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Tržnica (El Bornet) v središču Barcelone; v ozadju obrambni del mesta, anonimna slika iz 18. stoletja. / Mercato (El Bornet) nel centro di Barcellona, con la cittadella militare sullo sfondo, dipinto anonimo del XVIII secolo. / The market (El Bornet) in central Barcelona, with the military citadel in the background, anonymous 18th century painting (Barcelona City History Museum, MHCB 10946; Wikimedia Commons).

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FOREIGNERS IN THE STATUTES OF TRIESTE, MUGGIA, KOPER, IZOLA AND PIRAN: FROM THE HIGH MIDDLE AGES TO THE EARLY MODERN PERIOD

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ABSTRACT

This article examines the status of foreigners in the northern Istrian towns of Trieste, Muggia, Koper, Izola and Piran on the basis of municipal legal codes (statutes) from the Middle Ages to the eighteenth century. The towns regarded foreigners – non-locals – with a degree of suspicion, both in terms of the potential physical threat they might have posed and with regard to economic protectionism. However, the towns did not entirely reject foreigners outright; rather, in line with their own interests, they admitted foreign settlers into their communities, granting them the status of (new) residents or citizens.

Keywords: medieval town statutes, foreigners, clergy, Jews, settlers, vicini

GLI STRANIERI NEGLI STATUTI DI TRIESTE, MUGGIA, CAPODISTRIA, ISOLA E PIRANO: DALL'ALTO MEDIOEVO ALL'ETÀ MODERNA

SINTESI

Questo articolo esamina lo status degli stranieri nelle città dell'Istria settentrionale – Trieste, Muggia, Capodistria, Isola e Pirano – sulla base dei codici giuridici municipali (statuti) dal Medioevo fino al diciottesimo secolo. Le città guardavano gli stranieri – i non locali – con un certo sospetto, sia per la potenziale minaccia fisica che questi potevano rappresentare, sia per ragioni di protezionismo economico. Tuttavia, le città non respingevano completamente gli stranieri; al contrario, in linea con i propri interessi, ammettevano coloni stranieri nelle loro comunità, concedendo loro lo status di (nuovi) residenti o cittadini.

Parole chiave: statuti cittadini medievali, stranieri, clero, ebrei, coloni, vicini

THE SOURCES¹

Mediterranean urban settlements, which fully developed in the High Middle Ages, regulated their lives with legal acts – statutes (Sbriccoli, 1969; Chittolini, 1991; Storti Storchi, 1991; Ascheri, 2000; 2010). These developed from the end of the twelfth century and in the process of establishing urban self-government, urban authorities upgraded older customary and Roman law (Kambič, 2005). They prescribed the conduct and behaviour of their residents – both locals and foreigners – and introduced punishment for failure to comply with their provisions, addressing urban administration, economy, public life and order, criminal law, family law, etc. With their regulations and punishments for violators, urban magistrates tried to maintain order in everyday life practice. Due to changing social, economic and political circumstances, amendments were added to the statutes, and occasionally they were completely revised.

Following the example of the Mediterranean cities, Trieste/Trst, Muggia/Milje, Koper/Capodistria, Izola/Isola and Piran/Pirano, like most other Istrian cities and towns, had their own statutes. All of them mention foreigners, thereby primarily meaning all non-natives. Not only newcomers from more distant destinations, but also residents of neighbouring cities had the status of foreigners. The clergy lived in the cities, but city law did not generally apply to it. An important urban ethnic-religious category with its own law were the Jews, and the statutes also treat several marginal groups as special: the helpless, the sick, vagrants, etc. (Bottin & Calabi, 1999; Porfyriou, 2014; Petti Balbi, 2001; Rubin, 2020; Benyovsky & Pešorda, 2020; Mihelič, 2020; Janeković-Römer, 1993; 2005).

In terms of their origin, the oldest statutes of the herein discussed towns were those of the two bishoprics, Trieste and Koper, while those of Piran, Muggia and Izola were younger. The oldest preserved example is a fragment of the Piran statutes from 1274 and its integral codex from 1307, while the first fully preserved Trieste statutes are from 1319² (STTS 1), followed by the statutes of Muggia from the fourteenth century, of Izola from 1360 and of Koper from 1423 (Darovec, 2023). After 1382, and the city's transfer under Habsburg rule, the statutes of Trieste were aligned with their needs and demands, while the statutes of the Istrian cities that came under the Venetian rule were adapted to the norms of the *Serenissima*.

