

A MALTESE LEGAL LIBRARY IN THE XVIth CENTURY

by

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On the 21st August 1581, the Ecclesiastical Court of Notabile, sitting under the Vicar General Nicolas Burlò and his Assessor Don Pasquale de Franchis I.U.D. appointed Imperia, widow of Judge Francesco Xerri, I.U.D., of Natobile, as curatrix of their son, Lucio, a cleric at the time 15 years and hence a minor. (1)

By a further decree under the same date, the court also accepted the request, made through the above-mentioned curatrix, that Don Lucio be allowed to accept the inheritance, his father having died intestate, "cum beneficio inventarii". By the same legal instrument, Lucio's elder brother Gregorio and his sisters Catherina, wife of Gio. Paolo Manduca and Antonella, wife of Paolo Cumbo, declared, by an act of sincerity and altruism somewhat rare in the circumstances, that they were not interested in any part of their father's inheritance, having received from him during his lifetime so many gifts that they were fully satisfied! (2)

The court fixed the 30th of August 1581, at 2 p.m., as the time when the inventory was to be drawn up, in Francesco's former house in Notabile, and a public proclamation to this effect was issued and affixed, according to the evidence of the Marshal of the Court, *in locis solitis*, viz. to the door-posts of the Cathedral Church of St. Paul and in the Church Square of Notabile, by which all interested parties were enjoined to be present at the time and place aforementioned. (3)

Don Lucio's precaution in conditioning his acceptance of the inheritance on its being previously inventoried was not as unwarranted as the inventory, which was finally declared closed on the 23rd November 1581 and showed Francesco to have been a man of considerable substance, might indicate; (4) 5 years earlier, in fact, on the 8th December 1576, Don Lucio himself had been the subject of a recommendation from Bishop Gargallo, at the time still one of the Grand Master's secretaries, to the Giurati of Notabile for the filling of the Giuspatronato *de li Perolli* rendered vacant by the death of Don Giovanni Zammit, on which occasion Gargallo also stated that Francesco owed the not altogether negligible sum of 700 scudi to the Grand Master, but the effect of this is somewhat

1. Archiepiscopal Archives, Mdina (AAM). *Acta Originalia* (1581), Doc. 12

2. *ibid.* Doc. 2

3. *ibid.*

4. *ib.* Doc. 11

balanced by Gargallo's further statement that he knew Xerri to be the Jurats' creditor for a considerable sum out of the proceeds of the sale of corn, out of which he could comfortably settle the debt to the Grand Master. (5)

The Dominican Friars in Rabat were also interested in the inventory of the inheritance, as Francesco, by an oral bequest, had left to them a piece of land in Gozo, to have a daily mass said for the repose of his soul, with the additional stipulation that, if the funds accruing from the said piece of land were to prove insufficient for the purpose, they were to be supplemented from his other property. (6) For this reason, a copy of the inventory found its way into the Archives of the Dominican Priory in Rabat (7). The inventory is also mentioned by the 17th century historian of the Dominican Order in Malta, F.M. Azzopardo, O.P., in his Ms. work *Descrittione delli tre conventi che l'Ordine dei Predicatori tiene nell'Isola di Malta*. (8)

Among Francesco's property, the inventory includes a list of his books on legal subjects; in the original, this is on a separate sheet of paper of folio size, which has been folded over twice to give it the shape known as "quaterno". The list gives 101 different titles, divided into five columns, for a total of over 250 volumes. The copy, apart from starting in the middle of the list, so that it is only half-way down that we get "Imprimis . . .", runs the titles all together, without much care for punctuation besides two somewhat tentative divisions into paragraphs, and also contains innumerable mistakes of transcription. Both versions give almost all the titles in abbreviated form, almost as if the person making the list had done so by copying the titles from the back or spine of the books themselves, in the abbreviated version used thereon at the time!

I had already made Francesco Xerri's acquaintance while engaged in research into a name-list of Mdina in the 1560's, the result of which I hope to be able to publish shortly, and I considered that this inventory,

5. RML Ms. UNIV. 6, fol. 63-63v. 'Don Lucio' was at the time 10 years old!

6. "Item un altro pezzotto di terreno posto nell'Isola del Gozzo, nella contrata di S. Cilia appresso li terri di Santo Agostino la quale il detto defonto lassò alli frati di Santo Domenico di questa Città' perche' li dicessero alla sua Cappella una Messa ogni dì et si li intrati della detta chiusa non fussi bastanti, che li supplisse dalli beni suoi" (AAM loc. cit, Doc. 11). The "sua Cappella" mentioned here is the Chapel of the Annunciation in the Dominican Church at Rabat which had been founded by the deceased's parents: cf. M. Fsadni, O.P., *Il-miġja u l-ħidma ta' l-ewwel Dumnikani f'Malta* (Malta, 1965), p. 50, not. 83 and p. 53, n. 94.

7. Archivio Domenicano, Rabat. *Giuliana Antica*, Vol. 2, ff. 807-811. I originally made the acquaintance of the inventory from this copy, through the courtesy of Fr Michael Fsadni, O.P.; it was only recently that I was able to trace the original.

8. parte I, p. 252

placed in the context of such information about the man himself as is available to us, might prove of interest in providing us with an insight into the professional *instrumenta* of a Maltese lawyer in the second half of the 16th century.

THE SOURCES.

In this task, my main supplies of information about the man himself were to be obtained mainly from two sources, his official and professional life being reflected by his nomination to various posts, as registered in the official Archives of the *Universita' dei Giurati* (vide infra note 29), in the section of the Royal Malta Library Archives known as the *Archivio dell'Università*, commonly referred to as UNIV, and biographical material of a more personal nature proceeding mainly from the Archives of the Inquisition in Mdina, where both Francesco and his brother Cola Antonio had been accused of heresy during the "purges" of 1563-1574, together with a fair amount of their peers in the Maltese oligarchy of the time. (9) In deciphering and identifying the works contained in the list itself, which was no mean task, as will be apparent later on when I give it in its original form, I found three works to be of great help. One of them, indeed, proved to be invaluable in providing a complete list of most legal works in existence at its date of publication (1688) with the date and place of the principal editions of each work. This means that, in most cases, we can not only identify a particular work among Xerri's books, but can also say with a fair degree of probability which edition of that work he is likely to have owned. This most useful work is Augusto Fontana's *Amphitheatrum Legale, etc., seu Bibliotheca Legalis, etc.*, (the complete title runs to some 20 lines!), published in 2 volumes in Parma in 1688, and consisting of 7 parts. Parts I and II give the works according to the alphabetical order of their authors' surnames, Part III contains several different lists by subject, Parts IV and V are an analytical index, in highly profuse detail, of the different facets and uses of various legal terms and the works in which they are treated, while Parts VI and VII bring the work up to date by including such titles as had appeared while it was in progress, or which had been inadvertently left out.

