

JOSIP BANIĆ

BARMECIDAL MARGRAVIATE



*Iura domini patriarchę et ecclesię
Aquileiēsis in tota Istria
in Context*



srednja europa

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in Context

For the publisher

Damir Agičić

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The front page features a silver coin as minted in Aquileian mint during the age of Patriarch Raymond della Torre (1277) and the text of the 1280 catalogue of Aquileian rights in Istria (Archivio di Stato di Venezia, *Commemorialium Liber I*, fol. 32v) in the background. Published with the permission of the Archivio di Stato di Venezia.

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Iuliano filio dilectissimo

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ABBREVIATIONS

- ASU – Archivio di Stato di Udine
NA – Notarile antico
ASV – Archivio di Stato di Venezia
LC –Libri commemoriali
CL I –Commemorialium Liber I
CC – Copie commemoriali
CC I –Commemorialium Liber I (exemplum saec. XVII)
MADP – Miscellanea atti diplomatici e privati
MDAD – Miscellanea ducali e atti diplomatici
PA – Pacta e aggregati
CT –Codex Trevisaneus
PL IV – Pactorum Liber IV
BAP – Biskupijski arhiv u Poreču [Diocesan archive in Poreč]
PB – Porečka biskupija [The diocese of Poreč]
BCU – Biblioteca Civica “Vincenzo Joppi” di Udine
FJ – Fondo Joppi
FP – Fondo Principale
DF – ms. 899: Giuseppe Bianchi, *Documenti per la storia del Friuli, 1200–1400*
BMV – Biblioteca Marciana di Venezia
DMC – *Deliberazioni del Maggior Consiglio di Venezia*, ed. Roberto Cessi, 3 vols. (Bologna: Zanichelli, 1931–1950)
FIM – *Fontes Istrie medievalis*, ed. Josip Banić, 6 vols. (Poreč, 2020–), preliminary editions online, <https://fontesistrie.eu/>. To unburden the critical apparatus of continuous references to webpages and dates of last access, only the name of the document will be given when referencing *FIM* entries (e.g., FIM: 1102_DW). The webpage corresponding to the

referenced document is reachable by pasting the document's name after the domain name (e.g., FIM: 1102_DW is accessible on https://fontesistrie.eu/1102_DW). All FIM links accessed on March 1, 2023.

HHStA – Haus-, Hof- und Staatsarchiv Wien

AUR – Allgemeine Urkundenreihe

TEA – *Thesaurus ecclesiae Aquileiensis*, ed. Giuseppe Bianchi (Udine: Trombetti-Murero, 1847)

ACKNOWLEDGMENTS

THE PRESENT BOOK hatched from a textbook eureka moment. This sudden discovery allowed me to precisely date an undated catalogue of the Aquileian patriarchs' rights in Istria that has troubled regional historiography for well over a century. Originally, I only planned to publish a short paper in *Historijski zbornik*, one that would simply demonstrate why the list of rights must be dated to October 1280. As I started writing this "short paper" however, I visited my dear friend and colleague at the Museum of Poreč Territory, the erudite Gaetano Benčić, seeking his approval and blessing before I sent the article to the publisher. Gaetano was happy to hear about my discovery: smiling, he shook my hand and congratulated me, but then he uttered the following words: "This is a great beginning of an analysis." With this single sentence Gaetano transformed what had originally been envisioned as a "short paper" into a monograph-length study. Realizing that the new dating of the list opened novel interpretative trajectories, ones never before traversed in regional historiography, inspired me to keep working on the article, adding layer upon layer of analyses and interpretations to the point that the "short paper" ballooned to such a volume that no journal was prepared to publish it. Faced with this adversity, I turned to Prof. Damir Agičić, the editor of *Historijski zbornik* and my former professor of 19th-century history at the Faculty of Social Sciences and Humanities in Zagreb, who generously offered to publish the voluminous article in the form of a short monograph. The work of transforming a gigantic paper into a monograph was as freeing as it was enjoyable, and I am wholly indebted to Prof. Agičić to whom I extend my sincerest gratitude.

I would also like to thank my reviewers, Prof. Ivan Jurković and Prof. Neven Budak, who thoroughly read the manuscript and offered many precious pieces of advice that greatly improved the final product. The same goes for Prof. Maurizio Levak, whom I thank for his invaluable *consilium et auxilium*. I can only hope to follow in their footsteps and one day, when I am all grown up, help younger colleagues taking their first steps in the world of academic publishing.

I am also massively indebted to Prof. Robert Kurelić from the Juraj Dobrila University in Pula, my current home, who employed me as a postdoc on his research project, offering me two years of steady income and peace of mind that has fueled the creativity necessary for these scholarly endeavors.

The text of the book was drastically improved by the dedicated copy editing and proofreading conducted by my dear friend and colleague Leslie Carr-Riegel to whom I extend my utmost gratitude.

My sincere thanks goes also to Archivio di Stato di Venezia, especially to its director Stefania Piersanti, who agreed to be the partner of the research project *Fontes Istrie medievalis*, jointly sponsored by the Region of Istria and the Region of Veneto. The project offers much needed material aid for conducting archival research in Venice and across Friuli, places where I have always been warmly welcomed and most kindly treated by my fellow colleagues. I am also very grateful for the help provided by Sebastiano Blancato from the *Istituto Pio Paschini*, for keeping me up to date with the editions of relevant primary sources. Special thanks also goes to the kind staff of the “Vincenzo Joppi” Library in Udine, State Archive in Udine, Branka Poropat from the Diocesan Archive in Poreč and to Salvatore Alongi from the Venetian State Archive, dear colleagues who always promptly supplied the requested digital facsimiles of archival documents (which I tend to order in great quantities).

Finally, none of this would be possible without the unswerving support of my family, especially my darling wife Bojana, a medievalist in her own right, who has read, commented, and improved the vast majority of my papers, this study being no exception. I dedicate this publication to my four-year old boy Julian, the very best son any father could ever ask for (whose favorite color now graces the cover of his daddy's very first monograph).

Poreč, on the Kalends of March, A.D. 2023, 1st indiction.

AUTHOR'S PREFACE TO THE DIGITAL EDITION

I am very grateful to Prof. Damir Agičić and the publishing house *Srednja Europa* for their willingness to offer this monograph in a digital format, making it more accessible to the global scholarly community. The content and pagination are identical in both the digital and printed renditions of the book. Preparing the digital edition of the volume has, however, presented me with the opportunity to correct some unfortunate minor typesetting mistakes that had snuck into the printed version, errors for which I claim the sole responsibility. I have also inserted hyperlinks in the critical apparatus, linking all the references to online publications to their respective URLs. I sincerely hope that this digital edition enhances the accessibility of the monograph and provides an enjoyable reading experience for scholars and students alike.

PREFACE

ALTHOUGH ISTRIAN HISTORY has been the subject of research for a long time, primarily by Italian, Croatian, Slovenian and Austrian researchers, many topics have not yet been sufficiently studied, and many mistakes of older historians have yet to be corrected. Even a detailed analysis of a single document, important but somewhat neglected, can shed new light on the political and social relations on the peninsula at the time of fierce competition between Venice, the patriarchs of Aquileia and the counts of Gorizia/Gorica (to mention only the most important participants in those struggles) for supremacy over the Istrian cities and possessions. In the book before us, the subject of research is only one document: the rights of the patriarch and the Aquileian Church in the whole of Istria. It is precisely the fact that it is only one document, no matter how important, that makes this book special and interesting. With his meticulous analysis, Josip Banić shows what conclusions can be drawn on the basis of just one document, starting from the problem of dating it and determining its purpose, to the way the patriarchs negotiated with Venice and how they managed their possessions and rights.

In modern historiography, this type of analysis of a single document may no longer be valued because it may seem outdated to some. It is true, however, that without this type of research we will not have a solid foundation for research development because we will have nothing to build reasoned conclusions on, in this case for the Istrian history of the High Middle Ages. Banić shows us that the document contains information not only about political history and property, but also about social relations. It also reveals something about the mentality of the two Istrian patriarchs, Raymond della Torre, who had the document drawn up, and

Ottobono, who twenty years later tried to use it again, thanks to which the document was preserved. In this case, the socio-political geography of Istria reveals to us the ways in which the patriarchs managed the properties that were either owned by them, or they managed in the capacity of Istrian margraves. Some questions remain open for future reflections: how did the patriarchs supervise their possessions, if they could happen to forget Poreč as an important coastal city in their enumeration? Does this mean that they did not have property lists, but that they compiled the first one only for the purposes of negotiations with Venice regarding the lease of their rights? In that case, how did they organize the collection of taxes and the exercise of other rights? Or, as Banić suggests, were these rights sometimes theoretical, but not real?

In order to enable interested historians to check his conclusions, Banić has added three documents to the study that he discusses in both Latin and English translation, which are otherwise part of his work on the *Fontes Istrie medievalis* project, whose task is to publish all sources relevant to the history of medieval Istria (and which can be viewed at <https://fontesistrie.eu/browse>). For easier navigation, a map of Istria with marked localities mentioned in the book is added. All this is proof of the author's thoroughness and seriousness with which he approached his topic.

In this thorough study, based in part on the linguistic methods of John Longshaw Austin and the Cambridge School of contextualism, the author answered many hitherto unsolved questions and corrected a number of inaccuracies and wrong conclusions of his predecessors. In addition, he has provided researchers with material that leads to additional reflections. Both are virtues of excellent historians.

Neven Budak

AUTHOR'S NOTE

Personal names have been anglicized, the sole exceptions being the names of historical figures that have been standardized in anglophone scholarship in their non-anglicized form (e.g., Doge Enrico Dandolo).

Place names are given in their official English toponym wherever such a name exists (e.g., Venice and not Venezia). Istrian towns regularly have at least two official toponyms, one Italian and one Croatian and/or Slovenian. To unburden the text from continuous writing of both official place names, the toponyms will be given following the conventions of the nation state to which the towns belong to in the present-day. All official toponyms of Istrian places mentioned in this work can be found in the appendix in the *Gazetteer of Mentioned Istrian Places*.

The names of coins and moneys of account are also given in English. Thus, a *libra denariorum Venetialium parvorum* will be translated as “a pound of Venetian pennies”, *libra grossorum* as “a pound of groats”, *solidus* as “shilling” and *marca* as “mark”.

In the syntagms “the Church of Aquileia” and “the Patriarchate of Aquileia”, the nouns “church” and “patriarchate” are capitalized as they denote an ecclesiastical principality of the Aquileian patriarchs, a “state” in the medieval sense of the term.

Many referenced manuscripts are marked by two types of foliations: an older one inked on the upper outer margin and a newer one written in pencil in the middle of a folio's footer. Unless otherwise noted, all the references use the newer foliation.

INTRODUCTION

IT WAS THE AUTUMN OF 1274, when the Venetian Great Council promulgated a singular decree: the reprisals that had been sanctioned against the Patriarchate of Aquileia must not extend to Istria because this region, claimed the councilors, was not an integral part of this ecclesiastical principality, but rather fell under the jurisdiction of the Aquileian patriarchs only as a distinct, appended Margraviate.¹ This Venetian reasoning, the intermittent insistence to clearly separate the Margraviate of Istria from the rest of the temporal dominion of the Church of Aquileia, is rooted in pure political pragmatism. The *Commune Veneciarum* had fostered close political and economic relations with Istrian maritime urban centers as the coast of the Peninsula functioned as Venice's natural "springboard" to the rest of the Adriatic.² The first treaties between Venice and Istrian communities date back to 10th century, binding the principal port towns and cities – Muggia, Koper, Piran, Umag, Novigrad, Poreč, Rovinj and Pula – to the City of St. Mark, and by the 13th century, cultivating a sort of Venetian protectorate on the western shore of Istria.³

¹⁾ "Millesimo ducentesimo septuagesimo quarto, indictione tertia, die quinto exeunte octubri. Capta fuit pars in Maiori Consilio et ordinatum quod, cum pignora essent concessa quibusdam hominibus de Veneciis contra homines Patriarchatus Aquilegensis, et ipsa occasione ad ipsorum requisicionem forent intromissa bona hominum Iustinopolis, quod dicta bona sic intromissa debeant reddi hominibus Iustinopolis sine impedimento, et quod de cetero occasione represaliarum concessarum contra homines Patriarchatus Aquilegie homines Ystrie non debeant impediri, cum Ystria sit sub patriarcha non pro Patriarchatu, sed Marchionatu." DMC, 2: 122 (n. 7).

²⁾ IVETIC 1999: 32; taken over by ARBEL 2013: 131.

³⁾ DE VERGOTTINI 1949; DE VERGOTTINI 1965; DAROVEC 2018. New critical editions of these pacts are currently in preparation, soon to be published along with extensive introductory studies in a separate monograph.

The Peninsula, however, was lawfully subjected to another, powerful sovereign.

Istria was originally a county that formed part of the vast March of Friuli during the Carolingian period.⁴ While it is still unclear whether it became a distinct march during the age of Italic kings in the first half of the 10th century or whether it continued to form a part of the Friulian march, Istria was detached from the *Regnum Italicum* by Otto I and together with Friuli and the March of Verona, subjected to the authority of Bavarian and later Carinthian dukes.⁵ In the middle of the 11th century, most probably during the age of Margrave Ulrich I of Weimar-Orlamünde (r. 1061–1070), if not two decades earlier, the County of Istria was appended to a vast marcher territory that included Carniola and Savinja, forging a “supermarch” that guarded the Holy Roman Empire’s southeastern borders.⁶ Finally, at the very beginning of the 12th century, Istria was constituted as a proper imperial margraviate, the margravian title becoming soon thereafter hereditary to House Spanheim (1107/8–1173) and later to House Andechs (1173–1208).⁷ However, after Henry IV of Andechs, the titular margrave of Istria, took part in the murder of Roman King Philip of Swabia, the new universally recognized *rex Romanorum* Otto IV stripped him of all imperial fiefs and granted the Margraviate of Istria to Duke Ludwig I Kelheimer of Bavaria.⁸ A couple of months later, during the solemn Imperial Diet in Augsburg in January 1209, Aquileian Patriarch Wolfger, a distinguished diplomat and a former supporter of the late King Philip, protested this grant and, based on old imperial privileges, demanded the title of Istrian

⁴ FIM: 799_CDH; BENUSSI [1897] 2004: 168; CESSI 1940–1941: 307–308; MOR 1956–1957: 31–33. SENECA 1952: 62; KRAHWINKLER 1992: 212–213; ZANIN 2010: 21.

⁵ For the situation during the age of Italic kings: FIM: 910_PS; BENUSSI [1897] 2004: 442–443, 511; DE VERGOTTINI 1937: 57; KRAHWINKLER 1992: 296. For 952 division: FIM: 952_OMA; BENUSSI [1897] 2004: 326–328; KRAHWINKLER 1992: 298–300. See also: IVETIC 2019: 96–97.

⁶ BANIĆ 2021b: 201–205.

⁷ BENUSSI [1897] 2004: 388–398; BANIĆ 2021b: 205–207.

⁸ FIM: 1208_OL; SEIBERT 2009: 35–36.

margrave for his Church. King Otto IV conceded, and the entire Istrian margraviate thus became part of the vast ecclesiastical principality of Aquileia, Venice's neighbor to the north.⁹

For the patriarchs of Aquileia this 1209 grant of the margraval title was a final feather in their Istrian cap, rounding out the extensive prerogatives and territories that they had acquired in the region over the last three centuries.¹⁰ Already in 931, the Church of Aquileia received dominion over Muggia from the Italian King Hugh of Arles and his son Lothair II.¹¹ In 977, Patriarch John IV bought Izola from the Venetian Vitale Candiano, a purchase that was solemnly confirmed by Emperor Otto I.¹² In 996, Otto III confirmed a forged charter purportedly issued by Charlemagne in 803, confirming to the Patriarchate of Aquileia rights over six bishoprics and three monasteries, including the bishoprics of Novigrad and Pićan in Istria.¹³ King Henry II granted Plomin on the eastern shore of the peninsula to the same Church in 1012, confirming their jurisdiction over Pićan and Pazin, the latter allegedly donated by Otto III.¹⁴ Henry IV issued numerous privileges to the Aquileian Church, his pro-imperial bastion during the fateful Investiture Controversy, at one point even granting the entire County of Istria to Patriarch Sigehard.¹⁵ This donation was subsequently revoked, but Patriarch Wolfger adroitly used it at the Diet of Augsburg.¹⁶ During the reign of Henry IV, the

⁹ **FIM: 1209_W5**; BANIĆ 2022a: 1–20.

¹⁰ SCHMIDINGER 1954: 13, 31–34, 37–38, 68–70. An up-to-date introduction to the medieval history of the Patriarchate of Aquileia is SCARTON 2017.

¹¹ SCHIAPARELLI 1924: 85–87 (doc. 28); **FIM: 931_MA**; COLOMBO 1970: 22–25.

¹² SICKEL 1888: 174–175 (doc. 154); **FIM: 977_OI**; DE VERGOTTINI 1965: 116–117; PROVESI 2018: 85–86.

¹³ SICKEL 1893: 626–627 (doc. 215); **FIM: 996_OA**; CAMMAROSANO 1988: 76–77; KRAHWINKLER 1992: 302–303; BENČIĆ 2017: 125–129.

¹⁴ SICKEL 1903: 279–280 (doc. 243); **FIM: 1012_HA**; DE FRANCESCHI 1926: 36–38. DE FRANCESCHI 1964: 10–13; MARGETIĆ 1996: 147–154; ŠTIH 2013: 184.

¹⁵ GLADISS–GAWLIK 1978: 387–389 (doc. 295); **FIM: 1077_HIV**.

¹⁶ ŠTIH 2010: 257–260; BANIĆ 2022a: 9.

Church of Aquileia gained the regalian rights over the remaining three Istrian bishoprics – Trieste, Poreč, and Pula – considerably raising the patriarchs' influence in the region.¹⁷ Finally, between 1101 and 1102 a number of *donationes pro remedio animarum* were promulgated by the regional potentates, namely Duke Henry of Eppenstein and Count Ulrich II of Weimar-Orlamünde, bestowing upon the Patriarchate of Aquileia dozens of *castra* and *villae* across the Peninsula, mainly on the northern and eastern borders of the region (map 1).¹⁸ Thus, when Otto IV relinquished the margraval title to Wolfger, the patriarchs of Aquileia were already the richest landowners and most powerful jurisdictional factors in Istria. The 1209 grant, however, spelled bad news for Venice.

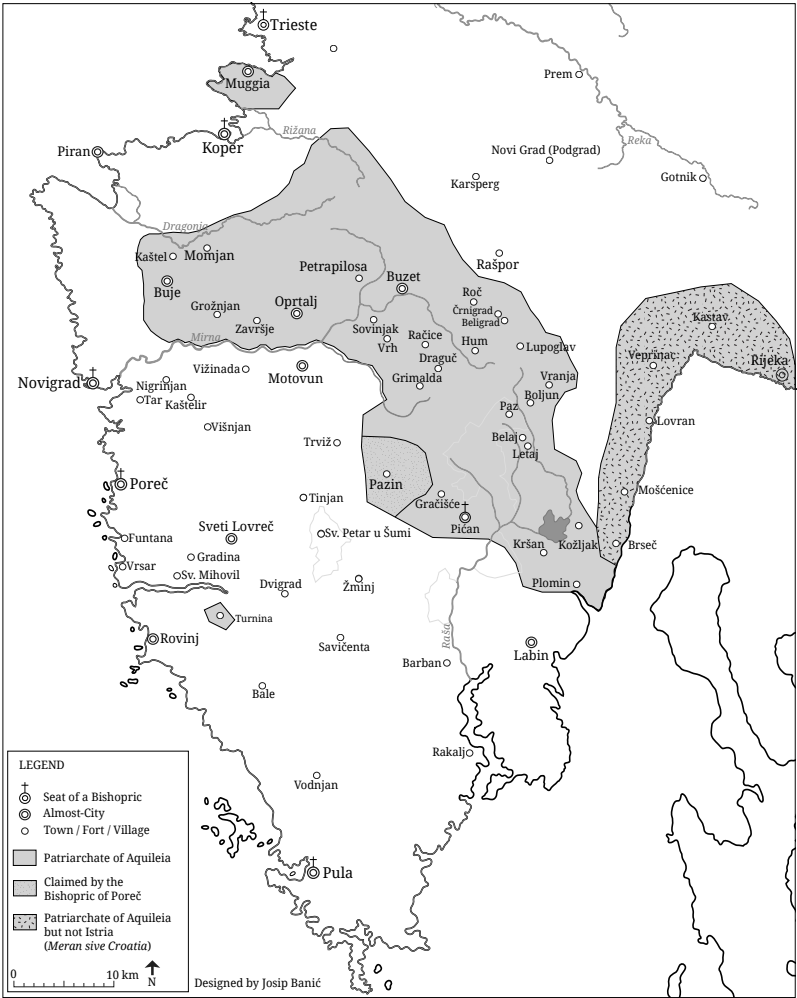
During the impotent reigns of imperial margraves from the houses of Spanheim and Andechs, Venice had practically no one to oppose its influence in the Istrian coastal urban centers, communities that imported the communal system of (self)government from their neighbors across the Adriatic, electing their own magistrates and podestàs.¹⁹ However, following the Diet of Augsburg of 1209, Venice's neighbor, powerful ecclesiastical prince of the Empire, became the decisive jurisdictional factor in Istria. The new margraves of Istria now had the potential to seriously threaten Venice's influence over their "springboard". But what precisely did the patriarchs gain with the Istrian margraval title? What were the limits of their prerogatives and how much maneuvering space was left to Venice? These were the questions that occupied the minds of both Venetian doges and Aquileian patriarchs alike, at least during the tumultuous and fateful period of the late 13th century, when Venice formally accepted the subjections of a number of Istrian communities under its growing maritime state.²⁰

¹⁷) GLADISS–GAWLIK 1978: 447–448 (doc. 339), 445–447 (doc. 338), 579 (doc. 433); **FIM: 1081_PAP, 1081_PAT, 1093_PAP.**

¹⁸) TEA: 228 (doc. 548), 222 (doc. 505), 224 (docs. 516–517), **FIM: 1101_DW, 1102_DW, 1102_DWR, 1102_DH.**

¹⁹) DE VERGOTTINI 1952: 7–12; IVETIĆ 2019: 137–138.

²⁰) CESSI 1985 remains the classic account of Venetian 13th-century transformation, unfortunately published without a critical apparatus.



Map 1: Territories under the secular jurisdictions of the Patriarchate of Aquileia in Istria, c. 1150

An answer to these questions was given by the patriarch of Aquileia, in the form of an undated list of rights detailed for every city and town in Istria under the patriarch's authority. Shrewdly designed in the patriarchal chancery, this unique set of jurisdictional prerogatives was drawn up under obscure circumstances, fueled by motives thus far shrouded in mystery. It is precisely this catalogue of rights – *Iura domini patriarchę et ecclesię Aquileiensis in tota Istria* – that lies at the heart of this study.

The Mysterious List

In 1791, an eminent Capodistrian intellectual and prolific author, Count Gian Rinaldo Carli was the first to publish this notable document pertaining to medieval Istria, a topic he devoted ample attention to.²¹ Not only did he edit the list of prerogatives that the patriarchs of Aquileia enjoyed in Istria, but he also included a note authored by a Marino Coppo detailing the patriarch's demands in exchange for the lease of all of his rights on the Peninsula to Venice for a period of twenty-nine years.²² Unfortunately, Carli's edition was highly flawed: he did not even publish the document *in extenso*, omitting, perhaps by mistake, a large chunk of the list. From that day on, the originally undated list of the patriarchs' prerogatives in Istria has been variously interpreted and dated with the proposed dates ranging from 1208 to 1304. This lack of general consensus regarding the date of the list in question severely inhibited the analysis of the document, a prime historical source which was thus relegated to the margins of both Friulian and Istrian historiography, not to even mention its complete absence in broader historiographical discussions on jurisdiction, power, and sovereignty in the High Middle Ages.²³ Moreover, no satisfactory critical edition of the document has been published

²¹) On Carli, see: APIH 1997.

²²) CARLI 1791: 92–97 (doc. 32).

²³) E.g., MENIS 1982; BELLABARBA 2012; FEDELE 2021: esp. 118–167. A notable exception remains DE VERGOTTINI 1993: 505.

to this day, one that would take into account the tradition of the text and annotate the *variae lectiones*. This contribution aims to set things to rights.

First, after demonstrating that all the datings proposed thus far are highly conjectural and rest on very shaky ground, the author will show that the composition of the list of the patriarchs' prerogatives in Istria must be dated to October 1280, thus the period of Patriarch Raymond della Torre (r. 1273–1299).²⁴ Having solved the mystery of the document's date, the author will then proceed to analyze the list of rights within the context of Patriarch Raymond's age and his ongoing negotiations with Venice regarding jurisdiction over the Istrian towns and cities that had subjected themselves to the *Commune Veneciarum* in the two preceding decades.

The methodological approach thus follows the basic tenets of the Cambridge School of contextualism, epitomized by the writings of Quentin Skinner and John Greville Agard Pocock. The catalogue of patriarch's rights is therefore analyzed within the historical context of Raymond della Torre's age with the aim of uncovering the effects it performed upon its expected audience, that is, the text's (intended) illocutionary force.²⁵ Read through such an analytical lens, it is concluded that the list in question is a highly discursively charged representation of the power and prerogatives of Aquileian patriarchs, aimed at achieving three mutually complementary goals. First, to demonstrate that the *iura patriarche* in Istria are so grand and far-reaching that Venice could never hope to govern their new subjects and respect the rights of the incumbent heads of the Aquileian Church at the same time. Second, to dumbfound the

²⁴) On Raymond, see: DE VITT 2006; DEMONTIS 2009.

²⁵) POCOCK 1985: 1–36; POCOCK 1987; SKINNER 2002: esp. 90–102; POCOCK 2009: esp. 105–106; BEVIR 2011: esp. 11–17. Note that I employ the term “discourse” in its Foucauldian treatment as “shared vocabularies and ways of thinking that have a controlling function, a disciplining function”, thus at times substituting (and somewhat modifying) Pocock's langue and Skinner's linguistic context. FOUCAULT 1989: esp. 120–121; FOUCAULT 1981: esp. 56–61; ROSENWEIN 2006: 25 (quotation) as this seems to me the best concise definition of Foucault's concept that he himself never succinctly defined.

Venetians by the sheer volume and breadth of these jurisdictional prerogatives, and third, perhaps most importantly, to raise the price of the lease of these catalogued rights to Venice as high as possible.

The analysis then shifts to Marino Coppo's appended note and the proposal to lease all of the catalogued patriarch's rights to Venice for a fixed period in exchange for a number of concessions. Following the same contextualist methodological approach, it is concluded that this proposal was indeed presented to Venice in 1303, but that it originally stemmed from the same period as the list of rights, that is, from 1280. Given that circumstances had changed by the time the offer of lease was presented for a second round in 1303, it is analyzed within a different context, that of the age of Patriarch Ottobono and his relations with neighboring potentates. The analysis concludes that Raymond's list was "resurrected" and recharged with its original illocutionary force – to push up the price of the potential lease of Patriarchate's jurisdictions in Istria.

The book closes with a critical edition of two documents: the ducal instructions to Venetian ambassadors with the patriarch of Aquileia (the "smoking gun" that enables the dating of the list to October 1280) and the list of patriarchs' prerogatives in Istria together with Coppo's accompanying note; both documents are also translated into contemporary English, supplemented by a map of Istria showing all the mentioned toponyms.

The contribution aims to lift the veil on an important primary source that has remained neglected for far too long, paving the way for new historical analyses of the complex relations in the volatile triangle of Venice-Istria-Aquileia during the late 13th/early 14th century. Published in the *lingua franca* of present-day academic discourse, the study also intends to engender scholarly interest in medieval Istria among as wide a range of researchers as possible.

Chapter I:

THE DATE OF THE LIST

IT WAS CARLI, the first editor of the list, who initially ascribed a date to the document: 1303. The dating was entirely based on Coppo's appended note that finished with the following line: "1303, mense martio, indictione prima." It should also be noted that Carli did not reference any manuscript upon which he based this edition, a methodological failure that would later cause much unnecessary confusion. In any case, Carli conjectured that both the list and the appended offer to Venice stemmed from the same period, namely the very beginning of the age of Patriarch Ottobono (r. 1302–1315).¹ This dating was then accepted by Antonio Stefano Minotto, who published an extremely short regestum of the document, followed by Riccardo Predelli, who published a more detailed summary and dated it to "the beginning of 1303" followed by a question mark, and then by Giuseppe Bianchi, who included the document in his famous *Diplomatarium Foroiuliense* dating it, perhaps by mistake, to 1304.² Bianchi's dating was subsequently accepted by the great Karl Czörnig in his highly influential monograph on the County of Gorizia.³

Several years after Carli's edition, in 1800, Carlo Antonio Marin reedited the document—the list together with the note—in the sixth volume of his *Storia civile e politica del commercio de' veneziani*, this time noting that the document stems from the first volume of

¹) CARLI 1790: 223. On Ottobono, see: [GIANNI 2006b](#).

²) MINOTTO 1870: 53; PREDELLI 1876: 25 (doc. 103); BIANCHI 1864: 171; BIANCHI 1877: 34 (doc. 906).

³) CZÖRNIG 1873: 384 fn. 1.

the Venetian *Libri commemoriali* series.⁴ Marin did not comment on the dating of the document and his edition was of such poor quality, plagued by many erroneous readings, especially of toponyms, that it remained largely forgotten in subsequent historiography. It was only in 1849 that a new edition was published, this time by Joseph Chmel as part of the *Fontes rerum Austriacorum* series.⁵ Not only did Chmel publish the thus far best edition of both the list and the appended note, but he was also the first to question the dating of 1303, preferring to date the document to “circa 1300” followed by a question mark. This dating was subsequently taken over by Ernst Schwind and Alphons Dopsch who published a partial edition of the document based on the 17th-century copy of the *Commemorialium Liber I*, originally copied by Alvise Zancaruol and Zorzi Porro by the mandate of the Council of Ten, that was at the time in the Viennese Haus-, Hof- und Staatsarchiv.⁶

A tectonic shift in the dating of the document came only with Pietro Kandler’s *Codice diplomatico istriano*. Kandler republished the list (but without Coppo’s note) as edited by Chmel, emending the text in several places without consulting any manuscript, guided purely by his intuition.⁷ Interestingly, his intuition sometimes guided him correctly: Kandler emended the *vicarius* transcribed by Chmel into *ricarius*, an alteration that proved to be correct as the original term had been copied erroneously.⁸ Kandler also changed the dating to 1208, believing the list to have been made immediately after the patriarchs of Aquileia had been granted the title of the margraves of Istria by Emperor Otto IV,

⁴) MARIN 1800: 350–359.

⁵) CHMEL 1849: 289–295 (doc. 122).

⁶) SCHWIND–DOPSCH 1895: 158–160 (doc. 80). On this 17th-century copy, see: PREDELLI 1876: XIII–XIV. The 17th-century copies of *Libri Commemorialium* were kept in Vienna, Haus-, Hof- und Staatsarchiv, Handschriftensammlung, Handschriften Weiß, ms. 277: *Libri Commemoriali 1177–1459*, until 1990, when they were returned to the State Archive in Venice. I thank Robert Kurelić for this piece of information.

⁷) KANDLER 1986: 380–383 (doc. 206).

⁸) Noted by LENEL 1911: 192 fn. 1 who criticized Kandler for publishing this “selbstherrliche Konjektur.”

an event he incorrectly dated a year earlier than it had actually happened.⁹

Noticing the discrepancy between Kandler's and Chmel's (and everyone else's) dating, Ernst Mayer endeavored to solve the problem. His solution was to date the list to the first half of the 13th century, that is, before 1242 as this was, according to Mayer, the year that the patriarchs lost Pula to Venice.¹⁰ This argument is utterly untenable because Pula was not lost to the Patriarchate of Aquileia until 1331, a move that was then officially sanctioned only in 1335.¹¹ The problem thus remained open, and this time Camillo de Franceschi tried to solve it by proposing another relative dating: between 1260 and 1273. His argumentation was certainly better than Mayer's and Kandler's: the *castrum Sancti Georgii* (present-day Sveti Juraj or Santi Quaranta) that features in the penultimate place in the list was bought by the Aquileian patriarchs only in 1260, partly from Biaquino of Momjan.¹² Thus, the terminus *post quem* was ascertained. For the *terminus ante quem*, De Franceschi's argument was not nearly as strong: he posited it to a couple of years after the loss of Poreč to Venice (July 1267), that would somehow give 1273.¹³

The next to devote his attention to the catalogue of rights was Walter Lenel who noticed a significant discrepancy in the existing editions of the text: in Chmel's edition, the very last part of the document mentioning the patriarch's rights was reordered so that instead of the order Buzet–Sveti Juraj–Poreč, as transcribed by Carli, Chmel (and Kandler too) had it Poreč–Sveti Juraj–Buzet. Noting

⁹) BANIĆ 2022a; HUCKER 1990: 98–99, 440.

¹⁰) MAYER 1906: 410–411 fn. 276.

¹¹) This was also very well known to Camillo de Franceschi, the translator of Mayer's study into Italian, who corrected this error in his commentary. Cf. MAYER 1906: 459–460.

¹²) DE FRANCESCHI 1902: 287 fn. 1, citing the wrong entries of Bianchi's edition of the *Thesauri claritas*. The correct entries are TEA: 189 (doc. 399), 223 (docs. 512 and 513). On *Thesauri claritas*, titled *Thesaurus ecclesiae Aquileiensis* by Bianchi, see: CORGNALI 1940.

¹³) For the subjection of Poreč to Venice: DMC, 2: 55 (doc. 46); PUPPE 2017: 35–37.

this inversion, Lenel postulated, also without having consulted any manuscript, that Chmel must have based his edition not on the original *Commemorialium Liber I*, but on its later 17th-century copy from the archive in Vienna.¹⁴ Comparing Chmel's edition to that of Schwind and Dopsch, who, unlike Chmel, clearly stated that they based it on the later copy from Vienna, Lenel's hypothesis is indeed confirmed.¹⁵ Lenel also ventured to state that Carli's edition was made on the basis of a notarial copy made by a "Melioranza" and that this copy was preserved in the notarial archive in Udine, concluding that "[a] copy of this important document was therefore kept in the chancelleries of both the [Venetian] doge as well as the [Aquileian] patriarch."¹⁶ This statement is wrong, and it is based on Lenel's erroneous reading of Carli. Namely, Carli never stated that the copy of the document existed in Udine and that it was copied by Meglioranza of Thiene, indeed a notary public employed in the chancellery of the patriarchs at the time.¹⁷ Instead, he explicitly mentions that a compromise between Venice and Patriarch Ottobono from 1304 exists as a notarial instrument made by a "Magioranza" and that it is the text of this compromise that rests in the archive in Udine.¹⁸

Even though Lenel was incorrect in his second claim, his short text on the list of patriarch's rights in Istria is praiseworthy for at least two reasons.¹⁹ He was the first to point out that Carli's edition

¹⁴) LENEL 1911: 192 fn. 1.

