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EDITOR'S NOTE

Dates in notes are given as follows: year, day and month (e.g. 1586-12.5); the sources used for this essay are listed at the end. If not translated, Venetian and Vicentine magistracies are in italics. Thanks for advice and assistance to Federico Barbierato, Edoardo Demo, Michael Knapton and Claudio Povolo. Main publications: *L'anima a Dio e il corpo alla terra. Scelte testamentarie nella terraferma veneta (1575-1631)*, Venezia, Istituto Veneto di Lettere, Scienze ed Arti, 1998; *L'incivile, disonesta e sordida vita. Storia di un notaio del Seicento*, Verona, Cierre, 2002; "Politica e giustizia nella terraferma veneta del Seicento. Il tribunale vicentino del Consolato (1640-1690 circa)", *Archivio veneto*, 2004, CLXIII, pp. 53-92. The author's current research is concerned with the jurisdictional, fiscal and symbolic features of relations between Venice and Vicenza during the crisis years of the war of Crete (1645-1669).

Introduction

- 1 Shaped by the historiography of the early modern centuries, the myth of Venice portrays it as an ideal republic founded on wise laws and the public spirit of a ruling elite devoted to the service of the state, governing a strong maritime empire and a largely autonomous Italian mainland state (*Terraferma*). Alongside this benevolent view, there emerged a countermyth depicting the *Serenissima* as a repressive state, governed by a secretive,

tyrannical oligarchy; in this portrayal the Council of Ten (*Consiglio dei Dieci*), the Republic's supreme judicial body, is often represented as a "tribunal of blood". The myth first emerged as a representation of the city in the late Middle Ages, when its fleets and overseas commerce were both substance and symbol of Venetian magnificence. The countermyth began to take shape in the mid fifteenth century, when Venice extended its control over Italian mainland towns such as Padua, Verona, Vicenza and others, whose political liberties were supposedly suffocated. Many generations of historians largely contented themselves with these two contrasting stereotyped representations, and only in the past three decades have scholars actually explored the internal working of the mainland state and related it to the myth itself. Thank to recent research on Venetian and mainland social history it is now in fact possible to detect an almost incessantly fluid situation in terms of the composition of status groups, the interweaving of interests, the handling and balance of power, etc.

- 2 In the early modern period Italy's regional states were quite unlike Europe's major monarchies. Italian states had in fact an articulate political structure and a distribution of power not yet dominated by the center. Venetian aristocratic power could hardly be compared to the types of authority that took root in other European and even Italian states. The Venetian pragmatism, jealously conservative, was unable to exploit bureaucratic or hierarchical structures to connect center and periphery and to advance mainland families. Government was in fact based on a conception of sovereignty that boiled down to the rights of Venice's aristocrats, without a more totalizing vision of statehood; the predominant center was never integrated with the peripheral societies, which often had large cities within them whose identity was thereby squashed.
- 3 Vicenza proudly proclaimed itself the firstborn of Venice, and indeed when it voluntarily accepted Venetian rule in April 1404 it received the confirmation of a number of privileges favouring local autonomy in both fiscal and jurisdictional matters¹. Perhaps the most important of them was the confirmation of the ancient magistracy of the Consulate (*Consolato*). Among the various Venetian subject cities' courts, this tribunal staffed mainly by jurists belonging to the city's aristocracy was in fact the only one empowered to condemn criminals to death; furthermore in 1545 it also acquired the right to banish certain types of criminals from the whole territory of the Venetian state. The Consulate was the fundamental instrument with which the Vicentine aristocracy was able to manage local conflicts, succeeding in doing so in competition with the Venetian courts both local and central.
- 4 By the late sixteenth century Venice could no longer tolerate too weak a political control over the mainland and employed diverse tools to assert its supremacy something that also happened in other areas. Considerable interference with subject cities' autonomies accompanied an equally considerable extension of the administrative and judicial power exercised by Venetian magistracies. The Council of Ten then gradually acquiring greater political and judicial importance to the detriment of other, broader bodies more in line with the republican tradition was then particularly important as a source of laws and judgements which weakened the old institutional order that still characterized the great cities of the mainland. Its action in fact heavily diminished the role of local courts, and consequently the overall power of the provincial elites.
- 5 The old aristocracy of the *Terraferma* lost political legitimacy and suffered the erosion of its traditional ritual and symbolic importance, and reacted by generating social unrest. The mechanisms governing the ancient practice of the feud, which for centuries had

regulated relations among the powerful noble lineages, were violently dislocated under the pressure of new social and political circumstances.

In face of the mounting criticism of their privileges, the growing contempt for their persons, and the erosion of the territorial foundations of their authority, the nobility were foolish enough to attempt a counter-attack, the most visible feature of which was an overweening arrogance, symptomatic of their basis insecurity.

- 6 Meanwhile in England Elizabeth did her best to protect her nobility from insult², in the Republic of Venice some different social processes were developing quite different outcomes.

Peace and War

- 7 On 3 April 1585 Guido Capra and Muzio da Porto solemnly embraced each other in the presence of the bishop and the two Venetian governors of Vicenza (*podestà* and captain), so as to confer solemnity on a act of pacification which was intended to end a long and bloody conflict³. The act referred generically to a violent brawl that had occurred ten years previously; it further mentioned a large group of allies of both factions who had been bound to peace and annulled all the legal proceedings that ensued from the conflict of 12 August 1575. On that occasion Muzio had seriously injured Guido, and that episode was followed by clashes between armed men, arson attacks on palaces, murders and consequent prosecutions. But what had become open war between the two sides had been smouldering since the end of the 60's, when the artisan Bortolo Balestraro had been attacked in his shop by Alvise Capra and three of his henchmen and had dared to meet violence with violence, leaving his main assailant mortally wounded. Retaliation had followed immediately, all the stronger because at a party the honor of Alvise Capra's sons had been purposely provoked by Ludovico da Porto (son of Bernardino)⁴.

- 8 Bortolo had died shortly afterwards in Apulia, where he had sought refuge after being permanently banned from Vicenza. The Capras' attention had then turned to Bortolo's uncle and accomplice Iseppo dal Castello, and after various unsuccessful attempts – they had offered 200 ducats to whoever would “cut him to pieces” – on 19 April 1572 hired assassins reached the man in Venice. Although he had been stabbed in the shoulder and knifed in the throat, a sword thrust through his body, Iseppo had miraculously survived. Alvise Capra's son, Guido, the principal defendant in the trial consequently conducted in Venice, revealed then that Iseppo had been protected, paid and pushed towards criminal proceedings by the da Portos, whom he had served “with his arms and his life”⁵.

The 1585 act of pacification, however, contained a clause that betrayed a dangerous weakness: Ludovico da Porto, son of Camillo, had not accepted the agreement. The men of his faction therefore bound themselves not to offer him lodging or help until he had made peace with his enemies.

- 9 By that time Count Ludovico da Porto had already been banished and condemned to the confiscation of his property by the Council of Ten⁶. His property had been assigned at auction for 1,000 ducats to a man fronting for his family two days before the act of pacification. They had obviously had to forego protection of their over-obstinate relative after recovering his considerable wealth for a nominal sum – a single share of it was later valued at 11,000 ducats – presumably with the tacit consent of their adversaries. The agreement also sealed the reestablishment of the unity of Vicenza's aristocracy in the defence of the ancient privileges granted in 1404, when the city had voluntarily entered

the Venetian State. On 4 November 1585 Francesco da Porto and Odorico Capra, acting in the name of the city but evidently also representing their respective factions, were able to appear jointly in Venice to petition for the repeal of limits that the *Law of the Five Cases* had recently imposed on the Consulate. The law allowed the Venetian governors of the main town of the *Terraferma* to pursue five particular dangerous crimes: road robberies, domicile robberies, rapes, murders made by masked men and arsons⁷.