Two other works consulted with profit were Johann Wolfgang Frey-
mond's *Symphonia Iuris Utriusque Chronologica* (Frankfurt, 1574), which gives at the end a list of the main legal authorities up to that date in chronological order with their respective nationalities, and Paolo Fran-

9. Cf. A.P. Vella, O.P., *The Tribunal of the Inquisition in Malta* (Malta, 1964) passim, and G. Wettinger — M. Fsadni, O.P., *Peter Caxaro's Cantilena*, (Malta, 1968), pp. 14-15.

cesco Perremuto's *Conflictus Iure Consultorum* (2 vols, Palermo, 1662; vol. 2 in 2 parts), a coordination of the various opinions of different doctors-at-law on most legal matters of dispute. All these three works are to be found at the Royal Malta Library.

FRANCESCO XERRI.

Francesco was the son of Gregorio Xerri and Margarita Xuereb. (10) His elder brother was Nicola or Colantonio, (11) his other brother Antonino; (12) their father had married again, while Francesco was still a young boy, this time to Paola Tabone or de Tabuni, (13) of whom he had one daughter, Imperia. (14) Francesco was born in 1532; (15) at the age of 7 or 8 years, he started attending the grammar school kept by Don Andrea Axac, at Vittoriosa in the Infirmary of the Order, and then from circa 1544 onwards in Notabile, first in a store-room belonging to Vincenzo Cagege for a few months, then in a house owned by Pietro Cassia. (16) He attended this school for 8 years, and in common with most of his school-mates seems to have been infected there to a certain extent by Axac's Lutheranism. (17) In 1548 he went to Naples to study law with his brother Cola Antonio and their cousin Nicola Pietro Xuereb. (18) He returned to Malta for 1 year in 1551, during which visit he married Imperia, daughter of Geronimo Surdo, returning to Naples in 1552 for a further 3 years. During this period in Naples he was further exposed to Protestant influences, particularly as Xuereb was very friendly with 2 young students from Reggio Calabria who shared their living quarters, a certain Giuseppe Paparuni 'gentilhomme', and Francesco de Buzzetta, 'figlio di notaro'. With this latter in particular, Xuereb was on terms of such intimacy that another Maltese student in Naples at the time testifies in Xuereb's trial in front of the Inquisition: "*erano come si dichi una anima in dui corpi*", adding that it was common knowledge that the friendship

10. Archives of the Inquisitor, Mdina (AIM), Vol. II, Proc. F. Xerri, fol. 11, test. Xara; cf. also, Azzoppardo, loc. cit. where Gregorio's nickname is given as "Hainein" (presumably "Ghajnejn")

11. AIM, loc. cit.

12. *ibid.*

13. AIM, II, proc. Don S. Bonnici, fol. 2v.

14. Imperia, wife of Lorenzo di Pietro Cassar alias Caxaro is referred to as "*charissima et unica filia Paulae, viduae et relictæ quondam magnifici Gregorii Xerri*" (UNIV. 175, fol. 150)

15. AIM, II, proc. Xerri, fol. 11

16. *ib.* proc. P. Cassia, *passim*; cf. also AIM III, 11, proc. Mamo, fol. 2v sqq.

17. I hope to publish shortly the material I have collected on Axac's school and its part in the creation of a Protestant nucleus in Mdina in the mid-sixteenth century.

18. AIM, proc. F. Xerri, loc. cit, cf. etiam AIM Ia, proc. C.P. Xuereb, fol. 2

between the two was of an abnormal nature, and "*commettebant crimen nefandum*". (19) Xuereb, on graduating, had gone to practise law at the Courts of Messina, whence he paid frequent visits to Buzzetta in his native village of Santa Agata near Reggio, where the inhabitants were all heretics. (20) Shortly after their return, in fact, both Xuereb and Francesco's brother Cola Antonio were tried by the Inquisition and condemned on several counts of heresy, including in Cola Antonio's case the charge of having read a book by Calvin on Confession and another by the same *De Vita Christiana*, both lent to him by Gerolamo Falsone, and one by Luther *sopra lo evangelio*, lent to him by Micheli Alligritto. (21) Cola Antonio was therefore condemned, among other things, to the payment of a fine of 250 ounces, and this sum was paid on his behalf by Francesco on the 26th July 1563. (22)

Francesco himself does not seem to have been bothered by the Inquisition at this stage of the proceedings, and this would seem to imply that there was no indication of heresy on his part apart from his connections with most of the men being put on trial. When he was, in fact, tried himself, in 1574/75, (23) he denied all charges brought against him, alleging in his defence that, apart from coming from a deeply Christian family, both his father and mother being well known for their faith and devotion, (24) he was himself and had always been a good, practising Christian, stating explicitly that he had never before been under suspicion of heresy. He claimed that he had not denounced his brother to the Inquisition as a heretic as he had never suspected him to be such (one might doubt Francesco's good faith here: he must have known of the nature of their contacts in Naples, if nothing else), and as for his friendship with such notorious heretics as Don Andrea Axac, the Augustinian Friar Bartolomeo Bonavia, Don Brandano Caxaro, Bartolomeo Haxixe, Matteo Falsone the younger, Cola Pietro Xuereb, the brothers Agostino and Pietro Cumbo, Michele Alligritto and Antonio Cassar the elder, all the town had kept on good terms with them even after their condemnation by the Tribunal of the Inquisition and their public abjuration.

As for the witnesses produced against him, Giuliano Xeibe, to begin with, was not worthy of credit, being "*un noto spergiuro, ubriaco, et bugiardo, et homo di mala vita et fama*". Besides, Xeibe and his brother

19: AIM Ia, proc. Xuereb, loc. cit.

