

Michael D. Elliot, February, 2012

## Contents: Oxford, Bodleian Library, MS Hatton 42

### Part 1: fols 1r–142r

1. fols 1r–130r: *Collectio canonum Hibernensis (recension B)*

*Inc.* In nomine patris et filii et spiritus sancti amen. Sinodorum explarium innumerositatem conspiciens ... ; *expl.* ... Deinde sub iudice flamme relinquatur; *col.* Finit. Amen. Ego ago gratias deo.

Ed. F. W. H. Wasserschleben, *Die irische Kanonensammlung*, second edition (Leipzig, 1885; repr. Aalen, 1966); edition of Recension A only, with some variants from this codex (siglum ‘8’).

This is the longer, 69-book version of the *Hibernensis*. The first quire of this part of the codex (fols 1r–7v) is by a later, English hand (s. x or x/xi) and ‘looks like the beginning of an attempt to replace the old and bad text’ (Ker, ‘Handwriting’, 328 n. 1).

2. fols 130r–132v: *Excerpta de libris Romanorum et Francorum (version A)*

*Inc.* Si quis homicidium ex contentione commiserit ... ; *expl.* ... quod si iterum peccauerit, dominus canis quod comederit ille reddat.

Ed. and trans. L. Bieler, *The Irish penitentials*, with an appendix by D. A. Binchy, *Scriptores latini Hiberniae* 5 (Dublin, 1963), 136–48; this codex collated as ‘H’.

This text, which has been dated roughly to between 550 and 650, was formerly known as the ‘Canones Wallici’. It has been shown by Ludwig Bieler, however, that these ‘excerpta’ are neither canons in any strict sense, nor are they particularly Welsh in character (they are only later taken up into the *Leges Wallici*). Rather, they share a great deal in common with Frankish law, especially the *Lex Salica* from which they seem to borrow. See L. Bieler, ‘Towards an interpretation of the co-called “Canones Wallici”’, in *Medieval studies presented to Aubrey Gwynn, S. J.*, eds J. A. Watt, J. B. Morrall and F. X. Martin (Dublin, 1961), 387–92.

3. fols 132v–133v: *Canones Adomnani*

*Inc.* Marina animalia ad litora delata ... ; *expl.* ... adipem tamen et pelles in ussus uarios habebimus.

Ed. and trans. Bieler, *Irish penitentials*, 176–181; this codex collated as ‘H’.

4. fols 133v–134r: *Collectio canonum Hibernensis, Book 66.2–3, 6 and Book 32.21*

*Inc.* De modis III quibus neglegitur scriptura ... ; *expl.* ... nutriendus, quod Christus infirmus fuit.

Ed. Wasserschleben, *Irische Kanonensammlung*, Book 66.2–3, 6 and Book 32.21.

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The final sentence of 66.3—here taken from Gregory’s *Homiliae in evangelia* (ed. Étaix, I, 6, p. 44), not his *Regula pastoralis* as in Wasserschleben’s edition—finishes incompletely (at ‘aut recte iuste’) and, without break, picks up in 66.6 (at ‘qui contempsit p̄cepta dei’). Further, 66.6 does not end with a comment on the Egyptians—as in Wasserchleben—but with an account of Jeremiah’s testing of the fidelity of the Rechabites (Jer. 35:1–19). Neither change is shared by the corresponding canons found elsewhere in this codex (fols 65r and 128v–129r) as integral parts of the *Hibernensis B*, with which there are many further small, but significant, differences in readings.

5. fols 134r–134v: Unidentified

*Inc.* Talentum DCCC\C/XLVIII unciāe uel XII \milia/ CCCC scripulas habet assis  
[ases *a. corr.*] XII ... ; *expl.* ... duo gramla [*lege* granula] in unchia pollicis  
ut calculus, uel III ut alii [*scil. dicunt*]; *col.* Finit.

A computus of weights and measures.

6. fol. 134v: Unidentified

Macedones menses enumerant, et haec nomina eorum: Dios, Appollonius,  
Admisius deus [*lege* Audunaius], Feritius, Ditrius, Paraticus, Antimesius,  
Disius, Paruemus, Laus, Scorpeus, Eperpentius. Et ita interpreta\n/tur  
Nouember, Decimber, Ianuarius, Februarius, Martius, Aprilis, Maius,  
Iunius, Ivlus, Augustus, Septemper, October.—Is, id est uir, Ra, id est  
uidens, Hel, id est deum.