Hard Times

- 10 In times characterized by stable relations and clearly defined roles in power-handling, a peace between opposing groups, even if they go as far as murder, quickly restores the balance via visible adjustments imposed by the mediation of an authority recognized by all the contestants. Pacification therefore becomes the main means whereby a feud reveals its essential function in reestablishing a preexisting order⁸. Should outside intervention – for instance by state authority – instead modify the normal procedures of peacemaking, the restraints on violence cease to function. During periods of rapid social change, the traditional mechanisms controlling rivalry between families are unhinged, pacifications lose their political significance and efficacy, and unrestrained vendetta is set loose⁹.
- 11 In the decades either side of 1600 the Venetian mainland state was infested with outlaws and armed bands often led by nobles. They disposed of depositories of firearms and scores of *satellites* (called *bravos*, or hired henchmen) through whom to spread terror. As well as oppression, violence of every sort and crime, they practised detention in private prisons and unauthorised banishment – the latter actions representing usurpation of sovereign power. In the denunciation presented to the Council of Ten in November 1579 by one of his victims, Ludovico da Porto is portrayed as a stereotype tyrant: he is in fact the sum of all the connotations just mentioned, and exercises *tyranny over the property, honor and blood of the poor peasants*¹⁰.
- 12 But by then the state had already fully grasped the inefficacy of actions which, though hitting criminals hard, barely grazed the nerve centres which sustained their deeds and protected them while they were in hiding. Public order needed to be reestablished with exceptional measures able to strike right to the heart of the groups the outlaws belonged to, by undermining their bases of wealth. The alarm that the situation caused is confirmed by a series of legislative measures which aimed at stemming criminality by making the penalties more severe even for those who favoured or at least tolerated it. On 26 September 1578 a law promulgated by the Council of Ten against murders *pensati* and *in insidie* (respectively premeditated and achieved through ambushes) had prescribed the confiscation of the criminals' property, breaching not only the legitimate portion, but also the inviolability of *fideicommissa*¹¹. In such a way there was direct damage to the relatives of young adults who had no legal entitlement to property, and who precisely for this reason had often been used as belligerents by their respective families. Twenty years later *podestà* Correr could assert that the ancient rivalries finally appeared to be placated since, while the exile imposed by banishment was greatly feared, an even greater threat was the loss of the property with which *families give lustre to the fame of lineage and virtue*¹².
- 13 This action aiming to obstruct the solidarity of aristocratic lineages towards their members who were convicted of crime was an addition to previous measures intended to

create scorched earth around outlaws. In December 1560 the Council of Ten had authorised the killing of anyone caught *in flagrante crimine*, with specific reference to the role of rural communities, thus attributing a sort of political recognition to them that was later extended in 1574. In 1580 Senate of Venice had assigned extraordinary powers to the mainland governors and decided to intensify collaboration with neighbouring states to favour extradition from them¹³. Thereafter there had been a continuous series of laws on public order. On 28 October 1578 Bernardino Lippomano, former *podestà* in Vicenza, presented his report to the Senate and complained of the negative consequences of measures whereby outlaws could redeem themselves by killing other outlaws, and requested the confirmation of an earlier law, dated 1502, which had established that an outlaw, after being once freed, could only be freed from any subsequent sentence of banishment via a judicial pardon. Lastly, the promulgation of the already mentioned *Law of the five cases* in October 1585 had given governors further extraordinary powers in criminal matters¹⁴.

A composite State

- ¹⁴ Venetian administrators found it necessary to mediate between the various councils, legal bodies and informal institution present in both the subject cities and the countryside surrounding them. Because of its peculiar constitutional organisation, the settlement of many matters requiring mediation and negotiation in the Republic of Venice has been interpreted by historians as the outcome of relations between systems of families, and the process of mainland government in particular as a sort of complex dialectic involving local institutions and interest groups, each of them with its own powers and privileges¹⁵. The Venetian mainland state was in fact a complex mosaic of diverse political structures: local grandees, feudal lords, patrician elites, privileged corporations and peasant communities. The coexistence of multiple forms of political organization and the interplay of such a variety of institutions also explains not only the survival but also the usefulness of such apparently irrational social practice as feuds and clientage networks.
- ¹⁵ In practical terms this sort of mosaic of power-handling meant the coexistence of various magistracies and courts of justice, both local and central. In Vicenza crimes were generally judged by the Consulate, whose judges were four lawyers and eight nobles, all from Vicenza, together with the Venetian *podestà* and three other jurists (the *Assessori*) appointed by him. The courts of the two Venetian governors (the *cortepretoria* and the *corteprefettizia*) had criminal competence over fiscal, military and few other types of offences. In some instances the Council of Ten delegated to the city governors extraordinary authority to use the Council's own summary procedure, an authorization that enabled them to override the local statutes and the traditional forms of dispute settlement. In addition the presumed victim (or the accused) could petition the Council of Ten, asking it to judge the case or delegate it to a Venetian court for trial. He could also ask for the intervention of the Venetian *Avogaria*, which was a prestigious magistracy with general responsibility for the correct functioning of judicial activity, and the *intromissione* (procedural interference) of an *Avogadore* determined the temporary interruption of trial proceeding¹⁶.
- ¹⁶ In the second half of the sixteenth century new political actors – among them the rural communities of each province organised into representative and administrative bodies

called *Corpi territoriali* – came to the forefront of the political scene, claiming an active role in the management of local political affairs. Since Venice had a strong interest in weakening the traditional authority of the urban oligarchies, it encouraged this new development in terraferma politics, and this too contributed to causing the crisis in the mainland aristocracy's social role and political legitimacy.

- 17 Venice's elite families and their equivalent ones in the subjected towns, which in the past could be schematically distinguished by the very values that characterised them – merchants descending from the original *Stato da mar* (State of the sea) the former, townsfolk and feudal dwellers, however deeply rooted in the property comprising their district, the latter – were sharing a common ideology, and the same entrepreneurial and often competitive effort; they also viewed their territory in terms of economic investment.
- 18 Yet at the same time, they were separated by the divide resulting from their involvement in the political life of the state as well as by the so-called *separatezza giuridica* (juridical separation), clearly moulded from the *jus commune* then in use in the mainland – of which the University of Padua was one of the most prestigious European schools – and from the Statutes in force in Venice; such separation encouraged to a certain extent some sort of equilibrium in the autonomy between the central powers (composed exclusively of members from Venice's nobility) and the periphery (the elite townsfolk)¹⁷.
- 19 In the second half of the sixteenth-century the spreading of the ownership of private property by Venetians on the mainland was fostered by the progressive liquidation of public debt initiated in 1577¹⁸. This was accompanied by the dramatic crisis in the woollen industry. In 1596 the Venetian captain Giacomo Bradadin lamented a slump in the production of cloth goods in the Vicenza area from approximately 3,000 to 200 rolls of cloth per year, a setback which even the contemporary gains in the booming silk industry could not fully overcome¹⁹. As a result, local elite families would see their patrimonial bases diminished and a subsequent loss in power, while a new social class of *parvenus* emerged, attempting to usurp the formerly privileged classes and upset the social and economic equilibrium established in the early years of the fifteenth-century.
- 20 The political situation of Vicenza deteriorated as a result of the antagonism between two factions of rather vague outlines. Seventeen years ago, an important study attempted to delineate the fundamental characteristics of the two groups: the da Porto family had led the oligarchic faction of the ancient Venetian loyalty, while the group led by the Capra family gathered a collection of both old pro-imperial families and the newer members of the wealthy nobility²⁰. However, the sources attest to the malleability and adaptability of the alliances and pretensions of faith – for example, many among the da Portos served in the imperial army – which accounted for the frequent shifts among members of the opposing factions²¹.
- 21 In 1541 Venice established a one-year vacancy for the offices of the Council of 100 (*Minor Consiglio dei 100*) of Vicenza – the true center of local power – consenting the incorporation of some of the new families. These families, through their loyalty to the Capras, were to gradually shift the established balance of power towards the anti-oligarchic faction. The da Portos perceived the nature and dimensions of these adversarial actions in January 1567 – a year that saw the first manifestation of Ludovico's violence – and even attempted an unrealistic “lockout” of the *Minor Consiglio*. Meanwhile, riots, brawls and murders multiplied exponentially in the form of vendetta feuds, until a “Superintendent for Law

and Order” sent from Venice was able to finally restore order and impose the peace of 1585.

- 22 Merchants, notaries, agrarian capitalists and wealthier townfolk, each belonging to a specific association in their respective power centres – trade corporations, confraternities, professional colleges and territorial boards – would overwhelmingly burst onto the political scene and provoke conflict. Circumventing the hegemony of local law-courts, these protagonists appealed directly to the magistrate of the capital, thus avoiding the control of local oligarchy. Yet, in this case it is necessary to proceed cautiously: very often behind such initiatives the shadow of a probable wheeler-dealer can be seen, as is demonstrated by the example of the denunciation to the *Avogaria* by Iseppo dal Castello, supported by the da Portos.
- 23 The major aristocratic families often reacted by appealing to anachronistic conceptions of honour. For the young generation thrust into public limelight, heavily tied to an education organized around the significance of social rank and station, it was not easy to compromise with the world of peasants, merchants and artisans.
- 24 The younger cadet branch, in particular, often demonstrated an unwillingness to share the leading patriarchs’ attempts to mostly safeguard the family estate. The testaments, full of ancient obsolete clauses such as the strong ties of *fideicommissa* and primogeniture, eventual attempts to boost one’s riches by accepting dowries and women even from merchant families and, lastly, the disinheritance of those descendants convicted of serious crimes, filled many people, who considered themselves victims of these quibbling juridical measures and economic stratagems, with indignation²². The damaged pride and exasperation of the violated often produced exuberant violence that transformed noble feuds into competitions for those spaces of political power remaining to be had²³. But the splits produced by these situations did not exhaust their devastating energy either within the violent factions and the private armies which opposed each other in the streets of the city, or in the abuse of power from a myriad of mercenary armed men roaming around the countryside; the emerging figure of fratricidal war was also looming on the horizon²⁴.
- 25 Such violence certainly was not new, but the aristocracy’s crisis could hardly contain its manifestations of self-destruction. By diverting the most important criminal trials to the tribunals of Venice and, above all, by authorising the use of their own *rito inquisitorio* (inquisitorial rite), the Council of Ten strongly limited the power of the *Consolati* and, with them, the ancient guarantees of compensatory justice.