20. *ibid.*

21. AIM II, proc. C.A. Xerri, fol. 8

22. AIM, Ia, *Registrum Introitorum et Exitum*, fol. 4

23. AIM II, proc. F. Xerri *passim* for most of the following information.

24. This seems to be borne out by their benefactions to the Dominicans and other religious communities.

Tommaso, an Augustinian friar, were suspect witnesses on another count, being very close friends of the Inguanes family, Tommaso having even acted as middle-man in the marriage between the daughter of Marco Inguanes and Agostino Cumbo's son, while the Inguanes family, particularly Marco, Angarao and Antonio, were the sworn enemies of Francesco, because of an unfavourable sentence given by him in a case between the Inguanes and Don Leone Pontremoli or Pontitremolo over a '*juspatronatus*'. When the sentence had gone against them, they had called him names "*in piena Curte*", alleging that he was acting as judge and advocate at the same time, and Grand Master del Monte had had to intervene with an injunction on the 3 Inguanes not to molest Xerri under penalty of 100 oz. Matters were not improved by Xerri, nominated together with Agostino Cumbo as judge over another law suit involving the Inguanes, this time against the Vicar General Don Antonio Bartolo and his sisters, who were claiming the restitution of the dowry bestowed on their sister, who had died immediately after marrying Marco Inguanes's son Antonio, again delivering judgment against them. (25) Things had come to such a pass that Antonio Inguanes and Pietro Vargas had attacked Francesco and his son-in-law Gio. Paolo Manduca by night "*con spade arrancate*", for which offence Inguanes was fined 100 oz. and Vargas, confessing his share in the crime under torture, was condemned to the galleys. Since then, the Inguanes family had repeatedly threatened to burn Francesco's fields and harvest, and to kill his farm animals; they had moreover (somewhat justifiably, one feels) systematically objected to having him as judge over any further suit in which they had an interest "*ob legitimam suspicionem*".

Of the other witnesses for the prosecution, Placido and Alessandro Abel had been his enemies ever since he and Ludovico Platamone had found Alessandro guilty of drawing up a false will and condemned him to the mandatory punishment of the amputation of his right hand. (26) Jacobo Viani and his father-in-law Joan Alemano, on the other hand, were Francesco's enemies since he had condemned them to return 100 salme of corn or their fair price to the Jurats of Vittoriosa, while Jacobo Baldacchino was also his enemy "*per certe cause*". Baldacchino had

25. Lest the Inguanes seem a particularly litigious family, I hasten to add that most of the inhabitants of Mdina at this period seem to have spent a fairly large part of their time bringing each other to court!

26. But Notaro Giuseppe Mamo, giving evidence against Placido in front of the Inquisition on the 30th April 1579, says it was Placido whose hand was cut off for this crime, as a result of which "*diventò pazzo ed era tenuto in ceppi a casa sua*". It is interesting, if somewhat ironic, to note that both Placido and Alessandro were Notaries of the Court of the Inquisition at the time when they were arraigned before it: the same fate also befell their predecessor and their successor in the same office!

gained a certain amount of notoriety during the trial for heresy of another judge, the afore-mentioned Agostino Cumbo, where it was alleged that the two were such close friends that "*cui volia impetrare alcuna cosa dal detto signor cumbo andava prima al detto baldachino et allora per mezzo di esso baldachino pigliava ogni cosa*", the witness, Joan Paolo Haius or Agius, adding that it was also common knowledge that "*esso signor cumbo ha tenuto et tiene sei o otto persone a sua posta, che quando vuol provare alcuna cosa li fa dire tutto quello che esso signor cumbo vuole, tra li quali è il nobili notaro jacobo baldachino*". (27) All in all, one must admit, not a very encouraging picture of the state of Maltese justice at the time!

As proof of the esteem in which he had long been held by the local ecclesiastical authorities, Francesco then mentioned that the Cathedral Chapter, during the period of "*sede vacante*" following the death of Bishop Cubelles, had nominated him Judge and "*Assessore*" of the Ecclesiastical Court of the Diocese, a post he had continued to hold uninterruptedly for some eight years, while for another 5 he had also been Procurator of the Cathedral administration. One might add that an equal trust seems to have been placed in him by the lay side of the Island's administration, as Francesco was at various times and for a considerable part of the twenty-five years of his professional career between his return to Malta in 1555/56 (28) and his death in 1581 severally or simultaneously Judge of the '*Corte Capitanale*', '*Assessore*' of the same Court, '*Advocatus Pauperum*', Jurat, member of the '*Consiglio Popolare*', '*Sindicaturi*' or Auditor of the outgoing administration, and official estimator of the tax on corn for the Zejtun area. (29)

Notwithstanding all these protestations, Francesco was arraigned before the Inquisitor Pietro Santumano on the 26th November 1575, and on denying his guilt was put to the rack ("*tirato con le funi*"). He persisted in his denials, however, and, no fresh evidence being produced against him, was accorded the prerogative which was the accused's right according to the procedure of the Tribunal of the Inquisition, of producing four of his fellow-citizens, of equal or superior rank and social condition to his (presumably to avoid their being influenced by fear or hope of gain, if they were his inferiors) to testify to his being a man of good standing

27. AIM II, proc. A. Bonello, fol. 31. This evidence is confirmed by that of Jac. Callus, Ferdinando Deguara and others.

28. On his return to Malta, Francesco and his wife lived for some 6 years with Imperia's uncle Matteo, her brothers Ambrosio and Francesco, and her sister Antonella, later wife of Graziano Vassallo, after which Francesco set up his own house in Notabile, where he lived with his family till his death in 1581.

29. Cf. Univ. 200 passim and Univ. 13 passim.

and report in the church and in his community. This he did in the persons of Don Antonio Bartolo, the Vicar-General of the Diocese, Don Leonardo de Agatiis or De Cachi, "*Cappellano Maggiore ed Arciprete della Cattedrale*", Don Federico Attardo or Tardu, Parish Priest of Zebbug, and Fra Bonaventura Sammut, Guardian of the Convent of the Friars Minor at Rabat: an array of witnesses for the defence which would be more imposing if one did not happen to know that they had themselves been almost all of them brought before the Inquisition at various times on such charges as simony, failure to subscribe to the decrees of the Council of Trent, suspicion of heresy, etc. However, they seem to have satisfied the Inquisitor, and at this point he accepted Francesco's declaration of innocence and sentenced that he was to be molested no further. (30) In fact, no fresh mention of Francesco in this context appears from then to his death six years later.

THE LIST.

There are, as I mentioned above, 2 versions of the inventory: the original in the *Acta Originalia Curiae Ecclesiasticae* of the Cathedral Archives, Mdina (henceforth referred to as AO) and its copy in the Dominican *Giuliana Antica* (henceforth referred to as GA).

