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# Codicological Features of a Late-Eleventh-Century Manuscript of the Lombard Laws

THOMAS GOBBITT

This article comprises a detailed codicological case study of the production and manuscript contexts of Vienna, Österreichische Nationalbibliothek MS Cod. 471, a late-eleventh-century Italian witness of the early-medieval Lombard, Frankish and Saxon laws known and edited as the *Liber Legis Langobardorum* or *Liber Papiensis*. Elements of the *chaîne opératoire* and contextual dynamics of the manuscript's production are re-constructed and used to reflect on the general contexts of both book production and the re-contextualising of the barbarian laws in the late eleventh century. I argue that the stratigraphy of the manuscript's production and use demonstrates scribal engagement with the book extending beyond passive copying of the legal text to actively restructuring the material form of the manuscript, and thereby reimagining and directing the ways in which a potential reader could and should interact with the laws. The materiality of the book, as much as of the texts of the *Liber Legis Langobardorum* and *Walcausina* that it contained, were reinvented to suit the needs and understandings of the community for whom it was produced and used, and in relation to the broader developing contexts of literate and legal culture in late-eleventh-century Europe.

## Introduction

The focus of this article comprises a detailed codicological case-study of the production and manuscript contexts of a single, late-eleventh-century witness of the early-medieval Lombard, Frankish and Saxon laws known and edited as the *Liber Legis Langobardorum* or *Liber Papiensis*. Each manuscript forms a unique witness to the texts it contains, deliberately shaped by its producers and users, embedded within a complicated network of literate and social contexts. The treatment of a book as an object, passively transmitting the texts copied within it, is symptomatic of the modern print-culture mentality. There has been a tendency in the scholarship to value authorial texts higher than the variations and adaptations as produced by scribes, and the book itself is seen as unproblematic and finite in form (for a discussion of the negative impact of the print-culture mentality on the understanding of manuscript culture see Treharne & Swan 2000: 7).

Choices made for the material form of the manuscript and visual clues in the choice of scripts and decorations, the *mise-en-page*, underlie the copying of the text and the ways in which the contributing scribes and artisans understood the contents and seek to direct the interactions of the anticipated users with the

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written word (Veziñ 1978; Bischoff 1990: 7–45; Parkes 1986; 2008: 127–145; Doyle 2000; Derolez 2003: 28–46; Gumbert 2004a; 2004b: 505–510; Caie 2008: 10. For a broader archaeological and material cultures perspective on this subject see Gosden & Marshall 1999; Tilley 1999; Joy 2009). Likewise, changes in those understandings and the physical circumstances of the manuscript each leave their mark, some ephemeral, others identifiable – and potentially interpretable – to codicological scrutiny. Beyond the enriched reading of a manuscript’s constituent texts, and in what J. P. Gumbert has called material codicology (2004b: 507), the physical processes and social contexts of a manuscript’s production and use are likewise essential areas for study.

Written forms of the so-called barbarian laws of the various Germanic tribes were first produced in the sixth to eighth centuries, as reductions of unwritten oral tradition shaped in the frameworks of written Roman law and, equally, the biblical exemplar of the Mosaic law (Wormald 1979; 1999: 16–17, 29–53; 2003: 21–55; Oliver 2011: 1–25). As the centuries passed, the laws continued to be augmented and updated, with subsequent kings, leaders and legal minds adding further contributions and emendations, and scribes and readers adapting and updating the legal texts in their manuscript, literate and legal contexts. The laws of the Lombard people, beginning with the edicts of King Rothar in 643 CE, were emended and augmented with additional laws and clauses by subsequent Lombard kings. The laws were further expanded with Frankish additions through the eighth to tenth centuries, following the conquest of Lombardy under Charlemagne in 774 CE and with Saxon additions in the tenth and eleventh centuries following the conquest of Lombardy under Otto I in 951 CE. The eleventh century saw the various Lombard, Frankish and Saxon laws united into a single text, known as the *Liber Legis Langobardorum* and edited as the *Liber Papiensis* (Bluhme 1868: 290–585).<sup>1</sup> The *Liber Legis Langobardorum* also includes a *capitula* list of the contents, and a collection of eleventh-century glosses and commentaries (the *Lex Gualcosina* or *Walcausina*), securely datable to the third quarter of the eleventh century (Radding 2003: 378–379; Radding & Ciaralli 2007: 23, 90).

The *Liber Legis Langobardorum* with the *Walcausina* gloss survives in two Italian manuscripts, both probably from Pavia, and dating to around the turn of the fourth quarter of the eleventh century (Ciaralli 2002: 96–98; Radding & Ciaralli 2007): Paris, Bibliothèque Nationale de France MS 9656 (henceforth BN 9656) and, the focus of this study, Vienna, Österreichische Nationalbibliothek MS Cod. 471 (henceforth ÖNB 471).<sup>2</sup> Charles Radding and Antonio Ciaralli argue that the relationship of the Lombard law to the study of the *Corpus Iuris Civilis* was for the use of the Roman Law as a means to explicate Lombard law rather than the other way around (2007: 96), as has been frequently assumed in the scholarship of legal history. The Lombard law and its later manifestation as the *Liber Legis Langobardorum*, as well as the various other early medieval, Germanic laws in general, continued to be of relevance well into the eleventh and twelfth centuries (Radding 2003; Reynolds 2003; Wormald 1999), and manuscripts containing the laws continued to be produced, emended and used into the

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<sup>1</sup>References to laws and clauses in this article, where required, refer to this edition (Bluhme 1868).

<sup>2</sup>Many of the glosses are also contained in two other eleventh-century manuscripts, Florence bib Laurenziana Plut. 89 sup. 86 and London, British Library, MS Add. 5411, for further details see Radding & Ciaralli (2007: 90).

thirteenth century (Bluhme 1868: ix–xlvi; Boratius 1868: xlvi–xcviii; Radding & Ciaralli 2007).

Despite the unifying of the Lombard, Frankish and Saxon laws into the *Liber Legis Langobardorum* in the early eleventh century (Radding 2003: 378; Radding & Ciaralli 2007: 23, 90), the manuscript evidence of ÖNB 471 hints at a separation between the Lombard laws and the later additions. In ÖNB 471 the division between the two major parts is palaeographical and, I will argue codicological, and has been a recurring theme in the scholarship on the manuscript (Boratius 1868: lx; Ciaralli 2002: 99). From a palaeographic perspective, the explanation seems relatively straightforward: one scribe wrote the first part of the manuscript and, separated by a short stint by another scribal hand, the manuscript was concluded by a third scribal hand. On codicological grounds, however, the situation appears more complicated, as the transition is spread throughout the twelfth quire and into the thirteenth, and includes the material re-structuring of the quire through the excising of folios and the supply of additions and amendments to the text.

