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THE WORLD OF DOMINCHIELLUS MEÇIGNA

(The Testators, the Commune and Family on the Island of
Rab in the 2nd Half of the 14th Century)

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1 Dominchiellus Meçigna's last will

Fearing to leave this world without his last will and not giving away his worldly goods, *homo bone vite Dominchiellus de Meçigna infirmus corpore scilicet per Dei gratiam sanus mente et intelecū* had put together his nuncupative and irrevocable testament on December 29, 1373¹. The act was witnessed by Signa de Ivanus and Danielus, a sailor

from Trogir, a *inhabitant* in the Commune of Rab. The will was written down on a sheet of paper by Nicolaus Zanmathei de Curtarodullo; a notary who originated from the diocese of Padua. After ser Colanus de Cernota, the examiner, had approved the inscription of the will, the notary wrote its shortened version in his book of imbrevia-tions², according to the first chapter of the second

¹ On the island of Rab, as well as in the majority of Dalmatian Communes, the *nativitatis* style was used, according to which new year began on Christmas. The testament is dated December 29, 1374, *indiction 12*, which relates to December 29, 1373 according to the *circumcisionis* style that is in use today.

² The records of Nicolaus Zanmathei de Curtaradullo Padduane diecessis (1372-1382) (=NC), a local notary, St. Euphemia's monastery in Kampor, Rab - 85vo. Fra Vladislav Brusić, a local historian, and fra Odoriko Badurina, a chronicler from Kampor, named him in their works (in the first half of the 20th century) *Nicolo Curtarolo*. The first one who had given him that name was Juraj Spalatin, a notary on the island, as he was arranging old Communal records. In order to avoid the confusion, and due to the fact that the name *Nicolo Curtarolo* was frequently used, I shall be using Spalatin's variety. I shall state the names of individuals as they are found in Curtarolo's records, in their latinised form.



book of the Communal statute³.

The testators funds and property were limited. The executors of the will - his wife Maria and his nephew Colanus de Cavalir and godfather (*compater*) Petrus de Taritono - were told to apportion his goods to the value of 200 libras of *piccoli* for the well-being of his soul. He wanted the goods to be given away for charity, to the poor and for acts of mercy (*...in elimosinis, missis, pauperibus et operibus misericordie*). The three clergymen in the Commune of Rab were given a ducat each. The executors were not allowed to use the land and vineyards by St. Anastasius for this purpose. The testator put all of his property at their disposal, apart from a piece of uncultivated land (*derum*) in Banjol, which he left to his nephew Nicola⁴. He named his wife Maria as his main beneficiary. He bequeathed her the remaining movable property and immovables, however she was to be the usufructuary until her death. After her death the property had to be divided for the well-being of their souls. That was his last will.

The fear of dying without a testament (*...timens abintestato incidere...*) and not passing on one's worldly goods (*...suaque bona inordinata relinquere...*) was just the last in the series of anxieties

a man in the Middle Ages had to undergo. It was dishonorable, disgraceful, and shameful to leave behind a mess after one's departure from this world. A good Christian had to be prepared for this event and one's last will was one of the most significant elements of that preparedness. As far as the Church was concerned, the threat of excommunication was an assurance⁵ that a believer, a creature made in God's image, would follow the example of the Creator. If not, the outcome of facing God, the superior authority of order, on Doomsday, was easy to foresee... Dominchiellus' fears were superfluous: after having gone to the confession and unction he was relieved from worldly duties and ready to confront God.

Dominchiellus' testament began with one of notary Curtarolo's many ceremonial *arengas*. Curtarolo's predecessor, a notary Nicolaus from Bologna (1369-1371), did not rack his brain about any of that and simply introduced testaments with *Ego...*⁶ The words "*Cum in hoc misero mundo nichil sit certius morte et nichil suo repentino insultu incertius...*" sounded different, they emphasised the significance of the circumstances of the act agreeable to God. They did not cast a shadow of doubt as to on which world the thoughts of a dying

³ Statuimus et ordinamus, quod, si qua persona voluerit facere testamentum, debeat ipsum facere tali modo. Nam faciat illud scribi per notarium, et in praesentia testium rogatorum, et roget inde examinatore, ut ponat manum, et si tali modo facere non posset vel nollet, et illud scriberet propria manu, illud valeat et reducat mandatu Dominationis in publicam formam per notarium; et, si acciderit, quod aliquo impedimento, vel subito accidenti non posset testator facere suum testamentum per aliquem dictorum modorum, et illud testamentum suum ordinaret oretenus coram duobus vel pluribus testibus rogatis fide dignis; tunc, si illud ordinamentum suum infra duos menses denunciatum fuerit Dominationi per illos, quibus spectabit negotium testamenti, tunc per Dominationem examinentur omnes illi coram quibus fecerit ipsum suum ordinamentum; quibus examinatis, tunc de mandato curie illud ordinamentum reducat per modum brevii in publicam formam manu notarii et valeat et teneat. Et si quis testaretur aliter quam dictum est, nihil valeat ipsum testamentum, sed remaneat intestatus; et si examinatus non fuerit inde rogatus et aliqua persona voluerit illud examinari, tunc curia faciat clamari per praecone in locis consuetis, quod si qua persona vult obicere dicto testamento obiciat infra quindecim dies post clamacionem praedictam, et si infra illum terminum nulla persona contradiceret, curia faciat illud examinari; et si aliquis contradixerit, tunc curia faciet de contradictione quicquid de iure faciendum erit; intelligendo semper, quod testamentum et ordinamentum illud non sit factum contra ordines civitatis Arbi." (Statutum magnificae comunitatis Arbensis, lib. 2., cap. 1.; published in: Ugo Inchiostri, A. Galzigna: Gli statuti di Arbe con prefazione e appendice di documenti inediti o dispersi, Archeografo Triestino, vol XXIII, Trieste 1898-1900 (=StA)).

⁴ In medieval Dalmatia Colanus was an established form of the name Nicolaus. Colanus, the executor of the will is identical with the nephew Nicola.

⁵ Zdenka Janeković-Römer: Na razmedi ovog i onog svijeta, Otivm 2(3-4), Zagreb 1994, 3.

⁶ The records of notary Nicolaus de Bononia (1369-1371) (=NB), St. Euphemia's monastery, Kapor, Rab. 10vo, 31ro, 39ro, 47vo, 48vo, 57ro- 60ro, 61vo- 63ro, 64vo, 66ro, 71ro, 71vo. Due to the same first name it had been thought until recently that this fascicle containing 90 folios (later marked 7-96) was actually the first Curtarolo's book. One can notice a considerable difference between records written by the two notaries - the morphological characteristics of handwriting and style. Judging by their places of origin, they were pupils of the two biggest and traditionally competitive law schools of the then Europe. Curtarolo's practise was more thorough.



man should be concentrated. One's last will was one of the last opportunities to attain a favourable starting point on the occasion of entering the world of immortality. It was the manifestation of a carried-out duty and a suitable material criterion of the depth of a testator's faith in his inevitable part of the legacy. Dominchiellus was by no means a tight-fisted person. Anticipating the moment of inevitable death i.e. the transition from this miserable world of mortality into the world of eternity, he immediately paid 200 libras for the well-being of his soul, and after his wife's death probably once again the same amount of money. His social position would have allowed him a smaller sum, but because he and his wife did not have children (anymore?) it was safer to dig more deeply into his pocket - to dig all the way to the bottom. The young notary Curtarolo, who was educated in Padua, did not despise this world to such an extent as his client did. He received 20 solidi⁷ for his work. It was Thursday, it was allowed to serve wine in taverns⁸.

The stigma of dying without a testament was also felt in the vocabulary of the Rab Communal statute, adopted *In Cristi nomine*. According to chapter 17 of the second book of the Statute the deceased without a testament was referred to as *persona inordinata et intestata*⁹. In a given context the expressions describe two states that bear a strong resemblance - the order of precedence in the fundamental Communal legal act is therefore all the more important. The Commune gave priority to the expression related to the division of goods, rather than to the one that summarises the transcendental extension of the issue. It was a secular institution, and was, therefore, more concerned

with the new status of the heirs than with the fate of the deceased in the next world. The heirs were the deceased's more-or-less inconsolable relatives, his family. The relatives' potential inconveniences were also Communal inconveniences. The Commune, on one hand, allowed the testators to devote their entire belongings to the well-being of their soul¹⁰, but on the other allowed for those who died without their last will only the division of one fourth of the legacy¹¹. Their remaining goods were to be divided among their relatives according to the principle *paterna paternis, materna maternis*.¹² This principle was applied if the deceased had no descendants or if he died underage. No matter how well-defined the procedure might have been, it could not compete with the diversity of disputable situations. Clashes of opinion were quite frequent among the heirs, they often resulted in long litigations that caused a lot of bad blood. Because of the poorly arranged cadastral legal affairs, the litigations disturbed their neighbours as well as all those involved, who lobbied one of the two parties for a mutual benefit. The litigations were a potential source of violence which could in the worst case bring about new cases of the deceased without testaments...

2 Testaments in the records of Nicolaus from Bologna and Nicolaus Curtarolo

Although the majority of the dying on the island in the 14th century made sure that their departure from this world was agreeable to God, to the Commune and to the heirs - we are only familiar with a handful of them. In the preserved records of the two local notaries, written from the beginning of 1369 until March 1375,¹³ contrary to ex-

⁷ "...item de quolibet testamento, quod faciam in carta, valoris librarum centum parvorum, habeam grossos quattuor, et abinde superius usque ad libras quingentas solidos viginti parvorum, et abinde supra usque ad infinitum habere debeam grossos quindecim et non plus;...", StA, lib. 5, cap. 18.

⁸ The regulation of serving wine in StA, lib. 4, cap. 10

⁹ "...Si vero aliqua persona morietur inordinata et intestata..."

