The Scales of Justice: Law and the Balance of Power

in the World of Venetian Guilds, 1550-1700

James Shaw

Thesis submitted for assessment with a view to obtaining the degree of doctor of the European University Institute

Members of the Jury:
Prof. Gerardo Delièse, European University Institute
Prof. Olwen Hufton, Merton College, University of Oxford (thesis supervisor)
Dr. Richard Mackenney, University of Edinburgh (external supervisor)
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Florence, 1 Sep 1998
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Department of History and Civilisation

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Summary

This study seeks to account for the political tranquillity of the Venetian people in early modern Venice (1550-1700). According to the ideology of the aristocratic elite, this was primarily attributable to its unique system of justice. Gasparo Contarini, the classic exponent of the 'myth' of Venice, derived the republic's famed political stability from its guiding principle that, "...justice should be equally administered to all". Many studies have sought to explode this myth of Venetian justice by comparing these high principles with their operation in practice.

The study focuses on the operation of the justice system in a specific area which touched the lives of all Venetians: the regulation of the internal market. As in other European cities, the market had a corporate structure, being divided up among guilds - privileged interested groups which possessed a monopoly on a limited sector of the market. While unusually, Venetian guilds were denied any formal political participation, alternative channels of communication between guilds and government existed in the courts, where the laws regulating the market might become the object of negotiation. The study of the courts therefore illuminates the whole question of guild-state relations in Venice.

The role of the government in market justice was a dual one: it prosecuted law-breakers in the name of the public interest, but was also the adjudicator of civil disputes between the rival private interests of the guilds. This is reflected in the division of the thesis into two halves. The first half examines the relation between public and private in the administration of the public law, while the second half focuses upon the resolution of private disputes, both between the guilds and within them.
The study begins with a historiographical introduction to the problematic of political stability, justice and the world of the guilds. The first chapter examines the structure of the government courts and the extent to which the system was in fact governed by private interests. The gap between the law of the court-room and the reality of the street is examined in chapter two. The unreliability of the police forced the government to rely upon a system of self-interested policing by the guilds, and this gave the guilds significant influence over the implementation of policy in practice. Chapter three shows how government efforts to implement its own agenda in the public interest were often compromised by this need to cooperate with the guilds. The fourth chapter turns aside from issues of public law and looks within the boundaries of the guilds, seeking to determine to what extent they were genuinely popular institutions. Government regulations to protect ordinary guildsmen from dominance by a minority were also motivated by the desire to prevent the emergence of a wealthy class of elite guildsmen, who might have demanded political participation. Chapter five examines the nature of the external boundaries between guilds - their definition, violation and formation. The increasing rigidity of these boundaries in the seventeenth century and the consequent intensification of disputes between guilds were related to the imposition of an inflexible system of taxation by the government. Chapter six goes on to examine the resolution of such disputes, in terms of costs and legal procedures, and the consequences of this for rich and poor. Government attempts to impose an efficient system of summary justice were resisted by 'parasitic' elements within the courts - in particular those poorer nobles who earned their living from civil litigation. Tensions at the heart of the ruling elite therefore ensured that the free play of wealth in the court system was allowed to continue. The implications of the study are summarised in the conclusion.
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This thesis is dedicated to Katherine Shaw and also to the memory of Edric Martin Shaw (1949-1996).
**Venetian Calendar**

The Venetian year began on March 1st. In the main text, all dates have been changed to the standard calendar. In the footnotes, where the original dates have been preserved this is indicated by the term 'm.v.' (more veneto).

**Venetian Currency**

For most of the period, one Venetian ducat was worth 6 lire and 4 soldi, or 124 soldi (twenty soldi were equal to one lira).

**Introduction : The ‘problem’ of Venetian stability**

The renowned stability of Venice has long exercised a fascination, over contemporaries as well as historians, and still demands adequate explanation. There were good grounds for its reputation. The Venetian economy underwent dramatic shifts in the period 1550-1700, from international entrepôt and thriving metropolitan economy, to contraction of its international trade and a focus on luxury production. Such economic strains were compounded by famine, plague, and an almost constant war of attrition against the Turks. In the mid-seventeenth century, Europe was rocked by a level of social unrest that has been called a ‘General Crisis’, yet there were very few indications of upheaval in Venice. There were only a few

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isolated outbursts, such as the strike of the shearmen in 1556, the strike of the
tanners of sole leather in 1660, or the raid of the arsenal workers on the public grain
stores in 1581. This stability is all the more striking given the nature of the Venetian
political system. Although supposedly 'republican', the state is better conceived of as
oligarchical. Since the serrata of the late thirteenth century, the nobility had become
a closed caste, with a monopoly on political power. There was no way for the forces
of wealth generated by the vibrant economy to attain political expression through
entering the ruling elite. By the seventeenth century, many noble families were
extremely poor, while some among the populace could match the richest of noble
houses for wealth. This was partially corrected by the admission of new families into
the patriciate in the late seventeenth century, but a fundamental imbalance between
wealth and political power remained a striking feature of the Venetian political
system. The patrician author Gasparo Contarini called this:

"a matter surely strange and scarcely credible, that the people being so many
yeares deprived of the publique government, did never yet refuse nor unwillingly

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5 On these events see F. Lane, Venice: A Maritime History (Baltimore: Johns Hopkins University
On the arsenalotti, see D. Chambers, and B. Pullan, Venice: A Documentary History, 1450-1630
uniqueness of Venice in the sixteenth and seventeenth centuries, as in the fourteenth, lay in its
apparent immunity to rebellion in a world of conflict. Venice witnessed nothing more serious than one
or two isolated riots by Arsenal workers and the legal disputes of guilds and government". G. Trebbi,
"La società veneziana", in Storia di Venezia, vol.VI, Dal Rinascimento al Barocco, p.129, "...anche nei
periodi più neri della storia della Repubblica le voci che si levarono a contestare l'egemonia del
patriziato di governo furono sempre estremamente timide e fiebili, poco più che semplici mugugni".
6 The serrata of the Great Council occurred in 1297, though the broader tendency to closure also
spans the fourteenth and fifteenth centuries with the creation of the Libro d'Oro, the register of
patrician families.
7 J. C. Davis, The decline of the Venetian nobility as a ruling class (Baltimore: Johns Hopkins
8 On the new entrants to the Venetian patriciate from 1646 onwards, see R. Sabbadini, L'acquisto
della tradizione. Tradizione aristocratica e nuova nobiltà a Venezia (sec. XVII-XVIII) (Udine: Istituto
Editoriale Veneto Friulano, 1995).
support the government of the nobilitie, neyther yet did ever attempt any thing
whereby the forme of the commonewealth might be altered...”.

Contarini was writing in the early sixteenth century, but his remarks are still more applicable to the conditions of the late seventeenth century, as the number of Venetian nobles shrank and many families joined the ranks of the ‘shame-faced poor’. For a closed system like the Venetian aristocracy, there were two principal concerns which guided policy. The first was the containment of poverty - that is, the danger that the mass of the populace might be pushed by desperation to demand political change. The second was the containment of wealth - the danger that rich members of the populace might build a power base and demand a share in political power.

Historically, there have been two diametrically opposed explanations for the lack of social unrest in Venice, which continue to exercise a strong influence on the historiography. Although these arguments have a rather unsophisticated and simplistic conception of Venetian society, they are a useful starting point for study, since they have set the terms of much subsequent debate. Their persistent influence is indicative of an enduring fascination with Venetian stability.

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The first, the so-called ‘Myth’ of Venice, with its origins in patrician texts, stresses the harmony and common interest of the city, and the wise and selfless rule of the patriciate. The classic exponent of this line is Gasparo Contarini, who summed up Venetian freedom from:

“...all civile and intestine sedition of any moment or weight, which it hath not accomplished by any violent force, armed garrisòs, or fortified towers, but onely by a just and temperate manner of ruling, insomuch that the people do obey the nobilitie with a gentle and willing obedience, full of love and affection, & farre from the desire of any straunge change...”.

The populace were bound to the state through a sense of community, common interest, and egalitarian justice. Molmenti wrote, “The whole movement of Venetian life recalled the gaiety of a happy family”. Lane wrote of the Venetian state, “all signs indicate that it enjoyed popular support. There was no need for troops in the city to intimidate the populace; the common people never tried to throw off the rule of the nobles.” In this view, subordination to the patriciate was in the best interest of the populace.

Such has been the continuing influence of the ‘Myth’, that many historians have felt the need to combat it through attaching themselves to the so-called ‘Anti-Myth’, with its origins in foreign propaganda, which rejects this happy picture of consensus for one of social conflict. The patriciate kept the populace in check through a repressive state apparatus. The secret and unaccountable Council of Ten controlled speech, assembly and the carrying of arms, with a police force that extended down

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12 Lane, Venice, p.271.
to street level. Romano argues that this was particularly a development of the fifteenth and sixteenth centuries, when, "the old sense of community was replaced by a new and equally compelling sense of place." 1 From 1462, for example, all references to the ‘Commune of the Venetians’ disappeared from the Doge’s oath." In this view, subordination to the patriciate was a condition forced upon the populace.

The major problem for the ‘Anti-Myth’ interpretation is that Venice lacked a powerful state apparatus. Lane is right to stress that Venice did not need a standing army. It did not need to cow the populace into submission. Nor were Venetian noble palaces designed with defence in mind, unlike the fortress-palaces popular among the Florentine elite.14 However, this does not imply, as Tenenti would have it, that, "The people were hardly more than a spineless multitude...". Such a view is belied by the willingness of Venetians to demonstrate on the streets in crowds, their often violent traditional festivals. When Andrea Gritti was elected Doge, the people paraded an effigy of his rival Antonio Tron in protest. Priuli notes that a new law on gambling was toned down, “because of the great murmuring in Venice by every person of every sort”, complaining that the government now ruled, “according to the

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15 R. Finlay, *Politics in Renaissance Venice* (London: Ernest Benn, 1980), p.58, "If the popolo had been wholly cut off from political life and denied any outlet for their political energies, then the Ducal Palace might have become a fortress... Instead, the people had access to the Ducal Palace, patricians lived and moved in their midst.”.

wishes of commoners". While this was an exaggeration, the population of the city cannot be viewed as passive objects dictated to by the elite, because they were so demonstrably assertive in their daily life. To assume that the populace had no power is to take the wishful thinking of the elite at face value, to accept the aristocratic representation of political life. In 1414, the government attempted to abandon the traditional meal given to the guilds by the newly-elected doge. Following the protest of the artisans, the government decided to hold the meal after all, "for the joy and contentment of the people and the city and so that it will not appear that we are abandoning ancient customs". This signified victory in a fierce struggle over the public expression of ideology, and demonstrates the high level of popular identification with the symbolism of the communal tradition. In a city obsessed with the political symbolism of civic ritual, this was no hollow triumph, no mere sop to public opinion. The problem with both 'Myth' interpretations is that they only allow the populace simplistic alternatives - a stark choice between subordination and revolution. The influence of the populace operated in more subtle ways, within the prevailing system. This study therefore intends to probe beneath the calm surface of politics and examine how things worked in reality.

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17 Quoted in Finlay, Politics in Renaissance Venice, p.53-54.
18 Romano, Patricians and Popolani, p.158.
Justice

Central to the 'Myth' was an ideal of patrician justice and equality before the law.* Justice occupies the dominant place in the iconography of the Ducal Palace. Gasparo Contarini derived the republic's famed political stability from its guiding principle that, "...justice should be equally administred [sic] to all". Similarly, Marin Sanudo stressed that, "The affairs of Venice are governed by law", and Giovanni Botero stated, "In a Republic there is nothing more important than Justice". The association of Venice with justice was also well known outside Italy, as can be seen in Shakespeare's *The Merchant of Venice*, which climaxes in court-room drama. Patricians vaunted the fact that in Venice, even the poor could expect justice to be done, since the state paid for advocates for those who could not afford them.** In

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** Contarini, *The Commonwealth and Government of Venice*, p.139-40, "First therefore among the Venetians this alwaies hath beene most constantly observed, that justice should be equally administred to all, and that it be not lawfull for any how great soever, to doe wrong or injurie to the least of the lower or meanest people...". See MC, reg. "Arcangelus", 4 Aug 1624, for reference to, "giustitia dalla quale depende ogni retto governo".

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** Contarini, *The Commonwealth and Government of Venice*, p.87, "...if any doe want meanes and abilitie to entertayne an Advocate or Lawyer to pleade and defende his cause: then there are two Advocates appointed him at the charge of the commonwealth...". For further details see V. Lazzarini, "L'avvocato dei carcerati poveri a Venezia", *Atti del Reale Istituto Veneto di Scienze, Lettere, ed Arti*, LXX, parte II (1911), pp.1471-1507; and I. Cacciavillani, *La legge forense veneziana (1537)* (Limena: Signum, 1987). These posts were very unpopular, and nobles were usually elected against their will. They probably represented the poor in only the most serious offences, not the type of minor crimes prosecuted at the Giustizia Vecchia.
1610, the smiths appealed to these high ideals of justice in court, "In this Most
Serene, curious and just city, one never sees judgements differing as to the quality
and condition of persons...". The ideals of Venetian justice central to the ‘Myth’
have also proved remarkably enduring.

Later views of Venetian law have been less flattering. Many studies have
sought to explode the ‘Myth’ of Venetian justice by comparing these high principles
with their operation in practice. Such representations are often derived from the
‘Anti-Myth’ idea of a reign of terror, of secret, closed tribunals and absolute state
power. Ruggiero’s study of criminal law stresses a view of an authoritarian state
ruling through force and oppression.” The contemporary writer Francesco Vettori
also linked the themes of justice and political tyranny:

“Is it not tyranny when three thousand patricians hold sway over one hundred
thousand persons and when none of the common people can hope to become
patricians? Against a patrician in civil cases, no justice can be expected; in
criminal cases, the common people are wronged, patricians protected.”

Despite the ideology of equality, Venice operated a two-tier legal system in which
nobles were able to evade the application of the law.” The image of the patrician

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25 Arti, b.122, loose documents, 1610, “ne si vede in questa S.ma et curiosa giusta Città, Giudici
diversi per qualità, ne condition di persone, massime nelle medesime materie soggette...”.
giustizia veniva scrupolosamente amministrata con uno spirito di sollecitudine quasi paterna da uomini
probi e illuminati che servivano gratuitamente lo Stato per vero patriottismo ed amore del pubblico
bene...”.
27 G. Ruggiero, Violence in early renaissance Venice (New Brunswick, N.J.: Rutgers University Press,
1980).
28 Quoted in Finlay, Politics in Renaissance Venice, p.36.
29 In the world of the trades, one defence sometimes made by artisans to justify their transgressions
was that they had been responding to the request of a patrician customer.
elite as selfless civil servants has been convincingly destroyed by such writers as Finlay and Queller, who demonstrate their overriding self-interest.*

Much valuable work has been carried out in this field, especially by Gaetano Cozzi and his followers." The aim of this thesis is to complement these studies with an examination of the operation of justice in a specific field - the regulation of the market. By this I refer to the production and retail of goods within the city, rather than the grand international commerce which made Venice famous and its merchants rich. While much valuable work has been done on the subject of Venetian law, these studies tend to be limited in two ways.

Firstly, studies of early modern law have tended to define 'crime' as grave offences, the more 'important' crimes of murder, rape, assault, or blasphemy.  By contrast, this thesis is concerned with 'crimes' such as selling shoes on Sunday, or hawking pins around the streets without a licence. Such 'minor' offences were beneath the dignity of contemporary legal textbooks, which might refer to them at most as cases of "slight importance". The 'baseness' of the market could not be

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For example, the recent study of D. Romano, Housecraft and Statecraft: Domestic Service in Renaissance Venice, 1400-1600 (Baltimore: Johns Hopkins University Press, 1996), p.63, gives a traditional list of crimes which have interested historians: theft, rape, murder, sodomy, treason, brawling.

For England, note the exceptional case of William Sheppard, Of corporations, fraternities, and guilds, Goldsmiths' Kress library of economic literature, no.1497 (London: 1659), and his, Of the Office of the Clerk of the Market, of Weights & Measures, and of The Laws of Provision, Goldsmiths' Kress library of economic literature, no.1774 (London: 1665). I have found no Venetian equivalent.

Cacciavillani, La legge forense veneziana, p.106, quotes law of 1537, «Cause di mercede, & di simil lieue importantia».
associated with the ‘nobility’ of the law, and hence market regulations were not deemed fitting topics for a legal textbook. After all, these were courts, “where, for the most part, persons of mechanical and vile status are called to give account”. Modern historians have also tended to neglect such matters, drawn to the more dramatic themes of violent crime. This field of criminal justice should however be taken seriously. The patrician elite in fact devoted a great deal of attention to problems of economic regulation at the lowest level. The Provveditori sopra la Giustizia Vecchia, who were responsible for supervising the markets, had to report to the Collegio, the steering committee of the Senate, once a month. Patricians regarded the corruption of market justice as a threat to the social stability of the city, noting that abuses generated, “the greatest murmuring”.

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36 To become a lawyer, candidates had to prove that they had never engaged in “vile practices, or Mechanical Arts...”. CL, ser.1, b.64, 26 Feb 1600 (m.v.), regulations of the Conservatori et Essecutori delle Leggi, “comprobar per testimoni degni di fede le q’ità loro, conducenti a sì Nobil, et stimata Professione, et che non abbino fatti esercizi vili, Arte Mecaniche, nè siano notati d’infamia di qualche delitto, ma siano d’onorata condizione”.
34 GV, b.25, 12 Aug 1680, the Provveditori sopra la Giustizia Vecchia referred to the Giustizia Vecchia as a court, “dove per lo più sono chiamate à render conto persone di mecanica, e vile condit.ne”.
37 Note the exception of S. Kaplan, “Reflexions sur la police du monde de travail, 1700-1815”, Revue Historique, 261 (1979). In general however, where market crimes have been studied, historians have focused on ‘industrial’ trades, especially the textile sector, with the intention of demonstrating the ways in which capital disciplined the labour force.
38 GV, b.2, reg.6, 7 Jul 1614, Provveditori comments on a dispute of tanners of sole-leather vs. shoemakers, “La ser.ta vostra che ha havuto sempre la mira al co’modo di suoi sudditi gle le ha con egual affetto procurato non men nelle cose magiori, che nelle minori, et più basse ancora...”.
39 GV, b.1, reg.2, 11 Nov 1565, “Siano obligati li ditti Provveditori et offitiali alla GV ogni prima dominica del mese venir nel collegio nostro alla presentia del Serenissimo Principe, et Signoria nostra, et far legger sumariamente tutte le denontie, che saranno state date li mese precedente, insieme con l’esspeditione loro”. Finlay, Politics in Renaissance Venice, p.xv, describes the Collegio as, “the steering committee or cabinet of the Senate”, which made proposals to that assembly.
40 GV, b.1, reg.2, 10 Sep 1571, “con grandissima mormorazione de molti”.
41 GV, b.2, reg.4, 20 Aug 1593, legislation of the Collegio delle Arti, “con offesa grandiss.a del S.r Iddio, et con notabile prugidicio di quel buon nome che si deve procurar di far haver à quest città, dalla quale prendono norma, et esempio non solo le città suddite, ma ancora le esterne nationi”. In 1493, Marin Sanudo also emphasized the importance of the regulation of the market to the reputation of the city’s government, quoted in Chambers and Pullan, Venice, p.13, «...the Giustizia Vecchia, who
therefore also justice in the marketplace. Indeed, the court dealing with market affairs was one of the oldest in the city and was originally called simply Giustizia (Justice). The famous image of Giustizia bearing sword and scales appears to have been specifically associated with the courts of the market. Practically everybody in the city had some contact with Venetian market justice, whether as a consumer buying fish at Rialto, or an immigrant hoping to sell a few goods in the street. The internal market involved the entire population of the city in networks of buying and selling. Even if the fines given out by the court were relatively small, this could spell disaster for those scraping an existence at the bottom of Venetian society. This allows us to discover what meaning Venetian justice had for the majority of its citizens in their everyday experience. The emphasis of the thesis is on how market justice was implemented in practice, both within the court-room and on the street.

Secondly, studies of Venetian justice have tended to neglect the civil law. This reflects a common tendency in studies of law, which tend to focus upon the criminal
law, and its use by the state to control the populace. This probably reflects the
tendency to concentrate attention on the vertical divisions of society, and the use of
the criminal law by the elite as an instrument of domination. By contrast, the study of
horizontal conflicts within social groups, and the role of law in their resolution, has
been neglected. As Sonenscher notes in the case of French guildsmen, the law
was, "...more than an external regulator of the bazaar economy - it was one of a
range of competitive resources available to those artisans...". In regulating the
market, the government had to negotiate with the private interest groups who
dominated Venetian economic life - the guilds. Frequently the extent of their
privileges was the cause of disputes which went before patrician courts for
adjudication. Hence the Giustizia Vecchia had jurisdiction over both civil and criminal
cases. In fact, civil disputes over such matters of 'slight importance' could last for
many years and the same themes might even persist for centuries. For example,
one dispute between the furriers and the second-hand dealers could be said to have
lasted (on and off) from the early fifteenth century to the mid-seventeenth century.
Powerful interests might be at stake, and the guilds were able to afford prestigious
lawyers to fight their cases through the appeal courts. The thesis is therefore divided
into two halves. Chapters 1 to 3 concentrate on the 'criminal' or public aspects of

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tendency to regard law, state and "ruling class" as mutually reinforcing, arguing that, "The study of
intra-class conflicts within groups... has correspondingly been ignored... the primary fora for perhaps
the bulk of intra-class dispute settlement at law lies within the province of the civil, rather than the
criminal law".

4 M. Sonenscher, Work and Wages: Natural law, Politics and the Eighteenth-century French Trades

47 GV, b.1, reg.3, 19 Jan 1573 (m.v.), "non solum civil, ma anco criminale, dove si tratta non pur della
robba, ma dell'onore, et della vita delle persone".

44 P. A. Allerston, The Market in Second-hand clothes and furnishings in Venice, c.1500 - c.1600,
regulation of the market, in which the government played the role of public prosecutor and law-maker. Chapters 4 to 6 focus instead on the 'civil' or private aspects of regulation, in which the government played the role of adjudicator.

The prevailing view of the early modern economy is that its markets were constrained by a deadweight of laws, symbolized by the guilds, which had to be swept away in order for capitalism to flourish.\textsuperscript{4} It is these economic concerns, such as the shift from feudalism to capitalism, or the emergence of 'proto-industrial' tendencies, which have tended to dominate debate on early modern markets and the historical literature on guilds.\textsuperscript{50} But where there are laws there must be an institutional structure to enforce them, and its operation is rarely examined, the statutes taken for granted. Rather than getting involved in the tired old debates on guilds and economic progress, this thesis concentrates on the policing of markets from a political and social point of view.

This returns us to the theme of political stability. The guilds of Venice had no official political representation, despite the wealthy interest groups they represented.

\textsuperscript{4} Typical of such views is L. Vardi, "The Abolition of the Guilds during the French Revolution", in C. Fairchild, G. Bossenga, L. Vardi, and M. Sibalis, "Three views on the guilds", French Historical Studies, 15, n.4 (1988), p.705, who refers to "those outdated and troublesome little monopolies known as guilds", which were "anachronistic and effectively moribund". For the debate on seventeenth-century Venice, compare Rapp, \textit{Industry}, who emphasizes the flexibility of guilds in adapting to changing economic circumstances, with Ciriacono, "Mass consumption goods", p.49, who portrays, "the Venetian government's attempts at modernizing the technological apparatus of the city - often fighting against the resistance and conservatism of the guilds".

\textsuperscript{50} Historiographical treatment of the guilds tends to reflect a dismissive view of economic sectors outside the 'proto-industrial' (ie. 'progressive') sector. Yet while sausage-makers may not have generated an industrial revolution, it was through increasing reliance upon the service, foodstuffs and luxury sectors that Venice managed to support its population in its phase of its 'industrial' decline in the late seventeenth century. See also Allerston, \textit{The Market in Second-hand clothes and furnishing in Venice}, on similar motives behind the historiographical neglect of the second-hand market. Similarly, see M. Sonenscher, "L'impero del gusto: mestiere, imprese e commerci nella Parigi del XVIII secolo", Quaderni Storici, 87 (1994), p.663, "la produzione di beni di lusso è stata virtualmente eliminata dalla storiografia economica europea, mentre le produzioni tessili, edili, di vestiario e di viveri sono state esaminate principalmente alla ricerca di indizi di forme più moderne di organizzazione industriale o di conflitti sociali.".
In the middle ages, this was an anomalous position, in contrast to most other European towns. Many historians have commented on the tight state control exercised over the Venetian guilds from an early date. Mackenney has shown convincingly that such a picture is overly simplistic. Though Venetian guilds did not possess formal political representation, they did nevertheless possess channels of negotiation with the government. In 1611, for example, the mass petition of the guilds was instrumental in causing a reduction of the level of war taxation, and, as Mackenney states, "...despite their subordinate position in the Venetian polity, the guilds were able to gain a victory over the patrician state". Through examining the operation of market justice in practice, this study aims to shed further light on the relationship between guilds and state, exploring alternative channels of influence which compensated guildsmen for their lack of political participation. While care must be taken not to confuse the guilds with the 'populace', it has been estimated that guild members and their families made up the bulk of the population of Venice, at up to 60% of the whole. A study of guild-state relations therefore has implications for the majority of Venetians.

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2 Mackenney, Tradesmen, p.217.

3 S. Ciriacono, "Industria e artigianato", in Storia di Venezia, vol.V, Il Rinascimento. Società ed economia, p.580, quotes statistics for the period 1586-1595, when the total work force amounted to 33852, of which 22504 were enrolled in around 100-110 guilds. Multiplying by a typical family size of
The choice of subject has been deliberately limited to solely the city of Venice, rather than the mainland and overseas possessions of the republic. This is in order to tie the argument closely to the question of the political stability of the city. This coincides with contemporary administrative boundaries. The jurisdiction of the guilds over the internal markets extended only as far the city limits. The magistracies involved in the study had jurisdiction only over the city and its immediate surroundings (the *dogado*). The context of the study is therefore entirely urban.

A long span of time has been chosen in order to obtain evidence on how the regulation of the internal market responded to the changing conditions of the Venetian economy. The flourishing metropolitan and industrial economy of the sixteenth century underwent major changes in the difficult years of the seventeenth century. The starting date of 1550 was chosen because the bureaucratic developments in market regulation occurring at this time have left an ample documentation for the study, particularly following the creation of the *Provveditori sopra la Giustizia Vecchia* in 1565. With regard to civil litigation, guild archives contain few details of legal disputes prior to 1550. This is no mere accident of documentation: the growing sophistication of record-keeping reflects important changes in the practice of litigation. In general, historians have identified this period as one of a 'legal revolution', in which the practice of litigation before state tribunals replaced older methods of settling disputes through arbitration or feud.\(^\text{84}\) In the case

\[\text{3-4 persons, this indicates that between 46% and 61% of the total population of 148000 were guildsman families.}\]

of the guilds, increasing emphasis was placed on the presentation of documentary proof, such as copies of legal precedents, and this required the construction of private legal archives.

The study cuts off in 1700, a choice in part related to the manageability of the available evidence, which becomes overwhelming in the eighteenth century. However, the choice also reflects fundamental changes in the economic and political context. Increasingly, patrician rulers had a wider perspective of the republic as an integrated whole. The development of rural proto-industrialisation was eroding old certainties about the need to uphold urban guilds, and the logic of protecting Venetian trades at the expense of the subject cities was increasingly questioned. The urban population of the capital city was therefore increasingly less relevant in the widening Venetian political system, and this recasts the problem of political stability in new terms. In the eighteenth century, the debate became one of whether the guild system was necessary, whereas previous to this, the system was never fundamentally questioned. At the same time, the nature of the guilds themselves was changing, with the emergence of the first clear-cut class conflicts in the late seventeenth and early eighteenth centuries.

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Such a broad perspective is only possible thanks to a large number of studies of Venetian guilds. The most important general works are those of Richard Mackenney (up to 1650) and Richard Rapp (for the seventeenth century), which have set the terms of the debate for Venetian guilds. A large number of studies of individual Venetian guilds complete the picture.

This has been broadened with the use of studies of guilds in other European towns, particularly in Italy, England, and France. The difficulty of carrying out effective comparative research is compounded by the fact that guilds can be studied from so many different perspectives, from the strictly economic to the social or the religious. For example, the ample historiography on Italian guilds has often been concerned with the question of ‘proto-industrialisation’ and the textile industries. In the case of studies of the towns of the mainland possessions of the Venetian republic, this is closely related to the debate over Venice’s economic ‘decline’. By contrast, much of the work on English guilds in the seventeenth century has been

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57 Rapp, Industry, Mackenney, Tradesmen.
59 In particular see Ciriacono, “Mass consumption goods”, who focuses on the textile industries. On the wool industry, see Panciera, "L'arte matrice". On industrial production in general, see G. Zalin, Dalla bottega alla fabbrica. La fenomenologia industriale nelle province venete tra ‘500 e ’900 (Verona: Libreria Universitaria Editrice, 1987).
related to the question of political stability and the role of the guilds in the English Revolution." On the other hand, work on German guilds has often focused upon the role of the guilds in the Reformation." This thesis has chosen to adopt perspectives from a variety of studies of European guilds in general, rather than undertake systematic comparative analysis. A number of useful studies of European towns (especially in Italy) have focused upon relations in general between the state, the guilds and the economy." Other studies have focused upon the guildsmen and their social identity." Reference has also been made to some studies of individual guilds." For the second part of the thesis, studies of civil litigation between guilds have been important." The classic work of Unwin contains useful perspectives on amalgamation and conflict between English guilds, with a comparative perspective

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on the continental situation." In addition, historians of the eighteenth-century French trades, especially Michael Sonenscher, have provided many useful perspectives on guild-state relations, paying close attention to the language employed in legal representations of guild life. Naturally, care must be taken to avoid forcing Venetian evidence to fit an eighteenth-century mould, since frequently such work is related to themes of economic liberalisation and political revolution. Nevertheless, many of their conclusions are applicable to the study of guilds in general, since they are concerned with the problems of the evidence left behind by the guilds.

Sources

The vast majority of the documents consulted are located at the Archivio di Stato di Venezia. In addition, some manuscript sources at the Biblioteca Nazionale Marciana were also employed. Full details of the sources can be found in the Bibliography.

The criminal and civil aspects of the regulation of the market are reflected in the use of both public and private sources. The importance attached by the

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patriciate to the internal market can be seen in the very existence of extensive
documentary records. Many different magistracies were involved in this sector, and I
have focused mainly upon the records of the Giustizia Vecchia, which was
responsible for the guilds in general. The records of this court are especially
valuable because a supervisory body, the Provveditori sopra la Giustizia Vecchia,
was set up in 1565 to oversee its work. The disciplinary measures directed from the
higher to the lower court provide much valuable evidence for the operation of the
justice and policing system in practice. The Provveditori were also active in
legislating for the guilds, and their capitolari (registers of statutes), provide an
excellent source of evidence for government attitudes to market justice. From 1630
however, there is a large lacuna in the record until the 1670s.**

The archive of the Provveditori sopra la Giustizia Vecchia and the Giustizia
Vecchia also contains the two registers which record the work of the Cinque Savi
sopra le Mariegole, an extraordinary body created as a response to the plague of
1577. This provides excellent evidence on how the state intervened much more
actively when this was justified by emergency conditions in the economy. Senate
decrees show a similar pattern of intervention during the later plague of 1630.

This has been supplemented by evidence from other courts, such as the more
patchy records of the Provveditori di Comun, responsible for the more industrial
trades of the textile sector. Unfortunately, there is little evidence available on how
the court operated in practice, but what there is suggests conformity to the standard
Venetian practices.

** CdL, b.17, fasc. Magistrato dei Provveditori sopra la Giustizia Vecchia. 1780 7 Ag.to letta a SS CC,
the eighteenth-century compilers of the law were also struck by this lack of documentation, and
commented on this “vuoto di sessanta cinque anni”, “pare quasi uscito dalla memoria degli uomini il
Magistrato”.
Another valuable source were later compilations and corrections of law carried out in the eighteenth century. The *Compilazione Leggi* can be used to obtain a useful overview of the regulation of a specific sector over a long period. Although it is lacking in detail, it is a neutral register of legislation which can be a good starting-point for further study. The records of the *Correttori delle Leggi*, although coloured by eighteenth-century concerns and sometimes inaccurate, represent the first historical survey of court archives to be carried out. The same caution must be applied to the eighteenth-century records of the *Inquisitori alle Arti*, who carried out the first comprehensive review of the guilds, with a view to reforming the system.

Much valuable evidence on court officials can also be found in the records of the *Presidenti sopra Uffici*, and the *Inquisitori sopra Grazie ed Uffici*, appointed by the *Quarantia Criminale* to conduct investigations into office-holding. This evidence was extremely revealing about practices at the court of the *Giustizia Vecchia*. The notarial archives of wills and inventories were used to flesh out the portrait of individual court officials.

This has been combined with evidence taken from the private archives of the guilds. Guilds kept careful record of their legal battles in order to prove their privileges in court, and some of these have survived to the present in the files called *processi*. They consist of the copies of trial records, copies of documents presented in court, and miscellaneous information used in the preparation of cases. The attention devoted to copying and re-copying these documents is indicative of their importance in the life of the guilds. The quality of the documentation tends to increase in time, reflecting the growing sophistication of record-keeping. By the late seventeenth century, hand-written documents give way to printed and bound
collections of legal material (called *stampe*), designed to be presented in court. While many of the eighteenth-century *processi* files contain copies of earlier material, such references are sparse and must be used with care. Because such collections were assembled in order to fight a specific case, legal precedents can be quoted out of their original context.

In particular, I have focused upon the extensive files of *processi* kept by the guild of mercers, which are by far the most comprehensive for the period of study. The archive of the mercers is particularly well-organised. A summary of the guild’s legal activities called the *Ristretto generale* was compiled in 1667, and while this gives disproportionate weight to the more immediate events of the 1660s, it is a useful overview of the guild’s litigation for the entire period. The original indexing system of the *Ristretto* can still be used to obtain references to specific files of the *processi*. An earlier compilation called the *Catastico* contains much more detailed information about a number of important lawsuits in the early seventeenth century. The tendency to over-concentrate on the mercers was corrected by examining the *processi* of other guilds, in particular the shoemakers, painters, smiths, coopers, and box-makers. In any case, the mercers’ files also contain copies of documents relating to the disputes of quite unrelated trades. These were included in order to demonstrate important legal parallels. The mercers were the largest and most diverse guild in the seventeenth century, involved in disputes with a vast variety of trades, from grocers to dyers, from second-hand dealers to tinkers. This makes their
archive a valuable resource for studying a very wide span of the Venetian economy.\textsuperscript{79}

The \textit{processi} have received little attention from other historians of Venetian guilds, and provide much incidental evidence on guild life, as well as forming the basis for the investigation into civil litigation. Naturally, all this evidence must be treated with caution. The guilds dedicated such efforts to the construction of their legal history not because they were enthusiastic historians, but rather in order to fight real cases in court. Guilds invested considerable sums in record-keeping in order to create a working collection of legal documents.\textsuperscript{71} The \textit{processi} archives therefore only include material which was considered potentially useful for legal purposes.

This was supplemented by other evidence from guild archives. The \textit{mariegole}, or \textit{matricole} (rule-books), contain not just guild statutes, but also often record the most important legal victories of the guild, as well as measures passed in guild assemblies. They were richly bound and embellished with religious imagery, demonstrating the importance of such legal material in the life of the guild. The activities of the guild council can be found recorded as \textit{capitoli} (statutes) and \textit{parti} (laws), and miscellaneous guild affairs as \textit{atti}. The few remaining guild account books were especially important in establishing the role of money in litigation and the ways in which it was employed.

\textsuperscript{70} E. Verga, "Le corporazioni delle industrie tessili in Milano", p.83, also identified this pattern for Milan, "I merciai, appunto per la varietà degli oggetti onde componevasi il loro traffico, qui come dappertutto, trovavansi il più sovente in disaccordo colle altre arti."

\textsuperscript{71} See for example Arti, b.367, fasc.C, \textit{Pro' D Donatto Bonaffin Marcer Contro L'Arte De' Tesseri Da' Fustagni}, 21 Feb 1696 (m.v.), which reveals how important guild documents were as the source of their legal claims.
Rationale

The first part of the thesis deals with the state machinery of market justice at the lowest level. The various government courts are outlined and an in-depth study is made of the Giustizia Vecchia. The emphasis is on examining how things worked in practice, the type of men who staffed the court, and the extent to which the government could control what went on there. Chapter Two takes the study outside the court-room to examine how the law was enforced on the reality of the street. The effectiveness of the government police force is examined and the role of the guilds in policing the streets is explored. The consequences of this weak public enforcement machinery are dealt with in chapter 3, which focuses upon episodes of determined government intervention in the marketplace. These efforts tended to be sporadic, linked especially to major crises such as plague, which threatened to trigger off social unrest in the city. These episodes are highly revealing of how the patriciate thought the market ought to be organised. The implementation of such ideals was however compromised by the need to work with the guilds, whose opinions often differed from the government. The example of the fishmongers' guild is taken to show how government attempts to work without the guilds were doomed to failure. It is thus demonstrated that even if the guilds did not have access to political power, they did have significant influence over how the market was regulated in practice.

The second part of the thesis turns aside from the public aspects of market regulation to focus upon private interests. Having shown the extent of guild influence over the market, it is important to ask how significant this was for the populace. Chapter 4 looks within guild boundaries to answer the question of whether guilds were popular and representative institutions, or the tools of a limited elite. The
position of guild officials with regard to the ordinary membership is examined, with emphasis on electoral procedures, financial accountability, and the operation of the guild tribunal. Chapter 5 explores the primary motivations behind civil disputes between guilds. These were generally questions of demarcation disputes, and the chapter therefore examines the nature of guild boundaries in detail, exploring their definition, violation and creation. The changing nature of guild boundaries across the period are described and possible reasons for this identified. Chapter 6 examines how such disputes were resolved in the Venetian civil justice system. Guild account books are used to give some indication of how much guilds typically invested in civil litigation. Civil procedure is analysed, with a view to demonstrating the ways in which wealth could be used to manipulate the system. The limited success of government attempts to reform the civil justice system are explained through reference to the broader political context. The consequences of the findings of the thesis are examined in the conclusion.
Chapter 1. The Giustizia Vecchia

The principal magistracy with jurisdiction over the market was the Giustizia Vecchia. This was one of the oldest magistracies in Venice, dating from 1173, when it had been created to administer the food retail trades. Its competence was soon extended to economic regulation of the market in general, and came to include the guilds, weights and measures, apprenticeship contracts, and the registration of shop signs. It was originally known simply as the Giustizia, but with the creation of the Giustizia Nuova in 1261 (which dealt with wine and taverns), it became known as the Giustizia Vecchia. The growing volume of work led to the creation of other specialized magistracies, each dedicated to an individual branch of the market, such as the various magistracies of the Beccarie (meat trade and butchers), and the Biave (grain trade and bakers). Various other bodies also had some competence over the economy, such as the Provveditori di Comun, a rather peculiar magistracy which included the regulation of the wool industry among its various concerns, and the Milizia da Mar (which levied oarsmen from the guilds). The large number of

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1 As well as referring to the Giustizia Vecchia as magistrato, the Venetians also use the term officio. This reflected the fact that such bodies also exercised administrative and sometimes legislative functions. The Venetians reserved the word corte for the highest courts of the republic, which had purely juridical functions.

2 For the early history of the court see G. Monticolo, L'ufficio della Giustizia Vecchia a Venezia dalle origini sino al 1330, Monumenti della Deputazione Veneta di Storia Patria, Miscellanea, 12 (Venice: Vicentini, 1892), p.5-6, the Giustizia initially had authority over the venditori di biade, di vino, di pesce, di frutta and di polli, and also the beccai, pistori and terieri.

3 Monticolo, L'ufficio della Giustizia Vecchia, p.9.


5 "Notes out of Girolamo Bardi" in G. Contarini, The Commonwealth and Government of Venice (London: Lewkenor, 1599), p.185, "Provveditori di Commune are certaine magistrates instituted of purpose for the common good... all the lesser schooles and fraternities are under them... They looke into the abuses of all handy crafts, and punish such as use deceit.".
specialized magistracies frequently led to contests of jurisdiction (more on this in chapter 6).'

It was partly in response to this confused situation that a second magistracy, the *Provveditori sopra la Giustizia Vecchia*, was established to supervise the work of the *Giustizia Vecchia* in 1565. It judged cases in appeal, reviewed sentences, and issued its own decrees. It was also supposed to judge all cases where the jurisdiction of the *Giustizia Vecchia* was questioned by other bodies. In Venice, there was no clear separation between legislative, executive and judicial functions. The establishment of the *Provveditori* did however assign mundane administrative functions (such as the registration of apprenticeship contracts and shop signs) to the *Giustizieri*, while the *Provveditori* took over the power to legislate for the market. Increasingly it came to do this through the *Collegio delle Arti*, a body made up of the *Giustizieri Vecchi*, the *Provveditori sopra la Giustizia Vecchia*, the *Cinque Savii alla Mercanzia* (the Venetian Board of Trade) and the *Revisori e Regolatori sopra Dazi* (in charge of the customs farms). The *Provveditori* presided over this assembly, and were able, for example, to decide whether petitions received from the guilds should be presented there.

* For the involvement of other magistracies in the life of the guilds, see G. Scarabello, "Caratteri e funzioni socio-politiche dell'associazionismo a Venezia sotto la repubblica", in S. Gramigna, and A. Perissa, *Scuole di Arti e Mestieri e devozione a Venezia* (Venice: Arsenale, 1981), p.23, n.1. For example, the *Provveditori in Cecca* and the *Masseri all'Argento* oversaw the trade in precious metals. The *Consoli di Mercanti* oversaw the soap industry and silk weavers. The Council of Ten played a role in the glass industry up to the sixteenth century.

* D. Romano, *Housecraft and Statecraft: Domestic Service in Renaissance Venice, 1400-1600* (Baltimore: Johns Hopkins University Press, 1996), p.63, "In the Venetian republic there was no clear-cut division between the legislative, executive and judicial areas of government. Magistrates... regularly issued decrees, enforced regulations, and adjudicated disputes.". G. Cassandro, "La Curia di Petizion", *Archivio Veneto*, ser.5, 19 (1936), p.74, refers to "l'impossibilità, a Venezia, di distinguere il potere giudiziario dall'esecutivo o amministrativo...".
As noted in the Introduction, legal textbooks are not very helpful guides to these courts. They lavish attention on the procedural niceties of the highest courts of the republic, such as the Quarantia (the three Courts of the Forty) or the Corti di Palazzo. The Giustizia Vecchia and the Provveditori receive at most the odd paragraph in such works. Yet if these were on the whole, "cases of little value",* at times powerful interests might be at stake. While those prosecuted were generally unable to afford an advocate, sometimes wealthy interests were mobilised on behalf of defendants. The extended lawsuits which might result will be examined in chapters 5 and 6. This chapter will instead focus upon the operation of a Venetian court of the lowest level, with a view to demonstrating the quality of justice dealt out here.

Unlike the courts of San Marco, both the Provveditori and the Giustizieri had their rooms in the "vaults" over the Beccherie (Meat Market), right at the heart of the retail markets of Rialto.* From here, the fish, vegetable and cheese markets were within close reach.

The Judges

As in all Venetian courts, the judges were exclusively noble. The Giustizieri Vecchi were elected by the Great Council, while the greater prestige of the Provveditori was reflected in their election by the Senate. This fact has important consequences for a social division between the two magistracies (further examined

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* D. Calabi, and P. Morachiello, Rialto: le fabbriche e il Ponte. 1514-1591 (Turin: Einaudi, 1987), p.13. GV, b.1, reg.2, 31 Jan 1565 (m.v.), when the Provveditori take a, "camera, over volta posta sopra la beccaria in sala dell’offitio della GV per affitto continuo di ducati X all’anno”. Note that the Beccherie are currently used as the fish market. The old fish market which faces onto the canal is presently unoccupied.
in chapter 6)." The types of nobles serving in the lesser court were likely to be poorer nobles interested in the post for financial reasons. They were elected from among the judges who served in the Quarantie (Courts of the Forty), whom Contarini described as "the lower and meaner sort of citizens". The patrician elite kept its less fortunate members happy through the provision of the so-called 'welfare jobs for nobles', as Contarini put it, "by which meanes the poverty of meane gentlemen is... in some sort provided for". The office of Giustiziere was not a prestigious post, but it was at least an honourable way of earning a modest amount of money. By contrast, the Senators who served as Provveditori did so as a step in a political career, and were concerned with the politics of justice, rather than its day-to-day administration. This division, and especially the disciplinary measures directed from the higher to the lower court, provide a great deal of evidence for the contrast between the rhetoric and practice of justice, between the high concerns of political power, and the actual implementation of power at the lowest level. The records of the Provveditori are therefore very revealing of practices at the operative level of the Giustizia Vecchia.

All Venetian magistrates served for a strictly limited term. In the case of the Giustizieri, this was sixteen months." This practice prevented them from developing

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11 The extent of the social division is well illustrated in the 1620s when the Giustizieri Vecchi walked out of a meeting of the Collegio delle Arti, an expression of the tensions between rich and poor which troubled Venetian noble society at this time (see chapter 6). Despite this social gulf, the two magistracies were regularly united in the Collegio delle Arti, and also dealt with certain fish market offences together (BNM, ms. It.VII 1572 (7642), Capitolari del Magistrato della Giustizia Vecchia, voce "Pesce", 21 Aug 1659).

12 M. Ferro, Dizionario del diritto comune e veneto, first published 1778-1781, facsimile copy in ASV (Venice: Andrea Santini e figlio, 1845), vol.2i, p.44, voce "Giustizia Vecchia", "I giustizieri vecchi non possono esser tolti se non dal numero di quelli, che hanno il titolo di XL". As his source was a law of 7 Jun 1677, the situation may have been different prior to that date.


14 CdL, b.17, loose documents, an eighteenth-century commentary states that two of the judges served for only eight months before returning to the Quarantie.
links of patronage with the ‘customers’ of the court, and so to some extent preserved the independence of their judgement. However, limits on the term of office did not so much reflect a concern for potential judicial abuse, as a general principle of Venetian government, which forced all patrician officials to undergo a constant procedure of election by the Great Council. Strict rotation of office was a vital part of the Venetian system of power-sharing."

The rapid rotation of office meant that judges rarely possessed the expertise that continuity in a post could bring.\textsuperscript{15} Judges did not need any training in law, and the only requirement was that they be of good patrician stock. This characteristic made Venetian justice notorious in Italy. The Tuscan Ambassador commented in 1569, “Some of them can barely read, and yet they think to judge cases.”\textsuperscript{17} Alberto Bolognetti, papal nuncio to Venice, circa 1580, described Venetian judges as “...amateurs and of any kind of calling so long as they are noblemen... for the most part very little experienced in this occupation”.\textsuperscript{18} In addition to this, the Giustizieri lacked any specialist knowledge of the industrial and commercial matters which dominated the court’s business. In part, this was a deliberate choice on the part of the patriciate, who stressed the ultimate authority of their own arbitrium, rather than any external system of law.” But with the decline of the noble population in the

\textsuperscript{15} Through regular re-election, magistrates were bound to the power of the political councils which elected them. The Great Council guarded its voting power jealously, for this was a crucial means of extracting ‘welfare’ provisions for the mass of poorer nobles. See R. Finlay, Politics in Renaissance Venice (London: Ernest Benn, 1980).
\textsuperscript{17} Quoted in Chambers and Pullan, Venice, p.102.
\textsuperscript{18} Quoted in Chambers and Pullan, Venice, p.102-3.
\textsuperscript{19} See chapter 6 on the failure of Doge Gritti’s attempt to introduce Roman law in the early sixteenth century.
seventeenth century, it was still harder to meet a minimum quality requirement for
the judges.

This tended to make the judges reliant upon the court bureaucracy, who
carried out the real business. As noted in 1574, no judge of the Giustizia Vecchia
could remember all the sentences he had given,20 and it was the court bureaucracy
to provide the 'memory' of the court, both in terms of its formal, written records, and
the unwritten procedures and practices that got business done.21 Thus it is not
surprising that judges often neglected their duties. They lacked the expertise to act
in an inquisitorial fashion, and hence tended to adopt a passive role, where effective
power was in the hands of bureaucratic staff. The task of the judges was merely to
sit in judgement: it was the court staff to draw up trials and interrogate witnesses.22
As Luigi da Porto related in 1509,

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20 GV, b.1, reg.3, 19 Jan 1573 (m.v.), “non po haver à memoria tutte le sentenìe per lui fatte”.
21 S. Gasparini, “I giuristi veneziani e il loro ruolo tra istituzioni e potere nell'età del diritto comune”, in
fondo la massa traboccante della legislazione...”. For the concern of the Provveditori at how this lead
to failure to prosecute, see GV, b.21, loose documents, undated (probably 1647), “una quantità de
processi Criminali iespediti anco di grandiss.o rilievo, il che forse nasce... perche gl’ ill.mi ss.ri G.i V. i
non sono informata”.
22 GV, b.77, 28 Oct 1670, shows that the activities of the clerk Michiel Campi at the Giustizia Vecchia
included the examination of witnesses, “contadi al Nod.o che hà formato il proc.o et esam.ti molti
test’ii contra il sud.to Reo L12:8”. GV, b.77, 14 Jun 1671, for payments of D2 to the court clerk for
each interrogation carried out. Arti, b.724, 9 Sep 1652, furriers’ accounts, “al nodaro di la giusticia
vechia per forma nove prosesi contra li contra facenti di la notra arte per vender manisce et altro
L13:19, al detto nodaro et al fante per far il prosesso contra il spicier L8...”. Co40, b.410, no.4, the
clerk of the Provveditori stated that it was the role of the clerk of the Giustizia Vecchia to, “forma
processo à denontia de fanti et poi li fà espedir”. This evidence suggests that it was the clerk to carry
out practically all the interrogations of witnesses. This explains why it was Marc’Antonio Tirabosco,
the secretary of the Esecutori contro la Bestemmia, to write a guide on how to carry out
interrogations, his *Ristretto di pratica criminale che serve per la formazione de processi ad offesa*
(Venice: Pinelli, 1636). Similarly, the Venetian advocate Balissera Zettele specifically addressed
himself to advocates and secretaries in his, *Istruzione, et Prattica Criminale utilissima si alli Avocati
come alli Cancellieri, et altri, colle lodi di Venezia e della Casa Mocenigo* (Venice: 1648).
“they do not decide otherwise than according to the opinion of the clerks and secretaries, in whose great experience they trust firmly: hence not the nobles but the *popolani* can usually be deemed the effective judges”.

This is clear from the disciplinary legislation of the *Provveditori*, which is almost entirely directed at the court staff, rather than attaching any blame to the judges. As the permanent court presence, the bureaucrats were charged with enforcing court regulations, and reminding the judges of the laws. They could in theory be punished for failing to fulfil these tasks. The task of reminding the judge could also become one of active discipline. To give only one example of the many regulatory tasks with which the court clerks were charged: in 1618 the *Provveditori* instructed the clerks of the *Giustizia Vecchia* to limit the discretion of the judge, “you must not allow criminals... to be assigned sentences differing in any way from those described in these laws...”. The disciplinary function of the clerks over the judges was therefore institutionalised in law. This policy of course raises the question of who was

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23 Quoted in Chambers and Pullan, *Venice*, p.269. Here da Porto was using the term *popolani* to refer to the *cittadini*. His remarks are directed at the highest courts staffed by the *cittadini originari*, but are equally applicable to the lesser courts. Similarly P. Frassôn, “Tra Volgare e Latino: aspetti della ricerca di una propria identità da parte di magistrature e cancelleria a Venezia (sec. XV-XVI)”, in G. Cozzi, ed., *Stato società e giustizia nella repubblica Veneta (sec. XV-XVIII)*, vol.1 (Rome: Jouvence, 1980), p.590, comments on the judges of the *Quarantia*, “molto spesso esercitarono questo incarico nobiluomini di scarse fortune economiche che forse anche poco s’interessavano dell’amministrazione della giustizia, così che il segretario della magistratura diventava molto spesso l’esperto che sapeva esprimere con termini appropriati e nella forma necessaria, i giudizi...”.

24 This may however be a way to avoid directly accusing fellow nobles of corruption, and hence avoiding a scandal.

25 See for example, GV, b.1, reg.3, 15 Mar 1584, which identifies the problem of judges granting special licenses for feast-day retail, and therefore “quando alcun ma.co Cassier della Giusta vecchia entrerà alla Cassa, debba il Nod.o dell’officio predetto in pena di duc.i cinque leggerli tutte le leggi che prohibiscono il dar licentia à qual si voglia arte di vender di festa alle chiese, ò sagre, ò perdoni”.

26 The Venetians used the term *nodaro* to refer to the clerks of the lesser courts. The term *segretari* was reserved to the elite bureaucrats of the *Cancelleria Ducale*, who kept the records of bodies such as the Senate. The *nodari* who staffed the courts should not be confused with the public notaries.

27 GV, b.3, reg.7, 18 Sep 1618, “non dobbiate permetter che alli Rei (processati ò che pro tempora sarano processati) gli siano assegnati altri termini che quelli descritti in esse terminazioni in qual si voglia maniera...”. This was probably directed at the long-standing problem of the laxity of *Giustizia Vecchia* sentences.

28 For example, I. Cacciavillani, *La legge forense veneziana (1537)* (Limena: Signum, 1987), p.90, calls the court clerk, “un severo ed intransigente controllore”, of the judges. In this way, the *primi* (patrician elite) aimed to limit the *arbitrium* of the judges of the lesser courts, to make their role
exercising a disciplinary function over the clerks. Clearly it was not the judges. Serving for only a short-term, it was especially difficult for them to exercise a supervisory role over the long-term or permanent court staff, and in any case they tended to be absolutely dependent upon their staff for knowledge of what was going on, and what were the rules they were supposed to enforce.

Until the late sixteenth century, the judges were paid on the basis of a fixed salary, plus a share in the condanne (the fines imposed by the court). The judges therefore had an incentive to condemn, because their income was directly linked to the level of prosecution. In 1595 this system was significantly reformed. The Great Council decreed that from now on, the judges were to receive a fixed amount for each day they spent in court (called a sentata), irrespective of whether anyone was prosecuted. The judges' share of the condanne was now to be consigned (along with share traditionally due to the state) to the central financial authority of the Camerlenghi di Commun, which would then consign the stipend to the judges. This rate was fixed at half a ducat per sentata.

Since one of the problems regularly identified at the Giustizia Vecchia was that of low sentencing, this reform may seem rather strange. To remove the financial incentive to prosecute would further reduce the conviction rate. In fact, the reform was designed to improve attendance in court. Each judge in turn worked for a four-month period as cassier, administering the income of the court and distributing this administrative rather than judicial. There were consistent problems with the low level of sentencing, special grazie, licences, and absolutions handed out by the lesser courts.

Monticolo, L'ufficio della Giustizia Vecchia, p.74-75.

It must be stressed that this applied only to the fines in criminal cases. The judges were still to receive their traditional share in civil cases - the caratti, on which they were taxed at the rate of 7 ducats per month. MC, reg. "Surianus", p.98, 30 Jul 1595, "Debbano continuar nella solita loro libertà di conseguir i carratti come hanno fatto sempre nelle cose Civili,... et di non poter altrimenti più participar delle Condennationi, che giornalmente saranno contra li transgressori".
to his fellows." His duties were supposed to consist in the day-to-day administrative affairs of the court, such as the issuing of licences. It seems that the cassier actually carried out a lot more of the court's duties than he was supposed to, giving judgement in criminal and civil cases. The other judges were thus able to absent themselves from the majority of court business, receiving their cut from the current cassier regardless of their actual presence in court. In this way the judges divided up the labours of their office so that each would only have to work for four months instead of sixteen.

This problem had already been noted by the Collegio delle Arti in 1574,

"it is not just, nor advantageous, that in magistracies, in which three or four judges have been elected by the most illustrious Great Council, the liberty and authority of judgement is in the hands of only one judge...".

Such practices threatened the reputation of Venetian justice,

"especially in those offices and magistracies that have not just civil, but also criminal jurisdiction, where it is a matter not only of people's possessions, but also of their life and honour, and also of the dignity of a magistracy of this city, and of the republic.".

The blame was placed on a ruling of 1544, which had given authority to the cassier not only to draw up, but also to give judgement in criminal cases. It was proposed to reform the system so that the cassier could only draw up prosecutions, while

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31 GV, b.1, reg.3, 19 Jan 1573 (m.v.), for legislation on the cassieri, which also refers to a law of 31 Oct 1544. The cassier also collected mundane payments such as the one third share of guild entry-fees assigned to the Giustizia Vecchia (see Arti, b.96).

32 GV, b.1, reg.3, 19 Jan 1573 (m.v.), "non esser giusto, ne conveniente, che nelli magistrati, nelli quali sono eletti dalli illustiss.o mazo conseglio tre, et quattro giudici la libertà, et autorità del giudicar sii d'uno solo giudice, massime in quelli officii, et magistrati, che ha giuridittione non solum civil, ma anco criminale...dove si tratta non pur della robbia, ma dell'honore, et della vita delle persone, et insieme della dignità del magistrato di questa città, et della republica".
judgement had to be given by at least two of the ordinary judges. However the vote of the *Collegio delle Arti* was split over this issue, and no action was taken. This was probably due to the opposition of the *Giustizieri Vecchi* themselves, who were members of this body.

The aim of the fixed daily wage introduced in 1595 was therefore to encourage attendance in court, providing a “fitting reward in proportion to effort.” The motivation was stated in the decree as that of encouraging greater participation by the other judges, rather than the *cassier* alone, and also of attracting a better quality of patrician to the office,

“so that people are found who are disposed to want such office, reduced at the moment to only one of the four Officials that there should be, and so that these are of the quality required by the importance of the aforesaid matters.”

The duties of the *cassier* were stripped back and those of the other judges widened. It was hoped that patrician demand for the post could be increased by allowing those undergoing a period of *contumacia* to be elected to the office.

Furthermore, while serving at the *Giustizia Vecchia*, the judges could be elected to any other office without any period of *contumacia*.

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30 *GV*, b.1, reg.3, 19 Jan 1573 (m.v.), “Il qual Cassier habbia autorità solamente di far formar li processi delle cose criminali con le sue solite regalie, et utilità, che hanno al presente per il formar li processi, ma le espedizioni, et ludicature debbano esser fatte dopo l’espeditio civili da tutta la banca, o almeno da due deli giudici”.

31 *CDL*, b.17, fase. *Magistrato dei Proveditori sopra la Giustizia Vecchia*. 1780 7 Ag.to letta a SS CC, 19 Jan 1573 (m.v.), notes the authority of *cassier* was reformed, “acciò formi bensi li Processi, ma porti alla Banca”.


34 This was confirmed in a subsequent ruling. *GV*, b.89, filza 77, 31 Aug 1595, “Il resto poi di condanne giudicature si Civili come Criminali solite fasi per li Cassieri siano fatte per la maggior parte dell’Giustitieri Vecchi”.

The Giustizia Vecchia was not the only minor court to be reformed in this way. Similar reforms were implemented at courts like the Giustizia Nuova and the Provveditori alla Pace, bringing them in line with the system of payment operational at the Quarantie. This was part of a general trend of increased central interference in the Venetian administrative structure, and an effort on the part of the primi (the elite within the patriciate) to improve the quality of the justice dealt out by the lesser courts.

The senior clerk at the Giustizia Vecchia was charged with keeping an accurate daily register of attendance. The problem with relying on court staff to enforce legality at the magistracy was that they were not very reliable. In 1609, the Council of Ten heard a serious case of embezzlement in which the clerk Anzolo Colonna had been recording the names of judges in the register even when they were absent, enabling them to claim their sentate payments without attending court. Domenego Bollani and Vettor d'i Garzoni, the judges involved, were sentenced to ten years in prison by the Council of Ten, on charges of bribe-taking and embezzlement. The relatively low status of the type of judges who served at the Giustizia Vecchia is confirmed by the fact that Bollani and Garzoni both languished in prison without the contacts necessary to get them an early release. However the greatest blame was attached to the clerk, whose task it was to maintain legality in

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38 The Council of Ten felt some pity for Garzoni's pitiful state and granted him D4 per month while he was in prison (Co10, comuni, reg. dated 1611, 28 Jun 1611). An attempt to get Bollani pardoned in 1611 failed because the voce (pardon) did not specify that it could be used for Council of Ten convictions. In 1614 (and again in 1615), it was proposed that Garzoni be removed from his Venetian jail to one at Verona on grounds of his ill-health, but this was not approved (Co10, comuni, reg. dated 1614, 24 Sep 1614; reg. dated 1615, 7 Aug 1615). In 1616 however, with the outbreak of war, both were able to obtain release in return for providing soldiers, like many other Venetian noble criminals. Each funded 2 soldiers for 6 months (Co10, comuni, reg. dated 1616, 8 Jun 1616). They therefore obtained release after serving 6 and a half years of a 10 year sentence.
the court. Anzolo, who had received a share in the profits in return for his complicity, wisely fled town with a price of a thousand ducats on his head.”

This was the background in which Pietro Nani, another clerk at the Giustizia Vecchia, petitioned the government in 1611, commenting that well-meaning reform of 1595, had “turned out to the contrary of that which was hoped”. At first the judges had “maliciously” interpreted it to refer to pecuniary penalties only, and had continued to take their share of fines paid in material goods. Loss of goods was a very common form of punishment in market justice, and so the amounts gained by the judges must have been significant (on top of the money they received as sentate under the new system). As a result, “from that time on, they gave out very few cash fines, but embraced only those cases in which there could be fines in goods, and these they divided among themselves”. Two years previously, Nani had observed this abuse and insisted that fines in goods also be assigned to the Camerlenghi di Commun. Since then however, things had got worse, because now the judges no longer bothered to give sentences at all, and absolved the criminals in those few cases they did hear. This in turn meant that the court staff and the police, who continued to be paid with a share of the court proceeds, were no longer able to earn

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39 Co10, criminali, reg.26, 29 Jul 1609. The charge against Anzolo was, “Di haver per longo tempo cavati li mandati alli Sig.ri di detto officio, segnandoli anco per il tempo, che non havevano se’ tato, facendo in questo modo, che fussero pagati indebitam.te.”.
40 GV, b.2, reg.6, p.90R-91R, 18 Feb 1610 (m.v.), “e seguito molto al contrario di quello che si sperava”.
41 Goods confiscated by the court were subsequently auctioned off. See GV, b.2, reg.4, 10 Jun 1586, for complaint of the Collegio delle Arti that goods were divided up by court staff before those convicted had a chance to appeal. See P. A. Allerston, *The Market in Second-hand clothes and furnishings in Venice, c.1500 - c.1600*, (doctoral thesis, European University Institute, 1996), on the subject of auctions. It is not clear what happened to perishable foodstuffs when they were confiscated, though it seems quite possible that they were divided up among court staff.
42 GV, b.2, reg.6, p.90R-91R, 18 Feb 1610 (m.v.), from Nani’s petition, “da quel tempo in qua hanno fatto pochissime condanne pecuniarie ma hanno abbracciato solamente quelli processi dove vi potessero esser condanne di robba et quella fra di essi hanno divisa”. 
their living. They had therefore ceased to denounce criminals altogether, preferring to accommodate with them.

Having verified Nani's claims, the _Provveditori sopra la Giustizia Vecchia_ proposed that in order to encourage conviction, the judges be assigned a third or a half share of that portion of the fines assigned to the state, with which, "these gentlemen would attend with greater solicitude and diligence to the criminal affairs of the office". However, the problems persisted, and in 1632, the Senate ruled that no judge should qualify for his _sentata_ money unless he had participated in some judicial act, in both the morning and post-prandial sessions of the court, so that they might see "not just the presence of the Judge in the office", but also "the fruit" of his work there. "Judges would not be allowed to participate in further elections, unless they swore to have carried out all the denunciations presented at the court during their term of office. In order to encourage sentencing, they ruled that judges might mitigate their sentences to the extent of half those fixed in law." In particular the Senate was concerned at the "bad abuse of giving sentence _pro nunc_, which avoided making a judgement either way." It was hoped that judicial discretion to mitigate the sentences would lead to higher rates of conviction.

These problems were however to persist. In 1647 the great number of unexpedited cases at the _Giustizia Vecchia_ was once again related to the question

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43 GV, b.2, reg.6, p.91R-92, 17 Jun 1611, "con l'utile essi sig.ri attenderiano con maggior solutudine et diligentia alli negotii criminali de detto off.o". The outcome of this proposal is not clear, though the comments in later legislation of 1632 suggest that nothing further happened.

44 Senato, Terra, reg.107, p.7R, 4 Mar 1632, "così che sempre apparisca, non solo l'assistenza all' off.o del Giudice, mà il frutto, et l'operazione, che vi prestasse".

44 Senato, Terra, reg.107, p.7R, 4 Mar 1632, "perche possano li medesimi giustitieri più sodisfarsi anche per ragion, e consciensa nelle condanne, e sentenze".

44 Tirabosco, _Ristretto di prattica criminale_, p.57, "Questa espedizione pronunc, vien fatta dal Giudice, quando stima bene usar questo termine per mancanza di prove riserbandsi sempre libere le mani di poter ripigliar il negotio per ogni sopravvenenza de nuovi indicii per venir poi al castigo del reo conforme ricerca la giustitia". This appears to be equivalent to the sentence of 'not proven'.

of attendance of the judges. The Provveditori once more insisted that the senior clerk must keep a register of those judges who actually turned up in court. The clerks were instructed to draw up a list of unexpedited cases, and to present at least six of these a day to the judges for sentence to be given. From such evidence, it is clear that the Giustizieri were primarily interested in their office for pecuniary motives. The responsibility for running the court lay entirely in the hand of the clerks.

**The Bureaucracy**

There is a misleading tendency in the historiography to equate the 'bureaucracy' with its most prestigious offices - those of the Cancelleria Ducale (Ducal Chancellery). These latter were the monopoly of a social caste of citizens, the cittadini originari, kept loyal through its social privileges. This has been termed, 'a parallel minor aristocracy', though it must be stressed that it was easier to enter than the patriciate proper. In addition to their caste privileges, the loyalty of the Cancelleria was 'bought' through a combination of high rewards and strict discipline, something that could not have been provided in the lower courts, even if the primi had felt it necessary to control them so tightly. Thus references to the Venetian bureaucracy as, "highly organized and always taken into the greatest consideration", must be understood as referring only to the Cancelleria Ducale. While cittadini monopolised positions in the elite strata of the bureaucracy, this was not true of the

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47 GV, b.21, loose documents, undated (but can be dated to 1647 from the names of the Provveditori), refers to "gran numero inespediti, et credendo forse che possi derivare questo inconveniente dalle reddut.ni degli med.si ill.mi ss.ri G.ri V.i che non seguano continuate conforme le pub.e deliberat.ni".

48 GV, b. 21, loose documents, undated (but 1647), "li Nod.r ti tutti di d.o off.o debbino portar ogni giorno per expedir all'ill.mi ss.ri G.ri sei processi almeno delii più vechi almeno...", "Doveran tutti li Nod.r ti far nota distinta di tutti li processi che hanno così de vechi come do recenti".

49 The secretaries of the Cancelleria Ducale were personally loyal to the Council of Ten, and as an instrument of primi power, tended to be resented by the lesser nobles, as can be seen in 1628.

50 Cacciavillani, *La legge forense veneziana*, p.59, n.4, "organizzatissima e sempre tenuta nella massima considerazione...".
lesser magistracies. The lesser courts were not staffed by the type of loyal officials who worked as secretaries for the highest councils.

Lesser bureaucratic posts were supposed to be distributed by the Quarantia Criminate, or in some cases directly by the magistracy concerned. In 1517, it was ruled that such offices were to go exclusively to sons of cittadini families. Officials were supposed to present themselves for re-election every 4 years, but in practice most of the tenures ended up being granted by grazia (a special grant of favour) for life. This partly reflects a functional necessity for greater continuity in office, in a system where the judges themselves were constantly in giro, but also reflects the drive of those same officials for security of tenure. In contrast to the strict regulations for re-election of patrician offices, which were the bedrock of the Venetian political system, those for bureaucratic posts were not of comparable political significance and so were allowed to lapse. Thus control over office tended to be alienated from the state, falling into private hands. Increasingly, office was conceived of as a piece of property, owned by a family, rather than something temporarily exercised by an individual. Usually a grazia would be registered in the

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1 At first the secretary at the Provveditori sopra la Giustizia Vecchia was appointed by the Cancelleria Ducale, reflecting the high status of this magistracy, but after the death of the first secretary (apparently a man of some prestige for his knowledge of Venetian law), the practice of substitution by ordinary clerks became prevalent. See GV, b.2, reg.6, p.115R, 24 Sep 1614.

2 On the early concern for the quality of clerks at the Giustizia Vecchia and the Giustizia Nuova, see G. Monticolo, I Capitolari delle arti veneziane sottoposte alla Giustizia e poi alla Giustizia Vecchia dalle origini al MCCCXXX, Fonti per la storia d'Italia, 3 vols in 4 parts (Rome: Istituto Storico Italiano, 1896-1914), vol.1, p.XXIX, for law of 1271 insisting that the term of office be limited to one year. On the subject of grazie see D. Romano, “Quod sibi fiat gratia: adjustment of penalties and the exercise of influence in early Renaissance Venice”, Journal of Medieval and Renaissance Studies, 13, n.2 (1983), pp.251-68.

3 See R. Derosas, “Moralità e giustizia a Venezia nel ’500-’600. Gli esecutori contro la bestemmia”, in G. Cozzi, ed., Stato società e giustizia nella repubblica Veneta (sec. XV-XVIII), vol.1 (Rome: Jouvene, 1980), who argues that because officials were generally creditors of the state (because their salaries were always in arrears), they were able to exercise leverage over the judges and get themselves appointed the office on a permanent basis. If they had been dismissed, their wages would have had to be paid.

4 Cassandro, “La Curia di Petizion”, p.138, "l'officio concesso per grazia era un vero e proprio bene; entrava nel patrimonio del concessionario, il quale se ne serviva, come meglio credeva, potendo
name of the youngest available son, in order to make the life tenure last as long as possible, and the office would in practice be exercised by a substitute. With the widespread sale of office introduced from 1636 onwards, offices increasingly became regarded as investments, rather than as a source of social prestige. Through resort to such expedients, control over office slipped further out of the government’s hands.

One of the most important offices in the court was that of avvocato fiscale, or public prosecutor. It was the task of the fiscale to inform the judges. In 1612, for example, the gastaldo (chief official) of the smiths described how he had been summoned before the Provveditori sopra la Giustizia Vecchia, where the fiscale had gone through the mariegola of the guild, extracting material to be used by the judges.

venderlo e darlo in pegno.”. See Co40, b.408, no.8, for a good illustration of the property conception of office in the 1634 case of Marta Genoa, whose father had bought the office of clerk at the Consoli di Mercanti in 1617, and registered it in the name of Marta’s son, Pasqualin. Pasqualin had subsequently been exiled for rape, with the loss of all possessions. Marta claimed the right to carry on drawing the rent as she always had done, appealing that otherwise, “la legge nel delitto del fig. Io punirebbe me non lui”, and arguing that it was common practice to register offices in the name of the youngest son. Since her father had purchased the office as an investment, rather than obtaining it through grazia, it was still more valid to regard it as a piece of property. Surprisingly perhaps, she lost her case with the Presidenti sopra Uffici. This was probably due to the state drive to win back control over public offices in the 1630s (in order to sell them again).

A. Zannini, Burocrazia e burocrati a Venezia in età moderna: i cittadini originari (sec. XVI-XVIII), Memorie della classe di scienze morali, lettere ed arti, 47 (Venice: Istituto Veneto di Scienze, Lettere ed Arti, 1993), p.255, describes how expedients like this were a necessary response to the demands of war. During the War of Crete in the seventeenth century, the Venetian state faced enormous, continuous, war expenses at a time of commercial crisis, and was forced to resort to such expedients as the sale of beni comunali from 1646, the sale of offices from 1636, the sale of Venetian nobility, the sale of the office of Procurator di San Marco, and the suspension of convertibility of the Banco Giro (1648-66). Such expedients tended to weaken the control of the primi over the political system, and loss of control over bureaucratic staff was one consequence of this. Similar expedients were adopted during the War of Cambrai in the early sixteenth century. This phenomenon was not of course peculiar to Venice. For Milan, see F. Chabod, “Stipendi nominali e busta paga effettiva dei funzionari dell’amministrazione milanese alla fine del Cinquecento”, in Miscellanea in onore di Roberto Cessi, vol. II (Rome: Ediz. di storia e letteratura, 1958).

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in the interrogation. The duties of the *fiscale* also included the defence of the jurisdiction of the magistracy, and of *Giustizia Vecchia* sentences in appeal. *Fiscali* were supposed to be re-approved every two years, but in practice, tended to serve the court for life, or until they resigned. Bernardo Galia, for example, became *fiscale* of the *Giustizia Vecchia* in 1624, and was still serving in that capacity in 1659. Such was the importance of these offices that they were exempted from the general sale of office introduced in 1636. They were supposed to be elected by the magistrates themselves, and approved by the *Quarantia Criminale*. However, the necessities of war finance later in the seventeenth century led the government to sell even these vital offices. Their sale was brought to a temporary halt in 1673, but, despite clear consciousness of the dangers, the government found itself constrained to reintroduce their sale following the renewal of hostilities in 1685. In his report of 1664, Gasparo Dandolo told the Senate,

> "in the Magistracies where there are *Fiscali* the abuse of admitting subjects of little or no ability, and talent, has become established, so that for the deficiency

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59 *Arti*, b.128, 21 Sep 1612, "havendo l’advocato tolto in notta quello che li parse della mariegola mi fece poi comparer avanti sue signorie illustriassime et prima havendoli l’advocato fiscal datto la information a sue signorie illustriassime mi hanno dimandato quello che si hà fatto delle soldi sei per corba...".

50 *GV*, b.1, reg.3, 30 May 1573, for a description of the *fiscale* of the *Giustizia Vecchia*. Like other court staff, he was paid with a share of the fines. See *SI*, b.3, 19 Aug 1724 for a description of the work of the *fiscale* of the *Provveditori*, which aside from the usual duties included that of giving the opinion of the court in response to public commissions.


52 *CL*, ser.1, b.64, 29 Jul 1673, refers to the exemption of *fiscalarie* from the general sale of offices implemented in 1632, "ben apparisce esser stata mente publica di mai includerla nelle med.e, mentre per altro sarebbe esposto il Pub.co importantis.mo servitio ad essensiali pregiudicii".

53 *CL*, ser.1, b.64, 20 Jun 1685, "Sospesa nell’occasione della Pace.. la vendita delle Fiscalarie.. ben giustam.e si rinnovano nelle congiunture della guerra presente li stessi motivi, che persuasero la maturità pub.a à deliberarne la vendita di esses".
of these, and with serious prejudice and indecorum, the Public laws languish, for the most part abandoned...".

Substitution of office was widely practised. All substitutes were supposed to be approved by the Quarantia Criminale, but little trace remains of such approvals, and the vast majority of officials were unauthorised. Controlling the practice of substitution was especially difficult because it could be masked by such practices as taking on 'assistants' who actually did most of the work. This is well illustrated by an investigation of the Presidenti sopra Uffici in 1673-4, which revealed that very few of the substitutes were cittadini originari, as the law insisted. Indeed, increasingly throughout the seventeenth century, many of the principali (the owners of office) were also commoners, having purchased it or obtained a grazia for life. Still more of the substitutes were commoners, and, "above all, elements from the class of tradesmen and shopkeepers", the middle ranks of respectable society. This has important consequences when we consider that those who effectively ran the Giustizia Vecchia were likely to come from the same social group as the guildsmen. They were therefore likely to share a common outlook with them, and possibly also more concrete family and business ties.

That the regulations were not being followed can be well illustrated through the example of the Presidenti sopra Uffici investigation of the Giustizia Vecchia in 1647-8. There were officially supposed to be two clerks at the magistracy, but the

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43 CL, ser.1, b.64, 31 May 1664, "ne Mag.i dove sono Fiscali sii invalso l'abuso d'admettersi soggetti di niuna, ò poca abilità, e talenti così che per difetto di essi con grave pregiudicio, et indecoro languiscono per il più abbondante le Publiche ragioni, e soccamba il Prencipe per loro mancam.o ad ingiusti aggravii".
44 MC, reg. "Surianus", 24 Sep 1595, refers to laws 29 Jan 1531 (m.v.), and 1 Oct 1563.
45 Zannini, Burocrazia e burocrati, p.240, "soprattutto elementi del ceto dei bottegai e commercianti".
46 The Presidenti sopra Uffici were principally concerned with the problem of lesione - the sale of state offices at less than their market value, which brought undue profits to the purchaser who rented them out. Their investigation was directed not so much at corrupt practices, as at winning greater control over offices in order to sell and tax them more effectively. Greater control over offices was therefore a
investigation revealed a total of six people, all of them substitutes, and none of them properly approved. Some were working under the guise of cogitor (assistant), but as the Presidenti noted, although they claimed to be mere assistants, they still signed official documents as if they were proper clerks." These clerks and assistants were not salaried for their work, but kept the profits of the office in return for the rent." These rent agreements were usually verbal (hence evading state taxes and regulations)," and might include a significant gift element, as well as cash. Zuanne Canonici, as well as a rent of 80 ducats a year, also provided such seasonal delights as a pair of chickens during Carnival, veal and eggs at Easter, one hundred orate (a type of fish) in January, and a goose on St Martin's, to mention just a selection of his 'gifts'." Of course, the staff of the Giustizia Vecchia would have been well placed to get their hands on such foodstuffs.

The actual owners of the offices (two families - one cittadino, one noble) were not responsible for how it was exercised, and might even be distanced from the business of rent collection by the use of a fattore, or intermediary. It was simply possessed by them like a piece of property. In this case, the Da Mosto family had inherited the office from their cittadino mother, a Girardi, whose family had been granted the office for life way back in 1587. The other post had been granted for life matter of public finance, rather than of improving the quality of officials. For example, the main concern in the Campi case of 1666 was the undue profit the Campi earned by sub-renting a public office, which clearly indicated that the state was losing out.

"Co40, b.409, no.1, "l'arrogarve quel titolo che non vi aspetta fatte apparere quello che non è"."

"Co40, b.409, no.1, as the substitute clerk Paulo Buffelli commented, "delli processi Criminali che vengono formati da me l'util è mio per che le pago l'affitto".

"Co40, b.409, no.1, Paulo Buffelli, "no' hò affittatione ne scrittura alcuna, ma passiamo in parola fra noi che io posso andar via a mio piacere, et mandarmi lui quando vuole".

"Co40, b.409, no.1. Zuanne Canonici, as well as paying a rent of D80 a year, also provided, "da Carnevale un paro di caponi, e un pano di pemise, da quaresima doi lire di Camiono [?], e quattro ò cinque lire di Morona, salvo error, da Pasqua mezo quarto di Vitello, e cento ovi, da questa stagione orade cento, d'Agosto doi lire di Malvasia et un' ane.. [?] e da S Martin dieci in dodici lire di frutti, et da ogni santi un'ocha, ne me raccordo altro". Perhaps these 'gifts' were illegally obtained from the contraband produce confiscated by the magistracy (which was supposed to be auctioned publicly). See Chabod, "Stipendi nominali e busta paga effettiva dei funzionari", p.200.
to Zaccaria Rosso, a Secretary of the Senate, in 1606, and had been inherited by his son, Francesco Maria. The regulations insisting on re-election and approval of office had been neglected. There are few instances of the state exercising discipline over the owners of offices. In 1586, the Provveditori ordered Vicenzo Rizzo, the owner of the post of Masser (custodian) at the Giustizia Vecchia, to replace his substitute with a more apt person, "Due to the many disorders that take place in the office of the custodian at the Giustizia Vecchia, and due to the many complaints that have been made of the substitute, Hieronimo Pizzoni." But Rizzo himself was not punished except in that he now had to find a new substitute. Generally it seems to have been recognised that owners of office were not to be held liable. When they were interrogated by the investigators, it was in order to obtain evidence on rent agreements, and hence the possible crime of lesione (cheating the fisc), rather than any expectation that they would supervise the activities of their substitutes. It is no coincidence that major investigations of office-holding only date from after the sale of office began in the 1630s.

The clerks vigorously defended themselves during the investigation of 1647-48, appealing to the custom of the magistracy to explain the fact that they had not sought approval, implying that such practices were deeply entrenched. The Presidenti retorted that, "the faults and offences of the previous occupants of that office do not exculpate you of your offence." Canonici argued that his lack of official approval was a mere technicality compared with his twenty years of loyal service. Della Bella stated that although he had not been officially approved by the

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71 GV, b.2, reg.4, 31 Aug 1586, "Per i molti disordini che seguono null'officio della Massaria alla GV, et per i molti ricchiami che si hano di m Hieronimo Pizzoni sustituto".
72 On the other hand, BNM, Capitolari, voce "Fanti", 12 Nov 1621, clearly states that principali should be held liable.
73 Co40, b.409, no.1, "li mancam.ti et transgressioni fatte dalle passati in quell off.o non escolpano voi dalla transgression vostra".
Quarantia, he had "the satisfaction, and the sole assent of the most illustrious Judges of said magistracy". Zupponi also appealed that he had been approved by one of the judges. Certainly the Giustizieri were likely to have given their tacit approval to the court staff, being generally unaware of the procedures involved, and new to the office themselves. Even the rare instances of investigation like that of 1647-48 eventually bowed to custom - in this case the penalties were limited to fines and dismissal from office for the 'assistants', while the 'clerks' were absolved altogether, after they had sought (and obtained) proper approval. Mere weeks after the trial however, the remaining clerks sought and obtained the restoration of two of the assistants. There was simply too much court business, which required experienced men with knowledge of the procedures. The court could not operate without their expertise, and thus abuses tended to be tolerated in practice, despite periodic crackdowns.

This short-lived assertion of control over the office had lapsed by 1665, if a secret denunciation of that year is to be believed. In this case Bortolomeo and Michiel Campi, an uncle and nephew team, were renting one of the offices of clerk at the Giustizia Vecchia from the same Da Mosto family for 300 ducats a year. Apart from violating the prohibition on blood relatives working in the same office, they also "traffic in that same clerk's office", working part of the office themselves, and

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74 Co40, b.409, no.1, "la sodisfazione, et il solo assenso dell' ill.tri Giudici di d.to mag'ratto...".
75 Co40, b.410, no.4, 3 Aug 1665, the accusation refers to legislation prohibiting this dating from 10 May 1444, "che prohibisse l'ingerenza de congionti in alcun charico di Mag.to, nel qual Mag.to vi sia un parente, che se espelli con l'altro". Cassandro, "La Curia di Petizion", p.114, n.4, refers to a law of 16 May 1632, confirming the 1444 legislation, "oltre li nodari scrvani et masseri quali... devono prestare fede di non haver parenti congionti negli offici, debbano ancor tutti gli altri portarla, che non si caccino con alcuno dei medesimi offici, ne come principali, ne come sostituti, per parentela di padri, figli, fratelli, germani e cognati". For another case of families taking over a court, see MC, reg. "Surianus", p.102, 24 Sep 1595, where a father and two of his sons controlled the three offices of clerk, Rasonato, and Scontro at the Giustizia Nuova, enabling them to practise fraud.
76 Co40, b.410, no.4, 3 Aug 1665, "fare Mercatura della stesa Nodaria".
renting the other part to two substitutes, Zorzi Cubli and Gerolemo Galleotto, for an annual total of 480 ducats. Thus one office was shared by four people. The charges include falsely having won approval for these substitutes by claiming they were paid assistants.

Inventories were carried out on their deaths of two of the clerks of the Giustizia Vecchia, Michiel Campi (d.1670) and Pietro Nani (d.1635), and these can be used to flesh out the picture of minor court officials. Both men rented the office of clerk of civil affairs from the Da Mosto family, and they sub-rented part of it to ‘assistants’. Both of them were able to choose their successors, demonstrating that the hereditary principle was applied by the substitutes as well as the owners. Nani passed the job on to Carlo Magno (indeed, the inventory of Nani’s possessions was carried out at Magno’s request), while Michiel Campi handed it on to his brother Francesco. While Nani and Campi both served personally in their office, the position of substitute could however slide into that of simple sub-renter. Benetto Corbelli, who later inherited the office from his brother-in-law Carlo Magno, served the Da Mosto family as a ‘factor’, renting the office to the substitutes Franceschi, Macellini and della Bella. This intermediary function was later assumed by the Tolla family.

The inventories show that both the Nani and the Campi were moderately well-off. Their houses were furnished with paintings, ornate mirrors, silverware, walnut tables and chests. The Campi family collected rents from a moderate quantity of agricultural land on the Terraferma, as well as urban property in Venice. The Nani

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77 The same Nani who petitioned the Provveditori in 1610 - see GV, b.2, reg.6, 18 Feb 1610 (m.v.).
78 For Pietro Nani’s inventory, see Petizion, b.354, no.96. For Michiel Campi, see Petizion, b.375, no.99, no.132, and no.138.
79 Nani had collected rent from his assistant Bernardo Marcellini, who was serving as clerk of the Giustizia Nuova at the time of the 1647-8 Presidenti sopra Uffici investigation. See Co40, b.409, no.1, testimony of Francesco Marzalini.
80 For details on this relationship, see Co40, b.241, no.128, 1 Aug 1673.
had investments in customs farms - including grain, fruit, anchorage, wine and fish (in this, Pietro's position at the Giustizia Vecchia seems not to have been perceived as a conflict of interest). Both families had relatives among the bureaucracy. One of Campi's relatives was the chancellor of Cividal di Friuli. Pietro Nani married Anzoletta, the daughter of Zaccaria Rosso, a Secretary of the Senate (strikingly, this was the same Rosso family which owned the other clerk's office at the Giustizia Vecchia). This indicates a relatively elevated status. Michiel could prove his citizenship, while Pietro possessed documents which purported to prove his nobility (his grandmother was a Trevisan), and had served as capo di contrada in 1630, another indication of his social prestige. Interestingly, both Nani and Campi had large personal legal archives at home, which are detailed only in tantalising fashion by the notary who carried out the inventories. Aside from an accumulated mass of family legal business such as documents related to customs farms (in Nani's case), marriage contracts, lawsuits, wills, and accounts, both also possessed documents related to their work at the Giustizia Vecchia. Both Nani and Campi were clearly well-practised in using the law to their advantage.

Control over court officials was therefore at two removes. Not only did the state have little control over allocation of posts to their owners, it had even less control over whoever were subsequently appointed as substitutes. The unreliability of court staff meant that there was a considerable gap between the theory of how courts worked and the practice. The problem was that the court bureaucrats were precisely the ones charged with maintaining legality in the magistracy. They were clearly the last people to enforce the many regulations on themselves. Many disciplinary measures were simply not carried out by the substitute officials, despite threat of punishment. For example, a 1565 law had established that all the business of the
Giustizia Vecchia should be reviewed by the Provveditori once a week, but as a 1591 complaint makes clear, the substitute officials had failed to carry out this weekly report. Again in 1626, the Provveditori had to instruct the clerks of the criminal section of the Giustizia Vecchia, or their substitutes, that “at the beginning of every week you must bring before their most illustrious lordships, all the fines, denunciations and court rulings, that you, the aforesaid clerks, have recorded.”

The problem of control is well illustrated through the question of income. Officially, court staff received three types of income. They might receive a fixed salary from the magistracy. In addition they could receive payments which varied according to the amount of work carried out, either a fixed quota of the income of the court (a share of the caratti in civil cases, and of the condanne in criminal cases), or moneys paid directly to the official for work he had personally carried out. Evidence on court finances is however rather unreliable. As the court’s income was taxed and regulated, officials had little incentive to keep good records, and this perhaps explains the dearth of such materials at the Giustizia Vecchia. The record suggests that the level of condanne imposed by the court was quite low, a fact borne out by the numbers of complaints coming from the pious causes which were supposed to

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81 GV, b.1, reg.2, p.1, 11 Nov 1565. GV, b.2, reg.4, 16 Nov 1591. This law established a penalty of 15 days in prison for any future disobedience.

82 GV, b.3, reg.7, p.167R-168, Oct 1626, “dobbiate inanti ss ss ill.me ogni principio de settimana portar le mulie, denocie, et espedizioni che Voi sud.ti Nod.ri annotarette...”. The 1591 penalty was to be applied.

83 See also GV, b.29, 24 Mar 1662, for evidence that the magistrates gave one-off special payments to their staff, and see GV, b.29, 17 Sep 1678, for the effectiveness of state efforts to end this practice. See PdC, b.2, Capitolare Nuovo, 31 May 1625, for problems associated with the cut of the condanne.

84 GV, b.87, reg.104, shows that the average annual total of condanne in the 1670s was from D80 to D100. This was the sum derived from 8 to 30 criminal prosecutions per year. This implies that there was a low rate of prosecution. However, more evidence is needed before any firm conclusions can be made on the volume and value of court business.
receive a share of the court’s income." As the Correttori delle Leggi commented on the problem of evidence in the eighteenth century:

“The universal cunning of Officials has always conspired to keep the Judge ignorant of affairs and of the Laws, and this could perhaps be reputed one of the ruses by which in the Capitolari seen up till now, has been found sometimes the intrusion of the superfluous, and sometimes the deficiency of the necessary”.

However, it also seems that sums available from the condanne were in any case low, partly because these crimes were generally punished by only small fines, but also because many of those accused were eventually absolved, or let off with a caution and token fine (such laxity was a source of constant irritation to the higher court).” This means that by far the most important element in the income of court officials were moneys paid directly to them, avoiding any central financial administration and going unrecorded.

The problem of relying on bureaucrats to police their own activities becomes clear in the telling evidence of Zupponi (another unapproved ‘assistant’ in the investigation of 1647-48). All Venetian bureaucrats possessed an official tariff of prices (set by the magistracy of the Sindici) which they were supposed to charge for specific acts, such as making a copy of an inhibitione (a type of court order).” This was supposed to be on clear, public, display, to the knowledge of all. When asked

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42 Senato, Terra, reg.99, 5 Aug 1628, for Senate complaint that magistracies failed to supply the shares of fines due to the Convertite, Pietà and Accademia. I am grateful to Laura McGough for this reference.
44 Cdl., b.17, fasc. Magistrato dei Proveditori sopra la Giustizia Vecchia. 1780 7 Ag.to letta a SS CC, “L’astuzia universale de’ Ministri ha sempre cospirato a tener il Giudice ignaro de’ negozii, e delle Leggi, e questa forse può riputarli una delle eruse, per le quali nei Capitolari sin’ora veduti si è trovata talora la intrusione del superfluo, e talora la deficienza del necessario”.
47 On mitigation of sentences see Arti, b.312, Mariegola, 1518, which shows that back in 1518, the mercers complained that when they denounced people to the Giustizia Vecchia, they were often let off, “out of friendship”. The fact that legislation often took pains to insist that the sentences could not be mitigated in any way is further evidence for this practice - see GV, b.23, 18 Jul 1682.
48 For the tariff applied at the Proveditori sopra la Giustizia Vecchia, see GV, b.1, reg.2, 29 May 1567.
about the tariff, Zupponi responded, “those officials say that there is a tariff, and in fact there really is one, although I’ve never seen it”. As the clerks were those held responsible for enforcing court regulations, this wilful evasion of the regulations is striking. Instead, “when we come to dispatch trials, we ask them to give us whatever they like... we don’t oblige them to give us anything”. The Presidenti were not impressed, and informed him, “the good official, who does not want to take more than his due... always has the tariff under his eyes”. There were consistent problems with enforcement of the tariff, and the Sindici took to constant republication of the regulations. In a later case at the Giustizia Vecchia in 1665, Michiel Campi claimed that he only exceeded the tariff when carrying out additional tasks for his ‘customers’ which were “far beyond the duty of the office”, and therefore he argued,

“I do not believe, that their justices can find me to blame, for some slight contribution, well merited for such tasks, which in the end serve to the advantage of the poor guilds, and not as a burden on them”.

However the receipt of such payments under the guise of “extraordinary labour”, was also expressly forbidden. The Venetian government had long experience of the

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8 Co40, b.409, no.1, “dicono quelli Ministri che vi è la tariffa e in fatti la è veramente se ben mai l’hò veduta”.
9 Co40, b.409, no.1, “quando si viene all’ esped. de processi le dimandiamo che ne diano quello le piace... non li astingiamo à cosa alcuna”.
10 Co40, b.409, no.1, “il buon ministro che non vol tuor piu di quello la spetta per concessione del Prencipe hà sempre sotto gli’ochi la tariffa”.
11 CL, ser.1, b.64,10 Jun 1679, “fatiche estraordinarie”.
12 CL, ser.1, b.409, no.1, “I do not believe, that their justices can find me to blame, for some slight contribution, well merited for such tasks, which in the end serve to the advantage of the poor guilds, and not as a burden on them”.
13 Co40, b.410, no.4, 30 May 1668, “lontano dall’impiego delle Carica, non credo, che la loro Giustitia possi calcolarmi à colpo, qualche tenue contribuzione ben meritata per simili operationi, le quali finalmente servono d’avantaggio, et non d’agravio alle povere Arti”.
14 CL, ser.1, b.64, 10 Jun 1679, “fatiche extraordinarie”.
wiles of its officials, and the rules were strict - absolutely no creative interpretation of the tariff."

Despite this, guild account books clearly shows that such 'extraordinary' payments were common. The accounts of the box-makers for 1679 list payments until the title of _buona man_ (tips): 2 lire 10 soldi to "Signor Paulo" (the clerk of the Giustizia Vecchia), 5 lire to the clerk of the Quarantia, and 3 lire 2 soldi to the _comandador_ (cryer) of the Quarantia." Guild officials might also identify such irregularities when checking guild accounts. In 1686, the smiths found that their _gastaldo_ had paid 3 lire 4 soldi, "more than the ordinary, given to Clerk of the Giustizia Vecchia when he did the General Assembly..."." Such payments were expressly forbidden, as shown in legislation of that same year:

"Policemen and other officials must not dare to extort money from Shopkeepers, Guilds and Artisans of this City, nor receive illegal payments beyond those described in their Tariffs under any name or title whatsoever, including gifts and tips..."."

One has to ask how carefully account books were checked, if guildsmen were able to quite openly list payments which were technically illegal. Government 'approval'

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" CL, ser.1, b.64, 10 Jun 1679, "senza immaginabile interpretazione, & ampliati
done".

" Arti, b.96, p.220, 12 Apr 1679, lists: L2:10 "per buona mano al Sig.r Paulo ala G.Va", L14 "al nodaro per copia et buona mano dela sen.za", L50:2 "al nod.o in quaran.tà per il pender", L5 "al d.to per buona man", L3:2 "al com.d.r di 40 di buona man". See Arti, b.96, p.227, 17 Jul 1679, for further examples. Allerston, _The Market in Second-hand clothes and furnishings in Venice_, Ch.2, also refers to complaints about bribes and pay-offs to petty functionaries of the Sopraconsoli and Cattaveri.

" Arti, b.110, _Libro della Sinicacion di Cassa Corente del Arte de Fabri_ (1664-89), 9 Jun 1686, "per tanti aver dati di piu al sig.r Nodaro dela Giustitia Vechia di quello sono ¡ordinario quando à fato il capitolo general per meter le tre parte" L3:4; 20 May 1687, "per tanti datti di piu al sig.r Nod.o della G.a V.a per il capitolo general per far la banca nova dell'ordenario" L1:5. The regularity with which these kinds of payments occur suggests that it was government officials to be charging over the limit, rather than guildsmen to be exaggerating their expense claims. For the knife-makers, see Arti, b.102, 28 Dec 1678, _cassa_ of Zuanne Ghetta, "seli bate per aver speso di piu a tior copia di tansa di milicia L4:16".

" CL, ser.1, b.64, 10 Jun 1679, "Non ardischono li Fanti, & altri Ministri... commetter estorsioni contro Botteghieri, Arti, & Artisti di questa Città, ne ricever pagamenti illeciti, & oltre g'espressi nelle loro Tariffe sotto qualunque nome, e titolo anco di donativi, e bone mano".
was probably limited to the court clerk casting his eye over the accounts, and he was unlikely to draw attention to any illegal payments made in his own favour. Once again, the limits to the government ability to regulate the relations between guilds and court staff are clearly revealed.

These relations could be extremely dubious from the modern perspective of how courts should operate. Guild accounts reveal that the clerks of the Giustizia Vecchia openly worked for private interests rather than the public good. The guild of distillers, for example, record payments to the clerk Campi, for his participation in a legal consultation held with guild officials and their advocates. As the clerk, Campi was the guarantee of the legality of the court, and yet he could openly sell legal advice to private parties. The danger that he would also use his considerable influence over the court in their favour is patent. Court clerks were the masters of the case histories, the ‘memory’ of the court. They frequently sold this expertise to the guilds, digging up old legal precedents for a fee. This is a telling indication of how distant their role was from that of a simple ‘clerk’.

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99 Arti, b.96, 29 Apr 1680, states that the account book was approved by the cassier of the Giustizia Vecchia. However the entry is actually made by a substitute clerk. Arti, b.724, 1 Mar 1681, states that the accounts were checked by none other than Francesco Campi, clerk at the Giustizia Vecchia, who approved and signed them. There are no signatures from the judges.

100 GV, b.77, 13 Apr 1670, (distillers’ accounts), “per un consulto fatto dall’ill.mo Zen con il s.r Mastaleo con Sind.ci e Banca et il s.r Michiel Ca’mpi Nod.o per dover terminare le sud.te cose cont.di all’ill’mo Zen L18:12, contadi al s Mastaleo L9:12, contadi al Campi L9:12”. GV, b.77, 28 Jun 1670, “per contadi al Canal per formar la contrascritt.a Zuanne dei Boni insieme col nod.o Campi spesi in tutto L17”. GV, b.77, 16 Jul 1670, “per un consulto fatto con il s.r Canal et il s.r Campi con il sig.r Luca di Rossi s.a il proc.o del Romano cont.i al Canal L12:8...al Campi Nod.o L9:12...per spese minute in più affari del sud.to interesse L3:16”. A similar joint consultation took place on 27 Jul 1670. GV, b.77, 16 Apr 1671, notes payments to Francesco Campi and the fiscale of the Giustizia Vecchia for their part in an interrogation of a witness, who testified in favour of the guild. Similarly Arti, b.724, 2 Aug 1679, “al ecc.mo Spadon per consulto con il nod.o con li Processi del Carisci et Marintopi L12:8, al nodaro L9:12, al sollicitador Durighello L6:4”. This is clear evidence that the clerk provided advice on the case in hand, as well as digging up previous cases.

Similarly, the *fiscale* of the *Giustizia Vecchia* also provided legal advice to private parties.192 The *fiscale* might represent private parties in addition to giving *consulti* (consultations). Bernardo Galia, for example, frequently worked for private interests, such as the furriers (1652), whom he represented in a case at the *Giustizia Vecchia*.193 More alarmingly, a reference in the ledgers of the *fomeri* (bakers) suggests that *fiscali* did not stop at mere advice. When their appeal went before the *Provveditori sopra la Giustizia Vecchia* in 1625, they paid 12 lire 10 soldi to the *fiscale* of the court, “so that he would not speak against the said case.”104 Such contacts were officially disapproved of. When the *Provveditori di Comun* instructed the wool-worker guilds to take on full-time solicitors in 1636, they took the trouble to insist that the *fiscale* of their office could not apply for the job.105

Lack of staff discipline was manifested in the constant delays and low efficiency of the court. In 1586, the *Giustizieri Vecchi* informed the substitute clerk of the criminal section that he should examine the witnesses in every case, “without interposing time”. Such delays were drawing out cases that should have been

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192 GV, b.77, 8 Jul 1670, “per un consulto fatto con il s.r fiscal della GV.a et il s.r Canal et il s.r Mastaleo per le sud.te staliere, che si deve spedire li proc.i de persone al n.o de 14 per mercoli pross.me et così anco consegniato s.a il proclama che si pretende il taglio al s.r Fiscal L12:8 ...al s.r Canal L8:10 ...al s.r Mastaleo L8:10”. See also Arti, b.96, p.225, 2 Jun 1679 to 30 Dec 1679, “per le spese fatte delle due casse di nogera contro Antonio Zuponi et Gastaldo di Marangoni”, the *fiscale* of the *Giustizia Vecchia* received D2 for attending a *consulto* with Durigelo and the solicitor of the box-makers. On 7 Jul when the guild’s case was heard at the *Giustizia Vecchia*, a payment of D1 is noted to the *fiscale* as a *buona man*. Similarly on 17 Jul, another payment of D1 is noted to the *fiscale*, “contadi al fiscal della GV che viense quando si tratto di bona man”. And on 30 Dec, the *fiscale* of the *Provveditori* received L10, “è andato in quarantia civil nova per veder di farli depenar la pelasion del Zuponi”.