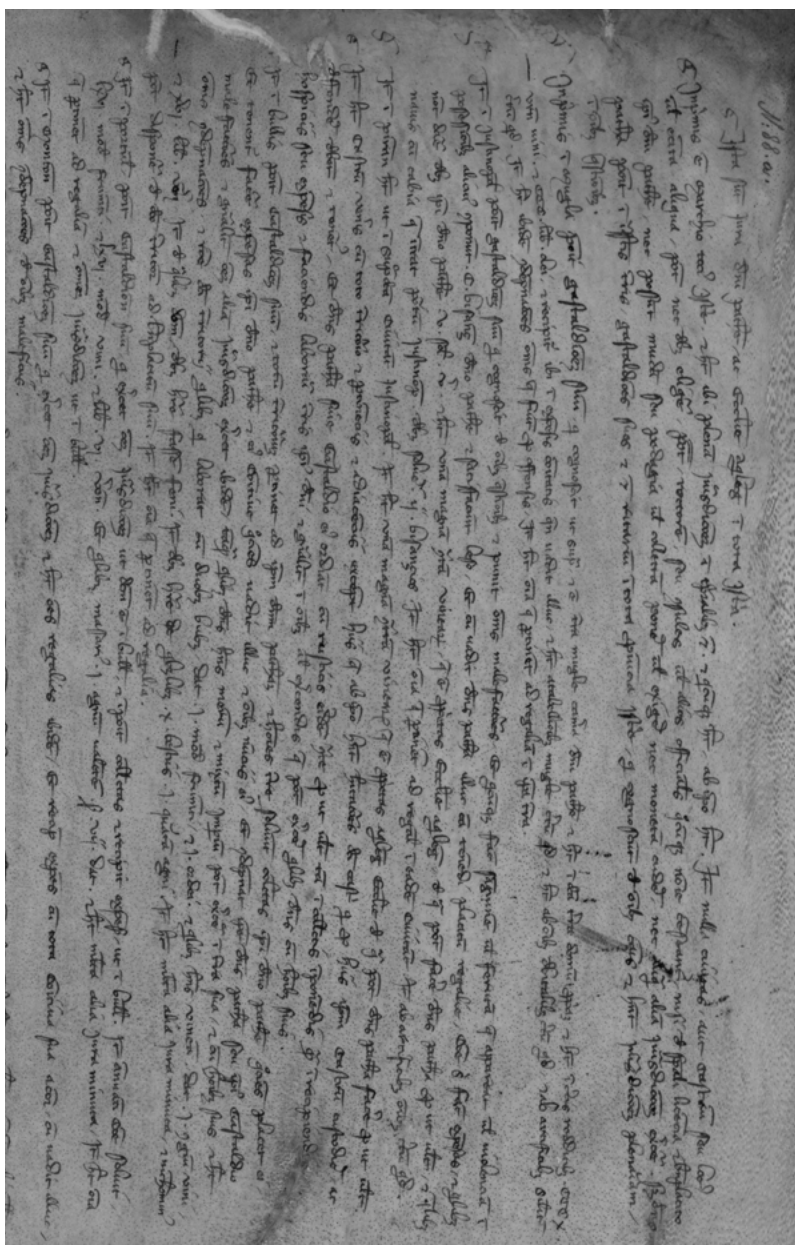
¹⁵) For example, the 17th-century copy has a blank space in the second sentence instead of *recinta*, as featured in the original CL I. Schmid and Dopsch emended the blank space with the word *communitas* whereas Chmel simply put dots to note that the manuscript features a blank space here, proving that he indeed used this later copy and not the original. Many other examples corroborate this as well, such as the aforementioned *ricarius*–*vicarius* discrepancy.

¹⁶) LENEL 1911: 192: "Man hat also in der Kanzlei des Dogen wie in der des Patriarchen eine Abschrift der wichtigen Urkunde aufbewahrt."

¹⁷) On Meglioranza da Thiene, see: CAMELI 2009: 17–21.

¹⁸) CARLI 1790: 223: "Questo compromesso è stato fatto ai XVIII del mese di Settembre dell'anno MCCCIV, ed io l'ho estratto dell'autentico dei registri del Notaro Magioranza Cancelliere del detto Patriarca Ottobono, esistenti nell'Archivio d'Udine."

¹⁹) LENEL 1911: 191–194.



Picture 1: Iura domini patriarche ac ecclesie Aquilegensis in tota Istria. ASV, LC, CL I, fol. 31v (upper part of the folio). Published with the permission of Archivio di Stato di Venezia by way of the “simplified procedure” of publishing archival facsimiles.

of the document was based on a different textual tradition and even though he failed to identify it, he influenced the subsequent generations of scholars to search for it. After some archival investigation, the text upon which Carli made his edition was identified by the author as the late 15th-/early 16th-century copy from the famous *Codex Trevisaneus* that is kept in the State Archive in Venice.²⁰ Proof of this is shown for example by the fact that both Carli's edition and the copy from the *Trevisaneus* feature the emended line "supra factum Istrię" instead of the originally written "sovra lo fatto del Istria". Based on the signature appended above the document in the *Trevisaneus*, this copy was made on the basis of the one in *Commemorialium Liber I*, but the copyist obviously allowed himself the freedom to "emend" the text in some places.

Second, and most importantly, Lenel proposed a new dating of the list, improving the one argued by De Franceschi: he kept July 1260 as the *terminus post quem*, that is Patriarch Gregory's purchase of the fourth part of Sveti Juraj for five hundred pounds of Venetian pennies, as recorded in *Thesauri claritas*, but he moved the *terminus ante quem* to July 1267, when Poreč, which still features on the list, subjected itself to Venice.²¹ The list of rights would thus have been composed under Patriarch Gregory of Montelongo (r. 1251–1269), indeed the patriarch mentioned in Coppo's note that was appended to the list.²² Lenel even singled out the year 1261 as the most likely candidate for the drawing up of the list based on the fact that numerous copies of imperial donations and privileges were made precisely during this year.²³ Up to this point, this was by far the most elegant solution to the problem of dating the originally undated list and it was subsequently accepted by the authoritative Bernardo Benussi.²⁴

²⁰) Famous for being the codex in which the oldest surviving copy of the famous *Placitum Rizianense* is recorded. On this codex, see: KRAHWINKLER 2004: 13–15.

²¹) LENEL 1911: 193.

²²) LENEL 1911: 193 fn. 4. On Gregory of Montelongo, see: MARCHETTI-LONGHI 1965a; TILATTI 2006.

²³) LENEL 1911: 193, 187 for the list of such copies from 1261.

²⁴) BENUSSI [1923] 2002: 225 fn. 103 dating the list to a period between 1256–

Finally, it was Giovanni de Vergottini, certainly one of, if not the greatest Istrian medievalist, who offered yet another dating, modifying Lenel's thesis. Originally, De Vergottini accepted Lenel's dating, however tacitly, reporting it only in a footnote and not citing any secondary literature.²⁵ Later, however, he rejected that dating and put forward a new thesis. De Vergottini based his argumentation on the order in which the Istrian towns and cities appear on the list. According to the great historian from Poreč, the list follows a precise order, "informed by rigorous chorographical criteria:" from Muggia to Pula to the valley of the river Raša and ending in the Buzet area underneath the Karstic mountains.²⁶ Thus, the fact that Sveti Juraj and Poreč are mentioned after Buzet, the logical end of the list, is, according to De Vergottini, "a noteworthy anomaly." For Sveti Juraj, argues De Vergottini, the omission is understandable because we are dealing with "a simple feudal hovel", obviously something that is easy to forget.²⁷ However, this cannot be the case with Poreč, one of the three great *civitates* of Istria which would rightfully belong sandwiched between Koper and Pula in the first part of the list. Thus, argues De Vergottini, the omission of Poreč and its subsequent inelegant appendment to the very end of the list clearly shows that the document was drawn up after 1267, that is, after the subjection of the *Commune Parentii* to Venice.²⁸ In this way, a new relative dating was reached: after July 1267 and before November 1271, that is, prior to the subjection of Sveti Lovreč to Venice, a town that is featured in the list in its correct, expected position.²⁹ De Vergottini concluded that the list was made in the era in which the temporal dominion of the

1267, subsequently elaborated on 229 fn. 159.

²⁵) DE VERGOTTINI [1924–1925] 1974: 75 fn. 1.

²⁶) DE VERGOTTINI 1926: 102–105 fn. 3.

²⁷) DE VERGOTTINI 1926: 104 fn. 3: "Per San Giorgio (semplice bicocca feudale, sia pur importante per la sua posizione dominante il basso Quietto) questa posizione fuori ordine è scusabile come una omissione dovuta a trascuranza e corretta alla fine."

²⁸) DE VERGOTTINI 1926: 104–105 fn. 3.

²⁹) DE VERGOTTINI 1926: 105 fn. 3.

patriarchs of Aquileia was beginning to crumble in Istria and that it expressed “the inflexible attitude” of the Aquileian prelates who were not willing to renounce their prerogatives on the Peninsula.³⁰

To this day, these have remained the proposed datings of the document. Mayer’s and Kandler’s proposals have rightfully been completely abandoned, the latter appearing only sporadically in works of historians committing a grave error of uncritically reading and relying upon the highly flawed *Codice diplomatico istriano*.³¹ In Friulian historiography, perhaps due to the lasting influence of the great Bianchi and Czörnig, the list is more often than not dated to the age of Patriarch Ottobono, thus tacitly accepting the dating to 1303 or 1304.³² Giuseppe Marchetti-Longhi, the author of the most detailed monograph on Gregory of Montelongo, accepted Lenel’s dating and reedited the list (minus the appended note) based on Chmel’s edition (which he freely “emended” without consulting the manuscript), dating the document “c. 1261.”³³ Since Eduard Traversa does not mention the document at all in his monograph on Patriarch Ottobono, which does feature a chapter dedicated to Istria, it seems that he also followed Lenel’s dating.³⁴ Most widely accepted remains De Vergottini’s dating, embraced by the likes of the authoritative Peter Štih.³⁵ More recently it has been Lenel’s dating that has started gaining ground, accepted by Miha Kosi and the editorial team of the *Historična topografija Primorske*.³⁶ However, a consensus has never been reached regarding the dating of the list.

³⁰) DE VERGOTTINI 1926: 105 fn. 3: “[U]n elenco [...] compilato proprio nel momento in cui la crisi si rivelava in tutte la sua gravità, come documento di inflessibile volontà teorica di non rinunciare al proprio buon diritto.”

³¹) E.g., CANZIAN 2020: 92–93. On Kandler’s codex and editorial principles, see: IONA 1975; HÄRTEL 1984: esp. 177–178; KLEN 1986; **MOGOR-OVIĆ-CRLJENKO 2005**.

³²) BRUNETTIN 1999: 122 fn. 265; **GIANNI 2006b**.

³³) MARCHETTI-LONGHI 1965b: 127–130 (doc. 149).

³⁴) TRAVERSA 1911: esp. 34–35.

³⁵) ŠTIIH 2013: 59 fn. 30; BANIĆ 2016: 148.

³⁶) KOSI 2015: 63; BIZJAK et al. 2022: 142.



The answer to the question of the document's date has been hidden in Coppo's note all along and Kandler did historiography a great disservice when he decided not to include it in his edition. According to Coppo, the "rights [which the patriarch has] from the bridge of San Giovanni [i.e. San Giovanni di Duino, north of Trieste] through the whole of Istria" were "given in writing to Lord Marino Dauro and Lord Pietro Tiepolo."³⁷ Thus, one need only find the exact period in which these two Venetian ambassadors were sent to the incumbent patriarch of Aquileia. Luckily, the State Archive in Venice possesses a document that reveals just that. In folder A of the ninth box of the collection *Miscellanea ducali e atti diplomatici* there is parchment containing ducal instructions to the ambassadors dispatched to the court of the patriarch of Aquileia. These instructions, given by Doge Giovanni Dandolo, were issued to none other than Lord Marino Dauro and Lord Pietro Tiepolo. Unlike the list of patriarch's prerogatives in Istria, these instructions contain the full date of their issuance: "Given in our ducal palace in 1280, on the 4th day of October, the 9th indiction."³⁸ Mystery solved.

The ducal *forma ambaxiatae* contains instructions on what topics to bring to the patriarch's attention and which strategic goals to pursue. First, the ambassadors were instructed to express their grievance at the violation of the old pacts between the Commune of Venice and the Patriarchate of Aquileia, certainly referring to the treaty concluded with Raymond's embassy in 1275 and ratified by the patriarch in 1277, a pact that confirmed an older treaty signed by Gregory of Montelongo in 1254.³⁹ Second,

³⁷) "[O]mnia iura que [patriarca] habet a ponte de Sancto Iohanne inde per totam Istriam, videlicet temporalia, [...] data fuerunt in scriptis domino Marino Dauro et domino Petro Teupolo." Document 3 in the appendix.

³⁸) "Data in nostro ducali palatio millesimo ducentesimo octuagesimo, die quarto octubris, none indictionis." ASV, MDAD, busta 9, fasc. A, doc. 6, edited as "Document 1" in the appendix of this paper.

³⁹) BANIĆ 2022b. The oldest pacts between Venice and the Patriarchate of Aquileia, from 880 to 1255, are exemplarily edited in HÄRTEL 2005a: esp.

the doge provided a list of all the crimes committed against the Venetians in the territories under the patriarch's jurisdiction, instructing his ambassadors to make their own inquiries *in situ* and update the list. They were also told to emphasize that Venice had always wanted the hostilities to end, imploring the patriarch to stop with the violations and to pay for all the incurred damages, but that the incumbent head of the Aquileian Church did not share these peaceful sentiments. Thus, the doge told his ambassadors that they were to endeavor to sign, acting on behalf of Venice and himself, a new treaty with the patriarch, modelled according to the old ones, in order to stop all hostilities between the two parties. Moreover, they were to seek the consignment of a certain Blaise who had been banished from Trieste and who was at the time detained in Monfalcone by the patriarch's officials. Most importantly, in the case that Aquileian jurisdictions in Istria be mentioned, the ambassadors were instructed to respond that Venice had not occupied anything in Istria that belonged to the Patriarchate, but that it had merely assumed under its protection the communities that had asked for Venetian protection in the war that would have otherwise destroyed them. Moreover, they were instructed to inquire if the patriarch would be willing to relinquish his rights in Istria to Venice; if so, the ambassadors were advised to procure a full list of all such rights and to note all the details regarding this potential concession.⁴⁰ This is the key line that corroborates the dating of the catalogue of prerogatives in question precisely to October 1280. In conclusion, the ambassadors were reminded that they ought to fulfill their duties for the honor and benefit of the Commune of Venice and that they were to refer to the Council the details of their mission within fifteen days of their return.

126–149 for the pacts with Patriarch Gregory.

⁴⁰ "Et si fuerit vobis dictum vel responsum quod patriarcha velit nobis concedere dicta iura et rationes [que habet in Istria], placet nobis quod debeatis inquirere et scire quas rationes et iura et pro quanto velit concedere et dare nobis, et omnia que concedere voluerit nobis et pro quanto." Document 1 in the appendix.

Interestingly, this 1280 document was known to Kandler who even published it (with some minor errors) in his Istrian diplomatic codex, but he failed to connect it to Coppo's note that he, for some inexplicable reason, decided to omit from the same publication.⁴¹ In any case, bearing in mind that any of the patriarch's usual residences in Friuli could be reached from Venice within a week of travel, the discussed list of prerogatives can now finally be dated with a considerable degree of certainty to October 1280.⁴² This dating opens new interpretative possibilities as the document can now be properly contextualized within the age of Patriarch Raymond della Torre and his volatile relations with Venice.

⁴¹) KANDLER 1986: 693–694 (doc. 394).

⁴²) It is not known where Patriarch Raymond stayed in October 1280 as there is a gap in the documentary evidence from June 1280 to March 1281. On the patriarchs' residences in Friuli, see: CAIAZZA 2015: esp. 62.

Chapter II:

THE CONTEXT OF THE LIST

THE VENETIAN DOGE picked a rather unfortunate moment to dispatch his ambassadors. The relations between Venice and the incumbent patriarch were tense from the very start. The factoid reported by Marcantonio Nicoletti († 1596) in his *Patriarcato d'Aquileia sotto Raimondo della Torre*, that before even reaching Friuli, Raymond dispatched his nephew Tiberio della Torre to forbid the elections of Venetians podestàs in Istria, is not supported by primary sources and must be judged as wholly implausible.¹ There were, however, unresolved issues between Aquileian patriarchs and the Commune of Venice. Raymond's arrival in Friuli in the summer of 1274 was greeted by the aforementioned Venetian reprisals against the patriarch's subjects in October.² Although the exact context and the reasons behind these reprisals remain unknown, the new patriarch of Aquileia sought to establish amicable relations with his powerful maritime neighbor. Therefore, in February 1275, Raymond signed new treaties with the Commune of Venice, essentially confirming the old pact signed between his predecessor, Gregory of Montelongo, and Doge Reniero Zeno.³ The Venetian jurisdiction over the four Istrian communes (Poreč, Umag, Novigrad and Sveti Lovreč), *de iure* subject to the patriarchs-margraves, remained the proverbial elephant in the room, but neither the 1275 treaty nor its subsequent

¹) NICOLETTI 1910: 12; taken over by DI MANZANO 1860: 100; and DEMONTIS 2009: 47, fn. 7. On Nicoletti's histories, correctly judged as utterly untrustworthy, see: PASCHINI 1913. See also: CARGNELUTTI 2009a.

²) TAMBARA 1905: 9–10; DMC, 2: 122 (n. 7).

³) BANIC 2022b.

formal ratification of 1277 dealt with this *vexata quaestio*. Relations were destined to sour very soon.

First, there was the controversy over a certain Bandino of Florence who served in Istria as a vicar of the delegated margrave, Conrad della Torre.⁴ Namely, Bandino was robbed by Count John III of Krk, “a Venetian subject” according to Patriarch Raymond, losing 1,800 pounds of pennies worth of merchandise.⁵ Venice was formally asked to pay for these damages, but the doge refused to do so, at least according to Raymond’s narrative. Thus, on August 13, 1277, barely a month after having officially ratified a new treaty with Venice, the incumbent patriarch convened a session of the Friulian Parliament (*Colloquium generale*) where it was decided that Venetian goods would be seized and alienated until the sum of 1,800 pounds was in this way repaid to the said Bandino.⁶

Several months later, in March 1278, Venice accepted the Istrian Commune of Motovun into its dominion under the same terms as Poreč had been accepted in 1267.⁷ This was a hard blow for the incumbent patriarch who had managed to impose his rule in Motovun just two years earlier, wresting the strategically important commune away from Venetian authority.⁸ The conflict exploded soon thereafter. On July 27 of the same year, Count Albert I signed a new treaty with the Commune of Koper directed against Venice,

⁴ The following is based on LEICHT 1917: 18–19 (doc. 15) = KANDLER 1986: 665 (doc. 372) = DEMONTIS 2009: 370, (doc. 36), discussed in PASCHINI 1922: 107–108. DE VERGOTTINI 1926: 113 fn. 1 dates the document to 1292, based on the indiction year, but it is highly unlikely that Raymond would risk a new conflict with Venice only nine months after the signing of the Treaty of Treviso. Also, the reprisals against Venice are clearly accentuated in the above discussed instructions to the Venetian ambassadors from 1280. The evidence thus points to the year 1277, as dated by all Friulian historians and Kandler alike, and not to 1292.

⁵ On the counts of Krk, see: KLAÍĆ 1901: esp. 110–136 for Count John III and his immediate heirs.

⁶ On the Friulian Parliament during this era the best account remains LEICHT 1917: xxxvi–clxv.

⁷ DMC, 2: 67 (doc. 95); PASTORELLO 1938–1958: 325.

⁸ DMC, 2: 66 (doc. 88); TEA: 229–230 (doc. 557); PASTORELLO 1938–1958: 322; PASCHINI 1922: 105.

the signees promising each other mutual support.⁹ Attacks soon commenced against Venetian-controlled Motovun and Sveti Lovreč in the inland of the Peninsula while the Commune of Koper, *de iure* under the Patriarchate but answering to the advocates of the Church rather than to the delegated prelates, directed its attacks against the towns and people of the Venetian Lagoon.¹⁰ The attack, however, was soon rebuffed and Venice emerged victorious from the conflict: on February 2, 1279, a peace treaty was concluded in Venice. Sveti Lovreč—conquered by Count Albert I and his faithful knight, Henry of Pazin—was to return to Venetian jurisdiction, whereas Izola and Koper—conquered by Venice—were officially subjugated to the triumphant *Commune Veneciarum* a few days later.¹¹ It was a catastrophic defeat for both the patriarch and the advocate of the Church of Aquileia.

Patriarch Raymond was neither in Friuli nor in Istria during these military operations. Instead, he was in Lodi, together with his military retinue from Friuli, helping his family members in their war effort against the Visconti from the summer of 1278 until the spring of 1280.¹² When he finally came back to Friuli, he first had to settle his affairs with his advocate, Count Albert I of Gorizia, before any sort of joint military operation against Venice could commence. The jurisdiction over Cormòns and a wide variety of other lesser but nonetheless contentious issues remained the apple of discord between the patriarch and his ordained protector.¹³

Namely, Raymond inherited the conflict with Aquileian advocates from his predecessor, Gregory of Montelongo, but he signed

⁹) ASV, MADP, b. 6, doc. 233 (edited in *regesto* in MINOTTO 1894: 79–80). A new critical edition of this document coupled with a detailed introductory study is forthcoming in the journal *Tabula*.

¹⁰) PASTORELLO 1938–1958: 325. Dandolo's chronicle remains the only near-contemporary narrative account of this war as Friulian chroniclers of the era fail to mention it. PASCHINI 1922: 105–106; SEMI 1975: 84–85.

¹¹) PASTORELLO 1938–1958: 325; DMC, 2: 69 (doc. 103).

¹²) PERTZ 1863: 570 (sub anno 1278); PASCHINI 1922: 77–83; DEMONTIS 2009: 98, 392–403 (docs. 44–51) for the documents issued from Lodi.

¹³) DEGRASSI 1996: 40–51, for the best overview of the entire conflict over Cormòns between the patriarchs and the advocates.

two peace treaties with Count Albert I at the very beginning of his reign, the first on August 18, the second on October 2, 1274.¹⁴ However, during the ensuing peace negotiations Count Albert I left as soon as the question of Cormòns was brought up and the two parties “became enemies as before,” at least according to the contemporary chronicle Julian of Cavalicco, a canon of the chapter of Cividale.¹⁵ On January 14, 1275, Raymond even proposed certain measures against Count Albert I, forbidding any member of the Friulian Parliament to give “council, aid or favor” to the advocate or his supporters under the threat of losing all their fiefs held from the Patriarchate, a proposal that the *Colloquium generale* accepted and promulgated.¹⁶ A month later, on February 25, the two parties managed to reach an accord and signed a peace treaty in Cividale: the disputed Cormòns was given over to the two potentates, Monfiorito of Pula, Raymond’s person of confidence, and Hugh of Duino, the most prominent Gorizian ministerial. The two were to keep the town until a jury of peers promulgated its final verdict on the matter; the treaty was also corroborated by the Commune of Koper, officially supporting Count Albert I.¹⁷ Two years had to pass before the jury of peers would finally be appointed in May 1277, the one that had the unenviable task of finally putting an end to the long controversy between Patriarch Raymond and Count Albert I.¹⁸

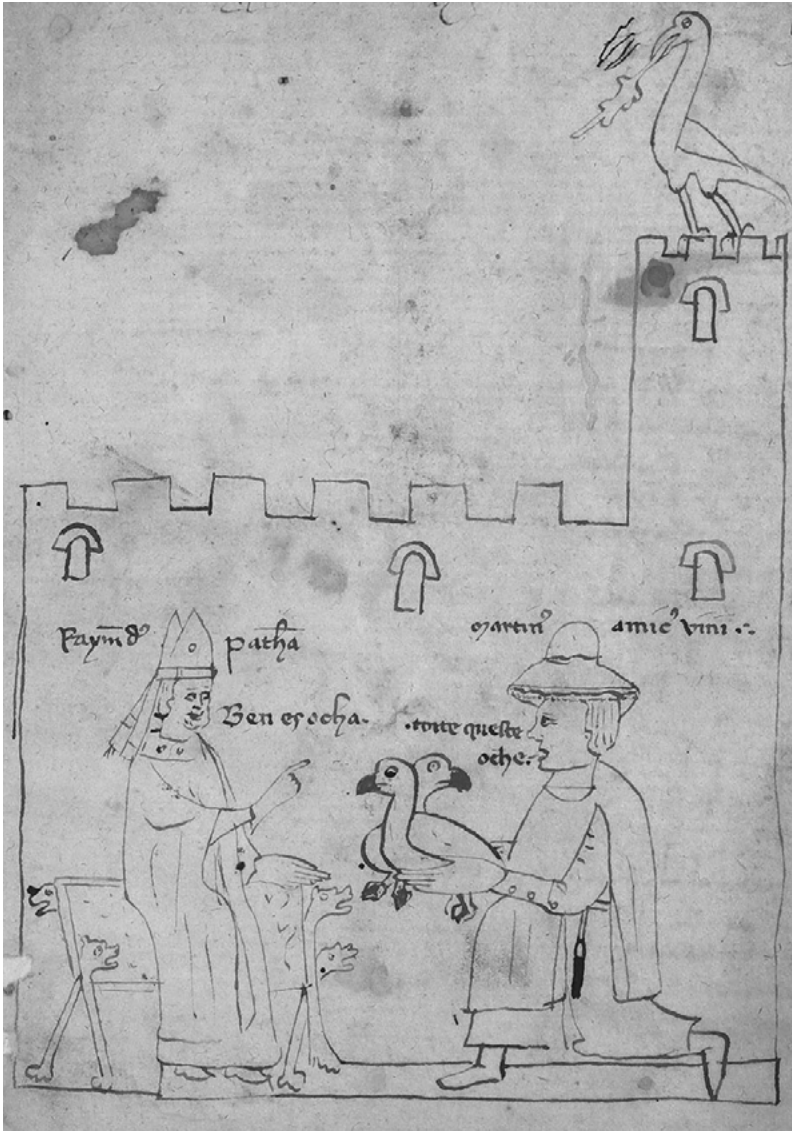
¹⁴) PANI 2009: 93–103 (doc. 6, the first treaty); DEMONTIS 2009: 357–358 (doc. 26, the second treaty). See also: PASCHINI 1922: 56–58.

¹⁵) “Dicto patriarcha petente Cormons comiti, qui erat in camera patriarchali in Civitate super his, ac precipiente quod sibi daret Cormons, comes, quasi ad habendum consilium, latenter exivit et, sine licentia occulte cum paucis exiens Civitatem, recessit. Et facti sunt inimici ut prius, non obstante iuramento et quibusdam securitatibus super hoc prestiti.” TAMBARA 1905: 9–10. On chronicler Julian, see: ZABBIA 2006.

¹⁶) LEICHT 1917: 16–17 (doc. 12).

¹⁷) FIM: 1275_GR; cf. KANDLER 1986: 606–610 (doc. 363).

¹⁸) The members of the jury were Valterpoldo of Spilimbergo, John of Zuccola, Hugh of Duino and Henry of Pazin. BLANCATO 2013: 317–320 (doc. 84).



Picture 3: Patriarch Raymond della Torre receives geese from a Martin, "amicus vini". Drawing from the final quarter of the 13th century. BCU, FJ, ms. 97: *Sermones catholici*, fol. 212r. Published with the permission of Biblioteca Civica "Vincenzo Joppi" di Udine.

The jury did its duty and the two parties finally reached “lasting peace and perpetual concord” in June 1277.¹⁹ However, the decision regarding Cormòns still needed to be ratified by the Parliament, a procedure that took another four years to complete. The entire dispute was finally settled on March 24, 1281, requiring further arbitration by Count Maynard of Tirol and Gherardo III of Camino: Cormòns was definitively adjudicated as a legal possession of House Gorizia and the long conflict between the two pillars of the Patriarchate of Aquileia finally ended.²⁰

But family matters soon intervened once again, preventing the patriarch from embarking on a *reconquista* in Istria. In the following May, Patriarch Raymond left Friuli for Lombardy a second time, only to unceremoniously return a few months later as a defeated party in his family’s war against the Visconti.²¹ As he recuperated from the defeat in Lombardy, the patriarch finally decided to turn his attention towards Istria. In December 1282, Raymond convened a synod in Aquileia which, among others, promulgated a decree forbidding the unlawful occupation of ecclesiastical properties.²² Although not explicitly mentioning Venice, the decree was obviously aimed at Venetian jurisdictions in Istria. The synod, however, failed to achieve the desired results on the Peninsula. On the contrary, the patriarch’s jurisdictions in Istria diminished even further with Piran voluntarily subjecting itself to Venice in January 1283.²³ Finally, on March 7, 1283, a military alliance directed against Venice was concluded in Muggia, signed by Patriarch Raymond and his advocate, Count Albert I of Gorizia

¹⁹) TAMBARA 1905: 12.

²⁰) JOPPI 1886a: 52–58 (doc. 46); PASCHINI 1922: 86–88; DEGRASSI 1996: 47–48.

²¹) PERTZ 1863: 573 (sub anno 1281); PASCHINI 1922: 90; GRILLO 2017 for the broader context centered on Milan.

²²) DE RUBEIS 1740: 781–794, esp. 789–790. See also: MARCUZZI 1910: 110–120, esp. 118; DEMONTIS 2009: 236–237. On the publisher and the date of De Rubeis’ referenced publication, often erroneously ascribed to 1748, see: MARCON 2020: 63–65.

²³) DE FRANCESCHI 1924a: 226–229 (doc. 168); DMC, 3: 17–18 (doc. 81); PIZZININI 1974: 194–195; PUPPE 2017: 44.

and Pazin.²⁴ Military operations commenced soon thereafter.²⁵

Thus, the Venetian ambassadors dispatched by Doge Dandolo arrived at the patriarch's court just a couple of months following his return from Lombardy when he had to deal with a number of pressing issues, including the loss of jurisdictions in Istria and the contentions plaguing his relations with the counts of Gorizia, his ordained "protectors." Venice aimed to profit from this situation, promising the patriarch the respect of his rights in Istria and amicable relations as long as all hostilities against Venetians ceased and the traditional treaties between the two polities returned to power. The main motor that generated the 1280 catalogue of rights, however, was Venice's willingness to lease the patriarch's jurisdictions and prerogatives in Istria, either all of them or at least those pertaining to the relevant subject communities. The ducal instructions to the ambassadors explicitly stated that the issue of leasing these rights ought to be brought up and that inquiries as to the nature and breadth of these rights together with the terms of their lease ought to be noted.²⁶ Since, as Coppo's note reveals, the doge's ambassadors were indeed given this elaborate list of

²⁴) JOPPI 1886a: 58–62 (doc. 47). DEMONTIS 2009: 403–407 (doc. 52) edits the same document but on the basis of a later copy from the Torre and Tasso collection in the State Archive in Trieste. That copy is defective in the *datatio chronica*, featuring "[a]nno a nativitate Eius millesimo ducentesimo octuagesimo, undecime indictionis" with the indiction not concordant with the year of incarnation. The correct date is "[a]nno a nativitate Eius millesimo ducentesimo octuagesimo tertio, undecime indictionis," as featured in the original charter in HHStA, AUR 1821, edited by Joppi as referenced above, and with the year 1283, indeed concurring with the eleventh indiction. Thus, Demontis, referenced above, committed an error when he dated the document to 1280, although in the context of his study the mistake does not diminish the quality of the analysis. Cf. DEMONTIS 2009: 118–119.

²⁵) TAMBARA 1905: 15; LEICHT 1917: 20–21 (doc. 18); PASCHINI 1922: 91.

²⁶) "Et si predicta [rationes et iura que patriarcha habet in predictis terris vel aliqua earum et velit nobis concedere] non fuerint vobis tacta, volumus quod vos, sicut et quando vobis videbitur, dicto patriarche, vel cui vobis videbitur, ea tangere et dicere debeatis. Et si fuerit vobis dictum vel responsum quod patriarcha velit nobis concedere dicta iura et rationes, placet nobis quod debeatis inquirere et scire quas rationes et iura et pro quanto velit concedere et dare nobis, et omnia que concedere voluerit nobis et pro quanto." Document 1 in the appendix.

the patriarch's rights in Istria, the most logical conclusion is that Patriarch Raymond indeed planned to lease these rights to Venice, for the right price, that is.

These observations establish the concrete context, or *langue* in Pocock's terms, in which the meaning behind the list's utterances, the *parole*, ought to be decoded. Namely, the 1280 list is Patriarch Raymond's answer to Doge Dandolo's ambassadors and their offer, the presented catalogue of rights being a product whose main aim – that is, its intended illocutionary force – was threefold: to show that Venice cannot hope to administer their subjected communities in Istria while at the same time respecting all the *iura patriarche*, to astonish the delegated diplomats with the sheer volume and all-encompassing magnitude of the patriarch's jurisdictional prerogatives in Istria, and at the same time propel the price of the lease of these same rights. Armed with these interpretative optics, a novel reading of the contents of the 1280 list is revealed.

Chapter III:

THE CONTENTS OF THE LIST

THE LIST OPENS with the statement that the patriarch of Aquileia is the margrave of all of Istria, that he has “complete jurisdiction” (*plena iurisdictio*) therein, and that anyone else who happens to exercise any sort of jurisdiction in Istria holds that right from the patriarch. The margraviate of Istria was donated to Patriarch Wolfger and the Church of Aquileia on January 13, 1209, during the Diet of Augsburg.¹ Thereafter, from 1210 onwards, the patriarchs of Aquileia intermittently adorned their full title “by the grace of God the patriarch of sacred Church of Aquileia and the margrave of Istria and Carniola” (*Dei gratia sanctae Aquileiensis ecclesiae patriarcha, marchio Istriae atque Carniolae*).² This donation was confirmed multiple times by subsequent Roman kings and emperors, most prominently by Frederick II in 1214, to Patriarch Wolfger and in 1220, to his faithful ally Patriarch Berthold V of House Andechs.³ Much like his predecessors, Patriarch Raymond himself donned the title of “Margrave of Istria and Carniola” only when issuing charters related to Istria.⁴

¹) BANÍĆ 2022a. See also: PASCHINI 1914: 390–392; KOMAC 2006: 65–71; ŠTIH 2010: 262–263.

²) The first known document where this title was used by the patriarchs was issued in Aquileia, on December 18, 1210, and dealt with the treaties between Patriarch Wolfger and the Commune of Piran. JOPPI 1878: 13–14 (doc. 2) = DE FRANCESCHI 1924a: 91–93 (doc. 67). See also: DE VERGOTTINI 1926: 91.

³) KOCH 2002–2021, 2: 109–112 (doc. 220); KOCH 2002–2021, 4: 200–202 (doc. 738).

⁴) E.g. BLANCATO 2013: 362–363 (doc. 110).

