

CITY NOTARIES AND THE ADMINISTRATION OF A TERRITORY: LUCCA, 1430–1501

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In Lucca in 1430 the republic was restored after 30 years of princely rule. The restored republic ruled over a territory that included much of the Versilia and parts of the Garfagnana. The important role played by notaries in the administration of the territories of both cities and princes has long been recognized. Moving rapidly from office to office, notaries were key figures in the courts, as administrators, and for the fisc. The present article examines the functions, personnel, reputation and effectiveness of notaries in the service of fifteenth-century Lucca following the restoration of liberty. Much attention has been paid to state-formation and territorial administration in the recent literature; relatively little to the precise role played by notaries. This article aims to provide a case study against which experiences elsewhere can be measured. Lucca was distinctive in the fifteenth-century context by virtue of its continued independence as a traditional city-state. Comparisons have been drawn between Lucca and its neighbouring states, but with due recognition of the obvious differences that divide Lucca both from the newer territorial conglomerations and from subjected cities that continued to enjoy extensive, supervised rights over their local administration.

Nel 1430 a Lucca viene restaurata la Repubblica dopo trent'anni di governo signorile. La Repubblica restaurata governa su un territorio che include la gran parte della Versilia e porzioni della Garfagnana. L'importante ruolo giocato dai notai nell'amministrazione dei territori sia della città sia dei principi è già stato da tempo riconosciuto. Muovendosi rapidamente da ufficio a ufficio i notai sono stati figure chiavi nelle corti, come amministratori e per quanto concerne il fisco. Il presente articolo esamina le funzioni, il personale, la reputazione e l'efficacia dei notai nel servizio della Lucca quattrocentesca nel momento successivo alla restaurazione della libertà. Nella recente letteratura è stata posta molta attenzione alla formazione dello stato e all'amministrazione, mentre relativamente meno al ruolo preciso giocato dai notai. L'articolo vuole essere un caso studio utile come base comparativa per esperienze analoghe in altri contesti territoriali. Lucca nel XV secolo è stata caratterizzata dalla sua continua indipendenza come città-stato. Paragoni sono stati fatti tra Lucca e le realtà statuali confinanti, ma con il dovuto riconoscimento delle ovvie differenze che distinguono Lucca sia dalle nuove aggregazioni territoriali sia dalle città sottomesse che continuano a godere diritti ampi e supervisionati nella amministrazione locale.

In the cities of medieval and Renaissance Italy, notaries constituted the permanent core of the office-holding class. Indeed, the prominence of notaries can be seen as a quintessential feature of urban Mediterranean culture. They were responsible for recording every procedural action in the civil and criminal courts, but they were

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far more than professional court scribes; they might play an independent judicial role, and they were key figures in the administration of city territories. Despite their importance, the activities and functions of notaries in the administration of city territories have been very largely ignored in the historical literature.² Insofar as notaries have figured in studies of the fifteenth-century Italian state, the focus has been on their reputation for rapacity and self-enrichment (Zorzi, 1987: 739–41). The preoccupation with fraud and corruption dates back to Boccaccio. The present article explores the importance and functions of matriculated notaries of the city of Lucca in the governance of that city's widely dispersed territories. It asks why some notaries were prepared to leave the city, often for careers in the countryside that spanned several decades. And it examines the reputation and effectiveness of the notaries engaged in the vicariates and *podesterie* of the Lucchese state in the context of the wider (often negative) literature on medieval Italian notaries as office-holders.

LUCCA: ITS TERRITORY AND OFFICE-HOLDERS

Despite Florentine ambitions to expand its control over the whole of Tuscany, the city of Lucca in northwestern Tuscany survived the fifteenth century as one of the few remaining examples of a traditional Italian city-state. The Lucchese state, beyond the Sei Miglia,³ had long been divided into discrete territorial units called vicariates. By the closing decades of the fifteenth century the number of vicariates had come to be fixed at seven.⁴ The Lucchese citizens elected to rule the vicariates as vicars were accompanied by one or more city notaries. Both vicars and notaries were usually elected for a six-month term (a semester). Most vicariates were serviced by a single notary, though important vicariates might have more. From 1481 Coreglia was given two notaries, whilst Camaiore's two notaries were increased to three. After 1497 the recovered vicariate of Pietrasanta had no fewer than four notaries (compared with the three who had served in Pietrasanta before its loss by Lucca in 1436). Where there were multiple appointments, notarial duties in the vicarial courts, the chancery, and the administration and collection of taxes (*gabelles*) were sometimes partitioned between the individual notaries; sometimes the same notaries fulfilled these roles promiscuously.⁵ Between 1430 and 1501, 141 individual Lucchese

² There is a neat summary of recent studies and their foci in Bonacini, 2013: 47–51.

³ The Sei Miglia refers to Lucca's hinterland: the plain surrounding the city and administered directly from the city; roughly — though very imprecisely — within a 6-mile radius of Lucca.

⁴ Camaiore, Castiglione, Coreglia/Borgo a Mozzano, Galliciano, Minucciano, Valdilima and Valleriana. Pietrasanta was briefly reclaimed as a Lucchese vicariate from April 1496.

⁵ Responsibility for indirect taxes (*gabelle*), for example, might be attributed to a particular notary, or shared between notaries: Rif. 14: 34; 16: 818. In November 1480 it was proposed in the Consiglio Generale that the office of notaries of the court and chancery of Camaiore 'eset promiscuum': Rif. 21: 175–6. In fact, the Council of Thirty-Six chose to continue to elect a

notaries were elected to the vicariates (of whom eight appear never to have actually served). In their scribal work they might be assisted by unmatriculated notaries: young men learning their trade, whose names can sometimes be captured from the matriculation records of the Collegio de' Dottori e Notari (CDN 2, fols 77r–78r, 86r–v, 88r).⁶

Within and beyond the borders of the vicariates were a small number of *podesterie*, some of which were of brief existence. These *podesterie* were either isolated enclaves of Lucchese territory, or they were individual fortified settlements (*castelli*), both within the vicariates and in the Sei Miglia, that were deemed to require special attention and supervision. In most cases — though not in Nozzano, Vicopancellorum (1472) or Coreglia (1485–6) — the post of *podestà* was reserved for notaries. Indeed, the notary in the chancery of Camaiore later became, *ex officio*, *podestà* of Monteggiori.⁷ Of the 133 notaries who served in the courts of the vicariates, at least 62 appear also in the office of *podestà*; another seven became *podestà* without ever holding notarial office in the vicariates.⁸ Notaries were never elected to the higher dignity of vicar,⁹ though during the Florentine wars of the 1430s there are several examples of notaries despatched into the countryside with the ad hoc title of commissary (*commissario*).¹⁰ The vicariates and *podesterie* are shown in [Figure 1](#).

Notaries serving in the courts of the vicariates (like those serving urban courts) generated the detailed recordings of civil and criminal proceedings that are so plentifully preserved in the archives of fifteenth-century Lucca. Already by the early thirteenth century, following the Fourth Lateran Council, proof of due legal process required the orderly keeping of court books. The glossator Johannes Teutonicus (b. c. 1170, d. 1245) linked competence to record legal proceedings to the public trust enjoyed by the properly accredited notary (Sinisi, 2006: 217–21; Brundage, 2008: 147, 213–14; Lepsius, 2008: 390–1). The form of the written documentation that was required for all stages of the legal

separate notary to the chancery of Camaiore (and the *podesteria* of Monteggiori). The effect of the change was rather to increase the number of court notaries in both Camaiore and Coreglia from one to two, both appointed 'cum officio mixto'.