104 Arti, b.724, 9 Sep 1652, lists payments to Galia, who spoke on behalf of the guild at the *Giustizia Vecchia* for L9:6, and to the clerk of court, who provided Galia with the necessary information, “contadi al sopra ditto nodaro per eser venutto dal ess.mo galia per informacione dell’ ditti prosessi L3:15”.

193 Arti, b.150, 16 Jan 1624 (m.v.), when an appeal of the bakers was heard at the *Provveditori sopra la Giustizia Vecchia*. As well as payments to their own advocate Marsello, the bakers note a payment of 12:10 to the *fiscale* of the *Provveditori*, “asio che non ne parllase contra detta causa”. See also GV, b.77, 12 Dec 1670, “contadi al S.r Fiscal per facilitar le cose introdotte per la rag.ne et sustentar la sud.ta arte L12:8”.

concluded in at most a couple of days to "eight, ten, fifteen, or more days". The problem with such delays was that, "the disobedient do not refrain from acting badly because many of them are denounced in the present magistracy, and tried, and not sentenced"; to such an extent that considerable back-logs of work were building up. Thus it was possible that when a criminal finally came to trial, he had long history of unprosecuted crimes. Evidence for this can be seen in a 1622 law which allows for the trial of multiple charges against the same criminal, dealing with them, "all together, so that the accused may be judged of all his charges". Part of the problem was mere work discipline: a 1558 law of the Council of Ten imposed a penalty of one ducat for each day an official was absent from the city. More threatening was the problem of collusion with criminal elements. A 1574 law notes, "an abominable and terrible corruption and deceit", that the court staff of the Provveditori and the Giustizia Vecchia made deals with criminals and so dropped prosecutions, "which means, that however much the magnificent cassieri try to do justice, and put the laws into execution, by such means they are prevented".

This is well illustrated by further accusations levelled at the Campi in 1665. The job was one with, "great opportunity for gain, due to the great amount of business that is generated on account of the Guilds, which are all subject to the same

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104 GV, b.2, reg.4, 2 Sep 1586, "senza interponervi tempo", "otto, dieci, quindici, et più giorni", "li contrafatori non si astengono di mal opperare perch' molti di loro sono nel p'nte Magistrato denontati, et processati, et non espediti". A penalty of D50 was to be applied in the future. For more evidence on failure to prosecute criminals see GV, b.23, 12 Dec 1618, 28 Jun 1619, 30 Jan 1624 (m.v.).
105 GV, b.3, reg.7, 24 May 1622, "il tutto insieme aciò possi esso Reo di tutte le sue colpe esser espedito".
106 PdC, b.2, Capitolare Primo, 22 Oct 1558.
107 GV, b.1, reg.3, 19 Jan 1573 (m.v.), "una abominevole, et pessima corruttella, et inganno... Il che è, che dapoi date le denontie, et dapoi quelle spedite, et etiam dapoi che li rei di quelle se appellano accordandosi con essi con danari, tolleno, o parte, over tutta quella parte li pervien per tal sue denontie, ne si curano più quelle spedir, et sollicitar, Il che causa, che quantunque li mag.ci Cassieri sono per far giustitia, et mandano le leggi ad esecuzione, con tal modo vien suppeditate...". Here the blame is clearly attached to the court staff rather than the judges.
magistracy". In addition to the charge of exceeding the tariff (for example, demanding 4 or 5 ducats for attending a guild assembly instead of the 9 lire 6 soldi established by law), they were also accused of prosecuting innocent tradesmen on trumped-up charges, in order to generate more business for themselves: "they are behind many of the denunciations lodged against the guilds so that they have the chance to draw up trials". According to the denunciation, their victims had included many rope-makers, smiths, wine merchants, rosary carvers, and comb-makers, who had been dragged before the court and made to pay huge expenses. For example, Armanin Armanini, a comb-maker, had been tried and forced to pay 50 ducats in expenses, and although he had won his appeal to the Collegio dei Dodici, the Campi had refused to reimburse this money. Most dramatically, seventy poor mirror-makers had been tried and made to pay 40 ducats each in court expenses. The accusation finishes by warning that with such corruption of Venetian justice, artisans might transfer their skills to rival states.

It is difficult to tell how far we should trust such accusations. All the accused were absolved in 1668 due to lack of evidence. The denunciation had been secret and no witnesses were found for the prosecution. Michiel Campi was able to defend himself on the grounds that the denunciation was secret, criticising the "unknown accuser, who hides his face from Justice, and wary of being found guilty of slander

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111 Co40, b.410, no.4, 3 Aug 1665, "havendo molto co' modà l' apertura in riguardo alla moltiplicità de negotii, che insorgono per causa dell' Arti, che sono tutte sottoposte all' istesso Mag.to".
112 Co40, b.410, no.4, quotes a law of 2 Aug 1644, which notes that guilds were often forced to pay over D5 and therefore set a tariff of L9:6, with a penalties of D25 and 6 months in jail for those who paid more. The legislation of 2 Aug 1644 is also referred to in GV, b.89, filza 79; CdL, b.17, fasc. Notizie ritratte dal Sommario delle Capitolari intitolati Antico, Rosso, Rosa et Orsa; BNM, Capitolari, voce "Nodari". However, there is no evidence of such huge payments in the guild account books.
113 Co40, b.410, no.4, 3 Aug 1665, "fanno nascere molte denontie contro le Arti per haver apertura di formar processi".
does not dare to appear with his name...".** While the trial tends to confirm the
evidence of the connection between the ineffectual control exercised over court staff
and corrupt practice, we cannot know for sure whether the Campi were guilty of all
the charges. Michiel continued to run things at the Giustizia Vecchia until his death
in 1670-1, when the office passed to his brother Francesco."'

The charge of prosecuting innocent tradesmen on trumped-up charges
suggests that the denunciation came from the guilds."* This is confirmed by further
charges against the Campi dating from 1666."* The complaint lodged in the name of
the tanners was that a large number of their poor brethren had been tried and
condemned at the Giustizia Vecchia for not having completed the prova (the
masterpiece examination which gave entry to the guild). The charge was
groundless, because as sons of existing masters, they were exempt from this
requirement. On this basis they had won their appeal at the Provveditori sopra la
Giustizia Vecchia, but Michiel Campi had subsequently refused to restore their
dues. Most seriously of all, Campi was accused of having offered to drop the
trials for 40 scudi (around 55 ducats), a sum which the tanners had been unable to
afford."* Despite the fact that he had received 10 zecchini (gold ducats worth over 2

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"* Co40, b.410, no.4, "...denontiante ignotto, che sfuge la faccia della Giustitia, che dubioso d'esser
convinto di calumnia non ardise di comparir col suo nome...".
"* GV, b.77, 16 Apr 1671, distillers' accounts, notes payments to Francesco Campi. On Campi's
relatives, see Petizion, Inventari, b.375/40, n.99, 13 Jan 1670 (m.v.) and 25 Feb 1670 (m.v.). For
Francesco's relation to Michiel, see Petizion, b.373, no.62.
"* Zannini, Burocrazia e burocrati, p.227, states that the style of the denunciation suggests that it
comes from the "potente lobby delle Arti, alla quale forse i Campi non erano graditi".
" For a good summary of the accusations, see GV, b.77, 30 Nov 1666, interrogation of Batt'a di
Cucchi, when the judges restate the case, "è introd.o in questo proc.o che il Nod.o Campi volesse
scudi quaranta per aggiustar questo neg.o, mà che voi le datte soli zecchini dieci per consulti, perché
nenica con voi col proc.o, et che fosse doppo condannati, mà che la sent.a restò tagliata degl'ecc.mi
Prov.ri doppo il qual taglio le ricercasse le spese, mà che lui no' voles restituirele".
"* GV, b.77, 30 Nov 1666, "il sig.r Mitiel Campi nodaro alla giostitia vecchia per far andar a monte
questo negotio el voleva quaranta scudi e perche semo poveri è miserabile non li aveman da darge".
ordinary ducats each)\textsuperscript{18} from them to consult with their advocates, he had used his influence against them in the trial. This suggests still more alarmingly that the clerk had the power to institute and drop criminal proceedings at his pleasure, and that he might use this to extort money.

However, once again, witnesses for the prosecution could not be found. The officials of the tanners denied everything. Agostin di Agostini testified that the guild officials had come to ask him for money in order to pay off the court clerk and \textit{fiscale}, but that he had refused to pay, since the affair was none of his business.\textsuperscript{19} The \textit{gastaldo} of the guild insisted that Campi had not been present at the consultation, and that no money had been collected to give him. Although he admitted that they had discussed making a deal with Campi, they had not in the end done this.\textsuperscript{19} One of the officials admitted that money had been collected, but insisted this had been in order to pay the advocates.\textsuperscript{20} Bernardo Marini said that he had heard talk of a gift to be given to the \textit{fiscale}, “they wanted to give something to the \textit{fiscale}, so that he would not speak unfavourably before their Lordships”, but insisted that he didn’t believe they really had given him anything.\textsuperscript{22} The silence of the guild

\textsuperscript{18} L. Pezzolo, “La finanza pubblica”, in G. Cozzi and P. Prodi, eds., \textit{Storia di Venezia}, vol. VI, \textit{Dal Rinascimento al Barocco} (Rome: Istituto della Enciclopedia Italiana, 1994), p.716, explains that the \textit{zeccino} was the real gold ducat. By contrast, the \textit{ducato corrente} was a money of account whose value was linked to the content of silver in Venetian coins.
\textsuperscript{19} GV, b.77, 30 Nov 1666, testimony of Agostin di Agostini, “Sò, che tra loro si abezzavano per dar in golla al Nod.o et al Fiscal; anzi che erano venuti anco da me, acciò le dassi qualche cosa, mà mi no’ volse darghe niente, dicendo, che chi era intrigato andasse à distrigarsì”, “dissero, che sarebbono andati anco dal Nodaro, no’ sò poi se vi andassero...”. The meaning of \textit{abezzare} is unclear to me, but is perhaps related to the term \textit{bezzo}, a Venetian coin of low value (to ‘chip in’?).
\textsuperscript{20} GV, b.77, 30 Nov 1666, testimony of Marchio Zel Bressan, when asked “se siano loro stati dal Nod.o per ricever qualche sollevò in questo neg.o”, he replied, “dicevamo bene di volervi andar, mà mai vi siamo andati”.
\textsuperscript{21} GV, b.77, 30 Nov 1666, second interrogation of Batt’a di Cucchi, “Al nodaro no’ è stà donà cosa nissuna certo per far andar à monte questo neg.o, perché erimo tutti poveri, e mendichi; Ben è vero, che cercassimo da questo, e quello qualche aiuto per diffendersi, et habb.o trovato L30 in c.a, quali insieme con altri d.ti 25, che ne diele l’arte, habb.o speso in Avocati, et altro per far tagliar la sent.a”.
\textsuperscript{22} GV, b.77, 30 Nov 1666, Bernardo Marini, “mi pare che dicessero, che volevano far qualche donativo al fiscal, per che no’ se gle opponesse avanti li ss.ri,... mi no’ credo, che ghe habbino dà niente”.
officials (who would themselves have been incriminated) meant that there was no case for Campi to answer, and the charges were dropped.

Much of the case hinged on whether Campi had attended a consultation with guild advocates before the trial. This would mean that public court staff provided legal advice to private parties, giving consultations with private advocates for a fee.\textsuperscript{123} Yet guild account books show that this was quite common practice, at least by the late seventeenth century. The boundary between ‘advice’ and ‘extortion’ might of course be a subtle one.

In the same year another charge against the other clerk at the Giustizia Vecchia, Paulo Rota, further indicates the possibility of collusion between public clerks and guild officials. Paulo Rota had been investigated by the Presidenti sopra Uffici back in 1647-48, when he had been absolved. He was still in office in 1666 when he was accused by members of the water-porters’ guild of collusion with their officials. The charge was that the gastaldo, Andrea de Bastita Buora, and the sindico (a guild official responsible for checking the accounts), Gerolamo Tonini, had conspired to cheat the guild out of 100 ducats. Paulo Rota’s part had been to connive in altering a decision to spend 100 ducats, making it out for the higher amount of 200 ducats and then obtaining government ratification for this sum.\textsuperscript{124} This was very serious because,

\textsuperscript{123} GV, b.77, 30 Nov 1666, Batt’a di Cucchi. Asked, “se per ottener quanto desideravano, corispondessero al Campi Cechini dieci, et esso Campi andasse con loro col proc.o dalli Avoc.i a Consulto”, he responded, “nò mai”.

\textsuperscript{124} GV, b.77, 30 Nov 1666, “infedeltà del Nodaro Paullo Rota che viene nel nostro Capitolo al quale habiamo sempre fidato le nostre sostanze il quale da cordo con li sopradeti di banca a fato nascere la parte come sopa di sento in dusento ingenando anco in tal forma vostre eselenze della ratificatione”.
"should this serious crime go unpunished then all the poor guilds will no longer have any way to be safe, because these disloyal government officials can commit any fraud, to the prejudice of the guild and the Prince himself."

Nor was this an isolated instance: "it is not just in our guild that this Clerk has committed such falsity, but in other guilds as well." They had taken the case to the Giustizia Vecchia, where the other clerk Michiel Campi had interrogated most of the guild brethren. However, "the clerk Rota did not want them to be examined, threatening that he would have them sent to the galleys and other threats so that they would not speak the truth". This offers some explanation for the ‘conspiracy of silence’ of most of the witnesses in corruption trials. The accusation concludes with a general complaint about the undue power of the court staff, complaining that the guild could lose, “such a considerable sum at the wave of the pen of a disloyal official, who no longer merits to hold office in any way whatsoever”. They asked the Provveditori for,

"the severe punishment of those who deserve it, not allowing themselves to be contaminated by intrigues, because these men go around boasting that they fear nothing from these Magistracies and that they have accommodated with and fixed up the others".

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125 GV, b.77, 30 Nov 1666, "quando questo grave dilito andasse senza castigo le povere arti tute non ano piu modo di eser sicure perchè questi ministri infedeli possono cometer ogni fraude in pregiudizio delle arti e del Prencipe stesso".
126 GV, b.77, 30 Nov 1666, "non e sola nela nostra arte che questo Nodaro abbia fato questa falsità ma in altre arte ancora".
127 GV, b.77, 30 Nov 1666, "il Rota nodaro non voleva che si esaminasero minanzciandoli che li averete fato andare in galera et con altre minasie asio non disesero la verità".
128 GV, b.77, 30 Nov 1666, "levato soma cosi considerabile da un giro di pena di menistro infedele che non merita piu in qual si voglia modo e maniera esercitarla.".
129 GV, b.77, 30 Nov 1666, "il severo castigo di chi merita non lasiandosi contaminare da Brogi perchè questi si vano avantando che non stimino nie'te questi Mag.ti et che ne hano comedate et intrigate dele altre".
Accusing court staff of corruption was no light matter. These men were powerfully positioned to take revenge on those who accused them, and had contacts in the world of the courts who would help to protect them. This explains why those who accused the Campi and Rota took care to keep their identities secret. Both trials failed due to lack of any corroboratory witnesses. Even those prepared to give hostile testimony were keen to stress that they had only 'heard' things - no eyewitnesses presented themselves. Unfortunately the outcome of the Rota case remains unknown.

This study of the Giustizia Vecchia therefore confirms the idea that control over the lesser courts was in practice exercised by bureaucrats and their substitutes, rather than the judges.\textsuperscript{130} Theoretically however, the judges were in control, and when prosecuted, court staff might even try to disclaim responsibility on this basis.\textsuperscript{131} These conclusions on the operation of the Giustizia Vecchia are similar to those reached independently by Derosas in his study of the Esecutori contro la Bestemmia.\textsuperscript{132} However these two courts operated in quite different contexts. Whereas in the case of the Bestemmia, the lack of state control tended to devolve power to neighbourhood networks of influence, in the case of the Giustizia Vecchia, the weakness of the court meant that the regulation of the market was prone to 'capture' by the powerful, wealthy interest groups which dominated the market economically. In the next chapter these themes will be explored outside the courtroom, at the practical level of enforcement of the laws on the street.

\textsuperscript{130} Gasparini, "I giuristi veneziani", p.76-7, n.38.
\textsuperscript{131} Court staff might defend themselves from disciplinary action by claiming that they had no real influence, eg. GV, b.76, 25 May 1582, "non si ha da parlar con me, che son puro essecutor de gli ordini che mi vengono dati, et convengo obedir sempre à chi mi comanda".
\textsuperscript{132} Derosas, "Moralità e giustizia", p.479, "L'apporto dei giudici all'attività della magistratura era insomma poco più che formale; sotto la «copertura» del giudizio patrizio il funzionamento effettivo del tribunale ricadeva tutto sul personale subalterno".
Chapter 2. The Policing of the Market

In the early modern period the practical implementation of law takes on special importance due to the lack of an efficient and reliable police force. In Jonson’s play *Bartholmew Fair*, the judge charged with the regulation of that market laments:

“For, alas, as we are public persons, what do we know? Nay, what can we know? We hear with other men’s ears; we see with other men’s eyes; a foolish constable or a sleepy watchman is all our information... This we are subject to, that live in high place: all our intelligence is idle, and most of our intelligencers knaves; and, by your leave, ourselves thought little better, if not arrant fools, for believing ‘em.”.¹

Garzoni also describes how the Venetian police were a knavish lot. The policeman or *zaffo*:

“makes himself the friend of rogues, he holds the lantern during robberies, he keeps company with them, serves them as a spy, covers up theft, and keeps his distance to avoid arresting thieves.... secretly betraying justice for money”.²

Garzoni’s remarks are principally concerned with crimes like theft, but he also makes a reference to the policing of the market:

“he is silenced with with two *gazzette* [four soldi]; and although he makes a show of arresting the stuff, and making a noise if there’s something smuggled;

¹ Ben Jonson, *Bartholmew Fair*, ed. G.R. Hibbard (London: Ernest Benn, 1977), pp.44-45. Judge Adam Overdo is above all concerned with the threat to social categories, pp.44-45, “...a foolish constable or a sleepy watchman is all our information. He slanders a gentleman, by the virtue of his place, as he calls it, and we, by the vice of ours, must believe him; as, a while agone, they made me, yea me, to mistake an honest zealous pursuivant for a seminary, and a proper young Bachelor of Music for a Bawd.”.
² T. Garzoni, *La Piazza Universale di tutte le professioni del Mundo* (Venice: P. M. Bertano, 1638), p.394, “E malitioso veramente in ogni attione quanto dire si possa, perche, per buscare, si fa amico de’furbi, porta il lume dinanzi à tutte le ladrarie, tiene compagna con loro, serve d’essi per spia dissimula i latrocini, e s’allontana per non pigliare i ladri... tradendo per dinari la giustitia occultamente.”
nevertheless at the opening of a purse he accepts straight away, just like the frog at once falls mute with a morsel.".3

The actual implementation of the law was carried out by the police force of the Giustizia Vecchia - a group of twenty fanti and their captain, who patrolled the city.4 These men provided the crucial link between courtroom and street.5 If problems of discipline plagued the operation of the court, they were still worse among the police force, further removed from patrician scrutiny. The many disciplinary measures of the Provveditori sopra la Giustizia Vecchia show that this force was not very reliable:6

Recruitment policy is highly instructive on this point. Most of the fanterie (that is, the office as a possession) were held by private individuals who had obtained

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4 Fant was a term used to signify a footsoldier, servant or young man. For those who worked for the Giustizia Vecchia, the term can be translated as 'policeman'. For the early history of market policing, see G. Monticolo, L'ufficio della Giustizia Vecchia a Venezia dalle origini sino al 1330, Monumenti della Deputazione Veneta di Storia Patria, Miscellanea, 12 (Venice: Vicentini, 1892), p.77, who states that there were eight pueri at the Giustizia Vecchia in 1305, but the number had risen to sixteen by 1326 due to the burden of work. CdL, b.17, fase. Notizie ntratte dal Sommario dell'Ufficio delle Giustizie della Serenissima, Antico, Rosso, Rosa et Orsa, 27 May 1480, shows that the number of fanti had risen to forty by the late fifteenth century. Various other minor officials worked for the Giustizia Vecchia, such as the masser (custodian of the court-room, and any confiscated goods), and the scrivani (who recorded transactions in the wholesale markets). See GV, b.2, reg.4, p.1, 19 Feb 1584 (m.v.), for controversy over the scrivano al Palo sopra le frutti, and measures to combat corruption in this office.

5 Unlike Johnson's 'Adam Overdo', the judges of the Giustizia Vecchia did not patrol the streets in person. Monticolo, L'ufficio della Giustizia Vecchia, p.37, describes how implementation was entrusted to the pueri at an early stage. Hence a reference like that of Arti, b.366, fasc.AA, N112. Per La Scola dei Marzeri C L'Arte de Fabri, Oct 1544, which describes how the judge Sebastian Venier accompanied the police in a search for contraband iron, should be regarded as an exceptional event. It would be hardly in keeping with noble honour to go poking around in the shops of artisans. Note however, Senato, Terra, reg.107, p.7R, 4 Mar 1632, which insisted that the Giustizieri and Provveditori go [together?], "una volta in cadaun mese portarsi in persona per la Città à riconoscer sopra luogo i pesi, et le misure, et gli altri disordini". This was perhaps a temporary measure in response to the economic crisis, since there is no evidence that this was actually carried out.

6 The Provveditori possessed their own small force of two fanti, who were supposed to deliver court orders, summon witnesses etc., leaving the task of policing the market in the hands of the fanti of the Giustizia Vecchia. GV, b.1, reg.2, p.8R, 8 Jan 1565 (m.v.), "Non se impedendo perho gli ditti fanti in cosa alc.a spettante alli fanti della iustitia v.a"; p.14, 31 jan 1565 (m.v.), "possino commandar, cittar, suspender, denontiar, et far tutti quelli atti, che fanno tutti gli altri fanti di questa citta"; p.17, 6 Feb 1565 (m.v.). The number of fanti working for the Provveditori steadily expanded until it was cut back to two in 1572 - see GV, b.1, reg.3, p.11R, 23 Nov 1572. At this juncture the Senate made it clear that it was the task of the Giustizia Vecchia to implement the law.
them by *grazia*, following a petition to the government. Particular consideration was given to military veterans and their widows. One example is Laura Cagiola, who petitioned the government for a *fanteria* in 1592. She had been taken prisoner along with her children by the Turks during the defence of Cyprus in 1570 (when her husband had been killed). Having been liberated from slavery, she now needed money to marry off her remaining daughter honestly. Her faith in the mercy of the *Signoria* was the only thing which still kept her alive. The *Provveditori* were impressed by her tale, and forwarded the petition with their approval. There was no reference to suitability for police work, and in any case, an aging widow was clearly incapable of exercising the post personally. As in the case of the clerks, most of the owners of office appointed substitutes in their place. While substitutes technically had to be blood relations, many petitioners complained of *sangue sparso* (the lack of eligible relatives), and sought to rent the office outside the family. The *Provveditori sopra la Giustizia Vecchia* were well aware of the danger of creating a market in *fanterie*, and opposed one such petition on the basis that,

"if that supplicant were allowed to substitute whatever person she liked, she would also be given the liberty to rent it out for as great a price as she liked, and so give cause to the substitute to collect that rent by indirect means".*

Although they were clearly conscious of the dangers, the *Provveditori* did however note that such permits had already been granted in the past. In 1601, they again stated that in cases of *sangue sparso*, the substitute should be chosen directly by

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*Monticolo, L’ufficio della Giustizia Vecchia, p.76-77, p.131-2, for the appointment of mutilated war veterans as *pueri* at the Giustizia Vecchia.*

*GV, b.2, reg.4, p.135-136, 8 Aug 1592, for Laura’s story. For other petitions, see GV, b.2, reg.4, p.105R-106, 5 Jul 1589.*

*GV, b.2, reg.5, 17 Nov 1598, “se ad ella suplicante fosse concesso di poter sustituir qual persona a lei piacesse ad essercitar detta fantaria li sarà anco datta liberta di poter quella affitar a qual mag.r pretio a lei piacesse et per questo datto causa al sostituto di cavar tal affito per vie indirette*.”
the magistrates, rather than the owners, while again admitting that this law had been relaxed on previous occasions. In fact, the practice of renting office had already been accepted in law, and was officially institutionalised in legislation setting maximum rent levels. The crime was one of renting office ‘with exorbitance’, rather than renting as such.

All substitutes were theoretically subject to approval by the magistrates, but this was not rigorously enforced. To do so would be to interfere with the property rights of the holders of fanterie, some of whom were noble widows. Efforts to review the police were sporadic, and reveal widespread subversion of the regulations, with magistrates often even unaware of who was working in their name. The Senate noted in 1634 that the fanti might even include previous offenders who had been expelled from office. An investigation of the Giustizia Vecchia in 1586 revealed that there were more than twenty people working as policemen, and many without approval. Interestingly, part of the concern in this case was that such men were able to work without paying any rent, and this was “prejudicial to those that pay their rent to the twenty patrons of the fanterie”. Of course, the real danger of was one of prejudice to those same patrons. If anyone could exercise the office of fante, then

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10 GV, b.25, 8 Jun 1601.
11 CdL, b.17, Notizie ritate dal Sommario delli Capitolari intitolati Antico, Rosso, Rosa et Orsa and Magistrato dei Proveditori sopra la Giustizia Vecchia. 1780 7 Ag.to letta a SS CC, both refer to a 13 Jul 1554 law, which set rent limits of D24 and D16, for the fanterie di dentro and di fuori respectively. The law was introduced in response to the fact that of twenty police posts, only two were exercised by their owners, while the substitutes received no salary, but “sole utilità incerte”. This law was later referred to in GV, b.76, 16 Feb 1621 (m.v.), “non pottendosi affittar più de d.ti 20 et 30 il più”. The different rent limits reflect the fact that, of the twenty fanterie, the twelve di dentro were more valuable, because only these could attend guild assemblies. Co40, b.273, 10 Apr 1673, testimony of Domenego Chimenti, “sono vinti fantarie, dodese di dentro et Otto di fuori... quelle di dentro ha’no vantaggio, che va’no à capitolo con tutte le Arti sottoposte alla Giust.a V.a”.
12 Co40, b.405, 8 Dec 1634.
13 GV, b.2, reg.4, 13 Sep 1586, “preguidicio à quelli che pagano i loro affitti per i vinti patroni che sono delle fantarie”.

the value of that office as a piece of property would fall. Thus the rent of office was not only tolerated but also protected.

Another way to become a policeman was through the system of reward. Those who denounced a policeman for corruption were rewarded with the office, should he be found guilty and expelled. However, despite the incentive of such rewards, people were wary of denouncing the police (see below), and there is scant evidence of anyone becoming a policeman by this means. In the hierarchy of claims, only if all other possibilities were exhausted, that is, if there were no accusers, and noone waiting with the spettativa (the promise of a future grant) of a fanteria, would the magistrates themselves assign the office. This was unlikely, as there appears to have been a lengthy waiting list for such posts. Effective control over who worked for the court was therefore compromised, with the Giustizieri Vecchi exerting at most a veto over their staff.

The petitions seeking fanterie generally give their value as from 3 to 6 ducats a month, a relatively low sum, although it is in the nature of petitions to downplay the value of the concession sought. According to the law, such posts could be rented out for a maximum of 30 ducats a year. In reality, they were rented out for much higher

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" GV, b.1, reg.3, p.18, 30 May 1573, "il loco, et fantaria di quelli resteranno cassi, et privi; sia, et esser s'intendi di quelli, che li accuseranno". This applied to both owners of posts and substitutes who were guilty of "mali portamenti".

" CdL, b.17, Magistrato dei Proveditori sopra la Giustizia Vecchia. 1780 7 Ag.to letta a SS CC, 31 May 1622, suggests that the reward system only applied where the denunciation regarded irregularities in the appointment of the fanteria. In fact this is the case in the only example I have found of someone seeking to be rewarded with the post of fanteria - Co40, b.434, 15 May 1577.

" Fanterie were also sold publicly in the seventeenth century. GV, b.23, 16 Feb 1627 (m.v.), Bortolo q. Zanpiero claimed he had bought the fanteria from the office of the Tre Savi. In fact the office was registered in the name of the butcher Piero Mombello. Bortolo claimed that this was because Piero had lent him D120 to buy the office. In reality, this was probably a means of masking a rent agreement. Bortolo claimed not to pay any 'rent' as such, but only interest on this loan.

" GV, b.2, reg.4, p.123, 25 Sep 1591, indicates there was a long waiting list of spettative for fanterie.

" See D. Romano, Housecraft and Statecraft: Domestic Service in Renaissance Venice, 1400-1600 (Baltimore: Johns Hopkins University Press, 1996), p.143, Table 4.10. By comparison, in the 1580s, even a labourer in the building trade would have earned over four and half ducats a month, and a master over seven ducats.
sums. For example, in a case of 1622, it was found that a *fanteria* was being rented for 120 ducats a year, not including additional payments in the form of 'gifts' (usually foodstuffs). Rent agreements were generally verbal in order to evade the law. In 1627 the *Collegio delle Arti* ruled that all policemen must take an oath that they were paying no more than the legal maximum. Following this in 1628, a major review was carried out by the *Provveditori sopra la Giustizia Vecchia*, who found that thirteen out of twenty *fanterie* were exercised by substitutes. Many of these admitted that they had been paying over the legal maximum (in one case 120 ducats), although they were careful to stress that since the introduction of the oath this was no longer the case. The effectiveness of the oath is however questionable. In 1632, the *fante* Piero Baffo refused to take the oath, "because besides the 30 ducats a year of rent that I have to pay him, he wants another thirty a year in gifts". In fact, Piero Baffo had sworn five years earlier that he was paying only 30 ducats a year to the owner of his post, Carlo Magno, "without other gifts". This suggests that he had either lied at the time, or that the effectiveness of the legislation had quickly lapsed. In any case, there is good reason to doubt the testimony of those *fanti* who claimed to be paying within the legal limit in 1628. Generally, it was only through disputes between

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"GV, b.76, 16 Feb 1621 (m.v.), "ducati cento, et vinti senza le regalia che computando d.e regalie ascendono all mag.r suma". For typical gifts, see Co40, b.237, 15 Mar 1663, "al p.mo d'agosto una cesta di frutti d'ogni sorte, et un fiasco di Malvasia, da Ogni santi orade cento buone et belle, da S.n Martin una cesta de frutti d'ogni sorte, da Natale due Anguile grosse da due lire l'una et altro pessse ad elettion d'esso d Antonio et il Giovedi Grasso ostreghe n.o sessanta buone et grande".

"GV, b.23, 16 Feb 1627 (m.v.), for the investigation, which includes a list of the twenty *fanti* and their *principali*.

"GV, b.76, 8 Jun 1632, "perche oltre li ducati trenta dell'affitto che li devo pagare all'anno gli ne vuole anco altri trenta in donnativo all'anno".

"Co40, b.409, no.1, Carlo Magno, "fu Raggionato Ducale", was a clerk at the *Giustizia Vecchia*, a substitute of the Da Mosto family, who sub-rented his own office to 'assistants' such as Bernardo Marcellini and Carlo Franceschi. He was succeeded in this role after his death by Benetto Corbelli. His family also owned a *fanteria* at the *Giustizia Vecchia* which later passed to the Corbelli - Co40, b.241, no.128, 1 Aug 1673.

"GV, b.23, 16 Feb 1627 (m.v.), "senza altre regalie".
owners and their substitutes that abuses came to light. *Fanti* were usually tight-lipped about their rent arrangements.  

The investigation of 1628 can be compared with another carried out in 1673 by the *Inquisitori sopra Grazie ed Uffici*. Again, the concern of the inquisitors was to not so much to identify corruption, as to make sure that the state was not being cheated of its due. This evidence reveals that the property conception of office-holding had become further entrenched by the late seventeenth century. By the 1670s, many of the substitute *fanti* were also sub-renting their post to other substitutes, a practice which had not yet taken root among the *fanti* of the 1620s.

For example, Andrea Cigna, who paid Zan Antonio Porta 100 ducats a year for the office of *fante*, was later able to rent the post to Domenico Donadoni for 160 ducats a year, representing a tidy mark-up. Such sub-renting agreements might in fact represent the transfer of a part share in the *fanteria* from the owners to the substitutes, in return for a loan or cash payment. Ownership of *fanterie* was therefore a tangled knot: passed down through complex chains of inheritance, rented, sub-rented and traded to other families. A good example is the case of a *fanteria* owned by the noble Almoro Barbaro, granted to his wife Orsetta by the Council of Ten in 1631. Francesco Alegri, his substitute, had later purchased a half-share in the *fanteria* from Barbaro. Alegri was therefore able to rent the post out to the grocer Antonio Arigo for 160 ducats per annum, while continuing to pay around 70 ducats per annum to Barbaro. In 1670, Alegri sold his rights on to Antonio

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24 In the 1673 investigation, *fanti* were asked how much rent their colleagues were paying: Co40, b.237, no.16, 10 Apr 1673, "non sò, chi più, chi manco, e nissu' vuol dir li fatti suoi"; 12 Apr 1673, "questo non sò, perche spesso si mutano, e à chi vengono cresciute, à chi calate".

25 Co40, bb.237-242. Spread across the *buste*, there are details of nine of the *fanti* and a clerk at the Giustizia Vecchia, and two of the *fanti* at the Provveditori sopra la Giustizia Vecchia.

26 Co40, b.238, no.20, 22 Apr 1673. Andrea Cigna also rented a *fanteria* at the Fondaco dei Todeschi from Porta, which was exercised by his son Cristofolo.
Puarello, who took up the position of intermediary between Arigo and Barbara. On the death of Orsetta Barbaro however, the original owner’s rights were inherited by her daughter Cattarina.\footnote{Co40, b.241, no.103, 28 Jul 1673, for all details of the case.}

By the 1670s, rents were much higher, and \textit{fanti} were typically paying around 160 ducats per annum by this date.\footnote{Co40, b.238, no.20, 21 Apr 1673, Zuanne Lucadello testified, “tutti semo là, chi 150, chi 160 d.ti e netti de x.me”. Co40, b.237, no.16, 10 Apr 1673, Domenego Chimenti, paid D170pa in rent, as well as, “quattro anguille, e orade cento”; 12 Apr 1673, Ant.o Fortis q Bort.mio paid D160pa, and “al tempo di Ag.o una cestella de frutti e due anguille da Nadal di L2 l’una in c.a”.

\footnote{Co40, b.240, 13 Sep 1673, Anzolo Rizzo, “una volta le valeva cento e cinq.ta e cento e sessanta comprese le X.me, mà adesso se ne trovano anco per cento e vinti”. This is confirmed by the comment of Marco d’Alban, 30 Oct 1673, “le davo cento e ottanta, o cento e nonanta d.ti all’anno, e in relect.ne ma ultim.te del 1671 le davo solo d.ti 160, ne hò voluto continuare se bene volevano darmela per D145”.

\footnote{Co40, b.240, 13 Sep 1673, testimony of Rocco Zuccato, “mà essendo stato fatto il Proclama che li fanti non potessero più andare nelle pescarie volevo lasciarle la carica, et lui me l’ha callata vinti ducati, havendomi fatto l’affitt.ne per ducati cento e quaranta”.

\footnote{Co40, b.241, no.148, 25 Sep 1673, testimony of Rocco Zuccato, “mà essendo stato fatto il Proclama che li fanti non potessero più andare nelle pescarie volevo lasciarle la carica, et lui me l’ha callata vinti ducati, havendomi fatto l’affitt.ne per ducati cento e quaranta”.}

In contrast to the 1620s, most of the renting agreements were written contracts, sometimes registered with public notaries, reflecting the fact that maximum rent legislation had become a dead letter. However, it must be noted that many of the \textit{fanti} complained that these rents were too high, and the market value of \textit{fanterie} seems to have been falling at this time.\footnote{Co40, b.238, no.20, 21 Apr 1673, Zuanne Lucadello testified, “tutti semo là, chi 150, chi 160 d.ti e netti de x.me”. Co40, b.237, no.16, 10 Apr 1673, Domenego Chimenti, paid D170pa in rent, as well as, “quattro anguille, e orade cento”; 12 Apr 1673, Ant.o Fortis q Bort.mio paid D160pa, and “al tempo di Ag.o una cestella de frutti e due anguille da Nadal di L2 l’una in c.a”.

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This indicates the close link between the market value of \textit{fanterie} and the opportunities for gain afforded by the post.

Where did this money come from? Unlike the court officials, the \textit{fanti} did not even receive a token salary. Officially their income consisted in the share of court fines due to the accuser (usually one third of the fine), and fees paid for individual tasks (such as attending a guild meeting). As in the case of the clerks, these were
regulated by a tariff. However, the inflated rents paid for fanterie suggest that there were lucrative opportunities way beyond what could be earned from fines.

Necessarily, alternative sources of income were sought outside the legal channels.\(^3\)

A secret denunciation of 1621 noted:

“Many and infinite offenders are found in this City, which is entirely due to the officials... due to the large and excessive rents that they pay the owners of said fanterie, so that if they want to live and to pay their rents, they perforce agree to accept bribes and leave them to continue in said offences... from such excessive rents are born all the offences”.\(^3\)

In this case, the post was being rented for 120 ducats a year, and various fanti testified that the owner had told them they could earn figures ranging from 200 up to 600 ducats a year from the office. Those not prepared to find such alternatives would find themselves in difficulty. Lutio, a previous occupant of this post, complained, “the rent was so high that you couldn’t make a living, and I had to run up debts of over 50 ducats”. No wonder Garzoni’s zaffo falls quiet as soon as a purse is opened. One of the accusations levelled at Michiel Campi in 1666 (see chapter 1) was that he worked closely with a particular bunch of fanti, who were

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\(^3\) R. Zago, *I Nicolotti: Storia di una Comunità di Pescatori a Venezia nell’Era Moderna* (Padua: Francisci, 1982), p.155, quotes eighteenth-century comments which explained the corruption of the fanti responsible for the fish market in terms of their meagre salaries, «Come mai dunque potrebbe a ragione sperare ed esigere fedeltà in questi bassi ministri? Sono egli necessariamente condotti a violare le leggi, a colludere doi contrafacenti ed occultare i rei». Only the poor who could not afford to bribe the police ended up in court, «se talora per le loro riferte alcun va soggetto alla censura de Magistrati, succede il colpo sopra qualche impotente a saziare i loro bisogni».

\(^3\) GV, b.76, 21 Jul 1621, “Molti et infiniti contrafatori si trovano in questa Citta, la causa tutto nasse dalle ministri si del Magistrato di VVSS Ilme, come di quello dell’officio cimo della GV per causa delle grandi et eccessivi affitti che pagano alli principali di dette fanterie, che si vogliono vivere et pagar li loro affitti, convengono a viva forza tor in golla, et lascino quelli continuar in d.te contrafazioni, il tutto a daerno del popolo della presente città... per tali eccessivi affitti nasse tutte le contrafazioni”. Note that this accusation was directed at the officials of both the Provveditori and the Giustizieri. Note that *tor in golla* signifies ‘to accept a bribe’ (for similar usage see PdC, b.2, *Capitolare Nuovo*, 4 Sep 1612, “tuor in golla dalli mercanti”).
This suggests that while some fanti found it difficult to make a living, those with the right contacts, who worked closely with the court clerk, were able to make adequate gains. Marco Alban, one of the fanti accused of working with Campi, can be found in the distillers' accounts for 1670-71, which record 8 lire and 10 soldi spent in 'refreshments', shared between Marco and the guild officials.

The government insisted that fanti be present whenever guilds held assemblies or conducted patrols of the city, in order to guarantee the regularity of proceedings. The costs of this bore entirely on the guilds. This was supposed to be regulated by a tariff, but as the Provveditori sopra la Giustizia Vecchia admitted frankly in 1724, this was very difficult to enforce, "The Fanti have a Tariff, but who can ever know, how much and what kind of profit they obtain for themselves in addition to the Tariff...?". This is clear from the evidence in guild account books, which conscientiously record the payment of buona man (tips) to fanti, despite the fact that this was illegal. Guild accounts also record the payment of duties to fanti which

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33 Co40, b.410, no.4, for a list of fanti, "che si servono li Campi, per pore sotto le Denontie": "Marco Cercenena [?], Marco Caotorta, Marco d'Alban, Marco Zilli, Lisandro Ganfranchi, Roccho Zoccho".  
34 This is also suggested by legislation in BNM, ms. It.VII 1572 (7642), Capitolari del Magistrato della Giustizia Vecchia, voce "Nodari", 30 Jun 1632, "Non ardisca alcun Fante presentar denuncie in mano ad alcuno Nodaro a sua elezione, ma tutte siano presentate al Tribunal de GV et siano cavate a sorte dagli stessi Nodari alla presenza di due SS.ri o del Cassier, continuando ogni giorno il giro della sorte". Here the aim was to break up partnerships between clerks and fanti.
36 BNM, Capitolari, voce "Fanti", 30 Jul 1626. GV, b.89, filza 79, 2 Aug 1644, the Milizia da Mar commented that this was very expensive, "ad ogni Riduz.ne v'intervengono li suoi Ministri, lo che apporta spese indibicili ad esse Arti".
37 GV, b.77, 6 Jan 1670 (m.v.). On Marco Alban, see Co40, b.240, 28 Jun 1673, references to "Marco d'Alban che stà a S.ta Maria formosa in calle longà app'so il Spicier", and "Marco q Alban Minio".
38 BNM, Capitolari, voce "Fanti", 30 Jul 1626. GV, b.89, filza 79, 4 Sep 1659, the Milizia da Mar commented that this was very expensive, "ad ogni Riduz.ne v'intervengono li suoi Ministri, lo che apporta spese indicibili ad esse Arti".
39 SI, b.3, 19 Aug 1724, "Li Fanti hanno Tariffa, mà chi mai può sapere, quanti, e quali utili si procurano costoro oltre la Tariffa...".
40 GV, b.77, 9 Jul 1670 (distillers' accounts), "per datti al f.e Celega per bonaman et un suo compagno L3:2". Arti, b.96, 5 Jul 1679 (box-makers' accounts), "al lettore che lesse L3:2 è buona man s10... L3:12", "ali fanti di buona man in tutto... L5:10".
exceeded the values fixed in the Tariff. These were sometimes identified as illicit by the *sindici* (guild officials elected to check the accounts). For example in 1636, the *sindici* of the smiths found that a *fante* had been paid over 4 ducats, “to walk the city for three days collecting candlemoney”, while he should only have been paid only 3 ducats.\footnote{Arti, b.110, Libro della Sinicacion di Cassa Corente del Arte de Fabri (1664-89), 26 Jun 1674, “per dati alli fanti di sopra proveditori per tuor due licenze... ghe avendoli dato s24 luna e non li va se non s12”.

41 Arti, b.110, Libro delle Sinication (1608-64), 27 Jul 1636, “per contadi al fante per caminar per la terra tre giorni à scoder luminarie L26, se li fa boni solo L18:12 et il soprapù sia fatto debitorcio e di L7:8”.

4i GV, b.76, 6 Apr 1633, “ma quella sera, che io fui assolto non haveva altro che quella meza doppià et quel Reale che gli lo diedi”. According to the testimony of the *masser* of the *Giustizia Vecchia*, this sum was worth, “vinti una lire è meza”, nearly 3 and a half ducats.

43 GV, b.76, 6 Apr 1633, “quando sarà fuori brugna darà delle feride à qualche d’uno et se non basterà brugna, sarò anco mi con perche quello che havemo fatto lo havemo fatto per farvi servicio minacciandomi et cridandomi con parole di ingiuria”.

Evidence of corruption is, by its very nature, hard to find. Most of the cases that come to light do so as a result of disputes between participants, usually over levels of payment. This was so in the 1633 case of Vicenzo de Nicolo Penzo, a shipwright, who had been denounced to the *Giustizia Vecchia* by the *fante* Francesco Brugna for an unspecified crime. Having denounced Vicenzo, Brugna then told him that he could be absolved, for a price. This indicates that *fanti* might accuse guildsmen in order to extort money from them. Brugna wanted 5 ducats, and Vicenzo agreed to pay him, but after the trial he did not have enough money to fulfil his part of the agreement, “but that evening when I was absolved he got nothing except that *meza doppià* and that *Reale* [Venetian coins] which I gave him”. At this, Iseppo Ralli (another *fante* who was collecting the money on Brugna’s behalf) threatened Vicenzo in the hall of the *Giustizia Vecchia* itself, “when Brugna comes out someone’s going to be injured and if Brugna can’t manage it alone, I’ll be with him, because what we have done, we did in your service.” Ralli was careful to speak in
vague terms for he was in a public place, but even so, his rash words meant that there were enough witnesses to this conversation to have Brugna imprisoned awaiting trial."

Vicenzo had presented a list of other shipwrights to corroborate his story, and the *fante* Valentin was therefore dispatched to summon them to court. However, in the meantime, Brugna had managed to escape from his place of retention by slipping down from the balcony on a chain. He met Valentin in the street, guessed that he was going to fetch the witnesses, and dashed off to speak with them first. Valentin described how one of Brugna's accomplices even followed the witnesses on their way to the court, urging them to "hold firm" during their interrogation." In the event, the shipwrights proved to be extremely uncooperative witnesses. The *Provvveditori sopra la Giustizia Vecchia* were infuriated by their silence and suspected them of having been 'cooked' by Brugna: "he has persuaded you not to tell the truth"." However, they could not prove anything because they had only Valentin's word for this." Only Piero the Shipwright would testify that when he had asked Vicenzo how the trial had gone, Vicenzo had replied, "they absolved me, but goodness knows how much money I gave to the *fante* Brugna, because of the

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"One of the witnesses was the *fante* Valentin, who appears again later in the story to give hostile testimony against Brugna. The other was Francesco the *Masser.*

"GV, b.76, 6 Apr 1633, "nel venir poi d.to fante con lì detti squeraruoli gli veniva dietro uno solito praticar cond.to fran.co brugna che andava dicendo alli sud.ti squeraruoli saldi, saldi, pur".

"GV, b.76, 6 Apr 1633, "d.to brugna habbi havto parlamento et che ti habbi persuato à non dir la verità...".

"GV, b.76, 6 Apr 1633, The lack of prosecution evidence was betrayed in the phrase, "La Giust.a tiene da queste tue negative che non li vogli dir la verità, anci che mendacem.te gli la neghi, poiché *in questo processo si ha che ieri mentre Valentin fante di questo mag.to venne à citarsi vidde, che parlavi con il sud.to fran.co brugna,...." (my emphasis). These formulae were used extremely precisely so that in theory, witnesses were informed of exactly what the court could already prove (however, it is not clear whether these formulae were common knowledge, or the preserve of legal experts). M. Tirabosco, *Ristretto di pratica criminale che serve per la formazione de processi ad offesa* (Venice: Pinelli, 1636), p.42. states that the formula "Si hà nel processo" was used, "quando non si habbi altro, che à querela, à esposizione, à detto di un Correo, à un solo testimonio non giurato". In Venetian law, evidence was only counted as proof when backed by the testimony of at least two sworn witnesses."
service he did me". As in the cases of Rota and Campi (see chapter 1), it was difficult to find witnesses willing to testify against those who held power in the courts.

Brugna and Ralli eventually gave themselves up at the Priggion forte (a Venetian jail), presumably confident in the lack of prosecution evidence. He argued that Vicenzo's case was further weakened by the presence of his relatives among the witnesses, whose testimonies should be held in doubt. Brugna claimed that it was impossible for him to promise anything to those accused, "because I am only a fante, and it is for the judge to absolve or condemn". This argument was bound to appeal to the judges because it appealed to the theory of how the court was supposed to work, rather than what happened in practice. The court could not admit that a lowly fante might pervert the noble course of Venetian justice. However Brugna did agree that, "it is very true that for my hard work in summoning many witnesses in his defence, after he was absolved he said that he wanted to do me a courtesy". Brugna insisted that for his labours in Vicenzo's defence, "never having had the slightest part of what was justly due to me", it was right that he should receive some sort of compensation. The Venetian system only offered rewards to

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44 GV, b.76, 6 Apr 1633, "i me ha assolto, ma ho donnato non so che bezzi à brugna fante, perche mi ha fatto servcio". A bezzo was a Venetian coin worth 6 danari, but was also used as a general term for money.

45 Brugna claimed that the hostile witnesses: Piero Baffo (a fante at the Giustizia Vecchia - see above), his son Zudero, his nephew Francesco (masserat the Giustizia Vecchia), and various shipwrights, were close relatives of his "enemy" Vicenzo. Zudero (or "loderò") Baffo, for example, admitted in court that he was a distant relative of Vicenzo, GV, b.76, 6 Apr 1633, "io son parente un poco di d.to vic.o però ho detta la verita".

51 Cdl, b.17, fasc. Notizie ritratte dal Sommario delle Capitolari intitolati Antico, Rosso, Rosa et Orsa, 30 May 1550, "che li Fanti debbano star lontani dal Cancellario ove si formano li Processi ne sentir, o ascoltar li Testimonia, ne Denonzie d'altri", "non possa alcuno di loro parlar nell'espedizion di Rei, ma questo Offizio debba esser atto da uno di quelli della Stangada di detto giorno", "non possino parlar con li Giudici a favor de Rei spediti, ne usar parole odiosa, o minaccie contro li Condannati".

52 GV, b.76, 6 Apr 1633, "è ben vero che per le fatiche fatte nel citar molti testi à sua defesa, doppo che fù assolto disse voler mi usar cortesia".

53 GV, b.76, 6 Apr 1633, "senza haver mai havto minima cosa di quello, che de lure mi aspettava".
public officials when they acted for the prosecution. This was similar to Michiel Campi's defence (see chapter 1), that he had only exceeded the tariff when working 'beyond the call of duty'. Interestingly, Brugna is recorded in the 1628 investigation as paying 120 ducats a year to the Nassini sisters. At that time he had complained that, "he had intended to abandon the post because he could not live and pay so much rent". If Vicenzo's accusation is to be believed, Brugna had found a way to pay his rent by 1633.

Despite all Brugna's efforts, his arguments had little influence on the Provveditori, who expelled him from office (Ralli had died in the meantime). The motives of the judges in reaching their decision cannot be known for sure. Perhaps the influence of Vicenzo's relatives at court proved decisive. However, there were so many things he could not explain away - the fact the Brugna had first denounced and then defended Vicenzo, his flight from jail, his conversations with witnesses, Ralli's threatening words - that his guilt was highly likely. He was also unfortunate in that the case took place in a climate of strong efforts to clean up the policing system. A major investigation of the fanti had taken place in 1628, and following the plague of 1630 the Provveditori had been instructed to crackdown on corruption. The Provveditori successfully fought his appeal on grounds of jurisdiction at the Quarantia Criminale, ending with a lengthy polemic on the subject of police corruption, which well expresses the climate of the time, "should the unworthiness and damnable operations of such officials not be corrected by the swift and
exemplary Justice of the magistracies responsible, then we would undoubtedly witness the dissolution of these miserable Guilds”.

Another case of bribery came to light in 1632, again due to a disagreement over the sum to be paid. Domenico Pizzenetti, a carpenter, had been attempting to sell his *scaldapiedi* (foot-warmers) on a feast-day when he encountered Christofolo and Nicoletto, a couple of *fanti* of the *Giustizia Vecchia*. Domenico was getting tired of being hassled by the police and wanted to sell his wares in peace. On a previous occasion he had offered Christofolo 4 lire for the return of a confiscated foot-warmer, but to no avail. This time, “so as not to be bothered every day, I tried to find a way to make an arrangement with him”.

However, the *fanti* would not settle for less than 12 lire, a price too high for Domenico who was a “poor man”, and could offer them only 8 lire - “they want twelve lire, those dogs, I don't feel like giving it to them”.

However, Domenico’s accusations fell apart thanks to the testimony of Zanetto Boldù, had acted as a go-between for Domenico. As Domenico admitted, “I never spoke with that *fante*, but I had him spoken to by means of Zanetto Boldù”. Boldù’s testimony ruined Domenico’s case:

“I wanted to help him in some way, and I (being little practised in these matters) went to the *Giustizia Vecchia* and found that Nicoletto... and asked what this business was, and he showed me two others who would give me information”.

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54 GV, b.76, 5 Sep 1633, “quando dalli mag.ti à chi aspetta non venga con qualche esemplare et cellere Giust.a corretta la demerità, et dannose operationi di tali ministri vedrasi indubitamente la disso(at.ne di queste miserabili Arti…”.
57 GV, b.76, 9 Dee 1632, “io per non haver ogni giorno travaglio ho procurato di trovar mezo di accomodar mi con constui”.
54 GV, b.76, 9 Dec 1632, “havendo trattato d.to accomodam.to mi disse che l’haveva ..omo[?], data in lire dodeci, et che non voleva manco, et per la quantità dei den.ro che non la haveva essendo io povero homo restò[?] da comodarsi…”.
54 GV, b.76, 4 Jan 1632 (m.v.); “i vuol dodese lire quei canni, ne mi sento darglile”.
50 GV, b.76, 9 Dee 1632, “io no ho mai parlato con quel fante, ma li ho fatto parlare per via de Zanetto Boldù che parlò con Nicoletto boca fresca fante, il qual Zanetto mi disse che la haveva accomodata in dodese lire”.
According to his testimony, the fanti had never asked for 12 lire, but had haughtily turned down all offers of cash and insisted that justice should take its course.

Zanetto had asked the fanti,

"...‘if this poor fellow gives you a Reale would you promise me to let him be?’,

and they replied almost with words of rebuttal that they wanted nothing, but that he should go to speak to their Lordships and have his case heard.".*1

Once again we cannot know the truth of the matter, but it is striking that Boldù, suggested by Domenico himself as a witness, was so mute on the subject. Why had Domenico not gone to the Giustizia Vecchia in person? It seems unlikely that Boldù acted as go-between out of pure friendship, since his later testimony ruined Domenico’s case. It is possible that he was a sort of broker who acted as an intermediary, fixing up deals between the fanti and populace. This would explain why he took such care to insist that he was “little practised in these matters”.  
We might further hypothesize that Boldù’s role as a broker was to shield corrupt fanti from potentially damaging accusations. Naturally, as part of the circuit of corruption, he would have no interest in denouncing the police.

These cases suggest that fanti might employ denunciations as a means of extorting money from shopkeepers. If the accused paid up, then the charges would quietly be dropped, lost in the huge backlog of cases which characterised the Giustizia Vecchia. In this, the complicity of the court clerks was probably essential (see chapter 1). As the Provveditori wrote of the fanti, “not content with the honest gains” of their office,

*1 GV, b.76, 9 Dec 1632, “...io vedesse in qualche maniera di aggiutarlo, ed mi che non son pratico di queste cose andai alla G.a V.a et trovai quel Nicoletto,... al quale dimandai che neg.o era questo et lui mi mostrò doi altri quali mi haverebbero data la informat.ne... à quali io dissi se questo poveretto vi donasse un Reale mi prometeresti lasciarlo stare, et essi mi risposero con parole quasi di ributto che loro non volevano niente ma che se andasse à parlar ai ss.rî et che si facesse espedir...”.

*2 GV, b.76, 9 Dec 1632, “non son pratico di queste cose”. 
"when they accuse those who break the laws of the Giustizia Vecchia, they immediately come to an agreement with the criminals, no longer attending to the drawing-up of cases... as can be seen from the hundreds of unexpedited cases to be found in that office".43

It is impossible to quantify the level of bribery that was taking place, just as it is difficult to measure levels of crime in general. The police were rarely denounced for corruption, but this was probably related to the risk of accusing those had influence in the courts. There are many qualitative statements about the extent of corruption, for example in 1617, the Provveditori sopra la Giustizia Vecchia complained that the fanti were turning a "blind eye" to the abuses of the Rialto markets." In 1626, in response to problems in the fish market, penalties for corrupt fanti were increased to "prison, exile, galley and the berlina (public ridicule)".44 It also difficult to distinguish the various types of illegal income, such as bribery, extortion, and simple palm-greasing. However the extent of the gap between the rent values of fanteria and the official sources of revenue, indicates that corruption must have been a significant problem. The Provveditori estimated the cost of police extortion at 20 thousand ducats a year, which was ruining the guilds and causing a public scandal, because

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43 GV, b.21, loose documents, undated, “Essendo cresciuta la malizia delli fanti dell’ off.co cl.mo della Giust.a V.a li quali non contentandosi delli honesti guadagni che da esso off.o cavano... quando denontiano li contrafatori delle leggi nell off.o della G.a V.a, subito si accordano con li rei, non facendo piu le formationi delli processi, ne citando li rei a difesa, cosi che essi processi restano in espediti,...", as the margin notes, "...co’e si puo vedere in esso off.o essendovi li centenaria di processi da espediti...". The Provveditori proposed that cases would have to be carried out within a time limit of ten days after the denunciation, but as this is a draft document, it is not clear whether it became law.

44 GV, b.21, loose documents, undated (but 1617 due to the names of the Provveditori), “trascurano il debito loro, serando gli occhi à tante contrafazioni che si comettononda sbazzegari cosi de pesce come de Pollami frutti et altro”. Similarly the fanti of the Giustizia Nuova turned a ‘deaf ear’ to the complaints of the poor directed at the wine shops, GV, b.5, reg.13, 14 Nov 1578, "...se ben li p’nti loro vederno molti poveri che comprano vino à menuto che si lame’tano che no’ li sia sta dato il dover suo, et contrastano col’i ditti venditori fa’no recchie da mercadanti, et in capo d’a’ni X no’ vie’ mai formato un processo sopra tal inganno de essi poveri.”.

44 GV, b.3, reg.7, 18 Nov 1626, “preggion, bando, Galea, et berlina ò come meglio parerà...".
they saw that criminals were “protected by whom they ought to be repressed”. This is clearly a wildly exaggerated figure, but is some indication of how seriously the problem was taken."

The comments in a *Quarantia Crimina*le law of 1673 draw a clear connection between the lack of control over recruitment and the prevalence of bribery, noting that many more people worked as *fanti* than was legal, since, “not just the owners, but also the substitutes and the substitutes of substitutes, work together in the same office”, lending the government mandate to each other. As a result, “with no regard for the Laws they obtain undue gain and profits, gifts and considerations from the Shop-keepers, all things essentially prejudicial to public service”, and this naturally led to fraud and the covering up of illegal practices."

The police had little loyalty to the court itself, being dependent upon the private interests who owned their post. They did not even have the tie of a salary, and it even seems to have been possible to work as a *fante* without the court being aware of it. Since *fanti* were, "more concerned about their own benefit than that of the public", they might also work for more than one magistracy. The lack of loyalty to

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"GV, b.76, 5 Sep 1633, “si rendono insoportabili à questo populo”, “proteti da chi doverebbero reprimersi”.

"If the twenty *fanti* had really been able to earn this much from office (1000 ducats a year each), then rent values would have been much higher than the typical rates of 120 ducats a year. Estimating that the income of *fanti* may have been twice the rent level, then the total value of bribes must have amounted to around 5000 ducats a year.

"Co40, b.405, 13 Mar 1673, “in questi tempi sia sormontata la temerità d’alcuni Ministri, in particolar de Fanti, ... ardiscono anco di essercitar le Cariche, e fantarie senza Mandati,... Con che s’eccede il numero presisto de Ministri, & in particolar de Fanti, mentre non solo i principali, mà insieme i sostituti & i sostituti de sostituti s’impiegano nella Carica stessa, prendendo alle volte anco il Mandato da chi è stato legítimamente eletto, & approbato, & imprestandolod ad altri,... oltra di che senza veruno rispetto delle Leggi si procurano da Botteghieri, & altri civanzì, e provechì indebìti, donativì, e buone man, tutte cose essentially prejudiciali al publico servitio, per gl' inganni, e fraudì, oltre alle altri nella vendita delle robbe prohibite, e sommamente abborriti da tutti i Decretì, in riguardo, che tali fraudolenti rapacità riescono insoportabilmente dannate à gl' interessì della Signoria Nostra, e de Suđditi”. See also Co40, b.409, no.1, 28 Sep 1637, for an equally clear analysis of the problems.

"GV, b.2, reg.4, 13 Sep 1586.

their magistracy is symbolized by the problem of uniforms. The principle of badged officials had been established in 1516. This was reiterated in 1584, when the complaint was that the fanti had taken to wearing hats with brims so large that the emblem of justice was hidden, “almost as if they were ashamed to be officials of the Prince”. The purpose of the badge was to ensure that they could be easily recognised by anyone with a complaint. While this might be interpreted as reflecting the need to work undercover, the difficulties of enforcing the badge are more suggestive of widespread accommodation with criminal networks, and a desire not to be dragged into upsetting the system by meddlesome members of the public.

From 1584 they also had to wear turquoise caps, “so that they are recognised”, and this was reiterated in 1608. In 1649, the Provveditori and Giustizieri again had to insist that all fanti must wear a large and prominent justice emblem on their (by now black) hats.

The badge was supposed to identify the police as representatives of the state, and in a sense was the source of their legitimacy on the street. The problems over its enforcement are symbolic of a more general lack of legitimacy of Venetian policemen. Openly mistrusted even by the magistrates (who invited secret denunciations of their own officials), they often inspired resistance and suspicion among the populace. This is hardly surprising considering the lack of care paid to their recruitment. The fanti themselves had little incentive to risk life and limb in the...
service of the *Signoria*, when they could so much more easily accommodate with criminals." In many cases, the populace express a lack of respect for the rule of law. For apprentices and journeymen, loyalty to their masters was a more important consideration than obedience to state officials. They often refused to hand over contraband goods despite being threatened with heavy penalties for the obstruction of justice." The fish market was especially prone to outbreaks of overt violence."

In 1567, three fishermen managed to rescue one of their companions as he was being taken to jail in a boat, by battering the officials of the *Giustizia Vecchia* with oars." In 1684, Anzolo dalla Bernarda, a fishmonger, stabbed the clerk Paulo Mondo in the head with such force that "the knife itself broke". While dramatic events like this were relatively rare, there was a common level of non-cooperation, and passive resistance. One sausage-maker refused to allow a patrol of *fanti* and guild officials to search his house, despite being threatened with a penalty of 100 ducats, which was replicated three times."

Similarly in 1679, a group of grocers in Canareggio would not allow a *fante* to impound their stock, although threatened with a fine of 50 ducats

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"See also the case of Zuanne Memmo, Co10, *criminali*, reg.18, 3 Apr 1598, who intimidated officials of the *Proveditori di Comun* with violence in order to cover up his criminal operations in the dyeing industry, "facendo gravissimamente offender, et bastonar alcuni di loro... intimorendo di q'sta maniera tutti gli altri". In this case it is probable that Memmo became the scapegoat for an entire criminal network. The *fanti* probably played up the threat of violence to excuse their own complicity.

This may have been a tactic deliberately employed by masters, who made sure they were absent from the shop at the time of a visit, leaving their apprentices (who could not be held responsible for following instructions) to deal with the police. For an example see Arti, b.365, fasc.A, 1626 *Marceri contro Favi*, 10 Mar 1614.

Fishermen seem to have had a particularly independent and assertive culture, reflected in the fact that the community of *Nicolotti* had special privileges which made them something more than a guild (see Zago, *I Nicolotti*). GV, b.23, 11 Oct 1599, notes that fishermen often carried in their boats, "quantità di arme d'asta, spade, sassi et archi da fresce per divertir co' la forza li ministri che no' possino far il debito suo".

GV, b.1, reg.2, 28 May 1567, "essi rei in disprezzo della Giustitia andamo à lai di detta barca, dove era il detto prigione, et cominciamo à dar delli remi ad essi officiali, gridando, che lo dovessero lasciare, onde gli officiali convenero à forza lasciar il prigione, et buttarsi fuori della barca, tollendo essi rei il detto Alessandro retento nella loro barca, et lo condussero via, commettendo le predette insolentie contra la Giustitia con murmuratione, et scandalo di ogn'uno.".

GV, b.25, 24 Oct 1684, "si è rota l'arma stessa...". The prosecution asked for an exemplary punishment for Anzolo, in order to reassure government officials, "servi l'esempio di coraggio à Ministri per pontualita e fedeltà impiegarsi ne loro ufficii". The outcome of the case is unknown.
and six months in jail." Because the police were mistrusted, they tended to inspire resistance, and were therefore still less effective as agents of order.

Police corruption was a constant worry to the higher court. The registers of the Provveditori sopra la Giustizia Vecchia are full of disciplinary measures imposed on the fanti. In 1571, for example, it was decreed that the fanti were no longer to patrol the city individually, but in a squad, under the supervision of a captain (also unsalaried, and therefore subject to the same kind of financial pressures as ordinary policemen). This was intended to make bribery more difficult, since the fanti would supervise each other's activities to some extent. The doubts which the Provveditori held about the reliability of the police are revealed in 1603, when they even resorted to creating a secret, undercover force of, "four experienced men, who are to be given a mandate with the power to denounce anyone who breaks the laws, to the confusion of these officials...". However, this was an emergency measure which had force only for a month.²⁰

It was not just a case of officials accepting bribes for turning a blind eye to offences. The police were also economic agents, involved in networks of buying and selling like every member of the Venetian community. Corruption may have been especially prevalent among the fanti of the Giustizia Vecchia because of the fat profits to be made on the black market. They could become actively involved as agents in black market networks, profiting from their position of relative immunity. In 1617 the Collegio complained that, "the fanti are making a business out of crime", through spending for others. As a result, they had become, "rather the agents of

²⁰ GV, b.87, reg.103, p.70.
²¹ GV, b.44, 12 May [?] 1679.
²² GV, b.2, reg.6, 5 Jul 1603, "che siino elleti quatro homeni pratici, a quali a confusion di essi ministri sii fatto man.to di potter denontiar cadaun contrafator alle leggi".
private persons, than of their office and magistracy.” Legislation from 1626 again forbade the fanti to spend money on anyone else’s account, and insisted that they were “not to work for private persons.” There were various regulations limiting the ability of fanti to act as economic agents (although shopping for their own family’s needs was legitimate). Various measures were employed to prevent fanti from getting involved in local patronage and criminal networks, to cut them off from the society they were supposed to regulate. Uniforms were enforced in order to mark out fanti as a state officials (with the intention of encouraging denunciations from those excluded from the networks of corruption). Fanti were also extracted by lot for service in sensitive areas. For example, those who were to serve in the fish market were chosen each week by lot. Off-duty fanti were not supposed to go to the fish market. The police were not supposed to be recruited from among those who worked in certain particularly sensitive trades, such as the fish and fruit markets.

The lack of a reliable police arm meant that the government had to rely upon passive policing methods, such as amnesties, and secret denunciation. In 1575, the vast number of offences in foodstuffs was blamed upon the corruption of the fanti,

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" GV, b.3, reg.7, 4 Dec 1626, “non à servire persone private”. For a hint that fanti were able to get food cheaply, see the rent agreement in Co40, b.237, 15 Mar 1663, which specifies, “et ogni volta che gli sarà ordinato di spendere dandogli però il patron li danari sia obligato farlo” (doing the shopping for his patron). Similarly, Co40, b.241, no.128, 17 Aug 1673, the fante Andrea Palvo paid no rent to his patron, but instead went shopping in the fish market three times a week (and for the whole of Lent) buying, as the patrons put it, “poca spesa di pesse per uso di nostra fameglia”. For more evidence, see GV, b.98, reg.110, 11 Sep 1632, which notes how fanti were able to obtain fruit illegally, “li fanti del presente mag.to capitanale alle barche delti fruti al Palio, et ivi spendendo il Nome delli ili.mi ss. G.i V.i tolgono quella qua’tita de fruti che a loro piace senza saputo, o consenso di Sue SS ill.me...”.

" GV, b.2, reg.6, 21 Feb 1607 (m.v.).

" CdL, b.17, fasc. Notizie ritate dal Sommario S Capitolari intitolati Antico, Rosso, Rosa et Orsa, 7 Jul 1638, but see GV, b.23, 28 Sep 1655, for a reversal of this policy.

" CdL, b.17, fasc. Notizie ritate dal Sommario S Capitolari intitolati Antico, Rosso, Rosa et Orsa, 3 Feb 1552 (m.v.).
"who do not accuse the transgressors, pretending not to see them, taking money, gifts and other things...". Denunciations of fanti were invited, and amnesties offered to those shopkeepers who would confess to having bribed officials. This incentive was backed up by the threat of more severe punishment for those who failed to come forward. Legislation of 1603 described how officials of the Giustizia Vecchia had been drawn into the black market network of the grocers, "whose diabolical and perverse operations should have been severely castigated by the law, if it were not for the secret understandings, that these grocers hold with the bad officials". Here a severe increase in penalties was accompanied by an amnesty of eight days, during which criminals might reveal their "secret intelligences" without fear of punishment. The principle that, "if one offender accuses another, he is absolved", was regularly stated. Without the concession of impunity for informers, it was "not only difficult, but impossible to come into cognition of the truth". In 1627, the Provveditori di Comun were even granted the authority to give amnesties for crimes so serious as to merit exile. Such amnesties are an indication of the weakness of the Venetian state, forced into accommodating with criminals in the hope of disciplining its own police force. The lack of funds meant that the government had to rely upon methods

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44 GV, b.1, reg.3, 18 Jul 1575, "non possino proceder da altro, che dali cattivi ministri dell'off. o della GV quali non accusano gli transgressori, fingendo di non li veder, tolendo da quelli danari, donativi, et altro...".
45 In this case the offence was so aggravated, that the sentence was increased to permanent exile.
46 GV, b.2, reg.4, 28 Jan 1592 (m.v.), "se uno delli contrafacenti accuserà l'altro sia assolto". This principle was also applied in other areas of state weakness, such as in dealing with banditry on the Terraferma, where exiles could be forgiven if they captured or killed any of the bandits who created havoc there.
47 Co10, comuni, reg.dated 1594, 29 Dec 1594, on the need to delegate the power of amnesty to the Provveditori di Comun, "là bisogna darle aut'ta di poter conedere l'impunità ad alcuni, co i quali detti ministri hanno havuto complicita, ò intelligentia nelle colpe loro, essendo senza tal mezo non solo difficile, ma impossibile venir in cognizione della verità".
48 PdC, b.2, Capitolare Nuovo, 1 Sep 1627. The approval of the Council of Ten was required.
of policing on the cheap, encouraging the populace to police itself by offering
rewards for accusations (such as an amnesty, or a cut of any fines imposed).

The notorious *bocca di leone*, or letterbox for secret denunciations, was
designed to break the power of the social and economic ties binding the populace
together. Secrecy enabled individual members of the populace to escape the web of
social forces normally governing their behaviour. In 1585, it was noted that at the
*Giustizia Vecchia*, “many failings among those of the guilds of this city are not
denounced solely for the fear of the denouncers to be published, and given offence,
as has happened many times”.*4* Trial documents were now to omit the names of
accusers, and the records were to be kept under close guard.*5* Because so few
denunciations from the public were received, it was ruled in 1593 that they could
now be presented through a secret note, rather than by informing a *fante*, or
appearing at the court in person.*6* In 1608 the *Provveditori sopra la Giustizia Vecchia*
tried to counter the widespread collusion of fishmongers with the police by setting up
a letter box to receive secret denunciations of corrupt officials.*7*

The problem with relying on self-policing by the population is that it permitted
manipulation of the law, and further removed control of the system from the hands of
the authorities. Naturally, secrecy itself generated potential avenues for calumny and
abuse, especially when denunciations could be employed against the very officials
who were supposed to enforce the laws. Criminals were thus able to further impede

*4* GV, b.2, reg.4, 5 Sep 1585, “Si vede per esperientìa che nell’officio della GV non vengono
denoncianti molti mancamenti di quelli delle arte di questa città per solo timor che hanno i
denontianti di esser publicati, et offesi, come molte volte è seguito”.

*5* For this reason, the names of witnesses and accusers are often lacking from court documents.

*6* The evidence suggests that most accusations came from the *fanti*, rather than the general
populace. GV, b.2, reg.4, 20 Aug 1593, “si osserva che per i fanti alla GV, et non altrimenti, siano
date denoncie di qual si voglia contrafattione spettante alle cose del viver, et delle arti di questa
città”.

*7* GV, b.2, reg.6, 30 May 1608.
the functioning of the already ineffective justice machine. The government tried to limit such abuses by insisting, for example, that all such denunciations provide at least three witnesses, while testimonies and denunciations against fanti were not to be accepted from anyone who had previously been denounced by them.** Similarly in 1642 the Provveditori di Comun also tightened the rules for denunciation of their officials, noting that criminals were accusing the police. Referring to the practice of other magistracies, they established that denunciations of fanti could not be accepted from those who had themselves been denounced, nor from their workers or apprentices, who were all regarded as interested parties.** In 1630 the fanti of the Giustizia Vecchia themselves complained that they were falsely accused by criminals hoping to evade punishment.*** In response, the Provveditori sopra la Giustizia Vecchia ruled that if an accusation against a fante was proved false in court, the name of the accuser should be made public.*** The fact that judicial secrecy was not guaranteed was however likely to prove a considerable deterrent to anyone thinking of lodging an accusation. Secret denunciations were therefore ambiguous instruments: on the one hand essential to break the power of corruption networks, but on the other hand open to abuse, unaccountability, and lacking judicial force (because no injured party was identified and the prosecution was represented solely by the fiscale of the court). Thus when the clerk Michiel Campi (see chapter 1)

** CdI., b.17, fasc. Notizie ritate dal Sommario della Capitolari intitolati Antico, Rosso, Rosa et Orsa, 24 Apr 1634, in the Collegio, "quelli, che saranno stati da Fanti della Giustizia Vecchia Denunciati, non possano esaminarsi contro loro, no le sia creduto copra l'indolenze contro di essi". In fact, despite the black 'anti-myth' legend of Venetian justice, the use of anonymous (as distinct from secret) denunciations was strictly limited. Technically these were supposed to be burnt except in cases of state security (dealt with by the Council of Ten). On this see R. Derosas, "Moralità e giustizia a Venezia nel '500-'600. Gli esecutori contro la bestemmia", in G. Cozzi, ed., Stato società e giustizia nella repubblica Veneta (sec. XV-XVIII), vol.1 (Rome: Jouvence, 1980). Where anonymous denunciations were accepted (even if technically illegal), they were of little judicial value when it came to making a successful conviction.

*** PdC, b.2, Capitolare Nuovo, 15 Mar 1642.

**** GV, b.3, reg.8, 8 Jun 1630.
was accused of corrupt practice, he was successfully able to defend himself by attacking his, "unknown accuser", arguing that:

"the laws that condemn secret accusations are devices which ensure the employment of officials, because if it were permitted to rail against them with secret denunciations, as great as would be their oppression, as rapid would be the subversion of the true effects of justice".102

Fear of abuse by criminal groups led to the implementation of controls which actually gave the police considerable legal protection. Under this cover they could themselves operate outside the law, and in fact there are very few cases of denunciations of policemen for corruption.

Self-policing by the population also found expression in the guild system itself.103 Each guild was concerned to defend its market territory against any possible encroachment. In return for monopoly control of a market sector, the guilds provided taxes to the state, and enforced the regulations of their trade. They kept especially close watch on related trades, and in this way reciprocally policed each other.104

While the government may have complained about the endless litigation between guilds (see chapter 6), such jealous surveillance served to police the trades.105 This

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101 This also had a financial aspect: in the case of the fanti proving innocent, accusers could then be held liable for court expenses.
102 Co40, b.410, no.4, after criticising the, "denontiante ignotto, che sfuge la faccia della Giustitia", Campi argued, "Le leggi che dannano le querelle secrete sono Instrumen.ti che' assicurano l'impiego dei Ministri poiche se fosse lecito con secreta denontia invehaiarre contro di questi, tanto sarebbe la loro opressione, quanto più pronta la soversione dell'effetti veri di Giustitia, et per conseguenza pochi o niuno si attroverebbe Ministro, ch'esponendo al rischio così evidente incontrar vole ne alcun publico Ministero".
104 Allerston, The Market in Second-hand clothes and furnishings in Venice, p.102-3, "A mercer selling cloth associated with the second-hand dealers' trade was immediately challenged, whereas illicit activities with furs involving strazzaroli were prosecuted by the furriers. Trade justice can therefore be seen as fitting in with the guild's monopolistic strategies...".
105 GV, b.3, reg.7, 26 Feb 1620 (m.v.), shows that the government sometimes felt this could go too far, "il calegheri et zavateri hanno fatto lecito con troppo libertà et scandolo andar a cercando per le case loro le contrafacioni". With this measure they insisted that all such cherche had to be properly authorised by the Giustizieri Vecchi and carried out in the company of a fante.
practice had official blessing, and it was common practice for the *soprastanti* (guild police) to patrol the city in the company of *fanti*. The mixing of public and private police forces enabled the one to check the behaviour of the other. The *fanti* received a consideration for such work (termed *camminare per le arti*). The *Provveditori di Comun*, for example, informed their officials that it was their duty to be ready to accompany the mercers whenever requested. Officials of the smiths' guild would go around with the *fanti* of the *Giustizia Vecchia*, going into the shops of commercial rivals like the mercers, searching for contraband and monopoly infringements. Minor offences of a guild's own members were tried by the guild tribunal (see chapter 4). Policing the trade might even become a duty: in 1615, the government instructed the guild of fustian weavers to patrol the city for contraband, going into the shops, vaults and warehouses of the merchants. However, there was a price to be paid in this farming out of police functions, in that this gave the holders of such power considerable scope for legal manipulation. Guild police tended to enforce the law selectively, according to criteria of self-interest rather than any concern for the

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106 The *fante* would then lodge the denunciation *ad instantia di* (on behalf of) the guild.
107 GV, b.89, filza 79, 21 Jun 1644, legislation setting the *mercede* (fees) for *fanti* patrolling with the guilds, "non possino ricevere più di L6 al g'no". See GV, b.77, 27 Nov 1670, 10 Dec 1670 and 6 Jan 1670 (m.v.), for typical sums paid for patrolling for the guild. *Fanti* usually earn from half a ducat to one ducat for a day of patrolling. See also Arti, b.150, 1644, when the *forneri* (bakers) paid L9:6 to a *fante* "per caminar per lartte asio che i vegnia aregistrar le tollelle camino g.no emezo*. Again this was a rate of D1 per day, within the legal limit. However, see also Arti, b.367, fasc. *Per la Scola de Marzeri Assunt.e di Giud.o C Teseri da' Fustagni*, 24 Sep 1633, for state concern that guild officials spent large sums in eating and drinking while conducting their patrols of the city. See GV, b.77, 4 May 1670, for "spese secrette a fanti che hanno operato per l'arte".


108 Arti, b.128, 25 Sep 1605, the smiths' *soprastanti* describe their job, "essendo il carico nostro di caminare per la Citta con il fante dell'offic.mo della lust.a Vecchia a inquerrir le contrafazioni vengono fatte in pregiudicio dell'arte nostra".

public good." While the existence of guild tribunals relieved the pressure on public courts, it left the fate of those too poor to appeal entirely in the hands of the richer masters. Giving power to private interests to enforce the public laws could be dangerous."

A good example of the cooperation of public and private policing is the regulation of the streets. The guilds exercised an important policing role over those who sought to make a living by hawking goods through the streets. Guilds regarded such retailers as unwelcome competition, especially because they had no rents, or taxes to pay, and so could offer lower prices." They were also able to exploit retailing opportunities which were denied to the shopkeepers, such as insinuating themselves into private houses, or hanging around in the crowd during weddings.

From the government’s point of view, such persons were unwelcome because they were hard to tax and keep track of, as well as posing a potential security risk. Those

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" BN, Capitolari, voce "Gastaldi", 1 Mar 1638, for government complaint that the guilds, having lodged accusations, then failed to prosecute them (presumably having accommodated with the accused). This suggests that accusations were customarily used as a means of extracting compliance with the guild.

" As the Collegio delle Arti commented on the general problem of guilds, GV, b.2, reg.5, 26 May 1598, "a molti e più caro il proprio, che il publico beneficio" (here referring to the practices of fishmongers). J. Farr, Hands of Honor: Artisans and Their World in Dijon, 1550-1650 (Ithaca & London: Cornell University Press, 1988), p.29, comments on the system of policing by guilds in use in Dijon, "One could hardly devise a system more suited to encourage abuse, and indeed, the visitations were frequently occasions of disagreement, sometimes leading to violence." Note that in Dijon, the jurés were appointed by the town council from among the guildsmen, whilst in Venice, the guilds appointed their own officials.

" Arti, b.369, fasc. Marzeri affar co. Maltesi e Zuggieri, 13 Mar 1501. See also mercers' comments in Arti, b.315, 28 Jul 1614. Similarly immigrant street-traders in Italy today are hounded by respectable, tax-paying shopkeepers on grounds of "unfair competition".

"" Arti, b.312, Mariegola, 7 Sep 1700. See also Arti, b.373, fasc. Scola Marzeri co. Merc. ti dà Oro, Carte Varie, 16 Jun 1689, regulations to "sradicar il pernicioso abusò d'aluni esteri, che si fano liceo di andar vendendo ali Monasteri, et alle Case tanto de nobili, quanto de privati merci in quantità, et qualità soggetta alla scola di Marzeri". See also Arti, b.312, Mariegola, 16 Jul 1551, for a diatribe of the perfumiers against street retailers, "il che risolta grandissimo danno alli compradori vendendo come vendono cose cattive, et false, et di pessima qualita, et a niu' interesse et eccessivo danno, perche vendono le cose à vili p'tili con persuader che siino bon, tamen sono tristissime et le persone si ritrovano ingannate, et pn'pue li forestieri".
without residence were suspect, especially if they were foreign immigrants." It made sense for the state to support the stranglehold of the shop-keepers because they were a form of taxable income, whereas the street retailers could not be so easily coerced." It would only be in the late eighteenth century that anyone sought to celebrate this alternative world so eloquently described by the images and verse of Zompini." Despite the level of state and guild suspicion, it is likely that street retailers (including those who went hawking goods from door-to-door) played a vital role in the economy of the city. The household textile industry, for example, was kept supplied with needles and thread by wandering tradesmen."*Guilds devoted much of their policing energies to controlling street retail. For example, to become a roving scrap-iron dealer in the smiths’ guild, candidates had to be at least 40 years old and have kept a shop for at least eight years. From at least the sixteenth century, the mercers sought to control street retail through the issue of licences."* These specified the age, hair colour and height of the bearer, in

"* Arti, b.312, Mariegola, 7 Sep 1700, and Arti, b.377, fasc. Prò Marzeri scola cò Daniele Roseau et Toma Camelatti per intrar in scola, 30 Dec 1703, "Forastieri vagabondi".
"* However, at certain times of the year the government relaxed controls. See GV, b.44, 6 May 1679, where the accused appealed against the guild that the Senza (Ascension) was a time of fiera franca, "mi disero che adesso essendo tempo di senza lo potevo fare liberamente che altrimente non lo haverei fatto", and judgement went in his favour. Similarly, sbazzegari (roving fishmongers) were able to claim that in the eight days before Christmas it was customary to hawk fish (and especially eels) through the streets.
"* Gaetano Zompini, Le Arti che vanno per via nella città di Venezia, ed. L. Moretti (Venice: Filippi, 1968). The Senate granted him a licence for the work in 1747, referring to "tanti operai che in tal arte s’impiegano con beneficio de sudditi e del commercìo", an attitude which contrasts to that of the late seventeenth century. No doubt the guilds did not share this view.
"* One of the images in Zompini, Le Arti che vanno per via, shows a roving mercer, selling needles and thread to women. Thus the household textile industry could be kept supplied by street-sellers: "Cordele, aghi de fiandra, e d’ogni sorte D’azze, e de sea da cuser ghò in sto cesto Per vender ale done ale so porte."
order to prevent their circulation or exchange, and had to be renewed every year.
Retailers discovered without the guild licence might be imprisoned. In 1690, Zuanne
Facinetti, was warned by a mercer that if he persisted in selling buttons through the
streets without a licence, “the Zaffi will put you in prison”. The unfortunate Zuanne
was indeed later caught and imprisoned in the jail at Rialto. He was subsequently
tried by the mercers' tribunal, and condemned to pay a fine of 10 ducats, although
this would be waived if he agreed to enter the guild and pay his dues. Thus a
considerable deterrent was provided against those who might think to come to
Venice to seek their fortune hawking a few petty consumer goods around.
Prospective entrants to the retail trade would need a minimum of capital to pay for
the guild licence and entry fee, and would be subject to guild authority. The guilds
provided a vital service for the state in policing and controlling street retail.

The ‘black market’ did not merely consist of those outside the official guild
structure: guildsmen themselves were often involved in breaking the law. The
spokesmen of the guilds, who often complained noisily about contraband, could use
their privileged position to indulge in a spot of illegality on the side. For all their
complaints about unauthorised pedlars who went hawking goods through the


Venezia tra XVII e XVIII secolo, Memorie della classe di scienze morali, lettere ed arti, 49 (Venice:
128 Arti, b.368, fasc. N180. Due Condanne sive Processi Co' Zuanne Imperii per Contrafac, Nec Non
Co' Antonio Colla Contrafacente, 3 Nov 1690, "se andarete à vender robbe sotoposte alli marceri
senza esser descritto in scola è senza bolettino li Zaffi vi meterano in prigione". See also the printed
proclamations in Arti, b.371, fasc.D, Per Scola de Marzeri C: Muschieri and Arti, b.368, fasc. Pro
Scola de Marzeri Co' Nico Gavagnin Vende Merli da Chioza, 12 Jul 1692, which also contains a
typical bolettino (licence).
129 Arti, b.365, loose documents, 6 Sep 1673, coppersmith legislation controlling tinkers.
130 Vianello, L'Arte dei calgerei e zavoreri, p.98-102, on shoemakers.
121 Arti, b.369, fasc. Condanne de Alcuni Marceri dal Officio della Seda, for cases of mercers involved
in networks of retailing stolen goods, giving credit at usurious rates, and violating guild demarcations.
Some of these men clearly sat at the centre of large criminal networks, and they also claimed to have
influence over the judges.
streets, guildsmen regularly sent out their apprentices and journeymen to sell throughout the city, particularly on feast-days. In a case of 1582, it was noted that, "on such days it is usual that an infinity of apprentices go through the streets selling goods of every sort", and, "you can never find the masters, because the apprentices who go around selling change their names, and will not say who they are apprenticed to". The government was aware of this: legislation of 1626 was specifically directed at the problem of corrupt fanti working for guild officials (and especially the fishmongers). This was supposed to be written into all the mariegole (rule-books) of the guilds, and was republished in 1629, 1635, 1637, and 1638. Thus, by giving control of police functions to the guilds, the government gave their leaders considerable scope for a selective enforcement of the law, one which turned a blind eye to their own misdemeanours, while vigorously prosecuting those outside the system.

While these remarks have been primarily concerned with the fanti of the Giustizia Vecchia, the evidence seen indicates that the police forces of other magistracies were no more reliable. In 1600, a porter (who wished to remain anonymous) denounced a braid-maker for receiving stolen silk, and warned the

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125 Vianello, L'Arte dei calegheri e zavateri, confirms this for the shoemakers in the early eighteenth century. Shoemaker masters preferred to take on black market labour in order to evade the taglione lavoranti e garzoni, a guild tax based on the number of dependent workers.
126 GV, b.76, 25 May 1582, "...è solito che una infiniti di Garzoni vano vendendo per la citta in tali giorni robbe di ogni sorte, ciò è ravi, naoni, naranzi et salata, et altre robbe... ne si pose mai trovare i patroni, perché i Garzoni che andavano vendendo si mutavano i nomi, et non dicevano di chi fossero Garzoni". See also Arti, b.315, 19 Jun 1620, on this problem. Official recognition of this can be seen in GV, b.23, 18 Jul 1682, where it was ruled that when an apprentice was caught, his master should pay the fine on his behalf. For similar complaints directed at the distillers' guild, see GV, b.79, 18 Jul 1693, "li vendenti Aqua de vitta che con tanto scandolo mandono li loro garzoni et altri gridando per la citta".
127 GV, b.3, reg.7, 4 Dec 1626.
Provveditori alla Seta (in charge of the silk trade) not to trust their own officials to carry out a search of the suspect's house:

"...you mustn't say anything to the fanti because they're all in his pay: and as they have an understanding it won't be long before they let him know, and so you must find someone in such a way that the fanti know nothing".128

In 1612, the Provveditori di Comun complained that their fanti accepted bribes from wool merchants when measuring cloths, and insisted that all cloths be double-checked from now on.129 In 1641 they noted that substitute officials were appointed and dismissed at the whim of the owners, without being properly approved.130 Offices were also sold.131 The results of this lax control over office were predictable. In the 1690s, for example, their officials were denounced for receiving gifts twice a year from the mercers and the tailors.132

Shopkeepers frequently complained about the unwelcome intrusion of government policemen into their affairs. Police searches turned their shops and wares upside-down.133 This is echoed in Garzoni's comments on the policeman, "in searching for contraband, he... is excessively meticulous, turning everything topsy-

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128 Arti, b.369, fasc. Condanne de Alcuni Marceri dal Officio della Seda, 12 Dec 1600, "Ma non bisogna che le dicano niente alli fanti perche sono tutti sallariati da lui: che come intendono niente de longo ghe lo farano a saver onde de bisogna che le satta qualche persona che non sappiano li fanti...".

129 PdC, b.2, Capitolare Nuovo, 4 Sep 1612, "possono esser co'messe delle fraude nel misurar, et referir le misure dellì panni, dalli Ministri che haveranno le licentie, con tuor in golla dalli mercanti, et referir al Nod.o maggior quantità di brazza, di qlo veram'nte si ritrova esser il panno". PdC, b.2, Capitolare Nuovo, p.90R, 18 Jul 1624, they again noted abuses in implementing quality controls.

130 PdC, b.2, Capitolare Nuovo, p.186, 3 Aug 1641, “servino molti sostituti non approbati, ne reconosciuti da loro ss ill.me à loro precessori, dal qual disord.e nasce con notabil inconveniente, che vengono molti levati et mutati à solo gusto de pn'pali, senza che da loro ss ill.me si prestato accenso alcuno ne habbino notitia...”.

131 PdC, b.2, Capitolare Nuovo, 20 Mar 1640.

132 PdC, b.54, undated document, but probably between 1689 and 1696. I am grateful to Richard Mackenney for this reference.

turvy, showing himself to be both nosy and presumptuous at the same time”.

The pewterers were concerned that a trader’s reputation was besmirched when people saw his stock being taken away by policemen. In 1578, the mercers complained that when their shops were searched, the passers-by in the busy streets of the Marzaria, “suspect the bad rather than the good”. In response, the Provveditori di Comun ruled that their officials should no longer be allowed to impound and confiscate suspect goods in mercers’ shops. Similarly, in 1613 the Provveditori di Comun ruled that their officials could only enter and search the shops of cap-makers in the company of guild representatives. The persistent complaints of wealthy traders such as the mercers and fustian merchants prompted the government to limit the powers of entry of policemen into their shops, insisting that they first obtain a mandato (the equivalent of a search warrant). As this required that the fante first lodge an official denunciation at the court, it can be seen that this gave such shopkeepers considerable legal protection. In 1641 the Provveditori di Comun noted that with this system the fanti were unable to obtain the evidence necessary to lodge

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\[^{134}\text{Garzoni, La Piazza Universale, 1638 ed., p.394, “Nel cercare i contrabandi, over che troppo minutamente mette sotto sopra ogni cosa, mostrandosi curioso, e prosontuoso insieme”.}^{135}\text{ Arti, b.375, fasc.B, Per Scola de Marzeri c.o Peltreri, 1 Aug 1667, pewters’ petition, “quello che più importa con rischio di qualche sconcerto nella reputazione del Patrone de m.mi per il bollo et trasporto”.}^{136}\text{ Arti, b.377, fasc. Per Mag.co Gastaldione Mercerorum contra Terminatus et Proclamata Cl.mo DD Provvisorum Comunis pro eat regulatione 1614, Occasioni tincturar, 29 Apr 1578, “metendoli sotto sopra le loro botteghe con non poco disturbo et travaglio di loro Botteghieri, et massime essendo essa marzaria di continuo frequentata da persone molte che vedono il cercar in dette botteghe, piu tosto suspettano male che bene”. See also the same fascicolo, 26 Jan 1589 (m.v.) and Arti, b.374, fasc.D, 20 Jun 1634.}^{137}\text{ PdC, b.2, Capitolare Nuovo, p.19, 20 Sep 1613.}^{138}\text{ The powers of fanti and fustian weavers to search their premises of fustian merchants and mercers were quite limited, Arti, b.367, fasc. Per la Scola de Marzeri Assunt.e di Giud.o C Teseri da’ Fustagn, 10 Oct 1636, “in matt.a d’andar cercando robbe prohibite, senza haver denontia Special anottata sopra il Libro delle denoncie nell’andar alle Case, Botteghe, et Volte deli Mercanti”. This reiterated legislation of 15 Jan 1540 (m.v.). For the mercers see the same fascicolo, 26 May 1736, “non si de cetero lecto ad’alcuno de suoi Ministri andar in alcuna Casa, Bottega, ó Volta si nella Publica Merzeria, come in altro Loco, over fossero Marzeri, se prima non averà data la sua spatiale Denontia in Offito, dove sii espresso il Loco preciso ove esistesse la Contrafazione à cui volessi portarsi, la qualità, e sorte di Robba prohibita...”. This reiterated previous regulations of 1540, 1586, 1640, 1664, 1684, and 1713.}
a denunciation, and that this gave guildsmen a cover under which they might break the law with impunity. They therefore ruled that the mandato was no longer necessary. The mercers were however able to obtain such legal protection at a later date. Government policy was therefore inconsistent, at times giving way to the requests of the shop-keepers, at times strengthening police powers in order to crack down on corruption. In 1614, for example, the Provveditori di Comun reversed their earlier decision and ruled that its officials could impound and confiscate wares from mercers' shops. Periods of decisive government intervention alternated with periods of lapse, a theme which will be further explored in the next chapter.

Conclusion

"...the wickedness of men overcomes all provisions, that can be made by law".

This comment (taken from the founding statutes of the Provveditori sopra la Giustizia Vecchia) is a frank admission of the weakness of state law enforcement. Despite the patrician rhetoric of market justice, which talked in terms of universal, public benefit, and especially, the protection of the poor, control of market policing was captured by private interests, and especially those wealthy enough to manipulate the system in their own favour. This capture was semi-institutionalized in the law, as can be seen in the recognition of guild privileges and policing. But it also operated at the illegal level of practice, through the unreliability of the weak justice

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140 Arti, b.377, fasc. Per Mag.co Gastaldione Merciorum contra Terminat.mes et Proclamata Ci.mo DD Provvisorum Comunis prò eat regulatione 1614, Occasione tincturar, 6 May 1614. The mercers appealed.
141 GV, b.1, reg.2, 25 Nov 1565, "la malignità delli homeni supera tutte le provisioni, che si possano far per legge".
machinery and selective policing. In these first two chapters, I have tried to demonstrate the various ways in which wealth could take control of justice, both inside and outside the court room, within and without the framework of the law. This gave influential popolani a certain autonomy to direct their own affairs. The guilds, while denied any formal power in the Venetian state, possessed a considerable degree of informal influence through what might be called 'private interest justice'. Of course, the patrician elite (represented here by the Provveditori) did not perceive this as a good thing, and strove to eliminate corruption. Their lack of success was due to the weakness of the state which was unable to develop an effective bureaucratic and policing machinery. This was fundamentally the consequence of the expedients necessary to supply an almost continuous war effort. At the formal and symbolic level, patrician authority was unchallenged, but in practice, market justice was insidiously distorted from within by the influence of private interests. The next chapter will examine the consequences of this for the implementation of a public agenda in market regulation.
Chapter 3. The Government agenda in regulating the market

This chapter will deal focus on moments of tension in state-guild relations. While the Venetian government was generally easy-going, content to leave the running of the markets in the hands of the guilds, at times it had a more active policy. At such exceptional moments the government sought to implement its rhetoric of economic justice, overriding both guild law and customary practice. The guilds therefore did not only have to defend their privileges against the incursions of their rivals, but also against the government itself.

Determined government initiatives most often coincide with conditions of crisis. Famine and plague triggered the most significant government efforts to tamper with guild privileges. This chapter therefore focuses predominately on these events, particularly the two plagues of 1577 and 1630. However, it is intended to cover tensions in guild and state relations in general, examining the ways in which guilds were able to resist government efforts to intervene in the marketplace, both through legal channels of protest, and evasion of the regulations. The emphasis on crises is therefore a choice of material rather than theme. How far state measures were actually effective in dealing with the crises, for example, is beyond the scope of the thesis.

Crisis conditions required strong intervention by the government, because economic disaster could lead so easily to political unrest. During the 'general crisis' of the seventeenth century, for example, desperation led many a hapless populace to revolt. Venice was not immune to such tensions, despite its prevailing myth of seamless social harmony. In 1570, there were demonstrations against the 'millet'
doge, protesting at the lack of adequate food supplies. To quote Mackenney, "Dark bread was regarded as disgusting while the use of millet could provoke rioting". In such conditions the government sought to placate the mass of consumers in the city through vigorous controls on the retail guilds, and especially the food trades. This involved a realignment of social forces, in which, by allying itself with the interests of the poor consumers, the government sought to deflect popular hostility away from itself and onto the retailers. As the Senate put it in 1649 (a year of food shortages and war):

"The more calamitous the times, when subjects are burdened beyond the ordinary, so the more marked must be the paternal affection of the Prince to help them and assure them, that to the ills deriving from the adverse influences of Heaven are not added others deriving from the malice and greed of men".

The Senate therefore took action to enforce the existing legislation on prices, weights and measures, recognising that what was lacking was, "surety of implementation". Normally, as we have seen, the guilds were pretty much free to regulate the trades as they pleased. In crisis conditions however, the containment of poverty took on greater importance, and might lead the government to take dramatic

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1 D. Chambers, and B. Pullan, *Venice: A Documentary History, 1450-1630* (Oxford: Basil Blackwell, 1992), p.112-113, for the popular chants, and p.109, quoted from the *Cronaca Agostini*, 1569-70. «...if the hardship had lasted even a little longer disturbances would have been seen throughout Venice... the people became even more agitated, and they said many strange and dishonourable things against the government, remarking that the last thing of all was death and they ought to be cut to pieces». Similarly, *ibid.*, p.260, quotes the remarks of the Marquis of Bedmar in 1618 that Venetians were, «impatient and seditious, and I believe it would be hard to keep them calm in the event of famine».


3 GV, b.29, 10 Dec 1649, "Quanto più calamitosi si rendono i tempi, onde oltre l'ord.rio convengono restar aggravati i sudditi, tanto maggior.te deve spiccare l'affetto paterno del P'nce per assister loro et assicurarli, che à i pregiudici derivanti dai mali influssi del Cielo altri non se n'aggiungano provenienti dalla malit.i e avvid.ità de gli' huomeni. è stato sempre solito della pietà di q'sto Cons.o essercitar simili avvertenze, et ne apparro tante disposit.ni, raccomandate alla diligenza et al zelo de Mag.ti, mà perche è nec.rio haver certezza dell'esecut.ni onde se vuol la disaventura, che altri siano li prezzi, habbiano almeno presto consoslat.ni i poveri, che sia buona la qualità della robba, e giusta la quantità che contratano".
action against privileged interest groups. Patrician interventions in the market were
voiced in terms of the universal public good, limiting the play of private interest in
order to protect the poor. Generally the opposition was stated in rhetorical terms of
'divine' justice and 'diabolical' practices.4

One major obstacle for the implementation of any coherent government policy
was the competitive structure of the government magistracies. A magistracy's
freedom of action was frequently limited by the opposition of other administrative
bodies. At times of crisis however, particular magistracies might be granted the
authority to override the objections of rivals. For example, the Provveditori sopra la
Giustizia Vecchia were granted temporary immunity to the suspensions of other
magistracies in 1599.5 Crisis could therefore spur the Venetian administrative
machinery into sudden efficiency and rapid decision-making, which was then
permitted to lapse back in times of normality.