The first one reads as follows: (31)

- (1) Imprimis li testi civili in cinco.
- (2) Item li decretali in tre.
- (3) li berdachini volu: dui.
- (4) Item bar. quist. et consilia vol: dui.
- (5) Item barth. vol: decinovi.
- (6) Item Iason vol: novi.
- (7) Item alex: vol: quindici.
- (8) Item bald: vol: dudici (written over a cancelled "octo")
- (9) Item bar: sal: vol: cenco.
- (10) Item Imol: vol: secti.
- (11) Item fel: vol: tre.
- (12) Item abb: vol: octo.
- (13) Item franc: aretj: vol: quatro.
- (14) Item ang: d: peru: vol: quatro.
- (15) Item Luc: d: pen: vol: uno.
- (16) Item lud: perroni vol: quatro.
- (17) Item ripa vol: dui.
- (18) Item barth: socc: vol: sei (written over cancelled "cinco")
- (19) Item decij vol: quatro.
- (20) Item consilia ruinj vol: sei

30. AIM II, proc. F. Xerri cit.

31. I have numbered the items for ease of reference.

32. I have given in brackets the GA version, where this differs from AO.

- (21) Item cons: philippi cor: vol: quatro.
- (22) Item Paul: parisii vol: quatro.
- (23) Item cons: mar: socc: vol: tre
- (24) Item cons: aym: grav: vol: uno
- (25) Item cons: hyp: vol: uno.
- (26) cons: petri de ancar: vol: 1
- (27) Item cons: sign de homod: vol: 1.
- (28) Item cons: ceppole vol: uno.
- (29) Item cons: oldradi vol: uno.
- (30) Item cons: fra: curtii (sen: inserted later) vol: uno
- (31) Item cons: fra: curtii iunioris vol: 1.
- (32) Item cons: lud: de gocz: vol: i
- (33) Item cons: cassaneij vol: 1.
- (34) Item martii mantue vol: 1.
- (35) Item cons: Jo: anto: rub: vol: 1.
- (36) Item and: de Iser: super feudis vol: 1.
- (37) Summa host: vol: 1.
- (38) aret: vol: dui.
- (39) Item tractati vol: 18.
- (40) Item math: de affll: vol: 2.
- (41) Item franc: card: zab: vol: 1.
- (42) Item alb: vol: 1.
- (43) Item angel: aret: sup: Iusti: vol: 1.
- (44) Item cons: nicol: boer: vol: 1.
- (45) Item gul: de bened: in c: rain:
- (46) Item tiraquellus.
- (47) Item guliel: de perno.
- (48) decisiones nicolaij boerij.
- (49) Constit: regni.
- (50) cap: la regni.
- (51) trattati rob: marr;
- (52) pandecte sicilie.
- (53) statuta religionis.
- (54) philippi franci.
- (55) Innoc: sup: p:o decret:
- (56) and: dj tiraq: de penis.
- (57) singul: doctorum.
- (58) andr: tiraquelli.
- (59) questio: berroi.
- (60) covarruvias.
- (61) tiraq: in 1: si unquam.
- (62) corr: de regulis iuris.
- (63) singul: hypol:
- (64) ang: aret: de act:
- (65) apotegmata de mantua.
- (66) alciati paradoxia.
- (67) roberti marante.
- (68) repet: es suarez.
- (69) bonifacii de malefitiis.
- (70) libro del consolato.
- (71) covarru: pratica et de numisma.
- (72) petri duenas regule
- (73) signatura gratie praxis.
- (74) cons: nic: bellonii.
- (75) pratica franc: d: oriano.

- (76) decisio: afflicti.
- (77) decisio: egidii.
- (78) liber institut:
- (79) cons: guidonis pape.
- (80) decisiones guid: pape.
- (81) Tiraquell: in 1: boves
- (82) Iulii clari sententie.
- (83) cautele ferratii ceppolle.
- (84) ludovis: gomes.
- (85) Xuares quest:
- (86) Tiraquell de jur: constituti possessorii.
- (87) pratica criminalis jo: mill:
- (88) decisio: cappell: tholosan:
- (89) follierius super bulla:
- (90) tiraquell: de cessante ca:
- (91) Covarru: variarum resolut:
- (92) Jacob: de sancto georgio super feudis.
- (93) Alciati de verb: obligat.
- (94) Specul: vol: 3.
- (95) decius de reg: juris.
- (96) pratica bernardi diaz.
- (97) viatorium Juris joan: berb:
- (98) tractatus de mercatura.
- (99) Jason: de actio:
- (100) cons: nicol: beloni.
- (101) vocabolarium Juris.

The Dominican copy starts with an accurate version of the introduction to the list itself, as follows:

"Die 30 augusti 9 Ind. 1581, hora 2a post mer.

Inventarium sive repertorium omnium et singulorum bonorum m.ti m.ci q.dam D. Francisci Xerri I.U.D. Civis Notabilis Civitatis Melite factum in Curia Ecc.ca Melivetana per m.tam m.cam D. Imperiam uxorem relictam dicti D. de Xerri uti curatricem bonorum per eadem Curia datam Rev. Cler. Luc. Xerri ipsius D. Imperie et prefati D. de Xerri filii leg.mi et mat.lis coram Rev. D.o Nicolao Burlo' Can.co ac Vic.o Gen. li huius dioecesis Melivetanae et exc.ti D. Pasquale de Franchis I.U.D. ac eiusdem Curie Assessore et me not.o infra.tto in aedibus eiusdem D. defuncti sitis in eadem Notabili Civitate pr. utilius etc."

The list itself is described as follows both in the original and in the copy:

"Item una libraria di libri di legge come appare per una lista che si esibisce che e' del tenor seguente:"

In the Dominican copy, the list is not given in one title per line as in the original, but all in one somewhat breathless lump, except for two half-hearted attempts at paragraph-divisions, and reads:

"Item Cons. Mil. Boer. vol.uno (corresponding to no. 44 of original)

Item Gul. de den. Inc.