⁶ Notaries were much more likely to serve their apprenticeships doing copying work for city notaries and in the city courts.

⁷ In the early 1430s the Anziani alone were responsible for the election of the *podestà* of Monteggiori (though he was always chosen from among notaries serving in the courts of Camaiore or Pietrasanta): Rif. 14: 354, 440, 646, 789.

⁸ Ser Ranieri di Antonio Bartolomei, ser Piero Octobuoni de' Cattani da Massa Lunese, ser Andrea di Nicolao Domaschi, ser Bartolomeo Gabrielli, ser Nicolao Giusfredi da Pietrasanta and ser Stefano di Nicolao Martini.

⁹ An apparent exception is ser Giovanni di Paolo de' Medici da Moncigoli, named as vicar of Minucciano in June 1479: SB 186, fols 129r–v, 136r.

¹⁰ Rif. 14: 67, 119, 128, 139, 204, 218, 256, 300, 432, 639, 782; 15: 109. As wartime *commissario* of Casoli and of the lands of Lunigiana and Garfagnana in November 1432, ser Nicolao Colucci da Pietrasanta held court, examined witnesses and redacted notarial instruments: ASF NAC, N115 (ser Nicolao di Coluccio di Pellegrino da Pietrasanta, 1432–4), fols 3r–6r, 30v–33v.



Fig. 1. The Luccese state post-1450 (map drawn by Mrs Wendy Job, and first appeared in *Urban History* 42 (2015), p. 184).

process was further defined and refined in formularies, especially that of Rolandinus Passagerii (b. c. 1215, d. 1300) (Lepsius, 2008: 395). More precise details were determined by the statutes of individual cities and courts (Lepsius, 2008: 414, 430, 465). In Lucca, the syndication process (the judicial examination of outgoing office-holders) reveals some irregularities in record-keeping, and the

occasional failure to deposit court books in a timely fashion in the city treasury (the *camera communis Lucani*).¹¹ By the fifteenth century, the notebooks (*vacchette*) of ser Antonio Nuccorini suggest that court books were usually delivered conscientiously to the *camera* — whether personally, as the notary passed through Lucca en route from one posting to the next, or by means of a messenger.¹² The decades after 1430 provide few examples of the breach of Lucca's strict laws governing the keeping and depositing of the acts of vicarial courts.¹³

Individual notaries might be drawn from among the leading families of Lucca.¹⁴ Others were recent immigrants from the surrounding countryside, following a classic path to upward mobility. Notaries of diverse backgrounds were not infrequently elected to Lucca's governing council of nine Anziani;¹⁵ less frequently they headed the college as *Gonfaloniere di Giustizia*.¹⁶ For Florence, Martines (1968: 47–51, 54–7) has argued that the political importance of notaries declined from the late fourteenth century, with attempts from the 1430s to exclude them altogether from the principal public offices. There is no evidence of a parallel change in the very different political environment of fifteenth-century Lucca, though in both cities the notariate comprised men of widely differing provenance and social origins. The present article aims to explore not only the neglected role played by notaries in the administration of the city territory, but also to establish a profile of the kind of notaries who were likely to embrace (or to shun) a career that removed them from the advantages of urban life. The dynamics of a traditional *monocittadino* city-state (centred on a single city and on a single ruling urban élite) were very different from those of the regional or territorial conglomerations (more representative of the future) that came to surround Lucca (Bratchel, 2008: 144–69). Lucca's rule over its territories was more interventionist and intrusive but, paradoxically, much more fragile. The article will suggest that images drawn from the new regional or territorial states — not least with regard to the quality and local reputation of notarial office-holders — are not necessarily reflective of the older political formations like Lucca that continued to coexist alongside them.

¹¹ For some fourteenth-century examples (not all relating to court notaries): Lepsius, 2008: 452–60. For the fifteenth century: CF 1059, fols 12r–v, 42r–43v; SB 195, fol. 311r–v; Rif. 22: 158 (ser Pietro di ser Giriforte).

¹² For example, AN 504(1), fols 7v–8r. In citing AN 504(1–13), I have used the modern foliation.

¹³ Lepsius, 2008: 466, argues that, in the fourteenth century too, there seems to have been a widespread observance in Lucca of the statutory stipulations.

¹⁴ Including the Gigli, Guinigi, Mansi, di Poggio, Spada and Turchi. Writing of fifteenth-century Lucca, Polica (1987: 369) speaks of the “aristocrazia” del notariato’. For the identification of the notarial profession with the merchant-banking elite of medieval Bologna: Blanshei, 2010: 38, 127, 306–9. See the rather different perspective of Petti Balbi, 2006: 323–52.

¹⁵ According to my calculations, 73 notaries were elected to the *Anzianate* between 1430 and 1501 (many for multiple terms).

¹⁶ Notably ser Nicolao Gigli, ser Antonio Morovelli and ser Cristoforo Turrettini.

THE ROLE OF NOTARIES IN THE LUCCHESI COUNTRYSIDE

Notaries in urban offices exercised powers of justice in cases relating to revenues, customs and ostentatious display — notably as *maggiore ufficiale del fondaco*. In the vicariates, in minor matters of damage to property and trespass, the notary, together with local officials and with the consent of the plaintiff, might adjudicate cases that would otherwise have been referred to the vicar and to the appropriate vicarial court (the *curia dei danni dati*).¹⁷ Throughout the fourteenth and fifteenth centuries, in the absence of the vicar, there are many examples of notaries presiding over the vicarial court and issuing judgements in their own name.¹⁸ Mario Montorzi explains the imprecise boundaries between the role of the notary and that of a judge in terms of the intrinsic characteristics of medieval justice, with its focus on rigid procedural correctness, where little room was left for the judge's discretion (Montorzi, 1985: 25–7). Montorzi may have exaggerated the extent to which medieval judges were bound by inflexible legal rules (Fraher, 1989: 23–88). His explanation is clearly unhelpful for the courts of the vicariates and *podesterie*. In Lucca, jurists were favoured candidates for the post of vicar, but they were few in number and were often required in the city for more important business (Bratchel, 2015: 193–4). Most vicars (in Lucca as elsewhere) were drawn from the ranks of citizens with no legal training — the so-called 'iudices idiotae' (Martines, 1968: 34, 222). Most vicars must have been dependent on the superior legal knowledge of their notaries, some of whom had spent time studying civil law at the Universities of Bologna and Pisa.¹⁹

The judicial role performed by notaries is most sharply defined in the *podesterie*. *Podestà* were appointed to the important fortress of Nozzano, 8 km from Lucca, close to the border with Pisa. The responsibilities in Nozzano were primarily military and administrative; the office was not reserved for notaries and was held by the kind of men who on other occasions were elected as vicars. Military concerns might be paramount even in those *podesterie* that by statute were reserved for matriculated notaries. Periodically it was deemed necessary to insist that the *podestà* of Montignoso must reside within the walls of the *castello* (Rif. 17: 822; 18: 260).²⁰ In 1497, the notary ser Bartolomeo di Martino da Treppignana was reappointed to the *podesteria* of Montignoso and

¹⁷ On the powers of the notary as local chancellor: SCL 12, III, xlviiii. Cf. ASG MS 6, Statuti del MCCCCLXI, cc. 27, 29–30, 65. The options are clarified in BSL MS 764, Statuta et Ordines Oppidi Castilioni Garfagnana, cc. l–li. In such matters, the statutes of individual villages show a marked preference for reaching an internal settlement without any reference to the agents of the *dominante*: AN 1277 (ser Pietro Piscilla), fols 175r–178v.

