

Darko Darovec

Ausculbauerint cum notario

Istrian Notaries and Vicedomini
at the Time of the Republic of Venice



2007-2013
cooperazione territoriale europea
programma per la cooperazione
transfrontaliera
Italia-Slovenia
evropsko teritorialno sodelovanje
program čezmejnega sodelovanja
Slovenija-Italija



Investiamo nel
vostro futuro!

Naložba v vašo
prihodnost!

www.ita-slo.eu

Progetto cofinanziato dal Fondo europeo di
sviluppo regionale
Projekt sofinancira Evropski sklad
za regionalni razvoj

Darko Darovec

Auscultauerint cum notario

Istrian Notaries and Vicedomini
at the Time of the Republic of Venice

CAFO
SCAR
INA-

Darko Darovec,
Auscultauerint cum notario. *Istrian Notaries and Vicedomini at the Time of the Republic of Venice*

© 2015 Libreria Editrice Cafoscarina
ISBN: 978-88-7543-382-6

Editorial Board

Furio Bianco, Darjenka Mihelič, Luciano Pezzolo, Salvator Žitko

Editing

Laura Amato, Eliana Biasiolo, Lia De Luca, Martino Ferrari Bravo

Translation

Sonja Kravanja, Angelika Ergaver

Language editing

Thomas Beavitt

Illustrations

For informations about images please refer to the corresponding captions.

Graphic project and layout

Libreria Editrice Cafoscarina srl

Printed by

Legodigit srl Trento

Publishing house

Libreria Editrice Cafoscarina srl

Copies

100

This publication is also available in electronic format at:

<http://www.voicesfromistria.eu>

This publication is financed by the Cross-border Cooperation Programme Italy-Slovenia 2007-2013, by European Regional Development Fund and by National funds.

This research was partially supported also by a Marie Curie Intra European Fellowship within the 7th European Community Framework Programme.

The contents of this publication do not necessarily reflect the official position of the European Union. The contents present in this publication are the sole responsibility of the author Darko Darovec.

Libreria Editrice Cafoscarina srl
Dorsoduro 3259, 30123 Venezia
www.cafoscarina.it

Prima edizione marzo 2015

to Vida & Zoja

Table of contents

FOREWORD	9
PREFACE	13
I. THE ROOTS OF THE NOTARY OFFICE	
The meaning of writing in the development of human social relations	19
The definition of a notary and his subject matter	25
Roman <i>tabelliones</i> and notaries	26
The first regulations about creating legal documents	28
Ecclesiastic scribes	30
II. <i>FIDES PUBLICA</i> IN THE EARLY AND LATE MIDDLE AGES	
The Byzantine or Romanic and Lombard notary offices	31
The Franconian notary office and its legislation	34
Document forms as part of public confidence	38
A sign and signature, the seal of a notary	40
<i>Charta, notitia, instrumentum</i> and <i>imbreviatura</i>	41
III. A NOTARY PRACTICE IN ISTRIA UNTIL THE 13 TH CENTURY	
The inner structure of Istrian written records until the 13 th century	43
Privileges of Istrian notaries	48
The Ritual of Notarial Investiture	53
IV. <i>FIDES PUBLICA</i> AFTER THE 12TH CENTURY	
The new (old) practices of the notary office: schools and colleges	68
Communal chancellors	74
Memorials of Bologna, vicedomini of Istria and <i>examinatores</i> of Dalmatia	77
V. VICEDOMINI AND NOTARIES IN SOUTHWESTERN ISTRIA	
The origin of vicedomini	82
Vicedomini as authenticators of legal acts	87
The social role of the vicedomini	92

The elections of the vicedomini in the communal Great Council	97
The notary college in Koper in 1598, and the social economic influence on the operation of the notary office in Venetian Istria	100
VI. DUTIES OF NOTARIES AND VICEDOMINI	
Statutory regulations for vicedomini and notaries in drawing up documents	107
Contracts	113
Promissory notes	121
Testaments	126
Inventories	137
Dowry (and matrimonial) documents	139
The price list of notaries and vicedomini	141
VII. THE KEEPING, STORING AND ORGANIZATION OF NOTARY AND VICEDOMINAL BOOKS	
Keeping books of <i>imbreviaturas</i> of legal acts	153
Vicedominal books of documents and notary books of testaments	158
Keeping and storing of books of legal acts	161
State ordinances concerning the keeping of notary books	164
CONCLUSIONS	171
SUPPLEMENTS 1-4	179
SOURCES	192
BIBLIOGRAPHY	195
LIST OF ABBREVIATIONS	208
LIST OF ACRONYMS	209
LIST OF ILLUSTRATIONS	210

FOREWORD

The present work comprises a supplement to a book in Slovenian entitled *Notarjeva javna vera. Notarji in vicedomini v Kopru, Izoli in Piranu v obdobju Beneške republike* (*Notary's Public Confidence: The Notaries and Vicedomini in Koper, Izola and Piran in the Time of the Venetian Republic*), published in 1994 in the collection Library Annales of Historical Society of Southern Primorska in Koper.

In its main statements, this supplement does not differ itself much from the previous work it is adduced to; however, in the meantime, some valuable additional studies on the topic of notaries for the majority of European countries were published; these have been used to supplement the present work. This circumstance enabled me to deepen some general facts in comparison to other environments as well as to expose specifics of execution and operation of notary offices within different legal practices, customs, and regions, which is especially noticeable in supplemented chapter on Ritual of Notarial investiture.

Notaries gained a special role in the era of the so-called renaissance of Roman law in the 12th and 13th centuries, as a consequence of the economic and political development of cities on Italic Peninsula and in neighbouring Mediterranean regions, by forming the first notary schools in 11th century, which became the basis for the establishment of the universities (Bologna 1150). They significantly contributed to the formation of urban legal structures by developing a class of important, independent legal vocations: judges, advocates, notaries. These individuals soon climbed the social ladder; while the majority were not of aristocratic origin, they soon came to occupy the upper social strata, especially thanks to the social and moral responsibility of their profession.

The specific focus of the present monograph is a study of the institution of *vicedomini*, which was formed in the 13th century to support public confidence in notary acts within the operation of the institution of the notary office in some Istrian towns at the time of their advancement and the establishment of autonomous governments in mediaeval cities, when from the 12th century onwards, they significantly intervened in the political space between the particularisation of secular and ecclesiastical government structures.

However, this specificity finds its examples in comparable city institutions along the Adriatic coastline, which additionally confirms the hypothesis that the legal praxis in the domain of the notary office was transplanted from Bologna, the intellectual, theoretical and practical centre of notary offices of that era – and this at a time long before Venetian rule in this region was established. As Bologna found its independence in operation of city notary office with its legal theoreticians and practitioners, starting particularly with Irnerius to Rainerius and Rolandinus, similar institutions and organs of city self-government also emerged in other cities and towns along the eastern Adriatic coast, with variability in the execution of public duties, as well as in the solemn names of their organs, demonstrating the mutual connections between the wider context and specific local and cultural traditions.

With the gradual expansion of Venetian rule on Istrian Peninsula from the end of 13th century onwards, some modifications took place in the operation of the urban notary office. However, *vicedomini* operated as special commune offices in significant Istrian towns (Muggia, Capodistria, Isola, Pirano, Pola and Trieste) until the Collegium of Notaries in Koper was established in 1598. City governments used vicedominal offices to establish public confidence in notary acts regardless of the fact that most of the notaries attained their privileges with investiture bestowed by the Palatine Counts, i.e. representatives/emissaries of the Imperial government. In cities, where vicedomini had special offices, the main ritual gesture of guaranteeing public confidence was a notary reading one of the written acts to the vicedominus out loud, at the end of which reading the notary act was recorded in the signature of one of the vicedomini who was listening with the notary (*auscultauerint cum notario*). The mere act resembles Roman antique tradition, where present witnesses, who supported public confidence in the acts, were read a written text by the notary (or scribe).

The duty of the vicedomini was not merely to support (communal) public confidence but also to store and sort the records (*imbreviature*) of the notary acts in special vicedominal books, which were kept at the municipal administration premises. As a consequence of the work of this office, numerous legal acts have been preserved that comprise an extremely rich basis for the cultural heritage of Istrian region and make an important contribution to the validation of specifics of mutual European cultural heritage and tradition.

Therefore, I decided to stress the specific role of Istrian vicedomini in the operation of the institution of the notary office, which was kept alive in city administrations well into what is defined as the modern age.

I consider it a special honour that this work is being published in three languages (Italian, English and Slovene) at the publishing house of the re-

nowned University Ca' Foscari of Venice, within the framework of the strategic project of Territorial cooperation Italy-Slovenia "Shared Culture", coordinated by professor Claudio Povolo on behalf of Ca' Foscari University of Venice, to whom I express my sincere gratitude for all our previous creative cooperation.

I express to him my sincere gratitude also for our common realisation of another set of goals within this project: being granted a new research project, which thematically derives from cognitions of this book: "*FAIDA. Feud and blood feud between customary law and legal process in mediaeval and early modern Europe. The case of the Upper-Adriatic area*". The research project was granted in concourse of the 7th Framework program – Marie Skłodowska-Curie for established researchers and will be implemented in the years 2015 and 2016 at the Department of Humanities at the Ca' Foscari University of Venice.

Therefore, I express sincere gratitude, not only to my supervisor, prof. Claudio Povolo, but also to the Ca' Foscari University in Venice, which accepted my candidature, and especially to the staff of the International Research Office (*Ufficio Ricerca Internazionale*), for a successful collaboration on both projects.

Darko Darovec

Čentur, 28 June 2014

PREFACE

In everyday life, there is much talk about historical sources and their importance in studying human civilization, not only from the point of view of the historical sciences, but from all humanistic and social sciences as well.

However, the creators of these significant testimonies of the past, of documents of tradition, of human memory are rarely or never mentioned. Therefore, this book is dedicated to them, to the people known as scribes, to their work, to the written and unwritten rules and legal standards which they had to honour when, by serving to the needs of the time, they actually wrote down the habits and customs of our forefathers.

The present work discusses the emerging forms and development of the office of the notary in the region of Istria. The central part of the dissertation is focused on the times when the Venetian Republic ruled in these parts (from the end of 13th century to the end of 18th century).

The office of a notary is inseparably connected with the person of a notary and his activities, that is, the writing of legal documents. The notary documents are historical and are an invaluable source for research work for other sociological and humanistic disciplines since they present, especially during the period of the Middle Ages to modern times, an insight into a human development and a treasury of socio-economic and civil-legal relations. Nonetheless, studying the institution of a notary and of a notary as a legal person offers additional dimensions not only in researching civil-legal process but also activities and emerging forms of various governing and administrative institutions.

A historian, sociologist or ethnologist will be especially drawn to contents of (legal) events, a linguist will gain an overview of the language development and its special features, whereas a lawyer will be interested in legal practices, forms and laws. The latter, above all, will be the main focus in Chapter I where a general overview in the development of the office of a notary to the end of antiquity will be presented. During this period, the fundamental characteristics regarding the activity of the office of a notary will come to the forefront. These characteristics are connected with questions which

authority makes a “**public confidence**” (*fides publica*) possible for a notary to write down legal acts, that is, **a confidence of public or a public confidence**, which is necessary especially for the valid preservation of memory and for the authenticity of a legal document. Additionally, it was important in what procedure and comprising forms a document had to be drawn up if it were to retain its legal validity.

This question was addressed by many researchers of the history of the office of a notary; considering the expanse of the Roman Empire, it is understandable that the leading authors were Italian (BRUSCHI, CENCETTI, COSTAMAGNA, DURANDO, LEICHT, LOMBARDO, PEDANI FABRIS, PERTILE, PIERGIOVANNI, PRATESI, SCHIAPARELLI, SOFFIETTI, TAMBA, VILLATA and others)¹, French (AUDISIO, BOÛARD, FAGGION, LEVY-BRUHL, TESSIER and others), Spanish (comp. NOTARIADO PÚBLICO, 1986; PAPPFAVA 1983) but also authors of the German scientific circle (BRESSLAU, BRUNNER, REDLICH, STEINACHER) whose attention was focused considerably on this field of research.

The latter came into their own during the period which will be discussed in Chapter II, when the issue of “public confidence” and the drawing up of legal documents gained a new character in the changed political image of the European continent after Germanic countries had been formed on the territory of the former Roman Empire. Similar to the beginning of the development of the office of a notary in the Roman state, the legal role of witnesses at the drawing up legal documents is also characteristic of this period. Therefore, the role of a notary and a deed as a legal document loses its validity as compared to the period of late antiquity.

The Byzantine or Roman (comp. SARADI 1999), Lombardic and Franconian notary practices left indelible traces on the transitional territory of the Istrian Peninsula, as will be indicated in Chapter III. The development of the notary practice in Istria until the end of the 12th century was researched, besides by LEICHT (1910)² also by some Slovenian authors (KOS 1956; VILFAN,

¹ In quoting the scientific critical apparatus, the following method is used: the quoted literature or source is stated amid the text in parenthesis with a mark, which is written in semi-bold print. To avoid excessive quoting amid the text, only the last name of the author is cited or the source, the year when issued, and the page or the number of a document of the individual legal act. The same manner of quoting the scientific apparatus is used in notes below the line; the notes are intended mainly as content supplements. Two lists of abbreviations are also to be used.

² As the majority of Istrian specifics from the rich past, the office of vicedomineria was the first mentioned by Kandler (KANDLER 1846, 75-80; KANDLER 1861, 15-16). Degrassi presented this office in comparison with the podestà (DEGRASSI 1969, 9-12), while the Slovenian authors discussed *vicedomini* particularly in connection with the notaries (PAHOR 1958b, 124-127; VILFAN 1961; MIHELIČ 1984, KOS 1994).

OTOREPEC 1962); however, both papers were published abroad, the first one in German, the second one in French. Indispensable elements in studying this question are also some editions of sources for the history of Istria, which are also important for the subsequent periods, mainly KANDLER's *CDI*, DE FRANCESCHI's *Chartularium*, Minotto's *Documenta*, Bianchi's *Thesaurus* and KOS's *Gradivo za zgodovino Slovencev v srednjem veku*. The itemized editions of sources are further supplemented by works of other South Slavic authors, among whom it is worth mentioning the work of KOSTRENČIĆ (1930) which reaches to the territory of modern-day Croatia (which also includes Istria) as well as Serbian and Montenegrin territories of all periods until the end of the 15th century. In this chapter, some other characteristics which lent public confidence to legal documents are indicated as well; from the point of view of a notary a privilege for performing his profession, and as far as a deed went, it was a correct use of forms, a sign and signature of a notary. The above stated has already been considered by the literature cited in the works of NOVAK (1952), MARGETIĆ (1971, 1973), STIPIŠIĆ (1985), GRBAVAC (2008, 2011, 2013) and ZABBIA (2013), and literature used in their works is also worth mentioning.

In comparison with other historiographic works, the Croatian historiography, and Slovenian historiography even more so, are rather modest in discussing a notary practice even though the towns of Primorska have such archival material available. Among the editors of the notary documents which originated in the territory of the present day Croatian part of the Adriatic coast, ČREMOŠNIK, LUČIĆ, ZJAČIĆ and LJUBIĆ are the most notable, while on the Slovenian side only nine of Piran's notary books, edited by MIHELIČ (1984, 1986a, 2002, 2006, 2009), were published. The quantity and diversity of the preserved notary material from Istria and the Croatian coastal region were shown in an exhibition thanks to zealous experts of the Rijeka national archives lead by Danilo KLEN, in 1968, the same year as the catalogue was published.

It is necessary to emphasize, however, that places in the hinterland of the Balkan Peninsula are not as familiar (if at all) with the office of a notary as are the coastal towns. This is due to the favourable geographic position and the vicinity of commercially well developed towns of the Italic Peninsula of the latter. The rise of the office of a notary, which experienced its rebirth in the 12th century within a circle of the Bologna law school, was dictated above all, by economic factors after the "opening" of the European countries during the Crusades and after the re-establishment of private-property relations. About this transformation, which was founded in the renaissance of Roman law and with which a notary regained an exclusive role as a lawfully valid scribe of documents, the *Notariato medievale bolognese* (NOTARI-

ATO 1977), that became one of the most cited publication about the topic of notary office history. Especially in the past two decades numerous studies about development of notary office on Italic Peninsula were written, amongst which some monographs and collections of scientific papers need to be stressed TAMBA (2002), MICHETTI (2004), PIERGIOVANNI (2006, 2009), SOFFIETTI (2006), BRUSCHI (2006), LOMBARDO (2013), PEDANI FABRIS (1996) and other fundamental discussions with extensive referential literature, which affirm in deepen the significance of notary, especially of the middle ages notary office on all social levels.

The way the quoted changed economic and cultural circumstances influenced the development of the office of a notary and other related institutions in Istria, will be discussed in Chapter IV. At the time, the Istrian towns under the influence of Italian towns, experienced radical changes also in the inner structure of their governing forces; the local bourgeoisie as well as city aristocracy were established. Somewhat advanced commerce allowed an autonomous government which was, undeniably, made possible due to the well developed office of a notary. Specifically, for a successful implementation of a “local self-government”, several literate people were needed, people who were also familiar with basic law and grammar.

Notaries proved to be the most adequately equipped people to carry out bureaucratic tasks. At first, at least, notaries came from diverse social strata and began to form distinct notary corporations. From these corporations bureaucrats originated, who also took on other state or municipal clerical positions. With the rise of autonomous governments and with an absence of central government, which had had the authority to appoint notaries and issue them privileges to attending to their duties, new institutions, beside colleges of notaries, were established specifically in order to supervise the operation of the office of a notary and to prevent the possible falsification of legal documents. As a rule, notaries who were employed by municipal (state) institutions and drew a regular salary were in charge of the supervision. We find examples of such supervising offices, the so-called *memoriali*, in Bologna and its surrounding towns; in Dalmatia, supervision was carried out by *examinators*, and in Istria by *vicedomini* (comp. BLOISE 1982, 45–50; IONA 1988, 96–108; ANTONI 1989, 319–335; ANTONI 1991, 151–177; MARGETIĆ 1973, 5–79; DAROVEC 1993, 1994, 2010b; MAFFEI 1999, 489–542).

The intricacies and the emerging forms of those institutions will be described in Chapter V. The Istrian town ordinances, where this institution was known, will be most relevant for the study of the office of *vicedomini* in addition to specialized literature which is best presented by the works of TAMBA for the Bologna office, the dissertation of MARGETIĆ (1971) and the literature cited there for the Croatian coastal region and Dalmatia, BLOISE (1982),

IONA (1988) and ANTONIO (1989, 1991) for the Trieste *vicedomini*, while the tasks of *vicedomini* of Piran was described, in addition to MARGETIĆ (1971, 1973), in more detail only by PAHOR (1958b), and especially by DAROVEC (1994, 2010b).

For this chapter it is worth stressing the importance of the general historical literature for the period of the Venetian Republic's rule in Istria, since it is there that we find not only an overview of the historical events of the era in the region of Istria, but also the development and description of duties of Istrian *vicedomini* parallel to similar nearby offices. The leading adequate literature is the work of BERTOŠA (1986), for the economic relations of Istrian towns with the hinterland in the light of political events it is worth mentioning the introductory chapter in the work by GESTRIN (1965). His work about seamanship in medieval Piran (1978) is an excellent illustration of the use of notary, mainly *vicedomini* books in studying the history of not only towns of Primorska but a general review of the European economic and other forms of life as well. A great deal of useful literature for a part of the territory of present-day Slovenian Istria is to be found in the first pages of a book by MIHELIČ (1985); the article *Razmislek (Reflection)* (MIHELIČ 1986b) by the same author about the publishing of older archival documents is not intended only for already published archival sources but also for preferential editions, which should be published in further endeavours in researching the history of Slovenes. The emphasis on published sources for the history of Istria and the archival material, which is kept in the PAK (Koper Regional Archives), is given in a dissertation by DAROVEC (1992).

The published historical sources, mainly ordinances of the Istrian municipalities and the archival material from the PAK, form, in addition to the cited literature, the basis for Chapter VI, which discusses legal definitions, rules in composing legal documents in the discussed municipalities and prescribed payments for performing this work.

The manner of keeping and storing notary and *vicedomini* books is described in Chapter VII. It is based on legal provisions, included in municipal ordinances, on decrees of proper central Venetian offices, as well as on researching a preserved notary and vicedominal material in the former communities of Koper, Izola and Piran. For Piran only a handful of notary books from the end of the 13th to the beginning of the 14th centuries and from the end of the 16th century on are preserved, while for the intermediate period (1325-1656) 170 vicedominal books are preserved and over 9,000 testaments for the period from 1298 to 1699 (PAK. PI. INVENTAR). In Trieste 99 vicedominal books for the period 1322-1731 (IONA, 1988, 97) are preserved. The archives in Izola were burned in a fire at the beginning of the last century and only 207 last wills and one vicedominal book is available amid the archival material in the

municipality of Koper for the period in discussion. Unfortunately, many notary and vicedominal books of the former municipality of Koper (527 archival unit, of which 34 vicedominal books; MAJER 1904) are available only on microfilm copies in the State Archives in Trieste, since beside the so-called group IX with the archival material of fraternities and monasteries (MAJER 1904) and some other fragments (Koper Regional Archives. Documents), all the remaining archival material of the municipality of Koper was taken in 1944 to Italy.

From the paleographic point of view, only material written in Latin and Italian is taken into account in this dissertation, which means the writings we call Romanic (9th to 12th /13th centuries), Gothic alphabet (13th to 15th centuries on) and Humanism (from 15th century on), even though the Glagolitic writing in Old Church Slavonic or Old Croatian languages (ŠTEFANIĆ 1956) appears in the discussed territory; however, as opposed to other towns in Istria (ŠTEFANIĆ 1952) it doubtlessly refers to two councillors of the Koper Court of Appeals, founded in 1584; comp. PAHOR 1958a; LEGGI 1683, this writing was not put into effect in notary documents in this region. We find in notary documents even the last will, written in the Hebrew alphabet and language (PAK. 84, a. u. 2, n.103), but all the records follow the fixed forms as prescribed by city statutes and the established notary practice.

In conclusion, as is customary, a concise summary of the presented subject, of new questions that have arisen during the research, and of possibilities of further, especially interdisciplinary, study of the discussed subject, is given herewith.

I. THE ROOTS OF THE NOTARY OFFICE

A significant step in the civilization of man was made when written contracts replaced verbal contracts. If speech is tied to “culture”, then writing, perhaps not quite as directly, is bound with a “civilization”, with the culture of towns and with complex social formations. Writing provided a tool which allowed trading and administration to expand, which directly influenced the making of legal relations. There was a long way to go, though, before the written document would have conquered all the characteristics which allowed the necessary public confidence and legal efficacy. The institution of a notary public played a very important role in this development.

The meaning of writing in the development of human social relations

It appears that the art of writing originates almost inevitably from circumstances that are characteristic of urbanization and that urbanization itself is crucial for the preservation of such circumstances. No civilization in the world advanced or firmly established itself for a period of time if writing was nonexistent within it.

In order to argue such a categorical statement, a precise definition of what writing means is necessary. Namely, it is obvious that in primitive societies, signs, symbols and images were used. These could be defined inaccurately as writing; however, in and of them, these signs, symbols and pictures are not yet writing but only illustrations to some story, which are comprehensible only when the story is known. Writing begins only after a definite sign begins defining a certain vocal plane, when a sign gains a phonetic value.

Unquestionably, pictures are the foundation of each system of writing; however, the term “**pictography**” itself is contradictory³. This is not to say that writing had not developed from the applied purpose of these signs, symbols

³ Comp. GOODY 1993, 21–35, and literature quoted there. Goody talks about pictographs also as a “mental writing” or even as “ideographical” systems.

and pictures. Namely, as soon as people began to live in groups that were larger than family groups or tribes of the Neolithic period and as soon as production began to gravitate toward specialization, the question of **property** became more complicated. In the old times of family or tribe, a chieftain of such a group was an exclusive owner of everything that belonged to that particular group; certain objects were allowed to be used by one or another member of the community, but there was never a doubt about the basic ownership. When diverse groups began to incorporate into a new entity of a town, confusion might have happened and ownership became disputable. Something that would certify the right of ownership became necessary. Therefore, we find an incised personal seal right at the beginning of the Iron Age. A cork on a pitcher for storing produce, or a knot on a rope to which a bundle of superfluous clothes were tied, was smeared with clay and a seal was impressed in it, a seal that bore a recognizable sign of its owner – his *vasm*. This sign had no connection with its meaning; it might have been pictorial – a picture of a dog or a cow – or an ornamental drawing or just a few horizontal lines in a certain arrangement; no matter how it was done, it was meant to indicate a particular person, one person only, and no one else. Therefore, each owner of property wanted to have his own seal.

Since the first civilizations were city states, a deity that they worshiped, was the supreme, if not the only, master of the land and its produce. It was in the house of a god where produce from this god's estates were stored, therefore he urgently needed some recognizable sign for his property to protect it from embezzlement. Goods were his not because of his *persona* but because of his rights as a master. On impressions of seals from the times before writing, we find conventional images which illustrate recognized symbols of this god (a temple, city gate, sun, moon, snake, etc.). Therefore the meaning of a pictograph was clear to everyone and a sign was easy to draw.

A private person was able to be content with an ordinary sign which defined him as the owner of stocks, but the estates of a god were much vaster and, thus, demanded regular inspection. Priests who were in charge of this wealth had to manage the accounts if they were to do their work correctly. Therefore, writing began in temples and in the worship of a god.

The beginning phases were rather easy. The number of cattle and sheep, pitchers of butter and measures of grain were marked as a picture of a sheep, cow's head, wheat ear or a fish followed by one or more dots or circles, which gave exact needed data – so many sheep, so many cattle, this much grain, etc. This is called **logographic writing** that was used on the oldest clay tablets. These were found in Uruk (present-day Warka) and Dzhamder Nasser in Mesopotamia (from around 3200–3100 B.C.) (comp. GOODY 1993, 44–54); they were economic documents which were necessary for the operation of

the temples. Identical are the tablets from Minos's Crete (though later on there, the system of counting was more sophisticated). On these the entire stock of a king's palace was documented: so many axes, so many carts, so many measures of saffron. Many civilizations had reached this level and stopped there – stopped as far as of their own initiative; if they later progressed to a level where writing par excellence began, they progressed because they had borrowed this idea from someone else. Many scientists agree that other civilizations took over the *idea* of writing from the Sumerians⁴. Considering the immense meaning of this invention to the progress of mankind, it is justifiable to ask the question *why* writing was spread by the Sumerians and not some other ancient peoples. That is to say, if true writing begins with the appearance of some undeniable linguistic element, this can happen only when signs gain a *phonetic* value. This was made possible by a particular characteristic of the Sumerian language⁵. Both the Sumerian cuneiform and the Egyptian hieroglyphs⁶ made it possible to depict both the sound and the meaning of words. Therefore, the development of writing is not to be attributed to the peculiarity of the Sumerian language only, but also to the character of people, that is, how and to what ends the Sumerians used this skill.

It is known that the Egyptians first used writing mainly for religious and production⁷ purposes, while the oldest discovered writing of Sumerian origin depicts a list of goods, business transactions and selling of pieces of land. Also described is soil and its produce, farming tools and livestock and, on top of it all, we find even some scholastic texts which attest to the existence of schools for scribes who were most likely members of a temple collegiate of clerical priests (GOODY 1993, 48).

It is true that the Sumerians developed writing in temples, but writing was also necessary for them as an adequate tool which enabled them to manage complicated accounts pertaining to the income of a god since they lived in

⁴ The question about the precedence of the Egyptian writing over the Sumerian writing is far from being decided. We can only mention that at the end of the fourth millennium both types of writing were in use. Comp. DIRINGER: *The Alphabet: A Key to the History of Mankind*, London, 1948, p. 58sq. Cit. in ZGOD. ČLOV., 1/2, 24 and 52, note 20, comp. pp. 266–298.

⁵ About the characteristics and development of the Sumerian language comp. ZGOD. ČLOV., 1/2, 269–274.

⁶ *Hieroglyph* from the Greek *hieros* – world, *glyphein* – to incise; “sacred writing” of the old Egyptians in pictures (pictography), later on in agreed upon symbols (VERBINC 1982, 266). Comp. STIPIŠIĆ 1985, 27/8.

⁷ In Egypt, writing appears simultaneously with the establishment of a united state and with the systematic organization of irrigation. Initially, writing was more of a tool for getting out orders rather than a tool for recording thoughts. It was inevitable for organization and giving orders (comp. Leclant in ZGOD. ČLOV., 1 /2, 297, note 13).

a society that was essentially composed of craftsmen and traders. Therefore the main task of writing was to **advance commerce** (DRIVER 1976, 2-4).

The archaeological material found amid the ruins of Mesopotamian towns may be classified within three categories: business documents, kings' inscriptions and religious texts. However, the majority of tablets belong to the first category.

The business tablets which are comprised of contracts, letters, deeds of sale etc. as well as inventory catalogues, serve entirely practical needs. Not only was writing wholly adjusted to such matters, but the scribe had no interest in bettering or embellishing it; writing was simply a useful tool which had nothing to do with aesthetics. This was due not only to conservatism *per se* but there was an interest to maintain such a *status quo* which made it impossible for others to gain control over an important means of communication. Writing was in the hands of closed writing elite (scribes) who had no interest whatsoever in simplifications, but they rather exhibited their mastery by even multiplying signs and meanings⁸.

Written text was very rarely visible on monuments to a king; for a largely illiterate population, an image was much more loquacious than any writing. Therefore, texts were usually pushed to the background. However, the majority of kings' inscriptions were not intended for a handful of literates: it was there for a god's eyes. A king's statue would stand in a temple to represent a king as a permanent worshipper of a god and the inscription was not an announcement for people, but it usually listed a ruler's pious deeds and was sometimes seen only by a handful of priests. It is clear that these inscriptions had to be written as fine examples of the calligraphy of the time, but they were, by nature, private records which did not require monumental work; they had little or no influence on writing in daily use.

Religious texts are, with almost no exception, from a later time. Priests from earlier times were content with oral tradition; the religious teachings of diverse peoples and faiths were oral at first as well since pupils had to memorize everything they were learning. Only when Sumerian as a spoken language began to die out did Sumerian priests begin to eternize religious literature of the old civilization and its history as much as it was known to them. In writing down the religious literature, they relied mainly on memory, but as far as historical details are concerned there seems to be confusion in the Lists of Kings which indicates how little it was written down before.

At the time when writing began, Sumeria was not an isolated country at all; it was widely stretched and was in trading relations with its neighbours

⁸ Even with the Sumerian scribe, the possibility of a further development of phonetic writing was indicated. Comp. GOODY 1993, 51.

to the east and west. Precisely because the invention of writing was used for trading and economic purposes, it was noticed by other countries which were in contact with Sumeria and which reached such an economic and cultural level that writing would have become useful to them.

At this time we find modified systems of writings in Iran. The oldest samples from 2400 B.C. from the valley of Indus are known. However, as far as the origin of Chinese writing⁹ is concerned, scientists are still engaged in heated debates. Just as the Egyptians and the Aryans from northern India, the Chinese, while trading with other peoples, did not borrow a form from the Sumerians, but instead they borrowed the idea of writing. It is probable that the Egyptians influenced the hieroglyphic writings of Crete and that of the Hittites (circa 2000 B.C.).

The Hittites soon invented their own hieroglyphic system which was based on signs being fully adapted to the pronunciation of the Hittite language and, thus, arrived at something very close to “*syllabic writing*”, which is, strictly speaking, a precursor of the alphabet. The *alphabet* was invented by the Phoenicians (circa 1500 B.C.). Its main advantage was that its symbols were easy to remember and a person could become literate in a matter of a few weeks. From the alphabet of this ingenious nation of merchants, the Greek alphabet was also developed, beside the old Hebraic and Arabic alphabets¹⁰. Latium people took over the alphabet from the Greeks, and during the Middle Ages, together with Christianity, other nations which were established in the territory of the former Roman Empire, took it over from the Latium people.

With the development of syllabic writing and commerce, the need for specialized scribes arose as well. Priests who were learning to write in temples could no longer fulfil the demands of state jobs and the illiterate population needed notaries to settle certain affairs. Therefore, beside the usual clergy, a new class of scribes came into being. They had to originate from the wealthier strata, since a poor man could not afford expenses for long-term studies and since a future scribe had to be an apprentice in his profession for a long time. However, a scribe surpassed a common handworker and his education was the key to state jobs.

⁹ Comp. ZGOD. ČLOV., I/2, 276–284 and notes 8–14. The usage of this writing appeared during time when a large part of the steppe’s territory between western Asia and northern China was controlled by Indo-Europeans (15th century B.C.), which for some was a hint about a possible incentive from this direction (GOODY 1993, 53–54).

¹⁰ Greeks added to their alphabet, which came into existence around 750 B.C., special vowel signs that the Phoenicians were not familiar with, therefore some defend a statement that the alphabet was invented by the Greeks (comp. GOODY 1993, 57–70 and 78).

There are no data available for the early period about a school organization and educational methods of the Egyptians. We can safely assume, though, from the so-called “houses of tablets”, i.e. schools established in later times (6th century), that numerous scribe schools had existed before. Even if schools were frequented by boys only, there were also women scribes. Boys came mostly from upper social classes, even though education was not limited exclusively to a privileged caste.

The component of literate Sumerian and Old Babylonian population was, comparatively speaking, larger than in Egypt. They were “lower” and “higher” scribes there, temple scribes and king’s scribes in a king’s palace, scribes that served as leading government clerks and scribes who became proficient in special categories of administrative work such as teachers and notaries. The latter were much sought after due to the importance of the external and internal commerce and because the law demanded written proof in each and every civil suit that appeared in court. It is quite probable that in addition to professional scribes who numbered in thousands, business people as well attained at least superficial knowledge in writing to serve their purpose (comp. ZGOD. ČLOV., I/2, 291–296).

Education in the world of writing, tested with an exam system, became a criterion for accessing if not the highest at least high government jobs. Writing controlled the socio-cultural system not only from a standpoint of administration but from a standpoint of scientific and cultural achievements as well. As written documents both public and private became common and the number of written works increased, too, a need of storing them and having an easier access to them came about; this was achieved by collecting them in suitable places.

A priority was the storing of state contracts, laws and decrees, administrative documents, reports of relations with foreign countries, secular and religious chronicles, records of the deeds of kings, lists of priests and civil servants, etc. All of the above was written on rather durable materials and collected in kings’ palaces, special places in temples or at the seats of town authorities and assemblies.

Collections of such documents are known to us from findings. In Egypt, the archives known as Tell el Amarna archives (dated from the 14th century B.C.) contained correspondence with the subject lands and the neighbouring states. From Crete, archives of Minos’ palaces and archives of kings and leading towns in Hittite’s Empire are known (ZGOD. ČLOV., II/1, 94–95).

During the next period, real libraries or at least departments for the storing of literary works were established. These added to the archives. In addition to Assyria, the oldest libraries existed in Babylon. Those were followed by similar institutions in the Persian metropolises, of which the best known is

the one established in Persepolis during the rule of Darius I. The first collections of literature, that is the first libraries in the Greek world, were probably established in the era of tyrants in the 6th century B.C. by Policrates on Samos and by Pizistratedes in Athens.

At the same time, the number of archives, in which transcripts of important private documents were stored, was increasing. These were, for instance, documents about border drafts, transfers of properties, liberation from slavery, adoptions and testaments.

The significance of literacy was raised to such a level that writing itself gave credibility to a document. Due to the increasing number of private documents on the one hand and a general illiteracy on the other, the institution of the office of a notary gradually developed into an entirely independent establishment.

The definition of a notary public and his subject matter

The institution of the office of a notary without doubt originates from the activity of its main holder, a public servant–notary. A notary is a public agency authorized by a proper administrative authority to be allowed to compose public documents regarding legal business, certifying signatures, transcripts, translations and so on, accepting money and other valuables for safekeeping etc. Though he is not a state employee, his documents have legal validity, including sanctions against irregularities. In this liberal profession he is liable for performing certain duties that are under jurisdiction of an official authority which also manages these duties as prescribed by law. Additionally, a notary inspires confidence because he attends to his duties permanently and his documents have to be saved after his death.

In times past, especially in the Middle Ages, a notary played a very important role since he was, in the midst of general ignorance, one of a few who knew how to read and write, knew law and laws. He was a person to whom both individuals and judicial people turned to when in need of preserving rights of ownership and other rights and the writing some other deeds. With a general development of law and legal relations, a notary obtained **public confidence** (*fides publica*) and with it credibility of his written documents, and became an indispensable middleman in the making of **public and private documents**¹¹.

¹¹ The question of public confidence in West-Mediterranean European regions from Roman period onwards was addressed in-depth by authors of collection of scientific papers PIER-GIOVANNI, 2006.

In diplomatics, an auxiliary history science that researches documental material (*diplomas*)¹² from the Middle Ages as historical sources, researches its origin, outer form and inner complexity as well as a manner of handing it over, defines authenticity as a foundation for historical interpretations and publishes its findings in critical editions (OTOREPEC 1987, 266), there was established a division of documents on *public* and *private*. Even if they both enjoy public confidence (*fidem publicam*) in most cases, it is true for the former that these are all documents issued by independent public authorities such as emperors, kings, popes, dukes, cities and other holders of a government authority, while the latter were documents in the sphere of civilian and private law, drawn up in prescribed forms in offices by the authorized personnel. It is also characteristic of public documents that they have more elaborate forms than the private ones. However, in past eras both were drawn by notaries. The former were drawn by notaries as employees of proper government offices and the latter by notaries who were also independent pursuers of their own profession (STIPIŠIĆ 1985, 159), so that a term *notary document* had been established for a private document.

It is known that the Assyrians, Babylonians, Greeks and Romans were already acquainted with this document. Naturally, the document comes to existence only with literacy and, thus, the Slavs were not familiar with it in their original homeland, though they knew verbal agreements (*stipulatio verbalis*). Since the document in the Middle Ages derives from the Roman document we will, as we continue, be interested in it and in the development of private legal documents of the Middle Ages that had their origin in Roman times.

Roman *tabelliones* and notaries

Legal stipulations regarding the performing a profession of a notary public are known from the beginning of the Middle Ages from statute books of the Byzantine emperor Justinian (527–565)¹³. In any case, these stipulations are

¹² From the Greek *diploma*, a paper, folded in two, from *diploos*, twofold (VERBINC 1982).

¹³ After the renowned revolt, named *Nika* (victory), Justinian decided in 533, in an attempt to strengthen the state, to issue the first three parts of his statute book. He named it *Corpus Iuris Civilis*, one of the most important collections of the Roman statutes, which became the foundation of the modern legislation. *Corpus Iuris Civilis* was comprised of: *Codex* with the emperor's decrees, *Digeste* or *Pandectae*, collection of opinions of the most renowned lawyers, and *Institutiones*, the fundamental principles of the legal science. Later on, Justinian added *Novellae Constitutiones*, i.e. laws he had issued during the time of his rule (CRACCO 1992, 41); these are the most significant for our discussion.

the fruits of the practice of many centuries, since laws usually commence when some deeds or habits already exist in practice.

It would be hard to define various Hittite and Egyptian scribes (*scriba*) or Greek tahiographs and semeiographs, among whom were also women, as the beginnings of the office of a notary seeing that the African scribes were usually either rulers or at least high government clerks, while the Greek scribes, with defined signs, took notes of what masters said. Private legal documents were generally in the form of verbal agreements or written before proper state offices. A particular office that would be separated from the government and would legally be given public confidence was therefore not yet developed.

During the Roman republican period, there were clerks who had some characteristics of a subsequent notary. These were *tabelliones*, named after wax tablets on which they wrote as private persons (at first these persons were mainly (Greek) slaves¹⁴ mostly private legal documents (deeds of sale, deeds of gift, promissory notes, testaments, etc.). However, the meaning of written documents was minimal at the time, since its sole purpose was to help witnesses, in case of some legal dispute, recalling a certain private legal event. A written document was, of course, also a proof of presence by certain witnesses at drawing up a legal document.

With the transfer of the Empire's capital from Rome to Constantinople (330), the authentic document of private contracts written by *tabelliones* began to attain, in the Hellenistic environment where the written legal document had a greater value, an impartial demonstrative power also in the Roman Empire (STIPIŠIĆ 1985, 161).

Notaries, *basilicoi hypographoi* (βασιλικοὶ ὑπόγραφοί) in Greek, worked in the emperor's office. The difference between them and *tabelliones* and scribes (*scribae*) was that notaries were regulating legal documents written by the latter. Their duties were performed in the republican era, so it seems, by *scribae librai* or *questoris* who in the era of emperors became obligatory in all of the state chancelleries, including the municipal (COSTAMAGNA 1975, 164).

Notaries derived from high social class and were commonly labelled by the adjective "*vir clarissimus*". Their duty was to examine and to regulate documents and to write annotations on them¹⁵ about a legal deed that a certain document attested to (COSTAMAGNA 1975, d 158/9). The Emperor Justinian

¹⁴ Known is the appearance of Greek slaves – cultivated people in Roman society, which it "hired" to heighten its cultural and intellectual level. These were mostly either war prisoners or slaves due to their debts.

¹⁵ *Nota, notae* (= a sign, symbol, note, annotation); hence from also the Latin etymological root of the word notary (EGI, 617).

calls notaries in his statute book “judges and archivists”, while Cassiodorus (6th century) elevates them above judges (SOMEDA 1958, 17). Notaries were, in other words, also some kind of administrators and recording clerks at court trials and had the benefit of **public confidence** (*fides publica*) in the age of the empire.

In the period of the late empire, a “*schola notariorum*” is mentioned as being very important; it is frequented by “*virī clarissimi*” and headed by “*primicerius notariorum*” whose duty is to arrange and store both civilian and military documents; he is substituted by “*secundicerius notariorum*”. Members of this school were also tribunes and notaries who could hold out hopes for high positions in the government (SOMEDA 1958, 15).

The first regulations about creating legal documents

When the practice of written private legal documents expanded with the development of commerce and social relations in general, emperors began to prescribe legal stipulations for this activity. *Tabelliones* gradually acquired a status of acknowledged public servants; they were organized in corporations that educated and supervised them. In times of the Roman classical lawyer Ulpian (170–228) there already were some regulations about the notary practice, regulations that made it possible to eliminate incompetent persons from this profession. In times of Diocletian’s attempt to maximize prices (beginning of 4th century) tariffs were determined for notaries. In the 5th century, penalties were prescribed for those *tabelliones* who wrote legal documents against lawful stipulations. However, we gather only with Justinian’s statute books a manner in which *tabelliones* operated, a manner that had to be taken into consideration when creating private documents (LEICHT 1948, 51).

A private document, created by *tabelliones* (*instrumentum publice confectum*)¹⁶, gained credibility only after being publicly issued (*redactio in mundum*). A document was validly issued only after *tabelliones*, when requested (*rogatio*) by customers, wrote first a draft (*scheda*) of it, then either read it or gave it to contractors for inspection: first to an *auctor*, who gave it to *destinator*¹⁷ and then to at least three witnesses who acknowledged their agreement with the

¹⁶ The term *instrumentum*, which was re-established from the 12th century on, was already being used in Justinian’s time for all kinds of private legal acts (Novellae 73 c. 4).

¹⁷ *Auctor* (*concessor*) is a person, who is executing a legal act. In a public document this is a sovereign, who is giving a benefice or privilege with it; in a private document this can be a testator, seller, donor, etc. *Destinatorius* is a person, to whom a legal act is destined for, i.e. a buyer (STIPIŠIČ 1985, 158).

content by signing (*traditio*) it; only then *tabelliones* drew a document, signed it and handed it over to the contractors (“*post traditam complevi et dedi*”) in the final, legally valid form (*redactio in mundum*). A seal, which had a several hundred year old tradition of functioning as attestation for private legal act, began to lose this very same function with the development of notary practice. It was replaced by witnesses and a notary as a privileged person for drawing up valid documents. A seal became practically unnecessary and was used only for solemn documents.

The act of handing over a document to contractors for inspection and approval (*traditio*) was a fundamental legally attested act (*absolutio*) of the Roman private contract in which *tabelliones* assumed a role of privileged witnesses. However, the act itself did not have demonstrative power, unless both contracting parties were present (LEICHT 1948, 52).

To safeguard the legal acts, some other methods were used as well, methods that led to establishment of particular offices. Since Justinian’s provisions did not give to *tabelliones* the same value (*fides publica*) that would later on in the Middle Ages be bestowed on a notary, that is, that in case of lost documents or a court dispute he would be allowed to issue authentic documents (AMELOTTI, COSTAMAGNA 1975, 41 sq.) based on his notes (*scheda, nota, imbreviatura*), the contractors had to, on such occasions, fall back on the authorized state institutions which had the right of issuing authentic copies (*ius acta conficiendi* or *ius gestorum*) (PRATESI, 1983, 761). These offices (*cancellaria*) were usually stationed at the head of province or more frequently at municipal offices (*gesta municipalia*) where contractors, **at their own request**¹⁸, gave a private legal document (a loan, exchange, gift, dowry, etc.) to be written down (*insinuatio*) into a special registers (*acta publica*) that were stored in these offices.

Gesta were led by *eksceptorii*, some kind of chancellors. According to a chapter of legal stipulations of the Emperor Valentinian III (419–455), presence of these chancellors and three witnesses was sufficient for an entry of insinuation (LEICHT 1948, 53). One of the requirements for this entry was that it was written by *tabelliones*¹⁹ because contracts written by “ordinary” scribes were legally not valid, as a creditor is warned in Justinian’s statute book for such cases: “*sciat quod in illius fide totum ipse suspendit*” (LEICHT 1948, 51). This procedure was evidently in compliance with the comprehension of public confidence at that time, since even public (ruler’s) documents which originated

¹⁸ Only for deeds of donation over 500 solidi, Justinian ordered a mandatory recording of insinuation; Novellae, 73, 7, cit. LEICHT 1948, 52.

¹⁹ Justinian’s ordinance (Novellae 73, c. 4) calls such a document “*instrumentum publice confectum*”.

in state chancelleries had to be inspected by high public servants, called *consentientes*, before being published.

The above described regulation was preserved for a long period of time in lands which were under Byzantine rule (Ravenna administrative unit, south Italy), while in those lands that came under the rule of Lombards, an entirely new category of scribes developed.

Ecclesiastic scribes

In the era of Roman emperors (27 B.C.–476), offices developed at ecclesiastic institutions as well. At first they had no intention of interfering in private legal territory, but later on similar institutions like lay authorities developed from them especially due to the fall of the Western Roman Empire when clerics assumed a role of the main recording clerks of public and private legal documents.

Around the year 100, Pope Clement sent out “*notarios fideles Ecclesiae*” to seven regions in order to collect from court scribes, that is, lay notaries, documents about martyrs. In the middle of the 3rd century, a Collegiate of seven sub deacons who were in charge of supervising the church notaries was established. At that time, elders of notaries already authenticated testaments, offerings, liberations from slavery, etc. After the renown Milan edict (313) with which the Emperor Constantine placed Christianity to the same level with other faiths, the Roman diocese attained validity also at issuing of all of the public and private documents. Old archives were renovated and new archives established. Notaries were trusted with the storing and organizing of documents about martyrs and church administration. These notaries were called either *scrinarii* after chests where they kept their documents or *chartularii* after their collections of documents (SOMEDA 1958, 15).

After the Hunnish and Germanic invasions and especially after the establishment of the Lombardic kingdom on the larger part of the Italic peninsula in the second part of the 6th century, when the entire Roman legal system was shaken, priests became the principal educated people. They took important positions in the Lombardic state administration and became the central recording clerks of public and private legal acts.

II. *FIDES PUBLICA* IN THE EARLY AND LATE MIDDLE AGES

Even though some research into the office of a notary and notary practice attributed jurisdictions of notaries in the Middle Ages to the Roman *tabelliones*²⁰ or even *eksceptores* (SCHIAPARELLI 1932, 27 sq.) who were also called “*scriba civitatis*” in the Byzantine era, the notary practice and legislation were asserted in the times of Lombard (6th–8th centuries) and especially the Franconian states (9th century). It was during these times that the fundamental features of this important legal institution were drawn, the institution that gained its peculiarities also with the development of the office of a notary in the Byzantine and later on in Romanic lands.

The Byzantine or Romanic and Lombard notary offices

With the arrival of Lombards to the Friulian lowland (568) and with the establishment of the Italic kingdom (*Regnum Italicum*), we can observe two directions in the development of the notary office. Both directions are of utmost importance precisely because of the **Istrian Peninsula**, a borderland between these two states, and are characteristic of a further development of the notary practice in this region.

On one hand, there is a Byzantine or Romanic direction which continues the Roman tradition with *tabelliones* (also called *curiali*, *scriniari* or *forenses*) who are organized in exclusive state-acknowledged corporations (*artes* or *scholae*), led by *primarius*. This is how they achieved recognition of being the only ones allowed to write down private legal acts with public confidence. With the repetition of judicial formulas from generation to generation and with repetition of even graphical particularities that were developed in the appointed sphere of where *tabelliones* operated, the Late Roman tradition of office operation remained virtually unchanged in these lands.

In Romanic documents we find the dynamic activity of the “*scribae civitatis*”,

²⁰ DURANDO 1897, 24–60, in some regards even BRESSLAU 1912, 590; comp. COSTAMAGNA 1975, 285.

a public servant of the municipal curia whose duties included keeping the registers that contained documented transfers (*transcriptiones*) of property ownership. These registers are mentioned in a particular Ravenna collection of statute books (*capitular*) from the end of the 9th century, (LEICHT 1948, 55) the purpose of which was undoubtedly to strengthen contracts about transfers of property ownership. An assumption that the above mentioned municipal scribes were predecessors of future communal chancellors also needs to be taken into account (LEICHT 1936, 974).

The status of a notary in these lands was much more influential than in Lombard lands since his role as a recording clerk of private acts attained greater public confidence than the activity of contractors or witnesses who at first numbered seven to fifteen, but their number was gradually decreased (3–1). The Benevetian princes ordered, as early as in the mid-9th century that all private documents were to be written by notaries, lest they have no validity (PERTILE 1902, 293).

In Rome, the *tabelliones* were replaced by *scrinarii sanctae Romanae Ecclesiae* who were, from the 11th century on, in charge of storing and organizing private legal acts, as well as issuing valid copies of these documents. In Naples, *curiali* gradually assumed the role of notary public, which was probably due to their professional organization which watched over the correctness in executing their work (STIPIŠIĆ 1985, 161).

On the other hand, a **Lombard** practice and legislation were asserted. Similar to other spheres of social life, the Lombard intrusion caused a regression in the development of institutions, which was particularly true for the office of a notary where the institution of *tabelliones* and insinuations disappeared entirely. The city municipal authorities, if they survived at all, lost their former significance, while the holders of these authorities began to form together with the army within the frame of the ecclesiastic institutions.

In the Lombard state, notaries were private persons for a long time. They were either lay people or clerics; the latter worked mainly at ecclesiastic institutions (*notarii ecclesiae*) where they also recorded a large number of private legal documents. Among the recording clerks of Lombard legal acts, which were published together with the acts of judicial councils (*placiti*)²¹ in a collection *Codice Diplomatico Langobardo* by SCHIAPARELLI (1933), we find in this period twenty-three different titles for the recording clerks of private documents. Among priests, deacons, friars, bishops, clerics, *lector*, *viridevoti*, *viri clarissimi*, *amicii*, *eksceptori*, *nepoti*, *scriptori* and others, we come across notaries most often (59 times out of 175 cases), sometimes as “just” notaries

²¹ These were arbitrations at the state level; the collection of the documents of the *placiti* in the Italic kingdom was published by MANARESI 1955.

(*notarius*), and sometimes as notaries with adjectives such as *notarius regis*, *notarius regiae potestatis*, *notarius Ecclesiae*, *presbiter et notarius*, *subdiaconus et notarius* and *Clericus et notarius* (COSTAMAGNA 1975, 157).

Most researchers of the office of the notary thus believe that all of the itemized notaries were already qualified for writing authentic documents; this can be gathered from the content, since the recording clerks wrote on requests or orders by sovereigns of that time, and an additional specification of their authority should therefore not be necessary. Additionally, all notaries, by their status, held a high place on the social scale, usually performing important functions in state chancelleries, while clerics were already appointed by the church (COSTAMAGNA 1975, 170). For Lombard recording clerks dealing with private legal documents, the term "*scriba publicus*" became established in the Lombard legislation during the times of King Raths (746); this term already enjoys a certain level of public confidence.

Even though a small number of documents have been preserved from the Lombard era, Giorgio Costamagna is attempting to prove that the term "*publicus*" has had, in Lombard legislation, a remarkable connotation since it sometimes indicates a state treasurer or even a judge. It is for that reason that the label of public scribe is supposed to have all the necessary validity (COSTAMAGNA 1975, 163). Costamagna's argumentation that "*scriba publicus*" as a recording clerk of legal acts already attained all of the characteristics of a future notary, is not convincing for Alessandro Pratesi. According to Pratesi, "*scriba publicus*" had not been appointed by an officially recognized authority in the name of which he could present himself as the credible endorser of a concluded legal agreement (PRATESI 1983, 763). A notary's written record, then, did not yet yield a public character, since the proving power of a concluded act was still in the hands of contractors and witnesses who appear in great numbers (7–15) (PRATESI 1983, 764) until the mid-9th century; the illiterate signers of private documents signed themselves with customary crosses ("*signa manum*").

An interesting authenticity was given to a document by an established practice of Lombard scribes who handed over to each contractor an authentic copy of a legal act. This method was later lost in the Italian lands, but it was preserved in French territory and was still taken into consideration by the Napoleonic code (LEICHT 1948, 55).

According to Pratesi, the times for the development of a notary practice came not earlier than with the Franconian era. During these times a notary was given, within the framework of prescribed legal stipulations, a relative autonomy, since a notary's signature already assured the necessary public confidence to a document. This circumstance was extremely important in the era of the ascent of townships, particularly from the 12th

century on when towns with a distinctive administration, economy and social relation appeared (reappeared) on the scene. The institutions of the office of a notary played one of the crucial roles in this era since without the autonomic functioning of this office it would have been hard to picture a variety of the communal statutory law and its significance in the development of Europe.

The Franconian notary office and its legislation

With the conquest of the Lombard state (774), the Franconians took over many characteristics of the Lombard law as well and incorporated it, together with the Germanic and Roman law, into their legislation.

The common characteristic of the Franconian law was its striving toward the centralization of the state. This is evident from the structural complexity of the Franconian hierarchic feudal system. This direction was also taken in regulating the office of a notary, which was elevated to one of the central administrative institutions.

The first known Franconian ordinance which refers to the office of a notary goes back to the year 781 when the sovereign ordered his counts that **notaries** had to write down their legal acts (MGH. CRF. I, 190). Charles the Great cemented the role of a notary even further with the ordinance from 803 where he stated that both judges (*skabini*) and lawyers (trustees, probably for lay properties in this case; comp. COSTAMAGNA 1975, 182) had to be nominated. In individual places they were nominated by envoys (*missi*) between a count and the central authority (IBID., 115). In addition to notaries being made equal to *skabini* and lawyers, we can also attribute to this ordinance the beginnings of the legal arrangement of the state of authority, in the name of which notaries eventually made credible appearances at all of the legal acts.

The next ordinance originates from the year 805, which is partially tied to the first one by ordering all of the bishops, abbots and counts to have a notary officiating their affairs (MGH. CRF. I, 121). In addition to supplementing the second ordinance, the first one is also tied to a church decree from the year 800 which prohibits clergymen from concluding legal documents for lay persons (PERTILE 1902, 293). With this decree, the position of the lay notaries increased in value. Another decree from the year 810 prohibited priests from composing documents (*charta*) (“*et nullus presbiter chartas scribat*”; IBID., 179).

The above mentioned documents do not mean that in the past the itemized notability never had scribes or notaries to draw legal acts or that priests

never wrote down such acts. It means that from that time on only those legal acts that were approved by the central authority were valid.

The role of the middlemen between the local notability and the central authority was entrusted in the name of a sovereign to an emperor's or king's **envoys** (*missi*) and **paladin counts** (*comes palatinus*), that is, to court judges of Franconian kings who, on recommendation of a bishop, abbot, count or other notability, nominated a notary. But only since the end of the 12th century, and especially since the third decade of the 13th century, growing number of notaries in addition to their own names on legal acts start to mention also the authority (*aule imperialis notarius, imperiali potestate notarius, imperiali auctoritates notarius, notarii auctoritate sacri Lateranensis palatii* etc.) on behalf of which they acquired the **characteristic of public confidence** (*fides publica*).

An important ordinance that also signified a new step toward a more autonomous role of a notary was Lotar's chapter from the year 832 concerning a notary's oath not to falsify documents ("*quod nullum scriptum falsum faciant*"; MGH. CRF, II, 62), which also imposed legal responsibility upon notaries.

A notary's activity was at first limited to a territory which was under his superior's authority. Later on a notary was allowed, with the permission of a master who had jurisdiction, to perform his duties also in other regions but, of course, only under condition he had a notary privilege.

With such measures, the Franconian sovereigns wanted to centralize a service of a notary and subject it exclusively to their own authority. However, in the time when feudal estates began crumbling (after the 10th century) and with the development of commerce and crafts and the raise of townships connected with such a development, the rights of bestowing notary privileges expanded also to other holders of authority. Paladin counts though, at least formally, preserved this duty for a long period of time as, for instance, in the Venetian Republic until the year 1612 when the Republic itself took over this right (LEGGI 1683, 139).

At first the Church did not give up the privilege of nominating notaries (*potestas faciendi notarios*"), the privilege that was as early as in Roman times given to its highest hierarchical members; a notary was nominated by the Roman Pope's authority, "*notarii auctoritate sacri Lateranensis palatii*".

The privilege of granting the notary's authority was later given also to other notabilities, as for instance, to the patriarchs of Aquileia (*Gregorii marchionis Istrie Carniole notarius*), to the Venetian Republic (*ducali Venetiarum auctoritate notarius*), to bishops and, finally, to cities (*notarius civitatis*). In towns, a Great Council chose a notary upon the proposal of the Minor Council; the duration of a notary's employment was determined by a special contract (STIPIŠIĆ 1985, 162).

In spite of legislation, the stating of authority in whose name a notary wrote a legal act was not consistently enforced. At the beginning of the 9th century in particular, notaries were tied to their master (a count, bishop, etc.) and to his territory, meaning that in Franconian law they, too, were “attached” to duty to the master and the stating of authority was, therefore, not necessary. Only later when notaries, with the permission of a certain master, were allowed to perform their duties also in his territory and with a gradual secularization²² of the institution of the notary office (which began as early as at the beginning of the 9th century, but did not get established in practice due to objective circumstances such as lack of schools and illiteracy), it became appropriate to state authority who granted notary privilege to a notary. In the 9th century, according to Costamagna’s research (1975, 197), notaries “*Domini Imperatoris*”, “*Domini Regis*” or “*Sacri Palatii*” were signed on as recording clerks only on about 10% of (preserved) private documents. However, at the end of the 9th century and in the 10th century a new qualification appears among the recording clerks of private deeds. A “*iudex et notarius*” or “*notarius et iudex*” was a title that was used from the second half of the 10th century on and became, in addition to “*notarius publicus*” and “*notarius et iudex ordinaries*”, very common in the communal life as well.

Even though the origin and the role of this qualification of notaries is still rather vague and, considering the lack of old documents, also more or less hypothetical, the joint estimation of all of the researchers is that this phenomenon²³ served mainly in establishing the function of a notary as a public figure in concluding public and private documents. At first the title appears precisely on public documents, mainly on judicial assemblies; the document about these events is called “*notitia iudicati*”. It is for this reason that the duty of recording adopted decrees fell at first to a judge who also had a qualification of a notary. A question presents itself here; was this person first a judge and then a notary or a notary first and was later assigned also a privilege of a judge since it is known that judges were also nominated by a central authority and that they later formed special corporations which, just like notary corporations, came fully to life in an era when communes were on the rise (BETTO 1981). Special schools for both existed even in the Franconian era since Lotar’s capitular from the year 825 mentions seats of the following schools: Pavia, Ivrea, Turin, Cremona, Florence, Verona, Vicenza,

²² In Istria, the first lay notary, Iohannes, appears in Porec in 1030, while in Koper the lay notary Basilius operates in 1072 (DE VERGOTTINI 1924, 77).

²³ This question concerned mainly GENUARDI 1914, and EBNER 1979, 85–140 (especially p. 123), an extensive commentary also COSTAMAGNA, 1975, 187 and 197–201, and PRATESI, 1983, 763–765.

Cividale (COSTAMAGNA 1975, 196). Frequently index et notarius appeared together with a recording clerk with the same title, on documents only as witnesses clearly in order to ratify the validity of them. This joining of titles in one person also contributed to a greater assertion of a notary role; at the beginning of the 11th century, there are only about 10% of “common” notaries, with “notaries and judges” prevailing to a great extent.

We can illustrate the development of the notary profession with two important and often quoted documents from the local history of Istria. What we have in mind is a document from the Riziana Placitum²⁴ from around 804 and a document about a contract between Venice and Koper from the year 932²⁵. They both are public documents but for the former a specific formulation was asserted during the intense unrolling of “placiti” from the 8th to the 10th centuries. It may therefore be risky to compare a public document with a private one in individual cases, but the status of a writer of the legal act was not, in this case, different from similar examples at concluding private legal acts from this period (SCHIAPARELLI 1932).

On the first document he signed himself as “*I, Peter, sinner, a deacon of the holy metropolitan church of Aquileia, wrote this promissory note under the orders of my master, the most illustrious patriarch Fortunato, the noble Duke Janez, the above-signed bishops and the eminent leaders of the people of the land of Istria and after the witnesses certified it, I also attested this note.*”²⁶ (BRATOŽ 1989, 87).

The signature of the deacon Peter indicates that he still does not bear the title of a notary even if we can gather from the text that the deed was drawn under the orders of his master, the patriarch of Aquileia, which means that Peter had to be one of the scribes of his master’s chancellery and as such acknowledged as a person with public confidence (*fides publica*). The number of witnesses (7) also indicates the characteristics of Lombard documents²⁷, but a change occurs at the level of document attestation. After the contractors (in this case also witnesses), just as in Roman times, agree (*traditio*) upon what was concluded and written, the deacon Peter who appears as a notary, in the equal or even privileged role, attests it. In other words, in Lombard documents a notary or scriba appeared, along with other witnesses, as an

²⁴ An extensive historical commentary comp. in ŽITKO 1991 and 1992.

²⁵ A historical commentary comp. in ŽITKO 1993.

²⁶ *Petrus peccator diaconus sanctae Aq [ui]lleie[n]sis matropolitane ecclesiae ha[n]c repromissione[m] ex iussione domini mei Fortunati sa[n]ctissimi patriarchae seu loa[n]is gloriosi ducis uel sup[ra] sc. Episcopor[um] et primate[m] populi provinciae Istriae scripsi et post roboratione[m] testiu[m] cartula[m] roborau.*

²⁷ It is interesting that a document, as opposed to its scribe, had not changed much from the time of the late Roman Empire and it was taken over by both the Lombards and the Byzantines and then the Franks. A concise comparison is given by COSTAMAGNA 1975, 211–221.

“*ego quod interfui*”, which means the one who was present but did not attest a document (PERTILE 1983, 765).

This Franconian regulation was, however, honoured by deacon and notary Gregorius on the document of a contract between Koper and Venice from the year 932. The contract was about some kind of a subordinate or at least tributary act of Koper against Venice. This act can be considered one of the first in the complex of contracts between Istrian towns and Venetians that led, at the end of the 13th century and formally-legally at the beginning of the 15th century, to several hundred years of domination of Venice over the greater part of the Istrian Peninsula.

The ascent of a notary service in this period is evident not only from the signature of *Ego Georgius dyacono et notarius per consensu populorum scripsi atque firmaui*²⁸, when specifically with “I” (*Ego*)²⁹ a role of a notary is pronounced, but also from the fact that it was drawn up by the city notary of Koper, which we learn from a deed from the following year (“*Ego Georgius diaconus et notarius de civitate Justinopolim*”), where it was specified that the notary had to be nominated from the side of the central authority to be able to perform his duties even if he, as was customary at the time, did not mention this fact. During the Franconian era, the name *notary* for a recording clerk of private legal acts was firmly established, but with the fall of Carolingian state the development of the institution stagnated from the mid-9th century until the mid-11th century. Only with the renaissance of the Roman law and with the openings of notary schools from the 11th century onwards, did the institution of the office of a notary experience such an ascent that a notary document became both a pillar of business life and its trustworthy guarantee.

Document forms as part of public confidence

So far only the role and development of a notary person as a warrantor for the originality and authenticity of a specific legal deed has been discussed. However, in the development of the institution of the office of the notary the structure or characteristic of the written document was significant for ensuring the legal validity of a concluded agreement.