¹⁰ StA, lib. 2, cap. 6, 8.

¹¹ "Volumus insuper et ordinamus, quod, si qua persona tam vir quam mulier decesserit sine testamento vel ordinamento legitimo, et absque aliquo herede, tunc de omnibus bonis ipsorum mortuorum per modum praedictum quarta pars distribuat pro anima dicti viri vel mulieris defunctae, cum conscientia Dominationis arbensis...", StA, lib. 2., cap. 17.

¹² Lujó Margetić: Iz starijeg pravne povijesti Raba, Rapski zbornik, Rab 1987, 208.

¹³ The records of notary Curtarolo consist of two books. The Book I consists of 667 instruments of various contents, written between July 1372 and March 1375, among which are also the already mentioned testaments. In Book II, written between July 1372 and May 1382, 526 instruments dealing with unmovable properties are compiled.



pectations, one cannot find many testaments. There are only 41 instruments - including those of Dominchiellus - among the 1143 instruments that the notaries entered into their two books during the six-year period. Nicolaus from Bologna entered 23 testaments in less than three years and Curtarolo no more than 15 in the next three and a half years. The number represents an insignificant percentage of the testaments put together on the island, for in the 14th century the Commune of Rab had more than 5000 inhabitants. Due to his preoccupation with public and private affairs, only a scarce number of testaments were put together by their superior in the Communal office, the secretary (*cancellarius*) Johannes quondam ser Bartoli de Thomasiis de Nordilis from Imola. Prior to Curtarolo's arrival, there had been another notary besides Nicolaus from Bologna on the island - notary Albertus from Reggio,¹⁴ who himself must have had written a few testaments in his records. It seems that at the time a great deal of testaments were put together by Marino de Milçe, a priest, who occasionally performed notary's duties.¹⁵ He was probably specialised in testaments. That would have been the most practical solution anyway - since they were always in a bit of a hurry as far as testaments and sacraments were concerned. Milçe was, so to speak, able to deal with all of them at the same time, for sacraments were also one of his specialities. As many as 11 testators, Nicolaus from Bologna's clients, bequeathed him money for ecclesiastical services.¹⁶ In the year 1373 this canon of Rab died.¹⁷ One is bound to notice that after his death nobody specialised in performing last rites - Curtarolo's clients were able to select from more than 50 clergymen of the Church on the island¹⁸. There cannot be found the slightest hint in any of the then last wills —or any other record— that the testaments were written down by any other clergyman, or any other person besides Curtarolo and the secretary.

The entries of testaments in the preserved notary book are chronologically but asymmetrically placed (table 1). In the year 1369 Nicolaus from Bologna entered only 5 testaments (the records between July and October are not preserved), and the following year he had to enter as many as 21 - half of all the preserved testaments. The reason for that might be quite trivial e.g. absence of either canon Marino, or notary Albertus, but the reason was probably of a more serious nature. The sample is too scarce to draw any binding conclusions, but due to some circumstances and elements of the contents of those testaments it is likely that a fatal disease broke out in the Commune. If that was the case, the three officials of the Communal office were snowed under with work (unless any of them fled from the danger), and canon Milçe probably devoted himself to ecclesiastical services.

In the two months in question the testators were predominantly young people. Each and every one of them decided to have a testament put together because of some sort of disease. The predominant feature of those testaments was a distinctive fear of dying as a *persona intestata* - contrary to the other testaments in which the testators committed themselves to the division of their legacy and not so much to the health of their heirs (never to the health of executors). The regulations regarding the carrying out of the testament were carefully defined and were quite sinister: they even predicted the deaths of executors themselves. The regulations were a sort of precautionary action and a guarantee that their last will was going to be fulfilled in the case of their death. As far as the survival of the heirs was concerned, particularly their children and spouses, the forecast was just as pessimistic. Their concern was beyond the boundaries of normal "Death" that was often mentioned in technical elements of the testaments and in the elements of contents, thus it had to be a reality, no matter how hypothetical the assumptions might

¹⁴ Mentioned in NB, 70vo and in NC, 62ro.

¹⁵ NB, 66ro

¹⁶ NB, 10vo, 31ro, 39ro, 48ro, 57ro, 58vo, 59vo, 60ro, 62vo, 63ro.

¹⁷ NC, 82ro.

¹⁸ There are altogether 56 clerics and 8 Benedictines from St. Andrew's convent mentioned in NB and NC.



Table 1: The number of testaments in the records of notaries Nicolaus from Bologna and Nicolaus Curtarolo in each month¹⁹

	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sep.	Oct.	Nov.	Dec.
1369	1	1			1						2	
1370	2			3	6	6	1	1	2			
1371											1	
1372										2		
1373		2	1			1			1		1	1
1374	1	1							1	1		
1375		1	1									

have been. Had that not been the case, those assumptions would simply not exist. In the testaments written after 1370 no similar peculiarities can be noticed. They occurred sporadically in Curtarolo’s records - there are no traces of any particular rush.

Fragments of ser Christoforus de Bubogna’s testament were also preserved and found on three different locations, besides the already-mentioned 42 testaments. He was one of the most unusual individuals on the island in the second half of the 14th century²⁰. He was one of the most respected and wealthiest men among the local commoners - he was wealthier than many a nobleman on the island of Rab. Both of the notaries addressed him *ser*, although the title was used exclusively for addressing aristocracy, *nobiles*. Ser Christofor was certainly an exception to the rule. He built a small Chapel of Our Lady of Mercy (*capella sive ecclesia Sancta Maria de Misericordia*) in his yard ad-

joining the Cathedral and, as its founder (*fundator*), willed a considerable fortune to the Chapel. After his death the executors of his will were obliged to appoint a curate who would say mass for the well-being of his soul and the souls of his diseased relatives. Why were the fragments of his will found in three different locations? The answer to that question is based upon the regulation according to which the executors should, if they believed that was the most appropriate thing to do, “...*facere venire fratres Praedicatores ad gubernandum dictam ecclesiam cum bonis sui*”. He (deliberately?) initiated a feud between the Chapter of the Cathedral of Rab and St. Platonus’ Dominican monastery in Zadar, at the time the seat of the Dalmatian Dominican minister provincial. Ser Christoforus de Bubogna died in 1388, and the long-standing feud regarding his alluring legacy dragged on into the next decade²¹. The Dominicans failed.

¹⁹ The darker sections stand for periods during which the notaries did not perform their duties. The brighter sections are used to indicate the lack of testaments among the instruments.

²⁰ The archives of the Chapter of the Cathedral, Rab, lib. 43, 45; and, lib. 26,2; Biblioteca Marciana Venezia, Manoscritti di Giuseppe Praga: Documenti per servire alla storia d’Arbe, Codex diplomaticus Arbensis, It. VI, 538 (=12332), b. 2, 263 (transcripts from: Historijski arhiv Zadar, Spisi zadrskih notarjev, Acta notarii Articutii de Rivignano, b. 2, 6).

²¹ The last document on this affair is dated January 29, 1391, indiction 15. If we take into consideration that the document originates from Zadar, where the new year started on March 25 (the incarnationis style), the date relates to January 29, 1392 according to the style that is nowadays in use.



3 The Commune (Leaving for Hungary)

In May 1369, four years before Dominchiellus Meçigna put together his last will, the Commune had called up its recruits for three months of military service. For eleven years Rab had been a part of the Great Hungarian Kingdom and ruled by Luis Anjou - the victor over Venice, Rab's former several-hundred-year master. The hinterland, where the recruits were headed, was still unknown to them - irrespective of the fact that they were serfs to the same sovereign. It was too different from what they were used to, too strange. Their world was the Adriatic coast, extending from Ancona and Zadar in the south to Istria and Venice in the north²². They referred to the places they were about to go to as Hungary (*Ungaria*), which was in their heads a synonym for a wide, unimaginable entity. The route started in the port of Senj and led past the poor region of the Velebit mountain range, the place of origin of Communal patricians' servants, on inland. The feelings of apprehension because of what might happen on the way, or even later on the march, were as big as the unknown countries ruled by the mighty sovereign.

Dominchiellus Meçigna was also one of the enlisted candidates who were supposed to undertake that unpleasant journey. In contrast to his will in 1373, Dominchiellus certified his enormous wish to live in a document put together by Nicolaus from Bologna on the occasion of setting out for Hungary: he made an arrangement with Demianus (son of Georgius della Budogna) for a substitution. A substitute was hard to find, so he paid dearly for it. In the presence of the notary, Dominchiellus and his substitute agreed on 16 ducats, 42 libras and 12 solidi, which amounted to 100 libras and 4 solidi. The terms had certainly been dictated by Budogna, for not only the pay but the advance was high as well - as much as 64 libras and 4 solidi. Dominchiellus was to pay the remaining

10 ducats after the expiration of 3 months. Should Budognahavereturned within a month, the amount would be reduced and settled daily. Dominchiellus was in any case relieved of obligations after the expiration of the three-month period. To ensure that the substitute would not change his mind, Meçigna promised him a ducat even if he did not have to join the army.²³ Three other recruits procured a substitute for a high price (110 libras, 30 ducats, 18 ducats), while Frane, called Misina (= a big bellows), changed his mind. So Leon, brother of Gambe de Galo²⁴ (= cock paws), had to set out for Hungary himself.

