

Giuliano Milani

Bologna's two Exclusions and the Power of Law Experts*

[In corso di stampa in *Europäisches Forum junger Rechtshistorikerinnen und Rechtshistoriker* (Osnabrück, 22-25 maggio 2002) © dell'autore - Distribuito in formato digitale da "Reti Medievali"]

In this paper I discuss the power of law experts (jurists and judges) in 13th century Bologna. First, I consider the importance of law experts in communal institutions according to normative sources (statutes and *riformagioni*). Then I describe how these institutions worked in order to show the possibilities and the limitations faced by law experts. Finally, I narrate a story about a conspiracy organized in 1287 by a group of law experts. In my opinion, in this story one sees clearly how law experts exerted influence in order to attain their aims.

From the middle of the 13th century, law professors were eligible to participate in the most important council of the city: the *credentia*, whose members were chosen from all the citizens of Bologna¹. In the last quarter of the century this council, as in the case of the more broadly based council of the *comune*, became of lesser significance. The most important councils of the city became the large council of the *populus* and the much smaller council of the *anciani*, whose members came from the guild and territorially-based companies (*societates artiorum* and *armorum*) that formed the *populus*². Law professors were not eligible to participate in these "popular" councils, but their participation in political life nevertheless became more intensive, because popular officials, especially the *anciani*, were seeking more and more frequently the opinions of law experts (*consilia sapientis*) to help them make decisions.

An important way to gain the participation of the law expert was the formation of a *balìa*, or committee. Reading the sessions of the broadly based *consilium populi*, one often finds situations like the following. The captain of the *populus*, a foreign magistrate, as was the podestà, makes a proposal to the council. The council discusses the proposal. Someone is in favour, someone is opposed, someone proposes asking the opinion of a special *balìa*, or committee of *sapientes*. The council decides to transfer the proposal to this special committee, whose members are law experts (*sapientes*)³. But for the *sapientes* this was not the only entrance to the decision-making process. In her recent doctoral dissertation Sara Menzinger concludes that a large number of *sapientes* were present in almost all the recorded sessions of the *anciani's* council⁴. Moreover, during the 1280's, the *sapientes* tended to become regularly present in that council. According to normative sources, this participation of *sapientes* does not seem to be official, but at the beginning of a register of 1282 Sara Menzinger found a list of 20 *sapientes* who were recognized as participants in the sessions of the *anciani's* council. Two years later, in 1284, the number of *sapientes* who assisted the *anciani* was raised to 40⁵.

In the regular councils of *sapientes* and in the occasional *balie* we find famous *doctores legum* such as *Albertus Odofredi*, *Lambertinus Ramponis*, *Basacomater de Basacomatribus*, *Pax de Pacibus*, *Franciscus de Artimixiis*, *Brandelixius Riccadonna*, *Iulianus Cambi*, *Ubalдинus Malavoltis*, *Sanzanome de Sanzanominibus*, who were judges or great notaries. With them we also find members of aristocratic lineages of the city such as the Lambertini, Galluzzi, Guidoagni, Ghislieri, Bazaleri, Dotti, Romanzi, Caccianemici, de Priore, and men from banker and merchant families, such as the Gozzadini, Zovenzoni, Mezzovillani, Basacomari, and the Paci. Thus the large presence of *sapientes* was not just a way to help the *anciani* make decisions, but also a major

* I would like to thank Sarah Rubin Blanshei for supervising the English version of this paper.

¹ *Statuti di Bologna dall'anno 1245 all'anno 1267*, ed. L. FRATI, Bologna 1877, III, pp. 64: "Statuimus quod electio consilii credencie et generalis hoc modo fiat: (...) et quod omnes domini legum sint ad consilium Credentie electi".

² G. TAMBA, *I documenti del governo del comune bolognese (1116-1512). Lineamenti della struttura istituzionale della città durante il medioevo*, Bologna 1978, pp. 9-13.

³ For law-making practices and examples see Archivio di Stato di Bologna (from now onward: ASB), *Riformagioni e provvigioni del comune di Bologna. Inventario*, ed. B. NEPPI, Roma 1961, pp. VII-XXVII.

⁴ S. MENZINGER DI PREUSSENTHAL, *La funzione politica del giudice nei governi comunali del XIII secolo*, Tesi di dottorato dell'Università degli studi di Torino, XII ciclo, pp. 204-218.

⁵ MENZINGER DI PREUSSENTHAL, *La funzione politica del giudice* (as in n. 4), pp. 207, 211

opportunity for the great families to play a role - and an important one - in the political life of the city⁶. In 1282 were published the *Ordinamenta sacrata*⁷, a special group of 27 laws valid for the following ten years. These laws were made to protect the *populus* against the violence of the most violent noblemen, the *magnati*, and, more generally, to give power to the *populus*, and, by their publication, aristocrats were formally excluded from “popular” institutions. Therefore the juridical competence of aristocrats became the only way for them to exert influence.

This extensive participation of law experts, who often were from great families, in the “popular” government, does not mean, however, that this group had absolute power. There were both external and internal limitations. The external limitation was the control exerted by the laws and institutions themselves.

In communal Bologna the institutional system was richly structured to protect it from pressures of conflicting groups⁸. According to the *Ordinamenta sacrata*, at the top of the government of the city were the *anciani*. The 24 members of this council were selected every two months by a group of 40 electors chosen by the *consilium populi*⁹. This last council was formed by more than 600 persons from the 20 *societates armorum* (territorially-based) and the 20 *societates artium* (guild-based). Every society had 14 representatives in the council, except two *artes* (merchants and bankers) that participated in the council with 33 members each¹⁰. The council of the commune was more open to non-“popular” citizens. But from 1282 that council was not entitled to make decisions that contradicted those of the *consilium populi*¹¹.

In some cases special commissions of *sapientes* succeeded in gaining decision-making power. But normally their decisions had to be approved by the large *consilium populi*. In that council the issue to be decided had to be proposed by the captain of the *populus* or the prior of the *anciani*, who could also decide not to present it, thereby exerting preventive control¹². In 1282 the *consilium duorum societatum qui presunt* was created, which was another council made up of magistrates (*ministrales*) from two different societies in rotation (one of the *Armi*, one of the *Arti* every month), in order to control the application of the *Ordinamenta sacrata*. This council could determine that a particular decision (also a decision by a group of *sapientes*) was against the *Ordinamenta sacrata*, and therefore reject it¹³.

