 127. annouvano, XXIV. 3: K. 127. annus: puer infra annis usque ad duodecimum plenum, XXIV. 1 (cod. 5). puer, puella infra x, xII annos, XXIV. 1; Extrav. A. V. 2; Recap. A. 32.post, infra annum, XXVII. 18; cf. infra XII menses, XLV. 3.—per annos tenere, Capit. IX. - maior ætas usque ad sexagesimum a., Extrav. A. V. 3. anoano leodinia, XXIV. 3: K. 127. 126. anorlenet antheodio, XI. 5: K. 75. 63. anouaddo leode, XXIV. 3: K. 127. anouuado, XXIV. 4: K. 127. anquila, anquilia, see anguilla. ansar, anser, ansera: a. domestica, a goose, VII. 4. anstrutio, see trustis. anteba, XVI. 1: K. 101. 95, &c. antecessores, Capit. 8. 10. antedeo elecharde, VIII. 1: K. 63. antedi leodardi, VIII. 1: K. 63. 49. antedio, an error for antectio, XIII. 10 (cod. 2): K. 82. antedio, VII. 3: K. 58. 63. antedio, VIII. 4: K. 63. antedio, XI. 3. 4. 5: K. 75. 63. antedio, XXII. 1: K. 122. 63. antedio holecardo, a. olecharde, a. olephardis, VIII. 1: K. 63. (an)tehoda, (an)theoda, (an)teoda, (an)teuda, for ante teoda, see teoda. anteortare, ante ostare, XXVII. 18 (cod. 6 &c.). See ostare. anteotho, III. 11 (6): K. 39. antesalina, LII. 4 (cod. 6): K. 242. antete for antedio, VII. 2: K. 58. 63. anthamo, XXV. 9: K. 135. anthedio, VII. 2: K. 58. 63. anthedio, XI. 3. 5: K. 75. anthedio, XXII. 1. 2 (cod. 6): K. 122. antheoco, antheodio, XI. 5: K. 75. 63. 58. anthi falthio, XIV. 1: K. 85. anthiso for antedio, XXVII. 21: K. 150. 122. 75. 63. anthmallo, Extrav. B. 1. 2: K. 297. anthomito, LI. 1: K. 241. anthonius, XIII. 1: K. 78. 70. antidio, XI. 3. 5: K. 75. 63. 58. antidio alethardis, antidio olethardis, VIII. 4: K. 63. antiquus: antiqua lex, LV. 2 (cod. 10). -mos antiquorum, LV. 3 (L. Em.). antomia, antonio, XIII. 1: K. 78. 70. antruscio, antrusio, antrussio, antrusticio, antrustio, antrutio, antrutionus (?), see trustis. anuano leudinia, XXIV. 3: K. 127. 126. ansacho, XXXVIII. 1: K. 187. aper, V. 1: K. 46.

aper, aber, a boar, XXXIII. 5 (of cod. 5 &c.; cod. B. has caprus). aperire: tectum aperire, VIII. 1 (cod. 2). sepem alienam ap., IX. 8 (cod. 2 &c.; cod. 10 has rumpere); XXXIV. 1 (codd. 7-9, B-H, 10). - for operire, XLI. 4 (cod. 3); cf. Diez, Wrtb. II. c. ouvrir. apis, abis, 1) the bee, VIII. rubric (cod. G. has apiarium) and § 2 of codd. 7-9 and §§ 4 & 5 of cod. 10.-2) a bee-hive, VIII. 1. 2. 3 (some codd. have was, uasus, uascellum instead; some codd. explain: unam apem hoc est unum uasum, uascellum). The word occurs also XXXIII. 1 (codd. 5 & 6), but evidently wrongly for auis. appellare, a) Law t. t. I. 3 (codd. 1, 2, 5, 6; codd. 4 & L. Em. have denuntiare; cod. 10 mannire); XLVI. 3. 4. 6; Pact. 2 (codd. 1, 2, 5; the other codd. have ligare). 4 (cod. 2).—b) to call anyone a name, XXX. 2. arare, XXVII. 23. 24.—arans, XXVII. 19 (L. Em. and in note of 10; codd. 7-9, B-H have arator, arrator).-aratrum, arratrum, ibid. arba theus en lanthamo, XV: K. 92-94. arbitrium, CII (cod. 11). Boretius suspects the word to be a corruption for harahus= mallus, and refers to L. Rip. 32. 3, 33. 2. arbor, VII. 1.-theft of fruit-trees, VII. 11 (of cod. 6 &c.).—arbor signatus, signata, XXVII. 18 .- arbor insertus, inserta, XXVII. 15 (6).—accipiter de arbore, see accipiter. arca, arcus for ascus, XXI: K. 121. ardere, XVI. 1.—sepem [aut] conscisam ardere, XXXIV. 2 (6); cf. XVI. 5, where incendere is used .- domum ardere. XCVI. arestato, aristaco, aristatio, aristato, cheristonica, cheristadona, cheristaduna, XIV. 3 (cod. 7 &c. XVIII); LV. 3 (cod. 6 &c.): K. 247. [aristatonem: uel banculus, Gl. Est.; staplum super mortuum missum, Gl. Pith.]. aripennis, arpennis, arripens, a measure of ground, half an acre = semijugerum, Pact. 14; cf. Littré arpent; Diez, Wrtb. II. c. arpent. aritheocto, III. 4: K. 38. 39. arma, Prol. I.—oath on arms, CII; cf. Sept. Caus. IV. 2, where et sua arma is perhaps a corruption for cum sagitta. armessarius = admissarius (q. v.) aroena, LXI. rubr. and § 2 (codd. 7-9): Arogast, Prol. I. V; Arogaste, Prol. I. II;

Arogoste, Prol. I; Aroast, Prol. IV: K. arpennis = aripennis (q. v.) arpex = erpex (q. v.)arratrum = aratrum, see arare. arripens = aripennis (q. v.) arte, wrongly for curte, XXXIV. 4 (cod. 3): K. 180. artifex, a bondman who had learned some craft, X. 6 (codd. 5, 6 & L. Em.; the aurifex mentioned in the other texts is probably the same); LXXXIII.—homo artifex, Recap. B. 23. 24. aruuernon, XXXIII. 6 (10): K. 178. asallire, see adsalire. ascendere, said of a debt, L. 2 (cod. 1 has adcrescere); of a causa, LXXVIII. 7.—caballum ascendere, XXIII. [The word also occurs, XXXIX, in codd. 7-9 (LXV. 2), where the other codd. have admittere] aschara leudardi, XXIV. 1: K. 125. 49. ascus, arca, arcus, aschus, XXI. 3. 4; Sept. Caus. III. 3: K. 121. [asco: id est scauola, Gl. Est.] aspellias, aspellis, LXX. 1: K. 269. asper, Prol. I; cf. K. 299. assus (?): scrofam in asso, assum subbattere, II. 3 (codd. I & 2; the other codd. have in furtum, furto). athlata[m], XXIX. 3: K. 160. atque, XLIV. 16 (cod. 4), wrongly for aeoue. atribute, atributari, LXXX: K. 278. atrium ecclesiae, Pact. 14. attendere, see adtendere. aucellus, a little bird, VII. 10 (6); codd. B. G. H. 10 & L. Em. have auicula. Cf. Diez, Wrtb. I. uccello. auctor, author sceleris, XIV. 7 (10 & L. Em.); XIX. 2 (codd. 1 & 2); LV. 3. -a. criminis, XXXVI. 1.—a. cartae, Capit. XI.—a. de benefitio (trahere), Extrav. B. 10.—auctor Deus, Prol. I. auctoritate sua, by one's own authority, arbitrarily, Extrav. B. 10. audax, Prol. I; cf. K, 299. aude afenus, XVII. 3: K. 112. 197. audel fecto, XXXIX. 2: K. 203. audire, XXXIX. 3 (cod. 2 &c.); LXXVIII. 7; cf. XLIX. 3 (codd. 7-9). -legem audire, XLV. 2b; L. 3; LXXVIII. 7 (once odierit for audierit?). -audire secundum legem, (LVI cod. 2, LVII; cod. 10 has attendere) .- audire causam, LXXVIII. 7 .- auditor arbitriorum, CII (cod. 11, § 2). aues; theft of hawking-birds and poultry, VII.-of game birds, XXXIII. 1. aufa = naucus (q. v.).

= offerre (q. v.) auica terra, probably a misreading either for auita terra or auiatica terra, Extrav. A. 2; cf. Du Cange in v. auius I. auicula, a little bird, VII. 8 (codd. B. G. H. 10 & L. Em.); the other codd. have aucellus (q. v.) aurappo, XXVII. 1: K. 137. auricula, XXIX. 1. 15 (of cod. 6 &c.); Sept. C. II. 6. aurifex, a goldsmith, X.6 (codd. 6 & 10, and in codd. 1-4 in the § of tit. XXXV); cf. artifex. austrapo, XXX. 6: K. 172. autchardo, XXIV. (cod. 7, XXXIV. 1): K. 128. authanio, XXV. 9: K. 135. authedio, XXII. 1. 3 (10): K. 122. 63. author, see auctor. authumia, XIII. 1: K. 78. 70. autriante, XXXV. 4 (6), for aut (et) triente. auuena, XXVIII. 1 (10): K. 156. auuerphe, XXVII. 18 (6): K. 152. 122. auunculus, XIII. 11 (cod 6, &c.); XLIV. 7. 8. asisto, XXXVIII. 11 (6): K. 196. 187. babane, babani, babene, II. 13: K. 27. bab mundo, XXV. 8: K. 134. badiani, II. 13: K. 27. banchal, XLI. 2 (codd. 8 & 9. LXXIV): K. 267. Cod. 7 has the same word with a stroke through the 1. bannire, I. (in Lex. Em., cod. S, but corrected for mannire). baofalla, VII. 10 (6): K. 62. baptismus, Prol. I. baragameo amiteotho, II. 12: K. 25. 26. barbarus, XIV. 2 (in codd. 7-9, B, G, H; codd. 1, 3, 4 have) barbarus salicus = francus saligus (of cod. 2) and francus (of codd. 5 and 6 and L. Em.); cod. 10 gives the term as distinct alike from Romanus, and Salecus Francus). The robbing of a barbarus was fined with 62} sol.; the murder of a barbarus qui legem salicam uiuit (= ingenuus francus), with 200 sol., XLI. 1. Cf. Sohm, R. u. Ger. 570.—barbara (gens Francorum), Prol. I. [quos Franci ex alia patria in suam adduxerint et ipsos captos salicha lege uiuere uolunt, Gl. Est.] [The word appears also LXIV. 1, cod. 2, but corrupted for ereburgio, cf. Kern, 261.] barca = barcus, I (q. v.). barcho, II. 13: K. 25. barcoanomeo anitheotha, II. 12: K. 25. 26.

barcus, bargus, barca, barga, 1) a gibbet,

auferre (XXXVII. 3; LXXVIII. 6. 7)

XLI (LXXIV. I of cod. 7 &c.); tab. rubr. LXXV. (cod. 7 &c.); in other places of the Lex also called either furca (q. v.) or palus (q. v.); cf. Pact. Al. II. 34 note 59. — 2) a hand - barrow, LXXIV. 1.—3) = parcus, an inclosure, park, LXXXI. 3; cf. Diez, I. parco. barginam (?), CII. bargus, see barcus. baro, XXXI. 1: K. 244. bartcho cahimo, b. caimo, II. 12: K. 25. 26. bartho, II. 13: K. 25. baruuli, for paruuli (q. v.). basilica, LV. 6 & 7 (of cod. 6 &c.); Sept. C. VI. 5; Sent. S. S. 1: K. 253. basitalio, XLII. 1: K. 216. bathmonio, XXV. 8: K. 134. battere (battederit, battiderit), to beat, XXXV. 4 (cod. 6 &c.); LXVI.abatere, abattere, abaptere (abbatiderit), to take, tear down: hominem de barco (furca, ramo) ab., XLI. (cod. 7. LXXIV. 1 &c.); LXVI.—debattere, to beat violently, XXIV. 3 (some MSS. have percutere, and some trebattere, trabattere). - subatere, subbatere, subbattere, sobattere scrofam in asso, assum, II. 3 (codd. 1 & 2, where the other codd. have in furtum, in furto, while cod. 10 & L. Em. explain hoc est porcellos a matre subtrahere); Recap. A. 9, B. 10. [subbaterit: porcellos in uentre matris occidit, Gl. Pith.]-trabatere, trabattere, trebattere, tribatere, tribattere, transbattere (tribare), to ill-use, illtreat (and thereby cause an abortion), XXIV. 3 (codd. 7-9 have debattere); Sept. C. VII. 2; XXXVIII. 6 (cod. 3 &c.; here appear various corruptions). 13 (cod. 6 &c.). [trabatterit: id est abortat, Gl. Est.]. bedegaste = bodogast, Prol. I: K. 300. beneficiarius seruus, Capit. 7. beneficium, benefitium, Extrav. B. 10.-= res praestita, LII (LXXXVIII), in tab. rubr. of codd. B-H. beodis, beodus, beotus, beudus, &c., XLVI. 5: K, 226. berbix, uerbex, uerbix, ueruex, ueruix, uiruix, IV. 2-4; cf. Diez, I. berbice. bergo in mallo, LVII. I (cod. 3, = in mallo, in mallobergo of the other texts). besitalio, XLII. 1: K. 216. bestia, Extrav. B. 9. beudus = beodis (q.v.), XLVI. 5: K. 226. biabigo, XVI. 5: K. 104; cf. K. 179. bibere: herbas dare bibere alicui;-herbas bibere; -- bibere ueneficium, XIX. 1. 2 &c.; Sept. C. VI. 2; Sent. S. S. 4.

bica, bicha, biggeo, XVI. 5; bila, XVI. 5; XXXIV. 2 (cod. 6): K. 104. 179. bimatus, bimulus, bimus, binus: b. porcus, II. 5; Recap. B. 14.-b. animal (uitula), III. 2.-b. berbix, IV. 2.-b. poledrus, poletrus, &c., XXXVIII. 6. biorotro, XXIX. 5: K. 160. bis aut tres (aliquid) dicere, LVII. 1. bistolio, XLII. 1: K. 216. bodecagme, bodechagme, Bodham (Prol.V), bodoaim, bodochagme, Bodochamae, bodochem (Prol. II), bodogagme, Bodogheue, Bodohaim, Bodoheim, bothem (Prol. II) &c. &c., Prol. I-V: K. 300. Bodogast, Bodegaste, Bodogaste, Bodogastis, Bedegaste, &c., Prol. I. III: K. 300. bogbagine, II. 13: K. 27. boni homines, XLVI. 6 (codd. 7-9, F, G, H, but cf. the other texts).-rachymburgii antrutionis boni credentes. LXXVIII. 7. — bona carta, Extrav. bonimo, XIII. 9: K. 80. borio sitho, borio sito, XXIII: K. 124. bos, an ox, III. 3; XXXVII. 1; XLVII. 1; Sept. C. II. 5.—bos, bouus cerui, a deer-cow, LXXX: K. 277. brachiale, brachile, brachilis, bracilis, XXVII. 31 (6 &c.), an armlet, fillet, band; cf. Kern (§ 153) on the Malberg subto. &c. brachium mulieris (feminae) ingenuae stringere (extringere), premere, XX. rubr., 1. 2. bracho bogbagine, II. 13: K. 25. 27. bracho cahimo, II. 12: K. 25. 26. bracilis, see brachiale. bracti, XX. 4 (7, 9): K. 119. brarecho, II. 13: K. 25. bratho, II. 13: K. 25. brioro, briorodero, XXIX. 5: K. 160. briosito, XXIII: K. 124. bruche, XX. 4 (10): K. 119. bruct, XX. 4 (6): K. 119. buccus, a buck, V. 3 (L. Em.) burgo sitto, XXIII: K. 124. caballus, cabellus, cauallus, IX. 1; X. 1; XXVII. 4; XXXVII. 1; XXXVIII. rubr., 11 (cod. 6 &c.); XLVII. 1; Extrav. B. 9-c. punxere, IX. 2 (cod. 5 &c.).—c. caballicare (ascendere et (aut) caballicare), XXIII.—schillam de c. furare, XXVII. 3 (6 &c.).—pedicam de c. furare, XXVII. 3.-linum (messem) in (per) c. portare (ducere), XXVII. 8.—c. carrucaricius (c. qui carrucam, carucam, trahit), XXXVIII. I.-c. spadus (spathus, spatus, spadatus), castrated, XXXVIII. 3. (6 &c.); cf. Kern § 187. — c. trebattere uel debilitare,

XXXVIII. 13 (6).—c. excurtare, XXXVIII. 8. 3 (of codd. 7 &c. LXIII). -c. mortuum exc., LXV. caballus (XLVII. 4th sect. of cod. 4) for chamallus = gamallus. cabra, see capra. cadere ad (in) terram (said of blood), XVII. 3 (codd. 3, 4). 5. 6 (cod. 3).—in seruitio c., XXV. 3 (cod. 2). caelare, see celare. 1. calcare, LXXXI. 3; if the word be genuine it may mean uestigium alicujus insequi (cf. Du Cange, h. v. 2), but it may be a corruption for caelare (q. v.). 2. calcare solem, see colocare. calefacere ignem, eneum, aeneum, CVI. 6. calida [sc. aqua], the hot water ordeal: ad calidam prouocare, LXXXII. calistanio, XLVIII. 1 (cod. 2): K. 233. callis obdublio, XLI. 9: K. 211. callissolio, XLI. 9: K. 211. callus, XLI. 4 (cod. 4). 3 (of cod. 4): K. 205. calx: mulierem ingenuam praegnantem c. percutere, LXXVI. 4. cambiare, cambeare, camiare, campiare, concamiare (Fr. changer), XXXVII. I. 2; XLVII. I. cambortus, camborta, a hedge-pole (?), XXXIV. 1; cf. Graff, Spr. IV. 405; Du Cange, i. v. [quae sepem desuper firmant, Gl. Pith.] camisa, camisia, 1) a covering, cloth, XLI. 2.-2) a shirt, LVIII. 4. Cf. Diez, I. camicia. campania, XXVII. 3 (6): K. 138. campiare = cambiare (q. v.). campus, 1) a field, II. 2. 4 (cod. 10 & L. Em.); XXVII. 8. 23. 22 (cod. 2 &c.). 18 (cod. 6 &c.).-2) a landmark, border, LXXIV. 1. canasasco, XXXVIII. 1: K. 187. candechapanus, XVII. 4: K. 112. 197. cane creuto, C: K. 285. canis, VI; XIV. 6(cod. 6 &c.); XXXIII. 4 & 5 (cod. 6 &c.); LXXXI. 3; Sent. S. S. 3. cannas uivido, VII. 6 (9); c. uvido, VII. 5 (6): K. 60. cannones, Pact. 14 (cod. 2). cantiasco, XXI. 3: K. 121. canthichius, cantidios, &c., L. 2, see K. 238. capilli, LXXVI. 2 .- capillaturiae, the festival on which the hair of boys was cut for the first time; cf. Paul. Diac. gesta Langob. VI. 53, IV. 40 [Boret. in Behrend's Lex Sal. p. 93]. -- capillare, excapilare, excapillare,

to disorder the hair (Fr. décoiffer),

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LXXVI. rubr., 1. 3.

capitale, the capital sum, principal (haubitgeld, in the fragment of the O.H.G. translation of the Lex Sal.), the equivalent which was to be paid besides the dilatura (q. v.) and the fine. The phrase: excepto capitale et (dil-) delatura occurs frequently and is as frequently omitted as an understood thing; cf. Tit. II. - capitale (-lia, -lem; caput) in locum restituere (in capite (capitale) restituere; capitale (in capite) reddere), IX. 1. 2. 3; X. 7 (cod. 6 &c.); XII. 2; XXV. 7; XXVI. 1. 2; XXVII. 4; XL. 2. 4°. 7 (cod. 2 &c.); LXV. 1; LXXV; CII; Pact. 9. 12; Extrav. A. 3; Recap. B. 24. — (caput) capitale (-lem) recipere (accipere, exigere), Pact. g.—capitale (-lem) reformare (sarciare), Pact. 16; cf. Grimm, R. A. 655; Merkel, in L. Alam., p. 48, note 14. capitalis sententia, XL. 5. capitula pro lege tenenda, Capit. XII. -capitulare, Extrav. B. 5. capolare, cappolare, cappollare, cappulare, see capulare. capra, cabra, a she-goat; capridus, capritus (Prov. cabrit), a young goat, V.; Recap. A. 5. Cf. Kern, 45-48. [Caper, caprum occurs also XXXIII. 3 (of cod. B), and there = aper]. captare, cuptare: intus c., intus casa (casam) c., LVIII. I (codd. 5, 6, 10, Lex Em.); the other codd. have in (intus) casa (casam) respicere (aspicere). [intus captare (intercaptare): idest respicere, Gl. Est.] [Isidor. XII. 2. 38 mentions a verb cattare, whence he derives cattus; Prov. catar, to see; o. Fr. chater; cf. Littré, in voce chat.] capulare, capolare, cappolare, cappollare, cappulare, to cut, cut off, cut up, hew, chop off, VII. 11 & 12 (cod. 5 &c.); XIV. 3 (cod. 7 &c.); XVI. 3 (cod. 3 &c.); XX. 4 (codd. 5, 10); XXVII. 15. 33 (cod. 6 &c.); XXIX. 2. 3. 11 (cod. 6 &c.). 16 (cod. 6 &c.); XXXIV. 1; LV. 3 (cod. 6 &c.); LXXXIV. [cf. also XIII. 11, cod. 10, note]; Sept C. II. 6, III. 6, IV. 5, V. 5.—concapulare, XXVII. 15. [concapulauerit: truncauerit uel exciderit, Gl. Pith.; id est concidit, Gl. Helmst.].-transcapulare, transcapolare, XXIX. 9; Sept. C. V. 5. Cf. Littré, i. v. chapeler; Diez, Wrtb. II. c. chapler; Forcell., ed. De-Vit. in v. caput, XVII. 3. 5; XLI. 2 (cod. 7 &c. LXXIV); LVIII. 3 (10); LX. 1.contra c. testes accipere, Extrav. B. 8.per capita diuidere hereditatem, LIX. 6.

10.-head of cattle: usque ad sex c., II. 7.—usque ad septem c., XXXVIII. 4.—= capitale (q. v.). carbonaria [silua], XLVII. 1. 5. carere uita, Pact. 2. caroen, LXI. 3: K. 258. Carolus (Magnus), Prol. I. (note v). Caronna fluuius. the LXXVIII. 1. carouueno, LXI. rubr. (cod. 5): K. 258. carpantarius, carpentarius (faber carpentarius), a waggon- or carriage-maker (Fr. charpentier), X. 3 (cod. 2 &c.). [id est qui facit carrum, Gl. Est.]. carra, carrum, carrus (car, Fr. char), XIV. 6 (6 &c.); XXVII. 8. 10b. 13; XXXIV. 2. 4 (codd. 5 & 6); LXXXIV; CVII (cod. 10); Sept. C. III. 4; Sent. S. S. 3.—caruca, carrua, carruca, carruga, XXXIV. 2 (cod. 3); XXXVIII. 1. -carrucaricius caballus, XXXVIII. 1.-carcare, cargare, carrare, carrigare = carro inuehere, Fr. charger, XXVII. 10b. 13 (codd. 7-9); LXXXIV. -descarcare, discarcare, discare, discarecare, discaregare, discargare, discaricare, discarrare (Fr. décharger), XXVII. 10b. 13; Sept. C. III. 4. carro enno, LXI. rubr. (cod. 6): K. 258. carta regis, XIV. 4 (codd. 7-9, B. G. H.). -c. ingenuitatis, Capit. XI.—auctor legitimus cartae, Capit. XI.—falsare cartam, Capit. XI.—falsa (bona) c., Extrav. B. 3. 4. carvenna, LXI. rubr. (cod. 2): K. 258. casa: foris (de foris) casa furare, VIII. 2; XI. 1. 2; XII. 1.—de intus casa furare, XI. 3 (cod. 7 &c.).—de casa rapuere, XIII. I.—casam incendere, XVI. 1. 2 (as to casa in § 2 cf. Kern, 95).—casam trahere, per casam trahere, XXVII. 32 (6 &c.); cf. Kern, 154 on the gloss. - furtum in casa mittere, XXXIV. 4. — foris casa interfectus, XLIII. 3.—casa patris, LXXII. 2. as to the phrases ad casam ambulare, accedere; in casa intrare; manere in casa alicuius, cf. XLI. 9 (where there seems to be a confusion between casa and causa); XLVI. 2. 5; L. 3; LII. 1; LVI (cod. 2. LVII &c.); LVIII. 2; LXXVIII. 7. cassaho, cassatius, see gasacio. castrare, as punishment, XII. 2; XXV. 7; XL. 4ª (codd. B-H). 4c. 11; Recap. A. 8.—an act of violence, crime, XXIX. 9; CIV; Sept. C. V. 5. cathedra, 1) c. de casa patris, belonging

deceased wife had to leave with her husband, LXXIII. 2.

catholicus: catholica (catolica, chatholica) fides, Prol. I.

cauallus, see caballus. causa, caussa, 1) a cause, reason, motive, XXVII. 6 (codd. B-H); XXXII. 1. 3 & 4 (cod. 6 &c.); L. 4 (cod. 3); LXXVI. 7, &c. &c. - 2) a crime. offence, culpa, delictum, XL. 1; LIII. 1b. 2. 3. 4; LXXXIV; CVI. pass. causae dominicae, Extrav. A. VI. 4.causa minor, maior, CVI. 2. 4.-quantum habet lex de causa, CII.-quod lex est de causa, LVI (LVIII. of cod. 2 &c.). -probatus, adprobatus, conuictus de causa extitere, LIII. 2. 4. 6 (of cod. 6 &c.). 6 (cod. 10 & Lex Em.).—3) a cause in law, lawsuit, LIV. 4 .- audire causam, LXXVII. 7.—causam mallare, XLI (XCVII of codd. 7-9, B-H; cf. cod. 2, exire sua causa); LXXVII. 2; LXXVIII. 9.—causam discutere, prosequi, requirere, quaerere, repetere, LVII. 1.—causam agere, LVII. 3. causam alienam dicere, in causa aliena dicere, LXXVII. - causam alicui demandare, leuerpire, LXXVII. 1.-de aliqua causa fidem facere, L. 3.-causam notam facere, LXXVIII. 9.-causam perdere, LXXVIII. 9.-iurare causas, iurare in (de) causas, CII.—fredum de causa soluere, L. 3. - grafionem ad causam inuitare, LI. 2 (of cod. 10) .tres homines tres causas demandare debent, XLIV. 1; XLVI. 1. - causa remaneat in truste qua, Pact. 16.-se de causa aliqua liberare, XCIX (cod. 2; or perhaps leg. se de damno causae liberare; cf. cod. 1).—de causa responsum dare, CVI. 1.—dotis causa, LXXIII. I (cod. II). — is cuius causa est, LXXVII. 2.—origines causarum, Prol. I .- qualitas causarum, Prol. II .- prosecutor causae, Pact. 5.-4) punishment, fine, composition: causa superior, X. 7 (of cod. 10) .- causa superius compraehensa, VIII. 2 (cod. I has lex). 4 & 5 (cod. 10 & L. Em.); XIII. 5; XVII. 2; XXXIV. 3 (cod. 10); LVIII. 3 (cod. 10). — causa superius intimata, VII. 2 (cod. 4); XIII. 5; XVII. 2; XXXVIII. 4.—causam quam superius diximus, X. 2 (cod. 3 & L. Em.). causam emendare, LV. 2 (codd. 7-9).causam in fisco colligere, XLIV. 10 [the gl. Pith. explains: poena propter solemnia non seruata]; LX. 3 (codd. 5 & 6):-omnem causam in se (super se) excipere, XL. 9. 8 (of cod. 2).—excepto GLOSSARIAL INDEX. CAT-CHEN. capitale et dilatura atque causa (extra hoc), XLVIII. 3.—causa non ascendat super aliquem, LXXVIII. 7; cf. XL. 4ª (codd. B-H).-5) causa for casa, XVI. 1 (codd. 2, 6); LII. 1 (codd. F. causatio, see gasacio. causatores, the parties in a law-suit, LVII. t (L. Em.).—causator, a plaintiff, Extrav. B. 1. cecinus = cicenus. (q. v.) celararium = cellarium (q. v.) celare, caelare: uenationem (game), XXXIII. 1.—c. ceruum lassum, ibid. 3 (cod. 7 &c.); Sept. C. II. 7; cf. LXXXI. 3, where calcare probably stands for caelare.—c. corpus, XLI. 2. 4; CIII.-furtum c., Pact. 3. celatura, a cover, covering, XLI. 2 (cod. cellarium, celararium, a receptacle for food, pantry, storehouse, LXXVI. 11. cenecruda = chrenecruda 2 (q. v.). cenitus, cennitus, cinidus, cinitus, coenitus, cynitus, XXX. I, the Latinized form of the Salic quinte, quinthac, &c., for which see Kern, 171. censere, to decide, ordain, decree, Pact. 16. centena, Pact. 9 .- centenarius (cetenarius, centerius, tenarius), XLIV. 1; XLVI. 1. 4; LX. 1 (codd. 5, 6, 10 note & L. Em.).—centenarii in truste electi, Pact. 16. cerebrum, XVII. 3. certa probatio, XIV. 3 (cod. 2); XVI. 3 (cod. 2); XXXIX. 2 (codd. 1, 2); XLII. 5 (cod. 1). certussus, II. 9: K. 16. ceruus, a stag, a deer, XXXIII. 2 (codd. 5, 7-9, B-H, 10 & L. Em.); LXXX; Sept. C. II. 7 .- ceruus domesticus, XXXIII. 2. 3.—bos cerui, LXXX; cf. Kern, 277. cessio: cessionem facere de seruo, Pact. 5. I22. chacharo leudardi, XXIV. 1: K. 125. chaeroeno, XVII. 10 (10): K. 114. 258. chaldachina sichte, XXIX. 11 (10): K. 164. 158. chal de china chamin, XXIX. 9 (10): K. 164. 159. 118. chaldeficho, XXXIX. 2: K. 203. chaldis obduplo, XLI. 9: K. 211.

chalip sub dupio, XLI. 9: K. 211.

challis obduplio, XLI. 9: K. 211.

chamachito, III. 5: K. 38. 39.

chambestaliæ, XLII. 1: K. 216. chamciosco, XXI. 4: K. 121.

chame[n]habia, XLII. 1: K. 216. chamestalia, XLII. 1: K. 216. chamin, XX. 2.3; XXIX. 2(10): K. 118. 159. chamini, XX. 2: K. 118; cf. K. 159. chaminis, XXIX. 2. 2 (of cod. 10, note). 6: K. 159. 118. chaminis, LV. 4: K. 251; cf. K. 118. 159. chamino, XX. 3; chaminus, XXIX. 2: K. 118, 159. chamitheuto, III. 5: K. 38. 39. chammino, XXI. I: K. 118. cha[m]mitum, III. 5: K. 38. 39. chamni, XX. 1: K. 118. 159. chamnin mane charde, XX. 3: K. 118; cf. K. 159. chamno, XX. 1: K. 118; cf. K. 159. chamnum, XX. 2: K. 118. 159. cham stala, XXXIII. 3: K. 177. chamutheuo, III. 10 (10): K. 38. 39. cham sy asco, XXI. 3. 4: K. 121. chanasuuido, VII. 5 (10): K. 60. chanchurda, chanchus, V. 2: K. 48. chanco, XXXVIII. 1: K. 187. chane creudo, C: K. 285. changichaldo, XIII. 10 (10): K. 84. cha[n]na chlora, XXIX. 11 (10): K. 167. channas sascho, XXXVIII. 1: K. 187. chanodeora, XXIX. 15 (6): K. 167. 1. chansascho [a kind of vessel, or ship], XXI. 4: K. 121. 2. chansascho [a horse], XXXVIII. 1: K. 187. chanzasco, XXI. 4: K. 121. chanzisto, XXXVIII. 3 (6): K. 187. chanzocho, XXXVIII. 1: K. 187. chansyn ponderos, III. 6 (6): K. 35. 33. 13. 30. 193. chaneyso, XXI. 4: K. 121. charamire = achramire (q. v.). charcalcio, II. 1: K. 8. 9. 12. charcaro leodardi, charcharo l., XXIV. I: K. 125. 49. charenoua, LXI. rubr. (cod. Est.): K. 258. charfrido, XVII. 3. 5: K. 110. chariocito, III. 4: K. 38. 39. charoena, -enna, LXI. rubr. & § 3: K. 258. charohitum, III. 4: K. 38. 39. charouueno, LXI. 3: K. 258. chascaro, XXIV. 2 (6): K. 125. chegmeneceo, chegmeneteo, III. 4: K. 38. 39. cheldebertus, childebertus, childobertus, chilbertus, Hildebertus &c., Prol. I; Epil. I. II. chenechruda, LV. 7 (6); tab. rubr., LVIII (cod. 5): K. 253. chenecrudo, V. 2: K. 48. chengisto, XXXVIII. 2 (10): K. 187. 587

cheobarbio, XIV (cod. 9, XVIII. 3): K. 250, 90. cheoburgio, LV. 3 (6): K. 250. 90. cheolbarbio, XIV (cod. 7, XVIII. 3): K. 250. 90. cheo mosido, LV. 1: K. 245. 86. 90. chereburgium, LXIV. rubr. = herburgium (q. v.): K. 261. cherecheto, III. 4: K. 38. 39. chereno, XVII (cod. 10, XXXIV. 3): K. 114. 258. chereotasino, LV. 6 (6): K. 253. cheristadona, cheristaduna, cheristonica, LV. 3 (6): K. 247. For other forms see arestato. cheruioburgum, LXIV. I (cod. 10) = herburgium (q. v.): K. 261. chesfrido, XVII. 5: K. 110. chicsio frit, XVII. 3: K. 108. childebertus, Hildebertus, Chidertus, Pact. 1; Epil. I. II. childeclina sictae, XXIX. 12 (6): K. 164. 158. chisio frit, XVII. 3: K. 108. chismala, XXIV (cod. 3, XLI. 13): K. 129. chisto, IX. 5: K. 66. chlebarbio, XIV (cod. 8, XVIII. 3): K. 250. Chlodoueus, Chlodeueus, Chlodouehus, Chlodouius &c. (comatus), Pact. 1; Prol. I. chlotarius, Chlotharius, Cholotharius, Clotarius, Hlotarius, Hlotharius, Lotharius, Pact. 1. 91; Prol. I; Epil. I. II. chludachina, XXIX. 9 (9): K. 164. chramen, chram[n], XX. 1 : K. 118. chramere, XXIX. 2 (8) : K. 118. chrami, XX. 2: K. 118. chramine, XXIX. 3: K. 118. chramire, XXIX. 3: K. 118. chramnechalti, II. 1: K. 8-10. chranalteo, II. 1: K. 8-10. chranchalteo, II. 2 (6): K. 8. 9. chrane calcium, II. 1. 2: K. 8. 9. 13 [de chrannae prima: idest de primo partu vel part. . credo velit dicere pro parva, Gl. Est.]. chranea, chrannae, chranne, franne, rhanne, hramne, hranne prima, mediana, tertia, II. 1. 2 (cod. 5 &c.): K. 8-10. chranne chalti, II. 1: K. 8-10. chrannes malicardi, chrannis malichardi, XX. 3: K. 118. chrascaro, XXIV. 1: K. 125. chredunia, II. 11: K. 22. 1. chrenecruda [a flock of goats], V. 2: K. 48. 2. chrene cruda, crenecruda, crenecurando,

chenechruda, chenecruda, chera cruda,

chren ceude, chrenechruda, crinnecruda, chrinnechruda, theunetruda, theuna trude, cenecruda, &c., LVIII. rubr. & § 5 and tab. rubr.: K. 256 [id est terra collecta de 4 angulis domus legaliter in aliquem proiecta, Gl. Est.]. chreobardio, chreo burgio, LV. 3 (6): K. 250. 90. chreodiba, CIII: K. 287. 95 sqq. 250. chreomardo, LV. 1: K. 245. 86. 90. chreo mosdo, XIV (cod. 10, XVII. 10. 5): K. 90. 86. chreonana, see screona. chre ottar sino, LV. 5 (10): K. 253. chreu musido, XIV. 8 (6): K. 90. 86. chrinne chulti, II. 1: K. 8-10. 12. Christianitas, Christianus, CII. christiao, II. 11: K. 23. Christus, Prol. I. chrochro, X. 6 (6): K. 71. chrotarsino, LV (codd. 7-9. LXXVI): K. 253. chucarso, XXVII. (cod. 9, XLV. 3): K. 152, 122. chuc cham, II. 12: K. 24. chudachina, XXIX. 9 (7): K. 164. chudachina chamina, XXIX. 8 (7): K. 164. 159. 118. chuladachina, XXIX. 9 (8): K. 164. chul de china chamin, XXIX. 10 (10): K. 164. 159. 118. chuldeclina chamina, XXIX. II (6): K. 164. 159. 118. chunabana, VI. 2 (8): K. 53. chunna, II. 14: K. 29. The chapter of the Chunnas will be found on col. 424 and is explained K. 301. chunni cleura, XXIX. 14 (10): K. 167. chunnouano, VI. 4 (10): chuno uano, VI. 2 (7): K. 53. chuuarso, XXVII (cod. 8, XLV. 3): K. 152, 122. cicenus, cicinus, cecinus, cignus, cygnus domesticus, VII. 7 (cod. 5 &c.). cinidus, cinitus [idest arga, Gl. Est.; oculum erutum habens, Gl. Pith.] = cenitus (q. v.). circumuentio, XXIX. 1. 2 (cod. 10 & L. Em.); cf. Kern, § 199. citra (chitra) mare, XXXIX. 2b (codd. 4-6, 10 & L. Em., the other codd. have de trans mare).—cis, citra (inter, intra) ligere (legere, ligare, Ligerim &c.; cod. 3 has mare), aut carbonariam, XLVII. 1; cf. Kern, § 2. clalus, XLI. 4: K. 205. clamare alterum cinitum, concacatum &c., XXX. 1-5.7; LXIV; Recap. A. 25; Recap. B. 9. 27. [The word also occurs

XXXVII. 1 (cod. 9) evidently for chramire.] claudere, cludere, 1) to close, XXXIV. 1 (codd. 3, 4); Pact. 14.—2) to stop, close, block up, XXXI. 3 (6) .-3) claudere, inclaudere, includere, reclaudere, recludere, to confine, impound, IX. 2. 5; Extrav. B. 9; Sept. C. II. I .clausa manus, clausus pugnus, pollex, XVII. 8; Recap. A. 10.—clausura, 1) a hedge, fence, XXVII. 23.-2) an inclosed piece of land, an orchard, garden, VII. (L. Em. VIII. 1 and cod. 10 note & 2); IX. rubr., 5. claudinario, XXXV. 4 (6): K. 183. clauis, 1) a lock, II. 3 (6 &c.); VII. 3; VIII. 1. 2 (10). 3 (10). 4 (10); XI. 4 (10); XIII. 5; XXI. 3. 4; XXVII. 21. 22; Pact. 10; Sept. C. II. 2, III. 2. 3.—clauem effringere, XI. 5. 4 (cod. 7 &c.).-2) a key: adulterare clauem, to make a false key, XI. 5. clausura, see claudere. cletis, a hall or habitation made of hurdlework (cleda, claia &c.); cf. Kern, 95; Littré, in voce claie; Diez, Wrtb. II. c. claie. cludere, see claudere. cobitum = cubitum (q. v.). coccus, a cock, VII. 6 (in codd. 7 & 9 only; codd. 5, 6, B, G, H, 10 & L. Em. have gallus). cocinare, coccinare, cucinare, coquinare, to cook, LXIV. I (cod. 4 has concinere; cod. 6 conuenire, L. Em. concinnere; and the Leiden cod, corrects concuniunt to conveniunt). coenitus = cenitus (q. v.). cognoscere, see agnoscere. coheredes, XLVI. 3 (cod. 3). colabus, colafus, colaphus, colapus = colpus (q. v.). colecare, coligare, collecare, see colocare. colepus, colibus = colpus (q. v.). collecta, XIV. (L. Em. XVL 1 in cod. Est., which adds to the rubric given in the other codd. cum collecta sc. manus), aband. collectare, conlectare, to put, club together: coll. compositionem, XLIII. I (cod. 10 and L. Emend. cod. Q). Cf. coniactare. collegare, collegere, see colocare. collicare, colligare, see colocare. colligere, coligere, collegere, conligere: coll. trestestes, XXXIX. 2 (cod. 2 &c.). 3 (cod. 2 &c.; codd. 2, 7-9, B, F, H, have testes idoneos); XLVI. 5 (where cod. 6 alone has tres).—reipus, causam in fisco coll., XLIV. 10.-coll. hospites tres vel amplius, XLVI. 2 (cod. 1 only; the other

codd. have suscipere). 5 (here in all the codd.).-coll. hospitem, hospitalem, hospitalitatem, hospitium, (in, ad) hospitium, hospitalitatem, hospitales, LVI. 6 (codd. B-H have recipere); CVI. 9 (codd. 1 & 11).—coll. septem rachineburgios, L. 3 (codd. 5, 6 & 10 have rogare; the L. Em. congregare) .- coll. terram in pugno, LVIII. 2 (cod. 3 has tollere). coll. medietatem compositionis, LXII. 1.—coll. medietatem compositionis in fisco, LXII. 2 (codd. 1-6).—coll. contubernium, XLII. 1.-testes collecti, XLVI. 2.—recolligere, recoligere, to take up, receive: animal rec., IX. 3 .rec. fretum, L. 3 .- medietatem compositionis ad se rec., LXII. I (cod. 4) .duas partes dotis rec., LXXIII. 2.dimidiam dotem ad se rec., LXXVIII. 4.—pedes fugitiuos rec., Sept. C. III. 7. collus, XLI. 2: K. 205.

