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**Urban Autonomy:
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URBAN AUTONOMY: FIEFS, COMMUNITIES AND KING OWNED TOWNS
IN SOUTH ITALY (1000-1806)

Fabio Gatti

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Urban governance has been considered a key feature in the political and economic development in Europe in the medieval and early modern times. This paper aims to explore the different institutional settings that characterized the community organization in the Kingdom of Naples, with a particular attention to the case of the King Owned Towns (KOTs), which somehow resembled the North Italian commune experience. Our exploration uncovers experiences of urban autonomy in South Italy, that so far has been missed in the modern literature on historical urban development, that focused its attention on the case of North Italian and North-West European city's institutional development.

Key-Words: Economic History, Political Institutions, History, Local Economics, Culture, Italy

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1. Introduction

This paper provides a systematic overview of the institutional shaping and re-shaping that took place at local and regional level in the Neapolitan Kingdom. A vortex of administrative, fiscal and jurisdictional attributions flowed in the centuries from the Monarch to the baronies, and from the baronies to the communities, just to come back to the baronies and so on, resembling the evolution of the specific weights and powers of such three constituent forces. This continuous trying to balance and re-balance an equilibrium among the Crown, the aristocrats and the commoners started with the unification itself of the Kingdom and took place just until the subversion of feudalism in the early XIX century, bringing to significant parenthesis of local autonomy in certain towns of South Italy.

Starting from the work of XIX century's authors that described the evolution of local institutions in South Italy (Bianchini 1859, Faraglia 1883, Calasso 1929, Dragonetti 1842, Rinaldi 1886, Racioppi 1881 and 1889, Trifone 1902-1906, Gattini 1882, Alianelli 1873) and consulting the impressive pieces of the Neapolitan humanists of the time (Bacco 1609-1671, Galanti 1793, Giustiniani 1797), in compliance with modern literature as well (Lerra 2016, Cocozza 2019, De Rosa and Cestaro 2006, Sodano 2012, Trotta 2017), this paper will focus particularly on the case of King Owned Towns, a form of autonomous municipality missed by the modern literature on the topic. In those centres, an urban council of bourgeois majority successfully established a working system for private rights protection, on the fashion of other European autonomous cities of medieval and early-modern eras. Moreover, this paper explores the idea that such cities reached to negotiate with the central authorities a less oppressive fiscal treatment (Buffardi and Mola 2005), using the fiscal-statistical data from the XVI's century masterpiece of Scipione Mazzella (1597). Although this work has a merely descriptive scope, it could be used as a sound base to investigate the socio-economic effect of institutional changes and evolutions (Putnam 1993, Guiso et al. 2011 and 2016, Acemoglu et al. 2001 and 2021). Indeed, I provide maps, lists and description of the *KOTs*' evolution over the centuries, to illustrate the creation process of municipal autonomies, in a functional way for further in-depth analysis on the institutional changes that interested the region in medieval and early-modern period.

This paper is structured as follows: In section Two I provide an historical overview of the public administration in the Neapolitan Kingdom. In section Three I describe more deeply the fiscal, administrative and juridical differences among towns and lands that enjoyed a different political-

institutional status inside the Kingdom (fiefs, *KOTs*, fiscal exempted cities, ecclesiastic lands). In section Four I provide examples of the negotiation of administrative competences between the communities and the other authorities of the Kingdom. Section Five draws the conclusions of the paper and Section Six contains the references, while Section Seven is the Appendix.

2. Administrative History of South Italy

2.1 *Università* and Fiefs from Early Middle Ages to Henry VI of Swabia

In the territories of our interest, the feudal regime originated in the early middle ages, indeed, were the Longobards or the Franks¹ to introduce in Italy such administrative practice². King Authari (died in 590) recognized to 30 Ducks³ the authority on their Italian possessions, those could rule their respective lands, paying to the King the half of the year's duties and *gabelle* and assisting him at war time⁴. Other authors confirm the idea that were the Longobards to bring the feudal system in Italy, asserting that already existed in the Longobard Kingdom the *Comites* (Counts), which were entitled to administrate the justice on their possessions.⁵ By the way, it is argued that in no law of the Longobards were mentioned fiefs, feudal lords or feudal investiture⁶, so, other scholars think that were the Franks to introduce effectively the feudal practice in Italy, after the victory of Charlemagne (742-814) on the Longobards in year 774⁷. In the decades preceding the advent of King Roger II (1095-1154), who overlapped the power of the Norman Monarchy on the whole South, the region was fragmented under the dominees of Byzantines, Longobards, and the rising power of Normans themselves, it is in this moment, that many cities and towns reached to earn franchise and liberties that resembled those of the northern cities⁸. Traetto in 1060, Sujo in 1079, Troia in 1127 and Gaeta in 1129⁹ promulgated charts and statutes that granted them decisional autonomy from feudatories, Clerical institutions and Norman dominators configuring the first wave of urban autonomy in the region. Bari earned an alliance with Venice in year 1122¹⁰, and other documents prove the presence

¹ Dragonetti (1842), p. 36

² Ibidem p. 34

³ Rinaldi (1886), p. 10

⁴ Dragonetti (1842), p. 34

⁵ Rinaldi (1886), p. 10

⁶ Ibidem p. 36

⁷ Ibidem p. 36

⁸ Calasso (1929), p. 25-26

⁹ Ibidem p. 26-28

¹⁰ Ibidem p. 30

of *università*¹¹ already existing as political decisional centers, which became active subjects expressing a proper will through communal acts. As an example, in year 1079 the *università* of Ravello donated the territory of a whole mountain to the Abbot of San Trifone, a similar situation happened in Benevento in 1082¹². Again, Bitetto in 1105¹³ elected three *sindaci* as deputies for the *università* in a contentious with the feudal lord. In Melfi, in year 1040,¹⁴ a piece of land was given to a friar “*pro concessu de bonis hominibus de civitate*”. Other acts of a proper organized and auto-governed *università* relate to the city of Gravina for the year 1092,¹⁵ to Monopoli in 1098 and Matera in 1041, which elected, that year, a Norman as a *Dominus*, as done also by Capua in 1120¹⁶. Among XI and XII centuries, so, when the Norman monarchy was not already hegemonic, and a vassalage-based state was not already completely established, in the *università*, the people reached to become a political active subject, and in the most active communities born urban councils populated by parties in struggle among them, representing different interests and having different relationships with the Byzantines and the Normans¹⁷. It is worth noting that such acts, defining an autonomous decisional center organized around an urban community, were contemporaneous or even slightly precedent to the corresponding acts of those northern town which became communes in XII century. Indeed, the institution of a *console*¹⁸ as the representant of a well-organized municipality dates back to 1097 for Milano, 1106 for Pavia, 1108 for Bergamo, 1109 for Como, between 1111 and 1116 for Cremona, while Mantua elected a *console* in 1126, Brescia in 1127 and Lodi in 1142¹⁹. Nevertheless, in XII century, King Roger II reached to unify all the Normans’ dominees in Italy, consisting in all the South and the island of Sicily²⁰ which was the administrative centre of the

¹¹ From the incipit of Alianelli (1873), it's possible to take a precise and interesting definition of the term “*università*”, which was the currently used term in the Neapolitan Kingdom to define an organized community. The term “*università*” refers indeed to a group of people which, being stationed in a same place, and subjected to similar circumstances, share the same needs and interests. Such people, because of the density of their relations, and the uniformity of their conditions, naturally produced customs and traditions that resembled their common thought, norming their behaviors inside the community without the need of any written law.

¹² Calasso (1929), p.39

¹³ Ibidem p. 38

¹⁴ Ibidem p. 40

¹⁵ Ibidem p. 41

¹⁶ Ibidem p. 44

¹⁷ Ibidem p. 26-27-36-49-50-53

¹⁸ Pini (1986), p. 73-74-75: The *consolato*, was the executive organ of the first Communes (indeed they were said *comuni consolari*), it was a collegial and elective organ, expression of an entire social class. Such executive body was acclaimed by the general assembly of citizens, which was a first form of legislative organ, in some Commune it was called *colloquium* or *parlamentum*. The consoles were subjected to a strength control and had to monetary compensate for damages in case of abuses of power or administrative offences.

¹⁹ Galasso (1995), volume VI, p. 318

²⁰ Galasso (1995), volume IV, p. 98

Kingdom²¹. Formally recognizing the Church's authority with an annual payment to the Pope, he gained from the Pontiff the official acknowledgement of the Kingdom of Sicily with an act dated 27 September 1130²². In the establishment of the Kingdom, a significant transfer of the feudal properties took place, as the monarch promoted a redistribution of the powers in favour of his supporters: Robert Count of *Civitate* received a fief from Roger in the 1140s as a reward for the decades loyalty of his family to the Monarch' dynasty²³. Moreover, after Roger defeated the Conversano's family, the feudal domain over the town of Nola passed to the family of De Cagnano²⁴, while other feudal possession of the Conversano were given by the King to his brother-in-law, Robert of Basunvilla²⁵. The central authority of the Monarch overlapped on the local liberties and jurisdiction, conflicting from such very first moment with the interests of the local potentates: some of the barons²⁶ did not resign to the central authority, neither did some cities where the mercantile bourgeoisie didn't appreciate a strong form of centralization of power²⁷: Naples, Salerno, Trani, Troia, Bari and Barletta conflicted with the State, and so did many barons as Godfrey of Conversano, Robert of Capua and Rainulf of Alife²⁸. Roger II had to choose whether to repress or came to terms with such local powers²⁹ and, in 1140 , he promulgated the *Assise di Ariano*, declaring every place in the Kingdom under his Royal authority, emphasizing the right of the Crown to direct the organization of the State and Justice³⁰: it was the end of the first parenthesis of diffused urban autonomy. The King arrogated to himself all the legislative power, nonetheless, the feudatories (as well as the Bishops and the Abbots)³¹ were invited to the assembly in Ariano that promulgated such statutes, which, anyway, recognized their political and judiciary competence over many lands and towns of the Kingdom³². A feudal society was taking shape³³: in the territories, the royal functionaries where next to (and not over to) the judiciary and political competence of the barons³⁴.

²¹ Galasso (1995), volume III, p. 577

²² Galasso (1995), volume IV, p. 99

²³ Cuozzo (1984), p. 66

²⁴ Ibidem p. 6-7

²⁵ Ibidem p.28

²⁶ In this paper I use the word "baron" as a synonymous for "feudatory", following the use found in much of the literature on the Neapolitan Kingdom's history. By the way, not all the feudatories were barons, indeed, from Bacco (1609), p. 10 we've a precise decomposition of the number and kind of feudatories present in the Kingdom at the start of XVII century: 27 Princes, 48 Dukes, 76 Marquises, 62 Counts, and 387 Barons

²⁷ Galasso (1995), volume III, p. 574

²⁸ Ibidem p. 574

²⁹ Ibidem p. 575

³⁰ Ibidem p. 579

³¹ Bianchini (1859) p. 1

³² Galasso (1995), volume III, p. 580

³³ Ibidem p. 581

³⁴ Ibidem p. 581

With another law, the *De resignandis privilegiis*, King Roger II started a revision of the privileges and powers of the feudatories, not to weak their position, but to limit the excessive oppressions and abuses suffered by their subjects, in a try to regularize the relationship between monarchy and barons³⁵, delimiting the borders of each fief, the rights and powers of the landlords, and underling their critical role in the administration of the Kingdom, in a pure optic of vassalage³⁶. In such a try to equilibrate the centralization of the legislative power with the centrifugal tendencies of feudatories to administrate juridically and fiscally their fiefs, King Roger II kept in its own *demanio regio*³⁷ (i.e. as King Owned Towns³⁸, "KOTs") some cities from the very foundation of the Kingdom³⁹. Roger II died in 1154 and the following Norman kings⁴⁰ continued to deal with the unsolvable conflicts of interest among the Crown, the barons and the *università*, through repressions, fights and agreements⁴¹ on the same line as Roger II did⁴².

In 1191 Henry VI of Swabia (1165-1197) become the King of Naples, it was the end of the Norman domination.⁴³

2.2 The Age of Frederick II and the great centralization of powers

Despite the try of the Norman dominators that followed Roger to preserve the order and the equilibrium of powers that the great conqueror established in the Kingdom, at the end of XII century, the Crown lost some of its prerogatives in favor of the local powers. In 1208, Frederick II (1194-1250), son of Henry VI, was considered to having reached the adulthood (he was only 14)⁴⁴. At his came to power, he faced a Kingdom where several cities achieved significative spaces of autonomy,

³⁵ Mazzella (1594), p. 11: Roger II knighted even 150 persons among his Neapolitan partisans

³⁶ Galasso (1995), volume III, p. 582

³⁷ The expression "*demanio regio*" could be literally translated as "property of the King", by the way, I'll often use the original expression in the course of this paper. The towns and lands which were property of the Crown were referred to be "*demaniali*" at the time of the Neapolitan Kingdom.

³⁸ Cuozzo (1984), as examples Bari (p.3) and Trani (p.14)

³⁹ Cestaro and De Rosa (2006), Volume II, p. 106-112

⁴⁰ Mazzella (1594), p. 16-34: William I (1120-1166), son of Roger II, battled against the Prince of Capua and other barons which, once rebelled, were defied and forced to escape in Germany and Lombardy, the successive Norman kings were William II (1153-1189), and Tancred (1138-1194) which continued to balance the royal influence on the territories with those of the Church and the barons.

⁴¹ Cuozzo (1984), King William I suppressed the revolt of the Apulian feudatories in 1155-1156, starting then a second wave of re-distribution of the feudal properties: p.19-20, the fief of Gravina was given to Count Gilbert, (p. 22-23), the county of Loritella was suppressed, and parts of the territory of such fief were given to Philippa of Gravina, again, William Morellatus received as fief parts of the lands that were seized to rebel feudatories in the aftermath of the aforementioned revolt (p.29-30), indeed the overall feudal geography of the counties of Andria, Conversano and Gravina was radically re-organized (p.38)

⁴² Galasso (1995), volume III, p. 615-651

⁴³ Ibidem p. 651-657

⁴⁴ Ibidem p. 661

electing *podestà, consoli* or *rettori*, as did Naples, Fondi, Celano, Sorrento, Gaeta, Trani, Teramo and Gallipoli, centres which reached also to gain the jurisdiction on civil and criminal litigations⁴⁵. In this scenario, even the Church extended its interferences over the administrative landscape of the Kingdom, with fiefs, cities and monasteries which were personally lied to the papal power⁴⁶ and high prelates becoming lawmakers, as the Abbot of Sant'Elena, which in 1190 confirmed to the inhabitants of Montecalvo the legal validity of their ancient local norms, and the Abbot of Montecassino that in 1195 recognized the same authority to the town of Atina⁴⁷. When Frederick II became Emperor, in 1220, he had to re-organize a Kingdom on the way for the disaster,⁴⁸ and to strongly impose the power of the Crown over the Church, the feudatories and the cities⁴⁹. Among the first acts, Frederick arrested different barons and promulgated the *de resignandis privilegiis* in 1220, through which he wanted to revise radically each feudal concession that the barons obtained in preceding years⁵⁰. To such initiative didn't miss oppositions by the feudatories, as an example Alfonso de Rotis, Count of Tropea, Paul and Roger of Gerace and Dipold of Vohburg feudatory of Acerra, Alife and Caiazzo⁵¹. Other feudatories formed an alliance with the Emperor, and helped him in resizing the power of rival noble families, through such coalition, indeed, Frederick II reached to bend many powerful barons and cardinals, destroying their castles, confiscating lands and turning into royal possession many feudal lands, churches, monasteries and towns⁵². With the *costituzioni di Capua* approved in December 1220, the young Emperor re-modelled the relationship between the Crown and the feudatories, building the skeleton of the State on more solid bases⁵³; indeed the Monarch reserved each legislative, executive and judiciary power to himself⁵⁴, per count of the King would have then operated the crown's officers, which were the representants of the monarchy in the territories. Another act towards the organization of a more efficient and centralized State was the enactment of the *Constitutiones regni Siciliae*, promulgated by the Emperor in Melfi in 1231⁵⁵. In such *Constitutiones*, Frederick II prohibited the towns to elect any official for their municipal

⁴⁵ Ibidem p. 662

⁴⁶ Ibidem p. 661

⁴⁷ Alianelli (1873), p. 31-32

⁴⁸ Galasso (1995), volume III p. 662

⁴⁹ Ibidem p. 662

⁵⁰ Ibidem p. 666

⁵¹ Ibidem p. 667

⁵² Ibidem p. 667-668

⁵³ Ibidem p. 668-669

⁵⁴ Ibidem p. 671

⁵⁵ Ibidem p. 675-676-677

administration⁵⁶ viewing as illicit the previously widespread *consuetudine*, among different cities, to elect their *podestà*, *console* and *rettori*⁵⁷. Frederick gave also form to the administrative subdivisions of the Kingdom, dividing southern Italy between two *Capitanerie* and 11 *Giustizierati* headed by royal officers to be appointed by the King.⁵⁸ For the settlement of disputes among the local powers of the Kingdom, the Emperor in 1234 established the *Corti plenarie*, a high court with juridical competences over the conflicts between communities, feudatories and royal officers, before whom the communities could send their deputies⁵⁹. Frederick II also instituted a General Parliament (*colloquia*) which personally attended for two parliamentary session, that of 1232, probably held in Capua, and that of 1240, in Foggia. To such parliamentary session were invited the deputies of the *KOTs* and the barons⁶⁰. It is possible to resume the politics of King Frederick II respect to the *università* by saying that even forbidding any form of auto-government, he tried to maintain devote to him such communities, conceding them to be represented in the general organs of the Kingdom and granting judiciary protections against the abuses of feudatories, also to avoid rebellions and secessionism of the kind of those which interested the cities in Northern Italy.⁶¹ In the General Parliaments, as well as in the *Corti Plenarie*, the Emperor successfully channelled the instances of cities' deputies as a force to limit the power of barons and bishops⁶².

