Public writing depended for its existence on a robust apparatus of legal principles and, increasingly, an array of disciplinary mechanisms. Without the bedrock of Roman legal conventions, ideas of proof and public office would not have taken the forms that they took in Italy’s notarial regimes, and without the attentions of those wielding power, whether in Rome or elsewhere, notaries’ words would have been worthless. Yet more than just a set of authoritative notions and persons, scriptura publica was also a writing practice or, better, practices. Hands and minds acted to create notarial documents, and to understand public writing, we must know something about its producers, the conditions of its production, and the commercial matrix in which it was consumed.

The dramatic papal interventions of 1550 to 1650 ensured that public writing remained a business and that notaries continued to traffic in public trust in order to make a living. As we have seen, the popes solidified the fundamentally entrepreneurial nature of the Capitoline offices; by cutting numbers and making notaries buy their posts, they raised the economic stakes. After 1586 the notaries of the Capitoline curia wagered goodly sums on the hope that they could cover the cost of a purchased office and make a profit. The risks of miscalculation were real; bankruptcy meant jail and dishonor. The fact that they were trading in paper that was so intensely legislated, while the source of its value to their clients, opened notaries to the added threat of judicial sanctions. The legal stakes were not inconsequential. Even if papal authorities failed to detect wrongdoing, outraged investors and customers were quick to call them to account. Venality altered the conditions of notarial production, enhanced the possibilities for gain, and heightened the dangers of loss.
While it is true that Sixtus V had created a corps of thirty privileged notaries to serve the Roman citizenry, the market for their wares was far from secure. Scriptura publica in early modern Rome faced steady, perhaps increasing, competition from other types of evidence. Writing by private individuals was flowing under, around, and above public writing in an ever-widening stream. Much of this river of words frankly imitated notarial discourse, though not in the Latin language of the law. Romans did not necessarily want to go to notaries; for some kinds of contracts, they may even have grown more reluctant to pay for a notarial act. Some exploited alternative sources of scriptura publica, establishing proof, for example, by taking the records they had written themselves to a judge to certify. Others exercised the option, sanctioned by some jurists, that allowed them to state their desire that their scriptura privata document have the same force as a notarial instrument. On price alone it was hard to argue with them.

Ordinary writers had learned from notaries the practice of documentation, the habit of written receipts, promises, and agreements. Merchants had recognized this very early, and Roman city statutes from the first treated scriptura privata with respect. Despite the absence of good measures of literacy, it may well be that an increasing number of Romans could write, and, if so, they were most likely to write in connection with some type of economic exchange. Even those who could not write, understanding the economic, legal, and cultural value placed on written records, found ways to gain access to them that did not always pass through the hands of notaries.

One resource the Capitoline notaries could throw into the balance, of course, was their command of some of the portals to the civil justice system. To obtain alternatives to public writing, customers often turned to the civil courts, and when their court of choice was the tribunal of the senator, they ended up doing business with the Capitoline notaries. Other factors, too, pushed Romans very frequently toward the courts and, thus, often into Capitoline offices. But there were thirty Capitoline notaries to pick from, and the city offered other tribunals, all of them by the seventeenth century staffed by eager venal officeholders. Notaries had to compete for litigants. Despite the oft-quoted complaints about the abuses of court notaries, the judicial economy of baroque Rome did not provide an easy living for its professionals.

Against the background of high stakes and precarious profits, the Capitoline notaries had to find the capital to purchase an office; hire, train, and pay a reliable scribal labor force; come to terms with the fresh laws and archival demands imposed by the papacy; and satisfy enough clients to stay in business. The trick was how to make people believe their writing was trustworthy and worth the price in the risky,
competitive conditions in which venal officeholders operated. The challenges were new in the first half of the seventeenth century, following Paul V’s judicial reforms and his grant of fully inheritable offices and Urban VIII’s establishment of the new archive, when the young notarial college was still struggling to organize itself. They played themselves out in the notary’s office, the space to which we now turn. This was a financial investment and a physical location, a workplace and a household, a courtroom and an archive. The writing that went on within and without its walls claimed to have special force, to be a kind of writing different from its rivals in the early modern market for proof. By what material practices, social relations, and economic exchanges did it sustain these claims to credibility, and how were they received? To find out, we will look, as closely as the reticence of notaries permits, at the men of the Capitoline curia who made their living from scriptura publica in the decades between 1612 and 1652.

Acquiring an Office

Notaries with venal offices who could count on a steady stream of work from a tribunal stood at the apex of the profession in seventeenth-century Rome. A 1703 inquiry identified a total of sixty-one such offices, of which the Capitoline notaries represented a half. From the 1480s on, the popes had gradually reshaped the profession of notary in Rome into those with offices and those without. Thanks to their eagerness to gain income and tighten controls over the judicial system, this process was largely complete by 1630 and the professional landscape had assumed its final premodern contours.

What did this notarial setting look like in 1630? While the thirty offices of the two Capitoline collaterali were the most numerous, they were not necessarily the most prestigious or remunerative. During most of the seventeenth century, that honor probably fell to the ten notaries of the tribunal of the auditor of the Camera. Yet, unlike the Capitoline notaries whose offices were fully inheritable from 1612, the notaries of the auditor of the Camera could purchase but not bequeath their offices. Next in size came the nine offices of the Apostolic Chamber, which were leased rather than sold; these “notaries of the Camera,” as they were known in the seventeenth century, were reduced to four in 1672. The court of the cardinal vicar (Vicariato) also relied on four notarial offices. The seventeenth-century popes increasingly tended to treat these four groups of notaries somewhat differently from the other venal officeholders. As we saw in chapter 4, Pope Urban VIII described them as “colleges” when he assigned them duties in the new notarial archive that he established in 1625. Later pontiffs continued this practice of forcing responsibilities
for the profession as a whole upon these four groups of notaries. Strictly speaking, a
college, to Urban VIII as well as his predecessors, was nothing more than a collection
of venal officeholders. They might have some collective interest in protecting their
investment but few other points of contact. Of these four colleges before the 1670s,
only the Capitoline notaries developed a fully elaborated association complete with
statutes and officers.12

With some exceptions a single notary leased most other offices; this was the case
for the tribunals of water and streets, Borgo, agriculture, the downstream river port
of Ripa, the Florentines, the building committee (fabbrica) of St. Peter’s Basilica,
and the hospital of Santo Spirito.13 A notary who leased an office from the College of
Scriptors acquired judicial work for the papal tribunal of the Segnatura in 1659.14
The very active criminal court of the governor of Rome shared one notarial office
among several notaries and also had two notaries for civil cases. Nor were the thirty
Capitoline notaries the only notaries serving civic magistracies. The protonotary of
the senator worked on civil cases and another notary wrote for the senator’s criminal
cases, while both the judge called the captain of appeals and the elected conservators
had notaries. The case of the notaries of the Rota, the papal appeals court, was more
complicated. Until 1671 each of the twelve judges on the Rota had the services of
four notaries, for a total of forty-eight, but without formal offices. Rota business was
not brisk enough to sustain so many notaries, and in 1671 the number was reduced
to four, to whom their predecessors’ documents were turned over.15

While sixty notarial offices may have operated in a city that grew from 120,000 to
140,000 between 1620 and 1700, there were far more than sixty notaries in Rome,
though it is not easy to say exactly how many more.16 We generally know only the
names of the notaries with offices, yet scholars sifting through parish registers and
trial records constantly unearth otherwise unknown notaries. Although we have no
quantitative data on this unorganized profession as a whole, it is obvious that most
notaries in Rome did not have an office. Most probably worked in someone else’s
office or on their own as private notaries. The sheer variety of notaries we encounter
in Rome underlines this point. Not counting the notaries who actually worked for
officials in the papal Curia, foreign curial notaries at any one time must have
numbered in the hundreds.17 The Roman Jewish community supported for many
decades the services of its own notaries.18 The papacy designated specific Christian
notaries to write up the contracts of the Jewish moneylenders, perhaps in order to
monitor their interest rates, and also assigned a notary to the cardinal protector of
new Christian converts (neofiti).19

Even more telling are lists of candidates for two elected notarial offices in the
municipal government, the notary of the syndics and the notary of the pacieri, for
the years 1623 to 1643. Of 148 notaries on these lists over the two decades, only 25 were Capitoline notaries. Who were these other men who had managed to secure nomination to civic posts but of whom there is no other systematic trace? Some of them at least were the successors to the old pre-1586 city notaries, men who now took jobs as sostituti in the offices of the notaries of the Capitoline curia and in other Roman offices or who did private free-lance notarial work. Although we will never know how many such men made a living from the notarial profession in Rome, the number could not have been negligible. If we did not believe the evidence of the variety of hands at work in the protocols of the thirty Capitoline notaries, we have confirmation in the efforts of the papal authorities in the 1620s to bring them under state control.

By contrast to the shadowy world of the private notaries, we can name the titleholders to the thirty Capitoline offices in almost unbroken succession from around 1600 until the 1880s. Names are helpful, indeed essential for any research in notarial documents, because records were (and are) filed by the name of the rogating notary. But notaries effaced most information about themselves in the business contracts and litigation proceedings that they wrote up for their clients. To learn something more than their names, we must look for the thirty Capitoline notaries in other sources, in the records of other notaries, college accounts, civic registers, confraternity archives, parish censuses, and even trial transcripts. These tracks lead us into the places where public words were written in baroque Rome and introduce us to the men who made a living from writing them.

Our sample, taken directly from the names on the volumes produced by the thirty Capitoline notaries in the year 1630, yielded thirty-one notaries, because there were overlapping personnel in office 14. Although we cannot know for sure how many owned their offices outright and how many leased them under various partnership or employee relationships, Capitoline notaries tended to hang on to their offices. Twenty-five in the 1630 sample kept them for eleven years or more, and eight lasted for more than thirty years. Judging by the number of volumes of instruments, which is only a partial indicator of business activity because it excludes the judicial side of the notary’s work, longevity in office was good for business. Stability brought more clients, and offices with a rapid turnover of titleholders or, worse, a series of leaseholders or temporary administrators suffered. One venerable Capitoline notary of the period, Giovanni Battista Ottaviani, blasted the practice of subletting and insisted that office 13, which had once belonged to his brother-in-law and which he had headed successfully for forty-one years, be sold immediately after his death.

Capitoline notaries in 1630 were not necessarily Romans by birth. Only one of
the seventeen for whom we have information was a native Roman, Lorenzo Bonincontro, perhaps not coincidentally the most prestigious and wealthiest of his cohort. Even if all fourteen for whom we lack data were born in Rome, however, more than half were not. Some arrived from as far away as Avignon, Milan, and the Romagna. Most followed the well-worn paths of migration to Rome from the spiny center of the Papal States—from small towns like Calvi and Collescipoli, and larger ones like Cività Castellana and Acquasparta—or from the hill towns behind Carrara and Sarzana in what was then Tuscan and Genoese territory. The immigrants likely arrived as teenagers; when we know their ages, we find them acquiring their Capitoline offices when they were in their early thirties. The Roman-born Bonincontro, from an ancient notarial family, was younger, only twenty-four; Ottaviani, who had to wait for his brother-in-law to die, was an older forty-three. Roman identity never demanded Roman birth, of course, and Sixtus V had included among the Capitoline notaries’ privileges the right to Roman citizenship. Some newcomers evidently took this to heart because we find in their wills the Milanese Francesco Arrigone, the Orvietan Angelo Canini, and the Genoese Ottaviani calling themselves Roman citizens.

Despite the fact that their offices were fully inheritable and the college did lower some bars for offspring seeking admission, few successors to the sample notaries were obvious kinsmen. We have personal information on successors in half the cases, and they include three sons and a nephew plus three other men who bore the same surnames as their predecessors. Though some immigrants, like Ottaviani, married into Capitoline offices, the large number of newcomers in the 1630 sample tells us that access did not depend exclusively on family connections. Many of the thirty Capitoline notaries perfectly mirrored the typical immigrant to Rome in this period—a young man from central Italy—rather than issuing from a closed circle of local notarial families.

Was being a notary a noble profession? Even a judge as elevated above the status fray as Giovanni Battista Fenzonio, the former senator of Rome, thought that this was a vexed question, and all over seventeenth-century Italy it ignited passionate debate. Fenzonio solved the problem rather cagily by explaining that in Rome a rich notary with a reputation for integrity, who lived suitably, was “certainly” eligible for the public offices that signaled nobility. It was an easy answer, because he knew that in Rome, unlike most Italian cities, there was no juridical definition of noble status.

More to the point, therefore, is where the Capitoline notaries of 1630 stood in the city’s informal status hierarchy. Thirty men do not easily dissolve into a single social assessment, all the more so when generalizing about someone like Giovanni Fran-
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Cesco Gargario, who held his office for two years, and someone like Ottaviani, who held it for forty-one. Yet some generalization is possible. Although the thirty Capitoline notaries were undoubtedly favored among the city’s notaries, we look vainly for the marks of recognition that distinguished Roman gentlemen. Being elected to civic office as caporione or conservator was perhaps the most public sign of acceptance for someone without an aristocratic title in baroque Rome. Neighborhood gatherings of patrician Romans determined who would draw up the list of candidates for these offices. Capitoline notaries might be addressed as “signor” rather than the more plebeian “maestro,” but except when the official actually had to be a notary, they hardly ever occupied elected civic office or attended meetings of citizen councils.

Lorenzo Bonincontro was the exception. He was elected caporione for the district of Trevi in October 1626, and even after his three-month term was over, he showed up at several important meetings of the public and private councils in 1628 and 1630. Bonincontro did not hide his profession. While active as titleholder of office 18 from 1605 until his death in 1634, he also leased the office of notary of the conservators between 1616 and 1625 and was elected notary of the syndics in 1624. But Bonincontro was a wealthy man whose household was organized quite differently from other Capitoline notaries. He could live in a manner the judge, or his gentlemen neighbors, would have deemed suitable for civic officials in baroque Rome; most of his colleagues apparently could not.

We know disappointingly little about the cultural or intellectual interests of the notaries in the sample. Their participation in the artistic and literary life of the city is thus far undocumented. While notaries in other times and places might take a leading role in public debate or city politics or might express innovative if clandestine religious opinions, the Capitoline notaries of 1630 do not. Some of them at least were pious men. Lorenzo Bonincontro built a chapel dedicated to the Madonna della Pietà in the Franciscan convent of Sant’Isidoro. Giovanni Battista Ottaviani left a bequest to his confessor as well as money to more than a dozen Roman churches for masses for the repose of his soul and those of his godparents and kinfolk. But others, like Angelo Giustiniani, who found catering to the whims of his ecclesiastical clients trying at times, may have been more tepid in their devotions. Making a living was not easy for some of these men, and perhaps the pressures of investors, clients, and competitors, to say nothing of papal regulators, flattened their aspirations and kept them fixed on business. To understand better how these forces operated, we need to explore the economics of obtaining and running a Capitoline notarial office.