The law experts thus had important instruments, the *balie* and *consilia sapientium*, by which they could exert influence and, more importantly, the know-how to master the functioning of this institutional machinery. But they did not control completely the policies of the commune, because they had to bring to account all the components of bolognese society that participated in the various councils. This external limitation was not the only one to curtail the power of law experts. There was also an internal limitation. The jurists as a group were not strongly united, but rather were politically divided. As were other components in the late 13th century bolognese society, law experts were sharply divided on political issues. Among these issues two were major problems: the exclusion of magnates and the exclusion of Lambertazzi.

Since 1250 the “popular” government had begun to consider the magnates as enemies: they were the noblemen involved in factional struggle between the guelf *geremei* and the ghibelline Lambertazzi. For this reason they were considered particularly dangerous to the maintenance of the “good and peaceful status” (*bonus et pacificus status*)¹⁴. In 1271 and 1272, as factional struggles

⁶ MENZINGER DI PREUSSENTHAL, *La funzione politica del giudice* (as in n. 4), pp. 212, 221-223, 251-253.

⁷ *Statuti di Bologna dell'anno 1288*, ed. G. Fasoli and P. Sella, I, Città del Vaticano 1937, pp. 283-329.

⁸ This was the main consequence of that ‘acceptance of the disunity’ mentioned by S. Reynolds, *Kingdom and Communities in Western Europe 900-1300*, Oxford 1997, p. 213.

⁹ G. TAMBA, ‘Consigli elettorali degli ufficiali del comune bolognese alla fine del secolo XII’, *Rassegna degli Archivi di Stato*, XLII, 1982, pp. 34-95, p. 56.

¹⁰ G. TAMBA, ‘Il consiglio del popolo di Bologna. Dagli ordinamenti popolari alla signoria (1283-1336)’, *Rivista di Storia del diritto italiano*, LXIX, 1996, pp. 49-93.

¹¹ *Statuti di Bologna dell'anno 1288* (as in n. 7), p. 315.

¹² ASB, *Riformazioni e provvigioni del comune di Bologna. Inventario* (as in n. 3), p. VIII.

¹³ *Statuti di Bologna dell'anno 1288* (as in n. 7), p. 284.

¹⁴ On exclusion of magnates in Bologna, see G. FASOLI, ‘La legislazione antimagnatizia a Bologna fino al 1292’, in *Rivista di Storia del diritto italiano*, VI, 1933, pp. 351-392, and A. I. PINI, ‘Magnati e Popolani a Bologna nella seconda

became increasingly violent, the *anciani* compiled lists of magnates who were required to give pledges (*fidejussiones*) that they would remain peaceful and not offend members of the *popolo*. For the same reason, i. e., to prevent violent disorders, they threatened magnates who would not obey with the punishment of the ban¹⁵.

This strategy of prevention did not work. In 1274 the struggle between the two local *partes* erupted again and the *geremei* were victorious. One thousand members of the Lambertazzi party, which means the ghibelline one, were banished by a commune now ruled by a new alliance between popular elements and *geremei* magnates¹⁶. In this way the new exclusion of Lambertazzi was added to the old one of magnates, without replacing it. The resulting situation was full of contradictions. The most radical *populares* did not tolerate the political role given to the *geremei* magnates, and tried to marginalize them by maintaining the exclusion of magnates. These guelf magnates reacted, trying to justify their role by means of the struggle against the Lambertazzi, who had officially become the enemies of the entire city. In this way the two conflicts (magnates vs. *populus*; Lambertazzi vs. *geremei*) engendered a third conflict that was a combination of the first two.

This conflict can be analysed by considering two phases. In the first phase, from 1274 (ban against the Lambertazzi) until 1280 (the conquest of Faenza, the fortress of refugee Lambertazzi), the commune was involved in a war against the ghibellines in alliance with other cities. Bologna lost many battles and lived in economic crisis. In this period the supporters of the exclusion of the Lambertazzi became stronger. In its fight against its enemies, the city had to use all its resources, from the military power of the guelf magnates to the money drawn from the rent of confiscated properties¹⁷. Action against the magnates, which was strong at the beginning of the seventies, weakened. The war tended to bring together the great families of magnates with the great families of bankers and sellers, the latter belonging to the *populus*¹⁸.

After 1280 the situation changed. The conquest of Faenza in fact ended the war emergency and forced the Lambertazzi to choose between two options: to go back to town swearing fidelity to the government they had fought or to give up trying to reconquer Bologna and begin a new life in other, more distant, cities. The majority of them chose the first possibility and, as a consequence, the group of banned ghibellines became increasingly narrow during the eighties¹⁹. This change made the exclusion of Lambertazzi less urgent, and caused a renewal of magnate exclusion. In 1282 the *populus* issued the *Ordinamenta sacrata* which contained a list of 92 guelf magnates, and extended to anyone the right to accuse a magnate. The ordinances also fixed perpetual ban for magnates who hurt a person belonging to the *populus*²⁰.

These laws directly affected persons who had participated in the sessions of the *anciani*'s council as *sapientes* or their relatives²¹. This explains why in the following years there were attempts by the *sapientes* to moderate these laws, and to introduce some changes, for example, the revocation of the extensive possibility of accusation, which, it was claimed, had caused many false

metà del XIII secolo', in *Magnati e Popolani nell'Italia comunale* (Atti del Quindicesimo convegno di Studi Pistoia. 15-18 maggio 1995 del Centro Italiano di Studi di Storia e d'Arte), Pistoia 1997, pp. 371-396.

¹⁵ G. MILANI, 'Da *militēs* a magnati. Appunti sulle famiglie aristocratiche bolognesi nell'età di re Enzo', in *Bologna, re Enzo e il suo mito*, a cura di A.I. PINI e A.L. TROMBETTI BUDRIESI, *Deputazione di storia patria per le province di Romagna, Documenti e studi*, XXVIII (2002), pp. 125-154.

¹⁶ A. HESSEL, *Storia della città di Bologna dal 1116 al 1280*, ed. G. FASOLI, Bologna 1975 (ed. or. Berlin 1910), pp. 263-275; G. MILANI, 'La memoria dei *rumores*. I disordini bolognesi del 1274 nel ricordo delle prime generazioni: prime note', in *Memora e storie. In onore di Arnold Esch*, a cura di A. Zorzi e R. Delle Donne, Firenze 2002.

