Abbreviations

All archives and libraries are in Rome.

b. busta
AC auditor of the Camera
ASC Archivio Storico Capitolino
ASR Archivio di Stato di Roma
ASV Archivio Segreto Vaticano
ASVR Archivio Storico del Vicariato di Roma
AU Archivio Urbano
BAV Biblioteca Apostolica Vaticana
CCN Collegio dei Notai Capitolini
Code Codex in Corpus Iuris Civilis
Cred. credenzone
Digest The Digest of Justinian
Notai AC Notaries of the auditor of the Camera
reg. registro
rub. rubrica
s. a. stati delle anime
sez. sezione

SPQR Statuta SPQR statuta et novae reformationes urbis Romae eiusdemq[ue] varia
privilegia a diversis romanis pontificibus emanata in sex libros divisa

Statuta (Rome, 1831) Statuta venerabilis collegii DD. Notariorum Curiae Capitolinae eorumque

Statuta urbis (1580) Statuta almea urbis Romae. Rome, 1580.

30 NC Trenta Notai Capitolini (Thirty Capitoline Notaries)
TCrG Tribunale Criminale del Governatore
TCS Tribunale Civile del Senator
uff. ufficio
Introduction

1. The tale of writing's history is particularly well told by Martin 1994, but see also the contrasting approaches of Harris 1986 and Goldberg 1990. For a recent global synthesis, see Christin 2002.

2. The *notarii* mentioned in ancient sources were actually scribes, not figures imbued with public authority as in the Middle Ages. Petrucci 1958, 3.

3. In the late thirteenth century, an Italian notary in the service of the archbishop of Canterbury noted the English reluctance to use notaries: “Italians, like cautious men, want to have a public instrument for practically every contract they enter into; but the English are just the opposite, and an instrument is very rarely asked for unless it is essential.” Quoted in Cheney 1972, 135. Cheney's work helps to explain the legal reasons for this very different attitude toward the notarial document. The story of a seventeenth-century Dutch notary caught between the differing legal cultures of New Netherlands and New York has been poignantly told by Merwick 1999.

4. Some exemplary exceptions show us how mistaken we are to take the written record for granted: Clanchy 1993; Messick 1993; Kosto 2001; and K. Burns 2005.


8. In fact, the Roman notarial records began to be used as a source for writing family history as early as the seventeenth century; see the notes taken by Domenico Iacovacci, “Repertorii di famiglie romane,” Rome, BAV, Ottoboni Lat., vols. 2548–54.

9. Earlier scholarship is summarized by Petrucci 1958, 3–44, to which we should add Barraclough 1934. For a representative later contribution, see Fasoli 1968. The series of historical studies sponsored by the Consiglio Nazionale del Notariato, inaugurated by Giorgio Costamagna’s classic *Il notaio a Genova* (1970), consolidated this phase of research. These efforts received an interesting critique in Bartoli Langeli 1977; for an overview, see Pratesi 1983. See also the conference papers published under the title *Civiltà comunale* (1989), where the contributions of paleographers and diplomatists continued to predominate. The work of medievalist Bartoli Langeli is notable for connecting the histories of documentation and notaries in precisely the way I think most valuable; for a brief example, see Bartoli Langeli 1992 and, at greater length, Bartoli Langeli 2006. A medievalist who has made singular contributions to our knowledge of the earliest extant notarial documents in Rome in the course of preparing her magisterial study of trades and professions in the fourteenth century, *La Roma dei Romani* (2001), is Isa Lori Sanfilippo. Most recently she has published an edition of the 1446 statutes of Rome’s notarial college (2008). For a sampling of the work of Roman scholars on fifteenth-century notarial acts, see Barbalarga et al. 1986.

10. Berengo led the way in Italian historical studies with his discussion of notaries in Lucca (1965), and in several subsequent essays (1976–77, 1981). A good sense of how the field
has developed may be gained from Pastore 1982; Bisazza 1993; the special issue of *Archivi per la storia* edited by Francesco Magistrale in 1993; D’Amico 1997; Dattero 1997; and Carrino 1998. In 1999 the École française de Rome organized a round table discussion on urban history and notarial records in early modern Italy. The papers were published in *Mélanges de l’école française de Rome, Moyen âge-temps modernes, Italie et Méditerranée*; see in particular the contributions of Ago 2000 and Groppi 2000.

In France, where historians associated with the journal *Annales: économies, sociétés, civilisations* made liberal use of notarial records for their massive exercises in “total history” from the 1950s onward, early modernists have been especially attentive to notaries. A pioneering figure in the field was former notary Jean-Paul Poisson, whose essays over the period 1951 to the 1990s have been published in three volumes (1985–90, 1996). Three monographs of the 1990s illustrate this important current in early modern French historiography: Limon 1992, Dolan 1998, and Hardwick 1998; for the earlier period, see Smail 1999. For especially original contributions, see also Davis 1987 and Fontaine 1993.


13. See Meriggi’s (1997) essay for an illuminating discussion of the terms arte and professione.

14. Santoro 1995, 139–44; see also his citation to the “late seventeenth-century model of the ‘state profession,’ ” (118 n. 11).

15. Even in the more unified territory of ancien régime France, there was great diversity; see Fontaine 1993, 479–81. See, for example, the collection edited by Laffont 1991, as well as Limon 1992 and the bibliography she cites.


17. Pedani Fabris 1996, 1.

18. Two early assessments of the possibilities and problems of using notarial acts for social history are the conference papers assembled in *Les actes notariés* 1979 and Brezzi and Lee 1984. Although they, too, are documents by notaries, notarial records of meetings of government bodies and of judicial proceedings have tended to be of less interest to social historians.

19. *Il Cartolare di Giovanni Scriba* 1935. Editions of texts of notarial documents after 1300 are rarer; Berengo 1976–77, 149–50. However, in Rome, where there are no pre-1300 notarial volumes, see the published and online protocols edited by Mosti (1982, 1984) and Lori Sanfilippo (1986, 1989).


21. To cite just two examples, through her close study of the eighty surviving notarial volumes from fourteenth-century Rome, Lori Sanfilippo (2001, 433–34) has discovered references to more than a hundred notaries c. 1365–72, although records from only seventeen survive. Although the matriculation book of the Roman notaries has disappeared, a notary’s description of being registered in it in 1553 appears at the beginning of one of his volumes; Verdi 2005, 454.

Chapter 1 • The Jurists: Writing Public Words

1. Here I use the term *jurists* broadly to mean authors of legal commentaries and treatises, some of whom were academic teachers of the law and others attorneys or judges.


3. The *ius commune* was the common law of continental Europe, but I will use the Latin term to avoid confusion with the quite different legal system that goes by the name of the common law in England.


5. The *Corpus iuris civilis* also included the *Institutes*, a textbook for law students, and the *Novels*, new materials added in the sixth century after the compilation of the other books. On the importance of the *Institutes* for training notaries in early modern Genoa, see L. Sinisi 1997, 340.


7. The maxim went “Quidquid non agnoscit glossa, non agnoscit curia”; Watson 1981, 9. The jurists were not confined to their cathedras, and their opinions (consilia) in actual cases were much sought after; Kirshner 1999, 107–8; Kuehn 1999, 230–31.

8. In 1215 the Lateran Council outlawed trial by ordeal, a move long prepared by the opposition of churchmen to the practice; Lévy 1965b, 141. This is not to suggest that witnesses and documents had not functioned as evidence before this date; for a recent sensitive treatment of the judicial ordeal and competing modes of proof, see Bowman 2004, 119–82. See also Gualazzini 1964, 567–68; Smail 2003, 28.

9. *Digest* 22.4: De fide instrumentorum et de amissione eorum (Documentary evidence and the loss of documents). *Code* 4.21: De fide instrumentorum et amissione eorum et antapochis faciendis et de his quae sine scriptura fieri possunt. (Concerning the confidence to be reposed in written instruments, and their loss, and when receipts and counter-receipts should be given, and concerning what things can be done without their being committed to writing).

10. *Digest* 22.4.1.

11. Rogerius 1892, 111. Rogerius comments also on the *Digest* and, like other jurists, quotes it extensively without citation.

12. Ibid.


14. It was understood that only the emperor or the pope could create notaries. However, because they often delegated this power, as Emperor Frederick I did in 1162 when he permitted the city of Genoa to name its own notaries, the notary’s actual connection to their authority was nominal; Costamagna 1970, 20. For the manner of creating notaries in Rome, see chapter 2.

15. For an analysis of the public character of the notary’s authority in an age before state institutions, see Montorzi 1984, 87–89. Cf. Bellomo 1995, 58.


contrast, the notary in France did not have this same autonomy, especially after 1554 when the client’s signature was required for a valid notarial act; Fraenkel 1992, 9.

18. Rogerius 1892, 111.

19. Costamagna 1970, 52; Petrucci 1984a, 258–59. See also Radding 1988, 113, and on the subject more generally, Genicot 1972. The process took until the thirteenth century in southern Italy, although it was dealt a slight setback in the kingdom of Naples. There, from 1231, the emperor required a “judge of contracts” to validate the notary’s documents; Pratesi 1983, 770–71. This remained an isolated regional exception, however, confined to the mainland Regno.

20. Rolandino 1546c, 1:470r. For Rolandino’s broader political contributions, see Gian-sante 1998, 37–47.

21. Rolandino 1546c, 1:470r.

22. Farinacci 1612, Q. 157 is devoted to this topic. Farinacci’s multivolume handbook on criminal law, Praxis et theorica criminalis, came out under various titles between 1589 and 1616, and reappeared in many subsequent editions. De falsitate was first published in Venice in 1612.

23. Fenzonio 1636, 69. For what appears to be Roman custom in Fenzonio’s day, see Bullarium 1857–72, 12:90, no. 46; this legislation is discussed in detail in chapter 3.


26. A fourteenth-century formulary used by the papal Curia illustrates the varieties of public act that were authored by notaries; Barraclough 1934, 22.


28. Rogerius 1892, 111.

29. “Most” but not all because the canon lawyers developed a new concept, notorium, for evidence that was so divinely obvious that it stood above all other types; Lévy 1965b, 160–65.


31. Like spring blossoms, Mascardi opined, some modes of proof were perfect and brilliantly colored while others were pale and imperfect; Mascardi 1608, Q. 1, nos. 21–23. The three-volume work first appeared in Venice between 1584 and 1588 and had many subsequent editions. All citations are to the 1608 Turin edition. From his preface, we learn that Mascardi was from Sarzana (then part of the Genoese Republic) but pursued a varied career in ecclesiastical administration in Milan, Padua, Naples, and Piacenza, as well as serving as apostolic protonotary in the Roman Curia and finally bishop of Ajaccio (Corsica).

32. Mascardi 1608, Q. 16, no. 12. The definition is one he draws from Baldus, whom he also cites for a second definition, a thing “possible but not true” at no. 13. Mascardi treats the types of proof (probationes) in Qs. 4–16.


34. Mascardi 1608, Q. 4, nos. 15–18. Fama’s classification was unstable, however, and Mascardi eventually relegated it, like notorium, to one of his detailed entries (conclusiones).

35. Mascardi 1608, Q. 4, nos. 6–10.


37. For Innocent III, compare Lévy 1965b, 154, with Mascardi 1608, Q. 6, nos. 6 or 62; for Baldus, compare Mascardi, Q. 6, no. 1 and no. 15.
38. *Code* 4.21.15. Deuteronomy 19:15 and the Gospel of Matthew 18:16 say two or three witnesses; the Gospel of John 8:17 and *Digest* 22.5.12 both say two.


40. Baldus 1599, 7:55v.


42. On Prospero Farinacci’s career as a lawyer, state prosecutor, and writer on criminal law, see Del Re 1975 and Mazzacane 1995.

43. Farinacci 1612, Q. 156, no. 138.

44. Farinacci 1612, Q. 156, no. 146.

45. Gualazzini 1964, 568; Fenzonio 1636, 174, no. 2.

46. *Digest* 22.4.4.

47. Baldus 1599, 7:55v.

48. Baldus 1599, 7:60r.

49. Mascardi 1608, Q. 6, nos. 27, 28, 36–38.

50. Rogerius 1892, 111; Mascardi 1608, Q. 6, no. 32; Fenzonio 1636, 175. For examples, see Passeri 1615, 20, 52.

51. Farinacci 1612, Q. 158, gives the topic a full discussion; Nussdorfer 2003, 109–12.

52. Mascardi 1608, Q. 6, nos. 20–25.

53. We see this convergence in the formulation *scriptura et instrumenta* (writing and instruments), which the jurists so often employed. When they were talking generally about the legal efficacy of documents, they tended to ignore any distinction between those by private individuals and those by notaries. Cf. Fenzonio 1636, 174, no. 2.


56. Supino Martini 1995, 47.

57. We preserve this sense in our own usage where notarial act is a synonym for document.


59. The terminological confusion, remarked on by early modern theorists, is apparent in any perusal of the literature on notarial acts in the different Italian states or cities. See also L. Sinisi 1997, 347n.

60. Baldus 1599, 7:55r.

61. The *consilium* of Parisius was cited by Farinacci 1612, Q. 153, no. 129.

62. The abbreviation of the customary clauses consists of their opening words followed by “etc.”; thus, the *clausulae ceterae* are literally the “etcetera” phrases. To read them filled out, see Marta 1638. Cf. Farinacci 1612, Q. 153, no. 131; Q. 154, no. 28.

63. Mascardi 1608, Conc. 4.

64. Farinacci 1612, Q. 153, no. 142; Q. 153, nos. 133–45, are devoted to the notary’s presumed guilt if the protocol was missing.

65. Fenzonio 1636, 69.

66. L. Sinisi 1997, 107, 121n. The style of the signature on what seventeenth-century Romans called a “public copy” varied from place to place but was highly formalized. In Rome, it included an affirmation of the act of rogating, signing, and publicizing as well as the notary’s name. For an example of the publication signature of a notary of the auditor of the Camera,
see ASR, Notai AC, vol. 4526, 442v; for one by a Capitoline notary, see ASR, Ospedale del SS. Salvatore, reg. 209 (n.p., Giovanni Battista Ottaviani, 1632).

67. In Q. 6, nos. 99–129, Mascardi (1608) explains that the word *instrumentum* can refer broadly to anything used as a tool (no. 100) or, slightly more narrowly (as in *Digest* 22.4.1), to any kind of evidence (nos. 101–17). In its strictest sense, however, instrumentum is any document intended for future use in court (nos. 118–29). With this final functional definition, Mascardi does not discriminate between scriptura publica and scriptura privata, but he does capture a key cultural understanding underlying early modern thought about and use of notarial documents. For an illustration in real life, see ASR, TCrG, processi, 1631, vol. 264, 506v.

68. For interesting theoretical reflection on the notion of the copy, see Schwartz 1996, chap. 6.

69. This is the premise of the discussion by Farinacci 1612, Q. 154.

70. Farinacci 1612, Q. 154, no. 28. This, of course, was a frequent trope of legal commentators; see Mascardi 1608, Q. 6, nos. 108, 109; Fenzonio 1636, 167; Maclean 1992, 132.

71. Baldus is the first authority cited by Farinacci 1612, Q. 154.

72. In the interests of precision, it should be noted that this was not strictly speaking the case, because the imbreviatura included abbreviated versions of the technical clauses in the contract that were added after it was rogated with witnesses present.

73. Farinacci 1612, Q. 154, no. 28; Bartoli Langeli 2006, 13.

74. The brief “Tractatus de tabellionibus,” long erroneously ascribed to Bartolus, was correctly identified in 1546 when republished by the Giunti firm in *Summa totius artis notariae*, i:475v–78r, nos. 1–78, along with points by an earlier author (nos. 79–95). On the new practical tendency among late medieval jurists, beginning with Baldus’s teacher Bartolus, see Stein 1999, 71–74, and Bellomo 1995, 211–14.

75. Baldus 1546, i:477v–78r, nos. 62–65, 76. In a 1607 notarial handbook frequently cited by the Roman judge Fenzonio, Nicolaus Honthemius argued that the same exclusions that fell on the act of witnessing held for notaries, disqualifying the mentally unbalanced, Jews, and drunks; bk. 1, chaps. 10, 22. Honthemius did not exclude all *infames* but did ban the illiterate, not because they could not be witnesses, he said, but because the job of the notary was to write. See also Fenzonio 1636, 70.


77. For the notaries’ view, expressed in their earliest extant corporate regulations, see ASC, Camera Capitolina, Cred. IV, vol. 88, 0147r–0148r.

78. Fenzonio 1636, 67, no. 113.

79. Baldus 1599, 7:56r.

80. Cited by Passeri 1615, 1. See also Baldus 1599, 7:57r.

81. Farinacci 1612, Q. 154, no. 99; Q. 155, no. 12, gives a more expansive interpretation, but Q. 157, no. 15, restricts it somewhat. See also Q. 156, no. 97. The jurists assume the language notaries will need to read and write is Latin.

82. Farinacci 1612, Q. 157, nos. 19–85; cf. Fenzonio 1636, 70, no. 34. Farinacci’s discussion makes it clear that knowing the formulas is not considered intrinsic to the office of the notary, because it is a matter that pertains either to the nature of the contract, custom, the formu-
laries, or legal opinions (consilia). These four sources supply (and constrain) the contractual clauses that the notary ought to add in composing the imbreviatura.

83. Indeed, Giacomo Antonio Marta (1638, 1:166v) cites a series of judicial decisions holding that if the customary clauses were omitted by the notary, they were to be understood as expressed.

85. Farinacci 1612, Q. 157, no. 17.
86. Farinacci 1612, Q. 157, no. 15. He also pointed out that presumptive evil intent deserved a milder punishment than proven malice; no. 18.

88. Mascardi 1608, Conc. 748–54. Waffling, Mascardi called fama both full proof and half proof in his introductory section (cf. Q. 4, no. 16 and Q. 11, no. 21) but chose not to discuss it with the other kinds of proof. Treating it in a series of ordinary entries (conclusiones) in his treatise, he indicated that at most it was a half proof in civil cases only.

89. Farinacci 1612, Q. 156, nos. 151, 154–56, 158.
90. Farinacci 1612, Q. 156, no. 155, citing Nevizzanus.
91. Farinacci 1612, Q. 154, no. 10; Q. 156, nos. 68, 74–75.
92. Baldus 1546, 1:477v, no. 57; Farinacci 1612, Q. 156, no. 97.
93. Mascardi 1608, Q. 6, nos. 63, 64.
95. Farinacci 1612, Q. 156, nos. 1–81. Interestingly, only at the end of this lengthy discussion does he report the opinions of some jurists who counsel the notary to make a new instrument rather than arouse suspicion by correcting an erroneous one (no. 81).
97. Mascardi 1608, Conc. 4, no. 16; Farinacci 1612, Q. 156, for example, nos. 7, 10, 16, 29, 66, 71, 80, 118. By this distinction, the formalities were deemed within the notary's sphere of action, while changes of substance were not.
98. Farinacci 1612, Q. 156, nos. 45, 56.
100. Mascardi among others cited in Farinacci 1612, Q. 156, no. 68; Fenzonio 1636, 73, no. 27.
101. Lori Sanfilippo 1987, 116n. Scambi could act as he did because, as we shall see in chapter 3, city law gave more latitude to notaries, and more privileges to public instruments, than did the jurists.
102. Nussdorfer 2003, 106. See, for example, Farinacci 1612, Q. 158, nos. 13, 153, 175.
103. Farinacci 1612, Q. 154, opening line; see also Q. 155, no. 73.
104. See the discussion of the lex cornelia de falsis in Digest 48.10.
105. Farinacci 1612, Q. 150, nos. 57, 114, 154, 239.
106. D’Amelia 2004, 231–65; Farinacci 1612, Qs. 150 to 164.
107. Farinacci 1612, Q. 155, no. 1.
108. Guicciardini 1970–81, 1:841, see also 762 (from his Ricordi). For this reason, he recommended keeping the authenticum of an instrument at home. I thank Thomas V. Cohen for this reference.
109. For some examples, see Feci 2004, 168–75.

110. Farinacci 1612, Q. 155.

111. Farinacci 1612, Q. 150, nos. 1–13.

112. Farinacci 1612, Q. 150, no. 5.

113. Mascardi 1608, Conc. 1097, no. 3.

114. The public quality of scriptura publica takes on yet another dimension when we learn that the notary could be compelled to show his clients’ papers in an accusation of this kind; Farinacci 1612, Q. 150, no. 4.

115. Farinacci 1612, Q. 154, nos. 14, 28; Q. 157, no. 1. Bartolus, however, thought the penalties for illicit contracts differed from those for falsum; Q. 154, nos. 15 and 16.


117. Farinacci 1612, Q. 154, nos. 52–91, especially nos. 54, 55, and 73. The discussion bleeds into another crime, that of simulating a contract, which Farinacci treats more fully in Q. 162. See also Abbiati 2000, 19.


119. For some suggestions, see Farinacci 1612, Q. 154, no. 64. This precision and its ambivalence is mocked in the fourteenth-century tale by Franco Sacchetti in which guests confront an innkeeper who has given them dirty bed linen and demand white sheets. The innkeeper defends himself by saying that the sheets are not red or blue, and indeed they could not be any other color except white. His guests take his words in good spirit and agree, “[H]e was right; he wasn’t a notary writing that the sheets were a color other than white.” Sacchetti 1996, 63–64, novella xix. I thank Thomas V. Cohen for this reference.

120. Farinacci 1612, Q. 150, nos. 19–51; Q. 155, nos. 1–16. His treatment is praised by Passeri 1615, bk. 1; see, for example, p. 51 where Farinacci is called the “king of jurists.”

121. Farinacci 1612, Q. 150, no. 21. Farinacci recognized that ancient penalties also varied according to the status of the perpetrator; Q. 150, no. 19. Cf. Digest 48.10.1.13.

122. Farinacci 1612, Q. 150, no. 24.

123. Farinacci 1612, Q. 155, no. 12.

124. Farinacci 1612, Q. 154, no. 113 (misprinted as 103).

125. Statuta urbis (1580), bk. 2, art. 48; Fenzonio 1636, 70. The procedure for delicta publica was accusatio by a public official. When therefore the 1580 municipal statutes authorize the chief justice (senator) to proceed by inquisitio in cases of false instruments, we see that the law kept open the possibility that the culprit was a private individual, which is confirmed by the penalties in art. 48; Statuta urbis (1580), bk. 2, art. 5.

126. 1363 statuti, bk. 2, art. 35.

127. SPQR Statuta (1519–23), bk. 2, arts. 35, 66 (1469); Rodocanachi 1901, 168n.

128. In ASR Inventory 282, which lists thousands of criminal cases in Rome’s most extensive criminal jurisdiction, the Tribunale Criminale del Governatore (TCrG), I found about a dozen accusations of falsità against notaries between 1620 and 1638; there were at least as many against non-notaries. Of course, sometimes a close reading of trials will reveal notarial complicity even when the notary is not accused. Michele di Sivo is currently completing the inventory of the Tribunale Criminale del Senatore, which will add some cases to the
total, although by this period notaries were supposed to be tried in the governor’s court (and its extension, the Curia di Borgo).

129. Statuta urbis (1580), bk. 1, art. 29; Farinacci 1612, Q. 155, no. 15. A notary removed from a case who continued to interfere in it was also guilty of falsum; Statuta urbis (1580), bk. 1, art. 29.

130. ASR, TCrG, processi 1635, vol. 306, 301r; processi 1638, vol. 328, 1465r–v; processi 1640, vol. 361, 115r. I have focused here on notaries serving civil judges; for crimes notaries might commit in criminal proceedings, see Farinacci 1612, Q. 154, no. 107.

131. Born around 1594 in Civita Castellana, Paradisi was titleholder of Capitoline notarial office 7 from 1628 to 1658. For an incarceration (probably for debt) early in his tenure, see Nussdorfer 1993, 107.


134. Percosse (blows), ferita (wounding), truffa (fraud), and even adulterio are some of the accusations leveled against notaries.

135. On two notable early modern Roman forgers, see Petrucci 1979 and D’Amelia 2007. On penalties, see also D’Amelia 2004, 256. For notaries who were fined, see ASR, TCrG, processi, 1624, vol. 190, 339r (150 scudi for fraudulent società d’ufficio contracts); TCrG, processi, 1631, vol. 264, 514v, 602r (200 scudi for altering the date on the copy [fede] of an instrument). For the law on women’s contracts in Rome, see Feci 2004.

136. The opinions are reviewed by Passeri 1615, 30–51.

137. Statuta urbis 1580, bk. 2, art. 48.

138. Digest 1.3.37; Fenzonio 1636, 67.

139. Baldus 1599, 7:57r; Farinacci 1612, Q. 157, no. 73.

140. Mascardi 1608, Q. 14, no. 27.

141. Baldus 1599, 7:57r. Farinacci 1612, Q. 154, no. 68, reporting Baldus’s opinion, added that a notary from Piacenza had used this defense.

142. Farinacci 1612, Q. 157, nos. 80–81 (for the more expansive formulation, nos. 19–20).

143. Farinacci 1612, Q. 157, no. 73.

144. Of course, notaries’ fees were regulated.

145. Baldus 1546, 1:477r, no. 36. Fenzonio 1636, 72, no. 8, adds an approving citation to Honthemius’s notarial handbook, which pointed out that the notary’s right to his fee was stated in his sworn oath of office.

146. The legal premises in regard to venal Capitoline notarial offices are reviewed by Fenzonio, 1636, 55–56. As we shall see, from earliest times the notary’s papers were considered his personal property and could be bequeathed to his heirs; Lori Sanfilippo 2008, 102–4.

147. Ascheri 1990, 66; Del Re 1993, 66. “[I]nter cives incolae et districtuales . . . servetur statutum urbis et ubi statutum non disponit servetur ius civil . . . ,” SPQR Statuta (1519–23), bk. 5, art. 37; cf. Fenzonio 1636, 173, no. 27. For a general view of the medieval period, see Sbriccoli 1969.

148. Farinacci 1612, Q. 157, no. 146.


151. As Fenzonio 1636, 166–67, pointed out, municipal statutes pertained only to those who were subject to them, and in Rome, as we shall see in chapter 2, clerics were not. The Capitoline tribunal used inquisitional procedure; Di Sivo 1997, 284–85.

152. Statuta urbis (1580), bk. 1, art. 84. Technically, recognitio assumed an objection from the adverse party and was not necessary if no opposition was forthcoming, but according to Fenzonio 1636, 175, no. 8, the judge could require it even without an objection. Ago 1999b, 398.

153. Statuta urbis (1580), bk. 1, arts. 82, 83.

154. Fenzonio 1636, 168, nos. 19–20 (see also nos. 4, 13, 17).

155. Peto 1587, 132–33.

156. Fenzonio 1636, 168, nos. 22–23; 172, nos. 20–21 (misprinted 11).

157. Fenzonio 1636, 168–70; see, for example, “per quam minus laedatur ius commune,” 170, no. 46.

158. Fenzonio 1636, 169, no. 43; 173, no. 23.


160. Farinacci 1612, Q. 155, no. 43, Q. 158, no. 119; “Sacrae Rotae Romanae Decisiones quamplures quae vel ad materiam statutorum Urbis pertinent vel in Annot. allegantur,” in Fenzonio 1636.

161. Feci 2004, 151, 214. For a look at the choice of evidence from the consumers’ rather than the courts’ perspective, see Ago 1999b.