Iurisdictio

The phrase *plena iurisdictio* requires some elaboration. Namely, from the Early Middle Ages on *iurisdictio* was the key term related both to the power to govern (to coerce and to confer laws) as well as to administration, especially the right to administer justice: it was “one of the most versatile legal tools to exploit” as it presented an aptly vague “synthesis of powers”.⁵ However, by the late thirteenth century when the list was composed, jurists had already devised various schemes of gradation of *iurisdictio*. For Azo of Bologna (c. 1150–1230) there were the *plenissima* and *minus plena iurisdictio*, the former vested in “princes”, a catch-all term for anyone who does not recognize a superior, the latter delegated to the officials.⁶ Similar was the distinction between *plena* and *non plena* of the late 12th-century work *Ordo Invocato Christi nomine*.⁷ Subsequent generations of jurists, beginning with Azo and his pupil Accursius, developed a more complex system in which *iurisdictio* branches into *merum imperium*, *mixtum imperium*, *modica coercitio* and *iurisdictio simplex* or in *specie sumpta*.⁸ From this point on, the first half of the thirteenth century, the various hierarchies and divisions of *iurisdictio* became only more complex, Bartolus of Saxoferrato’s famous “Tree of Jurisdictions” being a vivid visual representation of the terms incessant (re)branching.⁹

Thus, the phrase *plena iurisdictio* featured at the very beginning of the list is extremely vague and definitely outmoded in the

⁵ COSTA 2002: 95–112; VALLEJO 1992: 5–6; MAIOLO 2007: 143 (quotations).

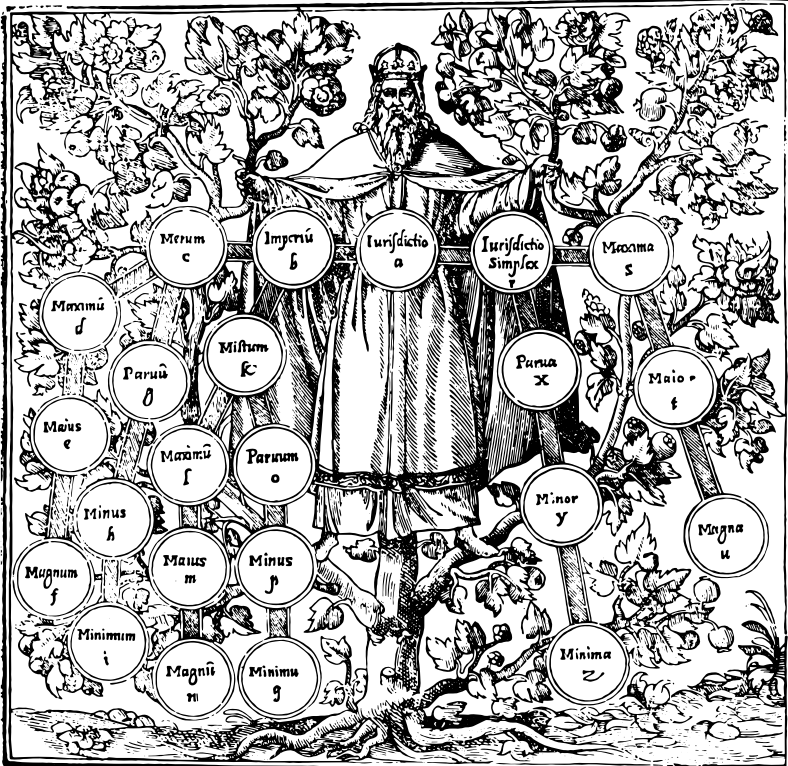
⁶ “Dividatur autem iurisdictio, quia alia plenissima est et ea est in solo principe, alia est minus plena, et ea est in caeteris magistratibus.” AZO 1610: cols. 176–182 (cap: De iurisdictione omnium iudicum et de foro competenti, quotations on col. 177). On Azo, see: FIORELLI 1962. On the juridical concept of “the prince” as “a generic term to describe all rulers,” see: PENNINGTON 1993: 3–4.

⁷ “Iurisdictio alia est plena, ut in principe humano [...], alia est non plena, ut in aliis iudicibus.” WAHRMUND 1931: 52.

⁸ ACCURSIUS 1488: fol. 22r–v; VALLEJO 1992: 8–11; COSTA 2002: 113–114; MAIOLO 2007: 154.

⁹ BARTOLUS DE SAXOFERRATO 1590: fol. 44v; VALLEJO 1992: 18–19; MAIOLO 2007: 154–155.

academic juridical discourse of Raymond della Torre's day. However, the incumbent patriarch employed professional, university-trained jurists in his retinue: Accursio Cutica, *legum professor de Mediolano*, and Guido of Parma, also a professional jurist.¹⁰ Why then was this antiquated term used instead of a more up to date one?



Picture 4: The Tree of Jurisdictions (*Arbor iurisdictionum*), as printed in BARTOLUS 1590: fol. 44v.

The term *plena iurisdictio* was in fact, very aptly vague: Raymond did not claim full jurisdiction (*plenissima*) because the patriarchs enjoyed the title of Istrian margraves by way of imperial donation and because, as an ecclesiastic, he was subject to the pope as well. Hence, the patriarch of Aquileia recognized a superior in both the

¹⁰ DEMONTIS 2007: 135–136, 493 (doc. 111).

spiritual and the temporal sphere, but by using the purposefully ambiguous term *plena iurisdictio*, this superior remained adroitly unmentioned. Had the patriarch used any other juridical term – *minus plena* or *media* for example – he would have automatically drawn attention to his subordinate position within the jurisdictional hierarchy, hampering his endeavor to depict his prerogatives in Istria in the best possible light and push up the price of the lease as far as possible. The patriarch did draw attention to his subordinates though. He stressed that all those who held anything in Istria, and this would seemingly extend to his advocates and their many ministerials, must recognize the patriarch as their superior.

The second part of the list's introduction is framed as a long prohibitory clause stating that the local communities are forbidden to exercise autonomous jurisdiction – specifically mentioning the rights to charge duties, levy tolls, impose taxes and mint coins – and that they may not elect their rectors and communal officials without the explicit permission of the patriarch. This part stems largely from the battle Patriarch Berthold of Andechs fought against the Istrian communes in the first half of the 13th century.¹¹ In his effort to impose himself as the undisputed lord of Istrian towns and cities that had already imported communal forms of self-administration from their neighbors across the Adriatic, Berthold procured three important privileges issued by Emperor Frederick II – the “*magna charta*” of Aquileian dominion over Istria as Giovanni de Vergottini aptly terms them.¹² The first privilege, issued in Tivoli in 1220, explicitly stated that no city, town or village of the Patriarchate could elect its own “podestàs, consuls or rectors contrary to the will of the patriarch” and that the Venetians could not impose tributes or enforce oaths of fidelity upon the patriarch's subjects.¹³ Even though not specifically mentioned, it was precisely the Istrian communes that were the

¹¹ DE VERGOTTINI [1924–1925] 1974: 81–95.

¹² DE VERGOTTINI [1924–1925] 1974: 83–86, 89; DE VERGOTTINI 1926: 89–90. See also: GREGO 1937: 8–9, 13–19. ŽITKO 1989: 44–47.

¹³ KOCH 2002–2021, 4: 254–256 (doc. 760). See also: SCHMIDINGER 1984: 311–312.

focal point of these prohibitions. In 1232, Patriarch Berthold lamented to Frederick II the “insolence and abuse” that he suffered from the cities under his jurisdiction, “and especially in Istria from the people of Pula, Koper, and Poreč”; the emperor heard the pleas of his ecclesiastical prince and issued a new privilege, solemnly stating that all the elected “podestàs, consuls, rectors and judges of cities, villages and towns throughout the entire jurisdiction of the patriarch of Aquileia” and “throughout the entire land of Istria, namely Pula, Koper, and Poreč” were relieved of responsibilities and removed while Berthold’s jurisdictions over the entire region – exercised on behalf of the Empire, still the highest appellate court – were confirmed.¹⁴ Finally, in 1238, as Patriarch Berthold accompanied the emperor for the siege of Brescia, Frederick II issued yet another privilege to his faithful ally in Aquileia, this time decreeing that only the patriarch or his appointed officials might administer criminal justice and exercise *merum et mixtum imperium* throughout the secular domains of the Patriarchate.¹⁵

In his list intended for the Venetians, Raymond aptly skipped the part about the Empire and how all the appeals from Istria could be brought to the emperor’s court as the highest tribunal, but cited almost verbatim the passages that depicted the autonomies of local communities dwarfed by the incumbent patriarch’s all-encompassing prerogatives.

¹⁴) Nos [...] duximus [...] revocantes et cessantes omnino potestates, consules, rectores et iudices civitatum, villarum, et opidorum per totam iurisdictionem patriarche Aquilegensis, dilecti principis nostri, et per totam terram Istrie, nominatim Polense, Iustinopolitanum et Parentinum. [...] [I]urisdictione per totam Istriam ad eundem patriarcham pro Imperio spectare dignoscitur; appellationes que in eadem terra Istrie emergunt fiant ad eum et ab eo ad nostram audienciam maiestatis.” JOPPI 1878: 19–23 (doc. 6) = WINKELMANN 1880: 286–287 (doc. 320).

¹⁵) **FIM: 1238_FB**; older editions HUIILLARD-BRÉHOLLES 1857: 240–242; KANDLER 1986: 468–469 (doc. 271). See also: SCHMIDINGER 1984: 314.

Richtarius

The final part of the introduction depicts a very rough sketch of the administration of Istria as practiced (that is, envisioned) by the patriarchs of Aquileia. Throughout the entire province the patriarch appointed gastalds in the communities and a single official responsible for the government of the entire province: his *richtarius*. These officials, as per the author(s) of the list, were responsible for settling all legal disputes and administering justice with full jurisdiction (*iurisdictio plenaria*) in adjudicating lawsuits.

The term *richtarius* requires further elaboration. This office appears in Istria for the first time under Patriarch Gregory of Montelongo, in 1254, and it was bequeathed to his relative, Lando of Montelongo, who was simultaneously the podestà of Koper and Piran.¹⁶ The term unmistakably stems from the German word *Richter*, that is, *judge*.¹⁷ Due to its Germanic etymology, Lenel believed that this official was introduced already by Patriarch Berthold, a native of German-speaking lands, and not by Gregory of the Italian Montelongo, located between Ferentino and Alatri in the region of Lazio.¹⁸ Be that as it may, the *richtarius* appears in Istria only briefly – from 1254 to 1279, personified by just three individuals: Lando of Montelongo, Senisio de Bernardis of Padua, and Monfiorito of Pula – and there are very few primary sources documenting their prerogatives and actual administrative practices.¹⁹ It has been traditionally inferred that this official inherited

¹⁶) “[A]uctoritate potestariarum Iustinopolis et Pirani, atque auctoritate rictarie Ystrie.” BARAGA 2002: 247–248 (doc. 244) and 251–252 (doc. 247), both documents are from 1254. See also: DE VERGOTTINI 1926: 100, 106–108.

¹⁷) CARLI 1790: 256–257; MAYER 1906: 411; LENEL 1911: 147–148; DE VERGOTTINI 1926: 100.

¹⁸) LENEL 1911: 147–148. Taken over by PASCHINI 1920: 33; DE VERGOTTINI 1926: 100.

¹⁹) In chronological order, these are the following documents: BARAGA 2002: 251–252 (doc. 247); KANDLER 1986: 517 (doc. 304), 539 (doc. 320), 555 (doc. 333), 556 (doc. 334, better edition in **FIM: 1264_LH**); MINOTTO 1870: 29 (sub anno 1266); KANDLER 1986: 569–570 (doc. 346), 575 (doc. 349, better edition in **FIM: 1269_AP**); BLANCATO 2013: 323–325 (doc. 87), 362–363

the powers of the former *generalis gastaldio* – mentioned only once in 1232²⁰ – as the supreme representative of patriarchs-margraves in the region. The *richtarius*' duties would include overseeing the administration of all the appointed gastalds, the collection of all the dues and taxes, and, as its name speaks for itself, the administration of justice in all the cases surpassing the prerogatives of local officials (such as *ius sanguinis* in smaller centers and disputes between the communities).²¹ During the age of Raymond della Torre, the Istrian *richtarius* was Monfiorito of Pula of the house that would later assume the famous surname Castropola (as explicated below), the same noble who represented the patriarch in his treaties with Count Albert I of Gorizia, thus a person held in high regard and enjoying Raymond's considerable confidence.²² In 1278, Monfiorto was ordered to appoint a new gastald in Dvigrad to adjudicate the murders of certain Lothar and Maricus the Tailor;²³ thus, argued Lenel, the *richtarius* did not usually appoint gastalds, but only in special cases, such as this one in Dvigrad, and only when this right was explicitly conferred by the incumbent patriarch.²⁴ Following the end of Monfiorito's term, Senisio de Bernardis of Padua was appointed in his place; he was also the last known Istrian *richtarius*, exercising this office between the

(doc. 110), 393–394 (doc. 128). On Senisio de Bernardis of Padua, see also: BORTOLAMI 2000: 222.

²⁰ FIM: 1232_GG1, 1232_GG2; MINOTTO 1870: 17.

²¹ DE VERGOTTINI 1926: 100–110.

²² On Monfiorito, see: BENUSSI [1923] 2002: 181; DE FRANCESCHI 1905: 57–59, 61–62, although the story of how he personally broke into the episcopal palace in Poreč, destroyed and threw into the sea the documents attesting to bishop's rights over some possessions that he had claimed for himself, as reported by an amateur historian in 1796, is not entirely correct. Cf. DE VERGOTTINI 1796: 24–25. This event indeed happened, but Monfiorito was not personally involved, he only directed his allies to do his bidding. The story of this pillaging and the destruction of the documents of the Diocesan Archive of Poreč was investigated by Bishop Boniface (r. 1282–1305) and the account of this investigation is preserved in a later copy in BAP, PB, *Iurium episcopaliū liber I*, fol. 254r–256r.

²³ BLANCATO 2013: 323–325, doc. 87.

²⁴ LENEL 1911: 149.

summer of 1278 and 1279, although already in December he had to be reminded (or reprimanded) to journey to Istria and discharge his duties personally, *in situ*.²⁵

Already during the second half of the 13th century a new official appeared in Istria with seemingly identical prerogatives – the delegated margrave. It was traditionally believed that the first documented mention of a delegated margrave came from a document issued on October 27, 1269, during the Aquileian *sede vacante* period following the death of Patriarch Gregory († September 8, 1269) and the temporary government presided over by Asquino the Dean and Hartwig (*Artuicus*) of Castellerio.²⁶ This charter, issued to Buzet and edited by Kandler, supposedly features a line stating that the Commune of Buzet ought to continue paying their customary dues and taxes “to patriarch, whomever he would be at the time, or to his margrave.”²⁷ Based on this line, De Vergottini argued that the delegated margrave appeared during the time of great crisis and upheaval in the Patriarchate of Aquileia when the secular prerogatives usually exercised by the patriarch, as in Friuli so in Istria, had to be (at least temporarily) entrusted to elected officials.²⁸ Such officials appeared already before Gregory’s death, in 1267 when the patriarch was imprisoned by his advocate, Count Albert I of Gorizia.²⁹ During this massive crisis in the entire Patriarchate of Aquileia, two new officials were instituted, the captains, who were to govern Friuli until the return of their lawful ruler.³⁰

²⁵) BLANCATO 2013: 362–363 (doc. 110); DE VERGOTTINI 1926: 110.

²⁶) On this *sede vacante* period in Aquileia, see: PASCHINI 1921: esp. 125–135.

²⁷) “[P]raedicto patriarchae, qui fuerit pro tempore, vel eius marchioni.” KANDLER 1986: 575 (doc. 349).

²⁸) DE VERGOTTINI 1926: 110–115.

²⁹) TAMBARA 1905: 5.

³⁰) “Captus fuit venerabilis pater Gregorius, patriarcha Aquilegensis, per nobilem virum Albertum, comitem Goricie, apud Villam Novam sub Rosacio in aurora diei, dum erat in lecto; et nudipes ductus fuit Goriciam in uno roncino anno Domini MCCLXVII, die mercurii XII exeunte iulio [...] Tunc subsequenter, die IV intrante augusto, instituti fuerunt in Foroiulii capitanei dominus Albertus vicedominus, episcopus Concordiensis, et dominus Asquinus de Varmo.” TAMBARA 1905: 5. See also: DE VERGOTTINI 1926: 112.

Thus, concluded De Vergottini, the delegated margrave is not a mere *richtarius* with a different title, one office simply replacing the other as argued by Lenel, but a temporary solution to a problem that arose from the *sede vacante* period and that was only afterward appropriated and modified by the subsequent patriarchs, namely Raymond della Torre.³¹

The new critical edition of the 1269 charter in question, based on the preserved original and read with the aid of an ultraviolet lamp, challenges De Vergottini's interpretation.³² Namely, there is no mention of a margrave in this document and the line in question actually reads "to patriarch, whomever he would be at the time, or to his *richtarii*." (*patriarche, qui fuerit pro tempore, vel eius rithariis*). Thus, the very first mention of a delegated margrave stems not from 1269, but from 1275, the age of Raymond della Torre, and the office was held by the patriarch's relative, Gottfried della Torre.³³ Consequently, De Vergottini's thesis loses its main supporting pillar, but this alone is not enough to discredit it completely. Namely, there is little reason to believe that Patriarch Raymond instituted the practice of appointing his own margraves of Istria out of thin air and that he did it at the very beginning of his term. Thus, it is very probable that the practice was indeed ushered in during the *sede vacante* period when a provisional administrator of Istria, hierarchically above the appointed *richtarius*, had to be instituted. Patriarch Raymond would therefore appropriate this practice and give it new life by conferring the originally provisional title onto his relatives, first to Gottfried (c. 1275), then to Conrad della Torre (c. 1277), and later to the distinguished Friulian nobleman Wezil of Prata (at some unknown point during his reign).³⁴ This interpretation, however, rests on a comparative

³¹) DE VERGOTTINI 1926: 115. Cf. LENEL 1911: 148.

³²) **FIM: 1269_AP** with the digital facsimile of the original charter.

³³) **FIM: 1275_GR**. Interestingly, this was argued by De Franceschi back in 1905 and Benussi in 1923, perhaps in error or perhaps as they did not believe in Kandler's reading of the 1269 charter. DE FRANCESCHI 1905: 34 fn. 2; BENUSSI [1923] 2002: 158.

³⁴) The list of Aquileian margraves provided in JOPPI 1870–1871 should be

example of the title of Friulian captains and there is no primary source that would explicitly confirm it. In any case, there were at least four years, from 1275 to 1279, in which the two offices – *marchio* and *richtarius* – coexisted. One can therefore not speak of a mere and inconsequential change of terminology as argued by Lenel and rightly criticized by De Vergottini.³⁵

Comparing Raymond's appointments of delegated margraves and *richtarii*, De Vergottini concluded that the latter appeared only when the patriarch himself adorned the title of Istrian margrave, that is, between 1278 and 1279, the period in which he personally visited Istria.³⁶ Between 1285 and 1286, a certain Lord Cinus was given the title of *procurator domini patriarche per totam Istriam*. This Cinus acted in the name of Patriarch Raymond when he forbade the Venetian delegated rectors of Pula to exercise their jurisdictions in the city; ordered the retainers of Kaštel to stand ready with one war horse each and guard their positions in the midst of war against Venice; and received fort Salež from Weichard (*Vicardus*) II of

ignored as it is incomplete and highly flawed. On Conrad della Torre, nicknamed Mosca, see: **FANTONI 1989** who does not mention his term as the margrave of Istria in 1277, as read from LEICHT 1917: 18–19 (doc. 19). On Gottfried della Torre, see the last paragraph in **CASO 1989** where his term as a margrave of Istria in 1275, as read from **FIM: 1275_GR**, is not mentioned. Conrad would serve at least one more term as margrave of Istria, in 1297, as read in BLANCATO 2013: 558 (doc. 234) and 560–562 (doc. 237). Wezil of Prata is attested as margrave of Istria in an undated notarial certification of a copy written by a *Dethemarus notarius auctoritate incliti R(aymundi) patriarche*, appended to a copy of a document composed in Grožnjan in 1272: BLANCATO 2020: 264–265 (doc. 97). It is customarily stated in secondary literature, including JOPPI 1870–1871, **CASO 1989**, and DEMONTIS 2009: 206 fn. 37, that Gottfried served as margrave of Istria in 1287. I have failed to find a primary source that would corroborate this statement, which seems to stem from PALLADIO DEGLI OLIVI 1660: 265, subsequently taken over by DELLA CROCE 1881: 114, then by MAINATI 1817: 223–224 and by KANDLER 1855: 138. If one chooses to believe that Palladio degli Olivi based his account on authentic primary sources that have since been lost, then Gottfried della Torre would also have served at least two terms as margrave. On Palladio degli Olivi, see: **CARGNELUTTI 2009b**.

³⁵) Cf. LENEL 1911: 148.

³⁶) VERGOTTINI 1926: 113

Petrapilosa in the name of the Church of Aquileia.³⁷ Thus, it would seem that this time the old office of *richtarius* indeed underwent a mere and temporary change of name, although it cannot be inferred based on the few surviving primary sources if the prerogatives of the said Lord Cinus extended to justice administration as well.³⁸

Following the end of the war and the signing of the Treaty of Treviso in 1291, all of these Aquileian representatives in charge of the administration of the entire region of Istria – *richtarii*, *procuratores*, and *marchiones* – were finally merged into a single official: the delegated margrave of Istria.³⁹ From this point on, until the very end of the ecclesiastical principality of the Church of Aquileia, the incumbent patriarchs would appoint margraves as their representatives in Istria to serve a fixed term, ranging from one to three years, administer the Margraviate to the best of their abilities, and militarily defend the region if needed. They would be allowed to keep all the incomes from the Margraviate for themselves, but would have to pay to the treasury of the patriarchs a yearly sum, at first 3,500 but subsequently diminished to 1,000 pounds of pennies in the second half of the 14th century – the office of the delegated margrave became a leased title, the same as the titles of gastalds and captains throughout Friuli.⁴⁰

All of the above shows that it was precisely Patriarch Raymond who creatively modified the titles and prerogatives of the officials in charge of overseeing the administration of Istria on a regional level, yet his list of rights mentions only the old office of *richtarius* that he inherited from Gregory's (if not Berthold's) time. The reason for this conservatism (or even downright intentional omission) lies in the fact that Raymond did not want to present his title of the margrave of Istria as something detachable

³⁷) TEA: 222–223 (docs. 508–509); KANDLER 1986: 735–736 (doc. 415)

³⁸) Of different opinion is DE VERGOTTINI 1926: 113, stating that the prerogatives concerning the administration of justice would have been “rendered almost useless due to the political conditions of these years.”

³⁹) DE VERGOTTINI 1926: 114.

⁴⁰) TEA: 330 (doc. 1123); LEICHT 1917: clxxxvi (appendix 6) and clxxxii (appendix 7). See also: BANIĆ 2017a: 137–138.

and conferrable to someone else, even though he was doing just that when he named his relatives *marchiones Istriae*. To Venice, however, the title of the margraves of Istria had to be presented as solemnly as possible, as an integral and indivisible title of the canonically appointed heads of the sacred Church of Aquileia. Therefore, even if Venice would accept to lease the patriarch's rights in Istria, the Venetians would not be able to appoint their own margraves of Istria, only *richtarii*, as the patriarchs of Aquileia alone were the only legitimate *marchiones Istriae*. This is the primary reason behind this tactical omission and the employment of apparently obsolete terminology.

Gastaldiones

Regarding the gastalds, these were the officials that the Patriarchate of Aquileia inherited from their Early Medieval overlords, the Lombards, who introduced the term in Italy in the 6th century.⁴¹ Originally the administrators of royal demesnes with judicial, military, and administrative prerogatives, the *gastaldi* of Friuli, at times called captains, morphed into local officials in charge of the administration of towns and monasteries subjected to the heads of the Aquileian Church. It was the appointed gastald who presided over the “judicial banks”, courts in which the jury of local notables pronounced their verdicts following the ritual question “quid iuris”.⁴² They also collected taxes and fees of all sorts, chaired the local councils, and organized, when needed, the defense of their entrusted communities – in essence, they were the link between the subject communities and the central government headed by the incumbent patriarch.⁴³

In Istria, this model did not work in the same way. As in Friuli,

⁴¹) DELOGU 1989.

⁴²) On these trials, characteristic of Friuli but also of Aquileian Margraviate of Istria, see: DEGRASSI 1996: 154–155; BANIĆ 2017b: 57–59.

⁴³) LEICHT 1903: 88–89; LEICHT 1917: xxiv–xxvi; FAINI–SCARTON 2020: 79.

the institution of gastalds predated the era of Aquileian patriarchs in Istria, the officials appearing already in 10th and 11th centuries as administrators of both episcopal and imperial lordships as well as urban and rural communities.⁴⁴ During the first phase of Aquileian lordship over the peninsula, from 1209 to c. 1250, the gastalds were indeed appointed from among the more prominent members of regional (service) nobility. Thus, one finds Philip of Kožljak, a renowned ministerial in the service of the counts of Gorizia, as the gastald of Buzet in 1238.⁴⁵ However, already in the second half of that same 13th century, the gastalds were local notables. For example, the already discussed case of Dvigrad from 1278 shows that the old gastald who was relieved of his duty was a local man and that the new gastald too was also appointed from among the local population.⁴⁶ In 1254, the gastald of Koper was also a member of the local elite, a progeny of House Verzi.⁴⁷ In 1253, Patriarch Gregory formally conceded that, while he had the power to appoint a gastald of Koper, he could only elect from among the local Capodistriian population.⁴⁸ Moreover, there are very few known cases of patriarchs' personal nominations of gastalds in Istria: there is the 1279 appointment of the gastald of Muggia by

⁴⁴ KANDLER 1986: 184–185 (doc. 85), 190–191 (doc. 89), 262–263 (doc. 133), 266–267 (doc. 135), 270–271 (doc. 137), 281 (doc. 144), 282 (doc. 145), 308 (doc. 163), 317–318 (doc. 168), 323 (doc. 170), 324 (doc. 171), 327–329 (doc. 173), 338 (doc. 179), 339–340 (doc. 180), 345 (doc. 185), 347–348 (doc. 186), 359–362 (doc. 194); KANDLER 1876: 278–281. See also: BENUSSI [1897] 2004: 242–243, 268, 473; ANTOLJAK 1957.

⁴⁵ ASV, San Nicolò di Lido, Atti, b. 1: *Catasticum Histriae*, fol. 15. The document will be edited, translated into English, and analyzed in my forthcoming publication. On Philip of Kožljak, see: ŠTIH 2013: 136–137.

⁴⁶ BLANCATO 2013: 323–325 (doc. 87).

⁴⁷ TEA: 156 (doc. 302); BRAGATO 1913: 386. See also: GREGO 1937: 24; ŽITKO 1989: 49.

⁴⁸ TEA: 231 (doc. 569). Cf. GREGO 1937: 25; SEMI 1975: 80; ŽITKO 1989: 49, who all interpret the *regestum* erroneously, as if the election was supposed to be ratified by the local tribunal. The phrase “*sedendo in sede sua in eadem civitate pro tribunali*” refers to the authority of the gastald and not to the process of its election.

Patriarch Raymond della Torre;⁴⁹ and the 1331 appointment of the gastald of Vodnjan and the villages of *regalia* by Patriarch Pagano della Torre, but the latter one took place during a very unique period when the Commune of Pula had just subjected itself to Venice, turning Vodnjan and the *villae regaliae* into an extremely sensitive and contentious issue as the territories were claimed by the Commune of Pula as an integral part of the city's extensive district.⁵⁰ Even in these two cases however, the appointed gastalds were both locals. From the final third of the 13th century, the gastalds were thus resident notables, either elected or just confirmed by the patriarch or his delegated official in Istria, who acted as links connecting the subject communities to the incumbent representative of the central authority. Patriarch Raymond, however, wanted to depict these officials as his own magistrates whose appointment the heads of the Aquileian Church personally oversee and control. Moreover, these officials were described as “exercising every jurisdiction” (*qui exercet omnem iurisdictionem*). This was again an aptly vague phrase that aimed to depict the prerogatives of these officials in such a way that would leave absolutely no place for the Venetian delegated podestàs to operate in their entrusted communities if, as the Venetian ambassadors were instructed to claim, Venice was indeed to respect all the rights of the Church of Aquileia. Moreover, if Venice would accept the terms of lease, the Venetians would receive the right to appoint such officials whose prerogatives were so all-encompassing – a straightforward way to boost the price of the lease.

In practice, Aquileian gastalds wielded much less power in communities that elected their own foreign rectors, and it is questionable how free they were in “exercising every jurisdiction” in other communities as well, especially if they themselves were the natives of the places entrusted to their administration. For example, already in 1239, the patriarch's gastald of Koper was officially bound to exercise his jurisdictions together with the

⁴⁹) KANDLER 1986: 683 (doc. 286).

⁵⁰) KANDLER 1986: 1082 (doc. 630).

“aid and counsel of the podestà or the consuls” of the *Commune Iustinopolis*, officials elected by the Commune, and this was solemnly confirmed by the arbitrational sentence promulgated by Count Maynard III of Gorizia.⁵¹ Even though the right to shed blood was vested exclusively in the patriarch’s gastald, the arbitrational sentence of 1239 clearly decreed that if the gastald should refuse to carry out a sentence, he would be forced to do so (supposedly by the Commune of Koper) and fined two hundred pounds of pennies. In essence, the gastald in Koper was but a symbolic, impotent vestige of the bygone past, a *spolia* clumsily inserted in a communal system of government where the administration of justice was concentrated in the hands of the elected podestà flanked by local judges, members of the civic elite.⁵²

Moreover, in 1270, the Commune of Piran promulgated a decree that severely limited the judicial prerogatives of the patriarchs and his appointed gastalds. According to the document, “the lord patriarch may have his one gastald and three regalian judges in Piran, elected by the twelve sworn lord jurors from among the citizens and inhabitants of Piran and not foreigners.”⁵³ In addition, the Commune of Piran made sure that the same person could not hold the office of gastald for more than two years: if the patriarch should appoint the same person again, they would be bound to refute the appointment and not exercise this office for the following two years. Finally, the prerogatives

⁵¹ **FIM: 1239_MBI**; older edition JOPPI 1878: 29–33 (doc. 9); DE VERGOTTINI [1924–1925] 1974: 91. The 1239 arbitrational sentence modifies the deal struck between Patriarch Berthold and the Commune of Koper promulgated in 1238 by Emperor Frederick II, edited in **FIM: 1238_FBI**; older edition HUILLARD-BRÉHOLLES 1857: 242–244.

⁵² Cf. GREGO 1937: 19–20 and ŽITKO 1989: 47 who erroneously claim that the gastald’s powers remained unaltered following the 1239 arbitrational sentence.

⁵³ “Dominus patriarcha debet (!) habere in Pirano de civibus et abitatoribus Pirani et non de forensibus unum suum gastaldionem et tres suos iudices de regalia de Pirano, electi per duodecim dominos iuratos concorditer.” DE FRANCESCHI 1924a: 180–184 (doc. 133, quotation on 181); older and much worse edition in KANDLER 1986: 578–580 (doc. 352, quotation on 579).

of the appointed gastalds were limited to justice administration only during the solemnities of *placita regalia* headed by the patriarch himself or his delegated representative. In essence, the Commune of Piran drastically redefined the office of the patriarch's gastald, transforming him into a lesser communal official invested with extremely limited jurisdictional authority whose appointment was overseen primarily by the Commune and not by the patriarch.⁵⁴ Similarly to Koper, the gastald in Piran became but a disenfranchised relic of old times.

Naturally, Raymond makes absolutely no mention of such decrees and limitations of his gastalds' administrative prerogatives in his list. The aim of the document was not to catalogue all the rights as mirrored in authentic documents and quotidian practice, but to present them in the best possible light to Venice.

Ordo chorographiae

Following this introductory part comes the list of places across Istria with detailed jurisdictional prerogatives of incumbent Aquileian patriarchs. The list does follow a geographical pattern, but it is not as rigid as De Vergottini claimed. It begins with Muggia in the very northwest of the Peninsula and continues southwards along the coast to Koper and Piran; then it turns towards the continent and proceeds southwards to Kaštel, Buje, Oprtalj, Motovun, Sveti Lovreč and Dvigrad; afterwards it returns to the coast and goes to Rovinj, then back inland and southwards to Bale; from Bale, it omits Vodnjan together with the villages of the *regalia* and goes straight to Pula then back to the regalian villages and Vodnjan to the north. At this point, the order of the list breaks completely as it goes back to Čuklja (or Kukov Vrh) to the far north of the Peninsula, then back to Gočan between Savičenta and Barban; it then proceeds to the east and climbs northwards from Labin to Plomin from where it reaches the valley of the river Raša, enumerating

⁵⁴) DE FRANCESCHI 1924b: 31–32.

Belaj, Sveti Martin, Boljun and Letaj. From here, the list focuses on the wider Buzet area underneath the Karstic mountains and enumerates a number of places without following any particular geographical ordering, even featuring two toponyms that fall outside this microregion (Fratrja in the district of Buje and Valda next to Kašćerga). The list then reaches Buzet and that should have been its natural conclusion; however, two “forgotten” places are then added that again break the geographical ordering principle: Poreč in the middle of the Peninsula’s western coast and Sveti Juraj to the north in the valley of the river Mirna. De Vergottini was right when he concluded that Poreč and Sveti Juraj were subsequently added, but he was ultimately wrong to seek the reason behind this omission in the changing of the political map of Istria. Instead, the answer to the question is much simpler and more banal: the two places had simply been overlooked by mistake and later inelegantly added to the end of the list.

Even though the list features a colorful variety of urban, semi-urban, and rural centers, with attributed patriarch’s prerogatives therein, there are some elements that are common to all the mentioned possessions.

First, there is the already discussed appointed gastald “who exercises all jurisdictions”; the official is regularly featured for absolutely every place, the bedrock of the patriarch-margrave’s jurisdiction *in situ*.

Second, there are some rights and privileges that the patriarch enjoys in nearly all the mentioned places and these are the right to collect the adjudicated fines (in Muggia and Motovun only for criminal offences), the right to impose and collect taxes, the right of lodging (in Koper, Piran, Poreč and Pula only when he journeys there to hold regalian courts of law, *placita regalia*), and the aptly undefined regalian rights. The *placita regalia* will subsequently be entrusted to the delegated margrave who would personally visit each place of the margraviate, usually twice a year, and administer justice in all cases that surpassed the prerogatives of the local

judges and gastalds.⁵⁵ Unfortunately, the record of only one such *placitum* has been preserved, chaired by Margrave Ulrich V of Rihemberk in 1371, and dealing with the theft of cattle committed by the subjects of Roč to the detriment of the subjects of Buje. Following the ritual question “quid iuris”, the verdict was issued in Buzet by the jury of notables gathered therein from the entire Margraviate of Istria.⁵⁶

Regarding the regalian rights in the Holy Roman Empire, these were defined by a commission of thirty-two jurists by way of a decree promulgated in Roncaglia in 1158 under the auspices of Emperor Frederick I Barbarossa.⁵⁷ According to the promulgated list, the *iura regalia* were: the jurisdiction over the *arimanni*, the public roads, the navigable rivers and their headwaters, docking fees, tolls, the right to mint coins, the exploitation of mines, the incomes from adjudicated fines, the proceeds of fisheries and salt pans, vacant and confiscated properties, the power to impose statute labor, to exact wagons and ships for transport, to impose extraordinary taxes for the upkeep of the imperial army, to appoint officials tasked with justice administration and the right of lodging, that is, the ownership of palaces in subject cities.⁵⁸ The promulgated document, customarily known as the *Regalia sunt*, was not an exhaustive list of all such rights and prerogatives, but, as Finsterwalder correctly noted, an aptly flexible “framework” within which these *iura regalia* were positioned.⁵⁹ For example, in his 1232 privilege issued to Patriarch Berthold of Andechs regarding the rights of the Church of Aquileia over Istria, Emperor Frederick II explicitly counted the election/creation of podestàs, consuls, rectors, judges, the impositions and collections of tolls,

⁵⁵) FIM: 1381_IMI.