¹⁸ VVL 1, no foliation; 111, fol. 15r; 1328, no foliation; AN 504(12) (ser Antonio Nuccorini), fol. 289v.

¹⁹ Martines (1968) frequently resorts to the distinction 'expert notary'.

²⁰ There were many plots to capture the fortress, for example: CP 36, fols 43r–46v, 57r–61r, 66r. For the challenges faced by the *podestà* of Montignoso: Archivio di Stato, Massa, Archivio Malaspina di Fosdinovo marchesi di Massa, busta 1, 38 (1480); busta 2, 3–4 (1483).

Castello Aghinolfi, notwithstanding the statutory *vacanza*, precisely because of his contribution to the defence of the territory (Rif. 24: 103–4).²¹ Elsewhere, however, the emphasis was clearly on the *podestà*'s judicial function. In 1471, the fractious community of Vicopancellorum petitioned for the appointment of a *podestà* (a notary or a literate layman) to spare them the expense of constantly travelling to the distant court of the vicar of Valdilima at Corsena for the settlement of every minor dispute (Rif. 19: 770–1).²² Here, as elsewhere, the *podestà*, under the jurisdiction of the vicar and with the vicar's support, was to provide summary justice in criminal and civil cases that involved sums up to £5, and the office was explained and justified in terms of the convenience of the local inhabitants (SCL 12, III, li).

The criminal and civil court records of the *podesterie* provide extensive evidence of the kind of cases handled by Lucchese notaries in their role as *podestà*. A *vacchetta* of the notary ser Antonio Nuccorini, covering the period 1433–62, enables us to trace the judicial role played by this particular notary during his frequent reappointments to Monteggiori (AN 504(10)).²³ Served by two local men as court messengers (*nunciilcafaggiari*), the civil cases before Nuccorini mostly involved claims for the repayment of small cash loans or for the return of borrowed items, payments due on past purchases, unpaid rents for both houses and land, disputes over the possession of land, and unpaid wages (often relating to the custody of animals). Particularly in the 1430s, but also later, a few of the cases reflect the dislocations caused by war in this frontier posting. Sometimes the date of the next court sitting was left vague — a complication resulting from the fact that the *podestà* of Monteggiori had responsibilities elsewhere as notary in the court of the vicariate.²⁴ Indeed, Nuccorini occasionally forgot his podesterial role and in consequence had to erase 'court of the vicar' and replace it with 'court of the *podestà*'.

In neighbouring Pisa, after the advent of Florentine rule, local *podestà* administered justice according to local statute (Puccinelli, 2011: 49); in the *vacchette* of ser Antonio Nuccorini (and characteristic of the Lucchese state as a whole) the rare overt references to statute are always to the statutes of the city of Lucca (sometimes to the statutes of the city of Lucca and of the court of Monteggiori) (AN 504(10), fols 4r, 14r–v).²⁵ In Monteggiori, the overall impression is of the swift and effective administration of justice by the *podestà*, albeit in disputes of minor importance, sometimes through arbitrators backed

²¹ A military background was not entirely incompatible with a career as a notary: Rif. 19: 852–3.

²² The appointee was, in fact, a layman (Leonardo Pagnini). For cases before him: SB 182, fols 302r–318r. Much earlier, the convenience of the local population had been used to justify the grant of judicial powers to the *podestà* of Casoli, Coreglia, and Medicina and Fibiialla: GPG 1: 268; 2: 60, 255, 415.

²³ See also AN 504(12), fols 346v–349r.

²⁴ Litigants from the court of the *podestà* in Monteggiori might later be required to appear before Nuccorini in Pietrasanta or Camaiore, where his official role was that of vicar's notary: e.g. AN 504(10), fols 15r, 16v, 17r, 24v, 25r–v, 110r, 111r, 114v–115r.

²⁵ See Bratchel, 2008: 118–19.

by the penal sanctions of the court,²⁶ but under summary procedure and without the endless non-appearances and judicial delays that fill the records of the vicarial and city courts.²⁷ The rare criminal cases might be resolved, it seems, by a private settlement of grievances between the parties.²⁸ These out-of-court agreements are distinct from the instruments of peace routinely presented to both rural and urban courts which, by statute, reduced the penalty that could be imposed following conviction for a particular offence.

Monteggiori lay originally within the vicariate of Pietrasanta, and later in the vicariate of Camaiore; one of the functions of its *podestà* was to convey instructions from the vicar and to enforce judgements delivered in the vicarial court. The notaries who served as *podestà* in the detached territories of Avenza (1431–6), Casoli oltre Giogo (1434–7), Minucciano (1454–63) and Montignoso (from 1442) were more independent of vicarial authority.²⁹ The *podestà* of Minucciano, before its upgrading to a vicariate, handled civil cases of great complexity. Here (and in Montignoso) the civil court records resemble those of a vicariate. But everywhere, as in Monteggiori, the notary as *podestà* and judge seems to have been chiefly concerned with the settlement of small civil claims and cases of damage to property (*danno dato*); the sole surviving post-1430 criminal register for the *podesteria* of Casoli oltre Giogo contains a list of ‘datiarum exactarum’ but no criminal cases at all.³⁰ The particular flavour of the civil cases appearing before the *podestà* might vary a little, in correspondence with micro-regional realities. Cases before the *podestà* of Casoli during the last war-torn years of Lucchese rule testify both to the prevalence of plague and to the powers still enjoyed in the mountains by local, partly urbanized, noble families.³¹

²⁶ The podesterial (and vicarial) courts confound the juristic distinction between *arbiter* and *arbitrator*. Arbitration in minor disputes had been particularly encouraged under the rule of Paolo Guinigi by the decree ‘Gloria principis’. See for example PVB 21–32, *passim*. Admittedly, arbitration awards were not always easy to implement: e.g. PM 3, fols 128r–129v.

²⁷ Confession of debts, of course, did not necessarily result in timely payment, and there are many instances of disobedience and even of resistance to the sequestration of goods: AN 504(10), fols 16v, 40v, 41r; PMg 6, fols 5v, 14r.

²⁸ AN 504(10), fol. 45v. For ‘paci interpersonalì’ and for the likelihood that an accuser would not pursue his case to the end of the legal process: Vallerani, 2007: 439–94.

²⁹ For the lands ‘oltre Giogo’: SCL 12, III, lii.

³⁰ PC Atti Criminali, 72. But see PC 30, fol. 164r–v. Many volumes of criminal cases survive for Casoli from the Guinigi period; they contain very few cases and are largely blank. A few criminal registers survive for Minucciano and, from 1450, for Montignoso: PM 1, fol. 56r–v; 4, fols 1r–13r; 5, fols 1r–13v; PMt 179–81. And there are some criminal cases (besides *danno dato*) in the registers of the civil court of the *podestà* of both Montignoso and Monteggiori.

³¹ PC 30, fols 5r, 15r–16r, 40v, 49v; 31, fols 3r–v, 9v–10v, 11v, 13r, 14v–15r, 16v, 19r–v, 25r–v, 47r–48v, 50r–51v, 52v; ASF NAC, N115 (ser Nicolao di Coluccio di Pellegrino da Pietrasanta, 1432–4), fols 3r–6r. Many of the cases relate to the ransom of captives.

