Universitätsbibliothek Paderborn

ORdinatio a Sacra. Ro. Ce-||sarea maiestate super officij || Notariat[us] exercicio edita || Cum Mandato p[ro]hibitorio Penali: Ne || ab alio quoq[ue] sine Jmp[er]ialiu[m] Co[m]missa-||rioru[m] circa ...

Maximilian <I., Heiliges Römisches Reich, Kaiser>

[Mainz], 1512

De constitutionibus actorum [et] p[ro]curato[rum]

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Visual Library

Q̇ḋ ſi vero ac quotiens cõtigerit/ aliquas tales Litteras plures pſonas in
diuerſis reſidentibus domibus ſeu locis continere quibꝰ ſingulis facienda
ſit preſentatio ſeu inſinuatio earundem: Sciant Notarij hmoi preſentatio
nem et inſinuationẽ ſingulis eoꝝ de quibus rogati fuerint cũ oſtenſione et
lectione originaliũ eſſe faciendũ modo et forma premiſſis relicta et tradita
cuiqꝫ eoꝝ Copia collacionata et cõcorde/ niſi forte in vna ciuitate ſeu villa
in diuerſis tñ edibus habitantes paucioribus copijs fuerint contenti.

Preſentationũ autẽ ſeu inſinuationũ ſuarũ hmoi et earũ dies Menſes An
noſqꝫ et loca ſingula: et ſi forte aliquis cui fit inſinuatio ſe parere nolle vel in
imperatoris vel iudicij Camere contemptũ ſeu ignominiã irreuerenter ver-
ba proruperit inſtrumẽtis ſuis tam his ad quarũ inſtantiã ꝗꝫ illis quibꝰ fa-
cta fuerit preſentatio ſiue inſinuatio edendis vna cum litterarũ inſinuatarũ
tenoribus integris referant et atteſtenť ſincere et fideliter.

De conſtitutionibus actorum ⁊ ꝓcuratoꝝ

In Conſtitutionẽ aũt tam Actoꝝ que a Tutoribus vel Curatoribus mi-
norenniũ ante lites cõteſtatas et quidem cũ auctoritate et decreti interpoſiti-
one iudicis fiũt et fieri debent ꝗꝫ procuratoꝝ ad lites attendant bene Nota-
rij cũ ad iudiciũ imperiale quotidie veniant inſtrumẽta ꝓcuratoria defectu-
oſa: vt quantũ tam ad actus ſpecialia requirentes mandata ꝗꝫ alias clauſu-
las apponi ſolitas et conſuetas/ de quibus etiã vulgaris habeť forma bene
extendanť inſtrumenta cũ clara ſpecificatione quem vel quos cõſtituent ſiue
inſolidum ſiue cõiunctim ſiue diuiſim: Procuratores velit habere Ita ꝙ nõ
ſit melior conditio vnius ꝗꝫ alterius ſeu alioꝝ. Sed quicquid vnus incepe-
rit alter id cõtinuare poſſit mediare et finire/ videlicet ad agendum defendẽ-
dum libellandũ /litem cõteſtandum iurandũ de calumnia et aliud qḋcũqꝫ li-
citum iuramentũ /preſtandũ/ponendum/articulandũ poſitionibꝰ aduerſis
etiam per iuramentũ reſpondendum Teſtes ⁊ alias probationes producẽ-
dum excipiendũ replicandũ/duplicandũ/ triplicandũ. ⁊c. ꝯcludendũ Sẽ-
tentias audiendũ/ad appellandũ ⁊ prouocandũ: ſi ad iudicia inferiora diri-
ganť apoſtolos petendum recipiendũ/appellationes cauſas proſequendum
alium vel alios loco ſuo ſubſtituendũ/ iſtos reuocandũ: et iterũ totiens quo
tiens ſubſtituendũ. ⁊c. Et generaliter omnia alia et ſingula. ⁊c. faciendũ cũ
promiſſione et cautione ſolitis de rato ⁊ releuando ſub omni cõſtituentis re-
rũ et bonoꝝ obligatione/ et hec omnia in extẽſa cõmuniqꝫ forma.

