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Studi per Dino Puncuh



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*The two wills of Manuele Zaccaria:  
protecting one's wealth and saving one's soul in late  
thirteenth-century Genoa*

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On April 19, 1271 Manuele Zaccaria, scion of a powerful family of merchants and brother of the more famous Benedetto (whose deeds have been eloquently described by Roberto Lopez<sup>1</sup>), expressed his last wishes in front of notary Simone *Vatacii* and six witnesses<sup>2</sup>. Taken alone the will is unremarkable. We know that Manuele was affluent, but like many other similar deeds, the testament only informs us about the usual pious legacies and the testator's particular attention for establishing his heirs. No oddities are evident: taken alone this may have been how his estate was eventually portioned out. The will, however, must not be read alone as it is connected to two other contracts concluded a few days prior and to another will drawn up by the same testator more than twenty years later<sup>3</sup>, which as we shall see, alter the scenario encapsulated in Manuele's first testament.

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<sup>1</sup> LOPEZ 1933.

<sup>2</sup> ASGe, *Notai Ignoti* 18.161, not. Simone *Vatacii*, n.n., published in LOPEZ 1962, n. 5. It was custom of the scholar to provide his readers with a set of edited documents in appendix to his works. An edition of the will according to current standards is given at the end of this article. On the development and use of wills in the Middle Ages see BARTOLI LANGELI 2008, pp. 399-406; for an explanation of the formalities needed for a noncupative will to be retained valid see BASSANI 2018, pp. 234-236.

<sup>3</sup> When large families are considered there is always risk of incurring cases of homonymy: according to Lopez's genealogical reconstruction two members of the Zaccaria family named Manuele were active in the period that is being considered, but it is certain that both wills discussed here belong to Manuele brother of Benedetto. Firstly, in both documents the testator is identified as Fulcone's son. Moreover, the presence of Nicolino, the younger brother of Manuele and Benedetto, both in the documents connected to the 1271 will, and in the 1294 will, as well as the reference first to Orietta and her dowry in the 1294 will, and then to Petrina (Manuele's sister who is mentioned in the will of their mother Giulietta, dated 1248) further confirm the

Wills are invaluable sources as they shed light on family configurations and strategies, social relationships, degrees of wealth and personal piety. But then again, wills photograph a precise moment, a plan, a wish, an intention. In other words, even though testaments are replete with useful information, we should not assume that their contents reflect what actually happened or that these were always observed religiously: codicils, other wills<sup>4</sup>, or even litigations could ensue which would modify the way wealth was transmitted<sup>5</sup>. Comparing two such documents drawn up by the same person may therefore provide insights into methodological issues that should be taken into account when considering wills as a historical source<sup>6</sup>. Not only this. Notarial documents are often interconnected: this case study will also show that to exploit their full potential, wills (or any other act for that matter), whenever possible, should be placed against the more general background and considered alongside other contracts pertaining to the same individual or family.

### 1. *The Zaccaria family*

As such, we know plenty about the commercial investments and interests of Benedetto, the most prominent of the Zaccaria, but very little on the vicissitudes of the family, of which Lopez provides only a brief outline. Already mentioned in documents dating from the late twelfth century, the first exponent we have record of is a certain Zaccaria *de Castro*, whose surname indicates that he resided in the neighbourhood of Castello, the oldest part of the city, home to several aristocratic families. Absent from politics during the consular regime (1098-1216), members of the Zaccaria family were appointed

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identity of the testator. For Giulietta Zaccaria's will and the family's genealogical tree: LOPEZ 1933, n. 1; pp. 281-283.

<sup>4</sup> Several scholars have noted that making multiple wills was actually fairly common, especially among women. On the matter see ROSSI forthcoming, pp. 5-6, and relative notes. Scholarly literature on last wills is abundant, here it is sufficient to cite a few titles: *Nolens intestatus decedere* 1985; *Margini di libertà* 2010; RAVA 2016. An appraisal on recent scholarship based on wills in: MAINONI 2010.

<sup>5</sup> In this sense, Steven Epstein's study (EPSTEIN 1984) on twelfth- to mid-thirteenth-century Genoese wills provides a partial image since the scholar chose a quantitative rather than a methodological approach.

<sup>6</sup> The different strategies evident from the five wills of jurist Alberico da Rosciate are an enlightening example of how testaments can be more telling if put against other documents drawn up by the same person, STORTI STORCHI 2012.

to the council during the podesterial period, several of them appearing as witnesses to treaties concluded by the Genoese commune in the 1250s<sup>7</sup>.

Their political ascent went hand in hand with an increase in their economic well-being, at least from what we can gather from the sources consulted by Lopez. By the mid-thirteenth century the Zaccaria had accumulated hefty estates by investing in both long-distance trade, and the purchase of properties in Genoa and in the *districtus*, but they seem to have not been much involved in the eastern Mediterranean commerce at the time. Yet the Zaccaria fortunes are associated with political events in the East. In 1261, in the wake of Michael VIII Paleologus' efforts to restore the Byzantine Empire, the Genoese had obtained large advantages in the eastern Mediterranean with the Treaty of Nymphaeum<sup>8</sup>. A few years later, in 1264, Benedetto was sent on a diplomatic mission to Constantinople. This time the results were less than favourable to Genoa. The Emperor was unsatisfied by the feeble Genoese initiatives against the Venetians, so that a year later he resolved to ally with the latter. The Venetians, however, were unable to capitalize on this advantage, hoping to regain their foothold on the Empire. When Venice refused to ratify a treaty, the Emperor was forced to turn once again to Genoa. In 1267 Benedetto was sent on another a diplomatic mission to Constantinople, the outcomes of which were especially advantageous to himself and Manuele. The two brothers were given the city of Phocaea (near Smirne) whose mines were one of the main sources of alum, a product used as mordant in textile finishing and in other manufacturing activities<sup>9</sup>. Given the absence of other family members from the eastern Mediterranean along the thirteenth century, according to Lopez, Benedetto's (and Manuele's) success in the East had come almost out of a sudden<sup>10</sup>.

This privilege boosted the commercial activities of the two brothers who are often seen acting in unison in notarial contracts in the years that followed. The set of documents which will be addressed in the ensuing part of this paper were concluded a few years after this generous concession to the Zaccaria brothers. Despite their social pre-eminence, at the time Benedetto

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<sup>7</sup> A brief outline of the family's history in LOPEZ 1933, pp. 9-19.

<sup>8</sup> On the treaty and its repercussions: BALARD 2010.

<sup>9</sup> LOPEZ 1933, pp. 17-18. On Benedetto's and Manuele's monopoly on the product see also BASSO 2014, pp. 172-174.

<sup>10</sup> *Ibidem*, p. 15.

and Manuele were seemingly inactive in Genoa's political arena, or at least they seem to have kept at the margins of politics, their role in the turbulent events that were afflicting the city wholly unclear<sup>11</sup>.

In the late 1260s the local situation was riven by civil unrest. These conflicts eventually led to a shift from the podesterial regime, which had been reinstated after the failure of Guglielmo Boccanegra's captaincy (1257-1262), to a government held by two *capitani del popolo*<sup>12</sup>. The posts were occupied by members of the Spinola and Doria families, who along with their opponents – the Fieschi and Grimaldi – had become the most influential families in the city's political scene. It is against this scenario that Manuele drew up the first will that I will consider here.

