## **Badische Landesbibliothek Karlsruhe**

## Digitale Sammlung der Badischen Landesbibliothek Karlsruhe

## De iustistia et iure - Cod. Ettenheim-Münster 197

Bach, lacobus

[S.I.], 1636

Sectio V.

urn:nbn:de:bsz:31-117148

I trum Luden debeat indicare secundum alle. gata et probata. Qua is qualiones neb hoc bebulo. Prima, an buest horis condemnate reum qui per oches legitime probabar vers criminis, quem in hidre certo seit ce innocentem. Da quatrio c, ambiesas e contra condemnare illum quem certifique icit es roum enminis, liet how a probetur per bestes ved aliam legitimam pro = bationem . ( irea primam quattionem certain ingrimise cius = mode fadricem semeri via mesia tentace o com diligentiam assibere as liberandum verem Mum. primo excegitardo cas sufficientes as refellendam assessarin. Do maxima dessentate examinando festes exemplo Danieles a interrogando circumstantias temporis, lois, ar: montmes converse cos distribentes invariant. The potent in to sine us asalo freri port orumulares in carpoia camoris, ita vi innocenz a sit fagere . 400 remittere cam as hisram organismem & coram illo testificares un nocentram sei siti notam. sto in fasca it supremus Princeps poterit failig seven aboliere de potestate absoluta secondum quant it Frinceps aliquanto joenam o chitam consonare quod vo cum maror relaciobate frat potent coran zogulo setificari e inerie horem illam ce in a odnocal. In guily orby estet ravisime poure contingere to hover a poit liberare eum quem cetto nout in noven : form. Tato in the cani of girs potepit ageres. Ings to potissimation hos pleneto sentia. Frima negat liere vaguam living proferre sentralm contra cam quem certo suit de innocentem. pro hac citatur Augo de loto in l'inster of de invisoret over hisieux. Carenno in capite po horales de officers delegati. Rosella verbo Liver, Errang, Angely, Tanormitang e aly gues affert living cap. 29 nam. 8 4. Da sentra extreme contraria affirmat por Suream semper in gracing cas proferre sentram sevenoum allegata exprobation. hape tenet I. Thomas ling. g. by art . To Conarruinas labretime list. j. variarum cap . j. num. b. (aretung of aly rummesta courtor, Paterang & Alenis, quos refert & segurty Soto lit. s. de Substra g. 4. art.z. **AB**5 BADISCHE Baden-Württemberg LANDESBIBLIOTHEK

art: 2. Barroly in 1. Michas f. re officio Prasulis Jones Andre - 55. as in nis nouelles tit. de allegating. Nevary in manush cap 25. num. 10. S. Antoning 3. p. art. g. cap. 2. 3.6. e cap. 5; 8:2. Bulgos de Saz in projemio legum town num . j 6 j . Sulia Claras aliss referens 5. entregum I for & in practice crimin . g. 66. num. 2. a plures Theologi do Sienista, que sine Jaho in hane gartem courter inclinant, quirty novissine accesis Thomas Sanches lib. b. connt . dub. j7. Tertia untra mena distinguit de casis criminality, in geily agetur de poine capitis vel mutileois, e in his negat livere Livier consemnare innocensem, in causis, vejo civility vel voi agricos de poena permiaria, vel exily, aut privadois beneficiorum coniedit licere. hang tenet Setrus Nandra de retistatione cap. 3. num. jbj. e. ali quos affert & requirer Lesing repra num. 78 . S. Ronince tom: 2. de hatel dry . 13. de l'envis num . job le jo d'dig. 3 4 n marimonio num. 98. Mandevis in pres pract. 6 cape; Diel ja cansem tenist Imola, & ali Turista in 1. a Dires Sio f. be re idricato, toriang golib. & pranct . 3. I vima pars king centia pto, his posissimum argus. Trimo da occidere innoventem é intrinsie trolim, nest cognosiere camaliber n neam, sed nemo st lieite cognoscere quam certo seit se n ruam, quantumuis probetut per legitituos testes el ruam & lubex pronuntiet es neam & nee estiam liebit occidere innoventem quantum vis probetres nocens perfalea Eapparentia testimonia. Minor e cours & concentur at dovergans, of constat agus Thomam Januker lib. 2. de matrim. drep. 39. Maior voro phi, of neut how he Drig eminis at copular clem howa, it ming & Ding vita glience a outer dam innoantem. To si dies Mempublicam ex can poe interficere innocentem, ita time vicet alus por candem Reaguel. ex caa granisima coniungeres subsitum cum non sua. I det Sancher voi jupa num 12 heut heitum a cognocure in main gram alignes inhunicibiliter patest ruam eta likere occiore innoventem invenerbiliter chistishatum noventem, Fitner a liest of private hos sirat illum se innocentem, of Judene the sert ce noventem, en que via pt licite Mam occidere. Has soletio impugnatur ab adversarys prime, gà ille vere sit unnoventiam rei & net habere ignoranteam insernabilem. 200 ga is en distinctio valeret, requeret si latoca igre subornamos falsos telks ger quos probatum freent elles delictum, e possea mortals, bestily a superket remedium openind; veritatemstune suduem poo

