The following commentaries attempt to elucidate certain features of my edition of approximately thirty documents from the Princeton Library’s Scheide Collection. They were published under the title *Chartae Fabrianenses*, given that they all originated in the area around Fabriano in the region of the Marche in Central Italy. They should be of interest primarily to scholars and students of Medieval Latin. However, researchers in the fields of Italian dialectology and of the history of the Medieval Marche also may find them of value.

The edited texts of these documents will be found in *Archivum latinitatis medii aevi* (ALMA), 58, 2000, 67-111. To make the reader’s task of correlating text and commentary easier, I have indicated in parentheses, immediately after the Scheide number of each document, the number of the page or pages where it is to be found in tome 58; then, immediately before the item in question, the number of the line or lines which contain it.

**Scheide 67 (71-72)**

4. *marchio* — *Marchio* (genitive, *marchionis*) corresponds in its general usage to the English *margrave*. Its root is the Germanic *marka*, extended in Carolingian times to mean a region marking a border. Du Cange defines *marchio* thus: “Marcæ uel Marchæ seu Provinciae limitaneæ Praefectus, Comes Marcae praepositus”, citing English, French and German texts. To these Niermeyer adds Italian sources (see Niermeyer, 654). To the Italianist it might
appear to be an augmentative of the type which results in the Italian forms in -one. However, this conjecture should be rejected. A more plausible explanation is to see it as an example of Germanic weak declension of the type Claffo, Claffonis. On this, see the commentary on de Ingezo, Scheide 67, line 16.

Of further interest is the compound used in place of marchio, that is the marchistenentes of Scheide 324, line 3: “Guarnerness suus marchistenentes”. In analyzing its formation, we should note that the final s of each element of the compound is of dubious phonetic value, given the Italian provenance of the document. Eliminating each final s would result in marchitenente, with marci replacing the marc(a)e of the etymon. This would follow the phonetic deviation censured in the Appendix Probi: aquaeductus non aquiductus [22], terraeomotum non terrimotum [159]. The sense of the compound would be that of holder of a march. Marci is to be taken as a deviant genitive and tenens as a substantivized present participle. Such usage is not without parallel. In Niermeyer (page 1017), we find a twelfth century “totam terram suam unde fuit tenens”, tenens being used substantively along with an unde having the force of a genitive (cf. French dont <de unde).

6. ideoque — The illogical, fossilized use of items such as this ideoque, and the egoque of line 39, in which -que is devoid of any conjunctive force, a simple ideo or ego being sufficient and correct, antedates these documents by several centuries. It goes back at least to the age of Tertullian, that is to say to the early third century (E. Löfstedt, 1956: 342). That -que as a meaningful semantic unit was dead for most of our notaries is born out by their almost exclusively redundant use of it, as in ad te superscriptum abbas et ac tuisque supcessoribus (Scheide 313, 23). Its placement, too, seems to be more a matter of fancy than one of a clear idea of syntax. Take as examples, first Scheide 305, 11, which has: “et a tuisque posteri supcessoribus”, and then 306, 23-24, which reads: “et tuis posteriorique sucessoribus”. Overwhelmingly outweighed by this ungrammaticality are examples of correct usage found in some twelfth-century documents. Scheide 324, 12-13, reads tibi... abbas... tuisque successoribus. Scheide 330, 6, from the hand of the Baroncellus, a iudex whose formulas are unusually quite often correct, yields ad donno Perfecto abbate tuisque successoribus.
7-8. obsolucione — This for absolutione. The change of prefix, ob for ab, in this and related words, is frequent in these documents. It should not be seen as no more than a haphazard confusion of ob with ab. Rather, the word should be taken as a semi-erudite, ecclesiastical form, the result of well defined phonetic changes. In this respect it is far from unique. It will have shifted from absolutionem to ausolucione to osolucione. The b of our word is, in some confused way, a nod by our notaries in the direction of what they took to be etymological exactitude. It is of no phonetic value.

Parallel examples of the first shift are not lacking, that is of the vocalization of b to u in certain phonetic environments, here resulting in a shift from ab to au. Classical Latin itself exhibits this tendency, but only before initial f: aufero for abfero, aufigio for abfugio. Ibero-Romance furnishes other examples, ecclesiastical, learned or semi-learned: ausencia < absentiam, bautista < baptis-tam, cautivar < captiuare, incautacion < . incaptationem.

As for the second shift, that is the passage from au to o, examples abound, from the classical clostra for claustra, to the numerous Romance descendants of causam. More pertinent to the matter at hand, however, are Romance derivatives in which the movement from au to o has its roots first in a change from ab to au. Such would be the Italian parola (parabola > parabla > paraula), the Roumanian boteza (baptizare > bautezare [REW: 77]), learned or ecclesiastical, and the humble tola (tabula > tabla > taula) of certain Northern Italian dialects, all of which are the end products of the movement from ab to au to o. It is in words of this sort which we should see parallels to the genesis of o(b)solucione.

To say that the matter stops here would be to oversimplify. It should be pointed out that an outright shift from ab to ob, the b being intervocalic and not subject to the type of vocalization we have just seen, is in fact attested to: Venantius Fortunatus, Carmina 7, 8, 36: obolenta for abolenda (in B. Löfstedt 1965: 99) and Liutprandi Leges, Incipit de Anno Quintodecimo: “nullus a fide christi oberrare prae- sumat” (Beyerle 1947: 248). The apparent reason for these changes would be the influence of the labial consonant b on a preceding vowel. Rohls puts it thus (GSLI, Fonetica: 169; see also observations on ouiscouu, commentary on Scheide 312, lines 7-8): “Quando e ed i (raramente a) si vengono
a trovare vicino ad un suono labiale passano con facilità ad u (oppure ad o)". So “raramente a” that he is able to give but one example, which should however suffice, a Venetian *lamento* for *lamento*. From outside of Italo-Romance, we might point out Portuguese *fome* < *famen*.

Seeming shifts in the opposite direction, that is from *ob* to *ab*, are extremely rare in Romance lands and should be taken as new compositions with *ad* rather than as mutations of compounds with *ob*. In the *addormire* of Gallic provenance (B. Löfstedt: *ibid.*), it is legitimate to see an innovation of the type of French *endormir* and Italian *addormentare*, rather than a metamorphosis of *obdormire*. Examples from outside Romance lands, notably from Irish sources, of *ab* for *ob* in various phonetic settings, although numerous (B. Löfstedt: *ibid.*), grounded as they must be in Hiberno-Celtic speech habits, shed little light for the Romanist.

Finally, it may be pointed out that Italian borrowings from Latin of words with an initial *abs* regularly exhibit the assimilation *ass-* as in *absolutionem* > *assoluzione*, and those from words with an initial *ob* plus a consonant simplify to *o*, as in *obscurum* > *oscu ro*, popular *scuro*.

9. *uindedimus* — In its vocalism the word is an obvious departure from the classical *uendidimus*. As for the first syllable, in the close *e* closing to *i* before a nasal followed by a stop, we are confronted with a phenomenon peculiar neither to the Marches nor to the eleventh century, but rather with one widespread in Late Latin (B. Löfstedt 1961: 35-36). An examination of the CDL reveals an overall preference for *uindere* to *uendere* which must have arisen from the actual pronunciation of the word by the scribes. For example, a *charta venditionis* from Chiusi, in the Province of Siena, dated June 774, has not only *uindedimus*, but also *uindedissemus* and *uinditores* (CDL II, 438, 5-6). That this phenomenon was more widespread and is of greater antiquity than the evidence furnished by the documents of the CDL is obvious from a passage in the *Afra*, which takes us back to the second half of the 2nd century. There, in John 2, 15, we read “et eiciebat omnes de templo qui uobes et oues uindebant” (quoted in Vaananen, 1981: 185). It is of interest to note that for the Southern Marches Rohlf’s lists a *vinni* (with assimilation of *nd* to *nn* typical of Marchi-
giano [cf. Fabrianese portamonnezze < portat immunditias, Marcoaldi 1877: 165]) as the first person singular perfect, where standard Italian has vendei (GSLI Morfologia, 575).

As for -dedimus instead of -didimus, a sufficient explanation lies in an analogy with the perfect forms of dare. Analogical forms of this type date back at least to as early as a uendedi of 163 A.D. (Schiaparelli, 1969; 43, 23). This analogy extends not only to forms with a perfect in -didi, exemplified by the numerous occurrences of uendedimus and tradedimus in these documents and in those of the CDL, but also to the battederit for battuerit of the Liutprandi Leges, caps. 123 and 124 of the year 732 (Beyerle: 288). It would, in addition, furnish an explanation for a strange duplicative dededi (CDL I, 320, 9 — April 754), if this be something more than a mere scribal slip.

The analogical strength of dare and its perfect dedi were destined to continue in Italo-Romance. In Tuscany, in Florence, Siena and Lucca, andare, which could be taken as a compound of dare, has frequently exhibited the perfect andiedi for the regular andai (GSLI, Morfologia: 323). In Pisa have been registered the forms rendiedi and, coming as no surprise to us, vendiedi. Examples from elsewhere abound. However, to see in them purely and simply the analogical working of diedi, as Rohlfs does (ibid.), must be judged at least an oversight. Direct descent from the Late Latin forms so well attested to in these and numerous other documents must somewhere be taken into account.

11. aliquis de res — It is usual for our notaries and those of the CDL to use formulas in which aliquis, qua(m)libet and quali(s)cumque function as indeclinable neuter or common forms. Illustrations are to be found in the example at hand, in the frequent use of per qualibet ingenium (see the commentary on this document, line 35), and the qualicumque tempus of 331, 22-23.

The drift toward the analytical construction, with ex or, especially, de and the ablative, at the expense of the genitive in general and the partitive genitive in particular has ancient roots. Already in Plautus (Pseudolus, 1164) we see it in a dimidium de praeda for dimidium praedae. Where the partitive genitive seems to have survived the longest was in the formulary of the jurist, as in the post aliquod temporis of Gaius, dig. 41, 1. The above aliquis de res
and the equally common *aliquis de terra* of these and other medieval documents are no more than the end product of this evolution, and present obvious parallels to common Romance usage of the type *un moggio di terra* and *trois arpents de terre*.

11. *propietatis* — The loss of *r* in the second syllable in this and related words is common in these documents, and often occurs side by side with the correct version of the word. It is best explained as a dissimilation reflecting vernacular usage: popular and dialectical Italian, Ibero-Romance *propio*.

11. *ducatu* — The basis for an unclassical *ducatus* or *clericatus* is to be found in classical forms such as *consulatus*, *dominatus* and *pontificatus*, in which the suffix *-atus* denotes an abstract office or function. This abstraction then becomes concrete, taking on the meaning of the place where the office or function is exercised, *ducatus* going from the office of *dux* to the place where the *dux* exercising his power, here the *Ducatus Spoletinus*. Movement of this sort, from the abstract to the concrete, is quite common in Late Latin. The *ducatus* under consideration provides an example, as do numerous others, often with a certain quaintness, as in *dormitio* which goes on to take on the meaning of bed (E. Löfstedt 1959: 145 ff.; Väänänen 1981: 98). The Romance languages furnish numerous other examples, such as the Italian *podestà* (civil official, mayor) < *potestatem*, and the French *labor* (tilled field) < *laborem*, which are best understood when viewed as products of the continuation of Late Latin usage rather than as innovations of the languages themselves. (On labor in the concrete see B. Löfstedt 1982: 110; E. Löfstedt 1946: 347 ff.; TLL 7/2, 795).

12. *Castellum Pretosum* — This is the *Pierosara* of today, approximately ten kilometers north-east of Fabriano and one kilometer north of the monastery of San Vittore delle Chiuse. As *Castellum Petrosum* it gave its name to a *gastaldatum* at the north-eastern border of the old Longobardic Duchy of Spoleto (Castagnari, 1982: 61). At times it is referred to simply as *Castellum*, as in line 6.

In all of our documents the metathesis in *Pretosu(m)* is peculiar to those executed by Sigualdus. In this respect he is quite consistent, and this consistency, it should be noted, ranges over a period
of close to thirty years. Our other notaries regularly write *Castellu(m) Petrosu(m)*. That we are dealing with an influence from the vernacular is a legitimate assumption, since this metathetic shift of the *r* in *Petram* and derivatives has been noted in widely in the Marches. In the Province of Macerata, for example, we find the toponyms *Preta di Amandola, Pretare del Vettore* and *Fonte Pretella Sarnanese* (Allevi: 149, note 42); the dialect of Grottamare, province of Ascoli-Piceno, has *prata* (Crocioni: 121), all ultimately from *Petram*. These recent data, gathered from outside the northern *gallo-piceno* area, along with Sigualdus' example from the beginning of the eleventh century, would seem to require a modification of Crocioni’s statement that “l’assimilazione e la dissimilazione delle consonanti, come anche la metatesi e l’epentesi non lasciano intravedere alcuna caratteristica regionale, ove non si voglia trovarla nei gallo-piceni, che, come ognuno sa, presentano fenomeni speciali (si ricordino, p. es., l’è metatesi *fartèlo, cherdente, purtescion e simili, sconosciuti agli altri dialetti*” (Crocioni: 131).

14. *sinnaita* (pl.) — The word is of Longobard origin, and is found elsewhere as *sinaita, senaida* and like forms. Under the influence of Latin *signum*, it often appears as *signaita*. The present example is in all likelihood a variant of this last, given that our notary (lines 40-45) renders *signum* as *sinnum*. In parts of Calabria and in Sicily the word is found respectively as *fineita* and *finaita*, forms which are easily explained as contaminations with Latin *fines* (Aebischer 1944: 387).

Its root is the Longobardic *snaida*, meaning a notch made with a knife into a tree for the purpose of indicating a limit, a boundary, ownership. It is found as such in the *Edictum Rothari*, caps. 240 and 241 (Beyerle 1947: 98). Ducange puts it as, “incisio facta in arboribus ad limites designandos”. Its kinship with modern German *schneiden, Schneide*, etc., is obvious enough (see Aebischer 1944: 380; Migliorini: 75; Pfister: 136; Sabatini: 195-198).

Its meaning eventually expanded from that of a mere notch in a tree to include other more sophisticated boundary markers, often described as *petre ficte* or some other term referring to stones. Quite early it came to mean a boundary line, and it is in this sense that it is to be understood in our documents. In the Marches, and it
would seem only there, in texts later than ours, it must at times be understood as area or jurisdiction. This is evident in a document from 1248 which contains the following: "in territorio et districtu uel sinayta Sancti Seuerini" (Aebischer 1944: 384). Thus, in areas of heavy Longobard penetration it would provide a synonym for either *termen or *limes.

In the Marches it also went on to spawn an agent noun and a verb: in Camerino arose the form *sinaitor, used as a synonym for *terminator, that is a setter of boundaries (Sella: 533); in Fabriano we find *sinaitare used interchangeably with *confinare (Sella: 525).

In modern Italy it has left no traces in la lingua nazionale. Its survival in dialectical vernacular, however, is attested to in at least two places: in the Abruzzi as the noun *saneida (Sabatini: 196), understood as a boundary, and in the Marches where quite recently *essere *confinanti and *confinare were expressed as *fa' *ssenata. Additionally, once more in the Marches, we have to assume the survival of a verb *senare from the use of a past participle such as *senati (Almanza: 368).

