

“Et nullus audeat ponere duas personas supra equum vel equam”

The Italian Commune and the Commercial Rental of Horses and Pack Animals in the 13th and 14th Centuries

Abstract

Hiring horses and mules for a fee was a common practice in the Italian communes. This is at least suggested by the numerous statutory norms on this subject that have survived from the 13th and 14th centuries. A random review of the statutes shows that hardly any of the larger municipalities refrained from regulating horse rental. In the relevant chapters, the communes laid down fee scales, regulated the procedure in the event of damage and standardised the handling of the rented animal and any accessories in detail. Many statutes also testify to a great need for control over the horses available for hire: the animals or their owners were registered, groups of people were excluded, or individuals were legally obliged to offer horses for rent. The reason for the remarkable legislative interest in this sector is probably due to the high demand for horse renting from the local authorities themselves. This can be verified by non-normative sources, which are used to analyse the implementation of the statutory regulations. They confirm what the statutory norms already suggested: rental horses were a significant factor in the Italian commune’s ability to act from both a political and economic viewpoint.

1 Introduction

In the illustrated chronicle commissioned by Archbishop Baldwin of Luxembourg, it is purported that, when his brother, Roman-German king Henry VII, crossed the Alps in October 1310 with the aim of reaching Italy, he did so on horseback. Horses play an altogether prominent part in the Trier manuscript’s depiction of Henry’s Italian campaign: 46 out of a total of 73 tableaux portray horses as mounts or pack animals, in battle or in

tournaments.¹ The significance of horses and other equines in the logistics of his Italian expedition is also evidenced by the surviving financial records kept at Henry VII's court between December 1310 and March 1313: a great number of entries deal with expenses related to horses and pack animals. They document compensations for the losses of horses and mules, reimbursements for their care, medical treatment, transfer, and their use for the transport of equipment. Henry VII's Italian entourage frequently purchased horses and beasts of burden, but occasionally also rented them.² Where, from whom, at which conditions did the royal and later imperial entourage rent these animals if required? Did pre-existing structures in the Italian cities of the early 14th century provide an opportunity for the rental of horses and mules without reliance on local networks, or did individual negotiations on a case-by-case basis enable the temporary acquisition of these much-needed animals by Henry's retinue and servants? These questions stood at the beginning of the following considerations yet could not be answered through Henry VII's financial records any more than through other documents and administrative writings from the court of the first emperor of the house of Luxembourg.

A certain category of source material was therefore utilised, derived from the rich and extensive corpus of Italian municipal records: the communal legal codes of the 13th and 14th centuries. A selective review of the edited statutes of this period revealed that many communes felt compelled to establish and codify norms and rules specifically pertaining to the economic sector of mount and transport animal rental, indicating the significance of commercial horse rental in the world of Italian municipalities. Historical and legal historical research have so far rarely addressed this phenomenon.³ The following sections will therefore primarily introduce the basic outlines of the rental business as depicted in these 13th and 14th century statutes. Exemplary excerpts attesting to the im-

1 Michel Margue / Michel Pauly / Wolfgang Schmid (Eds.), *Der Weg zur Kaiserkrone. Der Romzug Heinrichs VII. in der Darstellung Erzbischof Balduins von Trier*, in *Zusammenarbeit mit dem Landeshauptarchiv Koblenz, Trier 2009* (Publications du CLUDEM 24). Initial thoughts on the topic were presented in 2018 at a scientific colloquium in honour of Kurt-Ulrich Jäschke, an abstract of the presentation has been published in: *Geschichte des Spätmittelalters. Wissenschaftliches Kolloquium anlässlich des 80. Geburtstages von Prof. Dr. Kurt-Ulrich Jäschke am 13. April 2018, Saarbrücken 2021* (Universitätsreden 119), pp. 75–78. I would like to thank Dunja Dvorzak for the revision of the English text.

2 MGH Const. 4,2, ed. by Jakob Schwalm, Hannover-Leipzig 1909–1911, no. 1152, p. 1170, ll. 8–10; *ibid.*, p. 1171, ll. 24–28, 45–47. Many thanks to Katharina Krefft (Munich), who sent me a compilation of the relevant passages from the preparatory work for her dissertation on the accounts of Henry VII.

3 Cf., for instance, Francesco Schupfer, *Il diritto delle obbligazioni in Italia nell'età del Risorgimento*, vol. 2, Milano-Torino-Roma 1921, pp. 144–145; Armando Serra, *Ferrari e vetturini a Roma dal Rinascimento all'Ottocento*, Roma 1981.

plementation of these norms will supplement this normative perspective on horse lease and rental. Lastly, some preliminary considerations will be put forward towards a contextualisation of the rental business within the broader political, social, and administrative framework of the Italian commune.

2 Renting on Parchment. The Statutory Norms

The 11th and 12th centuries witnessed the emergence of autonomous self-governance in almost all cities of Northern and Central Italy; and soon, of the initial codifications of self-imposed legal systems. The 13th century saw the first heyday of communal statutes, when comprehensive collections of statutes were first documented for many communes.⁴ A distinct feature of these statutes, that they share with many legislative texts, is the fact that although the statute books can usually be dated, they almost always include far older chapters. While the statutes were modified as needed and subject to regular revision, the core set of norms and regulations was often passed down unchanged for decades or even centuries, as evidenced by municipalities for which several versions of statutes have survived.⁵ It is therefore feasible, albeit cautiously, to use such statutes for earlier or later inquiries.⁶ It also explains the extensive nature of 13th and 14th century statute

4 Fundamental and with reference to the abundant literature: Vito Piergiovanni, *Statuti e riformazioni*, in: *Civiltà Comunale: Libro, Scrittura, Documento. Atti del Convegno*, Genova, 8–11 novembre 1988, Genova 1989 (*Atti della Società Ligure di Storia Patria* 103,2), pp. 79–98; Paolo Cammarosano, *Italia medievale. Struttura e geografia delle fonti scritte*, Roma 1991 (*Studi superiori NIS* 109), pp. 151–159; Hagen Keller/Jörg W. Busch (Eds.), *Statutencodices des 13. Jahrhunderts als Zeugen pragmatischer Schriftlichkeit. Die Handschriften von Como, Lodi, Novara, Pavia und Voghera*, München 1991 (*Münstersche Mittelalter-Schriften* 64); Pio Caroni (Ed.), *Dal dedalo statutario. Atti dell'incontro di studio dedicato agli statuti*, Bellinzona 1995 (*Archivio storico ticinese* 32); Mario Ascheri, *Statutory Law of Italian Cities from Middle Ages to Early Modern*, in: Gisela Drossbach (Ed.), *Von der Ordnung zur Norm. Statuten in Mittelalter und Früher Neuzeit*, Paderborn et al. 2010, pp. 201–216; Gerhard Dilcher, *Statuti comunali italiani del Medioevo. Fondamenti costituzionali, materie disciplinate, cultura giuridica*, in: *Rivista internazionale di diritto comune* 31 (2020), pp. 15–63.

5 Cf. Danilo Segoloni, *L'annalità degli statuti comunali*, in: *Bollettino della Deputazione di storia patria per l'Umbria* 88 (1991), pp. 33–42; Attilio Bartoli Langeli, *Notai. Scrivere documenti nell'Italia medievale*, Roma 2006 (*I libri di Viella* 56), p. 217; Lorenzo Tanzini, *A consiglio. La vita politica nell'Italia dei comuni*, Roma-Bari 2014 (*Storia e Società*), pp. 42–43.

6 Similar studies on individual issues on the basis of the statutory law, partly also with methodological considerations are, for example, Giuseppe Gullino, *La vite negli statuti comunali dell'Albese medievale*, in: Rinaldo Comba (Ed.), *Vigne e vini nel Piemonte medievale*, Cuneo 1990, pp. 91–

compilations, often comprising multiple volumes in modern editions. In addition to the three main sections on the political constitution of the municipality, its administrative organisation, as well as criminal and civil jurisdiction, most compilations include numerous chapters addressing all imaginable aspects of public and private life. This includes regulations on the rental of riding and pack animals, even though a separate *capitulum* is not always dedicated to them. In some texts, these regulations can be found dispersed throughout other chapters; the reasons for this will be revisited later. The rental ordinances cover a range of detailed regulations providing insight into the fundamentals of the rental business, into lessors and their clientele, and into the involvement of communal authorities in the rental process, as will be demonstrated subsequently.