This was also the case with the Cinque Savi sopra le Mariegole who were first
appointed by the Council of Ten in 1519, in response to the economic crisis brought
about by the War of Cambrai.6 This represented the unusual intrusion of the Council
of Ten, the state security council, into market regulations (parallelled by its growing
involvement in many other spheres at this time, as can be seen in its creation of the
Esecutori Contra la Bestemmia).7 In 1541 it was ruled that any law passed by at least

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4 GV, b.1, reg.3, 30 May 1573, for example, statutes refer to the "diaboliche inventioni" of fishermen,
"che poco temeno Iddio, et esse leggi".
5 GV, b.32, 23 Sep 1599.
6 CdL, b.17, fasc. Magistrato dei Provveditori sopra la Giustizia Vecchia. 1780 7 Ag.to letta a SS CC,
notes the creation of the Cinque Savi sopra le Mariegole by the Council of Ten on 13 Oct 1519. Its
members were elected by the Council of Ten from among the Senate. Their powers were
subsequently confirmed on 24 Mar 1520, 18 Jun 1530, 17 Aug 1530, 15 Dec 1540, and 5 Jun 1543.
A. Manno, I Mestieri di Venezia. Storia, arte e devozione delle corporazioni dal XIII al XVIII secolo
(Citadella: Biblos, 1995), misleadingly states that the magistracy was created on 18 Jun 1530,
whereas in fact this represented a revival of the institution.
7 G. Cozzi, "Religione, moralità e giustizia a Venezia: vicende della magistratura degli esecutori contro
la bestemmia (secoli XVI-XVII)", Ateneo Veneto, 29 (1991), p.16, describes how in the early sixteenth
four of the *Cinque Savi* was, "as valid as if it were made by the Council of Ten".* This meant that their legislation could not be modified even by such potent bodies as the Senate or the *Signoria*. As the *Cinque Savi* put it in 1581, "Your Serene Highness... has never in the past had the usance of interfering in the acts of the *Provveditori sopra le mariegole*, this censure being reserved to the... Council of Ten".* It was also able to override the previous acts of other magistracies, such as the *Provveditori sopra la Giustizia Vecchia* (which had been created in 1565 with the specific intention that it preside over guild affairs).* The concentration of authority in a single magistracy meant that the *Cinque Savi*, as well as producing legislation designed to deal with the emergency, also became involved in ordinary guild business, acting as a tribunal for the settlement of guild disputes, such as that between the leather merchants and the tanners."  

Such unusual concentrations of authority could not be permitted to last for long if the republican principles of Venice were to be preserved. The *Cinque Savi sopra le Mariegole* were an extraordinary magistracy whose existence never became permanent. While in 1543 it had been determined that they should be elected every century the Council of Ten set about creating "nuove magistrature, intese a fronteggiare con maggior incisività e competenza i nuovi compiti di governo", such as the *Savi alle acque*, and the *Provveditore sopra le artiglierie*.  

* GV, b.5, reg.12, 1541, p.1, "sii valido come se fosse fatto per el Cons.o di X". This was also made clear in their full title, GV, b.5, reg.13, 30 Apr 1578, "Nor Cinque savii, et proveditori per lo ill.mo Cons. de X sopra le mariegole".*  

* GV, b.25, 7 Feb 1580 (m.v.), "non credemo che la ser.tà y’ra che non ha per l’adietto mai usato di poner mano nelli atti dell’ Prov.ri sopra le mariegole, essendo questa censura riservata all’ ill.mo et ecc.mo cons.o de X, non vorrà ne anco farlo in questa occasione".*  

* GV, b.5, reg.13, 22 Dec 1578, when the *Provveditori sopra la Giustizia Vecchia* attempted to block the involvement of the *Cinque Savi sopra le Mariegole* in a group of cheesemonger trials.  

* GV, b.5, reg.12, p.58R, 13 Oct 1577, and p.76, 11 Dec 1577. For other examples of ordinary guild business, see GV, b.5, reg.12, 7 Feb 1577 (m.v.), when they considered the request of the tinkers to join the coppersmiths.
year, by the time of the plague of 1577, the magistracy had lapsed into disuse, and had to be reinstated by the Council of Ten. This intrusion of Council of Ten authority into economic regulation was however cut back after the political upheaval of 1582-83, when its powers were decisively limited by the Great Council. The Cinque Savi were never to be revived again, and with their disbandment in 1584, it became possible for the Collegio delle Arti to modify their rulings. Before this date, it had been impossible for such a lowly magistracy to question their measures. Rather than reflecting the end of the economic crisis, it is more likely that the demise of the Cinque Savi was related to the retrenchment of the Council of Ten following the political crisis of 1582-83.

By contrast, the plague of 1630 took place in the very different political climate of the late 1620s. The powers of the Council of Ten had been just cut back for a second time in the correzione of 1627-28 and republican forces were ascendant. The creation of a single body with sweeping powers to deal with the crisis was impossible. Instead of reviving the Cinque Savi sopra le Mariegole, the various ordinary magistracies were entrusted with managing the crisis, and the existing politico-judicial structure was left intact. The various magistracies in charge of

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1 GV, b.2, reg.4, 31 Jul 1584, Council of Ten enabled the Provveditori sopra la Giustizia Vecchia and Cinque Savii alla Mercanzia together to regulate, “li ordini fatti nelle cose spettanti al vivere della città”, by the Cinque Savi sopra le Mariegole, “et di poter far l’istesso in tutti quelli altri che nelle cose ad essi spettanti si trovasssi nell’avvenire ch’havesse bisogno di riforme, ò regolazione”.

2 These conclusions are confirmed in I. Mattozzi, F. Bolelli, C. Chiasera, and D. Sabbioni, “Il politico e il pane a Venezia (1570-1650): catmieri e governo della sussistenza”, Società e Storia, 20 (1983), p.276, who describe a similar situation in grain administration, referring to, “la lotta per il potere effettivo in materia annonaria che s’era dispiegata specialmente tra il Consiglio dei Dieci e il Senato”, in the late sixteenth century. Following the political crisis, the power to elect the Sopraproveditori was removed from the Council of Ten (who had created this institution in 1526) and given to the Senate.

3 Eighteenth-century commentators explained this change by reference to the end of the economic crisis - see Cdl., b.17, fasc. Magistrato dei Provveditori sopra la Giustizia Vecchia. 1780 7 Ag.to letta a SS CC, 31 Jul 1584, “essendo cessata la Giunta”.

4 Strong support for these conclusions can be seen in P. Preto, “La società veneta e le grande epidemie di peste”, in G. Armaldi and M. Pastore Stocchi, eds., Storia della cultura veneta, 4/II, Il Seicento (Vicenza: Neri Pozza, 1984), p.396, who emphasizes the contrast between the oligarchic and centralising tendencies of 1577 and the lack of these in 1630.
bread, wine, oil and wood, were instructed to act in the interest of the poor," and the
Provveditori sopra la Giustizia Vecchia and Giustizieri Vecchi were exhorted to
implement existing legislation against the hoarding of food, but they were not given
enhanced powers of authority to do this."

The ostensible purpose of the Cinque Savi sopra le Mariegole was to sweep
away a mass of guild legislation perceived to be limiting the recovery of an economy
in crisis, but in fact many of their measures reflect instead the magistracy's use of its
heightened authority to impose its own agenda. For example, in 1578, with the
population still recovering from the devastation of the plague, the Cinque Savi
increased the number of boats at the traghetto (ferry stations) with the strange
justification that the population was now much bigger than in 1510 when the
maximum limits had been set." This legislation was more about disciplining the
unruly boatmen (already the target of hostile legislation)" than responding to the
plague. Similarly, regulations to control guild legal investment, although justified on
the grounds that this damaged guild finances, had little to do with the conditions
created by the plague." Rather, the aim was to impose a new model of market

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"P. Ulvioni, Il gran castigo di Dio: Carestia ed epidemie a Venezia e nella Terraferma, 1628-1632
(Milan: Franco Angeli Libri, 1989), p.96, quotes from Senate regulations, "perché il tutto passi con li
termini convenienti et con servizio della povertà".
" Senato, Terra, reg.107, p.7R, 4 Mar 1632, the Provveditori and Giustizieri were instructed to
implement legislation for "le diligenze, et le inquisitioni severe, che sempre doveran essercitare
sopra l'inchiette di vettovaglie, et altri disordini".
" GV, b.5, reg.13, 14 Jun 1578, "essendo per gratia de Dio cresciuto il populo in questa città molto
più di quello che era del 1510".
" GV, b.5, reg.13, 27 May 1578, regulation of the barcaruoli was committed to the care of the
Provveditori di Comun, who were given the authority to use harsher forms of punishment against
recalcitrant boatmen, "come privatio' del traghetto, pregion, pena de galea, et bando....". GV, b.5,
reg.13, 4 Nov 1578, barcaruoli trials handed over to the Provveditori di Comun. For more on hostility
to boatmen see Senato, Terra, reg.52, 20 Sep 1577, which rehearses the arguments later used by
the Cinque Savi sopra le Mariegole. See also D. Romano, Housecraft and Statecraft: Domestic
Service in Renaissance Venice, 1400-1600 (Baltimore: Johns Hopkins University Press, 1996), p.168-
9.
" GV, b.5, reg.12, 30 Oct 1577, p.63. This was followed (p.63R) by legislation regulating guild taxes,
all of which were to be ratified by the authorities from now on. On this subject see chapter 4.
justice, one based on principles of efficiency and authority, in which disputes between guilds would be settled rapidly and without cost. The Cinque Savi intended to eliminate the constant squabbling by resolving legal disputes summarily. For example, they ended at a single stroke a whole mass of legal disputes which had long plagued the guild of mirror-makers: disputes between the guild and Francesco Zamberlan (over his new mirror-making techniques), the mercers and perfumiers (for the retail market in mirrors), the miniaturists (for the sale of mirrors with omately painted frames), Andrea de Lorenzo (over his entry to the guild), and the length of service required from apprentices and journeymen. Because their sentences had the authority of the Council of Ten, there could be no appeal. Punishment was made more severe, and an effort was also made to make sure that sentences were actually implemented - those who failed to pay fines promptly could be given harsher types of punishment, such as galley service. The events of 1582-83 would however prove to be a decisive defeat for this authoritarian model of market justice.

In theory, enhanced authority enabled magistracies to override the resistance of interested parties and so legislate for the public good. Part of the motive for the reinstitution of the Cinque Savi sopra le Mariegoie was that, "many statutes have been inserted in the Matricole of the Trades, to the particular advantage of those with interests in the Trades, and to the detriment of everyone else". Their task was stated as the regulation of the private in favour of the public interest, "to the profit

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27 GV, b.5, reg.12, p.64, 5 Nov 1577, "imponer una volta fine a tante controversie et per quietar del tutto tanti dispareri et litte fra esse parti gia molti anni vertenti".
28 GV, b.5, reg.12, 26 Jul 1577, p.22R, "havemo anco accresciuto le pene, accio li transgressori con tal mezo habbino da astenirsi dalle male operationi".
29 GV, b.5, reg.13, 21 Oct 1578, imposed a time limit of 8 days to pay fines, with a penalty of 18 months on the galleys for failure to pay up. GV, b.5, reg.13, 24 Oct 1578, thirteen offenders were warned that if they did not pay up within 8 days, they would be sent to the galleys.
30 GV, b.5, reg.12, p.1R, 1577, "nelle Matricole di Mestieri venivano posti molti capitoli à particolar commodo de loro, interessati nei Mestieri, et à maleficio de tutti li altri".
and benefit of the inhabitants of this city". Similarly in 1519, the Council of Ten had noted the importance of the Cinque Savi in regulating the guilds so that, "they no longer pass any measure to their own advantage and to the universal detriment". Guilds, for example, were unable to appeal to rival magistracies on grounds of jurisdiction, which was the usual method they used to resist any measures they disliked (see chapter 6). The Cinque Savi declared that their measures were to override all previously existing laws to the contrary - and this included guild statutes. For example in 1577, with the aim of putting, "an end to the conflicts and legal disputes that exist now, and that may be born in the future", the Cinque Savi ruled that their decrees were to override the mass of legislation that had accreted over the years,

"...cut, repeal and annul all those laws, regulations, corrections and orders contained in the Mariegole of the said Guilds in those parts where they shall contradict or do contradict in any way the present laws and corrections...".

With the legal landscape cleared of old waste, effective rule could be imposed. This would destroy traditional guild means of legal resistance through appeal to age-old privileges and regulations.

Notwithstanding such efforts to clean up the law, the guilds continued to bring their advocates to the magistracy, defending themselves through appeal to the

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2 GV, b.5, reg.12, p.1R, 1577, "all'utile et beneficio delli habitanti in questa città".
24 Arti, b.312, Mariegola, cap. 166, 29 Dec 1519, "non facino piu alcuno capitolo aloro beneficio proprio et ad inco'modo universale". Subsequently all guild statutes were supposed to be ratified by the Senate, though this soon proved to be impractical.
27 GV, b.5, reg.12, p.66, "per metter fine alle discordie et litte che sono, et che per futuro potessero nasser".
28 GV, b.5, reg.12, p.66, "tagliano, cassano, et anullano tutti quelli capitoli, regolatio', corretio' et ordeni contentutti nelle Mariigole delle ditte Arti in quelle parti ta'tu' ove venissero a contrariar over contravenir in qualu'q modo alli presenti capitoli, et corretioni fatter per SS Clarisse al presente in questa matteria.".
29 GV, b.5, reg.12, 17 Aug 1577, the preamble describes the appearance of grocers and their advocates, before the Cinque Savi sopra le Mariiegole.
respect which should be paid to pre-existing statutes (to interfere with these would constitute a breach of faith). For example, the shoemakers protested against new legislation forbidding retail on feast days as, “contrary to the regulations granted them by the Serenissima signoria”. Although the Cinque Savi were supposed to make a clean sweep through the mass of guild privileges in order to get the economy back on its feet, they got tangled up in a morass of legal conflicts, and found themselves constrained to respond to the privileges and “ancient custom” which the guilds could marshal in their defence.

Often government efforts to enact reforms were hindered by a lack of technical knowledge of how markets functioned. Legislation often provoked complaints from the guilds on the grounds that it was impossible for them to implement. In 1596 a special commission of Senators was appointed to consider the problem of abusive weights and measures used in the trades. The disorganisation was such that,

“on various pretexts, several guilds have introduced various weights of their own fashion, keeping up to three different sorts of weights in a single shop, using one set when buying and another when selling... especially the guild of Mercers”.

By early 1598 a new set of government weights was ready. The fact that these were to be used even in small transactions of less than 10 pounds' weight provoked a storm of protest from various retail guilds (including spicers, cotton merchants,

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* GV, b.5, reg.12, p.107R, 17 Apr 1578, “il che e contra le terminazione della serenissima signoria a loro concessa”.
* GV, b.2, reg.5, p.19R-23R, 25 Oct 1597, “dalla longhezza del tempo, et malitia de ministri si siano... in parte smarite le mare antiche delli veri pesi de stagiere et bilanzcie di questa citta... piu arte sotto diversi pretexti si hanno introdoto à modo lororo vari pesi, tenendo in una sola bottega fin' tre sorte de pesi diversi per valersi nel comprar di uno, et nel vender di un altro, come meglio a loro avtaggio senza che da ciò possano esser impediti perche nelle loro botteghie tengono di piu sorte merci, et sono in quelle scolte che sono neccessarie per cduana di esse et spetialmente l'arte de Marzeri...”. 
ropemakers, paint-makers, pewterers, linen weavers, leather merchants and canvas weavers) who complained that this would be impossible to carry out. The government therefore suspended its legislation for these trades. Similarly, legislation that grocers must not keep any of their stock hidden (in order to prevent any hoarding by the shopkeepers), attracted the complaints of the guild. The Cinque Savi sopra le Mariegole were prepared to take some of their technical objections into account and to modify the law accordingly. For example, the grocers were allowed to keep their herbbe (greens) covered up in the winter, “so that the wares do not suffer at times of great cold”. This was a common pattern for government legislation: reform measures made without prior consultation provoked the protest of the guilds, and the government subsequently tinkered with its legislation in order to obtain a compromise. Guilds were able to insist on their right to hearing, and this appears to have been a fundamental principal of Venetian justice (see chapter 6). Patrician legislation was often impractical in its raw form, and consultation with the guild was necessary to adapt it to market practices. Patricians seem not to have taken account of guild statues when drafting their measures, but they were at least responsive to guild complaints after the event.

This pattern can also be seen in a dispute between the government and the guild of mercers. In the late seventeenth century the state set up the production of silk stockings “in the Milanese fashion” at the Fortress of Palma. Production was

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32 GV, b.2, reg.5, p.32R, 28 Mar 1598; GV, b.2, reg.5, p.33, 3 Apr 1598, 13 Apr 1598, 29 Apr 1598, protests of the spitieri, bombaseri, cordaruoli, da i colori, peltleri, linaroli, mercanti di cordoani, and tesseri da tella.
33 GV, b.5, reg.12, 17 Aug 1577, “accio le robe non habbino ad patir al tempo dell gran freddi... possino ad’essi tempi tenir coperti li detti erbazzi, cioe da S.ta Lucia del mese di decemb.o fino tutto febraro sussequente, et non piu oltre.”.
artificially maintained by forcing merchants to buy these products." In 1671 the government insisted that the guild of mercers purchase a certain portion, and they vigorously protested at, "this novelty never before practised to oblige Merchants to buy other people's goods, against their own will and interest". Industrial protection was all very well, but mercantile capital was sacred,

"Your Serene Highness surely loves the Wool Trade of this city, and has even prohibited Foreign Woollens with rigorous decrees, but has never obliged, nor does oblige, anyone to trade at his own risk in Venetian Woollens.".

In response to this, the Senate ruled that the Cinque Savii alla Mercanzia should take a somewhat softer line, and, "summon the leaders of the mercers of this city and with their delicacy and skill try and persuade them to each receive some portion of this type of stockings", although it was also noted that, "in the case that they encounter some difficulty they will then oblige them with their authority and a ruling to buy some moderate monthly quantity". The government had at least recognised the need for dialogue and compromise.

Generally, guilds were able to modify government policy through the legal channels of petition. Should this fail to get results, they could refuse to cooperate in

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* It was rare that the government intervened directly in the commercial activities of the guilds. Its role was generally a negative one: that is, it consisted in placing limits on the behaviour of guilds, rather than giving positive direction to their economic activities.

35 Arti, b.357, fasc.B, Marzeri Cò Appaltadori delle Calce di Seda da Palma. No 187. Contro Fabricatori da Calce, all Inglese à Teller, p.12, 4 Jan 1671 (m.v.), "questa novità non più praticata d'obligare i Mercanti à comprare, contro il loro consenso, e servito le merci altrui".

36 Arti, b.357, fasc.B, Marzeri Cò Appaltadori delle Calce di Seda da Palma. No 187. Contro Fabricatori da Calce, all Inglese à Teller, p.12, 4 Jan 1671 (m.v.), "Ama certamente la serenità vostra l'Arte della Lana di questa Città, et hà anco prohibito con severi decreti le Pannine Forestiere, mà non hà però mai obligato nè obliga alcuno à comprare per rivendere à suo rischio i Panni Venetiani".

37 Arti, b.357, fasc.B, Marzeri Cò Appaltadori delle Calce di Seda da Palma. No 187. Contro Fabricatori da Calce, all Inglese à Teller, p.16, 5 Mar 1672, Senate, "à chiamar à sè li capi de marzeri di questa Città e con la loro soavita e destrezza procureranno persuaderli à ricevere qualche portione per cadoauno di questa sorte di calze per il spatio d'anno uno per dar animo alli maestri delle stesse di sperame felice esito in avvenire e di continuare nel principiato impiego, et in caso, che trovassero in essi difficoltà li obligheranno poi con la propria autorità e con loro terminacione à comprare quella moderata mensuale quantità".
the application of the legislation. In the building trades, for example, artisans managed to obtain a modification of the government's wage levels, through using illegal forms of worker cooperation. The attempt to enforce observance of wage levels through punitive justice had failed. The government tried to hide its humiliating climb-down. The *Cinque Savi sopra le Mariiegole* referred to the old wage levels as, "just and fitting and well-considered", but stated that they had now raised them, "so that these masters are satisfied, and have greater cause to obey...".

In part this was built in to the very process of legislation. While the claims of the *Cinque Savi sopra le Mariiegole* sound very authoritarian, in fact there was a good degree of popular participation in negotiating the reform process. The *Cinque Savi* recognised the need to work with the guilds if it were to have any success in implementing its programme. Some of their measures originated as a response to guild petitions, appeals and *parti* (regulations passed by the guild assembly). Guilds were also brought into the process of revision - being instructed to draw up proposals for the reform of their trade. To make sure that these were in the interests of all guild members, rather than a limited elite, attendance at such assemblies was made compulsory. For example, the furriers were instructed to hold a general assembly in order to draw up, "those regulations which seem to them to be of benefit to the Guild, the which regulations they shall present to us, so that we can do whatever we think fit". The furriers were quick to take advantage of this opportunity.

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34 GV, b.5, reg.13, 18 Aug 1578, Those caught exceeding the fixed wage limits had to pay a fine of L50, and could be condemned to jail or the galleys if they failed to pay up. Secret denunciations were also invited.
35 GV, b.5, reg.13, 8 Nov 1578, "erano giusti, et co'venie'ti, et maturame'te co'siderati, ma accioche essi maestri restino satisfatti, et che tanto piu habbaino causa di obedir à quanto che da noi qui sotto sarà ordinato".
36 Such audiences were given in the morning. GV, b.5, reg.12, p.37, (probably 17 Aug 1577), "che la mattina si diano le Audie'ze et il doppodisnar si consulti".
40 GV, b.5, reg.12, 26 Sep 1577, p.57, "quelli ordeni che gli parerano per benefittio dell' Arte, quali ordeni ci presentino accio possiamo far quello ci parera conveniente...".
to appeal against some recent legislation of 1576 as, "lacking in any reasonable and valid basis and completely contrary to the statutes of our matricola", which had been promulgated only as result of, "sinister information from someone lacking understanding, or some unknown malign persecutor of our Guild". The Cinque Savi would even hear the petitions of individuals seeking to be granted economic privileges, such as that of 'Arvio Grosso dell'Isola de Martega', who asked for a patent on his new fishing techniques, or that given to Giacomo Monoto to sell eggs through the streets.

In the end the government had to listen to the opinion of the guilds because it needed them to implement the regulations. Their cooperation was essential due to the lack of a reliable state police force (see chapter 2). The government was well aware of the limits of its enforcement machinery. For example, in the crackdown of 1630, the Senate instructed the Provveditori sopra la Giustizia Vecchia and the Giustizieri Vecchi to prosecute criminals diligently, and to pay particular attention to the public officials. As the Cinque Savi sopra le Mariegole put it,

"every correction and order carried out by us would be in vain if it were not punctually observed and carried out, which cannot by any means be done properly without Officials who are continually in our service".

Yet even under their more authoritarian style of guild administration, there was little advance in government policing. They appointed their own 'captain' and officials,
who were to be recompensed with 10% of the newly-increased fines, as well as modest salaries." They also responded favourably to the petition of Batista del q Zuane Indorador and Hieronimo de Piero da Venetia, who offered to take control of policing the wine trade for a reward of 4 * marchetti for each person convicted, and no other salary." It seems that the Cinque Savi were contented with their results, for their authority was later extended from the wine trade to the fish trade."

Nevertheless, the concession of policing power to private interests, to be paid for out of the profits of the justice machinery, did not bode for a much more reliable policing system than that which already existed.

The Government Agenda

The study of government initiatives helps to reveal the agenda of the Venetian political elite. The Cinque Savi sopra le Mariegole had a huge legislative impact, with vast numbers of laws dating from 1577-78. Although their work reinforced rather than reformed the fundamental basis of the guild system, this represents a major legislative effort on the part of the state to interfere in the regulation of the market and the guilds. Such sporadic initiatives provide the best illustration of patrician perspectives on the regulation of the market. Some of the main points of contention between government and guilds shall now be examined.

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4 GV, b.5, reg.12, 2 Aug 1577, election of Bernardo de Marchio da Venetia as capitano, with a salary of D4 per month. He was assisted by 2 compagni, Marco q Gasparo da Venetia, and Gasparo q Ale’ Greco, each with D2 per month. They could be dismissed and re-elected at the pleasure of the Cinque Savi sopra le Mariegole. It is specifically noted that they were to act like good officials, not "co’e quelli iusti ministri officiali et fanti che non facessero il suo debito, o no’ denontassero gli transegessori et tolessero da loro in goll'”. GV, b.5, reg.13, 7 Jan 1578 (m.v.), for the later appointment of Piero de Francesco Rosso as capitano.

47 GV, b.5, reg.13, 24 Jul 1578.

44 GV, b.5, reg.13, 5 Dec 1578.
One of the most important themes, the taxation of the guilds to pay for the manning of the fleet, has been analysed by Mackenney. The government farmed out the collection of taxes to the guilds, using them to bear the brunt of the bureaucratic costs involved in keeping track of their membership. However the price to be paid for this was that the guilds were organised interest groups capable of collective bargaining to resist government demands. Mackenney's work shows how the mass protest of the guilds in 1611 successfully obtained a reduction of tax demands, using only the legal channel of petitions.

Similarly in other cases, the protest of the guilds, all the while using the legal channels of petitions and legal appeals, were effective in modifying the government agenda. It is rare that guilds had to resort to more direct forms of action such as the strike called by the scorzeri (tanners of leather for soles) in 1660. The government's attitude was usually flexible enough to respond to guild protests and prevent any resort to direct action.

1. Markets and Morality. Observing the holy days.

One consistent government line was to enforce the observance of holy days and feasts against those seeking to spend such days in the greedy pursuit of filthy

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By demanding the tax from the guild as a whole, the state off-loaded the bureaucratic costs of tax collection. For example, Arti, b.150, the forneri (bakers) had to spend L27:10 to hold an assembly, "per li galliotti" in 1644, split between clerks and fanti. The administrative costs of raising the tax were considerable, and involved quite heavy payments to staff of the *Milizia da Mar*. See Arti, b.312, *Maregola*, p.150, 26 Apr 1614, for heightened regulation of guild militia taxes.

For another case of resistance, see the protest of the cheesemongers against government price controls in 1678. The casaroli stubbornly insisted that their case be heard against the rival efforts of both the *Giustizia Vecchia* and the *Beccarie* to impose price controls on them, GV, b.89, filza 78, 19 Aug 1678, "poiché il fine dell'Arte di noi Casaroli è solo di non soggiacer alla novità delle stime a noi addossate".
In 1581, for example, the Giustizieri Vecchi gave their officials authority to imprison anyone caught going around the city selling fruit and vegetables on feast-days. Similarly, in 1682, the Provveditori and the Giustizieri laid down severe penalties for violating the sabbath day: 25 ducats, confiscation of goods, and a month in prison alla luce (a jail with windows), and it was specifically stated that the sentence could not be mitigated in any way.

These regulations were more vigorously enforced during times of devastating crisis, such as the plague, which was seen as a divine judgement against the sins of the Venetians. Acts of contrition were necessary to appease a vengeful god, and these found their most concrete expression in the construction of the churches of the Redentore and the Salute, following the plagues of 1577 and 1630 respectively. In the climate of heightened morality that accompanied such events, sins were more vigorously prosecuted. It was particularly important to ensure that the republic's religious institutions were functioning properly. For example, a determined effort was made to root out sodomy among the clergy during the plague of 1630. The proper observance of religious festivals was an important element of the moral clean-up of the city.

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52 Or as the mercers themselves put it, Arti, b.360, fasc. Contraffacienti, 11 May 1610, "inmoderato desiderio di guadagno".
53 GV, b.76, 25 May 1582, lists the feast-days to be observed in the fruit and vegetable trade, "le sante domeneghe, le quatro feste de madonna santa maria, le feste dell'I XII apostoli, ogni santi, la nativita dell nostro signor con li do di seguenti, la epiffania, la ressuretion con li doi di seguenti, el venere santo, le pentecoste con li doi di seguenti, la festa del corpus domini, S Marco de aprii, S Lorenzo, Santa Croce da mazo, San Zuane Battista".
54 GV, b.23, 18 Jul 1682. This latter clause suggests however (as so often with Venetian law) that the mitigation of sentences led to considerable flexibility in practice. The legislation specifically referred to the commercial heart of the city, "...il ponte di Rialto, Campo di S Bortolamio, Marzaria, Piazza di S Marcho, Ponte della paglia, riva de Schiavoni....", but it was also to be applied throughout Venice.
55 Ulvioni, Il gran castigo di Dio, p.111. For an example case, see Co10, criminali, reg.47, 4 Apr 1630, which demonstrates the heightened religious and moral climate prior to the outbreak of plague.
56 GV, b.5, reg.12, 30 Oct 1577, p.62R.
For their part, tradesmen saw the feasts as great opportunities to make money.

As the Cinque Savi sopra le Marigole commented in legislating for the grocers,

"religion is so lost in many men and artisans of the present city that, in contempt
of divine precepts, on the holy days and especially the festivals they take the
liberty of going with fruit of every kind to where solemnities take place"."

Traders set up their stalls in precisely those places where most people would be
flocking, and which were most offensive in the sight of God - the steps of churches,
or the squares in front of them. It was for this reason that in 1577 the Cinque Savi
proclaimed that no one should sell "fruit, mercery, buzzoladi (bread rings), baskets,
cooking pots, vegetables", outside churches or in the squares, on pain of a 10 ducat
fine and confiscation of the goods. Exception was however made for those who sold
religious paraphernalia, such as, "candles, statues and saints...". Government
policy could therefore be in direct contrast to the commercial interests of the
guildsmen. For example, in 1566 the Provveditori sopra la Giustizia Vecchia ruled
that the pastrycooks should not only refrain from baking on holy days, but also from
hawking their pastries around the inns and wine-shops." Morality and marketing had
an uneasy relationship in that paradoxically, it was the very sanctity of holy days that
brought people flocking to the streets of Venice and created opportunities to sell.

57 GV, b.5, reg.12, 28 Jul 1577, "perche si vede in molti homeni et Artisti della presente citta esser
cosi persa la religione che sprezzando li precetti divini si fano lecito nelli giorni festivi et mass.e alle
sagre dove si fa'no le solennita andar con frutti di ogni sorte cazandosi sop.a li campi et luoghi di
quelle, il che essendo di malissimo esse'pio et contra ogni devotione christiana, dovendo il Pre'cipe
congli suo affetto conservar li suoi populi in gratia del Sig.r IDIO dal quale ogni nostra felicita
procede...". This legislation forbade grocers from going to "sagre, perdoni et chiese" on such days in
order to sell fruit, with a fine of L25 and loss of goods.

58 BNM, ms. It.VII 1572 (7642), Capitolari del Magistrato della Giustizia Vecchia, voce "Feste", 13 Aug
1577, "frutti, merci, buzzoladi, ceste, pignatte, erbe", "eccettuato quelli, che fanno il mestier de
Vascelli, et quelli vendono Candelle, Statue, et Santi". GV, b.5, reg.12, 13 Aug 1577. The shipbuilding
industry was presumably exempt on grounds of its strategic importance.

59 GV, b.1, reg.2, 5 Dec 1566. On feast days the scaletteri were not to sell their wares in the doorways
of such establishments or within 10 braccie of them.
The guilds were quick to defend themselves, and their appeals were generally based on the special privileges they had obtained over time. In 1578, the shoemakers made a passionate plea to the Cinque Savi sopra la Mariegole to be allowed to trade on feast-days, appealing to the privileges they had previously been granted to this effect, and also stressing the poverty of many of their members. Legislation of 1566 provoked such a response from the guilds that in 1567 the government revised its legislation with a minutely detailed list of special cases. For example, druggists were allowed to open their shops entirely (but without their usual displays of goods), while ordinary spicers were only allowed to open the door of their shops. A major crackdown came in 1664 when it was ruled that all shops had to be kept closed on feast-days, but again with the exception of those specifically permitted by law. The ban was followed by the protest of various guilds, including the barbers, distillers, rosary-carvers, pastrycooks, poulterers, grocers, pork butchers and oil merchants, which led to the modification of the terms. For example, in their appeal, the distillers referred to previous laws of 1574, 1618 and 1640. The government was prepared to compromise and ruled that they might sell their wares through a single open door of their shops. In this way, an outward show of respect for the divine precepts might be preserved without impeding the sale of refreshing drinks to the public. However, following further agitation from the

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40 GV, b.5, reg.12, p.107R, 17 Apr 1578.
41 See GV, b.1, reg.2, 27 Nov 1566, when the Provveditori cut the original Giustizia Vecchia proclamation of 28 Jun 1566 on pastrycooks. For the list of privileged trades see BNM, Capitolari, voce "Feste", 16 Jul 1567, for example: "li Specieri di Medicine possino tener le loro Botteghe aperte, tenendo un tappeto senz'alcuna cosa in mostra", "gli altri Specieri possino tener aperta la Porta delle loro Botteghe, et non altro, et vender", "Li Callegheri possino tener aperta fino due Brazzi di balcon della Bottega, ma astenersi da lavorar", "Sotto li Portici di Rialto della Drapparia non si possino tener per vender in g'no di festa se non libro di divoz.ne et non tenghino Libri profani".
42 BNM, Capitolari, voce "Feste", 18 Jul 1664, "che nelle feste tutti debbano tener serrate le Botteghe, eccettuate quelle, che dalle leggi vien concesso il tenerle aperte".
guildsmen, they were allowed to open their shops "with the usual displays" during the summer months. It was for this reason that in 1682, the Provveditori sopra la Giustizia Vecchia and the Giustizieri Vecchi introduced a clause in their legislation which specifically revoked existing licences, "suspending in addition every law and privilege enjoyed by any particular guild", (with the single exception of the pork butchers, who were allowed to keep a door open until midday, "for the convenience of the poor"). Guild protests were not always effective: in 1577, the request of the grocers to sell their wares through the streets on feast-days was rejected outright by the government. However, the government often showed itself to be flexible in modifying its legislation in the interests of the guilds.

However, this issue should not be exaggerated as a point of contrast between guilds and government. As scuole (religious confraternities), the guilds could also be keen to uphold the sanctity of the holy days. For example, the distillers regarded it as a point of honour that their trade should not appear to be less devoted than the others. In fact, guild officials often backed up the government view, attempting to

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* BNM, Capitolari, voce "Feste", 19 Feb 1664 (m.v.) to 16 Nov 1665, for protests of the barbieri, acquavita, coroneri, scaletteri, galineri, frutaroli, luganegheri, and mercanti da oghio. See also GV, b.21, reg.14.

* GV, b.21, reg.14, 21 Feb 1664 (m.v.).

* GV, b.21, reg.14, 20 Apr 1665, The Provveditori and Giustizien ruled that in the summer period from May to September, the "vendenti Acque refractive et giazzo", could open their shops "con le solite mostre".

* GV, b.23, 18 Jul 1682, "...revocano et anullano tutte le terminazioni, mandati e licenze che fossero state concesse, sospendendo anco ogni legge et privilegio che godesse qualche arte particolare, q'le facese effetto contrario al p'nte, permettendo solo all'Arte de Luganegheni il poter tenir aperta la porta delle loro Botteghe et vender verso il mezo giorno per comodo della povertà, dovendo ancor essi nel rimanente del giorno tenir tutto serato...". Similarly see GV, b.1, reg.2, 20 Feb 1567 (m.v.), when the Provveditori sopra la Giustizia Vecchia annulled all licences to sell through the streets, which were causing, "una grandissima confusione nelle arti di questa città, et loro matricole".

* GV, b.5, reg.12, 17 Aug 1577, "essi fruttaruoli dimandano co'tra quello che è disposto, per il p.o Capitolo di poter andar sopra li campi, et alle feste, et sagre, delle gesie con frutte a vender, Rispond.mo che ciò non li volemo conceder per modo alc.o, Ma volemo che esso cap.itolo per la riverentia che si deve haver al culto divino sii ad unguen osservato".

* F. Sartori, L'arte dell'acqua di vita. Nascita e fine di una corporazione di mestiere veneziana (1618-1806) (Venice: Fondazione Scientifica Querini Stampalia, 1996), p.43-4, quotes the gastaldo of the distillers in 1633, who described how each guild had a saint's day, «in modo tal che tutta la città s'accorge et sà, che il tal giorno è la festa della tal Arte... Mà la nostra Scola... no fà però solennità, ne
force their members to obey the legislation. The initiative behind the legislation could even originate in a guild petition.\(^*\) While the respectable shop-keepers maintained the holy days as good Christians should, the streets were invaded by an army of godless hawkers and pedlars. The guilds cooperated with the state in employing their police forces to limit this competition (see chapter 2).\(^*\) It was also important that, if there were to be feast days, they should be obeyed by the whole guild. This was partly in order to limit all masters to the same retail opportunities and so deny commercial rivals any possible advantage.\(^*\) This meant that guild attitudes often reveal a different slant. For example, in 1610 the mercers forbade their members from opening shops on Ascension and Pentecost. This was stated in that same moralistic language used by the government, referring to, “the honour, that is due to such well celebrated Festivals of the Church and of the whole City”.\(^*\) The real aim of the legislation was however quite different. Trade fairs were held on these days, for

\[^*\] Cdl., b.17, fasc. Magistrato dei Proveditori sopra la Giustizia Vecchia. 1780 7 Ag.to letta a SS CC, 5 Sep 1585, notes twenty-two “feste di Santi” to be observed, following a petition of the Filacanevi (ropemakers). See also Arti, b.312, Mariogola, 1518, for mercer legislation on feast-days.

\[^70\] Arti, b.360, fasc. Contraffacienti, 12 Jan 1641 (m.v.), the mercers sent their officials to search the Marzaria. Arti, b.356, fasc.378, Processetto levato da altro processo intitolato Carte diverse fabricatori da calze in tellaro dal saceto segnato scola marzeri, fabricatori da calze, e stampe diverse, 21 Aug 1689, for the condemnation of a stocking-seller for feast-day retail by the mercers’ tribunal. See also Arti, b.360, fasc. Carte scola de Marzeri conccr.e l’elezione del Cogitor della med.a, 19 Aug 1601.

\[^71\] In order to share out retail opportunities fairly, some guilds appear to have operated lottery systems whereby a limited number of masters were able to open on feast-days, if so favoured by fortune. GV, b.5, reg.13, 16 Dec 1579, the interesting case of Lodovico Olivino, who was both cheesemonger and pork butcher, for whom it was ruled, “qua’do gli toccara la tessera de aprir la sua bottega de casaruol la festa possa esercitar q’ta giusta i ordeni della sua scuola, et quando gli toccara la tessera per co’to della scuola de Luganegher possa su’l balco’ delle detta sua bottega de casaruol serrado ve’dar la festa robbe soltame’te che spettino all’arte de luganegher et no’ de casaruol...”. See also BNM, Capitolari, voce “Luganegheri”, 10 Jul 1658, “nell’Isola di S Marco et Rialto ogni settimana siano buttate le tessere per tener aperte le Feste, et debba quello a chi sarnno toccate pagar alla Scuola L1:4 per Bottega da S Michiel a Carneval, et negli altri tempi s12...”. and BNM, Capitolari, voce “Feste”,16 Jul 1567, “Li Fruttaroli non possono aprir se non tanta parte delle Botteghe, che si vedino le Bilanze appresso il Balcon, ma non metter fuori Insegna, ne frutti, et quelli, che li toccarà tessera possino aprir, ma non poner fuori Insegna”.

\[^72\] Arti, b.360, fasc. Contraffacienti, 11 May 1610, “per honore, che si deve a Festività della Chiesa, e della Città tutta tanto celebrate”.

\[^\] segno alcuno, che la Città sapia, che quel giorno sia la nostra festa, et pure noi doveressimi celebraría, per no mostrarsi manco divoti dell’altri...», criticising the scandrolo of those brethren who chose to open their shops on this day above all.
which the government insisted that the guild set up the traditional stalls in Piazza San Marco. The mercers were unenthusiastic about participating, since they would have preferred to run their shops as usual, and so those who manned the stalls (selected by lot) had at least the consolation that the competition of rival mercers was eliminated on those days."

In conclusion, this shows that in many cases, the guilds were not fundamentally opposed to government policy on holy days, but had mixed motives of marketing and morality. As the principle implementors of legislation, they could give it a different spin in practice.

2. Immigration. Breaking open the guilds.

A more direct point of contrast to emerge between the guilds and the government at times of crisis was the issue of admission to the trades. It was in the interest of guilds to maintain tight entry controls, in order to reduce competition among masters." For this various institutional measures were employed." One of the most important was the prova, the masterpiece which craftsmen had to complete to become members of the guild." The guilds justified this in terms of the maintenance of high quality standards which upheld the reputation of Venetian goods, but the

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72 Arti, b.360, fasc. Contraffacenti, 11 May 1610, "per non levar l'occasione di qualche guadagno, et concorso alle Botteghe della stessa, che per servire alla grandezza Pubblica devono star aperte, onde si pò anco sperare, che quelli a quali tocherà andar non sentiranno tanto incomodo, e con maggior prontezza servirà a questo servizio, e desidera."

73 As the Council of Ten put it, Arti, b.312, Mariegola, 29 Dec 1519, "quelli se attrovano ale banche neli mestieri se rendeno difficili ad acceptar altre persone in ditti mestieri per haver loro piu inviamento". Such restrictions tended to be most keenly enforced by guilds of artisans. Retailer guilds might act differently. For example, in the sixteenth century, the mercers were keen to absorb other trades and in 1633 they vaunted the fact that no prova was necessary to join the guild.


75 For example, the prova of the luganegheri involved butchering a pig - BNM, Capitolari, voce "Luganegheri", 20 Aug 1577.
prova was also used to control guild numbers. To undergo the prova cost a considerable sum, and the masterpiece became the property of the guild afterwards, which usually sold it. If the masterpiece was rejected, the candidate had to wait at least six months or a year before trying again. This applied even to foreign masters who had already practised the trade in their home town. By contrast, sons of Venetian masters were generally exempt from the prova. Most importantly however, the judging of the prova was entirely in the hands of the guild council, which might use this mechanism to exclude whoever they pleased. It was possible to lodge an appeal with the government authorities, although this was an avenue reserved to those with necessary funds. The government was often prepared to support the pleas of artisans for a fair trial. In 1659 the aspirant smith Batista Piccolo demanded an immediate re-trial because his masterpiece had broken into pieces "due to a defect in the iron", rather than incompetence on his part. The smiths insisted that he would have to wait six months before trying again, but the judgement went against them. In 1670, the Provveditori sopra la Giustizia Vecchia supported the plea of a group of ten candidate pork butchers to be given the guild prova as established in law, rather than that dreamed up at the "caprice" of guild officials. In 1666, in response to the complaints of the candidate ivory turner Marco Oliviero, the government ruled that he should repeat the examination before a jury composed of

Arti, b.360, fasc. 1690: Andrea Martinelli muschier, camocer e centurer descrito nella scolla de Marceri, contro L'Arte de Onzadorì da curami sive conzzacurami..., 24 Feb 1572 (m.v.), the guild of tanners made it possible for masters' sons to enter the guild without a prova. It was made very difficult for foreign journeymen to enter the guild without having first been an apprentice to a Venetian master. The type of prova was explicitly different.

E. Favoro, L'Arte dei pittori in Venezia e i suoi statuti (Firenze: Università di Padova, Pubblicazioni della facoltà di lettere e filosofia, vol.LV, 1975), p.61-2, describes how artisans whose prova was rejected by the painters' guild could appeal to the Giustizia Vecchia, which might force the guild to accept them. This happened with Hetor Ruberti in 1585 and Pietro Bercio in 1588.

GV, b.21, reg.14, 5 Mar 1659, "per deffetto del ferro è stata buttata in pezzi".
the guild banca, one of the Giustizieri Vecchi, and an expert selected by lot from among the ivory turners. Government support for such cases indicate its concern that small numbers of guildsmen might establish a stranglehold on the market.

Another means of excluding new entrants in many trades was the law of passi, which insisted on the maintenance of a distance of fifty or sixty paces between shops. It was therefore possible to exclude new masters on the grounds that there was physically no room left for them to set up in business. The number of apprentices any one master could take on was also limited to prevent undue expansion of the trade. Yet another means was the payment of the benintrada, the entry-fee to the guild, which could be made prohibitively high, especially when differential rates were demanded from foreigners. The sons of existing masters were again usually exempt from payment of this fee. In the difficult economic climate of the seventeenth century, the general tendency of the guilds was towards still tighter closure in defence of their privileges.

The government was normally content to allow this barrage of legal checks to exist. There are only occasional instances of intervention, as in 1573, when the government removed restrictions on the number of apprentices that a master cooper could have, noting that the regulations were used "maliciously", "to keep numbers

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80 GV, b.21, reg.14, 1 Feb 1669 (m.v.), "se fossero state datte le prove in conf.à delle leggi non vi sarebbe stat occas.ne della p'nte instanza mà perché sono state datte a capncio ha convenuto fare il p'nte riccorso".
81 GV, b.21, reg.14, 25 Aug 1666.
82 GV, b.25, 15 Dec 1648, for the case of a sailor, badly injured in a fire while fighting the Turks at sea, who sought entry to the guild of distillers. The guild appealed to the law of passi to block his admission, but the government overrode this, stating, "gl'odine et regole di d.a Arte possino restar pregiudicata da questa concess.ne". See also GV, b.3, reg.7, 3 Feb 1620 (m.v.), on manipulation of shop proximity limits by rich masters of the guilds, such as the use of botteghini (small shops) to occupy the available space. See also Favoro, L'Arte dei pittori, p.74, and Sartori, L'arte dell'acqua di vita, p.47-8.
down, to the detriment of the city". The government might sometimes give individuals special privilege to enter the guilds, as was the case with those injured in galley service, or converted Turks and Jews (in the late seventeenth century). However, following outbreaks of plague the government intervened in a much more decisive way to cut through this legislation. One of the aims was to restore population levels in the city to their normal levels. However, the type of immigration the government wished to encourage was certainly not indiscriminate. Only those with some sort of trade were wanted. The arrival of vagabonds and beggars in the city was met with a wave of repressive legislation.

This was connected to mercantile interest in resolving the post-plague labour shortage. The government was particularly concerned that in the wake of plague, the reduced number of guildsmen were able to charge excessively high prices for their wares, and that their wages had become "extraordinary and excessive". For example, in 1578, the building trades had managed to obtain an unduly high wage settlement from the government on this basis.*7

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*GV, b.1, reg.3, 30 May 1573, "Vedendo, che malitiosamente li Mastelleri, et Barilleri della presente città per restar in poco numero a maleficio della città si serveno di uno capitolo della lor Mariegola, che non possono tenir più d'un solo garzon alla volta, il che redonda l'arte à strettezza, et carestia alla università, che di quella si serve...".

* See the case of the injured sailor above and also GV, b.29, 8 May 1700, for use of guilds as a 'sink' for religious converts and orphans. Also Arti, b.364, fasc.101, Pro' Scoia de Marzeri C.o Ebrei Fatti Christiani, p.1, 2 Jan 1676 (m.v.), for catecumeni. On this basis a converted Jew joined the mercers in 1692 and a converted Turk in 1694, although only after appealing to the Provveditori di Comun to overcome mercer resistance.

* Ulvioni, Il gran castigo di Dio, p.99. On 3 Oct 1634 the Sanità were reminded of their duties and the police were instructed to «retener li laroni e vagabondi della città» and consign them to the galleys. Ibid., p.101, describes how repressive legislation against vagabonds was stepped up in 1636. There were to be 200 official, licensed beggars (all Venetian natives) equipped with a segno, while all the others were instructed to leave Venice or face severe punishment, such as public flogging. Existing legislation was reiterated which forbade people to house anyone without a job.

* Ulvioni, Il gran castigo di Dio, p.96, quoted from Senate regulations, «straordinari et eccessivi».

* GV, b.5, reg.13, 18 Aug 1578, "Solevano avanti il contagio li mureri, marangoni et tagliapietra... lavorar et servir cadauno del mestier suo à precii ragionevoli, et co'venie'ti no' agrava'do quelli che si servivano dell'opera sua piu de q'illo che era honesto et ragionevole...".
demand higher wages threatened the profits of merchants. For example, in 1578 the *Cinque Savi sopra le Mariegole* set out to encourage immigration of wool-workers because the Venetian workforce, “finding themselves in small numbers”, were skimping on the quality of the work and in effect, doing less work for the same wages. They decided to offer subsidies to immigrant weavers, providing them with a loom (to be subsequently paid for on easy terms), and a subsidy of 12 ducats per annum for three years to ease their rents.” Similarly in 1632, loans were given to journeymen to help them enter the trade, and permission to join the wool-worker guilds was extended to women.” In 1633 the *Cinque Savii alla Mercanzia* reiterated the need to bring foreigners into the wool guilds, because wages were still at ‘excessive’ levels.” In 1634, the guild of hide tanners was also opened up, “to moderate the insolence of the reduced workers”.” The connection between wage labour demands and the population shortage was explicit.

In this climate the government acted to suspend or remove the checks put in place by the guilds.” A Senate law of 15 March 1577 opened up Venice to immigration.” For three years anyone could enter the guild without the need for the usual prova.” This was later reinforced by a decree that for three years, all masters could have as many apprentices as they liked, because, “a good number of men are

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88 GV, b.5, reg.13, 10 Jun 1578, “per trovarsi in poco numero”.
89 Ulvioni, *Il gran castigo di Dio*, p.97, “Venivano concessi prestiti agevolati ai lavoranti che volessero entrare come maestri, ma non potessero acquistare telai...”.
90 Ulvioni, *Il gran castigo di Dio* p.97, n.13. The wool and silk trades had been in a perilous state even before the plague due to Dutch and English competition.
91 GV, b.25, Jun 1634, “per moderar l’insolenz. degli’operari redotti...”.
92 Arti, b.312, *Mariogola*, 29 Dec 1519, shows that similar measures were adopted following the War of Cambrai. The Council of Ten ruled that anyone excluded by the guilds could appeal to the Provveditori di Comun.
93 GV, b.5, reg.12, 30 Jul 1577, refers to this law.
94 GV, b.5, reg.12, 18 Oct 1577, gives further details on the Senate law. See also GV, b.5, reg.12, 19 Apr 1578 on the stonecutters’ guild, which eliminated the prova on a permanent basis, rather than just for three years, and enabled all masters to have as many apprentices as they wished.
lacking in all the trades of the city". Similarly in 1631, the Senate legislation of 1577 was repeated, anyone being admitted to the guilds so long as they paid the ordinary dues. In 1634, the Senate, recognising that the costs of benintrade (guild entry-fees) could be prohibitive, lowered them to a single ducat for every guild. The Cinque Savi sopra le Mariegole also produced measures designed to open up the guilds to immigration. For example, in 1577, they reduced the level of benintrada for the shoemakers, “to enable anyone to enter that guild to exercise the trade, and to make products for the abundance of the city”. Again, this legislation was to last for 3 years. Similarly for the conzacurami (tanners), benintrade were reduced from 12 to 6 ducats. It was expressly noted that old fee, “is truly an excessive amount, and through this the way is certainly barred for poor foreigners to enter the guild".

Naturally the entrance of large numbers of foreigners was bound to create tension with Venetian guildsmen who saw their ability to command higher wages reduced, and their age-old privileges brushed aside. In the wool industry, salt was further rubbed in the wound because the long-suffering local workers were not eligible for the subsidies provided by the government for immigrants. Resentment found its outlet in violence. For example, one night in October 1578 a group of Bergamascan textile workers were attacked with knives. Their assailants made their
motives clear: "treacherous Bergamascans, you come to this city to take away our living". The persistence of such attacks (such as that on Antonio and Andrea, two other Bergamascans, who were clubbed one night as they they left their employer's workshop), led to government action. The Senate had noted the problem in January 1578, and had ruled that secret denunciations of attacks would accepted, with a substantial reward of 600 lire for every person convicted. One of those convicted, a wool comber called Vettorello, was exiled for having, "injured a poor foreigner come from the Bergamo region to work". He hoped to obtain mitigation of his sentence by offering details of other, "delinquents who have so badly treated many poor foreigners in the street at night". For this reason legislation was also necessary to protect the immigrants, who suffered, "many insults and acts of violence, and many threats", "with no other aim than that they leave, and also so that from now on, those who intend to come here change their mind". Ulvioni describes a similarly violent popular response in 1631.

Outside the textile industry, things rarely took such a violent turn. However, the guilds did not meekly accept the foreign workers imposed on them by the

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100 GV, b.5, reg.13, 10 Nov 1578, p.61R-62, "Bergamaschi traditori vu (?) vegni in q' sta città à tuorne el n' ro viver".
101 GV, b.5, reg.13, 9 Oct 1578.
102 Senato, Terra, reg.52, 11 Jan 1577 (m.v.), "sará tenuto secreto, et guadagnerà lire seicento de piccioli, per ogni uno, che farà venir nelle forze della giustitia, et sarà conosciuto colpevole...".
103 GV, b.5, reg.13, 4 Feb 1578 (m.v.), "dete delle feride ad un povero foresteri venuto de Bergamasca per lavorar...".
104 GV, b.5, reg.13, 4 Feb 1578 (m.v.), "quei delinque' ti che in tempo di notte ha' no alla strada così mal trattati molti poveri forestieri".
105 GV, b.5, reg.12, 18 Oct 1577, p.59R, "PROCLAMA che no' siino molestati li maestri, et lavorati forestieri che lavorano in cadauna Arte", on plight of those, "a quali vengono fatti molti insulti et violentie, et usate molte minatie, no' ad altro fine se non che si partino et che quelli che venirano da qui in poi mutino anco pensiero".
government. Despite the legislation in their favour, immigrants often had to struggle to win acceptance from the guilds. Specific government orders were frequently necessary in order to get the guilds to comply. Naturally it would not be easy for a foreigner to resort to the channels of the law, though advocates were there to advise the rich. The struggle of Alvise Manenti to start up in business as a second-hand dealer reveals the great lengths to which some foreigners had to go. In accordance with the Senate law of 1577, the Giustizieri Vecchi had backed his case in 1579, and this had been further confirmed in appeal by the Provveditori, who had formally instructed the gastaldo of the second-hand dealers to admit him. Yet he still found it necessary to petition the Provveditori again in 1581. The government was aware of the kind of the obstructive tactics that could be used. In 1580, with the emergency legislation of 1577 soon due to expire, the Cinque Savi sopra le Mariegole voiced their concern that the guilds would play for time. They therefore ruled that anyone seeking to enter the guilds could do so without hindrance, and the merit of their cases would be considered afterwards. There followed a mass of instructions to the guilds to accept a total of twenty-eight persons, eight of whom entered on the last day (some of these were indeed later revoked).

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"P. A. Allerston, The Market in Second-hand clothes and furnishings in Venice, c.1500 - c.1600, (doctoral thesis, European University Institute, 1996), p.20, notes that the reaction of the guilds to such legislation has been neglected in the historiography.

"For example, GV, b.5, reg.13, 30 Apr 1578 (filacanevi); GV, b.5, reg.13, 23 May 1578 (luganeghen); GV, b.5, reg.13, 12 Nov 1578 (cimadoni); GV, b.5, reg.13, 26 Jan 1578 (m.v.) (caleghen); GV, b.5, reg.13, 14 Mar 1579 (filacanevi); GV, b.5, reg.13, 16 Mar 1579 (luganeghen). See also GV, b.5, reg.12, 31 Jul 1577, 3 Aug 1577, 7 Aug 1577, 8 Aug 1577, 14 Aug 1577, 4 Mar 1578, when the luganeghen are instructed to receive a total of 53 men, many of them Bergamascans, plus a few Grisons. For the 1630s, see Arti, b.129, 5 Oct 1632, the Giustizia Vecchia heard the appeal of the Milanese Georgio Tapparo Comaseo, that the smiths must accept him in the guild, in accordance with the Senate law.

"GV, b.1, reg.3, 13 Jul 1581.

"GV, b.5, reg.13, 27 Feb 1579 (m.v.).

"GV, b.5, reg.13, 27 May 1580.
Guilds also made more vocal protest to the government. For example, in 1577 the silk weavers protested the instructions of the *Provveditori di Comun* to enroll masters in their guild and demanded a hearing from the *Cinque Savi sopra le Mariegole*. An argument that could be used effectively in certain trades was that the *prova* was essential to retain the necessary quality levels. In 1631 the pork butchers warned the government in dramatic terms that in their trade, untrained workers constituted a popular health hazard, which might cause "grave infirmity and even death..., an effect contrary to the public mind, which is to conserve subjects and not to destroy them". The wool beaters, combers, and carders protested on the grounds that the quality of Venetian woollens would suffer from the use of unqualified workers. Nor were such protests ineffective. On 30 January 1632 the Senate reserved the question of immigrant workers for "more mature consideration", revoking the decree for immigrants from the *Terraferma* (though it remained in force for foreigners). Certain guilds were exempted from the immigration legislation, "for special reason of health or for some particular characteristic of value to the city". These included spicers, boat-builders, caulkers, mirror-makers, gem-cutters, and the makers of glass rosary beads. The mercers were also able to protest the interference with their *benintrada* imposed by the Senate in 1634, claiming that their

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113 Ulvioni, *Il gran castigo di Dio*, p.96, quoted from the *Collegio*, "gravi infirmità et anco morte a diverse persone, effetto contrario alla pubblica mente, ch’è di conservare i sudi e non distruggerli".
114 Ulvioni, *Il gran castigo di Dio*, p.98, for protest of *verghezini*, *pettinatori* and *scartezini*. They complained that the new masters took on masses of apprentices and failed to maintain quality controls, damaging the established masters. W. Panciera, "L’arte matrice" : *i lanifici della Repubblica di Venezia nei secoli XVI-XVIII*, Studi Veneti, 5 (Treviso: Canova Editrice, 1996), p.58-9, for further complaints from the wool industry.
115 Senato, Terra, reg.106, p.528v-529r, 30 Jan 1631 (m.v.),"più matura considerazione", "quell’arti sole che per capo speciale di salute e di proprietà peculiare e gelosa della città meritano l’eccettione, come sono Speciali, Ceroichi, Fabricatori di Vasselli grossi e Calafatti simili, Filacanevi da Gomene, Paternosteri, Diamanteri e Specchieri", Ulvioni, *Il gran castigo di Dio*, p.98, quotes from the *Croniche* that protests increased when many Frenchmen arrived, setting themselves up «et per sartori et per marzeri con robbe di quel paese, che causò diverse nuove introduzioni dispendiose d’habiti et altro nella città, che fu sentito assai acerbamente dalli maestri delle arti vecchie della città». 
guild was “different from any other” (because it was an ‘open’ guild which did not require a prov) which should therefore be exempt from the general legislation.

Clearly however, the government’s favourable response was related to the importance of the guild in tax terms.\[^{16}\]

Once more then, it can be seen that the guilds were able to modify public policy through a combination of legal protest and obstruction of the implementation of policy at street level. Lurking beneath this was the threat of direct violence, which at times could explode, should the government choose to push too rigid a line of policy. Other guilds, like the mercers, were influential enough to obtain special treatment.

Guilds were in the final analysis essential for the orderly regulation of the market, and the government could not afford to do without them. In the wake of the immigration legislation of 1577, the Cinque Savi sopra le Mariegole set down heavy penalties of 5 ducats for non-attendance of guild assemblies. This applied only to those guildsmen who had already been in the guild for six years, which suggests that the aim was to make sure that the influx of young foreigners did not upset the balance of power within the guilds. The government stated its concern that, as a result of to the large numbers of inexperienced men who had flooded the guilds, “the guilds of the trades of this city are becoming extremely disordered, and are badly

\[^{16}\] PdC, b.6, 17 Jun 1634, “resti espressamente terminato che il d.o Gastaldo non resti sottoposto al rigor di di d.e parti si che possi, et debba riscoter il solito di sua ben intrat che si riscoteva solam.te la d.o scola fa' tutte le speze necessarie et sostenata le publiche gravezze di 221 Galeotti”. Arti, b.312, Mariegola, 15 Mar 1636, Senate law, “Dimostra con sua supplicatione la scola di marzeri et lo comprobano con lor risposte li Provveditori di Comun et li Provveditori sopra la Giustizia Vecchia esser quest'arte differente da qualunque altra entrando in essa cadauno senza prova, o altro requisito. Onde non siano soggetti quei, che vi s'admettono all' esecuzione della parte di questo consilio 17 Giugno 1634 in part.e : per l'obligo del ducato di ben intrada.”. The entry is richly decorated in celebration of this demonstration of the guild's wealth and influence. The Senate insisted only that those who entered the trade as apprentices, without opening a shop of their own, were eligible for the reduced rate of D1.
governed by their *gastaldi* and *compagni* [members of the guild councils]." It was later ruled that none should hold guild office until they had been a master for at least five years." This effectively gave the new masters lower political status in the guilds, in order to preserve the authority of established masters. The government was concerned that due principles of hierarchy and authority should be observed in guild administration. The authority of the original guild masters was essential to preserve order in the guilds against the wave of immigrant tradesmen and Venetian journeymen become masters. This was probably also a reflection of the pressure of the original guildsmen that immigrants should not be allowed to take over. Similarly in 1634, the smiths complained that the immigrants who had entered their guild did not have the expertise to govern it properly, and tightened up their electoral rules accordingly (although only narrowly obtaining the approval of the guild assembly)."

3. *Divisioni* systems and the guild ‘elite’.

From the government’s point of view, one of the important functions of the guilds was the implementation of *divisioni* systems. These were a traditional means of control enforced on many market sectors, intended to keep prices down through artificial controls on competition."
How did such systems work? A typical example is the system imposed on the pig market in 1550. Individual pork butchers were no longer to deal with the suppliers. Instead, the whole trade was to pass through the guild officials, who would then divide the pigs up fairly among the members. Divisioni systems were supposed to be of benefit to the poor and were backed by the government on this basis. Firstly, competition among buyers was reduced on the wholesale market, because importers were forced to sell only to the guild. This brought the wholesale price down. Secondly, the division of the goods among guild members prevented individual shopkeepers from obtaining a stranglehold on the market. The practice of stockpiling or hoarding goods was regularly condemned as leading to 'excessive' prices, particularly reprehensible at times of dearth. The even distribution of goods between shopkeepers increased competition on the retail market, and so kept prices low for consumers. Special importance was attached to the cheap foodstuffs which made up the diet of the poor, such as menuzzami (beef offal). However, industrial products such as window panes could also be regulated in this way. ‘industrial’ examples can also be found, such as the smiths’ guild, which bought charcoal on behalf of its members.

11 BNM, Capitolari, voce “Luganegheri”, 17 Sep 1550.
12 GV, b.5, reg.13, 29 Apr 1578, petition of pork butchers, states that the purpose of divisioni legislation was, "accioche vene'do li co'duttori di essi animali, di quelli si havesse meglior mercato, et il populo della città ne sentisse co'modo, et beneficio...”.
13 T. Garzoni, La Piazza Universale di tutte le professioni del Mundo (Venice: G. B. Somascho, 1587), p.546, also notes how the speculative practices of merchants, "pongono carestia nelle province, & nelle città...”. Such practices were referred to perjoratively as appalti, inchieti, assedio, and intelligentie (often secrete or diaboliche). For an example of a nobleman taking a personal interest in a cartel of mulberry leaves (food for silk-worms), see GV, b.48, 28 May 1599.
14 This describes the ‘full’ divisioni system. Other varieties existed in which the wholesale merchants were free to deal with individual guild members. The retailer then had to hand over a proportion of his purchase to the guild for division among the brethren. These other varieties were more common because they interfered less with international commerce. The Cinque Savii alla Mercanzia, representing the interests of international merchants and wholesalers, held a different attitude to the guild monopolies, and the enforced system of divisioni - see CSM, b.93, 13 May 1628.
15 BNM, Capitolari, voce “Luganegheri”, 14 Mar 1572. For the definition of menuzzami, see GV, b.89, filza 78, 10 Jun 1651, “Tutte le Robbe contenute nel Menuzzame crude, e senza osso, come Figà, Cuor, Coradella, Spienza, e Cervelle”. For more on the menuzzami see GV, b.25, 14 May 1640.
16 GV, b.5, reg.12, 19 Nov 1577, “La carestia che e nelle citta comunemente de tutte le cose tutte se vede che procede dalli molti compravendi incapicatori, et apattatori li quali con il suo sfrenatto
were perceived as of benefit to both the public (because they provided low prices) and to the poor of the guild (because they shared out the work fairly). The government also benefited because imports could be taxed more effectively if they were brought to a single point of distribution.

Such systems could only work if vertical integration between the different sectors of production, wholesale and retail was eliminated. Contractual relationships between retailers, importers and producers, were castigated as 'diabolical intelligence' and strictly forbidden. Individual grocers, for example, were not supposed to have commercial contacts with the cultivators and market gardeners of Venice and the Terraferma, nor with the wholesale merchants who organised the traffic in such goods."127 Similarly, the fishmongers were not supposed to get involved in the renting out of valle (lagunar fish farms)."128 Contact between the wholesale and retail sectors was reduced to a single point - the guild, which could be subject to rigorous control.

Divisioni systems were more vigorously enforced at times of crisis. The government was especially concerned to lower food prices at a time of instability in
the city. While *calmiere* (price controls) were employed in the vital grain sector, the *Cinque Savi sopra le Mariegole* were also concerned about other foodstuffs, such as fish, wine, poultry, melons, cheese, eggs, oranges, and milk. The idea was to restore a moral climate of public benefit, and to repress the greedy practices of the shopkeepers (which were probably responsible for bringing God’s ire down on the city in the first place). It was for this reason that in 1577-78 they tended to institute new *divisioni* systems or to tighten up the existing ones. In the case of the pig market for example, the penalties for “intelligences” with the *conduttori* (wholesalers) were increased to 50 ducats and expulsion from the guild. Similarly in 1631 the *Provveditori sopra la Giustizia Vecchia* and *Giustizieri Vecchi* were instructed to take action against *inchiete* (hoarding) and to “encourage the competition of Goods”. The state had to be seen to be doing something for the poor, and these measures probably appeased the popular hostility to shopkeepers at such times.

The duty of the guilds to implement such systems was one of the sources of their privileges. As the guild of mercers commented on this aspect of state policy, “Having been recognised as necessary by the great Council of Ten, to make sure that a few rich and opulent men are not able to tie up and take control of the whole trade in a single sort of merchandise... in this regard they have conceded many privileges to various guilds...”.

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125 Mattozzi, et al., “Il politico e il pane”.
130 Ulvioni, *il gran castigo di Dio*, p.99, “L’epidemia aveva contaminato anche le coscienze, fatto perdere ogni senso di ingiustizia e di umanità. Tutti erano intenti solo alla ricerca del guadagno personale...”, “Attorno ai poveri si doveva nuovamente ricreare un clima di solidarietà morale e materiale che la Repubblica aveva sempre considerato causa e sintomo di tranquillità sociale.”.
132 Arti, b.315, 4 Aug 1608, “Esendo stato chonosutto dallo ecellsso Conselgio di X neserario il proveider che pochi hopulenti e richi non possano apaltare et in patronirssi di tutto il negoito de una sorte de merchanti si de chordoni chome lini et altre merchanti in questa citta et per questo rispetto ano choncesso molti privilegii ad diverse arte secho’d o lurgiente bisogno detestando sempre asuo potere tutti li apalti chome si vede che sono la tottal rovina di tutta la citta si publicha chome privatta”.
Such systems could not be expected to work without guild cooperation. For example, a divisioni system was imposed on the cheese market in September 1577, but this was suspended two months later following the protest of the cheesemongers. The guild claimed that it had not been able to import sufficient cheese on its own account.\(^{13}\) Shortly afterwards the legislation was annulled, and guild members left free to deal in cheese independently. Similarly in 1574, the Provveditori sopra la Giustizia Vecchia introduced a divisioni system for the fruit market, against the wishes of the grocers.\(^{14}\) They insisted that the guild elect twelve representatives to police the market, from whom the Provveditori would select six.\(^{13}\)

In 1575 the guild again protested that, “their most distinguished lordships have not heard our case, nor had that information which is required”, arguing that this misguided system was actually causing shortages in the city.\(^{15}\) In 1577 however, the Cinque Savi sopra le Mariegole blamed the failure of the legislation on the guild officials, who were not doing their job properly. They now insisted that the grocers should elect two candidates for all their officials, to be presented for final election by their magistracy.\(^{13}\) This was a fundamental interference in the ability of guilds to elect their own representatives. The guild protested, and obtained the compromise that only the office of vice gastaldo, who was in charge of implementing the divisioni,

\(^{13}\) GV, b.5, reg.12, 17 Apr 1578, refers to previous law of 5 Sep 1577, “disponente che alc.o casaruol in particolar no’ possi andar o mandar a comprar formazi et altro per suo conto”. This was now seen as of “grandissimo dano della citta”, “massime havendosi veduto essa Arte de Casaroli non haver fin hora in pte alca potuto eseguir esso capitolo per la loro impossibilità, ne meno haver condotto in questa citta per conto di essa Arte alcuna qua’tita di formazi qual fosse bastante, ne anco in poca quantità di fornir essa Arte…”.

\(^{14}\) GV, b.1, reg.3, 19 Jan 1573 (m.v.). This was a response to the petition of Franc.o de Andrea di Lazaroni, who related how the richest grocers were able to “tyrannize” the city, due to their business contacts with the producers in near Vicenza and in the mountains. In this way, “il ricchi hanno il tutto, et il meglio, et il povero niente”. GV, b.1, reg.3, 23 Apr 1574, for the resistance of the guild.

\(^{15}\) GV, b.1, reg.3, 20 Sep 1574.

\(^{16}\) GV, b.1, reg.3, 12 Jun 1575, “Il che è seguito, perché sue sig.rie cl.me non hanno udite le ragioni nostre, ne havute quelle informationi, che si ricercavano, quali se fussero state intese, haveriano conosciuto, che più tosto tal provisione cederà in maleficio, et carestia della città”.

\(^{17}\) GV, b.5, reg.12, 28 Jul 1577.
would be subject to this government veto." A government clerk was also supposed to be appointed to oversee the wholesale market. However in 1582 it was noted that, “up till now this most holy order has been hidden away without any implementation, nor has the election of the clerk taken place...”. It was further noted in 1584 that fruit prices were still “excessive” because the vice gastaldo was failing to carry out his duties properly and, “very often those elected to this office defraud it”. In response to the abusive practices of the guilds, the government often tried to introduce still more complex bureaucratic systems of regulation, but these came up against the constraints of the existing bureaucratic machinery. Excessively complex paperwork would soon have swamped the under-powered government magistracies. Controls cost time and money and would themselves have driven prices up. Hence it was necessary to farm out the policing of the markets to guild officials, who were ‘encouraged’ to carry out their duties with the threat of punishment. With the government trying to make guild officials into its pawns, it is not suprising that holding office was to become so unpopular among the guilds (see chapter 4). For example, in order to coerce the grocers into accepting the office of vice gastaldo, the government found it necessary to impose a fine of 10 ducats on

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138 GV, b.5, reg.12, 17 Aug 1577.
139 GV, b.2, reg.4, 7 Feb 1581 (m.v.), “il q.al santissimo ordine è stato occulto fin'hora senza alcuna essecutione, nè fatta elettione del scrivano al Palo sudetto”. Francesco Lazaroni (who had lodged the petition of 1573) was subsequently appointed as clerk.
140 GV, b.2, reg.4, 26 Sep 1584, “bene spesso quelli che sono eletti à tal carico lo defraudano”.
141 For example, see GV, b.2, reg.4, 26 Sep 1584, when on top of the existing regulations for the dried fruit market it was ruled, “chi farà detto mercato sia obligato dopò dato in nota alla Giust.a vecchia, il giorno istesso, ò il susseguente darne notizia al scrivano predetto delle frutte perche lo registri sopra una tavolletta da essere messa al Palo ad intelligentia di cadauno, et de i fruttaroli, et de i mandoleri che ne volessero, non potendo poi esser divise senza la presentia dal scrivano il q.al di esse osservi in tuor, et dare in nota, et con quella mercede che in tutto è detto delle fresche...”. Similarly for the dried fish market, see GV, b.23, 28 Feb 1601 (m.v.), when the clerk of the doana was charged with writing out a bolletino (licence) for all salumieri (dried fish sellers) who “trazerranno Morone de Doana con il nome, cognome et quantita da esse Morone”. The salumieri were then supposed to present this bolletino at the Giustizia Vecchia, so that the divisione could be implemented. There was a fine of D50 for non-compliance.
those who refused. Further fines were imposed if they failed to carry out their duties properly. "

Nevertheless, the guilds often shared this concern to control capitalistic tendencies, which were generally attributed to a wealthy minority within the guild. "

The initiative behind divisioni systems might also come from the guilds themselves. For example, the leather merchants complained about, "six to eight rich and opulent men who want to take possession of the whole business", men who had good contacts with the brokers. These "opulent men" are never named, but rather acted as a symbol for the rich of the guild in general. The leather merchants sought to create a guild precisely for this motive in 1592, so that, "in buying and selling, goods are shared equally to the common benefit of both rich and poor". " Similarly the mercers noted that in order to corner the market in zambelotti (a type of cloth), "

"four to six rich and opulent members of our brethren have been making secret pacts and agreements together for some time now, and they also have contacts among the Brokers, with both Turks and Jews". " The mercers therefore tried to enforce a system of sharing, so that, "a few rich and opulent men are not able to tie up and take control of the whole trade in a single sort of merchandise...". "

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142 GV, b.2, reg.4, 26 Sep 1584.
143 Mackenney, Trade guilds and devotional confraternities, p.33, comments similarly on the medieval statutes for bulk purchases by the guild, "The statutes reflect a fear of an enemy within, a group of members who might form a renegade guild and dominate the market.".
144 GV, b.2, reg.4, 9 Aug 1592, "sei, overo otto oppulenti, et richi vogliono impatronirsi di tutto il negotio", "ma nel comprar, et vender le robbe sono egualmente partite à com'u beneficio cosi del ricco, come del povero". See also PdC, b.6, 20 Aug 1592.
145 A. Vitali, La moda a Venezia attraverso i secoli (Venice: Filippi, 1992), p.109-111, on the shifting meanings attached to this term.
146 Arti, b.381, fasc.A, Marzeri Co Marceri del Membro delle Merce di Fiand.ra per Causa della Tarsa, 7 Aug 1608, "quatro ò sei delli Nostri Fratelli richi et oppulenti si sono da certo tempo in qua intesi et accordati secretamente insieme anco havendo qualche intelligenza con li Sansen si de Turchi come d'hebrei si sono imaginati che altri che loro confederati non possano comprar Zambelotti da Turci".
147 Arti, b.315, 4 Aug 1608, "che pochi hopulenti e richi non possano apaltare et in patronersi di tutto il negotio de una sorte de mercantia si de chordovani chome iini et altre merchanti...". See Arti, b.369, fasc. Sumario per scola de Marzeri e o Marzeri del Membro delle Merci di Fandra, 7 Aug 1608, for details of the divisioni system. Whenever a wholesale deal was struck, the mercer concerned had
Divisioni systems were part of a common tendency in guild legislation to restrain capitalist tendencies. The expansion of individual businesses was frequently limited. For example, in 1550 it had also been ruled that no pork butcher was to have more than one shop. Much of the legislation of the Cinque Savi sopra le Mariegole reinforced such measures, and was directed at the possible domination of the trade by an oligopoly of rich guildsmen. Capitalist tendencies were limited in the shoemaking trade by prohibiting anyone to trade in shoes which they had not made themselves. This was intended to preserve the independence of the small master. Steps were also taken in the guild of mirror-makers to prevent poor masters becoming simple wage labourers for the rich. Divisioni systems were therefore at odds with the interests of the rich of the guild, who were prevented from expanding their business by the need to share everything out. To impose divisioni systems was therefore a realignment in terms of the social forces competing for control of the market. This met with the resistance of wealthy interest groups. In the case of the pork butchers, the overt opposition of the appaltatori (contractors) forced to report the purchase to the guild. A third of the quantity was left in his hands, while the other two thirds were to be divided up between the other ‘merchant shopkeepers’ by two ‘experts’ elected by the guild. This is an example of a semi-divisioni system which did not interfere in the freedom of the wholesale merchants to contract with whoever they pleased.

Mackenney, Tradesmen, p.16, emphasizes this aspect of divisioni, “the purpose of these regulations was to protect guildsmen from dependence on merchant interests outside or inside the corporation”.

BNM, Capitolari, voce “Luganegheri”, 17 Sep 1550, “nessuno dell’Arte possa far più di una Bottega in questa Città...”.

GV, b.5, reg.12, 18 Sep 1577, “Si vedde esser introdotta una pessima consuetudine per gli botteghierei callegheri della presente citta, et massime in molti di loro che sono commodi, et richi che... per abbraciar il tutto si hanno posto a comprar molti et infiniti lavori da diversi si delle Arti come d’altri che non sono descritti nell’Arte, rivendendoli poi al Populo a pretii maggiori il che essendo de grandissimo danno nella citta”.

GV, b.5, reg.12, 17 Dec 1577, p.79, “li maestri piu comodi di essa arte si fano licio di comprar tutti li specchi che fano li poveri maestri a pretii molti bassi arrichendosi, et facendo mercantia delle fatiche et, stente di essi poveri homeni, lassando loro maestri il lavorar et far lavorar nelle loro botteghe, ma solo vende’do li specchi lavorati per altri...”.

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the pork butchers to defend the menuzzami legislation of 1572 through the courts, "to the great expense and harm of this guild"."12

Understandably, divisioni systems were not popular with the wholesale merchants either, who found themselves constrained to sell to a single buyer - the guild. As the wholesale merchant Manoli Maurici put it in his petition of 1572, "It was never the intention of this most excellent Dominion that foreign merchants be obstructed by the shopkeepers",13 complaining that the guild of grocers, having first refused to buy his currants for an "honest price", should not then be able to prevent him from selling to anyone else. In the ontosotili (butter?)14 trade, which was controlled by the poulterers, the petition of the conduttori (wholesale merchants) of 1609 lists two basic complaints. The first was directed at the additional time involved in carrying out the divisioni, especially when it was often difficult to find the gastaldo, and another "thousand obstacles".15 Secondly, because the guild could control the price, the merchants lost out and many had now abandoned this commerce in favour of more profitable markets.16 They asked to be sell their wares freely to

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12 GV, b.5, reg.13, 29 Apr 1578, "hanno cercato co' il mezo d'I ser.mo Princ S.ri proveditori alle beccarie, et ecc.mi s.ri savii di destruzerla, da quali tutt.o ben co' molta spesa, et da'no di essa arte sono stati rietti, et scacciati". GV, b.5, reg.13, 3 Jun 1578, The case of the pork butchers was countered by a reply from the conduttori. The case was considered on 4 Jun 1578, and the Cinque Savi sopra le Mariegole appear to have ruled in favour of the butchers.
13 GV, b.1, reg.3, p.15R, "Non fu mai di menti di questo ecc.mo D'nio che li mercadanti forestieri fussero strusciati dalli botteghien".
14 The meaning of ontosotili is unclear. It probably refers to butter, which was sold by the galineri (poulterers) in the eighteenth century under the name of bottiro, for which government regulations were similar. Butter was highly prized in this period and would have commanded such prices. The price of 30 or more soldi per pound can be compared to the prices of cheese and meat in GV, b.89, filza 78, 6 Jun 1651, which states that Lard was to be sold at 20 soldi per pound, and the finest cheese at 28 soldi per pound. A further possible clue to their identity is the testimony of the gastaldo of the galineri, GV, b.23, 16 Mar 1609, which refers to one type of ontosotili as panes freschi which were sold for up to L100 for a hundred.
15 GV, b.23, 11 Mar 1609, "dovendo noi per necessità passare per le mani de gastaldi et altri suoi compagni per dover poi venir all'officio clar.mo della Giustizia Vecchia per dover dar in nota essa nostra robba, hora non si trova il Gastaldo, et hora manca alcuno dei compagni, si che quando crediamo di dar espedizione ad essa nostra robba siamo con mille strussii menati alla longa...".
16 GV, b.23, 11 Mar 1609, "dependendo da loro il pretio della robba, siamo molte volte tolti di mezo, si che non è m Merraviglia se molti che allegramente prima che fosse presa la ditta parte conducevano
whomsoever they pleased. In other trades too, the government found that the imposition of *divisioni* systems damaged the interest of merchants and reduced trade. For example, various groups of merchants complained to the government about the stranglehold of the *salumieri* on the dried fish market." In 1566 fruit producers from the Montagna area asked to sell fruit to "whoever they please" (their request was rejected by the *Provveditori sopra la Giustizia Vecchia* on the grounds that this would cause shortages)." Similarly in 1662, the government received a petition from various fruit wholesalers, complaining that they were "unable to send their fruit to whoever they please, even to grocers".*

*Divisioni* systems therefore often involved a trade-off between mercantile and guild interests. This can also be seen in the *divisioni* systems sometimes applied to labour markets, which provide valuable evidence on the government regulation of relations between merchant and craft guilds. For example, in 1577 the *Cinque Savi sopra le Mariegole* ruled that the leather merchants could not have their hides tanned by whichever of the *conzacre* (tanners) they pleased, but instead had to bring them to a central *fontego* (trading house), where they would be shared out equally among the workers.** This system was unpopular with the merchants, who

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*dell’ontosottili in questa città, hora si sono retirati et attendono ad altro con evidentissimo danno di tutta la città...*.

14 GV, b.3, reg.7, 25 Sep 1626, Flemish merchants vs. *salumieri*; GV, b.25, 1618, English merchants vs. *salumieri*; GV, b.29, 14 Feb 1634 (m.v.), merchants vs. *salumieri*.

15 GV, b.1, reg.2, p.26R, 12 Jun 1566, “dimandano di poter indiricciar li loro frutti, per vender à cui li piace”.

16 GV, b.21, reg.14, p.42, 17 May 1662, *Provveditori sopra la Giustizia Vecchia* heard the appeal of ‘diversi patrone, che mandano frutti in questa Città’, complaining “di non poter mandar i loro frutti à chi più gli piace a’co à frutteroli”. In this case the *Provveditori* were prepared to compromise. The wholesale merchants were allowed to deal with individual grocers. However the grocers were then obliged to offer the fruit they had purchased to the rest of the guild. Again, this would seem to be a sort of semi-*divisioni* system, in which wholesale merchants were not so heavily penalised. However, such half-systems must have been still harder to enforce, since the commerce was not channelled through a single point.

17 GV, b.5, reg.12, 11 Dec 1577, p.76.
refused to cooperate. They argued that without individual responsibility on the part of the tanner, the risks of loss were increased. Precious hides might be damaged by an unskilled tanner, and the merchants demanded the right to have the work done by whoever they pleased. Of course, with the tanners working as a collective, their bargaining power was also increased. The merchants subsequently found the wage demands of the tanners intolerable and the issue went before the Cinque Savi once again. By contrast, in the late seventeenth century, the leather merchants were involved in a similar dispute with the guild of scorzeri (tanners of leather for soles), but this time the government’s attitude was different. The Provveditori sopra la Giustizia Vecchia refused to give their backing to an attempt by the scorzeri to introduce a fontico through which to channel their dealing with the merchants, referring to it as a, “most damned introduction of monopoly or hoarding”, and stressing the dire consequences for trade which would follow. They used court orders to try and force the scorzeri back to work. This suggests a changed political climate in the seventeenth century, in which the government tended to back merchant capital rather than craft guilds.

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141 GV, b.5, reg.12, 8 Apr 1578, p.99.
142 GV, b.5, reg.12, 14 Apr 1578, “non si poter accordar co’ li conzacorami delli pretii et fatture del conzar gli cordoani dimandando loro pretii grandi...”. For their part, the tanners wished to be allowed to participate in the retail market. This would have allowed them to trade on their own account, and so reduce their dependence upon the merchants.
143 According to Rapp, Industry, Appendix I, the scorzeri were ‘hide processors’, while the conzacurami were simply ‘tanners’. GV, b.25, 17 Aug 1660 states that scorzeri were tanners of cuori, while conzacurami were tanners of pellami. On the significance of this distinction see Vianello, L’Arte dei calegheri e zavateri, p.48, who states that the scorzeri tanned that type of hard leather destined for the soles of shoes, while the conzacurami tanned the softer leather for the uppers.
144 GV, b.25, 17 Aug 1660, “dan’atis.ma introd.ne di monopolio ò inchietta”, “anco ne seguirebbe, che mercanti Turchi, Ebrei et altri sarebbero necessitati vender li loro Cuori ad’un solo, et li Callegheri doverebbero poi ancor loro provare precii rigorosi nella compreda d’essi Cuori con regiu.d.o Universale della Città”. On the strike, “da Scorzeri gli fu risolutam.te risposto di non volerli più conciare havendo fermato con tal modo improprio in un momen.to questo importante negocio de pellami in questa Piazza”.

The artificial controls on the market meant that there could be big profits for those prepared to break the rules, for masters who could obtain more than their ‘fair’ share. The richest members of the guilds sought to evade controls and to contract wholesale on their own account, and it seems that they were generally able to get away with this. In 1578, the pork butchers complained to the Cinque Savi sopra le Mariegole that wealthy members of their guild were secretly sending agents out to meet the pigs as they were herded towards Venice, in order to tie up the market in advance. They offered some token quantity to the guild officials, but only at ridiculously high prices. Similarly, in 1578, the Cinque Savi were informed that many of the owners of wine-stalls were buying wine on their own account wholesale. In 1602, it was noted that many salumieri (dried fish sellers) were buying up goods on their own account, without sharing it out among the guild. In 1669, the government lamented the fact that the regulations set up for the divisione of the dried fruit market in 1601, “do not suffice to restrain the greed of a few overbearing men”, in the grocers’ guild who were able to buy produce wholesale without notifying the authorities.

The operation of the divisioni system in practice can be seen in an investigation of the market in ontosotili carried out by the Giustizia Vecchia in 1609. This market

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146 GV, b.5, reg.13, 29 Apr 1578, “hora è talmente cresciuta l’astucia di maligni che postposto ogni timor dal s.r Dio et delle leggi, cercano co’ ogni mezo indiretto suppeditar qile have’do introdutto alcuni di detta arte mandar à tempi suoi messi sottomano che no’ sono dell’arte alli passi in diversi luoghi dove passano, et sono co’dutti essi animali per venir nella p’nte città, quelli facendo incapparar, et comprare, et co’due’doli, et face’doli co’dur nella città, convertendoli in uso suo, et se pur ne presentano qualche parte ad esso gastaldo, face’do dima’dar così alti precii, che no’ potendo l’arte quelli levar, restano loro patroli di quelli, il che causa da’no grande al populo d’ila città, et è ruina dell’arte...”.

148 GV, b.5, reg.13, 14 Nov 1578. It was for this reason that wine was not supposed to be transferred from boats to barrels unless government officials were present.

149 GV, b.23, 28 Feb 1601 (m.v.).

150 GV, b.23, 26 Mar 1669, referring to regulations for the market in dried fruit, set up 8 Feb 1600 (m.v.), which “non sono bastanti a frenare l’ingordigia di pochi prepotenti li quali mentre capitano in q.ta Città nelle mano de mercanti di tali frutti con quelli coludendo clandestinam.te quelli comprano, et appaltano non dandone notitia alla Giust.a...”. 
had been subject to *divisioni* in 1603. At that time, the complaint had been that the trade was in the hands of three of four of the poulterers who had tied up the wholesale market for themselves. This had enabled them to charge excessively high prices of up to 40 soldi a pound.**

In 1609, the government received a petition denouncing the abusive practices of this market, and following this, various officials of the poulterers' guild were interviewed. The *gastaldo* complained that those rich masters who had dominated the trade prior to 1603 continued to enjoy complete control of the trade. They had done this by getting themselves elected as *compagni* (members of the guild council) and so were able to distribute the *ontosotili* in their favour. In this way they had managed to keep prices extremely high. In fact the *ontosotili* were not distributed evenly but, "the quantity depends upon the taxes that they pay, so that whoever pays a lot of tax has a lot of *ontosotili*, and whoever pays little has little"." The *gastaldo* further informed the *Giustizieri Vecchi*, in a confidential exposé, that some of the poulterers had secret stores far from San Marco and Rialto, where they stockpiled imported *ontosotili* without informing the guild. They could flaunt the regulations due to the difficulty of enforcing the law in such places, "far from the *piazze* and out of sight of the officials"." They then later transferred their stock in small quantities to their shops, releasing it onto the market at a slow rate in order to

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** GV, b.2, reg.6, 17 Mar 1603, "...per esser questa vituaria de ontosotili in mano et potestà di tre ò quatro di tal professione, lo quali con diaboliche intelligentie impediscono li condutori, quali antiquamente solevano quelli con tanta abbondantia condur nella citta, et lorro lo inchietano, appaltano et con grandis.ma strettezza, et assedio, facendo ammonitar li preti ò pocho a pocho,... l'anno p'ntte, che detti ontosotili sonno stati venduti fino 30. 36 et 40. soldi la lira, la qual cosa facile a questi ingordi appaltadori li suciede, perché essi ontosotili non sonno stati sin hora sottoposti alle divisioni, et romper de mercadi,...".

170 GV, b.23, 20 Mar 1609, "si osserva di dar la sua portione a tutti ma la quantità secondo le tanse che i pagha perché chi pga purasae tansa ha assae ontosotili, et chi paga pocho ha pocho, ma tutti li f'lii della scola ò pocha o purasae ghe ne ha secondo p.o che ghe sia robbia abastanza".

171 GV, b.23, 27 Mar 1609, "sicuramente li reusise tal pessima contrafacione per esser lontani dalle piazze et fuori deli dellii deli ministri...".
keep prices high, "besieging the city in this way", and also selling it to the other poulterers at inflated prices." The gastaldo suggested that all boats coming in should be forced to unload at the Herbaria (the vegetable market)." He also asked that noone with ties to the wholesale trade should be made gastaldo or compagno of the guild in the future, in order to assure the fair distribution of the wares by the guild officials."

However in response to this, the actual corrective legislation that was carried out was very limited. The Collegio delle Arti limited itself to correcting various abuses that had since crept in to the operation of the system. For example, to obtain more than their fair share of the ontosotili, masters had taken to enrolling their apprentices and children, and this practice was now expressly forbidden, in the name of suppressing 'conventicles' of masters and their dependents." Otherwise it simply repeated the regulations, insisting that all importers bring their wares to the Herbaria to undergo divisione, and this legislation was repeated again in 1613." This may reflect the weakness of the government in implementing policy. However it also raises the question of how far this 'attack' on the mercantile guild elite actually went beyond rhetoric and resulted in real measures.

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172 GV, b.23, 27 Mar 1609, "quella poi portano nelle boteghe loro à pocho à pocho, in tal maniera assediando la città, siche l'altri della profesione che non ne ha'no convengono da loro apaltadori compraria...".
173 GV, b.23, 27 Mar 1609, "alla Riva ove arivano le Barche da Vicenza in herbaria".
174 GV, b.23, 27 Mar 1609, "non possi esser fatto Gastaldo alcuno della schola n'ra, ne meno compagni, che facesero condur, overo li fosero indriciato nelle mani con qual si voglia loro secretta intelligentia d'essi ovi, et ontosotili, poiche essendo il carico d'essi Gastaldo et compagni di far li mercati è cosa chiara, che favorendo li loro proprii interes causano le maile et pessime consequence...". A reference in, CL, ser.2, b.24, fasc.251, 7 Jul 1610, suggests that this was granted, ruling that the gastaldo was not to be elected from among those involved in the wholesale trade.
175 GV, b.23, 16 Mar 1609, "per haver pur asae robbe i ha messo in scola fino li Fantolini di doi anni et li garzoni che sonno stato 2 anni con lorro, queli tutti hanno la sua portione". GV, b.23, 7 Jul 1610, legislation, "per levar le conventicole che possono seguir nella scola".
176 GV, b.23, 1613.
It is important not to over-exaggerate the alignment of the government in favour of the poor against merchant capital. The regulations of the *Cinque Savi sopra le Mariegole* reflect the government response to a devastating economic crisis. While on the one hand, some of their legislation was intended to limit mercantile interests, other measures such as the immigration legislation were clearly intended to reduce the costs of labour. There was no blanket support for the poor in general.\textsuperscript{177}

Nevertheless, in using the guilds to control the market in the interest of consumers, the government often found allies among the small and middling masters, concerned to preserve their independence against the growth of capitalist tendencies. It was recognised that the guilds had an indispensable role in the regulation of the markets, the control of prices, and the taxation of the economy, but they were often presented as having fallen into the hands of a wealthy few who exploited them to their own advantage. The legislation often identifies a class of rich masters, whose greed was blamed both for the poverty of guild brethren and for the exploitation of consumers. Such a group could become a bogeyman for all the ills of the trade. To limit their power by widening the base of the guild would also be to the advantage of the populace, who would profit from the heightened competition. The legislation therefore frequently attempts not to dispose with the guilds (recognised as essential to the enforcement of the reform measures), but rather to redefine them, increasing 'democratic' elements in order to reduce elite power. In this respect it is instructive to examine an unusual instance of government intervention that breaks with this pattern - the case of the fishmongers' guild in 1599.

\textsuperscript{177} For example, a proposal of the *scorzert* to set up a poverty fund based on a fixed rate per hide, which had been approved by the *Giustizia Vecchia* and *Provveditori di Comun*, was altered by the *Cinque Savi sopra le Mariegole* so that masters could choose whether or not to participate on an individual basis - see GV, b.5, reg.13, 16 Dec 1579.
Case Study: the dissolution of the fishmongers guild, 1599

1. The Fish Market in Venice

The fish market had long been closely regulated in Venice, and legislation dates back to at least the twelfth century. As in many other victuals trades, the aim of the patriciate was to guarantee supplies and keep prices as low as possible for the benefit of the population. Fish was a particularly important element in the Venetian diet. As the Senate commented in 1600, "from this is derived in great part the ordinary sustenance of such a numerous population."

The ports of Istria were only allowed to export their fish to Venice. Exporters could only buy fish in Venice after it had been offered to local consumers in the market. Above all, the regulations were concerned to prevent hoarding by individuals who would then be able to hold the market to ransom. For example, there were laws forbidding compravendi di pesce (fishmongers) to keep any of their stock hidden away in

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17 B. Cecchetti, "Il vitto dei Veneziani nel sec. XIV", Archivio Veneto, 29-30 (1885), p.40, mentions the first calmiere on fish in 1173. Fishing was also tightly regulated from an early point, with many examples of environmental legislation designed to protect fish stocks, especially the pesce novello (juvenile fish), such as controls on net sizes and on fishing seasons. eg. BNM, Capitolari, voce "Pesce", 19 Sep 1577, "sia proibito il poter pescar con Cogli, Trattori, Tratte, et redi di maglia stretta in nessun luogo, dove si prende pesce di acqua dolce in pena di perder le Reti, Arte, et Barche da esser brusate, et di L100"; Ibid., 21 Sep 1585, "non siano presi Pesci novelli, ne pescato con Bracagne fra le ponte delle lagune per tutto il mese di Ottobre, in pena di L100, oltre le altre". The punishments for such offences could be extremely severe, ibid., 26 May 1589, set penalties for use of prohibited fishing techniques at, "D.ti 25, perder le Arti, et Barche, da esser frustati per la prima volta, et la 2.a di mesi 18 di galera, et non essendo buoni da esser banditi dalla Città in perpetuo".

17 GV, b.2, reg.5, 22 Jun 1600, "da essa deriva in gran parte l'ordinario sovegno di cosi numeroso populo".

18 BNM, Capitolari, voce "Pesce", 26 Aug 1577, "tutti quelli che piglieranno Pesce, o lo compraranno da chi il prende, no possi portar esso Pesce, o mandar si fresco, come saltato, in nessun luogo, o terra si della SS.ria nostra, come de Prencipi alieni, ma tutto debba esser portato a Venezia, eccettualo quello che farà bisogo per uso della Terra". Similarly on the trade in sturgeon, see Ibid., 12 Apr 1578, "...chi li condurrà altrove, che in questa Città perda li Storioni, Barche et D.ti 100".

18 BNM, Capitolari, voce "Pesce", 26 Mar 1580, "che nessuno ardisca di comprar Pesce per portar fuori della Città, salve che alle ore debite et statuite"; Ibid., 7 Jul 1638, ruling that dazieri de transiti cannot buy fish except in the pescaria "alle ore permesse".
warehouses or boats. This was seen as a dishonest attempt to control the release of fish onto the market and so to keep prices unduly high.  

As in other food sectors, production and retail were supposed to be strictly separated, in order to block monopoly control of markets. Fishmongers were not permitted to go into business with fishermen. It was forbidden for fishmongers to go out to meet the fishing boats before they arrived in Venice, for in this way they might buy up stocks in advance. Those who tried to buy up fish stocks in order to control the market were castigated as hoarders. As we have seen for other trades, controls were more vigorously enforced at times of crisis. In 1577 the Cinque Savi sopra le Mariegole, in a major revision of the fish market, reiterated old legislation on these themes. It was for this reason that the buying and selling of fish was restricted to limited zones of the city. All fishermen and conduttori (wholesalers) had first to take their fish to the central palo, or wholesale market, where the dazio (customs) would be paid and the fish auctioned off to the retailers. By forcing all the fish to come to one place, it was easier for the state to control and tax the trade.

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152 BNM, Capitolari, voce "Pesce", 26 Feb 1303 (m.v).
153 BNM, Capitolari, voce "Pesce", 11 Aug 1321, and various other legislation eg. Ibid., 4 Sep 1545, "li rivendigoli da Pesce debbano star separati dalli Pescatori che lo prendono, in pena di mese un di prigion, doi ore di berlina, et L100"; Ibid., 28 Mar 1569, "alli Compravendi di Pesce sia proibito far compagnia, tuor ad affitto Peschiere, Valle, Dazii da Pesce, transiti, Gastaldi di Caurini, Poveggioti, et altre ragioni di Pescatori confondendo gli ordini, et le leggi, ma solo debbano comprar et rivender Pesce nelle Pescarie, in pena di D.to 10 et perder l’arte..."; La Pesca nella Laguna, pp.22-25, quotes law of 15 Dec 1595, "si sono introdotti alcuni, che non bastandoli, d’esser Compravendi, o haver un solo essercizio, si fanno leciti d’ingerirsi nel pesce delli Conduttori che vien al palo, & di esser anco Fattori, Comessi, Gastaldi, & Rappresentanti, & rispondenti di essi Conduttori... comprano, appaltano, & incanevano il pesce".
154 BNM, Capitolari, voce "Compravendi", 1 Mar 1583, "che non si possi andar ad incontrar Barche... per comprar Pesce, ma tutto sia condotto al Palo". Similar legislation existed for other victuals trades. BNM, Capitolari, voce "Compravendi", 13 Jul 1577, fishmongers are not to "far mercado per se ne per altri, non aver intelligenza con li Padroni o Conduttori, ne montar su le Barche... ne accostarsi a contrattar, ne tuor pesce al prezzo che si farà, ne tuorlo ne comprarlo in alcun modo se non al Palo...".
155 BNM, Capitolari, voce "Pesce", 28 Mar 1586, shows that the Dazio was paid by the fishmongers, "li Pescatori che prendono il Pesce et vendono a minuto possano venderli al Palo all’orecchia senza pagam.to del Dazio a minuto, quale sia pagato da Compravendi, che compraranno".
Retail was limited to the official fish markets, or *pescarie*, at Rialto and San Marco where the *fanti* of the *Giustizia Vecchia* could enforce the regulations." It was therefore a criminal offence to hawk fish through the streets. The 'diabolical' practices of the *sbasegari*, or roving fish-traders, are consistently condemned in the legislation." Not only could they cheat the customer, but they also evaded government taxation. Most importantly, because they bought up the fish sold at the *pescarie*, they drove up prices. With common-sense logic, the government believed that the more hands a good passed through on its way to the consumer, the higher would be the price." Harsh penalties were set for *sbasegari* and anyone who helped them." Only the official guild of retailers, the *compravendi di pesce*, were permitted to buy fish in order to sell it to others." The privileges of the fishmongers were conditional on their implementing government regulations on the fish market. They were expected to obey the price limits or *stime* fixed by the *Giustizia Vecchia*, and

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"GV, b.5, reg.13, 5 Jun 1579, shows that some groups were allowed to buy fish in the *pescarie* in order to sell it elsewhere, such as the pork butchers, who sold cooked fish in their shops. BNM, *Capitolari*, voce "Pesce", 7 Jul 1638, shows that this was not always tolerated, "sia proibito agli Osti, Padroni di magazzini, di Malvasie et Naranzeri l'inchiettar Orade, et venderle in azedo". Also known as *bazarioti*. Despite this legislation, individuals were sometimes granted licences to sell fish through the streets on account of their poverty, for example, GV, b.1, reg.3, 30 Aug 1581, Zuane da S Nicolo permitted to "vender per le strade di q'sta città pesce, et sopra i campi delle contrade attenta la povertà sua, et la sua gran miseria...". In Venice, it was common for individuals to obtain exemptions from the general laws. *Sbasegheri* continued to preoccupy the government in the eighteenth century, see IA, b.52, *Lumi Sopra Arti di Venezia*, p.17, "Questa è Gente, che abbandonò la Pesca, e si gettò in braccio dell'ozio, e del libertinaggio; Gente, che vive a spese degli altri, e Gente ben spesso violente...". See also A. Barbaro, *Pratica Criminale* (Venice: Giuseppe Bortoli, 1739), p.200, "Non vi è chi cagioni maggior carestia nei luoghi quanto coloro, che volgarmente si appellano Revendigoli, perchè si portano fuori in attenzione di chi si conduce ai Mercati, essendo essi per lo più d'accordo coi Ministri della Giustizia".