The word exhibits phonetic changes which at first sight may seem somewhat perplexing, that is the epenthesis which occurs in the initial *sn nexus, and the shift from the voiced to the unvoiced dental stop. As for the latter, we should say that it is one of the many vacillations between *d and *t to be noted in Italian borrowings from Longobardic. It is to be attributed either to the apprehending by some speakers of the Longobardic *d as *t or to a subsequent passage from an intervocalic voiced *d to an unvoiced *t (GSLI, Fonetica: 296). This would produce alternating *d and *t forms of the same word in different parts of Italy, exemplified by the *senaida of numerous texts and the Abruzzese descendant of the word noted above, and the *sinnaite and similar forms of our own documents as well as the modern Marchigiano derivatives. It should be noted that confusion of voiced and unvoiced stops, whether initial or intervocalic, is by no means an unusual phenomenon in Italian loan words of Longobardic origin (Gamillscheg 2 : 219-220; Pfister: 135-136).

As for the initial Germanic *sn combination, it would find no counterpart in the articulatory habits of Romance speakers.

All acquainted with the phonetics of Vulgar Latin know that initial *s impurum was regularly preceded by a prothetic vowel
which at first was *i*, giving rise, for example, to Vulgar *iscola, ispuma* and *istella* instead of classical *sc(h)ola, spuma* and *stella*. This phenomenon is of some antiquity, as the well known Pompeian *Ismurna* attests (B. Löfstedt 1961: 108-112; Väänänen: 47). We would not be astonished, then, that a Longobardic *isnaida*, given the speech habits of the native Romance speakers, would become *isnaida* on Italian soil. In fact, a document from Bobbio, dated 624, does contain the word in the plural form *isnaidas* (CDL III [1] : 11, 20). This very early example, however, is at present the only one which I have found of the word fitted with a prothetic *i*. All other documents at hand, and they are many, have *sinaita* or one of its variants, that is a form in which the initial Longobardic *s impurum*, apprehended as syllabic, is subjected to epenthesis. It was these epenthetical forms which were to generate the Italo-Romance forms I have listed above.

It should be noted that Germanic words with an initial *sn* which underwent this treatment in the mouths of Romance speakers are quite rare. An examination of Italian dialectical vocabulary for further examples yields slim results which, nonetheless, provide parallels to *senaita*. First of all there is a small bird, called in modern Piedmontese a *zñip* and in modern Lombard a *zñepa* (snipe), whose palatalized *n* point to earlier epenthesized forms. Lucca furnishes us with another example in an even smaller bird, of the same ornithological family but, unlike his more northerly cousins, quite clear in his epenthesis, namely a *seneppino* (small snipe). All are traced back to a Germanic *sneppa* (snipe) (REW : 664 ; FEW 17 : 160). Except for these small members of the Piedmontese, Lombard and Lucchese avian worlds, *sinaita* and its offshoots would constitute a phonetic *unicum* in the history of the Germanic contribution to the vocabulary of Medieval Latin and Italo-Romance.

14. *finis* — The word should be taken here and wherever else it appears in the formula *sinnaita finis* as a genitive singular, *infra ... sinnaita finis* meaning “within ... markers of limit (i. e. boundary lines)”’. (This is, of course, quite unusual for these documents which regularly use the preposition *de* to convey a genitive sense.) Elsewhere, appearing either as a singular *fine* or as a plural *finis*, corresponding to the Italian *fine, fini*, it functions either as a nomi-
native or as the object of a preposition. As an example of the first we cite *fine terra* of line 14 of this text (it should be pointed out that it appears here and elsewhere joined to a second element without benefit of preposition, paralleling the Italian *finimondo*); as an example of the second, the *per nominate finis* of Scheide 318, 13. As for gender, modifiers such as the *nominat*e above, or the *ipse* of 328, 24, indicate that it was regularly feminine. In this it would be in conformity with *Italian fine-fini*, feminine, which may have the sense of *punto estremo* or *confine* (VLI: 670).

14. *de ipsa res* — I have chosen to resolve neither this nor the numerous other occurrences in these texts of *l., or lat., although each is obviously an abbreviation of some form of *latus, lateris*. I have chosen not to do so for what I believe to be good reasons. As an example, take the *suprascripti l.* of Scheide 303, 13. Here a grammatical *lata* would be in evident disagreement with *suprascripti*. This *suprascripti* in turn suggests a *lati* which would correspond to Italian usage and could have been what our notaries had in mind. However, since it never appears spelled out as such in these texts I do not feel justified in using it. The few examples of fully spelled out forms of the word are the ungrammatical ablative plurals which appear in certain texts, exemplified in the *infra istis superscritis lateribus* of Scheide 331, 16.

15. *de Ingezo* — Vestiges of the weak Germanic declension of the type nominative *Claffo*, genitive *Claffoni* as found in the *Edictum Rothari* (Beyerle 1947: 4; Förstemann 1966: 368/9) appear here and there in these texts: *Cuponi* on line 6 of this text, *Cupo* appearing in 304, 38 (cf. also *filii Gisoni* [nominative *Giso*] 335, 13). It is of interest to note that this *Cuponi* and the *Ingezoni* of 19/20 function as alternates to the analytical *de Cupo* of 304, 38 and the present *de Ingezo*. Given that these alternate forms appear with grammatical consistency, it may be that our notaries recognized the genitive force of *Cuponi, Ingezoni, Gisoni* and were not merely repeating forms crystalized in local usage.

16. *modiorum unum* — The sense is one Italian *moggio*, a *moggio* being an obsolete measure of area equaling approximately one third of a hectare. The term *modiorum* and its usual plural, ending irregularly in a masculine *i*, are, of course, classical neither
in form nor meaning. The root, however, is the classical *modium*, a standard grain measure, roughly an English peck, containing sixteen *sextarii*. In both its form and its meaning the word is of interest.

In form it represents a genitive plural being taken as a nominative singular, a development not without parallels. However, it would be oversimplifying to see in the passage from *modiorum* to *modiorus* nothing more than a change of neuter to masculine typical of the evolution of second declension nouns in Late Latin. We are, after all, dealing with something more than the substitution of one nominative ending for another, of the type *uinus* for *uinum*. Also, we should be chary with explanations based on homoeoteleuton resulting from frequent pairing with *sextarii*, since the plural of *sextarius* is more often than not a neuter *sextaria* in medieval Italian documents (cf. Italian *staio*, *staia*). The proper starting point is a genitive, a genitive plural, and, more precisely, a descriptive genitive of the kind found in *fossa pedum quindecim* (Caesar, *De Bello Gallico*, 5, 42, 1). The final destination is the type of construction found in these documents, that is to say an appositive or a simple equation, via a predicate nominative, of the type *res / terra / mensura est modiori quindecim* or a prepositional construction of the type *offero ... modiorum duo de terra* (CDL I : 97, 8-9).

Playing equally important roles as the agents of this change would be first of all the lack of distinguishing inflections for cardinal numbers beyond three. Whereas the genitive nature of *modiorum* would be reinforced by an accompanying *duorum* or *trium*, similar reinforcement is lacking from *quattuor* on. This of course would be of no consequence were the genitive functioning soundly in a healthy declension system. In Late Latin this was not the case. This brings us, then, to our second consideration, namely that as the level of Latinity sank, *modiorum* ceased to be felt as a genitive, being taken, rather, for a nominative, even for a nominative plural, as an example such as *terra modiorum tris* (CDL I, 93, 18 and following), or the *modiorum duo* above show. Rectifying this anomaly required nothing more than a change of ending. Going from a singular *u(m)* to a plural *i* brought the word into morphological conformity.

It should be noted that *modiorum* was far from being the only genitive plural fated to become a nominative/oblique singular. A descriptive genitive plural, minus an originally accompanying *festa*
or festiuitate, lies at the base of Provençal pascor (Spring), French chandeleur and Provençal candelor. There are numerous other examples (GSLI, Morfologia: 8-10; E. Löfstedt 1959: 135). Florentine, Sienese and Roman candelora (Candlemas) has taken matters one step further, producing a feminine singular adjective, i.e. (festa) candelora.

As for the shift in meaning, that is from the equivalent of a peck to that of one third of a hectare, this is not without parallel in the language of husbandry. For the Roman farmer a iugum was not only a yoke of oxen, but could also be the measure of land that a yoke of oxen could plow in a day. In like manner, the modium which gives Italian moggio and French muid, also gave the Old French moie (from the plural) meaning the measure of land which can be sown with one peck of seed (DAF: 418). This is the meaning of our modiorum.

16. sestaria — The origin of the word is sextarius, a measure of dry or liquid capacity being one sixth of a congius, whence its name. It came eventually to mean the area of land sown with a sextarius of grain (cf. French setier and Italian staio). It is synonymous with sextarata (cf. Old French sesteree: Mesure de terre, champ pour lequel il faut un setier de semence [DAF: 594]). Ducange defines this as a “modus agri, ager certi sementis sextariorum numeri capax”. In this respect it parallels the semantic evolution of modius (see modiorum, in this commentary, line 16).

To be noted is the shift in gender, from masculine to neuter, reflected in the haplological Italian derivative staio, the plural of which is staia when referring to the measurement of land.

22. vocabuli — The plural of vocabulum, paralleling the movement from neuter singular to masculine plural noted in modiorum, modiori. Ducange defines vocabulum as uilla or praedium, that is to say a farm, estate or manor, adding that uocatio is used with the same sense. Arnaldi does no more than repeat Ducange’s definition of vocabulum, adding that vocabulis is used as an equivalent. The semantic movement is from the abstract notion of appellation of place to the concrete of a particular kind of place (see modiorum, in commentary on Scheide 67 line 16).
24. et cum omnia que infra se vel super se abentes in integrum
— This is to be understood as: “and with all things therein or thereupon existing in their entirety”. As it stands, a knotty construction, hard to untangle, an anacoluthon, the exact meaning and grammatical function of abentes especially challenging. To arrive at as exact an understanding as possible of this common formula, it is best to see habere as an alternate for esse, having the sense of to be situated or to be in a certain condition. This usage is of some antiquity. Habere in the passive voice, interchangeable with esse, dates at least from the time of Sallust. In the Bellum Catilinae, 1, 4, we read: “gloria flux atque fragilis est; uirtus clara aeternaque habetur”. This usage is quite common in medieval Latinity, where we also often find adhibere functioning as a synonym for adesse. As a reflexive, too, habere can take on certain of the roles of esse, as in Pliny the Elder, Naturalis Historia, 16, 93: “ordo ... naturae annuus se habet”.

For the Romanist, however, it is habere used impersonally in the active voice with the sense of esse that is of the greatest interest. For it is here that we find a parallel to Romance expressions of the type y avoir. This usage can be dated at least as far back as Saint Jerome and Vopiscus, that is to the fourth century, in Jerome, In Ezech. 11, 2 p. 97 we find: “in Hebraeo ... non habet hunc numerum”, and in Vopiscus, Tac. 8, 1: “habet in bibliotheca Vlpia librum elephantinum”. In both cases habet functions impersonally, as do il y a and hay, and the rare Italian vi ha, and governs the accusative case. It is to this construction that we must attribute Romance usage. It finds a perfect replica in Old French, for example, where a, ad, at and other forms govern the oblique case. One example chosen from many will do. In the eleventh century Gormund et Isembard, line 77, we read: “Uncore n’ot oit jors entiers”, jors entiers being plural oblique.

It is in this construction that we are to find the explanation of the role some times played by habere in these documents. Of particular interest is Scheide 331, line 19: “cum omnia q. abet infra se et super se ue1 re iacente in integrum”. It is true that on the face of it, abet could be seen as personal, as he has or he possesses, referring solely to the count Ruberto, first named of the guarantors in the transaction. However, arguing against this interpretation would be the existence of the other guarantors, namely the nephews for
whom, along with himself, he is acting, and Roland the abbot of St. Victor's. More to the point here, however, is the functioning of *abet* in place of the usual *abentes* in the formula *cum omnia que infra se uel super se abentes*. No matter how difficult it may be to assign a syntactical function to this *abentes*, one thing is clear, namely that it does not refer to a person or persons.

It seems clear, then, that *abet* here is impersonal and should be understood as the equivalent of an *il y a* or an *hay* or, rare though it be, a *vi ha*. In addition, it becomes clear that *que* is not the conjunctive enclitic but rather an indeclinable relative pronoun functioning as the direct object of *habet*. A legitimate English translation would be: “with all things which *there are* therewithin or thereupon or on adjacent property”.

It is by reference to this construction that we must analyze the grammatical function of the *abentes* in the formulas of this and other documents, in other words we must see this *habere* as impersonal. To do this, we must first of all disregard the final *s* of *abentes*, keeping in mind that we are dealing with an anacoluthon. From one generation to the next, our notaries write this *s* in an uncomprehending use of a formula which repeats a misguided attempt to make some sort of agreement between *abentes* and the preceding *que* and its antecedent *omnia*. The latter are taken as plural, representing as they do all those features of the property being sold which have not been specifically named. Divested of its *s*, however, this participle can be taken to be functioning absolutely and impersonally, as does often a French *y ayant*, achieving some sort of grammaticality by taking the preceding *que* as its object. All of this, is of course beyond a Sigualdus. His inability to use a present participle with any degree of correctness should, in part at least, be attributed to the lack of this form in the vernacular. It had been replaced quite early in popular speech by the ablative of the gerund (Väänänen 1981: 140-141). Attempts to see, in this use of *habere* in Medieval Italian documents, a reflection of the vernacular gain no support from modern Italian usage. Today rarely, if ever, is *avere* used as a substitute for *essere*. The sense of *y ayant* is regularly expressed by *essendovi*. The language of these documents, though, suggests that, however rare *vi ha* and *havvi* may be today, at one time *avere* with this impersonal force was not unusual in Italo-Romance of the Marches.
26. merce — See commentary on “in mercen abente”, Scheide 303, line 19.

26. da — In these documents ab is dead. Fossilized traces of it appear in the formulas: ab incarnacione Domini nostri Ihesu(s) Xpisti and in the synonymous ab odierno die (310, 18) and ab odie (315, 26). The a of rogatus teste a suprascnpti (see, for example, line 43 of this document) and like formulas may also be taken as ab rather than ad, for it is not clear whether this is to be understood as “called to witness by or to the above-named”.

The ultimate homophony of ab and ad doomed one of them to extinction. Ad survived as pan-Western Romance a. In the place of ab in italo-Romance we find da < de ab. Given the frequency with which da is found in inscriptions and documents from Italy (Svennun 1951), dating from as far back as late imperial times, exemplified by da tricenti decem et octo patriarche (CIL II, XXVII, 3856), and continuing throughout the Middle Ages, it is not at all surprising to find this hybrid here. Rather, it is to be expected.

Aebischer has noted (Aebischer 1951: 13 ff.) that da shows its greatest vitality in Tuscany where it swarms in documents of Lombard origin. He catalogues numerous instances of its various functions, denoting delimitation, movement from, origin or point of departure, simple specification, possession. Our Marchigiano notaries, however, are more parsimonious in their use of it, restricting it to three verbs: pergere, recipere and defendere. With pergere, it serves to give the point of departure of a property line, as in “riu q. perrit da pantanella” (310, 11) and “strada q. pergit da Claue” (321, 29). An example of its working with recipere is in the case at hand, that is: “recepimus precium ... da uobis”, corresponding in this respect to Italian ricevere da (VLI: 1453). Coupled with defendere, it appears numerous times in these documents, at times accompanied by auctoriare, in some variant of the formula “et si da omnis persona non uoluerimus aut auctoriare aut defendere” (319, 49). In this, it continues classical defendere a(b), as in Vergil, Eclogae 7, 6: “teneras defendo a frigore myrtos”. What is more, it perfectly parallels the Italian difendere da (VLI: 503). As for the numerous cases of a in these documents, with the exceptions noted above, they are to be understood as Latin ad, Italian a.
29. **exminuare** — The sense can be *to reduce* or *diminish* or even *cancel* (for this last meaning see GDLI, *menovare* 3). Two features of this word are to noted. First, there is the prefix *ex*. As a verbal prefix, *ex* had the same force as *de*. Its function could be privative, as in *exarmare*. It could indicate movement from some place, as in *exportare*. Often it added nothing to the basic understanding of a word other than to reenforce it, as in *exornare*, to adorn completely. In modern Italian, its descendant, having all of these functions, is the common verbal prefix *s* or *es* (GSLI, *Sintassi*: 351 ff.). In its constituting elements *exminuare* corresponds to the modern Italian *sminuire*. However, in analyzing the role of the prefix in the case of either *exminuare* or *sminuire* it is difficult to see a clear cut application of one of the functions cited above, in all likelihood it represents an attempt at reenforcement through hypercharacterization. In this respect it resembles vulgar, pleonastic coinings of the type *dismangle* current among certain teen-aged speakers of English.