For the critical research of a document, both its **inner** and **outer** characteristics are considered. Among the inner characteristics, the structure, language and style are considered, and among the outer characteristics, the

²⁸ The transcript and translation of the applied quoted contribution (ŽITKO 1993, 105–116) is the work of Darja Mihelič.

²⁹ The form is later on used regularly on all notary documents, but it is present already on the Roman tabelliones (COSTAMAGNA 1975, 212).

writing, material (papyrus, parchment, paper) seal, ink, and various signs are taken into consideration. The itemized characteristics are used primarily at revealing the authenticity of individual documents. By considering both the inner and outer characteristics and with a great deal of knowledge of history, it is possible to estimate when a document is authentic and when it is a forgery. In our case we will limit ourselves to those characteristics that at the time of a document's inception gave it the character of authenticity and public confidence.

Among the inner characteristics, mainly the structure of a document which is composed of individual forms is taken into consideration, while among the outer characteristics it is mainly a seal and various signs made by the participants of a legal act (a notary, contractors, witnesses) and at times also the material used, since city ordinances, for instance, requested certain kinds of documents to be written on parchment only, and a legal act would have no validity if written on paper; the same was true until the 11th century for documents in the Pope's chancellery if they were not written on papyrus (STIPIŠIĆ 1985, 155).

It is curious that from the Roman era until the French revolution the **inner** structure, which was valid for both public and private documents, changed the least. The structure of a document is divided into the introductory part or *protocol*, central *text* or *corpus* and a conclusion or *eshatokol*. The protocol, which is a presentation of the principal participants of a legal act, is usually composed of forms *invocatio*, *intitulario*, *inscriptio* and *salutatio*; *invocatio* and a salutation that are meant for honoring God. The text is composed of: *arengo*, *promulgatio*, *naratio* or *exposito*, *dispositio* and *clausalae finales*; *sanctio* among them is a prescribed penalty in case of a contract not being fulfilled, while *corroboratio* is a statement of elements of authenticity and authorization. These are all intended to describe a legal deed, preliminary circumstances that led to it, and a solution in case of a judicial dispute. *Eshatokol* is usually composed of signatures (*subscriptions*) and signs (like, for instance, a cross) time data (*data chronica*) and place data (*data topica*) and sometimes of a short form *apprecatio*, which expresses a wish of the participants for the successfulness of a legal deed (for instance "*feliciter*"). It is important to emphasize that not all of the documents have all itemized forms and that the order of precedence changes frequently (STIPIŠIĆ 1985, 150–153).

In the Byzantine or Roman direction, **completio** was asserted as a concluding form. In addition to a notary sign and signature it is generally composed of forms such as "*cartulam perfectam et completam absolvi*" or "*post tradita complevi et dedi*", which clearly indicates the influence of Late Roman (*tabelliones*) practice.

A sign and signature, a seal of a notary

For our dissertation, a sign and signature of a notary are worthy of significant attention. The development of the office of the notary and the notary practice elevated significantly the meaning of a notary's signature, which attained a character of corroboration on public documents. This means that with his signature and sign, a notary ratified a legal act (*roborare* = to strengthen, to appoint, to make more certain the validity of), which had the role of a seal on public documents.

A seal is an important component part of a document which needs to be studied during "diplomatic" analyzes of legal documents and is being researched by a separate auxiliary history science, sigil-graphy or sphragistics. As a seal was a component part of a public document or privileges, characteristic of the territory of central Slovenia, while in the Primorska region it was a notary document that prevailed also in public documents and a seal was not known (13)³⁰ except on state (communal) legal acts, we will not discuss it further. However, it is important to mention that there is significant literature available on this subject³¹.

A signature of a notary is composed of several data: the name of a notary, ecclesiastic title (if he held one), father's name, birthplace, town where he is performing his duties, statement that he was present at the drawing up of a document (*praesens fui*) and that he drew up a document on the request (*rogatus*) of clients, which he is validating with his customary sign (*meo solito signo signavi*).

With the growth of a notary's authority, the significance of customers and witnesses began to decline. Gradually even their signature, because of illiteracy (*testes inlitterati*), was often signed with a cross (*signum manus*) and it began to lose its importance; only their names were mentioned, while the ritual of corroboration was narrowed down to placing their hands over a document (*manumissio*). It is for this reason that a validity of a notary's signature had to be firm and to strengthen his credibility a notary gradually started adding his own sign to his signature.

A notary sign appears already in the 11th century and begins spreading in the 12th century with the appearance of the notary public. It is most often called *signum notarile* or *signum tabellionis*, *signum tabellionatus*. It sometimes

³⁰ The seal of the town of Piran is mentioned as early as in 1228, while the oldest surviving seal of the town of Koper is from 1321 and reflects all the characteristics of the 13th century seal (OTOREPEC 1988, 225–231).

³¹ Among the most complete selections of literature about "sphragistics" for European lands is a list in KITTEL 1970, 466–509, and for the Italian lands BASCAPE 1969. For the Slovenian lands, comp. OTOREPEC 1988, 281–287.

appears in the upper left corner of a notary act, but more often in the lower left corner.

Since each and every notary had his own sign, a great variety of signs developed. At first they were mostly in simple forms of a cross and differ from one another by distinctive tiny lines, dots or other simple characteristics and later on became actual rebuses. A notary's sign usually consists of his initials shaped accordant with a picture that depicts some characteristics of a notary's family, name etc.

Charta, notitia, instrumentum and imbreviatura

Due to the fact that documents regarding legal events were often lost or destroyed, a habit and necessity developed for notaries to begin writing down the essence (excerpt – *imbreviatura*) of the legal content in special books. They cited time, witnesses, place (if not local) and the core of a (legal) act. Such are also the oldest preserved **notary books** in Slovenia written by the notary Dominic Petenari from Piran at the end of the 13th century and at the beginning of the 14th century. His nine books were actually published in transcript together with a necessary critical apparatus (MIHELIC 1984, 1986a, 2002, 2006, 2009).

We mentioned earlier that *tabelliones* in the era of the Roman emperors first made a draft (*scheda*) of a private act before finalizing a valid document (*instrumentum*). These annotations did not have legal validity and in the case of a document being lost they served only for refreshing the memory of witnesses, which made it feasible to issue a new document.

In the Lombard era, a *notitia*, as a notary's annotation was called, was not valid till a document (*chartula*) was signed by contractors and witnesses.

A private document retained the name *charta* even after the 10th century. To present a legal event in greater details, expressions such as *charta venditionis*, *charta donationes*, *charta traditionis*, *charta recordationis* etc. were used. With a renaissance of Roman law and with establishing of law studies and teachers' colleges in the 12th century, a term "*intrumentum publicum*", which was taken from the old Roman terminology, was reintroduced. This term became the most often used name for a notary act.

An annotation that was most frequently written in some kind of stenographic signs (tahigraphic or tironic signs; NOVAK 1952, 287) was written by notaries on the back page of a future document; therefore it was called "*notitia dorsale*". Considering that notaries were requested to record a certain legal event, these excerpts were also called "*rogationes*", in Rome "*dictae*", in Genoa "*notulae*", while for *notitia* terms such as "*notitia brevis*", "*breve*

recordationes”, “*memoratorium*” were also used. Since notaries handed over annotations together with documents, they gradually began to use specific little papers (*breve*) for this purpose and later on, registers (*protokole*)³² in which they wrote “*imbrevature*”, outlines of legal acts, which had the same legal validity as documents or, rather, documents themselves attained a former Roman legal validity with this procedure. Notaries, on the other hand, attained with this procedure a public confidence to the point where they appeared as legally authorized persons of an agreed upon legal event. From there on it was sufficient if a notary only mentioned that an auctor and witnesses participated at making a contract and their active role at drawing up a document was no longer necessary as it previously been, when their legal obligation was to sign documents, those literate with full names and those illiterate with a cross (*signa manuum*) (COSTAMAGNA 1977, 21).

As communes developed in the Middle Ages, *imbrevature* notary books became an established fact and, as opposed to Justinian’s legislation, a notary written record of private legal relations attained the same significance as an authentic public document and, thus, enjoyed public confidence. *Imbrevature* became a foundation upon which a notary was able to make a valid new document at any given time. What became a custom in Italy from the end of the 12th century³³, the city statutes began, from the 13th century on, installing as a duty also on this side of the Adriatic Sea.

³² They were also known as *vacchette* (from It. *Vacca* = cow), because notebooks were made of parchment (LEICHT 1948, 56).

³³ We find the first mention of the *imbreviatura* book in Genoa, where the known notary of the time, Iohannes scriba, wrote in 1156 on a document that he copied from the notebook of his late teacher (COSTAMAGNA 1977, 26).

III. A NOTARY PRACTICE IN ISTRIA UNTIL THE 13th CENTURY

The structure of written records can, by employing accurate research of its forms, make clear to which influential territory of a notary practice a chancelor practice of a certain land belonged. Many Istrian forms from the 9th century until the end of the 12th century, as a renowned Italian law historian clearly described, are reflected in *protokol*, *tekst*, while in *eshatokol* the origins and tradition of the late Roman practice with ingredients of the Lombard and Franco-roman direction of a notary practice are reflected (LEICHT 1910, 179–190).

The inner structure of the Istrian written records until the 13th century

The **protokol** of the oldest Istrian private legal document is the testament of a nun called Maru from Trieste³⁴ from the year 847 (CDI, ad a.-). It begins with an invocation: “*in nomine domini nostril Ihesu Christi*”, which is usually present in nearly the entire private and some of the public written documents until the end of the 13th century. This invocation is characteristic of a number of documents in upper Italy. Later, in a shorter version, i.e. “*In Christi nomine. Amen. Anno Domini...*”³⁵, appears as a rule in private documents. In public written records, beginning with the Placitum from the year 991 (CDI, ad a.-), and on numerous bishops’ diplomas, a different form of invocation is present, i.e. “*in nomine dei aeterni*”, while the characteristic Venetian form, i.e. “*in nomine domini Dei et salvatoris nostril Ihesu Christi*”, appears on a single written record from Koper in the year 1072 (CDI, ad a.-). From the beginning of the 12th century, we find characteristic forms of the patriarchs

³⁴ Until the subordination of the town to the Hapsburgs in 1382, Trieste was considered both administratively and geographically to be part of Istria. This is further confirmed by the legal habits of the town, since the Triestine statutes correspond with other Istrian towns in many specific characteristics and we shall therefore use them later on as a comparison.

³⁵ Comp. PAK. 6 The municipality of Koper. Documents, and PAK. 84 Testaments from Izola and Piran (1390–1818).

of Aquileia who gradually became also feudal lords of Istria, i.e. “*in nomine sanctae et individuae Trinitatis*”, while the church written records pride themselves with the invocation “*in nomine Patris et Filii et Spiritus sancti, amen*” (CHART./I, n. 3).

The dating, both of time and place, is given in Istrian documents, as a rule, after invocation. From the 9th–12th centuries, an Italian and not a Byzantine sovereign is cited, which is understandable in view of the political regulations. From the mid-11th century on, dating with a form *ab incarnatione* was practiced. This form was established in the Franconian era, but is characteristic of the Friuli and Venetian documents as well. This characterization indicates that 25th March was considered the beginning of a new year³⁶. It is interesting that *Actum*, a word with which the dating begins, is repeated in Istrian documents before signatures in *eshatocol* of the written record, which is an Istrian peculiarity. However, the fact that it appears frequently immediately after the sanction brings it closer to the Ravenna and Dalmatian documents (LEICHT 1910, 180, 184).

The characteristic of the Istrian private document, which brings it closer to the oldest peculiarities of the Roman-Byzantine origin of formulating notary documents, is a subjective style of writing of a **text**, or the central part of a written record³⁷. A relatively simple form of the Istrian written record or *charta* – a term for a private document that was established in the Lombard era but remained in use in Istria long after the 12th century when the term “written record” (“*instrumentum*”) was reintroduced – led Leicht to compare it with the antique “*scheda*”, which summarized only the essential circumstances of a legal act. The form *arenga*, an introductory religious address of a text which contains some moral elements of the making of a contract, though it is not necessary from a legal point of view, appears rarely in Istrian notary documents.

Promulgatus, a short form with which the content of a document is announced, and *narration* appear only in individual private documents. On the other hand, *dispositio*, which is the most important part of the document since it contains a material or moral object of exchange, is present regularly. It is interesting that a statement of an auctor is generally different from town to town. The Triestine version of an auctor’s statement, which is present in the before mentioned testament from the year 847, is prevalent: *facio chartam de hereditate de parentibus meis*; and for other legal instances: *facio*

³⁶ With different styles of counting the beginning of a new year deals a special history auxiliary science – *chronology*. Comp. GROTEFEND 1909, CAPPELLI 1929, and STIPIŠIĆ 1985, 194–198, and literature listed there.

³⁷ For the Dalmatian notary is considered to have long maintained mainly Byzantine influences; comp. VOJE 2005, 73–76; Bettarini, 2013, 113–119; SARADI, 1999.

chartam donationes or venditionis [de casa,...]. In Koper, the following forms appear: *do, dono et concede* (CDI, ad a.- 1072) and in Muggia: *trado cartulam venditionis et securitatatis* (CDI, ad a.- 1235). From the mid-11th century, the following form of exchange object is designed for a designator: *protestas habendi, tenendi, posidendi*, etc. This form is reminiscent of the Ravenna tradition from the 6th century (LEICHT 1910, 182).

If following the structure of the northern Italian written record, a *defensio* should appear at this point in the final proviso. A *defensio* is an insurance promise in case of the alienator³⁸ changing his mind; however, as a rule, it is not present in the Istrian documents.

A characteristic form is also the *sanction*, which means punishment in the case of something not being implemented as agreed upon. The Istrian documents came close to Romanic documents as far as imposing penalties is concerned, since the punishment is always monetary, while it is characteristic of the Lombard testaments that they usually double the value of the object of exchange.

This is how the nun Maru from Trieste stipulated in the before mentioned testament from 847 a libra of gold penalty to those who did not want to acknowledge a gift of 55 baskets ("*cestas*") of olives to the abbot Lupo from the southwestern Friuli town of Sesta (KOS, 1906, II., n. 137).

In the documents prior to the 12th century, a notary's signature is frequently accompanied by a formula: *Ego N. complevi et absolve*. With this formula it was announced that all the operations concerning the validity of a document were completed. We find such a formula in the Triestine testament from the year 847 as well: "*propria manu mei scripsi et subscripsi et complevi et absolve*", which a Triestine notary wrote down in addition to his title "*Dominicus clericus tabellio hujus sancte Tergestine ecclesie*" and name. In his pondering over the presence of Romanic and Lombard characteristics in the development of the Istrian notary office, Leicht believes that the origins of this formula are varied even though it frequently appears in the Lombard and Venetian legal acts. However, if we consider the Justinian regulation from the late antiquity, especially cases from the Ravenna chancellery from the 6th century (COSTA-MAGNA 1975, 212), then the *completia* runs as follows: "*Ego Severus forensic scriptor donationem perfectam et completam absolve*". This means that in the *completia* of the Triestine testament, even though the notary signed himself as *tabellio*, we are seeing examples that can still be detected in Istria in the 15th century (STAT. KOP., II/49) and which reflect an immediate influence of the tradition of the Romanic and Lombard notary office.

³⁸ The term *alienation* is used in our case as an idea of transferring (ownership) rights to another person.

Till the beginning of the 13th century when, for instance, *signa manum* of witnesses (CDI, ad a.- 1202, 1209, 1219 Koper) as well as contractors gradually disappeared from the Istrian private documents and their involvement was limited to only a notary's entry about their presence, in addition to a notary an auktor at least was signed as well. This is by all means a characteristic of a Lombard document, since King Rathi already determined that a document is incomplete without an alienator's signature, which was not characteristic of the Romanic territory where a notary's signature replaced signatures of all persons present much earlier than in the lands that were under the former influence of the Lombards.

Signatures of witnesses and contractors were, as a mark of the increased value of a notary, gradually replaced by a notary's sign. In modern-day Slovenian Istria this does not take place until the early 13th century (1213) where the first known notary sign is that of notary Nicolaus from Izola (KOS 1928, V, n.206).

In other known Istrian documents from the first half of the 12th century, the formula "*scripsi, complevi et firmavi*"³⁹ appears in *completia* in addition to a notary's signature, while after the year 1135 (KOS 1915, IV, n.120), in addition to the frequent "*cartulam manu mea propria scripsi*", the formula "*scripsi, (complevi), et (co)roboravi*" becomes more common, which is an indicator of the Venetian influence on making documents (KOS 1956, 57).

In spite of somewhat of a scarcity of documents which have been preserved from until the end of the 12th century, we can detect interesting particularities precisely on the basis of the previously mentioned formula for *completia*. In that period, most notaries signed themselves as notaries of separate "*civitas*" or "*castrum*" with the exception of the Triestine testament from 847, where a notary (*tabellio*) signed himself as a notary of the diocese of Trieste. However, considering the status of the city of Trieste at the time when the city's bishop was given, by the emperor's decree of 948, the rights of a count and, thus, performed also lay duties of a city chief (DE VERGOTTINI 1977, 1375 sq.), means that Dominicus was some kind of a city notary as well⁴⁰.

It is also interesting that none of the known northwestern Istrian notaries up to the end of the 12th century declared himself to be a notary of an emperor, pope or another lower authority – something that became a custom from the middle of the 13th century, although only as a city notary or a notary without an attribute⁴¹.

³⁹ Comp. CDI ad a.-933; KOS, ad a.-977 (n. 462), 1072 (n. 267).

⁴⁰ Comp. SUPPLEMENT 1.

⁴¹ In other Istrian towns, as well, notaries did not begin declaring themselves as the emperor's or pope's notaries until the beginning of the 13th century – as, for instance, the Poreč

It appears, though, that initially a notary authority had no greater value if granted by an emperor or pope. For example, the notary of Piran, Rantulfus, was in the year 1230, “only” a city notary, five years later the emperor’s, while in the year 1238 he declared himself a notary of the patriarch of Aquileia, Bertold (1218–1251). This indicates both the increased influence of the patriarchs of Aquileia also in the execution of notary activities in Istria and the former unobligatory citing of authority and the equality of the notaries of the towns and emperors. Only from this period on, the Istrian notaries declared themselves most frequently to be patriarch’s notaries as shown in SUPPLEMENT 2, where they are listed to this date known acting notaries in the 13th century in Koper, Izola and Piran.

Data, compiled in SUPPLEMENT 2, indicate not only an exceptional expansion of the notary practice in the 13th century, but other changes in execution of the notary practice as well. One of the changes is the establishment of the Venetian formula *scripsi, complevi et (co)roboravi* and later on more frequently just *scripsi et roboravi* instead of the Istrian formula *scripsi et firmavi* at the conclusion of a notary’s signature. It is, thus, possible to discern, at least in the second half of the 13th century, a difference between a local and a “foreign” notary who performed notary duties in Koper, Izola or Piran. “Foreign” notaries did not, with some exceptions (for example, a Koper notary Riccarduso), conclude their signature the same way as the Istrian notaries but use the formula such as *...interfui et subscripsi* or *...rogatus scripsi* etc.⁴², which indicates some kind of a common usage or practice in executing notary activity in northwestern Istria.

Most of the notaries used their established concluding formula more or less without changes during the time of their activity. Notary Facina, for instance, as a rule signed himself under the written act as “*Ego presbiter Facina auctoritate incliti domini Gregorii Istrie atque Carniole marchionis notarius, hiis omnibus interfui, rogatus scripsi et roboravi*” (CHART./I, n. 110, 112, 111a,); on three documents he added to his signature: “*ecclesie Piranensis*” (CHART./I, 137, 145) or “*ecclesie Pirani*” (CHART./I, 111b), on one just “*Piranensis*” (CHART./I, 104), and on one with essentially not different “*supradictis omibus interfui...*” (CHART./I, 103), which is a common sign indicating that he wrote a certain legal act at the request of the persons present. Then in the year 1261, Facina wrote a document at the request of a commune consul, something he

notary Jordanes in 1202 (CDI, ad a.-), while a Poreč notary signed himself in 1191 still as “*Ego Adam Diaconus et Notarius de Civitate Parentine* (CDI, ad a.). It was similar in Pula, while in Trieste we find the first emperor’s notary, a priest Andreas, also in 1202 (CDI, ad a.-).

⁴² Bonaventura de Busdarino from Treviso or in 1283 Andreas Widonis de Çensonno or in 1298 Scotus de Scotis from Venice (CHART., ad a.-).

made a point of with insertion “... *et de mandatu dominorum consulum scripsi et roboravi*” (CHART./I, 104).

It is probable that a notary's signature frequently depended also on a person placing an order. However, judging from the practice of the Koper notary master, Riccardus, this proves not to be the case. In the year 1248 he signed himself in the same way on the document commissioned by the Koper archdeacon – something he made a point of⁴³ – as he signed himself on the document from 1252 when the document was “only” about prebend of the Piran chapter⁴⁴.

As opposed to the previous periods, there are far fewer notaries from the clerical rank among the notaries working in the towns discussed. These are the above mentioned Piran priest Facina, who was active in the second half of the 13th century, then Henricus and Michael de Mari in Koper; because of the name we may count among them also the chancellor of Piran Dominichinus from the year 1294. This finding most certainly indicates an increased laicization of this profession, which was at the time characteristic also of other places in northern Italy that had a developed institution of the notary office.

In spite of the Piran documents being the main source of the above mentioned index (CHART./I), we find that many notaries came from Koper, which indicates that the city of Koper played the main role at that time both in trading – especially from the year 1182 on when the city received monopolistic rights from the Venetians to export salt from Istria (CDI ad a.-; comp. DAROVEC 1990, 35) – as in the development of the notary office.

At the same time, the previously mentioned notaries also indicate the then diverse ethnic image of the towns discussed, which was not characteristic of notaries only. Prevalent are German names, followed by Latin and Italian names; there are also three Slavic names (Vitalis filius Menesclavi, Sclavionus de Pirano and Sclavono de Bilono).

Privileges of Istrian notaries

After the rights of bestowing notary privileges were passed to lower holders of authority in the empire, some towns attained imperial privileges of nominating notaries as, for instance, Pavia in the year 1191, Genoa in 1210, Lucca in 1369, etc. In other towns, notaries were nominated by local Palatine Counts, while some, in accordance with the development of the commune

⁴³ “...*et de mandato dicti domini archidiaconi rogatus scripsi.*” (CHART./I, n. 84).

⁴⁴ “...*, his omnibus interfui et rogatus scripsi.*” (CHART./I, n. 86).

autonomy and independent town offices that assured credibility and legal safety, attained this jurisdiction independent of the central authority (PERTILE 1902, 296).

Even though emperors granted to northwestern Istrian towns rather broad privileges from the 10th century on, there is no concrete evidence of them granting rights to nominate notaries. However, a frequently vague form of the imperial diplomas with which towns were allowed to govern according to the local law and customs (such was a privilege of the Emperor Oton I from the year 968 that was appointed also by his son Oton II in 974 (CDI, ad a.-); this privilege allows, in addition to the above mentioned, the people of Koper and Piran to defend themselves in their territory with their own army and that they themselves interrogate in legal affairs) may indicate that towns had certain jurisdiction in at least appointing town notaries. This is especially true if we corroborate the Leicht's (1910, 186)⁴⁵ argumentation that as far as the Istrian office of a notary is concerned, it is about the Byzantine tradition of city scribes (*scribae civitatis*) or Roman *eksceptorii*. These were described already by BRESSLAU (1889), who used as an example Ravenna and southern Italic notaries as public servants who had absolute control over documents that originated in the city to the point that even church scribes had to offer their documents for examination and validation by the communal chancellors before publishing them. We can assume from the above mentioned that in these "*ius familiaris*" and "*consuetudines*", two terms that were used for the common law in privileges, notaries had their place as well. This is perhaps best illustrated by two known 10th century notaries from Koper, Georgius and Rotepertus, who declared to be notaries of the city of Koper.

The question of what authority, beside the city authority, granted notary privileges to notaries was obviously addressed by the contemporaries. There are at least three documents that attest to this. Due to a conflict between the bishop of Koper and the abbess of the convent of St. Maria in Aquileia, they interrogated in front of arbiters many witnesses, among them also those who were to confirm that certain notaries had a necessary privilege for practicing this profession, most likely because of documents in the subject of the conflict. The priest Johannes from Koper testified under oath that Likofred and Almerik had been and still were (*Koper; author's comment*) notaries (*tabelliones*) from many years ago till that very day. When asked how he knew this, he answered that he was present at St. Maria's ...when they were granted the office of a notary by the border count Bertoldo (KOS, 1928, V, n. 9).

We hear similar testimonies about a conflict between the inhabitants of Pi-

⁴⁵ Comp. KOS 1956; VILFAN, OTOREPEC 1962.

ran and the bishop of Koper, Aldigherius. The conflict was caused by the olive oil tithe when the bishop of Koper apparently wanted to appropriate the Piranese olive oil tithe that was granted to the Piran chapter. With an accusation that the priests of Piran sided with the inhabitants of Piran and instigated them against him, the bishop Aldigherius excommunicated the priests and attempted to gain a profitable olive oil tithe in this manner. The inhabitants of Piran were so badly affected by this act that they fought together with their God's representatives in the name of justice against the bishop of Koper. The conflict lasted a good four years, from March 1201 till October 1205 (comp. CHART./I n. 11–65), and included several interventions by Pope Inocente III and was unfolding in front of several arbitration courts from Venice, Trieste, Muggia, Padua to Ferrara, where it was resolved on behalf of the people of Piran. While the conflict lasted, both parties clung to all possible means in attempt to prove their rights.

On 14th December 1201 (CHART./I, n. 22), during one of the first interrogations, the bishop of Koper already questioned the validity of authorization that was issued on 16th July 1201 by two notaries of Piran, Dominicus Iustu de Bona and Paponio de Ioane; the two were elected by the will of the clergy and the entire population of Piran to be the authorized representatives in the conflict with the bishop of Koper (CHART./I, n. 14). The bishop further raised objections to the authorization given to deacon Artuicum, who had been selected by the clergy of Piran to be their advocate with the pope's envoys at the respective conflict and whose authorization was also written by the notary Dominicus (CHART./I, n. 17) on 1st December 1201.

The bishop of Koper objected Artuicum's jurisdiction in performing a notary profession using the argument that Artuicum had not been appointed by a competent state authority and, thus, his authorizations were invalid. He claimed the same about the mediation of the representatives of Piran at the pope's envoys (the bishop of Torcelano, Leonardo, and the leader of the Grado Church, Stefano). However, a number of witnesses, with presbyter Venerius among them, asserted that "...Dominicus is considered to be a notary in the castle of Piran. All of his documents about various contracts and other things and all of his testaments have validity in the town of Piran." Additionally, Venerius testified that "he was present when Dominicus took an oath of a notary in presence of Count Bertoldo, who was given the authority from the bishop of Freising and the bishop from the pope." (KOS⁴⁶, 1928, V, n. 250)

Undoubtedly interesting for our question is a further testimony of Venerius, which refers to the very ritual of bestowing a notary privilege. Venerius

⁴⁶ M. KOS, who edited (1928), after his father's notes, the fifth book of *Gradivo za zgodovino Slovencev v srednjem veku* (Material for the history of Slovenes in the Middle Ages), placed the event before the year 1216.

claimed that Bertoldo inaugurated Dominicus as a notary with a brim of his coat⁴⁷ in front of *Porta Domus*, in the presence of the people of Piran, the town's head Alberico and other town dignitaries (CHART./I, n. 22:23/7).

The ritual was similarly described by Odolricus de Ripaldo, except that he mentioned a fur coat⁴⁸ instead of a coat, while Petro de Imena saw a glove with which Bertoldo confirmed Dominicus as a notary⁴⁹. As Iohannes Ostiarius swore, this happened about half a year earlier (IBID., 25/20).

Even a greater doubt about the regularity of installing a notary rises with a witness of the bishop of Koper, presbyter Peter, who said "...under oath that it is not possible to say whether Dominicus is a notary or not. Bertoldo, who supposedly appointed him as a notary, has no such rights." (KOS, 1928, V, n. 250; comp. CHART./I, n. 23: 32/19).

In fact, it is hard to establish which Bertoldo is being talked about (comp. MIHELİČ, 2011a). There was a Bertoldo of Andechs who, as an inhabitant of a border territory, ruled Istria at the time. However, it is most unlikely that this is the same Bertoldo as the one in the Piran case, for as a border inhabitant he would not have been given the privilege of granting the office of a notary from the Freiseng bishop and even less so from Meinhard, a count of Gorizia, who is mentioned by some of the witnesses (Walterius candelarius) as a mediator between the bishop of Freiseng and Count Bertoldo (of Piran) at bestowing such a privilege (CHART./I, n. 22).

The other Piranese witnesses also testify that Bertoldo was given the privilege of installing notaries from the bishop of Freiseng, but their statements are not in agreement in defining the title of his function in Piran. For most of them, he is just a count, for others a count of Piran⁵⁰, for some a count of the territory and place⁵¹ and Venerius is perhaps again the most exact by stating that the podestà of the place is in the name of the bishop of Freiseng⁵². Even though the first podestà of Piran is, in the sense of the commune administration, mentioned already in 1192 (CHART./I., LXV; comp. BENUSSI 1924), in this case it is probably still all about "only" a substitute of bishops of Freiseng who received from the Istrian margrave, Udarlik Weimeier, Piran and Novigrad (CDI, ad a.-) in 1062. In the year 1201 then, the bishops still had the right of bestowing a notary privilege in Piran, which was transferred in

⁴⁷ *Et dictus comes investivit dictum Dominicum de tabellionatu cum lampulo mantelli, ...*(CHART./I, n. 22, 23/6; comp. Lex. Lat., 639).

⁴⁸ *Et dicit quod fuit investitus per lampulum pellium Bertoldi.* (CHART./I, n. 22: 29/3).

⁴⁹ *Dicit tamen quod investivit eum Bertoldus cum ciroteca.* (IBID.: 28/20).

⁵⁰ Tiso iudex de Pirano (IBID.: 26/9).

⁵¹ Albinus de Donada: "...Bertoldo comite terre, et de loco,..." (IBID., n. 23: 31/28).

⁵² "...comite Bertoldo, qui est potestas illius loci per episcopum de Freisengo,..." (IBID., n. 22: 23/3).

the mid-12th century to the counts of Gorizia. Some historians agree with Kandler's opinion that the previously mentioned Bertoldo was some kind of a town count (*burgravio* in Italian, from the German *Burggraf*) (MORTEANI 1886, 11).

The hearings of the arbitrary court concerning the conflict about the olive oil tithe indicate that in the preceding time it was apparently sufficient for notaries to be appointed by the town community. In the time of establishing communes, however, notaries also had to be appointed by the central authority for their documents to have credibility. It becomes apparent in the conflict under discussion that the public confidence was questioned for notaries who were not confirmed as emperor's (*imperiali auctoritate*) or pope's (*auctoritate sacri Lateranensis palatii*) notaries, something that became a rule in the *Holy Roman Empire* from the 9th century on.

Public confidence was not questioned as far as documents of two Koper notaries, Almericus and Licofredus, are concerned, because they were confirmed by margrave Bertold. However, the investiture of the Piran notary, Dominicus, remained doubtful since he was installed by count Bertoldo. The development of events concerning the olive oil tithe, though, indicates that later on the notary's authority was no longer questioned, which means that the "town count" Bertoldo also validly enjoyed the right of nominating notaries or the solemn fact that the notary was affirmed/acknowledged by city community, was enough that his acts had public validity (confidence) (ZAB-BIA 2013, 206-210).

It is evident from this event, which took place in the neighbouring Italian lands as well, that the right of granting a notary privilege also gradually spread to lower bearers of authority, first on paladin counts, bishops and eventually even to lower officials. The latter at first received an attestation on notary nomination from the emperor, pope or their emissaries and later on this right became hereditary. With the development of a commune life, however, this right could be transferred to the commune as well (PERTILE 1902, 295-297; FERRARA 1977, 56-57; PINI 2002, 1-20).

Sons and close relatives of notaries had both priority and interest in having a notary privilege bestowed upon them; the notary "trade" (*arte*) had organizational forms of a guild association since notaries as monopolistic guild unions looked after their members, which ultimately provided for the quality of education as well. Considering the high cost of education, the guild members were as a rule, from higher social strata, which is understandable since this profession opened great possibilities for promotion⁵³.

⁵³ Comp. FASOLI 1977 and literature listed there.

The Ritual of Notarial Investiture

What role and significance was attributed to notaries is evident from the ritual of notarial investiture; just as with the bestowing of honours on a count or a knight, notaries had to accept the investiture by kneeling down before their honour giver, but instead of a sword, they accepted it “with a feather and inkwell” (*cum penna et calamario*). In accepting this investiture, a notary had to take an oath of loyalty, honesty and knowledge. He attained the latter by attending an acknowledged grammar or judicial school for at least one year. The knowledge of notary skill was then appointed by an experienced notary, a prior of a notary corporation (collegiate) or a teacher at one of the notary schools, widespread in the 13th century after the establishment of universities in Italy.

Indeed, the case of the already mentioned investiture of the Piranian notary Dominic in 1201 testifies to one of the oldest summary descriptions of notarial investiture ritual. The seemingly unusual statement that “*dictus comes investivit dictum Dominicum de tabellionatu cum lampulo mantelli*”, meaning that he was invested with a verge (thread?) of the coat, does not correspond with established ritual of investiture of notaries with pen and inkwell (*cum penna et calamario*), which is frequently mentioned from the end of the 13th century. In point 82 of 99 described investiture rituals, Du Cange in the 18th century still refers to the ritual of notary investiture as “*Cum penna et calamario*”⁵⁴. Yet, according to accessible sources, another part of the ceremony was also a slap (*alapa*), given to the notary candidate during the ritual ceremony.⁵⁵ If in the document dated in 1201 the Piranian notary Dominic is invested “*cum lampulo mantelli*” and such a case is not to be found in later periods, this does not necessarily signify that up until then the investiture did not proceed according to customary ritual. However, it testifies to the gradual formation of the ritual of notarial investiture since the end of 12th century, when mediaeval rituals of so-called investiture bestowal for all crucial areas of social life were formed (comp. KELLER, 1993). Mediaeval documents offer a scarcity of fragmented interpretations of symbolic rituals and include few similar descriptions of investiture rituals. Since the end of the 13th century, there was just one specific act that was frequently mentioned in the docu-

⁵⁴ DU CANGE 1733, 3, 1536: *CUM PENNA ET CALAMARIO investitos Tabeliones observat Rollandinus in Summa Notariae cap. 5. extremo; quod etiam habetur in Constitutione Ruperti Imp. an. 1401, apud Goldast. tom. 1. pag. 382. (comp. ROLANDINO 1546, 143v.-146v.).*

⁵⁵ For comparison of notarial investiture procedures, see studies and documents in: SOMEDA 1956, 42-43; CORBO 1972; AIRALDI 1974, 178-315; PETTI BALBI 1974, 17-33; BRUNETTIN 2004, 221; TILATTI 2006, 135-136; DAROVEC 2007; LOMBARDO 2012, 241-259; ZABBIA 2013, 210-213. Concerning the ritual of notarial investiture comp. DAROVEC 2014.

ments of the notarial investitures, “... *cum penna et callamario legitime investivit...*” (comp. AIRALDI, 1974, 243-249), followed by declarations of duties and competences that followed from the oath, which are a component of the concluding act of investiture, i.e. the legal-normative content of the instrument – notarial privilege. For notarial investitures there are some descriptions from the second half of the 13th century; however, it is from the second half of the 14th century that the more detailed descriptions start to appear. In continuation we will present a description of a notarial investiture in Friuli from 1396, as recorded in SOMEDA (1956, 42-43).

A person who wished to be nominated for the role of notary presented himself to a Palatine Count and, before witnesses, asked humbly to be invested into this duty. If the request was granted, the count appointed him a notary in the following manner: “He installed him with a tablet and a feather that he held in his hands, and slapped him as a warning.”⁵⁶

Then it was explained to him what acts exactly he was entitled to draw up his instruments for to attain a character of being public: contracts, court papers, testaments and other instruments and deeds.

The swearing-in then followed: “I swear by the Holy Gospel that I will perform the duties of a notary justly, clearly, faithfully and lawfully. I will not draw up false papers or false documents; I will not falsify old instruments or exchange individual phrases. I will do no harm to the rights of churches, hospices, orphans, widows and other wretched persons but instead protect and defend them within my power. I swear loyalty to the Holy Empire, to the Palatine Count and to everyone in his entourage. If it comes to my attention that anyone has opposed the Palatine Count or attempted to take away his jurisdiction, I commit myself to defend him with all my power and inform him about this either in writing or orally.” (SOMEDA 1956, 43).

After this procedure, the Palatine Count ordered the notary (usually a master-teacher of the notarial candidate), – they were, apart from the public, always present during the ritual and at this type of ceremony they had a combined role of administrator and legal expert – to write down an act of investiture.

Studies of mediaeval rituals clearly show that these types of investitures were a part of a broader concept of standardised ritual. The latter was formed according to the secular rituals of the ruler’s inauguration, which shows an evolutionary mixture of symbolic ritual gestures, rooted in ancient profane and religious rituals, which were, especially from the Carolingian-Ottonian period onwards, imbued with Christian symbolism. Along with the

⁵⁶ “... *per pugilar:m et penna:m quos in sua mano tenebat eidem alapa: in signum memoriae inferendo investivit*” (SOMEDA, 1956, 42).

enthronement of rulers and vassals, the ritual ceremony of notary investiture can be compared to the ritual of investiture of knights, as it is accessible in sources from the 12th century onwards and which has so far been given a lot of attention in literature⁵⁷.

Characteristic of mediaeval investitures is the presence of public or a witness' representative on the public's behalf. The ritual itself was certainly designed for the public, as its key function is bestowing the public services, offices; therefore, the formal ceremony was not only an act of appointment to a position but also an act of formal announcement of the appointment to a certain position or office, of enactment of (godly) missionary, as the process of investiture was ideologically interpreted and successfully established by mediaeval Christian theocracy.

LE GOFF (1985, 387-394) summarises the entire ceremony of investiture as it was illustrated in beginning of 12th century by Galbert of Brugge, a notary, a monk and chronicler, who differentiated three phases of symbolic ceremony of entry into vassal relationship, as it was distinguished and obviously also perceived by the people of the Middle Ages.⁵⁸

1. *Homage* (a bow, acceptance of faith, (god's) gift)
2. *Fides* (faith, loyalty, trust, oath)
3. *Investiture* (concluding act)

It should be stressed that within the ceremony, three categories of symbolic elements were used: words, gestures and objects.

The first phase: *homage*. Usually this consists of two acts, the first of which is verbal. This usually consists of a statement, an oath that expresses the will of the intercessor, to become man of the Lord, the same way as a new Christian at a christening, either with his own tongue or that of a godfather replies to God, who, with the mediation of the priest, asks the candidate: "Do you wish to become a Christian?", he answer: "I do". In this way, the intercessor makes an oath, which purports to be universal; yet, from the first stage, indicates that refers to his Lord. The second act complements the first phase of entry into vassalage: it is *immixtio manuum* – the vassal sets his clasped hands be-

⁵⁷ Methodological basis that the ceremonial forms of medieval institutions can be only explained by comparing similar or related rituals, was already established by LE GOFF (1985, 399). Besides this and SCHMITT'S (2000) study, it is relevant to mention a thorough analysis of the ritual gesture of the Kiss of Peace of PETKOV (2003) and an article about the specifics of homage of ROACH (2012), all using numerous referential bibliography. Different interpretations or images of knight investitures are also accessible on the World Wide Web, e.g. *Investitura a cavaliere* (<https://www.youtube.com/watch?v=yA8Th-qgR0>; 27.04.2014). About the history of chivalry comp. FLORI, 1998.

⁵⁸ Here we could also compare the excellent work of DUBY (1985) on concept of the trinity of that period; specifically p. 353-359.

tween the palms of his Lord, who covers the vassal's hands with his own. It is a gesture of meeting, mutual contract. In *immixtio manuum*, it is clear that the surrounding hands belong to a person who has a higher position, it expresses a symbolic gesture of the submission of vassal to the Lord; on the other hand, the lord's gesture holds a promise of help, protection and a higher strength/power that manifests itself in this promise. The oldest documents about the vassalage ceremony dating from the first half of the 7th century describe this hand ritual (LE GOFF, 1985, 389, 403, 453). Considering that the ritual consists of reciprocal gestures, it is important to stress one of the great chapters of mediaeval and universal symbolism: hand symbolism. In the Roman legal tradition and terminology *manus* is one of the expressions for *potestas*, authority, especially as one of the main attributes of *pater familias*. The symbolism of the hand, especially the hand of God the Father, created by the Carolingian and Ottonian theocracy which followed, has received a lot of attention from SCHMITT (2000, 101-146), who states that at that time antique language and cultural patterns re-emerged to serve very different ideologies and perceptions of authority, when the hand of God the Father, firstly through iconography, becomes a symbol of the otherworldly and earthly God's presence.

The concluding gesture of homage is at the same time the passage to the second phase: an oath of faith or fidelity. In most cases it is sworn on a religious object, e.g. a Bible or relics. In the oath there is an explicitly expressed personal bond with the appointer, a guarantee for which bond is given by Church authority, which it always succeeded in establishing, at least on a symbolic level through the ritual (comp. LE GOFF, 1985, 451).

The oath in the case of the investiture of knights and notaries was expanded during the 12th century. The emphasis was on morality and justice in the performance of service; a morality and justice that can only be thought about given appropriate education.

After the oath, a concluding act follows – the investiture. Depending on the type of investiture, this is also performed in various ways but always using three categories of symbolic elements: words, gestures and objects. In feudal-vassal ritual, the enclosing gesture – the kiss of peace – that seals the contract of the oath is extremely powerful (comp. PETKOV, 2003).

Symbolic investiture objects can be canonic, religious or profane. Du Cange lists 99 symbolic objects; Le Goff, on the other hand, classifies them into three categories: social-economical, social-cultural and social-vocational symbols, the latter classification includes also the pen and inkwell (*cum penna et calamario*), which is awarded to spiritual vocations (LE GOFF, 1985, 396-397)⁵⁹.

⁵⁹ Worthy of note are the lists of investiture objects and titles in LE GOFF, 1985, 455-460, one based on M. Thévenin from Merovingian-Carolion era, the other from Du Cange.

Appointment in the notarial investiture ceremony concludes by giving the pen and inkwell and with a slap (*alapa*), a ritual gesture, accepted by the candidate as a perpetual reminder of the missionary role of the notarial vocation; in case of the investiture of the Piranian notary, this gesture is equally represented by appointment with a part of the clothing. The gesture is known from the Roman ceremonial tradition, which was used for the liberation of a slave: e.g. a Roman praetorian touched a slave with a blade of grass (*festuca*), switch or with a part of clothing when he gave a slave his freedom; equally, a slap in the face (*alapa*) in the Roman tradition signified a gesture made by the master when freeing a slave, a gesture which also implied a duty of personal responsibility for the former slave's own actions and can be also interpreted as a (re)establishment of free vocations (*artes liberales*).

A slap shows similarities with instalment of knights, who, as ritual gesture, received a blow on the apex (fr. *colée*); whereas vassals were given a kiss (*osculum*), exchanged by the appointer and appointee (LE GOFF, 1985, 391-2)⁶⁰. Although a slap thus preserves some antique symbolic messages, the hand symbolism was given a new meaning in mediaeval Christian ceremonies: it is always a God's hand that expresses the relationship between the appointer and appointee (comp. SCHMITT, 2000, 101-146).

With the establishment of notaries and the solemnisation of notarial praxis from the second half of the 13th century onwards, a written document (instrument) was frequently used as part of the concluding act. The instrument was soon thereafter represented merely as one of the symbols at other investitures (comp. LE GOFF 1985, 414).

Especially in comparison to the investiture of knight, the formation of the notary investiture ritual has been given little attention so far in studies. But evidently knight investiture rituals were soon followed by their notarial counterpart: perhaps we could take a risk with a hypothesis that notarial investiture rituals developed in parallel to knights' investiture rituals or even before them. We have to consider that Carl the Great codified oaths for notaries, who at the time were clerics, and by their oath ordained them into their own order.

We must not overlook juridical function («*iudex et notarius*» or »*notarius et iudex*»), which was executed by notaries at least from the 9th century onwards, as presented in the chapter **The Franconian notary office and its legislation**. Primarily, notaries were clerics or, more precisely, monks. Monasteries were then educational institutions, which enabled all social classes to receive an education and to attain to corresponding administrative offices,

⁶⁰ As stated by Galbert from Brugge (1127), "after his hands are clasped in hands of the lord, who holds them in his palm, they unite with a kiss" (LE GOFF, 1985, 391).

based on the education level achieved. Only monks were educated in writing, grammar, theology, law and other proficiencies.

Throughout this time it was precisely the notaries who were the faithful recorders and administrators of all ritual activities⁶¹. Not only did these monastic notaries appropriate to themselves the role of expounders/interpreters and owners of collective memory but also a primal status in directing social relations, moral, values. Among the people of early middle ages, clerics performed the function of leaders and ideological interpreters; therefore, we can justly conclude that they performed readings of rituals (LE GOFF 1985, 384), an analysis of which phenomenon is excellently presented in SCHMITT's (2000, 33-100) and DUBY's (1985) works.

Through ritual is shown idealised social imagination, behavioural patterns, norms, values, moral, legality are also formed, because the rite is order, law: in the society of that time, lawfulness was upheld with ritual ceremonials, especially in churches, on city squares and other public places (although only in front of a few witnesses), which always had a characteristic of public proclamation about the authority holders or institutions. Rituals therefore played a role of medium or communication with public (comp. ALTHOFF et al., 2002).

Rituals were also formed in the monasteries; this shows a specific social structure, a specific symbolic cluster, formed between the 7th and 9th centuries (LE GOFF 1985, 432), and is traced not only in vassal investitures but also in those of knights and notaries. As explained by (monk and notary) Galbert from Brugge in 1127, there are three phases of ritual: *homage, faith, investiture*. Within these phases of individual investiture, only objects and gestures are different: the ideological framework remains the same. But the objects and gestures also change with time and varying social requirements. When SCHMITT explains the story from Ebbon's evangelion (first half of the 9th century, Northern France) about depiction of the evangelist Matthew, patron saint of (administrative) clerks (and of tax collectors, accountants and bankers), the writer of the first apostolic gospel. Schmidt explains the interpretation of the scribe's vocation of that time, their missionary function: through the evangelist's body, a communication is being established between objects he holds and lines that are prolonged into scenery. An angel, God's emissary, also a symbol of evangelist Matthew, can transmit a message through an entangled path to a text, written in a book or on a scroll. Unforced communication between God, set between the bent feather (*penna*), soaked into inkwell (*calamario*), and parchment scroll, curved in the opposite direction, is held in angelic hands, who represents a revelation of God's Word and does not sub-

⁶¹ In picture *Immixtio manuum* from 9th century is notary between two actants.

mit itself to rules of human authority. The evangelist Matthew writes with his pen in a book, which is still unwritten, the pages are blank. Only when he reaches for the pen in the inkwell, through which an angel communicates, will the pages be written. The angel is a witness, an inspiratory and mediator between God and the evangelist (comp. SCHMITT, 2000, 111).

Thereafter a route to consecration into a vocation were opened to the notaries.

The depiction of the evangelist Matthew is parallel to depictions of the investiture of rulers in Carolingian era, when an obvious upgrade of mediaeval rituals began to take place. However, I would not refer to it as feudal-vassal, as it is commonly addressed, but institutional ceremonial.

The investitures are not transmissions of the lord's property to a vassal but a contract, which establishes a hierarchy of rights and duties (LE GOFF, 1985, 409). Namely, with ritualisation, institutions were established; from the 11th century onwards those were knights as well as notaries. This is probably the most clearly represented by the monk Adalberon from Laon in 1027, one of the most visible representatives of the establishment or, better yet, an expansion of a tripartite and trifunctional schema of society (comp. DUBY, 1985): "*Bellatores* are established along with *oratores* and *laboratores* not only by their military role but also with institutions, with trumps, with symbols" (LE GOFF, 1985, 427).

The end of the 10th and the beginning of the 11th century comprises a period of the so-called ecclesiastical peace movement; the legal-administrative structure was transformed due to social changes, again, with the structure provided by monks. It is not hard to hypothesise that the very monks-notaries who selected their investiture symbol – the pen and inkwell – by establishing codified law, which was given its theoretical and practical bases by (especially Bolonian) notaries, were also responsible for ritual in investiture ceremonial of notaries, which expanded as a norm throughout European continent in the centuries that followed.

Important changes in terms of the role of notary were certainly the rise of cities and formation of the first schools and, afterwards, in the 12th century, universities, which enabled the possibility to attain education in the broadest circle of subjects, in case they were gifted with special abilities, chosen for performing a missionary according to God's grace.

The towns were also, as much as or even more than feudal estates, in need of efficient administrative apparatus, which was undoubtedly ensured only by the notaries.

An important novelty in cities, firstly in Bologna, was the obligation of communal supervision in testing the knowledge of notarial candidates (comp. FERRARA, 1977).

Therefore in Bologna in 1220s and 1230s numerous provisions were confirmed to establish education and especially the final exam commission (*officium examinationis*) for notarial candidates, who were primarily communal judges and notaries. Only after having successfully passed the test the candidate was able to request an investiture, whether first communal or, if needed, also imperial or papal. If the notary already had an adequate privilege or his investment was confirmed by witnesses, he still had to take an exam in front of communal clerks if he wanted to be inscribed into a book of communal notaries (*Matricola*), which was established just in 1219 (FERRARA, 1977, 66, 78).

Only after inscription into *Matricola* were the notaries able to practice their vocation in a city and in its surrounding territory.

For Bologna it is known that the commune invested notaries at least in the 12th century, although no imperial or papal privilege is known to give the commune such right as is known for Pavia and Genoa (comp. FERRARA, 1977, 77). Moreover, Emperor Frederic prohibited the bestowal of notarial privileges in 1225 in a feud with Bolonians. The Bolonians did not respect the prohibition and with their written statutory provisions even more precisely defined notarial service and especially the competences of the commune in investitures.

The legitimacy of rebellion was augmented with written law, based on the work of legal theories, mostly notaries and judges, as still seen in Raineri's signature, and based on an important novelty: the organisation of education and exam. In similar fashion to the candidate for knightship having to practice his military skills and educate himself for his vocation, the notarial candidate had to be educated in writing, grammar, law etc. and pass the test, before he requested an investiture.

The towns played an important role in issuing instruments because with this the notarial investitures were codified and this custom was consolidated and legalised. This is also shown by the fact that the notarial signatures with titles *imperiali auctoritate notarius*, *Sacri palatii notarius*, *marchionis notarius*, *civitatis notarius*, etc. began to appear as late as in 1220s; before that, the notaries were signed on the instruments as notaries or they were affirmed as such by the community (comp. SUPPLEMENT 1 and 2).

Besides confirming the appointer and thereafter also the territorial range of notarial jurisdiction, the signatures of the notary set on instruments testify about the unification of the form of investment because the notaries were signed on each issued instrument with a title given at investiture.

Based on the above stated, we can hypothesise that the investiture ceremony in the 12th century was not entirely the same as that of 13th century although it is clear that it followed the same basic investiture ritual structure

in both eras: *homage, fides, investiture*. Also under the influence of cities and their (administrative and legislative) needs, the ritual was slightly modified with ritual symbolic gestures or objects.

At this point we will take Bologna as an example once again. Following Rainierius' demand in 1219 for notaries to have a public investiture ritual, along with their instrument, in the middle of 13th century, Bencivenne, most likely a Ranierius' student, reports that "Bolonian podestà formally appointed a notary with scepter (*baculo*), held in his hands."⁶² However, the sceptre mentioned (*baculo*) can be in our case understood in a broader sense of a symbolic investiture object or an act, similar to expression of *festuca* (switch, straw), which signified a transmission of authority and property, as explained by Du Cange in his article on investiture⁶³.

Was the sceptre (*baculo*) even then a pen and inkwell? Most probably, following Du Cange's statement that even Rolandino (middle of 13th century) in his *Summa Notariae* states that notaries are being appointed "*cum penna et calamario*" (ROLANDINO 1546, 143v.-146v.): In 1266 Perugia the podestà of that time had already invested notary *cum penna et calamario* (LOMBARDO, 2012, 241). In any case there are numerous testimonials at the end of 13th century that confirm that the sceptre was established as symbolic object of pen and inkwell in notary investiture procedures⁶⁴.

This symbolic investiture object was located primarily in the domain of monks (in imaginary image of first evangelist, who wrote down the God's word), as is testified in already mentioned depiction of evangelist Matthew in Ebbon's gospel (first half of the 9th century)⁶⁵ and symbolises the acceptance of a profane gift, a homage, for the operation of a vocation; therefore, the object is presented in all phases of the ritual and given to the appointee as investiture object only at the end of the ceremony.

⁶² "... dictus potestas de arte ac officio tabellionatus ipsum Iohannem sua auctoritate et communis Firmi cum quodam baculo quem habebat in manu solempniter investivit ... libere hoc officium exercendi" (FERRARA, 1997, 79). FERRARA assumes it was a novelty in process of communal notarial investiture.

⁶³ DU CANGE, 1733, 1521: "... Addebatur hisce symbolis, *festuca* quae interdum fustis dicitur, *baculus*, *virga*, & c. cuius traditione, dominium rei pariter translatum crederetur: cum *baculus* ac *virga*, domini in suos ac res suas jus & potestatem denotet ..." about *festuca* as symbolic element of making a contract, i.e. investiture, as well as possibilities about withdrawal from personal obligation of contract cancellation, *exfestucatio*, *comp.* LE GOFF, 1985, 411-418.

⁶⁴ *Comp.* ZABBIA, 2013, 211; otherwise, the notarial investiture ceremonials mention table and/or scroll of parchment (instrument) or some other socially-vocational symbol (e.g. *pendulo*) as symbolic objects along with pen and inkwell, besides those objects a ring and even a hat (*berretto*) are also mentioned. (*comp.* CORBO, 1972, 367; LOMBARDO, 2012, 241-259).

⁶⁵ Imagery of gospel writer Mathew with an angel was depicted by numerous artists in various periods. *comp.* http://it.wikipedia.org/wiki/Matteo_apostolo_ed_evangelista

But while the pen and inkwell were established as symbolic objects (*baculo*) of the notarial investiture ritual, a slap (*alapa*), given by palatine counts as well as lavretan knights and city podestas, remained in use as investiture gesture in case of notaries. This was a symbolic gesture of god's gift and consecration.

Along with an instrument – written privilege – an additional investiture gesture was added in the form of *kiss of peace* (CORBO, 1972, 366-368; PETTI BALBI, 1974, 19-21; LOMBARDO, 2012, 241-259), a gesture that was obviously established in the majority of investiture rituals and used to symbolise acceptance into a family. This gesture has an extremely important role in ritual of institution of *vengeance* (*vindicta, vendetta, feud, fehde, faida, osveta, gjak-marrje*). It signifies the end of hostility and (blood) revenge among feuding parties, acceptance into a family and/or formation of extended family with marriages between descendants of former feuding parties, which should guarantee long-lasting (perpetual) peace (*comp. Petkov, 2003, 93-108*).

The example of investiture of the Piranian notary Dominic undoubtedly shows a strong presence of investiture ritual in collective imaginary because all witnesses were able to recognise the ritual and concluding (public) gesture. In this document from 1201, we can decode the ritual procedure, based on written testimonials.

To sum up (see previous chapter): Presbyter Venerius, the first witness, assures that the notary Dominicus swore in the presence of the people of Piran, in front of *Porta Domus*, and in the presence of gastaldus Albericus and other town magnates, when Bertoldo inaugurated him to the status of notary, with the verge-thread of a (army) coat: “*cum lampulo mantelli*”. Other witness, Odolricus de Ripaldo confirms the stated but mentions the verge-thread of a fur coat – “*per lampulum pellium*” as investiture object, while the third witness, Pietro de Imena, observed a glove “*ciroteca*”, with which Bertoldo appointed Dominic to the office of notary. (CHART./I, no. 22:23/7). All three witnesses mention a profane investiture object. Taking into consideration that a glove was used to give a gentle slap on the cheek within the investiture ceremony, we can justly set a hypothesis that in investiture ritual the count-podestà Bertoldo used the exposed part of clothing with which to give him a gentle slap on the cheek. This provides us with both the investiture object and investiture gesture. Although the testimonials about investiture object differ, we have it all here: public oath, which follows an intercession, and at the end an object and a gesture: *homage, fides* and *investiture*.

We can agree with Le Goff's statement that the sequence of actions and gestures – *homage, fides* and *investiture* – consists of a “compulsory connect and set symbolic ritual. A question emerges whether one of the reasons for descriptions of rituals being summary does not lie in the more or less con-

scious wish to show, without digressions, that the essential acts took place in all phases?” (LE GOFF 1985, 406). “Investiture along with homage and faith composes a whole, which is legally (and symbolically) impossible to separate” (LE GOFF 1985, 417).

In his study on the symbolic rituals of vassalage, Le Goff classifies socio-cultural symbols, which mostly consisted of established symbolic gestures, into two main subgroups: physical gestures, amongst which he places touches or slaps with a hand, and gestures with clothes, in which a physical contact is initiated with a glove, hat, cape etc. (LE GOFF 1985, 397). This signifies that the Piranian notary was, even with the verge-thread of a (military) cape, assigned in accordance to a valid normative ritual, anchored in the collective imagination of the Piranians of that time.

The public gesture of notarial investiture was recognised by the ancient gesture of *festuca*, which illustrates some of then local and/or chronological specifics of the gradual transformation of the notary investiture ritual.

While the pen and inkwell also emerge as investiture objects towards the end of 13th century in the investiture of Istrian notaries, (ZABBIA 2013, 210-213), in 1325, Piran Bertaldo, son of Ioannis Cossa de Pirano, was still invested into his feudal lordship with a verge-thread of a tunic “*cum lanchis suarum tunicarum*” (CHART. PIR. II/b, 306/5); however, in 1328, Savarinus and Meynardus, were invested into a feudal lordship as they knelt with the verge-thread of a cape, “*cum lanco sui epithogii stantes genibus flexis legittime investivit*”. (CHART. PIR. II/f, 182/18)⁶⁶. It seems, however, that this was the case of local customary symbolic objects and gestures of ritual investiture.

We can conclude that, in 1201, the Piranian notary Dominic was invested according to established symbolic ritual: *homage*, *fides*, and *investiture*. However, we can only state that the investiture objects and gestures were of a general investiture character, as they were locally formed for feudal investitures. Surely, Dominic was not yet given a instrument, a privilege, with witnesses in the town/community testifying to the legitimacy of his office. Neither is there any indication that the notarial candidate Dominic passed any type of test. However, at that period, the content of an oath assured the knowledge needed. In substantially precise testimonials, we cannot trace any other symbolic ritual object or gesture, except for oath and verge-thread of the cape.

Nonetheless the document testifies about something else as well: about the investiture of podestà in the name of a town/community. Namely, whereas the authority of Count Bertoldo was questionable in Dominic’s investiture,

⁶⁶ Comp. LEX LAT., *epithogium*, 413, *lampulum*, *lanchus*, 639-640. Language root for *lancus* is *lancea*, a spear, a lance; in any case a pointy object.

the authority of Berthol as count-podestà, thus town chief, is undoubted. This is evident especially if we precisely follow the testimonial of presbyter Venerius when he says that: “Dominic is known as a notary in Piranian castle. All his instruments about different contracts and other issues and all his testaments have validity in town of Piran” and adds “that he was present, when Dominic swore in front of Count Bertoldo, who in this town was a podestà in the name of the bishop of Freising, who was given the authority by the Emperor, as well as in front of town gestald and inhabitants of the town.”⁶⁷

The document testifies to the meaning of town communities, also smaller ones, with castle statuses, that fought for the right of appointment of notaries, although with jurisdiction only within the town’s territory. We can see also that Dominic from Piran in 1201 was not addressed with other titles, which means that he was of profane origin. The core of mediaeval investiture ritual, as it was formed from the middle of 12th century, lay precisely in this. The right of investiture was also spread amongst common subjects. Whereas by the year 1000, besides kings, only bishops and counts could pride themselves in consecration into an order; thus, in an office (*offitio*), in missionary authority, which was imparted by will of Christ, with social changes, with the gradual end of the process of feudal fragmentation, with the so-called peace movement, with crusades, with the rise of cities and economic development, followed by changes of the value system, the former tasks and duties of kings were suddenly imposed on all who were chosen by Lancelot (around 1220): these were “those who were of greater value. Those who were tall and strong and beautiful and kind and loyal and brave and fearless. Those who had a heart and body full of goodness [...]”. But this initiative was no longer given by God but rather by the people; chivalry was not formed upon the creator’s decision but was rather a consequence of social contract – “perfect desacralisation” (comp. DUBY, 1985, 366).

The Church selected its knights, warriors, protectors (of community), clerks, who were grasping for military power, and notaries for legislative clerks, those who were able to “*give concrete answers to all, who wanted to protect their interests, to not using arms, but law*”, as Irnerio stated (about 1050 – about 1130), first amongst glossators (BELLOMO, 2011, 71).

This was followed also by the ritual.

We have demonstrated how the investitures of rulers, knights and notaries

⁶⁷ “... tabellio est et pro tabellione habetur in Castro Pirano, et omnia instrumenta eius que ipse facit super contractibus et aliis negociis et testamenta autentica habetur in Castro Pirani; et hic testis fuit presens ubi et quando dictus Dominicus fecit iuramentum tabellionatus coram comite Bertoldo, qui est potestatem illius loci per episcopum de Frisingo, qui habuit hanc potestatem ab imperatore, et coram gastaldione et populo terre.” (CHART. PIR. I, št. 22)

followed a schema of trinity (*homage, fides, investiture*) that was formed at least from the Carolingian-Ottonian renaissance onwards; how within each of these phases, ancient gestures and symbols acquired a new meaning, which was mirrored within ritual structure in communication with God. In homage, an exchange of gifts takes place; the selection and acceptance of missionary purpose; God's missionary, in *fides* there is an oath, which is primarily given to God; investiture is transmission of jurisdiction – but godly jurisdiction.

Even when a slap forms part of the investiture ritual, it was given through a mediator to the appointee by God's hand. Therefore, although the majority of investiture symbolic objects and gestures have a profane character, the ritual structure was Christianised before the 12th century.

Thus the formed rite was a basic structure for 13th century ritual but with an expansion of legitimate institution holders, primarily knights and notaries; later also other vocations, that were organised into different brotherhoods (*confraternita*) and guilds; the selection of specific symbolic objects and gestures widened: no wonder, everyone wanted to (or had to) have their own symbols, their own saints, similar to different symbols and gestures of numerous monastic orders, especially since the end of the 11th century. This satisfied symbolic interpretations of clergy, who wore a mark of canonical ideology (comp. SCHMITT, 2000, 161, 230).

Therefore, in LE GOFF's opinion (1985, 451), on first glance, the ritual of investiture of knights and notaries became completely Christianized as late as in 13th century; in this view, Le Goff is confirmed by SCHMITT (2000, 230). But Schmitt's study shows clear chronological development of the mediaeval ritual, especially based on different preserved texts and iconographic material (mostly from monastic collections)⁶⁸. Therefore, based on the stated argument, I disagree with LE GOFF's opinion perhaps in only one point, when he states that feudal-vassal investiture has nothing in common with the investiture of knights, which was supposedly already completely Christianized. (LE GOFF 1985, 384, 451 et pass.).

The Christianisation of symbolic investiture objects and gestures was more intense than before; more emphasis was given on education and moral demands, which is evident from the oath, but the three-part structure of the investiture ritual has not changed. In case of notaries, the pen and inkwell came to the fore as symbolic objects, the symbol of the evangelist Matthew,

⁶⁸ It is interesting that especially angloamerican humanities, which has substantially extensive studies on rituality at its disposal, seldomly cites LE GOFF's work (1985), SCHMITT's work (2000) is, on the other hand, almost entirely overlooked (comp. Bibliography in MUIR 2005, 12-14); ROACH (2012) in his recent cogent article on homage also cites LE GOFF, but not SCHMITT.

through whom God's consecration with all symbolic repertoires was interposed to notaries. A slap was, at least from 9th century onwards, simultaneously a symbol of juridical authority and a Christianised gesture in a sense of God's (earthly) hand. This symbolic gesture usually appears in equivalent meaning to antique *festuca*, a twig, switch, as the custom was obviously preserved as late as in 13th century Piran.

