Between Families and Institutions.
Zadar's Notaries as Intermediaries between Church and Society in the mid-Sixteenth Century Adriatic

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Introduction

In the forty years since Paolo Prodi published his essay on the Church in Renaissance Venice, many of the most pressing issues he raised pertaining to "religious institutions and [...] ecclesiastical organizations" have been addressed. Today there are studies discussing a wide range of relevant topics from the role of the Doge to that of the Patriarchate and from the city's religious institutions to its religious minorities. Most studies, however, focus on Venice proper and the smaller communities scattered throughout its gagoon. A second branch of research details the Venetian Terraferma on the Italian mainland. While Prodi acknowledged the transformative importance of Venice's conquest of large swathes of northern and eastern Italy, he gave little mention to the other half of the Venetian state, the State of Zara or maritime state. The State of Zara extended from Istria to Cyprus and included possessions in the Western Balkans, the Aegean Sea, and the large island of Crete. Of these, the cities, islands, and towns in the Adriatic, organised as the Venetian dual province of Dalmatia and Albania, not only served as a buffer zone in face of the Ottoman Empire but also provided the Most Serene Republic with a number of secure ports of call for its commercial and military maritime endeavours.\(^5\)

understanding of the intricacies of everyday life in the mid-sixteenth century by using the city's notarial records, preserved in great numbers by the Croatian State Archive in Zadar but routinely overlooked by historians. By focusing on the day-to-day routines of the city's notaries and their dealings with the urban clergy it thus aims to contribute to the study of Venetian Dalmatia in the region's multi-cultural and poly-confessional urban tapestry. In doing so, this study contributes an innovative approach to the history of the Adriatic, particularly the still poorly understood middle decades of the sixteenth century.1

Venice and the Mediterranean

The origins of Venetian expansion date back to the turn of the first millennium and include such memorable episodes as the conquest of Constantinople during the Fourth Crusade or the Angevin period after the Peace of Zadar (1358). The following overview, however, neglects events before the advent of the second Venetian domination over much of Dalmatia in 1409.2 The Republic's renewed expansion was made possible by victory over Genoa, its main rival for most of the Middle Ages, and began in the aftermath of the War of Chioggia (1378 to 1381), a conflict that brought both


10 On Dalmatian chapters now Ann Geun, Hrvatski srednjoevropski kapitoli. Loca credibilis Dalmatiae. Zagreb 2008, esp. 239-294 (even though the author focuses mainly on the Middle Ages), incl. further references.


(1571), the Venetians were forced to cede the large island of Cyprus to the Sultan less than two years later. The sun had set on Venice’s “imperial age.”

On an administrative level, once Venice expanded its authority formal contracts between seemingly equal partners were drawn up. These affirmed the existing political and social order, guaranteed reciprocal rights, and ensured Venetian pre-eminence regarding essential issues in matters temporal and ecclesiastical. By the 1490s, nominal boundaries had been drawn up between possessions on the Italian mainland and the maritime state. In Venice proper office holders were created and older ones were enlarged, which served the dual purpose of employing some of the city’s poorer patriots as well as further cementing the Signoria’s rule. In religious matters this resulted in Catholic control over all other Christian – mostly Orthodox – denominations and a policy of relative freedom of worship.

**Venice and the Adriatic in the 16th Century**

By taking advantage of the Hungarian succession crisis, Venice was able to recover most Dalmatian and Albanian coastal communities at the beginning of the fifteenth century. Upon their sometimes involuntary incorporation into the Stato da mar, these cities and their jurisdictions were reorganised in accordance with Venetian interests, the most salient of these being the safety of vital shipping lanes along the eastern coast of the Adriatic and the availability of secure harbours. Civilian and military appointees who belonged to the Venetian patriciate were placed at the head of local administrations. Step by step Dalmatia’s cities were integrated into a more centralised system of governance, which, in turn, had a negative effect on economic development. While commerce and trade continued, albeit on a lower level and with decreasing intensity, local elites lost the majority of their political prerogatives. On the other hand, however, Venetian rule provided not only a modicum of organization but also worked as a sort of safeguard of public order in these Dalmatian cities that had seen bitter power struggles between the urban upper nobility and the commoners.

On a regional level, and contrary to their pattern of cultural, economic, and social decline, the cities’ military role was enhanced. After the 1460s, the growing Ottoman menace made it necessary to build, modernize, or enlarge massive fortifications, which remained clearly visible today. A number of armed conflicts during the fifteenth and sixteenth centuries gradually reduced the agriculturally important hinterlands of the Dalmatian cities to little more than small strips of land. After the end of the latest round of fighting in the 1570s, Venetian syndic Andrea Giustiniano reported that he inspected “the borders which, at the present time, are three miles away from the city [of Zadar]” and found that “all surrounding dwellings were destroyed, causing the impoverished peasants – including all of their livestock – to seek shelter in the city at nightfall, only to return to their fields at dawn, always accompanied by two units of mercenaries.” Fortifications, supply systems, and garrisons were the main investments. While the agricultural output of the hinterlands was continuously reduced, maritime traffic and cross-border trade in livestock increased modestly. In any event, integration into the larger framework of the Stato da mar also meant the enlargement and reorganization of administrative offices. At the same time, it also led to a cumulative concentration of power in the hands of a few Venetian officials.

