

“*Todos os textos de canones...*”: From the book inventories of the Portuguese *studium generale* library to the identification of some civil and canon law books¹

“*Todos os textos de canones...*”: Dos inventários da livraria do Estudo Geral português à identificação de alguns livros de direito civil e canónico

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Texto recebido em / Text submitted on: 30/11/2019

Texto aprovado em / Text approved on: 07/09/2020

Abstract. On June 8th, 1536, Nicolau Lopes, the last bedel of the medieval *studium* of Lisbon, compiled an inventory comprising all the 151 books of the Portuguese university library, a few months before the definitive relocation of the *studium generale* to Coimbra, in March 1537, and just a few years after a first inventory – which was never finished – was completed. These inventories became precious documents, as they allow us to understand the circulation of knowledge, people and books in medieval and early modern Europe. Based on these *studium* library book inventories and on the existing catalogues of manuscripts and *incunabula* of the University of Coimbra General Library (which currently holds the archives of the old Lisbon-based medieval university), I will try to understand if any of the civil or canon law volumes mentioned there survived up to this day while trying to identify some of the books described in the inventories.

Keywords. *Studium generale* of Lisbon, university library, inventories, book circulation.

Resumo. Em 8 de junho de 1536, Nicolau Lopes, o último bedel da universidade medieval de Lisboa, compilou um inventário que incluía todos os 151 livros da biblioteca da universidade portuguesa, poucos meses antes da deslocalização definitiva do *studium generale* para Coimbra, em março de 1537, e alguns anos depois de um primeiro inventário – nunca terminado – ter sido composto. Estes inventários são hoje documentos preciosos, permitindo analisar a circulação de saberes, pessoas e livros na Europa na transição do

¹ This work is sponsored by the project PTDC/EPH-HIS/3154/2014: *OECONOMIA STUDII. Funding, management and resources of the Portuguese university: a comparative analysis (13th-16th centuries)*, funded by national funds through the Portuguese Science and Technology Foundation/Ministry of Science, Technology and Higher Education (FCT, I. P./MCTES) and co-funded by the European Regional Development Fund (ERDF) through the Operational Programme “Thematic Factors of Competitiveness” (COMPETE). A draft version of this paper was first presented on February 25th, 2016, at the *International Conference Medieval Europe in Motion 3: Circulations juridiques et pratiques artistiques, intellectuelles et culturelles en Europe au Moyen Âge (XIII^e-XV^e siècles)*, organised by the Institute for Medieval Studies (FCSH-UNL) and held at the Portuguese National Library (BNP).

período medieval para o moderno. Com base nos inventários originais da biblioteca do *studium* e nos catálogos existentes de manuscritos e incunábulos da Biblioteca Geral da Universidade de Coimbra (onde se conservam os arquivos da velha universidade medieval sediada em Lisboa), propomo-nos neste artigo tentar compreender se algum dos volumes de direito, civil ou canónico, mencionados nos inventários sobreviveu até hoje, ao mesmo tempo que tentamos identificar alguns dos livros descritos nos inventários.

Palavras-chave. Estudo geral de Lisboa, livraria do estudo, inventários, circulação de livros.

Introduction

The Portuguese *studium generale* was first established in Lisbon in the late thirteenth century by King Dinis and, for different reasons (LEITÃO 2015b: 164-181; NORTE & LEITÃO 2018: 513-527), underwent several relocations between the cities of Lisbon and Coimbra during the fourteenth century (1308, 1338, 1354 and 1377). During its last period in Lisbon (1377-1537), it also experienced displacements from one building to another within the city, before its final relocation to Coimbra by order of King John III, in 1537. The peripheral location of the university within Christendom and the recurring moving of the *studium* back and forth from one city to another certainly played a role in the scarce number of students of the university during the first centuries of its existence, as well as the late establishment of a *studium* library.