How did notaries put together the resources to acquire Capitoline offices? Though
scattered, the evidence reveals that strategies were complex. Few, at least in the mid-seventeenth century, had the good luck of ten-year-old Cesare Camilli, who in 1636 inherited the office his father had begun by leasing in 1628. Short of a legacy, the options were to lease, sublet, administer, or purchase, and virtually all of these modes could be arranged not only by individuals but also through partnerships.

Ownership was not a straightforward matter in any case. When a court inquired as to whether Angelo Giustiniani owned office 11, his employee replied that yes, he owned it, but did not know whether he owned it “freely.” After Tranquillo Scolocci’s death in 1652, his widow received “possession” (possesso) of his office, in which her dowry had evidently been invested, for three years. During that period, she certainly collected the earnings of office 26, but to call her the owner would require nuances altogether lost in modern usage. While the courts might uphold the freedom of buyers and sellers to trade in Capitoline offices without the intervention of the authorities, they could not remove the charges, claims, and obligations that encumbered those very entities. These were intrinsic to this richly ambiguous form of property.

Some Capitoline offices belonged to wealthy Roman patricians who leased them to professionals who gained title and admission to the college. Giovanni Battista de Fabijs owned office 8; Lelio Barisiani, office 27; the Vitelleschi brothers (Ippolito and Paolo Emilio), office 17; and Marcello Muti, office 24. In 1630 the titleholders to these four offices were Capitoline notaries Felice Antonio de Alexandriis, Salvatore Melli, Marcello Cortellacci, and Giacomo Attilio. They may well have held their offices on terms like those we find outlined in the lease for office 20, which Guido Camilli signed in August 1628. If so, we can infer that investors in Capitoline offices had read the laws carefully, knew the kind of risks they faced when putting capital into a notary’s business, and wanted to shift those risks as far as possible to the leaseholder.

In 1628 office 20 was in the parish of Sant’Eustachio, although Camilli would soon move it to the Corso near the Arco di Portogallo. Camilli, who had worked for the late titleholder Palmerino Speranza, made his contract with Speranza’s children and three other investors who included the noble Pirro Mattei and the prelate Giovanni Andrea Castellano. Its precise clauses about how he managed the office and treated its documents were intended, as the lease intimates, for an eventual titleholder, and indeed Camilli did become a Capitoline notary. He paid the owners fifteen scudi a month on a yearly lease that would be automatically renewed unless they notified him of termination. As was customary, Camilli was responsible for all the office’s expenses, from the rental of the space and wages, food, and board of the staff to its paper and candles. The investors specifically instructed their
leaseholder to follow the document-handling practices mandated by Paul V’s judicial reforms, from extending all instruments to binding them between strong covers. They demanded that he fully record payments in the receipt book and keep the judicial accounts \textit{(liber expeditionum)} “as they do in similar offices.” The contract also insisted that Camilli and his employees meet the deadlines and pay the fees required by the Archivio Urbano. Camilli was to guard the records of his predecessors, which were detailed in an accompanying inventory, and to make sure that the office was never left unattended. Doubtless aware of a notary’s peculiar financial vulnerabilities, the owners warned Camilli about the quality of the security he accepted in lawsuits and urged him to take good care of the money, precious objects, and financial instruments \textit{(cedole)} left on deposit with the office.

By contrast to a titleholder, even one who leased, those who rented or administered Capitoline offices that operated in someone else’s name were much further down in the pecking order. A rental agreement from 1626 allowed a certain Giacinto Paulino to sublet Marco Tullio dell’Huomo’s office 16, or perhaps only its non-judicial portion, for a year for a monthly rent of eleven scudi.\textsuperscript{49} Like Camilli, he was responsible for paying all the office’s expenses and was liable for any money deposited with the office. Although she was much less meticulous in her demands than the investors in office 20, the owner of office 16 did insist that Paulino accept no sureties worth more than fifty scudi without her approval. Interestingly, her contract with Paulino permitted him to locate the business anywhere in Rome that he wished, a clause the Capitoline notarial college would certainly have rejected.

Although we rarely hear about men like Paulino, subcontracting and administering Capitoline offices was not uncommon. Sometimes it was a transition status, as an employee of the office moved up or a previous subcontractor became a titleholder.\textsuperscript{50} Sometimes the titleholder, whether or not he was an owner, might not be able to manage the office that operated in his name or, for the moment, there might be no titleholder. An administrator managed office 16 in 1618, for example, when Dell’Huomo was in jail, and in the late 1630s Ottavio Franceschini administered office 20 for the youthful Cesare Camilli.\textsuperscript{51} A vacancy in office 12 in 1622 is probably the reason we find two partners, coadministrators, listed in the parish census in a household that was evidently the notarial office.\textsuperscript{52} Sometimes offices remained in the hands of a changing cast of administrators for years, a situation that made it difficult for the college to collect massa and, to judge from Ottaviani’s comment, caused trouble in other ways.\textsuperscript{53}

Buying the office might be the ultimate goal, but few aspirants seem to have been able to come up with ready cash to reach it. Admittedly the evidence is limited to chance archival discoveries, for, as we have seen, the market not the state controlled
the sale of Capitoline notarial offices. Of course, this also means there was no set price. We have the instrument of sale for office 21, which was bought by Francesco Arrigone in May 1628. In addition, we have information about the sale of office 18 from the private account books of Lorenzo Bonincontro’s widow, the price of office 16 quoted in Paulino’s rental agreement, and the trial testimony of one of Angelo Giustiniani’s employees. The figure of 4,000 scudi for office 11 suggested by Giustiniani’s scribe in 1632 was undoubtedly exaggerated. The owner of office 16 said it was worth 2,850 scudi in 1618, Arrigone paid 3,250 scudi in 1628, and Ginevra Bonincontro sold office 18 between 1637 and 1639 for 3,493 scudi. At 2,850 scudi Dell’Huomo’s office may have been relatively cheap in 1618 because of the titleholder’s unfortunate absence. By contrast Bonincontro’s office price of around 3,500 scudi likely represents the higher end of the range; it had certainly been one of the most reputable and busiest of the thirty, though by 1637 it had already passed briefly through another notary’s hands. The details of the sales of office 21 and office 18 show that notaries often purchased Capitoline offices on the installment plan.

Arrigone bought office 21 in 1628 from Francesco Grillo, who was the son of a Capitoline notary and briefly titleholder himself. It was located in Grillo’s home near the Trevi Fountain, and seems to have remained there after the sale. Arrigone put down 300 scudi in cash and promised another 950 scudi within the next few months; he paid 6 percent interest on the balance of 2,000 scudi, which was due within four years. The purchase of office 18 was more complex. Notwithstanding the prohibition against divisions in the 1618 notarial statutes, Lorenzo Bonincontro’s office had in fact been divided, presumably after his death in February 1634. His successor, Giulio Grappolini, obtained three-quarters of office 18 on unknown terms and a certain Antonini rented the fourth quarter for 82 scudi a year. Grappolini died in June 1637 before completing his payments, so the owners of office 18 were still Bonincontro’s two young children. As their guardian, their mother contracted the sale of three-quarters of the office with the next titleholder, Francesco Pacichelli, in December 1637. Pacichelli paid an initial sum of 193.75 scudi and a week later completed his down payment with another 500. He agreed to pay Ginevra Bonincontro 5.5 percent interest on the remaining 1,900 scudi. In January 1639 Pacichelli purchased the fourth part of the office from the Bonincontro children for an additional 900 scudi, on the same terms as he had contracted initially. The total price for office 18 was 3,493 scudi plus interest, and Pacichelli was still making payments on it five years after he started.

These examples remind us of how difficult it was to raise a large amount of capital in an economy that seems to have been in a chronic liquidity crisis. For all the hyperactivity in the Roman financial markets, cash, or pecunia numerata as the
notarial instruments called it, and even cedole (funds in paper form) played a limited role in exchange. In credit-dependent Rome, where it might take years even to collect wages, partnerships helped to generate capital for many kinds of enter-
prises. Some of these were notarial business ventures, such as Antonio Ferraguti and Virgilio Cellio’s purchase of office 8 in 1614 and Cleante Cortellacci’s lease of office 17 in 1631, in which he invited Mario Rangiani to be his partner. Although this was not always the case in partnerships, Cortellacci was the titleholder, but both he and Rangiani performed notarial duties. In some cases, a partnership between a titleholder and his successor marked the transition between two owners, perhaps while installments on the purchase price were coming in. In office 21, Francesco Arrigone evidently made this kind of arrangement for several years with Francesco Grillo, who was not active professionally, while the owner of office 12, Angelo Canini, took his handpicked successor, Carlo Novio, as a partner before his death in 1649. While not partnerships in the same sense, marital property also helped to finance the acquisition of Capitoline offices, a reminder of the centrality of the notary’s household to his business.

Whether as lessor or owner, a man who wanted to be a titleholder brought his professional qualifications and some capital to the transaction; what did he receive in exchange? The short answer was furniture and documents. The furniture was occupationally specific. Francesco Arrigone’s purchase included *pulpiti*, a type of desk preferred by notaries, and *rastelli*, which in this context might mean racks or shelves. *Pulpiti* were high desks with stools; each had a cover that could be closed with a key and internal compartments that could also be locked. Rough drafts (i.e., matrici) of instruments as well as loose fully extended copies that had not yet been sent to the binder were sometimes kept under lock, as was the paper distributed to the staff. Other office contracts mentioned stools, benches, and cupboards.

Even more crucial than furnishings to the definition of a notarial office, however, was its *scripturae* or documents. Arrigone bought three types when he purchased the office at the Trevi Fountain: bound volumes of notarial instruments, bound volumes of judicial acts, and stitched bundles of supporting evidence accumulated in the course of litigation (*fili iuribus productis et rogatis*). The inventory of more than a hundred volumes attached to Guido Camilli’s lease gives some idea of the quantitative dimensions of a Capitoline office’s archives. In 1628 his office, number 20, contained sixty-five protocols, dating from 1548, and fifty-four manuali, dating from 1567, in addition to some smaller documentary series. Later inventories suggest that the size of Camilli’s collection was not at all unusual.

As Armando Petrucci has argued, the sixteenth century marked an important expansion in the notion of the office as it came to signify the physical site of state
activity, and in Rome the venal notarial offices nicely illustrate this process.\textsuperscript{68} The geography of notarial services shifted significantly in the last quarter of the cinquecento as the thirty Capitoline notaries began to settle down at specific locations. By 1630 many could be found at addresses that would endure for the next two hundred years. In the sample these included Lorenzo Bonincontro’s office 18 at the corner of the Corso and Vicolo dei Mancini (now Vicolo del Piombo), and those of Giovanni Battista Ottaviani (13) at SS. Apostoli, Francesco Arrigone (21) at the Trevi Fountain, Torquato Ricci (1) next to the convent of S. Maria in Campo Marzio, and Marcello Cortellacci (17) on the Trastevere side of Ponte Sisto.\textsuperscript{69} Angelo Canini’s office 12 in the present-day zone of the imperial forums had been occupied earlier by his predecessors and remained there under his successors in 1702; Angelo Giustiniani’s office 11 in Via del Gesù was also in the same street in 1702. Romans likely conjured up quite specific topographical associations when hearing that someone had notarized an act in Bonincontro’s or Canini’s or Giustiniani’s offices. Although we do not know all 1630 addresses, Capitoline notaries seem to have concentrated in the Tiber bend and along the Corso, avoiding the outlying districts.\textsuperscript{70}

Nevertheless, as we have seen, some contracts with owners allowed Capitoline notaries the freedom to exercise their profession anywhere in Rome. In this still fluid period of the early seventeenth century, therefore, changes of address were not unknown. We have noted that Guido Camilli moved the office he leased from the neighborhood of Sant’Eustachio to the Corso in the late 1620s.\textsuperscript{71} Giovanni Agostino Tullio’s office 4 was next to the priests’ residence at Sant’Andrea della Valle in 1624 and at the Piazza della Pigna twenty years later. In 1616 Piazza Mattei hosted two Capitoline offices, but after this situation led to trouble, Felice Antonio de Andreis, who took over one of them in 1617, moved it to the present Via del Seminario near the Pantheon. The second office, which was in quarters rented from the Mattei family, remained around the corner at the piazza “of the elm” until the nineteenth century.\textsuperscript{72}

How was this physical stability achieved when, in the purchase and lease contracts we have reviewed, “office” clearly did not refer to the space of the notary’s activities? Although the exceptional Lorenzo Bonincontro owned the quarters used by his office 18, most Capitoline notaries did not have freehold ownership of their places of work. Instead, specific contractual clauses gave them a life interest in a combined residence and workplace on which they paid rent.\textsuperscript{73} In practice, it was hard to distinguish this kind of arrangement from ownership, especially when a property had acquired the contractual identity of a notarial office and thus could be rented only to Capitoline (or other) notaries. By 1652 the notarial college was actively promoting such topographical permanence, regarding it as a serious eco-
omic threat if titleholders shifted locale without the consent of their colleagues. Their attention to place turns ours toward the notary’s household, where the business of public writing focused. While Capitoline notaries might rogate as many acts in their clients’ shops and homes as in their own offices, and their employees ran constant errands all over Rome, the household was the center of documentary production.

Working as a Household

Employers

In 1630 Capitoline notaries usually lived where they worked, and so did their employees. The titleholders ran offices with a staff of one or two to a half-dozen men, and censuses record that these workers frequently slept and ate under the same roof as their employer. Because we have little evidence of formal contractual relations between the notary and his employees, their presence together in a common household helps to situate them among the middling sort in city society. Roman designations of the notary’s place of business as a banco underscored the parallel between a notarial office and a workshop, though it was more common to find the term officio or office used to indicate a notary’s location. A household at a Capitoline notary’s address might well include three or four young men, a servant or two, and sometimes a wife and children.