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19 David S. Chambers, The Imperial Age of Venice (1380-1580), New York 1976; for an older but very detailed synthesis Freddy Tuccieti, La Romantique vénitienne au Moyen Âge, Le développement et l'exploitation du domaine colonial vénitien, Paris 1959, esp. 183-349.


23 Armata, Colori d’altr’eterni, 974-976; PWm, Organization of the Church, 417-422; Sandorini, Urban Elites, 76-83, 88-93, 116-28; Tuccieti, Romanite venetienne, 287-291, 403-410, 429-435; see also fn. 4, 7, 8, 9.


26 See Andrej Živković, Austrijski jugoitalski Hrvatske. Zagreb 2009, 29-71, on Zadar in particular 1891; see also fn. 55.


28 Radić et al., Zadar pod mladonickim upravom, 277-301; Goga Novak, Prihaja Dalmacije. Zagreb 2001, 129-131, 137-144; see also fn. 8, 8, 9, 23.
After Venice regained control over the cities along the eastern coast of the Adriatic, ecclesiastical affairs were organised along the same pattern. The highest positions — archbishops, bishops, and the like — were reserved for Venetian patriarchs only, a policy that was in effect in the entire maritime state. Lower positions in the ecclesiastical administration, the monastic communities, and the secular clergy were open to both local nobles and to commoners, a situation that mirrored temporal administrative developments. Despite the riches of Dalmatia’s archives the ecclesiastical sphere in the Venetian Adriatic during the Early Modern period continues to represent what Neven Budak has referred to as an “almost unexplored field”, a situation that has not much changed in the past fifteen years.

Zadar’s Notaries, the Clergy, and Society

Around the mid-sixteenth century, Zadar, Dalmatia’s capital city, was home to both secular Venetian officials and a relatively large ecclesiastical population. To reflect the heterogeneity of that population, I use the term “clergy” to denote both individuals identified by ecclesiastical affiliation, social status, and professional titles, as well as the city’s religious institutions, such as the archbishopric, the various congregations, parish churches, and administrative chapters. Zadar’s clergy were distributed across the city’s archbishopric, eight monastic congregations, various parish churches, and Franciscan Third Order Regular of both sexes. In addition there were two hospitals in the city, together with two more Lazariters outside the city walls. The city also served as a residence for the bishop of neighbouring Nin. Both cities were reserved exclusively for Venetian patriarchs but were administered by their respective chapters, whose membership was open to local nobles and commoners alike. While during the sixteenth and seventeenth centuries most of the city’s building efforts went into fortification and support structures to counter the Ottoman threat, the construction of a Slavic-language seminary augmented the ecclesiastical sphere as well.

In 1555, Muzio Calino, a Brescia-born theologian and secretary to the Venetian patriarch and humanist Alvise Contarini, became Zadar’s archbishop. It was in this capacity that he contributed to the reforms of the Roman Carthusian, the missal, and the breviary endorsed by the Council of Trent before returning to Zadar in 1565. Only a year later, after failed attempts to secure the see of his hometown, Calino assumed the bishopric of Terni, where he died in 1570. In Zadar’s notarial acts, he was known as “Muzio Calino” and was assisted by the metropolitan chapter.

A document from the second half of the 1550s contains a list of the chapter’s members. Assembled in the city cathedral’s chapel of St. Barbara were “Franciscus de Grisogonis, archipresbyter, Petrus Britannicus, primicerius [the first among the city’s canons], Johannes Donatus Begna, canon and vicar, Johannes Sicchieri, Matthaeus de Marchetis, Johannes Thomaseus, Antonius Mirchiusch, Sanctus de Sicristis, and Vincentius de Ventura”. Of these nine men, both the archpriest and vicar belonged to the local nobility, which included the Grisogonini families as numerous and prominent members. Despite their non-secular descent, the other members of the metropolitan chapter likewise belonged to families conferring a certain amount of prestige and social status: Johannes Thomasius, Sanctus de Sicristis, and Matthaeus de Marchetis were kinsmen of, respectively, Zadar’s notaries Francisca Thomasius, Paulus de Secristi, and Horatius de Marchetis. Both the Britannici and De Ventura families were large and important in Zadar. For instance, a relative of Petrus Britannicus, the “distinguished Simon Britannicus”, was a public interpreter whose daughter had married a member of the patriarch Venier family, and the De Ventura family enjoyed an...

38 Hrvatski Djevojčić arhiv u Zadru (hereinafter HR DAZZ) 31, Bilješnici Zadra (hereinafter RZ), note Simon Budina, loc. I, fascicule 1, book 1, carta 32c; 18 February 1557 no. (1558). Hereinafter notary, box, fascicule, and book are omitted. NB: “carta” (hereinafter c.) signifies the original pagination of manuscripts; “folio” (hereinafter f.) signifies the pagination applied to manuscripts by archivists. The Venetian year began in March and is referenced with the abbreviation m.v. (mese veneto). Calendar norms are reproduced as they appear on the cited manuscripts with modernised dates in squared parentheses.