2.1 General Regulations regarding Rentals

First of all, it is noticeable that among the examined sets of statutes, only the codifications of larger communes address the rental of horses and pack animals. This indicates that the rental business was, as was to be expected, an economic sector that only came under the scrutiny of legislators in more complex urban structures.⁷ The sources typically describe the lease and rental process with terms such as “dare” or “locare ad vecturam / vetturam”⁸. That *vectura*, an expression carrying various meanings, does indeed signify usage for a fee

109; Didier Lett, “Connaître charnellement une femme contre sa volonté et avec violence”. Viols des femmes et honneur des hommes dans les statuts communaux des Marches au XIV^e siècle, in: Julie Claustre/Olivier Mattéoni/Nicolas Offenstadt (Eds.), *Un Moyen Âge pour aujourd’hui. Mélanges offerts à Claude Gauvard*, Paris 2010, pp. 447–459; Patrick Gilli, *Ambassades et ambassadeurs dans la législation statutaire italienne (XIII^e–XIV^e siècle)*, in: Stefano Andretta/Stéphane Péquino/Jean-Claude Waquet (Eds.), *De l’ambassadeur. Les écrits relatifs à l’ambassadeur et à l’art de négocier du moyen âge au début du XIX^e siècle*, Roma 2015 (Collection de l’École française de Rome 504), pp. 57–85.

7 On this, cf. also Jill Moore, *Inquisition and its Organisation in Italy, 1250–1350*, Suffolk 2019 (*Heresy and Inquisition in the Middle Ages* 8), p. 153, who observes that the inquisitors she examined only used hired horses in urban areas. I would like to thank Giuseppe Cusa for pointing out the publication.

8 There are other variations, such as “in victo”: *Statuti antichi di Albenga (1288–1350)*, ed. by Paolo Accame, Finalborgo 1901 (*Legislazione medioevale ligure* 5,1), p. 291 (1350); “ad vaituram”: *Statuti del Comune di Ivrea*, ed. by Gian Savino Pene-Vidari, vol. 2, Torino 1969 (*Biblioteca storica subalpina* 186), pp. 35–36 (1331); “ad naulum”: *Gli Statuti del comune di Treviso (sec. XIII–XIV)*, ed. by Bianca Betto, vol. 1, Roma 1984 (*FIS* 109), pp. 440–441 (1313). Here and in the following, the statutes are indicated with their respective dates in round brackets.

here is demonstrated via linguistic juxtapositions like “sub vecturis vel gratis”⁹. Almost all statutes refer to the rental object with the neutral term *equus*, at times in a gendered form like *equa*, or as *ronzinus*. In the communal parlance of the 13th century onwards, however, a *ronzinus* did not exclusively describe a pack horse or workhorse, but could now also denote a mount or even a horse in military service – though one far below the value of a true warhorse (*dextrarius, equus de armis*), the rentals of which are scarcely mentioned.¹⁰ Less frequently, mules were also included in the regulations.¹¹

Communal authorities saw the greatest need for standardization in the cost of commercial rental. Almost all communes established a fee schedule for horse rental. The rental charge was always calculated per diem, at times tiered according to duration of use: the longer the rental period, the more favorable the rate.¹² Between 1279 and 1389,

9 Statutum Comunis Sancti Geminiani, ed. by Susanna Guerrini, in: Mario Brogi (Ed.), *Gli albori del Comune di San Gimignano e lo statuto del 1314*, Siena 1995, pp. 53–290, here p. 120 (1314).

10 On the classification of horses in the period in question, cf. Jean-Claude Maire Vigueur, *Cavaliere e cittadini. Guerra, conflitti e società nell’Italia comunale*, Bologna 2004 (Storica paperbacks 61), pp. 103–105; Gertrud Blaschitz, *Das Pferd als Fortbewegungs- und Transportmittel in der deutschsprachigen Literatur des 12. und 13. Jahrhunderts*, in: *Medium Aevum Quotidianum* 53 (2006), pp. 17–43; Alessandro Barbero, *Il cavallo come risorsa bellica. Costi, obblighi, risarcimenti*, in: Franco Cardini / Luca Mantelli (Eds.), *Cavalli e cavalieri. Guerra, gioco, finzione. Atti del convegno internazionale di studi, Certaldo Alto, 15–18 settembre 2010*, Pisa 2010, pp. 137–162, here p. 140. In Reggio Emilia there was a fee cap for horses for hire that were taken on a military campaign, but the statute refers to *roncinum* or *equum*, which is why it presumably refers to pack and riding horses: *Consuetudini e Statuti Reggiani del secolo XIII. Edizione critica*, ed. by Aldo Cerlini, vol. 1, Milano 1933 (Corpus Statutorum Italicorum 16), *Statuti di Reggio d’Emilia* (1265), lib. 4, ch. 25, pp. 250–251.

11 *Gli Statuti del comune di Treviso* (see note 8), pp. 440–441 (1313); *Statuto del Comune di Perugia del 1279*, vol. 1: Testo, ed. by Severino Caprioli, with Attilio Bartoli Langeli et al., Perugia 1996 (Fonti per la storia dell’Umbria 21), ch. 446, pp. 400–402; *Statuti di Spoleto del 1296*, ed. by Giovanni Antonelli, Firenze 1962 (Studi dell’Accademia Spoletina), p. 11; *Statuto del Comune di Cortona (1325–1380)*, ed. by Simone Allegría / Valeria Capelli, Firenze 2014 (Documenti di storia italiana II,17), ch. IV,41, pp. 392–393 (1350–1380). Bologna includes mules only in a later version, *Gli statuti del Comune di Bologna degli anni 1352, 1357, 1376, 1389* (Libri I–III), ed. by Valeria Braidì, 2 vols., Bologna 2002 (Deputazione di storia patria per le province di Romagna, Monumenti storici, 1: Statuti), vol. 2, pp. 905–908 (1379, 1389).

12 *Gli Statuti del comune di Treviso* (see note 8), pp. 440–441 (1313). The conversion in this statute is complicated by different currency indications: 4 “sol. den.” were due on the first day, 12 “den.” on the second day and 1 “den.” on the third day. In an undated addition, the daily rate for the first day is increased to 5 “soldi parvorum”, for the second and all subsequent days a rate of 3 “soldi parvorum” then applies. Similar, *Statuti di Bologna dell’anno 1288*, ed. by Gina Fasoli / Pietro Sella, 2 vols., Città del Vaticano 1937–1939 (Studi e testi 73, 85), vol. 2, lib. XXII, rubr. X, p. 214; *Statuti di Ascoli Piceno dell’anno MCCCLXXVII*, ed. by Lodovico Zdekauer / Pietro Sella, Roma

the initial daily rental fee for a horse amounted to an average of four schillings.¹³ In Ravenna, rental fees were also influenced by the destination. The daily rate for a ride to Imola or Cesena was lower than that for a ride to Bologna.¹⁴ In Ivrea, a lessee was further obligated to pay a deposit to the lessor.¹⁵ In Cortona, lessors were, with each change of government, also required to swear an oath to adhere to fee schedules as well as all other applicable statutory regulations.¹⁶

Many statutes further include provisions regarding the handling of rented horses: most often, it is broadly stipulated that a lessee must provide good care to the animal, feed it adequately, and ride it in an appropriate manner.¹⁷ Some communes restrict horse use to their own *contado* or district.¹⁸ Finally, more specific norms highlight the inherent

1910, pp. 165–166; Statuti del Comune di Ravenna, ed. by Antonio Tarlazzi, Ravenna 1886 (Dei monumenti storici pertinenti alle provincie di Romagna, Statuti [5]), pp. 86–87 (1441–1509). The entourage of Henry VII paid a daily rate of 5 “gros” in 1312 for the rental of eight mules from Viterbo to Todi and back, MGH Const. 4,2 (see note 2), no. 1154, here p. 1187, ll. 6–11; for four more “bestes” on the same route 3 “gros” per day, *ibid.*, p. 1188, ll. 4–6. For 12 unspecified “bestes” that were rented for the chamber in Viterbo, on the other hand, 1 florin was paid per day, which suggests that they were more valuable animals, *ibid.*, p. 1187, ll. 28–29. On fee caps for rented horses which were used during a campaign, cf. Statuti di Reggio d’Emilia (see note 10), lib. 4, ch. 25, pp. 250–251 (1265); Statuti di Imola del secolo XIV, vol. 1: Statuti della città (1334), ed. by Serafino Gaddoni, Milano 1931 (Corpus Statutorum Italicorum 13), lib. 3, ch. 99, p. 230 (1334). Cf. also Schupfer, *Il diritto* (see note 3), p. 144.