In 13th century two important completions of notary investiture rituals occurred: instrument and symbolic object: *penna et calamario*. The oath, which was written in the instrument, has the flavour of new era, which was only established in the 13th century: education and new social and moral demands. The professional symbolic objects, *penna et calamario*, are also completely of profane nature and yet packed with symbolic interpretation of canonical ideology. New institutions, especially knights and notaries, later new nobility, needed to be ideologically located by religion.

Whereas for feudal investitures, for old nobility, an appointment into feudal estate through a mediator was still in force, their (feudal) lords, the bearers of the new institutions, were appointed with symbolic objects. This was designed to stress God's special mission, which is not transmitted just thorough person but through objects of their vocation. A missionary is therefore a public good, part of a common cultural heritage; it is earthly, profane and based on the success of an individual, yet at the same time a part of Creation. "The ritual, as it is possible to imagine, based on sources, is a compromise between military aristocracy and canonical hierarchy", finds SCHMITT (2000, 230), but we cannot forget, however, the crucial socio-economic role of cities. The cities were precisely that which, comprising the institution of the notary, including a rich monastic heritage, enabled a legal framework for their existence and activity.

Another tendency in rituals and consequentially in society should be pointed out. Symbolic object *penna et calamario*, represents for notaries an entry – acceptance into (professional) family. Chivalrous life is also entirely concentrated around family (comp. DUBY, 1985, 363-365).

In the notarial investiture ritual we see the gradual implementation of an additional concluding gesture: the **kiss of peace**⁶⁹. This gesture was also established in the legislative ritual of the institution of vengeance (*vindicta*), as a concluding ritual gesture that leads to brotherhood, into a family and thereby into perpetual peace. The ritualisation of the institution of vengeance displays a tripartite structure: a *homage*, *fides* and *investiture* – a concluding act.

⁶⁹ The kiss of peace (*osculum pacis*), kiss on the mouth (*ore ad os*), is not to be confused with *osculum*, a kiss given in feudal-vassal ritual, which, as late as in 12th century signified a passage from *homage* to *fides* (comp. LE GOFF, 1985, 392), affirmation of accepted gift, a request to enter a family, and concludes a gesture of *immixtion manuum*.

In accordance with the ritual, individual members of feuding parties, following the conclusion of peace, entered into an actual relationship of mutual matrimony. The ritual also included a possibility of dissolution of the contract, i.e. *exfestucatio*, which has already been examined by BLOCH (1968). A more detailed study of the problem of mediaeval ritual might offer more answers to questions of dispute settlement in the then society, especially about its organisation, performance, imaginary and mentality (comp. ALTHOFF, 2002).

In this way, brotherhood and brotherhoods (*confraternite*) became a synonym for peaceful dispute resolution and administrative structural reforms. Brotherhoods followed knights and notaries in becoming new institutions, new means of social organisation and division of labour. With the ritual, they follow a basic structure of mediaeval ritual, distinguishing themselves from one another with various (characteristic) symbolic objects and gestures (comp. MUIR, 2005).

The structure of ritual was therefore present in all profane social structures. If we agree with Le Goff's interesting hypothesis, that the **ritual of marriage**, according to the then valid Roman law, was the basis for a symbolic cluster of profane mediaeval investiture rites (LE GOFF, 1985, 432, 449, 451, 455), we can also illuminate how deeply present the mediaeval investiture ritual is in our everyday life.

The mediaeval profane Christian ritual is surely original; it was gradually formed with its basic structure traceable from at least the 7th century onwards with *immixtio manuum* and the (probably additionally added) kiss (*osculum*). This originality is shown also in Christian art, its originality being based precisely on the fact "that God's transcendence was introduced in figurative depictions: this characteristic was extremely powerfully expressed between the 8th and 11th centuries" (SCHMITT, 2000, 111).

By forming, expanding and complementing a concept, in accordance with social changes, notaries surely also contributed to this since they were present in the majority of ceremonial enactments as scribes, administrators and legal experts.

IV. *FIDES PUBLICA* AFTER THE 12th CENTURY

The practice of the notary office gained, in the era of rapid expansion of city autonomous authorities, which took effect after the decisive battle and victory by the alliance of cities against the emperor Friderik Barbarosa at Legnano in 1177, new jurisdictions and a greater social value that was also conditioned by the expansion of commerce, which dictated firmly established and, even more importantly, guaranteed contractual forms. The assertion of property and the possibility of transferring it to descendants and other physical and legal persons stimulated an additional legal value as well as secured civil-legal contracts and “last wills”.

The new (old) practices of the notary office: schools and colleges

Even though notaries were generally confirmed and, thus, legally accountable to the local court nobility, paladins of the Holy Roman Empire or pope’s curia, they frequently began to take advantage of their broad authorizations, which many acquired also on the basis of kin and other ties, or even worse, began to forge various content or write down new false ones, often against payments, orders or requests by their superiors. Due to remoteness and the disinterest of the central authorities over the functioning of notary offices in cities, the cities themselves experienced, in the time of a rapid rising of a communal life, a need or rather an obligation in establishing independent control over notary offices.

In the first phase of both controlling and limiting numbers of privileged notaries, cities began introducing schools and exams for notaries, which were initially organized at city administration in frames of specialized offices⁷⁰,

⁷⁰ A statute of Bologna of the year 1226 explicitly states that the judges of podestà are to examine the knowledge of notarial candidates, after the fact there was *Matricola* set as early as in 1219, mostly due to initiative of Rainerius Perusinus and his “*Ars Notariae*”, where they inscribed all notaries, who were certified by city authority and were only based on this able to operate their vocation within the city and its territory. Comp. FERRARA 1977, 52-71.

and later within notarial associations or colleges (*Collegio*). We find them from the 13th century on in many northern Italian cities; their members often did not even practice the notary profession (Bologna, Verona, Treviso; TAMBA 1977; SANCASSANI 1987; BETTO 1981), but these corporations represented unique political organizations (TAMBA 1991). In addition to the first universities being founded, notary colleges at the time have a substantial influence over laicization of society, since in performing their duties they collaborate directly with authorities or with their statutes and even administered the head of a government (LE GOFF 1957, VI).

Subsequent to this analogy, special corporations (*collegio*) of notaries, which would have been in charge of the correct operation and nomination of notaries, were established in Istrian towns. However, in the Italian land that was under the influence of the Byzantine or Romanic direction of the notary law and these corporations developed only in the most prominent towns, while there is no trace of them in smaller towns. The latter is also true for the coastal towns of Istria from Trieste to Pula. Additionally, there were too few notaries active in these towns to generate enough interest for founding such a *collegio* in the period up to the end of the 16th century. Only then a *collegio* was founded in Koper on the initiative of the Venetian central agencies. It is for that reason that until then a commune was an agency which, with the assistance of chancelleries or other city offices, was in charge of the correct performance of notaries.

With their legal guardianship, notary associations provided for correct functioning of notaries independently of the central authority. They attended to their members, arranged their own statutes that accommodated city statutes, they managed properties, while members, in return, were obliged to contribute certain membership dues. The independent managing of all notary affairs was also their primary intent. However, that was no longer true for the notary colleges which were founded later on; those were founded by the state to have control over them, as was the case with the Koper notary college from the end of the 16th century.

It appears, though, that until the right of nomination was in Venetian Republic centralized in 1612 (comp. PEDANI FABRIS 1996), this function was executed in Venetian Istria by the emperor's or pope's substitutes, who were given the authority to appoint notaries. These substitutes were at the same time also town noblemen, which meant that a town gained competent persons who had the right of nominating notaries locally. Such was the case with the first known Koper paladin counts from the Carli family who received this honour in the mid-14th century. This right was hereditary and was, together with the title of a count, transferred to descendants.

We have a similar case in Pula, where the city codes of law issued in the 14th century and some document from 1292 state that a family from Pula

(Castropola) received from the patriarchs of Aquileia (BENUSSI 1923, 340) a privilege of nominating notaries (*tabellionatum*) and that no one may practise this profession in town or its surrounding unless being previously introduced by one of this family's members before the town assembly (*arengo*) and, thus, appointed to perform this duty. No private document was valid, either, unless corroborated (*roborata*) by one of the members (PERTILE 1902, 296).

A similar practice of issuing a notary privilege existed in Koper in the second half of the 16th century. This is evident from a privilege, written in the year 1574 in front of witnesses, a noble (*nobilis*) Johannes Baptista Gavardo and Sir (*dominus*) Vincenzo Metelli (a citizen and inhabitant of Koper) in the Koper city square (*Platea Communis*) by Koper notary Aloysio Grisoni. It was then that Petrus, the son of a Koper *portulano*⁷¹, Sir Antonio Rosano, requested from the nobleman Sir (*nobilis vir dominus*) Aloysio Verzi, a worthy paladin count, to be given a notary privilege. His request was granted, but only after he swore by the holy gospel that he would perform duties of a notary profession loyally and honestly. After the event was announced via the city crier (*praeco*) in the city square, Peter was able to start his employ⁷².

After a college of notaries (*Collegio dei Nodari*) was finally founded in Koper in 1598, the college took over the duty of verification and nomination of notaries and, as indicated in a surviving record book from this institution, notaries were verified and nominated there for all of the towns of Venetian Istria⁷³. In the college, a special examining body was nominated, which verified candidates for notaries. In addition to a Venetian podestà, the examining body was made up of the head of the college – *prior*⁷⁴ – both *vicedomini* (in the college they appear as *assessorii*) and four college members.

Here the question of who verified the abilities of a candidate prior to it presents itself. We know that this person had to be qualified in the skill of writing and grammar above all, but he also needed to be knowledgeable in law, at least the law written in city statutes.

⁷¹ ¹⁹ At least from the first half of the 14th century on, the Venetians appointed special officials in order to control imports and exports from the Koper ports at the Gate of St. Michael (approximately where today's civil port is located, which was the most important port at the time), at Izola's Gate and in Bošadraga, *portulani* were located. Comp. SENATO MISTI 1888, 2.6. 1342, 18.12.1345, 3.1. m.v. 1348, 15.9. 1357 etc.

⁷² AAMC, bob. 108, 41; MAJER 1904, 74.

⁷³ AST. AAMC. Libri dei Consigli, Libro Consigli dei Nodari 1598-1737, bob. 709 (MAJER 1904, n. 567).

⁷⁴ The first known prior of the Koper college of notaries was Francesco del Tacco, who was upon his death in 1614 replaced by Piero Vida (AST. AAMC, bob. 709, f. 206/7; MAJER 1904, n. 567).

The closest known notary school was founded at the beginning of the 14th century in Cividale. However, most likely only masters, who then taught their future colleagues, came out of it. The shortest way to achieve a notary privilege was most certainly in apprenticing with one of the already active “master” notaries in city and priority was, thus, given to sons and closest relatives of a notary. Before this could be implemented, they first needed to acquire at least elementary knowledge of grammar, which a city teacher could tender.

We can detect the first mention of a school master (*magister sclarum*) Bonifacij in Koper as early as in 1186 (KOS 1915, IV, 724), in Izola a “*magister schole ac chori*” Peter in 1212 (KOS, 1928, V, n. 195), in Piran *Dominicus presbiter magister sclarum* (CHART./I, n. 22)⁷⁵ in 1201, while a Piran delegate Marquardus promises to a Koper archdeacon, in 1248, that they will revoke the banishment against “*presbyter Facino*, a Piranese schoolmaster”. It is interesting that this document was drawn up by “*magister Riccardus Iustinopolitanus et incliti B[ertoldi] marchionis notarius* (CHART./I, n. 84) who cannot be anyone else but a Koper notary master or a notary teacher. Riccardus is already mentioned on a Koper document from 1239 (KOS, 1928, V, n. 715).

In 1290, the first town lay school was founded in Piran. The teacher (*rector et professor scholarum*) Albertinus was paid by the commune (PETRONIO 1992, 239). Before the year 1352, when even the Venetians were pleased with the news that the income of the Koper commune was sufficient for the city to employ a “school teacher to manage Koper schools” for 40 gold coins salary per year (SENATO MISTI, 1887, ad a.-), there are lay teachers permanently present in Koper and lay academies are being founded (ČVRLJAK 1992, 122 sq.).

Our notary apprentices in the southwestern Istrian towns had, then, enough opportunities for being trained in this “skill”. Fresh views and novelties from the sphere of notary practice around the “world” were brought by numerous nonlocal notaries, who either settled in these towns or were called in for a professional or other assistance. One of such notaries (*sacri palatii*) was Bonaventura de Bustasino from Treviso, who was in 1274 elected by majority vote by the Piran town assembly to become a commune chancellor for a salary of 50 Venetian libras per year with a task of writing documents, letters for the Piran commune, verdicts, income and expenses of the Piran commune into a captain’s book (CHART./I, 147). This took place at the time of perhaps the biggest ascent and independence of the Piran commune, when they gave the assignment (once again or anew?) for their statutes to be written down.

⁷⁵ He is also mentioned by V. Schmidt in: *Zgodovina šolstva in pedagogike na Slovenskem* 1, Ljubljana 1963, 22; cit. in MIHELIČ 1985, 17.

The people of Piran, however, were not always fortunate in choosing their “imported” notaries, which even cost one of them his right hand. What made this event even more disgraceful was the fact that notary Michael de Parma, an inhabitant of Venice, was also *magister*, that is, a notary master. In 1330 he was convicted of forging some documents and sentenced to having his right hand cut off, which was at the time a punishment for such an offense that was foreseen in almost all of the city statutes in the near and far surroundings (STAT. PIR., II/28). It is not known if the punishment was actually carried out, since we know of this event only from the testament of the convict (CHART./II, 71), who wished to protect his conscience against consequences, since such a “bloody” punishment frequently led to deadly results. Due to the importance of written records in notary books, town statutes and notary associations’ statutes included a request that notary books are being kept after a notary’s death, since the legal validity of these documents and the uninterrupted storing of them also represented, in addition to a notary authority, the essence of public confidence (*fides publica*).

At some places, a notary’s closest relatives were responsible for carrying out the storing of books on the condition that they themselves practiced this profession. There were many such cases in Istrian towns. In Piran, for instance, we can trace the family of Cavianies in the 14th century, when sons Catarino and Marco succeeded the notary profession from their father, Francisco; Catarino’s son Benedicto then succeeded his father’s profession and his two sons, Catarino and Marco, were also educated to become notaries, and so was Marco’s son, Francisco (MIHELIC 1986 (3), 127–134). In the 14th and 15th centuries, a prominent notary family, Baysio⁷⁶, lived in Koper after immigrating there from Venice (MAJER 1904, n. 1–42), while members of the Lugnani family were true seniors of this profession, since Gregorio and Ambrosio were notaries in Koper as early as in 1186 (DE TOTTO 1939, 118), and Lugnani Lugnani then concluded this series with a remarkable collection of preserved notary documents from the end of the 18th and the beginning of the 19th centuries⁷⁷ (PAK. 85).

⁷⁶ Comp. the notary book of Baysinus de Baysio for years 1386–1388 in PAK. 6. Documents, a.u. 67. This notary was, in addition to many duties entrusted to him by the commune, also the communal chancellor for several years at the end of the 14th century and, thus, the entire ratio of distribution of honoraria for drawing up individual acts between the commune’s and the podestà’s chancellor (2/5 : 3/5), which was recorded in the Koper statute from 1324, was preserved for the consequent eras (STAT. KOP., III/8).

⁷⁷ On transferring the notary profession from father to son is clearly evident in Supplement 3, where, for instance, we can follow Appolonio Appolonio in the years 1549–1694, Ponponio Ducaino from 1518 to 1683, Pietro Paolo Zarotti from 1541 to 1692 etc., which indicates that at least four notaries with the same name operated in this period. Considering the habits of the time, when sons were named after fathers, we can arrive to a conclusion that representatives

In other places, corporations of notaries or even their superiors were in charge of preserving notary documents; sometimes city or provincial heads appointed a different notary to take over documents from a dead one (PERTILE 1902, 305), something that was generally accepted with great satisfaction because it meant an additional income, since a customer was charged a certain fee for each copy from notary books.

In spite of the tradition of “inheritance” being rather well established in northwestern Istrian towns, a significant influence of a commune in keeping the records of dead notaries is evident also in this respect. In Piran, for example, documents of a dead notary had to be stored within three days after his death in a “town archive”, in a (commune) chamber of the town’s patron saint St. George (STAT. PIR., VIII/35); in Izola, the commune chancellor (STAT. ISOLA 1888, 158) took care of the town archives until an archivist was appointed in 1678, while in Koper after 1651, the heirs of the dead notary had to turn over the notary’s documents within a month to *vicedomini* who had in their offices a special cabinet (*Armaro de protocolli de nodari morti*; STAT. KOP., V/149) that served this particular purpose. However, with regard to the preserved notary books from 1346 and 1380–1437 (VILFAN, OTOREPEC 1962, 116; MAJER 1904, 1–18) in the Koper *vicedomineria*, we can safely assume that this practice was in use long before 1651.

In smaller places and towns, the specific notary associations were, due to a smaller volume of commerce and other legal affairs, not yet founded or not founded at all; even in such cities as Torino, Trento, Cagliari, etc. (PERTILE 1902, 291), notary corporations were not formed until the end of the 15th and 16th centuries. Therefore, the proper functioning of the office of a notary was, in some places, secured within the framework of other existing offices. Istrian city statutes, which were being formed nearly parallel to the development of commune law in other northern Italian city states, envisaged other legal norms for performing notary duties as well. However, before we get a closer look at them we will conclude our deliberation with a conclusion that the institution of the office of a notary has deep roots in southwestern Istrian towns, roots that reach at least to the Late Roman era. In spite of the significant changes, which were brought about under the influence of the renaissance of the Roman law from the 11th century on and in spite of the important defining of Bologna’s “last” big glossator Accursiano (1182–1260), whose work was continued by Rolandino de’ Passeggeri (1236–1300) (TAMBA 2002), when instead of the Lombard *charta* the Roman *instrumentum* was re-established and when a notary authority became the main factor of valid and acknowledged legal contracts, the city or the commune authority in the

of the same family followed one another.

southwestern Istria retained the defining role in installing and nominating notaries and, particularly, a control over their activities.

Communal chancellors

It is important to point out that the practice of the notary office and the discussed forms originating from it developed fully only in the Mediterranean territory, while the towns in the interior, as for instance in continental Slovenia, it was not known in such an expansive and established form. Even though the continental towns of Slovenia were acquainted with notaries (especially during the times of Gorizia's rule), they did not make a clear distinction between them and other scribes, who performed their duties as servants of a land prince or cities, which means always as civil servants. The notary functions were partially performed also in other "credible places" (*loca credibilia*), such as at church chapters (VILFAN 1961, 236).

In these places then, city scribes performed notary duties, which was in a certain period also the case in smaller Istrian towns, for example in Novigrad (STAT. CITT., I/20), even though the city was the seat of its diocese. The Novigrad statutes determined, just like in some other Istrian towns, fees to be paid to notaries for drawing up individual private acts. However, it is evident from the cited chapter that private acts were drawn up also by communal chancellors, while public confidence was given to a document only by the podestà's signature. In some smaller Istrian places like Motovun, Groznan, Buzet and Umag, a notary document had a benefit of public confidence without verification of a different office, while in Dvigrad the chancellor of the place was required to include in a document "*in et super autentico libro regiminis Duorum Castrorum*" (MARGETIĆ 1971, 199). In Rijeka, too, a document had the benefit of public confidence only when recorded in a book of a communal chancellor (IBID., 208).

The above mentioned examples illustrate the original forms of communal control over the functioning of the notary office. In some Istrian towns, the function of a town (commune) authenticators and the guidance of judicial, private and civil-legal acts in general was, thus, entrusted to **chancellors**⁷⁸. Chancellors, who in Romanic time had their predecessors in Roman *eksceptorii*, first appeared in connection with a notary profession in Istria as early

⁷⁸ The Poreč statute from 1363 in the chapter "*De solution cancelarij communis*" (I/12) states the following: "...et habere debeat cancelarius diebus iuridicis pro qualibet protestatione pro imbreviatura mezaninum unum, et pro autenticando ipsam soldos quator...". Mezanin was the name for the old Venetian money that was minted in the time of the Venetian doge Francesco Dandolo around 1330; it was worth half a groz or 16 small denarii (BOERIO 1856, 415).

as in the 12th century, initially as lay city chiefs, **gastaldi** of the Aquileia patriarch. They mainly attended to a correct course of office operations, independently of the church authority.

Later on, chancellors also became the closest advisers and secretaries to the communal consuls and eventually judges. They also had a significant influence over the Venetian podestas, even though they could not measure up to the podestas' chancellors who were brought to city by the podestas after the latter were elected to the Venetian Great Council. The duties and tasks of the podestas' chancellors in the Venetian Republic are, perhaps, best described by Giovanni Tazio of Koper in his work "*L'istituzione del Cancelliero*", which was published in Venice in 1573⁷⁹. The chancellors were in some cases, as prescribed by the individual city statutes, also in charge of authenticating legal acts.

Tazio considers this service to have great possibilities for promotion, provided that a candidate has, beside an excellent proficiency in all affairs, notary and legal as well as a broad educational background. That these men were truly educated is attested by a podestà's chancellor of Izola, Benedetto de Astulfis from Pula, who, after carrying out his duties in 1419, stayed in Izola for several years longer as a school principal (STAT. ISOLA 1887, 159). A podestà's chancellor, who was sometimes called a notary (STAT. PIR., 46–48, 693; STAT. ISOLA 1889, 191 in note 1), was paid, just like his superior, partially by the commune and partially by the Venetian Republic (BMV. IT. VII. 2216). Communal chancellors in Istria were mainly in charge of a regular attendance at all of the meetings of a town's **Great Councils**; they were active participants at elections of the Great Council's officials and were in charge of a regular supervision of those elected. In Izola and Piran, they were elected for one year term, in Koper for 4 months. They were required to read their capitulary in the Great Council every month – it was some kind of an oath, which included their duties – and they took care that other communal officials did the same by providing them with parchment leaves on which capitularies for individual offices were written.

In the capitulary of Piran's chancellors we find the following stipulations, which held true also in other Istrian communes: each morning they had to report to the podestà, without whose permission no document or letter was to leave the office; they had to read scrupulously each and every letter and contracts that came to their offices; according to their conscience and stipulations of statutes, they were required to give council to the podestà and judges about everything necessary; they had to honour secrets of all

⁷⁹ For the data about the existence of this work, which is indispensable in discussing the office of the podestà's chancellor in the Venetian Republic, I hereby give my warmest thanks to Prof. Claudio Povolo from the University of Venice.

depositions and judgments until these were announced; they had to record correctly all income and expenses of a commune into a book, which was identical to the book that was kept by the podestà's chancellor; they usually entered all movable and real estate property into a book that was submitted by the **communal appraisers** (*extimatori*); with both the latter and with the **communal cathauerii** (*cathauerii comunis*) they had to be present at all payments of the communal treasurers; they had to turn over all of their books to *vicedomini* at the end of their term.

Just like other communal officials, chancellors were not allowed to leave the communal territory without the podestà's permission; if they did, they had to pay a fine. They had to reach the lowest age allowable to perform this duty (20 years in Izola and Piran, 25 in Koper). From the 15th century on, city statutes burdened them with another duty, that is, a regular managing of books of the town Great Council's decrees (for instance Piran in 1475; STAT. PIR., 49); such late ordinances may come as a surprise, but we find in various acts and ordinances in Istria many inconsistencies precisely at performing various office duties in spite of a relatively well organized legislation in this area. Therefore, these measures are not so uncommon.

In Koper statutes, we find an interesting proviso concerning the conditions of the performance of the function of communal chancellors. Chapter 37 of Book IV states the following: "Whoever is elected a communal chancellor needs to prove that he has a notary privilege or that he is skilled in this trade" and then it is added that "from now on all communal officials have to have a notary privilege, not only the communal chancellor. In case a person elected is not skilled in the trade that would make it possible for him to attain a notary privilege, then the podestà should, after such person is sworn in, fine him 10 libras and take his office away."

With this chapter of the Koper statutes, the notary profession comes to the front in dealing with the local agencies of authority. This profession was already acknowledged significantly; from the 13th to the 15th centuries, for example, notaries were frequently nominated as mission bearers of the Venetian Republic at solving border questions in Istria, at inferring interstate contracts, at solving conflicts between communes, and other cases.

By increasing the number of members of this "trade" (*ars notarilis*) and with a final formation of a closed governmental clique, notaries began to lose their central role of lay educated persons, but many of them succeeded in attaining the status on the hierarchical social scale just by being trained in the notary "trade".

The fundamental particularities of a notary public confidence, that is, authentication, storing and issuing documents, led to the introduction of various forms of clerical operations, which were often interwoven with the ac-

tivity of state agencies, thus making it possible for notaries to perform not only notary duties, but also taking positions at other more or less prominent statesmanly duties⁸⁰.

Concerning the relations between a notary as a private legal person and a notary as a civil servant, or in establishing state (communal) control over the activity of the notary office and other related activities, we find some specific forms of operation in the territory of southwestern Istria, forms that may be compared with similar offices in the upper part of Italy, mainly in Bologna and Dalmatia.

Memorials of Bologna, vicedomini of Istria and examinadores of Dalmatia

One of the first and most prominent notary schools which was no doubt the result of university movement, was founded in Bologna (ANSELMINI 1926; FERRARA 1977), where a college of notaries was, comparatively speaking, founded early as well. There is another institution founded in 1265, connected with this city. Its purpose was mainly both to prevent forgeries and to preserve the memory about the authentic contents of a legal event. The paid Bologna public servants-notaries worked in this institution of **memorials**, named so after books (*Liber memorialum* or *Memorialia communis*) in which extracts (*imbreviature*) of contracts were recorded. On the basis of the copies of these extracts, which had the whole benefit of legal validity, were then issued as needed. What made the search for needed material more expedient was a table of contents to entries in the books that notaries of memorials were in charge of managing.

Every written record that a notary composed and which, in general opinion, was by its content and value (over 20 Bologna libras) deemed to be entered in the book of memorials, was read before being entered by one of the notaries in the presence of the notary who wrote it, contractors and witnesses. Only after the document was examined and then entered into a book did it become valid (FRANCHINI; CESARINI-SFORZA; ORLANDELLI; TAMBA) and gained a benefit of all the necessary public confidence.

⁸⁰ Even though it is difficult to figure out what kind of clothes notaries wore in the first few centuries (A.D.), the general consent is that they were dressed the same as chancellors, lawyers or other officials, which indicates the intertwining of the state jobs with the notary profession. According to some indicators, a notary was dressed in the 18th century as follows: a brown wig in the style of Louis XIV, a jacket, a robe, black trousers, and shoes from black leather with a copper buckle, a white tie, a walking stick and a pocketbook. An inkbox and a feather sheath were hanging from his belt on a buckle (SOMEDA 1956, 93).

With the exception of the nearby towns of Modena and Ferrara (SPAGGIARI, 1980, 207 sq.), Ravenna and Mantua (TAMBA 1987, 284), a similar institution was not known. In Venice and Genoa, due to the expansion of commerce, institutions resembling state archives were founded. It was there that the storing of records of dead notaries and the issuing of requested transcripts was entrusted to three notaries of an office “**Cancelleria inferior**” (DA MOSTO 1937, 219, 245; TAMBA 1987, 251), while public confidence with mainly real estate traffic was secured with signatures of judges of “**Curia dell’Esaminador**” (DA MOSTO 1937, 92/3; ANTONI, 1989, 325). The latter, though, first took care of everything for the traffic with the pawned and donated real estate and their priority duty was to confirm depositions of witnesses on contracts rather than confirming public confidence to notary documents (MARGETIĆ 1971, 205).

While in Mantua, as early as the mid-14th century, it became a habit to enter certain contracts into the books of memorials (TAMBA 1987, 285/6), in the Venetian state they founded similar offices, called “**Ufficio del Registro**”, only in Verona (1407), Vicenza (1416), Padua (1420) and Cologna Veneta (SANCASSANI 1958). The difference between these offices and the office of memorials was that notaries in the former copied the entire text of notary acts into special books – registers.

In spite of the fact that the above mentioned communes had to indicate their own need for establishing such offices, they were founded only after the Venetian conquest of these places. However, the existence of the registry office, which experienced considerable oscillations in its activity due to the numerous inner town crises and outside political crises, secured a higher level of autonomous rule to these towns in comparison to other Venetian communes. This may be best demonstrated by the existence of the “*Ufficio del Registro*” in Cologna Veneto, a small town, which after the Venetian conquest (1404) enjoyed the greatest autonomy in the Venetian “*Terraferma*”.

Similar to the office of memorials, at least as far as the aforementioned formal methods of the ratification of private legal acts are concerned, were the offices of **vicedomini** (*Ufficio della vicedomineria*), founded in the 13th century in Istria. However, due to circumstances specific to Istria, the office of the *vicedomini* in Trieste, Muggia, Koper, Izola, Piran and Pula assumed different duties, such as control over the entire written material of city offices.

In addition to the keeping of special books (*registro*) in which, like the Bologna notaries of the offices of memorials, entered extracts (*imbreviatura*) of the ownership-legal changes of movable property and real estate, the *vicedomini* kept special registers for entering testaments as well as special registers for requests to church institutions. With their signatures they validated notary documents and, thus, gave them public confidence (*fides publica*),

without which legal acts were not valid; their signature in books of communal civil servants also confirmed successfully completed terms of the latter. The above mentioned cited duties of the *vicedomini* were not performed by any known communal office in Italy according to known sources and literature to date.

In the Croatian coastal region, including Dalmatia, similar communal offices were established in the 13th century. They were headed by people known as *examinatores* (Krk, Rab, Senj, Zadar, Trogir, Split, Hvar, Brač) or auditors in the Montenegrin coastal region (Kotor, Budva) (MARGETIĆ 1971, 194). They numbered from one (Rab) to five (Split). As a rule, they were elected in a communal council for an appointed period of time, with their duties including examining and authenticating notary documents as well as controlling the activities of certain communal offices. With the exception of Split, where the *examinatore* entered annotations about the inferred legal deeds into a communal daybook (BRANDT 1955, 182), *examinatores* were not in charge of special communal books of extracts of the inferred legal deeds, as was the case in the previously mentioned Istrian region and some Italian cities.

Various scholars of the medieval legal relations attempted to examine the duties of *examinatores*. It is interesting that their opinions are divided on it. Among the claims are: *examinatores* were just a tool to exploit people (STROHAL 1915, 328); interpreters of legal acts (BARADA 1946); substitutes of a notary college (ŠUFFLAY 1904, 107) by controlling the material-legal and formal-legal side of a legal act (KOSTRENČIĆ 1930, 78); examiners and verifiers of documents (BRANDT 1955, 182); officials who controlled the traffic with real estate and protected ownership relations (BEUC 1954, 616 sq.) and who can be compared with the Istrian “*auscultatori*”, as referred to *vicedomini*⁸¹ by Stipišić (1954, 120). We can also add to the above the opinion of Inchiostri (INCHOSTRI 1930, 78 sq.) who defends a viewpoint that their duty “*ponere manum*” on all of the documents and extracts is more a sign of confirmation (consensus) than an act of public confidence to them, while Margetić, who collected the aforementioned analyses (1972, 191–193) as well, substantiates the existence of *examinatores* precisely on the fact that a signature of an *examinatore* on a notary document provides for public confidence with the main purpose of controlling the traffic with real estate (MARGETIĆ 1971, 200).

⁸¹ Stipišić, in other words, derives from the form of the signature of *vicedomini*, when, according to the ordinances of the statutes, both a *vicedominus* and a notary had to “listen twice over” (*Auscultatum per me...*) to each document before authenticating it, by the first person reading it and the other comparing the content with his text and vice versa; STAT. PIR., 151, STAT. KOP., III/17; comp. PAK. 6 Documents, a.u. 27, 41, 66, 68, and the picture (signature) on the cover.

Examinatores, though, did not have authenticating function in all of the Dalmatian communes; in Brač and Hvar, for instance, this duty belonged to a *podestà*. On Cres and Lastovo, where no *examinatores* existed, documents about the alienation of real estate were confirmed by a duke, on Krk by a vice duke, while in Dubrovnik one of the judges was in charge of this task (“...ut nullam cartam tabelli faciam sine iudice iurato, qui et testis sit.”). That is the way it was also in Kotor and Budva in Montenegro until the position of an *auditori* was introduced; he then, together with a judge, authenticated notary documents in a similar way as *examinatores*, dukes, vice dukes, *podestas* and *vicedomini* did elsewhere (MARGETIĆ 1971, 200). In this complex of treating is placed also a so-called **pristav** (*pristaldus*), which with named function clearly indicates Slavic origin. *Pristaves* were known in the second half of the 12th century in Dalmatia, especially in Zadar and Split, which is an ad hoc official designated by the court to authorize the administration of public confidence to notary documents, he is not a public official, but the public confidence is assigned to him for each concrete case (Margetić 1973, 36 - 40).

In spite of a generally accepted thesis that notaries, with development of a document and a notary authority from the 12th and 13th centuries on, attained a role of the principal bearers of public confidence (KOSTRENCIĆ 1930, 1-4), we may conclude that communes, especially in the territory of the Italic peninsula and along the Adriatic coast, kept control over the operation of this institution in their jurisdiction. This control was indicated by different forms of offices which took shape according to the needs and abilities of individual communities, and were in charge of the inferring of notary documents. In addition to city heads, *podestas* and dukes (Novigrad, Brač, Cres, Krk) and judges (Dubrovnik, Kotor, Budva), the following institutions are known:

- notary colleges (Bologna, Treviso ...),
- “state” archives (Venice, Genoa),
- communal (noble) chancellors (Reka, Poreč, Dvigrad, Gorizia),
- notaries of memorials (Bologna, Ferrara, Modena, Mantua, Ravenna),
- notaries of the registry office (Verona, Vicenza, Padua...),
- *pristav* (Zadar, Split),
- *examinatores* (Krk, Rab, Senj, Zadar, Trogir, Split),
- *auditori* (Kotor, Budva),
- *vicedomini* (Trieste, Muggia, Koper, Izola, Piran, Pula).

It is our opinion that the listed offices played an extremely important role in the organization of self-government into communes of the time, or, they were founded very much out of the need for an autonomous city official-

ing. With cities being able to autonomously ratify legal acts and having civil law in their jurisdiction, they appeared as rather equal political subjects in relation to the then principal sovereigns, the emperor and the pope. Even though these offices took principal authentication power away from notaries over the inferred legal acts, the latter even gained the authenticity that was needed in case of the legal disputes, since some other trustworthy persons could vouch for them. Considering that the majority of these officials relied heavily on local notaries, we cannot maintain that these offices were founded out of the distrust for notaries and their professionalism, but that this phenomenon indicates a tendency toward the dynamic development of legal techniques, which are to protect contractual relations.

As a rule, these special authenticating offices were founded only in places where the flow of population and commerce was more intense, as was also the case in Istria. Naturally, a question presents itself about the origins and reasons why these listed offices were founded in these particular towns considering that in other lands the authority of a notary was established to the point that his signature and sign alone secured the necessary public confidence.

V. VICEDOMINI AND NOTARIES IN SOUTHWESTERN ISTRIA

The authority of a notary and his public confidence no doubt gained significance with new institutions. We have already ascertained some particularities and similarities in the manner that the Bologna memoriali, the Dalmatian examinadores and the Istrian vicedomini operated. However, just as the Dalmatian examinadores initially followed the example of Venetian judges of curie esaminadori, which was established in 1204 (DA MOSTO 1937, 92), the Istrian vicedomini followed the example of similar offices of Aquileia patriarchs of, while the lawyers of Bologna in founding the office of memoriali followed the Ravenna-Byzantine tradition. All of the above mentioned offices then gradually adjusted the operation of these institutions to their own needs.

It would be difficult to believe that the Bologna memoriali were “born” with the founding act from the year 1265, since the habit of authentication by another authority existed beforehand. First we should remember the Roman “*insinuatus*”⁸², then the Ravenna registers of real estate (*transscriptiones*), and the Franconian notary practice where, among the witnesses to a particular legal act, were judges – notaries (*iudex et notarius*) who verified a document with their signature, thus appearing as some sort of privileged witnesses.

The origin of vicedomini

The office of *vicedomini* has its roots in the first centuries of the ecclesiastic organization, though in an entirely different form than their Istrian namesakes adopted later on. In other words, church organizations entrusted the administration of land property to special officials who, in the West, adopted the name of *vicedomini* or *visdomini*. At first they were also clergy members; after the “Carolingian” statute from 809, though, it was no longer sufficient

⁸² The connection or a possible origin of the Bologna books of *memoriali* in the Roman *insinuacii* was pointed out already by FRANCHINI (1914, 96 sq.).

that they were nominated for a position by bishops and abbots only, but counts and, yes, people had to participate in nomination as well (COSTA-MAGNA 1975, 184). The same was true in nominating the church counsels. With a growing role of church institutions, *vicedomini* also gained in significance and, in addition to the economic, they gradually took possession of the judicial authority as well. Particularly from the 10th and 11th centuries on, when in Italy the Church office begins to pass into the hands of the city laic aristocracy, *vicedomini*, by administrating the Church's secular goods, play one of the most active roles in the life of a city (EI, 1937/35, 291).

Vicedomini had a similar role also on secular feudal estates of Aquileia patriarchs in Friuli, Istria and the Carniolan region, especially after 1208, when the patriarchs received secular jurisdiction over these lands from the German emperors. However, the patriarchs of Aquileia were actively present in Istria as secular land lords at least from 1077 on, when they ruled over it via their secular officials, *gastaldi*, as well as *vicedomini*. It appears, though, that one official may have performed both functions, as was the case of the Koper *vicedominus*, Almeriko, in 1145; his name appears on a document in which the patriarchs of Aquileia bequeath their property on Sermin near Koper to the monastery of St. Cyprian (KOS 1915, IV, n. 208) in December of the same year. Almeriko is mentioned on the document of the "oath of loyalty" to Venice as a Koper *gastald* (KOS 1915, IV, n. 209; comp. DAROVEC 1988, 405).

The name *vicedominus* (= under-lord, a lord's substitute) implies that the *vicedominus* initially performed his duties in cities of Friuli and Istria as a proxy of the Aquileia patriarch, especially duties in connection with authenticating civil-legal and penal matters and overseeing the financial operations. The Gorizian count Marquard was, for instance, in the year 1231 a *vicedominus* of the patriarch of Aquileia and a *podestà* in Piran (CHART./., n. 78), while in Muggia, beside a commune, the *vicedominus* of Aquileia selected and certified the town *podestà*⁸³.

It is interesting to note that *visdomini* appear as an overseeing financial service also in Venice in the 13th century; three *visdomini* were heads of *Fondaco dei Tedeschi* until the end of the 14th century, with the title of *visdomin* boasted also by head officials of *Ternaria Vecchia* and *Ternaria Nuova* as well as by *Visdomini all'intrada e all'insida*, who were mainly in charge of the naval customs; at the head of one of the naval police departments were *Visdomini alla Tana* (comp. DA MOSTO 1937, 147/8, 160, 189; CAPPELLETTI 1992, 105–107, 116, 121/2; ZORDAN 1971; PEDANI FABRIS, 1996a).

⁸³ "... *potestatis electus a comuni Mugle et a domino patriarcha vel vicedomino...*" (IONA, 1972, XXXVIII).

The *vicedominus* of Carniola, though, had an entirely specific function. In the region where nearly all of the towns became provincial-principal, he managed the provincial-principal property in the 14th and 15th centuries. The *vicedominus*' role there was a blend of a caretaker, a public agency and that of an overseer (VILFAN 1961, 156).

The above examples can indicate a collective primary origin of the function of *vicedomini*, who, with time and according to different geographical and political areas, developed their own special offices, but their duties were seemingly always of overseeing-administrative nature. With the development of city autonomy though, and with the patriarchs of Aquileia's rebellion against the central authority, a need for an independent office of *vicedomini* arose even before the Venetian conquest of Istrian towns. In the name of a commune, the *vicedomini* would then authenticate the inferred legal acts and vouch for them. This enabled an interrupted assertion of common law ("*consuetudines*") and already written city statutes, which have, unfortunately, not survived (the Koper statute is mentioned as early as in 1238; KOS, 1928, V, n. 696 and 715).

Vicedomini, though, derive from the tradition of Aquileia by name only; not until the 14th century did the patriarch nominate 8 *vicedomini* for authentication of documents at the following central chancelleries: Aquileia, Udine, Humin, Tolmezzo, Treviso, San Vito and Sacile (SOMEDA 1958, 30).

As far as the transfer of civil-legal, financial and taxation jurisdictions to the commune in the 13th century is concerned, there are differences between Istrian and Friuli towns. The latter remained under the rule of the patriarch in the 14th and the beginning of the 15th centuries; therefore, the development of vicedominal office was different than in the Istrian towns under the Venetian rule. In Aquileia, for instance, *vicedomini* were officially instituted as late as 1366 (ANTONI 1989, 322) and were no longer detected in the 17th century neither in the "Statuti Della Patria Del Friuli" (1673) (MARGETIĆ 1971, 200) nor in some special books that were supposed to be managed by these officials who had jurisdiction over the authentication of notary documents. Therefore, Pietro Kandler (KANDLER 1846, 75–80) was incorrect when stating that the *vicedomini* of Istria originated in their authentication duties of legal acts from the tradition of the *vicedomini* of Aquileia (ANTONI 1989, 322). Considering the above findings about the jurisdiction of town heads over the authentication of notary documents, it would be easy to think that *vicedomini* acquired these duties in some Istrian towns in the flourishing period of communal life in the mid-13th century, when the office was entirely in the hands of local aristocracy. It appears that *vicedomini* at first operated in accordance with practices of the eastern Adriatic or Venetian *examinatores* and of *vicedomini* of Aquileia later on, but not in accordance with practices of the

Bologna memorials, since it is not possible to establish from the preserved sources that the Istrian *vicedomini* kept special real estate books; the city statutes that were written down later on, though, indicate that such a register, in which all the changes of real estate ownership were recorded, were kept by a communal chancellor⁸⁴.

Can we declare, then, that the Istrians modelled this function on Bologna, Ravenna, Dalmatia, Venice or even Friuli?

We may, perhaps, draw this assumption from the fact that considerably active relations were established between these lands in the 12th, 13th and especially 14th centuries. At that time, according to the article by G. De Totta about the Koper aristocracy, members of 3 Bologna families settled in Koper and were gradually admitted to a circle of the city nobility (Manzuoli, Mussella, Sereni). The attempt to settle several hundred families from Bologna in the Pula territory (BETOŠA I/1986, 81 sq.) in the second half of the 16th century is, however, entirely out of the discussed context, as is the hamlet in the Koper hinterland called Bolognesi (people of Bologna), even though these two examples clearly indicate continuous contacts of Bologna with Istria. On the other hand, we know of the trading contracts between Piran and Split (1192; CDI, ad a.-) as well as of the frequently used Istrian surname De Spalatis etc. It is also interesting to find out that notaries from Ravenna appeared among the first Istrian notaries. This fact confused Stipišić to the point that he attributed to the examinadores only a role of some kind of researchers of the legality of inferred legal affairs and he is then surprised not to find this kind of offices elsewhere (STIPIŠIĆ 1954, 123). The fact is that people from Friuli were, with only periodic interruptions, for a longer period of time under the same administration as the people from Istria (comp. DAROVEC 2010a), while both trading and naval-defence interests connected the Istrians with the Venetians for quite some time (comp. a contract from the year 932; ŽITKO 1993).

However, as far as the management of specific books of imbreviature, which are in meaning and method identical to the notary books of imbreviature, is concerned, the Istrian *vicedomini* are closely related to the Bologna memoriali and, as far as in function of authenticators of legal acts is concerned, the Istrian *vicedomini* are related to the Dalmatian examinadores (communal officials selected in a communal council).

If we take a look at the broader political events which were responsible for the formation of offices discussed, we find certain similarities in the above cited lands as well. Romagna passed from the hands of the emperor's rule to the hands of the pope's rule in the second half of the 13th century (comp.

⁸⁴ Comp. chapters VI. and VII.

KOENING 1986); Istria was shaken by numerous inner struggles which were a result of the weakness of Aquileia patriarchs, of an attempt of the German feudal lords to penetrate deeper into the territory, of rising of certain Istrian towns – with Koper leading – and of the crucial interference of the Venetian Republic, while Dalmatia was between the hammer and anvil of the Venetians, Hungarians, Croatians and Byzantines. In such chaotic circumstances, in Romagna as well as in Istria and Dalmatia, towns ultimately formed their autonomous forms of government, or, the town authorities, in their relation to the central authorities, took advantage of these circumstances and stamped a seal of the communal, then still at least formally “collective” rule, on as far broad spectre of social life as possible.

In spite of the density of Istrian towns, there appeared in the rising of the communal offices as well in the development of *vicedomini* office specific forms that do not exclude the mutual connectedness⁸⁵. As for instance, a legal act certified by *vicedomini* in a certain town was valid in a neighbouring town as well, even if the content did not refer to the place where a *vicedominus* officiated (STAT. PIR., 153).

It is an interesting fact that the office of *vicedominus* in Istria was known only in Trieste, Muggia, Koper, Izola, Piran and Pula, while this practice is not to be found in such important towns as Poreč, Rovinj, Novigrad and so on. The reason for this was mainly due to economic circumstances, since the development of the notary office was *pro rata* depending on the flow of goods and the office of *vicedominus* most certainly representative of a higher form of this institution. There may be another reason for the absence of *vicedomini* in these towns; according to some historians, the Byzantine rule lasted longer in the northwestern Istrian towns than elsewhere⁸⁶ and, thus, the Roman legal tradition that was so characteristic of the notary activity in Istria was preserved in these parts longer (VILFAN, OTOREPEC 1962, 107).

⁸⁵ Here some form of land legislation cannot be neglected; it had already been mentioned in the 11th century in connection with the Istrian count Udalricus Weimar (1040–1070) (CDI/1, a. 1060, n. 101; MARGETIĆ 1985) and the Istrian statutes “on one paper” from the time of Bertold, the Aquileia patriarch (1222) (THESAURUS, ad. a.-).

⁸⁶ The absence of the representatives of the Koper diocese at the meeting of Rižana, in the territory of Koper, should have proved that the town was still Byzantine’s, while the town territory was already Frankish (DE FRANCESCHI 1968). CAPELLI (1988, 360) offers even the date (789–887) when Koper, Piran and Umag were supposedly still under Byzantium rule.

Vicedomini as authenticators of legal acts

Vicedomini as special authenticators of legal acts appear in Istria in the second half of the 13th century.

According to data at hand, the first two authenticators of legal acts were Nicolaj Petrogna and Annoe Appolonio of Piran. They appeared in this role in 1258, when Bocca Senese issued to Waltram and Absalon of Piran a receipt that was drawn up in Aquileia (CHART./I., n. 101). The two *vicedomini* were then frequently present at various legal acts in Piran up to the year 1280. They ratified promissory notes for larger sums (IBID., n. 115), complaints for inheritance rights (IBID., n. 127), confirmations of property in the Piran region and a permit to build saltpans (IBID., n. 129, 155), monetary offences (IBID., n. 153), and deed of sale contracts (IBID., n. 130 and 131). They have their signatures even on the act concerning limitation of the higher judicial rights to a patriarch of Aquileia (IBID., n. 133), on the communal decrees concerning the compensation of expenses to the communal delegates (*ambaxiatores*) (IBID., n. 135 and 148) and payments to masters for their work on the communal objects (loggia) (IBID., n. 140), on the negotiations concerning commune loans and redeeming those loans (IBID., n. 150, 156), on the act concerning a salary rise to the captain (IBID., n. 144), on hiring communal officials (IBID., n. 147), at the peace treaty between the hot-tempered people of Piran and the neighbouring inhabitants (IBID., n. 142), on donations to monasteries (IBID., n. 152), on testaments (IBID., n. 137), and elsewhere. In short, their signature appears on all of the important public (communal) and private legal acts that gained in validity with their signatures both in the town and out of it.

Unfortunately, the Koper documents, which were stored in the office of *vice-dominus*, were destroyed by arson in the city palace caused during an attack on the city by the Genoans, who were, at the time, Venice's greatest rivals (GESTRIN 1965, 9). In 1348, when Koper rebelled against Venice (PAHOR 1953), the Venetians abolished statutes, but reintroduced them in 1394 and again in 1432. However, in the appendix to the inventory of the Koper old city's archives we find data about the existence of statutes as early as in 1380 (PAK KP 6 App., n. 106). Unfortunately, these statutes are still deposited somewhere in Italy⁸⁷⁷, therefore we find the first *vicedomini* of Koper only among the Piran documents, dated to 1261. It was then that the people of Piran borrowed money in Koper at Zorzeti's from Padua. Two *vicedomini* signed the warrant: Wecelus, who ratified in place of Almerico who had fallen sick,

⁸⁷ The issues concerning the old Koper town archives comp. in the Introduction to this work.

and Iohannes (De Diethalmo⁸⁸) (CHART./I, n. 105). In the ensuing years there were only two *vicedomini* regularly present in Koper: Almerico and Iohannes. In 1279, the first was replaced by Odolricus, while in 1287 the second was replaced by Benedictus (CHART./I, n. 157, 189). Only in 1292 there was, among witnesses of repeal, which was declared by the bishop Vitale of Koper over excommunicated from the Koper diocese, *dominus Almericus de Boncandinis vicedominus* also present (IBID., 212). This is probably the same Almerico, who performed duties of *vicedominus* regularly until the year 1279, but kept the title of *vicedominus* as a reminiscence of serving in the office – this was something of a custom at the time, if we only think of *locopositi*, the Istrian officials from the Franconian era, among whom some noblemen carried this title as a reminiscence of this function still in the 12th century (DE VERGOTTINI 1934).

The two Koper *vicedomini* apparently carried out similar duties as the *vicedomini* of Piran, only that we can still track down the Koper *vicedomini* during the first years of the Venetian rule, since there are two *vicedomini* found in Koper – in addition to the ones listed above – Domenico Lugnani in 1314 (DE TOTTO 1939, 118) and Ambrogio Mettono in 1318 (CHART./, n. 119). The duties of the latter are reminiscent of those that would be later written down in the statutes, which includes a statement about a reason for a possible absence⁸⁹, except during their terms – the above mentioned *vicedomini* initially performed their duties in Piran and Koper for several years or even for life. Perhaps these very circumstances in Piran led, even before the Venetian occupation (which took place in 1283), to the closing of the office, when the two regular *vicedomini*, Annoe and Nicolaj, ceased performing their duties either because one of them or both of them died – they are both mentioned as notaries long before taking over the function of the *vicedomini*, and in 1280 they are both of respectful age. In other words, in 1296 it was for the first and only time that *Annoe Piranensis notarius incliti Gregorii marchionis Istrie* was mentioned in the Piran documents. He was then asked (*interfui rogatus*) to write and certify (*scripsi et roboravi*) a document about the renewal of the feudal investiture by Adalper Elli from Piran on the property of Iohannes from Momjan (CHART./, n. 222). That this concerns a former *vicedomino* is further confirmed by his title of a notary of Gregor (Montelongo), who took the seat of Aquileia patriarch in 1251 after Bertoldo's (from the Andesch-

⁸⁸ DE TOTTO 1939, 102, mentions Iohannes de Diethalm as a *vicedominus* as late as 1264.

⁸⁹ The Koper *vicedominus* Almerico was replaced on a document, written in Piran on 19 May 1261, due to illness by Wecelus, who made a note of this: *Ego Wecelus vicedominus subscripsi, absente Almerico nostro consorcio pro infirmitate* (CHART./I, n. 105).

Meranski family) death; he was removed in 1267 and died in 1269⁹⁰, which means that Annoe began his notary career precisely in Gregor's time.

Perhaps the assumption of the *vicedominus* office no longer functioning lies also in the fact that in the following year (1281) until 1320 in Piran⁹¹ the first notary books of *imbreviature* were stored, which were later on ran by the *vicedomini*. During that time there was a notary master Tomasinus of Bologna in Istria, who introduced notaries in Dubrovnik and Kotor (1282), as well as notaries in Venice and Istria with novelties in running the communal administration and private legal acts (VILFAN, OTOREPEC 1962, 108). It is quite possible that Tomasinus was also in Piran and that after his departure a regular keeping of notary books was introduced; these books acquired, like in other Italic lands, a public nature. It is perhaps for this reason that the *vicedomini* in their primary function as nothing but authenticators of legal acts were no longer needed for a period of time.

There are some who, on the basis of the fact that no vicedominal office is mentioned in the first edition of Piran statutes (from 1307 when under the Venetian rule), believe that the Venetians abolished the *vicedomini* with their occupation of the northwestern Istrian towns (PAHOR 1958b, 124). This is conceivable considering that the *vicedomini*, as a kind of principal authenticators and overseers had a jurisdiction over the entire town operation and the new masters did not relinquish this function to be chosen by the local notability. The Venetian chief town heads, appointed in the Venetian Great Council with title of *podestà*, *count* (Pula), or *podestà* and *capitano* (Koper), brought their own officials along. These officials, such as was *vicar*⁹², *podestà's* chancellor and others, were also in charge of the proper operation and administration of city affairs (BENUSSI 1887, 39).

The office of *vicedominus* in Piran was closed three years before the Venetian occupation, while in Koper, in spite of the lack of documents, we find mentions of *vicedomini* in rare documents pertaining to this city up to the time when this office was enacted in the Istrian statutes: first in Trieste in 1322 (IONA 1988; ANTONI 1989; 1990) and then in Piran in 1322. Therefore, the supposition that the Venetians abolished the office of *vicedominus* when subordinating the Istrian towns does not hold true, but, instead, after the Venetians conquered Pula in 1332, they founded the office of *vicedominus* –

⁹⁰ About the political events of the time comp. GRECO 1939 and DAROVEC 1990, 35.

⁹¹ PAK. PI. Inventory, codices 1./1–17. One notary book with the entries of loans is preserved also for the 1329–1333 period (IBID. 24./10).

⁹² Vicars were also called *socius*, in Koper there even were initially two of them (comp. for Koper BENUSSI 1887, 7).

until then only the city notability from the Castropola family (BENUSSI 1923, 340/1) had the authority to ratify public confidence.

It would seem that the development of this office after the conquest of some Istrian towns (Poreč in 1267, Koper and Izola in 1279, Piran in 1283) suited the Venetians, since they strived to grant the conquered towns administration also over the hinterland territory and thus suspend the authority of the previous masters. This is best demonstrated in registries in Verona, Vicenza, Padua and *Cologna Veneta* after subjugating these towns.

Additionally, we need to keep in mind that on Istrian ground the Venetians only “trained” for future territorial acquisitions, which began after conquering the territory of “*Terraferma*” at the beginning of the 15th century. During the preceding period, though, they strived for control over the main naval points along the Adriatic coast rather than conquering territories, which is illustrated by tight election results in the Venetian Great Council concerning the acceptance of a request from the people of Poreč, who in 1267 expressed a wish to come under the wing of the Venetian Republic (DE VERGOTINI II/1925, 21). Similarly as in the conquered territories of *Terraferma* later on (POVOLO 1980, 160 sq.), the Venetians allowed rather broad warrants to the common law and the city statutes in Istria that the towns had secured and formed for themselves during the events prior to the establishment of Venetian supremacy.

In their commands (*commissioni*⁹³), which were types of codes for the *podest* leaving for their duties, the Venetians usually defined in the first chapters that chancellors are to act, in their administering of the allocated regiments, according to the orders, city statutes and the common law (*consuetudines*) of that city, something that is already mentioned in the first deeds of the Istrian cities and Venice⁹⁴. Only gradually did the Venetians begin forcing their own common law and laws on the towns of Istria. Sometimes they met with resistance and also went unnoticed or the changes were consequences of the general institutional development.

We also need to take into consideration that only 6 chapters of the first known edition of the Piranese statutes in the transcript from the subsequent centuries (STAT. PIR., XXXVII sq.) were preserved, but there are no possible stipulations about *vicedomini* among them. Both Koper and Piran (1261; CHART./I, n. 105) statutes are mentioned in various documents from approximately the mid-13th century, but they are not archived. Therefore we cannot state with certainty that there were no stipulations concerning the

⁹³ ASV. Comm. and Formulari; comp. BENUSSI 1887.

⁹⁴ Comp. the contract of Koper from 977, and also before in the document of the “*Rižana Placitum*” (CDI/I, 111–126) with the emperor from the year 1035; DE VERGOTTINI 1924, 77/8.

vicedomini in them solely on the grounds that they are not to be found in the edition of the Piran statutes from 1307. Perhaps there was no need for them at the time, since the office ceased to operate for a period, which was also the case in Muggia where the vicedominal office, which was under the authority of Aquileia patriarch until 1420, ceased to operate in the second half of the 14th century (1354 to 1403; IONA 1972, LII). For Koper as well, where *vicedomini*, according to known data, are present in the period until they are recorded in the Piran edition of the statutes from 1332, we cannot state with certainty that during that time no stipulations about this office were written down. In spite of a different situation in Trieste, where the entire 13th century was marked by a struggle of the commune against a powerful bishop on one hand and against the patriarch of Aquileia and Venetians on the other hand (DE VERGOTTINI 1977, 1375 sq.), we cannot consider the written record about *vicedomini* from 1322 as the birthdate of the Trieste *vicedomini*, even if this year marks the beginning of the series of vicedominal books, stored in the Trieste Diplomatic Archives (IONA 1988; ANTONI 1989). Precisely in the case of Piran, where they began to keep vicedominal books approximately 7 years before vicedominal duties were written down in the second edition of the statutes (1332) and where their jurisdiction over other, already existing and emerging communal offices, spread rather rapidly, confirms that the *vicedomini* may have existed with broader or narrower warrants at the beginning of the Venetian era as a form of common law even before they were registered as known statutes.

Since vicedominal books or, rather, “*Libri (rerum) mobilium et immobilium*”, as these books were called in Piran because only excerpts of deeds⁹⁵ were recorded into them as a rule, are preserved from the start of the first half of the 14th century and because other documents do not offer evidence about the existence of these books in the previous era, we may rightfully assume that the *vicedomini* did not take over the operation of registries until the time of Venetian rule in Istria. It was when the management of registers became one of their central tasks and in this respect identical to the duties of Bolognese notaries of the office of *memoriali*. The duty of recording excerpts of deeds of sale into special books, stored in vicedominal office, continued until the mid-17th century; in Piran, we find the last vicedominal books pertaining to 1656 or 1661, while in Koper, we find them for the period from 1650 to 1659⁹⁶.

⁹⁵ Often we find among the excerpts of documents other ordinances or decrees of the Venetian authority or other offices, which had bearing on the activity and life in the town. Comp. PAK. PI. v.k. (see INVENTORY).

⁹⁶ In Trieste, 99 vicedominal books are preserved for the 1322–1731 period (IONA 1988, 97), in Piran 170 books from 1325 to 1656 (1661) (Inventory PAK. PI), while in Koper, due to an arson in 1380, we find from after this year until 1710 just 34 vicedominal books (MAJER 1904, 190).

The other vicedominal duties that originated prior to the Venetian rule, that is signing and with it authenticating and supervising each and every notary act and documents of other communal offices, remained in use until the fall of the Venetian Republic. Therefore, with the termination of Francesco Minotti on 12th July, 1754, a new vicedominal duty was introduced, that is, keeping the so-called Notification Books (*Libro di notificazioni*) (LEGGI STAT., bk IV, 93–97), which were certain types of land registers into which excerpts of private acts, from loans, debts, exchanges to alienations of real estate and movables were recorded (PAK. 83).

Therefore we need to ask ourselves whether there are two forms of function pertaining to the *vicedomini* in the western Istrian towns. That is, one from the era before the Venetian rule that is reminiscent of the Dalmatian *examinatores*, and one from the time of the Venetian rule, when some methods of the Bologna *memoriali* were taken over, since it is known that the influence of the Bologna notary school was strongly felt in Venice as well. With the intervention of the Venetians and with their tendency towards regulation and, at the same time, control with the help of a commune, the office of the *vicedomini* was transformed to the point where it became one of the central communal offices not only for civil-legal affairs, but also for the supervision of both the communal and the Venetian officials in these towns.

In comparison with the Bologna office of the *memoriali*, which was replaced as early as in the mid-15th century by the Registry Office (similar to the office of the before mentioned towns of “*Terraferma*”), the Istrian vicedominal office lagged behind as far as the running of *imbreviature* of private and civil-legal acts was concerned; however, the *vicedomini* acquired or retained a rather high social status in the Istrian towns.

The social role of the vicedomini

In accordance with the needs of the time and the manner of the Venetian government, the *vicedomini* in the Istrian towns rapidly gained validity and the function became one of the government’s central civil servant jobs.

The ascent of the *vicedomini* on the ladder of the communal clerical duties in the 14th century may be traced by preserved northwestern Istrian city statutes, mainly the statutes of Piran and those of Trieste; the latter, in comparison with other towns, call for special attention due to their political particularities. Relevant in the comparison for the development of the function during a certain period, the statutes of Izola and even more the statutes of Koper, are very useful. The Koper statutes are known to us in their final form from 1423 and, thus, somewhat combine and finalize a phase of the

development of the communal statutory law in northwestern Istria, while in the statutes of Muggia, the *vicedomini*, when compared with the introduction of *vicedomini* in the first few years of Venetian supremacy, appear rather “shyly”, up to the time of the Venetian conquest (1420).

The first two *vicedomini* in Istria officially recorded into the statutes can be found only in the appendixes. They appear in 1322 in the appendixes to the Trieste statutes from 1315 or 1318⁹⁷ and in the appendixes to the Piran statutes from 1332 in a version that is stored in the Document Archive in Trieste (*Archivio diplomatico di Trieste*) and published by DE FRANCESCHI (1960) in the last chapter of the last (X.) book. On the other hand, in the version from the Regional Archives in Koper (STAT. PIR., 150-170), they appear in the first book, right after the communal herald (*precones*), in about the same place that they will appear in the subsequent edition of the Piran statutes from 1358, that is at the end of the list of prominent communal officials (I/16). In the subsequent edition of the Trieste statutes from 1350 (SZOMBATHELY 1930), the *vicedomini* are already firmly established somewhat in the midst of the important communal officials (STAT. TS., I/21-22), right after the appraisers and before, for instance, the communal inspectors (*proveditorum communis*), *iustitiari* and even attorneys. The first known Izola statutes from 1360 devote to the *vicedomini* an actual complex of stipulations in the chapter entitled “Now Begins the Chapter on Vicedomini” (“*Incomincia il Capitolo di Vice Domini*”; STAT. ISOLA, III/75-82).

All the listed statutes gradually experienced various changes and additions, which then proceeded to the subsequent editions without any real order (Piran in 1384, Trieste in 1365 and 1421; SZOMBATHELY 1935). Therefore, in this comparison, we need to take into consideration a rather confusing state of new editions and, consequently, a degree of fogginess as to the actual development of the significance of individual duties, as the Piran statutes attest (STAT. PIR., LILVI).

We cannot say the same for the Koper statutes, which due to the Koper inhabitants’ revolt against the Venetians in 1348 (CESCA 1882; PAHOR 1953) and due to the specific role of this city in the political-legal regulation of Venetian Istria, were finally rewritten as late as 1423. It was then that they condensed, after a lengthy rumination and weighing of satisfactory solutions that were to be written into the city statute⁹⁸, taking into consideration the common law, the stipulations recorded in the previous statutes and the legal norms formed in the preceding times, the newly written Koper statutes.

⁹⁷ DE VERGOTTINI 1924/II., 98 and TAMARO 1924, 155 and 209–210, date differently this first edition of the Trieste statutes.

⁹⁸ In STAT. KOP., V/1-2, some decrees of the Senate are published on appointing various *sindici* to oversee the Koper statutes taking shape.

It is interesting that they took all of the criminal law, even the minor offences, away from this city and conferred jurisdiction to the Venetian podestà and captain, who had to, when making a judgment, stick exclusively to the Venetian penal code without taking into consideration the already formed local law, a possibility that the lawgiver allowed in other Istrian towns that were subordinated to the Serenissima (STAT. PIR., II and III; STAT. ISOLA, I). It is for that reason that we can follow the precisely formed order of individual officials who played a decisive role and were influential in Koper: 4 judges (*iudices*), chosen in the city's Great Council for a 4 month term, each paid 6 libras monthly salary; 2 *vicedomini*, selected for 1 year, with a 50 libras salary per mandate⁹⁹; 2 appraisers (*extimatores*) without a pay; a communal chancellor with a 4 and a half libras per month; 4 *iustitiani* with 40 solidi; 6 advocates without a regular salary; one city controller (*superstans interior*) with 27 solidi per month, and one rural controller (*superstans exterior*) with a 50 solidi salary per month. The above mentioned agencies in the structure of city's authority can be considered the principal communal officials.