colobus = colpus (q. v.).
colocare, collocare (collegare, collegare, collecare, collecare, collecare, collicare, collicare, colligare) solem,
XXXVII. 3; XL. 7. 8. 10b; L. 2;
LII * d *; LVI. 3. 4 (cod. 1 only). 5;
LVII. 1. 2; CVI. 7. 8. [In the first §
of this latter Tit. cod. 1 has sole latere;
10 solsatire; 11 solisacire, which are the
nearest forms to the Frank. word which
must have given rise to the above phrase;
see Kern, § 185.]

colpus, colabus, colobus, colaphus, colapus, colepus, colibus, colafus, culapus, a blow [ictus, Gl. Pith.], (Fr. coup), XVII. 1. 2 (cod. 6). 6; XL. 3. 4°.

comburere (conburere): conb. manum, XCIV.—[mortui corpus] comb. ad celandum, CIII (cod. 10 adds igne).—igne conburere, Recap. B. 33; see cremare.

comedere, LXXXIX. I (perhaps for committere).—comed-, commedere hominem, LXIV. 3 (6 &c.).

comes, comis, LXXII. 1; LXXIV. 1; Capit. 1; Extrav. B. 1. 2.

commanere: in pago ubi commanet, XLI. 7 (L. Em.; cod. 10 has remanere).

commendare terram, Extrav. A. 2. See condempnare.

commonere, corrupted communire, to summon one to appear before a legal tribunal, XLVII. 1. 2; see admonere.

commonitio, see commotio.

commotio, a plot, abetting, subornation, XLI. 16 (of cod. 10 & L. Em.; in the L. Em. codd. B & Q have commonitio; cod. I cummunitio).

companium, conpanium, a company,

LXIII. 1; cf. Diez, Wrtb. I. compagno.

compar, XXX. 9 (L. Em.)

comparare, conparare, XXXVII. 1 (codd. B-H & L. Em.). 3 (codd. B-H). componere, conponere, 1) to compile, arrange, compose: comp. legem, CII (cod. 11).-2) to compound, I. 2 (codd. 7-L. Em.); IV. I (cod. 4); XIII. 3 (codd. 7-9, B. G. H); XVI. I (cod. 6); XVII. 6 (of cod. 10); XXV. 5 (of cod. 7 &c.). 8 (codd. 3, 10); XXVII. 10 (codd. B-H). II (codd. B. F. H); XXVIII. 3 (codd. 7, 9 & B-H); XXXV. 5 (of cod. 10); XL. 2 (cod. 3). 5 (cod. 2). 3 (of L. Em. & of cod. 10). 7 (of cod. 2 &c. and of cod. 10). 8 (of cod. 10); XLI. 6 (of cod. 10). 12. 16 (cod. 10 & L. Em.); XLII. 3b (codd. 2, 7-9, B-H); XLVIII. 2 (cod. 4); XLIX. 2 (codd. 5 & 6); LII.d; LIII. 1b. 3 (cod. 10). 4 (cod. 6); LV. 2; LXI. 1 (L. Em.). 3 (cod. 2); LXIV. 2 (cod. 2); LXV. I (cod. 2); LXXVI. 8. 10; LXXVIII. 7.9; XCIII. 1; XCVI (cod. 10. XIX. 6); CII (cod. 10); CIII; CVI. 2 (of cod. 10). 6; CVII. 2; Extrav. A. VI; Recap. A. 7. [Instead of componere we occasionally find in some of the codd. reddere, satisfacere; the usual phrase is culpabilis iudicetur] .- comp. in triplo, LXIII. 1; LXIV. 2 (codd. 5 & 6).comp. de uita (sua), XIII. 7; XXII. 5 (5); L. 4; LI. 2; LVIII. 6; XCII. 3; Pact. 10.-comp. pro aliquid (aliquem), XVII. 6 (of cod. 10). 9 (of cod. 10 & L. Em.); XXXVIII. 12 (codd. 6 & L. Em.); LXXVI. 11; LXXVIII. 7. - comp. causam, VIII. 5 (of cod. 10 & L. Em.).—comp. culpam, XVII. 7.-comp. debitum, debita, omnia facta, L. 2; LXXV (cod. 11); comp. totam legem, LVIII. 1. 5 .-comp. medietatem legem, Pact. 8.comp. cum lege, LXXV (codd. 1 & 2). comp. secundum legem, XLIII. 2; XLVII. 3; LVI. 6; CI.—comp. quae legibus alicui inputantur, CVI. 9. comp. quae leg. al. inp. secundum legem, LVI. 6.—(res) cum lege sua comp., Capit. V. - comp. medietatem de leude (leode), XXXVI (codd. 7-9, B-H, 10; the other texts have medietatem compositionis exsoluere).--comp. aliquem secundum modum leodis suæ (medietate leudis suæ); mortuum tota leude sua comp.; comp. aliquem maiori uel minori compositione, XLI. 12 (cod. 10 & the corresponding §§ of L. Em.). — comp. mortem alicuius, XLIII. 1. 3.—comp.

sua mala facta, LXXVIII. 7. - compositio homicidii, LXII. rubr.-compositionis medietas, media compositio, XXXV. 5; XXXVI; XLII. 4 (cod. 10 & L. Em.); CI.—pro medietate compositionis aliquem alicui tradere, XXXV. 5; Capit. VII.—medietatem compositionem colligere, diuidere, LXII. 1. medietatem compositionis (media comp.) ad se recipere, Pact. 98.-integram sibi compositionem recipere (accipere, reuocare, uindicare), Pact. 92. 16. -tripla (triplici) compositione componere, LXIII. I [cf. § 2].—omnem causam uel compositionem in se excipere (recipere), XL. 9.—compositionem restituere, XL. 10b. - mortis compositionem componere (coniectare), XLIII. 3. -de compositione fidem facere, LVI. 1. 2. - se per compositionem educere, deducere, LVI. 3.-compositionem facere, LVII. 2 (L. Em.); LXIII. 2 (L. Em.); Pact. 3.—occulte compositionem accipere de aliquid, Pact. 13.-occulte sine iudice compositionem accipere, Pact. 3. — aliquem per compositionem redimere, LVIII. 6 (some codd. have aliquem in (per) compositionem ad (aut) fidem tollere).—de compositione diger esse, LVIII. 4. [Cf. also LX. 2. 3: comp. ad fiscum pert.; LXXIV: comp. requirere; LXXVIII. 7: lectus xv sol. comp., and the note thereto; CVI. 2; Pact. 4]. Recap. A. Pref., 5. 7. 8 &c.; Recap. C.

concacatus, concagatus, conchagatus, concatus, polluted with ordure, a term of abuse (D. bekakt, o. Fr. conchié), XXX. 2. [sordidatus, Gl. Pith.].

concamiare, see cambiare.

concapulare = capulare (q. v.).

concatus, conchagatus, see concacatus.

concedere, LXXVIII. 2; Capit. I.—
conc. ut..., XL. 7 (cod. 10 & L. Em.).
—conc. placitum, XL. 6b (of cod. 10 &
L. Em.).—said of the fiscus, LXII. 2
(cod. 10 & L. Em.).

concides, concisa [idest areuatiuum uel palenchatam, Gl. Est.], cuncida [Lat. concædis], a hedge, fence of shrubs or felled trees, XVI. 5.

conciliare, consiliare, 1) to procure, provide for, LXXI.—conciliator, a procurer, LXXI.—2) to conciliate, gain over, win, LXXII. 1.

concisa = concides (q. v.).

concredere se, said of the accused who submits to the demand of the plaintiff, Extrav. B. 2. 3. 4.

concremare, see cremare.

condempnare terram, Extrav. A. 2; tab. rubr. XCIX (of cod. 7 &c.). [The rubric and paragr. are evidently corrupt, and we must probably read, with cod. 10, commendare. If so Du Cange's explanation (in v. condemnare) of this paragr. cannot be accepted, though he quotes other examples of houses, edifices &c. being condemned].

condicere alicui, to give notice to any one = aliquem admonere, Pact. 121.

condigna lectaria, LXXII. 2.

conditio (condictio): simili conditione, ex. gr. II. 6 (cod. 1); XXVII. 14 (cod. 1); Extrav. A. V. 1.—sub tali cond., LXXVIII. 4.— praedicta cond., CI. Cf. Quare condictione, LXXVIII. 5. conducere se, see ducere.

confiscare, confescare, see fiscare.

confiteri, IX. 1. 3; XL. 2. 4. 4^b. 4^c. 5; LXV. 1.—confessio, XXXIX. 4 (cod. 2 &c.).

confugere (ad ecclesiam);—confugiens, fugiens (ad ecclesiam);—confugium facere, Pact. 14. 15.

congregare (= colligere, q. v.) septem raginburgios, L. 3 (L. Em.).

coniactare, coniectare (conlectare, in cod. Io, collectare, in cod. Q of L. Em.), to put, club together, to contribute money together: coni. compositionem, XLIII.

1 (L. Em. and cod. Io note; codd. I, 3-6 have morte, morti, mortuos coni.; codd. 2, 7-9, B-H mortem componere; in § 3, codd. I, 3, 4, 5, 6 have again mortem coniactare, coniectare, and codd. 2, 7-9, B-H again mortem componere, but cod. Io and L. Em. mortis compositionem componere.

coniugium: of an ingenuus and ancilla aliena, XIII. 9; Capit. III.-with a sponsa aliena, XIII. 10.—with a lita aliena, XIII. 10 (6 &c.).—of an ingenua and a servus alienus, XXV. 6 .- of a servus with an ancilla aliena, XXV. 9.with a vidua, XLIV. I (cod. 10); Capit. VIII; Recap. A. 6.—of a mulier cum servo suo, LXX.-of a filius or filia extra consilio parentum, LXXI. 1.-in coniugium prendere, sociare, accipere; sibi in coniugium copulare, sociare, XIII. 9. 10 (6 &c.); XXV. 6. 9; XLIV. 1 (cod. 10 & L. Em.); LXX; LXXI; Capit. III, VIII. - ad coning. quaerere et se retrahere, Extrav. A. I.

coniungere (coniunxerit), LVI. (cod. 2.

LVIII de dispecc.) perhaps for conumxerit, i. e. conuicerit.

coniurare, coniuratores, see iurare. conlectare, see collectare.

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conligere, see colligere.

conludius (= colludium), a secret or deceptive understanding, collusion, Pact. 6. 10 (here the corruptions ludius, camludius are found). 121 (corruptions conuidius, ludio).

conpagenses, according to the form of the word, persons who belong to the same pagus, LXIII. I (cod. 6 only; cod. 5 has conpaniones; cod. 10 companiei). Cf. Diez, Wrtb. I. compagno; Littré, in woce compagnon.

conplere XIV noctes, XL. 8.—c. totam legem, LVIII. I (cod. I only; the other codd. have t. l. implere, t. l. componers).

conprehendere, to apprehend, arrest, XL. 5 & 6 (cod. 1 only); Pact. 9². causa, lex superius comprehensa; pretium sup. comprehensum, see causa, lex, pretium.

conscientia pura, LXXVIII. 5. conscisa = concides (q. v.).

consedere, see sedere.

consensus domini, XXVII. 25 (L. Em.);
XXXVIII. 15 & 17 (of cod. 10 &c.);
LXV. 1 (cod. 10).—c. possessoris, LXV.
1 (L. Em.).—c. iudicis, LXVII.—c.
parentorum, Capit. VIII.

consentiens puella (some codd. add sponsata, desponsata; probably corrupted from spontanea as the other codd. have) ad adulterium, XXV. 2 (codd. B. G. H & L. Em.).

consequi, 1) to follow, pursue: cons. aliquid usque in tres noctes, XXXVII. 1.—2) to prosecute in law, LXXVIII. 7; cf. LI. 1 (cod. 10).

consiliare, see conciliare.

consilium, concilium: extra consilium, sine consilio domini, parentum, iudicis (= sine consensu, sine permissu, extra uoluntatem, sine uoluntate), XXI. 1; XXIII; XXIV. 5 & 6 (cod. 2 &c.); XXVI. 1; XXVII. 23 (cod. 1 only). 30 (of codd. 5 & 6). 32 (cod. 6 &c.); XXXVIII. 12 (codd. 5 & 6 &c.); XL. 8 (of cod. 10); LXV. 1; LXVII; LXIX; LXXI; CVII. 3; Sept. C. III. 1, V. 4; cf. LXXVIII. 5.—absol. LXXXVIII.

consimilis, see similis.

consistere, XLV. I. 3; LXXVIII. 9.—consistentes, residents, neighbours (?), LXXVIII. 8 [the text is evidently corrupt].

consobrina, consubrina, consobrinus, consubrinus, XIII. 11 (cod. 6 &c.); XLIV. 6. 7. [In the two latter §§ the readings of texts 2-5, 9, G, H, 10 point as well to a consobrinus as to a consobrina.]

consorciare, to divide, to share, XL. to (cod. 2).

consortium, 1) association, society (illegal marriage), XIII. 11 (cod. 6 &c.).—2) consorcium, consorcia, a dividing, partaking of, sharing, LXXII. 2.

constituere, to decide, decree, Pact. 18.—
constitutus: uigiliae constitutae; ad
uigilias constituti, Pact. 9.—placitum
constitutum, or simply constitutum, Extrav. B. I.

consubrina, consubrinus, see consobrina. consuescere, to accustom, habituate: cons. ceruum ad uenationem, XXXIII. 3 (of cod. 3); cf. mansuescere.—consuescere inire, XXXVIII. 15 (of cod. 10 & L. Em.). — consuetudo, LXXVIII. 3. 10.—longa consuetudo, Capit. X.

contemnere: si quis ad mallum uenire contempserit, LVI. rubr. and § 1.—c. decretum iudicium, ibid. 2 (L. Em.; the other codd. have dispicere for despicere).

Contendere uiam, XXXI. I (codd. B-H).—per pugnam contendere, Extrav. B. 4.—contentio de alode terrae, LIX. 5.

contestare, contestor, v. testare.

continere, 1) to hold, keep together, XXXIV. I.—2) to line, cover: cont. iumentum (i. e. equam), XXXVIII. 13 (of L. Em.).—3) to comprise: quod lex salica continet, LII. 1; in hoc quod lex salica continet, L. 3. See tenere.

contractor, a plaintiff, LXXVIII. 7. contradicere, XLV. 1; LVII. 4 (cod. 6 &c.).—contradictor, interdictor, one who objects, or contradicts (to settle in a village), an opponent, a forbidder, XLV. 2 (codd. B-H and L. Em.).

contubernium (collectum, factum), a troop, company, band, gang, XIV. 5. 6. 7 (cod. 6 &c.). [contubernio: auxilio, Gl. Pith.]; XLIII. rubr. & §§ I. 3. 4. 5 (cod. 10); XLIII. rubr., I (in these two instances wrongly for conuiuium). 3; CV. [corruptions: concubinium, XLII. I (cod. 6); conturbenium, conturberenium, conturberrium, conturberrium, xLIII. 3]; Recap. B. 11. 35.

contumelia, XCVII.

conualescere, to grow strong, increase, to get the upper hand, to prevail: insania malorum (multorum) conu., Pact. 1.

conuenire, 1) to agree upon, make terms, stipulate, XXV. 2; XL. 2. 11; XLIV. 1b; LIII. 1. 3. 5. 5 (cod. 6 &c.); LV. 2; LXXVIII, passim; CVI. 1; Pact. 14-15; cf. XXXV. 1.—conuenit observare, II. 6; IV. 3; VIII. 2. 4 (of cod. 10 & L. Em.); X. 7 (of cod. 10); XIII. 5; XIV. 2; XVII. 2 (cod. 10); XXVII. XXXIII. 1; XXXIV. 3; XXXVIII. 2 (cod. 4). 4; XLII. 3 (cod. 2); XLVI. 1; LXXVI. 9; LXXXIII; XCVI (cod. 10; cf. the note); CVII. 3 (cf. the note).—antequam conuentum fuerit, XLV. 3 (6 &c.), before (the inhabitants of the village) have agreed .- 2) to come together, assemble, LIV. 4 (L. Em.).

conuicinia, = uicinia, vicinity, neighbourhood, Extrav. B. 11.

conuicium, conuitium, XXX. rubr.

conuincere, to convict, occurs frequently in the law and = approbare.—conuictus: unum conuictum (i. e. culprit) dare, XLIII. 1 (cf. K. 219 on the Malberg to this paragraph).

conuiua, cunuiua, 1) a guest, table companion: conuiua regis, XLI. 5 (codd. F. G have in conuiua; cod. Q in conuiuia). 6; Recap. B. 28.-2) a participant, partaker: conuiua conciliatoris, LXXI.

conuiuium, a company, society, XLIII. rubr., I. 2.

cooperire, coperire, cuperire, cuuerire, percoperire, super coperire, super operire, XLI. 4 (cod. 3 &c.). 4; LXXII. 2; LXXIII. 2.

copulare, copolare, cupulare: aliquam sibi in coniugium cop., XIII. 10; XXV. 9; XLIV. 1 (cod. 1).—cum aliquo in coniugio cop., LXX. 1.—se cum aliquo cop., LXX. rubr. - aliquem (aliquam) in coniugio copulandum conciliare, LXXI. 1. [Some codd. use sociare or accipere instead.]

coquinare, see cocinare.

cornu sonare, was the duty of the Grafio, for the purpose of assembling the neighbours to identify a murdered person, LXXIV. 1.

corpus occisi hominis, XLII. 3.—corpus occisi hominis expoliare; corpus iam sepultum effodere et expoliare, LV; Sept. C. IV. 3. - corpus cognoscere, agnoscere, &c., LXXIV. 1.

cortis = curtis (q. v.).

costa: wounding in the ribs, XVII. 4. couirgo, XIX. 1: K. 116.

cramere, XXIX. 2 (7): K. 118.

cranne, see chrannae.

credere, XL. 4b .- adcredere, to entrust: facultatem alicui, XLVI. 2. 3.credentes = fide digni, LXXVIII. 7. crehomardo, LV. 1: K. 245. 86. 90.

cremare, XVI. 1 (cod. 4). -[mortui corpus] igne cremare, concremare [ad ce-

landum], CIII; Prol. I (note m). crenecruda, crenecurando = 2 chrene cruda (q. v.).

creobebat, CIII: K. 287. 95. 250. creo mardo, LV. 1: K. 245. 86. 90.

crescere, accrescere, adcrescere: tres, terni solidi (super, ad debitum) crescunt, adcrescunt, L. 2; LII. d.—solidi qui per tres admonitiones creuerunt, adcreuerunt, LII. e.

creu beba, CIII: K. 287. 95. 250.

crimen alicui imputare, XVIII. 2 (cod. 10 &c.).-maior crimen (= maior culpa), XL. 5. 5 (of cod. 7 &c.).—(in) crimine comprehendi, inueni, inculpari, XL. 5. 6. II.-aliquem de crimine accusare, ex crimine superdicere, XLI. 11 (cod. 6 &c.). -cr. dicere alicui, XCIII.-aliquem de crimine habere suspectum, Pact. 121.quadrupes qui est auctor criminis, XXXVI. - ex (de) crimine mori, XXV. 7.

criminalis actio, Prol. II.

crinitus puer, XXIV. 1. 2. 5 (cod. 2 &c.); LXIX. 1; Sept. C. III. 1, VII. 1, VIII. 4; Recap. A. 32. Cf. Diez, Wrth, I. toso.

crinnecruda = 2 chrene cruda (q. v.). cristau, cristiano, cristiau, II. II: K. 23. cromare (?), LXXIII. 2.

cruene, LXI. 3: K. 258. cubitum, cupitum, cobitum, the elbow, XX. 3.—usque ad solem cobitum, L. 2 (in cod 2.) may mean till sunset, or it may be a corruption for usque ad nouem

solidos debitum.

cucinare, see cocinare.

culapus, see colpus. culcare, see colocare.

culmus, a stalk, stem, XXXIV. 3.

culpa: culpam committere, XXIV. 5; Capit. V.—culpam componere, XVII. 7.—nullam habeat culpam, XXVII. 18. -culpa minor, maior, talis culpa, XVII. 7; XVIII (cod. 10 & L. Em.); XL. 3. 3 (of cod. 10). 7 (of cod. 2 &c.). 8 (of cod. 10); LIII. 5 (6).—pro culpa suspendi, CVII. 3. - modus culpae, Pact. 121.—latronis culpa, Pact. 13. culpare, inculpare, XL. 6.

culpabilis, wrongly for capitale, XL. 4 (of cod. 7).—ille (ipse) culpabilis et omnes res suas erunt, LVI. 6 [this reading of codd. 1-4, 7-9, B-H is supplemented by the necessary addition in fisco, in codd. 5, 6, 10 & L. Em.].—as subst., a criminal, Pact. 14.

cultellus, a knife (Fr. couteau), VII. 13 (5 &c.).—de cultello sexxaudro, Extrav. A. IV: K. 296.

cum = apud, ad, XLVII. 5. Cum is to be understood in the same sense in X. 2, if we must read there portare, and not debortare.

cummunitio, see commotio.

cumponere, see componere.

cumsarcire = sarcire (q. v.).

cuncida = concides (q. v.).

cunlacio, CIV.

cunuiua, see conuiua.

cuperire = cooperire (q. v.).

cupiditas (corrupt chepeditas, cupietas): cup. operarum, Pact. 14.

cupitum = cubitum (q. v.).

cuptare, see captare.

currere: currit plaga, uulnus, XVII. 4 (cod. 5 &c.).

curtis, cortis, VI. 3 (of L. Em.); VII. 11 (cod. 5 &c.). 2 (cod. 7 &c. VIII); XXXIV. 4. 5 (of L. Em.).—curtis domini, Recap. A. 30 (in two codd.; the other codd. have trustis dominica) .wrongly for furtis, XII (rubr. of 7).

cusfredu[m], cusfredum, cusfretu[m],

XVII. 3. 4: K. 110.

custodire: lex ista custodiatur, XLVII. 5.-caritas, uinculum caritatis, custodiatur, Pact. 16.-tenorem pacis custodire, Pact. 18.-custodiens: porcarius custodiens, II. 8 (cod. 10 & L. Em.; codd. 5 & 6 have adtendens).—canis custos domus, VI. 3 (of L. Em.).—custodias exercere, Pact. 9. - salua custodia, Extrav. B. 2. [Cf. XXVI. 2 (cod. 4) praetium dominum custodiat, Leg. (?) pr. domino restituat].

cuuaerso, XXVII (cod 7, XLV. 3): K. 152. 122.

cuuerire = cooperire (q. v.).

cygnus = cicenus (q. v.).

cynitus = cenitus (q. v.).

dahus, XXXV (cod. 9, LVII): K. 183. damnum, dampnum, VI. 3 (of L. Em.); IX. rubr. & §§ 5.8 (cod. 2 &c.); Recap. B. 2.—d. excipere, XL. 10 (of cod. 2). -d. sustinere, XCIV.—se de damno causae liberare, XCIX (cod. 1; cf. cod. 2 and causa). -d. perferre, Pact. 16.damnare: damnati, morte damnari, LXXI. - messem alterius damnare, Recap. A. 2. See condempnare.

daphanu, XXIX. 8 (6): K. 161.

dare iuratores, XXXIX. 2; LIII. 1.aliquem suppliciis (ad supplicia) dare, XL. 4b. 6. 9.—spatium, placitum, dare (donare), XL. 10b; LII. b (codd. 1 & 4). –unum conuictum dare, donare, XLIII 1.-aliquod de fortuna sua dare, XLVI. 1.-fortunam suam dare, XLVI. 4.facultatem dare, LVIII. 1.—dare ad

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uindictam, LXXVIII. 5.—said of the fiscus, LVI. 6; LX. 3; LXII. 2.—datis sacramentis, CVI. 6.—sententiam dare, LVII. 3.—testimonium dare, XCIV. Cf. also donare.

daudinaria, XXXV. 4 (10): K. 183. daus, XXXV. (cod. 7, LVII): K. 183. deba, XVI. 3: K. 102. 95 &c.

debattere, see battere.
debilis, dibilis, dibilius, mutilated,
maimed, IX. I.—debilitare, to mutilate, maim, XXIX. 1; XXXVIII. 13
(6).—debilitas, dibelitas, dibilitas,
debilitatio, dibilictacio, XXIX. rubr.
debitorem pignorare, LXXV.

decem, decim: puer infra X annos usque ad decimum plenum, XXIV. 1.—decem noctes, XLV. 2; LXXVIII. 7.—deceni (decini) solidi, LXXII. 2.—decimus is found in CVI. 6 in codd. I and II: octauus aut decimus, octo aut decimus, for which we should read no doubt octauus et decimus, octauus decimus,

decernere, to determine, decree: decretum est ut, Pact. 1. 9¹.—dec. decretum, LVI. 2 (codd. B. G. H).—dec. iudicium, LVI. 2 (L. Em.); Prol. I. II.—decretum, decretus, decretio, discretio, a decree, Pact. [9¹. 18; Prol. I (note e). decidere, LXXVIII. 7 [on the word see note h to this §].

decipula, a trap, springe, noose, VII. 8 (cod. 10 &c.). [de cipalla: id est aidont, Gl. Est. (?), see Merkel].

decodare, see escorticare.

- decorticare, decortigare, decotare, decotegare, ecorticare, excortegare, excorticare, excortigare [all forms evidently used erroneously to express the Latin decurtare or decurticare], to mutilate, LXV.
- 2. decorticare, decortigare, to deprive of the bark, to bark, to peel, XXVII. 23 (of cod. 10 & L. Em.). The word also occurs LXV. rubr. of cod. 6, § 1 of cod. 10 & L. Em., but erroneously for decurticare.

decotare, decotegare, see I. decorticare. decretio, decretum, decretus, see decernere. deducere, see ducere.

defendere se per legem; def. se secundum (iuxta) legem, XXXVI (codd. 7-9, B-H, 10 & L. Em.); Capit. IX.—defensare se de lege, LVIII. 3 (of cod. 10).—dotem sibi defendere, LXXII. 2.

de inter, de intra, deinter, de intro (de intus, de infra), II. 8.—deintro clauem, XI.4; XXI.3.4; Sept. C. II.2, III.2.3. delator, dilator, delador, an informer,

denouncer, XXX. 7. [delatorem, id est lindegarium, Gl. Est. (cf. Merkel); mendacem uel latratorem, Gl. Pith.]

delatura, dilatura, a term of frequent occurrence in the Lex Salica, usually in the phrase excepto capitale et delatura, cf. II. I (cod. 10 & L. Em.). We find also: capitale et delaturam requirenti in loco restituere, XII. 2;—delaturam, si fuerit, de facultate latronis sarciare, Pact. 16. Cod. 10 has a separate titulus (LXXIX, cf. Extrav. A. 6) de delatura. In the O. H. G. translation of the Lex Salica it is rendered by wirdrid, gen. wirdridu. It seems to mean that which is given for delay, interest, indemnity for delay. Cf. Mon. Germ. V. p. 130, note 71 and Kern, § 49. [delatura: fredo, Gl. Pith.]

demandare, see mandare.

demanere, see manere. demergere, Recap. A. 14.

1. demittere, dimittere, see dimittere.

2. demittere, dimittere, to take down, XLI (codd. B-H, LXXIV. I, cod. 10 & L. Em.); LXVIII.

den arius, dinarius, dænarius, of frequent occurrence, and always 40 din. = I solidus. Cf. per dinarium (ingenuum) dimittere, XXVI. I; Sept. C. V. 4.—tres solidos aeque pensantes et denarium habere, XLIV. Ib. 3 (codd. I, 7-9, B-H, 10 & L. Em.). Cf. LXXVI. 10. II, where unus denarius is found in an uncommon way.

denominare, see nominare.

dentem excutere, XXIX. 17 (cod. 6 &c.).
denuntiare, denunciare, I. 3 (L. Em.);
XL. 7 (of codd. B-H); XLV. 3 (of codd. B-H).

depignorare, see pignorare.

deponere, to take down, XLI (L. Em., LXIX. I (Cod. Wolf.). IO (cod. IO); LXVII.

deportare, see portare.

deputare, depotare, deportare (in codd. 4 & 6): dep. fortunam alicui, XLVI. 3. derumpere, dirumpere, see rumpere.

descarcare, see carra.

descendere, discendere (ex caballo), XXIII (codd. 5, 6, 10 & L. Em.).

desoluere, see soluere.

despicere, wrongly dispicere, to disdain, neglect, decline, LVI (cod. 2. LVIII, & cod. 10). I (of codd. 5, 6 & 10). 2; CVI. 6. 7; LVII. 2 (L. Em.).—dispectum, for despectum, disdain, neglect, tab. rubr. LVI, codd. 5 & 6.

desponsare, see sponsare. destringere, see stringere.

1. destruere (A. S. strudan), LXXVIII.

7 = extrudere, which occurs a few lines further down. In L. Rip. 32. 3. 4 strudis (distraint) legitima, strudem contradicere. Cf. Graff, Spr. VI. 745.

2. destruere, distruere, to destroy, LV. 3 (of L. Em.); CVII. I (codd. I & 2; cod. 10 has in text disturbare, cod. II distituere, but in tab. rubr. destruere).

detinere, see tenere.

detoxitum, see toxicatus, LXXXI. 3. detricare, see tricare.

detruncare, see truncare.

Deus, LXXVIII. 1; Pact. 16. 18; Prol. 1; Epil. II; Recap. A. 11.—ecclesia dei, Capit. VI.

dextera manu auferre, LXXVIII. 6.—
cf. dextera, CII (cod. 11).

diaconus, LV [LXXVII of cod. 7 &c.

dicere: hoc dicunt, XVI. 3 (of cod. 2).—
quod dicitur, LVIII. 2 (cod. 3).—dicere
uerbum, XLVI. 1 (codd. 5–9, B-H, 10,
L. Em.); L. 3.—legem dicere, LVII. 1.
2. 4 (cod. 6 &c.).—quantum lex dicat,
LVIII. 3 (of codd. 7–9, B-H, & L.
Em.).—de lege dici, LXXIV. 1.—
causam dicere, LXXVII.—sanum dicere, LIV. 4; cf. Kern, 244.—crimen
dicere, XCIII.

dicta (LXXVIII. 1), see edictus.

dictare, Prol. I.

didus = digitus, Sept. C. I. 6. 7, II. 3, III. 5.

diger: quantum de compositione diger est, LVIII. 4 (codd. 1, 3 & in L. Em., in different forms). See Du C. in voce. The word occurs also in a Ch. A. D. 680, where diger esse has the sense of to be deprived of.

digitus, 1) a finger, XX. rubr. & § 1; XXIX. 6-8.—secundus digitus, id est unde (quo) sagittatur, XXIX. 5.—quartus, minimus, medianus digitus, XXIX. 6-8 (of cod. 4 &c.).—2) minor, minimus digitus (as a measure), XL.6. See didus.

digna reddere, Pact. I.

dilator, see delator.

dilatura = delatura (q. v.).

dimens, probably a mistake for dormiens, LXI. 2 (2).

dimittere, demittere, 1) to set free, release, emancipate: aliquem ingenuum
dim., X. 3 (cod. 6 &c.); Capit. II,
VII.—aliquem per dinarium ingenuum
dim., XXVI. 1. 2; Sept. C. V. 4.—2) to
abandon, forsake, XLI. 8.—3) to leave
behind, uiduam dim., XLIV. 1.—filios
dim., fratrem aut sororem dim., LIX. 1.
2.—4) to lose, XLV. 2.—5) to give up,
resign, LXXII. 2; LXXIII. 2; CI.

600

60z

dira[n]ni, II. I : K. 12.

directa: lege directa sic facere, LXXVIII.
7 (cf. note p).

dirigere, XIV. 4 (10).

dirumpere, derumpere, see rumpere.

discalciatus, discalcius, disculciatus, discalcatus, disculcius, without shoes, barefooted, LVIII. 4.

discarcare, discare, discarecare, discaregare, discargare, discaricare, discarrare, see carra.

discinctus, LVIII. 4 (cf. Grimm, R. A. 157).

discretio, a decree, see decernere.

discutere, to discuss, examine: discutere causam, LVII. 1.

dispendium, 1) uitae dispendium (?), LXXVIII. 7. In the O. Sax. glosses of Prudentius (Haupt's Zeitschrift für D. Altert., XV. 518), 53 we find: "freson, dispendia." Freson is plur. of fresa, = dispendium. O. S. fresa (etymologically = D. vreeze, vrees) occurs in the Heliand in the sense of "periculum, discrimen uitae"; the corresponding O. H. G. freisa is glossed (Graff, III, 830) with: "tentatio, periculum, exitium, pernicies, discrimen, suspendium." In "uitae perire (?) dispendium," dispend. may mean "chance, danger of losing." But is perire right? Or are we to read "uitae subire dispendium"?-2) delay, payment for delay, Pact. 16.

dispicere for despicere (q. v.).
dissipare, to demolish, LV. 2 (L. Em.).

dissoluere, see soluere.

distruere, for destruere, 2 (q. v.).

disturbare, see 2. destruere.

diuersus, divers, XXVII. rubr.; XXXIII. 1.—per diuersa, Pact. 9. 12¹ [the meaning of this expression is not clear; in Pact. 9 it probably signifies often, repeatedly. In Pact. 12¹ cod. 2 has per diuersa loca, which seems to mean in various places or localities].

dividere: homicidam inter se dividere, XXXV. I (on this phrase cf. Kern, 181). — diu. haereditatem, LIX. 6 (of cod. Io). — diu. medietatem compositionis, LXII. I.—diu. mediam partem de leudae, CI.—to divide, to give children their portion: res divisas habere, Capit. III.—divisor, ibid. cod. 2, where the other MSS. read divisa.

docarius = ducarius (q. v.).

docere: quicquid Lex (Salica) docuerit, CVII. 3.

dolare, to prepare, fashion, make smooth, XXVII. 16.

domesticus, domisticus: aneda, anser

dom., VII. 4.—pomarius (arbor) dom., VII. 11 (cod. 6 &c.).—gruś, cicinus dom., VII. 7 (cod. 6 &c.).—ceruus dom., XXXIII. 2. 3; Sept. C. II. 7.—quadrupes, pecus, quadrupedia dom., XXXVI; Extrav. B. 9. [domesticus = domitus, III. 5 (L. Em., Cod. Est.)].

dominare, a) wrongly for nominare, XLVI. 4 (cod. 10); b) wrongly for donare, XLVI. 5 (cod. 3).

dominicus: leges dominicae, I. 1; Sept. C. I. 1.—ambascia dominica, I. 4; XCVI.—ordinatio dominica, XIV. 4 (cod. 3; the other codd. have ordinatio regis).—trustis dominica, XLI. 3; XLII. I. 2; LXIII. I. 2; Recap. A. 30. 31; Recap. C.—antruscio, antrustio, andruscio, andruscio, antrustic dominicus, XLI. 3; XLII. 1. 2.—ratio, causa dominica, L. 4.—sermo dominicus, LVI. 5.—euisio dominica, LXXXII.—causae dominicae, Extrav. A. VI.—dominicus, for domesticus, or domitus, XXXIII. 2 (codd. B. G. H).

dominus, domnus, 1) a proprietor, a) of slaves, X. 2; XII. 2; XXV. 3 (cod. 1). 7. 8. 9; XXVI. 1. 2; XXVII. 25; XXXV. 1. 5; XXXIX. 2; XL. 2. 4. 6. 7. 9. 7 (cod. 2). 10. 11. 8 (cod. 10); LXXVI. 11; LXXVIII. 5. 7; LXXXVI; XCII. 2; Pact. 5. 6. 11. 121. 15; Capit. II. III. VII. XI; Extrav. B. 12; Sept. C. V. 4. b) of animals, cattle, &c., IX. 4 (of cod. 7 &c.). 6 (of codd. B. G. H); XXIII; XXXIII. 2; XXXVIII. 12 (cod. 6 &c.). 3 (cod. 7. LXIII &c.); LXV; Extrav. B. 9. e) of lifeless things, XXI. 1; XXVII. 23. 32 (cod. 5 &c.); XXXIV. 4; Pact. 10. [Domino also occurs LVIII. 6, cod. 1, but it seems to be a corruption. In Extrav. A. 3 it is not clear which dominus is intended. In Pact. 92 (cod. 3) multa dominus seems to be a corruption for multandus. In LXVII, rubric, we must probably read cons. domini iudicis]. -2) the Lord, Pact. 16 (codd. 3, 4 &c.); Prol. II, note b.-3) title for a king, Pact. 1; cf. Recap. A. 30. -domnus imperator, Capit. VII.

domitus, tamed, subdued: uacca domita, III. 6 (cod. 5 &c.); cf. Kern, 35.

domus occurs frequently in the Lex Salica. Sometimes the word casa is used.—
Assault committed within a house, e. g.
XLII. 1. 2; Recap. B. 31. 35. 36.
In LV. 7 (of L. Em.) domus evidently means a kind of dome or shrine placed over a dead body, cf. Kern, 253.

donare, a syn. of dare (q. v.) and used in

the same sense: quadrupedem in medietatem leodis donare, XXXVI (cod. 7 &c.).—iuratores donare, XXXIX. 2; LIII. 5; LVIII. I.—pignus donare, XL.4; L.2.—fortunam donare, XLVI. 5.—testes donare, XLIX. I.—facultatem donare, LVIII. I.—se ad alium maritum donare, LXXII. rubr.—reibus donare, LXXII. 1.—achasium donare, LXXII. 1.2.—dotem donare, LXXIII. 2; LXXIII. 1 (cf. dotare in cod. II).—filiam ad maritum donare, C.—in ipso iuramento fide data donet = fide data iuret, LXXVIII. 5.

dormientem hominem expoliare, XIV. 7 (cod. 2 &c.); LXI. 3 (cod. 3 &c.; cod. 2 has dimentem); Sept. C. V. 2.—casam super homines dormientes incendere, XVI. 1.

dorpilus = duropalus (q. v.).

dorsum: pro dorso suo soluere, culpabilis iudicetur, XII. 1.—pro dorsum suum componere, XXV. 4 (of cod. 3); XL. 2.—in dorsum suum ferre, portare, XXVII. 9. 11.—in dorso, LVIII. 2 is evidently a corruption.

dos, a dowry, LXXII. 1. 2. 3; LXXIII. 1. 2; LXXVIII. 4; CII (here dode and ducem are corruptions for dote).

drace, II. 9. 10: K. 18.

dracechalt, II. 9. 10: K. 18. 8.

drache, II. 4. 9. 10: K. 18.

drauge, II. 9: K. 18.

drocchlidio, drocfledio, drochlidio, droclidio, XLIII. 3: K. 220. 217. 83.

druche lennici, XLII. 3b (10): K. 217. 83. druchte, dructe, dructi, dructu, druthe, XIII. 14 (6 &c.); Sept. C. VI. 7: K. 83. 217. [dructe: idest per nuptiatores, Gl. Est.; sponsata, Gl. Pith.]

druchtelidio, dructe clidio, XLIII. 3: K. 220. 217. 83.

dructe limici, dructhelimici, XLII. 46 (codd. 5 & 6): K. 220. 217. 83.

dructi flido, XLIII. 3: K. 220. 217. 83. dubitare, LXXVIII. 9; Pact. 5 (cod. 5).—dubietas, Pact. 5.

ducarius, docarius: scrofa ducaria (a leading sow, in reference to its herd of pigs), II. 11: Cf. Kern, 22 on the Malberg gloss. [ducariam: ductricem aliarum scrouarum, Gl. Pith.]

ducere, a) trans. 1) to lead, bring, conduct, XIII. 14 (cod. 6 &c.); XIV. 6 (cod. 6 &c.); XXVII. 8. 10b. 13; XXXII. 2; XXXVII. 1; XXXIX. 2 (cod. 2); Extrav. B. 2; Sept. C. III. 4, VI. 7; Sent. S. S. 3.—2) to decoy, take away: seruum in texaca secum d., X. 5 (cod. 6 &c.).—3) to marry,

LXXIII. rubr.-b) intrans., to lead: uia quae ad farinarium d., XXXI. 4 (cod. 10 & L. Em.). - se ducere (se dicere, se conducere), to appear, CVI. 7; or perhaps = se educere. -adducere, 1) to lead, bring, conduct, XIV. 2 (of L. Em.); XXVII. 10b (cod. 10). 13. - 2) to produce, bring with one's self, bring before anyone, LXXVIII. 7.9; Extrav. B. 2 .- ducere, deducere, educere: se ducere, deducere, educere, aeducere, to clear one's self from an accusation, LXXVIII. 6. 7.—se educere exinde, LX. 3.—se per ineo aut per compositione ed., LVI. 3. 5.—cum xII iuratoribus, LX. c (of cod. 10).-deducere, to lead away, Pact. 91.

dulgere, LXXVIII. 5: K. 181.

duo: duos aut tres uerueces furare, IV. 3 (cod. 7 &c.).—duos digitos excutere, XXIX. 7.—duas aut tres feras occidere, XXXIII. 2.—conuiuium ubi duo uel tres fuerint, XLIII. 1 (codd. 8, 9, B-H). 2.—contra interdictum unius uel duorum in uilla aliqua adsedere, XLV. 2.—duas partes legis ad se recolligere, L. 3; duae partes dotis, LXXII. 2. 3; LXXIII. 2.—inter duas uillas occisi, LXXIV. rubr.—in duplum restituere, XL. 10 (of cod. 2).—duos idoneos (uiros) eligere, L. 3.—causam inter duos discutere, LVII. 1.

duodecim: infra duodecim annis, XXIV. 1; Recap. A. 32.—cum duodecim iurare, XXX. 9 (L. Em.). — duodecim equae, XXXVIII. 3 (see septem equae).—duodecim testes, LVI. 2; CVI. 7.—duodecim iuratores, LVIII. 1; CII (cod. 11).—cum duodecim iuratoribus se educere, LX. c (cod. 10).—cum duodecim see absoluere, CVI. 3.—cum duodecim uiros idoneos iurare, CVI. 6.—duodecim sacramentales, Extrav. B. 3.—duodecimus annus, XXIV. 1. 5; Extrav. A. V. 2.

duropalus, duropellis, duropellus, durbilus, durbillus, duropullus, durpilus, dorpilus, LVIII. b: K. 257.

eborgium = herburgium (q. v.).

ebrius, iberus, hebrius (cod. 2 has wrongly superius), CVII. 1: K. 293.

ecclesia, LV (L. Em. LVIII. 1); LXXVIII. 8 (a corrupted passage). ecclesia sanctificata, LV (L. Em. LVIII. 1).—seruus ecclesiae, Pact. 11.—ad ecclesiam fugire, Pact. 13. 14. 15.—aliquem de atrio ecclesiae extrahere, Pact. 14.—res suas ad ecclesiam dei tradere, Capit. VI.—ecclesiastica persona, ecclesiasticus seruus, Capit. VII. ecorticare = 1 decorticare (q. v.). edictus, aedictus (al. dicta), an edict, LXXVIII. 1.

edoneus, edonius = idoneus (q. v.).

educere, see ducere.

edulcus, LV. 4: K. 251.

effedus = faidus (q. v.).

effodere, exfodere, exfudere, fodere, 1) to scratch out, tear out: eff. oculum, XXIX. I (of cod. 10, note, & L. Em.).

