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Studi per il settantesimo compleanno
di Mario Ascheri

LA FORMAZIONE
DEL DIRITTO COMUNE
Giuristi e diritti in Europa (secoli XII-XVIII)

a cura di

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Terra incognita: A Handful of consilia **Regarding Medieval Dalmatia**

by Nella Lonza

1. *Consilia regarding Dalmatia – a submerged heritage*

It is obvious that medieval Dalmatian cities took part in the common European legal experience (*ius commune*), but their heritage in that field is still heavily understudied. The same is true of *consilia* regarding Dalmatia¹.

The consiliary practice in the area was certainly vivid: from the city of Zadar alone, a bundle of 15 cases was sent in 1388 to the College of the Doctors of Civil Law of Bologna, and in 1393 another 28². Although only a fraction survived, there is still enough material to examine how this practice developed and observe the impact of the political events on it.

2. *The development of the genre: the example of the tithe*

The practice of legal consulting rapidly expanded in Italy in the second half of the Duecento³, yet the oldest known Dalmatian document of a kind is not older than 1301. It regards a controversy from Zadar about the duty of the convent of the Poor Clares to pay the tithe (*decima*) on its revenues⁴. The *consilium* was issued by three learned canonists from Bologna: Franciscus, Dominican and

¹ A couple of *consilia* regarding Zadar are briefly examined in U. Inchiostri, *Di Nicolò Matafari e del suo Thesaurus pontificum in relazione con la cultura giuridica in Zara nel secolo XIV*, in «Archivio storico per la Dalmazia», 7 (1929), pp. 76-79. Recently I have also contributed to this topic: N. Lonza, *The Practice of Legal Consulting and the Policy of Law in Late Medieval Dalmatia*, in *Law and Disputing in the Middle Ages*. Proceedings of the Ninth Carlsberg Academy Conference on Medieval Legal History 2012, ed. P. Andersen, K. Salonen, H. Møller Sigh, H. Vogt, Copenhagen 2013, pp. 201-212.

² *Il 'Liber secretus iuris caesarei' dell'Università di Bologna 1378-1420*, I, ed. A. Sorbelli, Bologna 1938 (reprint Bologna 1983), pp. 57, 79.

³ M. Ascheri, *Le fonti e la flessibilità del diritto comune: il paradosso del consilium sapientis*, in *Legal Consulting in the Civil Law Tradition*, ed. M. Ascheri, I. Baumgärtner, J. Kirshner, Berkeley 1999, pp. 22-34. Due to the restricted space, general bibliographical references are not given.

⁴ *Codex diplomaticus Regni Croatiae, Dalmatiae et Slavoniae*, ed. T. Smičiklas, VIII, pp. 14-15, no. 13. The document is mentioned in Inchiostri, *Di Nicolò Matafari* cit., p. 77. We do not know much about the dispute, because the *consilium* is the sole piece of evidence which survived.

bishop of Sélivree (*episcopus Salubriensis*), at the time vicar of the Archbishop of Bologna⁵, Guido da Baisio⁶, by then a professor of Civil Law⁷, and Marsilio Manteghelli (*Mantighellius*), regular advisor of the Church authorities and professor of Canon Law, who had among his students Giovanni d'Andrea⁸. The style is simple, typical for the older *consilia sapientium*⁹: the three canonists just summarized the facts, quoted a decretal from the *Liber Extra* to be applied, and expressed their joint opinion on the case («consilium nostrum est ...»), which was favourable to the nuns.

Being very frequent topic of disputes, the tithe emerges also twice in *consilia* regarding Dubrovnik, both concerned with a long-lasting controversy about the overlapping ecclesiastical authority on the large Peninsula of Pelješac, which in 1300 became part of the newly founded Diocese of Korčula¹⁰. However, in 1333 the commune of Dubrovnik came to a financial arrangement with Serbian and Bosnian rulers who controlled the territory, and started a policy of integration of the peninsula in its own territory, trying also to subordinate the church organization directly to the Ragusan Archbishop or, at least, to lighten the burden of tithe¹¹. When in 1344 the pope confirmed the position of the bishop of Korčula, the Ragusan party filed a complaint to the papal curia¹², and sent an envoy to Bologna to ask for a legal opinion (*consilium*)¹³. Whether the *consilium* was issued or not is not known, but the tithe of Pelješac continued to be controversial, and gave occasion to a new dispute in the second part of the fourteenth century. In 1378 the Ragusans succeeded in converting the tithe into a fixed annual sum of 100 ducats¹⁴, but the money due for the previous period remained disputable. In 1381 they submitted the case to Giovanni da Legnano (*Johannes*

⁵ M. Sarti, M. Fattorini, *De claris Archigymnasii Bononiensis professoribus a saeculo XI usque ad saeculum XIV*, II, Bononiae 1888-1896, p. 236, no. 15.