In the more important *podesterie*, the *podestà* sometimes sought expert legal opinion (*consilium sapientis*),³² and there is fragmentary evidence of the costs incurred for procurators and advocates.³³ But procurators were more likely to be family members rather than legal professionals,³⁴ and in the kind of cases brought before the podesterial courts the threat of legal expenses often sufficed to bring the parties to a rapid out-of-court settlement (PC 31, fol. 25r–v).³⁵ Demands for a formal *libello* (written complaint) are comparatively rare — perhaps only because claims seldom reached the statutory requirement for a *libello*.³⁶ Some cases clearly suggest a real animosity between the parties; other cases involving long lists of claims and counter-claims for small reciprocal debts may point rather towards the non-combative nature of many legal proceedings. Medieval litigants might use the mechanisms of the court functionally for the very public clarification and settlement of accounts. The effectiveness (even popularity) of individual notaries as adjudicators of competing claims is attested by requests from local communities for the appointment of a *podestà* at their own expense (Rif. 14: 354, 440; 19: 770–1, 774), and by occasional petitions for the reappointment of a sitting *podestà*, despite the statutory prohibition (*vacanza*) and other impediments (Rif. 16: 698; 21: 705).³⁷

Podestà recorded their own court proceedings, sometimes describing themselves as both notary of the court and *podestà*. In both the podesterial and vicarial courts, notaries prepared and preserved the documentation of the various stages of the legal process; they examined witnesses and recorded their sworn testimony. It was to the notary that court messengers (*nuncii*) reported

³² PC 30, fols 15r, 147r, 154r, 159r–v. The *podestà* might decide to proceed himself, despite a request for *consilium sapientis*: PC 31, fols 50r–51v, 52v. Examples of cases that were referred: PC 31, fols 31r–34v, 35v, 43r–46v; PM 1, fols 5r–15v; 2, fols 30r–33r, 34r.

³³ The involvement of advocates may be concealed by the nature of the court records: Brundage, 2008: 359–61, 440. We would not know of the engagement of an advocate in a case brought before the *podestà* of Minucciano in 1459/1460 by Maria, daughter of Antonio di Giovanni da Metra, were it not for the chance survival of the expenses of the opposing parties: PM 3, fols 23v, 142r. Litigants sometimes asked for more time in which to obtain professional legal advice: PMt 12, fol. 46r. For the engagement of professional legal counsel, see particularly PM 6, fols 30r–33r; PMt 13, fol. 57r.

³⁴ For example: PC 30, fols 106r–107r; 31, fol. 65r–v.

³⁵ From an earlier period: PVB 8, 9 January 1383. This might involve arbitration, or simply a statement that the parties had reached agreement between themselves.

³⁶ A *libello* was required by statute for claims of more than £10; the maximum amount on which *podestà* were competent to adjudicate was normally fixed at £5 or £10: see especially PMt 13, fols 27v–28v, 43r–46r. Sometimes plaintiffs before the podesterial courts state explicitly that they do not wish to proceed by way of a formal *libello*: PM 3, fol. 98r; PMt 12, fol. 34r; 13, fols 17r–19v, 30r. There are references to the production of the two (or more) copies of the *libello* as required by law in Monteggiori: AN 504(10), fol. 14r; PMg 1, fols 71r–72r. The references are more frequent for the *podesterie* of Minucciano and Montignoso: PM 1, fols 5r–15v; 2, fols 30r–33r, 34r; 3, fols 98r–105r, 107r–108v, 125r–127r, 135r–138v, 139r–141v; 6, fols 44v–46r; PMt 1, fols 40r–41r; 12, fols 43r–45r, 45v–46r.

³⁷ The repeated extensions of ser Pietro Turini's office as *podestà* of Minucciano appear to have enjoyed the support of the local population: Rif. 18: 319, 500, 606, 669–70. His father had performed essentially the same office under Paolo Guinigi: PC 29.

the summoning of defendants and witnesses, and the sequestration and auctioning of the goods seized by the court (*praeda*). The notary's services to his vicar might be appropriated by others. In the localities, as at the centre, the Church was largely reliant on the administrative and judicial apparatus of the Lucchese state. In February 1451, ser Antonio Nuccorini, as notary of the court of Coreglia, recorded the sequestrations and citation made against the parish priest (*pievano*) of Monti di Villa by the *nuncio* of the court of Coreglia acting on behalf of the vicar and court of the bishop of Lucca (AN 504(3), fol. 32v). In November 1462, presbyter Francesco, rector of the church of S. Pietro of Castiglione, judge delegate acting on behalf of the vicar of the lord bishop of Lucca, took over the court of the vicar of Castiglione, the services of its notary (again ser Antonio Nuccorini) and of its *nuncio* to pursue accusations against the hospitaller of the local hospital. In this instance the proceedings in Castiglione clearly led to complaints (presumably from the hospitaller), and the cases were quickly referred back to the bishop's court.³⁸

Besides their duties in the courts of the vicariates and *podesterie*, notaries despatched to the countryside acted as officials and collectors (*exactores*) of the local customs (*gabella*) and as chancellors. In the *gabella*, notaries recorded the taxes paid on goods and transactions, and they calculated the amounts owed to the treasurer of the *gabella* (usually a local man).³⁹ Notaries sat with their vicar in the *gabella* when it functioned as a court, where they clearly performed a more independent role than in the criminal and civil courts of the vicariates: as officials of the *gabella*, notaries (particularly those in Coreglia and Camaiore) issued licences and receipts, and might order offenders not to depart from the *gabella* or from the territory before they had made adequate provision for the payment of dues and fines.⁴⁰ In the *podesterie*, the notary as *podestà* and *exactor* of the gabelles tried and sentenced tax offenders himself.⁴¹

With regard to the office of chancellor, this post was usually combined with that of court notary but it was not unusual for the more important communes of the vicariates to request the appointment of a notary as chancellor, separate from the notary or notaries of the vicarial court. Such petitions were made in the interest of the communes and to avoid a confusion of functions (for

³⁸ AN 504(4), fols 15r–24r (alternative foliation 18r–23v, 26r–29r). The citations and assessment of fees (*datia*) were made according to the form of law and the statutes of the court of the lord bishop, though there was also an appeal to the statutes and ordinances of the territory of Castiglione. For an earlier use of secular facilities by the ecclesiastical authorities: ASF NAC, N115, 20 October 1435 (no foliation).

³⁹ The *gabellotti* of the individual villages clearly kept their own written records (*vacchette*). For example, GCV 30 (Coreglia), 3rd foliation, fols 4r–24v; 31 (Coreglia), no continuous foliation, 27 June 1454.

⁴⁰ For example: AN 504(1), fol. 32r. But see Rif. 16: 424–6. Letters relating to offences against the *gabella* might be addressed from Lucca jointly to the vicar and to the official of the *gabella*: VP 236, fols 2v–5r. For the powers of the officials of the *gabella maggiore* in the city of Lucca itself: Rif. 16: 24–7.

