[illegible] cum ... omnis sit [illegible]
[illegible] si eadem re sit [illegible]
[illegible] obiecto [illegible] si [illegible] restitutionem petere quia
[illegible] tunc [illegible] conveniente restitutionem petere quia
spoliationis probata duo consequitur: scilicet restituetur, an in
[illegible] probata duo consequitur scilicet restituetur et adversarii prius audietur, l. adversarii prius
[illegible] prius [illegible] priusquam audietur l. adversarii [illegible] si non [illegible]
[illegible] actionem ut s. in prin. v. si non [illegible]
exceptionis restituetur, l. repellat agentem ut s.
[illegible] v. i. so. et ut no. ex. de or. cog. c. ii. q. i. c. i. s. duobus
[illegible] exceptionis probata exceptione spoliationis
repelletur agens et postea petit rem petere et eam recu-
perare [illegible] no. ff. v. s. et ibi. Qualiter autem sit iure eligendi
petitorium et possessorium intentatum dic ut ff. de eo per [illegible]
[illegible] si [illegible] petitorio [illegible] de [illegible] petitorio [illegible]
agere [illegible] possessorio [illegible] coram iudice [illegible] ex. de
resti. spol. ex agere. Illud autem certum est quod ista criminali
quo spoliationis in modum actionis vel exceptionis [illegible]
liationis [illegible] sed repellit agentem sic intelligo [illegible]
q. i. per totum [illegible] ii. or. et audientiam. ex. de resti. spol.
frequens. Immo et dixerunt quidam quod tunc non solum repel-
litur accusator verum et probata excep. restituatur [illegible]
q. i. epi. [illegible] ii. [illegible] ii. q. ii. nullus. Sed credo [illegible] adhuc
non est actum. ex. de or. cog. c. ii. [illegible] sed ipsi illud intelli-
gunt in causa civili. sed contra eos est ex. de resti. veniens ii. re-
[illegible] in fi. et ff. de [illegible] [illegible] [illegible] quia ab-
solutus. ex. de accusa. qualiter ii. et per [illegible] [illegible]
Et breviter teneo quod ubi civiliter agitur non potest excipi de spolia-
tione ab alio quam ab actore facta. Ubi vero criminaliter agitur
tunc potest excipi de spoliatione facta a quacumque persona [illegible] exceptio
probanda est [illegible] dies ad [illegible] dierum non compu-
tata. Alioquin in expensis non condempnabitur excipiens
et [illegible] criminaliter accusatus potest excipere de spoliatione ve-
rum est cum tota sua [illegible] vel in maiore parte spoliatus est. Si
tunc excipiens noluit excep. probare ut sic [illegible] accusatorem
repellat [illegible] et [illegible] [illegible] [illegible] iudice [illegible] quod restitui pe-
tit. quod si non fecerit ex tunc potest in [illegible] procedi ex
[illegible] huiusmodi non obstante nec agentes sic ecclesias possunt excipi
de spoliatione [illegible] [illegible] legiuntur in pre. de [illegible]
[illegible] Item numquid [illegible] nomine [illegible] agentem potest ex-
cipi quod ipse [illegible] spoliavit [illegible] ff. de [illegible] excepc.
si [illegible] agit. Item numquid etiam syndicum nomine alicuius
collegii [illegible] agentem possum excipere de spoliatione [illegible]
[illegible] de ipso collegio facta [illegible] ut [illegible] q. ii. [illegible]
titur. Item numquid potest excipi de spoliatione non a [illegible] h[illegible]
[illegible] facta, puta a quacumque [illegible] q. sic. ex. de iur.
