

## Notarial Register

In Latin and Italian, manuscript on paper

Italy (Lucca), 1476-1490

188 folios on paper, two watermarks: ff. 1-13, 15-24, and 26-188, mountains in a circle topped by a cross nearly identical to Briquet 11,882 (Venice 1457, Palermo 1457, Udine 1459, Venice 1459); ff. 14 and 25, a balance in a circle topped with a concave box close to Briquet 2474 (Venice 1480, Udine 1480, Lucca 1482, Rhodes 1482), modern pencil foliation at the top recto corner, first three folios marked A, B, C, then 1-181, double counted folios marked at 47bis, 52bis, 156bis, 178bis, loose folio between folios 33 and 34 (unnumbered later addition?), loose scrap with two names, Iognino and Lorenzo, between ff. 142 and 143, complete, (collation i<sup>16</sup> ii<sup>2</sup> iii-xii<sup>16</sup>), no catchwords or quire numbers, ruling in lead only for the text box, writing starts above the top line, prickings visible in upper, lower, and outer margins (justification 210 x 125mm.), ff. 1-129v and 167-174, copied in a humanist cursive minuscule script by many scribes in black ink on nineteen to twenty-five lines, with incipits written in humanist minuscule, ff. 130r-142v, written in a gothic cursive/cancelleresca script in brown ink on thirty-two to thirty-five lines, ff. 143r-148v, written in a small and fine humanist cursive script in brown ink on thirty-three to thirty-nine lines IV. ff. 161r-164r, large and elegant humanist cursive in brown ink on twenty-nine lines; 5- to 22-line decorated initials in the same ink as the text and adorned with a few flourishes at the beginning of each transaction (22-line decorated initial on f. 143), foxing in the margins of the paper, and some wormholes, many blank folios throughout the manuscript. Early limp reversed leather (calf?) binding, concave spine, several wormholes, vellum pastedowns from a thirteenth-century Italian Bible, written in Southern Gothic Textualis (Rotunda), taken from a single folio comprising Jeremiah 9:9-9:26. Dimensions 280 x 215 mm.

Late medieval notaries played a unique role in preserving the social and political memories of towns across Europe. This notarial register provides a glimpse into the city of Lucca and its neighbors in the late fifteenth century. Luchese history from the demise of Paolo Guinigi (1430) to the French Invasions into Tuscany (1494) is not well represented in the historical record or in scholarship. The present volume is a unique historical document preserving transactions of land and goods between citizens of Lucca and their neighbors in Mommio, Camaioere, Nocchi, and elsewhere.

## PROVENANCE

1. Evidence of the text and the dates given in the deeds of sale, tells us the manuscript was produced in Lucca, Italy, in the late fifteenth century between 1476-1490.
2. Collection of Joseph Pope (1921-2010) of Toronto, an investment banker and prominent collector of medieval manuscripts, who acquired it from Bernard Rosenthal, San Francisco, in 1983; Bergendal MS 51 (described in Pope, 1999; brief description in Stoneman, 201; an overview of the collection is given in Pope, 1999). Tag housed with the manuscript (formerly between ff. 40 and 41) reads "MS 51."
3. London, Sotheby's, July 7, 2011, lot 117.

## TEXT

ff. A-Av, [Table of Contents], *Notula instrumentorum que continentur in presenti libro diversarum emptio-  
num. Hic solum nomina venditorum recensetur in primis, . . .*;

An analysis of the contents of this table of contents suggests the entries were written as the deeds were entered into the manuscript. Entries include folio references to specific documents (the first three in roman numerals, and the remaining in arabic numerals), but it does not list the transactions in the exact order found in the manuscript. Some entries are grouped around particular sellers; for example, there are two entries (f. A v) for *Michael dicto Buricino da Nocchio* on ff. 105 and 137. There are also some marginal additions identifying what land was purchased, and others adding later transactions; for example, the hand that wrote the deed at f. 163 added the deed to the table of contents between entries for deeds at f. 143 and f. 149.

ff. 1-174v, [Thirty-five Deeds of Sale for Land and Real Estate in and around Lucca; the first deed recorded on ff. 1-6, dated 1490], incipit, "IN NOMINE DOMINI AMEN. Antonius et Paulus fratres et olim filii Iacobi Iannini de Mommio . . . testibus presentibus ad suprascripta omnia et singula adhibitibus uocatis et rogatis sub anno nativitatis domini Millesimo Quatuorcentesimo Septuagesimo sexto indictione nona Die numero quarto mensis Iunii"; . . . [final deed, ff. 171-174v, dated 1498], incipit, "In nomine Domini amen. Convocatis omnibus fratribus odrinis Montis Oliveti Monasterii Sanctorum Pontiani et Bartholomei de Luca. . . Textore drapporum sirici Lucense cive testibus ad suprascripta omnia et singula notatis adhibitibus et rogatis. Anno Nativitatis Domini M CCCC nonagesimo indictione octava die octava Ianuarii.