Pride and Honor

- 26 It was in this particular context and time that the course of the Count Ludovico da Porto’s life unfolded. He was at first a young hero, then a rich landowner, finally an awful criminal. We possess two descriptions of him: the first is given by his proud father Camillo who relates his son’s departure with the Christian fleet, the second comes from his worst enemy, the lawyer Lucillo Cereda, and it was forwarded to the Council of Ten for the purposes of da Porto’s identification and arrest. According to the first description (about 1570), Ludovico is delighted at leaving his palace to go on board in Pesaro. He is a refined, self-reliant, promising young man and he wants to test himself. A servant and two of his best greyhounds accompany him. In May 1586, some months before his death, he is a thin man with dark hair, a nose bent to one side (probably broken), he stammers

and limps and a considerable scar on his face makes him conspicuous. By this time, he is only accompanied by famous brigands. The period between these two descriptions constitutes the crucial phase of his life²⁵.

- 27 The da Porto were appointed knights since 1489 and palatine counts since 1532; several members of the family took up military careers, holding prestigious command positions within the Imperial and Venetian armies. Luigi da Porto, who was captain of light cavalry, fought in Friuli during the War of the League of Cambrai (1509-1516). Crippled by a wound, he devoted himself to literature and history, leaving us the yearning story of *Giulietta* later immortalized by Shakespeare. Francesco, elected general of the *Serenissima* on 25 May 1532, represents the most prestigious military role during the modern age. Others, such as Giovanni of the mid-fifteenth century, and Ludovico's father Camillo, a century later, were very famous and influential jurists. Paolo, a canon of the cathedral and Simone, the Archdeacon, fought long and hard against the bishop of Vicenza to protect their benefices. The importance of the role played by the da Porto's family in the contemporary humanistic debate, which was linked to Catholic reform and later to Calvinistic reform in Vicenza, has been only recently discovered, while the mercantile and industrial context in which they moved is generally only hinted at. For the whole of the fifteenth century and the first decades of the following century, the da Portos were leaders in the production and trading of silk and wool, the two economic activities that made Vicenza one of the most important industrial districts of the *Repubblica*: they ran some shops and, although the important Rialto market in Venice was their main market outlet, as manufacturers and merchants they also reached cities as far as Naples, Rome and Lyons. Equally, they were not unrelated to the other productive sectors which included the glass-blowing industry, the extraction of minerals and the production of paper²⁶. Iseppo, cousin of Ludovico, was the purchaser of a grand Palladian palace in Vicenza, while around 1580 the Castelvechio branch of the family had commissioned Andrea Palladio the incomplete palace in piazza Castello, a surreal architectural paradox which unintentionally reflect the cracks within the solidarity of the house. At the beginning of the sixteenth-century the Da Portos were divided into ten branches, the major of which was that of Leonardo the posthumous – born after his father's death – who was Camillo's father and grandfather of the protagonist of the events we consider²⁷.
- 28 In 1567 Ludovico had forced one of his men to beat the vicar of a bishop. In the successive military battles against the Turks he was probably forced to pay for that episode when the Council of Ten sanctioned a condemnation of three years of confinement in Capodistria. In April 1571 Vicenza had offered 12,000 ducats and two ships to the struggle for the defense of Cyprus which had been attacked by the Turks: the *Torre di Vicenza* (Tower of Vicenza) was captured by Ludovico da Porto while the *Uomo Marino* (Seaman) took orders from Giacomo Trissino. On the morning of 7 October 1571, following a collision with the imposing Turkish flotilla, Giacomo Trissino fell gloriously during the day while Ludovico da Porto survived and attained a reputation of honor²⁸.
- 29 Now a consecrated hero, in 1573 he inherited an enormous fortune, which he could dispose of only to a limited extent due to testamentary clauses existing between father and grandfather²⁹. Ludovico then became the despotic lord of Cresole, a small village near the northern gates of Vicenza. His violent conduct reemerged in 1579 with the well-known murder of a peasant. The murder led first to his imprisonment in the *Torre di Vicenza* (a trick of destiny as Lepanto's battleship and the town prison bore the same name) and then to incarceration in the prison of the Council of The Ten in Venice. After

five years of pre-trial detention, in 1584 he was condemned to twenty-two years of confinement in Retmo, on the island of Crete, and to the confiscation of capital, resources and property³⁰. Having escaped from the ship that would have conducted him to the Aegean island, he immediately returned to Vicenza for revenge. He began to carry out his plan on 21 July 1585 with the assassination of Francesco Cereda, chaplain of the Duomo and parish priest of Cresole. Ludovico planned a brutal and sacrilegious murder: the priest was to be taken by surprise during the celebration of Sunday mass. Da Porto forced all those present to leave the church before savagely attacking him. His body was ravaged by dozens of stabs³¹.

- 30 On 26 July the Council of Ten added to the condemnation of 1584 a reward of 2,000 ducats to whoever would kill him outside the state. Whoever produced proof of murder – which meant displaying the head of the condemned on the public rock of the proclamation – would obtain, in addition to a reward, full liberation for another two convicts; such benefits were equally acknowledged to the accomplices that had participated in the crime of Cresole. Lastly, the closest relatives of the victim were enfeoffed with all of Ludovico's property – including land that had already been auctioned off for 1,000 ducats and despite the *fideicommissa* and other oppositions – in compliance with the provisions set forth by the law of 1578.
- 31 Heading up a strong rank of followers, Ludovico continued his dedication to raids and crimes, sowing terror. His criminal career would conclude tragically with his death in the autumn of 1586, when some of the members of his band, enticed by the thought of the proceeds they would receive, killed him in his sleep, along with four of his accomplices³². One of these was the noble Marco Loschi, whose criminal career had paralleled that of Ludovico. The existential journey which led these men to become ruthless criminals was not dissimilar from the experiences of many during these times. Their fate as victims in the wars among major competing families represented the tragic difference.
- 32 On 14 May 1578, the Council of Ten put an end to the imprisonment served by Muzio da Porto for wounding Guido Capra. One month later the trials of brothers Marco and Nicolò Loschi were forwarded to the *Avogaria*. They were charged with several significant violations. The two brothers, supported by some of their *bravos*, had injured the nobles Nicolò Caldogno and Achille Trissino and assassinated the noble Lelio Banca, *their enemy*, by complete surprise. The petty crimes of which they were accused revealed more about their perverse nature. In an earlier procession of the *Corpus Domini*, these men bullied their way into a group of marching women, touching them in indecent fashion and using heavy and blasphemous language. One innkeeper, whose wife had been raped, was beaten, so he tried to escape by fleeing to a local leper hospital. In addition to being exposed to highly contagious sick people, the man was actively pursued inside the unfortunate huts of the dying³³.
- 33 It appears that the family of Marco and Nicolò were also implicated in the feud: Giulio Trissino and Lelio Banca had testified in favour of Guido Capra in the trial for the injury to Iseppo dal Castello. The strategy of the Loschis on this occasion was typical: at the proclamation convened to charge the prisoners with their crimes, the brother facing the lesser penalty appeared, while the brother charged with the more serious crimes was absent. After having spent four years in pre-trial detention, Nicolò Loschi was condemned for *vitae moribus* to four years of confinement in Candia. Marco and one of his *bravos*, failing to appear in court, were at the time already banned in perpetuity, and their property was confiscated for the advantage of the relatives of Lelio Banca.

- 34 The rivalry with the Bancas apparently led Marco, pursued by outlaws and enemies, to set fire to their palace situated in the village of Noventa on the night between the third and fourth of July 1586. For this last crime, on 2nd August, he was condemned with his *bravo* Francesco Lanza to be banned in perpetuity with a reward of 1,000 lire set on his head. Despite he was noble, if captured he would not be decapitated but shamefully hanged. In that period Ludovico da Porto and his bandits made their way to Grancona, a small village not far from Noventa, to accomplish a criminal act which was supposed to alienate their parents' solidarity: the kidnapping of one of their cousins, Alessandro da Porto, in order to obtain a ransom from their family³⁴.
- 35 Ludovico was becoming an expert, as we shall see, in the art of burning buildings. But he did not participate in the enterprise in Noventa. Only in the middle of August, until the end of their lives, did the path of destiny for these two nobles, apparently so very much alike, meet tragically.
- They were sleeping, said Ludovico Porto, Marco Loschi, Zabarella and Francesco Lanza. Their Veronese colleagues quietly took away their weapons, shot them with the harquebuses and cut off all their heads. These were then sent in a sack to their enemies Godi, Garzadori and Capra³⁵.
- 36 It was October 1586. With the head of Ludovico brought to Venice, the *Procurator* Giacomo Soranzo, former Superintendent of the mainland, would be emancipated from his perpetual confinement in Capodistria. The clamorous trial in which he had been convicted of revealing crucial state secrets would be behind him. A similar thing would happen to another Venetian nobleman, Marc'Antonio Grimani³⁶.