"GV, b.1, reg.3, 20 Sep 1574, on the fruit trade, "la robba passando così di mano in mano sempre v'a incarendosi più". *La Pesca nella Laguna*, p.18, quotes eighteenth-century comments on the fish trade, "...passa la Vittuaria in potere de Sbazzegari... e col passaggio da mano a mano s'incarisse il Prodotto".

"GV, b.2, reg.5, 15 Feb 1601 (m.v.).

"BNM, *Capitolari*, 18 Aug 1579, proclama, "chi non è Compravendi non possa ne in Pescaria, ne in alcun altro luogo comprar Pesce per rivender, in pena di bando, Galia et altro". Interestingly, *La Pesca nella Laguna*, pp.22-25, 15 Dec 1595, notes that some people bought up fish in order to hold *lotti* (lotteries), in which the fish was presumably the prize. This was also illegal.
not to cheat the customers on the weight of fish sold or its quality. It was for example forbidden to try and make fish look freshly caught by dressing it up with blood. The Giustizieri Vecchi complained in 1618 that customers were often cheated because the pan used to weigh fish was full of sea-water and other waste."

Having an official guild of retailers created a system of self-interested policing with which to combat the unregulated traders. As in other trades, the fishmongers were instrumental in patrolling the city in the interest of protecting their own monopoly. They usually patrolled in the company of the state fanti. The officials of the guild could also be held liable for allowing offenders to get away with their crimes. For example, in a trial of 1590, guild officials were brought to task for failing to act against a group of criminals. They excused themselves on grounds of the violence they had encountered in trying to do their job."

The bureaucratic efforts required for effective regulation were quite enormous. For example, whenever sturioni (sturgeon) were sold at the palo, the government clerk had the responsibility of recording the quantity and weight of fish and the name of the buyer, and reporting this information to the Giustizia Vecchia. When fish was brought to Venice, the fanti of the Giustizia Vecchia also had to record the name of

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182 La Pesca nella Laguna, p.10, quotes Giustizia Vecchia legislation from 1618, «il più delle volte si vede le bilance dalla parte ove si pongono le robbe che vendono esser piene di acqua, sale et immonditie, che pesano tutte a danno della compratori».
183 See for example GV, b.76, 10 Jan 1606 (m.v.), testimony of the fishmonger Giac.o Ferro da S Nic.o, "andando con il Gastaldo et Fante essendo noi sul ponte de Canareggio i ha trovado in un canestro Gambari d Adri et Gambari da Mer". The other key witnesses in the case were also fishmongers.
184 GV, b.76, 30 Aug 1590, fishmonger testimonies in defence of the vicario of the guild, "Caro sig.r, sempre ge vien ditto tanta villania che non ve haveria tanta mai, dir, manase, et urtoni, et per q'nto intexi dell! pugni, ita per el vero gran confusion parce che tutti trema da loro...", "el giara su la riva e crivava sempre, ma non ge valeva, perché saltava alc.i zoveni in quella barcha de pesse et se el toleva fuora.... se ben el vicario crida lasse star, lasse star i porta via el pesse...".
185 BNM, Capitolari, voce "Pesce", 27 Feb 1566 (m.v.), "et lo Scrivano sia obbligato immediatam.te andar alla GV a dar in nota la quantità delli Storioni, che sammo stati dati in nota, et condotti al Palo, con il peso di essi, et a chi saranno stati venduti". Sturgeon were highly prized and hence subject to tight controls.
seller, the number of baskets of fish and its quality, and report this to the clerk of the
court." It is not clear to what extent these bureaucratic duties were actually
implemented. There were considerable profits to be made in the evasion of the
regulations. Black market profits could be huge and the policing system was weak
and inadequate. Much of the legislation on the corruption of the fanti is in fact
specifically concerned with the fish market. For example, the two fanti who served in
each of the pescarie were chosen by lot, while the others had to keep out of the
market when not on duty." Bribery was to be punished with harsh penalties. It was
forbidden for fishmongers or their relatives to become fanti, whether owners or
substitutes." As seen in chapter 2, such checks were rarely enforced. For example,
Iseppo Barbazza, a man heavily involved in both the production and retail of fish,
was also the owner of a fanteria at the Giustizia Vecchia." The weakness of the
police machinery increased the reliance of the government on the self-interested
policing of the guild.

The guild had highly restrictive entry conditions. By Senate decree of 1434, all
types of food retailers had to be Venetian citizens with family and household in the

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186 BNM, Capitolari, voce "Pesce", 6 Feb 1585 (m.v.), "li Fanti della Giustizia Vecchia che staranno doi
al giorno alla Cassella a S Marco in Pescaria debbano tuor in nota li nomi dell Padroni delle Barche,
che condurranno Pesce alla Sanità et la quantità dell Canestri, et la qualità del Pesce, et quello portar
al Nod.o a render conto del Pesce, che averà condotto, in pena di perder il Pesce, et esserli
abbrugiata la Barca, et ali fanti di mesi 18 di galera".
187 Note however the reversal of policing policy in GV, b.23, 28 Sep 1655, which cancels this
regulation in order to increase surveillance of the fish-market, "potrano liberam.te tanto uniti, quanto
separati in qualonque hora et tempo andar et transitar per le d.te pescarie".
188 BNM, Capitolari, voce "Pesce", 27 Mar 1605, "non possano esser approvati in Fanti sostituti della
Giustizia Vecchia parenti de Compravendi cioè Padri, Fratelli, Figliuoli, Generi, Suoceri, Cognati,
Barbani, quali tutti siano esclusi dalle fantarie". This applied in other retail trades as well - see CdL,
b.17, fasc. Notizie ritratte dal Sommario delli Capitolari intitolati Antico, Rosso, Rosa et Orsa, 3 Feb
1552 (m.v.) - but was particularly stressed for the fish market.
189 For Barbazza's ownership of a fanteria, see GV, b.76, 16 Feb 1621 (m.v.), when he was accused
of renting out this office for an excessive sum. For his involvement in fish retail see GV, b.76, 22 Dec
1620, when he was accused of giving false measure. For his involvement in fish production see GV,
b.48, 26 Apr 1616, where he is described as renting a valle from the comunità of Cavarzere. For
more on Barbazza see GV, b.21, loose documents, undated.
city, but for the fish trade controls were still tighter. Membership was limited to men from the fishing Communities of Nicolotti or Poveggiotti, who were over fifty years of age and had been fishermen for at least twenty years. Membership therefore acted as a sort of pension incentive for fishermen, a reward for a life spent braving the perils of the sea. There would seem to be a fundamental contradiction between the government aim of strict separation of fish production and retail, and the fact that the fishmongers were drawn from the ranks of the fishermen, with whom they presumably maintained strong family contacts, not to speak of the close-knit ties forged in the fraternal and neighbourhood life of the Comunità. As the heads of fishing families, the fishmongers would have had ample opportunity to exploit the intelligentia secrete so disliked by the government. For example, the government regularly complained that prices were rigged when the auction was held in the wholesale market. Higher prices were offered than would later actually be paid, according to a prearranged pact between buyer and seller.

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200 BNM, Capitolari, voce "Pesce", 1 Feb 1433 (m.v.), Senate, "li Compravendi di Pesce, Erbe et altre cose debbano esser Cittadini originarii, Veneti, et abbino domicilio, moglie et figlioli in Venezia".
201 GV, b.1, reg.2, 21 Jan 1565 (m.v.), "tutti quelli compravendi che non sono nativi venetiani, nicolotti, over proveggiotti. Item che no habbino exercitato l'essercitio del peschar, per spatio de anni 20, et che non haveranno la etta di anni cinquanta compiti, tutti gli prefatti non possino piu essercitarse nel detto mestier". The enforcement of this legislation led to the expulsion of many of those who had been exercising the trade illegally. Note that in GV, b.2, reg.5, 7 Dec 1599, the age minimum is given as 60 rather than 50 years, "cadauno deli boni originarii di S. Nicolo che fosse de etta d'anni sessanta, et havesse pescato vinti anni continui". These restrictions were also applied when the erstwhile fishmongers became 'assistants'. BNM, Capitolari, 6 Jul 1600, "chi pretenderà di esser annotati per aiutanti devono provar d'esser buoni Nicolotti, o Poveggiotti ord.ri, aver pescato per anni 20 et aver 60 anni...".
202 GV, b.2, reg.5, 7 Dec 1599, "assicurando con questo mezo i gioveni che si affatcassero nell'essercitio predetto per quel tempo, di havere nella loro vechiessa modo di provedere a suoi bisogni"; GV, b.2, reg.5, 22 Jun 1600, "per dar esesempio a giovani di continuar tale essercitio".
203 On this subject see R. Zago, I Nicolotti: Storia di una Comunità di Pescatori a Venezia nell'Età Moderna (Padua: Franciscani, 1982).
204 BNM, Capitolari, voce "Compravendi", 4 Dec 1577; La Pesca nella Laguna, pp.22-25, quotes legislation of 15 Dec 1595, «Non possino essi compravendi haver alcuna intelligenta ne esser quovismodo d'accordo con li Conduttori di pesce in offerir al palio maggior pretio al pesce di quello, che in effetto lo paghano». 
This tight membership policy was not simply the work of the guild, but a condition imposed by the government. In 1586, it was ruled that all prospective applicants had to be approved by the Provveditori sopra la Giustizia Vecchia as well as by the guild. The fishmongers would have preferred to have the actual work of manning the stalls done by assistants, but the government wished to maintain tight controls over those who were permitted to sell fish to the public, to the extent of forcing the fishmongers to wear special identifying badges. The use of assistants was limited in order to prevent individual fishmongers from expanding their business and dominating the market. In order to preserve competition within the guild, business partnerships of more than two fishmongers were also forbidden. In 1566, the government made a major effort to enforce the membership restrictions, registering a total of sixty-nine official fishmongers, and expelling the others.

205 CdL, b.17, fasc. Stampa del magistrato de Prov.i alla G. V. C il magistrato de GG VV al taglio, 6 Feb 1585 (m.v.).
206 BNM, Capitolari, voce “Pesce”, 17 Mar 1614, “li Compravendi debbano tener il segno scoperto nel petto loro evidente, et scoperto, acciò possino esser conosciuti da cadauno”. For a description see GV, b.25, 17 Mar 1707, “un S Marco in Rame attaccato al Petto”. Similarly, GV, b.3, reg.8, 11 Jul 1629, shows that the compravendi di polami, or galineri (poulterers), had to wear a special badge “appeso al petto un segnal di panno rosso in modo di luna, over di color diverso dall’habito loro si che da ogn’uno sia conosciuto...”.
207 Guild officials were however allowed a single assistant, on account of their other duties. GV, b.1, reg.2, 8 Mar 1566, the Provveditori sopra la Giustizia Vecchia laid down heavy penalties for any fishmongers who had assistants. BNM, Capitolari, voce “Compravendi”, 13 Jul 1577, the Cinque Savi sopra le Mariegole banned all assistants. GV, b.5, reg.13, 9 Jan 1579 (m.v.), all licences to have assistants were annulled, except for the gastaldo de S Nicolò, and the soprastrale delle pescarie, due to “carghi loro continui”. Such clean-outs were necessary because over time other fishmongers had been granted special licence to have assistants eg. GV, b.1, reg.3, 15 Feb 1571 (m.v.), 24 Sep 1572, a large number of fishmongers were permitted to enrol their relatives as assistants on account of their old age. At other times it seems to have been possible for all fishmongers to have a single assistant each.
208 La Pesca nella Laguna, pp.22-25, quotes legislation of 15 Dec 1595, “Sono prohibite le compagnie, & conventioni di pesce de più di due compravendi alla banca, havendo però un statio per uno, ne possino haver alcuna participazione o intelligencia in maggior numero, ma debbano vender tutti alle sue banche per loro medesimi...”. See also G. Monticolo, L’ufficio della Giustizia Vecchia a Venezia dalle origini sino al 1330, Monumenti della Deputazione Veneta di Storia Patria, Miscellanea, 12 (Venice: Vicentini, 1892), p.161, for legislation of 1321 forbidding partnerships between fishmongers.
209 GV, b.1, reg.2, 30 Jan 1565 (m.v.).
Nevertheless, twenty years later, it was noted that large numbers were exercising the trade without being properly registered.210

The guild's role was therefore ambiguous. On the one hand, they were the ones responsible for policing the fish market. For example, the *soprastanti alle pescherie* were chosen each September from among the fishmongers.211 The guild council was held responsible for implementing the regulations.212 On the other hand, the fishmongers were themselves the main operators in that market and the frequent target of the legislation. This is reflected in the increasing harshness of punishment for their transgressions. For example, in 1503, the *Giustizieri Vecchi* were permitted to employ the punishments of fines up to 100 lire, imprisonment, the *berlina*, *ceppi* (wooden blocks attached to the feet), and, for multiple offenders, expulsion from the guild.213 In 1578 it was stated that fishmongers who exceeded the government price limits should be whipped.214 Penalties had to be increased, “because the profits which offenders make are greater by far than the penalties given them.”215 Such was the importance attached to the fish market that the *Giustizieri Vecchi* were permitted to

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210 CdL, b.17, fasc. *Stampa del magistrato de Prov.i alla G. V. C il magistrato de GG VV al taglio*, 6 Feb 1585 (m.v.), the *Provveditori* relate that they have found, “alcuni, li quali esercitavano l’Arte de Compravendi Pesce senz’ essere notati nel Libro esistente nell’Officio nostro de Compravendi legiti, & ordinarii, e ne meno nella Mariegola loro”.

211 GV, b.1, reg.3, 25 Jun 1573, sets out the duties of the *soprastanti* (who were, exceptionally, allowed to sell their fish to other fishmongers in order to carry out their duties). There was one for each of the markets of San Marco and Rialto. (This legislation was however cancelled at a later date.)

212 *La Pesca nella Laguna*, pp.22-25, quotes legislation of 15 Dec 1595, “habbino carico particolare il Gastaldo de Compravendi, & compagni della banca dell’osservazione de tutti gl’ordini predetti... deve dar in esso Officio sempre che haverà notitia de delinquenti, ogni mese far vera relatione delle contrafattioni...”.


214 BNM, *Capitolari*, voce “Pesce”, 17 Dec 1578, “li compravendi che venderanno Pesce per la Città comprato in Pescaria, et fuori debbano venderlo a peso con le limitazioni fatte per loro ss.ri ecc.mi in pena della perdita et esser frustati”.

215 *La Pesca nella Laguna*, pp.22-25, quotes legislation of 15 Dec 1595, “…per esser l’utile, che ricevono li contrafacenti di gran longa maggiori della pena che gl’è attribuita….”.
use inquisitorial methods of procedure in these cases." The state was determined to prosecute these offences and was prepared to suspend the normal legal rights of Venetians in order to do so.

These measures reflected government suspicion of the role of retailers in general. It was in the interest of retailers to keep supplies of fish limited in order to drive up prices, "the shortage of Fish derives from the greed of the Fishmongers, who sell the fish they buy for twice what it costs them". Such profits were regarded as unjust, and therefore had to be limited through the use of the stime. This was a set price per pound imposed by the government, according to species and season. The government would have preferred to do without the retailers altogether, so that the populace could buy at the wholesale price. For example, fishermen were traditionally allowed to sell their catch personally, without the intermediary of the fishmongers. This naturally led to problems of people pretending to have caught fish which in reality, they had simply bought from someone else. The government

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216 BNM, Capitolari, voce "Compravendi" and voce "Pesce", 1 Mar 1583, "possino li GV proceder per inquisiz.ne contro quelli vendono Storioni, et incanevano, et siano questi denari di Galia et L500". In response to the crisis of 1598-99, this power was later extended to cases of hoarding in general - see BNM, Capitolari, voce "Denunzie", 26 May 1598, Giustizia Vecchia permitted to, "proceder per via d'inquisiz.ne nelle materie degli appalti di tutte le cose de Viveri, et dell'Arte".

217 BNM, Capitolari, voce "Compravendi", 4 Dec 1577, "la carrestia del Pesce procede dall'avidità de Compravendi che vendono il Pesce da loro comprato il doppio di quello li costa".

218 In setting stime the government showed some occasional response to shifts in consumer demand. For example, higher stime were set at times of peak demand, such as Lent and Christmas. BNM, Capitolari, voce "Pesce", 10 Jun 1586, "li Storioni, Morona, et Lizze da latte la quadragesima siano vendute s20 la L et non più, et da Ovi s16, et da Pasqua in poi 16, et 12... potendo le stime esser date a meno"; GV, b.5, reg.13, 11 Dec 1578, eel prices were allowed to exceed the usual stima due to high Christmas demand; GV, b.23, 26 Jul 1618, for evidence that valesani hoarded seafood in order to sell it at these times of peak demand, "al tempo dell'inverno et d'ila Quadragesima vendono à modo loro, et à precii eccessivi".

219 Similar systems operated in other food markets. For example, peasants were permitted to come to Venice to sell their produce personally, without going through the guild. This might generate problems of abusive traders disguising themselves as peasants in order to exploit this privilege. See also GV, b.2, reg.5, 28 Jul 1599, when anyone was permitted to buy food from producers and bring it to Venice for direct sale to consumers (by contrast, it was forbidden to buy food with the intention of selling it to others).

220 GV, b.5, reg.13, p.53R-54, 21 Oct 1578, "sono molti pescadori che portano pesce nelle sudette n're pescarie, et quello ve'deno à occhio come se lo havessero preso col mezo della loro industria, et fatica, nie'tedima'co lo ha'no comprato da q'lli pescadori che lo ha'no preso..."; GV, b.23, 6 Sep 1625,
suspicion of the retailers was to find its fullest expression in the crisis conditions of 1599, leading to it implement an unprecedented upheaval in the fish market.

2. The Crisis of 1599

The content and aim of fish-market legislation was fairly consistent, and extremely repetitive. There are few significant modifications to the system, which operated in essentially the same way in the late seventeenth century as it had in the sixteenth. For example, regulations of 1638 share much in common with those from the fourteenth and fifteenth centuries. At various points this legislation was more tightly enforced. This can be seen in the expulsion of many fishmongers and their assistants in 1566, or in the general crackdown of the Cinque Savi sopra le Mariogole in 1577.

Genuine reforms in the system were few, limited in nature, and rarely effective. For example in 1578, the Cinque Savi sopra le Mariogole tried to change the way in which the auctions were carried out at the palo, as part of a reform of the pricing system. The traditional practice was for the fishmongers to bid for the fish à occhio, that is, based on sight only, a fast and efficient procedure which suited those with an expert eye. In the new system all fish was to be sold instead by weight, with a set of public scales. Although this slowed trading down, it enabled public officials to

"...li sbasegari da Pesce con mille invenzioni cerchano di coprire le loro inique operationi, poiché accusati che sono per rivender il Pesce ben spesso si difendono, con dire, che il Pesce, che essi rivendevano lo vendevano per commissione de Vallesani".

See BNM, Capitolarì, voce "Compravendi", 7 Jul 1638, and the legislation from the fourteenth and fifteenth centuries listed in BNM, Capitolarì, voce "Pesce".

GV, b.1, reg.2, 30 Jan 1565 (m.v.); BNM, Capitolarì, voce "Compravendi", 13 Jul 1577.

BNM, Capitolarì, voce "Compravendi", 8 Jan 1577 (m.v.), "sii poi esso Pesce comprato per li Compi all'Orecchio a rason di L non ad occhio"; GV, b.5, reg.13, 27 Aug 1578, the Cinque Savi sopra le Mariogole referred back to the regulations of 8 Jan 1577 (m.v.), in which pesce al palo "si dovesse ve'der à peso, et no' piu à occhio, come si soleva far, et à raso' per raso' tutto fusse pesato co' la stanga de co'mu', et dopo ve'duto alli comprave'di...".
record the precise quantity of fish sold, and to set a more accurate retail price limit measured in terms of an additional *soldo* per pound on the wholesale price.\textsuperscript{24}

However, the problems experienced with the system led to its abandonment shortly afterwards, with the auction taking place à *occhio* in the traditional manner, and the use of scales only when selling to consumers.\textsuperscript{26} The attempt to base the retail price upon the wholesale price was abandoned. The *Cinque Savi* complained that the reform effort had been thwarted by the opposition of the fishmongers, “because they cannot bear that justice regulate their unrestrained appetites”.\textsuperscript{24} Because the fishmongers were in a large part responsible for the policing of the market it was very difficult to impose any new regulations without their cooperation.

Between 1599 and 1605 however, there was a violent break with this age-old system of regulating the market, when the *Provveditori sopra la Giustizia Vecchia* broke up the guild of fishmongers at a stroke. This event represents such a radical breakdown of normal state-guild relations that it is worth examining in detail. Although there had always been a certain tension in relations between the fishmongers and the state (as with many other guilds), the relationship had never broken down to this extent. Retail guilds were mistrusted and regulated, but generally recognised as necessary in the last analysis.

The background to the dissolution of the guild were conditions of crisis, not in the fish but in the meat market. In the late 1590s obtaining adequate meat supplies for the city had become increasingly difficult. An “extreme shortage of meat” in 1598

\textsuperscript{24} BNM, *Capitolari*, voce “Compravendi”, 4 Dec 1577, “non potendole vender più di un soldo più per lira di quello li sarà costato al Palo”; *Ibid.*, 16 Jan 1577 (m.v.), 8 Feb 1577 (m.v.), 18 Feb 1577 (m.v.).

\textsuperscript{25} GV, b.5, reg.13, p.29-31R, 17 Sep 1578, “volemo che esso pesce no’ sia più pesato al palo”.

\textsuperscript{26} GV, b.5, reg.13, p.29-31R, 17 Sep 1578, “no’ pote’dod essi tolerar che la giustitia havesse regolati i loro disordinati apetiti”. 
became a crisis in 1599 when cattle plague struck Hungary and the Terraferma.\textsuperscript{227} The Senate took decisive action, banning all beef and veal from the city, in the fear (not unreasonable) that the contagion would spread to anyone who ate infected meat.\textsuperscript{229} In these conditions the Senate was aware that demand would soar for alternative foods, and especially fish. It was concerned that ‘greedy’ retailers would take advantage of this to charge excessive prices.\textsuperscript{229} The collegio of Provveditori sopra la Giustizia Vecchia and Giustizieri Vecchi was therefore given extraordinary powers in order to deal with the crisis. It was granted temporary immunity from the suspensions of other magistracies, and the power to proceed summarily.\textsuperscript{230} As on other occasions, the Venetian state was prepared to cut away the cumbersome republican safeguards when circumstances warranted, and adopt efficient, if authoritarian, measures.

This represented the triumph of the authority of the Giustizia Vecchia over the other magistracies interested in the fish market. Although the Giustizia Vecchia had always been responsible for regulation of the pescarie, the wider issues of the wholesale market had led to jurisdictional clashes with other magistracies. For example, during the sixteenth century a major role had been played by the officials of the Rason Vecchie, whose primary interest was in the customs duties on fish.\textsuperscript{231}

\textsuperscript{229} CL, ser.1, b.78, p.372, 24 Jul 1599, Senate, “continuandosi, à vender, et à usarsi in cibo essendo massimamente morte da contagio possono generare nelli corpi humani coi cativi humori, che potrino introdure una maligna, et venenosa contagione...”, and therefore forbade “vender carne bovina, et vitelina fresca in alcuna Beccaria...” in Venice and throughout the Terraferma.
\textsuperscript{230} GV, b.2, reg.5, 27 Jul 1599, Senate, “Perche stante la parte presa in questo cons.o della prohibitione delle carni per tutto il mese venturo di Agosto potrino seguir diverse alterazioni di pretti in ogn’ altra sorte di vivere per causa dell’ingordigia di persone che ardischono per molte vie contra operar all’abbondanza, et al co’modo universalle...”. 
\textsuperscript{231} La Pesca nella Laguna, quotes an inhibitione of the Rason Vecchie directed at the Giustizia Vecchia, dated 23 Oct 1550, “non si debbano ingerire nelle cose dipendenti dalli pescatori Valesani et
Major legislation of 1595, just a few years before, had been implemented by the *Collegio delle Pescarie*, which included neither *Giustizieri Vecchi* nor *Provveditori sopra la Giustizia Vecchia* among its members. Nevertheless, in the crisis situation of 1599 the *Provveditori* took advantage of the opportunity to decisively establish their authority over the fish market. Their legislation was to override the protest of all other magistracies.

Empowered with this *havutorità absoluta* (absolute authority), the *Provveditori* and *Giustizieri* at once introduced a series of measures, which on the whole followed a traditional pattern, such as measures against the hoarding and buying up of stocks of food. In the fish trade for example, no one was to go out to meet fishing boats before they reached the city, fish retail was limited to the official *pescarie*, and the export of fish was forbidden.

However, one unusual innovation was the suspension of the privileges of the fishmongers, "in order to avoid as far as possible any shortage of fish". This was initially a temporary measure applied as the *collegio* debated what to do, and

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compravendi per esser cosa spettante all'ufficio nostro et a detto Collegio...", although they conceded that the *Giustizia Vecchia* should set the *stime* for the fish and enforce quality controls, weights and measures. GV, b.1, reg.3, 16 Feb 1572 (m.v.), the *Provveditori sopra la Giustizia Vecchia* judged a conflict between the *Rason Vecchie* and the *Giustizia Vecchia* for the eel trade, ruling in favour of the latter.

*La Pesca nella Laguna*, pp.22-25, quotes legislation from 15 Dec 1595. The *Collegio delle Pescarie* consisted of the *Provveditori al Sal*, *Rason Vecchie* and *Provveditori di Comun*. The *Rason Vecchie* was responsible for implementing its deliberations.

GV, b.32, 23 Sep 1599, "fu espresso in essa p'te che le ter.ni n're durante la p.ta prohibitione de carni, non potesseron esser da qual si voglia mag.to suspese, ita che restasse a noi havutorita di proceder contra cad.o per render abbondante la citta...".

The prohibition on export led to protests and compensation claims from those who had rented *dazii di transito* from the government (these were dues levied on the transit trade in fish from Venice to towns like Treviso). See GV, b.2, reg.5, 12 Nov 1599; GV, b.2, reg.5, 3 Mar 1600; GV, b.2, reg.5, 19 Aug 1600.

GV, b.2, reg.5, 28 Jul 1599, "per schivar quanto sia possibile la carestia del pesce sia preso che sia suspeso la havutorita comessa a compravendi da pesse". This was initially applied only to those fishmongers who did not meet the approval of the *Provveditori* and *Giustizieri*, "eccetuali pero quelli compravendi che per sue s.e ci.me per convenienti rispeti li pareranno di admeter...", but was soon extended to the whole guild - see GV, b.2, reg.5, 7 Aug 1599.
consulted with other interested magistracies like the Rason Vecchie and the Provveditori sopra Dati. As in 1577, the guild had the chance to participate in the consultative process. In October, fishmonger officials were summoned to state their case, although they subsequently failed to turn up. Despite paying lip-service to the consultative principle, the collegio did not hide its hostility to the guild, which was directly blamed for the abuses occurring in the fish market. The intentions of the collegio seem to have been fairly clear from the outset, and on 7 December 1599, a temporary suspension became a permanent dissolution of the guild’s privileges.

The decree of dissolution blames the abusive practices of the fishmongers as having brought the government to this point. The entire guild was demonised, its members collectively accused of malitia, diaboliche inventioni, and strane et fastidiose maniere. While the good origins of the institution were recognised, in the end the fishmongers, scorning every law designed to keep their greed in check, had become “the tyrants of the fish-market”, keeping fish supplies artificially low, and “laying siege” to the city in order to drive up the price. From now on, fish was to be

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27 GV, b.2, reg.5, 22 Oct 1599, “hanno fatto comparere inansi sue s.e ci me il gastaldo, vicano et compagni della scolla de compravendi, et detti che in termine de tre giorni pros.m.i debano esponer dir o far dir tutto quello che in questo negotio stimano a proposito inansi che sia proposto alcuna raggione all’ecc.mo Senato, essendo intenzione di sue s.e cl.me caminar in detto proposito justif.te et senza alcuna offesa di loro interesse, ma procurare di levar via li desordini, che sono tanto nocivi a tutta la citta, i quali non si sono curati di comparere et così ordinomo dover esser annotato” (my emphasis).

28 By now the beef ban had been lifted, but meat supplies remained scarce throughout the early 1600s as stocks were rebuilt. However it seems more likely that the meat crisis provided the justification for the Provveditori sopra la Giustizia Vecchia to implement their own agenda, including measures which had little to do with the crisis at hand. It seems likely that the hostility to the fishmongers was born out of a long history of frustrated efforts to eliminate the abuses in this market, and was therefore inspired by ideological motives, rather than being a response to the crisis in the meat market. Similarly in 1577-78, the Cinque Savi sopra le Mariagole had exploited its enhanced authority to implement an authoritarian agenda in market justice.

29 GV, b.2, reg.5, 25 Feb 1599 (m.v.), the Provveditori directly blamed the fishmongers for having led them to take this step, “la prohibitione fatti de detto essercitio e stata solum per le transgretioni. che da essi compravendi venivano comesse”.

30 GV, b.2, reg.5, 7 Dec 1599, “tirani delle Pescarie”, “sprezata ogni legge et ogni buon ordine, instituite per reprimere la lorro ingordigia si sono impediti in tuor datti del Pesse far gastaldie, condur pesse fuori di questa citta, et far altre infinitte contrafationi”. The dissolution was phrased thus, “de presente la scolla de compravendi pesse sia levata del tutto di maniera che mai più non ardisca
sold directly to the public by the *condottori*, and the role of middleman was to be eliminated. Because fish no longer changed hands at the *palo*, it was no longer possible to calculate the customs on the basis of the wholesale price. Echoing the legislation of 1578, in early 1602 new customs duties therefore had to be set, based upon the weight rather than price of the fish.\(^\text{1}\)

According to the government, the benefits of eliminating the fishmongers became immediately apparent after the suspension of the guild. Things were not so easily accomplished however. Elimination of the guild pushed the trade into the black market. Fish was bought up and stored it in secret places far from the markets, where the public officials were scared to show their face. A few months after dissolution, the government complained that the ex-fishmongers had become the principal operators in the black market, and banned them from appearing in the *pescarie*.\(^\text{2}\) A measure of the seriousness with which such crimes were dealt is the case of Menego Munaro, *olim compravende da pesse*, denounced on two counts of selling fish at the Canareggio bridge. He was convicted *in absentia* (failing to appear in court) and exiled for 6 years.\(^\text{3}\) However the government soon had to recognise that it was not just the 'diabolical' fishmongers who were to blame. The *conduttori di pesce* (wholesalers) were now also getting involved in the abusive practices of price manipulation.\(^\text{4}\)

\(^\text{1}\) GV, b.2, reg.5, 8 Jan 1601 (m.v.).
\(^\text{2}\) GV, b.2, reg.5, 8 Mar 1600, "incanevanolo in certi lochi lontani dalle piazze, à quali li ministri publici temeno a comparire per timore che danno di non esser offesi".
\(^\text{3}\) GV, b.76, accusations of 7 Jul 1601, and 1 Apr 1602. It seems that the sentence was implemented in full, for his freedom was proclaimed at Rialto only on 9 Jun 1608.
\(^\text{4}\) GV, b.2, reg.5, 22 Jun 1600, "la medesma liberta che si havevano arrogata i compravendi, sia essercitata hora dalli propri condutori del pesce... causando simili, et maggiori desordenii di carestia et penuria".
What was to happen to the fishmongers? If some form of living was not found for them, the government could not be surprised if they got involved in the back market. This number of people could not be thrown out of work altogether. It was possible that they could return to fishing (in which case, like other fishermen, they were allowed to retail the fish they had caught personally). Some protested that they were by now too old to go back to the sea, but their requests to be allowed to return to fish retail were rejected. Even if a few fishmongers had exercised their trade honestly, the government did not wish to create a precedent for the return of the guild. The fishmongers were collectively guilty of abusive practices, and it was more than a simple matter of expelling the dishonest. This method had been tried before (as in 1565), with little long-term success. The government was seeking a more ambitious long-term solution to the whole problem of retail. This can be seen in the fact that in June 1600, the ex-fishmongers were readmitted to the fish market, but from now on they were to serve as mere salaried assistants of the conduttori, receiving a mercede (wage) from them in return for manning the stalls. In effect they were to become a guild of assistants. Fishermen who came to Venice were allowed to retail their catch personally, while the conduttori had to take on the services of an official assistant. The wage of the assistants was not a simple daily rate, but a fixed proportion of the value of the fish they sold, which must have been laborious to

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245 GV, b.2, reg.5, 6 Jul 1601, in rejecting the fishmongers’ petition, the Provveditori suggested that, “con la qual licentia si risolveranno di applicarsi alle pescagioni, si come vi e chi si essercita numero infinito de vechi pescatori li quali mai sono stati in essa scola”. This dismissive attitude to the plight of the old and senile, contrasts with rhetoric later employed in the restoration of the guild, GV, b.2, reg.6, 20 Dec 1604, “riddoti in etta senile possano haver modo anco nelle loro vechezze di sostentar le lorro case…”.

246 GV, b.2, reg.5, 25 Feb 1599 (m.v.), “se fusse a loro concesso quanto ncercano senza aperta la strada a tutti gli altri di suplicar l’istesso”.
calculate.**7  The ex-fishmongers were to complain that this was “barely enough to provide for ourselves for one day a week”.

The first indication of a fishmonger reaction is a petition of 1601, in which they launched a fierce critique of the government policy. Their privileges had been removed, “with the idea that our deprivation should create abundance in the city, and be of benefit to the customs, and yet the contrary can be seen to have occurred”.**8  Fish prices had soared and the customs duties had shrunk. This had all happened as they had predicted, but unfortunately their warnings had not been believed.**9  The response of the Provveditori sopra la Giustizia Vecchia was scornful. They remained fixed in their hostility to retailers, refusing to accept that they led to anything but shortages and high prices,

“their wish to make us believe that they create abundance of fish in the markets is a vanity... it is a sure thing that, as the fish is sold and resold, so the price increases from passing through so many hands”.

The Provveditori further argued that since the fish customs had just been rented for the usual price, there were no problems with fish supplies.

This petition was only one of a much large volume of fishmonger protests, and agitation by other interested groups such as the valesani (fishfarmers), who complained that thanks to a combination of the increases in custom duties,

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**Note:**

247 GV, b.2, reg.5, 9 Sep 1600, “non pottendo li detti aggiutanti ricever maggior premio, o mercede, se il pesse sarra di maggior valuta de lire cinquanta di danari de soldo uno per lira, et essendo di minor valuta debbino havere bezzi tre per lira”.

248 GV, b.2, reg.5, 6 Jul 1601, “à pena e bastante a suministrarci il viver d’un giorno alla settimana”.

249 GV, b.2, reg.5, 6 Jul 1601, “con pensiero, che la prevation n’ra dovesse reuscrì di abboundanza alla citta, et di beneficio alli sui datii, et pur si vede che è successo tutto il contrario”.

250 GV, b.2, reg.5, 6 Jul 1601, “sono successi quelli desordenì, et mali effetti nelle pescarie che sono notti a ca.ca di V S Cl.me gia da noi pronosticati, ma per nostra maggior calamità non creduti, onde dall’una si vede il pesse esser riddoto a pretii smoderatissimi, et insoportabili et dall’ altra doppo l’introduzione del peso il datio esser gravemente diminuito”.

251 GV, b.2, reg.5, 6 Jul 1601, “una vanita il voler far creder che loro causano abboundantia di pesse nelle pescrie... certa cosa è, che quanto piu il pesse viene venduto et rivenduto tanto maggior augumento egli ne viene a ricever nel passare in tante mani...”. 
excessively low *stime*, the rent of the stalls, and the *mercede* of the assistants, it was now impossible to make a profit.\textsuperscript{252} Despite the evident hostility of the *Provveditori*, the persistence of the fishmongers, "having appeared several times with petitions", eventually persuaded the Senate to assign the issue to a special *collegio* for further consideration in 1602.\textsuperscript{253} This *collegio* consisted of the *Provveditori sopra la Giustizia Vecchia*, *Giustizia Vecchia*, *Cinque Savii alla Mercanzia*, and *Rason Vecchie*, reflecting the various interests of consumers, merchants and customs duties involved. It had still reached no decision over two years later, and the fishmongers successfully petitioned that its current members must continue to consider the issue, even though their term of office was about to expire.\textsuperscript{254} This may have encouraged the members of the *collegio* to make up their minds rather more quickly, and in December 1604, they recommended the restoration of the guild, completing the reversal of policy set in train in 1602. Despite the earlier confidence of the *Provveditori sopra la Giustizia Vecchia* in their arguments, the *collegio* now admitted that fish supplies had gone into decline ever since the suspension of the guild.\textsuperscript{255} This was attributed to the large number of fish merchants who had gone out of business or ceased trading, due to the difficulty of making any legal profit under the new regulations. At the same time the black market in fish had flourished, falling into the hands of *gioveni* (young men) who illegally bought and sold fish in the vacuum left by the fishmongers. This was clear from the criminal records of the *Provveditori sopra la Giustizia Vecchia*.\textsuperscript{256}

\textsuperscript{252} GV, b.2, reg.5, 10 Jan 1601 (m.v.).
\textsuperscript{253} BNM, *Capitolari*, 6 Jul 1602, "essendo questi comparsi più volte con supplicazi\textsuperscript{ni}".
\textsuperscript{254} GV, b.2, reg.6, 30 Sep 1604.
\textsuperscript{255} GV, b.2, reg.6, 20 Dec 1604, "essendosi dappoi la loro ellevazione nel tempo di anni quatro continui sentita ogni giorno più carestia di pesse".
\textsuperscript{256} GV, b.2, reg.6, 20 Dec 1604, "si vedono nelle pescarie infinite contrafazioni fatte da gioveni, che contra la forma delle leggi et ordeni si sonno introdotti in luogo di essi compravendni a comprar pesse"
The restoration therefore represented a humiliating reversal of policy for the government, whose primitive economic conception of the value of retail guilds had proved to be disastrously misguided. The tried and tested methods should not have been cast aside so lightly. As the *Collegio* commented, the traditional system of the retail guilds was useful:

"Such an ancient and deserving brotherhood should not be eradicated, with the destruction of so many poor families, especially seeing as it is necessary and beneficial that there are *compravendi* (middlemen), with the example of almost all the guilds of this city..." 

The new legislation for the fish market was therefore along the traditional lines, restoring the old system of fishmongers. Fish was once more to be sold at the *palo* without being weighed, paying a customs duty based on the wholesale price. The guild was formally restored by the Senate on 26 March 1605.

The best solution for policing the fish market had therefore been recognised as the existence of a self-interest, privileged group which protected its own and the state's interest at the same time. The limited resources of the early modern state

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257 L. Dal Pane, *Il tramonto delle corporazioni in Italia, (secoli XVIII e XIX)*, Documenti di storia e di pensiero politico (Milan: Istituto per gli studi di politica internazionale, 1940), p.47, quotes a document of 1752, which expresses similar patrician frustration at the sharp practices of middlemen in the eighteenth century, with the dissolution of the guild of *galineri* (poulterers), who in this case were making a huge mark-up on the price of *bottiro* (butter). *ibid.*, p.98, quotes a document of 1772, which shows that this equally disastrous experiment was abandoned in 1753 after only nine months, "ridottasi al contrario in peggior angusta la Città per l'occultazione del genere stesso, insidiato dalla forza ed avarizia di pochi danarosi mercanti, fu d'uopo allo stesso Ecc.mo Inquisitor Dolfin portarsi di nuovo all'Ecc.mo Senato, confessando nobilmente ed ingenuamente l'error delle propria inesperienza in proposito di viveri, e la necessità di rimetter l'arte assoggettando come prima la vittuaria medesima ai soliti comparti...".

258 *GV*, b.2, reg.6, 20 Dec 1604, "una fraterna così antica et così benemerita non venghi esradicata con esterminio di tante povere famiglie vedendosi massimamente coll' esempio de quasi tutte le arti di questa citta esser neccessario, et utile che vi siano compravendi c.[?] maggior facilita et comodita della citta danno espedizione alle cose neccessarie et bisognose al vitto...".

259 *GV*, b.2, reg.6, 7 Mar 1605, "sarebbe di tropo inco'modo a condutori dovendosegli pesar il pesse accio che paghino esso datio".

260 *GV*, b.2, reg.6, 26 Mar 1605.
permitted few alternatives. Without more funding, the state police force would remain inadequate and prone to corruption. These concerns were expressed in 1606-08, when there were some attempts to improve the quality of the police at the Giustizia Vecchia, with special reference to their role at the fish market. For example, in 1608 the Provveditori sopra la Giustizia Vecchia set up a letterbox to accept secret denunciations, in order to fight police corruption. However, it is apparent from the seventeenth-century legislation that the government continued to lament the same practices and abuses that had governed the fish market in the sixteenth century and earlier. In the fish market, despite the best efforts of the government, practice had triumphed over law.

Conclusion

This paper has tried to demonstrate that the real limits to government power meant that in order to implement its agenda, it had to work with the guilds rather than against them. Even under the more authoritarian rule of the Cinque Savi sopra le Mariegole, the reform process had to be consultative and participatory. The government needed the guilds if it were to have any hope of regulating the market. In this respect, 1599 can be seen as an aberrance of normal patrician policy. Rather than attempting to ally with the small and middling masters against the rich, the government demonised the entire guild, and this led to the unprecedented step of dissolution. This event is important because it represents an unusual breakdown in state-guild relations, where patrician frustration and impatience led to employment of

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GV, b.2, reg.6, 30 May 1608, "con tanto maggior facilita, quanto che dalli ministri per il piu non vengono fidelmente essercitati li carichi lorro, anci si intendono insieme". For other legislation specifically directed at the fanti policing the fish-markets, see GV, b.2, reg.6, 22 Dec 1606; GV, b.2, reg.6, 21 Feb 1607 (m.v.).
authoritarian methods. Yet the outcome of the struggle shows that as long as its bureaucratic machinery remained so weak, the best tactic for the government was to proceed through consultative reforms, while at the same time attempting to change balance of power within the guild through institutional reforms. This will be further discussed in chapter Four.
Chapter 4. The social significance of guild power

Thus far, the study has shown to what extent the implementation of power was handed over to the guilds. Although formally speaking, guilds were excluded from political influence, they had a great deal of practical autonomy in managing their own affairs, despite the all-encompassing claims of the government to regulate them. The failure of the justice system to live up to its high principles made patrician rule more flexible in practice, and this gave the guilds important room for manoeuvre. What were the implications of this in socio-political terms? In the Introduction, two fundamental aspects were identified in the maintenance of social stability - the containment of wealth and the containment of poverty. This chapter seeks to examine whether guild influence served as a channel for the aspirations of a limited elite or for a wider section of the Venetian populace. In other words, what was the social importance of guild power? Whose interests did the guilds represent? Were they inclusive institutions, or merely the tools of a wealthy elite? These themes will be explored through an examination of the power structures that existed within the guilds. In this way, I seek to attach the conclusions of chapters 1 to 3 to the problem of Venetian stability posed in the Introduction, that is, to define more precisely the nature of the relationship between political stability and market regulation.

The use of official sources tends to concentrate attention on the principal legal entities of the world of the trades, whose basic unit was the guild. This runs the risk of accepting the guild as the natural unit of analysis, and neglects the power structures within its boundaries. Guilds were not only implements of co-operation, but also of control, involved in internal struggles for power, as well as external struggles against other guilds, unorganized economic interest groups, and the patriciate. The difficulty of answering the question, "Whose interests did the guild
serve?”, in a clear-cut way draws attention to the fact that the guild was a site of conflict. The identity of the guild was not some fixed, all-embracing entity, nor was there any absolute “guild” interest; rather, it was a battleground of conflicting representations.

This chapter therefore looks within the boundaries of the guilds to examine the power structures at their core. Much of the documentary evidence left in the 'name of the guild' presents only a selected surface of guild life and tells us nothing about the tensions that existed within these entities.' We must avoid blindly accepting the identification of the guild officials with the interests of the guildsmen as a whole. However, we can obtain insights into the internal power structure of guilds by examining the litigation that took place within the shell of their identity. Despite the ideals of Christian fraternity which were supposed to unite the brethren in harmony, much of guild litigation was in fact an internal affair. In 1643 the guild of distillers complained that it was riven by internal dispute, "due to continual lawsuits our guild is steadily deteriorating, and generating discords and fights between brethren". Similarly, in early modern Milan, conflicts within the guilds were as numerous and fierce as those between them.²

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1 In referring to artisans, J. Rancière, "The Myth of the Artisan: critical reflections on a category of social history", in S. L. Kaplan and C. J. Koepp, eds., Work in France: representations, meaning, organization and practice (Ithaca: Cornell University Press, 1986), p.327, writes, "...we run the risk of inferring a false picture of the collectivity they represent or of the realities that underlie their speech, unless we determine very precisely who is speaking, who is being addressed, and what the stakes are....", p.329, "We attach too much importance to the collectivity of workers and not enough to its divisions...".

2 F. Sartori, L'arte dell'acqua di vita. Nascita e fine di una corporazione di mestiere veneziana (1618-1806) (Venice: Fondazione Scientifica Querini Stampalia, 1996), p.35, quotes guild officials from 1647, «per le continue liti l'arte nostra và sempre più deteriorando, e generando discordie, e risse fra fratelli». The same complaints were voiced in the late eighteenth century.

3 E. Verga, "Le corporazioni delle industrie tessili in Milano, loro rapporti e conflitti nei secoli XVI-XVIII", Archivio Storico Lombardo, 3 (1903), pp.64-125.
There are many important aspects to this question which lie beyond the limited scope of this thesis. Larmour has written that, "meaningful guild history must begin with the analysis in depth of individual guilds at one time and in one place." An in-depth study of the social relations tying even a single guild together (such as networks of kinship, marriage, clientage, credit, business partnerships, religious and fraternal sentiment), which might identify a guild social elite, is a massive undertaking which requires a micro-historical approach to the membership. Such a study of only one guild would have demanded a thesis in itself. Yet, thanks to a number of valuable studies which have been made of individual Venetian guilds, it is possible to make some meaningful general conclusions. Rather than embarking on a profound study of this nature, this thesis adopts a unifying perspective - the role of Venetian justice in the market - and examines those internal tensions which surfaced as formal disputes in the state courts. The purpose of the study is not to examine the question of whether a guild ‘elite’ existed in social terms, but rather to ask to what extent the guild was controlled by a limited group, an ‘institutional’ elite? The focus of the study is the control of the guild as a legal institution, rather than a detailed micro-

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study of *guildsmen*. Traditional studies of guilds have relied predominantly upon statutes, which often tell us little about how things worked in practice. In terms of evidence, this normally obscure, closed world is illuminated for us by litigation and the intrusion of state adjudication. The limitations of this kind of evidence must at the same time be recognised. Formal litigation articulates and gives concrete form to social disputes, while obscuring a more complex reality of finely-graded and shifting identities.

**Guilds and Workers. Class as analytical tool**

The term 'class' must be used with great care in relation to early modern guilds. Many historians have sought to link guilds to the history of the trade union movement.

However, the nature of Venetian guilds was clearly quite different. Firstly, as Mattozzi points out, the *guild* was not equivalent to the *trade*. Rather, guildsmen were qualified masters who stood at the apex of a pyramid of workers. After qualifying as a *garzone* (apprentice), which generally took around five years, an aspiring craftsman then had to spend a further period as a *lavorante*.

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8 Mattozzi, "Mondo del Libro", p.744. This was a misleading error made by Rapp in his *Industry and Economic Decline in Seventeenth-century Venice* (Cambridge MA: Harvard University Press, 1976), who treated guild membership figures as if they were an indicator of the health of Venetian industry. This led to widespread criticism of his work - see Mattozzi, "Mondo del Libro", p.781, n.6, and J. A. Marino, "La crisi di Venezia e la New Economic History", *Studi Storici*, 19 (1978), p.103.
(journeyman, or worker), working for a master. Only after this time (generally another two years), was he legally entitled to become an independent master.

The first stage was to qualify as an apprentice. The terms of service varied but were typically around five years. The employment of apprentices was regulated by public contracts which had to be registered at the Giustizia Vecchia. While an apprentice was legally obliged to complete his time, it was also true that his master could not dismiss him. An apprentice was part of his master's household, like his children and servants. For this reason, they were legally considered to be dependents of their masters (and testimonies made in favour of their masters were not considered admissable in court). This relationship of dependency was generally sufficient to keep the apprentices in check (although there are a few cases of disputes between individual garzoni and their masters). For example, Carlo Pasetto, a blacksmith's apprentice, stated in 1651 that he had "willingly" put up with cruel treatment from his master for four years, "in order to complete the contract".

Guild regulations regarding apprentices were not generally concerned with the details of service, but rather with limiting the number of apprentices any master could have. Such legislation was intended to reduce competition between masters and to limit the growth of the guild. It also prevented the expansion of rich masters at the expense of the poor. In 1591, the coopers noted that some masters had taken on up to five apprentices, with the result that the apprentices were poorly trained, and work was taken away from the journeymen and the small masters. They

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* Lengths of service applied by the smiths (Arti, b.128, 13 Jun 1606) and painters (Arti, b.103, Sec.o XVI e XVII, Atti della Scuola dei Pittori).
* GV, b.77, 12 Aug 1665.
" GV, b.48, case of 1651, "Son stato il corso d'anni quattro in c.a al servitio del sop.o mio Padrone trattato con quello maniere barbare e crudele che son notorie, e pur ogni cosa hò sopportato voloniteri per dar fine all'Accordo.".
therefore imposed a limit of two apprentices on the trade." Naturally, rich masters had an incentive to evade the legislation. In 1679, the engravers noted that many masters took on short-term 'apprentice' labour without registering any contract or notifying the guild." As seen in chapter 3, the government might intervene to lift such regulations at times of crisis, in order to draw new blood into the city. These types of regulations can however be seen as a matter of power relations between masters, rather being concerned with the apprentices themselves.

In contrast to the apprentices, the employment of workers was not regulated by contract. As the Giustizia Vecchia noted of shoemaker workers in 1539, “these come and go at their pleasure, and you would never find anyone who would submit to such contracts”.* They were paid in cash rather than food and board. This worked to the advantage of the master, who could hire and fire his labour force as he saw fit." Since the employment of workers was not regulated by law, guild statutes tell us little about conditions." In fact, most journeymen could expect to remain workers for life, because they lacked the capital to set up their own business. In addition to the economic difficulties, the charmed circle of established masters maintained a barrage of controls to block entry to the guild, from which their own sons were exempt." These included such barriers as exorbitant entry-fees, completion of a prova to the satisfaction of the guild, and the law of passi which imposed limits on

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* GV, b.133, filza 107, 25 Apr 1591.
* GV, b.77, 2 Mar 1679.
* Quoted in Vianello, L'Arte dei calegheri e zavateri, p.75, “questi vano e vengono a loro piacere e non troverebbero chi si sottoponesse a tale iscrizione”.
* Vianello, L'Arte dei calegheri e zavateri, p.90.
* W. Sewell, Work and Revolution in France: The language of labor from the old regime to 1848 (Cambridge: Cambridge University Press, 1980), p.32, "statutes dating from this period invariably contain a multitude of articles defining the status and specifying the rights and duties of both apprentices and masters but rarely mention journeymen at all. No longer wards of the master, yet not fully adult members of the corporate community, their status was shadowy and problematic".
* Not only was a master's son legally exempt from such legislation as the prova, he could also expect to inherit his father's shop. CL, ser.2, b.24, fasc.251, 23 Jan 1512 (m.v.), on the coltreri.
the number and spacing of shops (see chapter 3). For many workers, opening a shop of their own would therefore remain only a distant dream. Only a privileged few would complete the 'life-cycle' of the artisan. One option for those lacking the capital to start up a shop was to sell goods through the streets. However, as we have seen in chapter 2, this practice was strictly controlled by the guilds, with the intention of excluding both immigrants and journeymen from the trade. Excluded from trading on their own account, most journeymen were forced to remain wage labourers for the existing masters.

In addition to the qualified labour of the journeymen and the 'trainee' labour of the apprentices, there was also a large informal labour force outside the guilds altogether. For example, large numbers of spinners, generally women operating from home, supplied the textile industry. Some hospitals also used the labour resource of their inmates to supply the guilds with products. Such alternative sources of labour enabled guild masters to keep the wages of qualified journeymen down. However, it is very difficult to examine this sector of the labour market since such relations were completely unregulated and frequently illegal. These were the silent multitudes within the trades whose voice was never heard.

The prevailing images of guild life are still often coloured by romantic ideals, symptomatic of the nostalgia of an industrial era for an imagined past, a golden age

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1 Arti, b.358, fasc.C, Marzeri c.a F. de Capelleri, p.21, 28 Jul 1663, the lavoranti capelleri refer to themselves as "la più parte capi di famiglie", showing that many of them, remaining dependent workers for life, had set up a family. It was not simply a transitional phase passed through by young workers on their way to independent masterdom.

2 Arti, b.129, 23 Jan 1653 (m.v.).

3 Rapp, Industry, p.26, n.29, quotes a wool-worker petition (probably 1597), «...come nel arte nostra; si atrova da hominiij tremille in circa, cio'e seicento descriti in scolla, et il resto non descriti, li quali non descriti, non sono sottoposti agravezza di sorti alcune di essa scolla...». Many of these 2400 unaffiliated workers were probably employed seasonally.


5 GV, b.5, reg.12, 18 Sep 1577, noted that rich master shoemakers bought up shoes produced outside the guild, as well as from other masters.
of independent craftsmen united by bonds of fraternity in a moral economy. In reality, the trades were strictly hierarchical and the fraternal relations between masters represented only the privileged tip of the world of work. This late sixteenth-century description of blacksmiths by Garzoni provides a powerful counter to any nostalgic conception of the individual craftsmen working at his forge - a picture of unceasing, strictly-controlled work:

"...such that the miserable workers can taste no quiet, except in the evening, when from the long and gruelling day that for them begins at first cock-crow, they sleep, completely exhausted, and sometimes without caring for supper, but in the end they must awake once more, and do whatever the principal masters order them...".23

Similarly, the master hatters justified their dominance of the guild on the grounds that,

"Thousands of ducats are needed to maintain a flourishing Shop of the Guild of Hat-Makers. These are managed by the Chief Masters and the workers carry out orders with full obedience to the directions of the Patron.".24

Workers were usually denied any voice in the running of the guild.25 While they were expected to pay guild taxes (although generally at a reduced rate), they were usually not allowed to attend the guild assembly.26 The principle behind this was

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23 T. Garzoni, La Piazza Universale di tutte le professioni del Mundo (Venice: G. B. Somasco, 1587), p.456, "...talché i miserì operanti gustar non possono alcuna quiete, salvo la sera, che dalla travagliosa, & lu'ga giornata che per lor comincia al primo canto dell gallo, al tutto stracchi, e talvolta senza curarsi di cena, s'adommentano, ma al fine bisogna di nuovo risvegliarsi, & far quel che i maestri principali ordinan loro".

24 Arti, b.358, fasc.AA, P Scola de Marzeri C Arte Capeleri, p.12, undated (probably Mar 1677), the Capi Maestri cappelleri argued that, "Migliara di ducati vi vogliono à mantenere una Botega florida dell'Arte de Fabricatori de Capelli. Vengono questi dall Capo Maestro maneggiati et seguono i lavoranti con piena obbedienza ai cenni del Padrone."

25 This was the case in most major guilds (including for example, smiths, mercers and painters).

26 In a minority of guilds, however, workers were admitted to the assembly. These were listed by the hatmaker workers in their protest for voting rights. Arti, b.358, fasc.AA, P Scola de Marzeri C Arte Capeleri, 9 Mar 1677, stonemasons state that workers are admitted to the assembly, "viene à ballottar in capitolo come fanno il cappi maestri senza nissuna distintione...", and this was also the case for the
stated by the master hatters in 1676: since it was they who had invested their capital in the shops, it was for them to rule and the workers to obey. "we are more than certain that the mere suggestion that two hundred servants should vote alongside only thirty patrons is both nauseating and unbearable to all." The ideal of the guild was that each master had to be independent in the exercise of his vote (the granting of political rights to dependent workers would in practice have threatened the representation of the small independent masters). Since workers had no representation in the guild, nor alternative associations of their own, it is clear that Venetian guilds were not representative of the 'labour force' as such, but of an elite within it.

Nor did workers possess autonomous organisations of their own. There were no journeymen's associations which were the equivalent of the groups of compagnons of eighteenth-century France. The few workers' associations which existed were called sovegni, and their activities were usually specifically limited to mutual aid (such as a sickness fund) and religious pursuits. The main concern of the sovegno of journeymen shoemakers, created in 1691, was to limit the entrance into the market of the Grisons, immigrant protestant shoemakers, rather than promoting any general concept of workers' rights. There are very few traces of 'class consciousness' in this sovegno which could make it some sort of 'proto-union'. With carpenters. Perhaps as a consequence of this, the wage-rates of workers were regulated in the stonecutters' guild - see GV, b.5, reg.12, p.100. Such controls were absent in most other guilds.

27 Arti, b.358, fasc.AA, P Scola de Marzeri C Arte Capeleri, p.12, undated, but probably Mar 1677, the Capi Maestri cappellieri argued, "siamo più che certo che la sola propositone che ducento servi attendono votar con treanta soli padroni si renda nauseabile e insoportabile insieme à tuti".


29 See also Arti, b.371, fasc.B, Per Scola de Marzeri C: Muschieri, 14 Oct 1656, for a petition of the 'poveri lavoranti fabricatori da Capelli', to create a sovegno for mutual aid at times of sickness. This was probably however a masked attempt by the master hatters to create an autonomous guild - see chapter 5.
no means of organising themselves, everything was left to be determined informally between individual workers and masters.

Clear-cut class conflicts first appeared in the late seventeenth century and developed fully in the eighteenth. In this period, the tightening of the guilds and decreasing prospects for social advancement within them pushed journeymen to assert their interests more vigorously outside them. It is such movements, rather than the guilds, which might more properly be seen as the forerunners of trade unions. As workers were increasingly excluded from guild privileges, they were pushed into operating on the black market, and selling their goods on the street. The development of more sophisticated guild policing systems (see chapter 2) was therefore a necessary corollary of the tendency of the guilds towards closure. In the printing industry, the corporate structure of the sixteenth century was gradually altered by the masters during the course of the difficult seventeenth century. Guild masters began to take on unqualified casual labour, rather than the qualified workers. The guild shifted from a career model in which artisans made their way up from apprentices to become masters, to one in which the masters were capitalist employers with no personal skill in the craft. The steadily diminishing prospects for advancement and even employment were eventually to push the print-workers into open class conflict in the eighteenth century. In the painters’ guild, the position of journeymen steadily declined in the seventeenth century, reducing them to subalters. From the late seventeenth century, the composition of the shoemaking trade changed as masters cut down on the numbers of apprentices (only taking on...

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30 Mattozzi, “Mondo del Libro”, p.753; Vianello, L’Arte dei calegheri e zavateri, p.95-98, shows how these systems became more sophisticated in the eighteenth century. For example in 1701, a weekly tax was raised from all shoemaker masters to pay for the huge legal expenses needed to punish ambulant traders. In 1726 the guild elected six defensori to patrol the city.


32 Favoro, L’Arte dei pittori.
the sons of masters), preferring to employ journeymen on flexible terms. Prospects of promotion were cut back. These tendencies can also be identified in the struggles between master hatters and workers in the late seventeenth century (see below).

This process can also be seen in the smiths' guild. In 1687, the master smiths made the prova more difficult (which they justified in terms of the poor quality of Venetian metalwork) and almost doubled the entry-fee, on the grounds that this was “slight... compared to the other guilds”. This clear attempt to limit access to the trade provoked the response of workers and apprentices of the trade, who successfully appealed to the Provveditori sopra la Giustizia Vecchia to intervene on their behalf. The smiths tried again the next year, this time voting to increase the minimum period to be spent as worker from two to four years (this following an apprenticeship of five years), leaving the traditional prova alone, and increasing the entry-fee by a smaller amount. Shrewdly, they tried to split the workers by stating that the new laws would not apply to those who became masters within the next four months. However, the protest of the workers again found a sympathetic ear with the Provveditori, and the smiths were forced to appeal to a higher court (unfortunately it is not clear how the case was finally resolved).

This case reveals how the Venetian government was generally prepared to consider the representations of workers, even if their associations had no official recognition. Similarly in 1703 the Quarantia in Venice was prepared to accept the legal submissions of the unione of wool-workers in Padua, giving it an implicit recognition.

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33 Vianello, L'Arte dei calegheri e zavateri, p.88-90.
34 Arti, b.114, fasc. Per Li Lavoranti e Garzoni Caldereri e Fabri C. Arte de Fabri, 30 Nov 1687, "quanto sia tenua la ben intrada... riguardo alle altre arti”.
35 Arti, b.114, fasc. Per Li Lavoranti e Garzoni Caldereri e Fabri C. Arte de Fabri, 7 Nov 1688.
36 Arti, b.114, fasc. Per Li Lavoranti e Garzoni Caldereri e Fabri C. Arte de Fabri, 29 Mar 1689.
legitimacy even though it had never been officially authorised. The government was cautious to appear as mediatory and paternal (although the practical outcome of the contest was that the workers had to abandon their legal claims due to lack of funds).

This case was by no means exceptional. Similarly in 1663, the Senate was prepared to consider the claims of the journeymen hatters, and take measures in their favour, even though they had no official legal identity. It was an important principle of Venetian government that everyone should at least receive a hearing (see chapter 6).

In 1676, tensions erupted in the hatters' guild, following its break-away from mercer control (as will be seen in the next chapter). This was a defining moment for the new guild, the moment when its statutes were drawn up and its boundaries fixed. The various groupings within the hat trade now struggled to define the guild. The master hatters met to draw up the guild statutes without inviting the journeymen, who regarded this as a breach of the promises made them during the struggle for autonomy. The protest of the workers was soon joined by that of several poor masters, who felt that the new guild offered them little. In 1677, the government heard the plea of Zuanne Conselice, self-styled representative of the “true makers of hats”, against the designs of the “chief master shopkeeper hatters”. The richer


38 Arti, b.358, fasc.C, Marzeri c.a F. de Capelleri, p.24, 17 Sep 1664, Senate responded to “li lavoranti fabricatori di capelli”, and cut statutes passed in favour of the master hatters.

39 Arti, b.358, fasc.AA, P Scola de Marzeri C Arte Capelleri, 1 Mar 1677, “repugna ancora alle replicate promesse fateci da essi Capi nel tempo delle contese promesse per esser separatosi dalla scola de marzeri ciò che quello sarà di essi sarà lo stesso ancora di noi onde siamo sempre riposati in questa fede”.

40 Arti, b.358, fasc.AA, P Scola de Marzeri C Arte Capelleri, 6 Apr 1677, for the first eight poor masters and, 12 Apr 1677 and 22 Apr 1677, the workers' protest was joined by a further five masters.

41 Arti, b.358, fasc.AA, P Scola de Marzeri C Arte Capelleri, 26 Feb 1676 (m.v.), “veri fabricatori di capelleri” vs. “capi maestri di bottega capelleri”.
masters contemptuously referred to this group as consisting in, "six miserable hatters who have nothing in the World...". The schism between rich and poor masters of the guild probably reflected the fact that, although the latter were entitled to attend the guild assembly, their condition was in practice not much better than that of the workers. In fact, the gastaldo offered to excuse the poor masters from the oarsmen tax if they would give up their right to attend the assembly. The poor masters instead rejected the offer, insisting on their rights as masters, and denouncing, "The Ambition and greed of some Chief Master hatters who aspire to subjugate all their other brethren and reduce the exercise of the profession to themselves alone, on the basis of their ample wealth...". However, the difficulties of holding the disparate group of workers and poor masters together, combined with the expense of litigation and lack of success in the courts, led to the failure of the movement.

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42 Arti, b.358, fasc.AA, P Scola de Marzeri C Arte Capeleri, p.12, undated, but probably Mar 1677, "Han ritrovato sei miserabili Capelleri che nient' hanno all' Mondo è doi lavoranti che con capi falsi altrui hanno aperto in questi giorni Bottega".

43 In many guilds poor masters who did not possess shops of their own were constrained to work for other masters. In economic terms, their status was probably similar to that of ordinary workers, but having passed the guild prova, they had the right to attend the assembly. See Arti, b.358, fasc.AA, P Scola de Marzeri C Arte Capeleri, 11 Aug 1678, testimony of the guilds of cobblers, weavers, mirror-makers, barbers, frame-makers, glaziers, pastrycooks and pewterers, "Attestiamo noi infrascritti qualmente nelle nostre profissioni intervengono nelli nostri capitoli n' solo li Capi Maestn che hanno Botteghe apperte mà anco quelli che sono senza Botteghe èpure che se bene sono capi maestri lavorano nelle Botteghe d'altri Capi maestri". Similarly, Arti, b.358, fasc.AA, P Scola de Marzen C Arte Capeleri, 9 Mar 1677, the furriers testified that, "quando un lavorante ha fatto la sua prova et è notato nel libro de maestri benche no abbiano Bottega vanno à ballottare in Capitolo come vanno quelli che hanno bottega".

44 Arti, b.358, fasc.AA, P Scola de Marzeri C Arte Capeleri, p.57, 12 Aug 1678, "L'ambizione è l'avidità d'aluni Capi Maestri capelleri che col motivo delle loro riguardevoli forme aspirano à supedittare gli altri loro fratelli à ridur in se soli l'esercito della stessa professione tenta et hà tentato le stradde tute di conseguire anco indirettamente questo ingiusto danatissimo fine speriamo nondimeno noi... capi maestri capelleri... se bene di minor facoltà d'esser dalla Giustitia e Carità di questo Eccellentissimo magistrato suffragati è sollevati...".

45 Arti, b.358, fasc.AA, P Scola de Marzeri C Arte Capeleri, 25 Aug 1678, costituito of two "capi mistri capeleri lavoranti", who declared that although their names had been inserted in the protest, they wished to have no part in the dispute. Significantly, both worked for Bortolo Riccardi, one of the richer masters and an associate of Nicolò Alvera, the leader of the master hatters. Their protest was joined by declarations from various journeymen, who also declared that they did not support the suit.
In general however, class conflicts of this nature lie beyond the period of this study, even if the trend first affirms itself in the late seventeenth century. The exceptional case of the lavoranti pistori (journeymen bread-makers) can be explained by the unusual conditions of that trade. In the guild of pistori (bread-sellers) there was no upward mobility from apprentice to journeyman to master. To become a master of the guild required only the purchase of one of the fixed number of bread-shops in the city, an extremely expensive investment. The masters were therefore more akin to an association of merchants than a trade guild. Since workers had no prospect of ever becoming masters, class conflict emerged earlier than in other trades. In 1640, the request of the workers to create a scuola (confraternity) was turned down by the Biave. In 1660 their association was authorised by the Council of Ten, but it was subsequently repressed in 1685. The hostile attitude of the state towards the sovegno makes it clear that, while the Venetian government was generally prepared to give everyone a hearing, it was not interested in sanctioning workers' associations against the interest of merchant capital. Following the dissolution of the sovegno, the journeymen sought to force their way into the guild, arguing that as they were the only ones to work, the craft

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"The forneri were purely bakers, in that customers had to bring their own grain to be baked in the ovens. Their customers, frequently noble families or religious establishments, usually possessed their own land. By contrast, the guild of pistori bought their own grain and sold bread to the general public."

The system of inviamenti (a limited number of fixed shop sites) was a feature of several trades.

"Della Valentina, "I Mestieri del pane", p.114, quotes the claims of the pistori to the Inquisitori alle Arti in 1773, "Il corpo o sia ceto dei pistori non è configurato come le altre arti; più propriamente potrebbe chiamarsi compagnia dei negozianti che sostengono le pistorie, piuttosto che arte. Mentre che in questo corpo non si scrivono né garzoni, né lavoranti, non si fanno prove, né è necessario il titolo di capo maestro per sostenere una pistoria....". While these comments date from the eighteenth century, Della Valentina shows that they are equally applicable to the seventeenth century, as seen in a petition of 1687.

"Vianello, L'Arte dei categheri e zavateri, p.107. Della Valentina, "I Mestieri del pane", notes that an earlier sovegno of German workers had struggled with the pistori in the early sixteenth century. R. Mackenney, Trade guilds and devotional confraternities in the state and society of Venice to 1620, (doctoral thesis, University of Cambridge, 1982), p.3, n.3, also refers to a violent conflict between journeymen and masters in the bread trade in 1543, stressing that this was an exceptional case."
should belong to them.” The class nature of this conflict was made clear in their petition of 1687, “...these patrons... are in reality merchants, and they do not stain their dignity and soil their hands by working...”.

Conflicts within the ranks of the masters

The absence of class as an issue is confirmed by the legal disputes which emerge from the guilds, which reveal little in the way of class tensions.” Nevertheless, even within the restricted circle of guild masters, there could be considerable contrasts in terms of wealth and power. Guild masters and their families made up a sizeable proportion of the Venetian population. Even though they were on average better off than those outside the corporations, not all of them were rich; in fact, considerable numbers were extremely poor. It is important to remember the wide variation of wealth that existed even among the guild masters; for example, according to Mackenney, the richest 5% of masters disposed of 50% of the mercers’ capital in 1567. Many of the poorest masters, while they had passed the prova and were registered in the guild, did not have shops of their own, but worked for other masters. While taking care not to apply anachronistic terms such as ‘working class’ and ‘middle class’ to the guild membership (who certainly did not conceive of themselves in this way), it is worthwhile examining to what extent these were

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80 Della Valentina, “I Mestieri del pane”, p.185, quotes a petition of the lavoranti pistori of 1685, «...fatti opulenti li pistori patroni non più attendevano al lavoro ma mercantando formenti lasciano tutto il peso delle fatiche sopra di noi, cosicché detta scola, non sapendo essi lavorare, si può dir più nostra che loro...».

81 Della Valentina, “I Mestieri del pane”, p.168, quotes a petition of the lavoranti pistori of 1687, «...il puro lavoro, non è de’ signori pistori. Essi patroni de’ capitali, d’inviamenti e de tanti maneggi sono veramente mercanti, né avviliiscono il loro stato o le loro mani nell’opera».

82 Verga, “Le corporazioni delle industrie tessili in Milano”, p.80, similarly notes, “...se tanto aspre e frequenti sono le lotte tra mercanti e artigiani, i nostri documenti non ci danno esempio di controversie tra maestri, compagni (lavoranti) e apprendisti.”.

genuinely popular institutions. A first approach to this question is to examine the rule of law within the guilds - that is, the relationship of the guild to the individuals within it. In chapter 5, a different approach will be taken: the theme of the different trade groupings which existed within the guilds.

Guild Officials

In describing the structure of a 'typical' guild, we must be aware that we are obscuring the distinctive features of individual guilds at different points in time. Despite their stress on age-old statutes and time-honoured customs, Venetian guilds were not static structures but ones which adapted over time. For example, in the early thirteenth century, many guilds probably had two gastaldi (the chief official), one concerned with the arte (the economic regulation of the trade), and the other concerned with the scuola (the devotional and assistential aspect of the confraternity). This distinction had largely disappeared by the sixteenth century as the arte and the scuola merged together. The electoral procedures, the titles of officials and their roles also differed from guild to guild. What follows is therefore of necessity applicable only in a general sense.

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44 S. Kaplan, “Social classification and representation in the Corporate World of Eighteenth-century France: Turgot's 'Carnival' ”, in S. L. Kaplan and C. J. Koepp, eds., Work in France: representations, meaning, organization and practice (Ithaca: Cornell University Press, 1986). p.180, “One question that historians are loath to face because it is probably impossible to resolve is the extent to which official guild discourse represents rank-and-file, or constituent, opinion.”.

45 Vianello, L’Arte dei calegheri e zavateri, p.11, describes the persistence of this distinction in the shoemakers’ guild, where there were two main officials - the gastaldo (who represented the guild in litigation, enforced the statutes and collected the oarsmen tax), and the masser (who was responsible for devotional activities and guild administration).

46 For example, the mercers often used the term guardian rather than gastaldo, while the guild of printers and booksellers used the term prior.
The most important single office in the guilds was that of gastaldo. According to a law of 1264, he had to be elected annually. He had considerable freedom to direct guild affairs, initiate and conduct lawsuits, or implement building work. Yet these freedoms had their limitations. While the gastaldo was relatively free to direct guild spending, expenditure could be risky if not fully backed by the guild. Frequently, a gastaldo found himself having to credit the guild out of his own pocket. If his expenditure was not subsequently approved at the reckoning of accounts at the end of his year in office, he might not be reimbursed for what he had spent.

Apart from leaving him potentially out-of-pocket, the office involved a great deal of unpaid work. His duties included sitting on the guild tribunal, judging masterpieces, and directing the guild's lawsuits. It was for these reasons that the office was in fact very unpopular. Refusal to accept office was so prevalent that guilds tried to deter the practice with fines. Nevertheless, many were prepared even to pay a hefty fine in order to avoid being elected as gastaldo. In 1595 for example, a total of six mercers chose to pay the fine rather than accept the office. The fines were steadily raised throughout the seventeenth century, but despite this, in 1672 the gastaldo of the mercers (perhaps himself resentful at having been voted into office) referred to 50 ducats as a "small fine" which was insufficient as a deterrent.

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58 The principle guild officials were generally unsalaried. Vianello, L'Arte dei calegheri e zavateri, p.11, n.17, notes how the shoemakers' officials received no salary (though they were exempt from the candlemoney dues) until the eighteenth century when they were granted a modest wage. S. Ciriacono, "Industria e artigianato", in A. Tenenti and U. Tucci, eds., Storia di Venezia, vol.V, Il Rinascimento. Società ed economia (Rome: Istituto della Enciclopedia Italiana, 1996), notes some cases where the position was salaried.
44 Arti, b.314.
44 Arti, b.312, Mariegola, p.162, cap. 325, 13 May 1672, "La facilita con la quale li SS.ri guardiani vengono elletti dalla Scola Nostra rinunciano la carica sudetta, nasce particolarmente per la poca pena del ducati cinquanta e con molta contumacia...". See Arti, b.364, fasc. Per Scola de Marzeri c.o Carlo Dominoni, 11 Aug 1648, which set the fine at D50 (half to guild, a quarter to the Provveditori di Comun, and a quarter as a bonus for the candidate who accepted the post of gastaldo).
Similarly in the painters' guild, after four masters refused the office of *gastaldo* in 1668, the fines were raised to 25 ducats in 1671.\(^1\) In the guild of *forneri* (bakers), fines were raised to 25 ducats in 1660.\(^2\) Some guildsmen were prepared to fight an unwanted election through the courts in order to avoid taking office. This was the case with Carlo Dominoni in 1666, who successfully claimed to be unable to become *gastaldo* of the mercers because he had already been elected an official of the *passamaneri* (makers of braid) that year.\(^3\) In 1651, Zan Maria Favro successfully contested his election as *gastaldo* of the smiths on the basis that he was too ill to take office.\(^4\) Dionisio Rusconi, on the other hand, was able to appeal to an old rule in the smiths' guild that the *gastaldo* must practise the trade “with his own hands”. While this law had been designed with the intention of keeping the guild out of the hands of entrepreneurs, it seems that by the seventeenth century, capitalist employers like Rusconi were keen not to be elected *gastaldo*.\(^5\) Some masters were even prepared to leave the guild rather than accept office, which prompted the mercers to increase the fine for leaving the guild from 5 to 50 ducats.\(^6\) Guilds were so frequently involved in election disputes that the matter became a cause of concern for the government.\(^7\)

The office of *gastaldo* frequently carried a long period of *contumacia*, which exempted a guildsman from being re-elected until this time had passed. In the

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\(^1\) Favoro, *L'Arte dei pittori*, p.52. Fines had already been raised to DS in 1606.

\(^2\) Della Valentina, "I Mestieri del pane", states that in the eighteenth century, masters tried to evade being elected by registering ovens in the name of their youngest sons, who were too young to hold office.

\(^3\) Arti, b.364, fasc. *Per Scola de Marzeri c.o Carlo Dominoni*, for this and other cases.

\(^4\) Arti, b.129, 23 Feb 1650 (m.v.). For other cases see Arti, b.129, 1 Feb 1634 (m.v.), 21 Apr 1639, 26 Feb 1656 (m.v.).

\(^5\) Arti, b.129, 26 Jan 1656 (m.v.), "con le sue mani". Rusconi had never personally exercised the trade, the work being carried out in his shop by relatives and employees.


\(^7\) GV, b.89, filza 76, 10 Jan 1644 (m.v.).
mercers' guild, the period had been fixed at twenty years, or six years in the case of those who refused office.** These regulations were intended to prevent control of the guild falling into the hands of a minority. In practice, this must have been something of a relief to those who had done their service. The difficulty of finding men of sufficient stature to fill the post meant that contumacia limits had to be reduced. In 1672, the mercers reduced the period of contumacia to just one year.** Alternatively, guilds might violate their own electoral regulations, not because anyone was seeking to dominate the guild, but purely in order to fill the position. For example, in 1669, the painters accepted the offer of Panciera (elected to the post in 1668) to remain in office for another year. It is unlikely that Panciera was plotting to seize power, but this was a clear violation of the electoral regulations put in place by the government. In response to such abuses, the Provveditori sopra la Giustizia Vecchia insisted in 1680 that all gastaldi should obey at least one year of contumacia.***

**Guild Elections**

Although guild officials could have considerable influence, it is clear that most guildsmen preferred not to carry out these onerous duties personally. They had businesses to run, and the post offered few rewards. Refusal of office was widespread, and even minor guild offices carried fines. Although the office of gastaldo was individually the most powerful in the guild, the real key to guild power lay elsewhere. If wealthy guildsmen were not personally keen to hold office, nor could they tolerate the idea that guild affairs be directed by unsuitable persons. One

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** Arti, b.312, Mariegola, p.137R, cap.285, 8 Feb 1598 (m.v.), and Arti, b.364, fasc. Per Scola de Marzeri c.o Carlo Dominoni, 11 Aug 1648.

** Arti, b.312, Mariegola, p.162, cap.325, 13 May 1672. See Arti, b.315, 19 Jun 1620, for a similar proposal to reduce the period of contumacia from 20 to 10 years in 1620.

*** Favoro, L'Arte dei pittori, p.53.
of the motives for which the artists petitioned for the formation of a separate Accademia in 1680 was that, while they did not trust other professions to lead the painters’ guild, they did not themselves have the time for such work.” The most important guildsmen were those who controlled election to executive positions, and those which reviewed and checked the behaviour of officials once elected. These were the guildsmen who made up the guild council, comprised of banca and zonta. All legislation had to be proposed and approved in the guild council, before being presented to the assembly.” The capitolo general (general assembly) of guildsmen could exercise at most a negative veto, since the ordinary guildsmen could not propose alternatives of their own.

The most important aspect of the guild council’s power was the election of officials, including the office of gastaldo. In most guilds, the electoral influence of the general assembly was strictly limited by complex procedures of indirect election. In the mercers’ guild, for example, the role of the assembly was limited to electing the members of the Twelve (the number of the mercers’ zonta), who then joined with the outgoing members of the banca to elect the new officials. The limited influence this gave the assembly was cut back in 1604 when the mercers ruled that, since the brethren of the general assembly were not sufficiently astute in choosing wise officials, from now on they should only elected the Twelve from among those who had already served on the guild banca or other important guild office (justifying this by reference to the practice in the other guilds of the city).” Hence in 1618, during

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71 Favoro, L’Arte dei pittori, p.119.
72 These restrictions are nicely described in Arti, b.360, fasc. Pro D Bor.mio Donatii contra il Gastaldo di Marzeri, N.o 86, 11 May 1624. See also Favoro, L’Arte dei pittori, p.45.
73 Arti, b.360, fasc. Pro D Bor.mio Donatii contra il Gastaldo di Marzeri, N.o 86, 8 Jul 1604, “che non si possi eleggere alcuno del n.ro de XII, se prima non saranno stati della banca ovo essercitato off.o di banca”, in line with the practice of other guilds, “come osservano far le altre scola di questa inclita Città”. The reform was approved by Provveditori di Comun on 26 May 1608 (although one of the provveditori disagreed). IA, b.59, Marzeri in generale. quesiti 1777-1797, 8 Sep 1564, suggests that
the election of the Twelve, one of the candidates was rejected, “for never having served on the banca”. Since it was the Twelve to elect guildsmen to such offices, they effectively controlled admission to their own number. In the mercers’ guild therefore, electoral regulations were designed to preserve power in the hands of a self-nominating elite which elected its own members. This regulation effectively meant a stranglehold on guild power by a limited circle within the guild. The most that the general assembly could do was veto particularly unpopular candidates.

This can be seen in the detailed electoral records left us by the mercers’ guild, which reveal the same names cropping up time and time again as members of the Twelve. Oratio Milan, for example, was a member of the Twelve eighteen times in the period 1592-1630, as well as regularly serving the guild in important offices. Such a long period of active participation was exceptional - more typical would be a man like Bortolamio Locatello, who was a member of the Twelve nine times in the period 1606-1628. Contumacia regulations prevented permanent membership of the Twelve, but influential guildsmen might be members every other year.

There were variants on this system, but they tended to confirm the existence of an inner circle within the guild which controlled appointments to office. In the shoemakers’ guild, it was the general assembly to elect candidates to office, but their choice was limited to one of the two men proposed by a group of “great electors”, who had themselves been chosen by the outgoing banca and zonta (with

prior to 1564, the Twelve had to be elected from among those who had previously served as gastaldo, but that after this date anyone could be elected to the Twelve without limit.

\textsuperscript{74} Arti, b.315, 29 Jun 1618, election of XII, one candidate was “depenato per non esser mai stato di banca”. See also Arti, b.315, 26 Apr 1619.

\textsuperscript{75} For Milan’s service on the zonta see Arti, b.314 and Arti, b.315. He was made Presidente sopra le liti in 1602 and 1624, gastaldo in 1604. Arti b.315, 23 Apr 1615, Milan was one of the two aggiunti who went with the gastaldo and giudici to the best advocates for a consultation regarding whether the Giustizia Vecchia or the Proveditori di Comun should have jurisdiction over the mercers. See also Arti b.315, 14 Apr 1622, for his involvement in a conflict of mercers vs. carpenters.
the approval of the Cassier of the Giustizia Vecchia). By controlling the names of the “great electors”, the banca would never lose its grip on its own composition. When the zonta of twelve brethren was added to the banca in 1525, it was stated that these should be chosen from among “the oldest and most preeminent of the guild”.

The guild council therefore represented a ruling elite at the heart of the guild.

The complex system of multiple elections introduced in the smiths’ guild in 1634 tended to produce similar results. The general assembly nominated two electoral colleges of nine members each. These colleges both nominated twenty candidates from among those brethren who had been guild members for at least six years. This group of forty candidates was then reduced to a group of twenty-four electors. Those who had been chosen by both colleges were automatically among their number, while if two different candidates had been chosen, the vote was put to the assembly. The assembly was then dismissed, and the twenty-four electors united with the outgoing banca and zonta to elect the new guild officials. They did this by electing two electoral colleges of five electors each. These colleges both nominated candidates for each post. Again, those chosen twice (the “doubles”) passed straight into office, but where there were rival candidates, the choice was put to the vote of the twenty-four electors, banca and zonta.” The complexity of this system shows that it was designed to give only a limited role to the assembly. This can be seen in the fact that when the new system was introduced, it was approved unanimously in the banca by fourteen votes to none, but had great difficulty passing the assembly, eventually passing by a tiny majority: sixty-nine votes to sixty-six. Indeed, the new system was explicitly presented as a response to the effects of the

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76 Vianello, L’Arte dei calegheri e zavateri, p.12-14, quotes electoral regulations regarding, «più vecchi e primari dell’Arte».

77 Arti, b.129, 5 Nov 1634.
plague, which had deprived the guild of its "oldest and most expert" masters, in whose place had entered "young men with no expertise in government and administration".*

The inner circle of men who dominated the guild council were able to control access not only to the office of gastaldo but also to the other key offices of the guild. Tansadori were appointed for the contentious task of distributing the guild tax burden among the brethren. There were generally separate tansadori for each colonello (internal trade grouping) of the guild. For example, each of the eight branches of the painters' guild elected its own pair of tansadori. The office was unpopular and thankless and tended to be avoided. Nevertheless, a certain level of expertise was required. In 1666, the Presidenti of the Milizia da Mar, always concerned to intervene in guild tax collection, ruled that tansadori should be elected only from among those who had served as gastaldi or sindici, and so from among the most experienced masters.*

Defensori or presidenti might be appointed to direct particularly important lawsuits. In the mercers' guild, the two presidenti sopra le liti became permanent posts in the guild administration from 1624 onwards.** This was increasingly common in the seventeenth century and is one indication of the institutionalization of litigation in guild life (see chapter 6), and the growing volume of legal business to be supervised.

Extraordinary officials called aggiunti were usually appointed from among the inner circle to conduct the most delicate business of the guild (such as negotiations

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* Arti, b.129, 5 Nov 1634, "Per occasione del passato contaggio restò priva l'Arte de' Favri di quelli Capi Maestri, che più vecchi, et provetti s'attrovavano in quella, in luoco de' quali essendo subintrati giovveni inesperti nel governo, et ministerio di essa".

** Favoro, L'Arte dei pittori, p.47.

*** Arti, b.315.
with rival guilds), rather than trusting this to the gastaldo. For example, in 1612 when the mercers' refitted their tribunal, the responsibility for the work was to be shared by the gastaldo with two of the most prominent guild members: Oratio Milan and Michel Campi. All of these officials were elected by the guild council, and as such, were the instrument of their power. This can be seen in the case of Piero Zappa, anaggionto of the shoemakers' guild appointed to examine the tax assessments of guild members. In carrying out his duties, he appears to have created enemies on the banca, and he ended up being convicted at the Giustizia Vecchia in 1660 on false charges (which he only managed to prove false twenty years later).

The gastaldo was assisted in his work by a number of minor officials called salariati. These were distinguished from the principali (the chief officials of the guild) because they were salaried and might remain in office for many years, without contumacia restrictions. The most important was the scrivan or cogitor (clerk), who kept the guild records and had to attend all meetings of the guild tribunal, council and assembly. The clerk might also have to organise the legal materials of the guild. By law of 1594, this post could not be assigned to persons outside the guild.

The salary was moderate: in the mercers' guild, the clerk was paid between 24 and

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1 Vianello, L'Arte dei calegheri e zavateri, p.15-16 on the shoemakers' guild. For the mercers, see Arti, b.314 and Arti, b.315.
2 Arti, b.315, 20 Nov 1612.
4 Arti, b.369, fasc. Marzerì co. Vidal Massoni, 1 Aug 1622, "con obbligo di venire alla scola ogni domenica matina ad attende conferme l'ord.o essendo anche obblig.to di venire ogni, et qualunque volta fara bisogno alli Capitoli di Bancha et Zontta come alli Capitoli Generali...".
5 Arti, b.128, 16 Mar 1621.
6 GV, b.2, reg.4, p.161R, 25 May 1594, complains of the 'mercenary' attitude of hired clerks and insists that guilds always employ brethren.
50 ducats a year, aside from any other payments he could expect to pick up. The post therefore tended to be occupied by men of middling means, as in the case of the mercer Alvise Nani. As in the case of public bureaucrats, long-serving officials might come to regard their posts as a form of property. The provisions insisting on regular re-election might sometimes therefore be ignored in practice. Bortolo Acquabona, who had been appointed clerk of the mercers in 1639, subsequently managed to get the post granted him for life, and in 1660 tried to appoint a substitute on account of his ill health. When the guild refused and decided to replace him, he tried to appeal to the Quarantia Civile Nuova. Similarly in 1690, the clerk Zuanne Cortenovi, who had served since 1669 and was now eighty years old, asked to take on a paid 'assistant' to do the work for him, and this was granted. To some extent then, even a guild like the mercers might lose control of office-holders. The government was also concerned that long-serving guild functionaries might use their influence to obtain unmerited salary increases.

Another official of minor importance was the nonzolo (sexton), responsible for keeping the guild rooms clean, looking after the oil and candles, and for summoning

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87 Arti, b.315, 13 Sep 1617, election of Alvise Nani as clerk, with salary of D50 per year, "oltre quelli utili incerti, che li potesse aspettare...". Arti, b.369, fasc. Marzeri co. Vidal Massoni, 1 Aug 1622, shows that his successor Pasini was paid only D24 per year. Arti, b.377, fasc. Per Scola de Marzeri Cò Mag.to Ecc.mo Prov.rì de Comun Nell' Eletione di Cogitor Antonio Pasqualini per la Morte de Q Giacomo Fioretti, 16 Apr 1690, shows that the clerk Cortenovi was paid an honorario of D50 per year, as well as D30 per year for the tax registers of the guild.

88 Petizion, b.347, no.96, 26 Mar 1621, inventory of Alvise Nani, is a good example of what might be found in the shop of a middling mercer. His house was filled mainly with clothing and other stock (much of it old and used), with little in the way of silver or paintings. The family clearly had economic problems since on Alvise's death in 1621, in view of the plight of his family, the mercers took on his son Zuanne (Arti, b.315, 22 Apr 1621).

89 Arti, b.369, fasc. Marzeri co. Vidal Massoni, 15 Feb 1644 (m.v.), 2 Mar 1649.

90 Arti, b.369, fasc. Marzeri co. Vidal Massoni, 7 Jun 1639, 2 Mar 1649, 16 Nov 1660.

91 Arti, b.377, fasc. Per Scola de Marzeri Cò Mag.to Ecc.mo Prov.rì de Comun Nell' Eletione di Cogitor Antonio Pasqualini per la Morte de Q Giacomo Fioretti, 16 Apr 1690.

92 GV, b.21, reg.14, p.61, 31 Mar 1670.
the brethren to assemblies." There was little prestige in such menial work and the post was paid a modest salary.

The *sopra*stanti* were guild officials who patrolled the city for contraband, making up a kind of private police force (although they were generally accompanied by a government *fante*)." Because the rich men of the guild were generally too concerned with their business to work full time on guild affairs, they tended to leave them to be carried out by poor or failing guild members who needed an alternative source of income, as in the case of the mercers' guild. Staff were appointed through announcing a vacancy and then taking a vote on the candidates." They were recompensed with only modest salaries," as well as a cut of any fines imposed as a result of their denunciations." They might also receive additional rewards for good behaviour if deemed worthy by the council." Their offices could be renewed year after year - making this a post for life for those who were loyal servants of the guild officials. Their position was absolutely dependent upon the continued support of the

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93 Arti, b.315, 1 Apr 1586, regulations for the *nonzolo*. He received D24 a year, and had to “servir tutte le Domeniche alla messa”, wash the tablecloths, “et fregar li Candellieri”, and keep it all clean.

94 Arti, b.128, 25 Sep 1605, the smiths' *sopra*stanti describe their role, “essendo il carico nostro di caminare per la Citta con il fante dell' ofl.o cl.mo della lust.a Vecchia à inquerir le contrafationi vengono fatte in pregiudicio dell'arte nostra”. Arti, b.315, 15 Jul 1619, the mercers describe the office of *sopra*stante as, “persona pratica, et sufficiente che camini per la Città per veder le contrafattioni che vegono commesse così da Botteghieri come da quelli vanno vendendo per la Città con maggior capitale di quello che dispone le leggi n’re...”. Arti, b.367, fasc. *Per la Scola de Marzerì Assunt.e di Giud.o C Teseri da' Fustagni*, 15 Jun 1569, for *sopra*stanti of the fustian weavers. Note that in some trades (eg. cap-makers) the term *sopra*stante is used to refer to officials who had supervisory powers over the trade in general - see chapter 5.

95 Arti, b.315, 15 May 1609, Zuane di franceschi, *sopra*stante, was also one of the candidates to be elected *povero* of the guild. Arti, b.315, 15 Jul 1619, Simon Carminato, already *povero* of the guild and assistant of the *nonzolo*, was appointed *sopra*stante with a salary of D6 a year.

96 Arti, b.315, 17 May 1621.

97 Arti, b.315, 14 Jan 1624 (m.v.), the salary of the *sopra*stante was increased from D6 to D12 a year.

98 In the mercers' guild, all fines imposed by the tribunal were given to the *sopra*stanti until 1621, when it was ruled that a half-share should be allocated to the guild - see Arti, b.315, 2 Mar 1621.

99 Arti, b.315, 20 Apr 1634, the mercers awarded D25 to the *nonzolo* Vidal for his hard work. Note however that previous proposals to give him D40 and D30 had been rejected. Arti, b.315, 2 Oct 1626, Nicolo Donati, *sopra*stante, was given D10 for his labours in prosecuting the lawsuit against the smiths.
guild council, which could replace them when it saw fit. In 1627 for example, the
mercers turned down the request of Nicolo Donati, *soprastante*, for a salary increase
of 6 ducats. They granted the increase only on the condition that the award would
have to be re-confirmed every year. In comparison with the case of public officials
(see chapters 1 and 2), the guilds made more determined efforts to maintain control
over their staff.

Such controls probably kept abuses to a minimum. Nevertheless, the
opportunities for gain might generate fierce rivalry for such posts. In 1618, the
brothers Bortalamio and Nicolo Donati, who occupied the posts of *scrivano* and
*revisor* respectively, were accused of giving out licences to shopkeepers and
pedlars, granting extensions to guild debtors, and collecting entry-fees without
authorisation of the *gastaldo* or licence of the council. They were denounced by
Simon Carminato, *povero* of the guild and assistant of the *nonzolo*. In revenge for
this (according to the denunciation), the Donati brothers, accompanied with other
armed men, then assaulted Simon, and, "having first badly damaged his eyes with
blows, they also inflicted wounds on him", with the hope that, "officials will not do
their duty for fear". Simon was clearly aiming at taking over guild business for
himself, for he was subsequently *soprastante* from 1619 to 1624, when he in turn
was thrown out of office due to the "scandal and damage" he was doing the guild.
He was then replaced as *soprastante* by the same Nicolo Donati.

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100 For example, Arti, b.315, 30 Apr 1621, the mercers rejected the re-election of Nicolo de Piero as
*nonzolo* and Simon Carminato as *soprastante*. However on 17 May 1621 their election was
confirmed, reflecting a change of composition of the *banca* in the meantime.
101 Arti, b.315, 9 Jul 1627 and 16 Jul 1627.
102 Arti, b.315, 22 Jun 1618, "havendo prima con li pugni rotto malamente li ochi li diedero anco delle
ferite", "li Ministri per tema non faccino nel carico loro quanto sonno tenuti, et obrigati...
103 Arti, b.315, 26 Nov 1624, "Vedendo quanto scandolo è dano à portano à questa nostra benedeta è
santa scolla M Simon nostro soprastante".
104 Arti, b.315, 14 Jan 1624 (m.v.).
The limited influence of the general assembly was reflected in the low turnout for guild elections. Only between forty and sixty members of the vast guild of mercers ever bothered to turn out for guild elections in the early seventeenth century - about 10% of the membership. Many poorer guildsmen would have been excluded from the assembly as guild debtors, but this does not seem sufficient to explain the very low levels of attendance in itself. In a typical mercer election, such as that of 1619, a general assembly of only fifty-one masters chose the Twelve from a mere twenty-two candidates. With such a limited choice of candidates, it is not surprising that few guildsmen bothered to turn up to vote. By contrast, many more masters attended the general assembly when controversial decisions were to be made. The mercers’ decision to prevent their members from opening shops on major feast days in 1610 (see chapter 3) was clearly a controversial one, because the general assembly was packed out with a hundred and thirty masters. Thirty-two masters voted against the measure, while six others, it was specifically noted, refused to take part in the vote. Such controversies highlight the relative lack of interest in guild elections. In terms of modern democratic ideals, the mercers’ guild was moribund, and this made it easier for the inner circle to consolidate its control. Naturally, the ruling elite had to be careful about who it chose to elect into its number. However, the size of the electoral college (over twenty members, including the old banca plus the Twelve), tended to minimize this risk. Individual rebellions against the will of the inner circle would be unlikely to have much effect. It could also

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103 Records of mercer elections in Arti, b.314 and Arti, b.315. Rapp, *Industry*, p.60, Table 3.1, gives the size of the mercers’ guild as 596 members in 1603.
104 Arti, b.360, fasc. *Pro D Bor. mio Donatii contra il Gastaldo di Marzeri, N.o 86*, 21 Apr 1564. This regulation established that guild debtors (who were already excluded from assemblies), were now to lose all guild privileges, such as the right to assistance. Arti, b.96, p.240, debtors were also excluded by the box-makers, “chi è debiti non posi andar à capello”.
105 Arti, b.315, 20 Apr 1619.
lead to rejection from that position. In 1620, 'Antonio at the (sign of) San Antonio' was rejected as a candidate for the Twelve (on which he had served six times in the previous twenty years), because he had dared to conduct a lawsuit against the guild.1

However, the importance attached by guildsmen to electoral procedures shows that they were not an irrelevancy, but served an important role in the sharing out of office by an elite within the guild. Election processes were laborious and highly involved, not solely to limit the influence of the assembly, but also to distribute power within the elite.1 For example, the mercers were very attentive to enforce the regulations which limited the influence of family connections. In 1624 Bortollo Locatello was not allowed to vote in the election of Bortolamio Avocatis as a compagno (member of the banca), "because he is his uncle".1 Elections could be controversial and might be contested at the state courts.1 Power struggles within the guild were usually limited to the tensions existing within this institutional elite, and the regulations were intended to promote power-sharing. It must be remembered that although it styled itself as a 'republic', Venice was an oligarchical rather than a democratic state, and this was also reflected at the level of the guilds.

Indeed, guild systems of power-sharing were modelled upon those of the political republic. The tripartite structure of capitolo general, banca and gastaldo mirrored that of the Great Council, Senate, and Doge.1 Like the Doge, the gastaldo

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108 Arti, b.315, 7 May 1610, for the vote, passed by 92 to 32 ("et sei non volse balotar"). For the content of the measure, see chapter 3 and Arti, b.360, fasc. Contraffacenti; 11 May 1610.
109 Arti, b.315, 1 May 1620, and 18 Apr 1621, two occasions on which the candidacy of 'Anto dal S Antonio' was rejected, "per non poter esser più niente in scola per haver fatto lite con la scola".
110 Arti, b.129, 30 Dec 1648 (rear page), shows that a total of 52 separate votes would typically taken in the smiths' guild. The complexities of their system are described in Arti, b.129, 5 Nov 1634.
111 Arti, b.315, 13 Sep 1624, "non baloto il S Bortollo Locatello al transilvan per eser suo zio".
112 For example Arti, b.315, 29 Jun 1618, elections cut by the Provveditori di Comun.
was a figurehead whose freedom of action was strictly held in check by an elite. In their elections, guildsmen used complex voting systems which shared common characteristics with those of patricians. The painters, for example, described their electoral system to be the same as that, "used in the council of our most illustrious Signoria"." Guild electoral systems included such features as the creation of indirect electoral colleges, the casting of a yes/no vote for all candidates, the mixture of election by vote and by lot, and periods of contumacia for office-holders, as well as the physical act of voting with the traditional Venetian ballots to be dropped into a bag or box. In 1772, Andrea Memmo went so far as to describe the guild as, "a kind of little republic"." The legitimacy of the leaders of corporate groups throughout the Venetian political system, be they patrician or popular, was derived from their election by a common democratic process.""