Regarding the creation and development of libraries across European universities, only a few existed during the thirteenth and fourteenth centuries (Paris, Oxford or the Jagiellonian Library of Krakow); most of the university libraries were established during the fifteenth century, including Cambridge, Erfurt, Heidelberg, Vienna, Cologne or Salamanca (LEITÃO 2015a: 65-82). The library of the Portuguese *studium* was among the most recent, being referred only from 1513 onwards, shortly before the relocation of the university to Coimbra (LOBO 2013: 292; AMARAL 2014: 13). The first known reference to the library was made in a document where the *recebedor das rendas* (the receiver of the university rents) handed over to the bedel (beadle) 58 books of the late Diogo Lopes, a former professor of canon law of the Lisbon *studium* who donated all of his books to the university when he died, in October 1508; these books were incorporated in the already existing *studium* library, located in the old university buildings (SÁ 1973: 254). It is also possible that the library of the college established after 1447 by order of Diogo Afonso Manganha, a former professor of *utroque iure* at the University of Lisbon, may have been a part of the core of the primitive *studium* library collection, when all of his assets were incorporated into the university – although his will does not mention any

authors or books (AMARAL 2014: 13-14).

One can assume that the *studium* library must have been established before 1503, when King Manuel I granted the “Paços do Infante” (the ancient palace of Prince Henry, the Navigator, that the king bought from his nephew, Afonso, Constable of Portugal) to the University of Lisbon (LOBO 2013: 285; AMARAL 2014: 14-15), thus effectively relocating the *studium* from its previous location in the parish of São Tomé – where it stood since the donation of some old houses by Prince Henry to the *studium* in 1431 (SÁ 1970: 26-30) – to the nearby parish of Santa Marinha do Outeiro (merged since the nineteenth century into the parish of São Vicente, where still today there is a road called *Escolas Gerais* – an unequivocal reference to the location of the former *studium generale* in the city of Lisbon).

At the beginning of the decade of 1530, King John III became a stout supporter of the university’s transfer to the city of Coimbra, against the will of professors, councillors, and officials of the university; it was in this context that, on June 8th, 1536, Nicolau Lopes, the last bedel of the medieval *studium* of Lisbon, compiled an inventory comprising all the 151 books of the Portuguese university library (SÁ 1979: 319-322), a few months before the definitive relocation of the *studium generale* to Coimbra, in March 1537.

Unwittingly, this inventory – along with another one, smaller and incomplete, written *circa* 1532 by the priests Luís Cardoso and João Landeiro, both *studium* councillors, as well as an unnamed bedel (SÁ 1979: 123-124) – became a precious document, as it allows us not only to realise which volumes were used to teach civil and canon law in the Portuguese university but also to understand the circulation of knowledge, people and books in medieval and early modern Europe. This manuscript also allows us to draw a picture of the most well-known juridical authors of the time (namely the legists and canonists from Bologna or Padua) and how their knowledge was taught in the westernmost university of *Latinitas*.

Based on the two *studium* library book inventories and the existing catalogues of manuscripts and *incunabula* of the University of Coimbra General Library (BGUC) – which currently holds the archives and other assets of the Lisbon-based medieval university, most notably the *Livro Verde*, its single surviving cartulary (MADAHIL 1940; VELOSO 1992; LEITÃO 2019) –, I intend to understand if any of the civil and canon law volumes mentioned in the inventories survived up to this day; furthermore, I will also try to identify some of the books described in these compilations.

1. State of the art and the book inventories of the medieval University of Lisbon

Currently, there are only a handful of studies on the history of the Portuguese *studium* library. The most recent works on the history of the Portuguese medieval university (AAVV 1997; FERNANDES, ed. 2013) do not mention the library books, just the library buildings (LOBO 2013: 267-304). Moreover, a volume on the history of the BGUC was published to celebrate the five-hundred years of its first mention; however, only a few pages were devoted to the medieval library buildings, as well as its books (AMARAL 2014: 13-22).

The subject of civil and canon law books in medieval Portugal has been thoroughly examined by numerous researchers, most notably by Isaías da Rosa Pereira (1964-66b: 7-60; 1967-69: 81-96), and more recently by André Vitória (2012) and Armando Norte (2013); furthermore, several authors have studied the aforementioned university library inventories (PEREIRA 1881: 193-200; BRAGA 1892: 417-432; CARVALHO 1914: 389-398, 438-446, 482-494, 533-542; PEREIRA 1964-66a: 155-170; LEITÃO 2015a: 65-82), while some others studied the ancient books of the BGUC, especially some of its illuminated manuscripts (MIRANDA 1999; CEPEDA 2001; GOMES 2007: 69-110; CASTRO 2009: 68-126; GOMES 2009: 41-71; BILOTTA 2015: 106-113).