The “ferocity of a hearth”

- 37 The key passages for understanding the career of the hero and bandit Count dominate his existence and, one might say, determine it. The imperial diploma that bestowed the title of Counts to the family in 1532; the testament of his grandfather, the so-called Leonardo the posthumous in 1545; the feud with the Capras; his involvement against the Turks and the battle of Lepanto (1571) which, by rehabilitating him from the condemnation of 1567, had turned him into an icon of military glory of the lineage; the publication of the paternal will (1573); the testament of his uncles Paolo, the canon, published in 1571, and Simone, the archdeacon (1577); the crime of Cresole and the second condemnation (1579)³⁷. The escape from confinement to Crete and the assassination of the Curate, which followed the irredeemable exile of 1585 – but also the *Law of the Five Cases* and the peace with the Capras that made him an outcast – led to a whirlwind of succeeding events in the last years: the exile of January 1586, the kidnapping of cousin Alessandro in August and his tragic death in October³⁸.
- 38 A restless spirit with a violent nature – not considerably different from Marco Loschi and many others – Ludovico represent an exemplary case, if we consider the public and private circumstances that marked his existence in decades full of institutional, social and economic changes. Firmly isolated and entrenched in an inflexible role, he became the paradoxical scapegoat of the feud that brought so much ruin to Vicenza's oligarchic class during those years³⁹. Nevertheless, the event that most significantly characterized Ludovico was his break with his lineage who abandoned him to his fate once they sensed the threat he represented to his patrimony, to the unstable balance of

powers among Vicenza's different social classes, and to Venice's powers which were laboriously being restored. At a given moment, his own family, perhaps more than his declared enemies, was anxiously awaiting his demise.

- 39 At least twice, at the end of August and then again in November 1585, Ludovico violated his exile and penetrated the territory of Vicenza with dozens of his men in order to bring fire and death to its enemies. The first time, after his presence had been signalled, he had to take refuge by crossing the border of the state; of the second occasion, we read the extraordinary account of Garzadori:

... at three hours of the night [meaning three hours after the sunset], he made his way to his house in Cresole, and entered into his courtyard [...]. Ludovico and fourteen other bandits set fire to the house [after there had been an intense exchange of shots]; After a while, the smoke began to suffocate those inside; two of the besieged climbed a window and then took to Vicenza, in their nightshirts, to advise his enemies Godi, Capra, Garzadori [...] Da Porto, seeing he would not be able to do anything and considering how his enemies might join forces with the arm of justice, as the next day approached he set off to escape⁴⁰.

- 40 Blind with rage, his anger did not spare all the confiscated property from destruction, property which the old *fideicommissa* had indissolubly tied to the lineage and that his relatives would certainly try to recover⁴¹. But perhaps what disturbed him most and may have appealed to his most basic sense of self – he, the hero of Lepanto – was his existence as a marginal pawn in the games of ruthless familial strategies; his being used as a belligerent, exalted as a great symbol at one moment, but abandoned to his destiny in the end. On such occasion we have a first clear sign of his self-destructive anger⁴².

- 41 The small villages of Cresole and Vivaro constituted the nucleus of the da Porto title of Counts. They enjoyed immense prestige – possibly greater than their riches – which, nevertheless, had been acquired in recent time. The 512 hectares which they owned in Vivaro were occupied by the family only in 1491, thus they had to be defended with any means necessary. The most prestigious of all these possessions, which included the tower, was bestowed to Camillo thanks to the testament of Leonardo the posthumous in 1545. From Camillo, it was passed on to Ludovico, the only male heir, in 1573⁴³.

- 42 But the division of the resources of Vivaro and Cresole among the three sons of the deceased Leonardo was not consummated without difficulty. In 1554, the *podestà* of Vicenza was compelled to consult three arbiters to settle the disputes among five competing heirs⁴⁴. Of these, Paolo and Simone were the two outstanding personalities in the panorama of the Vicenza's churchlife. Paolo, at a particular moment of his life, had developed a promising diplomatic career⁴⁵. Although rather old, he had waged a serious conflict against the bishop Matteo Priuli in defense of the privileges of the cathedral chapter and above all of the numerous benefits which he enjoyed. The suspension *a divinis* and the excommunication of Paolo – which accompanied the publication of the diocesan synod – marked the beginning of the Tridentine reform in Vicenza. Paolo would therefore be subjected to a humiliating reconciliation and the renunciation of his benefits and privileges⁴⁶.

- 43 Although the reason is still unknown, it is not difficult to imagine that the beating of the vicar of the bishop, on 4 May 1567 is somehow related to these events⁴⁷. The episode had revealed the violent nature of the young man who believed he could ingratiate himself with his uncles, old, rich and of course without a direct line of descendants. The young men must have seen their uncles as men qualified to restore a notable patrimony, largely free of conditions, to the family. Therefore, the nephews waited for the publication of

their secret wills with particular apprehension. But bitter disillusion was to frustrate such expectations. Paolo had died in August 1571 and in his last will, drawn up two years before, he had instituted an arrangement of primogeniture benefiting the descendants of brother Giovanni, but excluding the firstborn Leonardo who, at that time, was taking up his ecclesiastical career, and Ludovico as well. The publication of Simone's will, which occurred in 1577, favored the firstborn male children of Giovanni, while Ludovico was mentioned by his uncle as the last possible heir in a long chain of heirs from Leonardo the posthumous' family branch⁴⁸.

- 44 Maybe the two prelates had imagined that the nature of Ludovico, and the lack of scruples in Leonardo, would produce fateful consequences for the patrimony of the family, as had happened in 1579 when Ludovico, as previously noted, had murdered a peasant from Cresole and Leonardo had pretended to marry a wealthy widow from Venice only to steal her resources. Both would be condemned, among other things, to the confiscation of their wealth⁴⁹.

Strategies to defend social rank (1)

- 45 The man who, in 1545, forged the nearly sacred tie between familial prestige and patrimony was eighty-year-old Leonardo the posthumous⁵⁰. His experience in the city's administration and his exposure to legal culture helped make his will a turning point where the defense of the patrimony was the premise through an eloquent defence of wills and *fideicommissa*:

Aliquando per successiones foeminarum, aliquando per debita et aliis accidentibus facultates alienari et devolvi ... extra familias deffunctorum ... Sapientes existimati ... testamenta et fideicommissa ... constituerent ut sua bona et facultates non solum ad filios, nepotes et pronepotes, et alios ex sua linea dividentes, sed etiam ad agnatos transversales ordine successivo ... integre ... devenirent

- 46 Naturally, the exclusion of women and the establishment of a very strict fidei-commissum over free properties followed; the old jurist did not fail to prohibit every deduction of the Falcidian portion on bequests. Thus, only a number of infinite replacements should remedy the potential demographic disasters that the future generations of the family might experience. In the end, he included another patrimonial tutelage disinheriting the heir who had been condemned to confiscation⁵¹.
- 47 In spite of limitations set by both statute and common law and some jurisprudential adjustments, the document retained a large measure of its original efficacy as a strong legal support to the sanction of the individual will. While the "spiritual will" enjoyed a revival within the Catholic countries during the Counter-Reformation⁵², other wills occasionally were drawn up to change the structure of legitimate succession⁵³; especially after the middle of the sixteenth century, another type of will was to appear, resembling much Leonardo's will a will which was above all political and whose most important purpose was to protect the patrimony and the family prestige. By betraying conventional practice and the laws of succession established by the majority of statutes – which prescribed a joint succession for all male heirs – the institution of primogeniture, which we saw in the wills of Paolo and Simone da Porto, represented the final phase of this process⁵⁴.
- 48 The replacement of the heir, praised by Leonardo in 1545, was more flexible than a formal disinheritance yet more structured than some indefinite recommendation, which helped

control the patrimonies conveyed to descendants. The most important form of replacement was the *fidei-commissum*: on accepting the inheritance, the heir bound himself, at the time of his death, to return the testator's properties to one or more people shown in the will, usually his own male descendants⁵⁵. The necessity of the restitution commanded the preservation of the properties. The *Trebellianica* deduction (legitimate portion), which corresponded to one-quarter of the legal assets, was thus acknowledged to the heir via the *ius commune* and several other statutes⁵⁶.

- 49 The *fidei-commissum* was already common in wills among the nobility during the fifteenth-century. Besides imposing it on their properties, testators often used the *fidei-commissum* to remind heirs about the precedents established by the forefathers. In 1477 Giovanni Francesco da Porto recalled the precedents established by his ancestor Francesco (1404) and by his father Simone (1462)⁵⁷. During the sixteenth-century the institution became more precise and detailed; the less and less commonly used formula, which replaced one heir with another one on the basis of *vulgariter, pupillariter et per fidei-commissum*, was countered by the revealing prose of Leonardo da Porto the posthumous.