¹⁷ On the first phase of the exclusion of Lambertazzi, see G. MILANI, 'Il governo delle liste nel comune di Bologna. Premesse e genesi di un libro di proscrizione duecentesco', in *Rivista Storica Italiana*, CVII, 1996, pp. 149-229.

¹⁸ Some events that testify to this new alliance are analyzed in A. I. PINI, 'Manovre di regime in una città-partito: il Falso Teodosiano, Rolandino Passageri, la Società della Croce e il «barisello» nella Bologna di fine Duecento', in *Atti e memorie della Deputazione di storia patria per le province di Romagna*, n. s., XLIX, 1988, pp. 281-318.

¹⁹ I analysed the data on exclusion of the Lambertazzi in G. MILANI, *Scritture dell'esclusione. Condanne politiche e documentazione nell'Italia comunale: il caso di Bologna*, Tesi di dottorato dell'Università degli studi di Firenze, X ciclo, pp. 204-218, 214-216, 260-286.

²⁰ *Statuti di Bologna dell'anno 1288* (as in n. 7), pp. 285, 308.

²¹ Among the magnates included in the list of 1282 there were Lambertini, Caccianemici, Bazalari, Malavolti, Romanzi, Galluzzi, Dotti, Guidoagnani, de Priore.

accusations²². This type of change had a support that was broader than the group of *sapientes* directly affected by the *Ordinamenta*, because it concerned an important aspect of the judicial system. But it could also be interpreted as an attempt to weaken the exclusion of magnates, and for this reason, to be revoked²³.

The *sapientes* not only discussed the exclusion of magnates, but also discussed the exclusion of the Lambertazzi. In general, as noted earlier, the ghibellines were no longer perceived as a danger. For this reason a special commission of 40 *sapientes*, in October 1286 received the power to decide the destiny of the Lambertazzi. The commission passed a series of rules that made official the principle “He who wants to return, may do so”, and distinguished for the first time between the Lambertazzi of great families, who had to remain in internment, and the Lambertazzi coming from lesser families, who could return. It was a decision that modified strongly the nature of Lambertazzi exclusion, making it an aspect of magnate exclusion²⁴. In the same year the council of the popolo had decided that the Lambertazzi could be accused only by qualified people, but magnates could be accused by anyone²⁵. The supporters of the exclusion of magnates were successful. As we can see in an interesting inquisition of the podestà, however, reaction came very quickly²⁶.

On a certain day prior to Saturday August 9, 1287, *Liazarus de Liazaris*, judge, member of the 40 *sapientes*, descendant of a great magnate lineage, presents to the judge of the captain of the *populus* a proposal to be discussed in the *consilium populi*. The proposal is to create a new commission composed of two members from each company of the *populus*, the *ministrales duorum societatum qui presunt* in that month of August (that is the *societas castellorum* and *societas bisilieriorum*), and the *preconsul* of the society of notaries, and to give this commission the *arbitrium* on the *bonus status communis*²⁷. As we know from later confessions, in addition to this proposal there is a plan organized by other *sapientes* such as *Ubaldinus de Malavoltis* and *Sanzanomen de Sanzanominibus*. The aim in requesting such great power for this commission is to gain revocation of the ban against those magnates who have made peace with their victims²⁸.

²² This happened during the years 1283-1284: *Statuti di Bologna dell'anno 1288* (as in n. 7), pp.286-290.

²³ This happened with the publication of the *Ordinamenta sacratissima* in December 1284: *Statuti di Bologna dell'anno 1288* (as in n. 7), pp. 443-453.

²⁴ The report of this commission is in ASB, *Comune, Capitano del popolo, Giudici del capitano del popolo*, reg. 97.

²⁵ The new form of accusation of Lambertazzi is in *Statuti di Bologna dell'anno 1288* (as in n. 7), pp. 485-489. On accusation of magnates see *Statuti di Bologna dell'anno 1288* (as in n. 7), pp. 448-49

²⁶ The inquisition analysed here is in ASB, *Comune, Curia del podestà, Giudici “ad maleficia”, Inquisitiones*, reg. 11 (from now onwards: ASB, *Podestà*, reg. 11). The document has also been analysed by FASOLI, ‘La legislazione antimagnatizia a Bologna fino al 1292’ (as in n. 14), pp. 374-376, A. PALMIERI, ‘Rolandino dei Passageri’, Bologna 1933, p. 80. For some considerations on this process and the political conflict in the late 1280s, see also S. Rubin Blanshei, ‘Criminal Law and politics in Medieval Bologna’, in *Criminal Justice History*, II (1981), pp. 1-29, p. 16 and n. 64.

²⁷ ASB, *Podestà*, reg. 11 c. 76v: “Dominus Ubaldinus de Mallavoltis dixit et confessus fuit quod ipse ratiocinatus fuit et tractavit cum dicto Jacobo Machaldine et cum domino Zençanomine quod, dum tractabant inter quadraginta sapientes qui erant super facto lambertaciorum de videndo super statu et custodia civitatis, quod fieret quedam provisio quod assumerentur per capitaneum et ancianos duo sapientes boni et legales viri pro qualibet societate, qui providerent generaliter super statu civitatis una cum ministrilibus societatum que presunt ad conservationem ordinamentorum et una cum proconsulle societatis notariorum. Et etiam sub eo proposito quod predicti providerent super facto bandezatorum ita quod banniti de parte geremensium habentes pacem possent redire et stare in civitate Bononie et gaudere bonis suis; et credebat quod illi assumpti commodam possent providere viam. Et dixit quod dominus Liaçarus scripsit inter alias illam provisionem et iudex super hoc noluit facere partitum nec fuit examinata vel ulterius processum in ea (...)”. Later Ubaldinus tries to exculpate Liazarus: “Interrogatus si supradictus dominus Liaçarus sciebat causam quare fieret et scribebat dictam provisionem, respondit quod ignorat nec credit”.

²⁸ See n. 27 and also *Podestà*, reg. 11 c. 77r: “Dominus Zençanome de Zençanomine dixit et confessus fuit quod ipse ratiocinatus fuit et tractavit cum domino Ubaldino de Mallavoltis et cum pluribus aliis quorum nomina ignorat dum tractarent inter quadraginta sapientes qui erant super facto lambertaciorum de videndo super statu et custodia civitatis quod fieret quedam provisio quod assumerentur per capitaneum et ancianos duo sapientes pro qualibet societate qui habeant generalem bayliam providendi super statu civitatis una cum ministrilibus societatum que presunt aliis societatibus ad faciendum observare ordinamenta et cum proconsulle societatis notariorum, eo animo et proposito quod predicti sapientes providerent super facto bandezatorum, ita quod banniti de parte geremmensium qui habeant pacem possent redire et stare in civitate Bononie et gaudere bonis suis credendo quod dicti sapientes possent bonam viam et modum providere super predictis. Item dixit quod dominus Liazarus scripsit dictam provisionem (...)”.