13 Averaged according to the information in the statutes of Treviso (see note 8), Bologna (1288, see note 12), Perugia (see note 11), Ivrea (see note 8) and Ascoli (see note 12). Albenga also refers to daily rates (“locacio diurnal”) without naming a value: Statuti antichi di Albenga (see note 8), p. 291 (1350). The statutes of Bologna of 1352 refer to a separate chapter on the scale of fees, which has not survived or is not printed in the partial edition used: Gli statuti del Comune di Bologna (see note 11), vol. 1, pp. 139–142 (1352, 1357). Cortona sets daily rates for renting to the commune: Statuto del Comune di Cortona (see note 11), ch. IV,41, pp. 392–393 (1350–1380); Ravenna also: Statuto del secolo XIII del comune di Ravenna, pubblicato di nuovo con correzioni, indice e note, ed. by Andrea Zoli/Silvio Bernicoli, Ravenna 1904 (Dei monumenti storici pertinenti alle provincie di Romagna, Statuti [7]), no. 111, p. 56 (12th c. – ca. 1260).

14 Statuto del secolo XIII del comune di Ravenna (see note 13), no. 289bis, p. 133 (12th c. – ca. 1260).

15 Statuti del Comune di Ivrea (see note 8), pp. 35–36 (1331).

16 Statuto del Comune di Cortona (see note 11), ch. IV,41, pp. 392–393 (1350–1380).

17 Statuti di Ascoli Piceno (see note 12), pp. 165–166 (1377).

18 Gli Statuti del comune di Treviso (see note 8), pp. 440–441 (1313). Maybe also Statuto del Comune di Cortona (see note 11), ch. IV,41, pp. 392–393 (1350–1380).

risks of horse rental for lessors: the commune of Narni, for example, penalised a resale¹⁹ while Treviso prohibited the placement of two riders on a rental horse (“Et nullus audeat ponere duas personas supra equum vel equam”).²⁰ Conversely, Cortona obligated all lessors, under penalty, with the provision of saddle equipment for rental mounts. It was furthermore established that a lease contract could only be documented in the contractual form of *locatio*, with any other form (“instrumentum venditionis, emptionis, depositi vel alicuius tituli”) declared invalid. This suggests that rental transactions were occasionally documented by notaries.²¹

2.2 The Lessors

Where, then, could one rent a horse in an Italian city? While there is a dearth of studies on the 13th and 14th century Italian horse market, documentary evidence does indicate the existence of a professionalized horse trade.²² The sources are less clear on the existence of professional horse lessors, although some of the examined statutes hint at it.²³ For instance, a chapter in the statutes of Bologna from 1288 indicates the existence of a fixed location in the city where horses could be rented. The *capitulum* meticulously

19 Statuta Illustrissimae Civitatis Narniae, ed. by Raffaello Bartolucci, Terni 2016 (Collana di studi e ricerche locali 17), lib. I, ch. CCXXX, p. 241 (1371).

20 Gli Statuti del comune di Treviso (see note 8), pp. 440–441 (1313).

21 Statuto del Comune di Cortona (see note 11), ch. IV,41, pp. 392–393 (1350–1380). Similar, the statutes from Camerino from 1560, cf. Schupfer, *Il diritto* (see note 3), p. 144. Cf. Armando Serra, Fuhrwesen, -gewerbe, in: *Lexikon des Mittelalters*, vol. 4 (1989), coll. 1012–1014, here coll. 1013–1014.

22 Cf., partly with further references, Serra, Ferrari (see note 3), n. 2, p. 64; Antonio Ivan Pini, *Città, comuni e corporazioni nel medioevo italiano*, Bologna 1986 (Biblioteca di storia urbana medievale 1), p. 40; Paolo Grillo, *Cavalli, cavalieri e cavallate nell'Italia comunale*, in: Cardini/Mantelli (Eds.), *Cavalli* (see note 10), pp. 163–175, here p. 165. In August 1312, Henry VII's chamber paid the sum of 400 florins to “Anselmuce marchant de chevaux de Thode” for the horses purchased from him, paying him at the same time for the exchange of Sicilian florins, cf. MGH Const. 4,2 (see note 2), no. 1154, here p. 1186, ll. 37–40. In November, a further payment is made to “Renier Barthelemeo de Pistore marchant de chevaux” for two horses purchased in Arezzo worth 300 florins, *ibid.*, no. 1156, here p. 1193, ll. 27–30. Various images also address the sale of horses, cf. for the 14th century, for example, *Cultura popolare nell'Emilia Romagna. Le origini e i linguaggi*, Milano 1982, pp. 177, 225.

23 Such a professional group has been documented as an organized *arte* in Rome since the late 15th century, cf. Serra, Ferrari (see note 3), n. 67, p. 34; n. 76, pp. 37 e 64, 141–162. The self-designation in the statutes of the guild from the 16th century reads “l'arte ò essercitio di presta caualli, ò oltre bestie atte à caualcare”.

describes the route that the town crier had to take when calling for council meetings or announcing proclamations. His rounds in the San Francesco district used to lead him, amongst others, to the place “where horses are rented” (“in trivio ... ubi locantur equi ad victuram”).²⁴ The toponymic use of this expression suggests that horse lessors were permanently established here, not just renting occasionally. This finding is corroborated by the statutes of 1335, which address horse lessors as a municipally controlled occupational group: among the various magistrates newly subjected to the control of a *dominus bladi* are also the “domini super eis qui prestant equos ad vecturam”.²⁵ In Perugia, a distinction was made between ordinary citizens who could potentially lend a horse, and individuals accustomed to renting horses (“illis personis que equos consueuerunt dare ad uecturam”). The same term was used in Albenga (“illis autem qui locant vel locare soliti sunt equitaturas”) and Cortona (“qui soliti sunt prestare”).²⁶ In a similar vein, a professional group of horse lessors (“Chi presta Bestie a Vettura”) seems to have been recognized in 14th century Florence.²⁷ It is also conceivable that it was oftentimes the sumpter drivers, carters and hauliers specialized in the transportation of goods and merchandise, known as *victurales*, who occasionally or regularly rented out horses and pack animals. This would explain why the expression “ad victuram”, used in many communal sources, could refer to both the transport of cargo and to rental practices.²⁸ A specific

24 Statuti di Bologna (see note 12), vol. 1, lib. II, rubr. XIII, pp. 84–90, here p. 87 (1288).

25 Pini, Città (see note 22), p. 254. Cf. also Gli statuti del Comune di Bologna (see note 11), vol. 1, pp. 139–142 (1352, 1357), and vol. 2, pp. 905–908 (1376, 1389). On the election of “domini deputati supra eos qui prestant seu locant ronçenos vel equos ad victuram” *ibid.*, vol. 2, pp. 712, 719, 728, 738, 758 and 764.

26 Statuto del Comune di Perugia (see note 11), ch. 6, pp. 11–12 (1279): “nisi ab illis personis que equos consueuerunt dare ad uecturam;” Statuti antichi di Albenga (see note 8), p. 291 (1350): “ab illis autem qui locant vel locare soliti sunt equitaturas;” Statuto del Comune di Cortona (see note 11), ch. IV,41, pp. 392–393 (1350–1380). Also Ravenna: Statuto del secolo XIII del comune di Ravenna (see note 13), no. 170, p. 95 (12th c. – ca. 1260): “vecturalibus ... vel qui equos suos dare consueuerunt ad victuram”.

27 Archivio di Stato di Firenze, Manoscritti 191, fols. 41v, 48v (1363/1364), Serra, Ferrari (see note 3), n. 2, p. 64.

28 Cf., for example, the lemmas “victura (noleggio di animali per il trasporto)” and “victural/victural(e)/ventural(e)/vittural(e) (trasportatore, vetturale)” in San Gimignano. Fonti e documenti per la storia del Comune. Parte seconda: I verbali dei consigli del podestà 1232–1240, vol. 1 (1232–1237), ed. by Oretta Muzzi, Firenze 2010 (Deputazione di Storia Patria per la Toscana, Documenti di storia italiana, ser. 2 15), p. 705. Cf., in general, also Florence Edler, Glossary of Mediaeval Terms of Business. Italian Series 1200–1600, Cambridge 1934, p. 315 (lemma “Vettura”). For the professional group in San Gimignano: Enrico Fiumi, Storia economica e sociale di San Gimignano, Firenze 1961 (Biblioteca

answer to questions regarding the identity of lessors is given in the statutes of Ivrea from 1331. Here, the commune obliged selected innkeepers, *albergatores*, to each keep one rental horse worth a minimum of 10 pounds, to be rented out to anyone who desired so. The gratuitous loan of these horses was prohibited, and failure to fulfil rental obligations by any of the innkeepers incurred a fine. The chapter also names the six obligated innkeepers: in 1331, one could rent a horse in Ivrea from *Bertolinus de Ripa*, *Iohannes Berutus*, *Guillelmus de Roseta*, *Mignanus Tabernerius*, *Milanus de Cabaliaca*, or from *Muzus*, the husband of *domina Gaudina*. Communal provision of a sufficient supply of rental horses for the population of Ivrea persisted as late as 1369, as evidenced by an addition to the statutes: here, it was once again specified that obligated innkeepers had to keep one or two horses with a minimum value of now 15 gold florins for both communal interests and for rent to individuals.²⁹