In contrast to the majority of Romans who lived in households comprising only family members, most Capitoline notaries for whom we have such information lived either with their kin and employees or simply with fellow employees. An example of the first type was Guido Camilli’s residence on the Corso in 1630, which included his wife, his four-year-old son, his sister, and two notaries who worked for him. In a city that demographers have signaled for its pronounced “male” character, however, it was the second type, the household of unrelated adult men, which was most distinctively Roman. In 1630 Angelo Giustiniani’s office was home not only to the forty-eight-year-old bachelor himself but to all five members of his notarial staff, men in their twenties to sixties, as well as two servants. A variation on this pattern was the head notary who lived very close to his place of business, while his staff worked, ate, and slept at the office. This was the case with Marcello Cortellacci, a Trastevere notary who lived alone except for a female servant, while his nearby office was home to several employees. It was also the case with Angelo Canini, a widower with four children whose office had a separate entry in the parish censuses of the 1630s and 1640s that showed four to six men ranging in ages from seventeen to thirty-eight living together.
Few Capitoline notaries lived like Lorenzo Bonincontro in a household with brothers and no employees. In 1629 he was listed in the parish of SS. Apostoli with his wife, two young children, two unmarried brothers, and four servants. On the other hand none of the Capitoline notaries, sharing quarters as they did with a staff of two to five employees, could equal the households of some notaries of the auditor of the Camera, who may have lodged a dozen office workers under a single roof. We will look at a few Capitoline notaries and their families in more detail and then situate them more broadly within the spectrum of the notarial profession in Rome. While these cases are not a scientific sample, they are a suggestive sampling of individual notaries of the Capitoline curia around 1630.

In that year Giovanni Battista Ottaviani (c. 1551–1636), proprietor of office 13 at SS. Apostoli, was not the most senior, but he was one of the oldest members of the college. Born around 1551 at Villafranca lunigiana in the diocese of Sarzana, the border region between Tuscany and the Republic of Genoa, he had come to Rome and married Hortensia Vola, daughter of a Capitoline notary, succeeding his father-in-law and then his brother-in-law in the same office in 1595. At seventy-nine, Ottaviani presided over a household that no longer included his adult children, Girolama, the nun Maria Angelica, and the attorney Bartolomeo Ottaviani. Girolama, born around 1601 and still living at home in 1623, had married Giovanni Francesco Morelli in the interval; her sister was in the convent of S. Lorenzo in Panisperna; and their older brother Bartolomeo, who as a forty-year-old had been residing in his father’s house in 1629, may have died. The household consisted of Ottaviani’s wife, Hortensia; a female servant of around fifty named Sulpitia; and five men aged between nineteen and twenty-seven, at least four of whom clearly worked in the notarial office. The parish priest of SS. Apostoli was unusually loquacious in 1630, so we find Nicolo and Ottavio identified as “sostituti” and Marco labeled “scriba.” Giulio Cesare Tosone from Montefalco at twenty-seven was the oldest of the employees; while others came and went, he remained a constant fixture in Ottaviani’s household until the older notary’s death in 1636, and it was Tosone who succeeded him in office 13.

Angelo Canini was a generation younger than Ottaviani and at an earlier moment in his career and family life cycle. In 1630 Canini (c. 1583–1649) had been holder of office 12 in the Monti district of Rome for seven years, though he had been working as a notary since his youth. Born in Fabro near Orvieto, Canini migrated to Rome as a boy in 1595 and studied with the Jesuits for two years; at fourteen he began as a novizio, the first step in the office hierarchy, with Capitoline notary Biagio Cigni, who ran office 29 from 1592 until 1621. In 1623 Canini purchased his own
Capitoline office and moved to its site at the Arco dei Pantani, not far from the Church of Sant’Adriano, the ancient Senate House, in the Roman Forum. He had already been married for some time to Maddalena Bruschi with whom he had four children: Pietro Antonio (born between 1610 and 1616), Giovanna (born c. 1618), Michele (born c. 1621), and Albano, born the year of the move to the Pantani. In the parish census of 1631 when we meet the Canini children, ranging in age from eight to twenty, their mother was dead, and they lived with their forty-eight-year-old father and a female servant.\textsuperscript{86}

Over the next eighteen years, the core of this household remained remarkably stable; in his thirties, Canini’s son Pietro Antonio finally married and brought his young wife Anna Rainaldi and his mother-in-law to live in his father’s house. His two younger brothers, both destined for the priesthood, never left. Their sister Giovanna, who was gone by the time she was twenty, had returned to her father’s house with her husband five years later in 1643, though she died soon afterward. In 1648 Angelo Canini headed a household of ten people that now included not only his surviving children, a granddaughter, the mother of his son’s wife, and a female servant but also a nephew and two brothers, both in their twenties, whose relationship to Canini is unclear. When he made his will in April 1649, Canini designated his oldest son as heir. He requested burial in his parish church of S. Maria in Campo Carleo, where his wife and daughter were previously interred, and he made careful arrangements to support his son Albano, an archpriest of Castel Gandolfo, and his son Michele, should he too wish to become a priest and remain in his older brother’s household. Because Canini was already in partnership with Carlo Novio, his successor in the notarial office, the way was clear for this thirty-eight-year-old notary to take over his senior partner’s practice in 1649.\textsuperscript{87}

Angelo Giustiniani (c. 1582–1644?), head of office 11 next to the palace of Cardinal Muti in Via del Gesù, was of the same generation as Canini, though he had become a notary at twenty and acquired his Capitoline notarial office a decade earlier than Canini when he was around thirty years old. Like Ottaviani and Canini, Giustiniani, who came from Acquasparta in Umbria, was an immigrant to Rome. He had worked as a sostituto in office 11 before becoming titleholder in 1611.\textsuperscript{88} Although we know little about his background, his younger brother Vittorio had also moved to Rome, become a notary in 1610, and served the tribunal of the Rota until 1639. Giustiniani’s household, as we have seen, usually included four or five office employees who slept two to a room in the upper reaches of the notary’s combined office and residence and ate their meals together; in December 1631 the young notary who would succeed Giustiniani fourteen years later, Giovanni Matteo
Massari from Velletri, joined this group. A female servant did the cooking and cleaning for the men, and sometimes a manservant who tended the horse and worked in the notary’s vineyard lived there too.  

Unlike Ottaviani and Canini, Giustiniani seems never to have married. During the early 1630s his notarial office was the subject of a criminal investigation in which innuendos surfaced about his sexual life, including suggestions that he was carrying on an affair with his servant Letizia. If true, Letizia’s heart seems to have been stolen away by one of Giustiniani’s employees, and she had left by 1633. Therefore, we do not know who the mother was of the three small children whom the parish priest of S. Stefano del Cacco recorded in the censuses of 1639 and 1640 as Giustiniani’s “figli naturali.” The oldest, Domenico, was apparently born around 1633, and the two younger, Pellegrino and Pellegrina, were born in 1636 and 1637. Although Giustiniani did not follow his colleagues’ path to legitimate marriage, his delay in having children until he was in his fifties was not unheard of at a time when notaries seem rarely to have married, if at all, before their late thirties. Given Rome’s distinctive sex ratio, his family of illegitimate offspring may also have had parallels in other Roman households.

Lorenzo Bonincontro (c. 1581–1634), holder of office 18 from 1605 to 1633, represents the Capitoline notary at the apex of wealth and prestige. While the cases we have seen thus far illustrate the broad middle range, Bonincontro’s household shows us the elite end of our sample. Atypical—because he was born in Rome, he was the son and grandson of Capitoline notaries, he took part in civic political life, and he married an heiress—Bonincontro conforms to the image of the notary forged in places and periods where the profession was more exclusive and more powerful than in early modern Rome. A prominent figure inevitably leaves more traces than his colleagues, and indeed we do know more about Bonincontro and his family than about most Capitoline notaries; this is due in part to the chance survival of a series of account books kept by his widow after his death in 1634. These illuminate the tenor of life in a wealthy notarial family as well as many otherwise obscure facets of the notary’s business. We have already noted Lorenzo Bonincontro’s status as a gentleman. His domestic setting played an important role in communicating his unusual social distinction.

Born in Rome around 1581, Lorenzo Bonincontro was the son of Faustina Orlandi and Marc’Antonio Bonincontro, a Capitoline notary active in the 1580s. By 1605, when he was in his mid-twenties, Bonincontro had taken over the notarial office associated with his father. His brother Camillo, a doctor of laws also apparently born in the early 1580s, held one of the civic offices connected with the university in 1606 and again from 1613 to 1619, while a second brother Francesco,
born around 1590, was a priest. As we have seen, both brothers, then in middle age and unmarried, were living with Lorenzo on the Via del Corso in 1629. In February 1629, following litigation initiated by Camillo a few years earlier, the brothers had agreed to cede all their rights to their parents’ property to Lorenzo in exchange for yearly allowances and payment of certain debts. Both brothers died within the next two years.94

Lorenzo Bonincontro seems not to have married until he was in his forties. Although we do not know the exact date of his marriage to Ginevra Zeloni, who was fourteen to twenty years his junior, their oldest child Anna Maria Faustina was born around 1627 and their son Marc’Antonio a year later. The match with Ginevra Zeloni brought Bonincontro a wealthy wife, for after her brother’s death she became sole heir to her father Zelone Zeloni, a successful Roman attorney with landed property in his native Tuscany. Through her mother, Francesca Capogalli, Ginevra was also linked to a family with deep roots in the Roman notariate; Capogalli notaries were active in Rome from the fourteenth century onward. The marriage seems to have been a success on the emotional as well as the financial front, for Lorenzo called Ginevra his “very dear and beloved wife” in his will and, at his death in February 1634, made her guardian of their children.95

The Bonincontro household was unquestionably prosperous, drawing income not only from the notarial practice but also from real estate investments, loans and bonds, venal offices, and from the sale of grapes and mulberry leaves from its lands. Lorenzo was a notary who wore a diamond ring and had his own coach; his widow bought new livery for her male servants every two years; their children were tutored at home rather than sent to school. Ginevra employed a staff of domestic servants that ranged from three to five people, a coachman, and a man to tend the family’s two vineyards. A list of the keys to her house, where even the oven had a lock, implies the value of its contents and suggests the numerous rooms occupied by this extended family and its staff. In addition to the Corso residence, Ginevra purchased and renovated a second house near Trajan’s Column to which she and her children may have moved after Bonincontro’s death.96 Although some Capitoline notaries were men of substance, very few had the resources of Lorenzo Bonincontro and his wife.

The elderly Ottaviani and his three middle-aged colleagues may well give a more accurate impression of family life among the middle and upper range of Capitoline notaries than among the lower end. Notaries who remained in their offices for decades, as they did, almost inevitably produce more biographical information than those, like Giorgio Giorgi from Avignon, who graduated from Bonincontro’s office to his own Capitoline office in 1629 but held on to it for only four years.97 Moreover,
we need to ask, even if we cannot fully answer, the question of what place these families occupied in relation to other Roman notaries. Two examples from outside the sample group and opposite ends of the professional spectrum help to situate the Capitoline notaries more broadly within the context of the early seventeenth-century Roman notarial profession. One, Felice de Totis, represented the man whose successful career enabled his family to leave the notariate behind and reach decisively for higher, gentlemanly status within his lifetime. The other, Virgilio Lusanna, symbolizes the notary with artisanal roots who, despite attaining a Capitoline office, risked falling back among the artisans from whom he came.

Felice de Totis migrated to Rome from Cività Castellana in the Tiber valley. Although we do not know when he began his career, he was established enough by 1607 to serve in the elected civic post of notary of the pacieri. By 1614 he had begun to lease one of the nine notarial offices of the Apostolic Chamber, which he held until 1633. Then De Totis moved into tax farming, a far more lucrative activity than notarial exertions; from 1637 to 1642 he leased the right to collect one of the two major municipal sources of revenue, the wine tax known as the *gabella dello Studio*. Although this particular contract seems to have ended unhappily for De Totis, who bowed out of the lease after a jail term, his social ascent was not jeopardized by this misfortune for he had secured a crucial foothold in the papal curia for his son, Monsignor Carlo Vincenzo de Totis. When the elder De Totis made his will in April 1648, he did not mention his notarial origins. Instead, he strove, with the help undoubtedly of the rogating notary, his former colleague, to pour onto the pages all the knowledge he had acquired of how to preserve family property in an ecclesiastical city. Like cardinalatial families, curial families in Rome, especially newly minted ones, adopted the practice of placing clerical sons in charge of their lay brothers and sisters. Felice de Totis enjoined his other five children to obey their brother the monsignor, to whom he gave responsibility for educating them and for administering the family patrimony. Although he made his second son a principal heir along with Carlo Vincenzo, De Totis forbade any division of the inheritance by the brothers until after the monsignor’s death. While grudgingly providing for his lay son, he tried to circumscribe this young man’s access to the family wealth in every way possible, and he left all decisions concerning the dowries of his four daughters to the monsignor. De Totis had enjoyed the satisfaction of leaving his children in a more elevated social position than he had inherited; now launched in the Curia, they were indeed poised for further ascent. In the view of the dying notary, however, their future could be guaranteed only if the monsignor was allowed complete freedom to deploy siblings and patrimony for the family’s advance. Here we see the
fulfillment of the hopes for social mobility that must have attracted many of Rome’s immigrants in the seventeenth century, though few could equal De Totis’s success in raising a provincial family from curial notary to prelate in just two generations.\textsuperscript{98}

A Roman native likely born in the late sixteenth century, Virgilio Lusanna stands at the other end of the social and professional spectrum from Felice de Totis. His father was a tallow chandler in Piazza Giudea, near the main gate to the Roman ghetto, who had managed to place his son in a novitiate in a Capitoline notary’s office. After some time, Lusanna was able to purchase Capitoline notarial office 8 in Piazza Mattei, a few minutes’ walk from his birthplace, which he held from 1600 to 1607. From 1608 on, he remained in the neighborhood and, exploiting his wide acquaintanceship in the quarter, continued to work at the margins of the notariate for another twenty years.\textsuperscript{99}

Lusanna married the daughter of a Milanese immigrant and had several children; his wife’s dowry was more than nine hundred scudi. One of Lusanna’s sisters was married to an estate agent for the large Roman hospital of Santo Spirito; another may have been married to a barber; and a third was married to a rope maker, who was his neighbor on the Piazza Mattei. Although this last brother-in-law was unable to read and write, he had financial investments of more than four hundred scudi, so we should not assume he was an impoverished rope maker. The social milieu from which Lusanna sprang was clearly that of the independent Roman artisan and tradesman. These were men of property, though of uneven literacy, whose clever sons might well parley elementary Latin and arithmetical skills into an office apprenticeship and become estate stewards or notaries.\textsuperscript{100}

Lusanna’s grip on his Capitoline office was not secure, however, and in the decades after he gave it up in 1607 he made a living as a private notary in the most precarious ways possible. He had a desk in the office of his successors where he registered acts in their name, and, if even a few of the accusations leveled against him in several trials were true, skimmed money from his clients in fraudulent money-lending operations.\textsuperscript{101} We do not know how large a patrimony, if any, Lusanna was able to pass on to his heirs after all his fines and court fees were paid, but we can be sure that it did not include a notarial office or his own good name. It is difficult to imagine that his children were able to climb out of the ranks of the master artisans and tradesmen.