39 “Congregati et Cavaliere adunati in capella Sanctae Barbarae qua est sacristia Ecclesiae metropolitanae Sancta Anastasia ubi arx capitolinis fortior conscriptione inscriptae Reverendi dominii de capitolo Jadinensi, videlicet, Reverendi dominii Francisci de Chrysopochia Archipresbyter, Reverendi domini Petri Britannici Primicerius, Reverendi domini Jeano Donato Begna canonicus et Vicarius, dominii Joanne Sicchieri, dominii Matheo de Marchetis, dominii Joannes Thomasii, dominii Antonio Mirchucion, dominii Sancti de Sicristi ac dominii Vincenzo de Venturam canonici dicum Ecclesiae Jadernici.” In exchange for the annual of 16 ducats they conveyed one of the chapter’s houses situated in Zadar’s S. Vini parish to “Marino Lucchelli”, a merchant and citizen of Zadar. HR DAZZ 31 BZ, Simon Budina, 1, 1, 3, c. 112v; 18 April 1558.

40 Ratier et al., Zadar pod mlčanijem upravom, punim: Sooret-Fehr, Urban Etics, esp. 98-99, 116-126.
41 Simon’s daughters, “Cecilia”, had survived her husband, “Johannes Venier”, a Venetian patriarch and citizen of Zadar. HR DAZZ 31 BZ, Daniel Cavallia, 1, 1, 3, c. 27v-c. 28v, 30 November 1555; Nicolaus Cavalli, 1, 1, 4, 18v, 20 August 1567.
elevated reputation reflected in its appearance in the report filed by Paolo Giustiniano upon his return to Venice from captainship of Zadar.\(^{37}\) Whatever their geographical provenance, the metropolitan chapter’s members were well integrated into the economic, political, and social fabric of Zadar’s society.\(^{38}\) On the basis of the notarial records – which, despite their relative abundance and heterogeneity, enable the historian to reconstruct ‘only’ certain aspects of everyday life – the activities of the city’s ecclesiastical community were similar to those of the rest of the population. It is completely clear and perfectly obvious that both the city’s notaries as well as the clergy lived lives that differed substantially from the overwhelming majority of the Zadar’s inhabitants. Both groups were literate and typically enjoyed relatively high levels of education.\(^{39}\) In addition, a good deal of the day-to-day activities of men (and women) of the cloth was determined by their various liturgical and spiritual obligations. While not the focus of this study, these matters certainly had an effect on them and their behaviour. Whereas statements about the precise form of these obligations are problematic due to the source base, it is nevertheless possible to reconstruct some of the protagonists’ business dealings and interactions with the rest of Zadar’s society. And in this – admittedly somewhat restricted – sense the activities of the clergy did not deviate significantly from their temporal contemporaries. Neither Zadar’s archbishop nor Nin’s bishop made more than rare personal appearances before a notary to conduct business for himself or his see. Usually these high dignitaries were represented by one or more of their chapters or one or more representatives – procurators\(^{40}\) – who acted in their name.\(^{41}\) If either the Zadar archbishop or Nin bishop appeared in person, this indicated non-routine business, such as the alienation of a part of the archdiocese’s immovable property or assessment of the size and income of the prebendary of a newly-appointed dignitary.\(^{42}\) In the mid-1550s, for instance, Johannes Thomasius acted “as procurator and in the name of […] the Rev. Lord Cornelio Piastroni,” Zadar’s archbishop. Johannes signed over a quarter of a stone house located in Zadar’s parish of St. Catherine to the heirs of the “Late Francisca de Magistris of Pesaro […] Dionora and Prisunia.” In exchange, the two women consigned the archbishop’s half of a house in Zadar’s parish of St Vitus, constructed of both stone and wood.\(^{43}\)

Zadar’s Notaries and Urban Society

During the middle decades of the sixteenth century, roughly circumscribed by two Holy League-Ottoman Empire wars (1537 to 1540 and 1570 to 1573), Zadar was home to fifteen public notaries. The present survey is based on 6,422 individual notarial acts written between January 1540 and December 1569. Within this timeframe, all but two of the notaries were laymen, yet in 1,027 instances (or c. 16 percent) the acts were drawn up at the clergy’s behalf. As the numbers of acts are distributed quite unevenly, the five notaries whose client share exceeded this threshold of c. 16 percent are of particular interest. These were: Simon Budineus, a canon, who left a total of 827 individual acts, of which 346 (c. 42 percent) were written at the request of clergy members; Marcus Aurelius Sorzonius, a lawyer, 16 acts, 5 (c. 31 percent) written at clergy’s request; Petrus de Bassano, another lawyer, 820 acts, 146 (c. 18 percent); Paulus de Smoctis, a cleric, 43 acts, 10 (c. 23 percent); and Simon Mazarellus, a nobleman of Trojg and Zadar’s communal chamberlain, 438 acts, 130 (c. 29.5 percent). These five notaries combined were responsible for 637 out of the 1,027 individual acts (c. 62 percent) requested by members of the clergy. By comparison all other notaries had a much smaller ecclesiastical customer base. On average Zadar’s other ten notaries managed to attract clergy members in only 390 instances (c. 38 percent).\(^{44}\)