⁶ In the edition is misspelled as «Raysio».

⁷ For an overview of bio-bibliographical data, see F. Soetermeer, *Guido de Baysio*, in *Biographisch-Bibliographisches Kirchenlexikon*, 20, ed. T. Bautz, Nordhausen 2003, pp. 466-471. Due to the restricted space, in the case of the most renown jurists, general biographical data are omitted.

⁸ J.F. von Schulte, *Die Geschichte der Quellen und Literatur des canonischen Rechts*, II, Stuttgart 1875 (reprint Graz 1956), p. 166. As the Zadar document is dated 19 July 1301, Schulte's opinion of Manteghelli's death «before February of that year» must be wrong.

⁹ M. Ascheri, *Diritto medievale e moderno. Problemi del processo, della cultura e delle fonti giuridiche*, Rimini 1991, p. 207.

¹⁰ See V. Gamulin, M. Matijević-Sokol, *Crkvena organizacija i statut grada i otoka Korčule*, in *Zbornik znanstvenog skupa 'Statut grada i otoka Korčule iz 1214. godine*, ed. Z. Šeparović, Zagreb-Samobor 1989, pp. 213-221.

¹¹ N. Vekarić, *Vlastela grada Dubrovnika, I, Korijeni, struktura i razvoj dubrovačkog plemstva*, Zagreb-Dubrovnik 2011, pp. 27-29.

¹² *Codex diplomaticus* cit., XI, pp. 121-124, no. 90; *Monumenta Ragusina, Libri reformationum*, I, ed. J. Gelcich, Zagreb 1879, p. 177; Gamulin, Matijević-Sokol, *Crkvena organizacija* cit., p. 215.

¹³ *Monumenta Ragusina* cit., I, pp. 177-178, 219; D. Farlati, J. Coleti, *Ecclesiae Ragusinae historia*, Venetiis 1800, p. 331; V. Foretić, *Otok Korčula u srednjem vijeku do g. 1420.*, Zagreb 1940, p. 87.

¹⁴ Farlati, Coleti, *Ecclesiae Ragusinae historia* cit., p. 334; *Codex diplomaticus* cit., XV, pp. 415-416; Foretić, *Otok Korčula* cit., pp. 114-115.

de Lignano) and his fellow professors in Bologna, Giacomo Preunti (*Jacobus de Prehuntas*) and Lorenzo de Pinu (*Laurentius de Pinu*)¹⁵. Preunti was *doctor decretorum* with 50 years of experience at the moment he gave his opinion in the Ragusan case¹⁶, while Lorenzo de Pinu and, especially, Giovanni da Legnano, were very important canonists and members of the *collegium doctorum*¹⁷. Their *consilium*, still unpublished and filed at the State Archives of Dubrovnik¹⁸, was not really in concordance with the stratagems of the Ragusans, so it is not clear whether it was actually used in the tithe controversy or left aside¹⁹. Anyhow, the question was eventually settled in 1387²⁰. Compared to the 80 years older Zadar case, the style of the *consilium* visibly changed towards a more analytic and more argumentative approach. The legal questions submitted are now articulated one by one, and the answers follow their disposition. A much longer and elaborated opinion of each lawyer is given separately, and precise quotations from the Canon Law collections and the authorities in the field, such as Hostiensis, are provided. In fact, through the two fourteenth-century examples from Zadar and Dubrovnik we can follow the typology and general development of the genre, as analysed by Mario Ascheri²¹.