Having looked at a sampling of notaries who headed offices in the middle decades of the seventeenth century, we have seen that employers had at one time been employees. Sharing as they did the experience of working for a titleholder, they had all been part of a labor force, which, though all but invisible, was absolutely
essential to the productivity of the venal offices. We turn now to the obscure world of the men whose hands were chiefly responsible for the records that we now read: the employees of the thirty Capitoline notaries.

**Employees**

Only Capitoline notaries could sign public copies of the acts rogated in their name, but for the bulk of their documentary production they depended on the pens of their employees. Without these men, it would have been impossible to earn the fees that kept a venal notarial office going. They rogated transactions both inside and outside the office, extended the rough drafts into full transcripts, created the table of contents for each protocol and manuale that returned from the binder, and made copies at clients’ request. On the judicial side, the staff wrote out and filed summons in lawsuits, recorded the audiences at which litigants or their attorneys presented their documents, carried warrants to judges for signing, and kept the accounts of all judicial acts expedited by the office and of all payments received. They stood guard so that the office was never left unattended, and they ran countless errands in an era when the only means of communication were either face-to-face or by messenger.

Demand for scribes was elastic and turnover relatively high in baroque Rome. “You hire a hand when one leaves or is fired,” a notary’s servant testified. As we have seen, the Capitoline notaries might have as few as two clerks or as many as five. Papal authorities reluctantly acknowledged that the sale of notarial posts had increased the size of the office work force and given it a distinct hierarchical structure. Although still insisting that Capitoline notaries serve their judges in person, for example, the 1612 judicial reforms recognized that a “principal notary,” caponotaro or padrone, headed the office, and a staff, designated by the terms giovane and sostituto, worked for him. The entry-level position was that of novizio, in which a youth spent a year learning the notary’s art. To rise to the status of a sostituto, the young man had to be formally created notary, which empowered him to rogate business acts. In later decades, when papal disciplinary orders targeted the sostituti and giovani directly, they showed that the state well understood who was actually producing notarial documents in the venal offices.

Thus, the late medieval tradition of informal, largely on-the-job training for young notaries continued in early modern Rome. No special academic center for notarial studies existed, and even apprenticeship contracts were rare. When we find notarized agreements to teach a youth the “art and profession of notary,” they are not between parents and employer but between an orphanage and a notary. In exchange for instruction, meals, and clothes the orphan apprentice promised to
serve his new padrone for three years. Exceptions apart, the more usual work arrangements must have been oral, not written.

Boys destined to be notaries in Rome where documents were written in Latin had acquired some knowledge of the language in school, as Angelo Canini did when he studied from ages twelve to fourteen with the Jesuits. It was uncommon for a would-be notary to attend university lectures in logic, as Giacinto Gallucci claimed to have done in Macerata. Because many of the young men who worked in Capitoline offices came from small provincial towns within a day or two’s journey of Rome, they must have acquired their Latin from local schoolmasters. They learned the details of the notarial craft as novices in the offices of established notaries in their hometowns or in Rome, usually entering as Canini did while still in their teens. Once they had become giovani, they could expect to earn around 1.50 scudi a month. The more ambitious could hope after a few years for a salary of 2 scudi a month once they advanced to the rank of sostituto and were allowed to rogate instruments and, despite the 1612 legislation, process the office’s judicial business.

In addition to wages, which were paid at such lengthy intervals that we might almost consider them a form of forced savings rather than a regular income, padroni often recompensed their employees by other means. As we have seen, many young and not-so-young men shared a table and roof with the rest of the notary’s household. Information on the economic and social background of the young men who worked in the Capitoline offices, while scattered and anecdotal, suggests that they were recruited from families of varied means. Thanks to the trial of one of Angelo Giustiniani’s sostituti between 1630 and 1633, we have a relatively full picture of the staff in office 11 on Via del Gesù. Giacinto Gallucci testified that his father in Montegiorgio (Fermo diocese) owned financial instruments and real estate worth thirty-five hundred scudi. Ettore Alberti, a twenty-three-year-old giovane from Velletri, told the court that he himself owned a house and a vineyard in nearby Segni worth four hundred scudi. Their colleague Bartolomeo Benedetti of Tarano, on the other hand, was so poor that his flesh showed through his threadbare clothes; he had to borrow a cloak from Alberti when he went on an important mission to try to save his job. When asked, most of these young men said they lived on their earnings as notaries, though Gallucci admitted that he asked his father for money when these were insufficient.

Precise comparisons between immigrants and native sons are hard to come by, but if we can judge by the contrasting backgrounds of two Romans who became Capitoline notaries, Virgilio Lusanna, son of a tallow chandler, and Lorenzo Bonincontro, son of a Capitoline notary, variety was the general rule. In an active trading center like sixteenth-century Milan, novice notaries gravitated to the offices of men
who shared the same mercantile background as they did. In baroque Rome with its commerce in parchment, we cannot yet say whether analogous occupational affinities influenced employment, but migration patterns may have. It might be a coincidence, but three of the five employees in Giustiniani’s office in April 1630 came from villages very close to each other, no more than five miles apart, in the Sabine hills. The market for scribal labor seems to have been too unorganized for Giustiniani, or any other Capitoline notary, to have hired on the basis of hometown ties. Recommendations from trusted colleagues were a more likely source of pertinent information on recruits than common patria. But informal networks among immigrants may have alerted these young men to potential openings in notarial offices, so that they might present themselves when vacancies occurred.

Vacancies occurred frequently. Most employees, especially those in their teens and twenties, did not stay long with any given notary; six or seven month stints were not unheard of, and parish census data suggests that two years was common. The interrogations of Angelo Giustinianis’s staff by the governor’s tribunal provide details about the peripatetic early careers of several of these young men.

Bartolomeo Benedetti, the defendant in the case, had worked in the profession for five years when we meet him in 1631. About his background before he came to Rome in 1625 we know only that he was a poor youth from Tarano in the Sabine hills whose brother was a priest. In Rome he started as a novizio in the Trastevere office of Marcello Cortellacci, where he lived with a sostituto named Marzio Mecci and another man. Mecci, as his immediate superior, may well have had more to do with training him than the padrone; he later claimed to have supervised him closely during their two years together. In 1627 Mecci left the Capitoline office to work for Marzio Nucula, a notary of the auditor of the Camera, but the two men remained friendly, and three years later Benedetti would arrange to have a will that he was writing for a wealthy client rogated in Nucula’s office rather than by his own employer at the time. Meanwhile, in late 1627 Benedetti also departed from Cortellacci’s employ and was hired by Angelo Canini in office 12, as a temporary replacement for another giovane who eventually returned. He worked for Canini for five or six months, but by Lent 1628 he was listed in Angelo Giustiniani’s household. Benedetti formally became a notary on 9 June 1628 and continued to work for Giustinianis until he was fired in early May 1630.

In a period of five years, Benedetti had passed from a novice to a sostituto with substantial responsibilities. In Giustinianis’s office he served as the notary for the court of the maestri giustizieri, a tribunal with jurisdiction over crimes and disputes involving vineyards. Indeed, Giustinianis testified that he fired Benedetti by order of the pope’s nephew, Cardinal Francesco Barberini, because the sostituto had helped
release a youth imprisoned for stealing from a vineyard. In those five years, Benedetti had become acquainted with three Capitoline notaries and their staff and clients and had grown familiar with the judicial and business world centered on notarial documents. One of the lessons he took from these five years in Rome was that he could not get rich as a sostituto, and, if the record of his trial for forging a will can be trusted, he seems to have longed desperately to escape his poverty. Although we do not know the outcome of the trial, perhaps the Jesuits, who stood to benefit from the alleged forgery, were able to pull enough strings to obtain Benedetti’s release. If this were the case, it would help to explain why the Archivio Urbano holds instruments rogated between 1636 and 1642 by a private notary named Bartolomeo Benedetti.

Giacinto Gallucci from Montegiorgio in the Marche met Benedetti when they were both novices in different Capitoline offices, and their friendship deepened when he overlapped with him in Giustiniani’s office for seven months between late summer 1629 and early spring 1630. Gallucci, the erstwhile student of logic in Macerata, came from a propertied family and relied on his father to supplement his notarial earnings, but his working life illustrates the mobility of labor among notarial employees. Gallucci arrived in Rome in the summer of 1626 and remained there until August 1630, when he went back to the Marche for half a year to recuperate from a serious illness. During this time, he worked for Tranquillo Scolocci in office 26 and briefly for Giustiniani. In April 1631 Gallucci again was back in Rome, employed by Cortellacci’s office in Trastevere, but by October 1632 he had moved to a fourth Capitoline notary, office 9 at the Piazza della Pace. We lose track of Gallucci after this, but we do know that he was still working as a notary in 1638 when he was nominated to the three-month post of notary of the syndics of the municipal officials.

When Ettore Alberti replaced Gallucci in Giustiniani’s office in April 1630 it was his first job in Rome, though not the beginning of his career. Although he entered the Capitoline office as a twenty-one-year-old novizio, he had already worked as a notary since his mid-teens in his native Velletri and in the nearby towns of Frascati and Marino in the Alban hills. He spent just five months with Giustiniani. When we meet Alberti in March 1632, he had passed swiftly through three Capitoline notaries’ offices and had made the switch from civil to criminal notarial work by taking a job at the prison of Tor di Nona.

In 1632 this newly minted criminal notary was no stranger to penal justice himself. Called back in June 1632 to testify a second time about what he might know about Benedetti’s alleged crime, Alberti was asked some routine questions pertinent to his own trustworthiness as a witness. Had he ever been imprisoned or prosecuted
himself? Before arriving in Rome, he had been jailed for a debt in Velletri, Alberti admitted, and released when he paid off his creditor. He further confessed that in 1631 he had been accused in the senator’s tribunal of altering a power of attorney issued in connection with a moneylending operation. Before his release on bail on those charges he spent time in the Roman prison of Corte Savella where Giustiniani had visited him to check on some money he was owed. Not surprisingly, Alberti was silent about criminal proceedings initiated against him just ten days earlier in the governor’s tribunal, and he was not asked about them. A grocer accused the notary from Tor di Nona of framing his wife on a trumped-up charge of slander and then taking a bribe to keep from jailing her. None of this history seems to have affected Alberti’s career adversely, however; in the late 1630s and early 1640s we find him on the other side of the interrogation table, working for the governor’s tribunal.

Unlike his migratory colleagues, Fulvio Benedetti, who was probably the youngest of the four, spent the first three years of his career in Giustiniani’s office. He arrived in Rome from Stimigliano in Sabina in 1629 and, after a year’s novitiate, moved up to the position of sostituto. Before May 1630, he shared a room with Bartolomeo Benedetti and was thought friendly to him, attempting to shield him when called to testify in the case of the disputed will. But he profited from Bartolomeo’s dismissal for Giustiniani assigned to Fulvio the job of registering the acts of the maestri giustizieri after his colleague’s departure. He apparently made a good impression on those civic judges: Fulvio Benedetti was destined for notarial posts at the highest levels of the municipal administration. He was elected notary of the syndics of the municipal officials in 1638, became coadjutor or assistant to the protonotary of the senator from 1651 to 1656, and again in the 1680s, and served as notary of the conservators from 1656 to 1688.

While there was a great deal of mobility and even quick advancement for notarial employees at the beginning of their careers, the middle decades demanded patience, if not resignation. Before Sixtus V made the Capitoline notarial offices venal, this would not have been the case, for the open profession of those times would have allowed qualified notaries to matriculate. The 1586 legislation eliminated this option. By the seventeenth century, if the capital to purchase a notarial office could be accumulated, it was generally done, as we have seen, by the time a notary was in his mid-thirties. Because few sostituti could hope to come up with the several thousand scudi required, however, most settled down to long years of hired labor. Sixty-year old Michele Picollo from Piemonte retired to tend his Roman vineyard in 1633 after twenty-five years in the office of Arsenio Mosca and his predecessor, notaries of the auditor of the Camera. The sixty-one-year-old Ottaviano Nucci from Gubbio,
with more than thirty years’ service to the titleholders of office 11, was a lone symbol of continuity in Angelo Giustiniani’s office with its constant ebb and flow of young clerks. Eugenio Salvietti of Monte Santo (Spoleto diocese) had also spent twenty-five years in various Capitoline offices and in the office of a notary of the auditor of the Camera. Urban VIII’s legislation of 1625 presented him with a new possibility, that of registering as a free-lance professional with the Archivio Urbano, and by 1631 Salvietti had shaken off the padroni and set up as a private notary. The Capitoline titleholders would no longer be issuing orders to him.

The social relations of production in the notary’s office were such that the bulk of scribal labor came from men who were both detached, mobile, professionally slippery figures and household intimates sharing a common table with their boss. While the workshop economy of early modern Europe would have found nothing exceptional in this paradox, the notary’s banco put a higher premium on the manufacture of trust than did most businesses. Its products needed to be credible in order to sell. There was no intrinsic reason to believe that the post-1586 conditions of employment in the notarial profession undermined the production of authoritative documents, but it was certainly true that these texts were no longer the handiwork of the notary in whose name they circulated. Instead they were the work of hired, ill-paid, often temporary, hands with little investment in any particular office’s prospects. Sostituti gossiped about their bosses when they met outside the judges’ chambers on the Capitol, trading rumors about their finances. Although employees regarded the padroni with fascination, their own networks may have been more compelling than ties with employers.

What happened around the common table, therefore, and more generally the interactions between Capitoline notaries and the men who wrote for them, could have an impact on the integrity of the final product. A court official asked Angelo Giustiniani if he had ever had occasion to reprove any of his scribes for their writing practices and instructed him to remind his giovani that they must tell the truth when called to testify in Bartolomeo Benedetti’s trial. Giustiniani, who had never questioned the young man when he saw him obsessively copying a client’s name and who brushed aside his maid’s revelation that she had found wax seals torn from a document under Bartolomeo’s bed, claimed that he had reprimanded his staff only twice in twenty years. Not all titleholders were indifferent employers; Ottaviani suggested that his heir give his giovani a special break if they wanted to purchase the office after his death, and Ascanio Barberino left his rights in office 10 to one of his sostituti. But Capitoline notaries did not necessarily supervise their employees closely, as we see both from the repeated orders of papal officials that sostituti and giovani extend and bind instruments within the legal deadlines and from the clauses
in the notarial statutes forbidding sostituti from signing public copies. Much of the time, it seems, the titleholders were just not around. The fabrication of scriptura publica took place through mechanisms that owed a great deal to the padroni’s faith that the staff was doing what it was supposed to be doing.