## 2. *Manuele's first will in perspective: family interests, marriage and political alliance*

Manuele's 1271 will opens with the arrangements for for his obsequies and pious bequests, which in this case amount to a hefty 300 *lire*. These dispositions are followed by the list of his main heirs. To his daughter Orietta he bequeathed 1000 *lire* in dowry, which he stated were to be partly drawn from his estate and partly disbursed by his brother Benedetto. Orietta was to have also jewels from her uncle Benedetto. His other two daughters, Vellochia and Barbarina, were to be given 700 *lire* in dowry and jewels which again had to be provided by Benedetto. To his wife Eliana, besides her dowry, Manuele bequeathed 100 *lire* which she could have only if she agreed to remain a widow and stay with her children. He further established that should his unborn child be a girl, she would receive 700 *lire* in dowry together with jewels, while if a boy, the child would become sole heir of his estate<sup>13</sup>. Given the uncertainty on the sex of the unborn child, to ensure that his inheritance was transmitted along the male line, Manuele inserted several substitution clauses establishing Benedetto (and his heirs) as his main heir(s) if the newborn were female, or if the child were male but died in infancy (without producing an heir).

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<sup>11</sup> At least as far as we can tell from the few surviving sources dating from the second half of the thirteenth century that illustrate the Genoese political scenario.

<sup>12</sup> The period still needs to be studied, the only available work remains: PISTARINO 1986.

<sup>13</sup> The testator included the clause: *et ventre uxoris mee, si masculus fuerit*, but we cannot discount that this insertion was a precaution in case his wife was unknowingly with child or else became pregnant sometime after the will.

As stated, the document does not contain any peculiarities, but to understand the circumstances that led Manuele, at the time most probably in his mid-thirties<sup>14</sup>, to draw up his will, we must turn our attention to two other contracts concluded a few days before. The protagonists of these acts are of particular relevance: apart from Manuele, the contracts feature his brother Benedetto, and none other than Oberto Spinola, one of Genoa's freshly appointed *capitani del popolo*.

On April 9, Manuele and Benedetto Zaccaria together with Oberto Spinola agreed on the betrothal of Orietta, Manuele's daughter, and Rainaldino, the captain's son. The notary specified that the contract was being concluded «*nomine sive arrarum sponsaliciarum Rainaldini ... futuri sponsi et mariti Oriete*»<sup>15</sup>. The *arrhae sponsaliciae* were betrothals typical of the later Roman period and regulated by civil law. These consisted in gifts (typically a ring or other precious goods) exchanged between bride- and groom-to-be as earnest money on the marriage. Failure to abide by the promise would entail a penalty for both parties: the groom-to-be would lose his right on the bridal gift, while if the bride-to-be failed to comply, she would have to pay double the sum<sup>16</sup>.

Such contracts were quite common in late medieval Florence. Since the mid-thirteenth century, three different contracts were needed to conclude a marriage in the Tuscan city: the *sponsalia* (or *arrhae sponsaliciae*), the dowry and the *ductio*<sup>17</sup>. The *arrhae sponsaliciae*, however, were not typical of late medieval Genoa<sup>18</sup>. In Genoa betrothals were generally verbal agreements

<sup>14</sup> His eldest daughter was aged 12 at the time, and no children from previous marriages are mentioned. Given that he must have been quite young when he married, and that he is first attested in the late 1240s (LOPEZ 1962, pp. 212-213), we can presume that he was in his mid-thirties.

<sup>15</sup> ASGe, *Notai Ignoti*, 18.161, not. Simone Vatacii, n.n., 9 April 1271; published in LOPEZ 1963, n. 7.

<sup>16</sup> The law was introduced by Emperor Leo in 472 and later modified and inserted in Justinian's *Codex* in the early sixth century. Originally if the bride-to-be failed to comply she would have to pay fourfold the agreed sum. It was under Justinian that the penalty was reduced to a *duplum*. For an overview: EVANS-GRUBBS 2007, pp. 69-80, CAVALLAR - KIRSHNER 2004, pp. 31-34 and DI CIANO 2008, pp. 115-119.

<sup>17</sup> On marriage, betrothal and dowry contracts in medieval Florence: CAVALLAR - KIRSHNER 2004, pp. 20-26; CHABOT 2014, pp. 276-278.

<sup>18</sup> As concerns Genoa, apart from the document discussed here only three other examples of *arrhae sponsaliciae*, have been found so far. The first dates from the mid-thirteenth century:

that required (at least as far as we know) no exchange of gifts but were nonetheless binding, so much so, that records of the ecclesiastical court contain various examples of pleas made by (mostly) young girls for their promise of marriage to be annulled<sup>19</sup>. At any rate, to a certain extent, dowry deeds, at least in Genoa, were at times used as betrothals, since most were concluded much before the couple started their conjugal life, and many contracts provide for dowries to be paid by instalments after the bride moved in her new home with her husband (*transductio*)<sup>20</sup>. Strictly speaking, therefore, recourse to the *arrhae* was unnecessary: the matrimonial alliance could have been settled by drawing up a simple dowry contract.

The prenuptial agreement specifies that Oberto had given Manuele and Benedetto 1000 *lire*, for which the brothers committed themselves to make sure that as soon as Orietta turned thirteen she would give her consent to take Oberto's son as her lawful husband<sup>21</sup>. The Zaccaria brothers, however, provided no counter gift. They only promised that should the marriage take place (*si dictum matrimonium contrahetur*) they would disburse a dowry of 1000 *lire*, to be paid by instalments, and insisted that the dowry be registered by a notary deed, according to the customs of the city of Genoa. If Oberto failed to abide he would incur a penalty of 2000 *lire*, double the amount of the *arrhae*, in compliance with Justinean law, as specified above. Since Rainaldino's gift to his betrothed matched the dowry, Manuele and Benedetto were profiting from the agreement. Apart from saving themselves from disbursing any money for Orietta's dowry, the two obtained immediate credit, while Oberto – the document specifies that the dowry

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ASGe, *Notai Antichi* 52, not. Guido *de Sancto Ambrosio*, 74v, 14 May 1254 (I am thankful to Giovanna Orlandi for the reference). The other documents pertain to the Zaccaria. In May 1282, ten years after Orietta's betrothal, Benedetto, acting on behalf of his brother, and his niece Vellochia (Manuele's daughter), drew up an *arrhae sponsaliciae* contract, promising Vellochia's hand to Nicoloso, son of the late Daniele Doria. He then similarly agreed with Luchetto Spinola for the marriage of his son Paleologus to Luchetto's daughter Giacomina: ASGe, *Notai Antichi* 40/II, not. Simon *Vatacii*, 74v-75r, 9 May 1282; 75v-76r, 11 May 1282. Here one has to note that when a few weeks before the marriage for Barbarina, Vellochia's sister, was arranged with Luchetto Nepitella, only a dowry deed was drawn up (or only the dowry deed has survived): *Ibidem*, 66r-v, 27 April, 1282.

<sup>19</sup> POLONIO 2001, pp. 35-36, 47, and BEZZINA 2017, pp. 118-119.

<sup>20</sup> In Genoa, unlike Florence, dowry receipts are rare.

<sup>21</sup> According to canon law, freedom of will was an essential precondition for marriage to be valid, hence the insistence on the girl's acceptance. On the matter: BERMAN 1983, p. 229.

was to be paid to the groom's father – would have to wait until Orietta married and moved in with her husband to get hold of the first instalment of the dowry. Here it should also be pointed out that when establishing a dowry, according to Genoese law, the groom was obliged to correspond a counterdowry (*antefactum*), usually amounting to 100 *lire* among the upper social echelons<sup>22</sup>. Therefore, the Spinola family would have to contribute an additional 100 *lire*.

Most probably, however, the Zaccaria brothers never received any money for the *arrhae*. Scholarship on Florence has evidenced that in the Tuscan city the *arrhae* were a 'legal fiction'<sup>23</sup> since no money was ever exchanged: the actors usually pledged the same sum of money, and since it was inconvenient to tie up high sums that could be invested in business, it was more practical to simply acknowledge the transfer<sup>24</sup>. In our case the fact that the Zaccaria confirmed receipt of the sum (which implies that the two could no longer impugn the contract), and the absence of a proper counter gift suggest that no money was ever transferred to the two.

