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The Authorship of the Register of Bassus *notarius*

Thomas W. Smith

THE UNPUBLISHED REGISTER of the thirteenth-century papal notary, Bassus *notarius* (better known to German scholars as Bassus de Civitate), is a rare and important collection of working documents from the years 1266 to 1276, which he compiled while fulfilling his office

Abstract: The register of Bassus *notarius*, preserved in Vatican City, Archivio Segreto Vaticano, Miscellanea, Armadio XV, t. 228, is an extremely important—yet heavily fire-damaged and under-researched—collection of notarial documents issued at the papal curia between 1266 and 1276. The authorship of the manuscript is attributed to the papal notary Bassus de Civitate, yet I demonstrate that another scribe (perhaps the famous papal notary Berard of Naples, or someone in his employ) was an important collaborator with Bassus. This scribe composed final sections of the register which account for roughly one-fifth of the whole. In addition, despite the significant fire damage to the manuscript, the hands of further scribes are identified, revealing that the manuscript “of Bassus” was probably more of a communal resource than a private register. The present study therefore nuances the status of Misc., Arm. XV, t. 228 as an autograph of Bassus.

Keywords: Register of Bassus, Bassus *notarius*, Bassus de Civitate, Berardus *notarius*, Berard of Naples, autograph works, papal notaries, papal government, papal curia, Archivio Segreto Vaticano.

* I wish to record my gratitude to the Leverhulme Trust, not only for the award of a Study Abroad Studentship (2013–15) to pursue postdoctoral research in Munich, but also for funding my two-week research trip to Rome in May 2014 and the costs of reproducing the manuscript images included in the present piece. My thanks to the unfailingly courteous staff of the Archivio Segreto Vaticano for their assistance with my researches, especially Antonio del Brocco, and also to the anonymous peer reviewer for their helpful suggestions.

at the Roman curia.¹ The significance of the register to the study of papal government has long been acknowledged,² yet the manuscript itself has been comparatively little studied and never published, primarily because it only survives in a mutilated form.³ Despite its poor state of preservation, the register allows a rare glimpse at the workings of papal chancery officials in the thirteenth century, which are far less well-documented than those of the fourteenth and fifteenth centuries.⁴ Professor Matthias Thumser of the Freie Universität, Berlin is currently leading a research project on the register—working from the *Nachlass* of the late Norbert Kamp—to make the text of the register available online, with a view possibly to publishing a full edition in print at a later date.⁵ In the meantime, I propose here that another scribe at the papal curia, perhaps to be identified as Berard of Naples or someone in his employ, was an important collaborator in the composition of the register, thus nuancing the consensus on the status of the manuscript as an autograph of Bassus, and shedding some light on the collegial recording of notarial business at the papal curia in the process.

The register is composed of ninety-three parchment folios in a modern binding, and contains copies of notarial instruments from cases that Bassus participated in. These documents contain the proceedings of the cases, includ-

1. Vatican City, Archivio Segreto Vaticano, Misc., Arm. XV, t. 228. The register also contains a single document from 1258.

2. Geoffrey Barraclough, *Public Notaries and the Papal Curia: A Calendar and a Study of a Formularium notariorum curiae from the Early Years of the Fourteenth Century* (London, 1934), 123 n. 5; Stephan Reinke, "Probleme einer Edition des Protokollbuches des Kammernotars Bassus de Civitate (1266–1276)," *Quellen und Forschungen aus italienischen Archiven und Bibliotheken* 82 (2002): 677–701 at 677–78.

3. Aside from the works referenced in the present study, previous work on the manuscript is surveyed in Reinke, "Probleme einer Edition," 678–80.

4. Ibid., 677 and n. 2.

5. I am grateful to Matthias Thumser and Eric Müller for kindly providing me with information on this project.

ing the names of the judges appointed and the testimony of those involved. The manuscript is listed in the Archivio Segreto Vaticano's Indice 1029 simply as "Bassus, notarius."⁶ Geoffrey Barraclough wrote that it contained only instruments from cases that Bassus took part in, and implied that the collection was the work of a single notary.⁷ Norbert Kamp noted that Bassus was the author of the collection and that *most* of the documents are written in his hand—a view that Marc Dykmans, Andreas Fischer, and Stephan Reinke have since maintained.⁸ Thus far, very little attention has been given to the other contributors to the register.