Strategies to defend social rank (2)

- 50 After the first confiscation suffered by Ludovico in 1584, his relatives had established a nominee to acquire the resources auctioned off from Rialto⁵⁸. After the murder of the Curate, the Council of Ten annulled the sale and enforced confiscation of the property subject to a *fidei-commissum* provided for by the 1578 law that enfeoffed with the property of the convicted criminals the relatives of the victims⁵⁹. A great many things seemed destined to end up in the hands of the family's enemies – property and estates composed of flat, fertile land, woods, a manor with tower, as well as a number of stables filled with animals⁶⁰. The fears that forty years earlier were originally felt by the patriarch were about to be realized. The lawyer Lucillo Cereda, brother of the priest, had almost immediately gained possession of Ludovico's properties, while he was to face an attempted vendetta in November⁶¹.
- 51 His relatives wasted no time, putting together a defensive front by defending the estate promised as dowry payment in the marriage of Ludovico's sisters: the two brothers-in-law were claiming a total amount of 4,300 ducats to be paid immediately as a compensation for the dowries. The requests of repayment presented to the *Avogaria* from those claiming the confiscated patrimony⁶² – the so-called *contraddizioni* (contradictions) – were about fifty and amounted to approximately 10,000 ducats⁶³. On May 29 and June 14, the requests of the brothers-in-law were accepted, although Ludovico was still terrorizing the surroundings of Vicenza⁶⁴. Only after his death would his relatives – as direct successors – be able to reclaim the rights relevant to the *fideicommissa* and attempt to salvage their parts of the patrimony.
- 52 Nevertheless, the astuteness of Lucillo Cereda, which can be easily explained through a powerful influence of the Capras upon him, allowed him to pursue the da Portos with the *fideicommissa* of his ancestors. Following the legislation on confiscation, the *fidei-commissum* could undermine the survival of the bandits' families because of a dangerous contradiction existing in the *fidei-commissum* itself. If no bonds or ties existed, only the capital and properties of the outlaw at the moment of his crime – or the legitimate portion if the child was still depending on his father – would be subject to confiscation. With the 1578 law, expropriations of wider, broader proportions became possible. Whoever was

invested with a feud was equally intended to take on *loco haeredis* all the rights of the confiscated; besides that, the fidei-commissum might have left other rights dormant knowing that sooner or later they would reemerge to benefit in the situation. If, for example, a collateral branch was bereft of male descendants, the extraneous, the enemy – and it was exactly within this type of case that the actions of Lucillo Cereda fell – would have been able to claim the share of property subject to the fidei-commissum which would normally be judged as due to the bandit, thus striking the collateral branches.

- 53 The exceptional measures regarding confiscation therefore risked producing the opposite effects of those intended by the legislators. The political instability they hoped to combat could be amplified by such action and those who faced the problem of patrimonial guardianship, particularly after the measures of 1578, were well aware of this consideration. Therefore, a further warning to the new generations may have been necessary focusing on the one hand on the inflexible authority they might face and, on the other, on a new measure which represented a further legal trench against confiscation: the disinheritance of the bandits⁶⁵.
- 54 The sentence of the *Avogaria* of 13 October 1588, favorable to Cereda, was contradicted by the Council of Ten who, on 20 February 1589, reached a conclusive sentence according to which those who represented the victim were not to be considered as heirs of the property subject to a fidei-commissum.
- 55 The exemplary case I have examined can be seen as a manoeuvre of adjustment from the Venetian authorities. The contradictory decisions taken by the two courts involved in these questions, the Council of Ten and the *Avogaria*, lead us to believe that the problems confronted by these bodies were not readily solvable by routine solution.
- 56 The da Portos, therefore, began to prepare a counteroffensive examination in the hopes of reclaiming at least part of the familial patrimony that had ended in the hands of Lucillo. The announced results were comforting: a note regarding properties and resources once owned by Ludovico, but later possessed by Lucillo Cereda, declared them to be worth 11,000 ducats. Once the *fideicommissa* were deducted – an issue upon which new legal battles had been enacted – the adversary would be entitled to resources which were worth only 2,000 ducats.
- 57 Meanwhile, the clash spread to wider fronts. The obstinacy with which Cereda protected his acquired rights induced the da Portos to cause further troubles. In 1608 Lucillo reported suffering from endless persecutions. The farmers from Cresole hated Lucillo because he had cultivated some fields that were previously used for unlawful pasturage. When Lucillo refused to build a bridge, the farmers cut down four hundred oaks, a protected arboreal species used for the construction of the fleet, so he found himself charged by the judging magistrate of the Venetian arsenal. Lucillo certainly knew the protections which induced them to act so recklessly.
- 58 In 1616, his only child Lelio was officially invested with the fief of Vivaro⁶⁶. Lucillo was short-lived, yet everything went wrong for the bandit's relatives. The last event, which would have marked the beginning of the da Portos' counterattack, had not yet been written. The wait would last eighteen years, and a new generation was to enter the lists during the interim.
- 59 Once obtained the *pronuncia a legge* – ratification of legal validity attributed to a deed according to its use in a lawsuit – of the *fideicommissa* instituted by Simone in 1404 and by Leonardo the posthumous in 1545, Simone and Paolo, sons and heirs of Iseppo, set out to

advance their interests in February 1634. Together with Girolamo, son of Francesco da Porto, Simone and Paolo summoned Arpalice daughter of Lucillo Cereda to release the Vivaro's assets within eight days. Lelio had obviously died without any male son. Thus, the line of the anomalous progeny of the Ceredas was embodied in the mechanism of the ascending and trasversal *fideicommissa* of the da Porto family. Nearly half a century earlier Lucillo had attempted such self-serving expedience without success.

- 60 The resistance of Arpalice was to be useless. At an initial sentence dated 17 September, 1635, the feudal investiture was revoked. Then a series of defeats would follow; in the end, a refund for the improvements on the lands funded by her father failed to gain recognition. With the final documents of 1640, the *podestà* of Vicenza ordered the seizure of two hundred fields which, until that time, had been illegally occupied by the woman⁶⁷. The recovery of the resources confiscated from Ludovico had forced three generations of his relatives into a long battle that consumed fifty-five years before ending in victory.

Conclusion

- 61 The examined strategy in defense of patrimony was successful and succeeded in containing the damages involved with confiscation. The role played by the Republic accounts for a number of variables which, though not always evident, resulted from the internal dialectic within Venice's ruling class.
- 62 During the eighties of the sixteenth-century, increased political weight achieved by the so called *youngs*⁶⁸ evoked, at least implicitly, that ancient notion of family that enjoyed great fortune in the earliest stages of expansion of the Republic. An idea founded upon the risks and the potential connected with the accumulation of the resources and on the division of the portions of inheritance that ignored the *fideicommissa* and encouraged individual enterprises. Furthermore, the separation of legal powers between Venice and the mainland seemed to fall in line with the increasing, and apparently irreversible, centralization of power into the legislative organs and judicial institutions controlled by the Dominant⁶⁹. These developments may have encouraged the criminal legislation that the opposite family pattern – based upon the conservation of landed property and promoting rivalry and disorder – intended to strike with force.
- 63 However, the lineage was quickly perceived as a fundamental prerequisite for the survival of the state, being the base of oligarchic power and its relative stability. The *fideicommissa* were strongly respected within the Republic of Venice⁷⁰. In 1786, Goethe was surprised at how the *fideicommissa*

Enjoy great favor in the Venetian state; a property which was once countermarked in such a way, may be conserved in perpetuity and, although the property has passed through many hands, by discussing the controversy before the judges the descendants of the original family are always in the right and in the end the resources must be expropriated to their advantage⁷¹.

- 64 In this context, the law of 1578 struck the future heir when it was not able to strike the property holder, but, as a matter of fact, it only marginally touched the *fidei-commissum*.
- 65 What, then, had made the law of confiscations a decisive passage in the criminal politics of the *Serenissima*? The answer emerges with great evidence in the case of Ludovico da Porto: the enfeoffing of the confiscated property to the victims' relatives deals with the abolition of the discretionary spaces of negotiation that allowed the culprits to obtain an onerous pardon from the family of the plaintiff; on the other. If this allowed us to affirm

that by acting in such a way the central power annulled the effects of the compensatory mechanisms of the feud, we should also add that a similar measure made it more difficult to retrieve the confiscated goods. The lineages were very likely to be deprived of the symbolic connotation that described them, and their political prestige would therefore be belittled.