—2) to dig up: eff. hominem mortuum, XIV (XV. I of cod. 2 &c.); Sept. C. V. I; Sent. S. S. 6.—eff. corpus iam sepultum, LV. 2. 3 (cod. 2 has wrongly expodere).

effrangere, effringere, effringere, effractura, &c., see frangere.

ejicere, to pluck, tear out: oculum, XXIX. 1. 10 (of cod. 7 &c.).

eique for aeque, XLIV. 2 (of codd. 5 & 6). elaborare, see laborare.

elecharde, VIII. 1: K. 63.

eliberare, see liberare.

eligere: sic eligere, XLVII. 1, a corruption for si cis ligere: K. 2.

eligere, XLVI. 4; L. 3.—electus: iuratores electi (medius electus), XIV. 2 & 3 (of cod. 2); XVI. 3 (of cod. 2); XLII. 5 (cod. 1); Pact. 2. 8.—electi, Pact. 5.—ternae personae ad sortem electae, Pact. 10.—in truste electi centenarii, Pact. 16.—elegitur, LXXVIII. 7 (cf. ibid. note s). [electo, in XLIV. 3 (cod. 1) and electi in the rubric of CII seem to be corruptions].

elocare, elogare, elocatio, elogatio, see locare.

eloqui = loqui (q. v.).

emancadus, see mancus.

embolare, see involare.

emendare, Extrav. B. 9.—em. causam cum parentibus defuncti, LV (XVII, codd. 7-9).

emere, XXXVII. 1. 2.

emissarius = admissarius (q. v.).

eneum, enium, enium, enium, see aeneum. enunciare, see nuntiare.

episcopus, LV (LVIII. 4 of L. Em.); Pact. 14; Sept. C. VIII. 5.

epistola: comitis... duae epistolae uno tenore, Extrav. B. 1.

equus, equa, æqua (equita), XXXVIII. rubr.—admissarius cum gregem suam, hoc est XII (cod. 10 & L. Em. have 7 aut 12) equas, equabus, XXXVIII. 3; cf. § 4.—equa praegnans, ibid. 5.

equus, XLIV. 1b (codd. 2 & 3), for aequus. erami, XX. 2: K. 118.

erborgium, ereburgium, LXIV. rubr. = herburgium (q. v.): K. 261.

ereus, XIII. 3 (of cod. 2), for fretus (q. v.).

erogare, see rogare.

erpex, herpex, herbex, arpex (cod. 4 has spice), a harrow, XXXIV. 2. Cf. Diez, Wrtb. II. c. herse.

escamnum = scamnum (q. v.).

eschilla = schilla (q. v.),

esclusa = sclusa (q. v.).

escorticare, escurtare, excoriare, excortare, excorticare, excurtare, scortare, scurtare, decodare (for decaudare?) [all for excurtare], to curtail, cut off the tail, XXXVIII. 8 and 3 (cod. 7. LXIII &c.). [The fine leodardi is wrong here; cf. Kern, § 198.]

escreona, escreuna = screona (q. v.).

escutum, see scutum.

esmancatus, see mancus.

espatare = spatare, see spadus.

espicarium = spicarium (q. v.). estalathia, XXXVIII. 5: K. 192.

estimare, see aestimare.

estria, see stria.

estrio portio, see strioporcius.

et, for ei, I. 2 (cod. 1).

etas, etas, see aetas.

etcepto tua septunchunna, II. 7: K. 21.

ethatia, II. 4: K. 17. 19.

euadere, XI. 6; XVI. 1 (cod. 7 &c.); XVII. 9; XIX. 2; XXXVIII. 6 (of cod. 7 &c.); XLI. 9. 12 & 13 (of cod. 10); XLII. 5; LXXVI. 5; XCVIII; Sept. C. IV. 1, V. 7.

evalesina, evalisina, XXV. 3.4: K. 133. evisio dominica, LXXXII. [The meaning of evisio is not known; dominicus = regius, and the two words seem to indicate royal permission, or judgment. Zoepfl, D. Rechtsgesch., I. 13, thinks evisio = èweisung, i. e. law-direction, direction of the law; cf. Waitz, A. R. p. 155, note 2].

exachalt, II. 7: K. 21.

excapilare, excapillare, see capilli.

exceruicare, to cut up, destroy: exc. pomarium aut perarium, XXVII. 10 (codd. 5 & 6).—exc. cambortos, XXXIV.

excidere, VII (VIII. of L. Em., I. 2); XXVII. 15 (cod. 6 &c.); XXIX. 14 (of cod. 6).

exclausa, exclusa = sclusa (q. v.).

excoriare, excortare, see escorticare. excortegare, excorticare, excortigare = I decorticare (q. v.).

excorticare, see escorticare.

excoto, IX. 5: K. 66.

excurtare: see escorticare.

excusare, LXXIV. 2 (cod. 11).—se exc.,

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XCVI. — excusatus (seruus), Pact. 15; cf. Du C. in voce.

excutere, excuttere, to tear out, wrench, carry off: pecora excutere, IX. 5.—exc. manum, pedem, oculum, &c., XXIX.

1. 3. 2 (of cod. 7 &c.). 5. 6. 7. 6 (cod. 4 &c.). 8 (cod. 4 &c.). 12 & 14 & 15 & 17 (of cod. 6 &c.); Sept. C. I. 6. 7, II. 3, III. 5, V. 5.—excutere pittum, XXX. 9 (of L. Em.); Extrav. A. III.—pecus (for fetus) mulieri (ancillae) excutere, LXXVI. 4. 5. 8. 10.

excuto, IX. 5: K. 66.

exercere custodias, Pact. 9.

exercitus, exercitus, Prol. I.

exfodere, exfudere, see effodere.

exhibere, to bring with, produce: quae de casa patris exhibui, LXXII. 2.

exigere: raptores 2500 dinarios exigantur, XIII. 4.—ex. fretus, XIII. 6 (codd. 5 & 6).—cum lege et iustitia debitum ex., L. 4.

exire, 1) to go out or forth; escape, XVII. 3; XLI. 9.—2) to flow, issue out, XVII. 6. 7.—3) to leave, depart, XLV. 2.—exire = exuere se, to escape, free, clear oneself, XLVII. 3. [In L. 4. cod. 1 it occurs wrongly for exigere.]. exitus, boundary, LXXIV. 1.

exmala leudi, XXIV. 9 (10): K. 129. 97. expacium = spatium (q. v.).

expadare = spadare, see spadus.

expalmitare = palmitare (q. v.).

expectare, Capit. V.

sus de pago, LV. 5 (of L. Em.).

expellis: uuargus sit, id est expellis = expulsus, LV (XVII, codd. 7-9). Cf. aspellis.

expodere, see effodere.

expoliare, exspoliare, XIV. rubr. (L. Em.). 1-3. I (cod. 9, XVI). 7 (cod. 2 &c.). 8 (cod. 2 &c.). I (cod. 2, XV &c.); XVII. 9; XXXV. rubr., I. 2. 3 (cod. 6). 4. 6 (cod. 6 &c.); XLII. 5; LV. rubr., I. 2. 2 (cod. 6 &c.). 3 (cod. 6 &c.). 6 (cod. 6 &c.; here codd. F. G have spoliare); LXI. I. 2. 2 (cod. 2 &c.); LXXXIX.—expoliatio, XIV. rubr.; XXXV. rubr.; LV (LVIII. L. Em.); Sept. C. IV. 3, V. I. 2; Sent. S. S. 6. Cf. Kern, col. 471, note 2; col. 472.

expolium, expolia = spolium (q. v.). expugnare uillam = inuadere, XLII. 5. exsoluere, see soluere.

extelarius (for stelarius, the Latin form of a Frank. word of which the stem was perhaps stel, stali, agreeing with A. S. stal, in stal-hrân, a decoy reindeer; see Kern's Notes to Tit. LXXX): ext. ceruus, a tamed deer, which in hunting was sent out to decoy the game, XXXIII. 3 (of cod. 10, where et telarium in the line above probably stands for the same word). Cf.DuCange, in v. extendere, see tendere.

extimare, see aestimare.

extrabo, XXX. 3: K. 172.

extrahere, see trahere.

extringere = stringere (q. v.).

extrudere = destruere (q. v.).

exuere se, to free oneself from an accusation, LXXIV. 2.—ex. de latrocinio, XLVII. 3.

fa, faciat, LXX. 1, read fiat: cf. Kern, 269.

fabaria, fauaria, faba, a bean-field, XXVII. 6. 7.

faber: faber ferrarius, faber ferracius, faber carpentarius (?), X (XXXV. 6 cod. 1 &c.).

facultas, 1) goods, property, XLVI. 2; LVIII. 1; Pact. 2. 16.—2) means, power, Extrav. B. 1.

faetumiris = adfathamire (q. v.).

faidus, fedus, effedus, feitus, foedus, properly inimicitia (N. H. G. Fehde), here the fine which an injured person obtained, compositio, in contradistinction to fredus, X (XXXV. 7, cod. I &c.; cod. 3 has factus); Pact. 12¹. On the word cf. Müllenhoff, in Waitz, A. Probably means peace and enmity-money together. Cf. Sohm, Proc. 158; id. R. u. Ger. I. 92. 104. 107; Cf. L. Sax. (Capit. de part.) I. 31, II. 27; Mon. Germ. Legg., III. p. 659. faisseth, IV. 3: K. 44.

fal-cham, XXXIX. 5 (10): K. 203. 67. falcono, XII. 1: K. 76.

falconu[m], XXXIX. 2: K. 203. 67. 76. fallanire, to conceal (?), XLI. 3 (of cod. 3). fallire, falire, praeterfallire, preterfallire, to fail, miss; XVII. 1 (cod. 10 has praetersallire). 2.

falsare cartam, to declare to be false,
Capit. XI.—falsator, XXX. 2 (of
cod. 10). 7.—falsum testimonium,
XLVIII. rubr., 1; XCIV.—falsi testes,
XLIX. rubr.; XCIV.—falsa carta, Extrav. B. 3. 4.

famiis fith, XXIV. 1: K. 125. 108. familia, a family, household-establishment, I. 3.

faras, LXIV. 2: K. 263.

farinarius, farenarius, farinaria, a mill, XXII. 1 (of codd. B-H). 3 (cod. 6 &c.); XXXI. 3 (cod. 6 &c.).

fauaria = fabaria (q. v.). fectho, XXI. 4: K. 121. fedus = faidus (q. v.).feisfecho, IV. 3: K. 44. feitus = faidus (q. v.). feltortus, feltroctus = filtortus: K. 229. femere, XXI. 2: K. 120. femina, femena, foemina, XIII. 7 (codd. 2 & 3 have puella). 8 (cod. 1 has puella); XX. 1; XXIV. 2 (of cod. 2). 3. 6. 7; XXXI. 2 (codd. 7-9, B-H); CIII. 2; CV; Capit. III. VI; Sept. C. VII. 2. 3, VIII. 3; Recap. B. 32. [In Tit. CIII. 2 cod. I has feminam talem ordine; cod. 2 femene tale ordinis, and as this appears immediately in connexion with an antruscio, it has been presumed that there is question of the wife of an antrustio. Pardessus (Loi Sal. p. 408) thinks that talem ordinem, tale ordine, signifies in the same manner, under the same circumstances (i. e. as in § 1), and Waitz (D. Verf. II. 266, note 3) agrees with him. This opinion is supported by taliter of cod. 10. Deloche (p. 51) dissents from this and thinks that tale ordine refers to ingenuus of § 1, and indicates that a femina of the same position as the homo ing. of that § is understood, and that for this reason and on account of the cremation of the body a triple weregild

of 1800 sol. was allowed for her.] femire, XXI. 1. 2: K. 120.

fenum, fenum, foenum, hay, XXVII. 10b; Sept. C. III. 4.—fenilis, fenile, foenile, a hay-shed, XVI. 4.

fera, XXXIII. 2.—feramen = fera uenatica, LXXXI. 3.

ferbannire, ferrebannire, firbanire, forbannire, forbannare, perbannire, XLIX. 3; LXXVIII. 7: K. 235.

ferimbera, XXXIV. 4: K. 180.

ferire capitali sententia, XL. 5.—cannonibus f., Pact. 14.

ferramentum, 1) = ferrum, XVII. 7.—
2) an iron instrument belonging to a mill, XXII. 2 (cod. 6 &c.). Cf. Du Cange in v.

ferrarius, ferracius: faber ferrarius, X (XXXV. 6 of cod. 1 &c.).

ferrebannire, see ferbannire (K. 235). ferthebero, fertibero, XXXIV. 4: K. 180. festare, for uastare (q. v.), IX. 1 (cod. 4). festinare, Pact. 16.—festinanter, L. 2. festuca, fistuca, fistucum: fistucam in

laisum iactare, XLVI. 1. 2. 4-6.—accipere fistucam in mallo, XLVI. 3.—prehendere, apprehendere f., L. 3.—tenere f. in senextra manu, LXXVIII. 6.—cum f. mittere super se, LXXVIII. 7.

fetischefo, IV. 3 (cod. 10): K. 3. 44. feto, IV. 4: K. 44. feto, IV. 4: K. 44. fetus cheto, IV. 3: K. 44. fhrio mosido, XIV (cod. 9, XV. 5): K. 90. fhuuuichuus curnutu nechana, VI. 1: K. 51. 52. fideiussor, L. 2 (L. Em.). 3 (L. Em.); CVI. 10; Extrav. B. 2. 6.—fideiussorem ponere, Extrav. B. 1. fides, Pact. 16 .- fidem facere (to pledge one's faith), fides facta, L. rubr., 1-3; LI. 1; LII. e; LVI (LVIII of codd. 2 & 10 and) 1. 2; LVII. 2; LXXVIII. 6. 7; Sept. C. VI. 6. sub, in fide habere, LVIII. 6; fidem facere pro aliquo, LXXVIII. 6; ad suam fidem ferre, LVIII. 6, all formulae which = fide facta (under promise to produce the party concerned in justice) habere, ferre. -fidem accipere, L. 1 (cod. 10).-fidem dare, L. 1 (cod. 10); LXXVIII. 5. Cf. LXXVIII. 7 note g (sec. alphab.). catholica fides, Prol. I. [fidem fecerit: idest fideiussor extiterit, Gl. Est.; the Gl. Pith. explains the rubr. of tit. L: qui wadium alteri dat et postea persoluere spreuerit. I filii, children, XIII. 11 (cod. 6 &c.); LIX. 1; LXII. 1; LXXII; LXXIII. -matris sororis filii, LVIII. 3.-filii, sons, LIX. 6b (of cod. 10); LXXVIII. 3; Capit. VI. - filia, a daughter, LXXI; LXXVIII. 3; C; Capit. VI; Extrav. A. 1.-fratris filia, XIII. 11 (cod. 6 &c.).—filius, a son, LXXI; CI.—sororis filius, XLIV. 4.—neptis filius, XLIV. 5. 6.—consobrinae filius, XLIV. 6. 7.-[Filius occurs also LXX. 2 (cod. II), but probably wrongly for fiscus.] filtortus, feltortus, XLVII. rubr. (cf. also tab. rubr.); feltroctus, XCIX: K. 229. [de filtortis: de intertiatis rebus, Gl. Pith.] fimere, XXI. 1: K. 120. fimire, XXI. 1. 2: K. 120. firbanire, see ferbannire (K. 235). firilayso, XXV. 2: K. 132. firmamentum, a pile or prop of some kind (?), CVII. 1: cf. Kern, 293. firmare sacramentum, Pact. 5.—cartam

firmare, Extrav. B. 4.

ing, i. e. fisco addicere].

fiscare, confiscare, confescare, infiscare,

to distrain, seize by law, LI. I (cod. 10,

note). 2 (cod. 2 &c.). [The word does

not seem to have here the usual mean-

fiscus, XLIV. 10; LVI. 6; LX. 3;

LXII. 2; LXX. 1. 2 (cod. 11 has here filius, but evidently wrongly); LXXI. 1; LXXII. 1. 3; Pact. 11 (cod. 1 has fiscalinis).-fiscalis: fiscalis domus (?), Pact. 16. fistirbiero, XXXIV. 4: K. 180. fistuca, fistucum = festuca (q. v.). fitmiha chunna, II. 14: K. 29. fit terno sunde thue aptheo chunna, Ch. B. 11: K. 301. fit ternu sunde, Ch. B. 8: K. 301. fit tertius chunde, Ch. A. 6: K. 301. fit tertos chunde tue apta chunna, Ch. A. 9: K. 301. flagellare, XXXV. 4 (of cod. 10); Recap. B. 5.—flagellus (i. e. ictus flagelli), XII. 1. — ictus flagellorum, XXV. 8 (cod. 1); XL. 1. 11; Pact. 6.—flagitatus, wrongly for plagiatus, XXXIX. 2 (of cod. 4). flemere, XXI. 1. 2: K. 120. flumen, fluuius, XXI. 1; XXVII. 19. 20. — fluuius Caronna, i. e. Garonna, LXXVIII. 1. fluuuicus hus cornutu nechanna, VI. 1: K. 51. 52. focichalta, II. 7 (10): K. 17. focifale, II. 7 (6): K. 17. fodere, see effodere. foedus = faidus (q. v.).foemina, see femina. foenum, foenile, see fenum. forbannare, forbannire, see ferbannire (K. 235). fortuna, furtuna, property, possession, fortune, XLVI. 1 .- super fortuna sua ponere, se ponere, XLV. 2b; L. 3.fortunam suam alicui depotare, deputare, XLVI. 3.—fortunam suam dare, XLVI. 4. 5. 6.-manum in fortunam alicuius mittere, L. 3. fouea, a pit, XCVIII (in cod. 11; cod. 1 has uopida instead of fouea, on which see Kern, 212). fractura, see frangere. franchamo, XXXIX. 5 (6): K. 203. 67. Francus [cf. K. 299], XIV. 3; XXV. 5 (in codd. 5, 6, 10 & L. Em.; codd. 1 and 2 have ingenuus instead); XXXII. 3 (cod. 6 &c.). 4 (cod. 6 &c.); CII; Extrav. B. 5. 7; Prol. I. II; Epil. II; Sept. C. II. 6, VII. 6. 7; Sent. S. S. 2. 7.—homo francus, XXXVIII. 2 (cod. 6 &c.); Capit. III. VI; Extrav. B. 7; Sept. C. VI. 3.-homo ingenuus siue Francus, XL. 3ª (of cod. 10).—ingenuus homo Francus, XL. 8 (of cod. 10). - ingenuus Francus, XLI. 1; tab. rubr. (LXIX. of codd. H. B. G).—reges Francorum, Pact. 1 (cod. 3); Epil. I. II. - Franco-

rum gens, Prol. I. - maiores natus francorum palacii procerum, Pact. 1 (cod. 3). -Francus, Francus salecus, saligus, homo francus, XIV. 2 (in codd. 2, 5, 6, 10 & L. Em. evidently = Francus of § 3; codd 1, 3, 4, 7-9, B. G. H. have the synonymous terms: barbarus salicus, barbarus, homo barbarus). [At XXXV. 2 the Gl. Est. has: indicant Franci, qui 60 aut plus quam 40 den. ualent furatus fuerit, ut sit latro, qui uero minus, non sit.] frangere: tres fustes alninos, LX. 1.frangere, effringere, efringere, effrangere, infrangere, infringere: casam, XI. 3 .clauem, XI. 5.—ostia, XIV. 6 (cod. 6 &c.); Sent. S. S. 3.—screonam, XXI. 16 (of cod. 10); XXVII. 21. 22.—uillas, XLII. 4 (of cod. 10). — ortum aut nabinam, XCI.-fractura, effractura, efractura, infractura, XI. rubr., 3. 4 (codd. 5 & 6). 6 (codd. 5, 6, 10 & L. Em.); XII. rubr.; XXVII. 22b (of cod. 6 &c.). franne = chranna : K. 9. frasitho, frasito, frassitho, frastatitio, XXXVII. 3: K. 186. frasito, XXIX. 14 (6), frasitto, 13 (10): K. 166. frastathinto, XXXVII. 3 (10): K. 186. frater: fratris filia, XIII. 11 (cod. 6 &c.). -fratris uxor, XIII. 11 (cod. 6 &c.).frater matris, XLIV. 7 .- frater (mariti mortui), XLIV. 8. 9.—frater (homicidae sine facultate) LVIII. 3.—frater (hominis mortui), LIX. 2. 3; LXXII. 1; LXXVIII. 3. — fratris senioris filius, LXXII. 1.-fratres filiae ad maritum donatae, C.—fratres, brothers, i. e. sons (heirs) of a deceased, LIX. 5.—germani fratres, Pact. 16. freda, fredo, fredus, see fretus. fredolasio, XXV. 2: K. 132. freobleto, XVII. 4: K. 111. *freodo*, III. 1 : K. 31. freomosido, LV. 1; LXI. 2 (6): K. 245. 86. 90. freomundo, XIV. 10 (6): K. 90. 86. freth falto uuasbugo, XLI. 8: K. 209. 210. freto, IV. 4: K. 44. fretus, fritus, fredus, freda, fridus, fredo, properly pax, by extension the fine imposed for the breaking of the peace, X (XXXV. 7 cod. 1 &c.); XIII. 6 (cod. 2 has ereus; cod. 4 furban); XXIV. 5; L. 3 (cod. 3 has fletum); LIII. 2. 4. 6 (cod. 7 has fidrus). 6 (cod. 6 &c.); Pact. 121. 16; Capit. V. Cf. faidum; and Kern, 209. fretus chaeto, IV. 3: K. 44. fribasina, XXV. 2: K. 132.

fribastina, Extrav. A. 1: K. 294. fricho, III. 1: K. 31. frictebero, XXXIV. 4: K. 180. fridus, see fretus. frifastina, Extrav. A. I: K. 294. frifrasigena, Extrav. A. 1: K. 294. frilafina, XXV. 2: K. 132. frioblitto, XVII. 4: K. 111. *friocho*, III. 1 : K. 31. frio falchino, frio falcino, XXXIX. 2: K. 203. 67. friofald, friofalto, XLI. 8: K. 209. frio faltouo, XXXIX. 2: K. 203. 67. frio ferto, XLI. 8: K. 209. frio lasia, XXV. 2: K. 132. friomosido, XIV (cod. 7, XV. 5): K. 90. 86. friomurdum, XIV. 7 (of cod. 2): K. 90. fristatito, fristati-o, fristito, fristratrito, LXVI: K. 186; cf. Prol. IV. fritus, see *fretus*. fructus: ipsum fructum, probably for ipsum furtum, XXVII. 10b (codd. B. F). fugere, confugere: f. prae timore, XXX. 6 (of L. Em.).-f., conf. ad ecclesiam, Pact. 14. 15 .- fuga: per fugam euadere, XVII. 9.—fuga lapsus esse, XXX. 5 (of cod. 10); CVII. 2. - fugitiuus: seruus fugetiuus, Extrav. B. 12.-pedes fugitiuos recolligere, Sept. C. III. 7 .-fugiens, confugiens, Pact. 13. 14 .fugiens euadere, XI. 6. fune deura (or cleura), XXIX. 11 (8): K. 167. fumne chleura, XXIX. 11 (7): K. 167. fur, X. 2 (codd. 1, 5, 6); XLVII. 3 (cod. 10); Pact. 91. 13. furare, furari (seldom), II-VIII; X; XXI; XXII; XXVII; XXXIII; XXXIV; XXXVIII; XXXIX (LXV. 1 of cod. 7 &c.); LXVIII. rubr. Cf. XLVII. 1 (codd. 7, 8, B-H). furban, XIII. 5 (of cod. 5) = fretus of the other texts; cf. Kern, 235. furca, a gibbet, XLI (LXXIV of cod. 7 &c.); LXVII; LXVIII; CVII. 2. 3.—in other places of the Lex also called either barcus, bargus (q. v.), or palus (q. v.). furtiuare, XC (cf. ibid. the note). furtum, 1) theft, II-VIII. rubr.; XI. rubr.; XII. rubr., 2; XXII. rubr.; XXVII. rubr.; XXXIII; XXXIV; XXXVII. 1; XXXVIII. rubr.; XL. rubr., 1. 10 (of cod. 2); LXXVIII. 7; LXXXI. rubr.; Pact. 2-5. 16; Extrav. A. VI. 3.—2) stolen goods, XI. 5 (codd.

1 & 4, but cf. the other codd.), XXVII.

10b (codd. G. H; codd. B.F have fructum,

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perhaps wrongly for furtum, and ipsum furtum is perhaps wrongly for in furtum); XXXIV. 4; XXXVII. 3 (codd. B-H); Pact. 10 = furatae res, XLVII. rubr. (of L. Em.); Pact. 13.-in furtum, in furto, II. 3; IX. 2 (cod. 6 &c.); X. 3 (of codd. B-H); XI. 5; XIV. 7 & 8 (cod. 2 &c.); XXI. 2; XXVII. 5-7. 5 (of cod. 2 &c.). 10b. 12. 16; XXXIV.5 (of L. Em.); XXXV.6 (cod. 6 &c.); LV. 1; LXI. 2 (of codd. 5 & 6); Sept. C. IV. 3, V. 2; Recap. B. 2. = furti causa, or ad furtum faciendum, X. 4 (of codd. B. G. H). - per furtum, XI. 5 (of cod. 10 &c.).—in furtum, stealthily, secretly, XXVIII; Sept. C. IV. 6. furtuna, see fortuna. fustis, fustum, 1) a stick, cudgel: aliquem de fuste (fusto) percutere, XVII. 6 .fustis alninus, salicinus, LX. 1. - 2) timber, XXVII. 33 (cod. 6 &c.). galina, gallina, a hen, VII. 6 (cod. 5 &c.). -gallus, a cock, VII. 5 (cod. 5 &c.). gamallus, hamallus, amallatus, amallus, ammallus, rhamallus, XLVII. 4: K. 14. 232.—De andustrione (andrustione, antrussione) ghamalta (chamalta, gauialto, gamalta), CVI. rubr. (of cod. 11), 7: K. 288. [gamallus; amallus: id est debitor, Gl. Est.; qui suscipit causam ad mallandum in uicem alterius, Gl. Pith.] garafio, see graphio. gasacio, gasacchio, gasachius, gasacchius, gasacchus, iaiacius, gasacius, gasatius, gasatio, gasationus, gassachio, gassacio, gassaccionus (cassatius, cassaho, causatio), L. 2; LI. 1; LVII. 1 (codd. 7-9, B-H): K. 239. [gasacchionem: causator gasacchio, Gl. Thou]. gasferit, XXIX. 9: K. 170. gasfrit, XVII. 4: K. 110. gassaccionus, gassachio, gassacio, see gasacio. gaugecaldo, gaugechaldo, gaugie altho, XIII. 14 (of cod. 6 &c.): K. 84. geisofredo, XVII. 4: K. 110. genealogia paterna = generatio, Extrav. generare, 1) to beget, Capit. VI.-2) to cause, produce: gen. scandalum, LXXVIII. 2.—generatio: gen. paterna, materna; gen. patris, matris, LVIII. 3. 4; LIX. 4; LXII. 1; CI. genus: genus maternum, XLIV. 6 .-genus paternum, LIX. 4 (cod. 6 &c.).genitor, LXXVIII. 10. genicium, genitium, geniceum, LXXVI. II = gynaeceum, cf. Du Cange, i. v.

gree of kindred: sextum genuculum, XLIV. 9. 10. germanitas: germanitatis caritas, Pact. 16 .- germanus : germani fratres, Pact. 16.—germanus senior, Epil. I. II. gestabo, XXIII : K. 124. ghamalta, see gamallus and cf. Kern, 288. gladius, Recap. A. 20. glenare, glennare, to glean (Fr. glaner), LXXXVIII; cf. Diez, Wrtb. II. c. glaner. gracias, gratias agere, XLVI. 5. gradus, degree of relationship, XIII. 11 (cod. 6 &c.). grafio, graphio, garafio, grauio, grafionus, graffio, XXXII. 5 (cod. 6 &c.); XLV. 2b; L. 3.4; LI. rubr., 1 & 2 (cod. B has here grafiuio). 2 (cod. 2 &c.); LIII. 2. 4. 6. 6 (cod. 6 &c.); LIV. rubr., 1. 2. 4; LVI (LXVIII of codd. 2 & 10); LXXVIII. 7; XCII; Sept. C. VI. 6, VII. 4, VIII. 2; Recap. B. 30.—comes aut grafio, LXXII. 1; LXXIV. 1.-grafio loci, L. 3. [grafioni: idest comiti, Gl. Est.]; cf. Grimm, R. A. 752; Müllenhoff; Kern, Die Glossen in der Lex Salica (Haag, 1869), p. 18. granderba, LXIV. 3 (6): K. 264. grauidus, grauedus, grauis, pregnant: feminam, mulierem grauidam trabattere, occidere, XXIV. 3; Extrav. A. 5; Recap. B. 32. grex: grex porcorum, II. 14. - grex animalium, gregem regere, III. 4: cf. Kern, 38. 39.—grex admissarii, XXXVIII. 3. 4. grossitudo minimi digiti, XL. 4 (of cod. 10 &c.). grua, grugis, grus, griuus, a crane (Fr. grue, Ital. gru, grua), VII. 7 (cod. 5 guact (D. & Germ. wacht), = vigilia, Pact. 91 (cod. 2, written qua et). gueltrus = ueltrus (q, v.).Guidohaim, Prol. Ib, see uuidohaim. guuargare = uuargare (q. v.).habitare inter homines, XIV. 7 (of cod. 10 &c.); LV. 2. habundare, habundire, see abbundire. hacceptor, for acceptor = accipiter. hacesius, LXXII. 1: K. 270. hacfala, hac falla, VII. 8 (of codd. 9 & 8): K. 62. hacfamirem, XLVI. rubr.: K. 224. hachramire = achramire (q. v.).haeresis, heresis, heresa, heresy, Prol. I. halachacio, XXIX. 12 (9): K. 168. haldempa, XVI. 1: K. 100. 95 &c. hallus, XLI. 4. 4 (cod. 3 &c.): K. 205. [hallis: siccis ramis, Gl. Pith.] 617

geniculum, genucolum, genuculum, de-

hamallus (XLVII. 4) = gamallus: K. 232. hanziam, XXXVIII. I: K. 187. haper, V. 1: K. 46. harauuano, XVII. 12 (6): K. 114. 258. haroassina, XXXIII. 5 (6): K. 178. harouueno, LXI. rubr. (cod. 10): K. 258. hebrius, CVII. 1: K. 293. heneus, hineus = eneus (q. v.). herba, grass, herbage: herbam alterius pascere, Extrav. B. 9; cf. ibid. 11.herbae, a poisoned potion: herbas dare bibere, XIX. rubr., 1. 2. 3 (of cod. 7 &c.); Sept. C. VI. 2; Sept. S. S. 4. herbex = erpex (q. v.).herburgium, chereburgium, cheruioburgum, eborgium, ereburgium, erborgium, herborgium, herbugium, herebungium, hereburgium, recemburgium, LXIV. rubr., 1 & tab. rubr.: K. 261. heres, hæres, LX. 3 (L. Em.); Capit. III.—aliquem heredem appellare, XLVI. 3. 4. 6.—legitimi heredes, XIII. II (cod. 6 &c.).—hereditas, hæreditas, XLIV. 8. 9; LIX; LX. 1-3; LXXVIII. 1; Capit. III. V; Extrav. B. 7. 8. heresis = hæresis (q. v.). herpex = erpex (q. v.).hictus = ictus (q. v.).hidulgus, XIV (cod. 7, XVIII. 2): K. 251. Hildebertus, see Cheldebertus. Hilperichus, Hilpericus, LXXVIII. 1. himnes theca, II. 2: K. 14. 16. hineum, hinium, hinneum, see aeneum. hinnifiht, II. 2: K. 13-15. hischoto, IX. 5: K. 66. hischrabo, XXX. 7: K. 172. hisifreth, XVII. 4: K. 110. hismala, XXIV. 8 (6): K. 129. Hlotarius, Hlotharius, see Chlotarius. hoc est (id est), to introduce an explanation of a preceding word or phrase (for which sometimes we find quod est, cf. Tit. X), e. gr. II. 6 (of cod. 10 note). 6 (of codd. 7-9); III. 5; XXIV. 7 (cod. &c.); XXVII. 25; XXIX. 5. 6; XXXIV. 4; XXXV. 1; XXXIX. 2 (cod. 10 & L. Em.); XL. 5. 9. 10; XLVI. 6; LVIII. 4; LXIV. 1; LXX. 2b; LXII. 1. 2; LXXV.—hoc est, between the gloss and the amount of the fine, e. gr. XXII. 1. hoc her paande escrippas, XXVII. 24 : K. 151. hocticla, VII. 1: K. 56. 55. hoculus, for oculus (q. v.). hodocaime, hodochamne, Prol. I, see Bodocham.

hodogastis, Prol. I, see Bodogastis. holecardo, VIII. 1; holechartis, VIII. 4: homicida, humicida, homicidium, homicidia, XXXV. 1, 1) some wrong translation of a Frankish word or term; cf. Kern, 181.—2) a murderer, homicide, XXXV. 5; LXXIV. 1; Capit. VII. homicidium, humicidium, murder, XV; XXIV; XXXV; XLI; XLII; XLIII; LVIII. 6; LXII; LXXIV. 1. homo, homines, indefinite, XIV. 6 (6); XIX. rubr. (cod. 3); XXVIII. 1. 2; XXIX. 2; XXXVI; XXXIX. 4 (cod. 2 &c.); XLVII. rubr. (of L. Em.), 1; LV; LVIII; LIX. 1; LXI. 3; LXIV. 3 (cod. 6 &c.); LXVII; LXXIV; XCVI; XCVII; CII; Extrav. A. VI. 1; Extrav. B. 8. 12; Sept. C. I. 5, III. 7, IV. 1. 2. 6; Sent. S. S. 3; Recap. A. 20. 31; Recap. B. 9. 29. 31. 35; Recap. C. - discharging certain functions in some judicial process, XLVI. 1. 4. 6 (here cod. 2 has homnibus; 7 bonis hominis; 8, 9, F, G, H hominibus; 10 omnibus hominibus; 1 populo; 3, 4-6, B & L. Em. omnibus); L. 2. 3.—duo, tres, quatuor, quinque, plusquam septem homines, XLIII. 1. 2.—tres homines tres causas demandare debent, XLIV. 1; XLVI. 1.-homo ingenuus, see ingenuus. - homo Romanus, XIV. 2; XLI. 5; Recap. B. 11. 21. 26. 28.-Romanus homo possessor, XLI. 6.—homo francus, XXXVIII. 2 (cod. 6 &c.). 2 (of cod. 7 &c.); XL.8 (of cod. 10; cf. ingenuus); Capit. VI; Sept. C. VI. 3.—homo migrans, XIV. 4. 5; XLV; Extrav. B. 11; Sept. C. VI. 1. — homo uiuus (i. e. still living after having been hung), LXVIII; CVII. 2.—homo malus, LXXVIII. 7. 9. — mali homines, LXXVIII. 10. homo dormiens, XIV. 7 (cod. 2 &c.); XVI; LXI. 3 (of cod. 3); Sept. C. V 2.—homo mortuus, XIV. 8 (cod. 2 and the next §). 2 & 3 (XVIII of cod. 7 &c.); (occisus) LV; LXI. 2. 3; Sept. C. IV. 3, V. 1; Sent. S. S. 6.—homo innocens, absens, XVIII.-homo moriens, XLIV. 1; LIX. 1.—homo mi[ni]sterialis, de ministerio, Recap. B. 13. 17. -homo tributarius, Recap. B. 16. 20.homo artifex, Recap. B. 23. 24. honema, XIII. 9: K. 80. honocolatus = anniculatus = anniculus (q. v.), II. 4. honomo, XIII. 9: K. 80. horhut, VII. 1: K. 56. horogauo, X (cod. 4. XXXV. 4): K. 69.

horogaut orogania, X. 7 (6): K. 69. hortifuda, VII. 7 (8): K. 55. horto pondo, XXVII. 9 (6): K. 142. 55. hortus (frequently ortus), VII. 12 (cod. 5 &c.); XXVII. 6. 9 (cod. 6 &c.). 11 (cod. 6 &c.); XCI. hospes: hospites tres uel amplius colligere, XLVI. 2. 5 .- hospitium, hospitalitatem, hospitalem, hospitale dare, XIV. 7 (of cod. 10 &c.); LV. 2; LVI. 6 (here codd. 3-9, 10, B-H & L. Em. have hospitem, hospitalitatem, hospitium colligere, ad hosp. recipere, in hosp. coll.); LXX. 2; CVI. 9 (here codd. I, II have hospitales, hospitalem colligere). hostare, see ostare. hostis, ostis, an army, XXVI. 1 (codd. 5-9, B-H & L. Em.); XXX. 6 (of L. Em.); LXIII; CII; Sept. C. VIII. 1; Recap. A. 22. 27. 28; Recap. B. 24. hranne = chrannae: K. 9. huc chram mito, L. I (cod. 2): K. 237. 184. 118. huicthe sonistha, XXXVIII. 3: K. 190. 28. hu micida, humicidium, see hom-. humnisfith, LXIV. 1: K. 262. hunuane, VI. 2 (6): K. 53. huutchardo, XXIV (cod. 9. XXXIV. 1): hymnis sith, VII. 2: K. 57. 60. hymnis thetica, II. 2: K. 14. 16. iactare, iectare: aratrum de campo alieno iactare, XXVII. 18 (cod. 6 &c.).scutum iactare, XXX. 6.—hominem in puteum iactare, XLI. 9; XCIX; Recap. A. 31; Recap. C .- iactare aliquem de uilla, XLV. 2b (codd. 5 & 6).-fistucam (fortunam) in laisum alicuius iactare, XLVI, pass.—terram trans suas scapulas iactare, LVIII. 2.—terram super aliquem iactare, LVIII. 3.-chrenecruda super aliquemiactare, LVIII. 5.—fustes alninos in mallo iactare, LX. 1.-lapidem super domum alienam (tectum) iactare, XCVII. iactiuus, iachtiuus, iectiuus, iectatus, adiactiuus, adiacthiuus, abiectiuus, adiahctiuus, adiachtiuus, adlectiuus, adiachtitus (a supposed reading for cod. 10 in L. 3), L. 3; LI. 1; Sept. C. VI. 6 = mallatus, admallatus, i. e. an adversary summoned by a plaintiff before a court of justice. Cf. Du Cange, i. v. abjectire. Cf. iectus. iactus, for ictus (q. v.). iaiacius, see gasacio. iberus, CVII. I: K. 293. ibidem bruche, XX. 4 (10): K. 119. ictus, 1) a stroke: (120) ictus flagelli, XII. 1; XXV. 8. 9 (L. Em.); XL. 1.