One needs to remember that according to the *Ordinamenta sacrata*, the ban of magnates was perpetual, thus not revocable, as were other bans, by a peace agreement, but could only be revoked by a decision of the commune²⁹.

During this period another member of the 40 *sapientes*, *Franciscus de Preytis, doctor legum* from a great family of the “populus” presents to the *capitaneus populi* another proposal: to transfer the power of monitoring the integrity of the *Ordinamenta sacrata* from the two *societates qui presunt* to all the companies of the *populus* ³⁰. It is a clear attempt to stop the plan to revoke perpetual bans against magnates. The *sapientes* involved in the plan are relying on the two *societates qui presunt* in August in order to achieve their aim. They probably know that those two *societates* are favourable to their cause and that in this month they have great power. If this power is transferred to all the *societates*, as *Franciscus* proposes, the two *societates* of August will lose their power and the plan will fail.

The judge of the *capitaneus populi* who receives the two proposals refuses both of them, explaining that he wants to know the opinion of the *capitaneus*³¹. *Liazarus* changes his strategy. On Saturday August 9, he, together with other *sapientes* involved in the plan (*Ubalдинus de Malavoltis, doctor legum, Guillelmus Lambertini, doctor legum* and great magnate, *Henrigittus Merzarius*, a merchant) meet near the palace of the commune with a person of great prestige: *Rolandinus de Passageriis*, and with some *anciani*, and tells them a story. He tells them that a mysterious friar has received a letter saying that the Lambertazzi are planning to reconquer Bologna³². All those present are surprised and worried. *Rolandinus* asks *Liazarus* to bring the friar or the letter to them. He promises to look for some evidence during the night and to bring it to them, at least by the next day³³.

²⁹ *Statuti di Bologna dell'anno 1288* (as in n. 7), p. 289: “Si vero talis (the magnate that has blessed a man from *populus*) vel tales non venerint in fortiam domini potestatis et communis Bononie, tunc et in eo casu ponantur in banno communis Bononie pro gravi malleficio per potestatem Bononie: de quo banno nulla ratione vel causa possit eximi vel cancellari cum pace vel sine pace, nec super ipso banno vel bannis processus aliquis fieri vel petitio recipi, nec ipsum bannum vel banna nullum vel nulla pronuntiari, nec in ipso banno vel bannis opponi quod non sit servata solempnitas statutorum vel ordinamentorum vel reformatiomm communis et populi Bononie in nomine cognomine, loco vel contrata sive capella, vel citationibus sive cridationibus (...)”.

³⁰ ASB, *Podestà*, c. 59r: “Franciscus de Preytis iuravit precepta domini potestatis et de veritate dicenda die .XIII. iullii, qui suo sacramento dixit quod ipse dominus Franciscus fuit unus de quadraginta sapientibus qui fuerunt ad examinandum factum confinorum comunis Bononie et quod inter ipsos voluit proponi et propositum fuit de dando arbitrium ministrilibus societatum qui non presunt aliis societatibus ad videndum ad bonum statum comunis Bononie. Et tunc dominus Robertus iudex domini capitanei noluit de hoc facere partitum, dicendo se prius velle loqui de predictis cum domino capitaneo (...)”.

³¹ See nn. 27 and 30.

³² The content of the letter is not mentioned by the witnesses who speak in very general terms, but it appears clearly reading the title of the inquisitio. ASB, *Podestà*, reg. 11, c.68v: “Inquisitio que fit et fieri intendit per dominum potestatem et eius familiam super quibusdam literis lectis in consilio ancianorum populi Bononie et que dicuntur ficticie et scripture per dominum Liazarum de Liaçaris, in quibus continebantur multa nova et pericula que dicebantur esse tractata et ordenata per partem lambertatorum et inimicos comunis Bononie”.

³³ This is the story according to one of the *anciani* convoked. ASB, *Podestà*, reg. 11, c.68v: “Bertholameus Cambii iuravit precepta domini potestatis et de veritate dicenda die .XIII. augusti. Qui interrogatus quid scit de littera scripta et de eis que continentur in ista inquisitione, respondit et dixit quod dominus Liazarus de Liaçaris devenit ad ipsum et dixit quod volebat habere aliquos ancianos, et accepit ipsum testem et ipsum habere voluit quia ancianus est, et habuit etiam magistrum Nicolaum medicum et Iohannem de Forantibus et quemdam alium de cuius nomen non recordatur, qui omnes sunt anciani populi, quia volebat eis communicare quoddam secretum. Et tunc ipse testis et alii anciani suprascripti cum eo iverunt cum ipso Liaçaro in angulo palatii novi versus sero et quia non videbantur ibi bene, tunc venerunt quasi in medio ipsius palatii. Et ibi erant dominus Ubalдинus de Malavoltis, dominus Guillelmus de Lambertinis, dominus Rolandinus Passagerius et dominus Iacobus de Lastinano. Non recordatur si plures tunc ibi fuerunt. Et eis sic insimul congregatis, dominus Liazarus predictus dixit quod volebat quod iurarent credentiam et sic omnes iuraverunt. Et tunc ipse dixit quod quidam religiosus de uno magno ordine, sed non nominavit religiosum nec hordinem interrogaverat ipsum si aliqua nova erant in civitate Bononie et quomodo stabat status civitatis Bononie. Et ipse sibi responderat quod bene stabat. Et tunc ipse religiosus visus aliqua verba dicitiva dicere. Et tunc ipse dominus Liazarus, sicut dicebat, iussit ei quantibus [sic] potuit supplicationibus et affectu quod diceret sibi si aliquid servabat de statu Bononie; et ipse religiosus videbatur quasi velle retrahere retro pedem, sed tamen dixit quod ipse religiosus dixit ei quod quidam magnus frater de ipso ordine miserat ad conventum ipsorum fratrum quamdam literam in qua continebantur multa pericula que videbantur civitatem Bononiam eminere. Et pauci fratres de ipso conventu sciebant hoc et erat eis iniunctum in magna credentia. Ita quod non audebat propalare hoc, nec dicere. Sed