To remove all obstacles that might have prevented him from living a peaceful life in his local environment, Dominchiellus was prepared to pay an amount as high as one fourth of the funds divided in his last will (this fact puts the set phrase concerning the misery of this world in a completely new light). The payment of a ducat on Dominchiellus' part if Budogna should be allowed to stay at home also tells its own tale. He did not only pay for a service, he paid amends for the time spent on the alert. The promised amount was high in this case as well, for it was beyond Dominchiellus' usual financial capability and much more than Budogna's usual needs. The service in Hungary, far away from home, was an extraordinary event, filled with intense feelings. The event was imbued with the radicality of the alternative, so that the recruits were forced to be extremely clear about their existential views, and, according to their principles and their material capacities, had to decide upon the adequate moves. Their system of values can be clearly seen at this stage. According to the behaviour in the stated circumstances they can basically be divided into two categories:

- the first category includes those who had a sufficient number of earthly excuses to avoid or at least to try to avoid the risky journey. Meçigna,

²² Regulations regarding creditor's ability to claim back pay or compensation outside the Commune of Rab are quite often in contracts between locals and strangers in NB and NC. That was, in principle, possible anywhere. Next to the general geographical characterisations, the notary explicitly stated the following cities i.e. towns: Karlobag (*Scrisa*), Obrovac (*Obrovaç*), Zadar (*Iadra*), Senj (*Segnia*), Rijeka (*castrum Fluminis*), Ancona (*Ancona*), and occasionally Venice (*Venetia*). These were the areas Rab had closest business relations to. With the exception of the Communal elite, the majority of the island population was not familiar with the world outside of that region.

²³ NB, 35ro.

²⁴ NB, 33ro, 33vo, 35ro.



whose funds were limited but sufficient and could afford the expensive substitution, falls into this category. The risk accompanied them all their lives: still, it was incompatible with the value system of those with limited means. Poverty was a constant threat, therefore one had to —by any means— avoid everything connected with the danger of business fiasco, death, illness or crippling. Invalidity was their great curse; inability to support themselves could plunge them into permanent misery on the margin of society.

- into the second category fall those who had nothing to lose and accepted the military service as a challenge. The risk of deterioration of their social status was practically non-existent. They paid no attention to the danger of death, illness or invalidity — Meçigna's great fears — because they had been surrounded by it at home all the time. Their personal tragedies on the occasion of leaving remained nothing but personal tragedies. Their social status would not have changed, for it was impossible for them to sink any deeper: they had already reached the bottom. The three months spent in Hungary, combined with the fear of the upper lower class, represented a unique opportunity to improve one's social position. Military service was an unpopular yet profitable duty. Even if we deduct travelling expenses from the already mentioned four amounts, the result sufficed for a purchase of residential premises, a small piece of land, and some small cattle. It enabled them to take up a business activity and consecutively the beginning of a new, socially affirmative, life.

Somewhere between the two categories were the likes of Nicola, called Gretus (= narrow of views), a local *inhabitant* originally from the island of Krk. He was also one of the enlisted candidates. His will had been put together just before his departure due to Hungary for his fear of not returning from this voyage (*viaggio*)²⁵. The trip was a great burden to him, but his material position didn't leave him any alternative. He did not have a lot in common

with the frolicking bunch of substitutes, who expected decent pay, adventure, frivolous women, and eventually a better life. He belonged to the silent, uneasy majority - had Meçigna not managed to avoid his duties his fate would have been absolutely the same. His attitude towards dangerous service in the name of the Commune expressed in his last will is imbued with contemplation and solidarity. He experienced it as a sort of martyrdom. His only comfort was the thought of the redemption of his soul. He devoted 20 solidi of grossi i.e. 32 libras for the well being of his soul and the souls of his companions. People were to pray for them at the masses and light candles during the period of their absence.²⁶ The remaining regulations are similar to those found in Meçigna's will. Both of them generously donated to the ecclesiastical institutions in their testaments. The 220 solidi of grossi were divided after his wife's death among the four local monasteries - each of them was given 40 solidi (2 libras), and for the three clergymen 20 solidi each. He named his wife the main beneficiary, for he had no descendants. He bequeathed her the entire movable property and the immovables. She was to be the usufructuary until her death - the status of Meçigna's wife was identical. After her death the goods were to be divided for the well-being of their souls, the exception being a pasture intended for the executor's husband.

The value of his legacy reached the sum of approximately 200 libras, barely half of Meçigna's legacy value. The difference between their material and social status seems, due to Meçigna's relatively high solvency, bigger than it actually was. Their properties had a similar structure, they differed on one hand from what the poor owned and from the properties of the rich on the other. According to chapter 18 of the fifth book of the Communal statute, which regulates the notary tariff for testaments, were the testaments divided into three²⁷ tariff categories. Meçigna's and Gretus' testaments fell into the same, second, category which included legacies worth between 100 and 500 libras -

²⁵ ...eundo Ungariam timens periculum mortis..., NB, 31 ro.

²⁶ "Imprimis volo et ordino quod cum... (the text is damaged here) ...pro Arbenisbus qui vadunt Ungariam quod pro anima mea solidos viginti grossorum in candelis et in missis celebrandis." NB, 31 ro.

²⁷ See footnote 7.



which implies that they belonged to the same group of population. The borders of wealth were crossed only by the legacies exceeding 500 libras. In the 13th century, as the Communal legislative body was passing the first statutory decrees, 500 libras represented the amount which defined the lower limit of the highest tariff category. It should not be understood as the magic frontier of wealth, though. 500 libras' worth of legacy was considerable enough not to be characterised as small. The wealth of the richest men on the island was many times larger than that, but never large enough to be psychologically closer to the upper limit of the highest category, *ad infinitum*²⁸, in the eyes of their contemporaries.

If we take into consideration (along with the classification into the same tariff category according to the value of the legacy) the enlistment of both testators as well, it becomes rather obvious that their belonging to the same economic group corresponded to the belonging to the same social group. We are not familiar with the exact criteria according to which the local men in power put together that list, but we do know their postulates, and one can make no question of them. It is true that men who visited the notary about their joining the army differed as far as their legal status was concerned (Meçigna and Gretus as well, the former belonging to the local *populares*, the latter being only an *inhabitant* on the island), but that was irrelevant at the time²⁹. All of them belonged to the lower strata of the Communal population. When the Commune needed men to carry the greatest burden of obedience to the current sovereign, the men in power chose among them.

4. The testators of Rab

4.1 The execution of the will

Meçigna's and Gretus' wife were at the same time the main heirs and executors of their husbands'

wills. Both of the testators selected three executors - in Dominchiellus' case, these were, beside his wife, also his nephew and his godfather. In Gretus' case these were Creste Mermogna, a patrician, donna Maria, wife of ser Zanino de Flascono, and a distinguishable member of the noble Georgiis family. The connection with the executors was not defined in the will. Neither of the two was Gretus' relative. Mermogna was most probably a good friend of his, while the connection with the patrician based on an entirely different principle. A friendship between a married woman of a noble descent and a common inhabitant of the island was out of the question, for they belonged to two completely different worlds. Since he was of foreign origin, she could not have been his godmother. Naming donna Maria as the executor of his will is associated with the testator's decision to bequeath half of one of his pieces of land (*pastinum*) to her husband ser Zanino. He did not state any special reason for this decision, which implies that a special bond existed between him and the Flasconos. The bond between people from different social strata was at the time so usual that it was not necessary to specifically mention it in testaments. The Flasconos were Gretus' patrons. As good Christians and *nobiles*, they had a certain moral obligation to their protégé. We do not know what the obligation was, since there were many forms of charitable bonds among the Communal population in the Mediterranean of the Middle Ages. They emerged under the influence of Franciscan ideas. The most common form was membership in religious fraternities. Fulfilling the Christian command to love one's neighbour was possible in at least 17 local fraternities in the 14th century.³⁰ They were increasing, and together with the Chapter of the Cathedral and the influential Minorites, controlled the religious and public life of the Commune. Perhaps Gretus was a member of the same fraternity as the Flasconos were, per-

²⁸ Compare - the richest man by far in Venice was Federico Corner whose wealth was estimated to be 60.000 libras of grossi (which corresponds to 1.920.000 libras). Dennis Romano: *Patrizi e popolani (La società veneziana nel Trecento)*, Bologna 1993 (=Romano), 50.

²⁹ About the legal position of inhabitants of the Dalmatian Communes: Tomislav Raukar: *Cives, habitatores forenses u srednjovjekovnim dalmatinskim gradovima*, *Historijski zbornik*, XXIX-XXX, Zagreb 1976-77, 139-150.

³⁰ Fraternities mentioned in NB and NC are: fraternitas Sci. Andree, fraternitas ESci. Antonii in Candampso, fraternitas Sci. Antonii novi, fraternitas Sce. Barbare, fraternitas Sci. Christofori, fraternitas Sci. Christofori de caçatoribus, fraternitas Sce. Eufemie, fraternitas Sci. Iohanni Evangeliste, congregatio Sci. Leonardi, fraternitas Sce. Marie, fraternitas Sce. Marie calafatum, fraternitas Sce. Marie et Sci. Petri duodecim fratrum (its members were only the clergymen), fraternitas Sci. Mathei, fraternitas Sci. Michaeli, fraternitas Sci. Petri, fraternitas Sci. Stephani and fraternitas Sci. Viti.



haps they lived in the same street (*contrata, ruga*) or in the same courtyard (*androna*), where Maria as the house mistress became the patron of their poor neighbours. Perhaps Gretus only wanted to repay a unique charitable and unforgettable favour or the patricians promised to keep an eye on his wife's fate if something happened to him in Hungary, and his gesture was actually a reward, etc. Let us examine how the remaining testators selected their executors and to whom they left their properties:

4.1.1 The lower strata

The testators from the lower strata (21) named altogether 42 executors, i.e., two on average in each testament. Men most frequently named their wives the executors of their wills. Half of them selected their friends and the other half selected the Communal men of note. Three of the women who belonged to the lower strata and who had their testaments written by the two Nicolos were married and six of them were widows. It is impossible to draw any conclusions from the testaments of just three married women. The widows usually preferred their blood relations and the Communal men of note. Neither men nor women involved anyone outside their nearest relatives in their legacy affairs, with the exception of Meçigna and the youngest of them all, Creste, son of the late Clemente de Gambigrossus (= big feet). Besides his mother and his godfather Signe de Ivanuso he also named his aunt Domençia an executor of his will. He was not married, and had two minor brothers and a sister. His legacy was limited; it matched his position and age. He left his mother 150 libras, his sister 100, and his brother Domenico a vineyard in Novalja, Pag. The remaining movable property and immovables that he inherited from his late father were divided between his two brothers, Dominic and Antonio. Should one of them die childless, the other one would benefit, should both of them die childless, the executors of his will would have to devote his will "*pro anima patris mei mea et meorum defunctorum*". He gave them the right to order new executors if necessary. The tes-

tament was put together in the (miserable?) year 1370 on July 10.³¹

Mate de Orfanello (= little orphan) had put his will together a month before Creste.³² He was also childless at his hour of death, not because he hadn't have any, but because all of his children died before he did. The executors of his will were his brother Çibre and his friends, Dominicus de Fugiano and Creste de Vitano. He left a vineyard to each of the two fraternities, a hut with an appurtened awning to his brother, and some small wares to his niece and friends. The rest of his legacy was to be intended for the well-being of his and his parents' souls. He intended 4 libras for the well-being of his children's souls. He did not say a word in his will about his wife.