3. *The official Venetian path in the first half of the fourteenth century*

In *Trecento* the *consilia* regarding Dalmatian cities started to play an important role in the domain of public law, under influence of political developments. The state of affairs is perfectly reflected in a couple of *consilia* regarding Zadar,

¹⁵ The decision of the Ragusan authorities is published in *Odluke veća Dubrovačke Republike*, I, ed. M. Dinić, Beograd 1951, p. 172.

¹⁶ He is mentioned as *ius peritus* since 1337, and died prior to 1389. See G. Fantuzzi, *Notizie degli scrittori bolognesi*, VII, Bologna, Stamperia di San Tommaso d'Aquino, 1799, p. 286 <<https://play.google.com/store/books/details?id=t7G-JG6MJvkC&rdid=book-t7G-JG6MJvkC&rdot=1>> (accessed on 13 June 2013); C. Piana, *Nuovi documenti sull'Università di Bologna e sul Collegio di Spagna*, I, Bologna 1976, pp. 233, 235, 238, 254, 265, 269, 274, 291.

¹⁷ For the biographical data, see von Schulte, *Die Geschichte der Quellen* cit., pp. 257-261, 263; a profile of Giovanni da Legnano as a polyhistor is outlined in Ascheri, *Diritto medievale e moderno* cit., pp. 111-112. For membership of G. da Legnano and L. de Pinu in the College, see *Il "Liber secretus iuris caesarei" ... 1378-1420*, pp. CVII, CXV. However, it does not seem that their *consilium* mentioned above was issued in the name of the College, since it does not contain the usual formulas (cf. Piana, *Nuovi documenti* cit., p. 42*).

¹⁸ State Archives in Dubrovnik, *Diplomata et acta saec. XIV*, ser. 76, no. 179. Only the first part of it – the questions formulated by the Ragusan commune – were published in A. Liepopili, *Ston u srednjim vijekovima*, Dubrovnik 1915, pp. 31-33. The document was mentioned in Foretić, *Otok Korčula* cit., pp. 115-116.

¹⁹ The issue was still open in the following years, as confirmed by documents published in *Odluke veća Dubrovačke Republike* cit., I, pp. 169, 174-175; II, 33, 208, 270, 272-274, 352, 363, 383.

²⁰ *Liber viridis*, ed. B. Nedeljković, Beograd 1984, p. 31, no. 61; Foretić, *Otok Korčula* cit., pp. 117; M. Sivrić, *Oporuke kancelarije stonskog kneza od sredine 15. stoljeća do 1808. godine*, Dubrovnik 2002, pp. 80-83.

²¹ Cf. Ascheri, *Diritto medievale e moderno* cit., pp. 206-208, 225; M. Ascheri, *I "consilia" dei giuristi: una fonte per il tardo Medioevo*, in «Bullettino dell'Istituto storico italiano per il medioevo», 105 (2003), pp. 316-319.

which had already been part of the Venetian commonwealth from 1204, although with several interruptions.

With the main task of giving advice to state institutions uncertain about the extent of their jurisdiction, the most important Italian cities – such as Bologna, Florence and Venice – were experimenting with the introduction of a special office for legal consulting²². In Venice the position of *consultor in iure* assumed a permanent character in 1301²³. In 1304 the Venetian authorities started to commission *consilia* of Riccardo Malombra, on *ad hoc* basis at first, before appointing him to permanent duty in 1315. His engagement was no coincidence: when reading Civil Law in Padua and Bologna, between 1289 and 1311, he had won a reputation in public law questions by his use of the concept of “public utility” (*publica utilitas*): in essence, the state interest²⁴.

In 1314 Malombra was asked for his opinion on the authority of the Count in a case of an attempted rape in Zadar; in his *consilium* Malombra quoted several Roman law rules to argue that an attempted criminal act, if serious, should be treated as perpetrated, and thus pertain to the exclusive jurisdiction of the Count of Zadar²⁵. In October of the same year, Malombra was appointed as the final arbiter in the controversies arisen from the bloody conflict between the people of the islands of Rab and Pag²⁶. In 1316 he joined the legal opinion in negative on the question whether the Count of Zadar had the authority to sentence the Count of the island of Pag to the conspicuous fine and deprivation of all offices and benefices²⁷. The *consilium* was formulated by Paolo Sillimani, who was at the time lecturing at the University of Padua, where he arrived in 1306 from Bologna²⁸. The third jurist who added his clause of approval in this case was Zambonino Fraganesco (*de Fraganesco*), who had already considerable experience in important state matters of Venice, such as in the negotiations for the treaty with the Patriarch of Aquileia in 1292, and on the occasion of the treaty with Adria in 1309²⁹. He also issued *consilia*, on some reprises together with Malombra³⁰. In the

²² Ascheri, *Le fonti* cit., p. 17, note 18.