The identification of the register as that of Bassus is confirmed by documents throughout it which state that the recorded testimony was heard "in presentia mei Bassi notarii."⁹ All but one of these documents are written in the same

6. Vatican City, Archivio Segreto Vaticano, Indice 1029.

7. Barraclough, *Public Notaries*, 125, 128.

8. Norbert Kamp, "Die Herrscherthronen im Schatz der Kardinäle 1268–1271," in *Festschrift Percy Ernst Schramm zu seinem siebenzigsten Geburtstag*, ed. Peter Classen and Peter Scheibert, 2 vols. (Wiesbaden, 1964), 1:157–74 at 159; Marc Dykmans, "Les transferts de la curie romaine du XIIIe au XVe siècle," *Archivio della Società romana di storia patria* 103 (1980): 91–116 at 93 and 96; Andreas Fischer, *Kardinäle im Konklave: Die lange Sedisvakanz der Jahre 1268 bis 1271*, Bibliothek des deutschen historischen Instituts in Rom 118 (Tübingen, 2008), 12–13; Andreas Fischer, "Zur ursprünglichen Gestalt und frühen Verwendung der Briefsammlung Berards von Neapel," in *Kuriale Briefkultur im späteren Mittelalter: Gestaltung, Überlieferung, Rezeption*, ed. Tanja Broser, Andreas Fischer, and Matthias Thumser, *Forschungen zur Kaiser- und Papstgeschichte des Mittelalters, Beihefte zu J. F. Böhmer, Regesta Imperii* 37 (Cologne, 2015), 201–22 at 209; Reinke, "Probleme einer Edition," 680–81 at 681 n. 14 and 682; Stephan Reinke, *Kurie, Kammer, Kollektoren: Die Magister Albertus de Parma und Sinitius als päpstliche Kuriale und Nuntien im 13. Jahrhundert*, *Forschungen zur Kaiser- und Papstgeschichte des Mittelalters, Beihefte zu J. F. Böhmer, Regesta Imperii* 30 (Vienna, 2012), 2 and n. 4.

9. Misc., Arm. XV, t. 228, fols. 15v, 20r, 20v, 21v, 29v, 44r, 47v, 56v, 57r, 59r, 59v, 60r, 62r, 63r, 64r, 65v, 81v.

hand, which is attributed to Bassus on these grounds.¹⁰ Bassus wrote roughly four-fifths of the register himself, making him by far the most significant single author of the register. His hand varies a little in style and neatness, and some documents were clearly the product of great haste.

There are, nevertheless, at least four other hands for the main text of the register that clearly do not belong to Bassus. Including Bassus (Scribe 1—see Appendix for a list of hands in the document, and figs. 1 and 2 for reproductions of his hand), a total of at least five different scribes worked on the main text of the register (excluding the supplementary documents at the back of the manuscript).¹¹ The loss of large sections of the manuscript through fire damage, however, means that more scribes may have worked on the register who can no longer be identified. Three scribes (Scribes 2, 3, and 4—see figs. 1, 2, and 3, respectively) only wrote four documents between them, but the hand of Scribe 5 can be found in roughly one-fifth of the register, and I suggest that it might be identified as that of another notary, named Berardus, probably the famous Berard of Naples (see figs. 4 and 5), or perhaps a scribe working on his behalf.¹² To

10. Ibid., fol. 81v is the single exception and was presumably written up by Scribe 5/Berard—who was also working on the register at this time—on behalf of Bassus. It is possible that this scribe was a subordinate of both Bassus and Berard and transcribed documents for both notaries (see main text below).

11. See Appendix.

12. See Appendix. On Berard of Naples, see Gerd Friedrich Nüske, “Untersuchungen über das Personal der päpstlichen Kanzlei 1254–1304,” *Archiv für Diplomatik* 20 (1974): 39–240 at 98–100; Dietrich Lohrmann, “Berard von Neapel, ein päpstlicher Notar und vertrauter Karls von Anjou,” in *Adel und Kirche: Gerd Tellenbach zum 65. Geburtstag dargebracht von Freunden und Schülern*, ed. Josef Fleckenstein and Karl Schmid (Freiburg, 1968), 477–98. The posited link between Berard of Naples and the manuscript under discussion is perhaps strengthened by the unequivocal mention of the same Berard in the third person elsewhere in the text (in a section written by Bassus—see Appendix), at the head of a