⁵⁶) KANDLER 1986: 1376 (doc. 807), analyzed in BANIĆ 2017a: 135–136; BANIĆ 2017b: 57–59. On House Rihemberk, see: LIČEN 2008.

⁵⁷) On the 1158 Roncaglia edict on *iura regalia*, see: FINSTERWALDER 1931; BENSON 1991: 364–369; KANNOWSKI 2007; PIRAS 2012: 69–87.

⁵⁸) WEILAND 1893: 244–245 (doc. 175). On the rights over *arimannia*, see: TABACCO 1999: 932–933; PIRAS 2012: 73–76.

⁵⁹) FINSTERWALDER 1931: 62–63.

fees, and taxes, the minting of coins and the emancipation from debt bondage and service fiefs as regalian rights that only the incumbent patriarch of Aquileia could practice in Istria.⁶⁰ This was a statement directed squarely against the autonomous administrative practices of Istrian urban communes, namely Pula, Poreč, and Koper. In essence, Patriarch Raymond enumerated a great number of these *iura regalia*, both in the opening passage of his list in the already discussed prohibitory clause as well as in the specific sets of rights attributed to particular subject centers, but in neither of these cases did he define these rights as strictly regalian. Instead, the patriarch (and his jurists) opted to employ an aptly undefined and therefore suitably wide-encompassing notion of *iura regalia* to depict the rights and prerogatives of his Church in a more aggrandizing manner.

Civitates et castra atque villae

As far as the specific places mentioned in the document, a total of 48 featured toponyms can be grouped according to the attributed patriarch's prerogatives: the places that belonged to the Church of Aquileia *iure proprietario*, that is, by way of donations or purchase, and where the patriarchs could exercise jurisdiction even without the virtue of their title of Istrian margraves (henceforth "group 1");⁶¹ and the towns and cities that belong to the Church of Aquileia exclusively by virtue of their title as margraves of Istria (henceforth "group 2").

The first group is more numerous than the second (38 places), featuring even such tiny villages as Brgudac and Trebeše in the district of Buzet, and the patriarch's rights are listed in much more detail; by contrast, only urban communes such as Koper, Piran, Motovun, Poreč and Pula fall neatly into the second group with

⁶⁰ JOPPI 1878: 19–23 (doc. 6) = WINKELMANN 1880: 286–287 (doc. 320).

⁶¹ On *iure proprietario* donations and ownership, translated here as "full property" or "with full property rights" see: e.g., FAUßNER 1973: 353–355; LEYSER 1994: 37–45; REYNOLDS 1994: 59–62, 415–428.

the attributed patriarch's rights described more summarily. Even here, however, there are inconsistencies and inaccuracies.

For example, Sveti Lovreč was described as belonging fully to the Church of Aquileia as the patriarch could "dispose of the land and the people as he pleases, as with his own land and subjects," a line reserved for the places held *iure proprietario* by way of donations, that is, the hereby dubbed first group. This set of prerogatives over Sveti Lovreč was then "copied" to Dvigrad, Rovinj, and Bale (*sicut in Sancto Laurentio, ut supra*). This, however, was not grounded in reality as neither Sveti Lovreč nor any of the three subsequent towns belonged fully, *iure proprietario*, to the Patriarchate of Aquileia. As a matter of fact, the triangle Dvigrad–Rovinj–Bale was very much a contentious area in which the bishops of Poreč had tried to assert their temporal dominion for centuries.⁶² Moreover, it was precisely during Raymond's time that Bishop Boniface of Poreč (r. 1282–1305) reignited the flame of this conflict, claiming that the patriarchs of Aquileia had no temporal rights over these three *castra* that belonged to his Church by way of imperial donation, an action that earned him a dire retribution as Raymond directed Gottfried della Torre to burn down and pillage Vrsar, the only place fully under the temporal dominion of the church of Poreč.⁶³ This context may explain why the truth was stretched precisely here, especially bearing in mind that Sveti Lovreč had recently been conquered by Count Albert I of Gorizia and his knight Henry of Pazin but had to be, by virtue of the aforementioned 1279 peace treaty, returned to Venice.

Another discrepancy relates to Labin and Plomin that were described in the list as properties that were not held *iure proprietario* and this set of rights was then "copied" to Belaj, Sveti Martin and Boljun. However, Plomin was indeed the possession that the Church of Aquileia held by virtue of an imperial donation

⁶² SICKEL 1888: 356–357 (doc. 301); ZIMMERMANN 1985: 849–580 (doc. 446). Both charters are also edited in [FIM: 983_OP](#) and [1010_PP](#).

⁶³ BAP, PB, Iurium episcopalium liber I, fol. 170v–171r. The critical edition of this primary source is forthcoming in the journal *Croatica christiana periodica*. On Bishop Boniface, see: BABUDRI 1910: 228–234.

promulgated by Emperor Henry II in 1012.⁶⁴ This charter was seemingly forgotten by the composer(s) of the 1280 list and instead the possession of a mysterious “*quriana*” (a contaminated form of *curia sua*, as in courthouse) with a mill was attributed to the patriarch’s jurisdictions in Plomin.⁶⁵ Moreover, Belaj, Sveti Martin, and Boljun were all properties donated to the Church of Aquileia and Patriarch Ulrich I *iure proprietario* by Count Ulrich II of Weimar in 1102.⁶⁶ This discrepancy can be explained by the patriarch’s limited interest in this peripheral part of the Peninsula, but it seems much more probable that it was Venice’s utter disinterest in these places that was the main reason why these properties were so recklessly glossed over.

Iure proprietario

Generally, when discussing the possessions held *iure proprietario*, the rights associated with these places were usually described with phrases such as “he may do as he pleases as with his own land and subjects.” These formulations betray the so-called “patrimonial concept of political authority” whereby the *dominium* of a *dominus* “is taken as the equivalent of ‘property’ in the private law sense.”⁶⁷ This is most clearly visible in the description of the prerogatives in Piran where it is stated that the patriarch “has a large vineyard that is the property of the Church of Aquileia and with which lord patriarch may do as he pleases.” This patrimonial conception of authority however, coexisted with authority granted by virtue of the delegated title and the two complemented each other throughout the list.

The juridical term *merum et mixtum imperium* is also exclusively connected to group 1; it appears only once in the list and it is connected to Buje, subsequently “copied” to Oportalj by the

⁶⁴) SICKEL 1900–1903: 279–280 (doc. 243); FIM: 1012_HA.

⁶⁵) See the relevant note in the appended translation of document 2.

⁶⁶) FIM: 1102_DW.

⁶⁷) MAIOLO 2007: 21, 156 (quotations). See also: ASTUTI 1967: 52–57.

phrase “as in Buje” (*ut in Bullis*). The terms stem from Justinian’s Digest (2,1,3) where *merum imperium* is defined as the right “to have the power of the sword to punish the wicked”; and *mixtum imperium* as the right “to grant *bonorum possessio*”.⁶⁸ *Merum imperium* would thus be semantically marked primarily by its penal dimension and criminal justice administration, whereas *mixtum imperium* would comprise civil law and matters relating to property.⁶⁹ From the 13th century onwards, the term *merum et mixtum imperium* was used to connote “the powers conceded to princes and communities who legally depended on a higher authority but had full control within their territorial confines” and this seems to be the main semantic content behind this phrase in Raymond’s list as well.⁷⁰ In the context of the Patriarchate of Aquileia, it was already Emperor Frederick II who officially recognized that *merum et mixtum imperium* in Friuli and Istria belongs to the Church of Aquileia by way of conferred imperial regalian rights (*ratione regaliū*) and the same document equates this phrase with the right to shed blood (*iudicium sanguinis vel merum et mixtum imperium*).⁷¹ In any case, it is surprising that such a potent juridical concept does not feature more prominently in Raymond’s list of rights. The fact that it is only mentioned once in the context of Buje speaks in favor of the hypothesis that the list was composed somewhat hastily, lacking more cogitated systematization of employed legal concepts.

Characteristic of the first group are also the various *iura minuta*, lesser rights that are place specific and that were sometimes left undefined (*multa alia iura minuta* as it is stated for Buje). For

⁶⁸) “Imperium aut merum aux mixtum est. Merum est imperium habere gladii potestatem ad animadvertendum facinorosos homines, quod etiam potestas appellatur. Mixtum est imperium, cui etiam iurisdictio inest, quod in danda bonorum possessione consistit.”; MOMMSEN 1870: 40; the English translation is taken from WATSON 1998: 40 where a definition of “bonorum possessio” is provided in the appended glossary (xix, s.v.).

⁶⁹) VALLEJO 1992: 8–9.

⁷⁰) KOEBNER 1961: 37.

⁷¹) [FIM: 1238_FB](#); SCHMIDINGER 1984: 314.

example, from Muggia the patriarch was to receive 310 urns of wine and 300 pounds of oil coming from “certain revenues” (*certis redditibus*), a duty unique to this community. In Belaj on the other hand, every tenant was to give one animal and two shillings, another unique tax. There are also various dues that were proportionate to one’s property and this is also specific to group 1. For example, in Buje, those with two oxen were to give one bushel of grain and one bushel of barley, those with a vineyard had to give a gallon of wine and 16 pounds of Veronese coins, everyone with ten animals had to give a quarter of a lamb and each household had to give a bale of hay. These are very specific rights and similar are featured for Oprtalj, Labin, Plomin, Belaj, Sveti Martin and Boljun.

When these specific taxes and fees are compared to a document drawn almost precisely a hundred years later, when the authority of the Aquileian patriarchs had crumbled in Istria, some similarities emerge. For example, the 1381 *Iura expectantia ad Marchionatum Istrie Aquilegiensis ecclesie*, a document composed for administrative purposes and thus devoid of “embellishments” and “enhancements” characteristic of Raymond’s list, also states that those in Buje who worked their fields with two oxen ought to pay one bushel of grain and one bushel of barley, and those with less ought to pay a half.⁷² This is a more detailed provision than the one featured in the 1280 list but almost identical in its main part. Moreover, based on the 1381 list, anyone with a vineyard ought to pay a half an urn of wine, a somewhat lessened tax compared to the one from 1280. However, the 1381 document also features many taxes and fees that were not mentioned in Raymond’s list, such as the yearly tax of three hundred pounds of Venetian coins owed by the Commune of Buje. Thus, while the entire 1280 list is highly “embellished” and composed primarily to dumbfound the Venetians with the patriarch’s far-reaching rights and jurisdictions in the region, consequently boosting the price of the lease of these prerogatives, there are elements which are indeed consonant with actual day-to-day administrative practices.

⁷²) **FIM: 1381_IMI**; older edition is JOPPI 1883: 195–199.

Finally, the modality by which these towns and villages of group 1 became possessions of the Patriarchate of Aquileia with full property rights should be illuminated. Out of the 38 places that are described as belonging *iure proprietario* to the Church of Aquileia, around a third stem from the donations issued by Count Ulrich II of Weimar, the son and heir to Margrave Ulrich I (margrave of Istria from 1061 to his death † March 6, 1070) to Patriarch Ulrich I of Eppenstein in 1101 and 1102: Kaštel, Buje, Oprtalj, Čuklja (or Kukov Vrh), Letaj, Fratrija, Sočerga, Hum, Kubed and Buzet (Belaj, Sveti Martin, and Boljun, erroneously featured in group 2, were also donated by Ulrich II).⁷³ The villages in the wider Buzet area such as Nugla, Brgudac, Trebeše and Čepić, while not explicitly mentioned in Ulrich II's donations, probably also belonged to the Church of Aquileia via the 1102 charter by way of the clause "and all that may be found in whatever other place belonging to us in this County [of Istria], in cities as well as outside of them."⁷⁴ These extremely generous donations raised the position of the Patriarchate of Aquileia to the richest and most influential jurisdictional factors and landowners in Istria, neutralizing the feeble authority of incumbent imperial margraves of House Spanheim (margraves of Istria from 1107/8 until 1173).⁷⁵

Muggia is the oldest secular possession of the Church of Aquileia in Istria and enjoyed a somewhat special status in the list (to be discussed below). The town was donated to the secular *potestas*

⁷³) **FIM: 1101_DW, 1102_DW, 1102_DWR**. For the context of these donations, see: BANIĆ 2017c. On Ulrich I of Weimar as margrave of Istria, see: BANIĆ 2021b.

⁷⁴) "[V]el [quod] per aliis quibuscumque locis invenire potueritis de nostris iuris rebus in eodem Comitatu, tam in civitatibus quamque et de foris." **FIM: 1102_DW**. This line was interpreted in the late 14th century as the entire Istria being donated to the Patriarchate of Aquileia, except the four *castra* donated to Adalbert the Senior and Junior: "Instrumentum publicum donationis facte ecclesie Aquilegensi de tota Istria, exceptis quatuor castra, per Vodalricum, filium quondam Voldorici marchionis, et Adeleytam iugales in MC." TEA: 222 (doc. 505).

⁷⁵) BENUSSI [1897] 2004: 387–394; BANIĆ 2017c: 56.

of the Church of Aquileia by the Italian King Hugh of Arles and his son Lothair II in 931.⁷⁶

Sveti Juraj, as demonstrated above, was bought by Patriarch Gregory of Montelongo in 1260, partly from Biaquino of Momjan.⁷⁷

Three places that were donated to other lords in the late 11th, early 12th century also somehow became the properties of the Church of Aquileia *iure proprietario*. Such is the case of the village of Zrenj, donated in 1066 by King Henry IV to a certain Adalbert.⁷⁸ This Zrenj somehow passed to the Church of Aquileia, most probably during the age of Patriarch Ulrich I of Eppenstein, and sometime in the late 11th/early 12th century a castle was erected in its vicinity – the famous Petrapilosa.⁷⁹ From the very beginning of the 13th century, this castle was administered by the progenies of the eponymous ministerial house in service of the patriarchs of Aquileia, its first recorded member being a Vulving of Petrapilosa.⁸⁰

⁷⁶ FIM: 931_MA; SCHIAPARELLI 1924: 85–87 (doc. 28). See also: COLOMBO 1970: 22–25.

⁷⁷ TEA: 189 (doc. 399), 223 (docs. 512–513).

⁷⁸ FIM: 1066_HS; GLADISS–GAWLIK 1941–1978: 239–240 (doc. 183).

⁷⁹ The castle's construction is dated by way of archeological remains and methods: VIŠNJIĆ 2020b: 17–30. Late 14th-century work *Thesauri claritas* features a *regestum* of a supposed donation of Zrenj that states “privilegium Friderici regis de donatione facta ecclesie Aquilegeni de villa Srengi in Istria, sub data MLX.” TEA: 227 (doc. 535). This *regestum* is erroneous as Frederick (either I or II) could not have issued anything in 1060. Perhaps the date should have been MCLX, thus during the age of Frederick I (who was at this time already emperor), but no such donation has been found. The MGH editors of Henry IV's charters interpreted this *regestum* as erroneous both in the name of the monarch, the year, and even in the name of the recipient, as the *regestum* should have read Henry IV, the year should have been 1066, and the recipient should have been Adalbert, not the Church of Aquileia, thus referring to the aforementioned donation of Zrenj. GLADISS–GAWLIK 1947–1978: 681–682.

⁸⁰ DE FRANCESCHI 1924a: 91–93 (doc. 67) = JOPPI 1878: 14–15 (doc. 2). Joppi read the name as “Vulvingus”, De Franceschi as “Vulingius”. In the manuscript (ASV, MADP, b. 2, doc. 64), there are three minims after “Vul” and four minims after “g”, the last two under a sign of abbreviation as the name is given in the accusative case. The possible readings are therefore several, “Vulvignus” being

A certain Maynard was given Roč and a certain Adalbert the Senior (perhaps the same man as the one featured in Henry IV's 1066 donation) Črnigrad and Beligrad in its vicinity by Count Ulrich II in 1102. Yet, all three of these *castra* ended up as properties of the Church of Aquileia.⁸¹ Črnigrad was the seat of power of Maynard of Šumbrek, a distinguished regional nobleman who also ruled over Pazin, a *castrum* that he had held by virtue of his title as the advocate of the church of Poreč.⁸² It should be noted that the Church of Aquileia also claimed jurisdiction over Pazin by way of a supposed donation of Otto III, confirmed in an authentic charter issued by King Henry II in 1012.⁸³ This Maynard was related to Patriarch Ulrich II of Treffen (r. 1161–1182) and it was most probably during this time, the second half of the 12th-century, that the Church of Aquileia renounced its claims over Pazin in exchange for Črnigrad (and perhaps even the nearby Roč).⁸⁴ Maynard of Črnigrad-Šumbrek died without male offspring; his daughter, Matilda of Pazin, married Count Enghelbert III of Gorizia (as his second wife) and thus brought this prominent noble house, at this time already the hereditary advocates of the Church of Aquileia, into Istria.⁸⁵

Finally, for some places – such as Gočan between Barban and Savičenta, Vodnjan, and all the villages of the *regalia* – it is impossible to precisely infer how exactly they had become the properties of the Church of Aquileia. The 14th-century *Thesauri clartias* features a vague regestum that states: “[a charter] on the donation

my preferred one, most probably a contamination of the original “Vulvingus” (from Germ. Vulfing), as transcribed by Joppi. Cf. FÖRSTEMANN 1900: col. 1645. The history of House Petrapilosa has yet to be written based on all surviving primary sources, much of them still unedited. Until the publication of such a monograph, see: BENEDETTI 1964; DAROVEC 2007: 48–91.

⁸¹) FIM: 1102_DW.

⁸²) On this Maynard, see: ŠTIH 1994: 86–87, 140–141.

⁸³) FIM: 1012_HA; SICKEL 1900–1903: 279–280 (doc. 243).

⁸⁴) SCHUMI 1882–1883: 150–151 (doc. 173a). On Patriarch Ulrich II of Treffen, see: BRUNETTIN 2006.

⁸⁵) ŠTIH 2013: 57–58, 186.

of the *regalia* of Pula”.⁸⁶ Perhaps the *regalia* to which this regestum refers had originally belonged to the bishops of Pula, but when the entire bishopric was donated to the patriarchs of Aquileia in 1093/4, these regalian rights were transferred to their new overlords.⁸⁷ Thus, the regestum would refer to Henry IV’s donation of the Bishopric of Pula that, unfortunately, has not survived in any *in extenso* copy.⁸⁸ The patriarchs of Aquileia possessed the regalian rights over all Istrian bishopric and this was confirmed multiple times by the ruling Roman kings and emperors, among others even by Frederick II in 1214 and 1220, both times explicitly mentioning *Episcopatus Polensis*.⁸⁹ This hypothesis enjoys the most support from primary sources. Another option is that the *regalia* were donated to the Church of Aquileia only subsequently by someone else (a count or perhaps even a bishop of Pula) and that the regestum refers to that unknown, nowadays lost, private charter, although that seems much more unlikely. According to Benussi, who ignored this entry in the *Thesauri claritas*, the *regalia* were originally imperial possessions that were subsequently handed over to the emperor’s representative in the region, that is the margrave of Istria; thus, the patriarchs could enjoy the rights over the villages of the *regalia* simply by virtue of their title as *marchiones Istriae*.⁹⁰ This interpretation also seems unlikely, especially when bearing in mind the aforementioned regestum featured in the *Thesauri claritas*. Be that as it may, the eleven villages of

⁸⁶) “In quinto decimo [scrineo sunt] [...] Et de donatione regaliū Pole.” TEA: 19.

⁸⁷) TEA: 227 (docs. 536 and 539), edits the *Thesauri claritas* from an early 15th-century copy from Udine, Archivio capitolare, featuring the year “MXCIV”, that is 1094, for this particular entry. Another exemplar of the *Thesauri claritas*, from Archivio di Stato di Udine, features the year “millesimo LXXXIII”, thus 1093. Both exemplars date from the first quarter of the 15th century and as such, present the two *codices optimi* of the work whose late 14th-century original has been lost. The edition based on the second exemplar, not consulted by Bianchi, including the digital facsimile, is featured in [FIM: 1093_PAP](#).

⁸⁸) On this donation charter, see: LENEL 1911: 96 fn. 2.

⁸⁹) KOCH 2002–2021, 2: 109–112 (doc. 220); KOCH 2002–2021, 4: 200–202 (doc. 738).

⁹⁰) BENUSSI [1923] 2002: 144.

the *regalia* were contested by the Commune of Pula: already in 1291, the citizens of Pula claimed to the Venetians that these *villae regaliae* belonged to the Commune.⁹¹ The patriarchs definitively *de facto* and *de iure* lost this territory in 1335, when Patriarch Bertrand of Saint-Geniès signed a treaty with Venice, legitimating Pula's subjection to the *Commune Veneciarum* promulgated in 1331.⁹²

Iure marchionali

The second group is described primarily by the patriarch's prerogatives in Koper, the situation for both Piran, Poreč, and Pula being summarily described by reference to it. In Koper, according to Raymond's list, the patriarch received a hundred bezants from anyone found guilty of committing criminal offences. Moreover, the patriarch received five shillings of Veronese coins from every notary, two bezants from every cargo ship entering the port, and "a certain something", again an aptly undefined term, from every craftsman. These rights are then extended to Piran, Pula, and Poreč (*ut in civitate Iustinopoli*), all four of them port cities as well. While the patriarch did not own these places as he did the ones from group 1, he did own various properties within them: a vineyard in Koper and Piran, houses in Poreč, two "ancient palaces" (*antiqua palatia*) in Pula: *Iadra* and *Arena* (ancient theatre and amphitheatre, respectively), together with a palace in the main square and "certain other houses". In Pula, besides everything as in Koper, the patriarch received an additional 82 bushels of grain and 75 bushels of barley from "certain incomes" "from certain people" – perhaps the most vague phrase in the entire document – and anyone who should dare snatch a stone from either *Iadra* or *Arena* had to pay a hundred bezants for each stolen item to the patriarch. This decree, according to De Franceschi, saved the two ancient buildings during

⁹¹ MINOTTO 1870: 182–183. See also: DE FRANCESCHI 1905: 86.

⁹² DE FRANCESCHI 1905: 247–248 (doc. 19), 261–266 (doc. 29).

the medieval era, the latter continuing to adorn the ancient city of Pula to this day.⁹³

The use of bezants as coins is something unique to group 2. The term *bisançius* was used as a catch-all term for a gold coin coming from the East, to be differentiated from the standard silver coins widely used in quotidian settings.⁹⁴ The money predominantly used in Istria at the time was either the Venetian or Veronese penny or groat, the former being more common than the latter.⁹⁵ It should be noted that Venice began minting its own golden coins, a ducat or *zecchino*, only starting in 1284, under Doge Andrea Dandolo.⁹⁶ Meanwhile, the patriarchs of Aquileia minted only silver coins and it was precisely Raymond that instituted a new silver denar worth fourteen Veronese pennies and bearing his likeness.⁹⁷ Thus, the only gold coin in circulation in 1280 would indeed be the Byzantine hyperpyron to which the term *bisançius* refers.⁹⁸ Moreover, there are documented cases of the quotidian use of bezants in Istria, but they all stem from earlier periods, mostly from the late 12th century and associated with Pula.⁹⁹ A 13th-century forgery drawn up in the chancellery of the bishops of Poreč also mentions bezants in its *sanctio temporalis*.¹⁰⁰ Thus, it seems that Byzantine hyperpyrons were indeed used in Istria, at least in the larger and economically more developed *civitates* such as Pula and Poreč (and presumably Koper as well).

⁹³) DE FRANCESCHI 1905: 55–56; BENUSSI [1923] 2002: 157–158

⁹⁴) GRIERSON 1991.

⁹⁵) An observation based on moneys featured in the oldest preserved Istrian notarial registers, both from Piran and covering the second half of the 13th century, edited in MIHELIČ 1984 and MIHELIČ 1986.

⁹⁶) LANE-MUELLER 1985: 280–285.

⁹⁷) TAMBARA 1905: 10 fn. 5; DEMONTIS 2009: 176–181. Much later, there is a mention of a golden florin of the patriarchs of Aquileia during the reign of Patriarch Ludwig of Teck, although no such coin has ever been found. BERNARDI 1975: 54–55.

⁹⁸) GRIERSON 1999: 11–12.

⁹⁹) BMV, lat. XIV, ms. 101 (= 2804), pp. 268, 306, 308. These 12th-century characters will be critically edited in a forthcoming publication.

¹⁰⁰) KANDLER 1986: 369–370 (doc. 198).

It should also be noted that in Pula, at least during the 13th century, there are no mentions of appointed gastalds but instead of *potestates regaliae*.¹⁰¹ As De Franceschi concluded back in 1905, these officials were endowed with identical prerogatives as gastalds elsewhere in Istria and Friuli, but in Pula they carried a different title, mirroring the commune's somewhat unique administrative evolution.¹⁰² Similar is the case with Koper, where a 1210 document mentions two city rectors appearing side by side: Dietrich (*Dictericus*) Bonefontis, the podestà of Koper, and Almeric, the podestà of the margrave.¹⁰³ This *potestas marchionis* most certainly refers to the patriarch's gastald, but the old office was given a new, more elaborate title to mirror the autonomous administrative development of the commune and the city's (self-perceived) salience within the regional framework of the Istrian *Marchionatus*.¹⁰⁴ Naturally, these exceptions are not mentioned in Raymond's 1280 list, as it would have betrayed the special status of Koper and Pula, communes enjoying a certain degree of administrative autonomy, something that needed to be avoided in front of Venice in order to depict the rights of the Aquileian Church in the best possible light.

Peculiarities

There are also some localities that do not fit neatly into either group 1 or 2. First there is the case of Muggia, owned *iure proprietario* by the patriarch since 931 as explained above. However, the attributed

¹⁰¹) E.g. KANDLER 1986: 474–475 (doc. 275). See also: BENUSSI [1923] 2002: 161–162.

¹⁰²) “[G]li venne data [la denominazione affatto singolare *potestas regaliae*] forse a maggior grado di onoranza e per dinotare in lui la duplice veste di capo del Comune e di delegato del principe.” DE FRANCESCHI 1905: 18.

¹⁰³) KANDLER 1986: 386 (doc. 209) features some errors in transcription, taken from an unknown source “codice Madonizza”. The oldest surviving copy of the charter is featured in ASV, San Nicolò di Lido, Atti, b.1: *Catasticum Histriae*, p. 32–33 (doc. 47), 15th-century codex.

¹⁰⁴) On the development of the Commune of Koper, see: GREGO 1937; SEMI 1975: 68–85; ŽITKO 1989: 38–52.

list of rights is more comparable to the one featured for Koper than to the other members of group 1. In Muggia, the patriarch received a great number of “certain somethings”: from the scribes, from all the craftsmen, and from all the taxpayers. Moreover, there is no mention of Muggia being a *iure proprietario* possession of the patriarch with which he might do “as he pleases”; instead, it is only mentioned that Muggia belonged “to the treasury (*camera*) of the lord patriarch” and that the patriarch owned a house therein. The reason behind this apparent discrepancy should be sought in Muggia’s unique position in respect to the other towns and villages held *iure proprietario* in Istria. Namely, out of all the members of group 1, Muggia was the oldest temporal possession of the Aquileian Church in Istria and the town that went the furthest in the development of its own communal offices and autonomous administrative framework, Buje running a close second.¹⁰⁵ Muggia was thus a rich *quasi-città*, comparable to Piran and Motovun in its level of communal development, but at the same time under full proprietary rights of the Church of Aquileia.¹⁰⁶ Hence, Muggia’s special status in the list.

Motovun is also somewhat uniquely treated as it features by far the smallest selection of patriarch’s rights: the appointment of a gastald, all the regalia, the right of lodging and the fines adjudicated in criminal offences. This hill-top walled town was a uniquely

¹⁰⁵ Based on the confirmations of the elections of civic rectors reported in the *Thesauri claritas*, only Muggia and Buje are the towns from group 1 that governed themselves, intermittently as it may be, by way of elected podestàs. For Buje, there is only one recorded election and confirmation of a podestà, from 1257; for Muggia, there are three: from 1257, 1258, and 1266. TEA: 232 (doc. 574), 233–234 (doc. 584), 234 (doc. 587). See also: COLOMBO 1970: 122–126, although his statement that Muggia had obtained the right to substitute the appointed gastalds with their own elected podestàs already in 1256, is based exclusively on his uncritical (and wrong) reading of Marcantonio Nicoletti’s *Vita del patriarca di Aquileia Gregorio di Montelongo*, a 16th-century narrative according to which Patriarch Gregory accorded the right of free elections of their podestàs to Koper, Muggia, Poreč, Motovun and Sveti Lovreč (NICOLETTI 1898: 25–26), and must therefore be abandoned. Cf. COLOMBO 1970: 43.

¹⁰⁶ CHITTOLINI 1990: 9–14 for an elaboration of the concept of “almost-city” (orig. Ital. *quasi-città*).

attractive possession both to Venice as well as to the counts of Gorizia due to its valuable strategic position overlooking the fertile fields and rich woods of the river Mirna's valley.¹⁰⁷ Moreover, Raymond personally managed to assert his dominion over Motovun in 1276, only to lose it to Venice in 1278.¹⁰⁸ The situation was thus still very precarious in this town and the patriarch did not want to pour oil on fire that was still not entirely extinguished by listing an extensive set of his supposed prerogatives that would apparently suffocate the commune's autonomy. Moreover, the lords of Momjan from House Duino, faithful primarily to the counts of Gorizia, but *de iure* also ministerials of the Church of Aquileia, had their eyes set on Motovun and, as De Vergottini convincingly argued, coveted a lordship over the strategically valuable town.¹⁰⁹ Thus, this community was treated very summarily, showing respect towards their communal autonomy and towards their potential new overlords who would nonetheless hold it as Aquileian retainers. In essence, by treating this town extremely summarily and showing that the potential lease would only encompass these four prerogatives, the problem of other, aptly elided jurisdictions in Motovun was largely left to the counts of Gorizia and the lords of Duino-Momjan to negotiate with Venice, perhaps even aggressively so, as they had unsuccessfully tried to do in 1278.

Labin presents another unique case. There are no preserved primary sources that would attest to Labin being donated to the Church of Aquileia. Thus, all the patriarch's prerogatives over this community would stem exclusively from his title as Istrian margrave conferred in 1209. However, the list of patriarch's rights attributed to Labin shows very detailed prerogatives – a sheep with a lamb from anyone who had 10 or more sheep; a bushel of grain, a bushel of wheat, and a gallon of wine from every tenant;

¹⁰⁷) DE VERGOTTINI [1924–1925] 1974: 96, 102–104, 106, 115–116.

¹⁰⁸) DMC, 2: 66 (doc. 88), 67 (doc. 95); TEA: 229–230 (doc. 557); PASTORELLO 1938–1958: 322, 325; PASCHINI 1922: 105.

¹⁰⁹) DE VERGOTTINI [1924–1925] 1974: 104, 115–116; DE VERGOTTINI 1952: 20.

29 pounds of Veronese pennies from the Commune – a set that is much more comparable to places that were under full proprietary rights of the Church of Aquileia such as Buje. Moreover, the list features the ambiguous term “every jurisdiction” (*omnis iurisdictio*) that would point towards the patriarch’s *iure proprietario* possession. The fact that the set of rights connected to Labin was then “copied” onto Belaj, Sveti Martin, and Boljun – all indeed held with full proprietary rights – further confirms the ambiguous position of *Commune Albonae* within the framework of Aquileian Margraviate of Istria. Labin and Dvigrad were the only communities in Istria that had not been donated *iure proprietario*, but that nonetheless remained under the temporal authority of the patriarchs until the Venetian annexation of the Patriarchate of Aquileia in 1411–1421.¹¹⁰ Thus, Labin and Dvigrad were the only communes where the patriarchs managed to successfully impose their full authority simply by virtue of their title as *marchiones Istrie*.

Finally, Kaštel presents a unicum within the regional framework of the Aquileian *Marchionatus Istriae*. Originally bestowed to the Church of Aquileia by Count Ulrich II of Weimar in 1102, the *Castrum Veneris* was subsequently organized as a *feudum habitantiae*, a place given over to the administration of one or more retainers who were explicitly obligated to reside therein during their appointed term.¹¹¹ This is clearly mirrored in the text of Raymond’s list: the patriarch is the lord of the entire territory of Kaštel, “with the exception of that what the inhabitants of the said town hold from the very lord patriarch, who are in turn obliged to guard and defend that very town.” There are several such *habitatores* of Kaštel that are known from primary sources. These are usually prominent locals but sometimes even the citizens of Aquileian Buzet or the Friulian Azzano Decimo and Cividale.¹¹²

¹¹⁰ The Venetian annexation of the *reliquia reliquiarum* of the Aquileian Margraviate of Istria is treated in detail in BANIĆ 2021a: 123–174.

¹¹¹ MOR 1974 remains the principal publication on the topic of the *feudi habitantiae*.

¹¹² TEA: 91 (doc. 152), 138 (doc. 258), 138–139 (doc. 260), 140 (doc. 264), 198 (doc. 428), 209 (doc. 461), 292 (doc. 879).

In Friuli, this type of administrative model appears in the beginning of the 13th century and from there it gets copied to Aquileian Istria as well.¹¹³ Besides Kaštel, the fort of Pula was also organized as a *feudum habitantie* and it was bequeathed to Sergius and Nassinguerra of Pula around 1290 (*terminus ante quem* October 1294), that is, during Patriarch Raymond's age. From that point on, the family *de Pola* assumes a new toponymic identification, *de Castropola*, and subsequent historiography will remember the entire house under this famous surname.¹¹⁴ Kaštel occupied a strategically important position, overlooking the northwestern entry into the fertile microregion of the valleys of the rivers Dragonja and Mirna, an extensive patch of land that was under full proprietary rights of the Church of Aquileia. Moreover, the patriarch's *canipa* (translated as "treasury" here) was also located in Kaštel, and various taxes and dues in kind from other places in Istria would first be brought here before being handed over to the patriarchs or to their designated revenue collectors.¹¹⁵ In the war between Patriarch Gregory of Montelongo and Count Albert I of Gorizia, Kaštel was razed by Gorizian forces;¹¹⁶ this *canipa*, it would seem,

¹¹³) MOR 1974: 53–54.

¹¹⁴) DE FRANCESCHI 1905: 250 (doc. 21). The 1294 document where the members of de Pola family are featured for the very first time with their new surname, de Castro Pole, was edited by Kandler in the 7th volume of his journal *L'Istria* as part of the, at the time still work-in-progress, *Codice diplomatico istriano* (KANDLER 1852: unapaginated, doc. sub anno 1293). For some reason, however, this charter was overlooked by the editors of the 1986 edition of Kandler's codex. The same document is also edited in DE FRANCESCHI 1924a: 286–288 (doc. 218) See also: DE FRANCESCHI 1905: 100, fn. 1; BENUSSI [1923] 2002: 189.