Alfred Boratius' discussion of the manuscript gives an overview of the details, noting the excised pages and additional items, and suggests that the division may reflect the addition of an originally separate manuscript to the end of the first, thereby joining them into one book (1868: lx). This interpretation is rejected by Antonio Ciaralli who, while acknowledging that the explanation is not without reason, notes that some points are open to dispute. Specifically, he questions Boratius' supposition that the additions made in the lower margin of fol. 90<sup>v</sup> and the upper margin of the facing folio, 91<sup>r</sup>, and whether they can be attributed to the scribe simply misjudging the amount of space required and making use of the margins to rectify the error (Ciaralli 2002: 99, fn. 78). Unfortunately, Ciaralli does not offer an alternate explanation for the production contexts of the manuscript, other than his observation that the collection of scribes active on ÖNB 471 and BN 9656, two of whom worked on both manuscripts, show the concerted interest of a community working with Lombard law in the late eleventh century (Ciaralli 2002: 99).

Through the course of this article I will first undertake a palaeographic analysis of the two main contributing hands, and a codicological investigation of the manuscript, with detailed analysis of the atypical quires and the ruling grids. I will conclude by drawing these threads together and offering an explanation for the reimagining of the manuscript's material contexts in relation to the activities of the second scribal hand around the turn of the fourth quarter of the eleventh century.

## The manuscript

ÖNB 471 is a copy of the *Liber Legis Langobardorum* with the *Walcausina* gloss and commentary, produced in Italy, on the basis of Italian abbreviations, towards the end of the eleventh century (Boratius 1868: lx; Ciaralli 2002: 96–98). ÖNB 471 was most probably copied from the same exemplar as the roughly contemporary BN 9656 copy of the *Liber Legis Langobardorum* (Boratius 1868: lx; Ciaralli 2002: 96–98). The main text-block and glosses in ÖNB 471 were written by two scribal hands (Boratius 1868: lx), changing from the first to second on fol. 90<sup>v</sup>, or possibly three scribal hands with the third making modest contributions on fols 92<sup>r</sup> and 92<sup>v</sup> (Ciaralli 2002: 99).

Ciaralli identifies the Hand 2 and Hand 3 scribes of ÖNB 471 with two of the seven scribes of the Paris manuscript, relating to contributions on BN 9656 from fols 69<sup>r</sup>–71<sup>r</sup>, 96<sup>r</sup> and 100<sup>r</sup> for Hand 3, and the majority of fols 71<sup>r</sup>–108<sup>r</sup> for Hand 2 (Ciaralli 2002: 99). Following a process of deductive reasoning, based on the premises that none of the scripts used are Beneventian, and the legal content of the manuscripts would not have been of interest outside of northern Italy, Ciaralli undertook a study of contemporary documents from Pavia. The result of this study is the identification of the Hand 2 scribe with a named palace notary, Iohannes, who was active in the 1070s (Ciaralli 2002: 102–103; Radding & Ciaralli 2007: 90). The identification of the second scribal hand coupled with the composition of the *Walcausina* gloss and commentary, also at Pavia, in the third quarter of the eleventh century means that the date of the manuscripts' origin can be narrowed to the end of the third or beginning of the fourth quarter of the eleventh century. If the fact that both scribes and manuscripts can and do move is kept in mind, then the production location of the manuscript may be narrowed from Italy in general to Pavia (Ciaralli 2002: 102–103; Radding & Ciaralli 2007: 90). Details of the manuscript's provenance are scarce, but a note on fol. 1<sup>r</sup> places it in the Bishop's Library in Gurk, Austria, in the fifteenth century, and it was acquired by Wolfgang Lazius and moved to Vienna in the sixteenth century (*Tabulae Codicum Manu Scriptorum* [1864] 1965: 77; Boratius 1868: lx).

The support is parchment, with 141 folios in 18 quires and with single paper flyleaves at start and finish forming part of the modern binding. The usual pattern is for 8 folios per quire, although there are a few variants, and an overview of the quiring of the manuscript follows,<sup>3</sup> with arabic numerals representing the eleventh-century parchment and roman numerals the paper flyleaves:

$$i + 1 - 2^8, 3^8(3 \text{ is a singleton, } 6 \text{ a half-sheet}), 4 - 11^8, 12^4(2 \text{ and } 3 \text{ are half-sheets}), \\ 13 - 16^8, 17^{8+1}, 18^8 + i$$

Letters in alphabetical order employing a mixture of majuscule and minuscule graphs are used as quire signatures. As there are no gaps in the alphabetical run of quire signatures (with the expected exception of 'I'), the manuscript was already in its current form when the quire signatures were added. Through this article I will demonstrate that the structuring of the manuscript as a single book represents a phase in the manuscript's stratigraphy subsequent to its initial production, and will present a codicologically-based explanation for this alteration to the manuscript.

### Palaeography and *mise-en-page* of ÖNB 471

The *mise-en-page* of ÖNB 471 is reasonably consistent throughout, although as will be discussed below there are subtle variations in the underlying ruling grid

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<sup>3</sup>The usual production method is from four bifolios, see Figure 2, below. The term 'singleton' indicates a folio produced as such from the manuscript's inception, while a 'half-sheet' is the result of a bifolium being subsequently cut down. Codicological evidence, discussed below, indicates that all of the single folios save fol. 133, and possibly also fol. 19, in the manuscript are half-sheets rather than singletons.

used to shape the layout of the page. The dimensions of each folio are between 160–172 mm wide by 250–260 mm high. The ruled space of the text-block throughout the manuscript is consistently in a single column, measuring some 80–85 mm wide and around 190–202 mm high, tending towards the larger end of the range in the latter parts of the manuscript (from fol. 93 onwards) after the ruled space changes from 38 to 41 long (but slightly narrower) lines. Decoration in the manuscript is minimal, with new laws and clauses usually being introduced with small pen-drawn initials of one or occasionally two lines height, set to the left of the text-block and most often written in the same ink as the text-block itself. On a few occasions, such as on fol. 109, red ink is used to either provide a pen-drawn initial or to otherwise highlight. This, however, is quite rare, and never occurs in the first part of the manuscript up to fol. 90 (where the scribal hand changes, discussed below).

The writing begins above top line (indicative of an initial production date prior to the mid-thirteenth century [Ker 1960: 13–16; Palma 1988: 119–133; Derolez 2003: 39]) and is most commonly in a black ink that sometimes appears deep-brown on the narrower, hairline strokes. The glosses and additions in the margins often appear to be a paler brown colour than the corresponding inks in the main text-block; however, as a much narrower nib was used for writing these additions, but they are produced by the same scribal hand as wrote the text-block to which they are adjacent, it is most probably the same ink appearing paler due to the narrower strokes. Towards the end of the manuscript, especially around quires 13–14 (fols 93–108) and quires 16–18 (fols 117–141), a notable range of dark-brown and black inks are used interchangeably; however, as the variation in ink hues often appears several times within a sentence (sometimes within a single word), it is quite likely that many of the variations in colour represent the ways in which the inks were formed or have aged rather than relating to different inks. Many of the pages of ÖNB are abraded and there is some water damage, for example throughout quire 15 (fols 109–116), although the paler brown inks do not consistently align with these areas.

