

## ***The New Capitoline Notaries and Their Records***

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### **URL:**

[http://localhost:8080/notaries/II\\_Nota\\_Capitoline/](http://localhost:8080/notaries/II_Nota_Capitoline/)

### **Citation (Chicago):**

Nussdorfer, Laurie. "II. The New Capitoline Notaries and Their Records." In *Essays on the Accademia Di San Luca: Year of Publication - 2023*, by Antonia Fiori and Laurie Nussdorfer. Washington, D.C.: Center for Advanced Study in the Visual Arts, 2023.  
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## The New Capitoline Notaries and Their Records

*Laurie Nussdorfer*

Ironically, it was the very Sixtus V who forced the painters' association to move from the Esquiline in 1588 who was also responsible for the systematic survival of their notarial activity and thus of our new insight into the origins of the Accademia. In 1586 Sixtus intervened radically in the workings of the notarial profession in Rome, which, unlike that of most Italian cities, was double. Civic, or Capitoline, notaries catered to the needs of citizens and prepared court documents for the municipal tribunal located in the Palazzo del Senatore. Curial notaries, many of them foreign, worked instead in the papal bureaus and papal courts that focused on the needs of ecclesiastics. In practice this division was blurry to clients, with laymen using curial notaries and clerics patronizing those of the Capitoline, but the two groups of notaries were indeed distinct because lay and clerical tribunals followed different legal procedures.<sup>25</sup> What Sixtus did was to restrict the previously unlimited number of Capitoline notaries to 30 and for the first time sell their offices, thus initiating the process of turning a free and very loosely organized profession into a closed corporation of venal officeholders.<sup>26</sup> Fifteen of the newly created notarial offices provided judicial services to each of two civil judges (*collaterali*) in the Senator's tribunal. Over the preceding century, the popes had made all curial notaries venal, so now ownership of notarial offices became the norm in Rome. However, within 25 years, the popes made a unique concession to the Capitoline notaries. In 1612 Paul V granted them the right to bequeath or sell their offices as if they were any other form of property.<sup>27</sup> While the actual titleholders of the office had to be notaries, had to expedite their titles through civic officials, and had to be admitted to the new

college of notaries of the Capitoline court (*notarii curiae capitolii*), anyone could purchase the office either in whole or in part and dispose of it freely.

In the 50 years between 1583 and 1634 the various painters' associations, including guild, confraternity, and academy, as well as the confraternity of stoneworkers in which the sculptors found themselves trapped, employed Capitoline notaries to redact their formal obligations and record payments, receipts, property transfers, inventories, and, importantly, their litigation. Seven notaries worked for the Accademia in these years: Ottaviano, Marco Aurelio, and Alessandro Saravezzi and Giovanni Antonio Moschenio, Erasto Spannocchia, Lorenzo Tigrino, and Tommaso Salvatore. We know their names and can find out who their clients were as a result of Sixtus V's imposition of venality on the Capitoline notaries and of Paul V's insistence on new archival practices for notarial documents. The period from 1586 to 1612 wrought revolutionary changes in the way in which Roman notaries did their work, and it is no coincidence that the Accademia di San Luca emerges from obscurity in this same arc of time.

His *signum*, the unique logo that Roman notaries used to stamp the first page of their protocols and the public copies of their instruments, identified the Roman-born Ottaviano Saravezzi as a Capitoline notary even before Sixtus V's intervention of 1586.<sup>28</sup> He had worked for the carpenters and masons in the early 1580s and even joined the carpenters' confraternity in 1584, the year in which he also made out a receipt for a purchase of wood by the painters' guild (*universitas*).<sup>29</sup> For the next 10 years, and then again from 1600