\(^{37}\) Leopold (ed.), Commissiones ex relations Venetiae, vol. 3, 48-55, 52; Paolo Giustiniano was canon of Zadar in the first half of the 15th century (see 49f. for a discussion of the duration of his captainship).

\(^{38}\) The de Marchisi family had its origins in Ancona, where Marchesani also disposed of a prebendary. HR DAJD 31 BZ, Petrus de Bassano, L. 1, 9, fol. 3; 21 February 1542 m.v. [1543].


\(^{40}\) The term "procurator" signifies unilateral confirmation of legal powers with or without explicit mandate(s) regarding the tasks of the appointed agent, attorney or advocate, the so-called "procurator." These powers, if not assigned for a specified period of time or specific task, typically lasted until the death of one or both contracting parties or a new notarial act’s stipulation stating otherwise. See Julia Jeschkowitz, Procurators, in Thomas Olschewski / Richard Gamaliel (eds.), Steuerrechtliche Rechenschicht und Römisches Recht. Wien 2010, 375; Procuratori, n., in OED Online, <http://www.oxforddictionaries.com/view/en/Entry/151905>, 18 July 2013; for the legal base according to Zadar’s statutes, see Book II, Title IV, which contains 5 chapters, and Book II, Title V, which contains 11 chapters.

\(^{41}\) For a detailed case study, see Sastre-Farrié, Urban Elites, 64-128.

\(^{42}\) This was the case, for example, after the appointment of the Venetian procurator "Marcus Longuus" to the bishopric of Nin in the early 1560s. Upon his designation he assigned "Dominicus Armatus, the "peticoniatus" of Nin" the task of compiling a codifier and producing an inventory of all immovable property, tribes, and other income of St Michael’s convent of Pula, Istria. HR DAJD 31, Simon Budineus, L. 1, 6, c. 488v; 12 February 1563 m.v. [1566] (my emphases).

\(^{43}\) HR DAJD 31 BZ, Daniel Contessa, L. 1, 1, c. 40v-c. 41v, 28 March 1554.

Table 1: Zadar's notaries and their clients (1540-1569).

<table>
<thead>
<tr>
<th>Notary</th>
<th>Years active</th>
<th>Total no. acts</th>
<th>Requested by clergy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Augustinus Marinus</td>
<td>1540-52</td>
<td>90</td>
<td>7</td>
</tr>
<tr>
<td>Constantius Cunntantius</td>
<td>1567-69</td>
<td>219</td>
<td>7</td>
</tr>
<tr>
<td>Daniel Caravola</td>
<td>1551-66</td>
<td>1,367</td>
<td>136</td>
</tr>
<tr>
<td>Franciscus Thomaeus</td>
<td>1548-61</td>
<td>254</td>
<td>22</td>
</tr>
<tr>
<td>Gabriel Cernota</td>
<td>1562-64</td>
<td>52</td>
<td>5</td>
</tr>
<tr>
<td>Hieronimus de Marchetti</td>
<td>1567-69</td>
<td>257</td>
<td>24</td>
</tr>
<tr>
<td>Johannes a Merca</td>
<td>1545-49</td>
<td>812</td>
<td>82</td>
</tr>
<tr>
<td>Johannes Mazzarrellus</td>
<td>1540-54</td>
<td>284</td>
<td>28</td>
</tr>
<tr>
<td>Marcus Aurelius Somontinus</td>
<td>1544-48</td>
<td>16</td>
<td>5</td>
</tr>
<tr>
<td>Nicolai Canali</td>
<td>1558-69</td>
<td>118</td>
<td>5</td>
</tr>
<tr>
<td>Nicolaus Draemellus</td>
<td>1540-66</td>
<td>825</td>
<td>74</td>
</tr>
<tr>
<td>Paulus de Sanctis</td>
<td>1545-51</td>
<td>43</td>
<td>10</td>
</tr>
<tr>
<td>Petrus de Basano</td>
<td>1540-60</td>
<td>820</td>
<td>146</td>
</tr>
<tr>
<td>Simon Budinicus</td>
<td>1556-65</td>
<td>827</td>
<td>346</td>
</tr>
<tr>
<td>Simon Mazzarrellus</td>
<td>1555-67</td>
<td>458</td>
<td>130</td>
</tr>
</tbody>
</table>

Sources: HR DAZD 31 BZ; based on analysis of 6422 individual acts; for additional information on the data see fn. 44.