Creste de Vitana, the executor of Mate's will, witnessed another arrangement of a testament three days later, on May 12, 1370, this time in his own home.³³ His wife Fume had a testament written. She chose Çerne de Gergota and her brother Dominicus to execute her will. She was the only married testator who did not name her husband as the executor of her will, yet the first important regulation of her testament was of concern to him. She bequeathed him 60 libras to repay a debt. This may imply that she considered him to be a bad master, unworthy of trust in economic affairs, and an unreliable executor as far as the redemption of her soul was concerned. No matter how persuasive the assumption may sound, it has little to do with the actual situation. It would not consistent with what happened three days earlier at Orfanello's. Indebtedness, due to the great extent of credit commerce in the Mediterranean of the Middle Ages, was quite a frequent phenomenon. The will was only one of the mechanisms of commerce that enabled the testator to absolve one's debtors from their debts or to pay one's own (or his/her spouse's) debts with a lump-sum payment, which gave fresh impetus to the activity. The real reason for this Fume's decision lies elsewhere. The keys to its understanding are some basic data about her life and the model of her legacy dispersion.

³¹ NB, 62ro.

³² NB, 59ro.

³³ NB, 60ro.



Fume arranged a detailed list of things she wanted to give away. She left her clothes (even some silks) to her mother and her sister, and the furniture was intended for the eternal rest of her soul. She bequeathed her brother a vineyard and her husband a piece of uncultivated land and an olive tree. Everything else, including the house, was intended for her soul. A pilgrim was to be sent to Rome, the local clergyman Marino de Milçe got his fair share, and so did the Cathedral and the painting of St. Catherine in one of the local churches. She had the testament written because of her fatal disease and due to the fact that many other young people died in that time.

The testator's deeds were in accordance with Chapter 8 of the second book of the Communal Statute, which allowed her to apportion the whole of her property for the well-being of her soul. She would have been allowed to dedicate only a quarter of her property for this purpose if she had had any children. The testator divided some goods among her close relatives, which was not in agreement with Chapter Nine of the second book of the Communal statute, according to which a woman, even if she was on her deathbed, was not allowed to alienate her property if her husband was still alive. She was allowed to do that after her husband's death in case she had no descendants. Had the husband outlived the wife, he would still have been the usufructuary of her dowry. After his death their children (if they had any) or her family were entitled to it. Fume left in her will some goods to the members of her family and therefore did not stick to the letter of the Statute, i.e., she cheated her husband. Since the notary was not allowed to write any document that was contrary to the Communal legislation - and he did it anyway - the testator's action must have been legal.³⁴ The notary surely would not risk any sanctions. The Statutes of Rab did not specifically anticipate any punishments for a notary's illegal actions, but judging from what we know about some other Communes on the east coast of the Adriatic sea, where notaries were facing a high fine or in some

cases even the amputation of their right arm,³⁵ the situation on the island of Rab could not have been much different.

Fume's testamentary apportion of goods among the members of her family can be understood as formally executable after her husband's death, actually executable even before that. The time of the apportion was irrelevant, since her property would have come into the hands of her family anyway.³⁶ By doing it in advance, she was only acting according to the actual state of affairs. Had her mother, sister, and brother received their share while her husband was still alive, Creste, who was given 60 libras and a piece of land by his wife, actually would have had no loss. He could not have made much use of his wife's clothes or the furniture he was not allowed to alienate. In any case he could not appropriate the property his wife intended for the well-being of her soul. The piece of land Fume left to her brother was indisputable as far as Creste was concerned, for sooner or later it would have landed in his brother-in-law's hands. If compared to the possibility of repaying his debt and the land he got, the loss is quite insignificant. It was not worth fighting for and might have provoked a long-standing litigation resulting in a Pyrrhic victory on Creste's part, especially if they were conducting it together.

However, Creste could not have been thrilled by the regulations of her wife's testament. Had he been the executor of the will, he would have been able to stall for as long as he pleased and keep the house and the remaining property for a longer period of time. Therefore, and due to the inevitable and predictable progress of events succeeding Creste's death, it was reasonable to name an executor someone who would faithfully respect the testator's last will to its very end. Thus it was most appropriate to name to those positions some member of the family and some of her good friends. In this way she assured the best possible long-term outcome concerning her legacy. She prevented a feud such as burdened Migna, Stephanus and Vitulus, sons of Petrus Malginir, and their

³⁴ StA, lib. 5, cap. 18.

³⁵ Darko Darovec: Notarjeva javna vera, Koper 1994, 128.

³⁶ StA, lib. 2, cap 8; Lujo Margetić: Iz starije pravne povijesti Raba, Rapski zbornik, Zagreb, 1987, 206; Zdenka Janeković-Römer: Rod i grad, Dubrovnik 1994, 88.



brother-in-law Petrus, son of the late Celle de Stancina on one side, and their other brother-in-law Marchus de Varissa (= the one that boils) on the other concerning his wife's legacy. The mentioned four were represented by *nobilis vir* ser Hermolaus de Hermolao. In the letter of attorney, written by Curtarolo, they fixed the terms in case he had to defend them in the court of justice of ban of Dalmatia and even in the royal court of justice.³⁷ The bigger the legacy was, the higher were the odds of a possible dispute in the testator's family. Curtarolo mentioned also a feud between ser Nicola de Cernota, donna Stana wife of a respected popular Martinus de Domaldino, the executors of Duma's will (Stana's daughter), with her daughter's husband, also an executor and a respected popular Zorgulus de Scanga. They hired ser Christoforus de Flascono as an attorney,³⁸ the brother-in-law of Gretus' executor donna Maria.

In the series of testaments written in the late spring of 1370 one also finds the testaments of widows Buna, and Sfita, wife of the late builder Radig. The former named the executors of her will the noble ser Christoforus de Slovigna and canon Marinus de Milçe, who was also her testamentary counsellor. She apportioned at least 30 libras among the three local clergymen (page damaged, therefore the contents not clear) and left the remaining property to her daughter Dobre, provided she came of age and had legal descendants. Had Dobre not fulfilled the conditions, her executors were to intend this part of Buna's limited property for the well-being of her soul.³⁹ Sfita acted in a similar way. The respected Signa, son of Creste de Signa and Tomassius de Plangos, the executors of her will, did not have to work much because of her will. They had to enroll her posthumously into the Fraternity of St. Michael and Fraternity of St. Vitus, and sell her sackcloth, linen and wool. They had to apportion money for the well-being of her soul and give a ducat to two clergymen (one of

them being Milçe who received money *pro suo labore*) for the same purpose and to maintain the rest of her property in benefit of her two little children. Should the children die before coming to age or without any legal descendants, the executors would have to sell her property for her redemption.⁴⁰

4.1.2 Boni homines

The position of *boni homines* in the 14th century — betters among commoners — in the Commune of Rab was superior to the position of *popolo grasso* in Venice or *cives* (giving the word its strictest meaning) in other Dalmatian Communes. The membership in the most important Communal body, its Great Council, was usually an exclusive right of *nobiles*, while on the island of Rab also descendants of some non-noble families were among its members. The only positions inaccessible to them were: the membership in the Communal court of justice, the position of document examiners and, in the time of the Angevin supremacy, the post of *vice comes* (in the times of Venetian supremacy held by a Venetian rather than by local nobility). The Great Council consisted of at least 100 and no more than 120 members, older than 19 years of age. A deceased councillor was replaced by a new one, elected by *comes* of Rab, judges (*judices*), and the 20 wise (*viginti sapientes*) — who were chosen among the councillors by *comes*, that is, judges — 10 nobles and 10 commoners, members of the Great Council.⁴¹ The part of the list which includes the names of its noble members from the year 1372⁴² is identical with those mentioned in the notary records; thus we can assume that they had automatically been members of the Great Council, as they came of age. The rest of the quota belonged to the commoners. Their election depended on meeting the criteria, lobbying, and one's own preferences. There were also two distinguished men besides the non-noble councillors on the island, i.e. master

³⁷ NC, 90vo.

³⁸ NC, 52ro.

³⁹ NB, 57ro.

⁴⁰ NB, 58vo.

⁴¹ StA, lib. 3, cap. 19.

⁴² Notarijatski prijepisi listina rapskih 1336-1399 (= NP), Arhiv HAZU Zagreb, Acta mediaevalia, IVd, 31/11.