²³ A. Da Mosto, *L'Archivio di Stato di Venezia*, I, Roma 1937, p. 179.

²⁴ A. Labardi, *Malombra (Malahumbra, De Malombris, Malumbra)*, Riccardo, in *Dizionario biografico degli italiani*, 68, Roma 2007 <http://www.treccani.it/enciclopedia/riccardo-malombra_%28Dizionario-Biografico%29/> (accessed on 12 April 2013); M. Sbriccoli, *L'interpretazione dello statuto: contributo allo studio della funzione dei giuristi nell'età comunale*, Milano 1969, p. 451.

²⁵ *Listine o odnošajih izmedju južnoga slavenstva i mletačke republike*, ed. Š. Ljubić, I, Zagreb 1868, pp. 282-283, no. 336.

²⁶ *Codex diplomaticus* cit., VIII, pp. 410-414, no. 335.

²⁷ *Listine* cit., I, pp. 290-291, no. 452.

²⁸ F. Soetermeer, *Utrumque ius in peciis: aspetti della produzione libraria a Bologna fra Due e Trecento*, Milano 1997, p. 207.

²⁹ P. Paschini, *Raimondo della Torre patriarca d'Aquileia*, in «Memorie storiche forogiuliesi», 18 (1922), p. 134; L. Gotto, *Sulla condizione antica e moderna di Adria*, II, Venezia 1831, p. 197 <<https://play.google.com/books/reader?id=OQ85AAAaAAJ&printsec=frontcover&output=reader&authuser=0&hl=en&pg=GBS.PA197>> (accessed on 11 May 2013).

³⁰ Sbriccoli, *L'interpretazione dello statuto* cit., p. 451; M. Bellomo, *Giuristi e inquisitori del Trecento*, in M. Bellomo, *Medioevo edito e inedito*, III, *Profili di giuristi*, Roma 1998, p. 156, note 54.

same month of 1316 Sillimani and Fraganesco had examined another matter concerning Zadar, namely the question whether the city had to respect the embargo on trade with Apulia, imposed by Venice, and they issued the opinion in the affirmative based on the treaty between Zadar and Venice of 1313³¹. The last known case of a kind from Dalmatia regarded the controversy between the cities of Zadar and Šibenik of 1324 about the possession of three islets, in which the *consilium* was favourable to the city of Šibenik, based on the argument that the city's alleged renounce of rights was not legally valid³². It was again Malombra who acted in it, together with Arpolino da Mantova (*Arpolinus de Mantua*)³³, a lawyer formerly active in Treviso, where his name was mentioned in 1314 among the law professors who were contacted to teach at the new *Studium generale* (but eventually they preferred Malombra)³⁴.

As we can see from the documents, all the arguments exhibited in the mentioned cases regarded public law controversies between the cities subordinated to Venice, and it was Venice which commissioned the *consilia* from its official *consultor in iure* and other jurists who had already been entrusted with consultancy in state affairs. However, the most interesting point here is that in some cases it is not clear why legal advice was commissioned at all. For example, the *consilium* from 1316 of Sillimani and Fraganesco was based exclusively on the text of the treaty of 1313 – a document so explicit about the policy towards the “enemies of Venice” that no special legal expertise whatsoever was needed to interpret it. Obviously the Venetian authorities, searching for a new political equilibrium after the revolt of Zadar³⁵, used here the instrument of *consilium* as a convenient “politically neutral” tool to avoid tensions with the subordinated city³⁶.

4. *Consilia and the policy of law in changing political contexts*

As early as in 1317, in its stride for a broader autonomy, the elite of Zadar tried to bypass the regular procedure of appeal to Venetian institutions and voted the law on appeal directly to the legal experts connected to the university in Padua, which at the time was still outside the control of the Venetian state. However, the Senate of the dominant saw through the scheme and left the law unconfirmed³⁷.