[illegible] [illegible] non possessor defenditur [illegible] petitorem ex iure
[illegible] [illegible] legatus [illegible] in [illegible] [illegible] ff. de excep.
l. nemo. et l. is qui. Dic [illegible] [illegible] si usufr. pet. [illegible]
ff. si [illegible] l. nam possessor pignoris adversus [illegible]
[illegible] non defenditur [illegible] creditoris. ff. qui
[illegible] pig. [illegible] creditor [illegible] l. claudi. [illegible] si cum alio [illegible]
[illegible] quia ex iure [illegible] meo non [illegible] compe-
tit defensio sic nec actio. ff. de [illegible] dupli. [illegible] ff.
de pactis l. [illegible] ne [illegible] et l. si tibi [illegible]
[illegible] a pri. [illegible] Quid si ego posses-
sor [illegible] petitorio contra [illegible] exceptio de spoliatione

[illegible] in [illegible] [illegible] [illegible]
[illegible] cum exceptio spoliationis [illegible]
[illegible] q. iii. [illegible] ff. de op. no. [illegible]
si [illegible] et [illegible] [illegible]
dicens [illegible] q. meum [illegible]
filium meum [illegible] post [illegible]
[illegible] Item [illegible] spoliatus non [illegible]
[illegible] ut ex. de or. cog.
spoliator [illegible] [illegible]
q. vi. si res [illegible] si [illegible]
[illegible] [illegible]
spoliatus [illegible] ex. de resti. spol. olim [illegible]
[illegible] [illegible] numquid [illegible]
[illegible] [illegible]
ff. de pig. si fundus [illegible] [illegible]
[illegible] si [illegible]
de solu. [illegible] Sed si spoliatus [illegible]
postea recepi aliud cum [illegible] numquid [illegible]
potero contra te opponere de spoliatione [illegible]
[illegible] renuntiasse [illegible] recipiendo [illegible]
de pre. [illegible] dic [illegible] quia datur [illegible]
et fructus admittere et ad omnia que [illegible]
in [illegible] [illegible] ususfruc[illegible]
fructu. ff. de [illegible]
[illegible] non potest opponi compensatio
[illegible] [illegible]
non est [illegible] ex. de excep. cum [illegible]
in quibus cessat [illegible]
[illegible] ago contra te [illegible]
possessorio [illegible] oppono contra te [illegible]
de eadem spoliatione [illegible] te [illegible]
admitti [illegible] sic [illegible] aliud [illegible]
aliud ut exceptio. ar. ff. de [illegible]
impubis. [illegible] de resti. veniens [illegible]
excep. repellens. ut ex. de or. cog. [illegible]
potest [illegible] contra me de [illegible] spol[illegible]
[illegible] meam [illegible]
[illegible] exceptione [illegible]
exceptio mea [illegible]
[illegible] meam exceptionem. ff. de excep[illegible]
[illegible] [illegible] petit ad [illegible]
[illegible] possidet [illegible] [illegible]
nec fuero restitutus ad ius [illegible]
nes [illegible] [illegible] exceptio spoli[illegible]
resti. spo. olim [illegible] ex. de of. [illegible]
offert [illegible] quia [illegible] [illegible]
procedere et optinuit quod [illegible] debet [illegible]
c. ii. et fi. et [illegible] ex. in prin. [illegible]
[illegible] de [illegible] [illegible]
[illegible] quod [illegible] [illegible]
[illegible] [illegible] episcopalia in [illegible]
[illegible] de of. or. [illegible] archidia[illegible]
in uno [illegible] [illegible]
[illegible] spoliatio facta fuit in uno [illegible]
[illegible] archidiaco. et quo ad alia [illegible]

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tam. ad h. ¶ Item quero an in summa. in qualibet vero ex-
ceptionis preteritum possit repelli. et si reus noluit eum
a principio recusare soluta actione repellere et hoc in utilitate sit p-
curatoris sui non. et sic sit inventum suum sui non. quia cum
excusato delegatur actio. ex. de off. del. pastoralis circa
e. sexta. Idem est in teste ut ei possit quandoque opponi et id
in denunciatore et in accusatore. et in impetratore inquisi-
tionis nisi pro ex officio suo procedat. extra. de accu. olim
¶ Item post oppositionem excommunicationis post iuramentum et post sum-
[illegible] ut in p. c. pia. c. fi. ¶ Et quid reus non potest ex-
[illegible] actori excommunicato. utrum decidat exceptionem. sic videtur
potest ut ex. de iud. in illis verbis. quo modo excommunicatum ne
cessarium in aliqua [illegible]. ¶ Et quid si iudex erat dispo-
situs vel advocatus infamis et reus sciens hoc tacet.
no. vinc. in p. c. pastoralis. quia nec audit eos post litem contestatam repel-
le obstante ratione de suspectis. quia non in plus in iudice si non
cognitionis a qua exceptionis erat iudicatum iudicabatur
[illegible] sententia separata pro sua. Idem quoque dico in omni exceptione
[illegible] facit nomen [illegible] ut plurimum probatur. l. x. Secundo.