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- 1 This paper is the result of research carried out in the project J6-4603 *Facing Foreigners Between the Medieval and Early Modern Period in the North Adriatic Towns*, funded by the Slovenian Research and Innovation Agency (ARIS) in 2022–25, and the research programme P6-0435 *Practices of Conflict Resolution Between Customary and Statutory Law in the Area of Today's Slovenia and Its Neighbouring Lands*, funded by ARIS in 2022–27.
 - 2 Although the title bears the year 1150, the Count of Gorizia-Tyrol is mentioned as the Podestà of Trieste. Count Meinhard II of Gorizia inherited the South Tyrolean territories only in 1253, so the statutes are clearly of a later date. The first dated edition is said to be from 1319 (Szombathely, 1935, V, LVII).

The research involved the published statutes of: Piran from the thirteenth to the seventeenth century (STPI),³ Izola from the fourteenth to the eighteenth century (STIZ),⁴ Muggia from the fourteenth century (STMU 1) and from 1420 (STMU 2), Trieste from 1350 (STTS 2) prior to Habsburg rule (1382) and Habsburg Trieste from 1421 with later additions (STTS 3), and finally Venetian Koper from 1423 (STKP). For comparison, this paper also draws on the statutes of the Istrian cities of Umag/Umago (STUM), Novigrad/Cittanova (STNG), Buje/Buie (STBU), Grožnjan/Grisignana (STGR), Oprtalj/Portole (STOP), Motovun/Montona (STMO), Buzet/Pinguente (STBZ), Poreč/Parenzo (STPO), Rovinj/Rovigno (STRO), Sv. Lovreč/San Lorenzo (STSL), Dvigrad/Duecastelli (STDV),⁵ Bale/Valle (STBA), Vodnjan/Dignano (STVO), Pula/Pola (STPU), Labin/Albona (STLA).⁶

THE NOTION OF FOREIGNERS IN THE STATUTES

In the analysed statutes foreigners⁷ are referred to as the antipodes of locals (*ter(r)igena, intrinsecus, persona terriera*). These were categorised as citizens (*civis, concivis, citadinus*), new settlers with settlement rights (*vicinus*,⁸ *convicinus, vicina*) or the inhabitants (*habitor*) of the settlement and its area. The latter included the inhabitants of the surrounding area (*districtuales*), the country people (*paysani*), both urban and private (*comunis vel divisi*) farmers (*rustici*), villagers (*vilani*), farm tenants (*massarii*) and residents of agricultural estates (*cortesani*).

People of foreign origin appear in statutes in phrases that demonstrate that the stipulation applies to everyone: to persons of both sexes, to both locals and foreigners, but also in a negative sense, that the stipulation applies only to locals (but not to foreigners). In several provisions, foreigners are addressed explicitly, with the emphasis that they are not natives (*terrigena*). A foreigner is sometimes hidden behind the ambiguous adjective *alienus, alter(ius)*, which can mean non-local or belonging to another. The examined statutes mention foreigners with the general terms (*forensis, forestiero*,⁹ *extraneus*,¹⁰ *extrinsecus forensis; persona extranea, extrinseca, forensis; extra terram, alibi habitans; civis alterius terre vel loci; advena*) or by their specific origin: from which of the neighbouring cities

3 An older publication of the statutes, which does not include the last integral redaction of the statutes from 1384, is De Franceschi (1960).

4 The older publication is Morteani (1888; 1889).

5 Dvigrad was abandoned in the eighteenth century. There is a new edition of its statutes (STDVa).

6 In references, Arabic numerals indicate the article number; in statutes divided into books, these are marked with Roman numerals followed by a slash and then the article number in the book. In quotations from the Piran statutes (STPI), Arabic numerals indicate the page number in the publication.

7 Cf. Ascheri (1988), Kim (2000), Cecchi (1996), Stranieri (1996), Cvitanic (1986), Radić & Ratković (2005).

8 *Vicinus*, i.e. *loci incola, civis*, a resident/inhabitant of a place, a citizen (Kostrenčič, 1978, 1255–1256), or *habitant de la ville, du pays*, a resident of a city, country (Blaise, 1975, 956).

9 The statutes of other Istrian towns also use terms: *forrensis* (STMO), *forestier* (STBA; STNG; STVO), *forastier, forastiere, forastiero* (STOP; STRO; STSL; STVO), *foristier* (STNG), *foresto* (STOP; STPO).

10 STUM sometimes use the term *externus* and STNG *stranio*.

or elsewhere in Istria, from Venice,¹¹ Aquileia, etc. Furthermore newcomers are mentioned to have arrived from the near or far hinterland: in Trieste from the Karst (*de Carsis*), they were German and Slavic merchants (*mercatores theotonicici, sclabi*) or, in Trieste and Koper, truckers-peddlers (*muscelati*), as well as Slavs and Friulians, farmers and mountaineers in Izola. The country people of Trieste lived in the area from Piran (*a terra Pirani*), Aquileia (*a civitate Aquileie*), and *a Vualdis* towards Trieste. Foreign lands, which the statutes also mention mainly in connection with trade flows, were, in addition to Istria (*de terris Ystrie*) and Venice (*Venecie*), Friuli (*Forumiulium*) and *Carentanum*. Often, however, the foreign environment is not specifically defined, but only a general description of the location ‘outside the city’ and ‘outside the city district’ is given – in connection with trade, property, and the place of some event.