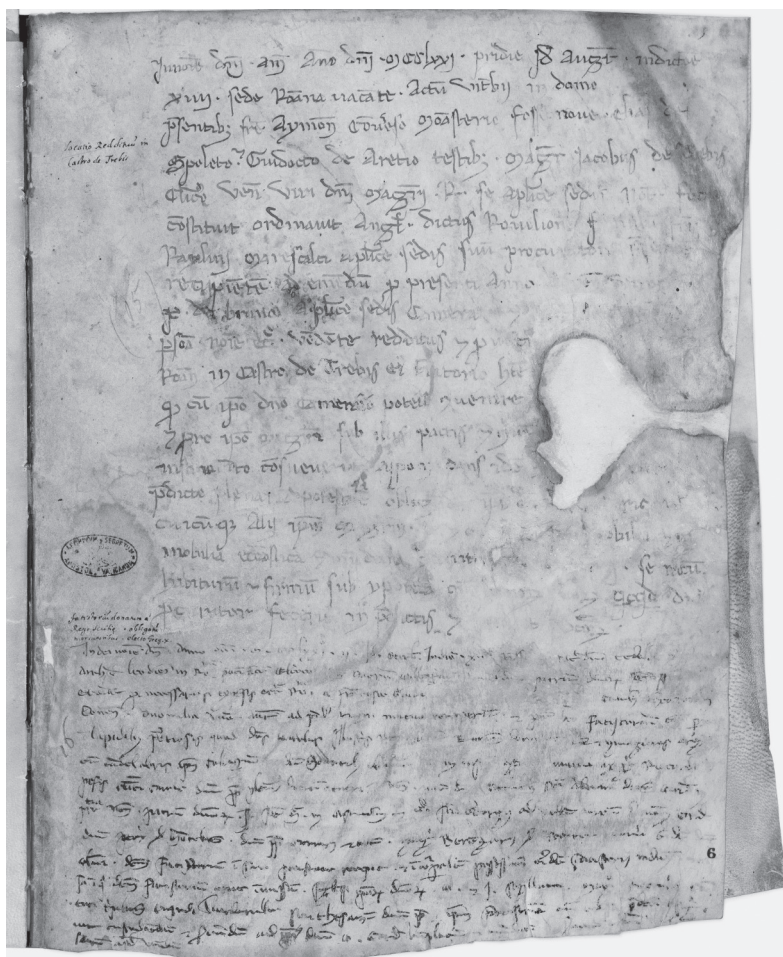


Figure 1.

Vatican City, Archivio Segreto Vaticano, Misc., Arm. XV, t. 228, fol. 6r

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One can easily discern the change of hand between Scribe 2 (first document) and Scribe 1/Bassus (second document). The first folios of the manuscript have survived the fire damage comparatively intact.

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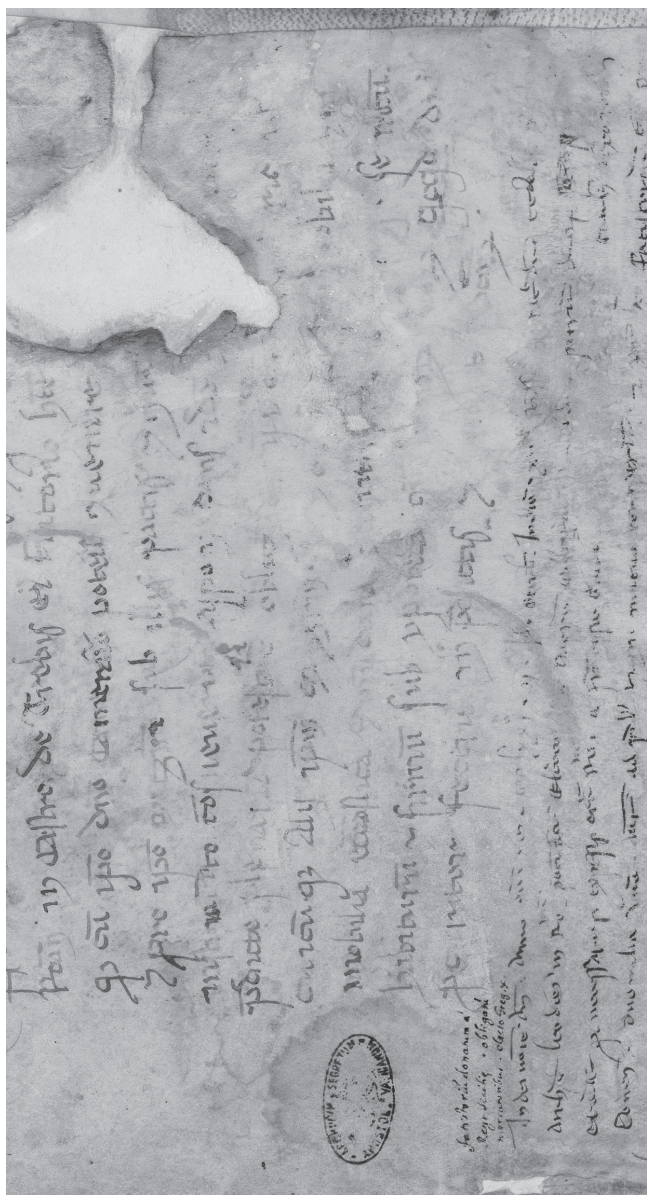


Figure 1a.

Vatican City, Archivio Segreto Vaticano, Misc., Arm. XV, t. 228, fol. 6r

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An enlargement of the hands of Scribe 2 (first document)

and Scribe 1/Bassus (second document)