³¹ *Listine cit.*, I, p. 291, no. 453.

³² *Listine cit.*, I, pp. 351-359, no. 530, *consilium* on p. 359.

³³ On other occasions when he issued *consilia* together with Malombra, see G. Ortalli, *Venice and Papal Bans on Trade with the Levant: The Role of the Jurist*, in *Intercultural contacts in the medieval Mediterranean*, ed. B. Arbel, London-Portland 1996, pp. 252-253.

³⁴ H. Denifle, *Die Entstehung der Universitäten des Mittelalters bis 1400*, Berlin 1885, pp. 462-463; G.M. Varanini, *Come si progetta uno Studium generale. Università, società, comune cittadino a Treviso (1314-1318)*, in *L'Università medievale di Treviso*, Treviso 2000, pp. 11-46.

³⁵ *Listine cit.*, I, pp. 266-271, no. 420. For the context see N. Klaić, I. Petricioli, *Zadar u srednjem vijeku*, Zadar 1976, pp. 210-214.

³⁶ See also Lonza, *The Practice of Legal Consulting cit.*, p. 203.

³⁷ *Listine cit.*, I, p. 159. As the register has perished, the content of the document is known sole-

The role of *consilia* in the “policy of law” becomes even more evident in the second half of the fourteenth century when, after a military defeat, Venice was forced to renounce its Dalmatian possessions in favour of the Hungarian King³⁸. Some of the very first privileges granted to the Dalmatian cities included the right to appeal to the monarch³⁹, but by the 1360s the most important cities of Zadar and Split succeeded in obtaining the right to address appeals to the colleges of lawyers at the Italian universities (Bologna, Padua, Perugia)⁴⁰. This practice expanded considerably towards the end of the century, when royal institutions were affected by instable dynastic conditions. To date, no more than five opinions from the Colleges of Bologna and Perugia have come to light, enclosed in court documents from Zadar of 1394-1409⁴¹. The analysis of typology have to wait for more abundant source material, but it is evident that in some cases the opinion of the College was commissioned officially and treated as final and binding (*consilium sapientis*)⁴², whereas in others it was more of a *consilium pro parte*, as is evident in the case when one party produced two *determinaciones*⁴³.

Apart from the Colleges, a particular *consilium* was sometimes requested from an eminent lawyer. The most interesting one is on a criminal law case from Zadar⁴⁴, issued by the famous jurist Baldo degli Ubaldi during his teaching years in Padua (*Paduae legens*), that is, between 1376 and 1379⁴⁵. As the proceeding record is not preserved, Baldo’s text, inserted in a collection of his *consilia*, is the only source

ly on the basis of an index entry. See also T. Popić, *Zadarski sud Curia maior ciuilium i njegovo djelovanje*, unpublished Ph.D. thesis, Zagreb 2011, p. 45. For more details, see Lonza, *The Practice of Legal Consulting* cit., p. 204.

³⁸ See Klaić, Petricioli, *Zadar u srednjem vijeku* cit., pp. 300-322.

³⁹ For the charter of privileges of Zadar from 1358, see *Codex diplomaticus* cit., XII, p. 452, no. 346. The privileges granted to Trogir were formulated by the King’s commissaries in 1359 and confirmed by the King in 1362. See *Statutum et reformationes civitatis Tragurii / Statut i reformatione grada Trogira*, ed. I. Strohal, Zagreb 1915, p. LXXXII, no. 79.

⁴⁰ On College of the Doctors of Civil Law (*collegium doctorum iuris civilis*) see A. Sorbelli, *Origini e svolgimento del Collegio dei dottori e in particolare del Collegio di diritto civile nello studio bolognese*, in *Il ‘Liber secretus iuris caesarei’ ... 1378-1420* cit., esp. pp. LIV-LVI, LXX, LXXVIII; *Il ‘Liber secretus iuris caesarei’ dell’Università di Bologna 1451-1500*, ed. C. Piana, Milano 1984, pp. 31*, 42-43*. For the College of the Doctors of Canon Law, which was far less active in the practice of consulting, see *Il ‘Liber secretus iuris pontificii’ dell’Università di Bologna 1451-1500*, ed. C. Piana, Milano 1989, esp. pp. 7*-9*.