Many statutes, however, also stipulated who was not allowed to rent out horses. In most cases, these were individuals who had registered their animals for communal military service. Bologna, for example, prohibited the rental of registered warhorses not only for the purpose of riding, but explicitly also for the transport of grain and fish (“ad victuras vel ad somas portandum ad molendina seu ad portandum pisces”).³⁰ This demonstrates clearly that horses were not rented out solely by professional traders: even individuals affluent enough to own a horse of their own seemed to have leased their animals for profit, without horse rental having to have comprised a primary source of their income.³¹ Town criers, who were provided with a mount in many municipalities, present a special case: they were, according to statutes such as those of Spoleto, strictly

Storica Toscana 11), p. 31. Besides that Serra, Ferrari (see note 3), pp. 67–68; Roberto Greci, *Vie di comunicazione e mezzi di trasporto nel Medioevo*, in: *Cultura popolare* (see note 22), pp. 205–225, here p. 218; Federigo Melis, *I trasporti e le comunicazioni nel medioevo*, con introduzione di Michel Mollat, ed. by Luciana Frangioni, Firenze 1984 (*Opere sparse di Federigo Melis* 6), pp. 126–127; Serra, *Fuhrwesen* (see note 21), col. 1013; Moore, *Inquisition* (see note 7), p. 153. The statutes of the *ars victuralium* from Orvieto dating from 1341 (with additions and corrections up to 1379) contain no references to the commercial renting out of pack animals or mounts, they only regulate the transportation of loads; a single addition from 1358 deals with the hiring out of pack animals, which is permitted without penalty (“addito per dictos correctores quod quilibet de dicta arte cuicumque et qualibet tempore prestare possit bestias suas absque aliqua pena ut sibi videbitur et placebit”): Giuseppina Rocchini, *Lo Statuto dell’Arte dei vetturali di Orvieto*, in: *Bollettino dell’Istituto Storico Artistico Orvietano* 19/20 (1963/1964), pp. 3–90, here p. 54.

29 Statuti del Comune di Ivrea (see note 8), pp. 35–36 (1331) and 407 (1369).

30 Statuti di Bologna (see note 12), vol. 1, lib. V, rubr. CXXXI, p. 501, also lib. V, rubr. CLIII, pp. 563–564, completed with *charetam* (1288).

31 Cf. the individual example in I verbali (see note 28), n. 140, pp. 333–334.

prohibited from renting out these horses without the explicit permission of the *podestà*. The goal was, presumably, to prevent instances where town criers, who played a key role in the function of the communal system, were unable to fulfill their assignments immediately due to lack of a mount.³²

2.3 The Lessees

The Ivrea statutes further lend insight into the clientele of professional and part-time horse lessors, corroborated by other legal texts: this clientele was composed of communal officials and mandataries, envoys in particular, as well as private individuals in need of a mount for travel or a pack horse.³³ As was the case with the lessors, many of the statutes are also very clear on the matter of who was not allowed to rent. Typically, this group comprised the highest-ranking communal magistrates – the *podestà* and the *capitano del Popolo*. They were obliged to use their own horses unless expressly permitted otherwise by the council.³⁴ The afore mentioned statute chapter from Perugia from 1279 explicitly distinguishes between the rental by habitual lessors (“illis personis que consueuerunt dare ad uecturam”), permissible for communal missions under certain circumstances, and rental by other persons, which was never permissible (“non possint neque debeant accipere aliquem equum in prestantiam”). It becomes apparent that the exclusion of the leading magistrates from leasing is to be understood primarily as a measure against bribery and political influence. Numerous other communal statutes support this interpretation, such as those of Albenga from the year 1350, in which the highest officials were prohibited from accepting a borrowed horse from a citizen for private purposes. For communal use, however, the statutes emphasised that the magistrate was required to pay the established daily rate.³⁵ Reggio Emilia allowed a rental of horses

32 Statuti di Spoleto (see note 11), n. 25, p. 17 (1296).

33 Members of the clergy also made use of the rental options, cf. Moore, Inquisition (see note 7), p. 153.

34 Statuti di Reggio d'Emilia (see note 10), lib. 1, ch. 3, pp. 62–66, here p. 64 (1265). But here the *podestà* and his *familia* were not allowed to rent out horses either.

35 Statuto del Comune di Perugia (see note 11), ch. 6, pp. 11–12 (1279). In Perugia, it was also forbidden for the town criers or trumpeters to perform their duties on a rented horse, *ibid.*, ch. 65, pp. 84–87, here p. 84. Albenga formulates in general terms *magistratus*, Statuti antichi di Albenga (see note 8), p. 291 (1350).

for communal use only from professional lessors or carriers.³⁶ In Vicenza and Padua, knights and judges in the retinue of the *podestà*, who were barred from accepting gifts or loans from the populace, were exempted from such prohibitions with regards to horse rental and allowed to do so for a fee.³⁷ Roman-German rulers as potential lessees are not specifically mentioned in any of the examined statutes. However, a statute norm from Treviso from 1313, explicitly forbidding horse trade with any Germans or those speaking the German language (“Theotonicus nec aliquis qui sciat linguam Theotonicam”), surely also encompassed rental transactions, in accordance with its political intent.³⁸ In 13th century Ravenna, non-residents were not excluded from leasing, but could not claim the benefits of the municipal fee cap: lessors were free in negotiating rental prices with outsiders, while rentals to residents of Ravenna were limited by established daily rates.³⁹ By the 15th century, lease had been restricted to citizens and permanent residents.⁴⁰ The commune of Lucca also explicitly banned rental to exiles.⁴¹

2.4 Authorization

Whoever wanted to rent out a horse in the 13th and 14th century could not, in most municipalities, do so without prior registration. Approval was granted by a specially ap-

36 Statuti di Reggio d’Emilia (see note 10), lib. 1, ch. 3, pp. 62–66, here p. 68 (addition from 1270). At the very least, it can be assumed that the *victurales* mentioned here were commercial lessors or carters. Similarly Statuto del Comune di Cortona (see note 11), ch. IV,41, pp. 392–393 (1350–1380); Statuto del secolo XIII del comune di Ravenna (see note 13), no. 163, p. 90 (12th c. – ca. 1260).

37 In Padua, this requirement is even declared a *capitulum precisum*: Statuti del Comune di Padova dal secolo XII all’anno 1285, ed. by Andrea Gloria, Padova 1873, p. 28; similarly, Statuti del Comune di Vicenza MCCLXIV, ed. by Fedele Lampertico, Venezia 1886 (Monumenti storici, Statuti 1), pp. 22–23. On the specifics of the *capitula precisa*, Tanzini, Consiglio (see note 5), p. 103.

38 Gli Statuti del comune di Treviso (see note 8), p. 442 (1313). However, Treviso generally made lending to strangers a criminal offence, *ibid.*, p. 441.

39 Statuto del secolo XIII del comune di Ravenna (see note 13), no. 289bis, p. 133 (12th c. – ca. 1260). Cf. Schupfer, Il diritto (see note 3), p. 144.

40 Statuti del Comune di Ravenna (see note 12), pp. 86–87 (1441–1509). In Reggio, during wartime, horses could only be hired out to residents of the town who needed them to take part in a military expedition: “et quod aliquis mutuator tempore exercitus vel cavalcate, quando civitas cavalcaverit pro comuni, non debeat prestare equum ad victuram nisi homini civitatis Regii vel districtus et qui eum ducat in exercitum Regii,” Statuti di Reggio d’Emilia (see note 10), lib. 4, ch. 25, pp. 250–251 (1265).