The Great Emperor bended the power of influent cardinals and abbots, put the feudatories one against the other and abolished each form of communities' auto-government, channelling all the instances of local potentates inside the forms of the institutions he modelled. After his death, all the kingdom sought revolts by barons and cities, revindicating spaces of power and jurisdiction. In such troubled moment the Pope promised, to the towns which would submit to the Church, the permission to promulgate statutes as liberal as those of northern Italy⁶³, trying so to recuperate the status and the powers lost in the years of Frederick II⁶⁴. In those years, so, cities as Barletta, Napoli

⁵⁶ Ibidem p. 679

⁵⁷ Faraglia (1883), p. 32

⁵⁸ Racioppi (1889), Volume II, p. 188

⁵⁹ Ibidem p. 188

⁶⁰ Ibidem p. 189

⁶¹ Faraglia (1883), p. 34

⁶² Ibidem p. 34

⁶³ Galasso (1995), volume III p. 755

⁶⁴ Ibidem p. 756

and Capua promulgated new statutes⁶⁵ and as a reaction against the absolutism of the emperors, the Pope called such *università* “Comuni” in a letter dated 22 September 1251⁶⁶.

2.3. The late middle ages: Anjou and Aragonese dominations

Ending the Swabian domination, that of the Anjou (and then of the Aragonese) has been ambiguous for the *università*, which increased their regulatory competences but were ignored in their willingness to be represented in the Kingdom's policy choices and protected from the baronial abuses. Starting from Charles I (1226-1285), many king owned lands were given to feudatories as a reward for their service, since such cavaliers battled together with him⁶⁷ in the conquest of the Reign⁶⁸, while the Popes, once defeated the Swabian Emperors, didn't support anymore the rights and the freedoms of the communities.⁶⁹ Under the Anjou domination, a “waterfall” phenomenon interested the local administration of the Kingdom, firstly, the Crown conceded to feudatories a large set of juridical powers, which under the Swabians were held by Royal courts and officers, successively the communities (of each dimension) started to write constitutional statutes diffusely, renting from the feudal lord part of those newly acquired competences, accumulating so, a moderate government's authority on their territories. King Charles I started to concede to some baron the powers of the *mero e misto impero*, the same happened with other Anjou kings, as Ladislao (1377-1414), Queen Joanna I (1326-1382) and Charles III (1345-1386)⁷⁰: through the concession of the *mero e misto impero*, the feudatories had relevant judiciary powers on their lands and communities⁷¹. Such feudatories' prerogatives were even enlarged with the *Capitoli di San Martino*, which were promulgated by Charles II (1254-1309) on 30 March 1283, and consisted in a large-scale concession to barons of parts of the criminal jurisdiction over their territory, and the recognition to them of the right to be judged by other nobles inside the royal courts.⁷² Another important point, in the strengthening of the baronial power under the Anjou, was the *Prammatica Filingeria* promulgated by Queen Joanna II (1371-1435) in 1418, which modified the inheritance law to favour the transmission of the fiefs among the nobles⁷³. Queen Joanna II in 1417 also gifted the

⁶⁵ Ibidem p. 756

⁶⁶ Faraglia (1883), p. 40

⁶⁷ Bacco (1671), p. 60-61: King Charles I conquered the Kingdom militarily defying the Swabian dominators in year 1266

⁶⁸ Faraglia (1883), p. 78

⁶⁹ Ibidem p. 45-46

⁷⁰ Ibidem p. 80-81

⁷¹ Ibidem p. 82

⁷² Galasso (1995), volume XV p. 360

⁷³ Ibidem p. 367

feudatory Sforza of the Attendoli with the perpetual office of *Capitano* on his lands, and in 1420 the feudatory Francis Orsini with the same office (which meant the jurisdiction, both civil and criminal⁷⁴ over the lands of his competence) with also the possibility to transmit this function to his descendants⁷⁵. The increase of the feudatory's competences had a twofold consequence on the organization of communities, indeed, while the inhabitants of the fiefs had now less chances to be protected by a Royal court in case of litigation with the baron, the organized communities reached in this moment to rent from the feudal lord a broad set of auto-government instances, which under the Swabian were exclusively competence of the King and his officers. With the Anjou kings so, a flow of competences passed from the Royal apparatus to the feudatories, and from the feudatories to the communities, which started to diffusely write their *statuti bajulari* or *Liber statutorem et capitulorum municipalium*⁷⁶: written collections of the rights and freedoms that a community⁷⁷ acquired (against a pecuniary payment) from the feudal lord. The writing of such codes started during the Anjou domination and reached its peak under the Aragonese domination, especially during the filo-municipal kingdom of Ferrante of Aragon⁷⁸, such acts prove that the southern *università* were able to promulgate laws, even if this faculty was strongly conditioned by the feudatory⁷⁹. Similarly to the statutes of north Italy's towns, the internal forces that forged the *università*'s statutes were the instances of the civil society⁸⁰, especially those of the emerging class of merchants/bourgeois, which needed to safeguard its economic activity⁸¹ by participating to the government of the territory and promoting the development of a system for the protection of private rights in the municipality⁸². By the way, this broad wave of communities' acts and charts could only be superficially compared to the Communal phenomenon of Northern Italy, since in the South the statutes remained always franchises and *grazie* conceded by a feudatory⁸³. At the change of the feudatory, the *università* had to ask for the re-confirmation of the concessions that the previous land-owner allowed to the community⁸⁴. The statutes of the southern *università* disciplined the responsibilities and attributions of different municipal officers: the *catapano* was the officer

⁷⁴ Faraglia (1883), p. 82

⁷⁵ Faraglia (1883), p. 82

⁷⁶ Biscaglia (2002), p. 89

⁷⁷ Racioppi (1881), p. 18

⁷⁸ Biscaglia (2002), p. 90

⁷⁹ Ibidem p. 90

⁸⁰ Ibidem p. 113

⁸¹ Ibidem p. 90

⁸² Ibidem p. 91-92

⁸³ Ibidem p. 90-91-97

⁸⁴ Racioppi (1881), p. 19

deputed to collect two duties: the *honoratica* and the *dohana*, and to the control of the weights and measures used in commercial activities⁸⁵. He also defined the *assisa* (the price of sale) of some alimentary products⁸⁶. The *maestro-giurato*⁸⁷ had mixed police - judiciary competences, while the primary charge of a south Italian community was the *baiulo*⁸⁸ which held the largest fiscal, administrative and judiciary power in a municipal territory, and nominated also the *giuidici* or *assessori*⁸⁹, which, together with him composed the *Corte della Bagliva* (Court of the Bagliva)⁹⁰. The *sindaco* was instead deputed to represent the *università* before the central organs of the Kingdom. In the statutes of small towns in Basilicata it is also registered that the municipal administrators used to pay a medical doctor for the health of the community⁹¹, and normed even the public order, the management of the mills⁹² and the definition of the limits of the *università*'s land⁹³. With the recognition of municipal-kind authorities and offices, started in the inhabited centres of South Italy the political rivalries: commoners and nobles were in competition to cover the institutional roles guaranteed by such Statutes or to be elected deputies before the General Parliaments⁹⁴. For the covering of such offices, the Anjou Kings favoured the election of both commoners and nobles, indeed in many cities, as Bari, Bitonto and Monopoli, people from both the classes contributed to cover such positions⁹⁵, in different towns commoners and nobles formed two true parties, covering the respective interests of their social classes⁹⁶. As in the case of Salerno, where the two classes, of nobles and merchants/commoners participated in the administration of the city⁹⁷ and the Emperor Charles II imposed them to elect 12 officials divided among 4 nobles, 4 merchants and 4 commoners which in turn had to nominate the main municipal authorities.⁹⁸ Turbulences between the two parties interested even the city of Naples, such that in 1338 King Robert (1277 – 1343) intervened, and decreed that the nobles had to weight for 1/3 while commoners for the 2/3 in the

⁸⁵ Biscaglia (2002), p. 98

⁸⁶ Ibidem p. 99

⁸⁷ Racioppi (1881), p. 12

⁸⁸ Racioppi (1881), p. 5

⁸⁹ Ibidem p. 14

⁹⁰ Ibidem p. 6-11

⁹¹ Biscaglia (2002), p. 106

⁹² Ibidem p. 106

⁹³ Ibidem p. 107

⁹⁴ Faraglia (1883), 86

⁹⁵ Ibidem p. 87-88-89

⁹⁶ Ibidem p. 90-91

⁹⁷ Ibidem p. 94

⁹⁸ Ibidem p. 96

administrative offices of the city⁹⁹, similar situations happened in Trani and Reggio Calabria¹⁰⁰ as well. Another example was the city of Molfetta, where, on 23 July 1428, Queen Joanna II ordered that each year the residents had to elect a *giudice* and a *catapano* among the nobles, and a *mastrogiurato* and a *sindaco* one noble and the other commoner¹⁰¹.

During the Aragonese period, the approach towards the Kingdom's local potentates radically changed with the passing of the torch from King Alphonse of Aragon (1393-1458) to his son Ferrante I of Aragon (1424-1494). King Alphonse prolonged the feudatories' prerogatives enlargement process¹⁰² which started with the Anjou kings, pursuing a line that was clear since the time of his conquest of the Kingdom, indeed he organized, in 1443, a general parliament composed exclusively by barons¹⁰³. Then he granted to the feudal lords the privilege of the *quattro lettere arbitrarie*, a series of new and wide prerogatives and powers¹⁰⁴, with the possibility for the baron and his officers to legislate and administer the justice broadly on their territory¹⁰⁵. The son of Alphonse I, King Ferrante I of Aragon (1424-1494), faced the *congiura de'baroni*¹⁰⁶, against the feudatories he tried to concede privileges to the communities, related to different areas of the municipal administration¹⁰⁷. Indeed, under Ferrante I, the communities continued the process of organizing in written statutes their prerogatives and powers¹⁰⁸. Ferrante himself approved personally many municipal charts, providing a systematic uniformity to such statutes¹⁰⁹, as an example, in his time were promulgated the constitutional charts of Lecce,¹¹⁰ Molfetta¹¹¹, Barletta, Sorrento, Manfredonia, Salerno, Ariano, Sansevero and Atri¹¹². What is worth noting is that in none of the statutes promulgated (or approved) at the time of Ferrante I, the nobles had the prominence in the administration and in the offices of the towns¹¹³ and the levers of urban powers were likely everywhere in the hands of merchant's guilds and bourgeois, as in the case of L'Aquila, reported in

⁹⁹ Ibidem p. 100

¹⁰⁰ Ibidem p. 101 and 102

¹⁰¹ Ibidem p. 103

¹⁰² Manfredi (1936), p. 57: under the Aragonese, the baronial jurisdiction were further widened, at expenses of both Royal and municipal authorities

¹⁰³ Faraglia (1883), p. 116

¹⁰⁴ Ibidem p. 83

¹⁰⁵ Ibidem p. 83

¹⁰⁶ Ibidem p. 119

¹⁰⁷ Ibidem p. 120

¹⁰⁸ Ibidem p. 124

¹⁰⁹ Ibidem p. 154-157

¹¹⁰ Ibidem p. 144

¹¹¹ Ibidem p. 153

¹¹² Ibidem p. 154-156

¹¹³ Ibidem p. 156

Chapter 4. The Ferrante's government can be considered as a second parenthesis of urban autonomy's flourishing, nevertheless, the municipal constituted authorities were almost always subjected to the outside military, political and juridical power of a feudatory.

For what concerns the lands non-subjected to feudatories, the 1250-1500 period was a troubled one: under the Anjou and the Aragonese dominations, *KOTs* lost (at least in part) the special status¹¹⁴ they had in the Norman-Swabian decades¹¹⁵. Roger II¹¹⁶ and Frederick II conceived *KOTs* as a way to subtract from the influence and litigiousness of the feudatories some of the most important cities of the Kingdom¹¹⁷. Starting from Charles I¹¹⁸, indeed, *KOTs* became a commodity to be traded among the Crown and the baronies. It is said that the number of *KOTs* decreased under the Anjou¹¹⁹ and further diminished under the Aragonese, nevertheless, from the lists of such towns available to us, dating 1280s¹²⁰ and 1440s¹²¹, it appears that the number of lands owned by the Crown was higher in those years respect to the time of Frederick II¹²². By the way, when Charles V (1500-1558) came to Naples in the 1530s, it is reported that he witnessed a Kingdom with quite no more *KOTs*¹²³. What is probable so, is that in the late middle ages such lands lived a schizophrenic process, losing part of the special status¹²⁴ they had at the begin of the Kingdom,¹²⁵ and declining and increasing in number, in function of the fiscal needs of the Crown¹²⁶ which used to sell and re-buy those lands as a way to finance the State's expenditure.

2.4. The early modern period: Spanish domination and *jus praelationis*

At the start of the Spanish Vice-Kingdom, the government tried to weak the barons, by dividing their fiefs and conceding new titles¹²⁷, indeed a new class of wealthy bourgeois started to acquire lands, properties and nobiliary titles¹²⁸. At that time, in the Courts, the legal battles between *università*

¹¹⁴ Galanti (1793), volume III, p. 4 : " Federico II, che era un gran politico, mise tutto in opera per conservare ed estendere le città demaniali. I re Angioini, che erano usurpatori, e soprattutto Ladislao, ne alienarono grandissimo numero"

¹¹⁵ Manfredi (1936), p.9: William I tried to maintain a powerful grip on the reticulate of *KOTs* established by Roger II

¹¹⁶ Ibidem p.8

¹¹⁷ Faraglia (1883), p. 80- 81

¹¹⁸ Ibidem p. 78-81

¹¹⁹ Ibidem p. 79-81

¹²⁰ Gattini (1882), p. 35-36

¹²¹ Galanti (1793), volume III, p.6-8

¹²² Racioppi (1889), volume II, p. 188

¹²³ Faraglia (1883), p. 177

¹²⁴ Galanti (1793), volume III, p. 4

¹²⁵ Faraglia (1883), p. 123

¹²⁶ Ibidem p. 164

¹²⁷ Ibidem p. 171

¹²⁸ Ibidem p. 171

and new and old feudatories multiplied, by the way not all the disputes ended in courts: in June 1512 the population of Martorano in Calabria rioted against the Count Di Gennaro while in March 1513 the citizens of Mameria in Abruzzo rose up and killed the Count, his wife and his 7 children.¹²⁹ A similar fate happened to John Tramontano, which bought as a fief the city of Matera, and in December 1514 was killed by the population after a grave request for new taxes¹³⁰. In that scenario, the Vice king Peter of Toledo (1484-1553) raised against the feudatories the population of Naples and suppressed different revolts troubled by the feudatories, as that of Salerno orchestrated by the Prince of the city. At the time in which Charles V (1500-1558) was in Naples, from many parts of the Kingdom arrived to the central authorities several complaints by the *università*, which lamented the abuses suffered because of their barons¹³¹. Indeed, the King noted that the majority of the old *KOTs* was been given as fief to old and new barons¹³², so he ordered the Vice-King to re-establish the *demanio regio* on many of such cities, and to institute two councillors to examine the complaints and requests coming from the *università*¹³³. It is in this period that the Crown instituted the *jus praelationis*, to facilitate the communities in case of sale of the town¹³⁴. The emperor pursued so a policy of support of the *università*, since the *jus praelationis* gave a community the possibility to buy, with its money, its freedom from the feudatory and enter directly in the *demanio* of the king¹³⁵, becoming a *KOT*. In order to free themselves from the feudatories, according to the *jus praelationis*, the *università* had to deposit the entire price of the fief being preferred¹³⁶ to others in the sold-price of the land¹³⁷. Through such act, it started in the region a third wave of urban autonomy, with many towns and villages catching this opportunity, as Maratea in 1536, Lagonegro in 1551, Bella in 1560, Rivello in 1576, Tolve and Vaglio in 1583¹³⁸. Indeed, for example, the small region of Basilicata¹³⁹

¹²⁹ Ibidem p. 174

¹³⁰ Ibidem p. 174

¹³¹ Ibidem p. 177

¹³² Ibidem p. 177

¹³³ Ibidem p. 177

¹³⁴ Ibidem p. 177

¹³⁵ Ibidem p. 177-178

¹³⁶ Galanti (1793), volume III, p. 4: “i cittadini, con una lunga e dispendiosa lite, hanno ottenuto di essere preferiti a quel prezzo, che l'uomo ricco voleva pagare per possederli, per esercitare su di essi molti diritti di proprietà, di imperio e di fatto”

¹³⁷ Faraglia (1883), p. 178

¹³⁸ Racioppi (1889), volume II, p. 176-178

¹³⁹ It is worth noting that none of the towns and villages listed above were of particular strategic or demographic importance, indeed, from Mazzella (1597), p. 128: the system of royal towers for the territorial protection of the Province was positioned in other towns (Rocca Imperiale, Tursi, Policoro, Scanzana, Bernalda, Macchia and San Basile). Moreover, none of those towns was a bishopric in XVI-XVII century, as reported by Mazzella (1597), p. 413-416 and Bacco (1671), p. 176 (The Episcopal seats were: Acerenza, Matera, Lavello, Muro, Montepeloso, Potenza, Rapolla, Tricarico and Tursi)

passed from having no *KOTs* under the Aragonese¹⁴⁰, to a completely different picture at the end of XVI century, as reported in Figure 1:

