

'GAR.': A CASE OF MISTAKEN IDENTITY¹

For George Reid, *Thesaurarius optimus*

From Schulte to García, the author of the standard Commentary on the constitutions of II Lyons (1274) and of the Apparatus to the decretal 'Cupientes' of Nicholas III (VI. 1.6.16) has been remembered as 'Johannes Garsias Hispanus'², and with advocates such as these answering for his *bona fides* he might reasonably be thought to be entitled to rest in peace. Not so, however, for it is the purpose of this Note to propose that Johannes Garsias Hispanus never was.

There appears to be no manuscript authority for this form of the name. Bryson, in his standard guide, cites Sella in support³. But Sella does not provide support⁴. Earlier on, Savigny, Nicolás Antonio, Sarti, Pancirolus and Mariana had all in turn referred either to *Garsias* or to *Garsias Hispanus*⁵. Earlier still, Diplovatatus had lauded *Garsias Hispanus*⁶ —which, whatever else it may have been, was evidently not a misreading of *Johannes Garsias Hispanus*. In 1352 there was a copy of the 'apparatus Grassie [*sic*] super decretale Cupientes' listed amongst the effects of the late Archbis-

1 The present Note provides the justification for an unsubstantiated allegation in my article, 'The will of Synibaldus de Labro', *Rivista Internazionale di Diritto Comune*, 7 (1996), 144, n. 32. In the course of preparing it I have placed myself yet further in the debt of two old friends —Antonio García who procured for me copies of manuscripts in Madrid and Barcelona, and Christopher Brooke who with truly Caian discretion saved me from a serious gaffe.

2 J. F. von Schulte, *Die Geschichte der Quellen und Literatur des canonischen Rechts von Gratian bis auf die Gegenwart*, ii, Stuttgart 1877, 160-62; A. García y García, 'Canonistas gallegos medievales', *Compostellanum*, 16 (1971), 118-20.

3 W. H. Bryson, *Dictionary of Sigla and Abbreviations to and in Law Books before 1607*, Charlottesville 1975, 74: 'Gar.: Johannes Garsias Hispanus MS Sella, Sig'.

4 P. Sella, 'Sigle di giuristi medievali, in specie dello Studio bolognese, tratte dai codici vaticani', *L'Archiginnasio. Bollettino della Biblioteca Comunale di Bologna*, 27 (1932), 187: 'Gar. —Garsias Hispanus'.

5 F. C. von Savigny, *Geschichte des römischen Rechts im Mittelalter*, iii, Heidelberg 1834, 240-41; N. Antonio, *Bibliotheca Hispana Vetus*, ii, Madrid 1788, 93; M. Sarti - M. Fattorini [1769-72], *De claris Archigymnasii Bononiensis professoribus a saeculo xi usque ad saeculum xiv*, 2 vols.; Bologna 1888-1896, i, 481-2; G. Pancirolus, *De claris legum interpretibus libri IV*, Leipzig 1721, 328, 503, 522; J. de Mariana, *Historiae de rebus Hispaniae*, xiv.16, Toledo 1592-1595, 696.

6 'Qui et ipse loculentissimus canonum explanator temporibus supra dictorum floruit...': *Liber de claris iuris consultis*, ed. F. Schultz, H. Kantorowicz and G. Rabotti: *Studia Gratiana*, 10 (1968), 184.