This is not surprising, since many of the regulations for the internal government of the guilds had their origins in patrician legislation. When legislating for the guilds, the patricians naturally tended to introduce systems of power-sharing familiar to them. The acceptance of such systems by the guilds also implied their rejection of alternative forms of political organisation. The government therefore strove to impose the republican principles of its own political system onto the guilds. The system of electing a zonta had been introduced for the scuole grandi (the six 'great confraternities') by the Council of Ten in 1521, and this was extended to the guilds

"" Quoted in Favoro, L'Arte dei pittori, p.50, «si come se usa nel conseio dela nostra illustissima Signoria».
"" Favoro, L'Arte dei pittori, p.54, "Bisogna tener presente che queste norme non sono specifiche per le arti, ma generali, per la formazione di tutti i corpi collegiali, dal Maggior Consiglio agli organi minori. I fondamentali principi democratici che presiedevano alla costituzione della Repubblica ebbero come conseguenza la grande cura della legge nella regolamentazione dei procedimenti elettivi, allo scopo di garantire la formazione di una maggioranza valida per l'elezione di organi imparziali e responsabili."."
Shortly afterwards.17 Prior to the reform, the outgoing banca had generally appointed its own successors (although sometimes they were limited to choosing a small college of electors which in turn elected the new officials).18 Now a zonta, or college of twelve electors (who could not be relatives of the existing officials), was to be elected by the general assembly, adding an element of participatory democracy to the system. The zonta and banca would then elect the new officials together. The intention was to reduce the influence of blood ties in elections. The government was concerned to prevent the corporate bodies of the state from falling into the hands of a self-elected oligarchy. This was related to the fear that influential popolano families might be able to build themselves a power base through the domination of such confraternities. However, as we have seen, in many guilds the democratic gains were soon to be cut back by restrictions on who could be elected as one of the Twelve.

These measures were part of a general set of controls imposed by the state to limit the development of guild oligarchies. For example, in 1617 the government insisted that all guild measures be approved by the general assembly, with a quorum fixed at two thirds of the brethren, in order to prevent a guild elite from holding assemblies, "with whatever number they please, and with people who are their

17 Favoro, L'Arte dei pittori, p.50, for law of 26 Oct 1531, which set up the 'Twelve' for all guilds. Arti, b.377, fasc. Per Scola de Marzeri Cò Mag.to Ecc.mo Prov.ri de Comun Nell' Eletione di Cogitor Antonio Pasqualini per la Morte de Q Giacomo Fioretti, 12 Dec 1541, shows that the same regulations were later applied to the scuole piccole by the Provveditori di Comun. See the same fascicolo, 4 Jan 1541 (m.v.), and Arti, b.360, fasc. Carte scola de Marzeri concer.e l'leletione del Cogitor della med.a, 4 Jan 1541 (m.v.), for the mercer protest at this, arguing that the 1521 law should be applied to purely devotional rather than guild confraternities. Their appeal appears to have been successful, and it is therefore not clear to what extent the new electoral rules were actually applied to those guilds subject to the Provveditori di Comun. Nevertheless we later find the existence of the Twelve in the mercers' guild in the late sixteenth century.

18 Bonfiglio Dosio, "Le Arti cittadine". D. Romano, Patricians and Popolani: The social foundations of the Venetian Renaissance State (Baltimore: Johns Hopkins University Press, 1987), p.73, describes how originally in the guilds, "The retiring officers either selected the new officers themselves or selected the men who would be the electors. This system facilitated the creation of an inner circle of great masters who controlled the guilds."
dependents, so that they obtain everything they want to the serious harm and
detriment of their guilds". In an attempt to boost attendance and to force guild
assemblies to become more 'democratic', fines were imposed on those brethren
who failed to attend. The state also intervened to make sure that regulations were
enforced. When the mercers decided to appoint the same sindici for a second
consecutive term of office (in order to continue their investigation into the accounts
of the previous gastaldo), the Provveditori di Comun were quick to point out at this
violated the regulations on contumacia. Left to themselves, the guild elites would
have run things rather less democratically. While they were keen to regulate the
autonomy of the gastaldo, they were somewhat less enthusiastic about extending
participation to the general assembly. Despite the government's insistence that non-
attendance should be punished with fines, very few were ever actually punished.
The guild elite were content to have a placid assembly which would give them no
trouble. Low electoral turnouts therefore persisted despite repeated government
efforts. In 1642 the regulations were repeated once more, and this time the
government insisted that guilds create a special register in which to record
absentees.

Such contrasts indicate a divergence between the aims of the government and
those of the inner circle. The government believed in the existence of an elite of
guildsmen who needed to be kept in check. While it was not interested in turning the

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119 GV, b.3, reg.7, 2 Mar 1617, "con quel numero che pare à loro, et con persone sue dependente
siche ottengono tutto quello che vogliono à grave danno, et malefetto delle loro arti". Since this
legislation makes reference to previous controls specifically designed to curb guild spending on
lawsuits, its intention was probably the same.
120 GV, b.3, reg.7, 2 Mar 1617. Favoro, L'Arte dei pittori, p.44, points out that in 1617 the fine was
lowered to L2, whereas in 1577, the Cinque Savi sopra le Mariegole had set the fine at D5 - see GV,
b.5, reg.12, 27 Oct 1577.
121 Arti, b.315, 3 Jun 1613.
122 Favoro, L'Arte dei pittori, p.44, and GV, b.18, 11 Jun 1642.
guilds into what we might regard as genuinely democratic institutions, the
government was prepared to intervene in favour of republican principles and against
the threat of oligarchy. In a positive interpretation, this can be seen as a paternalistic
concern to uphold the standard of administration in the guilds. The state frequently
imposed measures intended to limit the power of a guild elite which might have
exploited the poorer brethren. The same principles can be seen in the divisioni
systems intended to maintain competition between shopkeepers (see chapter 3).
For example, in 1584, the Senate complained that in the fur trade, "three or four
wealthy and powerful men have made themselves the patrons of this business"." GV
Government sources are thick with references to the greedy self-interest of rich guild
officials, in contrast to the disinterested (because noble) public ideals of the state.
However, it must be noted that guild officials often shared the desire to limit the
capitalist expansion of members." This suggests that the 'guild elite' identified as
dominating the council was something wider and more representative than a handful
of the richest masters. This can be seen in the type of economic regulations
frequently passed by the guilds, such as limits on the number of shops, apprentices
or looms each master could have, or progressive systems of taxation based on the
volume of business carried out by each master." As Mackenney has emphasized,
there were few strong social divisions between the masters. Although a few masters
were extremely rich and many were relatively poor, there was a large group of

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" GV, b.1, reg.3, 17 Mar 1584, "et dalli appalti, et inteligente secrete che hanno mercanti tra di loro
in questa sorte di pellami, essendosi tre, o quattro potenti et commodi fatti patroni di questo negotio".
I. Mattozzi, F. Boielli, C. Chiasera, and D. Sabbioni, "Il politico e il pane a Venezia (1570-1650):
calmieri e governo della sussistenza", Società e Storia, 20 (1983), pp.271-303, p.295, for similar
government comments about the 'tyranny' of the richest pistori.
" For example, GV, b.77, 29 May 1665, the water-porters limited members to the operation of only
one boat each.
" Arti, b.20, fasc.A, Botteri: Tansadori C il Gastaldo, 19 Mar 1669, for the coopers' tax system, and
25 Nov 1685, for the linenworkers et al.
middling masters who tended to share interests in common, smoothing over the social contrasts.\textsuperscript{124}

While there were undoubtedly elements of benevolent paternalism in its concern for guild administrative standards, the Venetian government was also concerned to block the possible creation of a wealthy \textit{popolano} class with its power based in control of the guilds. Similarly, controls on competition were not just a means of protecting the consumer and the small shopkeeper, but also of preventing the emergence of a powerful capitalist class. It is no coincidence that the first government interventions in guild regulation in the late thirteenth century coincided with a period of increasing political exclusivity, a process which was to culminate in the \textit{serrata} of 1297.\textsuperscript{127} The intention of the government was to prevent the guilds from ever acting as an alternative source of power which might have challenged the political monopoly of the patrician caste. The aim was to delegate the humdrum day-to-day administration of the markets to guild officials, without granting them any real power. 'Democratic' regulations were therefore not so much the expression of a vibrant popular culture resisting the oligarchical tendencies of rich guildsmen, but rather a symptom of the patrician caste's drive for exclusive power.

There was therefore a dual aspect to government regulation of the guilds, which can also be identified in the work of the \textit{Cinque Savi sopra le Mariagole} (see chapter 3). In 1578, they noted that in the carpenters' guild, only eighty to ninety-five out of four hundred members attended guild assemblies. They expressed their concern that the \textit{gastaldo} would be able to spend guild funds as he pleased. They therefore imposed a quorum of hundred and twenty for assemblies to be valid, with

\textsuperscript{124} Mackenney, \textit{Tradesmen}, p.104-105.
\textsuperscript{127} Bonfiglio Dosio, "Le Arti cittadine", p.590-595.
a fine of 3 lire for members who failed to attend. The financial autonomy of the
*gastaldo* was severely limited - he would need the authorisation of the guild council
to spend over 5 ducats, and the approval of the assembly to spend over 10 ducats. This paternalistic concern for guild finance was however mixed with the concern to
safeguard the oarsmen fund. The same law ruled that moneys collected for this
purpose were to be kept in a locked chest separate from the ordinary guild funds."
The concern for the plight of poor guildsmen therefore mingled with the government's
wish to use the guilds as an instrument of taxation.

**Guilds and Financial Accountability**

These themes can be further examined through the question of the financial
accountability of guild officials. As in most institutions, the most controversial aspect
of guild administration concerned the control of money. The principle financial
abuses were embezzlement, and unauthorised expenditure. For this reason I shall
focus on a particular group of legal conflicts - those prosecuting guild officials for the
propriety of their administration. These were the frequent result of the annual review
of guild accounts carried out by the *sindici*.

The *sindici* were guild officials appointed to examine the *cassa* (accounts) of
each *gastaldo* at the end of his year of service. Two or three were elected each
year, depending on the guild."* In addition to the annual *sindicatione* of the accounts,
they were responsible for ensuring that the regulations of the guild were respected in
general. No guild meeting (of the council or the assembly) was deemed valid unless
at least one of the *sindici* was present. They were elected by the guild council from

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"GV, b.5, reg.13, 18 Jul 1578.

"* In the mercers' guild there were two, in the shoemakers' guild there were three.
among the most experienced guildsmen, usually restricted to those who had already served as *gastaldo*. The office was therefore the preserve of the inner circle of the guild.

Once again the origins of the institution lay in state legislation. In 1503 it had been ruled that every *gastaldo* must present his accounts to the *Giustizia Vecchia* within 15 days of leaving office.\(^{130}\) However, state scrutiny alone was clearly felt to be ineffective, and was soon backed up by the internal control of the *sindici*. In 1521, the Council of Ten insisted that the *scuole grandi* subject their accounts to the annual scrutiny of *sindici*, and this was later applied to the guilds.\(^{131}\) This coincides with the electoral reforms of this period (see above), and may represent a general drive towards the renovation of public institutions in the wake of Agnadello, the demoralising military defeat suffered by Venice during the War of Cambrai. The *Provveditori di Comun* noted the high risk of embezzlement when office could be passed between the members of an inner circle who dominated the guilds.\(^{132}\) However it is also important to note that this was precisely the era in which the *Milizia da Mar* were set up in order to tax the guilds more effectively. The

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\(^{131}\) Arti, b.377, fasc. *Per Scola de Marzeri Cò Mag.to Ecc.mo Prov.ri de Comun Nell' Eletione di Cogitor Antonio Pasqualini per la Morte de Q Giacomo Fioretti*, 12 Dec 1541, states that these regulations were applied by the Council of Ten to the *scuole grandi* in 1521. The law was later extended to the *scuole piccole* by the *Provveditori di Comun*.

\(^{132}\) Arti, b.377, fasc. *Per Scola de Marzeri Cò Mag.to Ecc.mo Prov.ri de Comun Nell' Eletione di Cogitor Antonio Pasqualini per la Morte de Q Giacomo Fioretti*, 19 Jan 1537 (m.v.), legislation for the *scuole de devotion*, “in dette Scola è senon maore et intelligenze secrete ca darci il Governo uno in mano all'altro facendo silentio in non veder l'administration sue, e così sucesive si conodano del denaro in suoi ingordi apetitti, e non a Gloria d'Iddio, et alla Intentione de poveri deffonti”. All accounts had to be checked by the *Provveditori di Comun*. This legislation was reiterated in 1602 - see Arti, b.377, fasc. *Per Scola de Marzeri Cò Mag.to Ecc.mo Prov.ri de Comun Nell' Eletione di Cogitor Antonio Pasqualini per la Morte de Q Giacomo Fioretti*, 18 Sep 1602, when the law was specifically applied to “scole picole de Devotione come anco dell'Arti sottoposte al presente Cl.mo Magistrato”. See also Favoro, *L'Arte dei pittori*, p.41-42.
government therefore had a new interest in ensuring that the internal finances of the
guilds were well-regulated. Throughout the sixteenth and seventeenth centuries,
guild accounting was to become a constant concern of the government, as can be
seen in the frequency of legislation on this topic.

For the seventeenth century, there exist two registers of sindicationi of the
smiths, which cover the period from 1608 until the end of the seventeenth century.”
The smiths kept separate records for their oarsmen fund and for their ordinary
budget. These registers contain the annual reports of the sindici (who numbered
three in the first half of the century, later six) on the accounts of the outgoing guild
officials. In 1645, the Collegio delle Arti ruled that sindicationi would have to be
carried out on a 3-monthly basis, rather than annually. This once again reflected the
state’s concern for guild administration, referring to the abuses carried out by guild
officials.” However, this legislation appears to have had no impact in the smiths’
guild. In 1665, the law was reiterated and this time the smiths’ records reveal some
initial compliance with the rule.” From 1668 onwards, things appear to have lapsed
once more, as records only exist for the traditional annual check-up.” This is one
example of the difficulty the government had in trying to reform administrative
practices in the guilds, a theme which will be further examined below.

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13 Arti, b.110, Libro delle Sinication (1608-64), and Libro della Sinicacion di Cassa Corente del Arte de Fabri (1664-89). This can be supported with evidence of the sindicationi from Arti, b.102, (cutlers’ accounts), and Arti, b.96 (box-makers’ accounts), which date from the latter part of the seventeenth century. These guilds did not keep a separate record of sindicationi, but included the reports with their ordinary accounts.
14 GV, b.89, filza 76, 10 Jan 1644 (m.v.) and Arti, b.724, 30 Jan 1644 (m.v.).
15 BNM, Capitolari, voce “Gastaldi”, 26 May 1665 and Arti, b.104, loose documents, 26 Mar 1665. For the smiths’ records, Arti, b.110, Libro della Sinicacion di Cassa Corente del Arte de Fabri (1664-89), 4 Jan 1665 (m.v.), the sindici refer to the law, “di dover esser sindichatti li gasticldi ogni tre mesi”.
16 It is possible (but unlikely) that the 3-monthly checks were carried out without being recorded in the Libro delle Sinication. The problem with such frequent checks was that the accounts were not expected to tally during the year. The important thing was to make up the balance as the gastaldo left office, in the annual saldo of the cassa. More regular sindicationi had little practical sense for the guilds, aside from chasing up the more dubious items of expenditure.
Most of the sindicationi reveal either that the accounts had been properly balanced, or that only small sums had gone astray. These were generally in the region of 50 lire and can probably be attributed to accounting mistakes, since they were insignificant in proportion to the guild budget. Debts like those of Antonio Prevedin, who was found to owe the guild 1359 lire and 5 soldi in 1636, were exceptional. Only rarely did a major dispute over accounts erupt. In such cases, alternative soprasindici might be appointed to conduct a second review of the accounts. Following this, if disputes persisted, they were fought out in the tribunal of the Giustizia Vecchia, with the usual possibility of appeal to the Provveditori sopra la Giustizia Vecchia. Often the action of the magistrates was to appoint supposedly neutral guildsmen to review the accounts and report directly to the court. However, the expense of the state courts made this option worthwhile only for larger sums, and they were therefore only used as a last resort. As in the case of all legal expenditure (see chapter 6), a vote would have to be put to the general assembly to decide whether to proceed. More often, an accommodation was reached between the outgoing gastaldo and the guild council. The gastaldo paid up either some part or the whole of his debt, and the matter was dropped.

The types of accounting errors (or abuses) typically noted by the sindici include: failing to register money collected from the brethren (guild tansadori might

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137 Arti, b.110, Libro delle Sincicationi (1608-64), 27 Jul 1636.
138 Arti, b.110, Libro della Sincicacion di Cassa Corente del Arte de Fabri (1664-89), 13 Dec 1670, for example, when the soprasindici reversed a decision of the sindici regarding the travelling expenses recorded by the gastaldo, arguing that the bad weather had justified his transport by boat, "faciamo ancora boni ai med.mo gastaldi li soldi vintiquattro da lui spesi in barca per causa del tempo cativo".
139 GV, b.21, reg.14, p.31, 1 Dec 1659.
140 For example, see GV, b.3, reg.7, 8 Feb 1616 (m.v.), when the mirror-makers took a vote on whether to proceed vs. a former gastaldo, and Arti, b.129, 28 Nov 1641, when the smiths narrowly voted to continue the lawsuit against the former gastaldo Pedrolo.
also be called to account for this motive);"4 maladministration of the guild's bulk purchases of charcoal;"4 spending guild funds without licence of the guild council or the Provveditori sopra la Giustizia Vecchia (especially on lawsuits, but also on other items such as devotional trappings for the scuola);"4 the duplicate recording of expenditure; paying too much to guild officials (such as the guild clerk);"4 and paying over the odds for the services of fanti, court clerks and advocates."4 It is probably the case that such men were charging more than the legal limit for their services,"4 but it is also possible that gastaldi exaggerated their costs in order to pocket the difference when recompened by the guild."4 The smiths' records confirm this: in 1612 it was found that many items had been recorded twice in the accounts of Descio Arigoni."4 This has an important consequence for the reliability of guild account books. The sums recorded should be regarded as the upper limit of what was actually spent.

141 Arti, b.110, Libro della Sinicacion di Cassa Corente del Arte de Fabri (1664-89), 28 Jun 1665, "si manda debitor di aver schoso di tansa per nome di garzoni che nel libro apar di detto tansa et non si trova in chredito dela schola in nesun loco... L46s14".
142 Arti, b.110, Libro delle Sinicacion (1608-64), 24 Feb 1633 (m.v.).
143 Arti, b.110, Libro delle Sinicacion (1608-64), 27 Jul 1636, sums of L383:8 and L318:1, "spesi per le litte di Caldereri senza alcuna licentia".
144 Arti, b.110, Libro delle Sinicacion (1608-64), 30 Aug 1615, "eror de partita notada dopia cioe del salario del scrivan et nonzoli de d.ti 10" L62. Arti, b.96, p.170, 22 Apr 1674, Pozzo was found to have paid a double salary to the nonzolo.
145 Arti, b.110, Libro delle Sinicacion (1608-64), 27 Jul 1636, "per contadi al fante per caminar per la terra tre giorni à scoder luminarie L26, se li fa boni solo L18:12 et il soprapiù sia fatto debitor cioe di L7:8"; Arti, b.110, Libro della Sinicacion di Cassa Corente del Arte de Fabri (1664-89), 26 Jun 1674, "per dati alli fanti di sopra proveditori per tuor due licenze... ghe avendoli dato s24 luna e non li va se non s12". The sindici appear to have been more attentive to this sort of thing from the 1670s, which perhaps reflects a government crackdown on the implementation of the tariff.
146 Arti, b.110, Libro della Sinicacion di Cassa Corente del Arte de Fabri (1664-89), 9 Jun 1666, "per tanti aver dati di piu al sig.r Nodaro dela Giustitia Vecchia di quello sono lordinario quando à fatto il capitolo general per meter le tre parte" L3:4; 20 May 1687, "per tanti dati di piu al sig.r Nod.o della G.a V.a per il capitolo general per far la banca nova dell'ordenario" L1:5. The regularity with which these kinds of payments occur suggests that it was government officials to be charging over the limit, rather than the gastaldi to be making a few lire on the side. For the cutlers, see Arti, b.102, 28 Dec 1678, cassa of Zuanne Ghetta, "seli bate per aver speso di piu a tor copia di tansa di milicia L4:16", "si bate per aver dato di piu al avocato L1:14".
147 Arti, b.110, Libro delle Sinicacion (1608-64), 6 Jan 1686 (m.v.), records L33s10, "per tanti mal spesi quando il facia litte per lui per la denoncia del Carbon in pagar lavochatto in tor di termini presentar defesa et tor ordeni et donar via di superchio aparticholari...".
148 Arti, b.110, Libro delle Sinicacion (1608-64), 2 Apr 1612, accounts of Dascio Arigoni, lists L250s11, "alchuni errori de diverse partide le quali sono state menate dopie nelli libri... et danani auiti da
Making firm conclusions about the quality of guild administration is problematic. It is impossible to tell from those cases which are identified whether the misuse of guild funds was habitual or occasional. Nor can we tell whether the accused were guilty or not (they were frequently absolved due to lack of evidence). A low level of denunciation might reflect the complicity of the *sindici* with the *gastaldo* in the misuse of guild funds, or equally well, the effectiveness of controls in encouraging *gastaldi* to behave themselves honestly. However, in the case of the smiths, it can be seen that the *gastaldi* were regularly brought to task for even quite small sums, and this suggests that the *sindici* were quite effective. Major controversies over large sums, such as the case of Michel Ferari in 1676, were therefore relatively rare.

Favoro concurs with this for the painters’ guild, calling the *sindici*, “a fairly rigid form of control over the work of the *gastaldo*”. Hence while there was a risk of collusion between the *gastaldo* and the *sindici* (as feared by the government), the *gastaldo* himself was kept on a tight leash. For major items of expenditure, *aggionti* were usually appointed by the council in order to assist and supervise the *gastaldo*. This helps to explain why the office was so unpopular - the freedom of action of the *gastaldo* was limited by his need to account for everything to the guild council, and he could risk being left out of pocket. The *sindici* represented the stranglehold of the guild council over the power of the *gastaldo*.

The tight control exercised by the council over the *gastaldo* can also be seen in other spheres. In 1577 the *banca* of the tailors’ guild complained about the irreligious

diversi de caparre de ben intrade et danari spezi senza litentia di dodesse et senza la rattifichiation di sopra proveditori”.

14 Arti, b.110, *Libro della Sinicacion di Cassa Corente del Arte de Fabri* (1664-89), 6 Nov 1676. The case went to the Giustizia Vecchia and the Provveditori sopra la Giustizia Vecchia in appeal. Both tribunals ruled in favour of Ferari, who was also able to claim back his legal expenses from the guild.

vanity of gastaldi who had their names and dates of office incised in the offertory candles of the guild." In 1635, officials of the mercers obtained a "perpetual indulgence" for their scuola from the Pope. This was written into the mariegota as addressed to the gastaldo Nicolò Nichetta and his brothers, whose names appeared at the head of the document. The sindici of the guild protested at this self-glorification by the Nichetta brothers and insisted that only the name of the gastaldo should appear, and that at the foot of the document. The capacity of the gastaldo for personal self-aggrandisement was severely limited, but as in the case of the Doge in the Venetian constitution, this did not imply full 'democracy', rather oligarchical control and power-sharing within an elite. In fact there was very little in terms of accountability to the general assembly. The accounts were never presented to the ordinary brethren, and could not be consulted by them. Outside the inner circle of the guild council there was little hope of examining the accounts or of influencing whether any particular item of expenditure should be deemed valid. The inner circle checked the propriety of its own members, but offered little in the way of 'open government' to the brethren as a whole.

In many guilds the rule of the inner circle was reinforced by regulations insisting that sindici should be literate. Although guildsmen were relatively literate in comparison to the rural population, in many guilds few were able to read and write, particularly in trades of an artisanal rather than mercantile character. The business of scrutinizing guild accounts, receipts, statutes and licences to spend money was a

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1 GV, b.5, reg.12, 18 Dec 1577.
2 Arti, b.312, Mariegola, p.155R, cap. 312, 31 Dec 1635, addressed to "mag.ci sig.ni Francesco, Nicolo, e Girolamo Fratelli Nichetta honorati Mercanti in Venetia", refers to "l'Indulgenza perpetua per la Confratemità dell'Assonta della Madonna Santissima". Arti, b.372, fasc. Per la Scola de Marzeri c.o Nicolò Nichetta per l'indulgenza venuta dà Roma, 9 Oct 1636, "volendo il sudetto Guardiano esser nominato come quello che à fatto venir detta indulgenzia possi nominarsi lui solo sotto di essa, et no' altri nomi solo listeso guardiano". On 16 Apr 1637 the mercers voted to annull the orginal entry in the mariegota, though it appears this was not carried out in the case of that still existing at the ASV.
tricky one, especially so for the illiterate. Illiterate *sindici* were dependent upon others to read and and write for them (in 1626, the *sindici* of the smiths were not even able to sign their name and the guild clerk had to sign on their behalf)." While insisting on literacy certainly had its justifications, it could however prove controversial. In 1608, the shoemakers proposed that all *sindici* be able to read and write, "so that they can see everything with their own eyes". While this was passed unanimously in the guild council by sixteen votes to none (suggesting that all members of the inner circle were literate), it scraped through the general assembly by only a hundred votes to seventy-eight. Clearly many of the ordinary artisans, who were unable to read and write, felt threatened by the fact that scrutiny of guild accounts was now being still further taken out of their hands." Effective control of guild affairs might slip into the hands of a literate minority. In a case of 1666, members of the water-porters complained, "there are few among us who know how to write and it is for this that things are so badly ordered.""

Nor were the accounts properly checked by anyone outside the guild. They were presented to the *Provveditori sopra la Giustizia Vecchia* for approval, but the secretaries appear merely to have rubber-stamped the decisions of the *sindici*. This can be seen in the fact that many guild accounts list payments which were technically illegal, yet which failed to draw the attention of government clerks (see chapters 1 and 6). In the records studied, there are no instances of court secretaries declaring a *sindicatione* unsatisfactory. Court approval was a bureaucratic formality.

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" Arti, b.110, *Libro delle Sinication* (1608-64), p.8, 12 Jan 1625 (m.v.), "io zamaria arigoni scrivan della scholla o fatto la presente notta cossi da lorro pregatto per non saper lorro scriver".

" Arti, b.26, *Libro de Banche e Zonte del Arte de Calegheri Et Zavateri* (1729-1760), loose fascicolo located at 24 Sep 1750, law dated 2 Jun 1608, "acciocchè possino con l'occhio con l'occhio [sic] proprio veder il tutto".

" GV, b.77, 18 Mar 1666, "fra noi vi sono pochi che sappino scriver et per q.to le cose van'o con poco buon ordin'...".
rather than an independent review of the accounts. A further concern was that the public officials (especially the clerks at the Giustizia Vecchia), whose job it was to check guild accounts, might collude with guild officials in return for a share of the proceeds. In 1680, the Senate, concerned more than ever for guild administration, insisted that one of the Provveditori sopra la Giustizia Vecchia be held personally responsible for examining guild accounts, with particular reference to "superfluous expenses".1

This opens up the possibility of collusion between gastaldo and sindici. While gastaldi were prosecuted relatively frequently, it was extremely rare that gastaldo and sindici were accused together. This occurred in the distillers' guild in 1676, when Lorenzo Filippi, who had been gastaldo in 1670, was accused along with the five sindici of the guild (one of whom had since died) of having spent, "considerable sums of money in lawsuits and other things at his whim without the due licence of the laws... inventing items of expenditure".2 Under Filippi the guild had spent around 640 ducats in litigation, a huge sum for a medium-sized guild. The sindici were accused of collusion because after initially declaring him a debtor for 947 lire, a second sindicatione had found him a creditor for 517 lire.3 Filippi retorted that the first sindicatione had been only a draft version which had failed to consider all the facts,4 further arguing that any collusion was impossible since the sindici were

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1 GV, b.40, reg.44bis, 22 Jun 1680.
2 GV, b.77, 28 Apr 1676, "spender su'me considerabiliss.me di denaro in litti et altro a suo caprio senza le dovute licenze dalle leggi... inventando parti de spesi che non sono seguite".
3 GV, b.77, 28 Apr 1676, "colludendo con detti sindici à pregiud.o pure di d.a Povera Arte".
4 GV, b.77, 11 Jun 1676, the sindici claimed their first sindicatione had not taken account of all the facts, and that it was therefore licit to review their decision, "non essendovi legge veruna che prohibisce riveder l'operationi...".
Grisons who never had anything to do with Italians like him." All of the accused were eventually absolved at the Giustizia Vecchia.

In an attempt to limit the likelihood of collusion, the government introduced regulations insisting, for example, that the sindici and the gastaldo should not be relatives. In response to the problem of "invented sindicationi", the government insisted in 1618 that the sindici swear an oath that they had carried out their work, "without any minimal intelligence with these Gastaldi". This was also the motivation behind the mid-seventeenth-century insistence that sindicationi should be carried out by both 'hands' of sindici (both the incoming and outgoing officials). Concerned at possible financial frauds committed by caulker officials, the Provveditori sopra la Giustizia Vecchia ruled in 1661 that all their accounts since 1650 would have to be re-checked by the soprasindici in the presence of an accountant appointed by the government. Hence while gastaldi were kept under a tight rein by the guild elite, it was very difficult to control how that elite spent guild money, despite the best efforts of the government. This is a theme to which we shall return in chapter 6.

The practices of guild administration are further illuminated by a major review of the accounts carried out by the stringers in 1599, which covered the period from 1572. They identified a series of abuses. Almost all of the casse had been badly

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160 In fact the sindicationi were the subject of a power-sharing arrangement. In the distillers' guild, when there was an Italian gastaldo, at least two of the five sindici had to be Grisons. GV, b.77, Mar 1670, election of sindici, "essendo rimosso il gast.d.o italiano vi devono per legger esser due Sindici Grisoni".

161 GV, b.23, 16 Nov 1618, "Spendono li Gastaldi delle arti il più delle volte gross.ma summa de danaro, et poi sono dali sind.i di quelle con una certa da loro inventata sincatione laudate le loro spese, quale eccedono alla ragione. Onde poi vengono ad'esser molte volte defraudati, et rubbati li benni di esse...", and the government therefore insisted that sindici, "giurar alli Sacri Dei Evangelia haver sincato esse spese per loro consientia, senza alc.a minima intelliggentia con essi Gastaldi".

162 Favoro, L'Arte dei pittori, p.100. See also GV, b.44, 1 Mar 1679, when a shearer, alarmed at the gastaldo, "volendosi far sindicare da suoi dipendenti sindichi solamente", appealed to the Giustizia Vecchia to insist that "d.to Gastaldo sia sincicato da tutti li suoi sinichi ciove da tutte due le man di Sindichi".

163 GV, b.21, reg.14, p.40, 23 Jul 1661.
administered, and “many of these casse sealed with a quillful of ink without any
actual payment of the amounts owed...”.
This shows how in practice, the guild
council were often able to spend money as they pleased, obtaining state approval
without consulting the assembly,

“some of them have taxed and raised money for lawsuits from the brethren of
the guild without having the licence of the Assembly, and though it must be
ratified at the Most Illustrious Magistracy of the Provveditori sopra la Giustizia
Vecchia, they have also been satisfied in this”.

These comments are supported by evidence from other guilds. In 1633 the
Provveditori approved a tax proposed by the smiths’ officials, even though it had
been rejected by the general assembly.

Similarly, in 1603, the council of the mirror-makers complained to the Provveditori that their assembly had refused to authorise
a tax destined to pay off the guild’s debts. The Provveditori decided to overide the
decision of the assembly, granting the guild officials a special licence to raise 150
ducats. This shows that the government itself might have scant concern for the
regulations, overriding the limited powers of the assembly whenever this suited.

The Guild Tribunal

Another sphere which illustrates the limits to state control of guild officials is
that of the guild tribunal. We have seen that government policy was to strengthen
the guilds as popular institutions. Internal ‘democratic’ controls were put in place

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164 Arti, b.312, Mariegola, 1 Jul 1599, “noi habbiamo minutamente visto et revisto tutte le Casse, et
trofate molte di esse, et quasi tutte mal amministrate, et con una pennata d’inchiostro saldate molte
di esse casse senza lo effettuai esborso di quanto andavano debitori”.
165 Arti, b.312, Mariegola, 1 Jul 1599, “et più troviamo che alcuni hanno tansato, e toto dinari fuori da
fratelli dell’arte per far lìte senza haver licenza dal Capitolo, che sia pero ratificata dal Clar.mo
Magistrato dell’i Proveditori della lustitia Vecchia, et anco sono q’li sta sodisfatti”.
166 Arti, b.366, fasc.+, Mercanti da Ferrarezza co Fabri, 17 Oct 1633.
167 GV, b.2, reg.6, 22 Apr 1603.
within the guilds to limit the freedom of their officials to act in an unaccountable or
despotic manner. Mackenney has argued that the exclusion of the guilds from
political power in fact provided an important guarantee of the neutrality of public
courts. The Venetian patriciate itself justified its rule on the basis that, as noble
(and therefore disinterested) judges, they could ensure neutrality when settling
disputes between members of the populace. One important aspect of this was the
possibility of appeal against the dominance of the guild banca.

Each guild also had a tribunal with limited powers, able to judge cases of
violation of guild regulations by members, but only up to a certain value. There is
little detail of how they carried out their work in practice, because the records left by
guild tribunals are in general very poor. Fortunately some good records exist for the
mercers' guild from 1634 onwards. This is linked to the 1633 law that appeals
against the mercers' tribunal could only be heard by the Provveditori di Comun, from
whose decisions there could be no further appeal. Such tight limits on the
possibility of appeal greatly enhanced the power of the mercers' tribunal, which
could be fairly confident that the Provveditori would back most of its decisions.

The mercers' concepts of justice were probably derived from their experiences
in public courts, and the procedures employed in their tribunal were based on

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Mackenney, Trade guilds and devotional confraternities, p.75-6, "In Venice... Artisans were equal
before the law and could have recourse to an independent court of appeal.". This contrasted with the
situation in Florence, where the merchants who dominated the guilds also ran the government. See
p.80, where he refers to Machiavelli's view that the lack of independent tribunals was an important
factor in the revolt of the Ciompi. See also his, "Arti e Stato a Venezia tra tardo medio evo e '600",
Studi Veneziani, n.s.5 (1981), p.130.

Arti, b.325 and Arti, b.360, fasc. Contraffacenti.

Arti, b.312, Mariégola, p.151, 16 Nov 1633, "non possano da chi si sia trattarsi in altro magistrato
che dalla Provveditori di Comun inapelabile ove s'habino da espedir inapelabilmente tutte le difficoltà".
Arti, b.312, Ristretto generale, voce "Colori", 4 Feb 1665 (m.v.), for the subsequent confirmation of
this law in the case of Alvise Calini, a paint-maker prosecuted for his candlemoney debts. The
Avogaria di Comun ruled that his case must be heard by the Provveditori di Comun, the only court
competent to deal with mercer business. The Provveditori ruled in turn that the civil aspects of the
case should return to the mercers' tribunal.
patrician models." By the 1690s, the remaining mercer court records are comprehensively documented, with procedures similar to those used in public courts, consisting of the interrogation, followed by testimonies and a written defence, then judgement. Yet although the mercers' tribunal was almost behaving like an appendage of the state by the late seventeenth century, the crucial difference was that this court was run by private interests.

Like other guild officials, the three judges of the mercers were elected annually, and a period of contumacia was applied. Together with the gastaldo and the clerk, these made up the guild tribunal, referring to themselves with the title of Magnifici. Sessions were held on Fridays until 1601, when they were moved to Sunday mornings. The kind of cases they dealt with included exercising the trade without being enrolled in the guild, of selling through the streets without a licence, of having several shops without enrolling a master for each one, selling goods on feast-days, and renting out posts allocated for the Ascension day fair.

The mercers tended to exercise a conditional mercy in their sentencing, offering mitigation of penalties in return for compliance with guild regulations. A typical example is that of Paulo Cansian, hat-maker arrested for practising the trade without being enrolled in the guild. The mercers first condemned him to pay 25 ducats, but added that if he joined the guild by next Sunday, the confiscated hats

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177 Dudan, *Sul sistema del diritto penale nelle corporazioni veneziane*, p.8, also noted, "la singolare affinità tra il meccanismo giurisdizionale proprio della corporazione e quello proprio dello Stato", for the medieval period.

172 See for example Arti, b.368, fasc. *N180. Due Condanne sive Processi Co' Zuanne Imperii per Contrafac. Nec Non Co' Antonio Colla Contrafacente*, 4 Oct 1690

173 Note that in some guilds, these officials were called *soprastanti* and care should be taken in distinguishing them from the guild policeman detailed above. In the mercers' guild two of the judges were called 'full year' and one 'half year', because their election was staggered.

174 Arti, b.373, loose documents, 5 Dec 1601; Arti, b.358, fasc. +, *MARERI Contro Fabricatori Capeleri*, p.7R, 5 Nov 1663, "si riduce ogni Domenica di mattina il Guardiano, è Giudici".
would be returned to him and the sentence reduced to a symbolic candle to the
value of 1 lire, to be burnt before the Madonna of the Scuola."

Those judged by the court could react with hostility. In 1644, the bombaser
(cotton trader) Anzolo Concese came to court to pay a fine. He gave vent to his
resentment by abusing the judges. The exact words he uttered (if the witnesses can
be trusted), are significant in that he told the mercer officials that they were, "rabble
come from the mountains", and therefore, "doctors of shit", "not born to pass
judgement or to give sentence". He was later prosecuted by the Provveditori di
Comun for having violated the sanctity of the place and sworn at elected officials.

The importance of the case lies in the challenge to the legitimacy of the court.

Concese denied having abused guild officials, insisting that he had only complained
that the tribunal had no authority, "to convict a Shop which was not in the Guild of
Mercers". Not did he have much faith in the justice of the public court of the
Provveditori, arguing that the mercers, "can say what they like because I was alone",

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175 Arti, b.325, Libro de terminazioni e atti (1666-79), 20 Mar 1667. Similarly see Arti, b.360, fasc.

176 Arti, b.360, fasc. 1644: condana seguita contro Anzolo Concese Bombaser, all' off. o dell' ss. ri Prov. ri de Comun, A'Indolgentia della Banca de Marzeri per Parole Indicenti dette alla medesma ut intus, witness statements: 30 Dec 1644, "che noi non erimo natti per Giudicare ne far sentenze venendo dalle Valade, et nel partir disse queste parole questi dottori di Merda"; 2 Jan 1644 (m.v.), "lui rispose che noi erimo zentagie venuti dalle Montagne, con le scarpe di Corda, et non nati per Giudicar Criminalmente...". Concese probably referred to 'mountain folk' because many mercers originated in cities such as Bergamo.

177 Arti, b.360, fasc. 1644: condana seguita contro Anzolo Concese Bombaser, all' off. o dell' ss. ri Prov. ri de Comun, A'Indolgentia della Banca de Marzeri per Parole Indicenti dette alla medesma ut intus, 8 Mar 1645, "mi son lamentato, che non potevano condanar una Bottega, che non era in Scola di Marzen".
and that the witnesses were all interested in the case since they received salanes from the guild."

The violence that could disturb guild tribunals can also be seen in a case from 1639, when Lorenzo Dris, "hatter and cap-maker", was instructed to register with the guild. When he came to register on the appointed day, he sought to do so as a Venetian, qualifying for the lowest rate of \textit{benintrada} (entry-fee) at 5 ducats. Dris freely admitted that he was in fact from Friuli, but claimed to be Venetian on the grounds that he had lived in the city many years and taken a Venetian wife (such principles underlay the granting of Venetian citizenship). The \textit{gastaldo}, Anzolo Casari, returned his money, insisting that he had to pay a further 2 ducats if he wanted to join. Dris then left the tribunal, and later that day, rather unfairly, he was tried and condemned \textit{in absentia}, as if he had failed to keep his appointment that morning at all."

Dris had to wait another week before he could complain about this and by this time, officials of the guild had come to forcibly close his shop, "with no regard for my reputation". When Dris returned to the tribunal, Casari told him that if he had any complaints then he should take them to the \textit{Proveditori di Comun}. Tempers flared up. According to Dris' version, Casari abused him, and then when his cousin protested, he threw a bronze inkpot at his head, "and if he hadn't ducked, it would..."

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\textsuperscript{178} Arti, b.360, fasc. 1644: condana seguita contro Anzolo Concese Bombaser, all' of f. o delli ss. ri Prov. ri de Comun, A'Indolgentia della Banca de Marzen per Parole Indicenti dette alla medesma ut intus, 8 Mar 1645, "Consta il falso tutto questo perché possono dir quello li piace perché ero solo"; 16 Mar 1645, "...questi che mi ha denontiato sono interessati, et sallanati".
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\textsuperscript{179} All the details of the case are in Arti, b.364, fasc.AA, \textit{Scola di Marzen c.o Lorenzo Dris Capeler Baretter}.
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\textsuperscript{180} Arti, b.364, fasc.AA, \textit{Scola di Marzeni c.o Lorenzo Dris Capeler Baretter, "senza unnguardo della mia riputazione".}
\end{flushright}
surely have opened up his head". Dris and his cousin had therefore appealed on the grounds that since the office of judge was a respectable position, he should in turn behave in a respectable manner towards his subjects.

However, the witnesses were as silent and unforthcoming as was usual on such occasions. As in the case of Concese, the mercer witnesses presented a united front. They could not deny that an inkpot had been thrown, but painted a picture of the gastaldo driven to exasperation by Dris' insistent lies. Provoked, he had thrown a wooden inkpot (rather than bronze), but he had uttered no words of abuse. Incredibly, many of them claimed to be unable to remember, such as Giulio Bonhomo: "I don't remember anything, for I can't keep such things in my head" (as he owed 20 ducats to Casari at the time his testimony may be held suspect). This tactic was probably adopted to avoid committing perjury. Casari admitted that he had thrown the inkpot, but argued that he had deliberately missed his target, "I hurled it at the ground to scare them, but not to give them offence". Casari was able to further damage Dris' case by claiming that he tried to do a deal. He stated that Dris had offered to drop all charges in return for free entry to the guild. The unwavering support of the witnesses meant that Casari was eventually absolved.

In the most interesting part of his defence, Casari referred to the threat which so many unruly foreigners presented to the good order of the guilds. The state should uphold the authority of the guild officials, rather than allow them to be challenged, otherwise:

18 Arti, b.364, fasc.AA, *Scola di Marzeri c.o Lorenzo Dris Capeler Baretter*, "diede di mano ad un Caramal di Bronzo, che haveva d'avanti, et impetuosamente lo lancio al sudetto domino Agostin, et se non li schivava da quello al sicuro l'apripa la testa - con dirli tiò Becco fotuo[?]".
18 Arti, b.364, fasc.AA, *Scola di Marzeri c.o Lorenzo Dris Capeler Baretter*, "io non mi racordo niente, che non mi posso tener à mente queste cose". Bonhomo was later to become gastaldo in 1642 - see Arti, b.312, *Mariegola*, 22 Mar 1642.
182 Arti, b.364, fasc.AA, *Scola di Marzeri c.o Lorenzo Dris Capeler Baretter*, "...lo lanciài per terra per fargli paura, ma non per offenderli".
"not only will the provisions and laws not have their due effect, but the public service, and the private interest of that guild will be put in total disorder, because there will be no more obedience, neither with regard to the extraction of the taxes which are annually consigned to His High Serenity, nor with regard to the entry-fees and candle-money, there being in the said guild so many minds of different nations and customs, that it will not be possible to make them do their duty, and continual confusion will be the result".1

Was the whole authority of the guild really put at risk by the possibility that the gastaldo might be called to account for his actions?

Casari’s defence reveals the limits to the government policy of extending democratic participation in the guilds. The government was well aware of the potential security risk posed by large assemblies of artisans, many of whom were immigrants, and insisted that all general assemblies be attended by state functionaries (see chapter 2).1 In 1659 the Provveditori sopra la Giustizia Vecchia justified the expense of such state supervision in terms that echo Casari’s words:

“infinite brawls, scandals and tumults would take place between so many people, who are different in nature, nation, and very often religion, if officials were not present... there being guilds of 200 to 300 persons in number, such as Caulkers, Arsenal Carpenters, Tailors, Shoemakers and others, in which there are so many Germans, Grisons and Frenchmen.”1

1 Arti, b.364, fasc.AA, Scola di Marzeri c.o Lorenzo Dris Capeler Baretter, “non solo non haverano le provisioni et leggi il suo dritto effetto, ma il publico servitio, et il particolare interesse di essa scola anderano in totale disordine, perche non vi sarà più obbedienza, ne circa l'essattione delle tanse, che annualmente si corrisponde à sua Serenità, ne circa le ben intrade et luminarie, essendo in detta scola tanti, e tanti Cervelli di diversi nationi, et costumi, che non sara possibile ridurli al dovere, et seguirano continuati confusioni...”.
1 CdL, b.17, fasc. Notizie ritate dal Sommario deUelli Capitolari intitolati Antico, Rosso, Rosa et Orsa, 13 Jan 1507 (m.v.). GV, b.2, reg.4, 5 Sep 1585, for a law that guilds holding assemblies without the presence of state officials should be fined, since this was a matter of, “della quiete di esse arte”.
1 GV, b.89, fila 79, 11 Oct 1659, “che infinite risse scandali pericoli succederebbero fra tante Persone di Natura, di Nazione, e molte volte di Religione diversa, q'ndo non vi fossero il Ministri, che col' imponerli pene pecuniarie e corporali, non divertissero molti di questi disordini, che senza la loro
The particular attention paid to question of immigrants was a common theme. Immigrant workers were felt to be unreliable in general, of dubious loyalty to the prince, and to the principle of authority in general. One common accusation is that they absented themselves from the city whenever guild dues were levied. Guildsmen frequently played upon the government’s anxiety regarding the large numbers of immigrants in the workforce. For example, the master hat-makers appealed to this to justify the exclusion of large numbers of “foreign workers” from the guild assembly. Similarly, the mercers had in turn frequently referred to the need to keep the unruly foreign hatters in check, in order to resist their claims for independence. In 1599, the *Provveditori sopra la Giustizia Vecchia* referred to the unruliness of the cobblers (many of whom were Grisons) as being, “due to the Swiss manner in which they behave, arrogant by nature, and insolent due to the sum of 160 that are in the guild.”

While the documents usually present an orderly surface to guild life, this is occasionally broken by glimpses of guild turbulence and instances of rowdy violence. The documentary evidence for outright violence is sparse and must be treated with care. The *Provveditori di Comun* noted in 1694 that members of the confraternities under their control often exchanged insults and might even come to
blows during elections of salaried posts." However they were also aware that
denunciations of such irregularities might be manipulated in order to have
controversial guild decisions annulled." For example, in 1624, Bortolamio Donati
claimed that his intervention had been drowned out by a "great murmuring" which
had arisen among the rowdier of the brethren, with "whistling, and people beating
their hands and feet on the benches", and demanded that the assembly's decisions
should be annulled as a consequence." Nevertheless, the evidence suggests that
violence simmered beneath the surface of the guilds. As the cases of Dris and
Concese suggest, the guild tribunal was a particular target for resentment. In 1613,
a meeting of the smiths' tribunal was rudely disturbed when they were pissed on by
brethren from an upper balcony." Such behaviour was all the more scandalous
because guild meetings generally took place in sacred places, reflecting their
confraternal functions."
Similar themes can be seen in the case of Biasio Nadal, a street pedlar whose friend had been convicted by the mercers’ tribunal. After proffering “improper and indecent words” in the tribunal, he had made good on his threats of violence,” following the soprastante Giacomo Balduin home and assaulting him with a dagger in the Marzaria. Balduin had been forced to beg for his life on his knees and if passers-by had not intervened, “it might have gone the worse for the wretch”. Before the mercers’ tribunal, Nadal pleaded that his crime was, “certainly not the result of any irreverence towards this tribunal which I have always venerated as sacred, but only of a youthful nature”. Indeed, it was this ‘irreverence’ for authority that was the key point. The mercers brought criminal charges against him before the Provveditori di Comun, emphasizing that all the authority of higher and lower courts, which were representatives of “the Prince”, would be in vain if disobedient subjects were allowed to show such contempt for public officials.” The mercers stressed that the very basis of obedience to the state lay in respect for the officials at street level. Nadal was condemned to a month in jail by the Provveditori, while the mercers’ tribunal imposed only minor fines in view of his promises of future obedience.

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"Arti, b.358, fasc., MARERI Contro Fabricatori Capeleri, p.10R, 12 Nov 1663, “proferì in detta scola parole improprie et indecete minacciando che in oltre sarria anco passato à maggior resentimento”.

"Arti, b.358, fasc., MARERI Contro Fabricatori Capeleri, p.10R, 12 Nov 1663, “atteze Giacomo Balduin nostro soprastante nella Marzaria verso il Relogio, che di là era incaminato per andar alla sua casa, et posto mano ad’un pugnale quello assaltò, è con termine improprio è violente, che sarrebbe anco dannabile in qual si voglia persona di conto, ridusse il sud.o soprastante ad’ inghinochiar si à suoi piedi, dimandandoli la vita, anco per carità, et anco in terra li diede diverse pionatone, è se non era la pietà di persone, che s’interposero poteva al meschino seguir di peggio, dichiarandosi in oltre d.o Biasio Nadal che havrebbe fatto il simile con il Nonzolo...”.

"Arti, b.358, fasc., MARERI Contro Fabricatori Capeleri, p.13, 20 Jan 1663 (m.v.), "è stato solo cagionato non già dalla inriverenza portata à questo tribunale da me sempre venerato come sacario, ma da sola giovenile naturaleza...”.

"Arti, b.358, fasc., MARERI Contro Fabricatori Capeleri, p.10R, 12 Nov 1663, "Vana ecc.mi sig.ririuscirebbe la loro autorità superiore, è la nostra inferiore, quando si facessero lecito li trasgressori di sprezar le leggi, di fermarsi nelle innobbedienze et nel sprezar li ministri... Quando questa manca nel suddito non sono più riconosciuti li publici mag.ti, che rappresentano il principe med.o”. See Arti, b.315, 23 Nov 1632, for more instances of violence against guild soprastanti.
symbolized in the votive candle he would reverently present before the mercers' altar.

As Casari stressed, the government had to uphold the authority of guild officials in order to maintain order in the guilds. As we have seen in chapters 1 to 3, the inadequacy of the government machinery for policing the market meant that this task had to be farmed out to guild officials. In 1609, the mercers noted how their officials were frequently subject to abuse and threats of violence when patrolling the city, despite the presence of the fanti of the Provveditori di Comun.\(^1\) Guild officials had to be supported in their work if they were to act as effective tax-collectors and policemen. Provveditori di Comun regulations from 1647 forbade weavers from carrying weapons with them when presenting their cloths to the scrutiny of the camera de fustagni, clearly worried at the threat of violence being used against the inspectors.\(^2\) Other laws forbade swearing at guild officials.\(^3\) Concerns of public order are well illustrated by the measures taken to strengthen hierarchical principles within the guilds in response to the flood of immigrants coming into the city in 1577-78. The Cinque Savi sopra le Mariegole ruled that no master could become a guild official unless he had been a member for at least five years, a measure clearly designed to keep control of the guild in Venetian hands until the potentially unruly immigrants had been assimilated.\(^4\) As we have seen, these sentiments were echoed in the fears of the established guildsmen themselves. The need to uphold the authority of guild officials tended to compromise the government's wish to limit

\(^{1}\) Arti, b.315, 6 Feb 1608 (m.v.), "sebene li ministri nostri li mette pena no volgiono ubidire ne meno ubidischono li fanti delli cll.mi s.r provveditori de chomu' ma di piu li minaciano di voler darlli delle botte".

\(^{2}\) CL, ser.2, b.24, fasc.251, 18 Sep 1647.

\(^{3}\) Arti, b.312, Mariogola, 17 Oct 1578, mercer regulations on swearing at guild officers.

\(^{4}\) Favoro, L'Arte dei pittori, p.51-52. GV, b.5, reg.12, 19 Feb 1577 (m.v.). Officially the justification was that since such immigrants had been admitted without fulfilling the prova, they did not have sufficient experience to direct guild affairs.
the growth of oligarchies within the guild. The price to be paid for this was the potential abuse of guild office.

Conclusion

Romano nicely sums up the dilemma of the patrician class, remarks as applicable to the seventeenth century as to the fourteenth:

"On the one hand, as the representatives of the ruling merchant class who had close financial ties to certain industries, they naturally tended to favor the rights of masters over workers. On the other hand, the patricians had to be careful lest masters become so powerful that they would demand a share of political power, as happened in other cities. At the center of this dilemma were guild election procedures and eligibility requirements for office-holding, for through control of electoral procedures, certain masters might gain unchallenged control over the guilds and use them as a base on which to build political power.". 203

Guilds and state dedicated a great deal of time to the delicate problem of electoral regulations because these determined the balance of power in the guild.

Government measures to limit the growth of guild oligarchies were compromised by reliance on those same guild officials to police the trades. Hierarchical principles of authority were essential to maintain control over the mass of lesser guildsmen. Government intervention to limit the power of guild officials most frequently took place at times of crisis in the city, when it was important to be seen to be doing something for the plight of the poor and desperate (see chapter 3). Romano describes a similar situation for the medieval guilds. While the government was prepared to forcibly alter guild electoral procedures at times of social unrest, such as

203 Romano, Patricians and Popolani, p.73.
the late thirteenth century, in the quieter conditions of the fourteenth century, the
state was content to leave the running of the guilds to the guild elite, allowing the
electoral regulations to lapse.204 Moments of dramatic intervention were therefore
rare, and in practice, despite all the controls imposed by the patriciate, an inner
circle of guildsmen were able to run the guilds as they pleased. However, it must be
emphasized that this inner circle was fairly large, and the sorts of legal disputes that
emerged from within the guilds do not suggest pronounced social divisions between
different social orders of masters. Rather, they demonstrate how guild officials were
kept in check by a middling group of tradesmen. As in the political republic,
oligarchical principles dominated the life of the guilds.

204 Romano, *Patricians and Popolani*, p.74-5, "During the late thirteenth century, when the threat of
popular unrest was greatest, the giustizieri vecchi intervened in electoral procedures in order to make
them more egalitarian... more likely the real motive behind this period of reform was the desire on the
part of patricians to prevent the domination of the guilds by a small clique of masters who might then
demand a voice in government. During the fourteenth century, when the guilds were quiet, the
government allowed modification of the electoral procedures in some guilds so that certain masters
again enjoyed a disproportionate say in guild affairs."
Chapter 5. The Nature of Guild Disputes

Chapters 1 to 3 have examined relations between state and society in regulating the market, in which the criminal law was an important instrument. But in fact, in terms of money invested, the predominant involvement of the guilds in the legal system was not in criminal prosecutions, but in civil litigation with other guilds. This chapter therefore turns to the question of civil disputes. Here the state's role was theoretically one of neutral adjudicator, rather than public prosecutor. Guild disputes were however something of a special case in that the outcome frequently had broader consequences for the market in general. The judges had to consider the public welfare as well as the rights of litigants. Guilds generally argued their case with reference not just to their statutes and privileges, but also in terms of the common good of the city or the benefits to the state. The judging of guild disputes was therefore not merely a legalistic question of defining rights, but also one of political economy. This chapter will attempt to explain the principle causes of disputes between guilds, while the final chapter will examine their resolution.

Traditionally, disputes have been viewed as symptoms of social strain. According to this perspective, the decline in the Venetian economy which set in around 1630 should have generated increasing litigation between guilds, as they struggled to maintain their share of a shrinking market. However, it is also possible to argue that in times of economic difficulty, the lack of available funds starves the legal system of investment, and encourages litigants to resolve their disputes through less expensive mechanisms, such as arbitration and mediation. In a flourishing economy, by contrast, the greater pace of economic life creates more

1 A. Ventura, "Politica del diritto e amministrazione della giustizia nella Repubblica veneta", Rivista Storica Italiana, 94 (1982), p.602, refers to the regulation of markets as, "un territorio di confine tra diritto pubblico e privato..."
potential flash points for dispute, and more funds are available to fight for a slice of the cake. The relationship between litigation and the economy is a complex one, and most studies of litigation have failed to demonstrate any clear connection between them. Sonenscher's study of trade disputes in eighteenth-century France found for example that, "...there is no conclusive evidence that clusters of conflict were closely related to fluctuations in the price of subsistence goods".

In any case, the nature of the Venetian sources creates significant problems for a study of the dynamics of litigation. The increasing survival rate of documents and improved record-keeping may lead to the deceptive conclusion of steadily increasing litigation with the difficult economic transition of the seventeenth century. Yet the fact that few records of disputes remain for the more buoyant economy of the fifteenth century does not necessarily indicate that little conflict was taking place. The Venetian economy was flourishing in the sixteenth century, and yet the remaining documentary evidence reveals a pattern of disputes similar to those of the seventeenth century (indeed, many sixteenth-century cases created legal precedents which were referred to in the next century). Furthermore, the court record is not sufficiently comprehensive to lend itself to quantitative analysis. A study of guild disputes must rely upon private legal archives, which have only survived for a limited number of guilds, in particular the mercers. The mercers probably kept

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2 For a demonstration of the difficulty of fitting litigation patterns to the economic cycle, see C. Wollschläger, "Civil litigation and modernization: the work of the municipal courts of Bremen, Germany, in five centuries, 1549-1984", *Law and Society Review*, 24, n.2 (1990), pp.261-281, who succeeds mainly in showing that it possible to argue the point either way.

3 M. Sonenscher, *Work and Wages: Natural law, Politics and the Eighteenth-century French Trades* (Cambridge: Cambridge University Press, 1989), p.275. Here Sonenscher was addressing the question of whether a short-term connection between litigation and the economy could be established. This does not exclude the possibility that litigation and the economic cycle were related in the long term.

4 See chapter 6 for an eighteenth-century view which reverses this causality of this argument, stating that guild litigation was the cause rather than the consequence of economic decline.
such well-organised and copious legal records because the wide variety of their
business interests frequently involved them in litigation. What is possible to discern
is a revolution not in the quantity of litigation but in the quality of documentation, the
practice of keeping accurate records (quite apart from the greater survivability of
eighteenth-century documents), which added up to a revolution in the techniques of
litigation. For example, the brief, hand-written submissions of the sixteenth century
were to develop into the bulky, printed compendia of legal documents of the later
seventeenth century. Those guild account books which survive give no indication of
a general pattern of increasing or decreasing litigation (see chapter 6). For these
motive, this thesis does not attempt to carry out a quantitative analysis of guild
litigation, which might be linked to economic or political events.

Rather than embarking upon a minute description of the individual struggles,
which would necessarily be tedious and repetitious, a more enlightening approach is
to examine the principal themes underlying guild disputes. The guilds were
privileged corporations which held an exclusive monopoly on a limited sector of the
domestic market. However, there were clear differences between the official guilds
and the 'diabolical' cartels identified in chapter 3. Guilds were something more
inclusive than a handful of wealthy merchants, even if they were not paragons of
modern democratic ideals (see chapter 4). In addition, guilds had to pay dearly for
their privileges in the form of taxes to the state for *galeotti* (oarsmen). This had

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5 E. Verga, "Le corporazioni delle industrie tessili in Milano, loro rapporti e conflitti nei secoli XVI-
XVIII", *Archivio Storico Lombardo*, 3 (1903), p.83, "I merciai, appunto per la varietà degli oggetti onde
componevasi il loro traffico, qui come dappertutto, trovavansi il più sovente in disaccordo colle altre
arti.".

6 Verga, "Le corporazioni delle industrie tessili in Milano", p.84, on Milanese guild disputes,
"L'esaminar tutte queste controversie ci porterebbe troppo in lungo e d'altronde ci constringerebbe a
noiose ripetizioni...".

7 I. Matteozi, F. Boletti, C. Chiasea, and D. Sambion, "Il politico e il pane a Venezia (1570-1650):
calmieri e governo della sussistenza", *Società e Storia*, 20 (1983), pp.271-303, p.299, identify the
originated in the personal service of guildsmen aboard the galleys in times of need, but by the mid-seventeenth century had evolved into a fixed annual contribution, paid in cash. The oarsmen tax was paid on a corporate basis, rather than an individual assessment. For the state, this helped to offload the costs of tax collection onto the guilds. However, the sums demanded were not based on accurate economic assessments of the market, but were rather the outcome of infrequent bargaining sessions in which the state tried to extract what it could from the guild. The number of oarsmen demanded from the guilds was fixed, and could only be modified through a lengthy process of petition and negotiation. This made the taxation system unresponsive to changes in economic conditions and encouraged guilds to establish tight controls over their membership.

Whenever guilds felt their privileges to be in threat, they were quick to remind the government that they would not be able to keep up their tax payments. For example, following an unfavourable verdict in a dispute with the smiths, the mercers...

contradiction between government concerns about cartels and the legal monopoly enjoyed by the pistori.

*J. A. Marino, "La crisi di Venezia e la New Economic History", Studi Storici, 19 (1978), p.92, "...durante il Seicento, i totali della leva divennero una finzione fiscale istituzionalmente riconosciuta. Il numero dei richiamati si riferiva ad una tassa sulle arti in moneta, non in uomini....". See F. C. Lane, "Wages and Recruitment of Venetian Galeotti, 1470-1580", Studi Veneziani, n.s.VI (1982), pp.36-43. From the imposition of the oarsmen levy on the corporations in the sixteenth century, the richer guildsmen were able to hire substitutes to go in their place. In the 1590s, the richest guilds were allowed to pay in cash instead of men. In 1639, the creation of the tansa insensibile extended the system of annual cash payments to all the guilds. As well as the cash payments for the reserve fleet (also levied during peace time), the guilds were expected to find additional oarsmen to send at times of war.

*Marino, "La crisi di Venezia e la New Economic History", p.92, "...un'arte poteva essere considerata più o meno sfruttabile, giudicata più ricca o più povera e ricevere una quota assoluta diversa da quella assegnata a un'altra...". Lane, "Wages and Recruitment of Venetian Galeotti", p.37, n.61, notes that the quotas imposed on the guilds were supposed to be periodically revised, but in fact the assessments of the 1530s were not revised until 1595.

* As the mercers put it in the Berlini case, Arti, b.374, fasc.D, 20 Jun 1634, "contraria a quella libertà che è stata a loro da vostra serenità anticamente concessa in in tutti li tempi conservata per la quale soccombino a tante gravezze de Galeotti et altro...".
dramatically claimed that, "we are witnessing the complete desolation and loss of our profession", protesting at this drastic cutting back of their monopoly:

"the range of our wares has been restricted to confines so narrow that it can be said to be lost, and with this state of things it will be impossible to continue in the previous obligation of oarsmen"."

In the seventeenth century, the connection between the enjoyment of privilege and the payment of taxes became increasingly explicit."

It was for this reason that monopolies had to be strictly separate from each other. Any overlap in privileges was a recipe for litigation." The guilds explicitly linked their ability to pay the oarsmen tax to the exclusive enjoyment of their privileges. As the smiths put it:

"All the guilds of this City... enjoy privileges and regulations separate from each other, with which they not only support themselves but are also able to pay the public taxes... The poor guild of smiths has also enjoyed this praiseworthy separation from the other guilds for over one hundred years."." 

Similarly, the canvas merchants referred to:

11 Arti, b.362, fasc.C, Scola Merceriorum co: Artem Curtellariorum, 30 Jan 1628 (m.v.), "vidiamo la totale dissolat.ne et dispersione della profesione nostra", "l'ampiezza delle nostre merzi e stata ristretta à termini cosi angusti che si pul dire dispersa che standing le cose in questo stato impossibile sarebbe il continuare nell'obligo p.o dellì galeotti".
12 Arti, b.366, fasc.L, Mercanti da Ferrarezza Co Arte de Fabri, 23 May 1630, "non possono star le gravezze nostre al segno quando al medesimo segno stiano anco le concessioni in reguardo de q'lli si sono state imposte".
13 For example, the second hand dealers were permitted to make new clothes and this led to frequent litigation with the tailors - see P. A. Allerston, The Market in Second-hand clothes and furnishings in Venice, c.1500 - c. 1600, (doctoral thesis, European University Institute, 1996).
14 Arti, b.365, fasc.D, Marzerì contro Favì, p.38, 8 Nov 1626, "Tutte le arti di questa Città sotto la benigna prettetione della Serenità Vostra godono privilegii et ordinationi separati l'una dall'altra con le quali non solo si conservano ma possono appresso rincorere (?) alle publiche gravezze in ricognitione della publica gratia anco la povery arte di fabri gode questa lodevole separatione dall'altre arte per cento, et più anni.".
"the public mind, which has particularly wanted to distinguish one guild from another, in order to give each one the fitting burden of Oarsmen and other dues, in accordance with the benefits and advantages conferred on it".

In defending their monopoly against the mercers, the paint-makers stated that, "the number of oarsmen which we shall readily contribute was for the things which we sell, which we believed belonged solely to our Guild". Since privileges had to be paid for, it was essential to ensure that they were not enjoyed by anyone outside the guild. To this end, guilds invested large sums in patrolling the city, and prosecuting offenders in the state courts. Hence most of the 'crimes' prosecuted at the Giustizia Vecchia were actually crimes of infringements of monopolies, committed either by members of rival guilds, or by those excluded from the system altogether, such as wandering pedlars.

It was however difficult for guilds to define exactly what their privileges were, and for this reason most of the disputes between guilds were questions of demarcation; that is, the definition of the boundary between one guild and another.

This chapter is divided into three parts, each of which examines a different aspect of guild boundaries. The first explores the definition of boundaries through the most common form of guild litigation: demarcation disputes. The second examines the violation of boundaries through the membri mechanism for the sharing of privileges. The third examines the creation of boundaries through the topic of colonelli. These were internal subdivisions of the guilds whose demands for autonomy might lead to

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15 Arti, b.382, fasc.A1(I), Pro Mercariis Contra Telarolis, sopra le condizioni d'esser accettati nella loro scola. N.o 17, p.11, 19 Dec 1612, "la mente publicha, che ha voluto particolarmente distinguere l'arte l'una dall'altra, per dar ad ogni unna il conveniente peso di Galeotti, et altro, conforme alli beneficii, et utili conferitigli". Similarly, Arti, b.312, Mariegola, p.98, 5 May 1550, the canvas merchants stated, "siamo tenuti nella specialita nostra far diverse et infinite spese mandar homini in gallia et altre cose".

16 Arti, b.361, fasc.G, Per Scola de Marzeri C.o Arte dai Collori e Battioro Stagnoli, 11 Jun 1605, "il n.o de galeotti che noi prontamente daremo era per le cose che noi vendemo, che habbiamo stimato attenersi solamente all'Arte n'ra.".
the establishment of new guilds. The conclusion summarizes what this reveals about
the changing nature of the guild system in the period.

1. The definition of boundaries. Demarcation disputes

The first point to stress is the artificial nature of these boundaries. The guild
system did not reflect some kind of ‘natural’ division of the trades. As Kaplan
observes for the eighteenth-century French trades, “at no point is the official
representation of the social world merely the mechanical reproduction of natural
divisions, themselves the product of economic or technological inevitability.” There
is no reason why cap-makers should necessarily have been legally distinct from
hatters, carpenters from lathe-turners, or shoemakers from cobbler. The skills
required were often similar and a craftsman could have turned his hand from one
trade to another with little difficulty."

In fact, the minute division into guilds (and their further internal subdivision)
was imposed upon what was in fact a highly integrated world, linked through strong
economic ties. Even closely-related trades were juridically separate and this
generated frequent disputes. To give some examples, turners and carpenters, who
both worked in wood, frequently clashed over wares which demanded a mixture of
production techniques (such as wash-stands made from lathe-turned parts, or

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17 S. Kaplan, “Social classification and representation in the Corporate World of Eighteenth-century
France: Turgot’s ‘Carnival’ ”, in S. L. Kaplan and C. J. Koepp, eds., Work in France: representations,
e privilegi. Nascita delle corporazioni a Torino, secoli XVII-XVIII (Turin: Einaudi, 1992), p.xviii, also
criticizes acceptance of, “la «naturalità» del legame tra divisioni tecniche e divisioni sociali”, noting
that guilds, “sono le istituzioni quindi il cui processo di formazione è stato, senza dubbio, il meno
analizzato. La loro presenza, la loro funzione sociale, risultano insomma di per sé evidenti.”.
18 See M. Sonenscher, “L’impero del gusto: mestiere, imprese e commerci nella Parigi del XVIII
secolo”, Quaderni Storici, 87 (1994), and J. Farr, Hands of Honor: Artisans and Their World in Dijon,
1550-1650 (Ithaca & London: Cornell University Press, 1988), p.59. See also M. Pelling,
“Occupational Diversity: Barbersurgeons and the trades of Norwich, 1550-1640”, Bulletin of the
History of Medicine, 56, n.4 (1982), pp.484-511.
umbrellas with lathe-turned handles). Mirror-makers and miniaturists clashed over the sale of mirrors with painted frames (eventually settled by a ruling that miniaturists could only sell mirrors where the value of the decorative work exceeded that of the mirror itself, a law which must have been extremely difficult to enforce). The sheer number of trades in Venice tended to generate disputes.

The tin market is a good example of the close interconnection of trades. In the seventeenth century, the guild of pewterers tried to assert their control over the tin and pewter markets. This generated conflict with a large number of other interested trades. The second-hand dealers, for example, had the right to trade in second-hand pewterware. The coppersmiths applied fine coatings of tin to their wares in order to protect them from oxidisation. The mercers had the right to import tin, and other tradesmen, such as the ironmongers and the paint-makers, paid dues to their guild in order to share this privilege. The guild of paint-makers was particularly interested in the tin trade, since it was an important ingredient in their paints and glazes, and

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18 GV, b.2, reg.4, p.155R, 12 Jan 1593 (m.v.), "lavamanì con opera di Torno", "ombrele con pomolo fatto à Torno".
19 GV, b.5, reg.12, p.65, 5 Nov 1577, "che li Miniatori possino tenir et vender ogni sorte de Specchi, pur che con la cassa eccedino il valor del Specchio".
20 Arti, b.375, fasc.A, *Per Scola de Marzerì c.o Peltreï*, 30 Mar 1656. Second-hand pewter was also circulated at state auctions of household property.
21 Arti, b.375, fasc.B, *Per Scola de Marzerì c.o Peltreï*, 15 Sep 1656, "contentandosi essi peltreï che possino i Caldererî tener il stagno in pan o in foglio nel modo che veiene dalle minere per servirsi d’esso stagno nel stagnar li loro lavori non dovendo per stagnar valersi de peltrei, che di solo stagno schieto, offrendosi essi Peltreï di far vedere à loro EE che francamente si può stagnare ogni lavoro con il solo stagno". *Stagnar* can mean both to coat with a fine layer of tin-plate (protecting underlying metals from oxidisation) as well as to solder with tin or tin alloys.
22 Arti, b.356, fasc. STAMPA *Scola de Marzerì contro Fabricatori da calze, et altri lavori in teller. Seconda*, the 1629 demarcation of metals between the mercers and the smiths specifically lists tin (*Stagno in Fogio, Stagno in Verga*, that is, in the form of leaves and bars), and also lead (*Piombo grezo, e lavorato*) as belonging to the mercers. In the sixteenth century, lead made up about 10% of the pewter alloy.
they also beat it into foil for use in mirrors, *oro pelle* (imitation gold-leaf), and tin coatings. Under the cover of such legitimate uses however, it was only too easy to intrude upon the retail market in pewter. For example, both coppersmiths and paint-makers bought up old tin and pewterware, claiming to recycle these materials in their manufactures. The pewterers insisted that in order to meet government tax demands, they needed exclusive rights to a monopoly. The dispute became a matter of precisely defining the rights of the various guilds to retail, import, and work with tin in all its variegated forms, such as pure tin, tin worked into bars, tinware, pewterware, and second-hand pewterware.

To label, define and lay claim to this fleeting mass of goods, the guilds relied principally upon their statutes. These were often rather vague and poorly-defined. For example, the mercers claimed to be able sell all kinds of imported *merci* (mercery), but it was not clear what this was. Their statute of 1446 noted, "Scandals have occurred and continue to do so, and we are ridiculed and scorned by many because our rule book does not specify what is to be understood as mercery...". Yet while the statute listed a vast variety of goods by name (such as gloves, girdles, playing cards, hats, axes, and combs), it was also left intentionally open-ended, including, "every other kind of mercery, even though it be not named: everything

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24 Arti, b.375, fasc.D, *Per Scola de Marzeri c.o Peltreri*, 26 Apr 1657, "nelli loro lavori, che sono di far la foglia per li specchi, stagnoli, et oro pelle." - a definition provided by the pewterers. See Arti, b.375, fasc.D, *Per Scola de Marzeri c.o Peltreri*, 24 Apr 1657, where the paint-makers insisted that they could also make tin into bars. 'Paint-makers' is a therefore a rather poor abbreviation for the lengthier Venetian term *Colori batti oro e Stagnoli* (Arti, b.312, Ristretto generale, voce "Colori", p.17). Note that the *batti oro* of the *colori* guild must be held well distinct from the *battioro e tiraroro* who worked with gold. The *battioro alemanni* were another distinct group.


28 Arti, b.375, fasc.A, *Per Scola de Marzeri c.o Peltreri*, 18 Mar 1624, republished 15 Nov 1655, "si come Noi non potemo ingerirsi nelle profession, et Arte d’altri, che ne anco altri ne usurpino la nostra, con ingerirsi in essa...".
shall be regarded as subject to our trade...". The problem of defining 'mercery' was to lead to litigation with a large number of other guilds throughout the period.

Similarly, in 1597, the second-hand dealers argued,

"...the Rasse (coarse woollens) have always been included among the wares of our guild... nevertheless it has recently come into the mercers' heads to put some difficulty in this business, on the pretext that in our aforesaid laws the Rasse are not specifically named."

Ancient statutes could therefore be rather clumsy weapons when pressed into service in the legal battles of a different time and context. Their application often required interpretation. For example, in the late sixteenth century, the smiths complained that various types of ironware (such as locks of chests) were being imported on the pretext that they had not been specifically prohibited by name in the legislation on contraband iron. They argued that the statute should be interpreted according to its "good intention", which was that no foreign manufactures be brought to the city.

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30 A. Vitali, *La moda a Venezia attraverso i secoli* (Venice: Filippi, 1992), p.321, on rassà or rascia notes, "un panno di lana, grossolano ed ordinario, che principalmente si usava per rivestire il 'felze' delle gondole, ma che serviva anche per altri usi, come per confezionare coperte da letto e vesti da donna di qualità dozzinale."

31 Arti, b.313, *Catastico*, 25 Nov 1597, "...sempre et continuamente fra le altre cose le Rasse siano state sempre comprese nelle cose a detta nostra arte spettante... non dimeno venuto in pensiero ultimamente alli Marzeri di metter difficulta in questo negotio sotto protesto che nelle nostre leggi non siano particolarmente nominate le Rasse".

32 W. Panciera, "Padova, 1704: "L'antica unione de' poveri laneri" contro "La ricca università dell'arte della lana" ", *Quaderni Storici*, 87, n.3 (1994), p.641, on the use of medieval statutes by wool merchants in an early eighteenth-century dispute, "Le norme medievali.... mal si adattavano, per la loro stessa vetustà, ad aderire in modo funzionale a una realtà diversa.". The old statutes were a double-edged sword, which could be used by either side to support their case.

33 GV, b.1, reg.2, 23 May 1571, for complaints of the smiths directed at the importers, "...scusandosi, et coprendosi sotto un sinistro pretesto, che tal serradure da cassa signanter [?] non sono nominate nelle suddette parti, quali santamente furono fatte con buona intensione, et con questo solo fine, acciò alcuni lavor forestiero non fusse condotto in questa città nostra...". They appealed to laws from 1354 and 1430. The *Provveditori sopra la Giustizia Vecchia* supported their case, and argued such iron should be understood as prohibited. See Arti, b.362, fasc. *Merceri C Cuchiadori, 16 febraro 1679,..., 11 Dec 1679*, for an excellent example of argument from the supposed intention of the judge.
Nevertheless, the statutes were the most potent instrument in the legal
armoury of the guilds, and hence even in the late seventeenth century, reference
was frequently made to statutes which might be over 200 years old. Written statutes
were the basis of guild legal proofs, and indeed can be seen as the fundamental
essence of a guild’s existence as a legally-constructed entity. The government
usually respected these privileges, and in chapter 3 it was shown that attempts to
revise them were rare and frequently limited by guild protests. The guilds attached a
quasi-religious importance to their mariegola, or rule-books, as this ritual of the
bakers indicates, "...every first Sunday of the month the said mariegola is placed
open before the most holy Cross on top of the bench...". Their ornate decoration
and religious imagery was intended to increase the power of the text. Yet these
'bibles' also saw such active service in the courts that they needed to be regularly
re-copied. The bakers found it necessary to do this in 1636, "because many times
we must appear before the most illustrious magistracies to present our mariegola".

For the mercers, who even claimed to have statutes dating from 943 and 946,
the redefinition of the guild’s competence in 1446 continued to be a crucial legal
touchstone throughout the sixteenth and seventeenth centuries. So when the
blacksmiths questioned the authenticity of this statute in 1628, this was guaranteed
to incense the mercers. The smiths argued that the statute had been deliberately
"mutilated" in making a copy of the mariegola, so that a crucial clause had been

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34 Quoted in Mestieri e Arti a Venezia 1173-1806: mostra documentaria, [exhibition catalogue]
mese si mete aperta la detta mariegola davanti la santissima Croce sopra la banca».
35 Quoted in Mestieri e Arti a Venezia, p.27, «perchè molte volte dobbiamo compiere avanti degli
illustri magistrati a presentare la mariegola nostra».
36 For a reference to these, see Arti, b.369, fasc. Marzeri affar co. Mattesi e Zuggger, 30 mar 1471, "la
sua Mariegola, la qual altre volte nell’Anno 942 ali X del mese de Faver, quella fò raticcada". NB
some copies of this document refer instead to legislation of 10 Feb 1442 (m.v.), while others confirm it
as 942.
omitted.” The smiths argued for the validity of a rival text, “the authentic copy to be found among us smiths, unearthed by Signor Giulio Negro, clerk at the office of the Giustizia Vecchia, from a copy drawn from the said old matricola”. and accused the mercers of fraud,

“these mercers have the firm intention of subjugating all the guilds of this city by means of artifice and fraud, and in particular our guild of smiths, on the pretext of a certain law passed in their general assembly in the year 1446”.

This was a challenge to the integrity of the word as given to the mercers.

Interestingly, although it seems the smiths were not aware of it, the comb-makers had also previously discovered this clause in an old copy of the mariegola. In a case of 1564, their advocates had demanded that the mercers, “Produce the Old Mariegola which you keep hidden away so the truth is not seen”. The mercers tried to insist that the ancient statutes should be held inviolable, arguing that guildsmen invested their money in a trade on the “faith” that the government would maintain its promises, but subsequently lost their case.

37 Arti, b.366, fasc.L, Mercanti da Ferrarezza Co Arte de Fabri, 19 Jun 1628, “muttillosamente registrata nella loro matricola nova havendo tralasciato di registrare la ratificazione di quella fatta per l'Ilmi Proveditori di Comun, et Giustizieri Vecchi sotto li 27 - Zugno - 1446 nella qual vi è la clausola, et parole formali importantissimi infrascritte: (cum hoc quod perinde non sit derogation alii parti capte, per hoc collegium de Aliis ministeriis huius civilitatis)".
38 Arti, b.366, fasc.L, Mercanti da Ferrarezza Co Arte de Fabri, 19 Jun 1628, “dall copia autentica che appresso di noi favri si ritrova cavata per S Giulio Negro Nod.o all' officio della Giustizia Vecchia da una copia tratta dalla detta matricula vechia”.
40 Arti, b.376, fasc. A, Per Scola de Marzeri C.o Arte de Peteneri, p.54, 14 Jun 1564, “gridando per li Avocati in renga contro il nostro Gastaldo producir la Mariegola Vechia quale voi tenete ascosa acciò non si veda la verità”. The missing clause was also later referred to by the cutlers - see Arti, b.362, fasc. No.1. Querella, Scola Marzeri Co Arte de Cortellieri, 24 Sep 1675, “havendo disputato l'Avocato Silvani et letto una carta che asserviva esser una parte del Collegio di vinti Savii del corpo del ecc.mo Senatto con la qual diceva restar decretatto, che la mariegola de marceri non potesse pregiudicar alla Mariegola delle altre arti”.
41 Arti, b.376, fasc. A, Per Scola de Marzeri C.o Arte de Peteneri, p.54, 14 Jun 1564, the mercers stressed the need to maintain guild privileges, “sotto la fede della quale si mantiene et acresce tale arte”.

The difficulty of applying legal statutes to the shifting economy meant that appeals to custom were an essential means of backing-up the broad and vaguely defined claims of the statutes. As the standard judicial formula read, "...for 10, 20, 30, 40, and 50 years and for so long that there is no memory of men in contradiction, similar collars and other mercery have always been sold by the mercers...".

Octogenarian guildsmen, such as Zuane Petrobello, who had served in the mercery trade since he was four years old, were brought to the court to testify to the fact that things had 'always' been this way. As the mercers put it,

"we are content with no other privilege nor authority to stock or sell the telle (linens) named above, except such as will be justified to have been stocked and sold by us mercers in the past".

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42 Arti, b.313, Catastico, p.47, 20 Oct 1619, "...gia 10, 20, 30, 40, et 50 anni et da tant tempo che non vi è memoria d'huomini in contrario è stato sempre dalli marceri venduto simil collari et altre merce...". This was a formulaic way of appealing to custom which can be seen in many other sources, eg. Arti, b.367, fasc.E, Per Scola de Marzeri C.o Fustagneri, 24 Sep 1608, "...sono state sempre già 10 20 30 40 50 60 et piu anni et tanto tempo che non vi è memoria de homeni in contrario..", and Arti, b.368, fasc. N170. Per la scolla de marzeri di Ven.a C l'Arte de Linaruoli. Caso Linaruoli, Dec 1671, "per il corso d' 10: 20: 30: 40: 50:, et più anni e per tanto tempo, che non vi è memoria d'huomini in contrario". The formulaic usage strongly suggests the influence of an advocate in drawing up the case, or possibly that guildsmen were themselves highly conscious of legal forms.

43 Arti, b.313, Catastico, 4 Sep-1617, "mi ho ottantacinque anni, et de quattro ani ho principiato ad attendere in marzaria che mio padre era marzer, et miei fratelli, et sempre mi raccordo che li marzeri hanno venduto queste robe di Flandra cioè Cambrai, et telle à Baston Rensi Mantilli et tovaglioli".

The legal formulae employed by the guilds to prove custom show strong correspondence with the eighteenth-century definition given in M. Ferro, Dizionario del diritto comune e veneto, first published 1778-1781, facsimile copy in ASV (Venice: Andrea Santini e figlio, 1845), p.466. To prove consuetudine immemorabile, the witnesses (who had to be at least 54 years old) had to testify to 4 requisites:
- "di aver veduto per il corso di quarant'anni osservarsi la tal cosa",
- "di aver sentito dai loro maggiori, che si osservava la stessa cosa ab immemorabili"
- "di non aver giamment veduto o sentito essersi osservato il contrario"
- "di avere appreso dalla pubblica voce e fama, che non v'è memoria d'uomini in contrario".

Similarly, the mercer Vicenzo Lazaroni defended himself against the swordsmiths’ guild in 1555, arguing that, “the scissors which have been taken from me come from Lombardy and have always been sold by the mercers as mercery”.

Demarcation disputes turned on the subtle differences between one genre of goods and another. For example, a lengthy dispute took place between the mercers and the smiths for control of the ironware trade in the early seventeenth century. The question was essentially one of establishing which goods should be classified as *ferramenta* (ironware), and which as *merci* (mercery). Although the smiths appealed to legislation prohibiting imports, a close examination of the dispute reveals that their real interest was not in excluding foreign products, but rather, in seizing control of the retail market in these products for themselves. The old import controls were therefore only a means to an end. Eventually the issue was resolved only by creating a list of the specific items which fell on each side of the boundary. For example, goods defined as ‘mercery’ and allocated to the mercers included needles, curtain rings, guitar strings, dog chains, knives, lead, and tin.” On the other hand, goods defined as ‘ironware’ and allocated to the smiths included nails (which had

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45 Arti, b.312, *Mariegola*, p.96, cap.214, 28 May 1555, “le robe cioè forte che me sono sta tolte vengono de lombardia et sempre sono sta venduti per marceri per merce, et vengono per merce...”.

46 Referring to the dispute nearly a century later, the *mercanti di ferrarezza* (ironmongers), who dealt in both the domestic and foreign product, stated that the issue was not whether foreign ironware might be imported, but who could trade in it - Arti, b.365, loose documents, 20 Sep 1718, “Si rifletta pure, che quando nacque il Giud.o 1628 30 Xbre: s’introducevano dalla Germania, e Stato Ferrarezze lavorate, ne si fece questione per la loro introduzione, ma ben si per tenerne, ò venderne, e comprarne”. A certain caveat must be attached to this, since it was written, with considerable hindsight, by a group of ironmongers themselves in dispute with the smiths, but close examination of the dispute clearly shows it turned on the allocation, not prohibition, of goods.

first given rise to the dispute), shovels, sword hilts, daggers, copper, and hatchets.*

Litigation over what, precisely, pertained to each trade, meant that the privilege of
dealing in certain goods became hedged around with all sorts of conditions -
wholesale or retail, repair or production, imported or domestic goods, shop-based or
per la città (hawking through the streets). For example, an important legal distinction
in the dispute between mercers and smiths was that between the sale of small
quantities of nails da conto or da numero (that is, which could be counted), and the
bulk sale of nails da peso (by weight).

Similarly, the canvas merchants and the mercers disagreed over exactly what
type of cloth was referred to by the term tella (linen).* In 1612, the canvas
merchants complained that the mercers were illegally selling these cloths under the
name of rensi (cloth of Reims), while they were in fact tella (linens) belonging to the
guild of canvas merchants.* A few years later, the mercer Zuan Antonio Fabris was
denounced by the canvas merchants for selling tella da Baston ('baton linen')
through the streets. He defended himself before the Provveditori di Comun, arguing
that the cloths he sold were cambrade (cambrics):

“they say it is tella da Baston because it is now the usage that this sort of thick
cambric is folded lengthwise in the form of a baton, and for this it is called tella da
Baston, but it is thick cambric... I tell you that this name of tella is a corrupted

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* For the list of goods allocated to the smiths, see Arti, b.362, fasc.A, Ferrarezza contro Cortelleri,
and XX savi, b.35 (which are slightly different).
* D. Davanzo Poli, “L’arte e il mestiere della tessitura a Venezia nei sec. XIII-XVIII” in I Mestieri della
moda a Venezia dal XIII al XVIII secolo, [exhibition catalogue] (Venice: Stamperia di Venezia, 1988),
p.51, “tela è per antonomasia in venezia un tessuto di lino”.
* Arti, b.382, fasc.A1(l), Pro Mercariis Contra Telarolis, sopra le condizioni d’esser accettati nella loro
scola. N. 17, p.11, 19 Dec 1612, “quelle telle che noi tellaroli vendiamo per telle, loro venderie nelle
su botteghe di marzeri per rensi”. Vitali, La moda a Venezia, p.322-23, on rensi notes, “una tela
bianca di lino, finissima... quello oggi ancora detto ‘tela batista ’ e che a Venezia era anche
denominato ‘tela Baston ’...”. Note however that as Vitali’s source were the legal claims presented in
Arti, b.313, Catastico, his ‘definition’ should be treated with care. One problem with relying upon guild
documents is that they frequently consist of legal claims rather than objective descriptions of reality.
name, because it is a thicker, whiter cambric, and because the thicker part is made into batons it is called *tella di Baston* and the whiter part is called cambric, but it is all the same thing...".

In his defence he later referred to them as, "the thick white cambrics, that is *battude*, the thickest of which are also called in the vulgar, *telle Batiste* or à *Baston*." The mercers' claim to sell such cloth depended upon defining them as *cambrade* (cambrics) which came within their competence under the terms of the 1550-52 demarcation between canvas merchants and mercers. The canvas merchants needed to define them as *telle* (linens) within their competence, in order to control the lucrative market in imported Northern European textiles for themselves. Through litigation, objects were pinned down within a hedge of ever-multiplying legal definitions.

As this example shows, discussion about the precise definition of goods could lead the courts into quite technical arguments about their nature. For example, the dispute between drapers and mercers over what exactly was meant by the terms *fodra* and *rassa* (types of woollens) produced competing definitions of truth, which

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53 *Arti, b.313, *Catastico*, p.38R, 21 Jun 1617, case of *Z Antonio Fabris*, "i dicono che l'è tella da Baston perche è messo in uso addesso che tal sorte di cambrada fissa vien piiegato in longo in forma di Baston, et per questo la si chiama tella da Baston, ma la è Cambrade", "vi dico che questo nome di tella è nome corrotto per che la è cambrada più chiara et più fissa, et perche ne vien parte de più fisse fatta in Baston per questo si chiama tella da Baston, et la più chiara cambrada ma la è tutta una istessa cosa, et matteria".

52 *Arti, b.313, *Catastico*, p.38R, 21 Jun 1617, case of *Z Antonio Fabris*, "le cambrade chiare fisse sive battude, le quali sonno anco chiamati le fisse dal Volgo telle Batiste sive à Baston". Any attempt to translate into English is clearly inadequate when the terminology itself is in dispute. For an idea of the difficulty of translating the terms used to distinguish types of linen, see T. Garzoni, *La Piazza Universale di tutte le professioni del Mundo* (Venice: G. B. Somascho, 1587), p.489, "Da q'sti Tessari prove'gono le tele, o fisse, o chiare, o grosse, o sottili, o alte, o basse, o grezze, o bia'ccheggiate, o schiette, o a ochietti, o a spinati, o a opra di re' so, o in altro modo. Et le maniere delle tele sono, la paiara, la paiarona, la paiarina, la lubiana, la canevaszsa, o lo'barda, o vercellese, la tarlice, et sue maniere; cioè la villana, da un leone, da due leoni, da Monaco, da Sardegna, la le' tima, il drappello, il re' so, il ca'brà, l'ola'da, g'iorchini, la tela d'olmo, la sessa'tina, il che'te, la tela di ce'to, di vinti, di trenta, & simili, & insieme tela nostrana, Padoana, Bresciana, Cremaiesca, Ariminese, Romagnola, da Bagancavallo, tela San Gallo, & d'altrei paesi...".

52 *Arti, b.312, *Mariegola*, p.98, cap.217-219, 5 May 1550 to 16 Feb 1551 (m.v.).
once established in law, would be applied by in subsequent prosecutions. Rival definitions could became highly technical: as the mercers claimed in 1572:

“They give themselves to believe, that Men are so ignorant that they do not what are fodre and what are rasse...", but, “it is easy to recognise them, if by nothing else except the twill, which is never found in fodre or in any other varieties of their woollens, since they are woven differently, and by the selvage of the fodre which the rasse never have, and not because they are made of wool (as they claim), nor because they are made in any particular place.".

The drapers rebutted these claims with a similarly technical defence, concluding, “with these vain and imagined fantasies they think to have us know black for white...”.

In such conditions, patrician judges, ignorant of industrial and commercial matters, gave free reign to the voice of the guilds. “Expert” authorities were brought in, usually selected from among the trades concerned (as well as related trades and other groups, such as state customs officials). Naturally their selection could be contentious. Following an unfavourable set of testimonies, the mercers complained in 1573, “...said witnesses are inexpert and inexperienced, and they have never carried out, nor exercised the business of Rasse... in consequence, not being their profession, they cannot give true and perfect information about it”, adding that they

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54 Arti, b.363, fasc.A, D Titiano Roselli co' Drapieri, 5 Nov 1572, “dandosi à creder, che gli Huomini siano tanto grossi che non sappiano ciò che siano Fodre, et ciò, che siano Rasse... sia facile il conoscerle, se non ad ‘altro allo spinado, che non si vide le mai, ne in fodre, ne in altra sorta de suoi panni, essendo diversamente tessute, et alla cimozza delle fodre, che non habbero mai le Rasse, ne perché siano di Lana, come dicono, ne fatte più in luogo che in un altro.”.

55 Arti, b.363, fasc.A, D Titiano Roselli co' Drapieri, 18 Nov 1572, “con queste sue vane, et imagine chimere pensano darsi à conoscere il nero per bianco”.

56 See for example the important Bonafin case, Arti, b.367, fasc.C, Pro’ D Donatto Bonaffin Mercer Contro L'Arte De’ Tesseri Da’ Fustagni, 7 Jul 1694.
were all, "highly suspect and interested" witnesses, who had ties of economic
dependence to the Drapers."

The process of litigation and the development of long case histories therefore
led to the tightening of guild boundaries, as previously vague statutes were more
carefully defined and goods were minutely allocated to specific jurisdictions, tied
down by technical definitions. Customary practice was transformed into more rigid
forms of law. Literally, guilds defined themselves through litigation. As well as
appealing to statutes and immemorial custom, guilds typically presented long lists of
legal precedents produced in analogous cases. These might include precedents
drawn from the guild's own archive, or those of quite unrelated trades.

The increasingly technical definition of guilds did not however lead to any
decrease in litigation. In contrast to its representation in the courts, the economy was
dynamic, and the interests of the guilds shifted according to the dictates of fashion.**
For example, the fashion for collars in the early seventeenth century led the mercers
and second-hand dealers into a dispute for control of this market.** New products
were legally ambiguous, and so acted as the focus for continuing litigation.
Sometimes this could be further complicated by the sale of old products under new
names, a practice used by the mercers in order to delight their customers with

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Arri, b.313, *Catastico*, p.13, 5 Jan 1572 (m.v.), "li detti essaminati sono inesperti, et inperiti, et che
mai hanno fatto, ne essercitato negozi di Rasse... per conseguens non essendo loro professione non
ne possono dar perfetta, et vera informazione; sono anco suspettosissimi. et interessati trazendo il
vivere et utile loro la maggior parte da Drappieri nelle loro essercitii, si che essendo la persona quasi
delli Adversarii non potevano ne dovevano come periti in tal caso esser admessi.".

** Verga, "Le corporazioni delle industrie tessili in Milano", p.82, reached similar conclusions, "Per
quanto lo spirito monopolizzatore tendesse ogni giorno più a fare rigorosa separazione delle
mercanzie spettanti alle singole arti, una divisione precisa era spesso volte impossibile, inevitabile
invece una promiscuità madre di liti eterne.... la moda non badava agli archivi e ben presto veniva a
scombussolare co' suoi capricci tutte le combinazioni.".

novelty. Those who obtained government patents for the introduction of new products into Venice frequently found themselves under attack from the guilds.

Antonio Migrelli, who introduced the weaving of silk stockings “in the English style” in the late seventeenth century, became involved in conflict with the mercers (who sold stockings, often perfumed). However, in this case, the granting of a patent was to later develop into the creation of a new guild as the trade flourished. Guilds frequently tried to claim that an “invention” was not in fact a new technique, seeking to have the patent revoked in their favour. In 1673, for example, the coppersmiths successfully opposed Bonomini's ‘revolutionary' new technique of repairing copper pots. A public demonstration at the Giustizia Vecchia convinced the judges that this technique was already known in Venice but not practised because uneconomical. Hence an unwelcome rival was eliminated. Similarly, Matteo Berluni 'introduced' the manufacture and retail of beaver hats “in the French style” in 1628, for which he was granted the exclusive monopoly. Various hatters were subsequently denounced for violating his privileges, and the mercers' guild took on their defence (the hatters were still part of the guild at this point), claiming that such wares traditionally belonged to their guild and referring to the statute of 1446. The Signoria eventually

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61 Arti, b.370, fasc.L, Per la scola de Marzeri Co. Mags.to ecc.mo del Collegio Marittimo Per Nove Carata di Tansa Insensibile.

62 R. Berveglieri, Inventori Stranieri a Venezia (1474-1788). Importazione di tecnologia e circolazione di tecnici artigiani inventori, Memorie della classe di scienze morali, lettere ed arti, 58 (Venice: Istituto Veneto di Scienze, Lettere ed Arti, 1995), p.147-9. The initial patent was granted in 1671, and by 1683 the trade had expanded sufficiently to be set up as a new guild, with Migrelli as soprintendente. Berveglieri was unaware of the founding statutes of the guild, but a copy exists in the mercers' archive: Arti, b.356, fasc. STAMPA dell'Arte de Fabricatori da Calze di Seda, & altri lavori in Teller all'inglese contro la scola de Marzeri AL LAUDO, 25 Sep 1683.

63 Arti, b.114, fasc.E, Arte de Fabr. Cald., p.1, 16 Jan 1672 (m.v.).
ruled in their favour, "in virtue of their ancient privileges to stock and sell beaver hats in their houses and shops, as they always have done", and Berlini was forced to enrol as a master hatter."

It was not just the technical problem of defining a guild which gave rise to disputes. As well as defending themselves against incursion, guilds could also attempt to expand their boundaries in an aggressive fashion. This was especially important in an economy which shifted rapidly according to the dictates of fashion. As a guild's traditional products became unfashionable then it might need to find new products to replace them. It was for this reason that the vague terms of their 1446 statute were so advantageous to the mercers. It gave them a movable boundary, flexible enough to respond to changing demand, and favourable for predatory tactics. The mercers had the wealth and influence to make such a boundary work for them. In 1628 the smiths noted that the mercers, "with their authority, and ample Fortunes are trying to subjugate all the other guilds, and are endeavouring as far as they can to subject everyone to their guild". The canvas merchants similarly felt themselves in danger of being engulfed, "The guild of mercers should be content to have so many trades subject to it... without wanting to take over our Guild of canvas merchants". Similarly, Allerston refers to the guild of

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"For an overview of the case see Arti, b.312, Ristetto generale, voce "Cappelleri". Arti, b.374, fasc.D, 24 Feb 1627 (m.v.), for Berlini's privilege. Arti, b.360, fasc. Contraffacenti, 19 Nov 1634, for a mercer court ruling condemning Berlini. Arti, b.374, fasc. Per Scuola deli Marzeri c.o Arte de Passamaneri, 7 Nov 1634, for a government ruling in favour of mercers vs. Berlini, "in virtu de antichi loro privileggi di poter tener e vender ne loro Botteghe e Case, Capelli di Castore, come hanno sempre fatto".

"Arti, b.365, fasc. Summario SS.ri Mercanti dà Ferrarezza Co: Arte de Fabrì, 27 Mar 1628, "al presente ci venghi posto qualche turbido dalla scola de Marzeri quali con la loro autorità, et ampulersad' [?] Fortune tentano di sottometer tutte le altre arti, et procurano ad ogni loro potere di sottponer ogni uno la loro scola".

"Arti, b.313, Catastico, p.45, 9 Feb 1617 (m.v.), "Doveria bastare all'arte di Marzeri l'haver tant' Arte à lei sottoposte con quelli utilii che si puono comprendere senza volersi impatronire dell'Arte di noi tellarioli che non habbiamo altro che solo il vender delle telle proprio et particolare essercitio dell'Arte nostra".
the second-hand traders as an "imperialist monopolist", aggressively promoting itself at the cost of rivals such as the tailors, drapers and furriers." Rather than being the 'inevitable' symptom of the division of the economy, lawsuits were deliberately employed as a commercial tactic. Guilds were not purely rigid structures but aggressively sought to expand their markets at the expense of others."

The most profitable sector of the market was the retail of goods, rather than their production. As a guild of retailers, the mercers generally sought to push artisan trades into pure production, and to gain control of the retail market for themselves. Hence in 1628, the mercers sought to define the smiths' trade as manual work:

"we do not intend to be able to stock, nor buy anything made of iron, and worked by the smiths with their hands in this City, since these things belong and pertain exactly to their ministry of smithing, which consists in giving form to matter.""

The mercers were not interested in local production, but were rather seeking to control the profitable import trade in metal goods. Guilds therefore sought to impose definitions upon each other. For example, in 1656, the mercers persistently referred the guild of pewterers as the "the pewterers, that is, the tinsmiths." The pewterers were attempting to create a legal distinction between 'tin' and 'pewter' in order to assert their monopoly over their latter, while the mercers and paint-makers were trying to emphasize that the pewterers should be subject to their own guild which had rights in tin.

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Allerston, The Market in Second-hand clothes and furnishings in Venice, p.44-45, "...the guild demonstrated both a willingness and an ability to open up its organisation. Such elasticity on the part of the arte degli strazzaruoli contradicts the customary view of Venetian guilds as rigid and exclusive structures.".

Arti, b.366, fasc.L, Mercanti da Ferrarezza Co Arte de Fabri, 23 Apr 1629, "non intendendo noi poter tener, ne comprar alcuna cosa di ferro fatta, et lavorata dalli favri con le loro mani in questa Città, poiche queste sono et aspettano à punto à loro ministero fabrifice che consiste in dar la forma alla materia".