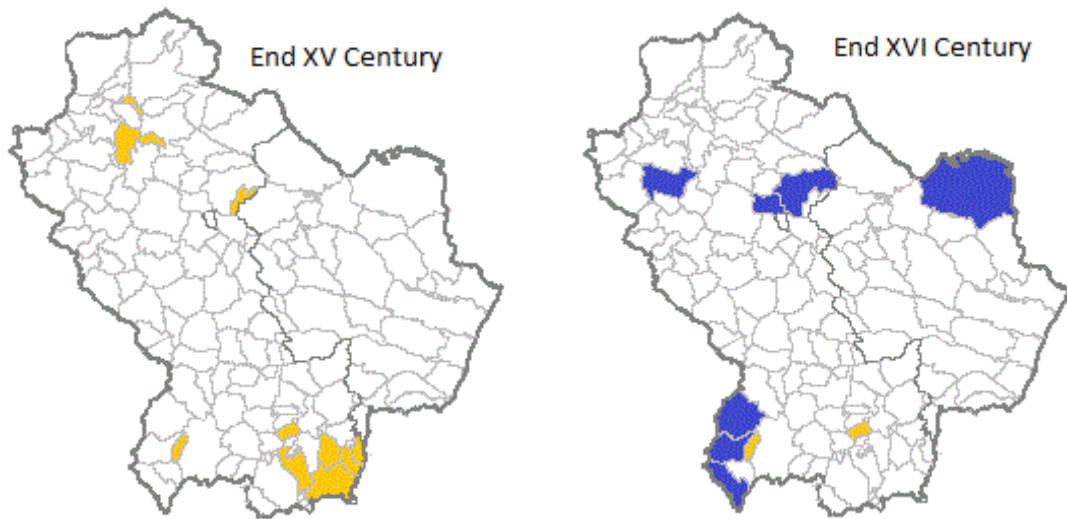


Figure 1: in yellow the uninhabited lands, in blue the *KOTs*¹⁴¹

Unfortunately, the Vice-king's government was perceived to be inconsistent and not-trustable¹⁴², in fact it happened that some of the *università* which redeemed themselves from the baronial yoke, becoming *KOTs*, were then forced to pay periodically the Crown to be assured in its property¹⁴³. Indeed, often, the financial necessity of the Crown, made it convenient to sell such lands and cities as fiefs to some baron. To mitigate this situation, in 1619 the *Camera della Sommaria* (Ministry of the Treasure) decreed that *KOTs* couldn't anymore be sold by the Crown to solve its financial needs¹⁴⁴, nevertheless, the Crown "traded" again some of such towns, as Taverna, Amantea, Fratta, Miano and Mianello¹⁴⁵. After a first moment, in which the Central authorities and the feudatories clashed, the barons become, during the Spanish domination, a valid support for the monarchs: many feudatories entered as officers in the Crown army and in other royal institutions¹⁴⁶ even helping the Vice-kings to repress popular tumults. Moreover, in many *università*, the patriciate

¹⁴⁰ Racioppi (1889), volume II, p. 191 and Galanti (1793), volume III, Napoli, p. 6-8

¹⁴¹ The source of such information is Racioppi (1889), volume II, at p. 31-80 and 176-178, the uninhabited lands in XV and XVI centuries were those that would have been then founded by Albanian colonist in the course of the modern period, as San Constantino, San Paolo Albanese, San Chirico Nuovo, Ginestra. Other were founded in the course of Renaissance and Modern age but not by foreigner colonist, these were San Severino, San Giorgio, Terranova, Filiano, Fardella and Nemoli

¹⁴² Galanti (1793), volume III, p. 4: "I viceré, per far cassa, avrebbero venduto fino la Capitale, se avessero trovato senza ostacolo un compratore"

¹⁴³ Faraglia (1883), p. 190-191

¹⁴⁴ Ibidem p. 191

¹⁴⁵ Ibidem p. 191

¹⁴⁶ Ibidem p. 172

reached to lawfully assure itself privileges and franchise, loading on the commoners the weight of the majority of fiscal impositions¹⁴⁷. In this framework, in which the sovereigns guiltily allowed the feudatories to harass the *università*, and the liberalities conceded to the communities, were mainly managed by the local patriciate, took place the Masaniello's revolt¹⁴⁸. In all the cities of the Kingdom, the commoners revolted against the privileged, the urban patriciate and the barons, inaugurating a time of revenges and murderings¹⁴⁹. In that circumstance, the communities reached to gain, for a few time, new franchises¹⁵⁰ and statutes from their barons¹⁵¹. Although Masaniello wanted to construct a Republic¹⁵², the motes had a different result, indeed, to suppress such movements, the feudatories tightened their alliance with the Spanish Crown and, through violence and repression, they reported the Kingdom to the precedent order¹⁵³. After such revolts, which ravaged the Kingdom (in the meantime also haunted by the plague)¹⁵⁴, the administration of the *università* had to face an increased hostility by the Crown and the baronies: injustices in the tax imposition, collection and in jurisdiction infested so much the Kingdom that even the laws were effectively subordinated to the arrogance and power of the privileged¹⁵⁵.

2.5. The Late Modern Period: Austrians, Bourbons, French and the subversion of feudalism

At the begin of XVIII century, the government of the Kingdom passed from the Spanish to the Austrian and, after few decades, when the Austrian Vice-kingdom ended, the government passed to King Charles III¹⁵⁶ of Bourbons (1716 – 1788). Under the Austrians, almost nothing changed about the condition of the towns¹⁵⁷ while under the Bourbons, a slow path of social reform started: King Charles, indeed, reformed the *catasto* (land registry) in year 1740, in a try to re-distribute the fiscal imposition more fairly among the citizens, in order to make the wealthiest paying more taxes¹⁵⁸.

¹⁴⁷ Ibidem p. 196

¹⁴⁸ Ibidem p. 196

¹⁴⁹ Ibidem p. 196

¹⁵⁰ Galanti (1793), volume III, p. 22, as an example: to some villages and farmhouses around Naples was given the possibility to became State-owned, subtracting their administration from the baronies

¹⁵¹ Faraglia (1883), p. 196

¹⁵² Ibidem p. 197

¹⁵³ Ibidem p. 197

¹⁵⁴ Ibidem p. 224

¹⁵⁵ Ibidem p. 225

¹⁵⁶ Ibidem p. 229

¹⁵⁷ Ibidem p. 232

¹⁵⁸ Ibidem p. 230

Other fiscal facilities to the *università* were decreed on 4 June 1767 and on 2 April 1778, when the government abolished the privileges for the ecclesiastics and other previously privileged categories in the payment of the *gabelle*¹⁵⁹. The Bourbonic government subjected the elections in the communities to the control of the *Camera Reale* in 1739, with apposite royal officers that superintended the administrative votes¹⁶⁰ to protect the majority's prerogatives in local politics; later on, it was introduced also the municipal office of the *decurione*¹⁶¹, and people from each social class could access to such administrative role¹⁶². A deeper reform process of the Kingdom's economic structures then began in the last decades of XVIII century¹⁶³ since the Bourbonic government desired to significantly weak the economic and juridical position of barons and Ecclesiastic institutions¹⁶⁴, this especially through the Edict of 1792¹⁶⁵, which configured an anticipation of the decisive law of subversion of the feudality perpetrated under the French government at the start of XIX century¹⁶⁶. By the way, still in the final decades of XVIII century, the *università* were involved in different contentious with their barons,¹⁶⁷ and in the 1780s and 1790s¹⁶⁸, the Monarch was continuously reached by dozens of requests of intervention by the *università*, which asked the Crown to regulate the use of the agricultural lands inside the communities, against the abuses of the feudatories¹⁶⁹. Even large towns demanded some form of State's intervention, as an example Bitonto and Cerignola¹⁷⁰. The greatest reform aimed at equalizing the legal rights (and duties) among the Neapolitan populations, has been carried out in the "Decennio Francese" (French decade), indeed, the law approved on 1st September 1806 abolished all the feudal jurisdiction, privileges and rights, and the personal obligations that lied the inhabitants of a fief to their baron. All the lands of the Kingdom become, from that moment on, subjected to a same, common law, by the way, the property of the lands remained to the barons, and the nobiliary titles remained valid as well¹⁷¹. Part of the contents of this law, I will discuss in the following chapter, however, this is the ending point of this historical reconstruction, indeed, from the moment of the subversion of

¹⁵⁹ Ibidem p. 230

¹⁶⁰ Ibidem p. 231

¹⁶¹ Ibidem p. 236

¹⁶² Ibidem p. 237

¹⁶³ Corona (1995), p. 24

¹⁶⁴ Ibidem p. 25

¹⁶⁵ Ibidem p. 26

¹⁶⁶ Ibidem p. 26

¹⁶⁷ Ibidem p. 32

¹⁶⁸ Ibidem p. 151-155

¹⁶⁹ Ibidem p. 97-98-99

¹⁷⁰ Ibidem p. 98

¹⁷¹ Sodano (2012), p. 138

feudality on, all the cities and lands of the kingdom were subjected to a common administration and jurisdiction, not existing anymore neither fiefs nor *KOTs*.

3. The public administration in Neapolitan Towns: fiefs, *KOTs*, tax exempted cities and ecclesiastic lands

3.1 . Economic and administrative life in a Neapolitan fief

The most powerful feudal families of the Kingdom had in certain moments an economic and military influence comparable to that of the King itself¹⁷², extending their power often completely on the territory of a Province¹⁷³. Using the information of Bacco (1671), I've drawn Figures 2, which illustrates the geographical presence¹⁷⁴ of two of the most important noble houses at mid-XVII century: the Carafa and the Caracciolo. Other than possessing large feudal domains, members of those families were well rooted in the high structures of the ecclesiastical¹⁷⁵ and administrative organization of the Kingdom¹⁷⁶. Moreover, those family held a stable presence in some of the most relevant towns of South Italy such as Brindisi¹⁷⁷, Crotone¹⁷⁸, Benevento¹⁷⁹, Teano¹⁸⁰, Chieti¹⁸¹, Tropea¹⁸² and Sessa¹⁸³.

¹⁷² Cernigliaro (1983), p. 158

¹⁷³ Trotta (2017), pag 272

¹⁷⁴ Bacco (1671), p. 86-92: list of the feudal domains possessed by Princes, Marquises, Dukes or Counts (not including the Baronies)

¹⁷⁵ Ibidem p. 18-22 and 39-43, the following members of the Carafa family were ordained bishops or cardinals: Philip Carafa, Oliver in 1464, Alexander, John Vincent in 1527, Francis, John Peter (which become Pope Paul IV in 1555), Charles Carafa, Diomede in 1555, Alphonse in 1557, Mario, Anthony in 1568, Decio in 1611, Peter Louis in 1645 and Charles in 1664. For what concerns the Caracciolo family: Bernardino Caracciolo was an Archbishop of Naples at Swabian time, Nicholas Caracciolo was a cardinal at the time of the Anjou, Corrado was ordained cardinal in 1405, Marino in 1535, while Innico Caracciolo was a powerful cardinal at the time of Bacco (1671).

¹⁷⁶ Ibidem p. 72-80, different members of the Carafa family held the highest offices in the bureaucratic structure of Neapolitan Kingdom, as Francis and Anthony Carafa under King Philip II, and another Anthony under Philip III, in 1607. For what concerns the Caracciolo family: Peter, Bernardo, Henry, Landolfo, Ottino and Sergianni Caracciolo covered primary public offices at the time of the Anjou, Jack and Petricone Caracciolo at the time of Ferrante of Aragon, and Baptist, Camillo, Marino and Francis Marino Caracciolo between XVI and XVII centuries.

¹⁷⁷ Ibidem p. 221

¹⁷⁸ Ibidem p. 208

¹⁷⁹ Ibidem p. 172

¹⁸⁰ Ibidem p. 123

¹⁸¹ Ibidem p. 238

¹⁸² Ibidem p. 213

¹⁸³ Ibidem p. 122

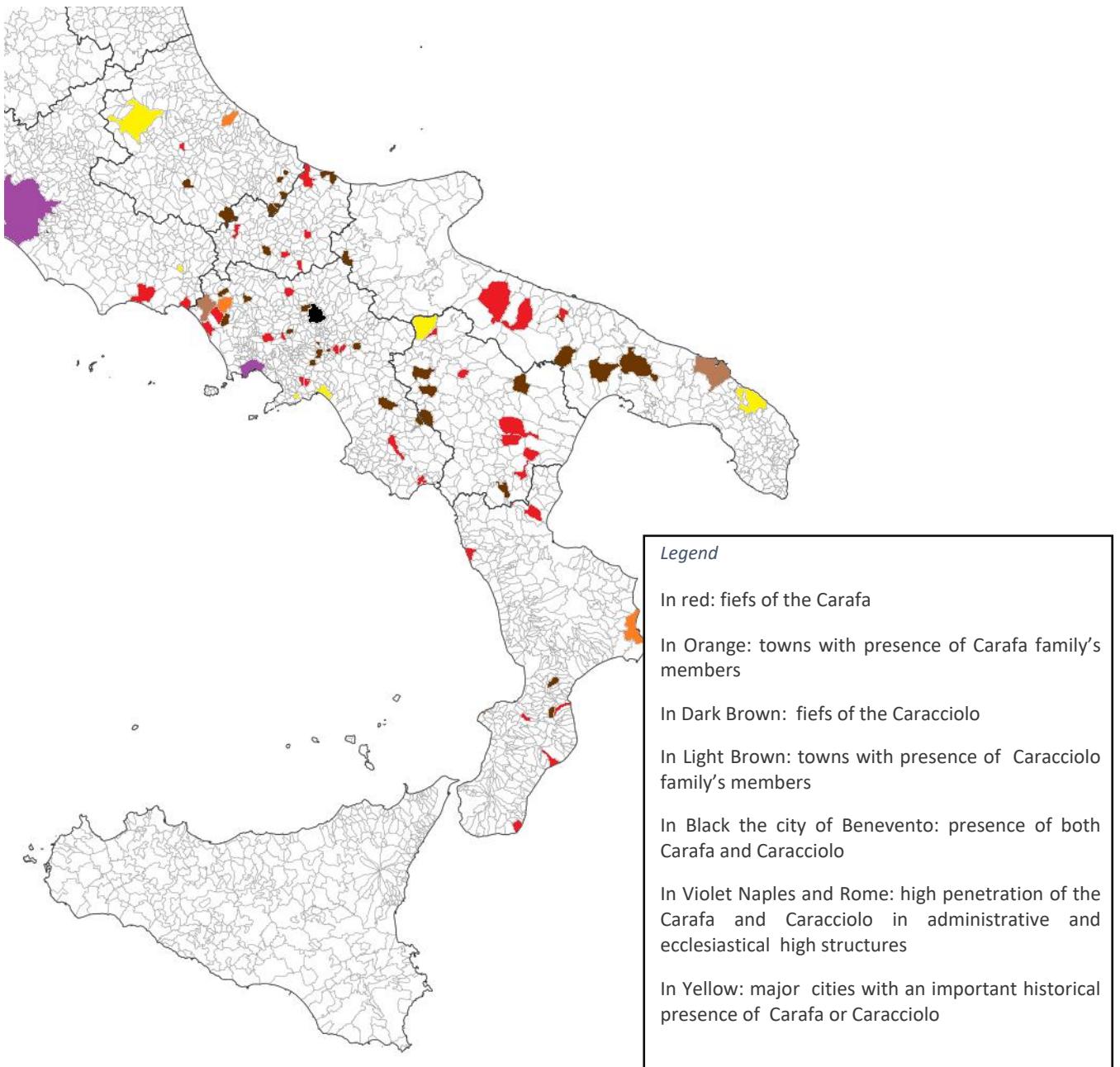


Figure 2: The system of power of the Caracciolo and Carafa families in XVII century

To understand the powers that the feudal lord held over the inhabitants of his fiefs, I start by analyzing the law that subverted the feudalism in the territories of South Italy. According to the Napoleonic government that get installed in Naples at the begin of XIX century, the feudal system appeared as the main obstacle for the flourishing of the State¹⁸⁴, an oppressive system which emerged in the obscure period of the barbaric invasions, limiting the powers of the King and oppressing towns and lands¹⁸⁵. Basing on these premises, the Conseil of the State presented, on 2

¹⁸⁴ Trifone (1909), p. 174-175

¹⁸⁵ Ibidem p. 174-175

August 1806, its law project to abolish the feudalism,¹⁸⁶ which would have been approved at the beginning of the next month. Such law was made up by 20 articles and couldn't be clearer on its principles and objectives, article 1 says: "*La feudalità con tutte le sue attribuzioni resta abolita. Tutte le giurisdizioni sinora baronali, ed i proventi qualunque che vi siano stati ammessi, sono reintegrati alla sovranità. Dalla quale saranno inseparabili*"¹⁸⁷. Article 1, so, abolished all the jurisdictional powers that were held by the barons, and brought them back to the central authorities. Article 2 specified that both feudal and royal cities would be, from that moment on, subjected to the same legislation: "*Tutte le città, terre, e castelli, non esclusi quelli ammessi alla corona, abolita qualunque differenza, saranno governati secondo la legge comune del regno*"¹⁸⁸. Nevertheless, the law did not abolish the nobility itself, indeed it preserved the titles of aristocracy and their transmissibility at article 3.¹⁸⁹. In articles 5,6,7 and 8 the law subtracted from the barons all their fiscal privileges, the powers they had on the inhabitants of their fiefs, their economic prerogatives and their rights to hold certain business' monopolies: "*I fondi e le rendite finora feudali saranno, senza alcuna distinzione, soggetti a tutti i tribute]...[Restano abolite, senza indennizzazione, tutte le angarie, perangarie, ed ogni altra opera, o prestazione personale]... [che i possessori de'feudi per qualsivoglia titolo soleano riscuotere dalla popolazione]... [tutti i diritti proibitivi restano egualmente aboliti senza indennità]...[I fiumi, abolito qualunque diritto feudale, restano di proprietà pubblica*".¹⁹⁰ By the way, it is specified that the feudatories would not have lost the property of their lands and possessions, but only the aforementioned typical feudal prerogatives they held over them, article 12 specifies: "*Tutti i diritti, redditi e prestazioni territoriali, così in denaro come in derrate, saranno conservati e rispettati come altra proprietà*", in article 16 it's said: "*Sarà libero ai possessori di espellire i fittuari terminato lo affitto..*" and in article 20: "*Tutti i redditi feudali in denaro o in generi]...[saranno conservati*"¹⁹¹.