As referred to previously, the majority of ÖNB 471 is written throughout by two scribal hands, and with a third hand making minor contributions to fol. 92<sup>r-v</sup> (Boratius 1868: lx; Ciaralli 2002: 99), each using a late Caroline minuscule script of the late-eleventh century. Hand 1 copied the *capitula* and the Lombard laws with commentary and provided the corresponding gloss in the margins, from fol. 1<sup>v</sup> to fol. 90<sup>v</sup>, l. 36, where the text breaks off partway through the Laws of Astulf, 13 (see Bluhme 1868: 484). The Hand 2 scribe, identified by Ciaralli as Iohannes, the palace notary active in Pavia in the 1070s mentioned previously (Ciaralli 2002: 102–103; Radding & Ciaralli 2007: 90), copied the remainder of the manuscript, primarily comprising the Frankish and Saxon laws with *Walcausina* commentary and gloss in the margins, from fol. 93<sup>v</sup> to the end of the manuscript on fol. 141<sup>v</sup>. The Hand 2 scribe also supplied in quire 12 copies of documents from the Lombard *Cartularium* (Bluhme 1868: 595–599), which begins abruptly on fol. 91<sup>r</sup>, l. 1, and continues to fol. 92<sup>r</sup>, l. 32. At this point a third scribal hand supplied some 45 lines of the *Cartulum*, picking up the text partway through fol. 92<sup>r</sup>, l. 32, where Hand 2 left off, until the abrupt ending at the bottom of fol. 92<sup>v</sup>, on l. 38. The additional item on fol. 93<sup>r</sup>, ll. 1–31 and probably also the addition in the outer margin of that same page are also additions by the Hand 2 scribe. Following the Frankish and Saxon laws of the second part of the *Liber Legis Langobardorum*, the Hand 2 scribe also supplied a number of other items from the *Cartulum* on fols 140<sup>v</sup>, l. 5 to 141<sup>v</sup>, l. 141. The Hand 2 scribe also provided the end of the Laws of Astulf, 13, including the ‘Petre te appellat Martinus’ part of the *Walcausina* but

without the remainder of the commentary. These additions by the Hand 2 scribe concluding the Laws of Astulf spread across fol. 90<sup>v</sup> (lines 36–38 and the lower margin) and fol. 91<sup>r</sup> (the upper margin), indicating that they were written contemporary with the restructuring of quire 12 through the removal of four of its original folios, as discussed below.

The two main scribal hands are somewhat similar in aspect, although the treatment of specific letters allows the two to be clearly differentiated. In fitting with practice before the twelfth century (Derolez 2003: 33), the writing begins on the verso of the first folio, with the outer facing recto having been left blank. It is important to note also that the second part of the *Liber Legis Langobardorum* comprising the Frankish and Saxon laws, as copied by the Hand 2 scribe from quires 13 to 18, also begins on the verso of the first folio of quire 13, fol. 93, as illustrated in Figure 1.

A comparison of distinctive graphs produced by scribal Hands 1 and 2 is given in Table 1. Images of the two main scribal hands in their manuscript contexts can be found below (see Figure 8), and have also been published, with Hand 1 depicted in Radding & Ciaralli (2007: plates 13 and 21), and of Hand 2 by Ciaralli (2002: 100).

Most notable and diagnostic between the two scribal hands is the formation of the < g >. The Hand 1 < g > has a closed upper and lower bowl, joined with a dogleg stroke from the lower left corner of the upper bowl and extending diagonally downwards and to the right before being curved sharply upwards and to the right to end in a short pen-flick along the nib angle. This line forms the right-hand edge of the lower bowl, which is narrow rather than rounded, and for which the lower stroke combining with the pen-flick of the descender to form a sharp point. The overall depth of the descender and lower bowl of the Hand 1 < g > extends to a depth of about 1 to 1.5 times the x-height of the script. Conversely, the Hand 2 < g > has a closed upper bowl while the lower bowl is usually open at the top, although as can be seen in Table 1 the lower bowl is sometimes also closed to create a graph shaped like an ‘8’. The upper bowl of the Hand 2 < g > is quite round, but with the downstroke coming from the lower right hand corner, the line first bulging outward to the right before looping back in to the left in a curve beneath the graph. The end of the descender is sometimes looped back on itself in a pen-flick along the nib angle. The descender is shallower than that of Hand 1, extending below the ruled line to a depth equal to or shorter than the x-height of the script.

The < d > is also distinct between the two hands, as can be seen in Table 1. Hand 1 has an upright ascender with a tagged top, reaching to double the x-height above with the ruled line; the bowl is formed as an overlapping and somewhat angular ‘c’ in which the upper stroke extends through the vertical stroke of the ascender in a thin point. Two forms of < d > are used by Hand 2, most frequently an upright version somewhat similar to that used by Hand 1, but with the top of the ascender being variously, tagged to the left, bulbous, left unadorned or, most commonly, formed into a wedge pointing to the left. Hand 2 also regularly uses a rounded < d > with an ascender reaching to roughly 1.5 times the x-height above the ruled baseline, and with the ascender leaning to the left at an angle of  $-20^{\circ}$  to  $-45^{\circ}$  from the vertical. The bottom of the ascender is curved around to the left to form the base of the bowl, and the overall bowl shape is round. The ratio of upright to round < d > produced by Hand 2 varies throughout the manuscript, with many folios having a 100% preference for the upright form; the round variant rarely comprises more than 5–10% of the graphs on the folios where it is present.





Table 1. Comparison of &lt; a &gt;, &lt; d &gt;, and &lt; g &gt; graphs produced by scribal Hands 1 and 2.

Graph	Hand 1	Hand 2
a		
d		
g		

bowl is a narrow triangle with a rounded tip to the left, and a hairline stroke used to form the upper line. The Hand 2 < a > has a sloping shaft, the top of which occasionally protrudes above the bowl, but, as shown in Table 1, more often finishes aligned with the top of the bowl. The bowl itself is quite rounded, with the upper part being thicker and curving into a thinner point along the nib-angle where the bowl meets the shaft.

Other graphs also show various minor distinctions between the two hands, which taken together contribute to the diagnostic differences between the hands. More generally, however, Hand 1 is distinctive in that it is more consistently formed and makes wider use of a range of otiose features such as pen-flicks along the nib-angle at the base of strokes, and the use of tagging and wedging at the top of ascenders and minims. As such, despite the use of a similar script and the overall homogeneity of the aspect, the two hands are palaeographically distinct, which confirms the opinions presented in the scholarship (notably Boratius 1868 and Ciaralli 2002). The change of scribes reflects either the simple replacement of the first by a second, Iohannis the notary, during the continuous copying of the book, or, as I will demonstrate through this article, different phases of the manuscript's production in which the material contexts of the book were reimaged.