- 66 We must then consider the possibility that threats directed against the *fideicommissa* appear as a space for political negotiation; a space still available in the dialogue between the various players. The judge, the verdict, the guilty, were single and isolated elements, but the consequences of the verdicts, which fell back on the parental groups, marked the institution as being a fundamental ring of conjunction between the vindicatory system and the inquisitorial one. If the original political legitimacy had progressively been lost, now one could, by appealing perhaps to the services rendered, invoke the protection of the central power; in 1588 the da Portos obtained immediate satisfaction after having humiliated themselves and implored for the cancellation of the Avogarescan verdict destroying their patrimony⁷².
- 67 What else, finally, of the disinheritance clause of the bandit-heir that Leonardo da Porto the posthumous had inserted in his last act of will and testament? In the period considered in this essay, the clause was originally diffused in noble testaments often marked by a certain legal awareness, supportive of the *fideicommissa*, but also protective of the free portions of the inheritance⁷³. On the contrary, nowhere in the contradictions introduced in Venice in the confiscation suffered by Ludovico, the clause was invoked; thus, we may infer that the very same people were perfectly aware of its legal inefficiency. It would be necessary to verify such a thing more distinctly, but it may be that, in Vicenza's civil courts of first instance – where actions on *fideicommissa* were immediately conveyed, and where members of the aristocracy were seated to judge – there existed some sort of awareness of the existence of ineffective clauses. We may also imagine that the relatives of the victims did not always have the strength and resources to appeal to Venice. They might also not care. A local judgement implicitly reestablished the compensatory logic for which the fideicommissary trustee, reuniting in himself the dual nature of heir and descendant of whom the properties had been confiscated, had on one side the right to the restitution of the assets but, on the other, he was held responsible for reimbursing the price⁷⁴. Thus the “clause”, which implicitly strengthened the callback expressed from the fidei-commissum to the traditional ideological values that supported the lineage, assumed in itself a certain character of consolidation: in other words, the “clause” consolidated a building from the inside, while the fidei-commissum had the task of safeguarding that building from the outside.
- 68 Leonardo da Porto the posthumous was a man of solid experience in worldly matters and a man who understood the secrets of power. With far-seeing insight, in 1545 he had been able to anticipate the fate of his lineage as a complex obstacle course. The cautious attitude of the old patriarch often seemed to fall apart under adverse fate. But nearly a century after that exemplary testament, which protected the family patrimony thanks to a fidei-commissum and a defensive clause, and despite Ludovico's and some other descendants' condemnations⁷⁵, the strategy that had been enacted proved to be unassailable and the enterprises of bandit Ludovico da Porto could be forgotten. In contrast, the short biography that Giacomo Marzari dedicated in 1591 to the hero of Lepanto in his *History of Vicenza* stood as a reminder against the wear and tear of memory and generations:

Ludovico Da Porto, son of legal advisor Camillo, [...] is second to nobody in valor, having commanded a galley built for Her Serenity for the many occurrences of the memorable war against the Turks, and especially in the battle day of the Curzolari [Lepanto], which was proof of his great courage and of the ferocity of his heart⁷⁶.

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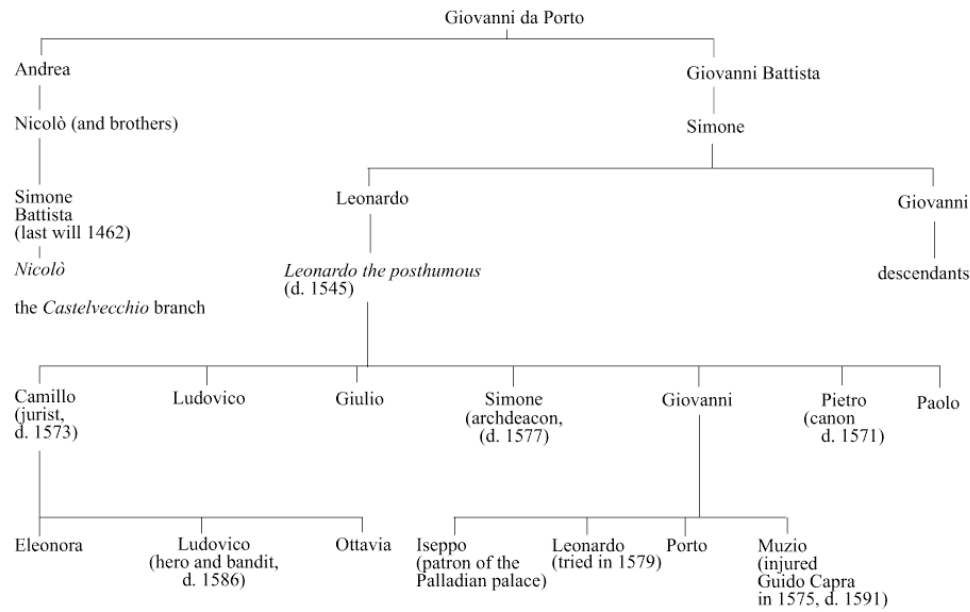
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APPENDIXES

Appendix I: Da Porto genealogy

Da Porto genealogy



[The names of the founders of the branches are in italics; for the complete genealogy see Da Porto (1979)].

Appendix 2: Chronology

1404, April 25	Vicenza voluntarily enters the Venetian State
1532, December 12	The da Portos become counts palatine.
1541, June 12	Venice imposes the first reform of Vicenza's Council of 100.
1545, October 12	Death of Leonardo the posthumous da Porto.
1560, December 16	The Council of Ten authorises the killing of anyone caught while committing flagrant crime.
1567, January	The da Portos attempt a lockout of the Council of 100.
1567, January 4	The priests Simone and Paolo da Porto are suspended <i>a divinis</i> by the bishop of Vicenza.
1567, March 23	After he renounces his benefices, Paolo da Porto's excommunication is revoked.
1567, May 4	Ludovico da Porto forces one of his men to beat the vicar of the bishop of Vicenza.
1567, October 2	The Council of Ten exiles Ludovico to Capodistria.
1569, December 31	Last will of Paolo da Porto, the canon (published at his death in 1571).

1570, August 16	Last will of Camillo da Porto, father of Ludovico (published in 1573).
1571, October 7	Ludovico da Porto captains a ship in the battle of Lepanto.
1572, April 19	Hired assassins try to kill Iseppo dal Castello.
1573, February 15	Death of Camillo da Porto; Ludovico becomes tyrant of Cresole.
1575, August 12	Muzio da Porto wounds Guido Capra; he is imprisoned in Venice.
1577, September 9	Last will of Simone da Porto, the archdeacon (published a few days later).
1578, May 14	The Council of Ten puts an end to the imprisonment of Muzio da Porto.
1578, September 26	The Council of Ten promulgates the law against bandits' <i>fideicommissa</i> .
1579, November 7	Ludovico da Porto kills a peasant in Cresole. He is imprisoned first in Vicenza, then in Venice.
1580, May 20	The Venetian Senate assigns extraordinary criminal powers to the mainland governors.
1584, April 27	Ludovico da Porto is condemned to twenty-two years' exile in Crete and to the confiscation of his free property.
1585, April 3	Peace between the Capras and da Portos.
1585, July 21	Ludovico da Porto escapes from jail and kills Francesco Cereda, parish priest of Cresole.
1585, July 26	Sentence of the Council of Ten against Ludovico da Porto. Following the provisions of the September 1578 law, confiscation extends to his <i>fideicommissa</i> .
1585, October 26	<i>Law of the Five Cases</i> .
1585, November 4	Francesco da Porto and Odorico Capra defend Vicenza's interests against the <i>Law of the Five Cases</i> .
1586, October 21	The decapitated head of Ludovico is displayed in Vicenza and Venice.
1588, October 13	The Venetian court of <i>Avogaria</i> sentences in favour of Lucillo Cereda's right to Ludovico's <i>fideicommissa</i> . The da Porto patrimony is threatened.
1589, February 20	The Council of Ten sentences that those who represent the victim must not be considered heirs to the <i>fideicommissa</i> .
1616, November 23	Lelio Cereda, son of Lucillo, is officially invested with the fief of Vivaro.
1635, September 17	The 1616 feudal investiture is revoked.

1637, August 13	The <i>Avogaria</i> sentences that Arpalice Cereda, daughter of Lucillo, must return the confiscated estate to the da Porto.
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Archives, Sources, Abbreviations

Archivio di Stato, Venice	ASVE	
<i>Consiglio dei Dieci,</i>	<i>Criminali</i>	CXCr
	<i>Comuni</i>	CXCo
<i>Avogaria di Comun,</i>	<i>Miscellanea penale</i>	ACP
	<i>Miscellanea civile</i>	ACC
Archivio di Stato, Vicenza	ASVI	
<i>Archivio Da Porto,</i>	<i>Processi</i>	APP
	<i>Instrumenti</i>	API
<i>Notarile</i>		N
<i>Collegio dei Notai</i>		CN
Biblioteca Bertoliana, Vicenza	BBVI	
	<i>Archivio Torre</i>	AT
	Manuscripts	Ms
case = b., register = reg.; <i>recto</i> = r, <i>verso</i> = v.		

NOTES

1. Venetians sometimes called them *concessiones*, meaning that the state could revoke or override them at will. On the historiography of myth and countermyth see Povoło (2000, p. 491 ff.) and the editors' introduction in Martin, Romano (2000, pp. 2-5); see also Grubb (1988, pp. x-xi, 10-13).
2. (Stone 1965, pp. 746-752, quotation p. 750).
3. In the last twenty years studies on the Administration of Justice in the Venetian Republic have produced a great number of papers, starting mainly with the works of Gaetano Cozzi and Claudio Povoło and the congress on Venice in 1983: Ortalli(1986). Povoło has framed the arguments best, providing the most complex and suggestive points; Povoło (1997); a good summary and synthesis of the present state of the research are given by Chiodi (1999, 2004).