¶ Sed numquid post [illegible] potest hec exceptio excommunicationis ex-
[illegible] proponi. pro no. in p. c. pastoralis. quia non ratione peremptorio
existente ar. ex. e. exceptionem. l. C. de exige. [illegible]
[illegible] in. no. contra. ibidem [illegible] exceptio sit [illegible]
[illegible] sententiam propositum [illegible] non obstante. et in post
[illegible] ut in p. c. quia [illegible] talem assignatur
[illegible] dilatoriis [illegible]
[illegible] proponi [illegible] ut. xi. q. iii. cum excommunicato. ex.
de [illegible] decem. et solet. [illegible] exceptionem.
¶ Numquid sciens omittens proponere hanc exceptionem
in termino assignato ad proponendas dilatorias est con-
[illegible] in expensis. [illegible] sump[illegible] sic
videtur ex [illegible] in p. c. exceptionem. [illegible]
[illegible] competit contra iudicem vel contra actorem. [illegible]
[illegible] reus sciens obmittit eam proponere in termino ut
[illegible] sumptibus et laboribus inutiliter fatigetur. sed [illegible]
[illegible] eam opponit [illegible] sive post [illegible]
[illegible] in expensis. [illegible] non [illegible]
[illegible] laboravit. [illegible]
[illegible] de re iud. [illegible] intelligi [illegible]
[illegible] exceptionem. sive contra actorem non [illegible] reus sciens in
[illegible] omittens et postea probatus est excommunicatus. quia actor
[illegible] exclusi [illegible] valent [illegible] que cum eo acta sunt
[illegible] p. de[illegible]. pia. et tam non interest actoris [illegible] labora
[illegible] ar. ex. de off. del. pastoralis. c. sexta. [illegible] actor [illegible]
[illegible] non [illegible] probatus [illegible]
[illegible] reportare. ¶ Quid si probat excep-
[illegible] probatur absolo. [illegible] egidius non [illegible]
[illegible] in [illegible] appareat [illegible] pia. [illegible]
[illegible] absolutiones [illegible] non [illegible] actio
[illegible] ar. in p. de[illegible] exceptionem [illegible]
[illegible] ex. de elec. statutum. [illegible]
[illegible] ignorantia non probabilis [illegible]
[illegible] l. [illegible] de probatione. Item [illegible]
[illegible] excommunicatus. ex. de [illegible] ex. [illegible]

de off. [illegible] ¶ Sed [illegible]
iudicem opponuntur cuius cognitio [illegible]
d. iii. in p. consuit. quia sisit ordinarius [illegible]
[illegible] suo sit del. [illegible] arbitri [illegible]
de recusa. [illegible] quod si an. ¶ Sed [illegible]
[illegible] exceptionem [illegible] non [illegible] excepit [illegible]
expensis. numquid actor potest petere quia [illegible]
[illegible] contempnit. dicunt quidam [illegible] et [illegible]
[illegible] eum contempni. ex. de v. sig. dilecto. [illegible]
[illegible] ex [illegible] exceptionis [illegible]
[illegible] condempnacionis [illegible]
[illegible] sint [illegible] eos [illegible]
[illegible] ar. e. si pl-
[illegible] si [illegible]
[illegible] exceptionem [illegible] rei [illegible]
[illegible] in [illegible]
[illegible]
tremo. v. [illegible] ¶ Sed numquid exceptio excom-
[illegible] replicationem [illegible] exceptionis. [illegible] ut
[illegible] Item no. ¶ Sed de quia [illegible]
de exceptionem an [illegible] de replicatione. Io. de [illegible] no.
