

JON WRIGHT

“EX MARGINIBUS”

*Law-Book Marginalia Copied Out by Gissur Einarsson*¹

Introduction

BRITISH LIBRARY ADDITIONAL MANUSCRIPT 11250 is made up of diverse fragments from the collection of Finnur Magnússon bound together when he sold them to the British Museum in 1837. The catalogue description – “FRAGMENTA MEMBRANACEA plurima, varii argumenti, partim Latine, partim Islandice, secc. xiii-xv.” – fairly drastically understates the range both of dates and of languages.² The youngest is certainly sixteenth-century, the oldest perhaps eleventh, and in addition to Latin and Icelandic we find German and Law French. Of the forty-six leaves and partial leaves, only seven are of definitely Scandinavian origin. Along with the fragment under discussion below, there is a leaf identified by Jón Þorkelsson as having come from AM 322 fol., an early fourteenth-century Norwegian law text; a partial leaf containing part of Bishop Árni Þorláksson’s Christian law; and a bifolium from the otherwise lost correspondence book of the early fourteenth-century Archbishop of Niðarós, Eilífr Árnason.³

- 1 This article and edition had its far-off origin in 2015 as a piece of MA coursework at University College London, under the supervision of David d’Avray, for whose expert and patient guidance I am immensely grateful. Elements of the introduction were also delivered as a paper at COLSONOEL in London, 2016, and at the 17th International Saga Conference in Reykjavík, 2018; my thanks also to the organisers of both conferences for the opportunity to present my preliminary work, and to the many attendees who offered useful suggestions. A great many other people at Stofnun Árna Magnússonar and elsewhere were kind enough to offer their time and expertise; among others I wish to thank Elizabeth Ashman Rowe, Margaret Cormack, Margrét Eggertsdóttir, Roberto Luigi Pagani, Ryder Patzuk-Russell and Svanhildur Óskarsdóttir. Particular thanks for especially invaluable guidance are due to Gottskálk Jensson, Guðvarður Már Gunnlaugsson, Már Jónsson and †Nigel Palmer.
- 2 Accessed via searcharchives.bl.uk.
- 3 Jón Þorkelsson, “Íslandske håndskrifter i England og Skotland,” *Arkiv för nordisk filologi* 8 (1891): 216–17; Jón Helgason, “Catalogue of the Icelandic Manuscripts in the British Library” (unpublished draft, rev. Jonna Louis-Jensen, 2008), np.

Of the remaining fragments, two are from German translations of the *Disticha Catonis*; Law French, meanwhile, is represented by a bifolium from a Year Book of Edward I covering lawsuits in the West Country in 1302. The remainder are Latin, mostly liturgical or devotional in nature: biblical commentaries, a probable lectionary, a *Liber extra*, a *capitulare evangelium*, and music in the form of a modest scrap from an antiphonary (covering parts of Matins for the feast of St John the Baptist). There are in addition bits of poetry, texts appearing to deal with canon law, part of Jacques de Guyse's history of Hainault, and a medical text.

Of these fragments, by far the most interesting – certainly the most unusual – is that which consists of the first three leaves (a bifolium and a singleton). It is fairly modest in size, each leaf being about 130 mm wide and 150 mm tall. The bulk of the recto of the first folio, and about half the verso, is a speech from the fifteenth century for the opening of a market in the Vestmannaeyjar between English and Icelandic merchants; this has been edited in *Diplomatarium Islandicum* and is not reproduced or further discussed here.⁴ Of interest instead is the use to which the remainder of the fragment has been put.

In the margins

The lower margins of the first leaf, together with the entirety of the second and third, are in the hand of bishop Gissur Einarsson (ca. 1512–1548), an identification first proposed by Jón Þorkelsson and readily confirmed by comparison with Gissur's correspondence book, AM 232 8vo.⁵ In the lower margin of 1r, Gissur has added a citation from *Hávamál*, quoted by name:

[Obr]igðara vin fær *maður* alldrei en mannvit *micet*. Havamal
(A man can have no more reliable friend than great sense. Hávamál)

This strophe is not found in any earlier manuscripts except for the Codex Regius of the Poetic Edda, GKS 2365 4to; furthermore, of all the manuscripts to cite *Hávamál* prior to bishop Brynjólfur Sveinsson's discovery

4 *DI* 4, 276–7, where it is dated to 1420; Jón Helgason, "Catalogue," np., suggests that it could be as late as 1500.

5 Jón Þorkelsson, "Íslandske haandskrifter," 212.

of the Codex Regius, this is the only one to cite it by name. Jón Helgason made the plausible suggestion that Gissur’s source was, indeed, the Codex Regius.⁶ In that case the Codex Regius may have remained at Skálholt from Gissur’s time to Brynjólfur’s, although other possibilities are of course plausible.

The excerpt from *Hávamál* is followed by a passage from Magnús *lagabætir*’s Norwegian landslög dealing with circumstances surrounding the sale of *óðal* land, namely the lawful impediments that might obstruct an individual from exercising their allodial rights:

[Su] er naudsyn ef *madur* er felaus[.] Su er onnur naudzyn ef *madur* er vtan landz | [og] suo ef kongur giorer mann erinda sinna *eda* er hann siukr *eda* sar og suo ef | hann vissi *eigi* ad jord var bodin⁷
(It is a lawful impediment if a man is penniless. It is another lawful impediment if a man is abroad and so if the king makes a man his messenger or he is ill or wounded and so if he did not know the land was offered.)

The lower margin of 1v is larger, and Gissur has made much more extensive use of it. There are four items. The first and third come from a 1247 letter of William of Sabina arising from his mission to Norway, while the second is a paraphrase of Pope Boniface (presumably VIII), possibly from the bull *Unam sanctam* although, if so, taking great liberties with the text; the fourth is a snippet of Icelandic law which I have not succeeded in identifying:

Vilialmur af Sabina legate papans af Rum. Ef nockr uilldi *kiæra* | i mot *biskupe* þa skyllði hann *kiæra firer Erchibiskupe*. Ef nockr vill *kiæra* a prest | þa skyllði hann *kiæra firer biskupe* hans. hefdi nockr *leikmadur* andaligt mala[-] | efni ad *kæra* þa skyllði hann *kiæra firer biskupe*. Enn huer hefdi veralligt malefni hu[-]|ort sem hann uæri helldur prestur *eda* leikmadur þa skyllði hann *kæra firer kongi elligar firer* | þeim domara er kongur skipar *tíl* ad giora rett manna i millum. *firer utan* þau mal sem | kirkiunne heyra til.⁸

6 Jón Helgason, “Indledning,” in *Eddadigte*, ix–x.

7 Cf. *NGL* 2, 56.

8 Cf. *DI* 1, 550.

(William of Sabina, legate of the pope of Rome. If someone would make a complaint against a bishop, he should complain to the archbishop. If someone wishes to complain against a priest, then he should complain to his bishop. If a certain layman has a spiritual cause to complain, then he should complain to the bishop. But if anybody should have a secular cause to complain, then he should complain to the king or to those judges whom the king appoints to do right between men, excepting those matters which belong to the Church.)

Bonifacius papa seiger *suo* ad þau mal sem til heyra kirkiunne se dæmd firer kirkiunnar | domara enn *eigi* firer leikmanna valldi elligar felle þeir æ sig bann

(Pope Boniface says that those matters which belong to the Church should be judged by the Church's judges and not by the secular power, otherwise they call excommunication upon themselves.)

Enn huer firersmar domarann og uill *eigi* dom standa og helldr annara manna eiginn | mote laugum og rettindum og uill onguann rett standa þa skal hann uita | sig falla i bann bædi *guds* og manna.⁹
(But whoever despises the judge and will not accept judgement and holds another man's property against laws and rights and will not accept any right, then he shall know himself to fall into interdict, both God's and men's.)

Ero og bændur skyllder ad sia logmanne firer kost med kongs umbodzmanne suo leingi | sem hann situr huert .iiij. ar vm haustid og sitia j þrim stodum skipan magnus kongs | vt supra ad giora rett.
(Householders are also obliged to see to provisions for the *logmaðr* with the king's steward as long as he sits every third year in the autumn and sit in three places King Magnús' abovementioned order to do right.)

9 Cf. *DI* 1, 550.

Ex marginibus

The remaining two leaves bear the heading “Annotationes ex marginibus legisterij [T]horuardi legiferi quæ non transtuli in meum legisterium” (Annotations from the margins of the law-book of Þorvarður *lögmaður* which I did not copy into my law-book) and consist entirely of various marginalia copied out by Gissur. “[T]horuardi legiferi” must refer to Þorvarður Erlendsson (c. 1466–1513) who was *lögmaður* for South and East Iceland from 1499 to his death in 1512/13 – this identification can be made partly because Gissur corresponded extensively with Þorvarður’s son Erlendur, and partly because he was the only *lögmaður* of that name.¹⁰ As a collection of marginalia copied out separately from the text in whose margins they were originally written, the text appears to be entirely unparalleled. Although individual snippets have been edited or quoted, the whole – which we might consider as an accidental florilegium of sorts – has hitherto not been published in its entirety. It is reproduced below, followed by a commentary in which attempts have been made to identify the texts excerpted in Gissur’s collection (which has, unfortunately, not proved possible in every case), along with a translation into English.

The collection is wide-ranging and diverse; some items (e.g. réttarbætr both to *Jónsbók* and to Norwegian laws, quotations from other Icelandic and Norwegian laws) are directly relevant to their original law-book context, some (e.g. Latin and Icelandic proverbs on legal matters) more tangentially related, and some (e.g. Latin jokes, wordplay) are entirely unrelated. In some cases, Gissur has copied marginalia which would have been relevant in the margins of a *Jónsbók* but which are essentially meaningless elsewhere (for instance, “Su klaus er or tekin bokinne er firebydur at hafa dilkfe”, from item 151).

Legisterium Thoruardi

It should in theory be possible to identify Þorvarður’s law-book (presumably a copy of *Jónsbók*, with or without other texts appended or incorporated) if it is still extant, by comparing marginalia in manuscripts of *Jónsbók* produced prior to Þorvarður’s death with those collected here. A survey

¹⁰ Jón Þorkelsson, “Íslandske haandskrifter,” 212; *ÍÆ* 5, 252.

of such manuscripts has, however, yielded no fruit to date. It is therefore impossible to say whether the annotations which Gissur copied were the work of one individual (Þorvarður or otherwise) or several; it may be that Þorvarður was merely the latest in a long line of owners, many of whom added to the crowded margins of the manuscript.

It is, furthermore, impossible to say whether Gissur was in fact copying from a single manuscript. Gissur's heading uses the genitive singular "legisterij" and we may assume that at the time of writing he intended it to refer to a single law-book. This notwithstanding, there are indications which point to Gissur, having finished copying the marginalia from Þorvarður's law-book, carrying on with marginalia from others. There are three horizontal lines across the width of an entire column, all on 3r, which divide the text into four sections which we might for convenience refer to as A, B, C and D. Section A, the longest, runs from the beginning of the text at 2r, column 1, line 3 to 3r col. 1 l. 7; B from 3r col. 1 l. 8 to 3r col. 1 l. 20; C from 3r col. 1 l. 21 to 3r col. 2 l. 29; and D from 3r col. 2 l. 30 to the end of the text at 3v col. 2 l. 37. The contents of these four sections are distinct: for instance, A has a great preponderance of Latin, which is entirely absent from B and not much in evidence in C or D; only D has *Jónsbók réttarþætr*; C makes two (possibly spurious) references to *Sachsenspiegel*, not mentioned in any of the others; one short admonition ("Caue scurrilitatem varaztu osæmilegt gaman")¹¹ appears, with slightly different wording, in both A and D.

In short the appearance is of four separate collections of marginalia, accumulated by four separate individuals or groups of individuals with different interests and access to different sources. Most tellingly, A ends with a large chunk of the early part of the *Proverbia Wiponis*, which ends abruptly at the juncture with B; the likeliest explanation for such a relatively substantial block of text is that it was added to the blank space at the end of the manuscript.¹² The premature ending may be because there was not space to complete the *Proverbia* in the original or because the last leaf was lost or the verso of the last leaf abraded beyond the point of legibility.