3. 4°. (240 ictus) II; Pact. 6.—2) a blow, stab, thrust, XVII. I (L. Em.). 6. 8; XXIX. 6. [The forms iectus, hictus, iactus, even stus (cod. 2, XVII. 6, 8) are found].

id est, see hoc est.

idoneus, idonius, edoneus, edonius: tres testes idonei, XXXIX. 3 (cod. 2 &c.).—rachineburgi idonei, L. 3. — idoneum sacramentum, CII. 2 (cod. 11).—se idoneum esse cognoscere, CVI. 3. 6.—cum duodecim uiros idoneos iurare, CVI. 7.—idoniter negotiare, XLVII. 2.—idoneare se, Extrav. B. 2. —idoniare (edeniare, aedomare) se per sacramentum, LXXIV. 3.

idulgus, LV. 4: K. 251.

iectare = iactare (q. v.).

iectus, 1) a fine, mulct, imposed on one who neglects to appear in justice when summoned, Extrav. B. 1; cf. ibid. 6 and tit. LXXVIII. 7 (note m). Cf. iactiuus; Sohm, R. u. Ger. 169.—2) = ictus (q. v.). Iesus Christus, Prol. I.

ignis: (ad) ignem tradere, XIX. I (cod. 2).

—igne comburere, cremare, CIII; Prol.

I; Recap. B. 33.—ignem calefacere,
CVI. 6. For igneum, CVI. 7, we must
probably read ineum; and again, Pact.
4, cod. I alone has: manum ad ignem
incendere.

ignorantia: per ignorantiam pignorare, LXXV.

ildebertus, Prol. P., see Cheldebertus.

imbulare, see inuolare.

imnis fit, II. 2: K. 13-15.

imperator, Capit. VII, XII.

impingere, inpingere, to drive, dash against, thrust, push, XXXI. 1. 2; XLI. 9. 10 (of cod. 6 &c.); XCVIII (cod. 11); Sept. C. V. 7; Recap. A. 14. 19; Recap. B. 13. 16. 21. 28.

implere, XL. 8 (cod. 10). 9; XLIV. 3; XLV. 2^b; L. 2; LVI. 3. 5; LVIII. 1; CVI. 9.—adimplere legem, XXXVI (codd. 5-L. Em.); L. 3 (codd. B-H & L. Em.); LVI. 3.—adimplere quod iudicatum fuit, LVI. 1. Cf. complere.

implicare se, Capit. VI.—implicari, inplicari in seruitio, XIII. 9.

impotare, see putare.

impotus, inpotus, impodus, a shoot, slip, graft, XXVII. 8 (cod. 5 &c.); Cf. Kern, 141 [inpotus: idest poma, Gl. Est.; fructus poestin, Gl. Pith.].

improperare, to reproach, upbraid anyone with, XXX. 6; cf. putare and Diez, Wrtb. I. improverare.

imputare, inputare, see putare.

2 A

inalouieridario, XXXIX. 1b (cod. 8. LXV): K. 200. 201.

inanbina a[n]bilica, XVII. 3: K. 1094 incendere, XVI. 1-4. 5 (here cod. 2 has inciderit); XXVII. 15 (cod. 2 has inciderit); XXII. 3 (of codd. 7-9, B-H & L. Em.). 5 (of L. Em.). 7 (of cod. 10, note); LV. 7 (cod. 5 &c.); Sept. C. VI. 5; Sent. S.S. I.—manum incendere, Pact. 4.5 (rubr. of cod. 2).—incendium, XVI. rubr., 1.

inchabina, XXIX. 13 (6): K. 165. inchauina, XXIX. 13 (8): K. 169. 165. inchlauina, XXIX. 13 (7): K. 169. 165. incidere, XXIX. 6.8. It occurs in cod. 2 wrongly for incendere (q. v.).

inclanina, XXIX. 16 (10): K. 169. 165. inclaudere, includere, see claudere. inclauina, XXIX. 13 (9): K. 169. 165. inclinari in seruitium, XIII. 11 (of cod. 10).

incrinitus puer, XXIV. 1 (L. Em.); Recap. A. 32.

incrocare, to hang up, fasten by a hook, to hook up, LXVII. Cf. Diez, Wrtb. II. c. croc.

inculpare, XL. rubr., 1. 5. 5 (of cod. 7 &c.). 11; XLII. 3; XLIII. 2; XLVIII. 2; XCIII; XCIV; Pact. 4. 5. 8. 10. 11. indicare, LVI. 2 & 3 (cod. 10), probably for iudicare.

indicere: indicere mallum, XLIV. 1; XLVI. 1.4.

in elechano, XXIX. 7 (10): K. 162.

ineum = aeneum (q. v.). [de ineo: de caldario, Gl. Pith.; ad ineum: idest iudicium. idest ut manum mittat in iudicium, Gl. Est.; id est ad iudicium, Gl. Pith.]. infamia, XIII. II (cod. 6 &c.).

infans, a child, infant, XIX. 4 (cod. 5 &c.); XXIV. 6. 7. 8 (of cod. 5 &c.); LXIX. rubr.; LXXII. 1; LXXVI. 8; LXXVIII. 4; Sept. C. VII. 3, VIII. 3.

—infans in utero matris aut ante quod nomen habeat (infra IX noctibus), XXIV. 4; Sept. C. V. 3; cf. Kern, 127.—infans infra XII annos, Capit. V. infestor = infertor, qui dapes infert, da-

pifer, X. 6 (of cod. 10).

infirmitas, XCVI.

infiscare, see fiscare. infractura, infrangere, infringere, see

frangere.
ingenium malum, XXXIV. 4.

ingenuus: homo ingenuus (very often simply ingenuus, and sometimes simply homo), X. 2. 5 (cod. 6 &c.); XIV. 1. 5 (of cod. 7, XV); XV (cod. 1 only); XVI. 1; XVII. 3. 5. 6; XX; XXV. 3. 4. 5; XXVI; XXVIII. 3; XXIX.

9; XXX. 5 (of cod. 10); XXXI. 1 (codd. 7-9, B-H; codd. t & 2 have baro ingenuus); XXXII; XXXV. 2-4. 5; XXXIX. 2. 5 (cod. 6 &c.); XL. 1. 3. 5. 9. 10. 3 (of cod. 10). 10 (of cod. 2); XLI; XLII. 1-3; L; LIV. 3; LXIII; LXXVIII. 5. 7; LXXXVI; XCVII; XCVIII; CI; CIII; CIV. 3 (of cod. 11); Pact. 2. 4. 8; Capit. III. VII; Sept. C. V. 4. 6, VIII. 1; Recap. A. 26. 28.—furtum, effractura, raptus (uiolentia), expoliatio, committed by an ingenuus, XI; XIII; XVII; XXII; XXXV; Pact. 4.—seruum, letum ingenuum dimittere, to manumit a slave, letus, in the form by which he becomes an ingenuus, X. 3 (of cod. 5 &c.); XXVI; Capit. II; Sept. C. V. 4. ingenuus uadere, Extrav. B. 1.-baro ingenuus, XXXI. 1.-ingenuus Romanus, XXXIX. 6 (of cod. 2); LXXIX. 2.-ingenuus homo Francus, XL. 8 (of cod. 10). - ingenuus Francus, XLI. 1 (not all texts are clear).—ingenua persona, Pact. 2.—ingenua puella, XIII: XXIV. 6 (cod. 2 &c.). 8 (cod. 6 &c.); XXV. 1. 2; Sept. C. VI. 4.—ingenua mulier (sometimes simply ingenua, XXV. 6; XCII; sometimes simply mulier), XIII; XX; XXX. 3; XXXI. 2; XLI. 3; LXIV. 2; LXXVI. 3-6. — ingenua femina, XIII. 7; XX; XXIV. 2 (of cod. 2). 3. 6. 7; XXXI. 2; CV; Capit. III. VI; Sept. C. VII. 3, VIII. 3.—ingenuus puer, XXIV. 1. 5 (cod. 2 &c.).—ingenuitatem perdere, XIII. 8.—carta ingenuitatis, Capit. II. ingismus, II. 4: K. 13.

ingismus sui anni, II. 5: K. 13. 20. ingismus taxaga, II. 7: K. 13. 21.

ingzimus, IV. 2: K. 43. 13.

inhumare, to bury in the ground, tab. rubr. XIX (of codd. H. B. G).

inimicicia, inimicitia, IX. 7 (codd. 7-9, B. G. H). 8 (cod. 2 &c.); XXXVIII. 13 (cod. 6 &c.).—inimicus, XLI. 8. 2 (of cod. 7, LXXIV, &c.); Sept. C. V. 6.

inire: iumentum, to cover, to line, XXXVIII. 15 (of cod. 10).

initium: aut initium, LXXVIII. 6, probably for ut mitium; on the latter word cf. Kern. 200.

inium, see aeneum.

iniuste, LI. rubr., 1. 2 (cod. 2 &c.);
Pact. 7; Capit. II. IV. V; Sept. C.
VI 6

inlesus: ducere aliquem inlesum in anthmallo suo, Extrav. B. 2. inmanitas, Pact. 1.

inmetus, a shoot, slip, graft: inmetus de pomario aut de perario derumpere, XXVII. 8 (of cod. 6); Cf. Kern, 141.

innocens, CVI. 6.—innocens homo, XVIII; cf. Kern, 115, col. 485.

innotescere, to make known, show, IX. 2; Sept. C. II. 1.

inripare, to reap, XXVII. 6 (of cod. 6); cf. Kern, 140.

insania, Pact. 1.

inserere: a) arbor in agro alieno inserta, XXVII. 15 (cod. 6 &c.).—b) reliquiae: basilica ubi reliquie sunt insertas, LV. 7 (cod. 5; cod. 6 has bas. ubi requiescunt insertas, probably for bas. ubi reliquie sunt insertae).

instemare, see aestimare.

instringere = stringere (q. v.).

intelligere: intelligere de lege, XXXV. 5.—int. per legem (secundum legem) se defendere, XXXVI (cf. the reading of cod. 10).

intendere (to fix, appoint) placitum, LXXVIII. 7.

interanea = intrania (q. v.).

intercedere: intercedens conludium, Pact. 9. 121.

intercipere (to kill, murder) hominem, XXXVIII. 2 (of cod. 10).

interdictum, intradictum, 1) opposition, protest, XLV. 2.—2) interdiction, inhibition, Pact. 1.—interdictor, one who opposes, a protestor, XLV. 2 = contradictor (q. v.).

interesse, to take part in an action or law-suit, XLVII. I (in cod. I alone; the other codd. have quanti (quanticunque) fuerint.

interficere, XXIV. 2 (of cod. 2). 6 (of codd. 5 & 6); XXVIII. 1; XLI. 6 (of codd. 7 &c.). 8. rubr. (of codd. 8 & 9); XLII. 1b (of codd. 2; codd. 7-9, B-H have here interfector); XLII. 4; XLIII. 1. 3; LV (cod. 7, LXXVII. 1 &c. &c.); LXXIV. 1; LXXVIII. 9; XCVIII; CIII.

 interpellare, Capit. IX.—aliquem de furto interpellare, XL. rubr., 1 (of L. Em.).—interpellare aliquem de hereditate paterna uel materna, Capit. V.

interranea = intrania (q. v.).

interrogare: si interrogatus confessus fuerit, LXV. I.—interrogatio (examination) domni imperatoris, Capit. VII.

intertiare, interciare, to put into a third (party's hand) = mittere (ponere) in tertia manu, XLVII. rubr. & § I (of L. Em.); XCIX.—res intertiata, XLVII. I (cod. 10 & L. Em.). 4; XCIX. Cf. Diez, Wrtb. II. c. entercier.

intimare, intemare (corrupt indomare), to order, intimate: sicut superius diximus intemamus &c., VI. 2 (cod. 2 &c.).
—causa superius intimata, VII. 2 (cod. 4); XIII. 5 (of codd. 5 & 6); XVII. 2; XXXVIII. 4.

intomare, see aestimare.

intrania, interranea, intranea, interanea, the entrails, XVII. 4; cf. Diez, Wrtb. II. c. entrailles.

intrare, introire, XXVII. 7. 20 (of cod. 10); LVIII. 2; Extrav. B. 10.—uulnus intrat, XVII. 4.

inuadere res in uilla, XLII. 5; cf. Kern, 218.—uillam inuadere, Sept. C. IV. 4. —inuasor, Capit. IX.

inuictu stricto, inuitu stricto, inuitus tritto, Extrav. A. III: K. 295.

inuitare: grafionem ad casam debitoris, L. 4; LVI (cod. 2, LVIII & L. Em.); LXXVIII. 7.—inuitare grafionem ad res alienas tollendas, LI. 1. 2; Sept. C. VI. 6.—inuitare parentes (that they may receive the achasius), LXXII. 2.

inuitus: ancillam inuitam trahere, XXV.

inuolare, inuiolare, II. 14 (cod. 3). 15. 16; III. 7; VII. 11 & 12 (cod. 5 &c.); X. 4 (of cod. 7 &c.); XII. 2 (cod. 2); XXVII. 2. 3 (VIII of cod. 7). 4 (VIII of cod. 9). 13 (of cod. 10); XXXIII. 3. 5 (of cod. 10); XXXIV. 1; XXXVIII. 1. 3. 5; LXXXI. 3; LXXXIV; Pact. 6; Sept. C. VI. 3.—embolare, LXXXI. 1.—imbulare, II. 7. 9. 15. 16; V. 2; VI. 1; XXVII. 3. [The latter word is found in cod. 1 only]. Cf. Diez, Wrtb. II. c. embler.

insimis, IV. 2: K. 43. 13.
inzimis suiani, II. 5: K. 13. 20.
inzimus, IV. 2: K. 43. 13.
insimus sinani, II. 5: K. 13. 20.
inzymis, in Zymis, IV. 2: K. 43. 13.
in Zymis ethatia, II. 4: K. 13. 17. 19.
in Zymis exaehalt, II. 7: K. 13. 21.
insymis natariæ, II. 4: K. 13. 17. 19.
inzymis pondero mala, III. 2: K. 13. 30.
31. 34. 193.

inzymis senio, II. 5: K. 13. 20. in Zymissoagni, II. 5: K. 13. 20. inzymis texaca, II. 7; III. 13 (6): K. 13. 21. inzymus, II. 2. 4. 15: K. 13. ira: ad ira, per iram; iracundia: per

iracundiam, LXI. 1.
ischrabo, iscrabo, XXX. 7: K. 172.
iscreona = screona (q. v.).

iscreona = screona (q. v.).iscrofa = scroba (q. v.).

ismala texaca, X. 8 (10); ismala texacha, X. 6 (6): K. 72. 21. 78. ispalmitare, see palmitare.

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isparuarius, isperuarius = speruarius (q. v.).

ispicarium = spicarium (q. v.).

isponsa = sponsa (q. v.).istrator = strator (q. v.).

ite[m]bracti, XX. 4 (7, 9): K. 119.

iter: iter agere, XLIII. 3.—aliquem in itinere adsallire, CV.

iubere, VII. 3 (VIII of cod. 10 &c.); Pact. 16. 18.

iudex, XIV. 7 (of cod. 10 & L. Em.); XLI. 1 & 2 (of cod. 7 &c. LXXIV); L. 2 (of L. Em.); LV (codd. B-H, XVII); LXVII; LXXV; CVI. 1; CVII. 3; Pact. 3. 12¹. 13 (cod. 2). 16. 17. 18; Prol. I.—iudex, hoc est comis aut grafio, LXXII. 1; LXXIV. 1. 2.

iudicare: culpabilis iudicetur, a formula everywhere used in the Lex in connexion with the fines.—causa quae poterat xxxv sol. culpabilem iudicare, LIII. 3.—quod iudicatum fuit adimplere, LVI. 1.—secundum legem iudicare, LVII. 3.—legem, contra legem iudicare, LVII. 4 (cod. 6 &c.). Cf. LVI. 2. 3; LXXIII. 1; CVI. 5; Capit. II.

iudicium, II. 9 (of cod. 7 &c.); III. 5 (of cod. 7 &c.). 12 (of L. Em.).—decretum iudicium, LVI. sec. section (of L. Em.); Prol. I. II.

iumentum, iumenta (XXXVIII. 9, cod. 6), adiumentum (for aut iumentum, in cod. 5), IX. 2 (cod. 5 &c.); X. 1; XXXVIII. 3 (of codd. B-H). 10 (of cod. 5 &c.). 6 (cod. 3 &c.). 11 (cod. 6 &c.). 15 (of cod. 10 &c.). 13 (cod. 6 &c.); XLVII. 1; Recap. B. 3.

iungere: taurus numquam iunctus, III. 4 (cod. 10 has uinctus). 13 (of cod. 10).—aliquam nuptiis sibi iungere, XIII. 11 (of cod. 6 &c.).—se publice cum ancilla iungere, XXV. 2 (of cod. 3). 5.

iuramentum: iuramento se de hereditate et tota ratione tollere, LX. I (some texts read se de iuramento et de hereditate uel de tota ratione tollere.—cum VI iuramento (affirmare), LXXVIII. 5.

iurare, XLVIII. 3 (cod. 3); LVI. 2. 3.4; LXXIV. 2. 3; iurare cum vI uideredum, LXXVIII. 7 (cf. note f ibid.); XCIX; CII; Extrav. B. 10; Recap. C.—cum XII iurare, XXX. 9 (of L. Em.).—ut nouem testes iurent, XXXIX. 3 (of cod. 2 &c.).—super aliquem iurare, XLVII. 3.—falsum testimonium iurare, XLVIII. 1 (cod. 2).—tres, nouem testimonia iurare, iurati dicant, LVI. 4; CVI. 8.—iurare super nispatio (?), CII. 2 (of cod. 11).—sibi sextus iurare, CVI. 2 (cod. 1).—sibi sextus uideredum iurare,

CVI. 2.—sibi nonus iurare, cum nono vuedredo iurare; sibi nonus uideredum iurare, CVI. 5.—cum XII uiros idoneos iurare, CVI. 6 .- testimonium contra aliquem iurare, CVI. 11.-iuratus in truste dominica, XLII. 2 (of codd. 5, 6 & 10) .- (tres, XII testes) iurati dicere, XLVI. 4. 5. 6; XLIX. 1. 3; LVI. 2; CVI. 7.—12 (13) sacramentales iurati, Extrav. B. 3.-49 iurati, Extrav. B. 4.coniurare, to swear together, to unite together under an oath, LVI. 4 (L. Em. only and not in all the MSS.).-coniuratores, persons who swear together, unite together under an oath, compurgators, XLVIII. 2 (cod. 10 & L. Em.). -periurare, to forswear, XLVIII. 2. 2 (cod. 7 &c., LXXXII). I (cod. 7 &c., LXXXIII); XCIII .- periurus, periurium, perjury, XLVIII. rubr. (of cod. 8, LXXXIII). 3 (of cod. 10 & L. Em., cod. V).

iuratores, XXXIX. 2; XLVIII. 2.cum XII iuratoribus se educere, LX (cod. 10, third sect.).—quinos dinos iuratores donare, LXXIV. 2 .-- tres iuratores, XCIX. - XII iuratores, CII; Pact. 2; Extrav. B. 5.—tres seniores iuratores, CII.—sex iuratores, Pact. 8. iuratores 25, XIV. 2 (of cod. 2); XLII. 5.—iuratores 20, XIV. 3 (of cod. 2); XVI. 3 (of cod. 2).—iuratores donare, LIII. 1. 3. 5.—iuratores 12 donare, LVIII. 1.

ius sit alicui, LXXVIII. 7 (cf. note f ibid.).—iure, CVI. I (cod. II; cf. Kern, 290).—iure inputare (?), XLVIII. 2 (of cod. 7, LXXXII).

iussio regis, I. 4 (cod. 4, note of cod. 10 and L. Em.).

iustitia, Prol. I.—cum lege et iustitia (debitum) exigere, L. 4.-contra legem iustitia destruere, extrudere, LXXVIII. 7.

iustus: iusta supplicia, XL. 6.-testes iusti, iuste (perhaps for iurati), XLVI. 5.—iustum praetium, L. 3.—debitum iustum, LI. 2.

kella for skella, see schilla.

labor, 1) field-, garden-labour, XXVII. 20 (of L. Em.).-2) cultivated land or gardens, IX. 6 (of cod. 10). 8 (cod. 2 &c.); XXXIV. 1.—laborare, elaborare, to work, cultivate, XLV. 2b.

lacina, lacinia, XIV. 4; lacina, lazyna, XXII. 3 (of cod. 6 &c.); lacina, laicina, lazina, latiniae, alacinia, latina, &c., XXXI. rubr., 1. 2. 3 (cod. 6 &c.); Sept. C. I. 5: K. 7. 87. 88. 122. 173. See

laclabina, XXIX. 17 (6): K. 169. 165. lactans: porcellus lactans, II. I (codd. 2 & 9 have wrongly lactens); LXXXI. 4; Recap. B. 6.—uetellus lactans, III. 1. –agnus lactans, IV. 1.

laedere, ledere, IX. 1; XXXVI. rubr. (of cod. 10).

laetus, see leto.

laeuespire, leuerpire (read laeswerpire): l. causam alicui, LXXVII. On the word cf. Kern, 275.

laisus, lesus, lesus, lesius, læsus, laisa, laeisus, lisus, laisius, leisus, lausus, XLVI. 1-6: K. 225. [in laisum: in sinum, Gl. Pith.].

lamilam, IV. 2: K. 42. 43. lammi, IV. 1: K. 42. lamp, V. 1: K. 47.

la[m]phebros, V. 1: K. 46.

la[m | phebrus mala, V. I: K. 46.

lampicii, LVI: K. 254.

lampse, IV. 2. 3: K. 42. 43.

lap, IV. 1: K. 42.

lapes: lapidem mittere aut iactare, XCVII.

lapsus: fuga lapsus esse, XXX. 6; CVII. 2.

laqueus, a snare, toil, net, VII. 8 (of cod.

lasina, lasinia, lazina (in some compounds): K. 133.

lassare, adlassare, alassare, to tire, worry, XXXIII. 5 (5).—lassus, ibid.

latina, see lacina.

latro, XLVII. 3; Pact. 2. 3. 7. 9. 10. 13. 14. 16. 17.—latrocinius, latrocinium, latronicium, XLVII. 3; Pact. 1.

latus: de latus curte, by the side of, outside, VII. 11 (cod. 5 &c.).

lauaue, LV. 3 (cod. 5): K. 249.

laudis, see leodis.

lausmata, V. I: K. 45.

lausus = laisus (q. v.).

lauxmada, V. 1: K. 45.

-lazina, XXXIX. 1 : K. 199. 133. lebus = lepus (q. v.).

leciim musdo, see leto.

lectus, perhaps for iectus (q. v.), LXXVIII. 7 (cf. ibid., note m).

lectus, a bed, LXXII. 2 .- lectaria, lectarium (which according to some means a bed-stead; according to others, a coverlet), 1) a part of the achasius, LXXII. 2. 2) a part of the property which the relatives of the deceased wife had to leave to the husband, LXXIII. 2. Cf. Du Cange, i. v. lectarium.

ledara, leodara, leodardae, leodarde, leodarde, leodardi, leodardo, leodasdi, leosdasdi, leudardi, leudardo

[according to K. 49. 94 = M. L. G. luidweerde; O. Fris. liudwerdene, liodwerdene, liudwed, wetma, urjeld, jeld; Rip. Frank. cinewerdunia, cinewerduria, practically meaning] an indemnity, satisfaction, amends, always of 600 denarii or (as in the Lex Salica) xv solidi. Forms: a) ledard, IX. I.-b) leodard, IX. 3; XI. 1 (cf. also K. 75); XXVII. 6 (of cod. 6; cf. also K. 94); leodard chessrido, XVII. 5 (for chesfrido cf. K. 110).—e) leodardae, VIII. 3 (cf. K. 64). —d) leodarde, VII. 13 (of cod. 6; cf. K. 53).—e) leodarde, XXVII. 12. 10 (of cod. 6) .- f) leodardi, VI. I. 2 (cf. also K. 53); VIII. I (here corrupt for beochardis; cf. K. 63). 3 (cf. K. 64). 4 (cf. K. 64); IX. 1. 3. 4 (cf. K. 65). 8 (cod. 2; cf. K. 65); XI. 1 (cf. K. 75); XVI. (cod. 9. XIX. 2, here wrongly for leodi, the weregild; cf. K. 101); XVII. 5; XXIII (cf. K. 124); XXVII. 1. 2. 3. 6-9, 10b. 11-13. 15. 17. 22. 23. 5 (of cod. 2); XXXIV. I. 2. (cf. K. 179). 3; XXXVIII. 8 & 3 (cod. 9 LXIII; here out of place; cf. K. 198); XLI. I (here wrongly for leode, the weregild, see K. 204); LXIII. 1 (here used synonymously with leude, the weregild; cf. K. 260).—g) leodardii, XVI. (cod. 7. XIX. 2; here wrongly for leodi, the weregild, cf. K. 101).-h) leodardo, XXIII (cf. K. 123); XXXVIII. 8 & 3 (cod. 7. LXIII; here out of place, cf. K. 198).—1) leodasdi, VI. 1.—k) leosdasdi, VI. 2 (cf. K. 53).—I) leudardi, VI. 1; IX. 1. 3.8 (cod. 8; cf. K. 65); X. 3 (cod. 10; cf. K. 68); XI. 1; cf. K. 75); XV; XX. 1; XXIII (cf. K. 124); XXVII. 1-3. 6. 8. 9. 10b. 11- 13. 15. 16. 22. 23. 5 (10). 21 (10). 23 (10); XXX. 7; XXXIII. 1; XXXIV. 1. 2 (cf. K. 179); XXXVIII. 17 (cod. 10; but here out of place, cf. K. 198); LXV. 1; leudardi trespellia, LXIII. 1. 2 (for trespellia cf. K. 260. 40).—m) leudardo, VI. 2 (cf. K. 53); XXVII. 3.

lede, lead, leud, leudo [according to K. 101 a common contraction for leudardi, for which see his § 49, but occasionally appearing by mistake for leodi, the weregild; cf. K. 204]. Forms: a) lede, XLI. I (here a mistake for lede = leode; cf. K. 204).—b) leod, XXVII. 1. 3. 8. 9. 10b. 11-13. 15. 16. 18. 22. 23. 8 (of cod. 6); XXX. 7; XXXIV. 1. 2. 3; XXXVIII. 8 (cod. 8; cf. K. 198); XLI. 1 (cf. K. 204). 4 (cod. 6; here a mistake for leodi; cf. K. 207); leod thelazina, XXXIX. I (for thelazina cf.

K. 199. 133. 67. 73).—e) leud, XVI (cod. 8. XIX. 2); XXVII. (cod. 8. XXXVIII. 1). 6. 7. 8. 12. 22. 23; XXXVIII (cod. 8. LXIII. 3; but here misplaced, cf. K. 198).—d) leudo, XXIII (cf. K. 124).

ledere, see laedere. ledi, see leode. ledus, see leto.

legadarius regis, Sept. C. VIII. 6.

legamen, legare, see ligamen. Legeris, the Loire, see Ligeris.

legitimus, legitimus: legitimi heredes, XIII. 11 (cod. 6 &c.).—legitimus dominus, XXVI. 1b.—mallus legitimus (publicus), XLVI. 3. 6.—debitum legitimum, L. 2. — placitum legitimum (legitime factum), L. 3.—auctor legitimus, Pact. 11. — legitimi testes, Extrav. B. 1.—legitime (legitimi), XXVI. 1b.—legitime accipere, XLIV. 3 (cod. 10 &c.).—legitime adpraetiare, L. 1 (of codd. B-H).—legitime admallare, iactiuum, per, secundum legem mallatum, admallatum habere, L. 3; LI. 1; Sept. C. VI. 6.—legitime componere, reddere, debere, LIII. 1b.

leisus = laisus (q. v.). lem, IV. 1: K. 42.

lenticularia, lenticlaria, linticlaria, lenticolaria, lentiliaria, lentiaria, lenticula, lenticalaria, a lentil-field, XXVII. 8 (of cod. 10). 7.

leod, see lede.

leodara, leodardae, leodarde, leodarde, leodardi, leodardii, leodardo, leodasdii, see ledara.

leode, ledi, leodem, leodi, leodo, leoti, leude, leudi, leuti [A. S. leod, Latinized leudis], weregild; on the term cf. Kern, 97. 101 (& 49). Forms: a) leode, XXIV. 1 (2). 2 (2). 3 (2: in this § wrongly, according to K. 127, for leodinia, q. v.); XXVII. 6; leode seolande fadisco landefa, XVI. 1 (for s. f. l. cf. also K. 95 sqq.).—b) ledi, XXIV (cod. 7. XXXII. 2). [On this form cf. Kern, 129.]e) leodem, XLI. 3 (cf. K. 207) .- d) leodi, XLI. 1 (cf. K. 204). 3. 3 (of codd. 6. 7; cf. K. 207). 4. 6. 7 (cf. K. 207. 204. 208); leodi selane effa, XVI. I (for s. e. cf. K. 97).—e) leodo samitem, LIV. I (for samitem cf. K. 244). - 1) leoti, XLI. 6 (of cod. 7) .-- (c) leude, XLI. 3; LXIII. I (cf. K. 260); leude sacce muther, LIV. 2 (for sacce muther cf. K. 244).—h) leudi, XVI (§ 3 of cod. 10. XIX). 9 (cod. 10); XIX. 1 (cf. K. 117); XLI. 1 (cf. K. 204). 3. 6 (cod. 10).-1) leuti, XLI. 6 (cod. 9). See also leodis, where the forms are given which occur in the text of the Lex. leodeba, XVI. 3. 4: K. 102. 95 &c. leodecal [a compound, either of leodi, weereild and call a challenge or of

weregild, and cal, a challenge, or of leode, men, and tal, number], XVI. 3 (2): K. 105.

leodem, see leode.

leodeua, XVI. 3: K. 102. 95 &c.

leodi, see leode.

leodinia, leodinia, leudinia, XXIV. 3. 6. 7: K. 127. 126; on the forms in cod. 10 cf. K. 130.

leodis, leudis, laudis, weregild, XVI. 1; XXXV. 5 [hoc (leudem): leudum conpositio siue widrigilt, Gl. Lind.; leudus eius iacet finitus id est weregildus, Gl. Helmst.]; XXXVI; XLI. 12 (of cod. 10 &c.). 16 (of cod. 10 &c.); LIII. 4-6. 6 (cod. 6 &c.); CI; CVI. 6. 7; Capit. VII. Cf. leode.

leodes, leodis, men, people, homines, LXXVIII. 2. 3; cf. Kern, 126.

leodo, see leode.

leodosanii, XXIV. 2 (2): K. 126. 125. leosdasdi, see ledard.

leosdeba, XVI. 4: K. 102. 95 &c.

leoti, see leode.

leotos musdo, see leto.

leporarius ueltris, VI. 2 (of L. Em.). lepus, lebus, lepra, lepris, a term of abuse, XXX. 4. 5; Recap. B. 9.

lerechala, lescalti, II. 1: K. 8. 10.

lesius, lesus, lesus = laisus (q. v.). leto, letu, litu, corrupted lexim and Latinized litus, ledus, letus, laetus, lidus, litis [= O. Fris. letma], a litus, letus, serf, XIII. 7; (l. alienus) XXVI. 1; XXXV.4.5; XLII.4; L.1; XCVII. 2; Pact. 8; (l. alienus) Sept. C. V. 4; Recap. A. 27 (here two codd. have litum seruum). 30; Recap. B. 36.—lita, lida, XIII. 10 (cod. 6 &c.); LXXII. 3; LXXVI. 9 (cod. 11 has litas, corr. to lites); cf. Kern, 136. 274.—leciim musdo (read letomurdo), XXXV. 4; leotos musdo (read letos murdo), XXXV. 2; letur modi, letusmodi, XXXV. 4: K. 182. 136. 86. [letus: idest pertinens, Gl. Est.; fiscalinus uel sanctuarius, Gl.

leu are: leu are corpus in bargo, LXXIV.
1.—messis postquam leu auit, XXXIV. 2.
leu d. see lede.

leudardi, leudardo, see ledard. leude, leudi, see leode.

leudinia = leodinia (q. v.)

leudis, see leodis.

leudo, see lede.

leue, IV. 1: K. 42.

leuerpire for leswerpire, LXXVII; cf. Kern, 275. See laeuespire. leui, IV. 1: K. 42. leuth (? some corruption), LX. a.

leuti, see leode.

lex: a) leges dominicae, I. 1; Sept. C. I. 1; cf. Sohm, Proc. 130; id. R. u. Ger. I. 54. **b**) special references to particular provisions of the Lex Salica: quae lex, II. 9 (of codd. 7-9); XXXIII. 16; XLIII. 1.—haec lex, VII. 3 (of cod. 10 &c. VIII); XLII. 4; LXXII. 3; LXXVI. 9.—qualis lex, XXXIII. 1b. -lex ista, XLVII. 5; Recap. B. 36. -antiqua lex, LV. I (of cod. 10).-lex anterior, LXXI. 2.—lex I. II., XCIX rubr. (of cod. 2).-antedicta lex, Pact. 10.—lex superius comprehensa, VIII. 2; XIV. 2; XLII. 3. 4.—lex audita, LXXVIII. 7.-lex addicit, LVIII. 4. -lex est, LXXVIII. 7. - lex (inter) docet, XCIX.—lex habet, CII; Extrav. A. VI. 1; Recap. A.—lex facit, Capit. VII.—legibus satisfacere, LXXIV. 2. -legibus (secundum legem) consequi, LXXVIII. 7.—se de lege (per legem, secundum legem) defendere, XXXVI.—se de lege defensare, LVIII. 3 (of cod. 10). - secundum legem, XXXVII. 3; XLI. 16 (of cod. 10 &c.); XLIII. 2; XLIV. 3; XLV. 2b. 4 (of L. Em. &c.); XLVII. 3; L. 2. 3; LIV. 4 (cod. 10 &c.; codd. B-H have legibus); LVI (cod. 2 &c. LVIII). 6; LVII. 3; LXXII. 1; CI; CVI. 2 (of cod. 1 &c.); Recap. A. 7.—legem adimplere, implere, conplere, componere, XXXVI; LVI. 3; LVIII. 1. 6; Pact. 8. -legem (de lege) intelligere, XXXV. 5; Pact. 7.-legem soluere, exsoluere, persoluere, XL. 9b; XLII. 3. 4; LVIII. 5. 6.—legem audire, XLV. 2b.—cum lege et iustitia exigere, L. 4.-supra lege (legem), LI. 2.—extra legem, LXXVIII. 7.—alterum per legem uicere, (coniungere), LVI (cod. 2 &c. LVIII). - per legem attendere, LVI (cod. 2 &c. LVIII).—de lege fidem facere, LVI. 1. -per legem se ducere, educere, LVI. 5. -sibi legibus imputari, LVI. 6; CVI. 9. — quod lex est, LVI (cod. 2 &c. LVIII).-legem dicere, iudicare; secundum, contra legem iudicare, LVII. 1. 2. 3. 4 (cod. 6 &c.). - de lege dicere, LXXIV. 1.—cum lege (sua) componere, LXXV; Capit. V. — legibus causam mallare, LXXVII.-legibus sunnia nuntiare, LXXVIII. 7.—de lege soluere, LXXVIII. 7.—contra legem et iustitia, LXXVIII. 7. — lege directa facere,

LXXVIII. 7 (cf. ibid. note p, sec. alph.).—lex faciat (for fiat?), LXXVIII 7.—legem componere (to compile), CII. I (of cod. II).—se legibus (per legem) ducere, CVI. 7. 9. - aliquid legibus tradere, Capit. VI.-aliquid legibus tenere, Capit. XII. - capitula pro lege tenenda, Capit. XII. — contra legem, Capit. IV. V. - sine lege, Recap. B. 22. [Lex wrongly for letus or ledus, Pact. 8].

lex Salica, I. rubr.; Capit. I. II. III; Extrav. B. 5. 9; Prol. I-V; Epil. II; Recap. A. Pref., 5; Recap. B. Pref.; Recap. C.—lege Salica (legem Salicam) uiuere, XLI. 1; XLVII. rubr. & § 1 (of L. Em.); LXIII. 1.—in hoc quod lex Salica habet, est, ait, continet, XLV. 2; L. 2. 3; LII. a. b.—secundum legem Salicam, L. 2. 3; LVII. 1; XCVI.sicut, quod lex Salica habet, LXXVIII. 3; Pact. 5.—lex Salica docit, CVII. 3.sicut in l. Sal. scriptum est, Capit. VIII. lexim, XXVI. 1, see leto.

liaha hauma, XXIX. 10 (8): K. 165. liber, L. I (in codd. F. G. H; the other codd. have all litus, letus; cf. libertus in some codd. for litus, XXVI).—liber et ingenuus uadere, Extrav. B. 1.-liberare, 1) to save, XCVI; Recap. A. 11. -2) se liberare, eliberare, to free one's self, XCIX. Cf. liberare, Pact. 5.

liberis (for libertis, q. v.), XXVI. rubr. (of cod. 4).

libertas, Capit. VI. - testes libertatis suae, Extrav. B. 1.—suam libertatem

proportare, Extrav. B. 2.

libertus, XXVI. rubr. & § 1 (of codd. 9 & B-H; the other codd. have litus, letus, and in the second part of § 1, codd. 9 & B-H have also litus, letus); LXXIX. rubr., 1; LXXXVI; XCII; Extrav. A. VI. 2.—liberta, XCII.

liberus, Capit. VII.

licauina, XXIX. 10 (9): K. 165. licentia, liciencia, XLV. 1; LIV. 4 (cod. 10); LXXVIII.5; Pact. 16; Capit. XII. liclamina, XXIX. 12 (10): K. 165. lidus, see leto.

ligamen, legamen, a tie, bandage, VI. 2 (cod. 2 &c.); XXXII. rubr.—ligare, legare, to bind, VI. 3 (of L. Em.); XXXII. 1. 2. 3-5 (cod. 6 &c.); XL. 10; LXXXVII. - super ligare, XXXIV. I. [Ligare, XLVII. I, cod. 4 = eligere, legere, ligeri = Ligeris, the Loire of the other codd.].-ligatura, IX. 4 (of cod. 10).

Ligeris, Legeris, the Loire, XLVII. 1. 5. [On the corruptions in codd. 1, 4-6, 10 & L. Em. cf. Kern, (§ 2). Some

think that the Lys, Leye, the river which flows near Gent into the Scheld, is meant; cf. Waitz, A. R. 54 sq.; id. D. Verf. II. 28; Grimm, Pref. LXVI; Stobbe, Rechtsqu. I. 38; Jul. Grimm, De hist. Legis Sal. (1848). Bonnell, die Anfänge des Karol. Hauses, 1866, p. 196, thinks of the Leyre, to the south of the Garonne].

lignum, XXVII. 12 (of cod. to &c.). 17. - lignarium, lignorum acervus, LXXXIV; cf. Du Cange, i. v.

liminare, limitare, limitari, luminare, the sill of a house, LVIII. 2; cf. Pact. Alam. III. 17.

lingua, XXIX. 16 (cod. 6 &c.); Sept. C. V. 5.

linticlaria = lenticularia (q. v.).

linum, flax, XXVII. 8. lisus = laisus (q. v.).

litis, litu, litus, see leto.

locare, elocare, aelocare, elogare, to hire any one for something to be done, XXVIII. 1. 2. 1 (of cod. 10); LV. 6 (of L. Em.); Sept. C. IV. 6.—locatio, locacio, elocatio, elogacio, elogatio, a hiring, contract, XXVIII. rubr., 3.

locus, a) a place, XIX. 4 (of cod. 10 &c.); XXXIV. 4 (codd. B-H); CIII; CV; Pact. 14.—accedere ad locum, XLV. 2b; LXXIV. 1.-b) a place or passage in the Lex Salica, Recap. A. pass.e) a locality, domain, country: grafio loci, XLV. 2b (cod. 2); L. 3.—reliqua loca, LXXVIII. 1.—per diuersa loca possidere, Pact. 121 (cod. 2).—d) in locum restituere, IX. 1. 2. 3; XII. 2; XIV. 2 (of L. Em.). 7 (cod. 6 &c.); XVI. 2 (of cod. 10 &c.); XXV. 7; XXVI. 2; XXVII. 3 (of cod. 10 &c.); XL. 2. 4c. 11 (of 6 &c.); Capit. II; Extrav. A. IV.—in tertio loco, XLII. 3b.

longum tempus, LIX. 5. loqui, loquere, eloqui, XXIX. 16 (cod.