The night passes but nothing happens³⁴. On Sunday July 10, in the morning, a few *anciani*, informed by *Rolandinus*, decide to go to the podestà. There they meet *Liazarus*, who explains that he does not have the original letter, but a copy that he wrote³⁵, which he reads and left there³⁶. In

ipsi fratres deliberaverunt super hoc quodam remedium, quia litteram ipsam fecerant poni in capsula comunis Bononie ad hoc ut ea que continebantur in ipsa venirent ad notitiam ipsius comunis et per consequens possent pericula evitare. Et tunc anciani qui erant ibi vel aliqui ex eis, inter quos non fuit ipse testis, dixerunt quod bene viderant, quando capsula fuit aperta, quamdam litteram que sigillata erat et possibile est quod illa fuit, nec tamen fuit lecta quia illi qui legebant respiciebant in finem cuiuslibet cedulae vel carte posite in capsula si erant ibi testes et alias laniabant. Et tunc dominus Liaçarus dixit ipsi fratri: 'si illa litera posita fuisset in ipsa capsula ego aliquid scirem et etiam alii homines de Bononia'. Et rogavit eum instanter quod deberet ei dicere de tenore ipsius litere, et sic ipse frater ad multam instanciam dicti domini Liaçari, sicut dixit, naravit ei omnia que continebantur in ipsa litera; et exposuit ipse dominus Liazarus coram ipso teste et predictis omnibus, per singula, omnia que sunt in litera que est penes notarium ançianorum comunis Bononie. Et tunc omnes stupefacti et admirati sunt. Sed dominus Rolandinus Passagerius dixit: 'si nos possemus facere quod ille religiosus frater diceret ea que dixit vobis, duabus vel tribus honestis personis, maior fides posset dari predictis'. Et ipse dominus Liaçarus dixit quod non credebat quod ille frater amplius diceret, quia valde timebat, tamen dixit quod illo sero iret ad ipsum fratrem et impetraret si posset quod mitteretur pro ipso domino Rolandino mane tempestive. Et ipse dominus Rolandinus dixit quod staret sollicitus et actentus ita quod si aliquis amicus veniret pro eo, incontinenti iret ad ipsum religiosum et postea rediret ad ipsos sapientes et sciret eis dicere que adivit ab ipso fratre (...)"

³⁴ Thus *Rolandinus* tells the story, and offers other elements also on the facts of August 9, ASB, *Podestà*, reg. 11, c. 72v: "Dominus Rolandinus Pasagerii iuravit ut supra die suprascripto. Qui interrogatus quid scit de predicta litera respondit et dixit quod quodam die a quindecim diebus citra, sed necit quo die, in palacio novo comunis Bononie, circa vespertas fuit tractus in partem ipse et plures alii per quosdam ex ançianis et erant ibi plures homines inter quos erant dominus Guillelmus de Lambertinis, dominus Ubaldinus de Malavoltis, ut sibi videtur de eo, dominus Liaçarus de Liaçaris, dominus Bertolomeus de Accarixiis, dominus Nicolaus medicus, dominus Iohannes de Ferantis, ançiani, dominus Iacobus de Lastignano, dominus Henrighetus merçarius et Bernabos de Golçadinis ut sibi videtur et ipsis sedentibus, dominus Liaçarus dixit: 'Quidam prudens homo fidedignus dixit mihi multa verba, et quia multa erant et ea non poteram memorie comendare, rogavi eum quod debere illa verba mihi dare in scriptis', qui respondit quod non faceret hoc, sed ipse diceret et dominus Liaçarus scriberet. Obtulit autem ipsis sedentibus ipse dominus Liaçarus ipsam cedulam et eam legit que postea fuit lecta inter sapientes et in consilio generali. Qua audita, omnes stupefacti sunt et timor apprehendit eos. Et tunc ipse dominus Rolandinus dixit dicto domino Liaçaro: 'Domine si placet vobis, libenter vellem quod ille qui verba ista dixit vobis, item tribus ex nobis presentibus vobiscum refferat'. Respondit dominus Liaçarus quod hoc esse non poterat et quidam ex ipsis qui erant ibi dixerunt domino Liaçaro: 'contenti sumus quod ille vit hec verba dicere soli domino Rolandino', et ipse dixit 'bene faciam si potero ista nocte'. Nocte igitur illa, dictus dominus Rolandinus vigilavit multum et sollicitavit familiam suam quod aliquis veniret ad hostiam quod eum aperirent, et fecit parari equum suum causa eundi ad ipsum, sic quod promisisset, et nemo ipse vocavit. Et ideo de verbis illis nihil ulterius audivit (...)"

³⁵ Thus follows the testimony of *Bartolomeus Cambii* (see n. 33), ASB, *Podestà*, reg. 11, c. 69r: "Mane sequente ipse testis cum domino Arardo de Boytis, qui fuit quartus ançianus qui fuit ad ipsam credenciam, ivit ad domum ipsius domini Rolandini et interrogaverunt eum si vocatus fuerat per ipsum fratrem et ipse respondit quod non. Et sic ipsi tres venerunt ad palatium comunis Bononie et fuerunt in camera domini potestatis quia sic convenerant sero predicto. Et dominus Liazarus dixit quod bene iverit ad ipsum fratrem, et non potuit obtinere quod mitteret pro ipso domino Rolandino, sed tamen fecerat quod habuerat tenorem ipsius litere et in ipsorum presentia legit suprascriptam litteram quam habuit penes se notarium ancianorum. Et postmodum ipsa litera lecta fuit in presentia domini Zanaldi de Sancto Petro et domini capitanei et aliorum ançianorum et ibi remansit (...)"