(shipbuilder) Creste de Panchiello and Zanol de Zenevra. The descendants of the former were aggregated into nobility in the following century, while the track of the latter, of a proficient businessman, can in historical sources no longer be found. Since in the year 1372 the Great Council consisted of 67 nobles and 52 commoners, it was theoretically possible to include only one more member. We do not know why the last seat was never taken. One cannot doubt the existence of some other candidates for the position, but they are not easily recognisable on the grounds of the extent of their economic activity, recorded by the notary. Fortunately Curtarolo was a courteous man, who addressed respectable women, both nobles and commoners, as *donna*. Nevertheless, he was very selective - they were as a rule wives or daughters of his distinguished clients. One could also find some better-off local artisans among them. The characteristics of their testaments are consistent with the testaments of *boni homines*: therefore, they are dealt with within the same group.

There are 10 testaments of the commoners of the higher strata preserved in NB and NC. Eight of them belonged to women (three of them were widows), two to men. They altogether named 22 executors, on average 2.2 per testament. Both young men Marinellus Cresti de Bene and Martinus de Conano named their wives as the executors. Marinellus named his godfather patrician ser Cibre de Bernaba his other executor.⁴³

Marinellus must have been older than 19, yet still too young to be, like his father, a member of the Great Council. He had his testament written in April of 1370, since his life was in danger. Marinellus intended 70 libras for his redemption, left his brother Antonius a vineyard and 14 libras to his sister Maria who was married to Crestolus, son of Vidonis, and 140 libras to his wife Fume. He intended the remaining property for his unborn child: he believed that Fume was pregnant. Had that not been the case, or had his descendants died

during their childhood, the executors were told to sell off his property for the well-being of his soul and the souls of his predecessors. The executors had to make sure that in case of their death the testament would, nevertheless, be carried out.

Martinus de Conano, a member of the Great Council, had his testament put together three years later, in February 1373.⁴⁴ The execution of his will did not particularly worry him. He named his wife Prode the only executor of his will. She was said to be most faithful (*fidelissima*). At first Curtarolo addressed her only by her first name, then he realised his mistake and corrected it by addressing her *donna Prode*. The testator was childless, so that his will was rather simple. He ordered his wife to sell the hill with the vineyard for his redemption. The executor had to pay 51 masses to the primicerius and donate four ducats for sacred vestment at St. Martin's. Martinus left everything else to his wife. After her death their property was to be sold off for the redemption of their souls.

The testator showed (in the regulation concerning her part of his legacy) a great deal of certainty in her unshakeable fidelity until her death. *Donna Prode* was an elderly woman, which can be seen in her decision not to limit the rental period of a vineyard with *conductors'* lifetime, as was usual, but with her own.⁴⁵ She could not have known what would have happened to the land after her death; therefore she could not accept the responsibility of *conductor's* fate. Her husband made sure that in his will she was well provided for, which was everything she could want before she joined him in the next world. She was not likely to get married again.

The deeds of *donna Prode* justified her late husband's faith. Prode's devotion to her husband and his family was confirmed, first of all by giving her brother-in-law, Jacofcius de Conano a piece of his late brother's land that was adjoining his own estate.⁴⁶ Then, on January 22, 1374, she put up for auction her husband's property in order to obtain

⁴³ NB, 58ro.

⁴⁴ NC, 29ro.

⁴⁵ NC, 77ro.

⁴⁶ NC, 192vo.



funds for the redemption of his soul. It was the easiest way to sell his estate, for the property was adjacent to many rich neighbors who were always willing to buy more land. All of them had the right of pre-emption based on *ius confinii*. The highest bid came from a magnate ser Pribe de Martinusio. He paid on-the-spot, in front of the three Communal judges and a mass of people, 134 libras and 10 solidi for late Martinus' vineyard and *derum*.⁴⁷

The testament of donna Francischa, widow of master Rugerius, was put down on December 10. 1368 by Marino the priest. Seven months later the will was entered into notary's book.⁴⁸ In spite of the extreme damage of the testament one can see that the testator left a house to her daughter Sera, who was married to a noble Zudenico and that the executor of her will was her nephew, a certain priest Nicolao. Only three clergymen carried that name in the diocese of Rab, all of whom were canons of the Chapter of the Cathedral. The first among them, the primicerius, was a brother-in-law of Gregorius de Cotopagna, a noble from Zadar, the second was a son of the former secretary ser Christoforus de Rodanis from Cremona, and the third, the prior of St. Francis' hospice, was an uncle of Martinus de Paganino, who was later, in the year 1404, to be aggregated into local nobility. Being related to any of the three proved that her marriage, as well as her daughter's marriages, were means to improve the position of her family. Had she been of noble origin, then she, in exchange for her material well-being, contributed to her husband's good name: had that not been the case she and her family were the ones who gained respectability, while her husband benefited from her dowry.

The data we have at our disposal of Bonce, widow of master Cibre de Potilce, are much more accurate. She entrusted a portion of her considerable legacy to her godfather, Dominchiellus de Machina, her sister's husband, Ivane de Centofige (= enclosing figs), and canon Dominicus.⁴⁹ The list of her goods was very long and it consisted of

a rather small amount of money, some buildings, pieces of land, furniture, equipment, clothes, jewellery, vine barrels, etc. She apportioned them among 10 people, two fraternities and two churches.

Bonce was childless and she inherited all of her husband's belongings. She made a splendid match for the Church of Rab, for the complicated list of her things left for the well-being of her soul was almost never-ending. She stated as much as 20 of them at random order. Her wish was to be buried in the Cathedral; her estimation was that 30 libras would be a fair price. Her next step was concerning the fraternity of clergymen. At first she wanted to leave them a house, but changed her mind in the course of time and decided to sell it and give them 32 libras instead. Numerous clothes, cloths and equipment were left to St. Anthony's, while some pieces of lead and silver and a golden ring were left to St. Euphemia's in Kampor. Her vineyard and pastures were also intended for her redemption. She considered herself to be a respectable lady and therefore sent two pilgrims to Rome and Assisi to pray for her. That was still not all: she also added her coat, tunics and other clothes for the same cause. Finally she added the symbolic amount of 16 grossi to the fraternity of St. Anthony. The goods not given away for redemption or left to her main heir, sister Biza, were inherited mostly by her relatives on her mother's side. She left some clothes and some empty wine barrels to her uncle (*barbano*) and her two cousins (*conso-brino*). A barrel full of wine ended in possession of her godfather, the counsellor Machina. Stana Cherzarie got her necklace, and her sister Biza everything else. Two of her executors, Ivane and Dominicus, were told to seek permission for their every action from the third, her godfather. They proved themselves to be reliable executors. The house was sold for 60 libras to a tavern owner (*tabernarius*), Martinus, one month after the testament had been put down. The contract tells us that he actually bought one half of the house with staircase, half of the yard, and half of a shed. The other half was owned by Migna de Potilce, Bonce's brother-in-law.⁵⁰

⁴⁷ NC, 94vo.

⁴⁸ NB, 66ro.

⁴⁹ NC, 16ro.

⁵⁰ NC, 164vo.



Councillor Andreas de Bubogna, the younger brother of ser Creste de Bubogna, also known as Spagnolus, outlived his wife Marichna, whose testament is dated October 9, 1372.⁵¹ She originated from Rijeka,⁵² was therefore a foreigner, and her testament differs from those of women who originated from Rab. She wanted her share of property to be intended for the redemption of her soul. Should her husband feel too distressed by her intention, she let him act otherwise; he should give away in the period of two years 300 libras for the same cause. She wanted a pilgrim to be sent to Rome, a candle worth 10 libras to be bought for the Cathedral and 50 libras to be dispersed among the poor and the weak. Her house, in which her son Dominichiellus dwelt, was to be sold in order to obtain funds for her redemption, and her son was to receive 50 libras. The list ended with her coat that was also intended for her redemption.

The executors of her will were her husband Spagnolus and their friend Marincius de Nemira, who was supposed to watch over Spagnolus' deeds. The choice of words implies that she knew from the very beginning which course her husband was likely to take. The offered alternative was merely a formality. It was a lot easier for him to come up with 300 libras within the period of two years than to give up his wife's part of the mutual property. Piling up 300 libras was no special trouble to him. His annual production of cheese and wool, let alone wine, would have been more than enough. His property was smaller than his brother's, nevertheless, as a widower he was a good match. He was not in mourning for his wife very long: six months after her death he received a dowry of 600 libras from his new mother-in-law.⁵³ His second wife Dompze was the daughter of the late wealthy local commoner. Andreas de Bubogna died in 1376.⁵⁴

4.1.3 Nobiles

Noble widows Stasia de Zudenico's, donna Maria Badoario's, and donna Maria de Philippo's testaments were very alike.⁵⁵ Their main heirs were their children. They inherited everything but what they intended for their redemption and small items left to servants, nannies, and friends, and were named the executors of their wills. We can only guess what the extent of their testaments was, for their wills are short, written in favour of their descendants. The means intended for their redemption were even more sophisticatedly dispersed among local religious and charitable institutions than in the testaments of wealthy female commoners. Donna Stasia proved herself the most imaginative and cosmopolitan of them all as far as her redemption was concerned, by donating a ducat to the new hospice in Ancona.

The testaments of two noble ladies whose husbands were still very much alive were simple and to the point.⁵⁶ Donna Philippa was childless, her only heir and executor of her will was her husband, secretary Johannes from Imola. She was an extremely unassuming person who wanted to be buried at the Minorite's; if this was an inconvenience to her husband she allowed him to bury her elsewhere. Donna Nicolita de Poruga acted in the same way: she left her property to her husband Marinus and his little daughter Maria.⁵⁷ There was also a piece of black silk clothing among her legacy which was, together with her small wares, left to her sister. She intended 40 libras for the redemption of her soul, which was more than the modest donna Philippa, or the young widow Badoario did (1 ducat), but less than Stasia de Zudenico (cca. 75 libras) or Maria de Philippo (200 libras).

⁵¹ NC, 13vo.