11 Item 144, below; cf. item 33, "Caue scurrilitatem osæmiligt gaman".

12 Items 62–110, below, excluding items 70 and 100. The first few of the *Proverbia*, items 52 and 58–59, are mixed in with other marginalia, before the copying of the *Proverbia* begins in earnest.

It is, however, also possible to imagine the *Proverbia Wiponis* being used to fill blank space earlier in a manuscript, for instance at the end of a bálkr, and the supposition that Gissur copied from several law-books rather than one must remain conjecture. If Gissur did copy from more than one law-book, it is at any rate possible that they all came from Þorvarður's library – see “*The Sópuður of séra Gottskálk Jónsson í Glaumbæ*” below.

Meum legisterium

If Þorvarður's law-book is lost to us, what of Gissur's? There do not seem to be strong grounds for hope on that front either, since it has not been possible to identify a law-book clearly annotated in Gissur's hand. There are some extremely faint marginalia on the last page, 133v, of AM 351 fol. (Skálholtsbók eldri) which *may* possibly be in Gissur's hand but which are too damaged to make out with any clarity.¹³ Tantalisingly, almost the only legible word is the name “Þoruardur”. AM 351 fol. was in Skálholt at the time of Gissur's death, and it is therefore hardly in doubt that he would have had access to it.¹⁴ However, even if these marginalia are in Gissur's hand, AM 351 fol. would be a poor candidate for the “meum legisterium” to which Gissur's title refers – there do not appear to be any other marginalia in his hand in Skálholtsbók eldri, whereas the title of the fragment strongly implies a law-book into which Gissur copied more than a couple of sentences.

The *Sópuður* of séra Gottskálk Jónsson í Glaumbæ

One extant manuscript does show some intriguing connections with Gissur's fragment: British Library Add. MS. 11242, a miscellany (*syropa*) mainly in the hand of Gottskálk Jónsson of Glaumbær (c. 1524–1590), known sometimes as *Sópuður*.¹⁵ Ten of the items found in Gissur's frag-

13 A handful of words about halfway down the right-hand side of the page, about level with lines 15–17 in the left-hand column, and a few lines at the bottom right beginning about level with the bottom of the left-hand column of text.

14 Stefán Karlsson, “Hauksnautur. Uppruni og ferill lögbókar,” *Sólhvarfasumbl*, ed. by Gísli Sigurðsson (Reykjavík: Menningar- og minningarsjóður Mette Magnussen, 1992), 63.

15 For a fuller discussion of this fascinating collection, see Jón Þorkelsson, “Séra Gottskálk Jónsson í Glaumbæ og syropa hans,” *Arkiv för nordisk filologi* 12 (1896), *passim*, and Svanhildur Óskarsdóttir, “Gagn og gaman séra Gottskálks Jónssonar í Glaumbæ,” *Greppaminni. Rit til heiðurs Vésteini Ólasyni sjötugum*, ed. by Margrét Eggertsdóttir et al. (Reykjavík: Hið íslenska bókmenntafélag, 2009), *passim*.

ment are also in Gottskálk's miscellany: the second excerpt from William of Sabina in the lower margin of 1v (36v in 11242), and items 24 (36v), 25 (37v), 26 (37r), 27 (36r), 35 (36r), 36 (66v), 48 (38r), 112 (37v) and 146 (65v). It is notable that the items in Gottskálk's miscellany are found in two clusters, suggesting that he may have copied them from the same source(s),¹⁶ and that a number of items which are consecutive in Gissur's fragment are found close to one another in Gottskálk's text. It may also be worth noting that Gissur's and Gottskálk's manuscripts are respectively the oldest and second-oldest extant witnesses to item 27, a resolution of the Alþingi on the carrying of knives.¹⁷

However, I do not intend to suggest that Gissur's fragment was among Gottskálk's sources, since there are certain differences in the texts which argue against this. Some are not necessarily conclusive: for example, item 112 has the title "at eide fe sitt *og um* skatthald" in Gissur's fragment but "Ad vina eid at Skatte" in Gottskálk's; the beginning of the text proper is severely truncated by Gissur and the end omitted by Gottskálk, but both of these are conventional swearing formulae in any case. The most significant difference is in item 35: Gissur has "Sex aurum ofundar bot *edr* þockabot" where Gottskálk has "Sex *avrum* aufvndar bot en þ{f[iorir?]} / tv[ei]r avrar þocka bote" – evidently both men were faced with an unclear exemplar when it came to the valuation of *þokkabót* and had different approaches to resolving the matter. I would suggest that they had, indeed, one and the same exemplar. Gottskálk's mother was Þorvarður's second wife and widow before marrying Gottskálk's father Jón, and Gottskálk's sister Guðrún married Þorvarður's son Erlendur (by his first wife), and there can therefore be little doubt that Gottskálk would have had access to Þorvarður's library;¹⁸ given the shared texts, some of which I have been unable to find anywhere else,¹⁹ it seems all but certain that Gottskálk drew on Þorvarður's law-book(s) as a source. The items found in Gottskálk's

16 The current arrangement of gatherings and pages in 11242 is not original, and it is therefore very possible that the items were originally closer together (the opposite is however not true, since several of the items share a page with one another). See *Gamall kveðskapur*, ed. by Jón Helgason (Copenhagen: Hið íslenska fræðafélag, 1979), 8.

17 *DI* 4, 1–2.

18 *ÍÆ* 1, 447; *ÍÆ* 2, 92.

19 This observation is presented with the caveat that manuscripts of this period are outside my field of particular expertise; that I have not found the texts elsewhere does not necessarily mean they are not to be found.

miscellany span the sections designated A, B and D above (see 1.3) as well as one of the texts in the lower margin of 1v; if those sections do indeed correspond to the marginalia of four separate law-books, the simplest explanation for both Gissur and Gottskálk having access to them is that they were all in Þorvarður's library.

A chronological curiosity

Item 70 states that St Óláfr died 1,023 years after the incarnation, an unusual date and one at odds with the general consensus; furthermore, not one easily arrived at by a misreading or slip of the pen. Although dates other than 1030 do crop up in some Norwegian sources, 1023 is not among them: Theodoricus monachus and *Ágrip* give 1029, the *Passio et miracula beati Olavi* gives 1028, and the Old Norwegian Homily Book gives 1024. Either of the latter two dates could readily lead to 1023 by the omission of a u or an i respectively. However, as David and Ian McDougall observe in the notes to their translation of Theodoricus monachus, all of the Icelandic sources to give a date for Óláfr's death agree on 1030.²⁰ This explanation, then, would rely not just on a misreading but on a misreading of a dating otherwise unexampled in Icelandic historiography.

The second, more plausible, possibility is that 1023 was intended, and that it derives from the calendar of Gerlandus the computist. Gerlandus dated Christ's birth to the year 8 according to the preceding (and our) chronology; accordingly, our 1030 would be 1,023 years after the incarnation. This would be a very satisfying conclusion, except that Gerlandus' chronology, having been current in Iceland since perhaps the middle of the twelfth century, appears to have been falling out of use by the mid-to-late thirteenth century – for instance, Sturla Þorðarson, writing *Hákonar saga Hákonarson* in 1264–65, uses the current chronology.²¹ *Jónsbók*, meanwhile, was first promulgated in 1281. The likeliest explanation is thus that this date was copied from annalistic material in an older manuscript – but

20 Theodoricus monachus, *Historia de antiquitate regum Norwagiensium. An Account of the Ancient History of the Norwegian Kings*, Viking Society for Northern Research Text Series 9, trans. and annotated by David and Ian McDougall (London: Viking Society for Northern Research, 1998), 88–89.

21 Ólafía Einarisdóttir, *Studier i kronologisk metode i tidlig islandsk historieskrivning*, Bibliotheca Historica Lundensis 13 (Lund: CWK Gleerup, 1964), 140.

it is not clear why this was done, given that the information must have been obsolete at the time of copying and there is no accompanying commentary drawing attention to this fact.

Sachsenspiegel

Items 119 (in Icelandic) and 131 (in Middle Low German) are both attributed to *Sachsenspiegel* (“Sassenspeigill seiger suo þad er logbok j þyduerska landi”, 119), which on the face of it would seem to be strong evidence for that text circulating in some form in Iceland. However, neither provision appears to have a parallel in the text of *Sachsenspiegel* as preserved in German manuscripts.²² As an example, item 131 deals with the making of false seals (“Se dar valske jnngesegel maken...”); “ingesegel/ingesigel” occurs three times in *Sachsenspiegel*, at least in Eckhardt’s edition (Landsrecht III 34 § 1, pp. 215–16 and III 64 § 1, p. 249 and Lehnrecht 72 § 1, pp. 109–10), none of which provisions is remotely close in either wording or meaning to item 131 in Gissur’s fragment. Whether the passages come from a lost variant of *Sachsenspiegel* or from another German lawbook which the scribe of Gissur’s exemplar misidentified, or whether the attribution is entirely spurious, has unfortunately not been possible to ascertain. One further item, 132, is in a mix of Middle Low German and Icelandic; it seems also to be legal in nature though it is not attributed to any particular law code and has not been identified.

Borgarþingslög

Item 146 claims to be from the Borgarþingslög. Most of the Borgarþingslög, with the exception of the *Kristinréttir*, has been lost, and the text here is not among what little survives.²³ I have not been able to find it in any other text or manuscript, with the exception of British Library Add. MS 11242, which for reasons outlined above cannot be considered

22 cf. *Sachsenspiegel. Landrecht*, Monumenta Germaniae Historica, Fontes Iuris Germanici Antiqui, Nova Series I.1, ed. by Karl August Eckhardt, 2nd edition (Göttingen: Musterschmidt, 1955), *passim*, and *Sachsenspiegel. Lehnrecht*, Monumenta Germaniae Historica, Fontes Iuris Germanici Antiqui, Nova Series I.1, ed. by Karl August Eckhardt, 2nd edition (Göttingen: Musterschmidt, 1956), *passim*.

23 *De eldste østlandske kristenrettene*, ed. by Eyvind Fjeld Halvorsen and Magnus Rindal (Oslo: Riksarkivet, 2008), ix: 226–231.

an independent witness; thus, if the attribution is genuine, this is an otherwise unknown survival from a largely lost early medieval Norwegian law-code. We should, however, be cautious about accepting the attribution at face value, especially in light of the (pseudo-?) *Sachsenspiegel* excerpts mentioned.

Text

Notes on the text

The transcription broadly follows the principles outlined by Stefán Karlsson in *Íslandske originaldiplomer indtil 1450* except that all abbreviations and suspensions have been expanded in italics; the text is presented with the original line divisions intact and these have therefore not been further marked (except in the case of items in the margins which are split over two lines within the height of one line of the main text).²⁴ Illegible text is shown between square brackets, with zeroes where a plausible reading cannot be supplied. Text added above the line is enclosed \thus/, text added in the margins /thus\, and deleted text |thus|. The orthography has been left intact except in as far as variant forms of letters (round-backed versus straight-backed d, Insular vs. Caroline f, r vs. r-rotunda, tall vs. round s) have not been preserved. Gissur's orthography, presumably reflecting that of his source(s), varies somewhat from one item to another; abbreviations have been expanded in line with the prevailing orthography of the individual items in which they are found rather than with that of the fragment as a whole, except where the item itself offers no clue, with the result that the expansions are not wholly consistent from one item to another. Spaces have been silently added where words have run together and hyphens where words are split over two lines. The individual items have been numbered for ease of reference. The text is otherwise presented as faithfully as possible, without normalisation.

²⁴ Stefán Karlsson, *Íslandske originaldiplomer indtil 1450. Tekst*, Editiones Arnarnagæne series A, 7 (Copenhagen: Munksgaard, 1963), lxvii–lxviii.

Annotationes ex marginibus legisterij [T]horuardi legiferi
quæ non transtuli in meum legisterium.