From this legislative act, it is possible to take a precise picture of what the feudalism meant for the Neapolitan populations, just until the XIX century. The barons held in their fiefs large jurisdictional powers over their inhabitants: the *jurisdictions*, the *primae et secundae causae*, the *merum et mixtum imperium* and the *bancum justiciae* were conferred to the feudatories and formed the base

¹⁸⁶ Ibidem p. 174

¹⁸⁷ Ibidem p. 176

¹⁸⁸ Ibidem p. 176

¹⁸⁹ Ibidem p. 176

¹⁹⁰ Ibidem p. 176-177

¹⁹¹ Ibidem p. 178

itself of the judicial organization of the Kingdom¹⁹². The feudal towns, those *università* that were part of a fief, were submitted by a vassal yoke to their baron, their inhabitants were protected from the powers of the feudatory by a very limited set of rights and freedom, conceded by the feudatory itself or by the King under a pecuniary payment¹⁹³. Until the beginning of XIX century, the barons were simultaneously the largest entrepreneurs and proprietaries in their lands, and the holders of political-administrative and judicial functions¹⁹⁴, being intricated in a tangle of public functions and private interests¹⁹⁵. Among the political-administrative powers usually rented by the *università* there were the right of *portolania* and the right of *piazza, pesi e misure* which regarded the competences over the duties on the goods traded in the territory of the *università*, the control over the utilization of public soil, the respect of the hygienic norms and different tasks of urban police.¹⁹⁶ But also the right of night security , and that of *mastrodattia* (a competence over the fiscal imposition on each official act before the courts)¹⁹⁷, and the way more important right of *bagliva*, a set of administrative-judicial functions that was central in the life of a community¹⁹⁸. As seen, from the late middle ages, such powers and franchises, which the communities rented from the feudal lord, started to be written and to form a sort of constitutional chart of the *università*. However, even when such communities reached to organized themselves in a communal form, with an internal organization and a recognized statute, their legitimization derived always from the approval and the concession of the feudal lord.¹⁹⁹ Moreover, while the communities' representants frequently reclaimed to the King and the State's authorities because of the abuses they suffered²⁰⁰, seems that often the brutal force prevailed over the written law, and the feudatory remained, by far, the ruling authority on his territory.²⁰¹The feudal lord had also right to a series of monopolies on different economic activities: the mill, the furnace, the tavern, and so on²⁰². Maybe one of the most vexing powers of the baron was related to his right to impose personal obligations and duties to single vassals or even to the an entire *università*²⁰³.

¹⁹² Cernigliaro (1983), p. 163

¹⁹³ Buffardi and Mola (2005), p. 185-186

¹⁹⁴ Massafra (1972), p. 214

¹⁹⁵ Ibidem p. 213

¹⁹⁶ Ibidem p. 216-217

¹⁹⁷ Ibidem p. 217

¹⁹⁸ Ibidem p. 217

¹⁹⁹ Racioppi (1889), Volume II, p. 172

²⁰⁰ Ibidem p. 173

²⁰¹ Ibidem p. 174-175

²⁰² Massafra (1972), p. 218

²⁰³ Ibidem p. 218

Among the feudal domains, it is worth to distinguish those fiefs that were property of Clerical organizations. Indeed, in the Neapolitan Kingdom, Bishops and Abbots had a different status respect to the laic citizens, and were even obliged (like the barons) to the military service toward the State. Such high ecclesiastics, and their properties, enjoyed a special regulation, and were subject to ad-hoc fiscal franchises²⁰⁴, specifically, when Bishops and Abbots did own lands and towns as fiefs, they had a proper jurisdiction over them²⁰⁵.

3.2 The Southern way to Municipal Autonomy: The King Owned Towns of Neapolitan Kingdom

Coding municipal autonomy in the way of Stasavage (2014)²⁰⁶, a medieval or early-modern town could be considered autonomous in the presence of constituted municipal institutions (whose officers were not appointed by an external authority) and at least a consistent authority over one of the following three domains: fiscal/economical, juridical and military²⁰⁷. On the fashion of European urban autonomies of medieval and early-modern period, South Italy knew time parenthesis in which certain towns and lands enjoyed a fundamental autonomy from local princes and feudatories and were able to form an effective municipal council for the rule of their territory. By the way, the three domains of above were not all present in a *KOT*, since there is no proof of any form of municipal-military organization in those towns and the juridical competence over such cities were a prerogative of the central apparatus of the Kingdom: those towns could be considered substantially autonomous because of their economic freedom. Such *città demaniali* found their economic liberty and strength in the support of the King, which formally owned them, subtracting their rule from the prerogatives of local feudal families. At the moment itself of the foundation of the Kingdom, while suppressing the urban form of government of most towns, Roger II kept some cities and lands for himself, as a Crown property, free from the yoke of the Norman feudatories²⁰⁸. This line was followed by the other Norman and Swabian kings, and from the convocation letters to the parliamentary session of 16 march 1240 it is possible to know which were the *KOTs* in the continental Kingdom²⁰⁹ at the time of Frederick II. Under the Swabian Emperor, the Crown had an ad-hoc relationship not only with certain cities, but also with lands, used as castles or farmhouses

²⁰⁴ Galanti (1793), volume III, p. 269

²⁰⁵ Ibidem p. 38-39 and Lerra (2016), p. 161

²⁰⁶ Stasavage (2014), p. 342

²⁰⁷ Ibidem p. 342

²⁰⁸ Cestaro and De Rosa (2006), volume II, p. 106-112

²⁰⁹ Racioppi (1889), volume II, p. 189

(*masserie*) directly managed by the Government²¹⁰. Through this network of *KOTs*, castles and state-owned industries, Frederick strengthened the hands of the Central authorities over the territories of the Kingdom²¹¹, subtracting power to the centrifugal prerogatives of the barons: the inhabitants of such lands were considered to be under the protection of the King²¹². Then, from Charles I of Anjou on, *KOTs* lost part of their special status, becoming a matter of trade between the Royal authorities and the feudatories²¹³: in the late middle ages royal cities and lands were often sold and re-bought by the Crown as a mean to finance the State expenditures²¹⁴. By the way, a grade of protection from the instances of feudatories always characterized such cities, which, even before the institution of the *Jus praelationis* in 1536, always implored the King to be transformed in *KOTs*, asking the monarch to protect them from the tyranny of the barons²¹⁵. In XV century we know of similar requests coming from the towns of Ginestra, Vasto d'Aimone in 1465, Castelvetere in 1499 and Pescocostanzo in 1464²¹⁶. In the Spanish period, the aforementioned reform changed the role of *KOTs* inside the Neapolitan Kingdom. Indeed, with the *ius praelationis* established by Charles V in 1536²¹⁷, each town could buy its own freedom from the feudal yoke, entering a legal path to subtract itself from the feudal lord's jurisdiction.²¹⁸ This path was named *Proclamare al Regio Demanio*, and happened when, in case of sale or devolution of the fief, the community asked to be preferred in the sold-price, and paying the landlord, it entered directly under the King's domain.²¹⁹ From the early XVI century, so, the communities had an active (and financial) role in the establishment of their city as a *KOT*. Previous to that moment, the *KOTs* were chosen by the Crown for geo-strategic purposes in an optic of military defense from the rival powers in the Mediterranean region.²²⁰ Indeed, the territories at the borders of the Kingdom were considered of particular importance for the defense of the territory, being those at the terrestrial borders with the Pope State²²¹ or those on the coasts, where the Kingdom suffered the incursions of Saracen, Ottoman and barbarians' fleet²²². In XVI century, the dislocation of the defenses of the Kingdom on the coastal areas was

²¹⁰ Cestaro and De Rosa (2006), volume II, p. 119-122,

²¹¹ Galanti (1793), volume III, p. 2 : "le città demaniali formavano la principale forza del Sovrano"

²¹² Faraglia (1883), p. 80

²¹³ Ibidem p. 78-81

²¹⁴ Ibidem p. 164-165

²¹⁵ Ibidem p. 121-124

²¹⁶ Ibidem p. 121-122

²¹⁷ Cocozza (2019), p. 534

²¹⁸ Racioppi (1889), volume II, p. 175

²¹⁹ Ibidem p. 175

²²⁰ Lerra (2016), p. 154

²²¹ Fenicia (2003), p. 4

²²² Ibidem p. 10

object of discussion on possible strategic choices among important military and political officers of the Kingdom, like Don Garcia de Toledo, the Duke of Torre Mayor and John Andrew Doria²²³. In those years, the Neapolitan Kingdom hosted permanently Spanish soldiers in a variable number²²⁴. In 1561 in South Italy there were 21 Spanish companies, for a total of 4240 unities which were allocated in this way:

200 in Manfredonia, 400 in Barletta, 200 in Trani, 200 in Bisceglie, 200 in Monopoli, 200 in Brindisi, 200 in the Brindisi's island, 400 in Otranto, 200 in Taranto, 600 in Catona (today in Reggio Calabria's municipality), 200 in Naples, 200 in Pozzuoli/Salerno, 200 in Salerno, 200 in Sorrento, 400 in Gaeta and 240 on Naples's fleet²²⁵. It is worth noting that, to my knowledge, of the 14 cities listed here, 10 were *KOTs* at the end of XVI century²²⁶ and all 14 have been *KOTs* in the course of their history. In 1558 the Royal Court enlisted 10'550 Neapolitan soldiers, and these were divided between: Manfredonia, Barletta, Trani, Bisceglie, Bari, Monopoli, Brindisi, Otranto, Taranto, Gallipoli, Rossano, Crotone, Pescara²²⁷, as before, such 13 cities have all been *KOTs* and most of them in XVI century. Again, in 1561, 6000 infantries of the Kingdom were disposed among Manfredonia, Barletta, Trani, Bisceglie Bari, Monopoli, Brindisi, Otranto, Taranto, Gallipoli, Crotone, and the Sicilian island of Lipari²²⁸, a similar dislocation of Spanish and Neapolitan royal soldiers is reported for the years 1564, 1566²²⁹ and 1571²³⁰, it's clear so, that the coastal *KOTs* had a strategic and fundamental importance in the defense of the Kingdom. Also, the system of fortifications and castles was centered around those towns, indeed the Castles financially maintained by the Crown in the early modern period were located in this way:

4 Castles in Naples, one in Ischia, one in Baia (today Naples), Aversa, San Germano, Manfredonia, Barletta, Trani, Bisceglie, Lecce, Taranto, Gallipoli, Otranto, 2 in Brindisi, San Cataldo (today in Lecce), Cosenza, Amantea, Crotone, Tropea, L'Aquila, Copertino, Civitella, Vieste, Capua, Nola, Gaeta and Bari²³¹, as before, such cities have all been *KOTs*.

²²³ Ibidem p. 21-22-24

²²⁴ Ibidem p. 35

²²⁵ Ibidem p. 36

²²⁶ Mazzella (1597), p. 1-350

²²⁷ Fenicia (2003), p. 38

²²⁸ Ibidem p. 38-39

²²⁹ Ibidem p. 42-43

²³⁰ Ibidem p. 45

²³¹ Ibidem p. 61

Thus, some towns were kept in the Royal property for purposes of military defense, to subtract the most strategic²³² cities and lands to the centrifugal forces of the litigious and ambitious barons²³³, while others, starting from XVI century, entered the *demanio regio* on their own volition, paying for their freedom. In a *KOT*, the administration of justice was competence of the royal authorities²³⁴, by the way, it is important now to detect how such towns were administrated politically and fiscally. The European autonomous towns of medieval and early modern eras were free from the presence of a local feudatory who extracted revenues from them²³⁵ and were substantially managed by local guilds, composed by merchants and crafts²³⁶. The *KOTs* of Neapolitan Kingdom were not an exception, there, even members of urban nobility often occupied public offices, forming a stable oligarchy together with merchants, doctors and men of the arts. As the matter of facts, the *KOTs* were generally free from baronial interferences and administrated by an assembly of often bourgeois' majority, nevertheless, such assemblies were not a democratic representation of the town's population since mostly mirrored the interests of an urban elite. Indeed, the southern Italy's municipal councils were characterized by parties that represented the city's patriciate and the bourgeois, the "*popolani grassi*"²³⁷. Even the towns with the most consolidated tradition inside the Royal possession hosted members of important and influent aristocrat families, as an example Gaeta in 1670 housed well 17 noble families²³⁸, Sorrento in the same year 26²³⁹, Salerno 35²⁴⁰ and Lecce even 47²⁴¹. This elite was in charge of the tax decisions and collection and so, inside the *università* often the fiscal burden was not divided equally among the population, and the wealthy classes tended to approve for themselves substantial franchises, dumping on the commoners the majority of the fiscal burden²⁴². It was on such bases that the revolt of Masaniello took place²⁴³. Faraglia (1883) is very clear on this point, and specifies that inside the communities, the ruling elites of patrician and "high" commoners "Non miravano al bene comune della cittadinanza, ma solo alla supremazia della classe, cui appartenevano, per deprimere gli altri"²⁴⁴. It is possible to confirm such

²³² Coniglio (1951), p.28

²³³ Ibidem p. 29

²³⁴ Galanti (1793), volume III, p. 4-5

²³⁵ Stasavage (2014), p. 341

²³⁶ Ibidem p.338

²³⁷ Faraglia (1883), p. 197

²³⁸ Bacco (1671), p. 104

²³⁹ Ibidem p. 124

²⁴⁰ Ibidem p. 159

²⁴¹ Ibidem p. 221

²⁴² Faraglia (1883), p. 196

²⁴³ Ibidem p. 196

²⁴⁴ Ibidem p. 198

dynamics also looking at which social class proposed to the community to redeem itself from the feudal yoke, to become a *KOT*. In the town of Molfetta, the request came from the patricians²⁴⁵, the same happened in Isernia, where the urban patriciate had the complete control over the municipal officers, and suggested to pay the King in order to assure to the city a *KOT* status, even organizing the money-raising to guarantee its precarious stability inside the Crown's possession²⁴⁶. In Campobasso the 144 “*demanialisti*” were mostly entrepreneurs and merchants²⁴⁷. The administration of the cities was so, frequently, in the hands of urban aristocrats, doctors and merchants, as an example, in the city of Bari²⁴⁸, it was prescribed, for the election of the 15 *decurioni popolari*, that such 15 public officers were to be chosen among the commoners “*nobiliter viventes*” i.e. among those bourgeois that lived “as the nobles”.²⁴⁹ The urban nobility participated actively also in the government of other *KOTs*, as Naples, Trani²⁵⁰ or Castellammare di Stabia, where an oligarchy of nobles, merchants and doctors managed all the levers of power²⁵¹. The city of Salerno, which lived periods as a *KOT* and as a fief still in modern age²⁵², saw in XVI century a local government composed by commoners, urban nobles, but even members of the baronies²⁵³, and nobles and merchants from other Italian and Spanish cities²⁵⁴. Moreover, it does not even appear that the shifting from a fief to a *KOT* (and vice versa) changed the social composition of the town's representants inside the municipal institutions. An example is the case of Matera: in 1463 the Crown recognized the town inside the royal possession as a *KOT*, approving a Statute which prescribed, for the government of the city, a College made up by 10 nobles and 10 commoners²⁵⁵. In 1559, when the city was, by contrast, under a feudal domination, the *università* of Matera was administrated by a forum of 3 nobles and 3 commoners²⁵⁶, and a collegial organ made up by the *decurioni*, which was composed by 25 nobles and 25 commoners²⁵⁷. As the matter of facts, both autonomous (*KOT*) and non-autonomous (fiefs) lands were characterized by guilds²⁵⁸ or other forms of urban elite (as

²⁴⁵ Ibidem p. 204

²⁴⁶ Cocozza (2019), p. 547

²⁴⁷ Ibidem p. 544

²⁴⁸ Visceglia (1992), p. 108

²⁴⁹ Ibidem p. 110-111

²⁵⁰ Ibidem p. 113

²⁵¹ Il Comune dell'Italia Meridionale nel sec. XVI, L'universitas di Castellammare di stabia e il Catastus civitas de 1554, Vanacore p. 45-46

²⁵² Visceglia (1992), p. 124-125

²⁵³ Ibidem p. 127

²⁵⁴ Ibidem p. 133

²⁵⁵ Nobile (2021), p. 15

²⁵⁶ Ibidem p. 15

²⁵⁷ Ibidem p. 16

²⁵⁸ Stasavage (2014), p. 341

alliances between doctors and urban nobles) which occupied (at least part of) the public offices in the town. The main difference was that in a feudal town, the constituted municipal authorities were themselves subjected to an outside force, that of the feudatory²⁵⁹. In a KOT instead, the urban elite reached to broadly legislate and govern the city, providing a better legal framework for trade and protection of property rights²⁶⁰, mainly to safeguard the interests of the same entrepreneurial majority which governed the town²⁶¹.