### Parchment and quires

The colour of the parchment used in ÖNB 471 varies somewhat by quire, but tends to be pale yellow on the hair-side and with a whiter or greyer hue on the flesh-side, indicating that the source animal may have been mature goat or calf or else possibly sheep (Reed 1972: 129–130; Clarkson 1994). Each folio is positioned so that, as per the so-called rule of Gregory, hair-side faces hair-side and flesh-side faces flesh-side across an opening. Likewise, the outer face of each quire is always the hair-side of the parchment, as per the normal practice up until the twelfth century (Derolez 2003: 33; Bischoff 1990: 8–11), so the aesthetic balancing of the parchment continues between as well as within quires. The quality of the parchment varies somewhat throughout the manuscript, with the sheets being of somewhat variable thickness and

condition, and with numerous sheets having cuts and holes, many of which predate the writing of the manuscript as the written text respects their locations. Occasionally the vein and artery network of the animal can also be seen and felt on the parchment, although there is no accompanying staining, indicating that the animal had been thoroughly drained of blood before the skin was removed and soaked in tannin solution during the early phases of parchment production.<sup>4</sup> The established vein and artery networks coupled with the large number of cuts and holes in the parchment, some of which presumably originated as insect bites and other injuries on the animal itself, indicate that the skins were sourced from mature animals and that calfskin can be excluded from speculation for the source animal of the parchment (Reed 1972: 127; Clarkson 1994).

Although the parchment varies notably in thickness and texture throughout the manuscript – with many sheets having distinctive follicle patterns – the condition of the parchment within each quire tends to be fairly consistent. The particularly noticeable follicle patterns on the hair-side of fols 48 to 92 correspond to the final folio of quire 6 through to the end of quire 12. Other variations in the parchment, such as in the hue and texture, are less distinct but can be noted when comparing different parts of the manuscript. The overall consistency of parchment within each quire indicates that each was produced from a single animal skin, although with the exception of general colouration and condition such as the occasional follicle and vein patterning, there are no specific bridge marks identifiable that span now separated bifolia from which their former direct relationship could be confirmed.

The most commonly used quire formation throughout the manuscript comprises eight folios formed from four bifolia sewn together, as illustrated in Figure 2. It can be assumed that each of the quires (or at least those comprising four bifolia, which is the vast majority) was originally formed as a *pliage*; that is a larger sheet of parchment cut from a single animal skin being folded on itself four times and with a booklet being formed by the edges on three sides being cut open while one of the two longer sides was left attached to form the spine (Gilissen 1977: 26–35; Gumbert 2000: 82–84). The Hand 1 scribe, producing the first twelve quires, apparently had a pile of parchment sheets to hand, and selected from these when each was formed into a quire, so that the aesthetic change in quality, texture and appearance was not too abrupt when moving from one to the next. The Hand 2 scribe appears to have begun with a fresh collection of parchment sheets, although again (ignoring abrasion damage to the beginning

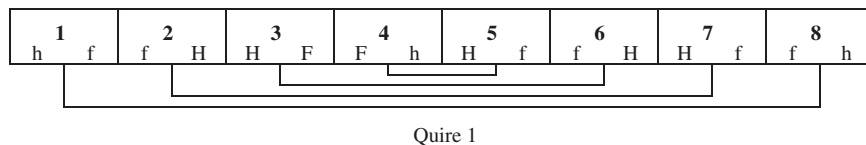


Figure 2. Diagram showing regular quire structure, as used in ÖNB 471.

<sup>4</sup>It should be remembered here that the distinction between parchment and leather being that the former was not tanned is a modern one. Tannin solutions, in which skins used for the medieval production of both parchments and leathers were soaked, would react with the iron in the blood if still present in the skin to produce a dark stain in the shape of the veins (Reed 1972: 127).

of quire 13, subsequent to the manuscript's production) the poorer quality parchment is again at the end of the manuscript.

The approximate dimensions of the original skin can be reconstructed. Each folio of ÖNB 471 measures between 160–172 mm wide by 250–260 mm high, although there is evidence throughout the manuscript that the pages were trimmed, as notes and glosses in the margins are sometimes truncated, and in many places the prick-marks have been completely or partially removed. Allowing that there ought to be a little extra width to each bifolia from trimming and to compensate for the difficulty to measure parchment in the spine of the quire, the dimensions for each bifolia are approximately 340 mm wide by 250 mm high, which in turn implies a single animal skin with a cutting area of double that, 680 mm by 500 mm high: again, approximately the dimensions for a skin sourced from a mature goat or sheep (Reed 1972: 129).

Taken together, these codicological features indicate that while resources were being invested in the production of this copy of the Lombard laws, the use of immediately available and functional – if somewhat irregular – materials was prioritised over the careful selection of higher quality parchment. The poorer quality parchment sheets, which may have areas unsuitable for writing that resulted in a folio being excised and replaced with a singleton, may explain some of the quires that diverge from the typical pattern. Alternatively, these alterations may reflect more specific developments in the contexts of the manuscript's production and use. Variations from the regular quire pattern in ÖNB 471 are found on three occasions, quires 3, 12 and 17; the codicological features of each and their implications for the production of the manuscript are discussed in detail below.

The variant foliation in quire 3, as shown in Figure 3, in which a singleton is used for the third folio (fol. 19) and a half-sheet is used for the sixth folio (fol. 22) rather than a single bifolium seems reasonably explicable. The ruling grid, as will be discussed below, on fol. 22 continues as per normal on to the stub of the folio that protrudes through the spine of the quire, as the ruled through-lines (lines 1–4 and 35–38) each extends to the trimmed end of the parchment. Conversely, the ruling grid on fol. 19 has no through-lines and the overall hue and texture of the parchment is slightly different from the parchment used in the rest of the quire. The most likely explanation is that an error was made by the scribe when copying that was deemed significant enough to excise the folio and replace it with what is now fol. 19, a separate piece of parchment obtained from some different source and therefore apparently a singleton. However, fol. 19 may itself have been a reuse from another book-production project: there are no prick-marks on the inner margin of the sheet to guide the production of the ruling grid and thirty-nine (rather than thirty-eight) prick-marks on the outer margin. Despite the lack of through-lines, then, fol. 19 may originally have been at least partially prepared as part of a bifolium before being cut down for re-use in ÖNB 471. As fol. 19 was sewn into the manuscript as a lone folio, it is technically a singleton,

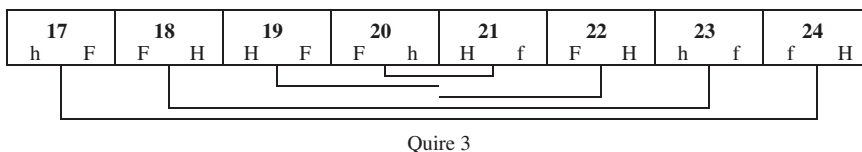


Figure 3. Diagram of quire 3 of ÖNB 471, fols 19 and 22 are half-sheets.