[2r col. 1]

1. Suo a valldzmadur at uera lærdr \viss/ uel
gudhræddur og vagiarn
2. Katholicus godkristinn *id est* rettruadur
3. Ignorantia facti non iuris excusat
4. *Augustinus* dicit Quod non accipit *christus* accipit fiscus
5. Notarius publicus einn²⁵ opinber skrifari
6. Priuilegium personale personam sequitur et
extinguitur cum persona
7. Hoc flamen uentus hic flamen presbyter unus
8. Qui timet deum faciet bona
9. Consilium semper a sapiente perquirere
10. Sapientia semper sapienter agit
11. Fla facit ardorem *sed* fra largitur odorem
12. Terminus est finis, mors funus cordaque funis
Vtilis est fimus \tad/ *sed* fumus ab igne recedit
13. Quicumque uult saluus esse in taberna debet esse
In die dominica nisi bene biberit saluus esse non poterit
14. Si deus nobiscum quis contra nos
15. Enn ef her er von i land uort *et cetera* tueir
hierlendskir og einn utlendzkr skulu vord hall-
da vr annara konga rikium.
16. Maledictus homo qui confidit in homine. benedictus uir qui
confidit in domino *et* erit dominus fiducia eius.
17. Lex ibi deprimitur \nidrtryckizt/ vbi non ratio *sed* potestas dominatur
18. Sepe solet census hominum peruertere sensus
19. Non domus est pacis ubi regnat lingua loquacis
20. Þui minne²⁶ eg þig N edr ydr upp a einn tima annan
- 25 Or "enim"? There is a possible dot which suggests that the three minims written are "in" rather than "ni", but it is not very clear and this reading is very awkward (though "enim" is not really satisfactory either).
- 26 A very uncertain reading. The word as written appears to be "min" with a nasal stroke over the "n" and the abbreviation sign for "er", but "minner" does not work grammatically here.

tíma og þrídía tíma *etcetera*, ad þíer giòret sem lo-
gin bíaða og skípa yðr ad giòra, [ooo] og þat *et cetera*

21. [Nu]lla ualent opera si qua deest opera /*id est* gaum | gæfi\²⁷
22. [...oo] ero i spiotskaptz enda.
23. [Med lau]gum skal land uort byggia enn med ola-
[ugum] eyða.

[2r col. 2]

24. Þa er brúðlaup giòrt at logum ef maðr /logradandi | fastnar konu\²⁸
festir ser konu med . ij vottum og se . vj .
menn at brúðlaupi híð fæsta og gange i
líose i somu sæng med henni
25. Laugin ero bræðra sættir eda samtycke²⁹
26. Numen guddomsmakt. sententia vrskurdur
27. Þetta uar samþykkt i laugrettu a alþingi
og dæmt af laugrettumönnum a audru ari
eptir frafall vírdulígs herra hakonar konungs hins ko-
ronaða, at eingi skal bera uppbundinn hn-
if þann sem skockr eda hiaullt uæri æ
skapti enn ef borinn er suare þríggia aura
sekt og hnifurinn upptækur og at alþingis
manna domrofi . iiij . morkum.
28. Decet regem discere legem
29. legem seruare est regnare
30. Notitia litterarum lux est animarum
31. Nouus rex noua lex
32. Vbicumque es u[e]l quicquid agis cogita te vultum
deinde nunquam deuitare neque declinare
33. Caue scurilitatem osæmilígt gaman

Gissur also uses the “er”-abbreviation for terminal “e” in Latin infinitives (see, for example, “peruertere” in item 18, above); such usage in Icelandic seems improbable but at least gives a grammatical and coherent reading.

- 27 Very small and faint to the right of the Latin sentence, two lines in the height of one.
- 28 Slanted upwards in the upper margin, evidently a heading to the item following.
- 29 It is apparent that “*eda samtycke*” follows “*urskurdur*” in the line below, i.e. as a further gloss to “*sententia*”. In Gottskálk Jónsson’s miscellany item 25 follows the second part of item 26 (the first part is omitted there): “*Sentencia urskurdur eda samþykke. log ero bræðra sættir*”, fol. 37v.

34. Eg mun æ morgin ueita andsuor þinu
erindi þa ero uier aller odruckner og med
fullri skynsemd. þar uar mikil olteite.
35. Sex aurum ofundar bot *edr* þockabot
36. i sudra logmannzdæminu v nefndar menn og xl.
Nordan xiiij. og xx.
37. Huer sem eigi lykr tillaugu \nef<n>dar kaa\v/p/³⁰ fe sem skilt er
þa sekizt hann mork

[2v col. 1]

38. [En] sa er eigi uill [od]r[um] laug vnna hann skal eigi
laga niota. seigi laugmadur þeim eingi laug þa
xij manudi
39. Sier sparer þræll þrinætta myki
40. baren og framankomen soknargogn aull
41. Menn skulu fastandi til þings ganga og sitia þing þa
sol er j austre og uera æ þinge til Nons.
42. Cera lapis plumbum sunt testes fiscis
et aurum. þessir daudir hlutir mega manne uitni bera.
43. Qui falsum narrat nichil impetrat
44. Omnia transibunt preter amare deum
45. Quod non est licitum in lege neccessitas facit licitum.
46. Neccessitas non habet legem. neccessitas frangit legem.
47. Cum sapiente uiro consilium habe et quere.
48. /decretalium | Catholicum.\³¹ Alldrei æ hinn hærri at dæmazt af
hinum lægra
49. Salamon seigir þecki³² utan rad ecki uera gioranda og fram
faranda. hugsa sig uel um þess helldr stærri mal er
50. Cum stultis non habebis consilium
51. Melior est sapientia quam uires
52. Dormire non multum exhilarat \þeckilegt giorer/ uultum
53. Þa barde hann knafann for hann optazt i sueit
med knaupum og þionuztu monnum.

30 Between the lines, evidently as a heading to item 37. The “v” is further written above the second “a” of “kaap”, correcting it to “kavp” (though without deleting the “a” in any way).

31 In the left margin.

32 Both struck through and subpunctuated.

54. *per ihesum christum. potum benedicimus istum*
55. *Tres infelicitates in lege leguntur. scilicet
qui nescit et non interrogat. Qui scit et non docet
Qui docet et non facit quod docet malum exemplum dedit.*
56. *Tria sunt que retinent hominem in bono et refrenant a malo id est amor dei, metus gehenne
desiderium celestis regni. et tria sunt que hominem
ducunt ad infernum id est cogitatio immunda, verbum
alienum, opus prauum et alia tria que ducunt ad celeste regnum. cogitatio bona verbum bonum
opus perfectum.*
57. *Mellifluus ihesus sit nobis potus et esus.*
58. *Sepius offendit qui lumen non accendit*
59. *Qui habet scientiam ornat sententiam*
60. *Ossa hominis sunt numero. cc . vij . Venæ
ccc. lx. v. Dentes in perfecta etate xxx. iij.*

[2v col. 2]

61. *Quot sunt clauēs sapientiæ? V. quæ?
Assiduitas legendi, memoria retinendi
honor magistri, contemptus deliciarum, frequens interrogatio*
62. *Melior est sapientia quam secularis potentia*
63. *plus uincit sensus³³ quam multiplex census*
64. *Sapiens est multum qui amat dei cultum*
65. *Vir fidelis coronabitur in cœlis.*
66. *Qui fidus est seniori*
67. *Bene credit qui neminem ledit.*
- adproximat honori
68. *Melius est in deo sperare quam diuitias congregare*
69. *Qui confidit in deo fortis est ut Leo*
70. *fra falle³⁴ .S. Olafs Ab incarnatione Domini m.xx. iij.*
71. *Charitas non ficta odit delicta.*
72. *Regnum celorum*
73. *fortissima spes beatificat res*
- non est inuidorum
74. *Qui diligit fratrem placat deum patrem*

³³ The initial “s” is written over a “c”.

³⁴ It is not clear whether this is two words or one; neither option is completely satisfactory. “Frá falli” would explain the dative ending but fits oddly with how the rest of the item is phrased. If on the other hand “fráfali” is meant, then the dative ending is hard to explain – possibly the item was originally part of a longer sentence which called for it.

75. *Melius est se humiliare quam se exaltare,*
 76. *humilis homo triumphat in domo*
 77. *Qui per ardua uadit sepe cadit*
 78. *Viri mites rennuunt lites*
 79. *Qui assidue rixantur a paucis amantur*
 80. *malos pro deo tolerare est superare*
 81. *pacis donum omnibus est bonum*
 82. *Qui in Pace fundantur non eradicantur*
 83. *Incendium bellorum, corruptio est morum*
 84. *homo pudicus anime est amicus*
 85. *Vbi frequens est luxuria non deerit penuria*
 86. *Voluptas mundana semper est uana* 87. *bene orat qui in*
 88. *Iudicis sententiam oportet sequi clementiam* *corde plorat*
 89. *Melius est interdictum ignoscere quam uindictam poposcere*
 90. *Qui miseretur misericordiam consequetur*
 91. *Verbum ueritatis subuenit iudicatis*
 92. *Falsus in ore caret honore.* 93. *Omnis auarus nulli*
 94. *Qui falsitate uiuit animam occidit* *est carus*
 95. *Qui hylaris est dator hunc amat saluator* 96. *bonum tribuere non est*
 97. *Vbi pugnat oratio ibi uincitur tribulatio.* *minuere.*
 98. *İncessante orare est delicta purgare*
 99. *Qui non potest ieunare discat elemosynam dare.*
 100. *Melius est manducare quam aliis nihil dare.*
 101. *Bene uigilat qui a bono non cessat.*
 102. *Melius est interdum dormire quam diabolo seruir[e]*
 103. *Vbi est uera penitentia dei est clementia*
 [3v col. 1]
 104. *Valde decipitur qui nunquam corripitur.*
 105. *Amicabilis increpatio non est damnatio*
 106. *Oleum peccatoris laus est adulatoris.*
 107. *Vbi longa est ebrietas ibi breuis est pietas*
 108. *Vinum multum et forte parum distat a morte*
 109. *per crapulam cibi et potus perit homo totus*
 110. *per moderantiam peruenitur ad abundantiam.*
-

111. hударfiordungur utledralaus .xv. alnum,
 xij alnum *med* ledrum *firer* skatt ij fior-
 iiij. gelldingsgiærur *firer* skatt *dungur* hудар
 halfuætt ullar j einn skatt. *j eyrer j silfre*
 iij. fiordung smiors *eda* ij.
 hud er uegur vij merkr og xx. gamallt j skatt³⁵
112. At eida fe sitt og um skatthalld
 Til þess leggur þu etcetera.³⁶
 ad þu att *suo* fe sem nu hefur þu talt *edr*
 talid *edr* minna þat er þu ert *edr* siert skylldagur
 til ad uirda *til* skattz og þu hefur aunguu fe af
 leynt ne undan skotid olauglega og þetta giorder
 þu *firer* ongra mvna saker annara enn laga og rettinda
 at *suo* stofudum eidi se þier gud hollur sem þu satt *segir*. gramur
 ef þu lygur

-
113. Sapientia ornat hominem. 114. silentium est signum sapientie
 115. christus semper est laudandus. 116. R.b.E.K.
 Þad er firerbodit ad fleiri seu lensmenn enn .ij. j hueriu
 fylki vtan fleiri se syslumenn þa ma huer hafa einn
117. Jllur vani er ecki halldandi. Dist viij.
 118. Hefnd er tuefolld sumer hefna sin med uerkum enn sumer med rett.
 119. Ef madur drepr annann mann uiliandi þa hogg h[o]
 af Sassenspeigill seiger *suo* þad er logbok j þyduerska | landi
120. R.K.H.
 ad þar sem *madr* drap mann matte adur med sektum
 nodga frændur sina þa er huorki uoru valldandi ne ra-
 dandi til febota med sier þa skal af þess eins fe bæ-
 ta er drap erfingia hins dauda einum.
121. [Vi]m ui repellere licet. nauduaurn.

35 “gamallt j skatt” is, despite the layout, more likely to belong with the line above, thus: “iij. fiordung smiors *eda* ij. gamallt j skatt”. At any rate the neuter adjective cannot agree with “hud”, though it is also possible that a word was omitted either by Gissur or in his exemplar. It is worth noting that the grammar throughout this item is extremely muddled.

36 *etcetera*] hond a helga bok og svo skytur þu þinu male til gudz (BL Add. MS. 11242, 37v.)