[illegible] de replicatione. ar. [illegible] de[illegible]
de off. del. pastoralis circa [illegible] sexta. [illegible]
ar. [illegible] a nob. [illegible] non p-
no. [illegible] ¶ Licet [illegible] premissa [illegible]
ad dilatorias proponendas non [illegible]
[illegible] ad [illegible]
proponendas. [illegible]
[illegible] eis
[illegible] in [illegible] non
[illegible]
[illegible] impetrasse
[illegible] omittere. [illegible]
[illegible] de dil. [illegible]
[illegible] reus [illegible]
[illegible] in expensis. [illegible]
[illegible] exceptionibus [illegible]
[illegible] l. i. ext. de [illegible] contra [illegible]
[illegible] non forte reus [illegible]
[illegible] competere [illegible]
[illegible] plurasse [illegible]
[illegible] elec. statutum [illegible] ¶ [illegible]
[illegible] dilatorias [illegible] effectum [illegible]
[illegible] habuit effectum. ¶ Dila-
[illegible] non aufert perpetuam actionem [illegible]
peremptoria. sic [illegible] actio [illegible]
[illegible] aufertur [illegible]
exceptionis. [illegible] non [illegible]
le [illegible]
non [illegible]
[illegible] admisse [illegible] exceptione peremptoria.
[illegible] Io. [illegible]
ut [illegible] no. Item exceptio [illegible]
[illegible] defensiones. [illegible]

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[illegible] except. p[illegible] quidam [illegible] Sec
[illegible]nis qui natura p[illegible]: ut furiosi. cu[illegible]
[illegible] immutabilia. u. d. in p[illegible] Item sec
[illegible] iud[illegible] carent ut impuberes cu quitum
[illegible] optinuit [illegible] na[illegible] a sunt [illegible]
[illegible] fiat uidet in ca[illegible] except[illegible] [illegible]
[illegible] 8z post. [illegible] diceretur [illegible]
[illegible] ul puh[illegible] publicas officiis [illegible]
[illegible] li[illegible]inus. [illegible] et [illegible] quoad h[illegible]
[illegible] sunt [illegible] iud. cu pretor [illegible] in orib[illegible]
[illegible] quosdam ut doli [illegible] lit. [illegible]
[illegible] [illegible] de [illegible] distinguntur
[illegible] iudicia q[illegible] ipso [illegible] non [illegible]
[illegible] post [illegible] [illegible]
[illegible] ut dicat in qualibet except[illegible]
[illegible] [illegible] p[illegible] [illegible]
[illegible] pbetur [illegible] litigasse [illegible]
[illegible] iud. l. i. C. de [illegible] l. [illegible]
[illegible] ei aliquid opponitur ut repellatur
[illegible] sine ignorancie obiiciuntur [illegible]
non possit [illegible] opponi. C. de [illegible] ac
[illegible] dilatorias debe[illegible] oppo[illegible]. [illegible]
[illegible] iudex q[illegible] uidet l' impetrator e[illegible]
[illegible] possunt [illegible] opponi. [illegible]
[illegible] decursu [illegible] iudice.
[illegible] excepciones competunt ut dilatorie
[illegible] impetrantem. [illegible] bn ualent
[illegible] mentiones de his q[illegible] nec [illegible] neg
[illegible] contingunt ul' tales
[illegible] [illegible] tales [illegible]
[illegible] [illegible] non contingant [illegible]
[illegible] principale ut [illegible]
[illegible] fuit obtentum [illegible] ut [illegible]
[illegible] ul' obrepticium l' [illegible]
[illegible] [illegible] de [illegible] ordinem. l' [illegible]
[illegible] renunciauit litteris impetratis [illegible]
[illegible] assensu [illegible] ex parte ul'
[illegible] [illegible] ad idem [illegible]
[illegible] de confir. uti. ad nullam [illegible]
[illegible] iudex [illegible] except. dilatoriam [illegible]
[illegible] reus [illegible] q. [illegible] offerat
[illegible] ubi ordinarie agitur: [illegible]
[illegible] sine [illegible] de [illegible]
[illegible] [illegible] si reus noluit [illegible]
[illegible] contra [illegible] in [illegible]
[illegible] [illegible] in [illegible]
[illegible] uidetur [illegible] iudicem consentiu
[illegible] postulat act. [illegible] no [illegible]
[illegible] de [illegible] [illegible] quorum [illegible]
[illegible] dilatoriam except. post lit
[illegible] in una [illegible] C. de excep.