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condemnare Man hoiem secundum allegata esprobaba, nam igre h seichas at luden, sed at win aby hos folistation testiam. Polseguous a videtur valse absuroum. This ga cosem modo, distingui potoris in casa matrimony illum horem sive nullitatem not consugem see also notities, è per consequens et conseger joes eti n me qua ex legitimis probably quetat ce neam . 4 to ga loquengo de ipne ministris qui enequantur pentram Sudiers, & servent illum horem de innocentem, ish digentur a pradictis huthoriby hirtis operari, on innocentiam Man a sirent of executores sentia sed of hores private. hie cham it die de illo coniage seive nallitatem matrimony et hoien prinatu n the executorem weater hiories qui cogit illum as cohabitandum Expotent of sie exegui Mam sentiam, sieut Me alias it exegui sentiam capitalem contra innocestem. I dent ali in care matrimong nullum se his exigat copular flam cum à rue, in no, a casa ce les, seilicet boulem publicum, or graviter laderatur in ficeres Suries n'indicare sciendem alegata e probata : ita & det treisis Surviving in pros. 14. 48. dub. 2. num. 7: La contraga etram in cata ma = frimony intervenit bonun grindrum illy coningis, & bonum abram publicum, similater graviter laigher is vaicing liceas. residence sentra Virges Cettatrici e palam à obique & pa brisasmodi imile sus popent coniuna exegui sentram prolatam secundum allegata & probata. Set iterum dem Author ibi in no care asec opinionem constarum probabilissimam, cui sudex pe practice He conformace chabere vancium practicum and hoc mos licità operati Les contra, ga imprimis etramin illo carie, matrimoni e contra alignorum, qui occunt por coningem liete obesine is carnaliter connoteeze h man qua so probative ma, it viden is agri Thomam lanches di ingra dieta disj. 39. of a illa sentra in sit probabilis, gen accroens a par pareciones are thores gues ht. Denig hor hyprobat rem than sevenoum se ce liertampes whem se tiertant per accioens, eo of de heter son e bentia granium authorum qui Diesar liceve; nune a 'n quaring an licear per accident pp. phobabiles sentras, ses en licear decuniam se & ex Intrinseca those To principaliter att cadem sentia, for Juden idro debet sequi notibram publicam acquisisam per probaces, ne absent a Seribate in sentia propertie a & grando illa probaces consument poting at faltitatent as how certo constat livies, in its