Chapter 2 • The Profession: Defining Urban Identities


2. Petrucci 1958, 14; Carbonetti 1979; Lori Sanfilippo 2001, 6–7; Lori Sanfilippo 2008, 10–13, 101–3. In one of the miracles of Saint Francis narrated by Saint Bonaventure (d. 1274), the son of a notary in Rome was revived after jumping from a window; Saint Bonaventure 1941, 631–32.


6. Lesellier 1933, 258. The situation is better for notaries serving the papal curia after 1507.

7. ASR, Biblioteca, Bandi, vol. 436 Campidoglio, edict of 16 December 1582; ASR, CCN, Registro delle congregazioni, vols. 1–13. I have not been able to substantiate Lori Sanfilippo’s (2008, 7) claim of the existence of statutes from 1578; those published in the source she cites are a revision of statutes from 1618 and date from 1652; Statutes (1652) in Statuta (Rome, 1831), 40.

8. Biblioteca del Senato, Statuto ms. 517.

municipal, ni les listes des magistrats, ni les dossiers judiciaires, ni les livres de dépenses et de recettes, bref tout ce qui a été conservé de manière presque naturelle dans les autres villes italiennes”; Esch 2000, 18, cited by Cherubini 2001, 159.

10. The Life of Cola di Rienzo 1975, 31. For population, see Rodocanachi 1901, 121; according to Brentano 1974, 13, this was down from perhaps 35,000 in the early 1200s.


15. The 1363 statuti, which were published by Camillo Re, are the first to survive, though earlier versions seem to have existed; Collins 2002, 168n.

16. The phrase “notarios curiae Capitolii” appeared in legislation of 1521 that purported to reiterate measures dating from around 1508; SPQR Statuta (1519–23), bk. 5, art. 56.

17. Lesellier 1933, 258; San Martini Barrovecchio 1983, 3:850. Admittedly, these cases involved purchased offices, as we shall see later in this chapter.

18. For the fourteenth century, see the preface to the edition of the city statutes in Re 1880, and more recently, Maire-Vigueur 2001, Collins 2002, and Musto 2003. For the Renaissance and later periods, see Nussdorfer 1992.


22. As we have noted, the late medieval sources on corporate life are extremely limited, but the fact that the only extant texts of regulations of Capitoline notaries that have come down to us before 1582 are attached to municipal legislation, in either manuscript or print, is suggestive. See ASC, Camera Capitolina, Cred. IV, vol. 88, 0146v–0155r and SPQR Statuta (1519–23), books 3, 4, and 5. Of course, the popes also made laws affecting Capitoline notaries, discussed in detail in chapter 3.


25. For a helpful overview that carries the analysis into the seventeenth century, see Fosi 2007, 21–32.


27. Del Re 1972, 11.


29. According to Camerano 1997, 44–47, this was the effect of Pope Sixtus IV’s important jurisdictional legislation of 1473. Sixtus IV also gave the governor of Rome jurisdiction over notaries of all criminal courts, which laid the foundation for his power eventually to decide criminal cases brought against most notaries (apart from those serving the auditor of the Camera).

31. Lori Sanfilippo 2001b, 442; 2008, 28. To be sure, elsewhere in Italy there was considerable variation in a notary’s training, ranging from apprenticing to attending several years of university lectures; Martines 1980, 280.

32. *SPQR Statuta* (1519–23), bk. 5, art. 43.

33. Statuta urbis (1580), bk. 1, art. 32.

34. Orlandelli (1965) traces the evolution of the genre, which culminated in Rolandino dei Passeggeri’s version of c. 1250, still authoritative in the early modern period.


37. Luca Peto [Lucas Paetus], *De iudiciaria formula Capitolini Fori*, was published in Rome in 1567 and 1578 and in a revised version in 1587, 1610, and 1625. As mentioned, Peto was also largely responsible for revising the text of the city statutes of 1580; Del Re 1986, 319–22. For more on his work, see chapter 3.

38. L. Sinisi (1997) provides a good deal of information about manuscript formularies in early modern Genoa. The 1494 inventory of a Roman notary’s library includes a tantalizing reference to a “Pratica”; Spotti Tantillo 1975, 90, cited by Feci 2004, 125. Prospero Farinacci cited a manuscript notarial formulary in his treatise, *De falsitate* 1612, Q. 156, nos. 33, 37. A six-page manuscript of the formulas used in judicial acts by the notaries of the tribunal of the Rota is found in ASR, Camerale II, Notariato, b. 3 (n.p. but document dated 22 May 1703).


41. Admitting that this was an unusual practice, Corbo (1984, 52–53) points out that in general in the fourteenth and fifteenth centuries Capitoline notaries derived their powers from the emperor, not the pope.


43. ASV, Misc. Arm. IV–V, vol. 84, no. 178, edict of 12 September 1588. A formulary widely used in the papal Curia includes the creation of notaries by counts or viscounts palatine; *Formularium instrumentorum* 1589, 196–201. On this text, see L. Sinisi 1997, 26–27. For cases of investiture of Capitoline notaries by counts palatine in 1542 and 1567, see Verdi 2005, 460n.

44. For an example, see appendix C. For other examples, see ASR, 30 NC, uff. 11 (Saravezzo) 1610, pt. 2, 92 r–v, 343 r–v, 795 r–v. In these cases the official is also a referendarius, so highly placed in curial service.

45. Petrucci 1958, doc. no. 82; San Martini Barrovecchio 1983, 3:858.

46. *Decreta* 1679, 9. See also chapter 6.

47. The act, “datio penne et calamari [calamaio],” is discussed by Corbo 1984, 52–53.

37 clarifies that they must have abandoned manual labor for four years (0149r). The text, discussed in the next note, dates to 1446, although it may have earlier roots.

49. 1363 statuti, bk. 3, art. 112 (110). The description is contained in a manuscript of revisions (reformationes) to an earlier (lost) set of statutes for the college of notaries in ASC, Camera Capitolina, Cred. IV, vol. 88, 0146v–0155r, now published by Lori Sanfilippo 2008.

50. Rubb. 37, 42, ASC, Camera Capitolina, Cred. IV, vol. 88, 0149r, 0150v. Notaries were not allowed to enter taverns or gamble (rub. 46, 0151v). They could not matriculate if they were infamis (rub. 61, 0155r).

51. Rub. 36, ASC, Camera Capitolina, Cred. IV, vol. 88, 0149r.

52. Rubb. 34, 35, ASC, Camera Capitolina, Cred. IV, vol. 88, 0148v.

53. Lesellier 1933, 263n; Pavan 1991; see also Statuta urbis (1580), bk. 3, art. 57.

54. Barraclough (1934, 13–19, 24–27) describes the rising importance of notaries in the Curia while the papacy was still in Avignon. They were needed not only for the disposition of ecclesiastical benefices but also for the full range of instruments used by individual officials and churchmen.


56. Lesellier 1933, 252; Barraclough 1934, 24. According to Barraclough (1934, 19), earlier in Sixtus’s pontificate the notaries of the Rota, the highest papal appeals court, were the first to be organized along these lines in 1477. Within the Curia, the introduction of venality was a subtle process that built, for example, on the practice by judges of selling the office of their attuarius and sharing the fees the court notary subsequently collected (ibid., 18–19).


58. Bullarium 1857–72, 5:462, no. 10: “Possitque collegium ipsum per eorum correctores et clericos deputandos per eum, creare notarios undecumque venientes, cuiuscumque nationis, et creatos per alios, exceptis officialibus perpetuis, volentes tabellionatus o≈cium in Urbe et districtu eius exercere, examinare; et repertos insufficientes ab exercitio dicti officii perpetuo vel ad tempus suspendere vel privare; et idoneos approbare et in matricula et archivio describere, . . .” On the Archive of the Roman Curia, see chapter 4.

59. The price of 1 of the 101 offices in the College of Scriptors ranged between 1,125 and 1,500 scudi during the sixteenth century, while a corrector’s office cost somewhat more; San Martini Barrovecchio 1983, 3:847n. For an example of terminological conflation in 1619, see Verdi 2005, 460n.

60. For the act of investiture and oath of a curial notary from Metz in 1532, see San Martini Barrovecchio 1983, 3:868–69.


62. Lesellier 1933, 260. According to Lesellier, the four extant matriculation registers for the sixteenth century cover the following years: 1507–19, 1539–49, 1549–61, 1577–87. At least four others are missing.

63. Lesellier 1933, 263–64.

64. One way to find out would be to do the painstaking kind of work carried out by Lori Sanfilippo (2001b) on the fourteenth century on the much larger body of sources available for
the sixteenth century. Suggestive in this connection is research on notarial protocols during
the aftermath of the Sack of Rome (May 1527–February 1528), which identified approximately
fifty notaries still working in the city; Esposito and Vaquero Piñeiro 2005, 129.


66. A senator's order from around 1508 refers to the "matricula Conservatorum Camer[a]
Urbis;" SPQR Statuta (1519–23), bk. 5, art. 56. For the matriculation of Luca Antonio Butii in
1553, see Verdi 2005, 454; this evidence indicates that matriculation carried an attachment to a
particular rione of Rome. The edict of 23 December 1562 giving the archivist the duty of
keeping the "matricula Capitolij" implies that the secretary of the conservators was already
doing this. The fee to be registered in the book was three giulii; ASR, Biblioteca, Bandi, vol. 2,
no. 164. In the 1580 edition of the city statutes, the secretary of the conservators alone had the
responsibility for entering newly approved notaries in the "matricula notariorum urbis";
Statuta urbis (1580), bk. 1, art. 32. If a notary needed proof of his matriculation, the secretary
was to provide it for no more than one giulio; Statuta urbis (1580), bk. 3, art. 103.

67. Statuta urbis (1580), bk. 1, art. 32.

68. Berengo and Diaz 1975, 162.

69. Statuta urbis (1580), bk. 1, art. 32. There is evidence from 1562, however, that the
Capitoline notaries did not acknowledge the monopoly over foreign notaries implied by the
papal matriculation process. We find this statement in the edict establishing the Archivio
Capitolino: "considerato anco & visto che di essi notai capitolini & d’altri ne sono stati, e

70. Statuta urbis (1580), bk. 3, art. 57. Pavan (1991, 39) says that judges and notaries
frequently sought this status.

71. He petitioned in 1587; Pavan 1991, 39.

72. The names of the notaries, active from the fourteenth to the early seventeenth cen-
tury, whose protocols were deposited in the archive, are listed in François 1886, 36–79. In
addition, protocols of pre-1586 Capitoline notaries may sometimes be found in the holdings
of the post-1586 ASR series called Thirty Capitoline Notaries (30 NC), as is revealed by the
new inventories of each office; Verdi 2005, 443.

73. Lori Sanfilippo 2001b, 435–36. As mentioned previously, there are twelfth-century
references to a prior and camerarius of the "scrinarium urbis," professional scribes from whom
the notaries may have descended (ibid., 436).

74. 1363 statuti, bk. 1, art. 127 (1).

75. 1363 statuti, bk. 1, art. 114.

76. 1363 statuti, bk. 1, art. 37. In Roman law, a legal contract had to be entered freely, not
coerced.

77. ASC, Camera Capitolina, Cred. IV, vol. 88, 0146v–0155r; Lanconelli 1983, 315–16;
Pavan 1996, 326–27. The city statutes of 1469 were reprinted as book 3 of a six-volume edition
issued between 1519 and 1523; SPQR Statuta (1519–23). Within book 3, arts. 282 to 317 are
regulations concerning notaries. These thirty-five articles consist entirely of material drawn
from the 1363 city statutes and the 1446 revisions to the notarial college statutes; they contain
nothing later than the 1446 text.

78. Statuta urbis (1580), bk. 1, art. 35.

79. A papal official ordered that the notaries' revisions be inserted in the municipal
statutes in 1446, and in 1469 civic officials attempted to assure their wider distribution among notaries of the rioni; Lori Sanfilippo 2008, 18, 60.

80. Martines 1968, 18; Costamagna 1970, ch. 5; Liva 1979, ch. 5; La società dei notai di Bologna 1988; Feci 2004, 42.

81. Rub. 29, ASC, Camera Capitolina, Cred. IV, vol. 88, 0147r–0148r. On Andrea Santa-croce, who held many civic offices, see Esposito 1981.

82. ASC, Camera Capitolina, Cred. IV, vol. 88, 0148r: “ad componendum mores dicti officii tabellionatus.”


84. I use the term senator’s palace because that is the name by which the building is best known today, but contemporary sources always refer to it as the “Capitoline palace.”

85. Rub. 31, ASC, Camera Capitolina, Cred. IV, vol. 88, 0148r.

86. Rub. 63, ASC, Camera Capitolina, Cred. IV, vol. 88, 0155r.

87. Rubb. 32 and 33, ASC, Camera Capitolina, Cred. IV, vol. 88, 0148v.

88. Rub. 34, ASC, Camera Capitolina, Cred. IV, vol. 88, 0148v.

89. Rub. 36, ASC, Camera Capitolina, Cred. IV, vol. 88, 0149r. In addition to those named here, there was also a scripтор and perhaps other officials.

90. Rub. 43, ASC, Camera Capitolina, Cred. IV, vol. 88, 0151r. From rub. 44 we also learn that the actuary notaries attached much importance to the observation by judges of a prescribed order in the assignment of cases. See chapter 3, section on judicial acts.


92. Rub. 62, ASC, Camera Capitolina, Cred. IV, vol. 88, 0155r. The fine was fifty ducats. Heirs who were notaries could keep the locked chests at home; the others were supposed to go to the sacristy of the Aracoeli. See chapter 4.

93. It is to be hoped that research in the notarial protocols themselves, which has been so useful for shedding light on the civic administration of Rome during the period when it left few other records, will eventually turn up more information on the activities of the pre-1586 Capitoline notaries and their college. Evidence that the gentlemen of the Colonna rione chose Melchiorre Vola, who would become titleholder of Capitoline office 13 after 1586, as their notary in 1585 is a promising case in point; Verdi (2005), 453. The relationship between Capitoline notaries and particular districts is attested in sixteenth-century sources, but we know very little about its mechanisms and meanings.

94. In 1521 Francisco Maccio and Hieronymo Riccio are named as correctors, Jacobo Lyrico as prefectus, and Antonio Leonio simply as consistorial advocate, which indicated membership in Rome’s college of judges but who may also have been proconsul; SPQR Statuta (1519–23), bk. 5, 2r. On the edict of the proconsuls and correctors of 16 December 1582, Pietrus Sanctus Butius and Galdinus Burlaschinus are named as correctors, Giovanni Battista Bovius as advocatus and proconsul, and Cesar Marsilius as advocatus concistorialis and proconsul; ASR, Biblioteca, Bandi, Campidoglio, vol. 436. Compare these chance discoveries with the officials of Bologna’s notarial college who were recorded by Giovanni Niccolò Pasquali Alidosi in a publication of 1616.

95. SPQR Statuta (1519–23), bk. 5, art. 56.

96. Bullarium 1857–72, vol. 7, p. 222, no. 67. Actuary notaries may have had to put down
a deposit, which was collected by the correctors, before taking their seats at the bench. The legislation, *Cum ab ipso*, dated 30 June 1562, is discussed in chapter 3 in the section on judicial acts.

97. ASR, Biblioteca, Bandi, vol. 2, no. 164, arts. 1, 5, 6, 11. See also chapter 4.

98. *SPQR Statuta* (1519–23), bk. 4, I, art. 32.

99. “Et quia multi impetraverunt privilegia de exe[m]plandis et transumptandis instrumentis maxime ex prothocollis et abbreviaturis notariorum mortu[or]um non observata solemnitate requisita ac matura cognitione ex forma statutorum urbis unde multa inconvenientia nascentur maxime multa auctenticantur qu. non merentur auctenticari.” *SPQR Statuta* (1519–23), bk. 5, art. 39.


101. Heirs were to have “integra la tassa ordinaria”; ASR, Biblioteca, Bandi, vol. 2, no. 164 (23 December 1562). See chapter 4 for a possible explanation of this policy.

102. The 1580 legislation is discussed in chapters 3 and 4. See also ASR, Biblioteca, Bandi, Campidoglio, vol. 436, edict of 16 December 1582, art. 5.

103. *Statuta urbis* (1580), bk. 1, art. 36 (and art. 35 for the distribution of fees).

104. The senator continued as chief magistrate with both civil and criminal jurisdiction, but the six judges who worked under him were now reduced to four. Those who remained were one criminal judge, one appeals judge, and two civil judges called collaterali. *Statuta urbis* (1580), bk. 1, arts. 3, 4, 5, 6, 10.

105. *Statuta urbis* (1580), bk. 1, art. 23.

106. *Statuta urbis* (1580), bk. 1, art. 37. Although the statutes did not give figures, an edict of 16 December 1582 named two proconsuls and two correctors; ASR, Biblioteca, Bandi, Campidoglio, vol. 436.

107. Rubb. 32 and 33, ASC, Camera Capitolina, Cred. IV, vol. 88, 0148v; *Statuta urbis* (1580), bk. 1, arts. 37 and 38. Even in 1446 the proconsuls’ jurisdiction had not extended to serious crimes, however, such as the charge of falsum; the maximum penalty they could impose was a fine of five gold ducats, raised to twenty-five gold ducats in 1580.


110. *Statuta urbis* (1580), bk. 1, art. 35. See chapter 4, section on Archivio Capitolino.

111. ASR, Biblioteca, Bandi, Campidoglio, vol. 436.

112. To my knowledge, this is the first reference to an external mechanism for determining the qualifications of sostituti, who were formally invested notaries working as employees in a notarial office. Both city and papal legislation had long forbidden notaries in the Capitoline courts from using sostituti to perform their judicial duties, most recently in the *Statuta urbis* (1580), bk. 1, art. 22. Four of the sixteen articles in the 1582 edict mention the sostituti in court contexts, however, and the decision to have the correctors examine “the quality of their persons” seems a concession to the fact that they were indeed performing such duties.

113. *Statuta urbis* (1580), bk. 1, art. 31.

114. For the elaborate stamped symbol, see ASR, 30 NC, uff. 11 (Saravezzio) 1584, n.p. (penciled pagination f. 30r).

115. Erectio (1586) in *Statuta* (Rome, 1831), 41–53. For additional locations, see Comune di Roma 1920–58, 1:83, no. 511.
116. Matriculation in the Capitoline list ended, but it remained possible to matriculate as a curial notary in the Archive of the Roman Curia.

117. For the rumors, see Rodocanachi 1901, 315–16; for the discussion in several meetings of the civic councils, see ASC, Camera Capitolina, Cred. I, vol. 29, 0015r, 0016v, 0019r, 0039v, 0048r, 0064r. See also M. Franceschini 1991; San Martini Barrovecchio 1992.

118. Piola Caselli 1991, 121. The office of scriptor of apostolic letters had been sold since the time of Martin V, but curial venality spread very rapidly between 1470 and 1490; Partner 1990, 12, 16. See also Delumeau 1957–59, 2:777. Sixtus V stood out among the popes for the zeal with which he laid hands on any and all assets that could be sold to benefit the Apostolic Camera; Feci 2004, 110.


120. Grisar 1964, 276. “Criminal notaries” were those who kept the records of criminal proceedings. This legislation excluded Rome and Bologna, as was customary; ASV, Misc. Arm. IV–V, vol. 45, 26v–27r. It is worth noting that in contrast to the popes, French monarchs from the sixteenth century on sought to separate notaries and court officials, although both sets of offices were sold; Dolan 1998, 183.

121. For this legislation Cum ab ipso, dated 30 June 1562, see Bullarium 1857–72, 7:222, especially no. 64.

122. Del Re 1970. The literature on the pontificate of Sixtus V is vast; for an orientation, see the references in Spezzaferro and Tittoni 1991 and Fosi 1993.

123. AV, Misc. Arm. IV–V, vol. 84, edict of 12 September 1588. Scoccianti 1992, 187–99. See chapter 4. On 1 August 1588 Sixtus had created the post of prefect of the archives, to be held by a high curial prelate (one of the Chierici di Camera), with the task of overseeing the new public archives of the Papal States; Enchiridion 1966, 22–23.

124. Erectio (1586) in Statuta (Rome, 1831), 42–43. There is evidence that notaries were assigned to specific judges (collaterali) before 1586; see the preface to the inventory quoted by Trasselli 1936b, 94. The carpenters’ confraternity records of 2 February 1584 describe Capitoline notary Ottaviano Saravezzio as “notaro del 2.o coll. di Campidoglio”; Paul Anderson, art historian, electronic communication to Peter Lukehart, art historian, 19 December 2005.

125. Statuta urbis (1580), bk. 1, art. 9.


128. This probably explains the consignment of papers to the archive in 1587 and 1613, quoted by Trasselli 1936b, 94; see also Verdi 2005, 427, 442, 450.

129. Erectio (1586) in Statuta (Rome, 1831), 44–45. Transunti of judicial acts had not figured in previous legislation, and it is unclear what sort of demand there was for these documents. In theory, clients might have wanted copies of judicial sentences from the manuali of deceased notaries, though, if extant records are any indicator, sentences seem rarely to have been preserved and may have been infrequently issued.

130. In reality, the college was not able to gain possession of this office until 1728; Guasco 1919a, 99.


132. Erectio (1586) in Statuta (Rome, 1831), 43, 48. For a clear definition of these terms, see Rietbergen 1983, 336.
133. Guasco 1919a, 99.

134. ASC, Camera Capitolina, Cred. VI, vol. 59, 310r–11v. The 1591 petition to the conservators from the Guerrini family gives an unusual insight into the way Capitoline notarial offices were transferred before and after the onset of venality. Capitoline notary Alexander Guerrini was active between 1553 and 1578. After his death in 1578 Pope Gregory XIII granted his office to his son Carlo, who intended to use it as a dowry for Carlo’s sister. Carlo died in 1585. When Sixtus sold the thirty Capitoline offices the following year, this one was purchased by Carlo’s brother Giovanni Martino Guerrini for the set price of five hundred scudi. In their petition, his heirs, none of whom were apparently notaries, seek the conservators’ consent to retain the vacabile part of the office, which they argue is still being used to support their aunt. It was this office, number 18 in the modern archival numeration, that would eventually become the property of Lorenzo Bonincontro, whose career is discussed in chapter 5.


136. The “regaliis” in this case was a payment of five scudi d’oro; ASV, Fondo Con- falonieri, vol. 6, 142 r.

137. “Sacrae Rotae Romanae Decisiones” in Fenzonio 1636, 18 (Decision XIV). For the notaries’ possible role in this decision, see ASR, CCN, Registro delle congregazioni, Libro della massa, vol. 10, n.p. (December 1619).

138. Guasco 1919a, 106.

139. “Reductio” in Statuta (Rome, 1831), 56. The pope seems to have thought it would be useful to the municipality to have an “annual, certain, and perpetual” fund for building repairs, and indeed civic officials complained bitterly when payments finally ceased in 1847; Guasco 1919a, 106.

140. This is an inference based on the massa records between 1589 and 1607. After years of pronounced variation in December 1604, thirteen of the thirty Capitoline notaries paid in 1.50 scudi and the rest paid a higher amount. The stable pattern continued; in October 1606 the entry for a massa payment by “successor [to] Cardine” of 44.5 baiocchi (rather than 150) is accompanied by the notation “more antiqua.” ASR, CCN, Registro delle congregazioni, Libro della massa, vol. 9, n.p.

141. “Reductio” in Statuta (Rome, 1831), 59. We recall that the college had the right to collect from individual members one-fourth of the fees from their judicial acts and from transunti of instruments held in their offices.


143. ASR, CCN, Registro delle congregazioni, Libro della massa, vol. 10 (November 1617).

144. “Super expeditione titulorum” in Statuta (Rome, 1831), 64.


146. Bullarium 1857–72, 12:86, no. 2. Citing this passage, the college later claimed the right to investigate the moral and technical qualifications of administrators or lessors of offices and decide on their suitability; Statutes (1652) in Statuta (Rome, 1831), 21–22.

147. This was just the distinction underlined by Fenzonio (1636, 56) when citing the Rota’s decision—“officij titulus potest esse penes unum & dominium penes alium.” Undoubt-
edly, this is why it is to this day much easier to find out which notary headed a Capitoline office than who owned it.

148. Senato, Statuto ms. 517, 18r. The admission fee was divided up and distributed by seniority to those attending the meeting, as we see from a sheet at the end of vol. 8 (1588–98) of ASR, CCN, Registro delle congregazioni, Libro della massa, n.p.

149. Nonetheless there is evidence that owners did apply to the Capitoline judges for approval to lease these offices or transfer them by sale or resignation. See, for example, the transfer of office 37 to Lorenzo Balducci after a mandato from the second collaterale, dated 12 February 1618, in ASR, CCN, Registro delle congregazioni, Libro della massa, vol. 10, copy inserted after expenses for September 1618. Another example is found in ASC, Protonotaro del Senatore, sez. I, Atti del notaro dei Conservatori, vol. 1, 4r–5v.

150. Senato, Statuto ms. 517, 17v. Possibly motivated by Paul V’s warning of the previous year, these are a revision of a lost text.


153. See the series of letters patent in ASC, Camera Capitolina, Cred. XI, vols. 19 and 20; see also the description of the documentation submitted by Protogine Delfino as he sought office 2 in ASR, CCN, Registro delle congregazioni, Libro della massa, vol. 10 (November and December 1618).

154. For some examples, see ASR, CCN, Registro delle congregazioni, Libro della massa, vol. 11 (1635–38), 92v, 95v.


156. The 1618 notarial statutes are in Bibloteca del Senato, Statuti, ms. 517. Payments for formal copies of the statutes were recorded in 1618, but otherwise we have no information about the timing and process of drafting them; ASR, CCN, Registro delle congregazioni, Libro della massa, vol. 10, n.p. (August and October 1618). The first printed edition, which has no publication information but must be after 1711, is entitled Statuta venerabilis Collegii D.D. Notariorum Curiae Capitolii eorumque facultates et privilegia [1711?]; Bibloteca del Senato, Statuti, no. 1221. In 1831 the Apostolic Camera republished the earlier text under the same title. The only changes were adding a new dedication and replacing p. 71 (the order to be observed by the thirty Capitoline notaries in performing certain duties for the auditor of the Segnatura di Giustizia, as of 1710) with a nine-page listing of the locations of the thirty notarial offices and the names of their titleholders from 1585 (sic) to 1831.

157. The citation is ASR, CCN, Registro delle congregazioni. The series consists of three types of record: vol. 1 sindici (1667–1730); vols. 2–7 meetings (1667–1749, 1814–33); vols. 8–13 massa accounts (1588–1681 with lacunae).


159. This was a statutory requirement in both 1618 and 1652; see also the payment of one scudo to Giovanni de Amici, secretary of the college in February 1638, “for a volume in which to write the decisions of the meetings.” ASR, CCN, Registro delle congregazioni, Libro della massa, vol. 11, 96r.

160. Erectio (1586) in Statuta (Rome, 1831), 44.

161. In July 1591 there is an entry of five scudi “p[er] li statuti p[er] il Bovio”; ASR, CCN,
Registro delle congregazioni, Libro della massa, vol. 8, 49r. I have been unable to identify either il Bovio or the statuti in question. In August 1618 the accounts record a payment for parchment given “a quello che rescrisse [copied] li statuti del Collegio”; it is just possible, therefore, that they had been composed earlier. ASR, CCN, Registro delle congregazioni, Libro della massa, vol. 10, n.p. (August 1618).