Et quia multũ nũc inoleuit practica/ vt iureť de calũnia / Idemqꝫ iuramen-
tum plura in ſe contineat capitulaqꝫ plerũqꝫ iſta in animas ſuas iurãda mã-
dantes ignorant neceſſe eſt: vt de his ſingulis informenť et in inſtrumentis
poſtea inſeranť. Sunt eni Capitula a iure tradita et in iudicio Camere ex-
primi ſolita/ vt tam actor ꝗꝫ reus per ſe vel ſuum Procuratorẽ iuret: Q̇ḋ cre-
dat ſe iuſtam habere cauſam litigandi qḋ protelandi cauſa ſeu fraudulenter
dilationes non petat quotienſcũqꝫ interrogatus veritatem non occultet: et

qđ alijs q̄z quibus ius ꝑmittit nil penitus donet vel promittat/ quo pro ſe
Sententiam obtinere poſſit dolo et fraude omnino ſemotis.

Jurat aūt articulos ſeu poſitiones ſuas offerens ſi petit ⁊ vult ꝙ aduerſariꝰ
per iuramētū reſpōdeat ſicq̄ cōtenta in eis quātū factū ꝓpriū ꝯcernūt vera
ſint/et quātū alienū ꝯtinent factuꝫ quod credat ea eſſe vera ⁊ ꝓbabilia. Re-
ſpōſurꝰ aūt iurat ſe rñſurū ꝟitatē vtrū credat vel nō credat ea q̄ ſibi obijciūt
eſſe vera.

De inſtrumentis appellationum.

De appellatione aūt ⁊ formalibꝰ ſuis in quibꝰ plures ⁊ quotidiani occurrūt
defectus Notarij ſcire debent: Qđ de iure Ciuili ⁊ ordinatiōe ſacri romani
Imperij omiſſo medio vl' ab interlocutoria ſeu grauamine qđ poſtea medi-
ante appellatione a diffinitiua eſt reparabile regl'ariter nō appellatur: In ca-
ſu aūt ꝑmiſſo appellare volens ab interlocutoria eā in ſcriptis ⁊ cū cauſaruꝫ
grauaminis inſertione faciat cū ex cauſis alijs iuſtificari nō poſſit.

A diffinitiua ꝟo vbi appellari nō ꝓhibetur ſine cauſe ſeu cauſarū grauami-
nis expreſſione appellari poteſt/ et quidē verbaliter et ſine ſcriptis dūmodo
in ꝯtinēti poſt ſentētiā latā/hoc eſt anteq̄ꝫ diuertat̄ ad alia fiat/ poſtea tñ in
ſcriptꝭ redigēda/alioq̄n aūt ſi ex interuallo appellet̄ in ſcriptis fieri neceſſe eſt.

Et in ſumma ſciāt ⁊ aduertāt oēs Notarij ꝙ ipſi debēt eſſe iuriſperiti in his
ſaltē que Notariatus officiū reſpiciunt/hoc eſt ſummā notarie ad hoc vt ſci-
ant partes corā ſe cōtrahētes ſeu agētes de ſolēnitatibꝰ ⁊ clauſulis ad ꝯtra-
ctꝰ ⁊ actꝰ hm̄oi earūq̄ꝫ validitatē req̄ſitis certificare ⁊ ſe a ꝯtractibꝰ ⁊ actibꝰ
a iure reꝓbatꝭ ⁊ ꝓhibitꝭ abſtinere cū al's teneāt̄ de impitia ⁊ ꝑtibꝰ leſis ad in-
tereſſe.

De premiſſis igitur tanq̄ꝫ pro generaliorībꝰ Principijs atq̄ꝫ cunabulis qui-
buſdā traditis non ſtent adeo contenti Notarij quin in dies diſcāt ⁊ aduer-
tant alia a iure circa Tabellionatꝰ officiū tradita/ et que ſ̄m locoꝝ in quibꝰ
actus hm̄oi gerūtur conſuetudines introducta ſunt et circa difficultates ſeu
ambiguitates in actibꝰ corā ſe gerēdis ꝑ caſuū varietate et diuerſitate q̄ñq̄ꝫ
occurrētes ad peritiores recurrant/ne imperitia culpaq̄ꝫ coꝝ alijs noceat/q̄ꝛ
de his tenent̄ vt ſupra monſtratuꝫ eſt. Datꝭ in ciuitate noſtra imperiali Co-
lonienſi /octaua die menſis Octobris/ Anno a natiuitate dn̄i Milleſimo
quingenteſimo duodecimo/ Regnoꝝ noſtroꝝ Romani viceſimoſeptimo/
Hungarie vero viceſimotertio.

Per regem
ꝑ

Ad mandatum domini
Imperatoris propriū.

Serntein er ſcr.

Societ. Jesu Paderborn

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