Whatever the case, it must be noted that on that same day the three concluded another contract by which Manuele and Benedetto granted Oberto Spinola the sum of 400 *lire* as *mutuum gratis* (a simple loan which, at least in principle, did not entail the payment of any interest rate<sup>25</sup>), on condition that the debtor repay the amount within 6 years, or before, in the event of an untimely death of his son Rainaldino or Manuele's daughter, Orietta. In this case the debt was to be paid off a year after the decease of one of the two youths<sup>26</sup>. This contract is clearly linked to the marriage alli-

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<sup>22</sup> By law the *antefactum* could not exceed 100 *lire*. On the dowry system in Genoa: BRACCIA 2000-2001, pp. 84-96.

<sup>23</sup> CAVALLAR-KRISHNER 2004, p. 30.

<sup>24</sup> *Ibidem*.

<sup>25</sup> Usury was condemned by the Church. On the *mutuum gratis* contract see CECCARELLI 2007, pp. 138-143. On the use of this type of contract in thirteenth-century Genoa: BEZZINA 2015, pp. 99-112.

<sup>26</sup> ASGe, *Notai Ignoti* 18.161, not. Simone *Vatacii*, n.n., 9 April 1271; published in LOPEZ 1963, n. 8. Lopez has overlooked these two interconnected documents. The scholar merely comments on the marriage alliance between the Spinola and the Zaccaria, stating that this would have entailed protection for Manuele's family. Lopez also believed that the *mutuum* contract was a deposit on the dowry (*ibidem*, p. 214). This is unlikely since the document specifies that sum had to be returned to Manuele and Benedetto after 6 years: by law the dotal fund had to be man-

ance, and it is plausible to believe that the 400 *lire* was the only sum of money that was disbursed on that day. The concession of immediate credit may be considered as an additional seal to the matrimonial alliance, but does this indicate that the *capitano del popolo* was in economic straits?

This alliance took place five months after the establishment of the double captaincy<sup>27</sup> which was, at least in part, aimed at restoring peace after a long period of bitter strife among families. Genoa's communal history is notoriously ridden with conflict. According to the civic annals the early months of 1270 saw a recrudescence of tensions, not only in the city, but also in the *distirtus*<sup>28</sup>. One of the ways through which families sought pacification were matrimonial alliances. Ostensibly, even a family as powerful as the Spinola would have needed to secure the support of their peers in such a volatile socio-political climate. Furthermore, political primacy does not forcibly imply readily available cash, especially since aristocratic families tended to make aggressive commercial investments. It is highly possible, therefore, that Oberto was in need of economic aid, also in view of the state of constant internal turmoil. Thanks to their commercial dealings in the eastern Mediterranean, Benedetto and Manuele had accumulated vast fortunes, placing them at the pinnacle of Genoese society. On the other hand, even though the extent to which the Zaccaria brothers were embroiled in the internal affairs of the city remains unclear, and their commercial interests at the time were safe and far away from Genoa, an alliance with one of the captains entailed political support.

Against this scenario Manuele's first will assumes another meaning: clearly the testator did not simply decide to draw up his last testament on a whim, or in an attempt to secure his soul in the event of his untimely demise. To understand the scope of this move, knowledge of the laws governing the transmission of assets is essential. Local law had undergone a radical transformation along the thirteenth century. On the threshold of the Trecento a code of laws – the so-called *Statutes of Pera* – was in force that covered several aspects of private law, including patrimonial

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aged by the husband on behalf of his wife and could be transferred to the wife only upon her husband's predecease. On dowries in Genoa: BRACCIA 2000-2001. Like Lopez, Diane Owen Hughes has glossed on the 1271 and 1282 *arrhae sponsaliciae* documents in her article on marriage in medieval Italy: HUGHES 1996, pp. 26.

<sup>27</sup> *Annali genovesi* 1926, 4, p. 140.

<sup>28</sup> *Ibidem*, p. 138.

transmission<sup>29</sup>. The statutes introduced the principle of *exclusio propter dotem* (the exclusion of dowered daughters from the inheritance) established by virtue of the rubric «De femina tradita in matrimonio a patre vel a matre»<sup>30</sup>. However, the *Statutes of Pera* were compiled over the span of five decades (from c. 1270 to 1318) and include laws that had been promulgated much before. It follows that it is extremely difficult to establish with precision when the single norms were introduced. Given that the will dates from 1271, there is no guarantee that the exclusion of dowered daughters was in force by law when Manuele expressed his last wishes. Moreover, the late thirteenth-century statutes do not contain a law of intestacy.

In the absence of specific legislation on the transmission of inheritance, in case of intestate succession Roman civil law had to be followed. Justinian law established the principle of equality among offspring, irrespective of gender. This means that if Manuele failed to make specific dispositions, in the event of his premature death his inheritance would be shared out equally among his direct descendants. The fact that Manuele was the father of three underage girls, therefore, must have been all the more appealing to the *capitano del popolo*: the fragile family situation entailed that Orietta had higher chances of becoming an heiress. Manuele must have been aware of the risk of leaving no arrangements for his estate, and most probably feared that his inheritance could fall in the hands of the Spinola (possibly in Oberto's, given that the *arrahae* document specifies that the dowry was to be transferred to Orietta's future father-in-law and not to her betrothed), hence the urgency to draw up a will. Clearly Manuele wanted to keep his estate intact, so he chose to re-draw the line of succession to make sure that his wealth fell entirely onto his brother and his heirs. The testator went as far as to bequeath a meagre 10 *lire* as *falcidia*<sup>31</sup> to his father Fulcone to avoid any chances of claims on the inheritance on his part, since according to the *ius commune* in case of intestacy fathers had precedence over brothers. It is also striking that he conceded wide margins of discretion to his brother Benedetto and a judge who was close to the family, Pietro *de Ni-*

<sup>29</sup> The statutes actually contain the laws in force in Genoa with only one section relative to the Genoese colony on the Bosphorus. The code of laws is available in a dated edition (*Statuti di Pera*). On developments in legislation during the thirteenth-century: BRACCIA 2018, pp. 148-150, 154-155.

<sup>30</sup> *Statuti di Pera* 1870, liber III, cap. CXXXVI, pp. 132-133.

<sup>31</sup> The smallest possible sum that an heir could rightfully claim. Usually the words *pro falcidia* indicate that the testator/testatrix wanted to exclude the beneficiary from the inheritance.

gro<sup>32</sup>, in stating that the two: «in presenti testamento et in hiis que in eo continentur adduatur et minuatur et mutetur et cambietur [...] ad voluntatem [...] sicuti eis placuerit».

In this sense, it is perhaps not by chance that on April 13, a few days before drawing up his testament, Manuele concluded one further contract this time with his other brother, Nicolino<sup>33</sup>. According to the document, a *donatio inter vivos* – which had to be drawn up with the permission of a judge –, Nicolino would receive from Manuele the sum of 1000 *lire*, half of which he was to invest in commercial ventures according to Manuele’s and Benedetto’s wishes. In turn, Nicolino could keep any profits deriving from these activities. It was further agreed that should Nicolino die without a legitimate heir 700 out of the 1000 *lire* would revert to Manuele (or his heirs). Here one can notice the perfect symmetry in the bequests to Manuele’s daughters and this concession to his brother, much as if he was giving his brother his share of the inheritance.

It is certainly relevant that these arrangements, aimed at fixing important family matters, were concluded at a few days’ distance. Most probably Manuele was settling his affairs in view of Orietta’s impending marriage. Against this backdrop, his testament must be considered as the last tile of a carefully-devised ploy to establish a high-level political alliance while protecting his wealth and lineage.