The notary most favoured by clergy members was Simon or Simeon Budinicus, also known under his Slavic name Šime Budinić. Born in Zadar in the early 1530s, he was one of the city’s most prominent scions. Despite a ban on men of the cloth working as notaries since the papacy of Eugene IV (1383, c. 1431-47), Budinicus spent at least a decade and a half working as a notary in Zadar before he went to Rome in the early 1580s. In Rome, he translated Counter-Reformation tracts and literature into his Slavic mother tongue and pioneered the use of certain diacritical signs (such as Ć and Č). While still in Zadar, he counted the city’s archbishop and the bishop of Nin among his clients,” together with five of Zadar’s eight monastic communities,” the representatives of a considerable number of parish churches, chapels, and hospitals, and a large number of individual clergy members not only from within the city’s jurisdiction but also from elsewhere in the Venetian Adriatic region. The Metropolitan Chapter and Zadar’s Society

In general the activities of metropolitan chapter members were comparable to those of its secular counterparts: they administered the archbishop’s real estate, appointed representatives to deal with issues such as petitioning officials in Rome or Venice, and engaged in other commercial activities. In the mid-1540s, for instance, “Johannes Mazzarrellus”, a nobleman of Trogir and the communal chancellor of Zadar, and Johannes Thomaeus, the aforementioned canon and member of the metropolitan chapter, together approached notary Paulus de Sanctis, a kinsman of Sanctius de Sanctis, also a member of Zadar’s chapter. Together, Mazzarrellus and Thomaeus leased the right to collect “all fruits, revenues, and income” from the archbishopric within the city’s jurisdiction. In addition, they leased the right to collect the Church’s tithes – a tenth of its subjects’ income – within the jurisdictions of Zadar and neighbouring Pag for a three-year period, in exchange for an annual payment of 620 Venetian ducats. A month later, the two men concluded another business agreement in front of the same notary. They made “the Rev. Johannes Barbiricich, a priest of Zadar, their partner” and allowed him to join their tax-farming enterprise. Both the contracts had identical clauses, with one exception: instead of the annual payment of 620 ducats stipulated in the first contract, the new third business partner agreed to pay a surcharge of 15 ducats, raising the annual rent to 635 ducats.

A similar transaction took place a few years later when, in the spring of 1551, “archdeacon Hieronymus de Cormelij, Johannes Thomaeus, and Paulus de Sanctis, archbishop, all canons of the metropolitan cathedral of St Anastasia”, leased the archdiocese’s property in and near the hamlet of Miljačka to “Petrus Sterpinsich” and his absent brother, “Marius.” The three canons invoked a “special mandate to act on behalf of the other members of the chapter” and transferred the rights to use and cultivation of the land for four years. As part of the property was undeveloped, the tenants were not required to consign special gifts, so-called donatio pontificalis, usually due on feast days.

46 For example in autumn 1562, the archbishop’s leaseholder, “Pomposius de Sippe”, one of the city’s noblemen, received part of the property located near the village of Divici to thirteen villagers. HR DAZD 31 BZ, Simon Budinicus, 1, 1, 6, c. 3922-9, 3932; 1 November 1562; HR DAZD 31 BZ, Daniel Caravola, 1, 1, 6, c. 15r-c. 15s, 1 June 1557; Daniel Caravola, 1, 2, 2A, c. 46v-c. 46s, 9 January 1560 m.m. (1561).
47 These were the convents of St Mary (Benedictines), St Caterine (Dominicans), St Demetrius (Dominicans), St Nicholas (Franciscans / Poor Clercs), and St Marcella (Poor Clercs). HR DAZD 31, Simon Budinicus, 1, 1, 6, c. 399v-c. 399v, 26 October 1562 (four individual deeds); Simon Budinicus, 1, 1, 6, c. 391r-c. 27 October 1562.
such as Christmas, Fat Tuesday, and Easter. As and in the other instance, the chapter members conducted this business with a familiar notary, Franciscus Thomaeus, the brother of Johannus. Another transaction, this time from the late 1550s, was very similar. This involved a rental contract in which "Marcus Loredan, bishop of Nin and general representative" of Zadar's archbishop Muzio Calino, leased "all and every income of the archbishopric of Zadar ... for three years" to Johannes Thomaeus and his brother Franciscus. This included the right to collect rents in both Zadar's and neighbouring Pag's jurisdiction. While the conditions and the duration of this contract were basically identical to the previous one, the price had gone up: instead of 620 or 635 ducats, the two brothers agreed to the annual sum of 800 ducats, payable in cash in two installments, one due on 1 April, the other at the end of July. In addition, the two tenants were to be given "nine barrels of wine belonging to the archbishopric," to be returned at the end of the rental contract (the reason for this additional clause was not specified).