Servicing a Clientele

The Choices of Clients

Notaries needed customers just as much as hat makers or barbers did, and venal officeholders with payments hanging over their heads could ill afford to neglect the sale of their wares. Without clients all the legal authority and hired pens in the world would have borne no fruit; these were, after all, households set up to produce writing on demand. Yet the larger context for notarial production in baroque Rome was competition from other forms of evidence. The enormous quantity of surviving business acts can dazzle us into thinking that patronage of notaries was ubiquitous, but we know this was not the case, and, whether or not we can recover it, the choice always involved a client’s calculation. Ginevra Bonincontro, for instance, the widow of Capitoline notary Lorenzo Bonincontro, kept detailed accounts of her income and expenses. The guardian of two children whose patrimony included her late husband’s office, Ginevra was not likely to shy away from paying notaries their due. She filled her ledgers with receipts but rogated only a very few of them. What dictated her choice to use a notary was not necessarily the amount in question, but the transaction’s relationship to other types of scriptura publica. When she paid the small sum of ten scudi to her maid Portia, she treated her account book as an insufficient record and turned to a notary because the payment was a bequest from her late husband’s will. She also preferred a notary’s hand for documents serving as evidence in a civil action against a delinquent debtor.

With keen discrimination, therefore, large numbers of people did employ notaries. Generalizing all those individual calculations, we can identify the need for certification and for information as the two main desires driving notarial clients. Certification describes Ginevra Bonincontro’s motive. She sought documents with the authority to function as a form of proof in the Roman legal system—a goal that linked her choice directly or indirectly to the prospect of litigation. Information, on the other hand, refers to the client’s use of the notary as a broker to find something she or he wanted—particularly, in the early modern context, money. Like attorneys in England in the same period, notaries on the continent played a key role in moneylending, bringing together those who needed loans and those who had capital to invest.
Roman notaries vigorously participated in the credit market, parleying information into a wide variety of financial instruments for customers, all of which they had to rogate, archive and, when asked, turn into public copies. Providing certification and information to clients was not, therefore, necessarily two separate activities. It was often one linked business strategy, particularly for those professionals, like the thirty Capitoline notaries, attached to civil tribunals. When debtors and creditors fell out, they frequently sought out the notaries who could start their litigation proceedings for them. Contracting parties in Rome seemed to have viewed lawsuits not, as we might suppose, as their last resort, but rather as a way of renegotiating their agreements, the continuation of business by other means. If civil proceedings were normal economic practice, the Capitoline notaries were nicely placed to provide clients with both records of their contracts and the documents needed to enforce them.

While in theory any notary could offer clients certification and information, in reality the venal officeholders had a decisive edge over the private notaries. Again Cardinal Giovanni Battista De Luca’s comment from midcentury is pertinent. Romans prefer the public notaries, he contended, because they preserve their records better. Being able to count on finding the documents they sought attracted customers. Equally compelling was the fact that, as court notaries, the venal officeholders also functioned as the gateway to the civil justice system. Yet there were quite a few tribunals in Rome, as we have seen, and much rivalry between courts—and their notaries—for judicial business, civil as well as criminal. While the Capitoline notaries had to concede the most lucrative civil cases to the notaries of the auditor of the Camera and the most aristocratic clients to the notaries of the Rota, they offered three distinctive enticements to consumers. The first was convenience. Thirty notaries, many more than for any other tribunal, dispersed around the city rather than concentrated in a particular street, were likely to be within easy reach of clients. Second, the prices of civil judicial acts in the tribunal of the senator were lower, sometimes much lower, than those of its biggest rival, the auditor of the Camera. Pope Paul V may have done the Capitoline notaries yet another service when his reform legislation of 1612 not only published fees for a greater number of judicial acts than ever before but divided them up by tribunal. Nothing made comparison shopping for justice more efficient.

Finally, the kind of procedure employed by the civil judges of the Capitoline curia, rooted more firmly in ius commune than that used in the papal courts, produced speedier outcomes. This is somewhat counterintuitive, given that the labyrinthine methods of the senator’s tribunal were notorious, at least among curial partisans, as far back as the seventeenth century. However, if its modus operandi is
understood correctly, as Renata Ago has argued, we see that cases brought to the Capitoline curia did not necessarily take longer than elsewhere. Although litigants might never obtain a final judgment, they seem to have pocketed as many judicial decrees as they could pay for, coming to terms with each other about the goods in dispute more rapidly than if they had had to await a judicial sentence. So for location, price, and speed, the thirty Capitoline notaries could compete handily with the notaries of rival civil jurisdictions for the city’s business.

Can we discern any pattern to client preferences when it came to selecting among the thirty notaries who held the offices of the Capitoline curia or, indeed, choosing any particular notary in Rome? Although it happens all too rarely, we sometimes do hear the reasons for a customer’s choice. Jacobus Landusgalli, shot near San Ambrogio on the Corso just before daybreak, shouted to a passing acquaintance to fetch Capitoline notary Girolamo Tranquillo “who is close by.” The ex-Capitoline notary Virgilio Lusanna said he occasionally used Angelo Giustinianì’s office because his wife’s dowry was invested there. A courier who had first encountered the private notary Eugenio Salvietti at a house purchase three years earlier, and whose wife’s relative was acquainted with him, asked Salvietti to rogate all his instruments. Because the footman in the household of Princess Anna Maria Cesi Peretti had already met the sostituto Ottavio Franceschini when Franceschini was in office 22, he called on him again when Franceschini was working next door in office 20 at the Arco del Portogallo. When Capitoline notary Flavio Paradisi was jailed in 1629 and his office 7 put under the care of administrators, his clients, the leaders of the vegetable sellers’ guild, complained that it was being managed “by different people and in an irregular fashion.” Although the guild officers were unable to convince their members to abandon Paradisi, they successfully executed a parliamentary maneuver to switch their business to Leonardo Bonanni, titleholder of office 2.

More often, our evidence for clients’ selections is circumstantial and ambiguous. The master of horse (cavallarizzo) in the Peretti establishment also patronized Ottavio Franceschini while he was administering office 20 next door, and for two years Franceschini had been handling all his investments in short-term loans. Had he chosen Franceschini because of his proximity, or because colleagues in the Palazzo Peretti had recommended him, or because, as it turned out, he and the notary had attended the same school? Paolo Vespignani of office 28 in the Via dei Giubbonari did a good deal of business for the Spada family; was that because the Palazzo Spada was a block away or because Vespignani and the Spada both hailed from Brisighella in the Romagna? People from the same city often frequented a given notary, though not always because he was a compatriot.
Sometimes customers and notaries had joint business interests. Lorenzo Bonincontro owned some cattle sheds in the Forum with one client and had loaned money in the form of censi to several others. Sometimes the type of contract dictated the choice of notary. This was obviously the case in such moneylending operations as società d’ufficio loans because notaries brought investors and creditors together, but it also occurred for other reasons. A widow used the notary who rogated her husband’s will for the instrument accepting the inheritance but went back to the notary who had drawn up her dowry agreement for the act that returned her dowry after her husband’s death. Similarly, a client might do a good deal of litigation in one office but opt for a different office when it came to rogating his will. In partnerships where one party put up the capital and the other pledged his labor, the choice of the rogating notary might be imposed by the investing partner. Sometimes litigants preferred to use a familiar Capitoline process server (mandatario) who in turn habitually teamed up with a sostituto from a given notarial office. For various reasons then, even when a patron showed particular attachment to a specific notary, he or she would occasionally rogate an instrument or obtain a judicial order with another. Cardinal Domenico Cecchini’s loyalty to Capitoline office 1 survived the passage of the office from one Ricci to another over the course of several decades, but this did not prevent Cecchini’s instruments from turning up in the protocols of other Capitoline notaries too.

Notwithstanding all this variety, however, proximity evidently meant a lot to a Capitoline notary’s clientele. Giovanni Battista Ottaviani with his office near the Colonna palace on Piazza SS. Apostoli counted the Colonna among his clients over many years. He also rogated instruments for his colleague’s wife, Ginevra Bonincontro, whose house on what is now Vicolo del Piombo was close by. Torquato Ricci’s office 1 next to S. Maria in Campo Marzio serviced the Borghese family, whose palace was not far away. Bernardino Velli of a patrician family based in Trastevere used office 17, which may have been the only Capitoline notarial office on the Tiber’s west bank. The clients of Carlo Constantini, titleholder of office 5 near the monastery of Tor de Specchi, included of course the nuns of Tor de Specchi, many Jews living in the nearby ghetto, and aristocratic neighbors like the Savelli and Capizucchi. Paolo Vespignani’s location on the Via dei Giubbonari (near the Via dei Chiavari) put him within a convenient distance of not only the Spada but also the wealthy Sacchetti and Falconieri families, and such active institutional clients as the confraternity of the Trinità dei Pellegrini and the confraternity of the Conception at the Church of San Lorenzo in Damaso.

Vespignani’s example points to a key ingredient in the success of a Capitoline office, the institutional client. The Capitoline notaries were generalists; their clien-
tele ran the gamut from Jews to cardinals, from old-clothes sellers to bankers, and their business acts reflected a range of types of transactions. This positioned them well to provide notarial services to Rome’s numerous charitable institutions, churches, monasteries, religious brotherhoods, and artisan and trade guilds. Long Italian tradition had endowed the notary with a formative role not only in civic political associations but also in the pious and social organization of city dwellers. In Counter-Reformation Rome such sodalities flourished as never before, with new confraternities and hospitals or charitable foundations emerging every few years, each of which required the occasional or constant employment of a notary.

Less formal or more ephemeral groups also hired notaries as a way to act collectively. Neighborhood gatherings of gentlemen did this, for instance, to choose the electors who would vet candidates for the election lists of the patrician-controlled municipal government of Rome. Faithful to the logic of proximity, the gentlemen of the rione of Pigna asked Angelo Giustiniani to take minutes at their gathering, while those of the Regola district turned to Leonardo Bonanni.

Lower down the social scale, the use of notaries was a vital resource for workingmen not yet organized into a guild or anxious to block a policy of the guild to which they belonged. Tensions in the new industry of carriage making brought the carriage makers to Ottaviano Saravezzio, notary for the carpenters, in the 1580s. Masons protesting a dues increase imposed by their officers took the first steps to sue them by meeting in the presence of Leonardo Bonanni and then using him to collect supporting signatures from three hundred fellow masons.

In these cases, Saravezzio, Giustiniani, and Bonanni were probably paid for the specific task they performed, but when Capitoline notaries worked regularly for an organization, they often received a retainer as the group’s official secretary. As secretary of the hospital and confraternity of S. Maria della Consolazione, Lorenzo Bonincontro collected three scudi a month, and a little less from the hospital of the Mendicanti and from the confraternity and hospital of SS. Salvatore. He was also notary for the confraternity of the Rosary and for at least three monasteries. Other Capitoline notaries had large numbers of institutional clients too. Office 9 under several generations of the Gargario family had acquired the business of the chapter of St. Peter’s Basilica as well as its confraternity of the Holy Sacrament, and the chapters of S. Maria in Via Lata and of S. Lorenzo in Damaso. Vespignani in office 28 counted at least six monasteries and three confraternities among his clients, including, as we have seen, the city’s largest confraternity catering to the needs of pilgrims.

Although some notaries were elected to their posts, others purchased the right to be the secretary to an institutional client. Giustiniani had paid to provide notarial
services to Rome’s hospice for the mentally ill (*pazzarelli*) as well as to the *convertite* (reformed prostitutes), and Bonanni had done the same for the confraternity and hospital for orphans (*orfanelli*).\(^{174}\) Judging by the protocols of Giovanni Battista Ottaviani, notary for a confraternity that had used office 13 for decades for its specialization in dowry subsidies, such clients could keep an office quite busy.\(^{175}\) The notary’s relationship to a particular institution might well lead to a concentration of specific types of instruments, such as dowry agreements in the case of Ottaviani or apprenticeship contracts in that of Bonanni.

Rome’s growing number of artisan and trade guilds also figured among the clients of the thirty Capitoline notaries. A sample of their protocols from the year 1630 revealed instruments or meeting minutes from more than two dozen tradesmen’s associations.\(^ {176}\) Perhaps not all of these collectivities had the funds or degree of formal organization necessary to put a notary on retainer or make him their official secretary, but some certainly did.\(^ {177}\) Moreover, until 1692 the more important guilds had their own tribunals for settling disputes, often competing with the Capitoline judges for the services of the Capitoline notaries and their staff.\(^ {178}\)

The majority of Capitoline notaries had guild clients, often with an obvious rationale for the connection. It made sense for the Roman fruit sellers to hire Giustiniani as their notary, for example, because he was also the notary for the tribunal where their disputes with vineyard owners were likely to be settled. Vespignani’s office was close to the zone where the tanners had their workshops so it is not surprising that he became the notary of their guild. Similar thinking may have convinced the millers whose mills lined the banks near the Tiber island to use the office of Francesco Egidio. At times, of course, the motivation for the client’s choice is obscure. Why did the painters and sculptors’ academy switch from office 11 to office 15, for example, where they eventually shared Thomas Salvatori with the barbers’ guild? The reason was a factional fight within the academy in 1609.\(^ {179}\) But why did the hotelkeepers pick Lorenzo Bonincontro, and why did the fishmongers whose market was so close to Bonanni’s office drop him after only eight years? To these and similar questions we still have no answers.

A few Capitoline notaries attracted considerable business from tradesmen’s organizations, such as the very active office 25 near the market at Campo dei Fiori.\(^ {180}\) Under Giulio Raimondo (1586–1621) and later Taddeo Raimondo (1626–41), its staff routinely recorded meetings, rogated instruments, and staffed the guild tribunal for the masons, butchers, butchers’ apprentices, pork butchers (*norcini*), and soap makers, and also served the butchers’ confraternity of S. Maria della Quercia.\(^ {181}\) Even one guild client could be good for business, however, as we see in the case of Torquato Ricci’s relationship with the tailors, who required their members to
rogate their business acts in his office. For this reason, Capitoline notaries must have tried hard to keep such clients from departing, and often, if the office passed to a new notary who had a personal tie with the preceding titleholder, institutional clients did remain loyal to a particular office. This is certainly the case for the masons and butchers with office 25, the tailors with office 1, and the tavern keepers (osti) with office 21. When the new notary did not inspire confidence, however, old clients might well make a change, as the hotelkeepers did after the death of their notary in 1634.