⁵² Mirko Zjačić, Jakov Stipišić: Spisi zadarskih bilježnika Ivana Qualis, Nikole pok. Ivana, Gerarda iz Padove, 1296-1337, Zadar 1969, 211.

⁵³ NC, 50ro.

⁵⁴ "... de cuirina heredes quondam Spagnoli de Bubogna..." NC, 228ro.

⁵⁵ NB, 57vo; NC, 28vo, 154ro.

⁵⁶ NB, 71vo.

⁵⁷ NB, 47vo.



Table 2: The selection of executors⁵⁹

number of testators	populares (et habitatores)							clergy	nobiles							
	upper strata	lower strata	upper strata			lower strata		M	M	F	V					
	M	M	F	F unm	V	F	V									
	2	12	3	2	3	3	6									
spouse	2	2	7	7	3	3				1	1	2	2			
mother			1	1	1	1								1	1	
father					1	1										
brother			2	2				1	1		1	1	3	1		
sister						1	1			2	2					
son					1	1						1	1		3	3
daughter							1	1		1	1				1	1
grandd.							1	1								
aunt			1	1												
nephew			1	1												
in-laws							1	1								
godfather	1	1	2	2			1	1								
godmother									1	1						
priest			1	1		1	1	1	1							
nobiles M			1	1			1	1							1	1
nobiles F			1	1					1	1					1	1
us. pop. M			2	2	1	1	1	1	1	1	3	2				
ls. pop. M			6	5												
ls. pop. F									1	1						

Legend: The first column of numbers represents the absolute number of selected executors, the numbers in the second one represent the number of testators who selected those executors. Abbreviations: M = men, F = married women, Funm = unmarried women, V = widows, grandd. = granddaughter, us. = upper strata, ls. = lower strata, pop. = populares (commoners).

One can use the testament of ser Dominicus de Domine to bring to an end the examination of the testamentary and familial relations on the island of Rab in the 14th century.⁵⁸ The testator originated from a mighty, ancient noble family. His will was a very long one. Its executors were his wife donna Coliça, his brothers ser Stephanus, ser Mazius, ser Gregorius, and his son Franolo. The

testator left behind seven estates, two houses, 60 cows, 25 head of cattle, 455 sheep and goats, 4 apiaries and 745 libras in cash. According to contemporary market prices on the island the value of his legacy was as high as 4500 libras. That was not all: the testament also included a part of the unspecified legacy, among other things jewellery, clothes, crops, and loans recorded in his private

⁵⁸ NC, 152vo-154ro.

⁵⁹ The testaments of following men are not included: count Gregorius Banich, a mainland feudal lord, the then comes of Rab, canon Grubse de Spaletto from Trogir and two other testaments damaged on the very part where its executors are mentioned.



booklet. His entire legacy exceeded 6000 libras. He mentioned as much as 32 individuals in his will: besides the main heirs, two clergymen, the notary Curtarolo, his associates, shepherds, lessees, servants and his debtors. Two of his debtors were foreigners, Martin from Karlobag, who owed him for the wine, and dominus Moysinus, an influential man from Senj, who had already paid half of his debt in grain, and thus owed him 20 ducats.

Ser Dominicus intended for the well-being of his soul 200 libras, one half for the celebration of masses, and the other half for two local clergymen, the restoration of the Cathedral, and his sister Margareta, a nun in St. Nicholas' convent in Zadar. He bequeathed to his wife the amount of 200 libras and a life-long residence in the house he left to his children, his son Franolo and daughters Franiça and Dragola. He left his wife her golden pearl silver and other ornamented clothes. With the exception of his small wares, everything was left to his children. His son Franolo was not supposed to manage the property until he was 20 years of age. Franiça was to marry according to her brother's expectations. Should any of the children die underage, the other two would be entitled to his part of the legacy. Should all of his children die underage, all his property would equally be divided among his three brothers or their descendants. None of that happened, for Franolo definitely turned 20. He can be found under the name of ser Franolus quondam ser Dominici on the list of the Great Council members from the year 1388.

The local testators usually determined two or three executors. When only one executor has been named, it was usually the testator's spouse. Rarely did a testator have more than three executors. Ser Dominicus de Domine, a member of the most distinguished patrician family of the island, named as many as five executors. Their number matched the extent of the legacy. With the exception of the wealthiest patricians, there were no extreme discrepancies as far as properties were concerned - so that a contingent of executors was absolutely superfluous. The testators agreed on the number of executors but rarely on the criteria according to which they selected them. Their ideas about whom they would be able to trust on the death bed, and who was sensible or suitable to authorise for the division of their legacies differed a great deal. They

were influenced by the testators' social position and gender. The lower strata imagined different people in the role of the executors than the higher strata, men again differently than women. The testator's decision was influenced by his age, marriage status, and the existence of descendants.

A similar diversity can be noticed in the apportioning of the legacy among one's main heirs and other recipients. The heirs of upper strata testators were mainly their children, the heirs of the lower strata were predominantly their spouses. Were the lower strata testators childless, their legacies were entirely spent on their redemption, which was not the case with those of the upper strata. Their legacies were inherited by their relatives. The only exception was Marichna de Bubogna, who must have had a personal reason for her decision (her husband's adultery? Andreas' remarriage took place suprisingly soon).

The amounts the testators of Rab intended for their redemption were rather similar, which implies an enormous gulf between the upper and the lower strata. Although he was in a much better position, ser Dominicus spent exactly the same amount of money as Dominichiellus Meçigna did. 200 libras represented scarcely 3% of his legacy. The same amount represented half of what Meçigna left behind. The difference between the two existed also in the nature of dealing with worldly matters linked to the next world. The patrician was more concerned with the equilibrium of several options of redemption. Meçigna's main preoccupation was the quantity of the apportioned amount for the same cause. The same rule can be applied to other testators belonging to different strata.

4.2 The families of the testators

Ser Dominicus and Zortine from Barbat were the only ones among the testators who left behind three children each. The number of other testators' children was lower: many were childless. As the testators were small in number, one can only guess what the real demographic situation on the island of Rab in the second half of the 14th century was. Thirty-seven testators and their spouses had, altogether, left behind no more than 30 children (see table 3), which would imply that even 20 years after the Black Death, the population was still in decrease.



Table 3: The number of children of the testators in NB and NC

	lower strata		higher strata			
	populares et habitatores		populares (boni homines)		nobiles	
	men	women	men	women	men	women
Number of testators	12	9	2	8	1	5
unmarried	1		1	2		
no children	5	4	1	1		1
children already dead	1					
1 child	3	3		4		3
2 children	1	2		1		1
3 children	1				1	

Therefore, it does not make much sense to rely on the actual numbers, but rather to the general characteristics of the proportion in number of children from different strata. The family as a conjugal union was generally larger in higher strata than in lower strata. Half of the testators from lower strata were childless, an additional six had only one. On the other hand, all noble testators had at least one child. To be precise, donna Philippa and her husband Nordilis, the secretary, hadn't had any, but they did not actually belong to the patricians of Rab. A clearer idea of familial relationships, based on what we learned from the testaments of the Rab testators in the second half of the 14th century and on the number of their children, corresponds to the results of modern historiographical findings on familial relations of mediaeval Mediterranean urban population.⁶⁰

Some patrician families, such as Domine, were not only the most important in the local community: they were the biggest as well (see table 4). Ser Dominicus, who had three children, was one of at least six children of ser Damianus de Domine, which are known from different sources. The generation of his descendants was even larger. His oldest brother, ser Stephanus, had at least seven

children, he himself had three, and his younger brothers also had some children, but in the year 1375, they were far too young to find their way into historical sources.

A large number of descendants was the key to the social affirmation of a patrician family. That was the only way to avoid all the consequences brought about by high mortality of children in Middle Ages. Enlargement of a family's economic potential was obtained by marriages and by gaining high positions in Communal ruling structures. If small in number, a family was soon to face its lack of friends and relatives in high positions, economic decline and often physical disappearance. Children of patricians were usually married to children of other local patricians and sometimes to noble children coming from neighbouring Communes or wealthy commoners. It is difficult to say who the Domine men were married to, but we do know who their sisters and daughters were married to. According to his testament, ser Dominicus had a nephew Cernolo, apparently his sister's son. Her name did not appear in any sources, but obviously must have been married to someone from the patrician family Cernotta (not shown in table 4). Donna Margarita, daughter of his oldest brother

⁶⁰ See: Dennis Romano: o.c., 63-101; Georges Duby: *A History of Private Life*, Harvard University press, Cambridge 1988, 33-309; Guido Ruggiero: *The Boundaries of Eros (Sex, Crime and Sexuality in Renaissance Venice)*, Oxford University press, Oxford 1985, 16-69; Zdenka Janeković-Römer: *Rod i grad*.