4. Ironically, the Ludovico da Porto asked them why they had not already eliminated the murderer of their father. Ottaviano Capra supposedly answered: *Do you want us to challenge the sky? In six months we have made two attempts to murder him, yet neither has killed him. But we will follow him and he will not escape.* ASVE, ACP, b. 4372, p. 85v. Count Alfonso da Porto was later invited to join Guido Capra and his braves to take part in the public assassination of Bortolo's uncle and accomplice Iseppo dal Castello at a peasant feast. Iseppo, warned, obviously avoided attending the feast. Guido, furious and humiliated, challengingly watched Bernardino Toaldo and his son Camillo for a considerable time, weapons in hand, knowing that Iseppo was protected by these two men. In the peace of 1585, the Toaldos were listed among the "friends" of the da Portos. *Ibidem*, pp. 90r-91r.

5. On 1575-28.8 the Council of Ten had ordered the governors of Vicenza to immediately send to the capital the case developed some days before involving Guido Capra, Muzio da Porto and their allies. ASVE, CXCr, Reg. 12, p. 105r-107r. The trial for the injury of Iseppo is essential to retrace several aspects of the feud and is conserved in ASVE, ACP, b. 4372. Quotations to be found in p.2r, 2v, 96r.

6. The repressive measures of justice in the Venetian Republic are summarized in English by Laven (1994, pp. 223-230).

7. The peace can be read in ASVI, APP, b. 19/293, p. 17. The nomination of the ambassadors to Venice is in BBVI, AT, b. 865, p. 496 r. v. The inventory of the goods confiscated from Ludovico is in ASVI, APP, B. 19/293, pp. 91-109. The evaluation of the goods is in ASVI, APP, b. 18/282 p. 3. On the 1585 peace see Zamperetti (1984, p. 110). For the *Law of the Five Cases*, and more in general the chronology of the legislative measures in criminal matters adopted in Venice, Povolo (1986 pp. 28-51). By this time, the Consulate was the last bulwark of the Vicenza's aristocracy political power. Povolo (1997).

8. On the feud and revenge see Sbriccoli (2002, pp. 164-167).

9. Hobsbawn (1971, p. 60). On the peaces in the Republic of Venice see Marcarelli (2004).

10. ASVE, CXCr. b. 19, 1579-11.11. Appeal of Pellegrina Bonzoloto. Written by an able lawyer, probably belonging to the faction of the Capras, the document is the result of a legal rhetoric depicting the culprit mainly as an enemy of the state. In it, the murder seems to be the apex of a chain of crimes, among which the most emphatic one is the usurpation of sovereignty. Ludovico imposes *corvéés* to the peasants; he wants his braves to deliver corporal punishment publicly; he injures the religious men even on the altar, he violates the female countrywomen, beating with sticks the relatives who dare to oppose him. The rural communities' senior members do not denounce him even though they should, and nobody dares to testify against him out of fear for their lives. The brother of the female beggar and orphan was murdered for defending her honor against the Count's attempts of sexual harassment. Even the community of Orgiano, who had suffered for years under various repressions, appealed to the Council of Ten in August 1605 when Paolo Orgiano insulted the honor of a fatherless young woman. Povolo (1988, 1991b, 1993, 1997, 2003). On feminine honor Povolo (1997, pp. 356-362); Lavarda (2002, pp. 69-81).

11. The *fidei-commissum* was a testamentary provision whereby a testator bound his heir to transfer part of the estate, often the whole patrimony, to a stated person or persons, usually identified as the male descendants. This prevented the heir from disposing freely of the estate except for the *legittima*, a portions of at least 25% of the testator's patrimony, (the so-called *Trebellianica* and *Falcidia*). Benoit (1544, II pp. 18v ff), Trifone (1961, pp. 192 ff). For institutional and economic circumstances in which the *fidei-commissum* functioned see Cooper (1976, pp. 230 ff).

12. Priori (1622, pp. 70-71). In Tuscany, as of 1548, all the allodial and feudal goods were confiscated from the culprits at the moment of the crime; the hereditary rights and all the property subsequently acquired – even the dowries of the wives that did not have sons – were also sequestrated. The ascending confiscation was not new; it was included in the statutes of

Padua in 1313, of Modena in 1327, and Lucca in 1539. Pertile (1966, V, pp. 236, 237). On the chronology of the legislative measures, see Povolo (1986, p. 26), Tagliaferri (1976, p. 101). The correspondence between richness and virtue is underlined also by Puppi (1973, pp. 18-19); Maravall (1984); Casey (1991, pp. 124-145). Povolo (1997, p. 265).

13. Basaglia (1986); Laven (1994); Povolo (2004, p. 84).

14. Povolo (1986), pp. 48-49. Lippomano's report can be read in Tagliaferri (1976, p. 63).

15. Borrelli (1981); Ventura (1984); Grubb (1988); Fasano Guarini (1994); Viggiano (1999).

16. The actual trial documents are almost all lost. Part of the court records relating to criminal justice, and the series of registers of the sentences (*raspe*) of both the Vicenza Consulate and the Council of Ten are available. The criminal archives of the *Avogaria* contain a great number of complete trials. The Vicentine records are in BBVI, the others in ASVE.

17. On the concept of juridical separation see Povolo (1994, 1997, pp. 103-107).

18. Beltrami (1961), Zannini (1999, pp. 473-502).

19. Demo (2001, p. 305).

20. Zamperetti (1989, p. 105).

21. Panciera (1985, p. 1077). On the same difficult definition of the factions within the Friuli region in the first decades of the 16th Century see Bianco (1994, pp. 255-256).

22. Povolo (1997), Lavarda (2001, 2004).

23. Zamperetti (1989, pp. 101-103, 110).

24. Povolo (1992-1993, p. 90). In 1604 a peace imposed by the Captain Francesco Contarini documents the attempt to clean up the feud between two different branches of the Valmaranas, for whom other old members of the family went bail. ASVI, N, b. 912, 1604-13.9. The internal feud of the Piovene and Trissino families are recalled by Povolo (1997, p. 281). For the strong internal divisions in a different branch of the Da Portos see Lavarda (2001).

25. ASVI, APP, 72/1241; ASVE, CXCm, b. 162, 1586-28.5 Giacomo Mazari, in 1591, published a story of the town whose second book is dedicated to the celebration of the virtues of the principal citizens. Only two citations for the Capras exist as compared to the nineteen citations of the adversarial family; this helps us understand the political orientations of the author. One eulogistic portrait, which deletes the murders but does not succeed in hiding his violent attitude, is also dedicated to Ludovico, Marzari (1591, p. 210).

26. Demo (2001a, pp. 227-228, 2001b, 2003). For the paper-mill see Panciera (1985, pp. 1071-1079). Thus far, owing to a shortage of work on the subject, we are not able to fully consider whether the crisis of Vicenza's main trade, which surely effected the Da Portos and the Capras, played a major role in the feud among the two families. The work undertaken by Edoardo Demo in this area might quickly open new, interesting prospects for analysis.

27. On Luigi Da Porto: Pozza (1973); Marzari (1591, II, p. 158); Pagliarino (1663, VI, p. 260). Da Porto (1979). For the Francesco career see Hale (1990, pp. 93-94). The remarkable military function of the da Porto was underlined by Pezzolo (1984 p. 84, 1989, pp. 125-128, 1990, pp. 125-127); Zamperetti (1989, pp. 99, 101, 110n); Mantese (1964, pp. 195-197, 207-212, 1974, pp. 92-96); Olivieri (1992, pp. 17-18, 26-37); Panciera (1985).

28. Castellini (1822, pp. 102-103); Contarini (1572, pp. 6v, 37c, 39r). In reconstructing the biographies of the principle members of the da Porto family, a 19th century genealogist observed, "I don't understand how all the [genealogical studies] I have seen forgot this glorious deed". BBVI, Ms. 3395 p. 405. Obviously, the annulment of the infamous act had led to the annulment of the glory.

29. ASVI, N. b. 7320, 1570-16.8. The will of Camillo will be published at his death on 1573-15.2.

30. ASVI, APP, b. 18/282, c 8; b. 18/281, p. 1.

31. BBVI, Ms. 2852, p. 121.

32. ASVI, APP, b. 19/299. BBVI Ms. 2852 (p. 12-15; 80, 97, 106). Da Porto (1979, pp. 177-180). Povolo (1997, pp. 184-185, 291, 296-297, 327). The refugee would not have been able to success-

fully resist for a period of several months without the assistance of his relatives. He found other alliances, not always willingly offered, in the rural population where his family owned goods. For similar considerations about the refugees from Lucca of the failing lineage of Poggi, see Berengo (1965, p. 102).

33. ASVE, CXCr. b. 19, 1578-26.6; reg. 12, p. 181r, 1578-4.7.

34. ASVE, CXCO, b. 165, 1586-2.8. BBVI, Ms 2852, p. 14.

35. BBVI, Ms 2852, p. 15.

36. The sentence of condemnation of Soranzo can be found in ASVE, CXCr., b 21, 1584-23.7. The liberation of the two in CXCo. b. 165, 1586-15.12, 1586-18.12.