162. ASR, CCN, Registro delle congregazioni, Libro della massa, vol. 8, 38r–v (January 1591). Gregory XIV was elected in December 1590.

163. Guasco 1919a, 100.

164. In May 1593 the notaries had appealed to a papal official, perhaps the prefect of the archives, in connection with the archive; ASR, CCN, Registro delle congregazioni, Libro della massa, vol. 8, n.p. (under date). ASR, CCN, Registro delle congregazioni, Libro della massa, vol. 9, n.p. (under May and June 1602). Guasco 1919a, 100–101. These reduced rates, for so-called simple copies, are discussed in more detail in chapter 3.


166. ASR, CCN, Registro delle congregazioni, Libro della massa, vol. 8, 16v, 29r, 35r, and after 1592 when pagination ceases under the following dates, January and April 1596; ibid., vol. 9, under May, July, September, and October 1606; July and December 1607.

167. On the office of protonotary of the senator, see Statuta urbis (1580), bk. 1, art. 20. In rare detail, the massa accounts record payment of 2.60 scudi for a forty-two-page extractus in the lawsuit with the protonotary; ASR, CCN, Registro delle congregazioni, Libro della massa, vol. 9, n.p. (under October 1606).

168. ASR, CCN, Registro delle congregazioni, Libro della massa, vol. 8, 16v, 18v, 54v (later in volume under January and April 1596); vol. 9, n.p. (under December 1602, March 1604, December 1606, June and July 1607).


171. ASR, CCN, Registro delle congregazioni, Libro della massa, vol. 8, n.p. (under October 1594, October 1595, October 1596). The existence of a secretary’s office is especially significant because it implies that the fledgling organization held meetings and kept records of those meetings (now lost). An entry in the massa accounts indicates that transunti fees were processed by the secretary (under October 1594).


173. On the compulsory minimum contribution, see the previous section of this chapter.

174. Indeed, they had paid in thirty-nine scudi in August 1604, though in September the much higher figure of seventy scudi (including some transunti) just before the new policy seems to have been implemented; ASR, CCN, Registro delle congregazioni, Libro della massa, vol. 9, n.p., sub datam. Massa were not always entered monthly. Because they were collected and recorded by a different mensario virtually every month, recording practices varied considerably, and it is difficult to get a consistent body of massa income data. In the five-year period 1589 to 1593, there are two entries for 1589, six for 1590, five for 1591, two for 1592, and seven for 1593. ASR, CCN, Registro delle congregazioni, Libro della massa, vol. 8,
n.p., sub datam. However, they do reveal that while average intake ranged from fifteen to forty-five scudi a month, an intake of thirty-three to thirty-six scudi was not uncommon. Thus, setting a minimum of forty-five scudi a month meant new sacrifices, at least for some Capitoline notaries.

175. ASR, CCN, Registro delle congregazioni, Libro della massa, vol. 9, n.p. (under November 1604; June, October, and December 1605).


177. Vol. 9 of the “libro della massa” ends in 1607 and vol. 10 begins in 1615. In the summer of 1605 the Capitoline notaries appear to have bought the vacabile portion of office 17 for six hundred scudi from his heirs after the death of the titleholder, Camillo Argenti. References to an instrument of donatio, however, slightly obscure the nature of the transaction, which took some time to complete. ASR, CCN, Registro delle congregazioni, Libro della massa, vol. 9, n.p. (under February, July, August, September 1605, and February 1607).

178. This is the first recorded payment for such masses, which would have been celebrated during the annual observance of the feast of their patron Saint Luke; ASR, CCN, Registro delle congregazioni, Libro della massa, vol. 9, n.p. (under October 1606).


180. Senato, Statuto ms. 517, 26r. The first collaterale was Marco Antonio Gozzadini, perhaps the same man who would become cardinal in 1621, and the second, Federico Monaldensi.

181. The decano sat at the head of the table with the mensario on his right and the secretary on his left, while the rest of the notaries sat by order of their admission into the college; Senato, Statuto ms. 517, 16rv. Statutes (1652) in Statuta (Rome, 1831), 6, 8. As mentioned, no contemporary manuscript or edition of the 1652 statutes, the final version emanating from the Capitoline notaries, exists.

182. As we recall, massa were levied on specific judicial acts, not business acts, produced by the Capitoline notaries. The liber expeditionum or libro delle spedizioni was the designated registry of payments for these documents. While evidence of actual practice is scarce, it does support the notion that notaries kept a record of the acts for which they owed massa; ASR, TCrG, processi, 1624, vol. 190, 373v (testimony of 1616). It also indicates that the mensario routinely reviewed these volumes; see his entry for November 1605, “D. Cardinus [office 18] detulit librum sine massa.” ASR, CCN, Registro delle congregazioni, Libro della massa, vol. 9, n.p. (November 1605).

183. ASR, CCN, Registro delle congregazioni, Libro della massa, vol. 11 (1635–38). (We recall that no meeting minutes survive before 1667.) The amount they received in the 1630s ranged from thirty to fifty baiocchi. The fifteen-scudi admission fee paid by new notaries was also shared exclusively by those at the meeting in which it was delivered.

184. ASR, CCN, Registro delle congregazioni, Libro della massa, vol. 10, n.p. (March 1619). The 1652 statutes defined a quorum for general meetings as fifteen; for “private meetings,” which are referred to in accounts and statutes but not otherwise described, six notaries constituted a quorum; Statutes (1652) in Statuta (Rome, 1831), 24.
185. The lawsuits can be followed through payments to legal counsel (procuratori) and from the defendants in the account books, ASR, CCN, Registro delle congregazioni, Libro della massa, vol. 11 (1635–38) 29, 93v, 113r, 123r.

186. Senato, Statuto ms. 517, 15v–17r.


188. Statutes (1652) in Statuta (Rome, 1831), 3, 5–7. Cf. Senato, Statuto ms. 517, 5r. Girolamo Tranquillo was decano at the time the 1618 statutes were approved and held the office until 1628; he was likely succeeded by Michele Saraceni, who was probably succeeded by Scolocci in 1634 (Scolocci can be documented as decano from 1635). Bonanni served as decano until his death in 1667. For his notarial motto, see Verdi 2005, 451.

189. Senato, Statuto ms. 517, 15r; Statutes (1652) in Statuta (Rome, 1831), 4, 35–36.


191. Senato, Statuto ms. 517, 23r–v. Statutes (1652) in Statuta (Rome, 1831), 7–8. The mensario’s role in settling such disputes remained in both sets of statutes notwithstanding the explicit prohibition in Paul V’s 1612 judicial reform legislation; Bullarium 1857–72, 12:90, no. 52.

192. Signs of the depositario’s enhanced powers included the fact that it was he rather than the decano who supervised the expenditures of the mensario and the fact that he had to sign a formally notarized obligatio to perform his office properly. (Such a document would have eased the college’s path were it to pursue litigation against the depositario.) Statutes (1652) in Statuta (Rome, 1831), 8–9.

193. ASR, CCN, Registro delle congregazioni, Libro della massa, vol. 11 (1635–38). The octogenarian Ottaviani served until the year before he died; he was succeeded in 1635 by Paolo Vespignani of office 28. A new member, Antonio Bardi of office 8 (1641–45), kept the books from 1642 to 1644.


195. Statutes (1652) in Statuta (Rome, 1831), 4–5. This bussola provided for an elaborate balance between the fifteen notaries attached to the first collaterale judge and those attached to the second judge, which had its roots in a clause in Sixtus’s founding legislation of 1586; Erectio (1586) in Statuta (Rome, 1831), 45.

196. Senato, Statuto ms. 517, 6v–9r, 14v; Statutes (1652) in Statuta (Rome, 1831), 9–12.

197. Senato, Statuto ms. 517, 9r–12v. The massa accounts show that all activities that the 1618 statutes describe as being done by two members elected to the post of archivist (archivista) were in fact being performed by a hired archivist (custode dell’archivio) at the time. This reality was finally acknowledged in the 1652 statutes; Statutes (1652) in Statuta (Rome, 1831), 10–11, 13. See also Fenzonio 1636, 74, no. 6.

198. The signatures documenting these payments offer intriguing evidence of writing literacy in early modern Rome, as well as hints about the early careers of men who became Capitoline notaries much later in life. ASR, CCN, Registro delle congregazioni, Libro della massa, vol. 8, n.p. (under September 1594, March 1595, and April 1595).


201. Chellini 1647, 10.

202. Statutes (1652) in Statuta (Rome, 1831), 2. The annual costs of the festivities are recorded in greater or lesser detail from October 1591; see, for example, ASR, CCN, Registro delle congregazioni, Libro della massa, vol. 8, 53v; vol. 9, n.p. (under October 1602); vol. 11, 97v. In case members did not fully perceive the benefits of civic patronage, however, the statutes threatened fines if they did not show up for mass or failed to close their businesses “at least in the morning” of Saint Luke’s feast day; Statutes (1652) in Statuta (Rome, 1831), 37–38. The only other ceremony in which the notaries regularly participated was the Corpus Christi procession to Saint Peter’s for which the college provided candles; ASR, CCN, Registro delle congregazioni, Libro della massa, vol. 11 (1635–38), 11.

203. The holiday gifts are found throughout the “libri della massa,” vols. 8–12.

204. ASC, Cred. IV, vol. 106, 116v (1641). See also ASR, CCN, Registro delle congregazioni, Libro della massa, vol. 11, 92r, where these gifts are valued at forty baiocchi per notary. The notaries also had the right to payments from the city government during each vacant see or papal interregnum.

205. The dispute involved the protocols of one Francesco Lilla; in any such case, it was the archivist who received the legal summons; Fenzonio 1636, 74. ASR, CCN, Registro delle congregazioni, Libro della massa, vol. 10, 2v–3r. Cardinal Fabrizio Veralli, protector of new converts to Catholicism, received holiday gifts from the college twice that year; ibid., vol. 10, 16r, 26r. For other instances of support from the Roman People, see Feci 1997, 133n; ASC, Cred. I, vol. 31, 0239v (16 July 1608); ASC, Cred. I, vol. 32, 0238r (1 March 1622).

206. Twice in 1616 the notaries paid for a carriage to take the first collaterale to see the governor of Rome on matters of concern to the college; ASR, CCN, Registro delle congregazioni, Libro della massa, vol. 10, 28v.


208. Guasco 1919a, 100; Senato, Statuto ms. 517, 10v; Statutes (1652) in Statuta (Rome, 1831), 13, 37. ASC, Camera Capitolina, Cred. VI, vol. 59, 319r. The contested subject of cheap (“simple”) copies is discussed in chapters 3 and 6.

209. The case involved Virgilio Lusanna, who left Capitoline office 8 in 1607; ASR, TCrG, processi, 1624, vol. 190, 319r. If the evidence that the thirty Capitoline notaries rented a deposit box at the “cassa dei cursori” indicates that they collected the judges’ fees as well as their own, this would give the magistrates another reason to watch out for malefactors; ASR, CCN, Registro delle congregazioni, Libro della massa, vol. 10, n.p. (July and October 1617); vol. 11, 72 (1636).


211. ASR, CCN, Registro delle congregazioni, Libro della massa, vol. 8, n.p. (April 1596). He is described as protector in this volume under the date October 1597.


214. ASR, CCN, Registro delle congregazioni, Libro della massa, vol. 10, n.p. (July 1620 [sic]).

215. Peretti, who was elevated to the cardinalate in 1641, was described as protector in the 1652 statutes; Statutes (1652) in Statuta (Rome, 1831), 1.


217. For example, ASR, CCN, Registro delle congregazioni, Libro della massa, vol. 10, 26r (also December 1617).

218. Erectio (1586) in Statuta (Rome, 1831), 46. Despite his efforts, competition for these cases proved a source of strain within the college; see Statutes (1652) in Statuta (Rome, 1831), 26.

219. ASR, CCN, Registro delle congregazioni, Verballi, vol. 4, n.p. (18 September 1710, 3 October 1711, 18 October 1711). The need for an orderly rotation in reading summonses may have been the stimulus for printing the first edition of the 1652 statutes of the Capitoline notaries. The ordo as of 1710 is found in the first printed edition, Statuta venerabilis Collegii D.D. Notariorum Curiae Capitolii eorumque facultates et privilegia [1711?], which can be consulted at the Biblioteca del Senato, Statuti no. 1221, p. 71.

220. In 1622 the councils of the Roman People had decreed that caporioni had to use Capitoline notaries as their notaries; ASC, Cred. I, vol. 32, 0238r (1 March 1622). By the 1630s the notaries decided that to enforce this monopoly they needed the added strength of a papal chirograph; Urban VIII chirograph of 1639 in Statuta (Rome, 1831), 66–67.

221. On the gift to Pietro Colangelo, Capitoline fiscale, see ASR, CCN, Registro delle congregazioni, Libro della massa, vol. 11, 95v (December 1637); see also Nussdorfer 1992, 85.

222. Payments for the War of Castro are among the receipts dated January and February 1644 stuck into the depositario’s accounts for 1642–44; ASR, CCN, Registro delle congregazioni, Libro della massa, vol. 12 n.p. (following 100r).

223. The sentence in the case was printed on 12 September 1636; ASV, Arm. IV–V, vol. 45, 91r. For fees paid by the college to the judge, his notary, and the college’s attorney, see ASR, CCN, Registro delle congregazioni, Libro della massa, vol. 11 (1635–38), 75, 77–78.

224. Senato, Statuto ms. 517, 9v.


227. In 1599 the massa accounts also record unspecified expenses for the archive; ASR, CCN, Registro delle congregazioni, Libro della massa, vol. 9, n.p. (under December 1599).

228. After 1586 what the thirty Capitoline notaries produced did not pass to the Archivio Capitolino, or any other archive, but remained with their successors. Yet the archive continued to expand modestly after 1586 as the papers of deceased city notaries who were not venal officeholders arrived there; Trasselli 1936b, 92, 94. The depositario included a complete record of the transunti made from the Archivio Capitolino between 1642 and 1644 in his massa accounts; ASR, CCN, Registro delle congregazioni, Libro della massa, vol. 12, 91r–93v. This list shows that the documents of notaries active as late as 1623 and 1627 were deposited after their deaths. As we shall see in chapter 4, this small stream of new volumes gradually dried up after the pope established the Archivio Urbano in 1625.

229. Guasco 1919a, 101; ASR, CCN, Registro delle congregazioni, Libro della massa,
vol. 10 (1615–20), 2r. The condition was that if the Roman People should need it in the future, the notaries would have to give it back.

230. ASC, Camera Capitolina, Cred. VI, vol. 59, 319r.


234. Of the thirty-four copies delivered between 1642 and 1644, only six originals were earlier than 1543 (and three of these were for a single request); ASR, CCN, Registro delle congregazioni, Libro della massa, vol. 12 (1642–44), 91r–v; vol. 13 (1667–81), 91r–v, 114r, 134v.


236. We recall that the college had the right to one-quarter of the fees the thirty Capitoline notaries were paid for judicial acts and one-quarter of the transunti fees from instruments they held in their offices (not to be confused with its share of the transunti fees from the Archivio Capitolino).

237. They were to list the payer, purpose, and fee; Senato, Statuti, ms. 517, 19r–v.

238. Over twenty-eight months Vespignani paid massa of 55.28 scudi, 13.28 scudi more than the mandatory minimum; ASR, CCN, Registro delle congregazioni, Libro della massa, vol. 11 (1635–38), 20, 26, 40.

239. ASR, CCN, Registro delle congregazioni, Libro della massa vol. 10 (1615–20), 39v.

240. ASR, CCN, Registro delle congregazioni, Libro della massa vol. 11 (1635–38), 72; Statutes (1652) in Statuta (Rome, 1831), 22.

241. ASR, CCN, Registro delle congregazioni, Libro della massa, vol. 11 (1635–38), 29, 93v, 113r, 123r.

242. ASR, CCN, Registro delle congregazioni, Libro della massa, vol. 12 (1642–44), 4–85, 94v. The total massa collected over two years was 1,029 scudi; if all had paid the required minimum, it should have been 1,080 scudi.

243. Statutes (1652) in Statuta (Rome, 1831), 38. Of course, we lack massa records between 1652 and 1667, so it is possible that they did levy these higher fines.

244. Statutes (1652) in Statuta (Rome, 1831), 18.


249. A former Capitoline titleholder described himself as “franco nell’offitij di Campidoglio”; ASR, TCrG, processi, 1624, vol. 190, 368r, 372v (testimony of 1616).


251. Statutes (1652) in Statuta (Rome, 1831), 35.

252. Bullarium 1857–72, 12:143, no. 208. The reforms are discussed in detail in chapter 3.

253. Statutes (1652) in Statuta (Rome, 1831), 35. For the litigiousness of French notaries, see Fontaine 1993, 481.
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255. Suggesting a minimum of five scudi, they nonetheless left the amount up to the meeting to decide; Statutes (1652) in Statuta (Rome, 1831), 39.
256. Statutes (1652) in Statuta (Rome, 1831), 32.
257. Statutes (1652) in Statuta (Rome, 1831), 33. Indeed, because of the difference in social status between most Capitoline notaries and most gentlemen caporioni, this seems like a formidable challenge. The duties of a notary of the caporione are still rather obscure, though further research in the notarial archives may eventually shed more light on them.
258. Fenzonio 1636, 64. For the Sistine privilege, see Erectio (1586) in Statuta (Rome, 1831), 47.
259. Senato, Statuti, ms. 517, 24v.
263. They make it plain that they imagine conflicts only over the notaries’ judicial documentation; Statutes (1652) in Statuta (Rome, 1831), 34–35. Cf. Senato, Statuti, ms. 517, 23r–v. On competition for court business in Rome, see Di Sivo 1997, 280.
266. ASR, CCN, Registro delle congregazioni, Libro della massa, vol. 13 (1667–81), 91r, 92r, 114r. Notaries did not necessarily pay the requisite amount each month, but the yearly totals were achieved.
270. ASR, Congregazioni particolari deputati 43/2, 441–42, 741. See chapter 6.
273. Ibid.
274. Ibid.

Chapter 3 • The Laws: Shaping Notarial Pages

1. Milan (Liva 1979, 94); Venice (Pedani Fabris 1996, 114); Bologna and Modena (Berengo 1976–77, 156–57); Florence (Panella 1934, 165).
2. This is demonstrated clearly in a model study by Simona Feci (2004) focused on a single clause of the 1494 Roman statutes; see especially 100, 105.
3. See the nuanced historiographical survey of Ago 2002a.


5. 1363 statuti, edited by Re (1880). For references to earlier versions dating from at least 1279, see Collins 2002, 168n; Lori Sanfilippo 2001b, 9 nn. 28–29, 433. See also Re 1880, xxxv–xxxvii. Although we have no copies of the 1363 statutes that predate the reign of Pope Martin V (1417–31), I nevertheless follow Collins in regarding the text as reflecting Rome’s fourteenth-century political realities rather than subsequent changes in power relations between the city and the popes.

6. 1363 statuti, bk. 3, art. 1; Cherubini 2001, 159; Camerano 1997, 46–47.

7. Judicial acts are further divided between criminal and civil proceedings; Di Sivo 1998, 625. These are modern terms. Fifteenth- and sixteenth-century Roman sources generally referred to business acts as *instrumenta* or occasionally *contractus*; judicial acts were termed *actus iudiciales* (or *iuditiarii*); see, for example, rubb. 44–46 of the 1446 revisions to the statutes of the notarial college in ASC, Camera Capitolina, Cred. IV, vol. 88, 0152v–0153v.

8. Business acts of the Capitoline notaries from the fourteenth to the nineteenth century are found in two series in the ASR, Collegio dei Notai Capitolini (CCN) and Trenta Notai Capitolini (30 NC), as well as in a series in the ASC, Archivio Urbano, Sezione I. Judicial acts of the Capitoline notaries are located in the ASR series, Tribunale Civile del Senatore.

9. For the entire period before 1880, more than thirty thousand volumes of business acts are extant in three archival series, while fewer than four thousand volumes and folders of judicial acts survive; Verdi 2005, 438, 442, 445.

10. Ascheri 1990, 66. Kuehn (1989, 525–26) also warns against an overly rigid distinction between “business” and judicial motives in seeking out a notary.

11. This supports the reading of the 1363 statutes as a political victory of the well-to-do over the less well-off *popolo*; Collins 2002, 197.

12. 1363 statuti, bk. 1, art. 41, 46. But see art. 40 for the legal advantages given the instrument.

13. 1363 statuti, bk. 1, art. 40.

14. See chapter 1.

15. 1363 statuti, bk. 1, art. 115. If proved, the crime was harshly punished, though it was not a capital offense; bk. 2, art. 35.

16. 1363 statuti, bk. 1, art. 35.

17. 1363 statuti, bk. 1, art. 41.

18. For Milan, see Liva 1979, 112; for Piemonte, see Berengo 1976–77, 154–55.

19. 1363 statuti, bk. 1, 102.

20. 1363 statuti, bk. 1, art. 114. The term *transumptum* (and its vernacular equivalent *transunto*), which came into use in the sixteenth century to designate such copies, is not used in the 1363 statutes. For the process of making authorized copies before the fourteenth century as well as for evidence of actual practice in the trecento, see Lori Sanfilippo 2008, 36–37.

21. 1363 statuti, bk. 1, art. 34. Art. 114 extended these procedures to the imbreviature of notaries who were still alive but absent from the city.

22. 1363 statuti, bk. 1, art. 102.

23. 1363 statuti, bk. 2, art. 35. A 1469 statute revision added public humiliation of the convicted notary; *SPQR Statuta* (1519–23), bk. 2, art. 66.
24. 1363 statuti, bk. 1, art. 36. The 1363 statutes do not comment on how an imbreviatura should be marked to indicate that it had been extended and/or emitted as a public copy, which was the subject of Venetian legislation as early as 1242; Pedani Fabris 1996, 114. This was not mandated in Rome until 1580.

25. 1363 statuti, bk. 1, art. 38. See also bk. 2, art. 35. By contrast, judicial acts of notaries who had been excommunicated or were *diffidati* were considered valid; bk. 3, art. 113 [111].

26. 1363 statuti, bk. 1, art. 37. Documents might deceive in other ways too, and the statutes were alert to simulated agreements, especially pretended sales of property by clerics to lay kinsmen. They did not punish the notary for these deceptions but simply declared the contracts null and void, relying heavily on the oral testimony of witnesses to establish the facts of the situation. 1363 statuti, bk. 1, art. 39.

27. 1363 statuti, bk. 1, art. 113: “in the notebook of his protocols.”


29. *Quaternario* and *quaternucolo*, 1363 statuti, bk. 1, art. 113n.; a fifth manuscript was unknown to Re (Pavan 1996), 319n. *Caterni* is also found in notarial sources; Lori Sanfilippo 1987, 119.

30. The usual format measures 11 by 15 centimeters, though there is some variation among the extant protocols of the fourteenth-century Roman notaries for whom we have documents (16 by 23.5 centimeters for the volumes of Nardo Venettini, for example). Very few of these volumes retain their original covers, made from reused parchment documents; Lori Sanfilippo 1987, 105–6. Early fifteenth-century protocols show more variety of format; Lori Sanfilippo 1992, 441–53 (appendix with description). The 1705 inventory of the contents of the Archivio Capitolino indicates that this diversity continued in the later fifteenth- and early sixteenth-century protocols, with examples of ottavo-, quarto-, and folio-sized volumes; ASC, Camera Capitolina, Cred. IV, vol. 61, 39r.

31. Lori Sanfilippo 1992, 420–22. The author stresses, however, the variety in practice evident even in the small number of extant Roman protocols from the 1340s to the 1420s, and the difficulty of ascertaining precisely what phase of redaction some of their contents represent.


33. L. Sinisi 1997, 105–13, 120n. In Tuscany, too, notaries abandoned the protocol toward the end of the fourteenth century, preferring to write imbreviature on loose sheets collected in *filze*; Catoni and Fineschi 1975, 34. For an exceptional Roman use of the *filza*, see Lori Sanfilippo 1992, 422.

34. 1363 statuti, bk. 1, art. 113.


36. In the exceptional case, when two notaries were drawing up a contract, they ought to sign the instrument in their own protocol and in that of their colleague, and both should sign any later public versions made for clients; 1363 statuti, bk. 1, art. 113. Lori Sanfilippo (1987, 118–19) has found no evidence of compliance with this requirement in the surviving protocols.


38. See also 1363 statuti, bk. 3, art. 112 [110]; Collins 2002, ch. 6.
39. Pavan (1996, 319) gives a plausible account of why the revived papal monarchy in the fifteenth century might have prompted more written records on the part of Roman citizens and institutions.

40. ASC, Camera Capitolina, Cred. IV, vol. 88, 0146v–0155r, now published by Lori Sanfilippo 2008. The revisions refer to an earlier statute (0154r) now lost. They bear the internal date of 1446 (0147v), but also claim to contain twenty-six rubrics (0146v) when in fact there are thirty-four, raising the possibility that this version might incorporate later material. In the manuscript they follow directly after the revised city statutes of 1469. Several rubrics include identical language to the 1363 city statutes.

41. Pavan 1996, 326–27; Lanconelli 1983, 315–16; Lori Sanfilippo 2008. When the 1469 city statutes were printed as books 1–3 of the edition of 1519–23, they preceded thirty-five articles concerning notaries; these thirty-five articles represented a fusion of relevant articles from the 1363 statutes together with the college’s revisions of 1446; SPQR Statuta (1519–23), bk. 3, arts. 282–317. See also the introduction to the 1363 statuti; Re 1880, cxiii.

42. Rub. 38, ASC, Camera Capitolina, Cred. IV, vol. 88, 0149r. Earlier they were subject only to civil liability; 1363 statuti, bk. 1, art. 113.

43. “Cum numero cartarum” carries the implication that the sheets within the protocol would be numbered, though this is not explicit; Rub. 52, ASC, Camera Capitolina, Cred. IV, vol. 88, 0152r–v.

44. Rub. 53, ASC, Camera Capitolina, Cred. IV, vol. 88, 0152v: “qui liber debeat stampari collegii stampa notariorum.”

45. Rub. 57, ASC, Camera Capitolina, Cred. IV, vol. 88, 0154r–v. The text notes that “similarly any copy of an instrument or document of which copies are sought is to be made and extended in the same way”; it refers to the sheets as “folii” and the written pages as “carte scripte.” Similar rules appear in Milan in 1498, though the number of lines and letters differ; Liva 1979, 196.

46. Rub. 49, ASC, Camera Capitolina, Cred. IV, vol. 88, 0152r; rub. 58, 0154v. Comparing this added detail to the 1363 city laws, which simply demanded mutual signatures, suggests that such disagreements had probably occurred.

47. Rub. 62, ASC, Camera Capitolina, Cred. IV, vol. 88, 0155r; the 1363 provisions reappeared in rub. 41 (0150r–v).


49. The municipality had a similar notion at this same date; Scano 1988, 381–82.

50. SPQR Statuta (1519–23), bk. 4, “primus liber,” art. 32; see also SPQR Statuta (1519–23), bk. 5, art. 56.

51. Statuta urbis (1580); Rodocanachi 1901, 286–308; Del Re 1986, 319–22; Nussdorfer 1992, 64–66.

52. This had included reworking changes to the statutes made in 1494 and 1521 that were included as books 4 (1521) and 5 (1521) of an earlier edition. On the complex printing history of this earlier edition, see Re’s introduction to the 1363 statuti (1880, cxiii); Rodocanachi 1901, 218–31; Pavan 1996, 328–29.