### 3. Manuele’s second will in perspective: personal piety and family matters

Manuele drew up another will twenty-three years later, on December 18, 1294. From the opening lines of the document – which include a prayer for his soul – it is clear that he was acting with a different mindset: most likely he was fearing sudden death<sup>34</sup> and, although he does not explicitly confess, he

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<sup>32</sup> Pietro *de Nigro* is much present in the documentation pertaining the Zaccaria. Suffice to say that in 1248 Benedetto’s and Manuele’s mother Giulietta drew up both her will and a codicil in the house of the heirs of Ansaldo *de Nigro*, with Pietro acting as witness to both acts. Both documents are transcribed in LOPEZ 1933, n. 1, 28 May 1248, 15 June 1248. On Pietro *de Nigro* see NUTI 1991.

<sup>33</sup> ASGe, *Notai Ignoti* 18.161, not. Simone *Vatacii*, n.n., 13 April 1271; published in LOPEZ 1962, n. 6.

<sup>34</sup> There is no indication that the testator was ill: he was certainly not bedridden since the will was written in the palace of the archbishop and he was still travelling since he foresaw that he could die far from Genoa.

was perhaps acting in repentance of his past actions<sup>35</sup>. As in his earlier will, and like many other aristocratic families of the time, he chose the church of the Dominicans as his final resting place<sup>36</sup>. What is particularly impressive however, are his pious bequests which amount to an exorbitant 2000 *lire*. The generous bestowal is especially striking if we consider that during the thirteenth century, among aristocrats, legacies to ecclesiastical institutions normally did not exceed the sum of 100-150 *lire*. One should note, however, that even in Manuele's earlier will, the portion of money allotted for charitable bequests – 300 *lire* – is strikingly high, which may suggest genuine religious devotion on his part, perhaps heightened in older age.

The will specifies that the hefty sum was to be used to set up a *tabula pauperum*. Was Manuele creating a fund with which to support those in need or did he intend to actually build and establish a proper charitable institution? The testator stated that the register of the cathedral chapter already made reference to the *tabula*, and it seems that the terms according to which the initiative was to function had already been fixed: the highest authorities of several Genoese ecclesiastical institutions were to elect an individual from each *compagna*<sup>37</sup> who in turn would be responsible for distributing alms. These details suggest that the expression *tabula pauperum* may be understood as an equivalent of the *maticula pauperum* – essentially a register listing those who were entitled to receive relief<sup>38</sup>. As in many

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<sup>35</sup> It was fairly common to seek atonement for illicit (usurious) profits by leaving very generous bequests to the poor. Though Manuele's will does not specifically make reference to *mala ablata*, this hefty bestowal may be an indication that he had made unlawful profits. For a comparison see the last will and testament of notorious usurer Enrico Scrovegni, who left a fair share of his wealth to religious and pious institutions: BARTOLI LANGELI 2008. The scholar has also underscored (citing Boncompagno da Signa's *Mirra* in which the jurist stressed that the primary function of a will was to leave a portion of one's earthly possessions to the poor) how wills were «an instrument for redemption», *ibidem*, p. 401.

<sup>36</sup> The Dominicans settled in Genoa in the area called *Domoculta* (outside the walls but very close to the city), sometime before 1220. They quickly gained a sound reputation among Genoa's inhabitants, and figure prominently as beneficiaries of pious bequests. Their church is often mentioned as the burial place of choice of many testators. On the Dominicans in Genoa: GILARDI 2007, p. 9 *et seq.*, and POLONIO 2018, pp. 281-286.

<sup>37</sup> The *compagne* were eight large segments into which the city was divided.

<sup>38</sup> The *maticula pauperum* was an institution of the late Roman empire: this kind of charity was seen as an obligation of magistrates. This tradition was later picked up in the early Middle Ages, particularly in Merovingian Gaul. The *maticula pauperum* disappeared during

other cities, in Genoa support to the destitute was provided by a number of hospitals, generally established and run by monasteries or other ecclesiastical institutions (although privately founded charities were not unknown<sup>39</sup>), but there is no evidence on how support was given to those in need outside these foundations. It is likely that Manuele was trying, in concord with the church authorities, to introduce a new relief system or perhaps he wished to improve and reorganize an already-existing welfare initiative.

If the dominant theme in the 1271 document is the desire to protect his wealth, all in all, the leitmotif of this second will is the devotional aspect, whether Manuele was seeking atonement for past misdeeds or expressing sincere spirituality. The testator not only left a very generous sum to be distributed to those in need, but he also inserted several substitution clauses according to which, in the event of a premature death of his male heir(s) and in the absence of other direct male descendants, a large portion of the inheritance would be devolved on the *tabula pauperum*. The testator, however, was not certain that the planned measures would be implemented, so he also provided for an alternative in case the *tabula* could not be established as he wished. In this case responsibility for deciding to which charities to allocate the funds fell onto his testamentary executors, except for 300 *lire* which had to be given to specific institutions.

Aside from this, Manuele also provided his servants with very generous *pro anima* bequests: to Stefano *de Rocha* he left 100 *lire*, to be increased by another 200 *lire* if Manuele's heirs died without producing a legitimate heir, to Giacomo *Baldrachi* he bequeathed 50 *lire* (double the amount, if the testator's heirs did not survive), and the same legacy was to be given to a certain Giovanni *de Ficu*. Such a benevolent bestowal (which is equivalent the highest dowries among artisans) to his servants is peculiar: *pro anima* legacies to acquaintances are frequent in wills, certainly, but even in testaments drawn up by aristocrats, these often amount to paltry sums of money, rarely higher than a couple of *lire*. Furthermore, he also gave permission to

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Carolingian rule, with the rise of a new system of assistance based on a network of hospitals. On these developments: ROUCHE 1974. On religiosity and poverty in the Middle Ages see the very recent synthesis by ALBINI 2016.

<sup>39</sup> By the fifteenth century 30 hospitals were operative in the city, most of which ceased to exist with the establishment of the hospital of Pammatone in 1420, MARCHESANI - SPERATI 1981, pp. 59-60.

his daughters to bestow up to 100 *lire* in *pro anima* bequests from their inheritance (i.e. their dowries) after reaching fourteen, while his male heir(s) could donate up to 500 *lire* from their share after reaching eighteen<sup>40</sup>: a further sign of the testator's religious inclinations.

As stated, this legacy lay bare the testator's personal piety, but we cannot discount that this generous bequest could have been a means of highlighting his own and his family's prestige. Lopez provides no indications as to whether the Zaccaria were linked to a particular ecclesiastical institution, and we only have one reference to a family member who joined the ranks of a monastery<sup>41</sup>. In any case, showing largesse towards an ecclesiastical institution or charity, was not only a way of displaying a family's status, but also a medium for gaining consensus. One has also to consider that in the twelfth century a particular devotion to charitable laymen developed in the north-central Italian communes. Labelled «lay saints of charity and work», these pious individuals were generally artisans or merchants who came from the middle classes<sup>42</sup>. It is perhaps also in the awareness that altruism could lead to a saintly reputation that the testator decided to leave such a tangible sign of his benevolence.

By 1294 Manuele's family situation also had changed. First and foremost, he now had a son, Giovannino, who was to inherit the family estate, and his current wife Clarissa was probably expecting a child<sup>43</sup>. Now well into his fifties the testator was driven less by the urgency to protect his estate from his 'allies' than to ensure that his wealth was carefully portioned among *pro anima* legacies, his legitimate heirs and immediate kin. It is also plausible to believe, at least by the high amounts of money registered in his will, that by the end of the thirteenth century Manuele's wealth had grown exponentially.