Secondly, there is the infinitive in *-are*. It is unexpected. Unexpected in that it seems to constitute an unusual change in conjugation. The verb in Classical Latin is regularly *minuere*. As is well known, it is not at all unusual for a verb of the *-ere* conjugation to migrate to another conjugation, usually to *-ère* or *-ire* (Väänänen 1981: 135-136). Examples are legion: *cadére* < *cadere*, *fug(g)ire* < *fugere*, and *diminuire* < *diminuere* will suffice. Changes from *-ere* to *-are*, though, are rare. Rare, but not unattested. There is, for example, from the Longobardic Laws, the recomposition *tradare* for *tradere* (B. Löfstedt 1961: 183). Earlier, and quite apropos to our *exminuare*, is the *minuare*, for *minuere*, of the fourth century *Mulomedicina Chironis*, 260. In light of this, our verb must be seen not as an innovation, but rather as the continuation of an earlier change of conjugation. *Minuare* must be taken as the ancestor of not only our verb, but also of the the Old Italian *meno(v)are*, with related forms in both Gallo- and Ibero-Romance (REW: 459). That a derivation of *minuare* was part of the vernacular of our notaries would seem to be a legitimate assumption.

30. **abere** — The sense in English would be *there to be*, in French *y avoir* (see commentary line 24 above).

35. **infrangere** — This for the classical *infringere*. Recomposition of this type, that is the reverting to the vocalism of the base
form of the verb, is characteristic of much of medieval latinity and has its roots in vulgar and late Latin usage (B. Löfstedt, 1961: 183-195). We find *infrangere* in Isidore, *Etym.* 108. Another example of this tendency is the final *inclusi*, for *inclusi*, of this (line 47) and most of the following documents.

35. *qualiue ingeniu* — The fossilized *qualibet* or *qualiue(t)* for *quodlibet*, and other forms in other contexts, is common not only to these but to medieval notarial acts in general. The CDL and other sources furnish numerous examples (B. Löfstedt 1961: 249 ff.). The explanation is to be traced to a false analysis of the word, dividing it into *quali* — *bet* rather than its actual constituents *qua* — *libet*. In other words, it was seen as a form of *qualis* to which a suffix, spelled variously as *bet*, *be*, *uet* and *ue*, had been added. The feeling that this last was nothing more than a suffix would have been suggested by those words which do in fact possess a suffix *ue*, for example *siue*, *neue*. This feeling would be reinforced by the likely homophony of *bet*, *be*, *uet*, *ue*, namely *ve*. Along with the *aliquis* and *qualecumque* of these and other documents, *qualibet* is best described as indeclinable, having common gender.

37. *duppla* — It should be noted that the dialects of the Marches do not always correspond to Tuscan in their treatment of Latin simple and geminate consonants. For example, from the *ani* of the first line of this document, we may assume that Latin *nn*, preserved in Tuscan, was simplified to *n* (the frequent graph *nn* of this and other documents should be taken to represent the palatized sound of Italian *gn*). Nor are they unified in their processes of simplification and gemination from one area to another. The situation is somewhat complicated. In the city of Ancona, for example, all geminates simplify, whereas in the surrounding countryside the simple geminate. Farther north and inland, around Urbino, continuants and plosives geminate when posttonic, and simplify when pretonic (Crocioni 1905: 130). The gemination of the *p* in *dupla* in this and succeeding documents would indicate the doubling of a postonic plosive was characteristic of the vernacular of Fabriano at the time of the writing of these documents. The place name Piób-bico (< *plubicum* < *publicum* [see *plubica*, in commentary on Scheide 309, 13]), and the *trebbio* (< *triium*) common in the topography of the area lend support to this thesis and put Fabri-
anese solidly in the company of Tuscan in this matter. However, where other dialects of the Marches are concerned, Rohlfs’ observation (GSLI, Fonetica: 355) that a Latin -pl- in Tuscany and in Central Italy in general yields -ppi- is subject to the refinements that Crocioni has pointed out, as are the Italo-Romance examples of B. Löfstedt (B. Löfstedt 1972: 91) in his discussion of the doubling of stops before l and r, drawn as they are exclusively from Tuscan.

37. in ipsius locu — The sense is probably in its place or in its stead, the terms of the restitution to be made to the buyers for any attempts to alter the conditions of the sale being double and better the estimation of the property sold. The exact sense of in loco in these documents seems to vary, at times having no more precision than the English instead of, without reference to a place as such. It is clearly used this way in other medieval documents, for example Lex Salica X: “Quod si hoc fecerit, capitale in loco restituât” (in Väänänen 1981: 197) where the reference is not to a place, but rather to heads of cattle in some way destroyed. At other times, however, we are to understand place or places as such. This would be the case in Scheide 308, 33 where we read: “in ipsu loca uel uocabuli”, the inclusion of uocabuli along with loca pointing directly to the specific places which are the subject of the transaction.

39. scabinus) — An official who, in Frankish law, was elected by the people for the organisation and functioning of tribunals (VLI: 1559). Its Germanic root would be the same as that of the Anglo-Saxon sceippan (modern to shape) and the German schaffen. In Italian it exists as scabino and schiavino (the latter must be due to the influence of schiavo, even though the sense might seem inappropriate. A similar influence must have been at work on the Provençal esclabin and Spanish esclavin, about which Meyer-Lubke (REW: 657) says: “unerklärt ist aber das -l- im It., Sp., Prov.”). It has a cognate in Old French eschevin (modern échevin), defined as a municipal magistrate designated by the burgers of a city to assist the mayor in his administrative duties (DFV: 410). Use of échevin and its variants is restricted preponderantly to the North of France (FEW, 17: 94-95; REW: 657), the Midi preferring the terms consul, capitoul or jurat (DFV: ibid.). All
of this would seem to point to a Frankish origin for our word. This is made all the more likely, given the Frankish conquest of the Longobard kingdom and the Frankish presence in the Marches dating from 774.

40-41. ista cartula uindicione scriuere rogaui — Certain verbs which do not introduce an accusative-infinitive construction in Classical Latin do so in Late Latin. Among them is rogare (classical usage would have rogo ut or rogo ne). In Gregory of Tours, for example, we read “rogat sibi ... reddi famulos suos” (Historia Francorum, 5, 3). Furthermore, rogare had taken on the meaning of to command in addition to the original to beg, to entreat. The agent noun rogator came to mean expressly: “Qui documentum aliquod iubet perscribi” (Arnaldi 1970, III : 77). The Romance languages reflect this usage. Italian has the learned forms rogare and rogante meaning respectively to stipulate a contract in the presence of a notary and the party stipulating a contract (VLI: 1513). Old French rover, from rogare, has among its meanings that of the modern ordoner (DAF : 573).

The formula in question should be taken as an ungrammatical extension of the construction found in Gregory, above, a correct or classical version being istam chartulam scribi iussimus. It goes without saying that the accusative-infinitive construction was for our notaries, for the most part, a dead letter. That the present passive infinitive was a mystery, for the most part beyond their ken, is born out by the quoniam facta ominum semper in memoria retineri non possimus of Scheide 331, 3. I say for the most part, because we do find in 330, 2-3, and 4, authored by Baroncellus, whose Latinity tends to be less barbarous than that of his fellows, both quoniam facta hominum semper in memoria retineri non possunt, and hanc chartulam fieri rogamus.

46. roboracione — The sense of “post roboracione omnium testibus” is: “after confirmation of all things by witnesses”. Although roborare is classical, and may be taken figuratively as to confirm or affirm, as in Apuleius, de Platone, 2, 15: “quae comparatio (i.e. of a signet ring with an impression) praecedentem roboruit suspicione”, there is no classical attestation for the verbal substantive roboratio. We do find it in Ducange, who defines it as confirmatio, giving roboramen as a Medieval Latin equivalent. It is
obvious that the word had wide currency, our example being central Italian, and those of Ducange being of both French and English provenance.

Scheide 303 (72-73)

2. die mense februariu — Specifying the day of the month, as in Scheide 67, where we read “die quarto decimo mense decenber”, is the exception rather than the rule in these documents. The convention is rather ungrammatically to pair the ablative die, mense with the name of the month, in the what must be construed as a nominative, and nothing more. This goes counter to the general usage of the CDL which, in dating, is either to ignore the month altogether, or simply to indicate the month with no reference to the day (e. g. mense ianuario CDL I, 113, 4), or to specify the day using an ordinal number (e. g. duodecima die mensis marinarum CDL I, 106, 2), or to refer to the kalends (e. g. sub die duodecimo kalendarum iuliarum CDL I, 61,1).

Interpreting our data is problematical, since at least two possible understandings present themselves: the first, and more obvious, would in this case be “on a day in the month of February”, somewhat indefinite, but perhaps sufficient for the purposes of a document of this kind; the second would be “on the first day of February” paralleling usages such as the English May Day, universally understood as the first day of May, and the French le jour de l’an, meaning only the first day of the year.

3. ego nos Arduuinus — Of the notaries involved in this collection of documents, Sigualdus, Berardus, Acto and Ugo distinguish themselves by a haphazard and illogical mixing of first person singular and plural forms, both pronominal and verbal. It is to be noted that in each of the deeds in question the grantor is given as a sole individual, here Arduuinus, in Scheide 304 (Sigualdus), it is one Moronto, in 305 (Sigualdus), a certain Petrus, in 306 (Berardus), one Ugo. This interspersing of singular with plural forms while referring to only one person may be explained as nothing more than a reflex on the part of notaries accustomed to framing deeds in which there were usually two or more grantors, a husband and wife for the most part. That, in the case of Berardus,
we may dealing with nothing more than a lapsus would be born out by the perfectly consistent *dono, trado* of line 7 becoming in line 14 *damus, trado*.

In documents of later date we usually find a consistent inconsistency, when the grantor is one individual, in the regular pairing of *ego or me* with the plural form of the verb. Typical would be Scheide 309, 4-6, where the notary Adamo writes: “ego Gezo ... a presente die tradimus tibi Murico”. That this was common practice much earlier and elsewhere may be inferred from examples in the CDL such as a *charta donationis* from the vicinity of Lucca, dated May, 736. in it we read: “Et ideo Deo auctore constat me Anuald virum deuotum donasset (to be taken as *donasse*) et *donauemus*, concecisse et *concessimus* (CDL I, 186, 4-6).

6. *uostrus* — It is necessary to point out that in no place in these documents are the first and second person plural possessives fully written out. They appear regularly abbreviated as *nr is, urs, uris*, etc. (They appear as such in the apparatus along with all other abbreviations given ungrammatical resolutions.) The resolution *uostrus* is unclassical in two obvious respects: the *o* of the first syllable and the *-trus* of the second. The *o* finds its justification in the forms, which were to furnish the bases of the Romance possessives (cf. Italian *vostro*, Spanish *vuestro*, French *votre*, etc.) and were the pre- and post-Augustan concurrents of *uester* (cf. Plautus, *Menaechmi*, 999: “Opsecro uostram fidem”, and CIL I, 586, 9: Postquam uostra nerba senatus audiuit) and were to supplant it in Late Latin. We must also take into account, of course, the role of analogy with *nostrum and uos* in the ultimate triumph of *uostrum* (Väänänen: 124). In passing we might note the rather ancient fluctuation between *uo* and *ue*, in somewhat different phonetic environments, in Latin, to wit: *uoto/ueto; uortor/uertor* and derivatives such as *duourtium/diuertium*.

As for the final *-trus*, it is justified not only by the abbreviation itself but also by the corresponding vernacular form which we must assume to have been based on an accusative *uostrum*. It would have been pronounced *vostru*, the final *s* of our text having, as usual, neither inflectional nor phonetic value.

7. *infra* — Here, and throughout these documents, *infra* is to be understood in one of the senses of the Italian *fra*, that is either
between, among, within or simply in: “infra Ducatu Spoletino” and “infra teritioro Castellum Pretosu”, that is “within or in the Spole­
tine Duchy”, “within or in the territory of Castellum Petrosum”, and “infra loca uel sinnaitae”, “between or within the places or boundary markers”. The meaning of below or beneath of the classical infra is normally rendered in Italian documents of this period or earlier either by subtu(s) (Italian sotto) as in subtu casa mea uindituri (CDL II: 421,4) or subter, as exemplified by subter manu mea propria (CDL I: 182,24-25).


12. li fili — Outcroppings of pure vernacular are not frequent in these texts (there is nothing comparable, alas, to the substantial vernacular passage found in that document already well known to Romanists as the Charta fabrianensis). When they do occur, it is almost exclusively in the form of the definite article: lo, lu, la and, as in the example at hand, li. Some observations, then, on the defi­nite article in the Marches in general and in these documents in particular are, I think, in order.

The definite article of today’s family of Marchigiano dialects is universally derived from truncated forms ille as shown above. In their present forms, they come close to constituting a compendium of the metamorphoses undergone by ille in furnishing Italo­Romance with a definite article. A few examples of the variety will suffice: l at Arcevia, except before r where it remains lo (lo rosario); el at Pesaro and Senigallia; er at Fabriano, having passed through el; in Cingoli and Serra San Quirico: a, e, u; in Recanati and Apiro, undergoing rhotacism: ro, ru, ra (Crocioni: 131; El, XXII: 232). Crocioni is, however, at pains to point out that “nell’antico domina lo, lu”.

As for l’antico, our documents confirm Crocioni’s observation. Wherever a vernacular toponym is used in the delineation of a piece of real property, it is not unusual for it to be accompanied by an article based on ille, as in the present instance, or, to add a few random examples, la Contria of Scheide 309, 10, lu castellu de li filiis de Sicco of 311,21 and Summo lu Colle of 312, 10. However, it is just as usual to find some form of ipse fulfilling the same role in the surrounding Latin text.
At first sight the data would seem to confirm Pio Rajna’s thesis (Rajna 1891: 393-4), a thesis which would be hard to surpass for the elegance of its reasoning. For him this “vera pioggia di ipse” in the Latin chartae of medieval Italy is easily explained. Our notaries, who, according to him, could not take two steps in the labyrinth of Latinity without going astray, were nonetheless conscious of the anti-Latin nature of the article. Since the article of their own vernacular was obviously derived from ille, ille was to be avoided at all costs wherever in a Latin text it might be construed as an article. However, if a notary simply could not resist the urge to use an article in his Latin, in those places where the vernacular would have lo or lu or la, he would use ipse or ipsa. Too elegant, perhaps. For Aebischer, an “argumentation de procureur retors” (Aebischer 1946: 188).