³⁶ To justify himself, Liazarus tells the judge a more complex version of the facts: ASB, *Podestà*, reg. 11, c. 71v: "Dominus Liaçarus de Liaçaris iuravit precepta domini potestatis et de veritate dicenda die decimo octavo *iullii* [error for *augusti*] qui interrogatus quid scit de predicta littera, respondit et dixit et confessus fuit quod, dum erat in domo sua die sabati proxime preterito, fuerunt octo dies, venerunt ad ipsum duo fratres et religiose persone et unus ipsorum dixit: 'estis vos dominus Liaçarus?' et ipse dixit 'sic', et dixerunt eidem: 'scitis vos ista nova?' et ipse dominus Liaçarus respondit eis: 'de quibus novis dicitis?', et ipse frater dixit de litera noviter posita in capsula comunis Bononie, cum in ipsa litera continentur ea que debebant fieri in civitate Bononie; et tunc ipse dominus Liaçarus demonstravit se scire de novis et rogavit ipsum fratrem ut sibi diceret de novis ad hoc ut posset deliberare in negotio, quia bene intellexerat quod quedam scedula posita erat in capsula, ut dixit ipsi fratri, ut potius sibi diceretur de facto, et ut ab ipso aliqua verba extorqueret. Et tunc dominus frater posuit manus suptus et extraxit tabuletas totas albas in quibus non erat cera et dixit dicto domino Liaçaro: 'Ego posui, sicut preceptum fuit mihi, scripturam in capsula, sed tamen ego habeo exemplum in tabulis, et dabo vobis si vultis mihi iurare credenciam', et fuit iurata credenciam. Et incipit legere frater predictus. Et tunc dictus dominus Liaçarus dixit ipso fratri: 'ego volo scribere capitula' et incipit scribere, sicut frater legebat sibi, de verbo ad verbum; et dixit quod multa erant scripta in ipsis tabulis que non scripsit ipse dominus Liaçarus, quia frater dixit quod non faciebant ad factum; et facta scriptura dixit ipse dominus Liaçarus quod quesivit a fratre: 'unde habuistis hoc et quomodo scivistis?' Et tunc frater dixit quod hoc manifestatum erat de lunginquis partibus priorum ipsorum, et ipsum miserant ut predicta nuntiaret dummodo nullomodo sciri posset quod ipsi fratres

the afternoon *Liazarus* and the other *sapientes* involved in the conspiracy meet in the palace of the commune, probably to decide how to proceed on after this new failure. Another law professor from the “populus”, *Pax de Pacibus*, enters the palace but the confederates drive him away³⁷. They know that he would oppose their project. According to another passage of the inquisition, *Pax*, joking with *Ubalдинus Malavolti*, had said: “You would like it if your father-in-law, *Rambertus de Bazaleriis*, were absolved from his ban!”³⁸.

The day after, Monday August 11, *Pax de Pacibus* receives a visit from two members of the *societas mercatorum* who say that they are worried because they have heard that someone wants to change violently the *status civitatis*. He proposes to them that they inform *Rolandinus Passageris*³⁹. From

fuissent reportatores, propter cardinales qui nominabantur in ea. Et tunc ipse dominus Liaçarus incontinenti venit in palacio novo, ubi erant anciani cum sapientibus et ipse expectavit usque quod sapientes separaverunt se, et cum erant in separate vocavit dominum Rolandinum de Pasageriis et dixit sibi : ‘ego habeo quamdam maximam credentiam quam dicere volo quattuor ancianis qui vere sint de parte Ecclesie’ et tunc vocavit dominum Bertholameum domine Clare, dominum Nicolaum medicum, Arardum de Boytis et Iohannem de Forantibus et dixit eis: ‘ego habeo quamdam maximam credentiam quam possum vobis dicere et illis sapientibus paucis quibus vobis videbitur’. Et tunc dicti anciani dixerunt: ‘vocemus de istis qui sunt hic de melioribus’ et vocaverunt dominum Ubalдинum de Malavoltis, dominum Ugonem de Baxacomatribus, dominum Guillelmum de Lambertinis et Bernabonem de Golcadinis, ut sibi videtur. Et fecit ipsos iurare et postmodum serratim dixit eis credentiam. Et audita credentiam dixerunt insimul ‘quid faciendum est?’. Et tunc unus sapientium ipsorum respondit: ‘faciamus ita quod dominus Liaçarus ordinet quod dictus frater duobus vel tribus ex nobis dicat totam istam credentiam’ et alii ordinarunt et firmaverunt quod dictus frater eam dicere domino Rolandino Pasaglerio. Et tunc respondit ipse dominus Liaçarus: ‘ego ibo incontineti, nec bibam nec comedam, ita inveniam ipsum, et ordinabo quod vel mittat vel vadat ad ipsum dominum Rolandinum et dicat sibi omnia si potero’. Et sic ordinatum fuit ibi. Et quod mane sequenti ipsi omnes sapientes et anciani esse debebant in camara dicti domini potestatis et dictus dominus Liaçarus separavit se et ivit quesiturus de fratre et invento fratre rogavit ipsum ut ordinatum erat quod diceret credentiam predicto domino Rolandino. Qui frater respondit quod pro toto mundo non diceret alicui(...). Et sic videns quod non poterat aliquid lucrari, separavit se ab eo, quem non vidit postea. Et mane sequenti rediit ad sapientes et retulit sibi per ordinem. Et tunc sapientes deliberaverunt et voluerunt haberi dominum vicarium domini potestatis et dominum capitaneum et eis aperire credentiam. Miserunt pro quinque sapientibus pro quarterio inter quos lecta fuit dicta literam et remansit penes notarium ancianorum (...).

³⁷ ASB, *Podestà*, reg. 11, c. 60v “Dominus Paxinus de Paçis iuravit ut supra die suprascripto. Qui suo sacramento dixit: interrogatus si scit aliquos vel aliquem qui tractaverunt vel ordinarunt vel conspiracionem fecerunt super rumpendis statutis seu ordinamentis sacratis et sacratissimis, et super exhimendis exbannitis comunis Bononie de eorum bannis, respondit se nihil scire per veritatem, sed dixit quod, die dominice proxime ellapso, ipse venit ad palatium eo quod collegium iudicum debebat esse, insimul occasione facti domini Bonagratie Armanini, ipse, et dominus Ubalдинus et alii rectores iudicum; et obviavit dominum Bonagratiam, qui dixit dictus dominus Bonagratia: ‘ubi est dominus Ubalдинus cum aliis rectoribus?’, qui dominus Paxinus respondit quod dominus Ubalдинus erat superius cum aliis sapientibus, et tunc ipse dominus Paxinus mixit quemdam suum notarium, nomine Businum, qui deberet ascendere ad locum ubi dicebantur esse predicti sapientes; qui notarius rediit ad ipsum dominum Paxinum et sibi dixit quod ibi erant dominus Ubalдинus, dominus Liaçarus, cum quibusdam aliis sapientibus. Et tunc ipse Paxinus remisit dictum suum notarium et sibi dixit: ‘vade ad illos dominos et eos inteligi si sum de illis sapientibus’. Qui dominus notarius ivit et incontinenti rediit et sibi domini Paxino dixit quod dicti sapientes vel aliqui ex eis sibi dixerunt quod ipse domnus Paxinus non erat de ipsis. Et tunc ipse dominus Paxinus venit supra, in balchonem, et invenit ibi quosdam de familia domini potestatis, quos interrogavit si dicti sapientes erant ibi de mandato domini Zanoldi de sancto Roberto iudicis et assessoris domini potestatis, et dicti sapientes de familia potestatis responderunt quod non erant. Et tunc ipse dominus Paxinus ivit ad domnum capitaneum et eum interrogavit si aliqui sapientes erant alicubi congregati de suo mandato, et dictus dominus capitaneus sibi dixit quod non erant et tunc dictus dominus Paxinus admiratus recessit et ea die nichil audivit de predictis (...).”