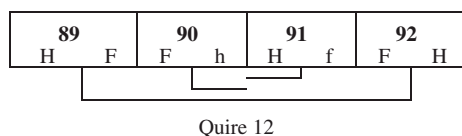


Figure 4. Diagram of Quire 12 of ÖNB 471, fols 90 and 91 are half-sheets re-glued together.

although naming it as such may obfuscate the sliver of evidence it implies for the production of other books contemporary to and at the same locale as ÖNB 471.

The twelfth quire of ÖNB 471 is highly distinctive (both in the manuscript and for medieval practice in general) by having only four folios, as shown in Figure 4. The usual pattern of hair-side of the parchment facing hair and flesh-side facing flesh is maintained, as is the practice of having the outer faces of the quire being the hair-side of the parchment. The outer folios (89:92) comprise a single bifolium, while the inner two folios are both half-sheets with the talon of fol. 91 having been glued down on to that of fol. 90 at some point, probably when the quire was structured into its current form. That quire 12 originally began as a regular quire of eight folios seems likely as, as noted previously, gaps in the contents of the texts show that some modification has occurred with the laws of Astulfus (item 13) ending abruptly just before the end of fol. 90<sup>v</sup> and the Lombard *Cartulium* beginning partway through item 4, at the top of fol. 91<sup>r</sup>. The amount of space required in the manuscript for the two texts would most probably be about equal to the four missing folios. As the end of Astulfus 13 (excluding part of the *Walcuasina* commentary) was added by the Hand 2 scribe into the empty line space and lower margin of fol. 90<sup>v</sup>, and then concluded into the upper margin of fol. 91<sup>r</sup>, it seems almost certain that the reduction of the quire to having only four folios was undertaken by the Hand 2 scribe. As the *Cartulium* item 15 also ends abruptly at the end of the quire, on fol. 92<sup>v</sup>, l. 38, it would appear that there may have been at least one quire missing from the manuscript, between what are now quires 12 and 13. Boratius is more cautious here and suggests perhaps only a missing folio (1868: lx), which would have made a quire with nine folios, the final having been an additional singleton to extend the quire and fit the entire text in. While such a quire formation may be relatively rare in medieval manuscripts, it is similar to the production contexts observable in quire 17 of ÖNB 471.

The final variant quire construction is in the penultimate quire of the manuscript, quire 17, as shown in Figure 5. The quire is distinctive in that it has nine folios rather than the usual eight, through the addition of a half-sheet, fol. 133, at its end. The parchment is positioned so that the opening within the quire is the hair-side of fol. 132 facing the flesh-side of fol. 133, and its hair-side facing on to the hair-side of fol. 134 and the start of the following quire. The positioning of the hair- and flesh-sides of the parchment on the additional folio may therefore indicate that it was important to maintain the aesthetic balance of hair facing hair

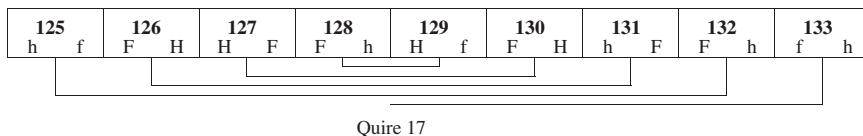


Figure 5. Diagram of Quire 17 of ÖNB 471, with additional folio at end.

between quires than within, or may simply reflect that, given a sheet of parchment that could be oriented either way, the scribe preferred to write on the flesh-side. The scribal preference to write on the flesh-side over the hair of the parchment is further supported in that fol. 133 is written only on the recto, from lines 1–37, while the final four lines of the recto and all of the verso were left blank.

Despite the 45 blank lines on fol. 133, there is no portion of the legal text missing, as the break in the text occurs mid-sentence and spans the two quires. As such the deviation from the normal pattern of quire production here does not seem to have been accidental, and rather than being a pre-planned feature of the manuscript must represent the scribe adapting to developing circumstances while copying the manuscript. Two possible explanations present themselves. The first, and less likely, possibility is that the scribe somehow omitted a section of text from the exemplar corresponding to the 37 lines, which were then subsequently provided on an additional sheet between quires 17 and 18 once the error was noticed. A more likely explanation is that the manuscript was not copied here in reading order, and that the scribe copied quire 18 before quire 17. Presumably the exemplar comprised a collection of unbound quires and for whatever reason the exemplar for quire 17 was not available until after quire 18 had been copied, and when the scribe returned to fill the gap it was found to require a little more space, resulting in the addition of the half-sheet. This seems to me a more likely explanation than imagining that the scribe was confident enough to predict the exact amount of space that would be required to a specific point mid-sentence, and then discovering that his or her estimate had been some thirty-seven lines out.

The outer surface of the parchment at the beginning of quire 13 (fol. 93<sup>r</sup>) is notably more abraded than much of the surrounding parchment, as is, to a slightly lesser extent, the parchment of the same bifolium at the end of the quire (fol. 100<sup>v</sup>) and on the two outer faces of the following quire (fols 101<sup>r</sup> and 108<sup>v</sup>). The implication here is that these two quires were used unbound for a short time, or in light of the more notable extent of abrasion on fol. 93<sup>r</sup>, that the manuscript from quires 13 to 18 may once have composed a separate volume for a brief time. This hypothesis is further supported textually by fact that the Frankish laws commence on the verso of the first folio of the quire (fol. 93<sup>v</sup>, and, as also occurred with the beginning of the *capitula* and Lombard laws on fol. 1<sup>v</sup>), common practice for the beginning of a book up until the twelfth century (Derolez 2003: 33). The item on fol. 93<sup>r</sup>, ll. 1–31, is quite damaged from the abrasion which makes palaeographic identification of the hand less certain, but appears most probably to be an addition made by the Hand 2 scribe. Nevertheless, the addition of the item (which does not have legal content relating to the *Liber Legis Langobardorum* or the Lombard *Cartulium*) may have been the opportunistic use of available space at the start of the second block.

### Pricking and ruling

The patterns discernible in the pricking and ruling throughout ÖNB 471 are also informative for understanding the developing material contexts of the manuscript's production. The ruling throughout the manuscript is in hard-point, consistently ruled from the hair-side of each sheet of parchment and with some of the horizontal ruled lines crossing the centrefold of each bifolium as through-lines.