ruxta ellas proferze sentiam. Tertio i ludex certo pervet roum n es sub erg innidictione, a poet eum indicare licet per festes probaretur ce sub cius invisuomone & nec in casu não potent, à ming c. requiribut in ver crimen, quam surisoutio in sudice as hirte consemnatium. Eyarto ex contraria sentia segustur excusare noi rentras ques revies harciei proferent contra Catholicos, qui accusantur es probantur falses testibly ce rebelles es rei lasa Marchatis, nam liet situes seiant innocentiam gei, insicant in secundum allegata es probata, nece adorent qui volint indificati are partes contraria. Lequitur item is aliqui conspirament contra vitos Sanetinimos e cos per calumniam accusent, poe ashue suli = cem, cui columnia constat, ellos tanquam secloratos punire, qua ora videntur satis absurba. Ouinso argantur ex illo Crodi 23: insonten L'intoum, à occides pa avertor impirem. Nec dicas un casa no illum h se insorten in publica ofinione, nan hor etram pacto Susanna & Raboth poruerunt vier sontes es iniggi, cun the indicontrer plens ore innoventes. La pars hong sentia serlicet of in course civility & in poenis pedniavis, enily, privaois beneficiorum, & similiby poit lidex consimnare sevenoun allegata è probata Mem green certo sist innocentem. Pby: go hees Regullica h hat dominium right vitame & membra rubitorum, his by ellus negra has alia bona, Na vé asueniente insta ca po bonum coire poit de illis disponere e anferre bona primare officis, ex = sellere cipem à civitate, esc. & entrolle e dedisse hanc po = Hestatem Sudici as earn finem it secundum leges e grobaves vaticeher, ne contempatur ordo indicialis, caixo observatio summopere conqueit as some & grietem Kerpublica. Inter has ignoras Zoa quisim à valor probabilis authoritatem I . Thomas courn, tertia to his raves fortame Monages efficaces, nam best is ora eig angla probent, imo ali z And ex illis vogeri wint & retorguer contra Evan partem einerdem senha, eliqued to hat magnam vim, procestion illes go fit ex composar as consuger en munquam get cognoscere à man, glantumuis probetur & Seclaretur a Judice saa, difficile c. red ther vao Tramminis, it viting. Nuni videams que angta hat prose Da senha e quomodo solai debeant. Frimo

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Frimo ergo arquitur gro illo ex Deateron. jy: in one reorum vel trium bestilen pertit qui interficietur. Ro ibi praciji ne sine duovum testarnonio aliquis damnetur, ideo e. subilingit Scriptura: nemo occodatur una contra se dicente bestimonium; i the go semper famneour consurrentily duobus bestibus, jout a occurrere multa pa que illi n sufficient. Los obijestar ex Tajibo Pattovalle D. ga vero. Le officio e potestate Suducio delegato, voi Londifer ait Sudicem ordinariam bebere enequi mando segnam delegari, etransi sciat cam ce iniustam. L'i vi sermonen ce de sentro h continente poinam mortis vel mutilaris, ne alcon poenam Cutiasticum, quam quisem Sontifer pp instrumban caam suboranans rebita umanda jo velle for mandetyr executioni ab ordinario secris set si sentia contineret ablacom vitas vel membrorum. 138: vbi ju ait: bonus hivex while ex arbitrio ruo fairt, sed runta leges e ura pronunciat, statutis sacris obsemperat, h intoalget propria voluntati mhil garatum e meditatum domo refort, sed vient avoit, ita redient. Ry hie volum damnari in Sudice praiadrica orta ex affecta, que imperire solent ne al ys que avoit port persudier. Debet stag proprios sensus repoherer of mens it differens facilior not as laplendam veri : Sating , it is debet ventatern endenter notam relinguese er fabritation certain pro veritates amplection, Ocearto objetter de contra rasego vo plus defe ratur vni g van suoty testily, hoc a faceret swock in pro ruan seian schingist sestimonium duorum vel briam testilum. for Sudicata ingrimis nonnin in case varistimo professe centrum insta et & yse seit contra probata i allegata, vt portes videbing, poe in n'indicares contra it qui sent pp tes: timones duorum testiam. quamuis e contra vacen est conscreyly uni testi quam duolo, n in E contra rabem credere magis sobre quam, mille festibus, for onresquisq facet ubi plenisomen fison, imo n facet from sed endentiam the contra quam n valent milles tothes! vinto objector : ga has rave aperiretur qua ludi = cuby policinos escos affectos, dum corregto pelania nollent con = demanes roum legitime consistem diserent es se i por professe. sentiam contra & of certo sirunt. It is es periedlum hreises