³⁸ ASB, *Podestà*, reg. 11, c. 58r: “Ubalдинus de Malavoltis iuravit precepta domini potestatis et de veritate dicenda. Qui interrogatus si erat de quadraginta qui erant super confinatis, respondit sic. Interrogatus si dixit Francescho de Preytis super pallacio novo domini capitanei quod bonum erat providere bono statui civitatis, et quod eximerentur bandeçati de parte ieremiensium de bannis, respondit non; sed dicit quod, stante domino Pace de Pacibus et domino Ubalдино et dicto domino Francescho, dicit quod dominus Pax dixit: ‘tu desiderabis multum quod socer tuus Rambertus de Bazelieris extrahatur de banno’, rationando insimul etiam alia verba, ut faciunt homines, et tamen dicit quod ipse Ubalдинus respondit quod bene vellet quod populus extraheret de banno ipsum et alios qui habeant pacem (...).”

³⁹ Thus follows the testimony of *Pax de Pacibus*, ASB, *Podestà*, reg. 11, cc.61r e v:” Sed die lune, sequenti dominicam, ipse dominus Paxinus erat in prandio in domo sua cum pluribus aliis, quando percusserunt portellum porte sue, dicentes se velle loqui ipsi domino Paxino. Qui dominus Paxinus respondit quod manducatum expectarent et ipsi irati pulsaverunt, et tunc ipse dominus Paxinus statim exivit et cum fuit cum eis ipsi dixerunt sibi: ‘habetis aliqua nova?’, qui respondit eis quod non habebat, qui ipsi pluries interrogaverunt si nova habebat aliqua, et ipsum semper respondere quod non habebat, et postea ipse dominus Paxinus eos interrogavit, si ipsi habebant aliqua nova, qui ei responderunt quod quidam rumor seu quedam novitates esse debebant noviter, sed non dixerunt per quos; tamen

other witnesses we know that at the same time some bankers and notaries are having some suspicions of a political change⁴⁰. In the meantime, *Liazarus* is in the palace with other confederates having a meeting of the *consilium* of 40 *sapientes*. Perhaps, as the rumour says, they are considering a violent action in order to attain their aim. Many members of “popular” societies hear of this meeting and gather in the palace, asking what is happening⁴¹. We do not know exactly how the situation unfolds. Surely the confederates are temporarily stopped, but the members of the *societates* are uncertain about the plot.

On Tuesday August 12 evidence is forthcoming and things change dramatically. *Iacobus Bonagratie*, notary of the 40 *sapientes*, announces to his neighbours that in a few days the guelfh magnates will be recalled to the city and the government of the city will change radically⁴². The next day, during a session of the *consilium populi*, *Franciscus de Preytis* denounces the plot, saying that he has been contacted by *Ubaldinus de Malavoltis*, but has decided not to participate in the secret plan; that he knows the names of the confederates and that they are preparing a

dixerunt quod procuratores cambii et mercadandie erant insimul quia dictum erat eis quod quidam sapientes erant congregati et quod ipsi volebant scire causam quare erant congregati, dicentes etiam sibi domino Paxino quod multum dubitabant de statu civitatis hodie vel cras , secundum quod dictum erat eis. Et tunc ipse dominus Paxinus eis imposuit quod iverant domino Rolandino Pasagleri et ei dicerent quem [*sic*] sibi dixerant; et ipsi iverunt et invenerunt ipsum dormire et in eorum redditum ipsum dominum Paxinum invenerunt dormire (...).”

⁴⁰ ASB, *Podestà*, reg. 11, c. 60r: “Rodaldus de Lamandino iuravit precepta domini potestatis et de veritate dicenda. Interrogatus si scit seu cognoscit aliquos qui tractaverunt seu cospiracionem fecerunt super rompendis statutis sacratis et sacratissimis et super eximendis bannitis comunis Bononiede bannis, respondit quod cum erat die lune ad stationem suam, que est penes domos domini Guidottini de Prendipartis, venit ad eum dominus Martinus Alesii, socius eius, et dixit sibi: ‘nova res fit in civitate Bononie’, et ipse quesivit ab eo que novitas fit, et ipse respondit ei quod in sua capella dicebant, quod tractabantur res que non erant cum honore comunis Bononie, sed erant contra formam statutorum sacrorum et sacratissimorum, causa eximendi bannitis de bannis comunis, sub specie capiendi confinatos qui erant positi ad confinia. Item dixit cum ibi staret, venit ad eum dominus Obiçinus de Lamandinis et dominus Bolognittus Iohannis mercator et dixerunt sibi domino Rodaldo: ‘vos estis procurator mercatorum, malla nova tractantur per civitatem, quia sub specie persequendi confinatos tractant rompere sacrata et sacratissima et derobare homines civitatis Bononie et eligere quemdam dominum in rectorem. Item dixerunt quod dominus Henrigittus merçarius, qui est de numero quadraginta qui erant super examinatione ipsorum confinatos, ivit die dominico proximo preterito in sero ad domum Franceschi de Pirontis eius generis, et dixit ei quod se prepararet de armis et quando rumore audiret quod traheret ad eum. Item dixit quod cunctos cum Uberto de Pavaniensibus eius socio, procuratore Mercadandie, in domo Leonardi fuerunt et cum domino Zanocho de Beccadellis procuratore Cambii et cum pluribus aliis sapientibus cambi et mercatandie venerunt dominus Ugucio Bambaolus, dominus Gregorius de Navi, dominus Vinciguerra de Rovisio, dominus Iacobinus de Spavaldo, dominus Guidonus Bonazonte, dominus Iacobinus de Bagno. Dominus Ugucio, ipsius nomine et vice omnium istorum, dixit eis quod veniebat ad procuratores cambii et mercadandie ad rogandum eos quod deberent providere super istis novis que fecebantur per cvitatem, ne predicta possent evenire. Et aliter per veritatem dixit se nihil scire (...).”