For the great Swiss philologist, this pioggia di ipse could be possible only in areas in which ipse, having once taken on the character of a demonstrative (he uses the French celui-ci as an illustration), went on to take on the role of incipient article or, to use the term he has coined, articloïde. From this it would eventually become a fully developed definite article. Over what is presently Italian territory, the area of ipse would have extended from the Marches south to Basilicata, and to the great islands, Sicily and Sardinia, as well as to the lesser Aeolian group. That ille was eventually to supplant ipse all over this territory except in Sardinia (as well as in parts of Spain and Gascony) is well known. Why this happened is beyond our purview, except to say that ille in the role of article spread both from Rome and the North throughout the rest of the Peninsula. If ipse did survive as a definite article, and this is a matter of some dispute, it was only in isolated pockets immediately south of the Marches, in the Abruzzi, in the province of L’Aquila (GSLI, Morfologia: 112). That it ceased to have this role in the territory around Fabriano by the time Sigualdus dipped his pen in ink is obvious from the vernacular place names I have listed above.

What is to be said, then, about those words of these texts which function as definite articles. As for ipse, we should note first of all that it is devoid of the intensive or emphatic or reflexive force of its classical ancestor. Secondly, when it is used, which is often enough to be rated at least a pioviggine, its function must often be
described purely and simply as that of a definite article. For example, in the *ipsu monasteriu* of Scheide 305, line 7, there is not the least trace of intensive or emphatic or reflexive force, the monastery being mentioned for the first time. *Ipse* here, and elsewhere, is functioning simply as an article. Not, however, to the exclusion of *ille*, which appears not only in the form of its truncated descendants in the vernacular, but here and there fully blown, except for the missing final consonants, as in the *illu pratu* of Scheide 328, 19. However, it is quite often possible to see in *ipse* that demonstrative character alluded to by Aebischer. Examples abound. One from the present document will suffice. The *est posita ipsa res* of line 9, following on the *est aliquis de res iuris proprietatis mea* of 6 and 7, could be legitimately translated as "this property is situated" rather than "the property is situated". Arguing against this, however, would be the presence in these documents of forms of *iste*, as in the *infra isti suprascripti l.* of line 13 of this text, functioning, as would be expected, as a first person demonstrative.

18-19. *de per* — The sense of the phrase *de per ista uindiccione* is "through this sale". It is found not only here, but much later in the century, in Scheide 309, 22. It is obvious that there is no privative force to be attached to *de*. In compound prepositions of this sort its function must be defined as static (E. Löfstedt, 1959: 164 ff.). Romance usage bears this out. A few examples drawn from many will suffice: Italian *dentro* < *de intro*; French *dehors* < *de foris*, *dedans* < *de de intus*. Spanish furnishes an exact parallel to our *de per* in *Fueros de la Novenera*: "*de por* mandamiento del alcalde" (ibid. : 170). Compounds of this type are not an innovation of Late Latin, but simply continue a tendency found in the *inibi* of Plautus and Cicero as well as in the popular *de contra* and *in contra* of the Pompeian inscriptions (Väänänen 1981: 95).

19. *in mercen abente* — The sense seems to be: "there being in the sale, deal or transaction". Fitting the phrase into its place in the section beginning with *unde* on line 17 and ending with *duodeci* on line 19, we would have "whence we have received a price, I, the above-mentioned seller, from you, the above-mentioned buyer, through this sale, there being in the transaction twelve *solidi*". Admittedly not the most rigorous sentence structure, but nonethe-
less cogent. (On the use of habere with the sense of esse, see commentary on Scheide 67, line 24). To give to mercem (here and in Scheide 67, 28) the sense of deal, that is to say sale, is not to indulge in excessive lexical freedom. Under the heading of actio mercandi, mercatura, the TLL (8, 851) lists numerous cases in which the word is to be so understood, for example: Scaeuola, Digest 33, 2, 32, 2: “lanae ... mercis causa paratae”. It must be noted that none of the examples refer to dealings in real estate. That it could be used, though, in such a context by a Medieval notary is evident from this example and from Scheide 67, 28.

Scheide 304 (74-75)

15. fossatu — Here the past participle of fossare, the frequentative of fodere, to dig, functioning as a substantive. The TLL (6: 1214) has several examples of the word used in the sense of fossa finalis, that is a ditch, either natural or artificial, or a stream, marking a boundary. Modern Italian fossato continues this usage (VLI: 694). An examination of the maps of the Istituto geografico militare (folios 116, 117, 123, 124 covering the region around Fabriano) reveals numerous uses of fossato in the naming of natural water courses. It is doubtlessly in the sense of a water course functioning as a boundary that the word should be understood in these documents.

16. serioncla — The word is lacking in all standard reference works. However Ducange does have “Seriola, Canaliculus, per quem aqua decurrit”. Our serioncla would seem to be composed of the same base, that is seri, with the diminuitive suffix uncula (> oncla) in place of ola. This would produce seriumcula, which would normally become serionchia in Italian. Unfortunately, such a lexical item, or even one in any way resembling it, is absent from the language. The final cla of our word is to be seen as a clumsy attempt at latinization. The meaning of a small channel through which water flows is quite appropriate to this document. As for the base seri, to see in it a form of series, with the sense of a course, would be to force things a bit. However, a more plausible etymon is not apparent.
10. custor — This for the classical custos (custodem). That it springs from an analogy with the numerous nomina agentis in -tor, -torem seems evident enough. Any analogy based on nouns with double nominatives in either -os or -or, such as honos / honor and arbos / arbor, would seem unlikely since they do not express agency. Moreover, -os as an alternative to -or had ceased to be a popular form well before late imperial times. We should expect, however, custoditor as the agent noun of custodire, on the model of audire, auditor. This we do find in Ducange. Also, given a sacerdos for sacerdos (CDL 1: 95, 17), custus for custos could also be anticipated. It does, in fact, appear (CDL 1: 7, 4; 24, 4). That total confusion reigned in the matter is illustrated by an incorrect custus followed ten lines later by an almost (except for its first o) correct costodibus (CDL 1: 178, 5 and 15).

Custor is far from unique to this document, and far from unique to Italy (B. Löfstedt 1985: 139). The TLL (4, 1571) lists a qustor, from an unlocated, undated inscription. In an abecedary found in an Einsiedeln manuscript of either Irish or Anglo-Saxon origin, one reads pius pastor animarum custor. In a hymn of Ansbert’s honoring St. Ouen there appears amicus sponsi dominicus custor. In Italy, besides our own document, there is the Missale bobiense which contains subditarum tibi mencium custor (Norberg 1985: 214-215). In addition we must mention that among numerous Greek borrowings of Latin nouns in -tor, -torem is to be listed koustor, common in Byzantine administrative documents (Chantraine: 91). From all of this it should be obvious that the word enjoyed wide currency, not only among Latin rite ecclesiastics but also among Byzantine bureaucrats.

Romance derivations from the word seem to be exclusively French, belonging to the ecclesiastical vocabulary, having to do with the office of sacristan or beadle (FEW 2: 1596-1597). The first attested form is an Old French costre, found in the eleventh century Vie de saint Alexis (1. 176): Revint li costre a l’imagene el mostier. It should be noted that an Old French nominative of the type costre supposes an oblique costor, thus paralleling other nouns such as pastre (< pastor) / pastor (< pastorem) and traître (< traditor) / traîtor (< traditorem) issuing from third declension
masculine *nomina agentis* (Foulet 1968: 5). The standard reference works reveal no trace of the word in Italo-Romance despite its presence in a missal from Bobbio and in our own Marchigiano document.

10. **monesteriu** — The vocalism of the Latin *monasterium* has undergone various changes on Italian soil. In the example at hand, *a* has moved to *e* possibly under the closing influence of *s*. In Boccaccio, *Dec.* 1, 4, this *e* has closed further to *i*: *monisterio*. A movement in a different direction is to be noted in a document from Camerino (Allevi 1972: 162). Here *o* has harmonized with the following *a*: *manasterio*. Modern Italian has the learned *monastero*, along with which the VLI lists archaic *monasterio, monistero, munisterio, munistero*.

12. **oueni** — This for the perfect *obuenit*, the sense of “*aliaquis de res mea q. mihi oueni in ereditate*” being “a piece of my property which has come to me through inheritance”. To be noted about *obueni* is not only the loss of final *t*, but also of *b*. This last would have first undergone assimilation, yielding *ouueni* (*uu* being pronounced *vv*). The resulting geminate in turn has undergone simplification, yielding *oueni* (pronounced *oveni*).

**Scheide 306 (76-77)**

26-28. *quia pro ipsa donacione non impedimus neque precio neque launeildu et tantu oracione et remissio peccatis parentorum meorum sicut super legitur* — To be understood as: “that for the donation we seek neither price nor token and only prayer and the remission of the sins of my parents as is read above”. For commentary on *impedimus* and *launeildus* see below.

26. **impedimus** — Confusion of *impedire* with *petere* is evident here, confusion which stems from the voicing of intervocalic *t* in the Marches and in northern Italy. The CDL furnishes us with numerous examples, of which *pedidus* (*I*, 176, 5, from Como) is quite apropos here. It points to partial homophony in the perfect participles of both verbs (*impedire, impeditum; petere, petitum*, each with a long *i*) which no doubt contributed to their being confused. This confusion would eventually lead to a change in
conjugation of the type we have already noted: *diminuere* > *diminuire* (see commentary on *exminuare*, Scheide 67, line 34). Hispano- and Luso-Romance *pedir* suggest that the change *petere* > *pedire* was early and widespread.

*Impedire* for *petere* in an Italian document is not unique to this text. In *Liutprandi Leges*, Anni XIV, Cap. 73 (Beyerle 1947: 238) we read: "...quia in loga sanctorum aut in exeneodochio nec thinx nec launigild *impedire* deuit, eo quod pro anima factum est", the sense of which I take to be: "...because he is not to seek either thinx (contract) or launegild (symbolic payment) in places of saints (holy places) or in a hospice, since this is done for the sake of the soul". That the *impedire* of Liutprand’s Law was understood as *petere* is born out by an extract from the *Tabularium Casauriense*, cited by Ducange (5, 44), dated 1064: “Et sicut D. Luithprandus (sic) Rex in suo Capitulo replicauit, ego nullum Launegild require, nisi remedium salutis animae nostrae”. It is obvious enough that this *require* hearkens back to Liutprand’s *impedire* and his prohibition against seeking token payment in sacred matters. For Beyerle to render *impedire* as *zum Hemmschuh werden* (ibid., 239), though faithful to the letter, seems to miss the point.

27. *launeildus* — As indicated above, of Germanic origin, meaning symbolic or token payment made in closing certain kinds of business deals, its components being *laun* (in Gothic, compensation [VLI: 940]) and *geld*, money. It appears in numerous variants: *launegild, launichilt, lanigild* (for more complete enumeration see Beyerle 1947: 504). Modern German has *Lohngeld*.

Scheide 307 (77-79)

5. *iugale* — Use of the adjective *iugalis* as a substantive in place of *coniunx, maritus, uxor* and *mulier* is common in these documents. Instances of this usage are first found in Christian texts (TLL 7/2, 624), the earliest being Itala, *iud.* 19, 1: “Levites sibi accepit iugalem de luda”.

5. capitulare — The adjective could be used with the sense of *summus* or *grauissimus* (cf. Cassiodorus, *hist.* 4, 35). In the age of Gregory of Tours (*Hist. Franc.* 9, 30) and Gregory the Great
(epist. I, 14; 14, 13) it often functioned as a substantive, of principally neuter but at times masculine gender, meaning writing of greatest import. In Frankish law it came to mean a law text promulgated by a ruler (VLI: 269). It is in this sense that we should understand the word here.

7-8. propterea iusta capitulare ego superscripto Ro=====omni et=====dedit ad superscripta Acza iugalen mea — Full understanding of this section of the text is impaired by the obliterated portions. What is intact should be taken as: “therefore according to (iusta = iuxta) the capitulare (see above for meaning), I, the above-mentioned Rodolfo==all and=== I have given (dedi) to the above-mentioned Acza my wife”.

7-8 turibulu — The meaning is censer or thurible, the root being turem, incense. It is the covered incense burning pot suspended from three or four chains, swung by the thurifer during liturgical ceremonies (on the misconstruing of this passage by Avarucci et al. [Avarucci 1994: 265], see Donovan 1996).

15. omnia — The number of omnia shifts easily from plural to singular in these documents, and elsewhere (Norberg 1944: 55 ff.). That it is felt as singular here is evident from the following pertinent. It cannot be regarded as an idiosyncracy of Ragineri, since Adamo (Scheide 317, 22) writing in 1084, some fifty years later, writes: “cum omnia que ad ipso molino pertine”. Acto (Scheide 326, 24), writing even later, in 1109, has: “omnia q. uobis bene complacuit”. It is to this singular omnia that must be attributed the feminine singular ognà of various Italian dialects (GSLI, Morfologia: 219).

37. per nullu extraneu — The sense of nullu here is evidently that of ullam. The passage beginning on line 35 with “si tollere” down to “ammissa persona” of line 38 should be understood as “if we shall have willed to remove or diminish/cancel or shall not have defended or if we shall have presumed however to litigate against this deed either through ourselves or through our heirs or through any stranger/third party at our death”. The NGML (p. 1500) cites a twelfth century: “dedit predicte ecclesie... terras incultas nullas”. Arnaldi (2: 404) lists a number of examples. It is not rare in Old French, always unaccompanied by ne when it is to be understood
affirmatively. One example, from the *Chatelaine de Vergi*, 318-320, will suffice: “Cuidiez vous, se me disiez / vostre conseil celeeement / que jel deïsse a nule gent”. Modern Italian continues this usage, restricting it, however, to conditional, corresponding to its use here, or interrogative sentences (GSLI, *Morfologia*: 218).

Scheide 308 (79-80)

1. carnacione — This for the usual *incarnatione*. The word is attested to, in late imperial times, only once, in the *Tardae Passiones* 1, 4, 113 (TLL 3, 477) of the early fifth century physician Caelius Aurelianus: “est semper grauabilis camatio”. The sense, however, is fleshiness or corpulence, or as Ducange, citing Aurelianus, puts it (II, 117): “obesitas et carnosior habitus”. Nowhere do we find indications that the word was used by theologians or others to designate the act through which the Second Person of the Trinity took on human nature. Modern Italian and Modern French have *carnagione* and *carnation*. But they refer only to skin color.

Old French usage, on the other hand, does indicate that *carnatio*, as an equivalent of *incarnatio* as used in Christian theology enjoyed some currency, a currency somewhat more widespread than our document would indicate. Furthermore, we are furnished hereby with grounds to believe that the occurrence in this document of *carnatio* without the prefix *in* may justly be seen as something more than a lapsus on the part of our notary. In Godefroy we find (I, 788): “Carnacion, ...tion, -sion s. f, incarnation: En la carnacion mille cc.xxxii (Chron. d’Ernoul p. 472, var., Mas Latrie); Desci qu’en la carnation (Est. de la guerre s. Vat. Chr. DCLIX, fin); As 1272 anz de la carnaison de Crist (Voyage de Marc. Pol. c.cxxxiv. Roux)”. Tobler-Lommatzsch (IV, 1361), in a quotation from the Franco-Paduan *Entrée d’Espagne*, furnishes one example of the word. However, on examination, it is evident that *carnaison* must here be taken as the equivalent of *chair*: ”...Que Diex pöust sens d’autre home chaison Vergne àomber et prendre carnaison...”