When it comes to his immediate kin, Manuele first dealt with his wife. His bequests to Clarissa are impressive if we compare them to what he had

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<sup>40</sup> The difference must be accounted to the slightly younger marriage age of daughters, who could easily have become pregnant (and died in childbirth) during their teens. One should also note that according to canon law girls came of age (and could legally marry) at 12, while boys at 14.

<sup>41</sup> A document dated 1240 informs us that Nicolò Zaccaria had joined the monastery of Santo Stefano: *Santo Stefano* 2008, n. 537.

<sup>42</sup> A particular devotion grew around individuals who founded hospitals or welfare institutions: VAUCHEZ 1997, pp. 200-201.

<sup>43</sup> See note 13.

left to his his (probably) first spouse Eliana in his previous will. In 1271 Manuele established that apart from her dowry, Eliana could have an extra 100 *lire*, but only if she decided not to remarry and stay with his children. On the other hand, if his current wife Clarissa were to remain a widow and not advance claims on her dowry, she would be entitled to an annuity of 200 *lire* and usufruct over Manuele's house in Genoa, his other house outside the city, and a parcel of land in Albaro (a borough located a few km east of Genoa) with a *domus magna*, in addition to her clothes and their bed. Should Clarissa remarry, apart from her *raciones*, she would get 200 *lire*, her bed, her clothing and several items of jewellery. It must also be noted that this time, Manuele chose his wife Clarissa as both testamentary executor and tutor of his underage children, along with his younger brother Nicolino and allies. The generous legacies left to Clarissa suggest that there was sincere affection between the two.

Manuele then listed the share of money allotted to his daughters, establishing that the portion of inheritance they had already received in dowry be increased to 1000 *lire* – so they all would get the same amount as Orietta – similarly granting his unmarried daughter Catalina the same sum for her dowry, in an effort to treat his daughters equally. In the event of a premature death of his male descendants, he established that his daughters would be paid an additional 1000 *lire* each. Only one other female member of the family is mentioned in the bequests: his sister Petrina, to whom Manuele left 500 *lire*, but she would obtain the sum only if his main heir Giovannino died without producing a legitimate heir<sup>44</sup>.

If in 1271 Manuele had been extremely cautious in making sure that in the absence of a direct male heir his estate was transmitted intact along the male line, in writing his 1294 will he followed a different trajectory. As stated, rather than redirecting the line of succession, Manuele inserted several substitution clauses by virtue of which a large share of his estate would devolve to charity in the absence of direct male descendants, with one notable exception: immovable property.

Manuele's main concern was that certain key buildings, probably those that were most evocative of his lineage's identity and prestige, were transmitted to a male member of his family. The testator established that should his

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<sup>44</sup> Here one should note that Manuele had another five sisters, and, although we do not know how many of them were still alive at the time, he only mentions Petrina and her daughter Giovannina, LOPEZ 1933, n. 1.

universal heir(s) die without a legitimate heir, his younger brother Nicolino would inherit the towered house, located in the Genoese neighbourhood of Piazzalunga and adjacent to other family property<sup>45</sup>, in which Manuele lived (and which had belonged to their father Fulcone), as well as another towered house in the same neighbourhood in which his other brother Gabriele lived. Should no direct male descendant survive, Nicolino would also inherit Manuele's land in Albaro and the *domus magna* (which the testator gave in usufruct to his wife). The testator inserted another substitution clause specifying that if Nicolino died without a legitimate male heir, three fourths of the building would pass to the heirs of Zaccaria *de Castro*, while the remaining quarter would go to Manuele's nephews: Domenico Zaccaria and his brothers. Dividing property into shares to be administered conjointly was fairly common among aristocrats; interestingly enough, the name Zaccaria *de Castro* was shared by several members of his family (the testator's paternal grandfather and great grandfather, and his father's cousin<sup>46</sup>) so there is doubt on the identity of the beneficiaries of this portion of property. At any rate, Manuele's effort for ensuring that this property (two buildings of which were part of the complex of adjoining houses that belonged to the Zaccaria) was transmitted along the male line is congruent with the mentality underlying the *alberghi* that by the end of the thirteenth century had become well ingrained in the city<sup>47</sup>.

One significant absence, however, is surprising: the will makes no mention of Manuele's brother Benedetto, who figures so prominently in his previous will and with whom the testator seemed genuinely close. According to Lopez's reconstruction, Benedetto Zaccaria was still alive in 1294: is last attested in 1307<sup>48</sup>, and we know that he died sometime before Easter of 1308<sup>49</sup>. Yet, Benedetto's name does not appear among the tutors and testamentary executors in Manuele's will. Manuele even failed to include his brother and his nephews – Benedetto's two sons Paleologo

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<sup>45</sup> A neighbourhood located in the heart of the city, slightly distant from the the area of Castello where the family lived at the end of the twelfth century. For a map of the twelfth- and early thirteenth-century neighbourhoods see: GROSSI BIANCHI-POLEGGI 1987, pp. 36-37.

<sup>46</sup> The family's genealogy in LOPEZ 1933, pp. 281-282.

<sup>47</sup> On the *alberghi*: GRENDI 1975 and GUGLIEMOTTI 2017.

<sup>48</sup> He appears in a sales agreement dated 13 March 1307, published in LOPEZ 1933, n. 8.

<sup>49</sup> LOPEZ 1933, p. 220.

and Manuele<sup>50</sup> – among the beneficiaries. One can only speculate on the reasons behind this absence: did the relationship between the two brothers deteriorate in the meantime? Did Manuele think that Benedetto had accumulated enough riches and thus chose to give preference to other family members? An answer will perhaps be possible through further research on the family<sup>51</sup>.

### *Conclusions*

This brief case study has served to show that wills should not be taken at face value. As we have seen, in 1271 Manuele Zaccaria chose to express his last wishes as a safety measure: his testament must be read together with other documents and placed against the more general political context of the time. The same document also underscores Manuele's staunch adherence to patrilineage, so much so that he enlisted the help of a jurist in order to make sure that his estate remained within the family. In this sense one could argue that although testamentary formalities were specifically devised to safeguard the testator's last wishes<sup>52</sup>, at times situations were so complex that specific ploys had to be devised in order to carry out a preordained strategy. It was up to the notary (or legal expert) to find bespoke solutions for his clients.

In 1294 Manuele acted with a different outlook. By the time, his inclination for keeping all of his estate within the family had been tempered by his religiosity and concern with saving his soul. He was therefore ready to relinquish a large share of his belongings in the absence of a direct male heir. At any rate, Manuele was still committed to his lineage, and this is still evident in his effort to transmit to his male relatives those properties that epitomised his family's identity.

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<sup>50</sup> According to Lopez's genealogical reconstruction Benedetto had only one male son, Paleologo (LOPEZ 1933, pp. 281-282), but a document dating from 1286 clarifies that he had another son named after his brother: Manuele. On 28 March of that year, in fact, Benedetto formally emancipated his two sons whilst promising to give Paleologo, probably the older sibling, 1000 *lire* and Manuele half the sum, ASGe, *Notai Antichi* 41, not. Simone Vatacii, c. 29r.

<sup>51</sup> In line with the historiographical trends of the time, Lopez was interested less in the family vicissitudes than in Benedetto's maritime endeavours. At any rate, the scholar has laid the groundwork for future studies on the complex and yet to be written history of this family.

<sup>52</sup> BASSANI 2018, p. 245. The author also comments on how at times testamentary rules turned against the testator: it was up to jurists to provide a suitable interpretation that complied with the deceased's last wishes.

*Appendix*

1

April 19, 1271

*Last will and testament of Manuele Zaccaria.*ASGe, *Notai Ignoti* 18.161, not. Simone Vatacii, n.n.

The document is crossed out with an oblique line.