The clergy was noticeable in the cities, and in economic terms, Jews were important, acting as moneylenders in the cities. The statutes did not grant the clergy and Jews civil rights and obligations, but rather other privileges and duties. The clergy received financial assistance for their institutions and the legacies of private individuals in wills, and some statutes specifically defined their jurisdiction in the event of disputes and offenses¹² (Andrews & Pincelli, 2013). Jews, bound by a special oath and sometimes required to wear a special mark on their clothing, operated businesses in some cities and lent money there at interest under agreed-upon terms. This activity was essential for the smooth flow of goods and money between the cities and their inhabitants at a time when cash was chronically scarce (Cassandro, 1979; Bonazzoli, 1990).

In addition to the basic professions, such as administrative, service, and various economic ones (artisans, innkeepers, merchants, salt pans workers, fishers, etc.), the statutes also treat certain specific professional groups as special. These were elite mercenaries called *stipendiarii*: in Trieste, the bishop, and in Koper, the companions of the city governor, employed several horsemen and foot soldiers (*socii milites; comestabilis cum hominibus pedestribus inter ciues et forenses; stipendiarius equitum, peditum*).¹³

In Muggia foreigners were also known as entertainers. For the carnival, they played flutes and other instruments in the palace; foreigners (*forestieri*) and those brought by the dance leaders were said to be paid equally (STMU 2, V/28 (27)).

The Istrian towns were also included in the Venetian defence system, which had its headquarters in the hinterland outside them. In 1421, the representative of Muggia turned to the Venetian Doge, saying that their community, on the orders of the captain of Rašpor (Darovec, 2022), had already sent numerous citizens of Muggia

11 After the transition to Venice, the cities – except for Trieste, which passed to the Habsburgs – treated the Venetians as an elite group of foreigners who enjoyed preferential rights.

12 The offenses and delicts of clerics are dealt with primarily by the statutes of Trieste (Mihelič, 2014).

13 In the city of Pula, paid foreign doctors, teachers, pharmacists, and military leaders (*marescalcus*) carried out their activities (STPU, I/4).

to fight against Buzet five times at great expense, including three of them having been killed, and many mortally wounded. The captain of Rašpor, the podestà and captain of Koper, and the Istrian margrave Tadeus de Este again requested Muggia to send more men. The Doge agreed to that Muggia did not have to contribute to the *Paisinaticum Raspurch* (Bertoša, 2008), and he would inform them if he wanted anything from them (STMU 2, IV/80 (77)).

The lower classes were also given attention in statutory stipulations: serfs (*servus (proprius)*), servants (*famulus*), maids (*famula, ancilla*), paid workers (*mercenarius*). In Trieste, a free man was not allowed to marry someone who belonged to another person outside the territory of Trieste without the permission of its Dominion (*dominium*) (STTS 1, II/53). In Muggia, free men were not allowed to marry people from the lower social classes: slaves, maids or those from the hospital of St Justus (STMU 1, III/13), who were treated as unequal and, in this sense, as foreigners in a fully-fledged urban environment. Relations between Trieste and nearby Muggia were not friendly, because a Trieste citizen was killed in Muggia. The people of Trieste were therefore not allowed to marry the people of Muggia under penalty of 200 pounds, and all property handed over or promised as a dowry or the like was to be forfeited to the commune (STTS 2, II/67–68). There were also tensions between Trieste and Koper. An addendum to the statutes of 1421 prohibited the inhabitants of Trieste from marrying inhabitants of Koper. The punishment for violators was banishment and confiscation of property (STTS 2, II/55, additio).

Marginal groups – the poor and the sick – are identified in statutory stipulations on hospitals (Bonin, 2009; Kosi, 2024) and in testamentary wills for the soul (Ladić, 2003; 2012). In Muggia, these could only be spent on *pauperes et inopes Mugle* (STMU 2, V/91). The statutes of Trieste mention lepers (*leprosi, habentes lepram*), who were treated as social outcasts. Doctors had to keep records of them and report them to the Dominion. Lepers were not allowed to leave their houses, except for their cultivated lands outside the city. There they were also allowed to sing masses for them. Foreign lepers (*leprosi forenses*) were not allowed into Trieste and its district, the heralds inquired about them and expelled them (STTS 2, IV/72).