[3r col. 2]

122. Ef *madur* a baurn vid eiginkonu sinni *medan hann er j ut-*
legd þa ero þø ecki arfgeing huorki til fodurarfs
ne modurarfs nema fader hans uerdi ilendur.
123. Enn huern krankleika sem *madur* hefur þann sem batnadur er *eigi*
at uon suo hann uerdi þingfær þa er hann skal heimanrida.
og skal þann mann *eigi* nefna, enn nefna ma hann ef
hann uerdr fær adur hann þarf heiman at rida.
124. *Humilis castus largus patiens et moderatus*
congaudens fortis sic septem crimina tollis.
125. Sa er at uige sannur er uottar bera a hond huort
sem er kona edur kall*madur* Enn ef kona sannar uig a
hond þa skulu uottar fylgia sogu konu a þinge
þeir er fyrst hitter hun.
126. Ef *madur* drepr mann til dauds þa æ sa at uera bane mannz.
127. Enn uiduistarmenn skulu uig skilia huar sem þeir
ero uidstadder.
128. Enn þad ero laug j noregi og a alla danska tungu
ef *madur* þyrmer *eigi* gridum at sa er utlægur firer endalan-
gann noreg og firergiort bædi londum sinum og lausafe
og skal alldre sidan j land koma.
129. Po er rett ad hann seigi suo enn *eigi* meir enn hann seigizt
bane hans hans³⁷ ef hann geck af daudum manne
hann skal lyst hafa samðægris ef hann ma.
130. Quia ipse dat *consilium* uel iuuat ad hoc quod aliquis /Summula
Raymun- | di³⁸
interficiatur. quia consilium facit hominem reum in facto
131. Se dar valske jnnagesegel maken vnðe dar tho
raden, sint se eigen manne, me schal se ent-
howen. Synt se vry me schal se in dat
elende senden. Sassen spegel.

37 Dittography.

38 Above and into the right-hand margin; evidently a heading or note to 130.

132. J slik mann heft³⁹ bote no s[oo]er bort, ef hann brytur þad ecki af sier so dat he rechtelos gewordenden sy,
133. Einginn skal rett seigia epter sinum heila *eda* epter sinum uilia *eda* sinu sinne helldr epter skrifudum laugum.
134. Opt ma a daudan liuga. og a blindann bera.
[3v col. 1]
135. Ef menn sia skogarmann er þeir fara leidar sinnar og vardar þeim eigi þott þeir take hann eigi ef þeir eiga ecki uid hann enn ef þeir eiga vid hann kaup *eda* nockr mauk *eda* rada honum nockur Ræd þau er hann se nærr life sino enn adur og er þad biorg uid hann og vardar þad Fiorbaugs gard. Þad er skogarmannz biarge er menn giora uid hann *eda* rada honum þad er hann er lijfe sinu nærr enn adur.
136. Sa uerdr fe at girnazt er feþurfe er og uill nockud ad hafazt.
137. Þessi einkamal voru tekin med radi Hakonar kongs hins koronada sonar sonar Suerris kongs med asia magnus kongs sonar hans. Einars Erchibiskups og liodbiskupa lendra manna og lærdra logmanna og allra annara hinna uitruztu manna i landino at minka manndrapin. lizt oss þad likast til at log hins helga olafs kongs standi epter þui sem hann skipadi. þo ad þess hafi eigi hier til giætt uerit firer fegirndar saker at sa er mann drepr saklaust hafi firergiort fe og fridi og se utlægur og ogilldur huar sem hann uerdr staddr bædi kongi og karle.
138. R B K kristierns
Firerbiodum uier uorum fouitum umbodzmomnum fataekann og rikann olauglega edr omogulega beskat ta gripa edr j fangelsi turn edr iarn setia utan dom og log, vtan þeir menn sem eigi uilia logum suara eigi stefnur sækia edr eigi brot sin bæta *eda* doma hallda edr og þeir menn sem logbok uor lofar at gripa saklaust

39 Or hest? The language here is unclear though the middle is Icelandic and the end German.

139. Qui *multum* *fatur* *stultissimus* esse *probat*
 140. Quanto *gradus* *altior*, tanto *casus* *grauior*
 141. *Consuetudo* *male* *inuenta*, *quanto* *diuturnior*
 tanto *periculosior*
 142. *Vinum* *modice* *sumptum* *acuit* *ingenium*
 143. *Cogitat* *in* *estate* *sapiens* *quo* *uiu**at* *in* *hyeme*
 144. *Caue* *scurrilitatem* *varaztu* *osæmilegt* *gaman*
 145. *Heimskr* *domare* *sa* *er þarf til* *annara* *annsua*
 ad *leita* *æ* *ekki* *ad* *uera*

[3v col. 2]

146. *Par sem* *madur* *uerdr* *meginn* \vegin\ *og* *er* *ecki* *godz* *efter* *og*
 þo *ad* *skullder* *seu* *efter* *þa* *skulu* *eigi* *skullder* *lukazt*
 af *gialldum* *þuiat* *þad* *uar* *eigi* *godz* *hins* *dauda*
 *hell**dr* *rettur* *erfingians*. *J* *borgar* *þings* *logum*.
 147. *Ef* *madur* *hitter* *mann* *æ* *helgudu* *þinge* *er* *eigi* *a*⁴⁰ *þing*
 ad *fara* *hafi* *uid* *uotta* *og* *taki* *þann* *mann*⁴¹
 148. *Svo* *skal* *korlum* *skipta* *ok* *kerlingum* *sem* *odrum* *skyll*[*dum*]
 nu *uirdizt* *þad* *fe* *iiij* *merkr* *firer* *omaga* *huern* *v*[*al*]
 ef *meir* *er* *skal* *þad* *huorki* *vaxa* *ne* *þuerra* *gialld*[*e*]
 slikt *sem* *hann* *tok*. *norsk* *laug*.
 149. *Ef* *madur* *uill* *selia* *land* *sitt* *uid* *uerdi* *etcetera*. *En* *ef* *sel-*
 ianda *þicker* *þar* *eigi* *god* *skila* *von* *þo* *ad* *til* *se* *f*[*e*]
 þa *skal* *hann* *fa* *vordzlu* *mann* *firer* *sig* *þann* *er* *skynsomu*[*m*]
 monnum *þicke* *godur* *skulldunatur*. *nu* *bydur* *hann* *eigi* *suo*
 og *selur* *audrum* *þa* *skal* *hinn* *seigia* *osatt* *sina*
 æ [*oo*]⁴² *æ* *næstum* *.xij* *manudum* *er* *hann* *ueit* *og* *hann* *ma* *fyrer*
 nockura *naudsynia* *saker* *og* *taka* *þad* *land* *til* *sin* *fyrer*
 iafna *aura* *sem* *hinn* *keypti* *og* *med* *slikum* *gialldogum*
 þuiat *log* *riufa* *þad* *kaup* *Enn* *ef* *hann* *ryfer* *eigi* *suo* *þa* *er*
 fast *þad* *kaup* *J* *islendzke* *logbok* *stod* *suo* *skrifat*

40 Eyeskip: there should be another “a” here.

41 There is possibly some very faint text after “mann”; if so it is too faint to be legible.

42 It is not clear what might be missing here, although something evidently is. Judging by the *Óðalskapituli* in Ólafur Halldórsson’s edition, there is no text which ought to go here and indeed one “a” is superfluous. One plausible reading would be “þingi”, but the damaged area is too small – the ascender and descender of the þ would still be visible in that case.

150. Ef *madur* vill selia land sitt uid verdi þa skal hann
bioda *med* uitnum *hinum* nanazta frænda *sinum*, fyrst
ad kaupa [ef]ter jofnu verdi. Nu [by]dur hann *ecki* suo
og selr *audrum* þa ma hann taka þad land til sin fyrer
iafna aura sem hinn keypti og *med* *slikum* gialld[o]
gum þui ad log Riufa þad kaup .
Suo skal huert kaup uera sem vottur *eda* vitne
ueit, þad er bok mælr *eigi* j mote.
151. Su klaus er or tekin bokinne er *firerbydur* at ha-
fa dilkfe. og þad *Capitulum* er *firerbydur* ad þeir
menn reisi bunad er minna fe eigo enn til .v.
hundraða. nu dæmt . 3.c.
152. Hauldur er einfyndr ad hual *edr* haulde betr[i]
153. Enn ef *landzdrottinn* kallar *suo* ad *umbodz* *madur* hafid [tek]it
af eign hans og sier nytt. huort sem þad er innan gardz
edr utan gardz og vita goder *menn* a þui skil þa [meti]
goder *menn* huers *landzdrottinn* hefir m[ist]

Commentary

3. The overall sentiment expressed here is something of a common-
place; the exact wording is that of Boniface VIII's *Regulae Iuris*, nr.
13.⁴³
4. Attributed to Augustine, *Sermones supposititii* 86, with slightly diffe-
rent wording: “Hoc tollis fiscus, quod non accipit Christus”.⁴⁴
6. From Boniface VIII's *Regulae Iuris*, nr. 7.⁴⁵
7. There seems to be a similar phrase in John of Garland's *Equivoca*,
for which unfortunately I have only been able to find online tran-
scriptions of early modern incunabula. A rather more prolix
variation on the theme can be found in Eberhard of Béthune's
Græcismus: “Hoc flamen neutri pro flatu debet haberi, | Hic si
praecedat, stantem Iouis ad sacra signat: | A flo flas flamen, a filo
dicito flamen.”⁴⁶

43 Cf. *CICan* 2, col. 1122.

44 Cf. *PL* 39, col. 1912.

45 Cf. *CICan* 2, col. 1122.

46 Accessed via the Early English Books Online Text Creation Partnership, quod.lib.umich.

8. Sirach 15:1.
9. Tobit 4:19.
10. Jerome, *Commentariorum in evangelium Matthæi* III. The passage also appears in, for example, Venerable Bede, *In Marci evangelium expositio* III, and Hrabanus Maurus, *Commentariorum in Matthæum* VI.⁴⁷
11. From Eberhard of Béthune's *Græcismus*. The "fla" and "fra" are not complete words but morphemes whose underlying meanings Eberhard is attempting to elucidate, as is made clear by the line which follows: "Ignis enim flagrat, sed poma recentia fragrant."⁴⁸
13. The beginning ("Quicumque vult salvus esse...") and end ("...salvus esse non poterit") are those of the Athanasian Creed. The middle is less theologically orthodox. Given the reference to a *taberna*, the parody can scarcely be Icelandic in origin.
14. Romans 8:31.
15. From Magnús *lagabætir* Hákonarson's Norwegian town law, section 3, chapter 4 ("Um uita uardhald ok vm sectir"), here substantially truncated.⁴⁹
16. Jeremiah 17:5 and 17:7.
24. From *Grágás*: the Arfapáttir of the Konungsbók version, chapter 118 in Vilhjálmur Finsen's edition; the Festapáttir of the Staðarhólsbók version, chapter 171 in the edition; and the Kristinna laga þáttir of Skálholtsbók eldri, chapter 8 in the edition.⁵⁰ Also found in Gottskálf Jónsson's miscellany, British Library Add. MS. 11242, 36v.
25. Also found in Gottskálf Jónsson's miscellany, British Library Add. MS. 11242, 37v.
26. Also found in Gottskálf Jónsson's miscellany, British Library Add. MS. 11242, 37v.
27. This item is edited from the present manuscript in *Diplomatarium Islandicum*.⁵¹ Also found in Gottskálf Jónsson's miscellany, British Library Add. MS. 11242, 36r.

edu/e/eebo/A01476.0001.001/1:3.143?rgn=div2;view= fulltext; *Eberhardi Bethuniensis Graecismus*, ed. by Ioh. Wrobel (Wrocław: G. Koebner, 1887), 113.

47 Cf. respectively, *PL* 26, col. 463; *PL* 92, col. 253; and *PL* 107, col. 1058.

48 *Eberhardi Bethuniensis Graecismus*, ed. by Ioh. Wrobel (Wrocław: G. Koebner, 1887), 154.

49 Cf. *NGL* 2, 201.

50 Cf., respectively, *Grg* 1 i, 222; *Grg* 2, 204; and *Grg* 3, 30.

51 *DI* 4, 1.