16. de terra nostra — The phrase functions as the direct object of *dedimus*. In this respect it differs from the same phrase in 307,
16 where it is complementary to *modiorum*. The parallel with French and Italian partitive constructions as in *nous donnâmes de la terre* and *demmo della terra* is evident. However, this usage is in no way innovative. The construction has a forebear in Ciceronian Latinity: *pro Flacco*, 91: “dat de lucro”. Here, as in our construction, the prepositional phrase with *de* has a partitive sense and functions as the direct object of a form of *dare*.

20. *peccia* — The origin of the word is probably Celtic, cognate to the Welsh *peth, thing* (Dauzat 1964: 564). It is pan-Western Romance, which leads to the postulating of a popular Latin *pettia*. Italian has both and *pezza* and *pezzo*. The former may have, as does our *peccia*, the meaning of a tract of cultivated land.

20-21. *nulla reservacione non facimus* — Double negatives of the popular, hypercharacteristic kind, are ancient. In Plautus, *Miles gloriosus*, 1411, we read: “iura te non nociturum... nemini”; in Petronius, 42, 7: “neminem nihil boni facere oportet”. Common in vulgar Latin texts, they have been canonized in Romance usage (Väänänen 1981: 152).

22. *molini* — The word for mill varies in these documents, in chronological order of first appearance: *molinum* (Scheide 308, 22 [1049]), *aquimolum* (310, 17 [1061]) and *molendinum* (327, 16 [1123]). The first, the adjective form of *mola* used as a substantive, must be regarded as the indigenous, living term. Toponyms in Italy having to do with a mill are universally derived from it. Its first appearance in a Marchigiano document is given by Aebischer as 1056, seven years later than ours (Aebischer 1932: 93). As for *aquimolum*, it is of relatively late coinage, exhibiting the trait castigated by item 22 of the Appendix Probi: *aquaeductus non aquiductus*. A possible calque of the Greek *hydromyle*, it originated in the Roman curia (ibid.: 95), whence it radiated to the contiguous Marches, Umbria and the Abruzzi. To *molendinum* Aebischer attributes a Germanic source, in imperial diplomacy. He characterizes both *aquimolum* and *molendinum* as artificial, as having had only a written existence in official documents, the first Guelph, the second Ghibelline (ibid.: 109).
13. plubica — Metathetized forms of publicus provide a parallel to the development of pioppo < plopus < populum < populum. They are common in Italo-Romance and are wide-spread, being found in dialects as disparate as Piedmontese (ploya), Friulian (plóvi), Vicentine (pyóvego) and Neapolitan (prubeke). Examples from outside of Italy are not lacking, in Corsican (júbica [on initial pl > ñ in Corsican, cf. Genoese ciöve and Portuguese chove < pluit]) and Portuguese (pruvico). The Marchigiano toponym, Pióbbico (north-west of Fabriano), like the Tuscan Piúvica, has its roots ultimately in a metathetized publicum (Aebischer 1937: 57 ff.; REW 563).

19. perpetum — This for perpetuum. The simplification of uu to u, with subsequent change to o is characteristic of Italian, as exemplified by mortuum > mortum > morto. Scheide 313, 22 has ipsu mortu for ipse mortuus. In another Marchigiano document, dated 1156 (Allevi 1963: 172), we find unum ecum ottimum for unum equum optimum. On the preservation of Latin short u as u in the Marches, see commentary on pucciu, 318, 1.

20-21. et uindendi et donandi et alienandi et commutuandi et deinde faciendi — These gerunds in the genitive make no grammatical sense unless we understand them as complementary to a ius understood, or as continuing in some remote way the thought of the previous ad iuris proprietatis. The sense of the passage from ita ut (line 17) to qq voulueritis (line 21) is: “so that from today on you may have and possess (the above mentioned land) with the right of property in perpetual possessing, having and holding and (with the right) of selling and of giving and of transfering and of exchanging and of doing whatever you may have wished”.

21. inde — Used in place of ex quo or de quo, that is with a partitive sense, the source of Italian ne and French en. This is in no way an innovation. It is found used in this sense as early as in Plautus, Miles gloriosus, 711: “dant inde partem mihi maiorem”.

Scheide 309 (80-81)
5. *germani fratribus* — The word for brother in these documents is regularly a form of *germanus*, by itself in 315, 7, paired with an ungrammatical, fossilized *fratribus*, as here, 322, 8 and in 325, 8, or with a grammatical *uiri*, in 328, 13. All of this corroborates Aebischer’s observation (Aebischer 1978: 95 ff.), that forms derived from *germanus* greatly outnumber those from *frater* in Medieval Italian *chartae*. In addition, it suggests that in the Marches at least, at the time of the execution of these documents, the vernacular used a form of *germanus*. However, it should be noted that modern Italian at times uses *germano* to mean born of the same parent (VLI:737), pairing it with *fratello* when necessary to indicate this relationship. That *germano* is playing this role in these documents is a possibility not to be discounted.

11. *pantanella* — The plural of *pantanellum*, the diminutive of *pantanum*, in Italian *pantano*, meaning a place of still and muddy water. The section in which it appears, “et est ipsa terra primo 1. riu q. perrit da pantanella q. dicitur Aquauiua”, is to be understood as: “and the first side of the land is the stream which flows from the muddy ponds and is called Aquaviva”.

As to the origin of the *pantanum*, *scinduntur doctores*. Ducange quotes a certain Acarisio “qui vocem esse Longobardam esse ait”. The handwritten note prefacing Scheide 310 in the Princeton files states: “Pantanellum is a Lombard word for swamp”, its author obviously taking Acarisio at his erroneous word. Meyer-Lübke (REW) posits a *palta* to which he attributes an Illyrian origin. From this come the Albanian *bal’të* and Roumanian and Old Dalmatian *balta*, and, from farther to the west, Lombard *palta*, Piedmontese *pauta*, and Bearinese *pauto*, Italian and Spanish *pantano* and Catalan *pantàn*. Regarding this shift from *l* to *n*, he maintains silence. Battisti-Alessio makes no attempt at an etymology, simply noting that the word originated in the Mezzogiorno, eventually to reach as far north as Latium, the Abruzzi and the Marches. The VLI gives as its root a *voce preindoeuropa*. Whatever its origin, the word means a swamp or muddy place. From it Italian has formed the verb *impantanare*. 
17. *salectum* — A grove of willows (Sella 1944: 498), for classical *salictum*. Italian has *saliceto*, from *salice* < *salicem* through regularizing analogy with *castagneto* < *castanetum* [with influence of *castagna* < *castaneam*], *querceto* < *quercetum*, etc.

21. *dediste* — This for *dedistis*. Italian has *dediste*.

**Scheide 311 (83-85)**

7. *episcopu et abbas* — Here, counter to general usage, Morico is named bishop as well as abbot. The explanations listed by Sassi (Sassi 1962: 34) are that he was bishop of Camerino, or that he was a bishop without a diocese and at the disposition of the Holy See, or that he was bishop of his own monks, or that the title was bestowed upon him arbitrarily by the notary. Sassi opts for the last explanation. However, it should be kept in mind that the abbot of a Benedictine monastery today is in fact a bishop, having the fullness of the priesthood, entitled to wear the miter and carry the crosier, with power and authority to ordain to the priesthood any of the monks under him. That the exercise of his episcopal powers is restricted to the monastery corresponds to the usual jurisdictional limits placed on any bishop's authority. This does not make him in some way less a bishop. Current Canon Law is explicit on this point: “Abbas uel Praelatus *nullius* easdem potestates ordinarias easdemque obligationes cum iisdem sanctionibus habet, quae competunt Episcopis residentialibus in propria dioecesi” (Codex Iuris Canonici: [p. 97] Pars I. Cap. X, Can 323, § 1). It is valid to assume that the same canon or one of similar intent was in effect at the time of the writing of this document, in which case Morico’s using the title “episcopus” would have been legitimate.

29. *cultare* — To cultivate, for the classical *colere*; formed on the perfect participle *cultum* in the manner of a frequentative (cf. *cantare* < *cantum* / *canere*). *Cultare* has but one entry in TLL: Gloss. II 263, 5; LLMA, but one entry, the eleventh century *Chronicon uenetum* of Johannes diaconus uenetus; Ducange and Arnaldi both cite the same source, the twelfth century Italian *Chronicon farfense* of Gregorius Catinensis. The word has left no trace in the *lingua nazionale*. However, the dialect of Belluno, in
the northern Veneto, has *coltar*, to fertilize a field with manure (GSLI, *Sintassi e formazione delle parole*: 463).

33. *candela* — “[i]ncensu candela una” taken at face value does not make sense, since incense is not measured in candles. Nor in the rituals of the Western Church has it been used in the form of a candle-like joss stick. The meaning must be something other than “one candle of incense”. That *candela* may instead designate a container of some kind is more than plausible, from both a lexical and phonetic point of view. As a lexical matter, it has been established that the same Germanic rootword which underlies the English *can*, a container, has operated in both Gallo- and Italo-Romance (see commentary on *cannata*, Scheide 335, line 29).

The starting point of our considerations of the phonetics of *candela* would be to see it as a reflex of *cannella*. The nexus *nd* for *nn* should be taken as a hypercorrection. As for *-ela* for *-ella*, this may be seen as a not unusual simplification of a geminate (on degemination see commentary on Scheide 67, line 37; Scheide 312, line 8), or merely as a misguided assimilation to the Latin *candela*. It is the hypercorrect *nd* for *nn* which is of some interest.

A line may be drawn eastward from Pitigliano, in Tuscany (province of Grosseto), along the northern confines of Latium, through Umbria, to Ancona, on the Adriatic coast of the Marches, south of which line *nd* regularly assimilates to *nn* (GSLI, *Fonetica*: 356 ff.). Fabriano would lie on or close to this line. That the phenomenon occurs in Fabrianese has ample corroboration. We note the following (Marcoaldi 1877):

- *annidia* = endivia
- *finimunu* = finimondo (meaning a violent storm)
- *lavannaja* = lavandaia (meaning a kind of dance)
- *mannario*, *mannatorio* = colui che manda il pallone
- *monnà (< mundare)* er grano = sarchiare il grano; *monnatura* der grano = sarchiatura del grano
- *monnezzario* (< *munditiarius*) = letamaio
- *ronnolà* (< *ronna* [It. rondaj]) = aggirarsi
- *sfonnuni* (< *fonnu* [It. fondo]) = spropositi, quasi senza fondo

It is not at all surprising that in the area in question we find frequent hypercorrection of etymological *nn* to *nd*. In the dialect of
Ancona (Fabriano being in the province of Ancona) we find *colonda* for *colonna* and *tondo* for *tonno* (Rohlfs *ibid.* 335 ff.). More pertinent to this discussion, however, are the following items which exhibit a hypercorrect *cand-* for an etymological *cann-* (Sella 1944):

(p. 96) cabula, cannella per liquidi... "nulli liceat tenere cabulam seu *candellam* (my underlining) in aliqua alia vegete...", Roma, Gabella 1368, 16.

(p. 112) *candetare*, porre le canne alle viti; *candetus*, canneto: "palos... seu *candas* de aliqua vinea, *candeto*", Roma 1363, II 82 (my underlinings).

(p. 650) *canda*, canna, misura di lunghezza: Avezzano sec. XIV, 3; Teramo 1440, IV, 21; *candapa*, canapa: "panorum *candape*", Cicolano sec. XIII, f. 4; Celano 1387-1388, f. 68 (my underlinings).

We must conclude from these data, especially in light of the item dated 1368 immediately above, that the *candela* of our document is a hypercorrect variant of *cannella* meaning a container. We must further conclude that this phonetic phenomenon, noted in Latial and Abruzzese documents of the fourteenth century, had already occurred in the Marches well before the end of the eleventh century.

41. *cortare* — To be understood as to encourage or to exhort, derived from *cohortare*. Active forms of the deponents *hortari* and *cohortari* are frequent enough and early: Ennius, *Ann.*, 554, *hortare*, and Cato, *Orig.* 101 *cohortare*. In Gregory of Tours, *Hist. Franc.* 2, 30: "Cohortatus sum" is passive. A recomposition, *conhortare*, is to be posited as the origin of the Provençal and Catalan *conortar* and Sicilian *kunortu* (*REW*: 2147). Von Wartburg lists (FEW, 2: 853) numerous Gallo-Romance derivatives in addition to the Provençal item just pointed out. Old Spanish *cohortar* and our *cortare* would stem directly from *cohortare*. It has left no traces in modern Italo-Romance. That *cortare* here might mean to shorten, to make brief would seem to be excluded by its working in tandem with *dicere*, with which it is allied in meaning and to which it is joined by *uel*. 
5. ganbiauimus — This for cambiauimus (note also ganbiu for cambium, and ganbiacione for cambiationis, lines 20 and 23, below). This voicing of an initial c before a vowel is a phenomenon dating back at least to the age of Ennius and Plautus. In the Annales, 483 we find gubemem; in Rudens, 1014, gubernator. Both are traced back to the Greek kubemon. There are other examples of borrowings from Greek which exhibit the change from k or x to g, leading Rohlf to see in this a tendency of vulgar Latin. The Romance descendants of caea, the Italian gabbia, Provençal gabia, Spanish gavia and Old Portuguese gaiva, suggest a vulgar *gauea. The phenomenon, normally restricted to c before a, o and u, is widespread in Italo-Romance with numerous examples in the lingua nazionale and the dialects (GSLI, Fonetica: 197 ff.).

7-8. ouiscouu — This for episcopus. The presence of the vernacular is more immediately noticeable in this text than in any of the others of this edition. Ouiscouu is an example (for further examples see the commentary on tera, line 10, below).

The shift of initial e, protonic or in a position of secondary stress, to o or u before a labial is common in Italo-Romance (GSLI, Fonetica: 169). Forms derived from debere will illustrate e to o: debet > deve, but debere > dovere; debetis > dovete. As for e to u, there are the examples of aequalem > uguale; ebriacum > ubriaco. Though not a phenomenon particularly notable outside of Italian, there are examples of it in other Romance tongues. The most obvious would be the Spanish obispo, first cousin of our ouiscouu (both Corominas [Diccionari etimòlogic i complementari de la lengua catalana, I: 810; Diccionario crítico etimológico castellano y hispánico, IV : 258] and Menendez-Pidal [Manual de gramática histórica española, 71] attribute the initial o to the influence of the following labial) and an Old French uwel < aequalem (DAF: 343 under ivé).

8. anbbas insa — Iohanne does not seem to have fully comprehended the function of the letter n. It will, of course, have its normal value in the opening in nomine Domini, as well as in the closing inclusi. It is obviously of no value when inserted in anbbas and insa and in numerous following words such as
Castenlu and Vanlle. The immediate source of Iohanne’s confusion may be the presence of two ns in the consensu, line 6, the second of which, at least, was not pronounced, and more remotely the n in a word such as mense (mese in the vernacular), also silent. That he spells the word as mese in line 4 is only more evidence of his confused state of mind.

This confusion, we should say in all fairness, is hardly unique to Iohanne. The weakness of n preceding another consonant, especially s, is ancient. N is often left out, often present where it should not be, through hypercorrection. Witness the inscription on the Scipio sarcophagus (Warmington 1979, IV: 4). The walls of Pompeii have Gangens for Ganges, pariens for paries, formonsa, formonsiorem (Väänänen 1981: 64). The Appendix Probi (Baehrens 1967: nos. 19, 75, 123, 76, 152) rails against Herculens, formunsus and occansio, and insists on ansa non asa, mensa non mesa.

8. custo — See commentary 305, 10.