The presence of through-lines in a quire is a simple and well-recognised piece of evidence that each bifolium was ruled prior to the assembly of the quire, the usual practice for manuscripts with hard-point ruling (Bischoff 1990: 27–30; Derolez 2003: 34–35). The practice of ruling from the hair-side of the parchment indicates that the sheets were either ruled individually or else were ruled in groups and then alternate bifolia were re-arranged to introduce the pattern of hair-side facing hair-side and flesh-side-facing flesh-side used consistently throughout the manuscript. Either way, as Gumbert concluded on the basis of quires produced with more or less than four bifolia (2000: 87), it is apparent that the alignment of the hair- and flesh-sides of the parchment is a deliberately introduced pattern, rather than the passive and automatic result of the production of each quire from a single quire as Leon Gilissen proposed (1977: 26–30).

With the exclusion of quire 1, where general damage from abrasion has rendered details of the ruling grid unclear, seventeen different ruling grids are used throughout ÖNB 471; a few of the ruling patterns are used repeatedly, while others represent subtle variations on the general forms with each instance appearing only once or twice. These variations predominantly comprise which of the long lines are extended to the outer margins (extenders) and across the centrefold (through-lines) of the bifolium. When these minor variations are collated into their more general forms, four main ruling grids can be identified, which can themselves be divided into two pairs: ruling grids A and B being ruled to have 38 long lines (Figure 6) and ruling grids C and D having 41 long lines (Figure 7). The number and position of the through-lines and extenders varies somewhat, although the norm is for them to be in groups of three (ruling grids A and B) or four (ruling grids C and D) positioned at the top of the ruled area for the text-block, the bottom and, in ruling grids C and D, in the middle around lines 18 to 25. Details of the exact variations in the ruling grids can be found in the Appendix.

The distinction between ruling grid types A and B is that the latter has a third pair of vertical bounding lines, marking the outer edge of the glossed area, as can be seen from comparing the two parts of Figure 6. The use of these ruling grids is quite consistent, with ruling grid A having no variants and being used from quire 2 through to quire 4, and with ruling grid B being used from quires 5 to 12, and having only one subtle variant, present on bifolia 41–48 (quire 6) and 76–77 (quire 10). The variation between ruling grids A and B, however, is not quite as abrupt a change as it may first appear, and from the prick-marks it can be demonstrated to be part of a gradual development in the production method. To create the ruling grid of the quire, the final folio of the just-completed, previous quire was opened and laid on top of the new quire. A sharp point, probably a knife tip rather than an awl as the prick-marks are linear slits not round holes, was then pushed through the holes. In this way the guidelines were produced for the entire quire in one go, meaning that each opening would be symmetrically aligned both within the quire and in relation to the quire preceding. The scribe, however, occasionally took the opportunity to modify the locations of the prick-marks, so that a gradual development of practice can be seen quire by quire, and the final folio of some quires has additional prick-marks showing both the new and old patterns.

The distinction between ruling grids C and D is a change from sets of (usually) three through-lines and extenders at the top, bottom and (where present) around the middle of the text-block, to sets of four. It could be argued that the distinction between ruling grids C and D is not enough to warrant the subdivision and that the pair should have been collated into a single type; however, as the use of sets of four extenders and through-lines rather than three is also

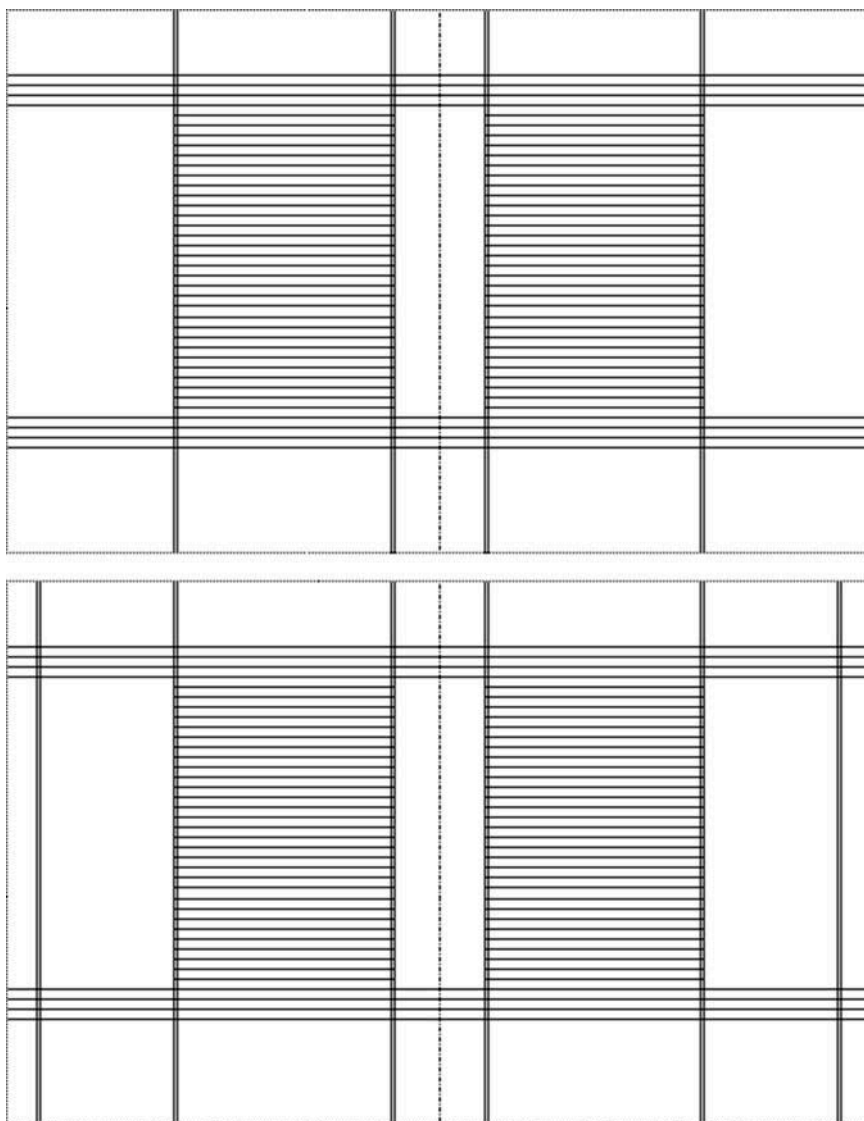


Figure 6. Ruling Grid A (top) and B (bottom).

employed in ruling grids A and B, it seems appropriate to draw attention to the distinction between them. The fact that the ruling grid type D variations are confined to a single quire (quire 18) is also indicative of the subtle changes in practice in the manuscript's production.