Arti, b.375, fasc.A, Per Scola de Marzeri c.o Peltreri, 30 Jun 1657 and 21 Jul 1657, "i Peltreri sive Stagneri".
The topic of boundaries is therefore bound up with that of terminology. This raises an important reflection on the nomenclature of the trades. Our inherited conceptions of 'blacksmith', 'grocer' etc. must themselves be regarded as the historical product of struggles to define trades. These are not universal terms; rather, they are cultural constructions. While the translation of favro as 'blacksmith' is a helpful approximation to the genre of goods on sale, what was precisely at stake in demarcation disputes were the fuzzy boundaries between trades. Noone disagreed that the smiths should sell iron bars - but should they also sell guitar strings and dog chains? While the temptation is to accept literal translations of Venetian terms, this can often be anachronistic. For example, modern assumptions about the 'unimportant' nature of the 'second-hand' trade led to long historiographical neglect of this important market sector. Quite aside from the linguistic difficulties of translation, we must be aware that Venetian trade names were themselves the objects of fierce disputes. A study of boundaries is to a large extent a question of names and their definitions. This should also make us wary of blindly accepting the definitions produced by the guilds themselves, many of which were designed to stake a claim to power over a trade. Through the process of litigation, guilds struggled to impose definitions upon each other.

While guilds like the mercers adopted a flexible approach in the interest of aggressive expansion, others emphasized the rigidity of their boundaries in order to defend themselves. It was not easy for guilds to secure uncontested enjoyment of their privileges, and they might find themselves under assault at any moment, from

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72 R. T. Rapp, Industry and Economic Decline in Seventeenth-century Venice (Cambridge MA: Harvard University Press, 1976), Appendix I, for example, mistranslates coltreri as 'knifemakers'. The coltreri were makers of quilts and covers, while the cortelleri made knives.
other guilds as well as those outside the system altogether. Demarcation disputes placed a constant stress on the constructed boundaries of the guilds. Any small concession might set dangerous legal precedents which threatened the integrity of the whole boundary. Constant vigilance was therefore necessary. The long dispute between the mercers and smiths in the early seventeenth century was ostensibly over the retail market in nails. The sums invested in the lawsuit were disproportionate in relation to the importance of this trade alone, but the smiths understood that to lose control of nails would set a precedent for the further erosion of their privileges. When the courts ruled that mercers could sell nails in 1626, the smiths were dismayed, complaining that, “with this judgement, everything has been conceded to the mercers under the name of mercery... we have been stripped and deprived of every privilege”.

In their appeal of 1628, the smiths therefore tried to re-stabilise their boundary by asking the government to, “determine without appeal which types of ironware are subject to our privileges”.

If they had lost their monopoly on nails, the smiths did not intend to let anything else slip from their grasp. This was to lead to the drawing up of the list of demarcation in 1629.

In general therefore, the guilds argued that the government should hold true to the “Ancient Venetian Liberty”, abhorring all “odious novelties” in guild regulation.

The guilds employed invented histories with a heavy stress on ancient laws and custom. It was a common tactic to accuse opponents of “monstrous novelty”, of

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73 Arti, b.122, loose documents, 13 Sep 1626, “il tutto stante questo giudicio è stato concesso ad essi merzari sotto nome di merci che passa per fontico di todeschi onde veniamo à restar nudi et privi d’ogni n’a concesione con privileghi à noi concessi li quali habbiamo posseduti per centenara di anni, et cossi in un sol punto perso il tutto...”.

74 Arti, b.365, fasc.D, Marzeri contro Favri, 8 Nov 1626, the smiths asked that the government appoint a court, “il qual innapppellabilmente debba dechiarir et terminar quell feramenti siano sogetti, et sottopost alii privileggi, et arte nostra fabrille...”.

75 Arti, b.375, fasc.D, Per Scola de Marzeri c.o Pelteri, 14 Jun 1657, “quest’ Ecc.mo Conseggio ch’ abborisce mai semp.e le odiose novità et mantiene a suditi l’Antica Veneta Libertà...“.
disturbing a (mythical) state of peace, founded upon the justice of the most excellent laws of the most serene republic." This was also a vision of a fixed social order: "in this way each will be within his boundaries...", "thus everyone will be maintained in his place", "everyone may practise his own trade." On the other hand, the shoemakers accused the cobbler of "exercising two trades as one". If the guilds used such language, it was because this was the most effective tactic in the court room. Sonenscher has noted how this has tended to distort our perceptions of the guilds:

"Artisans always appear to have belonged to a world that was already archaic, a world of small workshops, idiosyncratic customs and exotic traditions... Yet the image is founded upon much of what artisans said... it is worth asking why artisans actually used this language".

While these comments relate to eighteenth-century France, they are equally applicable to the earlier period. Similarly, Fairchilds notes:

"The reality of the guild system may have been adaption to commercial capitalism, but the rhetoric the guilds used to justify their privileges... was that of

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* Sonenscher, Work and Wages, p.44. See also his, "Journeymen, the Courts and the French Trades, 1781-1791", Past and Present, 114 (1987), pp.77-109, p.78, and his, "L'impero del gusto", p.664.

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*°  Arti, b.313, Catastico, 26 Mar 1604, "con novità mai piú intesa a turbar la quiete nostra di tant'anni, et metter sottosopra, et in confusione quello, che in vitta loro et de loro antenati, è stato reputato sempre lecito", "conosca la Giustitia quanto sia odiosa cosí fatta novità, et scandalosi gli' Atti contentiosi".

*°  Arti, b.312, Marigola, p.98, cap.217, 5 May 1550, "a questo modo cadauno stara nelli soi termini...".

*°  Arti, b.366, fasc.L, Mercanti da Ferrarezza Co Arte de Fabri, 23 Apr 1629, "cosí ogni uno si conserverà nel suo posto".

*°  Arti, b.363, fasc.A, D Tiliano Roselli co' Drapieri, 5 Nov 1572, "acciōche caduano possi essercitare il proprio essercito". See also Arti, b.365, fasc. Summario SS.ni Mercanti dà Ferrarezza Co: Arte de Fabri, 25 Jan 1627 (m.v.), "perche ogn'una d'esse scolé conosca il suo", and Arti, b.365, fasc.C, Marzerì contra Favrì, 18 Mar 1519, "Perche tutti i mestieri di questa Inclitta e gloriosa città sono detinti, et ordinati per les sue maregole, accioche tra'le che sono per'le ben regolati i suoi mestieri non nasca confusion alcuna, e che uno mestier, non toglia la giurisdiision et utilitta delli altri".


*°  Sonenscher, Work and Wages, p.44. See also his, "Journeymen, the Courts and the French Trades, 1781-1791", Past and Present, 114 (1987), pp.77-109, p.78, and his, "L'impero del gusto", p.664.
traditional artisanal workshop production. Little wonder they were perceived as economically outmoded."

We must therefore be careful about taking representations designed for the court room at face value. Guildsmen and their advocates were adept at producing arguments designed to appeal to patrician judges. As emphasized in chapters 1 and 2, there could be a considerable gap between the law and the practice. The evidence provided by the legal records cannot be regarded as a reliable guide to real conditions in the economy.

2. The violation of boundaries. *Membrì*

Guilds were categories imposed on a flexible economy, rather than 'natural' divisions. Their areas of competence were often so closely related, with considerable overlapping of business interests, that it made sense for masters to join additional guilds. If the guilds frequently stressed the rigidity of their boundaries in the court room, in practice they could demonstrate a great deal more flexibility than they are usually given credit for. If suitably compensated, they were willing to allow those outside the profession access to their market share. The important thing was to make sure that none enjoyed guild privileges without paying for them. As the

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63 C. Poni, "Norms and Disputes: The Shoemakers' Guild in Eighteenth-century Bologna", *Past and Present*, 123 (1989), p.107. "Ever since the statutes had been compiled, legal language had penetrated the world of work; crafts and guilds had learned how to manipulate this language."

64 E. J. Shepherd, "Social and geographical mobility of the eighteenth-century artisan: an analysis of guild receptions in Dijon, 1700-90" in S. L. Kaplan and C. J. Koepp, eds., *Work in France: representations, meaning, organization and practice* (Ithaca: Cornell University Press, 1986), p.115, "In trades where there was a significant overlapping of production and materials, the inevitable and interminable disputes that arose between guilds over monopoly and jurisdiction could be avoided or resolved by multiple guild memberships."
mercers put it, "it is just, that those who obtain some advantage from a trade bear
the weight of some contribution". In 1578, the *stationeri da vetri* (glassware-dealers)
referred to large numbers of "grocers, grain-dealers, potters and others" enrolled in
their guild, "who are not legally glassware-dealers". They defined this arrangement
in more detail in 1688:

> "they concur in the payment of entry-fees and candle-money, in due proportion
and measure, with regard to the greater or lesser extent of their involvement and
participation, and they are enrolled as *membri*, as is common practice in the
Guilds of Mercers, Canvas Merchants, Second Hand Dealers and many other
Guilds of this City".

For example, many grocers paid dues as *membri* to the mercers in order to sell
ironware, especially nails. Care must be taken to avoid accepting modern
assumptions about what might be found in a grocer's shop. In addition to their core

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* Arti, b.373, fasc. *Scola Marzeri co. Merci ti dà Oro, Carte Varie*, 5 Sep 1634, "Tutti quelli, che
tengono, e vendono alcuna merce o altra roba spettante all'altri Proffessione, et esercizio sono
sempre entrati per membri in essa, con quella recognizione, che o le parti si sono convenute
d'accordo, o che è stato dalla giustizia terminato, essendo giusta cosa, che quelli, che da un Arte
riceve alcun beneficio senti il peso di qualche contribuzione...". Similarly, Arti, b.313, *Catasto*, p.64,
15 Jan 1626 (m.v.), the canvas merchants state, "è ragionevole che quelli che sentono il comodo
debino sentir ancora l'incornodo".

* GV, b.25, 7 Jul 1688, "concorrono al pagam.to de beintrade, et luminarie, con debita proportione, et
misura, à riguardo della maggiore, ô minore ingerenza e partecipatione, et questi sono descritti per
membri, come si pratica universalmente nell'Arti de Marzeri, Tellaroli, Strazeroli et tant' altre Arti di
questa Città". IA, b.59, *Marzeri in generale. quesiti 1777-1797*, in the eighteenth century, the mercers
described the difference between *giuridichi* and *membri*. "i primi aventi la facoltà della vendita
universale di tutte le merci; i secondi descritti in altri capi, partecipanti col mezzo di lieve tansa del
diritto di vender alcun capo di merce soggetta alla med.a".

* NB. Some guilds also referred to their *colonelli* with the term *membri*, and important differences in
status can be confused if care is not taken. For examples of this sort of usage see Arti, b.370, fasc.1,
*Marzeri per Affar della Tansa della Militia*, the mercers' guild is described, "è composta delli qui
seguenti nove Membri", and Arti, b.372, fasc.C, *Per Scola Mezariorum C Muschieri*, 20 Nov 1676, the
mercers refer to, "un Composto di dieci professioni quali se hano diverse frà se stesse ad ogni modo
unite sono membri che costituiscono questo Corpo", which makes the organic metaphor explicit.

* For evidence on the various other guilds which shared mercer privileges see Arti, b.368, fasc.
*Marzeri contro Favri*, p.17, lists large numbers of grocers enrolled with the mercers, many specifically
business in fruit, grocers might run their shops as emporia of goods such as pottery, soap, playing-cards, nails, grain, needles, and string, paying dues to various guilds for these privileges. Similarly, spicers paid dues to the potters and the glassware-dealers in order to trade in the pots, jars and bottles used to store their products.

Canvas merchants might pay dues to the second hand dealers in order to sell certain types of coarse woollen cloth. Full membership of more than one guild was very expensive, and therefore only practised by a minority. The institution of half-statuses enabled guildsmen to overcome the artificial boundaries imposed on the economy by the guild system, at a cost that was not prohibitive. Masters from other guilds could enjoy limited commercial privileges, by paying only a proportion of the privileges and costs of full masters of the guild. The mercers referred to the membri to sell agudi. Surnames are no sure key to occupation in Venice, but the presence of grocers is confirmed by other sources: Arti, b.365, fasc.D, Marzeri contro Favri, 8 Nov 1626, on the memb system, "e stato osservato da diversi Marceri frutaroli, et altri per il corso di anni cento" and Arti, b.315, 14 Dec 1623.

" Arti, b.104, fasc.D, Depentori C Dessegnatori Recamadori Tramesi, p 4-5, 1697, "Li Frutarolli sono nell'Arte loro, & per Vender Pignate, Saon, Carta da Zioar, Biave, Merci. Spago & altro sono nell'Arte de Frutaroli, Biavaroli, Marzeri, Depentori, Pignateri, Filacanevo. Pagano Benintrade, Tanse, & Luminarie ut supra". This is confirmed for the earlier period in Arti, b.313, Catasto, 14 Apr 1600, "il frutarol volendo vender chiodi o altro di favro cordili o aza' di Marzeri pignat quanlo al pignator carte da lugar quanto al cartoler". For the eighteenth century, see Arti, b.376, fasc.F, Stampe e Spazzo &. Marzeri C Arte Peteneri, p.28, 20 Aug 1720, which indicates that the grocers continued to be memb of the biavaroli, pignateri, and savonari, in order to sell grain, pottery and soap. On the grocery trade in Paris, see R. Larmour, "A Merchant Guild of Sixteenth-Century France: The Grocers of Pans", Economic History Review, 20, n.3 (1967), pp.470-71, who quotes a 1614 description of the trade, "grocery, sugar, wax, dyes, all kinds of drogueries, cottons, wools, iron, lead, pewter, steel, raisins, figs, fruits, oils, grease, and generally all goods for human use which are sold by weight".

" Arti, b.313, Catasto, 14 Apr 1600, "li spicieri che volendo tenir nelle loro botteghe lavori di terra o veri convengono intrar nella scuola di pignatori et stationen".

" Allerston, The Market in Second-hand clothes and furnishings in Venice, p.189-195, canvas merchants and other tradesmen enrolled with the second-hand dealers, either as pedlars, or to sell griso and schiavina' (defined on p.189, "coarse types of woollen cloth used for bedcovers and for clothing the very poor").

" R. Mackenney, Tradesmen and Traders: The World of the Guilds in Venice and Europe, c. 1250-c. 1650 (New York: Barnes & Noble, 1987), p.92, found that of new businesses established 1561-68, only 1.88% were masters of 'dual occupation', which probably refers to those who were full masters of more than one guild.

" E. Favore, L'Arte dei pittori in Venezia e i suoi statuti (Florence: Università di Padova, Pubblicazioni della facoltà di lettere e filosofia, vol.LV, 1975), p.67-68, states that the demarcation of the trades could lead to, "l'assurda conseguenza che artigiani già sottoposti agli oneri della propria scuola pagassero dei tributi anche ad un'altra arte, perché di essa dovevano servirsì per completare i loro
system as an "excellent rule", on which the preservation of the guilds depended." A similar mechanism for the sharing of privileges has been identified in Milan."

In 1655 the second-hand dealers attempted to impose just such a solution as a fait accompli, passing a law in their guild council to allow mercers to trade in linen shirts, stockings, and handkerchiefs, so long as they enrolled in the guild as membri paying an entry-fee of 15 ducats and the candlemoney." When the mercers got wind of this four years later, they were quick to complain that they did not need to pay anything to the second-hand dealers to trade in such wares." These were precisely the goods at stake in a demarcation dispute between the guilds.

The dispute between mercers and smiths was further complicated by just such a crossover of their membership. The ironmongers were part of the guild of smiths, but as retailers rather than producers of ironware, their interests were much more closely tied up with the mercers and the import sector. Like the grocers, many of them paid dues to the mercers for limited access to their privileges, without becoming full members of the guild. Similarly, within the mercers' guild, the membro dai chiodi (nail-dealers) paid dues to the smiths in order to sell their wares, without registering as full masters." As the mercers put it in 1562:

lavori.". Far from being an "absurd consequence", the tribute system was a means to overcome the minute demarcation of the Venetian economy.

Arti, b.313, Catàstico, 14 Apr 1600, "la conservation dell Arti in questa Città dipende imperticolare da questa ottima regula che ciascuno ancorchi principali di un Arte et che volgi vender alcuna cosa di altre profissioni è obligato perciò come da tutti è osservato di entrar nelle scuole di quelle tali professioni che intendono oltra la sua principale di vender... così universalmente è osservato con tal ottima et perfetta regula in tutte le professione et Arti della città con quieta di ogn' uno.".

Verga, "Le corporazioni delle industrie tessili in Milano", p.83-5, describes the half-membership status of the mezza cartella used by Milanese guilds.


Arti, b.365, fasc.A, 1626 Marzeri contro Favri, 22 Feb 1621 (m.v.), "li marzeri che sono descritti nella scola et Arte di favri, sono descritti per poter vender nelle loro botteghe fero grezo et altra sorte de ferarezza spetante alle profess.e de favri...", and the same fascicolo, 3 Jun 1562. See also Arti, b.365, fasc.C, Marzeri contra Favri, p.24, for evidence that mercers paid dues to the smiths in order to sell agudi in the sixteenth century, and to trade as mercanti di ferarezza in the early seventeenth century. Agudi were most probably a type of long thin nail, although it is possible that they were pins.
"...these pay the dues and levies for the arming of the galleys with the guild of mercers and are enrolled in scuola of the said guild... they are also listed in the scuola of the smiths, yet with no greater burden than to pay 3 ducats to enter the guild, and then just 20 lire a year for their candlemoney." 100

Those who violated guild boundaries in this way might find themselves at the center of a struggle for authority. For example, Iseppo Rasparuol and Iseppo Amigoni, two ironmongers, were taxed by the mercers as dealers in "nails and tacks pertaining to the guild of mercers", in order to pay for the lawsuit against the smiths. Yet these were the very men later elected by the smiths as representatives in their struggle against the mercers. 101 Once more it can be seen that the imprecision of guild boundaries frequently gave cause for dispute.

In fact these happy arrangements to share privileges could give rise to bitter struggles, and it was perhaps only in an ironic sense that the mercers referred to the canvas merchants enrolled in their guild as their "loving brethren". 102 Tensions
frequently arose over the precise extent of the privileges conceded and the dues to be paid for them. In 1692, the mercers complained that the paint-makers, who paid dues to the mercers in return for limited rights to sell goods such as tin and lead, had taken to extending the limited scope of their privileges, stocking ironware and other goods which were not allowed them, “forgetting who they are”. Membri might be forced to keep their multiple trades well distinct. In 1581, the mercers insisted that those who dealt in other wares in addition to mercery must create a physical division of the goods within their shops. Rising tensions between guilds appear to have led to the decline of the membri system in the seventeenth century. This will be illustrated through a detailed examination of the growing tensions between the canvas merchants and mercers in this period.

One serious issue was the amount which membri should contribute for their privileges. It seems to have been generally recognised that membri should not be subject to the oarsmen tax, which they already paid in their own guild. In 1600, when the mercers insisted that the rasseri (part of the guild of second-hand dealers)
should become membri of the mercers, they underlined that the rasseri would have the obligation, "only of paying those candle-moneys, taxes and other things that each and everyone pays, unlike the chief and principal mercers who are personally destined to the galley.". However this did not in practice preclude attempts to collect the oarsmen tax from membri. The paint-makers complained that although they were only liable to pay entry-fees and candle-money, the mercers frequently also tried to collect oarsmen taxes. They protested that since they already paid the oarsmen tax through their own guild, it would be unjust for them to suffer the "double death" of being taxed twice for militia service. The Milizia da Mar eventually ruled in their favour (perhaps swayed by the dramatic offer of the paint-makers to disband their guild rather than suffer the double taxation), but still found it necessary to repeat the legislation in 1633, threatening the mercers with a fine of 500 ducats to make them desist. Similarly, in 1572, the comb-makers insisted that since they contributed their own men to the galleys, as membri of the mercers they were only constrained to pay the candlemoney.
Membri systems were sufficiently common as to have become public institutions, rather than being considered purely private arrangements between guilds and individual traders. Disputes between rival guilds over the precise extent of privileges conceded were therefore a matter of litigation before state tribunals, where appeal was made to previous judgements, time-honoured custom, and examples of the practice in other trades. It was not possible for guilds to simply modify the institution as they pleased. Although the canvas merchants wished to end the access of mercers to their trade, they could not simply exclude them. For example, in the two-year period 1615-1617, a total of twenty-four mercers were able to appeal to the Provveditori di Comun to force their acceptance as membri of the canvas merchants."4

Things were further complicated by the fact that regulations passed for the guild in general might also have consequences for the membri. The cross-over of membership meant that laws passed for the internal regulation of the guild took on consequences for members of other guilds. This was recognised by the Provveditori di Comun in 1604 who ruled that no law passed by the mercers should be ratified, "if it is not first presented to the present office and notice given of it to the guardian of the canvas merchants, being of potential interest to his guild and brothers". The same applied to the canvas merchants, with the aim of avoiding further litigation by informing the interested parties before new laws were approved."5 Guilds were not

Luminarie". They backed up their case by reference to the smiths and the painters, who had similar arrangements with the mercers.

"4 Arti, b.382, fasc.A1(I), Pro Merciators Contra Telarolis, sopra le condicioni d'esser accettati nella loro scola. N.o 17, p.22.
"5 Arti, b.382, fasc.A3. AA (II), Venetiis. 1617. Decembrìs. Veneranda Scola Beatiss.a Virginis Metirmioru' Contra Gastaldione' et Scole Tellaroloru'. N.o 82, p.18, 19 Aug 1604, "non sia ratificato parte alcuna che fosse fin hora statta presa ò nell avenir si prendera nel capitolo de marzeri se quelle non sarano presentate prima nel presente officio et dattone notitia al Gastaldo dei Telaroli per potere esendo interresse della sua Arte, et fratelli..."; and same fascicolo, 21 Aug 1604, for reciprocal instructions to the canvas merchants.
autonomous institutions but were bound together by their location in a common legal context, cemented by the crossover of membership.

While it was generally recognised that membri were subject only to the initial entry-fee and annual candlemoney, controversy could result from increases in these dues. For example, in 1626, the mercers increased the candlemoney dues, allocating the extra money to a special fund for the prosecution of lawsuits. "In this way the burdens of litigation and taxation could be off-loaded onto the membri, who were not supposed to be liable for such extraordinary taxes." Increases in guild dues were therefore often a sore point with other guilds. The canvas merchants protested an increase of 1598 because it was, "made on account of oarsmen". They successfully protested another increase in 1608, intended to raise money for lawsuits and payments of the debts incurred by the oarsmen tax. The mercers demanded payment at the new rates, but the canvas merchants were able to appeal to the Provveditori di Comun to force their entry into the mercers' guild at the old rates of 1596. It was to avoid conflict of this sort that the canvas merchant membri

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116 Arti, b.315, 26 Jan 1625 (m.v.), candlemoney dues were increased to L7, L3s10, and L1s15, "quali danari non possa esser cavati ne spesi, se non in ochasio de lite". Arti, b.312, Manegola, 23 Mar 1700, candlemoney dues were again raised specifically in order to fund lawsuits.

117 Luminaria (candlemoney) dues were supposed to be spent on candles for the guild altar. The mercers' diversion of these funds also violated the principle that each colonello of the guild be financially responsible for its own lawsuits (see below).

118 Arti, b.361, fasc.G, Per Scola de Marzeri C.o Arte dai Collori e Battioni Stagnoli, 17 Jun 1598, "servendosi che lo acrescimento è fatto per conto di galiotti". The mercers responded that the canvas merchants, "sono troppo importunti, et vogliono esser Marzeri si al bene et non al male...".

119 Arti, b.382, fasc.A3, AA (II), Venetis. 1617. Decembris. Veneranda Scola Beatiss.a Virginis Mertiarioru' Contra Gastaldione' et Scole Tellaroloru'. N.o 82, p.26, 14 Apr 1608, for the increase, "si per occasione de lite già principiate et per li molti accrescimenti che di giorno in giorno si vede che da poco tempo in qua il tutto è quasi radopita, et per poter anco andar a poco a poco difallando il debito dell'D2200 che si attrova la nostra scuola per conto delli Galeotti..."; and same fascicolo, p.27, 16 Jul 1608, for the protest of the canvas merchants.

120 Arti, b.382, fasc.A3. AA (II), Venetis. 1617. Decembris. Veneranda Scola Beatiss.a Virginis Mertiarioru' Contra Gastaldione' et Scole Tellaroloru'. N.o 82, p.28, 9 Apr 1612, canvas merchants appeal to, "pagarli la solita sua benintrada giusta la parte 1595 rattificada per il presente offito 1596 8 Marzo, ne havendoli voluto accettar, ne descrìver per voler maggior summa di denaro di quello dispone la detta parte, non ostante che siino state tagliate le rattificazioni della parte che davano augmento...". For earlier protests similar to this, see same fascicolo, p.19, 23 Aug 1604.
were specifically exempted from the doubling of candle-money that took place in 1645."

Throughout the seventeenth century, the canvas merchants struggled to limit access to their trade, while the mercers continued to appeal to the courts to enforce their rights as *membri*. For example, in 1597, the canvas merchants complained about the many mercers who, "pay the simple candlemoney as a gesture to our guild", and then sold cloth on the streets, while this was a privilege reserved solely to full canvas merchant masters who did not have shops of their own.1 In 1627, the canvas merchants, in line with the general trend of guilds in this period, sought to close the guild and limit access to their privileges: "we must take example from the other guilds which have foreseen their desolation through the ease of entrance into their scuole, and to this end have closed them...". They tried to limit guild membership solely to the legitimate sons of existing masters and those who had served a full apprenticeship of five years. The hereditary principle was also to be imposed on the *membri*. Only the legitimate sons of existing *membri* were to be accepted as *membri* in the future (and only on the death of their father). These measures were approved by the *Provveditori di Comun.*2 The mercers were however able to block these measures by appealing to the *Quarantia Civile Nuova*,

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17 Arti, b.361, fasc.H, *Per Scola de Marzeri C.a Iseppo Antonini*, 8 Aug 1645, the mercers raised entry-fees and candlemoney in order to pay off the debts incurred by oarsmen taxes. The canvas merchants were specifically excluded from the increase, "non s'intendi compresi li Tellarioli cioè cappi Maestri che siano entrati prima nella medesima scola, che in altre arti, et altri che per gratia fossero stati dalla presente scola graciati".

18 Arti, b.382, fasc.A1(l), *Pro Merciarìis Contra Telarolis, sopra le condizioni d'esser accettati nella loro scola. N.o 17*, p.50, 27 Aug 1597, "un numero grandissimo de mareri et altri che non fano le facioni con noi et che non sono del' arte nostra ose pur vi sono sono per altro titolo che per maestri tellarioli overo che pagano come per un censo a la schola nostra la simplice luminaria li quali continuamente vano vendendo telle per la terra alcuni solli et altri con doi et tre garzoni". For further complaints on this issue, see the same *fascicolo*, p.57, 11 Feb 1608 (m.v.), "siano piu li venditori che li compratori et à noi sia necessario serrare afatto le botteghe..."; and, p.4, 1 Jun 1611.

19 Arti, b.313, *Catastico*, p.64, 15 Jan 1626 (m.v.), "dobbiamo prender esempio dalle altre arti lequali hanno provveduto le loro desolationi per la facilità d'entrare nelle loro scola et per questo effetto le hanno serate".
which instructed the canvas merchants that they would have to accept all the mercers who wanted to enter their guild at the usual rates." The canvas merchants were forced to present their mariegola for correction by the clerk of the court.

Following this abortive effort, the canvas merchants returned to the more modest aim of limiting street retail. They argued that all the mercers received in the guild as membri should be, "subject like all the others to our laws," which stated that only those without shops could sell on the street. Since membri were only accepted if they were shopkeepers, this would have effectively prevented mercers from participating in street retail." The mercers on the other hand insisted on the principle of reciprocity: "the mercers have the same liberty to enter the guild of the canvas merchants as have the canvas merchants to enter the guild of the mercers." This argument was successful, and the case of the canvas merchants was thrown out in 1628. Hence by appealing to the institution of the membri, the mercers were able to limit the autonomy of the canvas merchants to regulate their own trade.

In 1639, the canvas merchants sought to put an end to the whole membri system, arguing that it contradicted with the contractual basis of guild privileges. The number of full masters registered in the guild had declined from over two hundred to

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124 Arti, b.313, Catastico, 8 Nov 1627, "nel termine de giorni tre prossimi venturi debbi ha ver accettato con le solite ben intrade tutti li marcerì, cordellenghi che voranno entrar nella loro scuola et ciò stante il spazzo seguito in questo eccmo consiglio à favor di detti marcerì".
125 Arti, b.313, Catastico, "liquali saranno sottoposti come tutti gli altri alle nostre leggi...".
126 Arti, b.313, Catastico, 18 Jan 1627 (m.v.), "non mostra mai alla Giustitia, che sii entratto nella nostra scola niun marcerì, che non habbi havuto bottega, et haveno bottega non può vender per la città, et quando questi tali haverà botega, sarà sempre pronto il Governatore di riceverì in scola in conformità di tutti li altri capi maestri che sono sin hora entratti nella nostra scola".
127 Arti, b.382, fasc.E2 (V), Marzerì e Bombaseri Co' Tellaroli. Spazi del Co' di 40CN a favor de Marzerì per occasion d'intrar li marzerì nella sua scola che non volevano, p.10, 12 Feb 1627 (m.v.), "non puo esso Gastaldo dei Tellaroli pensar di metter maggior obbligo alli Capi Mistri marcerì di quello che per se stessi hanno essendo il dovere che li marcerì entrando nella scuola de tellaroli, habbino quella in stessa libertà che hanno li tellaroli intrando nella scuola di marzerì...".
the sum of thirty-five. While these thirty-five had to shoulder the entire taxation burden, the benefits of guild membership were on the other hand, “shared with an immense number of persons trading under the title of membri of the guild of canvas merchants, that is to say cotton-merchants and mercers grown to the number of 350 traders in total...". The guild explained that this was due to the fact that, “noone cares to enter it as a master with the obligations that this has, while they could enter it as a membro, and enjoy the benefits without paying the burden”. Even master canvas merchants now preferred to enrol their sons in the guilds of mercers and cotton merchants, since in this way they could participate in the trade as membri at a lower cost. This was now threatening the extinction of the guild. They begged that the membri system should be abandoned so that the regenerated guild would be able to fulfil its tax duties. However, the mercers and cotton-merchants appealed that this was, “contrary to the most ancient usage of the laws”, and the petition was subsequently thrown out by the court.

On the other hand, as the mercers’ appeals to the principle of reciprocity suggests, the institution could be double-edged. By 1689, the mercers were

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130 Arti, b.382, fasc.A1(I), Pro Merciariis Contra Tefarolis, sopra le condicioni d’esser accettati nella loro scola. N.o 17, p.67, 14 May 1639, “non curandosi alcuno di entrarvi come maestro con gli obilghi, che essa ha, mentre puo entrarvi come membro, et goder li benefittii di essa senza pagar aggravio che però quelli istessi dell’Arte nostra, che hanno figlioli, vedendo poter sottrargli dall obilgi li fanno scriver nelle predette Arti di Marzer et Bambaser, et con tal modo continueranno nel medesimo essercitio”.

131 Arti, b.382, fasc.A1(I), Pro Merciariis Contra Tefarolis, sopra le condicioni d’esser accettati nella loro scola. N.o 17, p.66, 31 Jul 1641, “contraria all’uso antichissimo alle leggi...”. 
struggling to tighten up access to their own trade. Again they stressed the contradiction of this institution with the system of taxation. After emphasizing the heavy oarsmen tax of 2004 ducats borne by the guild (on top of which they paid 200 ducats a year in interest on debts), they complained about the large numbers registered in the guild as *membri*, who were exempt from anything but the minimal guild dues, yet "traffic and trade widely in all the professions of the mercers". They argued that people were registering as masters in the guild of canvas merchants solely in order to subsequently join the mercers as *membri*. This was because, "the guild of canvas merchants rarely raises Taxes, and the guild of Mercers has to to raise one every year...". They decided to limit the privilege of *membro* to only those canvas merchants who were the legitimate sons of existing masters, or who had served a full apprenticeship under a Venetian master (the same principles which the canvas merchants had tried to implement in 1626). The taxation system applied to the guilds tended to encourage the breakdown of the old mechanisms for sharing privileges. It was difficult to adapt the unwieldy *membri* systems to the increasingly rigid relationship between taxation and economic privilege.

In 1691 the mercers identified another of the ‘abuses’ resulting from the violation of guild boundaries. This time the complaint referred to those canvas merchants who were exempt from anything but the minimal guild dues, yet "traffic and trade widely in all the professions of the mercers". They argued that people were registering as masters in the guild of canvas merchants solely in order to subsequently join the mercers as *membri*. This was because, "the guild of canvas merchants rarely raises Taxes, and the guild of Mercers has to to raise one every year...". They decided to limit the privilege of *membro* to only those canvas merchants who were the legitimate sons of existing masters, or who had served a full apprenticeship under a Venetian master (the same principles which the canvas merchants had tried to implement in 1626). The taxation system applied to the guilds tended to encourage the breakdown of the old mechanisms for sharing privileges. It was difficult to adapt the unwieldy *membri* systems to the increasingly rigid relationship between taxation and economic privilege.

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132 Arti, b.312, *Mariegola*, p.165R, cap.330, 16 Sep 1689, refers to “Il peso gravissimo, al quale è stata obbligata questa Veneranda Scuola de Marzeri per l’annua contribuzione dovuta alla Publica Maestà per la Tansa insensibile ascendent alla summa de D2004 e piu D200 annui per l’estintione del debito vecchio”, “in particolare per la quantità di persone, che in passato si sono fatti descrivere in essa per membri assumendo d’esser Tellaroli giuridichi, li quali con una tenue benintradra de D7 per una volta tanto, & L3 di Luminaria all’Anno, trafficano, e negotiano ampiamente di tutta la professione de marceri, & se ne vanno esenti, & dovitosi senza soccombere ad alcun altra benche minima gravezza. E se bene poi questi tali habbino li loro negotii piu di Merzaria, che di Tellaria, ad ogni modo con questo titolo si rendono essenti del tutto.”.

133 Arti, b.312, *Mariegola*, p.165R, cap.330, 16 Sep 1689, “Che uno quale habbi d’aprir bottega da novo, capita prima alla scola de Tellaroli, & in quella si fa descrivere per Tellarol giuridico... e poi con questo titolo ingannevolmente capita alla Scola Nostra, e pretende di farsi descrivere in essa per membro”, “La ragione si è, perché la Scola de Tellaroli di raro getta Tanse, e la Scola de Marceri conviene gettarla ogni anno”.

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merchants who had joined their guild not as *membri* but as full masters.

"Nevertheless, although these are legally Mercers they are however also legally canvas merchants... since there is no incompatibility that someone, if he wishes, cannot be a legal member of both these two Guilds."  

The problem was with their sons, who were registered as master canvas merchants, and hence qualified (as the sons of existing masters) to be accepted as *membri* of the mercers' guild. The mercers argued that,

> "the prerogative to be described as Mercer *membri* can not and must not apply except to those with the legal status of canvas merchants who are sons born of true canvas merchants, pure and genuine, but not mixed of both these professions."  

Alternatively, they had to be apprenticed to a "pure" canvas merchant for the usual five years. This final phrase suggests a developing ideology of purity, opposed to a tainted, mongrel communication between guilds. This seems symptomatic of a spreading notion of social order, restriction of privileges, and a more protective, fixed social universe. This is mirrored by the stress on legitimacy of birth, which limited access to economic privileges on the basis of moral honour. The institution of *membri* was disappearing under the logical impact of the tax system, and the violation of guild boundaries was increasingly limited to those richer guildsmen who could afford to bear the burdens of duplicate taxation. Multiple memberships were

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134 Arti, b.312, *Mariégola*, p.168, cap.333, 27 Apr 1691, "Nulladimeno questi se bene sono Marzeri Giuridichi sono però anco Tellaroli Giuridichi... non essendovi incompatibilità che uno non possi esser Giuridico volendo in tutte due queste Arti".

135 Arti, b.312, *Mariégola*, p.168, cap.333, 27 Apr 1691, "la prerogativa di restar descritti Membri Marzeri non puo, ne deve competere se non à quelli Tellaroli Giuridichi che sono nati figli di veri Tellaroli puri, e schietti ma non mescolati di tutte due queste proffesioni...".

136 For a list of thirty tradesmen who were *capo maestri giuridichi* of both guilds, see Arti, b.377, fasc. *Per Là Veneranda-Scolla de' Marceri Contro D.o Valentin Staffeta*. The 1691 mercer legislation may have been a response to the Staffeta case.
particularly common among the guild elites, who could best afford and profit from them; for example, eighteen of the "guardians" of the mercers in the period 1646-1665 were also enrolled as masters in other guilds, remarkable evidence of the prevalence of this tactic at the level of the guild elite."

Frequently the flexibility demonstrated by many guilds in violating their own principles of separation as been treated as a logical contradiction by historians. Shepherd concludes on multiple membership in eighteenth-century Dijon, "This practice seems to go against the fundamental nature of the guild system, which was based on protecting the livelihood of members by maintaining control over production and the marketplace." His remark nicely indicates how our preconceived conceptions of the 'fundamental nature' of the guilds have been deeply influenced by their own particularistic rhetoric, subsequently reinforced by a long historiographical tradition of condemning the guilds as 'backward' obstacles to 'progressive' capitalism. As Mackenney notes, "...the rigidity for which guilds are often indicted is really the rigidity of our analytical categories..." Multiple guild membership lends a whole new flexibility to the concept of the guild, breaking down traditional conceptions of rigid guild barriers. In the end Shepherd concludes, "Financial and economic interests seem to have been stronger than corporate ideology in the realities of the guild community", a variance between rhetoric and reality which this section of the chapter has also attempted to demonstrate. This section has also tried to demonstrate how the mechanisms for overcoming the rigid demarcation of the market came under increasing pressure in the seventeenth

137 Arti, b.364, fasc. Per Scola de Marzeri c.o Carlo Dominoni.
139 Mackenney, Tradesmen, p.124.
century, due to the general tendency of the guilds towards closure, and an underlying contradiction with the logic of the tax system.

3. The creation of boundaries. Colonelli

The Venetian economic world was minutely specialized. Not only were there over a hundred separate guilds, but within the guilds there were further internal divisions, called colonelli, which were judicially recognised and had special privileges. This was despite the fact that differences between the various branches of the trade were often slight. So within the umbrella of the shoemakers' guild, shoemakers, cobblers and clog-makers were separate legal entities. The “greater craft” of the dyers' guild was divided into four colonelli: dyers of silk, tintori da guado (who used black and blue dyes), tintori da grana and tintori da cremese (two different groups who used red dyes), while in addition there was a “lesser craft” of pizzigaroli, dyers who were not subject to rigid quality controls. Within the guild of grocers, the fruttaroli specialized in fruit, the naranzeri in citrus fruits, and the

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142 Vianello, *L’Arte dei calegheri e zavateri*, p.17-20, in the thirteenth century the guild consisted of calgarini (shoemakers), solari (sole-makers), and patiti (clog-makers, later called zoccoleri, who in the fifteenth century were to produce the notorious “calcagnotto” with its enormous platform heel). The zavatteri (c cobblers) were soon added to these. By 1607, when the divisions were formalised with the institution of a separate prova for each trade, the sole-makers had disappeared, and the guild consisted of shoemakers, cobblers and clog-makers.


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 **erbaroli** in vegetables.** Even quite small guilds were internally divided. For example, the guild of *tomidori* (turners) was divided into 3 *colonelli* according to the prime material they employed - wood, ivory, or brass.** The principle divisions within the guilds to be articulated legally were not therefore vertical divisions (aside from the distinction between master, journeyman and apprentice described in chapter 4), but rather horizontal divisions between the different branches of the craft. There could even exist sub-groups within the *colonelli*. For example, in the sixteenth century, the tinkers were regarded as a sub-group of the coppersmiths, who were in turn a *colonello* of the smiths.** By the seventeenth century, despite the resistance of the coppersmiths, the tinkers claimed recognition as a "profession" in their own right, in turn sub-divided into the various street trades: *conzalavezi* (tinkers), *repezzadori* (repairmen), *bascherotti* (locksmiths), *strazzaferrotti* (scrap-iron dealers).** Much guild litigation was generated by disputes over the precise status of such sub-groups.

While almost all the guilds had their internal tensions, these were especially marked within a particular group of guilds, which have been termed 'guild

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**14** Dal Borgo, "Le Corporazioni e le scuole di arti e mestieri", for information on these *colonelli*. For the grocers, see GV, b.2, reg.4, p.11, 2 Aug 1585, "in essa scuola d'ì fruttaruoli sono Naranzeri, erbaruoli, et tutti quelli di San Nicolò". See Allerston, *The Market in Second-hand clothes and furnishings in Venice*, p.158 on the different *colonelli* within the guild of second-hand dealers. See Arti, b.97, fasc.B, *P Arte Casselleri C Arte Depentori*, p.38, for some more examples - *casselleri* (box-makers) were divided into 3 branches: *d'Albeo, di Noghera, di Talpor*; while *marangoni* (carpenters) were divided into 4 branches: *da Casse, da Noghera, da Remessi, da Soaze*.

**14** Caniato, "Arti e Mestieri a Venezia".

**14** Arti, b.356, fasc. *Pro Scola Marzeri Asunt. e di Giud. o per s Iseppo Rutti d Zuane Batagiola d Isepo Locadello descritti in scola de Marzeri C Arte Caldereri*, p.40, 27 Feb 1563 (m.v.), "sia lecito solamente à quelli, che entreranno in la scola nostra de Caldereri per conto de repezzadori di poter conzar, e repezzar cose vecchie spettanti all'Arte de Caldereri". Like the shoemakers and the cobbler, the coppersmiths were therefore divided into *arte nuova* and *repezzadori*.

**14** Arti, b.122, fasc. *Per D'no Giacomo Marchion Gastaldo Dell'Arte de Fabri C D'no Pietro Gregori*, 2 Jul 1643, for the definitions. GV, b.79, 18 May 1693, the coppersmiths claimed the right to work both old and new copper, insisting that the tinkers were only *membri* of their guild rather than a true *colonello*. However, the *Proveditori sopra la Giustizia Vecchia* ruled in favour of the tinkers. Thus, from the status of *membri* in the sixteenth century they had managed to become a full *colonello* with their own monopoly.
agglomerates' due to their size and the diversity of the colonelli they encompassed.

Certain guilds, such as the mercers, smiths and painters, were extremely heterogeneous entities, made up of a wide variety of crafts. Loosely, the smiths could say of their guild, "all work with hammer and forge, and they use iron in their work", but aside from the blacksmiths themselves, the guild included coppersmiths, ironmongers, bell-makers, bronzesmiths, scale and balance makers, gunsmiths, tagialime (file-cutters? grinders?), tinkers, repairmen, and scrap-dealers. Similarly the painters' guild spanned a number of distinct crafts, such as artists, painter-decorators, miniaturists (who specialized in images of saints, for example on candles), gilders, painters of playing cards, painters of leather wall-hangings, and designers of textile patterns.15

In 1676, the mercers described their guild as "a composite of ten professions, which although they have differences between them, are in any case united as the limbs that constitute this body". However, the mercers' guild did not even share a work-based culture like that of the smiths. The 'core' colonelli of the mercers were retailers, the most important of which were dealers in textiles, for clothing and the home, who were divided into three specialisations: the merci di Fiandra (who dealt in

149 Arti, b.109, petition of smiths vs. coppersmiths from the 1550s, "tutti lavorano co' fuxina et martelo, et nelle opere sue adoperano il ferro".
149 Arti, b.122, fasc. Per D'no Giacomo Marchion Gastaldo Dell'Arte de Fabri C D'no Pietro Gregori, 2 Jul 1643, smiths describe themselves as "corpo d'undeci professione, che sono Fravi, Caldereri, Schiopeteri, Talgialime, Campaneri, Staggiereri, Conzalavezi, Rapezzadori, Strazzaferro, Mercanti da Ferarezza, et Bronzeri, Ne l'uno può per la forma delle leggi ingerirsi nella professione dell'altro...". See also Arti, b.122, loose documents, Scortinio del summmario di quelli sono tansati, which lists the same eleven trades, and Arti, b.365, fasc. Summario SS.ri Mercanti dà Ferrarezza Co: Arte de Fabri, 27 Mar 1628, which refers to "fabbri, caldereri, mercanti di ferrareza, campaneri, stagiereri, schiopeteri, e Tagzialime". Note the contrast in Rapp, Industry, Appendix I, p.172, who misleadingly includes the stagneri, peitleri, lattoneri, and far chiodi as separate colonelli of the smiths' guild.
150 Arti, b.104, fasc. Per l'arte di Indoradori C Depentori, p.2. Favaro, L'Arte dei pittori, p.119, for the hierarchical ranking of these trades.
151 Arti, b.372, fasc.C, Per Scola Mezariorum C Muschieri, 20 Nov 1676, "un Composto di dieci professioni quali se hano diverse frà se stesse ad ogni modo unite sono membri che costituiscono questo Corpo".
wool and silk cloths, often imported), *biancherie* (cottons and lace), and *sete e romanette* (haberdashery, braid, buttons, frills, silks, lace, cloth of gold etc.). However, the guild included craft professions as well as purely retail groups, including, to give only a few examples, perfumiers, hatters, brass-smiths, lamp-makers, spectacle-makers, cap-makers, mirror-makers and stringers (dealers in cords or laces). The guild therefore included a mixture of purely mercantile entrepreneurs and artisans. Tensions within the guild were all the more acute because the shopkeeper mercers often acted as the principal customers and suppliers of the artisans, and therefore might also dominate them economically.

The inner life of corporations was characterized by a continuous process of negotiation between their juridically separate components. The central issue was the distribution of power within the guild, and its concentration in the hands of particular *colonelli*. The *colonelli* frequently demanded greater autonomy, even to the extent of seeking separation from the mother-guild. Here the focus will be the guild agglomerates (and especially the mercers) because they enable us to contrast the opposing tendencies of agglomeration and fragmentation. Such tendencies are particularly well-illustrated by the large and diverse guild of mercers, where strong tensions existed between artisan-traders and merchant-retailers. Through an

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152 In the mercers' guild the use of the term *colonelli* appears to have been restricted to the internal divisions of the core groups of retailers, increasingly articulated from the seventeenth century onwards. These *colonelli* do not appear to have established internal monopolies over their own products, because they were all mercers. The term does not appear to have been applied to the earlier artisan groupings such as the stringers, cap-makers, and mirror-makers. Although the terminological distinction used by the mercers is important, it seems valid to compare these artisan groups to the *colonelli* of other trades, and I have therefore used the term *colonello* to refer to internal divisions in general. For example in 1551, the perfumiers, one of the official *colonelli* of the guild in the seventeenth century, appealed to the earlier privileges of the stringers and cap-makers.

153 Vitali, *La moda a Venezia*, p.80, n.5, "Dicevansi 'colonelli' le ramificazioni delle varie arti, ramificazioni che talora erano su di un piano parallelo, talaltra su di un piano in un certo sense di livello inferiore in rapporte all'arte 'madre'. Esisteva sovente una notevole eterogeneità fra i diversi 'colonelli' di un'arte che avrebbero dovuto invece presentare un'affinità tra loro. E particolarmente tipica era tale eterogeneità proprio nell'arte dei 'marzeri'..."
examination of these conflicts, this section of the chapter aims to illustrate the forces which led to the fragmentation of guilds, and the attitude of the government towards the breaking-up of guild agglomerates. Such an analysis is revealing of the attitudes of both guilds and government towards the minute division of the market.

The precise origins of colonelli are often shadowy. As the mercers put it in the eighteenth century, "some things cannot be known, since they had their origins around eight centuries ago".14 Since legal arguments frequently turned on historical origins, such matters might also be controversial. Systems of classification produced by the guilds were made for specific purposes and should not always be taken at face value.15 Assertions regarding the origins of the trades must be treated with great caution, because they were often made with the precise intention of staking a legal claim. For example, documents clearly show that the cap-makers were part of the mercers' guild in the early sixteenth century, with whom they contributed to the oarsmen tax. The trade went into eclipse in the seventeenth century, and when a discreet number of cap-makers reappeared at the end of the century, they claimed to have been always distinct from the mercers and never subject to state taxation.16 Similarly, the origins of the relation between hatters and mercers are rather unclear.

14 IA, b.59, Marzeri in generale. quesiti 1777-1797, "dovendosi rintracciar cose, che han la loro origine da otto secoli in circa, alcune non possono conoscersi".
15 Arti, b.382, fasc.B1. G (III), Venetiis. 1617. Decembris. Pro' Mag.co Gastaldione et Artis Scole Mertiarioru' Contra Gastaldione et Artis Scole Tellaroloru', occasione Tellar, Baptiste sive à Baston. N.o 84, 13 Aug 1598, the mercers listed the cap-makers and stringers alongside independent guilds such as smiths, second-hand dealers and mirror-makers, who were often membri of the guild. This classification obscures the fact that cap-makers and stringers continued to pay their taxes through the mercers' guild, and had a legal status quite different from that of an independent guild. For an example of the confusion this can cause, see A. Manno, I Mestieri di Venezia. Storia, arte e devozione delle corporazioni dal XIII al XVIII secolo (Citadella: Biblos, 1995), p.97, who erroneously lists canvas merchants and paint-makers as colonelli, while both of these were in reality independent guilds paying dues to the mercers as membri.
16 Arti, b.351, fasc.A. CC, Stampa 40CN, Per Scola de Marzeri C.o: Arte Beretteri, 28 Apr 1696, "nell'Arte mio di Baretter non vi è aggravio di sorte ne Tansa d'alcuna qualità". The mercers took the case to the Quarantia Civile Nuova to prove that cap-makers had traditionally contributed to their oarsmen tax.
The mercers regarded the union to be as old as the guild (which, they claimed, was as old as the city itself). By contrast, the hatters claimed that the cappello (hat) was a modern invention that did not form part of the ancient patrimony of the mercers.

In fact a document of 1598 lists hatters along with cap-makers, suggesting that it was the cap-makers to first experiment with new forms of headgear. Another example is that of the spectacle-makers, who emerged as a group seeking an independent guild in 1665. Before this time their status was very vague. They state that some of their number were part of the mercers' guild, while others were part of no guild at all. While the mercers argued that spectacles had 'always' been subject to their guild, in fact the medieval statutes indicate that this trade had previously been carried out by that the guild of crystal-glass workers. Such examples demonstrate once more the difficulty of adapting old statutes to new market conditions. In opposition to demands for independence, the mercers frequently referred to their guild as the "mother" of the colonelli, implying that since these

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157 Arti, b.371, fasc.B, Per Scola de Marzeri C: Muschieri, 15 Sep 1660, mercer petition, "Questo loro intenzione immediatamente ferisce tutto l'essere dell'Arte nostra, radicata con questa Unione Immemorabile possesso di più centenaria de anni, et nata nella Città con questa inseparabile unione". 
158 Arti, b.371, fasc.B, Per Scola de Marzeri C: Muschieri, 11 Jul 1651, "essendo Invenzione Moderno il Capello che hoggi si usa".
159 Arti, b.382, fasc.B1. G (III), Venetiis. 1617. Decembris. Pro' Mag.co Gastaldione et Artis Scole Mertiarioru' Contra Gastaldione et Artis Scole Tellaroloru', occasione Tellar, Baptiste sive à Baston. No 84, 13 Aug 1598, lists a joint grouping of the hatters and cap-makers under 'arte che hanno scuola'. Later in the seventeenth century, hatters were classed as part of the colonello of capelli e gucchiarie. Oddly, there are indications of an earlier autonomy in 1534, though these were not subsequently referred to by the hatters in their struggle for independence - see Arti, b.312, Ristretto generale, voce "Cappellent", 31 Oct 1534, which suggests that in 1534, like the other artisan groups, the hatters had been allowed to hold their own assembly and to elect their own officials, but paid all taxes and dues to the mercers' guild. Yet following this, there are no references to the hatters until the end of the century. On the election of soprastanti in 1534 see Arti, b.358, fasc.E, Pro Scola Marcerior.m Co Cappellarios. Sacco Capelleri, 31 Oct 1534. It is possible that the seventeenth-century compiler of the Ristretto confused the cap-makers with the hatters in this instance.
160 Arti, b.373, fasc. Marzeri co Occhialieri, no.152, p.4, 5 Nov 1665. For a mercer defence of spectacle-makers in court prior to this date (against the claims of the mirror-makers) see GV, b.87, reg.103, 6 Jun 1615, which implies that spectacles were recognised as merci open to all.
161 G. Monticolo, L'ufficio della Giustizia Vecchia a Venezia dalle origini sino al 1330, Monumenti della Deputazione Veneta di Storia Patria, Miscellanea, 12 (Venice: Vicentini, 1892), p.26, n.3, and p.40, shows that the cristallai of the early fourteenth century manufactured «vitreos ab oculis ad
trades were born from mercery, it was unnatural for them to struggle against the union, since they were "of the same body." 

The controversial nature of origins is well illustrated by the case of the guild of gold thread-makers and beaters, which had forced silk merchants and mercers who wished to deal in gold thread to enter their guild as membri in the early seventeenth century. Many mercers had been forced to pay a hefty entry-fee of 25 ducats to the gold thread-makers in the 1630s. However, in time, the historical origins of the sharing agreement became blurred and rooted in custom. By the late seventeenth century, the merchant membri were attempting to seize control of guild affairs by setting themselves up as a colonello of 'gold merchants' with voting rights within the guild. The argument turned on the question of origins. The artisans struggled to maintain that the merchants were not full guild masters at all, but only membri of the guild, since they were usually also enrolled as masters of the silk guild and the mercers. Despite this, in 1682 the Provveditori sopra la Giustizia Vecchia responded to the demands of the merchants and forced a system of power-sharing on the guild. Each year the office of gastaldo was to alternate between a merchant and a craftsman. The craftsmen protested to the Pien Collegio that the

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legendum», on which they held the monopoly. See Ciriacono, "Industria e artigianato", p.573, on spectacles in the fifteenth century.

"" Arti, b.351, fasc.A, Per Scöla de Marzeri c.o Arte Baretteri, 15 Apr 1611, "à pernicie et destrucione della scolia de marzeri loro madre". See also Arti, b.312, Mariegola, 23 Apr 1599, "Essendo la scuala nostra di Merzeri la madre, et origine dell'Arte de Stringheri, anzi con verità un medesimo corpo...". IA, b.59, Marzeri in generale. quesiti 1777-1797, on the membri, "ricoescero la Scuola dei Marceri per la loro prima Madre".

"" Arti, b.351, fasc.A, Per Scola de Marzeri c.o Arte Baretteri, 15 Apr 1611, "à pernicie et destrucione della scolia de marzeri loro madre". See also Arti, b.312, Mariegola, 23 Apr 1599, "Essendo la scuala nostra di Merzeri la madre, et origine dell'Arte de Stringheri, anzi con verità un medesimo corpo...". IA, b.59, Marzeri in generale. quesiti 1777-1797, on the membri, "ricoescero la Scuola dei Marceri per la loro prima Madre".

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"" Arti, b.373, fasc.B, Scola Marzeri co Merc.ti dà Oro, Carte Varie, 5 Sep 1634.

"" Arti, b.373, fasc.B, Scola Marzeri co Merc.ti dà Oro, 13 Feb 1681 (m.v.), petition of gold thread-makers, "Alcuni Mercanti di Merzaria divenuti Opulenti si sono arrogati il Titolo de Mercanti da Oro, & per questa ingerenza sono stati aggregati non come Capi Maestri dell'Arte nostra, ma come sempici Membri contribuenti alle dovute contribuzioni, ma esclusi totalmente dalli nostri Capitoli, e solite radunanze".

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"" Arti, b.373, fasc.B, Scola Marzeri co Merc.ti dà Oro, 21 Jan 1681 (m.v.).
merchants should not be given equal political rights in the guild because they were not truly members of it. The Pien Collegio ruled in favour of the craftsmen in 1683, a result which seems to reflect the government's desire to maintain the guild as giving, at least partially, a voice to craftsmen.\textsuperscript{167}

The control of guild finances was a major source of tension between colonelli. This was most frequently related to the guild's legal activity. In the smiths' guild, for example, where the blacksmiths were by far the largest single colonello, they were able to dominate the guild and direct its litigation in their interest.\textsuperscript{164} The spirit of fraternal goodwill was not always sufficient to overcome the resentment this generated. Colonelli were often unhappy about paying for expensive lawsuits of no interest to their members. In 1617, the coppersmiths protested the smiths' efforts to "tax the guild 100 ducats for purpose of legal conflicts", on the grounds that, "the coppersmiths are not subject to taxes except for oarsmen and where it concerns their interest...".\textsuperscript{165} The smiths argued that as the coppersmiths had paid guild taxes on all previous occasions, they would also have to contribute now, and the Provveditori sopra la Giustizia Vecchia ruled in their favour. Again in 1635, an attempt by the smiths to tax the guild (to pay off a shortfall of 350 ducats incurred by extensive litigation) led to another legal dispute with the coppersmiths.\textsuperscript{166} The tension was compounded by a symbolic contest between the two groups for precedence in

\begin{itemize}
\item \textsuperscript{167} Arti, b.373, fasc.B, Scola Marzeri co Merc.ti dà Oro, 19 Jul 1683.
\item \textsuperscript{164} This is clear from the "Scortinio del summario di quelli sono tansati", dating from the 1620s, in Arti, b.122, loose documents. 96 out of 224 masters were blacksmiths, the next most important groups were the coppersmiths and ironmongers with 33 masters each, followed by the various street trades with 24 masters and the gunsmiths with 23 masters. The other groups were numerically insignificant.
\item \textsuperscript{165} Arti, b.109, 15 Feb 1616 (m.v.), "li favri voler adosar in litte dove ha interese ne gravame luniversita di essi caldereri". Arti, b.110, Registro d Termination e Sententie, 20 Mar 1617, "essi caldereri non siino obligatti ad alttre tanse che de galleotti et dove si tratta del suo interesse". GV, b.3, reg.7, p.16, 20 Mar 1617.
\item \textsuperscript{166} Arti, b.122, loose documents, Aug 1635. Arti, b.129, 6 Dec 1635. See also a case in the jewellers' guild: GV, b.48, 13 Aug 1668.
\end{itemize}
the funerals of deceased brethren." Similarly in 1655, the gunsmiths insisted that since they had always contributed to the lawsuits of the smiths, although these were of no interest to them, so the smiths should reciprocate and help to fund their lawsuits."

In the mercers' guild, the costs of litigation could also generate resentment. In 1587, the mercers tried to limit the growth of such tensions by establishing the principle that, "all members are obliged to defend their own branch [of the trade] with their purses", confining the costs of litigation to the interested parties (although they could on occasion be given permission to conduct lawsuits in the name of the guild as a whole)."

This was reiterated in the 1660s, "in the present guild there are many branches of various trades.... everyone is obliged to defend themselves without causing any burden to the others...". Each branch of the guild was therefore expected to fund it's own lawsuits, though the guild might loan them funds in case of necessity. This had happened with the membro dai chiodi (nail-sellers) in the 1620s. In 1626, the mercers increased candlemoney dues in order to create a special fund for the prosecution of lawsuits, and colonelli could request assistance from this fund."

In 1681 it was formally stated that when a branch of the trade was unable to defend itself, then the guild should act on its behalf."
In the sixteenth century, a number of conflicts broke out in the mercers’ guild which reflect the fundamental difference in approach between the artisans and the retailers, who found themselves cohabiting in the same guild. For example, while the manual trades within the guild sought to implement a prova like the other craft guilds, the mercers vaunted their peculiarity in that, “this guild is different from any other, everyone entering it without prova or other necessity...”. In 1518, for example, the cap-makers complained that the mercers were admitting many people to their trade who were not properly qualified. The prova was not just a means of setting quality levels, but was also an important means of controlling access to the trade (see chapter 3). The mercers benefited from such a large pool of unqualified labour because this kept the production cost of caps down.

Another point of contrast concerned the import of foreign products. While artisans like the cap-makers and hatters would have liked to exclude all foreign competition from the city, the retailer mercers sought to keep their sources of supply as open as possible. In 1481 the stringers had requested and obtained the

menbro de la escola nostra, e' sendo prima obligato detto menbro, conparer a'vanti il M.co Gastaldo, acio facia chiamar capp.o de Bancha è Zonta, per poter conosere, se la causa, che sara rapresentata sara meritevole da esser diffessa... and if there is no money available the menbro must defend itself, “delle loro borse”, as in the law of 1587, “esendo obbligato il gastaldo, in chaso de liti, conparer alli magistrati dove fosero esse liti”. Similarly, Arti, b.312, Mariegola, 23 Mar 1700, specifically states that candlemoney dues were to be increased in order to fund lawsuits, with the justification that would cause less controversy than taxing only the group concerned.

Arti, b.312, Ristretto generale, voce, “Membri dalla Scola”, 18 Apr 1681, “non avesse quel menbro il modo di difendersi da sua posta al hora sia obligata la scolla difender quel menbro ofeso con li danari della scola”.

Arti, b.312, Mariegola, 15 Mar 1636, “esser quest'arte differente da qualunque altra entrando in essa cadauno senza prova, o altro requisito”.

Arti, b.312, Mariegola, 12 Aug 1518, “la qual bancha molte volte acceptano alcuni per maestri che non sono ne sufficienti ne etia' fano prova alcuna”, Arti, b.312, Ristretto generale, voce “Baretteri”, 12 Aug 1518, “che li marzeri non posino acetar nella loro scuola alcun bareterse prima non havera un boletin dalli soprastanti di baretteri”.

This was also a point of contrast between the mercers and many independent craft guilds, such as the smiths. The government’s compromise was a policy of ‘semi-protection’, in which foreign products were banned, except for those arriving from specific areas. In the case of the cap-makers this meant those goods arriving through the Fondaco dei Tedeschi and from Flanders. In the case of the smiths, this again meant goods arriving through the Fondaco dei Tedeschi, but also from privileged territories within the Venetian Dominio, such as Val Canonica and Val Trompia.
prohibition of all foreign stringhe, but an important exception was made for those imported from Flanders and arriving via the Fondaco dei Tedeschi (the German trading house). Similarly the demands of the hatters for independence reflected the troubled relationship between a craft of artisan-shopkeepers, interested in regulating production, limiting imports, and controlling raw materials for themselves, and the mercantile interests of a group of retailers. In the late seventeenth century, the hatters expressed this fundamental opposition of interests between artisans and merchants in dramatic terms: “our sickness is their good-health”.

The contrasts that could exist between artisans and merchants are well-illustrated in a struggle between cap-makers and mercers over the use of the scuola (guild premises). While the mercers felt that the scuola should be a dignified place for devotion and the carrying out of guild administration by respectable merchants, the cap-makers had a more industrial sense of how the space should be used, seeking to use it as a warehouse for the storing and distribution of their raw materials. The clash between these two conceptions led to a fierce struggle for control of the scuola in 1553-55, in which the mercers repeatedly refused to hand over the keys to the cap-makers, complaining that their greasy caps made the scuola dirty, and the constant passage of boatmen and fullers threatened to turn it into a hostelry, tavern, or worse. The cap-makers argued, quite justly, that the

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180 This was revoked by the Cinque Savi sopra le Mariegole in 1578, on the grounds that it was obsolete: only imported stringhe were now sold in Venice, and domestic production had ceased to exist - see Arti, b.312, Mariegola, 11 Apr 1578, “massime non essendo nella Città chi lavori di cordelle; ma tutte esse cordele et stringhe, che si vendono nella Città sono forestiere”. 181 Arti, b.372, fasc.C, Per Scola Mezariorum C Muschieri, 20 Mar 1708, “....stando con marceri uniti è impossibile praticarsi perche ogni parte dipende da loro esserle la moltiplicità in che s’attrovano,... li nostri mali sono le loro salute...”. This document is a copy of an earlier defence made at the time of the struggle for separation, Arti, b.358, fasc.E, Pro Scola Marcerior.m Co Cappellarios. Sacco Capelleri, p.32, undated, but probably 1671-76. 182 Arti, b.351, fasc.C2, Per Scola de Marzeri c.o Arte Baretteri. The mercers commented, “nella scuola n’ra di marceri per el passatto foladori, barcharuoli, et altre persone per conto di ditti baretteri
*scuola* had been built, "for common benefit with the blood of the one and the
other", and the *Quarantia Civile Vecchia* eventually settled the dispute in their
favour. This nicely symbolizes how the guild was a site of conflict, the object of a
power struggle between different interest groups.

Frequently, regulations forbidding foreign imports and enforcing quality controls
already existed. The problem was that they were not effectively implemented in
practice. For a *colonello*, obtaining independent policing powers was the first step in
establishing effective limits on access to the trade. The artisans argued that effective
policing was best carried out by men with knowledge of the trade, and policing was
also understandably much more effective when motivated by self-interest. For
example, *soprastanti* had been created to patrol the cap trade for foreign imports in
1475, but since these were elected by the council of the mercers, they were not very
effective. The cap-makers recognised that the key to effective policing of the trade
lay in winning control over the appointment of such officials. They therefore began
holding their own assemblies, and in 1520 won the right to elect *soprastanti*. Their
control was reinforced in 1530 when mercer officials lost their right to vote in this
assembly.
Similarly, in 1551 the perfumiers complained that in order to confront the problems facing their trade, effective policing was necessary, but this was impossible due the lack of cooperation of the mercers. "...the Gastaldo and Compagni of that guild don't wish to help us in the slightest". They therefore proposed the appointment of their own soprastanti, appealing to the example of, "...the stringers, who, although they are still part of the said Guild of Mercers, having seen the slight help they have always had from the Gastaldi of the guild, created their own soprastanti". This was granted by the government, but mercer opposition eventually led to a compromise solution - in future the soprastanti of the perfumiers would be elected by a joint committee consisting of the mercers' banca and eight elected representatives of the perfumiers. This shows the clear importance attached to obtaining control over guild police forces (principally through the power to elect and dismiss). Following these precedents, the mirror-makers demanded and obtained the right to appoint their own soprastanti in 1563, in order to enforce the prova and a five-year period of apprenticeship.

The ability of colonelli to appeal to such precedents shows how the apparently solid structures of the guild were in reality fragile and prone to erosion from within. The mercers' guild was concerned to resist all efforts of colonelli to escape their control, because each concession served to encourage the others in their demands for autonomy, building up legal precedents in their favour and weakening the claims of the statutes of 1446. The struggles of groups like the stringers and cap-makers

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1 B T Arti, b.312, Mariegola, 16 Jul 1551, perfumier petition, "ma per conto nostro il Gastaldo ne li compagni di essa arte no' ne vogliono prestar aiuto alcuno, come è accaduto alli stringheri, li quali anchora che siano in ditta scuola di Marzeri visto il poco aiuto hanno sempre habbuto da essi Gastaldi di ditta arte hanno fatti li sui soprastanti".

Arti, b.312, Mariegola, capitolo 232, 18 Jan 1551 (m.v.).

NB. The soprastanti in these cases were not the equivalent of the hired officials who worked for the mercers. They had policing duties but were not mere salaried employees.
were later referred to by other groups fighting mercer control, such as the perfumiers, seamsters and hatters. As the mercers lamented in 1578, despite the fraternity that bound the guild together,

"the brethren and members of this guild are seeking its ruin... they dare to want to quarrel with the Guardian and judges and companions of our guild, just as the officials of the stringers have done, and are doing".\(^{100}\)

In 1578, the mercers tried to limit this, insisting that any such 'concessions' could not subsequently be used against the guild, that they,

"...are to be understood as favourable and helpful to our guild, and if anyone wants to make use of them outside of the guild he must first obtain a licence from the Gastaldo and Judges and Banca...".\(^{101}\)

They were to be accounted of no value if used in court against the guild.\(^{102}\) Despite this attempt to prevent the rot from sinking in further, the colonelli continued to make reference to such precedents.\(^{103}\)

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\(^{100}\) Arti, b.312, Mariegola, 17 Oct 1578, "li fratelli, è membri della schola nostra cercano la ruina de essa... Hora sono de quelli che servendosi de tal Capitoli ardiscono voler far lite contra el Gastaldo è giudici è compagni della schola nostra como ha fatto et far li soprastanti di stringheri che si appropiano te ben intrade, luminarie, e pene de loro stringheri in uso proprio". For an explicit statement of the way colonelli followed each other's example, see Arti, b.371, fasc.B, Per Scola de Marzeri C: Muschieri, 15 Sep 1660, "se passasse in essempio questo Tentativioni; altre professioni dell'Arte nostra pretendarano la stesso e riduriano il corpo nostro all'ultima debolezza". The fact that this reference to the hatters is to be found in a busta entitled "Per la scola de marzeri contro muschieri" is further evidence of how legal precedents crossed guild boundaries.

\(^{101}\) Arti, b.312, Mariegola, 17 Oct 1578, "Che tutti li hordeni, è Capitoli, et Authorita, de essi stringheri et altri che sono membri della schola nostra... siano, et esser s'intendano in favor et agiuto della schola nostra, et volendosi servir alcuno de essi fuora della schola nostra Prima habbia farsi dar licentia dal Gastaldo è Giudici è Bancha, che sara in quel tempo, Accio quello ho quelli l'adoperino in beneficio utile, ho honor della schola nostra et non altramente...".

\(^{102}\) Arti, b.312, Mariegola, 17 Oct 1578, "...volerno, et ordenemo che davanti cadaun giudice, de che grado ho qualita esser si sia quello ho quelli che non haverano observato ha haver havto la licentia che ordena il presente Capitolo, sia per loro Casso et nullo cadaun Capitolo ho ordine descritto in la nostra Mariegola, Ne mai si possa leggier ha favor loro contra delli Gastaldi e Bancha che sarano.".

\(^{103}\) For example, the hatters referred to the precedent of the stringers in their demand for independence. With regard to the stringers, the mercers replied, "li rispondiamo esser quest'Arte quasi estinta pero da noi non separata se non nelle loro regole ma unita quanto alla contribuzione di luminarie e galeotti" - see Arti, b.372, fasc.C, Per Scola Mezariorum C Muschieri, 20 Nov 1676.
The establishment of separate police forces tended to widen the internal divisions of the guilds. In 1530 the *Cinque Savi sopra le Mariegole* approved measures giving the cap-makers strong policing powers over the trade, "the *soprastanti* of the cap-makers may go searching, inquiring and uncovering... in all the shops of any mercer or cap-maker". In many cases, the mercers operated a sort of 'putting out' system, providing materials to the labouring artisans, and acting as their main customers. Hence, despite their official exclusion, it is clear that mercers continued to be involved in the trade through underhand means. In 1535, the cap-makers complained that, "the mercers have work carried out under the cover of some master cap-maker, saying that they are a company, and they practise the trade in spite of our laws and regulations". This 'confusion' between mercery and caps created ripe conditions for abuse: "because such mercers and cap-makers, joined as one, carry out many detrimental activities, working wools from stolen cloths and selling a great quantity of foreign caps". Foreign imports were not just unwelcome competition; a further risk was they might be passed off as the Venetian product, potentially damaging its good name. It was therefore ruled that in shops where cap-makers and mercers were in business together, goods should be physically separated by tables or a wall. (In the dyeing trade, physical separation was taken still further: shops of the various *colonelli* were supposed to be at least

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184 *Arti, b.357, fasc.C, Per Scola de Marzeri C Fabricatori Calze di Seda in Tella. Corrente, 24 Nov 1530, "possano li soprastanti de Beretteri andar cercando, inquiringo, e trovando, la falsità, mal color, d' fraude, & veder, contar, & sazar le Berette per tutte le Botteghe de cadaun Marzer, d Beretter...".*

185 *Arti, b.312, *Mariegola*, 12 Feb 1534 (m.v.), "sotto lombra de qualche m.o bareter, li marzeri fanno lavorar dicendo che sono ala compagnia, et exercitan larte contra li ordeni, et leze nostre".

186 *Arti, b.312, *Mariegola*, 13 Feb 1534 (m.v.), "Perche tali marceri & bareteri uniti aduno facevano molti inconvenienti operationi lavorando lane de Panni robadi & vendendo gran quantita di barete forastiere...".

187 This legislation was reiterated in 1567, see *Arti, b.357, fasc.C, Per Scola de Marzeri C Fabricatori Calze di Seda in Tella. Corrente, p.105, "tutti quelli bareteri che voranno tenir nelle loro botege merce alcuna havessero a partir le loro botege con muro o vero tavole si che si veda una separata dal altro".
fifty paces from each other).** These kinds of regulations indicate how the assertion of autonomy by the colonelli led to the loss of flexibility between trades. In 1611 the cap-maker Andrea Zorzi was denounced by the mercers for selling ‘plumes’ (which he presumably used to decorate his caps). The cap-makers tried to appeal that,

“although our trade of cap-makers is separated from the mercers, such separation refers only to the regulation of the manual work and the artifice that is needed in knowing how to make caps, but certainly not to the separation of persons”.

From 1530 they had obtained a highly beneficial arrangement in that while the mercers were excluded from cap production, the cap-makers still had the right to trade in mercery.** However, in this case the anomaly of the situation seems not to have been lost on the Provveditori di Comun, who ruled in favour of the mercers.

Similarly, when they eventually obtained their independence from the mercers’ guild in 1676, many hatters were fined for decorating their hats with lace and cord which

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18 PdC, b.2, Capitolare Primo, p.242R, 26 Jun 1602, “che in modo alcuno non havessero trà loro intelligentia alcuna in dette arti, ma cadauno di loro lavorasse di quella sol arte nella quale fossero scritte ò sia grana, ò cremese, ò Archimia...". Such legislation already existed, but its practical implementation had been ineffectual, “si vede che dalla detti tentori non è fin hora stato eseguito quanto e suddetto, et che tuttavia continuano lavorare di grana et cremese in un’istessa bottega...”.

19 Arti, b.351, fasc.A, Per Scola de Marzeri c.o Arte Baretteri, 23 Mar 1611, “se ben l’arte nostra de barreteri è separata dalli merceri, che tal separazione no’ è altro se no’ qua’to al governo dell’opera manual et artificio che vi vole in saper fabricar le barete, mà no’ già che siino separate le persone”.

20 Cap-makers continued to pay the oarsmen tax to the mercers, but from 1530 obtained the right to pay all candlemoney and entry-fees into their own cassa, to be managed by their own officials. In 1534, the Cinque Savi sopra le Mariegole ruled that mercers were to be excluded from the cap trade (except for ‘night caps’ arriving via the Fondaco dei Tedeschi). This gave the cap-makers a monopoly on the cap trade which excluded the master mercers. Their members could therefore sell merci like all other mercers, but without paying the customary guild dues (although they remained liable for the oarsmen tax). Cap-makers could vote in mercer assemblies and even serve as officials in the mercers’ guild, while the reverse was not the case.

21 It is not clear what effect this judgement had as a legal precedent. The cap-makers had themselves argued that if Zorzi had to pay, then so did they all. However, there is no mention of this judgement in other sources (Arti, b.312, Ristretto generale, for example), which suggests that it did not act as an important precedent. Further details of the trade are in any case sparse because it subsequently went into terminal decline, despite the best efforts of the cap-makers to exclude foreign competition. The judgement probably went unremarked for this reason. For cap-maker patrols see Arti, b.351, fasc. Marzeri co: Baretteri, per caminate.
pertained to the mercers.\(^2\)\(^2\) Hence while separation gave artisans greater control over their trade, it also had its costs in terms of a loss of flexibility.

This can also be seen in other guilds, where increasingly rigid internal demarcations involved the *colonelli* in demarcation disputes similar to those examined above (section one).\(^3\)\(^3\) For example, although they were 'brethren' united in the same guild, shoemakers and cobblers engaged in "infinite conflicts" over the proportion of new leather that cobblers should be allowed to use in their work.\(^4\)\(^4\) The subsequent loss of flexibility can also be seen in the smiths' guild. By the mid-seventeenth century, the eleven professions that made up the guild were not supposed to ingress on each other's territory.\(^3\)\(^3\) This was the logical consequence of the institution of a separate *prova* by each *colonello*. Only those who had taken the relevant qualification could work in that trade. This was writ thus in 1655, "the Blacksmith cannot encroach upon the Bell-maker, nor the Coppersmith upon the Blacksmith; but in brief, each can only exercise that Profession in which he is enrolled".\(^3\)\(^3\) Hence in a case of 1656, the smiths rejected the application of Francesco Amigoni to take the examination as a blacksmith, on the grounds that he was already enrolled as a scrap-iron dealer. The *Giustizia Vecchia* ruled in appeal that Amigoni should be allowed to take the exam, but that on qualifying as a


\(^3\)\(^3\) Verga, "Le corporazioni delle industrie tessili in Milano", p.85, also noted this, "Nè solo fra corpo e corpo, ma anche nel seno di una medesima corporazione frequenti eran le contese per la difesa dei monopolii."

\(^4\)\(^4\) GV, b.3, reg.7, p.100R, 26 Feb 1620 (m.v.), "li disordini che sonno seguiti et che seguono nell'arte di calegheri per occasione delli lavori, che fanno quelli dell'arte vecchia, con danno et dispendio di tutta l'arte per l'infiniti litti che sopra ciò vertiscono". The *Collegio delle Arti* laid down a definition of the cobbler at this point. GV, b.52, 16 Nov [?] 1627, for subsequent tensions over this definition.

\(^5\)\(^5\) Arti, b.122, fasc. *Per D'no Giacomo Marchion Gastaldo Dell'Arte de Fabri C D'no Pietro Gregori*, 2 Jul 1643, "Ne l'uno può per la forma delle leggi ingerirsi nella professione dell'altro...".

\(^6\)\(^6\) Arti, b.122, fasc. *Per D'no Giacomo Marchion Gastaldo Dell'Arte de Fabri C D'no Pietro Gregori*, 19 May 1655, "il Favro non possi ingerirsi nel Campaner, ne il Calderer con il Favro; mà in somma, che ogni uno possi essercitar, se non quella Professione, che sarà descritto".
blacksmith he should abandon his previous activities. Similarly in 1652, the painters, referring to the "seven trades" contained within the guild, noted the potential for "abuses", in particular that members of one trade might intrude upon the others.

The hardening of demarcations could even push colonelli to seek their independence from the guild. The coppersmiths, for example, attempted unsuccessfully to set up their own guild in 1556 and again in 1625. The shoemakers attempted to break away from the cobbler in 1599. The artists left the painters' guild in 1682. The drive to seek autonomy was especially pronounced in the mercers' guild, where the priorities of artisan masters contrasted strongly with those of the retailers who dominated the guild. As the cap-makers had put it in 1506, "this trade is different from Mercery, and has need of a different government". In 1558 when the guchiadori (seamsters) petitioned the Council of Ten to grant them independence, they argued that proper quality controls could only be enforced if the trade was policed by an independent guild, which would limit the entrance of unskilled foreign workers through the establishment of a proper prova. Naturally

\[207\] Arti, b.129, 12 Aug 1656, The smiths' case for refusing Amigoni was that, "non potendo essere insieme strazzaferro, et favro". The Giustizia Vecchia ruled, "che le sii dato la prova pretesa, la qual giudicata sufficiente debbi desister d'esercitar l'Arte del Strazzaferro".
\[208\] Arti, b.104, fasc. Per l'arte di indoratori C Depentori, 25 Sep 1652, "gli abusi erano in particolare che l'una di detti Arti, s'arrogava facoltà di fare le fontioni dell'Altra et essercitare la medema". Favoro, L'Arte dei pittori, p.68, notes of the internal demarcations of the painters' guild, "Altrettanto strano può sembrare il divieto di intromissione tra un mestiere e l'altro dell'arte stessa; in realtà esso rientra pienamente nel concetto rigido di organizzazione che è caratteristico delle forme corporative medievali e in particolare, come si è visto, di quella veneziana.".
\[209\] Arti, b.109, 1556, "si voleva separasi gli caldereri dalla scola et arte de fabri, spacio de 40 C.V.a"; 1625, "cap.lo de caldereri General si voleva separasi dalli fabri".
\[210\] GV, b.2, reg.5, p.43R-45, 29 Jan 1598 (m.v.).
\[211\] Favoro, L'Arte dei pittori, p.91-2.
\[212\] Arti, b.351, fasc.A, Per Scola de Marzeri c.o Arte Baretteri, 12 Mar 1506, "per che questa Arte è disimile da merce, et ha bisogno di altro governo".
\[213\] Arti, b.312, Mariegola, 8 Mar 1588, "non esservi la maggior provisione, et piu unico remedio per levar ogni impedimento et fraude che si potesse commetter in quella, che il levar una scola ancora noi come hanno le altre arte della sua Città", "all'hora si faranno far le prove à chi vorranno lavorare, et vender e intrar in detta Arte, et non sarà così in poter, et arbitrio de altri di aliena ditione di venir qua
the mercers were interested in keeping their sources of supply as open as possible, and argued that the intention of the seamsters was to “put the trade of mercery into servitude”.\textsuperscript{14} The hatters were later to argue that as a minority within the guild, it was impossible for them to get their requests approved by the guild council. They commented bitterly on the plight of poor craftsmen subsumed within the mercers’ guild:

“The origin of our ills clearly derives from the aforesaid guild of mercers having opposed the separation of said Hat makers... since in this union, we, being poor and few in number, cut no other figure than in Name alone. These, being rich and numerous, deliberate with their many Acts, that which most suits them, not having the slightest regard for the harm they have done us...”\textsuperscript{215}

It was clear (to the hatters at any rate), that only separation could give them control of their own affairs, following the failure of attempts at reform from within the guild.

The drive of artisan groups for greater autonomy was fiercely resisted by the dominant mercers, and generated a great deal of legal conflict. In the case of the hatters and other trades, demands for autonomy therefore developed into demands

\begin{itemize}
  \item \textsuperscript{214} Arti, b.356, fasc. Sumario Scola Marzeri co Fabricatorì da Calze et altri Lavori in Teller. See Arti, b.312, Mariegola, p.134, 8 Mar 1588, “poner in servitù l’esercizio della Merzeria”, and same fascicolo, 23 May 1588, when the Council of Ten responded by allowing the seamsters their independence, but with a monopoly solely on the production of their wares. The mercers could continue to import and retail these products.
  \item \textsuperscript{215} Arti, b.372, fasc.C, Per Scola Mezariorum C Muschieri, 20 Mar 1708, copy of undated document from 1671-76, “L’origine del Male nasce evidentemente dall’haver detta scola de marceri impedita la separatione di detti fabricatori de Capelli, ma di volerli secco tener uniti poiche in questa unione essendo noi poveri, e pochi non facciamo altra figura che del Nome. Questi numerosi, e richi deliberano con la moltiplicità de loro atti, quello che più à loro conferisce, non havuto imaginabile riguardo alli danni che ci apportano, ne per ostare loro tentativi è sufficiente il nostro numero ristretto che à scontro di tanti non si rende considerabile.”.
\end{itemize}
for separation. The study of the internal divisions of the mercers therefore sheds light on the processes leading to the creation of new guilds."

It is perhaps tempting to view these struggles as the equivalent of workers' groups seeking independence from mercer control, the sort of 'class' tensions found to be absent from Venice in chapter 4. However, the nature of these disputes was quite different. They should not be viewed as the struggle of humble artisans against the exploitation of mercer employers. Usually these were groups of independent masters seeking to control guild policy, rather than workers thwarted in their hopes of progressing in a career. In fact, further tensions could exist within the colonelli themselves. As noted in chapter 4, after winning their independence, the "poor" master hatters revealed that, since they were the ones to risk investing thousands of ducats in a hat shop, they had no intention of sharing power with the workers: "the mere proposal that two hundred servants should vote alongside only thirty patrons is both nauseating and unbearable to all". The mercers were adept at exploiting these tensions to undermine the hopes of the master artisans for independence. In 1651, for example, they were able to show that a significant number of hatters opposed separation, presenting a list of names and signatures to the court."

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216 Only the Council of Ten could authorize the creation of new scuole, since public assemblies were a matter of state security. Arti, b.371, fasc.B, Per Scola de Marzeri C: Muschieri, 15 Sep 1660, mercer petition, refers to "l'Eccelso Consegnio di X'ci solo Giudice dell'Eretioni di nuove Scuole, et confraternità".

217 Arti, b.358, fasc.AA, P Scola de Marzeri C Arte Capeleri, p.12, undated, but probably Mar 1677, scrittura of the 'Capi Maestri cappellari', "siamo più che certo che la sola propositione che ducento servi attendono votar con trenta soli padroni si renda nauseabile et insoportabile insieme à tuti".

218 Arti, b.358, fasc.E, Pro Scola Marceneror.m Co Cappellarios. Sacco Capelleri, p.15, 18 Jun 1651, gastaldo of mercers commented, "ho voluto far chiamar voi altri signori della meesima arte, e professione di capelleri, accio si sappi se tal e vostra intentione", and got at least thirty-eight people to sign a protest, "con la quale sottoscrizione intenderà non assentire alla predetta presentazione di suplica anzi à quella protesti di nulità come presentato contro il vostro volere e asenzo, e da persona, che non haveva alcuna autorità, ovre licentia...". Arti, b.312, Ristretto generale, voce "Cappelleri", 18 Jun 1651, many hatters petitioned the mercers, "che non intendino esser compresi nel numero di quelli volgiono far scola da sua posta ma esser soggetti alla Scola di Marzen". For the original hatters' petition see Arti, b.371, fasc.B, Per Scola de Marzeri C: Muschieri, 24 May 1651 and 11 Jul 1651.
this, the mercers argued that the spokesmen of the master hatters did not represent
the craft as a whole, but only "some few brethren", and that their requests were
therefore illegitimate. In response, the spokesmen of the hatters insisted that they
represented, "the universal consensus of we Hatters". In 1676 the mercers again
refused to address their opponents with the collective noun, referring to them as
"some hat-makers", rather than "the hatters". Similarly, when a group of eleven
spectacle-makers presented a request for separation, the mercers were able to find
another five masters who wished to remain within the guild. The mercers exploited
tensions within the ranks of their opponents in order to undermine the legitimacy of
their representatives. Informally-appointed representatives were vulnerable to such
charges, because the legitimacy of guild officials was normally derived through
laborious election procedures. Guilds could therefore characterize the spokesmen
for colonelli as a limited oligarchy of officials acting against the true interests of their
members. When the coppersmiths attempted to leave the smiths' guild in the mid-
sixteenth century, the blacksmiths attributed this to the machinations of, "a few
extremely wealthy coppersmiths". Such arguments were likely to appeal to a
government determined to prevent the guilds from falling under the domination of an

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Cappellari”.
221 Arti, b.372, fasc.C, _Per Scola Mezariorum C Muschieri_, 20 Nov 1676, “Per far conoscere
inexaudibile la novità perniciosissima tentata d’alcuni fabricatori de Capelli di separarsi dall’Arte nostra
de Marceri...”.
222 Arti, b.373, fasc. _Marzeri co Occhialieri, no.152_, 2 Dec 1665, “lor non sono compresi in essa
scrittura, ne meno di quelli che habino mai hauto tal pensiero disero non voler mai in aucun tempo
restar separati dalla detta scola de Marzeri ma con quella voler goder il loro beneficio come hano fatto
sin hora presente”.
223 This pattern was also found by Verga, “Le corporazioni delle industrie tessili in Milano”, p.74, who
describes how Milanese weavers tried to escape from merchant domination by setting up an
autonomous guild. The merchants fiercely opposed these efforts, arguing that this was an attempt by
a minority of rich weavers to dominate the trade for themselves at the expense of the poor weavers.
224 Arti, b.109, petition of smiths vs. coppersmiths from the 1550s, “nelli mexi pasati ha parso ad alcuni
caldereri richissimi voler far nova, et crear division fra noi...”.
oligarchy of rich masters (see chapter 4). The guilds (and their advocates) knew how to manipulate the intentions of the patriciate to their advantage.

The close attention paid to nomenclature shows that care must be taken in using this kind of evidence. Legal documents were produced with power claims in mind, and should be treated with caution. Names were slippery things, which might be employed for specific purposes and then cast aside. In 1656, a group of "poor worker hat-makers" had asked for the right to create a sovegno for mutual charity and devotion.2 The mercers suspected that this was in fact a masked attempt by the master hatters to escape from their control. They responded that those who "call themselves workers and hat-makers", "having now one name and now another", had sought to break up their guild under such subterfuges on many previous occasions. They would only consent to the sovegno if promises were made that this was would always remain under mercer authority.2 In fact no such sovegno was ever created, which suggests that the mercers' suspicions were well-founded.2

This was backed up by voices within the trade whose protests blocked the aspirations of the master hatters. In 1654, in return for renouncing their intention of leaving the guild, the hatters had obtained concessions from the mercers' council, which tightened up access to the trade, created elected soprastanti, and enforced the prova (with the usual care to discourage foreigners, and perks for sons of masters).2 The hatters also got control over half of the entry-fees. However, these

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gains were later annulled by the Senate in 1663, following the protest of the workers. The journeymen hatters complained that these measures had been passed without their participation, and without their even being informed. While such divisions undoubtedly existed within the trade, they were also manipulated by the mercers in order to resist the demands of the master hatters for autonomy. In this case, it is quite probable that large numbers of journeymen worked directly for the mercers. Hatters who lacked shops of their own were reduced to a condition of dependence on the mercers, who supplied their raw materials and acted as the main customer. By contrast, those hatters seeking independence were the remaining independent traders, aiming to seize control of the market for themselves. In any case, the mercers were able to question the legitimacy of the hatter's spokesmen, and this created the space for alternative identities to emerge, those normally subsumed within the all-encompassing identity of the guild.

In arguing the case for and against separation, one of the main themes of debate was the tax yield, always a concern for the government. Guilds frequently played upon this, arguing that should they be broken up, they would not be able to continue in their duties. For example, in an attempt to prevent the hatters from leaving the guild, the mercers stressed that, “The Trade and Guild of Mercers of this City, is a composite of many professions, which all united as one and indivisible form a most effective body in the defence of the States of Your Serene Highness in the Eventuality of War”.¹⁰⁰

²⁹⁰ Arti, b.358, fasc.C, Marzeri c.a F. de Capelleri, p.21, 28 Jul 1663, petition of hatter workers, complaining that master hatters, “hanno formato diversi capitoli perniciosissimi a fine di atringersi à pasar per le sue mani et haver di noi l'assoluto dominio, et una certissima esclusione. Questi capitoli senza il nostro intervento, ne imaginabile saputa sono stati proposti, è presi nella scolla de Merzerì, è poi similmente senza notitia fatti approbare”.

³⁰⁰ Arti, b.371, fasc.B. Per Scola de Marzeri C: Muschieri, 15 Sep 1660, “L'Arte, et Scola de Marzeri di questa Città, è un composto di molte professioni, che tutte redote in una sola, et indivisibile formano una validissimo corpo alla difesa de Stati di Vostra Serenità nell'Occoreenza della Guerra".
emphasizing that the guild, "has squeezed around 46 thousand ducats from its guts in the course of the present public Calamities". If the hatters were given independence, "this would awake the same spirits in other professions united with us and would reduce the guild itself to unbearable expenses and total destruction".

Such arguments had been employed previously against the claim of the stringers to control their own entry-fees. The mercers argued that these moneys were needed to help pay the state demands for oarsmen, and this won the support of the *Milizia da Mar* for their case.

Colonelli were often astute enough to counter such arguments by offering to pay a greater sum in taxes in return for their independence. The hatters, for example, offered to increase their tax payments by 50 ducats per annum if given independence.

In 1588 the seamsters claimed that their independent guild, through a graphic rhetorical device was employed again at a later date with updated figures, Arti, b.358, fasc.E, *Pro Scola Marciorior.m Co Cappellarios. Sacco Capelleri*, undated, but follows 24 Mar 1671, "espremuto delle sue visere D70m.e inc.a nell' corso delle passatte calamita, bastando a' mag.to ecc.mo della melicia da Mar la sola chiamata del Guardian de d.a Arte nell' occorenze deli nnforzi".

Arti, b.358, fasc.E, *Pro Scola Marciorior.m Co Cappellarios. Sacco Capelleri*, undated, but around 1671, "...se succedese incontrario, sveglierrebbe li med.mi spiriti ad'altre proffesioni con noi unite è ridurebbe ad insoferibile dispendii è total destruzione l'arte med.ma...". For similar comments linked to the oarsmen tax, see Arti, b.371, fasc.B, *Per Scola de Marzeri C: Muschieri*, 15 Sep 1660, mercer petition, "se passasse in essempio questo Tentativioni; altre professioni dell'Ane nostra pretendariano la stesso e ridonano il corpo nostro all'ultima debolezza contro la publica lede, con la quale habbiamo sin hora contribuito a quanto siamo stati obligati...".

Arti, b.312, *Mariegola*, 23 Apr 1599, "par che le benintrade che danno li fratelli siano state sin'hora scosse da alcuni contitolo de soprastanti, et quelle dispensate nelli modi, che d'ogn'u no è noto, oltra altre sinistre operationi che vengono usate". Arti, b.312, *Ristretto generale*, voce "Stringhen", 23 Apr 1589, shows that an earlier decision on this issue had also gone against the stringers. Arti, b.380, fasc.280, *Merzeri con. Stringheri*, details the long dispute over this issue. In 1624 these disputes were eventually resolved, but left the stringers in a much less favourable position than the cap-makers. They had to consign a share of all entry-fees and candlemoney to the mercers, and had to ask the permission of the mercers to hold their assemblies. On the resolution of the case, see Arti, b.360, fasc. *Pro D Bor.mio Donattii contra il Gastaldo di Marzeri, N.o 86*, 11 May 1624; and Arti, b.315, 28 Apr 1624 and 19 May 1624.

Arti, b.358, fasc.DD, *Marzeri C Cappelleri*, 26 Mar 1676, offening to continue to pay as they had, "per quella portione restiamo presentemente obbligati dalla quale loro potranno restar essenti et in oltre alla mettdi più delle gravezze medem soggiungeremo à Publico distinto avantage...". The mercers' response to this was scornful - see Arti, b.372, fasc.C, *Per Scola Mezanorum C Muschien*, 20 Nov 1676, "si che la mettò sarebbe la gran loro esibizione da noi non stimata degna d'esser ne anche ascoltata dalla Reggia Magnificenza".
"will also be useful to the most illustrious dominion, because according to the quantity of men which there shall be in the aforesaid guild they are offering to give those men that seem fitting to the Lords of Armament in occasion of war".

(the mercers countered by arguing that their own burden would have to be reduced by as many men as the seamsters were allocated). Similarly in 1678, the "gold merchants", who claimed to be an oppressed colonello of the guild of the gold thread-makers and beaters (see above), offered to pay a sum equal to the entire oarsmen tax of the old guild, if they were allowed to set up their own guild with a monopoly on the retail trade. Their aim was to reduce the independent artisans of the guild to mere wage labourers under their control. When the artist-painters sought to separate from the painters' guild in 1682, they offered 200 ducats per annum instead of the 120 ducats they had paid previously, but the Milizia da Mar subsequently bargained them up to 300 ducats. In return for this, they were exempted from the obligation of the bossolo, that is the personal galley service (selected by lot) which the artisans of the 'mechanical' arts were still held to perform at times of emergency. This can be seen as marking a transition in status from guild to liberal art, a passage from scuola to accademia. The rest of the guild continued

231 Arri, b.312, Mariogola, p.134, 8 Mar 1588, "sarà de utile ancora all Illmo dominio perché si offriranno giusta la quantità de gli huomini che saranno in detta scola dar quelli huomini che parera alli Signori sopra l'armar in occasion di guerra...".

232 Arri, b.373, fasc.B, Scola Marzerì co Merc.ti dà Oro, 27 Apr 1678, petition seeks creation of a separate "scuola de Mercanti da Oro", offering to provide D180 for the oarsmen tax, "ch'è quel tutto, che l'Arte de Batti Oro, e Tira Oro è obbligata".

233 Arri, b.373, fasc.B, Scola Marzerì co Merc.ti dà Oro, 9 Jul 1667, petition of gold thread-makers, "non contenti degli loro immensi guadagni... vanno devisando a loro modo errezioni di Tribunali, e di stabilire con loro soli il Mercantare l'Oro e l'Argento, reducendo l'Arte nostra dentro il ristretto termine di semplici Opperarii". For their part, the merchants argued that the workers were unruly and disobedient, and therefore held up trade.

234 Favoro, L'Arte dei pittori, p.91-2. Their new status as 'liberal art' can also be seen in their detachment from the Giustizia Vecchia and allocation to the more prestigious Provveditori sopra la Giustizia Vecchia.
to pay the same amount as before (420 ducats per annum), which represented an increase for them too, since the artists no longer contributed towards this sum.

The more important the trade was for the economy of the city, the more likely it was that the government would respond favourably to demands for self-rule. The mercers were a powerful interest group, but the government was also attentive to the needs of Venetian industry. Import privileges could be cut back by protective legislation designed to foster emerging industries or stimulate old trades in decline. For example, the request of the mirror-makers to set up an independent guild was rapidly resolved in their favour, due to the economic importance of this growing trade. In 1563 the Council of Ten had ruled that the mirror-makers must remain united with the mercers 'in perpetuity', but the rapid expansion of the trade and need to maintain the high quality of Venetian mirrors led the Council of Ten to deem the trade worthy of independence shortly afterwards in 1569. On the other hand, in granting independence to the hatters in 1676, the government was influenced by the clear decline in Venetian production. The hatters argued that only an independent guild could enforce proper quality controls, and so restore the Venetian hat to its former reputation.

That these considerations were the decisive factor in winning independence is confirmed by the subsequent history of these trades. Typically, the new guilds were

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293 Arti, b.371, fasc.D, Per Scola de Marzneri C: Muschierì, 8 Oct 1563, "che l'Arte nostra de Spechieri debbi et sii sempre sottoposta et unita con l'Arte e Scuola de Marzeri".

294 In 1671, the Senate heard that the number of fornelli (kilns) in the city had declined dramatically. Arti, b.358, fasc.DD, Marzeri C Cappelleri, 24 Mar 1671, "Consideratosi poi circa il punto de Fornelli... della diminuzione de Medemi in questa Città un solo anno ridotti dalli trentaotto che erano à soli vintitre con pregiudito considerable del Publico interesse conviene applicarsi qualche rimedio per non veder à fatto annichillatto tal negotio anzi facilitar il modo che multiplichino". The hatters put the blame on the dominance of the mercers' guild, "l'oggetto et causa principale diviene dall'unione loro all'arte de Marzeri et che dalla separatione ne seguiterrebbe un ottimo singular frutto, poi che molti, che si sonno partiti da questa Città certo ritornerebbero, con augumento considerabile del negotio...". The Senate committed the matter to the Dieci Uffici and the Provveditori di Comun for further consideration.
immediately plunged into legal disputes as the extent of their boundaries was determined. When the mirror-makers broke away from mercer control in 1569, disputes immediately broke out with the mercers for the retail market, and also with other guilds involved in the sector (such as the miniaturists). However, subsequent court rulings reflected the government policy of protecting Venetian industry. Mercers and perfumiers were excluded from the domestic retail market in 1571 (although they were still permitted to buy mirrors for export), and although this decision was challenged in 1574, it was confirmed in 1577. This was also the case with the hatters, who struggled with the mercers for control of the hat market after 1676. Although the mercers had no personal interest in production (proudly defining themselves as merchants, rather than craftsmen), they had no intention of giving up the retail trade. Despite now having an independent guild, many hatters continued to be economically dependent upon the mercers both for supplies of raw materials and as the main customers for the finished product. Their attempts to obtain a monopoly on the raw materials of their trade were fiercely resisted by the mercers, who insisted that goods such as camel-skin were “free commerce” open to

242 Arti, b.358, fasc.E2, Casi. Marzeri c.a F:ri da Capelli, p.2, 23 Jun 1571, shows that mercers had previously bought up mirrors from the artisans without frames, which they then had made of ebony or with miniatures, and then retailed. In 1571 however the domestic retail market was reserved to the artisans, and despite a possible reversal of this judgement in 1574 (same fascicolo, 14 Dec 1574), the decision was confirmed by the Cinque Savi sopra le Mariegole in 1577 (GV, b.5, reg.12, 5 Nov 1577). See also GV, b.5, reg.13, 25 Oct 1579 for details on mirror-maker litigation.
243 Arti, b.312, Ristretto generale, voce “Cappellieri”, 7 May 1680.
244 Arti, b.362, fase. Marceri C Cuchiadori, 16 febraro 1679,...., 11 Dec 1679.
246 Arti, b.372, fasc.C, Per Scola Mezariorum C Muschieri, 5 Jan 1677 (m.v.), hatter petition, “di questa separazione mal contenti alcuni marceri che vendono guicherie è capelli tentano con indiretta forma divertire il progresso privando noi del proprio sostentamento con ricusar la compreda de capelli di nostra fabrica è con l'introduzione di grand quantità de forestieri...”.
all. They insisted on their right to continue importing foreign hats. The complaints of the mercers were able to delay the process, but the government continued to favour the demands of the hat industry, in the hope of reviving Venetian production. In 1680 the hatters made the decisive offer to take on collection of the "hat duty" for four years at 1900 ducats a year, in return for legislation forbidding foreign imports, and the right to carry out searches for contraband. The cash bait was sufficient to carry the day. The mercers immediately appealed to the Quarantia Civil Nuova, incensed at the policing powers granted to the hatters.