3.3 Differences in fiscal pressure among *KOTs* and fiefs: analysis from the data of Scipione Mazzella (1597)

In this chapter I investigate the differences in State taxation (overflying municipal and feudal impositions²⁶², which by the way will be mentioned in chapter 4) among the Neapolitan towns during the Spanish domination. Indeed, the renaissance author Scipione Mazzella provides us with important information about the demography and taxation of South Italian territories in the late XVI century. First of all, I perform a brief history of the tax imposition in South Italy: Under the Normans, the first subjects of the direct taxation were the feudatories, which paid to the King a yearly amount of money in function of the profitability²⁶³ of their fiefs²⁶⁴, the barons then collected the owed amounts among their vassals and subjected populations²⁶⁵. This fiscal system was changed by a Parliament convened by Frederick II, which in the presence of feudatories and deputies of *KOTs* stabilized a new form of direct taxation²⁶⁶, implementing a system of *collette*. The *colletta* was a wealth tax based on a principle of proportionality “*chi più haveva roba più pagasse, e chi non n'haveva non pagasse*”²⁶⁷. The fiscal system constructed by the Swabian Emperor remained the base of the Neapolitan taxation system for all the middle ages. Under the Swabians, the amount of the taxation was time by time decided by the Crown in function of the State’s fiscal needs, and divided over the territories firstly by the *Giustizieri* and then by the municipal authorities which finally

²⁵⁹ Ibidem p. 341

²⁶⁰ Ibidem, p.339-343

²⁶¹ Ibidem p. 341

²⁶² Coniglio (1951), p.21: the inhabitants of feudal lands were often subjected to discretionary tax contributions (*angherie*) by their feudatory

²⁶³ Mazzella (1597) p. 326: “*ciò per ogni dodici marche d'entrata pagava tre fiorini*”

²⁶⁴ Bianchini (1859), p.15-16

²⁶⁵ Ibidem pag 15-16

²⁶⁶ Mazzella (1597), p. 327

²⁶⁷ Mazzella (1597), p. 328

computed the quote owed by each individual, on the base of the taxpayer's property declarations²⁶⁸. Starting from Charles I of Anjou the *colletta* was stabilized and become the main financial sustain of the State's balances²⁶⁹, this up to Alphonse I of Aragon, which in 1442 reformed the direct taxation system of the Kingdom, substituting the *collette* (a proportional wealth tax) with a fixed imposition on each *fuoco* (household).²⁷⁰ This system, based on a fixed tax on each household, was the base of the ordinary direct taxation even in XVI century, i.e. at the time of the Mazzella's publication²⁷¹. In the early modern Vice-Kingdom, to such ordinary impositions were exempted the communities of Albanian colonists, the *università* and lands that enjoyed special fiscal exemptions and the individuals subjected to a different fiscal status²⁷². This system of fiscal exempted cities, was tightly intertwined with the *KOT*'s institution, but before to analyze this matter in deep, I provide here the description of other two taxes, that together with the *tassazione focatica* (the fixed tax on each household) constituted some of the most important Crown's direct fiscal revenues. The *Adoha* was a tax owed by a feudatory who chose to not serve militarily to the Crown. Indeed, in the early modern period, each feudatory was subjected to a 3-months military service²⁷³ each year, or to pay such tax²⁷⁴ which for a half would have burdened directly the baron and for the other was charged on the inhabitants of his fief, becoming so an adjunctive tax on each fief's household²⁷⁵. The *Donativo* instead was a form of extraordinary direct taxation, decided by the General Parliament to support the Crown in facing extraordinary expenses²⁷⁶. A quote of this extraordinary taxation was usually reserved exclusively to burden over the feudatories' balances²⁷⁷.

Follows Table 1, which compares the per capita *Adoha* pressure and the *KOT* condition in each Province²⁷⁸

²⁶⁸ Pizzuto (2018), p. 189-191

²⁶⁹ Ibidem p. 190

²⁷⁰ Mazzella (1597), p. 328

²⁷¹ Mazzella (1597), p. 327-330

²⁷² Ibidem p. 329

²⁷³ Bacco (1609), p. 10: the feudatories were all obliged to the defense of the Kingdom

²⁷⁴ Mazzella (1597), p. 331-332

²⁷⁵ Ibidem p. 332-333

²⁷⁶ Ibidem p. 342

²⁷⁷ Ibidem p. 342-343

²⁷⁸ Ibidem p. 332 for the *Adoha* amount on each Province, p. 323-324 for the population on each Province, such data are used to compute the *Adoha* pressure per capita in each province. The % of households living in a *KOT* is computed using the household populations for each town reported in Mazzella (1597) at the p. 1-317

Province	Number of Households	Amount of Adoha tax (ducats)	% of households that live in <i>KOTs</i>	Adoha pressure per household (in ducats)
Terra di Lavoro	58'152	18'346	28%	0,32
Principato Citra	47'562	12'489	17%	0,26
Principato Ultra	30'535	10'348	6%	0,34
Basilicata	38'747	14'671	5%	0,38
Calabria Citra	50'878	6'962	14%	0,14
Calabria Ultra	55'457	7'317	28%	0,13
Terra d'Otranto	50'874	13'495	36%	0,27
Terra di Bari	39'141	8'142	17%	0,21
Molise	15'693	3'152	4%	0,20
Capitanata	20'804	9'669	16%	0,46
Abruzzo Citra	27'046	7'280	15%	0,27
Abruzzo Ultra	48'689	8'651	9%	0,18

Table 1.

Figure 3. displays the negative relation between the per-capita *Adoha* pressure in a Province and the % of people living in *KOTs* in the same territory. While the regression doesn't give a significant coefficient because of the small dimension of data, the relation is pretty clear.

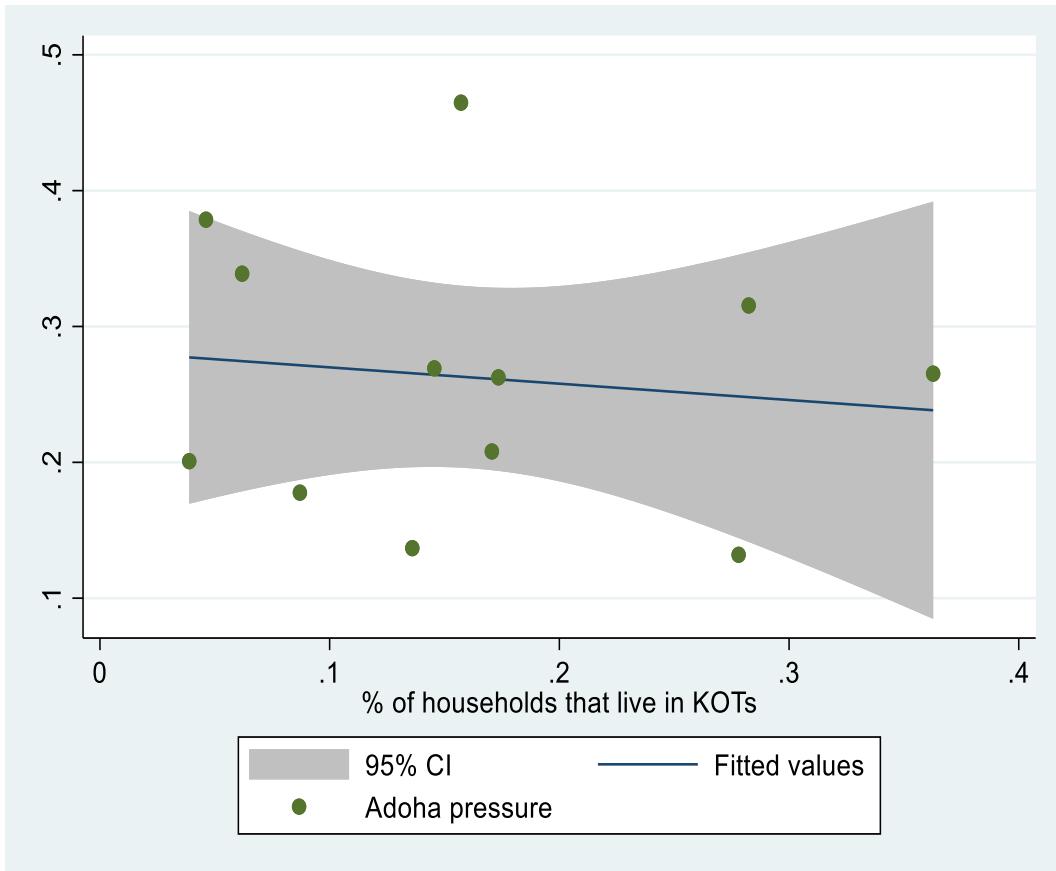


Figure 3.

The *Donativo* was an extraordinary form of imposition decided by the General Parliament to finance the public balances in case of “*calamitosi tempi*”²⁷⁹ (times of need, especially during wars, famine or plague). Even if formally there was no distinction in the *Donativo*-taxation between fiefs and *KOTs*, in practice a quote of this tax burden was always reserved to the barons, while the other was equally spread on the households of the kingdom usually with no general exceptions (beyond the city of Naples and the lands owned by Hospitals and Church congregations)²⁸⁰. By the way, it is worth to remark that probably some *KOTs* were eventually object of ad-hoc exemptions from the *Donativo*, as an example I report in the final chapter the case of Matera in 1365²⁸¹. At the end, since the major re-funding sources of the barons’ balances were the natural, financial, and fiscal resources of their fiefs²⁸², the baronial-quote of the *Donativo* was likely to be, in the facts, a “double” taxation above the populations of feudal lands and towns.

²⁷⁹ Ibidem p. 342

²⁸⁰ Ibidem p. 342-350

²⁸¹ Gattini (1882), p. 48

²⁸² Cestaro and De Rosa (2006), p. 156-159, the revenues of the barons came from the agricultural and farming activities of their fiefs, and also from the fees they charged on the users of mills and other productive stables they hold on their possession.

Mazzella (1597) reports the list of the *Donativi* deliberated from 1507 to 1595²⁸³, here reported in

Table 2:

year	Total amount (ducats)	Baronial quote	Households of the Kingdom	exempted lands	Motivations
1507	300'000	50'000	250'000	City of Naples	"to pay the expenses of the past wars and to maintain the peace"
1520	300'000	?	?	City of Naples	"expenses for the coronation of Charles V in Aachen"
1523	200'000	?	?	City of Naples	"to maintain the army"
1524	50'000	?	?	City of Naples, Annuciata's lands and Churches	"to maintain the army in Lombardy"
1531	600'000	180'000 ²⁸⁴	420'000	City of Naples and Annuciata's lands	"to finance the war against the Turkish Empire"
1534	150'000	50'000	100'000	City of Naples and Annuciata's Hospital	"to contrast the Turkish army"
1536	1'500'000	360'000	1'140'000	City of Naples and Annuciata's Hospital	"to finance the expenses of the Emperor's travel to Spain"
1538	360'000	60'000	300'000	City of Naples and Annuciata's Hospital	
1539	260'000	60'000	200'000	?	"To finance the imperial army"
1540	30'000	0	30'000	?	"for the maintenance of the peace"

²⁸³ Mazzella (1597), p. 342-350

²⁸⁴ For the years 1531, 1536, 1538, 1539, 1540 and 1541 the baronial quote is written in terms of "Adoha", as an example as 1 ½ Adoha. To compute the number of ducats, I considered an Adoha to amount at 120'000 ducats as reported by Mazzella (1597), p. 332

					in the Kingdom"
1541	800'000	180'000	620'000	?	"to prepare the war against the Turkish, to maintain the army, fortify the cities and resist to the enemy's invasion"
1543	200'000	?	?	?	"for the Kingdom's lack of money"
1545	600'000	?	?	?	"to finance the Spanish infantry, and the adjustment of roads and public waters"
1546	240'000	?	?	?	
1548	150'000	0	150'000	?	"to finance the wedding of Mary of Austria, daughter of the Emperor"
1549	600'000	200'000	400'000		
1552	822'000	?	?	?	
1553	300'000	?	?	?	
1554	30'000	?	?	?	"to finance the army"
1555	156'000	?	?	?	"to finance the army"
1556	400'000	22'500	377'500 (of which 1000 to be paid by the city of Naples)		"to repay the Kingdom's borrowings"
1556	100'000	?	?	?	"to finance the Spanish and German infantries"
1556	1'034'000	?	?	?	
1560	1'227'500	?	?	?	
1562	1'000'000	?	?	?	
1564	1'060'000	?	?	?	

1566	1'200'000	?	?	?	
1568	1'200'000	?	?	?	
1572	1'200'000	?	?	?	
1574	1'200'000	?	?	?	
1577	1'200'000	?	?	?	
1579	1'200'000	?	?	?	
1581	1'200'000	?	?	?	
1583	1'250'000	?	?	?	
1585	1'200'000	400'000	800'000	Naples and Annunciata's lands	
1587	1'200'000	?	?	?	
1589	1'200'000	?	?	?	
1591	1'200'000	?	?	?	
1593	1'200'000	?	?	?	
1595	1'200'000	?	?	?	

Table 2.

For the years in which Mazzella (1597) provided us an explicit decomposition of the tax amount divided over barons and households, seems that the feudatory's quote of the *Donativo* ranged from a 1/5 to a 1/3 of the total imposition, configuring so a significant indirect double taxation over the fiefs' territories.

For what concerns the quantification of the fiscal revenue of the Kingdom, from a State balance of end-XVI century, the total amount of the main ordinary direct taxation (*tassazione focatica*) amounted to 654'873 ducats. To such bulk of direct ordinary taxation were added other minor direct impositions. By the way, the yearly global fiscal revenues of the Neapolitan Kingdom came for 2/3 from indirect taxation²⁸⁵. The indirect taxation, based on tolls and transaction taxes, held in the Kingdom a fundamental importance since the moment of the Norman unification: under William II (1153-1189) was already established a customs system²⁸⁶ and a toll of 18 grains each ounce (i.e. the 3% of the value of the transaction)²⁸⁷ on each commercial exchange, probably introduced by Roger II even before the complete unification of the Kingdom²⁸⁸. Others indirect taxes hit the passage of vessels in the Neapolitan ports²⁸⁹, and the entry or exit of goods from the Kingdom's borders²⁹⁰. Frederick II then established different *fondaci* (State-owned warehouses) for the storage and trading of goods, and a toll of 2,5% on the value that transited in those *fondaci* became a

²⁸⁵ Ibidem p. 334-341

²⁸⁶ Galanti (1793), volume II, p. 11

²⁸⁷ Ibidem p. 12

²⁸⁸ Ibidem p. 12

²⁸⁹ Ibidem p. 12

²⁹⁰ Ibidem p. 13

profitable source of indirect imposition for the Kingdom²⁹¹. The Swabian emperor also introduced the salt excise²⁹² that was maintained and amplified under the Anjou²⁹³ which financed the Kingdom's expenses also by introducing other *gabelle* (tolls) on the goods traded in the Neapolitan territory²⁹⁴. Under the Aragonese was established the Royal Customs of Apulian sheep (*Dogana delle pecore in Puglia*)²⁹⁵ which would have been one of the most important fiscal sources²⁹⁶ in the history of the Neapolitan Kingdom. During the Spanish Vice-Kingdom, the number and types of duties and tolls further augmented²⁹⁷: Table 3, shows the amounts of direct and indirect fiscal impositions for a not well specified year at the end of XVI century, excluding *Adoha* and *Donativi*:

Tax	Yearly amount in ducats	kind of imposition
<i>Tassazione focatica principale</i> (Main fixed tax on households)	654'873	Ordinary direct tax
<i>Imposizione di grani 4 al mese</i> (4 monthly grains on each household)	216'236	ordinary direct tax
<i>Imposizione per Barricelli</i> (tax to finance a police body)	18'506	ordinary direct tax
<i>Imposizione per Torri</i> (tax to finance the maintenance of the fortifications)	25'348	ordinary direct tax
<i>Imposizione per l'acconcio delle Strade</i> (tax to finance the settlement of the roads)	41'640	ordinary direct tax
<i>Pagamento per genti d'arme</i> (tax to finance the maintenance of the army)	74'900	ordinary direct tax
<i>Pagamenti straordinari</i> (other direct taxes)	10'849	extraordinary direct tax
<i>Dogana delle pecore di Puglia</i> (Royal Customs of Apulian Sheep)	241'264	ordinary indirect tax
<i>Gabella della seta</i> (silk toll)	148'003	ordinary indirect tax
<i>Gabella del ferro</i> (iron toll)	61'836	ordinary indirect tax
<i>Regia Dogana</i> (Royal Customs)	115'025	ordinary indirect tax
<i>Dogana delle mercanzie in terre d'Otranto, Bari, Basilicata e Capitanata</i> (Merchandise Customs)	97'000	ordinary indirect tax
<i>Gabella Reale del terzo del vino</i> (toll on the third of the wine)	970'013	ordinary indirect tax

²⁹¹ Ibidem p. 14-15

²⁹² Ibidem p. 23

²⁹³ Ibidem p. 23-24

²⁹⁴ Ibidem p. 24-26

²⁹⁵ Ibidem p. 41

²⁹⁶ Mazzella (1597), p. 335 : " è una delle principali entrate che habbia il Rè in Regno"

²⁹⁷ Ibidem p. 59-61 and p. 99-101

<i>Imposta su ogli e saponi (tax on oil and soap)</i>	104'000	ordinary indirect tax
<i>Imposta dell'estratto de vini (toll on exported wine)</i>	104'000	ordinary indirect tax
<i>Gabella delle carte da giocare (toll on playing cards)</i>	15'310	ordinary indirect tax
<i>Gabella del salato (salt toll)</i>	9'390	ordinary indirect tax
<i>Gabella di uova, uccelli e capretti (toll on eggs, birds and goats)</i>	2'300	ordinary indirect tax
<i>Gabella della manna (manna toll)</i>	700	ordinary indirect tax
<i>Gabella delle razze de'cavalli (horses' toll)</i>	5'670	ordinary indirect tax
<i>Proventi regi (royal revenues)</i>	34'000	ordinary indirect tax
<i>Gabella sui cavalli che si comprano da forestieri a Napoli (toll on horses bought from foreigners in Naples)</i>	500	ordinary indirect tax
<i>Tassa sull'estratto della biade (tax on fodder)</i>	4'000	ordinary indirect tax
<i>Entrate de'casali di Napoli (revenues from Naples' farmhouses)</i>	2'339	ordinary indirect tax
<i>Entrate de'presidii di Toscana (revenues from activities in Tuscany)</i>	13'000	ordinary indirect tax
<i>Entrate delle città di Veste, San Severino, Tacina (revenues from the towns of Vieste, San Severino and Tacina)</i>	24'577	ordinary indirect tax
<i>Rilievi, Significatorie e altre entrate straordinarie (- Industria del sale) (other extraordinary indirect imposition, subtracting the expenses to finance the salt industry)</i>	132'300	extraordinary indirect tax

Table 3.