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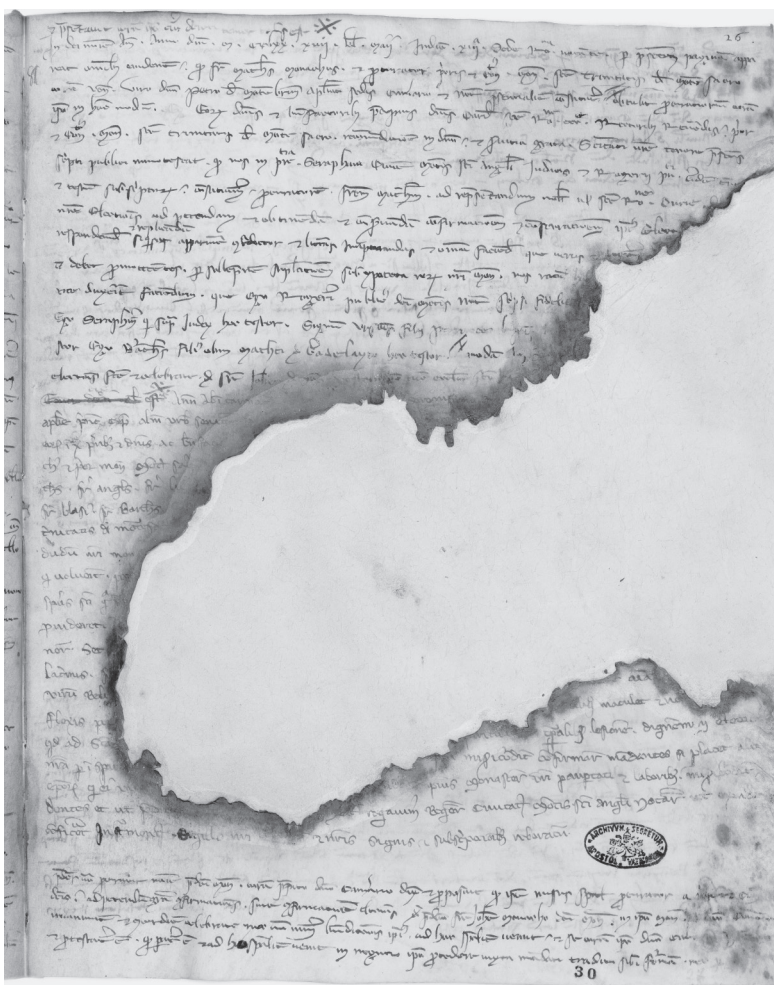


Figure 2.

Vatican City, Archivio Segreto Vaticano, Misc., Arm. XV, t. 228, fol. 30r

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The single example of the hand of Scribe 3, preserved in the middle of the folio, flanked by documents entered by Scribe 1/Bassus

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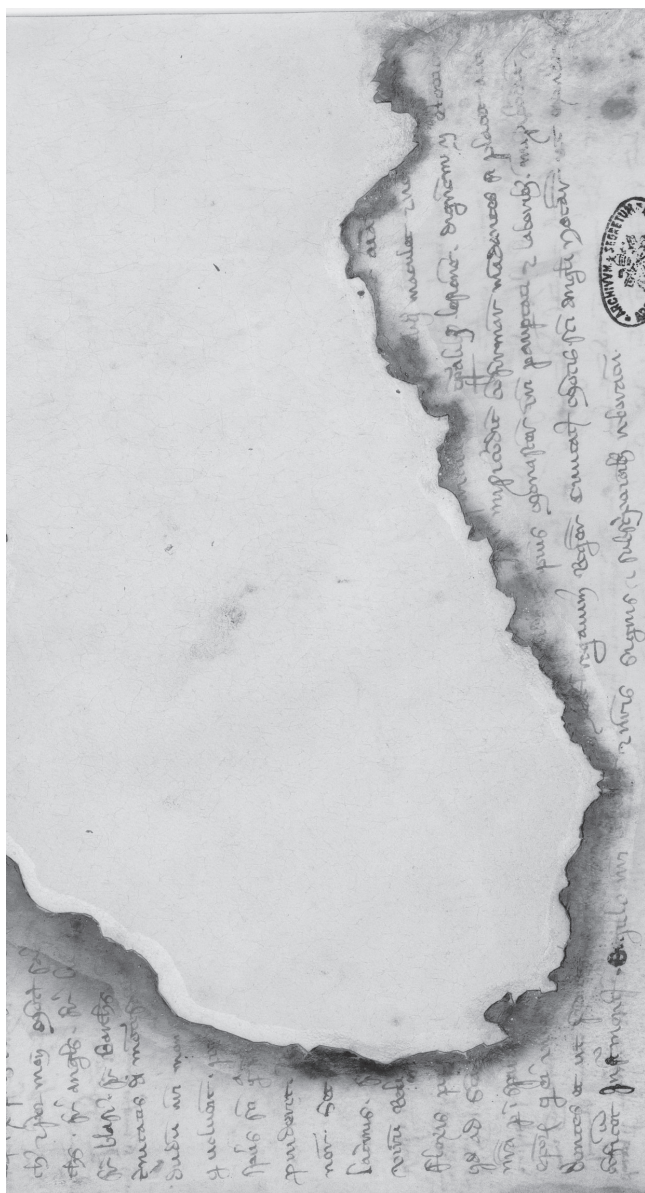



Figure 2a.