It has sometimes been argued that fragmentation of the guilds was deliberate government policy. The Venetian Rabbi Simon Luzzatto commented in 1638: «...the Venetian Republic, the best organised of any other [Republic] in living memory, has always ensured and taken care to emphasise and sustain a precise differentiation of orders, not only in the tripartite framework of its government - of common people, citizens and nobility - but it has also taken..."
great pains to divide and separate all the crafts of the city including lesser
[trades]...»."2

Bonfiglio Dosio has argued that this was a deliberate government policy followed
consistently from the late thirteenth century, the era of the serrata and the closing of
the Venetian political elite:

"The policy of breaking up artisan groups, as a consequence of which, the Guilds
flourish numerically and subdivide internally into colonelli, is intended to avoid the
establishment of corporations with too many members, dangerous in political
terms... the rigid and punctilious demarcation of the competence of the various
Guilds, which is accentuated after 1278, is in line with this logic.".293

Through minute specialization of the trades, the tradesman class was kept divided
and so was incapable of creating a coherent movement which might have
challenged patrician power. It is true that even when their deepest interests were at
stake, Venetian guilds seem incapable of any unified action. Mackenney has shown
how, even when the guilds shared a common cause, such as in the reduction of the
oarsmen levy in 1611, their protest took the form of a mass of individual petitions
rather than concerted action.294 In chapter 4 it was shown that the government tried
to limit the power of oligarchies within the guilds. Fragmentation of the guilds could
be seen as part of the same policy of breaking up potentially dangerous

292 Alterston, The Market in Second-hand clothes and furnishings in Venice, p.12, n.30, for the original
Italian quote and source.
293 G. Bonfiglio Dosio, "Le Arti cittadine", in G. Cracco and G. Ortalli, eds., Storia di Venezia, vol.II,
frammentazione, che costituirà una costante nella storia del sistema corporativo veneziano anche nei
secoli successivi. La politica dello spezzettamento dei gruppi artigiani, in conseguenza della quale le
Arti fioriscono numerose e si suddividono al loro interno in colonelli, vuole evitare la costituzione di
corporazioni con troppi iscritti, pericolose sul piano politico, e soprattutto in grado di controllare tutte le
fasi di lavorazione del prodotto, quindi potenti economicamente. La delimitazione rigida e puntigliosa
delle competenze delle diverse Arti, che si accentua dopo il 1278, obbedisce a questa logica...”.
294 R. Mackenney, “Arti e Stato a Venezia tra tardo medio evo e ’600”, Studi Veneziani, n.s.5 (1981),
p.142, “A dispetto della loro causa comune, l’opposizione al governo era generale, ma non
coordinata”.

concentrations of power. Is it possible to argue from this that the government actively encouraged further fragmentation of the guilds?

Yet while the idea of fragmentation of the populace often appears in political tracts and historical analyses which attempt to explain the stability of Venice, it was never stated as a motivation by those who took such decisions. Fragmentation does not appear to have been the result of deliberate government policy. Guilds were broken up only in response to the demands of colonelli. Although this section has dwelt upon episodes of fragmentation, it was more often the case that the demands of colonelli were rejected. The determined resistance of the mercers meant that the hatters only achieved independence after half a century of struggle. If the government sometimes supported the efforts of colonelli to achieve independence, this was the result of a consideration of the economic conditions prevailing at specific times. In the cases studied, the granting of independence reflected the decision to adopt a protectionist policy for Venetian industry. In the early modern era, the policing requirements of such a policy were best met by self-interested and independent guilds. This was the case with both the developing mirror industry in the sixteenth century and ailing trades like the hat industry in the late seventeenth century.

Conclusion

In chapter 4, power structures within the borders of the guild were examined. In this chapter, those borders have themselves been the object of study. Guilds were

* R. Mackenney, Trade guilds and devotional confraternities in the state and society of Venice to 1620, (doctoral thesis, University of Cambridge, 1982), p.4, “On closer inspection, the multiplicity of guilds does not seem to have been the result of conscious policy. Political stability would have been difficult to maintain without social and economic diversity.”.
fields of conflict contested by individuals and institutions. Their boundaries were temporary crystallizations, symbolic markers of the power structures of the economy. Civil law suits were a means of publicly negotiating these structures. Lawsuits did not merely reflect the technical problems of defining guild boundaries, but were also often used in an aggressive fashion. The boundaries of the guilds therefore only seem to be strong and rigid because the guilds represented them in that way. In reality, boundaries were flexible, shifting and therefore also vulnerable, both to attack from outside (demarcation disputes), as well as from erosion from the inside (the demands of colonelli).

Rapp has argued that the flexibility of guild boundaries was crucial in enabling Venetian guilds to adapt to the difficult economic conditions of the seventeenth century. This ensured that a relative decline in the city's wealth did not turn into an absolute decline in terms of living standards. He argues that 'guild agglomerates' (like those of the mercers, smiths, woolworkers and painters) formed as a response to the economic crisis of the seventeenth century. Through agglomeration, the struggling Venetian guilds were able to adapt and become more flexible.** He further states that this process was encouraged by the Milizia da Mar, which reformed the guild system in the interest of facilitating tax-collection.257

However, as Rapp himself admits, most of these 'agglomerates' already existed before the seventeenth century, and also tended to pre-date the Milizia da Mar.

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254 Rapp, Industry, p.19-20, "The organizational result of this sustained economic trauma was the partial collapse of the arti themselves involving a long-term exodus of workers from the city, debilitation of many guilds and consolidation of weak guilds into large agglomerates, and the partial but significant abandonment of the unitary guild system.", p.21, n.17, refers to "the seventeenth-century dissolution of the unitary guild system in Venice.".

257 Rapp, Industry, p.19-20, n.11, states that in the late sixteenth century, the Milizia da Mar, "subtended many smaller guilds under a few main ones for the purpose of more efficient tax collection, thereby effectively unifying them", giving the laneri, marzeri, depentori, and fabbri as examples. In fact, all of these 'agglomerates' existed long before the creation of the Milizia da Mar.
Agglomeration of guilds was in fact very unusual by the seventeenth century.

Rapp's admission that, "In some cases the absorption did not go smoothly", greatly understates the growth of strong tensions between colonelli in the seventeenth century. Although the membership of the mercers' guild continued to expand (probably due to the incorporation of street traders), the guild was at the same time undergoing a process of fragmentation, with the detachment of the mirror-makers, seamsters, and hatters in the period after 1550. The seventeenth century also saw the detachment of the artists from the painters' guild, and the smiths' guild rocked by internal disputes between blacksmiths, ironmongers, coppersmiths and gunsmiths. The formal division of the shoemakers' guild into separate colonelli of shoemakers and cobblers took place in 1607. Although internal divisions had existed for some time before, this was the first time that separate prove were established for each trade. Tension and litigation continued to grow and by 1684 the two colonelli were holding separate assemblies. These examples raise serious doubts about the idea of agglomeration. While Rapp argues that agglomeration was motivated by the need for greater flexibility, the boundaries between colonelli were in fact increasingly rigid. Rather than confronting economic decline with greater flexibility, it is clear that most guilds responded by tightening their boundaries, by jealously defending their

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234 Rapp, *Industry*, p.19, n.11, "The absorption of small guilds into larger ones - a process that had begun before the years of industrial crisis - may admittedly have had administrative expediency as its chief cause." (my emphasis). Mackenney, *Tradesmen*, p.91, notes that guild structures in the sixteenth century were characterized by flexibility, "The Mercers records suggest that a unitary system had never really crystallised and that guild structures were amorphous, but dynamic.", p.97, "...the rigidity for which traditional corporations are often notorious is altogether lacking.". What Rapp identified as a new flexibility in the seventeenth century was in fact the remnants of a dying tradition.

26 Rapp, *Industry*, p.60, Table 3.1, shows the growth of the mercers' guild in the seventeenth century, though care must be taken with his figures. See Marino, "La crisi di Venezia e la New Economic History".


monopolies and trying to limit access to as few people as possible. This also applied at the level of colonelli, struggling to define themselves as separate guilds and control access to the trade. Although demarcation struggles were nothing new, they did grow in parallel with the developing rigidity of the trades, creating barriers to the kind of flexible arrangements that previously prevailed.

Overall, it would seem that Rapp's assertions are incorrect. Furthermore, the whole concept of 'agglomeration' is itself misfounded. Although there are cases of guilds joining together, more commonly the process was one of increasing specialisation emerging from within a broad umbrella of activities. The various subdivisions of the mercers' guild emerged from within the indistinct mass of activities listed in the statute of 1446. Mercers originally sold all kinds of goods, gradually specializing and creating new definitions within this. The cap-makers were one such group to emerge from within the mass of mercers' guild. While in the early fifteenth century there was no specific distinction of the cap trade from the rest of the "mercery" trade, a century later the trade was flourishing enormously, numbering more than eighty shops, with an "infinite number" of masters and workers, who

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263 T. Fantani, "Le corporazioni nel centro-nord della penisola: problemi interpretativi", Studi Storici Luigi Simeoni, XLI (1991), p.28, notes that in the seventeenth century, guilds throughout northern and central Italy tightened up entry restrictions, "mirando di fatto al numero chiuso e alla pura ereditarietà del mestiere".

264 By contrast, Rapp, Industry, p.21, argues "A side-effect of the mixing of professions was that many guilds began to have trouble enforcing the exclusive rights to sell their wares. Coopers complained of a used-barrel market conducted by wine merchants. Mercers encroached upon the selling rights of the stationers, soapmakers, and glass blowers.". According to Rapp's interpretation, demarcation disputes were the symptom of an increasingly flexible market. Rapp's "began to have trouble" is also misleading, since demarcation disputes did not appear for the first time in the seventeenth century.

265 See IA, b.59, Marzeri in generale. quesiti 1777-1797. In the eighteenth century the mercers claimed that their guild, the oldest in the city, originally sold all manner of goods, "Non v'era ceramente nè primi tempi differazione dè Collonelli, ma chi apriva un Fondaco, o una Bottega da Mercer la forniva di tutte quelle Merci dalle vendita della quali sperava aveme esito", but that as industry developed in the city, new guilds were created with a monopoly on products, "...ne derivarono uno la smembrazione dal corpo dei Marceri di qualche Merce, che prima veniva dagli esteri, e la fabrica della quale si piantò in Venezia e si eresse in Arte, con privativa della vendita".
demanded more control over their trade. In response to this, the Council of Ten insisted that mercers and cap-makers should have equal representation on the guild banca. Similarly, specific regulations for the stringers first appear in the late fifteenth century.‘Guild agglomerates’ were therefore the result of internal specialization within existing guilds. In some cases this eventually led to the creation of new guilds as these broke away and became independent. This pattern is much more prevalent than the idea that previously independent guilds joined together as agglomerates. As new trades emerged outside the guild system, established guilds would naturally try to claim them, as seen in the struggles between guilds and ‘inventors’. When the miniaturists joined the painters in 1574 this was a recognition of their recent emergence as a “new trade”. ‘Agglomeration’ only happened in rare cases, such as the bolzeri (makers of carriage fittings), who joined with the mercers in 1583, on the model of the (by then semi-autonomous) cap-makers and stringers.

This can be seen in one of Rapp’s main pieces of evidence for agglomeration: the revision of the oarsmen burdens carried out in 1661 by the Presidenti of the Milizia da Mar. The Presidenti stated that, “they have united some of these for public service and the relief of the guilds themselves”. The first point to note is that this

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234 The lack of distinction of the cap trade in the mid-fifteenth century can be seen in the classic 1446 statute, which lists caps indiscriminately along with all the other merci. By the turn of the century the trade was booming and had established itself as something distinct - see Arti, b.351, fasc.A, Per Scola de Marzeri c.o Arte Baretteri, 12 Mar 1506, “essendo cressuta questa arte da cinque botteghe à numero più di ottanta Botteghe, et essendo tra maistri et lavoranti infinito numero”.
235 Arti, b.351, fasc.A, Per Scola de Marzeri c.o Arte Baretteri, 12 Mar 1506, “loro maistri di botteghe sono piu di marceri circa il doppio”.
236 Arti, b.104, fasc.F, Pro gastaldione artis pictorurn contra d’num Io. Baptam Turre, 14 Mar 1574, notes that the miniaturists joined the painters as an “arte nova” in 1574.
237 Arti, b.312, Ristretto generale, voce “Bolzeri”. It is of course possible that the ‘request’ of the bolzeri was in fact an offer of compromise to avoid being prosecuted by the mercers. Why else would the bolzeri have allowed mercer officials to participate in the election of their soprastanti? This was after all an emergent trade of the sixteenth century, which probably occupied a dubious legal position with regard to goods traditionally sold by mercers.
unification was specifically stated as being for tax purposes only. In the list of assessments there are indeed several examples of trades being united. However, closer inspection reveals that many of these were in fact new, emergent trades which had never previously been subject to state taxation and were not yet established as guilds. As the Presidenti put it, "Newly obliged to the same burden are the Sawyers, Grain Brokers, Skinners, Valesani, Collar-starchers, Clock-makers and Soap-factories, who used to contribute nothing". Some of these were established as new independent guilds, as in the case of the segadori (sawyers), sanseri da biave (grain brokers), and pegolotti (pitch-sellers). Others were brought under the control of established trades, "incorporating also with some of these guilds many people, who although they have a trade were not subject to any such burden". This was the case with the collarine (collar-starchers), who joined with the mercers; the clockmakers, who joined with the goldsmiths; and the savonarie (soap-factories), who joined with the soap-makers. The Senate welcomed the report, but warned of the danger of over-burdening emergent trades which had not yet established themselves in the city. In the few cases where it is possible to identify the genuine 'agglomeration' of already established trades, these consisted of guilds

279 Senato, Terra, f.687, 24 Jan 1660 (m.v.), "Havendo anco per publico servitio e sollevio delle stesse arti unito alcuna di esse per quello però riguarda l'interesse de galleoti solam.e e non in altro giusta la notta ch'al margin di quelle sarà fatta...".

271 Valesani were those who fished the valle (lagunar fish farms - see chapter 3).

272 Senato, Terra, filza 687, 24 Jan 1660 (m.v.), "Si sono pure novam.e obligati allo stesso aggravio, i Segadori, Sanseri da Biave, Scortegadori, Valesani, Botteghe che fà e da colla à collari, Relogisti, e Savonarie che niente contribuivano...".

273 Senato, Terra, filza 687, 11 Mar 1661, "incorporando anco con alcune d'esse arti molte persone, che se bene havevano mestiere non soccombevano à simili peso".

274 Vitali, La moda a Venezia, p.146, "'Colarina' era denominata anche la stiratrice, in particolare quella addetta ad inamidare - 'dar la cola' - determinanti tipi di biancheria.", as implied in their lengthier title, "Botteghe che fà e da colla à collari".

275 Senato, Terra, filza 687, 11 Mar 1661, The Senate further instructed the Presidenti to, "ascoltare quelle arti che non fossero state sentite, et specialm.te quell' che nuovamente intendono aggravare, et fossero pure aggravati quali non hanno fragle ne sono più stati ascritti ne comparti passati col solo oggetto di non pregiudicar al negotio... [jumps to final page] et specialm.te per alcuni li cui mestieri sono di poco rilevo mà necessari et che si rendono innabili al peso di qualsisia tenue aggravio."
in terminal decline, such as the union made by adding the belt-makers, scabbard-makers and armourers to the swordsmiths. These trades had contributed very little in the tax assessment of 1636, and their 'agglomeration' with the swordsmiths probably reflected their further decline. For example, the pelizeri (furriers specializing in lambskin and, in the middle ages, dormouse skin), who had contributed only two oarsmen in 1636, were now united with the varotleri (furriers in general) for tax purposes, probably reflecting their further decline. The addition of the supralume (makers of lamp-covers?) to the cristalleri (crystal-glass workers) made no difference to their oarsmen assessment, indicating that one or both of these trades was in decline. As the Presidenti put it, "Various trades which were almost annihilated, have been added to others, so that they contribute towards this burden together".

Rapp also emphasizes the developing phenomenon of multiple guild memberships in the seventeenth century, with many masters in the apprenticeship contracts listed as having up to four or five separate occupations. In one example from 1681, the master concerned is described as a, "Master of oils, soap, Grain-dealer, Almond-seller, Master Confectioner and Dried fish seller", and Rapp adds, "Perhaps he was merely a grocer in today's terms, but the combination of functions he served would have been improbable before the seventeenth century dissolution of the unitary guild system in Venice".

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3 For details on the distinctions between these trades see Vitali, La moda a Venezia, p.288, and Brunello, Arti e mestieri, p.160. Although etymologically, the name varoteni suggests specialisation in vaio fur (Russian squirrels), in fact they worked in all types of fur such as wolves, foxes, wild cats, rabbits etc. The pelizeri and varoteri appear to have been united as colonetti of the same guild in the middle ages, and it is not clear when they became separate.

3 Senato, Terra, filza 687, 24 Jan 1660 (m.v.), "Diverse quasi annihilate, sono state appoggiate ad'altre, perche unitarn.e con quelle concorrano a questa gravezza".

3 Rapp, Industry, p.21, n.17, "Maestre de oglio saon Biavard Mandoler Maestre Dolhere e Saturnier". He further comments, p.20, n.12, "By "unitary guild system" I mean that a man typically joined one guild and adopted its singular profession for the duration of his life. This was the usual
multiple membership of guilds was developing. It is however possible to interpret this as a consequence of the seventeenth-century decline of the membri system.

Grocers had traditionally been membri of many trades in the sixteenth century (see above). As competition for a shrinking market increased, many guilds struggled to reduce the privileges of membri, as in the case of the mercers and canvas merchants. Those registered as full masters of two guilds (which is probably the case in Rapp’s evidence, which is taken from apprenticeship contracts) had to pay a high price for the privilege in terms of duplicate taxation, which contrasts with the more flexible membri arrangements of an earlier era. Only the richer masters could afford full membership of more than one guild. The more flexible agreements of the sixteenth century were therefore breaking down under the increasing pressure of the seventeenth century.

This does not explain why the seventeenth century in particular was a period of disaggregation and increasingly minute specialisation. As Mackenney has argued, “The experience of Venetian guilds suggests that their structures were traditionally loose, the institutional framework light and flexible... when guild structures look ‘rigid’ or ‘obsolete’ it is important to ask why...”. From the late sixteenth century onwards, previously flexible arrangements were coming under pressure. For example, in 1704 the mercers excluded women from the guild, “...under whatever colour or pretext that one can say or imagine, women must no longer be received or described as Masters of the present guild...”; a development which contrasts to their sixteenth-

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case for European guild systems, Venice included, until the seventeenth century.”. By contrast, M. F. Mazzaoui, *The Italian Cotton Industry in the later middle ages, 1100-1600* (Cambridge: Cambridge University Press, 1981), p.106, notes of guilds in medieval Venice, "...the division between individual guilds was never strict and multiple membership was a common practice.".

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Arti, b.312, *Mariiegola*, p.179, cap.347, 1 Jul 1704, “sotto qualunqu. colore o pretesto che dir et imaginar si possa che non DEBA PIU ESSER RICCEUTE NE DESCRITE DONNE PER CAPPI MAESTRE della presente scola”. 
century emphasis on incorporating everyone, both men and women. Mackenney
further argues that tightening demarcation and the fixing of status was a response to
government demands\(^{203}\) on the guilds as administrative units and sources of taxation:

> "The character of the economic organisation which the guilds helped to foster
meant that they did not lend themselves to clear delineation as taxable units.
What applied to the mercers seems to have applied generally. Lines of
demarcation between guilds were not always all that clear, and membership was
not all that fixed: it was government policy, not guild-based economics, which
forced the pace of their definition."\(^{202}\)

Privileges and taxation were increasingly linked in guild petitions and lawsuits, and
the connection between them was constantly reiterated. Far from encouraging the
agglomeration of guilds for tax purposes, as Rapp asserts, the effect of government
tax policy was to drive the guilds to define their internal boundaries ever more
carefully and lead many guilds to seek separation from the agglomerates. In order to
draw up registers of their members for tax purposes, guilds were forced to define
their membership more rigidly. This contradicted with previous arrangements
designed to promote flexibility and the sharing of privileges.\(^{201}\) The engine behind this
steadily tightening guild system was the increasingly insistent taxation of the state.

\(^{201}\) Mackenney, *Tradesmen*, p.112-3, "The fixing of status ('genuine master'), the drawing of lines of
demarcation, these were a response to government orders...".


\(^{203}\) Rapp, *Industry*, p.22, also identifies the fact that the cross-over between guild boundaries created
problems for the tax system, "The changes in the guild structure made the repartition and collection of
the tax burden more difficult."
Chapter 6. The Resolution of Disputes. Guilds, Money and Civil Justice

The aim of this final chapter is to examine how the disputes identified in chapter 5 were resolved in the Venetian system of civil justice. The patriciate presented its justice as something noble and pure, uncontaminated by base concerns of material interest. As the eighteenth-century Venetian criminologist Antonio Barbaro wrote:

“Justice and Interest can never be paired up; rather, where the one reigns, the other is bound into unbearable servitude by chains of gold. And indeed, what force can the Law have in whoever pricks up his ears at the sound of deceiving metal?”.

The contradiction between private interest and the ideal of justice was also identified by Garzoni, who employed the metaphor of justice as a sweet and uncorrupted girl, all too vulnerable to the corrupting effects of money. The patriciate justified its rule in terms of impartial justice. However, as we have seen, important private interests might be at stake in questions of market regulation. Guilds brought all their wealth and influence to bear on the outcome of disputes.

This chapter therefore seeks to examine the role of money in the justice system. This involves a shift in focus from the lowest courts (such as the Giustizia Vecchia) to the highest appeal courts of the republic. The first part of the chapter estimates the price of justice and the amounts which guilds typically invested. The

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1 A. Barbaro, Pratica Criminale (Venice: Giuseppe Bortoli, 1739), p.9, “...non vi è arma più potente contro le Leggi, che l'Interesse... Non sia mai, che accoppiarsi possano Giustizia ed Interesse; anzi over questi regni, passa quella con auree catene in schiavitù insuperabile. Ed in fatti qual forza possono avere le Leggi in chiumque apra l'orecchio al suono dell'inganevol metallo?”.

The second part examines the workings of civil procedure and the ways in which it might be manipulated. A contrast is identified between the way the system operated in reality and the ideals of the patrician elite. Attempts to reform the system are considered and possible explanations for their failure are offered in the conclusion, setting the subject in the wider context of the struggle between republican and absolutist tendencies in the political republic.

1. The Price of Justice

Venetian justice was supposed to be equal for all. But of course, lawsuits were expensive, and only the rich could afford to defend their rights in court. Not only did a litigant have to hire an advocate (or preferably, several), he also had to pay the costs of the legal machinery. A large group of people earned their living from the justice system, and they all had to have their share. These included judges, court clerks, policemen and public advocates. As Garzoni asked,

"how can the unhappy litigant not despair, when he sees so much money leave his purse every day? - the Doctor [of law] wants ten soldi, the clerk wants six, the solicitor wants four, the court messenger wants one, the police want eight, the warden of the prisons wants sixteen, the Judge demands his fee, and the moneys from the sentence, and all agree to devour him, as if he were a butcher's bone before a pack of dogs.".

How far are Garzoni's estimates to be trusted? In fact, by the seventeenth century, litigants were paying much more than this. In a case of 1636 at the Giustizia

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3 T. Garzoni, *La Piazza Universale di tutte le professioni del Mundo* (Venice: P. M. Bertano, 1638), p.60R, voce “Procuratori, overo Avocati”, “come può esser, che l’infelice litigante no si disperi, quando vede ogni di ta’ti soldi uscirli di borsa, che’l Dottor vuol dieci sovdi [sic], il nodaro ne vuol sei, il sollecitatore ne vuol quattro, il co’me’datore ne vuol uno, i zaffi ne vogliono otto, il guardia’ delle prigione vuol sedici, il Giudice chiede le sportule, & i denari della se’te’za, e tutti s’accordano a devorarlo, come se fosse un’osso di beccaria dinanzi a tanti cani?”.
Vecchia, the guild of swordsmiths and cutlers paid a ducat (124 soldi) to their advocate, a ducat to the court clerk, half a ducat to the lettor (reader) of the court, and 24 soldi to the fante. They also paid out 8 lire in obtaining copies of documents (probably to the court clerk), and 2 lire in delivering citazioni (court summons) to their opponents (probably carried out by the fante). Furthermore, if a litigant lost his case, he was usually held liable for his opponent's costs. Expenses could be listed in a modula di spese and claimed back from opponents, as the cutlers did from the mercers in this case.

Such module are useful evidence for estimating court expenses, but they underestimate the amounts spent in fighting lengthy suits. This is because module generally list only the sums spent in court on the day of the trial, and tell us little about the preparations involved in bringing a case to court. Most importantly, they omit the large amounts of time and money spent in consultation with advocates beforehand. Guild account books provide much better evidence for the preparations involved in putting a case together. The relevant legal precedents and statutes had

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5 Arti, b.122, loose documents, 21 May 1627, following their recent victory at the Quarantia Civile Nuova, the mercers presented a modula di spese which claimed back around D40 from the smiths. Only around 20% of this went on advocates. Similarly when the smiths claimed expenses of D47 from the coppersmiths in 1657, only about 13% went on advocates - Arti, b.109, 30 May 1657. This is significant because advocates usually accounted for around 60% of the total costs of litigation (see below).

6 For the difference between module and accounts, compare the accounts of the cutlers, Arti, b.102, 2 Sep 1675 to 5 May 1677, which show that they spent at least L1731:11 in the suit against the mercers. Arti, b.362, fasc. *La Scola Marzeri Co Curtelleri, Corrente p.mo,* 18 Nov 1676, contains a copy of the modula that they presented to the court, which claimed L1016:2 in expenses. The cutlers were eventually awarded L744 by the court. This can also be seen in the gunsmiths' accounts: Arti, b.123, fasc. *1655 Scritti contra schiopeteri, di carte 40 scritte* - compare the expenses listed on pp.1-17 with those listed on pp.30-35. This demonstrates that payments for consultations and money spent in preparing a case were excluded from expense claims.

7 Unfortunately few account books have survived from before 1700, though all guilds had to have them by law. Most of them date from the late seventeenth century. The sole remaining from the
to be assembled, and sometimes court clerks were paid to rummage through the court records for this purpose.* Advocates were then consulted to draw up a coherent case and prepare those arguments most likely to appeal to the judges. For example, in 1670 the guild of distillers paid 29 lire 2 soldi for a consultation with the advocates Canal and Mastaleo and the fiscale of the Giustizia Vecchia (and since it was raining, the guild also footed the bill to take these worthies home by boat).* In addition to the advocates, there were a variety of administrative fees to be paid to court clerks and fanti for the formulation and delivery of suspensions, summons, and court orders. The cost of the court machinery was entirely at the charge of litigants. Communications between courts (such as a suspension of proceedings at the Giustizia Vecchia) involved payments to staff on both sides, both the officials issuing the instruction and those acting upon it. A vast variety of other kinds of payments are also recorded in guild accounts. The box-makers, for example, paid 10 soldi to a porter to transport contraband boxes to the court-room, and they presented a “pair of old capons” to the gastaldo of the shoemakers in return for access to his legal archives.” Among their legal expenses the smiths even listed the payment of 2 lire

sixteenth century is that of the goldsmiths, analysed in R. Mackenney, Trade guilds and devotional confraternities in the state and society of Venice to 1620, (doctoral thesis, University of Cambridge, 1982), p.159. Those remaining at the ASV, Arti, are Casselleri: registri cassa 1649-1805, b.96; Cortellieri and Spaderi: registro cassa 1674-1806, b.102; Forneri: libro spese 1608-1647, b.150; Libreri, Stampatori and Ligadori: registri cassa 1634-1763, b.179; Orefici and Gioiellieri: cassa amministrazione 1541-1554, b.425; Scaletteri: registro cassa 1618-1671, b.509; Varoten: registro cassa 1644-1784, b.724.

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* Arti, b.365, fasc.D, Marzeri contro Favri, 8 Nov 1626. The smiths presented the original copy of the mercers’ 1446 statute to the court, which had been unearthed for them by Iulio Negro, one of the clerks at the Giustitia Vecchia, “tratta per me Iulio Negro Nodaro all’offitio della Giustitia Vecchia da un altra copia de mano del quondam s Marin Marin Ducal Nodaro”.

* GV, b.77, 8 Jul 1670, “per un consulto fatto... al s.r Fiscal L12:8... al s.r Canal L8:10... al s.r Mastaleo L8:10”, “per spesi in barca il sud.to g.no che pioveva per levar li sud.ti L1:4”.

* Arti, b.96, p.220, in 1679, in order to suspend proceedings at the Giustizia Vecchia through an appeal to the Provveditori sopra la Giustizia Vecchia, the box-makers paid 12 soldi to a clerk and 4 soldi to a fante of the Giustizia Vecchia, and also L3:14 to the clerk and L1:18 to the fanti of the Provveditori sopra la Giustizia Vecchia.

* Arti, b.96, p.225, 2 Jun 1679 to 30 Dec 1679, “per le spese fatte delle due casse di nogera contro Antonio Zuponi et Gastaldo di Marangoni”, lists payment of 10 soldi “à un fachin à San Marcho per
for a mass, “to pray God for the happy outcome [?] of this suit”. By the late
seventeenth century, guilds also paid to publish their legal materials, creating printed
collections of documents to which their advocate could refer as he made his case,
directing the attention of the judges by use of numbered pages.”

These account books make the guilds a particularly good subject for a study of
civil litigation. Because guild officials had to be financially accountable to their
brethren, a barrage of controls existed to prevent gastaldi throwing the money of the
guild away in their own private struggles.” This meant that the amounts invested in
litigation were carefully recorded, checked by the guild sindici and then presented for
government approval at the Giustizia Vecchia. The quality of guild book-keeping
enables us to determine just how expensive litigation was, and whether the cost was
likely to be a deterrent. Their detailed tracing of the flows of money through the court
system can be extremely revealing of how the courts operated in reality. For
example, their account books sometimes even include references to technically
illegal payments such as buona man (tips) because all expenditure had to be fully
accounted for.” As was concluded in chapter 4, they are therefore probably fairly
reliable evidence.

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portar le due casse ali proveditori à Rialto”. Arti, b.96, p.173, cassa beginning 4 Mar 1674, notes
payment of L7:10 “in un paio di caponi vechi dati al gastaldo di calegeri acio mi dia il comodo di far
copiare diverse copie di casi seguiti”.

12 Arti, b.122, loose documents, 28 Dec 1628 they note expenditure of L2 for a Mass, “per pregar Dio
per el felice ..... [hole in page] di questa causa”.

13 Arti, b.362, fasc. La Scola Marzeni Ca Cortelleri, Corrente p.mo, 18 Nov 1676, “publicar il processo
e copia L31:0”, “pubblication di Processo e copia L12:4”. Many examples of published summaries can
be found in the processi of the mercers.

14 See below, and also chapter 4 on the work of the sindici.

15 For example, Arti, b.96, p.220, 12 Apr 1679. See chapters 1 and 2 on this. While the presence of
such technically illegal payments suggests that government scrutiny of guild accounts was not very
effective, it does on the other hand indicate that accounts were not ‘doctored’ by the guilds in order to
evade state controls.
The administrative costs derived from litigation cannot always be easily distinguished from those related to the other activities of the guild. While many of the payments to court staff are obviously directly linked to litigation (for example to obtain copies of previous cases from the court, or to lodge appeals), things are not always so clear-cut. For example, to authorise spending on lawsuits and raise the money to fund them, the guilds often had to hold additional assemblies (for which they had to pay government officials to be present), and obtain licences to tax their members. All this involved additional administrative fees which were indirectly related to the lawsuit in progress. For example, in 1628, the officials of the fomeri (bakers) classified 55 ducats of their budget as legal costs. Yet detailed examination of the accounts reveals that further costs of around 6 ducats were also indirectly related to litigation, involving the licensing of expenditure and the costs involved in raising money from the brethren." The guilds also had to hold additional assemblies to fund government taxation demands, and these cannot always be distinguished from those related to litigation. As there is much potential overlap between categories, it is difficult to analyse guild expenditure in a precise fashion. Nevertheless, some indication of the types of figures involved in the 'price of justice' may be hazarded.

At a rough estimate, it appears to have cost around 25 ducats to fund a single 'legal action', such as an appeal to a court like the Provveditori sopra la Giustizia Vecchia. When guild officials vote money to fund lawsuits, the sums usually range from 10 to 50 ducats." The Provveditori sopra la Giustizia Vecchia ruled that the

"Arti, b.150, 1628, the cassa of Domenego del q Zuane, which lists L345:10 "per tante speze fatte nella lite", does not include further payments such as L8 "al sig.r agustin", clerk at the Giustizia Vecchia, "per far capitolo in materia di spender per la lite".

17 Arti, b.122, loose documents, 13 Sep 1626, where the smiths raised D50 to continue the suit against the mercers. See Arti, b.122, fasc.G, Pro Arte Fabrorum con' Mercarios, 1610, for expenses in the Segalla case, which shows that between Oct 1610 and Mar 1611 the smiths spent about D47."
guild council could obtain a licence to spend up to 25 ducats without the approval of the general assembly, precisely because this was the amount that would normally be spent in a minor action. Such licences might be granted once every three months at most, representing a ceiling of 100 ducats a year, above which approval of the assembly would have to be sought." Costs increased dramatically at the highest courts such as the Quarantie. Just to obtain a pender (insertion in the court roll of pending cases) at these courts cost around 8 ducats.  If the case went to the higher appeal courts, the costs might rise to 200 ducats a year or more. The smiths spent 279 ducats at the height of their struggle against the mercers in 1628-29." For their part, the mercers spent even more: at least 400 ducats spent in contest with the smiths between January 1629 and January 1630."

The most significant element in legal costs were advocates' fees. Analysis of a wide variety of accounting evidence indicates that advocates typically accounted for between two thirds and three quarters of the total legal bill." The rest of the bill was made up of administrative costs (such as payments to the fanti and clerks of the

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18 GV, b.89, filza 76, 16 Jul 1635. See also Arti, b.123, fasc. 1655 Scriture contra schiopeteri, di carte 40 scritte, p.37, 16 Jul 1635.
19 Arti, b.362, fasc. La Scola Marzeri Co Cortellari, Corrente p.mo, 18 Nov 1676, for an itemized list of expenses (totalling L1016:2) incurred in obtaining two spazzi at the Quaranta Criminal, which includes "il pendere L51:0". Arti, b.122, loose documents, 21 May 1627, "per far pender il Cons.o L49". Arti, b.109, 30 May 1657, "per far il pender L50s10". G. Cozzi, Repubblica di Venezia e Stati italiani. Politica e giustizia dal secolo XVI al secolo XVIII (Turin: Einaudi, 1982), p.198, n.63, quotes Ferro's definition of the pender: "s'indica il giorno in cui cade il terzo consiglio, cioè quel giorno ch'è destinato alla trattazione e decisione della causa".
20 Arti, b.122, loose documents, 16 Apr 1629, "ali agioni per la lite... D279", spent over the last year.
21 Arti, b.315, money voted to the suit against the smiths, 4 Jan 1628 (m.v.): D120, 19 Feb 1628 (m.v.): D100, 30 Apr 1629: D80, 20 Jun 1629: D50, 2 Jan 1629 (m.v.): D50.
22 Arti, b.104, fasc.F, Pro gastaldione artis pictorum contra d'num lo. Bap'tam Turre, accounts from 1667, p.20, the painters spent D50 in legal action over carte miniate, of which 66% (D33) to advocates, and, p.64, they spent D30 "contro li lavoranti per benintrade", of which 67% (D20) to advocates. Arti, b.724, 24 May 1680, the furriers spent L788:5 vs. Lorenzo Betori, of which 66% (L517:9) went to three advocates. Arti, b.724, 20 Apr 1630 to 21 Sep 1630, of which 63% (L1100) went to three advocates. Arti, b.102, the cutlers spent L354:10 in 1683, of which 75% (L264:18) to advocates. Arti, b.150, the forneri spent L545 on litigation in 1624, of which 70% (L380) went to advocates.
giurisprudenza Vecchia). Advocates did not generally earn fixed stipends but charged a
standard rate (though they might also receive a small honorario for being attached to
a guild).23 In the late seventeenth century, an advocate earned between 1 and 4
ducats for a consultation, and between 2 and 5 ducats for speaking in court,
depending upon his prestige.24 The solicitatori (solicitors) who carried out the more
menial types of legal work tended to be at the bottom end of this scale.25 A middling
advocate like Zan Mattio Canal, who charged 2 ducats for a consultation, probably
earned around 1000 ducats per annum.26 A man like Lunardo Mocenigo, part of that
cream of Venetian advocacy who worked the courts of the Quarantie, could
command an even higher fee - 5 ducats for each appearance in court.27

This was a respectable income for a nobleman, and many nobles can be found
working for the guilds, such as Bernardo Nave (who also collected art), Pietro
Anzolo Zen, Alvise Lombardo, Rizzardo Balbi and Lunardo Mocenigo. The same
names crop up time and time again in the guild records, suggesting that (at least by

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23 Arti, b.312, Ristretto generale, voce "Avocato", p.88, in 1672 the mercers appointed Zuane
Paganoni as advocate of the guild, "con honorario de ducati trenta alla anno".
24 GV, b.77, 1 Aug 1670, reveals the differing grades of advocates, "per un consulto fatto con quatro
Avoc.ti... contadi al Zen et al Querini L37:4, dati al Cavazza et al Canal L24:16" (respectively, D3 and
D2 each). Assuming that a consulto or court appearance involved about half a day's worth of time
(including preparation time), advocates probably earned from D2 to D8 per day. If they worked the
standard 250 days per year, their incomes would have been in the range from D500 to D2000.
25 GV, b.77, 18 Mar 1671, "per un consulto col s.r Silvani et il s.r Cavazza... cont.di a tutti doi L24:16",
26 Mar 1671, "per un consulto con il s.r Cavazza et il s.r Durighello solcitador... L18:12". Durighello
received only D1 for a consulto, half the fee of the advocates. For evidence on the amount that could
be earned by the solicitor Magri in the 1630s, see PdC, b.2, Capitolare Nuovo, 28 Mar 1636. He had
earned L900 in half a year from one guild, and L1000 in one year from another. Estimated annual
income was therefore at least D450 (although it is possible that he also worked for other guilds). As
advocates generally charged twice as much as solicitors one could expect a middling advocate to
earn around D1000 per annum.
26 GV, b.77, a sample of distillers' spending from 28 Mar 1670 to 28 Jul 1670. Evidence from distillers'
records shows that Canal earned at least L183:12 from the guild over a period of 4 months, for about
8 and a half days work. He could therefore expect to earn about 3 and a half ducats every working
day, or about D875 per year. See also Arti, b.150, 1624, Bernardo Marcello earned L310 from the
guild in 1624 alone for 24 consulti and appearances in court. Estimating that this must have been
about 12 days' work, he must have earned around D1040 a year (including holidays).
27 GV, b.77, 26 May 1671, "per contadi all ill'mo mocenigo alla GV.a per parlar in causa, ma l'ill'mi ss.ri
GV.i vene tardi fù rimesso per il g.no dietro contadi L24:16", and on 27 May 1671, Mocenigo got L31
for speaking in court.
the late seventeenth century), there existed a circle of lawyers who specialised in
guild disputes. Often these were men who had previously been employed as
*avvocato fiscale* at the *Giustizia Vecchia* or *Provveditori sopra la Giustizia Vecchia*,
and who later became private lawyers, such as Bernardo Galia, Gio' Francesco Lio
and Cesare Silvani. The experience they gained working for the court was therefore
later turned to the advantage of their private clients.

Indeed, lawyers might make so much money that they were able to buy their
way into the Venetian nobility. The supreme example has to be Vicenzo Fini (1606-
59), who after learning the ropes of the game in a short spell as *avvocato fiscale* of
the *Giustizia Vecchia* (1622-24), set himself up as a private advocate. He appears to
have specialised in guild disputes and worked for a wide variety of guilds in the
course of his long career. Of his many clients only a small selection will be cited
here: he can be found working for the fustian merchants in 1627, for the smiths in
1633, for the bakers in 1639, for the braid-makers in 1641, for the furriers in 1644,
for the cobblers in 1649, for the mercers in 1651, for the pastrycooks in 1653, for the
gunsmiths in 1655, and for the pewterers in 1657, shortly before his death in 1659.
Somehow Fini earned enough money to buy his way into the Venetian nobility for
100 thousand ducats in 1649, purchase the prestigious office of *Procurator di San
Marco* for another 100 thousand ducats, and leave a large fortune in the hands of
his brother, (a good chunk of which ended up in the ornate facade of San Moisé,
from which a bust of Vicenzo still looks down on the passers-by today). His nieces
went on to marry into prestigious patrician families, a remarkable social achievement
facilitated by their enormous dowries. It seems unlikely that this vast fortune was

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derived entirely from his legal work, but it must have been lucrative enough, for he
continued at the career for his whole life, even after becoming a Venetian noble in
1649. He is mentioned as having invested his gains in commerce as well, but he
must have dedicated much of his time to his legal activities, as he shows up in guild
records very frequently. Nor was this fortune inherited, for the family were Cypriot
nobles who had spent their wealth in the unsuccessful defence of Nicosia.

Nor was Fini the only one of the new nobles to have a background as a lawyer.
Fini's progress to wealth and respectability was not exceptional when compared to
other Venetian advocates. Other penniless outsiders were also able to make their
way in Venetian society by this means. Six of the eighty families to enter the
Venetian nobility in the period 1646-69 were headed by advocates. Many of these
were outsider families which had succeeded in making huge fortunes in the space of
a generation. And guild litigation was one source of this wealth. Zan Battista
Albrizzi, one of the most distinguished Venetian lawyers of the time, came from a
family ennobled in 1667. Here too, the family's fortunes had been considerably
enhanced by advocacy. Yet even moderately-wealthy guilds could afford the most

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30 Sabbadini, L'acquisto della tradizione, p.43, quotes from BMCC, Mss P.D.613 c/IV, Fini: «con la
professione d'avvocato e sollecitatore fece qualche peculio col quale postosi anco in negotii fece
fortune considerabilissime».
31 M. Barbaro and A. M. Tasca, Arbori de' patritii veneti, ASV Miscellanea codici, I, Storia Veneta, 17,
[photocopied version on open shelf at the ASV], voce "FINI": "Famiglia antica di Cipro et il Padre
nelle Guerre di quel Regno contro gli Ottomani contribuirono grosse somme di denaro, e nella diffesa
di Nicosia detto Emmanuele perdè il padre, et quatro Fratelli, doppo la perdita di quello si ricorrono
in Venezia senza facultade alcuna. Vicenzo con la professione d'Avvocato, e Ger'mo con il negozio
accumulata grossa summa di Denaro offersero in dono al Publico D100m", on 12 Dec 1649, "e furono
riceuti fra Nobili Veneti". His younger brother Gerolamo was involved in commerce, but was still only
28 years old in 1649.
32 Sabbadini, L'acquisto della tradizione, p.33, Table 1 (aggregates 1646-69). p.42, "nello spazio di
da generazione erano riuscite ad accumulare guadagni enormi".
33 Sabbadini, L’acquisto della tradizione, p.101, "Zan Battista si distinse come uno dei migliori oratori
del Foro veneziano", and, p.90, refers that Albrizzi got a permanent seat in the Senate in 1698, one of
the few 'new' families to obtain this honour (along with Manin 1665, Fini 1687, Ottobon 1689).
34 Sabbadini, L'acquisto della tradizione, p.43, quotes sources showing that Albrizzi senior had earned
some wealth in the oil trade with Candia, riches that were then «moltiplicate da Gio Batta suo figliuolo
con la professione di Avvocato». 
prestigious lawyers: we find Albrizzi advising the cutlers in 1676 and the box-makers in 1679.*

Litigation was however beyond the reach of most ordinary individual citizens in terms of its sheer cost. The wandering pedlars frequently denounced by guild officials could not afford to appeal, and were usually convicted by the ordinary magistracies or the guild tribunal. Only very rich individuals could afford to go to the higher appeal courts, such as the iron merchant Biasio Segalla, evidently a rich man since he "has a warehouse of ironware and sells wholesale and retail", and who employed four advocates in his dispute with the smiths.* However, guilds potentially offered even their poorest members the possibility of legal defence and a sharing out of the costs - if it was deemed to be a matter of interest to the whole guild, then the guild might formally take on a guildsman's defence itself.*

In addition to account books, another helpful source are guild representations of their finances to the government. These were designed to emphasize the guild's poverty, with an eye to obtaining tax cuts. A typical example is a mercers' petition of 1689, which sought to demonstrate the financial difficulties of the guild. The apparent opulence and wealth of the shops in the Marzaria was nothing but "smoke and illusion, because the majority of the capital is not ours but belongs to private persons", as reflected in the fact that,

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* Arti, b.102, 18 Nov 1676, the cutlers paid Albrizzi 5 ducats for a consultation. Arti, b.362, fasc. No.7. Querella, Scola Marzener Co Arte de Cortelleri, 24 Sep 1675, shows that Albrizzi also represented the cutlers at the Quarantia Civile Nuova. Arti, b.96, p.220, "contro il Gastaldo dei marangoni et Battista Mezan in Chale da locha", 12 Apr 1679 to 13 Nov 1679, shows that Albrizzi commanded a high price for his advice, "per consegiar con Luse.mo abrissi é riva et balbi et solicitador al albrici L24:16 al riva lire 20 al Balbi L12:8 al solicitador L5 tutto L62:4".

* Arti, b.366, fasc.M, Marzeri da' Ferrarezza Co Arte de Fabri, 13 Dec 1610, "un certo Sig Biasio Segalle qual ha un magazen de ferro et vende in grosso, et a minudo, il qual non vol entrar nella scola nostra et l'habbiamo fatto citter davanti l'Illi sex Giuz Vechi lui ha sospeso per l'eccmo pleno coll et ha presentato molte scritture, et ha quatro avocati".

* The technical term for this was "assumere su di sé il giudizio".
"There is no Guild in Venice that does not have its Silver which serves in the
honour of the divine cult, and yet we don’t even have a pair of silver
candlesticks to put on the altar"."  

According to this document, the mercers spent around 120 ducats on litigation each
year, along with 30 ducats as an honorario for their advocate. In addition to this they
paid around 40 ducats in administrative costs related to lawsuits (such as mandates
to prosecute offenders and debtors) and 40 ducats to a soprastante (guild
policeman) to patrol the city. The total spent on litigation and policing was 234
ducats per annum, a figure of little significance next to the 2004 ducats paid to the
state for the oarsmen tax, and only 8% of the total budget. * This evidence is
confirmed by another petition of 1660, in which the mercers estimated they spent
350 ducats per annum in litigation, or 13% of the annual budget. * Furthermore,
these figures should be regarded as an upper limit, since the mercers were
deliberately trying to exaggerate their financial plight in these documents. Probably
more reliable (because designed for internal use) are the figures in the Ristretto
(which includes a review of the budget dating from 1667), in which the mercers
estimated that they typically spent 200 ducats per annum in lawsuits. Compared to
state taxation, which the mercers estimated at 2186 ducats, this was an insignificant
burden on guild finances, amounting only to 6.5% of total outgoings. * Despite their

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* Arti, b.370, fasc.L, Per la scola de Marzeri Co. Mags.to ecc.mo del Collegio Maritimo Per Nove Carata di Tansa Insensibile (undated, but probably ca.1689, due to a reference to the newly-created guild of calze di seta all’inglese), p.1R. "fumo et apparenza, perche la maggior parte dei capitalli non sono nostri, ma di private persone", "Non vi è Arte in Venetia che tute non habino li lorro Argenti che serviuno per honore del culto divino; è pure noi non habiamo ne meno un paio di candellieri dargento, dà poner sopra l’Altare...".

* Figures in Arti, b.370, fasc.L, Per la scola de Marzeri Co. Mags.to ecc.mo del Collegio Maritimo Per Nove Carata di Tansa Insensibile.

* Arti, b.368, fasc. Galeotti. G. This figure should be regarded as a maximum. As the document states, this amount was not always spent, "seben tal volta vede si salvele".

* Arti, b.312, Ristretto generale. voce "Spese", p.79. The mercers also spent D293 per year (nearly 10% of the total budget) on paying off livelli (debts), most likely incurred as a result of state tax demands.
rhetorical pleas of poverty, the mercers were one of the richest guilds. Although constantly involved in litigation, their expenditure was quite moderate when compared to their means and was certainly unlikely to lead to any major financial crisis.

The sums involved in litigation were therefore certainly not beyond the means of the larger guilds. What was expenditure like in guilds less affluent than the mercers, those which could not afford the sums which they could raise so easily? Once more, we should be wary of relying on the evidence of petitions, remembering that they were designed to produce emotional sympathy for the guild’s poverty. For example, in 1579 the mirror-makers bemoaned the ruin of their guild, beleaguered on all sides by lawsuits against, “perfumiers, miniaturists, mercers, carpenters who make mirror-frames, glass-makers, painters and others plotting the destruction of our guild”. Such laments cannot be taken as reliable evidence that litigation really was ruining the guild. It is important instead to look at some actual figures.

In dry contrast to the melodrama of their petitions, guild accounts present a very different picture to that of guilds ruined by their constant litigation. For example, the accounts of the forneri (bakers) (1608-47) show an insignificant expenditure on litigation which, rarely dominates the budget, reaching a maximum of around one third of the total. In many years the guild spent nothing, or sums of little significance. The impression is hardly that of a guild recklessly spending its funds in interminable lawsuits. Nor is there any sign of increasing levels of litigation. The most intense period of legal investment occurs in the late 1620s, with the peak of

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41 GV, b.5, reg.13, 25 Oct 1579, “Tante sono le gravezze dell’arte de noi specchieri, e tanto gra’dè è la miseria della maggior parte de noi causate dalle poche face’dè, dal molto numero de maestri lavora’ti, e garzoni, dalle molte liti, e difficoltà havute co’ muschieri, miniadoni, marceri, marangoni da casse de specchi, verieri, depentori, et altri co’giurati alla destruttio’ dell’arte n’ra...”.

42 Arti, b.150.
expenditure in 1629 when the guild spent around 105 ducats (these sums are much lower than those spent by the mercers, reflecting the difference in size of the two guilds and the much wider span of mercer interests). Even this was well within the means of the guild. It should further be borne in mind that if anything, guild account books probably have a tendency to over-estimate the amounts spent in litigation. It was in interest of the gastaldo to properly record all expenditure or he would lose out personally. Any distortion in guild accounts is therefore likely to be on the side of the exaggeration of expenses. Indeed, guild officials were often accused of embezzlement under the cover of supposed legal costs, and guild sindici frequently criticised outgoing gastaldi for fraudulent claims to have spent more than they really had. The sums recorded as spent on litigation should therefore be regarded as a maximum, the upper limit of what was actually spent.

The ability of the guilds to support these expenses can be measured by examining the relative importance of litigation costs in the total guild budget. As in the case of the mercers, the effects of government taxation on the guild budget were much more significant. The bakers spent around 2380 ducats to provide fourteen oarsmen for the fleet in 1645, over twenty times as much as they ever spent on litigation. The guild budget fluctuated dramatically from year to year, dancing in tune to taxation demands. To a certain extent, these fluctuations were smoothed out by obtaining loans which helped spread the costs over several years. For example, the guild took out significant loans to help cope with the tax demands of the mid-1610s (as in 1617, when the guild spent over 1450 ducats on providing oarsmen). The

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43 For example, see Arti, b.96, p.238, the report of sindici of box-makers on the administration of Olivo Scapin found various 'errors', particularly in the accounting for the lawsuit against the carpenters - "per diversi erori trovati nelle spese di lite in diverse partite L92:13". These were deducted from his claimed expenses.
repayment of these debts could also cause leaps in guild spending, as in 1623, when the guild spent 840 ducats in a major effort to pay off its debts. In relation to the guild budget as a whole, litigation was indeed an import item of expenditure. But it was neither ever-present, nor excessive in relation to the guild's means.

These conclusions are backed up by Mackenney's analysis of the goldsmiths' accounts from the mid-sixteenth century. Of their expenditure in the period 1540-53, he categorises only 13% as 'government-legal', while 20% went on 'alms' and 45% went on 'devotional-ceremonial'. Similarly the accounts of the furriers (1644-1784) show that the sums spent on litigation were insignificant compared to the debt and tax burdens of the guild. For example, in the year 1671-72, one of their peak years for litigation, the furriers spent around 77 ducats, in comparison to a total expenditure of around 565 ducats a year at this time. In a more typical year like 1659-60, they spent just over 15 ducats on litigation, insignificant in proportion to taxes (mainly for oarsmen) of 229 ducats and debt repayments of 272 ducats. And many years went by when the furriers spent nothing at all on lawsuits. The evidence from the account books suggests that most guilds probably spent within the 100 ducats a year permitted by the state without approval by the guild assembly.

Guild expenditure on litigation was sporadic, generally coming in short bursts. In a dispute with the mercers in early 1628, the smiths spent 144 lire and 14 soldi

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44 Mackenney, Trade guilds and devotional confraternities, p.159.
45 All references in Arti, b.724.
46 Arti, b.724, see for example, casse of 1658-9, 1672-3, 1673-4, when the furriers spent minimal sums on litigation.
47 See Arti, b.109 for survey of licences obtained by the smiths, who generally spent this maximum base-allowance of D100 every year. See Arti, b.110, Libro della Sinicacion di Cassa Corente del Arte de Fabri (1664-89), 25 Jun 1677, for exceeding the 4 licences and Arti, b.129, 25 Nov 1641.
(over 23 ducats) in only three and a half weeks. The furriers, who generally spent very little on litigation, began a dispute with the *pelizeri* (furriers specializing in lambskin) on 3 August 1668. Over the next month and a half they spent 195 lire 8 soldi (nearly 32 ducats) in litigation. Years of minimal expenditure were interspersed with short flurries of legal activity. This meant that should litigation push guild finances temporarily into the red, it was likely that in the years of quiet, any loans incurred could be paid off gradually. Only guilds like the mercers kept up a constant expenditure on litigation, and they had the ample resources to do so. The use of loans meant that guilds could spend money in litigation as they needed, rather than when money was available. In 1638, despite the renewal of war taxation and government taxes amounting to over 564 ducats, the bakers spent around 56 ducats on litigation, one of the peaks of their legal expenditure.

There were exceptions to this general pattern of moderation, when guilds clearly exceeded their means. This was especially the case when the lawsuit escalated into a lengthy contest before the more expensive appeal courts, such as the *Quarantie*, or when guilds became involved in multiple suits. For example, the smiths, who had shelled out 279 ducats on the lawsuit against the mercers in 1628-29, found that they had to raise a loan of 400 ducats in 1629 in order to continue

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44 Arti, b.122, loose documents, 1627, shows that the smiths spent L144s14 against the mercers between 13 Feb 1627 (m.v.) and 11 Mar 1628. The rate of expenditure then slowed, and they spent only another L481 (about D78) between 11 Mar 1628 and 29 Dec 1628.
46 Arti, b.724, 3 Aug 1668 to 15 Sep 1668.
47 Arti, b.724, In the year 1671-72, the furriers spent around L480 on litigation, whereas they spent insignificant sums in 1672-3 and 1673-4. By comparison, total guild expenditure was around L3500 a year at this time.
48 Although the mercers could command more resources due to the broad span of their guild, this very heterogeneity might also generate internal disputes The mercers sought to control such tensions by insisting that each *membro* be responsible for funding its own lawsuits - see chapter 5.
49 Arti, b.150.
48 Arti, b.122, loose documents, 16 Apr 1629, shows that in 1628-29 the smiths had spent D279 in litigation with the mercers.
this bitter struggle." They ended up left with debts of 650 ducats, which were to cause further tensions within the guild as it sought to pay them off." This gave the smiths little opportunity to recuperate their funds, since the ensuing disputes with the mercers and the coppersmiths over guild taxation led to further litigation costs. At the same time, the guild was involved in legal disputes against the tinsmiths, Zan Maria Galban (a previous gastaldo, prosecuted for the propriety of his administration), a group of importers of iron from the Brescian territories, and against the government over the regulation of the charcoal market. This left the guild with a shortfall of around 350 ducats in 1635." For guilds which were smaller or less wealthy than the mercers, such levels of expenditure could be ruinous. When a small guild like the box-makers, (whose typical annual budget was about 100 ducats, plus a further 200 ducats for government taxes), spent nearly 300 ducats in a fierce contest with the carpenters in 1679, it massively exceeded what it could afford to spend. To fund this the guild was forced to take out a loan of 150 ducats." The box-makers could not

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5 Arti, b.128, 19 Sep 1629, "acciò che la causa non andasse à monte per non haver danari per poter spender et anco per che li marzeri andava à digando che adesso era il tempo di diffenir la litte per non haver più danari da poder spender...".

4 Arti, b.366, fasc.+., Mercanti da Ferrarezza co Fabri, 17 Oct 1633. The tax to pay off the debt was rejected by the assembly of the smiths. Nevertheless the Provveditori sopra la Giustizia Vecchia approved the tax, "non ostante, che non sia statta presa nel capitolo generale". The tax led to further conflict with the old antagonists of the smiths, Siletti and Bolis - see same fascicolo, 9 Aug 1634. See Arti, b.122, loose documents, Aug 1635, for the protest of the coppersmiths to the Quarantia Civile Nuova at this illegal action. On this see also Arti, b.366, fasc.M, Marzeri da' Ferrarezza Co Arte de Fabri, 7 Apr 1634, where the mercers protest at the smiths' attempt to tax, "noi marzeri mercanti da Chiudi", who were enrolled as membri of the smiths' guild.

7 Arti, b.122, loose documents, Aug 1635. See also Arti, b.129, 6 Jul 1635, for D400 spent by the smiths in a long list of disputes, "à diffendere la ragioni della scola nostra in conformità di giudizio seguito con marzeri per occasione, che non volevano pagare la tansa, et per la sinication contra m ZanMaria Galban, che pretendeva di voler attribuirsi li utili delli Carboni che perveniva alla scola, et per la lite del Valle, et per la lite contra lattoneri et Brochetta de latton, et per la causa di Carboni al Coleggietto, qual s'hà fatto redur più volte, per venire a qualche termination per poter far il nostro depositio de Carboni... et più per la lite mossa da Caldereri per la preminentia di sepellire li morti fratelli di scola, et più per l'atra lite mossa per da detti Caldereri per la occasione della tansa...".

4 For the ordinary budget see Arti, b.96, 1675, cassa of Rinaldo Rinaldi. For the galeotti cassa, which was accounted separately, see Arti, b.95, 12 May 1675, cassa of Rinaldo Rinaldi, "contadi in cecca L930, prò di livelli L74:8, al Gastaldo antecedente L158:7, spese diverse L68:10".

4 Arti, b.96,1679, cassa of Olivo Scapin. For details of the dispute, see GV, b.48, 17 Apr 1679, 19 Jun 1679. For the loan, Arti, b.96, p.248, 1680, cassa of Baldi Albertini, "à Rocho Curti per donativo di
hope to maintain such spending levels for long. These were however exceptions to
the general pattern of moderate spending.

Even if guilds spent only moderately on litigation, did this perhaps take place at
the expense of other types of expenditure? Was increased spending on litigation
changing the nature of the guild budget? For example, what little the guilds had
spent on alms for their members in the sixteenth century,* had by the seventeenth
century become negligible. The bakers, for example, were paying 3 lire a month to a
single *povero* at the start of the century, and also paid the *prior* of the guild to care
for sick guild members. They spent between 30 and 100 lire a year on such charity.**
By the 1620s this spending had disappeared from the guild budget altogether, since
the guild abandoned its charitable activities from then on. In the late seventeenth
century, the mercers spent only 18 ducats a year, “on alms for the six poor men”,
about 0.6% of their total outgoings of 3041 ducats.” None of the account books I
have examined show any significant spending on alms for poor brethren.*** Yet it is
unlikely that this reflects a lack of funds, since devotional spending in general shows
no such pattern of decline. Rather, the guilds had changed their spending priorities.
Perhaps the existence of state-run institutionalised charity removed the necessity for
this traditional guild function. Whatever the case, this shift can hardly be blamed on
an increase in litigation.

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* D150 imprestiti a detto nostro arte L46:10”. This was a 5% interest rate, although Curti’s receipt
suggests that he employed the fiction of a gift, or “semplice donativo per limprestito”, reflecting
contemporary anxiety about the morality of ‘usury’.
* Mackenney, *Trade guilds and devotional confraternities*, p.159, goldsmiths’ accounts for period
1540-53, shows that 20% of expenditure went on alms.
** Arti, b.150, it is difficult to state this as a proportion of guild spending since the bakers’ budget
fluctuated dramatically according to government tax demands and debt repayments. The minimum
budget was around L550 in the 1610s, while the maximum was over L10000.
*** Arti, b.312, *Ristretto generale*, voce “Spese”, p.79, “per eleemosina alli sei poveri”.
* The box-makers for example (Arti, b.96) spent nothing on alms, apart from the D1 per year which
the government forced all guilds to pay towards the “muneghe di Candia”.
Devotional spending appears to have remained stable despite the huge sums required by the government in taxes. The predominant budgetary element of a guild like the box-makers was in fact devotional, as revealed by their constant, steady expenditure on religious ceremony. The accounts of the bakers also show stability in expenditure. In 1636 there was a shift from a typical expenditure of around 350 lire per annum in the early seventeenth century to around 800 lire per annum afterwards, with the appearance of various new items of expenditure, including santi, miniaturized candles, and wine for the priests. Surprisingly, the heavy tax demands of the 1640s caused no diminution of the bakers’ devotional spending. For this reason it would be rash to suggest that expenditure on litigation might have caused any notable shift in the budget for other activities. The bakers continued to make expensive repairs to the scuola and to invest large sums in devotion despite the heavy tax demands. Evidently they did not feel constrained to cut costs in any way.

In the world of the guilds, litigious and devotional impulses intertwined. There is no indication that expenditure on the one took place at the expense of the other. Their mariegola, or statute-books, were richly decorated with religious imagery and treated almost as if they were sacred texts (chapter 5). Guild tribunals were customarily held in the sacred space of the guild scuola, and sessions were often held on Sundays. At both guild tribunals and the Giustizia Vecchia, an image of the Madonna presided over the course of justice. One common sentence given to criminals who demonstrated disrespect for the court was that they should light a candle before the Madonna of the tribunal, an act which symbolised their submission. Patron saints, who were commonly envisaged as ‘advocates in

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*Arti, b.96.
*Arti, b.377, fasc. Scuola Marzeri Co Strazzaroli, 22 Feb 1662 (m.v.), the Giustizia Vecchia absolved Andrea Valeriani the mercer, but for his “inobedience” he was instructed to pay D1 to the fante, and
heaven', might also play a role in earthly tribunals. Indeed, guilds sometimes recorded money spent on masses as legal expenditure, imploring divine intervention in the court-room. In order to commemorate their legal historic victory over the mercers, the smiths turned the day of San Liberale, 30 December 1628, into a guild festival. In honour of the saint, brethren were to close their shops on that day, and those who failed to come to mass were to be fined. A painting depicting the victory was to be hung in the sacred space of the scuola as a perpetual reminder of how close the guild had come to annihilation. Another painting celebrated the triumph of guild unity in the court victory over the coppersmiths.

In the eighteenth century, patrician reformers tried to blame decline of Venice on the litigious tendencies of the guilds. According to them, the costs of litigation were such as to price Venetian goods out of the market. This was one of the

L2 of wax "per far arder d'avanti la Beata Vergine del Magistrato". Arti, b.380, fasc.AA, Marzeri C Strazzaroli; 9 May 1657, the Giustizia Vecchia gave Alesio the mercer a fine of, "tire due di cera per illuminar la imagine della Beata Vergine del presente Offitio è questo per l'inobbedienza da lui fatta come in processo, è nelle spese". For the mercers' tribunal, see Arti, b.368, fasc. N180. Due Condanne sive Processi Co'Zuanne Imperii per Contrafac. Nec Non Co' Antonio Colla Contrafacente, 4 Oct 1690, and chapter 4.

In the eighteenth century, patrician reformers tried to blame decline of Venice on the litigious tendencies of the guilds. According to them, the costs of litigation were such as to price Venetian goods out of the market. This was one of the
arguments used to urge the dissolution of the guilds. While this thesis cannot
comment on the eighteenth-century situation, the argument does not appear to hold
for the earlier period. Guild spending on litigation represented only a limited
proportion of their budgets. As Rapp argues, it was government taxation demands
(ultimately linked to the war effort) which priced Venetian goods out of the market in
the seventeenth century. Yet the political elite commonly identified litigation as the
source of the ills of the trades.

Despite the relative moderation of guild spending on litigation, the attitude of
the government was consistently hostile to this use of guild funds. The government
would have preferred guild finances to be a reliable source of state taxation, rather
than be squandered in lawsuits. In 1577 the *Cinque Savi sopra le Mariegole*
complained that,

"the guilds of this city conduct lawsuits against each other every day... spending
in such disputes... all the money of their confraternities, the deposits reserved
for the oarsmen, and any other money that is to be found...".7

This judgement reflected the government's view that guild investment in litigation
was a waste of their funds. The solution was the imposition of increased financial
controls. From 1577, guilds were not allowed to obtain loans without state
authorisation.77 Guild officials who took out unauthorised loans were liable for

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*R. T. Rapp, "The unmaking of Mediterranean trade hegemony: international trade rivalry and the


+GV, b.5, reg.12, 30 Oct 1577, "una pessima, et dannosa corrutella che gli gastaldi, et compagni
delle scuole delle Arti di questa città ogni zorno fano litte fra loro. Et con altri spending in tal liti giti
tutti gli danari delle loro scuole gli depositi riservati a galeotti, et cadaun altro danaro che si
atrovano".

+GV, b.5, reg.12, 30 Oct 1577, "pigliando danari ad'interesse, et pagando per quelli usure con
evidente danno, et ruine delle loro scuole". For more on the process of approving loans see E.
Favoro, *L'Arte dei pittori in Venezia e i suoi statuti*, (Florence: Università di Padova, Pubblicazioni della
criminal prosecution. The government was happy to force guilds into debt in order to fund the war effort, but it was highly suspicious of any loans contracted for litigation. Again in 1660, controls on guild spending referred to the fact that, the guilds, “oppressed by litigation, are usually found to be lacking in their public contributions”. The ability of the guilds to raise credit was to be used for public benefit alone.

In chapter 4 it was argued that the government was concerned to uphold guild standards of administration in general, in order to prevent the guilds falling under the oppressive power of a few guildsmen. Controls on guild spending were therefore also justified as a paternal concern for guild finances. In 1626, the Senate stressed the danger that loans might be misused by guild officials and, “distributed according to the whim of a minority”, and insisted that all request for loans be brought before a joint council of the Provveditori di Comun, Provveditori sopra la Giustizia Vecchia and Cinque Savii alla Mercanzia for consideration.” The government underlined the dangers of embezzlement, “on the pretext of legal expenses”. Officials were held personally responsible for any unlicensed expenditure, and they also had to leave a deposit at the start of office, as caution-money for their good behaviour.” It was made more difficult to spend money by forcing guild officials to approve all


74 GV, b.25, 17 Aug 1660, “al solo oggetto del pub.co servizio e solievo dell’Arti, che pur troppo da litiggi oppresse il più delle volte s’attravono manchevoli alle publiche contribut.ni”. These regulations emerged during a pricing dispute between the leather merchants and the scorzeri (tanners).

75 PdC, b.2, Capitolare Nuovo, p.100, 3 Apr 1626, “che poi viene distribuito secondo il beneplacito de pochi”, and p.89R, 15 Jan 1624 (m.v.), which complained that “vengono contratti con terze persone molti debiti, de quali non ne appar altro inditio’, che qualche privata scrittura fatta tra essi parti, et q’sto con grave scandolo, et pericolo di molte fraudi”.

76 GV, b.25, 28 Feb 1680 (m.v.), “col pretesto di spese in liti”.

77 BNM, Capitolari, voce “Gastaldi”, 20 May 1656.
expenditure at a general assembly, a time-consuming and costly business.\textsuperscript{7} The sums voted then had to be presented to the relevant government magistracies for approval.

Of course, as seen in chapter 4, the guilds themselves shared a concern for the dangers of embezzlement and made it the duty of the \textit{sindici} to limit the financial autonomy of their officials. \textit{Gastaldi} were frequently prosecuted for the propriety of their administration.\textsuperscript{8} For example, in 1564, the mercers complained that:

"some officials allow themselves to prosecute lawsuits with the money of our guild according to the whims that come into their head, and spend as much as they please, and then charge it to the guild, without having obtained permission from the general assemblies, and sometimes they dispute matters of the slightest importance, and on winning pretend to have done a good job...".\textsuperscript{9}

All expenditure on litigation was therefore made subject to rigorous approval by the general assembly.

When major controversies erupted over guild accounts, they were most often related to spending on lawsuits. In 1636, Antonio Prevedin of the smiths was accused of maladministration of nearly 220 ducats, and most of this (around 166 ducats) was for unlicensed expenditure on litigation.\textsuperscript{10} This was also the case in the

\textsuperscript{7} GV, b.3, reg.7, 2 Mar 1617, insisted that at all guild expenditure and loans had to be ratified by the general assembly at which at least two thirds of the brethren had to be present, reinforcing controls already established in 30 Oct 1577 and 10 Jan 1603 (m.v.).

\textsuperscript{8} \textit{Gastaldi} could be prosecuted criminally for abuse of guild funds. See BNM, \textit{Capitolari}, voce "Gastaldi", 26 Mar 1665, when the government offered an amnesty to those \textit{gastaldi} who voluntarily agreed to pay off their debts, "che term.ne mesi trà cad.no che venisse volontariam.te a risarcire l'intacchi fatti per il denaro malam.te amministrato del quale li sindici gli avessero fatto il saldo, sia dispensato dalla criminalità, et ciò da anni trè in qua".


\textsuperscript{10} Arti, b.110, \textit{Libro delle Sinication} (1608-64), 27 Jul 1636, two large sums of L383:8 and L318:1 on the lawsuit with the coppersmiths as well as L333 to Iseppo Amigoni.
mercers' guild with the administration of Michel Campi, who had been re-elected as gastaldo on two consecutive occasions on account of unfinished guild business (lawsuits against the cap-makers, stringers and goldsmiths, as well as construction work on the scuola). Campi protested the debts of 292 ducats identified by the sindici, but lost his case at the Provveditori di Comun. Similarly Giacomo Balduin, who had been gastaldo of the shoemakers in 1674, took the guild to court in 1679 for the sum of 223 ducats, moneys which he had spent in lawsuits against the leather merchants and the tanners, for which he had never been recompensed. This dispute was to continue into the 1690s.

Lawsuits tended to be controversial because it was not clear that they were always in the interest of the whole guild, and might generate resentment among the colonelli (see chapter 5). In the painters' guild in 1666, the sindici refused to authorise the legal expenditure made by the outgoing gastaldo Torre, because it appeared that he had used guild money to prosecute lawsuits of interest only to his colonello, the miniaturists. While Torre was later able to prove his innocence (the accounts had been doctored by his successor Lanfranchi, probably for motives of personal vendetta), the case nevertheless illustrates how easily controversy might be generated over legal spending. Both guildsmen and government were concerned that gastaldi might prosecute their own private lawsuits with guild money.

Spending on lawsuits was also likely to be controversial because of the need for a flexible approach to funding. Lawsuits required the sporadic outlay of large

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8 Arti, b.315, 9 Mar 1614. Campi had been involved in extensive litigation with the cap-makers at the Provveditori di Comun, with the goldsmiths at the Quarantia Civile Nuova in 1611, and with the stringers. He had been elected as gastaldo in 1609 and allowed to continue as such in 1610 and 1611. It is not surprising that funding this volume of litigation generated tensions within the guild.


sums, often at short notice. A gastaldo could therefore spend out of his own pocket if immediate funds were lacking, but ran the risk that the guild might refuse to compensate him when it came to tallying up the accounts at the end of the year. In 1656, Simon Nadali, the gastaldo of the painters, spent 450 lire of his own money in prosecuting offenders. His claim for reimbursement was turned down by his successor and eventually he had to appeal to the Giustizia Vecchia, who ruled in his favour. Similarly, payments by the smiths' guild to compensate Iseppo Amigoni for the money he had invested in litigation against the mercers also proved to be controversial. Furthermore, the need for the flexible outlay of large sums created ripe opportunities for misdiversion of those funds. Legal expenses could easily become a cloak under which to practise embezzlement. In 1679, a shearer testified that guild officials, “have spent a great deal of guild money in eating and drinking, and they registered said moneys under the title of consultations with advocates and legal expenses...”, and that they, “had eaten the money of the guild”. Chasing up the debts incurred by litigation therefore frequently provoked further disputes within the guilds, and this might lead to yet more expensive court proceedings. As the Collegio delle Arti phrased it, when guilds tried to collect such debts, “instead of recuperating the money taken from them abusively, they spend a great deal of what

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**Favoro, L’Arte dei pittori, p.102.**

**Arti, b.110, Libro delle Sinication (1608-64), 27 Jul 1636, sindicatione of Prevedin, “per tanti hà contato al sig.r Iseppo Amigoni come per le partide de libro appar, senza licenza alcuna” of L333.**

**GV, b.44, 1 Mar 1679, testimony of a shearer, “o sentito a dire da diversi fratelli del arte che d.to Gastaldo con suoi compagni abino spesso assai soldi del arte in mangiare et bere et d.ti soldi li habino anotati sotto titolo di Consulti di Avocati et di spese fatte in Coleggio”, “quando dicevano di andare in Coll.go et altri affari a S Marco Andavano al ostaria della luna”, “d.to Antonio lo disse qui in Magistrato che li altri suoi frateli cimadori havevano mangiato li soldi del arte”.”
is left". The root cause of all this was the scant control exercised over legal expenditure in the first place.

In 1604, the government insisted that all expenditure should be approved in advance by the general assembly of the guild and also by the Provveditori sopra la Giustizia Vecchia, identifying the bad practice that guild officials spent all the money of their guilds on litigation, "and also their own [money], becoming creditors of those [guilds] and then they pass laws to pay the debts incurred by taxing the guild". Guildsmen were aware of this law. For example in 1674, the sindici of the box-makers identified irregularities in the accounts of Stefano Pozzo to the sum of 662 lire 12 soldi (principally 577 lire 9 soldi spent in a dispute with the painters without prior approval). However, they noted that they were merely carrying out their technical duty in condemning him and his money was subsequently reimbursed. In fact, despite the legislation, both gastaldi and aggionti continued to spend on lawsuits and then claim the sums back from the guild. For example, in 1660 two perfumiers spent 60 ducats more than authorised on a suit against the painters, and were able to ask the guild to compensate them for the extra amount. Individual guildsmen might also fund lawsuits out of their own pockets, hoping to be reimbursed by the guild later. For example in 1618, Bortolamio Donati asked to be reimbursed by the guild later.

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* GV, b.3, reg.7, p.98, 17 Jun 1619, "...quel che accresce il male, mettono le scolole delle loro arti in molte litti, perle quali in luoco di ricuperare il denaro malamente levatoli, spendono molto di quello, che li resta, et sono neccessitati gettar molte ta'se...".
* GV, b.2, reg.6, p.15, 21 Jan 1603 (m.v.), "nelle quale consumano tutto il denaro, che in esse si ritrova, et anco, il suo proprio, andando perciò creditori da quelle et poi prendono parte per pagare li debiti fatti di tansar l'arte". Technically therefore, any examples of such spending to be found in the seventeenth-century guild accounts were against the law.
* Arti, b.96, p.170, 22 Apr 1674.
* Arti, b.325, *Libro de terminazioni e atti* (1658-66), 29 Aug 1660, "havendo fatto spesa di più dell' autt'a dattoli da D sestanta in Circa però instano gli siano eletti doi, o 3, Tansadori accio faccino Una Tansa della med.ma summa accio restino rimborsi essi defensori della predetta Causa...".
* Arti, b.366, fasc.I, *Marzeti Co Fabri. N.o 68 e N.o 13*, p.6, 1614, list of interessati, including Siletti and Bolis. For government comments on the system of refunding individual members, see GV, b.23, 18 Jul 1690, "non possino li Gastaldi di cadaun Arte difender alcuno loro fratello à spese della med.a
reimbursed by the mercers, in recognition of the value of his successful court case to the guild." As the cases of Simon Nadali and Giacomo Balduin show (see above), the courts might even help guild officials to reclaim their money, suggesting generalized acceptance of the system in practice.

This illustrates that, despite the apparent consensus between guilds and government on the need to control litigation, there was a fundamental difference in approach. The government’s drive was to regulate all ‘extravagant’ forms of guild expenditure, and this included lawsuits, which they regarded as a waste of money. For example, in 1604 the Collegio delle Arti referred to guild officials who, “spend the property of these guilds just as their fancy takes them, carrying out lawsuits, construction work and other extravagant things, all just for the sake of spending”.

The drive to control guild spending was primarily linked to real or imagined abuses of lawsuits, and justified on this basis. The most frequent state complaint about guild finances concerned the amounts that gastaldi spent on lawsuits. The constantly reiterated link between litigation and the need for tighter financial control is suggestive of a more deep-rooted hostility to guild litigation on principle. While the guilds were concerned to scrutinize expenditure carefully, the government seems to have been more interested in eliminating litigation altogether. The guilds could even

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Arte, se dal loro General Cap.o con positiva Parte non sarà conosciuto interesse dell’Arte stessa et abbracciata la diffesa...”.

Arti, b.366, fasc.1, Marzerì Co Fabri. N.o 68 e N.o 13, p.9-10, 3 Jan 1617 (m.v.), “Havendo Domino Bortolamio Donati nostro scrivan presente della scola nostra, formato un processo, per litte fatte contro di certi fabri per causa de merze, sottoposte alla scola nostra per il qual, si vede che molti fabri come anco mandoleri todeschi, et altri sono sottoposti alla detta nostra scola pero havendo esso donati speso in tal formatione di processo L200 per suo conto, ..por[?], richerca che gli siano bonificad...”.

GV, b.2, reg.6, 21 Jan 1603 (m.v.), “di spender li beni di esse scole si come li viene in pensiero, facendo litte fabriche et altre cose stravacanti il tutto, per haver occasione di spender”. Similarly GV, b.21, reg.14, p.40R, 25 Aug 1661, the government criticized the fustian weavers for spending their money in “spese di capriccio”, rather than in paying off their huge debts.

Favoro, L’Arte dei pittori, p.96.
make use of this when it suited them. For example, the blacksmiths asked the
government to squash the claims of the coppersmiths, on the grounds that, “it has
always been the intention of Your Sublimity... that the poor artisans are not
protracted in lawsuits... contrary to the age-old order”.

In part, this reflected a rather patronising view of the ability of guildsmen to
administer their funds wisely. Inspired by their “paternal charity”, the *Provveditori di
Comun* limited the “terrible corruption” of wool-worker guilds investing in lawsuits in
1608, on the grounds that, “these people, who are the poorest and most miserable
of the City, are profusely spending almost incredible sums of money...”. Similar
controls were imposed in 1636, when the *Provveditori* related that the *laneri* (wool
workers) had spent around 452 ducats in advocates in the last six months, while the
*tesseri di panni di lana* (wool cloth weavers) had spent 645 ducats that year.” (If
these figures are reliable they are certainly very high, particularly at a time of serious
difficulty for the wool trade, but it must be remembered that the huge membership of
these guilds would have helped to share out this burden).” This was, “because the
men of said guilds do not have the necessary skill and intelligence, perhaps due to

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*Arti*, b.109, 1550s smiths appeal vs. coppersmiths’ attempt to create an independent guild,
“Essendo sta semp’ di mente di V sub.ta et di q’sto ill.mo d’nio che li poveri artefici no siano protratti in
lite, difficita et division’ tra loro contra l’ordinario antquo”.

*PdC*, b.2, *Capitolare Primo*, 4 Feb 1607 (m.v.), “paterna carità”, “pessima corrutella”, “si è veduto,
che questi ge’ti che sono le piu povere, et miserabili della Città, vanno profusamente spendendo su’me
di danari quasi incredibili, si come li conti p’ntati dalli Capi di esse arti lo hanno manifestato, et che
contali loro eccessive spese malamente per il piu empiegate sotto tali pretesti, et apparenze de
difender le loro arti le vengono grandame’te à danificare”.

domille octocento incirca in Avocati, et lire novecento incirca per tanti dati al Magri loro sollicitador, et
havendo l’Arte dell’i Tesseri speso nel tempo di Anno uno in Avocati più di lire quatromille, et nel Magri
che è pur loro sollicitador più di lire milie”.

Termination e Sententie*. Panciera, “L’arte matrice”, p.57, states that from 1594 the state had allowed
guilds to take out loans during crises. Following the crisis which set in around 1628 (compounded by
plague), wool worker guilds took out extensive debts. For example, the guild of wool-workers had total
debts of 54 thousand ducats.
their inexperience, they are easily persuaded to spend exorbitant amounts."\(^{100}\) Here the foolish guildsmen were portrayed as the dupes of the wily advocates. From now on, the *Provveditori di Comun* would themselves determine the number of advocates these guilds could hire and the amount they could spend.\(^{101}\) Such explicitly patronising remarks were confined to these manual trades. This meant that there was an institutionalised inequality of treatment, in which the liberty of certain guilds to defend their interests in court was tightly controlled by the government. However, similar policies could be applied even to respectable guilds, like the painters. In 1682, the *Provveditori sopra la Giustizia Vecchia* banned advocates from attending the general assembly of the painters, with the suggestion that they were leading the guild astray. They also forbade the guild to pay their advocates more than 60 ducats per annum.\(^{102}\) This would have the effect of preventing them from hiring the best advocates. Clearly, guild affairs were not seen as important enough to warrant proper defence in the courts.

Prosecuting lawsuits was a time-consuming business, requiring constant consultation with advocates and attendance in court. We have already seen how difficult it could be to find guildsmen willing to accept the post of *gastaldo* (chapter 4). For this reason, many of the guilds paid additional salaries to those officials who were engaged in legal work. While the government recognised that such extraordinary labours should be rewarded, (as the *Provveditori di Comun* put it, “so

\(^{100}\) PdC, b.2, *Capitolare Nuovo*, 28 Mar 1636, “l’eccesive spese, che da dette Arti venghono fatte per occasion, et con pretesto di far lite, nelle q’li non havendo forsi gl’homini di dette Arti per la loro imperitia quella prattica, et intelligenza che si conviene, facilmente venghono aggirati, et induti, et per se stessi si inducono à far spese esorbitantissima”.

\(^{101}\) PdC, b.2, *Capitolare Primo*, 4 Feb 1607 (m.v.), “determinato il numero delli Avocati haveranno à defendersi; et anco la spesa che doverano fare”.

\(^{102}\) Favoro, *L’Arte dei pittori*, p.102, refers to measures of 1682, complaining that advocates, besides dragging out cases *ad infinitum*, attempted to stir up new lawsuits by intervening in the guild assemblies and setting the brethren against each other.
that those who serve the said Guilds are motivated"), the government also identified the danger that this gave officials an incentive to initiate suits of no real interest to the guild. The Provveditori di Comun complained that the representatives of the wool weavers' guild were paid additional moneys for lawsuits, "an abuse of great consideration, both for the quantity of money that they receive, as well as for the foment which such a greedy payment might give them to provoke lawsuits and conflicts superfluous to the guild".

In 1633, the Collegio delle Arti blamed the ruinous debts of the shoemakers' guild (amounting to 11 thousand ducats, if the government's figures can be trusted) on the fact that the cobbler's representative received a salary only if there were lawsuits to conduct. This, argued the Collegio delle Arti, had given him a motive to keep the guild involved in continual disputes with the shoemakers. Again, this reflected a view of guild lawsuits as lacking any reasonable motivation. As seen in their view that advocates lead guilds astray, the government appeared to believe that guild lawsuits were 'extravagant' undertakings, with no real foundation aside from the self-interest of those who earned money from them in a parasitic fashion.

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105 PdC, b.2, Capitolare Nuovo, 28 Mar 1636, "accio restino inanimiti quelli che servono detti Arti di poter anchora conseguir q'iche emolumento, et Regalo estraordinari in ricompensa di ogni fatticia, et estraordinario servitio che prestassero alle dette Arti".
106 PdC, b.2, Capitolare Nuovo, 22 Sep 1637, "un abuso di molta considerat.ne cosi per la quantità del denaro, che ricevono, come per il fomento che puol dare così ingordo pagam.to di suscitar liti, et incom'odi superflui all'Arte, benche detti Gastaldi et altri dovrebbono servir per Carità la loro scola et Arte contentandosi del solo salario...".
107 Arti, b.26, Libro de Banche e Zonte del Arte de Calegheri Et Zavateri (1729-1760), loose fascicolo located at 24 Sep 1750, law dated 8 Sep 1633, "con salario che annualmente da essi Zavatteri viene corrisposto nel esso loro capo in sola occasione di contesa, il quale per conseguirne detta utilità tiene sempre d.a arte in continue contese...". The solution imposed by the government was to prevent the cobbler from having their own officials. Instead, the principle offices of the guild would have to alternate between shoemakers and cobbler.
108 A long tradition of patrician hostility to guild disputes found perhaps its fullest expression in the comments of the Provveditori sopra la Giustizia Vecchia in 1772, quoted in Dal Pane, Il tramonto delle corporazioni, pp.112-113, «Ogni piccola cosa anima questi corpi. Un miserabile perché non descritto nel loro ceto diventa lo scopo della loro persecuzione, si profonde in spese per annichiliarlo e ridurlo alla dura necessità di questare. L'intrapresa di una lite ha rare volte l'oggetto del ben dell'arte e quasi sempre occulta il fermento delle private passioni e de' particolari interessi. I litigi servono di pretesto in molte arti per occultare i defraud de' gastaldi ne' loro maneggi e sotto la copertela di consulti atteggi e
What emerges from the guild account books is therefore a striking contrast between the reality of moderate spending, carefully directed in the interest of the guild, and the government portrayal of guilds wasting vast amounts of money in useless litigation. Litigation cost the guilds much less than we might expect, given the quantity of government rhetoric on this subject. As we have seen in chapter 5, guilds did not spend their money mindlessly for the pleasure of litigation, or because they had been misguided by greedy advocates, as the government tried to claim. Rather, they took their legal undertakings very seriously.

Only occasionally did they indulge in major campaigns, which were the exception rather than the rule. If guildsmen sometimes took out loans to fund litigation, these were usually prudent legal investments of moderate size which were quickly paid off. The distillers spent around 640 ducats in lawsuits over a period of 15 months in 1670. This was an extremely high level of expenditure, and a dispute was to arise within the guild some years later, over whether this had been properly authorised. Yet this money appears to have been invested in a campaign against those operating illegally outside the guild and to some extent the effort paid off: they obtained around 386 ducats in entry-fees from the huge total of 38 persons who were forced to enter the guild in this year. Particularly important were the 16 “foreigners” constrained to pay an entry-fee of 20 ducats each. Larger sums were spent in case of desperation. The box-makers spent such large sums in 1679

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107 GV, b.77, 28 Apr 1676. Between 28 Mar 1670 and 16 Jun 1671, under the gastaldia of Lorenzo Filippi, legal costs for the distillers amounted to L3989:18, over 60% of the total budget of L6497:15. By contrast, F. Sartori, L'arte dell'acqua di vita. Nascita e fine di una corporazione di mestiere veneziana (1618-1806) (Venice: Fondazione Scientifica Querini Stampalia, 1996), p.43, states that in the early eighteenth century the guild typically spent 200 ducats a year on lawsuits.

108 GV, b.77, distillers' accounts for year 1670-71, "per scossi de ben entrade de forestieri n.o 16 à D20 per forester... L1984", as well as from Venetians, "de ben entrade de Garzoni, et per figlioli de Capi M.ri in tutto persone n.o 22 à D3 per persona... L409:4".
because they were fighting for the very existence of their guild, for their right to a monopoly. Similarly in the 1620s, the smiths were determined to resist because they knew that they risked losing their entire retail market to the mercers, and this would have forced them to become mere manual workers. Expenditure on litigation cannot be written off as ‘waste’, as if the guilds somehow did not know where their own interests lay.

The government line has also sometimes been echoed in the historiography, which has accepted the idea that guild investment in litigation was a ‘waste’ of money and that guild disputes were in some way ‘petty’ squabbles. For example, Favoro described the legal disputes of the painters thus: “Generally these were cases of little import, but the advocates of the parties knew how to extend proceedings through various cavils in order to earn as much as possible.”¹⁰⁹ This argument clearly echoes patrician regulations, for it regards guild disputes as somehow fundamentally inconsequential, only reaching the courts due to the manipulations of a parasitic class of unscrupulous lawyers. Similarly, Dal Pane’s reading of patrician documents led him to conclude that “ruinous” guild disputes were nothing more than the result of jealous rivalry, ably manipulated by the legal experts who made a living from them.”¹¹⁰ This holds true not just for Venice but also for other cities. For example, Larmour referred to the disputes of Parisian guilds in the sixteenth century as, “innumerable petty conflicts”, while Gheza Fabbri viewed the demarcation disputes of Bolognese guilds as “useless”.”¹¹¹ It was in opposition to

¹⁰⁹ Favoro, L’Arte dei pittori, p.101-2, “Generalmente si trattava di cause di poco conto, ma gli avvocati delle parti le protraevano a lungo con cavilli vari per ricavarne il più possibile.”.
¹¹⁰ Dal Pane, Il tramonto delle corporazioni, p.17, “Nella miriade di norme intrecciantisi le facili contraddizioni e collusioni fra disposizione e disposizione assumevano ben presto, per spirito di corpo o gelosia di mestiere, la forma di contrasti aperti, che l’interessata sobillazione di curiali esperti nella materia sapeva spesso trasformare in liti rovinose.”.
the prevailing idea that guild disputes reflected "simple professional jealousy", that Verga stressed the "serious economic motives" behind the legal disputes of textile guilds in early modern Milan. Verga's aim was to criticize the tendency to lump all guild disputes together as if they were petty squabbles akin to that of the notorious clash between the roasters and poulterers of Paris." Yet however amusing such episodes may appear to present-day eyes, they should nevertheless be taken seriously. Verga's opinion reflected the idea that the food trades were in some way inherently frivolous, in contrast to the 'serious' textile industries, linked to the grand themes of industrialisation and progress. Nor is it clear why the squabbles of patrician families should be taken as serious examples of civil litigation, while the disputes of rival corporations are regarded as minor matters and petty jealousies. Both were essentially disputes over property rights. We have seen in chapter 5 that disputes of seemingly minor importance, such as the right to sell nails, were the object of fierce and lengthy struggles. Even a minor legal precedent could undermine the fragile boundaries of a guild. Guilds were careful with their money, and did not waste it on frivolities.

The identification of this contrast between the reality of guild litigation and its representation by the government leads to another question: what purpose did this discourse serve? The most important motive was probably the desire to control the guilds as tax institutions. The government regarded guild funds as public money which was best employed in funding the war effort. In addition to this, guild litigation was also regarded as an unruly affront to patrician rule, which implicitly called the

urbana (Bologna: CLUEB, 1988), p.29, "le liti che sorgevano si protraevano a lungo, proisse ed inutili".

12 E. Verga, "Le corporazioni delle industrie tessili in Milano, loro rapporti e conflitti nei secoli XVI-XVIII", Archivio Storico Lombardo, 3 (1903), p.73, "eran determinati da gravi ragioni economiche non da una semplice gelosia di mestiere...".
proper ordering of society into question. Guild financial scandals did occur (see chapter 4), but the government made the most of them in order to have a good pretext for imposing an authoritarian agenda. Legal rights were an expensive luxury which the government wished to deny the guilds.

Finally it must be noted that the attempt to limit guild litigation through increased financial control cannot have been very successful. This was because the bureaucracy involved in checking guild accounts was beyond the means of the early modern state. Court staff appear to have rubber-stamped guild accounts rather than checking them thoroughly. As in the case of market policing (see chapters 2 and 3), the government had to rely instead on self-regulation of accounts by the guilds themselves. As indicated in chapter 4, while the sindici were a fairly effective control on abusive spending by the gastaldo, they did not share the concern of the government to limit guild spending in blanket fashion. Guild officials continued to fund lawsuits out of their own pockets and then to seek retrospective approval, although this was technically illegal. Despite the legislative controls, guilds continued to spend money in lawsuits without state licences. In 1682, the Senate noted, “the considerable sum of over 56 thousand lire badly administered by the Gastaldi of some of the guilds... spent in contravention of the law and without the necessary licences”. This was a reflection of the bureaucratic impossibility of imposing such tight spending limits on guilds, which had valid interests to defend in court. In part the government itself recognised that it could not control all spending, and the decision to allow guilds to spend up to 100 ducats a year without convening the

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113 This can be seen in the approval of what were technically illegal payments such as buona man - see chapter 1. See CdM, b.1, 2 Apr 1626, for concern that guilds were able to deceive the magistrates.
114 GV, b.89, filza 76, 24 Oct 1682, “la su’mma considerabile de 56 et più mille lire mal amìnistrate da Gastaldi d’alcune Arti a loro soggetti spese contra la forma delle leggi e senza le necessarie permissioni...”. This averages out at under D100 per guild.
general assembly represented sheer bureaucratic realism, as well as official
recognition that a certain level of investment in litigation had become institutionalised
by this time.*

2. Civil Procedure and its manipulation

In describing Venetian administration in 1612, Sir Dudley Carleton commented
(with specific reference to the regulation of the market), “They have an infinitie of
officers. The lest thing hath his superintendant”.* There was no single magistracy
responsible for guild affairs, and individual aspects of the trades were subject to
separate magistracies. The problem, as in the case of the guilds, was that the
demarcations between courts were not clearly defined. Courts acted independently,
rather than consulting each other before making their judgements. For example, in
1651, both the Giustizia Vecchia and Beccarie fixed new meat prices for the
cheesemongers, without consulting each other, and this was to lead to a
jurisdictional contest between the two magistracies.* There was no centrally-
collected codification of law, but a mass of legislation emanating from the separate
magistracies, often contradictory or out-of-date, strewn around the various court
archives. It was expensive to make copies of documents and so magistracies often
failed to provide each other with the necessary materials.* When in 1660 the

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* GV, b.89, filza 76, 16 Jul 1635.
* Quoted in D. Chambers, and B. Pullan, Venice: A Documentary History, 1450-1630 (Oxford: Basil
  Blackwell, 1992), p.30. These remarks were made in specific reference to the regulation of the
  market, «For example, there is one appointed to oversee the sellers of mellons and pepponi etc...».
* GV, b.89, filza 78, 6 Jun 1651 and 10 Jun 1651. Casaroli is usually translated as 'cheesemongers',
  but the guild dealt in meat as well as dairy produce, hence the involvement of the Beccarie. A. Manno,
  I Mestieri di Venezia. Storia, arte e devozione delle corporazioni dal XIII al XVIII secolo (Citadella:
  Biblos, 1995), p.40, states that the casaroli dealt in oil, honey, cheese, fresh and salt pork, making
  them akin to a modern delicatessen. See also PdC, b.2, Capitolare Nuovo, 4 Mar 1644, for a
  jurisdictional contest.
* CL, ser.1, b.64, 20 May 1597. See GV, b.98, reg.110, 3 Oct 1633, for possible effects of this.
Quarantia Civile Nuova sent the Provveditori sopra la Giustizia Vecchia a copy of its 1653 judgement, it did so only at the specific request of the mercers (and at a price). Modern judgements on this system have tended to be unfavourable. For example, in the eighteenth century, the demarcation of the Provveditori sopra la Giustizia Vecchia and the Giustizia Vecchia was regarded as intolerably vague: "the jealousy of Jurisdiction between these two Magistracies and their duplicate interference in the same matter put continual obstacles and delays in the way of the prompt observation of the laws", while the lack of a codified legal system meant the populace had to struggle through a, "Labyrinth of regulations." Such views have frequently been echoed by modern historians.

In chapter 1 it was seen that the income of the courts was dependent upon the amount of business they administered. It was therefore in their interest to extend that business as much as possible and this gave rise to a great number of jurisdictional contests. Each magistracy had its own avvocato fiscale whose tasks included the defence of its jurisdiction. An eighteenth-century review of the "muddled

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111 Arti, b.377, fasc. Scola Marzeri Co Strazzaroli, 12 Apr 1660, "ad'instanza di detta Arte de Marzeri"
12 CdL, b.17, fasc. Magistrato dei Provveditori sopra la Giustizia Vecchia. 1780 7 Ag.to letta a SS CC, "la gelosia di Giurisdizione fra questi due Magistrati e la duplice ingerenza loro nel medesimo soggetto frappone continui ritardi ed ostacoli alla pronta osservanza delle leggi", "un Labirinto di ordini".
122 Kagan, "A Golden Age of Litigation: Castile 1500-1700", in J. Bossy, Disputes and Settlements: law and human relations in the west (Cambridge: Cambridge University Press, 1983), p.157-8, refers to the idea of a "judicial market-place", "...courts of the sixteenth century were not passive observers of legal disputes, but interest groups, actively selling a particular brand of justice to the public.". See also Kagan, Lawsuits and Litigants, p.31-42.
collection" of documents at the Proveditori sopra la Giustizia Vecchia noted with
Enlightenment distaste that these served to keep all the necessary legal proofs close
at hand, "for the smallest exercise of jurisdiction, with the aim of enlarging it...".13

This competitive framework was institutionalised in the judicial procedures
which regulated relations between courts. By issuing an inhibitione or suspensione,
a magistracy was able to protest any infringement of its jurisdiction by a rival.13
Proceedings were suspended and the matters remitted to a superior court. The first
magistracy could protest this questioning of its authority by lodging an official
contrainhibitione or contrasuspensione.14 This process was only overseen centrally
to a limited extent, in that all such official communications had to be channelled via
the Avogadori di Comun, in charge of ensuring that Venetian legal procedures were
properly respected. The Avogadori appear to have regarded the authorisation of
such communications as an administrative task, in which the merits of the case were
of slight consideration.15

13 CdL, b.17, fasc. Magistrato dei Proveditori sopra la Giustizia Vecchia. 1780 7 Ag.to letta a SS CC,
"Sembra per verità, che questa faraginosa raccolta siasi fabbricata per due usi molto diversi. L'uno
buono, ed è quello di conoscere le leggi e le discipline imposte al governo delle materie. L'altro è
nocivo, ed è quello di tener preparati alla mano tutti i casi immaginabili dell'esercizio più piccolo di
giurisdizione col fine di allargarla facendoli valere per oltrestante leggi.".
14 M. Ferro, Dizionario del diritto comune e veneto, first published 1778-1781, facsimile copy in ASV
(Venice: Andrea Santini e figlio, 1845), voce "Inibizione", vol.2i, p.110, "interdetto proibitorio fatto da
un Magistrato ad un altro, perché cessi dell'ingerirsi nella giudicatura di un a causa che non gli
appartiene, o per la qualità della persona, o per la materia di cui si tratta". On the difference between
inhibitioni and suspensioni, see F. Nani, Pratica Civile delle Corti del Palazzo Veneto, facsimile
edition in ASV (Venice: Stefano Curti, 1668), p.40. For the textual formula of a typical suspensione,
see Arti, b.366, fasc.I, Marzeri Co Fabri. N.o 68 e N.o 13, 3 Oct 1614.
15 For example, see Arti, b.108, 9 Jan 1633 (m.v.), when the cassier of the Giustizia Vecchia
instructed the smiths to obtain a contrasuspensione against the Proveditori di Comun.
16 Nani, Pratica Civile, p.40, states that other magistracies such as the Auditori Nuovi acted in this
role in civil cases, "Et à questo perchè sii ubidita l'impe stante altera dalli Auditori Novi, & a Magistrati
Civili, mà inhibendo à Criminali si piglia la stante altera dalli Avogadori di Commun". Despite these
comments, in all the cases examined, only the Avogadori were involved in guild disputes. The
Avogadori acted in the role of stante altera, providing the formal authority behind the suspension. For
a typical example see Arti, b.365, fasc.B, Li Sig.nl Mercanti da Ferrarezza C l'Arte de Favri, 8 Jan
1615 (m.v.). A 1493 law determined that the Avogadori could only suspend a case for up to a month,
before submitting it to some court or assembly. Once suspended, the case went into a state of limbo
until either it could be heard by a higher court, or the suspension lapsed.
The jurisdiction of one magistracy could therefore be protested by appealing to another, and this was a standard technique employed by litigants to delay cases. Cozzi describes how, increasingly in the seventeenth century, private interests were able to manipulate legal procedure, particularly through, "shrewd use of the right to appeal". This usually took place before the sentence was given, or at least before it was implemented. Unless one of the parties withdrew, the case would then enter a period of limbo until it could be heard by a higher court. Often however, the issue was quietly dropped and went no further. Poorly defined judicial demarcation was also exploited by the guilds in their disputes. A petitioner informed the state in 1578 that the abuses of wine merchants had gone unchecked for 10 years, because whenever one of them was denounced to the Giustizia Vecchia, he simply appealed to another court for a inhibitione.