6 &c.). Lotharius, Pact. 1. 91. See Chlotarius.

luchauina, XXIX. 10 (7): K. 165. luminare for liminare (q. v.).

machalum, amachallum, mahalum, magalum, maufolum, maolum, maflum, mafolum, maholum, madrolum, mauolum, moalum, moffolum, maufalum, a barn, corn-house, shed, XVI. 3 & tab. rubr.; cf. Diez, Wrtb. II. b. majada, naguela. [id est canauam, Gl. Est.; horreum sine tecto, Gl. Pith.].

machina, XXXI. 2: K. 173. madoalle, LV. 3 (6): K. 248.

madrolum, maflum, mafolum, magalum = machalum (q. v.).

magalis = maialis (q. v.). magellus, see maiale. magister, VI. 1. 2 (10): K. 50. magnificentissimi uiri, LXXVIII. 1. magnitudo: magnitudo minoris digiti, XL. 6.

mahalum, maholum = machalum (q. v.). maia, III. 5 (6): K. 34.

maiale, maialis, maialus, magalis, magellus uotiuus, sacriuus and non-uotiuus, II. 12.13; Recap. B. 15; cf. Kern, 24. 25. maior: maior culpa, crimen, XL. 3. 5. 7 (cod. 2 &c.). 9; LIII. 5 (cod. 6 &c.).supplitia maiora, XL. 4b .- maior compositio, XLI. 12 (of cod. 10 &c.). maior causa, LIII. 3 (cod. 7 &c.); CVI. 4. -maior numerus, CVI. 5. -nec minor nec maior: nec minus nec maius, XLVI, 3.

maior, 1) a chief bondman, the chief of the man-servants of a household, X. 6 (of cod. 10).—2) maior natu, a chief officer in the Frankish empire, Pact. 1 (cod. 3).

maiorissa, the chief of the ancillae or maid-servants of a household, X. 7 (of cod. 10).

mala, III. 3 (6). 5 (10): K. 34. mala barginam (?), CII. malach faltio, XLII. 5: K. 218. 89. malare, see mallare.

malarius = milarius (q. v.).

malber. II. 6 (of cod. 10); malberg, XVI. I (10). In these two instances we find more fully expressed what is otherwise throughout the Lex indicated by mal, or mai, or mais. The word means forum, cf. Kern, Notes, § 4. We find it Latinized: mallobergus, mallubergus, XLVI. 6; malbergus, mallebergius, mallibergius, mallobergius, mallosbergies, LIV. 4; mallibergus, malloburgus, LVI. 3; mallebergus, LVII. 1 (cod. 3 has here bergo in mallo, instead of in mallobergo); malebergus, mallobargus, CVI. 1. 7. In all these places it = mallus, mallus publicus legitimus, placitus. Cf. Kern, 244. malcho, XLI. 3: K. 207 [meaning not known].

malcho itto frioblito, XXVI. 1: K. 136. malchom, XLI. 3: K. 207 [meaning not known].

maleficium, malificium, XIX. rubr., 1. 2. 4 (cod. 6 &c.).—maleficium alicui superiactari (superiactare), XIX. 3 (cod. 5 &c.).

malegano, XXIX. 7 (10): K. 162. malia, III. 3 & 4 (of cod. 10): K. 34. malicardi, malichardi, XX. 3: K. 118. mallacina, XXXI. 2: K. 173.

mallare, malare [from the Frank. mallôn], to call, bring, summon before the

mallus or public, judicial assembly (= mannire and ad mallum mannire, and admallare), XVI. 1; L. 2 (twice in codd. 5-9, for which cod. 10 and L. Em. have, in the first instance, admallare); LII. 1; LVI, first sect. (of codd. 2 and 10). 5 (codd. 7-9, B-H; the other codd. have admallare); LXXVIII.9; CII. 2 (cod. 11); CVI. 2; Extrav. B. 1. 2. 10. 12; Sept. C. VI. 6.—causam suam mallare, XLI. 9 (codd. 7-9 &c.); LXXVII; LXXVIII. 9. — ad aeneum mallare, LIII. 1. 5 .- de actione et ui reiecte mallare, LXXVIII. 7. [mallare: in iudicium uocare, Gl. Lind.].—admallare = ad mallum mannire, the same as mallare, L. 2 (codd. 7-10 & L. Em.). 3; LI. 1; LII. 1; LVI. 5; LX. 1 (cod. 10, for ambulare); LXXIV. 1; LXXVIII. 8; CVI pass.; Extrav. A. 2, B. 2.—ad aeneum admallare, LIII. 1.5.—obmallare, obmalare, XXXV. 5; Capit. VII. -mallatus, admallatus (= iactiuus, iectiuus), summoned, LI. 1; Sept. C. VI. 6.—[mallatio, summoning, summons], Extrav. B. 1 .- mallator, one who summons, a plaintiff, Extrav. B. 1. 2.

mallare abtena, I. 2: K. 7.

mallebergus, mallob-, mallub-, &c., see malber.

mallo, XXXIX. 2b (3): K. 201.

mallo uieridario, XXXIX. 1b (cod. 9. LXV): K. 200. 201.

mallo uuiridariu, XXXIX. 2b (6): K. 200, 201,

mallus (malus), a public judicial assembly, forum = malberg (q. v.; cf. Kern, 244), I. 1; XIV. 4; XXXIX. 2 (cod. 2 &c.). 3 (cod. 2 &c.); XLVI. 1. 3; XLVII. 4; LI. 1 (cod. 10); LII. 1 (cod. 2, but wrongly for ad-mallare); LIV. 4 (codd. 7-9, B-H & L. Em.); LX. 1; LXXII. 1; LXXVIII. 6 (but wrongly for mallatus?). 7; Pact. 2. 5; Capit. I. V; Extrav. B. 4; Prol. I. II; Sept. C. I. 1.—mallus publicus, XIV. 4.—legitimus mallus publicus, XLVI. 6.-mallus proximus, LXXIV. 1; LXXVIII. 7; Capit. I .- alter, tertius mallus, XXXIX. 3 (cod. 2 &c.).—mallus comitis, Capit. I. V.—mallus thungini aut centenarii, XLIV. 1; XLVI. 1.-mallus iudicis, hoc est comitis aut grafionis, LXXII. 1: (cum rachymburgiis) LXXVIII. 7.tribus mallis, Pact. 2.—per tres mallos, LXXVIII. 7; Prol. I. II.—per totos tres mallos, XXXIX (cod. 7 &c. LXV. 1. 2).-in quarto mallo (nobis praesentibus), LXXVIII. 7.—per quatuor mallos, LVIII. 6.-mallum indicere, XLIV. 14;

XLVI. 1. 4.-mallum habere, Capit. I. —ad mallum mannire (=admallare, q. v.), I. 1; XLV. 2b; L. 2.—ad (in) mallum praesentare, LVIII. 6; Pact. 5.-ad mallum uenire, LVI. rubr., 1.—ad mallum aliquem adducere, Capit. V.--cartam in mallo adducere, Extrav. B. 4.abbundire (abundire &c.) in mallo publico, XIV. 4.—in mallo ambulare, LX. 1.-in mallo iactare, LX. 1.-in mallo publico nominare, XXXIX. 2 (cod. 2). -in altero mallo nominare, XXXIX. 3 (cod. 2).-in mallo (mallobergo) sedere, resedere, LVII. 1.-in mallo proximo uenire, LXXIV. 1.-in mallo per legem uicere, LVI. 2 (of cod. 10).-in mallum uocare, XCVI (cod. 10, XIX. 6). [mallum: generale maius iudicium, Gl. Lind.].

malo ui eridario, XXXIX (cod. 7. LXV. I): K. 200, 201.

malteohiatus meo lexm, XXVI. 1 : K. 136. malthochiado freoledo, XXVI. I: K. 136. malthochiado moetheo; maltho fiatho meotho; malthofiato meoto; maltho fratho meotho; maltho hait homitto, XXVI. 2: K. 136.

maltho hitho frio blito; malthoitus meo letu, XXVI. 1: K. 136.

maltholatu metho, XXVI. 2: K. 136. maltholitho frioblito, XXVI. 1: K. 136. maltho theatha meotheos, XXVI. 2: K. 136.

maltho theato meolito, XXVI. 1: K. 136. malus: malum ingenium, XXXIV. 4 .malus homo, LXXVIII. 7. 9. 10.-mala facta, LXXVIII. 7 .- mala sors, Pact. 6. 8.-malus ordo, Extrav. B. 10.-subst., a criminal, Pact. 1. - malum facere, LXXVIII. 7.-male: male pignorare, LXXV.-male destruere, LXXVIII. 7. -male inuitare, LXXVIII. 7.—male facere, LXXVIII. 7. 9.

malzantania, XIII. 1: K. 78.

mamilla, mamella, mammilla, a breast, XX. 4 (6).

mammodo, II. 12: K. 24.

mancipium, mancipius, a slave, servant, X. rubr., 2; XXXIX. rubr., 1; LXXXIII; Pact. 7; Sept. C. III. 7.

mancus, mancatus, emancadus, esmancatus, manucatus, XXIX. 2. 4. 9. 11 (cod. 6 &c.); Sept. C. IV. 5.

mandare, demandare, 1) to demand, ask, call for: tres homines tres causas mand., dem. debent, XLIV. 1; XLVI. 1; XLVII. 1b (cod. 4) (cf. Zoepfl, D. Rechtsgesch., III. pass.) .- 2) to transfer: d. causam alicui, LXXVII. mandoado, LV. 3 (6): K. 248.

mandualis, LV. 3 (of L. Em.): K. 248. [cancellum qui desuper tumulum stat, Gl. Pith.].

manducare, to eat, feast: pultes manducare, XLVI. 5. [manducatur, Pact. 4, cod. 2, is perhaps a corruption for mandetur].

mane charde, XX.-3: K. 118.

manere, mannere, 1) to remain, continue. XXIX. 10 (of cod. 10); LIII. 4 (cod. 3). In the same sense permanere, XLIII. 1; XLV. 1; LIII. 4. 6 (cod. 6 &c.); LX. 2 (cod. 2).—permanere in seruitio, seruitute, XIII. 9; XXV. 2 (of cod. 3). 5. 6.—2) to remain, stay, live, XIV. 4 (of cod. 3); XLV. 3; XLVI. 2. 5 (cod. 7 has demanere); XLVII. 1. 5; L. 3 Cf. Diez, Wrth. II. c. manant.-remanere, 1) to remain, continue, remain behind, II. 18 (of L. Em., cqd. Q). 15. 16; III. 6. 7. 13 (of cod. 5 &c.); VIII. 3. 4; XVI. 3 (of cod. 10). 9 (of cod. 10); XXIX. II (of L. Em.); XLIII. I; LIX, 2 (cod, 2); CV; Pact, 16,-2) = manere 2, to stay, live, XLI. 15 (of cod.

manita, mannita, manites, mannites (L. 2) see nundinae.

mannire, manire (mannere, manere, maniare, XLVII. sec. sect. of cod. 10; O. H. G. menian, menan; Frank. manian; O. S. manôn; A. S. manian; O. Fris. monian; N. H. G. mahnen; N. D. manen, to warn), to summon, I. I-5; XLV. 2b; XLVII (sec. sect. of cod. 10); XLIX. 1; L. 2; LVI. 1. 4. 5; LXXIV. I (of cod. II); LXXVIII. 7 (the cod. has muniat); CVI. 9. 10; Capit. I. V; Sept. C. I. 1. 2. [mannitus: uocatus tribus testibus praesentibus, Gl. Lind.].-mannitio, summons, Capit. I. mansio, a house, residence, LXXXI. 3; LXXXIX.

mansuescere, mansuefacere, mansuetum facere, to tame: mans. ceruum ad uenationem, XXXIII. 2 (cod. 3 has consuescere\.

manucatus = mancus (q. v.).

manus, XLI. 8; LVIII. 4; Sept. C. V. 6.-manus clausa, XVII. 8.-sinistra manus, LVIII. 2; LXXVIII. 6.--dextera manus, LXXVIII. 6.-manus septima, Extrav. B. 5. 12.—manum mulieris stringere, extringere, XX. rubr., 1 .-manum mittere super cubitum, XX. 3 .manum debilitare, amputare, truncare, &c., XXIX. 1. 2. 3. 3 (cod. 6 &c.). 3b (of cod. 10); Sept. C. IV. 5, V. 5.manum in (ad) ineum (ad igneum) mittere, ponere, XCIV; CVI. 6. 7; cf.

Pact. 6.—manum comburere, incendere, Pact. 4. 5 (rubr. of cod. 2).—manum sanam ferre, XCIV.-manum suam redimere (de ineo, ab ineo, ad ineum), LIII. 1. 2. 3. 4. 5. 5 (cod. 6); LXXVI. 3.—manum perdere, LXXVI. 3.—per tertiam manum (tercia manu) agramire, offerre (auferre), XXXVII. 1.-in tertiam manum (tertia manu) mittere, ponere, XLVII. 1. 4; LXI. 3.-manum mittere in fortuna alicuius, L. 3.-alteri de manu per uirtutem aliquid tollere, LXI; Sept. C. B. 18.—tradere aliquem in manu alicuius, LXXVIII. 7. maolum = machalum (q. v.). marchat, XLI. 4 (3): K. 207. mare, XXXIX. 2 (cod. 2 &c.). 3 (cod. 2 &c.).—mare (?), corrupted for legerem (ligerim), XLVII. I (cod. 3); cf. Kern, 2. marias (?), LXXVIII. 8. mariscalcus, a groom, X. 6 (of cod. 10). maritus (uiuus), XIII. 6 (of cod. 7 &c.); Sept. C. VI. 7; XV; Sent. S. S. 5; LXXVIII, 4; XCV; Capit. IV.—defunctus, anterior, mortuus mar., XLIV. 8. 9; LXXII. 1..2; LXXVIII. 4.ad (alterum) maritum se dare, LXXII. rubr., 1.-filiam ad maritum donare, C. marsolem, XXXVIII. 6: K. 193. marthi, XXXVIII. 5: K. 191. marthocla, VII. 2: K. 55. martyres, Prol. I. matdalio, XLI. 2: K. 204. mater, XXIV. 4. 3 (of cod. 10 &c.); LIX. 1-3; LXII. 1; LXXII. 1. 2; CI; Sept. C. V. 3.—frater matris, XLIV. 7.—soror matris, LIX. 3. 4 (cod. 2 &c.). generatio matris, LVIII. 3; CI.—mater (of pigs), II. 2; Recap. A. 3; Recap. B. 4. — maternus: maternum genus, XLIV. 6. - materna generatio, LXII. 1.—materna pars, LXII. 2.—res maternae, Capit. III. — materna progenies, Extrav. B. 2. materia, materium, materiamen, matriamen, XXVII. 15. 16; LXXXIV. mathdaleo, XLI. 2: K. 204. matheleode, XLI. 4: K. 207. 204. matheo demortis leod, XLI. 4: K. 207. 204. mathleote, XLI. 2: K. 207. 204. math leud muster, XLI.4: K. 207. 204. matriamen = materia (q. v.). matte leodi, XLI. 2. 4: K. 207. 204. maufolum, mauolum = machalum (q. v.). mecari, mechari, mechari = moechari (q. v.).

medere for metere (q. v.).

medicatura, the costs of curing, healing,

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XVII. 4; CIV; Recap. B. 12.

medicus (?), XXIX. 8 (of cod. 3); the paragraph is corrupt. medius: medius trians, IV. 1 .- medius electus, XIV. 2 & 3 (of cod. 2); XVI. 3 (of cod. 2); XLII. 5; Pact. 2. 8.media aetas, XXIV. 7.—medius digitus, XXIX. 8 (of L. Em.). - media fortuna, XLVI. 1.—media dos, LXXVIII. 4. media compositio, CI; Pact. 93 .- media pars leodis, CI .- medianus: mediana hranne, II. 1. - medianus digitus. XXIX. 8 (of cod. 6 &c.); Sept. C. I. 6. - medietas, LVIII. 4. - medietas compositionis, XXXV. 5; XXXVI; LXII. 1; LXXVIII. 4; CI; Pact. 93. 16; Capit. VII.—medietas leodis, XLI. 12 & 16 (of cod. 10 &c.).—medietas legis, XLII. 4; LXXII. 3; LXXVI. 9; Pact. 8; Recap. B. 36. melachano, XXIX. 9 (6): K. 162. melagno, XXIX. 6 (7): K. 162. melarius = milarius (q. v.). meledeno, XXIX. 7 (8): K. 163. meletrix for meretrix (q. v.). meliores, LXXIV. 2. menare = minare (q. v.).mendacium, XLI. 16 (cod. 10 &c.). menecleno, XXIX. 7 (7): K. 163. mens: in alia mente = Fr. autrement, XXIII; cf. Diez, Wrtb. I. mente. menses duodecim, XLV. rubr., 3; XLVI. 3. meotheo, X. 3 (6): K. 74. meretrix (meletrix), XXX. 3; LXIV. 2; Recap. A. 25, B. 27. meslarius = milarius (q. v.). messis, IX. rubr., 1. 2. 4. 5 & 6 (cod. 2 &c.). 8 (cod. 2 &c.); XXVII. 5. 14; XXXIV. 2. 3; Sept. C. II. 1; Recap. A. 2.—messem metere, XXVII. 5 (cod. 2 &c.).—messem furare, XXVII. 8 (of cod. 2; the other codd. have linum) .messem alienam glennare, LXXXVIII. metere (medere), to mow, reap : m. messem alienam, XXVII. 5 (cod. 2 &c.). [meterit; id est spicanti euellere, Gl. Est.; raptor reofere; messor riftere, Gl. Pith.]. michari, migari = moechari (q. v.). micio, see mitio. migrare, admigrare, to migrate, to go somewhere with a view to residence, XIV. 4; XLV. 3. 3 (cod. 6 &c.); Capit. IX; Extrav. B. 11; Sept. C. VI. 1.-migrans, XLV. rubr., 1.homo migrans, XIV. 5. milarius, miliarius, malarius, millarius, melarius, meslarius, an apple-tree, XXVII. 8 (of L. Em.). 23 (of cod. 10

milicharde, XX. 3: K. 118. milituria: puella milituria, LXXII. 3; militunia uel leta romana, miletunia, uel leta siue romana, LXXVI. 9: K. 274. min, XX. 1: K. 118. mina (some corruption), XXV. 2. minare, menare (Fr. mener), 1) to lead, conduct, IX. 5 .- 2) to pursue, trace, XXXVII. rubr.; LXVI; LXXXI. 3; Pact. 16. 17. [minare wrongly for nominare, XXXIX. Ib (of cod. 7, LXV)]. minechleno, XXIX. 8 (10); mineclino, XXIX. 10 (6): K. 163. minimus digitus, XXIX. 8 (cod. 4 &c.); XL. 6; Sept. C. I. 7. ministerium: uassus, puer, puella ad ministerium, de ministeria, -o, X. 6 (of cod. 1, XXXV &c.); Recap. A. 21 .ministerialis, misterialis, X. 6 (of cod. 10); Recap. A. 11. - ancilla ministerialis, X. 7 (of cod. 10); Recap. A. 21. 22.—seruus ministerialis, Recap. A. 11. 15.-homo misterialis, de ministerio, Recap. B. 13. 17. minoflidis, LXXIV. 2; cf. Pact. Al. II. 37 and note 61 ibid. minor: minor culpa, XVIII. 1 (of L. Em.). -grex minor, XXXVIII. 4. — minor digitus, XL. 6.-minor compositio, XLI. 12 (of cod. 10 &c.). - nec minor nec maior, XLVI. 3.-minor mancipium, LXXXIII. - minor numerus, CV. causa minor, CVI. 2.-minus, XXXV. 3. 7 (cod. 6 &c.); XXXVIII. 4; CVI. 5; Pact. 6. misticis (?), CII. ithio frasitho, frasito, frassitho, XXXVII. 3 (codd. 7-9): K. 186. frasito, mithio mithoforasta (for wichoforasta); mitho (for wicho) fosa stadiuo, XXXII. 5 (of cod. 6 &c.): K. 175. mithostrastatido, XXXVII. 3 (6): K. 186. mitio, micio fristatito (fristati-o, fristito, fristratrito), LXVI. & tab. rubr. : K. 186; cf. Prol. IV. mitio, micio, LXVI; (initium, leg.) mitium, LXXVIII. 6; simithio (mitth, corr.) mitti iure, CVI. I; mitthio, mitteo, CVI. 7: K. 290. 186. — mitium, michium occurs also in the tab. rubr. LVI. of codd. H. B. G., evidently = curtis or casa of the other codd. In respect to this Kern writes to me: "that mithium occurs in the sense of curtis had escaped me while writing my notes; it confirms me in my opinion that we must read 64x

miles, LXXIX. 2.

everywhere witium, &c., because witte is found in the sense of curtis, D. hoeve, a farm, especially the curtis of a maalgenoot = markgenoot, the inhabitant of a march (jurisdiction): 'Oeck en sal gheen marckenoete syne witte emande van gunsten geven of verpachten buyten den marckenoeten ende markenrichter in 'd rechte jaer holtinge.-Wye dye witten dan alsoe kofften dye sullen bynnen Hertmer marcken meede gebruycken alles voerdels ende genaetes (i. e. enjoyment, usufruct) gelyck den anderen marckgenoeten' (Pleyte, Rechtstoestand der Marken in Nederland, p. 53). The proper meaning of witte is probably that of were (ware), certainty, a sure proof of property."

mittere: pecora in messe, in prato, in uinea . . . mittere, IX. 8 (cod. 2 &c.); XXVII. 5 .- manum mittere super cubitum (mulieris), XX. 3.-aliquid de furtum in curte alterius mittere, XXXIV. 4.-mittere in tertia manu, XLVII. 1; LXI. 3 .- mittere (to produce) testimonia, testes, XLVII. 2; XCIX. — mittere manum in fortuna, L. 3.-aliquem in rem mittere, L. 4.-in rota mittere, LXX. 2. - in uerbum regis mittere, LXXII. 1; LXXVI. 7.-mittere ad sortem, LXXVIII. 7 .- mittere super se, LXXVIII. 7. — mittere foras nostro sermone, LXXVIII. 9 .- mortuum in terra mittere, XIV. 8 (cod. 2 &c.); LV. rubr., 1; Sept. C. IV. 3.-incendium mittere, XVI. 1 .- mittere uulnus, XVII. 4. - hominem mortuum super alterum mittere, XIV. 2 (XVIII of cod. 7 &c.); LV. 4. - aliquem in aliquo loco mittere, XIX. 3 (cod. 5 &c.). hominem in puteum aut in aquam (sub aqua) mittere, XLI. 2. 4; XCVIII.hominem in palum mittere, (XLI. 2 of cod. 7, LXXIV). — manum in (ad) aeneum mittere, XCIV; CVI. 6.-lapidem supra tecto mittere, XCVII.-aliquem in mortridam, in mordrem mittere, Sept. C. VIII. 1 &c.

mitti iure debent, CVI. 1 (of cod. 11): K. 290.

mittinio frastatitio, XXXVII. 3 (10): K. 186.

moalum = machalum (q. v.).

moantheuthi, XLI. 3 (3): K. 206 (204.

207).

modi, XXXV. 2. 4: K. 182. 86. 90. modicus: modica res, LXXVIII. 2. modileodi, modo leodi, XLI. 3 (codd. 9, 7): K. 207. 182. 101. 97. 90. 86. moechari, mechari, mechari, mecari,

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michari, moecari, migari, XIII. 14 (cod. 6 &c.); XXV. 1-4. 7. 8; Sept. C. VI. 7.

moffolum = machalum (q. v.).
moh, XXXV. 2: K. 182. 86.
molcherter, XLI. 4: K. 207. 204.
molinus, mulinus, XXII. rubr., 1. 2. 2
(cod. 6 &c.)—molinarius, mulinarius,
X. 6 (of cod. 6 &c.); XXII. 1.

monitus, perhaps for manitus, i. e. mannitus, LVI. 5 (cod. 2), but see admonere.

morchamo, LXVIII: K. 267. morcherter, XLI. 4: K. 207. 204. mordris, mordrida, mortrida: aliquem in m. mittere, Sept. C. VIII. 1 &c.

mori, XVIII. 2 (of cod. 10); XIX. 1; XXIV. 3; XXV. 7. 8; XXXVIII. 7 (of cod. 7 &c.); XLI. II (cod. 6 &c.). 12 (of cod. 10 &c.); LIX. 1; LX. 2. 3; LXXVI. 5-7; LXXVIII. 3. 4; Sept. C. VI. 2, VII. 2; Sent. S. S. 4.homo moriens, XLIV. 1. - mortuus, XCVI; CVII. 3.—homo mortuus, XIV. 8 (cod. 2 &c.). 7 (cod. 3 &c.). 2 & 3 (of cod. 7, XVIII); LV. 1. 2 (cod. 6 &c.). 3 (cod. 6 &c.). 4. 6 (cod. 6 &c.); LXI. 2. 3 (in cod. 1 only, but apparently by mistake); CVII. 3; Sept. C. V. 1; Sent. S. S. 6.—seruus mortuus, XXXV. 6 (cod. 6 &c.). — caballus mortuus, XXXVIII. 3 (of cod. 7 &c. LXIII). mortuus maritus, LXXII. 1.-persona mortui, LXXIV. 2.—pecum (for fetum) mortuum excutere, LXXVI. 5.

mors: periculum mortis, XLI. 9 (cf. Kern, 211). 12 (of cod. 10 &c.); Recap. A. 11.
—mortis compositio, XLIII. 1.—mortem componere, coniactare, coniectare, XLIII. 1. 3.—mortem alicuius requirere, LXX. 2.—morte damnari, LXXI.—usque ad mortem, LXXVI. 4.

morter, XXVIII. 1. 2. 3: K. 155. 86. mortes, XLI. 3 (5): K. 207. mortis leodi, XLI. 3 (6): K. 207. 182. 101.

97. 90. 86. mortrida, see mordris.

mos: sicut mos antiquorum fuit, LV. 3 (of L. Em.).

mosdo, XVII. 9: K. 114. 86. 90.

mosedo, XIV. 1. 3: K. 86. mosido, XIV. 1. 2. 3; LXI. 2: K. 86; XXXV. 4: K. 182.

mother, LXIII. 2: K. 260. 245. 86. mouere: mouere nauem alienam, XXI. 1.

—to trace out, track, XXXIII. 4 & 5 (of cod. 5 &c.).

mulier, XIX. 4 (cod. 5 &c.); XX. rubr., 1. 4 (cod. 5 &c.); XXIV. rubr., 6; XXVII. 31 (cod. 6 &c.); XXX. 3; XXXI. 2; XLI. 3; XLIV. 8; LIX. 5; LXIV. 2; LXX; LXXVI; LXXVII. 4; XCV; Recap. A. 25; Recap. B. 27.—raptus mulieris, XIII. rubr.—mulier uidua, LXXII.—mulier defuncta, LXXIII. 2.—mulier pregnans, grauida, LXXVI. 4; Extrav. A. V, Recap. A. 29.—mulier in uerbum regis missa, LXXVI. 7.— mulier liberta, XCII.—See also femina, uxor, ingenuus.

mulinus, mulinarius, see molinus. multa, a fine, XCIV. multis (?), Pact. 12¹ (rubr. of cod. 3).

mundior ex aliqua parte esse, Extrav. B.

murdo, XIV. 1. 2. 3 (2): K. 86. 90; XVII. 9: K. 114. musci simada, V. 2: K. 45.

musdo, XXXV. 2. 4: K. 182. 86. musido, XIV. 1. 2. 3: K. 86. muster, XLI. 4: K. 207. 86.

musthest, XLI. 12 (10): K. 212. 86. muther, LV. 1. 2: K. 245. 86.

nabina = napina (q. v.).

nabohot, XXXVIII. 6: K. 193. nabothna pondero, XXXVIII. 6: K. 193. 30. 33. 35.

nachaus = naucus (q. v.). nachus taxaca, XXVII. 20: K. 148. 150.

nam, LXXVIII. 7 (cf. ibid. note l, first alph.).

naobfocla, VII. 3: K. 58.55.

napina, nauina, nabina, rapina (cod. Est.), a turnip-field, XXVII. 6. 7; XCI. [napina: id est ubi sunt rapa, Gl. Est.].

napodero, napondero, XXXVIII. 6: K. 193. 30. 33. 35.

narcus taxaca, XXVII. 20: K. 148. 150. nare, XXXVIII. 7: K. 195. 191.

nare chalt, narechalte, narethalthi, nari calti, II. 3: K. 17.

nasche streonas anthedi, XXVII. 22: K. 148. 150. 122. 75. 78. 63.

naschus taxaca, XXVII. 20: K. 148.

nascodinar, nascondinar, XXVII. 20: K. 148. 150.

nasde, XXVII. 20: K. 148.

nassa, a wear, bow-net, LXXXI. 1.
nastthus, texacha, XXVII. 14 (of cod. 10):

K. 148. 150. nasus (nasis), XXIX. 1 (and note to § 1

nasus (nasis), XXIX. I (and note to § I of cod. 10). 14 (cod. 6 &c.); Sept. C. III. 6.

natariæ, II. 4: K. 17. 19.
natiuitate, for notati (?), XIII. 11 (cod. 6).

natus: infans natus - antequam nomen habet, XXIV. 5 (of L. Em.).-maiores natus, Pact. 1 (cod. 3).

naucus, nachaus, naufus, nauphus (naucus, corr. to) nauchus (cod. 5), noffus, offus, aufa, XIV (cod. 7 &c. XVIII. 2); LV. 4: Kern, 252. [noffo: sarcofago ligneo, Gl. Pith.].

nauina = napina (q. v.).

nauis, XXI. rubr., 1-3; LXXXV; Sept. C. II. 2. [naue, LXXXI. 1. 2, a wrong correction (by the scribe) for uena; cf. Kern, 280].

nauphus = naucus (q. v.).

nebus for nepus = nepos (q. v.).

nectanto, LII. sect. e (codd. 7-9): K. 242. necthanteo antesalina, LII. 4 (cod. 6): K. 242.

negare, IX. 1. 3.4; LXV. 2; LXXVIII. 7; Pact. 2; Extrav. A. III. 2.-negator, Pact. 2.

neglegentia, negligentia, negligencia, neclegentia, necliencia, IX. 3; XXIV. 5 (rubr. of codd. 7-9); LV. (cod. 10, LXXI).—negligere, XL. 7 (of codd. B-H); Pact. 9; Extrav. B. 9.-neglectus, Extrav. B. 6.

negotiare, negutiare, neguciare, X. 5 (cod. 6 &c.); XXVII. 25; XL. 15 (cod. 3 &c.); XLVII. 2. 3; LXXXVI. -negotiator, neguciator, XLVII. 1.

nepos, LIX. 6 (of cod. 10).-nepos, neptus, nepus, nebus, neptis (sororis filius), XLIV. 4. 5. 6 (genit. neptis).—(fratris senioris filius), LXXII. 1.

nesciente domino, XXVII. 25; XXXIV. 4; LXXXVI.

nesti canthe chigio, LXXV; nestiganti huius, nexticanthichius, nexticanti gyus, &c. &c., L. 2: K. 271. 238.

nispatium (?), CII.

noctes: usque in tres noctes, XXXVII. 1. 2.—infra (inter) nouem noctes, XXIV. 7 (cod. 6 &c.; cf. Kern, 127).—septem noctes, XL. 7. 8. 10; LII. b. c; LXXIV. 1; LXXVIII. 7; CVI. 1. quatuordecim noctes, XL. 9; LVI. 4; LXXVIII. 7; CVI. 1. 6. 7.—una et uiginti noctes, XL. 10.—quadraginta et duo noctes, LXXVIII. 7.—octuaginta et quatuor noctes, LXXVIII. 7 .-- decem noctes, XLV. 2; LXXVIII. 7.—uiginti noctes, Pact. 5. 121.—triginta noctes, XLV. 2b.—quadraginta noctes, XXXV. 4 (cod. 6 &c.); XLVII. 1; L. 1; LVI. 3; LXXIV. 2; CVI. 7; Pact. 1.octuaginta noctes, XLVII. 5.-in nocte proxima, XLV. 2; LII. 1.

nocturnus: nocturni fures or uigiliae nocturnae, Pact. 9.

noffus = naucus (q. v.). nomen, XXXIX. 4 (cod. 2 &c.).—infans antequam nomen habet, XXIV. 4.-in Dei nomine, Pact. 18; Capit. I .- nominare, denominare, XXXIX. 2 (cod. 2 &c.). 3 (cod. 2 &c.). 4 (cod. 2 &c.); XLIV. 9; XLVI. 4; L. 2. 3 (codd.

B-H). nondenae, see nundinae.

nonus: sibi nonus iurare; cum nono vuedredo iurare; sibi nonus uideredum iurare, CVI. 5.

norchlot, norchot, XI. 6: K. 75.

noreb'r, XIV. 8 (2): K. 90.

nosdo, XXXV. 2: K. 182. 86.

notinae, see nundinae.

notitia, noticia: in notitia poni, to make known, LXXIV. 1.-facere notitiam, Extrav. B. I.—facere notum, I. 3. causam notam facere, LXXVIII. 9.

nouem: infra (inter) nouem noctibus, XXIV. 4; cf. Kern, 127. — nouem testes, XXXIX. 3 (cod. 2 &c.); XLVI. 6; LXXII. 2.—nouem solidi, L. 2; LII. e.—nouem testimonia, LVI. 4; CVI. 8.

nouenae, see nundinae.

noxius: homo noxius, XXXII. 5 (of L. Em.).

nuchala, XXIV. (cod. 10, XLIV. 4): K. 130.

numbinae, see nundinae.

numerare, L. 2 (cod. 2) probably for nominare (q. v.).

numerus, 1) number, XL. 10; CV.-2) sum, amount (of a fine), II. 6; IV. 3; XL. 7 (of cod. 2 &c.); CVII. I (cod. 10, XIII. 3); cf. CVI. 5.

nundinae, nondenae, nouenae, notinae, numbinae: ad tres uices per tres nundinas, three times in intervals from week to week, L. 2 (codd. 1-6; cod. 7 &c. have manites, mannites, manita, mannita = mannitio, summons).

nuntiare (nunciare), adnuntiare, 1) to announce, notify, LXXIV. 1. 2 .- sunnia nuntiare, adnuntiare, LXXVIII. 7.-2) the same meaning with a notion of legal summoning implied, XLVII. 2 (where cod. 4 has mandare, cod. 10 manire, L. Em. enunciare); LVI (LVIII of cod. 2 &c.). [Nuntiare occurs moreover twice in LXXVIII. 8 in a clause which has not yet been explained.]

nuptiae sceleratae, XIII. 11 (cod. 6 &c.). -ad alias nuptias ambulare, LXXII. 2. nurdo, XVII. 9: K. 114. 86. 90.

nutrire, XXIV. 6.

obbonis, LXXVI. 1: K. 272.

obclinis, LXXVI. 1: K. 272.

obdo, obdon, XXVII. 21: K. 149. ob dopus, obdub, obdubas, XXVII. 19: K. 145.

obdublio, XLI. 9: K. 211.

obdubus, XXVII. 19: K. 145.

obduplio, obduplo, XLI. 9: K. 211. 204.

obduplo, XXVII. 19: K. 145. obgrafio, LIV. 2: K. 243.

obitus, LXXVIII. 3.—obitus matris, LXXII. 2.

obligationibus, wrongly for elocationibus, XXVIII. rubr. (of cod. 7).

obmallare, obmalare, see mallare.

obnoxius, XLIII. 2; Pact. 7.

obosino, III. 3: K. 36.

obrebus andappus, XXVII. 24: K. 151. obreppus, XXVII. 24: K. 151.

obrepus, XXXII. 1: K. 174.

obscult, obsculte, XXXIX. 1: K. 199.

obstare, see ostare.

obtimates, LXXVIII. 1; Epil. I. obtobbo, obtubbo, XXVII. 19: K. 145.

occasus solis: post solis occasum, VI. 2 (cod. 2 &c.); XXXIV. 5 (of L. Em.).

occultus, ocultus: in occulto (oculte) moechari, XXV. 2.—occulte compositionem accipere, Pact. 3. 13.

occupare, to occupy, hold possession of, XLV. rubr. (of L. Em.); Capit. IX.occupari, to be employed, I. 4.

ochsaiora, ocsteorci, III. 2: K. 33.

octo noctes, evidently wrongly for septem n., XL. 9 (of cod. 6).—octuaginta noctes, XLVII. 5 .- secum octavo decimo datis sacramentis absoluere, CVI. 6 (cod. 10; cf. codd. 1 & 11).

oculus, XXIX. I (and note to § I of cod. 10). 13. 6 (of cod. 5 &c.).

ocxino, III. 3: K. 36.

odierit, for audieri[n]t (?), LXXVIII. 7 (cf. note r ibid.).

odocarina, XIV. 9 (of cod. 6): K. 246. offerre, auferre, 1) to promise, XXXVII. 3 .- 2) to offer, Pact. 2.

offus = naucus (q. v.).

ohseno, III. 3: K. 36.

olecharde, olephardis, olethardis, VIII. 1: K. 63.

onemo, XIII. 9: K. 80.

opera, work, XXVII. 10; XXXV. 4 (cod. 6 &c.); Pact. 14.—operare, to work, XXXV. 4 (cod. 6 &c.).-operarius, a labourer, LXXXIII.

operire, XLI. 4.

orbens (?), CII. 2 (of cod. 11).

orbis uia lasina, XXVII. 23 (6): K. 144. 122. 88.

orbis uia lasina, XXXI. 2: K. 173. 122.

ordinare, LXXVIII. 7. - ordinatio

regis, XIV. 4; Sept. C. VI. 1; Recap. B. 29. ordo: uoluntario ordine, LV. (cod. 10, LXXI).—quieto ordine, Extrav. B. 7. malo ordine, Extrav. B. 10. 12.-talem ordine, tale ordinis, CIII. 2 [on this latter phrase cf. the observation under femina]. orflocia, VII. 1: K. 55. orfocla, VII. 1. 2. 3. 7 (of cod. 6). 7b (of cod. 10): K. 55. ornare lectum, LXXII. 2. orogania, X. 7 (6): K. 69. ortare, see ostare. ortfocla uuale uanae, VII. 3: K. 55. orthobano, XXVII. 15 (6): K. 143. 55. ortho fugia, VII. 3: K. 55. ortifucla, VII. 7 (7): K. 55. ortobaum, XXVII. 24 (10): K. 143. 55. ortofugia, VII. 3: K. 55. ortopodun, XXVII. 22 (10): K. 142. 55. ortus, for hortus, q. v. ossa: tria ossa quae super cerebro iacent, XVII. 3. ostare: aratrum de campo alieno ante ostare, XXVII. 18 (codd. 5-9; codd. B-H have uetare; cod. 10 anteortare). -ostare, ortare, obstare, hostare baronem, mulierem ingenuam, de uia sua, XXXI. 1. 2 (codd. B-H have in § 1 contendere, in § 2 uetare, and cod. 10 in note obstruere). - ostiare, hostare porcina de uia sua, LXXXIV. [Du C. thinks it is the Lat. obstare; Diez (Wrtb. II. c. ôter) derives it from haurire, and thinks it means to take away, to take out. Cf. Kern, 152. 173 on the Malberg glosses].

ostiare, see ostare.
ostium, hustium, hostium, ustium, a door,
XIV. 6 (cod. 6 &c.); Sent. S. S. 3.
oueppo andrepa, XXVII. 24: K. 151.
ouis, IV. rubr.

pactum, pactus, Prol. I.—pactum Salicae; pactus legis Salicae, I. rubr. of codd. I, 5, 10.—in alio Pacto, in another text of the Pactum (i. e. Lex Salica), X. 8 (of .cod. 10).—Pactus pro (de) tenore pacis, see col. 415.

pagare inter duos reges, Sept. C. VIII. 7. pagus, I. 5; XLI. 15 (of cod. 10 &c.); L. 3; LV. 5 (of L. Em.); LXXVIII. 9; Pact. 16 (cod. 4 &c.). — paganus: paganorum tempore, LVIII. rubr. (of codd. 7-9, B-H).

palacium, Pact. 1 (cod. 3).

palmitare, expalmitare, spalmitare, ispalmitare, to shoot, sprout, XXXIV. 3.

palus, 1) a gibbet, XLI. 2 (of cod. 7 &c. LXXIV); in other places of the Lex also called either furca (q. v.) or barcus, bargus (q. v.).—2) a pale, post, pole, XXXIV. I (cod. 2); LVIII. 4.

pandete, VII. 3: K. 58. 63.

panis: panem dare, LV. 2; LVI. 6; LXX. 2b.

parentes, 1) relatives, XIV. 7 (of cod. 10 &c.); XVI. 2 (of cod. 7 &c.); XXXV. 5; XXXVI; LV. 2; LVIII. 2; LX; LXII. 1. 2; LXX. 2; LXXII. 1. 2; LXXIII. 2; LXXIII. 1; LXXVIII. 4. 5. 7. 9; CI; Pact. 2; Capit. III. VIII (consensus parentorum). — 2) parents, XXIV. 5 (cod. 2 &c.). 6 (cod. 2 &c.); LXIX. 1. 2; LXXI. 1; Extrav. A. I; Sept. C. III. I (consil. parentorum). — parentilla, parentella, XLIV. 9; LX. rubr.; C.

pares, LXXVIII. 7.

paries, a wall, Pact. 14.

partus, Extrav. A. V. I. 3. 4.

paruoli, paruuli, baruuli, XXIV. rubr. (and rubr. of codd. 7-9 to tit. XXXIII ibid.); LXXIII. 1; Recap. A. 29.

pascere: herbam pascere, to graze, Extrav. B. 9.—messem repascere, XXVII. 6 (of cod. 5 &c.), wrongly for messem ripare, cf. Kern, 140.—pascere aliquem, to feed, XLVI. 5; LVI. 6; CVI. 9.

pastor, IX. 2. 4; Sept. C. II. 1.—canis pastor, pastoricialis, pastoralis, pasturalis, VI. 2.

pater, XXIV. 3 (of cod. 10); LVIII. 3; LIX. 4. 2; LXII. 1; LXXII. 1; LXXVIII. 3. 10; C.—soror patris, LIX. 4 (cod. 2 &c.). 5 (of cod. 5).—casa patris, LXXII. 2.—alodis patris, XCIX. generatio patris, CI.

paternus: p. generatio, genus, LVIII. 4; LIX. 4; LXII. 1. 2.—res paternae, Capit. III.—pat. genealogia, Extrav. B. 2.—pat. progenies, Extrav. B. 2.

patria, XXXIX. 2 (cod. 2 &c.). 4 (of cod. 6 &c.). 5 (cod. 6 &c.); LV. 5 (of L. Em.); LXIII. 1. 2; Extrav. B. 1. 2. pauido, LXXVIII. 9 (cf. ibid. note).

pauper, LVIII. 5.

pax, Pact. 16.—pax parentum, LXXII. 2.—tenor pacis, LXXVIII. 1. rubr.; Pact. 1 rubr., 16. 18.—pacis foedus, Prol. I.—pacis studium, Prol. II.

pecia, a piece, LX. 1 (codd. 5 & 6). pecti, pectis, V. 1: K. 47.

pecus, peccus, pecora, a head of cattle, IX. I. 2. 3. 4. 5. 8 (cod. 2 &c.); XXVII. 2. 5; XLVII. 1 (cod. 3); Sept. C. II. I.—pecus, wrongly for fetus, LXXVI. 4. 5. 10; cf. Kern, 273.

pedero, III. 1. 2. 3. 6 (10): K. 30. 193.
pedica, petica, LXXXI. 1. 3.—pedica (ad, (dc) eaballo fur., XXVII. 3.

pelagus, pellagus, pelicus, pilagus, XLI. 9. 10 (cod. 6 &c.); Sept. C. V. 7; Recap. A. 14. 19; Recap. B. 13. 16. 21. 28. Cf. Du Cange, i. v.

pensare solidos, XLIV. 1b.

perarius, pirarius, a pear-tree, VII. 1 (cod. 10, VIII); XXVII.8 (cod. 5 &c.). 10 (cod. 5 &c.; cod. Q of L. Em. has perticarius).

perbannire, see ferbannire (K. 235).

percoperire = cooperire (q. v.), XLI. 4. percutere, IX. 1; XVII. 2. 6. 8; XXIX. 12 (cod. 6 &c.); LXXVI 3. 4; Recap. A. 10. 20. See perexcutere.

perexcidere manum, XXIX. 3 (cod. 6). perexcutere manum, pedem, XXIX. 3 (cod. 5 &c.). 9 (of cod. 8 &c.). 12 (of L. Em.).

perfecta aetas, LXXIII. 1.

perferre: furtum, damnum, LXXVIII. 7; Pact. 16.

periculum, Pact. 11.—periculum mortis, XLI. 9. 12 (of cod. 10 &c.); Recap. A. 11; cf. Kern, 211.— uitae periculum, Pact. 1. 18. [periculo, XCVIII. rubr. of cod. 11, perhaps for puteo; or mortis may have been omitted].

perinuenire, Pact. 16 (cod. 5); Epil. II. perire dispendium, LXXVIII. 7. see dispendium.

periurare, periurus, periurium, see iurare. permanere, see manere.

permissus, permissum (= consilium): sine permissu (permisso), XXI. I (of L. Em.); XXIII; XXXII. 3I (of L. Em. &c.); XXXVIII (cod. 7 &c. LXIII. 3); XLI (cod. 7 &c. LXXIV. 2).

peroccidere, XLI. 8.

perquirere: perq. latronem, Pact. 16. persequi, see sequi.

persoluere, see soluere.

persona, XLI. 12 (of cod. 10 &c.); XCVII; Capit. VII.—persona mortui, LXXIV. 2.—persona ingenua, Pact. 2. —ternae personae electae, Pact. 10.

pertica, perteca, pertega, pertiga, a pole, perch, VII. 2; Sept. C. I. 4.

perticarius, for persicarius, a peach-tree, XXVII. 10 (of L. Em., cod. Q).

pertinere: homo qui ei non pertinet, XLVI. 1.—pertinet obseruare, LVIII. 3 (of cod. 10).—hereditas, compositio ad aliquem (in muliere) pert., LIX. 5; LX. 2. 3. pertractare, see tractare.

of cod. 4); LXII. 2. [peruenerunt, XXXVII. 2, for invenerit; peruentus, XXXVII. 2 (codd. 4-9) for inventus.

pes, XXIX. 1. 2. 3. 11 (cod. 6 &c.). 12 (cod. 6 &c.); XLI. 8; Sept. C. V. 6.

