Saalfelden/Salzburg, 1471-1472

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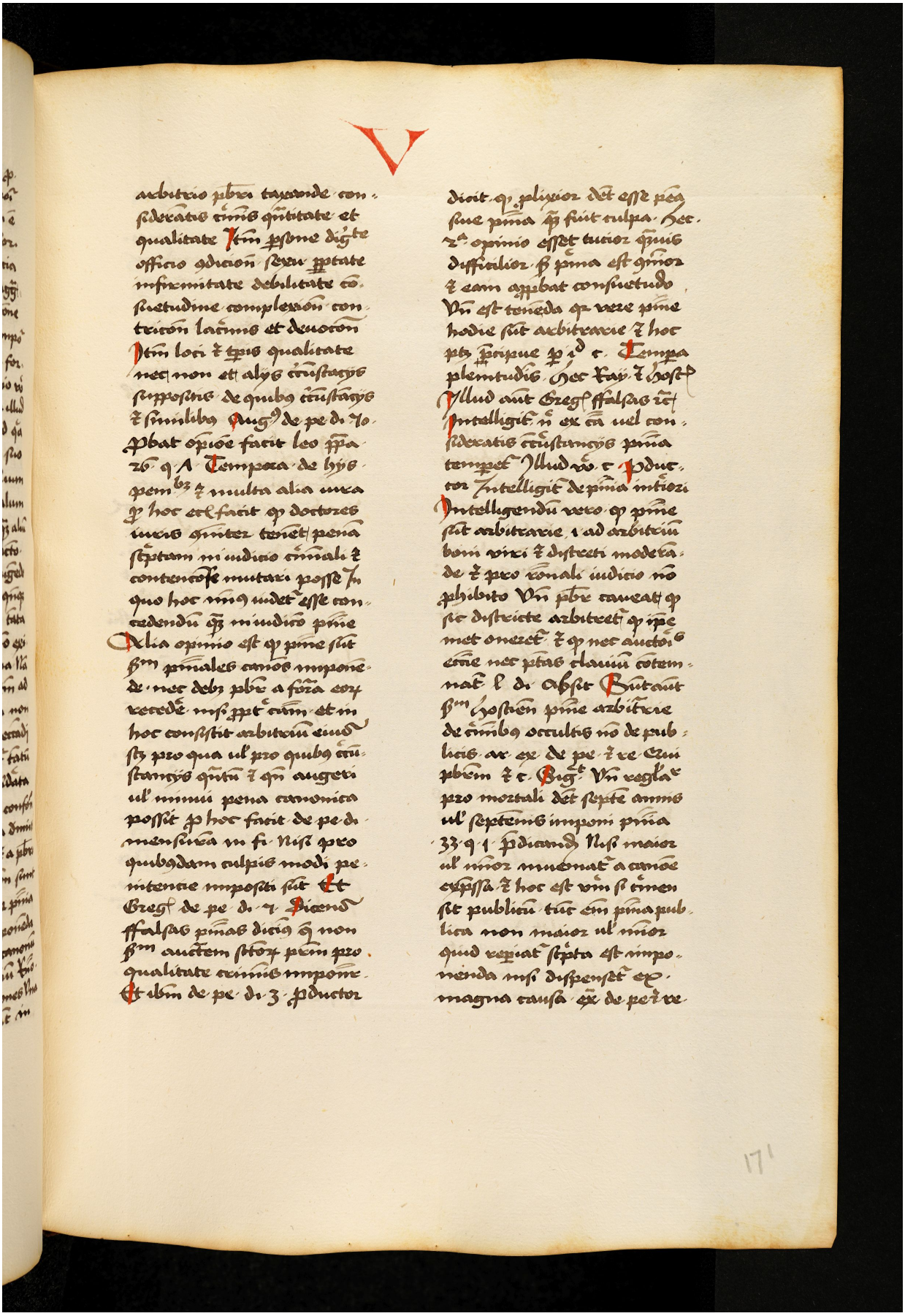

V

arbitrio ꝓbri tayande con-
siderate ei⁹ q̃ntitate et
qualitate Item ꝓsone dīte
officio q̃dcon ſexu ꝑtute
infirmitate debilitate co-
ſuetudine complexiõ con-
tritõ lacrimꝫ et deuotiõ
Item loci & tꝑis qualitate
nec non et alijs circūstancijs
ſuppoſitis de quibꝫ circūstancijs
& ſimilibꝫ Hugo de pe di. 7o
ꝓbat oppoſite facit leo ꝑpa
26 q 1 Tempora de hijs
pen⁹ & multa alia inca
ꝑ hoc erit ſacit q doctores
inuenio q̃ inter tuet pena
ſcḗtiam mi⁹ dicio cōmuni &
contencioſe mutari poſſe In
quo hoc mihi uidet eſſe con-
tendendū q̃ in mi⁹ dicio pene
Alia opinio eſt q pene ſint
ſm̄ communes annos imponē-
de nec debz ꝓbr a ſua cog
recedē niſi ꝑt̄ eam et in
hoc conſiſtit arbitriū eiusd
ſtz pro qua ul' pro quibꝫ cir-
ſtanciis q̃ritū & q̃n augeri
ul' minui pena conueniat
poſſit ꝑ hoc facit de pe di
mensurea in fi Niſi pro
quibꝫdam culpis modi pe
nitencie impoſiti ſint Et
Greg de pe di 7 Picend
ffalſas penas dicit q non
ſm̄ auctem ſtrict penā pro
qualitate criminis imponē
Et ibm de pe di 3 ꝓductor
dicit q̃ pluior det eſſe pec
ſine pena q̃ ſint culpe Hec
2a opinio eſſet tutior quib
difficilior ꝑ pena eſt grior
& eam agnoſcat conſuetudo
Vn eſt tenenda q̃ vere pene
hodie ſint arbitrarie & hoc
ꝓb̄ ꝓpter ꝓ 1d & c Tempa
plemtudis Hec tan & hoſt
Illud aut Greg ffalſas ēt
Intelligit n ex eā uel con-
ſideratis circūstancijs pena
tempet Illud ēt & ꝓduc-
tor Intelligit de pena interi
Intelligendū vero q pene
ſint arbitrarie 1 ad arbitriū
boni viri & discreti modera-
de & pro tenali iudicio no
ꝓhibeto Vn ꝓbr caueat q
ſic districte arbitret q ipe
met oneret & q nec auctor⁹
eme nec ꝓtas clauiū cotem-
nat l di. Absit Butraut
ſm̄ Hostien pene arbitrarie
de cūmbꝫ occultis no de pub-
licis ar ex de pe & re Cum
ꝓbrem & c Hugt Vn eccliē
pro mortali det ſcpte annis
ul' ſeptenis impoñi pena
33 q 1 ꝓdicandi Niſi maior
ul' minor minuenda a cause
expreſſa & hoc eſt vm ſ timen
ſit publicū tūc em pena pub
lica non maior ul' minor
quid expiat ſcptra eſt impo-
nenda niſi diſpenſet ex
magna cauſa ex de pe & re

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