The global fiscal revenue of the kingdom amount (excluding *Adoha* and *Donativo*) to 3'127'569 ducats²⁹⁸.

As seen before, *KOTs* were not subjected to the *Adoha* which burdened exclusively on the feudatories and inhabitants of feudal towns and lands, moreover, *KOTs* probably faced a lower implicit taxation for what concerns the *Donativi*. However, such towns were not exempted “tout court” from other direct or indirect, ordinary or extraordinary fiscal imposition. Such exemptions

²⁹⁸ Mazzella (1597), p. 341: the author suggests that such sum should be instead equal to 2'996'937 ducats, indeed probably Mazzella doesn't count in the summation the last invoice of this table, about which he specifies: “non sono entrate certe e stabilito”

came from the negotiation of a special status, or from the concession of ad-hoc facilities on direct or indirect impositions.

Concessions of fiscal facilities were released both to *KOTs* and to feudal towns and lands. Such fiscal benefits changed over the centuries, in their substance and also in the ease with which they were granted to the communities. Indeed, under the Anjou kings, fiscal facilities were usually conceded to communities that lived a significative negative shock, as in the case of Accettura in 1272 (a great fire destroyed the inhabited center)²⁹⁹, Potenza (hit by a tremendous earthquake at end of the XIII century), or Policoro in 1295³⁰⁰. Under the Aragonese and the Spanish dominations, the central authorities were far less sensitive to the conditions of the *università* and the concession of fiscal facilities was less widespread³⁰¹. Neither the famine that hit the Kingdom in 1559 nor the plague of 1576, substantially brought to tax reliefs on the most affected areas of the Kingdom³⁰². Indeed, in the renaissance and early modern Neapolitan Kingdom, tax facilities conceded to the towns were mainly the result of negotiations between local and central authorities, and were so granted on the base of the bargaining power of the single town (another case was that of tax reliefs conceded to lands owned by ecclesiastic or charitable institutions which enjoyed a special status). As an example, at the end of XVI centuries there were in the Kingdom 70 *KOTs* and 82 fiscal exempted towns and lands³⁰³. Of such 70 *KOTs*, 21 were fiscal facilitated. By the convers, among the 61 not-*KOTs* exempted lands and towns, just a few had a certain relevance in terms of population³⁰⁴ as an example Andria, Ischia, Paterno, Melicuccia, Nocera, Fratta, Sciglio, Fagnano and Castellammare di Stabia, which accounted for more than a half of the entire population of such kind of non-*KOTs* tax exempted cities and lands. The other 52 tax exempted lands were mainly barely populated farmhouses, *masserie*, lands owned by Hospitals, Clerical congregation, or inhabited centers around castles enjoying a special fiscal relationship with the monarch, with few dozens of families as inhabitants.³⁰⁵ To be precise, the 9 tax exempted cities named above, were not *KOTs* in late XVI century when the *Descrittione* by Mazzella (1597) was written, but many of them have been included in the Crown's property different times in their history. As an example, Andria has been a

²⁹⁹ Pedio (1983), p. 16

³⁰⁰ Ibidem p. 16

³⁰¹ Ibidem p. 16

³⁰² Ibidem p. 17

³⁰³ The numbers came from Mazzella (1597), p. 1-321

³⁰⁴ Ibidem p. 1-321

³⁰⁵ Cestaro and De Rosa (2006), p. 119-122, since the time of Frederick II, the Crown had a special fiscal relationship with different lands, adhibited to castles, but also to farmhouses (*masserie*) directly managed by the Government; data on the populations: Mazzella (1597), p. 1-318

KOT under King Ferrante, when Prince Frederick of Aragon (1451 – 1504), was entitled Duke of the city in year 1483, subtracting it from the Balzo Orsini family³⁰⁶. Castellammare di Stabia too lived wide parenthesis inside the royal property under the Anjou (when Queen Joanna II exempted the city from numerous taxes³⁰⁷), as well as under the Aragonese (King Alphonse even conceded various privileges on 5 May 1444³⁰⁸) and during the Spanish domination (until Charles V sold it to Peter Louis Farnese, for 50'000 ducats³⁰⁹). Again, Fratta (Frattamaggiore) was not a *KOT* in the late XVI century but it was so during the Bourbon period³¹⁰, while Ischia is testified to have been a royal property both in the Aragonese period³¹¹ and in the late XVII century³¹². Even Nocera, is said to have been “*lunghissimo tempo regia*” (i.e. it has been a *KOT* for a long time) by Enrico Bacco (1671)³¹³

-Follows Table4 , which compares *KOT*’s population and that of fiscal exempted towns, for each Province of the Kingdom, at the time of Mazzella³¹⁴

Province	% of the households living in a <i>KOT</i> , which is also subjected to fiscal facilities (on the total household living in a <i>KOT</i>)	% of households living in a town subjected to fiscal facilities, which is a <i>KOT</i> (on the total households living in a fiscal facilitated city or land)
Terra di Lavoro	83%	85%
Principato Citra	4%	33%
Principato Ultra	0%	0%
Basilicata	0% (no fiscal exempted lands)	0% (no fiscal exempted lands)
Calabria Citra	16%	43%
Calabria Ultra	50%	79%
Terra d'Otranto	42%	92%
Terra di Bari	0%	0%
Abruzzo Citra	92%	86%
Abruzzo Ultra	44%	54%
Molise	100%	53%
Capitanata	0% (no fiscal exempted lands)	0% (no fiscal exempted lands)

³⁰⁶ Giustiniani (1797), Tome I, p. 191-192

³⁰⁷ Giustiniani (1797), Tome III, p. 312

³⁰⁸ Ibidem p. 313

³⁰⁹ Ibidem p. 313-314

³¹⁰ Giustiniani (1797), Tome IV, p. 370

³¹¹ Galanti (1793), volume III, p. 6-8

³¹² Galanti (1793), volume III, p. 21-36

³¹³ Bacco (1671), p. 290

³¹⁴ The list of *KOTs* and the populations of towns is from Mazzella (1597), p. 1-318, while the list of fiscal exempted cities is reported at Ibidem p. 319-320

Kingdom of Naples	42%	71%
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Table 4.

From Table 4, the distribution of fiscal facilities among fiefs and *KOTs* become clearer. Indeed, since the majority of fiscal exempted lands were small Church's properties, lands of Hospitals or Congregations, or small villages, the 21 fiscal exempted *KOTs* of late-XVI century, weighted for the 71% of the overall fiscal facilities, counting the number of households. So, while the *KOTs* weighted just for the 18% of the total population of the Kingdom, they "occupied" the large majority (the percentage increases at 75% taking into account only the fiscal facilities considered to be "perpetual" by Mazzella) of licensed fiscal exemptions. Thereafter, the 42% of the households living in *KOTs* in the late XVI century enjoyed fiscal exemptions.

To sum it up, *KOTs* were generally subjected to a lower State-wide taxation³¹⁵, for three reasons:

- The inhabitants were not subjected to the *Adoha*, which hit only the households living in feudal towns and lands.
- The inhabitants were not subjected to an adjunctive implicit extraordinary taxation due to the baronial quote of the *Donativi*, and probably were object of time by time ad-hoc exemptions from such extraordinary imposition, as for the case of Matera in 1365.
- The 42% of households living in *KOTs* in the late XVI century were exempted from all the ordinary direct taxation, occupying the 71% of the available fiscal exemptions conceded to the Kingdom's households, even counting only for the 18% of the global population.

4. Examples of the negotiations of franchises between the communities and the other authorities of the Kingdom

4.1 Negotiations between a *università* and its feudal lord: Caiazzo, Cerreto, and Palma

Reporting the tales of South Italy's municipalities, I provide here some examples of the negotiation process that involved the communities' representants, which attempted to guarantee to the fief's inhabitants some space of liberty and freedom from the prerogatives of their feudatory. In the early modern period, the feudal lord of Caiazzo had civil and criminal jurisdiction at both first and second

³¹⁵ Buffardi and Mola(2005), p. 179

instance³¹⁶, by the way, following the negotiations between the feudatory and the community's representants (which took place in different waves between XV and XVII centuries) the parts agreed upon a strong limitation of those powers (against a fair pecuniary payment). The first chart which organized in written form the franchises and liberties conquered by the people of Caiazzo is unknown, by the way, the oldest available dates 1483³¹⁷ and reports a text of 1449³¹⁸. Other than such statutes, it is interesting to note a letter dated 1501. In such letter directed to *Magnifics, Nobilibus et egregiis viris universitalis et hominibus civitatis nostrae Calatie*, the landlord thanked the inhabitants of the town for the payment of the agreed amount of money, and confirmed the concession of the *Capitoli*³¹⁹ (i.e. the Charts containing the franchises that the community bought from him). For what concerns the justice matter, they agreed that the Lord (in this case a Count) couldn't exercise directly his powers³²⁰. The Count could only nominate a judge (the *Capitano*) and its vice (a *Luogotenente*) both subjected to the control of communities' representants³²¹. Moreover, the *università* reached to conquer from the landlord different guarantees for a fair functioning of justice: nobody could be jailed without having gathered enough evidences (principle of *capta informatione*)³²² and without giving the possibility to the accused to organize its own defense³²³. Another important point which is worth noting, is that the city obtained from the feudatory to remain in possession of all the proceeds coming from the administration of justice (fines, sanctions, compensations...)³²⁴, by converse the *università* had to pay the wage of the *Capitano* and sustain all the expenses related to the administration of the justice³²⁵. The statutes which the community and feudatory of Caiazzo agreed upon also ruled the partition among them of the municipal duties³²⁶: to the feudatory were mainly addressed the proceeds coming from the indirect imposition on the animals slaughtered in the territory of the *università*.³²⁷ Other interesting tales of negotiations between a feudal town and its landlord come again from the Renaissance period, and regard the municipality of Cerreto Sannita. In 1483 such town become a fief of the powerful family of the

³¹⁶Alianelli (1873), p. 45

³¹⁷Ibidem p. 46-47

³¹⁸Ibidem p. 50-51

³¹⁹Ibidem p. 48

³²⁰Ibidem p. 45

³²¹Ibidem p. 45

³²²Ibidem p. 45

³²³Ibidem p. 45

³²⁴Ibidem p. 45

³²⁵Ibidem p. 45

³²⁶Ibidem p. 109-110

³²⁷Ibidem p. 109-110

Carafa³²⁸. The *università*, after a while, started a litigation before the Royal courts, denouncing the abuses suffered from the new owner: John Diomede Carafa³²⁹. To pacify such litigation, and avoid long courts procedures with the related expenses³³⁰, the people of the *università* and the landlord agreed upon the approbation of a municipal statute³³¹. To the original franchises, others were added in XVI, XVII and XVIII centuries³³², bringing to a never- interrupted re-writing of those constitutional charts³³³. Such charts regulated different aspect of the life in Cerreto: the version of 1541³³⁴ normed the local duties on the wine, the bread and the meat traded in the territory of Cerreto³³⁵, specifying also that the “*Signore... e la Corte del ditto Signore siano franchi da ogne gabella imposta*”³³⁶i.e. that the Lord and its court were exempted from such municipal duties. Another point of the municipal statutes established the monopoly of the feudatory in running a tavern “*dintra le mura che al presente so de la Terra di Cerrito*” (i.e. inside the wall of the land of Cerreto)³³⁷. For what concerns the hunting activity, each inhabitant of the *università* could hunt any animal but the partridge and the pheasant which, for some reason, were an exclusive prerogative of the Landlord³³⁸. Other chapters of the Cerreto statutes ruled the activity of the mills,³³⁹ the management of the aqueduct³⁴⁰, the treating of living stock³⁴¹, the agricultural activity³⁴², the concession to the community of the office of *Portulania*³⁴³, the modes for the incarceration of woman³⁴⁴ and other guarantees for the accused to be jailed³⁴⁵. Such pacification of the relationships between the community and the Count was not a free one, indeed the statute specifies a fee to be paid to the feudal lord, amounting to 100 ducats each year, divided in three tranches,³⁴⁶ in fact it postulates: “*La Università predetta hominiti et Casali...per causa della presente Concordia et transazione donerrà al Sig. Conte, sincome per la presente dona, et ad soy descendenti mascoli...*

³²⁸ Ibidem p. 120

³²⁹ Ibidem p. 120-121

³³⁰ Ibidem p. 121

³³¹ Ibidem p. 121

³³² Ibidem p. 124-125

³³³ Ibidem p. 125-126

³³⁴ Ibidem p. 128-139

³³⁵ Ibidem p. 129

³³⁶ Ibidem p. 130

³³⁷ Ibidem p. 131

³³⁸ Ibidem p. 133

³³⁹ Ibidem p. 194

³⁴⁰ Ibidem p. 195

³⁴¹ Ibidem p. 196-198

³⁴² Ibidem p. 201-202

³⁴³ Ibidem p. 197-198

³⁴⁴ Ibidem p. 206

³⁴⁵ Ibidem p. 206

³⁴⁶ Ibidem p. 137

ducati cento l'anno in tre terze". In the statute's version of 1571³⁴⁷, it is interesting to note the statement through which the community prayed for the reconfirmation of the franchises and liberties originally accorded to the fief's inhabitants by the previous landlords "*item supplicano resti contenta confermare, et accettare tutte grazie, Capitoli, statute, ... usi,..consuetudini stipulate publice overo private ... firmati di mano delle buone memorie dellì quondam Illustrissimo Sig. Duca Diomede, Duca Lelio zio et fratello di V.E., et di nuovo concedere tutte le retroscritte gracie, quali gratosamente si cercano promettendo quelli avere rate..*". The community, thus, implored the Landlord of the time, which was the brother of the previous one, and the nephew of the first Carafa which owned the land, to reconfirm all the chapters conceded by his predecessors, in exchange of the payment of the owed installments.³⁴⁸ An equivalent expression is contained in the successive versions of the statutes, dating 1606³⁴⁹, 1632³⁵⁰, 1706³⁵¹ and 1725³⁵².

For what concerns the town of Palma, the first known written statutes are those of 1552, which were approved even by the Vice-king Peter of Toledo³⁵³. Such statutes were presented before a Royal Court in the context of a litigation between the *università* and the feudal lord, on 29 November 1728. By the way, a part of those chapters, regarding the attribution of the *Bagliva*, dates back to 1536, and was presented too as an evidence in the course of the same litigation of 1728³⁵⁴.

After the usual expression of supplication, the statutes of Palma start reclaiming the right of the community's authorities over the proceeds coming from the administration of justice in the territory³⁵⁵. Then, the *università* prays the landlord to maintain low the fines over the retards in the payment of monetary obligations inside the territory of Palma : "*che qualsivoglia accusa de pena di obbliganza e de instrumento de qualsivoglia summa, e quantità che fossero etiam maxime che l'accusato non sia tenuto a pagare de pena più d'un tornese per Carlino per la quantità del debito..*"³⁵⁶ The statute also disciplined the separation between the competences of the *Baiulo* respect to those of the *Capitanio*³⁵⁷. As seen for the statutes of Cerreto, the municipal charts of

³⁴⁷ Ibidem p. 204

³⁴⁸ Ibidem p. 204

³⁴⁹ Ibidem p. 208

³⁵⁰ Ibidem p. 211

³⁵¹ Ibidem p. 217

³⁵² Ibidem p. 222

³⁵³ Ibidem p. 234

³⁵⁴ Ibidem p. 234

³⁵⁵ Ibidem p. 241: "*In primis attendo che la detta università ave pretenduto e pretende gli Proventi, quali si fanno per la Corte del magnifico Capitanio de detta Terra siano da essa università tanto civili come criminali..*"

³⁵⁶ Ibidem p. 242

³⁵⁷ Ibidem p. 248

Palma contain likewise the consecutive adjunction of chapters and re-confirmations licensed by the successive feudatories of the land. In 1586 the charts were indeed confirmed by Scipio Pignatello Marquis of Lauro³⁵⁸, others confirmations and adjunction date 1605, 1647, 1675 and 1725³⁵⁹. The chapters of the *bagliva*, dating back to 1536³⁶⁰, ruled the competences of the *Baiulo*, which had fiscal and administrative functions in the town, and fairly specified competences over the taxation of the livestock in the territory of Palma: the imposition was of different amount in function of the kind of animal, distinguishing among bulls, calves, sheep, goats, pigs, donkeys and horses³⁶¹.