LV. 4. rancia). XXVII. 6. 7. piscis, XXXIII. 1; LXXXI. 2.-piscatio, pescacio, XXXIII. 1; LXXXI. pittus, XXX. 9 (of L. Em.); Extrav. A.

-pedes fugitiuos recolligere, Sept. C. III. 7.—as a measure, LXXIV. 1. pesaria = pisaria (q. v.). petra, XIV; XVIII. 2 (of cod. 7 &c.); petrio (?), LXXXIX. 2. phimarina, XLI. 10 (6): K. 213. phuuuichuus cornutū nechana, VI. 6: K. picharium for spicharium, see spicarium. pignus, LXXV .- pignus donare, accipere, XL. 4.—pignus solutionis, L. 2. aliquod pignoris causa suscipere, XL. 4. -pignorare, depignorare, pignoratio, pignator, LXXV. (pignorancia in cod. 2 is no doubt a corruption for per ignopilagus = pelagus (q. v.). pingere, 1) = inpingere, XXXI. 2.-2) to mark = pungere (q. v.). piomarina, XLI. 13 (10): K. 213. Pipinus, Prol. I. note v. pirarius = perarius (q. v.). pisaria, pissaria, pesaria, a pea-field,

III. 1: K. 295. placitum, placitus, XL. 10; LVI. 2 .placitum legitimum (factum), L. 3 .-placitum constitutum, Extrav. B. 1.-placitum facere, concedere, tribuere, addere, XL. 7. 8; XLV. 2b; XLVII. 1; L. 1.—ad placitum uenire, XLVII. 2; XLIX. 1; LVI. 5; CVI. 6. 7. 8.placitum intendere, LXXVIII. 7.-placitum detricare, Pact. 5.

plaga (placa), XVII. 4; XLII. 3; XLIII. 3.--plagare (placare), XIV. 6 (cod. 6 &c.); XVII. 3. 5; Sent. S. S. 3.

plagiare (placare, plagare), plagiator placator), plagitura, (plagator, XXXIX and tab. rubr. Cf. Hartmann, in Forschungen zur Deutschen Gesch., XVI. 612.

plebium, plebeium, pleuium, plibium, Pact. II.

plebs, LIV. 4 (of L. Em.).

plenus: usque ad annum decimum (duodecimum) plenum, XXIV. 1 .- pleniter componere, XLI. 16 (of cod. 10 &c.).

podero, III. 1: K. 30. 193.

podor, III. 1. 2. 3: K. 30. 193.

poena, XIII. 11 (cod. 6 &c.); LXX. 2 (of cod. 11).

poledrus, poletrus, poletrus, polletrus, puledrus, pulledrus, puletrus, pulletrus, a foal, XXXVIII. 6. 7. 4 (cod. 7 &c.); cf. Kern, 193.—seruus puledrus, X. 5 (of cod. 10); cf. Diez, Wrtb. I. poledro.

pollex, polix, polax, policare, polcare, pollecaris, pulcaris, XVII. 8; XXIX. 3. 4; Sept. C. III. 5.

pomarius, pummarius (domesticus), VII. 114 (cod. 5 &c.); XXVII. 8 (cod. 5 &c.). 10 (cod. 5 &c.).

pondero, III. 1. 2. 3; XXXVIII. 6: K. 30. 193.

ponderos, III. 6 (6): K. 30. 193.

ponere in terra, XIV. 6 (of cod. 3).-in suspensum pro studio positus, XXI. 4. --ponere in palo, XLI (codd. B-H, LXXIV. 2 & L. Em.).—p. super fortuna sua, XLV. 2b; super se et fortuna sua, L. 3.-rem in tertia manu p., XLVII. 4.—se saceborone ponere, LIV. 3 (cod. 3; cf. the other codd.).-p. aliquem extra sermonem, LVI. 5; CVI. 9. -p. pessima truciatu, (poena), LXX. 2b. - p. in noticia, LXXIV (cod. 2). -sacramentum aut manum pro leude (in aeneum) ponere, CVI. 7.—duodecim testes ponere, CVI. 7 .- ad sortem ponere, Pact. 5. - (ut) in truste electi centenariae (-rii) ponantur, Pact. 16 .puella in uerbo regis posita, XIII. 6 (codd. 5 & 6).—in agro positus, XLIII.

ponticulus, porticulus, LV. 3 (cod. 6 &c.): cf. Kern, 249.

populus: publice coram populo, XLVI. 6 (cod. 1; cf. the other codd.).-cum omni populo nostro conuenit, LXXVIII.

porcus, II. rubr., 4-7. 14-16; IX. 4; XVI. 2 (of cod. 2). 4; XXVII. 1; Recap. B. 14.-porcellus, II. 1-4. 2 & 3 (of cod. 6 &c.). 7 (of cod. 6 &c.). 8-10; LXXXI. 4; Sept. C. I. 3; Recap. A. 3. 9, B. 4. 6.—porcarius, 1) adj., ueltris porcarius, VI. 2 (of L. Em.). - 2) subst., a pigherd, II. 8; X (XXXV. 6 of cod. 1 &c.; cod. 6 has portarius); LXXXIII. - porcina, a herd of swine, XXVII. 1; LXXXIV. pordor, III. 1: K. 30. 193.

pordorsum, III. 2: K. 30. 193.

portare, deportare (in furtum), 1) to carry away stealthily, X. 2; XI. 3 (cod. 7 &c.); XXVII. 8. 9. 11.—ineum portare, LXIV. 1 .- 2) to negociate: portans, a negociator, go-between, XXVIII. 3.

porticulus, LV. 4 (of cod. 10); cf. Kern,

portio: terrae (Salicae), LIX. 5 .- portio compositionis homicidii, LXII. 2.

possessio, XXXIV. 4 (cod. 10).-possessor, XXVII. 31 (of cod. 10 &c.); LXV. 1.—Romanus possessor (homo), XLI. 6 (codd. F. G have possessione).

possidere, LXXVIII. 3; Capit. IX.possidere proprias, XLI. 6.—per diuersa possidere, Pact. 121. [Possedeant, &c., LIX. 5 (codd. 7-9), seems to be a corruption].

potentes, Pact. 121.

potero, III. 3: K. 30. 193.

potestas: in potestate (potestatem) habere, XXXVII. 1 (codd. B-H); XL. 4b; XLVI. 1b.—rem sub alterius potestate agnoscere, XLVII. 1 (cod. 10 &c.).potestas multorum, LVIII. I (codd. B-H).-ad potestatem domini sui reuerti, XCII. 2. [in potestatem, Pact. 11, probably corrupted for inculpatur].

poteus = puteus (q. v.).

pradum for pratum (q. v.).

praeceptum, preceptum de rege, XIV. 4; Sept. C. VI. 1.

praecipitare, XLI. 12 (cod. 10 &c.) .praecipitium, precipitium, XLI. 11 (of cod. 10 &c.). 12 (cod. 10 &c.): cf. Kern. 211.

praecium, praetium, see pretium.

praeclamare, see proclamare.

praedare: res in hoste praedata, CII (cod. 1).

praegnans, pregnans: femina, mulier ingenua praegnans, XXIV. 3; LXXVI. 4. 6. — equa, iumentum praegnans, XXXVIII. 5.

praesentare, presentare, XL. 7 (cod. 2 &c.). 10; LVIII. 6; Pact. 5. 121. 13.

praesentia tempora, LVIII. 3 (of cod. 10).—praesentia, LXXVIII. 9; Pact. 92. -ad regis praesentiam mannire, rogare, LVI. 1.4; CVI. 7. — praesentia iudicis, LXXIV. 1.—presentia comis, Extrav. В. т.

praestare, prestare, prestare, 1) to lend, (Fr. prêter), LII. pass .- 2) to offer, furnish: securitatem pr., LIV. 4 (cod. 10, note).

praeterfallire, see fallire.

praetermittere: pr. scelera, Pact. 9. praetersclupare, XVII. 2.

pratum, pradum, IX. 8 (cod. 2 &c.); XXVII. 10; Sept. C. III. 4.

prehendere, prindere, prendere, adprehendere (fistucam), L. 3 (where cod. 10 and L. Em. have accipere); LXXVII.

premere, praemere, to press: premere brachium mulieris, XX. 2.

premium: premia dare, Extrav. B. 2. prendere, see prehendere.

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presbiter, prisbiter, presbyter, LV
  (LXXVII cod. 7 &c.).
preses, LXXVIII. 7 (cf. ibid. note g,
  second alphab.).
preterfallire, see fallire.
pretium, precium, praetium, praecium,
  pretium (praetius, pretius) superius com-
  prehensum, XIII. 5; XXXVIII. 3 (of
  cod. 4).-pr. superius; pr. superius inti-
  matum; pr. ut superius est, XXXVIII.
  4 (cf. X. 8, of cod. 10).—iustum pre-
  tium, L. 3. — pr. accipere (recipere),
XXVIII. 1. 2; XL. 4<sup>b</sup>; Pact. 15;
  Sept. C. IV. 6.-pr. adpraetiare (prae-
  tium (legitime) adpraeciatum), L. 1. 3 .-
  pr. facere, LXXVIII. 7 .- pr. nuntiare,
  LVI (cod. 2. LVIII & cod. 10).-pr.
  reddere, XXVI. 2; XLVII. 3; Pact.
  15.-pr. reformare, refurmare, Pact. 11.
  -secundum pr. satisfacere, L. 3.-pr.
  soluere, LVI (cod. 2. LVIII & cod.
  10); Pact. 15.—ualere pr., LXXXIII
  (cf. L. 3).—de pr. conuenire, Pact. 15.—
  super pr. aliquid tollere, LXXVIII. 7.-
  pretiare, adpretiare, to value, esti-
  mate, L. 1. 3.
prindere, see prehendere.
prio mosido, XIV (cod. 8, XV. 5): K. 90.
priora (i. e. decreta), Pact. 18 (cod. 2).
priuare uita, XLI. 8 (of cod. 10 &c.).
probare, adprobare, to examine, test,
  XLIV. 1b .- probatio, probacio certa,
  XIV. 3 (of cod. 2); XVI. 3 (of cod. 2);
  XXXIX. 2; XLII. 5; Pact. 11 (here
  probatio perhaps = ordeal). Cf. XCVI.
proceres, Pact. 1 (cod. 3); Prol. I. II.
proclamare, praeclamare, XXXVII. 1.
  [proclamare occurs also in sect. 3 of
  cod. 1, but probably wrongly for recla-
  mare].
proconsolis: per proconsolis, Prol. I in
  cod. 6 [cod. 1 has perculsus; 7 per per-
  culsus; 8 perculsis; 9 peperculsus; 10,
  15, 20 per praecelsos; 19 per precelso].
progenies materna et paterna, Extrav. B.
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prohabuerit: hic si prohabuerit, for tec-

proiectos, Extrav. B. 6, cf. note ibidem.

promittere omnem substantiam suam,

pronas an thi so, XXVII. 21: K. 150.

propinquus parens (LXII. 1; CI.), see

propria (? neut. plur.), XXXIX. 4 (of

tum super habuerit (?), VIII. I.

XLV. 2 (L. Em., cod. Est.).

promouere ad plebium, Pact. 11.

pronepos, LIX. 6 (of cod. 10).

proponere uestigium, Pact. 9.

proportare, Extrav. B. 2.

122. 75. 78. 63.

proximior.

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cod. 5). 5 (cod. 5 & L. Em.) and propriae
  (fem. plur.), property, XLI. 15 (of cod. 10
  &c.).—propriae res, LVIII. 3 (of cod. 10);
  proprietas, LIX. 5, in the same sense.
  -proprietas, possession, Extrav. B.
  7.—proprii parentes (?), LV. 2 (cod. 3).
prosequi: prosequi causam, LVII. 1.-
  prosecutor causae, Pact. 5.
protero, III. 1. 3: K. 30. 193.
prouintia, prouincia, Pact. 16.
prouocare, see uocare.
proximus: uxor proxima (propria), LV.
  2; LVI. 6; CVI. 9.—proximior frater,
  parens, XLIV. 9. 10; LVIII. 2. 3. 5;
  LIX. 4; LXII. I (propinguus parens).
  2; LXXII. 1.2; XCVI; CI (propinqui
  parentes).—nox proxima, XLV. 2; LII.
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a. b.-duae uillae proximae, LXXIV. 1.
   proximus mallus, LXXVIII. 7.
publicus, puplicus: mallus publicus,
  XIV. 4; XXXIX. 2 (cod. 2 &c.);
  XLVI. 6. - aliquam sibi publice (in
  publicum) iungere, XXIV. 4 (cod. 3).
  5.—publice nominare, XLVI. 4 (codd.
   & 6).—publice cum aliquo negotiare,
  XLVII. 2.
pucius = puteus (q. v.).
puella: LXXVI. 8. 10.—puella ad
  ministerium, de ministerio, X. (cod.
  2 XXXIV. 5 &c.). 7 (cod. 5 &c.).
    -puella ingenua, XIII. 1. 5. 7. 8;
  XXIV. 2 (of cod. 5). 6 (cod. 2
  &c.). 4 (of cod. 2. XLVIII &c.);
  XXV. 1. 2; XXXI. 2 (of cod. 5);
  LXIX. 2; CV; Extrav. A. I; Sept. C.
  VI. 4.—puella quae in uerbo regis est,
  XIII. 6.—puella sponsata, XIII. 8 (of
  cod. 10). 14 (cod. 5 &c.); Sept. C. VI.
  7.—puella milituria, LXXII. 3 (cod. 1);
  cf. LXXVI. 9, and Kern, 274.-
  puella intra XII annos, Extrav. A. V. 2
  and cf. §§ 3 & 4.
puer, a boy in general, a male child, Ex-
  trav. A. V. 1 .- puer infra x, xII annos,
  XXIV. 1, 5; Capit. V.—puer crinitus,
  incrinitus, XXIV. 2. 5 (of cod. 2 &c.);
  LIX. 1; Sept. C. III. 1, VII. 1, VIII.
  4; Recap. A. 32.—puer ad ministerium,
  de ministerio, a servant-boy, X (cod. 3
  XXXV. 6). 7(cod. 5 &c.).—puer regius,
  regis, XIII. 7; XLII. 4; Extrav. A.
  VI. 2 (in the two latter instances there is
 apparently only question of pueri); LIV.
  2; LXXIX. rubr., 1; Recap. B. 30. 33.
pugna, Extrav. B. 2. 4. — pugnare,
 XCIII.
pugnus, XVII. 8; LVIII. 2; LXXVI.
  4; Recap. A. 10.
pulcaris = pollex (q. v.).
puledrus, pulledrus, puletrus, pulletrus,
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1 = poledrus (q. v.), a foal.—2) pule-
  drus seruus, X. 5 (of cod. 10).
pulicella = puella, LXXVI. 10.
puls, a pottage: pultes manducare, XLVI.
puluis, LVIII. 1b (of cod. 10).
pummarius = pomarius (q. y.).
pungere, to mark (?): animal in furtum,
  IX. 2 (cod. 6 &c.; cod. 10 has pin-
  gere); cf. Du C. in v. punctare.
purus: pura conscientia, LXXVIII. 5.
putare, 1) to allege, LVII (2 of cod. 10) .-
  2) to charge on anyone, to impute,
  XXX. 6. In the same sense impu-
  tare, inputare, impotare, XVIII. 2 (cod.
  10 &c.); XXX. 6; XL. 10; XLIII.
  2; XLVIII. pass.; LIII. 5; LVI. 6;
  LXXXIII; XCIII; CVI. 1. 9 .- repu-
  tare, repotare, IX. 8 (of cod. 10);
  XXX. 6; XLVIII. 2; LIII. 5 (cod. 5
  has reportare).
puteus, puteeus, pucius, poteus: hominem
  in puteum mittere, iactare, XLI. 9. 12
  (cod. 10 & L. Em.); XCVIII.-homi-
  nem occisum, mortuum in puteum mit-
  tere, XLI. 2. 4; LV. 4; Recap. A. 31;
  Recap. C.
quadraginta noctes, XLVII. 1; L. 1;
  LVI. 3.—quadraginta dies, Pact. 7.
quadriuium, quadrubium, quadruuium,
  XLI. 8.
quadrupes, quatrupes, quatrupedium
  (tab. rubr. cod. 6), XXXVI.—quadru-
  pedia domestica, Extrav. B. 9.
quadruplum damnum excipere, XL. 10(2).
quadruuium, see quadriuium.
quaerere, 1) to demand, Capit. XII;
  Extrav. B. 12 .- 2) to search for: quae-
  rere res suas, XXXVII. 2b (of codd.
  B-H).-8) to wish, desire, require:
  quaerere uiduam, XLIV. 1b (cod. 2);
  Extrav. A. I [Cf. LII. e (cod. 4;
  LXXIV. 2 (cod. 11)].—quaerens, a
  plaintiff, Capit. III.
quartus: quartus digitus, XXIX. 7 (cod.
  4 &c.).
quattuor: conuiuium ubi quattuor sunt.
  XLIII. 1.—quattuor anguli, LVIII. 2.
    -quattuor malli, LVIII. 6.-quattuor
  fustes alnini, LX. 1.
quatuordecim noctes, XL. 9.
qui, for quem, I. 2 (codd. 1, 2, 5, 10).
quini dini iuratores, LXXIV. b.
quinque: convivio ubi quinque sunt,
  XLIII. 1 .- bargus v pedum in altum,
  LXXIV. 1.-quintus: quintus digitus
  = minimus digitus, XXIX. 7 (of codd.
  B-H).
quinte, quinthac, quinthe, quintuo, XXX.
  1: K. 171.
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quoaequalis, XL. 6 = coaequalis. quouirgo, XIX. 1: K. 116.

raba nal, XLI. 10 (10): K. 267.

rachineburgius, rachiniburgus, rachiniburgius, rachinburgus, rachinburgius, rachemburgius, racheburgius, rachenburgia, rachymburgius, rahinburgus, racineburgius, racimburgius, racimburgus, racinburgus, raciniburgus, racineburgus, racemburgus, racemburgius, racemburgia, raginburgius, raginburgus, rathmiburgius, rathimburgius, rathinburgius, rathiburgius, rathenburgius, rationeburgius, rationeburies, recyneburgius, recemburgius, &c. &c., L. 3; LVI. 1-3; LVII. pass.; LXXVIII. 7. 9; Extrav. B. 1; tab. rubr.: K. 240. [rachineburgius: iudices, Gl. Pith.]. radonia, II. 11: K. 22.

rammus, ramus, rama, a branch, twig, XLI. 2. 4. 4 (cod. 3 &c.).—used as a gibbet, LXVII; cf. Grimm, R. A. 682. rane (LXXXI. 4), ranne = chranne: K. 9. rapere: rapere puellam, XIII. 1. 5.—rapere rem de manu alterius, LXI.—libertam rapere, XCII. 1.—ingenuam rapere, XCII. 3.—raptum: raptum ingenuorum, XIII. rubr.; Recap. A. 7, B. 8.—raptor, XIII. 4; LXXI. 1. 2.—[rapuerit for ruperit, XXVII. 26 (of

L. Em., cod. Q.)]
rapina, XXVII. 13 (of L. Em., Cod.
Est.) = napina (q. v.).

ratio, racio, 1) occupation, business:
sua ratio, I. 5.—ratio dominica, L. 4.
—de ratione parentum se tollere, LX. I.
—2) manner, mode, XXXIX. 4 (cod. 2 &c.).

raubare aliquem, XVII. 12 (cod. 6 &c.); LXI. 1 (of cod. 10). Cf. Diez, Wrtb. I. roba.

reaptē, I. 1: K. 7.

rebus = reibus = reipus (q. v.), LXXVIII. 2: K. 221.

recemburgio, perhaps wrongly for cherenburgio, LXIV. 1: K. 261.

rechalti, II. 1: K. 8. 10.

recipere, to receive, take up: animal ad se recipere, IX. 1. 3 (of cod. 2).—(furtum) recipere, X. 3 (of cod. 7 &c.).—recipere res serui, XXVI. 2.—precium recipere, XL. 4b; Pact. 15.—causam uel compositionem recipere, XL. 9 (cod. 10).—medietatem compositionis recipere, LXII. 1 (codd. B-H).—capitalem, compositionem, recipere, Pact. 9.—testes recipere, Extrav. B. 1. 2. [recepit wrongly for repetit, XL. 7 (of cod. 3)].

reclamare, XXXVII. 3 (cod. I has proclamare). reclaudere, recludere, see claudere. recolligere, recolligere, see colligere.

recondere reliquias sanctorum, LV (LVIII. 1 of L. Em.).

rectores, Prol. I.

redebere = debere, CII. 2 (of cod. II); cf. Pact. Alam. I. 2.

redemptio, see redimere.

redialti, II. 1: K. 8. 10.

redimere: de uita redimere; uitam suam redimere, XXXII. 5 (cod. 5 &c.).—se redimere, L. 4; LI. 2; Pact. 2.—manum redimere, LIII. 1-5; cf. LXXVI. 3 (cod. 2).—aliquem redimere, LVIII. 6; LXXVIII. 7.—redemptio, LIII. 4. 6 (cod. 5 &c.); Recap. A. 8.

redonia, II. 10; redonii, II. 11: K. 22.
referre causam, L. 3 (codd. B-H; cf. note
g).—de causa et rebus suis secundum legem referre, LVI. 2 (of cod. 10).

reffare, rinfacere, refare, treffare, XXVII. 5 (2): K. 140. See inripare, metere.

reformare, refirmare, refurmare, refermare = restituere, to restore, XXVI. 1; Pact. 11. 15. 16.

regere: taurus gregem regentem, qui gregem regit, III. 4.

regio, XXXIX. 2 (cod. 10 & L. Em.); LXXVIII. 1. 2; Extrav. B. 2.—in a different sense, and perhaps corrupt for ratio, LX. 1 (cod. 4).

regius: puer regius, XIII. 7; LIV. 2; LXXIX. rubr., 1. — ancilla regia, XXV. 4. — regalis: trustis regalis, LXIII. 1 & 2 (L. Em.).

reibus, rebus = reipus (q. v.), LXXII: K. 221.

reiecte (?), LXXVIII. 7; cf. ibid. note m, sec. alphabet.

rei phus haec cha la sinus; reiphus heealisinus; reippus nicholesinus, nicolesinus, XLIV. 2: K. 221.

reipus, reibus, rebus, reiphus, reippus, reiphe, reipsus, reipe, pl. reipe, reipi, reibi, XLIV. pass. & tab. rubr.: K. 221. [reipus: de sponsalitiis uiduarum, Gl. Pith.; pretium emptionis uiduae matrimonii causa, Gl. Lind.].

reipus nicholessinus, nicholissimus, nicolensinus, nihil sinus, XLIV. 2: K. 221.

reliquiae sanctorum, LV. 7 (cod. 5 &c.). reliquus = alius, VI. 2 (of L. Em.).—reliqua loca, LXXVIII. 1.—reliqui iuratores, CII.—Cf. in reliquo, CII. 1 (of cod. 11).

remanere, see manere.

remedatus, for *remeatus*, *returned*, XXXIX. 2^b (of cod. 4).

remouere: remouere causam, to remove, transfer a cause (to somebody else), LIV. 4; cf. Kern, 244.

renchus moh, rencus musdo, XXXV. 2: K. 182. 86.

renus: mulierem in renis percutere, LXXVI. 4.

reodemia, reo dimia, II. 11: K. 22. repascere, see pascere.

repetere, to complain, bring an action against anyone; repetens, a plaintiff, XL. 6-8. 10; cf. Pact. 15.—causam repetere, LVII. 1 (cod. 10).—repetitio, an action, XL. 10.

rephuo uano, VI. 3 (6): K. 53.

reponere, 1) to keep, preserve, XCVI.—
rep. de intro clauem, VII. 3; XXI. 4.—
2) to take down, LXVII.—3) to bury,
LXXIV. I.

repotare, see putare.
repphano, XXIX. 6 (10): K. 161.
reppophano, VI. 3 (10): K. 53.
reprimere, LXXVIII. 10.
reputare, see putare.

requiescere: requiescunt insertas, probably for reliquie sunt insertae, LV. 7 (cod. 6); cf. cod. 5.

requirere, to demand, require, summon, claim, e. g. XL. 6 (cod. 2, cf. the other codd.). 9b; XLVI. 1; LIII. 6 (cod. 4); LIV. 4 (cf. Kern, 244); LVII. 1; LXXIV. 3; Pact. 5; Extrav. B. I.—nullus mortem (morte) . . . requiratur, LXX. 2.—req. fretum, XXIV. 5.—requirens, one who demands, a plaintiff, XII. 2; XXXVI; XXXVII. 2; XL. 4. 10; LXXIV. 2. cf. XL (cod. 10. I, third sect. 3).

res, 1) goods, property, including slaves, e.g.: res(domini), X.2; XXXVII. 1.2. 3; XLVII. 1. 3. 4. 5; LI. 1; Sept. C. VI. 6; LVI; LXI; LXXVIII. 7 (passim). 9; XCVI; Extrav. B. 7 .res leti, XXVI. 1.—res serui, XXVI. 2 (codd. 5, 6, 10 & L. Em.).—res in alode patris inuentae, XCIX. - res in hoste perditae, CII.-res paternae uel maternae, Capit. III.—res propriae, XLI. 15 (of cod. 10 &c.); LVIII. 3 (of cod. 10).—res furatae, XLVII. rubr. (of L. Em.); Pact. 13.—res praestata, LII. res alienas furtiuare, XC.-res alterius usurpare, tenere, possidere, Capit. V. VIII.—2) res, matter, respect, subject, LXXVIII. 3. — res, perhaps for tres, XLII. 5; cf. Kern, 218.—res, for reibus = reipus, XLIV. 9 (cod. 4).—rebus for reibus = reipus, LXXVIII. 2.—in rem, perhaps wrongly for aliquem, L. 4 (codd. 1 & 2).—omnes res suas erunt, LVI. 6 (codd. I-4, 7-9, B-H) = omnes res suae erunt in fisco (of the other

codd.); cf. also, LXX. 1; LXXI. 1; CVI. 9.—rex for res, LXXIII. 1. rescripta dirigere, dicere, Epil. I. II. resedere, see sedere.

reseruare, see seruare.

respicere, LVIII. 2. — respectus, Capit. I.

respondere, CII (cod. 11); Extrav. B. 9.
—in mallobergo respondere, CVI. 1.—
quaerenti respondere, Capit. III.—secundum legem respondere, Extrav. B.
12.—responsum dare, CVI. 1.

restare, to resist, detain, XIV. 4 (codd. 6 & 10; the other codd. have testare); cf. Diez, Wrtb. I. resta.

restituere: mancipia, res; capitale (et dilaturam) in locum rest., &c. &c., IX. 1.

2. 3; X. 2. 7 (of cod. 5 &c.); XII. 2; XIV. 2 (of L. Em.). 7 (cod. 6 &c.); XVI. 1; XXV. 7; XXVI. 1 (cod. 10).

2; XXVII. 4; XXX. 9 (of L. Em.); XXXVI; XL. 2. 4^a (codd. B-H). 4^c.

11 (of cod. 6 &c.). 10^b; LXI. 1; LXV. 1; Pact. 9. 12^a; Capit. II; Extrav. A. III. IV; Recap. B. 24.

retat, perhaps for restituat, XL. 10 (of cod. 2).

rete, 1) apparently a dove-cot, VII. 9 (of cod. 5).—2) a net (accus. retem), XXVII. 19; LXXXI. 1.

retinere, Sept. C. IV. 2.—retinere suum responsum, Extrav. B. 12.

retorta, torta, a twig of the willow, osier, a withe, XXXIV. 1; cf. Diez, Wrtb. I. ritorta.

retrahere se, Extrav. A. I.

retro, behind: retro clauem, VIII. 3 (of cod. 10); cf. XXIV (XLI. 17 of cod. 3). Cf. Diez, Wrtb. I, retro.

retus cetho, IV. 3: K. 44.

reuertere in patria, XXXIX. 2. 5 (cod. 6 &c.).—reuertere de transmarina (i. e. regione), XXXIV (LXV. 1^b, codd. B-H).
—reuerti ad potestatem domini sui, XCII. 2.—reuerti ad Christianitatem, CII. 1 (cod. 11).

reuestire de res suas secundum legem, LVI. (LVIII, cod. 2).

reuocare, see uocare.

reus: cartam ream dicere, Extrav. B. 4.
rex: iussio regis, I. 4 (codd. 4, 10 note, &
L. Em.).—uerbum regis, XIII. 6;
LXXII. 1; LXXVI. 7.—puer regis,
XIII. 7; LIV. 2; LXXIX. 1; Recap.
B. 30. 33; cf. also puer.—praeceptum
regis, de rege; carta de rege; ordinatio
regis, XIV. 4; Sept. C. VI. 1; Recap.
B. 29.—ancilla regis, XXV.4.—uuaranio
regis, XXXVIII. 4 (cod. 6 &c.); Recap.
A. 23, B. 25.—conuiua regis, XLI. 5. 6;

Recap. B. 28.—sermo regis, LVI. 5; CVI. 9.—libertus regis, LXXIX.—legadarius regis, Sept. C. VIII. 6.-decretio regis Chlotarii, Pact. 9 .-- ad regis praesentiam (ad regem) mannire, LVI. 1.4. - in praesentia (ad praesentiam) regis rogare, CVI. 7. - Rex Hilperichus, LXXVIII. rubr.-reges Childebertus et Chlotarius, Pact. rubr. — reges (rex) Francorum, Pact. rubr.; Prol. I; Epil. I. II.—reges Chlodouehus et Hildebertus et Chlotarius, Prol. I.—ad (apud) regem accusare, XVIII.-litum, seruum ante regem per dinarium (ingenuum) dimittere, XXVI. 1. 2; Sept. C. V. 4. ante regem aut in mallo (legitimo, publico), XLVI. 3.6 (on this phrase cf. Kern, 227).—in mallo nobis praesentibus ueniat, LXXVIII. 7.-inter duos reges pagare, Sept. C. VIII. 7.

rex: taurus rex, III. 11 (codd. 5 & 6; corrupted taurus regis, in cod. 10 & L. Em.); cf. Kern, 38. 39.

rhamallus (XLVII. 4) = gamallus : K. 232.

rhammodo, II. 12: K. 24.

rhanne = chranne: K. 9.

rhannechala, II. 1: K. 8-10. rhanne chalteo, II. 2 (10): K. 8. 9.

rincus modi, XXXV. 2: K. 182. 86.

rinfacere, XXVII. 6 (of L. Em., cod. Q), perhaps a would-be emendation for rifare, or riffare, to reap; cf. Kern, 140. rinfacere is not clear in the MS.

rogare: iudicem, XIV. 7 (cod. 10 &c.); LV. 2 (the iudex is here mentioned in codd. 7-9, B-H only; erogare in cod. 2 is a corruption for eum rogare); LXXII. 1.-rogare grafionem, XLV. 2b; L. 3. 4; LI. 1. 2 (cod. 2 &c.); Sept. C. VI. 6.-rogare aliquem migrare, XLV. 3 (cod. 6 &c.).-rogare tunginum, L. 2.rogare aliquem debitum soluere, L. 2; LII. c.-rogare (said of the grafio) septem rathimburgios, L. 3 (cod. 10).rogare (said of the grafio) illum qui fidem fecit, L. 3 (codd. 7-9, B-H).-rogare aliquem ut de lege soluat, LXXVIII. 7.—aliquem cum testibus rogare, CVI. 1. 3. 5. 6.—aliquem secundum legem rogare, CVI. 10.-aliquem de leude rogare, CVI. 6. 7.—aliquem in presentia regis rogare, CVI. 7. [rogare also occurs, LII. e, cod. 2, but the context is not clear].

Romanus, Prol. I.—romanus, Recap. A. 19.—romanus homo, XIV. 2. 3; XVI. 3 (of cod. 2); XXXII. 3 & 4 (cod. 6 &c.); XXXIX. 3 [cod. 2 has romanus (apparently as nom.) ingenuum (apparently as accus.), but perhaps we

must read romanum ingenuum (accus.); cf. tit. LXXIX]; XLII. 4; Recap. B. II [In the two latter places a Romanus in truste dominica is meant; cf. the observations under trustis]. 21.—Romanus in truste dominica, Recap. A. 30, B. 36.

Rom. homo, conuiua regis, XLI. 5; Recap. B. 28.—Rom. possessor, XLI. 6; Recap. A. 24, B. 26.—Rom. tributarius, XLI. 7; Recap. A. 14.—militunia uel leta Romana, LXXVI. 9; cf. Kern, 274.—Romanus ingenuus (also in tab. rubr. LXIX, codd. H. B. G), tributarius, miles, LXXIX. 2.

roscimada, V. 2: K. 45. rosidio, XXIII: K. 123.

rota: in rotam mitti, as pessima poena (cruciatus) for a seruus, LXX. 2b.

rumpere, derumpere, dirumpere: sclusam, XXII. 23 (cod. 6 &c.).—rumpere clausuram, XXVII. 23 (cod. 6 &c.).—rumpere sepem, IX. 8 (of cod. 10; the other codd. have aperire).—de(di) rumpere inmetus, inpotos, XXVII. 8 (of cod. 6 &c.).

sabanc heo, XLI. 1 (cod. 7. LXXIV): K.

saccionia, XCVI: K. 284.

sacebaro, saceboro, saceborro, sacerboro, sachibaro, sacibaro, saciboro, sagbaro, sagibaro, sagsbaro, sagsbarro, sagybaro, salebaro, saxbaro, LIV. 2-4: K. 244. [sacebarone: dicuntur quasi senatores, Gl. Pith.].

sacire, see sarcire.

sacramentales, Extrav. B. 1.—duodecim sacramentales, Extrav. B. 3.

sacramentum, LXXIV. 3; CII; CVI. 3. 6. 7; Pact. 5; Extrav. B. 5.

sacriuus, sacribus, sagriuus, sacrifus = uotiuus, II. 12. 13; Recap. B. 15; cf. Kern, 26, on the Malberg Gloss. [uotiuo (sacriuum): idest ad accedendum, Gl. Est.; qui est desensor aliorum porcorum, Gl. Pith.].

sæpes = sepes (q. v.).

sagatius, satacius, for gasacius (q. v.), L. 2 (codd. 7, 8).

sagbaro, sagibaro, see sacebaro.

sagitta, sagita, XIII. 3; XXIX. 5 (codd-5, 6, 8, 9, B-H). — sagitta toxicata, XVII. 2; Sept. C. IV. 1.—sagittare, XXIX. 5. 5 (of cod. 7 &c.); LXXXI. 3; Sept. C. II. 3, IV. 1.—sagittator: digitus s., XXIX. 5 (of cod. 4).

sagriuus = sacriuus (q. v.).

sagsbaro, sagsbarro, sagybaro, see sacebaro. saldeba, XVI. 4: K. 103. 95 &c. saldeban, XVL 3: K. 103. 100. 95 &c.