The Institutional and Legislative Context

To understand the significance of these transactions, it is important to address the laws and customs governing urban communities in the Venetian Adriatic region in general and Zadar in particular. Once incorporated into the State da mar, the various cities tried to conserve as much of their different legislative heritages as possible. For the most part Venice left the pre-existing normative, political, and social order as it was, but it did amend individual statutes to serve its own interests. As suggested, these included use of its overseas dominions as a buffer zone against the republic's enemies, which, beginning in the 1420s mainly but not exclusively meant the Ottoman Empire. The coastal communities also served as ports of call for the Venetian state-run commercial convoy system called made, where Venice's galleys spent more time than in "foreign" ports. The Republic of St Mark consequently treated challenges involving the safety of these galleys typically included small livestock such as pigeons, roosters, and young lambs, which had to be handed over according to the relevant clauses of the property transaction. Matthew, Dalmatia between Ottoman and Venetian Rule, 231; Sme, Poreč, Prvih postojanju agrarijskih odnosa u istočnoj Dalmaciji, Zadar HAKZ i Zdru 34 (1992), 135-159, 155.

HR DAZD 31 BZ, Franciscus Thomaeus, I, 2, fol. 8v, 15 May 1551.

HR DAZD 31 BZ, Simon Budincus, I, 1, c.24r-c.24v, 8 January 1557 m. 1558.

HR DAZD 31 BZ, Beno predicting that the Ottomans and Venice will fight a war over Zadar.

Beno, Republique de Venise (1967), 113-115, 125; Ivan Piskiera, Mrtavulj ukupno, privreda i politika u Dalmaciji (1409-1579), Dubrovnik 1998, 105; Baksa et al., Zadar pod hrvatskim upravom, 309; Schmitt, Dalmatien, 98-100; see also the legal basis according to Zadar's statutes. Ref. 81, 82, and 97, in: Kolanovic/Kuzman (eds.), Zadarski samost., 576, 586.

This particular clause contains a single article stating "what once God has given, let no man transfer to anyone else." Book II, Titel VII, "De rebus Ecclesiae nova alienanda," in: Kolanovic/Kuzman (eds.), Zadarski samost., 268; cf. the amendment on 521-670.

Analysis based on 1067 individual sales contracts ("emptio") concerning the transfer of real estate in Zadar's jurisdiction outside the city walls ("constrato"), cf. Sander-Fares, Urban Elites, 145-150; additional data available in Sandor-Fares, Urban Elites, 205, 279-280.
Of these 39 instances, the overwhelming majority were individuals (30 instances or c. 3 percent of the total) and thus cannot be assumed to have sold Church property. In turn this means that ecclesiastical institutions sold property in only nine cases (or slightly more than c. 0.5 percent of the total). Inside the city walls the picture is roughly comparable. Of a total number of 255 property sales (empêche) 27 (or c. 10.5 percent) were sold by members of the clergy, and of these 27 instances, only nine (or c. 3 percent of the total) were actually sold by ecclesiastical institutions.61

These reservations aside, however, this did not render it impossible to have grants, or otherwise temporarily transfer real estate to individuals and institutions alike. As the statutes did not limit this possibility to temporal matters, Zadar’s ecclesiastical institutions could publicly auction their property for tax collecting purposes, conditioned only on the financial possibilities enjoyed by the various tenants and, for temporal acres only, buyers.62 The remaining relevant clauses in the city’s statutes deal with ‘technical’ issues such as the landlord’s share of the harvest (usually between a quarter and half of the crop), dates of remittance, and reimbursement in case of natural disasters or hostile incursions.63 This is supported by two more sets of data. First, planting concessions or land grants (concessio or patimatio), of which a total of 478 individual contracts were written by Zadar’s notaries between 1540 and 1569. Both the urban nobility and the clergy dominated this segment of the property market, with the former conceding or granting their property in 198 instances (or c. 41.5 percent of the total) compared to the

61 Of these only St Mary’s in Zadar’s suburbs appears twice as the seller; all other institutions— the convents of the Benedictines, Dominicans, and Franciscans—appear only once. HR DAZZ 31 BZ, Johannes a Morias, I, 1, 4, fol. 18r-fol. 18v, 26 February 1551 n.s. (1552); Daniele Cavalla, I, 1, 2, c. 11r-c. 11v, 10 January 1556 n.s. (1557); Daniele Cavalla, I, 1, 5, c. 26r, 23 April 1557; Daniele Cavalla, I, 1, 5, c. 15r-c. 15v, 11 June 1557; Johannes a Morias, I, 1, 4, fol. 149rv, 18 June 1557; Nicolaus Canali, I, 1, 6c-6v, 13 February 1558 n.s. (1559); Simon Badusinius, I, 1, c. 178r, 28 March 1558; Nicolum Dramellus, I, 1, 2, fol. 15r-fol. 15v, 12 March 1564; and Simon Badusinius, I, 1, 6, fol. 476r, 18 December 1564.