This manuscript was used to record deeds of sale for land between the citizens of Lucca and the surrounding towns of Camaiore, Nocchio, and Mommio. Bound as a single unit before being written in, the volume served as a record of transactions witnessed by the city notaries. Lucca had established a public archive for official documents as early as the middle of the fourteenth century, and a statute of 1446 even stipulated that notarial registers of transactions between private individuals were to be transferred to the city archives upon the death of the notary, but in many cases such records remained in private hands (for the archive in Lucca and notarial practice, see D'Addario, 1951; Nakaya, 2016; Romiti, 1994; Nemarich and Smail, Online Resources).

The deeds recorded in this volume ensured that all the parties involved in the sale of land entered into the contract willingly and without any intent to deceive. The transactions all use elaborate legal formulae to name the buyers, sellers, and interested parties in each transaction, intended to bind all the parties to a legal agreement and to act as a kind of legalese only interpretable to lawyers and businessmen. The style is parodied to great effect in Alessandro Manzoni's *The Betrothed* (1827).

Take, for example, the first transaction, beginning on f. 1:

*IN NOMINE DOMINI AMEN. Antonius et Paulus fratres et olim filii Iacobi Iannini de Mommio Vicarie Camaioris Lucensis districtus pro se et eorum propriis et privatis nominibus et vice et gestorio nomine Peregrini et Marci fratrum suorum et filiorum dicti olim Iacobi et pro quibus et quolibet eorum ipsi Antonius et Paulus in solidum de rato et rati habitione solemniter promiserunt: et caverunt in certo Dominico emptori pro se et suis heredibus presenti et stipulanti Vestrae Magnificentiae, se se facturos et curaturos et facere et curare ita et taliter omni et qualibet iuris uel facti exceptione remota et penitus reiecta, quod. . .*

[In the name of the Lord. Amen. Antonio and Paolo, brothers and formerly of Jacobi Iannini of Mommio under the authority of the Lucchese district Camaioire, on their behalf and on behalf of their own and private names and the vicar and the carriers Peregrino and Marco by name, our brothers and sons of the aforementioned Jacobi and on behalf of all and any of them, Paolo and Antonio wholly, from consideration and having consideration, solemnly promise and put in writing as certain to your majesty, the buyer Domenico present and in agreeance on his behalf and his heirs, that they are about to make and take care and are making and taking care thus and suchwise with every and any exception to deed or law removed and entirely rejected, that...]

Other deeds of sale follow different formulae which name the buyers and sellers in the transaction and ensure that the contract was entered into willingly and without error by both parties. After the long legal formulae, the terms of the sale are discussed and then the actual pieces of land (*petiae terrae*) are listed. Finally, the date of the transaction is noted.

The transactions recorded in this manuscript range in date from June 4, 1476 to January 8, 1490. There are four autograph hands from Lucchese notaries who bore witness to the transactions and authorized them as legally binding documents, but the majority of the documents (28), are signed by Acconnus with the formula, *Ego Acconnus olim Sancti Antonii Lucensis civis publicus imperiali auctoritate notarius* etc. (ff. 50v, 54r, 56v, 58v, 62v, 71v, 80v, 88v, bis 89v, 100v, 117v, 122v, 126v, 131v, 136v, 137r, 139r, 142v, bis 153r, 154v, 159v, 169v, 170r). Iacobus filius Donati olim Iohannis (f. 48v), Acconnus olim sancti Antonii Lucentius (f. 148v), and Iacobus Caroli de Luca (f. 164r), each notarize a single transaction. Next to every notarial subscription is a *signum*, a small, intricate, and detailed monogram used to verify the identity of the notary, much like a stamp would be used by notaries today.

The many names and places which appear in the deeds of sale give a detailed picture of the economic life of late fifteenth-century Lucca and warrant further research by economic historians and anyone interested in Lucchese history. The period represented in this manuscript "has signally failed to attract the attention of local chroniclers and of more recent scholars" (Bratchel, 1995, p. 2). Yet, this manuscript attests to a vibrant and active land market in late fifteenth-century Lucca and is a unique witness to an understudied period in the history of this important Tuscan city.

## LITERATURE

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## ONLINE RESOURCES

Archivio di Stato di Lucca, *Diplomatico* (many digitized primary source documents from the late eighth to the twentieth century)

<https://www.archiviodigitale.icar.beniculturali.it/it/185/ricerca/detail/536771>

Eric Nemanich and Daniel Lord Smail, "A notary, his library, and a city in crisis" (discussing the mid-fourteenth century inventory of a notary from Lucca), *Dalme* (Documentary Archaeology of Late Medieval Europe)

<https://dalme.org/features/a-notary-his-library-and-a-city-in-crisis/>

"Notarial Documents" by Dianne Tillotson

<https://medievalwritings.atilho.com.au/word/notary.htm>

"Authentication of legal and administrative documents" from University of Nottingham, Manuscripts and Special Collections

<https://www.nottingham.ac.uk/manuscriptsandspecialcollections/researchguidance/medievaldocuments/authentication.aspx>

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