Among the 151 books referred in the inventories, the largest part comprises civil and canon law works (96 volumes, up to 63% of the total), with the remainder consisting of theology (21 volumes, or 14%), medicine (5 volumes, 3%) and liberal arts books (3 volumes, 2%), along with 26 volumes (17%) whose subject is unknown, as they had no titles in their book spines (the 1536 inventory author even wrote that “without summaries or titles they are worthless”; AMARAL 2014: 20). My analysis will focus only on the identification of the civil and canon law books mentioned in these inventories.

Despite some references to a few printed books – such as those of the renowned Venice-based printer Battista Torti (Baptista de Tortis), active in the late fifteenth and early sixteenth century –, most of the volumes in the *studium* library should have been handwritten, although the inventories refer that only 32 volumes were manuscripts, written with a quill (“de pena”), 10 volumes were written in parchment, while 14 other volumes were simply referred as being “quite old” and, thus, most likely handwritten (AMARAL 2014: 20).

The most common books were those of canon law; in fact, one of the inventories claims that the *studium* library possessed “*todos os textos de canones*” (“all the texts of canon law” – the phrase used in the title of this paper). Although many famed authors and texts were absent from the inventories, the treatises

of canon law and, to a lesser extent, those of civil law, were the most prevalent in the Lisbon *studium* library, including several volumes of the *Decretales*, the *Sextus Decretalium*, the *Clementinae*, the *Decretum Gratiani*, the *Codex Iustinianus*, the *Institutiones Iustiniani*, the *Digest*, in addition to many other law books. The latter includes some volumes identified only by their authors name (with no detailed references to their contents) or various compilations, including quite a few *Repertories*, one volume of the *Fourth Book of Ancient Ordinances of the Kingdom of Portugal* – which might either refer to the old *Alphonsine Ordinances* (composed in the course of the regency of Prince Peter, Duke of Coimbra, during the minority of the King Afonso V, and eventually superseded by the new *Manueline Ordinances*, whose compilation was ordered by King Manuel I; LEITÃO 2015a: 73), or to a previous compilation, as José Domingues pointed out (DOMINGUES 2014) – as well as a curious book named *Dimeta*. Teófilo Braga identified the latter with a compilation of old Celtic laws used in Southern Wales (BRAGA 1892: 426), centuries before the English conquest – the *Dimetian Code*, organised by order of King Hywel the Good of Deheubarth (942-948) and codified by his legist, Blegywryd (hence the alternative name of this code as the *Book of Blegywryd*); the word *Dimeta* takes its name from the former kingdom of Dyfed, in Southwest Wales, located on the territory of the ancient Celtic tribe of Demetae or Dimetae (Catalogue 1846: 218). However, it is impossible to determine if this volume was, in fact, a codex of ancient Welsh laws and, if so, how did it manage to reach the Lisbon *studium* library.

2. Do any books from the Portuguese medieval university survived?

The BGUC holds a significant number of handwritten books and *incunabula*, many of which refer to some classic texts of both canon and civil law, as well as several other precious volumes, most notably some illuminated manuscripts from the fourteenth and fifteenth centuries (GOMES 2007: 69-110). In order to identify the nucleus of the *studium* library that moved from Lisbon to Coimbra in 1537, as recorded in the two inventories produced in the decade of 1530, I have consulted both the catalogues of manuscripts and of *incunabula* and ancient books preserved in the BGUC, trying to reach some positive matches (COSTA 1935; PIMPÃO 1970).

Regarding this task, I only took into account those volumes that did not have any bookplates from other libraries – several medieval manuscripts and *incunabula* were included in the BGUC only much later, in the nineteenth century, following the suppression of the ancient monasteries and the dissolution of the

former university colleges, when their entire libraries were incorporated into the BGUC. Not surprisingly, I found a handful of matches between the books referred to in the early modern inventories as well as in contemporary catalogues.

Some authors have drawn their attention to a remarkable set of codices, dated from the fifteenth century, which might have been incorporated into the BGUC primitive collections during the late fifteenth or early sixteenth century (MIRANDA 1999: 274; CASTRO 2009: 81; GOMES 2009: 55-56; BILOTTA 2015: 112). According to Saul António Gomes, the manuscripts were probably written between 1460 and 1470, based on the watermarks used on the paper, confirming their manufacture in Southern France, between 1450 and 1470 (GOMES 2009: 57). However, as far as I am aware, the identification of these codices with some handwritten books mentioned in the 1532 and 1536 inventories was never clearly attempted before.