⁴¹ GCV 93 (Villabasilica), 8th foliation, fols 40r–42v.

example, Rif. 14: 721–2). As chancellor, the notary recorded the meetings of the small and greater councils of the leading communes, and of the more general parliaments representing the entire vicariate. They might be responsible for presenting proposals to local assemblies, and were involved in the syndication of local officials. They kept accounts of the income and expenditure of the communes, and of the services (including emissaries) provided by their inhabitants. They recorded the animals belonging to men of the commune and to outsiders, they registered the names of transient foreigners who claimed exemption from local dues and obligations, and were generally associated with local officials in the regulation of communal agrarian life.⁴² It was to the notary that the *cafaggiari* of Camaiore and the *guardiani* of Galliciano, as well as private individuals in their own name, made their reports of damage to property by persons and animals.⁴³ This does not mean that some Lucchese notaries became servants of the communes rather than of the vicar. Pietrasanta in particular, during the years before the revolt of 1436, displayed some measure of independence. But, everywhere, councils met on the orders of the vicar — and usually in his presence.⁴⁴ Only after placing themselves under Genoese rule were the Pietrasantesi able to insist on a distinction between a notary for the commune drawn from Pietrasanta and a notary of the court received, like the vicar, from outside (ASL Capitoli 35: 431–2). In this respect Lucca, through the appointment of its own citizens as chancellors, exercised a far tighter control over local officials than was generally the case with the larger territorial powers like Florence (Fasano Guarini, 1977: 512–19).

Writing of Renaissance Florence, Lauro Martines described notaries regularly employed in government service as ‘technical experts in the field of public administration’ (Martines, 1968: 170–1, 400). Beyond the familiar paperwork, notaries often assumed a key role in the governance of the territory. As *podestà*, notaries, upon assuming office, proclaimed the set decrees against blasphemy, gambling and the carrying of arms; they conveyed subsequent instructions and requests from the Anziani of Lucca; they regularly inspected and recorded the munitions and garrisons of the fortresses within their jurisdiction; and they issued instructions to local officials for the safe-keeping of the territory and for the repair and maintenance of local infrastructure.⁴⁵ In the vicariates the task of conducting musters was delegated by statute to the notary

⁴² The books of the chancellors of Camaiore survive in the Archivio Comunale of Camaiore from 1409. For the records of chancellors, besides the *vacchette* of ser Antonio Nuccorini, see also ACSV 38 (Pietrasanta, 2nd semester 1435); ASCP, Libri di Consigli (1429) (1431) (1435). The chancellor’s varied functions are defined in ASG MS 6, Statuti del MCCCCLXI.

⁴³ AN 504(1), fols 49v–51r, 53r–v, 54v–55v, 57r–59v, 61r–67r, 68r–73v; ASG MS 6, Statuti del MCCCCLXI, 4–5. Similarly, in the 1523 statutes of Castiglione: BSL MS 764, c. viiii and *passim*.

⁴⁴ In Galliciano both vicar and notary had a role in the selection of officials and councillors: ASG MS 13, fols 14r–15r, 21v, 31r.

⁴⁵ In Monteggiori, the *podestà*’s attention was much focused on the readiness of the local garrison and on the water supply: AN 504(10), *passim*.

(SCL 12, III, xlviiii);⁴⁶ most other duties fell properly to the vicar (though notaries might be obligated in law together with their vicars for the fulfilment of such duties).⁴⁷ In practice, it was often their notary who was sent out to the communes of the vicariate to ensure the implementation of the decrees issuing from Lucca.⁴⁸ In a large vicariate like Valdilima, characterized by many small mountain settlements, we find ser Antonio Nuccorini frequently on the move recording the meetings of village assemblies and redacting local statutes (AN 504(13), *passim*).⁴⁹

THE REWARDS OF OFFICE

The reservation of specified posts to matriculated notaries (rather than laymen) was a lucrative and jealously guarded privilege.⁵⁰ In both city and countryside, most (though not all) notarial appointments carried a salary paid from Lucca by the *camarlingo generale* (Rif. 16: 812).⁵¹ *Podestà* received salaries that might range from 4 to 8½ florins per month, with or without deductions, and in some cases paid by the local community. Court notaries were paid 1½ to 6 florins per month, with or without deductions, depending on the duties involved and the difficulties of filling the post. Higher salaries were needed to attract notaries to turbulent Gallicano and to the distant, mountainous vicariates of Castiglione and Minucciano. In both city and countryside, some notarial postings were unsalaried,⁵² which underlines the importance of the ‘emoluments’ of office. Court notaries were paid for performing the acts and producing the documents required by civil court procedure, though they received nothing beyond their salaries for most of their services in criminal actions (SCL 12, V, l–li).⁵³ *Podestà* might receive a share of the fines they imposed on cases of *danno dato*, and

⁴⁶ See also Rif. 17: 236.

⁴⁷ Including instructions from the *sindaco maggiore*: CF 1006, fol. 15v.

⁴⁸ For example, the order to Gallicano for the expulsion of all foreigners without the material means to support themselves and their families: ASG MS 13, fol. 23v.

⁴⁹ Individual communes might appoint their own scribes, but in practice official business was largely monopolized by the notary of the vicariate.

⁵⁰ Rif. 16: 644; 20: 655; 23: 71, 152–4; CDN 2, fols 23v–24r. Dispensations were granted to unmatriculated notaries only in the most exceptional circumstances: Rif. 17: 275; 20: 655. In rare instances, the office of *podestà* might be offered to a layman. In 1450 in Montignoso we find a lay *podestà*, Biagio di Tegrimo Sabolini, drawing up court records in a careful hand and in impeccable form: PMt 179.

⁵¹ After 1430, the costs of administration were covered by the individual compositions made with the vicariates: Rif. 14: 324–5, 415–16, 435–6, 440–2, 494–5, 498, 503–4, 509–10. During the Guinigi period, it appears that the salaries of vicars and other Lucchese officials might be paid (as well as raised) locally: GPG 2: 350; AN 391(15) (ser Dino da Castiglione), fols 3v–4r; SB 119, fols 22v–23v; AAC, Deliberazioni del Consiglio, 3, fols 9r, 16r.

⁵² After 1480, in Camaiole the salaries of court notaries were reduced to 1 florin per month; in Coreglia they were to serve ‘sine salario’: Rif. 21: 182, 535, 697; 22: 504–5; 24: 788.

⁵³ See, for example, AN 504(1), fol. 74r.

local statutes frequently offered the notary and/or his vicar a part of the fine (a half, a third or a quarter) for offences against local by-laws.⁵⁴ Sometimes this is connected with the wider duties of the notary as chancellor; sometimes the apparent aim was to win approval for a measure of self-regulation and to enforce the payment of village penalties through the coercive backing of the instruments of state.⁵⁵ A separate salary might be expected for the office of chancellor.⁵⁶ And, as chancellor, the notary received further fees for reviewing communal accounts and for recording syndications.⁵⁷ In late 1431 ser Michele di Francesco da Corsanico was pursuing with some vigour the salary and fees that he claimed as chancellor from the commune of Camaiore (AAC Deliberazioni del Consiglio, 4, fols 13r, 23v).

Local communities were required to pay for the transportation of the personal effects of the officials sent to them by Lucca. The notary was given accommodation, firewood and the ink and paper necessary for his profession. The Lucchese statutes permitted gifts (on condition that they were of a modest nature) (SCL 12, V, xliiii). In practice this meant the occasional offering of a young goat, specifically as an Easter offering, or perhaps the gift of a sheep. Besides the direct fruits of office, there were the fees due for the drawing-up and authentication of legal documents. Some of these documents (the appointment of procurators and arbitrators; instruments of peace) were not unconnected with the business of the court. But most were the kind of local contracts that occupied the time of any working notary. Excepting a few major centres like Camaiore and Castiglione and the wild mountainous borderlands of the north, there were very few notaries permanently resident outside the city of Lucca itself (Bratchel, 2008: 98–9; cf. Chittolini, 2009: 74–8). The court notary had a virtual monopoly over legal transactions within the vicariates, as is abundantly shown by the surviving notarial *protocolli*. And there were other opportunities too. Episcopal visitations occasionally list notaries among the manifest usurers, and there is no difficulty in finding notaries engaged in petty moneylending.⁵⁸ The notebooks of ser Antonio Nuccorini — with their not infrequent reference to loans (for example, AN 504(1), fol. 76r) — suggest that the court notary might be well placed to profit from the subsistence needs of

⁵⁴ BSL MS 764 (Castiglione); Romiti, 1988: 55–86; ASG MS 6, Statuti del MCCCCLXI; MS 13, fols 25r, 105r, 136v–137r.