53. Statuta urbis (1580), bk. 1, art. 33.

54. Statuta urbis (1580), bk. 1, art. 33: “Singuli Notarij, annis singulis, suu[m] confian"
Protocollo, quod consistat ex chartis numeratis, bene compactis, & ligatis, quotquot ipse Notarius voluerit, in quo instrumenta, de quibus rogatus fuerit, saltem substantialiter in mundum infra mensem à die rogitus omnino redigat, & describat.”

55. Although this was the general practice, medieval notaries did sometimes keep full transcriptions; Lori Sanfilippo 1992, 423.

56. Of course, the three steps did not include the final phase of making a public copy, which remained subject to the client’s wish to pay the extra fee. The 1580 statutes did not mention the number of lines and letters per page required for copies of instruments, as had the 1446 statutes.

57. For rare survivals, see Verdi 2005, 447, 451.

58. Statuta urbis (1580), bk. 1, art. 34: “& si duo fuerint Notarij de uno instrumento aut testamento rogati, si non in solidum, (quod in dubio praesumatur) quilibet notulae alterius incontinenti, & antequam ex loco recedat, se subscribat; quod & in protocollis & instrumentorum ipsorum publicatione facere omnino teneantur & si in breviatura fuerint partium aut testium subscriptions, eam diligenter conservent, eoque casu in protocollis de subscriptione, ita ut est in matrice, faliunt mentionem, & clausulas in matrice ceteratas, secundum suum stylum, in protocollo & publico instrumento extendere possint.”

59. Statuta urbis (1580), bk. 1, art. 34.

60. L. Sinisi 1997, 21–27. See also chapter 1. Style was a term employed also to designate the form of a valid notarial signature; examples of this usage by Capitoline notaries appear in the college statutes of 1618 and 1652; Biblioteca del Senato, Statuto ms. 517, 26r; statutes (1652) in Statuta (Rome, 1831), 25.

61. Statuta urbis (1580), bk. 1, art. 34; cf. 1363 statuti, bk. 1, art. 36.


63. Statuta urbis (1580), bk. 1, art. 33.

64. This was up from three days in 1363. Statuta urbis (1580), bk. 1, art. 34; cf. 1363 statutes, bk. 1, art. 113 and 1446 revisions, ASC, Camera Capitolina, Cred. IV, vol. 88, 0149r.

65. Statuta urbis (1580), bk. 1, art. 36. Cf. 1363 statuti, bk. 1, arts. 34, 102, 114; 1446 revisions, rub. 39, 0150r. Evidence that these procedures were being ignored by heirs can be found in the 1521 statutes and in papal legislation from the 1550s: Statuta SPQR (1519–23), bk. 5, art. 39; ASV, Misc. Arm. IV–V, vol. 45, 82r.

66. Statuta urbis (1580), bk. 1, arts. 35 and 36. The insistence on copying even the crossed-out letters and words added between the lines on the original continued in the transunti legislation of the notarial college; see statutes (1652) in Statuta (Rome, 1831), 14.

67. See chapter 2 for this important innovation of 1494.

68. The reform commission’s secretary was Prospero Farinacci, then fiscal procurator for the pope; in addition to papal and curial officials, one of the two Capitoline collaterali, Prospero Turriziani, also took part; Feci 1997, 126–27. Turriziani would have had intimate knowledge of the methods of work of the Capitoline notaries. Although all court personnel, including judges, were regulated in Paul V’s legislation, notaries took up the largest amount of space. See also Fosi 1997, 27–30.

courts, and fifty-seven aimed at specific groups of notaries (nos. 116–18, for example, were addressed to the Capitoline notaries). Chapter 20 regulated judicial records. Notarial fees for business and judicial acts are found on pp. 111–60.

70. *Bullarium* 1857–72, 12:86–90, nos. 2, 7, 42. See also 85, no. 10.


72. *Bullarium* 1857–72, 12:89, no. 36. Some years later, a sostituto in Capitoline office 19 received a stern lecture from a judge for rogating a power of attorney for a client whom he did not know; ASR, TCrG, processi, 1630, vol. 253, 301r–302r.

73. *Bullarium* 1857–72, 12:87. no. 17. For their use in criminal investigations, see chapter 5.

74. The legislation is somewhat ambiguous on the deadline for fully extending instruments: compare *Bullarium* 1857–72, 12:90, no. 43 (daily) and no. 44 (within three months). Fenzonio 1636, 70. The commission had originally thought binding every six months, as they ordered for judicial acts, would be sufficient, but the chief judge of the Rota proposed three months, which was accepted instead; ASV, Arm. XI, vol. 90, 63v. The new inventories of the ASR, 30 NC offices show that few offices bound four volumes of business acts per year. In one of the few concessions to the new college, its officers kept their authority to inspect the protocols of Capitoline notaries yearly; *Bullarium* 1857–72, 12:143, no. 208.

75. Corbo 1984, 56; Berengo 1976–77, 160. The loss of initial pages in some of the oldest extant protocols makes it difficult to chronicle the early history of this practice; Lori Sanfilippo 1987, 110, 118. At the beginning of a 1609 protocol of Alessandro Saravezzio is a loose set of narrow folded sheets that were a draft of the index for the volume; ASR, 30 NC, u√. 11 (Saravezzio) 1609, pt. 3 (vol. 82).

76. *Bullarium* 1857–72, 12:90, no. 45. The legislation did not address the problem of sealed wills that were overlooked at the time of the testator's death.


78. *Bullarium* 1857–72, 12:86, no. 7; 90, no. 42.

79. *Bullarium* 1857–72, 7:179. It also included a third category, the “signed copy” or *fede* at a price between those of the simple copy and the public copy. To my knowledge, the 1562 list is the first to charge lower rates for simple copies.

80. *Statuta urbis* (1580), bk. 3, art. 93.

81. *Bullarium* 1857–72, 12:90, no. 46; 137, nos. 40–45. The chief judge of the tribunal of the Rota, Orazio Savelli, had lobbied the commission specifically on this point; ASV, Misc. Arm. XI, vol. 90, 63v. Guasco records an inscription from 1600 purportedly ordering the Capitoline notaries to provide simple copies of records from their archive, which their own statutes stoutly prohibited, but his evidence is ambiguous and may refer to a different archive; Guasco 1919a, 100. Cf. statutes (1652) in *Statuta* (Rome, 1831), 13.


83. “Proposte per parte de Notari Capitolini,” ASR, Cam. II, Notariato, b. 3 (n.p.) (for the text, see appendix B). See chapter 6 on the dating of this document. There is evidence from as early as 1634 that simple copies were in fact being used to initiate lawsuits; ASR, Ospedale del SS. Salvatore, reg. 216, 87v.

84. *SPQR Statuta* (1519–23), bk. 5, art. 12; *Statuta urbis* (1580), bk. 1, art. 28. Compare, too, the identical description of copies of judicial evidence in Fenzonio 1636, 59, no. 2 B.

85. Collins 2002, 197, see also 199.
86. The urgent political pressures of the period somewhat obscure the fact that, because litigants paid all the costs, they presumably also controlled the pace of civil proceedings. One scholar has recently highlighted the paradoxical nature of legislation on the duration of lawsuits; Ascheri 1999, 362.

87. 1363 statuti, bk. 1, arts. 3, 4, 40, 41, 46. Some early fifteenth-century formulas for summons (citationes) are published in the 1363 statutes edited by Re, 287–88. For the first archival survivals, see Trasselli 1936b, 95–96. For a comparison with civil procedure in fourteenth-century Marseilles, see Small 2003, 35–72.

88. Complaints also had to be submitted in writing; Campitelli 1987.

89. The situation may have been similar for notaries assigned to criminal cases (notarii malleficiorum), although their procedures, and thus their documents, were different. There were four such notaries, who, like the senator, the chief judge of the Capitoline tribunal, were required to be foreigners. Book 2 of the statutes describes criminal procedures. On criminal notaries, see bk. 2, art. 174; bk. 3, arts. 1, 62–64, 115.

90. 1363 statuti, bk. 1, art. 5, 21, 40.

91. 1363 statuti, bk. 1, art. 115: “Additum est quod Notarius qui in curia Capitolii fuerit ad aliquod officium seu banchum alciuis iudicis deputatus ad illud banchum tantummodo ad quod deputatus est non possit pro aliquo officium procurationis exercere durante tempore sui officii.” As we shall see, this prohibition was elaborated in the notaries’ statutes of 1446 and repeated in papal legislation of 1562 and 1612; Bullarium 1857–72, 7:222, no. 71; 12:87, no. 10.

92. 1363 statuti, bk. 1, art. 113. Should a question arise about the fees for other types of judicial acts, the judge at whose bench those acts were made should establish the payment owed to the notary.

93. 1363 statuti, bk. 1, art 115.

94. 1363 statuti, bk. 1, arts. 40, 46, 102.

95. 1363 statuti, bk. 1, art. 32: “Notarius qui dicta testium examinerorum scribit teneatur substantialiter et explicite scribere dictum testis et non dicat talis dixit ut talis, et si explicite non dixerit capitulum sive articulum verum esse queratur ab eo de causa scientie quam notarius diligenter scibere teneatur aliter non valeat dictum eius.” See also the rules for civic scribes, ibid., bk. 3, art. 18 (2). Unlike criminal cases, it was expected in civil cases in Rome that notaries, not judges, would conduct interrogations, often at their own or the deponent’s home. Mascardi 1608, Q. 5, nos. 99–102, summarizes a range of juridical opinion on whether, in addition to taking testimony, the notary could also administer the oath to the witnesses or whether this had to be done by a judge.

96. Rodocanachi 1901, 165–74; Di Sivo 1998, 619; Fosi 2007, 19–20. The number and functions of the judges in the senator’s tribunal were largely unchanged in the 1469 statutes, as was the bulk of book 1 on civil procedure. From the point of view of civil justice, the most important innovation was the codification of the limitations on who was subject to the senator’s tribunal, a limit that the popes had been extending since the 1390s.

97. See, for example, D. Sinisi 1996.

98. Rub. 43, ASC, Camera Capitolina, Cred. IV, v. 88, 0151r. There were six judges in all, with four covering civil matters in the Capitoline court in this period; Rodocanachi 1901, 110; Di Sivo 1998, 619.

99. Rubb. 35, 45, 61, ASC, Camera Capitolina, Cred. IV, v. 88, 0148v, 0151v, 0154v.
100. See chapter 1.

101. Rub. 44, ASC, Camera Capitolina, Cred. IV, v. 88, 0151r.

102. Rub. 47, ASC, Camera Capitolina, Cred. IV, v. 88, 0151v.

103. Rub. 43, ASC, Camera Capitolina, Cred. IV, v. 88, 0151r: “et quilibet debeat tenere librum manualem in quo debeat omnia acta conscribere anteq[uam] de bancho recedat et demum in registrum reducere cum omnium originalium iurium instrumentorum testium et aliorum productorum.”

104. An inventory of the possessions of a Capitoline notary in 1494 includes twenty-seven manuali along with eighteen protocols; Spotti Tantilo 1975, 89–91. A manuale from 1496 began with a list of the various types of judicial acts it contained: “Hic est liber manuailsive bastardellus in se continens omnes et singulos actus iudiciarios, protestationes petitiones comparitiones responsones contradictiones relationes et terminos iudiciarios inter infra-scriptas partes factas et factos ac receptos nec non fideiussiones iudicaiiter prestitas.” Trasselli 1936b, 100, and more generally 95–100. For their registers, criminal notaries on the Capitol used the notebook format (quaternus) like that used for business acts, as well as filze; Cherubini 2001, 159, 162 n. 46.

105. Rubb. 43, 57, ASC, Camera Capitolina, Cred. IV, v. 88, 0151r, 0154r.

106. Rub. 51, ASC, Camera Capitolina, Cred. IV, v. 88, 0152r.

107. Rub. 48, ASC, Camera Capitolina, Cred. IV, v. 88, 0151v. Although the senator’s palace was the implied judicial setting, the nearby church and convent of Santa Maria in Aracoeli was actually used during much of the fifteenth century; Del Re 1954, 26.

108. Rub. 44, ASC, Camera Capitolina, Cred. IV, v. 88, 0151r. See also Trasselli 1936b, 99.


111. Rub. 51, ASC, Camera Capitolina, Cred. IV, v. 88, 0152r.

112. Statuta urbis (1580), bk. 1, art. 24.

113. For one example that could surely be multiplied, see Cherubini 2001, 160.


117. Rub. 60, ASC, Camera Capitolina, Cred. IV, v. 88, 0154v.

118. Rub. 38, ASC, Camera Capitolina, Cred. IV, v. 88, 0149r. Fees for instruments were similarly perplexing; some were listed in this text, others were to be set by the college officers, and “the former statutes should be followed” in case of conflicts between notaries and contracting parties; Rub. 56, ASC, Camera Capitolina, Cred. IV, v. 88, 0154r.


121. Verdi 2005, 443. Only a few volumes of Capitoline litigation records survive from the fifteenth century, while no more than 155 complete volumes and some fragments are extant from the sixteenth century. On the archive of the Tribunale Civile del Senatore, which consists of close to 4,000 volumes, see in addition to Trasselli’s two articles (1936a, 1936b), ASR,
Inventory 286 I. Renata Ago utilized these sources in *Economia barocca* (1998, viii), but no one, to my knowledge, has studied those before the seventeenth century, perhaps because of the difficulties she discusses.

122. *SPQR Statuta* (1519–23), bk. 4. The revisions to the city statutes under Alexander VI were divided into two “books”; the first consisted of thirty-five articles regarding civil cases and the second of thirty-nine on criminal cases. On their publication history, see Re 1880, cxi. One 1494 change of considerable import was the restriction on women’s rights to make contracts; Feci 2004, 83.

123. *SPQR Statuta* (1519–23), bk. 4, art. 14. The 1365 statutes may well have intended witness examinations to be conducted within ten days, but this is largely left to inference; see bk. 1, arts. 40, 46.


126. ASC, Camera Capitolina, Cred. I, vol. 15, 71v.

127. *SPQR Statuta* (1519–23), bk. 5.

128. *SPQR Statuta* (1519–23), bk. 5, art. 56. Article 56 was prefaced with the comment that the authors were reviving “certain statutes, orders, and constitutions concerning the notaries of the Capitoline tribunal, which had been made or published during the tenure of Senator Egidio Angelo de Archa of Narnia,” because these had been ignored. Arca served as senator in 1508, but I have not found these statutes or other references to them.

129. Rub. 43, ASC, Camera Capitolina, Cred. IV, v. 88, 0151r.

130. Notaries who had been forcibly taken off a case three times automatically lost their right to work in the Capitoline tribunal; *SPQR Statuta* (1519–23), bk. 5, art. 8.


132. *SPQR Statuta* (1519–23), bk. 5, art. 56: “Itaq[ue] quilibet notarius Romanus contractus et alia acta publica scribens sit intentus sua prothocolla et scripturas bene ornate et composite scribere ut ab omnibus perpetuo laudari et com[m]endari possit et valeat.”

133. *SPQR Statuta* (1519–23), bk. 5, art. 56: “debeat de actis iuribus et scripturis omnibusque fierent et dabuntur in causis ipsis facere solemnem et ordinatum extractum.” The omission of witness testimony here implies that attorneys did not see this; later we read how it was made available to the judge.

134. It was assumed that litigants in a dispute over such an amount would have attorneys. The notary was forbidden from showing the extractus to the parties themselves.

135. Feci 1997, 131 n. 73, lists seven separate pieces of legislation each directed at a different set of court officials. Additional laws will be cited below. For Pius IV’s purposes, the ordinary tribunals were, in addition to the Capitoline court, those of the governor, conservators, Maestri di Strada, Savelli, Borgo, Tor di Nona, Ripa, Ripetta, and the guild tribunals (consola- lati). See chapter 2 on these jurisdictions.

136. What Grisar (1964, 276) calls the papacy’s first major law reforming the notaries of the Papal States (1 September 1556) was in fact the sale of notarial offices in all criminal jurisdictions; ASV, Misc. Arm. IV–V, vol. 45, 26v–27v.

137. *Bullarium* 1857–72, 7:214–24. *Cum ab ipso* had a total of eighty-four provisions; nos.
58–74 were devoted to notaries, of which nos. 64–68 concerned particularly the Capitoline notaries. See also Camerano 1997, 55.

138. As mentioned in chapter 2, I have not thus far found evidence that this reduction was implemented. Capitoline notaries did sometimes work for other judges; Verdi 2005, 447.

139. Bullarium 1857–72, 7:177–80 (civil); 180–84 (criminal). These included rates for instruments as well as judicial acts for the court notaries of the governor, vicar, Borgo, and Maestri di Strada, and rates for criminal acts for the court notaries of the governor, senator, vicar, Borgo, and the auditor of the Camera.


141. See Rurale 2000.

142. Del Re 1993, 53. See also Camerano 1997, 52. In reality, the parties themselves played the key role in determining how expensive a lawsuit was, because they paid at each point to advance the proceedings.

143. Nussdorfer 1992, 65. This is the context also for jurist Luca Peto’s formulary on judicial procedure in the Capitoline courts, which he began shortly after 1560 and published in 1567; Del Re 1986, 312, 320–25.


145. There is evidence of this concern in the 1363 statutes, but it is obliquely and indirectly expressed. It had earlier precedents in medieval Italy; Ascheri 1999, 363.

146. ASV, Misc. Arm. IV–V, vol. 45, under date 22 November 1561, “Reformatio registratorum per notarios quorumcumque iudicum et tribunalium Romanae Curiae.” The extractus, we recall, was available for disputes over smaller amounts, down to a minimum of twenty-five ducati. By 1580 the minimum for the extractus in gold ducati was 27.5 scudi; Statuta urbis (1580), bk. 1, arts. 26, 195.


151. Statuta urbis (Rome, 1580); Del Re 1954, 40–45. The new statutes followed the traditional division into three books, with the first devoted to civil procedure, the second to criminal, and the third to all the other provisions for municipal government, including notarial fees.

152. There was polemical comment on these differences in the seventeenth century, which has begun to be subjected to critical scrutiny in recent studies. De Luca 1673, bk. 15, pt. 3, art. 34; Pompeo 1991, 46; Di Sivo 1997, 283; Ago 1999b, 396.

153. On the chronology of composition, see Del Re 1986, 319–22. From 1555 until his death in 1581, Luca Peto served in the Capitoline tribunal. His formulary for use in the court, De iudiciaria formula Capitolini Fori, went through five editions between 1567 and 1625.

154. Statuta urbis (1580), bk. 1, art. 29. See also Cum ab ipso, Bullarium 1857–72, 7:222, no. 67. The 1494 sortition method is described in SPQR Statuta (1519–23), bk. 4, art. 14.

155. Statuta urbis (1580), bk. 1, art. 21. The 1521 requirement that they work for a procurator for three years had disappeared.
156. Peto 1587, 6: “praefinitum numerum non habent: siquidem modo plures, modo pauciores sunt.”
158. Statuta urbis (1580), bk. 1, art. 22. The penalty was invalidating the records. See also SPQR Statuta (1519–23), bk. 5, art. 43.
159. Statuta urbis (1580), bk. 1, art. 24; cf. rub. 51, ASC, Camera Capitolina, Cred. IV, v. 88, 0152r. They were to sit before their judge’s tribunal during the two hours each morning in which the court was in session; Peto 1587, 5–6.
160. Peto 1587, 6: “licet qui primo aditus fuerit ab actore causae notarius esse debeat.” See also Erectio (1586) in Statuta (Rome, 1831), 46. Cf. 1446 notarial regulations in ASC, Camera Capitolina, Cred. IV, vol. 88, 0151r, rub. 44.
161. Statuta urbis (1580), bk. 1, art. 29. “Ante litem contestatam” referred to the stage following presentation of the charges when the defendant formally responded to them. After converting the Capitoline notaries into venal officeholders, Sixtus made it more difficult to remove them from a case on unproven suspicion; Erectio (1586) in Statuta (Rome, 1831), 47.
162. Peto’s (1587, 6–7) handbook suggests a somewhat milder regime operated in practice; notaries removed as “suspicious” from witness interrogations, for example, were not to be penalized.
163. Statuta urbis (1580), bk. 1, art. 25. Manuale actorum or manuale rather than bastardello was now the official term for this volume. As in 1446 the manuale was to begin with the name of the notary and his judge, the year, the pope, and the number of sheets.
164. Statuta urbis (1580), bk. 3, arts. 94 and 95.
165. Statuta urbis (1580), bk. 1, art. 28: “Debeantque quoties legitime fuerint requisiti, Judici & partibus acta ostendere, nulla recepta mercede; nihilque omnino pro ostendendis actis, scripturis & iuribus productis, neque pro portandis ipsis actis, iuribus, scripturis, vel extractu Judici, a partibus etiam sponte dantibus, recipient.” See also SPQR Statuta (1519–23), bk. 5, art. 12.
166. Statuta urbis (1580), bk. 1, art. 26: “de actis, iuribus & scripturis omnibus, quae in causis ipsis fient, & producentur, solemnem & ordinatum Extractum conficere, in quo omnia acta de verbo ad verbum, & ut in Manuali sunt descripta, nihil addito vel extenso adnotare debat.” This passage reminds us that the court record contained abbreviations, which were to be copied exactly in the extractus.
167. The rate per folio was three baiocchi; Statuta urbis (1580), bk. 1, art. 26.
169. Statuta urbis (1580), bk. 1, art. 75. The fees for judicial testimony were the same whether taken in the courtroom or in the notary’s house, but higher if he had to leave his house; Statuta urbis (1580), bk. 3, art. 95. For a model study of these sources, see Ago 1998a. On witness examination in criminal cases, see Statuta urbis (1580), bk. 2, art. 9.
170. SPQR Statuta (1519–23), bk. 4, art. 14; bk. 5, arts. 6, 7, 56.
171. Statuta urbis (1580), bk. 1, art. 27. Although the 1580 statutes do not demand this, at least one Capitoline notary in the 1580s collected interrogations in a separate volume; Trasselli 1936b, 94. This was required after Paul V’s judicial reforms; Bullarium 1857–72, 12:87–88, no. 20.
172. The statutes recognized that sometimes witnesses were away or could not appear for questioning without putting their lives in danger, in which case the judge could delegate a more conveniently located notary to take testimony; Statuta urbis (1580), bk. 1, art. 27. This article also repeated the 1508 provision that gave wide powers to the notary to conduct an examination about the facts in the case even in the absence of the interrogatoria from the accused; cf. SPQR Statuta (1519–23), bk. 5, art. 56.

173. ASR, Biblioteca, Bandi, vol. 436, Campidoglio, edict of proconsuls and correctors, 16 December 1582.

174. This regulation bore immediate fruit. A 1587 inventory of the documents of Capitoline notary Vespasiano de Bonis listed five manuali of judicial acts, as well as one volume of witness testimony, covering the years 1581 to 1586; Trasselli 1936b, 94.


181. Bullarium 1857–72, 12:97–100. The structure of the legislation stressed both vertical and horizontal vectors in that it began with nine articles devoted to specific tribunals, including that of the senator, but then went on to address categories of judicial personnel (like judges, lawyers, or notaries) that cut across the different jurisdictions.

182. Bullarium 1857–72, 11:470–73, but also 12:91–92, nos. 62–65. One of the two Capitoline judges for whom the thirty Capitoline notaries worked participated in the papal tribunal reform commission; Feci 1997, 126–27. Notaries were permitted to speak to the commission on 10 October 1608 and later were informed about the new rules on judicial acts “and acquiesced”; Feci 1997, 133n.

183. Bullarium 1857–72, 12:89, no. 36. See also nos. 44, 114, 117.


185. Bullarium 1857–72, 12:98, no. 15. Capitoline notaries furnish our only point of comparison here, of course; in 1446, reiterated in 1580, they were expected to make court registra with twenty lines per page, and eight words and thirty-two letters per line. Rubb. 43, 57, ASC, Camera Capitolina, Cred. IV, vol. 88, 0151r, 0154r. According to Cum ab ipso 1562, registra could only be made for cases involving two hundred scudi or more; Bullarium 1857–72, 7:221, no. 62.

186. See, for example, Bullarium 1857–72, 12:99, no. 17.

187. This and other numbered citations in this paragraph are found in Bullarium 1857–72, 12:97–100.


190. Bullarium 1857–72, 12:87–88, no. 20. It should be recorded in the manuale “even when the submission was noted on the bottom of the summons.”


193. All citations in this paragraph are to Bullarium 1857–72, 12:87–89. In addition, see nos. 11, 12, and 23.

194. Particularly in the case of a mandatum exequivum, a warrant to execute a distraint of goods or property.


196. In addition to this procedure, a litigant could pay half price for judicial fees by obtaining from a judge a mandatum in forma pauperum; Bullarium 1857–72, 12:92, no. 66.

197. Bullarium 1857–72, 12:100, no. 27.


199. Bullarium 1857–72, 12:90, no. 52; cf. Statuta urbis (1580), bk. 1, art. 38.

200. Bullarium 1857–72, 12:143. The 1612 reforms gave them a two-month grace period to present them.


202. A client uses it in just this way in an altercation with Capitoline notary Erasto Spannocchia in 1620; ASR, TCrG, processi, 1620, vol. 163, 1124v.

203. See, for example, the case of a disputed will in ASR, TCrG, processi, 1640, vol. 358, 2nd fasc., 194v–95v.


208. Bullarium 1857–72, 12:96, no. 116; cf. Cum ab ipso, ibid., 7:222, no. 64. The 1580 city statutes were even more restrictive: “Notarii actuarii omnes, coram quocumque Judice, scribant per se ipsos; . . . nulloque modo (etiam extra tribunal iuris) eorum officium per substitutum exercere possint”; Statuta urbis (1580), bk. 1, art. 22.


211. Bullarium 1857–72, 12:88, no. 27.


214. Bullarium 1857–72, 12:99, no. 22. To enforce this, the legislation ordered that a judge’s written permission was needed before the notary made an extractus; Bullarium 1857–72, 12:97, no. 2.


217. Feci 1997, 125n.


220. De Luca 1673, bk. 15, pt. 3, ch. 43.
Chapter 4 • The Archives: Creating Documentary Spaces

1. Cesarini-Sforza 1914, 308; Cencetti 1943, 301.

2. This rather oversimplifies the various modes of control created in thirteenth- and fourteenth-century Italy. For an overview, see Berengo 1976–77 and the more specific studies he cites.


6. ASC, Camera Capitolina, Cred. IV, vol. 88, 0155r, rub. 62.

7. Lesellier 1933, 252.

8. Bullarium 1857–72, 5:458–66. The legislation appeared in two parts on 1 and 13 December 1507. See also Lesellier 1933, 253; Grisar 1964, 267–71; Marquis 1979, 467–71. As we saw in chapter 2, some Capitoline notaries also purchased offices in the College of Scriptorium; San Martini Barrovecchio 1983, 3:850n.