For Izola there is only one datum regarding the salary of the *vicedomini*¹⁰⁰. We can establish that the rise of the *vicedomini* on the clerical scale is not characteristic only of Koper, but of Piran as well. In Piran, all of the communal officials received a rise in their salary in 1593 (STAT. PIR., 226); immediately following the judges on the pay sheet (25 libras per month) were the *sindici* with 15 and the *vicedomini* with 10 libras monthly salary. On the list of the Piran communal officials, only the *cancellieri* of *cataueri* (some kind of communal economists) had slightly higher salaries than the *vicedomini* (186 libras per year) and accountants for salt (*rasonato de sali*) (250 libras per year), which is the case for Piran, since salt production in Piran and Chioggia as well was under the monopolistic control of the Venetian Republic (HOCQUET 1990, 98 sq.). It is understandable that the financial officials had higher salaries in order to prevent embezzlement and bribery. The *vicedomini*, however, received additional income with each individual entry into their books or for authentications. The precise price list for their services was written down into the city statutes¹⁰¹.

A secure salary, prestige and the possibility of additional income most certainly influenced many individuals and families in their efforts to maintain a certain monopolistic position in their selection involving this function. This

⁹⁹ In 1584, the *vicedomini* received 90 libras per year; comp. Relazione Giacomo Lion, AMSI 6, 405.

¹⁰⁰ They each received 15 grozs per year, half in the first half-year and half in the second; comp. Morteani in: ISOLA, AMSI IV, 157. Even then (1888) Morteani establishes that the vicedominal books of Izola had been lost; IBID.

¹⁰¹ Comp. chapter VI./ Price list of notaries and *vicedomini*.

was most discernible in Izola, the smallest of the discussed Istrian towns, where in the 16th century (1514–1589) representatives of only 4 families took turns filling the position of *vicedomini*. This family representation, though, was very “disproportionate”: this position was occupied 31 times by 8 representatives of the Manzuoli family¹⁰², 10 times by 3 representatives of the Coppoti¹⁰³ family, 5 times by Giacomo Egidio and 2 times by Vincenzo Chicco. There is no such “bias” found in either Koper or Piran, as is evident from the books of Piran *vicedomini*, from Majer’s inventory (MAJER 1904, n. 2–533) and from the index of the *vicedomini of Koper* from 1763–1820 (24)¹⁰⁴; it is noticeable from all of the above listed sources that the representatives of most noble families from these two towns¹⁰⁵ performed the duties of *vicedomini* as well.

Among the communal officials in Venetian Istria, only the *sindici* experienced as rapid a rise as the *vicedomini*. The *Sindici* appeared in these communes at the beginning of the 15th century and gradually, as far as their duties went, caught up to the judges and after the 16th century even surpassed them¹⁰⁶. Later on, mainly the chancellors of the *sindici* office took over some of the duties of *vicedomini*, such as the authentication of all financial matters, both those that were in the jurisdiction of the commune and those from the state treasury, which was founded in Koper (for Istria) (ASV. MAG. CONS., B. 9) by the Venetians at the beginning of their rule. Therefore, no Venetian chancellor was capable, at the end of his mandate to hand over duty and occupy a new position unless first submitting the *Segretari alle Voci* (ASV. VOCI) to

¹⁰² Nicolo (3x), Marco (2x), Balsamino (5x), Giovanni (10x), Francesco (5x), Nicolo (2x), Bartolomeo (2x), Farzio (1x); DEGRASSI, 1969, 11/12).

¹⁰³ Pietro, Giovanni, Nicolo; IBID.

¹⁰⁴ The following *vicedomini* are listed: Lodovico Tarsia, Antonio Gravisi, Giulio Vittori, Alvise Tarsia, Iseppo del Tacco, Giovanni Ambroso de Belli, Giovanni Battista Manzioli, Francesco Tarsia, Iseppo Bonzio, Lepido Gravisi, Girolamo Gravisi, Bon Vittor Vittori, Carlo Petronio, Antonio Gavardo, Bortolo Manzioli, Francesco del Tacco, Almerigotto Almerigotti, Girolamo Almerigotti, Pietro Zarotti, Filippo Almerigotti, Antonio del Tacco, Felice Brutti, Matteo Gravisi, Giacomo Almerigotti, Alessandro Gavardo, Mario Felice Brutti, Cristoforo de Belli, Pietro Borisi, Giacomo Sereni, Nicolo Baseggio, Giovanni Filippo Almerigotti, Nicolo Manzini, Elio Cristoforo Barbo, Alessandro Gravisi, Girolamo Gavardo, Zuanne Gavardo, Francesco Innocente Gavardo, Federico Gravisi, Giuseppe Lugnani, Basilio Baseggio, Giovanni Maria Bratti, Bortolo de Rin, Carlo Francesco Combi, Giovanni Manzini, Giulio Lugnani; AST. AAMC, bob. 669, MAJER 1904, n. 528.

¹⁰⁵ The list of families, accepted in 1431 and the following years into the Koper town council; see *Stampa Nobili di Capodistria*, p. 51/2. Among them is also Lucas Scribano; considering his last name, he or his predecessors were scribes or notaries.

¹⁰⁶ STAT. KOP., V/11, 12; 1627. 18 Apr.: “*Habbiano la precedenza soura tutti, fuor che la Nobiltà Veneta.*”

the Venetian officials. These were the financial documents from the departing regiment that were authenticated (*fede*) by the *sindici* chancelleries ¹⁰⁷ (LEGGI CRIM., 200 t.).

The decree of the Venetian Senate concerning this matter was drafted approximately around the 16th century in order to prevent frequent fraudulent practices of its representatives in the subordinated lands. The decree came into effect at the time when the chancellors of the *sindici* were operating to a high degree and we cannot therefore maintain that this function was previously performed by the *vicedomini*. In Istria, though, where the institution of the *vicedomini* existed, one of the *vicedomini*'s tasks was to authenticate all the podestà's judgments and ordinances, which the *vicedomini*, however, were not allowed to transcribe into their books.

The communal and state treasurers in Koper had to submit all account statements for review and verification at the end of their mandates. The data were then entered into special books which were stored for this very purpose in the vicedominal office. The podestà's chancellors, chancellors of the office of appraisers (*extimatori*) and the *iustitiani* had to do the same in Izola. Chancellors of the damages office (*damni dati*) and chancellors of the office of the *cataveri* were subjected to vicedominal inspection. Even if later on they were subjected to the inspection of the chancellors of the *sindici* and the communal bookkeepers their books were still handed over to the *vicedomini* for storing and custody. The *vicedomini* also accepted books from other communal offices, such as fontici, pawn shops (called *Monte di Pietà*), church administrators (*procuratori*), etc. The communal chancellors were subject to the same measures as well.

The two *vicedomini* had to be present at all elections in the communal Great Council, making sure the elections were suitably implemented, were required to keep lists of all *podestas* and communal officials and were in charge of one of the tree (or two) keys of the communal treasury and fonticus. In Izola, in the absence of judges or elders (*anziani*), the two also acted as judges for minor offences.

The significance of vicedominal office is also indicated by the location of the office, which was in the immediate vicinity of the central authoritative agencies. In Piran, it was in the municipal palace, in Izola in the left extension of the city palace, the same as in Koper. Even if the vicedominal office in Koper was destroyed at the beginning of the 18th century, the memory of it

¹⁰⁷ In the Venetian administrative terminology, regiment (*rezimento*, *reggimento*) is understood as an administrative unit, which is, as a rule, equated with the territory of an individual commune, where the representatives were sent to execute authority, since the Venetian podestà (or podestà and captain, duke, inspector) was the supreme chief not only in judicial, but also in army matters (see BOERIO 1856, 573).

persisted even to the era after World War II – the local pub that stood in its place was called “Pri Vičetu”¹⁰⁸.

It can be stated that *vicedomini* had the power to examine civil-legal matters and also to examine the entire operation of the commune; examination concerning political decisions, financial operations of the commune at all levels, from the state (Venetian) level to the commune level; jurisdictions concerning taxation politics as well as operations of other institutions. They had insight into the operations of market institutions and the management of ecclesiastical property, etc. They fulfilled their duties as the supreme town guarantors of legal acts by storing and organizing them. They were types of state archivists, which is discernible from the preserved inventories of the Piran Archives or, better, from the office of *vicedomini* as called by the writers from 1771, 1791 and 1814 (PAK. PI. Inventory).

It is probably not necessary to separately stress the significance of this office for researching the history of the discussed territory and nearby lands, since it has been already indicated that the material, which was taking shape and was preserved in this office, spread to all of the social and political spheres of the inhabitants' life in that period.

The office of *vicedomini* was preserved in Venetian Istria even after the fall of the Republic (1797), since not only that Giulio Lugnani¹⁰⁹ performed vicedominal duties in 1820 in Koper, but according to the book of Notifications two Koper *vicedomini*, apart from Lugnani, Antonio Gavardo and Giovanni Manzini (PAK. 83. a. u. 10), were authenticating documents; the Trieste office, on the other hand, had already been abolished with the reforms of Austrian Empress Maria Theresa in 1767 (IONA 1988, 99; ANTONI 1989, 333).

The elections of the vicedomini in the communal Great Council

In contrast to the towns in the hinterland, all Istrian coastal towns had a supreme town agency, the Great Council, which was sometimes called simply the Council (*Consilio*). As a rule, it was composed of 100 members in Izola, 150 members in Piran and over 200 members in Koper and rarely more or less than that amount. Members were of “noble” origins and were allowed to participate with the authorities and to vote and be elected, while the “common” folk had no such rights¹¹⁰.

¹⁰⁸ For this information, I'm most thankful to Marjan Rožac.

¹⁰⁹ AST. AAMC. Bob. 669, MAJER 1904, n. 525.

¹¹⁰ The two fundamental works in the territory of the Istrian town management are DE VERGOTINI's dissertations (1924, 1926 and 1927), for comparison with the Dalmatian com-

As in the present-day, these three coastal towns did not have identical methods of the execution of power and elections. In all three, though, two main forms of elections were established with ballots (small balls, *ballote*, *balotas*) or leaflets (*breve*, *brevia*, *breviselum*). In Koper, though, the second method prevailed, in Izola both, while in Piran the system with small balls was prevalent. And how did these elections function?

The Koper statute describes the manner of elections in this commune (STAT. KOP., III/1) as follows: first, each member of the Council (councilors – *consiliari*) signed himself on his own parchment leaflet (*in brevibus pergamenis*); the leaflets were then stored in some kind of a hat (*bussolo*), so that in selecting a leaflet no one could recognize names written on them. The communal chancellor then counted the gathered councilors and made as many separate (blank) white leaflets (*tot brevia alba separata*) as there were councilors. Then each member wrote on blank pieces of paper those clerical jobs that were to be voted for in the council itself. Each clerical job was written down on a separate leaflet. Those were then placed into another hat (*capellus*) or *busolo* made of wire. Since, as a rule, there were more councilors present than there were jobs available, some of the leaflets remained blank.

Podestà or one of his substitutes then reached into the first *capellus* (the one with the names of the present councilors) and drew out a leaflet. He handed it over to the communal or podestà's chancellor, who read the name on the leaflet out loud. The councilor, whose name was drawn, then stepped in front of the podestà and reached into the *busolo* of leaflets of clerical jobs with his hand, drew out one leaflet and handed it over to one of the judges (*unus ex iudicibus*); if he, by chance, drew out a blank leaflet, the leaflet was immediately torn up and the person who had been called up had to return to his place. This procedure was repeated until the one who was called up drew out a leaflet with a specific clerical job on it; only then was he allowed to nominate a certain man for a certain function, while the podestà either accepted or rejected the nomination. This rule was followed until all the officials were elected and all the clerical jobs filled.

The man whose name was drawn was not allowed to nominate neither himself nor his father, brother, son or any close relative; in Koper, close relatives (father – son; brother – brother) were stipulated by Venetian laws and views. Additionally, the person had to be careful that in one and the same position there were not two (or even more) persons who were close relatives. If he happened to nominate someone who was still performing some other function and, thus, that particular job could not belong to him or if the one, whose name was drawn, had any kind of violation, he had to pay a fine.

munes the work of MAYER (1907), and for the Italian communal life the IV. Volume of the monumental set STORIA D'ITALIA (1981). Comp. also MIHELIC, 2011b.

The Izola statute also mentions in several places elections of the town officials with ballots or leaflets, but they are not described in the same way as in the Koper and Piran statutes. Rather, obligations are described in greater detail – today we would call them taxes – that the Izola nobility was obliged to settle before being allowed to collaborate with the authorities.

In the Piran statute, though, there is a detailed description of a different system of elections – with ballots. They placed as many silver ballots in a hat as there were councilors present, and then added the same number of gilded ballot as was the number of officials to be elected, for instance, 4 gilded balls for 4 judicial positions. Then the councilors went up to the hat and each of them took one ballot out. The four councilors who picked gilded ballots had the right to nominate each one official. Before the nomination, they all had to take an oath that they would elect only men of merit. Afterwards, they stepped in front of the podestà and those judges whose terms were coming to an end, and each councilor nominated one man for this function (PAHOR 1958b, 111). Under the fine of 10 libras that would belong to the commune, no butcher (*becharius*), barkeeper (*tabernarius*), baker (*panicolus*) or innkeeper (*hospitator*) was allowed to be nominated for the position of an officeholder. This applied to all three towns¹¹¹.

Due to various corruptions, this system was later on supplemented by votes of all council members. This “balloting” was done with the help of polling boxes (*bossoli*), where the councilors placed ballots, voicing their desire for yes, no, or undecided. A nominated individual who received the most votes was then confirmed. In this manner, they elected the municipal officeholders in Koper: 4 judges, 2 *vicedomini*, 2 appraisers, a communal scribe, 6 advocates, one controller for public roads and city facilities, and one for the countryside. The same or similar offices, some named differently, were known also in the other two towns, as were numerous other offices that performed various duties; the voting system and confirmation was similar for these offices or it was done within the framework of commissions that were established specifically for this purpose.

Due to these clerical jobs being obviously profitable, an individual was allowed to be appointed for one of these positions for four months only; after this period, they were not allowed to resume this job until one year had passed. The exceptions were two *vicedomini* of the commune, who were allowed to retain their positions for the period of one year. The two *vicedomini*'s faith was decided by the communal Great Council at the beginning of the year, one month before their employment was to end. The one who

¹¹¹ The statute from the year 1358 prohibits the Piran's members of the Great Council to practice the butcher's trade, which was doubtlessly one of the attempts to further “isolate” this highest communal representative body or tendency towards forming a “true” town aristocracy. See STAT. PIR., LVI.

was given most votes was nominated for this position in the above described manner. The *vicedomini* who lost his job or turned it down was not allowed to be appointed for the next two years (STAT. KOP., III/17); if he turned down the position he had to pay a fine in the amount of 25 libras (STAT. KOP., III/2). In the year 1660, a new rule for the election of the *vicedomini* took effect; one *vicedomini* was elected with a golden ballot on 1st September each year; the other one in December. Their mandate lasted for a year; afterwards they were not allowed to perform (*contumaccia*) this function for the next two years (STAT. KOP. V/154).

In Izola, according to the statute from 1360, two *vicedomini* were elected each year on 1st May (STAT. ISOLA, III/76). They received a salary to the amount of 15 solidi grosz (= 24 libras) ("*grossi quindese de denari grossi Venetiani*") in two yearly instalments (STAT. ISOLA, III/76) and had to have their office open to the public all day on Wednesdays and Fridays. In 1678, their mandate was extended to two years (STAT. ISOLA 1888, 157).

In Piran, in the year 1572, changes concerning the duration of the *vicedomini* took place as well. The candidate who got more ballots was elected for a period of 18 months, the other one for one year (STAT. PIR., 174). There is no doubt that this manner of officiating has to do with continuity in the execution of vicedominal duty.

To be eligible for performing their duties, the *vicedomini* in the Istrian communes had to not only belong to the communal council, but also had to be of certain age: in Koper and Piran, they had to be 25 years of age, in Izola 20 (here 15-year-olds could have become members of the town council, in other places 20-year-olds), in Trieste, though, only people that were 30 years of age were eligible to occupy the vicedominal position (ANTONI 1991, 155). The process of nominating or electing the *vicedomini* most certainly indicates the significance which was attributed to this institution. From the above discussed authentication offices, only the Istrian *vicedomini* and the Dalmatian *examinatores* were ceremonially elected in the communal Great Council from the city nobility, while, for instance, notaries for the Bologna office of *memoriali* were selected from the city's quarters, where it was not a must for them to belong to the city patricians.

The notary college in Koper in 1598 and the social economic influence on the operation of the notary office in Venetian Istria

Additionally, *vicedomini* had a very specific duty for the central communal inspectors not only over all of the legal acts but with broad authorizations, they operated also on other strata of social life, which, in comparison with

the Bologna notaries of the office of *memoriali*, gave them an essentially higher social prestige and role.

With both *vicedomini* and notaries of *memoriali*, a similar prescribed form existed of how to run the books of *imbreviature* – with introductory notes, they stated that this was such and such book of one or another notary of *memoriali* or *vicedomini*. In Bologna, however, each notary kept his own book (ASB. *Memoriali*), while *vicedomini*, as a rule, continued entering data into the books of their predecessors.

In Trieste, another interesting peculiarity existed as far as *vicedomini* are concerned. With a testator's death, they entered into the *vicedomini* book of testaments, which they kept separately from the book of "contracts" (documents) and books of civil suits, the entire contents of the testament, not only extracts. At the beginning of this book, in addition to the statement that this was a vicedominal book of testaments of such and such commune in the time of rule of such and such podestà, both then officiating *vicedomini* entered their names. In the book of "contracts", though, only the *vicedominus* who was writing down documents into a book entered his name each time a client called upon him, while his colleague (*socius*), further confirmed this deed by his signature (BLOISE 1982, 49).

Between Koper and Piran, there also was a difference of how vicedominal books were kept. Even though this did not become a requirement before the 1384 edition of statutes (STAT. PIR., 168), the Piran *vicedomini* began regularly writing down *imbreviature* into their books from the year 1375 on (PAK. PI. V. k., ad a.-). In Koper, on the other hand, *vicedomini* wrote their *imbreviature* on separate sheets of paper which were only later bound into books, already in the first half of the 15th century. It is probably for this reason that there are certain inconsistencies in Koper vicedominal books, as for instance, dates are not in chronological order, a book may, for example, start with the year 1401 and end with the year 1397, the years of entries are altogether mixed, frequently even months, since some of the Koper *vicedomini* ran their official papers by months (32)¹¹². This "absent-minded" officiating of the Koper *vicedomini* is illustrated also in preserved material of fragments of vicedominal books in the Koper Archives. It is of interest that two *vicedomini*, Leazarus de Ponzello and Simone de Victoris (PAK. 6 Municipal Archives, a.u. 59–65), ran the office right at the turn of the 14th century, that is, before the renewed recording of the Koper statutes (1423), which means that the office was in the hands of these two individuals practically for three decades – possibly

¹¹² Comp. AST. AAMC, bob. 3–16. It is characteristic of the Piran vicedominal books that they were arranged by months of entries of the individual legal acts; see PAK. PI. V.k.

due to the strict measures instigated by the Venetian authorities after the aforementioned rebellion of Koper in 1348.

It is quite understandable that the dates of individual entries during the month were not in chronological order, since stipulators generally had 15 days¹¹³ for registering an entry into the vicedominal book and *vicedomini* had 30-60 day for writing down the entry. However, this mixing of years and months indicates an inconsistency in performing this job, a poorer control or qualifications of the Koper *vicedomini*, something that cannot be said about the Piran *vicedomini* and even less for the Bologna notaries of the office of *memoriali*.

A reflection of the country's general state is also indicated by the development of its offices. The Bologna office of *memoriali*, for instance, was transformed in the mid-15th century into a Registry Office and, thus, lost its important role as a central communal office for authenticating and issuing private legal acts, while the *vicedomini* continued in a more or less changed role, performing their duties after the fall of the Venetian Republic (1797), which may be attributed to the general social and economic circumstances in Istria that were on a much lower level than those in Romagna. In Romagna, natural conditions and its central status in the world events of the time were essentially more favourable than in Istria, for both the development and general rise of the cultural level of its inhabitants and for the economic boom, which in Istria went exactly the other way; if, according to some data, Istria numbered 500,000 inhabitants during the Roman times, 130,000 in the 13th century (COMBI 1859), then, due to plagues, wars and increasing Venetian burdens, the number of inhabitants in Venetian Istria did not exceed 90,000 from the 15th century on (BERTOŠA 1978, 201-215; ERCEG 1980).

The uncommon depopulation, remoteness or the monopolistic Venetian squeezing of Istria and the Istrian people from the central world trading and cultural directions, when the land frequently served Venetians only for depositing their outlaws (*banditi*) and for the testing of their power with the increasingly more assertive Hapsburg monarchy on the Balkan peninsula. The Venetians, thus, could not lead Istria and its people into any other direction but to an increasing self-absorption and their problems, which the people seemingly solved with ever bigger rootedness in their tradition and superstitions, where immigrants of all kinds came in handy, since the Istrian people could pour their wrath and dissatisfaction upon them (comp. BERTOŠA 1986, 5-79). These circumstances most definitely influenced the

¹¹³ In Pula clients had, just like in Bologna, 48 hours to register legal acts in the vicedominal office (BENUSSI 1923, 342).

operation and development of individual communal offices which persisted for a long time in poverty and self-absorption.

Perhaps not the most adequate, but in our context illustrative example, is the comparison of the development or, better yet, the fate of the notary office with the events taking place on the peninsula.

In Istria, towns and their administrations flourished in the 13th century, similar to offices in other places in Italy, as, for instance, a parallel appearing of *vicedomini* with the office of the Bologna *memoriali*, which indicates a rather dynamic contractual activity, a result of trading and other activities, from establishing economic relations with the near and far towns of the Adriatic, first schools and teachers (1186 in Koper). However, in the ensuing period, there was a decline of commerce which was kept alive merely through the insignificant exchange of goods, most frequently only on the basis of exchange with lands of the Austrian hinterland. The frequent founding of various educational institutions, and the even more frequent abolishing of the same, was an invariable part of Istrian everyday life, since for their maintenance, the people of Istria depended on the Venetians' good will, such as their willingness to relinquish certain taxes (*dace*) that were otherwise intended for the military (self) defence of the country.

Therefore, in spite of the constant efforts of city authorities to educate youth and in spite of numerous "imported" notaries, there was no development of the association of notaries (*Collegio dei notai*) in Venetian Istria, which was the case in the neighbouring Italian towns; this was most certainly due to the developed offices of *vicedomini*, who, besides city statutes, also watched over the activities of these "tradesmen".

In Istria, there are noticeable other particularities, also in other social relations which are due to its geographical position at the intersection of the Germanic, Romanic and Slavic worlds. This transience of cultures is visible not only in architecture, customs, law and in the fact that notaries were of Romanic, Germanic, Slavic and also Greek¹¹⁴ origins, but in the practical execution of the authority as well.

When the college of notaries was founded in Koper in 1598, the communal councilors complained about the irregularities of the notary office which allegedly caused much damage to all people as far as civil-legal affairs were concerned (STAT. KOP., V/158). However, one of the ascertainments by the very same councilors that stands out is that in this city counts still issued notary privileges – by these they meant the paladin counts of the Holy Roman Empire, who were represented in Koper by the families Carli (from 1348), Sabini (from 1423), Verzi (from 1457), Tarsia (from 1478), Petronio (in

¹¹⁴ For instance, a notary Basilius in 1072 in Koper (comp. SUPPLEMENT 1).

the 15th century) and Scampicchio (from 1563) (POLI 1968). Therefore *Collegio delle Biave*¹¹⁵ together with *dottori* would have founded the college of notaries (*Collegio dei notai*), in which 12 already active and tested Koper notaries¹¹⁶ were included. From then on, the college of notaries was allowed to issue notary privileges, but still only after the counts first gave their recommendations.

Even if it was later requested that the college of notaries in Koper should be allowed to number 20 notaries¹¹⁷, and at first the Venetian authorities allowed it¹¹⁸, the Koper corporation of notaries – the jurisdiction of which extended over the entire Venetian Istria's peninsula and it was led by the podestà and two councilors (*consiglieri*) of the Koper Court of Appeals, founded in 1584 (LEGGI, 1683, I/I) – numbered in 1785 again only 12 members, while in Umag there were 2 notaries, in Novigrad 3, in Dvigrad 2, in Buje 3, in Momjan 2, in Motovun 4, in Bale 2, in Oprtalj 2, in Rovinj 8, in Izola 2, in Muggia 4, in Piran 4, in Labin 6, in Vodnjan 6, in Pula 6, in Poreč 4, in Vizinada 2, in St. Lovrenc 2 and in Raspor or Buzet 4¹¹⁹. The rest of the notaries, according to the founding decree from the year 1598, were allowed to perform the duties of the *vicedomini*, chancellors, commune, chancellors of sindici and chancellors of the office for damages (*danni dati*).

With such measures, the circle of officially functioning notaries was undeniably closed, since only thus certified notaries, members of communal councils (that is, city nobility) were allowed to attend to their business in every place of the Venetian dominion as long as they presented their privi-

¹¹⁵ A similar office that took care of providing the means for the town operated in Piran as well. Its principal function is already indicated by the name of this college, since *biave* or *biade* means grains in general in the Venetian terminology (comp. BOERIO 1856, 79). Additionally, the college was frequently receiving various bills for examinations; here also many crucial questions concerning the undisturbing functioning of the town were discussed (see MAJER 1904, *Libri dei consigli*), therefore we can consider the college to be one of the most important agencies in the town, right after the Great Council (comp. VENTURINI 1903). An office with the same name operated also in Venice (DA MOSTO 1937).

¹¹⁶ These were: Anselmo Bratti, Girolamo Gavardo, Francesco del Tacco, Francesco Zarotti, Piero Teoffaneo, Appollonio Appollonio, Pier Paolo Zarotti, Lodovico Loschi, Domenico Almerigotto, Pellegrin Spataris, Fabio Sereni and Giovanni Battista Grisoni. AST. AAMC, bob. N. 709, MAJER 1904, n. 567, p.202. Of the listed first members of the college of notaries we cannot find, among the writers of testaments of the time, only Francesco Zarotti and Domenico Almerigotti; see the table of notaries in SUPPLEMENT 3.

¹¹⁷ On 26 March 1598, eight more notaries were elected to the college of notaries: Thomaso Rimitio, Iseppo Bratti, Cesare Gravisi, Nicolo Vida, Piero Vida, Ambroso Vida de qm Nicolo, Ottavian Gavardo and Giovanni Battista Ingaldeo. *Ibid.*, see STAT. KOP., V/159.

¹¹⁸ Giacomo Zane, Proveditor General, 1609; STAT. KOP., V/160.

¹¹⁹ AST. AAMC, bob. n. 669, MAJER 1904, n. 528.

leges to a city podestà. How strictly they kept to this command is illustrated in the index of notaries in Supplement 3, where testament scribes were mainly local notaries from Koper, members of nobility; those rare ones who were not members of nobility, either drew up testaments before the college was founded, or they stopped in the city for a short while only, when they pursued their profession as noblemen of some other Venetian towns. The exception is perhaps only Giovanni Battista Angiari, who was not a Koper nobleman, but drew up in the 1605–1631 period the greatest number of testaments. From the years 1645–1671, he was followed by his son bearing the same name¹²⁰.

As far as the Istrian towns are concerned, there was a tendency for breaking with the tradition, that is, for “foreign” counts having the authority to bestow notary privileges. The Venetian authority strove to abolish such tradition starting with the year 1567 (LEGGI, 1683,, 1612. 5. Oct., 138-139), when a decree was issued prohibiting anyone to perform the notary profession without being appointed by the Venetian Senate and the Great Chancellor (*Canceliere Grande*) and that it was mandatory for all of the notaries operating in the Venetian territory to sign themselves in the name of the Venetian authority (*Veneta auctoritate notarius*; LEGGI, 1683,, 1612, 12. Jan., 139-140).

However, the Istrian notaries and the entire town authoritative structure associated with them persisted on the privileges of “foreign” rulers until the founding of the college on 24th February 1598 and went even further: a notary of the Koper’s ancient nobleman family, Octavianus Gavardo, the son of the late Alexander, a Koper townsman who was accepted on 26th March 1598 among the 20-member Koper’s college of notaries¹²¹, signed himself on a document on 11th June 1597, that is less than a year before the founding of the college of notaries, as “*Publicus Imperiali Auctoritate Notarius*”, which was still understandable at the time. However, already in the year 1601 and as late as 1615 he was making some kind of a compromise with himself or the Venetian authority (?), when he signed himself as “*Publicus Imperiali Collegijs spectabilis Civitatis Justinopolis Autoritatibus Notarius*” and not until a document dated 19th November 1620 and “submitted” by him, when he signed himself as “*Publicus Veneta, Collegijs huius spectabilis Civitatis Autoritatibus Notarius*”¹²².

Could we say that the case of Octaviano Gavardo is, in spite of Venice’s prohibition in 1567 and again in 1612 to acknowledge foreign authorities in authentication of notary documents, just a coincidence? Or is it about the

¹²⁰ For the members of the Koper town council, comp. STAMPA, 51/2 and DE TOTTO 1937.

¹²¹ AST. AAMC, bob. n. 709, MAJER 1904, n. 567.

¹²² AST. AAMC, bob. n. 125, MAJER 1904, n. 84.

weakness of the Venetian authority? Or is it about an honest search for a possibility of leaning on a different authority and thus, rejecting the existing one, even if this one was “anchored” in Istria for over three hundred years? The solemn fact that the title in the name of imperial authority enables issuing of documents, valid within entire Empire, which he did not want to give up so easily.

The mere process is placed in an era of “emancipation” of local/regional authorities. Therefore, the cities from 13th century onwards established in-gence upon operation of notary office with its own officials and organs, to which all notaries, working in an office in question, had to be subordinated, regardless of the fact they already attained notarial privilege in the name of imperial authority, individual regional administration units from 16th century onwards transformed into independent states as e.g. Duchy of Savoy and prohibited the Palatine Counts to enthrone notaries without dukes’ permission (SOFFIETTI 2006, 98-102). Republic of Venice joined this process relatively late, in second half of 16th century (PEDANI FABRIS 1996), when regional colleges for notaries were being established, amongst them was the Istrian in Koper, which was bestowing notary privileges independently of Imperial government. The privileges were valid on all territory of Republic of Venice.

Even the Papal state in period of Pope Paul III, founded a college of Lauretan cavalry (*Collegio dei cavalieri lauretani*), which amongst other had the right to enthrone notaries (*privilegio di creare notarios seu tabelliones*; CORBO 1972, 366). This process gradually extinguished Imperial medieval «*iura regalia*»¹²³, nomination of notaries and judges for entire Roman Empire (*per totum Romanum Imperium*), although we can, e.g. in Perugia, as late as in 1670 come across notary investitures, which were bestowed by Palatine Counts (LOMBARDO 2012, 238-239), in 1698 Emperor Leopold I. of Habsburg in thanks to defence of the Vienna and other military services in wars against Turks, rose Italian aristocratic family Odescalchi into the rank of Palatine Counts, with jurisdiction «*ubique locorum notarios et iudices ordinarios creandi, et per pennam et calamarium (prout moris est) investiendi*»(CORBO 1972, 368).

Yet, the horizon brought upon the formation of state units of Modern Age period, that managed to break from the vice of Holy Roman Empire, the basis for their autonomous government was represented by nothing other than notary office.

¹²³ LOMBARDO (2012, 238) states the opinions of LIVA (1979, 150) and ERCOLE (1911, 317-320), that the medieval investiture of notaries was in fact Imperial «*iura riservata*», that is the right to name the notaries, which is only in jurisdiction of the Emperor or his explicitly named emissaries (palatine counts). In Rome as well, the majority of notaries were named by Imperial palatine counts (CORBO 1972, 367-368; LOMBARDO 2012, 241-259).

VI. DUTIES OF NOTARIES AND VICEDOMINI

The guild's regulations concerning the notary office practice placed numerous collective tasks and obligations upon notaries. The fundamental principle was that they always had to respond when summoned (requested = *rogati*) to draw up a legal act (STAT. ISOLA, III/78) or else they risked being fined. Koper's and Piran's (STAT. PIR., 500) statutes imposed a penalty of 25 libras and Izola's statutes 100 solidi (STAT. ISOLA, II/18), if a notary, unless detained by excusable reasons, did not respond when requested to write down a testament. The same fine would come into effect if a notary did not gather all of the participants and read to them in private the contents of the written draft (*breve*) of the testament and made sure that everyone agreed upon what was written (STAT. KOP., II/49). Additionally, one of the fundamental principles of the notary office was that it knew the participants of a private act.

Statutory regulations for vicedomini and notaries in drawing up documents

Statutes regulated numerous cases with which notaries were prohibited from doing certain jobs. One such (probably old) regulation in the Koper statutes refers to a prohibition from selling people (Christians). Under no circumstances was a notary allowed to write down a document concerning a sale of a Christian to a Christian; if he did, he had to pay a hefty fine of 100 libras to the commune and the buyer had to do the same. If the buyer was a foreigner, all of the property he had with him or in the commune would be taken away from him upon entering Koper territory and he would be banished from the Koper district for life; the notary who drew up such a document would be, in addition to being obligated to pay the fine, also banished from the city (STAT. KOP., I/16).

The worst punishment befell those notaries who forged documents. We already mentioned the case of the Piran notary who lost his right hand because of a forgery – a fate that befell anyone who forged any kind of a docu-

ment. However, in Piran they soon realized that such a punishment was too rigorous and thus, the statute from the year 1384 determined a fine of 50 libras for anyone who wrote a false or fictitious document, with such a document having no validity whatsoever (STAT. PIR., 600). In Izola, a more humane punishment was stipulated for forgers. The Izola statutes determined two categories of document forgery; a notary who forged a document worth less than 50 libras had to pay a fine in the amount of 60 libras and was never trusted again. If the notary could not afford to pay the fine, he was sentenced to exile until the fine was paid. A notary who forged a document worth more than 50 libras had his right hand cut off without mercy and lost public confidence for good (STAT. ISOLA, I/85). The Koper statutes determine no such punishment; not because such cases did not exist in Koper, but because the penal law was, after the revolt against Venice in 1348, in the hands of Venetian *podestà*, who headed all of the judicial and military matters and administered justice according to the laws of the Venetian commune (STAT. KOP., I/2).

If a notary was falsely accused of forging a document, the accuser had to pay a double amount of the price recorded in the document (STAT. PIR., II/31), while for other false accusations the accusers had to pay a fine in the amount that was written in a document. In Piran, they later lowered the fine to become the same as recorded in a legal act, while in the regulation that followed the amount of a fine was left to discretion of a *podestà* (STAT. PIR., 273).

Regulations that prohibit games of chance are also interesting. While in Koper any kind of gambling was prohibited and the violator had to pay a monetary fine, in Izola gambling was allowed up to 5 *solidi* and in Piran only a game *ad tabulas* or *ad tabellas* was allowed. The fact that the people of that period were prone to gambling is indicated in a regulation that prohibits notaries from recording gambling debts and even if they did, such promissory notes were not valid (MIHELIČ 1992, 103–107).

Beside the function of authenticators, that is stipulators, witnesses, a notary and *vicedomini*, the very process of drawing up documents had a great significance for authenticity of the concluded private legal acts.

When recording the basic data, notaries had to pay special attention to avoid abbreviating the year, indiction, day and place of drawing up a legal event (STAT. PIR., VIII/30) as well as the amount of contractual money and other numbers (STAT. KOP., III/19) or else had to pay to the commune a fine of 40 *solidi* in Piran and Izola (STAT. ISOLA, II/100) and even as much as 10 libras in Koper. They were also not allowed to write the text of a document between two lines in order to prevent any supplements to be added. The latter is included only in the Izola and Piran statutes which came into being in

the 14th century when writing on ceremonious parchment documents which had horizontal lines drawn with a leaden writing device. The Koper statutes from the 15th century, however, do not include such a regulation any longer. In northwest Istria, in comparison with other lands which knew the practice of the notary office, special regulations for drawing up legal acts were in force for the *vicedomini*.

Duties of the *vicedomini*, which in statutes of the Istrian towns are mainly listed in chapters concerning other offices, define the operation of this office in even greater detail.

If *vicedomini* did not perform their duties regularly, they were subject to monetary fines or even to a loss of job. As for example, the two *vicedomini* in Izola had to pay a fine to the amount of 20 solidi if they allowed the access to the vicedominal office without podestà's permission and the same amount per day if they left the territory of the commune without podestà's permission. In Piran, the two *vicedomini* had to pay a fine of 10 solidi if they did not authenticate a legal act within 30 days (in Koper 60), while in Koper *vicedomini* had to pay 25 libras if they did not notify a church trustee in due course about property assigned to the church.

It is interesting that unlike notaries, *vicedomini* were not subject to a fine in case of forgery. This raises the question whether *vicedomini* were trusted to such a degree or if the legislators did not dare admit that a possibility of forgery existed. On the other hand it seems that forgery was at least theoretically not possible due to the manner of storing, since the second copy of an *imbreviatura*, which was identical to the one recorded in vicedominal books, was in the care of a notary and thus, every change had to be recorded in both books.

In Koper, the two *vicedomini* had to be in their office every day from morning until noon and from three p.m. until evening or even later if deemed necessary; in other words, they had to be always available for drawing up legal acts. They were allowed to leave their office only if one or both had an urgent errand at the judicial column (*ad stangam iuris*); with the podestà's permission, they were allowed to leave the town on private or communal business, but only one at a time and only once a week with the exception of the grape-harvesting time when they were allowed to be absent for two days. If one of them were to miss work for a longer period of time, the days of absence were taken off his salary and the duty of *vicedominus* taken away from him, if he were to miss work for over two months. In case he appeared at work a day or two during a two month period and was then absent again, such a fraud would have cost him his job, he would be entered into special books and tried before the podestà. As two prominent city officials, the *vicedomini* had to attend fu-

nerals of important persons and were excused from officiating on such occasions (STAT. KOP., III/17)¹²⁴.

The *vicedomini* were not allowed to read in public or in private, or to relate to anyone the contents of documents stored in the vicedominal office unless they were dealing with their own cases and had a permission and authorization from the podestà. Every time they breached this regulation, they had to pay a 100 solidi fine, which fell to the commune's and to the informant's share. Anyone could be an informant and received half of the amount of the fine if his denunciation was proven true. During the period of officiating, the two *vicedomini* were not allowed to be trustees or advocates to anyone and were not allowed to practice the notary profession.

When testaments were drawn up by notaries, at least one of the *vicedomini* had to be present and available day and night. The *vicedominus* took care that a testament was implemented properly.

All the contracts between the people of Koper, between the people of Koper and foreigners and between foreigners had to be first written down and ratified by a notary; all the participants of a legal act then stepped before the two *vicedomini* (or one of them) and in the presence of them (or him) read the document. If they all agreed with what was written, the *vicedomini* (or one of them) had to ratify the document and entered into their registers the year, indiction, witnesses, names of debtors and creditors, the amount of the debt and payment due which was then defined in the document. After the document was entered into vicedominal books, at least one of the *vicedomini* had to, together with the notary, "over-listen" (*auscultare*) the contents of the act, which went as follows: the *vicedominus*, for example, read the act first, while the notary looked over his notes and then the other way round; in the end, both *vicedomini* had to ratify that they listened over the document together with the notary.¹²⁵ If the notary made mistakes in his writing (*in abbreviatione*) due to negligence, then one or both *vicedomini* corrected, together with the notary and in presence of all of the participants of the legal act, what was incorrect or omitted. When *vicedominus* entered the *corrigendum* into the vicedominal book, he had to sign his own name by it. The procedure was valid also for deeds of sale, their announcements, annulments, donations, etc.

When a contract was drawn outside Koper territory and it concerned one or both stipulators from Koper, the contract had to be turned to the *vicedomini* within three days after the parties returned to the town. If the contract had

¹²⁴ For Piran, see PAHOR 1958b, 124–127; for Izola, III/77.

¹²⁵ «Et hijs scriptis unus vicedominorum adminus teneatur cum notario illa auscultare et ambo scribant vicedomini quod auscultauerint cum notario instrumenta ipsa» (STAT. KOP. III/17, 137).

been drawn by a trustworthy notary before trustworthy witnesses, then the *vicedomini* were obliged to authenticate it in the above described manner. If they failed to do so, they had to pay a 25 libra fine which went to the commune. If on his/her deathbed or in sickness, a man or a woman confessed before a notary, *vicedomini* and witnesses to a criminal act or debt, this confession had to be ratified in the vicedominal office even if it were not to be authenticated at the time and even if such a confession was declared before or after the last will.

Irrespective of gender, everyone had to pick up document(s) (*instrumentum*), which had been delivered to be vicedominized, within two months, or else they faced a fine of 10 solidi that had to be paid to *vicedomini* for each document. It was the *vicedomini's* duty to record and vicedominize documents within that framework of time or pay the aforementioned fine.

Both *vicedomini* had to sign each and every document, irrespective of its subject matter. The *vicedominus* who received the document signed it first; the second *vicedominus's* signature then followed. If one of them were absent, it was satisfactory, with podestà's permission, for only one *vicedominus* to sign a document, but he had to indicate the reason his colleague was not to be present at the signing.

Additionally, the two *vicedomini* had to store in their office a special parchment notebook (*quaternum carte brigamine*) for the real estate of foreigners, in which they recorded the prices of the purchased properties and the names of foreign buyers and sellers in order for the commune to receive, as a rule, 40 solidi out of 100 libre (= 2%)¹²⁶ from the sale price.

They had to store another notebook in which all of the bequests for charities (*ad pias causas*) that testators left for their souls were recorded. In this notebook, purchased by the Koper commune and stored in the vicedominal office, a notary who drew up the last will had to record all of the bequests for charities as soon as they were announced to the public (upon the testator's death); if not, he had to pay a 100 solidi fine and *vicedomini* had to constantly remind him of this matter or they, themselves, had to pay the aforementioned fine (STAT. KOP., III/17).

Testaments, inventories, exchanges, dowries and divisions of property had to be organized and stored in the vicedominal office to prevent a notary making any changes.

Six years after the statutes were issued, the Koper commune adopted new regulations regarding the keeping of vicedominal books for charities. On 25th April 1429, the tolling of bells and the city crier (*ad sonum campane voce*

¹²⁶ It is evident from the 19th chapter of Volume VII of the Piran statutes and from the supplement of the 1384 edition that the statement *soldos quadraginta pro centenario* was used in relation with libra.

preconeia) announced a gathering of 59 communal councilors and the Koper podestà and captain, Marco Memo, at the new Loggia in Koper. Memo, on consultation with the city judges Andrea Grisoni, Bertoni de Facina, Bastiani de Tarsia and Ioannis de Ingaldeo, proposed to the councilors the following decree which was adopted with majority of votes (one against and two abstained – *non sinceris*): “In order to prevent irregularities in partitioning the testator’s legacy, intended for charities, poorhouses and church institutions, the two *vicedomini*, who are elected to the duty at the time have to, within three months, enter into a special book all of the bequests intended for these institutions. They have to consistently record how much and to whom something was bequeathed according to the testator’s request, and in case this not being specified in the testament, they must inform the prior of the St. Nazarius’s hospice in Koper (*prior Hospitalis Sancti Nazarij de Iustinopoli*) within three months. In case they do not fulfill their duty in the given time, they are liable to pay a fine to the amount of 2 solidi per libra of the total value of the testator’s bequest to the subject that the bequest was meant for and will earn the same if the records are complete in given time.” (STAT. KOP., V/8).

It so seems that the records of bequests passed entirely over into the hands of *vicedomini*, perhaps partially due to notaries not scrupulously performing their duties, but probably mostly in order to place such a delicate issue under the wings of the commune, that is, under the control of the central city office. One way or the other, it is a shame that no vicedominal books for bequests to charities – as determined by the city statutes – have been preserved. In Izola, the two *vicedomini* had to, within 15 days after the testator’s death, record and turn over to the treasurers of the Church of St. Maurus all of the bequests intended for the Izola churches or they faced a 40 solidi fine. It is interesting that this regulation was prescribed as early as in 1338, when *vicedomini* in Izola are mentioned for the very first time (STAT. ISOLA, III/80). Even though the Piran statutes did not stipulate special vicedomini books for bequests to charities, they prescribed special vicedominal books for various entries, such as a separate book for inventories of orphans, separate books for dowries, offerings, sales, exchanges, divisions of property or of any alienations of real estate, as well as a separate book for records of debts and movable property. In Piran, too, the *vicedomini* had to record documents in these separate books within 15 days (STAT. PIR., 159–160). However, apart from the books of immovables and movables (*Libri mobilium et immobilium*), no other above mentioned book was preserved which may indicate that only the former were run regularly; in them, investitures and inventories were recorded beside testaments, dowry contracts, as well as all of the listed *imbreviature* of the notary acts.

Contracts

The medieval Istrian statutes knew different kinds of private legal acts that were drawn up by notaries. These were mainly various contracts for immovables and movables, testaments or “last wills”, documents about matrimonies, about bestowing feuds, paying dowries, inventories concerning the guardianship of underage orphans, etc.

Just as now, contracts in particular constituted a wide range of cases concerning the alienation of goods, especially real estate. Perhaps it is best to see how the classifying of documents was done at the time. In the aforementioned work about duties of the podestà’s chancellors, Giovanni Tazio of Koper separates named contracts from the unnamed. The former are: purchasing, selling, renting, lease holding, lending, of investments, liability, mortgage or guarantee contracts and contracts about forming of societies. The latter consist of occasional agreements about the exchange of goods, promises to do certain jobs, etc. A contract is, thus, a very broad concept that may be applied to various agreements. It is composed of three essential parts: persons, things and obligations (TAZIO 1573, 15).

According to the Koper and Izola statutes, obligations could have been in writing, oral or with handshake (“*spalmatione*”). The Izola statutes acknowledged the equal validity of any of the above kind of obligations (STAT. ISOLA, II/71), while the Koper statutes acknowledged the validity of a contract only when vouched for by a document. “But if it happens that someone made any kind of a deal just by a handshake (“*spalmaverit*”), the legislator continues, “then either the buyer or the seller, who would breach the agreed business, has to pay a fine to the amount of 100 solidi, half of which goes to the commune and the other half to the party which kept the agreement. Once the mentioned fine is paid, the deal has no validity.” Since it is known that the Izola law was tightly connected to the Koper law, Margetić assumes that the Izola regulation indicated the preceding period of the Koper law, a period when a handshake was a central expression of the Koper law and the Istrian law in general, considering that a similar custom is mentioned in other Istrian communes (MARGETIĆ 1993, XXI sq.). The Koper statute, in other words, already limits the value of this regulation not only because of the existing possibility that a contract is made with a notary document, but also because the parties can withdraw from the oral contract by paying the fine.

The abovementioned chapter, then, is already prejudiced against the continuing development of legal contracts, and even if along written contracts oral contracts have remained a habit to this day, the former had a greater legal validity than the latter when made before notaries and, thus, ratified. This becomes evident in the chapter on property division, which first analyzes the process of solving legal problems in cases of disagreements and

then it states that from henceforth all the contracts about property division both outside and inside the city of Koper are valid when made before (two or three) sworn in witnesses. Whosoever did not wish to keep to this agreement would have to pay a 5 libras fine¹²⁷ and this division would not be acknowledged. However, both stipulators are supposed to make a document about this legal event within 15 days and have it vicedominized, otherwise they incur the same fine (STAT. KOP., II/30). The Koper statute (II/79) further decrees that no contract about forming a society (*socida*), either among the citizens or foreigners, is valid, unless it is made with a public document (*publicum instrumentum*).

The listed cases clearly indicate what importance was assigned to a notary document by the statutes' creators. They also strengthened both the status and significance of a notary as a maker of documents and a private document as a legal act with other laws.

As much as possible, notaries had to be up-to-date in their work. In Koper they had to, within 15 days of a contract being made, issue to stipulators the document in an official form (STAT. KOP., III/20), in Izola in 12 days (STAT. ISOLA, II/98), in Piran at first within a month (STAT. PIR., VIII/29) and after the edition from the year 1384 within 15 days as well; if they failed to do so, they had to pay a 20 solidi fine to the commune for each case not executed, in Piran they even increased the fine to 100 solidi after the before mentioned edition (STAT. PIR., 599). The person who placed the order also had to pick up the document at a notary's and pay him out within the same time frame. Before a notary began writing a document he had to first write down in his notebook in a short form (*abreviare*) what had been agreed upon, usually on the spot where the contract was made, then together with the two stipulators and witnesses, he had to read the short version, making sure that they all agreed with what had been written (STAT. PIR., VIII/29; STAT. ISOLA, II/98); the appendix to the Piran statutes from 1428 literally quotes reasons for a notary to have, beside vicedomini, his own books of records, for instance, in case of fire or if books were stolen from him or from the vicedomini office (STAT. PIR., 269–270). With this regulation they reintroduced the onetime habit of recording excerpts into separate protocols, but it can be also assumed that this measure was intended as an additional insurance against forgery, considering that this appendix refers to the chapter on forging notary documents (STAT. PIR., II/28).

Only after a notary had read the shortened content to all participants of the legal act and everyone agreed expressed their agreement was he able

¹²⁷ 1 libra = 20 solidi, i.e. 5 libras = 100 solidi. For the ratio between various units in the time of the Venetian Republic, see table in MIHELIČ 1985, 28.

to request a payment of half of the amount, defined in accordance with the tariff or a single legal act; he received the second half after handing over to a stipulator or two stipulators a document in the official form (STAT. PIR., VIII/29; STAT. ISOLA, II/98). In Piran, the composing of a document or of promissory note worth less than 10 libras cost 14 denari, above this amount it cost 1 grosz (=32 denari), writing (*imbreviatura*) of a testament 1 solid (=12 denari), issuing it in a public form 8 solidi (STAT. PIR., VIII/32), while after the edition from 1332 the cost for deeds of sale or other alienating documents was 4 solidi, for the announcement by the town crier 2 grosz (=5,34 solidi), an *imbreviatura* of testaments 20 denari and a notification after a testator's death 3 grosz (STAT. PIR., 597). If notaries were not to honour this price licensed they would have to pay 100 solidi fine, which was distributed equally between the commune and the person who had placed the order; in cases when the number of private acts was unusually high or the worth of composed documents high, or in case of dispute, it was left to the podestà's discretion to determine the amount of the fine (STAT. PIR., 599). When, in 1428, they reinstated in Piran the obligation about running notary books, the cost for *imbreviatura* of a document was in the amount of 1 grosz (STAT. PIR., 598).

In Koper, a regulation required a notary to read a document to stipulators before a public announcement. If the stipulators did not agree with what was written down, they could file a complaint with the podestà and request changes; a notary would then enter these changes when he rewrote the document, but the fee would be doubled. The same did not hold true when changes were made in testaments or codicils (STAT. KOP., III/20).

However, the legal act was not yet completed with this. Within 15 days from the signing of a contract, the stipulators had to appear, along with witnesses and the notary, before the two *vicedomini*; if one of them was absent then the other one had to write down the reason for his absence. One of the *vicedomini* again read out loud the notary's document or excerpt (*imbreviatura*) to everyone present, explained the content to them if needed and if everyone agreed with what was written, the *vicedomini* then transcribed it into a separate notebook used exclusively for such documents (STAT. KOP., III/17; STAT. ISOLA, III/78; STAT. PIR., 151). Prior to this, however, the *vicedomini* (or one of them) had to administer an oath to the clients for every contract concerning a sale, bequest, debt incurred by trade, cession of rights for a certain property or acquisition of movables and immovables. This oath mentioned that the contract expresses the true state and that it was neither invented nor forged. The clients also had to take an oath that neither of them had cheated or misused the other. If the *vicedomini* came to a conclusion that any part of the contract was fictitious or if the clients or one of them refused to

take the oath, then the *vicedomini* were obliged to refuse the contract and were not allowed to vicedominize it (STAT. PIR., 154, 166).

While making notary acts, notaries and *vicedomini* had to, as the statutes requested, frequently demand from the participants to swear under oath about the veracity of legal acts. This oath was mainly intended to prevent fictitious or double contracts being drawn up, most of all, for promissory notes and also deeds of sale; stipulators had to swear that the agreed upon price was indeed correct. The penalty for false testimony was rather significant; whoever gave false testimony had to pay a 25 libras fine to the commune and if he had no such money, in Piran at least, they cut his right nostril off. Anyone who gave false testimony was also announced on the stair for perjurers and written up in the book of perjurers and was, thus, labeled forever and was never trusted again. In any case, the perjurer had to settle the fine or was expelled until he was able to pay it off. The mentioned penalties would also befall anyone who persuaded another person to commit perjury (STAT. PIR., II/29).

If the participants failed to present a document to the *vicedomini* within 15 days, the *vicedomini* were no longer bound to accept it unless given the podestà's permission. "And if a person swindles a creditor and leaves the territory of Izola," states the Izola statute for such a case (STAT. ISOLA, II/99), "or if he stays here and does not respond when summoned two or three times, then the creditor may, together with the podestà, give a document to be vicedominized." In such a case, the podestà called the notary who had written the document and witnesses and after an interrogation and assurance about the authenticity of what was determined in the contract, did what he deemed necessary in accordance with legal norms. Whoever tried to avoid the process of vicedominizing was penalized with 40 solidi, which belonged to the commune.

The Piran statutes determined that in the case that one of the parties did not respond to the invitation of the other to have the already written contract legalized by the *vicedomini*, the absent party had to pay a 40 solidi fine, while the *vicedominus*, with the podestà's knowledge, was allowed to ratify the document. Appendixes to the chapter about *vicedomini* in the subsequent editions of the Piran statutes from 1358 and 1384 indicate how law developed for such cases. If one of the clients left unexpectedly and did not return within the mentioned time frame, he would be fined 3 libras (= 60 solidi). In Piran, however, the absent person was allowed to name a procurator (*procuratorem*), that is, a legal representative, who had the right to represent his client at the legalization of the contract. *Procura* had to be issued either with a notary document or with a certificate from the podestà's chancellor. It contained the name of the client and that of the procurator and it had to be

clearly stated in it what is the subject matter of the document, intended to be authenticated by the vicedomini. Additionally, it had to contain the name of the notary who wrote the document and furnished with the exact date. For individual contracts, mainly those for purchasing or selling real estate, another process was added to *vicedomini's* authentication. Specifically, under Istrian law, an independent private initiative was implemented in cases dealing with the alienation of real estate, which protected only the **preemptive rights** of relatives and their right to refuse a deed of sale on this basis. In Koper, this right extended, following the Venetian statutes from the time of the rule of Doge Jacopo Tiepolo (1242) example, also on the preemptive right of neighbours or abutters or those who possessed that property one way or the other (STAT. KOP., II/37). In Izola and Muggia, the preemptive right belonged to relatives only, while in Piran it was extended to one's wife's relatives¹²⁸.

The Koper statutes determined that the person intending to sell real estate had to inform those relatives who had the preemptive right and could (if so desired) exercise this right. In spite of this, the buyer had to announce, after the deed of sale was drawn up, the news with a public proclamation. Public proclamations had a very definite task, that is, to mitigate the situation to both the seller and the buyer and to introduce legal certainty into the business of real estate. In these regulations also, various legal influences on the operating of the medieval Istrian communes become clearly visible. The preemptive right was introduced in Byzantium as early as in the 10th century, when it was determined that a seller had to previously inform the holder of this right about his intention. Public proclamations, on the other hand, are of a much later date and are of a Venetian origin.

On this occasion let us mention another characteristic of the Istrian law which gave a leaseholder the right of ownership over the property he leased and enjoyed and may even have alienated it, while a landlord remains the owner of the piece of land in the sense of having the right to a part of products. It is, therefore, easier to comprehend a regulation of the Koper statute which requested that anyone who desired to sell or alienate property for which a rent was being paid or to lease it for an indefinite or definite period of time (*curucongium*), to make an alienating or leasing deed of sale's document. If he failed to do so, he was required to pay a 25 libras fine, half of which goes to the commune and half to the master (*dominus*) (STAT. KOP., II/28). In Izola, though, in cases when the commune was the proprietor of a piece of land, alienations or leasing agreements were not valid even if an-

¹²⁸ For more on family inheritance, comp. MARGETIĆ, 1993, XXXVIII-XLVII and literature listed there.

nounced in a public proclamation or any other way, unless first entered into the register of the commune's territory; the fine for failing to do so was 1/3 of the value of the property under consideration. The seller had to pay the same amount; a denouncer received 1/3 of the above fine and the commune 2/3 (STAT. ISOLA, II/110).

In our case, we will not discuss the preemptive right in detail¹²⁹, but rather focus on the duties of notaries and vicedomini at making deeds of sale for **immovables**. The Koper statute states that a buyer was obliged (STAT. KOP, II/37), after a contract, according to the above mentioned procedure, was made before a notary, to give a public proclamation about the concluded business within 15 days. This was done at the stairs of the church tower (*ad scalas campanillis*) on Sundays. The public proclamation had to be written on a document, and if not, there was a small fine of 25 libras, which went to the commune.

The notary who wrote a document of sale or some other alienation, or a promissory note of any kind of real estate for which a public proclamation was mandatory, had to write down the public proclamation within fifteen days and ratify it within a month after the public announcement. Then, precisely one thousands days after the announcement, the notary had to write on a slip of paper (*cedula*) the name of the buyer, seller, the sold object or property, contract in which the property was described, borderers from all four sides, the price of the mentioned object or property, just as it had been written down when the announcement was ratified. The notary then fastened the slip of paper, or had it fastened, on the spot at the Koper cathedral that was earmarked for such announcements. The slip of paper was to remain there for the public announcement duration. The notary had to check each Sunday whether the slip of paper was still fastened. If the slip of paper had been removed in the meantime, the notary had to rewrite it in its entirety and pay small fine of 5 libras, which went to the commune; if the podestà chose to, he could lower or raise the amount of the fine. If anyone removed the slip of paper out of malice or with deception, he would have to pay a fine of 50 libras half of which would belong to the commune and half to the accuser, who spoke the truth; if the accused was unable to pay the fine, he had to stand one Sunday at the pillory. Here, another characteristic of the Koper legal system is indicated, since in other Istrian towns the commune's heralds (*preco*) executed public announcements on the request of the buyer; these were called "*cridae*". Announcements were made differently in different towns: in Trieste for four consecutive Sundays, in Vodnjan three,

¹²⁹ For more on the first refusal rights, comp. LEICHT 1949, 77–86 and STAT. KOP., 1993, XXIII and II/37.

in Umag two, and in Piran, Muggia, Izola, Dvigrad, Buzet, Oprtalj, Pula and Rovinj just one (MARGETIĆ 1993, XXXVII).

Bequests or any other exchanges of real estate or any kind of alienation also had to be announced publicly just like sales in order for the relative or borderer (no matter the gender) to receive the property within thirty days after the announcement (STAT. KOP., II/37). In Koper, it was determined in 1550 that a person who had the right of preemption was allowed to file a complaint within one year from the announcement of the sale if the person was absent from the city at the time of the announcement; otherwise no objections to the sale were allowed to be made (STAT. KOP., V/10). If a document did not contain the price of the bequest, exchange or alienation, two trustworthy men appointed by the podestà, had to estimate the value of the real estate. In such case, the vicedomini had to swear to the buyer, seller, people who exchanged the property, alienators and those who received the alienated property that the contents of the contract were true and honest.

Additionally, no acquirer was allowed to sell the real estate, put it out to lease or alienate it in any way for three years after the announcement was made or they were required to pay a fine of 25 libras which went to the commune. There was no risk involved though, if the acquirer rented the above mentioned real estate for a period of three years, gave it as a dowry or partitioned it in his last will. No foreigner who resided out of the Koper district could acquire any sold property or any kind of alienated property that was situated in Koper or its district with mediation of a close relative or borderer, unless he was willing to move to Koper or its district within a year after the public announcement was made, otherwise the acquisition would be invalid (STAT. KOP., II/37).

The Istrian law knows another interesting legal regulation concerning alienations of real estate that is of course associated with the comprehension of the principle of property at the time and is different than today. Property was then the sum of rights, jurisdictions in a sense of the Roman postclassical law, the law of commentators (*glosatori*) and legal systems of other European regions in medieval times. It concerns **the right of “co-ownership”**¹³⁰ (*usucapio*) that was considered a true property of the person who cultivated it or enjoyed it in any other way (*quiete in laborerio et in gaudimento*; STAT. PIR., VI/21) for a period of time without anyone restricting him for the duration of that time (*sine litis clamore*; STAT. KOP., II/21) and that that person paid no taxes, rent or other subordinations (*sine redditu et fieto dato alicui*; STAT. PIR., VI/21) and, thus, legally acknowledge the proprietorship of someone else.

¹³⁰ For more on the rights of co-ownership and on ownership relations in general, see MARGETIĆ 1983, 39–71.

In Koper, the time limit for “co-ownership” was 10 years, if it concerned the detriment of a former owner from Koper, and 15 years if it concerned a foreigner living in Koper (STAT. KOP., II/21, 22). In Izola, the time limit was slightly different, that is, 15 and 20 years (STAT. ISOLA, II/86), while in Piran the time limit was 15 years before a person was eligible to attain the rights of ownership; the same was determined in the Muggia commune (IONA, 1972, IV/12).

The legal problems though, manifested themselves at enforcing and argumentation of the rights of both the “co-owner” and the former or legal owner after the mentioned time limits expired. The Koper statute determined that in case of dispute, both parties were to submit proofs of ownership (STAT. KOP., II/25). In Trieste, for instance, the new owner lost the case if the former was able to prove that he, himself, had been the owner for at least 15 years and one day (STAT. TS., 1315, III/25).

In Koper, the “co-owner” had to swear that he had been unaware that the property belonged to someone else (STAT. KOP., II/22), while in Piran there is no evidence of such a case. However, as early as in 1384, the new edition of the statutes of the Piran communes determined that in order to prevent irregularities in acquiring property in such a manner, each acquirer of property was required to draw up a document together with his borderers (*laterani*) in due time, which was determined in the capitularies of *vicedomini* (15 days), and have it authenticated by *vicedomini* or pay an extremely high penalty – if we are to believe the text of the statute – of 10 solidi per libra, which would come to a 50% of the value of the property, acquired in such a manner (STAT. PIR., 451). The drawing up of a notary document and to have it authenticated by *vicedomini* was, then, required which, considering what was said above, held true for Koper and Izola as well.

As usual, in practice things did not quite work that way. In 1449, the Koper treasurer was ordered to demand from the inhabitants to prove the ownership of a house, mill, property, etc. with documents, since many inhabitants of Koper would have had real estate in their possession for 25 years and more and sold it without any documents, which caused a great deal of damage, confusion and even scandals. The treasurer, who at the time was *Nob. Sapientibus Vir Nicolao Valaresso* (STAT. KOP., V/18, 19) was not allowed to change or add on his own anything in the documents that were stored in his office (STAT. KOP., V/88), or was “punished as a lesson to others.” (STAT. KOP., V/19). In 1651, though, on the initiative of the Koper sindici, who complained over the general disorder of Koper’s clerical operations, the Istrian inquisitor Gerolamo Bragadin inspected the state of affairs. Among other things, persons who were suspected of the arbitrary appropriation of property were then ordered to submit proof of ownership of the occupied goods

within a month. If they moved out voluntarily within this time-frame, they would be acquitted from the verdict for usurpation, and if they did not, they would be charged with criminal misconduct and all of the real estate, fruits included, would be taken away from them (STAT. KOP., V/149, t. 19).

In the subject under discussion, it has been noted several times that foreigners were treated differently in these towns. Foreigners were considered to be not only citizens of other, Venetian states, but also, for instance, in Koper, people from Izola and Piran were considered to be foreigners, while people from Koper were foreigners in Izola and Piran, and so on. The process of acquiring a status of the inhabitant or townsman in a certain town was interesting as well. For the former, the requirement was one year of residing in a town or its environs, with a promise of settling there permanently; for the latter, next to a social renown, at least 20 years of residing was required. The intermediate links were statuses of the so-called “*vicini*”, who in exchange for the commitment of a permanent or a long term temporary settling received pieces of land to cultivate¹³¹.

The Istrian towns were careful not to let the commune’s property fall into foreign hands. Thus, no townsman or *vicini* in Piran, even if residing in Piran for one year only, was allowed to, in case of being sued by a foreigner who subsequently won the lawsuit, give him anything, bestow anything on him, pawn anything, incur debts, draw up a document or a promissory note or alienate anything under penalty of 25 libras for the commune or extradition (*viginti quinque librarum denariorum componendarum comuni pro banno*; STAT. PIR., VI/13), which also held true for anyone who would sell debt to a foreigner (STAT. PIR., VI/14). Promissory notes were, in other words, one of the most frequent forms of making private legal relations which is particularly discerning from the oldest preserved notary books of Piran where these forms of private documents are the commonest (comp. MIHELIČ 1984; 1986).