4.2 Negotiations between a *KOT* and the Crown: L'Aquila and Matera

While in case of negotiations between a feudal town and the landlord the object of the agreement was basically the respect of fundamental human rights and liberties³⁶² (like the observance of fair principles in judiciary processes or the possibility for the fief's inhabitants to access the waters and the natural resources of the territory³⁶³) such principles were already assured³⁶⁴ in a town free from the baronial yoke³⁶⁵ since the justice was not administered by a feudatory but by the royal authorises³⁶⁶, and the negotiations between a *KOT* and the Crown were more articulated and specific, touching often the fields of fiscal, trade and monetary economics. At the end, the powers and competences of the Urban council were the result of a negotiation between the community's representants and the Crown, and took body, here too³⁶⁷, in the Municipal chapters and statutes³⁶⁸. The Municipal chapters approved by the Aragonese Kings for the people of L'Aquila were five, dating 1442, 1458, 1464, and two dating 1496, such waves of new chapters and charts aimed at

³⁵⁸ Ibidem p. 258

³⁵⁹ Ibidem p. 259-260

³⁶⁰ Ibidem p. 234

³⁶¹ Ibidem p. 260-261

³⁶² Galanti (1793), book III, p. 3, on the conditions of the inhabitants of fiefs: "In luogo di cittadini, si è veduta una moltitudine di indigenti e di schiavi, che vive nell'avvilimento e nella degradazione"

³⁶³ Ibidem p. 265-267, it is emblematic an issue about the use of the waters of the Sarno river, between the Count of Celano and the populations of the towns of Nocera, Scafati, Straino, San Valentino, Lettere, Angri and San Marzano. Indeed, the Sarno river was navigable and passed through the aforementioned towns and lands, by the way, in XVII century, the Count decided to obstruct the course of the river by building two large mills and a palisade. The waters of the Sarno became unusable for navigation purposes and started to stagnate, becoming even unhealthy for the populations that lived on the course of the river. After a long legal battle before the Royal courts, the università reached to obtain the demolition of the mills and the palisade in exchange of a conspicuous amount of money to be paid to the Count yearly. By the way, after a while, the Count re-built those structures on the river, and continued anyway to demand the yearly payment to the aforementioned communities.

³⁶⁴ Galanti (1793), book III, p. 2, on the inhabitants of *KOTs* speaks of "popolazioni composte di uomini liberi e industriosi"

³⁶⁵ Buffardi and Mola (2005), p. 185

³⁶⁶ Galanti (1793), volume III, p. 21

³⁶⁷ Coniglio (1951), p.30: the *KOTs*, as well as the feudal towns, had their proper municipal statutes, the difference was in the liberty that those statutes reached to grant to the towns' populations

³⁶⁸ Terenzi (2012), p. 619-620 and 649-650

reconfirming (or abrogating) the liberalities and franchises accorded to the town, or to add new of such prerogatives³⁶⁹. In L'Aquila, in the XV century, the municipal offices were occupied by the men of the five Arts (a literatus, a merchant, an artisan of the leathers, an artisan of the metals and a military)³⁷⁰. Among the prerogatives that the town's representants requested³⁷¹ to the Aragonese kings there was the demand for fiscal exemptions on the goods traded in the town, and the actuation of a tighter regulation to protect the trade credits of town's merchants³⁷². Indeed, the ruling elite of L'Aquila asked the Crown, in 1458, to impede any authority of the Kingdom from conceding lawfully any dilation, grace period or moratorium to the debtors of L'Aquila's people.³⁷³ In those years, from the artisans of the metals came also the request to not built a royal-managed warehouse for the metals (*fondaco regio di ferro, aczano, pece et vomere*)³⁷⁴ to maintain free from the state intervention the local market of the metals³⁷⁵. Given such supplications, the Crown could accept them all, in part, or refuse to approve them³⁷⁶, to have a simple statistic, of the 221 requests which we're aware of, 103 have been completely accepted by the Sovereign, 113 have been partly accepted or accepted upon conditions, and 5 were completely refused or did not even received an answer³⁷⁷. Among the most relevant and interesting concession that King Alphonse made to satisfy the request of the town's authorities, there was the appointment of a member of a powerful family of L'Aquila at the management of the city's Mint.³⁷⁸ For what concerns the requests of above, the King conceded in the statutes of 1458 and 1464 to not interfere in the town's market of the metals³⁷⁹, but in 1475 he finally ordered to treat all the iron of the city through the royal *fondaco*, to preserve the general interest³⁸⁰ of Kingdom.³⁸¹. For what concerns the concession of fiscal facilities, such tax reliefs had mixed fortune, as an example, under King Ferrante the tax facilities enjoyed by the town considerably diminished³⁸².

³⁶⁹ Ibidem p. 630

³⁷⁰ Ibidem p. 632

³⁷¹ Stasavage (2014), p. 338: European autonomous cities of medieval and early modern ears where characterized by "the provision of property rights protection for a specific group, accompanied by substantial barriers to entry"

³⁷² Terenzi (2012), p. 634-635

³⁷³ Ibidem p. 635

³⁷⁴ Ibidem p. 635

³⁷⁵ Ibidem p. 635

³⁷⁶ Ibidem p. 620,627,638

³⁷⁷ Ibidem p. 638

³⁷⁸ Ibidem p. 643

³⁷⁹ Ibidem p. 644

³⁸⁰ Stasavage (2014), p. 340: "Autonomous cities continued to provide property rights for citizens with barriers to entry to outsiders"

³⁸¹ Terenzi (2012), p. 644-645

³⁸² Ibidem p. 641

Another well documented case of negotiation between a *KOT* and the Crown concerns the city of Matera, which was a *KOT* seamlessly from the time of Frederick II³⁸³ to the XV century³⁸⁴, then for approximately two centuries, the town has been traded among feudatories, monarchs and city's authorities. Matera was definitively re-integrated in the Crown's property only in 1663³⁸⁵. In such amount of time, many negotiations have been carried on among the authorities of the Kingdom: in the XIV century, the *Sindaci* of Matera requested to the Crown a formal approbation of the competence of the town over the duties to be collected in the territory of the municipality, and an update of the *apprezzo* (the evaluation of the real estate wealth of the Matera' citizens), those requests were approved respectively on 23 February 1331³⁸⁶ and on 9 December 1355.³⁸⁷ Another important privilege conceded to the inhabitants of Matera was the ad-hoc exemption from the payment of the *Donativo* for the year 1365, deliberated by King Philip II (1329- 1374)³⁸⁸. The city's authorities asked to the Crown also the permission to translate the date of the annual *fiera* (fair). Indeed, the city representants preferred to change the date of this important trade event from the 20 of May to the 15 of August, to attract more foreigner merchants in concomitance with the Marian festivity of mid-August³⁸⁹, such request was finally approved by King Ladislao in 1407³⁹⁰. The King sold Matera as a fief to the Count John Charles Tramontano in 1497, to settle a credit of 60'000 ducats that the Count had towards the Crown³⁹¹, however, in 1515, the town had to pay to the central authorities 10'000 ducats as a penalty for having killed such Count, which had requested to the citizenship a suffocating extraordinary taxation of 24'000 ducats to repay his personal debts³⁹². After this tragic event, it started a 3-years period of negotiations between the town's representants and the Crown: the community sent its deputies even to Spain in order to bargain the stability of the town inside the Crown property³⁹³, by the way, in 1519, the city was sold as a fief to the Dukes Orsini³⁹⁴. In the course of the XVI and XVII centuries, such Dukes lost and re-acquired the city different times, indeed, Matera became a matter of trade between the central authorities and the

³⁸³ Gattini (1882), p. 33

³⁸⁴ Ibidem p. 55

³⁸⁵ Racioppi (1889), volume II, p. 178

³⁸⁶ Gattini (1882), p. 46

³⁸⁷ Ibidem p. 47

³⁸⁸ Ibidem p. 48

³⁸⁹ Ibidem p. 60

³⁹⁰ Ibidem p. 60

³⁹¹ Ibidem p. 89-95

³⁹² Ibidem p. 97

³⁹³ Ibidem p. 103

³⁹⁴ Racioppi (1889), volume II, p. 177

belligerent and ambitious family of the Orsini, which even conceded to the town different privileges with acts dated 1522, 1525 and 1527 in a try to loyalize the population. Nevertheless, the town's representants organized two money-rising to liberate the city from the feudal yoke, a first in 1577 (when they paid 48'000 ducats)³⁹⁵ and a second in 1638 (when they paid 27'000 ducats)³⁹⁶. Finally, in 1663, Matera became capital of the Basilicata's Province, assuring itself a perpetual stability inside the property of the Crown.³⁹⁷

The tales of L'Aquila and Matera are two concrete examples of the negotiation of liberties between the towns' representants and the central authorities of the Kingdom, and illustrate how the bargaining power of a town could come from its geographical position (as for L'Aquila, at the borders with the Papal State), or from the fact that it was in the sights of a powerful feudal family (as Matera, surrounded by the fiefs of the belligerent Orsini family).

5. Conclusion

Contrary to the common thought, the Neapolitan Kingdom was not a static and pyramidal feudal system. Through different examples, tales and data, I've shown how often the Kings conceded powers and autonomy to local communities, to limit and contrast the prerogatives of the feudatories, which were by the way the first possessors of a large set of judiciary and administrative powers. The communities of South Italy lived large parenthesis of autonomy, resembling the Communal-type phenomenon that interested some North Italian cities in XII and XIII centuries, in some case even anticipating those urban organizations. Later on, aspects of municipal self-government took place in South Italy in the form of King Owned Towns, inhabited centres that reached to free themselves from the baronial yoke, assuring to their inhabitants the protection³⁹⁸ of the King against the abuses of a feudatory, thanks to their strategic importance or against a conspicuous payment to the Crown. Those towns were subjected to an easier taxation, and were often facilitated through ad-hoc trade and financial policies which the Crown conceded in order to loyalize such lands and use them as cardinal points³⁹⁹ in an attempt to contrast the centrifugal ambitions of the feudatories. By the way, the liberty from a feudal yoke didn't imply a truly

³⁹⁵ Racioppi (1889), volume II, p. 178

³⁹⁶ Ibidem p. 178

³⁹⁷ Ibidem p. 178

³⁹⁸ Galanti (1793), volume III, p. 3: "di questa protezione non godono interamente che le città regie"

³⁹⁹ Buffardi and Mola (2005), p. 179

democratic development of such autonomous cities, which, in facts, were governed by councils where merchants' guilds, doctors and urban aristocrats occupied the levers of power. This bourgeois majority was used to set up, to safeguard its own interest, a more business-friendly environment, where the property rights were protected, on the use of the typical European autonomous city of medieval and early-modern eras. Although this paper has a mainly descriptive aim, it can be used as a base point, to analyse the long-lasting effects of the institutional changes that interested the Neapolitan municipalities in the medieval and early-modern period.

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7. Appendix: lists and maps of King-Owned Towns

KOTs under Frederick II:

Reggio, Nicastro, Crotone, Cosenza, Otranto, Brindisi, Taranto, Matera, Gravina, Barletta, Trani, Bari, Monopoli, Bitonto, Giovinazzo, Bisceglie, Molfetta, Melfi, Potenza, monte Sant'Angelo, Siponto, Civitate, Troia, Termoli, Salerno, Sorrento, Amalfi, Policastro, Eboli, Ariano, Avellino, Montefuscolo (Montefusco), Capua, Aversa, Napoli and Gaeta⁴⁰⁰.

⁴⁰⁰ Racioppi (1889), volume II, p. 189

KOTs under Charles I of Anjou:

Castrovillari, Caiazzo, *Invenacii*, Firenze⁴⁰¹, Ostuni, Civitati Theatine (Chieti) , Caserta, Sorrento, Termoli, Gravina, Civitas Pennenis (Penne), Avellino, Castellaneta, San Germani (Cassino), Molfetta, *Iohe*, Montefuscolo (Montefusco), Monopoli, Lanciano, Brindisi, Troia, Ariano, Trani, Sant' Agata, Guardia Lombardi, Guardia Bisignano, Bitonto, *Neritoni*, Potenza, Eboli, Civitella d'Abruzzo, Teramo, Ravelli (Rivello?), Sant'Angelo, Padule, Bari, Sulmona, Campi, *Venusii*, *Buclanici*, *San Flaviani*, Aquila, Foggia, Taranto, Montelione, Manfredonia, *Vigiliarium*, *Idronti* (Otranto), Acerenza, Ortona, Lucerie Sarracuinor (Lucera?), Melfi, Alife, Vestarum (Vieste), Matera, Gerace, *Guastaymensis*, Cosenza, Pescara, Crotone, Andria, Amalfi, *Marturani*⁴⁰².

KOTs under King Alphonse of Aragon, excluding Calabrian and Otranto's province:⁴⁰³

Alisium, Aversa, *Baya* (Baia e Latina), Cayacia (Caiazzo), Cayanellum (Caianello), Cayvanum (Caivano), Camino (today in Rocca d'Evandro), Capua, Carinula, Castrum novum (Casalnuovo), Castrum maris de Volturno (Casal Volturno), Concha (Conca), *Cucurucium*, Drauna (Dragonii?), Fratte (today in Salerno), Gaieta (Gaeta), Yscla (Ischia), Juglianum (Giuliano in Campania), Latina, Magdalonus (Maddaloni), *Marczanum* (?), Petraroya (Pietraroia), Preta, Proceda (Procida), Puteolum (Pozzuoli), Rocca de Vandro (Rocca d'Evandro), Rocca Monfini (Roccamontina), Rocca montis draconis (Mondragone), Rocca Romana (Roccaromana), S. Angelus ripa canina (Sant' Angelo d'Alife), Santo Felice (San Felice a Cencello), Spignum (Spigno Saturnia), Suessa (Sessa aurunca), Summa (Somma vesuviana), Suyum (Suio), Teanum (Teano), Trajetum (Minturno), Castrum fortis (Castelforte), Turris Francolisi (Francolise), Caprum (Capri), Castrum maris de stabia (Castellamare di stabia), Cava (Cava de tirreni), *Francharum*, Granianum (Gragnano), Littera (Lettere), Massa (Massa Lubrense), Pasitanum (Positano), Pimontum (Pimonte), Surrentum (Sorrento), Vicum (Vivo), Ysernia (Isernia), Amatricium (Amatrice), Aquila, *Atinum*, Atre (Atri), Camporium (Le Campora), Civitas ducalis (Cittaducale), Civitas Penne (Penne), Civitas S. Angeli (Città Sant' Angelo), Gonissa (Leonessa), Mons regalis (Montereale), Silvium (Silvi), Rossianum (Rosello?), Theramum (Teramo), Anglonum (Agnone), Archi, Ariello (Arielli), Atisse (Atessa), Buccanum (Buccianico), Canosa

⁴⁰¹ There are also Tuscan cities since the Anjou dominees in Italy extended also outside the Kingdom of Naples, nevertheless, such cities are not reported in the map I show later

⁴⁰² Gattini (1882), p. 35-36

⁴⁰³ Galanti (1793), volume III, p. 6-8

(Canosa sannita), Civitas theatina (Chieti), Crecchium (Crecchio), Frisia (Frisa), Franchavilla (Francavilla al mare), Guardiagrelis, (Guardiagrele), Guastum Aymonis (Vasto), Lanzanum (Lanciano), Ortona ad mare (Ortona), Palliecta (Paglietta), Rogium (Roscio?), S. Vitus Trigium (San Vito chietino), Solmona (Sulmona), Turinum (Torino di Sangro), Villamayna (Villamaina), Fogia (Foggia), Gullonisium, Luceria (Lucera), Manfredonia, Monte Sant' Angelo, S. Severius (San Severo), Vestia (Vieste), Barolum (Barletta), Juvenacium (Giovinazzo), Molfecta (Molfetta), Tranum (Trani).