- 28–30. The beginning of the *Proverbia Wiponis*, minus “Audiat rex quod præcipit lex”; the *Proverbia* continue below, items 52, 58–9, 62–69, 71–99 and 101–110.⁵²
34. From *Eindriða þátrr ilbreiðs* in *Óláfs saga Tryggvasonar en mesta*.⁵³
35. Also found in Gottskálf Jónsson’s miscellany, British Library Add. MS. 11242, 36r.
36. Also found in Gottskálf Jónsson’s miscellany, British Library Add. MS. 11242, 66v.
38. Though this is arranged as a single item here, the two sentences are not consecutive in their likely source and appear here out of order. The first is originally from the older *Frostapingslög*, section 1, chapter 6 (“At lögum se land vart bygt”), appearing also in chapter 3 of the þingfarabálkr of *Járnsiða*; in both those texts it follows immediately from the more famous “með lögum skal land vort byggja...”. The second sentence is from slightly earlier in the *Járnsiða* þingfarabálkr, chapter 2.⁵⁴
40. Evidently a formulation for closing a prosecution and allowing the defence to begin. Though I have not been able to find this exact wording elsewhere, a similar formula is found, for example, in *Njáls saga* c. 142: “nú eru öll sóknargögn fram komin, þau er sökinni eigu at fylgja at lögum”.⁵⁵
41. From the older *Frostapingslög*, section 1, chapter 3 (“Enn um siðsemi á Frostopingi”); also occurs in Magnús *lagabætir* Hákonarson’s Norwegian landslög, section 1, chapter 3 (“Logmaðr skal lata vebond gera”).⁵⁶
43. Proverb of unknown origin, although a variant (“Qui male narrat, nihil impetrat”) is found in a sermon by the German theologian Thomas a Kempis (c. 1380–1471).⁵⁷

52 Cf. *PL* 142, col. 1259.

53 Cf. *Óláfs saga Tryggvasonar en mesta*, vol. 2, Editiones Arnarnagæanæ, series A, 2, ed. by Ólafur Halldórsson (Copenhagen: Ejnar Munksgaard, 1961), 217.

54 Cf. *NGL* 1, 128; *Jrn*, 5; and *Jrn*, 2–3.

55 *Brennu-Njáls saga*, Íslenszk fornrit 12, ed. by Einar Ól. Sveinsson (Reykjavík: Hið íslenszka fornritafélag, 1954), 391.

56 Cf. *NGL* 1, 128 and *NGL* 2, 14–15.

57 Mia Korpiola, “Medieval Iconography of Justice in a European Periphery: The Case of Sweden, ca. 1250–1550,” *The Art of Law. Artistic Representations and Iconography of Law and Justice in Context, from the Middle Ages to the First World War*, Ius Gentium: Comparative

47. Slightly abridged from Thomas a Kempis (attrib.), *De imitatione Christi*, book 1, chapter 4: "Cum sapiente et conscientioso viro consilium habe; et quære potius a meliore instrui, quam tuas adinventiones sequi."⁵⁸
48. A very similar formulation is found in the *Decretals* of Gregory IX, c. 16, Idem Archiepiscopo Colocensi, I, 33: "Quum inferior superiorem solvere nequeat vel ligare ..." (Whereas the inferior is unable to release nor bind the superior...). Also found in Gottskálk Jónsson's miscellany, British Library Add. MS. 11242, 38r, but with the attribution "*Sancte Tome*" – evidently St. Thomas Aquinas, since there is a comparable sentence in the *Summa Theologiae*, Supplement to Part Three, Quaestio 20: "Sed in exteriori foro inferior non potest superiorem excommunicare aut absolvere superiorem." (But in the exterior court the inferior is not able to excommunicate nor absolve the superior).⁵⁹
51. Wisdom 6:1.
52. *Proverbia Wiponis*.⁶⁰
56. The first of the sets of three is unidentified; the second two have a counterpart in a couple of eighth-century continental mss. showing Irish influence.⁶¹
- 58–59. *Proverbia Wiponis*.⁶²
61. According to Martin Irvine, a very similar formulation "was a common preface to grammatical commentary: Quot sunt claves sapientie? .V. Que? Assiduitas legendi, memoria retinendi, sedulitas interrogandi, contemptus diviciarum, honor magistri."⁶³ I have not been able to find another text in which the version given in Gissur's fragment is preserved.

Perspectives on Law and Justice 66, ed. by Stefan Huygebaert *et al.* (Cham: Springer, 2018, 89–110) 96.

- 58 Thomas a Kempis, *De imitatione Christi*, 4th edition, Bibliotheca Ascetica A.1 (Ratisbon: Fr. Pustet, 1921), 11.
- 59 *ClCan* 2, col. 202; British Library Add MS 11242, 40r; *Summa* 5, 81*b.
- 60 Cf. *PL* 142 col. 1260.
- 61 Patrick Sims-Williams, "Thought, Word and Deed: An Irish Triad," *Ériu* 29 (1978): 86.
- 62 Cf. *PL* 142 col. 1260.
- 63 Martin Irvine, *The Making of Textual Culture. 'Grammatica' and Literary Theory, 350–1100*, Cambridge Studies in Medieval Literature 19 (Cambridge: Cambridge University Press, 1994), 461.

62–69. *Proverbia Wiponis*.⁶⁴

71–99. *Proverbia Wiponis*.⁶⁵

100. Not among the *Proverbia Wiponis* printed in PL 142. However, the first part of the *Proverbia Wiponis*, roughly corresponding to those found here plus a handful more, is to be found (according to Heinrich Hoffmann) in a couple of twelfth-century manuscripts in Austria, in an order and often with wording which is closer to that of Gissur’s fragment than the *Patrologia Latina* version is. In these manuscripts, item 100 appears among the *Proverbia*, in the same place as here.⁶⁶

101–10. *Proverbia Wiponis*.⁶⁷

111. Although this is doubtless originally not a single item, it seems to be presented as one, and it is unclear how exactly it should be divided. The first couple of lines (“hударfiordungur ... með ledrum”) are found in various manuscripts of the *Búalög* determining the relative values of various items, but I have not been able to identify the rest.⁶⁸

112. Also found in Gottskálk Jónsson’s miscellany, British Library Add. MS. 11242, 37v, and among seventeenth-century additions made to the beginning of the *Jónsbók* manuscript GKS 3269a 4to, 10r.

114. *Disciplina clericalis* 2.⁶⁹

116. From Eiríkr Magnússon’s réttarbót to the Norwegian Landslov, ca. 1280.⁷⁰

117. *Decretum Gratiani*, Distinctio VIII, chapter 3: “Mala consuetudo radicitus est evellenda”.⁷¹

119. Despite the attribution, I have not been able to find a corresponding provision in *Sachsenspiegel*.⁷² The same applies to item 131, below.

64 Cf. PL 142 col. 1260.

65 Cf. PL 142 cols. 1260–61.

66 Heinrich Hoffmann, “Sprichwörter”, *Altdeutsche Blätter*, vol. 1, ed. by Moriz Haupt and Heinrich Hoffmann (Leipzig: F. A. Brockhaus, 1836), 12–14.

67 Cf. PL 142 col. 1261.

68 Cf. *Búalög um verðlag og allskonar venjur í viðskiptum og búskap á Íslandi*, Sögurit 13 1–3, ed. by Jón Þorkelsson (Reykjavík: Sögufélag, 1915–1933), 20, 30, 122.

69 Petrus Alfonsi, *Disciplina Clericalis*, Acta Societatis Scientiarum Fennicæ 38.4, ed. by Alfons Hilka and Werner Söderhjelm (Helsinki: Druckerei der finnischen Litteraturgesellschaft, 1911), 8.

70 Cf. NGL 3, 5.

71 CICan 1, col. 14.

72 Cf. *Sachsenspiegel. Landrecht*, *passim*, and *Sachsenspiegel. Lehnrecht*, *passim*.

120. A réttarbót to Magnús *lagabætir* Hákonarson's Norwegian *landslog*; the réttarbót is also Magnús's, despite the heading.⁷³
121. Cf. the Digest of Justinian 4.2.12 (Ulpian, Ad edictum 11): "nam cum liceat, inquit, vim vi repellere..."⁷⁴
122. From Eiríkr Magnússon's réttarbót to the Norwegian *landslog*, c. 1280.⁷⁵
123. Likely from the Víglóði of *Grágás*; the provision here is closer in wording to the Staðarhólsbók version (from chapter 288 in Vilhjálmur Finsen's edition) than to the Konungsbók version (chapter 89 in Vilhjálmur Finsen's edition), though it differs from both.⁷⁶
125. A very similar item is attributed to the Gulapingslog in a manuscript in Árni Magnússon's hand, AM 146 4to.⁷⁷
126. From Magnús *lagabætir* Hákonarson's Norwegian *landslog*, section 4, chapter 11 ("Um uigh lysing"). A similar provision with slightly different wording is also found in Frostapingslog, section 4, chapter 7 ("Ef maðr er drepinn til dauðs"), and in the Mannhelgi section of *Járnsíða*, chapter 14.⁷⁸
127. The beginning of this item (until "skilia") is attributed to the Gulapingslog in a manuscript in Árni Magnússon's hand, AM 146 4to, where it precedes an item very similar to 125, above; it is also found in the older Bjarkeyjarréttr.⁷⁹
128. From the Baugatal in the Konungsbók version of *Grágás*, chapter 114 in Vilhjálmur Finsen's edition; in Staðarhólsbók this falls under Víglóði, chapter 383 in the edition.⁸⁰
129. From the Víglóði of the Staðarhólsbók version of *Grágás*, chapter 316 in Vilhjálmur Finsen's edition. The corresponding chapter of Konungsbók lacks this provision, which is also absent from other manuscripts.⁸¹

73 Cf. NGL 2, 176.

74 *Iustiniani Digesta*, CICiv part 2, 51.

75 Cf. NGL 3, 12.

76 Cf., respectively, *Gr*g 2, 321 and *Gr*g 1, 160.

77 NGL 4, p. 7; AM 146 4to, 4r.

78 Cf. NGL 2, p. 56; NGL 1, 159; and *Jrn*, 32.

79 NGL 4, p. 7; AM 146 4to, 4r; NGL 1, p. 310.

80 Cf. *Gr*g 1 i, 205 and *Gr*g 2, 404.

81 Cf. *Gr*g 2, 349 and *Gr*g 3, 557.

130. Presumably Raymond of Peñaforte’s *Summa de casibus poenitentiae*; it has not been possible to verify the attribution here.
131. Despite the attribution, I have not been able to find a provision in *Sachsenspiegel* corresponding to this item.⁸² The same applies to item 119, above.
135. From the Vigslóði of the Staðarhólsbók version of *Grágás*, chapter 382 in Vilhjálmur Finsen’s edition; absent from other manuscripts.⁸³
137. From *Járnsíða*, Mannhelgi chapter 7; from “lizt oss” onwards also found in the older Frostapingslög, chapter 1. In both, the final word is “frændum” rather than “karle”.⁸⁴
138. Réttarbót of Christian I, 1455.⁸⁵
140. Cf. Walther, *Proverbia* 4, item 23589; some early English parallels are discussed by Michael Lapidge.⁸⁶
146. Also found in Gottskálf Jónsson’s miscellany, British Library Add. MS. 11242, 65v.
147. From the Vigslóði of *Grágás*, chapter 99 of Vilhjálmur Finsen’s edition of Konungsbók and chapter 303 in his edition of Staðarhólsbók; the end is worded differently but the meaning is similar.⁸⁷
148. From Magnús *lagabætir* Hákonarson’s Norwegian *landslog*, section 5, chapter 14 (“Um omaga skipti”), with omissions.⁸⁸
- 149–50. Two different versions of the so-called *Óðalskapituli* of *Jónsbók*.⁸⁹
151. Réttarbætr of Eiríkr Magnússon, 1294. See *Jbk*, 283.
152. From the older Gulapingslög, chapter 149 (“Her hefr hvalrette”) in the *NGL* edition; also appears in Magnús *lagabætir* Hákonarson’s

82 Cf. *Sachsenspiegel. Landrecht*, *passim*, and *Sachsenspiegel. Lehnrecht*, *passim*.

83 Cf. *Grg* 2, 402.

84 Cf. *Jrn*, 25 and *NGL* 1, 121.

85 Cf. *DI* 5, pp. 133–4.

86 *Proverbia sententiaeque latinitatis medii aevi. Lateinische Sprichwörter und Sentenzen des Mittelalters in alphabetischer Anordnung*, vol. 4, Q–Sil, Carmina Medii Aevi Posterioris Latina II/4, ed. by Hans Walther (Göttingen: Vandenhoeck & Ruprecht, 1966), 101; Byrthferth of Ramsay, *The Lives of St Oswald and St Egwine*, Oxford Medieval Texts, ed. by Michael Lapidge (Oxford: Oxford University Press, 2009), 14.