¹¹⁵) TEA: 156 (doc. 302), 210–211 (doc. 467); BRAGATO 1913: 386. See also: PASCHINI 1918: 58. DE VERGOTTINI [1924–1925] 1974: 220 claiming that Kaštel was "a center of the lordship of the patriarchs of Aquileia in Istria" only because a *canipa* was located therein is an overstatement.

¹¹⁶) The famous note presented by Count Albert I to Patriarch Raymond on August 19, 1274, that lists all the advocate's accomplices and all the damages committed against the Church of Aquileia during the war against Patriarch Gregory of Montelongo features a line stating that those of Koper, Piran, and Izola – all in the service of Count Albert I – "destruxerunt castrum Castelverde". This "Castelverde" is, in fact, a wrong reading of the originally written

moved to Buzet where the taxes stemming from the villages of the regalia were transported and collected by the patriarch's official in 1278.¹¹⁷ Other such *canipae* are attested in Labin and Plomin, albeit in primary sources from a much later period, presumably collecting the incomes from Dvigrad as well.¹¹⁸

Omissa

Finally, it is important to read the omissions in the list too, as they tellingly reveal Raymond's network of allies in Istria, the concessions that the patriarch was forced to make, and the rights that he had to acknowledge for the sake of peaceful reign in the Patriarchate.

At this point in time, Trieste was still considered a part of Istria and the Coppo's appended note described the region as extending from San Giovanni di Duino, north of *Commune Tergesti*. However, neither Duino nor Trieste are featured on the list. Leaving Duino aside for now as it will be discussed below, Trieste was not included in the list as it was claimed as the temporal

"Castelveđe" with a nasal abbreviation sign over the last syllable what would give "Castelvende", surely a *lapsus calami* for the originally intended "Castelvenere". It was erroneously transcribed first by Bianchi (DF, doc. 391) then in KANDLER 1986: 602 (doc. 361), and most recently in PANI 2009: 106 (doc. 9). The note is preserved as a coeval copy made by notary Walter of Cividale (BCU, FP, ms. 1469, fol. 11v) and all the cited editions stem from this manuscript. I wholeheartedly thank my dear colleagues at the Biblioteca civica "Vincenzo Joppi" in Udine for kindly providing me with the digital facsimile of the manuscript. The destruction of Kaštel by Count Albert I and the Capodistriani is also attested in a letter sent in 1269 by Ulrich III Spanheim, Duke of Carinthia, to King Ottokar II of Bohemia ("castrum Aquilegensis ecclesie quod Castrum Veneris nuncupatur, exposuerunt incendio et ruine"); JAKSCH 1906: 719–720 (doc. 3019, quotation on 720).

¹¹⁷ BLANCATO 2013: 325–327 (doc. 88).

¹¹⁸ PASCHINI 1930: 92; [LUCIANI] 1888: 283. DE VERGOTTINI 1926: 120 is wrong when he claims that there was just one *canipa* for the entire Margraviate of Istria and that it moved to Labin following the destruction of Kaštel. The above cited document from 1278 shows that there were several *canipae* in the Margraviate of Istria.

possession of the local bishops.¹¹⁹ Namely, a donation promulgated by the Italian King Lothair II in 948 to the incumbent Bishop of Trieste John, recognized the local bishops as the worldly rulers of *Civitas Tergestina*.¹²⁰ Even though the dominion of the bishops was challenged by the rising Commune during the 12th and 13th centuries, especially after the 1253 purchase of a substantial set of jurisdictional prerogatives from Bishop Ulrich of Portis, Patriarch Raymond clearly favored the bishopric.¹²¹ Shortly after the drawing up of this list of rights, most probably in 1282, Raymond appointed Ulvino da Portis, a progeny of Cividale's civic elite and the treasurer of Cividale's chapter, as the new bishop of Trieste.¹²² Following his appointment, Ulvino solemnly recognized that he held temporal dominion over Trieste, Umag, Sipar, *castrum Vermes*, Panzano by Monfalcone and Gradina (in the vicinity of Lim Bay in Istria) as fiefs from the Church of Aquileia.¹²³ None

¹¹⁹) JENKO KOVAČIČ 2019; JENKO KOVAČIČ 2022: 79–83.

¹²⁰) SCHIAPARELLI 1924: 276–278 (doc. 11), discussed in JENKO KOVAČIČ 2019: 368–370 where a digital facsimile of the charter, preserved only as an insert in a copy from 1351, is featured. Cf. MANARESI 1944: 314–319, who claims that the 948 charter is a forgery drawn up in the second half of the 10th century, and the refutation of this claim in JENKO KOVAČIČ 2022: 79.

¹²¹) KANDLER 1986: 494–496 (doc. 290); JENKO KOVAČIČ 2019: 376; JENKO KOVAČIČ 2022: 82.

¹²²) BLANCATO 2006.

¹²³) ASU, NA, b. 5120.14, fol. 77r. DE VITT 2022: 578 (doc. 453bis) misreads some toponyms (*castrum Veneris* instead of *castrum Vermes*); an older edition, based on a much later copy from BMV, ms. lat. XIV, 102 (= 2805), p. 209 is: KANDLER 1986: 751 (doc. 424). DE VERGOTTINI 1927: 50 fn. 1 dates the originally undated document to a period between May 1282 (the supposed appointment of Ulvino as the bishop of Trieste) and March of 1283, his first appearance as a member of the Friulian *Colloquium generale*. The *castrum Vermes* remains a mysterious toponym to decipher. The possession of this *castrum* stems from a supposed donation charter issued by King Berengar I to the Bishopric of Trieste in 911, bequeathing upon the incumbent Bishop Taurinus two forts “qui dicitur Vermes, unus maiore et alius minore.” The charter is a forgery, most probably drawn up in late the late 10th or 11th century. SCHIAPARELLI 1903: 387–389 (doc. †10). Traditionally, this *Vermes* has been identified as Beram in Istria, but there are no *duo castra* there and further, there is no evidence that the Bishopric of Trieste ever held this Istrian town. Thus, it has been argued that the *castra Vermes* actually refer to Gornje and Dolnje Vreme by Divača in

of the places mentioned in Ulvino's profession are featured in Raymond's list. Thus, Patriarch Raymond was ready to acknowledge the bishopric's dominion over both the city of Trieste as well as its temporal possessions in Istria in exchange for the formal recognition that everything was held directly from the Church of Aquileia. In essence, Raymond sought to affirm jurisdiction over Trieste indirectly, by way of the local bishops whose appointment he controlled by way of Henry IV's 1081 donation of the *regalia* of Trieste.¹²⁴ This also explains why Umag, a highly contentious temporal possession of the Bishopric of Trieste, held by way of a forged charter purportedly issued by King Hugh in 929, is also not featured in the 1280 list.¹²⁵ If Venice would lease the patriarch's rights in Istria, the possessions of the Bishopric of Trieste would not be included in the package. In other words, the problem of Venetian jurisdiction over Umag was left to Venice and the incumbent bishops of Trieste to resolve between themselves.

Izola is also not mentioned in the list as the town belonged *in temporalibus* to St. Mary's Monastery in Aquileia. Izola was first bequeathed to Vitale Candiano by Emperor Otto I in 972, and subsequently bought from the same Venetian by Patriarch Rodoald in 977, a purchase that was solemnly confirmed by Emperor Otto II.¹²⁶ By 1036, Izola had already been bestowed upon the Monastery of St. Mary in Aquileia by the patriarchs and this was confirmed by Patriarch Poppo.¹²⁷ The abbesses of St. Mary's monastery in Aquileia appointed (or merely confirmed the elections of) the gastalds of Izola and governed the town as

present-day Slovenia. Subsequently, as these two early medieval *castra* were abandoned and left to ruin, the *castra qui dicitur Vermes* were aptly "reimagined" by the later bishops of Trieste as *castrum Vermes* in Istria, as read from the 1333 investiture of Andrea Dandolo by Bishop Pax: KANDLER 1986: 1089–1091 (doc. 636). For all of this, see: FIM: 911_BT; BOTICA–GALOVIC–ORBANIĆ 2021: 387–389; GALOVIC–ORBANIĆ 2022: 302–305.

¹²⁴ GLADISS–GAWLIK 1941–1978: 445–447 (doc. 338).

¹²⁵ SCHIAPARELLI 1924: 65–68 (doc. 22); JENKO KOVAČIČ 2019: 377.

¹²⁶ SICKEL 1879–1884: 554–556 (doc. 408); SICKEL 1888: 174–175 (doc. 154); HÄRTEL 2005b: 56. See also: KOS 2006: 17–18.

¹²⁷ HÄRTEL 2005b: 73–75 (doc. 1); KOS 2006: 18.

their temporal possession, although from the second half of the 13th century, communal institutions such as consuls, the Major and the Minor councils, began limiting the prerogatives of the town's *de iure* overlords.¹²⁸ Patriarch Raymond clearly supported the jurisdictional prerogatives of Aquileian Monastery of St. Mary as he duly omitted Izola from the list of temporal rights of his Church in Istria.

The omission of Novigrad has perplexed researchers and De Vergottini offered an interpretation according to which this exclusion had been a tacit recognition of the local bishops' ambition of temporal dominion over their city, a dream that they never managed to turn into reality.¹²⁹ There are no primary sources that would support this thesis and even De Vergottini himself admitted that the interpretation rested on shaky ground. However, a 1278 charter issued in Pazin, recording the alliance between Albert I of Gorizia and the Commune of Koper, reveals why Novigrad was omitted from the list. According to the original plan for the Gorizian *reconquista* of Istria, Novigrad was, once reconquered, meant to be handed over to the dominion of Ulrich of Duino-Momjan, a member of the leading ministerial family that pledged allegiance to both the counts of Gorizia and, at least theoretically, to the patriarchs of Aquileia.¹³⁰ Namely, the Momjanese branch of House Duino coveted lordship over Novigrad and Biaquino even managed to be elected as the "perpetual podestà" of the city in 1259, although he lost that title in 1261.¹³¹ Novigrad is thus omitted from the list because Raymond was prepared to acknowledge this ambition and leave the entire issue in the hands of the lords of Momjan and the counts of Gorizia. Doing otherwise, that is, including Novigrad in the lease, would most certainly have

¹²⁸) HÄRTEL 2005b: 157–158 (doc. 64); KANDLER 1986: 493 (doc. 289); RUS-SIGNAN 1987: 11–16; KOS 2006: 20–23.

¹²⁹) DE VERGOTTINI 1926: 105 fn. 1.

¹³⁰) "[C]ivitas Emonie, si aquisita fuerit, Oderico de Mimigliano et fratri suo restituatur in suo iure, sicut genitor eorum habuit et tenuit dum diem clausit extremum." ASV, MADP, b. 6, doc. 223; regestum: MINOTTO 1894: 80.

¹³¹) PREDELLI 1876: 170–171 (docs. 5–6); DE VERGOTTINI 1952: 20–21.

brought about the ire of Ulrich of Momjan, provoking an enmity that could dangerously destabilize Raymond's reign.

The lordship of House Duino-Momjan, both theoretical and practical, is respected in the 1280 list for that very same reason. Namely, Raymond omits all the possessions that this powerful family of service nobility held from the Church of Aquileia, including Duino and Momjan.¹³² Whether the eastern coast of the Istrian peninsula, the so-called Meran(ia) of late 14th century, did not feature in the list because Raymond acknowledged House Duino's dominion over these parts or because the microregion between the Učka mountain range and the river Rječina had not been conceptualized under the geographical term of *Istria*, cannot be ascertained.¹³³ It should be stated that this territory between Brseč and Rijeka had been subject to the temporal dominion of the Patriarchate of Aquileia since late 11th/early 12th century, but it was not included within the semantic horizon of *Istria* in the Middle Ages. Instead, it remained to be identified as a distinct region, Liburnia or *Meran sive Croatia* of *Thesauri claritas*.¹³⁴ The greatest part of this microregion was already in the hands of the lords of Duino, most probably extending over the lordships that they would continue to hold well into the 14th century (Mošćenice, Veprinac, Kastav and Rijeka).¹³⁵ In any case, there is absolutely no

¹³²) On this house, the best account remains: DE FRANCESCHI 1938; ŠTIH 1992; ŠTIH 2013: 142–159; KOSI 2018: 40–43, 90–94.

¹³³) ŠTIH 2013: 143; KOSI 2018: 40; TEA: 358–359 (doc. 1246).

¹³⁴) **FIM: 1367_MERAN**. I thus disagree with ANČIĆ 2019: 69 fn. 88 who claims that Rijeka could, albeit intermittently, enter the semantic horizon of *Istria*. The document upon which this claim is made, TEA: 358 (doc. 1245) does not identify Rijeka with *Istria*, but possessions bestowed upon a Domnius of Rijeka – Kožljak, Jasenovik, Letaj and Belaj (or Vranja) – all of them indeed in *Istria*, to the west of the Učka mountain range, the natural border dividing *Istria* from Liburnia (or *Meran sive Croatia*). **FIM: 1367_MID**. On the annexation of this microregion, see: BANIĆ 2021–2022.

¹³⁵) TEA: 358–359 (doc. 1246) is a *regestum* from 1367, mentioning a charter from 1256 that supposedly registered the lords of Duino's recognition that the lands they held in "Meran sive in Croatia" were fiefs bestowed upon them by the Church of Aquileia. This 1256 document has still not been found, but if the 1367 *regestum* is to be believed, then House Duino received their Meranian

mention of any territory to the east of Učka mountain range, that is, beyond the semantical confines of the term *Istria*, in Raymond's 1280 list.

The lordship of House Petrapilosa-Grožnjan was respected in the same way as the above example of House Duino-Momjan and for the same reasons. Petrapilosa, Grožnjan, and Salež, all possessions held from the Church of Aquileia by the service nobility stemming from the same family, are omitted from Raymond's list, a gesture of acknowledgment of this house's lordship over their patrimonial fiefs in Istria.¹³⁶

Meanwhile, the temporal lordship of the bishops of Poreč is partly acknowledged. Based on Otto II's 983 donation charter, the bishops of Poreč claimed dominion over a vast territory that encompassed "ten fine castles and many villages", including the city of Poreč, the towns of Vrsar, Tar, Nigrinjan, Pazin, Motovun, Sveti Lovreč, Rovinj, Bale and Dvigrad, including also the villages of Červar, Medelin and Ružar, the last two being in the vicinity of present-day Vižinada.¹³⁷ The 983 charter has been identified as an authentic document that, however, suffers from later interpolations in the *enumeratio bonorum* and a contaminated (or originally defective) *datatio chronica*.¹³⁸ Raymond was prepared to acknowledge only a small part of the claimed temporal dominion: Vrsar, the only possession not explicitly mentioned in the 983 donation

lordships before the mid-13th century. Brseč and Lovran were the only towns in this microregion that were not under their jurisdiction as they belonged to the counts of Gorizia, although the precise origins of House Gorizia's lordship over these two towns cannot be ascertained. The 1342 division of House Gorizia into the Friulian-Karstic and Istrian branches saw Lovran and Brseč (orig. written as *Lauran*, *Brischecz*) enumerated among the possessions of the latter branch, personified in Count Albert III of Gorizia. WIEßNER 1968: 62 (doc. 161); ŠTIH 2013: 64.

¹³⁶ BENEDETTI 1964; DAROVEC 2007: 48–91.

¹³⁷ SICKEL 1888: 356–357 (doc. 301); BAP, PB, Iurium episcopaliū liber I, fol. 170v (quotations, orig. Lat. "habuit hactenus [ecclesia Parentina] decem bona castra et villas plures").

¹³⁸ MARGETIĆ 1996: 147–154; **FIM: 983_OP**; LEVAK 2007: 312 is less critical towards these highly suspicious parts of the charter. A new monograph dedicated to this charter is planned for publication in the near future.

charter, and the territories to the north of Poreč up to the river Mirna: Červar, Tar, Nigrinjan, Medelin and Ružar – these territories are all omitted from the 1280 document. Perhaps Raymond's list hides the answer to the perennial question of what precise parts were interpolated in Otto II's 983 donation charter to the Bishopric of Poreč?

The jurisdictional island that the counts of Gorizia carved for themselves in Istria, largely as hereditary advocates of the church of Poreč and heirs to the lordship of Maynard of Črnigrad-Šumbrek, is also omitted from the discussed list of rights as Raymond could not have possibly done otherwise. Pazin with its many dependencies is excluded from the list just as the many Gorizian lordships in the valley of the river Raša.¹³⁹ There is also no mention of the so-called Fief of St. Apollinaris, a set of possessions and prerogatives in Pula and its district that originally belonged to the Archbishopric of Ravenna but that somehow, *sive iuste sive iniuste*, passed onto the dominion of House Gorizia.¹⁴⁰ The *feudum sancti Apollinaris* was subsequently bought by members of House Pula (the future Castropola) for 1,800 pounds of pennies and on December 7, 1265, Count Albert I of Gorizia solemnly invested the brothers Monfiorito, Glicerio, Nassinguerra and Sergius with this fief.¹⁴¹ Moreover, the jurisdictions of service nobility exclusively subjected to House Gorizia, such as Henry of Pazin or Karstman of Kožljak, were also acknowledged and duly omitted from the list. There is thus no mention of either Kožljak or Lupoglav, the latter bestowed upon Henry of Pazin in 1264 as hereditary fief by Patriarch Gregory of Montelongo.¹⁴² The reason behind these strategic omissions is clear and obvious: Count Albert I of Gorizia

¹³⁹⁾ For the lordships in the valley of the river Raša, see: DE FRANCESCHI 1898–1899.

¹⁴⁰⁾ TORRE 1929: 128–130 (doc. 2) is a primary source, a charter from 1197, that best depicts the possessions and rights connected to this fief. See also: DE FRANCESCHI 1905: 72–73; BENUSSI [1923] 2002: 83–84, 182–183.

¹⁴¹⁾ KANDLER 1986: 910–913 (doc. 516).

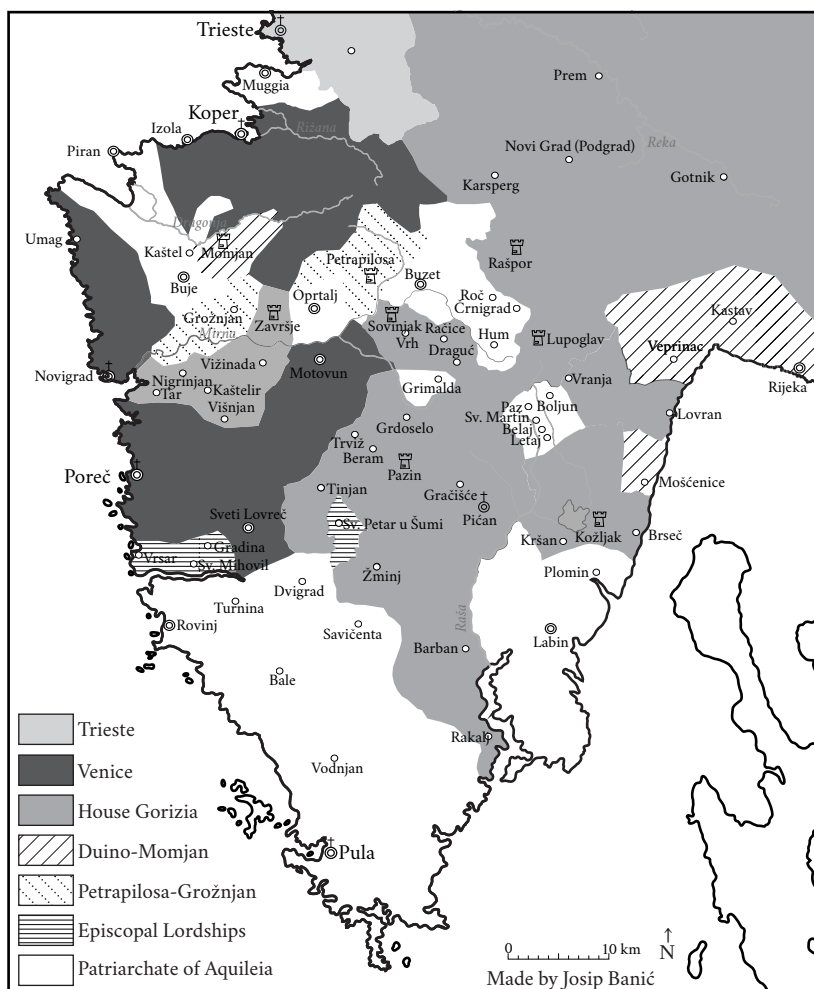
¹⁴²⁾ SCHUMI 1884–1887: 260–261 (doc. 334), better edition in [FIM: 1264_LH](#). See also: ŠTIH 2013: 163–165. On Karstman of Kožljak, see: ŠTIH 2013: 137.

and his network of retainers and ministerials were among the most important pillars upon which Raymond's authority and the power to govern the Patriarchate of Aquileia rested. Had they been wronged by the lease of the patriarch's rights in Istria to Venice, the trouble they could cause to the incumbent patriarch would be so much worse than the decrease in the price of the lease that the omission of their possessions in Istria entailed. Therefore, both Gorizian lordship over their hereditary Istrian possessions as well as the jurisdictions of their service nobility had to be acknowledged, respected, and therefore duly omitted from the offer of lease.

A lucrative tribute in kind exacted from Istria was also omitted, as its origins betrayed Venetian superiority and, perhaps more importantly, because Raymond was not willing to part with it. Namely, the patriarchs of Aquileia had an additional source of income from the tributes in kind known as *parva* and *magna gratia vini* (sometimes called *gratia* and *supergratia* respectively), the former comprising one hundred and thirty-eight amphoras, the latter one thousand amphoras of wine exacted from Istria. This tribute appears in written sources during the age of Patriarch Gregory of Montelongo when half of both the *gratia* and *supergratia* were pledged to a Giovanni Cauco of Venice for a sum of one hundred Aquileian marks.¹⁴³ In 1268, the same patriarch pledged for a period of two years the entire *parva* and *magna gratia vini*, together with the income from the tolls of Monfalcone, to the Venetians Marco Zorzano, Nicolò Michaelis, Stephano and Marino Coppo, for a total sum of six hundred Aquileian marks.¹⁴⁴ The two *gratiae* would continue to constitute an extra source of

¹⁴³) BLANCATO 2013: 588–590 (doc. 2), 592–593 (doc. 4). In this document, the *gratia* and *supergratia* amount to a total of 1130 amphoras of wine; from 1268 onwards (see the following fn.), the *parva* is fixed at 138 and the *magna* at 1000 amphoras of wine. In 1381, both *gratiae* were estimated to be “amphora[e] MCCII vel ab inde infra.” LEICHT 1917: clxxxxii (appendix 7: Introitus ecclesie Aquileiensis).

¹⁴⁴) BLANCATO 2013: 179–184 (doc. 6).



Map 2: The jurisdictional map of Istria c. 1280.

Note that the map is a crude estimation and (over)simplification of territorial divisions that were originally immeasurably more complex, flexible, negotiable and in many places unclear. The map shows Venetian possessions (Koper, Izola, Umag, Novigrad, Motovun, Sveti Lovreč and Poreč) and the territories held by the counts of Gorizia together with their numerous ministerials. The Karst (north of Rašpor), although displayed as pertaining to House Gorizia, was partitioned into numerous smaller lordships, several of which (Gotnik and Prem for example) under House Duino, but the Gorizians were the most dominant force in the region. Smaller episcopal lordships, most of them attested only in later periods and of uncertain origins, are ignored.

income for the patriarchs of Aquileia well into the 14th century.¹⁴⁵ However, as both of these contracts explicitly state, these two *gratiae* that belonged to the Church of Aquileia stemmed from a treaty signed with “the doge and the Commune of Venice.” Namely, in 1248, a pact concluded between Patriarch Berthold of Andechs and Venice stipulated, among other, that the patriarchs of Aquileia would be permitted to export wine from their Istrian vineyards and those owned by the Monastery of St. Mary in Aquileia, together with an additional amount of one thousand amphoras of Istrian wine *ad mensuram Veneciarum*.¹⁴⁶ This was a *gratia* that Venice magnanimously bestowed upon the Church of Aquileia. Due to this Venetian origin of the prerogative, Patriarch Raymond omits the tribute in kind entirely from his catalogue of rights as doing otherwise would have betrayed Venetian (superior) authority in the context of Istria and this was to be avoided at all costs. Most importantly, however, the *gratia et supergratia vini* were meant to be kept by the incumbent patriarch, and this was the main reason why they had not been included in the offer of lease.

Finally, there are some omissions that cannot be more precisely explained. Kastion, for example, was a *castrum* located between Buje and Grožnjan that had been donated to the Patriarchate of Aquileia by Count Ulrich II in 1102, but for some reason it does not feature in the 1280 list. Perhaps it was, as De Franceschi hypothesized, abandoned and left to ruin in the 13th century; or maybe it was already in the hands of the lords of Momjan who indeed

¹⁴⁵) LEICHT 1917: clxxxix (appendix 6: *Clarum me fac*), clxxxixii (appendix 7: *Introitus ecclesie Aquileiensis*). See also: PASCHINI 1975: 391, 688.

¹⁴⁶) HÄRTEL 2005a: 114 and 121 (doc. 8). HÄRTEL 2005a: 75 errs when he claims that the right to export a thousand amphoras of Istrian wine was originally a privilege of Aquileian patriarchs that was bequeathed to a Venetian as early as 1208. The error stems from RÖSCH 1985: 248 and 270 fn. 129 who, in turn, bases his argument on a document transcribed by Bianchi (BCU, FP, DP, doc. 19) and erroneously dated to 1208. The document in question is actually from 1268, and it is best edited in BLANCATO 2013: 174–176 (doc. 4). Therefore, the *gratiae vini* were not originally Aquileian prerogatives, but concessions (as their name shows) bestowed upon the patriarchs by Venice.

ruled over it in the 14th century.¹⁴⁷ In any case, this *Castellionum* must be distinguished from the eponymous possession of the bishops of Poreč, the *Castiglione* in the vicinity of Tar (most probably conferring the name on present-day Kaštelir) – these were two different possessions, the former held by the Church of Aquileia by way of a 1102 donation charter, the latter subjected to the Bishopric of Poreč – both of them were omitted from Raymond's 1280 catalogue of rights.¹⁴⁸

There is also no mention of fort Turnina in the district of Rovinj, a temporal possession that the Church of Aquileia enjoyed by way of Duke Henry of Eppenstein's 1102 donation.¹⁴⁹ Turnina was

¹⁴⁷⁾ DE FRANCESCHI 1938: 98–99 fn. 3.

¹⁴⁸⁾ The geographical position of Aquileian Castiglione is not problematic as the toponym survived to this day; it was correctly identified in ŠTIH 2013: 179 fn. 62. The problem lies in the location of the Castiglione subjected to the bishops of Poreč. ŠTIH 2013: 179 fn. 62 equates the Aquileian Castiglione with the one held by the church of Poreč, arguing that the bishops of Poreč held a territory far outside the confines of their diocese and a territory that had been subjected to the Church of Aquileia in the 12th century and then again in the 14th century. I argue against this hypothesis, mainly based on the 1179 charter issued “in castro Casteglionio” by Peter, the bishop of Poreč, whereby the “people of Castiglione” were given the right to freely dispose of their properties but under the condition that they continue to pay all the standard taxes “that the people of Tar customarily paid to [the bishop's] predecessors” (quod homines de Turre meis antecessoribus facere solebant). KANDLER 1986: 308 (doc. 163). This line shows that it was intuitively assumed that the “people of Castiglione” intimately knew the conditions in Tar, namely their precise taxes and fees. It is difficult to argue that such knowledge would be shared between the inhabitants of Tar and the inhabitants of Castiglione between Buje and Grožnjan, but such knowledge would indeed exist between the denizens of Tar and the Castiglione in their near vicinity (present-day Kaštelir), indeed two neighboring communities. Moreover, the Castiglione by Tar falls under the spiritual jurisdiction of the Bishopric of Poreč, and it makes much more sense that the bishop's temporal authority would extend to this place rather than to Castiglione by Buje in the diocese of Novigrad and under temporal dominion of the Church of Aquileia.

¹⁴⁹⁾ TEA: 224 (doc. 517), better edition in FIM: 1102_DH. This “castrum suum situm in Comitatu Istrie in loco qui dicitur Ruvoyn” was traditionally equated with Petrapilosa, hypothesizing that *Ruvoyn* is a contaminated form of *Ravenstein* and that Petrapilosa is just a Latin/Italian translation of a toponym that was originally German, although no primary sources exist that would support

guarded by Alberto Morosini, who fought on the side of Patriarch Gregory of Montelongo during the 1260s war, and it was subsequently given in fief to House Castropola, although the exact date of this conferment cannot be deduced based on surviving primary sources.¹⁵⁰ Perhaps the fort had already been bequeathed to the Castropolas or perhaps the composer(s) of the list simply forgot to include it.

Identical to Turnina's is the case of Savičenta – another omission that can be explained by the fact that the place had already been in the hands of House Pula and was therefore recognized as the family's lawful patrimony.¹⁵¹

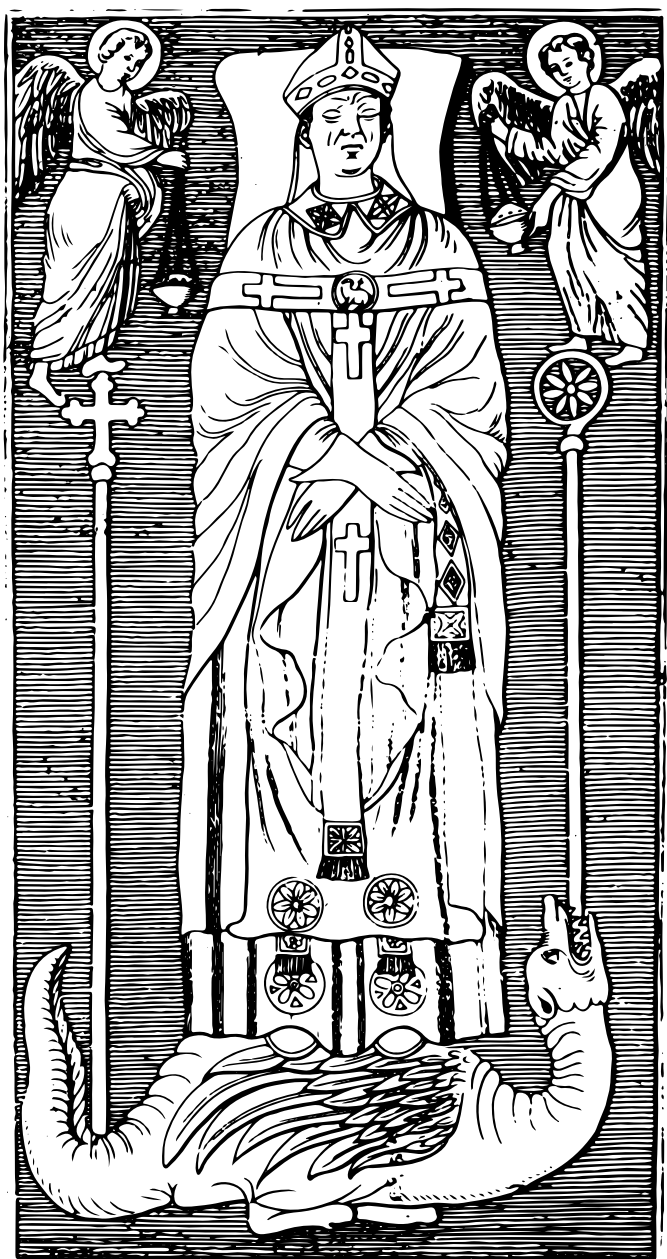
There are also some rights and prerogatives that are documented as exercised by the patriarchs but that were also, for some unknown reasons, omitted from the list. For example, in 1278, mere two years before the drawing up of the list, Patriarch Raymond invested a certain Fioravante, the gastald of Rovinj, with the *feudum notariae* of the town entrusted to his administration.¹⁵² This fief comprised the right to a tenth of the price charged for the drawing up of any deed of sale and eight shillings for every last will, half of which would go to the notary who composed

such a thesis. I argue against this interpretation and identify *Ruvoy*n with Rovinj, but the *castrum* that was given could not have been the very town of Rovinj (as argued by DE FRANCESCHI 1926: 37), but a *castrum* in its vicinity, that is, Turnina, a fort erected during the Carolingian age. A paper focusing on this specific argument will be published in the near future. On the date of Turnina's original construction, see: VIŠNJIĆ 2019.

¹⁵⁰ BLANCATO 2013: 174–176 (doc. 4); KANDLER 1986: 1139 (doc. 658); DE FRANCESCHI 1905: 297–298.

¹⁵¹ KANDLER 1986: 491 (doc. 287); DE FRANCESCHI 1902: 292, 299–300. It is unknown how this family, the later House Castropola, managed to acquire lordship over Savičenta. A part of the rights had to have been acquired from the bishops of Poreč, and another part from the patriarchs of Aquileia, as argued by De Franceschi, referenced above. The argument that it was Patriarch Wolfger who invested House Pula with the County of Pula, Šišan, Savičenta, Bale, Rovinj and Turnina, presented in CZÖRNIG 1873: 281 fn. 3 and uncritically taken over in BISTROVIĆ 2020: 57 is utterly unsubstantiated and should thus be abandoned.

¹⁵² TEA: 106–107 (doc. 190).



Picture 5: An Etching of Raymond della Torre's Tomb Effigy in Della Torre chapel in Aquileia, as printed in BERTOLI 1739: 385.

the documents, and another half to whomever held the *feudum notariae*. This is most probably very similar, if not identical, to the “certum quid” that the patriarch purportedly received from the scribes of Muggia. This prerogative, exercised by the very same Raymond in 1278, was for some reason omitted from the catalogue of prerogatives attributed to Rovinj, an omission that is difficult to explain other than by hypothesizing a notable degree of hastiness and carelessness in the drawing up of the 1280 list.

More importantly, however, the right to emend and promulgate laws, the staple of every prince’s set of prerogatives over his subjects, was also omitted.¹⁵³ This omission could be explained if the patriarchs never managed to practice this right, but this is not the case. Namely, Patriarch Berthold of Andechs emended and promulgated local statutes throughout Istria during his reign and this practice is well documented in the *Thesauri claritas*.¹⁵⁴ Moreover, this right to emend local statutes was explicitly confirmed by Emperor Frederick II in a charter issued to Patriarch Berthold in 1238.¹⁵⁵ Patriarch Raymond must have known about this prerogative and he himself emended the statutes of Sacile in 1286 and of Udine in 1292.¹⁵⁶ Why then was the right to *leges condere* not explicitly mentioned in the list that aimed to stupefy and overwhelm the reader by the sheer volume and breadth of all the lawfully practiced rights and prerogatives? Again, this omission is most logically explained by the authors’ hastiness and recklessness when composing the list: this crucial princely prerogative, the bedrock of lordship, indeed practiced by the patriarchs-margraves, was simply forgotten.

¹⁵³) PENNINGTON 1993: 103; COSTA 2002: 134–160.