On the Macedonian names for the months of the year. Bede mentions these names, among others, in his *De temporum ratione* (ed. C. W. Jones, c. 14). The final sentence is an explanation of the Hebrew etymology of ‘Israhel’. The etymology given (‘uir uidens deum’) is common in the works of Jerome, and can be found, for example, in his *Liber interpretationis hebraicorum nominum* (ed. P. de Lagarde).

7. fols 134v–138r: Gaii institutionum epitome, Book 1 (complete), from Alaric’s Breviarium (or Lex romana Visigothorum)

*Inc.* De libertatibus seruorum. Omnes homines aut liberos esse aut seruos ... ;  
*expl.* ... Qui uero euersores aut insani sunt, omni tempore uitae suae sub  
curatores esse iubentur, quam substantiam suam rationabiliter gubernare  
non possunt.

Ed. G. Hänel, *Lex romana Visigothorum* (Leipzig, 1849; repr. Aalen, 1962), 314–22.

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8. fol. 138r–138v: Table of consanguinity

*Six columns:* auctor; mei generis; mihi pater; ego illi; filius; aut filia

*Twenty-one entries, grouped into five rows:* <de patribus>; de patruis; de amitibus; de aunculis; de materteris

*Followed by text:* *Inc.* Scemata dicuntur ramosculi quos aduocati faciunt in genere ... ; *expl.* ... sicut aetatibus mundi generatio et status hominis finitur, ita propinquitas generis tot gradibus terminaretur.

9. fol. 138v: Chapters on murder from Lex romana Burgundionum and Alaric's Breviarium (or Lex romana Visigothorum)

1. *Inc.* Homicidam ingenuum tam seruum, si extra ecclesiam inuenitur, morte damnatur [uel <damn>ari *add. sup. lin.*] ... ; *expl.* ... pro carpentario XL solidus inferantur.

Ed. L. R. von Salis, *Leges Burgundionum*, MGH, *Leges nationum germanicarum* 2.1 (Hanover, 1892), Title 2.1–6, pp. 125–27

2. *Inc.* Si quis ad principem [principem *a. corr.*] confugerit ... ; *expl.* ... quod si uoluntarie conuictus fuerit homicidium commississe, c\vm/ atali [*lege fatali*] sententia feriat.

Ed. G. Hänel, *Lex romana Visigothorum* (Leipzig, 1849; repr. Aalen, 1962), *Novellae Valentiniani*, Title 3.1, interpretatio (versio *Epit. Aeg.*), p. 276.

The text has been written out by a very sloppy later hand (s. x or xi), and fills the remainder of 138v, most of which was left blank by the main scribe. The chapter from Alaric's *Breviarium* is from an abbreviated version (*Epitome Aegidii*) of an *interpretatio* to a Valentinian novel (cf. *Codex Theodosianus*, *Novellae*, 19.1.4, *interpretatio*). This novel is in fact referenced by one of the *Lex romana Burgundionum* excerpts (Title 2.2) in this item; this probably explains why the *Breviarium* chapter was added at the end.

10. fol. 139r: Tree of consanguinity

The tree has been drawn on its side, the text within it written vertically, and fills the whole page. The diagram reckons up to seven degrees (counting 'canonically').

11. fol. 139v–142r: Unidentified

*Inc.* Partes orationis in rethoricha arte IIII sunt ... ; *expl.* ... regulam de clericorum tunsura aecclesiastica; *col.* Finit hoc opusculum in dei nomine.

A compendious 'opusculum' concerning miscellaneous topics, including rhetoric, legal history and philosophy, scripture, measurement, and various matters concerning the church. Chapters are excerpted from Cassiodorus' *Expositio*

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*psalmorum*, Isidore's *Etymologiae*, *Sententiae* and *De ecclesiasticis officiis*, Jerome's *Commentarii in IV epistulas Paulinas*, Gregory I's *Homiliae in evangelia*, as well as other works. I have not been able to identify the sources for some chapters. The last complete chapter is the Apostles' Creed (old Roman type, with each phrase attributed to an apostle). This is followed by a rubricated initial (used to introduce chapters) and the words 'Hanc itaque credentibus tenendam statuunt regulam de clericorum tonsura aecclesiastica', followed by the colophon. Since nowhere else has the 'opsuculum' touched on the subject of tonsure, it seems that this last is an incomplete chapter. An erased line (beginning 'si quis') follows the colophon.

12. fol. 142r: Penitential canons on marriage and abortion

*Inc.* N [?] \I/eremias propheta dicit: si dimiserit uir uxorem suam ... ; *expl.* ... mulier perdens partum, si post [sic] XL dies conceptionis, annum peniteat; si uero post, III annos peniteat.