### **Conclusion: The production of ÖNB 471 in the late eleventh century**

The codicological and palaeographical features of ÖNB 471 discussed above allow something of the *chaîne opératoire* and contextual dynamics of the

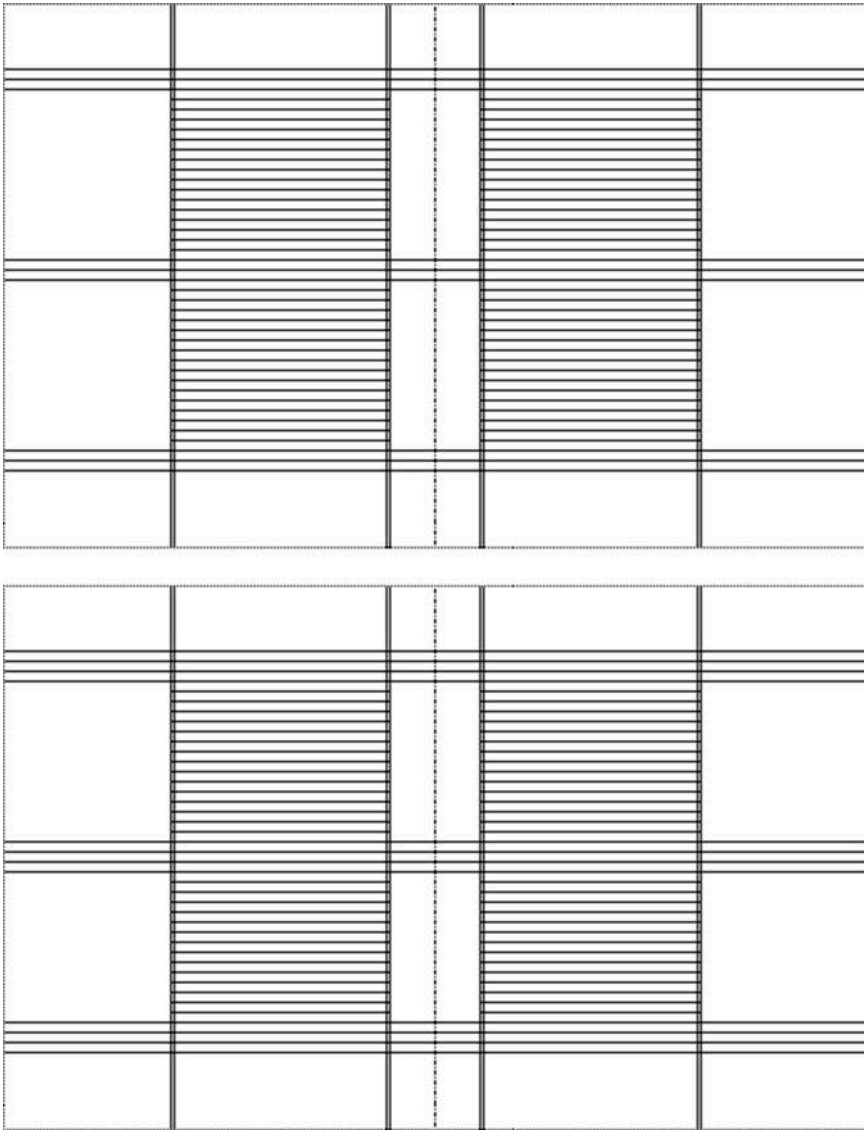


Figure 7. Ruling Grid C (top) and D (bottom).

manuscript's production to be re-constructed; in turn, these reflect on the general contexts of both book production and the re-contextualising of the barbarian laws in the late eleventh century. On codicological, palaeographical and textual grounds ÖNB 471 appears to be a composite, non-homogenous manuscript comprising two 'blocks' to use the terminology outlined by Gumbert (2004a). The first block comprised a copy of the Lombard laws with *capitula*, and the additional gloss and commentary of the *Walcausina*, all copied by a single scribal hand dating to the third quarter or early in the fourth quarter of the eleventh century (Ciaralli 2002).



The final quire of the first block of the manuscript (quire 12) marks the transition from the first phase of manuscript production by the Hand 1 scribe in which the Lombard laws were concluded, to the phase led by the Hand 2 scribe beginning with the addition of the Lombard *Cartulum* by both the Hand 2 scribe and a third scribal hand (Boratus 1868; Ciaralli 2002). Interestingly, this transition does not occur at the end of the quire but instead happened somewhere in the mid-point. From gaps in the texts it would appear that quire 12 was originally produced as a regular quire of eight folios, with the Hand 2 scribe expanding the original manuscript contexts of a self-contained book of the Lombard laws and *Walcausina* commentary. The manuscript was subsequently re-structured, with the removal of the central four folios of quire 12; that this emendation of the material form was done by (or in conjunction with) the Hand 2 scribe is apparent, as the truncated parts of the laws of Astulfus 13 were re-copied by scribal Hand 2 into the final lines and lower margins of fol. 90<sup>v</sup> and into the upper margin of the now-facing page, fol. 91<sup>r</sup>. Figure 8 is a composite image of fols 90<sup>v</sup> and 91<sup>r</sup> to show the emended central opening of quire 12. The loose talon of fol. 91 can be seen at the centre of the quire, while the talon of fol. 90 is underneath and not visible, having fol. 91 glued directly onto it. Despite the palaeographically distinct treatment of specific graphs by the two scribal hands, the similarity of the overall aspect of the late Caroline minuscule produced by the two hands can be clearly seen.

That the second block was originally produced separately from the first can be inferred from the use of a slightly different ruling grid, comprising 41 long lines instead of 38, and the omission of the outer pair of vertical bounding lines that were introduced and used from quires 5 through to 12. Otherwise the *mise-*

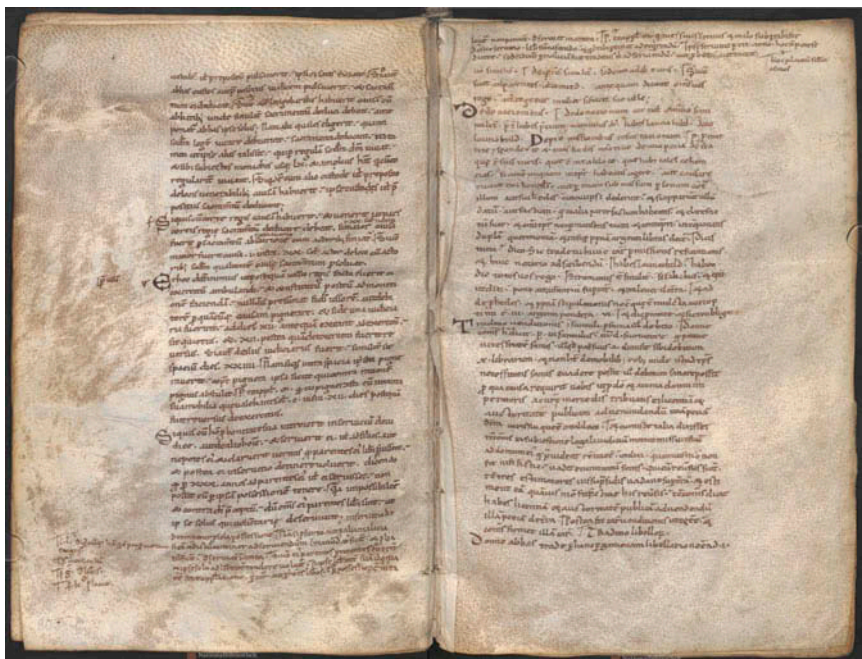


Figure 8. Composite image of the central opening of quire 12, fols 90<sup>v</sup> and 91<sup>r</sup>.