The five BGUC codices numbered 721 to 725 contain the same mark of ownership; according to a gloss written in French, in fifteenth-century calligraphy, recorded by a notary named Bertaudi in the opening folios of these manuscripts (with some minor variations), “ceste lecture [...] a este de feu messieur Jehan du Chastel euesque de Carcassone” (“this reading [...] belonged to the late sir Jean du Chastel, bishop of Carcassone”). This sign of ownership clearly shows that the five codices belonged to the library of Jean du Chastel (a member of an influential family from Brittany) when he was bishop of Carcassone, between 1459 and 1475 (GOMES 2009: 55-57); previously, he was also archbishop of Vienne, from 1452 to 1453, and apostolic administrator of the bishopric of Nîmes, between 1453 and 1454 (DEUFFIC 2010: 299-316). It was impossible to determine the path of these five codices immediately after his death, in 1475, and before being acquired and incorporated into the Portuguese *studium* library collection, certainly before 1536 (when the last library inventory was written). However, several other books that were once part of the bishop’s library were also incorporated in various important libraries across Europe, including the National Library of France, the Holkham Hall Library, the Library of the University of Glasgow, or the Royal Library of Copenhagen.

Three out of five of these manuscripts open with an illuminated miniature depicting a university classroom, with the *magister* reading the lesson and his pupils hearing and taking notes (CASTRO 2009: 81; GOMES 2009: 57). The manuscripts are the following ones:

1. Manuscript 721 – Giovanni da Imola, *First Part of the Third Book of the Decretales*, with the gloss: “Ceste lecture de la premiere partie de Jmola sur le tiers des Decretales a este de feu messieur Jehan du Chastel euesque de

Carcassone”²;

2. Manuscript 722 – Domenico da San Geminiano, *Commentary on the First Part of the Sixth Book of the Decretales*, with the gloss: “Ceste lecture de Saint Geminiani sur la premiere partie du seziesme livre des Decretales a este de feu messieur Jehan du Chastel evesque de Carcassone”³;
3. Manuscript 723 – Domenico da San Geminiano, *Commentary on the Second Part of the Sixth Book of the Decretales*, with the gloss: “Ceste lecture de Saint Geminiani sur le siziesme des Decretales et sur la seconde partie a este de feu messieur Jehan du Chastel evesque de Carcassone”⁴;
4. Manuscript 724 – Francesco Zabarella, *Commentary on the Clementinae*, with the gloss: “Ceste lecture de François de Zabarellis sur les Clementines a este de feu messieur Jehan du Chastel evesque de Carcassone”⁵;
5. Manuscript 725 – Giovanni da Imola, *Commentary on the Clementinae*, with the gloss: “Ceste lecture de Jmola sur les Clementines a este de feu messieur Jehan du Chastel evesque de Carcassone”⁶.

The current manuscripts 722, 723 and 724 may be among the ones mentioned in the *studium* library inventories. For instance, the 1532 inventory named three volumes written by Domenico da San Geminiano, all of them related with the *Sextus* (“hū dominicu a segunda par<te> delle sobre o sexto”, *i.e.*, the Second Part of the Domenico’s *Sextus*, and “dous volumes de dominicu sobre o sexto”, *i.e.*, two volumes of the Domenico’s *Sextus*); these two volumes may be the current manuscripts 722 and 723.

On the other hand, the 1536 inventory mentions the existence of five volumes from this author, four of which are related with the *Sextus*: the Second Part of the Domenico’s *Sextus* in one volume (“ha segunda parte de domjnco sobre ho sexto em hū belume”), placed on the first shelf on the left side of the old university library; two Parts of the Domenico’s *Sextus* (“duas partes domjnco sobre ho sexto”), located on the seventh shelf; and the First Part of the Domenico’s *Sextus* (“ha prjmeyra parte de domjnco sobre ho sexto”), on the twelfth and last

² Available online at: https://digitalis-dsp.uc.pt/bg3/UCBG-Ms-721/UCBG-Ms-721_item1/ (accessed on October 17th, 2019).

³ Available online at: https://digitalis-dsp.uc.pt/bg3/UCBG-Ms-722/UCBG-Ms-722_item1/ (accessed on October 17th, 2019).

⁴ Available online at: https://digitalis-dsp.uc.pt/bg3/UCBG-Ms-723/UCBG-Ms-723_item1/ (accessed on October 17th, 2019).