Vatican City, Archivio Segreto Vaticano, Misc., Arm. XV, t. 228, fol. 30r

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An enlargement of the hand of Scribe 3

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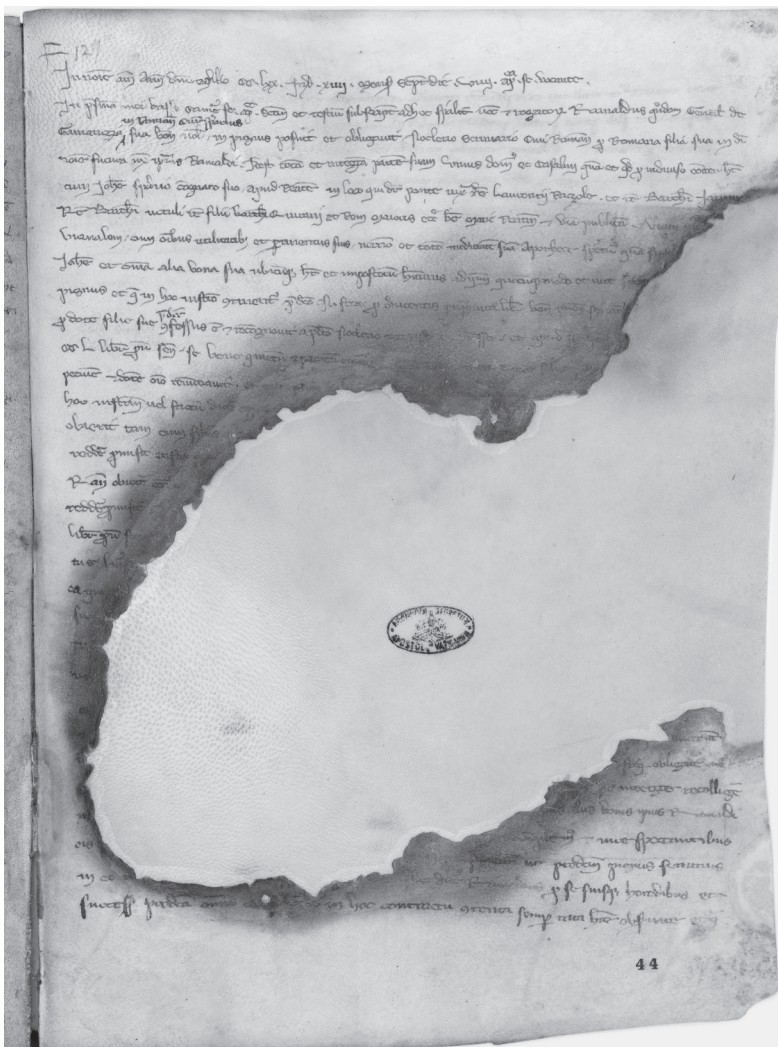


Figure 3

Vatican City, Archivio Segreto Vaticano, Misc., Arm. XV, t. 228, fol. 44r

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An example of the hand of Scribe 4

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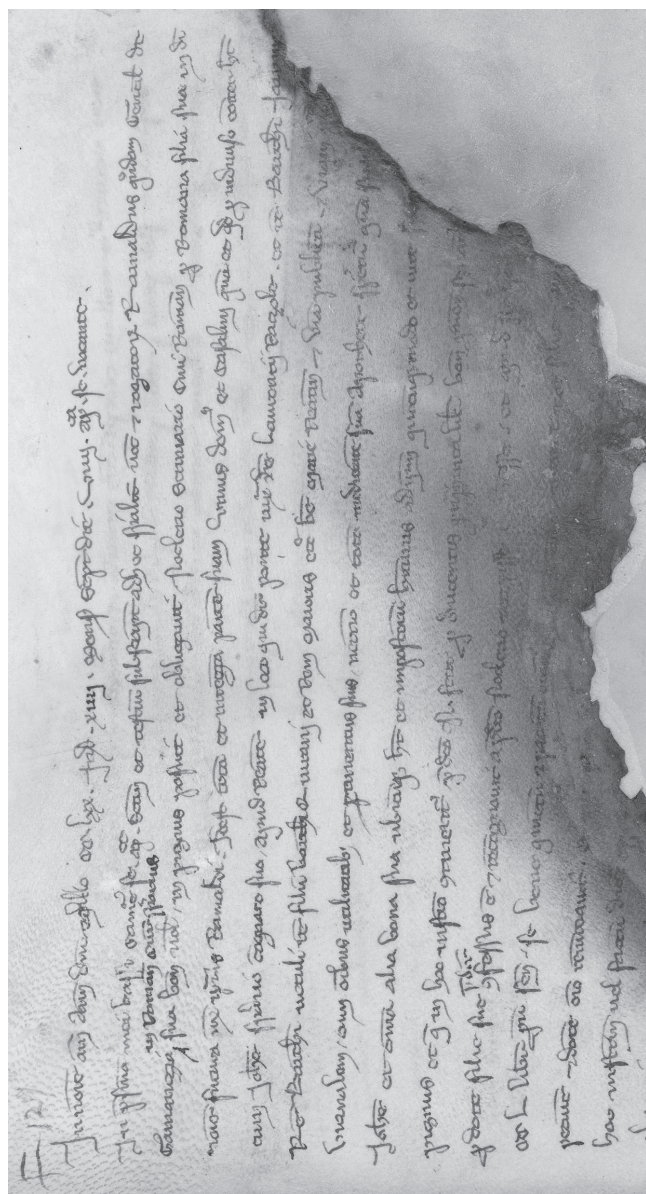


Figure 3a.

