

Notaries, procurators and magistrates: the world of law in Calvin's Geneva

*Dr Alexander Ressos, TEP
Attorney-at-Law (Switzerland), Solicitor (Hong Kong),
Solicitor (England & Wales)*

Calvin's Geneva was a city in which law occupied a considerable place in daily life. Notaries were numerous there, and their minutes, preserved at the Archives d'État, document sales, loans, marriage contracts, wills and commercial partnerships.¹ Procurators represented the parties before the courts. The magistrates of the Republic, from the lieutenant de justice to the members of the Petit Conseil, exercised extensive judicial functions, with the Petit Conseil acting as the superior court.²

The arrival of refugee jurists enriched this milieu. The jurisconsult Germain Colladon, a native of Berry, took part in the drafting of Genevan civil legislation.³ Later, the great jurist François Hotman would stay in Geneva after the St Bartholomew's Day massacre.⁴ The presence of these scholars, trained in the best French universities, strengthened the quality of the institutions and contributed to the city's prestige.

Judicial practice bears directly on economic life. Debt recovery, seizures, imprisonment for debt, the assignment of assets and the settlement of bankruptcies fall under procedures that merchants had to know.⁵ The speed and predictability of these procedures determine the cost of credit: a creditor who knows that he can recover his claim within a reasonable time agrees to lend on more favourable terms.

This link between the efficiency of justice and the cost of credit is now well established by economic research. It explains the importance that financial centres attach to the quality of their judicial system. The revision of the Swiss Code of Civil Procedure that entered into force in 2025 thus allows the cantons to establish international commercial courts and to admit English in certain proceedings, in order to strengthen Switzerland's attractiveness for the resolution of commercial disputes.⁶ Geneva moreover has a community of lawyers, arbitrators and experts that is one

of the financial centre's assets for commodity trading and wealth management.

Key points. Calvin's Geneva was a city of notaries, procurators and magistrates, enriched by the arrival of refugee jurists. The speed and predictability of its justice conditioned the cost of credit and the confidence of merchants. The link between the quality of justice and the attractiveness of a financial centre remains a constant.

1 Notes

1. Archives d'État de Genève, page "Notaires" (archives-etat-ge.ch): notarial minutes preserved from 1380, drawn up in French from 1539; deposited at the Archives fifty years after the notary ceases practice (Notarial Act of 1988); chronological and alphabetical inventories of notaries, cumulative indexes of personal and place names, abstracts of the Latin deeds from 1373 to 1535. ↩
2. Archives d'État de Genève, "Première période (1517-1555)": abolition of the jurisdiction of the vidomne in 1529 and creation of the offices of lieutenant and auditeurs; Wikipédia (fr), art. "Consistoire de Genève": the Consistory imposes only ecclesiastical penalties and may "refer offenders to the secular justice of the Petit Conseil, which then imposes corporal penalties that are sometimes severe (whipping, banishment)". ↩
3. Dictionnaire historique de la Suisse (DHS), art. "Colladon, Germain": born in 1508 at La Châtre (Berry), died on 23 January 1594 in Geneva; professor of Roman law at Bourges (1531-1542), "left Bourges in 1550 in the face of persecution to reach Geneva", admitted as habitant in 1550 and as bourgeois in 1555; supported Calvin at the trial of Servetus (1553); elected in 1559 to the Conseil des Soixante and the Conseil des Deux-Cents; "the principal author of the edicts of 1568", the political and civil edicts that would govern Geneva for more than two centuries. ↩
4. Wikipedia (en), "François Hotman": Hotman (23 August 1524 – 12 February 1590); "In 1572 the St. Bartholomew's Day massacre created a wave of Huguenot refugees including his family who left France for Geneva where he became professor of Roman law"; Franco-Gallia published in Geneva in 1573; departure for Basel in 1579. ↩
5. By way of comparison, on the operation of imprisonment for debt at the end of the Middle Ages: Romain Telliez, "La prison pour dettes à la fin du Moyen Âge", La Vie des idées, 5 March 2008 (lavedesidees.fr), review of Julie Claustre's work on the Châtelet of Paris: the creditor

obtains letters of obligation sealed by the court, then applies for imprisonment in the event of default; seizure of assets precedes incarceration, which serves as a means of pressure to obtain payment; half of the detentions last less than forty-eight hours and three quarters less than a week, the creditor bearing the maintenance costs of an indigent debtor; release is obtained by assignment of assets, by a rescheduling agreement or by royal letters of respite; the measure falls above all on labourers and artisans for debts of less than five livres parisis, credit being “massive and diffuse”; imprisonment for debt, which appeared in the twelfth century, was abolished in France in 1867.



6. Federal Council, press release of 6 September 2023 (admin.ch): entry into force of the amendment to the Code of Civil Procedure on 1 January 2025; MLL Legal, “Révision du code de procédure civile suisse au 1er janvier 2025”: the cantons may declare the commercial court competent for certain international commercial disputes and provide for proceedings “also in English”. ↩

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