Institutional clients sometimes put up with a demanding notary. In a codicil to his will rogated a few days before his death, Lorenzo Bonincontro made quite explicit his wish that the business of the hospital of the SS. Salvatore remain with office 18 “at least until my heir has been entirely satisfied and paid the price of the value of the [secretaryship].” He added clauses that would have canceled all the bequests he had made to the SS. Salvatore should the officers fail in this regard. The officers must have honored their notary’s request because, after the early deaths of his children and his widow, all the Bonincontro property ended up with the hospital.

The Fabric of Trust

While governments dictated many details of their product line and also set their prices, notaries did contribute an intangible element to the hyperregulated texts that they wrote and sold to consumers. Clients understood this, and, although they expected the notary to turn their words into usable records, and perhaps intended to buy one or another of an array of special artifacts of that record, they knew that they wanted something more than mere writing from their purchase. They could obtain mere writing in other ways. That intangible something more, to which we could give the notaries’ term fides, was trustworthiness. But what exactly was this quality and how did venal notarial offices produce it? The story of an unfortunate day in the career of Capitoline notary Erasto Spannocchia, titleholder of office 15 from 1615 to 1625, sheds light on these questions, so crucial to explaining the desirability of public writing. The work of the pen alone, even within a notarial office, cannot explain the generation of these documents. The successful production of notarial acts rested on specific practices that kept clients and those in authority believing in their authenticity.

On a winter day in 1620, Erasto Spannocchia of San Polo in the Sabina had been titleholder of the office in Via di San Eustachio for five years when his young employee showed him the instrument with the holes in it. The eight-page document
was a censo, a common type of long-term loan much favored by the Roman upper
classes in which the borrower put up real estate as collateral for the sum advanced by
the lender. The protagonists in this transaction were local scions of patrician stock
going back several centuries. They knew each other well and almost certainly were
related, at least distantly, for such families as the Del Bufalo and the Santacroce
intermarried regularly. The agreement in which Elena Santacroce loaned one thou-
sand scudi to Orazio del Bufalo, a regular Spannocchia client, had been rogated by
the notary on 28 May 1618. Following Roman custom, the clients would not have
taken duplicates away with them but would have planned to use the one in the
notary’s protocol as an exemplar should they ever need copies. By city law, the censo
of 28 May should have been extended in a full mundum version by the end of June
and sent for binding with the other instruments from the second trimester of 1618 by
1 November. Spannocchia did not observe the letter of the law, however, but rou-
tinely waited until early the following year to take all the preceding year’s instru-
ments to his stationer, Matteo Franchi.

A veteran cartolaio, Franchi bound and
stitched the documents together in four volumes, added blank sheets for a table of
contents (rubricella) at the beginning, made covers of heavy parchment, and labeled
them prominently with Spannocchia’s name. The protocol for April to June 1618
was probably back in the notary’s office by early in 1619, when his staff would have
“paginated” the entire volume and produced the alphabetical index of the first
names of the contracting parties.

Capitoline notaries counted on a regular income from the acts in their possession
through the demand for public copies. On that day in 1620, when a scribe took this
volume off the shelf, he was about to undertake this typical service for a client. A
lawyer for Elena’s husband, Valerio Santacroce, had asked for public copies of all the
Santacroce censi in the holdings of office 15. Fees for public copies, those signed by
the titleholder, were regulated, of course, just as were fees for rogating instruments in
the first place, but they were a nice addition to the initial income from the trans-
action. It was not difficult to find Valerio Santacroce’s records in the index of first
names at the beginning of each protocol, and soon the scribe, Giovanni Cepollini of
Sarzana, had located the fully extended versions of several censi.

Before beginning to prepare the copies requested, however, Cepollini observed
that the one involving Orazio del Bufalo and dated 28 May 1618 was in bad shape.
Franchi’s needle would normally have made three separate perforations on the left
margin of each document as it punctured the pile. Two of the three needle pricks on
the censo of 28 May, however, had torn toward the margin, and these holes allowed
the document to flap about almost freely. The first two pages were loose and the
other six barely attached. Upon noticing this, Cepollini immediately brought the
volume to his padrone. Although Spannocchia had never seen damage quite like this before, he quickly decided to have the giovane make a copy of the document. When the young man brought it to him later that day, the two checked to make sure that it was indeed a verbatim transcription of the original. This form of proofreading required one man to read the original aloud and the other to follow the text of the duplicate looking for any discrepancies. When they had finished, Spannocchia tore up the instrument with the holes in it and stepped into a legal quagmire.

No one, not even the notary who had rogated it, was permitted to remove a contract from its protocol. If the local laws that had made this point since 1363 were insufficiently clear, there was the added word of the jurists that a notarial document without its protocol did not prove. A loose instrument no longer bound in a dated sequence lost its status as judicial proof and was worthless from the client’s perspective. But the notary who had duplicated the instrument potentially faced a worse fate than the client. Where was he going to put this fresh copy? And how was he going to explain the absence of its predecessor in the protocol? Criminal penalties threatened if he could not answer those two questions satisfactorily.

Although the notary’s error had a certain logic to it, Spannocchia soon realized his predicament and did the only thing possible under the circumstances: nothing. That was how the matter stood five months later when his longtime client Orazio del Bufalo showed up at the office and asked a giovane to bring him the loan agreement from two years earlier. Handed the protocol of instruments for May 1618, Del Bufalo did what such gentlemen expected to do in Rome. He turned to the table of contents and looked under V for Valerio Santacroce and the page number of his censo. When he turned to the page, however, it was missing along with seven other pages. His instrument was gone.

Spannocchia was out. Clients were accustomed to treating the notary’s office as an archive, and they did not assume their notary would necessarily always be present. The employee who was assisting him begged Del Bufalo to return the next day to get an explanation from the padrone. Del Bufalo did come back the following morning, and, when the notary still was not there, tried again after lunch. When he at last confronted Spannocchia, Del Bufalo was decidedly testy, exclaiming in wonderment that he “could have done such a thing” to someone who was his friend (amico). Spannocchia defended himself by blaming the missing censo on the staff member who had copied and checked it, and asked why Del Bufalo wanted to see it. Because Del Bufalo had been cited by Santacroce to provide documentation that he did not think was required, the client replied that he had wanted to review the clauses in the censo. Spannocchia promised that he would bring the instrument to his house, but the next day when the impatient Del Bufalo returned again to the
notary, Spannocchia told him the agreement was not in fact as Del Bufalo had remembered. The angry client had had enough. On 20 May 1620 Del Bufalo swore out a complaint before the governor’s criminal tribunal, charging that pages were missing from his notary’s protocol.

Like many dossiers, this court case consists only of the accusation and a few interrogations of key figures like Spannocchia himself, his employees, and his stationer. It is unlikely that anything came of Del Bufalo’s charges because the notary continued to run office 15 for another five years, which would have been unlikely if he had been convicted of a serious crime. Though he found Spannocchia’s conduct puzzling and probably imprudent, the judge must ultimately have believed that the document was missing for reasons that were innocent, not malicious. He came to this conclusion, however, after incarcerating the notary for at least a week in Tor di Nona prison and questioning him in detail about the writing practices of his office. Spannocchia’s answers shed light on the office’s view of how documents were created, but they also reveal significant gaps between the practices of professionals and the notions of customers. Such gaps undermined the trust upon which notaries traded.

The judge took Spannocchia through the steps in the redaction of a valid record. In the first phase, the notary was supposed to make rough notes or matrici of the contract desired by his client. Spannocchia did not treat all transactions uniformly, however, and indicated that in the first phase his own practice varied, probably according to the degree of complexity in the agreement. He did not keep matrici for all instruments. Sometimes he wrote out a draft (menuta) of a contract before the clients formalized it, and he did keep these, but this was not routine practice. “When you are used to doing a hundred ordinary instruments you formalize them in a few words and, because you extend them immediately, you don’t keep the original [originale].” Whether the version was a detailed draft or just notes, however, the notary never put in the full legal clauses but simply indicated their presence with the abbreviation “etc.”

The second phase in document production, extension, which we know had been legislated since 1580, was less subject to variation. Spannocchia filled out the abbreviated clauses completely when he (or more likely his staff) extended the instrument that would eventually be bound in the protocol. The judge did not ask him whether he extended Del Bufalo’s censo within a month, as city law required (or three months under the more generous 1612 reforms), though Spannocchia certainly tried to give the impression that in his office little time elapsed between the two stages.

Spannocchia’s footing was less sure when it came to the timing of binding the loose but fully extended instruments. His answer to the judge’s direct question about
how long the censo had lain unbound was that he did not remember. Although he was supposed to bind every three months, Spannocchia seems to have accumulated all the instruments for a given year and then had the stationer make them up into the series of protocols that researchers find in the state archive today. As we have seen, he ended up with four volumes for 1618. Interestingly, the padrone was at pains to insist that he carefully kept the loose instruments, like the few matrici he saved, in his locked bedchamber rather than in the more public room (sala) where the office staff worked.

Spannocchia’s downfall, if such it was, was less the ordinary routines of handling documents than the crises, such as the unprecedented discovery of several sheets about to fall out of a volume. The court pressed repeatedly on his decision to destroy the original censo. Here a gap opened up between the expectations shared by the law and the client and the thinking of the notary. Spannocchia argued that it was his responsibility to see that no harm came to the records in his care. The contract that was clinging by one thread to the protocol seemed in imminent danger of disappearing. Moreover, he believed that he had the authority to make a new original of the act he had rogated. He asserted that the copy that he had directed Cepollini to make had become the real censo and denied that the earlier document was the original any longer. “The instrument that I had gone to the trouble of proofreading was the true and real one. . . . That other in the protocol was no longer necessary, and so I ripped it up.”

Another hole appeared in the fabric of trust when Spannocchia claimed to have set aside the new original until the time when the stationer would make his annual pickup of the office’s unbound instruments. If, as he testified, the event had occurred six months earlier around January 1620, it would have been just the time when the business acts for 1619 would normally have gone out for binding. Mysteriously the notary did not follow through on this plan, in which the cartolaio would have rebound the second volume of 1618 acts with the new original censo in the place of the one Spannocchia had removed. When Del Bufalo filed his charges with the governor’s court in May 1620, the recopied “original” censo was still loose.

Spannocchia’s predicament was not just that he had broken the law but also that his missteps had fatally undermined the credibility of the instrument in the client’s own mind. The text was not as Del Bufalo had remembered it, and the original was not in the protocol. The fact that Spannocchia could produce a censo that he claimed was the true original just waiting to be replaced in the proper protocol could not restore Del Bufalo’s confidence, although it must eventually have persuaded the court of the notary’s innocence. It was not accurate, legally impeccable clauses written by notaries that proved. It was writing set in a specific sequence in a juridi-
cally privileged vessel, handled and labeled in authoritative ways. A Capitoline notary whose treatment of the matter of writing did not meet these specifications would not have customers for long.

Making It Pay

Poised between the clients who wanted trustworthy documents, the employees assigned to produce them, and the state that set their prices, the titleholder of a Capitoline office tried to take in more than he had to pay out. The costs added up. Heading the balance sheet for perhaps the majority of the thirty Capitoline notaries were payments to investors, followed by monthly massa fees to the college (a minimum of 1.5 scudi), rent for the office’s physical space, supplies of paper and ink, binding services, and of course the board and salaries of the office staff. As we have seen, employees in the 1630s earned 1.5 to 2 scudi monthly, so a typical Capitoline notary with three or four scribes notched up another 5 to 8 scudi each month. While the padrone paid neither the college nor his staff on time, the moment to render accounts inevitably arrived.

Although Italy’s notaries today have a reputation for prosperity, their financial condition in the Middle Ages and early modern period was far less secure. One scholar has argued that the only way a fourteenth-century Italian notary could make money was to hold public office or lease tax farms. In baroque Rome, the few public offices open to notaries were not very remunerative, however, and tax farms were an option only for those, like Felice de Totis, a former notary of the Camera, who had already amassed a sizable capital. Although the Capitoline notaries owned agricultural real estate like vineyards, meadows, and chestnut groves, we do not know much else about any extranotarial sources of income they might have enjoyed. Venality did not necessarily lead to riches, and in their first century as venal officeholders more than one Capitoline notary ended up in debt and in jail.

To make it pay, in addition to the material assets constituted by the protocols of the office’s predecessors and the desks at which the giovani sat and wrote, the Capitoline notaries could hope to count on some immaterial assets. One of these was the trust of the office’s former clients, especially noble families, institutions, and sodalities with their regular demand for documents, and another was the friendships they themselves had fostered as they made their way up to titleholder of one of the thirty Capitoline offices. There were more down-to-earth resources too, such as deposits put down by clients for court records or “credits” (crediti) left with the notary for various reasons, including the hope that he would be able to invest them for their owners. One Capitoline notary in the 1630s seems also to have been
buying up the rights of the heirs of the pre-1586 Capitoline notaries to fees for transunti of their ancestors’ instruments.²⁰⁷ Because of the value of the documents and deposits in the offices, everyone understood that they could never be left unattended, even if that meant saying no to a client who needed a will in a hurry.²⁰⁸ But the key to the notaries’ solvency lay not in the mere accumulation of records or clients, but in the capacity to turn their textual presence into cash or at least, given Roman payment practices, into promissory notes.

To understand from an economic perspective the unusual commodity the Capitoline notaries produced and sold, we must return to the distinction between act and artifact. A customer needed a notary to perform the act of rogating. Although it is tempting to think of this act as a physical document, we grasp its nature more accurately if we conceive of it as a service by the notary, the authorized rogating agent, which came at a specified price. Included in the rogation fee paid by the customer was some writing and document handling by the notary: rough notes metamorphosed into the extended original lodged in a protocol. The staff recorded payment for this service in the office’s register of receipts (liber receptorum). Acts therefore generated fees. Allowing the client to view the original in the protocol earned a bit more for the notary, though, as we have seen, this income disappeared after Paul V’s reforms in 1612.