Vatican City, Archivio Segreto Vaticano, Misc., Arm. XV, t. 228, fol. 44r

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An enlargement of the hand of Scribe 4

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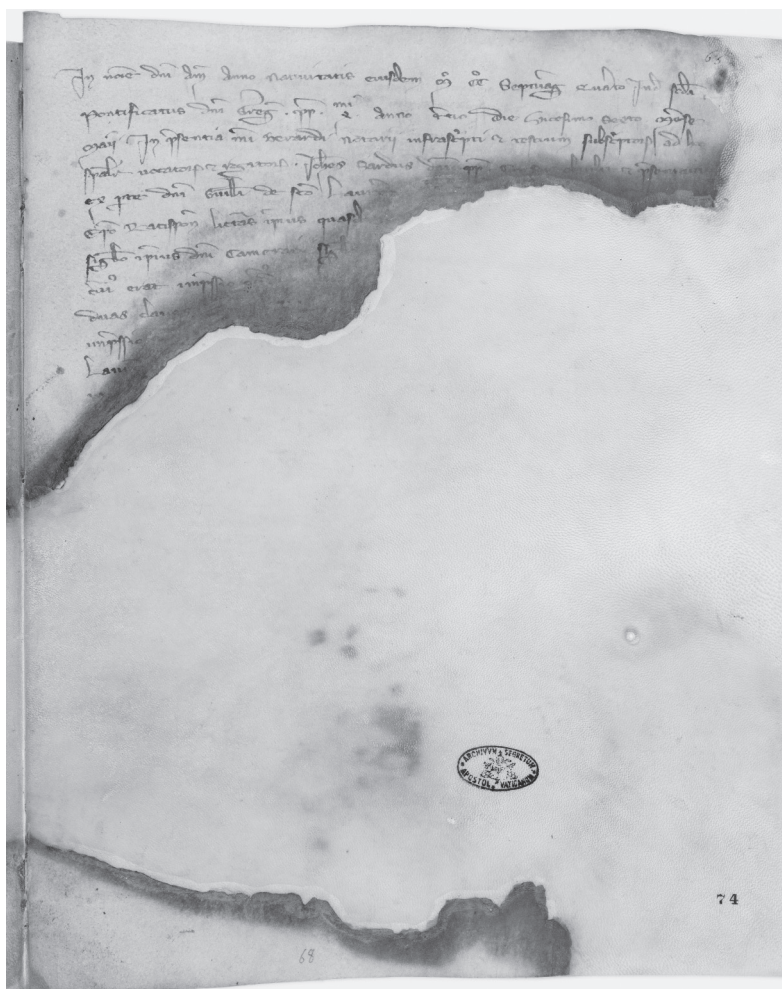


Figure 4

Vatican City, Archivio Segreto Vaticano, Misc., Arm. XV, t. 228, fol. 74r

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The hand of Scribe 5/Berard

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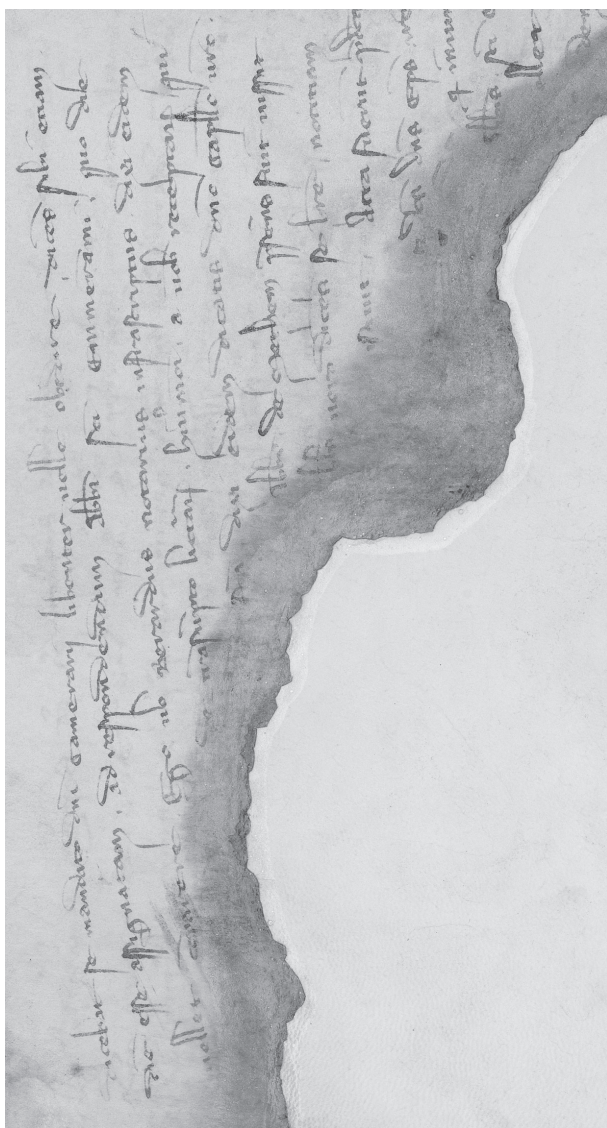


Figure 5a.