⁴¹ State Archives of Zadar, *Fund of the Zadar Commune*, HR-DAZD-22, *Curia Maior Civilium*, vol. 3, fasc. 2, ff. 78rv, 168rv, 170rv; vol. 5, fasc. 10, ff. 55v, 189rv, 214r; vol. 6, fasc. 2, f. 1rv. The documents were discovered by Tomislav Popić, to whom I am grateful for the photographs. See also Popić, *Zadarski sud*, pp. 32-34, 181-91.

⁴² For the typology, see Ascheri, *Le fonti* cit., p. 15.

⁴³ *Curia Maior Civilium*, vol. 3, fasc. 2, ff. 170rv. On this issue, see Ascheri, *Le fonti* cit., p. 45; J. Kirshner, *Consilia as Authority in Late Medieval Law*, in *Legal consulting* cit., pp. 109-119.

⁴⁴ Baldus de Ubaldis, *Consiliorum sive responsorum volumen primum*, apud H. Polum, Venetiis 1575 (reprint Torino 1970), p. 128v ab, no. CCCXCIX. The edition, considered the most complete, has considerable errors in reading. On the basis of the fifteenth-century Chicago manuscript, Izbicki and Kirshner corrected erroneous place name «Fadra» in «Iadra» (the latin name of Zadar). See T.M. Izbicki, J. Kirshner, *Consilia of Baldus of Perugia in the Regenstein Library of the University of Chicago*, in «Bulletin of Medieval Canon Law», n.s., 15 (1985), p. 110.

⁴⁵ K. Pennington, *Baldus de Ubaldis* <<http://faculty.cua.edu/pennington/baldbio.html>>, accessed on 7 May 2013.

telling us that a fight took place in which a man was wounded and later died, and the question arose about the responsibility and punishment of the third person involved in the quarrel⁴⁶. Actually, it was not at all such an intricate legal problem, and is a good example of how the possibility to ask for a *consilium* diminished the willingness of the judges to embark on interpretation of the laws, precisely in a way G. Durante anticipated in his *Speculum*, and M. Ascheri emphasized⁴⁷.

Historical events at the beginning of the fifteenth century reversed the state of affairs one more time: Dalmatia again became the subject of the Republic of Venice, and this time the political circumstances were favourable to the stability of its rule, which was to last until the fall of the Republic in 1797. In that period Venice was on its way to develop into a truly modern territorial state operated from the centre. It is not surprising that very soon the practice of appealing to Venetian institutions was restored⁴⁸. The expert opinions of a particular jurist or a university college were still allowed and requested from time to time, but the practice was discouraged and had lost its impetus.

Viewed politically, the situation in Dubrovnik was quite different. From 1358 the city enjoyed *de facto* an independent position, and did not experience the high tide of the counselling practice of Zadar. Nevertheless *consilia* from abroad (mostly Bologna or Padua) were commissioned now and then⁴⁹. For example, in 1535 the authorities of the Republic condemned *in absentia* for treason the noblemen Miho and Pavao Bocinolo, depriving them of their noble status, and confiscating their property⁵⁰. For the fugitives' life in exile it was of the outmost importance to recover the dowry of Miho's wife Paola, but the Dubrovnik authorities declared that they would pay off the sum in full only if the legal experts consulted so («*termenamo de non restituire ditta dote se non nel modo se fusse dato dalli giureconsulti*»)⁵¹. Since the Ragusan laws firmly protected the woman's right to her dowry⁵², there was no need to ask for a legal opinion on the matter, and Ragusan authorities were probably just playing a waiting game, wishing to wear out the conspirators, as the evolution of the case demonstrates. They first engaged a "star civilian" Mariano Sozzini the Younger, who at the time taught in Padua, and developed a considerable consulting activity⁵³. The choice for a Paduan pro-

⁴⁶ I hope to come back to this *consilium* another time, especially for Baldo's remark on the legal culture of Zadar.

⁴⁷ Ascheri, *Diritto medievale e moderno* cit., p. 198; Ascheri, *Le fonti* cit., p. 25.

⁴⁸ For details, see Lonza, *The practice of legal consulting* cit., pp. 209-210.