In nomine Domini amen. Ego Manuel Zacharias filius Fulchonis Zacharie, in mea sana mente et bona memoria existens, volens per noncupacionem testari de bonis seu rebus meis ita ordino et dispono. In primis, si Ianue contingerit me mori, apud ecclesiam Fratrum Predicatorum meam eligo sepulturam. Pro sepultura mea et exequiis funeris mei lego libras quindecim ianuinorum. Item lego pro remedio anime mee libras trescentas. Item lego Oriete, filie mee, ad suum maritare illas<sup>a</sup> libras mille ianuinorum quas ego una cum Benedicto, fratre meo, promisi dare pro eius dotibus domino Oberto Spinule, capitaneo comunis et populi Ian(ue), pro Rainaldino filio suo, sponso et marito dicte Oriete, quas libras mille dicta Orieta habere debeat cum fuerit nubilis etatis sive tempore transducionis sue pro suis dotibus, et in<sup>b</sup> dictis libris<sup>c</sup> mille dictam Orietam mihi heredem instituo et in ipsis sit tacita et contenta et in bonis meis aliquid aliud iure aliquo petere non possit; item volo quod dicta Orieta habeat ioias ad voluntatem Benedicti Iacharie, fratris mei. Item lego Barbarine et Vellochie, filiabus meis, cuilibet earum ad suum maritare sive pro eraum dotibus libras septingentas ianuinorum, et in ipsis ipsas filias meas mihi heredes instituo et <in> ipsis sint tactite et contente et in bonis meis aliquid aliud ulterius petere non possint; et volo quod habeant ioias ad voluntatem Benedicti, fratris mei. Item ventri uxoris mee lego si femina fuerit ad suum maritare sive pro eius dotibus libras septingentas ianuinorum et in ipsis mihi dictum ventrem si femina fuerit mihi herede instituo. Item lego Eliane, uxori mee, omnes rationes suas<sup>d</sup> docium suarum et sui antefacti et ultra libras centum si cum filiis suis sine marito voluerit commorari et ad secunda vota non convolaverit<sup>e</sup>. Item lego Fulchoni, patri meo, iure institutionis legati et falcidie libras decem ianuinorum in quibus [...] <sup>f</sup> et q[...] <sup>g</sup> <Be>nedicto predicto

mihi in heredem instituo [...]tiam<sup>h</sup> si dictus venter dicte uxore mee <fuerit> masculus et [fu]erit heres meus et decesserit sine herede legitimo ex se nato, volo quod tunc mea hereditas deferatur dicto Benedicto et sit heres meus tunc dictus Benedictus. Et rogo dictum ventrem<sup>i</sup> per fideicommissum quod tunc<sup>j</sup> dictam hereditatem restituat dicto Benedicto, et si forte dictus venter nec dictus<sup>k</sup> Benedictus nec alter eorum non fuerit heres meus, tunc volo quod sit heredes mei filii masculi dicti Benedicti, fratris mei, vel filius masculus ipsius<sup>l</sup> si solus esset; et tunc si dictus venter meus non fuerit masculus, habeant predictae Barbarina et Vellochia, filie mee, de bonis meis ad suum maritare a libris sexcentis usque in libris mille ad voluntatem dicti Benedicti, fratris mei; et si forte dicte filie mee et dictus venter uxoris mee sive masculus fuerit sive femina vel alter ipsorum decesserint seu decesserit alter eorum sine herede legitimo ex eis<sup>m</sup> vel aliquo eorum nato vel natis infra pupillarem etatem vel post semper quandocumque substituo eis et cuilibet eorum pupillariter et per fideicommissum et quocumque modo quo substitucio melius fieri potest dictum Benedictum et heredes eius; et volo quod tunc succedant eis et cuilibet eorum dictus Benedictus et heredes eius et rogo dictas filias meas et quamlibet earum et dictum<sup>n</sup> ventrem uxoris mee si fuerit masculus vel femina quod dictam hereditatem restituant dicto Benedicto et heredibus ipsius. Volo eciam, statuo et ordino quod in presenti testamento et in hiis que in eo continentur addatur et minuatur et mutetur et cambietur tam in legatis quam in institutione et substitutionibus et omnibus aliis ad voluntatem Petri de Nigro iudicis et dicti Benedicti, fratris mei<sup>o</sup>, sicuti eis placuerit, ita quod id quod ordinaverit super factis et negociis presentis testamenti per publicum instrumentum valeat, teneat et sit firmum ac si egomet ipso ordinassem et legavissem in presenti testamento. Hoc est mea ultima voluntas que si non valet iure testamenti seu alterius ultime voluntatis saltim vim codicillorum obtineat, cassa<n>s omnia alia testamenta si qua feci, isto solo testamento firmitatem in omnibus obtinente, salvis semper mutuis, collectis et honeribus comunis Ian(ue) de bonis meis prestandis, ita quod aliquis heredum meorum nec aliquis cui aliquid legatum est per me nec aliquis qui de bonis meis aliquid habuerit, de bonis meis sive de eo quod ad ipsum pervenerit possessionem habere non possit nec aliquid inde habere nisi primo id quod habuerit super<sup>p</sup> se scribi fecerit ad expendendum inde in comuni Ian(ue), et ipsis mutuis et collectis semper salvis. Actum Ianue, in porticu domus qua moratur dictus Benedictus et frater. Testes vocati et rogati a dicto testatore Petrus de Nigro iudex, Bonifacius de Nigro, Iohannes Barberius de Sancto Georgio notarius, Petrus de Novaria, Iohannes de Bissanne, scriba dicti Benedicti, Bonaiuncta de Sancto Georgio<sup>q</sup>.

Anno dominice nativitatis M<sup>o</sup>CC<sup>o</sup>L<sup>o</sup>XX<sup>o</sup>I<sup>o</sup>, indicione XIII<sup>a</sup>, die XVIII<sup>a</sup> aprilis, post nonam.

<sup>a</sup> illas *above the line*    <sup>b</sup> in *above the line*    <sup>c</sup> *corrected over* dictas libras    <sup>d</sup> suas *corrected*  
<sup>e</sup> *in the text* convolaveritur    <sup>f</sup> *missing lines due to damages in the upper part of the folio*  
<sup>g</sup> [2]    <sup>h</sup> [6]    <sup>i</sup> quod *above the line deleted; followed by* tunc *deleted*    <sup>j</sup> quod  
tunc *above the line*    <sup>k</sup> nec dictus *repeated*    <sup>l</sup> ipsius *above the line*    <sup>m</sup> *followed by* nato  
*deleted*    <sup>n</sup> dictum *corrected*    <sup>o</sup> *followed by* ita quod <sup>i</sup> *deleted*    <sup>p</sup> *corrected over* supra  
<sup>q</sup> barberius *deleted*

2

December 18, 1294

*Last will and testament of Manuele Zaccaria.*

ASGe, *Notai Antichi* 44, not. Simone Vatacii, cc. 111v-115r.

The document is crossed out with an oblique line.