Vatican City, Archivio Segreto Vaticano, Misc., Arm. XV, t. 228, fol. 74v

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An enlargement of the hand of Scribe 5/Berard. Note the statement in line 3:

“Ego verus Berardus notarius infrascriptus dixi eidem [def.]”

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the best of my knowledge, this is the first time that Berard of Naples has ever been suggested as a contributor to the manuscript.¹³

A document from 1274, found in a folio span written by Scribe 5 (fol. 73r–73v), states that the text was taken “In presentia mei Berardi notarii infrascripti” (fig. 4a).¹⁴ The notary then recorded his own testimony in a case in the first person: “Ego verus Berardus notarius infrascriptus dixi eidem [def.]” (fig. 5a).¹⁵ While not conclusive proof that Berardus personally wrote these sections (they may have been copied on his behalf by a different scribe), the attribution is plausible given the matching “in presentia mei” clause in the documents known to have been written by Bassus and the clear change in hands that occurs in this latter part of the register.

There are three further supports for the identification of Berard of Naples as a scribe/contributor. The first is that, according to Nüske, there was only one papal notary named Berardus operating at this time.¹⁶ The second is that the hand of Scribe 5 appears to bear similarities to marginal annotations in Vatican City, Archivio Secreto Vaticano, Reg. Vat. 29A that have long been thought to belong to Berard of Naples, although it must be acknowledged that the hand

papal army marching against Orvieto. “[M]agistrum Berardo de Neapoli not. et capitaneum exercitus ecclesie Rom. contra Urbem ueterem”: Misc., Arm. XV, t. 228, fol. 13v, quoted in Dietrich Lohrmann, *Das Register Papst Johannes’ VIII. (872–882)*, Bibliothek des deutschen historischen Instituts in Rom 30 (Tübingen, 1968), 131 n. 50. On his role in this affair, see also Fischer, *Kardinäle im Konklave*, 286.

13. The manuscript is not listed amongst the *opera* of Berard in Dietrich Lohrmann, “Caracciolo, Berardo,” in *Dizionario biografico degli italiani*, 81 vols. to date (Rome, 1960–), 19:313–17 at 316–17.

14. Misc., Arm. XV, t. 228, fol. 74r.

15. Ibid., fol. 74v.

16. Nüske, “Untersuchungen über das Personal der päpstlichen Kanzlei,” 98–100. There was, however, a contemporary notary named Berardus de Languisello (ibid., 100–101).

of Scribe 5/Berard varies a little in both manuscripts.¹⁷ The third is that a firm link exists between the register of Bassus and the contemporary *Briefsammlung* of Berard of Naples. Not only did Bassus record in his register that he consulted Berard's collection, but he copied at least one document from Berard's *Briefsammlung*.¹⁸ Another possibility is that Scribe 5 was a subordinate working on behalf of both Berard

17. Elmar Flechaus, *Die Briefsammlung des Berard von Neapel: Überlieferung, Regesten*, Monumenta Germaniae Historica, Hilfsmittel 17 (Munich, 1998), 107–10; Lohrmann, *Das Register Papst Johannes' VIII.*, 133; and Lohrmann, "Berard von Neapel," 496 identify Berard of Naples as the most probable author of the marginal annotations in Reg. Vat. 29A, fols. 99v, 156r, 280r (although note that some of the folio numbers given by Lohrmann to the marginal annotations are incorrect, and none of those given by Flechaus matches the correct folios). In my opinion the hand on 156r and 280r seems to match Misc., Arm. XV, t. 228, fol. 74r–v particularly well. Patrick Zutshi states that "[t]he manuscript of the formulary of the papal notary Berard of Naples now in the Vatican Archives contains marginalia which probably derive from the compiler himself." See Patrick Zutshi, "The Personal Role of the Pope in the Production of Papal Letters in the Thirteenth and Fourteenth Centuries," in *Vom Nutzen des Schreibens: Soziales Gedächtnis, Herrschaft und Besitz im Mittelalter*, ed. Walter Pohl and Paul Herold, Forschungen zur Geschichte des Mittelalters 5 (Vienna, 2002), 225–36 at 232. Ferdinand Kaltenbrunner argued that, although the text of the marginal notes in Reg. Vat. 29A belonged to Berard, they were not copied into the manuscript by him, see "Römische Studien III: 1. Die Briefsammlung des Berardus de Neapoli," *Mitteilungen des Instituts für österreichische Geschichtsforschung* 7 (1886): 21–118 at 35. See, however, the criticism of this view in Flechaus, *Briefsammlung des Berard von Neapel*, 108–9.