It. Tiraquellus It: Gubiel de — Divisionem Nicolai Boerii Constit. Regni Cap.la Regni Tractatus sub min Pandecte Sicilie Statuta Religionis, Philippus Francus in super p.o decreto, And. de Rap. de penis singul. doctorum, Andreas Tiraquellus Quest. Berrois Covarruvias Tiraquellus in L. si unquam, Corr. de reg. Juris singul. Hyppol. Angel dont. de act, Apotegmata de Mantua, Aloisii Para. Robert. Marante. Repet.es Rarem, Bonifatius de maleficiis, Libro del Covarru. practica de numissima, Petri duenas regulae, signatura gratiae Praxis Consil. Nicolai Bellocii Practica Franc. de Arcano, Decisio. Afflicti Decisio Aegidii Libr. Instit. Cons. Guidonis Papae, Tiraquell. in 1. boves. Iulii Clarii Sententiae, Cautele Ferraxii Ceppolle Ludovisii Gomes, Xuares quest. Tiraquell de Iure posit. Possessorii Practica Criminalis Jomill. Decis. Capell. Tholosan Follerius super Bulla, Tiraquell. de cessante ca. Covar. resolut. Jacobus de Sancto Georgio Imper. feudis Alcamis de verbis obligat. Specul. reul. 3. Decius de

reg. Juris decisiones Rotae, Practica Bernardi Dias; Viatorium Juris Joanber. Tractatus de Mercatura, Iason de action. Cons. Nicolai Beloni Vocabularium Juris.

In primis li texti Civili in 5, Item li decretali in 3 li Berrachini vol. 2 It. Iason Consilia vol. 2

Item, Bart. vol. 19. Item Iason vol. 9 Item Alex. vol. 15 Item Baldi vol. 12 It. Bart. Sal vol. 5 It. Menochi vol. 7 It. fel. vol. 3 It. Abbat. vol. 8 It. franc. aret. vol. 4 Item Angel. d. par. vol. 4 It. Lud. pon. vol. 1 It. Ludovici perroni vol. 4 It. Ripae vol. 2 It. Bart. Soc. vol. 6 It. Dec. vol. 4 It. Cons. Deciani vol. 6 It. Cons. Philippi cor. vol. 4 It. Paul. Parisii vol. 4 It. Consil. Mar. Dec. vol. 3 It. Consil. Aym. Grav. vol. 1 It. cons. sup. vol. 1 cons. Per. de ancor. vol. 1 It. cons. sing. de hered. vol. 1 It. cons. Ceppolle vol. 1 It. ODrad. vol. 1 It cons. Francisci Curtis sen vol. 1

Item Cons. Ludovici de Gozz. vol. 1 It. Cons. Cassameri vol. 1 Item Martii Mantuae vol. 1 Item cons. Joannis Antonii Rub. vol. 1 It. And. de Iser super feudo vol. 1 It. Hostien. vol. 1 Aurel. vol. 2 It. Tractatus vol. 18 Item in acti. de affs. vol. 2 Item francisci can. Rubrica vol. 1 It. abb. vol. 1 It. Angel. Aretin. super instit. vol. 1"

One is not quite sure what even the copyist's contemporaries are supposed to have made out of this hotch-potch; after having struggled with it for some 2 years before discovering the original they certainly have all my sympathy!

THE WORKS

The titles in the lists, as far as I have been able to identify them with the help of the three works referred to earlier (with the editions of each Francesco Xerri might have owned, where it has been possible to single this out) are the following, in the order of the original list.

AO 1 (=GA51) — "Corpus Iuris Civilis est distributum in: 1. Digestum Vetus 2. In informatum 3. In Digestum Novum 4. In Codicem 5. Item in aliud Volumen inscript(ionum) Authentic(orum) in quo adsunt infrascripta: Libri 4 Institutionum cum commentariis Accursii, item Volumen Legum, quod parvum vocant, in quo adsunt tres posteriores libros Codicis, item Authenticae, seu Novellae constitutiones, item Feudorum Libri duo, item constitutiones Friderici II Imperatoris, item extravagantes duae Henrici VII Imperatoris, Item Tractatus de Pace Constantiae. Habentur impressi pluribus in locis, . . . Et sic sunt volum(ina) quinque Corporis Iuris Civilis" (Fontana, op. cit. Pars I col. 250-252)

AO 2 is self explanatory.

3 = "Iohannis Bertachini Firmani Repertorium" (ib, I, 99)

4(GA caret.) = if the same author as the next item, this is either Bartholus a Saxoferrato (cf. Freymond, op. cit. p. 916, col. 1, 1350, Fontana, op. cit. Pars III Syllabus XXV, col. 383) or Bartholomeus a Salyceto (vide infra. no. 9)

5 = see 4 supra.

6 = "Iasonis Mayni Consiliorum Volumina Quatuor cum additionibus Francisci Becii et Hieronymi Zanchii impress. fol. Venet. 1581" (Fontana, o.c. I, 650)

7 = "Alexandri Imolensis consilia" (ib, III, Syll. XXV, 382) — "Nicolai Alexandri Tartagni Imolensis consilia" (ib., I, 16) and s.v. Tartagni = "Alex. Tartagni Imolensis Consiliorum Libri septem in principio quorum adest etiam vita eiusdem Alexandri impr. fol. Venetiis 1570 et 1578, et in primo adest Index omnium Librorum" (ib. II, 344)

8 = either Baldo Baldi, "Baldi de Ubaldi Consiliorum vol. 5 impressi fol. Venetiis 1575 et 1580" (ib. II, 392-3; Freymond, o.c. 916, 1, 1400) or Angelo Baldi of Perugia, "Angeli de Ubaldi Perusini Consilia" (Fontana, II, 391; Perremuto, op. cit. passim)

9 — "Bartholomaei a Salyceto Bononiensis Consilia, ut testatur Alidosius in suo libro, cui titulus "I Dottori Bolognesi" . . . ubi etiam plura de eadem a Salyceto scripsit (Fontana, II, 228)

10 (GA = "Menochi vol. 7) — either same as 7 supra or "Iohannis de Imola Consilia impress. fol. Venet. 1581; (ib., 1, 518)

11 = "Felini Sandaei Ferrariensis Consilia impress. fol. Lugd. 1553 et cum Gaspare Cabalino fol. Venetiis 1582 et habetur in vol. 1 fol. Venet. 1557" (ib. III, Syll. XXV, 387)

12 = probably Abbas Siculus — "Nicolai de Tudeschis Siculi Abbatis Monacensis, Archiepi-

scopi Panhormitani, ac Sacrosanctae Romanae Ecclesiae Cardinalis, Vuolgo (sic) Abbatis Panormitani Consilia Questiones, Repetitiones in Cap. Per tuos de Arbitriis, & interpretatio ad Clementinas Epistolas tomus unus impr. fol. Venet. 1580" (Freymond, o.c., 916, 2, 1434)

13 = "Francisci Accolti Aretini Consilia fol. Venetiis 1572" (Fontana, 1, 2)

14 = "Angelus de Perigliis de Perusio" since, although no "Consilia" are mentioned in the list of his works given by Fontana (II, 81), in the list of authors of Consilia in Part III he mentions "Perusio (de), Consilia" (III, Syll: XXV, 393)

15 (GA="Iud. pon. vol. 1") — "Lucas de Pennae Gallus". Fontana lists 2 works of his: "Commentaria super tribus posterioribus Libris Codicis" & "Summi Utriusque Iuris Apices, ac n tres Codicis Iustinianei posteriores Libros commentaria" (ib., II, 76): the works seem to differ only in their title.