In nomine Domini amen. Ego Manuel Zacharias filius quondam Fulchonis, sanus mente et corpore in mea bona, sana et integra per Dei gratiam existens memoria, considerans quod hominis condicio et humana natura ad finem cotidie tendit, animadvertens etiam quod nichil certius morte et nichil incertius ora mortis, idcirco volens atque cupiens de bonis et rebus meis mobilibus et immobilibus presentibus et futuris disponere et ordinare bonorum et rerum mearum talem facio dispositionem. In primis in manus illius Altissimi qui pro omnibus peccatoribus voluit crucifigi, animam meam et spiritum meum trado dicens: «in manus tuas Domine commendo spiritum meum»<sup>1</sup>, reddemisti me domine Deus veritatis ut per tuam sanctam misericordiam animam meam custodias, protegas ab omni mallo et defendas». Post hec volo et iubeo corpus meum sepelli apud ecclesiam Fratrum Predicatorum de Ianua si me mori contingerit in civitate Ianue vel districtu et si me mori contingerit alibi, volo et iubeo quod corpus meum sepelliatur apud ecclesiam illorum Fratrum Predicatorum proximior<sup>a</sup> quo ero ab hac luce subtractus, et lego pro sepultura et exequiis funeris mei libras viginti quinque ianuinarum. Item lego pro reme-

<sup>1</sup> Lc. 23, 46.

dio anime mee viduis, pauperibus, orphanis et misserabilibus personis, piis locis et relligiosis libras duo milia ianuinorum, videlicet ad tabulam pauperum Christi de qua sit mentio in cartulariis capituli in distribucione compositorum prefacte tabulle et per unum per compagnam ellectos sanctiores et meliores homines per dominum archiepiscopum Ianue, priorem Fratrum<sup>b</sup> Predicatorum, guardianum Fratrum Minorum, priorem Fratrum Eremitarum Sancti Angostini / (c. 112r.) conventus Ianue, priorem Sancte Marte et abbatem Sancti Andree de Sexto sicut in dicto scripto dicte tabule composite continetur. Que tabula ordinata est quod capitulo<sup>c</sup> in ipsa cabella positum semper in secula in comuni maneat firmum et de redditibus ipsius elimosinam facere sicut distributoribus in ipsa continentibus videbitur expedire et sicut scriptum et ordinatum esset in ipsa tabula et si dicta tabulla non componetur, distribuatur et dentur per tutores et curatores infrascriptos heredum meorum de quibus dentur in subsidium Terre Sancte libras quingentes ianuinorum prout videbitur tutores et curatores predictorum filiorum meorum; item ex eis dentur conventui Fratrum Predicatorum Ian(ue) libras<sup>d</sup> centum ianuinorum, conventui Fratrum Minorum Ian(ue) libras centum ianuinorum, operi ecclesie Sancte Tecele Fratrum Eremitarum<sup>e</sup> libras<sup>d</sup> viginti quinque ianuinorum, in melioranda et reedificanda ecclesia Sancti Vicentii de Albario libras viginti quinque ianuinorum et aliter non solvantur nisi in meliorando edifficio dicte ecclesie, dominabus de Bani in meliorando eorum monasterio libras viginti quinque ianuinorum, domui sororum de Granarolio, in qua est soror Auria de Granarolio, libras viginti quinque ianuinorum. Item lego pro missis canendis pro anima mea, silicet pro septenis, trentenis et anniversario perpetuo celebrando in die obitus mei libras viginti ianuinorum et que persolvantur conventui Fratrum Predicatorum de Ianua, qui fratres hoc debeant registrare et teneantur predicta fideliter adimplere. Item lego Clarisie, uxori mee, ultra rationes suas libras mille ianuinorum, raubas suas et suum lectum furnitum et habitationem domus in civitate et in villa, terram posita<m> in Albario cum domo magna in vita sua si non convolaverit ad secunda vota et dotes suas non exegerit / (c. 112v) et si caste steterit cum filiis meis; et si ad secunda vota convolaverit, habeat solummodo dotes suas et antefactum et ultra libras ducentas ianuinorum et omnes vestes suas quibus utitur et gaudiolas suas preterquam perlas et lapides preciosos et lectum suum furnitum; item volo et ordino quod quamdiu dicta Clarisia, uxor mea, steterit sine marito et dotes suas non exegerit, habeat pro alimentis suis annuatim de bonis meis libras ducentas ianuinorum. Item volo et ordino quod omnes filie mee adequentur<sup>f</sup> in libris mille ianuinorum tali modo et forma quod quelibet earum de bonis meis habeat supplementum usque in

libris mille ianuinorum computatis dotibus quas habuerint. Item volo et ordino quod Catalina, filia mea, habeat pro dotibus suis libras mille ianuinorum et ultra guarnimenta et gaudiolas prout habuerit Orieta, filia mea, prout erit conveniens. Item volo et ordino quod si venter uxoris mee fuerit femina, habeat de bonis meis iure institucionis ad suum maritare libras mille ianuinorum et guarnimenta sua decenter, et <in> ipsis sit tacita et contenta et in bonis meis aliquid aliud ulterius petere non possit salvo quod habeat <t> victum et vestitum de bonis meis convenienter in domo mea quousque erit maritata; et si postmodum Deus adhuc dederit mihi unam filiam vel plures, lego de bonis meis unicuique dictarum filiarum naxiturarum iure institucionis ad suum maritare libras mille ianuinorum et guarnimenta conveniencia, et in ipsis quelibet earum sit tacita et contenta nec in bonis meis aliquid ulterius petere possint ipse vel aliqua earum salvo quod quelibet earum habeat de bonis / (c. 113r) meis victum et vestitum convenienter<sup>s</sup> quousque erit maritata. Item statuo et ordino quod si venter uxoris mee femina fuerit et ipsa<sup>h</sup> vel aliqua alia filia mea vel filie nascitura vel nasciture decederet vel decederent infra etatem annorum decem et octo sine legitimo herede ex eis vel altera earum ex legitimo matrimonio procreato, volo quod decedenti et decedentibus in tali casu succedat et succedant heres meus vel heredes mei infrascriptus vel infrascripti si tunc viveret vel viverent; et si non viverent, succedat cuilibet earum<sup>i</sup> in tali casu decedenti prefata tabula<sup>j</sup> pauperi Christi si ordinata fuerit pro remedio anime mee; si vero non fuerit ordinata, prefata hereditas distribuatur pro anima mea per tutores et curatores infrascriptos heredum meorum sicut eis melius videbitur, salvo quod quelibet dictarum filiarum mearum decedentium in tali casu possit dimittere et legare postquam conpleverit etatem annorum quatuordecim de bonis meis ei legatis pro anima sua vel ubicumque voluerit libras centum ianuinorum. Reliquorum vero bonorum meorum mobilium et immobilium, presentium et futurorum mihi<sup>k</sup> heredes equaliter instituo Iohanninum, filium meum, et ventrem uxoris mee si masculus fuerit et si Deus michi adhuc dederit filium vel filios masculos, unum vel plures, sint mihi heredes equaliter una cum<sup>l</sup> Iohannino predicto<sup>m</sup> et ventre uxoris mee si masculus fuerit; et si dictus Iohanninus, filius meus, et alius vel alii filius meus vel <filii> mei naxiturus vel naxituri decederet vel decederent sine herede legitimo<sup>n</sup> ex legitimo matrimonio ex eis nato infra etatem annorum XX, volo et iubeo quod / (c. 113v) pars<sup>o</sup> defoncti sive defonctorum superstiti seu <su>perstitibus masculis equaliter partibus revertantur, tamen volo quod quilibet filiorum meorum possit testare et donare seu legare pro anima sua vel ubicumque voluerit de portione hereditatis ipsum<sup>c</sup> (cosi) contingente postquam conpleverit etatem