87 Cf. *Grg* 1 i, 175 and *Grg* 2, 342.

88 Cf. *NGL* 2, 87.

89 Cf. *Jbk* p. 126; see also Jón Þorkelsson, “Íslandske haandskrifter”, 210–13.

Norwegian landslög, section 7, chapter 64 (“Um hualrekstra ef finnr hual”).⁹⁰

153. Magnús *lagabætir* Hákonarson’s Norwegian landslög, section 6, chapter 17 (“Ef vmbodðs maðr misfer með iorðu”). A similar clause is found in the older Frostapingslög, though the wording here is closer to that of the landslög.⁹¹

Translation

Annotations from the margins of Þorvarður *lögmaður*’s law-book which I did not copy into my law-book.

[2r col. 1]

1. So ought a ruler to be: learned, \wise/, well God-fearing and daring.
2. Catholic, Christian i.e. orthodox.
3. Ignorance of the facts, not of the law, excuses.
4. Augustine said: What Christ does not accept, the treasury accepts.
5. *Notarius publicus*: a public scribe.
6. Personal privilege accompanies the person and perishes with the person.
7. *Flamen* [neuter]: wind; *flamen* [masculine]: a priest.
8. He who fears God will do good.
9. Always seek counsel from a wise man.
10. Wisdom always acts wisely.
11. *Fla* creates heat but *fra* bestows scent.
12. The end is *finis*, death *funus* and a rope *funis*; *Fimus* \dung/ is useful but *fumus* recedes from fire.
13. Whosoever wishes to be saved ought to be in the pub. Unless he has drunk well on Sunday he cannot be saved.
14. If God is with us, who is against us?
15. But if there is expectation of an army in our land etc. ... two countrymen and one foreigner shall keep watch from another king’s realm.⁹²

⁹⁰ Cf. *NGL* 1, 59 and *NGL* 2, 146.

⁹¹ Cf. *NGL* 2, pp. 102–3 and *NGL* 1, 249.

⁹² “From another king’s realm” should perhaps follow “one foreigner”, which would make more sense than the text as it appears here.

16. Cursed the man who trusts in man. Blessed the man who trusts in the Lord and the Lord shall be his confidence.
17. The law is repressed where might, not reason, rules.
18. The wealth of men is often apt to lead judgement astray.
19. It is not a house of peace where a talkative tongue reigns.
20. Thus I admonish you [sg.] N or you [pl.] once, twice and a third time etc., that you do as the law orders and commands you to do [...] and that etc..
21. The works amount to nothing if attentiveness is lacking (i.e. attentiveness).⁹³
22. [...] are in the end of the spear-shaft.
23. Our land shall be settled with laws or with lawlessness laid waste.

[2r col. 2]

24. A legal guardian betroths a woman.
A wedding is legally done if a man betroth himself to a woman with two witnesses and there be at least six men at the wedding and he go in the light into the same bed with her.
25. The laws are brothers' reconciliations.
26. *Numen*: divine power. *Sententia*: decision or consent.
27. This was agreed in the *lögrétta* at the Alpingi and decided by the *lögréttumenn* in the second year after the death of the gracious lord King Hákon the Crowned, that no one shall carry a bound-up knife such that a sheath or hilts⁹⁴ be on the handle but if such a knife is carried it is a fine of three *aurar* and the knife confiscated and if in disregard of the judgement of [or by?] participants at the Alpingi, four marks.
28. It befits a king to learn the law.
29. To observe the law is to reign.
30. Knowledge of letters is the light of the soul.⁹⁵
31. New king, new law.

93 The second “attentiveness” is an Icelandic gloss on the meaning of the second instance of “opera”.

94 *Hjölt* (plural) does not have quite the same meaning as E. “hilt”; in OIce. it refers rather to the pommel and crossguard of a knife (or sword) handle.

95 Literally “of souls”.

32. Wherever you are or whatever you do, think to yourself the face henceforth never to avoid nor turn away.
33. Beware of *scurrilitas* (unseemly amusement).
34. "I will give a response to your message tomorrow when we are all sober and have our wits about us." There was much drunken good cheer.
35. Six *aurar* in *öfundarbót* or *þokkabót* [i.e. forms of monetary redress for minor offences]
36. In the southern *lögmaðr*'s jurisdiction, 45 *nefndarmenn* [= men nominated to attend the assembly], in the northern 33.
37. *Nefndarkaup* [= funds paid to *nefndarmenn*]:
Whoever does not deliver the contribution-fee that is required is fined a mark.

[2v col. 1]

38. But he who will not give others the benefit of law shall not enjoy the benefit of law. Let the *lögmaðr* tell him no law those twelve months.
39. The slave saves for himself three-night-old dung. [Or: the slave spares himself three nights of shovelling dung?]
40. All the prosecution's proofs have been reported and brought forth.
41. Men shall go fasting to the *þing* and the *þing* sit when the sun is in the east and they shall be at the *þing* until *nones*.
42. Wax, stone, lead and gold are the witness of the treasury. These dead things may bear witness to man.
43. He who tells a falsehood obtains nothing.
44. All things will pass away except loving god.
45. What is not permissible in law, necessity makes permissible.
46. Necessity has no law. Necessity breaks the law.
47. Take counsel with a wise man and ask [him].
48. Decretals:
The higher should never be judged by the lower.
49. Solomon says: do not act or depart without advice. Take counsel well with yourself on this, the more so if the matter is important.
50. You will not have counsel with the stupid.
51. Wisdom is better than might.

52. Sleeping a little refreshes the face. [Or: not sleeping much makes your face cheerful?]
53. Then he struck the serving-boy. He went most often in the company of serving-boys and manservants.
54. We bless this drink in the name of Jesus Christ.
55. Three unfortunate circumstances are taught in law, that is to say: when a man does not know and does not ask; when a man knows and does not teach; when a man teaches and does not do as he teaches he sets a bad example.
56. There are three things which keep man in good and restrain him from evil, i.e. love for God, fear of hell and longing for the celestial kingdom. And three things which lead man to the depths, i.e. an impure thought, a hostile word, a wicked deed; and another three which lead to the celestial kingdom: a good thought, a good word, a perfect deed.
57. May sweet Jesus be drink and food to us.
58. He more often stumbles who does not kindle the light.
59. He who has knowledge furnishes an opinion.
60. Man's bones are 207 in number, veins 345, teeth when fully grown 33 [sic].

[2v col. 2]

61. How many are the keys of wisdom? Five. What? Constant reading, a retentive memory, respect for the teacher, contempt for luxuries, frequent inquiry.
62. Wisdom is better than worldly power.
63. Sense succeeds more than a great deal of wealth.
64. He is wise who greatly loves the worship of God.
65. The faithful man will be crowned in heaven.
66. He who is loyal to his elder approaches [i.e. comes closer to deserving] honour.
67. He believes well who injures no one.
68. It is better to believe in God than to amass wealth.
69. Who puts his trust in God is as strong as a lion.
70. The death of St. Óláfr from the incarnation of the Lord, 1023.
71. Unfeigned love hates transgressions.

72. The kingdom of the heavens is not for the envious.
73. Very strong hope bestows blessings on a matter.
74. He who loves his brother pleases God the Father.
75. It is better to humble oneself than to exalt oneself.
76. The humble man triumphs at home.
77. Who goes through rough terrain often falls.
78. Meek men refuse a quarrel.
79. Those who constantly quarrel are loved by few.
80. To endure evil men for God is to overcome.
81. The gift of peace is good for everyone.
82. Those who are founded in peace cannot be eradicated.
83. The fire of wars is the corruption of morals.
84. A chaste man is dear to the soul.
85. Where there is great luxury, scarcity will not be lacking.
86. Worldly delight is always vain.
87. He prays well who cries in his heart.
88. It is fitting for the judge's sentence to be followed by mercy.
89. It is better to forgive what is forbidden than to demand vengeance.
90. He who shows mercy will obtain mercy,
91. A word of truth aids the condemned.
92. [He who is] false in speech lacks honour.
93. Every avaricious man is dear to no one.
94. He who lives deceitfully kills the soul.
95. He who gives cheerfully, the saviour loves.
96. To share a good thing is not to diminish it.
97. Where prayer battles, there tribulation is vanquished.
98. To pray unceasingly is to cleanse sins.
99. He who cannot fast must learn to give alms.
100. It is better to be a glutton than to give others nothing.
101. He is attentive who does not cease from good.
102. It is better sometimes to sleep than to serve the devil.
103. Where there is true penitence, there is God's mercy.

[3v col. 1]

104. He who is never chastised is greatly misled.
105. Friendly rebuke is not condemnation.

106. [As] the oil of the sinner is the praise of the sycophant.
107. Where drunkenness is long, there piety is short.
108. Much strong wine is not far removed from death.
109. Through excessive intake of food and drink, the whole man perishes.
110. Through moderation he arrives at abundance.

-
111. A *fjórðungr* [c. 4.3 kg] of hide without *útleðr* [i.e. without the parts of the hide corresponding to the animal's limbs], 15 ells; 12 ells with *útleðr*. For *skattr* [tax; in this instance evidently a unit of tax] two *fjórðungar* of hide. Four geldings' fleeces for *skattr*. Half a *vætt* [= c. 17 kg] of wool in one *skattr*. One *eyrir* of silver. Three *fjórðungar* of butter or two of old [butter?] in *skattr*. Hide which weighs seven *merkur* [= c. 1.5 kg] and twenty.⁹⁶
 112. To swear an oath on one's wealth and taxable property:
To this you lay [your hand on the holy book and so appeal your case to God], that you own such wealth as you have or would have now accounted for or less than you are or would be obliged to value for tax and you have concealed no wealth nor abstracted unlawfully and you did this by no means for the sake of anything but laws and right. The oath having been so dictated may God be gracious to you if you speak the truth, wrathful if you lie.

-
113. Wisdom adorns the man.
 114. Silence is a sign of wisdom.
 115. Christ is always to be praised.
 116. Amendments of king Eiríkur:
It is forbidden that there be more *lénsmenn* than two in each *fylki* unless there be more *sýslumenn*, then each may have one.
 117. An evil custom should not be upheld. *Distinctio* 8.
 118. Revenge is two-fold: some avenge themselves by deeds but some by law.
 119. If a man kills another man deliberately then cut [his] h...⁹⁷ off. *Sachsenspiegel* says so which is the law-book in Germany.
 120. Amendments of king Hákon:

96 The layout of this item is very unclear and it is not always possible to determine which parts go together.

97 From what is visible of this badly damaged word, either “head” or “hand” is possible.

That where a man killed a man one might previously compel his relatives, who neither carried out nor counselled [the killings], with fines to compensate him, then [i.e. now] the heir of the dead one shall be compensated from the wealth of he who killed alone.

121. It is permitted to repel force with force. Needful [self-]defence.

[3r col. 2]

122. If a man has children with his wife while he is outlawed then they are not entitled to inherit, neither after the father nor the mother, unless his [sic] father regains his rights after outlawry.

123. But whatever illness that a man has which there is no expectation of recovery so that he would be able to attend the *þing* when he shall ride from home, that man shall also not be summoned [i.e. to attend]. But he may be summoned if he becomes fit before he has to ride from home.

124. Humble, chaste, generous, patient, restrained, rejoicing with others, vigorous: thus you will destroy the seven sins.

125. He whom witnesses charge, whether woman or man, is guilty of a killing. But if a woman charges with a killing then those witnesses she first meets shall accompany the testimony of the woman at the *þing*.

126. If a man kills a man to death then he is to be [known as] a man-slayer.

127. But men who are nearby shall determine a killing where they are located.

128. But that is law in Norway and all the Norse-speaking lands if a man does not honour truce that he is outlawed from one end to another of Norway and his lands and moveable property are forfeit and he shall never again come into the land.

129. Although it is right that he say so but not more, yet he is said to be his killer if he went away from the dead man. He shall have announced it the same day if he can.

130. *Summula Raymundi*:

That he himself gives advice or helps to the end that somebody is killed: that advice makes the man guilty in fact.

131. They who make false seals or advise it, if they are unfree men one
-

shall behead them. If they are free men, one shall send them into exile. *Sachsenspiegel*.

132. ... if he does not break it off himself (?) so that he becomes deprived of legal rights.⁹⁸
133. No one shall say the law according to his brain or his will or his mind, [but] rather according to written laws.
134. One can often slander the dead and accuse the blind.