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salebaro, see sacebaro.

salicus, zalicus, saligus, salecus, salegus, 1) adj. Salic: lex Salica, zalica, I. rubr.; XXXVI (cod. 9); XLI. I (cod. 6 has solia); XLV. 2 (codd. 1 & 2); XLVII. rubr., 1 (codd. 7-9, B-H & L. Em.); L. 2 (cod. 6 has soleta instead of lex Salica). 3; LII. a. b; LVII. 1. 2 (codd. B-H). 3 (cod. 10); LXIII. 1 (& in tab. rubr.); LXXVIII. 3; XCVI (cod. 10); CVII. 3; Pact. 5; Capit. I-III; Extrav. B. 5. 9; Prol. I-V; Epil. II; Recap. A. Pref., 5; Recap. B; Recap. C.barbarus Salicus, Francus saligus, salecus, XIV. 2.-terra salica, LIX. 5 (cod. 6 &c.).—2) subst. salicus, salecus, a Salian, CIV. See also Lex Salica.

Salegast, salegaste, Salegastis, Saligast, Salicastis, Salogast, &c., Prol. I-V: K.

saleham, salechagme, salicagme, sachagme, Salicaime, Salchamae, Salecheim, salechamne, Salagheue, salechem, Salehem, Salachaem, &c., Prol. I-V: K. 301.

salicinus: fustes salicini, LX. I (codd. 3, 4).

salina, XVI. 2 = domus, casa: K. 95. salire, sallire, 1) to leap, jump: sepe, sepem sallire, LVIII. 4 (codd. 4 and 7 have psallire).—2) = adsalire, to assault, injure, LXXX.

salua custodia, Extrav. B. 2.

sambacheo, XLI. 1 (cod. 8. LXXIV): K.

samitem, LIV. 1: K. 244.

sanare: uulnus non sanat, XVII. 4.sanitas: ad sanitatem peruenire, XVII. 7 (cod. 6 &c.).—sanus: sanam manum de eneo tollere, XCIV.-sanum dicere, LIV. 4; on this phrase cf. Kern, 244. sancire, see sarcire.

anctus: reliquiae sanctorum, LV (L. Em. LVIII. 1; cf. the corresponding § in codd. 5 & 6).—sanctificatus: basilica, ecclesia sanctificata, LV. 7 (cod. 6 &c.)

sanguis ad (in) terram cadit; exit; egreditur de (uulnere), XVII. 3 (codd. 3 & 4). 5-7; XX. 4 (codd. 5 & 6).

sarcire, sartire, cumsarcire, Pact. 16 (sancire, sacire, in some codd.).

sarcophagus, sarcofagus, XIV. 8 (of cod. 10 &c.). [sarcofagi: idest sepultura. idest cohopertorium, Gl. Est.]

satisfacere, XLIX. 1; LVI (LIX. 2 of cod. 10).—sat. parentibus defuncti, XIV. 7 (of cod. 10 &c.); LV. 2 (cod. 7 &c.). sat. secundum iustum praetium, L. 3 .personam mortui sat., LXXIV. 2. saxbaro, see sacebaro.

scalla = schilla (q.v.).

scamnum, scamnus, escamnum (ubi seruus tenditur), XL. 1. 6.-scamnum coopertum, a part of the achasius, LXXII. 2. -dua scamna cooperta, a portion of the goods which the relatives of a deceased wife had to leave to her husband, LXXIII. 2.

scandalum, offence, vexation, scandal, LXXVIII. 2.

scantio, a butler, X. 6 (of cod. 10).

scapula, LXXVI. 2.—terram trans scapulas suas iactare, LVIII. 2.

scedo, III. 2: K. 32.

scelus, XCVIII; CV; Pact. 1. 9 .-- author sceleris, XIV. 7 (of cod. 10); XIX. 2; LV. 2 (cod. 7 &c.). 3.—sceleratus: sceleratae nuptiae, XIII. 11 (cod. 5 &c.).

schilla, eschilla, skella, schella, scalla, skellus, sella, kella (Germ. schelle, D. schel), a bell, XXVII. 3 (cod. 6 &c.): K. 139.

schmala ledi, XXIV (cod. 7, XXXII.

2): K. 129. 97.

schodo, XIII. 1: K. 77.

schodo, LVII. 1: K. 255.

schoto, IX. 5: K. 66.

schreona = screona (q. v.)

schuisara chrogino, XXIV. 2 (10): K. 128. scindere: mamillam mulieris, XX. 4 (codd. 5 & 6).

sclusa, esclusa, exclusa, exclausa, a sluice, floodgate, XXII. 3 (cod. 6 &c.) and tab. rubr. XXX (cod. H): cf. Kern, 122. scolo, III. 2: K. 32.

scortare, see escorticare.

screona, screuna, screunia, escreona, escreuna, iscreona, XIII. 1. 5; XXVII. 21 (chreonana, L. Em., cod. A). 22 (schreona, L. Em., cod. 1): K. 78.

scroba, scruua, scrofa, scroua, scropha, iscrofa, iscroua, II. 3. 7 (cod. 6 &c.).scroba docaria, ducaria, II. 11; Recap. A. 9; Recap. B. 10.

scura, scuria, scruria, a stable, XVI. 3; cf. Diez, Wrtb., II. écurie. [scuria: idest stabulum, Gl. Est.]

scurtare, see escorticare.

scuto, IX. 5: K. 66.

scutum, escutum: sc. iactare, XXX. 6. -The scutum a symbol at the giving of the reipus, XLIV. 1 .-- and at the procedure called adfathamire, XLVI. 1 (cf. § 2, cod. 2).

secare, segare, to mow, XXVII. 10; Sept. C. III. 4.

secatio (?), a division, branch (?), LX. (first section of cod. 10, note).

secretus, secrecius, secretius: secr. tribus

testibus praesentibus aliquem admonere, XL. 10.-secr. cum testibus alicui condicere, Pact. 121.

secthe, XXIX. 3 (6): K. 158. secthis (for fecthis), XIV. 6: K. 91. secthis, LXV. 2: K. 266. 65.

secti, XXIX. 1. 2: K. 158.

secundum legem se defendere, XXXVI. (cod. 10 & L. Em.).—sec. l. solem collocare, XXXVII. 3.—sec. l. componere, XLI. 16 (cod. 10 &c.); XLIII. 2; XLVII. 3; LVI. 6.—sec. modum leodis suae componere, XLI. 13 (of L. Em.). — omnia sec. legem implere, XLIV. 3.—sec. parentillam dici, XLIV. 9.—sec. legem testare, contestare, XLV. 2b. 4 (of L. Em.).—sec. iustum praetium satisfacere, L. 3.—causam sec. legem definire, LIV. 4.-sec. legem audire, LVI (LVIII, cod. 2).—de res suas sec. legem (quod lex est) reuestire, referre, LVI (LVIII, codd. 2 & 10). — legem dicere sec. legem Salicam, LVII. 1.sec. legem iudicare, LVII. 3.-componere secundum quod in patria componere debuisset, LXIII. 1.-sec. legem aliquid donare, LXXII. 1.-sec. legem consequi, LXXVIII. 7. -sec. legem Salicam obseruare, XCVI.

secundus: secundus digitus, XXIX. 5; Sept. C. II. 3.—secunda uxor, LXXIII. 1.-Cf. Recap. A. 7.

securus, sicurus, XLV. 3; L. 3.-securitas: securitatem facere, LIV. 4; cf. Kern, 244.

secusius, secusus, VI. 1: K. 50.

sedere, 1) to remain, XLV. 2 .- 2) to sit: rachineburgi in mallo sedentes, LVII. 1 (codd. 4, 8, 9, B-H & L. Em. have resedere; codd. 7, 10 & L. Em. cod. Q have residere); LXXVIII. 7 .- residere in domo, XCVII .- residere in sacramento, probably = to adhere to, CII. 2 (of cod. 11).—adsedere, consedere, to settle: in uilla, XLV. 2.

seeo lando ueua, XVI. 1: K. 101. 95, &c. segare for secare, q. v.

segusius, segusiuus, VI. 1. 2 (10): K. 50. selando, XVII. 1: K. 106. 97. 99.

selando efa, XVII. 5: K. 107. 97. 95 &c. selando effa, XIX. 2: K. 117. 107.95.97. 99. 101.

selando sunt effa, XVIII: K. 107. 95. 97. 99. 101.

selane effa, XVI. 1: K. 97.

selane effefa, XVI. 1: K. 96. 95 &c. selaue, silaue, LV. 3 (cod. 6 &c.) : K. 249. selcho, XXXVIII. 4 (6): K. 189. sella = schilla (q. v.).

seminare, semenare, XXVII. 23. 24.

semis, simis, XIV. 6 (cod. 2); XXVIII.
3.

semita (seminata), XXXIV. 3, and in tab. rubr. LV (of codd. H. B. G.).

senextra = sinistra (q. v.).

senio, II. 5: K. 20. seniores (taking an oath), CII.

sententia, sentencia: capitalis sententia, XL. 5.—sententiam dare, LVII. 3.—in alia sententia, in another text of the Lex Salica, XIV (XVII. 5 of cod. 10).—in tertia sententia, Recap. B. 11.

senum; et senum, for sint (?), XL. 6 (cod. 2).

seo = seu, XXX. 3 (cod. 2).

seolandefa, XVII. 2: K. 107. 97 &c. seolande fadisco landefa, XVI. 1: K. 101.

97. 95 &c.

seolande stadio, XLIII. 1: K. 219. seolandeua, XVI. 1: K. 101. 97. 95 &c.

seolandi stadio, XLIII. 1: K. 219. seolando, XVII. 2: K. 106. 97. 99 &c.

seolando efa, XVII. 1: K. 107. 97. 95 &c. seolando et uas haldem pa, XVI. 1: K. 99. 100. 95 &c.

seolando uena, XVII. 1. 2: K. 107. 97. 101. 95 &c.

seolando uena, seolando ueua, XVIII: K. 107. 95. 97. 99. 101.

seolando ueua, XVI. 1: K. 101. 95 &c. seolandoueua, XVII. 1. 2: K. 107. 97. 101. 95 &c.

seolanthis thadio, seolantis thadio, XLIII.
1: K. 219.

seo lastasia, XLII. 3^b (of cod. 10); seolasthasia, XLII. 4^b (of cod. 6): K. 217. seo laude esthadio, XLIII. 1: K. 219.

separare, de (a) consortio separari, XIII. 11 (cod. 6 &c.).

sepes, sæpes, sepes, sipes, IX. 8 (cod. 2 &c.); XVI. 5; XXXIV. rubr., 1. 2 (cod. 6 &c.).—sepem sallire, LVIII. 4.

septem: s. apes (beehives) aut amplius furare, VIII. 4. 7 (of cod. 10 & L. Em.).
—grex septem equarum, XXXVIII. 3.
4.—septem noctes, XL. 7. 8; LII. b. c; LXXIV. 1; CVI. 1.—septem qui in conuiuio fuerint, XLIII. 1. 2.—septem rachineburgi, L. 3; LVII. 1. 2. 3. 4 (cod. 6 &c.).—septem iuratores, Pact. 8 (perhaps wrongly for sex).—septem testes (proximiores), Extrav. B. 2. 5.—septima manus, Extrav. B. 5. 12.

septun chunna, II. 7; Ch. B. 3: K. 21.

sepultus: corpus sepultum (de sepulchro, cod. H) effodere, expoliare, LV. 2.

sequi, persequi: sequi seruum, XIII. 8. — per uestigium res suas sequi, XXXVII.—latrones persequi, Pact. 16. 17.—sicut antea consuzetudo fuit . . . sic sequatur, LXXVIII. 10.—sequentes digiti, XXIX.6.6 (cod. 4 &c.).—poletrus sequens, XXXVIII. 7: Cf. Kern, 193.—sequentem mortuum, LV. 3 (cod. 6 &c.): K. 249. [Sequens occurs also XXIX. 5 (of cod. 2), but it is not clear in what sense.]

sermo regis; extra sermonem ponere, LVI. 5; CVI. 9; LXXVIII. 9 (mittere foras nostro sermone). Cf. also uerbum; rex.

seruare: lex, pax seruetur, LXXII. 3; Pact. 16.—reseruare, Capit. 7.—fretus reseruare iudici, Pact. 16.

seruitium, seruitus, XIII. 9; XXV. 2 (cod. 3). 5. 6; XXXIX. 2 (cod. 10 & L. Em.); Capit. II. III.—seruitutem, XXXV (LXVIII, codd. 7-9, B-H, probably wrongly for soluiturum).—homo qui in seruitio reuocatur, CII.—aliquem ad seruitium mallare, requirere, Extrav. B. 1. 2.—de seruitio fugire, Extrav. B. 12.

seruus: de seruo furato, occiso, uendito uel ingenuo dimisso, X. rubr., 1. 3 (cod. 5 &c.). 2 (cod. 7 &c.). 5 (cod. 5 &c.); XXVI. 2; Capit. II; Recap. A. 17. 21, B. 19.—si seruus cum ingenuo de rebus domini sui aliquid (de)portauerit, X. 2. -seruus puledrus, X. 5 (cod. 10).-aliquid cum seruo negotiare, X. 5 (cod. 5 &c.); XXVII. 25; LXXXVI.—de furtis seruorum, XII; XL; LXXVIII. -castrare seruum, XII. 2; XXV. 7; XL. 4c. 11; Recap. A. 8.—si ingenua puella (femina) seruum secuta fuerit, in coniugium sumpserit, XIII. 8 (cod. 1); XXV. 6; Capit. III.—de adulteriis seruorum, XXV. rubr. (of cod. 2); Pact. 5. -si seruus cum ancilla aliena moechatus fuerit, XXV. 7.-s. CCC (CXX) ictos accipiat, XXV. 8; XL. 1.—si seruus ancillam alienam in coniugium sociauerit (inuita traxerit), XXV. 9. - uapulare seruum, XXV. 5 (of cod. 2).-De homicidiis seruorum, XXXV.-si seruus seruum (aut ancillam) occiderit, XXXV. 1: LXXXIII.—si ingenuus seruum expoliauerit, XXXV. 2. 3. - seruum alienum battere, XXXV. 4 (cod. 6 &c.). -seruum alienum mortuum expoliare, XXXV. 6 & 7 (of cod. 6 &c.).—si seruus hominem ingenuum occiderit, XXXV. 5; LXXVIII. 5; Capit. VII. ---seruum sollicitare, plagiare, XXXIX. -seruum torquere, XL. 2 &c.-seruum super scamno tendere, XL. 1. 6 .-- seruum capitali sententia ferire, XL. 5 .seruum super alterum agnoscere, XLVII.

1.-si mulier se cum seruo suo copulat, LXX.-seruum pessima poena (hoc est in rota) ponere, LXX. 2b.—si seruus mulierem ingenuam percusserit aut excapillauerit, LXXVI. 3.-seruum ad sortem mittere, ponere, LXXVIII. 7; Pact. 5. 6. 11.—seruum sine causa ligare, LXXXVII.—cessionem de seruo facere. Pact. 5 (cf. LXXVIII. 7). 15.—seruus ecclesiae, fisci, Pact. 11.-seruus cuiuslibet de potentibus, Pact. 121.-seruus ecclesiasticus, beneficiarius, Capit. VII.-seruus qui cartam ingenuitatis adtulerit, Capit. 11.—seruus fugitivus, Extrav. B. 12.—seruum alterius cedere, Recap. A. 4.-seruus ministerialis, Recap. A. 11. 15.-seruum ministerialem in oste occidere, Recap. A. 22.—litus seruus. Recap. A. 27.-seruum flagellare, Recap. B. 5.

setheo, XXXVIII. 4 (10): K. 189.

seugius, VI. 1: K. 50.

seulandeba, XVIII: K. 107. 95. 97. 99.

seulandefa, XXVIII. 1. 2: K. 155. 97. seulandeueuas, XVI. 1: K. 101. 95 &c. seulando efa, XVIII: K. 107. 95. 97. 99.

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seulando uauas, XIX. 2: K. 117.107. 95. 97. 99. 101.

seulando ueua, XVII. 2: K. 107. 97. 101. 95 &c.

seulando ueua, XLIII. 1: K. 219. 97. 99. 101.

seulandoueuas, XVII. 1 : K. 107. 97. 101. 95 &c.

seula[n]doueuas, XVIII: K. 107. 95. 97. 99. 101.

seusius, seusus, VI. 1: K. 50.

sex: sex apes (beehives) furare, VIII. 3.
—grex minor (equarum) usque ad sex (codd. I-3 have septem) capita, XXXVIII. 4.—sex iuratores medius electus donare, Pact. 8 (cod. 2 has septem; cod. 7ª duodecim).—sextum genuculum, XLIV. 9. 10.—cum sexaginos quinos (iuratores) se exuere (excusare), LXXIV. 2.—sibi sextus iurare, CVI. 2.—sexagesimus annus, Extrav. A. V. 3.

sexan chunna, Ch. A. 2: K. 301.

sexus uirilis, LIX. 5.

sexxaudro (read sexxandro), Extrav. A. 4: K. 296.

sibi sextus, nonus &c. iurare, CVI. 2 &c. sic eligere, for si cis ligere, XLVII. 1: cf. Kern, 2.

solicitudo, for solutio, XLVII. I (codd.

solestrabo, XXX. 3: K. 172.

sichte, XXIX. 2; sicti, XXIX. 1: K. 158. sicurus for securus (q. v.). signare: fustem signare; arbor signata, signatus, XXVII.18.—signum: ceruus domesticus signum habens, XXXIII. 2; Sept. C. II. 7. sigusius, secusus, secusius, segusius, segusiuus, seugius, seusius, seusus, siusius, siusus, siutius, subusus, VI. 1. 2 (10 and L. Em.): K. 50. silaue = selaue, see K. 249. silua, sylua, XXVII. 15. 17. 18; LXXXIV; CIII.—per siluas uadere, LXXVIII. 9. simalchaledi, XXIV (cod. 9, XXXII. 2): K. 129. 97. similis, 1) a similar one, of equal value, XXX. 9 (L. Em.). On pittus, to which similis refers, cf. Kern, 295.-2) similis, consimilis, equal: se, sibi similis, consimilis, XXXV. 1.—consimiles tres qui sacramenta firmant, in contradistinction to the electi, Pact. 5. simis for semis (q. v.). simithio reddant, CVI. I (cod. I): K. 290. sinani, II. 5: K. 20. sinistra, senextra, senixtra, sinesxtra manus, LVIII. 2; LXXVIII. 6; cf. Kern, col. 471 (note 2). sipes, for sepes (q. v.). sitabahim, sitabaim, sithabahim, sithabahun, XXXVIII. 6 & 7 (of cod. 7 &c.): K. 192. siuaerohen, XXV. 1: K. 131. siusus, siutius, VI. 1: K. 50. skella, skellus = schilla (q. v.). smalchaledi, XXIV (cod. 8, XXXII. 2): K. 129. 97. soagne chalt, soagne chalte, II. 8: K. 20. 8. sobattere, see battere. socelino, VII. 4 (6): K. 54. 59. sochte, XXIX. 2 (10, note): K. 158.

sociare, sotiare ancillam alienam, XIII.

9; XXV. 8 (codd. B-H). 9.—sponsam

alienam, XIII. 10.—litam alienam ad coniugium (sibi in coniugium), XIII. 10

(cod. 5 &c.).—uiduam in coniugio soci-

sol: post solis occasum, VI. 2 (cod. 2

&c.); XXXIV. 5 (of L. Em.).—solem

collocare, XXXVII. 3; XL. 7. 8. 10;

L. 2; LII. a. d. e; LVI. 3. 4. 5;

LVII. 1. 2; CVI. 7. 8. Cf. also collo-

care, cubitus, occasus, solisacire, and

solam phinam, sola[m]pina[m], solampi-

nam, VII. 6 (cod. 6 &c.): K. 61.

socius, XLI. 16 (of cod. 10 &c.).

are, Recap. A. 6.

Kern, 185.

1, 2, 6). solidus, a coin which, everywhere in the Lex, = 40 denarii. - solidi aeque pensantes, XLIV. 2. solisacire, solsatire, sole latere, CVI: K. 185. solis trabo, XXX. 3: K. 172. solitudo, for solutio, XLVII. I. solium: inter 4 solia occidere, Sept. C. VII. 6. sollicitare, solicitare mancipia aliena, XXXIX. rubr., 1. sollicitudo, solicitudo, Pact. 16. soluere, 1) to let loose, VI. 3 (of L. Em.). 2) to loosen, untie: uittam s., LXXVI. 2.-3) soluere, desoluere, dissoluere, exsoluere, persoluere, to pay, satisfy, XII. I (cod. 7); XIII. I. 4 (cod. 8). 6; XVII. 6. 8. 9 (of L. Em. cod.Q); XXII. 1; XXV. 5 (of cod. 2).3 (of cod. 6). 6 (of cod. 10&c.); XXXV. 5. 5 (of cod. 10); XXXVI; XL. 3. 4c. 9; XLII. 3. 3b. 4. 5 (of codd. B & H); XLIII. 3; XLIV. 2; L. 1 (cod. 4). 3 (cod. 10); LIII. 3 & 6th sect. (of cod. 10 &c.); LIV. 4; LVII. 1. 3. 2 (of cod. 10); LVIII. 2 (of cod. 10). 3.4. 5.6; XCII; XCIII. 2; CII; CVII. 2; Pact. 6 .-debitum soluere, L. 2; LVIII. 5 .-- fidem factam soluere, L. 1. 3.—soluere fretus, L. 3; LHI. 2. 4. 6. 7th sect. (of cod. 10). 6 (cod. 6 &c.).—soluere pretium, LVI (LVIII of cod. 2 & cod. 10).—totam legem soluere, LVIII. 6; Recap. A. 7, B. 36.—de lege soluere, LXXVIII. 7. transoluere, LVIII. 3 (of cod. 10).exsoluere, 1) = soluere 3. -2) to free one's self, LXXVIII. 5.—se exsoluere: per (cum) iuratores se exs., XIV. 2 & 3 (of cod. 2); XVI. 3 (of cod. 2); XLII. 5 (cod. 1).-solutio, payment, satisfaction, XLVII. 1; Pact. 16.—pignus solutionis, L. 2. sonare cornu, see cornu, LXXIV. 1. sondolino, VII. 4 & 5 (of cod. 7): K. 54. sonesta, III. 6: K. 28. 41. sonia, sonies, = sunnis (q. v.). sonischalt, II. 14. 16; III. 6. 7; IV. 4: K. 29. 44. sonista, II. 14. 16; III. 6. 7; IV. 4; XXXVIII. 5 (of cod. 6): K. 28. 41. 44. sonistha, XXXVIII. 5 (cod. 10): K. 190. 28. sonnis = sunnis (q. v.). sonnista, II. 14. 16: K. 28. soror, LIX. 2; LXXVIII. 3. - sororis filia, XIII. 11 (cod. 6 &c.). - sororis

filius, XLIV. 4.—soror matris, LVIII. 3; LIX. 3. 4 (cod. 2 &c.).—soror patris, LIX. 4 (cod. 2 &c.). sors, 1) lot, as a means of evidence in the case of slaves or servants, LXXVIII. 7 (soros here wrongly for sors); Pact. 5. 8. 10. 11.—sors mala, Pact. 6. 8. 10.-2) territory, LXXXIX. 2: cf. Kern, 282. sotis = sutis (q. v.).spadus, spatus, spathus, spadatus, castrated; spadare, spatare, expadare, espatare, to castrate, XXXVIII. 3 (cod. 6 &c.). 12 (cod. 6 &c.); Recap. B. 3. spalmitare = palmitare (q. v.). spatium, spacium, in reference to time, XL. 10; LII.b; Capit. I. - to space, Pact. 14 (cod. 2 has expacium). speruarius, sparoarius, isparuarius, spreuarius, sparuarius, isperuarius, a sparrowhawk, VII. 4 (cod. 5 &c.); cf. Kern, 54. spicarium, espicarium, ispicarium, picharium (Cod. Est.), a barn, cornhouse, XVI. 3. [spicario: idest cellarium, Gl. Est.; horreum cum tecto, Gl. Pith.]. spoliare, see expoliare, LV. 6 (6). spolium, expolium (spolia, expolia, sing.), XXXV. 3. 5 (of cod. 10 &c.). 7 (cod. 6 &c.); LXI. 2. spondere, Extrav. B. 6. - sponsus, a betrothed, a bridegroom, XIII. 13 (cod. 5 &c.). - sponsa, spunsa, isponsa, puella sponsata, desponsata, disponsata, dispunsata, a betrothed, a bride, XIII. 10. 14 (cod. 5 &c.); Sept. C. VI. 7; Recap. A. 12. - sponsare, desponsare, to betroth, affiance, Extrav. A. I. [puella sponsata, spunsata, sponsada, spunsada, desponsata, occurs again XXV. 2 in codd. 6, 7-9, B-H & L. Em., but perhaps wrongly for spontanea, as the other texts have]. spontanea uoluntate, XXV. 2. spreuarius = speruarius (q. v.). stadalis, LXXX: K. 276. stadua = statuale (q. v.). stafflus, stapplus, LV. 4 (cod. 10, note & L. Em.): K. 247. stalacha, IX. 2 (10): K. 192. stalachaia, stalachia, stalasthia, stalathia, XXXVIII. 5. 9 (of cod. 6 &c.). 13 (of cod. 6 &c.): K. 192. stallachia, IX. 2 (6): K. 192. stapplus = stafflus (q. v.). stare, Sept. C. VI. I [in tit. XIV. 4 the texts have testare, restare]. statuale, statualis, statua, stadua, a kind of fishing-net, XXVII. 20. [statuam: retias, Gl. Est.]. statuere, Pact. 18.

stemare, see aestimare.
sterchire, Extrav. B. 7: K. 298.
sternere lectum, LXXII. 2.
steterit, XLI. 2 & 4 (of cod. 2), probably
for texerit.
stimare, stimatio, see aestimare.

stimare, sumatio, see assimare. stirps: hereditatem per stirpes diuidere, LIX. 5.

strada, a road, LXXIV. I.

strator, stratarius, istrator, one who saddles a horse, a groom, X (XXXV. 6, cod. 1 &c.).

stria, stries, estria, istria, a hag, witch, LXIV. 1. 2. 3 (6); Recap. A. 25. stricto, Extrav. A. 3: K. 295.

stringere, extringere, instringere, destringere, to press, touch, XX. rubr., 1. 2.—super extringere, to hold together, XXXIV. 1.—adstringere aliquem secundum legem salicam, said of a judicial summons, L. 2 (in L. Em.; the other texts have the Frankish formula: ut nexti canthigius; cod. 10 uses both the Frankish and the Latin).

strioporcius, strioportius, strioportio, estrioportio, trioportio, LXIV. I and in tab. rubr.: cf. Kern, 261, on the Malberg gloss.

strogau, X (cod. 2, XXXIV. 5): K. 69.

strona anthedio, anthidio, antidio, XXVII. 22: K. 150. 122. 75. 78. 63.

stronis anthedio, XXVII. 22: K. 150. 122. 75. 78. 63.

structura, a structure, LV. 3 (of L. Em.).

studium: ascus in suspensum pro studio, studium positus, XXI. 4.—studium pacis, Prol. II.

stus, for ictus, XVII. 6. 8 (of cod. 2). suane calte, II. 8: K. 20. 8.

subatere, subbatere, subbattere, see bat-

subdare = dare, tradere, XL. 4b.

subiacere: poenae, poenam, XIII. 11 (cod. 5 &c.).—subiacere legem, lege, legi, Pact. 10 (codd. 1, 5, 2, 6*_8*; cod. 7b has succedat legi; 6b, 8b succeat legis).—subiacere periculo, Pact. 11.—uitae periculum (-0) subiacere, se subiacere, Pact. 18.—latronis culpae s., Pact. 13.

sublicitare, XXXIX. I (in codd. 2 & 4), probably corrupted from sollicitare.

subligare sepem, XXXIV. 1. substantia, XLV. 26 (cod. Est.).

substantia, XLV. 2^b (cod. Est.). subtho, subto, XXVII. 31 (cod. 6 &c.): K. 153.

subtrahere, II. 6 (cod. 10 & L. Em.), see trahere.

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subtus, under, beneath, underneath: subtus terram, LVIII. 1.

subula, an awl, punch, Extrav. B. 4.

subusus, VI. 1: K. 50.

٠,

succedere, LIX. passim. succlin, VII. 4 (10): K. 54. 59.

sudenn, sudis = sutis (q. v.).

suiani, sui anni, II. 5: K. 20.

sumis, sumnis = sunnis (q. v.).

sundela, XVI. 4: K. 103. 95 &c.

sundelino, sundleno, sundoleno, sundolino (also in VIII. 1, but misplaced, see Kern, 63), sundulino, VII. 4.4 (of cod. 7 &c.): K. 54. 59.

sunesta, II. 14; III. 6: K. 28. 41.

sunia = sunnis (q. v.).

sunista, II. 14: K. 28.

sunnes = sunnis (q. v.).

sunnesta, II. 16; III. 7: K. 28. 41.

sunnis, sonies, Sumis, sumnis, sunnes, sonnis, sunnia, I. I. 2; XLV. 2b; XLVII. 2; XLIX. 2; L. 4 (sunnia, sunia, nuntiare, adnuntiare; certa sonia); LXXVIII. 7; XCVI; Pact. 5. 17 (cod. 2); Sept. C. I. I. 2: K. 231. [sunnis: impeditio, Gl. Lind.].

sunnista, II. 11 (here misplaced, see K. 22). 14; III. 7; IV. 4; XXXVIII. 3 (cf. K. 190). 6 (cf. K. 191): K. 28. 41. 44.

sunt dilino, VII. 4: K. 54. 59.

superbia, IX. 7 (of cod. 7 &c.). 8 (cod. 2 &c.); XXXII. 5 (cod. 5 &c.); XXXVIII. 13 (cod. 6 &c.).

superdicere, to accuse: sup. hominem ex quolibet crimine, XLI. 11 (cod. 6).

superesse, LIX. 1. 2 (cod. 10 & L. Em.).

super extringere = superstringere, XXXIV. 1.

superiactare, superiactari: s. alteri maleficium, to cast a spell or charm over anyone (Fr. jeter le sort sur quelqu' un), XIX. 3 (cod. 5 &c.).

superligare: s. sepem, XXXIV. I.

superstitutus fuerit, for superstites habuerit, LXXVIII. 3.—uxorem suam superstitem, for uxore sua superstite, LXXVIII. 4.

superuenire, to come or fall upon, to attack, XIV. rubr., 7 (of cod. 6 &c.).—superuentus, an attack, XIV. rubr., 1. 5. 6.

suplicacio, Pact. 5 (cod. 2).

supplicium, supplitium, suplicium (minor et maior), XL. 4. 5. 6. 7. 9. 10; Pact. 14.

susceptio hospitum, XLVI. 5.

suscipere, 1) to receive, accept: seruum, XL. 3h (of codd. B-H).—pretium s.,

XL. 5^b (of L. Em.).—s. flagellos = accipere flagellos, XII. 1 (cod. 2).—2) to undertake: legem super se soluiturum s., XL. 9^b.—3) to take up, accept, tolerate: s. migrantem, XLV. 1.—hospites s., XLVI. 2.

suspectus de crimine, Pact. 121.—suspectio, suspitio (susceptio), Pact. 10.

suspendere, CVII. 3.—suspensum: ascus in suspensum positus, XXI. 4.

sustinere, 1) to bear, put up with, LVII.
2 (of cod. 10 & L. Em.).—2) to sustain,
XCIV.

sutis, sudis (de Sutenn, sudenn, cod. 10), sotis, a pig-sty, II. 3 (cod. 6 &c.); XVI. 2 (of cod. 2). 4. [sute: idest ara porcorum, Gl. Est.].

suuachine calte, II. 8: K. 20. 8.

sylua = silua (q. v.).

tacxaga, IX. 2: K. 21.

talare, to take away, CIII. 2. Cf. L. Rip. 64; L. Alam., Landfr. 33; Diez, Wrtb., II. b. tala.

talentas, CII: K. 286.

tanconare, tangonare, tancnare, tanganare, to press, summon (O. Fr. tangoner), LVII. I; cf. Diez, II. c. tangoner; Sohm, Proc. 143 sqq.; id. R. u. Ger. I. 132. [tangano: id est uostimio (leg. uastemio?), Gl. Est.; adiuro, interpello, Gl. Lind.].

tangere, LXXVI. 2; Recap. A. 20. tantedio, XI. 4: K. 75. 63. 58.

taphano, XXIX. 5 (8): K. 161.

taratro (?), LXXXIX. 2.
tartussus = tertussus (q. v.), Sept. C. I. 3.
taurus (taurem in cod. 5): taurus qui
gregem regit, III. 4.—taurus qui de tres
uillas communis uaccas tenet, III. 5;
cf. Kern, 40.—taurus bimus, III. 9 (cod.
6 &c.).—taurus rex, III. 11 (cod. 6;
cod. 10 & L. Em. have taurus regis,
cf. Kern, 39); Recap. A. 23 (taurus
regis).

tauthe, LII. sect. e (cod. 10): K. 242. taxaca, II. 8 (of cod. 7); IX. 3 (of cod. 7); X. 2 (of cod. 7). 4 (of cod. 7); XI. I (of cod. 7, here a mistake; cf. Kern, 75).—taxaga, II. 7 (cod. 3); X. 4 (of codd. B. G. H). 5 (XXXIV. 5 of cod. 2).-taxaica, X. 4 (of cod. 8).-texaca, II. 19 (of cod. 6); III. 13 (of cod. 6); IX. 3 (of cod. 10); X. 6 (of cod. 6). 8 (of cod. 10; cf. Kern, 72); XI. 2 (of cod. 6).—texacha, X. 6 (of cod. 6). texaga, VIII. 3; XIV. 5.—texara, VIII. 3 (of cod. 10).—texeca, II. 10 (of cod. 5). 19 (of cod. 5); III. 13 (of cod. 5); VIII. 4 (of cod. 5); IX. 3 (of cod. 5); X. 1 & 5 & 6 (of cod. 5); XI. 2 (of

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cod. 5) .- texxaga, XI. 2 (cod. 2): K. 21. 63. 64. 67. 71. 72. 75. [texaga: id est mercatum, Gl. Est.; in texaga, intra tecta, Gl. Pith.].

taxaca ab chratis, taxaca ab grates, VIII. 3: K. 63. 21. 64.

tegere, to cover over, XLI. 2. 3 (of cod. 6). 4.—tectum super apem, uas, VIII. 1. 2. 3. 4 & 5 (of cod. 10 &c.).—lapidem super tectum iactare, XCVII.

telarius = extelarius (?), XXXIII. 3 (of

tempus: longum tempus, LIX. 6b (of cod. 10).—paganorum tempore, LVIII. rubr. (of codd. 7-9, B-H).-praesentibus temporibus, LVIII. 3 (of cod. 10).sub temporibus patris nostri, LXXVIII. 10.—intra statutum tempus, Pact. 121.

tendere, tindere, extendere: seruus extentus 120 flagellos accipiat, XII. 1.-tendere, extendere seruum super scamnum. XL. 1. 6.

tenere, 1) to hold, detain: sunnis eum tenet, detenet, I. 1. 2; XLV. 2b; XLVII. 1b; XLIX. 2; L. 4.—animal ad se t., IX. I (cod. 7; the other codd. have retenere). - uillam tenere, XLV. rubr. (of L. Em.); Capit. IX.-res tenere, LII. a. b.-mancipia aliena tenere, Pact. 7.—cf. L. 2 cod. 3.—2) to keep, manage, LXXVI. 11.-8) to line, cover: taurus qui uaccas tenet, continet, III. 5. - intrans. pes mancus tenet, XXIX. 11 (cod. 5 &c.).—teneri ad numerum, XLI. 7 (of cod. 2 &c.). — obnoxium teneri, XLIII. 2. See also continere.

tenor, 1) preservation, maintenance: t. pacis, LXXVIII. 1; Pact. 1. 16. 18 (pro itinere, de retinore, pro timore, pro tenere, pacis) .- 2) contents: duae epistolae uno tenore. Extrav. B. 1.

tentennum, tentinnum = tintinnum (q. v.).

teobardo, X. 2: K. 68.

teoda, theada, theoda, theuda, (an)teuda (cod. 2), (an)teoda (cod. 7), (an)theoda (cod. 8), (an)tehoda (cod. 9, for ante teuda, &c.), deuda, XLVI. 6: K. 227. teodocco, X. 3 (cod. 2); teoducco, X. I (cod. 2): K. 67.

teofriomosido, XXXV. 6 (6). 7 (6): K. 183. 182. 86. 67. 90.

teolasina, X. 5 (6): K. 73. 67. 133.

teolosina, XXV. 3. 4: K. 133. 67.

teomosido, XXXV. 2. 4: K. 182. 86.

teophardo, X. 2: K. 68. teorgiae, LV [LXXVII. 2, of cod. 7]: K. 253 [meaning unknown].

teorsine, LV [LXXVII. 1, of cod. 7]: K. 253 [meaning unknown].

