

TABLE OF CONTENTS

ABBREVIATIONS	7
BIBLIOGRAPHY	8
1. LITERATURE ON MEDIEVAL PROCEDURAL TREATISES	8
2. EVALUATION OF THAT LITERATURE	10
 CHAPTER I : THE SEPARATE ORIGINS OF THE CONCEPTS <i>ORDO IUDICIORUM</i> AND <i>ORDO IUDICIARIUS</i> AND THE GENESIS OF THE LITERARY GENRES <i>DE IUDICIIS</i> , <i>LIBELLUS DE ORDINE IUDICIORUM</i> AND <i>ORDO IUDICIARIUS</i>	 16
 CHAPTER II : DEVELOPMENTS IN THE CONTENT OF <i>ORDINES</i>	 29
1. THE CLARITY WITH WHICH THE PROCEDURE IS PRESENTED IN THE LITERATURE	35
2. THE PREPARATORY PART OF THE TRIAL AND THE CONTESTATION	37
3. THE DELAYS, PRESCRIPTIONS, EXCEPTIONS (INCLUDING THE REFUSAL OF THE JUDGE) AND THE OATH OF CALUMNY	41
4. THE SPECIES OF PROOF	44
5. THE SENTENCE, NULLITY AND APPEAL	47
6. CRIMINAL AS OPPOSED TO CIVIL PROCEDURE	49
7. SUMMARY AS OPPOSED TO FULL PROCEDURE	53
8. ARBITRATION	55
 CHAPTER III : CHANGES IN THE FORM OF <i>ORDINES</i>	 56
A. <i>ORDINES</i>	57
1) <i>Ordines</i> organized around the offices of the principle persons in the trial	58
2) <i>Ordines</i> organized according to the titles of the <i>Codex</i> of Justinian	60
3) <i>Ordines</i> in the form of commentaries to <i>questio</i> 1 <i>Causa</i> 2 of the <i>Decretum</i> of Gratian	62
4) <i>Ordines</i> concentrating on the <i>Novels</i> of Justinian	63

5) <i>Ordines</i> composed of long excerpts from the writings of other legists or canonists	64
6) <i>Ordines</i> as collections of questions	66
7) <i>Ordines</i> in the form of a dialogue	67
8) Longer <i>ordines</i> divided into parts	67
9) Short <i>ordines</i> in verse form	69
10) <i>Ordines</i> divided according to <i>tempora</i>	70
11) Short <i>ordines</i> intended for the courts of the local judges ordinary	71
12) <i>Ordines</i> explicitly adressed to advocates	72
B. <i>COMPENDIA</i>	73
CHAPTER IV : THE INFLUENCE OF POLITICAL CIRCUMSTANCES AS WELL AS JUDICIAL AND CULTURAL INSTITUTIONS ON THE APPEARANCE OF TREATISES ON ROMANO-CANONICAL PROCEDURE	79
1. ITALY	79
2. THE ECCLESIASTICAL COURTS	83
3. FRANCE	85
4. SPAIN	91
5. ENGLAND	93
6. GERMANY	95
CHAPTER V : HISTORICAL SIGNIFICANCE OF THE <i>ORDINES</i>	100
CHAPTER VI : CRITERIA FOR WORKING WITH TREATISES ON PROCEDURE	102
1. DETERMINATION OF THE ORIGINAL TITLE	102
2. DETERMINATION OF THE AUTHOR	110
3. DETERMINATION OF THE DATE AND PLACE OF COMPOSITION	116
CHAPTER VII : CRITERIA FOR NEW EDITIONS	122
INDICES	124
1. List of incipits	124
2. List of authors	126
3. List of titles	129