⁴¹ Thus follows the testimony of *Pax de Pacibus*, ASB, *Podestà*, reg. 11, c. 61v: “Et ipso die post nonas venit ad palatium novum, ubi esse debebat de predictis decem pro quarterio, et ibi multos invenit querentes ‘quid est hoc?, quid est hoc?’, et tunc dixerunt sapientes qui erant in palacio: ‘quid faciunt sapientes qui sunt in camera domini potestatis? Eamus ad ipsos’. Et tunc Iacobinus Spavaldi cum tribus aliis retullit quod passi erant repulsati, et cum magno romore venerunt omnes. Et tunc ipse dominus Paxinus recessit una cum Francisco de Preitis. Et tunc dominus Zambonus miles domini capitanei misit ad pignorandum ipsum et incontinenti redit ipse dominus Paxinus et invenit palatium plenum hominibus societatum populi Bononie. Et tunc ipse dominus Paxinus dixit quando posuit se ad sedendum: ‘beneditus Deus quia hic estis, quia Deo dante sedabuntur que dicebantur esse debere in civitate Bononie’, et dixit predictis hominibus qui erant citra ipsum: ‘domini, procuretis per Deum quod aliquid tumultum non sit in civitate ista et quod omnia vestra ordinamenta sacrata et sacratissima sint firma et in suo statu.’”

⁴² ASB, *Podestà*, c. 63r: “Rainerius Gabriellis cappelle sancte Marie Maioris iuravit precepta domini potestatis et iudicis eius de veritate dicenda, die sabati .XVI. agusti. Qui interrogatus quid scit de suprascripta notificatione sibi lecta, respondit et dixit quod die martis proxime preterito de presenti mense agusti ipse testis, stando sub porticu cuiusdam filii Egidii Malagotti, ipse testis audivit quod suprascriptus Iacobus quondam Bonagratie publice dicebat, audientibus omnibus audire volentibus, quod ipse erat super facto lambertaciorum et quod publice dicebat quod illi qui erant banniti qui erant de parte iereminensium extraherentur et eximerentur de banno, malo velle eorum qui prohibere voluerunt, hinc ad paucos dies, ipso teste et multis ex vicinis sibi contradicetibus verbis, et quod hoc fuerat velle suum, et quod civitas Bononie subito statum mutabit. Et credit ipse testis et quod creditur per omnibus de dicta cappella quod ipse procurabat ad postulationem domini Ubalдини de Malavoltis (...).”

*coup*⁴³. *Franciscus*' words provoke disorder within the council, the situation became explosive and, the same day, judges of the podestà begin the inquisition that today informs us about these facts⁴⁴. I think this story illuminates the way law experts tried to achieve their political aims in 13th century Bologna. Mastery of the city's laws and control over institutional machinery was the basis, the first step. These who in October, 1286 wanted the Lambertazzi to be readmitted into the city asked for a committee of 40 *sapientes* and obtained it⁴⁵. They knew that they could rely on a majority who would allow them to reach their goal. If we look at the names of these *sapientes* we see that there were very few members of magnate families⁴⁶.

In the following year, 1287, those who want the magnates to be readmitted into the city, do something similar⁴⁷. They ask for a committee, relying on groups they can control, that is, the *societas notariorum*, the two *societates* in that month appointed for the control of the *Ordinamenta sacrata*, and a few merchants. But something goes wrong. The captain of the *populus* rejects their request. For that reason they have to take a second step. They falsify a letter in order to build a consensus that they do not have among the *anciani* and the foreign magistrates, thereby invoking the risk of a Lambertazzi reconquest of the city. When this second plan does not work, they try to resort to violent action. But the same groups upon which they rely are the channels through which the rumour of the conspiracy filters, and it is for this reason that the conspiracy fails.

Throughout this narrative, the jurists play a central role. *Ubalдинus Malavolti* and *Liazarus de Liazaris*, on one side are *doctores legum*. *Pax de Pacibus* and *Franciscus de Preytis*, on the other side, are a *doctor legum* and a judge. The power of law experts was great, but was exerted within a system based on consensus, which compelled people to choose between different political options; a system that, by creating cross-alliances, tended to divide the jurists themselves.

⁴³ ASB, *Podestà*, c. 66r: "Guidolinus domini Zanelli de Regio iuravit ut supra die suprascripto. Qui interrogatus que verba dominus suprascriptus Francischus in suprascripto consilio die mercuri respondit quod ipse dixit quod ipse fuerit de appellatis de rumpendo statuta sacrata et sacratissima et, quia noluit consentire ad rumpendum ipsa statuta, ipse fuerit repulsus a credentia et cum dicit hec verba statim rumor factus fuit sic quod non intelexit alia verba que dixit et de aliis contentis in dicta inquisitione et in facturibus dixit se nihil scire".

⁴⁴ ASB, *Podestà*, c. 58r: "Hec est inquisitio que fit ex officio domini potestatis per dominos Zanoldum de Sancto Petro, Mathiolum de Bellocam, Andriollum de Moçastilis, Antoniolum de Orsonibus, et Marchixinum de Gufredis, iudices, et Iulianum de Rubeis militem, et omnes vicarios dicti domini potestatis propter ipsius absentiam, super rumoribus factis in civitate Bononie causa eximendi bannitos comunis Bononie de eorum bannis et rumpendi statuta sacrata et sacratissima et super omni conspiratione et omni tractatu factis occasionibus predictis et quocumque alia de causa et super omni rumore, facto, verbis dictis in consilio .VIIIc. et populi super palatium veterum comunis Bononie ex quacumque causa et contra omnes et singulos culpabiles in predictis vel quolibet predictorum (...)".

⁴⁵ See n. 24 and corresponding text.

⁴⁶ Their names are in ASB, *Comune, Capitano del popolo, Giudici del capitano del popolo*, reg. 97, c. 1r.

⁴⁷ We do not have a list of the *consilium* of 40 *sapientes* in 1287, but in the *inquisitio* we find names of people absent in the list of the 1286, so the *consilium* had changed part of its members.