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teothexaca, X. 4 (6): K. 67. 21, teoxaca, X. 1: K. 67. 21.

ter, terni, tertius, tres: ter aliquem percutere, XVII. 8.—terni solidi, XIII. 3; XVII. 6. 8; L. 2; LII. d; LVII. 2. -ternae personae electae, Pact. 10.per tertium aliquod transmittere, XXVIII. 3.—tertius digitus, XXIX. 4 (of codd. B-H).-tertia pars solidi, XXXV. 4 (of L. Em.); XXXVIII. 15 (cod. 10 & L. Em.).—tertia manus, XXXVII. 1. 3; XLVII. 14; LXI. 3. -tertia nox, XXXVII. 1.-tertia pars denarii, XXXVIII. 15 (cod. 10 & L. Em.).—tertius mallus, XXXIX. 3 (cod. 2 &c.).—tertia uice, XL. 10.—tertius placitus, tertium placitum, XL. 8 (of cod. 2); XLV. 2b. - in tertio loco, XLII. 3b; Recap. B. 11 has here in tertia sententia.-tertia pars legis, L. 3. -tertia pars dotis, LXXIII. 2.-tertia pars leudis, CI. - tertio decem noctes addere, XLV. 2b. - tres admonitiones, LII. e.-tres causae, tertia causa, CII. -tres colpi, XVII. 6.-tres consimiles, Pact. 5.—tres, alii tres, et tres in tertio loco, qui in contubernio sunt, de contubernio, XLII. 3b; XLIII. 3.—tres aut amplius in conuiuio, XLIII. I (codd. 7-9, B-H).-tres digitos in uno ictu excutere, XXIX. 6.-tres electi, Pact. 5. -duas aut tres feras occidere, XXXIII. 2.-tres (wrongly for quatuor) fustes, LX. I (cod. I).—tres de generatione matris, patris; tres proximiores de matre, de patre, LVIII. 3. 4; CI.—tres homines qui ingenuam puellam rapuerint, XIII. 1. 2; Recap. B. 8.—tres homines tres causas demandare debent, XLIV. 1; XLVI. 1. - tres hospites, XLVI. 2. 5. — tres iuratores, XCIX (cod. 2).—tres partes leudis, CI.—tres malli, XXXIX. 3 (cod. 2 &c.); Pact. 2; Prol. I. II.—tres noctes, XXXVII. 1. 2.—tres nundinae (notinae, numbinae, nouenae, nondenae, manitae, mannitae), L. 2.—tria ossa, XVII. 3.—tres placiti, tria placita, tres placitae, XL. 13 (of cod. 3 &c.).—tres plagae, XLII. 3; XLIII. 3.—tres plagiatores, XXXIX. 4 (cod. 2 &c.).—tres sacibarones, LIV. 4.-tres seniores, CII.-tres solidi aeque pensantes, XLIV. 1b. 3 .-- tria, tres testimonia, LVI. 4. 5; XCIX.—tres testes, XXXIX. 2 (cod. 3 &c.). 3 (cod. 2 &c.); XL. 10; XLVI. 4. 5; XLVII. 2. 3; LVI. 2. 3; cf. XCIX.—tres ueruices (capras) furare, IV. 3; V. 1; Recap. A. 5.—tres uices, terni uices, L. 2; LII. d; LVII. I (codd. B-H); CVI.—tres uillae (owing to a mistranslation, cf. Kern, 40), III. 4 (of cod. 7 &c.). 5.si tres uillam inuaserint, XLII. 5 (cf. Kern, 218).—tres uirgae, XXXIV. 1. tertius decimus sacramentalis, Extrav. B. 3 .- triplum: in triplo componere, LXIII. 1; LXIV. 2; Extrav. A. VI. 4.—tricinus, trigenos for tricenos, XIII. I.

terminare, CVI. 2 (of cod. 10 &c.).—uno iudicio terminari, II. 9 (of cod. 7 &c.); III. 5 (of cod. 7 &c.).

terra: XVII. 3. 5. 6; XXXIV (LIII cod. 9); LXXVI. 1.—in terra mittere, to bury, XIV. 8 (cod. 2 &c.); LV. rubr., 1; Sept. C. IV. 3. — nec super terram nec subtus terram facultatem. habere, LVIII. 1. -- terram in pugno tollere, terram (de terra) super aliquem iactare (a symbolic usage), LVIII. 2. 3. -terra, land, property, LIX. 5; LXXVIII. 3; Pact. 14; Extrav. A. II. -terra Salica, LIX. 5 (codd. 5, 6 &c.)terra, wrongly for tertia, LXI. 3 (cod. 1). tertega, II. 2: K. 16.

tertius, see ter.

tertussus, tertusus, testussis, II. 9; tartussus, Sept. C. I. 3: K. 16. [tertusum: idest castratum, Gl. Est.; qui domi nutritur. der zuhous, Gl. Pith.].

testare, testari, 1) to testify, declare, L. 2; LII. a (cod. 2). In the same sense contestare, LII. a. b.-2) to forbid, restrain, impede: test. contra ordinationem regis, XIV. 4 (codd. 6 & 10 have restare). - aratrum de campo test., XXVII. 18 (codd. 5, 6 & L. Em. The Gloss. Est. explains: testauerit, id est uetauerit, and codd. B-H have actually uetauerit) .--- 3) to summon, require (anyone, either to depart from a certain place or to pay a debt, &c.): testare, contestare cum testibus, XLV. 2. 2b. 3. -testificare, testificari = testare 1, L. 2 (cod. 10 & L. Em.).

testis: cum testibus ad domum alicuius ambulare, uenire, accedere, I. 3; L. 1. 2; LII. a.c; Extrav. B. 1.—cum testibus adprobare, II. 12; XXXIII. 2; XXXVI. — testibus conuincere, IX. 8 (cod. 2 &c.). - tres testes colligere, XXXIX. 2 (cod. 2 &c.).—tres testes idoneos colligere, XXXIX. 3 (cod. 2 &c.).—nouem testes, XXXIX. 3 (cod. 2 &c.); XLVI. 6; LXXII. 2.—solem collocare cum testibus, XL. 8 (cod. 10). 10.-admonere aliquem cum tribus testibus, XL. 10.-tres testes qui adprobare debent, XLIV. 1b (of codd. B-H &c.).—testare cum testibus, XL. 2.—

testes secum praestos habere, XLV. 26. -aliquid cum testibus collectis agere, XLVI. 2.—tres testes iusti, iurati, ueraces, XLVI. 4. 5. 6; XLIX; LVI. 2. 3.-tres testes (et alteros tres) mittere, XLVII. 2.—testes qui super aliquem iurant, XLVII. 3 .- testes qui ad placitum uenire nolunt. XLIX. 1.-mannire cum testibus, XLIX. 1. - duodecim testes, LVI. 2; CVI. 7.-testes falsi, XCIV .-- aliquem cum testibus rogare, CVI. 1. — testes libertatis suae dare, Extrav. B. 1.—testes recipere, Extrav. B. I. 2.—notitiam facere cum testibus, Extrav. B. 1.—[septem] testes ex materna progenie, Extrav. B. 2.—quatuor testes ex paterna progenie, Extrav. B. 2. -VII, XLIX testes, Extrav. B. 4. 5.testes dare, Extrav. B. 7 .- testes accipere, Extrav. B. 8.-[sacrament]ales testes habere, Extrav. B. 12. - alicui condicare cum testibus, Pact. 121. testimonium: nouem testimonia uel

testes, XLVI. 6; CVI. 8.—testimonium falsum, XLVIII. rubr., 1; XCIV. -- testes uocati in testimonium, XLIX. 3. — testimonium praebere, XLIX. 1 (cod. 7 &c.). — testimonium iurare, CVI. 3 (of cod. 10 &c.). — tria testimonia, CVI. 8. - tria testimonia iurare, LVI. 4. 5.—tria (et altera tria) testimonia mittere, dare, XCIX; CVI. 7; Extrav. B. 2.—dicere testimonium, Extrav. B. 2. - testimonia in ueritate habere, LXXVIII. 6.

testussis, II. 9: K. 16. teuleudina, XXXV. 1: K. 181. texa, IX. 2: K. 21. texaca, texacha = taxaca (q. v.). texachalt, II. 15: K. 21. 29. texaga, texara, texeca, see taxaca. texeca olechardis, VIII. 4: K. 63. 21. texxaga, see taxaca. thalaptas, CII: K. 286. thalasciasco, L. I: K. 236. thaphano, XXIX. 5 (7): K. 161. theachro taxaca, X. 2 (7): K. 71. 21. theada = teoda (q. v.). theca, II. 2: K. 16. theio tho sunde ter theo chunna, Ch. B. 10: K. 301. theladina, XXXV. 1: K. 181. thelazina, XXXIX. 1: K. 199. 133. 73. thenca texaca, X. 8 (10): K. 71. 73. 67. 21.

then frio mosido, XXXV. 5 (10): K. 183. 182. 86. 67. 90. then lasinia, LXXXI. 1: K. 7. 279. 176.

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theo, a slave, XXVI. 2: K. 136.

theobardo, X. 2: K. 68. theochada, XXIV (cod. 7, XXXIV. 2): K. 128.

theocho thexacha, X. 6 (6): K. 71. 73. 67.

theoctidia, XXIV. 3 (10): K. 128. theoda = teoda (q. v.).

theodilinia, theodolina, theodulima, XXXV. 1: K. 181.

theofoano, VI. 2: K. 53.

theo hichada, XXIV. (cod. 9, XXXIV. 2): K. 128.

theolasina, X. 4 (of cod. 7); XXVII. 25; XXXIX. 1; XL. 16 (of cod. 6): K. 73. 133. 67. 199.

theolasina uertico (uirtico), XXV. 3: K. 133.

theolede tholo thodina, XXXV. 1: K. 181. theolidias teuleudina, XXXV. 1: K. 181. theolosina, XXV. 4; XXVIII. 1: K.

133. 155. theomusido, XXXV. 3: K. 182. 86. theophano, VI. 3 (10): K. 53.

theophardo, X. 2: K. 68.

theoprano, VI. 2: K. 53.

theorgia, theorgie, LV [LXXVII. 2 of cod. 7]: K. 253 [meaning unknown]. theorsine, LV. [LXXVII. 1 of cod. 7]:

K. 253 [meaning unknown]. theostaxaca, X. 1: K. 67. 21.

theoycata, thercoheata, XXIV. 3 (of cod.

6 &c.): K. 128. thertesun, II. 2: K. 16.

thetica, II. 2: K. 16.

theubardi, X. 2: K. 86.

theuca texara, X. 6 (10): K. 71. 21.

theuda = teoda (q. v.).

theu lasina, X. 4 (of cod. 10); XXV. 2 (of cod. 10); XXXIX. 1: K. 73. 133. 199.

theu leude, XXXV. I: K. 181.

theu leudinia, XXXV. 1: K. 181. theu mosido, XXXV. 4: K. 182. 86.

theunatrude, theunetruda, = 2. chrene cruda (q. v.).

theu nosdo, XXXV. 2: K. 182. 86.

theurora, XXV. I: K. 131.

theus taxaca, X. 1: K. 67. 21.

theu texaca, X. 2 (10): K. 67. 21. theu tha texaca, X. I: K. 67. 21.

theu uene chunna, Ch. A. 4: K. 301.

theu uualt chunna, Ch. B. 4: K. 301.

theu uuenet chunna, Ch. B. 6: K. 301.

thexacha, X. 6 (6): K. 21. 71.

thinzimus podor, pordorsum, III. 2: K. 33.

13. 30. 193.

thoalapus, CII: K. 286. 301. thoalasthi, thoalasti (unum), Ch. 1: K. 301. tholo thodina, XXXVI. 1: K. 181.

thoouerpo hac fado, thoouerpota sado, XIX. 2: K. 116.

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thornechale, LV. 5 (of cod. 6); thornechales, LV. 2 (of cod. 6): K. 246. thorogao, X (cod. 3. XXXV. 6): K. 69. thothocundi fitme chunna, Ch. A. 5: K.

tho to condi uueth chunna, Ch. B. 7: K. 301.

thovuespho (-fo) ac faltho, XIX. 2: K. 116.

thradiligia, IX. 2 (8): K. 192.

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thro thaxaca, X. 2 (9): K. 71. 21.

throueinso, XXXIII.3; throuidioso, throuuido, XXXIII. 2: K. 176.

thue septen chunna, Ch. B. 5: K. 301.

thunginus, thunzinus, tunginus, tunzinus, sonzinus, tumzinus, tunginius, tunzinnus, tuginus, tunzinius, tungynus, tunzinis, tunchinus, tuncginus, tungirus, XLIV. 1; XLVI. 1. 4. 6; L. 2 (the L. Em. has here iudex instead); LX. I_ [here in Tunchinium in cod. 10 was evidently taken as some court of justice]. On the word cf. Kern, 228. [thunginus: iudex qui post comitem est. degan. sollensib, Gl. Pith.].

thuochaido, thuochapo, XXVII. 1: K. 137.

thurnichale, LV. 3; thurnichalt, XIV. 6

(of cod. 10): K. 246. thu uualt chunna, Ch. A. 3: K. 301.

timor, XXX. 5 (of cod. 10 & L. Em.). tintinnum, tintinum, tentinnum, tepten-

num, a bell, XXVII. 1. 2.

tollere, XXVII. 15 (L. Em.). 28b (of cod. 6); XXXV. 2. 3. 6 (cod. 6 &c.); XXXVII. 3; LV (LVIII. 1 of L. Em.); LXI. 1; LXXVIII. 7.—t. furtum, XI. 5. 6.—t. sponsam alienam, XIII. 10; Recap. A. 12. — uxorem alienam de marito uiuo, XV; XCV; Capit. IV; Sent. S. S. 5.—inpotos de milario t., XXVII. 8 (L. Em.). -- oculum, uirilia t., XXIX. 12 (of cod. 10). 19 (of cod. 6 &c.).—aliquem a graphione t., XXXII. 5 (cod. 5 &c.).—caput de homine in palo misso t., XLI. 2 (cod. 7. LXXIV).praetium de fortuna debitoris t., L. 3.res alienas t., LI. rubr., 1. 2; Sept. C. VI. 6.—terram in pugno t., LVIII. 2 (cod. 3).—aliquem ad suam fidem t., LVIII. 6.—se de parentilla, de hereditate et ratione parentum t., LX. rubr., 1.expolia t., LXI. 2.-rem intertiatam t., LXI. 3; Recap. B. 18.—hominem uiuum, mortuum de furca t., LXVIII: CVII. 2. 3.—retem de uena t., LXXXI. -nauem per uim t., LXXXV.-manum

suam sanam de eneo t., XCIV. tomba, tomola, a tomb, LV. 3 (cod. 10; codd. 5, 6 & the L. Em. have tumulus).

tonsorare, tonsurare, see tundere.
tornechale, LV. 2: K. 246.
tornechallis sive odocarina, XIV. 9 (6):
K. 246.
torquere seruum, XL. 2. 4.
torta. see retoria.

tortussus, II. 9: K. 16.
tortum: de to[rto dicis n]on. Boretius
proposes to read thus in Extrav. B. 12,
where in the fragment only ille dicit de to

..... on is legible). touerbus, XIX. 1: K. 116.

toxicatus, toxsicatus, toxigatus, toxegatus, toxecatus, tossecatus, tuscatus, toscatus, toscadus, provided or furnished with toxicum, poisoned: sagitta toxicata, XVII. 2; Sept. C. IV. 1.—detoxitum or de toxitum, LXXXI. 3.

trabatere, trabattere, see battere.

trachlagia, IX. 2 (7): K. 192.

tractare, Prol. I. II.—tr. legem Salicam, Prol. III. IV.—tractatus lege Salicae, I (rubr. of cod. 4); Prol. I (note a). tractatus legis salicae propter tenore pacis, Pact. I (codd. 6b-8b).—pertractare, LXXVIII. I; Epil. I. II.

tradere: tr. aliquem (ad) ignem, XIX. I (cod. 2).—seruum aut letum homicidam parentibus occisi tr., XXXV. 5.—tr. seruum ad supplicia, XL. 3° (of cod. 7 &c.). 7. 8. 9 (cod. 10).—tr. aliquem alteri cui malum fecit, LXXVIII. 7.—res tr. ad ecclesiam, Capit. VI.—traditio, Capit. X.

trahere: puellam, feminam, ancillam, XIII. 6. 7; XXV. 9 (cod. 1).—casam tr., XXVII. 32 (cod. 6; cod. 10 has per casam tr.).—sagittam tr., XXIX. 4 (of codd. 8, 9, B—H).—erpicem, carrum, carrugam tr., XXXIV. 2.—carrucam tr., XXXVIII. 1.—aliquid cum carro, CVII. 1 (cod. 10, XIII. 3).—tr. auctorem de benefitio, Extrav. B. 10.—subtrahere, to take away: porcellos a matre s., II. 6 (cod. 10 & L. Em.).—uxorem a uiuo marito tr., Capit. IV.—extrahere aliquem de atrio ecclesiae, Pact. 14.

tramacula, tramagula, trammacle, see tremacle.

tramessus = tremissis (q. v.)

trans: trans mare, de trans mare, XXXIX. 2 & 3 (cod. 2 &c.).—trans Legerem, Ligerim, across, beyond the Loire, XLVII. 5.—trans suas scapulas iactare, LVIII. 2. In compounds it is used intensively; cf. transcapolare (see capulare), transoluere.

transagere: noctes transactae, XXXVII. 3 (codd. B-H); cf. noctes exactae in § 2. transbattere, see battere.

transcapulare, transcapolare = capulare (q. v.)

transforare: subula tr. cartam, Extrav. B. 4.

transgredere, XXI. I.

transire, XXI. 1; XXXIV. 2. 3; LIX. 5 (codd. 7-9, B-H, 10); LXXVIII. I.

transmarina (i. e. regio), XXXIX. (codd. B-H, LXV. 1b).

transmittere aliquem, L. 4 (codd. 3, 7-9, B-H).—tr. per tertium hominem, XXVIII. 3.

transoluere, see soluere.

transuersare, XXXIV. 2. 3.

trapa, trappa, VII. 10 (5): K. 62. trasile, traslo, III. 9 (cod. 6 &c.): K. 37.

trebattere, see battere.

trechlum, see tremacle.

treffare, XXVII. 6 (of L. Em., Cod. Est.), perhaps for ant-reffare: cf. Kern, 140.

tremacle, tremale, tremagilum, tramacula, trimacle, trammacle, trimacla, trimagle, tremagle, tremagolum, tremachlum, tremaculum, trechlum, tremula, tremalicum, tramagula, tremacula, XXVII. 20: K. 146.

tremissis, Pact. 6; tremissus, Recap. A. 4; tramessus, Recap. B. 5.

tremula, see tremacle.

tres, see ter.

tres bellio, III. 5: K. 40.

trespellia, LXIII. 1. 2: K. 260. 40.

trespellius, tres pellios, tres bellio, trespillius, trispellius, trispilius, III. 4. 5: K. 40. [trepellius: idest qui bene trepat, Gl. Est.]

treuimdio, treuuidio, XXXIII. 2: K. 176. trians, triens, XXXV. 4 (cod. 6 &c., autriante = aut (et) triante; in the L. Em. various corruptions appear); XXXVIII. 12 (cod. 6 &c.). On this indemnification cf. Kern, 197. — medius trians, IV. 1.

tribatere, tribattere (tribare), see battere. tribuere, XL. 10 (of L. Em.); Extrav. B. 2.—tributarius, tribudarius (tributuarius, triutarius) Romanus, XLI. 7; LXXIX. 2; Recap. 14.—homo tributarius, Recap. B. 16. 20. [tributarium: et stopharius nominatur qui censum regi soluit, Gl. Pith.]

tributari, LXXX: K. 278.

tricare, trigare, detricare, detrigare, to hinder, hold back, detain, impede, I. 2 (cod. 1); XXXV. 4 (cod. 6 &c.); XLVII. 2 (cod. 5); XLIX. 2 (here cod. 5 has detricare); LXXVIII. 7; XCVI; Pact. 5. Cf. Diez, Wrtb. I. h. v. tricinus, see ter.

trimacla, trimacle, trimagle, see tremacle. Trinitas (S.), Prol. I^b.

trio iobio amestalla, trio iubeo amestella, XXXIII. 3: K. 176. 177.

trioportio = strioportio (q. v.).

triothus chunde therte chunna, Ch. A. 8: K. 301.

tripare: tripauerit, XXVII. 5 (of cod. 10, note), according to Kern, 140, perhaps corrupted from ant-ripauerit. The meaning of tripare is to dance, jump.

triplum, see ter.

trispellius, trispilius, III. 4: K. 40.

tritto, Extrav. A. 3: K. 295. triutarius for tributarius (q. v.)

trochuuido, XXXIII. 5 (10): K. 176. 51.

troci uuithier cunni, VI. 1: K. 51. 52. 176.

troitohen hunni, VI. 1: K. 51. 52. 176. trotia, trotinia (or tronitia), LXXVIII. 10 (cf. ibid, note a).

trouandio, XXXIII. 2; trouisido, XXXIII. 2.3: K. 176.

trouuer, XIX. 2; trouuerpo, XIX. 1: K.

trouuidio cham stala, XXXIII. 3: K. 176. 177. 51. 52.

trouuido, XXXIII. 2: K. 176. 51. 52. trouuidouuano tuene chunne, VI. 2 (10): K. 51. 52.

truciatus, LXX. 2b (= poena in cod. 11).

truncare, XXIX. I (L. Em. & note to § I of cod. 10). 18 (of L. Em.); XLI (LXXIII of codd. 7-9, B-H; cod. 10 & L. Em. have detruncatus); Prol. I.

trustis, trostis (once tristis, LXIII. 4 of cod. 10), 1) a bond or band, auxilium, solatium, trust; cf. Kern, 215; trustis dominica, regalis, the royal (king's) trust, XLI. 3 (codd. 1-6, 10 & L. Em.); XLII. 1 (codd. 1, 3, 5, 6, 10 & L. Em.). 2 (codd. 1, 3-6); LXIII. 1 (cod. 1; the L. Em. 'has here ex truste (truxte in cod. Q) regale). 2 (ex truste regale in L. Em.); Recap. A. 30 (two codd. have here in curte domini, instead of in truste dominica). 31; Recap. C.—instrutem for intrustem, in tab. rubr. cod. 3, LXXIX.

antruscio, antrustio, anstrutio, andruscio, antrusticio, antrustio, antrustio, antrustionus, andrustio, andustrio, antrusco, antrusco, a person who is in trust, specially in the king's or royal trust, XLI. 4 (codd. 7-9, B-H; 7, 8, G add dominicus; B, H dominus, F domicus); XLII. 1

(codd. 2, 8, 9, B-H; codd. 2, 8 and 9 add dominicus). 2 (codd. 2, 7-9, B-H, all adding dominicus); LXXVIII. I. (here = obtimates). 7 (here apparently in apposition with rachymburgii and boni credentes; but neither this word nor adtrutionis, at the end of the paragraph, can be relied upon); CIII. 2; CIV; CVI. pass.; Sept. C. VIII. 7 (andrustio qui inter duos reges pagauerit); Recap. B. 33 (antrusio qui puer regis est). 34. 36. That not only an ingenuus, i. e. Francus, but also a Romanus, a letus or litus, and puer (regis) could be in truste dominica, even according to the oldest texts, appears from XLII. 4: De Romanis &c. haec lex ... ex medietate (i.e. 900 sol. for an antrustio dominicus) soluatur; with which agrees Recap. A. 30 and Recap. B. 33. Compare also Recap. B. 11 with XLII. 3b. - 2) that which renders aid, assistance, hence a band, company, formed or appointed for the pursuit of thieves, LXVI; Pact. 91 (cod. 2). 16. In this sense we find it rendered in Latin by solatium; cf. Mon. German. Pact. Alam. III. 30; L. Burg. 59; Ed. Roth. 22-24. Cf. Waitz, Verf. Gesch. II. 264; Deloche, La Trustis &c. 8°. Paris. 1873.

tua, XXVIII. 1: K. 156.

tualepti, II. 1: K. 11.

tua septunchunna, II. 7: K. 21.

tua symis fit mihachunna, II. 14: K. 29. tuginus, see thunginus.

tuhochapo, XXVII. 1: K. 137.

tumulus, LV. 2 (cod. 5, 6 & L. Em.; the Leiden cod. has stumulus; cod. 10 has tomba and tomola). [tumulum: tumbam, Gl. Pith.]

tumzinus, tuncginus, tunchinus, see thunginus.

tundere, tunsorare, tunsurare, tonsorare, tonsurare, XXIV. 5 & 6 (of cod. 2 &c.); LXIX; Sept. C. III. 1.—puer non tunsoratus (tonsoratus), XXIV. 1 (codd. 7-10, B-H).

tunginius, tunginus, tungirus, tungynus, see thunginus.

tunsorare, tunsurare, see tundere.

tunzinis, tunzinius, tunzinnus, tunzinus, see thunginus.

turnecale, LV. 3: K. 246.

turnechroso, LXV. 2: K. 265.

turnicale, XIV. (cod. 2, XV. 1); turnichal, LV. 2; turnichalis, LV. 3 (of cod. 10): K. 246.

turpefalti, XIV. 5; turpephaldeo, turpha falchio, turphaldeo (5 of cod. 6), turriphathio (6 of cod. 6 &c.): K. 89. turrouaninsis, LXXVIII. I (cf. ibid. note e).

turtur, VII. 9 (cod. 5 &c.)

tuscatus, see *toxicatus*. *tuschada*, XXIV. 6 (2): K. 128.

uacca, uaca, III. 3. 4 (of cod. 7 &c.). 5; XXXVII. 1 (cod. 4); Recap. A. 13. uaderedo, XXXVIII. 2: K. 188.

uadfalto, uadofalto, XVII. 6. 8: K. 113. uaidaris, LXXX: K. 276.

ualere, X. 3 (cod. 2 &c.); XI. 1-4; XII. 1.2; XXV. 4 (of cod. 4); XXVII. 8 (of cod. 10); XXXV. 2. 3. 6 & 7 (cod. 6 &c.); L. 3. 4; LVIII. (codd. B-H & L. Em.); LXXXIII.

uapulare, XXV. 5 (of cod. 2).

uarachalt, II. 3: K. 17.

uas, uasum, uascellum, 1) a beehive, VIII. 1. 2. 3. 4 & 5 (of cod. 10 & L. Em.).—2) = sarcophagus, XIV. 8 (of cod. 10 & L. Em.)

uassus, uasus ad ministerium, a servant, X. (cod. I XXXV. 6; codd. 2 & 4).

uastare, to injure, IX. 1 (festare in cod. 4; ledere in L. Em.). Cf. Diez, Wrtb. I. guastare. Cf. also XXVII. 20 (cod. 10, note).

ueelentemo, uelentemo, uelenthemo, XV: K. 93.

ueganus, VII. 2: K. 58.

uelox, Prol. I; cf. K. 299.

uelpecula = uulpecula (q. v.).

ueltrus, uueltrus, uultrus, gueltrus, ueltris, a hound, sporting dog, VI. 2 (cod. 7 &c.); codd. 7-9, B-H add agutarius, agatarius, acutarius, argutarius, while the L. Em. distinguishes between a ueltris porcarius and a ueltris leporarius. Cf. Diez, Wrtb. I. veltro.

uena (in the cod. neuu, uena, but corrected by the scribe to naue, nave; cf. Kern, 280), LXXXI.

uenatio, LXXXI. rubr. & § 3.—uenationes furatae, diuersae uenationes, XXXIII. rubr. & §§. 1-3.—uenator, X. 2 (of cod. 3). 6 (of cod. 6). 2 (of cod. 7 &c.). 5 (of L. Em.) [It is not clear whether a uenator or uinitor is intended, except in the L. Em. where both appear in the same paragraph.]

uendemiare = uindemiare (q. v.).

uendere, uindere, Extrav. B. 7.—uend. seruum (alienum), ancillam, X. 3 & 6 (cod. 6 &c.); XXXIX. I (of codd. B-H, LXV); Capit. II.—uendere hominem ingenuum, XXXIX. 2. 5 (cod. 6 &c.).—hominem francum uendere, Sept. C. VI. 3; Sent. S. S. 7.—caballum uendere, XLVII. I.—dotem uendere, LXXII. 2; LXXIII.

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ueneficium, XIX. 3 (of cod. 10).

uenter: aliquem in uentrem plagare, uulnus in uentrem mittere, XVII. 4.—infantem in uentre (uentrem) matris suae
occidere, XXIV. 4.—mulierem ingenuam praegnantem in uentre (uentrem)
percutere, LXXVI. 4.

uerbex, uerbix = berbix (q. v.).

uerbum regis, XIII. 6; LXXII. 1; LXXVI. 7. See also sermo.—dicat uerbum, XLVI. 1 (cod. 6 &c.); L. 3.

uerenda (i.e. pudenda), Sept. C. V. 5. ueritas, Capit. XII.—in ueritate testimonia habere, LXXVIII. 6.

uero manú, uerouhano, XXV. I: K. 131. uerres, uerrus, a boar pig, II. 11; Recap. A. 13.

uerteuolus, uerteueles, uertiuolus, uerticulus, uerteuollus, ueruuldus, uertebolus, XXVII. 20: K. 147; cf. Diez, I. bertovello.

uerthi fugium, VIL 3: K. 55.

uertico, XXV. 1 (of cod. 6): K. 133. uerticulus, uertiuolus = uerteuolus (q. v.)

ueruex, ueruix = berbix (q. v.).

uerum: si uerum fuisset, XVIII. 2 (cod. 10 & L. Em.). — uerum sit, Pact. 2.—testimonia uera esse dicere, LVI. 4 (L. Em.)

ueruuldus = uerteuolus (q. v.)

uestibulum: in uestibulo, LXXIV. I = in exitu, i.e. where a murdered person has been found inter duas uillas.

uestigium, uistigium: minare, per uestigium res sequi, XXXVII.rubr. & §§ 1. 3: LXVI.—uestigium proponere, deducere, Pact. 9¹.—uestigium (uestigius) comprobare, Pact. 9².—uestigia adsignata minare, Pact. 16.—uestigium persequi, Pact. 17.

uetare: aratrum cum aratore de campo, XXVII. 3 (XLV of codd. B-H; cf. also L. Em., Cod. Est.).—uetare feminam ingenuam de uia sua, XXXI. 2 (codd. B-H). Cf. astare.

uetellus = uitulus.

uia: in uia adsallire, expoliare, XIII.

14 (cod. 6 &c.); XVII. 9; Sept. C.

VI. 7, VIII. 6.—de uia sua ostare, impingere, uiam suam obstare, XXXI. 1.

2; LXXXIV.—uiam claudere, XXXI. 3 (cod. 6 &c.).—sine uia, XXXIV. 2. 3.—in uia relinqui, XLI. 8 (cod. 7 &c.); Sept. C. V. 6. [The word also occurs Extrav. B. 11, but it is not clear in what connexion].

uiae lacinia, uia lacina, XIV. 4: K. 87.88. uialacina, uia laicina, uialasina, uia la cinia, alacinia; uiae lacina, uiae latiniae, uiae lacinia; uia (latina, con

lasina, XXXI. 1. 2. 3 (6) and in tab. rubr.; uia latina, Sept. C. I. 5: K. 173. 88.

uia lasina, XXVII. 23 (6): K. 144. 122. 88.

uia lasyna, XXII. 3 (6): K. 122. 88. uicesimus quintus, uicissimus quintus, datis sacramentis, se absoluere, CVI. 6.

uicinus, 1) adj. near, neighbouring, LXXIV. 1.—2) subst. a neighbour, XLV. 3; LXXIV. 1. 2; LXXVIII. 9. [In the latter instance the text has ante uicinas, and it is possible that uicinas = uicinitas, uicinity]. It seems also to mean 3) a near relative, LXXVIII. 3. uictus, XXXIV. 4 (in cod. 3 = inuentus

of the other texts). uide (?), CII. 2 (cod. 11).

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uidere cum vi, LXXVIII. 7 (cf. ibid. note f).

uideredum, see uuedredum.

uidri darchi, LXIX. 1: K. 128.

uidua, XLIV. I (cf. tab. rubr. LXXIX of cod. 7 &c.); Capit. VIII; Recap. A. 6, B. 7. 22.—mulier uidua, LXXII. uieridario, XXXIX. 1b (cod. 7. LXV):

uigiliae constitutae nocturnae, Pact. 9. uiginti: quinque et uiginti iuratores,

XIV. 2 (cod. 2). 3 (cod. 2). uilla, 1) a village, hamlet, XXXIX. 4 (cod. 2 &c.); XLV. I. 2. 3 (cod. 6 &c.). 4 (L. Em.); LXXIV. 1; Capit. IX. [It seems clear that in the latter document reference is made to Tit. XLV, in which case uilla can here only mean a village. It is to be noticed that in Tit. XLV the rubric of the L. Em. points to a farm rather than to a village]. In some places the word evidently means 2) a rural habitation, a villa, farm, XIV. 6 & 6 (of cod. 6 &c.); Sept. C. IV. 4; Sent. S. S. 3; XLII. 5 [it should be observed that the Malberg gloss thurp & alag may also mean a village; cf. Kern, 87. 89. 218]; LXXXVI. [In III. 5. 4 (of cod. 7 &c.) the words tres uillae appear as meaning three villages, but they seem to be a mistranslation of the Frankish word threspilli, a three-years-old bull; cf.

uindemiare, uindimiare, uendemiare uineam, XXVII. 12.—uinea, uinia, VII. 2 (cod. 7. VIII); IX. 8 (cod. 2 &c.); XXVII. 12.—uinea, wrongly for nauina, XXVII. 12 (cod. 6).—uinitor, uinudor, uineator, uiniator, X. 6 (cod. 1. XXXV &c.) [cf. uenator].—[uinitorem: idest qui facit uineas, Gl. Est.].—uinum, XXVII. 13.

Kern, 40].

uindere for uendere (q. v.).
uindicare, LXXVII; cf. C.—hereditatem
sibi uindicare, LIX. 4 (of L. Em.).—dotem
sibi uindicare, LXXII. 2.—rem intertiatam uindicare, XCIX.—res sibi uindicare, Capit. IX.—medietatem compositionem sibi uindicare, Pact. 16.—dare

ad uindictam, LXXVIII. 5; Pact. 12². uindimiare, see uindemiare.

uinitor, uinudor, uinum, see uindemiare.
uiolare domum, CVII (cod. 2).—uiolare
decretum, Pact. 18.—uiolentia, CV
(cod. 10).—uiolenter, IX. 2 (cod. 4).
5; XIII. 14 (cod. 5 &c.); XXXVII. 3;
LXI. 2. 3; CIV; CVII. 1; Sept. C. VI.
7.

uipida, XLI. 9; uopida, XCVIII (cod. 1; cod. 11 has fouea): K. 212.

uir, XXX. 3; LXXVIII. 4.—uir, wrongly for uero, XL. 4 (cod. 7).—uiri qui alias ducunt uxores, LXXIII. rubr.—uiri magnificentissimi, LXXVIII. 7.—uiri idonei, CVI. 6 (cod.1).

uircula, uiricula, uirilia (plur.), uirilia, the penis, XXIX. 9 (cod. 5 &c.).

uirdade, XXIV. 5 (2): K. 128.

uirgae: tres uirgae, XXXIV. I.—uirgae paratae, XI.. 6.

uirgo, see uuargare.

uiricula, see uircula.

uiridio, XXXIX. 2 (10): K. 200.

uiridum, see uuedredum.

uirilis sexus, LIX. 5.—uirilia, see uircula.

uirtico, XXV. 1 (of cod. 10): K. 133. uirtuane, XXV. 1: K. 131.

uirtus: per uirtutem moechari, XXV. I.
—per uirtutem tollere, XXXII. 5 (cod. 5 &c.); LXI. I. 3.

uiruix = berbix (q. v.).

uis: per uim, LXI. 1; Recap. B. 18; LXXXV.—uim inferre feminae, puellae, CVI.—Cf. ui, in XLI. 8 (cod. 10) and in LXXVIII. 7 (ui reiecte).

uita: de uita culpabilis esse; de u. (sua) conponere; de uita sua (uitam suam) redimere, XIII. 7; XXXII. 5 (cod. 5); L. 4; LI. 2; LVIII. 6; LXXVIII. 7; XCII. 3; XCVI (cod. 10); Pact. 10.— aliquem uita priuare, XLI. 8.—uitae dispendium perire, LXXVIII. 7 (see dispendium).—uitam amittere, CVII. 2.— uitae periculum incurrere, (se) subiacere, Pact. 1. 18.—uita carere, Pact. 2.

uites furatae, VII [cod. 10. VIII. 3]. uitium in quadrupede, XXXVI (cod. 10). uito ido efa, XVII. 1: K. 107. 99. 95 &c. uitta, uita, a head-band, fillet: uittam soluere, LXXVI. 2.

uitulus, uetellus, uitolus, III. 3. 5 (cod. 5

&c.).—uit. lactans, III. 1.—uitula, III. 2 (L. Em.).

uiua, XVI. 5: K. 104.

uiuere: sine matre, said of a little pig, II. 2; Recap. A. 3, B. 4.—uiuere lege salica, XLI. 1; XLVII rubr. & § 1 of codd. 7-9, B-H; LXIII (codd. 2, 7-9, B-H, 10).—uiuus: marito uiuo, XV; XCV; Capit. IV; Sent. S. S. 5.—homo uiuus, LXI. 2; LXVIII; CVII. 2.—uiuus euadere, XCVIII; Sept. C. V. 7.—mater uiua, CI.—uiuunt, perh. wrongly for ueniunt, LIX. 5 (cod. 6). Cf. also XLI. 9; Extrav. B. 7.

uiuisio feth, XVII. 3: K. 108. ultime, ultimam, LIII. 1b (codd. 2, 4). unas bugo, XLI. 8: K. 210.

unistario, XXXIX. 3(2): K. 200.

unum ahelepte, II. 1: K. 11. 301. unum thoalasthi, thoalasti, Ch. I: K. 301. 11.

unum tualepti, II. 1: K. 11. 301.

uocare, to call (a name), XXX. 1. 3.—
uoc. in testimonium, XLIX. 3.—uoc.
in mallum, XCVI (cod. 10, XIX. 6).—
prouocare: alterum ad calidam prou.,
LXXXII.—aliquem ad ignem, ineum
prou., Pact. 4. [prouocatus, CVII. 1, probably wrongly for probatur].—reuocare: seruum de trans mare, XXXIX.
3 (cod. 2).—duas partes legis (fredi) ad se
reuocare, L. 3.—mediam partem dotis
ad se reuocare, LXXVIII. 4.—hominem
in seruitium reuocare, CII.—ad sacramenta reuocare, CII. 2 (cod. 11).—integram sibi compositionem, &c., reuocare,
Pact. 16.

uodiuus = uotiuus (q. v.)

uoluntas, uolumtas, uolontas: aliquem sua uoluntate sequi, XIII. 8.—uoluntate tua; uoluntatem tuam, L. 3.—extra, contra uoluntatem, sine uoluntate, XXIV. 5 (2). 6 (cod. 7, XXXIII. 2); XXV. 9; XLI. I & 2 (cod. 7 &c. LXXIV); LXV. 2 (of cod. 4); CVII 3; Extrav. A. 3.—spontanea uoluntate, XXV. 2 (codd. 1-5, 10; cf. the other codd.).—nec consilio suo, nec uoluntate eius factum sit, LXXVIII. 5.—uoluntate sua [seu?] casu, XCVII.—cum uoluntate parentorum, Capit. VIII.— uoluntario ordine, LV (cod. 10, LXXI). uomere for mouere, XXXIII. 5(5).

uopida, XCVIII = uipida: K. 212. uotiuus, uodiuus (= sacriuus, q. v.), II.12. 13.

uox, perhaps for uiuus or uix, XLI. 9 (codd. 5 & 6).

urbis uia lacina, XXXI. 2. 3 (6): K. 173.

urb [is] uia lacina, XXII (codd. 7, 9, 10, XXIX &c.): K. 122. 88. urbis uia lazyna, XXII. 3(6): K. 122. 88. urthefocla, VII. 2: K. 55. urtifugia, XVII. 9: K. 115. urtifugiam, XIX. 2: K. 116. ustium for ostium (q. v.) usu dredo, X. 5 (10): K. 74. 128, note 2, usurpare: res alterius usurpare, Capit. V. uterus: infantem in utero matris occidere, XXIV. 4 (only in codd. 1, 7-9, B-H; the other MSS. have in uentre matris); Sept. C. V. 3.—mulier habens paruulum in utero, Recap. A. 29. uuadefaltho, XVII. 9 (of cod. 10); uuadeflat, 8 (of cod. 2). uuaderido, LV. 1: K. 245. 86. uuadfaltho, XVII. 7 (of cod. 10); uuadfodo, XVII. 7 (of cod. 2): K. 113. uuadium, Extrav. B. 1. 2. 6. uuadredo, XXXVIII. 8 (10): K. 194. uuadredo, uuadretho, XXXVIII. 2: K. 188. uuadretho, XXXVIII. 4 (9): K. 194. uuadreto, XXXVIII. 2. 3: K. 188. uuadreto, XXXVIII. 4 (7): K. 194. uuadrido, XXXVIII. 2 (6 & 10): K. 188. uuadsetho, uuadseto, XXXVIII. 3: K. 188. uuala leodi, XLI. 6 & 7 (cod. 2): K. 208 (and see leode). uualderido, XXXVIII. 2. 3: K. 188. uualdphalt, uualfach, uualfoth, XVII. 6. 8: K. 113.

uuaranio, uuaranannio, warannio, uuarænio, waragio, warennio, XXXVIII. 2 (of cod. 4 &c.). 4 (of cod. 6 &c.); Recap. A. 18. 23; Recap. B. 3. 25: K. 188. uuargare, guuargare, XXXIX. 1b (cod. 7 &c. LXV) .- uuargus, uuargo, uirgo, LV. 2: K. 202. 246. [uuargus: deiectus et expulsus, Gl. Pith.; deiectus, Gl. uuasbucho, uuasbuco, uuasbugo, XLI. 8: K. 210. vuath leudi, XLI. 2: K. 207. 204. uuedresitelo, XLV. 2b: K. 222. (uiridum), vuedredum, uideredum LXXVIII. 9; CVI. 2. 5. 6 (codd. 10 & 11): K. 201. uueiano, VII. 2: K. 58. uueiano pandete, VII. 3: K. 58. 63. uueiape, uueippe, VII. 2: K. 58. uueltrus = ueltrus (q. v.). uuerdarda, XXIV. 3 (10): K. 128. uuereguldum, LI. 2 (cod. 10). uueruanathe, XXV. 1: K. 131. uueu[m] adepaltheo, XVII. 6: K. 113. uuidardi, XXIX. 9: K. 170. 128. uuidifalt, XVII. 6: K. 113. Uuidochamae, uuidochami, uuidochagmi (-me), uuidochaamni, uuidochamne, uuidochem, uuidohem, uuidochim, uuidoaim, uuidohaimi, uuidohaim, uuiducaime, vuidham, Guidohaim, uuindo-gheue, Prol. I.-V: K. 301. Unidogastis, unidegast, unidegaste, unidegastis, uidigastis, uuidigast, uuidogaste, uuidogastus, uuidicastis, uuindogast,

uidogastis, guidigast, Prol. I-V: K. uuidre sa thalo, XLV. 2b: K. 222. uuidridarchi, XLIX. 2: K. 234. uuidrisittolo, uuidristholo, uuidrosilito, uuidrositelo, uuidrosithelo, XLV. 2b: uuiradardi, XXIX. 9: K. 170. 128. uuiridarium, XXXIX. 2b (6): K. 200. uuirio, XIX. 1: K. 116. uuirodarde, XXIX. 9: K. 170. 128. uuisnouida, XXXIII. 3: K. 176. uuisogado, uuisouado, uirouado, Prol. I: K. 300. vuistritto, Extrav. A. 3: K. 295. Unisogastis, unisogast, unisogaste, unisuast, uuisugastis, Prol. I-V: K. 300. uulnus, uulnerare, XVII. uulpecula, uelpecula, uulpicula, uulpicu lus, uulpiga, uulpigola, uulpis, an abusite name, XXX. 2 (cod. 10). 4. Cf. Mon. Germ. p. 36. uultrus = ueltrus (q. v.) uuschardo, XXIV (cod. 8, XXXIV. 1): K. 128. uxor, I. 3; XIII. 11 (coc. 6 &c.); XV; Sent. S. S. 5; LXXVIII. 4; XCV; Capit. IV.—uxor proxima, uxor sua propria, uxor sua siue proxima, LV. 2; LVI. 6; CVI. 9.—uxorem ducere, LXXIII. ymnisfith, II. 2: K. 13-15. zalica, see salica. zymisengano, II. 4: K. 13. 19. 20. symis pedero malia, III. 2. 3: K. 13. 14.

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