41 Statuto del Comune di Lucca dell’anno 1331, ed. by Giorgio Tori, Lucca 2017 (Strumenti per la ricerca 21), p. 67. However, this probably also and above all meant non-commercial lenders.

pointed commission that often had to include a *marescalcus*, who was a medically trained equine expert, and always had to include a notary.⁴² The most detailed description of such a procedure is given by the statutes of the commune of Perugia: a five-member commission convened once a month, and every owner of rental horses was obligated to present their animals unsaddled at a predetermined time, which was announced beforehand via public proclamation. The commission inspected the presented horses and secretly assessed their value, which a notary then recorded in a dedicated official register, alongside a detailed description of the animal and its health condition.⁴³ In Bologna, by contrast, such appraisal sessions were scheduled only twice a year. They were conducted by specifically designated officials, the “domini deputati supra illos qui prestant seu locant ronçenos vel equos ad victuram”. In the statutes of the 14th century, however, new registrations or changes might have been possible in between these meetings, as the elected officials and their notaries routinely convened on Mondays and Fridays “ad discum domini corectoris” in the communal courthouse. Here, lessors additionally had to pay a registration fee of 6 *solidi* per horse as well as a deposit of 25 Bolognese pounds guaranteeing that they would not rent out registered war horses. The officials, on the other hand, were strictly obliged to refrain from accepting any further payments besides – here, the statutes do make an exception – minor gratuities for additional clerical work, which had to be divided among themselves.⁴⁴ Most communes carefully moni-

42 In Narni, the vicar was responsible for having all the horses for hire (“omnes ronzeni et equi dari soliti ad vecturam”) appraised by *aestimatores*, elected by the council, in the first month of his term of office, Statuta Illustrissimae Civitatis Narniae (see note 19), lib. I, ch. CCXXX, p. 241 (1371); in Ascoli Piceno, the *anciani* and the *officio dell'ordine del popolo* elected the *extematuri*, Statuti di Ascoli Piceno (see note 12), pp. 165–166 (1377). In Spoleto, two *extimatores* were elected by the *consilium speciale* and had to take an oath of office, Statuti di Spoleto (see note 11), p. 11 (1296). In Ravenna in the 15th century, the *consilium generale* was responsible for the election, Statuti del Comune di Ravenna (see note 12) pp. 86–87 (1441–1509). On the *marescalcus* Maire Vigueur, Cavalieri (see note 10), pp. 191–195. In Cortona, on the other hand, farriers, *marescalci* and commercial horse lessors (“vel qui solitus sit prestare equos”) were not allowed to be named as *extimatores*: Statuto del Comune di Cortona (see note 11), ch. IV, 41, pp. 392–393 (1350–1380).

43 Statuto del Comune di Perugia (see note 11), ch. 446, pp. 400–402 (1279): “De electione officialium super uecturis et qualiter scribantur et de pretio accipiendo pro uectura.” A further valuation was ordered for a rental to envoys on behalf of the commune, *ibid.*, ch. 475, pp. 420–422, here p. 421. An estimation procedure is also documented for Rome in the 15th and 16th centuries, where the estimation took place within the guild, which also included various other professional groups involved with horses, cf. Fondazione Besso (Roma), 4-B-7, Statuti della Università delli Ferrari di Roma, in: Serra, Ferrari (see note 3), Appendice documentaria, pp. 225–260, here ch. 25, p. 258.

44 Gli statuti del Comune di Bologna (see note 11), vol. 1, pp. 139–142 (1352, 1357), and vol. 2, pp. 905–908 (1376, 1389); see also above note 25. On the Bolognese *dischi*, cf. Diana Tura, Archival

tored the establishment and storage of written horse rental registers. According to the statutes of Bologna, they had to be kept on parchment; and in most in most municipalities, they were deposited in the communal chamber.⁴⁵ Cortona went even further: registration was not only required for rental horses, but also for the lessors themselves, should they choose to rent out animals in exchange for a fee. The list of professional lessors was appended to the statutes.⁴⁶

2.5 Regulations for Damage Cases and Sanctions for Violations

The practice of estimation likely stems from the particular attention that communal statutes gave to the question of potential damages. Should a horse sustain an injury or even die while under the care of the lessee, it would trigger a clearly regulated compensation procedure in most municipalities. Reimbursements were, and this was a commonality of many statutes, issued solely based on official and recorded estimates.⁴⁷ The specifics of when, what, and to whom compensation was paid varied, however. In Ascoli Piceno, the risk of loss lay entirely with the lessor on the first day of rental, except for damages clearly incurred through misconduct of the lessee. From the second day of rental onwards, the risk shifted to the lessee, except for the natural death of the horse – this distribution

Sources. Governmental, Judicial, Religious, Familial, in: Sarah Rubin Blanshei (Ed.), *A Companion to Medieval and Renaissance Bologna*, Leiden-Boston 2018 (Brill's Companions to European History 14), pp. 26–41, here p. 33.

45 Gli statuti del Comune di Bologna (see note 11), vol. 2, pp. 905–908 (1376, 1389); Statuta Illustrissimae Civitatis Narniae (see note 19), lib. I, ch. CCXXX, p. 241 (1371); Statuti di Ascoli Piceno (see note 12), pp. 165–166 (1377).

46 Statuto del Comune di Cortona (see note 11), ch. IV,41, pp. 392–393 (1350–1380): “Item quod omnes qui prestiterint equos ad vecturam faciant se scribi in postremo foleo statuti quando faciunt extimari equos suos”.

47 Statuto del Comune di Perugia (see note 11), ch. 446, pp. 400–402 (1279); Statuta Illustrissimae Civitatis Narniae (see note 19), lib. I, ch. CCXXX, p. 241 (1371); Statuti del Comune di Ivrea (see note 8), p. 407 (1369); Statuti di Ascoli Piceno (see note 12), pp. 165–166 (1377); Statuti del Comune di Ravenna (see note 12), pp. 86–87 (1441–1509). Conflict channelling in the event of damage as a motive for the mandatory estimation procedure is succinctly formulated in the later statute standard of the Roman “Università dei ferrari”: Fondazione Besso (see note 43), ch. 25, p. 258: “Statuimo et ordinamo per fuggire le liti, e differenze che facilmente potriano nascere, che se alcuno hauerà dato qualche bestia à vettura, sia obligato prima farla stimare ..., acciò se per sorte auuenisse che per colpa del condottore morisse, ò peggiorasse si possa conoscere quanto sia da pagarsi per tale danno al locatore.” Cf. also ch. 26, *ibid.*

largely aligned with corresponding provisions of Roman law.⁴⁸ In Perugia, commission members were tasked with overseeing the return of the horse or reporting its loss; the condition of the animal had to be documented in writing the very same day or memorized by witnesses, and damage reports had to be submitted within 15 days, even on holidays.⁴⁹ Conversely, in San Gimignano, a commission for damage assessment was convened only in case of need, its members jointly appointed by lessee and lessor or alternatively by the *podestà* or his judge.⁵⁰ Communes would step in when compensation cases involved communal officials; in Perugia, however, horses had to undergo a separate appraisal before departure, and deadlines for reporting damages were tightened significantly.⁵¹ Communes also provided legal assistance in cases where a lessee failed to pay their daily rates: in Ivrea, for instance, a lessor could be aided in legal proceedings through a summary procedure.⁵²

However, such behaviour was generally not advisable: lessees, lessors, or communal officials who disregarded the prescribed procedures of the communes faced specified fines or forfeited any claim to reimbursement. This applied to the strictly prohibited renting out of unregistered horses,⁵³ to exceeding the established daily rates,⁵⁴ to the mistreatment of the rented animal, to negligent or erroneous appraisals by the com-

48 Statuti di Ascoli Piceno (see note 12), pp. 165–166 (1377). Cf. also Fondazione Besso (see note 43), ch. 27, pp. 258–259; Lo Statuto di San Gimignano del 1255, ed. by Silvia Diacciati / Lorenzo Tanzini, Firenze 2016 (Biblioteca della “Miscellanea storica della Valdelsa” 28), ch. II, 28, pp. 80–81. On the foundations of *locatio conductio* in the sense of letting in Roman law, cf. Max Kaser / Rolf Knütel, *Römisches Privatrecht. Ein Studienbuch*, München ²¹2017 (Kurzlehrbücher für das juristische Studium), pp. 270–275. Cf. also Schupfer, *Il diritto* (see note 3), pp. 144–145.

49 Statuto del Comune di Perugia (see note 11), ch. 446, pp. 400–402 (1279).

50 Lo Statuto di San Gimignano (see note 48), ch. II, 28, pp. 80–81 (1255).

51 Statuto del Comune di Perugia (see note 11), ch. 446, pp. 400–402 (1279).

52 Statuti del Comune di Ivrea (see note 8), pp. 35–36 (1331); in Bologna, the lessee was facilitated in reclaiming illegally demanded rent through a summary procedure, *Gli statuti del Comune di Bologna* (see note 11), vol. I, pp. 139–142 (1352, 1357).

53 Statuto del Comune di Perugia (see note 11), ch. 446, pp. 400–402 (1279); *Gli statuti del Comune di Bologna* (see note 11), vol. I, pp. 139–142 (1352, 1357).

54 *Gli Statuti del comune di Treviso* (see note 8), pp. 440–441 (1313); *Statuti di Bologna* (see note 12), vol. 2, lib. XXII, rubr. X, p. 214 (1288); *Statuto del Comune di Perugia* (see note 11), ch. 446, pp. 400–402 (1279); *Statuti di Ascoli Piceno* (see note 12), pp. 165–166 (1377); *Statuti del Comune di Ravenna* (see note 12) pp. 86–87 (1441–1509).

mission of *extimatores*, to concealing rented horses from the commune,⁵⁵ and to much more.⁵⁶ Denunciation of such offenses was often rewarded with a share of the fine.⁵⁷

3 Renting in Practice. The Implementation of Statutory Regulations

A comprehensive investigation into the extent to which the normative provisions of the statutes were implemented in reality, and into the day-to-day practice of the operation of rental businesses in the various cities, is beyond the scope of this paper. Such a study would require a systematic review of numerous types of sources, among which many promising collections, such as court records, remain unedited. Only three, largely arbitrarily chosen, examples will therefore be utilised, allowing for some preliminary statements regarding the implementation of statutory provisions and the practical usage of rented horses.