**AB**5

haires incommon, cum . in foro externo n'est eredendum, sudici 53. mis to profet, us poty debeat prining plastitus ordinen in kernaturaja subibib libenter ella perilalum nin simulante conscia. As de maises ce in Republica perientum ex columnis falsonem testium qui accusent innocention quem ex survice losi nolitionsem have innoventem, quaro debut eram na a lex produce also remember innocehor contra columnistores sal : from in consider boni horcis, per eum innoversem nouit. Sexto objection: ga alequando ya bonun cour liest occidere innocentem, et in oppranie cristotis cum Fireiber turvis vel are in pearl malli innoventer. Ry ibi h intendi directo occinonem innoceptis, sed destructionen arcis hotorlis que à debet rolingui, licet ex ea requatur mors inno centre vo contra volantatem Kinergis, in presenti a casa leden Serverie e immetrate intendet occiore huns hoien innocentem, of gurden directe intendere nunquam & heitum pollum finem. Ques: quando aliquis in mi defencionem occidit fu: rissam vel chrium qui eum valt interficere, tane derecte interfi : cit innocentem of po ione Requel bonsom heebit Sudier direche ocertere eun quem nouit unnocentem. Hoens alique of tune indirecte occatation funory vel clory, namocusers some intendet directe acceptere invasorem, sient cham medies directe intends sanare agrobum, & as hot debilitat ellum, not sit debiles, sed of purgebler at hurnous nones. Facilius he directam occisionem hordiano igas não lucre quando e necesaria de defensionem grogria bibas, oim a . vi repetered choise obvatis exim naales. The cross invasor percent, shue & precet, is the ipse invagio maales thatagego interfecto innoventem mihi, innoventem a occioere jemper i morindee malum sient cognosière à man. Cocherum granda novens à vel cetto novebit, hintum videtur directe intendere eig mortem son at finem, sed at metrum at Sefennonem meam. Jestimo objerent ale: ga in Juren trane a poet professe untram runta allegata es probato, reguerchur perplexitos conseia; sonang e Saviem & alia trieum comoscere de erimines so constat commenum ee ab vno ex dury horby Letro vigo vel Paulo, ipse a. Suden ex confesione Invala Potri jest commission ée at ipro es n'a L'aule potres Long accusatur & per tettes legitime consinertur de ello delicto. ni Turez profesat sentiam contra your, condemnas quem seit innocentern & perest. in profesat serbram revelat confessionem

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Levi, des a anguent ex confessiones Levi constare Justie innocen-tiam Pauli de verroge more peccabit Judex. Er har argin ag milvare contra acreemam sentram nam si alequis ex confessione. Inteli siest matrimonium alies, heat a. min min to hower tub. 18 ce investioum, & in wis wis por vatioum, sel debet informe sentram PLE MAN P pro valore matrimoni, & hune preces pracipiendo wopulam oum illa intotes quan wit is so vnovem, vel abstinct a prolace until de tune revelat Confessionem coningis. To the disserts in hor casus in potent in duant. chepter. Mo priori. Rung poname igrum consigem habentem oxorem se la corotem, grout fit aprio Fraces, e cognorere ex confessione would M 73.81 ruam Matrimonium se insolioum, tune ti igre respit debitum con : louds that ingi peccabit habendo copulam cum illa quan seit n ce suom, si vero ekuh h stoot von perest revelands confesionem a Mina As hos itag es rimiles caso oes debeng esdem modo respondere segipor illegi Encepsam notition illam confessionis miales, estinas rehlbe, é Ma e n'e premand, set alving ordinis diversi, aver it illa n'obtante nort hos n solum occideres alium, set etram seigram, st in case que invite ex Sacerdos en confessione seinet position ex vibl veninum in calice, clarence 14 sebet on summere calicem ex cours sumptione seit se moribustum, e mate THE BRICE si n ft illam omittere abog confessionis revelas , vi cam alie docet history Suaver from 4 in 3 part dip 73 sect 7 num 17 hi ergo pt mount serprem interferer spacing potent alion, facilization potent haben copulara cum a raa. Latio a . E ingermis, ga liet in fovo Sinsali debeat cresere possistenting to extra garas catra Inta jutinit nhan Lingian Judex eresere magis bestily consemnantily reamy gram glam illi poemtenti, at quis e suit an frenit mentatus imiliter pt conficer so has fe the cansem room confenary absolueres pointentim quen ax The Kept Valvering confessione noist senire in suportum as confessionem mattheorem Sano dening generalis e ge big One possis institucies altro agalhem Imbale in co ordine abissimo ruger veligia pracepta, e de romys, ita fayto of mules congruenties grioibut its feigus in favorem huig 1. Dez of South, Egg margren igning & chigionem, grea his institutions my un eutlem gostion, rient pt how se ourdere in obtante the notition its potent H Lafte of Sever damhare, innocentem, ex hor a n hiet arquere abraham st feter or notition grea & sit Imbalis. Expietis infertur primo sequendo Dam untiam, oftenen as que cours of probabiliste, work of Stetum & Se series habere etam mounte locum in fearnifice, salis ministris, qui exequentur sengiam, knessur fa poist es Man cheggi contra reun guem aliande, seinat es enne Ternitym a let relingry center, sed on ligitime condemnatum wester allegate & probate. renter of