⁵ Available online at: https://digitalis-dsp.uc.pt/bg3/UCBG-Ms-724/UCBG-Ms-724_item1/ (accessed on October 17th, 2019).

⁶ Available online at: https://digitalis-dsp.uc.pt/bg3/UCBG-Ms-725/UCBG-Ms-725_item1/ (accessed on October 17th, 2019).

shelf on the left. None of these volumes matches any of the books that currently exists in the BGUC. However, there is an unnamed Domenico volume divided in two Parts, although compiled in the same volume (“hũ volume de domjnco em duas partes Juntas no mesmo uolume”), located on the third shelf on the left, that might be the current manuscripts 722-723 of the BGUC (the Domenico’s *Commentary on the Sixth Book of the Decretales*).

The 1532 inventory mentions two books written by the Cardinal Francesco Zabarella, one *Commentary on the Decretales* (“huũ francisco de zabarellis sobre os decretaes”) and another on the *Clementinae* (in the latter case, the author is mononymously referred as “the Cardinal”: “hũ guardaal sobre as clementinas”). The 1536 inventory refers to the existence of two volumes written by Zabarella, both of them a *Commentary on the Clementinae*, located on the first and the third shelves on the left side of the *studium* library, respectively (“zabarella sobre as crementjnas em hũ belume” and “zauarela sobre as crementinas em hũ uolume”). Probably, the contradiction on the books mentioned on these two inventories is a reflex of its different authorship; most likely, the 1536 inventory is not entirely accurate, as most of the books on the first shelf were *Decretales*, rather than *Clementinae*. Nonetheless, it quite possible that the *Commentary on the Clementinae* might be the manuscript 724 of the BGUC.

The two remaining volumes currently extant in the BGUC that formerly belonged to the bishop Jean du Chastel and that should have been incorporated along with the three manuscripts mentioned in the previous paragraphs did not match any of the books contained in the *studium* library inventories made in the decade of 1530. None of these inventories referred any book written by Giovanni Niccoletti (or, as he was widely known, Giovanni da Imola, after his hometown in Romagna), a famous Italian decretalist, disciple of Baldus de Ubaldis, and professor at Pavia, Siena and Bologna. The manuscripts 721 and 725 are both authored by Imola, being, respectively, the *Commentary on the Decretales* and the *Commentary on the Clementinae*. How to explain this apparent anomaly? Either the inventories’ authors did not notice the existence of these volumes or, more likely, they are among the volumes plainly mentioned by its title in the inventories, making no further references to the author.

It is worth noticing that all the above-mentioned authors (Imola, San Geminiano, and Zabarella) died in the first half of the fifteenth century, and the books with their commentaries were already part of the bishop of Carcassone’s library in the second half of that century, before being incorporated in the Portuguese *studium* library, emphasising not only the circulation of these books and the knowledge therein but especially the importance of the Italian legal authors in the Portuguese medieval university.

Regarding the *incunabula* and old printed books, and due to the absence of any other bookplates than those of the BGUC itself, I argue that at least seven books currently stored in the “Reservados” collection were among those volumes transferred from Lisbon to Coimbra in 1537. These books are the following ones:

1. R-31-26 – Abbas Antiquus, *Lectura aurea domini Abbatis antiqui super quinque libris decretalium*. [Argentoratum?]: Joānes Schottus, 1510, 225 f. (PIMPÃO 1970: 57);
2. R-48-12 – Abbas Panormitanus, *De Tudes Quotidia Consilia*. Coloniae: Johannes Koelhorff de Lubeck, 1477, 170 f. (PIMPÃO 1970: 37);
3. RB-24-6 – Baldo degli Ubaldi, *Practica Baldi perutilis ac vere aurea practica iuris vtriusque monarche ac luminis domini Baldi de Ubaldis de Perusio, cum additionibus domini Antonij de Cremonte que preter primam omnes textui inseruntur & cum pristinis apostillis clarissimi. I.U. doctoris domini Celsi Hugonis dissuti. Nouissime cum adiectione nonnullorum*. Lugduni, Jacobus Giuntus et Benedictus Bõnym, 1534, 11 + 93 f. (PIMPÃO 1970: 605);
4. R-55-21 – Bartolo de Sassoferrato, *In Secundā Codicis*. Lugduni, Johannes de Jonuelle dictum Piston, 1522-23, 128 f. (PIMPÃO 1970: 115);
5. R-56-4 – Guido de Baysio, *Rosarium super Decreto*. [Venetia], Andreas Torresanus, 1495, 396 f. (PIMPÃO 1970: 11);
6. R-59-6 – Guillelmus Duranti, *Rationale divinatorum officiorum*. Argentinae, Georgius Hussner, 1478, 197f. (PIMPÃO 1970: 23);
7. R-56-2/3 – Petrus de Monte, *Repertorium utriusq[ue] juris*. Patavii, Johannes Herbort de Silgenstat, 1480, 2 vols. (PIMPÃO 1970: 41).