Promissory notes

Just as now, debts were one of the central forms of social life in the past, where notary documents, merchant books, “*cyographi*”¹³² or any handwrit-

¹³¹ The skeleton review of the particular phases in acquiring the status of a “local” was given – on the example of the Muggia statutes, which doubtlessly reflect some older customs – by IONA 1972, L-LII.

¹³² *Chirographum* or *cyrographum* is the name of a document, written in duplicate on the same piece of parchment. These two copies were separated by various words, letters, and adornments and were cut up in straight, wavy or dentiform lines in such a way that the cut went over the written word, letter or adornment. Each of the parties received one copy. If a

ten records played the main proving role of a certain “indebtedness” event. Indeed, promissory notes indicate a remarkable commercial activity of the inhabitants of the time not only with merchandize, but with promissory notes (*preceptis*) or debt documents (*instrumentis debiti*) as well (GESTRIN 1965, 123 sq.). Promissory notes are of interest to us chiefly because, due to their commonness and sensitive issues, both the Istrian and Venetian statute books focused a great deal of attention on this form of legal acts.

Differences existed between promissory notes and other contract forms. In promissory notes, notaries were not allowed to write down higher penalties than 1/3 of the agreed amount when terms of agreement were not fulfilled or they and persons who had requested the document had to pay a 10 libras fine (STAT. PIR., 597). It is probable this rule that was referred to in one of the regulations for notaries, which did not allow them to write down invented, fictitious documents (STAT. PIR., 597) or to compose double documents, one officially and the other unofficially, something that frequently occurred in various contracts concerning interest bearing loans (STAT. ISOLA, I/87; LEGGI 1683, 131–134), since, under the canon law, any forms of interest, including payments in kind, were prohibited. However, communes themselves began gradually borrowing at interest and, from the 14th century on, started to grant various advantages to money lenders (STAT. KOP., II/76), at first to lenders from Florence and then to the Jewish people (PERŠIČ 1977 and 1984), that is, if we ignore the practice of some monastic orders in Europe which in times of the severest prohibition of money lending or usury (*feneratio*) – as the official terminology read – were lending money or other goods at high interest rates, which they concealed by recording larger sums of debt (comp. KULIŠER 1959, 429; DAROVEC 1991, 73).

No promissory note was valid if all was written on it was, “in whose hands it was handed” (“*in cuius manu comparuerit*”), but the lender or procurator had to be named (STAT. KOP., II/82). This Koper statute indicates that a transferable promissory note or bill of exchange operations were prohibited, which reflects a strong medieval mentality. Already by the 15th century though, promissory notes were allowed to be transferred at the time of issue to someone else, when so requested by the creditor who made a promissory note issued in the name of the creditor with whom the then debtor could settle the sum owed. In this way, promissory notes, just like any other value, were given, divided, pawned or sold freely, that is, were alienated with one exemption only – they could not be issued by a fellow townsman (GESTRIN 1965, 123–130).

dispute broke out, the authenticity was proven by putting both originals back together and if the letters or ornaments connected, the authenticity was deemed unquestionable. The ornaments, which usually had a snake-like look, were called *chirographs* (STIPIŠIČ 1985, 152).

One of the forms that legally protected debtors and real estate was that no document concerning debt for real estate remained valid if not renewed 10 years after the contract was made (STAT. KOP., II/65; STAT. ISOLA, II/76; STAT. PIR., V/23), which also held true for testaments and dowry documents for real estate. It was not necessary, though, to make documents for a certain value of less than 50 libras; such debt could be made in front of two witnesses. If a person negated such a debt in front of the judge, but was then proven that such a deal had truly been made, the person had to pay twice the amount of debt. If the debtor died, the witnessing was valid only when ratified by the podestà, which applied to townsmen as well as foreigners (STAT. KOP., II/12). This means that in such cases, too, a document had more legal validity than the oral concluding of debt, even when made in front of witnesses.

Since legislation was in this respect best perfected in Koper, we'll take a look at other regulations of the place as well.

If creditors over townsmen were foreigners who otherwise resided in Koper, they had to renew the debt document within 15 years; if they lived out of the city, they had to renew it within 20 years (STAT. KOP., II/67). The manuscripts of the debtor were also legally valid, but when presented for recovery, a notary document had to be made or a chancellor wrote a document about this legal act on the basis of testimonies. If after the debtor's death documents in his writing appeared, they had the same validity as a public document (STAT. KOP., II/63).

Before the expiration of 10, 15 or 20 years from the time a debt was paid, the creditor had to appear before a notary who wrote down the debt ratio and asked of him to put together, with podestà's permission, a new document if the creditor desired for the debt ratio to be still valid, unless the debtor had repaid his debt. It sometimes happened that the notary who had written the document had died or moved out of city; in such cases, a creditor (or whoever wanted a new document to be issued) had to do the following: first, the petitioner appeared before the podestà and proved to him with an authentic document, be it a notary document or a manuscript, that he was entitled to his request or, otherwise, would not be able to go to the vicedominal office where the authenticated record of the legal event was stored. The person also had to swear he'd be looking only for the document that concerned him and nothing else; if it turned out that the petitioner used data for any other purpose, he had to pay 25 libras for each such case (STAT. KOP., II/103). Afterwards, the petitioner would be able to choose either the podestà's chancellor or any other notary who would compose, on the basis of the authenticated *breviatura*, a new document in place of the absent or dead notary. However, such *breviaturas* were valid in official form only if ratified by the podestà as well (STAT. KOP., II/104).

A creditor had the right to demand the exaction of a debt before the mandatory renewal of the promissory note, if so agreed by a debtor. The creditor, with the help of the document, could then demand legal action from the podestà against the debtor by handing the document over to the podestà (STAT. KOP., II/84). Then for three days, the communal crier (*praeco*) publicly summoned the debtor or debtors and also looked for them at their homes (STAT. KOP., II/63). After the debtor summoned the podestà, the latter gave a verdict according to the particular laws and customs.

Instead of money, the debtor could pawn his movables or real estate, which the commune valuers (*extimatori*) (STAT. KOP., III/14; STAT. ISOLA, II/83; STAT. PIR., 1/7) appraised in order for the pawned goods not to exceed the value of the debt. Obviously, this rule was not always honoured, since the town heads of the Venetian dominion had to be frequently reminded to watch over creditors (LEGGI 1683, 134–136) or be severely punished.

At times, the podestas lost documents that creditors entrusted to them when filing a charge; it was therefore determined that in such cases the podestà was able to issue a new valid document to the debtor. The proof of existence of such a document was also the city crier's announcement "*super scalas comunis*", which means that certain evidence was kept concerning these announcements.

If a creditor were to lose a document that was not yet authenticated (*porrectum in iure*), the podestà would not be able to issue him a new valid document without the debtor's consent. Only if the debtor acknowledged the debt, the podestà would issue a new promissory note that would be valid from that day on (STAT. KOP., II/84).

Every time a debtor paid off his debt, the creditor had to issue him a cross off (*cancelata*), that is, a cancelled promissory note. If he failed to do so, he had to pay a fine of 50 libras to the commune (STAT. KOP., II/88).

In case the communal criers did not find debtors in city during the time when promissory notes had to be renewed, then a crier would first give an assurance to the podestà that he had called on a debtor three times; the podestà would then request from his chancellor a renewal of the document, which had the same validity as if the debtor was present. The chancellor had to then present the renewed documents together with the old ones to one or both of the vicedomini, who had to accept it, that is, to vicedominize it (STAT. KOP., II/65).

In the event a debtor did not respond to the three times daily subpoena, the podestà had the authority to allow the creditor, on the basis of collected documentation, to recover his debt. The debtor had to appear before a notary and a communal chancellor who had to determine on the basis of the promissory note, the principal debtor and his warrantor. If the person failed

to do so the fine was 10 libras. If the principal debtor was absent, his warrantor was responsible for his debt (STAT. KOP., II/86). The warrantor then pawned the debtor's or his own movables or real estate to the office of appraisals, where they were appraised and then, if necessary, sold at public auction (STAT. KOP., III/14), but in no case were they allowed to seize goods which had a higher value than the debt, or, under penalty, the creditor had to give back the difference (LEGGI 1683, 134–136).

Creditors, naturally, used also other debt recovery methods. The ordinance of the Venetian inspector (*proveditor*) Giulio Contarini from 1626 prohibits a habit that was established in some parts of Istria, when in case of indebtedness they would seal the debtor's house and if he happened to be in it at the time, he would have not been able to leave. If he was not there at the time, the access was denied to him; otherwise he would face a public assault. His property was, thus, left to the mercy of a furious crowd, "which is against our principles", as the Venetian inspector ensures and then issues the following, "No house can be sealed in the described manner, no matter how deep in debt a person is, under the penalty of 100 ducats for the rector, 6 months in jail for the chancellor and cavalier or for the minister who would perform the chancellor's duties, 3 strokes with a whip. The person whose house is thus sealed may unseal it without the fear of consequences." (STAT. KOP., V/148).

The Venetians had to intervene in previous times in this highly sensitive legal territory in order to protect debtors from the excessive use of force by creditors, which was harmful to the general economic development. In 1461, for instance, they prohibited creditors from seizing debtors' tools and livestock, especially oxen (*animalia bouina*) and horses as repayment of their debts; in 1475, they additionally prohibited the seizure of debtors' beds (LEGGI 1683, 134–136). They also prohibited their managers in Istria to expel¹³³¹⁰ people because of civil debts or they were fined 100 ducats, which were divided between the Koper Magistrate¹³⁴ and the Monte di Pieta¹³⁵. The same penalty befell the podestà's chancellors if they were to write down such an order; additionally, they would be permanently dismissed from their jobs (LEGGI 1683, 35).

Debtors were persecuted by creditors, warrantors and the podestà's employees, but generally not during the commune's holidays. The Koper statute

¹³³ On the cruelty of the verdict of the banishment from the country or from the territories of the Venetian Republic, see BERTOŠA 1986 and 1989.

¹³⁴ The second-degree court of appeals that the Venetians founded in Koper in 1584 for the entire Venetian Istria; see PAHOR 1958a.

¹³⁵ Founded in 1550 as a pawn and loan shop, initially with a short duration and it, thus, needed to be founded again in 1608 (STAT. KOP., V/108-111). Comp. DAROVEC 2004, 91-174.

had a regulation about debtors during holidays: if they were already sued, they could have been brought before the podestà, and if unable to make bail, they could be put in prison until the debt was paid off or until they came to an agreement with creditors. The amount of jail time depended also on the goodwill of the podestà who was in charge of such situations at the time (STAT. KOP., II/64). The Venetians therefore determined in 1557 that no debtor could be persecuted one week prior to and one week after Christmas; the same held true for Easter holidays (LEGGI 1683, 135).

Cases of family debts associated with the aforementioned Istrian hereditary law were also of particular interest. If a husband or wife incurred debts before getting married, the partner was not responsible for such debts. The same held true if one of the spouses incurred a debt without the other one's consent and thus, upon the death of one of the life partners, the surviving spouse was not liable to repay debts unless they had opted for them together, had them written down or declared them before witnesses (STAT. KOP., II/69, 70).

Testaments

Testaments are certainly one of the most essential elements of private law since they reach into the territory of the family financial distribution after the death of proprietors. The classical Roman law was already familiar with the changed forms of testaments, but in the area of Germanic rule, the legitimate succession that leaned towards male descendants, usually firstborns, was established. Not until the 12th century, testaments were reestablished in Italy (GRANDI-VARSORI 1981, 148–149) and were then carried over as a legal form of the handing over of succession to Istria, where these acts were still somehow present, if we recall the testament of Maru, a nun from Trieste, from the year 847.

In the era in between, a custom was established which is called by lawyers as a donation "*pro anima*" or a succession by contract. This form supplemented the legitimate succession and had a chiefly indigent character. The reestablishment of testaments in the 12th and 13th centuries no longer possessed all of the characteristics of the Roman testaments. Two forms appeared parallel, one next to the other, a legitimate and a testamentary form which had been mutually excluded in Roman law. In the testamentary succession, the legitimate descendants were also taken into consideration while the "soul" gift was replaced by a testament. From thereon, besides lawful descendants, legates were also present in the testaments. The legates were in charge of distributing a testator's will to distant relatives, daughters with a dowry,

servants, etc.; additionally, there were also donations to various indigent church institutions, brotherhoods and monastic orders, masses for the redemption of soul and other religious speeches.

Four types of testaments are chiefly known: public, secret, holographic and oral.

The **Public testament** was the most prominent method at that time. It was composed before a notary who wrote down what a testator said and simultaneously made sure that the testator's last will was in accordance with the regulations of the local statutes. Immediately following the writing of the will, the announcement was made in front of 3-7 witnesses (in Piran two sufficed). In former times, the witnesses used to sign themselves below the text; with the foundation of the notary office and vicedominal office in Istria, it became sufficient to have only the notary's and two *vicedomini's* signatures. The **Secret testament** was presented as sealed to the notary or to two *vicedomini*, who did not become familiar with its content until the testator's death, upon which the notary made its content known in the presence of witnesses and descendants.

The **Holographic testament** is a testament written by a testator himself and in this case the presence of a notary was expected at the time the announcement was made, that is, after the testator's death.

The **Oral testament** was declared by a testator before two witnesses who then passed it over in a shortened form to a scribe. The latter then wrote it down on a slip of paper or *breve*. The witnesses were the guarantees of public confidence of the testator's last will (comp. BESTA 1961; GRANDI-VARSORI 1981, 150).

The history of law takes into consideration all of the listed forms of testaments; these are also found in northwestern Istrian towns. However, as in the majority of the Venetian lands (FERRO 1781, 258-260) the most frequent forms in this region are the public testament, which is in practice called "*testamentum nuncupativum sine scriptis*", and the last will "*in scriptis*" written by a testator or any other literate person was presented to a notary before a certain number of witnesses. For the latter, a term "*testamentum secretum*" became established and it usually contained a seal of the office of authority or of the parish (PAK. 84. a.u. 1 and 2; STAT. PIR., VII/16).

In addition to the testament, a codicil was also used. As an appendix to the testament, a codicil was intended for supplements or changes in some of the testator's wishes as expressed in his will.

We are already familiar with the name of Giovanni Tazio, who itemized persons not allowed to be testators:

- a young man under the age of 14 and a young woman under the age of 12, since they do not yet possess the soundness of judgment at that age (therefore *testa – mente*);
- a son may not be a testator even with his relative's permission, except for separate goods, since law was tied to a particular relative's authority or, in Istria, also to a female's;
- a prodigal;
- a deaf-and-dumb person, except if from birth, since if by accident, this person may still order a testament if he knows how to read and write and the same if he is only deaf;
- servants may not be testators, because they have no property, since it is clearly stipulated in statutes that he who has not freedom is not the master of his will¹³⁶;
- nuns;
- priests;
- those condemned to death, except with the permission from a judge;
- heretics¹³⁷.

Notaries had to pay special attention when composing testaments, making sure the testator's wishes were aligned with the laws and customs of the land. The legitimate succession varied from place to place, even if in most places the paternalistic ("*patria potestas*"), that is father's, principle of distribution of property became established. Influenced by the Germanic law, the hereditary law in Istria was quite different than in other lands, since goods brought to the marriage from either father's or husband's side were inherited by sons or relatives from father's or husband's side, while goods, brought into the marriage from mother's or wife's side were inherited by her side of the family. The Istrian collection of property, where husband and wife would share in it like a brother and a sister (*ut frater et soror*)¹³⁸, reflects a series of similarities with the Lombard *quarta* and Franconian *tertia*, especially the characteristics of the Franconian law from the beginning of the 12th century. The Istrian concept of marriage was additionally influenced by "*medietas*", which can be located in documents from the 12th century in Ravenna, Padua etc. and which is most certainly different from the Byzantine law (MARGETIĆ 1983, 85–99 and 279 sq.; KAMBIČ, 2010). This holds true,

¹³⁶ This did not hold true for servants, whose testaments are found in Venice also for persons from Istria. See ASV. Sezione notarile. Testamenti, a.u. 574, 542.

¹³⁷ TAZIO 1573, 20–26.

¹³⁸ "Matrimony the Istrian way" (*secundum consuetudinem provincie Histriae*), as getting married was called in Istria, or the "Muggia's", "Koper's", "Izola's", "Piran's" and "Umag's" ways, indicates that this institution first developed in northwestern Istria and spread to its southern parts from there (see MARGETIĆ, 1993, XLII).

of course, if a couple got married according to the “Istrian” custom or, in northwestern regions, according to the customs of Muggia, Koper, Izola, Piran or Umag. This indicates the custom was first established in these places and spread from there to other Istrian towns; if a couple got married, for instance, according to the “Venetian” custom – which was quite common – then they would have needed to draw up a notary document (STAT. ISOLA, II/2; STAT. PIR., VII/11), since in such a case they would inherit according to the custom of the contractual matrimony.

If a deceased died without a testament, all of the children would be equal heirs according to the described process. This would also hold true in the event a testator (either he or she) failed to include in testament the formula “*aliquid in benedictione et contentu*” (STAT. KOP., II/52) or “*in contentu et benedictione*” (STAT. PIR., VII/14), something that both notary and vicedominus had to remind them when the testament was being written. With this formula, the testator could eliminate an independent offspring by leaving him only an insignificant gift or share, the reason usually being that this offspring was already paid off with either dowry or some other movables and real estate. The object of such an inheritance was not defined in Koper and Piran; in Trieste and Rovinj, this formulation meant a small amount of cash, while in Pula and Porec a testator who wished to eliminate an emancipated offspring from his will had to bequeath to him/her one bushel of wheat and one bushel of barley. In such a manner, the Istrian law, in contrast to the Justinian’s decrees, withdrew the right of a lawful share to certain heirs (MARGETIĆ 1993, XLIII sq.).

However, what will be of our interest are the process of drawing up the last will and the announcement of it after the testator’s death. The Koper statute describes the rules of conduct in accepting a *secret* testament (STAT. KOP., II/50) as follows: “It would not be more of a comfort to people than dividing their goods into smaller shares on their own as they see it fit. Let them determine this in handwriting in their last will, which we determine with the regulation: if someone else calls on a notary to interrogate witnesses to the last will and if a testator shows as his last will to the notary a slip of paper, be it stored in some small chest or not, be it sealed or not, for which the testator insists to be his last will, then the notary has to, before receiving a payment, ask the testator in presence of one of vicedomini whether he wrote the slip of paper himself or not; if the testator answers that he did, then the notary may accept the testament and write on the top of it the name of the testator, the date of presentation and the one thousandth day after it, in presence of the testator himself, the vicedominus and at least three witnesses who were present on the testator’s request, and write their names on the testament as well.

The last will becomes valid upon the testator’s death, if this is his final in-

struction, which needs to be always followed and honoured. If, on the other hand, a testator declares the above mentioned slip of paper was written by him and this was later established not to be the truth, such a slip of paper may not and cannot be considered the last will; it is also not valid when not made and written down.

If upon someone's death it is discovered that this person had hidden some slip of paper written by this person, as this were this person's final testament, and if someone wishes to ratify this slip of paper as a *breviarij*, then this piece of paper needs to be handed over to the podestà and at least three witnesses must confirm that the slip of paper was indeed written by the deceased. Three Sundays afterwards it needs to be officially announced at the foot of the church tower; the *breviarij* is then ratified as the last will of the deceased and confirmed by the witnesses after all those listed above expressed their opinions.

If there is anyone, who wishes to oppose or make an objection to this written record, he needs to appear before the podestà within thirty days. If, after the in-depth interrogations are done and there appear to be some objections and the podestà establishes that the mentioned *breviarij* was ratified correctly and it is true, he then ratifies it again; the *breviarij*, thus, attains the validity of the last will of the deceased, unless it is found out after the testator's death that he made, during his lifetime, a legal, officially ratified, testament; in this case *breviarii* would lose all validity. With this it is decreed that such *breviarii* must be made within three months after the testator's death if this person died in Koper or its district and within 6 months if this person died outside the city. After these due dates, the *breviarii* have no validity whatsoever." (STAT. KOP., II/50).

In Piran, they were more up to date, since in such cases the testator's last will had to be presented before the vicedomini within 15 days, if this person died in Piran, and within 30 days, if this person died outside the city (STAT. PIR., VII/16).

The process was different in the case of *public* testament. This one was drawn up in the presence of a reliable notary who wrote it down according to the testator's will, "according to the custom that is preserved to date" and in the presence of at least three witnesses and of one of the two *vicedomini* or their representatives who was appointed by the podestà in lieu of the *vicedominus* (STAT. KOP., II/50). In Izola, a judge had to be present apart from a notary and *vicedominus* when the last will was drawn up; the judge was sent by the podestà, but if the will was being composed when it was dark, the judge was allowed to attend without podestà's authorization (STAT. ISOLA, II/15). Additionally, at least 4 witnesses had to be present and in the case of the *vicedominus*'s absence, the podestà acted in the same way as in Koper. In Piran,

only two witnesses were sufficient and a judge was present only if needed (STAT. PIR., 501–502).

The notary who wrote such a testament was obliged under oath (before receiving a payment), to read the content to the testator and the *vicedominus*, and in Izola to the judge as well; if the testator was satisfied, the notary called three (four or two) trustworthy witnesses and in the presence of only the testator, the *vicedominus* and listed spectators read and announced the testament in its entirety. Only after doing so was he allowed to accept payment, as was the notary habit.

The process was supervised by the *vicedominus*, who took part in the testament. He was allowed to punish anyone who wanted to take part in the composition of testament against the described rule, as he saw necessary, since alongside the listed no other individuals were allowed to be present and were obligated to leave the scene. Such penalties were given to fruition from violators and other disobedient persons by the *podestà*; he then divided half of the sum of the fine between the *vicedominus* and notary. The remainder was given to the commune.

The *vicedominus*, notary and witnesses, who were present when the testament was composed, were not allowed to announce the document or show it to anyone. In Koper, all of the testaments were delivered to the vicedominal office without delay. There they were stored in a chest (*capsa*) with two shackles and three keys. A judge who was chosen by one of the *vicedomini* and could not be a relative of either of them, then fettered the outer key of the chest with an iron seal; the other two keys of the inner shackle were kept by the *vicedomini* (one each) (STAT. KOP., II/50).

If it so happened that the last will was not made in the described manner, it did not have value or legal efficacy and it was not considered to be the last will.

The testator could not request the chest to be opened and the will to be extracted in order to remove something, to make changes, corrections or supplements, or to make a new will according to this person's wishes (STAT. KOP., II/50). If this person happened to make a different decision and chose to alter his legacy, he was allowed to compose a codicil, but not to change the chief heir (STAT. KOP., II/51). If, however, the adjustment was related to the latter, then a new, always public, will could be composed as many times as necessary, but the final copy was the legitimate one (STAT. PIR., VII/15; STAT. ISOLA, II/18). When a testament was brought to the vicedominal office, the *vicedominus* had to make sure that the testator had no other will in storage in this place; if he did, then the previous was destroyed, since only the most recent testament could be stored at this spot (STAT. PIR., 166). In one particular case, though, which is preserved in a notary book, the notary

crossed off all but a few lines (MIHELIČ 1986a, n. 36) of the wording of the testament, which he later on rewrote (MIHELIČ 1986a, n. 630).

In the vicedominal office they had to use a separate notebook for dowry documents, inventories of orphans, distribution and changes in ownership, and a separate notebook for the notation of the received testaments and codicils into which – as the appendix to the statute from 1367 bears evidence – a notary who drew up a testament or a codicil and entered data (STAT. PIR., 172). This regulation probably references those Piran books, which were re-written and later stored and which contained the list of testaments. The data entered into these books were listed by name and had separate entries for female and male testators. Of importance were also dates when these documents were made and received. These inventories are preserved in two copies for both male and female testators (PAK. PI. Inventory, n. 22).

If one of the Koper inhabitants composed a testament outside the city area (in Istria, Friuli, Venice or the entire county of Treviso) (*in tota Marchia Trevisana*) and also died there, the testator's testament was required to be submitted to the Koper podestà within three months after the testator's death, or, if he lived further away from these particular areas, within six months. Otherwise a testament would not be valid. Then it was up to the podestà's discretion to determine – mainly by considering the trustworthiness of the notary who had composed the document – whether the testament was valid and adequate or not (STAT. KOP., II/50).

There was a separate procedure when the testator was a female. In Piran, the public testament had to be made in the presence of at least one vicedominus and one of her closest male relatives, two or three witnesses and with the authorization of her husband, and it had to be composed by a notary public. In the event the relative did not wish to collaborate in the making of the female testator's last will or he was unable to attend or was detained for any reason, then the podestà appointed a representative (STAT. PIR., VII/9, 501-2), usually a communal judge (PAK. PI. Testaments).

With the exception of some of the particularities of a testament's protocol, the composition of this legal act did not vary much from commune to commune. In Koper, for example, there was a tradition that the introduction of the protocol defined what kind of legal act the document was about: "*Instrumentum investitionis...*" or "*Instrumentum venditionis...*", "*Instrumentum cessionis...*". This was followed by the year of the Lord ("*Sub anno domini...*") or the year of his birth ("*Anno a nativitate domini...*"), sometimes by "*Anno ab incarnationis domini...*", and even less frequently by other forms, which indicated ways of styles of counting (comp. STIPIŠIĆ 1985, 194). Testaments from Koper are, as indicates the following example from 1348, written in this manner (PAK. 6 Documents, a.u. 68, fol. 22):

Testamentum scriptum per me Nicoletum de Alexio de Justinopolis. Sub anno domini millesimo trecentesimo quadregesimo octauo, Indictione prima, die decimo octauo mensis July. Actum Justinopolim sub palatio comunis. Presentis Petro de Bertulis, Stefano de Rodaldo, et Antaclo olim ser Dominici Lugnani testibus ad hoc uocatis et rogatis et aliis.

Only after this introductory part, separated from the protocol by the formula “*Coram domino...*” or “*Coram provido viro domino...*” etc., did the mentioning of vicedominus follow (in this case Laudadeo de Dominico), who was present at the making of a testament, then of a testator (ser Bernardus de Adalpero), text of the last will and finally the signature of the second vicedominus (Benedictus Bembo), with a statement that he and the notary and the then communal chancellor (Ambrosius Masoris) (*auscultavi*), with the podestà’s authorization, listened again to the wording of the testament.

In the introductory part, the notary also described the physical and psychological state of the male or female testator, since if the person was not sane (*sanus mente, intellectu et sensu*), the testament could not and would not be valid. Additionally, the person mentioned the state of their body health. Frequently there was an invocation present in the introductory part of the text, a testator’s realization in a sense, about his final days approaching “when there is nothing clearer than the fact that death is awaiting everyone, just the hour of its arrival is unknown” (“*...et quod nil est certius morte, et nil incertius mortis hora...*”; (PAK. PI. Testaments, n. 2087)¹³⁹ and when the testator, relinquishing his soul to God, decided to write down his last will.

The introductory part was followed by the division of property, starting with church institutions to which the testator bequeathed smaller monetary amounts or goods, but he usually ordered periodical masses for the peace of his soul; this part of the sum is easily recognized by the form “*Item dimisit primis*” or just “*Primis*”. This was followed by “*Item dimisit*”, where the testator remembered his close or distant relatives to whom he also, bequeathed more modest legacies, or his emancipated children with the aforementioned form “*in benedictione et contentu*”. Only at the end, right after naming the executor of the will (“*Commissarios*”), did he name his principal heir (*universalem heredem*). Frequently a sanction (as it was already observed with the testament of Maru, a nun from Trieste, from 847) followed in testaments. The sanction was determined by the testator in conviction that his decision was correct and honest. Such is the case in the before mentioned testament from Koper from 1348.

¹³⁹ This form appears even more frequently in testaments later on; it is said in Italian as follows: “*...essendo che l’cosa alcuna non sia piu certa che li deve venire et occorere che la morte, ne poi cosa piu incerta, che l’hora di essa morte*; PAK. 84, a.u. 2, 107.

The characteristics of the Izola testament are reflected in the following testament of Mme Belle from 1479 (PAK. 84, a.u. 10)¹⁴⁰:

Christi nomine amen. Anno Domini milesimo quadringentesimo septuagesimo nono, Indictione duodecima, die uero vigesimo nono octobris. Actum Insule in domo habitationis infrascript testatoris presentes ser Almerico condam ser Gasparini de Hectore iudice misso a Spectabili domino Christoforo Ferro dignitissimo Insule potestate ad hoc presens testamentum conficiendum, ac coram ser Guielmo de Bergamo in loco Vicedomini absentis, et domina Agatha eius propinqua, et ser Christoforo de Perentino vice propinqui, ac ser Bartholomeo de Bergamo, ser Andrea de Catelano, Georgio condam Onofrij de Pirano ac ser Martino Magno etc. ad hec vocatis ac ore proprio infrascripte testatricis rogatis.

In addition to the podestà's delegate, whose presence at making a testament was mandatory only in Izola, there are also two testator's relatives present; the second one (*vice propinqui*) is probably present because the first one is a woman, Agatha. There are four witnesses present and Guielmo de Bergamo in place of *vicedominus*. The structure of this group is rather interesting, since two are from the Venetian Bergamo, the relative is from Poreč, the second witness from Piran, which indicates frequent contacts of this Istrian town with other places. The quoted protocol is followed by a characteristic Izola phrase, with which the text is separated visually from the protocol as well: *Ibique*¹⁴¹ and then it continues *domina Bella uxor Martini Cristofori sensu mente loquella ac intellectu sana, licet corpora languens, timens ab intestate decedere, per hoc presens nuncupatiuum testamentum sine scriptis facere procurauit dispositionem omnium suorum bonorum in hunc modum.*

Of interest is the notary's finding that the female testator is of sound mind and, thus, capable of making the last will; if this was not the case, they would have to withdraw. The introductory part is followed by the testator relinquishing her soul to God ("*Imprimis animam suam recomisit omnipotenti Deo et toti Curiae celesti*") and then follows her order or wish, which begins in every case when distribution of property is concerned with "*Item dimisit*". The first thing she requested was that Mass should be read for her soul in St. Gregor's church with money from one of her sold dresses, which had been given to her as a dowry by her father Domenico da Portole from Izola. To her brother Nadalino, sister Antonia and aunt Agatha she bequeathed equal share of three of her vines, with the garden belonging to them, in the vicinity of Umag. She also willed one white dress (*vestiduram blancam*), one linen dress

¹⁴⁰ Comp. RUSSIGNAN 1987, 11.

¹⁴¹ The Koper testament uses here the form *Coram*, i.e. with, with a *vicedominus* (in Izola a *vicedominus* is listed together with witnesses in protocol), and only afterwards it continues similarly to the Izola form. See AST. AAMC., 1-526 also for the earlier eras.

(*lintheamen*) and two blouses (*camiseas*) to her sister Antonia, while to aunt Agatha she willed a fur coat (*pelipiam*), a sheet (*lenzoletum*) and a black blouse (*unum camisotum nigris*). She appointed her husband Martin and Guielmus de Bergamo to be the executors of her will. As the principal heir “*In omnibus autem et singulis bonis suis ac iuribus tam presentibus quam futuris*” she proclaimed her husband Martin. Below the testament, visibly separated from the rest of the text, the following wording appears: “*Ego Johannes Vitalis filius Antonij de Pirano publicus Imperiali auctoritate notarius ac iudex ordinaries his omnibus interfui ac rogatus scripsi.*”

Most of the 70 Izola testaments from 1391 to 1580 (PAK. 84, a.u. 1) and the 138 from 1550 to 1650 (PAK. 84, a.u. 2) begin with the invocation *In Christi nomine amen* or *In nomine Christi*. Only one testament has no such invocation (PAK. 84, a.u. 2, n. 103), a testament written by a notary of the apostolic curia Cesar de Signorinis, a Roman townsman and a temporary inhabitant of Izola. His invocation is *In nomine sancte et individue Trinitatis amen* (PAK. 84, a.u. 1, n. 27)¹⁴².

In Piran, the main parts of the testament followed the above described order. However, when compared to Izola and Koper, there were some particularities. The majority of testaments begin with the invocation “*In Christi nomine amen*”, in the Latin texts with the Greek abbreviation “*XPI*” for Christ, that is, just like in the testaments from Izola. As opposed to Izola, the Piran testaments begin with the naming of a *vicedominus* and with the expression “*Coram*” (in the presence of, before someone; comp. PAK. PI. Testaments, n. 2452, 2591 etc.), which corresponds to the Koper’s method of testament writing, but only rarely with the expression “*Ibique*” (IBID., n. 2087), which is the rule in Izola. In the Piran testaments, however, there is no visible interspace between the protocol and the text which is a habit in the other two towns, while the notary’s signature at the end of the testament is almost excessively removed from the concluding part. It is true that this rule is taken into consideration also in Izola, but with a lesser interspace, while in Koper a notary is stated right at the beginning of a testament, in a place where “*invocationem divinam*” (nom. *invocatio divina*) is located in the other two towns. The listed characteristics most certainly indicate the existence of different practices – or, they may even be called notary schools – in composing testaments and other documents, since the Koper legal acts in general begin without “*invocationis divinae*”, while this invocation is, as a rule, always present in the other two towns. It is important to know, however, that in most part only imbreviaturas of testaments have survived in the vicedominal office, i.e. those written records that were made by notaries or other

¹⁴² RUSSIGNAN 1986, 77, has it under the note 31.

literate persons before the testator's death – something that is confirmed by numerous marginal corrections in the Piran testaments; we, therefore, cannot say with utmost certainty what the completed testament looked like, but precisely this finding brings us to the realization that each town had a longstanding tradition of how to compose testaments, or, since all town's notaries wrote documents in a similar manner we may presume that some collective (unwritten) rule or even school existed in each of these towns.

It comes as a surprise, though, that this concept was also generally upheld by "private" writers of testaments, that is, literate people who were not notaries, but who could write down valid testaments just as the latter. The special feature of these testaments is undoubtedly the language, since the oldest preserved are written in vernacular, that is, in the language of a testator – some of these documents were stored in the Piran vicedominal office (now PAK. PI) and some of them were even published (TESTAMENTS 1887, 389–394) – while notaries of testaments wrote in Latin, even if frequently clumsy Latin, until the year 1531, when the ordinance by the Venetian authority determined that testaments be written in the tongue of testator (PERTILE 1902, 306).

Places where testators ordered their wills to be composed and where notaries were liable to record them are also interesting. Just like other documents, the will could have been made in front of the municipal palace ("*in platea communis*", "*sub palatio communis*"), in various city quarters ("*in Porta Domo*", "*in Busserdaga*" etc.), in villages ("*uilla Corte*"), in a notary's home or any other place. However, considering the specific nature of such documents, when a testator usually thought of making the will only when he felt his last hour approaching, most of them were made in the testator's home ("*in domo habitationis infrascripti testatoris*").

The wills were not only made on death beds, but also on other occasions, such as going to war or pilgrimage (*pasaco*). It was how Sglogna, "*uxor Marini de Antignana laborator*", made the testament on 15th November 1390 before leaving for pilgrimage to Rome, to the Church of St. Peter and Paul, because of the "danger that may befall her on her journey" (PAK. PI. Testaments, n. 2284). In addition to the usual distribution of goods to ecclesiastic institutions and relatives, testators bequeathed goods to other people as well. Such was, for instance, the case of Petrus, of the late Almericio de Petrogna from Piran, who in 1390 thought of the poor in Izola and willed them three ducats per year (IBID., n. 2285); some testators left occasional sums in case of crusades, some left shares ("*pro male ablates incertis*") to repay debts that they had somehow "forgotten" about, so that no discord would occur after their deaths, etc.¹⁴³.

¹⁴³ See PAK. PI. Testaments, n. 2088, 2281.

There is no doubt that testaments constitute an inexhaustible source for studying the history of everyday life of inhabitants in the era of the Venetian Republic and later on not only at the local level, but at the Mediterranean and Central European levels as well, since it is evident from the modest few listed cases that the inhabitants from the above mentioned places moved to live here for a short or long period of time.

Inventories

Inventories, the documents about goods bequeathed to the non-emancipated orphans, are closely associated with last wills as well. The most extensive legal regulations regarding guardianship of orphaned children are found in the Koper statutes (STAT. KOP., II/54–59). According to the Koper statutes, the orphaned children were considered girls under the age of 14 and boys under the age of 15, for whom they appointed a guardian and who were not allowed to alienate goods, unless they got married in the meantime, until the age of 20. Even if in Koper, from 1423 on, a boy was considered to be an adult at the age of 14 and a girl at the age of 13; the boy could get married at the age of 15, after consulting relatives, while the girl could get married at the age of 13 after consulting her relatives (STAT. KOP., II/57). The inhabitants of Piran obviously considered themselves to be more mature than the people in Koper, since girls could get married at the age of 12 and boys at the age of 14, while girls were considered spiritually mature and responsible for their actions at the age of 15 and boys at the age of 18, and it was at that age that they were allowed to independently alienate their real estate property (MIHELIČ 1991, 99).

In the event of the mother's death, the father took over the guardianship of children, unless the mother appointed a different guardian in her will, be him a relative or an individual not related by family (STAT. KOP., II/54; STAT. ISOLA, II/87; STAT. PIR., 470–471). It was the same in case of father's death, when the mother became the guardian of their children, unless the father appointed a different guardian in his will. However, the mother was granted the guardianship only if living properly; if she was accused before the podestà of the sin of non-abstinence or if she were found to be guilty of either squandering goods or acting with poor husbandry, the guardianship was transferred to another, more adequate person (STAT. KOP., II/55). If a child remained without the guardian after his/her parents' death, one was appointed by the podestà, usually the most adequate relative who presented a satisfactory guarantee for his/her guardianship. However, if in such a case the podestà could not make a decision regarding guardianship, the podestà

could convene a consultation with judges (*iudices*), two relatives of the orphans, one of two vicedomini and the procurator of the cathedral church in Koper and, on the basis of the conversation, appointed a different, more appropriate relative who had to offer an adequate guaranty which could be less than the one that the first offerer was willing to contribute. The same rule was used when parents of underage children died without a will (STAT. KOP., II/55). Children could have two or even more guardians, one for the goods from their father's side, and one from their mother's. If one of the guardians died before children became emancipated, the other one could take over unless it was stated differently in the will or codicil (STAT. KOP., II/59).

Within 30 days after accepting guardianship, the guardian had to have in writing (*abreuiari*) all of the goods of his foster children and make two identical inventories at the notary's, of which one was handed, after being vice-dominized, to the Koper Franciscans (*Fratres minores*), while the other was kept by himself (STAT. KOP., II/57).

Before the inventory was made, two foster children's relatives, appointed by the podestà, appraised all of the foster children's goods in monetary value. Once appraised, they were entered into the inventory; if the guardian did not agree with the appraisal, the two relatives sold the goods at a public auction which took place in the city square in Koper (*in platea communis*) and afterwards wrote the sum of the money collected down into the inventory. The notary who wrote this deed had to, under a fine of 25 libras, document the exact date of the acceptance of the guardianship and write, if it was known to him, the date of death of the deceased individual in order for the guardian to return, in the same week that he accepted the guardianship, all of the things to the foster child when he/she came of age (STAT. KOP., II/58). The property of foster children could not be alienated even if the money was to support them, except with the permission from the podestà and in the presence of two of the children's relatives; only in case of poor health could a foster child, after the age of 14, make a will, following his/her relatives' advice and if he/she had none, with the permission from the podestà. A foster child had the right to request of his/her guardian the itemized statement of the managed property ten years after coming of age; after that the guardian no longer had any obligations to answer to anyone (STAT. KOP., II/57).

As far as the introductory form is concerned, the documents of inventories do not vary much from other documents and testaments, except that instead of witnesses they are made in the presence of two relatives. However, they are easily recognizable by their external appearance since the protocol is generally followed by a longer or shorter list of things with the annexed price list for each item. With the exception of the price list, inventories

sometimes resemble dowry documents, especially when a large number of items intended for a dowry are concerned.

Dowry (and matrimonial) documents

Instrumentum dotis (et matrimonij) is the form with which this kind of Koper documents began (PAK. 6. Documents). These legal acts refer to the transfer of property among one's closest relatives, that is, among female descendants in the event of marriage, though the appendix to the Piran statute from 1532 prohibits resolutely bequeathing a dowry to male descendants (STAT. PIR., 488–490), which indicates that this may have been a practice as well.

The legal practice of dowry was most certainly founded in order that males, that is, masters, preserve their primacy as far as inheritance is concerned, but also for the property not to be divided among more heirs, which could have led to impoverishment, something that historians of economy, sociologists, lawyers or even ethnologists would have more to say about. As we know, in medieval Istria female heirs were able to inherit equally as men, according to the established matrimonial and succession property law (MARGETIČ 1983, 85–99) even though the latter had a privileged status. Therefore, the dowry practice meant, as a rule, payment of a share of inheritance. If there were two or more daughters in a family with no brothers, one of them could have easily inherited the entire property, if the other one was dismissed with a dowry and the formula “*in benedictione et contentu*”, something that Justina, the widow of ser Nicolaj from Koper, did in her will in 1516. With the above mentioned formula and eight ducats to be given once per year, Justina disinherited her daughter Coleta, the wife of Antonij de Coradin, with the explanation that Coleta had already been given a satisfactory dowry, while she proclaimed her other daughter Marija, the wife of Master Joannis Paulij Cordonis, to be the main heiress; before doing so, she bequeathed Marija's son Philip, that is Justina's grandson, a house in Koper, in the *Porte nove* section, where Michael Columbus resided (PAK. 6. Documents, a.u. 27, fol. 1). Did this happen simply because Marija had a son?

How they took care not only of the proper procedure concerning the ritual of inheritance and the forming of marriages, but also of bestowing a dowry, is well described in the introduction to the second book of the Izola statutes, which stipulated and decreed that if the spouses-to-be wished, in order to prevent scandals and other unpleasant discord among the residents of Izola, which could happen due to the assignment of a dowry, to make a dowry or a matrimonial (*matrimonium*) document, a notary would call together a bride and a bridegroom, the vicedominus and witnesses (STAT. ISOLA, II/a). If re-

quested by the couple, the notary made notes which the vicedominus had to read out aloud in the presence of the above listed, making sure they all agreed with what was written; satisfaction with what had been determined was then confirmed by a mutual shaking of hands (STAT. ISOLA, III/78).

With the dowry or the matrimonial document (*Instrumentum matrimonij et doctis*), the wedded couple formed a union, that is, co-ownership of the property and thus settled the matrimonial relation as far as property was concerned. Margetić ascertains that the origin of this legal practice is not readily soluble. There are certainly legal influences of the Byzantine, Lombard, Franconian and Slavic laws, but *medietas*, that is the concession with which a bridegroom gives half of his current and future property to his bride, can be traced back to the documents from Ravenna, Padua, Reggio, Cremona and finally Bologna from the 12th century, which the renowned theorist Rainerius Perusinus called in his work "*Ars notariae*" no less than "*Rogatio donationis propter nuptias secundum usum Bononie*", even though some are of the opinion that he meant those residents who lived according to Roman (postclassical) laws (MARGETIĆ, 1993, XL-II).

As it has already been established, there were many political, economic and legal points between Romagna, Ravenna and Istria in the 12th and 13th centuries. In northwestern Istria predominantly, the co-ownership of the spousal goods was well established and we find among the archival material quite a few examples of matrimonial and dowry documents in which, with the above mentioned "*medietas*", a bridegroom offers half of his property in exchange for half of the bride's dowry.

Such is the case, for example, in "*Instrumentum matrimonij et doctis*", which was composed in Koper in 1382 by notary Colautij Bembo in the presence of Koper vicedominus Benedicto Bembo and other witnesses. It was then that Bruni, the daughter of the late ser Vitalis Brutij, and Antonius, the son of the late Jacobi de Johannis Canis, decided to become husband and wife. After the notary recorded their decision about the formation of marriage, into which Bruni entered with her dowry, both movables and real estate, which was located in and out of the city, he then listed the bridegroom's real estate bequeathed to the co-ownership. It consisted of four vineyards in the Koper area which the notary described one by one by listing also all borderers. He began each and every allotment and description with "*Item medietatem unius vinee...*" The conclusion is also interesting. The notary explains that the bestowal document (which is called "*sicut frater et soror*") was made in accordance with the matrimonial (*matrimonium*) customs of the city of Koper and that whoever infringes upon this would have to pay a fine to the amount of 1,000 libras (PAK. 6 Documents, a.u. 68, fol. 26).

The price list of notaries and vicedomini

If an assumption is to be made from the preserved notary and vicedominal books, notaries and vicedomini had plenty of work in northwestern Istrian towns. Vicedomini had additional duties which were reflected in their salary increase, while notaries made their living exclusively by what they received for writing each document.

Price lists for notary services were written down in communal statutes. In spite of this, the authorities requested that notaries had price lists displayed in their offices and in Muggia, failure to do so resulted in a penalty of 20 solidi (IONA 1972, II/3). Even if the salaries of all of the communal officials were gradually increasing, they were in lower proportion to the decrease of the money value. Perhaps this was due to demands for keeping record of legal acts increasing in spite of relatively unfavourable economic conditions. Notaries, therefore, had means of survival.

The amount of a notary's income depended also on the town where he worked. Like *vicedomini*, notaries earned the most in Koper, less in Piran and even less in Izola. It is important though, to take the law of supply and demand into consideration. In the second half of the 16th century (with bigger or smaller changes, especially during epidemics), the Koper population was about 5,000, while the number of people living in the countryside increased by the end of the Venetian era to about 9,700 (ERCEG 1980, 235/6). Koper, as the administrative centre of Venetian Istria, had an advantage in trading contacts and everyday administrative matters, while Izola with approximately 2,000 inhabitants was the smallest of the three and the least significant in the economy. It is, therefore, easier to understand the differences in salaries between notaries and *vicedomini*.

Someone may ask why stipulators did not prefer to make contracts in other, less expensive towns, and, therefore save expenses. This may have gradually lead to notary honours, especially considering that documents *vicedominized* in one town were named in the other two towns as well. However, considering that each document drawn outside a certain area had to be ratified by that specific podestà and then documented by his secretary and pay additional fees for their service¹⁴⁴, it was financially unfeasible to have documents made in other towns. Additionally, there was a "danger" of the podestà refusing to ratify such a document (STAT. KOP., II/42).

At any rate, the oldest notary and vicedomini price lists have survived for the Piran commune. For writing the *imbreviatura* of a testament a notary charged, according to the 1307 edition of the Piran statutes, 1 solidi, and 8

¹⁴⁴ In Koper, for instance, they had to pay 6 solidi in these cases (STAT. KOP., III/8).

solidi for transcribing it into a public document. If he charged more, he had to pay a fine to the amount of 100 solidi, out of which he paid half to the commune and half to the person who placed the order. For documents and promissory notes below 10 libras, a notary received 14 denari, while for documents above 10 libras, he received 1 groz (=32 denari) (STAT. PIR., VIII/32). The edition of the statutes from 1332 determines 20 denari (= 1solidi 8 denari) for *imbreviatura* of a testament, 3 grozses (= 8.01 solidi) for issuing it in a public form after a testator's death, while the making of a dowry document cost 2 grozses¹⁴⁵. For each inventory a notary received 3 grozses, for a promissory note to the amount of below 25 libras 1 solidi and above this amount 1 groz. For issuing a document on sale, exchange or any other manner of alienation of property and for any other similar documents (*instrumenta similia*), a notary received 4 solidi and, when a public announcement (*crida*) was necessary, 2 grozses (= 5,34 solidi) (STAT. PIR., 597–598). The 1382 edition of the statutes additionally stipulates that a notary charges 1 groz (IBID., 598) for each *imbreviatura*, while until then it held true that persons placing an order paid, according to the price list, half of the fee for *imbreviatura* and the other half when a notary composes (within 15 days from 1382 on, 1 month before; IBID., 599) a public document (IBID., VIII/29).

Year	1307	1332	1384
imbreviatura of a testament	1 solidi	20 den.	
testament	8 s.	3 grosz (8 s.)	
dowry document		2 grosz	
inventory		3 grosz	
document	up to 10 s.=14 den. above 10 s.=32 den.	4 solidi Proclamation 2 grosz	
promissory note	up to 10 s.=14 den. above 10 s.=32 den.	up to 25 s.=1 s. above 25 s.=1 grosz	
imbreviatura			1 grosz

Table 1: The price list of notary services in Piran in the 14th century (STAT. PIR., 595–599).

¹⁴⁵ For monetary values of period in question comp. HOCQUET 1990, 565-566; DAROVEC 2004, 65-79.

It is discernable from this table that for the years listed, the income earned by notaries for writing *imbreviature* of testaments increased, while the price for making an authentic testament remained the same. This can be explained by the fact that a notary had to record in an *imbreviatura* of a testament also legates, legacies and the principal heir, which would make, in certain cases, a rather long list. The prices for deeds of sale, dowry and inventory documents also increased considerably, while the price for a promissory note was slightly reduced possibly due to a rather brief text of this kind of a legal act and due to a more and more frequent form of making such documents.

Vicedomini did rather well with their price lists for the service of collaborating or registering legal events into their books. In the appendix to the chapter about *vicedomini* in the X. book of the 1332 edition of the statutes, which is stored in the Koper Regional Archives, *vicedomini* received 20 denari for being present at composing dowry documents and signing them, for each document to up to 10 libras 2 denari, and above this amount 4 denari (STAT. PIR., 156). The *vicedominus* who entered an *imbreviatura* of a document into a special book, received 12 denari (IBID., 154), while the other received none, though they both had to sign themselves below the document (IBID., 173). One of the *vicedomini* had also to record, in consent with the *podestà* or his chancellor (*cancellario curie*), evidence regarding changes or ratifications of ownership over a certain property or real estate, for which he received 6 denari (IBID., 156).

The following edition of statutes from 1358 stipulated 4 solidi for each testament or codicil, 6 solidi for an inventory, 2 solidi for a dowry document, 2 solidi for each record of the alienation of real estate, 1 solid for movables and the same for a promissory note (STAT. PIR., 169). *Vicedomini* also determined fees for documenting appraisals of real estate, which were done by the communal *iustitiar*¹⁴⁶; they charged 1 solid per 100 libras up to the amount of 400 libras of the appraised real estate, but above this value, *vicedomini* were not allowed to charge over 4 solidi (IBID., 173).

In addition to *vicedomini* receiving more work paid by the king, their regular income increased in Piran over time. For instance, in 1332 two *vicedomini* received 20 libras each per year in biannual payments (STAT. PIR., 156). In 1367, their salary increased to 32 libras (IBID., 173). In the 1384 edition of

¹⁴⁶ In Koper, special officials, i.e. *extimatori* (appraisers), were in charge of appraising the alienating real estate. Additionally, they were in charge of appraising damages, sales of movables and real estate at auctions, etc. *Iustitiiarii* were some kind of market inspectors, since they were in charge of regularly inspecting all producers and sellers of provisions (fishermen, bakers, butchers, fruit sellers, etc.); they performed this duty also in Piran, though it appears that they had initially both offices, *extimario* and *iustitiaro*, joined in one (STAT. PIR., I/7, VI/16) even though they called it by their respective names (see IBID., 842, 844).

the statutes, they were assigned 50 libras, and in 1593 120 libras (IBID., 170). Izola notaries and *vicedomini* are much more modest. First of all, there is a regulation (STAT. ISOLA, II/20) which determines that notaries may charge their clients for testaments, inventories, dowry, matrimonial information and other documents only as much as they themselves receive for documents (*instrumentum*). According to the same statute, in the case that a notary was not able to reach an agreement with a client, then the podestà was to determine the price and take care of the monetary issue. The Izola statutes do not disclose the amount a notary could charge for writing a document and it is not discernible from the modest remainder of the material available for this particular subject during the period of the Venetian Republic¹⁴⁷ what the amounts for notaries were.

Although perhaps a bit risky, we may be able to get some help by looking at honoraria of *vicedomini* who were in Piran, for instance, half lower than those of notaries. As a matter of fact, the price list for the entire Venetian Istria from 1651, published in Book 5 of the Koper statutes, puts this ratio into “law” (STAT. KOP., 279–280; comp. TABLE 3).

For each *imbreviatura* of a testament, dowry documents, inventories or donations, the *vicedomini* of Izola received 12 denari around the year 1360 and 16 denari for vicedominizing the authentic notary documents; however, Chapter 78 of Book 3 of the Izola statute, which describes duties of a *vicedomini* and the quoted amounts for their services, is rather confusing, since it is not clear whether the two *vicedomini* received 12 denari for writing just a note on a slip of paper and then additional 16 denari for vicedominizing, that is entering a legal act into vicedominal books, or whether they received (or just one of them) 12 denari for *imbreviatura* and 4 for signing the authentic notary document – since it is stated later on in this chapter that *vicedomini* received, for each vicedominized testament, dowry document, inventory or donation, 16 denari, which corresponds to the Piran price list from 1332, where *vicedomini* received 12 denari for each *imbreviatura* and 2 denari for examining and signing a notary document worth under 10 libras and 4 denari above this amount.

This vagueness, which refers to the idea of vicedominizing legal acts, is not cleared up even by the prescribed price list for deeds of sale, promissory notes, leasing contracts and other alienation documents, since *vicedomini* are entitled to a honoraria of 2 denari for documents worth up to 10 libras and 4 denari for the amount of over 10 libras. However, since the same ratio is valid for vicedominizing the judicial documents and ordinances, which *vicedomini* were not allowed to enter into their books, we may even think that

¹⁴⁷ 207 testaments have been preserved (PAK. 84) and 1f. s 7 a.u. (comp. BEZEK 1977, 29–30).

vicedomini at the time did not keep a separate book for alienation of movables and real estate, but only one for testaments, dowry contracts and inventories, since only the recording of the latter (“*nelli quaderni delli V. Domini*” STAT. ISOLA, III/78) is mentioned and we can, thus, assume that the Izola *vicedomini* were, compared to the Koper and Piran *vicedomini*, still at the level of pre-Venetian performing of duties.

Some other circumstances may further confirm our assumption. Even though we can detect the first mentioning of *vicedomini* in Izola in 1338, they at the time apparently entrusted the keeping of a separate communal register for the Izola estates (STAT. ISOLA, III/82) to the communal treasurer (STAT. ISOLA, II/96). In general, there was a special regulation in use for testaments, since in Trieste, for instance, the special regulation was introduced, even before the official introduction of *vicedomini*, as a trial phase in development of the communal supervision and guarantee of private acts with the statutes in 1315 (1318). In these statutes, there were, first of all, “*duo viri super testamentis*”, who were in charge of storing “*unum suum speciale quaternum in quo scribantur omnia testamenta que deinceps fient*” (STAT. TS., 1315, IV/7; quoted in ANTONI 1989, 327). This special care of testaments is also indicated in the functioning of the Trieste *vicedomini*, whose jurisdiction experienced a visible decline after 1732, when they no longer kept *vicedominal* books, while they maintained the previous validity, as far as the “last wills” were concerned until the abolishment of the office in 1765 (ANTONI 1989, 333).

If Izola’s first known statutes wrapped *vicedomini* in a somewhat mysterious veil, we cannot claim the same to be true with the 1423 official version of the Koper statutes. In these we can note a considerable increase in the price of *vicedominal* work and with it, quite possibly, of notary work, as well. This increase is partially due to the multiple devaluations of the value of money from 1284 on, when the golden ducat was introduced in the Venetian Republic; in the 14th century, particularly the established monetary systems began to change until the year 1472 when the ratio 1 : 124 was established, at least fictitiously, between the golden ducat and solid of the small moneys (or 1 ducat = 6 libras and 4 solidi of the small moneys), but the factual value of this ratio was to the detriment of libra¹⁴⁸. Some of this difference in price can be also contributed to Koper being at the time the economic and administrative centre of Venetian Istria.

¹⁴⁸ For the extensive literature about this issue comp. HOCQUET 1990, 614–616; however, for our discussion, the most important is the ratio between libra, solidi and small denarii, which had not changed for centuries and was as follows: 1 libra = 20 solidi = 240 small denarii; this was also, in addition to grozs, the only “true” money, which was minted, while until the introduction of the gold coin in 1519, they were only converting the value of other kinds of money (DAROVEC 2004, 65–90).

Let's then take a look at the price list of the Koper vicedomini according to the above mentioned statutes. If one of them was present at the drawing up of the last will during the day, he received 8 solidi, and 20 solidi in the night time; he received 4 solidi for ratifying it in vicedomini office after a testator's death and after a notary's testament was read out aloud before witnesses. If a testament was extensive, then it was the podestà who determined the tariff. The vicedomini received the same amount for dowry documents as for testaments; they received 4 solidi for any other documents, but only 2 solidi for the certificate of a debt under 100 libras.

	Piran		Izola	Koper
	1332	1358	1360	1423
imbreviatura of a testament	12 den.		12 den.	8 solidi, 20 at night
vicedominizing of a testament	20 den.	4 solidi	16 den.	4 solidi
vicedominizing of a dowry document	12 den.	2 solidi	16 den.	8 solidi
Inventory	12 den.	6 solidi	16 den.	4 solidi
document: - to 10 libras over 10 libras	2 den. 4 den.	2 solidi	2 den. 4 den.	4 solidi
promissory note: - to 10 libras over 10 libras	2 den. 4 den.	1 solid	2 den. 4 den.	(to 100 libras) 2 solidi (to 100 libras) 4 solidi

Table 2: The price list of vicedominal services in Piran, Izola and Koper after years of changes in statutes.

Table 3 shows us the values of recorded and authenticated legal acts before notaries and *vicedomini* in the 17th century. The blame for a considerable increase in price is undoubtedly due to inflation which was not, however, reflected in the ratios between denari, solidi and libras, that is, the money units used to determine price lists to notaries and *vicedomini* for making legal acts.

	liras:solidi
For each authorization	1:4
For documents up to 100 liras Including recording and transcribing to vicedominus	1:11 :15
For documents from 100 liras to 50 ducats including writing and transcribing to vicedominus	2:8 1:4
For documents up to 100 ducats to vicedominus	6:4 3:2
For documents from 100 to 500 ducats With recording and transcribing to vicedominus	12:8 6:4
From 500 ducats to 1000 ducats to vicedominus	18:12 9:6
For each testament, to notary vicedominus	1 : 4 : 12
For the announcement of a testament up to 50 ducats, including recording and transcribing to vicedominus	3:2 1:16
From 50 to 200 ducats with recording and transcribing to vicedominus	6:4 3:2
From 200 to 500 ducats with recording and transcribing to vicedominus	12:8 6:4
From 500 to 1000 ducats to vicedominus	18:12 9:6
From 1000 ducats and over to vicedominus	24:16 12:8
For each notary's writing without the presence of vicedominus	1:4

Table 3: The price list for all of the notaries in the Province and for the vicedomini or judges, when they serve as agents at reading testaments, codicils and other various documents. (1651) (STAT. KOP., V, 279–280).

In order to compare what nominal increase in prices occurred in terms of other articles at the time of the Venetian Republic, we'll look at always sought for alimentary food: meat. We are aware that any such comparison may be two-edged, since prices, at the time, were also fixed according to the principle of supply and demand, which depended on various internal and external factors, such as wars, diseases, bigger or smaller size of a store, etc. However, one of the guidelines of the constant supply of this article was determined in the communal statutes with which they made sure that the stock of meat was adequate in the Istrian towns. (STAT. KOP., V/27, 29). For instance, one weight libra (0.477 kg) of beef in the last decade of the 13th century was worth 6 denari in Piran (MIHELIČ 1981, 87), while at the beginning of the 17th century a buyer had to pay 5 solidi, that is 60 denari, for the same quantity (MIHELIČ 1991, 95), which means that the value of money was cut down ten times during this period. This ratio can be further confirmed by Table 3 which, contrary to previous price lists, divides honoraria for writers of documents and imbreviaturas chiefly according to the amount written down in a document or testament.

Shortly after conquering areas around the western and part of the eastern coast of the Istrian peninsula, the Venetians established their effective taxation politics, when any kind of service – from shipping products to collecting manure piled up in the Koper city square mainly by pack animals of *Carniolans* or *mussolati* (STAT. KOP., V/32, 33) – was taxed. The actual collection of taxes though, was entrusted to the best bidder every year or two at auction. The Venetians, therefore, avoided an excessive and expensive clerical staff. However, the notary honoraria remained untaxed until the second half of the 16th century.

It was then that the Venetians, possibly due to the high expenses of the war with the Turks on Cyprus, issued (just before the victory at Lepanto in 1571 in which the inhabitants of Koper were also courageous participants) an ordinance, according to which all the stipulators in Venice, on the Venetian Terraferma and in Istria had to pay 12 solidi in taxes for each document under 100 ducats of the recorded value, from 100–500 ducats one *Lira Moceniga*¹⁴⁹, above 500 ducats each contractual side had to pay ½ of a ducat, while testaments to the total value under 500 ducats cost one Lira Moceniga, and ½ a ducat above this amount. Later on, though, the tax collectors began changing tariffs as they pleased, but the inhabitants successfully resisted such an arbitrary manipulation¹⁵⁰.

¹⁴⁹ *Mocenigo* is Venetian money, which they began to mint under the doge Pietro Mocenig in 1475. It was also called *Lira Moceniga* or *Lirazza fina*; it was worth 20 solidi and after 1523 24 solidi. Later on, this money disappeared from circulation (BOERIO 1856, 420).

¹⁵⁰ Comp. STAMPA, p. 94 (13.04. 1599) and p. 97 (26.03.1755).

For this reason, notaries of the State Chamber (*Camera fiscal*) kept a separate book into which notaries publicly recorded the concluded legal acts each month, while in Venice notaries put away money intended for taxes into the “*cancellaria inferior*”. If a notary public failed to honour these stipulations, he was relieved of his duties, expelled from the town where he worked, and had to pay a fine of 50 ducats.

In Istria, the Koper State Chamber was in charge of collecting taxes on documents and testaments; the treasurer sent the collected money to Venice each month, to “*Camerlenghi de comun*” (SANCASSANI 1957, 485/6).

According to the report of the Koper podestà and captain regarding state income from taxed documents and testaments collected from the Venetian Istrian towns in 1580–1585, the Venetian officials were not very successful at collecting certain taxes¹⁵¹²⁷. Muggia, Vodnjan, Labin, Plomin, Pula and Rašpor did not contribute any taxes in five years and the amount of payments varied in Koper, Izola and Piran.

In spite of the fact that the recording clerk made a mistake in the amount of taxes charged in Izola, to which he attributed 10 solidi and 2 libras more to Piran, there are considerable discrepancies in the amounts between Piran and Koper, especially since there is no data available for Piran pertaining to 1582. Considering traffic indicators, inhabitants and the central land location, it would be expected that Koper would have had the highest number of concluded notary acts. However, this was not always the case, since in Piran there were not only many transfers of ownership, but also a strong tradition in the making of legal acts, which is, after all, reflected in the preserved archival notary and vicedominal material. This conclusion cannot be contradicted even by a significant disproportion in the amount of collected taxes in Koper during the above mentioned time period.

With regards to the data in Table 4 we can guess, for instance, the number of legal acts recorded in 1583. If we take as a criterion the number of contracts and testaments under 100 ducats, then we come to the conclusion that 338 were made in Koper, 101 in Izola and 214 in Piran. The chosen year is the most productive as far as the collected volume of traffic is concerned. Therefore we need to calculate the average amount between the highest and lowest payments of taxes for notary acts. We then conclude that 172 notary acts were made in Koper, 134 in Izola and 165 in Piran. According to the tariff from Table 3, this would mean that the average yearly income for documents under 100 ducats would be 533 liras and 4 solidi for the two Koper vicedomini, 415 liras and 8 solidi for the Izola vicedomini and 511 liras and 10 solidi for the two Piran vicedomini.

¹⁵¹ ASV. SENATO MARE, f. 92, enclosed letter of Tommaso Contarini dated 2 April 1585 (m.v.). For turning my attention to this source, I am most thankful to Rolan Marino from Muggia.

Town Year	Koper		Izola		Piran	
1580	l. 10	s. 12	l. 54	s.-	l. 60	s. 8
1581	25	4	57	2	143	16
1582	130	16	37	4	-	-
1583	203	-	60	19	128	16
1584	33	-	19	4	83	4
1585	3	12	123	-	54	6
Together	406	4	351	9	470	10

Table 4: Income of the Venetian chamber from taxes on documents and testaments in Koper, Izola and Piran from 1580 to 1585.¹⁵²

On the basis of quoted data it is more difficult to calculate the average notary income. If we use the same tariff, then in Koper, with 12 notaries active in the middle of the 17th century, each notary would receive an average of 88 liras and 9 solidi for a value under 100 ducats. Compared to the earnings of vicedomini, these are considerably lower wages, but notaries also wrote documents that bypassed taxation.

That is how, for example, a Piran notary Colomban Colombani drew up 94 notary acts¹⁵³ in 1641, but only 52 (55.3%) of those were vicedominized. According to the quoted tariff¹⁵⁴, the yearly earnings of this Piran notary would have been 372 liras and 16 solidi. We have to take into consideration, though, that this notebook was only used for exchanges, alienations or sales of real estate and not for testaments, donations to charities or other relinquishments of property.