9. Notae is the term used in the 1507 bull, but a close reading shows that it is synonymous with imbreviatura or matrice, that is, the witnessed transaction with the crucial formalities of date and place; Bullarium 1857–72, 5:460–61, no. 6. In contrast to Capitoline rules, the bull required the notary’s signature on the notes.


11. He exempted heirs of venal notarial offices from this decree, however; Bullarium 1857–72, 5:461.


13. San Martini Barrovecchio 1983, 3:849, 852. Nevertheless, certain kinds of acts of these privileged exemptions, such as wills and gifts between the living, were to be submitted for registration in the archive and then restored to the owners of the offices; Bullarium 1857–72, 5:460.

14. For Julius II’s specific instructions on checking transunti orally for accuracy, see Bullarium 1857–72, 5:462, no. 9.

15. The Archivio Urbano is located today in Rome’s municipal archive, the Archivio Storico Capitolino; three series cover instruments, warrants (mandati), and wills brought in to be registered between 1507 and 1550. To these should be added a volume in a misnamed fondo in Rome’s Archivio di Stato, Miscellanea dei Notai Capitolini, which holds more notes from curial notaries from the same period; see also San Martini Barrovecchio 1983, 3:852n.


17. Ibid.

18. Lesellier 1933, 265–73.


20. The stamp can be seen, for example, on the frontispiece of the volume covering Campora’s instruments for 1622 under the following inscription: “Hic est liber instrumen-


22. Rub. 62, ASC, Camera Capitolina, Cred. IV, vol. 88, 0155r. See chapter 3. For at least one Capitoline notary who obeyed, see Esch 2001, 180.

24. SPQR Statuta (1519–23), bk. 4, I, art. 32. According to Camillo Re (1880, cxi), editor of the 1563 statuti, the 1494 revisions may not have received their first printing until this edition; book 4 was published in 1521. They were divided into two libri of several dozen articles each, the first concerned with civil procedure and the second with criminal procedure.

25. SPQR Statuta (1519–23), bk. 4, I, art. 32: "Et in potestate heredum libere omnia consignentur."

26. SPQR Statuta (1519–23), bk. 4, I, art. 32. There is some ambiguity as to whether the passage refers to municipal or notarial officials. One other practical innovation was the requirement that city process servers (mandatari) attend the funerals of notaries and that their officers inform the officers of the notarial college when a notary had died.


28. SPQR Statuta (1519–23), bk. 5, art. 56: "Item est decretum et ordinatum q[uod] statutum sub rubrica De prothocollis in libris notariorum defunctorum quod est in novis reformationibus editis tempore felicis recordationis Alexandri PP. VI in usu ponantur et in omnibus et per omnia prout in eo contineatur . . . observetur."

29. Civic officials tried to create an archive for their own records in these same years; this was known as the Archive of the Roman People; Guasco 1919a, 9–14; Del Re 1986, 312–13; Scano 1988, 382–84. Although the Archive of the Roman People scarcely functioned before the eighteenth century, contemporary sources sometimes did not distinguish the two archives carefully. Paul V’s reform legislation offers a case in point; Bullarium 1857–72, 7:90, no. 50; 97, no. 118.

30. Guasco 1919a, 108. It is now a series within Rome’s Archivio di Stato known as the Archivio del Collegio dei Notai Capitolini; Lori Sanfilippo 1987, 103. In light of the overlapping authorities involved in its long history, it is not surprising to learn that disputes among city, professional, and state officials broke out over control of this archive again in the aftermath of Italian unification; Verdi 2005, 440.

31. It is unclear what relation these developments had to the order of the papal auditor of the Camera in October 1561 demanding delivery to the Archivio di Curia of the documents of deceased notaries on its matriculation list; the order was addressed to city and curial notaries. ASV, Misc., Arm. IV–V, vol. 84, no. 180.

32. Guasco 1919a, 94–95. Lesellier (1933, 27on) disputes Guasco’s view that there was an earlier Capitoline notarial archive. A fairly accurate account of this foundation, composed in
the early eighteenth century, can be found in ASR, Camerale II, Notariato, b. 16, fascicle 36 (n.p.) See also Grisar 1964, 259–67.

33. *Cum ab ipso*, Bullarium 1857–72, 7:222, no. 68.

34. ASR, Biblioteca, Bandi, vol. 2, no. 164. Lesellier 1933, 270n; the correct date for the bando of the senator and conservators is 23 December. For additional papal support for the new archive, see the 12 February 1566 edict of the apostolic protonotary cited in Lori Sanfilippo 1990, 35.


37. The notarial college officers were to keep a record of fees paid for transunti in the archive; the archivist was to make a second volume listing transunti fees collected each month; and the notary of the notarial college was also to record transunti and their fees; ASR, Biblioteca, Bandi, vol. 2, no. 164.

38. 1363 statuti, bk. 1, art. 34; SPQR *Statuta* (1519–23), bk. 4, I, art. 32; bk. 5, art. 39. This silence is all the more surprising in light of a papal edict of the early 1550s specifically disciplining heirs of Capitoline notaries who provided transunti without the necessary signatures from the authorities; ASV, Misc., Arm. IV–V, vol. 45, 82r.

39. ASC, Camera Capitolina, Cred. IV, vol. 61.


41. In the early years there were many complaints about archive personnel; Guasco 1919a, 95–96. Some of these complaints were made by notarial college officials; ASC, Camera Capitolina, Cred. I, vol. 23, 72r–v (3 July 1567).

42. ASR, Biblioteca, Bandi, vol. 2, no. 164. Such a volume was in use in 1553; Verdi 2005, 454.

43. Piccialutti 1999, 96.

44. Guasco 1919a, 96.

45. The governor of Rome’s order was dated 26 August 1568; Piccialutti 1999, 64, 78.

46. *Statuta Urbis* (1580), bk. 1, art. 35. The 1446 notarial regulations had used the term *cassa*, chest, rather than *capsa*, which in antiquity referred particularly to a case for scrolls and later to a bookcase.

47. See chapter 3, section on business acts.

48. *Statuta Urbis* (1580), bk. 1, art. 36, (referring to art. 35): “Merces autem erit eadem quae pro instrumentis Notariis viventibus & publicantibus instrumenta debetur: quae merces distribuetur prout in supra proximo Capite est dispositum.” Heirs were entitled to two-thirds of the transunto fee, and the officials to one-third. As we saw in chapter 2, art. 35 established specific amounts for the officials: 15 bolenenos (baiocchi) to the judge and archivist/scribe, 7.5 bolenenos to the notary of the college, and the remainder to the college.

49. Edict of the proconsuls and correctors, 16 December 1582, ASR, Biblioteca, Bandi, Campidoglio, vol. 436. Six of the sixteen subheadings in the edict related to the Archivio Capitolino.

50. According to the 1507 legislation all notes (i.e., *matrici*) of wills and instruments were
Notes to Pages 123–126

... to be registered in the Archivio di Curia “nisi partes contrahentes vel alias disponentes contractus, testamenta aut instrumenta alia publicari noluerint, sed secreta teneri; quo casu fieri debeat per dictos correctores liber secretus, in quo tales notae registrentur . . .; dictusque liber remaneat penes unum ex dictis correctoribus totius collegii iudicio approbatam, vel, si magis parti videbitur, deferatur ad archivium nota vel instrumentum clausum et signatum per dictos scriptores, inviolabiter conservandum usque ad tempus quo illius publication fieri debeat.” Bullarium 1857–72, 5:460–61, no. 6.

51. They specifically included simple copies, public copies, and _fedi_ in this prohibition; edict of 16 December 1582, ASR, Biblioteca, Bandi, Campidoglio, vol. 436.

52. Erectio (1586) in Statuta (Rome, 1831), 45.

53. See chapter 2. Guasco 1919a, 101. After the problems of the 1560s, the notaries seemed especially keen to make the hiring decisions on archivists (_custodi_).


55. Domenico Iacovacci produced his genealogical manuscripts between 1621 and 1642; his citations are discussed by Lori Sanfilippo, who points out that Iacovacci conducted his labors on a body of pre-1620 notarial sources that is virtually the same as our own; Lori Sanfilippo 1987, 118n.


57. Erectio (1586) in Statuta (Rome, 1831), 47. Because the legislation did not assume that the notary who had died was the owner of the documents (“dominus scripturarum”), it stipulated that the inventory go to the notary’s successor not the owner.


60. Panella 1934, 174–82; Delumeau 1957–59, 2:808. For fiscal motives, see also the interesting undated memo to a pontiff in BAV, Vat. lat. 7023, 306v–309v, cited by Feci 1998, 276n. Sixtus V’s decision to lease out the archives rather than run them as an organ of the central government, however, sharply distinguished his policy from that of the Medici ruler; Scoccianti 1992, 200.


62. Pastoralis officii in Enchiridion 1966, 38–47. The first announcement seems to have been the vernacular edict of the Cardinal Sant’Onofrio on 1 September 1625 giving details about how the archive was to operate; ASV, Misc. Arm. IV–V, vol. 84, no. 172. The newsletters reported on 24 September that the cupboards (_credenzoni_ were already under construction; BAV, Urb. lat. 1095, 577r.

63. 6 June 1566 in Enchiridion 1966, 1–4; Lori Sanfilippo 1990, 33; Burke 2002, 256.


65. Enchiridion 1966, 11–18. The plan for a central Roman archive for all religious institutions was withdrawn.

66. Enchiridion 1966, 31–36. His 1614 chirograph sought to prevent the notaries of the
Apostolic Camera from going into the archive “looking for bulls and other documents” (36). See also Ruggiero 1993, 159.


70. *Pastoralis officii in Enchiridion* 1966, 38–47. This papal constitution focused primarily on the powers to be wielded by Perini as conservator of the Archivio Urbano.

71. In 1588 the *appalto* or lease of the income from the Papal State archives for nine years had been granted to the Florentine banker Paolo Falconieri; ASV, Misc. Arm. IV–V, vol. 84, no. 178. Panella 1934, 189.

72. *Avviso* of 24 September 1625; BAV, Urb. lat. 1095, 577v. “Conservator” was also the title used earlier in Cosimo I’s notarial archive; Panella 1934, 189.

73. BAV, Urb. lat. 1095, 577r, 599r.

74. These edicts are all found in ASV, Misc. Arm. IV–V, vol. 84. An additional edict from 1625 (without day or month) is in ASC, Camera Capitolina, Cred. XIII, vol. 30, 255r, “Instrumenti da rimettersi in Archivio da Notari che hanno offito e Tasse.”

75. BAV, Urb. lat. 1095, 599r (4 October 1625).

76. ASV, Misc. Arm. IV–V, vol. 84, no. 172: “Provisioni et ordini sopra il nuovo archivio,” art. 20. “Ogni sorte di vendite, resolutioni di vendite, cessioni, renuncie, transattioni, divisioni, dationi in solutum, permutationi tutte di cose immobili e stabili solamente. Item censi e loro estensioni, quando saranno fatte per instromento separato, tanto deli passati, quanto in avenire, feudi, eniteusi, livelli, contratti censuali, donationi inter vivos, insinuazioni, instromenti dotali sopra scudi cento, aditioni e repudiationi d’eredità con la copia dell’inventarj che fanno gl’heredi e li fideicommissarij l’usufruttuarij, emancipations, adotioni, e arrogationi, iuspatronati, mandati di procura irrevocabili & ad vendendum & donandum solamente, fideiusussioni perpetue per instromento separato, quietanze d’oblighi perpetui overo dependenti da stabili & immobili solamente.” Julius also included judicial acts, and Sixtus placed no restrictions on the types of contracts he wanted brought to the notarial archives of the Papal States.

77. Almost a quarter of the thirty-six regulations for the Archivio Urbano were devoted to wills; see especially arts. 17 to 25. See also the clarifications in “Dichiarationi e tasse sopra le provisioni dell’Archivio,” 14 November 1625, ASV, Misc. Arm. IV–V, vol. 84, no. 171.

78. The fee was one grosso (five baiocchi or one-twentieth of a scudo) per one hundred scudi of value; for direct heirs this was capped at two scudi. In the Archivio Urbano this was the standard archiving rate, such that it came to be called the “gabella del grosso per cento.”

79. ASV, Misc. Arm. IV–V, vol. 84, no. 172. Art. 20 spoke of durable powers of attorney when employed for sales and gifts of property, but art. 34 stated all powers of attorney, except for those used to begin lawsuits in Rome.

80. ASV, Misc. Arm. IV–V, vol. 84, no. 170. The fee for archiving a foreign power of attorney was one giulio; ASC, Camera Capitolina, Cred. XIII, vol. 30, 255r.

81. ASV, Misc. Arm. IV–V, vol. 84, no. 172. Art. 31: “Le polize o scritture private de contratti perpetui di sopra espressi fatti in Roma, non habbino esecuzione alcuna se non saranno archiviate.” The parties were to pay the archive fees, which were the same as for notarial documents, and leave a copy there. See also art. 34.
82. Edict of 12 September 1588, ASV, Misc. Arm. IV–V, vol. 84, no. 178. Rome and Bologna were, of course, excluded from this legislation.
83. One hopes that researchers will one day investigate the character and quantity of scriptura privata deposited in the Archivio Urbano.
85. This alteration was confirmed in the follow up edict of 14 November 1625; ASV, Misc. Arm. IV–V, vol. 84, no. 171.
86. ASV, Misc. Arm. IV–V, vol. 84, no. 172, arts. 27 and 28.
87. A few apparent concessions may have sweetened the deal. An edict published by the Apostolic Camera in 1625 (no other date) promised two legal privileges to the cooperative notary: (1) if his clients had not paid him the archiving fees, he could sue them using the judicial fast track of summary justice, and (2) his own account books would constitute sufficient evidence to take execution on the delinquent’s property. ASC, Camera Capitolina, Cred. XIII, vol. 30, 255r.
88. That matriculation in the Archivio di Curia (or College of Scriptors) continued can be seen in the oath taken in 1619 by Bernardino Gargarius, titleholder of Capitoline notarial office 9 from 1618 to 1628, cited in Verdi, 46on.
89. ASV, Misc. Arm. IV–V, vol. 84, no. 172, art. 13. As we saw in chapter 2, however, the College of Scriptors did not concede its right to examine and approve notarial employees and continued to keep matriculation lists of notaries without offices.
90. Pastoralis officii in Enchiridion 1966, 40–44.
91. ASV, Misc. Arm. IV–V, vol. 84, no. 172, art. 3. The mensario was the officer specified.
92. The best documented of the four groups of notaries is the Capitoline notaries, and neither their account books nor their statutes (1652) mention the mensario’s service in the Archivio Urbano. Because their other records are missing, however, we cannot know for certain whether trial was ever made of the structure envisioned by the founders.
94. ASV, Misc. Arm. IV–V, vol. 84, no. 172, art. 9. Art. 10 extends this to donationes inter vivos. These catalogs, highly prized by scholars, are themselves the subject of a recent inventory in the Archivio Storico Capitolino.
95. ASV, Misc. Arm. IV–V, vol. 84, no. 172, arts. 22, 34, 35. The fee provisions of 1 September 1625 were repeated in an edict of 14 November 1625; ASV, Misc. Arm. IV–V, vol. 84, no. 171; see also the edict in ASC, Camera Capitolina, Cred. XIII, vol. 30, 255r. The copy rate was one giulio (ten baiocchi) per sheet of the original document.
96. Lesellier 1933, 274n. On the contents of the Archivio Urbano, see, in addition to the studies of Lesellier and San Martini Barrovecchio, also Guasco, 1919b. Guasco lists the notaries from the fifteenth to the seventeenth century whose original protocols are located in sections I and II of the Archivio Urbano. For a different view as to why they are there, see Lori Sanfilippo 1987, 102, and 1990, 37.
98. Guasco 1919b, 239. The only copies of this edict known to me are in the booklet Archivio Urbani Erectio 1629, 34–36, which is found in many Roman libraries, including BAV, Editti, 1624–27.
100. Lori Sanfilippo 1987, 103.
101. Ago 1998b, 244; 1999a, 198. The *società in accomandita* was not new to Italy; it was used in Florence in the mid sixteenth century and in Milan by the end of the century.
102. Ago 1998a, 190–95; on the general topic, see Stumpo 1985 and for recent bibliography, Colzi 1999.
105. ASV, Misc. Arm. IV–V, vol. 84, no. 167: “Volendo la Santità di N. Sig. provedere a gl’inconvenienti che nascano fra Mercanti per non sapere lo stato con chi negotiano, e renderli in qualche parte certi, ha comandato.”
106. Archivio Urbani Erectio 1629.
107. ASR, Ospedale di SS. Salvatore, reg. 216 (under dates 10 June 1634 and 7 September 1639).
108. Palmerino Speranza’s will of 30 March 1627 bears a notation by an archive official dated 7 April; ASR, 30 NC, uff. 11 (Giustiniani), Testamenti (1616–27), 879v. The will of Hortentia Vola rogated by Leonardo Bonanni on 2 November 1629 was not presented until 6 December, well after the ten-day deadline; ASR, 30 NC, uff. 2 (Bonanni), Testamenti (1627–34), 274r. We should recall that these wills were returned to the offices of the Capitoline notaries after archive officials noted them and collected their fees.
110. No evidence has yet come to light, for example, of the “brief summaries” of all instruments that the Capitoline and other notaries with offices were supposed to make or of the claim that they kept their perpetual instruments in distinct volumes. Wills were often separate, but that was required by the 1612 reforms.
111. ASR, TCrG, processi, 1631, vol. 264, 513v, 514v. The bond posted by another private notary, Giovanni Battista Siconcellus of Rome, is recorded in an obligatio of 13 January 1628 in favor of the Archivio Urbano; ASR, 30 NC, uff. 2 (Bonanni) 1628, pt. 1, 74r–v.
112. More research is needed to verify the size of this component, which is judged to be quite low by Lesellier (1933, 273n). For the names of such notaries, see Guasco 1919b, 240–50. In addition to Antonio Campora, discussed earlier, see the examples of Angelo Carosio, as cited in San Martini Barrovecchio 1983, 3:853, and Giulio Nini, whose protocols in the Archivio Urbano are described after his death in court testimony; ASR, TCrG, processi, 1635, vol. 306, 532v, 549r.
114. Permission was granted in a letter dated 16 February 1629; ASR, Camerale II, Notariato, b. 16, fasc. 36. The will of Antwerp painter Paul Brill was among the pilfered documents.
116. See the testimony of Capitoline notary Angelo Canini in ASR, TCrG, processi, 1630, vol. 244, 264r.
117. ASV, Misc. Arm. IV–V, vol. 76, 244.
118. ASR, Camerale II, Notariato, b. 22, fasc. 56.
119. As we shall see, this reality was finally registered in a 16 January 1643 edict in which the title conservator disappeared and was replaced by that of archivista; ASR, Bibli-


121. Edict of 16 February 1639, ASV, Misc. Arm. IV–V, vol. 84, 161. Earlier, the College of Scriptors had argued successfully that the Archivio Urbano would undercut the income of the Archivio della Curia Romana, and Urban VIII had allowed it a yearly payment of fifty scudi from the new archive; this seems to have been cut to twenty-five scudi in the course of the seventeenth century; ASR, Camerale II, Notariato, b. 22, n.p.

122. ASR, Camerale II, Notariato, b. 22, fasc. 56. This is the source for all information on the Archivio Urbano leases.

123. Rodomonte de Nobili from Fermo is recorded as a sostituto under the notary responsible for the criminal proceedings of the governor’s court in the 1620s and as the head notary for the Borgo tribunal from 1632 to 1646. ASR, Inventory 278 II, pt. 1, 99–108.

124. On fees, see the treasurer general’s edict of 31 October 1646, ASV, Misc. Arm. IV–V, vol. 84, 159.

125. ASR, Camerale II, Notariato, b. 22.


127. The passage hinted at some of the recalcitrants: “even if [such gifts] were made to children, college, guild, [or] religious and charitable institution.” Notaries were not to execute any instruments based on such documents.

128. Perini received papal permission, documented along with the wills in ASR, 30 NC, uff. 13 (Ottaviani) Testamenti (1628–1634), 83r.

129. ASV, Misc. Arm. IV–V, vol. 84, 162, art. 9: “Havendo la. fel. mem. di Paolo V nella Riforma de’ Tribunali di Roma fatta l’anno 1612 ordinato santamente, che i Notari riduchino in libro e leghino in protocollo tutti l’instrumenti che tra certo tempo haveranno rogato. Noi in essecutione di così buono ordine e per interesse dell’archivio comandiamo a tutti li notari come sopra che in termine di tre mesi da computarsi dal giorno della stipulazione dell’instrumenti facciano leggere tutti l’instrumenti che haveranno rogato così essi, come i loro giovani e così continuare respettivamente sotto le pene e censure contenute in detta Riforma, e d’altre maggiori a nostro arbitrio e del Conservatore. Dando facoltà alli ministri dell’Archivio di rivedere e far rivedere l’offitij a tal effetto, accio trovando alcuno transgressore si proceda contro esso a dette & altre pene irremissibilmente.”


131. The notion and the word visitatore had appeared in a curial document possibly prepared in connection with Sixtus V’s 1588 law establishing notarial archives in the Papal States (except in Rome and Bologna); BAV, Vat. lat. 7023, 308r.

132. Edict of 16 January 1643, ASR, Biblioteca, Bandi, vol. 18. “ne si possa retardare l’essecutione de mandati dal detto nostro Auditore relassati per virtù di qualsivoglia inhibizione, non gravetur, ò altro sutterfugio [sic].”

133. He approved them, that is, after they were also created notary by proper authority and matriculated in the list of the College of Scriptors.

134. “In oltre ordiniamo alli sudetti, che in termine di un mese dal giorno della stipulazione debbiano haver stesi in forma polita da legarsi l’instrumenti, de quali si saranno rogati;
& anco debbiano ritenere appresso di loro la prima minuta, ò matrice per un’anno dal giorno
del rogito, havendoci l’esperienza dimostrato il tardare ad estenderli, causare scordanze, e delle
circostanze, e qualità, e tali quali alcune volte mutano il contratto con gran danno de con-
137. Interestingly, the note (nota) was to include essentially the same information as the
old imbreviatura: the date and place of the transaction, the names, birthplaces (patrie), and
residences of the contracting parties, the names of the witnesses, and the signature of the
rogating notary.
138. ASR, Camerale II, Notariato, b. 22, fasc. 56.
139. Their dates were 31 October 1646, 18 December 1659, 31 December 1681, and 30 Sep-
tember 1696; all were emitted by the treasurer general. Guasco 1919a, 73.
140. Edict of 18 December 1659, ASR, Biblioteca, Bandi, vol. 23. With the exception of
one passage in which the language was streamlined, the text is a word-for-word copy of that
of 1646.
141. According to Lesellier 1933, 274n, the Archivio Urbano remained in the Palazzo
Alicorni near St. Peter’s until around 1665. Its next location was the Palazzo Salviati just
outside Porta Santo Spirito; San Martini Barrovecchio 1983, 3:847. The guidebook to rione
Colonna locates the Archivio Urbano in the Palazzo Wedekind (then the seat of the Vice-
gerente of Rome) on Piazza Colonna in the 1690s; Pietrangeli 1980, pt. 1, 36. See chapter 6 for
the knotty problem of dating its transfer to the Vatican.
142. Ago 1999b, 403.
144. Ago 1998a, 104.
145. BAV, Vat. lat. 7023, 306r–309v.

Chapter 5 • The Office: Building Scribal Lives

1. For two such examples, see a coach maker’s receipt, ASR, Ospedale di SS. Salvatore, reg.
214, 19r, and a power of attorney included in ASR, 30 NC, uff. 7 (Paradisi), 1635, pt. 1, 583r.
4. Passeri 1615, 8–9. See also Ago 1998a, 133; Feci 2004, 151, and on the general topic
Fortunati 1996.
6. Ago 1998a, 75.
Some offices operating during the seventeenth century had been suppressed by the time this
document was prepared. To clarify the terminology used here, offices refer to purchased or
leased notarial posts that had some judicial duties. Over time the city and papal governments
had also created purely honorific notarial offices that were bought and sold in Rome along
with many other honorific posts, such as Capitoline bell ringer, which had no links what-
soever to actual duties of any sort. On this type of office, see De Gregori 1942, 268; Nussdorfer
1992, 92. Many of the “notaries” who received Christmas gifts from the city government in 1641, therefore, were not actual notaries; ASC, Camera Capitolina, Cred. IV, vol. 106, 122v–123v.

8. The number had been cut to five in 1693; Archivio di Stato di Roma 1986, 3:1129. In a 1621 list of office prices in Rome, these were the most costly notarial offices, averaging 8,400 scudi each; by contrast, the offices of the thirty Capitoline notaries averaged 1,000 scudi each; Dinarelli 1621, 16, 18. For a comparison of the tribunal of the auditor of the Camera and the Capitoline curia, see Ago 1999b, 397–98.

9. Initially non vacabile the offices had become vacabile in 1594; ASR, Congregazioni particolari deputate, 43/2, 482–83.

10. The notaries of the Camera are known as the secretaries and chancellors of the Reverenda Camera Apostolica in today’s ASR inventories.

11. Summarium 1700 explained that they had become venal offices under Alexander VI (1491–1503) and that Sixtus V had added the fourth office. This pamphlet can be consulted in ASR, Camerale II, Notariato, b. 1. For a 1673 survey of notaries attached to Rome’s tribunals that varies slightly from these figures, see De Luca 1673, bk. 15, pt. 3, ch. 43.

12. This is not to suggest that the notaries in the other three tribunals did not occasionally act collectively, but there is increased evidence of such activity in the later seventeenth century, as we shall see in chapter 6. For a reference to a mensario of the notaries of the Camera in 1621, see Dinarelli 1621, 6.

13. Rome’s upstream river port, Ripetta, seems to have had several offices; see ASR inventory no. 368 (II). Before its abolition in 1652, the Curia Savelli had two notaries; Del Re 1957, 394.

14. San Martini Barrovecchio 1983, 3:861. In the early eighteenth century, he was known simply as the notary “of the Archive.”

15. Hoberg 1994, 54. ASR, Camerale II, Notariato, b. 3, n.p. (22 May 1703). Scattered references to notaries of the Rota in the 1620s and 1630s confirm the picture of a fluid and ill-defined group. Rota notaries sometimes lacked surnames in the parish registers; ASVR, S. Celso, s. a., 1629, n.p.

16. Bologna, with a population about half that of Rome, had 324 active notaries in 1630; Pastore 1982, 263.

17. Lesellier counted several thousand foreign curial notaries in Rome over the course of the sixteenth century; there is no reason to think the number declined subsequently.

18. On the Jewish notaries, active between 1536 and 1640, see Stow 2001, 8–13. Just as their Christian counterparts wrote in Latin rather than in romanesco or Italian, Jewish notaries used Hebrew in their documents rather than the Italian dialect spoken by their Jewish clients. Clearly a similar conception of a language appropriate for expressing law was operating in both communities.

19. Trasselli 1937, 232. These notarial offices had disappeared by 1700, but the tasks of the notary of the neofiti, who has left a massive archive, had been taken over by one of the Capitoline notaries; Rocciolo 1998, 554. The ASC has an inventory of the notaries of the neofiti.