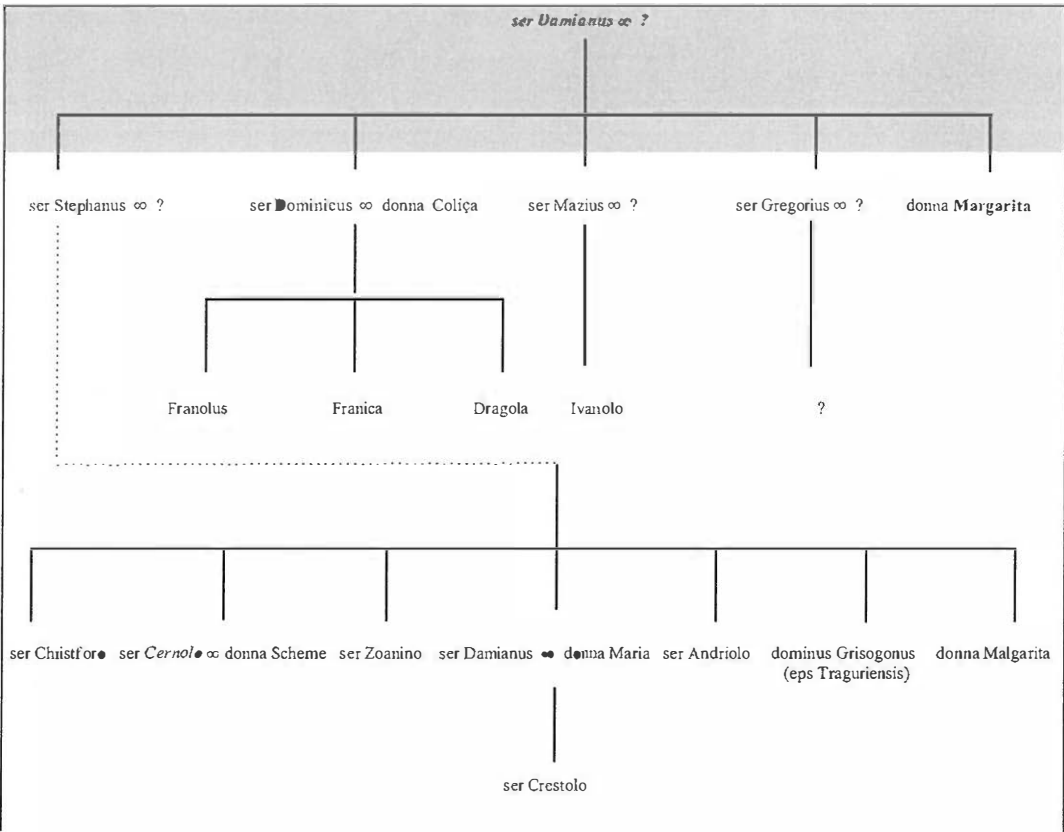


ser Stephanus, was married to ser Matheus de Hermolao.⁶¹ Men were not allowed to alienate their wives' dowries, however they were in position to use them in their economic activity. Being large in number, the Domine men succeeded to accumulate considerable means, which made them the strongest family in terms of local economics. Franiça's marriage was considered another great opportunity and as such it was to be carried out with her brother's and uncles' approval. Had noble fathers many daughters but were not in the position to assure appropriate dowries for all of them, or if suitable husbands were not to be found, the fathers or their relatives sent some of them to the St. Andrew's Benedictine convent, or to convents in the neighbouring Communes. One such daughter was Margareta, sister of ser Dominicus,

who was a nun in Zadar. His second daughter Dragola was perhaps to face the same destiny, as she was still underage and her father did not specifically mention her marriage in his last will. Sending daughters into convents was a widespread custom among the upper strata all over the northern Mediterranean.⁶²

The position of patrician sons who were clergymen was different. They were usually sent to Church institutions and corporations to strengthen the reputation of their family and to benefit from their economic power. In the year 1364, after a long-standing dominance of bishops from the Hermolao family, the Domine family succeeded in getting a mitre conferred on canon Grisogonus, son of ser Stephanus de Domine. His father used his sons' positions on a large scale. With the bish-

Table 4: The Domine in the year 1375⁶³



⁶¹ NC, 156vo.

⁶² Guido Ruggiero: o.c., 70-88

⁶³ The names of deceased are in italics and those of clergymen and nuns in bold. The reconstruction of genealogy is based on family members and their relations mentioned in NB, NC and NP.



op's help, he managed to buy some Episcopal land of the highest quality and some vineyards belonging to the fraternity of clergymen.⁶⁴ Not all of the chapter members were pleased with bishop's strange economic activity. But as the bishop's father was the richest man in Rab and of much influence even outside local community, no one was determined enough to put an end to it. This activity finally stopped in 1373, only few days after canon Zudenico, from the rival family Zudenico, was appointed a new bishop of Rab and Grisogonus was transferred to the position of bishop of Trogir. Similar plans to *ser* Stephanus' were present also in heads of other patricians, but they were not in position to make them come true. In the second half of the 14th century all major patrician families had their representatives in the local Church, controlling the main diocesan posts and its property. Next to members of the Domine, Zudenico, and Hermolao families, the diocese of Rab was led also by members of the Gauzignas, the Auangos and the Georgiis.

The role of women in local patrician families can be seen not only in the case of *ser* Dominicus' daughter Franiça, but also through the behaviour of noble ladies on their deathbeds, especially through donna Coliça's position after her husband's death. She was named the executor of his will by the testator, on basis of courtesy and respect, and not for her leading role in the family. He left her a limited amount of money, all her jewelry and personal belongings. However, their home was left to the children. His condition, that she must be allowed to stay there for the rest of her life, protected her from children's potential self-willed activities, but it also made her lose control over them. The new head of the family was to become their son Franolus, whose actions were to be supervised by his three uncles until he was 20.

A patrician woman, when still a girl, was considered a potential economic link with a family that matched her own. Later, when she was married, she became a mistress of her husband's household and mother of his descendants. Family economic

affairs outside the domestic yard were her husband's prerogative. She did not participate in them, therefore her personal property, in contrast to the family property, remained unchanged from the time she got married. What she left behind on her deathbed was often moderate or sometimes even insignificant compared to what her husband left behind. Her property consisted mainly of her dowry, and of some valuable clothes, jewellery, furniture and some cash. All four noble women left their main belongings to their children. All the rest was to be divided among their relatives, friends and, as they were respected ladies of the house, also among servants, nannies and poor neighbours. In order to evaluate approximately the value of their property one can depend only on one single instrument from Nicolaus' from Bologna book written on February 5, 1370. *Ser* Dominicus Spalatino concluded a contract with his mother-in-law donna Helena de Hermolao and received 700 libras in land, gold, silver and equipment as dowry for his wife donna Marina.⁶⁵

By naming husbands and children as the executors of their wills, the noble wives and widows confirmed their loyalty to the family and its values. The wives and widows from lower strata showed a completely different attitude towards their families and their comprehension of familial relations. Their role differed a great deal from what patrician women experienced in their families. Women from lower strata were an indispensable labour force in the workshops, fields, and vineyards. Together with their husbands, the wives had to provide the means for survival. Such division of work in lower-strata marriages and the constant threat of shortages did not make children an advantage, but a trouble. Insufficient and dull nutrition and overworking themselves reduced their physical resistance, increased their susceptibility to diseases, and decreased their life expectancy. The mortality of newborn children was especially high in the Middle Ages. The upper-strata parents were able to assure care for their children due to their better economic status, which was not the case in the

⁶⁴ NC, 165vo, 174ro.

⁶⁵ NB, 58vo.

⁶⁶ StA, lib. 2, cap. 2.



lower strata families. The noble female patrician testators died when their children were mostly grown up (boys came of age when they were 14⁶⁶); therefore, they could have been named executors of their wills. In the hour of death of the lower strata female testators, their children were mostly still underage (provided they had any at all).

Heirs from the lower strata inherited a lower share of the testator's legacy than the heirs from the upper strata, because of the difference in how the testators felt about the redemption of their souls. The difference in absolute values of their inheritance, was therefore even bigger than expected. Some of the heirs managed to solve the question in their favour by harmonious integration of both, getting a fair share and selling off the testator's property for their redemption. Mare sold a piece of land of her late husband Zortine from Barbat to their son Damianus for 20 libras.⁶⁷ Everyone was satisfied: the testator acted as a good Christian, his wife, who was named the executor of his will, got the money to assure the redemption, and Damianus inherited all that was left behind of his father. There were many ways how to preserve one's inheritance. The case of Stria, a widow, was slightly different from that of Damianus. She was old and childless. Her late husband Petrus Barchosellus appointed her the executor of his will and gave her the right to decide how to disperse some of the legacy for his redemption. Stria donated a piece of his land to the fraternity of the clergymen on the condition that she could remain its usufructuary till the end of her life.⁶⁸ No doubt that condition was acceptable to the clergymen. She must have needed that piece of land desperately, so she found a way to keep it without endangering her late husband's way to heaven. She was not interested in what happened to the piece of land after her death, for what she considered her family, disappeared and there were none for whom to preserve the legacy. Dominchiellus Meçigna felt the same way about his family. He was childless, too. After his and his wife's death their family no longer existed. Their legacy was to be sold off for their redemption: relatives were excluded.

Ser Dominicus lived in an entirely different world of familial relations. Patricians, besides having a large family, also pooled their resources with the relatives. They were able to reach a much higher level of presence in the medieval society, speaking in terms of both quantity and quality, when they were unified. Brothers often formed a brotherhood (*fraterna*), a union based on their property, that remained individual, yet commonly managed.⁶⁹ No confirmation of the existence of such union among the Domine brothers can be found in the records of the notary Curtarolo. Not one of their common enterprises is mentioned, nor there was a trace of their potential cohabitation. Yet it is obvious from the testament of ser Dominicus how close the brothers were. All his measures concerning ser Stephanus, ser Mazius, and ser Gregorius, such as execution of the will, the control over his son Frnolo, and the procedure of inheritance, imply not only the existence of comprehension of a family as a conjugal union, but also existence of a strong sense of the family as a union of closest relatives. In other words, the actual family of ser Dominicus were not just donna Coliça and his three children, but also about 20 other descendants of his late father ser Damianus.

Boni homines were a distinctive economic and social group. Their familial relations, on the other hand, picture them as a group of very dissimilar individuals. Everyone of them had his own story of how he became a respected non-noble member of the community known as the Commune of Rab. Their comprehension of the family was influenced by the combination of various biographical facts, such as place of origin, generation, the nature of their activity, the structure of their property, etc. All that caused a tremendous heterogeneity in their familial position, and therefore also many differences in their comprehension of what was to be their family. Being small in number, the corresponding testaments are not sufficient to provide any adequate conclusions. Of course, there still are some essential characteristics of the behaviour of testators in their last wills one can rely on.