From 52 entries in the same book from 1641, the *vicedominus* Marquard Apollonio vicedominized 44, while the *vicedominus* Apollonio Apollonio vicedominized 8. That means that Marquard earned 136 liras and 8 solidi from the Colombani's activities, while Apollonio earned only 24 liras and 16 solidi.

¹⁵² ASV. SENATO MARE, f. 92.

¹⁵³ It regards one of the oldest preserved notary notebooks in PAK after the beginning of the 14th century, when they ceased storing notary books (see chapter VII/ Keeping books of imbreuiaturas of legal acts); the notebook reflects an average number of entries of the preserved notary books of the same notary from 1640-1644; comp. PAK. 85.

¹⁵⁴ The tariff from Table 3 is used only to estimate sums of notary and vicedomini earnings, considering that the tariff was determined in 1651 in order to make the honoraria uniform by taking into account average tariffs which had been stipulated in the preceding era (on the "market" for such kind of work).

As evident from the inventory of testaments preserved in the Koper vicedominal office for the 1449–1726 period, but mainly the list referring to testaments made from 1570 to 1699¹⁵⁵, some notaries are considerably more active in making documents than the others. This may be attributed to the fact that the former were more arduous and the latter occupied with other chores, or that some were more specialized for writing certain types of legal acts than others. According to this evidence, which numbers 1331 testaments in nine notebooks, two are in the forefront among 135 to 137 notaries¹⁵⁶: Giovanni Battista Angiari between the years 1602–1631 with 78 (5.86%) recorded testaments and Appolonio Appolonio between the years 1586–1617 with 73 (5.86%) testaments.

Among female and male testators in the stated document, we can register quite a few persons with last names of Slavic (Slovene) origin, though the majority of them with Romanic first names¹⁵⁷, which indicates a constant flow of population from the hinterland Slavic places to towns, where they, for the most part, integrated with Romanic inhabitants who were constituted a substantial majority. In other words, in comparison with townsmen, people from the countryside, who were mostly of Slavic origin¹⁵⁸, only rarely had their testaments done before notaries, otherwise their share would be considerably higher.

If we stay for a moment longer with the most telling inventory of the Koper

¹⁵⁵ AST. AAMC, bob. 676, MAJER 1904, 533/A; see Supplement 3.

¹⁵⁶ Specifically, with the names of some notaries of the same names for the period of up to 200 years, it is difficult to establish a real border of who worked when; see SUPPLEMENT 3.

¹⁵⁷ Appolonia Spech, Andrea Pecchiarich, Andrea Ivancich, Ambroso Coccever, Appolonia Coccever, Anna Scharlich, Antonia Cobilizza, Antonio Rojaz, Antonia Colotich, Andrea Callegarich, Agnesina Budica, Antonio e Arminia Zigante, Antonio Smole, Antonia Coccever, Agnese Pobeliach, Anderiana Cargna, Ambroso Coccever, Bortola Cecovich, Bortolo Schiauci, Beneto Bertoch, Bernardin Berne, Biasio Dobrodo, Bernardo Cuceverin, Battista Babiq, Cietta Coccever, Cattarina Ivancich, Cristina Sav, Chiara Petrovichio, Cattarina Babich, Cattarina Furlanich, Cornelia Zudich, Cietta Busich, Cattarina Jancich, Cattarina Schiavona, Cattarina Santich, Domenico Sav, Domenico Zendich, Domenico Flego, Diana Cubilizza, Domenica Cossich, Dora Percich, Diana Crevatin, Domenica Cocciancich, Elena Berne, Francesco Bacich, Francesca Bristrizza, Giure Sergas, Elena Blubovich, Ivan Babich, Gelena Mladusich, Iseppo Bogosich, Giovanna Furlatich, Lorenzo Subich, Lucca Gregorich, Lucca Gregorich, Luccia Coccever, Luccietta Cocceverin, Lena Marusich, Marietta Zobaz, Michiel Scargat, Marina Novach, Mattio Oblach, Menega Smole, Millia Prodan, Margaritta Smole, Marinca Sav, Michiela Bristrizza, Michiela Bubich, Maria Schergat, Marina de Gulich, Marchio Bacich, Mercantonio Capilinarich, Mattio Baicovich, Maria Dubrigna, Marco Martincich, Michiel Serbich, Martin Balich, Marta Miloch, Matio Cernovaz, etc.

¹⁵⁸ The Venetian reviser Vito Moresini establishes in 1560 already that in the Koper countryside “quasi tutti parlano schiavo, et non intendono gran fatto altra lingua” (AMSI, VI/1890, 73).

testaments, we may maintain that there were several people who sought notaries to write testaments for them, since among those testaments listed and stored in the vicedominal office, only 34 were written by male or female testators themselves; three of them were notaries and 10 were women¹⁵⁹. Specifically, there are many women testators present in the inventory, which gives evidence to what an important function women held in Istrian law¹⁶⁰. However, since it is known how examples can be contagious, additional taxes on documents and testaments were soon introduced. For instance, the Koper podestà and captain Marc'Antonio Grimani issued an ordinance in 1647, according to which clients had to contribute anywhere from 3 to 4 solidi for each stipulated document or testaments under the value of 100 libras, and 8 solidi above that value. Notaries then conveyed these contributions every three months to the collector or cashier (*Essator et Cassier*) of the Koper Academy, who had to, for the duration of his mandate, submit every three months the statement of account to the public representative (*publico Rappresentante*) and regents (*Reggenti*) of the Academy. Money was intended for the uninterrupted functioning of the Koper Academy of "regenerators" (*Risorti*), as the graduates of the school were called. The Koper school was named after the *Academia dei Risorti*; it was certified by the Venetian Senate a good year before the introduction of additional taxes on documents and testaments (STAT. KOP., V/135, 136). The clients from Izola also contributed the same amounts for documents and testaments to the Koper Academy (STAT. ISOLA, 1888, 168).

It appears that at the time, inhabitants were financially strained by stipulating legal acts. This, and not only the distance from a town, may have contributed to the fact that people from the countryside only rarely used notaries. Contrary to some villages of the Venetian *Terraferma*, which in the 17th century developed a notary job (GRANDI-VARSORI, 1981), the legal standards of the common law were still valid in the villages around Koper, Izola and Piran. As a matter of fact, among the surviving Koper notary books only one notary can be found, Onofrij Vido, who in the years 1640–1673¹⁶¹ paid special attention to the inhabitants of the Koper villages.

In spite of the additional financial demands, people still resourced notaries to have their ownership matters put in order and, thus, by writing authentic documents, notaries guaranteed that people's rights were retained.

¹⁵⁹ See SUPPLEMENT 3.

¹⁶⁰ See Chapter VI./Testaments.

¹⁶¹ Onofrio Vida composed legal acts at Podpeč, Hrastovlje, Sv. Anton, Pomjan, Tinjan, Loka, Kubed, Skorušica, Dekani, Koštabona, Krkavče, Sv. Peter, Puče, Nova vas, Pobegi, Bertoki, Škofije, Šmarje, Čerje, Padna, Zazid, Marezige, Truške, Kučibreg and Topolovec. See MAJER 1904, n. 121 and 128.

VII. THE KEEPING, STORING AND ORGANIZATION OF NOTARY AND VICEDOMINAL BOOKS

When having in mind the relation between notary and vicedominal books, the following question is raised: is it but a coincidence or is it a rule that in the Piran archives, where the older archival material is best preserved and accessible of all of the three Istrian towns, that they began in 1325, just when a series of vicedominal books began to systematically discontinue the storing of notary books?¹⁶²

Keeping books of *imbreviaturas* of the legal acts

Closely associated with book keeping was also the storing of notary documents, which gave public confidence to legal deeds and, thus, preserved an authentic memory of legal events. With an introduction of the vicedominal office in some Istrian towns, the significance of notary's authority was somewhat diminished, but on the other hand, it was also guaranteed by the communal authority, which with the help of its specific officials of the "public confidence" took care of keeping documents of the executed legal acts in separate books of abstracts. Therefore, from the practical point of view, the need for permanent storage – if not keeping – of notary books ceased to be in force, since in order for legal acts to be valid, the authentications and transcripts of principal data of a legal act were mandatory by communal officials, *vicedomini*.

What follows from the notary practice's standpoint – when a notary had to first note down every legal act on a slip of paper (*breve*) and then copy it into the notary book later on or right on the spot, then read it to the clients, and only then could he issue an authentic document within defined timeframe (STAT. PIR., VIII/29; comp. PERTILE 1902, 301–303) and afterwards have it

¹⁶² Notary books or, rather, their fragments, are preserved for the years from 1281 (1280) to 1320; additionally, we find one book with entries of loans for the years from 1329 to 1335 (PAK. PI. Inventory, n.k. and 24/10).

vicedominized, according to the discussed Istrian city's statutes, in an appropriate communal agency – is that notaries were still keeping books. This is also evident in the appendix to the Piran statutes from 1428 (STAT. PIR., 269–270), which obviously exposes in practice established inconsistency in executing the notary practice, since it is stated there that notaries were no longer running their protocols (“...*quod cum in preterito tempore notarii in Pirano nullum tenuerint protocholum...*”), in which they would write down their documents; therefore the statutes determine, in order to prevent possible accidents or losses of books in the vicedominal office (“... *adueniente casu quem Deus aduertat, quod de vicedominaria aliquod infortunium accideret...*”) that notaries should continue storing one book, into which to record all the agreements in spite of these documents being already vicedominized (“... *debeat at modum in antea tenere vnum librum, in quo scriber debeat omnia instrumenta que faciet non obstante quod dicta instrumenta sint vicedominata.*”). Additionally, the statutes determined that a notary writes a testament down into his book within three days of a testator's death or risking paying a hefty fine of 200 libras as well as losing his position.

The ordinance of the Piran Great Council from the quoted year, thus, once again established the mandatory keeping of notary books, which had been a custom in Piran at least from 1281 on (PAK. PI. N.k.), but not for long.

The practice of keeping and storing notary books was apparently quite alive at the time of the 1332 edition of the Piran statutes, that is, seven years after the introduction of the vicedominal books. The statutes determine that notary books (*inbreuiature notariorum*) are to be stored in the office of the communal treasurer, while the same person stored them previously in the chamber of St. Jurij, the town's patron saint (STAT. PIR., VIII/35). A notary's imbreuiaturas had to be handed over within 3 days of the notary's death over to the podestà, who had them sealed and stored in the communal treasurer's place, where they remained and could not be moved without the podestà's permission. The previous edition of the statutes (1307) prohibited the podestà and his judges from moving the books. It was also determined that the communal judges, when swearing a podestà into office, needed to remind him of these ordinances (STAT. PIR., 601), which is an indication of how important this issue was.

At first the vicedominal books were also stored together with notary books in the communal chamber (STAT. PIR. De Fr., XIII), which gradually led to duplication; it appears that the “skilful” treasurers or vicedomini later on, attempted to deal with this issue by eliminating the duplicates as superfluous, the consequence of which was that notaries possibly ceased keeping their books. Additionally, the ordinance issued by the Piran Great Council in 1429, that is a year before the attempt of re-introducing notary books, invalidated

this ordinance and determined that the Piran vicedominal books, into which all documents and testaments are recorded, are true and valid notary protocols (“*Quapropter considerato quod quaterni officii vicedominarie comunis Pirani in quibus per vicedominus notatur omnia, et singular instrumenta, et testamenta, scripta per quemlibet notarium, qui quaterni sunt very, et clari prothocoli ipsorum notariorum.*”) and, thus, notaries need not keep their books, and penalties, determined in the previous ordinance, are no longer to be considered (STAT. PIR., 271).

At about the same time they stopped storing notary books in Koper as well, since the notary *imbreviatura* books of Koper are preserved parallel to vicedominal books only from 1380–1438 (MAJER 1904, n. 1–22)¹⁶³. In spite of this, we were unable to find to date an example of identical record in both notary and vicedominal books. This is perhaps partially due to these written records being difficult to access – they are stored on the microfilm scrolls only (AST. AAMC.) – perhaps because the elimination of duplicates had already begun at the time, perhaps because they decided, in certain instances (lack of vicedominal books) to preserve notary books instead of vicedominal books – since both then performing vicedomini had to have their signatures on each document – or because there was neither a necessity or a legal obligation to store and keep separate notary books, at least not from the founding of vicedominal office on.

At any rate, the cessation of storing notary books originated from the very practice of how the clerical work was run in relation between a notary and *vicedominus*. As we can learn from the discussed communal statutes, *vicedominus* composed an *imbreviatura* to be entered into his books on the basis of a notary’s written record of a legal event; the Izola statute (STAT. ISOLA, III/77) states quite clearly that neither notaries nor vicedomini are to enter documents into vicedominal books that were written by a notary and that only a vicedominus is allowed to write the content of a notary’s *imbreviatura* of the given document.

The Piran statute continues with the description of vicedominal duty in the procedure of vicedominatura: “*When the vicedominus writes down a breviatura or a testament into a book, which is intended for this very purpose, a notary first reads the content from the book and a vicedominus compares it with a notary’s breviatura, then a vicedominus takes a book and a notary reads the content of the breviatura and thus a testament or breviatura is always twice listened over*”¹⁶⁴. The

¹⁶³ Up to the time of the formation of the Koper College of notaries in 1598, some notary books exist with the entries of testaments, inventories, dowry documents and investitures preserved for individual years (MAJER 1904, n. 33, 38a, 57, 58, 59).

¹⁶⁴ “*Quo scripto, vicedominus accipiat breuiaturam siue testamentum et notarius legat quaternum et postea vicedominus accipiat quaternum et notarius legat testamentum siue breuiaturam, ita quod*

description in Koper statutes reads almost the same (STAT. KOP., III/17).

It follows from the quoted, that the *vicedominus* copied, after the preliminary repeated reading of a *breuiatura* to clients and after them approving of what was said, the content of the notary's *breuiatura*, which could have been written either in the notary's notebook or on a slip of paper (*breve*). It is quite possible that notaries no longer needed to keep their own books, because the initial written record of a legal act on a slip of paper (*breve*) was already sufficient in that the notary and the *vicedominus* verify it again together in the presence of clients; if the latter had no objections, the *vicedominus* then had a certain period of time to enter it into his books.

The similar practice became established, for instance, in Bologna, where the stipulators, after the *breuiatura* was entered into a notary book, appeared together with a notary before the notary of the office of *memoriali*, who, following the same procedure as in the Istrian towns, entered the notary's *breuiatura* into his book. Following the reform in 1285, it was sufficient for the clients to appear before the notary of the office of the *memoriali* with the notary's *breuiatura* written on a slip of paper (*breve*), which was then entered into the book of *memoriali*. The described procedure was undoubtedly favourable for notaries, since they were spared the trip to the office of *memoriali*, which was already crowded due to increased traffic (TAMBA 1987, 279). However, in spite of this, some notaries still kept their own books, which was to their advantage especially when clients for various reasons – such as losing a document – wished to have a new document made and had to pay a certain honorarium for it.

Considering that entries into notary and later on into *vicedominal* books were entirely legally valid, it happened frequently that clients did not request the making of a document at all, but rather resorted to it only out of necessity for asserting their rights or, for instance, when the due date for a promissory note expired. It was determined by the Koper statutes that, in such a case, a petitioner first called on the notary, who had stipulated that certain legal act; if that notary had died or moved out of city, then *vicedominus* could allow the requested document to be transcribed from *vicedominal* books, with the *podestà*'s permission, for the *podestà*'s secretary or some other city notary (STAT. KOP., II/104). *Vicedomini* had to pay extra attention to transcribe, for the petitioner only, the requested act and not to permit him an examination of other documents recorded in the books which *vicedomini* were not allowed, under the penalty of 25 libras, to use for any other purposes except for cases of an individual's needs (STAT. KOP., II/103).

The discretion in keeping and managing *vicedominal* books and issuing transcripts of legal acts indicates the necessity for keeping notary books.

However, neither the Koper nor Izola statutes determine in any chapter the mandatory storing of notary books after notaries' deaths as was the case in Piran, though in the latter only until the ultimate establishment of the vicedominal office (1307 and 1332), while in the following editions (1358 and 1384) this article is no longer to be found (STAT. PIR. De Fr., 186, 212).

Considering that the Izola and Koper statutes, which are available and known to us, originate from the time when the vicedominal office was already in full swing, we cannot maintain that the previous provisions did not prescribe the obligatory preservation of notary books. However, since the vicedominal *imbreviatura* books were also legally valid, the necessity of storing notary books was gradually put out of practice, though we cannot maintain that notaries did not keep them at all.

In spite of the apparent similarity in the activity of the Trieste *vicedomini* and the *vicedomini* in Istria, there is an essential difference to be noted in Trieste. Specifically, it holds true only for the first 13 sheets of the oldest preserved vicedominal book that *imbreviature* of notary acts were recorded in it, while it is characteristic for the subsequent entries in the same book and in the books that followed that the entire documents were copied into them, something that was in practice at registry offices in other Italic places. That the fourteenth sheet of the oldest vicedominal book is truly about the turning point in the keeping and storing of private legal acts, is evident also from the note from 19 July 1322: "*De hoc dato incipit series documentata* (BCT. AD.). Vicedominal books in Trieste, thus, entirely replaced notary books, and even legal acts needed not be preserved any longer. In Trieste, there are not even fragmented notary books or notary documents to be found in the era of the vicedominal office activities – at least not in the archives of the communal offices – since all the acts were carefully recorded in books used exclusively for this purpose¹⁶⁵.

A similar practice can be found in Koper and Piran at a much later time. Even though it is noted in Piran that some documents were transcribed into books in their entirety from the beginning of the keeping of vicedominal books, the transcripts of excerpts into vicedominal books became longer only from the 15th century on until they attained, in the 16th and 17th centuries, similar forms as written records in the Trieste vicedominal books. It is noted, however, that transcripts of notary documents into vicedominal books were no longer done by the *vicedomini* on duty, but by particular notaries who signed themselves at the end of the transcript.

That is how, for instance, notary Laurentij Columbanus was, in 1604, writ-

¹⁶⁵ For the information and explanation on the topic under discussion and kindness with copying the material from the Trieste statute from the year 1350, my sincere thanks to Prof. Renzo Arcono, Archivist BCT. AD.

ing down excerpts of notary acts into the vicedominal book in Piran, even if the acting vicedominus was then Antonius Apollonius, who, at taking on vicedominal duties, had promised that he would faithfully and precisely register every document into vicedominal book, in accordance with the provisions of laws and of the statute¹⁶⁶. Perhaps this practice was then enacted, even though we could not track down such an ordinance, considering that vicedominus Nicolaus Petronius entrusted the majority of transcripts to the notary Joannes Vitalis (PAK. PI. v.k. 169, 29–59) in 1603–1604; the quoted vicedominal book is, for 1603–1612, full of cases like this.

The question is whether these notaries/transcribers were paid as *vicedomini* or notaries, and if this was not perhaps a practice that developed at, for instance, registry offices in other Italian towns, where special notaries were appointed for transcribing notary acts¹⁶⁷. This conclusion may become clearer if we take into consideration a rather astonishing provision from the Koper statute from 1660, which determines that the two elected *vicedomini* need to at least know how to read and write (STAT. KOP., V/154). The question is, was the provision, which determined that *vicedomini* had to be also notaries by profession, abolished? If transcripts into vicedominal books were done for them (or him) by a notary, who was specifically appointed for this work, then it was, naturally, sufficient if *vicedominus* was at least somewhat literate.

In addition to literacy being rather widespread at the time, it is also surprising that vicedomini performed, in the town collegiate body of notaries, duties of “*assessori*”, which was, with the exception of podestà’s, one of the most important functions in the commission for bestowing notary privileges and if for no other reason than this, vicedomini should have mastered the notary profession well. The question is whether at the time when this provision passed, which was also the time of a steep decline of vicedominal office, the knowledge of notary profession was for some town aristocrats only a formal condition in order for them to arrive easier at a rather lucrative clerical job.

Vicedominal books of documents and notary books of testaments

In the keeping, storing and arrangement of legal acts, there was a special order in place, on one hand for all kinds of contracts “between the living” for movables and real estate, on the other hand for “the last wills”, that is,

¹⁶⁶ *In hoc quatterno Ego Antonius Apollonius qm Mag.ci Dni. Apollonij Equitis et ad presens V. Dni. Communis Mag.ci Communitatis Pirani omnia Instrumenta quae mihi Per contrahentes presentabuntur dum in hoc Off. Permaneui, fideliter registrabo iuxta formam legem, et Statutum P.cti Communitatis.* (PAK. PI. v.k. 169, 60 r.).

¹⁶⁷ Comp. SANCASSANI 1957.

testaments, codicils, inventories of orphans, dowry and matrimonial documents and feoffments of feuds. Additionally, a special regime was in place for keeping books of bequests to charities, mainly fraternities and other church institutions.

In the longer than three hundred years of vicedominal book-keeping, changes occurred not only in how to keep books, but also in the very structure of imbreviaturas. While the latter included in notary books from the 13th century on only data on the notary, stipulators, witnesses, the subject of a contract and the sum, an alienation or any transfer of some goods – also sanctions as needed – imbreviaturas eventually took on in both vicedominal and notary books a form of a real document, with every necessary data, from demarcations, borderers, conditions of the contract and often also descriptions, which led to making a legal act etc. (PAK. PI. V.k.; MAJER 1904, n. 37–137).

When it was about an entry into vicedominal book, the notary who had written the legal act was generally quoted by name, except when there were two consecutive entries of a legal act by the same notary; in the notary books, kept as a rule by the notary in question, he was quoted only in the first, last or introductory record. It similarly held true for the year of the stipulation of a legal act, which was generally quoted only in the first entry, and for the day, if there were several stipulations on the same day; in this case, the following form was in use: “*Eodem millesimo, die et indictione...*” etc. (comp. PAK. 6. Documents, a.u. 67).

It is interesting that the Piran vicedomini quoted a notary also at the end of the imbreviatura (PAK. PI. V.k.), while the Koper vicedomini did so only at the beginning¹⁶⁸. Similar to the notary imbreviaturas of testaments, the Piran and Izola vicedominal imbreviaturas begin, from the 15th century on, with the invocation “*In Cristi nomine amen...*”, while in Koper this kind of document was given precedence¹⁶⁹.

On the account of increasingly longer descriptions in imbreviaturas, they began to write on the margins of the vicedominal and notary books, contents of a legal act or what kind of a legal act was in question – was it about a sale, exchange, donation, testament etc. Since in Koper, apparently under the influence of a different notary “school”, they stated the kind of a document already at the beginning of the imbreviatura, the margin notes usually (but not as a rule) disappeared from Koper vicedominal books. The only known Izola vicedominal book, for the years 1525 to 1531, preserved in the

¹⁶⁸ “*Instrumentum confectum per ser Natale de Musela notario.*” (PAK. 6 Documents, a.u. 69, fol. 18).

¹⁶⁹ For instance: “*Instrumentum venditionis scriptum per Georgium de Vultina notario. Sub anno domini 1470...*” (AST. AAMC, bob. 40; MAJER 1904, 35).

archival fund of the old Koper communal archives (MAJER 1904, n. 50; AST. AAMC, bob. 69) – reflects a similarity with the keeping of Piran vicedominal books both in the stipulation of documents and testaments.

It is precisely the vicedominal book in Izola that makes us believe how in this town as well, they kept separate books of legal acts for civil-legal contracts and separate for testaments, dowry documents, inventories and investitures, since the book carries an introductory explanation that this is a book of legal events of all kinds with the exception of testaments (“*Hic liber est instrumentorum et omnibus circum stab[ilis] de I[nsula] exceptis testamentis*”). Even if it is determined in the town statutes that a separate book is to be kept for charities (*pias causas*), only the above division of private legal documents became consistently established in the notary practice.

However, as it is reflected in the statutory provisions and in the rare preserved notary books of the imbreviaturas of testaments for the 14th and 15th centuries – as for example the book of Koper notary Almericus de Almerigogna in the years 1369 to 1377 (PAK. 6 Documents, a.u. 39) – the latter were kept by notaries, while the *vicedomini* were in charge of all private legal matters in relation to contracts of movables and real estate and they only stored testaments, written by notaries or other literate persons, in the vicedominal office. A clear picture of such an activity is demonstrated in one of the rare preserved notary books from the 15th century, which was kept from 1479–1495 by Koper notary Nicolo de Vulcina, who was a *vicedominus* several times as well. Namely, there are only testaments, dowry and matrimonial documents, inventories and investitures of feuds¹⁷⁰ to be found in this book, while in two surviving vicedominal books from that period (1475–1481 and 1487–1492; MAJER 1904, n. 37 and 39) only imbreviaturas of contracts for movables and real estate are present¹⁷¹.

Additionally, our belief about this matter is further confirmed by a book stored in the Koper vicedominal office which bears an introductory note: “*In Cristi nomine amen. In hoc libro, qui vocatus octavus registrentur testamenta, instrumenta dotium matrimonij, instrumenta donationis causa mortis, inventaria*

¹⁷⁰ The following private-legal acts are listed: *testamentum, instrumentum dotis et matrimonij, instrumentum investitionis, inventarium bonorum, instrumentum inventarij, instrumentum additionis inventarij* (AST. AAMC, bob. 45, MAJER 1904, n. 38a).

¹⁷¹ The following examples of private legal acts are recorded: *instrumentum venditionis, instrumentum locationis ad curuscungium, instrumentum dationis et consignationis, instrumentum designationis, instrumentum confessionis, instrumentum concordij, instrumentum divisionis, instrumentum conventionis, instrumentum donationis inter vivos, instrumentum locationis perpetualis, instrumentum locationis, instrumentum permutationis, instrumentum dationis in solutum, instrumentum conventionis, instrumentum plezaria, instrumentum confessionis ac dationis, instrumentum oblationis dotis et obligationis, instrumentum permissionis, instrumentum debiti et obligationis, instrumentum locationis ad redditum in perceptum* (AST. AAMC, bob. 45; MAJER 1904, n. 37).

bonorum et investitiones feudorum cum eorum tenutis, in quo notarij inchoaverunt registrar anno 1581, existentibus vicedomino domino Ludovico Zaroto, et domino Joanne Victorio”, and has several written records of the listed legal acts by various notaries in different handwriting (AST. AAMC, bob. 108; MAJER 1904, n. 74). Even though the book is pertaining to the period from 1581 to 1589, when several vicedomini would have written in it, the written records inform us that it is not about a vicedominal book, since every imbreviatura of a certain legal act is signed in this book at the start by a notary himself¹⁷², while as far as vicedominal books are concerned, there is only the vicedominus’s mention of which notary wrote a legal act¹⁷³. By these characteristics, it is easy to discern the difference between the notary and vicedominal imbreviaturas.

The elementary division in keeping private legal acts was preserved even after the vicedominal books were no longer kept.

Keeping and storing of books of legal acts

It is probable that legal acts in the Koper vicedominal office were bound into books in a later period, since many individual sheets preserved in the section of the archival fund of the older Koper archive (PAK. 6 Documents) make us think that the Koper vicedomini initially did not keep their documents in books, but on separate sheets of paper. This was the way they kept testaments in Piran; for the period between 1296–1699, more than 9,000 of them were preserved on separate sheets (PAK. PI. Testaments); along with these they kept separate ABC books (by names) for female testators and separate for ABC books for male testators (PAK. PI. Inventory, n. 22), while the Koper testaments were bound, possibly at a later date, in special fascicles (AST. AAMC. MAJER 1904, n. 20, 70, 86, 87 sq.) or were preserved as notary books in the vicedominal office.

Marks on notary and vicedominal books additionally indicate that the rearranging of the archival material in the Koper vicedominal office took place at a later time. According to the original arrangement (until the end of the 16th century), the vicedominal books with the labels A., B., C., etc. to Z, and then from A.A., B.B. etc. to Z.Z.¹⁷⁴ should have followed in chronological or-

¹⁷² For instance: “*Instrumentum matrimonij et dotij scriptum per me Petro Paulo Zarotto Notarius...*” (AST. AAMC, bob. 108; MAJER 1904, n. 74).

¹⁷³ For instance: “*Instrumentum confectum per Silvano de Adalpero notario...*” (IBID., bob. 7; MAJER 1904, 12) or “*Instrumentum vendictionis scriptum per domino Donato Gavardo...*” (PAK. 6 Documents, a.u. 68).

¹⁷⁴ From the preserved and inventoried archival material of vicedominal books in MAJER

der of the first entry; in the first half of the 17th century though, they began to label vicedominal books with three capital letters after the last entry of a legal act, that is, when the book had been filled up and archived.

This process is clearly exhibited in Majer's inventory, where the author used the principal of the first and the oldest entry for his inventory. For example, under the number of document 106, a vicedominal book with the label B.B.B. is entered for the period of 1627 to 1650, under the number 116 with the label Z.Z. (1633–1641), and under the number of document 123. A.A.A. (1641–1646) (MAJER 1904), which means that during this period the initial marks were dotted down along with the archiving of documents and not during the reorganization later on, as was the case with the marks on vicedominal books up to this period.

It would be expected that the keeping of notary books changed with the founding of the College of Notaries in 1598 in Koper. However, not until 1619 did the College of Notaries elect its oldest member, Ottaviano Gavardo, to attend to books of the dead notaries in some archives of the vicedominal office, which had been established for this very reason at an earlier time¹⁷⁵. Nominating a special guardian corresponds with the period when the manner of managing and further keeping of books changed, which can probably be attributed to Ottaviano Gavardo himself.

With what delay the state authority followed these matters is reflected in the decrees of the inquisitor Girolamo Bragadin, issued on 31 August in Koper. That is to say, only then did they order, in Article 10, the storing of notary acts in a special cabinet in the Koper vicedominal office, "which should be set up at once and labeled: *Armaro de protocolli de nodari morti*". It was also determined that within a month of the announcement of this termination, all the relatives, executors of the last wills, guardians of orphans and others are to hand over to the above mentioned office all the documents of the dead notaries that they may still have at home, or else pay a fine of 25 ducats, while vicedomini are to make an inventory of notary books. In the next article it was determined that the College of Notaries is to elect a guardian for the cabinet of documents of the dead notaries every two years from among their own ranks (STAT. KOP., V/149).

(1904) and AST. AAMC, we can gather this arrangement of material, even though not all the books have been preserved or the labeling is blurred to such an extent that it is not discernible on the microfilm; many books are not labeled, but those labeled are from G. and G. *parvus*, then N., R. (also book n. 17, which corresponds to the alphabetical order), T. and V., then C.C., D.D., E.E., F.F. etc. uninterruptedly to Z.Z.

¹⁷⁵ "...che li protocol delli Nodari morti siano riposte nell'ufficio della V. Dominaria in un Archivio già terminato e deputato in ditto ufficio." (IBID., f. 208).

Thus we can witness a renewed enactment of the storing of notary books in the Istrian towns. The cited ordinances correspond to the period of cessation of keeping vicedominal books in the towns under discussion, since they can be traced in Koper until the year 1659 (MAJER 1904, n. 137) and in Piran until the year 1656 or 1661 (PAK. PI. Inventory, V.k.). It is interesting that in ordinances from the year 1660 (STAT. KOP., V/154), which concern the vicedominal office, there is no mention of the keeping of vicedominal books of *imbreviaturas*, but instead just a concern for all books of the communal offices which were to be stored in special chests and cabinets (*scrigni, armari*). The expenses for their upkeep were defrayed from a separate cash box (*Cassetta di ragion della Vice Dominario*). For every expenditure, a receipt (*bolletta*) from the syndicate's chancellor that was signed by a podestà was requested and when the bookkeepers' term ended, they had to provide for themselves a certificate (*fede*) from the syndicate's chancellor that was signed by both syndics; this certificate was to confirm that the money they had at their disposal was used correctly or they would not be able to either occupy any other position or receive benefits ("*...andar a capello, ne hauer alcun officio, o beneficio...*").

The process of transferring the keeping of *imbreviatura* books from vicedomini to notaries was not limited to Koper only, but took place also in Piran where notary books with entries from the year 1598 on¹⁷⁶ have survived; after the reorganization of the vicedominal office's archive in 1771, they were stored in the 6th and 7th cabinets (PAK. PI. Inventario), while today the majority of them are collected in a special archival fund of notary documents (PAK. 85. Comp. VODNIK 1965, 89).

We can come to the conclusion that in the middle of the 17th century, the nearly three hundred year long practice of keeping separate books of the *imbreviaturas* of legal acts was taken away from the vicedomini and though losing this practice meant a loss of privilege and prestige, vicedomini did not lose jurisdiction over the signing of all legal acts which were invalid without their signature. Vicedomini eventually regained their practice, which had been assigned to them in the 13th century at the beginning of their officiating, but not for long, at least in Koper; in 1745 they were assigned to keep notification books, which were essentially almost identical to old vicedominal *imbreviatura* books of movables and real estate, but with the difference that they were accessible to the public (LEGGI, IV, 95).

¹⁷⁶ From the second half of the 16th century, some Piran notary books have survived, i.e. *minituariji* and *protokoli*, in the archival fund PAK. 85.

State ordinances concerning the keeping of notary books

Although after conquering the Istrian towns, the Venetians allowed as far as the city statutes were concerned, a rather broad internal autonomy – the principal part of which was, at least in the civil-legal area, the activity of the notarial office – Serenissima gradually began to regulate, in accordance with the general state-legal development, uniform norms for the execution of notarial practice.

What significance the Venetians attributed to this institution is reflected in the frequent introductory speeches upon publications of individual statute books from the field of the notary office, which commonly begin with teachings or warnings about the necessity of the regular and exemplary performance of this activity, since if the opposite occurs, the consequences would be unpleasant, leading to unnecessary legal proceedings and injustice inflicted upon the “indigent” population, etc.

Within the framework of the city of Venice and the Republic in general, they soon took good care of storing documents of the dead notaries, as well as taking care of their own activity – which was the job of the **Great Chancellor** (*Cancelliere Grande*) who was, as the head of the doge’s chancellery and the college of notaries, among other things, in charge of control over all state clerical operations of numerous Venetian medieval and early-modern institutions.

The function of the Great Chancellor is most interesting within the authoritative structure of the Venetian Republic, in spite of the time of its establishment being uncertain. What we know is that the first mentioned Great Chancellor was in 1268 Corrado de Ducati (DA MOSTO 1937, 219). It is curious that this position was not occupied by the Venetian aristocracy, but always by one of the “original” townsman, who was elected to this lifelong tenured duty by the Great Council. However, only those deserving townsmen could have been elected, those whose ancestors had attained the status of citizenship by living permanently in Venice for at least 25 years¹⁷⁷.

In spite of this, they occupied an exceptionally high position on the hierarchical scale of the Venetian administrative agencies, since they walked, for example, in a procession right after the doge’s six councilors and three procurators of St. Mark’s¹⁷⁸ and even before the doge’s relatives. The Great

¹⁷⁷ A similar rule held true for inhabitants (*habitatores*), who wished to obtain the status of a townsman (*cives*), also in other Adriatic coastal towns, such as Koper, Izola and Piran, except that the lower time limit was lowered or heightened parallel to the demographic crisis or rising; comp. BERTOŠA 1986.

¹⁷⁸ Later on, their number rose to forty, since some even bought such a prestigious function; comp. ZORZI 1990, 43–104, especially 53–62; FINLEY 1982, 19.

Chancellor was dressed similarly to the doge. This individual wore a scarlet or purple tunic with wide sleeves, red shoes, and a cap similar to the doge's, which he did not need to take off even before the archbishop. He had the admission to all structures of authority and to all sessions of councils, though he had no right to speak or vote there. Therefore, the enthusiastic description of the Great Chancellor by Marino Sanudo comes as no surprise: "He ... knows all the secrets of the Republic; he needs to be loyal and old ... and he indeed is old, but has an exceptionally important job, since he goes to the College in the morning after visiting either the Council of the Ten, Pregadi, the Great Council or Audientio"¹⁷⁹.

In 1485, the Venetian Great Council issued for the entire Republic, the first significant regulations concerning the notary office. It determined that notaries were to be questioned and confirmed by the Great Chancellor together with two chancellors from the "lower" chancellery (*Cancellaria inferior*), and in other places of the Venetian dominion this was to be done by a rector together with two assessors (*assessori*); in those Istrian towns, where the office was known, the two assessors were *vicedomini*, otherwise the city judges.

Until the 16th century, the notary profession could be performed by either clerics or laymen, but in 1514 it was decided that only laymen could be notaries. It was additionally ordered at the time that notaries may write documents in Venice and surrounding places only on behalf of the Venetian authority (*Veneta auctoritate*), while until then they were allowed to write them on behalf of the emperor or the pope. This decree was put into force in 1567 for other places of the Venetian dominion as well; no notary thus confirmed was allowed to perform his duties in another place without consent from the competent city's Venetian rector (DA MOSTO 1937, 226). In 1612, when the above mentioned process of nominating notaries was ordered for the third time – due to, as was already established, the disrespect of the ordered – the Venetian Senate additionally ordered that the members of colleges could be nominated only in this way and that notaries who leave a certain place must hand over to the public archives of that place all documents written there. This includes documents of dead notaries, which belong to the public archives as well (STAT. KOP., V/161).

With the founding of the office by the name of *Conservatori ed Esecutori delle Leggi* in 1553, the control over the notarial office was gradually transferred to this agency which succeeded in, according to the Venetian increasingly centralized politics, making the operation of the notary office in the Venetian Republic uniform, at least at the legal level.

¹⁷⁹ "Questo...sa tutti li secreti della Repubblica; bisogna sii fidelissimo et vecchio,...et e vecchio, et ha uno grandissimo cargo pero che la mattina va in Collegio, dopo disnar o Conseio di X, o Pregadi, o Gran Conseio o Audientia". (M. SANUDO: *La Città di Venezia*, p. 145; cit. in ZORZA 1990, 95).

Some of the fundamental statutes' acts of this institution which effected the operation of the notary office were undoubtedly decrees from 1755. These however, also refer to the former decrees of the Venetian Great Council and Senate, especially those from the years 1575, 1596, 1622, 1631 and 1653 (LEGGI 1757, IV, 111–116). The latest one, which was issued on 15 March 1653, was particularly massively applied, most probably due to it summing up the established principle that notaries wrote stipulated legal acts into separate notebooks (*quinternetti cucciti*) (which was already in practice), called "*minutarii*", while the written record itself assumed the name "*minuta*" and thus, replaced the medieval "*imbreviatura*".

In addition to *minutarii*, notaries had to have protocols at their disposal as well, into which they transcribed simultaneous legal acts from their *minutarii* each month along with any additional notes that resulted in connection with a specific legal event during that time. Separate protocols were kept for testaments and entries had to be copied into them within six months of the announcements being made. Along with protocols the mandatory *alphabetarium*, that is an index of their clients' names, had to be kept (LEGGI 1757, IV, 112/3).

As early as 1575, the Senate ordered, and then again in 1697 confirmed, its decision on how notaries are to keep their protocols. To prevent any possible forgery, it was determined that starting on 1 January 1757, the chamberlain's printers were to number each protocol page by page and to furnish them with the seal of St. Mark's as well as with the name and surname of the respective notary. Notaries bought their notebooks, bound in cardboard with the seal of St. Mark's, at their own expense; protocols, however, could not number less than 100 or more than 200 sheets. Prices of these notebooks were also set; the ones with 200 sheets cost 6 libras, the ones with 100 sheets 3 libras. The numbering of protocols of the individual notaries had to be done in such a way that each protocol continued in numerical order from the previous one beginning with the first. The chamberlain's printers kept a separate book into which they recorded all of the protocols issued to individual notaries, while the notaries, after receiving a protocol, gave them in return a receipt on which the date, the place where they performed their duties, and pages by the numbers in order for the notary not to have notebooks with the same numbers were written (LEGGI 1757, IV, 113/4).

Priors or representatives (*deputati*) of individual notary colleges were requested to stamp the back side of each of the sheets of notary protocols with their stamp and simultaneously keep records of all the notaries and every three months were required to, inform the magistrate in writing about any changes in the structure of the notary colleges that might have occurred. We find such a catalogue concerning the entire Venetian Istria from the years

1758 to 1773, among the material of the old Koper archives (MAJER 1904, n. 529). Into these catalogues, priors entered names and surnames of notaries, their native country and their age, though they made entries only for the members of the college or those notaries who were nominated directly by the Venetian Great Chancellor, since only these could stipulate valid legal acts on behalf of the Venetian authority. If priors failed to do what was requested of them, they had to pay a fine to the amount of 100 ducats; the same held true for the printers if they failed to hand over to the magistrate all copies of all the receipts given to them by notaries for the received protocols every six months. If notaries did not go by this rule, they were deprived of 25 ducats and six months of performing their duties or, for as long as it took them to settle the above mentioned penalty (LEGGI 1757, IV, 115).

It is interesting that soon after the termination of the Venetian office *Conservatori ed Esecutori delle Leggi*, a decree was issued on 31 August 1758, which could be called the statute of the Koper college of notaries. This decree not only regulates the implementation of notarial duties, but also sums up the several hundred years of the notarial practice in Istria (AST. AAMC, bob. 669; MAJER 1904, n. 528).

First of all, the Koper regiment was given, in accordance with the decree of the Senate from 12 January 1612, jurisdiction over nominating notaries for the whole province with the mediation of two councillors (*Consiglieri*) of the Koper Magistrate¹⁸⁰. Once again the number of members of the college of notaries in Koper (12) as well as in other Istrian towns was also regulated. In accordance with the above mentioned decree and the decree from 3 August 1612, they were permitted to change the structure of the college except when the college did not have the requested number of regular members. Only members of the Koper college were permitted to write down the legal events in other Istrian towns without permission from the podestà of that city, while the prior of the college was requested, with the help of two assistants, to examine all minutarii and protocols of notaries from Venetian Istria each year in March. Some notaries were spared the journey to Koper by having one of the notaries bring books on their behalf for the prior to examine. A notary was requested to display his privilege or his diploma (*fede*) in his office. Even if qualified to be a lawyer or procurator, he was not permitted to practice any other profession except that of a notary and had to make a choice between them.

Out of the 12 articles of this statute, four refer to testaments. Within two months of a testator expressing his last will, the notaries of Venetian Istria

¹⁸⁰ It doubtlessly refers to two councillors of the Koper Court of Appeals, founded in 1584; comp. PAHOR 1958a; LEGGI 1683.

had to send a certificate (*fede*) of the receipt of a testament to the chancellor of the Koper college of notaries, who then recorded in a book, intended for such a purpose, a testator's name, surname and his father's name, the name of the place and the name of the notary who wrote the testament, and the date he received it. Within a month, the Koper notaries had to turn in all of the testaments which were not yet publicly announced or unsealed; the chancellor of the college stored them and recorded the necessary data about their receipt in a separate *alphabetarium*. Notaries kept a similar book into which the chancellor of the college signed himself, thus confirming he had received a testament or a codicil. If testators wished to make any changes in their testaments or codicils, both the notary and the chancellor of the college had to faithfully record each change in their respective *alphabetarium*. It appears that during this period they began to give notaries a limited time to perform their duties, since in Chapter VI of the statute there is a regulation that a notary cannot practice this profession longer than was initially determined. As far as storing documents of the dead notaries is concerned, these chapters reveal some characteristics that were common in many medieval places, but not until then in the towns of Slovenian Istria. Referring to the decrees of the Senate from 21 April 1531 and 28 February 1631, the documents of the dead notaries were to be handed to the sons of the deceased if they were notaries themselves or if they were not, to the public archives. If no public archives existed, the documents of the dead notaries were stored for "eternal" time in the Koper archives.

The college of notaries and mainly its prior were liable to regularly report on the possible violation in executing the notarial practice. The documents of the suspended notaries were stored for a certain period of time at the college and, as the lawgiver promises in the last chapter, in cases when these regulations would not be honoured, the penalties would be stiff (AST. AAMC, bob. 669; MAJER 1904, n. 528).

The listed measures were doubtlessly intended for the orderly operation of the notary office, while the obligatory page numbering of protocols did not only make it easier to find requested documents, but chiefly to render the public confidence possible for the respective documents in cases of misunderstandings or complaints, since all it was needed to be done in such cases was to name the notary and the page of his protocol, where the legal event under discussion was recorded. Thus, in the northwestern towns of Istria at least, the notary protocols successfully replaced not only a document as a legal act, but also the vicedominal institution, though the signature of at least one vicedominus on a legal act still guaranteed the public confidence to the notary *minutarii*. At this point, a question may be raised that perhaps also implies an answer. Specifically, was the persistent preservation of this

nearly outmoded institution just a tradition or was it an attempt to preserve at least an apparent power of the communal control over the civil-legal decisions of its inhabitants? That is, if we take into consideration that the college of notaries and its priors had been operating for a century and a half, then the vicedominal institution could have been easily abolished, but it was not. Moreover, in the year 1745 vicedomini were again assigned, in Koper at least, the function of special communal scribes in charge of recording the stipulated legal acts into the so called *notification books* where they transcribed, similar to clerks for the registry office in other Italian towns, the entire content of a legal relation, mainly deeds of sale's legal acts for movables and real estate as well as promissory notes, while keeping this entire time their main obligation of keeping and storing notifications of testaments, codicils and inventories.

As it follows from the preserved archival material, vicedomini still appeared as the authenticators of all notary acts since they guaranteed with their signature both in the notarial books of notes, called *minutarii*, and in the official *protocols*, the public confidence in these legal acts while notaries were obligated to store them.

Vicedomini, thus, also preserved the principal functions in city administration, mainly the control over the clerical work of all the communal offices; their high status is also attested to in numerous city monuments dedicated mainly to the raising of the public infrastructural objects from the 16th century to the end of the 18th century, where there are quoted, in addition to the *podestà* or the city *sindici*, the two then officiating vicedomini as well.

It appears then that in spite of establishing the college of notaries and in spite of the Venetian regulations about the uniform execution of the notarial practice, the vicedominal institution continued to play an exceptionally important role chiefly in keeping notarial acts, in spite of losing some important duties.

CONCLUSIONS

The development of the Istrian notary office indicates, mainly in the north-western towns, its origin to be in the Roman or, better yet, the Romanic influential circle with many admixtures of the Lombardic and Frankish tradition of the notarial practice.

With the Lombardic invasion into northern Italy in the second half of the 6th century, the already developed institution of the Roman notarial office first lost its validity, when for the purpose of ratifying the authenticity of legal acts notaries were again replaced by witnesses who took part in the legal act. This continued into the Frankish era, in spite of the introduction of legislation and the bestowing of notarial privileges by the central authority. However, irrespective of the Frankish occupation of the Istrian Peninsula at the end of the 8th century, the notarial office in Istria preserved the obvious traces of the Romanic notary practice, long into the period before the “renaissance” of law and the notary office in the 12th century, which is chiefly reflected in obligatory forms used in the making of private-legal and public documents. This finding most certainly leads to the conclusion that the notary office was developed in these parts before the oldest preserved private-legal document, the Triestine nun Maru’s testament from 847.

Parallel to the Romanic, some Lombardic and Frankish legal forms were also applied, mainly the legal document itself, the so-called “chart” (*charta, carta, chartula*), a term that was used for this document and which had lost the one-time validity of the Roman “*instrumentum*”, that is, a document on which a notary’s signature was sufficient for the credibility of a legal act. Charta, on the other hand, served only to recall the memory of a certain legal event, which, without a signature or at least a sign (*signum manus*) of an auctor and witnesses (generally signing with a cross) had no legal value whatsoever even if composed by a renowned notary. The Lombardic and Frankish law had in Istria, though, a significant influence on the civil-legal area.

Contrary to the meaning of a document, a notary – as a legal individual – mainly preserved the Roman or Romanic tradition, which developed the practice of a notary office as a town practice. The Koper notary and priest Gregorius also calls attention to this fact; in 932 and again in 933, he stipu-

lated a public document on behalf of the whole city, which is reminiscent of the Roman characteristics in the development of the notary office, where a municipality confirmed notaries and executed control over them. The value of a city community at the nomination and appointing of notaries – and by doing this enjoying public confidence (*fides publica*) – is demonstrated also in the dispute concerning the olive title between the Piran commune and the Koper bishop Aldigherius at the beginning of the 13th century.

In the preceding time it was apparently sufficient for notaries who operated in these two towns to be acknowledged only by the town community, while in the time of the assertion of communes notaries had to be confirmed in order for their documents to be authentic also by a central authority and that was one of the things addressed in the above mentioned dispute, namely the valid public confidence of those notaries who had not been confirmed either as imperial notaries (*imperiali auctoritate*) nor as papal notaries (*auctoritate sacri Lateranensis palatii*) as was the established rule in the *Holy Roman Empire* from the 9th century on. Even though notaries did not always add, in other lands as well, to their signature the authority on behalf of which they performed their duties, they began to do so regularly from the 12th century on, while in Istrian towns the forms with these postscripts on legal documents did not become established from the second half of the 13th century on; previously, notaries signed themselves only as notaries or as city notaries (*civitatis notarius*).

However, the forms used in the Istrian legal acts from the 12th century on indicate an increased Venetian influence, that is, even before the “official” occupation of the northwestern Istrian towns at the end of the 13th century. At that time the elements of the “reborn” notary office begin to penetrate the country, elements that give, contrary to the Lombardic and Frankish *charta*, all the legal validity to a notary and to a document as a legal act. Not only that the term *instrumentum* instead of *charta* (which remains in use with notaries when referring to a certain document) is becoming common, but other “modern” ways of executing the control, legal validity and authenticity of notary documents are becoming established rather early as well.

Notary books are to be, doubtlessly, considered one of the new forms in the execution of the notary practice. The preserved notary books in Piran – since similar ones cannot be traced in Koper due to the fire set in the vicedominal office during the attack on Koper in 1380 by the Genoans – demonstrate not only a rather early familiarizing with the new notary practice, but also developed economics, mainly trading and loaning activity, in northwestern Istria as well as the establishing of private property, which was a prerequisite for the ramified functioning of the notary office, considering that private-legal acts constitute the basis for notary documents. Therefore, due

to the undeveloped legal institution of private property in the present-day Slovenian places of the hinterland, as well as in central Europe in general, the notary office developed in those places with a significant delay when compared with the Mediterranean merchant towns where unique ways of protecting private property in rather liberal proprietorial relations and frequent transfers of property were developed, the basis of which was, without doubt, also the practice of the notary office.

Not only was the sphere of private law associated with notaries, but other forms of social life as well. Since in the time of general illiteracy notaries were rare literate people, they took on additional paid clerical duties, which they initially executed parallel to the notary activity. However, later on they were prohibited from performing notary duties if they also occupied other (state) clerical posts. Among those was, in addition to the rather well spread post of a city scribe (chancellor), the unique vicedominal practice which was known only in Trieste, Muggia, Koper, Izola, Piran and Pula. The main concern of this practice was, in addition to important communal services, the implementation of control and legal validity of notary documents. However, this practice did not come overnight and even though it had its unique forms in the Istrian Peninsula, it was not founded without the influence of the notary practice in the neighbouring lands.

In spite of the general confidence enjoyed by notaries during the times of the ascension of the autonomous authority, town communes began implementing – in order to prevent the abuse and forgery of notary documents – a special legislation for the execution of the notary practice. In addition to other ordinances, decrees about the notary office also found their place in city statutes. These decrees not only provided for uninterrupted control over the execution of notary practice possible, but also gave additional legal confidence to notaries and notary documents.

In order to consolidate private-legal relations and the legitimacy of the notary “trade” (*arte*), individual town *notary schools* began to appear on the Italic peninsula; their main concern was adequate education. However, with the surge of trading and other legal relationships, the need for notaries also increased, therefore, in a close connection with city (state) authorities, *colleges of notaries* were founded mainly to keep evidence and control and to bestow privileges for performing this profession.

In some places like for instance in Bologna, which is a cradle of the “modern” notary office, a special city office was founded as early as in the mid-13th century in addition to the college of notaries, which had direct control over the execution of notary activity and took care of the preservation of the credibility and authenticity of stipulated private legal acts. These were the so-called notaries in the office of *memoriali*, who were mainly in charge of

registering regularly private-legal acts into special books, which were similar to notary books; not only similar in the outer form, but in the kind of entries in them; these entries were identical copies of notarial excerpts (*imbreviaturas*) of legal events with the same basic data as in the *imbreviatura*, which was first written on a slip of paper (*breve*), and later entered into notary books. *Imbreviaturas* comprised the name of notary who recorded the stipulated legal act, day, month, year and, if necessary, the town (if not the hometown) where the legal event took place, the brief content of the subject in question, possible sanctions in the event of failing to carry out what had been determined, and named the collaborating witnesses. The memoriali documents were stored in the commune at its own expense and notaries of this office received, in addition to their set honorarium, a certain sum for each entry.

In other places, as for instance in Venice and Genoa, where trading relations were on a much higher level than in the rest of the Mediterranean, special “state” archives were founded in the 13th century and from the beginning of the 15th century on, special registry offices which were in charge of copying and storing notary documents.

Some unique forms of communal control over the execution of notary activity were known from the first half of the 13th century in the towns of the eastern Adriatic coast as well. In Dalmatian and Croatian coastal towns, the authenticators of notary acts were known as *examinatores*, while in Piran it was evident that the *vicedomini* were in a similar role as authenticators of notary acts already as early as 1258.

The initial function of the title of *vicedominus* who appear in the Germanic lands as soon as the beginning of the 9th century, was to administer church property. They are mentioned as such in Istria in the 12th century, in the time of the Patriarchs of Aquileia. However, since they gradually took on the duties of city managers on behalf of patriarchs, their function stretched into the communal era of the development of the city self-government. In spite of the data concerning this practice in the times prior to the Venetian conquering of Piran (1283) being nil for this town, it is evident in Koper documents recorded first in the year 1261, while in Trieste they did not appear until 1322 with statutory decrees albeit in a somewhat different function. At that time they were not only responsible for the authentication of notary documents, but also for recording excerpts (*imbreviaturas*) of legal acts into the special communal books intended for this purpose in a manner established in Bologna. With statutory decrees, the *vicedominal* office was soon founded also in Piran (1332), even though they appeared in practice already in 1325, the year the oldest surviving Piran *vicedominal* book is dated. Due to the arson in the *vicedominal* office in Koper in 1380, the exact date when

this office was founded cannot be determined, while in Izola the vicedomini are first mentioned in 1338.

The role of this office in the life of a city is best described in city statutes where their responsibilities are recorded, along with the manner of payment and receiving honoraria for various prescribed duties. As far as performing the notary practice in any given commune is concerned, the most important function of the vicedomini was copying drafts of legal events into special communal registers and authenticating all notary documents, since otherwise they would not have been valid and would not, in the event of dispute, have any legal value before a court.

Vicedomini were elected to the Great Council. Two were elected each year from among the members of the Council. They had to be skilled in the notary "trade" as well, which held true for all important communal public servants. The manner of the election of them did not fundamentally change with time, but the office term was different from town to town. In Piran, for instance, it was decided in the mid-16th century that a candidate who received more votes than his elected colleague – who was on duty for one year – could occupy this position for 18 months. In Koper, about 100 years later, a vicedominus with more votes would receive a two-year term in the office and the one with less votes a one-year term, while in Izola they were both assigned a two-year term in the second half of the 17th century.

However, this was already the time of changed circumstances in the development of the notarial practice both on the Istrian Peninsula and in the neighbouring Italian lands where this institution experienced the biggest swing and meaning. Even though the Venetians initially allowed a rather high internal autonomy to these towns after conquering northwestern Istrian towns – limited only in a person of a podestà as an immediate representative of the Venetian authority – they gradually began to limit this autonomy with decrees in the very area of the notary office practice, which is in its civil-legal nature one of the most fundamental conditions as far the autonomy of a subordinate authority is concerned.

Specifically, on the initiative of the Koper Great Council, a college of notaries was founded in 1598, which was by its definition distinctively different from similar institutions founded mainly in Italy in the 13th century. While in previous times, irrespective of their status, all experienced and confirmed notaries could be included in the college, from thereof only those with the status of communal councilors, meaning members of the city patriciate, were allowed to perform notarial duties. This principle held true also in other Istrian towns where notarial duties could be performed only by the city notability, included in the Koper College of notaries, since this one had become the central Istrian notarial organization. This is how, in this area,

the centralization of authority became centred in the city of Koper, which Serenissima in 1584, by founding the court of appeals and other administrative offices for the Venetian Istria, already established as the centre of its authoritative activity in the land.

While in the time of vicedomini and until the founding of the College of notaries (and some time after that), notary books were not stored and put in order, especially those of the dead notaries— since vicedominal books assumed the duties of notary books not only by function, but also by content, mainly for all kinds of deeds of sale acts – the College of notaries took over the storing of notary documents from the first half of the 17th century on. Additionally, the college assumed the previous vicedominal duty, that is, the confirmation (with the assistance of city podestà) of notaries in those towns where this institution was available and of city judges where it was not. Even though vicedomini retained some important duties, such as the storage of all of those documents of the state and city authority that remained in city, with the founding of the College and the increased notarial activity and general literacy associated with it, they lost some of the previous central duties, such as keeping and storing vicedominal books. However, with their signature on each and every legal act and with their presence at drawing up testaments, they still guaranteed the legal value to these events.

In those Istrian towns where the vicedominal practice was known, an extraordinary relationship thus developed between the notary and vicedominal practices, since the latter assumed many duties which in other countries with developed notarial office were in jurisdiction of the latter. Additionally, the vicedomini took over in these towns not only the control over notary documents, recording of these into special books and storing of the latter as legally valid, but they also took on the function of some kind of communal archivists for all of the official documents originating at the state or communal authority. In spite of the notaries, thus, losing some of their competences that the notary practice had established in the majority of Italian towns of the time, their value was still additionally confirmed by communal authority, for example, by the ever-present local authority which directly executed control over the regular and accurate performance of notarial duties. The fact that the practice was rather widespread and established is indicated by the numerous vicedominal books from the Piran archives and the books from the old Koper archives listed in Majer's inventory and accessible on microfilms which are stored in the State archives in Trieste.

Just like in other lands with the established notary office, we discern three principal kinds of notarial and vicedominal documentary material in north-western Istrian towns:

1. every kind of deed-of-sale contracts, promissory notes and other alienations of property, where those were executed on the basis of exchange;
2. testaments, legacies to orphans, donations, feudal investitures and other legal relations, where the alienation of property came without compensation;
3. all alienations of property to church institutions and charities.

For the above listed legal acts, both notaries and vicedomini had to keep special notebooks or they adapted the manners of storage and arrangement of legal acts to the classifications of the above mentioned groups or series. Especially in keeping and storing testaments, vicedomini still kept some specific authorizations, such as their mandatory presence at people expressing their “last will” as well as in the storage of testaments until testator’s death and public announcement of his legacy, even after the founding of the College of notaries in 1598 and after they ceased keeping vicedominal books for the alienation of movable property and real estate at the beginning of the 17th century.

The study of the practice of the notary office in northwestern Istria brought us, by comparing the implementation of this practice in the neighbouring places and lands, to the conclusion that especially at the beginning of the renewed ascent of the Roman law – and the notary office connected with it – the places in the present-day Slovenian part of Istria followed, after the 12th century, the general western European directions. Numerous notary documents make it possible to further research the social, economic and legal characteristics of this period in depth; with this dissertation, an insight into the very structure of this practice is given.

The systematic collection of data from various types of notary acts could broaden horizons and offer to researchers, perhaps with the help of the computer technique, a further insight not only into the history of the structure of everyday life – if we take this concept as the meaning of the entire activity of the inhabitants of old times – as well as enable (especially with statistical method) an in-depth following of life cycles, family relations, language, national and social changes and last but not least, the study of the microlevel of all ordained social relations, which can, through the study of notary documents in such a manner, give us a complete picture pertaining to the history of human civilization.

SUPPLEMENTS

SUPPLEMENT 1

Northwestern Istrian notaries with titles and forms of ratification from the 9th to the beginning of the 13th centuries (after CDI, Chart. and Kos, ad a.-) (Comp. Chapter III.).

<i>year</i>	<i>name and title of the notary</i>	<i>Completia</i>
847	Dominicus clericus tabellio hujus sancte Tergestine ecclesie...	propria manu mei scripsi et subscripsi et complevi et absolvi
933	Ego Georgius diaconus et notarius de civitate Justinopolim...	chartam scripsi, complevi atque firmavi
977	Ego Rotepertus, dyaconus et notarius huius civitatis Justinopolim...	mea manu propria scripsi atque firmavi
1072	Ego Basilius notarius hanc traditionis...	chartam manu mea scripsi atque firmavi
1135	Ego Martinus Notarius...	cartula mano mea propria scripsi et coroboravi
1145	Ego Albinus tabellator hujus civitatis (Justinopolim)...	cartulam manu mea propria scripsi
1177	Ego Albertus Notarius publicus... (Koper)	hanc cartam subscripsi et coroboravi
1186	Ego Almericus Justinopolitanae civitatis notarius...	cartulam manu propria scripsi
1192	Ego Arnustus Notarius in predicto castro Pirani...	pacionis cartulam manu mea propria scripsi et roboravi
1202	Ego Andreas Conrado presbiter et notarius...	atque plebanus (Muggia) rogatus interfui, complevi et roboravi

SUPPLEMENT 2

Signatures of notaries from Koper, Izola and Piran in the 13th century (after CDI, Chart. and Kos, ad a.-) (Comp. Chapter III.).

year	name and title of the notary	Completa							
		1	2	3	4	5	6	7	8
1201	Ego Dominicus notarius (Piran) ...	*							
1202	Ego Dominicus notarius Piranensis	*							
1203	Ego Dominicus notarius Piranensis					*			
1212	Ego Andricus Justinopolis notarius...		*						
1213	S.N. Ego Nicolaus Insule notarius...					*			
1222	Ego Almericus (Piran) notarius...					*			
1222	Bonaiuncta notarius et nuntii... civitatis Justinopolis								
1224	Ego Gregorius (Trst) Sacri palatii notarius...							*	
1225	Ego Almericus Justinopolis notarius et cancellarius...						*		
1225	Ego Nicolaus Insulanus notarius...					*			
1229	Ego Severinus Justinop. Et rac. B[ertoldi] march.						*		
1229	(Actum in Pirano) Ego Ventura sacri palatii notarius		*						
1230	Ego Rantulfus Pirani notarius...					*			
1235	Ego Rantulfus sacri palatii notarius...							*	
1238	Ego Rantulfus Piranensis et sacri B[ertoldi] marchionis notarius...					*			
1239	Johannes tabellio cives Justinopolis...								
1248	Ego magister Riccardus Justinopolitanus et incliti B[ertoldi] marchionis notarius...		*						
1253	Ego Adelardus Ysule Notarius...						*		
1253	(S.T.) Ego Leçarus Justinopolitanus... B[ertoldi] marchionis notarius						*		

1253	(Actum Pirani) (S.T.) Ego Wilielmus Tercius sacri imperii notarius...						*	
1254	Ego Eppo Adalgerius Justinopolitanus auct. Incliti Bertoldi Marchionis Notarius et communis cancellarius...			*				
1255	Ego Johannes Piranensis... B[ertoldi] marchionis notarius...						*	
1255	Ego Valtramus Justinopolitanus... B[ertoldi] marchionis notarius...						*	
1257	Ego Gualterus Piranensis... G[regorii] marchionis notarius...						*	
1259	Ego Johannes Odorlici de Pirano Notar incliti Gregorio de Montelongo Marchionis							*
1261	Ego presbiter Facina Piranensis, auct. ... G[regorii] Istrie etque Carniolie marchionis notarius...						*	
1261	Ego Iohannes Almerici Justinopolitanus... Bertoldi marchionis notarius...						*	
1262	Ego Detemario de Justinopolis G[regorio] inclityi Marchionis Istriae Notarius...							*
1262	Ego Adalpertus qm Vitalis Justinopolitanus et incliti Gregorii marchionis notarius et nunc comunis cancelarius...							*
1263	Ego Detemarius Iustinopolitanus... marchionis Istrie notarius...						*	
1264	Ego Walterius de Pirano... G[regorii] marchionis notarius...						*	
1264	Ego Çanetus Açonis Iustinopolitanus... G[regorii] marchionis notarius...						*	
1264	Ego Vitalis filius Menesclavi Justinopolitanus... G[regorii] marchionis notarius...						*	
1264	Ego Ambrosius filius Letofredi Iustinopolitanus de Musela... G[regorii]...						*	
1265	Ego Eppo Adalg... Justinopolitanus et sacri palatii imperialis Judex et notarius						*	

1267	Ego Nicolaus Piranensis... G[regorii] marchionis notarius...						*	
1268	Ego Rolandinus de Padua Incltyi Gregorii Patriarcha, et Marchionis Notarius, et nunc Communis Justinopolis cancellarius...						*	
1268	(S.T.) Ego Marinus Andulfi imperialis aule notarius et cancelarius comunis (Piran)						*	
1271	Ego Adalgerius Piranensis notarius inclitii G[regorii] marchionis...						*	
1271	Ego Almericus filius Dominici Insule... G[regorii]... notarius...						*	
1272	Ego Rantulfus Puchigna Iustinopolitanus... G[regorii]... notarius						*	
1274	Ego Bonaventura de Busdarino sacri palatii notarius et... cancellarius... Pirani...			*				
1277	Ego Dominicus de Pirano incliti Gregorii marchionis notarius...						*	
1279	Ego Nicolaus Iustinopolitanus... G[regorii]... notarius...						*	
1279	Ego Ançolus filius qm Vitalis Iustinopolitanus... Gregorii... notarius...						*	
1279	Ego presbiter Henricus canonicus Iustinopolitanus et incliti R[aimundi] marchionis Istrie notarius...							*
1283	Ego Sclavionus de Pirano notarius imperiali auct. ...	*						
1283	(Actum in Pirano) Ego Iohannes Artemani Iustinopolitanus... G[regorii]... notarius...						*	
1283	(Actum Pirani) Ego Andreas Widonis de Çen-sono imperiali auct. Notarius et iudex ordinarius...	*						
1284	(Actum Pirani) Ego Almericus qm Bertoldini Iustinopolitanus et notarius domini G[regorii] marchionis						*	
1285	(in Pirano) Ego Iohanninus Aposaçii de Brixia imperiali auct. Sacrii palatii notarius...	*						

1285	(S.T.) Ego Franciscus de Bognolo imperiali auctoritate notarius... Iustinopolitani... potestatis cançelerius...						*		
1287	Ego Geroldus qm Martini de Iustinopoli... R[aimundi]... notarius...						*		
1290	Ego Matheus Blaionus... R[aimundi] marchionis notarius...						*		
1290	Sclavono de Billono (Piran)								
1292	Ego Martinus Insule... Gregorii marchionis notarius						*		
1292	Ego presbiter Michael de Mari Iustinopolitanus canonicus imperiali auctoritate notarius...						*		
1294	Ego Petrus filius Venerii Columbani de Pirano imperiali auct. Notarius...	*							
1294	(S.T.) Ego Dominichinus imperiali auct. Notarius... (pirani) potestatis scriba...	*							
1294	Petro Bono de Pirano notario...								
1296	Ego Annoe Piranensis notarius... G[regorii] marchionis Istrie						*		
1298	(Actum Pirani) (S.T.) Ego Scotus de Scotis Venetus, imperiali auct. notarius...	*							
1299	Ego Petrus Appolonij de Pirano notarius imperiali auct. ...						*		

Legend:

1. scripsi et coroboravi (1) / scripsi et firmavi (1)
2. scripsi (9)
3. scripsi et subscripsi (1)
4. subscripsi (1)
5. scripsi, complevi et roboravi (6)
6. scripsi et roboravi (34)
7. subscripsi et roboravi (5)
8. in publicam scripturam redegi (1)

Notaries: 60

Completia: 59

SUPPLEMENT 3

The list of notaries, preserved in the inventory of testaments of Koper's female and male testators in the 16th and 17th centuries.