20. The candidate lists (bussole) are in BAV, Barb. lat. 2211, 2213–16, 2218, 2221–23. Missing are the years 1630–31. See Nussdorfer 1992, 74–76.
21. As mentioned in chapter 4, the Archivio Urbano houses the original business acts of eighty-one private notaries active between 1627 and 1699; Guasco 1919b, 240–50. Trial records provide additional names and career details; see, for example, Michele Picollo, born in the 1570s in the diocese of Alba in Piemonte and living in Trastevere in 1633; ASR, TCrG, processi, 1630, vol. 244, 568v–76v (testimony of 9–10 June 1633). The best source, of course, is the parish census records; see, for example, Ludovico, a notary living with his sister and niece in the parish of S. Maria del Popolo in 1631, or Giovanni Felice, a notary residing in the household of Sig. Giovanni Battista Gottifredi in the parish of S. Maria della Rotonda in 1624 and 1625, or Lorenzo Legnini, a notary living with his wife and three other men next to the Giustiniani palace in the parish of Sant’Eustachio in 1629. For these men and others like them, see ASVR, *stati delle anime*, for the relevant parishes and years.

22. François 1886. See appendix A for a discussion of this source; although François’ work is an essential research tool for use of notarial records in the ASR, his dates are not necessarily accurate, and his spelling of names often arbitrary. The ASR project of inventorying each of the thirty Capitoline notaries’ offices begun in 2005 should provide more-secure dates and identifications.

23. For the list of notaries in the 1630 sample, see appendix A. The series is ASR, 30 Notai Capitolini (30 NC). The numbers of the notarial offices that I use in this book are those currently employed in the Archivio di Stato; for the original office numbers, see table 1 in Ago et al. 1998.

24. The norm was three or four volumes a year, but the exceptions are instructive. Giovanni Francesco Gargario had just begun to exercise office 9 in 1630, yet had six volumes, a number attained by only a handful of colleagues. However, two predecessors surnamed Gargario had been operating office 9 since the 1560s, so he had probably inherited a long-standing client base. At the other extreme, Orazio Balducci’s office 23 had been in his name since 1619 but was in the hands of administrators and had only one volume of instruments for the year. More typical is what we see in office 12, where Angelo Canini began to work in 1621; for the first two years he had only one volume of instruments per annum, but in 1623 that had grown to two; following a period of transition, the trajectory of activity was upward. ASR, Camerale II, Notariato, b. 25, inventory of Gaudenzio Antonio de Galassiis in 1704.

25. ASR, 30 NC, uff. 2 (Bonanni), Testamenti, 1627–34, 423v: “So that it is not handled and administered by unworthy individuals of bad character who would tarnish the documents and the good name of the testator.”

26. Nor, indeed, were their clients. In 1645 in the seven offices still headed by Capitoline notaries from my 1630 sample, between 31 and 45 percent of contracting parties were from outside Rome; Ago et al. 1998, table 5.

27. Erectio (1586) in *Statuta* (Rome, 1831), 44.

28. Arrigone will in ASC, AU, sez. 34, vol. 28 n.p. (16 June 1648); Canini will in ASC, AU, sez. 34, vol. 28 (15 April 1649); Ottaviani will in ASR, 30 NC, uff. 2 (Bonanni), Testamenti, 1627–34, 421r. On acquiring citizenship, see *Statuta urbis* (1580), bk. 3, art. 57.

29. Cavallo (2007, 136) has recently suggested that occupational transmission from father to son may be dwarfed by transmission among a more broadly defined kin network. On the predominance of male immigrants, see Sonnino 1994, 19–29.

31. Fenzonio 1636, 55.
32. On this general topic, see Nussdorfer 1992, 95–114.
33. Nussdorfer 1992, 76. For a notary’s record of one such meeting in the rione of Regola, see ASR, 30 NC, uff. 2 (Bonanni) 1631, pt. 3, 882v.
34. Indeed, nine of the thirty-one notaries in the 1630 sample did not even make it onto the lists of nominees for civic notarial offices between 1623 and 1643.
35. ASC, Camera Capitolina, Cred. I, vol. 33.
37. For the late fifteenth century, by contrast, we are aided by references to books belonging to Roman notaries; Spotti Tantillo 1975, 89–91, and Modigliani 2001, 2:475, 481–83, cited by Feci 2004, 101n; Esch 2001, 178.
38. Bonincontro will, ASR, 30 NC, uff. 18 (Grappolini), Testamenti, vol. 7 (1634–39), 17v. The notary left many pious bequests, but the chapel was begun before his death in 1634; he seems to have served as business manager (economo) for the friars of Sant’Isidoro; ASR, Ospedale del SS. Salvatore, reg. 216, 4r.
39. ASR, 30 NC, uff. 2 (Bonanni), Testamenti, 1627–34, 421r–23v, 426r–28r.
40. ASR, TCrG, processi, 1630, vol. 244, 336r. This is not to imply that in Rome impatience with the clergy necessarily meant lack of piety.
41. ASVR, S. Lorenzo in Lucina, s. a., 1632, 51r. ASR, CCN, Registro delle congregazioni, Libro della massa, vol. 11 (1635–38), 38.
42. ASR, TCrG, processi, 1630, vol. 244, 488r–v.
43. ASR, Camerale II, Notariato, b. 16, fascicle 36, n.p. The information comes from litigation connected to Plautilla Scolocci’s claims in the 1650s.
44. ASR, 30 NC, uff. 15 (Tigrinus), 1626, pt. 2, 190v (De Fabijs); ASR, CCN, Registro delle congregazioni, Libro della massa, vol. 11, 84r (Muti); 113r (Barisiani). Vitelleschi ownership of this Trastevere office is attested in ASR, TCrG, processi, 1635, vol. 308, 1019r–v. Barisiani had to be sued for delinquent massa payments; on Barisiani, see also Feci 2004, 227.
45. ASR, 30 NC, uff. 7 (Paradisi), 1628, pt. 1, 374r–75v, 395r–99v.
46. ASR, 30 NC, uff. 7 (Paradisi), 1628, pt. 1, 374r–v; ASVR, S. Eustachio, s. a., 1625, 50r; s. a., 1626, 93v; S. Lorenzo in Lucina, s. a., 1630, 54v; s. a., 1632, 51r.
47. The owners exhorted Camilli to “conduct himself well and maintain the office as a good, true, faithful, and diligent leaseholder and father of a family.” ASR, 30 NC, uff. 7 (Paradisi), 1628, pt. 1, 398v.
48. This was a not uncommon amount. In 1626 the annual payment to the owner of office 8 was also fifteen scudi; ASR, 30 NC, uff. 15 (Tigrinus), 1626, pt. 2, 190r–v, 201 r–v.
49. The contract refers enigmatically to judicial acts “of the other office,” ASC, Proto-notaro del Senatore. Conservatori. vol. 1, 4r–5v. The owner was Maria Provida, daughter of a Neapolitan official, who had received the office as part of her dowry.
50. Mandrico Ayola had been a sostituto for Capitoline notary Giovanni Battista Angeletti in 1588 and a year later described himself as affittuario. Agostino Amatucci leased office 24 in 1589 and, according to François 1886, became its titleholder in 1592. ASR, CCN, Registro delle congregazioni, Libro della massa, vol. 8, 6r, 17r, 18v, plus unnumbered sheet between f. 21 and f. 22.
51. For office 16, see ASR, CCN, Registro delle congregazioni, Libro della massa, vol. 10, n.p. (October 1619); for Franceschini, see ASR, TCrG, processi, 1640, vol. 358, 196v.

52. Gironimo Arconio and Ludovico Facentino in ASVR, S. Maria in Campo Carleo, s. a., 1622, 40v; François 1886, 95. The succession of short-term administrators lasted for twelve years in office 12 before Angelo Canini acquired it in 1624.

53. Ironically the college’s account books are the best testimony of the presence of affittuari, for example, in offices 16, 22, and 27 in 1637; ASR, CCN, Registro delle congregazioni, Libro della massa, vol. 11, 82r, 83r, 85v, 92r.

54. ASR, 30 NC, uff. 25 (Raymundus), 1628, pt. 3, 391r–98v.

55. ASR, TCrG, processi, 1630 [sic], vol. 244, 410v.

56. ASC, Protonotaro del Senatore. Conservatori, vol. 1, 4r–5v; ASR, 30 NC, uff. 25 (Raymundus), 1628, pt. 3, 392r; the sale to Pacichelli is described on a sheet inserted between f. 86 and f. 87 in ASR, Ospedale del SS. Salvatore, reg. 216. It is interesting to compare this information to that furnished in a list of Roman office prices and income published in 1621; here the Capitoline notarial offices as a group were valued at thirty thousand scudi or one thousand scudi apiece; Dinarelli 1621, 18. It is to be hoped that further research in the notarial archives will reveal in more detail how the prices of Capitoline notarial offices changed over time.

57. ASR, 30 NC, uff. 25 (Raymundus), 1628, pt. 3, 392r.


59. For Grappolini’s rental, installment, and interest payments, see ASR, Ospedale del SS. Salvatore, reg. 216, 65r–v, 10r. See also unpaginated insert between f. 86 and f. 87. The Bonincontro properties included housing for the new notary and his family.

60. Ago (1998a, 57–60) argues that this was not due to a shortage of coin but to other factors.

61. Ago 2000, 37–39. A partnership was called a societas or in the vernacular, compagnia, so a partner would be known as a socio or compagno.


63. On Arrigone and Grillo, ASR, 30 NC, uff. 25 (Raymundus), 1631, pt. 1, 87r; on Canini and Novio, ASC, AU, sez. 34, vol. 28, n.p. (15 April 1649).

64. For example, the dowry of Tranquillo Scolocci’s wife, which was invested in office 26; ASR, Camerale II, Notariato, b. 16, fascicle 36, n.p.

65. ASR, 30 NC, uff. 25 (Raymundus), 1628, pt. 3, 391r–98v. Guido Camilli’s lease of office 20, ASR, 30 NC, uff. 7 (Paradisi), 1628, pt. 1, mentions scripturae and pulpiti (374v); his office furniture also included stools, benches, and cupboards (396v).

66. Inventory of scripturae in office 20, exercised by Palmerino Speranza from 1616 to 1626, ASR, 30 NC, uff. 7 (Paradisi), 1628, pt. 1, 395r–97r.

67. ASR, Camerale II, Notariato, b. 25, has inventories of the documents of the Capitoline notaries in 1704.

68. Petrucci 1993a, 553.

69. In addition to information gleaned from specific references to the 1630 sample of notaries, I have used three general sources on office locations. The earliest is a list drawn up in 1664 in ASR, Camerale II, Notariato, b. 25; next is an official visitation of sixteen Capi-
toline offices conducted between 29 December 1702 and 2 January 1703 found in ASR, Camerale II, Notariato, b. 3; the last is the locations of Capitoline notaries in 1831 published with their statutes, *Statuta* (Rome, 1831), 71–79. See also Ago et al. 1998, table 2; Verdi 2005, 457, 469–73.

70. Ago et al. 1998, 381; Verdi 2005, 469–73. When in 1673 Cardinal De Luca described the Capitoline notaries as spread throughout the city, he was no doubt comparing them to curial notaries who concentrated heavily in specific streets; 1673, bk. 15, pt. 3, ch. 43.

71. Camilli was in his new location by 1630, ASVR, S. Lorenzo in Lucina, s. a., 1630, 54v.

72. For Tullio’s address, ASR, 30 NC, uff. 15 (Spannocchia) 1624, pt. 3, 28r. De Alexandrii must have moved again because he was no longer at this location in 1629; ASR, 30 NC, uff. 2 (Bonanni) 1629, pt. 3, 185v–v, 214 r–v. The competition between the offices on Piazza Mattei emerges from trial documents of 1616, ASR, TCrG, processi, 1624, vol. 190, 353r. “All’olmo” was office 2, Leonardo Bonanni’s office from 1622 to 1667 (Nolli, no. 887).

73. Angelo Giustiniani was thought to have this kind of tenure at his Via del Gesù office, ASR, TCrG, processi, 1630, vol. 244, 410r. In Via dei Giubbonari, Paolo Vespignani rented a “domus in qua dictus D. Paulus inhabitat et exercet officium notariatus Cur. Cap.”; ASR, 30 NC, uff. 2 (Bonanni) 1624, pt. 2, 548r. Office 28 was still located in that street in 1886. The way that a given piece of real estate circulated exclusively among notaries is illustrated in the 1629 rental contract for an office near Piazza Rotonda. This was originally rented to the titleholder of office 24 and subsequently sublet to two other notaries who were not attached to the Capitoline curia; it was described as “apothecam cum domo . . . ubi exercet dictum officium.” ASR, 30 NC, uff. 2 (Bonanni) 1629, pt. 3, 185v–v, 214 r–v.

74. Statutes (1652) in *Statuta* (Rome, 1831), 32.

75. Ago et al. 1998, 381.

76. The parish priest of S. Lorenzo in Lucina used Guido Camilli’s *banco del notaro* as a point of reference in the parish census of 1632. ASVR, S. Lorenzo in Lucina, s. a. 1632, 51r. However, his counterparts in other parishes tended to prefer the term *officio* when enumerating inhabitants. *Studio* is not Roman usage in this period.

77. Although household composition can be traced in the *stati delle anime*, annual censuses executed by parish priests to determine who was eligible to take communion, searching systematically for specific names in the yearly records of more than eighty parishes over a period of several decades is not a feasible task. I have found information on about a third of the Capitoline notaries in the 1630 sample; in addition, I also have household data on several notaries of the auditor of the Camera, for which I thank Patrizia Cavazzini.

78. ASVR, S. Lorenzo in Lucina, s. a., 1630, 54v. Though not mentioned in the 1630 census, the son Cesare is described in the 1632 census as six years old; ASVR, S. Lorenzo in Lucina, s. a., 1632, 51r.

79. The prevalence of males over females in the Roman population is a long noted phenomenon. “The abnormal sex composition of the Roman population in the seventeenth century can be attributed to the large presence in households of males who were not kin and were there for other reasons.” Sonnino 1997, 65–66. Sonnino’s computerized study of the 1645 parish census data showed that 10 percent of Roman households (9.5% of individuals) were composed of unrelated persons in a startling sex ratio of 420 men to 100 women. This compared to a sex ratio of 167 men to 100 women in the 24 percent of households (34.5% of
individuals) composed of kin and unrelated inhabitants, and 97 men to 100 women in the 66 percent of solely kin-related households (56% of individuals).

80. ASVR, S. Stefano del Cacco, s. a., 1626–30, 91r. Detailed information on Giustiniani’s staff and household in 1630 is also found in ASR, TCrG, processi, 1630, vol. 244.

81. For Cortellacci, see ASVR, S. Giovanni della Malva, s. a., 1610–33, (1627, n.p.). For Canini’s household, see ASVR, S. Maria in Campo Carleo, s. a., 1620–50, 76r, 110v, 350r, 593r, 790v, 840r–v, 933r. The office is listed separately: 74v, 109v, 350r, 745v, 791r; these young men’s names can often be found on notarial acts for the pertinent years. The age range of cohabitants indicates that the living patterns of notarial employees were closer to those of merchants’ employees than of artisans’ employees; Ago 1998a, 93.

82. ASVR, SS. Apostoli, s. a. 1620–30, 197v. One of the two children was an infant in 1629 who did not appear in the census until 1631 when he was listed as three years old; ASVR, SS. Apostoli, s. a. 1631–37, 8r.

83. Domenico Amadei headed a household of twenty-seven in 1617 and twenty-four in 1629, ASVR, SS. Celso and Giuliano, s. a., 1617–18, 28r, 136r–v, and s. a. 1629 (n.p.). Domenico Fontia lived with sixteen other people in 1629, including a wife and two children; ASVR, SS. Celso and Giuliano, s. a., 1629 (n.p.).

84. While François (1886) gives the beginning of his tenure as 1595, Ottaviani was not admitted to the college until October 1596; ASR, CCN, Registro delle congregazioni, Libro della massa, vol. 8, n.p. (October 1596).

85. ASVR, SS. Apostoli, s. a., 1620–30, 120v, 193v, 209v; s. a. 1631–37, 13r, 138v. Comparing ages over several years in the parish censuses reveals that these must always be regarded as approximate figures; Hortensia Vola’s age goes from sixty-six in 1623 to eighty-one in 1630. Hortensia Vola, who seems to have died between the parish censuses of 1630 and 1631, made a will on 2 November 1629 in which she left bequests of ten scudi to her two daughters and to her sister Prudentia [Patritia] Vola, a nun in nearby S. Giacomo delle Moratte; ASR, 30 NC, uff. 2 (Bonanni), Testamenti, 1627–34, 274r–v, 295r–v. Her father, Giovanni Battista Vola, was a Capitoline notary from 1535 to 1575 and her brother Melchiorre, who must have purchased office 13 after 1586, was active from 1575 to 1595; François 1886, 105; Verdi 2005, 453. Giovanni Battista Ottaviani’s will drawn up on 5 April 1631 made his daughter Girolama his heir, which would have been unlikely had his son still been alive; ASR, 30 NC, uff. 2 (Bonanni), Testamenti, 1627–34, 421r–23v, 426r–28r. He left fifty scudi a year to his daughter Sister Maria Angelica, who had already received her monastic dowry. Ottaviani exhorted the two to comport themselves affectionately “as good sisters,” instructing Girolama to visit her sister monthly. He also asked her to visit and be generous to her elderly aunt (423v) because “the poor thing will have lost the companionship and kindness of this testator and every other human support.”

86. ASR, TCrG, processi, 1630, vol. 244, 262r (testimony of 14 April 1632). The pantani or swamps had formed in the area of the imperial fora in the Middle Ages and were drained in the late sixteenth century after which the zone was a scene of rapid urban development; Salvagni forthcoming. Canini’s house seems to have been located in the block between Strada Bonella and Strada di Croce Bianca (Nolli map, nos. 93 and 98) close to the vanished church of the weaver’s guild (Nolli, no. 92). For the location and household information, see ASVR,
S. Maria in Campo Carleo, s. a., 1620–50, 76r, 110v, 350v, 593r, 745v, 790v, 840r–v, 935r (missing 1624–30, 1633).

87. In addition to the parish census data cited in the previous note, see Canini’s will in ASC, AU, sez. 34, vol. 28, 15 April 1649, n.p. While the will mentioned Canini’s partnership with Novio, the parish census showed Novio in residence at Canini’s nearby notarial office in 1646 and 1647; ASVR, S. Maria in Campo Carleo, s. a., 1620–50, 745v, 791r. Much later Novio’s grandson reported that his grandfather had purchased the notarial office in 1649; ASR, Camerale II, Notariato, b. 3, n.p., 31 December 1702.

88. ASR, 30 NC, uff. 11 (Saravezziius) 1611, pt. 2, 452r.

89. ASVR, S. Stefano del Cacco, s. a., 1626–30, 12v, 28v, 44v, 64r, 91r. In 1630 Giustiniani was described as guardian for the children of the late Giustiniano Giustiniani, but we do not know what their relationship was; ASR, 30 NC, uff. 17 (Cortellacci) 1630, pt. 3, 51r–v. Most of this information comes from Giustiniani, his servants, and several employees during interrogations in a trial that lasted from 1630 to 1633 and occupies an entire volume of ASR, TCrG, processi, 1630, vol. 244; see especially 247r–61r, 265v–74r, 773r. For Vittorio Giustiniani’s formal designation as a notary, see ASR, 30 NC, uff. 11 (Saravezziius) 1610, pt. 2, 795 r–v.

90. ASR, TCrG, processi, 1630, vol. 244, 658v, 773r, 794r, 796r, 798r, 800v.

91. ASVR, S. Stefano del Cacco, s. a., 1639–41, 14v, 43v.

92. While François (1886) gives the beginning of his tenure as 1605, Bonincontro was admitted to the college only in July 1607; ASR, CCN, Registro delle congregazioni, Libro della massa, vol. 9, n.p. (July 1607). Remarkably, he doubled the number of volumes produced by office 18 in just three years; ASR, Camerale II, Notariato, b. 25, inventory of office of Giuseppe Maria Pacichelli.

93. ASR, Ospedale del SS. Salvatore, regg. 214–16. As noted, Ginevra Zeloni Bonincontro was guardian for the couple’s two young children and these account books are the *libri tutelari* recording financial transactions relating to their inheritance from their father. Like many Roman family papers, they seem to have ended up in the hospital’s possession when the family died out and made the hospital a beneficiary. In addition to these volumes, reg. 209 records separate transactions Ginevra made from her own income before her husband’s death.

94. ASR, 30 NC, uff. 18 (Grappolini), Testamenti, 1634–39, 16v. ASVR, SS. Apostoli, s. a., 1620–30, 197v, and 1631–37, 8v, 23r, 41v. François (1886, 47) lists a Marc’Antonio Bonincontro in office 18 in 1586. A Lorenzo Bonincontro, possibly Marc’Antonio’s father, seems to have registered acts from the 1540s; see ASR, Camerale II, Notariato, b. 25, n.p. (inventory for office of Giuseppe Maria Pacichelli). Camillo Bonincontro was one of four officials known as “reformers of the university”; Renazzi 1803–6, 2:251. The 1629 agreement between the brothers required that Lorenzo repay the debts that Camillo had contracted between 1625 and 1628 in order to pursue the suit. Lorenzo was to furnish Camillo, who may have had a separate apartment in the Bonincontro mansion, with an annual income of 180 scudi plus linens and household utensils in an amount to be decided by two arbitrators; Lorenzo was to pay the costs of expediting Francesco’s benefice, to continue to pay his living expenses, and to give him a yearly income of 80 scudi; ASR, 30 NC, uff. 2 (Bonanni), Testamenti, 1627–34, 171r–74v, 224r–v (9 February 1629). Camillo and Francesco are referred to as deceased in an instrument of 8 August 1631; ASR, 30 NC, uff. 13 (Ottaviani), Testamenti, 1628–34, 656r.
95. The ages of members of the Bonincontro family are more than usually approximate, because data in the parish census of 1629, when they first appear, vary considerably from that given in 1631–33; ASVR, SS. Apostoli, s. a., 1620–30, 197v, and 1631–37, 8r, 23r, 41v. Ginevra Zeloni’s year of birth ranges between 1595 and 1601. ASR, Ospedale del SS. Salvatore, reg. 209, indicates that her father’s will was notarized in 1626, at which time her brother Vangelista must already have been dead. Zelone Zeloni (also Zenone Zenoni) was originally from Castro San Marcello in the diocese of Pistoia; becoming a Roman citizen, he had been the agent (fattore) and procurator for the Roman convent of Tor de Specchi for thirty-seven years. Ginevra disbursed a bequest of seven hundred scudi from her father’s estate, including land in their village, to relatives remaining in Castro San Marcello; ibid., n.p. The continuing ties with her father’s family in Tuscany are also suggested by the presence in her household in the 1630s of her nephew Matteo Zeloni (born c. 1610). The Capogalli notaries are listed in François 1886, 41. Indeed, they were long settled in the parish of SS. Apostoli where Ginevra lived; Isa Lori Sanfilippo 1992, 426, and 2001b, 443–44. Lorenzo Bonincontro’s will and codicil were made 11 and 25 January 1634; he died 1 February; ASR, 30 NC, u√. 18 (Grappolini), Testamenti, 1634–39, 15r, 16r–18v, 19r–v, 22v, 23r–26v. In his will, Bonincontro noted gratefully that his wife did not require support from his estate, commenting that “by the grace of God she has so much of her own property in addition to her dowry that she has no need of what I leave to my and her [sic] children, so beloved by her” (18v). Making his son his principal heir, Bonincontro left a dowry of seven thousand scudi to his daughter (23r). Ginevra’s guardianship was approved by judicial decree 6 February 1634; ASR, Ospedale del SS. Salvatore, reg. 216, 80r.

96. ASR, Ospedale del SS. Salvatore, reg. 214, 216. The Bonincontro children’s income in the first eleven months after their father’s death was 1,491 scudi; ibid., reg. 216, 6v. Reg. 209 includes copies of notarial instruments and expenditures related to Ginevra’s purchase and renovation of the second house, next to the vanished Church of Santo Spirito (Nolli map, no. 114), in 1632 and 1633. She was no longer listed in the parish census of SS. Apostoli in 1634, though she continued to pay pavement taxes and repairs on the Corso mansion (reg. 214, 137v; reg. 216, 111r). Her daughter died around 1644 (reg. 214, 3r), and her son also predeceased his mother; indirect evidence suggests Ginevra herself died around 1658, at which time the confraternity responsible for managing the hospital of the SS. Salvatore, for which Lorenzo had been notary for many years, was one of the couple’s beneficiaries.


98. Because curial posts were venal, the key factor in this ascent was undoubtedly the profits of tax farming. De Tottis’s story is illuminated by the case of an even more successful family, the Spada of Brisighella, who parlayed tax farming contracts in the Romagna into a cardinalate; Ferraro 1994, 1:299–314. De Tottis’s will and codicil, rogated by notary of the camera, Rufino Plebani, were opened at his home on the Via dei Coronari on 6 May 1648; ASC, AU, sez. 48, vol. 14, 253r, 254r–61v, 280r–86v. His wife, Caterina Zeccadori, was also denied any voice in family decisions and was instructed to sell the jewels she had been given by her husband and to give the proceeds to the monsignor to invest for the other heirs (254r). It is unclear how many of De Tottis’s children were also Caterina’s, but she also had children from an earlier marriage. De Tottis’s lease of the city wine tax was meant to run for nine years from 1637; see Nussdorfer 1992, 90; ASC, Camera Capitolina, Cred. IV, vol. 106, 131v. On the Roman ecclesiastical family, see Ago 1997, 87; Pellegrini 1994, 564.
99. Lusanna's history and career are detailed in a copy of his 1616 trial in the Borgo tribunal inserted in the dossier of his 1624 trial in the governor's tribunal, ASR, TCrG, processi, 1624, vol. 190, 338r–77v. After the creation of the Archivio Urbano, Lusanna may have registered as a private notary, for his notarial acts from 1608 to 1629 are in its collection; Guasco 1919b, 246. Office 8 was located at this time just off the Piazza Mattei on the small street leading to the convent of S. Ambrogio. His involvement with office 8 continued after the trials; ASR, 30 NC, uff. 15 (Tigrinus) 1626, pt. 2, 190v.

100. ASR, TCrG, processi, 1624, vol. 190, 353r–54v, 359r, 370v.


102. ASR, TCrG, processi, 1630, vol. 244, 248r. On labor mobility more generally in Rome, see Ago 1998a, 20–23.

103. Bullarium 1857–72, 12:89, nos. 35, 38; Nussdorfer 2008, 124. In Rome the word giovane, which literally meant “young man,” held the more specific sense of a male worker in a shop or office. In notarial settings, therefore, giovani were not necessarily young. Cavallo (2007, 138) defines the age range of surgeons’ giovani in Turin as 17 to 33. For additional references to employees of notarial offices in the reform legislation, see Bullarium 1857–72, 12:89–90, nos. 34, 35, 37, 40, 42. Cf. Ago 1998a, 43–45.

104. Later evidence suggests that novices paid titleholders for a one-year training period; this may also have been the case in the 1620s and 1630s. ASR, CCN, Registro delle congregazioni, Verbali, vol. 2, n.p. (meeting of 2 April 1674).