⁵⁵ For an appeal to the *podestà* for the enforcement of a fine imposed under communal statutes: PVB, 29, fol. 3v.

⁵⁶ In 1523 the chancellor's salary in Castiglione was set at £12 buona moneta (about 4 florins) every six months: BSL MS 764, c. vi.

⁵⁷ ACSV 38 (Pietrasanta), fol. 12r; GCV 81 (Pietrasanta), part 12, no foliation; BSL MS 764, c. xi.

⁵⁸ AN 100(3) (ser Iacopo Lotti): 21; AN 128 (ser Francesco Salani): 959; AN 143 (ser Nicolao Salani): 97; AN 162(3) (ser Nicolao da Corsagna): 32; AN 349(3) (ser Francesco di Gabriello Antelminelli), fols 17v–18v; AN 702 (ser Benedetto Franciotti): 64; AN 704 (ser Benedetto Franciotti): 176–7; AN 1036 (ser Bartolomeo di Martino da Treppignana), fols 54r, 55r; PL 1423, fols 18r–v, 37r.

the countryside. The diversity of salaries, fees and opportunities render it impossible to calculate with confidence the income that might be derived from notarial office-holding in the countryside. Clearly the overall returns might be attractive — though insignificant in comparison with the earning capacity of doctors of law (Martines, 1968: 76–8, 103–6). The salaries of notarial office-holders are a neglected topic; the lack of comparable studies precludes a comparison with other Italian states.

THE ATTRACTIONS AND DISINCENTIVES OF RURAL OFFICE

If it is difficult to quantify how much might accrue to a notary serving the vicariates, it is equally difficult to compare the potential rewards of urban and rural appointments. Some notaries seem to have courted a career outside the city. Ser Antonio Nuccorini began his career in public office in the 1420s under the rule of Paolo Guinigi. Following the restoration of the republic, Nuccorini was elected for a remarkable 53 semesters as court notary in the vicariates between 1430 and 1473 (of which he actually served 52). In addition, he often occupied the office of *podestà* in Monteggiori, Montignoso and Minucciano. The record is unique, but many other notaries were elected to postings in the *contado* with remarkable regularity: notably ser Pietro Giriforte (with 35 postings), ser Giovanni del Camarlingo and his son ser Giorgio, ser Buonaccorso di Luca Berti, and ser Giovanni di Paolo Medici. Other notaries, with long and distinguished careers in administration and in the city courts, never (or hardly ever) served in the courts of the vicariates. An obvious example is ser Michele di Giovanni Pieri, twice *Gonfaloniere*, thirteen times *Anziano*, an almost constant presence and vocal spokesman in the governing councils of the city. He was one of the twelve men entrusted in 1440 with the reform of the city's statutes and he participated at every level of the city's administration. Ser Michele di Giovanni Pieri was sometimes despatched on foreign missions but was never elected to an office outside the city.

Notaries were not entirely free agents; sometimes they might be appointed to one office conditional on the acceptance of a less attractive one (Rif. 17: 337, 338). Occasionally the Lucchese authorities invoked their powers forcefully to appoint to a position that was proving difficult to fill. Struggling to fill the office of court notary in the vicariate of Gallicano in 1460, the Anziani threatened a fine of 50 florins for non-acceptance by the notary elected to that post (Rif. 18: 288). Nevertheless, petitions to decline or exchange notarial offices were not uncommon, and the petitions (or at least the successful petitions)⁵⁹ seem to have become more frequent as the fifteenth century

⁵⁹ The nature of the Riformagioni makes it unlikely that we would have any record of petitions that were not approved. It is therefore not possible to calculate how far petitions were likely to be granted, or how far this might have changed over time.

progressed. Such petitions provide useful insights into the reasons why some notaries were reluctant to take up offices in the wider Lucchese state. It is true that many of the petitions to remain in or return to Lucca were occasioned by immediate and perhaps unforeseen circumstances; the contracting of a marriage, an infirmity or the death of a relative (Rif. 17: 141–2, 723, 786–7, 789; 18: 200; 20: 191). More revealing is the appeal of ser Pietro di ser Andrea da San Donnino who asked in 1456 to exchange his election to the vicariate in Valdilima for an appointment in Camaiole. Ser Pietro was concerned for the safety and schooling of his nine small children (the eldest aged only thirteen) given the dangerous roads and the inadequate educational facilities in Bagni (Valdilima). He said that he had wanted a post in Lucca, but clearly viewed the large town of Camaiole as an acceptable alternative. The exchange had the added advantage of giving the two exchanging notaries (and their families) the stability of a full year's tenure in Valdilima and Camaiole respectively (Rif. 17: 744, 750). Another notary, ser Giannino di ser Giannino, early in his career, requested that he might exchange his appointment to the court of Valdilima for a city office so that he might better apply himself to the study of the theory and practice of his profession (Rif. 18: 51–2). The excuses are diverse, but generally fall under the categories of personal circumstances,⁶⁰ professional advancement or the pressures of urban affairs (Rif. 18: 118–19; 21: 97; 24: 176, 882).⁶¹ The frequency of exchanges reveals, of course, not only the desire of some notaries for office in the city but also the willingness of others to exchange an urban appointment for a rural one. The motives of the latter were not infrequently to circumvent the *vacanza* that prohibited the holding of the same office for two consecutive terms.

I have identified 91 (out of about 230) matriculated Lucchese notaries, active between 1430 and 1501, who appear within this period never to have served in the vicariates or *podesterie*. Of those who did, fourteen (9.3 per cent) held office for twenty terms or more; 64 (42.6 per cent) served five terms or less. The figures, in themselves, are largely meaningless: the product of a study that begins with the restoration of the republic in 1430 and terminates arbitrarily with the close of the century. Many of the notaries active in the early 1430s were at the end of long careers that had begun under Paolo Guinigi — even as early as the 1370s (ser Antonio Ammannati da Villa). Those appearing in the 1490s might continue to hold office in both city and countryside through to the mid-sixteenth century. The figures are shaped by biological factors. A small number of entries might reflect no more than premature death; a large number shows the extraordinary longevity of individual notaries through decades of war and recurrent plague. The Lucchese careers of notaries originating from Massa, Pietrasanta, even Castiglione,⁶² were cut short by the territorial losses

⁶⁰ Rif. 19: 276, 863; 20: 213; 23: 240–1, 779; 24: 155, 674, 805.

⁶¹ Many of the petitions provide no explanation, or are too vague to be useful.

⁶² By 1442 ser Iacopo di ser Giovanni da Castiglione had passed into the service of the Marchesi d'Este: PL 1177, fol. 9r–v.

suffered by Lucca in the decades immediately after 1430. But, read in conjunction with the biographies of individual notaries, the statistics reveal a clear (if unsurprising) profile.