The inventory of female and male testators and notaries from the nine books of testaments, marked A, B, C, D, E, F, G, L, M, has been preserved on 18 pages in the archival fund, inventoried by MAJER 1904, n. 533 A (AST. AAMC, bob. 676), and contains 1331 testaments. There is the following notice on page 1:

Addi 15. Marzo 1802. Capodistria

Si certifica per S.e. off.o del pub.co Archivio di questa Vice Dominaria trovarsi nella Filza dell' Archivio stesso 1121 Testamenti sopra I quali non apparisce notate da Nodari la pubblicazione, trovandosi all'incontro nelle filze medesime n.o 210 Testamenti sopra I quali e stata da Nodari notate la pubblicazione lorche tutto risulta del fedele trassunto fatto dale filze medesime in fede dictae.

Elio Cristoforo Barbo Nod.o Pub.co Colleg.to, ed Archivist.

Nodari
di
Capodistria
XVI – XVII

Notaries	years of service
Gio: Batt:a Angiari	1602–1631
Gio: Batt:a Angiari	1645–1671
Agostin Appolonio	1581–1605
Appolonio Appolonio	1549
Appolonio Appolonio	1586–1611 (m.p.) 1617
Appolonio Appolonio	1661–1696
Domenico Barbabianca	1695 (m.p.)
Andrea Barbo	1653
Bernardin Barbo	1587–1589
Antonio Baromini	1592
Baldasar Baschini	1580
Lucia Basso	1603 (m.p.)
Aurelio Belgramoni	1502
Antonio Belgramoni	1603–1675
Gio: Ambroso de Belli	1603 (2 volte)
Aurelio de Belli	1694
Giacomo de Belli	1585–1594
Elena del Bello	1656 (m.p.)
Giacomo del Bello	1588
Gio: Batta del Bello	1662
Gio: Maria del Bello	1591

Giuliano del Bello	1449
Giulian del Bello	1540
Lucio del Bello	1633 (m.p.)
Nicollo del Bello	1591
Pietro Ben(m)bo	1607-1631
Iseppo Bonci	1647 (m.p.)
Lorenzo Bottoni	1586 (m.p.)
Anselmo Brasilco	1586
Anselmo Bratti	1586, 1587 (m.p.) - 1598
Anselmo Bratti	1684-1689
Gasparo Bratti	1520
Gasparo Bratti	1558-1596
Gasparo Bratti	1613-1628
Giacobo(us) Bratti	1597-1600
Giulio Bratti	1597-1636
Giulio Bratti	1681
Girolamo Bratti	1589-1652
Gio: Batt:a Bratti	1597-1651
Iseppo Bratti	1573-1598
Nicolò Bratti	1669-1691
Cancelier de Comun	1625
Domenico Cilber	1619
Domenico Ciol	1514
Lorenzo Coloni	1681 (m.p.)
Gio: Maria Contarizo	1569
Antonio Contesini	1660 (per mano Confidente)
Andrea della Corte	1631 (m.p.)
Gasparo Corte	1629
Gio: Pietro Corte	1604
Cristoforo Corum	1568
Ponponio Ducaino	1518-1556
Ponponio Ducaino	1570-1587
Ponponio Ducaino	1683
Alvise Elio	1588-1612
Gio: Francesco Fanzago	1606
Cecilia Fabio R. Fini	1658 (m.p.)
Aurelia Fina	1631 (m.p.)
Antonio Gavardo	1603
Elena Gavardo	1692 (m.p.)
Gavardo Gavardo	1644-1654
Girolamo Gavardo	1500
Girolamo Gavardo	1571-1600
Girolamo Gavardo	1629-1658
Giulio Gavardo	1684-1698
Michiel Gavardo	1586-1594 (m.p.)
Niccolò Gavardo	1610

Ottavian Gavardo	1611
Pietro Gavardo	1605–1624
Anna Virginia Gravisi	1614 (m.p.)
Antonio Gravisi	1591
Elio Gravisi	1656 (m.p.)
Gio: Batta Gravisi	1603–1609
Marco Gravisi	1682–1696
Lucio Gravisi	1613 (m.p.)
Alesandro Grisoni	1583
Aloisius Grisoni	1581–1587
Alvise Grisoni	1560–1587
Alvise Grisoni	1685
Gio: Batt:a Grisoni	1592–1612
Girolamo Grisoni	1587
Luigi Grisoni	1554
Gio: Batta Ingaldeo	1537–1569
Francesco Ingaldeo	1593–1595
Marco Ingaldeo	1605
Elisabetta Landi	1697 (m.p.)
Lodovico Loschi	1587–1613
Andrea Lugnan	1699
Zanetto Lugnan	1637
Benetto Manzioli	1605
Gio: And:a Marian	1554
Bernardin Masseli	1643 (m.p.)
Anderian Morosini	1607 (m.p.)
Lugrezio Morosini	1669–1680
Giovanni Ostacio	1568
Cesare de Polla	1574–1587
Cesare Pola	1661
Domenico Rimino	1571
Bernardo Ronzan	1591–1593
Andrea Salo	1630 (m.p.)
Antonio Salo	1656–1668
Gio: Antonio Salo	1647–1665
Verginio Salo	1581–1588
Antonio Santorio	1583
Ambroso Sapi	1679 (m.p.)
Andrea Sarosina	1592
Michiel Scargat	1617 (m.p.)
Celio Sereni	1585–1640
Fabio Sereni	1591–1617
Fabrizio Sereni	1616
Francesco Sereni	1609–1610
Lodovico Sereni	1627
Margaritta Sereni	1582 (m.p.)

Ottavio Sereni	1597
Sereno Sereni	1625–1638
Anetta Simicia	1631 (m.p.)
Lorenzo Smerego	1645 (m.p.)
Pellegrin Spataris	1591–1622
Pellegrin Spataris	1671–1697
Gio: Batta Sporeneo	1683
Giovanni Sporeneo	1591–1610
Zuane Sporaneo	1536
Antonio Tacco	1673
Fabio del Tacco	1631
Francesco del Tacco	1583–1607
Giacomo del Tacco	1509
Giacomo del Tacco	1574–1610
Ottavio Tacco	1581
Zuane (Giovanni) del Tacco	1571–1580
Alesandro Tarsia	1597
Antonio Tarsia	1685
Fabricio Tarsia	1604–1670
Giacomo Tarsia	1678
Pietro Teoffaneo	1594–1617
Francesco Vecelli	1682
Aurelio Vergerio	1609 (m.p.)
Carlo Vergerio	1676 (m.p.)
Domenico Vergerio	1671
Almerigo Verzi	1596 (m.p.)
Bortolo Verzi	1668 (m.p.)
Zuane Verzi	1611 (m.p.)
Agostin Vida	1680
Ambroso Vida	1587–1651
Gio: Ambroso Vida	1508–1509
Gio: Ambroso Vida	1593–1641
Gio: Ambroso Vida	1660–1670
Gio: Ambroso Vida	1726
Girolamo Vida	1524–1570
Girolamo Vida	1644
Onofrio Vida	1648–1672
Ottavio Vida	1557
Ottavio Vida	1694
Nicolò Vida	1581–1600
Pietro Vida	1589–1611
Rizzardo Vida	1670–1676
Aurelio Vittori	1571–1581
Gio: Vittori	1571
Marcantonio Volpe	1603 (m.p.)
Laura Zampieri	1578 (m.p.)

D:n Antonio Zarotti	1610 (m.p.)
Gio: Batta Zarotti	1587
Gio: Paolo Zarotti	1589-1647
Girolamo Zarotti	1521
Girolamo Zarotti	1595-1681
Ludovico Zarotti	1570-1584
Niccolò Zarotti	1595
Oliver Zarotti	1602
Pietro Paolo Zarotti	1541
Pietro Paolo Zarotti	1570-1625
Pietro Paolo Zarotti	1660-1692
Demostane de Zuanni	1585

SUPPLEMENT 4

The list of notaries ((AST. AAMC, bob. 615, p. 226; MAJER 1904, 468)), who operated in 1766 ((?)) in the following towns:

Koper/Capodistria

Lugnani Giuseppe
 Modena Pietro
 Baseggio Niccolò
 Manzoni Giovanni
 Gavardo Alessandro
 De Rin Bortolo
 Barbo Cristoforo Elio
 Lugnani Antonio
 De Rin Antonio Francesco
 Gravise Francesco Gio:
 De Totto Niccolò
 Gravisi Gravise Giom:a

Muggia/Milje

Trauner Antonio
 Bacchiocco Pietro
 Zeccaria Antonio Lucca

Piran/Pirano

Colombani Lorenzo
 Del Seno Alessandro
 Venier Giorgio
 Petronio Domenico
 Fonda Girolamo
 Venier Filippo Cristoforo

Umag/Umago

Rosello Bernardin
 Balanza Francesco

Pula/Pola

Vareton Antonio
 Vareton Tiziano
 Razzo Giovanni
 Lombardo Andrea Pietro
 Mandussich Lucca

Plomin/ Fianona

Tonnetti Pietro
 Tonnetti Giuseppe
 Rudan Giammaria

Vodnjan/Dignano

Marchesi Antonio
 Licini Domenico
 Bombarda Giuseppe
 Veyla Felice Raffael
 Morizza Pasqualino
 Bradamante Ant.o Francesco
 Fioranti Simon

Bale/Vale

Bembo Tomaso
 Barbieri Andrea

Dvigrad/Duecastelli

Basilisco Francesco Gio:
 Meden Gasparo
 Basilico Giovanni

Sv. Lovreč/San Lorenzo

Boghessich Marco

SOURCES

- ASB.** L'Archivio dell'Ufficio dei Memoriali (1265–1436).
- AST. AAMC.** Antico Archivio Municipale di Capodistria / Ancient Koper Municipal Archives, Inventory after MAJER 1904.
- ASV.** Collegio **Commissioni.** Rettori ed al.
- ASV.** Collegio **Commissioni. Formulari.**
- ASV. Maggior Consiglio.** Magnus et Capricornus (1299–1308).
- ASV. V. Savi** alla Mercanzia.
- ASV.** Segretario alle **Voci.** Universi (Misti), Elezioni Maggior Consiglio.
- ASV. Senato Mare.**
- ASV.** Sezione notarile - **Testamenti.**
- BENUSSI, B.,** *Commissioni dei Dogi ai Podestà veneti nell'Istria, "AMSI"*, vol. 3, Poreč, **1887.**
- BMV.** *Manoscritti delle biblioteche d'Italia*, classe VII, 1956. IT. VII. 2216 (8632) - Famiglie nobili e Reggimenti. (cc. 130-6) Uffici e Reggimenti della Signoria, con loro stipendi, in Venezia, Terraferma, Istria, Dalmazia, Levante (1581).
- CHART.** *Chartularium Piranense. Raccolta dei documenti medievali di Pirano.* Ed. by Cam. De Franceschi, "**AMSI**", **36 (1924)**, 43–47 (1931–35), 50 (1938).
- CDI.** *Codice Diplomatico Istriano*, Ed. by P. Kandler, Lloyd Trieste, (reprint) Trieste, 1986.
- DOCUMENTA** *ad Forumjulii patriarchatum Aquileiensem Tergestum Istriam Goritiam spectantia.* Ed. by A. S. Minotto, Benetke, 1870.
- M. L. IONA** (ed.): *Le istituzioni di un comune medievale. Statuti di Muggia del sec. XIV*, Trst, Deputazione di Storia Patria per la Venezia Giulia, **1972.**
- KOS, F.,** *Gradivo za zgodovino Slovencev v srednjem veku*, I–IV, Ljubljana, **1902–1915.**
- KOS, M.,** *Gradivo za zgodovino Slovencev v srednjem veku*, V, Ljubljana, **1928.**
- LEGGI,** *Decreti e Terminazioni del Ser.mo Magg.r Cons.o etc., Concernenti il buon governo dell'Istria.* Valerio Da Riva, Pod.tà e Cap.o di Capodistria, 1683.
- LEGGI CRIMINALI Venete.** Edizione a cura di E. Della Giovanna e A. Sorgato; Venezia, 1980.
- LEGGI STATUTARIE** *per il buon governo della Provincia d'Istria. Delle Comunità, Fontici, Monti di Pietà, Scuole, ed altri Luochi Pii, ed Offizj della medesima.* Lorenzo Paruta, Podestà e Capitano di Capodistria, 1757.
- LEXICON Latinitatis Medii Aevi Iugoslaviae, vol. I–III, Editio Instituti historici Academiae scientiarum et artium Slavorum meridionalium, Zagrabiae, 1973.**
- LJUBIČ, S.,** *Listine o odnosajih između južnoga Slavenstva i mletačke republike*, v "*MSHSM-JAZU*", I–X, (vol. 1–5, 9, 12, 17, 21, 22), **1868–1893.**
- MANARESI, C.,** *I placidi del "Regnum Italiae"*, v *Fonti per la Storia d'Italia*, Rim, **1955.**
- MINOTTO, A. S.,** *Documenta ad Forumjulii, Istriam, Tergestum spectantia, "AMSI"*, vol. 8–13, Poreč, **1892–1897.**
- PAK. 6.** Občina Koper. Spisi do leta 1600. / The Municipality of Koper. **Documents** until 1600.
- PAK. 6.** Občina Koper. Samostani in bratovščine (po MAJER, IX. skupina). / The Municipality of Koper. Monasteries and Confraternities (after MAJER, **group IX**).

- PAK. 6.** Appendice all'Antico Archivio Municipale di Capodistria fino all'anno 1800 / Appendix to the Ancient Archive of Koper until 1800, manuscript in PAK.
- PAK. 83.** Zemljiška knjiga Okrajnega sodišča Koper (Notificazioni e prenotazioni) / Land register of the District Court of Koper (Notificazioni e prenotazioni).
- PAK. 84.** Oporoke iz Izole in Pirana. 1390–1818. / Testaments from Izola and Piran. 1390–1818.
- PAK. 85.** Notarski spisi. / Notary records.
- PAK. 335.** Zbirka listin. / Collection of documents.
- PAK. PI.** Inventar Občine Piran (1173–1945), tipkopis v PAK. / **Inventory** of the Municipality of Piran (1173–1945), typescript in PAK.
- PAK. PI. 9.** Občina Piran. Notarske knjige. / The Municipality of Piran. Notary books.
- PAK. PI. 9.** Občina Piran. Vicedomske knjige. / The Municipality of Piran. Vicedominal books.
- PAK. PI. 9.** Občina Piran. **Inventario** di Libri, Dvcali, Scrittvre per Comunità, Fontico, Monte, Atti notariali, et altro nella Vicedominaria di Pirano. Rinovato MDCCLXXI. / The Municipality of Piran. Inventario di Libri, Dvcali, Scrittvre per Comunità, Fontico, Monte, Atti notariali, et altro nella Vicedominaria di Pirano. Rinovato MDCCLXXI.
- PAK. PI. 9.** Občina Piran. Listine. / The Municipality of Piran. **Documents.**
- PAK. PI. 9.** Občina Piran. Testamenti. / The Municipality of Piran. **Testaments.**
- SENATO MARE.** *Parti (deliberazioni, decreti) del Senato veneto, attinenti all'Istria (1440–1797).* "AMSI", vol. 7, 9, 11–17, Poreč 1891, 1893, 1895–1901.
- SENATO MISTI.** *Parti (deliberazioni, decreti) del Senato veneto, attinenti all'Istria (1332–1440).* "AMSI", vol. 3–6, Poreč 1887–1890.
- SCHUMI F.,** *Urkunden und Regestenbuch des Herzogtums Krain*, vol. I-II, Laibach, **1882–1884.**
- STAMPA.** *Nobili di Capodistria.* Osrednja knjižnica Srečka Vilharja Koper / Srečko Vilhar Public Library of Koper, D 10567.
- STAT. ALB.** *Statuta communis Albonae 1341.* Ed. by di Cam. De Franceschi. »AT« 32; Trieste, 1908.
- STATUT Buzetske općine (Statuto del Comune di Pinguente).** Ed. by M. Zjačić. "VHARP", 8–10, 1965.
- STAT. CITT.** *Statuti di Cittanova.* Ed. by L. Parentin. "AMSI" nuova serie, 14, 1966.
- STATUT grada Poreča (Statuto della città di Parenzo).** Ed. by M. Zjačić. "VHARP", 6–7, 1962.
- STAT. ISOLA.** *Isola ed i suoi statuti.* Ed. by di L. Morteani. "AMSI" 3-5; Parenzo, 1887–1889.
- STAT. ISOLA KOS.** *Statut izolskega komuna od 14. do 18. stoletja, (Lo Statuto del comune di Isola - (secoli XIV-XVIII).* Ed. by D. Kos, Koper, Založba Annales, **2006.**
- STAT. KOP.** *Statut Koprškega komuna iz leta 1423 z dodatki do leta 1668 (Lo statuto del comune di Capodistria del 1423 con le aggiunte fino al 1668).* Ed. by L. Margetić, Pokrajinski arhiv Koper - Center za zgodovinske raziskave Rovinj, Koper, Rovinj, 1993.
- STAT. PIR.** *Statut Piranskega komuna od 13. do 17. stoletja (Gli statuti del comune di Pirano dal XIII al XVII secolo).* Eds. by M. Pahor & J. Šumrada, Ljubljana, 1987.
- STAT. PIR. De Fr.** *(Gli) Statuti del comune di Pirano del 1307 confrontati con quelli del 1332 e del 1358.* Ed. by Cam. De Franceschi, Deputazione di Storia Patria per le Venezie;

Venezia, 1960.

STAT. TS. *Statuti di Trieste del 1350*. Ed. by M. De Szombathely; Trieste, 1930.

STAT. UMAGO. *(Lo) Statuto di Umago*. Ed. by B. Benussi. "AMSI" 8/1892.

THESAURUS *Ecclesiae Aquileiensis*. Ed. by J. Bianchi; Udine, 1847.

TESTAMENTI *estratti dall'Archivio della Vicedominaria di Pirano. Saggi di volgare scritto (1332-1489)*. "AMSI", vol. 3, Poreč, 1887.

BIBLIOGRAPHY

- ABBONDANZA, R. (1973)** (ed.), *Il notariato a Perugia: mostra documentaria e iconografica per il 16. Congresso nazionale del notariato*, Roma, Consiglio nazionale del notariato.
- AIRALDI, G. (1974)**, *I notai dei conti palatini genovesi*, In: G. Airdi, *Studi e documenti su Genova e l'Oltremare*, Genova, 178-315.
- ALTHOFF, G., FRIED, J., & P. J. GEARY (2002)**: *Medieval Concepts of the Past: Ritual, Memory, Historiography*, German Historical Institute, Washington, Cambridge University Press.
- AMELOTTI, M. & G. COSTAMAGNA, (1975)**, *Alle origini del Notariato italiano*, Consiglio Nazionale del Notariato, Roma.
- ANSELMINI, A. (1926)**, *Le scuole di Notariato in Italia*, Viterbo.
- ANTONI, F. (1989)**, *Documentazione notarile dei contratti e tutela dei diritti: note sui vicedomini di Trieste (1322-1732)*. *Clio*, XXV – n. 2, pp. 319-335.
- ANTONI, F. (1991)**, *Materiali per una ricerca sui vicedomini di Trieste*. *Archeografo Triestino*, serie IV – vol. LI, Trieste, pp. 151-177.
- ASTUTI, G. (1952)**, *I contratti obbligatori nella storia del diritto italiano*, Milano.
- AUDISIO, G. (2005)** (ed.): *L'Historien et l'activité Notariale. Provence, Vénétie, Égypte XVe-XVIIIe siècles*. Toulouse, Presses Universitaires du Mirail.
- BARADA, M. (1938)**, *Dvije naše vladarske isprave. Diplomatično-paleografska studija (Due dei nostri documenti imperiali. Studio diplomatico-paleografico)*, Zagreb.
- BARADA, N. (1946)**, *Trogirski spomenici (Memorie di Trau)*, I, Zagreb.
- BASCAPÉ, G. C. (1969)**, *Sigillografia. Il sigillo nella diplomazia, nel diritto, nella storia, nell'arte*, Milano.
- BAUTIER, R. H. (1961)**, *Leçon d'ouverture du cours de diplomatie à l'École des Chartes*. Bibliothèque de l'École des Chartes, vol. CXIX, Paris.
- BELLOMO, M. (2011)**, *L'Europa del diritto comune*, Roma, Il Cigno G.G. Edizioni, (IX ed.).
- BENUSSI, B. (1887)**, *Commissioni dei dogi ai podestà veneti nell'Istria*. *AMSI* 3, 3-109.
- BENUSSI, B. (1923)**, *Pola nelle sue istituzioni municipali sino al 1797*, Deputazione di Storia Patria, Venezia.
- BENUSSI, B. (1974)**, *L'Istria nei suoi due millenni di storia*, Trieste.
- BERTOŠA, M. (1978)**, *Istarsko vrijeme prošlo (Il passato dell'Istria)*, Pula.
- BERTOŠA, M. (1986)**, *Mletačka Istra u XVI i XVII stoljeću (L'Istria Veneta nei secoli XVI e XVII)*, I-II, Pula.
- BESTA, E. (1961)**, *Le successioni nella storia del diritto italiano*, Padova.
- BETTARINI, F. (2013)**, *Il notariato dalmata e la "Santa Intrada"*, in Israel U. & O.-J. Schmitt (eds.), *Venezia e Dalmazia*, *Venetiana* 12, Viella, Roma, pp. 111-149.
- BETTO, B. (1981)**, *I Collegi di notai, giudici, medici e nobili in Treviso fra i secoli XIII-XVI*, Deputazione di Storia Patria, Venezia.
- BEUC, I. (1954)**, *Statut zadarske komune iz 1305. godine (Statuto del comune di Zara del 1305)*. *VDAR*, II, Rijeka.
- BEUC, I. (1962)**, *Osnovi statutarnog prava u Istri (Principi del diritto statutario in Istria)*. *Zbornik pravnog fakulteta u Zagrebu, Leto XII (Annali della Facoltà di Giurisprudenza di Zagreb)*, 3-4, Zagreb.

- BEZEK, V. (1977)**, *Analitični inventar fonda občine Izola, I del (1775-1848) (Inventario analitico del fondo del comune di Isola, I parte, 1775-1848)*, PAK, Koper.
- BLOCH, M. (1968)**, *La Société féodale*, Paris, Eds. Albin Michel.
- BLOISE, D. (1982)**, *I Vicedomini e i loro registri*. In: *Le Magistrature cittadine di Trieste nel secolo XIV. Guida e inventario delle fonti*, Roma, pp. 45-50.
- BOERIO, G. (1856)**, *Dizionario del dialetto veneziano*, Venezia.
- BONIN Z. (2002)**, *Inventar zbirke listin v Pokrajinskem arhivu Koper (1348-1776) (Inventario della Collezione di pergamene dell'Archivio regionale di Capodistria)*, Koper, Pokrajinski arhiv.
- BOÛARD (de), A. (1948)**, *Manuel de diplomatie française et pontificale. L'Acte privé*, Paris, 1948.
- BRANDT, M. (1955)**, *Wycklifova hereza i socijalni pokreti u Splitu krajem XIV stoljeća (L'eresia di Wyckliffe ed i moti sociali a Split alla fine del XIV secolo)*, Zagreb.
- BRATOŽ, R. (1989)**, *Rižanski zbor (Placito del Risano)*. In: *Koper med Rimom in Benetkami. Prispevki k zgodovini Kopra (Capodistria fra Roma e Venezia. Contributi alla storia di Capodistria)*, Ljubljana.
- BRESSLAU, H. (1958)**, *Handbuch der Urkundenlehre für Deutschland und Italien*, vol. II, Leipzig, 1889, 1912, 1915, 1931, Berlin.
- BRUNETTIN, G. (2004)**, *Gubertino e i suoi registri di cancelleria patriarcale conservati presso la Guarneriana di San Daniele del Friuli (1335, 1337, 1340-1341-1342). Studi sul Trecento in Friuli*, Biblioteca Guarneriana, San Daniele del Friuli.
- BRUNNER, H. (1880)**, *Zur Rechtsgeschichte der römischen und germanischen Urkunde*, Berlin.
- BRUSCHI, U. (2006)**, *Nella fucina dei notai. L'Ars Notaria tra scienza e prassi a Bologna e in Romagna (fine XII – metà XIII secolo)*. Bologna, Bononia University Press.
- BUDAK, N. (2007) (ed.)**, *Sacerdotes, iudices, notarii...: posrednici među društvenim skupinama / Sacerdotes, iudices, notarii...: mediators among social groups*, Zbornik radova s međunarodnog znanstvenog skupa 2. istarski povijesni biennale održanog u Poreču od 19. do 21. svibnja 2005., gl. ur., Zavičajni muzej Poreštine Pučkog otvorenog učilišta – Državni arhiv u Pazinu – Odjel za humanističke znanosti Sveučilišta Jurja Dobrile u Puli, Poreč-Parenzo.
- CAPPELLETTI, G. (1992)**, *Relazione storica sulle Magistrature Venete*, ristampa (del 1873) di Filippi Editore, Venezia.
- CAPPELLI, A. (1988)**, *Cronologia, cronografia e calendario perpetuo*, sesta edizione, Hoepli, Milano (prima edizione 1929).
- CAPPELLI, A. (1987)**, *Dizionario di abbreviature latine ed italiane*, sesta edizione, Hoepli, Milano.
- CENCETTI, G. (1943)**, *I precedenti storici dell'Archivio notarile a Bologna*. *Notizie degli Archivi di Stato*, III – n. 2, Roma, pp. 117-124.
- CENCETTI, G. (1965)**, *Il notaio medievale italiano*. *Annali della Facoltà di Giurisprudenza della Università di Genova*, vol. IV, pp. 1-13.
- CENCETTI, G. (1966)**, *Dal tabellone romano al notaio medievale*. In: *Il Notariato veronese*, Catalogo della Mostra, Verona, pp. 19-34.
- CESARINI-SFORZA, W. (1914)**, *Sull'ufficio bolognese dei "Memoriali"*. Archiginnasio, Bologna, pp. 379-392.
- CESCA, G. (1882)**, *La sollevazione di Capodistria nel 1348*. 100 documenti inediti, pubblicati ed illustrati da G. Cesca, Verona – Padova.

- CHIAPPELLI, L. (1927)**, *La formazione storica del comune cittadino in Italia*. ASI, 1926.
- COMBI, C. (1859)**, *Studi storici intorno all'Istria*. Porta orientale, vol. 3.
- CONTINELLI, L. (1988)** (ed.): *L'Archivio dell'Ufficio dei Memoriali*, vol. I, 1265–1333, Bologna.
- CORBO, A. M. (1972)**, *Ancora di una «datio penne et calamari»*, *Rassegna degli Archivi di Stato*, 32, 2, pp. 366-371.
- COSTAMAGNA, G. (1970)**, *Il notaio a Genova tra prestigio e potere*, Consiglio Nazionale del Notariato, Roma.
- COSTAMAGNA, G. (1977)**, *Dalla charta all'instrumentum*. In: *Notariato medievale bolognese II*, Roma, pp. 7-26.
- CRACCO, G. et al. (1992)**, *L'Europa e il mondo nel Medioevo*, Torino.
- ČREMOŠNIK, G. (1932)**, *Istorijski spomenici dubrovačkog arhiva: Kancelariski i notarski spisi 1278-1301 (Acta cancellariae et notariae annorum 1278-1301) (Memorie storiche dell'archivio di Ragusa: Atti della cancelleria e notarili 1278-1301)*. Zbornik za istoriju, jezik i književnost srpskog naroda (Annali di storia, lingua e letteratura del popolo serbo), serie 3/I, Beograd.
- ČREMOŠNIK, G. (1939)**, *Notarske listine sa Lastova (Atti notarili di Lågosta)*. JIČ, vol. V.
- ČREMOŠNIK, G. (1951)**, *Spisi dubrovačke kancelarije (Notae et acta cancellariae Ragusinae)*, *Knjiga I, Zapisi notara Tomazina de Savere (Notae et acta notarii Thomasini de Savere)*, 1278-1282, Monumenta historica Ragusina, 1, JAZU, Zagreb.
- CVITANIĆ, A. (1964)**, *Pravno uređenje splitske comune po statutu iz 1312. godine (Amministrazione giuridica del comune di Split secondo lo statuto del 1312)*, Split.
- DA MOSTO, A. (1937)**, *L'Archivio di Stato di Venezia. Indice generale, storico, descrittivo ed analitico*, vol. I, Roma.
- DAROVEC, D. (1988)**, *Prerez razvoja oblastnih struktur in vpliv Benetk na komun Koper v razvitem srednjem veku (Rassegna dello sviluppo dell'autorità e dell'influenza di Venezia sul comune di Capodistria nel basso Medioevo)*. Primorska srečanja (Incontri della Primorska) 84/85, Koper, pp. 402-408.
- DAROVEC, D. (1989)**, *Obrambna organizacija komuna Koper pod Benečani (Strutture di difesa del comune di Capodistria sotto la Repubblica Veneta)*. Kronika, 1-2, Ljubljana, pp. 27-37.
- DAROVEC, D. (1990)**, *Od prihoda Slovanov do konca Beneške republike (1797) (Dall'arrivo degli Slavi alla fine della Repubblica Veneta, 1797)*. In: *Kraški rob in Bržanija*, Koper, pp. 31-62.
- DAROVEC, D. (1991, 1992)**, *Oblike zavarovalstva v severni Istri v obdobju Beneške republike (Forme di assicurazione nell'Istria settentrionale sotto la Repubblica Veneta)*. *Annales* 1/'91 e 2/'92, Koper, pp. 69-80 e 109-118.
- DAROVEC, D. (1992)**, *Arhivski viri Pokrajinskega arhiva Koper in objavljeni viri za zgodovino beneške Istre (Fonti d'archivio dell'Archivio Regionale di Capodistria e fonti pubblicate sulla storia dell'Istria veneta)*. *Arhivi*, XV, Ljubljana, pp. 1-6.
- DAROVEC, D. (1993)**, *Memoriali bolognesi come termine di paragone nello studio dell'ufficio dei Vicedomini in Istria*. *Contributi dell'Università degli Studi di Bologna*, n. 12, Bologna, str. 7-69.
- DAROVEC, D. (1994)**, *Notarjeva javna vera. Notarji in vicedomini v Kopru, Izoli in Piranu v obdobju Beneške republike (Fede pubblica del notaio: notai e vicedomini a Capodistria, Isola e Pirano all'epoca della Repubblica di Venezia / Notary's Public Confidence: The*

- Notaries and Vicedomini in Koper, Izola and Piran in the Time of the Venetian Republic*). Knjižnica Annales 7. Zgodovinsko društvo za južno Primorsko, Koper.
- DAROVEC, D. (1996)**, *Inventar notarskih spisov v Pokrajinskem arhivu Koper (Inventario degli atti notarili dell'Archivio regionale di Capodistria) (1558-1850)*. Pokrajinski arhiv Koper, Koper.
- DAROVEC, D. (2004)**, *Davki nam pijejo kri: gospodarstvo severozahodne Istre v novem veku v luči beneške davčne politike (Le tasse ci succhiano il sangue, L'economia dell'Istria nord occidentale in età moderna alla luce della politica fiscale veneziana / The Bloodsucking Taxes, Economy of Northwestern Istria in modern age in the light of the Venetian fiscal policy)*, Koper – Capodistria, Annales.
- DAROVEC, D. (2007)**, *Piranska oljčna desetina in vprašanje notarjeve javne vere v Istri v visokem srednjem veku (The Tenth of Olive Oil Production at Piran and the Issue of the Notary's Public Confidence in the Late Middle Ages)*, In: BUDAK, 91-98.
- DAROVEC, D. (2010a)**, *Breve storia dell'Istria*, Udine, Forum-Editrice Universitaria Udinese.
- DAROVEC, D. (2010b)**, *Ruolo dei vicedomini istriani nella redazione degli atti notarili in rapporto ad uffici affini dell'area adriatica*, Acta Histriae, 18, 4, 789-822.
- DAROVEC, D. (2014)**, *De tabellionatu cum lampulo mantelli*. The Ritual of the Investiture of the notary: example from Istria, Acta Histriae, 22, 3.
- DAROVEC, D., KAMIN, V. & M. VOVK (2010)**, *Med izolskimi spomeniki. Umetnostno-zgodovinski vodnik po umetnostni dediščini Izole (Among the monuments of Izola, Art history guide to the cultural heritage of Izola / Tra i monumenti di Isola: guida storico-artistica del patrimonio artistico di Isola = Die Stadt Izola erkunden: Reiseführer durch die kunsthistorischen Sehenswürdigkeiten der Stadt Izola)*. Koper, Založba Annales.
- DE FRANCESCHI, C. (1968)**, *Saggi e considerazioni sull'Istria nell'alto Medioevo: I, Dell'omissione di centri dell'Istria settentrionale dal novero di quelli menzionati nel Placito del Risano come soggetti di tributo fondiario*. AMSI, nuova serie, vol. 16, Trieste.
- DE TOTTO, G. (1939)**, *Il patriziato di Capodistria*. AMSI 49, pp. 71-158.
- DE VERGOTTINI, G. (1924)**, *Lineamenti storici della costituzione politica dell'Istria durante il Medio Evo*, I-II, Roma.
- DE VERGOTTINI, G. (1926-1927)**, *La costituzione provinciale dell'Istria nel tardo Medio Evo*. AMSI 38, pp. 81-127 e AMSI 39, pp. 9-60.
- DE VERGOTTINI, G. (1934)**, *Il locoposito nei documenti istriani dal sec. XI fino al XIII*. AMSI, vol. 46, Parenzo, pp. 192-209.
- DE VERGOTTINI, G. (1943)**, *Note sulla formazione degli Statuti del Popolo*. Rivista di storia del diritto italiano, s. 6170.
- DE VERGOTTINI, G. (1977a)**, *Riflessioni sulla storia politica dell'Istria*. Scritti di storia del diritto italiano, Seminario giuridico della Università di Bologna LXXIV, Milano, pp. 1081-1093.
- DE VERGOTTINI, G. (1977b)**, *Momenti e figure della storia istriana nell'età comunale*. Scritti di storia del diritto italiano, Seminario giuridico della Università di Bologna LXXIV, Milano, pp. 1147-1190.
- DE VERGOTTINI, G. (1977c)**, *Comune e vescovo a Trieste nei secoli XII-XIV*. Scritti di storia del diritto italiano, Seminario giuridico della Università di Bologna LXXIV, Milano, pp. 1375-1392.

- DEGRASSI, A. (1969), *Podestà e vicedomini d'Isola*. AMSI, nuova serie, vol. 17, Trieste, pp. 9-12.
- DONATI, C. (1988), *L'idea di nobiltà in Italia (secoli XIV-XVIII)*. Milano, Editori Laterza.
- DRIVER, G. R. (1976), *Semitic Writing. From Pictograph to Alphabet*, Oxford University Press, London.
- DU CANGE, C. (1733), *Glossarium ad scriptores mediae et infimae Latinitatis*, Parisiis: sub oliva Caroli Osmont, 1733-1736, Tomus tertius: [E-K]. kol. 1520-1538.
- DUBY, G. (1985), *Trije redi ali imaginarij fevdalizma*, Ljubljana, Studia humanitatis, (slov. edicija: prev. Gregor Moder, orig. *Les trois ordres ou l'imaginaire du féodalisme*, Paris, Éditions Gallimard, 1978.).
- DURANDO, E. (1897), *Il Tabellionato o Notariato nelle leggi romane, nelle leggi medievali italiane e nelle posteriori specialmente piemontesi*, Torino.
- EBNER, P. (1979), *Economia e società nel Cilento medievale*, I, Roma.
- ERCEG, I. (1980), *Dva i pol stoljeća kretanja stanovništva Istre (1554-1807) (Due secoli e mezzo di moti della popolazione istriana, 1554-1807)*, in *Annali di Gunjač*, Zagreb.
- ERCOLE, F. (1911), *Impero e papato nella tradizione giuridica bolognese e nel diritto pubblico italiano del Rinascimento: sec. 14.-15*, Bologna, Nicola Zanichelli.
- FAGGION, L., MAILLOUX A. & L. VERDON (2008), *Le notaire, entre métier et espace public en Europe, VIII^e-XVIII^e siècle*, Aix-en-Provence, Publications de l'université de Provence.
- FAGGION, L. (2008), *Il notaio, la società e la mediazione in età moderna nelle storiografie francese e italiana: un confronto*, *Acta Histriae*, 16, 4, 527-544.
- FAGGION, L. (2013), *La pacificazione e il notaio nel vicariato di Valdagno nel secondo cinquecento*, *Acta Histriae*, 21, 1-2, 93-106.
- FALCONI, E. (1983), *Lineamenti di diplomatica notarile e tabellionale*, Parma.
- FASOLI, G. (1977), *Il notaio nella vita cittadina bolognese*. In: *Notariato medievale bolognese II*, Roma, pp. 123-142.
- FERRARA, R. (1977), *Licentia exercendi ed esame di notariato a Bologna nel secolo XIII*. In: *Notariato medievale bolognese II*, Roma, pp. 50-121.
- FERRARI, G. (1932), *Il documento privato nell'alto Medioevo e i suoi presupposti classici*. ASI, pp. 3-34.
- FERRO, M. (1778-1781), *Dizionario del diritto comune e veneto*, Venezia.
- FINLEY, R. (1982), *La vita politica nella Venezia del Rinascimento*, Milano.
- FLORI J. (1998), *Chevaliers et chevalerie au Moyen Age*, Paris, Hachette, collection «La vie Quotidienne».
- FONDI d'archivio e raccolte degli archivi della Rep. Soc. Fed. Jugoslavia (1984), Repubblica Slovenia, Beograd.
- FRANCHINI, V. (1914), *L'istituto dei "Memoriali" in Bologna nel secolo XIII*. Archiginasio, Bologna, pp. 95-106.
- GENUARDI, L. (1914), *La presenza del giudice nei contratti privati italiani dell'alto Medio Evo*. *Annali del Seminario giuridico della R. Università di Palermo*.
- GESTRIN, F. (1965), *Trgovina slovenskega zaledja s promorskimi mesti od 13. do konca 16. stoletja (Commercio tra l'entroterra sloveno e le città del Litorale dal XIII alla fine del XVI secolo)*, SAZU, Ljubljana.
- GESTRIN, F. (1978), *Pomorstvo srednjeveškega Pirana (Marineria della Pirano medievale)*, SAZU, Ljubljana.

- GIGANTE, S. (1912)**, *Libri del cancelliere. Cancelliere Antonio di Francesco de Reno*. Monumenti di storia fiumana, vol. II, Rijeka.
- GOODY, J. (1993)**, *Med pisnim in ustnim. Študije o pisnosti, družini, kulturi in državi (The interface between the written and the oral. Studies in Literacy, Family, Culture and the State)*. SH, Ljubljana.
- GRANDI-VARSORI, M. S. (1981)**, *Il testamento: Source privilégiée. Il caso dei testamenti trevigiani del XVIII secolo*. SV, nuova serie V, pp. 145-189.
- GRBAVAC, B. (2008)**, *Notari kao posrednici između Italije i Dalmacije – studije, službe, seobe između dvije obale Jadrana*, *Acta Histriae*, 16, 4, 503–526.
- GRBAVAC, B. (2011)**, *Svjedočanstvo o stvarnosti ili fikcija: zadarski notari između formula i prakse*, *Acta Histriae*, 19, 3, 393–406.
- GRBAVAC, B. (2013)**, *Oporuka i inventar splitskog notara Jakova pok. Ubertina de Pugliesibus iz Piacenze. Prilog proučavanju splitskog notarijata*, *Acta Histriae*, 21,1-2, 75-92.
- GRECO, M. (1939)**, *L'attività politica di Capodistria durante il XIII secolo*. AMSI 49.
- GROTEFEND, H. (1909)**, *Taschenbuch der Zeitrechnung des deutschen Mittelalters und der Neuzeit*, Schwerin.
- HEUBERGER, R. (1921)**, *Allgemeine Urkundenlehre für Deutschland und Italien*. In: *Grundriss der Geschichtswissenschaft*, Berlin.
- HOCQUET, J-C. (1990)**, *Il sale e la fortuna di Venezia*, Jouvance, Roma.
- INCHIOSTRI, U. (1930)**, *Il Comune e gli statuti di Arbe fino al secolo XIV*. Archivio storico per la Dalmazia, V, vol. X.
- IONA, M. L. (1988)**, *I vicedomini e l'autenticazione e registrazione del documento privato triestino nel secolo XIV*. AMSI 88, Trieste, pp. 96-108.
- JOPPI, V. (1878)**, *Aggiunte inedite al codice diplomatico istro-tergestino del secolo XIII*, Udine.
- KAMBIČ, M. (2010)**, *Dednopravni položaj hčera po statutih piranskega komuna – recepcija ali kontinuiteta rimskega prava (The Hereditary Status of Daughters According to the Communal Statutes of Piran – Reception or Continuity of Roman Law)*, “*Acta Histriae*”, 18, 4, 769-788.
- KANDLER, P. (1846)**, *Delle notifiche nell'Istria*. L'Istria, I, pp. 75-80.
- KANDLER, P. (1861)**, *L'Archivio diplomatico. I Vicedomini*. In: *Raccolta delle leggi, ordinanze e regolamenti speciali per Trieste*, Trieste, pp. 15-16.
- KELLER, H. (1993)**, *Die Investitur. Ein Beitrag zum Problem der 'Staatssymbolik' im Hochmittelalter*, “*Frühmittelalterliche Studien*”, 27, pp. 51–86.
- KERN, F. (1906)**, *Dorsualkonzept und Imbreviatur*, Stuttgart.
- KITTEL, E. (1970)**, *Siegel*, Braunschweig.
- KLEN, D. (1968)**, *Statuti, urbari, notari Istre, Rijeke, Hrvatskog primorja i otoka*. Katalog izložbe (*Statuti, registri dei beni pubblici, notai dell'Istria, del Litorale croato e delle isole*. Catalogo della mostra), Rijeka.
- KOS, D. (1994)**, *Pismo, pisava, pisar : prispevek k zgodovini kranjskih listin do leta 1300 (Document, writing, writer: a contribution to the history of the Carniolian documents up to 1300)*, Ljubljana.
- KOS, M. (1924)**, *Draške privatno-pravne listine v 13. stoletju (Atti giuridici privati di Drač nel secolo XIII)*. Arhiv za arbanasku starinu, jezik i etnologiju (*Antichità, lingua e etnologia albanese*), vol. II, Beograd.

- KOS, M. (1956)**, *Aus der Geschichte der mittelalterlichen Urkunde Istriens – Studien zur älteren Geschichte Osteuropas*, I: Festschrift H. F. Schmidt (Wiener Archiv für Gesch. des Slawentums u. Osteuropas), Bd. II, Graz, pp. 49-62.
- KOSTREŃIĆ, M. (1930)**, *Fides publica* (javna vera) u pravnoj istoriji Srba i Hrvata do kraja XV veka (*Fede pubblica nella storia giuridica dei Serbi e Croati fino alla fine del XV secolo*), Beograd.
- KULIŠER, J. (1959)**, *Splošna gospodarska zgodovina srednjega in novega veka I* (*Storia generale dell'economia del Medioevo e dell'Eta Moderna I*), Ljubljana.
- LE GOFF, J. (1985)**, *Za drugačen srednji vek. Simbolno obredje vazalstva*. (orig. *Pour un autre Moyen Âge. Le rituel symbolique de la vassalité* (1965), Paris, Edition Gallimard, 1977), Ljubljana, *Studia humanitatis*, 383-461.
- LE GOFF, J. (1992)**, *Gli intellettuali nel Medioevo*, Milano, (I 1957).
- LEICHT, P. S. (1906)**, *Formulari notarili nell'Italia settentrionale*. In: *Mélanges Fitting*, Montpellier,.
- LEICHT, P. S. (1910)**, *Note ai documenti istriani di diritto privato dei secoli IX-XII*. In: *Miscellanea di studi in onore di Attilio Hortis*, Trieste, pp. 179-201.
- LEICHT, P. S. (1936)**, *Notaio*. In: *Enciclopedia Italiana* 24, 974.
- LEICHT, P. S. (1949)**, *Note agli statuti istriani con particolare riguardo al diritto di prelazione*. AMSI 53, Venezia, pp. 77-86.
- LEICHT, P. S. (1948)**, *Storia del diritto italiano*. Il diritto privato, P. III, Milano.
- LEVY-BRUHL, H. (1910)**, *Le témoignage instrumentaire en droit romain*, Paris.
- LIVA, A. (1979)**, *Notariato e documento notarile a Milano: dall'alto Medioevo alla fine del Settecento*, Roma, Consiglio nazionale del notariato.
- LOMBARDO, M. L. (2012)**, *Il notaio romano tra sovranità pontificia e autonomia comunale (secoli XIV-XVI)*. Milano, Giuffrè.
- LONDERO, A. (1994)**, *Lo scriptorium di prete Pino. Analisi di un inventario di beni del secolo XV*. *Sot la nape*, XLVI, n. 1, Società Filologica Furlana, Udine.
- LUČIĆ, J. (ed.) (1984)**, *Spisi dubrovačke kancelarije (Notae et acta cancellariae Ragusinae)*, Knjiga II, *Zapisi notara Tomazina de Saveri (Notae et acta notarii Thomasini de Saveri)*, 1282-1284, *Diversa cancellariae I (1282-1284)*, *Testamenta (1282-1284)*, *Monumenta historica Ragusina*, 2, Zagreb.
- LUČIĆ, J. (ed.) (1988)**, *Spisi dubrovačke kancelarije (Notae et acta cancellariae Ragusinae)*, Knjiga III, *Zapisi notara Tomazina de Saveri (Notae et acta notarii Thomasini de Saveri)*, 1282-1284, *Diversa cancellariae II (1284-1286)*, *Zapisi notara Aca de Titullo (Notae et acta notarii Aconis de Titullo)*, 1295-1297, *Diversa cancellariae III (1284-1286)*, *Monumenta historica Ragusina*, 3, Zagreb.
- LUČIĆ, J. (ed.) (1993)**, *Spisi dubrovačke kancelarije (Notae et acta cancellariae Ragusinae)*, Knjiga IV, *Zapisi notara Andrije Beneše (Notae et acta notarii Andreae Benessae)*, 1295-1301, *Praecepta rectoris II (1299-1301)*, *Testamenta II (1299-1301)*, *Monumenta historica Ragusina*, 4, Zagreb.
- MAFFEI, E. (1999)**, *Attività notarile in aree bilingui: i vicedomini a Trieste e in Istria nel 1300*, in «Nuova Rivista Storica», LXXXIII, pp. 489-542.
- MAJER, F. (1904)**, *Inventario dell'Antico Archivio Municipale di Capodistria*, Koper.
- MARGETIĆ, L. (1971)**, *Funkcija i porijeklo službe egzaminatora u srednjovjekovnim komunama Hrvatskog Primorja i Dalmacije (Funzione e origini dell'istituto dell'esaminatore nei comuni medievali del Litorale croato ed in Dalmazia)*, *Starine JAZU* 55, Zagreb.

- MARGETIČ, L. (1973)**, *O javnoj vjeri i dispozitivnosti srednjovjekovnih notarskih isprava s osobitom obzirom na hrvatske primorske krajeve*. Radovi 4, Zagreb, 5-79.
- MARGETIČ, L. (1983)**, *Histrica et Adriatica. Raccolta di saggi storico-giuridici e storici*, Collana degli Atti CRSR, n. 6, Trieste.
- MARGETIČ, L. (1984-1985)**, *La "pace provinciale" tra gli istriani e il Margravio W.* Atti CRSR, vol. XV, Trieste – Rovigno, pp. 49-60.
- MARGETIČ, L. (1993)**, *Uvod / Introduzione*. In: STAT. KOP., Koper, IX-CXVI.
- MARKOVIĆ, S. (2010)**, *Notarijati medievalnih komuna crnogorskog primorja (odrazi antičkog nasljeđa, autonomnosti urbaniteta i humanističkog univerzalizma) (I notariati dei comuni medievali del Litorale montenegrino (riflessi della tradizione antica, dell'autonomia municipale e dell'universalismo umanistico))*, Acta Histriae, 18, 4, 823-846.
- MAYER, E. (1907)**, *La costituzione municipale dalmato-istriana nel Medio Evo e le sue basi romane*. AMSI 22.
- MICHETTI, R. (2004)** (ed.): *Notai, miracoli e culto dei santi, Pubblicità e autenticazione del sacro tra 12. e 15. secolo*, Atti del Seminario internazionale, Roma, 5-7 dicembre 2002, Milano, Giuffrè.
- MIHELIČ, D. (1981)**, *O nagrajevanju dela in uslug v srednjeveškem Piranu (Tariffe professionali e dei servizi nella Pirano medievale)*. Acta Hist.-oecon. Iugosl., vol. 8 (1), Zagreb, pp. 81-93.
- MIHELIČ, D. (1984)**, *Najstarejša piranska notarska knjiga (Vetustissimus liber notarialis Piranensis) (1281-1287/89)*, Viri za zgodovino Slovencev (Fontes rerum Slovenicarum), 7, Ljubljana.
- MIHELIČ, D. (1985)**, *Neagrarno gospodarstvo Pirana od 1280 do 1340 (Economia non agricola di Pirano dal 1280 al 1340)*, SAZU, Ljubljana.
- MIHELIČ, D. (1986a)**, *Piranska notarska knjiga, Quaderno notarile di Pirano (Liber notarialis Piranensis), Drugi zvezek (1284-1288)*, Viri za zgodovino Slovencev (Fontes rerum Slovenicarum), 9, Ljubljana.
- MIHELIČ, D. (1986b)**, *Razmislek o objavljanju starejših arhivskih spisov (Riflessioni sulla pubblicazione delle antiche scritture d'archivio)*. ZČ, 40, n. 4, Ljubljana, pp. 117-140.
- MIHELIČ, D. (1986c)**, *Življenje in poslovanje nekaterih Cavianijev v srednjeveškem Piranu (Vita ed attività di certi Caviani nella Pirano medievale)*. Kronika, 34, quaderno 3, Ljubljana, pp. 125-136.
- MIHELIČ, D. (1991)**, *Mestni vsakdan v obdobju baroka v luči različnih pisanih virov, Piran 1600-1602 (Quotidiano nell'epoca barocca alla luce di varie fonti scritte, Pirano 1600-1602)*. Annales 1/91, Koper, pp. 91-102.
- MIHELIČ, D. (1993)**, *Hazard (Azzardo)*. Biblioteca Annales 3, Koper.
- MIHELIČ, D. (2002)**, *Piranska notarska knjiga, The notary book from Piran (Liber notarialis Piranensis), Tretji zvezek (1289-1292)*, Thesaurus memoriae, Fontes, 1, Ljubljana, Založba ZRC, ZRC SAZU.
- MIHELIČ, D. (2006)**, *Piranska notarska knjiga, The notary book from Piran (Liber notarialis Piranensis), Četrty zvezek (1298-1317)*, Thesaurus memoriae, Fontes, 4, Ljubljana, Založba ZRC.
- MIHELIČ, D. (2009)**, *Piranske notarske knjige - fragmenti, The notary books from Piran - fragments (Libri notariales Piranenses - fragmenta), Peti zvezek (1289-1305)*, Thesaurus memoriae, Fontes, 7, Ljubljana, Založba ZRC.

- MIHELIČ, D. (2011)**, *Piranski notar Dominik Petenarij – pričevalec časa (Dominicus Petenarius, notaio piranese – testimone del tempo)*, *Acta Histriae*, 19, 4, 645-658.
- MIHELIČ, D. (2011a)**, *Prilog proučavanju zemljoposjedničke strukture srednjovjekovne Istre (s naglaskom na posjedu Freisinske biskupije)*, *Vjesnik Istarskog arhiva*, 18, 345-361.
- MIHELIČ, D. (2011b)**, *Pristop k razpoznavanju članov elite : obalna mesta Slovenije v srednjem veku*, v: MLINAR, J. & B. BALKOVEC, (ur.), *Mestne elite v srednjem in zgodnjem novem veku med Alpami, Jadranom in Panonsko nižino (Urban elites in the Middle Ages and the Early Modern Times between the Alps, the Adriatic and the Pannonian plain)*, Ljubljana, Zveza zgodovinskih društev Slovenije, 148-165.
- MORTEANI, L. (1886)**, *Notizie storiche della città di Pirano*, Trieste.
- MUIR, E. (2005)**, *Ritual in early modern Europe*, Cambridge, Cambridge University Press.
- NAGY, J. (1926)**, *Srednjevečna isprava (Atto medievale)*. *Savremenik*, vol. XIX, Zagreb.
- NETTERSTRÖM J. B., POULSEN B. (2007)** (eds.), *Feud in Medieval and Early Modern Europe*, Aarhus University Press.
- NOTARIADO PÚBLICO y documento privado: de los orígenes al siglo XIV (1986)**: actas de VII Congreso Internacional de Diplomática, vol. 2, Valencia.
- NOTARIATO (1977)** *medievale bolognese*, I-II, Roma.
- ORLANDELLI, G. (1965)**, *Genesis dell' "ars notarie" nel secolo XIII*, in *Studi medievali*, s. 3, VI, 2, , pp. 329-366.
- ORLANDELLI, G. (1966)**, *I memoriali bolognesi come fonte per la storia dei tempi di Dante*. In: *Dante e Bologna nei tempi di Dante*, Bologna, pp. 193-205.
- ORLANDELLI, G. (1977)**, *La scuola bolognese di Notariato*. In: *Notariato medievale bolognese II*, Roma, pp. 29-46.
- ORTALLI, G. (1977)**, *Notariato e storiografia in Bologna nei secoli XIII-XVI*. In: *Notariato medievale bolognese II*, Roma, pp. 145-189.
- OTOREPEC, B. (1987)**, *Diplomatika (Diplomatica)*. In: *ES 2*, Ljubljana.
- OTOREPEC, B. (1988)**, *Srednjeveški pečati in grbi mest in trgov na Slovenskem (Sigilli e stemmi medievali delle città e località slovene)*, Ljubljana.
- PAHOR, M. (1953)**, *Koprski upor leta 1348 (La rivolta di Capodistria del 1348)*. In: *Istrski zgodovinski zbornik (Raccolta di storia istriana)*, Koper, pp. 29-68.
- PAHOR, M. (1958a)**, *Nastanek apelacijskega sodišča v Kopru (Origini della Corte d'appello a Capodistria)*. *Kronika*, n. VI, Ljubljana, 73-79.
- PAHOR, M. (1958b)**, *Oblastni in upravni organi Pirana v dobi Beneške republike (Strutture di potere e amministrative a Pirano nell'epoca della Repubblica Veneta)*. *Kronika*, n. VI, Ljubljana, 109-130.
- PAPPAFAVA, V. (1983)**, *Delle opere che illustrano il Notariato*, Bologna (ristampa, prima edizione Zara, 1880).
- PEDANI FABRIS, M. P. (1996)**, *Veneta auctoritate notarius: storia del notariato veneziano, 1514-1797*, Milano, Giuffrè.
- PEDANI FABRIS, M. P. (1996)**, *The Oath of a Venetia Consul in Egipt (1284)*, *Quaderni di Studi Arabi*, 14, pp. 215-222.
- PERŠIČ, J. (1975)**, *Družina florentinskih bankirjev Soldanieri v Piranu (La famiglia dei banchieri fiorentini Soldanieri a Pirano)*. *Kronika*, 25, n. 1, Ljubljana, pp. 12-18.
- PERŠIČ, J. (1984)**, *Židje v poznosrednjeveški beneški Istri (Ebrei nell'Istria veneta del*

- tardo Medioevo). Slovensko morje in zaledje (Litorale ed entroterra sloveno) n. 6-7, Koper.
- PERTILE, A. (1894-1902)**, *Storia del diritto italiano dalla caduta dell'Impero Romano alla codificazione*, vol. VI/I, Torino.
- PETKOV, K. (2003)** *The Kiss of Peace, Ritual, Self, and Society in the High and Late Medieval West*, Brill, Leiden – Boston.
- PETRONIO, A. (1992)**, *La scuola italiana a Pirano dal Medioevo ai giorni nostri*. *Annales* 2, Koper, pp. 239-244.
- PETRUCCI, E. (1972)**, *An clerici artem notariae possint exercere*. In: *Studi storici in onore di Ottorino Bertolini*, II, pp. 553-598.
- PETTI BALBI, G. (1974)**, *L'investitura e le "vacature" nel collegio notarile di Genova*, - in "Archivi e Cultura", 8, pp. 17-33.
- PIERGIOVANNI, V. (2006)** (ed.): *Hinc publica fides. Il notaio e l'amministrazione della giustizia*. Atti del Convegno Internazionale di Studi Storici, Genova 8-9 ottobre 2004, Milano, Giuffrè.
- PIERGIOVANNI, V. (2009)** (ed.): *Il notaio e la città: essere notaio: i tempi e i luoghi (secc. 12.-15.)*: atti del Convegno di studi storici, Genova, 9-10 novembre 2007, Milano, Giuffrè.
- PIERGIOVANNI, V. (2010)** (ed.): *Corsari e riscatto dei captivi: garanzia notarile tra le due sponde del Mediterraneo*: atti del Convegno di studi storici, Marsala, 4 ottobre 2008, Milano, Giuffrè.
- PINI, A. I. (2002)**, *Bologna nel suo secolo d'oro: da «comune aristocratico» a «repubblica di notai»*, in: G. TAMBA (ed.), *Rolandino e l'ars notaria da Bologna all'Europa*. Atti del convegno internazionale di studi storici sulla figura e l'opera di Rolandino: organizzato dal Consiglio notarile di Bologna sotto l'egida del Consiglio nazionale del notariato, Bologna, città europea della cultura, 9-10 ottobre 2000. Milano, Giuffrè, 1-20.
- PITZORNO, B. (1908-1909)**, *La carta mater e la carta filia*. Studi storico-giuridici sul documento medievale veneziano. *Nuovo Archivio Veneto*, t. XVII-XVIII, Venezia, pp. 385-432, 94-203.
- POLI, G. (1968)**, *Il notariato a Capodistria*. L'Arena di Pola, 25 giugno.
- POVOLO, C. (1980)**, *Aspetti e problemi dell'amministrazione della giustizia penale nella Repubblica di Venezia. Secoli XVI-XVII*. In: *Stato, società e giustizia nella Repubblica di Venezia (sec. XV-XVIII)*, Roma.
- POVOLO, C. (1991)** (ed.): *L'Assessore, discorso del Sig. Giovanni Bonifaccio in Rovigo 1627*, Pordenone, Tip. Sartor.
- PRATESI, A. (1983)**, *Appunti per una storia dell'evoluzione del notariato*. In: *Studi in onore di Leopoldo Sandri*, Roma.
- PRATESI, A. (1955)**, *I dicta e il documento privato romano*. In: *Bullettino dell'Archivio Paleografico Italiano*, Roma, pp. 81-97.
- REDLICH, O. (1911)**, *Die Privaturkunden des Mittelalter*. München – Berlin.
- RENZO VILLATA, M. G. (2009)**, *Per la storia del notariato nell'Italia centro-settentrionale*, in *Matthias Schmoeckel-Werner Schubert, Handbuch zur Geschichte des Notariats der europäischen Traditionen*, Baden-Baden, Nomosverlagsgesellschaft, pp. 15-64.

- ROACH, L. (2012)**, *Submission an Homage: Feudo-Vassalic Bonds and the Settlement of Disputes in Ottonian Germany*, *History, The Journal of the Historical Association*, pp. 355-379.
- ROLANDINO, R. (1546)**, *Summa Totius Artis Notariae*. Venice (Ristampa anastatica a cura del Consiglio Nazionale del Notariato, Arnaldo Forni Editore, Bologna 1977).
- ROMITI, A., TORI G., (1978)**, *Statuti e matricole del Collegio dei giudici e notai della città di Lucca (1434-1483-1541)*, Roma.
- ROŽAC, M. & A. PUCER (2010)**, *Piranske notarske pergamentne listine, I. del, Predbeneško obdobje 1173-1283, 1. zvezek 1173-1212 (Le pergamene notarili di Pirano, I° capitolo: Il periodo preveneziano 1173-1283, I° Libro 1173-1212 / Notary parchment chartes of Piran, Part I: Pre-Venetian era 1173-1283, Book I 1173-1212)*, Koper, Pokrajinski arhiv Koper.
- RUSSIGNAN, G. (1986)**, *Testamenti di Isola d'Istria (dal 1391 al 1579)*, Trieste.
- SANCASSANI, G. (1957)**, *L'archivio dell'antico Ufficio del Registro di Verona*. Vita veronese, n. 11-12, Verona, pp. 481-486.
- SANCASSANI, G. (1958-1959)**, *Cancelleria e cancellieri del comune di Verona nei secoli XIII-XVIII*. Atti e memorie Acc. Agr. Sc. e Lettere di Verona, serie VI, vol. X, pp. 269-281.
- SANCASSANI, G. (1987)**, *Documenti sul notariato veronese durante il dominio veneto*, Consiglio Nazionale del Notariato, Milano.
- SANTIFALLER, L. (1938)**, *Beiträge zur Geschichte des Lateinischen Patriarchats von Konstantinopel (1204-1261) und der venezianischen Urkunde*, Weimar.
- SARADI, H. G. (1999)**, *Il sistema notarile bizantino, 6.-15. secolo*, Milano, Giuffrè.
- SCHIAPARELLI, L. (1932)**, *Note diplomatiche sulle carte longobarde. I notai nell'Età Longobarda*. ASI, serie VIII, XVII, pp. 3-34.
- SCHIAPARELLI, L. (1933)**, *Codice diplomatico longobardo*. In: *Fonti per la Storia d'Italia*, vol. I, Roma, 1929, vol. II, Roma.
- SCHMALE, Fr. J. (1957)**, *Die Bologneser Schule der Ars dictandi*. *Deutsches Archiv für Erforschung des Mittelalters*, vol. 13, Maribor.
- SCHMID, H. F. (1952/1953)**, *Dalmatinische Stadtbücher*. ZČ, n. 6/7, Ljubljana, pp. 330-390.
- SCHMITT, J.-C. (2000)**, *Geste v srednjem veku (La Raison des Gestes dans l'Occident médiéval)*, Paris, Edition Gallimard, 1969), Ljubljana, Studia humanitatis.
- SCHUMI, F. (1882-1884)**: *Urkunden und Regestenbuch des Herzogtums Krain*, Laibach, vol. I-II.
- SOFFIETTI, I. (2006)**, *Problemi di notariato dal Medioevo all'età moderna*, Torino, G. Giappichelli.
- SOMEDA DE MARCO, P. (1958)**, *Notariato friulano* (Prefazione di Tiziano Tessitori), Udine.
- SPAGGIARI, A. (1980)**, *Cenni storici sugli archivi notarili degli Stati dei duchi di Modena e Reggio*, Atti e Memorie della Deputazione di storia patria per le antiche province modenese, serie II, 2, pp. 207-226.
- ŠTEFANIĆ, V. (1952)**, *Glagoljski notarski protokol iz Draguča u Istri (Protocollo notarile glagolitico di Draguccio in Istria)*. In: *Radovi staroslovenskog instituta*, I (Attività dell'Istituto di slavistica antica, I), Zagreb, pp. 73-174.
- ŠTEFANIĆ, V. (1956)**, *Glagoljaši u Kopru g. 1467-1806 (Il glagolitico a Capodistria dal 1467 al 1806)*, *Starine JAZU*, 46.