37. In 1579 his cousin Leonardo, son of Giovanni was also condemned. In both the proceedings the figure of Lucillo Cereda, brother of the priest killed by Ludovico, emerges directly. He was an attorney-at-law in Venice, who belonged to the faction of the Capras and in all probability wrote the formal request of the sister of Ludovico's victim and in the most critical moments of the *Avogaria's* trial also defended the widow morally subjugated by Leonardo. The Capras managed to stop the Da Portos from proposing their candidate for the curacy of Cresole, proposing instead the establishment of Francesco Cereda in the church. These acts infuriated Ludovico. On Leonardo's trial see Faggion (1998b, 2003).

38. ASVI, APP, b. 19/293, p. 26, 1586-30.1: sentence of the Venetian governors for the arsons in Cresole and the raids, violence and murders in the territory of Vicenza.

39. The system of revenge and the honor tied to courage and vendetta could be maintained at the expense of the ethic of gallantry and of the politicized ideology which the nobles had to adopt and internalize at that time. On feud, revenge, vendetta, negotiated justice and hegemony, see: Sbriccoli (2002, pp. 164 ff.). For similar aspects related the Venetian Friuli, see Bianco (2003, p. 63).

40. BBVI, Ms. 2852, p. 14. It is worth noting that the author is a member of the Garzadori family, which was hostile to the da Portos.

41. On the symbolic value of the territorial goods, a condition for social ascension and ennobling, see Bianco (2003, p. 54).

42. The inexorable fury, the blind violence, the carnivalish perception of flesh and blood, even outside the context of carnival, go beyond any attempt to supply any rational explanation, as Muir affirms in very convincing fashion: Muir (1993, p. 194 and thereafter).

43. Vivaro, situated in a fertile area rich in water, was the first village mentioned in the imperial diploma (1532) granting them the title of Counts. ASVI, API, b. XL VIII/2369.

44. ASVI, APP, b. 19/23, p. 76; Panciera (1985, p. 1075).

45. Marzari (1591, II p. 165). A great negotiator of state affairs, whom Henry II several times benefited from as an orator in Rome and Venice. He was in charge of the Cardinals in the conclaves the provided for the election of Popes Giulio III and Paolo IV, of which he was also a secret referendary; he was elected bishop by the chapter-house on the death of Cardinal Ridolfi (1551); forced to renounce to the office, he received a great number of benefits in Gascony and Provence.

46. In March 1567: Mantese (1974, pp. 92-106). Celebrated in 1566, the synod underlined the discipline of the clergy and particularly attacked the pluralists: Priuli (1567); on the Vicenza's synods after the Council of Trent, Fanton (1941); Lavarda (1998, pp. 89-97).

47. Copies of the sentence of 1567-21.9 are in ASVI, APP, b. 18/282, p. 8r.

48. ASVI, APP, b. 19/292; Panciera (1985, p. 1076); Povolo (1997, p. 316); da Porto (1979, pp. 169-170, 174-175).

49. Da Porto (1979, pp. 192-194); Povolo, (1997, pp. 280-281), Faggion (1998b, 2003). Leonardo was also accused of attempting to poison two *mezzani* intermediaries.

50. He is a very important person within the political and cultural panorama of Vicenza. Ambassador, humanist, famous jurist, he was also called “the Numismatic”, after publishing an important treatise on ancient coins. Calvi (1775, III, pp. 210-228). Da Porto (1979, pp. 160-165).
51. A late copy of the document in ASVI, APP, b. 19/292, 1545-12.10.
52. Besta (1961, pp. 119-120); Trexler (1992, p. 261); Chiffolleau (1980, p. 68); Bigaglia (1689, p. 57). On 1605-26.3 a legal measure that prohibited the donation of properties to religious entities was enlarged to include all the State and this was the principal cause of the Interdict. Cfr. Cozzi (1992, pp. 87 ff.); Benzoni (1973, pp. 68-69). Bigaglia (1689, p. 108); Lavarda (1998, pp. 31-32).
53. Besta (1961, pp. 163-166). Venetian Statutes provided the possibility for fathers to disinherit ungrateful sons, but only in grave cases, for example if they attempted to take the lives of parents. Lorenzoni (1785, I/2, p. 97). There were 14 causes of disinheritance in the *jus commune*, each of which were to be reported in the will. Rolandino (1588, p. 207 r., v).
54. Vismara (1975, pp. 48-49); Cooper (1976); Povo (1991a). In sixteenth century Venice the practice was unknown, but there existed a custom among unmarried brothers to leave their properties to the married. Davis (1981, p. 125).
55. Benoit (1544, II, p. 18 v.- 84 r). Trifone (1961); Caravale (1968). Arangio Ruiz (1957, pp. 573-576).
56. Trifone (1961, p. 194); Voci (1975, p. 107). In other texts this is also called *falcidia*: Caravale (1968, p. 111).
57. ASVI, APP, b. 60 B, p. 9,10,11. Examples of noble fidei-commissums in the second half of the thirteenth century are reported in Cooper (1976, pp. 280-281).
58. ASVI, APP, b. 18/282, p. 18. The goods were awarded for 1.000 ducats to Luca Foligno who openly acted for the two brothers-in-law of the bandit.
59. ASVI, APP, b. 19/293, p. 25.
60. ASVI, APP, b. 18/282, b. 19/293, p. 76.
61. The verbal record of the sequestering of Ludovico’s goods is dated 1585-28.6: ASVI, APP, b. 19/293, p. 91, 107.
62. For many tried to usurp *both with credits or with false pretenses* the confiscated goods, it was allowed only one month from the publication of sentence to present the contradictions. The counterfeiters would be condemned to payment of the sums claimed and to perpetual banishment: Priori (1622, p. 71).
63. ASVI, APP, b. 19/293, p. 13, 1585-17.3; b. 18/282, p. 3. ASVE, ACC, b. 3970, 4035.
64. ASVI, APP, b. 19/293, p. 29, 33.
65. For the insurgence of such caution see Lavarda (2004).
66. ASVI, APP, b. 18/282, pp. 3 ff, 15, 24.
67. ASVI, APP, b. 19/281, pp. 15-29, 32-78; b. 64/1130, pp. 37-48.
68. Benzoni (1973, pp. 50-55).
69. Povo (1994, pp. 207-221); Chiodi (1999, p. 39).
70. On the progressive adaptation of Venice’s law to the transformation of the Venetian family, with a growing attention to dowries and succession which manifested the shift from the mercantile to the aristocratic landowners ideals, see Cozzi (1982, p. 332). The process has been analyzed also in Davis (1981). Additionally see Garino (1985, pp. 357-358); Cooper (1976, p. 276).
71. Goethe (1948, pp. 82 ff). In 1775 a law was still subordinating the aggregation to the patriciate of forty noble mainland families to the institution of a fidei-commissum of at least 10 000 ducats: Gullino (1984, pp. 17, 24). During the Sixteenth and Seventeenth centuries the institution appreciated its major fortune: Trifone (1961), p. 199; Caravale (1968, pp. 112-113); Besta (1961, pp. 171-175).
72. *Judicial institutions such as the fidei-commissum or the primogeniture, to be effectively applied, requested a strong political legitimacy from the outset or the tacit protection from the central powers* Povo (1992-1993, p. 97).

73. All the most important families of the city were well represented in the prestigious college of judges: Faggion (1998). For the judicial attitude during the same period review my Lavarda (2004).

74. Micheli (1784, p. 168); Pertile (1966, IV, p. 158).

75. Lavarda (2004).

76. Marzari (1591, p. 210).

ABSTRACTS

In the later sixteenth century the Venetian state suffered from widespread criminal violence. Government set harsher penalties and in 1578 even authorized confiscating condemned criminals' fideicommissa, assigning their property to murder victims' relatives. Outlaws' families therefore had to use subtle legal defence, since this law affected their wealth but also their honour and feuding's compensatory mechanisms.

Count Ludovico da Porto, bandit and hero, symbolizes the power struggle among Vicenza's main noble families; his experience and the confiscation of his property exemplify Venetian action to control the turbulent mainland state, proving the long-term efficacy of the exceptional measures taken.

Pendant la deuxième moitié du XVI^e siècle, la République de Venise était bouleversée par une violence généralisée. En 1578, après quelques lois qui aggravaient les peines, l'État parvint à confisquer les fidéicommiss des coupables, assignant leurs biens aux familles des victimes.

Les maisons des nobles malfaiteurs eurent recours alors aux défenses légales les plus subtiles, car cette loi frappait leurs richesses aussi bien que leur honneur et les mécanismes de compensation du droit de vengeance.

Le comte Ludovico da Porto, héros et bandit, symbolise le conflit parmi les familles de la haute noblesse à Vicence. Ses vicissitudes et l'histoire de son patrimoine confisqué mettent en lumière l'efficacité dans le temps des mesures extraordinaires adoptées par la Serenissima et son rôle de contrôle sur les périphéries agitées.

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