[illegible] ut si [illegible] q[illegible]
[illegible] tutore ul' [illegible] l' [illegible]
[illegible] opponere [illegible] possis contra e
[illegible] q[illegible] iudex [illegible] admitte

[illegible] p[illegible] [illegible] p[illegible] [illegible] p[illegible]
tum post lit. [illegible] C. de excep. l. [illegible] [illegible] C. [illegible] p
[illegible] C. de p[illegible] exceptionem [illegible] except. [illegible]
[illegible] de [illegible] testi. auditis. in. q. [illegible]
[illegible] dilatoria [illegible] an lit. [illegible]
[illegible] [illegible] peremptoria [illegible] post lit. [illegible] ut in [illegible]
[illegible] C. de ap. eos. [illegible] de [illegible] auditis. et
postquam actor suam pbauit intencionem ut. [illegible] de ac
[illegible] [illegible] opponitur. [illegible] ordo non [illegible]
[illegible] C. de [illegible] consulta. C. de sen. [illegible] o. [illegible]
platam. [illegible] q. i. [illegible] si. n. peremptoria ante
lit. [illegible] pbaretur [illegible] pbacioni accederet ante lite
non [illegible] non absolueretur ut in pre. l. placuit [illegible]
[illegible] ut [illegible] [illegible] ideo [illegible] fallit in q[illegible]
dam except. [illegible] impedi[illegible] lit. [illegible] ut. [illegible] dicet [illegible]
dam aut [illegible] q' [illegible] reus [illegible] peremp
except. [illegible] intelligitur litem [illegible]
tenet [illegible] eam pbare [illegible] ut. [illegible] de lit. [illegible]
[illegible] sz nil quid [illegible] except. [illegible] intellige q[illegible]
[illegible] [illegible] quorum [illegible] peremptoria ergo ex
cepcio ante lit. [illegible] p[illegible] sz post [illegible]
da. [illegible] a me [illegible] q' tibi debebam [illegible] in pac
tum de non petendo [illegible] l' petis a me [illegible]
[illegible] tui [illegible] ego habeo except. [illegible] l' rei iud. ul'
aliquam [illegible] [illegible] si nolo [illegible] p[illegible] ante lit.
[illegible] pbare debeo [illegible] hodie [illegible] except.
de re iud. impedit lit. [illegible] ut. [illegible] dicet [illegible]
[illegible] [illegible] eam [illegible] pbare [illegible] noluero
[illegible] ante [illegible] ut in [illegible] peremp
torius ul' interlocutoria aliqua l' [illegible] in [illegible]
[illegible] hanc [illegible] plene [illegible] ut. [illegible] ex. noua [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] except. peremptoria fit ante lit. [illegible] tractan
da [illegible] C. ad. l. fal. de pla. [illegible] si [illegible] eadem
sit peremptoria [illegible] declinatoria iudicij illa n
opponetur in iudicio [illegible] principal'
differret [illegible] ut [illegible] de fo. compe. ex parte [illegible] ad [illegible]
[illegible] [illegible] [illegible] sit p [illegible] ipso [illegible]
[illegible] except. rei iud. ul' q' elusis [illegible] principa
lis sit [illegible] qu[illegible] exclusis [illegible] ut. [illegible] sz [illegible]
[illegible] de [illegible] de except. pastoralis. sz [illegible] uo
lens ante lit. [illegible] opponere et pbare except. peremptoria an
[illegible] non [illegible] omnia [illegible] debent te
poribus [illegible] ut [illegible] q. [illegible] C. de fer. l. [illegible]
de pet. [illegible] l. [illegible] colonus [illegible]
[illegible] [illegible] post [illegible] ante lit. [illegible] n possit
[illegible] absolui [illegible] potest ut dixi. S. [illegible]
posuit statum [illegible] ad [illegible] peremptorias [illegible] pla
[illegible] in dilatoriis [illegible]
[illegible] [illegible] de plac. [illegible] de [illegible]
[illegible] accepimus. C. de [illegible] ap. l. [illegible] C. de
[illegible] quinquaginta. [illegible] de iud. [illegible]
[illegible] aut uno [illegible] peremptorio [illegible]
no. [illegible] de except. pastoralis. [illegible] [illegible]
[illegible] contra. [illegible] C. de iudic. [illegible] iubemus.