- STEINACKER, H. (1927), *Die antiken Grundlagen der frühmittelalterlichen Privaturkunde*, Leipzig.
- STIPIŠIĆ, J. (1954), *Razvoj splitske notarske kancelarije (Sviluppo della cancelleria notarile di Split)*, Zbornik Historijskog instituta Jugoslavenske akademije, I (Annali dell'Istituto di Storia dell'Accademia Jugoslava, I), Zagreb.
- STIPIŠIĆ, J. (1977), *Spisi zadarskog bilježnika Franje Manfreda de Surdis iz Piacenze (Notarii Jadrensis Francisci ser Manfredi de Surdis de Placentia acta quae supersunt)*, 1349–1350, *Spisi zadarskih bilježnika (Notarilia Jadertina)*, 3, Zadar.
- STIPIŠIĆ, J. (1985), *Pomoćne povijesne znanosti u teorici i praksi (Scienze storiche ausiliari nella teoria e nella pratica)*, Zagreb.
- STORIA D'ITALIA (1981). Vol. IV: *Comuni e signorie. Istituzioni, società e lotte per l'egemonia*. Edizione a cura di G. Galasso, UTET, Torino.
- STROHAL, J. (1915), *Statutum et reformationes civitatis Tragurii*, MHJSM, vol. X, Zagreb.
- ŠUFFLAY, M. (1904), *Die dalmatinische Privaturkunde*. In: *Sitzungsberichte der k. Akademie der Wissenschaften*, Wien.
- TAMBA, G. (1977), *Statuto della società dei notai di Bologna dell'anno 1288*. In: *Notariato medievale bolognese II*, Roma.
- TAMBA, G. (1987), *I Memoriali del comune di Bologna nel secolo XIII. Note di diplomatica*. *Rassegna degli Archivi di Stato*, XLVII, n. 2-3, Roma, pp. 235-290.
- TAMBA, G. (1991), *Teoria e pratica della "commissione notarile" a Bologna nell'età comunale*, *Archivio di Stato di Bologna*, Bologna.
- TAMBA, G. (2002) (ed.): *Rolandino e l'ars notaria da Bologna all'Europa*. Atti del convegno internazionale di studi storici sulla figura e l'opera di Rolandino: organizzato dal Consiglio notarile di Bologna sotto l'egida del Consiglio nazionale del notariato, Bologna, città europea della cultura, 9-10 ottobre 2000. Milano, Giuffrè.
- TAZIO, G. (1573), *L'istituzione del Cancelliere*, Venezia.
- TENENTI, A. (1987), *Občutje smrti in ljubezen do življenja v renesansi (La percezione della morte e l'amore per la vita nel Rinascimento)*. SH, Ljubljana.
- TESSIER, G. (1952), *La Diplomatie. L'Acte privé*, Paris.
- TILATTI, A. (2006), *I protocolli di Gabriele da Cremona: notaio della Curia patriarcale di Aquileia (1324-1336, 1334, 1350)*, Roma: Istituto storico italiano per il Medio Evo.
- TREBBI, G. (1980), *La cancelleria veneta nei secoli XVI-XVII*. *Annali della Fondazione Luigi Einaudi*, vol. XIV, Torino, pp. 65-125.
- VENTURINI, D. (1903), *Il vecchio "Maggior Consiglio" della città di Capodistria*. PI, I - n. 5, Koper, pp. 105-115.
- VERBINC, F. (1982), *Slovar tujk (Dizionario dei termini stranieri)*. Ljubljana.
- VILFAN, S. & B. OTOREPEC (1962), *Les archives notariales en Yougoslavie*. *Archivum*, vol. XII, pp. 105-120.
- VILFAN, S. (1961), *Pravna zgodovina Slovencev (Storia del diritto degli sloveni)*. Ljubljana.
- VODNIK (1965) *po arhivih Slovenije (Guida agli archivi sloveni)*, Ljubljana.
- VOJE, I. (2005) *Formular dubrovačke zadolžnice (Formulario dell'obbligazione di Ragusa)*, In: MIHELIČ D. (ed.), *Ad fontes. Otorepčev zbornik*, Ljubljana, 73-76.
- ZABBIA, M. (2013), *L'investitura notarile e la validità degli instrumenta alle soglie del Duecento. Il caso del notaio Domenico da Pirano*, *Scrineum Rivista*, 10, pp. 191-214.
- ZACCHIGNA, M. (1982), *I Cancellieri del comune*. In: *Le Magistrature cittadine di Trieste nel secolo XIV. Guida e inventario delle fonti*, Roma, pp. 13-20.

- ZETTO, M.E.A. (1974), *Stranoni tra carnefici, monsignori, pirati e... liberatori*, Pisa.
- ZGODOVINA ČLOVEŠTVA (1969-1972). *Razvoj culture in znanosti (Storia dell'umanità. Sviluppo della cultura e della scienza)*. I/1 – VI/4, Ljubljana.
- ZGODOVINA SLOVENCEV (1978) (*Storia degli sloveni*), Editore Cankarjeva Založba, Ljubljana.
- ZJAČIĆ, M. (1952), *Spisi šibenskog notara Slavogosta (Atti del notaio di Sebenico Slavogost)*. Starine JAZU, vol. 44.
- ZJAČIĆ, M. (1955-1959), *Knjiga riječkog kancelara i notara Antuna de Renno de Mutina (Libro del cancelliere e notaio fiumano Antonio de Renno de Mutina)*. V DAR, vol. III-VI, Rijeka.
- ZJAČIĆ, M. (1959), *Spisi zadarskih bilježnika Henrika i Creste Tarallo (Notariorum Jadrensi-um Henrici et Creste Tarallo acta quae supersunt) 1279-1308, Spisi zadarskih bilježnika (Notarilia Jadertina)*, 1, Zadar.
- ZJAČIĆ, M. & J. STIPIŠIĆ (1959), *Spisi zadarskog bilježnika Ivana Qualis Nikole pok. Ivana Gerarda iz Padove (Notariorum Jadrensi-um Johannis Qualis Nicolai quondam Johannis Gerardi de Padua acta quae supersunt)*, 1296-1337, Spisi zadarskih bilježnika (Notarilia Jadertina), 2, Zadar.
- ZJAČIĆ, M. (1979), *Notarska knjiga buzetskog notara Martina Sotolića (Registrum imbre-viaturarum Martini Sotolich notarii Pinguentini) 1492-1517, "MHJSM"*, vol. XIII, Zagreb.
- ZORDAN, G. (1971), *I visdomini di Venezia nel secolo XIII. Ricerche su un'antica magistratura finanziaria*, Padova.
- ŽITKO, S. (1991, 1992), *Listina rižanskega placita - dileme in nasprotja domačega in tujega zgodovinopisja (L'atto del Placito del Risano - dilemmi e contraddizioni della storiografia locale e straniera)*. Annales 1 e 2, Koper.
- ŽITKO, S. (1993), *Pogodba med Koprom in Benetkami iz leta 932 (Contratto fra Capodistria e Venezia del 932)*. In: *Zbornik Kultura narodnostno mešanega ozemlja slovenske Istre, Razprave Filozofske fakultete (Atti Cultura del territorio di nazionalità mista dell'Istria slovena, Studi della Facoltà di Filosofia)*, Ljubljana.

LIST OF ABBREVIATIONS

ad a.- = *ad annum*; L; the year cited
a.u. = archival unit
auct. = *auctoritate*; L, jurisdiction (of bestowing notary privileges)
B. = *busta*; IT., archival box
bob. = *bobina*; IT, microfilm coil
cit. = *citation*; L, a citation, a quote from a certain document
den. = (Venetian) denari
f. = *fascicolo*; IT., fascicle
fol. = *folium*; L, sheet (of paper)
gr. = Greek
IBID. = *ibidem*; L, in the same place (in literature)
jur. = juridicial
l. = libra (lira)
lat. = Latin
it. = Italian
m.p. = *manu propria*; L, written with one's own hand
n. = *numero*; it., number
n.k. = notarska knjiga (SLO), notary book
nom. = nominative
p. = page
qm = *quondam, condam*, L, deceased
r. = *recto*; L, back side (of a sheet of paper)
s. = solid
sq. = *sequens, sequentes*; L, (and) the following (pages)
v.k. = vicedominska knjiga (SLO), vicedominal book
vol. = *volumen*; L, volume

LIST OF ACRONYMS

- A.D. = Anno Domini, L, in the year of the Lord
AS = Arhiv Republike Slovenije, Ljubljana / Archives of the Republic of Slovenia, Ljubljana
ASB = Archivio di Stato di Bologna / State Archives of Bologna
ASI = Archivio Storico Italiano, Rome
AST. AAMC = Archivio di Stato di Trieste, Antico Archivio Municipale di Capodistria / State Archives of Trieste, Ancient Municipal Archives of Koper
ASV = Archivio di Stato di Venezia / State Archives of Venice
AMSI = Atti e Memorie della Società Istriana di Archeologia e Storia Patria, Poreč (Trieste)
AT = Archeografo Triestino, Trieste
Atti CRSR = Atti del Centro di Ricerche Storiche Rovigno
B.C. = Before Christ
BCT. AD. = Biblioteca Civica di Trieste. Archivio Diplomatico / Civic Library of Trieste. Diplomatic Archives
BMV = Biblioteca Marciana di Venezia / National Library of St Mark's, Venice
EGI = Enciclopedia Giuridica Italiana
EI = Enciclopedia Italiana
ES = Enciklopedija Slovenije
JAZU = Jugoslavenska Akademija znanosti i umetnosti, Zagreb / Yugoslav Academy of Sciences and Arts
JIC = Jugoslovenski Istorijski časopis
MGH. CRF = Monumenta Germanie Historica. Capitularia Regum Francorum, Hannoverae, 1883
MSHSM = Monumenta Spectantia Historiam Slavorum Meridionalium, JAZU, Zagreb
MHJSM = Monumenta Historic-Juridica Slavorum Meridionalium, JAZU, Zagreb
PAK = SI-PAK = Slovenia-Pokrajinski arhiv Koper / Koper Regional Archives
PAK. PI = SI-PAK. PI = Slovenia-Pokrajinski arhiv Koper. Piranski arhiv / Koper Regional Archives, Archives of Piran
PMK = Pokrajinski muzej Koper / Koper Regional Museum
PMSMP = Pomorski Muzej "Sergej Mašera" Piran / Sergej Mašera Maritime Museum of Piran
PI = Pagine Istriane, Koper (Trieste)
SAZU = Slovenska akademija znanosti in umetnosti / Slovenian Academy of Sciences and Arts
SH = Studia Humanitatis
SV = Studi Veneziani
VHARP = Vjesnik Historijskih Arhiva u Rijeci I Pazinu
VDAR = Vjesnik Državnog Arhiva u Rijeci
ZČ = Zgodovinski časopis, Ljubljana

LIST OF ILLUSTRATIONS

Book Cover Illustration:

Evangelist Matthew while writing a Gospel, when communication with an angel is established. From the 9th century Ebbo Gospels in the Municipal Library, Épernay, France, Bibl. mun., ms. 0001, f. 018v-019 (“Saint Matthew2” by Picasa - Giraudon/ Art Resource, NY. Licensed under Public domain via Wikimedia Commons - http://commons.wikimedia.org/wiki/File:Saint_Matthew2.jpg#mediaviewer/File:Saint_Matthew2.jpg).

Illustrations in the Supplement:

Fig. 1

Evangelist Matthew while writing a Gospel, when communication with an angel is established. From the 9th century Ebbo Gospels in the Municipal Library, Épernay, France, Bibl. mun., ms. 0001, f. 018v-019 (“Saint Matthew2” by Picasa - Giraudon/ Art Resource, NY. Licensed under Public domain via Wikimedia Commons - http://commons.wikimedia.org/wiki/File:Saint_Matthew2.jpg#mediaviewer/File:Saint_Matthew2.jpg).

Fig. 2

Funerary stele of the scribe Tarhunpijas. The Hettitic illustration of a notary (c.800-700 BC, Louvre, Paris; SOMEDA 1956).

Fig. 3

A scribe in the 11th century (LONDERO 1994, 15).

Fig. 4

The initial letter (N), S. Daniele del Friuli, Biblioteca Guarneriana (from: LONDERO 1994). Dante depicted in a scriptorium while writing the “Divine Comedy”; unknown author (14th-15th century).

Fig. 5

Cassiodorus. Cover of a Bible, drawn in a British Benedictine monastery (Wearmouth-Jarrow) around 700 AD, depicts Cassiodorus as a copyist and preserver of books. (<http://www.historyofinformation.com/expanded.php?id=204>).

Fig. 6

From 1491 herbarium (LONDERO 1994, 12).

Fig. 7

St. Matthew with an angel, an Islamic miniature round1530. “MattewIslam” by Kesu Das - Masterpieces of the non-Western book, Mughal Art. Licensed under Public domain via Wikimedia Commons - (<http://commons.wikimedia.org/wiki/File:MattewIslam.JPG#mediaviewer/File:MattewIslam.JPG>).

Fig. 8

Notary Candusius at the age of 54 (1730) (PMK; photo: D. Podgornik).

Fig. 9

A detail of a painting, "A Twelve-Year-Old Jesus Among Teachers" (oil on canvass, 282 x 240 cm). Strunjan, a parish church of "Mary's Visitation" (16th century). On the left there are clearly discernible: a hooded scribe, books, inkwell and feather (photo: D. Podgornik, 1994).

Fig. 10

Immixtio manuum. Miniature from Archive in Perpignan (France), shows mediaeval homage, a notary in the middle, who is recording the ritual ("Hommage au Moyen Age - miniature". Licensed under Public domain via Wikimedia Commons - http://commons.wikimedia.org/wiki/File:Hommage_au_Moyen_Age_-_miniature.jpg#mediaviewer/File:Hommage_au_Moyen_Age_-_miniature.jpg).

Fig. 11

Vassal's oath: Roland's oath to Charlemagne, who invested him with the sword Durendal (a late medieval manuscript miniature). "Rolandfealty". Con licenza. Public domain through Wikimedia Commons - <http://commons.wikimedia.org/wiki/File:Rolandfealty.jpg#mediaviewer/File:Rolandfealty.jpg>.

Fig. 12

King of France John II, also called the Good (*Jean le Bon*, 1350 – 1364) appointing his knights, Bibliothèque Nationale de France, Richelieu, Manuscrits Français, *Grandes chroniques de France*, Paris, XIVE / XVe siècles, GNU Free Documentation License.

Fig. 13

Dispute over olive oil tithe between the inhabitants of Piran and the bishop of Koper. A notary's signature: "*Ego Dominicus notarius qui anc comisionis cartulam interfui, scripsi et coroboravi*". Piran, 1.12.1201, PAK. PA. Instruments, 10 (Comp. CHART., 17; ROŽAC, PUCER 2010, 38; photo: R. Titan, 2010).

Fig. 14

Dispute over olive oil tithe between the inhabitants of Piran and the bishop of Koper. A notary's signature: "*Ego Manfredus presbiter et notarius ... scripsi, complevi et roboravi*". Torcello, 14.12.1201, PAK PA Instruments, 15 (Comp. CHART. 22; ROŽAC, PUCER 2010, 48; photo: R. Titan, 2010).

Fig. 15

Dispute over olive oil tithe between the inhabitants of Piran and the bishop of Koper. A notary's signature: "*Ego Dominicus Suavis diaconus et notarius rogatus interfui, scripsi, complevi et roboravi*". Rialto, 29.07.1202, PAK PA Instruments, 36A (Comp. CHART. 34; ROŽAC, PUCER 2010, 92; photo: R. Titan, 2010).

Fig. 16

Saint Matthew, angel, pen and inkwell. A miniature of St. Matthew in the Coronation Gospels presented by King Athelstan to Christ Church Priory. The manuscript is Carolingian in origin. [HYPERLINK "https://en.wikipedia.org/wiki/British_Library"](https://en.wikipedia.org/wiki/British_Library) \o "en:British Library" British Library MS Cotton Tiberius A ii. Wikimedia Commons. File: Coronation Gospels Athelstan Saint Matthew.jpg

Fig. 17

University lecture around 1350. Laurentius de Voltolina - The Yorck Project: 10.000 Meisterwerke der Malerei. DVD-ROM, 2002. ISBN 3936122202. Distributed by DIRECTMEDIA Publishing GmbH.

Fig. 18

A notary in the initial (O) (BCT. AD. STAT. TS., III/49).

Fig. 19

Piran's Maior Council. Strunjan, parish church of Mary's Visitation (photodocumentation PMSMP).

Fig. 20

Vicedominus in the initial (O) of the chapter on electing vicedomini (BCT. AD. STAT. TS., I/21).

Fig. 21

Zorzi Ventura Zaratino in Capodistria / Pingeva 1603. Izola, Parish church of St. Maurus (DAROVEC et al., 2010, 44-45; photo: M. Božič, 2010).

Fig. 22

Vicedominus in the initial (I) of the chapter on a vicedominus's oath in (BCT. AD. STAT. TS., I/22).

Fig. 23

Muggia. The main square with podestà's palace and Chapter Church (Tischbein, 1842).

Fig. 24

Judge or a notary in the initial (O) (BCT. AD. STAT. TS., III/43).

Fig. 25

Saint Matthew, angel, pen and inkwell. Mstislavovo Evangelie: Мстиславово Евангелие (Евангелие Апракос). Миниатюра - Евангелист Матфей) (ca. 1110). Wikimedia Commons. File: Saint Matthew (Mstislavovo Evangelie).jpg

Fig. 26

Elections (ballot) of city officials using a hat (BCT. AD. STAT. TS., I/6).

Fig. 27

Trieste, Porta Cavana and the Salt piazza in 1500's (Scusa, *Storia cronografica di Trieste*, 1863).

Fig. 28

Notary in the initial (S) of the chapter on document authentication (BCT. AD. STAT. TS., III/40).

Fig. 29

Pula (Lavalée, 1802).

Fig. 30

Man with a book in his hand in the initial (Q) of the chapter on debt settlements (BCT. AD. STAT. TS., III/16).

Fig. 31

Map of "Istria olim Iapidia" by Giovanni Blavio from 1663 (PMK, photo: D. Podgornik).

Fig. 32

The initial (I) to the chapter on chancellors (BCT. AD. STAT. TS., I/9).

Fig. 33

Page from the oldest Piran notary book, 1281-1287 / 89 (PAK. PI 9, N.k., a.u. 1, 74-75).

Fig. 34

Agreement in the initial (A) (BCT. AD. STAT. TS., IV/49).

Fig. 35

Vicedominial book of Johannes, son of the late Henrico, Piran, 1342-1344 (PAK. PI 9, V.k., a.u. 10, 1).

Fig. 36

The oath (sacramentum) in the initial (I) (BCT. AD. STAT. TS., I/77).

Fig. 37

A notary's sign and signature by Koper notary Baysinus de Baysio (PAK, Documents, 67).

Fig. 38

Koper in the 16th century (PMK, photo D. Podgornik).

Fig. 39

Cormons, 1348. A notary's sign and signature: *Ego Petrus dicti Hermacoras de Aquilegia Imperiali auctoritate notarius ... interfui et rogatus scripsi* (PAK. 335. Listine, a.e. 1; comp. BONIN, 2002, 41).

Fig. 40

Piran, at the end of the 16th century, a detail of Domenico Tintoretto's painting (PMSMP, photo D. Podgornik).

Fig. 41

Venice, 1608. A notary's sign and signature: *Ego Lucas Gabriolius quondam Domini Gabrielis publicus Imperialis et Venetiarum Notarius de promissis rogatus in fedem subscripsi, signo meo apposito consueto* (PAK. 335, a.u. 81; comp. BONIN, 2002, 177).

Fig. 42

Town crier and Piran councilors; a detail of Domenico Tintoretto's painting (PMSMP, photo D. Podgornik).

Fig. 43

Doges parchment document with a lead seal, Venice 1630 (PAK. 335, a.e. 84; prim. BONIN, 2002, 182).

Fig. 44

Rialto, V. Carpaccio. ("Vittore Carpaccio, miracolo della Croce a Rialto 01" by Vittore Carpaccio, c. 1496 - Web Gallery of Art: Image Info about artwork. Licensed under Public domain via Wikimedia Commons - http://commons.wikimedia.org/wiki/File:Vittore_carpaccio,_miracolo_della_Croce_a_Rialto_01.jpg#mediaviewer/File:Vittore_carpaccio,_miracolo_della_Croce_a_Rialto_01.jpg).

Fig. 45

Ego Paulus de Peregrinis vicedominus subscripsi et cum dicto notario ascultavi.

Ego Rolandus de Almerigogna vicedominus comunis subscripsi.

Authentication of Koper's vicedomini on a testament from 1428, written by Koper notary Antonius de Giroldo (PAK. 6. Documents, a.u. 66/75).

Fig. 46

Vittore Carpaccio, Entrance of podestà and captain Sebastian Contarini in the cathedral of Koper, 1517.

Fig. 47

A dowry (and matrimonial) document from Koper, 1439 (PAK. 6. Documents, a.u. 66/59).

Fig. 48

A testament in Hebrew, dictated by a Jewish woman, Banola Agnoli; after her death five months later, it was read to the Izola's vicedominus Balsemin Manzuoli by Izola banker Salamon Luzzato (PAK. 84, a.u. 2/103).

Fig. 49

An inventory in the Glagolitic alphabet from the St. Gregory's monastery in Koper (PAK. 6 Group IX., a.u. 1253).

Fig. 50 a

A sign and signature of notary (PAK. 335, 8).

Fig. 50 b

A sign and signature of notary (PAK. 335, 11).

Fig. 50c

A sign and signature of notary (PAK. 335, 9).

Fig. 51a

A sign and signature of notary (PAK. 335, 27).

Fig. 51b

A sign and signature of notary (PAK. 335, 2).

Fig. 52a

A sign and signature of notary (PAK. 335, 73).

Fig. 52b

A sign and signature of notary (PAK. 335, 52).

Fig. 53a

A sign and signature of notary (PAK. 335, 30).

Fig. 53b

A sign and signature of notary (PAK. 335, 16).

Fig. 54a

A sign and signature of notary (PAK. 335, 64).

Fig. 54b

A sign and signature of notary (PAK. 335, 83).

Fig. 55a

The book of Testaments of Koper's notary Giuseppe Lugnani, 1782 (PAK. 85, 348, 1).

Fig. 55b

The book of Instruments of Koper's notary Giuseppe Lugnani, 1782 (PAK. 85, 338, 404).

Fig. 56

The Trieste vicedominus Andrea Pacis made an illustration of himself on the cover of his book from 1359 (AS. Collectanea I, f. 1).

Fig. 57

Slavic marriage in the hinterland of Labin (Tischbein, 1842).

Fig. 58a

Illustration of Rolandino with a characteristic notary headgear (Bologna, 1483) (ORLANDELLI 1977).

Fig. 58b

Ego Paulus de Peregrinis vicedominus subscripsi et cum dicto notario ascultavi.

Ego Rolandus de Almerigogna vicedominus comunis subscripsi.

(PAK. 6. Documents, a.u. 66/75).



Fig. 1



Fig. 2



Fig. 3



Fig. 4



Fig. 5



Fig. 6



Fig. 7

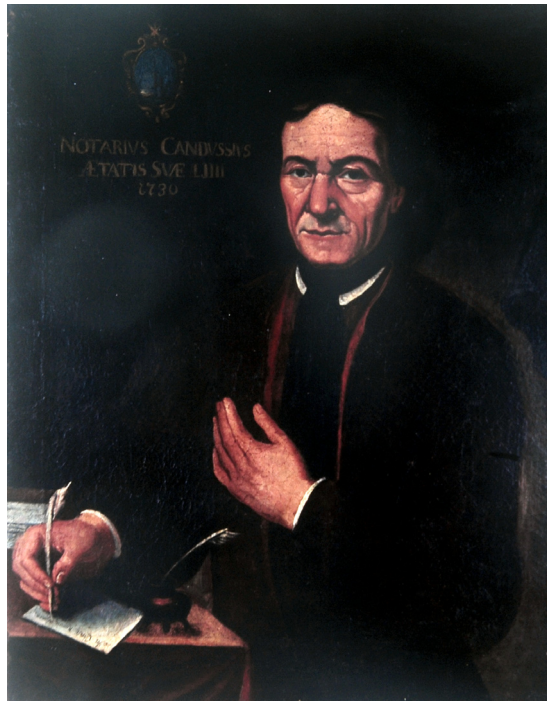


Fig. 8



Fig. 9



Fig. 10



Fig. 11



Fig. 12

In nomine dñi dñi et in aō sū dñi orl duodevimo. p
 mo diei pma oñis dec iudicōe in aōm i castro puvino.
 in psona eoz quoz nomina inferi cōvnt plebanū relier
 cele puvinehil consencōre alb auo cōvnt cōstuerē suū hū
 dieū 7. acōre. a. diacon. sup cā decimaz olei que vnt in dno. l.
 iustū no po lvanū epm. exuna pto. 7. dnoy plebanū 7. elicol ex
 altera parte corā domine. l. dñi gō orollano epō 7. thelano gra
 diū li puvino. delegat dñi pap. sup eadē cā ad agēdū 7. rōpō
 dēdū 7. dñi dēdūm 7. enū ligen dū. mēi 7. dñi hā hēur qe qd
 cū. 7. lū pūdica caula gestū fuerit. acū 7. cōvnt ligen
 n plebanū. 7. cōvnt pū q ano cōr cōvntōre lora hōre no qe
 uōre. 7. signo man nli iudicū ēē. 7. signo man iuanē dā
 m iuanē ēē. 7. signo man pōlloni. 7. dñi ligen. ēē. 7. signo man.
 iuanē. az bellul. ēē.

7. cōvntōre notariū qe cōvntōre dñi dñi lū lōpō
 7. cōvntōre dñi
 1401

Fig. 13



Fig. 14

In diebus illis in diebus illis...
 nota inferi diacon. Dicitur ad hoc...
 Aruchus diaconus...
 et ad Aruchus diaconus...
 fecisset societatem...
 et aduocatus suum...
 et instrumenta sua publica...
 quia et fecerat...
 super his...
 verum in tabellione...
 bebat instrumentum...
 et ita...
 factum est hoc...
 Memel fuerunt...

Ego dicitur suus diaconus et notarius...
 et notarius...

Fig. 15



Fig. 16



Fig. 17



Fig. 18

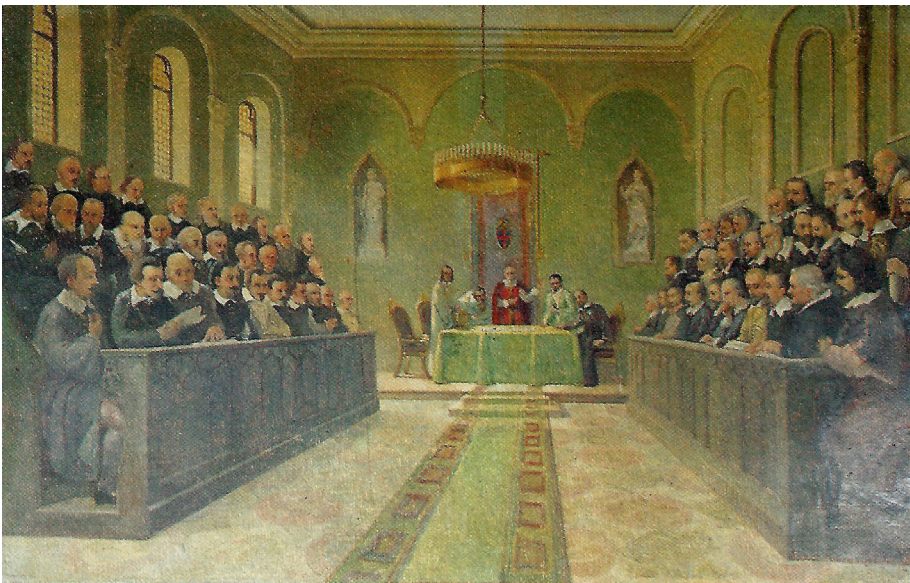


Fig. 19

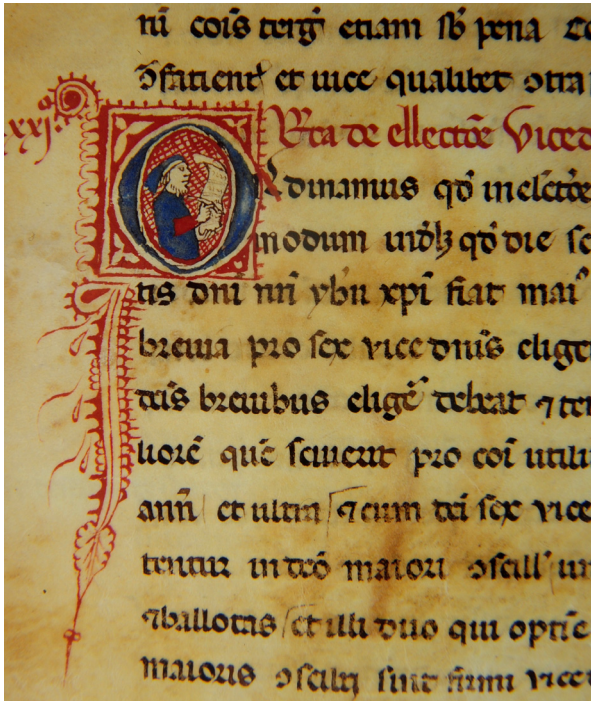


Fig. 20



Fig. 21



Fig. 22



Fig. 23



Fig. 24



Fig. 25



Fig. 26

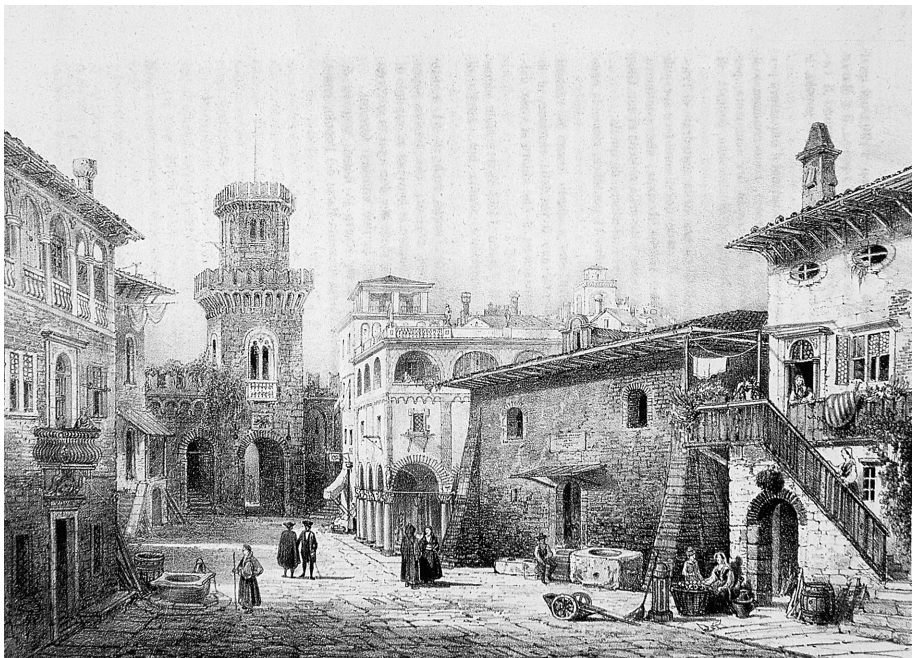


Fig. 27



Fig. 28



Fig. 29



Fig. 30



Fig. 31

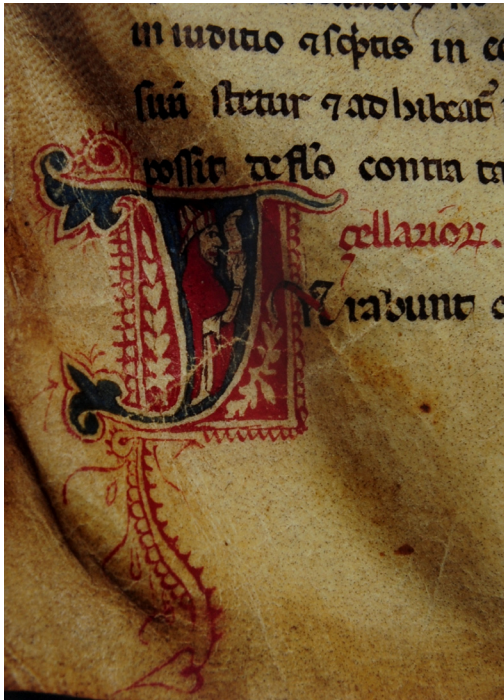


Fig. 32

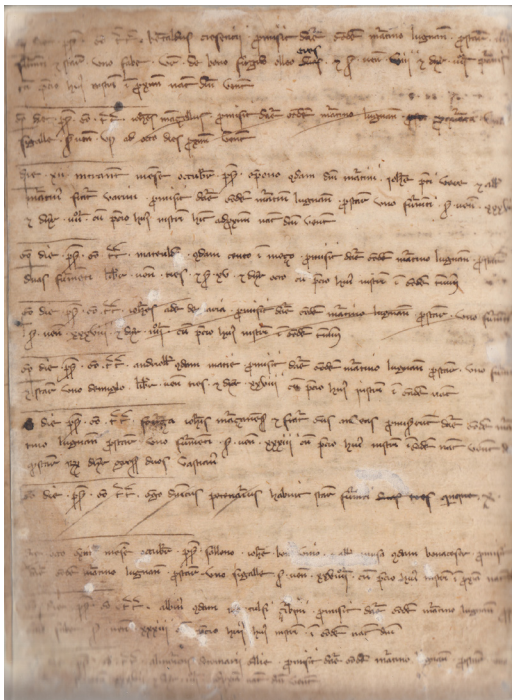


Fig. 33

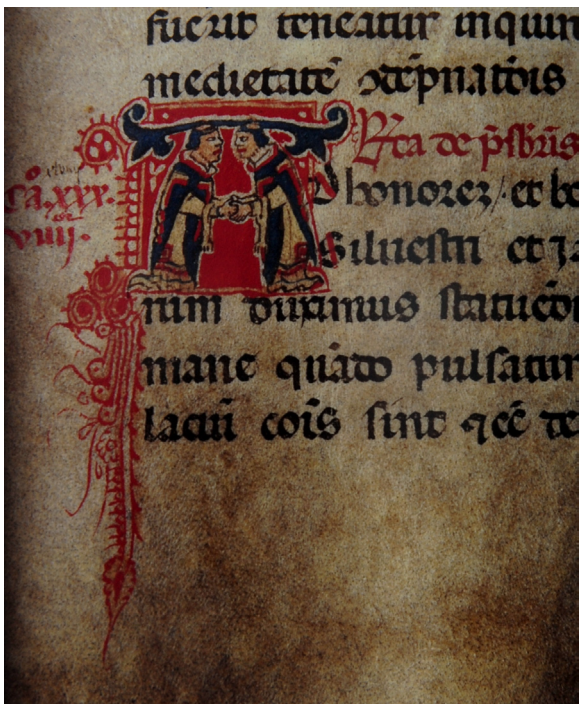


Fig. 34

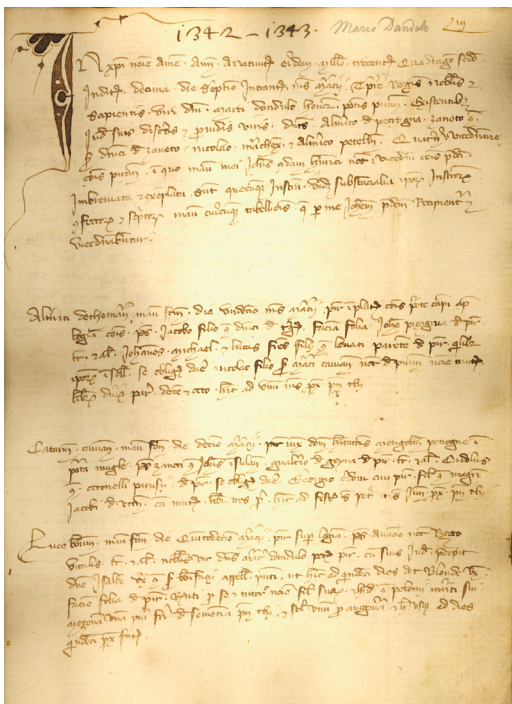


Fig. 35

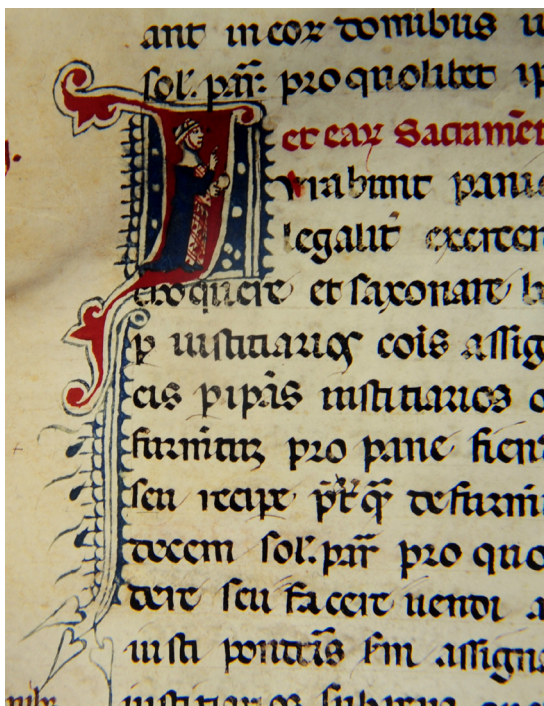


Fig. 36

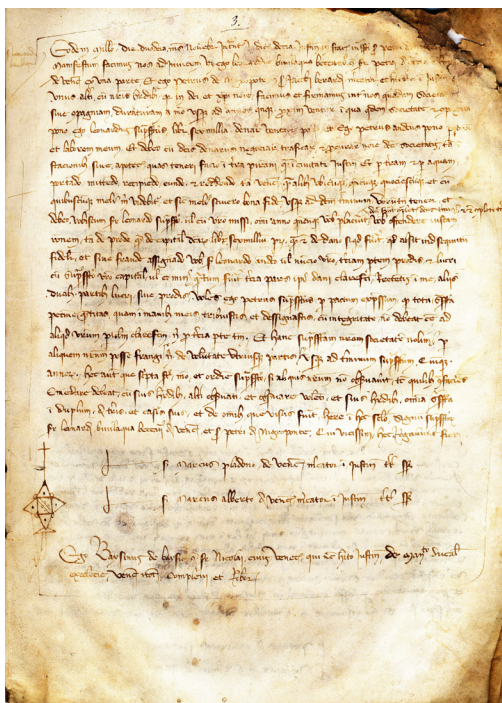


Fig. 37



Fig. 38

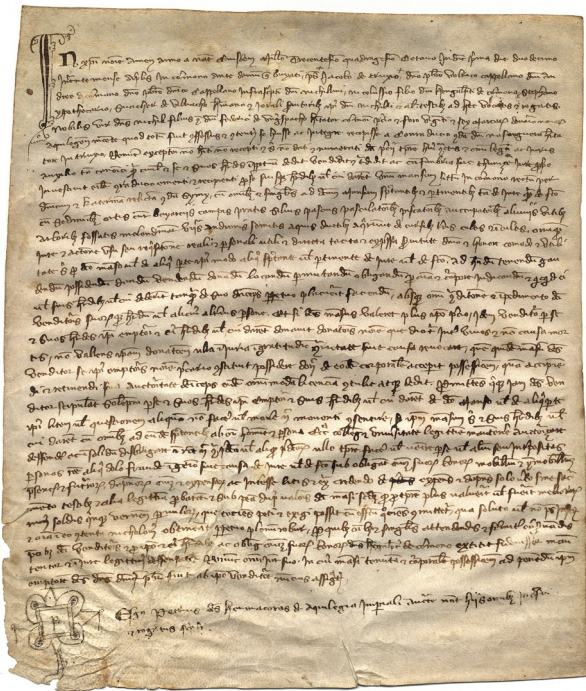


Fig. 39



Fig. 40

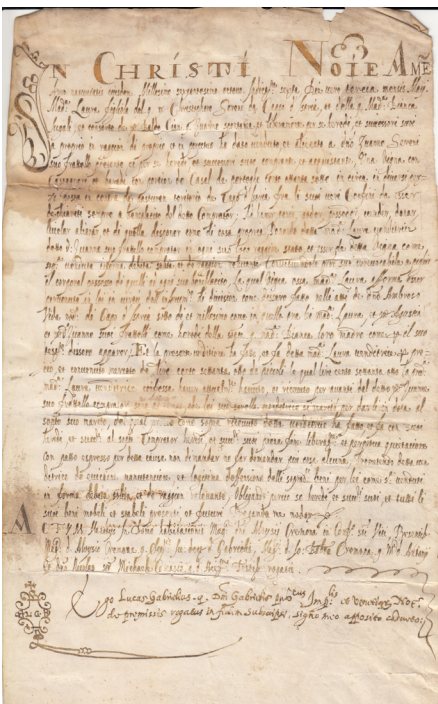


Fig. 41



Fig. 42

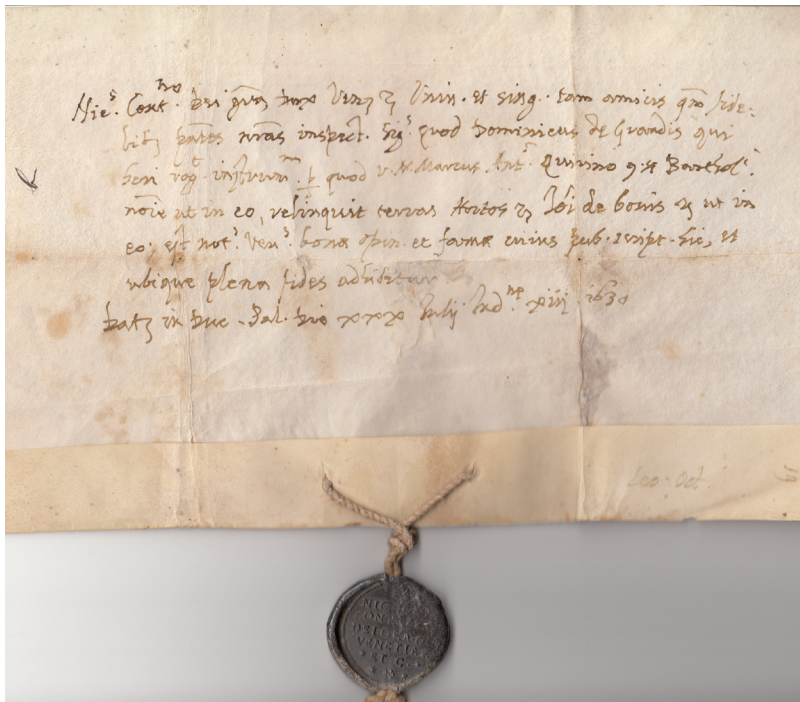


Fig. 43



Fig. 44

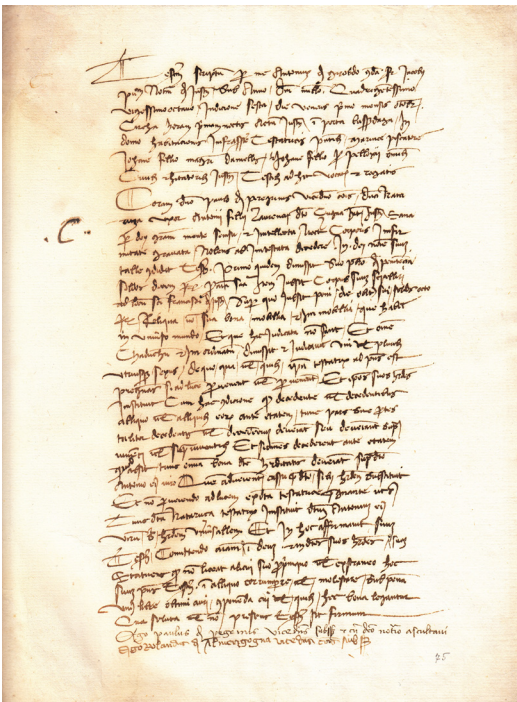


Fig. 45



Fig. 46

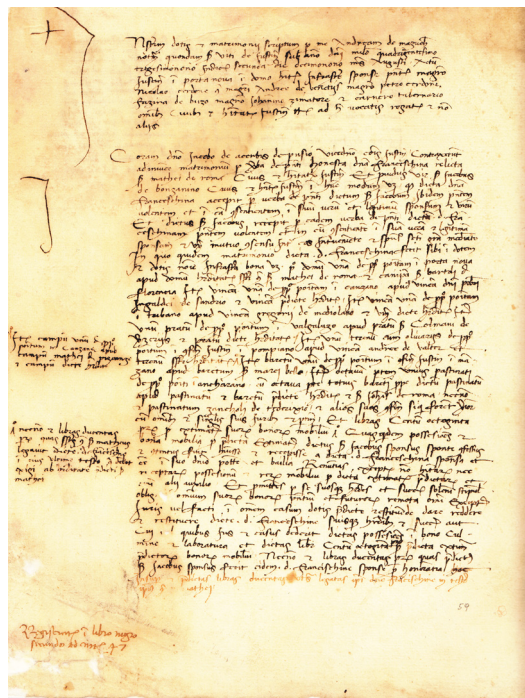


Fig. 47

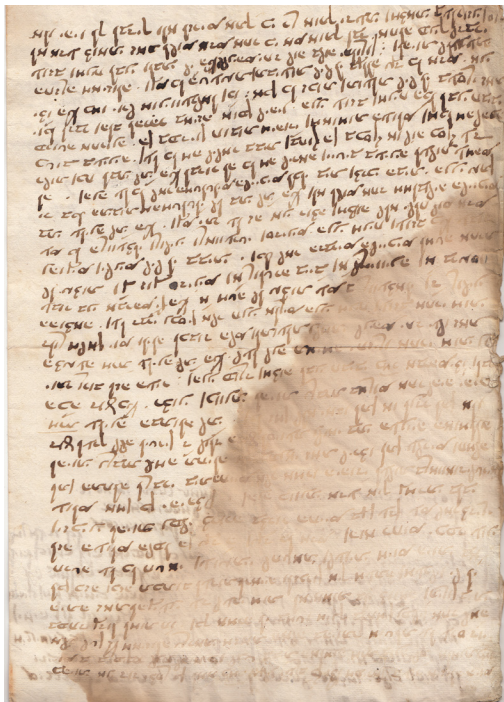


Fig. 48

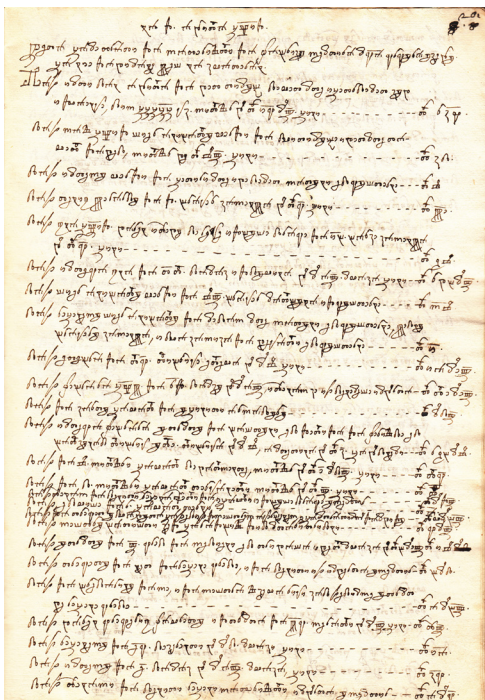


Fig. 49

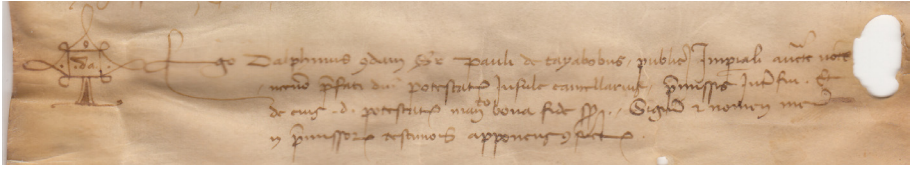


Fig. 50a

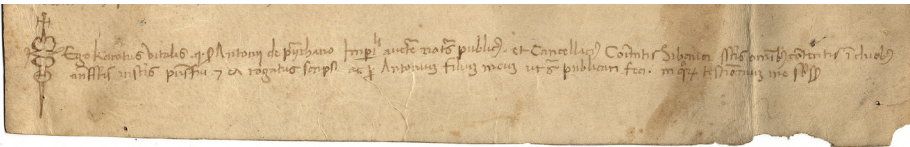


Fig. 50b

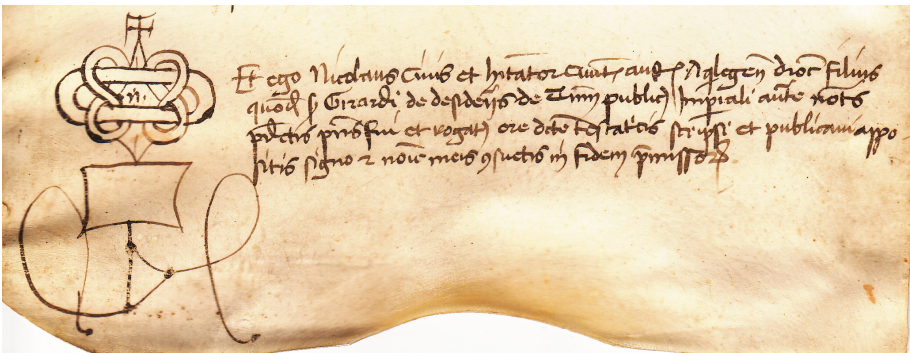


Fig. 50c

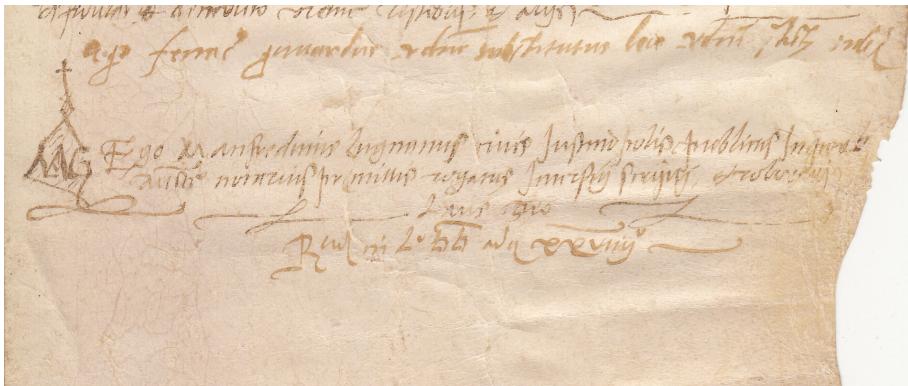


Fig. 51a

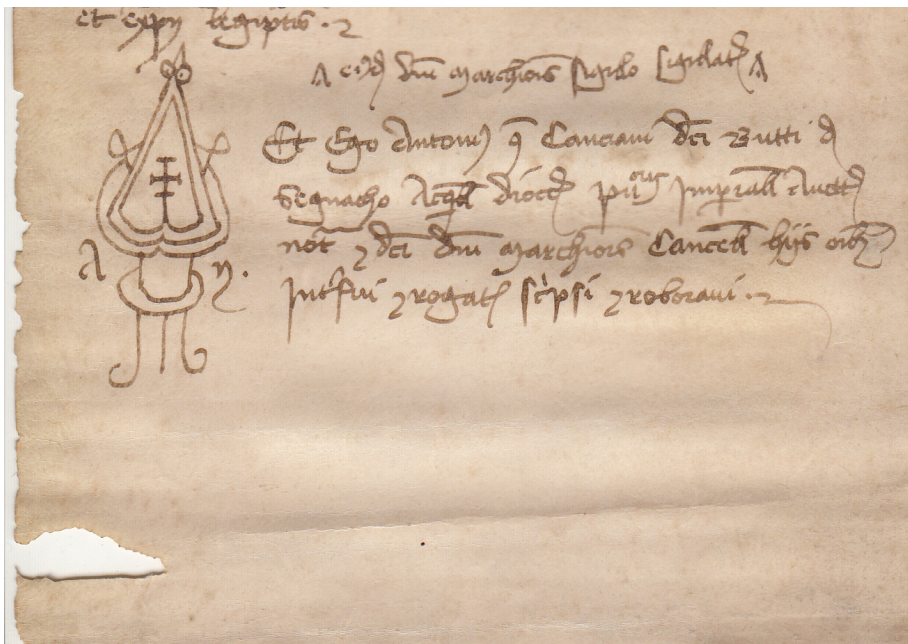


Fig. 51b

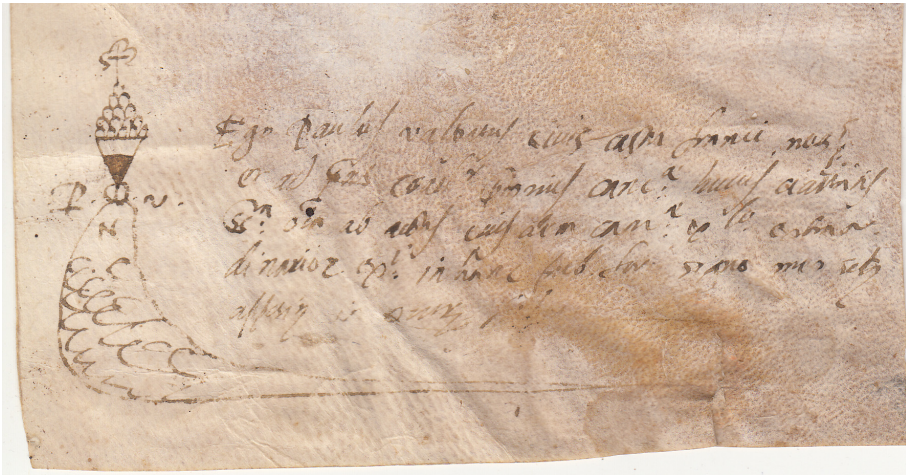


Fig. 52a

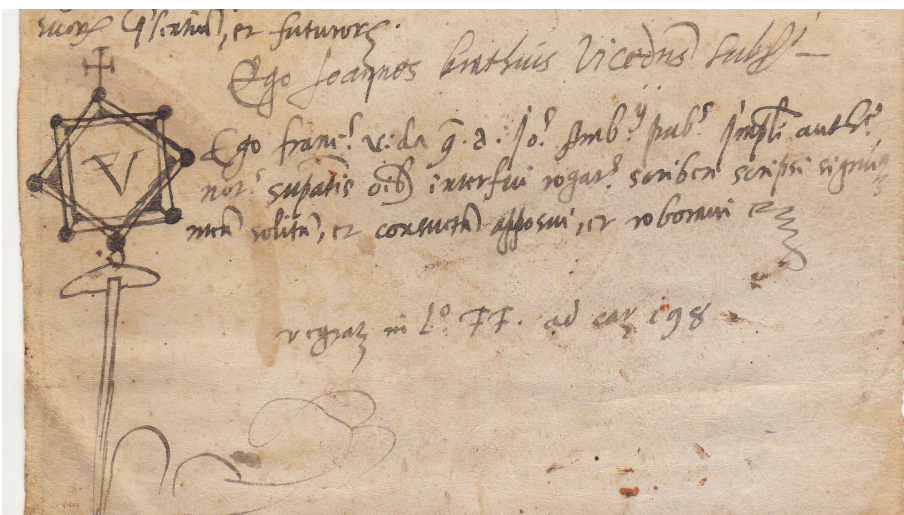


Fig. 52b

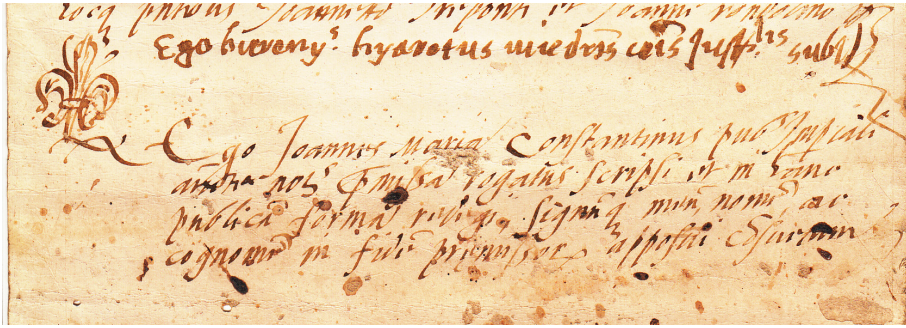


Fig. 53a

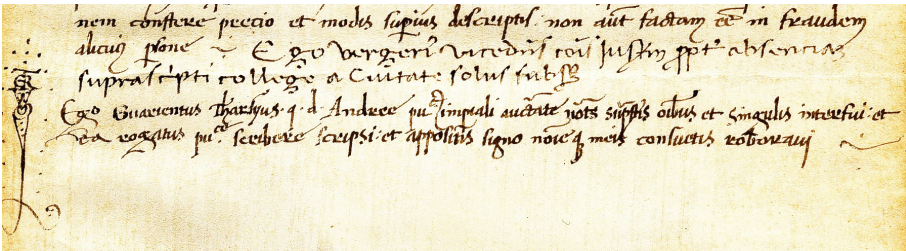


Fig. 53b

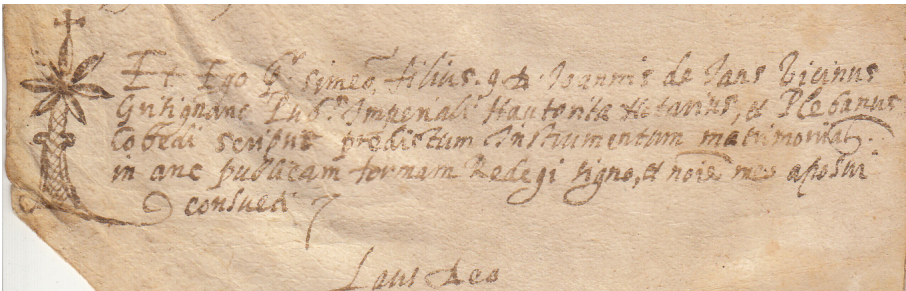


Fig. 54a

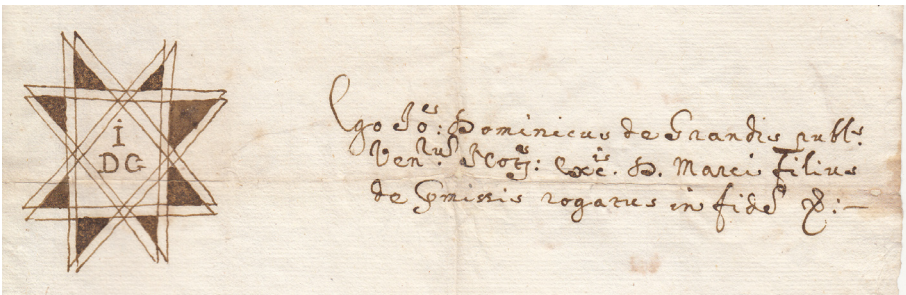


Fig. 54b


L. D. S.

 **Testamenti Dño Giuseppe Lugani Pubblico Not. di Capodistria: I**

Testamento di Dña. Francessca nata Dña. Anglica di Dono Paolo Sefari scritto da me
 Giuseppe Lugani di Venezia città Not. Pub. et Colleg. Anno della Datta d'ist. 1777.
 il 25. del mese di Agosto 1777. ad ore 12. di giorno di Venerdì, li 11. del mese di Luglio in
 Capod. nella Casa di abitazione di essa Testatrice posta nella Contrà di S. Maria in
 appoggio agli Servi
 Alla presenza del sig. D. Giacomo Liveri D. V. Not. S. M. S. S.
 e approvata in pub. Dña. Fran. ce di mal cognovale ma per altro fornita di ottimi ricordi
 per chiamare a se me in pub. Not. v. cui ordinò il presente Inventario di beni che
 dicono sene scritti disponendo con il suo testamento che i suoi debitori sene nel modo seguente.

Fig. 55a

On Clarobbe Noumine Aluara. Anno della sua Datta 1781. il 25. del mese di Agosto in Capod. nella Casa di abitazione di me Not. 1781.

 **Itum. Dño Giuseppe Lugani Pubblico Notario di Capodistria 404**

Alta pura delo sig. Not. sig. D. Felippo Aluorigotti V. Not. S. M. S. S.

Ora costituita personalmente di averi me in pub. Not. et alta pura ut sup. Dña. Pasqua
 nata Brignone di D. del. S. Spirito d'Este di questa Città perpetua e me cognita, la quale
 dare una sicura prova della sua Materna predilezione a bono ricordo d'Essa unico di
 di sig. Paschio, che vive a lei unito, da cui esige la più deplorable assistenza e buoni
 cordiali trattamenti, e per altre cause mouenti l'Amore suo, da questo in tanto di sua libe-
 ra, e spontanea volontà col titolo di volente, ed irrevocabile Donazione inter vivos e spe-
 cialmente e rinuncia in persona propria.

Fig. 55b



Fig. 56



Fig. 57



Fig. 58a

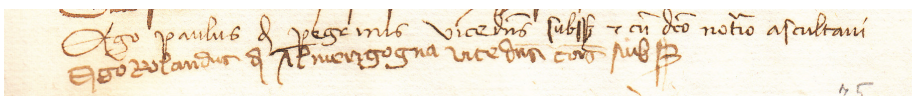


Fig. 58b

Stampato in Italia
presso LegoDigit s.r.l.
via Galileo Galilei, 15/1
38015 Lavis (TN)
marzo 2015



Università
Ca'Foscari
Venezia



REGIONE DEL VENETO



UNIVERSITÀ
DEGLI STUDI
DI UDINE



Zavod za varstvo kulturne dediščine Slovenije
Institute for the Protection of Cultural Heritage of Slovenia



MESTNA OBČINA KOPER
COMUNE CITTÀ DI CAPODISTRIA



COMUNITÀ
AUTOGESTITA
DELLA NAZIONALITÀ
ITALIANA
DI CAPODISTRIA
SAMOUPRAVNA
SKUPNOST
ITALIJANSKE
NARODNOSTI
KOPER

Progetto strategico per la conoscenza e la fruibilità del patrimonio culturale condiviso **Shared Culture** (cod. CB 016) finanziato nell'ambito del programma per la Cooperazione Transfrontaliera Italia – Slovenia 2007-2013, dal fondo europeo di sviluppo regionale e dai fondi nazionali.

Strategic Project for the Knowledge and Availability of Shared Cultural Heritage - SHARED CULTURE (cod.CB 016) financed in the framework of the Cross Border Cooperation Programme Italy-Slovenia 2007-2013, by the European Regional Development Fund and National Funds



Ministero dell'Economia
e delle Finanze



REPUBLIKA SLOVENIJA
SLUŽBA VLADE REPUBLIKE SLOVENIJE ZA RAZVOJ
IN EVROPSKO KOHEZIJSKO POLITIKO