⁶⁷ NC, 177ro.

⁶⁸ NC, 230ro.

⁶⁹ Zdenka Janeković Römer: Rod i grad, 34.



Their selection of executors for the wills differed from one testator to another, while they generally agreed on the inheritance procedure and on the redemption of their souls. In their testaments, most of them wanted their property to be sold off for their redemption in case their descendants were not in position to become their legal heirs. If that represents the real image of their familial relations, one can notice that they preferred considering a conjugal union as their family to the union of relatives. In spite of that, there are also some traces linking a certain number of families in the same testaments, proving existence also of a different comprehension of the familial relations. With the exception of a few families that were comparatively large in number, such as Machina, Bubogna and Lenge, they were closer to the world of Dominchiellus de Meçigna than to the world of ser Dominicus, when relating to them as members of their families.

On April 30 1374, the executors of Meçigna's will prepared, at least as they were concerned, everything that was necessary for the deceased, who, already departed from this world of misery, was not to be afraid of either hell or purgatory. They sold his vineyard under the church of St. Damian in Barbat for 24 libras on that day.⁷⁰ That was supposed to be enough to celebrate few necessary masses. The rest, 176 libras, was still to be found somehow. The executors did not sell any of his land within the decade, as there are no such records in Curtarolo's second book. It is possible that the executors acted in favour of the widow. The part of Meçigna's legacy used for redemption of his soul was too big not to be missed by her. It was more likely that his widow was meant to be its life-time usufructuary from the very beginning. If not, Maria would have spent the rest of her life trying to sell off his property while facing the constant threat of poverty. It is not known when she joined her husband, nor which notary was the one who got his 20 solidi from her.

⁷⁰ NC, 195vo.



SVIJET DOMINCHIELLA MEÇIGNE

(Rabski testatori, komuna i obitelj u drugoj polovici 14. stoljeća)

Sažetak

Rabski pučanin Dominichiellus de Meçigna dao je krajem 1373. godine sastaviti testament u kojem saznajemo nešto više o njegovom materijalnom položaju i o njegovoj obitelji. Uspoređen s testamentom rapskog habitatora Nicolausa de Gretus, po rodu s Krka, kojeg je komuna zajedno s nekolicinom drugih Rabljana poslala u Ugarsku u vojnu službu, Meçignin nam testament odaje i njegov društveni položaj u matičnoj komuni. S ostavštinom vrijednom približno 400 libara, od kojih je u oporuci polovicu namijenio spasu svoje duše, on je pripadao nižim slojevima ondašnjeg rapskog stanovništva.

Meçignin testament je tek jedan od 42 sačuvana rabska testamenata iz druge polovice 14. stoljeća. Sačuvani su se u spisima dvaju ondašnjih rabskih notara Nicolausa iz Bologne (1369-1371) i Nicolausa Curtarola iz padovanske dieceze (1372-1382). Polovica tih testamenata pripadala je stanovnicima nižih slojeva, od čega 12 muškarcima, 3 ženama u braku i 6 udovicama, dok su drugu polovicu činili testamenti 2 muškarca, 5 žena i 3 udovice pučana višeg sloja, te 6 osoba iz redova rapskog patricijata. Najznačajniji testator bio je ser Dominicus de Domine, član najutjecajnije patricijske obitelji u komuni.

Izbor izvršitelja oporuka, imenovanje baštinka i način kako su testatori pokušavali legacijama spasiti svoju dušu temelj su poznavanju prilika u kojima su živjeli, ali i poznavanju njihova odnosa spram vlastitim obiteljima. Testatori nižih slojeva su izvršenje svojih oporuka uglavnom povjeravali svojim supružnicima i ljudima od ugleda, dok su pripadnici viših slojeva stanovništva tu zadaću povjeravali uglavnom osobama iz svojih obitelji, najčešće djeci. Svote i dobra koje su testatori namijenili spasu svojih duša izjednačeni su, što znači da su pripadnici nižih slojeva tom pitanju pridavali mnogo veće značenje, dok su pripadnici viših slojeva, a pogotovo rabski patricijat, htjeli za svoju obitelj sačuvati što je moguće veći dio ostavštine.

Broj djece poznatih rabskih testatora iz 14. stoljeća ne može biti pouzdano mjerilo ondašnjih demografskih prilika u komuni, dok je omjer u njihovoj brojnosti između pripadnika viših iz nižih slojeva reprezentativan. Općenito su pripadnici viših slojeva imali više djece od pripadnika nižih slojeva, što se poklapalo s prilikama i u drugim mediteranskim komunama. I ostali podaci o njihovim obiteljima i obiteljskim prilikama poklapaju se s istima u mediteranskom svijetu. Dok je patricij Domine pokazivao visoku svijest o pripadnosti svojoj, strukturiranoj obitelji, Meçigna je kao svoju obitelj smatrao jedino bračnu vezu sa svojom suprugom. Njihov odnos temeljio se na radu kao sredstvu preživljavanja, dok je patricij svoju razgranatu obitelj integrirao u ekonomsku sferu na drugoj osnovi, na imovini. Odluke u testamentima Rabljana vjerna su manifestacija tih dvaju osnovnih principa strukturiranosti njihovih obitelji.

MEDIUM AEVUM QUOTIDIANUM 35
(Krems 1996)



OTIVM 3/1-2
(1995.)

VORWORT

Alltagsgeschichte ist ein Forschungsbereich, der nicht nur in starkem Maße interdisziplinären Ansätzen und Methoden verbunden ist, sondern auch im besonderen von wissenschaftlicher Kooperation bestimmt wird. Aus diesem Grunde freut es uns umso mehr, daß wir Ihnen mit diesem Heft das Ergebnis einer solchen Zusammenarbeit präsentieren zu können, die sich im Rahmen der Lehrtätigkeit der Herausgeber an der *Central European University* in Budapest entwickelt hat. *Otium*, die kroatische Zeitschrift für Alltagsgeschichte, und *Medium Aevum Quotidianum*, die in Österreich erscheinende internationale Zeitschrift für Alltagsgeschichte und Geschichte der Sachkultur des Mittelalters, bieten Ihnen hiermit eine gemeinsame Ausgabe, die vor allem Beiträge von Historikern aus dem mitteleuropäischen Raum - aus Deutschland, Kroatien, Österreich, Slowenien und Ungarn - enthält.

Das Generalthema des Heftes bezieht sich auf die Problemkreise "Familie und Alltag" mit besonderem Bezug auf "Familie und Tod". Es werden dabei Fragestellungen angesprochen, die für eine allgemeine Alltagsgeschichte ausgesprochene Relevanz besitzen. Dies trifft besonders auf verschiedene Verbindungen zwischen 'privatem' und 'öffentlichem' Raum zu. Dušan Kos (Ljubljana) setzt sich mit adeligen Begräbnisritualen in Kärnten, Zdenka Janekoviæ-Römer (Zagreb) mit denen des Adels von Dubrovnik auseinander. Erhard Chwoyka (Saarbrücken) behandelt das Motiv des "Ungleichen Paares" vom 15. bis zum 17. Jahrhundert. Michael Mitterauer (Wien) konzentriert sich auf das Problem der Schwagerehe. Elisabeth Vavra (Krems) untersucht die Reflexionen auf Todesfälle in autobiographischen Quellen des Spätmittelalters und der frühen Neuzeit, während sich Dušan Mlacoviæ (Ljubljana), Katalin Szende (Sopron) und Brigitte Pohl-Resl (Wien) Familienaspekten in der testamentarischen Überlieferung widmen.

Wir hoffen mit dieser Ausgabe Anstoß und Anregung zu weiterer und verstärkter wissenschaftlicher Zusammenarbeit im Bereich der Alltagsgeschichtsforschung gegeben zu haben.

Neven Budak und Gerhard Jaritz

PREDGOVOR

Povijest je svakodnevice područje istraživanja koje ne zahtijeva samo u velikoj mjeri interdisciplinarnost, nego je napose određeno međusobnom suradnjom znanstvenika. Iz tog razloga posebno nas veseli da ovim sveskom možemo predstaviti plod takve suradnje, a koji je nastao kao rezultat nastavničke djelatnosti izdavača na Central European University u Budimpešti. Otium, hrvatski časopis za povijest svakodnevice, i Medium Aevum Quotidianum, međunarodni časopis za povijest svakodnevice i materijalne kulture srednjeg vijeka, koji izlazi u Austriji, odlučili su izdati zajednički broj koji sadrži priloge povjesničara/ki iz srednjoeuropskog prostora: Njemačke, Hrvatske, Austrije, Slovenije i Mađarske.

Središnja se tema broja odnosi na “Obitelj i svakodnevicu”, s posebnim osvrtom na “Obitelj i smrt”. Pri tom se obrađuju pitanja od izrazite važnosti za opću povijest svakodnevice. To se odnosi pogotovo na različite veze između “privatnih” i “javnih” sfera života.

Dušan Kos (Ljubljana) bavi se pogrebnim ritualima korušskog plemstva, a Zdenka Janeković (Zagreb) obrađuje istu problematiku u vezi s dubrovačkim patricijatom. Erhard Chvojka (Saarbrücken) obrađuje motiv “nejednakog para” od 15. do 17. stoljeća, a Michael Mitterauer (Beč) problem leviratskog braka. Elisabeth Vavra (Krems) proučava promišljanja smrtnih slučajeva u autobiografskim izvorima kasnog srednjeg i ranoga novog vijeka, dok se Dušan Mlacović (Ljubljana), Katalin G. Szende (Sopron) i Brigitte Pohl-Resl (Beč) posvećuju obiteljskoj problematici u oporukama.

Nadamo se da smo ovim izdanjem dali nov poticaj daljnjem intenziviranju znanstvene suradnje na polju historije svakodnevice.

Neven Budak i Gerhard Jaritz

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