Reading carefully the inventories, the books mentioned above may match up to some of those referred in the sixteenth century lists, including perhaps the five *Abbas Antiquus* (“scimquo volumes dabades amtigos”) or even the seven volumes of *Abbatas* (“sete velumes dabades”) mentioned in the 1536 inventory; the Panormitanus’ volume mentioned in no. 2 could be any of the several *Abbatas* not referred by its title in both inventories. The book of Baldo mentioned in no. 3, although theoretically could have been acquired by the University of Lisbon or some of its scholars before the final relocation of the *studium* to Coimbra, in 1537, seems unlikely to have been incorporated in the BGUC before that date, as it was just printed in 1534. As for the book of Bartolo referred in no. 4, it could be one of the two unnamed printed volumes mentioned in the 1536 inventory (“Item sete volumes de bartolo antigo .b. de pena e dous de forma”). The book of Guido da Baisio (mononymously known as the “Archdeacon”, due to his position as Archdeacon of Bologna), could match one of his works about the *Decretum* mentioned in the 1532 inventory (“Item archediaguio sobre ho decreto”) or, in

the 1536 inventory, the volume simply referred as the Archdeacon (“arcediaguo”) or another unnamed book (“Item hũ volume do archidiaconus”). The book of Guillaume Durand (named “Speculator” after his most famous work, the *Speculum Iudiciale*) referred in no. 6 could be one of the three volumes of this author mentioned in the inventory of 1532 (“Item tres volumes de guilhelmo espicular com seu Reportorio”), or one of the four referred in the one from 1536 (“quatro volumes do especulador e dous deles com Reportorjos”). Finally, the work of Pietro del Monte, bishop of Brescia (hence his Latin sobriquet Petrus Brixienis) could match the work referred in the 1536 inventory: two *Reportories* of Petrus Brixienis (“hũs dous volumes de repertorjos de pedro brjgiensis”).

3. Some final remarks

The late establishment of a library in the Portuguese medieval *studium* was certainly entwined with the recurring university relocation between the cities of Lisbon and Coimbra in the fourteenth century, as well as the scarce number of students enrolled before the definitive transfer of the university to Coimbra, in 1537. Despite this, the university library was able to acquire several books before that date, either by donations or wills, as the two inventories (composed around 1532 and in 1536) display. Most of the books referred to in these inventories were civil and canon law volumes (thus revealing the most important subject for the students of the Portuguese university), authored by some of the most significant juridical and canonical *auctoritates* of the Middle Ages.

It is highly unlikely that the library books did not move with the university to Coimbra, in 1537, along with other documents still preserved in the Archive of the University of Coimbra; however, most of them appear to be lost today. The positive identification of some books mentioned in the inventories with those that currently compose the BGUC collections is quite challenging, especially due to the scarcity of data regarding the individual volumes referred to in the inventories.

Nevertheless, I argue that the manuscripts currently numbered 722 to 725 in the BGUC catalogue could be among some of those books mentioned in the medieval University of Lisbon library inventories, based on the hiatus of a few decades between the death of the bishop of Carcassone that owned these codices before 1475 and the reference of some books matching those found in the library inventories produced in the decade of 1530. However, it is difficult to determine how and when they made their journey from Carcassone to Lisbon, although the likelihood of this hypothesis seems quite suitable. As

for the *incunabula* and other printed books mentioned in this study, I argue that although the connection between the current books and the old inventories is feasible, further efforts must be made to sustain these hypotheses.

Regarding the circulation of books and knowledge, it is also interesting to analyse the authors of the *incunabula* and printed books with those who penned the manuscripts; except for Pietro del Monte (who died in 1457), the remainder of the authors were all from the fourteenth century, meaning that their commentaries were fully absorbed in the different subjects of civil and canon law and where widespread throughout Christendom – a network of which the Portuguese *studium generale*, being its westernmost apex, was an integral part since the end of the thirteenth century.

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