8. tera — As pointed out in the commentary on duppla, Scheide 67, line 37, the fate of Latin simple and geminate consonants in the Marches is difficult to characterize. The spelling of our notaries, haphazard as it is, sheds little light on the problem. This document provides notable examples: line 21, promitimus; line 23, sucensoribus, line 24, tolera, but on line 26, solidis. As for the tera under consideration, we may say that in a wide area radiating from Macerata northwards, rr undergoes simplification (Crocioni 1905: 130). Iohanne’s spelling here, as elsewhere, may be nothing more than a reflection of the living, spoken language. Our other notaries either preserve the Latin spelling of terra or use the abbreviation t-ra. The territorio common to these documents, however, regularly exhibits the simplification.

11. peri — This for pergit (see commentary on aiere, line 24, below).

12. rigu — This for riu. The tendency to simplify classical uu, as in auus, to u is characteristic of vulgar Latin (see also commentary on perpetum, 309, line 19). The Appendix Probi reproves this. It has auus non aus and numerous other examples of this simplification including riuus non rius (Baehrens 1967: nos. 29 and 174).
It is this *rius* which gives Romance *rio*. In numerous areas of Italy, however, two vowels coming together in hiatus frequently generate a consonant bridge, very often a *g* or *v* (GSLI, *Fonetica*: 473 f.).

In the Marches hiatus is avoided by the insertion of the *g* or *v* noted above, or a *j* (Crocioni 1905: 123): *pagura* for *paura*, *povesia* for *poesia*, *ideja* for *idea*. That *rigu* for *riu* is another example of this phenomenon seems evident. That it was a feature of the vernacular of the time of our notary seems equally evident.

19. oportu fueri — This should be seen as the result of a false analysis. The starting point would be *oportuerit*, the future perfect of *oportet*, taken as two words; *oportu* and *erit*. The next step would be the substitution of *erit* by *fuerit*, the sense being *will have been necessary or proper*. Salvioni (Salvioni 1904, 1905: 424 f.) supports this view with examples of results of similar false analyses of *necesse*: *nece est* and *nece foret*, the first from *Cod. Dipl. Berg.*, the second from the CDL. An additional parallel is furnished by the case of *prodest* (E. Löfstedt 1911: 184), which by false analysis yielded the adjective *prode* (cf. Italian *prode*, French *preu*).

24. aiere — This for *agere*. The passage of Latin *g* to *j* before palatal vowels is typical of southern Italo-Romance (GSLI, *Fonetica*: 209 f.; 299 f.) To say that it is or was also typical of the dialects of the Marches in general would be to oversimplify (Crocioni 1905: 127). The language of these documents suggests, however, that it was so in the area around Fabriano in the eleventh and twelfth centuries: *ienitore* < *genitorem* and *ienitrice* < *genitrice*, *iermanu(m)* < *germanum*, *arienthu(m)* < *argentum*, and the present example. This sound shift also accounts for the *peri* of line 11, above and, if we keep in mind what has been said about *tera* in line 8 above, for the numerous instances of *perrit* in these documents. The pronunciation of each would have been *perji*.

Scheide 313 (86-87)

5. cuis — The final *s* should be disregarded, and the word taken as *cui*. It should be understood as *whose*, *cui* preserving the possessive force of the dative (note also the possessive force of *ei* in
Scheide 307, 3: “Vgo dux et marchio anno ei sesto”) Another example of this usage is to be found in these documents, in Scheide 322, 30: “postea reuertat in ipsius monasterio cui est proprietas”. That this usage was widespread can be concluded by its survival in modern Italian in expressions of the type: “le persone alla cui generosità faccio appello” (VLI: 457), and its presence in Old French, notably in Piramus et Tisbe (ca. 1170) 491-2: “La bouche / La cui douceur au cuer me touche”, and 713: “Cele cui sans (modern French sang) gist en l’araine”. Italian altrove and French autrui should be seen as analogical constructs of this cui.

5. mundiu — The word, a proparoxyton, is of Germanic, here, more precisely, of Longobardic origin. It appears frequently in the Longobardic laws, the earliest example in the Edictum Rothari, Cap. 160: “Pro mundio autem superscriptarum tollant naturales filii tertiam partem…” It survives in the modern Italian mündio, referring to the power in old Germanic law exercised by the head of a family over all of its members (VLI: 1101). Battisti-Alessio (p. 2530) likens it to patria potestas. This essentially is the sense the word has in this document. We should understand “per consensu et voluntate Musco, filio suo, in cui mundiu ipsa permansi!” as “with the consent and will of her son Musco, under whose tutelage she has dwelt”.

Scheide 328 (88-89)

19. uebre — At first glance it would seem that the word should be classified as of uncertain meaning and origin. However, the REW (9107a) and Gamillscheg (Gamillscheg 1970, I: 395) list a Gallic *vabra, with the meaning of forest, with all derivatives confined to the north and to the northern and southern parts of Eastern France and to neighboring German and Swiss regions. Among the derivatives listed is Vévre (sic), with the a closing to é. That this word would have been known in the Marches during the Frankish presence is a possibility which cannot be completely excluded here. Be this as it may, the word has left no traces that can be determined in the topography of the region or in the vocabulary of Italo-Romance.
20. pratale — The neuter singular of pratalis, -e used as a substantive, meaning a meadowed area. The adjective pratalis, -e is attested to in the CIL 8. 15569: ex pratalibus aruis. The substantivized neuter-plural generates one of the earliest attested lexical items of Italo-Romance in the Verona riddle: ”...alba pratalia araba”, paralleling in its genesis Romance feminine collectives derived from uictualia and *canalia. Modern Italian has prataglia with the meaning of a large meadow or prairie.

25. esunata — This for exunata, that is united or joined, synonymous with the preceding adunata. The TLL defines the verb exunare as in unum coniungere, citing only Alc. Avit. c. Arr. 22 p. 9, 20: “proprias in trinitate personas solidat et exunat aequalitas”. The use of the phrase adunata et exunata is fairly common in medieval Italian documents (see Arnaldi 1951: 214; Sella 1944: 657) and is another example of the legalistic redundancy common to these documents.

28. intiegro — Of the numerous occurrences of the formula abentes in integrum in these documents, the only one to give an indication of vernacular outcome of integrum. In certain words in which the penultimate vowel was followed by a stop plus a liquid, among them integrum, the stress fell on the penultimate syllable in seeming contradiction of the principle of muta cum liquida. What is more, this syllable kept its open quality (Väänänen 1981: 34). This would give us intégrum, the free stressed short e of which would yield French entier; and, it is to be assumed, intiego or intiero in eleventh century Fabrianese.

Scheide 314 (89-90)

10. castellare — Sella (Sella 1944: 135) has: “castellare, recinto fortificato, castello”, the earliest example from Matelica, near Fabriano to the south east, dated 1255; Arnaldi (Arnaldi 1939: 95) cites one twelfth century text from the Marches. Modern Italian preserves the word, as is obvious from Sella’s definition. In Italian it means either a territory subject to a castle, or a castle in ruins (VLI: 293). Since the boundary markers used in these documents are always observable points of the terrain, the meaning of castel-
_lare_ here would be that of a castle, whatever its state of preservation, rather than that of an entire district.

12. _raue_ — A phrase often used by Italian lexicographers is most appropriate here: *di etimologia discussa.* Attempts to determine the origin of the word run along three possible lines: that which sees its source in a pre-Indo-European, Mediterranean *graua* (the view defended by Merlo [Merlo 1935: 86]), the meaning of which is large rock or cliff; that which derives it from a pre-Latin, possibly Celtic *raua* (the view of Devoto, exposed and attacked by Merlo in the article just cited), common in Alpine toponyms, signifying a landslide or a subsidence in the land, and a possible source of the Gallo-Romance _ravin_ (cf. Battisti-Alessio on _ravina_); that which sees it as a form of _labem_, the _l_ undergoing rhotacism (the opinion of Giancarlo Castagnari, scholar at present archivist and librarian of the Comune di Fabriano), with the specialized meaning here of displacement of land.

As for _grava_, Devoto rejects it on grounds of both sound and meaning. Regarding the sound, there is the initial _g_, the loss of which, although not uncommon in certain varieties of Italo-Romance, is for Devoto untypical of those areas where _raue_ is part of the toponymy. Regarding the meaning, he sees an unbridgeable gulf between a large rock or a cliff on the one hand and a landslide or depression on the other.

For us, the problem to be solved is twofold. At first phonetic, that is, is the loss of the _g_ of an initial _gr_ (Merlo versus Devoto) typical of the region around Fabriano? That is, would we be justified to see in _raue_ a derivation from *graua*, or must we see it as a form of *raua*; and, is the passage from initial _l_ to _r_ (Castagnari) a feature of the dialects of the area so that we might see _raue_ as coming from _labem_? Secondly a problem of meaning. That is, just what aspect of the terrain is designated by the term _raue_ as it is used in the area, and is that aspect susceptible of being described by a derivative of *grava*, or of *rava*, or of _labem_?

To find an Alpine toponym commonly used in the Marches, would of course be unexpected and unusual. A Mediterranean *graua* would be a more likely etymological candidate. Furthermore, as it happens, the loss of its initial _g_ would seem to pose no problem here. In the Marches, in the province of Macerata, to the
east of Fabriano, the term *grancia (> Old French granché < *granica < granum [VLI: 772]), meaning a farm within a larger feudal holding, has given the place name la Rancia, minus the g (Allevi, 1972: 162-3). To the west, in Umbria, granum has yielded rane (GSLI, Morfologia: 14), the g having disappeared. That *graua would yield rauen in that territory framed by grancia > rancia and granum > rane seems reasonable. As for labem yielding rauen, we have already indicated in the discussion of the definite article (see commentary on Scheide 303, line 12) that the definite article in the dialect of Fabriano has undergone rhotacism: ro/ra from lo/la. This sound change, however, not only is in an unstressed position, but must have occurred at a time subsequent to the form of the vernacular article found in these documents. We should note that Rohlfs (GSLI, Fonetica: 223 ff.) indicates no rhotacism of initial l anywhere in Italo-Romance. However, Meyer-Lübke (FEW: 4806) does list one of the derivatives of labem as the Lucchese rave. However, Lucca, it hardly needs to be pointed out, is in northernmost Tuscany, at some linguistic remove from the Marches.

As for the meaning, that is to say, is a rauen a cliff or a depression or a displacement of land, the question may after all be moot. Giancarlo Castagnari has told me in a letter dated the 16th of June, 1993, that in the area of Fabriano the term rave, a frequent enough element in the local toponymy, means a scoscendimento montano, scoscendimento being the nominal form of the verb scoscendere which may mean either to split or cleave on the one hand, or to collapse or slide down on the other. Seen from this viewpoint, rave would mean either a cliff or a ravine. Suffice it to say that either will do as a line of demarcation.

12. clusa — To be understood as a place where a valley narrows or closes (Castagnari, 1982: 62). This is one of the meanings of the modern Italian chiusa (VLI: 330).

16. parcione — A share, from partionem, haplology for partitionem possibly influenced by portionem. Examples of the haplogenform are early, for example Itala II, par. 31,2 (TLL, 10/4, p. 5280). Romance derivatives are almost exclusively French, with borrowings from the French in other languages (FEW: 7, 691 ff.; REW: 515). The modern Italian parzioniere and related forms are
from Old French *parçonier* (VLI: 1224). The presence of *partionem* on Italian soil as early as the *Itala* make it unnecessary to posit a Transalpine origin for *parcione*. Nonetheless, given the Frankish presence in the Marches, the origins of which predate this document by some three centuries, ruling out completely such an origin for our word would appear rash.

21. *sci* - No resolution for this abbreviation suggests itself. *Salecti* should be excluded, since it appears six words later. An attempt to link it to the verb *secare*, and see in it the abbreviation for a saw-mill, yields no Latin or Italian words that could be reasonably so abbreviated.

22. *aquimoli* — See commentary on *molini*, Scheide 308, line 22.

**Scheide 315 (91-92)**

10. *pecorariecia* — A shelter for sheep (cf. Italian *pecora* f. < *pecora*, plural of *pecus* n., taken as feminine collective). Arnaldi (Arnaldi 1951-53: 477) lists a *pecoraritia*, in a document from Bobbio dated 862, defining it as *stabulum ovium*. The *cc* of our word would indicate an affricate, as in the modern toponym, *la Caprareccia* (a shelter for goats) approximately seven kilometers south, south-east of Fabriano.

22. *flias* — This for *filia*, nominative singular. The final *s* may be accounted for by analogy with *filius*, final *s* for our notaries having for the most part no phonetic or morphological value grounded in grammatical Latinity. *Flias* for *filia* is not unique to this document. It is found in CDL I, 176, 10: “Scolastica *flias* Laurenti”, from Como, dated December, 735; also in Scheide 316, 5.

**Scheide 316 (92-93)**

19. *baccapciu* — To be understood as a shelter for cattle, from *uacca*. The confusion *b* / *v* is not unexpected, either would be sounded *v*. From the southernmost reaches of the Marches to the
area along the Esino river, which would include the area around Fabriano, initial Latin consonantal \( u \) yields \( v \): \( vonu < bonum \) (Crocioni 1905: 130). As for the suffix \( -apcio < -aceum \) (on the spelling \( -apciu \), see ALMA 58, 69, on orthographic peculiarities), taking on the meaning of a place for which, there is a parallel in the Italian \( vignazzo \) (VLI: 1957) meaning a vineyard, or a place for vines.

32-33. **regalendi** — From **regalare**, in medieval juridical language, to obtain a fief by royal right, derived from **regalia iura** (Arnaldi, 3, 1970: 34; Battisti-Alessio, 5: 3222; Dauzat: 638). The form in \( -endi \), which parallels the Marchigiano \( laorente < laborantem \) (Marcoaldi, 1877: 156), does not imply a change in conjugation. It should be seen rather as an example of the regularizing tendency which places all present participles and related forms into the conjugation in \( e \). This occurs quite early. It is found in vulgar Latin biblical texts predating the Vulgate, where there is, for example, \( uacentem \) from \( uacare \) (GSLI, *Morfologia*: 367).

In the context of this document, **per regalendi cuique** should be taken to mean “by conceding to anyone the right to the property in question”.

**Scheide 317 (94-95)**

11. **casale** — In central Italian usage **casale** means simply a **casa di campagna** rather than the usual small group of houses (VLI: 289).

**Scheide 318 (95-96)**

1. **pucciu** — From **puteum**, a well, in Italian **pozzo**. The conservation of Latin short \( u \) as \( u \), stressed or unstressed, characterizes the dialects of the province of Ancona (Almagià, 1961: 201), in which Fabriano is located. On the rendering of the affricate by \( cc \), see ALMA 58, 69.
4. coda — This for *quondam*.

5. anc — This should be understood as *and*. The genesis of *anc* as a conjunction has been traced succinctly and persuasively by B. Löfstedt (B. Löfstedt 1959: 48-49; 1975: 153). I follow his schema here. The starting point is the classical *an*. In an affirmative sentence it may function as *or*, as in “perrexere in Hispaniam *an* Sardiniam”, Sallust, *Hist.* frg. I, 83. In a number of Late Latin documents of Spanish provenance, it has the force of the *aut in aut* ... *aut* or the *siue in siue* ... *siue*, as in “de uero tutoris *seu uiuens siue moriens* idem tutor *an* filiiis *an* quibuscumque personis reli­querit…”, *Lex Visigoth.* 4, 3, 4. Elsewhere, still in Spanish documents, it undergoes a sound change, acquiring a final *c*, as in “*anc per nos anc per progenie nostrae*”, Oviedo, I 8a. 970 (Orig.). This final *c* may be accounted for in two ways: by analogy with forms such as *tum / tunc, num / nunc* and *dum / dunc*; by contamination with *ac*. This contamination, along with the frequent mixing up of disjunctive and copulative conjunctions in Late Latin, lead to *anc* with the sense of *et*. From the *anc* of our document we must conclude either that the evolution of *an* just traced was not restricted to Spanish soil, a conclusion supported by both REW and FEW, or that our notary simply nodded.