62 Analysis based on 255 individual sales contracts (empêche) concerning the transfer of real estate within Zadar’s city walls; cf. Sosieus-Frays, Urban Elites, 198-203; additional data available in Sandre Fornaciari, Urban Elites, 289-293. Of these the Dominicans sold property in six instances; the St Lazarus’ Hospital, the Benedictines, and St John’s in the suburbs one plot each. HR DAZZ 31 BZ, Johannes Matzavolinus, I, 2, 1, fol. 18r-18v, 22 August 1560; Petrus de Bazuco, I, 1, 8, fol. 46v, 12 August 1542; Nicolaus Dramellus, I, 1, 6, fol. 26r-26v, 12 February 1544 n.s. (1545); Simon Badusinius, I, 1, 5, 256v, 17 June 1560; Simon Badusinius, I, 1, 5, 256v, 25 February 1557 n.s. (1558); Simon Johannes Matzavanus, I, 1, 9, 6 September 1561; Johannes a Morias, I, 1, 5, fol. 39r-39v, 13 May 1562; Gabriel Cerovac, I, 1, 5, fol. 15r-fol. 16v, 28 June 1562; and Daniel Cavalla, I, 2, 6, fol. 2 June 1565.

63 See Book III, Title IX, chapters 32 and 33, which provide the legislative framework for such public auctions. Kolonovitz/Kalnosi, eds., Zadarski zapis, 278-284.

64 See Book III, Title XVI, “De locatiis et omnium rerum stabiliwm, mobilium et se movendis et operarum omnium personarum” and Title XVII, “De ilio emploritsu seu de ture opol acquitatur doni et recipiente possessoribus aliquos ad pastinandum”, in: Ibidem, 330-332.

Of these 134 instances (or c. 28 percent). Of these 134 contracts, however, three quarters came from ecclesiastical institutions.64 Second, rental contracts (locatio), of which a total of 226 individual contracts were stipulated in the same time period. In terms of land ownership the picture here is quite similar with the nobility renting their property in 104 instances (or c. 46 percent of the total) and the clergy doing so in 61 instances (or c. 27 percent) of the cases. Only 8 of these 61 contracts were written at the request of individuals—which means that the proportion of property-owning ecclesiastical institutions is even larger than in the first data set (57 institutions or c. 87 percent).64 Ecclesiastical institutions were legal persons and they thus had to rely on appointed representatives in order to conduct their business. In the section on procuratores, the statutes provided a highly detailed framework. Two of the more important stipulations were that appointees had to be at least twenty years old and that sons could represent anyone, even without the consent of their fathers. It is interesting that the statutes are silent with respect to the problem of what we presently label ‘conflict of interest’ – and this despite members of Zadar’s ecclesiastical institutions frequently conducted their business in front of notaries to whom they were related. For example, in the protocol books of Franciscus Thomasaeus, the metropolitan chapter twice appears as the constituent party. On both occasions the chapter was represented by one of its members, once by Antonio Mircoius, and in the other instance by the notary’s brother, Johannes Thomasaeus.65 At one point the chapter approached notary Horatius de Marchetti, the kinsman of canon Manheaus de Marchetti.66 Likewise, notary Paulius de Sanctis, related to canon and member of the metropolitan chapter Sanctus de Sanctis, wrote four contracts involving members of the metropolitan chapter, once having been approached by the archbishop himself.67 Such tensions are even more clearly visible in the protocol books of the notary most favoured by his fellow clergyman, Simon Badusinius. Members of the metropolitan
chapter approached him on 10 separate occasions. Zadar's archbishopric appears six times and even the office-holder himself, archbishop Murio Calino, thrice. In addition, the bishop of Nin, Marcus Loredan, was a client of Simon Budinose on one occasion, the bishopric itself being a client on three occasions. Along with these high-ranking

90 HR DAZD 31 BZ, Simon Budunose I, 1, 1, c. 16v-c. 17r, 9 December 1556 (Franciscus, Johannes Thomaes); II, 1, 1, c. 39v, 16 March 1557 (Sanitas de Sanctis); I, 1, 1, c. 46v-c. 46r, 30 April 1557 (Franciscus, Johannes Thomaes); II, 1, 2, c. 65v-c. 65r, 20 July 1557 (Sanitas de Sanctis); I, 1, 2, c. 67v-c. 67r, August 8, 1557 (Sanitas de Sanctis); I, 1, 2, c. 71v-c. 72r, 20 August 1557 (Franciscus, Johannes Thomaes); II, 1, 2, c. 93v, 29 January 1558 m.c. (1558) (Sanitas de Sanctis); I, 1, 3, c. 112v, 18 April 1558 (metropolitan chapter); I, 1, 3, c. 126v, 8 June 1558 (Vincentius de Vernee); II, 1, 6, c. 375v-c. 376v, 25 June 1562 (metropolitan chapter represented by Zadar's archiepiscopal "Johannes Baptista de Benedictis"); I, 1, 6, c. 397v-c. 398v, 30 December 1563 (metropolitan chapter represented by "Johannes Barbicicci").