16 = I have been unable to identify this work, as neither of the sources consulted gives a Ludovicus Perroni or any name even remotely similar.

17 = "Iohannis Francisci Ripae a Sancto Nazario Papiensis Consiliorum impress. fol. Venetiis" (ibb II, 172)

18 = "Bartholomaei Soccini Senensis et Mariani Senioris Consiliorum Vol. 4 impress. Lugd. 1545 & 1551 et vol. 5 impress. fol. Venet. 1571" (ib. II., 296)

19 = "Philippi Decii Mediolanensis Consilia continens consilia 700 impress. fol. Lugd. 1556 et fol. Venet. 1581" (I, 283)

20 (GA=Item cons. Deciani vol. 6) — "Caroli Ruini Regiensis consiliorum vol. quinque. Item repertorium. Impress. fol. Lugd. 1577 et fol. Venet. 1572, 1579 & 1591" (II, 212).

21 = Petri Philippi Cornei Perusini Consiliorum vol. 4 impress. fol. Venet. 1572 & 1582" (I, 250)

22 = "Petri Pauli Parisii Consentini Consiliorum Partes 4 impressae omnes fol. Venet. 1570 Et cum secunda parte est alligatum Repertorium ad omnes partes spectans" (II, 60)

23 (GA=It. Consil. Mar. Dec. vol. 3) — "Mariani Socini Iunioris Senensis Consiliorum vol. 4 impress. fol. Venet. 1571 & 1580" (II, 296)

24 = "Aymonis Cravettae a Savigliano et Ferrariensis Consiliorum vol. 1 continens consilia 329 impress. fol. Lugd. 1579" (I, 262)

25 (GA=It. cons. sup. vol. 1) — "Hyppolti de Marsiliis Bononiensis Consilia impress. fol. Lugd. 1537" (I, 626)

26 = "Petri Ancharani Bononiensis Consilia fol. Venet. 1574" (I, 23)

27 = (GA: "It. cons. sing. de hered. vol. 1) — "Signoroli de Homodeis Mediolanensis Consilia et Quaestiones impress. fol. Lugd. 1549" (I, 499)

28 = "Bartholomaei Ceppolle Veronensis Consilia Civilia et Criminalia impress. fol. Lugd. 1541 Item 4.o Venet. 1575" (I, 213)

29 = "Oldradi Pontani seu a Ponte Laudensis Consilia impress fol. Lugduni 1550 et cum notis Rainaldi Corsi impress. fol. Venetiis 1571 et fol. Francof. 1576" (II, 113) and s.v. S. Rotae Rom. Auditoris Decisiones: "Huius Authoris Patria, et magis distincta Notitia habetur in Iohannis Baptistae Cantalmaij Syntaxi Auditorum S. Rotae Romanae impress. fol. Romae 1640" (ib. I, 114). In the Royal Malta Library there is a copy of this work of Cantalmaio which used to form part of the library of the Maltese Inquisition; this is bound in the back of Cantalmaio's "Selectanea Rerum Notabilium ad usum Decisionum S. Rotae Romanae", Rome, 1639; in fact, Fontana, s.v. Cantalmaio (ib. I, 191) says "Et utrumque opus scilicet tam Selectanea quam Syntaxis solet haberi insimul legatum".

30 = "Francisci Curtii Senioris Consilia vol. unum impress. fol. Venetiis 1580 continens consilia 83" (ib. I, 274)

31 (GA caret.) = "Francisci Curtii Iunioris Papiensis Consiliorum libri impress. fol. Venet 1571. Item pars. 2 ibid. Item pars 3 ibid. anno 1574 quae omnia continent consilia 352" (I, 274)

32 = "Ludovici de Gozadinis Bononiensis Consilia impress. fol. Lugd. 1541 & Venetiis 1571" (I, 438)

33 = "Bartholomaei a Chassenaeco vel Chassaneo Burgundi Consilia impress. fol. Lugd. 1550

& 1555" (I, 217; Freymond, 917, 1, 1533)

34 = "Marci de Mantua cognominati Bonavidi Patavini Consilia vol. duo quorum secundum est impress. fol. Patavii 1567" (Fontana, I, 614,)

35 = "Johannis Antonii de Rubeis Alexandrini Consilia vol. unum fol. Venetiis 1562 & 1581" (II, 207)

36 = "Andreae de Rampinis Iseriensis sive de Isernia Commentarius in usus et consuetudines Feudorum" (I, 523) and in Pars III, Syllabus XX: Authorum qui de Feudis et de Iure Feudali scripserunt, col. 324: "Isernia, (Andreae de) Tractatus de Feudis"

37 (GA: "Item Hostien vol. 1") = "Henrici de Segusia Cardinalis Hostiensis Summa super titulis Decretalium" (II, 279)

38 (GA: Aurel. vol. 2) is probably Angelus Gambellona (vide infra no. 43)

39 = Aretino's "Tractatus de Maleficiis, ubi de inquirendis criminibus" or eiusd. "Tractatus de Testamentis et ultimis voluntatibus", or possibly both (I, 391)

40 = Mattheus de Afflictis: vide infra no. 76

41 = (GA: Item francisci Can, rubrica vol. 1) — "Francisci Cardinalis Zabarelle Patavini dicti Cardinalis Florentini Consilia", (II, 460)

42 = "Iohannis Hieronymi Cardinalis Albani Bergomensis Consilia fol. Lugdun. 1563" (I, 11)