[3v col. 1]

135. If men see an outlaw while they travel on their way they incur no penalty even though they do not seize him if they have no dealings with him, but if they have business with him or any conversation or give him any advice so that he is nearer his life than before then that is help for him and incurs lesser outlawry. It is help for an outlaw when men deal with him or advise him so that he is closer to his life than before.
136. He who is in need of money must covet money, and take some action.
137. This provision was adopted with the consent of King Hákon the Crowned, grandson of King Sverrir, with the oversight of King Magnús his son, Archbishop Einarr and the suffragan bishops, *lendr menn* and learned men, *lögmen*n and all the other wisest men in the land to decrease the killings. It seems to us likely that the laws of the holy king Óláfr stand according to what he arranged, though this has not been observed here for the sake of avarice, that he who kills a man without cause has forfeited property and peace and is outlawed and may be killed with impunity wherever he may be by both king and commoner.
138. Amendments of king Kristján:
We forbid our bailiffs and stewards to unlawfully or impossibly [sic] tax, seize or set in prison, tower or iron, rich or poor without sentence and law, except those men who will not answer to the law, do not answer a summons or do not pay compensation for their offences or observe judgements or also those men which our law-book permits to seize without cause.

⁹⁸ The first clause of this item is unintelligible to me and has been left untranslated. As noted above, it is not even clear which language it is in.

- 139. He who talks a lot is found to be very stupid.
- 140. The higher the position, the more serious the fall.
- 141. An evil habit having been taken up – the longer it lasts, the more dangerous it becomes.
- 142. Wine taken in moderation sharpens the wits.
- 143. The wise man thinks in summer about how he will live in winter.
- 144. Beware of *scurrilitas*. Beware of unseemly amusement.
- 145. A foolish judge who needs to look to another's decision ought not to be,

[3v col. 2]

- 146. Where a man is killed and there is not property remaining and though there be dues remaining then the dues shall not be discharged from the compensation [for the killing] because that was not the property of the dead man but rather the right of the heir. In the *Borgarþingslog*.
- 147. If a man meets a man at a proclaimed *þing* who ought not go to the *þing*, let him get witnesses and seize that man.
- 148. So there shall be arranged men and old women as other dues. [...] Now that money is assessed as [...] four *merkr* for each helpless one. A choice if there is more. [...] It shall neither increase nor decrease the payment such that he took. Norwegian law.⁹⁹
- 149. If a man wishes to sell his land for a price etc. But if the seller thinks there is not hope for a good transaction even though there is money, then he shall get for himself a guarantor who wise men consider a good debtor [i.e. to be relied upon to pay]. Now if he does not offer so and sells to another then the other shall declare his disagreement in the next twelve months that he knows and he may for the sake of certain lawful impediments also take that land for himself for the same price that the other bought it and with the same payment days because the laws annul that purchase. But if he does not annul it then that purchase stands. It stood so written in the Icelandic law-book.
- 150. If a man wishes to sell his land for a price then he shall, with the witnesses of the other [purchaser], first offer his closest relative to buy it for the same price. Now if he does not offer so and sells to

⁹⁹ This item is very severely abridged from the version found in Norwegian manuscripts (see Commentary, above); I have indicated where the omissions are.

another then he [i.e. the relative] may take that land for himself for the same price that the other bought it and with the same payment days because the laws annul that purchase. So shall every purchase be that witnesses know, that the book does not contradict.

151. That clause is taken out of the book that forbids having *dilkfé* [= ewes together with their lambs], and that chapter which forbids that those men establish a household who own less than five hundreds: now set at three hundreds.
152. A *hōldr* [= a type of land-owning yeoman] or a *hōldr's* better is entitled to the whole of a whale he finds.
153. But if a landlord says that a steward has taken from his property and used it for himself, whether it is indoors or outdoors, and good men have knowledge of this, then good men shall value what the landlord has lost.

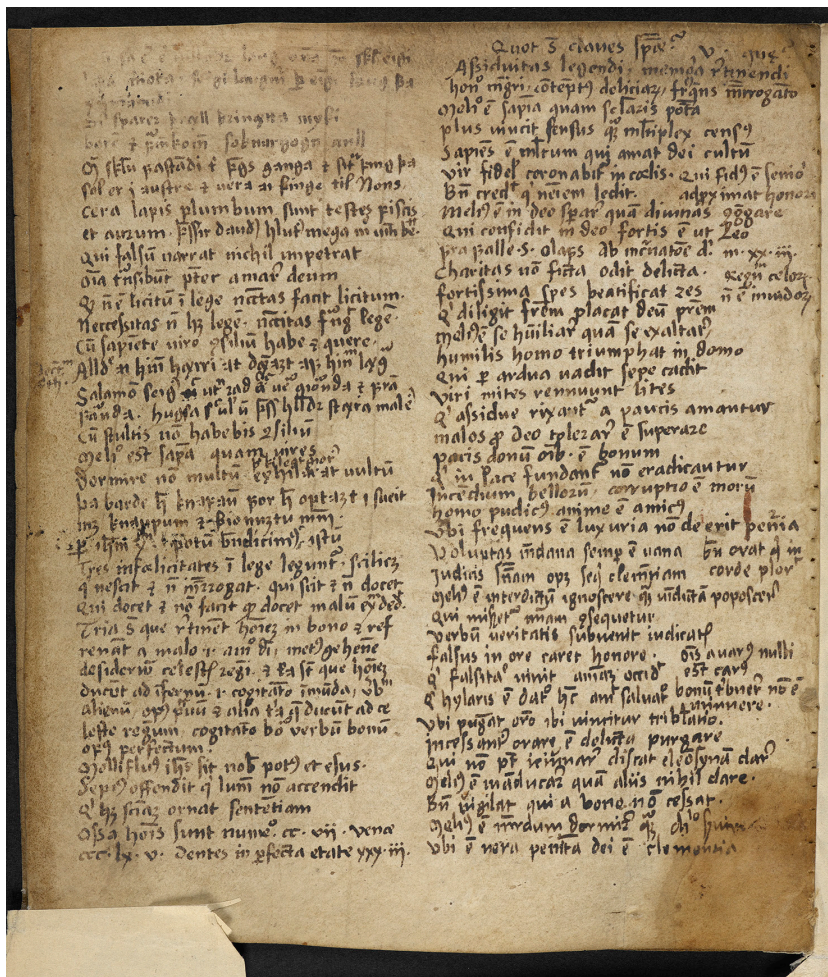
Era nectar þæt cyððt at helwinge sam hwer 7 gearwiter
 med ordum ƿða nectum. Suo 7 ƿ fider mine ƿg þam
 minna ƿð þem hapi nectar fider. 7 nectra meging. a all
 ƿ þæt sem langum tƿapa suo sem eo a smiore mine ƿða
 broz mrole ƿða malle huncung ƿða tioru suo at engin
 hapi pale ƿða sut v anca 1 sam þamptam hwer pad
 ƿioru iust int andi ƿr setur badi nō bougdonia sam þæt
 badi solit andru jap mēlu 7 suo onyft þampt en þin
 nect sin ƿft dome sam sutra war ƿodungt nu godu
 in allan vortap. 7 melar upp freyt ƿða ozoa deiuw 7
 draple yde helldu sic hwer gāars vin/ ƿð melalan
 su 7 haultūna suo gind 7 gamlan langins sid. Of sit
 ied 1 andz þroð

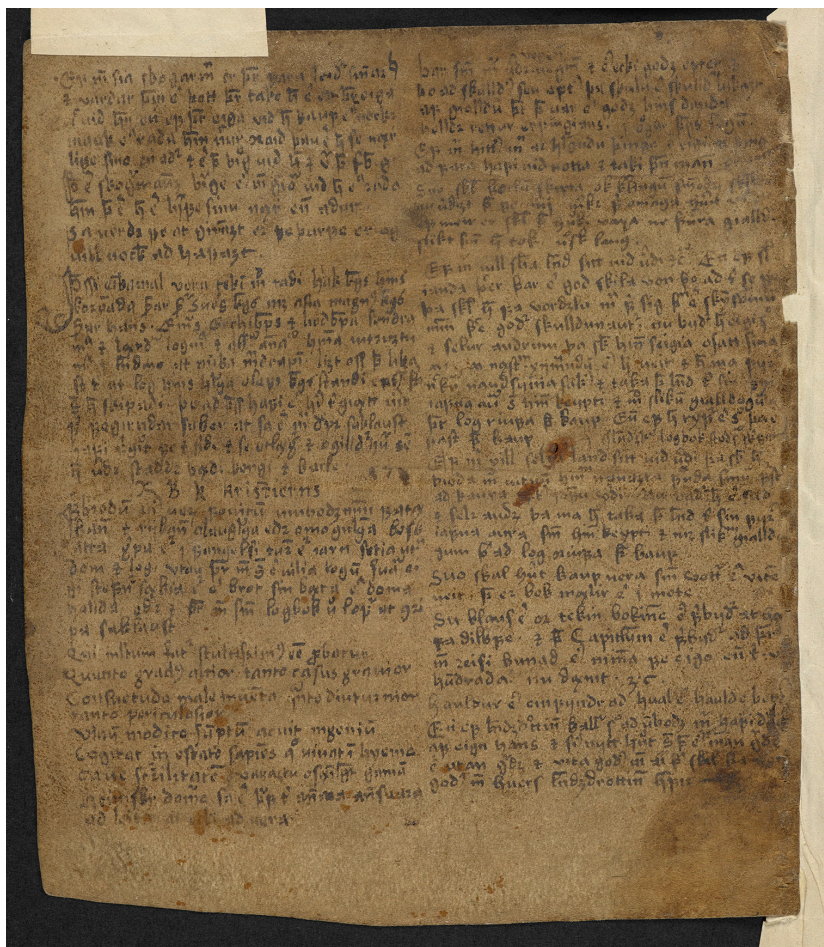
[illegible]

Bonifari pp sigl f ad pau mal fm t hey ttmur se syd p, ttmur
Bumova en i p lufku vakti ety polle fr m ly Ban

Eft hi þinn domarinn & vill þú standa & hellosast m' eigin
móti langt & retindist & vill ögummi rett standa þá stöf þínna
þig þulla þú bannst þú yð er m.

Pro e bignis pignis ad finem pignis pignis in pignis bignis pignis
finis pignis pignis. in. ad finem pignis pignis pignis pignis pignis
et sup ad finem pignis pignis pignis pignis pignis pignis pignis





BIBLIOGRAPHY

MANUSCRIPTS

Stofnun Árna Magnússonar í íslenskum fræðum, Reykjavík

AM 322 fol.

AM 351 fol. (Skálholtsbók eldri)

AM 146 4to

AM 232 8vo

GKS 2365 4to

GKS 3269a 4to

British Library, London

Add MS 11250

Add MS 11242

PRIMARY SOURCES

Brennu-Njáls saga. Ed. by Einar Ól. Sveinsson. Íslenzk fornrit 12. Reykjavík: Hið íslenzka fornritafélag, 1954.

Búalög um verðlag og allskonar venjur í viðskiptum og búskap á Íslandi. Ed. by Jón Þorkelsson. Sögurit 13 1–3. Reykjavík: Sögufélag, 1915–33.

Byrthferth of Ramsay. *The Lives of St Oswald and St Egwine*. Ed. by Michael Lapidge. Oxford Medieval Texts. Oxford: Oxford University Press, 2009.

CICan 1 = Corpus Iuris Canonici. Vol. 1. Ed. by Emil Friedberg. Graz: Akademische Druck- u. Verlagsanstalt, 1959.

CICan 2 = Corpus Iuris Canonici. Vol. 2. Ed. by Emil Friedberg. Graz: Akademische Druck- u. Verlagsanstalt, 1959.

CICiv = Corpus Iuris Civilis. Vol. 1, *Institutiones and Digesta*. Ed. by Theodor Mommsen and Paul Krueger. Berlin: Weidmann, 1872.

De eldste østlandske kristenrettene. Ed. by Eyvind Fjeld Halvorsen and Magnus Rindal. Norrøne tekster 7. Oslo: Riksarkivet, 2008.