91 HR DAZD 31 BZ, Simon Budunose I, 1, 1, c. 27v, 3 October 1557; I, 1, 2, c. 38v-c. 38r, 12 January 1558 m.c. (1559); I, 1, 6, c. 236v-c. 238r, 17 April 1560; I, 1, 6, c. 355v-c. 356r, 5 April 1562, I, 6, c. 392v-c. 393v, 1 November 1562; I, 1, 6, c. 366v, 25 May 1562 (all deeds noting the archiepiscopal as constituent party); I, 1, 6, c. 24v-c. 24r, 15 January 1557 m.c. (1558); I, 1, 1, c. 24v-c. 29r, 15 January 1557 m.c. (1558); I, 1, 1, c. 32v, 18 February 1557 m.c. (1558) (Marcus Calino in person).

92 HR DAZD 31 BZ, Simon Budunose I, 1, 2, c. 84v-c. 85r, 22 December 1557 (Johannes Barbicicci) as the bishop's representative); I, 1, 2, c. 85v-c. 85r, 29 December 1558 (Marcus Loredan in person); I, 1, 6, c. 365v-c. 366v, 19 May 1562 (the bishopric of Nin).

Table 2: Institutional clients of Zadar's notaries (1540-1569).

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Sources: HR DAZD 31 BZ, based on analysis of 1027 individual acts; see In. 44. OSB = Order of St. Benedict; OF = Order of Poor Clerics; TOR = Third Order Regulars; ONS = Order of St. Catherine; OSF = Order of St. Francis.

Zadar's Notaries as Intermediaries

Church members, Simon Budinose was also the preferred notary for Zadar's monastic congregations (see Table 2), attracting both institutions and a relatively large number of men and women of the cloth, irrespective of their geographical provenance, monastic affiliation, or social descent.77

Conclusion

The clergy of Zadar played a prominent role in the city's economic, political, and social fabric around the middle decades of the sixteenth century both on an individual and institutional level. Under the Venetian administration, Zadar was home to eight monastic congregations and to the Franciscan lay communities (Third Order Regulars). It was also the seat of a catholic archdiocese and housed the bishop of neighbouring Nin. In this context, the relationship between Zadar's clergy and the various actors of its urban society is in particular need of detailed study – research facilitated by the fact that many of the more important members of the clergy belonged to the upper social strata and can thus be identified with relative ease. As far as notarial sources are concerned, members of the clergy can be identified through terminological markers such as "Reverend" or "venerable"; typically individuals are referred to according to their education, function, or ecclesiastical role, e.g., as canons, clerics, deacons, archbishops, fathers, sisters, brothers, and vicars. In addition, the most prominent individuals are also referred to via their family relations. Taken together, the contents of the notarial instruments allow a reconstruction of the relationships between ecclesiastical individuals and institutions on one hand and the rest of Zadar's society on the other.

Thus far, analysis of primary sources from the city's notarial records has yielded the following results. Apart from differences stemming from ecclesiastical duties, the activities and interactions of the ecclesiastical institutions, the individuals that represented them, and the individual men and women of the cloth did not differ fundamentally from those within the rest of society. As was the case with high-ranking secular counterparts, both the archbishop of Zadar and the bishop of Nin only rarely appeared in person. Depending on one or another transaction's importance, these high-ranking dignitaries did occasionally attend their business in person. For the most part, however, other than Zadar's monastic communities and many of its parish churches, Simon Budinose's customers included, among others, St. Ambrose monastery, Nin (4 times); HR DAZD 31 BZ, Simon Budinose I, 1, 6, c. 308v-c. 309v, 26 April 1561; c. 312v-c. 313v, 10 May 1561; c. 334v, 26 October 1561; c. 486v-c. 487v, 22 January 1565 m.c. (1566); St. Corman and Damian monastery, Ragusa (3 instances): I, 1, 3, c. 153v, 15 October 1558; I, 1, 4, c. 465v-c. 466v, 15 September 1559; I, 1, 6, c. 389v, 26 October 1562; I, 1, 6, c. 461v-c. 462v, 21 August 1564; I, 1, 6, c. 451v-c. 452v, 25 April 1565; yet there were also individuals such as "Angelus Basonicus", brother of Zadar-bred monitory Perus and abbot of Šibenik's St. Michael monastery; I, 1, 6, c. 441v, 7 January 1564 m.c. (1565).
either their chapters or one or more representatives acting in their name represented them. Nevertheless, many notarial acts offer clues regarding the positions and dealings of the metropolitan chapter's members, and in their activities those individuals often crossed the boundaries separating kinship or personal relations from their roles within the ecclesiastical and secular institutions with which they were affiliated.

ABSTRACT

Zadar's Notaries as Intermediaries

This essay examines the roles of notaries as intermediaries between the ecclesiastical and temporal spheres in Zadar, then the capital of Venice's Adriatic possessions. My focus is on the economic and social relationships between notaries and urban society during the middle of the century. The essay's main emphasis is not on the city's archbishops, exclusively Venetian patriarcs as they were, but instead on notaries and their ecclesiastical customers. By utilising the rich archival holdings of the Croatian State Archives in Zadar, I investigate the interactions of members of the cathedral chapter and examine their membership status, economic activities, and their formal and informal processes of exchange, as well as various linkages between these functionaries and the city's inhabitants.