Litigation drew money to the notary’s coffers in a different way. As we saw in chapter 3, each of the legal steps required by a civil proceeding in the senator’s court created a document of a specific type, usually a summons or one of dozens of different warrants (mandata).²⁰⁹ When clients purchased such texts they were really paying for a juridical action, as they set in motion the delivery of the summons to an adversary, for example, or the seizure of property on which payment was owed. Nevertheless, as with rogation, judicial acts too necessitated some writing and document handling by the notary. The office staff had to write out the summons, to note them in the manuale, and to string them together in a stitched pile after they had been returned to the office by the process server charged with their delivery. Employees also marked down what fee the office had earned for each mandatum or summons in the liber expeditionum, the accounts of the office’s judicial business.

In addition to acts, whether of a business or judicial nature, artifacts or subsequent copies of the original instrument or warrant also brought in revenue. Copying was a separate but important part of the notary’s business. By the mid-seventeenth century the notary’s product line had diversified to the extent of providing three levels of copies: public copies, fedi and simple copies. Writing practices distinguished these three types. Public copies included the titleholder’s signature and the date and place of rogation; fedi bore a signature but lacked the defining formalities
of publication; and simple copies carried only the text of the agreement. Notaries, and copyists more generally in Rome, also charged customers a copy rate of one giulio per sheet of paper.

Although Capitoline notaries depended economically on the sale of acts and artifacts of acts, the state, not the market, controlled what they could charge for their products. The rates for notarial instruments and judicial actions were fixed and, indeed, after 1562 had to be posted in the vernacular in public view in their workplaces. Fixed rates did not mean flat rates, of course. The earliest evidence we have, the city statutes of 1363, assumed that notaries’ fees would be based on the value of the contract they were rogating or on the amount in dispute between litigants. The wealthier the clients or contending parties, presumably the more the notary earned.

Over time, the efforts of the municipality and the papacy to control the operations of the justice system at the notary’s expense led them to differentiate between the pricing systems of business acts and judicial acts. By the fifteenth century, the principle of proportionality had disappeared from judicial rates, which became in essence flat rates by type of action. In addition, regulations guaranteed to litigants and customers that the copies they purchased from notaries would meet minimum standards as to number of pages and lines and words per page. As early as 1521, city laws clamped down on another income stream when they made it plain that notaries could not charge litigants or judges to look at judicial acts. The final development in judicial fees was the publication of the rates for all Roman tribunals in the 1612 reform legislation, which may have attracted budget-minded litigants to the Capitoline notaries.

The 1612 rates held fast through the seventeenth century. They advertise the Roman notary’s enhanced array of wares, the proliferation since 1363 of various types of warrants and summons, and their low unit prices. A creditor hoping to put pressure on a debtor by seizing her goods, for instance, could pay three baiocchi (the price of three poor man’s loaves of bread) for the act of distraint or ten baiocchi in a package deal that would include the distraint plus verifying his claim by either witnesses or a notary. To revoke the seizure would cost two more baiocchi. By breaking civil process into minute fragments and charging for each piece, notaries both in the Capitoline tribunal and in other courts combated the flat rates for judicial acts that had been imposed on them. The price to begin a lawsuit was a modest two baiocchi, but notaries billed separately for every action from empowering an attorney to formulating questions for the witnesses to asking the questions of the same witnesses. This fee structure helps to explain why scholars have argued that civil justice in Rome was driven not by the state or the magistrates but by the
contending parties. They received exactly as much justice as they chose or were able to purchase. While the state controlled the rates, therefore, notaries showed considerable ingenuity in determining what litigants would get for their money.

By contrast, the authorities tolerated the medieval rate structure for business acts in which notaries earned a fee proportional to the value of the contract they rogated. For the public instrument of a will involving an estate worth less than 25 scudi, for example, the Capitoline notaries collected 3 giulii (30 baiocchi or .3 scudo); for one worth 1,000 scudi, they earned twenty times that amount, 60 giulii or 6 scudi. To obtain a copy of such an instrument, the client paid the standard copy rate plus one-fifth of the fee for the will (to a maximum of 10 scudi). The proportional fee likewise governed rental agreements and even receipts. Recent scholarship emphasizes the high cost of documenting business deals through notaries. Yet there were good arguments for paying the price. The alternatives were not free either; popular new types of loans required scriptura publica, and consumers worried about leaving patrimonial transfers like wills and dowry agreements in scriptura privata. Institutions and many individuals in particular circumstances may have flinched, but in the end they purchased the extra force of notarial authority.

Despite their support for the key principle, the popes did cut into some of the notaries’ time-honored income from business acts, as we have seen. Beginning in the 1560s and culminating in the 1612 reforms, legislation compelled Capitoline notaries to provide simple copies for all instrument types, except wills, at graduated rates that were lower than those for public copies. The public copy of a lease for a house renting at less than 100 scudi a year cost a flat 37.5 baiocchi; the simple copy cost from 10 to 30 baiocchi depending on the amount of the rent. As mentioned, Paul V also made notarial records less remunerative by abolishing charges for merely looking at them. We do not know how the Capitoline notaries, who criticized these changes in later years, reacted to them at the time, but they must have feared some pressure on their revenues from business acts. While fixed rates, competing modes of documentation, and lost sources of income may not have been enough to dry up the market for these offices, especially after they had become inheritable, they did nothing to lubricate it.

Help came from the judicial side of the Capitoline notary’s business. The private notary Virgilio Lusanna shed light on the crucial connection between business acts and judicial acts when he recounted how he was lying sick in bed one day when some Genoese wood merchants he knew came knocking. His clients told him they urgently needed instruments in order to obtain warrants. In other words, they wanted Lusanna to make public copies of contracts he had rogated for them so that they could hastily present them to a court notary in order to obtain distraint or arrest
warrants, presumably against other merchants. Because the archival series are separated, we only occasionally glimpse this everyday process at work in the Capitoline offices, but it was vital to their income stream. Judicial acts spurred the production of business acts, and business acts generated judicial acts. A warrant (*mandatum*) issued by Taddeo Raimondo’s office (23), for example, cleared the way for a payment, which gave rise to two business acts, a *quietantia* and a *cessio*, for the sum received. A procurator appeared at the daily judicial audience in Giacomo Attilio’s office (24), and, citing a dowry instrument rogated there twelve years earlier, requested an order from Attilio’s judge protecting his client’s dowry (presumably from her husband’s creditors) to the tune of 250 scudi. Lorenzo Bonincontro’s widow purchased a simple copy of a censo to submit to Giulio Grappolini’s office (18) in order to force payment of the interest due from her debtor, the Marchese Olgiati, by means of a warrant. More generally, the practice of having notaries record decisions of the meetings of guilds, confraternities, and other corporate bodies may also have been driven by the expectation of litigation.

When customers sought out the arsenal of the senator’s tribunal in their financial dealings, they made money for the Capitoline notaries; when they went to the Capitoline notaries to draw up their dowry and loan agreements, they bought weapons to deploy in future litigation with creditors and debtors. The fact that the notaries of the Capitoline curia and the notaries of the auditor of the Camera served civil judges helps to explain why these two sets of notaries compass most of the extant notarial protocols in Rome. While laws and writing practices distinguished the notary’s business acts and judicial acts, the early modern economy joined them and, indeed, was inconceivable without both. Perhaps this practical fusion underlay the convergence between the two kinds of documents that featured so prominently in the 1612 reform legislation.

Grasping the nature of the Roman economy is key to understanding the ability of the post-1586 Capitoline notaries to survive financially, despite the many obstacles and competitors they faced. Among its salient features were the facts that demand was weak, no one paid on time, and contracts had few institutional supports apart from the courts. If you were owed anything in baroque Rome, you were likely to have frequent recourse to warrants. While it is true that a public instrument was not the only way to pressure a debtor or creditor, alternative methods, like calling witnesses before a judge, also required the services of Capitoline notaries. Citing a witness to testify in such cases differed technically from rogating an instrument, but it often involved the same setting and the same individuals; the witnesses in Paolo Vespignani’s judicial acts, for instance, show up as clients in his protocols. The neighborhood notary played a significant role in local business life, whatever the
type of writing he was paid to produce. The explosion of sophisticated money-lending techniques in Rome also assisted the solvency of many Capitoline notaries.

The business acts rogated by the thirty Capitoline notaries in the year 1645 have been sampled by a team of researchers, which helps to give an overall idea of the level and character of their output. The team did not count wills when they appeared in separate volumes, as they were supposed to do after 1612, but because seven of the offices had not obeyed this directive, some testaments slipped into the sample totals. The thirty Capitoline notaries produced in all one hundred protocols in 1645, averaging about three per office for the year, a figure little changed from 1630. Selecting fifteen of the offices for closer analysis, the researchers counted 8,453 instruments constituting 127 types of business acts between 19,556 customers. The average Capitoline office rogated two or three instruments a day, or sixty to ninety per protocol, with volumes averaging 800 to 1,200 pages. Busy offices might have some that reached as many as 1,600 or even 2,000 pages in length.

Things were not all that different in 1630. In the spring of that year, Giovanni Battista Ottaviani (office 13) rogated a little more than two hundred business acts, excluding wills, for the months of April through June. The types his clients favored corresponded generally to those found in 1645: obligationes (20), proxies (17), sales agreements (emptiones and venditiones) (15), rental agreements (locationes, sublocationes, affictus) (13), and nonspecific receipts (quietationes) (12). As notary for the confraternity that dowered needy girls, however, Ottaviani’s largest category was dowry instruments and their associated contracts (64), which helped to account for his large overall output. On the lower end, his office rogated just one declaratio, one substitutio, one pomedium (a fruit sharecropping contract), and one creation of a knight.

As the research team working on the protocols of 1645 discovered, and Ottaviani’s output confirms, notaries classified their instruments juridically rather than by economic or social function. At the top left corner of the first page of each new document they wrote the occhio, the name of the type of instrument, and usually repeated these in the table of contents (indice) they later prepared for the bound protocol. Rarely, as when they recorded meetings of confraternities or artisan guilds, did they have no juridical conventions to which they needed to refer in order to shape the substance of the contract, though even with meeting minutes they tended to follow a set pattern. More commonly they made the economic and social details fit a recognized category of act. Arranging a dowry, for example, might find expression in four different types of instruments; borrowing money could appear as a mutuum, recognitio debiti, fideiussio, censum, societas officium, or obligatio, and these do not exhaust the possibilities. While juridical labels are frustrating to
scholars eager to use notarial records to find out about marriage and moneylending, to say nothing of commerce, agriculture, urban real estate, and personal property, they do highlight the kind of commodity that customers wanted from notaries. And occasionally, as we see with loans, they reveal the technical ingenuity of the profession, as practitioners squeezed new activities into traditional legal containers.

Although we do not have the detailed information available for 1645 for earlier years, we can make rough calculations about how well a particular office was doing over time by counting the annual number of protocols it produced. Frequent turnover of titleholder was bad for business, as is shown by the example of office 27 between 1595 and 1704. In 1614, when Pietro Paolo Stella took it over, office 27 had had only one titleholder for nineteen years and produced three protocols a year. In 1616 the office’s output dropped to two volumes; Stella divested himself of the business, and in 1618 Francesco Martanus stepped in. During his tenure the number of protocols rose briefly, then dropped to one volume a year. In 1627 Salvatore Melli became titleholder and output increased to two volumes a year, but after Melli resigned in 1630, it again fell to one a year under Ottavio Nardonio (1631–36). It grew back to two, albeit slim, volumes under Marino Contucci (1637–51), but never again reached the level of 1614.

By contrast, Angelo Canini, titleholder and owner of office 12 (1623–49), had a salutary effect on an incoherent Capitoline notarial office. After seven years under Domenico Bardella (1604–11), it had fallen into the hands of a succession of administrators for ten or so years with production dipping to one protocol a year. Under Canini, the number of annual volumes rose to two and, after 1635, to three a year. Studying the hands in the protocols shows that the office’s growing business anticipated this increase by at least three years, however, for as early as May 1632 Canini had to hire a fourth employee to keep up with it. Although he turned out just two protocols in 1632, the one for January through June was a massive 2,200 pages with more than three hundred contracting parties. Carlo Novio, Canini’s successor, acquired a stable and prospering office in 1649, which he was lucky enough to be able to pass on in 1677 to a son who also became a Capitoline notary.

Although the notaries willingly executed instruments of all kinds, they had several reasons to greet clients who wanted last wills and testaments or the short-term loans known as società d’ufficio with special warmth. Both these types of business acts offered out-of-the-ordinary ways to profit, though they did so in different ways. Together wills and società d’ufficio contracts illustrate well what notaries had to do in order to make their offices pay.

While wealthy noble families passed only a portion of their patrimony through testaments, most Romans used their wills to distribute the bulk of their assets. A rate
structure based on a percentage of the value of the transaction netted notaries larger sums when more property was involved, so naturally the transfer of all but the smallest estates brought welcome fees. One worth a modest two hundred scudi garnered two scudi (two hundred baiocchi) for the thirty Capitoline notaries, which equaled the monthly wage of a sostituto; by contrast, the power of attorney, one of their most common business acts, earned them only four giulii (forty baiocchi). Depending on the size of the estate, Capitoline notaries could charge up to twenty-five scudi for a will, an amount equivalent to what office 26, for example, took in over an entire month in the 1650s. Moreover, notaries were not required to provide simple copies of wills, so interested parties, heirs, and those who might want to dispute with heirs, had no choice but the higher priced public copies. Because wills were one of the few notarial documents of which most clients desired duplicates, testators sometimes deliberately left money to pay for these public copies.

Wills were not an everyday item in a Capitoline notary’s business. Early on in his long career, Leonardo Bonanni of office 2, for example, rogated ninety-six testaments over a seven-year period, which would average just over one a month. Trial records often highlight notaries’ competition to rogate the wills of the rich, and sometimes they reveal several notaries at the bedside of the dying, called by contending factions among potential heirs. The stakes were high. When a will was challenged, the notary went to jail. But the stakes were worth the game not only because of the size of the fees but also because testaments paved the way for a whole series of subsequent notarial acts necessary for their execution. Instruments might be needed to open and read the will, to accept or renounce an inheritance, to make an inventory, to take possession of individual properties, or to record receipt of a bequest. And, of course, anyone with a claim on the estate would want copies of these documents.