¹⁵⁴) TEA: 225 (doc. 526): “Item statuta Istrie in forma publica confirmata et de novo facta per dominum patriarcham Pertoldum in MCCXXII.”

¹⁵⁵) FIM: 1238_FBI.

¹⁵⁶) DEMONTIS 2009: 122, 220–221, 459–460 (doc. 82), 497–498 (doc. 115).

Chapter IV:

THE FATE OF THE LIST

THE LIST, when it was presented to the delegated embassy from Venice as an integral part of the negotiations to lease the Aquileian jurisdictions in Istria, was, at least according to the surviving primary sources, ignored. There are no records of the Great Council ever discussing its contents or even the original plan to lease the rights of Aquileian patriarchs in Istria. Unfortunately, the records of the Venetian Senate begin only from 1293, so there is a possibility that the offer of lease was discussed by this governmental body and that the discussion was therefore not recorded.¹ Be that as it may, a definitive treaty regarding Istria was never reached between Venice and Patriarch Raymond, and the two parties spent the better part of the 1280s waging war against each other over this controversy. Even after he had failed in his attempt at a *reconquista* of Venetian Istria, Raymond was still not willing to formally sign any treaty that would lawfully recognize Venetian jurisdiction in Istria. The oft-cited Treaty of Treviso of 1291 is not, as is often argued, a formal recognition of Venetian authority over the eight communes of Istria, but only a recognition of a temporary *status quo ante 1285* until the entire dispute could be adjudicated by way of an arbitrational sentence promulgated by the Roman Pope Nicholas IV, the conjointly elected judge arbiter.²

¹) CESSI 1960 for the oldest surviving registers of the Venetian Senate.

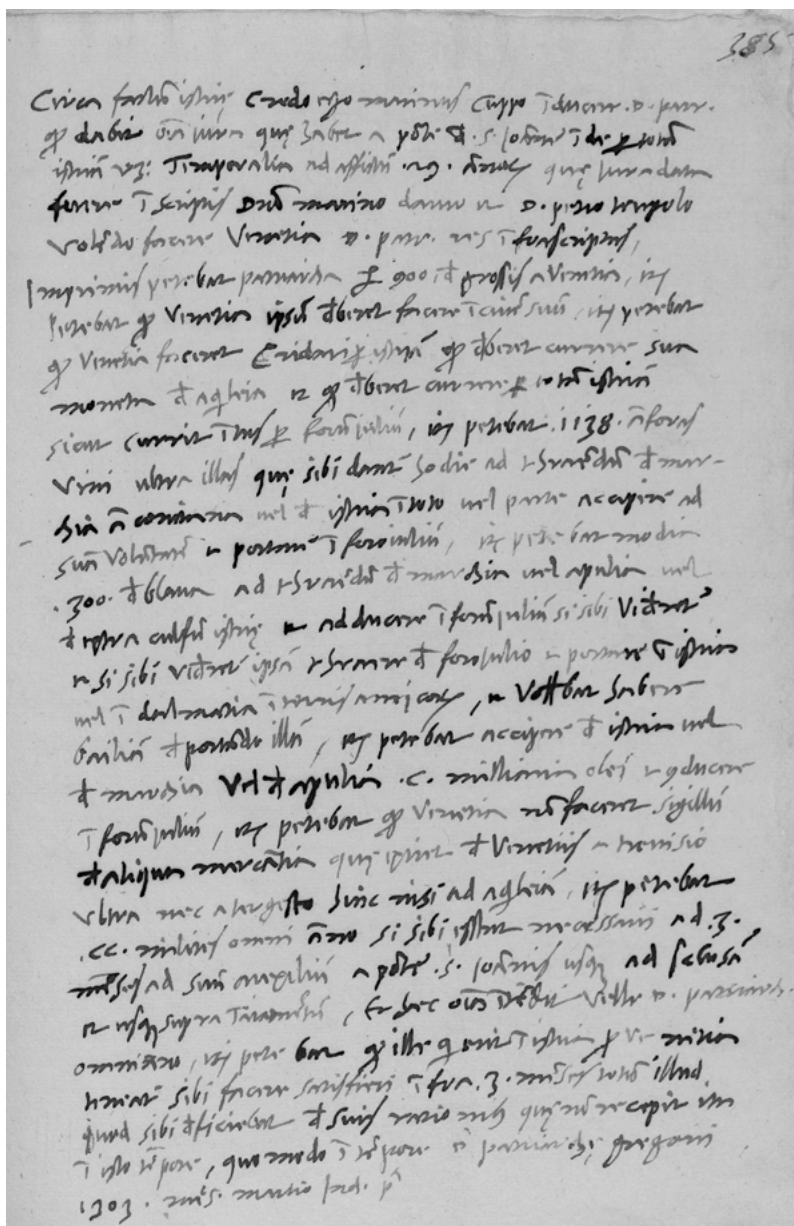
²) **FIM: 1291_PT**; older edition in KANDLER 1986: 779–784 (doc. 436). See also: NETTO 1968: 44–48; BRUNETTIN 2004: 307–308. Cf. DE VERGOTTINI [1924–1925] 1974: 3, 123–124 who overstates the importance of this treaty. The eight communes in question are (in order of their subjugation): Poreč, Umag, Novigrad, Sveti Lovreč, Motovun, Koper, Piran and Rovinj.

It was only in 1300, after Raymond's death and during the reign of Patriarch Peter of Ferentino (r. 1299–1301), that a treaty regarding Istria was finally concluded with Venice, a basis for all the subsequent 14th-century accords – the patriarch officially recognized Venetian authority over the nine subjected communes in exchange for a yearly tribute of 450 marks.³ However, Peter's successor, Patriarch Ottobono, found himself in a truly precarious position at the very beginning of his reign as he endeavored to renegotiate the 1300 deal. This “resurrection” of the old 1280 offer is read from another crucial piece of evidence – the note appended to the catalogue of rights.

Adiecta Marini Coppo

The note appended to the list of the patriarch's prerogatives in Istria bears the name of Marino Coppo and the date of March, 1303. The most logical conclusion would be to date the note to the assigned period, that is, to the age of Patriarch Ottobono. However, as the following analysis will demonstrate, it is much more probable that the appended note, a crucial piece of text that included the terms of the lease and thus a seminal part of the entire negotiation, was authored at the same time as the accompanying catalogue of rights, that is, in October 1280. It was only subsequently, during Patriarch Ottobono's reign, that the original offer of lease was “resurrected” and put back on the negotiating table. Since the following analysis decodes the note's *parole* in the context of both Raymond's and Ottobono's age, it is necessary to briefly illuminate the framework within which the newly appointed patriarch of Aquileia had to operate in the first two years of his reign, that is, between 1302 and 1304.

³) ASV, PA, LP IV, fols. 75r–76v. The treaty, one of the most important documents of the Istrian Middle Ages, is still unedited, although this will be changed in the near future as I am preparing its critical edition accompanied by an introductory study and the treaty's translation into contemporary English. Izola, officially subjugated in 1291 (ASV, MADP, b. 8, doc. 291), is added to the eight communes enumerated above. On Patriarch Peter, see: PASCHINI 1925; GIANNI 2006a.



Picture 6: Coppo's note as copied in *Codex Trevisaneus*. ASV, PA, CT, fol. 409r. Published with the permission of Archivio di Stato di Venezia by way of the "simplified procedure" of publishing archival facsimiles.

Ottobono was the incumbent bishop of Padua when he was appointed as the new head of the Patriarchate of Aquileia by Pope Boniface VIII on March 30, 1302.⁴ From his very first entry into Friuli, the new patriarch had been flooded with financial problems, the first being the massive debt the Church of Aquileia had accrued towards the Holy See as his predecessor had failed to pay his *servitium commune*.⁵ For this reason, one of the first acts of Patriarch Ottobono was the imposition of a new extraordinary tax, twenty shillings per homestead and mill wheel across Friuli.⁶ Moreover, he prohibited the exportation of silver from Friuli and ordered the exclusive circulation of Aquileian currency, that is, the newly minted silver coins bearing his likeness.⁷ The inherited financial debts were further boosted by Ottobono's own costly ventures, primarily his dream to found a university in Cividale, a project he presented to the *Colloquium generale* at the very beginning of his term.⁸ Finally, Ottobono also inherited the conflict with House Camino, now represented by the young Rizzardo who was bent on acquiring the lordship over Sacile and Caneva, a dream his father failed to materialize. As the young lord of Treviso could count on the help of his powerful relatives, Count Henry II of Gorizia and Maynard of Ortenburg, the Patriarchate's western borders were under constant threat of new military invasion.⁹

⁴ TAMBARA 1905: 32; TRAVERSA 1911: 10, 14; PASCHINI 1975: 426.

⁵ MURATORI 1730: col. 15; PASCHINI 1925: 106; PASCHINI 1934: 227–228; TRAVERSA 1911: 16, 61 (doc. 11); PASCHINI 1975: 427; BRUNETTIN 1999: 121. On *servitium commune*, a tax that had to be paid by the appointed prelate to the Holy See based on the annual income of the accorded benefice, see: HOBERG 1949: ix–xiv and 11 for the sums relative to the Patriarchate of Aquileia, fixed at ten thousand florins during the entire period from 1299 to 1440.

⁶ LEICHT 1917: 41–42 (doc. 46).

⁷ TRAVERSA 1911: 62 (doc. 14). On both of these provisions, see: PASCHINI 1975: 427; TRAVERSA 1911: 16–17, 21; BRUNETTIN 1999: 122.

⁸ LEICHT 1955: 179–180, 187 (doc. 1).

⁹ In the 1290s two strategic marriages took place: Beatrice of Camino, Rizzardo's sister, married Count Henry II of Gorizia and Rizzardo of Camino married Catherine, the sister of Maynard of Ortenburg. PICOTTI 1905: 129–130. For the conflict between Patriarchs Raymond and Peter against the houses of Camino and Gorizia, see: BRUNETTIN 2004: 308–312.

Regarding the note's author, Marino Coppo was a Venetian-born *habitor* of Aquileia with decades of experience working with the patriarchs.¹⁰ Coppo was first attested in Friuli back in late 1260s when he appeared alongside his brother Stefano and another Venetian, Marino Zorzano, as the lease-holder of the already mentioned *gratia* and *supergratia* of Istrian wine.¹¹ In 1272, the Coppo brothers, together with three other Venetians, leased the two *gratae vini* and the yearly incomes of Aquileia for a period of ten years for a total sum of 750 Aquileian marks.¹² In 1291, Marino Coppo had already appeared in notarial registers as “a citizen of Aquileia” although together with his primary identification, “of Venice.”¹³ An entry in the necrology of Aquileia mentions that on March 7, 1293, the Chapter of Aquileia invested a small amount of money with Marino Coppo from the possessions it had inherited following the death of an Odoric of Gonars, the Sacristan of Aquileia.¹⁴ In 1307, Marino Coppo was already deceased as Margarito Coppo acted on behalf of his heirs.¹⁵ During both Raymond's and Ottobono's time, Marino Coppo was an established entrepreneur (albeit quite elderly in 1303), a Venetian with an Aquileian address, boasting decades of experience working with the heads of the Aquileian Church. Based on this evidence, Coppo would be a privileged mediator between Venice and the patriarchs of Aquileia both in 1280 as well as in 1303, although the former date leans closer to the period in which his activities in Friuli are most thickly documented.

The appended list of concessions that the patriarch demanded hides the original prelate behind the offer. In exchange for the lease of all the catalogued rights in Istria for a period of twenty-nine

¹⁰ Active in Aquileia from the late 1260s. BLANCATO 2013: 213–214 (doc. 22), 215–216 (doc. 23).

¹¹ BLANCATO 2013: 174–176 (doc. 4), 179–184 (doc. 6), 192–196 (doc. 12), 196–199 (doc. 13), 249–252 (doc. 45), 256–261 (doc. 49), 261–262 (doc. 50), 262–263 (doc. 51), 280–287 (doc. 65), 593–594 (doc. 5).

¹² BLANCATO 2013: 176–179 (doc. 5).

¹³ [P]resentibus [...] Marino Cuppo de Veneciis cive Aquilegenesi.” PANI 2009: 160 (doc. 61).

¹⁴ SCALON 1982: 59 fn. 19, 159–160.

¹⁵ PREDELLI 1876: 76 (doc. 320).

years, the patriarch demanded the following from Venice: nine hundred pounds of Venetian groats a year; Venetian citizenship for himself; a decree sanctioning the exclusive circulation of Aquileian currency throughout Istria, just as it had been promulgated in Friuli by the patriarchs; an extra 1038 urns of wine a year in addition to the *parva* and *magna gratia*, imported either from Istria or from the March of Ancona (a demand that explains why the two *gratiae* were not mentioned in the list of rights); three hundred bushels of wheat per year imported to Friuli either from or beyond “the Gulf of Istria” (a creative term to dub the northern Adriatic without mentioning Venice), together with the right to export that wheat; a hundred thousandweights of oil from Istria or the March of Ancona or Apulia per year; a decree sanctioning Aquileia as the only official customs house for all the merchandise exported from Venice to Friuli (here conceptualized as the territory between Treviso and Trieste); two hundred soldiers every year to be available for three months in the territories from San Giovanni di Duino to Chiusaforte and as far as above the river Tagliamento; finally, the recompense of all the incomes from Istrian lands that were missing, paid to the patriarch the same way as it had been paid to Gregory of Montelongo, the last patriarch of Aquileia who had held jurisdiction over the integral Margraviate of Istria.

First, whoever originally authored the offer, Raymond or Ottobono, he was not prepared to part with his jurisdictions in Istria and his title of *marchio Istriae* for good, but he merely aimed to cash in these rights for a time. The Church of Aquileia would lease the rights only for a period of twenty-nine years, a clear reference to the *praescriptio triginta annorum* of Justinianic code (book 7, chap. 39.3) and customarily interpreted in medieval *ius commune* as thirty years of uninterrupted possession of immovable property constituting full ownership.¹⁶ The jurisprudential discourse that played an important role in the 1280 list, emerges again in the accompanying offer, although this alone cannot be a definitive argument in favor of the thesis that Coppo’s note was written under Patriarch Raymond.

¹⁶) FRIER 2016: 1896–1897. See also: CONTE 2019.

More importantly, the highest jurisdiction of the Aquileian patriarchs in Istria would be mirrored in the lawfully enforced circulation of their coins. This demand was thus highly symbolically charged, the currency being used to embody the holders of supreme jurisdiction in Istria, however lacking their *de facto* power might be, reminding the locals on a daily basis that the patriarchs of Aquileia, not Venice, were their lawful lords.¹⁷ Interestingly, both Raymond and Ottobono instituted new coins bearing their likeness. Raymond reformed the coinage no less than four times during his reign: first in 1274, when he had just entered Friuli; second in March 1277, when the worth of one denar was raised to sixteen Veronese pennies (up from fourteen) in response to the inflation caused by a famine; third only a month later, in April 1277, when the worth of a denar was reduced back to fourteen Veronese pennies; the final reform taking place in 1287, changing only the imagery inscribed in the coin by adding an episcopal mitre, a cross, and keys.¹⁸ Ottobono went a step further, even ordering the exclusive circulation of his newly minted coins.¹⁹ The provision thus fits the context of both patriarchs and cannot be used to argue that the offer was originally written either by Raymond or by Ottobono.

With these two provisions, the patriarch(s) endeavored to retain the supreme authority of their Church over Istria while at the same time cashing in on the lease of their rights over the Margraviate. All the other provisions are of economic and military interest. For Raymond, the income from the lease could have been used for his struggle against the Visconti. That, and the extra soldiers, strategically placed in eastern Friuli where the power of the counts of Gorizia was strongest, could provide him with a much-needed extra layer of security, especially if he had planned to journey to Lombardy again, as he had indeed done in 1281. For Ottobono,

¹⁷) On the symbolic potency imbued in medieval coins, see: TRAVAINI 1997; NAISMITH 2018: esp. 189–195; DEMONTIS 2009: 13–14, 168–181 for the Patriarchate of Aquileia and Raymond in particular.

¹⁸) DEMONTIS 2009: 176–181; BERNARDI 1975: 107–112 for illustrations and examples.

¹⁹) TRAVERSA 1911: 62 (doc. 14).

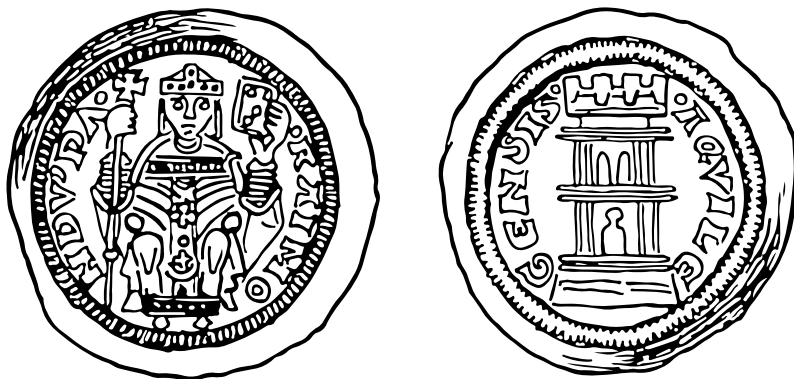
however, the leased rights were most certainly judged to be of lesser importance than the suffocating debt towards the Holy See and the threat of imminent war against the combined might of the houses of Camino, Gorizia, and Ortenburg.

The project to establish Aquileia as the exclusive customs house for all merchandise exported from Venice to Friuli held immense economic potential for the Patriarchate. This demand certainly harkens back more to Patriarch Raymond than to Ottobono: it was the former who regularly visited Aquileia and even constructed a new palace therein, the so-called *palatium novum*, officially erected sometime before December 1285.²⁰ Thus, the project to boost the central functions of Aquileia fits better the policies of Raymond della Torre than Ottobono, but this is not enough to decisively identify the patriarch who directed Marino Coppo to propose this offer of lease to Venice.

There are, however, two monetary demands that decisively tip the scales in favor of the thesis that it was Patriarch Raymond who was the original mastermind behind the terms of the lease included in Coppo's note. First, the offer references the incomes from the time of Patriarch Gregory of Montelongo, Raymond's immediate predecessor, but a distant memory in 1303 and the age of Patriarch Ottobono. More importantly, there is the demand of the colossal nine hundred pounds of Venetian groats a year for the lease of all the catalogued rights, in addition to all the other demanded concessions. In 1304, a pound of Venetian groats was worth slightly below 3 Aquileian silver marks.²¹ Therefore, during Ottobono's time Venice would pay a yearly sum of circa one hundred and fifty pounds of Venetian groats for the jurisdictions over the nine communes under their administration, as per the 1300 treaty. Had Ottobono indeed been the sole mastermind behind the offer included in Coppo's note, that offer would have made absolutely no sense at all when bearing in mind the

²⁰) BLANCATO 2013: 452–457 (docs. 153–157); DEMONTIS 2009: 215.

²¹) PREDELLI 1876: 36 (doc. 52) where 225 Aquileian marks equaled 65 pounds and 12 and a half shillings of Venetian groats. See also: NETTO 1968: 52.



Picture 7: Obverse and reverse of Patriarch Raymond della Torre's coin following the 1274 minting reform. The coins were between 20 and 22 millimeters in diameter and weighed between 0,90 and 1,53 grams.

Legend: RAIMO NDV(S) PA· / ·AQVILE GENSI·

Source: BERNARDI 1975: 107.



Picture 8: Obverse and reverse of Patriarch Raymond della Torre's coin following the 1277 minting reform. The coins were between 20 and 22 millimeters in diameter and weighed between 1,00 and 1,18 grams.

Legend: RAIMO NDV(S)PA· / ·AQVILE GENSI·

Source: BERNARDI 1975: 108.

1300 treaty as it would entail a six hundred percent increase in the yearly amount paid to the Patriarchate in exchange for rights over Muggia, Sveti Juraj, Dvigrad, Bale, Pula, the regalian villages, Labin, Plomin, the four villages in the valley of the river Raša, Buje, Kaštel, Oprtalj, Buzet and the villages in the Buzet area – an absolutely atrocious offer, especially when taking into consideration all the other concessions that were demanded in addition to this gargantuan yearly sum. However, if the preserved offer stems from Raymond's age, that is, from 1280, when there could be no reference to the 1300 treaty, then such an offer could indeed be presented in all seriousness and taken under consideration.

All of the above points towards the conclusion that Coppo's note including the terms of lease was an integral part of the catalogue of rights, that both documents were written at the same time and presented to the delegated Venetian ambassadors on the same occasion, that is, in October 1280. After all, since the list of rights was indeed composed and handed to Venetian diplomats in 1280, it is commonsensical to infer that an accompanying offer of lease was presented as well, just as the ducal *forma amabaxiatae* postulated. Otherwise, there would be no point at all in drawing up the detailed list of rights and presenting it to the Venetian embassy.

This conclusion raises two questions: if both the list and the note stem from 1280, why was the date "M^oCCCIII^o, mense martii, indictione prima" added underneath it, and what do these two documents, if anything, have to do with Patriarch Ottobono? The answer to these questions lies in the context of the first two years of Ottobono's reign, namely his colossal debt towards the Holy See and the looming threat of military conflict. These were the decisive motives that drove Patriarch Ottobono to approach Venice in March 1303, "resurrecting" Raymond's old lease offer. It was at this time, at the very beginning of his term when the overwhelming financial problems struck like an avalanche and with the prospect of war against the House of Camino horrifyingly brewing in the background, that Patriarch Ottobono opened a new round of negotiations with Venice, putting back on the table the

1280 offer to lease his entire set of jurisdictional prerogatives in Istria. In essence, Ottobono wanted to renegotiate the deal that his predecessor had struck with Venice back in 1300. Instead of the agreed 450 silver marks a year in exchange for the jurisdiction over the nine subject communes of Istria, Ottobono proposed the same terms as Patriarch Raymond. The vast majority of the demanded concessions could be directed at improving the financial incomes of his severely indebted Church and increasing the might of the armed forces at his disposal for the inevitable conflict with Rizzardo of Camino and Henry II of Gorizia.

This interpretation explains why the catalogue of rights and Coppo's appended note containing the terms of the lease, both stemming from October 1280, were registered only in Ottobono's period. Since both the list and the accompanying note were originally undated, the scribe who copied the "resurrected" offer of lease in 1303 simply affixed the date when Patriarch Ottobono put the old offer back on the negotiating table, that is "1303, the month of March, first indiction." The reason why the offer of lease was registered only in 1303 as opposed to 1280, when it had been originally proposed by Patriarch Raymond, is simple: the *Libri Pactorum* and the *Libri Commemorialium* were officially sanctioned by the Venetian Great Council (on the initiative of the Council of Forty) only in 1291, whereas the registrations in the *Commemorialium Liber I* effectively started only in 1300.²² Since the original offer of lease from 1280 had been rejected, there was no need to subsequently copy it in any of the newly initiated registers. Ottobono's "resurrected" offer, however, brought the original catalogue of rights and the accompanying offer of lease again to the attention of the chancellery; the two documents were therefore copied immediately when the lease was reoffered as the *Commemorialium Liber I* had already been started and there was a need to keep both the catalogue and the accompanying note "under eye".²³

²²) PREDELLI 1876: vi–ix, xi. On the *Libri pactorum*, see: POZZA 2002.

²³) "Gli atti venivano d'ordinario scritti nei Commemoriali contemporaneamente agli originali – e non pochi anzi sono i veri originali – o, se erano

In any case, just as Venice deemed the original offer of lease unacceptable in Raymond's time, so it did again in 1303 when Ottobono "resurrected" it: the terms were not discussed either in the Great Council or in the Senate and no deal of that nature was ever struck. Instead, in December 1303, after his proposal to lease all of his rights in Istria had been rejected, Patriarch Ottobono asked Venice to constitute Pope Benedict IX as the new arbiter for their Istrian controversy and to pay to the Patriarchate, based on the old treaty from 1300, all that they owed for the conceded rights in Istria.²⁴ In essence, Ottobono was forced to accept the old treaty signed between Venice and his predecessor, Patriarch Peter, that sanctioned the lease of only the rights pertaining to the nine subjected communes for a total of 450 marks per year.

scritti all'estero, quando giungevano alla Cancelleria; quelli che vi s'incontrano di epoche anteriori agli altri, vi venivano trascritti perché i negozi correnti producevano il bisogno di averli sott'occhio. Di qui l'apparente confusione cronologica che si riscontra nei nostri registri." PREDELLI 1876: ix.

²⁴) PREDELLI 1876: 33–34 (docs. 142–143); NETTO 1968: 50–51.

CONCLUSION

IN SUMMARY, taking into consideration both the context in which the catalogue of rights was produced as well as its contents, a set of conclusions emerges. First, the drawing up of the list was embedded within the Venetian diplomatic endeavor to legally procure the jurisdictions over Istrian communities subjected to their authority by negotiating directly with the patriarch, the *de iure* lord of Istria, and proposing to lease these jurisdictions from him, either all of them or merely the ones they find relevant. The 1280 catalogue of rights is Raymond's response to this proposition. This is the framing context that generated the discourse within which the language of the list ought to be decoded; or, in Pocock's terms, this is the *langue* in which the list's *parole* was performed.¹ The main aim of the presented catalogue of rights, the action that the text was meant to perform, was to astonish and stupefy the Venetians with the sheer volume and extensiveness of the patriarch's lawfully held rights and jurisdictional prerogatives in Istria, consequentially skyrocketing the price of their lease. The text's illocutionary force was therefore meant to dumbfound the Venetians, disarm their attempt at administering their subject communities while trying to respect the rights of the patriarchs, and propel the price of the lease of these many *iura* in Istria. The rights included in the list thus primarily stemmed from patriarch's theoretical perception of his Church's lordship, a conceptualization that was deliberately amped up to stagger Venetian diplomats. Interestingly, De Vergottini was not completely off the mark when he argued that the list of rights was "an inflexible theoretical volition not to give up on their [patriarchs'] proper legitimate right", but he lacked

¹) POCOCK 1987: 20–21.

the analytical perspective offered by the more precise dating of the document.² As it turns out, the patriarchs, at least Raymond della Torre and later Ottobono, were indeed willing to part with their prerogatives in Istria, but only temporarily and only for the right price. Even though the catalogued *iura* were indeed, just as De Vergottini claimed, largely theoretical, this theorization did not stem from the patriarch's sheer disposition towards Istria, but from a very practical motive of achieving the best possible price for the lease.

Even though the list of rights was not meant to precisely outline the quotidianly exercised prerogatives and administrative practices, there are still some parts of the list that indeed depict *de facto* rights that stemmed from everyday life. These detailed rights, however, are tied to places that were under the full property authority of the Patriarchate of Aquileia and as such, they uncover the towns where the patriarchs managed to impose and practice their lordship more successfully (Muggia, Buje, Kaštel, Oprtali, Labin, Plomin, Belaj).

The catalogue of rights drew upon the jurisprudential discourse of university-trained lawyers with concepts such as *plena / omnis iurisdictio* and *merum et mixtum imperium* being employed to demonstrate the all-encompassing breadth of the patriarch's prerogatives in the Margraviate of Istria. However, the usage of these terms betrays a somewhat antiquated and shallow knowledge of legal concepts in the context of late 13th-century jurisprudence. The terms depicting fullness of power (such as *merum et mixtum imperium*) were rarely and haphazardly employed whereas the insistence on clearly accentuating full property ownership as patrimonial possessions inadvertently divided the towns and cities of Istria into two groups, one kept on a tighter leash, the other on a bit looser – definitely not the intended illocutionary force of the text.

Finally, even though the omissions from the list are largely strategic – the places left out being tacitly recognized as lawful

²) “[I]nflessibile volontà teoretica di non rinunciare al proprio buon diritto.” DE VERGOTTINI 1926: 105.

possessions of patriarch's allies, subjects, and service nobility – there are still towns and prerogatives that were omitted due to mere oversight born out of the author(s) carelessness. Not only was the crucially important right to promulgate and emend laws wholly forgotten, but even a city such as Poreč – a comparatively rich and populous *civitas* in the epicenter of the entire problem between Venice and the Patriarchate of Aquileia as the first commune to officially subject itself to Venetian authority – had originally been omitted by mistake and only subsequently and very awkwardly appended to the very end of the catalogue. All of this, and especially bearing in mind the lack of systematic application of juridical concepts, points towards the conclusion that the 1280 list was composed in haste as a rushed (and somewhat rash) response to the delegated Venetian diplomats.

With the benefit of hindsight, it is clear that Venice managed to negotiate a far better deal in 1300 than had been offered in 1280 by Patriarch Raymond. Ottobono's attempt at renegotiating this deal and proposing the old 1280 terms of lease thus betrays an act of sheer desperation. Moreover, it shows that both patriarchs, Raymond as well as Ottobono, were ready to largely sacrifice, however temporarily, their jurisdictions in Istria in order to boost the incomes and military strength of their principality whose undisputed core was Friuli. Thus, De Vergottini's conclusion that the Margraviate of Istria constituted a mere appendix to the temporal dominion of the Church of Aquileia is confirmed even for a period dating as far back as to the age of Raymond della Torre.³

When the deal to lease the entire Aquileian Margraviate of Istria to Venice finally failed, Ottobono decided to cash in his prerogatives over Istria in another way: on April 25, 1303, a total of eleven original authentic imperial privileges, all furnished with the precious seals of the kings and emperors of the Holy Roman Empire, were pawned to a certain *Paçanus* of Florence of

³) DE VERGOTTINI 1926: 117 where the original claim was made for the period following the definitive loss of Pula in 1335.

the Capponi society for an undisclosed amount of money.⁴ The eleven pawned charters were transcribed by notary Meglioranza of Thiene on eight pieces of parchment and subsequently sewn together to form a particularly long scroll. Six of these exclusively concerned Istria, including the originals of documents such as Otto IV's donation of the margraviate of Istria to Patriarch Wolfger and Frederick II's already discussed charters to Patriarch Berthold of Andechs. Thus, the *magna charta* of Aquileian lordship over Istria was pawned, the original charters never to be seen again.⁵ Ottobono cashed in as much as he could from his

⁴) ASV, MADP, b. 10, doc. 333; JOPPI 1886b: 69–70 (doc. 2), although with some erroneous summaries of included documents. See also, TEA: 413–414; ŠTIH 1999: 17. On the Capponi society and their ventures in Friuli, beginning in the age of Patriarch Raymond and lasting into the 14th century, see: DEGRASSI 1991.

⁵) LENEL 1911: 187–188 errs in his identification of the documents transcribed on this long scroll as he never personally consulted the manuscript. The correct documents are (in the order in which they appear transcribed on the scroll): 1) King Henry IV's donation of the County of Istria to Patriarch Sigehard from 1077; 2) King Henry IV's donation of the County of Friuli and village Lucinico to Patriarch Sigehard from 1077; 3) Emperor Frederick I's confirmation charter issued to Patriarch Ulrich II in 1180; 4) Philip's donation of Monselice issued to Patriarch Wolfger in 1207; 5) King Otto IV's donation of the Margraviate of Istria to Patriarch Wolfger issued in 1209; 6) Emperor Otto IV's confirmation of the donation of the Margraviate of Istria to Patriarch Wolfger issued in 1210; 7) Emperor Frederick II's confirmation charter issued to Patriarch Wolfger in 1214; 8) Emperor Frederick II's confirmation that Duke Otto of Merania relinquished all of his claims to the Margraviate of Istria issued to Patriarch Berthold in 1230; 9) Emperor Frederick II's confirmation charter specifically regarding the rights over Istria issued to Patriarch Berthold in 1232; 10) Emperor Frederick II's decree that only the patriarch and his ordained officials may administer criminal justice throughout the secular possessions of the Patriarchate of Aquileia issued in 1238; 11) Emperor Frederick II's confirmation charter regarding the patriarch's rights in cities and towns electing their own officials (primarily although not explicitly referring to Istrian communes) issued to Patriarch Berthold of Andechs in 1220. All of these documents have been edited: 1) GLADISS–GAWLIK 1941–1978: 387–389 (doc. 295) and **FIM: 1077_HIV**; 2) GLADISS–GAWLIK 1941–1978: 384–385 (doc. 293) and **FIM: 1077_HFA**; 3) APPELT 1975–1990: 354–356 (doc. 791); 4) RZIHACEK–SPREITZER 2014: 355–359 (doc. 156); 5) BANIĆ 2022a: 16–17 and **FIM: 1209_W5**; 6) JOPPI 1878: 9–12 (doc. 1) and **FIM: 1210_OIV**; 7) KOCH 2002–2021,

Church's prerogatives in Istria, but, however unknowingly, he was decisive in preserving the text of the distinctive primary source relevant to the history of the Aquileian *Marchionatus Istriae*. Had it not been for his attempt at renegotiating the deal with Venice and his “resurrection” of Raymond’s old catalogue of rights and the offer of lease, the famous *Iura ecclesiae Aquileiensis in tota Istria* would have remained wholly unknown to history.



Picture 9: The seal of Patriarch Ottobono Razzi.

Legend: OTTOBONUS DEI GRA(TIA) S(AN)C(T)E SED(IS)
AQUILEGEN(SIS) PATRIARCHA

Source: GIANNI 2006b.

2: 109–112 (doc. 220); 8) KOCH 2002–2021, 6: 406–409 (doc. 1352); 9) JOPPI 1878: 19–23 (doc. 6); 10) HUILLARD-BRÉHOLLES 1857: 242–244 and **FIM: 1238_FB**; 11) KOCH 2002–2021, 4: 254–256 (doc. 760).

APPENDICES

Note: The editorial principles are identical to the ones appropriated in the *Fontes Istrie medievalis* series and detailed on the official web pages of the project: <https://fontesistrie.eu/editorial> (last access: March 1, 2023).

Document 1: Ducal instructions.

Venetian Doge Giovanni Dandolo issues instructions to Marino Dauro and Pietro Tiepolo, his ambassadors to the court of the patriarch of Aquileia, advising them on a number of issues, including the subject of Istria and the proposal to lease the patriarch's rights over the entire region.

Date and Place: October 4, 1280, Venice.

Source: ASV, MDAD, b. 9, fasc. A, doc. 6 (= A).

Previous Editions: KANDLER 1986: 693–694 (doc. 394), based on A.

Nos Iohannes Dandulo Dei gratia Veneciarum^a, Dalmacie atque Chroacie dux, dominus quarte partis et dimidie tocius Imperii Romanie, committimus vobis nobilebus viris Marino Dauro^b et Petro Teupulo, fidelibus nostris dilectis, ut in nostros ambaxiatores et nuncios ire debeatis ad venerabilem patrem patriarcham Aquilegensensem, quem ex parte nostra salutabitis sicut videbitis concedere^c ac verba dilectionis et amicitie^d dicetis^e eidem que vobis dicenda et utilia videbuntur, cui eciam sive illis^f quos pro

a) Venecie *ed. Kandler et saepe sic* Venetie loco Venetiarum. b) Daurio *ed. Kandler*. c) concedens *ed. Kandler*. d) amicitie *ed. Kandler et saepe sic -c in -t emendavit*. e) decentia *ed. Kandler*. f) illi *ed. Kandler*.

se ad hec constituerit^g pro parte nostra similiter dicere debeatis quando^h et sicut videbitis expedire: quod nobis multe ac graves sunt delate querele ac cotidie deferuntur pocius multiplicantur, quod pacta que inter predecessores nostros duces, nos et Comune Veneciarum ex una parte et predecessores suos patriarchas et eum ex altera fuerunt inita et firmata non observantur nec fuerunt hactenus suo tempore observata, pocius contra iuresⁱ eorum et formas Venetis et fidelibus nostris sunt novitates facte ac gravamina multa et dampna in daciis et aliis sunt illata et fiunt et inferuntur, quod nobis multum displicet et est grave, et alia penitus circa predicta similiter dicere que vobis dicenda et utilia videbuntur.