43 — "Angeli a Gambilionibus de Aretio, alias Aretini seu Gambellonae Commentaria in 4 Institutionum Iustiniani Libros" (I, 390)

44 = (GA: Item Cons. M^l. Boer vol. uno) — "Nicolai Boerii Consilia. Habentur impressa 8.o Venet. 1574 et fol. Francof. 1574" (I, 118)

45 = (GA: Gul. de den. inc.) — "Gulielmi Benedicti de Testamentis ... Ubi adest etiam continuatio Repetitionis in c. Raynutius de Testamentis facta per Stephanum Ranchinum Montis Pessulani" (I, 93)

46: — It is not possible to identify which work of Andreas Tiraquellus (vide infra passim for other works of the same author in the collection)

47 = (GA: Item Guliel de —) — "Gulielmi a Perno Syracusano in aliquot Pragmaticas et Privilegia Commentaria super Feudis" (II, 82)

48 (GA: Divisionem Nicolai Berii) = "Nicolai Boerii Burdegalensis Decisiones supremi 2. vol. unum fol Lugd. 1551 et 1579. Post quas Decisiones adsunt etiam Consilia eiusdem Boerii; Et eiusdem Boerii Additiones ad ipsius Tractatum de Auctoritate Magni Consilii, ubi post habetur etiam eiusdem Boerii Tractatus de Seditiosis, item eiusdem Boerii Tractatus de Custodia Clavium, Portarum Civitatis, item Aegidii Magistri Decisiones de Amortizatione, sive de remissione Juris, quod res habet in omnia bona immobilia tam Civilia, quam Censualia, et eiusdem Aegidii de Magistri Tractatus de Bonorum proscriptionibus, sive subhastationibus, item eiusdem Aegidii Magistri Tractatus de Appellationibus" (I, 118)

49 = An extremely interesting edition, which could be the same as that owned by Xerri, is the one by Andrea d'Isernia (vide supra no 36) printed in Naples in 1545, which is to be found in the Royal Malta Library.

50 — The Royal Malta Library has the Venice 1573 edition by Raimondo Raimondetta.

51 (GA: Tractatus sub min.) — "Roberti Marante Venusini Tractatus de Iure Prothomiseos" (I, 618)

52 & 53 are self-explanatory

54 = "Philippi Franchi Perusini Commentaria in 6 Decretales impress. fol. Venet. 1579, Lovanii 1568" (I, 363)

55 = "Innocentii Papae IV antea Sinibaldi Flisci Apparatus super V Librum Decretalium et super Decretalibus impress. in fol. real Lugd. 1535 & Venet. 1570" (I, 519)

56 (GA: And. de rap. de penis) = "Andreae Tiraquelli Fontinensis et Parisini de Poenis etc." (II, 361)

57 = "Gabrielis Saraynae Veronensis Singularia omnium Doctorum tunc temporis existentium Collecta predictum Sarayna scilicet (a long list of the "Doctores" whose opinions are collected follows) impress. fol. Lugd. 1560" (II, 240)

58 = no particular work of Tiraquellus is specified here.

- 59 = "Augustini Beroi Bononiensis Questiones Familiares 8.o Bononiae 1550" (I, 99)
- 60 = It is not possible to identify this unspecified work of Didacus Covarruvias; other (identifiable) works of his appear later in the list.
- 61 = "Andreae Tiraquelli in 1. Si Unquam Cod. de revocandis Donationibus, ubi tractantur multa de Amore, et affectu omnium Animalium in suos foetus" (II, 361)
- 62 = "Antonii Corseti Siculi Regulae Iuris" (I, 253)
- 63 = "Hippolyti de Marsiliis Bononiensis Singularia impress. fol. Lugd. 1537" (I, 626)
- 64 (GA: Angel. dont. de act.) : no work "De Actionibus" is included among the list of Aretino's works in Fontana.
- 65 = "Marci de Mantua cognominati Bonavidi Patavini" (I, 614) and in Pars III, Syllabus XVI: Authorum qui... Apophtegmata... Iuris dant et commentantur, col. 288: "Marci Mantuae Problemata Iuris"
- 66 (GA: Aloisij Para.) = "Andreae Alciati Mediolanensis In Primum Paradoxorum liber unus Antiparadoxorum Lanfranci Gypsi Lugiensis" (I, 14)
- 67 = an unspecified work of Roberto Maranta (vide supra no. 51)
- 68 = (GA: Repet.es Rarem) = "Roderici Suarez Hispani Repetitiones: vide Valdesii" and s.v. "Didaci de Valdes Additiones ad Roderici Suarez Opera" (II, 331, 382)
- 69 = "Bonifacii de Vitalinis Tractatus de Maleficiis, Sive de publicis privatisque Delictis, ut et de Tortura, Confessionum Reorum, et Processu Iudiciario imp. Francof. sine data" (II, 417; V, 81)
- 70 (GA: This and the next title are given together as "Libro del Covarru. practica de nummissima") = "Il Consolato del Mare". I have in my own collection the edition which is probably the immediate successor to the one owned by Xerri, of which the complete title reads: "Il Consolato del Mare; nel quale si comprendono tutti gli Statuti, & Ordini: disposti da gli antichi, per ogni caso di Mercantia & di Navigare: cosi a beneficio di Marinari, come di Mercanti, & Patroni di nave, & navilii. Con l'aggiunta delle Ordinationi Sopra l'Armata di Mare, Sicurta', entrate, uscite; & con il Portolano del Mare. Di nuovo con quella più accurata diligentia, che s'è potuto corretto, & ristampato. Con una nuova tavola de i Capitoli. In Venetia, Appresso gli Heredi di Francesco Rampazetto, M.D. LXXXIII."'
- 71 = "Didaci Covarruvias Toletani Practicarum Questionum liber unus, cui veterum collatio numismatum, cum his, quae modo expenduntur adiecta est: impr. fol. Francof." (I, 260)
- 72 = "Petri a Duenas Salmaticensis Regulae Utirusque Iuris impr. Lugd. 1565, etc." (I, 200; Freymond; 917, 3)
- 73 = "Quintiliani Mandosii Romani Praxis Signaturae Gratiae impr. 4.o Romae 1559" (I, 608; V, 621)
- 74 = "Nicolaj Bellonii Casalensis Consilia 4. to Venet. 1574 et ante fol. Basil. 1544 et auctum fol. Francof. 1573" (I, 88)
- 75 = "Lanfranci de Orianio Praxis Iudiciaria. cum adnotationibus Benedicti Vadii, et Celsi Hugonis quae practica est conscripta super C. Quoniam de probationibus impress 8.o Lugd. 1550 et 8.o Colon. 1572 & 1592" (II, 36)
- 76 = "Matthaei de Afflictis Neapolitani decisiones" (I, 7)
- 77 = "Iohannis Aegidii S. Rotae Romanae Auditoris Decisiones; habentur in corpore earumdem decisionum impressarum: huius Authoris Patria, et magis distincta notitia habetur in Ioh. Baptistae Cantalmarii Syntaxi Auditorum S. Rotae Romanae fol. Romae 1643" (I, 6)
- 78 = is of course "Libri Institutionum Iustiniani"
- 79 = "Guidonis Papae Consilia imp. in 4.o Lugduni 1542" (II, 55; Freymond 916, 2, 1445)
- 80 (GA: caret.) = "Guidonis Papae Gratiopolitani Decisiones impressae in 8.o Lugd. 1534" (Fontana, II, 55)
- 81 = "Andreae Tiraquelli in 1. Boves §. hoc Sermone de Verborum Significatione, Ubi." (II, 361)
- 82 = "Iulii Clari Alexandrini Totum Opus Sententiarum Receptarum in libris Septem est divisum; in primo de Legibus Constitutionibus et Statutis; in secundo de Iure Personarum, in quo non solum de ipso Statu Hominum, sed etiam de singulorum Officiis, et dignitatibus; in tertio de Successionibus, et ultimis voluntatibus; in quarto de Contractibus, et de Feu-