Almost all notaries began their careers in public office in the city as a member of the team of notaries serving in the courts of the *Podestà* of Lucca and of the *Maggior sindaco e giudice degli appelli*. Surrounded by more experienced colleagues, this seems to have provided a kind of apprenticeship for office. Later in their careers, notaries elected regularly to Lucca's highest political and administrative offices were rarely appointed to the vicariates (and hardly more frequently as notaries in the city courts). Beneath them was a group of less prominent individuals who sometimes held high political office and who largely monopolized offices in the city's courts and administrative structures. A notarial élite, officially named as procurators, some with university training, seldom appear as court notaries in the vicariates — or even as rural *podestà* (ser Bartolomeo del Guarguaglia, ser Gherardo Vellutelli). The same can be said of notaries like ser Benedetto Franciotti with a large influential private or institutional clientele in the city or in the Church — though there is no evidence in fifteenth-century Lucca of the sharp division so often drawn between notaries in private practice and those specializing in public office. As a notary grew older he was increasingly likely to find excuses to avoid service in the vicariates, especially those that were more mountainous and inaccessible. Yet fathers might offer themselves as substitutes for their sons (presumably in the career interests of the latter) (Rif. 24: 661).⁶³ Notaries were prohibited from serving in regions from which they or their families originated. With this caveat, it remains true that the most frequent holders of office in the vicariates were often comparative newcomers, or men with a pronounced rural background. Ser Antonio Nuccorini came from Segromigno and had been granted citizenship by Paolo Guinigi. Ser Bartolomeo di Martino da Treppignana (nine times elected as *podestà*, twenty-two times as court notary in the vicariates) clearly retained land and landed interests around the family home in Fiattono, and as far away as Sermezzana (SB 196, fols 201r, 244r-v; 197, fols 182v, 323r).

NOTARIAL OFFICE-HOLDERS: QUALITY AND REPUTATION

In 1434, the Consiglio Generale of Lucca had decried the ignorance of judges and notaries after the 30-year reign of Paolo Guinigi, with the resulting damage to the interests of both private individuals and of the state administration (Rif. 14: 541–2; Tirelli, 1985: 241–2). The proposed solution was the restoration of the institution and powers of the *matricola* of the corporation of judges and notaries. The records of the college of judges and notaries, extant from 1457 (and continuously from 1461), show that the control of applications for

⁶³ Also for periods of a son's illness: PMt 12, fol. 1r.

matriculation was no mere formality — though the reasons of the college for approving or rejecting candidates are often puzzling. Despite powerful backers and the antiquity and notarial credentials of his family, the applications of ser Nicolao di Cipriano di Ranieri Mansi were repeatedly rejected over a period of more than five years before the narrow vote in his favour in April 1486.⁶⁴ Of less distinguished progeny, but with good reports from his examiners, and with powerful testimonies regarding his learning and integrity, ser Pietro di Domenico da Prato was repeatedly unsuccessful in his applications for matriculation from 1488 to 1495.⁶⁵ Others sailed through the process, sometimes for no obvious reason.

The intervention of the Consiglio Generale came against the background of the restoration of republican rule, and was not without a political agenda. It seems unlikely that the quality of the notariate changed significantly after 1430. As might be expected of their *métier*, notaries appear less frequently than most Lucchese citizens in the street brawls that punctuate the criminal records — though they were occasionally assaulted in their role as landowners. Ser Francesco di ser Vito Pini was fined in his youth for leaving the walls of Lucca at the time of the first Florentine war, and later caused a scandal by refusing to receive his new (patrician) wife because of affection for a concubine — and this seems adversely to have affected his public career.⁶⁶ Notaries as defendants in civil and criminal suits were inclined to invoke benefit of clergy, though this was often followed quickly by an expression of remorse and the restitution of their rights to hold office in the city and its territory (Rif. 14: 431–2; 15: 361; 17: 517). Lack of prosecutions does not always mean an absence of crime; nevertheless the totality of the surviving records offers little evidence of offences by notaries against laws and contemporary mores, and few convictions for professional misconduct in private practice. In 1444 ser Matteo di Filippo of Camaiore was restored to a position of good faith (validating his professional credentials) following conviction for unspecified ‘falsities’. The offence dated back to the time of Paolo Guinigi; he had been punished then for his crime; and the exoneration was granted, at least in part, to validate instruments drawn up by ser Matteo since his condemnation.⁶⁷ From 1446 ser Matteo was regularly elected as court notary to the various vicariates.

The performance of their public functions is, of course, a different issue. In August 1444, the Consiglio Generale expressed concern over the losses to the city’s revenues allegedly due to the negligence of notaries in the collection of

⁶⁴ CDN 2, fols 87r–v, 88v–89r, 114v, 115r, 116r–v, 117r, 123r–v, 124r.

⁶⁵ CDN 2, fols 118v, 134r–v, 161v, 165r–v, 166v–167v, 178v, 180r, 182v, 184r–v, 185v–186r, 188v–189r, 190r, 191v, 194v, 204r–v, 206v, 216v, 236r.

⁶⁶ ASL Anziani al tempo della libertà, 5, fol. 72r–v; Rif. 15: 457–8. For ser Francesco, see also CF 567, fol. 13r–v.

⁶⁷ Rif. 16: 424. For the concepts of *falsità* and *falso*: Carosi, 2006: 127–50. In 1438 ser Pietro da Tavernago drew up a sale of land in Castiglione to a foreigner, contrary to the statutes — but the act was committed against the background of war and occupation: VCg 722, fol. 4r.

fees (*datia*), fines and gabelles. A decree followed quickly to regulate more strictly both collection and reporting. Defendants continued to protest, somewhat disingenuously, that the *camera* of Lucca was being defrauded by the failure of the *podestà* to collect the true amount of *datia* from the plaintiff (PM 3, fols 4r–v, 5r–v, 137r). It is difficult to assess how far some of these protests were more than formulaic procedural objections, probing for possible infringements of due process of law. But in 1439 ser Benedetto di ser Bartolomeo del Guarguaglia (elected five times as *podestà*; twenty times as court notary in the vicariates between 1433 and 1455) embezzled 15 florins whilst holding the urban office of official *al macello* (butcheries). He defended himself in terms of his extreme poverty (Rif. 15: 361). In 1445 the same ser Benedetto was heavily fined for negligence or fraud regarding the gabelle of animals whilst he was notary in the court of Valleariana — again defending himself with reference to his poverty and the burden of a large family (Rif. 16: 501; 17: 517). Neither offence resulted in more than a very brief interruption of his office-holding, though he tended to be posted to some of the less attractive appointments in the Lucchese state. The case is exceptional; ser Benedetto's continued employment seems, at least in part, to be connected to the skills that he offered in the building of fortifications.⁶⁸

The syndication of officials at the end of their term of office, in Lucca as elsewhere, was probably instituted more for the defence of public revenues than for the protection of aggrieved subjects.⁶⁹ In fifteenth-century Lucca the office of *sindaco maggiore* was combined with that of judge of appeals and of the *curia del fondaco*. There are 653 volumes for the period 1430–1501. I have not read them all. Extensive sampling has revealed virtually no accusations of dishonest practice with regard to the fisc. Admittedly the amount of money involved was sometimes very small. The *datia* due to Lucca from Minucciano for the year 1459/60 amounted to £7 5s. 1d., with £15 15s. owing for condemnations.⁷⁰ It would be naive to believe that notaries in distant postings with limited supervision were never malfeasant.⁷¹ But there is no evidence in the court records that the more serious misdemeanours of ser Benedetto del Guarguaglia were in any way common.