DI 1 = Diplomatarium Islandicum. Íslenzkt fornbréfasafn, sem hefir inni að halda bréf og görninga, dóma og máldaga, og aðrar skrár, er snerta Ísland eða íslenzka menn. Vol. 1, 834–1264. Copenhagen: Hið íslenzka bókmentafélag, 1857–76.

DI 4 = Diplomatarium Islandicum. Íslenzkt fornbréfasafn, sem hefir inni að halda bréf og görninga, dóma og máldaga, og aðrar skrár, er snerta Ísland eða íslenzka menn. Vol. 4, 1265–1449. Copenhagen: Hið íslenzka bókmentafélag, 1897.

DI 5 = Diplomatarium Islandicum. Íslenzkt fornbréfasafn, sem hefir inni að halda bréf og görninga, dóma og máldaga, og aðrar skrár, er snerta Ísland eða íslenzka menn. Vol. 5, 1330–1476. Copenhagen: Hið íslenzka bókmentafélag, 1899–1902.

Eberhardi Bethuniensis Graecismus. Ed. by Ioh. Wrobel. Wrocław: G. Koebner, 1887.

- Eddadigte I. Völuspá, Hávamál.* Ed. by Jón Helgason. Nordisk Filologi A, 4. 2nd edition. Copenhagen: Munksgaard, 1955.
- Gamall kveðskapur.* Ed. by Jón Helgason. Íslenzk rit síðari alda 7. Copenhagen: Hið íslenzka fræðafélag, 1979.
- Grg 1 i and ii = Grágás. Íslændernes Lovbog i Fristatens Tid, udgivet efter det kongelige Bibliotheks Haandskrift.* 2 vols. Ed. by Vilhjálmur Finsen. Copenhagen: Det nordiske Literatur-Samfund, 1852. Repr. Odense: Odense Universitetsforlag, 1974.
- Grg 2 = Grágás efter det Arnamagnæanske Haandskrift Nr. 334 fol., Staðarhólsbók.* Ed. by Vilhjálmur Finsen. Copenhagen: Kommissionen for det Arnamagnæanske Legat, 1879. Repr. Odense: Odense Universitetsforlag, 1974.
- Grg 3 = Grágás. Stykker, som findes i det Arnamagnæanske Haandskrift Nr. 351 fol. Skálholtsbók og en Række andre Haandskrifter.* Ed. by Vilhjálmur Finsen. Copenhagen: Kommissionen for det Arnamagnæanske Legat, 1883. Repr. Odense: Odense Universitetsforlag, 1974.
- Hoffmann, Heinrich. “Sprichwörter.” *Altdeutsche Blätter*, vol. 1, ed. by Moriz Haupt and Heinrich Hoffmann. Leipzig: F. A. Brockhaus, 1836, 10–14.
- Íslandske originaldiplomer indtil 1450. Tekst.* Ed. by Stefán Karlsson. Editiones Arnamagnæanae. Series A, 7. Copenhagen: Munksgaard, 1963.
- ÍÆ 1 = Íslenzkar æviskrár frá landnámstímum til ársloka 1940.* Vol. 1. Ed. by Páll Eggert Ólason. Reykjavík: Hið íslenzka bókmenntafélag, 1948.
- ÍÆ 2 = Íslenzkar æviskrár frá landnámstímum til ársloka 1940.* Vol. 2. Ed. by Páll Eggert Ólason. Reykjavík: Hið íslenzka bókmenntafélag, 1949.
- ÍÆ 5 = Íslenzkar æviskrár frá landnámstímum til ársloka 1940.* Vol. 5. Ed. by Páll Eggert Ólason. Reykjavík: Hið íslenzka bókmenntafélag, 1952.
- Jbk = Jónsbók.* Ed. by Ólafur Halldórsson. Copenhagen: S. L. Møllers bogtrykkeri, 1904.
- Jónsbók.* Ed. by Már Jónsson. Sýnisbók íslenskrar alþýðumenningar 8. Reykjavík: Háskólaútgáfan, 2004.
- Jrn = Hin forna lögbók Íslendinga sem nefnist Járnsíða eðr Hákonarbók.* Ed. by Þórður Sveinbjörnsson. Copenhagen: Legati Arnamagnæani, 1847.
- NGL 1 = Norges gamle love indtil 1387.* Vol. 1. Ed. by R. Keyser and P. A. Munch. Christiania: Chr. Grøndahl, 1846.
- NGL 2 = Norges gamle love indtil 1387.* Vol. 2. Ed. by R. Keyser and P. A. Munch. Christiania: Chr. Grøndahl, 1848.
- NGL 3 = Norges gamle love indtil 1387.* Vol. 3. Ed. by R. Keyser and P. A. Munch. Christiania: Chr. Grøndahl, 1849.
- NGL 4 = Norges gamle love indtil 1387.* Vol. 4. Ed. by Gustav Storm. Christiania: Grøndahl & Son, 1885.
- Óláfs saga Tryggvasonar en mesta.* Vol. 2. Ed. by Ólafur Halldórsson. Editiones Arnamagnæanae. Series A, 2. Copenhagen: Ejnar Munksgaard, 1961.
- Petrus Alfonsi. *Disciplina Clericalis.* Ed. by Alfons Hilka and Werner Söderhjelm.

- Acta Societatis Scientiarum Fennicae 38.4. Helsinki: Druckerei der finnischen Litteraturgesellschaft, 1911.
- PL 26 = *Patrologiæ Cursus Completus. Series Latina*. Vol. 26. Ed. by J.-P. Migne. Paris: J.-P. Migne, 1845.
- PL 39 = *Patrologiæ Cursus Completus. Series Latina*. Vol. 39. Ed. by J.-P. Migne. Paris: J.-P. Migne, 1865.
- PL 92 = *Patrologiæ Cursus Completus. Series Latina*. Vol. 92. Ed. by J.-P. Migne. Paris: J.-P. Migne, 1862.
- PL 107 = *Patrologiæ Cursus Completus. Series Latina*. Vol. 107. Ed. by J.-P. Migne. Paris: J.-P. Migne, 1864.
- PL 142 = *Patrologiæ Cursus Completus. Series Latina*. Vol. 142. Ed. by J.-P. Migne. Paris: Garnier, 1880.
- Proverbia sententiaque latinitatis medii aevi. Lateinische Sprichwörter und Sentenzen des Mittelalters in alphabetischer Anordnung*. Vol. 4, Q–Sil. Ed. by Hans Walther. Carmina Medii Aevi Posterioris Latina II/4. Göttingen: Vandenhoeck & Ruprecht, 1966.
- Sachsenspiegel. Landrecht*. Ed. by Karl August Eckhardt. 2nd edition. Monumenta Germaniae Historica, Fontes Iuris Germanici Antiqui, Nova Series I,1. Göttingen: Mustersmidt, 1955.
- Sachsenspiegel. Lehnrecht*. Ed. by Karl August Eckhardt. 2nd edition. Monumenta Germaniae Historica, Fontes Iuris Germanici Antiqui, Nova Series I,2. Göttingen: Mustersmidt, 1956.
- Skálholtsbók eldri. Jónsbók etc. AM 351 fol*. Ed. by Chr. Westergård-Nielsen. Early Icelandic Manuscripts in Facsimile 9. Copenhagen: Rosenkilde and Bagger, 1971.
- Summa 5* = S. Thomae de Aquino. *Summa Theologiae*. Vol. V, *Supplementum tertiae partis*. Ottawa: Studivm Generale O. Pr., 1945.
- Theodoricus monachus. *Historia de antiquitate regum Norwagiensium. An Account of the Ancient History of the Norwegian Kings*. Trans. and annotated by David and Ian McDougall. Viking Society for Northern Research Text Series 9. London: Viking Society for Northern Research, 1998.
- Thomas a Kempis. *De imitatione Christi*. 3rd edition. Bibliotheca Ascetica A.1. Ratisbon: Fr. Pustet, 1921.

SECONDARY SOURCES

- Irvine, Martin. *The Making of Textual Culture. 'Grammatica' and Literary Theory, 350–1100*. Cambridge Studies in Medieval Literature 19. Cambridge: Cambridge University Press, 1994.
- Jón Helgason. "Catalogue of the Icelandic Manuscripts in the British Library". Unpublished draft, rev. Jonna Louis-Jensen, 2008.
- Jón Þorkelsson. "Íslandske håndskrifter i England og Skotland." *Arkiv för nordisk filologi* 8 (1891): 199–237.

- — —. “Séra Gottskálk Jónsson í Glaumbæ og syrpa hans.” *Arkiv för nordisk filologi* 12 (1896): 47–73.
- Korpiola, Mia. “Medieval Iconography of Justice in a European Periphery: The Case of Sweden, ca. 1250–1550.” *The Art of Law. Artistic Representations and Iconography of Law and Justice in Context, from the Middle Ages to the First World War*, ed. by Stefan Huygebaert *et al.* *Ius Gentium: Comparative Perspectives on Law and Justice* 66. Cham: Springer, 2018, 89–110.
- Ólafía Einarsdóttir. *Studier i kronologisk metode i tidlig islandsk historieskrivning*. Bibliotheca Historica Lundensis 13. Lund: CWK Gleerup, 1964.
- Sims-Williams, Patrick. “Thought, Word and Deed: An Irish Triad.” *Ériu* 29 (1978): 78–111.
- Stefán Karlsson. “Hauksnautur. Uppruni og ferill lögbókar.” *Sólhvarfasumbl*, ed. by Gísli Sigurðsson. Reykjavík: Menningar- og minningarsjóður Mette Magnussen, 1992, 62–66.
- Svanhildur Óskarsdóttir. “Gagn og gaman séra Gottskálks Jónssonar í Glaumbæ.” *Greppaminni. Rit til heiðurs Vésteini Ólasyni sjötugum*, ed. by Margrét Eggertsdóttir *et al.* Reykjavík: Hið íslenska bókmenntafélag, 2009, 377–91.

ÁGRIP

„Ex marginibus“: Spássíugreinar í lögbókum afritaðar af Gissuri Einarssyni

Efnisorð: Spássíukrot, lögbækur, *Jónsbók*, Gissur Einarsson, Þorvarður Erlendsson, Gottskálk Jónsson

Í handritinu British Library Add. MS. 11250 bls. 2–3 er óvenjulegur texti með hendi Gissurar biskups Einarssonar undir titlinum “Annotationes ex marginibus legisterij [T]horuardi legiferi quæ non transtuli in meum legisterium” (Spássíugreinar úr spássium lögbókar Þorvarðs lögmanns Erlendssonar, sem ég afritaði ekki í lögbók mína). Þetta sérstæða safn geymir útdrætti úr ýmsum textum: íslenskum og erlendum lögum, réttarbótum, málsháttum, sögum, bröndurum, orðaleikjum o.fl. Textarnir eru á íslensku, latínu og þýsku. Safnið er gefið hér út í fyrsta sinn í heild sinni og fjallað er um innihald þess og tengsl við aðra texta og handrit. Einnig er leitað að frumriti safnsins en niðurstaðan er að það sé ekki lengur til, og grein er gerð fyrir því að þessi glataða lögbók hafi einnig verið ein af heimildum séra Gottskálks Jónssonar í Glaumbæ þegar hann samdi Sópuð sinn, British Library Add. MS. 11242.

SUMMARY

“Ex marginibus”: Law-Book Marginalia Copied Out by Gissur Einarsson

Keywords: Marginalia, law-books, *Jónsbók*, Gissur Einarsson, Þorvarður Erlendsson, Gottskálf Jónsson

On fols. 2–3 of British Library Add. MS. 11250 is an unusual text in the hand of bishop Gissur Einarsson with the title “Annotationes ex marginibus legisterij [T]horuardi legiferi quæ non transtuli in meum legisterium” (Annotations from the margins of the law-book of Þorvarður *lögmaður* Erlendsson which I did not copy into my law-book). The collection, which appears to be entirely unparalled, consists of short extracts from various texts: Icelandic and foreign laws, amendments, proverbs, sagas, jokes, wordplay and more. The texts are in Icelandic, Latin and German. The collection is here edited in its entirety for the first time and its contents discussed together with their connection to other texts and manuscripts. An attempt is also made to find the exemplar, though the conclusion is that this no longer exists, and it is suggested that this lost law-book was also among the sources used by Gottskálf Jónsson i Glaumbæ when compiling his miscellany, British Library Add. MS. 11242.

Jon Wright
jpwright86@gmail.com