From the Umbrian city of Todi originates an instrument dated June 28, 1287, which contains an order of payment from the *podestà* to the communal treasurers. They were instructed to compensate Baldinotto *Vivieni* from the assets of the commune (“de avere comunis”) for an injured horse whose value had depreciated as a result of the injury, and which Baldinotto had rented out to an envoy traveling to Perugia on behalf of the commune. Earlier, on March 29, 1287, Baldinotto had been instructed to either reclaim his horse, or have it properly appraised, before claiming damages. These two instruments demonstrate that not only was the appraisal procedure as established in many

55 Statuto del Comune di Cortona (see note 11), ch. IV,41, pp. 392–393 (1350–1380).

56 Under penalty, for instance, is the lending to strangers or simultaneous riding of one horse by two persons without the lessor’s permission, Gli Statuti del comune di Treviso (see note 8), pp. 440–441 (1313); the rental by *podestà* and *capitano del popolo*, Statuto del Comune di Perugia (see note 11), ch. 6, pp. 11–12 (1279); the non-imposition of required sanctions by *podestà* and *capitano del popolo*, *ibid.*, ch. 446, pp. 400–402.

57 Gli Statuti del comune di Treviso (see note 8), pp. 440–441 (1313); Statuti di Bologna (see note 12), vol. 2, lib. XXII, rubr. X, p. 214 (1288); Gli statuti del Comune di Bologna (see note 11), vol. 1, pp. 139–142 (1352, 1357); Statuto del Comune di Cortona (see note 11), ch. IV,41, pp. 392–393 (1350–1380). In general on denunciations in statutory legislation, cf. Ferdinando Treggiari, “Et sit secretum”. La denuncia anonima negli statuti delle città umbre, in: Maria Giuseppina Muzzarelli (Ed.), *Riferire all’autorità. Denuncia e delazione tra Medioevo ed Età moderna*, Roma 2020 (I libri di Viella 352), pp. 27–47.

municipalities respected in Todi, but also the communal assumption of costs incurred by a lessee who had rented on behalf of the commune.⁵⁸

A second example comes from records that a notary named Lupo, son of *Iacobo Bergi* from San Casciano, drafted in rather unusual circumstances: between December 1312 and February 1313, Lupo accompanied the Pisan army as a notary, during emperor Henry VII's campaign against Florence. Rather than acting on behalf of the commune, though, Lupo seems to have worked as a freelancer. His records exclusively document minor matters of individuals who likely served as *pedites* – at least as suggested by the noted professions of the people involved. These minor matters include micro-loans, presumably for the purchase of food, testaments, and a series of rental transactions from February 1313. Here, various individuals rented donkeys to transport sick relatives away from the army. The respective donkey handlers seem to have been included in the deal, as the caring family members were probably unable to leave the army themselves.⁵⁹ On one hand, this indicates a likely outbreak of disease, on the other hand, the swift establishment of a commercial transport service on a rental basis in the field camp.⁶⁰ For the sick whose relatives could afford the transport, the rental donkeys thus offered a chance for recovery and survival, ultimately serving the *bonum commune*.

A final, particularly significant, example can be found in the communal accounts of San Gimignano, which have been edited for the years from 1228 to 1233.⁶¹ These accounts document expenses *pro victura* of one or more horses with such an exceptionally high frequency that the editor, Oretta Muzzi, had to forego the inclusion of individual receipts for the lemma *victura / vittura* in the otherwise very precise subject index.⁶² Between 1228 and 1233, costs incurred from the use of horses in diplomatic missions and other communal tasks constituted a not insignificant part of the commune's overall

58 Archivio Storico Comunale di Todi, Fondo Archivio Segreto di San Fortunato, Pergamene, Arm. I, Cas. I., nn. 31, 33. I would like to thank Filippo Orsini (Todi) and Eric Müller (Berlin) for providing photos.

59 Acta Henrici VII Romanorum imperatoris et monumenta quaedam alia suorum temporum historiam illustrantia, ed. by Francesco Bonaini, 2 vols., Firenze 1877, no. 193, pp. 352–371, here pp. 370–371. Cf. Giorgio Tamba, *Il viaggio di Enrico VII nei documenti italiani*, in: Mauro Tosti-Croce (Ed.), *Il viaggio di Enrico VII in Italia*, Città di Castello 1993, pp. 217–309, here p. 278, no. 34.

60 Cf. Tamba, *Viaggio* (see note 59).

61 San Gimignano. Fonti e documenti per la storia del Comune. Parte prima: I registri di entrata e uscita 1228–1233, ed. by Oretta Muzzi, Firenze 2008 (Deputazione di Storia Patria per la Toscana, Documenti di storia italiana, ser. 2 13); I verbali (see note 28). I thank Enrico Faini for pointing out this source.

62 Cf. I registri (see note 61), p. 654: “victura / vittura (noleggio), passim”.

expenditures. Combined with provisions for external envoys and assumption of other expenses related to diplomatic activities, the commune paid between 7,6 % and 19,3 % *pro victura equi* or *romzini* annually.⁶³ Given the relatively small individual amounts recorded, the ratio is even more striking when based on the number of entries: in January 1228, more than 40 expenses *pro victura equi* were recorded out of a total of over 110 entries (approximately 29 %); in January 1229, it was over 30 out of about 130 payments (approximately 24 %); in January 1231 again over 30 bookings *pro victura* out of just over 100 payments (approximately 32 %). Thus, almost one-third of the monthly transactions were related to costs *pro victura*.

The question arises, however, whether *pro victura* denotes a rental in the strict sense in all of these cases. More likely it was a sort of usage fee, as horse owners often received payments *pro victura* for their own horses. These cannot be equated with a reimbursement of food and upkeep expenses for the horse incurred during a journey – those were billed separately, as were horseshoes in need of replacement and damaged saddle gear⁶⁴. The very first booking *pro victura* in the communal accounts was made in January 1228 for the use of a personal horse, by the chamberlain himself, Bonagiunta di Ildibrandino Mantellini: “Item II soldos denariorum retinui pro victura mei equi, quia equitavi pro Comuni ad castrum de Picchena”.⁶⁵ Bonagiunta and many others thus ‘rented out’ their own riding animals to the commune.

Statistically speaking, the chamberlain belonged to a minority: in January 1228, only 14 individuals under communal commission rode their own animals, five of whom

63 Ibid., pp. 3, 167, 255, 433; for the accounts, pp. V–XX; cf. also Alessandro Burrone, *Le finanze sangimignanesi nel XIII secolo*, in: *Miscellanea Storica della Valdelsa* 108 (2002), pp. 7–84.

64 Cf., for example, I registri (see note 61), p. 6: “Item dedi VII soldos Amannato pro victura sui romzini, quem equitavit Ranerius Gianni, numptius Communis Sancti Geminiani, pro faciendis expensis. Item dedi VIII libras et VI soldos denariorum bonorum Ranerio Gianni pro expensis; quos renuntiavit et dixit mihi camerario, particulariter per scripturam, quod expensiderat in eorum commestione et equorum.” For the reimbursement of fittings and saddles, for instance, p. 5: “Item dedi VI soldos Michaeli de Nigra pro victura sui romzini, quem equitavit scutifer eius, in V diebus, Pisas. Item dedi XII denarios eidem Michaeli, quia ammisit eius romzinus in dicto itinere duos ferros;” p. 313: “Item dedi VII soldos domino Boninsegne pro mendo sue selle, que fuit fracta sub iudice quando iudex equitabat equum suum pro Comuni”. Cf. also the relevant chapter in the statutes from 1255: *Lo Statuto di San Gimignano* (see note 48), ch. I,66, pp. 70–71.