- dis Donationibus, et Emphyteusi; in quinto Practica Criminalis; in sexto Practica Civilis, in septimo Index Generalis continens materiam supradictorum librorum" (I, 226)
- 83 = "Ferratii Tomae Advocati Brixiensis Tractatus Cautelarum vide Cepollae" (I, 342) and s.v. Cepolla "Cepollae Bartholomaei Veronensis varii Tractatus, vulgo Cautelae inscripti scilicet De Servitutibus, De Usucapione, De Simulatione contractum, Repetitio ad l. si fugitivi cum Auth. sed novo iure Cod. de Servis fugitivis, de Cautelis, Tractatus Cautelarum Thomae Ferratis Brixiani et Tractatus Iohannis Thierry Lugonensis de fuga laconica, impress. 4.o Venetiis 1580" (I, 212)
- 84 = unspecified work of Ludovicus Gomes, "Hispanus" (Freymond, 917, 3) (Works: Fontana: I, 425/7)
- 85 = "Roderici Suares questiones" (II, 331)
- 86 GA: Tiraquell. de Iure posit. possessorii) = "Andrea Tiraquelli De Iure Constituti Possessorii" (II, 361)
- 87 = "Iohannis Millaei Praxis Criminalis 8.o Ventiis 1549 item 4. to ibidem & 8.o Paris. 1551 (I, 674)
- 88 = "Iohannis Corserii Decisiones Capellae Tholosanae fol. Francof. 1575" (I, 253)
- 89 = "Petrus Folerius a Sancto Severino (the title as such does not figure in Fontana's list of his works, but it could be his "Praxis Censualis", if super Bulla. is an abbreviation for "super Bullatis", indicating 'Censi Bollati')
- 90 = Among Tiraquellus's works in Fontana; "Cessante causa cessat effectus" (II, 361)
- 91 = (GA: verb. "variarum" caret) = "Didaci Covarruvias Toletani Resolutiones" (I, 260)
92. = "Jacobi de Sancto Georgio Tractatus de Feudis et Homagiis imp. 8.o Lugduni 1544" (II, 233)
- 93 (GA: Alcamis de verbis obligat.) = "Andreae Alciati Mediolanensis de Verborum Obligationibus" (I, 13)
- 94 = "M.M.. Ravandi Speculum Iuridicum Habetur in Tom. 3" (II, 140)
- 95 = "Philippi Decii Mediolanensis Commentaria in tit. ff. de regul. Iuris cum Addition. Hieronymi Cuchalon, et Gabrelis Saraynae imp. 8.o Lugd. 1558" (I, 283)
- 96 = "Iohannis Bernardini Diaz de Luco Hispani Praxis Criminalis, et Canonica ubi de Clericorum flagitiis et flagitiorum poenis etc. 4. to Lugd. 1555 & 1569 & 12.o Antwerpiae 1568 & Venet. 1581 (I, 288/9; Freymond, 917, 3)
- 97 = "Iohannis Berberii Aurea Practica Viatorum utriusque Iuris inscripta, cui accessit Defensorium Iuris Joh Monachi I.C., in quo exceptiones Rei Conventi continentur, Item Tractatus de Exceptionibus D. Innocentii una cum Tractatu de Presumptionibus Dyni Mugellani, 8.o Coloniae 1576 Item 8.o Lugd 1595" (I, 95)
- 98 = "Benvenuti Straccae s. Straccae Anconitani Tractatus de Mercatura, seu Mercatore, ubi de Sponsionibus, Navibus, Nautis etc. Decoctoribus etc. quomodo sit procedendum inter Mercatores, et alia &c impress. 8.o Venetiis 1575" (I, 317) A previous edition (16.mo, Venice 1553) exists in the Royal Malta Library.
- 99 = "Mayni Iasonis Tractatus de Actionibus impress. fol. Venet. & V. Maynus" (I, 516) and s.v. Maynus: "Iasonis Mayni Mediolanensi Tractatus de Actionibus impress. Lugd. 1539 in 8.o et fol. real. ibidem 1554"
- 100 = "Nicolai Belloni Casalensis Consilia" 4.o Venetiis 1574 et ante fol. Basileae 1544 & auctum fol. Francof. 1573 Consiliorum 108" (I, 87)
- 101 = "Antonii Nebrisensis Vocabularium Utriusque Iuris una cum Tractatu utili de ratione Studii et cum Lexico Iuris Civilis impress. 8.o Venet. 1581" (II, 6)

CONCLUSION

Francesco Xerri seems to have been a paragon of professional conscientiousness, particularly by the standards of his time, as far as his profession is concerned. This is borne out, apart from the actual size of his legal library, by the fact that several of the works contained in it did not appear in print, according to the sources quoted, until the years immediately preceding, or, in some cases, the very year of, Francesco's death: an example of professional "aggiornamento" which might be profitably followed in our own day!