Furthermore, since guild and state officials cooperated in policing the market (see chapter 2), this tended to create strong ties with specific courts from which a guild could expect more favourable justice. Naturally, guilds sought to be heard by the courts that were most favourable to them. For example, most mercer business was dealt with by the Provveditori di Comun, and most smith business by the

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177 G. Cozzi, "La giustizia e la politica nella Venezia seicentesca (1630-1677)", in La formazione storica del diritto moderno in Europa, Atti del terzo congresso internazionale della società italiana di storia del diritto, vol.1 (Florence: Olschki, 1977), p.370, describes the seventeenth century as a period of increasing respect for legal procedure, but also shows how it could be manipulated to the advantage of litigants, "Gran rispetto per le forme, in una misura che nel '500 - almeno fino all'ultimo ventennio del secolo - non si conosceva; d'altro canto, una capacità altrettanto grande di eludere le leggi, di sottrarsi all'esercizio della giustizia o di sopraffarla e di renderla strumento del proprio interesse. Il modo migliore per conseguire questo intento era l'usar accortamente del diritto d'appello, continuando a ricorrere, se si voleva defatigare l'avversario, o spostando la causa da un tribunale all'altro, finché si trovava quello più confacente ai propri intenti."

178 See GV, b.21, loose documents, undated, on the lodging of appeals which were then never pursued, after suspension had been obtained. The Provveditori sopra la Giustizia Vecchia tried to insist that if an appeal was not subsequently pursued, then the sentence of first instance should be definitively confirmed.

179 GV, b.5, reg.13, 14 Nov 1578, "in capo d'a'ni X no' vie' mai formato un processo sopra tal inganno de essi poveri... se per sorte qualche ministro deno'cia qualch'uno de essi mercadati che co'tra fa'no, tuol suffragio dalla nuova co' una inhibitione...".
Giustizia Vecchia. When one of their members was denounced at the Giustizia Vecchia, the mercers usually obtained a suspension of proceedings by appealing to the Provveditori. In 1625 the guild of mercers appealed to “Provveditori di Comun, its judges”, protesting that the Giustizia Vecchia was biased towards the smiths, “that magistracy adhering to said guild [which is] immediately subject to it”. Attachment to the Provveditori gave the mercers a powerful means of resisting the bothersome investigations of guilds subject to the Giustizia Vecchia. When the smiths patrolled the city in the company of Giustizia Vecchia officials and made denunciations of contraband ironware to that court, the mercers could defend themselves on the grounds that they were subject only to the Provveditori di Comun. For example, when Agustin Bonetti was denounced at the Giustizia Vecchia by the smiths in 1625 for selling chains and other ironware, he obtained a suspension from the Provveditori on these grounds.131 The mercers in turn patrolled the city with the officials of the Provveditori, in search of offending smiths.132 Similarly, in 1642 the mercers protested the authority of the inspectors of the passamaneri (dealers in braid) on the basis that they were, “unable to be molested for said cause by officials of the Giustizia Vecchia, since they are subject to the Provveditori di Comun”.133

Since their own jurisdiction was at stake, court officials might even support the

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130 Arti, b.366, fasc.l, Marzeri Co Fabri. N.o 68 e N.o 13, 16 Sep 1625, the guild of mercers criticized the Giustizia Vecchia, “quel Magistrato adherendo alla detta Arte ad’ esso immediatamente sottposta”, and appealed to the “SS Prov di Comun suoi giudici”. See Arti, b.365, fasc.D, Marzeri contro Favri, 16 Sep 1625.
131 Arti, b.128, 5 Mar 1616.
132 Arti, b.365, fasc.D, Marzeri contro Favri, 13 Oct 1625, report from a Provveditori official, “eser andati per la cita in sieme con il sopra stante dela scola di marcerì et nonzolo et aver trovato nella botega de m andrea favero a castello una schancia piena de chiodaria de dive’se sorte tutti tratti de fontego di todeschi qualli sono spediti per merze”. They informed him that he must enter the mercers’ guild as a capo mistro, but he “non a voluto obedir con dir parole ingiuriose”. He was denounced again on 16 Sep 1626.
133 Arti, b.312, Ristretto generale, voce “Passamaneri”, 11 Dec 1642, mercers protest, “di non poter esser molestati per detta causa dalla ministri della Giustizia Vecchia per esser loro soggetti alli Provveditori di Comun”. For another case see Arti, b.374, fasc.F, Marzeri c.o Passamaneri, 5 Nov 1665.
defence of client guilds in the higher courts of the Quarantia. For example, in a
dispute of 1595, the fiscale of the Giustizia Vecchia played an active part in
defending the cotton-merchants and fustian dealers against the claims of the
mercers (who were backed by the Provveditori di Comun) in the courts of the
Signoria and subsequently in appeal at the Quarantia Civile Nuova.134

More generally, the Provveditori di Comun tended to favour merchants and
'industrial' trades, while the Giustizia Vecchia dealt with the affairs of craftsmen.135
Merchants therefore strove to detach themselves from the supervision of the
Giustizia Vecchia. For example, in 1680, cases involving dealers in “dried fish from
the west” were removed from the control of the Giustizia Vecchia, and delegated to a
“more respectable magistracy”, with the express reasoning that this would give
them, “the satisfaction of being distinct, and not subject where, for the most part,
persons of mechanical and vile status are called to give account”.136 Similarly, when
the leather merchants requested the erection of a guild in 1592, they asked to be
subject to the Cinque Savii alla Meranzia, reflecting their desire for social distinction
from the artisans. The Provveditori sopra la Giustizia Vecchia, as a rival court, were
highly critical of this request.137 The mercers succeeded in detaching themselves
from the Giustizia Vecchia in the course of the late sixteenth century, increasingly

134 Arti, b.367, fasc. Sumario Per Scola de Marzeri C.o Camera Fustagneri, e Bombaseri, 2 Jan 1594
(m.v.), for a spazzo di laudo of the Quarantia Civile Vecchia, which upholds the Signoria judgement of
17 Sep 1594 in favour of the Provveditori di Comun. See also Arti, b.367, fasc.F, Giudizio e Taglio con
Spazio dell’ecc.mo Co’ di 40 C.N.o à Favor de Marcerì Co’ Camera de Fustagneri et Taglio del
Proclama 1670 3 Sett’bre de fillo è Bombaso, e Bombaso in Fillo, 12 Sep 1594.
135 See PdC, b.6, 16 Nov 1633, which describes the mercers as honourable merchants, “li gastaldi, et
banca che sono per ordinario mercanti di più honorevoli et degni...”, who should no longer be subject
to the Giustizia Vecchia.
136 GV, b.25, 12 Aug 1680, the “negotianti in salumi di ponente” (not the same thing as the salumieri)
were removed from Giustizia Vecchia control, “delegar detti Processi ad’ altro riguardevole
mag.to... cosa che potria valere ad’animarli nella continuat.ne del Negotio, col contento d’esser
distinti, e non soggetti dove per lo più sono chiamate à render conto persone di mecanica, e vile
condit.ne”.
137 GV, b.2, reg.4, 9 Aug 1592 and PdC, b.6, 20 Aug 1592, for the request of the cordovani, and the
hostile response of the Provveditori.
coming under the jurisdiction of the *Provveditori di Comun*. This process was sealed in a decision of 1633 which insisted that all appeals against the sentences of their tribunal should be made to the *Provveditori* alone, a decision celebrated in the lavish illustration of the *mariegola*.

This made sense in that much of the most important mercer business was in the textile and fashion market, and the *Provveditori di Comun* legislated for the cloth sector as a whole, but it also had a social dimension in the recognition of the mercers as sharing the high status of other guilds of clothiers like the drapers, “being treated like merchants and not like the other workers”.

This confused situation did not go unremarked by the Venetian political elite. The *Provveditori sopra la Giustizia Vecchia* were set up in 1565 with the express purpose of instituting some order in the regulation of the market. The establishment of the *Provveditori* was a radical innovation in guild regulation, representing senatorial surveillance of the work of the *Giustizia Vecchia*. From 1572 they were to hear cases where the jurisdiction of the *Giustizia Vecchia* had been challenged by other courts. The intention was to speed up the justice system by establishing

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134 Although the mercers had been assigned to the *Provveditori di Comun* in the 1520s, this was not decisively established for some time. Prior to the creation of the *Provveditori sopra la Giustizia Vecchia* in 1565, most guilds appear to have been subject to the *Giustizia Vecchia* in first instance and the *Provveditori di Comun* in appeal. See Arti, b.369, fasc.C, *Per Scola de Marzeri. Per Poncio Bernardoni Marzer c.o Arte Miniadori*, 18 Jan 1551 (m.v.); Arti, b.371, fasc.A, *Per Scola Marzeri C: Muschien*, 18 Jan 1551 (m.v.), “esser detta Scuola, et Matricola sottoposta all’off.o dell’iufatti Sig.li Provveditori de Comun, et Iustitieri Vechi all’off.o della Iustitia Vechia”. The *Provveditori di Comun* later commented that the mercers had been subject to the *Giustizia Vecchia* prior to 1608, see PdC, b.6, 16 Nov 1633, “li detti merzeri fumo sottoposti alli ss.ri Giustitieri Vechi ma poi l’anno 1608 fumo levati al d.o off.o, et sottoposti al Mag.ro nostro”. Arti, b.315, 28 Jul 1614, the mercers stated the need to defend themselves from jurisdictional claims of the *Giustizia Vecchia*, “chome quelli che anno affermati li primi ordeni della nostra mariegolla”.


140 PdC, b.6, 16 Nov 1633, “per la correllatione che hanno con il negotio del laneficio et della seda essendo anco loro in q’ta parte trattasi come mercanti et non come gl’altieri operarri, che restorno, et restanco anco sottoposti à ditti sig.ri Giustitieri Vechi...”.

141 GV, b.1, reg.3, p.11R, 23 Nov 1572, “perche le inhibitioni d’alcuni officii non tardassero l’espedizioni delle cause, che havessero parimente autorità di giudicar sopra esse Inhibitioni.”.
clearly who was responsible for dealing with these cases. To give some idea of the complexity of this tangled web of jurisdiction, between 1566 and 1629, the Provveditori dealt with almost 100 cases of disputes between the Giustizia Vecchia and some 40 other magistracies. Increasingly, the Provveditori came to issue decrees in concert with other magistracies. Together these made up the Collegio delle Arti, over which the Provveditori presided. This included the Giustizia Vecchia, Provveditori sopra la Giustizia Vecchia, the Cinque Savi sopra la Mercanzia (the Venetian Board of Trade), and the Revisori e Regolatori sopra Dati (which supervised the customs farms), indicating the need for a more centralized and integrated approach to the domestic and international economy. It is however important to note the limits to this process, most importantly the fact that the Provveditori di Comun did not participate in this body.

However, the drive to centralize the judicial system was limited in practice. Rather, the Provveditori sopra la Giustizia Vecchia found their authority to judge Giustizia Vecchia cases frequently challenged. For example, in 1595, a contest between the Provveditori di Comun and the Giustizia Vecchia (see above) was heard by the Signoria and then the Quarantia Civile Nuova in appeal, rather than by the Provveditori sopra la Giustizia Vecchia. The attempt to set up an orderly, hierarchical system was never realized because the government continued to grant

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142 GV, b.89, filza 77, no.1, list of 98 cases from 1566 to 1629. See V. Sandi, Principi di Storia Civile della Repubblica di Venezia dalla sua fondazione all'anno 1700, vol.VI (Venice: Coletti, 1756), p.564-5, for his observation that the capitolare of the Provveditori sopra la Giustizia Vecchia was full of, "giudici copiosi giurisdizionali tra molti e molti Magistrati per giudicar rispettivamente casi di artisti." See also the details in CdL, b.17, fasc. Notizie ritratte dal Sommario dell Capitoli intitolati Antico, Rosso, Rosa et Orsa.

143 For guild comments on the integrated approach, see the petition of the cotton merchants in Arti, b.367, fasc. Scola de Marzeri Co Mercanti che vendono alla Minuta, 1672. For demonstration of interconnectivity, see CSM, b.93, 13 May 1626, which links international trade, customs and guild privileges.

144 Note that Rapp, Industry, p.15-16, n.2, gives an incorrect definition of the Collegio delle Arti, stating that it was made up of the Giustizia Vecchia, Cinque Savii alla Mercanzia and Provveditori di Comun.
the requests of litigants for courts more favourable to them. For example, in the
dispute with the smiths, the mercers petitioned for the delegation of the *Venti Savi*
rather than the *Provveditori sopra la Giustizia Vecchia*, which they regarded as being
biased towards smith interests. When the smiths subsequently appealed against the
unfavourable ruling of the *Venti Savi*, they asked that the issue be delegated to the
*Collegio delle Arti*, which consisted of magistracies favourable to their interests (the
*Giustizieri Vecchi* and the *Provveditori sopra la Giustizia Vecchia* both participated in
this assembly, while the *Provveditori di Comun* played no part in it). This was
initially granted, but the protest of the mercers eventually got the matter assigned to
the *Venti Savi* once again. It was precisely because their authority was so often
called into question that the staff of the *Provveditori sopra la Giustizia Vecchia* kept
such careful records of the disputes the court had judged.

Through petitions, influential guilds like the mercers were able to demand
courts of great authority, outside those specifically dedicated to guild affairs. Indeed,
petitions in general were important mechanisms through which a litigant could
bypass the formal court system. This made patrician rule more flexible in practice,
opening an important channel for the exercise of political influence. Through petitions the poor could beg for mercy, and the wealthy could exercise their influence to modify the justice system in their favour, while at the same time the formal authority of the law was respected.\textsuperscript{14}

Naturally this parallel route to justice contradicted with the attempt to create a centralised and hierarchical justice system. If influential litigants did not like the judgements handed down by the courts, they could simply petition the prince for a new set of judges. The contradictions are clearly revealed in a 1585 petition of a mixed group of \textit{nicolotti} (members of the community of San Nicolò, many of whom were grocers) and \textit{erbaruoli} (vegetable grocers) for, "a body of judges from the most excellent Senate", rather than the \textit{Collegio delle Arti}. The \textit{Provveditori sopra la Giustizia Vecchia}, as presidents of the \textit{Collegio}, found themselves struggling to assert their authority against wealthy guild interests, who preferred the possibilities for obstruction afforded by a multiplicity of courts.\textsuperscript{14} The \textit{Provveditori} criticized the Ducal Councillors for having responded to the petition,\textsuperscript{16} and defended the ideal of the centralised approach, arguing that in this way public magistracies would present a united front, and the justice system would also be cheaper as the affair could be settled in one meeting.\textsuperscript{14} The problem was that the \textit{Collegio delle Arti} was a large

\textsuperscript{14} The role of petitions in the justice system of the fourteenth century is explored in D. Romano, "Quod sibi fiat gratia: adjustment of penalties and the exercise of influence in early Renaissance Venice", \textit{Journal of Medieval and Renaissance Studies}, 13, n.2 (1983), pp.251-68. He concludes that this 'corruption' of justice and peddling of influence was a source of political stability. They were often used by rich \textit{popolani} to evade guild statutes, p.262-3, "The patricians were willing to grant pardons for actions which, although illegal, were considered standard business practices." For a similar pattern of petitions related to market justice, see G. Monticolo, \textit{L'ufficio della Giustizia Vecchia a Venezia dalle origini sino al 1330}, Monumenti della Deputazione Veneta di Storia Patria, Miscellanea, 12 (Venice: Vicentini, 1892), p.43, n.5; p.124; p.127-28; p.134; p.137; p.139.

\textsuperscript{15} GV, b.2, reg.4, 2 Aug 1585, "essi in fine ricercorono di essere uditi separatamente".

\textsuperscript{15} GV, b.2, reg.4, 2 Aug 1585, "cosa nuova, et non più usata nel governo di questo ser.mo stato, non sapendo anco se possono esser suspete le leggi fatte con l'autorità dell' ecc.so cons.o de' X, et dell' ill.mo maggior cons.o".

\textsuperscript{16} GV, b.2, reg.4, 2 Aug 1585, "tutti insieme fossimo istruiti delle ragioni loro in uno medesimo modo per far poi ogni magistrato la debita risposta".
and unwieldy body, and it was difficult for its members to meet together." The
Provveditori clearly perceived that interest groups in the guilds could manipulate the
court system in order to delay or modify the decisions of judges:

"aforesaid supplicants want everything their own way to the advantage of three
or four wealthy grocers, who would stop at nothing to be able to continue their
bad practices, as also happens in the greater part of the other guilds, which
often refuse to obey orders, laws and the magistracies themselves, and this is
because they always obtain favours through which they get their way, to the
serious detriment of poor subjects".  

They argued that petitions were a dangerous instrument which enabled the rich
members of the populace to evade the sentences passed by the ordinary courts,
since they could immediately appeal for the delegation of new judges." The
resulting confusion had consequences not just for the regulation of the market, but
also for "the public dignity, and the authority of Magistracies representing the
Majesty of this Republic", since, "without this obedience all the other provisions are
of little import".  

When it suited them, the guilds might appeal to such ideas. For example, in
1660, the second-hand dealers petitioned the Prince to ask that their case against the mercer Ventura Cararra should be heard by the *Collegio delle Arti*. The mercers had appealed on the usual grounds of jurisdiction, arguing that they were subject only to the *Provveditori di Comun*. The second-hand dealers argued that to fight out this lengthy jurisdictional contest would be a waste of money better employed in the service of the state and the relief of poor brethren. To avoid this waste of time and money, they asked that the entire case should be decided without further appeal by the *Collegio*, which had been set up precisely in order to “relieve the guilds of litigation and expenses”. However, their request does not appear to have been granted.

It was a fundamental principle of Venetian justice that, as Contarini put it, no magistrate or citizen, “should bee an arbitrator without appeale in any thing”. In 1604, for example, the canvas merchants, having found “the door of the office of the *Provveditori di Comun* closed to them”, were able to insist that their right to appeal, “…cannot be denied by Venetian justice”. In the Venetian system, everyone had at least the right to be heard by the court, and this was one of the fundamental grounds for appeal. The Senate referred to, “…the ever-practised usage of the

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157 Arti, b.380, fasc.AA, *Marzeri C Strazzaroli*, 14 Sep 1660, “Collegio dell’Arte destinato dalla Publica sapienza per levar li littigii, è spese all’Arte medesime”.  
158 Quoted in Mackenney, *Trade guilds and devotional confraternities*, p.216. Nevertheless in some cases decisions were made unappealable eg. Arti, b.45, fasc.A, *Per l’Arte de Calegheri C Alcuni Muschieri, no.99*, 17 Apr 1648. Unanimous decisions of the *Provveditori sopra la Giustizia Vecchia* were also supposed to be unappealable.  
159 Arti, b.382, fasc.A3. AA (II), *Venetiis. 1617. Decembris. Veneranda Scola Beatiss.a Virginis Meretiarioru’ Contra Gastaldione’ et Scole Tellaroloru’. N.o 82*, p.16, 30 Jul 1604, “Non possendo esser negato dalla Giustitia à Venezia à i tellarioli che non usino delle loro ragioni... essendoli stata chiusa la porta dell’officio de i Clmi Sig Prov.r.i di Comun con una ratificazione subretitiamente ottenuta per detti marzeri...”. The canvas merchants specified that they were appealing for the right to be given a hearing, rather than regarding the merit of the case.  
160 The government would even accept petitions and appeals from groups which had no official legal existence - see chapter 4.
mercy of the aforesaid Council to lend its ear to everyone". Once cases had been judged by the first rank of appeal courts (like the Provveditori sopra la Giustizia Vecchia), further appeals might be made to the highest courts (like the Quarantie).

The decisions of judges were not always unanimous, and in Venice, the degree of stretezza (closeness) with which a judgement had been made was an important indication of its judicial force (it was for this reason that voting figures were always carefully recorded). When the mercers appealed against a Venti Savi judgement, they made reference to the difficulty the judges had experienced in reaching a decision, noting the large number of re-ballots and abstentions. Narrow majorities were in themselves a potential basis for appeal.

It was even possible to appeal in the case of the supposedly 'definitive' decisions given by the Quarantia, though this had to be justified by demonstrating

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161 Arti, b.373, fasc.B, Scola Marzeri co Merc.ti dà Oro, 30 Aug 1653, “l’uso sempre praticato dalla pietà dello stesso Consiglio l’aprir l’orechio a cadauno, onde ben illuminata possi la Publica Maturità devenire alle proprie conferenti risolutioni”. See also GV, b.133, filza 106, 16 May 1667, when a joint università of merchants, spicers, almond-traders, paint-makers, and druggists appealed to the Provveditori sopra la Giustizia Vecchia against a law passed in favour of the cotton merchants, “senza che siano state ascoltate le ragg. ni d d.a Università come stabiliscono le leggi”. GV, b.1, reg.3, 23 Apr 1574, when the Provveditori and Giustizieri told the grocers, “siamo contenti, che volendo esser uditi, et allegar delle ragion sue sopra esso ordine, il che mai non gli è stato negato, si offerir ne udiri”. ASV, Indice 293 for the Quarantia Civile Nuova states, p.1, “Gli atti dei Magistrati di Venezia si appellavano alla Quarantia Civil Vecchia”. Technically the Quarantia Civile Nuova dealt with cases coming from outside Venice, as stated in M. F. Tiepolo, “Archivio di Stato di Venezia”, in Guida Generale degli Archivi di Stato Italiani, vol.IV (Rome: Ministero per i beni culturali e ambientali, Ufficio centrale per i beni archivistici, 1994), p.997. However, sentences of the Provveditori al Sal and the Provveditori di Comun were heard by the Quarantia Civile Nuova. This is confirmed by Nani, Pratica Civile, p.204, “vanno altre cause ancora senza passar per via dell’Auditor, come le cause Provveditori di Comun, che eccedono Ducati 500”, and A. Sambo, “La Spada della Giustizia: Giurisdizioni, Inquisizioni, Contenzioso”, in I Mestieri della moda a Venezia dal XIII al XVIII secolo, [exhibition catalogue] (Venice: Stamperia di Venezia, 1988), p.82 (although his source was Nani). See Arti, b.45, fasc.C, Calegheri C Muschieri, no.100 for examples of guild disputes and their assignation.

162 Arti, b.366, fasc.L, Mercanti da Ferrarezza Co Arte de Fabri, 23 Apr 1629, “doppo varie ballotationi, et pendentie nel secondo cappo per il quale con balle sette per la parte, e cinque non sincere, e stato preso”. Similarly, Arti, b.367, fasc. Sumario Per Scola de Marzeri C.o Camera Fustagneri, e Bombaseri, 10 Oct 1612, after the mercers won a victory at the Quarantia by only a single vote, the fustian merchants warned them not to take this as an excuse to predate upon their privileges, “non prendendo occasione col spazio di taglio di un sol voto nato al Cons.o di 40 CV di dar ad'intender al giudice di pretendere quello non possono pretendere”.

164 Appeals against decisions of the Quarantia Civile Vecchia were heard by the Quarantia Civile Nuova and vice versa.
that there had been a mistrial. The quality of justice in the Quarantie was guaranteed by minute regulations prohibiting, for example, any noble family to have more than one member among the judges. In practice it was often possible for litigants to find some sort of technical violation of the regulations and to demand a re-trial. For example, the perfumiers were able to appeal to the Auditori Nuovi against a Quarantia Civile Vecchia judgement in 1669, on the grounds of procedural irregularities - in this case, the presence of blood relatives among the judges. In this way, those who could bear the cost might have a case heard again and again, forever putting off implementation of an unfavourable result. As the mercers commented in 1625, the appeal system was, “both long and costly, and what is still more important, neither definitive, nor decisive”.

The combination of court inefficiency and procedural manipulation by the parties meant that cases could be extremely long-lasting. This is well-illustrated by the dispute between mercers and smiths, which took two and a half years to go before the Provveditori sopra la Giustizia Vecchia, due to the difficulty of getting all three judges together at the same time. When, “with the help of the Lord God” (as the smiths put it) the three Provveditori did finally manage to meet together, the

164 Arti, b.371, fasc.F, Processo Corrente. Querella all Aud.r Novo SS.ri Muschieri et Proffumieri C Arte de Callegheri, 24 Sep 1669. The appeal begins by stating, “Li spazzi Venerabili dell’ecc.mi Consigli furono sempre di grandiss.ma estimatione, non solo per la reggia autorità con la quale difinisco le controversie giudiatriche de sudditi, ma per esser praticati con tutta la piu reta, et piu purgata forma, che dar si possa”, drawing out the contrast between these fine ideals and the irregularities that had taken place. For a similar case, see Arti, b.362, fasc. No. 1. Querella, Scola Marzeri Co Arte de Cortelleri, 24 Sep 1675, when the mercers identified irregularities such as the presence in the appeal court of judges who had participated in the judgement of first instance, and the use of documentary proofs in court which had not been presented in advance.

165 Arti, b.365, fasc.D, Marzeri contro Favri, 16 Sep 1625, describes how the mercers had considered the various normal means of judicial resistance, “et de inhibitioni, et di appellationi”, and “trovandosi tutte, et lunghe, et spendiose, et quello, che piu importa, ne deffenitive, ne decissive”, therefore decided to seek delegation of the Venti Savi.

166 Technically, all three judges had to be present to consider cases of contested judicial demarcation.

167 Arti, b.122, loose documents, 4 Nov 1625. The smiths commented that it was impossible to judge “nella materia delle inhibitioni” unless all three of the Provveditori sopra la Giustizia Vecchia were present, and therefore despite many attempts, “sempre è andata à monte per non si haver mai reduto
mercers were able to further delay matters by failing to turn up in court. Kagan has also noted how in Spain, "...the most common method of disrupting legal proceedings was simply not to appear in court". This was especially so under Venetian law, for a judgement made in absentia could be annulled simply by paying the expenses of the court and then demanding a re-trial. This conformed to the principle that everyone had the right to be heard (a third such ruling in absentia was however deemed decisive). Hence wealthy litigants like the mercers were able to extend proceedings at their pleasure, leaving the smiths fuming uselessly in court on two occasions (and advocates had to be paid for every appearance in court, whether or not their opponents, or for that matter the judges, put in an appearance). In the meantime, the mercers petitioned the government for the delegation of a different court altogether, challenging the authority of the Provveditori sopra la Giustizia Vecchia to hear the case. The increasingly exasperated smiths recognised that these were deliberately obstructive tactics:

"The gastaldo of the mercers, after having obstructed the guild of smiths for many years by means of the inhibitione made by the Provveditori di Comun to the Giustizia Vecchia, on top of which he allowed the case to be judged twice in absentia at the Provveditori sopra la Giustizia Vecchia, the judges competent in this matter, has conceived of petitioning Your Lordships for a judge...".

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170 Arti, b.150, 11 Apr 1625, the advocate Marcello was paid a half fee of L8:10 for having turned up at the Biave in the morning, when the case was postponed until after lunch. He was paid another L17 for speaking that afternoon. GV, b.77, 26 May 1671, "per contadi all'iU 'mo mocenigo alla GV.a per parlar in causa, ma l'il'mi ss.ri GV.i vene tardi fu rimesso per il g.no dietro contadi L24:16", and on 27 May 1671, Mocenigo got L31 for speaking in court.
171 Arti, b.365, fasc.D, Marzeri contro Favrì, 20 Sep 1625, "Il Gastaldo di marceri doppo che per al lunghezza de anni ha strussiato l'arte de favì con la via della inhibitione fatta fare al Magistrato della Giustitìa Vecchia per li ill.mi sig.ri Provveditori di Commun, sopra di che si è lasciato spedire absentè due volte dall'ill.mi sig.ri provveditori alla giustita vecchia giudici copetenti di detta materia, si è
The complexity of procedure was not of course peculiar to guild disputes: Palumbo describes Venetian legal procedure in general as, “a bizarre game in which only the experts found themselves at their ease...”, a situation in which only the advocates could profit.” As Garzoni commented:

“they immediately come up with thousands of objections, suspensions, hostile testimonies, and such a great length of time, that the miserable litigants are almost lead to despair, and to hang themselves by the neck.”

Similarly, Contarini condemned the fact that “through the suture of Advocates and Lawyers (who leave nothing unattempted, how farre soever the same be from right) processes and suites are sundry times drawen out to an infinite length”.

Yet it was not just the advocates to profit, as revealed in the fact that the courts were snowed under by the ‘demand’ for litigation. Venetian advocates manipulated the slow and cumbersome procedures of Venetian courts to the advantage of their wealthy clients, enabling them to extend legal proceedings at their pleasure. In this way, a wealthy guild could hope to exhaust the financial resources of its opponents and induce them to make a settlement.

The poor were deterred from embarking on a suit for this same reason. William Thomas, a Welsh visitor to Venice, noted in 1554 how the poor in particular suffered from such procedural tricks, “...corruption (by the
advocates means) is so crept amongst the judges, that poore men many times can
want no delaies in the processe of theyr mattiers". 

It was for this reason that poor guilds were often bitterly critical of the wealth of
their opponents. For example, the lampsmiths attacked the oppressive wealth of the
mercers, pointing out, “the power of the officials of this wealthy confraternity, and the
authority of its members, and in comparison our poverty, and inability to spend
money on lawsuits...”. This was a common claim made against the mercers. As
the smiths put it, “with their authority and ample fortunes, they are trying to
subjugate all the other guilds...”. In 1630, in the aftermath of their victory over the
mercers, the smiths found that their guild was financially, “...exhausted and
destroyed by the long and expensive lawsuits provoked by the guild of mercers in
their attempt to exterminate it”. It was in the interest of less wealthy guilds to have
a more decisive justice system in which issues were quickly and efficiently resolved.

Hence, following their separation from the mercers’ guild, the hatters complained
that the mercers had, “also initiated other contests to oppress us under the weight of
several disputes”, and asked that the government resolve the issues in a single,
decisive act, “so that it remains determined and decided in just one more contest”. 

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177 Arti, b.313, Catastico, 22 Sep 1626, “la potentia delli rapresentanti detta scola ricca, et sogetti di
essa di autorità, et all’incontro la povertà et impotenza nostra di spender in lite per schivar le spese”. Note that there were very few pirieri (lampsmiths) in Venice (only eight are mentioned in this petition).
178 Arti, b.382, fasc.A1(l), Pro Merciariis Contra Telarolis, sopra le condicioni d’esser accettati nella
foro scola. N.o 17, p.11, 19 Dec 1612.
179 Arti, b.365, fasc. Summario SS.rj Mercanti dà Ferrarezza Co: Arte de Fabri, 27 Mar 1628, “al presente ci venghi posto qualche torbido dalla scola de Marzeri quali con la loro autorità, et
ampolersad’...” Fortune tentano di sottomettere tutte le altre arti, et procurano ad ogni loro potere di
sottponer ogni uno la loro scola”.
180 Arti, b.129, 4 Apr 1630, “si ritrova al presente cosi esausta et destrutta per le longhe, et
dispensione litte causateli dall’arte de marzeri che pretendevano esternarla, et nelle quali se ben
essi marzeri hanno perso non restano di continuar con novi litigi”, and see also document of 29 Apr
1630.
181 Arti, b.372, fasc.C, Per Scola Mezariorum C Muschieri, 5 Jan 1677 (m.v.), hatter petition,
“formentorono anche altre contese per opprimerci sotto il peso di più litigii”, “in un sola piu contese
che resti terminato e deciso che non possino esser introditti in questa città capelli fuori della med.ma
Care must however be taken with such claims because poverty was a rhetorical commonplace in pleading a case before the court, a means of winning the moral high ground. When stating their case, it was normal for litigants to contrast their poverty with the opulence and greed of their opponents. Such pleas nevertheless reflect an underlying anxiety that wealth had an undue influence in the justice system.

Of course, sheer wealth and influence were not always sufficient to win the day. The smiths were not the only guild to successfully resist the power of the mercers. A small guild like the cutlers and swordsmiths, for example, were able to stand up to them in 1675-76. Although the costs of fighting their case twice at the Quarantie were astronomical compared to their means (by this time, the typical annual budget of the guild was around 62 ducats, including 16 ducats of oarsmen tax), they were able to hold out and judgement eventually went in their favour.

While this section of the chapter has stressed the ways in which the justice unduly favoured wealthy litigants, there was no automatic relationship between wealth and victory in court which can be taken for granted. The results of litigation were never easily predictable and depended not just upon the wealth of litigants, but also on the merits of the case, considerations of public welfare, and political raison d'état. Nevertheless, some players in the justice game certainly had an advantage.

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fabricati...". Arti, b.359, fasc.A, Marceri C Capelleri, 5 Jan 1677 (m.v.), hatter petition, “suppliciamo per terminar insieme in una sola più contese, che resti terminato é deciso, che non possino esser introdotti in questa Città Capelli fuori della medema fabricati”. See also Arti, b.312, Mariegola, 7 May 1680, where the hatters emphasize their poverty.

" See Arti, b.102, 1677, cassa of Nicoletto Bertolin, for typical budget figures in a year without litigation. Arti, b.102, 1676 shows that only nineteen masters were paying candlemoney in 1676. As it appears that the guild banca (five men) were exempt from the candlemoney due, the size of the guild can be estimated at twenty-four masters in total.

The government recognised that an expensive and inefficient legal system worked mainly to the advantage of the rich. This concern was not of course peculiar to guild disputes. The stock appeal was to the plight of, "poor widows, wards, and other unwary persons" ruined by litigation. Such concerns had for example been voiced in order to justify rigid controls on the legal profession. The government was well aware that the large number of rival courts created ripe opportunities for abusive use of claims of jurisdictional incompetence. In 1603, in the name of, "public dignity" and "the relief of the poor", the Great Council issued legislation cutting back on the use of inhibitioni, the "principal instrument" of "quarrelsome men", to "make lawsuits last forever, with the perpetual occupation of our Signoria in resolving these inhibitioni, and no little impediment of every other sort of business". Rather than being handed out indiscriminately to all-comers, inhibitioni were no longer to be issued unless the case of both parties had been considered. However, the regulations were quickly side-stepped through the practice of issuing measures under the name of suspensioni instead, a practice connived at by both courts and populace.

In addition to this general concern, specific measures were directed at market justice. In 1528 for example, cases of "minimal importance" were denied any access

184 CL, ser.1, b.64, 16 Jun 1623, "di povere vedove, di pupilli, & d’altre incaute persone".
185 For example, limits on the numbers of advocates who could be employed, and on the number of harangues per court session - see for example, I. Cacciavillani, La legge forense veneziana (1537) (Limens: Signum, 1987). See PdC, b.2, Capitolare Primo, 4 Feb 1607 (m.v.), for limits on number of advocates imposed on guilds.
186 PdC, b.2, Capitolare Primo, 16 Nov 1603, "Convenendosi per dignità publica et per solevazione de poveri li quali sono indebitamente vessati da huomini cavilosi per il piu innanti alli Tribunali di questa Città nostra, regolar la materia delle Inhibitioni, principalissimo instrumento à q'osti tali di eternar le liti, con perpetua occupazione della Signoria nostra, nella decisione di esse inhibitioni, et non mediocre impedimento d'ogni altra sorte di negotii.".
187 Nani, Pratica Civile, p.40, states that a suspensione was to all intents and purposes the same thing as an inhibitione, but that it avoided the need to cite the opponent, "Ben è vero, che per fuggire l'obigo della legge di citare parte, e fiscali, e di esprimere i fondamenti, si è introdotto in vece di usar la parola inhibitare, & inhibitione, dire sospendere, e suspensione e così anco co'tra sospendere, e contra sospensione".
to the appeal process, and in these cases the *Giustizieri Vecchi* had the authority to
“try cases summarily.” While the appeal system was simply too expensive to be
sensibly employed in cases of such low value, the measure is a good illustration of
patrician thinking about justice in general. The reform was presented as being in the
interests of the poor, because it prevented the rich from manipulating the legal
system to their advantage. Otherwise legal disputes would carry on until, “one of the
parties is exhausted, either for lack of money, or so as not to lose time, and in this
way the poor are denied their due, something not to be tolerated”.

These principles found expression in various proposals for procedural reform,
intended to create the ideal of a justice system which would be “rapid, and without
expense”. We have already seen how through the institution of the *Provveditori
sopra la Giustizia Vecchia* and later the *Collegio delle Arti*, the government hoped to
centralize the system of market justice in the interest of efficiency. By cutting away
some of the time-consuming legal processes that made cases last so long, the
expense of litigation could be reduced, and the justice system made more
accessible to all.

In 1594 for example, the *Provveditori sopra la Giustizia Vecchia* removed the
right to reverse a judgement made *in absentia* by simply paying the court expenses.
Wealthy litigants could no longer absent themselves from court as it suited them.
This was done in the name of protecting the guilds from wasting their precious funds
in litigation, and upholding the authority of the law against the abusive practices of

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GV, b.23, 13 Mar 1528, “minima importanzia”, “proceder summariam.e”.
GV, b.23, 13 Mar 1528, “l’è forza, qualch’una delli Parti se stracchò ovver per non aver dà, e per
non perder el tempo ed a questo modo i poveretti non puol el suo, cosa da non sopportar...”.
GV, b.23, 10 Jun 1632, “divertendo il retto corso alla Giustitia, che per Publico beneficio dovrebbe
esser breve, et senza spesa, a lunghezze et dispendii intolerabili et totalmente contrari alla Publica
volontà...”. These remarks were made with precise reference to the context of overlapping
jurisdictions, “nelle materie spetanti alla Giustitia Vechia niuno ardisca impetrar sufraggio ne
comparire avanti altro mag.to ò Conseglìo che alla Giustitia Vechia et alli Proved.ti...”.
litigants." The reform was directed specifically at guild disputes. This interference in the fundamental procedures of the legal system was however soon overturned by a superior court. In another move directed at this practice, the Provveditori ruled in 1679 that, should a gastaldo allow a judgement to be made in absentia, he would have to pay the procedural expenses out of his own pocket. The government's intention was to deny the guilds full access to Venetian legal procedure, in the name of protecting their finances, an aim consistent with the attempt to regulate guild spending on lawsuits examined above. This indicates that guild disputes were singled out for special treatment in comparison with ordinary litigation.

In 1681 the Provveditori sopra la Giustizia Vecchia lamented, "the ruin of the Guilds on account of legal expenses", referring specifically to the scandalous sum of 645 ducats spent by the cheesemongers that year. The year before, there had been financial scandal among the shearers (see above). Moderate spending may have been the norm, but the Provveditori seized upon such examples of overspending and used them as a pretext for recommending that, "in order to reduce costs for all the guilds, they be completely prohibited from making any appeals, with the strongest possible measures, in order that the instigation of undue lawsuits

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GV, b.2, reg.4, 10 Feb 1593 (m.v.), "vedendo li importanti disordini che seguono circa le espedizioni delle cause appellate all’ufficio loro impedito per il più da diversi che procurano più tosto eternare che espedirle con le molte dilazioni, et termini che vanno impetrando... si da principio a cavilare per ottenere maggior dilazione, et si lasciano spedire assenti, et subito con il pagamento delle spese ritornano la lite nel pristino stato così facendo anco più fiate, la qual cosa è ingiustissima, et contraria alla intensione delle leggi... con dannò per il più delle fraghe delle arte, il denaro delle quali con tali mezi si consuma".

Specifically, a decision of the Venti savv. GV, b.2, reg.4, 10 Feb 1593 (m.v.), "vedi nell’lib.o delle appellaz.i sotto 25 Ag. to 1594, et per intromission et atto del coll.o de XX savii de 30 Genn.o 1595 si accetto le spese de m Vetor Rizzo.

Favoro, L’Arte dei pittori, p.102.

GV, b.25, 28 Feb 1680 (m.v.), "la rovina delle Arti per le spese in liti". It is possible that the cheesemongers had spent such sums in a legal protest at the imposition of government price controls.

GV, b.44, 1 Mar 1679.
In the same year, they recommended that their decisions in bombardier disputes\textsuperscript{19} should be unappealable, in order that the guilds should not destroy themselves in endless lawsuits, and again playing on the theme of corruption by guild officials.\textsuperscript{19} This reflects many of the themes already identified with regard to guild litigation. The self-interest of corrupt guild officials should not be allowed to obstruct the disinterested processes of justice and to waste the precious funds of the brethren. These proposals did not however become law.

Some of the same themes can be identified in the 1633 ruling that all appeals against the mercers' tribunal should be heard only by the Provveditori di Comun. In giving their opinion on this reform, the Provveditori sopra la Giustizia Vecchia wrote that:

"the greatest harm, which they [the guilds] at times feel, are lawsuits, because not stopping with one or two Judgements, they also appear at the Councils and other Magistracies, where they are then carried out over a great length of time and with expenses of considerable note".\textsuperscript{19}

\textsuperscript{19} GV, b.25, 28 Feb 1680 (m.v.), "stimaressimo molto proffittevole per levar d.i dispendii all'Arte tute il prohibirle affatto le Appellazioni col mezo più vigoroso, onde cessassero li fomenti a litiggi indebiti".

\textsuperscript{19} These were common to many guilds (for example: smiths, painters, mercers, carpenters, coopers) and regarded the tax-exempt status of guild masters registered as bombardieri. Disputes frequently broke out over the precise extent of their privileges (and in this way have many parallels with membri disputes). For examples, see Arti, b.128, 24 Aug 1619 (when the Senate confirmed the perks in order to encourage enrolment); Arti, b.110, Registro d Termination e Sententie, 11 Sep 1664 (dispute within the smiths' guild over taxes); GV, b.133, filza 107, 15 Feb 1680 (m.v.); GV, b.25, 5 May 1679 and Arti, b.104, loose documents, 19 May 1706 (both indicate that bombardier status was abused by the richest masters in order to evade guild taxes); Arti, b.312, Mariegola, 28 Feb 1688 (m.v.) and CdL, b.17, fasc. Sumario. Decreti de SS.ri Giustizieri Vecchi dall'Anno 1678 usque 1769, 17 Mar 1689 (establishes that bombardieri should contribute to guild lawsuits); Arti, b.312, Mariegola, 15 Nov 1600 (establishes that bombardieri should pay candlemoney, drawing a clear parallel with the membri).

\textsuperscript{19} GV, b.25, 12 Aug 1680, "dovesse esse inapellabile per non dar occasione alle dette parti d'eternarsi in littigii troppo gravi alle Arti, e sopra quali hanno occasione d'aproffitarsi chi sopraintendono al maneggiu del soldo...".

\textsuperscript{19} Arti, b.360, fasc. Contraffacenti, 7 Sep 1633, "praticando noi in questo Mag.to i negozi particolarmente dell' Arti, vedemo che li maggiori danni, che quelli alle volte sentino, sono le liti, perché non fermandosi con uno, nè due Giudizi, capitanio alli Consigli, ed altri Mag.to ancora dove poi conducono li espedizioni a lunghissimo tempo con dispendi di molta considerazione".
While the Giustizieri Vecchi recognised that, "to deny the benefit of appeal would be highly unjust to the aggrieved party", there had to be limits to this, since, "duplicate appeals would be harmful to the poor Guilds", adding that, "The charity of Your Serene Highness has always wished that the affairs of the guilds are determined in a short time". Once more the same concerns were raised - the desire to limit the access of guildsmen to the court system, in the interests of conserving their funds. In this case, the measure was designed to enhance the authority of the guild over its members, and mercer officials had good cause to rejoice. More generally however, government reforms intended to cut away the legal rights of the guilds themselves.

3. The failure of reform: Justice and Politics

In reality, the guilds may have spent moderately to achieve their aims, but the patriciate consistently portrayed their disputes as a waste of funds. This was translated into policy: attempts to make it more difficult for guilds to spend money on litigation, and attempts to deny them full access to Venetian legal procedure. This was generally justified in terms of a paternal defence of the poor guilds, but clearly was also related to government concern about its tax base. This line has been echoed in some historiographical treatments of guild disputes, which are presented as somehow frivolous and petty. Litigation was generally blamed on the corruption of guild officials or upon the deceitful advice of unscrupulous lawyers, who tended to become scapegoats for all the ills of the system. In 1660 for example, the Provveditori sopra la Giustizia Vecchia blamed the grievous financial state of the

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200 Arti, b.360, fasc. Contraffacenti, 30 Aug 1633, "sicome il negar il benefizio dell' appellazione all' aggravato sarebbe effetto di somma ingiustizia, così il conceder dupplicate apppellazioni è effetto pregiudiziale alle povere Scolè; li negozii de quali ha sempre voluto la carità di V S.tà, che restino con breve tempo espediti".
guilds on, "the usual advocates’ quibbles”, suggesting once again that they considered guild disputes as lacking in any genuine motivation. In 1528, the Giustizieri Vecchi referred to, “the cunning, and cavils of Advocates... greedy to get as much money out of the litigants as they can...", noting that frequently, “the Advocates’ fees are greater than the value of the suit”. In 1562, for example, advocates were forbidden to gather on the stairs leading up to the entrance to the Giustizia Vecchia, on the grounds that they unscrupulously misled the poor who were summoned to court.

It has been shown that the government’s ideal was an efficient, streamlined and hierarchical system of law, in which advocates would have less opportunity to ply their trade. Attempts to cut back on the lengthy appeal process were justified in terms of the advantage this would bring to the poor. Reform of the court system was crucial to this and can be seen in attempts to centralise the courts and to prevent litigants from abusing judicial demarcations. Once guilds were dissuaded from investing in endless lawsuits, they would apply their funds to their proper purpose - which was to support the state war effort. Since this was the case, it must be asked why the government had such little success. With few exceptions, the reforms had little impact, and the basic practices of litigation continued unaltered. For example, the attempt to centralize decision-making in the Provveditori sopra la Giustizia Vecchia had only a limited effect. To answer this, we must examine the tensions at the heart of the patriciate itself.

201 GV, b.25, 17 Aug 1660, "li soliti cavilli d’Avocati".
202 GV, b.23, 13 Mar 1528, "$l’astuzia, e cavillaz.n degli Avvocati, non avendo rispeto alla miseria, edinogia [...] dei litiganti, anzi con avidità di cavarlì quella più quantità di danari i puol... in qualche causa è più il danaro agli avvocati, che non è la importanza della causa".
203 BNM, Capitolari, voce “Avvocati”, 28 Sep 1562, “non possi alcun Avvocato trattenersi alla scala, ne alla scala ad incontrar le Persone, et offerirli il suo patrocinio”. Other measures also demonstrate deep suspicion of the profession.
In Venice the political elite was formed exclusively by the nobility. Briefly summarised, all male nobles participated in the Great Council, which controlled election to the higher executive councils. Since the serrata (closing) of the Venetian nobility in the late thirteenth century, following which it was made extremely difficult to enter the nobility, many noble families had become extremely poor, while others had remained rich and powerful. The poor nobles were virtually excluded from high office, but their electoral and political support still had to be purchased by the primi (the rich patrician elite). They were bought off in part with jobs staffing the justice machinery of the state. This partly explains why in Venice, only the nobles could serve as judges. Many of those who worked in the Courts of the Quarantie and the lesser magistracies were poor nobles, dependent upon this work for their livelihood (see chapter 1). Many nobles also earned their living as advocates, one of the few professions which they could exercise honourably. While the elite among the patriciate preferred guild finances to act as a reliable source of war money, this group formed a parasitic class of patrician judges and advocates making their living.

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204 R. Finlay, Politics in Renaissance Venice (London: Ernest Benn, 1980), p.27, "The Great Council was a singular combination of electoral assembly, permanent convention, exclusive club, and job market."


206 Despite all the suspicion of lawyers' practices, advocacy was recognised as a "Noble and esteemed Profession", for which candidates had to prove that they had never engaged in "vile practices, or Mechanical Arts..." - see CL, ser.1, b.64, 26 Feb 1600 (m.v.). See also F. Sansovino, L'Avvocato. Dialogo nel quale si discorre tutta l'autorità che hanno i Magistrati di Venezia con la Pratica delle cose giudiziali del Palazzo (Venice: Lelio Bariletto & fratelli, 1556), p.12R, "nobilissimo essercitio (& per il vero io non so che piu nobil cosa si trovi che difenderl'i bisognosi nel conspetto de'publici magistrati)... la gravità dell'Avvocato è tale, & tal l'affettione de i popoli all'Avvocato, che egli è proposto dal nobile in fuora a ogni altra qualità di persone.". See also Sandi, Principi di Storia Civile, for an eighteenth-century view that nobles made the best advocates.
out of the litigation of the populace. They therefore had little personal interest in creating a more efficient system.

Many of these poor and middling nobles probably shared a general commitment to the cluster of values that made up Venetian republicanism. An important aspect of this was the defence of the prerogatives of the Great Council against the oligarchical tendencies of the primi who dominated the Senate and the Council of Ten. The powers of the Great Council had to be preserved if lesser nobles were not to lose their political influence and consequently their privileges.

The competitive structure of the courts was in fact an important part of the elaborate system of checks and balances between institutions. However inefficient in terms of justice, these were the republican safeguards of the constitution, which helped to preserve the political power of the poor nobles against that of the patrician elite. However far from the enlightenment ideal, the Venetian system of overlapping judicial competence meant that, to a certain extent, courts policed each other's conduct. This system may have been inefficient, but it prevented any lapse into despotism, and at the same time permitted nobles to make an honourable living. Republicans also tended to support the legal rights of defendants to appeal for a fair trial. Inefficiency and cumbersome procedures were the price to be paid for preserving Venetian republicanism.

This is well illustrated by the failure of an attempt to reform the legal system in the early sixteenth century: Doge Gritti's attempt to introduce a system of Roman law. In contrast to other Italian states, Roman law was excluded as a source of

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207 Cozzi, *Repubblica di Venezia e Stati italiani*, p.175, "La storia costituzionale veneziana è per molta parte storia della dialettica tra la spinta verso l'oligarchia e la reazione a tutela dell'aristocrazia...".

authority in Venice. Ultimate authority was supposed to lie in the arbitrium of the patriciate rather than the textbooks of jurisconsults. The Tuscan ambassador noted how,

"The lords of Venice are accustomed to judge both civil and criminal cases according to their own laws, and they scorn those of the Empire; if any advocate pleading a case cites a Roman law, they make fun of him."

In fact it was not necessary to possess a doctorate in law to become a Venetian advocate, but rather to have passed an exam set by the state. The lack of legal training of the judges was reflected in the type of arguments used by the advocates, which were frequently highly repetitious and rhetorical, often filled with abuse or emotional pleas rather than reference to the laws. Many guild disputes devolved into such exchanges. Despite regulations to the contrary, even the formal scritture presented to the court often consisted of abusive polemics. For example, the mercers referred to the smiths' demands as, "no less groundless than ridiculous",

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209 A. Ventura, "Politica del diritto e amministrazione della giustizia nella Repubblica veneta", Rivista Storica Italiana, 94 (1982), p.589, describes how the Tiepolo statute of 1242 excluded Roman law, leaving statute, custom and arbitrium to make up the Venetian hierarchy of sources of law.

210 The stress on the arbitrium tended to turn justice into a political instrument. This was noted by Sir Dudley Carleton in 1612, quoted in Chambers and Pullan, Venice, p.30, «Whereas other Governments are ruled by lawes the Venetian hath little other than reason of state to which they doe resort in all occasions as that which gives law to all other lawes».

211 Quoted in Chambers and Pullan, Venice, p.102.


213 Ventura, "Politica del diritto", p.594, "nei tribunali di Rialto conseguivano maggiore efficacia le perorazioni emotive e il ricorso al senso comune, piuttosto che le argomentazioni strettamente giuridiche.". For example, Dalla Colletta, I principi di storia civile, p.61-2, remarks upon a case in which, "Tutta la causa si snoda e si risolve giuridicamente in una serie di scritture fondamentalmente uguali a se stesse, il cui tenore muta soltanto allorché, di tanto in tanto, interviene una sentenza a togliere peso o a rinviare un argomento. Le parti ripetono e ribadiscono all'infinito sempre le stesse cose, battendo fino alla noia sui medesimi tasti... Tutto si dispiega in un reciproco accusarsi tra le parti."

214 CL, ser.1, b.64, 18 Jan 1671 (m.v.), "Per frenare la scandalosa ardita dicacità di alcuni Avocati, e Sollicitatori, che nel trattar le ragioni de loro Clienti, trapassano i limiti della moderatione, e della Civiltà, invehendo con parole mordaci, e satiriche, contro gli Avversarii...".
"they are all groundless and irrelevant arguments, dreamed-up fabrications", and even mocked that the smiths had so, "deafened their own ears with the din of their hammers", that they were unable to listen to reason.

That such comments could make up the greater part of a serious legal argument is highly indicative of the nature of the judges. While we cannot know for sure what kind of arguments were used orally in court, some sources suggest that they were quite similar, such as Bolognetti’s comment that Venetian advocates, “attempt to win over their hearers with flights of rhetoric better suited to the stage”.

Emotional rather than legalistic pleas were designed to appeal to non-professional concepts of justice.

Gritti’s reforms would have streamlined the justice system and also transferred judicial authority from the hands of patrician judges to expert jurisconsults. This would have entailed the need for qualified judges with a legal training, since, “our judges should found their judgements on firm laws, and judge by those and not by custom or arbitrium as is presently the case, due to a lack of laws or of clear understanding of them”.

Furthermore, Gritti’s reforms were part of an oligarchical and centralising drive on the part of the primi (while Gritti seemed to be fashioning himself as Emperor).

They were therefore fiercely resisted by the lesser nobles of the Great Council, jealous of their power. Instead, Venetian nobles clung proudly to their amateur status, insisting that patrician wisdom was the soundest basis for equitable justice.

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216 Arti, b.366, fasc.L, Mercanti da Ferrarezza Co Arte de Fabri, 23 Apr 1629, “intronate le proprie orechie dal strepito de loro martelli”.

217 Quoted in Chambers and Pullan, Venice, p.102-3.

218 Bellabarba, “Le pratiche del diritto civile”, p.800, quotes Great Council regulations of 1531, «acciò li iudici nostri habino a fondar li iuditi loro sopra firme leze et per quelle iudicar et non per consuetudine o arbitrio, come al presente si fa per mancamento di leze over della chiara cognizione di esse».

Venetian law continued to be a system based upon written statutes, a body of case law cobbled together out of previous decisions, and customary practice, rather than a rational and ordered system of Roman law, drawn up by skilled jurists. Botero noted for example how Venetian judges made, "great capital of examples", and based their decisions upon "legal precedents". Aside from direct motives of personal interest, republicans were in general patriotically opposed to the introduction of an extraneous system of law and the overturning of ancient Venetian customs. Resistance to Roman law was symbolically an assertion of the political independence of Venice from imperial control. Following the defeat of Gritti's proposal, reform was not seriously considered as a political possibility for the rest of the sixteenth century.

With regard to market justice, the ideals of the patrician elite appear to have found their best expression in the institution of the Cinque Savi sopra le Mariegole (see chapter 3), which exemplified the authoritarian model of market justice. The intention was for this body to pass judgement without appeal, and to make a clean

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220 Lewkenor's comments in G. Contarini, The Commonwealth and Government of Venice (London: Lewkenor, 1599), p.164, here referring to avocati ordinari, but reflecting the Venetian hostility to professional legal training in general, "it is not of necessity requisit that they be Doctors of law, or that they have therein much studied, onely that they be skilfull in the statutes, & ordinances of the commonwealth"

221 Bellabarba, "Le pratiche del diritto civile", p.811, with quotes taken from Giovanni Botero, Relazione della Republica Venetiana, "fare «capital grande de gli essempli» come pure di regolarsi «volentieri in alcune cose con casi seguiti»".

222 G. Cozzi, "Considerazioni sull'amministrazione della giustizia nella Repubblica di Venezia (secc. XV-XVI)", in Florence and Venice: comparisons and relations, vol.2 (Florence: La Nuova Italia, 1980), p.117, the aristocracy tended to identify its survival with that of the traditional system, making them intensely conservative, "Un sistema in cui l'aristocrazia veneta si identificava: guai a toccare e rimuoverne qualcosa; si temeva che avrebbe coinvolto tutto il resto nella sua caduta."

223 Cozzi, "Considerazioni sull'amministrazione della giustizia", p.103, on the rejection of Roman law in the thirteenth century, "...rifiutando formalmente il diritto romano, si intendeva dimostrare che si era scelti da ogni sudditanza verso l'Impero, depositari di una sovranità piena e assoluta che poteva imporre ad altri popoli e ad altri territori..."

224 Bellabarba, "Le pratiche del diritto civile", p.808, "spentasi ogni velleità governativa di alterare gli statuti, i notai delle corti, gli avvocati e qualche giureconsulto patrizio restavano i soli a credere nella necessità di riordinare la legislazione marciana...".
sweep through the accumulated mass of market regulations and guild privileges. However, the extraordinary authority of the *Cinque Savi sopra le Mariegole* could be justified only by the crisis conditions of the plague. For the lesser nobles, the *Cinque Savi* represented the unwarranted intrusion of the Council of Ten (the council for state security) into the sphere of market regulations. It is no coincidence that following the *correzione* of 1582-83, the *Cinque Savi sopra le Mariegole* were never again revived, and the *Collegio delle Arti* was given the power to modify their rulings in 1584.228

The connection between the divisions within the patriciate and contrasting views on legal reform is also well demonstrated by the events of the 1620s. The struggle of the poor nobles against the rich in this period was one of the few political upheavals to break the generally calm surface of Venetian politics. This struggle cannot be described in detail here - suffice to say that the poorer nobles who dominated the Great Council were once more struggling to resist the encroachment of the Council of Ten on the other institutions of the state. Any cut-backs of the power of the Great Council threatened the ability of poor nobles to extract their jobs in the justice system. In chapter 3 it was noted that the political tensions of these years made the revival of the *Cinque Savi sopra le Mariegole* a political impossibility for the plague of 1630.

225 Cozzi, "Considerazioni sull'amministrazione della giustizia", p.127, quotes Paolo Sarpi on the importance of the changes of these years, «Questa Repubblica nel tempo del Doge Da Ponte cangiò il governo». M. Lowry, "The Reform of the Council of X, 1582-3: an Unsettled Problem?", *Studi Veneziani*, 13 (1971), pp.275-310, by contrast suggests that the events of 1582-3 were of little real importance, arguing, p.306, "Resentment was apparently satisfied by the sacrifice of the Zonta, and everything carried on much as before - the same men, the same methods, if anything worse abuses.". The example of the *Cinque Savi sopra le Mariegole* shows however that the defeat of absolutist tendencies had consequences which reached the marketplace.

226 GV, b.2, reg.4, 31 Jul 1584.
At the same time as these tensions erupted, the *Provveditori sopra la Giustizia Vecchia* were conducting a major drive to reduce legal costs at the *Giustizia Vecchia*, by eliminating the various unofficial legal fees extracted by the judges and court staff. For example, in 1628, the *Provveditori* carried out a major review of the *fanti* at the *Giustizia Vecchia* (see chapter 2). The judges probably connived at the extraction of illegal payments by court staff and police, in return for a cut of the proceeds. In 1595 the payment system had been reformed so that judges were only to receive a centrally-controlled salary (see chapter 1). However, in 1622, the *Provveditori* noted that the *Giustizieri Vecchi* had continued to obtain other sorts of income for themselves under the new system. They referred in particular to a ruling of 1595, passed exactly one month after the reform, which, "absolutely destroys the law of the Great Council". The *Provveditori* annulled this law, but in 1627 had to recognise that the *Giustizieri* had continued to collect such payments regardless. They therefore proposed new disciplinary measures to the *Collegio delle Arti*. The ban was to be reiterated, with heavy penalties of 200 ducats and loss of office for all court staff caught conniving with the judges in extracting such payments. The same penalties were to be applied to those guild officials found to have paid them. The *Provveditori* stressed that their intention was to make the justice machine cheaper.

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277 Direct evidence for this is however limited. With regard to the *Giustizia Vecchia*, see the case of Bollani and Garzoni detailed in chapter 1. See also a hint regarding the *Provveditori alla Seda* in Arti, b.369, fasc. *Condanne de Alcuni Marceri dal Officio della Seda*, 1 Dec 1600, where a witness testified that a mercer involved in the black market in silk, "si va vantando che lui à doi de voi signori in pugno". Cozzi, *Repubblica di Venezia e Stati italiani*, p.179, states in general on the judicial posts occupied by poor nobles, "...siccome le retribuzioni era quasi sempre modestissime, e le cariche non era possibile ottenere in continuazione, ad arrotondare le legittimi guadagni con altri che legittimi non erano, e che sapevan spesso di mangerie o angherie ai danni dello stesso Stato o delle povere popolazioni".

28 GV, b.3, reg.7, p.123, 21 May 1622, the *Provveditori sopra la Giustizia Vecchia* reviewed a *Giustizia Vecchia* law of 31 Aug 1595, "la quale sotto nome d'aut'a del Cassier destruze assolutamente al parte del Mag.r Consiglio 1595: 30 luglio, appropriandosi con quella regalie, ben Intrade, Dattii, et altri utii contra la forma della parte 30 luglio del Mag.r Cons.o sud.o...". The same comments were made in 1627 - see GV, b.23, 30 Jun 1627, "si assossero au'ttà di riscuoder ben intrade, regalie, dacii, et altro à danno et agravio di esse Arti".
for the guilds, so that their finances would be left in a state healthy enough to supply taxes to the state.

The tensions generated by this reform were clearly revealed during the sitting of the *Collegio delle Arti* to vote on this issue. When the ceremonial urn was passed to the *Giustizieri Vecchi* to receive their ballots, they rose to their feet, saying that they did not want to vote on this law. The *Provveditori* informed them that it was their duty to vote, but the *Giustizieri* refused to comply and walked out of the meeting.2

This dramatic event well illustrates the tensions existing between the judges of the lesser courts, who exacted a kind of parasitic living from lawsuits, and those of the higher courts, who were more concerned with efficient rule. The *Giustizieri* were poor nobles reliant upon the time-honoured practices of palm-greasing for their livelihood, while the *Provveditori* were wealthy nobles of senatorial rank, intent on creating an efficient, centralised justice machine. The conflict between them mirrors that more general conflict between the poor nobles and the patrician elite which was taking place in the 1620s. This was a conflict between the inefficient procedures of republicanism and the efficient procedures of authoritarian rule.

**Conclusion**

This chapter has examined the ways in which the state mediated the disputes of guilds. Justice, which occupied a central place in the republican ideology of

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2 GV, b.23, 30 Jun 1627, "pervenuto il bossolo alli cl.mi ss.ri Giustitieri Vechii si levorno dicendo non voler ballotar detta parte, à che dalli ill.mi ss.ri Presid.ti fu risposo che essendo redotto il Coll.o dovessero ballotar et far con il loro voto quello le paresse per coscienza massime gavendo ballotate altre parti proposte da d.ti ill.mi ss.ri Pressid.ti no dovendo sprezzar l'aüttà di d.to Coll.o il che non ostante si levorno et partirno dalla reddut.ne di d.o Coll.o". As a result there were eight votes for the law (due to the rather unusual attendance of *all* members of the *Cinque Savii alla Mercanzia* and *Provveditori sopra la Giustizia Vecchia*, which indicates that they were expecting controversy), and none against. However, the law was shortly afterwards suspended on account of this irregularity, GV, b.23, 1 Jul 1627, "Di ord.ne dell' ecc.mo Collegio resti suspesa la sop.ta parte".
Venice, was theoretically equal for all, immune to manipulation by private interest. In contrast to these claims, this chapter has examined the ways in which civil procedure was prone to manipulation by the wealthy and influential, in order to bend things significantly in their favour. Contemporaries were aware of this and it was for this reason that the figure of the advocate was so vilified, as the embodiment of everything that was wrong with the system.\footnote{Kagan, \textit{Lawsuits and Litigants}, p.73, "...the corrupt, unscrupulous lawyer was something of a literary topos...".} The Venetian political elite struggled to make the justice system more efficient and egalitarian, by cutting back on procedure and placing controls on litigation. The drive to efficiency also involved the cutting back of legal rights and expressed the authoritarian tendency of the Venetian political elite. However, attempts to create a more efficient and authoritarian system were resisted by the still vital republican traditions of Venice. Legal rights were inefficient, republican safeguards holding the government in check. The poor nobles who manned the courts were of course keen upholders of these republican traditions, for they earned their livelihood from cumbersome legal processes. All this ensured that the free play of wealth in the legal system was allowed to continue. As other studies have concluded, in Venice, republicanism and corruption went hand in hand, forcing the state to adapt to the wishes of its most powerful and wealthy subjects. The inegalitarian civil justice system was a republican institution in opposition to the state-building designs of the elite.
Conclusion

In 1987, D. Romano urged a rejection of the "top-down" conception of Venetian politics as "the formulation of policy by the elites and its reception by the nonelites" as a gross oversimplification. Instead, political power should be regarded as an interactional process, in which influence was exercised by a variety of different social groups. In focusing upon the regulation of the market place in early modern Venice, the thesis has aimed to adopt this perspective and contribute to an understanding of the nature of this process. The power to define and prosecute market "crime" (broadly interpreted to comprehend such activities as fraud, tax evasion, monopoly infringements, hoarding, and the evasion of price or quality controls) was contested territory between public and private institutions, groups and individuals, all attempting to use the law for their own ends. The thesis has sought to identify the groups and interests concerned, examining conflicts and their resolution to arrive at an appreciation of the dynamics of social control and also of social coherence within Venice.

The regulation of the market as a subject for study has hitherto commanded little attention from historians of Italy. Given the centrality of market justice to the generality of citizens such neglect is perhaps surprising. Historians of crime have concentrated on violent crime, sex offences or heresy, leaving aside more mundane economic offences, while economic historians have been largely content with formal regulations rather than with their enforcement. It has been the aim of this thesis to demonstrate that a considerable gulf could exist between the letter of the guild statute books and market practice. For example, the efforts of guild masters to limit

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the retail trade to their shops were unable to prevent the flooding of Venice by ambulant street-traders, a defeat the masters acknowledged by sending out their own apprentices to participate (see chapter 2). In fact the "economy" was something far greater than that small part of it which had official recognition and the history of the market must also embrace a history of the black market.²

The gap between the ideal world of the statutes and the reality of justice on the street was due to the limitations of the public justice machinery. Early modern institutions should not simply be taken at face value, but must be closely analysed to reveal how they functioned in practice ('who worked for the court?', 'who kept the records?', 'where did the money come from?'). Through an examination of the clerks and policemen of the Giustizia Vecchia, the thesis has shown the ways in which private interests were able to obtain influence over public officials and so bend the law in their favour. This gave the populace important room for manoeuvre, and explains how a society which was apparently so minutely-regulated could be at the same time so 'lawless' and chaotic. The focus upon enforcement helps us look beneath the surface of how things were supposed to work, and to challenge the claims of the patriciate to absolute power.

While the history of the corruption of public officials reveals one way in which private interests were able to obtain influence over the justice system, official sanction was also given to the participation of organized interest groups in policing the market. Guild officials and government policemen patrolled the city together, and guild tribunals had an independent, though limited, authority to prosecute those who violated their statutes. The government recognised that it needed to cooperate with

² For an example of such an approach, see P. A. Allerston, The Market in Second-hand clothes and furnishings in Venice, c.1500 - c.1600, (doctoral thesis, European University Institute, 1996).
the guilds in order to regulate (and tax) the market with any effectiveness, and so lent careful ear to their petitions and protests. For example, despite the government's determination to enforce the prohibition on trading on feast-days, numerous guilds were able to obtain special exemptions. Attempts to regulate the market without the guilds led only to disastrous results, as can be seen in the dissolution of the fishmongers' guild, the ensuing expansion of the black market and subsequent loss of tax revenue (chapter 3). The guilds were therefore able to obtain formal modifications of the law in their favour, in addition to the informal influence they exercised through control of policing. Guilds were not passive instruments subordinate to government commands; rather, the history of market regulation is one of interaction between public and private forces. The flexibility of patrician rule in practice may have helped to compensate the guilds for their lack of direct political participation, and so helped to maintain Venice's famed social stability. This helps to draw Venice away from the world of exotic anomaly to which it has been consigned by repeated invocations of the patrician myth of absolute power.

Since so much of the implementation of the law was consigned into private hands, the question of the demarcation of the market was fundamental. Guilds sought to extend their control over the market at the expense of rivals, and the law was one instrument used to pursue this end. By contrast, the government regarded the guilds as mere functional units whose task it was to police the market and tax the economy. The refusal of the guilds to accept this role meekly meant that litigation was extensive, despite the various efforts of the government to deny guilds access to

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3 D. Chambers and B. Pullan, *Venice: A Documentary History, 1450-1630* (Oxford: Basil Blackwell, 1992), p.281, on Venetian guilds, "They were subordinated to government magistracies and part of their function was to transmit the state's commands to the labour force." Similarly on France, C. Fairchilds, G. Bossenga, L. Vardi, and M. Sibalis, "Three views on the guilds", *French Historical Studies*, 15, n.4 (1988), "the guilds were the major instruments through which the prerevolutionary state regulated the economy".
the civil justice system (see chapter 6). The law courts acted as a public arena for
the negotiation and manipulation of the law by private interests.

The second part of the thesis therefore examined another of the great
neglected fields within the topic of justice - that of civil litigation. In Venice, the
regulation of the market was not deemed to be a proper subject for litigation, and
legal textbooks have little to say with regard to these disputes. This was despite the
fact that many of the most successful advocates worked for the guilds. In fact, the
regulation of the market makes a good topic for a study of civil litigation, because the
close attention paid to book-keeping by the guilds (at the insistence of the
government) enables detailed tracing of the flows of money through the justice
system. A historical tendency to consider guild disputes as the product of petty
jealousies has obscured the fact that the study of such disputes can be highly
revealing of the fundamental relations between economics, politics and law. The
outcome of guild disputes frequently had broad public consequences beyond the
immediate interests of litigants, and this made market justice a terrain of interaction
between public and private spheres. For example, when the hatters were allowed to
to escape from mercer control and form an independent guild in 1676, this reflected
not just the competing legal claims of the two sides, but also the decision to adopt a
protectionist policy for the ailing Venetian hat industry (see chapter 5). All the
influence of the powerful mercers' guild was not sufficient to prevent this outcome,
despite the tricks of legal procedure customarily employed by wealthy litigants. In
order to maintain their own grip on political power, patrician judges had to play a
careful game, mediating between the rival factions of comparatively well-off guild
masters, while remaining attentive to the general economic situation and the plight of
the populace at large.
Because guild documents and statutes were frequently produced within a context of litigation, they should be regarded as legal claims, rather than objective descriptions of reality. Close attention must be paid to the terms employed by the guilds, which often had a precise legal significance. The study of single guilds in isolation has its merits, yet it must always be borne in mind that the boundaries defining the guilds were legal constructions – and frequently far more flexible, shifting and permeable than they might seem according to a surface reading of the statutes, as can be seen in the case of the membri system, the mechanism which permitted individual guildsmen to violate guild boundaries. Guilds should not be treated as though they were self-contained entities, because they defined themselves in relation to one another. For example, the dispute over whether nails and other goods should be allocated to the category of ‘mercery’ or ‘ironware’ (chapter 5), shows that what it meant to be a ‘mercer’ or a ‘smith’ was itself constructed through a process of conflict. Guilds should be considered within a broad context in which the very definition of a guild, or indeed the name applied to an individual product, reflected the outcome of struggle, both litigation at the level of the court-room and rival patrols on the street. The categories imposed upon the material and social world were loaded terms, charged with competing claims to power, and their real meaning can only be understood within a context of conflict. The law, and the language of the law, were instruments that could be used by both populace and elites in the complex inter-play of social groups which constituted the political reality of Venice.
Abbreviations

In the footnotes, archival references have been abbreviated as follows:

AdC  Avogaria di Comun
Arti  Corporazioni di Arti e Mestieri
ASV  Archivio di Stato di Venezia
Beccarie Ufficiali alle beccarie di San Marco e di Rialto, Provveditori, Savi sopra le Beccarie, Collegio dei dodeci delle beccarie
BNM  Biblioteca Nazionale Marciana
CdL  Correttori delle Leggi
CdM  Consoli di Mercanti
CEL  Conservatori et Essecutori delle Leggi
CL  Compilazione Leggi
Co10 Consiglio di Dieci
Co40 Quarantia Criminale
CSM  Cinque Savii alla Mercanzia
GV  Giustizia Vecchia, Provveditori sopra la Giustizia Vecchia, Cinque Savi alle Mariegole, Collegio delle arti
IA  Inquisitorato alle arti
MC  Maggior Consiglio
PdC  Provveditori di Comun
Petizion Giudici di Petizion
SI  Sindici Inquisitori in Terraferma e Levante
XSD  Dieci Savi sopra le Decime
XX Savi Collegio dei dieci poi venti savi del corpò del senato
Other abbreviations:

b. busta (the files used at the ASV)
cap. capitolare (statute)
D ducats
fasc. fascicolo (dossier)
L lire
m.v. more veneto
no. number
q. quondam
reg. registro
s soldi
ser. series
[?] illegible or ambiguous text
«...» used to indicate quotes of primary material taken from secondary sources

Manuscript Sources

a. Archivio di Stato di Venezia

The vast majority of manuscript sources used are located in the Venetian State Archive. Throughout the thesis, documentary references are to this archive, unless otherwise stated.

Each magistracy or guild maintained its own archive of records and these distinctions are usually preserved in the present-day system of ordering. In some
cases however, magistracies with closely related competences have been combined.

_Avogaria di Comun_ [AdC]

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These were the state attorneys, and as such tended to symbolize the Venetian respect for the law. Their tasks included ensuring constitutional and procedural legality in public affairs. They often championed the constitutional rights of the Great Council against the predation of other bodies. They acted as state prosecutors in cases of serious crimes, a role which in time was eroded by the encroachment of the Council of Ten.

The _Avogadori di Comun_ were also responsible for controlling admissions to the nobility. In the late seventeenth century they carried out investigations of new noble families, which can be used to obtain personal details of some of the advocates who worked for the guilds.

b.181, _Nobili di creati dal Maggior Consiglio_

fasc.23 [Fini]

fasc.36 [Nave]

b.214, _Prove di Nobiltà [marriage between Fini and Zanfomati]_

reg.7, _Sommario del Capitolare dell'Avogaria di Comun disposto per titoli alfabeticamente_
The group of magistracies were responsible for the meat trade and the butchers.

b.6, Sentenze

b.51, Registri di menuzzami

Cinque Savii alla Mercanzia [CSM]

Instituted by the Senate in 1507, this was the equivalent of a 'Board of Trade', with competence over economic affairs in general, including commerce, industry and shipping. Their competence expanded steadily at the expense of older bodies such as the Consoli di Mercanti.

For the purposes of this thesis, use was made of the Nuova serie. Scritture in materia commerciale, a collection of material ordered by subject.

b.45, Contrabbandi. Leggi relative

b.50, Criminalità. Giudizii criminali e di appello dei V Savii alla Mercanzia

b.93, Merciai. Marzeri, Scuola dei
Collegio dei dieci poi venti savi del corpo del senato [XX Savi]

Index in G. Tamba, Collegio dei X poi XX savi del corpo del senato (Rome: Archivio di Stato di Venezia, 1977)

The Senate sometimes delegated matters to this court (made up of Senators). It was first created in 1529 and primarily dealt with fiscal matters. In time however, its competence was extended into other spheres, and it came to deal with delicate cases in general

b.35, filza 8, Spazzi (1626-34) [used for mercers vs. smiths 1628-29]

Compilazione Leggi [CL]

Index 85

This archive was produced by a group of compilers appointed from 1662 onwards. The intention was not to codify the law, but rather to collect and order it. An alphabetical index by subject exists for the first series, and this can be used to obtain an overview of the legislation existing in any particular field. While the details are not comprehensive, this is a good starting point for research. A second smaller series, ordered according to a thematic scheme, can be used for research into particular institutions.

Series 1

b.64, Avvocati [regulation of the legal profession]

b.78, Beccarie [for the ban on meat imports in 1599]
b.211, Foro [legal procedures]
b.285, Ministero [legislation on court staff up to 1620]
b.286, Ministero [legislation on court staff from 1620]
b.320, Provveditori di Comun [useful for court staff]

Series 2
b.19, fasc.89, Dei Provveditori di Comun [evidence on court staff]
b.19, fasc.104,
- Signori e Deputati alla Camera del Purgo de'Scarlatti e del Collegio dell'Arte della lana
- Consoli dei Mercanti
b.24, fasc.249-251 [guilds]

Conservatori ed Esecutori alle Leggi [CEL]
Index 91

Appointed in 1553, their tasks included the supervision of the legal profession.

b.584, Libro registro d'Avvocati (1583-1632)

Consiglio di Dieci [Co10]
Index 92

A small group of elite patricians made up the Council of Ten, responsible for state security. This was also the supreme criminal tribunal of the republic, whose special
procedures were designed to try suspects efficiently (at the cost of defendants' rights). They could intervene in any matter deemed to be a concern of 'security'. Their competence was expanding in the sixteenth century, a tendency resisted by other bodies such as the Senate and the Great Council.

Registri comuni:
reg. dated 1594
reg. dated 1610
reg. dated 1611
reg. dated 1613
reg. dated 1614
reg. dated 1615
reg. dated 1616
reg. dated 1625
reg. dated 1632

Registri criminali:
reg.16
reg.18
reg.26
reg.28
reg.47
Consoli dei Mercanti [CdM]

Index 222

These originally had competence over maritime commerce. They had jurisdiction over debts, exchange, private banks and insurance. Later many of their functions were taken over by the court of Petizion and the Cinque Savi alla Mercanzia.

For the purposes of this thesis, their relevance lies in their jurisdiction over the silk and soap industries.

b.1, Capitolare (sec.XIII-1615)

Corporazioni di Arti e Mestieri [Arti]

Index 33

The private archives of the guilds contain a variety of types of sources (see the Introduction). Most relevant to this thesis are the records of legal materials in the files called processi. These consist of copies of trial records, of documents presented in court, and miscellaneous information used in the preparation of cases. In addition to this material was taken from other guild sources such as the mariogole, or matricole (rule-books), the capitoli, parti, and atti, which detail miscellaneous guild affairs.

The few remaining guild account books were especially important in establishing the role of money in litigation and the ways in which it was employed (see chapter 6).
Frequently the guild ordered their legal archives with a system of letters marked on the cover of the *fascicoli* (A, B, etc.). I have used these where given. The *processi* files also contain *stampe*, printed collections of legal material which were usually put together to fight specific cases.

Arte dei Botteri

b.20, *Processi.*

fasc.A, *Botteri: Tansadori C il Gastaldo*

fasc.B, *Arte de Botteri per la Tansa*

fasc.BB, *Per l’Arte de Botteri C Mistri e Lavoranti*

fasc. 1675. *Proceso del Bonizeli*

fasc. *Arte de Botteri al laudo contro li quatro Stimadori dà Oglio*

loose documents, marked “Io non sò cos’ alcuna...”

Arte dei Calegheri e Zavatteri

b.26, *Libro della banca* (1629-1795)

b.32, *Processi.*

fasc.A, *Per Arte de Chalagerì C D Giacomo et Zuanne Balduin*

fasc. *Proceso Per Arte de Calegheri e Zavatteri di Carte tutte relative all’ Arte de Strazzaroli*

fasc. *Calegheri. Copia della Vittoria ottenuta in Ser.ma Sig. ria contro il N Homo Sig.r And.a Bem.do l’anno 1659. 19. sett.e con l’asistenza di me Gio: B.a Bertelli masser C Domenico Caleher 1675*

fasc. *Calegheri C Zuanne Zamboni 1675*

b.42, *Processi.*
fasc.77, Cellegon
fasc.79, Calegheri. Proceso C Contraffazienti. 1639. 1730
fasc.80. B, Proseso di Piero Zapa
fasc.81. A, Proseso di Piero Zapa no.2, 1660
fasc.83, Callegeri C Dom.co Codromazzo fù Gastaldo L’Anno 1663

b.44, Processi:
fasc. Caligheri c D Marzari 1669
fasc. Processo contro Antonio di Rimini, Masser, 1669

b.45, Processi:
fasc.A, Per l’Arte de Calegheri C Alcuni Muschieri, no.99
fasc.B, Calegheri C Muschieri, no.101
fasc.C, Calegheri C Muschieri, no.100
fasc. Stampa Calegheri C Sovegno Lavoranti, no.104

b.51, Processi:
fasc. Stampa Franceschini
fasc. Stampa Arte de’ Calegheri, c’ro Antonio Molin

Arte dei Casselleri
b.95, Registro cassa milizia da mar (1665-1793)
b.96, Registri cassa (1649-1805)
b.97, Processi:
fasc.A, Per l’Arte de Casselleri C’ro L’Arte de Marangoni
fasc.B, P Arte Casselleri C Arte Depentori
fasc. Processo de scriture fatte sotto la gastaldia di me Antonio Albin
dell’Anno 1682
fasc. Casseleri da Venezia contra Casseleri da Muran

fasc. C Carlo Viseti

Arte dei Cortelleri e Spaderi

b.102, Registro cassa (1674-1806)

Arte dei Dipintori

b.103, Mariegola (1517-1682)
Seco XVI e XVII. Atti della Scuola dei Pittori

b.104, Processi:

fasc.A, Per Arte Depentori Co: Arte de Casselleri e Marangoni

fasc.B, Per Arte de Depentori Co: Arte de Casselleri e Marangoni

fasc.C, Processo 1648

fasc.D, Depentori C Dessegnadori Recamadori Tramesi

fasc.E, Per l’Arte de Depentori Co: Arte de Casseleri

fasc.F, Pro gastaldione artis pictorum contra d’num Io. Bap’tam Turre

fasc. Per l’arte di Indoradori C Depentori

loose documents

Arte dei Fabbri

b.108, Registri capitoli

b.109, Capitoli sciolti (1531-1734)

b.110, Registro d Termination e Sententie
Libro delle Sinication (1608-64)

Libro della Sinicacion di Cassa Corente del Arte de Fabri (1664-89)
b.114,  Processi:

fasc. P l’Arte de Fabri C l’Arte de Caldereri

fasc.C, Fabri C Caldereri

fasc.E, Arte de Fabri. Cald.

fasc.++, Arte de Fabri C Caldereri

fasc. Per Li Lavoranti e Garzoni Caldereri e Fabri C. Arte de Fabri

fasc. Stampa

b.115,  Processi:

fasc. Per L’Arte de Fabri di q.ta Città C’ro L’Arte de Caldereri. Affare

Consumato sotto la Gastaldia di D.o Zuanne Salla

fasc. Favri C Caldereri. Coll.o di XX

b.122,  Processi:

fasc.G, Pro Arte Fabrorum con’ Merciarios

fasc.H, Artis fabror’ ferrarior’ con’ Artem Merciariorum

fasc.I, Artis fabror’ ferrarior’ con’ Artem Merciariorum. XX senat’ delegat’

fasc. Per D’no Giacomo Marchion Gastaldo Dell’Arte de Fabri C D’no Pietro Gregori

fasc.M, Artis fabror’ ferarior’ con Lattoneri, et brochetta de Latton

loose documents

b.123,  Processi:

fasc. 1655 Scriture contra schiopeterì, di carte 40 scritte

fasc. Per Arte de fabri C Schiopeteri Membri

b.128,  Atti diversi (1600-1629)

b.129,  Atti diversi (1630-1660)
Arte dei Forneri
b.150,  
Libro spese (1608-1647)

Arte dei Fruttaroli
b.154,  
Mariegola (1605-1803)

Arte dei Libreri, Stampatori e Ligadori
b.179,  
Riceveri (1581-1807)

Registri cassa (1694-1763)

Arte dei Marzeri
b.312,  
Mariegola (1471-1787)

Ristretto generale delle leggi e parti spettanti all'arte dei Marzeri (1452-1667)

b.313,  
Catastico della scola di Marzeri (1600-1628)

Libro Rosso
b.314,  
Capitoli e parti (1508-1608)

b.315,  
Capitoli e parti (1607-1636)

b.325,  
Libro de terminazioni e atti (1646-58)

Libro de terminazioni e atti (1658-66)

Libro de terminazioni e atti (1666-79)

b.351,  
Processi:

fasc.A, Per Scola de Marzeri c.o Arte Baretteri

fasc.B, Per Scola de Marzeri c.o Arte Baretteri

fasc.C, Per Scola de Marzeri c.o Arte Baretteri
fasc. C2, *Per Scola de Marzeri c.o Arte Baretteri*

fasc. G, *Per Scola de Marzeri c.o Arte Baretteri*

fasc. *Stampa 40CN, Per Scola de Marzeri C.o: Arte Beretteri*

fasc. *S Marzeri Cò Fran'co Baini Capeller, Processo formato al Mag.to à Ill'ni Prov.ri di Comu', per inobedienza*

fasc. *Marzeri co: Berretteri, per caminate*

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fasc. *Carte diverse in proposito della Sensa de Marzeri*

fasc. *Per la Veneranda Scola de Marzerii, Giuditii e Terminationi diverse; Antichi Seguiti in Materia delle Botteghe di Sensa...*

fasc. *Sensa*

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fasc. *Pro Scola Marzeri Asunt.e di Giud.o per s Iseppo Rutí d Zuane Batagiola d Isepo Locadello descritti in scola de Marzeri C Arte Caldereri*

fasc. *Ruschi co Calzani. Candellieri*

fasc. 341, *Marzeri da Calze co Fabricatori da Calze*

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fasc. *STAMPA dell'Arte de Fabricatori da Calze di Seda, & altri lavori in Teller all'Inglese contro la scola de Marzeri AL LAUDO*

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fasc.379, *Il presente processo, numero 108, contro M Piero Benis fu levato dal sachetto intitolato Bergamine et Instrumenti Scola Marzeri*

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fasc. Scola Marzerì co: Arte de Cappellerì

fasc. A, Marcerì C Capellerì

fasc. H, Per Scola de Marzerì c Maffio dal Capitanio

fasc. Prò Scola Marcеріor.m Cò Dominicum Castagna

fasc. Per Scola Marzer.m Co: Bonaventura Ceccato

fasc. Per la Veneranda Scola de Marzzerì contro l'Arte de' Centurerì di Veludi dà Zentilhomo

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fasc. Carte scola de Marzerì concer.e l'elletione del Cogitor della med.a

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fasc. 1644: condana seguita contro Anzolo Concese Bombaserì, all' off.o deli ss.ri Prov.ri de Comun, A'Indolgentia della Banca de Marzerì per Parole Indicenti dette alla medesma ut intus

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fasc.D, Per Scola de Marzeri C.o Quelli da’ Collori Per La vendita di ferrarezze

fasc.E, Per Scola de Marzeri. Caso Peltreri

fasc.F, Per Scola de Marzeri C.o Abram Sartafii Ebreo Ricordante Per Bollare Cordelle e Passamani

fasc.G, Per Scola de Marzeri C.o Arte da Collori e Battioro Stagnoli

fasc.H, Per Scola de Marzeri C.o Iseppo Antonini

fasc.I, Per Scola de Marzeri C.o Battioro Stagnoli dai Colori e Droghieri, e Masena Col.ri e Lucca

fasc. L, Per Scola de Marzeri C.o Dai Collori e Giacomo Pedrezzoli

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fasc. Extra, *Pro Scola Merceriorum co: Artem Curtellarioru'*

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fasc. Scolla de Marzeri contro Tomidori

fasc. +, Scolla de Marzeri contro Tomidori

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b. 509, Registro cassa (1618-1671)
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Correttori delle Leggi [CdL]

Index 104

An extraordinary body elected from the mid-sixteenth century onwards to organise and review the growing mass of Venetian legislation, with particular regard to criminal and civil legal procedure, and constitutional law. These records were used to obtain some eighteenth-century perspectives on the Giustizia Vecchia.

b.17 Sommarii di leggi tratte dall'Archivio della Giustizia Vecchia (1279-1780):

fasc. Notizie ritratte dal Sommario delli Capitolari intitolati Antico, Rosso, Rosa et Orsa [in six parts, material alphabetically indexed by subject]

fasc. Stampa del Magistrato Illustr. de Giustizieri Vecchi

fasc. Sumario. Decreti de SS.ri Giustizieri Vecchi dall'Anno 1678 usque 1769

fasc. Stampa del magistrato de Prov.i alla G. V. C il magistrato de GG VV al taglio

fasc. Offizio della Giustizia Vecchia in Rialto. 1780. 31 Luglio letta a SS CC

fasc. A, Documenti principali circa la Giurisdizione de' Provveditori alla Giustizia Vecchia ed Inquisitor sopra Viveri
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Dieci Savi sopra le Decime [XSD]

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Responsible for assessing the decima tax, levied principally upon landed property.

b.218, 1661 Condizion Castello, no.961-64 [declarations of property held by Michiel Campi and relatives]

Giudici di Petizion [Petizion]

Card index in main reading room

This court was reponsible for issues of inheritance and tutelage. Their records contains inventories of house and workshop contents dating from the late sixteenth century onwards. These were used to flesh out the portraits of some of the court staff at the Giustizia Vecchia.
The records of these different bodies are combined in a single archive due to the convergence of their competence. The Giustizia was created in 1173 with specific competence over the food retail sector. As other magistracies were created to deal with specific sectors of the food market (such as grain, wine, and meat), its competence was steadily cut back, so that by the sixteenth century the most important foodstuffs under its control were fish, fruit and vegetables. It was also responsible for weights and measures.

The Giustizia Vecchia had competence over the guilds of the city in general, especially those of the artisan crafts. All apprenticeship contracts and shop signs had to be registered here.
The Provveditori sopra la Giustizia Vecchia were appointed in 1565 with the competence of overseeing the work of the Giustizia Vecchia. They acted as an appeal court for its judgements. They also presided over the joint body called the Collegio delle Arti, which in time came to be composed of Provveditori sopra la Giustizia Vecchia, Giustizia Vecchia, Cinque Savii alla Mercanzia and the Revisori e Regolatori sopra Dazi.

Grouped with the capitolari of the Provveditori are two registri of the Cinque Savii sopra le Mariegole which date for the most part from 1577-78 (see chapter 3).

A great deal of the material dates from the eighteenth century. I have examined the vast majority of the material listed in the index as dating from before 1700. Unfortunately, comprehensive evidence of the ordinary business of the court is lacking. The records of the Provveditori (like those of the guilds) are generally concerned with the more controversial cases which went to appeal, rather than the day-to-day business of the court.

Series I: Capitolarl

b.1, reg.2, Capitolare A (1565-71)
b.1, reg.3, Capitolare B (1571-84)
b.2, reg.4, Capitolare C (1584-96)
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b.5, reg.12,  *Capitolare Rosa* (1541-1683) [first *capitolare* of the Cinque Savi sopra le Mariegole]

b.5, reg.13,  *Capitolare Orsa VII* (1578-80) [second *capitolare* of the Cinque Savi sopra le Mariegole]

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b.21,  reg.14,  *Registro di terminazioni dei Provveditori alla Giustizia Vecchia*

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b.23,  *Filza di terminaz.i ed atti della Conferenza e del Collegio alle arti*

Series III: *Scritture publiche*

b.25,  *Filza di Scritture dei Provveditori alla Giustizia Vecchia e Giustizier vecchi al Serenissimo Principe e Signoria di Venezia*

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b.29,  *Filza di decreti de Senato [Pregadi] e del Consiglio de X*

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b.32,  *Filza di lettere dei Provveditori alla G.V. ed Inquisitor sopra viveri a diversi*

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Series VIII: _Riferte_

b.44, _Filza riferte (rapporti) di diversi ai Giustiz. V e Provved. alla G.V. sopra argomenti vari, ma special. te d’intimazioni d’ordini, di citazioni, di arresti, di contravanzioni_

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b.74, reg.94, _Presenti (1623-1627)_

Series Xla: _Processi, criminali o disciplinari_

b.76, _Filza di processi per contravvenzioni alle discipline delle arti, offese tra artigiani e simili (1571-1654)_

b.77, _idem (1660-79)_

b.78, _idem (May 1679 - Dec 1679)_

b.79, _idem (1680-94)_

b.87, reg.102, _Registro di processi ut supra (1528)_

b.87, reg.103, _idem (1615-16)_
b.87, reg.104, Registro di condanne pecuniarie cioè multe inflitte dal Magistrato alla Giust. Vecc. agli artisti (1670-85)


b.87, reg.106, Reg.o (brano) di condanne inflitte dai Giustiz. V ai fanti assenti a quali toccava la stangada di dentro o di fuora (1610-26)

Series Xlb: Processi civili

b.89, filza 76, Fasicolo legato di documenti, intitolato 'Ill.mo Magistrato dei Provved. alla G.V. contro Magistrato dei Giustizieri Vecchi'. E' una raccolta di decreti, di terminazioni etc. in prova della giurisdizione delle due Magistrature

filza 77, Simile, intitolato: Provved. sopra la Giust. Vecchia per diritto delle inibizioni, contro Consoli dei Mercanti

filza 78, Simile, marcato: Provved. alle Beccarie contro Giustiz. Vecchi, sopra la giurisdotion di far i calamieri e stime alli Luganegheri

filza 79, Simile marcato: Provv. alla G.V. anche come Presidenti del Collegio alle Arti contro il Magistrato della Milizia da Mar

filza 80, Fascicolo di documenti sciolti marcato: Processo debitori luganegheri verso l'Arte per animali porcini

Series XIII: Notatorio, detto Multorum

b.98, reg.110, Registro contanente atti di vario genere, come riferte, costituti, contratti, suppliche e reclami dei privati; mandati, terminaz. e sentenze emanate dai Giustizieri Vecchi
Series XV: *Parti e Capitoli, ed altri atti delle Arti*

*b.133*, filza 106, *Bombaseri*

*b.133*, filza 107, *Botteri*


*b.223*, reg.292, *Simile* (1624-98)

*Inquisitorato alle arti* [IA]

Index 35

Appointed in the eighteenth century to investigate alternatives to the guild system of market regulation.

*b.1*, *Quesiti proposti dall'Inquisitorato, e Risposte date allo stesso dalle Arti* (1773-81)

*b.2*, Apollonio del Senno, *Ragionamento sopra la Corporazione delle Arti di Venezia*

Anonymous, *Lumi Sopra Arti di Venezia*

fasc. *Fogli dimostranti in regolar compendio lo stato attuale delle arti e mestieri della città di Venezia configurati in corpo presentati dalla deputazione estraordinaria alle arti nell'anno mdcclxxiii*
fasc. of cases concerning *inviamenti*, assembled by Alessandro Priuli

*Sommario dei Quesiti e delle Risposte delle Arti*

b.59 *Marzeri in generale. quesiti 1777-1797*

**Maggior Consiglio** [MC]


All adult male nobles were entitled to attend the Great Council, which was the sovereign body of the republic. It had legislative supremacy in all major matters, approving the deliberations of the Senate. Its principal task was however to carry out elections of nobles to office and positions of political power. As such it was symbolic of the republican principle of the equality of the united noble class.

reg. "Frigerius" (1577-88)

reg. "Surianus" (1588-1600)

reg. "Arcangelus" (1617-24)
_Provveditori di Comun_ [PdC]

Index 87

These had a wide-ranging jurisdiction which included the granting of Venetian citizenship, the maintenance of the urban infrastructure (canals, bridges, and wells), and the management of state lotteries.

For the purposes of the thesis, the most relevant of these were their jurisdiction over the industrial trades of the wool sector, and the smaller devotional confraternities (scuole piccole and scuole delle arti). They also regulated the gondoliers of the city's traghetto (ferry-stations).

Unfortunately, the records of the _Provveditori di Comun_ are not very comprehensive and evidence of the day-to-day operation of the court is lacking here. This is partly a consequence of the fact that unlike the _Giustizia Vecchia_, the _Provveditori di Comun_ had no supervisory court to produce disciplinary legislation.

b.2, _Capitolare Primo_ (1315-1661)

_Capitolare Nuovo_ (1610-83)

b.6, _Scritture_

b.53, _Terminazioni ed altri atti relativi alle arti:_

"Baretten"

"Cinabro"

"Camera del Purgo"

b.54, _Terminazioni ed altri atti relativi alle arti, "Lanifizio"
b.57, *Terminazioni ed altri atti relativi alle arti*, "Drappieri":

Libro B. B.66

fasc. *Summario della Mariegola e del Catastico dell'Università de Drappieri*

untitled fasc. beginning "1548 Die 30 Aug.ti in Rog.tis"

loose documents

**Quarantia Civil Nuova**

Index 293

These records were not used very much, since richer details of guild litigation are to be found in the *processi* of the guild archives.

b.448 *Scritture in Causa* (Mar 1675 to Aug 1676)

b.458 *Scritture in Causa* (Mar 1688 to Jul 1689)

**Quarantia Criminale** [Co40]

Index 295

Early in the history of the republic this body exercised legislative powers, but by the sixteenth century it had been reduced to a predominantly judicial body. With the creation of the two other *Quarantie* for civil matters, this became the chief criminal court of the republic. It was generally staffed by the same sort of patricians who served in lower courts like the *Giustizia Vecchia.*
Nevertheless, some extra-judicial competences remained which are relevant for the purposes of the thesis, in particular the control over bureaucratic offices exercised by the *Presidenti sopra Uffici* and the investigation into office-holding carried out by the *Inquisitori sopra Grazie ed Uffici*. Such investigations were linked to the seventeenth-century policy of selling public offices in order to fund the war effort.

**Inquisitori sopra Grazie ed Uffici**

- b.237, *Terminazioni*
- b.238, *Terminazioni*
- b.239, *Terminazioni*
- b.240, *Terminazioni*
- b.241, *Terminazioni*
- b.242, *Terminazioni*

**Presidenti sopra Uffici**

- b.405, *Difese e scritture in processi per usurpi di cariche* (1629-1636)
- b.408, *Processi di defraude di cariche* (1631-37)
  - no.1
  - no.8
- b.409, *Processi di defraude di cariche* (1647-56)
  - no.1
- b.410, *Processi di defraude di cariche* (1660-66)
  - no.4
- b.412, *Processi di defraude di cariche* (1673-79)
  - no.8
The principal deliberative body of the republic, with legislative, political and administrative powers. It also appointed its members to offices such as Provveditori sopra la Giustizia Vecchia and Provveditori di Comun.

Their records were mainly referred to in order to show the response of the Venetian government to the two main episodes of plague in the period. An important filza from 1661 was used for details on the theme of 'agglomeration' of the guilds (chapter 5).
Terra filze:
filza 687

*Signori di Notte al Civil*
Index 330

This body dealt with minor civil cases, especially slander, petty fraud and rent arrears. Only fleeting reference was made to their archive for some information on fanti.

b.340, *Processi*

*Sindici Inquisitori in Terraferma e Levante [Sl]*
Index 329

Some reference was made to this archive for evidence on the court staff at the *Giustizia Vecchia*.

b.3, *Giustizia nuova. Cariche, Incumbenze, Tariffe*

*Giustizia vecchia. Cariche, Incumbenze, Tariffe*

*Intrade (Governatori alle). Cariche, Incumbenze, Tariffe*

*Testamentti*

Card index in main reading room
Wills were examined for some of the advocates who worked for the guilds, and some guildsmen.

b.152, no.123 [Vicenzo Fini, advocate]
b.1196, no.42 [Bernardo Nave, advocate]
b.1222, no.260 [Horatio Milani, mercer]

b. Biblioteca Nazionale Marciana, Venice [BNM]

ms. It.VII 1559 (8975), Gabriel Marcello, *Le Sette Scritture di s Gabriel Marcello Inquisitor alle Arti con quelle delli V Savi, e Decreti dell'Ecc.mo Senato*

[an eighteenth-century perspective on the trades]


[useful for a wide variety of matters, since it is ordered by topic. Referred to in the notes as BNM, *Capitolarl*]

ms. It.VII 1738 (7713), *Rubricario dell'leggi contenute nel Capitolare dei Provveditori di Comun*

[a mid-sixteenth-century attempt at ordering the laws of this magistracy, unfortunately lacking in much useful detail]
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