65 I registri (see note 61), p. 4. Two further assignments followed, for which Bonagiunta used his own horse, *ibid.*, p. 8: “Item dedi et retinui mihi camerario pro victura mei equi, parabola potestatis, in duobus diebus, quem equitavi Ulignanum ... III soldos”; *ibid.*, p. 10: “Item retinui mihi camerario pro victura mei equi, quem equitavi Senas cum potestate ... V soldos denariorum”.

could provide an additional mount for a *scutifer*, a servant.⁶⁶ In contrast, 25 individuals utilized horses belonging to others, as meticulously noted by the chamberlain with each transaction – such as in a payment to a man named Gualfredo: “Item dedi V soldos Gualfredo pro victura sui romzini, quem equitavit scutifer Andree notarii, in quattuor diebus, Senas pro eodem facto”.⁶⁷ Additionally, the chamberlain rented 28 horses in Siena to escort liberated hostages back to San Gimignano. These mounts were sourced from 24 lessors. The commune covered the costs of the horses’ overnight accommodation in San Gimignano, mostly for fodder and candles providing the light necessary for feeding. The return of the horses to Siena was organized by the communal authorities as well: it was the *nuntius* of the commune, Ventura, and his assistants who brought all the animals back.⁶⁸ Even now, the analysis is still not exhaustive. From the chamberlain’s detailed listing of who rode whose horse in January 1228 emerges a sweeping panorama of horse ownership and rental in San Gimignano, which can only be briefly touched upon here.

In January 1228, the following individuals under commission of the communal magistracy owned their own horses: Andrea *Alberti* and Palmerio *Pellarii* or *Pellai*, the chamberlain Bonagiunta di Ildibrandino Mantellini, *dominus* Arrigo *Cristofani*, *dominus* Giacomo *Asseduti* and his son Avocato *Iacobi Asseduti*, *dominus* Boninsegna *Rustici*, *dominus* Brucciardo *Pelati* or *Pilati*, Michael *Borgi* or *Becci*, Michael *Nigre*, Pantaleus *Bililei*, *dominus* Rainaldo *Tancredi de Colle*, *dominus* Rugerotto *de Montauto*, and Sanguineo *Mathei*. Between 1228 and 1237, the majority of these people were involved in matters of the commune, frequently and in various capacities; many were also active council members, as evidenced by financial records and council minutes⁶⁹. In January 1228 by contrast, rental animals were primarily used by the staff of dispatched communal representatives and by lower communal officials. Among the riders of borrowed horses were ten *scutiferi*, a cook and servant, and a *nuntius* of the commune. A notary and four *domini* and *milites* also rode rented horses, though here certain circumstances might have played a role: *dominus* Ildebrandino and *dominus* Galgano, for instance, were picked up in Montignoso with loaned horses as they did not have their own horses available for unspecified reasons (“quia dominus Galganus non habebat equum de suo”; “quia equum non habebat dominus Ildibramdinus de suo”).⁷⁰ On the whole, however, almost all per-

66 On the meaning of *scutifer* in local language usage, cf. *ibid.*, p. 649; cf. also Maire Vigueur, *Cavalieri* (see note 10), p. 105.

67 I registri (see note 61), p. 10.

68 *Ibid.*, pp. 12–13.

69 Cf. the index entries in *ibid.*; I verbali (see note 28).

70 I registri (see note 61), p. 8.

sons who rode their own animals in January 1228 subsequently also made use of rented horses – indicating that the recourse to rental horses was not only the purview of individuals of modest means, but also that of *domini, milites* and members of the Popolo who owned their own mounts.⁷¹ In return, there is the example of Michael *Nigre*, who was listed as rider of his own horses in January 1228 and frequently rented out his animals to the commune.⁷²

In addition, the communal accounts of January 1228 mention several individuals who were paid for the provision of horses they did not ride themselves. These include a certain *Ivanus*, an *Amannatus*, a *Gualfredus*, as well as Ildebrandino *Coni* and Palmerio *Ardovini*.⁷³ The fact that some of them were rarely or never shown as engaged in communal duties in the edited records, but rather primarily rented out horses, suggests they were professional or at least part-time lessors. Ivano, for example, exclusively appears in the accounts as a horse lessor, providing the commune with eleven *equi* and four *ronzini*, for a fee, in the years 1228 and 1231.⁷⁴ Amannato as well, although listed as a *calzolarius* or shoemaker, was mentioned primarily as a horse lessor in the commune's financial records. The commune rented horses for various riders from Amannato on no less than 27 occasions between 1228 and 1233. Once, he is recorded as a participant in the *exercitus*; three times as riding one of his horses himself.⁷⁵ From Gualfredo, the commune loaned mounts for communal officials on 33 occasions within the given timeframe. After an arbitration in November 1231, he was compensated by the chamberlain “pro mendo equi suo”: during a diplomatic mission, his horse was injured by Giacomo *Asseduti*, who was mentioned among the horse owners in January 1228. Only once, Gualfredo himself possibly rode one of his horses while serving the commune.⁷⁶

Ildebrandino *Coni* was another regular lessor. He provided rental horses for purposes of communal diplomacy and for other assignments on over 30 occasions, and apparently also owned donkeys. In November 1231, he was compensated for a female donkey injured or killed in the service of the commune during wartime (“*amisse in servitio Communis in*

71 Cf. the index entries in: I registri (see note 61).

72 Cf. the index entry *ibid.*

73 Further horses were lent by *Petrus*, *Ricuccus*, *Scotto Gargalonis*, *Lamberto Batognani*, *Bonandrinus* and *Gentile Michaelis*.

74 Cf. the documents under the index entry “*Ivanus*”, I registri (see note 61), p. 587.

75 Cf. the documents under the index entry “*Amannatus, calzolarius*”, *ibid.*, p. 553.

76 Cf. the documents under the index entry “*Gualfredus*”, *ibid.*, p. 581. The allocation of individual bookings remains uncertain due to the lack of surnames and bynames.

exercitu Florentinorum”).⁷⁷ He was also reimbursed the significant sum of 40 pounds in November 1228, for a horse killed in the *exercitus*, indicating its considerable value.⁷⁸ Moreover, he served temporarily as a *provisor equuorum* for the commune and was as such member of a committee that estimated damages to war, riding, and pack animals and determined compensation.⁷⁹ All of this suggests that Ildebrandino kept horses and pack animals on a somewhat larger scale, with a corresponding level of expertise, without it having to have been his primary occupation. In 1228, he received a payment from the chamberlain for seven badges for the clothing of communal *nuntii* and *banditores*, possibly indicating an involvement in textile production.⁸⁰ Ildebrandino was also very active as a councilor and took on other positions and responsibilities for the commune and the *societates artium*, including participation in the revision and amendment of the communal statutes and the *constitutio societatum artium*.⁸¹ Thus, Ildebrandino probably belonged to a different group of lessors than Ivano, Gualfredo, and Amannato, who do not emerge from the sources in other capacities. Politically active, adequately educated, and affluent enough to keep more than one expensive equine, he was certainly not dependant on renting out his horses as a main source of income. Palmerio *Ar dovini*, who often assisted with horse rentals, likewise probably conducted his primary business within other sectors: he routinely acted as a creditor for the commune and was a member of a trading company that was, amongst others, involved in the grain and salt trade. His house often served as a venue for various communal affairs, possibly linked to his activities as a lender. Palmerio is regularly documented as an active council member and, like Ildebrandino, served as a *revisor constitutionum artium*; while in service of the commune, he also frequently rode his own horses.⁸²

77 Ibid., p. 346.

78 Cf. on the value and market price in general Fabia Domitilla Allevi, *Per la valutazione del cavallo fra l'alto e il basso Medioevo nelle Marche*, in: *La Società rurale marchigiana dal Medioevo al Novecento* (parte prima), *Atti del convegno*, Ancona, 7–8 dicembre 1974, Ancona 1976 = *Atti e memorie della Deputazione di Storia Patria per le Marche*, ser. 8,9 (1975), pp. 55–117; cf. also Maire Vigueur, *Cavaliere* (see note 10), pp. 106–107; Barbero, *Il cavallo* (see note 10), pp. 137–146.

79 Cf. the documents under the index entry “Ildebrandinus Coni”, *I registri* (see note 61), p. 585. Cf. on the office *Lo Statuto di San Gimignano* (see note 48), ch. 1,33, pp. 55–56 (1255).

80 *I registri* (see note 61), p. 5.

81 Cf. *I verbali* (see note 28), index entry “Ildibrandinus Coni de S. Matheo”, p. 643.

82 Cf. the lemma “Palmerius Ar dovini” in *I registri* (see note 61), p. 596; *I verbali* (see note 28), p. 649.

Even after all of these considerations, the list of persons who acted as horse lessors to the commune of San Gimignano between 1228 and 1233 is not yet exhausted. Many more individuals who did not lease horses in January 1228 subsequently appear in the financial records as business partners of the commune, often on multiple or even numerous occasions. This lends itself to the interpretation that the municipal magistracy of San Gimignano had access to a fairly large pool of people from whom they rented riding animals. The primary beneficiaries were typically lower communal officials such as *nuntii*. However, higher-ranking envoys, judges, and notaries also frequently used rented horses for purposes of communication and interaction with other Tuscan communities, subordinate localities and castles, or individuals.⁸³ The language of the sources indicates that in practice, no distinction was made between rental costs and a usage fee, the latter of which also extended to the use of one's own horses. The observation, along with the notable number of people providing horses for rent, suggests that only very few lessors rented out their animals as a main source of income, or possessed large numbers of horses.⁸⁴ This does not only apply to San Gimignano: the 28 horses rented in Siena by the chamberlain were owned by 24 lessors, suggesting that Siena, as well, lacked major rental stables. Moreover, the return of the Sieneese horses to their lessors by communal personnel from San Gimignano indicates that there was likely no cross-city network of rental opportunities; the animals were bound to their localities. Most likely, this set of circumstances remained unchanged in the 14th century.⁸⁵ However, the accounts from San Gimignano also demonstrate that a substantial portion of the commune's interaction with the outside world occurred on the backs of rented horses. This leads to some final considerations.