to 1607, Saravezzi continued to produce instruments for the painters, both guild and confraternity, and of course recorded the meeting of March 7, 1593, in which they organized an academy. While dozens of notaries in the ambit of the Capitoline tribunal lost their professional status in 1586, the pope's new policy permitted Saravezzi to purchase for 500 scudi the notarial office that he had been operating all along, in a sense turning his business into a form of property.<sup>30</sup> The property consisted not in the physical space in *rione* Pigna where his clients found him, but rather in the volumes of protocols containing their contracts and testaments and in the documents of their litigation. Scholars sometimes overlook the revenues that notaries earned from their conduct of lawsuits because they have left such meager traces compared to the business acts in the protocols, but Sixtus V had expected lawsuits to be the lure that would entice notaries to buy their offices. Ottaviano Saravezzi had now become one of 15 Capitoline notaries who produced and filed litigation papers with the second *collaterale*, one of the four judges in the tribunal of the Senator. Each month he and the other 29 professionals in the college of notaries of the Capitoline court pooled a percentage of their judicial earnings.<sup>31</sup> Although his gleanings ranked him in the middle rather than at the top of the group, they prove that clients used him for court papers as well as contracts.<sup>32</sup> As Antonia Fiori's article "The Cameral Obligation in the Documents of the Accademia di San Luca" explains, court notaries were the beating heart of the judicial system. All legal actions started with an appearance before one of them, and they operated with considerable independence since the magistrates trusted them to fill out the summons and warrants (*mandati*) to which the judges had already put their signatures.

Venality had an immediate, as well as a long-term, impact on Saravezzi. In 1584 the instruments he produced for his clients in a single year filled one bound volume; seven years later they occupied three volumes. The contraction in the number of city notaries resulted in more business for Saravezzi. In addition, since the acts he rogated for his clients were now a substantial investment, he had a powerful incentive to preserve them carefully. Inventories of the protocols in the possession of the 30 Capitoline notaries document a sea change in the 1580s, with virtually complete series for most offices for the next three centuries. We can get a good idea of the state of conservation of clients' acts prior to venality from looking at the stray pre-1580s volumes that survive in some of the 30 offices; these often consist of a hodgepodge of disordered instruments rogated by several different notaries.<sup>33</sup> Even more dispiriting is the collection of protocols in the Roman state archive labeled Notai Capitolini (Capitoline Notaries). In actuality this represented an attempt beginning in the 1560s to halt the loss of volumes that occurred when a notary died and his family inherited the little cache of notebooks from

which he had made a livelihood. This series, which contains most of what we have in the way of surviving protocols in Rome before 1586, consists largely of those that the authorities managed to capture from the heirs after a notary's death. The excessive freedom of the Roman notarial profession before Sixtus V explains why it has been so hard to track the activities of artists' associations in earlier decades.

A second effect of venality, which showed up gradually from the 1590s on, was to increase the size of the notary's workforce. The documents we find in the protocols are rarely in the hand of Ottaviano Saravezzi.<sup>34</sup> A titleholder might employ one or two, and by the 1620s perhaps as many as four or five, young men to do much of the actual writing of the office, some authorized as notaries and others mere scribes.<sup>35</sup> With the *padrone* at the head, the notarial office had a hierarchy.<sup>36</sup> *Sostituti* were employees who were official notaries; they had full authority to certify contracts (business acts or instruments) and undertake judicial work, such as taking witness testimony or writing out legal summons. *Giovani* were the men, usually young, who transcribed the rough notes of transactions into full texts to be kept in the protocols; they had not yet served enough time to qualify for *sostituto* status or for some reason had not sought it. *Giovani* also prepared the tables of contents to be inserted into the protocols before they went out for binding, following office practice or their own inclination in determining what name to give to clients. Saravezzi himself attended the important meeting of March 7, 1593, but by the 1620s it was much more common to find *sostituti* documenting academy gatherings. Although there was usually rapid turnover in the staff, some employees remained in a given office for years, even while the titleholder changed. Joseph Palmuctius, for example, who worked in office 15 from 1621 to 1627, spanned the tenure of three Capitoline notaries, Spannocchia, Tigrino, and Salvatore. His name appears frequently as the recorder of meetings of the Accademia in that busy period.<sup>37</sup>

The increasing number of employees represented growth in the notaries' business under the impact of venality, but also reflected intensified government regulation of notarial acts. From the middle of the 15th century, Capitoline notaries were required to bind their instruments yearly and put their names on the covers, but rules for notarial writing grew much stricter between 1580 and 1612. New municipal and papal laws demanded that full transcriptions be made within one month (1580),<sup>38</sup> that notarial volumes be bound every three months (1612), that an alphabetical table of contents listing the client's name and the folio number of the instrument be placed at the beginning of each volume (1612), and that *sostituti* sign their names at the bottom of the acts they had rogated (1612).<sup>39</sup> Most of these measures aimed to protect the integrity of the records against tampering, but they had the corollary effect of making it easier to keep track of them.