⁴⁹ A couple of examples can be found in the State Archives of Dubrovnik, *Testamenta notariae*, ser. 10.1, vol. 13, ff. 122v-126v; vol. 19, f. 130v; *Acta Minoris consilii*, ser. 5, vol. 17, f. 125v; *Diversa notariae*, ser. 26, vol. 51, ff. 144v-146v.

⁵⁰ Vekarić, *Vlastela grada Dubrovnika* cit., II, Zagreb-Dubrovnik 2012, p. 77.

⁵¹ State Archives of Dubrovnik, *Lettere et commissiones Levantis*, ser. 27.1, vol. 23, ff. 134v-135r. The document was mentioned by B. Stulli, *Ordines artis nauticae secundum consuetudinem civitatis Ragusii*, in «*Anali Historijskog instituta Jugoslavenske akademije znanosti i umjetnosti u Dubrovniku*», 1 (1952), p. 111, note 52.

⁵² Cf. *The Statute of Dubrovnik of 1272*, ed. N. Lonza, Dubrovnik 2012, pp. 172-173, Book IV, ch. 1.

⁵³ P. F. Grendler, *The Universities of the Italian Renaissance*, Baltimore-London 2002, pp. 15, 164, 463; in 1550 the collection of his *consilia* was printed. See A. Nuovo, *I Giolito e l'editoria*

fessor was not random, since the law students from Dubrovnik by preference went to Padua and were familiar with the milieu⁵⁴. Actually, the Ragusan authorities had already been in contact with Sozzini, because they wanted to entrust Sozzini and Alciato, among others, with the task of reforming Ragusan laws⁵⁵. Indeed, in a Bocinolo case the government commissioned a *consilium* from Sozzini, but “forgot” to provide him with a copy of the Ragusan laws, so that he was not able to work on the case. Only ten year later this oversight was emended, and a new *consilium* was commissioned from the famous jurist Andrea Alciato⁵⁶. We do not know whether he issued a consult or not, but the whole development of the case had clear elements of harassment, and the requirement of a *consilium* was, in my opinion, just a scheme to delay the payment.

5. *Some conclusions*

As I aimed to show, the reasons to be interested in Dalmatian *consilia* are manifold. Obviously, in some cases they bring new information on the activity of a certain jurist (e.g. the *consilium* of Giovanni da Legnano and others on tithe), or emend biographical data (as by Manteghelli). Further, they are a valuable piece of evidence which help pinpoint Dalmatia on the map of the areas where the practice of *consilia* was embedded. Finally, the political changes and the shifts in suzerainty (from the Republic of Venice to the King of Hungary and, in case of Zadar, back again) disclose how much the use of *consilia* was influenced by the politics. In sum, Dalmatian documents not only confirm the multifunctional nature («polifunzionalità») of the *consilia*⁵⁷, profoundly studied in the work of Mario Ascheri, but they might even shed light on some less known facets, i.e. their (mis)use in political stratagems⁵⁸.

giuridica del XVI secolo, in Manoscritti, editoria e biblioteche dal medioevo all'età contemporanea. Studi offerti a Domenico Maffei per il suo ottantesimo compleanno, ed. M. Ascheri, G. Colli, P. Maffei, Roma 2006, III, p. 1048, no. 31.

⁵⁴ N. Lonza, *Studenti giuristi ragusei del tardo medioevo: un'analisi prosopografica*, in «Quaderni per la storia dell'Università di Padova», 44 (2011), pp. 3-43.

⁵⁵ Stulli, *Ordines artis nauticae* cit., p. 111, note 52; N. Lonza, *The Statute of Dubrovnik of 1272: Between Legal Code and Political Symbol*, in *The Statute of Dubrovnik of 1272* cit., p. 21.

⁵⁶ It should suffice here to mention that Alciato not only inaugurated the humanistic jurisprudence, but also enjoyed an enormous reputation and was possibly the best-paid law professor in the Renaissance. See Grendler, *The Universities of the Italian Renaissance* cit., pp. 439-440.

⁵⁷ A term used by Ascheri, *Le fonti* cit., p. 15.

⁵⁸ I wish to thank Mrs. Vesna Baće, who was kind enough to improve the English style of this essay.