The syndication records are probably a less compelling guide to the incidence of private grievances than of corruption. They provide many examples of complaints against the foreign officials and their entourage (including notaries) (SB 166, fols 83r–v; Rif. 17: 537–8); against citizen officials very few complaints are recorded.⁷² More cases survive from the reign of Paolo Guinigi,

⁶⁸ It was for this reason that he was reappointed for a further semester at Castiglione in June 1447: Rif. 16: 716.

⁶⁹ But see Ferrante, 1995: 17–21.

⁷⁰ PM 3, fols 157r–158r. The *datie* due to Lucca from Montignoso in 1460 was £2 15s. 5d.; in 1474 £5 10s.: PMt 1, fol. 42r–v; 12, fol. 42r–v.

⁷¹ For a possible example: Rif. 14: 480.

⁷² For example: CF 729, 2nd foliation, fols 96v–97r. See Bratchel, 2015: 200.

which might provide support for the unfashionable view that the rule of a prince was more even-handed than that of a citizen oligarchy (GPG 2: 570, 718, 788; SB 137, *passim*). The silence is nevertheless striking. Outside of the syndication records, most complaints against Lucchese notaries relate to tax assessments — and here the grievance was often that the notary was being influenced to favour one local community against another (Rif. 16: 615–16).⁷³ In proceedings before the podesterial courts it is not difficult to find defendants claiming that the notary had erred against the statutes when issuing citations or passing interlocutory sentences (PM 3, fol. 6r–v; PMt 13, fols 19v, 27r–29r, 43r–46r). Again the *exceptiones* often look formulaic; petitions from local communities to the central authorities against notaries and notarial courts were more likely to be justified by pleas of poverty and ignorance than by claims of the maladministration of justice (Rif. 16: 355, 678–9). Ser Giovanni di Antonio del Camarlingo (six times *podestà*; twenty-one times elected as notary of courts of the vicariates) was murdered in office — but he was murdered by a citizen (Nicolao di Poggio) whilst holding an urban office (that of customs collector at *porta S. Pietro*).⁷⁴ When ser Giuliano Granucci begged to be spared the office of notary in Galliciano because of the hostility towards him of the men of Vallico, the men he feared were not his future subjects but those of an adjoining state (that of the Estensi) (Rif. 24: 423).

CONCLUSION

It is very difficult to compare Lucca with the other republics of northern and central Italy. The latter were regional powers with more than one major urban centre. Structures of administration were different, and the legal issues that were likely to arise outside the capital city were often infinitely more complex. Local privileges were much more entrenched, as were local powers of administration and justice. In the princely states, also, the dynamics of power were likely to be very different.⁷⁵ In these respects Lucca was *sui generis* in the context of fifteenth-century Italy — an anachronistic survival from the medieval world of small, independent city-states. Comparisons are rendered even more difficult by the fact that the precise concerns of the present article are often ignored in the burgeoning literature on the legal profession, including notaries. Lucca has been relatively well served, though studies on fourteenth-century Lucca have tended to focus largely, though not exclusively, on a discussion of the normative sources (Lepsius, 2006, 2008, 2015). Certain points can be taken as universals. The duties and responsibilities of notaries, in and out of court, were probably

⁷³ But see ASCP, Libro di Consigli, 1435, fol. 16r–v.

⁷⁴ BSL MS 1109, G. Vincenzo Baroni, Notizie genealogiche delle famiglie lucchesi, fol. 91r.

⁷⁵ The recent literature on the formation and administration of the regional state is enormous. For a useful starting point: Chittolini, 1979. On the similarities and differences between principalities and republics: Varanini, 1996; Castelnuovo, 2012.

much the same throughout the differing political formations of Renaissance Italy. The fees and possibilities for remuneration from office-holding were probably comparable.

A review of their activities in the Lucchese countryside shows notaries as far more than the scribes and functionaries of more senior officials. They played a vital role in the administration of the vicariates, and in the *podesterie* assumed most of the duties attributed elsewhere to vicars. Election to office in fifteenth-century Lucca always blurred the demands of the job with the desire to provide Lucchese citizens with appropriate subvention. In 1446, it was decreed that all matriculated notaries should be offered at least one office a year (Rif. 16: 644). At the very end of our period, as in the case of other offices (Bratchel, 2015: 199), we find the first example of a deceased notary's children requesting the fruits of the offices to which their late father had been elected (Rif. 24, 853). Here, at least, Lucca seems to reflect shifts that were taking place elsewhere (Barbero and Castelnuovo, 1997: 6–7). In reality, Lucca's choice of office-holders was always limited by the paucity of notaries (Rif. 17: 287, 290, 511–12), and concessions had to be granted to fill the more unpopular postings of Minucciano, Castiglione, Montignoso and Gallicano (Rif. 18: 319, 413, 500). This, rather than any special status enjoyed by notaries, explains why they were so readily restored to the right to hold office, despite minor peccadilloes or the opportunistic resort to benefit of clergy.

Most notaries were as likely to be elected to urban as to rural office, though there was a core of notaries who spent most of their working lives in the countryside. The latter were not usually drawn from the ranks of the notarial élite. Their Latinity is sometimes questionable, as the *protocolli* reveal; and they made procedural mistakes, at least in the view of interested parties (Rif. 17: 395, 618–19). Successful appeals against judgements delivered in the vicarial courts were largely based on claims of procedural error (though it is sometimes unclear whether the fault lay with the notary or with his vicar).⁷⁶ The surviving evidence indicates that most notaries served adequately the needs of both Lucca and of rural communities to which they were appointed.

The literature on notaries, and particularly on notaries as office-holders, has tended to paint a very bleak picture of corruption and exploitation (Dean and Lowe, 1994: 6; Barbero and Castelnuovo, 1997: 13; Leverotti, 1997: 31–2). Even for Florence, the image has not passed unquestioned (Brucker, 1977: 216–25; Najemy, 2006: 471). Fifteenth-century Lucca was a very weak state, surrounded by predatory neighbours. After the pattern of late medieval Italian city-states, especially those least threatened within their borders by the presence of powerful 'feudatories', Lucca never accorded to its subject territories the limited autonomy that came to characterize the larger territorial or regional states of the Renaissance. But Lucca was always very conscious of the need to

⁷⁶ For example, in cases from Pietrasanta where the notary was ser Antonio Nuccorini and the vicar was the doctor of law *domino* Garzone Garzoni: CF 567, fols 25r–29r, 39r.

appease the inhabitants of distant villages, who might so easily be tempted by the promises of neighbouring princes.⁷⁷ The most serious acts of treachery were lightly pardoned by the Consiglio Generale at the petition of rural communes. It was in Lucca's interests to restrain not only the personal enrichment of its officials but also their zeal in defending the interests of the state. Lucchese officials in the *contado* and *distretto* recognized — and were frequently instructed on — the need to tread cautiously.⁷⁸ In the isolated *podesterie* on the borders of the Lucchese state, the life of the *podestà* was further complicated by the need to deal with non-Lucchese citizens, sometimes with powerful connections. By contrast, the foreign officials — the *Podestà* of Lucca, the *Capitano del contado* and their retainers — seem to have been more aggressive, both by mandate and by proclivities. It may not be entirely due to citizen dominance that it was the foreign officials, rather than Lucchese notaries (and vicars), who were the more frequent target of violent resistance in the countryside and of complaints of extortion and malpractice before the syndication judge.

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Vicario di Valdilima (VVL)

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⁷⁷ The point is discussed with reference to the vicariate of Gallicano in Bratchel, 1995: 250–5.

⁷⁸ For an example of Lucca's Anziani instructing the vicar not to proceed in a delicate matter that involved men of Gallicano: Rif. 18: 50–1.

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