The phrase “*nostra proprias anc spontanea nostra uoluntate*” should be rendered: “by our own and spontaneous good will” (the final *s* of *proprias*, not unusually, plays no phonetic or flexional role).

6. trasatauimus — Perfect of *tra(n)s(a)c(tare* (Scheide 326, line 10 has present, first person singular *trasato*), formed in the manner of a frequentative on the perfect participle of *transigo*, that is *transactum*. Arnaldi (Arnaldi, 3/4, 1970: 293) cites several passages containing the verb, the earliest of which dates from the late seventh century. One of the meanings of the classical *transigere*, which is to settle or to come to an agreement, would fit here. The grammatical inconsistency which arises from including *trasatauimus* in a series, along with *damus* and *tradimus*, leading into a prepositional phrase governed by *in* does not seem to have bothered our notary.
26. qa — The abbreviation qa with a cross stroke through the down stroke of the q I have resolved as quia in lines 16 and 21, since the phrasing requires a conjunction. However, in the phrase “Moronto e Bonam qa ista carta fieri rogauit” it is obviously functioning as a relative pronoun. This may be no more than a lapsus on the part of the notary, that is a qa for the usual q, but we should not exclude the possibility of vernacular influence. In many dialects of the south of Italy, the relative pronoun is ca < quam. Under southern influence, writing of central Italy does at times use ca where che would be normal (GSLI, Morfologia: 195 f.). This influence may very well have extended to the Marches by the time of the execution of this document.

I should add that given that the relative pronoun and the conjunction are often identical in form in Late Latin and always so in Romance (cf. Italian relative che, conjunction che, French and Spanish relative que, conjunction que), the resolution of qa in lines 16 and 21 to quia, though grammatically more acceptable, probably does not faithfully reflect our notary’s intention. That ca < quam may function as a conjunction is evident from this bit in the dialect of Pescara, in the Abruzzi: “jęssa sa croida ca...”, “he believes that...” [cited by Tuttle 1986: 277, footnote 77].

30-35. si cotra ista carta... — From si cotra down to dare libras duo, the phrasing is uncoordinated and disjointed. The sense, however, is clear enough and may be rendered thus: “if anyone will have wished to go counter to or litigate against, or not to guarantee and defend this deed of donation against all parties, as stipulated by law, or if any person at any time will have ever wished to set aside, to break or to falsify this deed, or if we have not done and observed all as written above, we are to undergo a penalty, namely this land bettered by double its estimation in compensation, and to give two pounds of good silver”.

Scheide 321 (100-101)

5. atmonet at nos — This for admonet ad nos (see also 324, line 7). The classical construction is admonere aliquem (either alicuius rei or de aliqua re) and would in this case be admonet nos.
That a prepositional accusative is more widespread among the Romance languages than the well-known Luso-Hispanic “personal” a has been well documented (Berretta 1989: 13 ff.; Roegiest 1979: 37 ff.). It is a general feature of southern Italian dialects (GSLI, *Sintassi e formazione delle parole*: 7 ff.). In a rather offhand manner, in nothing more than a footnote, Crocioni (Crocioni 1905: 117) states: ”...II marchigiano suole preporre la preposizione a al complemento oggetto di persona: chiamà a uno, e sim.”. It is reasonable to assume that the vernacular of our notary used a to mark personal direct objects and that this usage has made itself felt in this document. It should be noted that in standard Italian the verb *ammonire* takes a direct object as in “ammonire i giovani contro le tentazioni” (VLI: 73).

6. *ille più Deus* — The article accompanying *Deus* may be the result of Greek influence (E. Löfstedt 1956, I: 71). However, elsewhere in these documents an unmodified *Deus* appears regularly without an article. It seems more reasonable in the case of *ille più Deus* to see a parallel with Romance usage of the type *la povera donna, le bon Dieu* in which a definite article most often accompanies a modified noun (see Donovan 2000, 45-46).

22. *defensati non fuerimus* — In the CDL we read in vol. I, 13, 8 (from Cremona): “Reginaldus ... promissus est, ut confessus, quod singulo anno soluet...”; I, 186, 10 (from Lucca): “tibi ... concessus sum ... uineis, pasciui, siluis, salectis...”; I, 259, 1 (from Lucca): “quia cum pretio meo emtus sum ecclesia Beati Petri...”; I, 353, 5-7 (from Lucca): “manifestus sum ego Rotcauido filio quondam Cheidi hauitator in Griciano, quia consideratus sum Dei timore et remedium anime meae, quia non aurum, non argentum...”. Funke states that the verbs in these passages are “Akt. für Dep.” (Funke 1938: 29). He may have strayed upon a truth, in a sense. An examination of the syntax in the sentences quoted above reveals that *promissus est* is taking as an object the substantive clause *quod singulo anno soluet*, that *concessus sum* is taking as direct objects *uineis* and the following nouns, the final *s* of which should be disregarded, that *emtus sum* is taking *ecclesia* as a direct object, that *manifestus sum* is taking as an object the substantive clause beginning with *quia consideratus sum*, and that this last verb in turn is taking *timore* as an object. In short, we have
five transitive verbs in the perfect passive behaving like deponents, taking objects. This, as we know, goes counter to all that is sacred. To see this as nothing more than a mere lapse on the part of the notaries, a hypercorrection perhaps, would be to oversimplify. To oversimplify by overlooking the possibility of vernacular influence, of a vernacular usage which may indeed have its roots in the Latin deponents (one cannot refrain from pitying poor Flobert who had no knowledge of Italian dialects).

Contrary to what is found in any standard grammar of Italian, there are varieties of Italo-Romance in which the auxiliary of a transitive verb is *essere*, not *avere*. This has been well documented and is the object of a penetrating study by Tuttle: *The Spread of esse as Universal Auxiliary in Central Italo-Romance* (Tuttle 1986). That this may explain the constructions cited above, in documents from Lucca, is more than likely, since exemplification of such usage in modern Lucchese is at hand: *siam vinti* for *abbiamo vinto* (GSLI, *Sintassi e formazione delle parole* : 124). Of the greatest interest for us in dealing with these documents from the Marches is that *essere* is the usual auxiliary for transitive verbs in the Marchigiano dialects (Filzi 1914: 59; GSLI, *ibid.* : 123). It does not seem rash, then, to see in this *defensati non fuerimus* and that of 322, 26 for the usual *defensauerimus*, not a simple blunder, but rather a trace of Alberto’s living, spoken tongue.

23. *connere* — To be understood as to mint. Classical Latin has *cuneare*, with the meaning of to close firmly with a wedge, *cuneum* (TLL 4, 1402 f.). That the origin of our verb is in *cuneare* would seem unlikely. The semantic gap is too broad to be bridged. More plausible would be to see it as a denominal from *cuneum*, with a short *u*, having the sense of the metal implement used in the coining process, in French *coin* < *cuneum*, defined by von Wartburg (FEW II : 1533) as: “morceau d’acier gravé en creux dont on se sert pour frapper de la monnaie, des médailles (seit 13. Jh.)”. Ducange has *conare* : “Cudere, a Gall. *coin*, sigillum ferreum, quo nummi cuduntur”; *coniare* : “Cudere, signare monetam, vox italic”. (*Cuneare* as such, with orthography unaltered to reflect the Latin short *u* and with *ne* intact, but nonetheless meaning to mint, is found outside of the Romance area: *Lexicon Latinitatis Nederlandicae Medii Aevi* : 1205.). Modern Italian has *coniare*, which
the VLI (p. 397) derives from conio < cuneu(m) and defines: “pezzo di acciaio su cui è inciso il tipo che si vuole riprodurre sulla moneta o sulla medaglia”.

The -ere infinitive of our verb is a bit puzzling. Although French influence in the Marches cannot be peremptorily dismissed, and by this time the a of the infinitive had already closed to é in Old French, this same closing of a to é in an open syllable occurs in certain northern Marchigiano dialects (Croci 1905: 122). Or, are we confronted with a simple, though unexplained migration from one conjugation to another? The puzzle remains unsolved.

**Scheide 324 (102-104)**

3. marchistenentes — See commentary on marchio, Scheide 67, line 4.

17. la Beciriza — An examination of the toponyms in area around Fabriano discovers no Beciriza. Six kilometers north, slightly north-east of San Vittore we find Beicerca alta which because of the phonetic problem -za, -ca we should discount. I say should rather than must since the writing of document 324 is stained and faded and the reading Beciriza though probably correct, may be erroneous. No meaning for the word suggests itself.

**Scheide 325 (104-105)**

2. erennantes — This for regnante, in an ablative absolute which corrected would read: “regnante domino papa Paschale”. At first sight, the initial e is a puzzle, a puzzle which becomes solvable when viewed from the prospect of the vernacular. In many areas of Italy, an initial r, vigorously trilled, is put into motion by what might be styled a starter vowel, a prothesis, usually, but not necessarily a, as in the Lucchese arrallentare (probably from a previous arrallentare) for rallentare, or irotto for rotto (probably from irrotto) (GSLI, Fonetica : 223 f.). At times this prothesis must have arisen with a simultaneous loss of the vowel of an initial unstressed syllable beginning with r, as in the Anconitano (from Ancona in the
Marches) arfà for ri- or refare (ibid., 224), and, more apropos for our considerations, numerous Fabrianese items of the type arconfrontasse for ri- or reconfontrarse, in Italian incontrarsi (Marcoaldi 1877: 140 f.). Our erennantes, along with the erogui, for rogai, of line 26 of this document, must be considered a reflection of our notary’s own speech. We are justified in assuming, given the Marchigiano articulatory habits indicated by the above items from Ancona and, especially, Fabriano, that in the mouth of our notary regnante would have sounded erñante. The second e should be taken as nothing more than a reminiscence of the original Latin orthography.

23. compona — To be taken as componam, present subjunctive (cf. Italian componga). From compona to alia mea res we should understand: “I am to make up with ten solidi of good silver from my other property...” The immediate shift to the first person plural of the following restituamus may be attributed to the presence of the name of Moronto’s mother Fragula as a party to sale, or to the not unusual notarial mixing of first person singular and plural forms.

30. finebit — This for finiui, that is I have finished.

Scheide 326 (105-106)

3. Carilo — Romualdo Sassi (Sassi 1962: 47-48), relying on copies of the original document, erroneously dates this document November, 1108, instead of 1109. He adds an explicatory note on Carilo, this being perhaps the second name of the emperor Enrico (Henry V, last of the Salic emperors [1106-1125]).

16. carbonarie — The usual meaning of carbonaria is that of a furnace for charcoal (Tertullian, De Carne Christi, 6). The word is used here in the unusual sense of ditch or moat. Sella (Sella, 1944: 124) cites, among other examples, the Chronicon farfense: “fossatum idest (sic) carbonaria”. Modern Italian carbonaia means either the pile of wood, covered with earth, destined to be transformed by burning into charcoal, or a place to store coal, or a dark and dirty place. The meaning of ditch in medieval Latin documents
probably stems from an association with the last meaning of the Italian word.

Scheide 327 (106-107)

7-9. ad illum die tremendi iudicio quando omnes peccatores refrigerium et indulgnenciam desiderant abere — The only time one of these documents yields any biblical resonance other than the usual references to God and Christ. Guido the tabellio had some acquaintance, assuredly secondhand, with the Dies irae dies illa / Dies tribulationis et augustiae... of Sophonias I, 15 which a century later would inspire Thomas of Celano. Whether Guido will be called to task on that day for his mangling of case endings must remain matter for speculation on the part of theologians of a linguistic bent.

16. poioris — To be understood as hills. Classical podium from Greek podion, a base, a raised area in a structure. In Late Latin podium takes on the meaning of mound, giving the Italian poggio (VLI: 1297), a hill, and French puy (Dauzat: 618), the name given to the volcanic summits of the Massif-Central. About poioris two observations must be made, one phonetic, the other morphological. The d of podium, through lenition, has been eliminated. This was the fate of intervocalic d in large areas of Italy. However, the GSLI confines this occurrence primarily to the north-west (GSLI, Fonetica: 294 ff.). That this phenomenon also manifested itself in the Marches, around Fabriano at least, is born out by the toponym Castel Poio which Marcoaldi italicizes to Castel Poggio (Marcoaldi, 1877: 165).

Analogical plurals of the -ora type have been registered for almost all areas of Italo-Romance speech, from north to south. That is, on the model of corpus, corpora, many dialects have forms such as campo, campora (GSLI, ibid.) On this matter, besides the usual reference works, one should see Annamaria Santangelo’s exhaustive study (Santangelo 1981) and Aebscher’s article (Aebischer 1933). They leave little to be said. The phenomenon is at least as old as a document from Pavia (CDL 3: 242, 16), dated June 14, 772, which contains runcora, modern Italian being ronchi, jutting rock formations. Scheide 331, 17 yields a fundora as the plural of
fundum. As for poioris, we must look upon it as an attempt to make a regular plural in i (the s being as usual of no flexional or phonetic value) of an original poiora (< podiora < podia), thus attaining conformity with the preceding uineis, castellis and following eclesiis, molendinis in the description of the donated property.

29. raparia — The word is lacking in Classical Latin. Ducange has: “2. Raparium, Locus ubi crescunt rapae”. Italian has rapaio for a field sown with turnips or like plants (VLI: 1412). The ultimate source of our word would be the Latin rapa, a turnip (Varro, De Lingua Latina 5, 108). Rapa would have generated an adjective, *raparium, which could function as a substantive, the plural of which would be our raparia. That turnip fields could serve as boundary markers does not seem to be an unreasonable assumption.

Scheide 330 (108)

4. quietamus — To be understood as we relinquish or cede. Quietare lacking in Classical Latin, is derived, in the fashion of a frequentative, from the past participle of quiescere, that is quietum in its sense of inactive or of abstaining from action. The first example is from the early sixth century, in Priscian, 799, P, where, along with a deponent quietari, it is defined as to calm or to quiet. Ducange defines it as dimittere, relinquere, cedere, the earliest example being from 1176, six years later than this document. This specialized legal meaning is still present in English juridical usage: to quit title, quit claim (cf. Old French clamer quite, to renounce [DAF: 526]). Among the meanings of Italian quietare and quietanza, and French quitter and quittance, are to relinquish and relinquishment.

5. refutamus — Classical Latin has refutare with the sense of to check or suppress actions, policies (OLD: 1598). In medieval Latin the meanings broaden. Ducange has respuere, rejicere, repellere, aspernari, renuere; also rem dimittere, et in alterius jus transferre. It is in this last sense that we are to take our verb. Arnaldi (Arnaldi 3/4: 33) lists both a refutatio, thus defined: “proprietatis cessio”,
and a *nomen agentis*, with the forms *refutator* and *refudador*: “qui abdicatam proprietatem alii concedit”. A hypercorrected form from Lucca (*ibid.*, 31), *refluator*, points to an original *refutator*. In light of both this and the above *refudador*, it seems reasonable to posit the influence of *feudum*, *fiudum* in the shaping of the verb and related forms.

The phrase “cedimus et quietamus et finimus et refutamus monasterio Sancti Victoris” of lines 4 and 5 should be viewed as typical legal redundancy, in this case a series of more or less synonymous verbs.

