

The notary as the backbone of the system

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

At home the notary was indispensable. The Ticinese territories, like Lombardy, belonged to the world of the Latin notariate, in which a public notary drew up authentic instruments that were preserved in registers and could be produced as evidence years or decades later.¹ The notarial archives of the Sottoceneri, now largely held by the Archivio di Stato del Cantone Ticino in Bellinzona, contain an enormous number of acts concerning emigrants: powers of attorney, partnership agreements, receipts, purchases and sales of land, marriage contracts, dowry agreements, wills, divisions of estates and settlements of accounts between relatives.

The power of attorney (*procura*) was the key instrument. Before departure, a master would appoint his wife, his father, a brother or a trusted neighbour to act for him in his absence. The attorney could buy and sell land, collect debts, pay taxes, represent him before the community assembly and receive money sent from abroad.² Masters abroad also executed powers of attorney before foreign notaries and sent them home, and acts drawn up in Rome, Vienna or St Petersburg were then registered or deposited with a notary in the village. The legal systems of the lake region and of the destination cities recognized each other's notarial acts on the basis of the shared *ius commune* tradition, at least within the Catholic world.

1 Passports, certificates and the bailiff

Departure itself required documents. Under the Confederate administration discussed in Chapter A.II, the *landfogto* (bailiff) and the local authorities issued passes that identified the emigrant, his place of origin and his religion.³ In times of plague the health authorities required certificates of health (*fedi di sanità*) for travellers, and Catholic emigrants to Protestant countries sometimes needed certificates from their parish priest. These documents fixed the emigrant's legal identity as a subject of a

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particular community, which he did not lose by leaving. This link between the emigrant and his community of origin is examined in the section on village capital and inheritance below.

2 Notes

1. Kathrin Utz Tremp and Alain Prêtre, "Notariato", DSS, version of 8 August 2023, <https://hls-dhs-dss.ch/it/articles/009640/>. ↩
2. Raffaello Ceschi (ed.), *Storia della Svizzera italiana dal Cinquecento al Settecento* (Bellinzona 2000). ↩
3. See Chapter A.II. ↩

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