Et ecce nos damus vobis in scriptis novitates, gravamina et damna huiusmodi illata et facta contra predicta pacta, et si vos a vicedomino nostro Aquilegie aut ab aliquibus nostris Venetis qui erunt in Foroiulio inveneritis aut petieritis scire de aliis novitatibus, gravaminibus atque dampnis Venetis nostris factis et illatis, facietis addi istis que vobis damus in scriptis.

Verumtamen si de aliquibus predictis novitatibus, gravaminibus et dampnis in scriptis vobis per nos datis aut per vos repertis reperietis^k aliqua non fore facta vel illata contra predicta pacta, illa dicetis vel tacebitis, sicut discrecioni vestre videbitur convenire.

Insuper dicetis quod licet de observatione ipsorum pactorum et de remocione novitatum et gravaminum et satisfacione^l dampnorum huiusmodi ipse patriarcha pluries rogatus et requisitus fuerit, non tamen fuit adimpletum quod ab eo extitit requisitum, qualiter ex parte nostra rogabitis et requiretis patriarcham eundem^m, quod dictas novitates et gravamina velit facere removeri et de ipsis dampnis in daciis et aliis illatis et factis facere satisfieri. Et alia omnia circa hec dicetis eidem que vobis dicenda et utilia videbuntur.

Et si per ipsum patriarcham, aut per illos qui fuerint pro eo, fuerit vobis responsum seu dictum quod patriarcha vult predicta

g) *ex constituerent corr. A.* h) *ex qui corr. A; quum ed. Kandler.* i) *iura ed. Kandler.* j) *circha ed. Kandler.* k) *reperiat ed. Kandler.* l) *sic A; satisfacione ed. Kandler.* m) *eundem ed. Kandler.*

pacta servare, remove novitates et gravamina supradicta et facere satisfieri de predictis dampnis illatis, placet nobis et volumus quod reformetis et ratificetis predicta pacta, quorum habebitis publicum instrumentum, cum dicto patriarcha auctoritate sindicatus quem portatis vobiscum, et recipiatis ab eo nomine nostro et Comunis Veneciarum similem reformationem et ratificacionem ipsorum pactorum et remocionem novitatum et gravaminum et caucionem satisfactionis dampnorum predictorum per publica instrumenta.

Si autem predicta que requiretis de observatione pactorum, remocione novitatum et gravaminum impositorum et de satisfactione dictorum dampnorum aut de aliquibus eorum dictus patriarcha facere noluerit, id et causam qualiter noluerit nobis vestris litteris intimetis, expectando responsum et mandatum nostrum et secundum ea postmodumⁿ faciendo.

Preterea dicto patriarche dicere debeatis quod cum quidam nomine Blasius, qui est forbannitus de Triesto, in capitaneum^o et^p custodes nostros de posta Sancti Iohannis de Tuba cum sequacibus suis insultaverint^q eosque spoliaverint omnibus bonis suis, dictusque Blasius fuerit detentus in Montefalcone per capitaneum dicti patriarche, nos ab eodem patriarcha ipsum Blasium fecimus postulari, ut placeret ei illum ad nostram presenciam facere destinari. Verum quia hoc non fecit, rogabitis ipsum ut nobis dictum Blasium faciat exhiberi.

Item committimus vobis quod si per dictum patriarcham, aut per illos qui fuerint pro eo, fuerit tale dictum vel tactum quod detineamus terras ipsius patriarche que sunt in Istria aut occupaverimus de iuribus et rationibus eius, poteritis respondere ac dicere quod nullas suas terras aut iura vel rationes ipsius occupavimus nec tenemus occupatas. Verum est quod^r certe terre de Istria ad supplicacionem^s et instanciam incolarum et universitatum ipsarum terrarum, que guerris que agebantur inter eos quasi erant ad nihilum iam devente, sub protectione nostra et Comunis Veneciarum

n) ...modum *ed. Kandler.* o) capitaneo *ed. Kandler.* p) *om. Kandler.*
 q) insultaverint—spoliaverint] insultaverit—spoliaverit *ed. Kandler.* r) *om. Kandler.* s) supplicacionem *ed. Kandler.*

fuerunt suscepte, salvis iuribus ipsius patriarche. Et hec et alia poteritis circa hec dicere que vobis dicenda et utilia videbuntur.

Et si fuerit vobis tactum quod dictus patriarcha velit nobis concedere^t suas rationes et iura que habet in predictis terris vel aliqua earum, perpetuo vel ad tempus, inquiretis que iura et rationes velit nobis concedere et pro quanto ea omnia que voluerit nobis concedere et pro quanto. Et quod inde inquisiveritis et scire poteritis nobis vestris litteris intimetis, expectando responsionem nostram et postea^u faciendo sicut vobis duxerimus intimandum.

Et si predicta non fuerint vobis tacta, volumus quod vos, sicut et quando vobis videbitur, dicto patriarche, vel cui vobis videbitur, ea tangere et dicere debeatis. Et si fuerit vobis dictum vel responsum quod patriarcha velit nobis concedere dicta iura et rationes, placet^v nobis quod debeatis inquirere et scire quas rationes et iura et pro quanto velit concedere et dare nobis ec omnia que concedere voluerit nobis et^w pro quanto. Et quecumque scire inde poteritis per vestras nobis litteras significare curetis, expectando, ut dictum est supra, responsionem nostram et postea^x inde faciendo sicut vobis duxerimus destinandum.

Preterea omnia negocia nostrorum Venetorum et fidelium de quibus recordacionem habetis et que ad vestram noticiam pervenerint cum prode et honore Veneciarum promovebitis et procurabit^y bona fide.

Iurastis proficuum et honorem Veneciarum eundo, redeundo et stando in ista legatione et quod infra XV dies postquam reversi eritis dicetis nobis et nostro Consilio, tam si fueritis interrogati quam non, quecumque pro nostro Comuni vobis utilia videbuntur, et observabitis formas^z Consiliorum de donis et graciis non recipiendis et de ratione^{aa} facienda et de scripturis curie nostre reddendis.

Data in nostro ducali palatio millesimo ducentesimo octuagesimo^{ab}, die quarto octubris, none indictionis.

t) *seq. signum insertionis quod ad seq. partem inferam scriptam indicat.*

u) *preterea ed. Kandler.* v) *seq. nobis—voluerit om. Kandler.* w) *om. Kandler.* x) *preterea ed. Kandler.* y) *et procurabit] om. Kandler.* z) *formis ed. Kandler.* aa) *tactione ed. Kandler.* ab) *millesimo ducentesimo octuagesimo] MCCLXXX ed. Kandler.*

Translation of Document 1 into English:

We, Giovanni Dandolo, by the grace of God Doge of Venice, of Dalmatia and Croatia, Lord of the fourth part and a half of the entire Empire of Romania, commission you, noblemen Marino Dauro and Pietro Tiepolo, our esteemed subjects, to go as our ambassadors and messengers to the venerable father the patriarch of Aquileia, whom you shall greet in our name as you see fit and to whom you shall convey the words of goodwill and friendship that you find appropriate and convenient. Furthermore, in a similar way, when and as you see fit, you must say to him or to those that he assigns to us for this purpose, that many grave complaints have been reported to us and that they are being lodged daily and are ever multiplying; that treaties, entered into and signed between our predecessors the doges, us and the Commune of Venice on one side and his predecessors the patriarchs and himself on the other, are not observed and they have not been observed thus far in his time. Instead, contrary to their rights and pacts, Venetians and our subjects are faced with usurpations, and they have suffered and are suffering many oppressions and damages in fees and other [tributes], a grave matter that displeases us greatly. And you should likewise say other things about the aforesaid that you find appropriate and convenient.

And here we give you in writing [the reports of] these usurpations, oppressions, and damages inflicted and caused contrary to the said treaties. And if you ask around about this or find out from our deputy in Aquileia or from any of our Venetians who have been in Friuli some other usurpations, oppressions, and damages that have been done and inflicted upon our Venetians, you will add them to those that we gave you in writing.

However, if you find out that some of the said usurpations, oppressions, and damages that we gave you in writing, or those that you will have discovered, have not been committed contrary to the said treaties, you will either speak of them or keep silent, according to your discretion.

Moreover, you will say that even though the very patriarch has been asked and called to observe the said treaties and to stop with the usurpations and oppressions and to reimburse these damages many times, what was requested of him was nevertheless not fulfilled. So, in our name you will ask and demand of the said patriarch, that he takes measures to stop with the aforementioned usurpations and oppressions, and to reimburse the losses incurred from these fees and others that have been charged and imposed. And you may say anything else to him concerning this that you deem appropriate and convenient.

And if the very patriarch or his representatives tell you or respond that the patriarch wants to respect the said treaties, cease with the usurpations and the above said oppressions, and compensate the aforesaid incurred damages, we would be pleased and we want you to renew and ratify the said treaties, of which you will have a valid document, with the said patriarch as our legal representatives by the power of attorney that you carry with you. And in our name and in the name of the Commune of Venice you will receive from him in the form of legal documents similar renewal and ratification of the said treaties and the suspension of usurpations and oppressions and the security against the compensation of the aforesaid damages.

If, however, the patriarch refuses your above said demands regarding the observation of the treaties, the suspension of usurpations and inflicted oppressions, and the compensation of the said damages, or some of the above, you will recount this to us together with the reason why he refused. Then you are to wait for our answer and our commands and then proceed accordingly.

Furthermore, you must say to the said patriarch, that, since a certain individual by the name of Blaise, who is banished from Trieste, insulted and together with his companions robbed our captain and the guards of the outpost San Giovanni in Tuba of all their belongings, the said Blaise has been detained in Monfalcone by the patriarch's captain. We asked the same patriarch for the very Blaise if he would be willing to deliver him to us. Since he refused, you will ask him to show us the said Blaise.

Likewise, we commission you that, if the said patriarch or his representatives say or mention that we hold lands in Istria that belong to the patriarch or that we occupy his jurisdictions and properties, you may respond and say that we neither occupied nor do we hold under occupation any of his lands or jurisdictions or properties. The truth is that certain lands of Istria – that appeared to have already been reduced to nothing by the wars fought between them – were accepted under our protection and the protection of the Commune of Venice at the supplication and instigation of the inhabitants and the collectives of these lands, without infringing on the rights of the very patriarch. And you may say this and other things regarding this matter that you deem appropriate and convenient.

And if it would be mentioned to you that the said patriarch would be willing to concede his properties and the rights that he owns in the above said lands, or some of them, perpetually or for a time, you will inquire what rights and properties he would be willing to concede to us, and for how long he would be willing to concede all of this to us, and for what price. And once you make these inquiries and find out all that you can, you will relate this to us in a letter. Then you are to wait for our response and afterwards proceed as we direct you.

And if the above said is not mentioned to you, we want that you, when and how you see fit, mention and say this to the said patriarch or to whom you deem appropriate. And if they tell you and respond that the patriarch would be willing to concede to us the said rights and properties, we would like you to inquire and find out what properties and rights, and for how long he would be willing to concede and to give to us all that he is willing to concede to us, and for what price. And whatever you find out about this you will make sure to inform us about it in your letters to us. You are then to wait for our response, as was said above, and afterwards proceed as we direct you.

Moreover, all the affairs of our Venetians and subjects that you witness and that come to your attention you will conduct and attend to in good faith and for the profit and honor of Venice.

You swore to go, return, and remain on this mission for the profit and honor of Venice and that within fifteen days upon your return you would relate to us and our Council, whether you would be interrogated or not, everything that you deemed useful to our Commune.

And you will obey the rules of our councils on not accepting gifts or favors, and on accountability, and on delivering the writings to our chancellery.

Given in our ducal palace in 1280, on the 4th day of October, the 9th indiction.

Document 2: Iura domini patriarche in tota Istria

Aquileian patriarch Raymond della Torre catalogues his supposed rights and prerogatives in Istria to Venetian ambassadors.

Date: October 1280, place unknown.

Source: Venice, Archivio di Stato di Venezia, LC, CL I, fol. 31v (doc. 88a), copy from 1303 (= B); Venice, Archivio di Stato di Venezia, PA, CT, fols. 407r–408v (383r–384v according to old pagination), late 15th–/early 16th-century copy based on B (= C); ASV, CC, CC I, fols. 72r–74v, 17th-century copy based on B, copied by Alvise Zancaruol and Zorzi Porro (= D).

Previous Editions: CARLI 1791: 92–97 (doc. 32), based on C; MARIN 1800: 350–359, based on B but a transcription of very poor quality to which there will be no references in the critical apparatus; CHMEL 1849: 289–295 (doc. 122), based on D; SCHWIND–DOPSCH 1895: 158–160 (doc. 80), partial edition based on D; MARCHETTI-LONGHI 1965: 127–130 (doc. 149) is a partial copy of Chmel's edition with minimal editorial emendations and will therefore not be referred to in the critical apparatus; KANDLER 1986: 380–383 (doc. 206) is a curious amalgam of Carli's and Chmel's edition, emended by the editor without consulting any manuscript.

Ista sunt iura domini patriarche ac^a ecclesie^b Aquilegiensis^c in tota Istria^d:

Inprimis est^e marchio tocius^f Istrie et habet ibi plenam iurisdictionem^g in temporalibus etiam^h, et quicumqueⁱ habet, ab ipso habet^j. Item^k nulla civitas aut castrum seu locus vel recinta^l aliqua potest, nec debet eligere potestatem^m, rectorem seu consules vel alios officiales, quocumque nomine censeantur, nisi de speciali licentia et beneplacito ipsius domini patriarche; nec possunt mudam seu pedagia vel collectam ponere vel exigere; nec monetam cudere; nec aliquam aliam iurisdictionem exercere; sed dominus patriarcha ponit in infrascriptisⁿ terris gastaldiones suos et etiam ricarium^o in tota provincia Istrie qui cognoscunt de omnibus causis^p et habent iurisdictionem plenariam in omnibus questionibus.

[1] Inprimis in Mugla ponit gastaldionem suum qui cognoscit ut supra^q; et est terra Mugle camera^r domini patriarche; et habet in dicta terra domum propriam; et habet^s in certis redditibus CCCX^t urnas vini et CCC libras olei; et recipitur ibi in expensis communitatis quando vadit illuc; et habet a tabellionibus Mugle certum quid; et habet ab omnibus debitalibus certum quid; et ab artificibus similiter certum quid. Item habet ibidem condemnationes^u

a) et ed. Carli et Kandler. b) patriarche ac ecclesie] patriarchę ac ecclesię et saepe sic -e in -ę em. CD; patriarchae et ecclesiae ed. Carli et Kandler et saepe sic -e seu -ę in -ae mutaverunt. c) Aquileiensis C et ed. Carli; Aquilegie D et ed. Chmel et Schwind & Dopsch; Aquilegensis ed. Kandler. d) seq. videlicet add. Carli et Kandler. e) seq. patriarcha inter parentheses add. Kandler. f) totius CD et sic ed. omnes alii et saepe sic verba emendaverunt. g) seq. in temporalibus canc. C. h) om. Carli. i) quicumque ed. Carli et saepe sic. j) ab ipso habet] habet ab ipso inv. D, et sic ed. Chmel, Kandler et Schwind & Dopsch. k) et ed. Carli et saepe sic item in et mutavit. l) spatium vacuum rel. D; puncta posuit Chmel; communitas em. Schwind & Dopsch. m) pottestatem D et sic ed. Chmel. n) istis C et ed. Carli. o) sic B; vicarium CD et sic ed. Chmel et Schwind & Dopsch; ricarium ed. Carli et Kandler. p) omnibus causis] causis omnibus inv. Carli. q) ut supra] om. Carli. r) sic BCD; camerae em. Kandler; camerę em. Schwind & Dopsch. s) ab hic usque ad malefacientes et generaliter, quae pars hic n. 5 designatur, om. Carli et puncta posuit. t) tercentas decem D et sic ed. Chmel, Kandler et Schwind & Dopsch et saepe sic numeros Romanos transcripserunt. u) condemnationes D et sic ed. omnes alii et undique sic.

omnes que fiunt pro offensis. Item habet omnia que pertinent ad regalia^v in ipsa terra.

[2] Item in Iustinopoli ponit gastaldionem suum qui cognoscit de omnibus questionibus et punit omnes malefactores; et quicumque facit sanguinem vel ferutam que appareat vel violentiam in possessionibus alicuius componunt C bisanços^w domino patriarche et satisfaciunt^x leso; et cum vadit dominus patriarcha illuc causa tenendi placitum regalie, Commune sibi facit expensas; et quilibet notarius dare debet ipsi domino patriarche V solidos^y V[eronenses]^z, et habet unam magnam contratam vinearum que est proprietas ecclesie Aquilegiensis de qua potest facere dominus patriarcha^{aa} prout vult; et quilibet navis cum cabia^{ab} que intrat portum Iustinopolis debet solvere II^{ac} bisanços. Item habet omnia que pertinent ad regalia^{ad} in eadem civitate. Item ab^{ae} artificibus omnibus certum quid.

[3] Item in Pirano habet ut in supradicta civitate Iustinopolis^{af}. Item habet unam magnam contratam vinearum que est proprietas Aquilegiensis^{ag} ecclesie de qua potest dominus patriarcha facere prout vult.

[4] Item habet Castrum Veneris cum toto territorio et pertinenciis et adiacenciis, exceptis hiis^{ah} que ab ipso habent habitatores dicti castri qui pro hiis^{ai} ipsum castrum custodire et defendere debent et tenentur; et dominus patriarcha sive gastaldio^{aj} eius ordinat cum rusticis eiusdem contrate prout vult, tam in collectis imponendis quam in recipiendis hospiciis seu expensis et faciendis laborari terris ipsius domini; et generaliter in omnibus aliis exercendis que potest exercere quilibet dominus cum hominibus suis.

v) sic BD; regalia C. w) bizantios C; bisanzios D et sic ed. omnes alii et undique litteram ç tamquam z transcripserunt. x) satisfaciant em. Schwind & Dopsch. y) seq. signa canc. C. z) V. tantum in BC: fortasse pro Venetos, fortasse pro Veronenses; Venetos D et sic ed. Chmel, Kandler et Schwind & Dopsch. aa) patriarcha D et sic ed. Chmel et Schwind & Dopsch. ab) chabia C. ac) duos C. ad) sic BD; regalia C. ae) ad em. Kandler. af) Iustinopoli C et sic em. Schwind & Dopsch. ag) Aquilegie D et sic ed. Chmel et Schwind & Dopsch. ah) his C; iis D et sic ed. Chmel, Kandler et Schwind & Dopsch et undique sic em. ai) his C. aj) castaldio ed. Chmel.

[5] Item in Bullis^{ak} ponit gastaldionem suum; et totum territorium pertinet ad ipsum dominum patriarcham^{al}; et homines terre solvunt collectas ipsi domino patriarche quociens^{am} placet ei; et tenentur facere expensas ipsi domino patriarche et eius comitive quociens vadit illuc et omnibus nuntiis eius; et condempnat^{an} ipse dominus patriarcha seu ipsius gastaldio malefactores^{ao}; et generaliter omnem aliam iurisdictionem exercet ibidem, tamquam quilibet dominus habens merum et mixtum imperium potest exercere in terra sua et cum hominibus suis; et habet omnes condempnationes; et ratione dicti territorii, quilibet qui laborat cum duobus bubus^{ap} dat I^{aq} modium frumenti et I ordeï^{ar}, et quilibet habens vineam dat I congium vini et XVI libras Veronenses^{as}. Item de qualibet domo debet habere fassem^{at} feni. Item debet habere de quibuslibet X bestiis I quartam agni^{au}. Item habet multa alia iura minuta et nichilominus^{av} potest disponere de dicto territorio ad beneplacitum suum. Item habet omnia que pertinent ad regalia.

[6] Item in Portulis^{aw} ponit gastaldionem suum qui exercet omnem iurisdictionem, ut dictum est in Bullis^{ax}, et imponit collectas et recipit expensas ut in Bullis. Item annuatim Commune solvit LXVI modia frumenti et LXVI modia vini et libras VI Veronenses^{ay}; et quilibet massarius I agnum valentem soldos^{az} VII dat; et habet multa alia iura minuta. Item habet omnia que pertinent ad regalia^{ba} et omnem iurisdictionem, ut in Bullis.^{bb}

[7] Item in Montona ponit gastaldionem suum^{bc} qui exercet omnem

ak) Bulleis *em. Kandler et undique sic.* al) patriarcham *D et sic ed. Chmel et Schwind & Dopsch.* am) quoties *D et sic ed. Chmel, Kandler et Schwind & Dopsch et undique sic loco quociens.* an) condempnat *CD et sic ed. Chmel, Kandler et Schwind & Dopsch et saepe sic.* ao) malefactores] malefacientes *D et sic ed. Chmel, Kandler et Schwind & Dopsch.* ap) *sic BC; bobus D et sic ed. omnes alii.* aq) unum *C et ed. Carli et saepe sic numeros Romanos in numeros Arabicos mutaverunt.* ar) hordei *ed. Carli.* as) vini *ed. Carli.* at) fascem *D et sic ed. omnes alii.* au) agri *ed. Chmel et Schwind & Dopsch.* av) nihilominus *D et sic ed. omnes alii.* aw) Portul cum sign. abbr. supra ultimam syllabam *B pro Portulis (Portule, -arum, f.); Portulis recte leg. Carli et sic quoque ed. Kandler; Portule D et sic ed. Chmel et Schwind & Dopsch.* ax) seq. et imponit—in Bullis *om. Carli.* ay) vin. *ed. Carli.* az) *om. Carli et puncta posuit.* ba) regalia *CD et sic ed. omnes alii.* bb) *des. ed. Schwind & Dopsch.* bc) sive *ed. Carli.*

iurisdictionem; et habet omnes regalias ibidem; et recipit expensas cum tota comitiva sua a Communi cum vadit illuc; et habet omnes condemnationes de omnibus maleficiis.

[8] Item in Sancto Laurencio ponit gastaldionem suum qui^{bd} exercet omnem iurisdictionem et condemnat^{be} omnes offendentes; et condemnationes sunt ipsius domini patriarche; et imponit ibi collectas; et recipit^{bf} expensas cum tota comitiva sua cum vadit illuc; et nuncii sui similiter^{bg} habent expensas. Item habet^{bh} ibi omnes regalias et potest facere de terra et hominibus sicut vult, sicut de terra et^{bi} hominibus suis; et habet multa alia iura minuta.

[9] Item in loco de Duobus Castellis ponit gastaldionem suum qui exercet omnem iurisdictionem et condemnationes^{bj} omnes offendentes; et condemnationes sunt ipsius domini patriarche; et generaliter in omnibus facit et habet ibi^{bk} sicut in Sancto Laurencio, ut supra; et multa alia iura minuta.

[10] Item in Rubinio^{bl} ut supra, sicut in Duobus Castellis^{bm}.

[11] Item in Valle ut supra in Rubinio.

[12] Item in civitate Pole^{bn} ponit gastaldionem suum qui exercet omnem iurisdictionem, tam in Pola^{bo} quam in Polisana^{bp}; et generaliter habet omnia prout in civitate Iustinopolis^{bq}. Item habet in certis redditibus^{br} in dicta civitate a certis hominibus LXXXII modia frumenti et LXXV modia orde^{bs}; et habet ibi duo antiqua palatia^{bt} scilicet Iadrum et Arenam^{bu} et palacium^{bv} I in plathea^{bw} civitatis et quasdam alias domos. Item quicumque^{bx} accipit aliquem lapidem de dictis palaciis^{by} Iadre^{bz} et Arene^{ca}, pro quolibet lapide

bd) et *D et sic ed. Chmel et Kandler*. be) condemnationes *C et sic ed. Carli*; condemnat *D et sic ed. Chmel et Kandler*. bf) recepit *D et sic ed. Chmel et Kandler*. bg) scilicet *D et sic ed. Chmel et Kandler*. bh) habent *D et sic ed. Chmel et Kandler*. bi) *om. Carli et Kandler*. bj) *sic BCD; pro condemnat, sicut supra*. bk) *om. Chmel et Kandler*. bl) *Rubino ed. Carli et undique sic*. bm) *Castelli D et sic ed. Chmel*. bn) *Polla C*. bo) *Polla C*. bp) *sic B; Pollesana C; Polesana D et sic ed. omnes alii et undique sic*. bq) *Iustinopoli C et sic ed. Carli*. br) *reditibus C*. bs) *hordei D et sic ed. omnes alii*. bt) *pallatia C*. bu) *Harenam C et sic ed. Carli*. bv) *pallatium C*. bw) *platea C et sic ed. Carli*. bx) *quincunque ed. Chmel*. by) *pallaciis C*. bz) *Iadri ed. Carli et Kandler*. ca) *Harenae ed. Carli*.

quem accipit solvit domino patriarche C bisancios^{cb}.

Item habet in Polesana^{cc} infrascriptas villas que ad ipsum pertinent pleno iure, tam in collectis imponendis quam in albergariis accipiendis, et toto territorio earumdem villarum; et habet omnem iurisdictionem et omnes regalias; et potest facere de villis, hominibus et territoriis sicut de villis, hominibus et territoriis suis^{cd}, scilicet: [13] Midilani^{ce}, [14] Banioli^{cf}, [15] Ignanum^{cg}, [16] Pudiçanum^{ch}, [17] Galisanum^{ci}, [18] Padernum^{cj}, [19] Ravorigum^{ck}, [20] Guranum^{cl}, [21] Sisanum^{cm}, [22] Gurtilianum^{cn}, [23] Fasana.

[24] Item in^{co} Cuçol^{cp} ponit gastaldionem suum et habet ibi per omnia sicut in dictis villis Polisane.

[25] Item in Galeçana^{cq} ponit gastaldionem suum qui exercet omnem iurisdictionem; et ponit^{cr} collectas; et recipit albergarias; et potest facere ibi in omnibus et per omnia sicut de terra et [h]ominibus^{cs} suis.

[26] Item in Albena^{ct} ponit gastaldionem suum qui exercet omnem iurisdictionem; et imponit ibi collectas^{cu}; et recipit albergarias; et a quolibet qui habet X oves vel plures debet habere annuatim I ovem cum agno et ____^{cv} unum alium agnum. Item a quolibet massario I modium frumenti, unum modium anone^{cw} et unum modium vini. Item a Comuni libras XVIII Veronenses; habet regalia et omnem iurisdictionem et condempnationes et multa alia iura minuta.

cb) centum bisancios] bizantia centum *ed. Carli.* cc) Pollesana C. cd) *om. Carli.* ce) Midilano C *et sic ed. Carli.* cf) Boniole C; Baniol *ed. Carli;* Bonioli D *et sic ed. Chmel.* cg) *sic BD: profecto pro Dignanum; Ignano C et sic ed. Carli.* ch) Pudizano C; Pudicano *ed. Carli.* ci) Calisanum *ed. Chmel;* Galisano C *et sic ed. Carli.* cj) Paderno C *et sic ed. Carli.* ck) Ravoriga C *et sic ed. Carli.* cl) Gurano C; *om. Carli.* cm) Sisano C *et ed. sic Carli.* cn) Gureciliano C; Goreciliano *ed. Carli;* Curtilianum *ed. Chmel;* Gurecilianum *ed. Kandler.* co) *seq. çucho canc. B.* cp) Cuzuol C *et sic ed. Carli.* cq) *lect. dub.: Galçana cum sign. abbr. supra primam syllabum B; Galzana C et sic ed. Carli; Malezana D et sic ed. Chmel et Kandler.* cr) imponit *ed. Carli.* cs) *sic oibus cum sign. abbr. supra primam syllabam BC: pro hominibus et sic ed. Carli; omnibus D et sic ed. Chmel et Kandler.* ct) *sic BD; Albona C et sic ed. Carli et Kandler.* cu) ibi collectas] collectas ibi *inv. Carli.* cv) *sic spatium vacuum reliquit BCD sed supervacaneæ (cf. n. 27 infra); Chmel et Kandler puncta posuerunt.* cw) alnone *ed. Kandler.*

[27] Item in Flanona ponit gastaldionem suum qui exercet omnem iurisdictionem; et imponit collectas; et recipit albergarias; et a quolibet habente X oves vel plures debet habere annuatim unam ovem cum agno et unum alium agnum; et a quolibet massario modium I^{-cx} vini. Item iuxta Flanonam habet qurianam^{cy} cum molendino^{cz}, pratis et aliis^{da} possessionibus a[d]iacentibus^{db}. Item habet ripaticum navium et omnia regalia et multa alia iura minuta. [28] Item in^{dc} Cortalba^{dd} habet prout in Albena per totum et^{de} tanto plus: quod quilibet massarius dant^{df} I bestiam et II solidos^{dg}. [29] Item in villa Sancti Martini habet per omnia ut in Cortalba. [30]^{dh} Item in Bagnoli^{di} habet per omnia ut in Albena^{dj}. [31] Item in Letan^{dk}, [32] in Sancto Petro, [33] in Sugla^{dl}, [34] in Roç, [35] in Bergont^{dm}, [36] in Sancto Sirgo, [37] in Trebefnaberda^{dn}, [38] in Malaçumpica, [39] in Sidrena, [40] in Valda, [41] in Cerneglado^{do}, [42] in Culmo, [43] in Humeld, [44] in Grimaldo^{dp}, [45] in Qudel^{dq} – in omnibus supradictis villis ponit dominus patriarcha gastaldiones suos qui exercent omnes iurisdictiones; ponit^{dr} collectas; recipit albergarias; habet condempnationes et regalia^{ds}; et de dictis villis^{dt}, hominibus et territoriis^{du} potest

cx) sic B: pro unum cum dimidio, sicut D, et sic ed. Chmel et Kandler; unum et dimidium C et sic ed. Carli. cy) lect. dub.: qurian cum sign. abbr. supra ultimam syllabam B; qurianam D; Quarianam ed. Chmel; qurianum C; curiam ed. Carli; curiam unam ed. Kandler. cz) mollendino C. da) seq. iurisdictionibus canc. C. db) sic aiacentibus B; adiacentibus CD et sic ed. omnes alii. dc) seq. Cortalba canc. B. dd) Catealba ed. Carli et undique sic. de) e ed. Carli et Kandler. df) sic B: dat cum sign. abbr. supra verbum; dat CD et sic ed. omnes alii. dg) soldos D et sic ed. Chmel et Kandler. dh) totam partem hic signatam n. 30 om. Carli. di) Bagnolo C. dj) Albona C; Cortalba D et sic ed. Chmel et Kandler. dk) Letam C et sic ed. Carli; Letano D et sic ed. Chmel et Kandler. dl) sic BCD: fort. pro Nugla; Hugla ed. Carli; Nagla ed. Kandler. dm) Bigont ed. Carli. dn) Beffuabirda C; Beffuarda ed. Carli; inter Befuaberda D; inter Befnaberda ed. Chmel; Trebesnaberda ed. Kandler. do) sic BCD; Cerniglado ed. Carli; Cernegrado em. Kandler. dp) Grinaldo ed. Carli. dq) quolibet ed. Carli. dr) imponit ed. Carli. ds) condempnationes et regalia] regalia et condemnationes inv. D et sic ed. Chmel et Kandler. dt) dictis villis] loco D et sic ed. Chmel et Kandler. du) territorio D et sic ed. Chmel et Kandler.

facere^{dv} sicut^{dw} vult, tamquam de suis.

[46]^{dx} Item in Pinguento^{dy} ponit gastaldionem suum qui exercet omnem iurisdictionem; imponit collectas; recipit albergarias; habet regalia et condemnationes; et de loco, hominibus et territorio facit^{dz} quod^{ea} vult, tamquam de suis.

[47] In civitate^{eb} Parencii ponit gastaldionem suum qui exercet omnem iurisdictionem; et habet ibi per^{ec} omnia ut in civitate Iustinopolis^{ed}. Item habet domos in eadem civitate.

[48] Item castrum Sancti Georgii cum toto territorio et pertinentiis suis et iurisdictione tota.

dv) potest facere] facit *D et sic ed. Chmel et Kandler.* dw) secundum quod *D et sic ed. Chmel et Kandler.* dx) partes hic signatas n. 46, 47 et 48 inv. *D, Chmel et Kandler et has partes in ordine 47–48–46 disposuerunt.* dy) Pinquetto *D et sic ed. Chmel.* dz) seq. sed *canc. B; seq. secundum add. D et sic ed. Chmel et Kandler.* ea) ut *C et sic ed. Carli.* eb) communitate *D et sic ed. Chmel.* ec) om. *Carli.* ed) Iustinop. *C; Iustinopoli D et sic ed. Chmel et Kandler.*

Translation of Document 2 into English:

These are the rights of the lord patriarch and the Church of Aquileia throughout Istria:

Above all, the patriarch is the margrave of all of Istria and there he has complete jurisdiction, even in temporal matters; and whoever holds any jurisdiction therein, holds it from the patriarch.

Likewise, no city, town, or place or any enclosed settlement may or should elect podestàs, rectors, or consuls, or other officials, whatever name they may be given, without the special permit and approval of the very lord patriarch; neither may they charge duties, or levy tolls, or impose taxes, or mint coins, or exercise any other jurisdiction. Instead, the lord patriarch appoints in the below written lands his gastalds as well as a *richtarius* in every part of the province of Istria who take cognizance of all cases and have full jurisdiction in adjudicating all lawsuits.

[1] First, in Muggia the patriarch appoints his gastald who exercises jurisdictions as noted above. And the land of Muggia is [of] the treasury of the lord patriarch¹; and the patriarch has his very own house there; and he has 310 urns of wine and 300 pounds of oil coming from certain revenues; and when he journeys there, he stays there at the expense of the community; and he receives from the scribes of Muggia a certain something; and he receives from all taxpayers a certain something; and similarly from all craftsman he also receives a certain something. Likewise, he also receives there all the fines adjudicated for committed crimes. Likewise, he has all that pertains to regalian rights in this land.

[2] Likewise in Koper the patriarch appoints his gastald who adjudicates all lawsuits and punishes all criminals. And whoever sheds

¹) Originally written as “est terra Mugle camera domini patriarche” but it makes no sense to state “the land of Muggia is the treasury of the lord patriarch.” Therefore, there are two possible emendations: either to add “in” and transpose “est”: “[in] terra Mugle est camera domini patriarche”; or to emend “camera” from nominative to genitive case: “est terra mugle camera[e] domini patriarche” as was done by Kandler and Dopsch & Schwind. I have opted for the second choice.

blood or openly strikes someone or performs acts of violence in anyone's properties, pays 100 bezants to the lord patriarch and compensates the injured party; and when the lord patriarch journeys therein in order to hold regalian courts of law, the Commune covers all his expenses; and every single notary must give to the very lord patriarch 5 shillings of Veronese coins; and the patriarch has a large vineyard that is a property of the church of Aquileia and with which the lord patriarch may do as he pleases; and every cargo ship that enters the port of Koper must pay two bezants. Likewise, he has all that pertains to regalian rights in this city. Likewise, from all the craftsmen he receives a certain something. [3] Likewise, the patriarch has in Piran as in the abovementioned city of Koper. Likewise, he has a large vineyard that is a property of the church of Aquileia and with which the lord patriarch may do as he pleases.