18. See Fischer, *Kardinäle im Konklave*, 386–87. The document in question is copied in the letter collection of Berard of Naples: Flechaus, *Briefsammlung des Berard von Neapel*, 542 (no. 564). The copy of the letter from the register of Bassus is printed in Josephus Aloysius Amadesi, *In antistitum Ravennatum chronotaxim ab antiquissimae ejus ecclesiae exordiis ad haec usque tempora perductam* ..., 3 vols. (Faenza, 1783), 3:197–98. Fischer gives a full manuscript reference to this document (Misc., Arm. XV, t. 228, fol. 5v): Fischer, *Kardinäle im Konklave*, 386 n. 497. See also Fischer, "Zur ursprünglichen Gestalt und frühen Verwendung," 214–15.

and Bassus, which could explain the fact that he also transcribed a single document in the register with the phrase “in presentia mei Bassi notarii” (see n. 11 above).

It appears then that the scribe perhaps to be identified as Berard wrote most of the last part of the register of Bassus, to which, conversely, Bassus himself contributed only a little. The documents Scribe 5/Berard copied into the register whose dating clauses survive were originally issued between 1274 and 1275. The order of the register is roughly chronological, and Reinke has surmised that most documents were entered sporadically during the period that they concern, that is 1266–76.¹⁹

The hand of Bassus can often be found with those of other scribes on the same manuscript leaf, suggesting that the composition of the register was a collaborative effort (see figs. 1 and 2). This is borne out by the collection of parchment slips bound together at the end of the manuscript, which were clearly working notes and process documents that Bassus and his colleagues made use of while compiling the register. All of the slips (fols. 83–92) bear small holes that suggest they were previously sewn into the register, and a thread even survives in the top corner of what is now fol. 83. The small holes in the top left corner of fol. 93r (the back cover) are consistent with the holes in the slips. It is probable then that the parchment slips were collected at the back of the register in the Middle Ages and that the modern binding preserves their position. The hand of Bassus can be found in five of these documents, and that of Scribe 5/Berard in two, providing further proof of the important role that the latter played in the production of the register.²⁰



19. Reinke, “Probleme einer Edition,” 680–81 and n. 14.

20. The hand of Bassus can be identified in Misc., Arm. XV, t. 228, fols. 83–84, 88, 90, 92, and that of Scribe 5/Berard on fols. 89 and 91.

In conclusion then, while Bassus wrote the majority of his register himself, he was not its sole author. Another scribe, perhaps to be identified as Berard of Naples or one of his subordinates, also wrote a significant part, and at least three other scribes were involved in a very minor capacity. The extreme fire damage to the manuscript means that we have lost the evidence through which the exact number of scribes and their identities could have been assessed with more accuracy, although it seems plausible to suggest that there were probably more than five. Yet enough of the manuscript survives to reveal that in compiling his register, Bassus was collaborating with other notaries and curial staff, especially the scribe that I propose might be Berard or one of his associates. The notarial register “of Bassus” was thus more of a communal resource than the private reference work of a single notary. Further secrets of the register will surely be unlocked as other scholars continue to work on the manuscript, but for the moment it is clear that the authorship and composition of the register is multifaceted, and that its status as an autograph of Bassus is more complex than is sometimes acknowledged.

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APPENDIX

Scribal Hands in Misc., Arm. XV, t. 228

<i>Fols.</i>	<i>Hand</i>
1r	<i>Front cover; notes in contemporary hand</i>
1v–5v	Scribe 1/Bassus
6r	Scribe 2 (one document)
6r	Scribe 1/Bassus
6v–7r	<i>Blank; uncut</i>
7r–8r	Scribe 1/Bassus
8v–9r	<i>Blank; uncut</i>
9v–30r	Scribe 1/Bassus
30r	Scribe 3 (one document)
30r–44r	Scribe 1/Bassus
44r–44v	Scribe 4 (two documents)
45r–46v	<i>Blank</i>
47r–61r	Scribe 1/Bassus
61v	<i>Blank</i>
62r–65r	Scribe 1/Bassus
65v	Scribe 5/Berard
66r	Scribe 1/Bassus
66v–67r	Scribe 5/Berard
67v	Scribe 1/Bassus
67v–68r	Scribe 5/Berard
68r	Scribe 1/Bassus
68r–72v	Scribe 5/Berard
73r	Scribe 1/Bassus
73r–75v	Scribe 5/Berard
75v	Scribe 1/Bassus
75v–80v	Scribe 5/Berard
81r	Scribe 1/Bassus
81r–81v	Scribe 5/Berard

The Authorship of the Register of Bassus notarius

<i>Fols.</i>	<i>Hand</i>
82r–82v	Scribe 1/Bassus
83r–92v	Working documents in a variety of hands: fols. 83–84, 88, 90, 92—Scribe 1/Bassus; fols. 89, 91—Scribe 5/Berard
93r	Scribe 1/Bassus
93v	<i>Back cover; blank</i>