Testaments were windfalls. By contrast, loans accounted for a significant portion of the notaries’ ordinary business. As we saw in chapter 4, baroque Rome was one of Europe’s most active capital markets, but it was not just big finance that demanded the services of notaries; it was also a myriad of small investors, both religious institutions and individuals of varied means. A well-articulated market for credit offered types of loans to fit almost any collateral from public bonds (luoghi di monti) to mortgages (censi) to partnerships (società in accomandita or more general società) to short-term instruments like the distinctive Roman società d’ufficio. Despite the vast domain of scriptura privata or oral debt that never showed up in notarial protocols, Roman notaries drew their sustenance from the spreading use of sophisticated lending mechanisms in which they did play a part—indeed, sometimes more than one part.
Clients of the Capitoline notaries exploited the whole array of credit offerings, but one that appealed especially to their need for short-term loans was the società d’ufficio. This “really complicated and exotic contract” was a good example of notarial ingenuity in the face of new economic opportunities because technically it was not a loan at interest, which canon law prohibited, but a partnership to purchase an office. In fact, it was indeed a loan, and one paying a dazzling 12 percent, in theory for six months, but in practice indefinitely. The warning of a cultivated member of the Roman elite, Virgilio Spada, that these lucrative financial instruments were prey to defaults and that those who indulged had best keep a lawyer at the ready went unheeded. Investors ranging from barely literate rope makers to well-born prelates routinely sought out notaries to find willing borrowers. Gior­gio Giorgi, just beginning what turned out to be a short-lived tenure as titleholder of office 6 in 1630, could hardly conceal his delight when he thought that Carlo Grationi, a wealthy gentleman he had met as a sostituto in Bonincontro’s office several years earlier, wanted his help placing money in a società d’ufficio. The padroni no doubt tended to the most prosperous customers, but their office staff also actively put together deals between lenders and borrowers. Ettore Alberti had been working in Capitoline notarial offices for less than a year when he was prosecuted for altering a power of attorney a client needed for a società d’ufficio. A giovane in the office of one of the notaries of the auditor of the Camera casually stopped a client in the street to sound him out about his preferences in a società d’ufficio he was arranging for him. Notarial employees developed their own information networks for these short-term, high-interest loans so desired by Romans of all classes.

The società d’ufficio illustrates the range of loan products and services that clients expected of Capitoline notaries and their staff. In a relatively simple example, a student who had already found two willing borrowers approached the sostituto Bartolomeo Benedetti for help with a società d’ufficio for twenty-five scudi. This client instructed Benedetti to obtain instruments of obligatio from the two parties, and then come back to him for the money. Benedetti would have tracked down the individuals, rogated the necessary acts, and distributed the sum, earning fees for at least five instruments (two obligatio acts, the società d’ufficio agreement, and two receipts). A slightly more complex case required a greater variety of notarial documents and functions. Capitoline notary Giorgio Giorgi thought Carlo Grationi wanted to back a three-hundred-scudi loan to Ventura Agatoni in the form of a società d’ufficio, and, because he knew what Grationi was worth, he gladly went in search of lenders. Because Grationi could not come in person to execute the necessary obligatio, or so it seemed, Agatoni had to get a power of attorney to act for Grationi and then the obligatio in Grationi’s name. Giorgi, having found the
money, prepared to write out the order releasing the funds to Agatoni, asking him first to turn over the signed power of attorney and Gratoni’s surety and to execute his own obligatio. In addition, at Gratoni’s request, he paid him a visit to inform him of how the arrangements were progressing. Had the deal been concluded, Giorgio would have rogated the società d’ufficio, several receipts, and the payment order—all of which he would have extended and kept in his protocols; located the lender; kept in touch with the loan’s backer; obtained the cash; and disbursed it to Agatoni. And, had all gone as planned, Giorgi would have become one of those unfortunate notaries undone by bad securities because Agatoni had committed Gratoni without his consent, using a false power of attorney and fake obligatio.

If these were the lawful ways that moneylending via the società d’ufficio earned income for notaries, the lawful ways did not exhaust the possibilities, as the former Capitoline notary whom we met earlier in this chapter, Virgilio Lusanna, teaches us. According to the titleholders of office 8 who accused him in a 1616 trial, Lusanna specialized in fictitious società d’ufficio, and they deposited twenty-five examples with the court to prove their point. Technically these contracts were not fictitious because they involved real money and real people, but they were drawn improperly and were legally invalid. His accusers explained why they thought Lusanna produced these dubious società d’ufficio. First, he earned fees for rogating the instruments, and quite good fees at that. A miller from his neighborhood testified that on every 25 scudi loan Lusanna charged 3 giulii, though he collected another 15 giulii for the theoretical holder of the office; because the loans had to be renewed every six months, the witness ended up paying him a hefty 3.6 scudi a year. According to the plaintiffs, Lusanna also pocketed the broker’s fee (senzaria) for arranging the loans, kept back some of his client’s money for his own use, and made technical adjustments to dates and names on the contracts (i.e., forged them) to lessen the risk of losing the investment. Under interrogation Lusanna admitted that he profited in yet another way, lending his own money for società d’ufficio while using the name of his illiterate brother-in-law.

The judicial reforms of 1612 make it plain that Ettore Alberti and Virgilio Lusanna were not the only notaries who were exploiting the intricacies of moneylending contracts for illicit gain, and they tried to prevent this by better record keeping. Of dubious efficacy, these measures paled by comparison to the even less effective ban on notaries serving as middlemen for loans, notwithstanding the threat of the galleys and loss of office. The legislation specifically included sostituti and giovani in the prohibition, a clue as to how extensive their involvement must have been, and shows how uneasy the authorities felt about the role of notaries in the
Roman market for credit. It was all right for them to rogate the necessary business acts, but they were forbidden to receive any other payments.

If the 1612 regulations were manifestly unenforceable, Urban VIII’s new archive of 1625 may indicate the state’s more modest approach to controlling middlemen in moneylending operations. Although its main target was long-term loan contracts and testaments, and it did not explicitly name notaries, it did demand that powers of attorney be registered in the Archivio Urbano. The use of such proxies, particularly but not exclusively those issued outside papal territory, enabled the movement of funds among debtors and creditors who did not know each other. As we saw in chapter 4, archive officials explicitly ordered cashiers, bankers, and employees of the public loan funds not to recognize unregistered foreign powers of attorney. They did not order notaries and their staff to stop looking for money for their clients to borrow and lend.

If we turn from the Capitoline notaries’ output of business acts, which exist today in such abundance, to exploring the economic impact of the judicial side of their business, we confront an immense void of documentation. Gaps in the series of manuali had surfaced as early as 1704, but there was a hemorrhage over the next two centuries, and no global estimate of the number of litigants processed by the thirty Capitoline offices is possible. Hints and fragments must serve to redress the imbalance of archival survival.

The price structure of lawsuits with their pay-per-action principle meant, as we have said, that Romans generally got the amount of justice they could afford, and they could generally afford more at the Capitoline court than at papal tribunals. Did Sixtus V signal the primacy of litigation in the economy of the Capitoline notaries when he ordered that their contributions to the common fund be computed mainly on the basis of their judicial acts? We do not have much evidence to confirm or negate such a hypothesis. Notaries owed massa payments on judicial records, sentences, and several common types of warrants. Capitoline offices did keep track of the acts on which they owed massa, though these records have not come down to us. The college’s own massa accounts from the 1630s do not reveal the contours of the profits of justice, because they show that most notaries paid merely the statutory 1.5 scudi a month. As we saw in chapter 2, only Raimondo of office 25 and Vespignani of office 28 exceeded the mandatory minimum. It was probably to swell an insufficient revenue source, therefore, that warrants (mandata) authorizing public bond transfers were added to massa obligations by midcentury.

Yet massa amounts may not be a good indicator of the extent of judicial earnings or of their importance to the Capitoline notaries. Litigation drew a constant stream
of customers to the office and spun off other sorts of business, as we have seen. In Giacomo Attilio’s office 24, the manuale for 1630 shows that nine or ten clients might appear at the daily judicial audience, and sometimes as many as sixteen or seventeen. While people might turn up just to consult the office’s judicial records, which they could do for free, many were certainly paying fees. Each time a party called a witness, the notary collected one giulio (ten baiocchi) for the testimony; every time one of those legal summons arrived, another notarial document replied. Though her demand for warrants fluctuated, Ginevra Bonincontro paid for as many as seven in 1639, and clients also purchased copies “for greater justification” of their claims in subsequent cases.

Consumers of Capitoline judicial acts, as with business acts, often expected some services with their documents. What it took to make the notarial office pay was knowledge of the intricacies of civil procedure and Roman jurisdictions and skill in its deployment to benefit preferred clients. According to a witness at Bartolomeo Benedetti’s trial for forgery, the judges of the vineyard court for which he was notary lamented his departure because the tribunal had been very profitable during his tenure. We catch sight of the kind of activity that might please some judges—and clients—in a case involving Flavio Paradisi of office 7. According to the plaintiff Menica Pulita of Genzano, Paradisi promoted the interests of one of his customers by trying to beat her prior claim on the assets of a recently deceased debtor. She charged that the notary wrote out an order to move her case from the court of Ripetta to that of his own Capitoline judge, and then backdated an entry in the manuale so that his client’s warrant appeared to be earlier than hers. In an economy in which it was more important to prove that you had a debt than to collect it, Paradisi had rendered good service to his own client.

Less skill but equal guile was shown by Giacomo Bernascone when he was a sostituto in office 5 in a case pitting a lowly cobbler against the patrician Pietro Antonio Muti. The shoemaker rented his house on Piazza Giudea from Muti’s mother, and after a dispute involving a pair of scissors, Muti told him that he had to move out and that he had registered an eviction order (disdetta) in Capitoline notary Constantini’s office 5. When a month passed with no such order, the shoemaker sent friends to look for it in the office 5 manuale, and one of these friends brought Muti himself along. No eviction notice was to be found. Muti then asked the employee present, named Bernascone, what had happened to it. To the noble client, Bernascone replied that it had not been entered in the manuale because the process server had simply dropped it off, adding “but I will change it so that it says it was handed over to someone in the household.” Not long afterward an eviction notice
did appear in the manuale, inserted quite obviously, according to witnesses, under a false date both in the chronological record and in the table of contents. Bernascone did not suffer for his sleight of hand and, indeed, five years later became titleholder of a Capitoline notarial office of his own, ironically that formerly headed by the upright Ottaviani.

Making it pay was a risky business. Jurisdictional disputes between tribunals might land both padroni and their employees in prison. Notaries sometimes had to duck blows from litigants who punched each other out in the office. Robbers broke into Tranquillo Pizzuti’s office in 1628 and ran off with many documents, and a major fire almost consumed office 25 in 1654. Debt was so common a condition in the early modern economy that it is scarcely worth mentioning, but notaries confronted the risks of debt in several different ways. Few owned their notarial offices free and clear, so they owed money to investors. Then, too, they were caught up in the same nets of deferred payment in which their fellow citizens flailed about. Years passed before the padroni gave sostituti and giovani their wages, and years passed before their clients paid them. Countess Virginia Mattei Spada delivered more than forty scudi owed to office 18 after Bonincontro’s death, “for various public instruments, warrants, and other documents received from the office over the period that it was run by the late Signor Lorenzo,” and several of the institutions he served also kept open accounts. A notary in the papal territory of Avignon told the governor’s court that “you don’t sign, if you aren’t paid,” but clearly notaries in Rome did sign many an instrument and many a summons without following his advice. Poor securities were also a danger, and the near miss of Giorgio Giorgi of office 6 highlights the risk of acting as middleman in moneylending operations.

Perhaps the gravest threat to solvency, however, was the inescapable result of the expanded size of venal offices and the Roman scribal labor market: ignorant, incompetent, or immoral employees. Of course, not all of them were bad, and even some of the young ones showed an alert sense of right and wrong. Stefano Bellini, who was employed in two Capitoline offices in 1632, knew when a rich man offered to tip him before his trial testimony that he should not take the money. But the swindler Agatoni would not have come so close to success if he had not exploited a witless giovane in Tranquillo Pizzuti’s office, not far from Giorgi’s, who rogated a power of attorney for a man whose true identity he did not know. When the judge pressed the youth on this point, he replied “I put that he [Ventura Agatoni] was Carlo Gratoni and that I knew him because he didn’t say that he was called any other name.” Benedetti’s suspicious scribbling in the corner of Giustiniani’s office on the Via del Gesù turned into a nightmare for the padrone, not because he was implicated in the
alleged forgery, which was rogated in a different office, but for another reason. According to his accusers, Benedetti had substituted the Jesuits in place of the Oratorians as heirs in the disputed will. Angelo Giustiniani’s office was almost within sight of the Jesuit residence and church, and he stubbornly ignored four subpoenas before submitting to questioning in the case. Why, the court asked, was he so reluctant to testify? He did not want to damage his powerful neighbors, Giustiniani replied, by telling the truth about what he had seen Benedetti doing at his pulpito.292

Conclusion

Clearly employees or partners in notarial offices could undermine the fictions of trust production by their writing and document-handling practices. Just how much legal responsibility employers bore for the felonies of their sostituti had interested the jurists. Commenting in 1636, Giovanni Battista Fenzonio cited the opinion of Bartolus that the dominus of a notarial office was liable for his employees’ crimes.293 Bartolus doubtless could not conceive of a dominus who was not a notary himself, but the market in venal offices had overtaken his simpler world. Fenzonio hastened to elaborate, explaining that papal legislation had effectively undercut and limited the office owner’s responsibility. How else would the popes have found buyers for the notarial posts they put up for sale? But the diminution of liability was more apparent than real, for while the titleholders might not face the same penalties as the culprit, they lost ground against their competitors if their office won a reputation for cheating clients or suffered bankruptcy because they were left holding worthless sureties.

Obviously the Capitoline notaries faced bigger risks both financially and legally after 1586. When, after enriching his treasury by selling the Capitoline offices, Sixtus V expressed the pious hope that the sale would result in better preservation of their records, he was gesturing to the titleholders’ legal responsibilities as well as their financial interest.294 His successors who disciplined so minutely the writing and keeping of notarial acts also increased the exposure of the padroni. They may not have been guilty of the crimes of their sostituti, but they were liable for their infractions of notarial legislation. In a 1616 trial, the titleholders of office 8 accused Virgilio Lusanna not only of drawing up fictitious loans but of failing to turn over the instruments he rogated in their office for binding as the 1612 reforms demanded.295 In 1635 the new padrone of office 17 charged Mario Rangiani, partner of the ex-titleholder, of taking instruments with him when he left and thereby exposing
him to damaging civil suits. The Capitoline notaries who initiated these cases probably did not do so out of fear of visits by papal police inspecting their protocols, pace Cardinal Francesco Barberini. More likely they worried with good reason about the arrival of clients looking for the acts they had rogated and, upon failing to find them, accusing them of losing or destroying their instruments. A system of checks and balances between customers and their notaries, resting upon the infrastructure of a court system, kept equilibrium in the market of public trust.