105. For an example of the act of creating a new sostituto, see appendix C.

106. In an edict of 16 February 1639, for example, papal officials reminded employees to sign their names on the instruments they rogado; ASV, Misc. Arm. IV–V, vol. 84, 161. This had been mandated by Paul V’s reforms.

107. The confraternity of the orfanelli was one of the contracting parties in both of the apprenticeship contracts I have seen, and the brotherhood clearly wanted formal instruments to record its placements of charges around the city. Interestingly, it was private notaries, not notaries with offices, who made use of this particular labor pool. For Demofonte Ferrini’s contract, see ASR, 30 NC, uff. 2 (Bonanni) 1633, pt. 3, 462r–v. Ferrini, who was the confraternity’s own notary, agreed that if the boy ran away during his service, he would try to find and return him to the orphanage. For Alexander Prezzatus’s contract, see ASR, 30 NC, uff. 2 (Bonanni) 1634, pt. 2, 527r–v.

108. ASR, TCrG, processi, 1630, vol. 244, 262r. Marzio Mecci, a sostituto in the office of a notary of the auditor of the Camera in 1630, also studied with the Jesuits; ibid., 397r.

109. ASR, TCrG, processi, 1630, vol. 244, 408r.

110. Testimony of Ettore Alberti, a giovane in Capitoline offices 10 and 11 between 1630 and 1632; ASR, TCrG, processi, 1630, vol. 244, 326r–v. Giacinto Gallucci, working in office 9 in 1632, said he earned between fifteen and twenty giulii (1.5–2 scudi) a month plus room and board; ASR, TCrG, processi, 1630, vol. 244, 407r.

111. Francesco Oddo earned two scudi (twenty giulii) a month as sostituto in office 21 in 1628, receiving it, as was common, only at the end of twenty-one months; ASR, 30 NC, uff. 25 (Raymundus), 1628, pt. 3, 982r–83v.

112. ASR, TCrG, processi, 1630, vol. 244. Six current or former notarial employees were questioned or submitted statements: Ettore Alberti (twice), the defendant Bartolomeo Bene-
detti (six times), Fulvio Benedetti (no relation), Angelo Falcidio (d. 1633), Giacinto Gallucci, and Horatio Martagna (hired Dec. 1631). Ottaviano Nucci died in May 1631 before he could be interrogated.

113. ASR, TCrG, processi, 1630, vol. 244, 407r, 326r.
114. ASR, TCrG, processi, 1630, vol. 244, 248r, 532r.
115. ASR, TCrG, processi, 1630, vol. 244, 407r.
117. See, for example, Angelo Canini’s comments, ASR, TCrG, processi, 1630, vol. 244, 262v.
118. ASR, TCrG, processi, 1630, vol. 244, 248r.
119. ASR, TCrG, processi, 1630, vol. 244, 248r, 398v–99r.
120. ASR, TCrG, processi, 1630, vol. 244, 397v, 408r; ASVR, S. Giovanni della Malva, s. a. 1627, n.p.
121. Mecci, a defense witness, explained, “as sostituto everything passed through my hands. . . . I saw to everything.” He said that Benedetti frequently asked him how to do things and “was always afraid of making mistakes.” ASR, TCrG, processi, 1630, vol. 244, 397v–398r.
122. ASR, TCrG, processi, 1630, vol. 244, 397r, 262v, 273v; ASVR, S. Stefano del Cacco, s. a. 1628, 44v. The act registering Benedetti’s elevation to sostituto, rogated by his older colleague Ottaviano Nucci, is reproduced in appendix C.
123. Giustiniani was aware that his staff thought he had let Benedetti go because of the will he registered in Nucula’s acts, but he insisted the real reason was Barberini’s instructions; ASR, TCrG, processi, 1630, vol. 244, 270r–v, 23r–v; cf. 63r.
124. In two trials that lasted three years and amassed more than 1,500 pages of documentation, opinions for and against Benedetti were offered by dozens of witnesses; defense witnesses did not mention the theme of his poverty. ASR, TCrG, processi, 1630, vol. 244, 215r–v, 254v.
126. Gallucci was one of the witnesses called to testify on Benedetti’s behalf; ASR, TCrG, processi, vol. 244, 406v–15r. In his testimony of 12 and 14 October 1632, Gallucci said that he worked for Giovanni Francesco Gargario, titleholder of office 9. Although François (1886) places this office in the hands of Gargario’s successor, Giovanni Francesco Abinante, by 1632, financial records indicate that Abinante was not admitted to the Capitoline college until 1637; CCN, Registro delle congregazioni, Libro della massa, vol. 11, 92v. Nevertheless, the same source showed Abinante owing massa from May 1635 (ibid., 39). For Gallucci’s presence in Cortellacci’s office, see ASVR, S. Giovanni della Malva, s. a. 1631, n.p.
127. ASR, TCrG, processi, vol. 244, 251v–54v.
128. ASR, TCrG, processi, vol. 244, 324r–28v, 330v–31r. Alberti was interrogated on 15 March and 26 June 1632.
129. ASR, TCrG, processi, 1632, vol. 278, 815r–817v. The brief dossier consists of the complaint of the plaintiff and a statement from a witness, which vividly describe the shake-down by the notary and a constable from his prison.
130. ASR, Inv. 278 II, pt. 1, 99–108.
131. ASR, TCrG, processi, 1630, vol. 244, 27r–v, 60r–v, 64r–v, 247v, 254v.
132. ASR, TCrG, processi, 1630, vol. 244, 60v–61v.

133. Except for the elected position, Fulvio Benedetti would have leased the other offices. Of Giustiniani’s other giovani from this period, we know that Horatio Martagna, who worked as his sostituto from December 1631 to Lent 1633, later became a papal notary “di Camera,” leasing office 8 of the secretaries and chancellors of the Reverenda Camera Apostolica from 1655 to 1658. Giovanni Matteo Massari of Velletri, who joined the office around December 1631, was Giustiniani’s eventual successor in 1645.

134. Although close inspection of Capitoline protocols would certainly add more examples, I have found four cases of sostituti who eventually became titleholders, only one of whom was in the same office. Agabito Ricci, sostituto in office 22 in 1588, became titleholder of office 1 in 1590; Joseph Frosciantes, a sostituto in office 9 in 1597, became titleholder of office 37 in 1601; Alessandro Palladio, sostituto in office 21 in 1598, became titleholder of office 22 in 1608; Angelo Giustiniani, sostituto in office 11, became its titleholder in 1611.

135. ASR, TCrG, processi, 1630, vol. 244, 569r.

136. Nucci had his own bedroom above Giustiniani’s office, but the mix of generations in the house seems not to have been without tensions. Irritated by the teasing of the giovani, Nucci occasionally chased them around the room with a club; ASR, TCrG, processi, 1630, vol. 244, 401v. Nucci was involved with office 11 as early as 1596; he served briefly as sostituto in office 25 in 1597, but was back in office 11 by 1599; ASR, CCN, Registro delle congregazioni, Libro della massa, vol. 8, n.p. (April 1596, June 1597), vol. 9, n.p. (August 1599, September 1600).

137. ASR, TCrG, processi, 1631, vol. 264, 513v; he supplemented this with work in the chancery of Tor di Nona prison.


140. ASR, TCrG, processi, 1630, vol. 244, 267r–68r, 334r–v.

141. ASR, 30 NC, uff. 2 (Bonanni), Testamenti, 1627–34, 426r; ASC, AU, sez. 31, vol. 19, 575v. Angelo Falcidio, a former giovane in Giustiniani’s office, accompanied his new boss, Antonio Lucatelli, notary of the Vicariato, to St. Peter’s to make his annual Easter communion; ASR, TCrG, processi, 1630, vol. 244, 533r.


143. The bequest was rogated with other sums owed Portia, perhaps back wages; ASR, Ospedale del SS. Salvatore, reg. 214, 35v. For a similar case, see Cavallo 2007, 140.


145. Fontaine (1993, 478) claims that credit was at the core of all notarial transactions. See also Brooks 1986, 196–97; Hardwick 1998, ch. 2; Hoffman, Postal-Vinay, and Rosenthal 1999.
146. According to Ago (1999a, 192), “Litigation occurred as a way of establishing the terms of transactions.” While acknowledging the dominance of debt in litigation, Smail (2003, 27) makes a different argument for motivation in lawsuits.

147. De Luca 1673, bk. 15, pt. 3, ch. 43. As Capitoline notary Erasto Spannocchia said in 1620, “The protocols are kept in the offices so that anyone can see them when they wish”; ASR, TCrG, processi, 1620, vol. 163, 1167v.


149. Ago 1999b, 400–1. She has found that even papal kinsmen and highly placed prelates, who of course had access to curial tribunals, sometimes chose the Capitoline court.

150. ASR, TCrG, processi, 1600, vol. 190, 370v. An instrument of 23 July 1628 shows that Lusanna had at least four hundred scudi invested in a società d’ufficio; ASR, 30 NC, uff. 11 (Giustiniani) 1628, pt. 2, 393r–v.

151. ASR, TCrG, processi, 1616, vol. 264, 601r.

152. ASR, TCrG, processi, 1631, vol. 538, 141v–45v. Palazzo Peretti is now known as Palazzo Fiano. Relations with sostituti were not inconsequential in the choice of notarial office; Feci 2004, 147.

153. ASR, 30 NC, uff. 25 (Raymundus) 1630, pt. 1, 277r; Nussdorfer 1993, 107.


155. ASR, TCrG, processi, 1640, vol. 358, 234r.


157. ASR, Ospedale del SS. Salvatore, reg. 214, 100r–01r; censi noted in reg. 216, 1r, 2r, 4v, 5r–v, 8r–v; Countess Virginia Mattei Spada’s payment to the notary’s estate for notarial documents, reg. 216, 9v.


159. As mentioned, office 17 was located on the Trastevere side of the river near Ponte Sisto. I know of no other Capitoline office in Trastevere; although there were certainly notaries further upstream in the Vatican Borgo area, they were not Capitoline notaries.

160. See Ago et al. 1998, 382, table 8, though some did more of certain types. By contrast, one notary of the auditor of the Camera did only società d’ufficio loans; Ago 1999a, 197. See also Verdi 2005, 454, 456.

161. To give an idea of the scale of their business, a topic that deserves more research, the charity that looked after new converts (neofiti) produced enough business acts in six years in the 1690s to fill a volume of 1,200 pages; Rocciolo 1998, 554.
they wanted him to record; their plan was to take a public copy to the conservatori for confirmation, which would make the rules enforceable.

168. Nussdorfer 1993, 112. They pointedly chose Bonanni over their guild’s usual notary Taddeo Raimondo.

169. ASR, Ospedale del SS. Salvatore, reg. 216, 4v, 2r, 7r. Notaries valued the regular income from this kind of relationship; D’Amico 1994, 92.

170. ASR, 30 NC, uff. 18 (Bonincontro) 1630, pts. 1–6.

171. ASR, 30 NC, uff. 9 (Garganus) 1630, pts. 1–3; Verdi 2005, 458.

172. ASR, 30 NC, uff. 28 (Vespignani) 1630, pts. 1–4.

173. Although the 1608 statutes of the hospital of the SS. Sacramento do not mention it, evidence that the secretary’s post was purchased appears in ASR, 30 NC, uff. 18 (Bonincontro), Testamenti, vol. 7, 19v. The confraternity of the Genoese nation in Rome elected Sancti Floridi to the job in 1630; ASR, Notai AC, vol. 2991, 45v–v.

174. ASR, TCrG, processi, 1630, vol. 244, 488v; ASR, 30 NC, uff. 11 (Giustiniani) 1630, pt. 1; 1631, pt. 3; ASR, 30 NC, uff. 2 (Bonanni) 1630, pt. 2; 1635, pt. 3. Office 11 had served another charity, the Domus Pia, since 1595 and the guild of fruit sellers since 1606, but Giustiniani added substantially to the business with these new clients in the 1620s; ASR, Camerale II, Notariato, b. 25, n.p. (inventory of Domenico Orsini’s office). Bonanni was notary for the orfanelli for almost forty years; Romani 1983, 3:807. In both cases, the institutions remained with these offices long after Giustiniani’s and Bonanni’s deaths.

175. The confraternity of the Annunziata had turned to his father-in-law long before venality and remained with the same office until Ottaviani’s death; ASR, Camerale II, Notariato, b. 25, n.p. (inventory of Francesco Maria Octaviani). See also ASR, 30 NC, uff. 13 (Ottaviani) 1625, pt. 1; 1630, pt. 1; Verdi 2005, 453.


177. Groppi 2000, 64; Nussdorfer 1993, 106. For example, the carpenters’ guild paid its notary five scudi a year; statuti (1617), 32v, in ASR, Biblioteca, Statuti, 377/5. The Accademia di San Luca, an organization of painters and sculptors, decided to pay its notary three scudi a year in 1623; ASR, 30 NC, uff. 15 (Spannocchia) 1623, pt. 1, 326r–v.

178. The carpenters addressed the issue directly. Saying that they did not want to have to hold up their decisions waiting for the notary’s giovane, they insisted that he “stay in our tribunal for at least two hours, and not [leave to] read summons in the Capitoline curia.” Quoted in Groppi 2000, 74. The guild tribunals were in the Palace of the Conservators next door to the Senator’s palace where the civil judges sat.


180. The evidence for its location at the corner is from 1645, but it may well have been there earlier; Ago et al. 1998, table 2.

181. As mentioned previously, the masons’ guild was another Raimondo client. See also Ago 1998a, 20.

182. Groppi 2000, 64.

183. ASR, 30 NC, uff. 18 (Bonincontro), Testamenti, vol. 7, 19v (codicil dated 25 January 1634).

184. ASR, TCrG, processi, 1620, vol. 163, 1123r–75r.
185. The censo is copied into the court record, ASR, TCrG, processi, 1620, vol. 163, 1128r–35r. See also Ferraro 1994, 2:958. Ferraro shows that Orazio del Bufalo also made loans (censi) worth many thousands of scudi; ibid., 887, 891. I am grateful to Patricia Waddy for information on Orazio del Bufalo and the property he used as collateral for this loan.

186. Erasto Spannocchia was understandably reluctant to reveal this information to the court, but it is clearly implied by his comments in ASR, TCrG, processi, 1620, vol. 163, 1149r, 1150r.


188. ASR, TCrG, processi, 1620, vol. 163, 1139r. Each sheet was numbered once on the recto, so these are not strictly speaking paginated but foliated. The Roman notaries’ verb for this numbering procedure was cartalare from the noun carta, meaning in this context a sheet of paper. The numbered sheets were said to be cartalatine.

189. Capitoline notaries were permitted to charge five scudi to make a public copy of a censo worth one thousand scudi; Bullarium 1857–72, 12:135, no. 6.

190. ASR, TCrG, processi, 1620, vol. 163, 1151v.

191. ASR, TCrG, processi, 1620, vol. 163, 1147r–48r, 1151v–52r. At his boss’s request, Cepollini made a public copy at the same time (1152r).

192. According to Baldus, a notary should not rewrite an instrument without a court order from the parties; Baldus 1599, 7:55v (ru. 48). On the notary’s tearing an instrument by accident, see Fenzonio 1636, 73.

193. ASR, TCrG, processi, 1620, vol. 163, 1125r.

194. ASR, TCrG, processi, 1620, vol. 163, 1126r.


196. ASR, TCrG, processi, 1620, vol. 163, 1149r.

197. ASR, TCrG, processi, 1620, vol. 163, 1148v, 1150r, 1163r.

198. ASR, TCrG, processi, 1620, vol. 163, 1147v, 1168r.

199. ASR, TCrG, processi, 1620, vol. 163, 1138r–v, 1164r. It should be noted that protocols sometimes do include out of sequence instruments inserted at the end of the volume; Ago et al. 1998, 377.

200. The evidence is scanty, but, as we have seen, sums of 11 to 15 scudi a month have been documented. Again, it is interesting to compare them to the figures published in 1621; the Capitoline notarial offices were supposed to provide an average annual profit of 150 scudi each; Dinarelli 1621, 15.

201. Paolo Vespignani (office 28) paid one hundred scudi a year in six-month installments to rent the house on Via dei Giubbonari where his office was located; ASR, 30 NC, uff. 2 (Bonanni) 1624, pt. 2, 548r; Felice Antonio de Alexandriis (office 8) paid the same amount for his space near the Pantheon; ibid., 1629, pt. 3, 185r–v, 214 r–v.


203. As mentioned, there were two civic offices for notaries, notary of the syndics of the officials [of the municipality] and notary of the paciere, who earned 7.5 scudi a year; Nussdorfer 1992, 93n.

204. Lorenzo Bonincontro is the exception in this as in so much else. Further research would undoubtedly bring to light more evidence on the other business interests of the Capitoline notaries. Francesco Arrigone of office 21, notary for the tavern keepers’ guild,
seems to have been part owner of an *osteria* in Piazza Monte Giordano; ASC, Protonotaro del Senatore, Conservatori, vol. 1, 428r–v. The titleholder of office 15 invested in a partnership with a secondhand goods dealer in 1616; ASR, 30 NC, uff. 15 (Moschinus), 1618, pt. 1, 191r–v. I thank Eleonora Canepari for this reference.

205. For example, the titleholder of office 16, Marco Tullio dell’Huomo in 1618, discussed earlier in this chapter, and that of office 29, Biagio Cigni in 1622, described by Ago 1998a, 149.

206. See reference to this practice in *Bullarium* 1857–72, 12:140, no. 136.

207. Flavio Paradisi (office 7) did this in several instances, including paying thirty-five scudi to Livio Prati’s heiress for the right to collect the fees due on transunti of her grandfather’s instruments; ASR, 30 NC, uff. 21 (Arrigone) 1635, pt. 3, 120v.


As we saw earlier in this chapter, some leases carried this stipulation. Titleholders also expected to provide constant access to clients coming to see business acts archived in the office’s protocols.

209. The jurist Cardinal De Luca likened civil proceedings to the four ages of man: infancy, when the suit was introduced, followed by adolescence, when evidence was gathered, then adulthood, when arguments and counter arguments were made, and finally old age, when the judge pronounced sentence; 1673, bk. 15, pt. 1, ch. 12. See also Salvioli 1925–27, 3.2:232–326, 503–36.

210. One of the definitions of the term *fede* in modern Italian is document or certificate. In early modern usage, the term denoted a signed copy that was not “public”; it was used in reference to both business instruments and judicial warrants (*mandata*).

211. In addition to previously cited sources on the copy rate, see the testimony of Angelo Giustiniani and numerous references in the 1612 reform legislation; ASR, TCrG, processi, 1630, vol. 244, 336r; *Bullarium* 1857–72, 12:126, no. 102; 135, no. 7; 136, no. 34.

212. *Bullarium* 1857–72, 7:221, no. 58. The city statutes explicitly imposed this rule on Capitoline notaries in 1580; *Statuta urbis* (1580), bk. 3, ch. 113.

213. 1363 statuti, bk. 1, art. 113.

214. As we saw in chapter 3, the earliest evidence for this is from 1446, and judicial acts led the way.

215. *SPQR Statuta* (1519–23), bk. 5, art. 12; see chapter 3.


217. Ago 1999b, 396. The role judges played in defining the types of warrant or summons on offer needs further research.

218. It has been argued elsewhere that even the poor knew how to use the courts to block a seizure of property; Kagan 1981, 85. In Rome, as we saw in chapter 3, the popes did not abandon the poor. In 1562 they banned written evidence in disputes involving two scudi or less, meaning that judges should hear oral arguments, and they raised this ceiling to five scudi in 1612; *Bullarium* 1857–72, 7:221, no. 61; 12:86, no. 5.


222. This is a central theme of Ago 1998a, chs. 5 and 6; 1999b; and 2000, but see also Ago 1996, 131.

224. The 1612 legislation also did away with the rate differential for house calls found in the 1580 statutes; *Statuta urbis* (1580), bk. 3, ch. 93. Clients paid the same fee regardless of whether the notary came to their home or shop, or they visited him in the courtroom or office. However, notaries were still allowed to charge for their travel expenses when examining witnesses outside the office; *Bullarium* 1857–72, 12:139, nos. 92, 93.

225. ASR, TCrG, processi, 1624, vol. 190, 371r. Lusanna’s testimony is from a 1616 trial inserted here.

226. This is pieced together from references in ASR, 30 NC, uff. 25 (Raymundus) 1631, pt. 1, 87r–v, 90r, but almost any contract would reveal a similar intersection of document types.

227. ASR, 30 NC, uff. 24 (Attilio) vol. 10, 587r.

228. ASR, Ospedale del SS. Salvatore, reg. 216, 87. Admittedly, she was not supposed to have been able to obtain a warrant with a simple copy.

229. For an example of a meeting explicitly authorizing litigation, see the painters’ confraternity in ASR, 30 NC, uff. 11 (Saravezzius) 1593, pt. 3, 168r–69v. I thank Peter Lukehart for this reference.


231. ASR, TCS, b. 2083; Ago 1998a, 76.


233. Ago et al. 1998, 377. They uniformly ignored the 1612 mandate that they bind their business acts every three months.

234. Ago et al. 1998, 376. This is the total number of contracting parties, not the total number of individuals.


236. ASR, 30 NC, uff. 13 (Ottaviani) 1630, pt. 2.

237. Roman notarial acts exhibited a high degree of formal stability from the fourteenth century onward; Verdi 2005, 450. Meetings (designated as *adunantia* or *congregatio*) usually began with the time and place of the assembly followed by the names of those in attendance; Nussdorfer 1993, 108.

238. Ago et al. 1998, 382.

239. Ago et al. 1998, table 8; Ago 1999a, 195.

240. This is admittedly a very crude indicator because it does not take into consideration the size of the protocols or the value of the transactions they record.

241. ASR, Camerale II, Notariato, b. 25, inventory of Giovanni Antonio Cimarroni in 1704. This is a more accurate source for the titleholders than the list in François 1886, though the recent inventories of the fondo 30 Notai Capitolini should be even more precise. In 1645 under Contucci, office 27 produced a total of 383 business acts, well below the average of 563; in the sample of fifteen offices, only offices 4 and 6 had a lower number (347); Ago et al. 1998, table 3. Although we have only limited information on ownership of office 27 over the whole period, the patrician Lelio Barisiani owned it in the 1630s.

242. ASR, Camerale II, Notariato, b. 25, inventory of Gaudenzio Antonio de Galassiis in 1704.

243. ASR, 30 NC, uff. 12 (Canini) 1632, pt. 1.
244. ASR, Camerale II, Notariato, b. 3, n.p., 31 December 1702.
245. Bullarium 1857–72, 12:135, no. 4. Despite the lengthy lists of fees in the 1612 regulations, the profession’s standard for the rest of the century, it is actually very difficult to find out how much any specific transaction earned a Capitoline notary. The series of mandatory office receipt books (libri receptorum) that contained this information has almost completely disappeared; the only extant seventeenth-century example covers the years 1673–78; ASR, Inventario 286 I, appendix D (office 37). The price of the Capitoline power of attorney (mandato di procura) comes from part of office 20’s receipt book that was copied into trial testimony; ASR, TCrG, processi, 1640, vol. 358, misnumbered folio between 195 and 196.
247. It was not uncommon for testators to specify in their wills the amount the notary should be paid by heirs.
248. ASR, 30 NC, uff. 2 (Bonanni) Testamenti (1627–34). Despite its title, the volume includes a range of other instruments, though usually they are closely related to a will.
249. ASR, TCrG, processi, 1640, vol. 358, 135r–36v. The fact that Giustiniani’s sostituto worked extensively on a will that was rogated in a different notary’s office received much comment during the young man’s trial; ASR, TCrG, processi, 1630, vol. 244.
250. This point emerges in Giustiniani’s testimony; ASR, TCrG, processi, 1630, vol. 244, 335v–36v.
251. Ago estimates that they made up 12 percent of all contracts, while pointing out that more are hidden in nonspecific types like obligationes; Ago 1998a, 191. The involvement of Roman notaries in the commerce in money is documented from the fourteenth century; Lori Sanfilippo 2001b, 448.
253. Ago 1999a, 195n. For their origin in the fifteenth-century papal curia, see Partner 1990, 63. The locus classicus on the società d’ufficio (also known as compagnia d’ufficio) is De Luca’s 1673 treatment in Il Dottor Volgare, bk. 5, pt. 4. Another source, which I have not been able to consult, is Silvester Zacchias, De modo validè contrahendi societates super officij Rom. Cur. Sive Ad formulam instrumenti societatis officij (Rome: Reverenda Camera Apostolica, 1619).
254. Ago 1999a, 195–96. My description oversimplifies for, in fact, the way that these short-term loans were turned into de facto long-term loans involved some risk to the parties involved, which justified their elevated rate of return. Ago’s is the best technical discussion of the società d’ufficio available in English.
256. Romans seemed to have been fairly promiscuous in their choice of notaries for società d’ufficio loans, as is illustrated by the list of nine società d’ufficio owned by Lorenzo Bonincontro’s brother Camillo. Although he favored his neighbor Giovanni Battista Ottaviani, he also used the services of other Roman notaries; ASR, 30 NC, uff. 2 (Bonanni)
Testamenti (1627–34), 382r–v. This contrasts with the findings of researchers studying the role of notaries in the Parisian market for long-term loans, where clients definitely stuck to a preferred notary; Hoffman, Postal-Vinay, and Rosenthal 1999, 84.

257. ASR, TCrG, processi, 1630, vol. 253, 255r.
258. ASR, TCrG, processi, 1630, vol. 244, 324v.
262. The case is found in ASR, TCrG, processi, 1630, vol. 253, 251r–318v.
263. ASR, TCrG, processi, 1624, vol. 190, 350r.
265. ASR, TCrG, processi, 1624, vol. 190, 350r. For similar truffe in Vicenza in this period, see Lavarda 2002, 38.
266. ASR, TCrG, processi, 1624, vol. 190, 357v, 358v, 367v–68r.
271. As noted in chapter 3, more than thirty thousand volumes of business acts survive compared to fewer than four thousand volumes and folders of judicial acts; Archivio di Stato di Roma 1986, 3:1131, 1196, 1213; Verdi 2005, 438, 442, 445. Because the yearly output of protocols was roughly double that of manuali, at least in the seventeenth century, these figures give a rough sense of the disproportionate losses of judicial acts.
272. For the extant holdings, see ASR, TCS, Inv. 286 I. For the losses since 1704, cf. ASR, Camerale II, Notariato, b. 25, inventories. In 1704, for example, Canini’s successor (G. A. de Galassij) still retained all seventeen manuali originally produced in office 12 between 1640 and 1648; now only five exist. The same story could be repeated for other offices. Although many more manuali for the seventeenth century survive than for the sixteenth century, the series is spotty for the notaries in my 1630 sample: Bonincontro has none, for instance, while Scolocci has one a year for forty years of his more than fifty-year tenure. While useful for some purposes, another fragmentary series, testes (witness testimony), gives only a limited picture of the volume of Capitoline notaries’ judicial business. For more on this source, see Ago 1999b, 397–98.
273. In Sixtus V’s legislation, this was one-quarter of the fees for “registris, extractibus, instrumentis sententiarium, mandatis executivis, ac de immittendo, seu manutenendo in possessionem . . . ,” Erectio (1586) in Statuta (Rome, 1831), 44.
274. ASR, TCrG, processi, 1624, vol. 190, 373r.
276. The 1652 notarial college statutes added one-quarter of the fees from the following mandated related to public bonds (loca montium) “de transferendo loca montium; de delendo quaecumque vincula in dictis locis montium, vel eorum partitis descripta, atque apposita; quaecumque alia mandata secretariis locorum montium directa; de consignando, gratiosa et rigorosa, loco tamen mandatorum executivorum,” Statutes (1652) in Statuta (Rome, 1831), 18.
277. ASR, 30 NC, uff. 24 (Attilio) vol. 10. This *manuale actorum*, missing the first 286 folios, covers April through December 1630.