83 This can also be observed elsewhere, cf. the example of the notary *Palmerius* from Lucca, who hired a horse for his journey to the court of Frederick II, Georg Vogeler, *Rechtstitel und Herrschaftssymbol. Studien zum Umgang der Empfänger in Italien mit Verfügungen Friedrichs II. (1194–1250)*, Berlin-Boston 2019 (Bibliothek des Deutschen Historischen Instituts in Rom 138), p. 221.

84 Very little is known about the keeping of riding and pack animals in the city and the existence of stables, cf. Grillo, *Cavalli* (see note 22), pp. 165–169.

85 Cf. Moore, *Inquisition* (see note 7), p. 153. On the emergence of horse changing stations in the 16th century: Serra, *Ferrari* (see note 3), pp. 142–151.

4 Horses for the City. The Commune and the Commercial Horse Rental

The intensive communal regulation and utilization of horse and mule rental in the 13th and 14th centuries, as evidenced by the analysed statutes, instruments, abbreviated documents and accounts, strongly evoke observations from a broader field of research that has experienced a renaissance in Italy in recent years. The significance of the horse as military, political, and social capital in the Italian commune has been explored extensively in terms of the social history and political developments of Italian city-states: not only were horses indispensable for the military warfare of the communes, but they were also the key factor for the social and political status of the *milites*. From the principle of communal compensation for the loss of warhorses arose, in the 13th century and throughout northern and central Italy, a bevy of social conflicts, bloody struggles and a quasi-bureaucratic apparatus. The ubiquitous appraisal commissions and meticulously kept horse registers were most likely intended to ensure both the military strength of the commune and social peace, through documentation of the animals themselves and of their value, as well as through precisely defined compensation procedures.⁸⁶

This, one might surmise, hardly concerned horses, mules and donkeys, which could be rented for traversing shorter and longer distances and for transporting grain and fish. Yet, many communes applied the mechanisms developed to address the issue of compensation for warhorses to rental businesses, as well. Rental horses had to be registered and appraised, the work of the responsible *extimatores* and notaries was regulated by very detailed statutory norms, and the rental registers were apparently maintained and preserved with similar care as the records of reported warhorses. The question arises as to why the communes made this effort. Was it the need for secure and always traceable control over warhorses, to ensure none were diverted from communal military service through a possible rental?⁸⁷ Was it due to the discursive valorisation of the warhorse, which did not allow for a different treatment of less valuable rental horses in the imagination of the responsible authorities?⁸⁸ Was it the tendency of communal administrations to fit

86 Still fundamental: Maire Vigueur, *Cavalieri* (see note 10); cf. besides Barbero, *Il cavallo* (see note 10).

87 Cf. regarding bans on the lending and sale of war horses in situations of immediate need, for example, *I verbali* (see note 28), pp. 530–532, no. 109.

88 Cf. Maire Vigueur, *Cavalieri* (see note 10); Martin Clauss, *Helden auf Hengsten. Das Kriegspferd als Statussymbol im Mittelalter*, in: *Viator* 42 (2011), pp. 97–114; and Pietro Silanos' paper in this volume.

all processes around them into the established administrative procedural framework?⁸⁹ Or was it due to the fact that the rental and hire of horses was not just one marginal economic activity among others, but was rather attributed a certain importance for the functioning of the complex political, administrative and social structures of the commune? The latter interpretation is supported by the presented sources. Rental horses were apparently increasingly needed to ensure diplomatic traffic and the execution of other foreign tasks – a function that might have gained even more significance in the second half of the 13th century, when many communes began to prescribe a fixed quota of members of the Popolo or the Popolo minuto for their diplomatic missions.⁹⁰ Further indication is provided by the statutes, which include relatively frequent references concerning compensation in cases where horses were rented on behalf of the commune. This connection is made explicit in the statutes of Cortona, where all regulations concerning the horse rental business are codified under the heading “De ambaxiatoribus et equorum extimatione”: here, the *podestà* was obligated to procure rental horses from a registered lessor if the elected *ambaxatores* did not have their own equines. From this norm ensue a whole series of interwoven, detailed regulations on horse rental, as well as on diplomatic affairs. Similarly, the statutes of Ravenna decreed that the *podestà* was authorized to compel lessors (“dantes equos ad victuram”) to rent horses to communal envoys at the daily rates specified in the statutes.⁹¹ Conversely, in San Gimignano during the first half of the 13th century, a significant portion of communal communication

89 Cf. Gli statuti di Sarzana del 1330, ed. by Ida Gianfranceschi, Bordighera 1965 (Collana storica della Liguria Orientale 3), p. 32: The chapter “de officio extimatorum dicti communis” specifies that the extimators are responsible for the valuation of all movable and immovable property involved in a payment transaction; “existimare debeant omnia bona mobilia et immobilia que ex officio curie vel ex forma statuti dabuntur quacumque causa in solutum alicui persone”. In Ravenna, the chapter on compensation for the loss of a (war) horse excludes horses for hire: Statuto del secolo XIII del comune di Ravenna (see note 13), no. 170, p. 95 (12th c. – ca. 1260): “exceptis vecturalibus, de quibus equis fiat ratio, vel qui equos suos dare consueverunt ad victuram”.

90 On this, cf. for instance Sergio Angelini, *La diplomazia comunale a Perugia nei secoli XIII e XIV*, Firenze 1965 (Biblioteca dell'Archivio storico italiano 16); Gilli, *Ambassades* (see note 6).

91 Statuto del Comune di Cortona (see note 11), ch. IV,41, pp. 392–393 (1350–1380). Also in Ravenna: Statuto del secolo XIII del comune di Ravenna (see note 13), nos. 110–111, pp. 54–56 (12th c. – ca. 1260): The chapter “Quid, et quantum, habere debeant ambaxatores per diem pro ambaxata” also shows that the hire of horses for legations, as well as military services, was included in the costs paid by the commune. Hiring seems to have been a frequently used option in Ravenna, too. Section 289bis, which stipulates fixed daily rates for all Ravenna residents but allows the lessor to negotiate with non-residents, was probably intended to ensure that the commune's costs for rents remained capped. In the few cases where the development of the laws can at least be surmised from several surviving versions, regulations on the rental business are also more likely to be found in the

was evidently organised via a regular recourse to rental horses for diplomatic and other missions. 14th century Bologna apparently had, presumably driven by similar needs, designated officials “super eis qui prestant equos ad vecturam”. Offering rental animals could also help reduce losses and protect one’s own citizens in times of war, as shown by the abbreviated documents of Lupo di San Casciano. And in Ivrea, the provision of a basic supply of rental horses to commune and citizenry was evidently deemed so important that it was legally guaranteed – through the obligation of innkeepers.

The communes demonstrated, in modern terms, a certain concern for the provision of infrastructure: horses and pack animals, which were drivers of mobility, trade, but also of political agency in the premodern period, should be made available to the general populace and especially to communal institutions in sufficient quantities and at a moderate price. Fee caps, which almost no commune waived, point toward this latter aspect. At the same time, the communes were concerned with what today would be termed consumer and trader protection. Both lessee and lessor were assured certain rights, as well as their judicial enforcement, for protection of respective interests. The efforts towards consumer and trader protection may stem from the fact that not only the commune itself but also individual decision-makers in the communal councils could easily become affected parties. One could thus argue, somewhat pointedly, that these efforts constitute a characteristic of representative and pseudo-representative systems as presented by the communes and early *signorie* of Italy. These considerations might, hopefully, serve to enhance the relevance of an obscure topic for current debates and research questions concerning medieval Italian communes. The entourage of the Roman-German king and emperor Henry VII however, to return to the initial point, could, in terms of the logistical organisation of the Rome campaign, benefit from structures that had been established and communally regulated in Italian cities for at least a century – a system that seemingly proved functional as long as one did not attempt to put two people on one horse.

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times of the Popolo, cf. for instance Statuti di Reggio d’Emilia (see note 10), lib. 1, ch. 3, pp. 62–66 (1265).