KOTs under King Philip II:

Aversa, Capua, Gaeta, Massa, Nola, Pozzuolo, San Germano, Sorrento, Salerno, Amalfi, La Cava, Capri e Anacapri, Gragnano, Lettere, Le Franche, Marsico, Piemonte, La Sala, Maiuri, Scala, Minuri (Minori), Aierola (Agerola), Ariano, Lagonegro, Rivello, Tolve, Tramutola, Amantea, Cosenza, Langobucchi (Longobucco), Rossano, Sicigliano (Sicignano), Crotone, Catanzaro, Policastro, Reggio, Sant'Agata, Stilo, Seminara, Tropea, Taverna, Brindisi, Gallipoli, Lecce, Matera, Ostuni, Otranto, Squinzano, Taranto, Torre di Santa Susanna, Bari, Barletta, Bitonto, Cività di Chieti, Guardiagrele, Lanciano, Tocco, Acumoli (Accumoli), Alanno, Aquila, Cività Reale, Cività del Tronto, Campana, Fagnano, Isernia, Foggia, Nocera or *Luceria*, Manfredonia, Vieste, Troia.⁴⁰⁴

*KOTs under Ferdinand II of the Two Sicilies*⁴⁰⁵:

Arsano (Arzano), Casandrino, Casavatore, Casoria, Fragola, Fratta maggiore, Mugnano, Portici, Resina, San Giorgio a Cremano, San Sebastiano, Torre del Greco, Aversa, Nevano, Boscoreale, Capua, Capodrise, Casapulla, Curti, Macerata, Marcianise, Portico, Recale, Santa Maria maggiore, San Niccola della strada, San Prisco, San Tammaro, Arnone, Cancello, Grazzanesi, Bellona, Camigliano, Giano, Pignataro, Caserta, Castello a mare, Pico, San Giovanni Incarico, Durazzano, Gaeta, Mola, Castellone, Massa Lubrense, Nola, Pozzuoli, Somma, Massa, Pollena, Trocchia, S. Anastasia, Sorrento, Valle, Ischia, Barano, Campagnano, Casamicciola, Moropano, Fontana, Forio, Lacco, Panza, Serrara, Testaccio, Procida, Ponza, Ventotene, Salerno, San Angelo, Pastena, Pellizzano, Agerola, Amalfi, Cava, Controne, Furore, Gragnano, Lettere, Maiori, Minori, Monte corvino, Atto di Pugliano, Monteforte, Positano, Piano, Pimonte, postiglione, Praiano, Ravello, Scala, Serre, Tramonti, Capri, Anacapri, Ariano, Mirabella, Montefalcone, San Giorgio la Molara, Campobasso, Guardia regia, Isernia, Rionero, Aquila, Pesco Costanzo, Teramo, Atri, Civitella del Tronto, Nereto, Pianello, Senerchia, Chieti, Lanciano, San Salvo, Lucera, Castel Sant'Agata, Foggia,

⁴⁰⁴ Mazzella (1597), p. 1-318

⁴⁰⁵ Galanti (1793), volume III, p. 21-36

Gildone, Manfredonia, Orta, San Bartolomeo in Galdo, Foiano, Vieste, Tremiti, Trani, Altamura, Bari, Barletta, Bisceglie, Bitonto, Cisternino, Giovinazzo, Modugno, Mola, Monopoli, Terlizzi, Lecce, Brindisi, Carovigno, Francavilla, Gallipoli, Massafra, Muro, Oira, Otranto, Uggiamo, Sava, Specchia de 'preti, Taranto, Ugento, Matera, Calvera, Lagonegro, Latronico, Maratea,. Marsicovetere, Policoro, Rivello, San Mauro, Tolve, San Chirico nuovo, Cosenza, Altavilla, Aprigliano, Carpanzano, Casola, Castiglione. Celico, Cellara, , Figline, Lappano, Mangone, , Pedace, Piane, Pietra fitta, San Benedetto, Santo Stefano, Spezzano, Rogliano, Rovito, Zumpano, Atilia, Belsito, Dipignano, Grimaldi, Malito, Paterno, Amantea, Canna, Nocara, Rocca di Neto, Scigliano, Panettieri, Verzino, Savelli, Catanzaro, Atilia, Crotone, Papanice, Pazzano, Reggio, Cardeto, Gasperina, Montauro, Montepaone, Serra, Bivongi, Brognaturo, Spatola, Soriano, Pizzoni, San Basile, Simbario, Vazzano, Stilo, Camini, Guardavalle, Riace, Stignano, Taverna, Albi, Magisano, Pentone, San Giovanni, Tropea, Drapia, Parghelia, Ricardi, Zaccanopoli, Zambone

Maps:

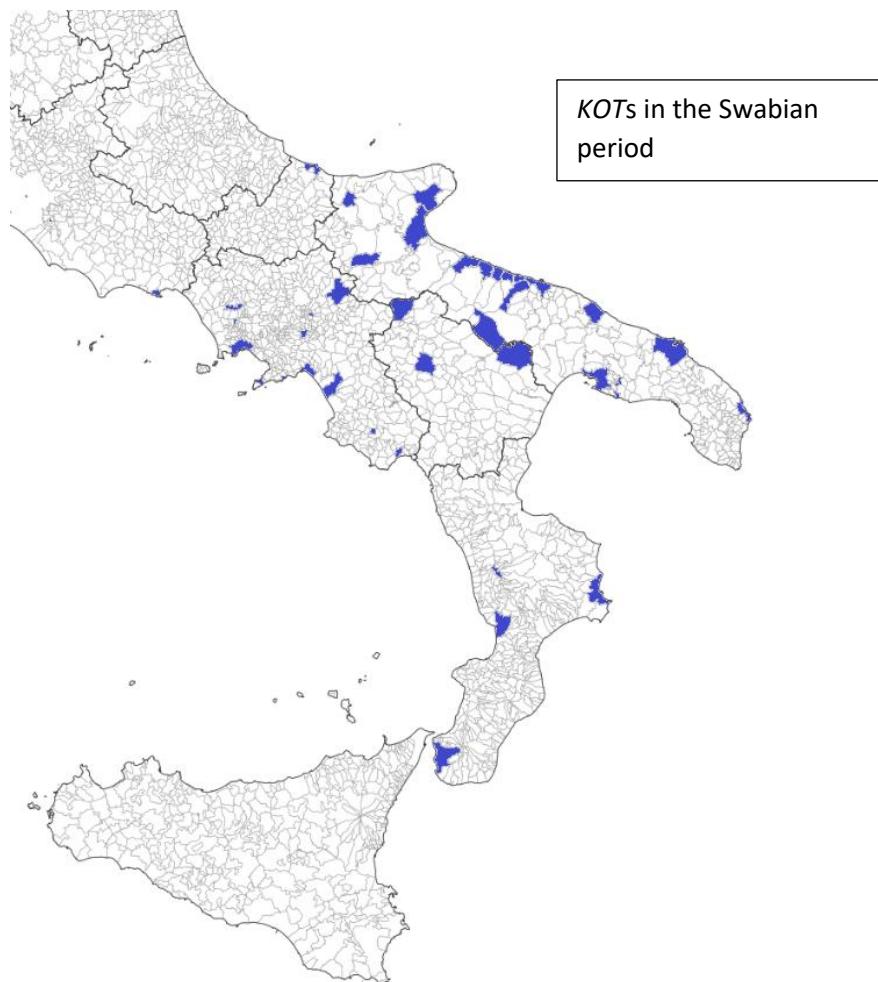


Figure 4.

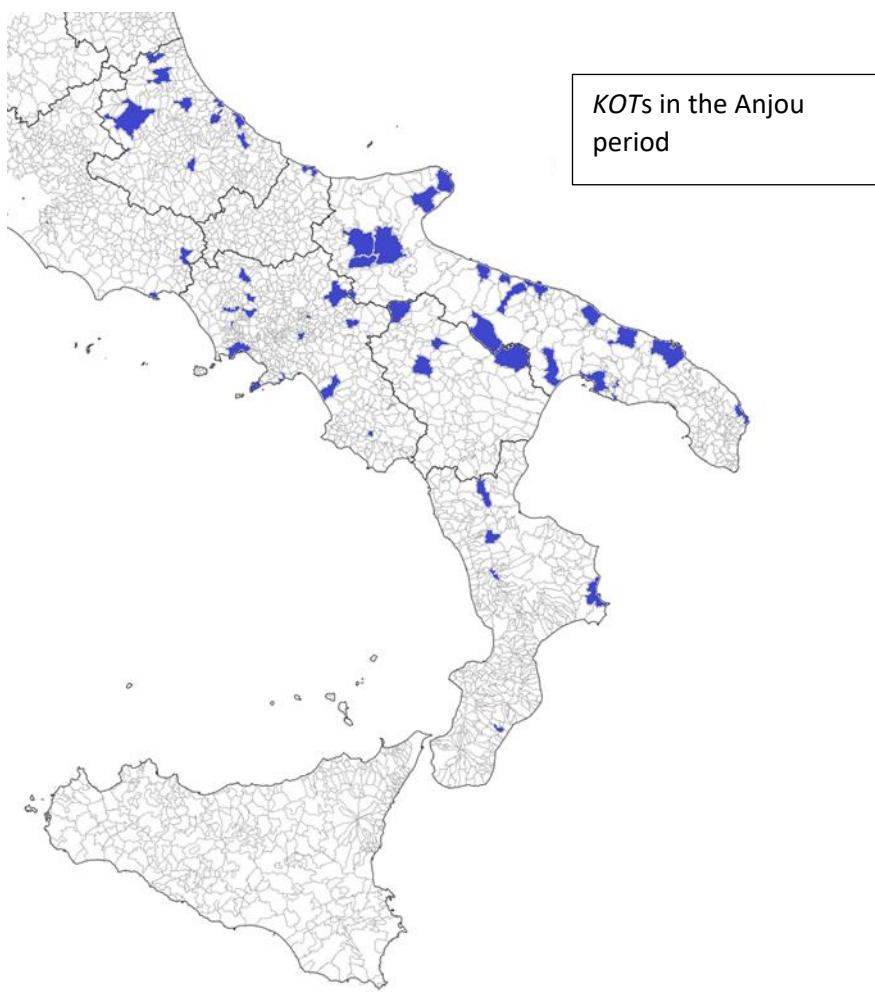


Figure 5.

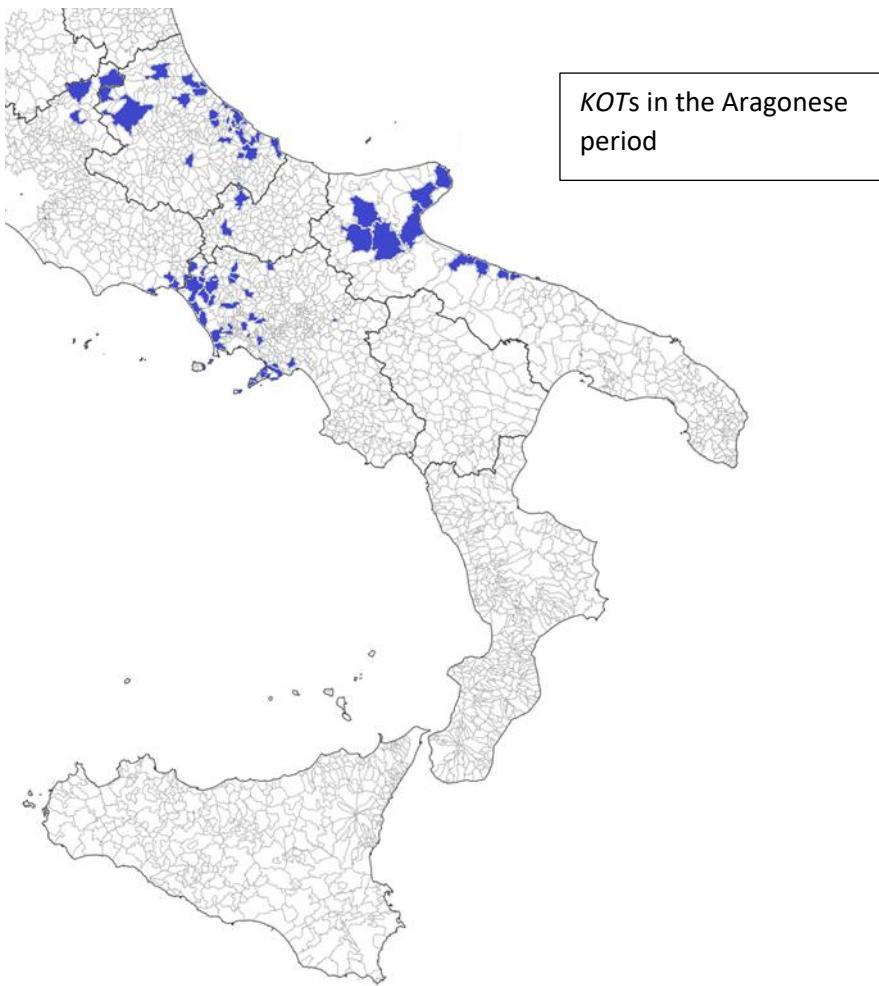


Figure 6.

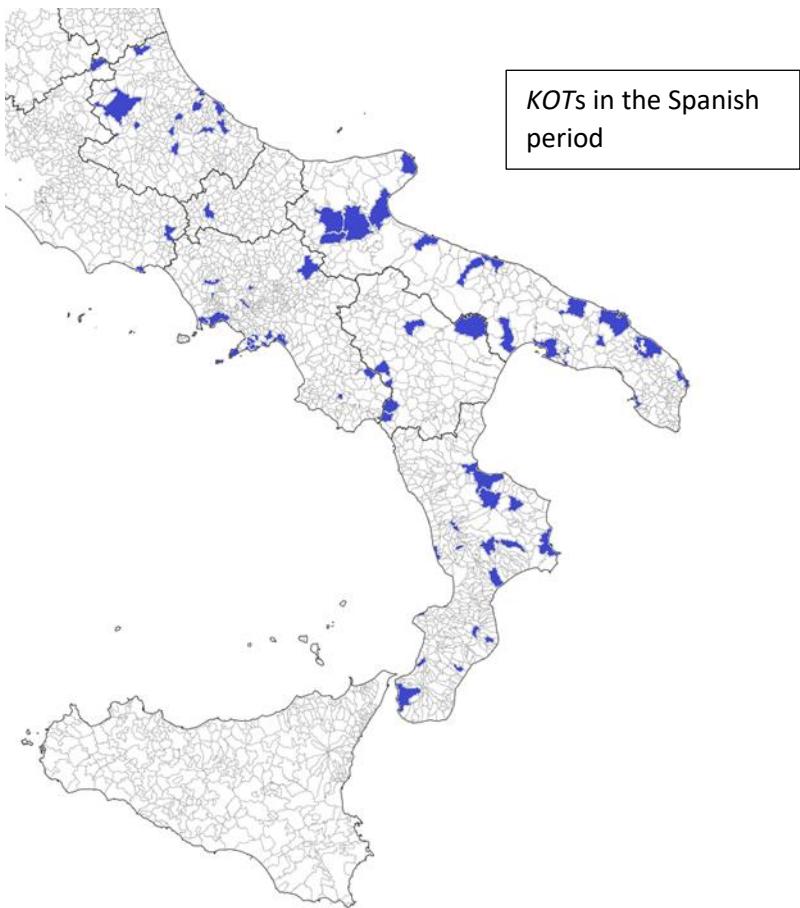


Figure 7.

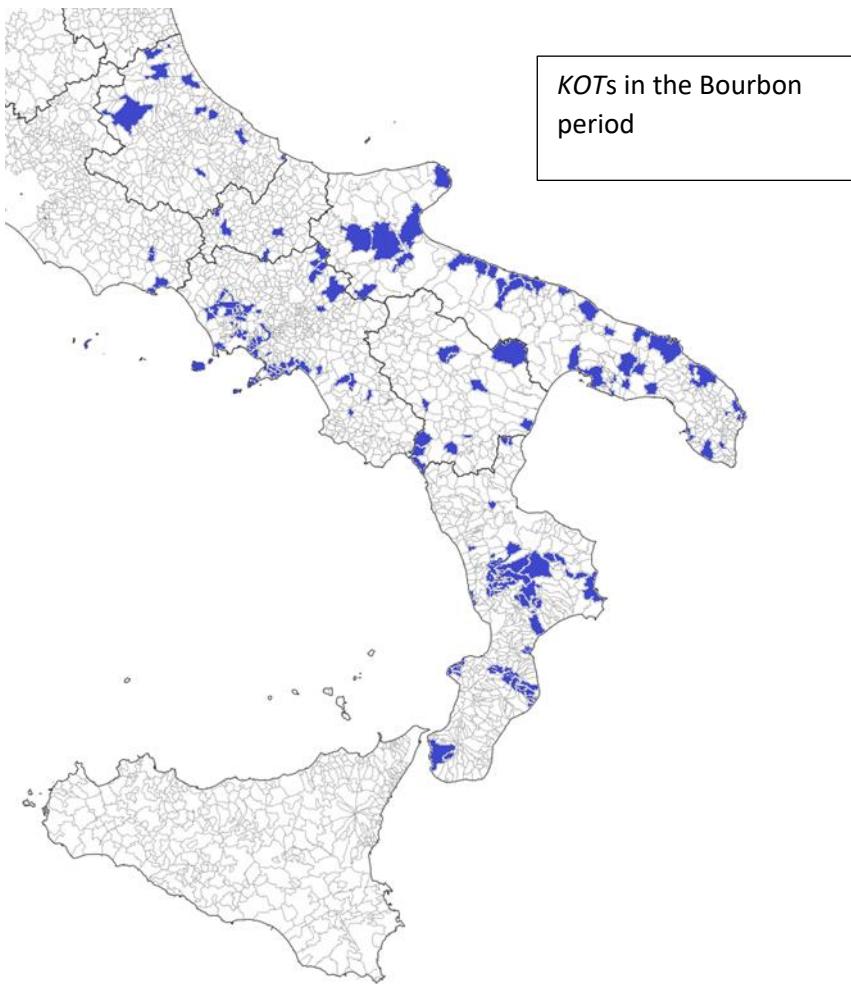


Figure 8.