278. See, for example, ASR, TCrG, costituti, vol. 600 (1605), 88v; my thanks to Elizabeth S. Cohen for this reference. See also Ago 1999b, 406; Di Sivo 2001, 15. On costs of witness testimony: *Bullarium* 1857–72, 1:138–39, nos. 86–94. Although not mentioned among Capitoline fees, “summary testimony” in which witnesses did not answer questions but simply made a statement was available in the curia di Ripa for an economical three baiocchi; *Bullarium* 1857–72, 1:146, no. 3.

279. Ospedale di SS. Salvatore, reg. 216, unnumbered folio (loose) between 86 and 87. The quotation is from the plaintiff in the case against Capitoline notary Flavio Paradisi, discussed below; ASR, TCrG, processi, 1638, vol. 328, 1465v.

280. ASR, TCrG, processi, 1630, vol. 244, 491v. He was referring to the *maestri giustizieri.*

281. ASR, TCrG, processi, 1638, vol. 328, 1463r–66r. The plaintiff charged both Paradisi and his unnamed sostituto with forgery and added that they “were accustomed to doing such crimes and had been accused in several tribunals and in particular before the Capitoline court” (1466r). Although these cases have not yet come to light, Paradisi does figure in a bizarre slander case in 1646. Paradisi accused Lorenzo Lazzonio, who allegedly owed him money, of writing a defamatory libel calling him a cuckold (*becco*). Handwriting experts proved that Lazzonio was innocent, and the real author of the libels was Paradisi himself. Lazzonio added in his own defense that if he had wanted to injure Paradisi, he would have called him a forger (*falsario*), not a cuckold; Antonucci 1992, 266–67, 300–301.


284. ASR, TCrG, processi, 1635, vol. 306, 300r–01r. It is not clear that the plaintiff knew of Bernascone’s role, for he was not named in the original accusation.

285. ASR, TCrG, processi, 1630, vol. 244, 329r.


288. ASR, Ospedale del SS. Salvatore, reg. 216, 9v.


290. ASR, TCrG, processi, 1630, vol. 244, 423v–24r, 784r, 786r. This is a small contribution to the provocative question historians have recently posed of whether judicial corruption was perceived as misconduct or simply as one of a number of ways to make the early modern state function. The presence of so much private enterprise at the heart of what Fosi terms the “state apparatus of the ancien régime” makes the problem especially challenging; Fosi 1997, 28.


292. ASR, TCrG, processi, 1630, vol. 244, 265v–66r.

293. Fenzonio 1636, 57.

294. Erectio (1586) in *Statuta* (Rome, 1831), 41.


Evidence of litigation between a client and Giovanni Felice Iuvenale, the titleholder of office 24 from 1615 to 1629, can be found in his successor’s manuale for July 1630; ASR, 30 NC, uo. 24 (Attilio) vol. 10, 529v–30r, 536v–37r, 582r, 605r. Of course, they might also lodge criminal charges, as in Spannocchia’s case.

Chapter 6 • The State: Policing Notarial Practices

1. While not directly relevant to notaries, the suppression of nepotism was urged in the same circles that criticized venality; see Pellegrino 1994. It should be noted that the debates were frequently more daring than the ensuing policies.


3. The Capitoline notaries learned of the invitation the preceding December; ASR, CCN, Registro delle congregazioni, Verbali, vol. 2, n.p., meeting of 1 December 1672. At the Quirinal meeting, they made two main complaints. Asking for enforcement of the 1580 city statutes that mandated the use of the senator’s tribunal by all citizens and residents (incolae) of Rome, they claimed that the public was going elsewhere, especially for their supporting documents (informationibus). They also objected to the fact that soldiers cited to appear in their court were evading their creditors by going to the judge of the Castel Sant’Angelo. ASR, Congregazioni particolari deputati 43/2, 441–42, 741.

4. ASR, Fondo Carpegna, vol. 29, 146r–v (copy of a letter dated 9 February 1672); Donati 1994, 177. Twelve Capitoline notaries signed the petition. Their proposal was to borrow ninety thousand scudi via a monte camerale, pay off about thirteen thousand in debts and charges, and purchase the sixteen offices that would be suppressed. They would then repay the loan at the rate of thirty-six hundred scudi a year. The sixteen suppressed notaries would go to work for the fourteen remaining titleholders, who would be authorized to add on to their residences or lease more space without an increase in the rent.

5. ASR, Congregazioni particolari deputati, 43/2, 718–19, 731.

6. See appendix B, discussed later in this chapter. Adding to the strain might be a decline in the use of notaries, as Ago (2000, 42) suggests. Further research would be needed to confirm this hypothesis. I have tried to verify it using the crude index of the number of protocols produced by a sample of the thirty Capitoline offices, as revealed by their early eighteenth-century inventories, but have been unable to discern a consistent pattern.


8. Most venal curial offices lasted until the nineteenth century: Frenz 1989, 68.


11. Decreta 1679, 1.

12. Decreta 1679, 1; Lauro 1991, 298–99. As we saw in chapter 2, Sixtus V had introduced a role for the cardinal prefect of the Segnatura della Giustizia in his 1586 legislation making the Capitoline notarial offices venal. Later records refer to the Capitoline notaries’ regular custom of reading summons before the cardinal prefect’s auditor; ASR, CCN, Registro delle congregazioni, Verbali, vol. 4, n.p. (18 September 1710, 3 October 1711, 18 October 1711).

13. Decreta 1679, 8. Interestingly, he chose as the standard rate the fees authorized by the 1580 civic statutes for use in the Capitoline court.


16. Rubb. 36, 37, 42, 46, 61, ASC, Camera Capitolina, Cred. IV, vol. 88, 0149r–0151v, 0155r. By 1679 it was no longer necessary to specify that would-be notaries should not have performed manual labor for four years.

17. As we saw in chapter 2, a one-year apprenticeship with an attorney or notary had been mandated in the 1446 statutes of the Capitoline notarial college. This was raised to three years in the 1521 city statutes, only to be dropped altogether in the final redaction of the city statutes of 1580.

18. Donati 1994, 169, 174–75. It was said that ninety-seven courts were suppressed by this legislation (165).


20. Pastor 1928–41, 33:4; Donati 1994, 176; Andretta 1982–. *Zelanti* was the contemporary term applied to the reformers in the Curia who asserted strict ecclesiastical principles at the expense of such long-standing customs as nepotism and venality.

21. Valesio 1977–79, 1286. Clement XI was elected in November 1700, and the Sollievo was reestablished in February 1701. For its initial establishment, see Lauro 1991, 528.


23. ASV, Fondo Albani, vol. 14, 40r–v. While the document is undated, I believe on the basis of internal evidence that it was composed in early 1702. See the discussion of the Archivio Capitolino later in this chapter.


26. ASR, Camerale II, Notariato, b. 3, n.p., dated Friday, 1 December 1702.

27. The ex post facto quality of this congregation is evident also in the fact that many affected petitioners seemed unaware of its existence, addressing themselves to Cardinal Marescotti, prefect of the Congregation of the Sollievo. (See also ASR, CCN, Registro delle congregazioni, Verbali, vol. 4, 2v.) Its ad hoc nature also helps to explain why it has no archival series of its own; cf. Blouin 1998, 279.

28. ASR, Camerale II, Notariato, b. 3, n.p., dated Friday, 1 December 1702. One of the judges for whom the thirty Capitoline notaries worked, the first *collaterale* Giovanni dei Gambis, later joined them; ASV, Misc. Arm. IV–V, vol. 45, 42r. Pastor 1928–41, 33:12.

29. Edict of 12 September 1588, ASV, Misc. Arm. IV–V, vol. 84, no. 178; Edict of 19 September 1637, ASV, Misc. Arm. IV–V, vol. 84, 162; see also the edict of 16 January 1643, ASR, Biblioteca, Bandi, vol. 18. In the Kingdom of Naples from at least the late sixteenth century inspectors were sent to provincial notaries to ensure compliance with regulations about how protocols were to be made; Nardella 1993, 288–89.

30. Cola, lxxiii–lxxix. I thank Dott.ssa Lucilla Cola for kindly allowing me to consult her thesis. This last instruction is found also in the 1704 decrees; ASV, Misc. Arm. IV–V, vol. 45, 44r.

31. ASR, Camerale II, Notariato, b. 3, n. p., questionnaire addressed to the secretaries and chancellors of the Reverenda Camera Apostolica (i.e., notaries of the Camera).

33. Because this tribunal had both civil and criminal jurisdiction, there were also particular questions for the sostituto who did the criminal cases. Did he extend the criminal judge’s decreto under the pertinent warrant on the same day? Did he register criminal warrants and decrees in a separate manuale or in the same one used for civil cases? Did he make public copies of the criminal sentences and record them with the rest of the case and bind them in a separate volume or with the office’s civil sentences? Each year did he bind criminal cases that had been concluded? ASR, Camerale II, Notariato, b. 3, questionnaire addressed to the secretaries and chancellors of the Reverenda Camera Apostolica; n.p.

34. Ibid., “Se habia carattere intelligibile e scritto corretto.”

35. It is likely that Guelfio and De Grandis did this part, because they routinely set the examinations for novizi and sostituti and were intimately familiar with notarial practices.

36. This is included in the unpaginated file, ASR, Camerale II, Notariato, b. 3.

37. ASR, Camerale II, Notariato, b. 3, n.p., visitation of the office of Giovanni Giuseppe Novio, titleholder and owner of office 12 from 1678 to 1703.

38. Depositions (testes) were supposed to be bound in their own volumes, but the inspectors instead found a great variety of practices in evidence. Sometimes they were recorded in loose notebooks, sometimes bound in the broliardo of judicial acts, and sometimes just stacked, as for example in office 24 where several years’ worth of testimony accumulated because there was not enough yet “to make a protocol”; ASR, Camerale II, Notariato, b. 3. This helps to explain the spotty survival of these valuable documents.


40. ASR, Camerale II, Notariato, b. 3, n.p. All details are drawn from the notebook recording the visitation of sixteen Capitoline notaries in this file.

41. ASR, CCN, Registro delle congregazioni, Verbali, vol. 4, 2v. The earthquake hit on 14 January 1703. Interestingly, they refer to their persecutors as the Congregation of the Sollievo.

42. See appendix B (“Proposte”) from ASR, Camerale II, Notariato, b. 3, n.p., n.d. While some issues raised in the “proposte” are referred to in meetings of the Capitoline notaries held before the inspection, its references to “questa congregazione” lead me to believe that it was written at some point after the decision was taken to launch the full investigation of the notaries in December 1702 and before completion of the final draft of the reform decrees in February 1704. The petition regarding the Archivio Urbano is found in ASR, Camerale II, Notariato, b. 16, fascicle 36. Although it too is undated, it is addressed to Cardinal Marescotti.


44. See appendix B.

45. Ibid.

46. Ibid. In fact, Paul V’s legislation may have fostered a version of this disdained judicial practice; see Bullarium 1857–72, 12:97, no. 9.

47. ASR, Camerale II, Notariato, b. 16, fascicle 36.

49. ASR, Camerale II, Notariato, b. 3, n.p. These “public notaries” are listed with their locations in a document dated 1703; the list seems to have been drawn up in order to ascertain which had made inventories of their holdings.

50. In ASR, Camerale II, Notariato, b. 3, there is a page of notes headed “in the Capitoline notaries’ offices” that begins “in addition to the failings common to the other notaries” and lists fourteen items. These range from the general, “missing tables of contents in many volumes,” to the quite specific, “in Pasquarucci’s office [8] the instruments are torn in many protocols” or in office 6 “some instruments have not been extended according to the tenor of the matrici.” This document must represent a preliminary processing of the notes on the thirty visitation reports.

51. ASR, Camerale II, Notariato, b. 3.


53. ASV, Misc. Arm. IV–V, vol. 45, 43v. It proved impossible to prevent all future absurdity: a cache of several hundred sealed wills dating from 1598 to 1798, which were deposited in the Archivio Urbano, recently came to light; Scano 1989.

54. Drafts of the decrees are included in ASR, Camerale II, Notariato, b. 3, n. p. My source for the published decrees is ASV, Misc. Arm. IV–V, vol. 45, 41r–50r. The decrees addressed specifically the notaries of the Camera, the vicar, the auditor of the Camera (AC), the Rota, and the Capitoline curia plus, representing the College of Scriptors, the notary of the Archive.

55. The most important common orders regarding judicial acts in 1704 were those requiring that notaries copy the judge’s decree on the back of the relevant warrant the day it was handed down, and that they keep a separate manuale for each judge with the decree and warrant, written out in full; ASV, Misc. Arm. IV–V, vol. 45, 44r.


58. ASV, Misc. Arm. IV–V, vol. 45, 42v. See also the discussion of the Archivio Urbano in this chapter.


60. ASV, Misc. Arm. IV–V, vol. 45, 44r. The inspectors must have tried to read some of the old judicial manuali for the decrees specified for the first time that they be written clearly and on good-quality paper.


63. ASV, Misc. Arm. IV–V, vol. 45, 45r. Other evidence indicates that the deadline was 7 June 1704.

64. ASR, Camerale II, Notariato, b. 25 contains the inventories.

65. As discussed in chapter 4, a more limited procedure had been envisioned in the sixteenth century when civic legislation required heirs or the staff of the Archivio Capitolino to prepare inventories of the protocols of deceased Capitoline notaries.

66. The offices of the thirty Capitoline notaries held a total of fifteen thousand volumes in 1704; Verdi 2005, 443.
Although it would take detailed analysis of all the 1704 notarial inventories to verify the claim, the notaries AC, who were unsuccessfully attempting to obtain inheritability of their vacabili offices in the 1650s, did make the point that “l’esempi delli notai capitolini ridotti da Papa Paolo V da vacabili à non vacabili, che questo sia motivo di poter meglio conservare le scritture con maggiore amore mentre siano perpetui in una casa.” ASR, Congregazioni particolari deputati 43/2, 482r.

ASR, Camerale II, Notariato, b. 25, inventory by Francesco Maria Octaviani, n.d. [1704].

ASR, Camerale II, Notariato, b. 25, inventory by Gaudenzio Antonio de Galassijs, n.d. [1704].

ASR, Congregazioni particolari deputati 43/2, 144–214, includes inventories from the 1730s from nine Capitoline notarial offices.


They should have “decent habits and be well taught in fluent, correctly spelled Latin and clear, legible script”; ASV, Misc. Arm. IV–V, vol. 45, 42v.

Although the involvement of the notaries with venal offices was not mentioned, the Capitoline notaries had continued to participate in the examinations as late as 1702; ASR, CCN, Verbali, vol. 3, n.p., 5 October 1702.


Depositions were to be recorded in bound volumes, not loose sheets. The new manuale for summons had already been described in the section of common instructions for all notaries; ASV, Misc. Arm. IV–V, vol. 45, 44r.

ASR, Camerale II, Notariato, b. 3, n.p., n.d., manuscript sheet headed “in the Capitoline notaries’ offices.”

ASR, Camerale II, Notariato, b. 3, n.p., n.d., contains the requests for extensions from a half-dozen Capitoline notaries, which usually bear in another hand notations like “fifteen days” or “one month” indicating the outcome. The same file includes the list of those who had and had not yet turned in their inventories (dated 7 June 1704).

ASR, Camerale II, Notariato, b. 3, n.p., 21 August 1704. The tone of the letter is solicitous. While warmly appreciative of the efforts the seventy-seven-year-old Marescotti had made in personally visiting the offices, the pope bids him not to do it again “since you have already suffered enough.”

ASR, Camerale II, Notariato, b. 3, n.p., 10 August 1704.

ASR, Camerale II, Notariato, b. 3, n.p., 28 October 1704. These were single officials, the notary of the Archive (Archivio della Curia Romana), the Borgo, agriculture, Ripa, and Ripetta. Of course, their courts did have judges, but not of the same rank as the major tribunals.


ASV, Misc. Arm. IV–V, vol. 45, 13r, edict of cardinal chamberlain, 29 May 1705. One
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of the findings of this investigation was that local archives were in desperate need of dry rooms; ASV, Fondo Albani, vol. 14, 36r–38r.

89. Guasco 1919a, 14, 101–2. Three years later on 4 March 1704 civic authorities voted that an inscription to read “Archive of the Roman People” be placed over the entrance of the room they had confiscated; ibid., 16.

90. While the notaries did not dispute this, they could not be accused of lack of foresight. Their petition to the conservators in November 1614 asking for a decree that the room be granted to them in perpetuity had been ignored; ASC, Camera Capitolina, Cred. VI, vol. 59, 319r.

91. ASR, Camerale II, Notariato, b. 3, “gl’espone che nella bolla della Sa. me. di Papa Sixto V.” The contents of the folders in this series are not paginated, and many are without dates. Because salutations of petitions to the pope are conventional, opening phrases often do not distinguish different documents. Here I have identified sources by quoting the first line after the salutation.

92. ASC, Camera Capitolina, Cred. I, vol. 41, 100v.


94. ASR, Camerale II, Notariato, b. 3, “gl’espone che nella bolla della Sa. me. di Papa Sixto V,” which is the notaries’ account, contradicts the version based on civic records in many details; cf. ASC, Camera Capitolina, Cred. I, vol. 41, 103r, 106r; Guasco 1919a, 14–15.

95. ASR, Camerale II, Notariato, b. 3, “gl’espone che nella bolla della Sa. me. di Papa Sixto V.” The Palazzo Nuovo faced the Palace of the Conservators across the piazza. I would date this petition tentatively to January or early February 1702.

96. ASC, Camera Capitolina, Cred. I, vol. 41, 103r.

97. This was reported to a meeting of the Capitoline notaries on 14 February 1702; ASR, CCN, Registro delle congregazioni, Verbali, vol. 3, under date.

98. ASR, CCN, Registro delle congregazioni, Verbali, vol. 3, 22 May 1702.

99. ASV, Fondo Albani, vol. 14, 39r–44r. Because the college’s meeting of 22 May 1702 refers to orders to undertake specific tasks that are proposed in this memorandum, it appears to predate that meeting. The specific knowledge and assured tone of the writer point to the cardinal’s authorship.

100. Pastor 1928–41, 33:503 n. 3.


102. ASV, Fondo Albani, vol. 14, 39r.

103. ASR, Biblioteca, Bandi, vol. 2, no. 164, art. 1.

104. ASV, Fondo Albani, vol. 14, 39v, 41v–42r.

105. See, for example, the July 1626 edict in Archivio Urbani Erectio 1629, 37–39.

106. ASV, Fondo Albani, vol. 14, 39v–40r. It was Sixtus V’s 1586 legislation making the Capitoline offices venal that gave the college authority over the Archivio Capitolino, although not without oversight from the civic magistrates. The memorandum wrongly identifies the 1562 edict as emanating from Pius IV; this misunderstanding was corrected in later papal directives to the college, to the advantage of the papal treasury.


108. ASR, CCN, Registro delle congregazioni, Verbali, vol. 4, 1r (4 December 1702).

110. ASR, CCN, Registro delle congregazioni, Verbali, vol. 4, 10r–12v (18 December 1703).

111. ASR, Camerale II, Notariato, b. 3, “gl’espongano che p[er] ridurre in protocolli.”

112. We recall that the 1521 city statutes mandated the use of italic script by notaries for court records; *SPQR Statuta* (1519–23), bk. 5, art. 10. The process of forgetting how to read the gothic hand was already well underway in Rome by the sixteenth century.

113. Income from transunti never exceeded thirty scudi a year, and was sometimes considerably less; ASR, CCN, Registro delle congregazioni, Libro della massa, vol. 13 (1667–81), 91r–94r, 114r; ibid., Verbali, vol. 4, n.p. (18 October 1709; 18 October 1711).

114. The conservators were induced to shift eighty scudi from the budget for their 1704 carnival banquet to the Capitoline notaries for archive expenses; Guasco 1919a, 103; ASC, Camera Capitolina, Cred. VI, vol. 57, 127r.

115. ASC, Camera Capitolina, Cred. IV, vol. 61, 106v–108r. The inventory, which is in the same volume, is a document that merits further study. It is 104 folios long and organized by drawer (*cassetta*), each of which apparently contained up to ten volumes. Business acts were separated from judicial acts; there were 207 drawers of protocolli and 177 drawers of judicial acts (mainly manuali and witness depositions). The notaries claimed that the inventory had been checked by one of their judges, by someone deputed by Marescotti and by the two members who held the office of archivist that year (107r). See also ASR, CCN, Registro delle congregazioni, Verbali, vol. 4, 23r–24v.

116. ASC, Camera Capitolina, Cred. IV, vol. 61, 107r. It was not as light as it had been in the notarial statutes of 1652, however, when it was the job of the paid *custos*, not one of the Capitoline notaries themselves, to be in attendance during the archive’s opening hours; Statutes (1652) in *Statuta* (Rome, 1831), 10. I have been unable to determine whether the exiled judicial acts remained in the attic of the Palazzo Nuovo.


119. Lori Sanfilippo 1987, 114n.

120. ASV, Fondo Albani, vol. 14, 45r. At Santa Maria Nova, Lori Sanfilippo (1987, 103 n. 17) found a record of the deposit of Venettini’s protocols dated 20 October 1712.

121. ASV, Fondo Albani, vol. 14, 45r. The cardinal chamberlain could not apparently force another cardinal to turn in an overdue book.

122. Lori Sanfilippo 1987, 103, 117n; Verdi 2005, 438.


124. ASR, Camerale II, Notariato, b. 3, request to Cardinal Marescotti for reimbursement from Giovanni Battista Jacobelli, n.p., n.d. I would date this to 1703 or 1704. Jacobelli was one of the two college officials who signed off on the archive inventory before the meeting of 23 June 1705.

125. At the meeting of 18 October 1709 the total earned from archive fees the preceding year was just over seven scudi; at that of 18 October 1711 the total was just over thirty scudi; ASR, CCN, Registro delle congregazioni, Verbali, vol. 4, n. p. (under date).

126. That the notion of a historical archive was not unthinkable is evidenced by the civic government’s decision in 1722 to find a qualified archivist for Rome’s municipal archive; Romani 1983, 3:783–85.
128. ASC, Camera Capitolina, Cred. IV, vol. 61, 107r–108r. For example, the transunti procedure and the manner of choosing college officials who would be responsible for the archive each year reflect the notarial statutes of 1652.
129. We recall that original documents in the notary's protocols would have borne the mark (l'archiviatione) of an official of the Archivio Urbano, if the proper procedure had been completed, and also that the brief of the Archivio Urbano was copies of wills and long-term loans secured on land (instrumenti perpetui).
130. ASV, Fondo Albani, vol. 14, 39r–44r. As mentioned in the preceding section, I believe that he was the author and that on the basis of internal evidence it dates to the early months of 1702.
133. Benedict XIII (1724–30) attempted to redress this inevitable inconsistency in 1728 by ordering that a cardinal visitor be appointed to undertake an inspection every ten years and that its records be kept in a special volume in the acts of the notary AC Giuseppe Perugini; Constitutio 1728, 3–6. Although this may have happened in the 1730s, I have been unable to find later traces. See also Verdi 2005, 444. On Benedict XIII's archival interests, see Loevinson 1916. For additional papal archival legislation (1712, 1721, 1748), see Enchiridion 1966, 68–150.
134. Valesio 1977–79, 2:325. Even papal sources are contradictory. In the packet of un-dated, unpaginated documents grouped together as ASR, Camerale II, Notariato, b. 22, one indicates that the Archivio Urbano was in Piazza Colonna and needed more space, while another claims it was moved from “stanze del cortile” in the Vatican palace to the Torre dei Venti in 1698. The reason for the move may have been dampness.
135. By 1703 a Vatican location is securely documented. A cluster of preliminary investigations into converting space in the palace for the use of archives is found in ASR, Camerale II, Notariato, b. 3, n.p. The Archivio Urbano is described in one as “in luogo detto Tor de Venti” and in another as above the gallery on the garden (west) side. The architect Carlo Fontana, who was charged with assessing whether the attics (tetti) above the gallery were suitable for archives, completed his report, included in this volume, by 23 July 1703; n.p. See also Court-right 2003, 3.
136. Constitutio 1728, 45–46. The custodian was ordered to keep it open Saturday mornings from November to June. The editor of the Valesio diaries details the later travels of the Archivio Urbano; Valesio 1977–79, 2:789n.
138. ASV, Misc. Arm. IV–V, vol. 45, 42v. Interestingly, listing in this record is referred to as matriculation, reviving the letter, if not the spirit, of the city's late medieval notarial profession.
139. ASV, Misc. Arm. IV–V, vol. 45, 43r.

140. This document, without date or page, is inserted into a bundle of papers related to the 1702 inspection of the offices of the secretaries and chancellors of the Reverenda Camera Apostolica (identified on the reverse as “Secretarij di Camera”); ASR, Camerale II, Notariato, b. 3.

141. Benedict XIII actually confirmed Antonelli in the job for nine more years in 1724; ASR, Camerale II, Notariato, b. 22, n.p., n.d.

142. For a range of views, see ASR, Camerale II, Notariato, b. 22, fascicle 56 (where the date of the edict is erroneously given as 1659) and the job application of Domenico Carbone, also in b. 22, n.p., n.d., as well as the memorandum that I attribute to Cardinal Marescotti, ASV, Fondo Albani, vol. 14, 40r–v.

143. ASV, Fondo Albani, vol. 14, 45r. Because the report mentions the recovery of Venetini’s protocols, it must postdate their delivery by the prior of Santa Maria Nova in October 1712; Lori Sanfilippo 1987, 103n.

144. For Laurentius de Bertonibus, active 1469–1503, see Guasco 1919b, 242.

145. In fact, these would never arrive at the Archivio Urbano. They entered the Vatican Library in the early twentieth century; Lori Sanfilippo 1987, 103, 117n.

146. The notaries of the vicario could well have defended themselves by recourse to their exemption in the 1704 decrees; ASV, Misc. Arm. IV–V, vol. 45, 43v.

147. ASV, Fondo Albani, vol. 14, 45r.

Conclusion

1. Santoro 1995, 139–44.
3. Of course, civil tribunals functioned as a support of last resort; Ago 1998a, 156–57. For the antiquity of this contractual culture, see Pomata 1998, 26–30.
8. Two examples remind us of the effects authority can have on writing practices and documentation even in the contemporary world. On 1 October 2000 the federal law of the United States gave the electronic signature the same legal status as the manual signature. In 2001 a decree of the Italian government of Prime Minister Silvio Berlusconi withdrew evidentiary status from photocopies; applying this legislation retroactively to current trials meant that foreign documents could no longer be admitted in court.
9. For examples of the notaries’ responsiveness to changing political power in Rome in two moments of transition, one enduring (the papal return from Avignon) and one temporary (the sack of 1527), see Lori Sanfilippo 2008, 24–25, and Esposito and Vaquero Piñeiro 2005, 136.