*en-page* of the second block is similar to that of the first, although there are more variants in the brown and black colours of the inks used (which may simply be symptomatic of different recipes and aging of the inks) as well as the occasional use of red ink to highlight the beginning of some clauses. The *chaîne opératoire* of the quire production seems to have been similar, although there is less sorting of the parchment, less direct evidence for the on-going modification of the pricking patterns and, as a far greater variety of ruling patterns can be seen in the through-lines and the ruling-lines extending to the outer margins, it can be argued that the ruling was always done sheet by sheet where block one may sometimes have seen multiple sheets ruled at once.

It is also of interest and significance that, despite the varying degrees of abrasion to the inks of the text-block on the opening page of each quire, the dark-brown ink of the quire signatures remains crisp and undamaged throughout the manuscript. As such the variation in ink may sometimes indicate different scribal stints during the production of the manuscript, but also relate to the subsequent conditions in which ÖNB 471 must have been stored and used. The evidence of the ink of the quire signatures implies that they were added to the manuscript relatively later,<sup>5</sup> presumably at the time of binding – which in turn implies that the majority of the abrasion damage to the manuscript occurred prior to binding and that the manuscript was therefore used in an unbound form for a while. This is perhaps unsurprising, as, if there was enough need for the expenses of producing a manuscript to be met, then the contents must have been considered important enough for readers to use completed quires while the scribe(s) continued to copy the subsequent quires. As Hobson argues, quires often remained unbound on a shelf for years, or even centuries, before they were finally bound (1927: 56), and Gumbert similarly notes that quires could languish in cupboards for an extended duration until the scribe was satisfied with their number (2004a: 27–28). The assumption that production and use of a manuscript must be distinct phases and that the book could not be used until the entire thing had been completed is another symptom of the modern, print culture mentality discussed by Treharne & Swan (2000: 7).

Taken together, therefore, the production of ÖNB 471 comprised two separate volumes which were subsequently joined into a single manuscript. Their joining was undertaken by the scribal hand responsible for the second block in a thoughtfully engaged project to expand and augment the original manuscript of the Lombard laws by physically uniting the subsequent Frankish and Saxon legislation with it. The uniting of the *Liber Legis Langobardorum* into a single manuscript context was therefore not just one of legal texts, but in the case of ÖNB 471 a distinct and deliberate change introduced as a subsequent phase in the legal and social contexts of the book's production and use. These findings expand on Ciaralli's identification of the second scribe with a palace notary from Pavia, Italy (2002). This scribe's willingness to adapt the material form of the two volumes of the *Liber Legis Langobardorum* to which he had contributed

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<sup>5</sup>Unfortunately, little research on the dating of quire signatures has so far been conducted, and it is not currently possible to establish a date for when they were added and the manuscript was first bound. The most that can be said is that the use of numbers is indicative of an earlier date, and letters later. In the case of English manuscripts the date of transition is tentatively the tenth century (Gameson 2011: 51), but even less certainty exists for continental manuscripts. I would like to thank Dr Erik Kwakkel for his insights on the subject, Pers. Com, Feb 2013.

shows that his engagement with the book went beyond copying and producing a pre-defined whole. By first producing the second part of the manuscript as a separate block and then actively restructuring the blocks into a single manuscript, the texts and the ways in which users could and should interact with them were also reimagined. Through these emendations, therefore, the materiality of the book, as much as the texts of the *Liber Legis Langobardorum* and *Walcausina* that it contained, were reinvented to suit the needs and understandings of the community for whom it was produced and used, and in relation to the broader developing contexts of literate and legal culture in late-eleventh-century Europe.

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**Appendix: Ruling grids**

The following table presents the distribution of ruling grid variants throughout ÖNB 471 by quire and bifolium/folio. Subsequent variants in each of the four main types of ruling grid are numbered based on their first appearance in the manuscript in its reading order. For the No. of Lines, ‘V’ indicates pairs of vertical, bounding lines defining the edges of the text-block and gloss area in the margin, and ‘H’ indicates the horizontal lines used for writing.

Quire	Bifolia / Folios	Grid	No. Lines		Through-lines/Extenders		
			V (pairs)	H	Top	Middle	Bottom
1	1–8, 2–7, 3–6, 4–5	?	?	38	?	?	?
2	9–16, 10–15, 11–14, 12–13	A	2	38	1–4	–	35–38
3	17–24, 18–23, 19, 20–21, 22	A	2	38	1–4	–	35–38
4	25–32, 26–31, 27–30, 28–29	A	2	38	1–4	–	35–38
5	33–40, 34–39, 35–38, 36–37	B	3	38	1–4	–	35–38
6	42–47, 43–46, 44–45	B	3	38	1–4	–	35–38
	41–48	B2	3	38	1–4	–	36–38
7	49–56, 50–55, 51–54, 52–53	B	3	38	1–4	–	35–38
8	57–64, 58–63, 59–62, 60–61	B	3	38	1–4	–	35–38
9	65–72, 66–71, 67–70, 68–69	B	3	38	1–4	–	35–38
10	73–80, 74–79, 75–78	B	3	38	1–4	–	35–38
	76–77	B2	3	38	1–4	–	36–38
11	81–88, 82–87, 83–86, 84–85	B	3	38	1–4	–	35–38
12	89–92, 90, 91?	B	3	38	1–4	–	35–38
13	93–100, 94–99, 95–98, 96–97	C	2	41	1–3	20–22	39–41
14	101–108	C2	2	41	1–3	–	39–41
	102–107	C3	2	41	1–3	19–21	39–41
	103–106	C	2	41	1–3	20–22	39–41
	104–105	C4	2	41	1–3	21–23	39–41
15	109–116	C4	2	41	1–3	21–23	39–41
	110–115	C5	2	41	1–3	22–24	39–41
	111–114	C6	2	41	1–3	23–25	39–41
	112–113	C	2	41	1–3	20–22	39–41
16	117–124	C4	2	41	1–3	21–23	39–41
	118–123	C3	2	41	1–3	19–21	39–41
	119–122, 120–121	C7	2	41	1–3	18–20	39–41
17	125–132	C8	2	41	1–3	21–23	41
	126–131	C9	2	41	1–3	21–23	40–41
	127–130	C4	2	41	1–3	21–23	39–41
	128–129	C	2	41	1–3	20–22	39–41
	133	C10	2	41	1–2	–	39–41
18	134–141	D	2	41	1–4	21–24	38–41
	135–140	D2	2	41	1–4	22–25	38–41
	136–139	D3	2	41	1–4	20–23	38–41
	137–138	D4	2	41	1–4	19–22	38–41