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sient a Tudex tenetur prus, grantym et procurares liberare reum vel excusare se a protave sinhie, she etiam dicendum & Je hierusmooi ministris. videatur Thomas Sanchez dieto cap. j. tub. je seus disendum cet, is veres is cet condemnate legitime, sed per sentiam manifette iniustam & continentem errorem involendilem, tune es buthores zoa gentra conced unt ministras quiare ouidendo reum el exequento contrain manifeste iniquem, choquen e accusorentur a pecesto carnifices qui ex prategito Judicis martyres occident. ita I Thomas in pres. g. 89 art. 6. at 3. 3 atis cum iss. Contra hor the obsimum videtur facere sento rieto capite Pattoralis I ga vero De officio espotestate ladicis deligati shi dicitur Ludex ordinaring debere exegui centramo latam a Moice delegars Lage, buet seint wham ce investion. I deri se destinguendo de pentra inicada, vel e let errorem aliquem moderabilish, e her gurdem mindribia aguiparatier nullitati, it notaat Surista agus Tarolom Susum on conclavity practicis littera I. con : chimone 140. & 15 5. & n debet mandari executioni. vel sontia e iniuta ex alio capite, & tune per se logvendo pt a mero execufore execution mandari. All the carrifices our marty res intere ficiebant graviter peceabant, ga sentia ille continebat errorem Intolerabilem, es de evas escecutio ades erat contra banum problècion Religionis, of a polo praponderare vilitas publica obedientia & suboto inavis debita rais superiority illi gravissimo malo contra Dehgionem. quose dem dicendrim cet de has qui enequerentur confiscación d'bonorum, vel als poenas inniles contra latholicos as cas Lehgionis, recearent e pp consem ravem. Deny in I ter sentia supreposita ocendrum &, seent Judex h pra expere matilarin vel occitionem innoceptis a se cogniti, lilet probetur notins, ita religios ministros h joe cam sentiam exegui, sicut a. Sween it ariquando minores poenas infligere, et formus, eta. cum extern droumtantis poterunt ministri eas exegui, tune dem the artie of contineat errorem intolerabilem, of dicebamas. Infertur zdo paid dicentrum sit at elled dabrum: an sieden vel induitori beneanbur es casa relinguere es come reum officien as fegiendam prolocin vel executionem sentra contra Imnountem. is e. processing cum The sentia, Sudex & minustri tenender facece es ora que necessaria et ad vibandam cam actio nem, cym abrolute teneantur cam ow vitare, quare is necessarium est relingues saum officien, i & dubium office achos etian tenerentur. At vero week Zdam sentiam mater & deficultas, nam