[4] Likewise he has Kaštel with its entire territory and its dependencies and appurtenances, with the exception of that which the inhabitants of the said town hold from the very lord patriarch, who are in turn obliged to guard and defend that very town. And the lord patriarch or his gastald rules over the countrymen of this land as he pleases, as in imposing tributes so in receiving lodgings or expenses and having them work on the lands of the very lord patriarch, and generally exercising everything else that any lord may exercise over his subjects.

[5] Likewise in Buje the patriarch appoints his gastald; and all the territory belongs to the very lord patriarch; and the people of this land pay tribute to the very lord patriarch whenever he likes; and they are obliged to cover the expenses of the very lord patriarch and his entourage and all of his heralds whenever they journey there; and the lord patriarch or his gastald sentence criminals; and generally the lord patriarch exercises every other jurisdiction therein, just as any lord who has the power to shed blood and to coerce (*merum et mixtum imperium*) may exercise in his land and over his subjects; and he receives all the fines; and by reason of place, whoever works the fields with two oxen gives one bushel of grain and one bushel

of barley, and whoever has a vineyard gives one gallon of wine and 16 pounds of Veronese coins. Likewise, from each household the patriarch is to receive a bale of hay. Likewise, he should receive a quarter of a lamb for every ten animals. Likewise, he has many other lesser rights and nevertheless he may dispose of the said territory as he pleases. Likewise, he has everything pertaining to regalian rights. [6] Likewise, in Oprtalj he appoints his gastald who exercises every jurisdiction, as it was said for Buje; and he imposes taxes and receives expenses as in Buje. Likewise, the Commune pays him a yearly amount of 66 bushels of grain, 66 bushels of wine and 6 pounds of Veronese coins; and every tenant gives one lamb worth 7 shillings; and he has many other lesser rights. Likewise, he has everything pertaining to regalian rights and every jurisdiction, as in Buje.

[7] Likewise, in Motovun he appoints his gastald who exercises every jurisdiction; and the patriarch has all regalian rights; and his expenses when travelling therein with his entourage are paid by the Commune; and he receives all the fines from all convicted criminals.

[8] Likewise, in Sveti Lovreč he appoints his gastald who exercises every jurisdiction and judges all the perpetrators; and the income from fines belongs to the very lord patriarch; and the patriarch imposes taxes there; and his expenses when travelling therein with his entire entourage are paid by the Commune; and his heralds have their expenses covered similarly. Likewise, he has all pertaining to regalian rights there; and he can dispose of the land and the people as he pleases, as with his own land and subjects; and he has many other lesser rights.

[9] Likewise, in the place of Dvigrad he appoints his gastald who exercises every jurisdiction and judges all perpetrators²; and the income from fines belongs to the very lord patriarch; and generally, he does and has everything there like in Sveti Lovreč, as detailed above; and he has many other lesser rights.

²) Translation based on the proposed emendation of “condempnationes omnes offendentes” into “condempnat omnes offendentes”.

[10] Likewise in Rovinj as detailed above, like in Dvigrad.

[11] Likewise in Bale as above for Rovinj.

[12] Likewise, in the city of Pula he appoints his gastald who exercises every jurisdiction, as in Pula so in the district of Pula; and generally, he has everything just as in the city of Koper. Likewise, he receives from certain incomes in the said city from certain people 82 bushels of grain and 75 bushels of barley; and he has two ancient palaces there, namely Iadra and Arena, and a palace in the city's main square, and certain other houses. Likewise, whoever takes any stone from these two palaces, Iadra and Arena, for each stone that is taken they pay the lord patriarch 100 bezants.

Likewise, in the district of Pula he has the below-written villages that belong to him with full rights, as in imposing taxes so in enjoying the right of lodging, and the entire territory of these villages; and he has every jurisdiction and everything pertaining to regalian rights; and he may do with these villages, people and territories as with his own villages, subjects and territories; namely [these are]: [13] Mednjan, [14] Sveti Mihovil od Banjole, [15] Vodnjan, [16] Sveti Petar u Pudižanu, [17] Galižana, [18] Baderna by Galižana³, [19] Lobarika, [20] Guran, [21] Štinjan⁴, [22] *Gurecilianum*⁵ and [23] Fažana.

[24] Likewise, in Čuklja⁶ he appoints his gastald, and there he has everything just as in the said villages of Pula's district.

³) Deserted village without an official present-day toponym.

⁴) The original toponym *Sissanum* led many researchers to identify it with present-day Šišan to the southeast of Pula, but that ubication makes no sense as these territories form the district of Pula and lay beyond the confines of the other *villae regaliae*. It thus makes much more sense to identify this *Sissanum* with Štinjan to the northwest of Pula, a locality that indeed lies close to other regalian villages and forms a logical complex together with the rest.

⁵) Deserted village with no present-day toponym, situated between Fažana and Vodnjan.

⁶) The toponym is *Cučol* and therefore the same as the *villa Cuculi* that Count Ulrich II donated to the church of Aquileia in 1102. There are two possible ubication of this toponym: either Kukov Vrh to the north of Buje, or Čuklja between Sečovlje and Sveti Peter to the north of the river Dragonja. I have opted for the latter choice.

[25] Likewise, in Gočan he appoints his gastald that exercises every jurisdiction; and the patriarch levies taxes; and he enjoys the right of lodging; and he may govern in every way and over everything, as with his own land and subjects.

[26] Likewise, in Labin he appoints his gastald that exercises every jurisdiction; and there the patriarch imposes taxes; and he enjoys the right of lodging; and from everyone who has 10 or more sheep he must receive one sheep with a lamb and another sheep every year; Likewise, from every tenant he receives one bushel of grain, one bushel of wheat, and one gallon of wine. Likewise, he receives 29 pounds of Veronese coins from the Commune; he has all pertaining to regalian rights, and every jurisdiction, and the income from all the fines, and many other lesser rights.

[27] Likewise, in Plomin he appoints his gastald who exercises every jurisdiction; and the patriarch imposes taxes; and he enjoys the right of lodging; and from everyone who have 10 or more sheep he must receive one sheep with a lamb and another sheep every year; and from every tenant he receives a gallon and a half of wine. Likewise, next to Plomin he has a courthouse⁷ with a mill, meadows, and other adjacent possessions. Likewise, he receives all the income from mooring-dues; he has everything pertaining to regalian rights and many other lesser rights.

[28] Likewise, in Belaj he has everything as in Labin and this much

⁷⁾ The original term is *Qurian* with an abbreviation sign above the last syllable; since the name should stand in the accusative case, it is most logically expanded as *Qurianam*. However, I was not able to ubicate this paleonym anywhere near Plomin. The toponym is similar to *Quornianum*, the present-day Gvarnjan or Vrnjan between Ližnjan and Medulin, but this place falls within the district of Pula and is definitely not in the vicinity of Plomin. For these reasons, it has been decided to follow Carli and Kandler who both emended the word as “curiam” as in “courthouse.” This emendation is further corroborated by the 1343 list of fiefs that a late Domnius of Rijeka held from the Patriarchate of Aquileia: “Hec sunt bona que pie memorie Doymus de Flumine habet in feudum a domino patriarcha et ecclesia Aquilegense: [om.] item una curia cum mollendino subtus Flanonam.” BRUNETTIN 2001: 236 (doc. B 17). This *curia cum mollendino subtus Flanonam* is certainly identical to the *qurianam cum molendino iuxta Flanonam* of the 1280 list.

in addition: that every tenant gives one animal and two shillings. [29] Likewise, in the village of Sveti Martin he has everything as in Belaj.

[30] Likewise, in Boljun he has everything as in Labin.

[31] Likewise in Letaj, [32] in Fratrija, [33] in Nugla, [34] in Roč, [35] in Brgudac, [36] in Sočerga, [37] in Trebeše, [38] in Čepić, [39] in Zrenj, [40] in Valda⁸, [41] in Črnigrad, [42] in Hum, [43] in Brest⁹, [44] in Grimalda, [45] in Kubed – in all these above-mentioned villages the lord patriarch appoints his gastalds that exercise all jurisdictions; and the patriarch levies taxes; and he enjoys the right of lodging; and he receives all the income from fines; and he has regalian rights; and with these villages, people, and territories he may do as he pleases, as if they were his own.

[46] Likewise, in Buzet he appoints his gastald who exercises every jurisdiction; the patriarch imposes taxes; he enjoys the right of lodging; he has regalian rights; he receives all the income from fines; and he may do with the place, the people, and the territory as he pleases, as if they were his own.

[47] Likewise, in the city of Poreč he appoints his gastald who exercises every jurisdiction; and he has there everything as in the city of Koper. Likewise, he owns houses in this city.

[48] Likewise, the fort Sveti Juraj with its entire territory and dependencies and entire jurisdiction.

⁸⁾ Between Kašćerga and Zamask, nowadays abandoned and without an official toponym.

⁹⁾ Ital. Olmetto, or Humac in the vicinity of Kožljak, but it makes more sense that it refers to Brest as it fits closer to the wider Buzet area and Humac was more likely to be in the hands of the lords of Kožljak, who were service nobility loyal to House Gorizia.

Document 3: Marino Coppo's Note.

Marino Coppo explains what the incumbent patriarch of Aquileia would demand in order to lease all of his jurisdictions in Istria to Venice for a period of twenty-nine years.

Date: October 1280, subsequently registered together with doc. 2 in March 1303; place unknown.

Source: ASV, LC, CL I, fol. 32r (doc. 88b), copy from 1303 (= B); ASV, PA, CT, fol. 409r (385r according to old pagination), late 15th-/early 16th-century copy based on B (= C); ASV, CC, CC I, fols. 74v–75r, 17th-century copy based on B, copied by Alvise Zancaruol and Zorzi Porro (= D).

Previous Editions: CARLI 1791: 92–97 (doc. 32), based on C; MARIN 1800: 350–359, based on B but a transcription of very poor quality to which there will be no references in the critical apparatus; CHMEL 1849: 289–295 (doc. 122), based on D.

Sovra lo fato^a del Istria^b, credo ego, Marinus Coppo^c, inducere dominum patriarcham quod dabit omnia iura que^d habet a ponte^e de Sancto Iohanne^f inde^g per totam Istriam, videlicet temporalia, ad fictum^h aⁱ XXVIII anno.

Queⁱ iura data fuerunt^k in scriptis domino Marino^l Dauro et domino Petro Teupolo^m, volendoⁿ facere Venecia domino patriarche^o res infrascriptas:

[1] Inprimis petebat patriarcha libras DCCCC^p de grossis a Venecia.

[2] Item petebat quod Venecia ipsum^q deberet facere in civem suum.

a) *sic B; fatto D et sic ed. Chmel.* b) *sovera lo fato del Istria] circa factum Istrię C et sic ed. Carli.* c) *Cuppo C et sic ed. Carli.* d) *que et saepe sic -e in -ę em. CD; -ę in -ae undique mutavit Carli.* e) *potestate ed. Carli.* f) *Ioanne et undique Ioannis loco Iohannis D et sic undique ed. Chmel.* g) *ibidem ed. Carli.* h) *affictum C et sic ed. Carli.* i) *om. C et Carli et seq. anno in gentivum mutavit.* j) *quo D et sic ed. Chmel.* k) *fuere C et sic ed. Carli.* l) *om. Carli.* m) *Theupolo D; Thenpolo ed. Chmel.* n) *volens ed. Carli.* o) *domino patriarche] dominus patriarcha ed. Carli.* p) *900 C et sic ed. Carli et undique numeros Romanos in numeros Arabicos mutaverunt; novimcentas D et sic ed. Chmel, et saepe sic numeros Romanos transcripserunt.* q) *om. Carli.*

[3] Item petebat quod Venecia faceret cridari^r per Istriam quod deberet currere sua moneta de Aquilegia^s et quod deberet currere per totam Istriam, sicut currit intus per Foroiulium^t.

[4] Item petebat MCXXXVIII amphoras vini, ultra illas que sibi dantur hodie, ad trahendum de Marchia Anconitana vel de Istria, in toto vel parte accipere ad suam voluntatem et portare in Foroiulium.

[5] Item petebat modia CCC de blava ad trahendum de Marchia vel Apulia vel de extra cultum Istrie et adducere in Foroiulium^u, si sibi videretur^v; et si sibi videretur, ipsa trahere de Foroiulio et portare in Istria vel in Dalmacia^w, in terris amicorum; et volebat habere bailiam de^x portando illa^y.

[6] Item petebat accipere de Istria vel de Marchia vel de Apulia C milliaria olei et conducere in Foroiulio^z.

[7] Item petebat quod Venecia^{aa} non faceret sigillum de aliqua mercantia que^{ab} exiret^{ac} de Venecia a Tervisio^{ad} ultra nec a Tergesto hinc, nisi ad Aquilegiam^{ae}.

[8] Item petebat CC milites omni anno, si sibi essent necesarii, ad III menses ad suum auxilium a ponte Sancti Iohannis usque ad Sclusam et usque supra^{af} Taiaamentum^{ag}.

Et hec omnia intendit velle dominus patriarcha^{ah} omni anno.

[9] Item petebat quod ille qui erit in Istria pro Venecia teneatur sibi facere satisfieri infra III menses totum illud quod sibi deficiebat de suis rationibus, que^{ai} non recepit ita in isto tempore quomodo etiam in tempore domini patriarche Gregorii.

M^oCCCIII^o, mense martii^{aj}, indictione prima^{ak}.

r) curare *ed. Carli.* s) Aquileia *C et sic ed. Carli.* t) Forumiulium *C et sic ed. Carli.* u) Forumiulium *C et sic ed. Carli.* v) videbitur *ed. Carli.* w) Istria vel in Dalmacia] Istriam vel in Dalmatiam *D et sic ed. Chmel.* x) in *ed. Carli.* y) illam *C et sic ed. Carli.* z) Forumiulium *CD et sic ed. Chmel et Carli.* aa) *seq. a Trivisio inde nec de Tergesto hinc nisi canc. B.* ab) quam *D et sic ed. Chmel.* ac) exercet *D et sic ed. Chmel.* ad) Trevisio *C et sic ed. Carli.* ae) Aquileiam *C et sic ed. Carli.* af) ad *D et sic ed. Chmel.* ag) Tolmetium *ed. Carli.* ah) patriarcha *D et sic ed. Chmel.* ai) quod *D et sic ed. Chmel.* aj) martio *C et ed. Carli.* ak) tertia *D et sic ed. Chmel.*

Translation of Document 3 into English:

Regarding the business of Istria, I, Marino Coppo, intend to persuade the lord patriarch to lease all the rights that he has from the bridge of San Giovanni di Duino through the whole of Istria for 29 years, namely the temporal jurisdictions, the rights that were given in writing to Lord Marino Dauro and Lord Pietro Tiepolo, in the case that Venice would be willing to do the following things for the lord patriarch:

- [1] First, the patriarch asked 900 pounds of groats from Venice.
- [2] Likewise, he asked to be granted Venetian citizenship.
- [3] Likewise, he asked Venice to decree throughout Istria that his Aquileian coin must circulate and that it must be in circulation in all of Istria, just as it circulates throughout Friuli.
- [4] Likewise, he asked for 1038 urns of wine, in addition to those that are presently given to him, to be imported from the March of Ancona or from Istria, to be received in full or in installments, according to his desire, and brought to Friuli.
- [5] Likewise, he asked for 300 bushels of wheat to be imported, if he sees fit, from the March [of Ancona] or Apulia or from outside of the Gulf of Istria and brought to Friuli, or, if he sees fit, taken from Friuli and exported to Istria or Dalmatia, to friendly lands; and he wanted to have full legal authority to export that wheat.
- [6] Likewise, he asked to receive from Istria or from the March or from Apulia a hundred thousandweights of oil and to bring them to Friuli.
- [7] Likewise, he asked that Venice not issue seals for any merchandise going from Venice to beyond Treviso or from there to Trieste¹, except for merchandise going to Aquileia.
- [8] Likewise, he asked for 200 soldiers every year, if they should be necessary for him, to be available to him for three months and to aid him from the bridge of San Giovanni di Duino to Chiusaforte

¹⁾ *a Tervisio ultra—a Tergesto hinc*, referring to the territory to the east of Treviso and the west of Trieste, essentially corresponding to Friuli, a region traditionally demarcated by the rivers Timavo to the east and Livenza to the west.

and as far as above the river Tagliamento.

And all of this the lord patriarch intends to receive every year.

[9] Likewise, he asked that the one who would be in Istria in the name of Venice be obliged to compensate within three months all that was missing from his incomes, what he did not receive this time the same way as it had been during the time of Patriarch Gregory [of Montelongo].

1303, the month of March, first indiction.



Map. 3: Map of Istria with mapped toponyms appearing in the 1280 list of rights (in order of appearance).

Legend:

1. Muggia	2. Koper	3. Piran
4. Kaštel	5. Buje	6. Oprtalj
7. Motovun	8. Sveti Lovreč	9. Dvigrad
10. Rovinj	11. Bale	12. Pula
13. Mednjan	14. Sveti Mihovil od Banjole	15. Vodnjan
16. Sveti Petar u Pudižanu	17. Galizana	18. Baderna kraj Galizane
19. Loborika	20. Guran	21. Štinjan
22. Gurecilianum	23. Fažana	24. Čuklja
25. Gočan	26. Labin	27. Plomin
28. Belaj	29. Sveti Martin	30. Boljun
31. Letaj	32. Fratrija	33. Nugla
34. Roč	35. Brgudac	36. Sočerga
37. Trebeše	38. Čepić	39. Zrenj
40. Valda	41. Črnigrad	42. Hum
43. Brest	44. Grimalda	45. Kubed
46. Buzet	47. Poreč	48. Sv. Juraj

Gazetteer of Mentioned Istrian Places

Croatian/Slovenian Toponym	Italian Toponym	Additional Remarks
Baderna kraj Galižane	Paderno presso Gallesano	Village of the <i>Regalia</i>
Bale	Valle	
Barban	Barbana	
Belaj	Bellai	
Beligrad	Castelbianco	
Beram	Vermo	
Boljun	Bogliuno	
Brest	Olmetto di Bogliuno	
Brgudac	Bergozza	
Brseč	Bersezio	To the east of Učka
Buje	Buie	
Buzet	Pingente	
Čepić	Ceppi di Sterna	
Červar	Cervera	
Črnigrad	Castelnero	
Čuklja	Zuccola	
Devin	Duino	
Dvigrad	Duecastelli	
Fažana	Fasana	Village of the <i>Regalia</i>
Fratrija	San Pietro di Montrino	
Galižana	Gallesano	Village of the <i>Regalia</i>
Gočan	Golzana	
Gradina	Calisedo / Geroldia	

Grimalda	Grimalda	
Grožnjan	Grisignana	
Guran	Gurano	Village of the <i>Regalia</i>
<i>Gurecilianum</i>	<i>Gurecilianum</i>	Village of the <i>Regalia</i>
Hum	Colmo	
Humac	Colmiz	Next to Kožljak
Izola	Isola	
Kastav	Castua	
Kastion	Castiglione	Between Buje and Grožnjan
Kaštel	Castelvenere	
Kašćerga	Villa Padova	
Kaštelir	Castellier di Visinada	
Koper/Kopar	Capodistria	
Kožljak	Cosliacco	
Krk	Veglia	Island, to the east of Istria
Kubed	Covedo	
Kukov Vrh	Monte Cucco	
Labin	Albona	
Letaj	Letai	
Loborika	Ravarico	Village of the <i>Regalia</i>
Lovran	Laurana	To the east of Učka
Lupoglav	Lupogliano	
Medelin	Montelino di San Vitale	By Vižinada
Mednjan	Midian	Village of the <i>Regalia</i>

Momjan	Momiano	
Mošćenice	Moschiena	To the east of Učka
Motovun	Montona	
Milje	Muggia	
Nigrinjan	Nigrignano	In the vicinity of Tar
Novigrad	Cittanova	
Nugla	Nugla	
Oprtalj	Portole	
Pazin	Pisino	
Petrapilosa	Pietrapelosa	
Piran	Pirano	
Plomin	Fianona	
Poreč	Parenzo	
Pula	Pola	
Rijeka	Fiume	
Raša	Arsa	River
Rječina	Fiumara	River
Roč	Rozzo	
Rovinj	Rovigno	
Ružar	Rosario di Visinada	
Salež	Salise	
Savičenta / Svetvinčenat	Sanvincenti	
Sočerga	San Quirico	
Sveti Juraj	San Giorgio / Santi Quaranta	
Sveti Lovreč	San Lorenzo	
Sveti Martin	San Martino	
Sveti Mihovil kod Banjole	Bagnoli	Village of the <i>Regalia</i>

Sveti Petar u Pudižanu	Pudizano	Village of the <i>Regalia</i>
Štinjan	Stignano	Village of the <i>Regalia</i>
Štivan	San Giovanni di Duino	
Tar	Torre	
Trebeše	Trebesse	
Trst	Trieste	
Turnina	Torre di Boraso	
Učka	Monte Maggiore	Mountain range
Umag	Umago	
Valda	Valda	
Veprinac	Apriano	To the east of Učka
Vižinada	Visinada	
Vodnjan	Dignano	Village of the <i>Regalia</i>
Vrsar	Orsera	
Zamask	Zamasco	
Zrenj	Stridone	

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- ASU – Archivio di Stato di Udine
NA – Notarile antico
b. 5120.14: Note Gubertini da Novate
- ASV – Archivio di Stato di Venezia
LC – Libri commemoriali
CL I – Commemorialium liber I
CC – Copie commemoriali
CC I – Commemorialium Liber I (exemplum saec. XVII)
- MADP – Miscellanea atti diplomatici e privati, b. 2, doc. 64; b. 6, doc. 223; b. 8, doc. 291; b. 10, doc. 333.
- MDAD – Miscellanea ducali e atti diplomatici, b. 9, fasc. A, doc. 6.
- PA – Pacta e aggregati
CT – Codex Trevisaneus
PL IV – Pactorum liber IV.
San Nicolò di Lido, Atti, b. 1: *Catasticum Histriae*.
- BAP – Biskupijski arhiv u Poreču [Diocesan archive in Poreč]
PB – Porečka biskupija [The bishopric of Poreč]
Iurium episcopalium liber I.
- BCU – Biblioteca civica “Vincenzo Joppi” di Udine
FJ– Fondo Joppi
ms. 97: Sermones catholici
- FP – Fondo principale
ms. 1469: Notę Valteri cancellarii patriarchę 1260, 1275.

DP – ms. 899: Giuseppe Bianchi (ed.), *Documenti per la storia del Friuli dal 1200 al 1400*.

BMV – Biblioteca Marciana di Venezia

Lat. XIV, ms. 101 (= 2804): Giusto Fontanini, *Autographa membranea manuscripta Aquileiensia*, Vol. 1.

Lat. XIV, ms. 102 (= 2805): Giusto Fontanini, *Autographa membranea manuscripta Aquileiensia*. Vol. 2.

HHStA – Haus-, Hof- und Staatsarchiv Wien

AUR – Allgemeine Urkundenreihe, doc. 1821 (= 1283 III 7)

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RIASSUNTO

Margraviato illusorio: *Iura domini patriarche et ecclesie Aquileienses in tota Istria* nel contesto

L'autore redige, traduce e analizza criticamente un documento che cataloga i diritti e le prerogative dei patriarchi aquileiesi in Istria. In primo luogo, poiché il documento non è originariamente datato, l'autore esamina tutti i precedenti tentativi di datare questo scritto, dimostrando che nessuna delle soluzioni finora proposte poggia su basi solide. Poi, basandosi sull'edizione *in extenso* della fonte e dell'analisi del materiale archivistico relativo alle trattative tra Venezia e il patriarca aquileiese Raimondo della Torre (1273–1299), viene proposta una nuova datazione, più precisa e circostanziata: ottobre 1280. Avendo determinato la data di composizione dell'elenco dei diritti, l'autore analizza il contenuto del documento guidato dai principali orientamenti metodologici della cosiddetta “scuola di Cambridge” del contestualismo. In tal modo, si conclude che il catalogo dei diritti fu creato nel contesto del tentativo veneziano di affittare i diritti dei patriarchi di Aquileia sull'Istria. Pertanto, il patriarca Raimondo si sforzò di presentare le sue prerogative nella luce migliore e più grandiosa possibile, cercando di stupire l'ambasciata veneziana e di ottenere il miglior prezzo possibile del potenziale contratto di locazione. L'elenco dei diritti è dunque un testo estremamente carico dal punto di vista discorsivo, che riflette principalmente le pretese e i diritti teorici del patriarca, piuttosto che la pratica amministrativa quotidiana. Infine, viene esaminata la nota di Marino Coppo, allegata all'elenco dei diritti e contenente le concessioni richieste in cambio all'affitto dei diritti sull'Istria per un periodo di ventinove anni. Nonostante la nota sia datata 1303, durante il

regime del patriarca Ottobono (1302–1315), si conclude che essa sia stata originariamente redatta insieme al catalogo dei diritti, cioè nell'ottobre del 1280, e che i due documenti costituiscano un'unità nell'ambito di un più ampio sforzo di affittare i diritti del patriarca sull'Istria. Il patriarca Ottobono ha pertanto solamente ripetuto l'offerta di Raimondo, la quale questa volta fu inserita nella *Liber Commemorialium* di Venezia e registrata con la nuova datazione. Venezia rifiutò entrambe le volte le condizioni offerte per l'affitto di tutti i diritti dei patriarchi aquileiesi sull'Istria, avendo negoziato un accordo migliore nel 1300. Poiché le trattative con Venezia fallirono, Ottobono procedette a dare in pegno alla società fiorentina Capponi undici privilegi imperiali originali, molti dei quali si riferiscono all'Istria, incassando in altro modo i suoi diritti sull'Istria.

ZUSAMMENFASSUNG

Illusorische Markgrafschaft: *Iura domini patriarche et ecclesie Aquileiensis in tota Istria* im Kontext

Der Autor führt kritische Bearbeitungen, Übersetzungen und Untersuchungen auf ein Dokument durch, das die Rechte und Vorrechte der Patriarchen von Aquileia in Istrien katalogisiert. Zuerst, weil dieses Dokument in seiner originellen Form ohne Datumsangabe erscheint, überprüfte der Autor alle vorherigen Versuche, dieses Schriftstück zu datieren, und zeigte, dass keiner der Lösungen auf einem soliden Fundament steht. Dann, basierend auf der *in extenso* Edition der Quelle und der Analyse des entsprechenden Archivmaterials, das die Verhandlungen zwischen Venedig und dem Patriarchen von Aquileia, Raymond della Torre (1273–1299), behandelt, ersucht man eine präzisere und begründete Datierung: Oktober 1280. Nachdem er das Datum der Komposition der Liste der Rechte bestimmt hat, analysiert der Autor den Inhalt des Dokumentes, geführt von den methodologischen Haupttrichtlinien der sogenannten „Cambridge School“ des Kontextualismus. Auf diese Weise wurde bestimmt, dass der Katalog der Rechte im Kontext des venezianischen Versuchs, die Rechte der Patriarchen von Aquileia über Istrien als Pfand zu erwerben, entstanden ist. Daher bemühte sich Patriarch Raymond, seine Vorrechte im besten und großartigsten Licht zu präsentieren, um die venezianische Botschaft zu beeindrucken und den bestmöglichen Preis zu erzielen. Die Liste der Rechte ist deshalb ein sehr diskursiv geladener Text, weil er hauptsächlich die Ansprüche und theoretischen Rechte des Patriarchen reflektiert, und nicht die alltägliche Verwaltungspraxis. Zuletzt wird Marino Coppo's Notiz untersucht, die der Liste der Rechte angehängt ist. Sie

enthält die vom Patriarchen erlangten Zugeständnisse, , um der Serenissima die genannten Rechte über Istrien für einen Zeitraum von neun-und-zwanzig Jahre zu verpfänden. Obwohl die Notiz auf 1303 datiert ist, beschliesst der Autor, dass sie ursprünglich zusammen mit dem Katalog der Rechte geschrieben worden ist, also im Oktober 1280, und dass die zwei Dokumente eine Einheit bilden, die sich auf den Versuch, die Rechte des Patriarchen über Istrien an Venedig zu verpfänden, beziehen. Patriarch Ottobono hat Raymonds Angebot einfach nur wiederholt und diesmal wurde es unter einem neuen Datum in das venezianische *Liber Commemorialium* eingetragen. Venedig lehnte die Bedingungen des Patriarchen für die Verpfändung aller seiner Rechte über Istrien in beiden Gelegenheiten ab, weil es bereits im Jahr 1300 ein, für sich besseres, Abkommen ausgehandelt hatte. Als die Verhandlungen mit Venedig scheiterten, verpfändete Ottobono elf ursprüngliche kaiserliche Privilegien, von denen die meisten sich auf Istrien bezogen, und die Florentinische Capponi Gesellschaft, und löste damit seine Rechte über Istrien auf anderer Art ein.

POVZETEK

Navidezna markgrofija: *Iura domini patriarchę et ecclesię Aquileiensis in tota Istria* v kontekstu

Avtor kritično prireja, prevaja in analizira listino, v kateri so navedene pravice in prerogative oglejskih patriarhov v Istri. Prvič, ker je dokument prvotno nedatiran, avtor razbija vse dosedanje poskuse datiranja tega spisa in kaže, da nobena od rešitev ne bazira na trdnih temeljih. Nato je na podlagi in extenso izdaje vira in razčlenitve relevantnega arhivskega gradiva, ki obravnava pogajanja med Benetkami in oglejskim patriarhom Raimondom della Torre (1273-1299), predstavljen argument za veliko bolj natančno in utemeljeno datacijo: oktober leta 1280. Po določitvi datuma nastanka seznama pravic avtor analizira vsebino dokumenta v skladu z glavnimi metodološkimi smernicami tako imenovane „cambriške šole“ kontekstualizma. Tako lahko sklepamo, da je katalog pravic nastal v kontekstu beneškega poskusa zakupa pravic oglejskih patriarhov nad Istro. Patriarh Raimondo je zato svoje pravice skušal predstaviti v čim boljši in grandiozni luči, s čimer je poskušal osupniti beneško veleposlaništvo in izposlovati čim boljšo ceno za morebitni zakup. Seznam pravic je torej izjemno diskurzivno obremenjeno besedilo, ki odseva predvsem patriarhove pretenzije in teoretične pravice, ne pa vsakdanje administrativne prakse. Nazadnje je predmet analize zapis Marina Coppoja, ki je bil dodan na seznam pravic in vsebuje zahtevane koncesije v zameno za zakup pravic do Istre za obdobje devetindvajsetih let. Čeprav zapis datira v leto 1303, sklepamo, da je prvotno nastal sočasno s seznamom pravic, oziroma oktobra 1280, in da oba dokumenta skupaj tvorita eno celoto, ki se nanaša na poskus zakupa patriarhovih pravic do Istre. Patriarh Ottobono (1302-1315) je torej

le ponovil Raimondovo ponudbo, ki je bila tokrat registrirana in vpisana v beneški *Liber Commemorialium* z novim datumom. Benetke so obakrat zavrnila ponujene pogoje za zakup vseh pravic oglejskih patriarhov do Istre in leta 1300 izpogajale precej boljši dogovor. Ob neuspehu teh pogajanj z Benetkami Ottobono nato zastavi enajst izvirnih privilegijev, ki se večinoma nanašajo na Istro, florentinski družbi Capponi in na drug način unovči svoje pravice do Istre.

SAŽETAK

Iluzorna markgrofovija: *Iura domini patriarchę et ecclesię Aquileiensis in tota Istria* u kontekstu

Autor kritički priređuje, prevodi i analizira ispravu u kojoj su popisana prava i prerogative akvilejskih patrijarha u Istri. Prvo, budući da je dokument izvorno nedatiran, autor razlaže sve dosadašnje pokušaje datiranja ovog spisa, pokazujući da niti jedno rješenje ne počiva na čvrstim temeljima. Potom, na temelju *in extenso* izdanja izvora i raščlambe relevantne arhivske građe koja se bavi pregovorima između Venecije i akvilejskog patrijarha Rajmunda della Torrea (1273.-1299.), predstavlja se argumentacija za znatno precizniju i potkrepljeniju dataciju: listopad 1280. godine. Odredivši datum nastanka popisa prava, autor analizira sadržaj dokumenta prateći glavne metodološke odrednice takozvane „Cambridgevske škole“ kontekstualizma. Na taj se način zaključuje da je katalog prava nastao u kontekstu mletačkog pokušaja zakupa prava akvilejskih patrijarha nad Istrom. Patrijarh Rajmund stoga je nastojao svoja prava prikazati u što je moguće boljem i grandioznijem svijetlu, nastojeći tako zapanjiti mletačko veleposlanstvo i isposlovati što je moguće bolju cijenu za potencijalni zakup. Popis prava stoga je izuzetno diskurzivno nabijen tekst koji zrcali prije svega patrijarhove pretenzije i teorijska prava, a ne svakodnevnu administrativnu praksu. Na kraju, raščlambi se podvrgava i bilješka Marina Coppia koja je dodana uz popis prava i koja sadrži tražene ustupke u zamjenu za zakup prava nad Istrom na rok od dvadeset i devet godina. Iako je bilješka datirana 1303. godinom, zaključuje se da je i ona izvorno nastala kada i popis prava, odnosno u listopadu 1280., te da oba dokumenta zajedno čine jedinstvenu cjelinu koja se odnosi na pokušaj davanja u zakup

patrijarhovitih prava nad Istrom. Patrijarh Ottobono (1302.-1315.) stoga je samo ponovio Rajmundovu ponudu koja je ovoga puta bila registrirana i upisana u mletački *Liber Commemorialium* pod novim datumom. Venecija je oba puta odbila ponuđene uvijete za zakup svih prava akvilejskih patrijarha nad Istrom, isposlovavši 1300. godine znatno bolju pogodbu. Propašću ovih pregovora s Venecijom, Ottobono potom zalaže jedanaest izvornih privilegija, od kojih se većina odnosi na Istru, firentinskom društvu Capponi, unovčivši svoja prava nad Istrom na drugi način.

ABOUT THE AUTHOR



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The book is expertly written, methodologically consonant with similar achievements of Western European historiographical production, and technically superbly executed. From a professional perspective, the book presents a contextualist analysis together with critical editions and translations of important documents from the late 13th and early 14th century, which shed a completely new light on the history of medieval Istria and offer novel directions to the study of the region in the period.

— from the review of prof. Ivan Jurković

In this thorough study, based in part on the linguistic methods of John Longshaw Austin and the Cambridge School of contextualism, the author answered many hitherto unsolved questions and corrected a number of inaccuracies and wrong conclusions of his predecessors. In addition, he provided researchers with material that leads to additional reflections. Both are virtues of excellent historians.

— from the review of prof. Neven Budak

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