**Scheide 331 (109-110)**

3. *quotiam facta omissa semper in memoria retineri non possumus* — It is evident from the wording here that Ugo was ignorant of the form and function of the present infinitive passive, that he was incapable of distinguishing between *relinere* and *relineri*. A month earlier, in September of 1170, Baroncellus, whose repertory of formulas is notable for being at several grammatical notches above those of his notarial colleagues, was able to write correctly “*quotiam facta hominum semper in memoria retineri non possunt*”. Given the final *possumus* of his clause, Ugo’s understanding of what he wrote would have been: “since we are not able to keep in memory the deeds of men”.

7-8. *cometipsa* — This for *cometissa* (the *p* is obviously silent, indicating the pronunciation *i(s)sa* or *e(s)sa* of the *ipsa* of these documents), feminine of *comes*, *comitem*, in Italian *contessa* (in all likelyhood from the French *comtesse* with its not unexpected syncope). On the model of the Greek nouns such as *basilissa*, late Latin ecclesiastical vocabulary has a number of feminine nouns in -issa: *pythonissa*, Vulgate, *I Paralipomenon* 10, 13; *prophetissa* (Grandgent 1908: 20), *abbatissa* (Inscr. Mommsen, 3896), *archimandritissa* (Arnaldi 1970, I: 65). It was to become a suffix of considerable vigor in Romance. In addition to the *contessa* and *comtesse* given above, we might note the Italian *baronessa* (from the French [VLI: 620]), *dottoressa*, *duchessa*, *leonessa*, *ostessa*, *poetessa*, *puncipessa*; the French *abbesse*, *déesse*, *hôtesse*, *maîtresse*, *tigresse*, *princesse*. 
10. le Tasenare — Ten kilometers north-east of Fabriano is the modern Tassanare. One etymon that suggests itself is *taxus*, a yew tree. However, in the composition of *tasenare* from *taxus* we are left with the problem of the suffix *-enare*. This problem might be solved by looking not to the Latin *taxus*, but to the base of *taxon-inum*, found in the late fourth century Marcellus Empiricus, 36, that is to say the word for badger. This would be *taxo*, *taxonem*, of Gaulish origin according to Dauzat, Germanic according to the VLI (p. 1797), and from which comes the vulgar Latin *taxonaria*, that is a badger’s burrow (Dauzat: 732). From this *taxonaria* comes French *tanière*, but nothing in the *lingua nazionale*. This does not rule out the possibility, though, of such a lexical item in a dialect of the Marches. *Tasenare* could possibly mean burrows. The problem, however, is establishing the validity of this term in describing the terrain in question. The solution to this problem is beyond our present means.

11. Romita — This for *eremita*. Six kilometers east by north-east of Fabriano one finds the toponym *la Romita*. The word exhibits the loss of an initial unstressed vowel frequent in Italo-Romance, and the passage from *e* to *o* under the influence of a labial (on this phenomenon see the commentary on *ouiiscouu*, Scheide 312, lines 7-8).

17. Fundora — This for *funda* (on plurals in *-ora* see the commentary on *poioris*, Scheide 327, line 16).

19. Cum introito et exoito — This for *cum introitu et exitu*. *Exoito*, always following as homeoteleuton on *introito*, is quite frequent in medieval documents from Italy, along with the plural *introita et exoita* (B. Löfstedt 1970: 385 ff.; Salvioni 1904-1905: 422).

23. Daturi — The form is that of the future active participle of *dare* which may be used as a substantive with the sense of “those who are to give”, thus replacing the *nomen agentis datores*. It is more likely, however, that we are dealing with a vernacular form. Under the influence of a following *i*, both tonic *e* and *o* undergo metaphony in Marchigiano (GSLI, *Fonetica*: 98; von Wartburg 1967: 125). The plural of *datore* would in this case be our *daturi*. 
That our notary would confuse the Latin participial form for the *daturi* of his everyday speech is quite likely.

23. *potimus* — This for *possumus*. The first person plural of *potere* exhibits varied and numerous forms in Italo-Romance (GSLI, *Morfologia*: 282 f.). The GSLI, unfortunately, fails to give any entries from the Marches. Neumann-Spallart (Neumann-Spallart 1904: 464), however, provides us with *putimo* from the Marchigiano dialect of Macerata. First person plural form analogous with *potes, potest* and *potestis* come as no surprise. That such forms were current in the area around Fabriano in the twelfth century seems evident from our example.

35. *laudare* — Not to be confused with the classical *laudare*, to praise. Here the sense is to cede, to yield. Ducange has: “3. Laudare, Concedere”. The root is Germanic: *al-od*, meaning total possession, whence Italian *allodio*, French *alleu*, Catalan *alou* (Battisti-Alessio I: 133). From this root come the verbal forms meaning to give over total possession.

To make sense of this passage, it is necessary to understand a *debent*, continuing the thought of the *debeo* of line 32. Thus from *et ad meis nepotibus* to *sicut superius legitur* we may understand: “and to my nephews/ grandsons: in their age/majority, they are to cede and fulfill to you all things as are read above”.

Scheide 335 (110-111)

7. *procurato* — The word has the form of the perfect participle of *procurare*, here functioning as a substantive. As such it is lacking in the standard reference works. We are justified, however, in taking it either to be a synonym for *procurator*, or *procurator* minus the final *r*, as in the *custo* of 312, 8 for *custor* (if not for *custos*). Ducange has: “1. Procurator, Vicarius, locum tenens, qui alterius vice res gerit”.

25. *aquaminis* — The word as such is lacking in the standard reference works. That it may be an abbreviation or an inadvertent compression of *aqua molendinis* is not to be ruled out.
27, 30. **heredita** — Crocioni (Crocioni 1905: 132) sees survivals of the nominative rather than the accusative in certain Marchigiano nouns. He gives examples such as *peco* from *pecus*, without specifying the accusative form, and a variety of the word in question, *rèdeta*, presumably from *hereditas* (Italian has *eredità* < *hereditatem*). A bit of caution is in order here.

As for *peco*, its survival may be due to the identity of form of the nominative and accusative of *pecu*, neuter, which would be confused with identical forms issuing from *pecus*, neuter, on the loss of final *s*. Further complicating the matter is the loss of the distinction in meaning between the neuter, cattle, and the *feminine* *pecus*, *pecudem*, a single head of cattle. The neuter having this latter sense is to be observed in the Vulgate, *Leviticus* 20, 15: “qui cum iumento et pecore coierit morte moriatur”; 2 Paralipomenon 14, 15: “tulerunt pecorum multitudinem infinitam”; *Isaías* 66, 3: “qui immolat bouem..., qui mactat pecus”.

As for the form of *rèdeta* as being a survival of the nominative *hereditas*, with the loss of an initial unstressed vowel and final *s* typical of Italo-Romance, it would be just as legitimate to see a change of declension paralleling the evolution of *tempesta*, *tempestam* (cf. Italian *tempesta* and French *tempête*) from *tempestas*, *tempestatem* (on the passage of nouns from third to first declension see Väänänen 1981: 108). Whatever the source of *heredita* may be, to be noted is the not unusual movement from the abstract to the concrete already discussed (see commentary on *ducatu*, Scheide 67, line 11). *Cum* and *sine heredita* should be understood as “with and without heirs”.

29. **due cannate de oleo ad cannatam Rocce** — Of particular interest is the word *cannata*. It is not to be understood in the sense of the modern Italian *cannata*, meaning a caning or beating with a cane. Nor is it to be understood as a measurement of distance (Sella 1944: 650). This is obvious from the context. Just as obvious is it that the word designates a quantity contained or the container itself. Sella has (ibid.: 651): “Cannaca (perhaps a misreading), cannata, recipiente”, in a 13th century Abruzzese document. At first glance the word appears to be divisible into a root *canna* and a suffix *-ata*, yielding a noun of the type of the Italian *cucchiaiata*, in which the suffix *-ata*, attached to the root
word, in this example *cucchiaio*, functions as an indicator of the notion of content, that is to say of the quantity which is contained by the thing denoted by the root word (Collin 1918: 191 ff.). This would parallel the use of the English suffix *-ful*: Italian *cucchiaiata*, English *spoonful*. However, given the existence in Central and Southern Italo-Romance of forms of our word with the meaning of a “small earthenware container” (“kleiner Tonkrug” [REW, 1602a]) or “recipient”, as noted above, it may very well be that the *-ata* of our word is an example of what Collin has termed the “emploi neutre de notre suffixe”, that is to say that the suffix at times does not appear to alter the meaning of the root word but merely creates a doublet as in *French rang, rangée* (Collin 1918: 234-5). It should be added, however, that true synonymous doublets of this sort seem quite rare. For the most part Collin’s “emploi neutre” of the suffix results not in doublets but in forms, very often post-verbal and participial, with a nuanced but well defined difference of meaning from that of the root word, for example *galoppo / galoppata* < *galoppare*.

An attempt to determine the origins of the components of our word is not without problems. As for the suffix *-ata*, it is accounted for simply enough. It originates in substantivized perfect participles of the type *peccatum, legatus*, reinforced by fourth declension nouns such as *narratus*. Although rare in Classical Latin (Ernout 1964: 278), they become numerous in Vulgar Latin (Grandgent 1908: 21; Väänänen 1981: 86). That it is feminine stems from the collective sense often given to a neuter plural with subsequent change in gender and number. The root to which this suffix is attached, however, is less easily accounted for. That the root is *canna* is obviously beyond dispute. Equally beyond dispute is its use to designate a container for liquids. Ducange has: “4. Canna, Kanna, cantharus, poculum, vas strictius, et oblongius”. Sella (ibid.: 114) has: “cannis olei”, from an early 14th document from the Roman Curia. But the origins of this *canna* are not clear.

Von Wartburg (FEW, 2B, 204 l6a ff.) sees in the Latin *canna*, a ‘reed,’ the source of numerous Gallo-Romance words which in standard French are some kind of *cruche, pot, orseau*. Tobler-Lommatzsch and Greimas are of a mind with von Wartburg in their etymologies for Old French *chane* and relatives. Dauzat (1964: 130) follows suit, listing the modern *canette*, a type of beer-bottle,
as a derivative of *canna. We must immediately add, however, that von Wartburg goes on to say (ibid.: 208) that Latin *canna* may be the etymon of the numerous Germanic words of similar form designating containers. These different containers would have in common some kind of long tapering spout the shape of which could be likened to a hollow reed or *canna*. This borrowing from the Latin by the Germanic could have occurred quite early, since the word appears as such on a container, dating perhaps from the second century, found in what von Wartburg designates, with an irritating lack of precision, as the “germanischen Provinzen”. But it has also been suggested that the word is of purely Germanic origin. As the etymon of the English *can* (a container) Webster’s *New Collegiate Dictionary* gives a Germanic root derived “probably” from an Indo-European *gan(dh)*, which, in addition to being the ancestor of the Germanic, would have spawned a Middle Irish *gann*. The purely hypothetical nature of this Indo-European root, however, should give us more than small cause for pause. The TLL (3, 262, 49-52) goes only so far as to admit the possibility of a Germanic origin. We read: “2. *canna*, ae f. [fortasse a Germanis tractum...] genus vasculi”, citing the sixth century *Vita Radegundis* 19, 44, of Fortunatus. The OED is somewhat more cautious. After listing numerous Germanic variations on the theme *kanna*, it states: “The Germanic origin of the word is questioned; but the form is not derivable from Latin *cantharus*, ‘pot’, and Latin *canna*, ‘reed pipe’, does not fit the sense”. As for *cantharus*, there can be no arguing with the OED. It must be ruled out on purely phonetic grounds as the ancestor of our word. In fact, its direct Italo-Romance descendants may be limited to the North Tuscan *cántera* and Ligurian *cántia* (with typical Ligurian loss of intervocalic *r*) designating a kind of box (Cortellazzo 1992: 50). However, a failure “to fit the sense” does not absolutely rule out Latin *canna* as the source of the Germanic *kanna* family, since it fails to allow for a gradual semantic shift, quite plausible in this case, from a ‘hollow tube’ to a ‘narrow, spouted container’. Given, then, the possibility, mentioned above, of an early entry of the Latin *canna* into Germanic, it is tempting to posit a circular return of a semantically altered word, itself a Latin borrowing from Greek, ultimately of Semitic origin, to Romance, more particularly to Gallo-Romance lands. A return early enough to allow for the sound
change \( ka > tfa \) as evidenced in Old French \textit{chane} and related forms. On its return to Romance territory, with its meaning changed from ‘pipe’ to ‘container’, this lexical wanderer would have entered into cohabitation with the Romance descendants of \textit{canna}. These will have retained the original senses of \textit{canna}: ‘tube’ or ‘pipe’ or ‘part of a funnel’ or ‘faucet’, whence present day etymological confusion. It must be added, although it might go without saying, that the introduction into Romance territory of a purely Germanic \textit{kanna} would cause the same sort of mischief. All of this, though quite plausible, remains, until more data have been accumulated, speculative. Meanwhile, what we must keep in mind is that the word, in various forms, designating a container, is pan-Germanic and only sporadically Neo-Latin, being restricted almost exclusively to Gallo- and Centro-Southern Italo-Romance. That the Italian forms universally have an initial \textit{ca} would seem to preclude a borrowing from French, at least from dialects which exhibit the \( ka > tfa \) change, and to point to direct contact with Germanic tongues, Longobardic or Frankish. There is no trace of it in the \textit{lingua nazionale}, but is still alive in the Mezzogiorno, if we accept the testimony of a recent Sicilian-American cookbook (Mary Taylor Simeti, \textit{Pomp and Sustenance}, Owl Books, New York, 1991) where we read: “Lasagni cacati e vinu a cannata / Bon sangu fannu pri tutta l’annata”. Modern French has only the aforementioned \textit{canette}, a container for beer, the \textit{ca} of which would point to a source in the northernmost, most heavily Germanic, beer-drinking peoples of Gallo-Romania.

As for our text, the phrase in question should be understood as “two jarfuls or jars of oil in a container of Rocca” (presumed to be the Rocca mentioned in line 13).

36-37. \textit{guarentare} — Synonymous with the following \textit{octorizare}, to guarantee. The root is the Frankish \textit{warren}, to defend, to certify. Italian has \textit{guarentire} from the Old French \textit{guaraní} (VLI: 783). This is the sole appearance of the word in these documents. In all others a form of \textit{auctorizare} was deemed sufficient.

42. \textit{marce} — A \textit{marca} is to be understood as a unit of weight, varying from place to place, from the Germanic \textit{marka}, a sign (VLI, under \textit{marco} 1: 1015). Here used instead of the usual \textit{libra}. 
48. *si in aliquo tempore fructus o liue defitientur* — To be understood as: “if at any time the fruit of the olive tree shall fail”. Classical Latin uses *oliua* to mean both the tree and the fruit: as the tree, Vergil, *Ecl. 5, 16*: “salix quantum pallenti cedit oliuae”; as the fruit, Horace, *Epod. 2, 56*: “lecta de pinguissimis o liua ramis arborum”. In Italian we find the regularized pairing *olivo / ulivo*, the tree, *oliva* the fruit (cf. *pero, pera*; *mel0, mela*).

**Abbreviations**

CDL = Codice diplomatico lombardo  
DAF = Dictionnaire de l’Ancien Français  
FEW = Französische etymologische Wörterbuch  
GDLI = Grande dizionario della lingua italiana  
GSLI = Grammatica storica della lingua italiana  
LLMA = Lexicon Latinitatis Medii Aevi  
NGML = Novum Glossarium Mediae Latinitatis  
REW = Romanische etymologische Wörterbuch  
TLL = Thesaurus Linguae Latinae  
VLI = Vocabolario della lingua italiana

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