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groserit Ma romancias ros, nam sine ca remuniciase pout besti : 55. freavi mentrice innoventram rei go ri ca testificas à innat nec chan Is remuneret investit, is the aliquando invariat, tune termanda crust Eadern regula cam proportione qua ponta in pro Judice & magistratu. Restat nune Da quartio sugraposita an port Juden econtra convermente quem certo nouis deliquine, heet probetur inno cens, sel salvem a procesur nocens. Supponent oes primo de h huere Subject inferior this en h. it organism in lege superioris maxime n so lanti momenti. Zoo repronent poe Frincipim en gricata una aligiom ourocre, quando a agitur de juniendo vehido, ded de imperiento melo Leipublica immimenti per aliquam personam, tune e Frinags other refersione nach Kerpublica ribi commisso. Dubium e an just cheath Prince po juniore tehn quentin ex gricata ura. Afrimant aliqui sivilla, (ocarracias, Bartol. Alberies, & Johnnus, good affert lesing in gras . cap. 29. num. 13. quity accedit Mathienzo in viel. relatoris parte 3. cap. 9-2. mem. 3. ours in sentia negat to hiere saltem regulariter. ita vietang, & Soto, quos affett el regainer cerry di ripra, Na = warra lib. 2 de Restitutione cap . 3. num . 197. qui citat etiam New arram, Manderus in pract. brack. 6. cap. J. Dub. 14. & dig recentiones courter & colligitur ex S. Thoma g. 67. art 3.00 3. The ex capite j. 2. & 14. Zda q.j. nos, inquit hugusting iti, in quemquem sentiam ferre i journy, nisi and consistem and aut gronte confermen. From habetur in capite consuluisti 2 dag q. & also milhis. Lates a & of etramin Despather haberet talern postesterm to gus postes in the excitate go cam in I rineyon transluterit, ear a contra, or bonun regimen dari uni hou to: testatem supra vitam hoiam sine also testimonio quam suo. Wini the saltem regulariter, ga dublum e an in aliquo esse reso, é obi ex voine intituo maxima, inconsementra requeron? hat Princeps talem witestatem . Exemplien point leng: Fi aliqued Seguia vim inferred relays Lex to with, in buti a cape as vitan tam infamiam regiam, videtur aliquity Trinceps ex tactta concessi = one Regultred por occours doubsekum sine also Arejitu indicali vel ipilg spontanea confessione, have occurt he comprobabilem, session & manders obi supra. Rontraniem to exism in how case very ont fatent fere ocs, res a vines eavideher ee to Republica in his rule rapra Vitam od montova civinim, min quendo certo igni de contrat delictam,

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not a cetto contare Leigublea per dietum vnig, pt. a per duos water of vel tres qui faciunt carribaonem moralem, n possit espo Lespubl. FREEZEN mains que transferre in Principem quam ista hat, e per coase usen ple quens to it dage las po se occidendrem ap delictum ado dubium. Finkly Doces am illa delictum contras ceros Legs. Teo contra, singit of a neconstat nee je constare Loquebica, nam telimonium Legis Tolius h is vardele costan Dempublicam neganto ipro ver, princes ether a of it punise nin grando Respubl poet & to the probace Franky enterna sufficiente. ment to Hine infero cam Carebano n'encusari Frincipes hat more quando, roum sit notum secreto faciunt occos ve ispig a poboco completely rum honori consulation, magis e debet consulere famos bobius of alterna Respublica, quan allig delinguentis, esqueram is his Just as oursendu, at Ken habebit stramed diffagnanoum. teths,/8 In fero 2 do quando ex citade delinquentes seque= men hy rentur gravia uancala in Reguel. Etimerenter probabiliter. tale or Me. seishones, et is delinguens eet Oux Generalis exercity & miletibus of tale m charising heere bune eig cam secreto trachare assignation HI She in convenientem Latronum que agent cham reis es eum deligenter de z ferideret, and ora (mindo more siligentissime peragonio, ot serva retur, quantum poet, ordo indoicialis, ai denig consisterum, ita vot certo constares de delicto inencusabili per legitimam probocim, 30 rock Princeps eum occidere, servango en prantum fieri poet, ordine Wills charitabis hecessario as salutom Ara ifing montun; in how a due necessario obsesseand a st. prims of wint feeles sufficientes ad conreincendum roum d'oires exceptiones maiores, cam es sinc do est. Vargons acertam quantim sat a de raddendam Gempublicam de ello delicto. Dum 14 iz/ Let ha n fiat nigi ratissime ech granumina caa, h is granumil regingues aliber concessa a has justellas Principi, nam frequentior vig illig ! rt whentio hylicantur der me Infor 3 to have jose housem guan Brinesps he jose cham, ex grans ca a ab igro Trinerge conscari alieni hidrin infegion, hybredia ous a mong ique liges, fidas gelain Respublica froit igni Singi, tune to expresse a concessor, a credo sufficere voluntagem jorten Mundis 9 jeresatiudm sineigis nam in mas Surissierionis à rufficis ad valorem aits volutios interpretativos superioris, qui à recerroga : minight veter vellet, nisi venera pracesserit salis voluntas gram nuas pring \* persona persona inqu interpretari rafficienter ex aliquo rigno hiest of fuerit oro brets. cital Frinceps a constituent Lordin inferiorem notes tradisfert note , when de has via ; in illum plenitudinem potestatis gram igie his, sed solum potestation noncaron

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