annorum decem et octo libras quingentas ianuinorum; si vero dictus filius meus Iohanninus et filius et filii meus et<sup>p</sup> mei naxiturus vel naxituri decederet vel decederent sine herede legitimo ex se nato, in illo casu relinquo de bonis eorum cuilibet filiarum mearum natarum seu naxiturarum libras mille ianuinorum ultra illas libras mille ianuinorum de quibus ipsas dotavi sive adequari precepi, computatis dotibus ut supra, et<sup>q</sup> ipsas libras mille ianuinorum cuilibet ipsarum lego dicto casu adveniente et in ipsis sint tacite et contente et in bonis meis iure legati institutionis vel falcidie aliquid aliud ulterius petere non possint. Item dicto casu adveniente, volo, iubeo atque ordino Nicolino Iacharie, fratri meo, et ei lego<sup>r</sup> domum cum turre <in> qua nunc habito que fuit quondam patris mei que est a latere domus Mathei Iacharie et heredum quondam Simonis in Plathealonga; item eidem domum meam cum turre in qua nunc habitat Gabriel, frater meus, que fuit quondam Oliverii Taxii in Plathealonga. Item eidem Nicolino dicto casu adveniente relinquo domum meam magnam que est in Albario cum terra posita in Albario, videlicet terram illam que est murata a muro in ipsam<sup>s</sup> facto inferius usque ad boschum, vel filiis suis masculis ex legitimo matrimonio natis si non viveret, et si dictus Nicolinus de/cederet (c. 114r) sine filio vel filiis legitimo vel legitimis ex se nato vel natis, dicte domus cum turribus et terris revertantur heredibus quondam Iacharie de Castro: hec sunt tres partes dictarum domorum cum turribus et terra salvo quod ex dictis aliquid non contingat nec contingere possit nec debeat Iacobino Gambo quondam Simonis et quarta pars ipsarum domorum et turrium atque terre revertantur Dominico Iacharie et fratribus, nepotibus meis; item dicto casu adveniente, relinquo Petrine, sorori mee, libras quingentas ianuinorum si viveret et si non viveret, habeat ex eis<sup>t</sup> Iohannina, eius filia, libras ducentas ianuinorum. Item lego, volo et ordino quod Stephanus de Rocha, servitor meus, habeat de bonis meis pro anima mea libras centum ianuinorum et adveniente casu iamdicto, volo quod habeat libras trescentas ianuinorum computatis libris centum predictis. Item lego Iacobo Baldrach libras quinquaginta ianuinorum et adveniente dicto casu, lego sibi libras centum computatis dictis libris quinquaginta. Item lego, volo et ordino quod Iohannes de Ficu, servitor meus, habeat de bonis meis<sup>u</sup> pro anima mea libras quinquaginta ianuinorum et adveniente casu predicto, volo quod habeat libras centum computatis libris quinquaginta predictis. De toto vero residuo et relinquatu bonorum meorum tali casu adveniente, succedat ipsi Iohannino, filio meo, et filiis meis naxituro vel naxituris tabula predicta pauperum Christi si ordinabitur et complebitur ut predictum est et si vero non predicta omnia<sup>v</sup> reliqua bona mea mobilia et immobilia intuitu anime mee eligo, ordino et dismito in distributione predicto-

rum tu<to>rum et curatorum<sup>w</sup> heredum meorum adveniente dicto casu<sup>x</sup>. Decenum quoque legatorum meorum lego operi portus et moduli secundum formam ordinamentorum et capitulorum comunis Ianue. Quibus Iohannino, filio meo, et filio et filiis naxituro et naxituris / (c. 114v) relinquo, constituo et ordino tutores, curatores atque distributores predictorum omnium bonorum meorum mobilium et immobilium Bonifacium de Nigro, Egidium Lercarium, Thomam de Murta, Guidetum Leonem et Carlotum de Nigro, Nicolaum Iachariam fratrem meum, Araonem de Grimaldo et uxorem meam Clarisiam, ita quod predicti tutores et curatores atque distributores sint annelogiste et rationem aliquam de bonis meis alicui reddere non teneantur. Item statuo et ordino quod si aliqua persona aliquid petentur in bonis meis quod de iure videatur recipere debere, volo, statuo et ordino quod eis restituatur per heredes meos aut tutores et curatores et distributores predictos anime mee. Hec est mea ultima voluntas quam vallere volo et si non vallet iure testamenti seu alcuus alterius ultime voluntatis saltim vim codicillorum obtineat, cassans omnia alia testamenta si que feci isto solo testamento firmitatem in omnibus obtinente, salvis sempre mutuis, collectis et honeribus comunis Ian(ue) de bonis meis immobilibus prestandis dicto comuni, ita quod aliquis inde possessionem habere non possit nisi primo id quod ad ipsum inde pervenerit super se scribi fecerit ad exptimandum inde in comuni et ipsis mutuis et collectis comune<sup>c</sup> Ian(ue) semper salvis. Actum Ianue, in palacio archiepiscopatus Ian(ue), in introitum porte mastre archiepiscopatus. Testes vocati et rogati a dicto testatore Roncinus de Groppi serviens, nepos Michaelis de Gropulo, Iohannes de Orto<sup>y</sup> notarius, Guillelmus / (115r) de Albara notarius, Ianuinus de Curia notarius, Damianus de Camulio, Conradus de Monleone serviens, Octo de Bassignana quondam Nicolai de Servo scriba, Nicolaus de Luchullo serviens, filius Iohannis Rolerie<sup>z</sup> taliatoris. Anno dominice nativitatis M<sup>o</sup>CC<sup>o</sup>L<sup>o</sup>XXXX<sup>o</sup>IIII, indicione VI<sup>a</sup>, die XVIII decembris, circa primam.

<sup>a</sup> proximioem corrected    <sup>b</sup> followed by Minorum deleted    <sup>c</sup> so written    <sup>d</sup> libras corrected    <sup>e</sup> Fratrum Eremitarum above the line    <sup>f</sup> adequentur corrected    <sup>g</sup> convenienter corrected    <sup>h</sup> et ipsa above the line    <sup>i</sup> cuilibet earum above the line    <sup>j</sup> followed by Christi deleted    <sup>k</sup> mihi above the line    <sup>l</sup> followed by dictis deleted    <sup>m</sup> predicto above the line    <sup>n</sup> legitimum in the text    <sup>o</sup> precedes a deleted word    <sup>p</sup> et above the line over deleted vel    <sup>q</sup> followed by de deleted    <sup>r</sup> et ei lego above the line    <sup>s</sup> so written, with an abbreviated sign over m deleted    <sup>t</sup> ex eis above the line    <sup>u</sup> de bonis meis above the line    <sup>v</sup> followed by et deleted    <sup>w</sup> followed by infrascriptorum deleted    <sup>x</sup> adveniente-casu above the line    <sup>y</sup> Orto above the line over deleted word    <sup>z</sup> uncertain reading.

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### *Sommario e parole significative - Abstract and keywords*

This article analyses two wills drawn up by Manuele Zaccaria, scion of a powerful family of merchants, and brother of Benedetto, in the late thirteenth century. Manuele dictated his first will in April 1271, a few days after promising his daughter in marriage to the son of Oberto Spinola, the newly-elected *capitano del popolo*. This first document reflects Manuele's need to protect his wealth in view of this marriage alliance. The second will, drawn up more than twenty years later, is telling of Manuele's religious inclinations and his concern for saving his soul.

**Keywords:** Middle Ages; 13<sup>th</sup> century; Genoa; wills; legal history; family history; personal piety.

Il contributo prende in considerazione due testamenti stipulati negli ultimi decenni del secolo XIII da Manuele Zaccaria, erede di una potente famiglia di mercanti e fratello di Benedetto. Manuele redige il suo primo testamento in aprile del 1271, pochi giorni dopo aver stipulato il fidanzamento di sua figlia con il figlio di Oberto Spinola, allora appena eletto capitano del popolo. Questo primo documento riflette la necessità di Manuele di proteggere il suo patrimonio a fronte di questa alleanza matrimoniale. Il secondo testamento, redatto a più di vent'anni di distanza, chiarisce le inclinazioni devozionali di Manuele e la sua preoccupazione per salvare la sua anima.

**Parole significative:** Medioevo; secolo XIII; Genova; testamenti; storia del diritto; storia della famiglia; devozione.

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