A quotation of Jer. 3:1, followed by five canon's from PTHD.700; see R. Flechner, 'The Making of the Canons of Theodore', *Peritia* 17 (2003), 121–43, at pp. 131–32.

**Part 2: fols 142v–188v**

13. fols 142v–188v: Collectio canonum Dionysio-Hadriana

*Inc.* Incipiunt ecclesiasticę regulę sanctorum apostolorum prolatę per Clementem ecclesie romanę pontificem ... ; *expl.* ... Et subscripserunt IIII diaconi qui in eodem concilio conuenerunt.

Ed. J. Wendelstinus ('Cochlaeus'), *Canones apostolorum. Veterum conciliorum constitutiones. Decreta pontificum antiquiora. De primatu romanę ecclesie. Ex tribus uetustissimis exemplaribus transcripta omnia ...* (Mainz, 1525).

*Materiae:*

fols 142v–149v: *Canones Apostolorum*

fols 149v–55r: *Nicaea* (with prefaces and creed)

fols 155r–60r: *Ancyra*

fols 160r–62r: *Neocaesarea*

fols 162r–66r: *Gangra* (with prologue; *PL* 84, cols 111A–112D)

fols 167v–73v: *Antioch* (register of titles on fols 163v–64r, between the prologue and canons of *Gangra*)

fols 173v–78v: *Laodicea* (register on fols 166r–67v, between the prologue and canons of *Gangra*; titles for canons 1–10 repeated on fols 173v–75r)

fols 178v–80v: *Constantinople* (with creed)

fols 180v–86r: *Chalcedon* (no register)

fols 186r–88v: *Rome (721)* (Pope Gregory II's *Anathemata*), with subscriptions (*PL* 67, cols 343B–46B)

Only canons from Greek councils are given; the African and Sardican canons are wanting. No decretals are included.

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### Part 3: fols 188v–204

14. fols 188v–204v: Ansegis's *Collectio capitularium*, Book 1, with additions from Book 2.21, 33, 41, 45 (and 34: see below)

*Inc.* Sunt enim aliqui qui culpīs exigentibus ... ; *expl.* ... Vt ecclesie antiquitus constitutę nec decimis nec alia ulla possessione priuentur.

Ed. G. Schmitz, *Die Kapitulariensammlung des Ansegis*, MGH, Leges, capitularia regum Francorum ns 1 (Hanover, 1996), 444–516 and 561–63.

*Materiae:*

fols 189r–195v: *Admonitio generalis* (789)

fols 195v–200r: *Capitulare ecclesiasticum* (818/819)

fols 200v–201r: *Capitulare missorum in Theodonis villa datum (primum et secundum)* (805)

fols 201r–202r: *Capitulare missorum Niomagae datum* (806)

fols 202r–202v: *Capitula excerpta de canone* (806)

fols 202v–203r: *Capitulare legibus additum* (803)

fol. 203r: *Capitulare missorum* (803)

fols 203r–204r: *Capitula ecclesiastica* (810 x 813)

fol. 204v: *Tours* (813), *Arles* (813)

This text has been heavily annotated by Archbishop Wulfstan; the substance of his notes shows that he was comparing Ansegis's collection against a copy of *Admonitio generalis* (789). Ansegis's *Coll.cap.* 1.157 has been lengthened with material from *Coll.cap.* 2.21, and *Coll.cap.* 1.158 has been replaced by *Coll.cap.* 2.33. The final chapter of Book 1 (c. 162) is lacking. To the end of Book 1, on fol. 204v, have been added two more canons from Book 2, namely *Coll.cap.* 2. 41 and 45, concerning the obstinately criminous, and the privileges of ancient churches. A later hand (not Wulfstan's, but rather one that is found making many corrections elsewhere in this codex, especially to items 2 and 13) added 'ita ut nouis oratorii tribua\ntur' to the last of these, thinking it to be from *Coll.cap.* 2.34 (identical to 2.45, but for the fact that it lacks these final five words). Another, non-professional hand (the same that wrote item 9) has added an additional chapter after this: 'Vt spontanea professione reus r/e/um non fatiat, neque illi de atero [*sic*] credatur, qui se criminosum esse confesus est', the source of which is the interpretatio to Book 9, Title 1.11 of *Lex romana Visigothorum*, ed. G. Hänel, (Leipzig, 1849; repr. Aalen, 1962), 172, but (as in item 9.2) from the *Epitome Aegidii* version.