The statutes of Piran also mention a specific example of the isolation of the city from the outside world during epidemics. During the plague epidemic (*contagion de peste*) of 1475, no foreigners were allowed into Piran by sea or land,¹⁴ which caused enormous economic damage. In memory of the event, the Feast of the Martyrs Saint Sebastian and Saint Roch was proclaimed in Piran on 17 November 1475 (STPI, 715–716).

If someone was publicly considered to be a raging madman, stupid and feeble-minded or insane (*furiosus tempore furoris, stultus, fatuus, mentecaptus*), they were not held accountable and thus not punished for the crime they had caused,

14 [N]iuna persona forestira ne per mare ne per terra non si ossa acostar de qui (STPI, 715–716).

except for homicide. Relatives had to imprison and tame them so that their rage and frenzy would not endanger others. If they did not do this, the judges had the mentally ill thrown in the city jail, and at their discretion had them bound and chained (STTS 3, III/7).

Statutes often mention persons of bad reputation (*infamis*) as enemies, inferiors, suspicious persons, vagrants, pimps, prostitutes, criminals, vagrants, thieves, robbers, fugitive debtors, rebels, and perjurers (*inimicus, vilis condicionis, persona suspecta, vagabundus, ruffianus, meretrix, malefactor, ribaldus, fur, latro, predo, robator, debitor in fuga, ribellus, periurus*). They are often mentioned together with foreigners (*forenses*). An exile (*forbanitus*) who did not leave his district (*distric-tus*) was equated with a *brigente*, a highway robber (STTS 3, III/7, additio 1462).

Foreigners – non-natives – appear in the statutes as suspicious intruders, perpetrators of damage, as potential offenders and criminals – but also as their victims, as harmful competitors on the one hand and as useful partners in trade and other economic transactions on the other, and as undesirable claimants for possession of city real estate. Under special conditions, cities accepted foreigners as their co-citizens or citizens (Quaglioni, 1991; Rigaudière, 2002; Albin, 2011; Todeschini, 2017; Mueller, 1998; 2009; Boone & Stabel, 2002; Brown, 2017).

FOREIGNERS AS A SUBJECT OF DISTRUST IN THE CITY

Direct Threat

The statutes urged caution in relation to foreigners. A fellow citizen had to always come first for the citizens, even before relatives and friends who were not locals. A citizen of Trieste was not allowed to join or associate with a foreigner whom he knew to be an opponent of a Trieste citizen, nor to help or defend him. He was not allowed to leave the city to defend or attack someone who, with or without weapons, would attack his relative or friend – a foreigner. He was not allowed to help a foreigner who came to Trieste and did not perform any activity or was not skilled in it and was worthless and suspicious. Such foreigners were expelled at the discretion of the Trieste captain and judges¹⁵ (STTS 1, II/133, 134; STTS 2, II/94; STTS 3, III/21). Due to the tense relations between Trieste and Muggia, the citizens of Muggia were not allowed to come to Trieste, except for those who had houses in Trieste (STTS 2, II/67, 68). Foreigners are also mentioned as possible plotters against Habsburg rule or the commune of Trieste with other foreigners or non-foreigners in the city (STTS 3, III/23).¹⁶

15 *Forenses vagabundi nullam artem scientes nec laborantes, qui appareant homines suspectae vitae, si reperiantur moram facere in civitate Tergesti vel districtu, possint licentiari et expelli a civitate et districtu Tergesti arbitrio domini capitanei et dominorum iudicum* (STTS 3, III/21).

16 This offense was punishable by the most severe punishment mentioned in the statutes: the culprit was tied to a horse's tail and dragged from the gate of Cavana to the gate of Riborgo, then hung on an iron chain in a public place and left to decay as a warning.

Neither a citizen nor a resident (*persona civis vel habitatrix*) of Trieste nor a foreigner was allowed, without the permission of the podestà and the judges of Trieste or its district (*districtus*), to recruit a citizen or inhabitant of Trieste in order to take him out of the city, where he would serve as a mercenary, or to harm someone somewhere (STTS 2, II/101; STTS 3, III/21). A foreigner who knowingly associated with an exile who would go with a weapon to attack someone in Trieste or its district had to pay a fine; it was permitted to injure or kill him with impunity as an exile (STTS 3, III/32).

Similarly, no one was allowed to bring a foreigner to Muggia who was an enemy of one of its citizens, to help or defend him (STMU 1, II/70). However, if someone brought an adversary from the Muggia or Trieste area to Izola, he had to post bail and receive a certificate from Koper, Izola or Piran (STIZ, IV/c). A citizen of Piran was also not allowed to bring a foreigner to the city whom he knew to be an enemy of one of its citizens or guilty of a crime, and he was not allowed to help or defend him (STPI, 309–310).¹⁷

If an exile from the city, a confined person or a foreigner who did not live in Trieste entered or left the city by day or night over the walls or the gutters, his leg was cut off *a crure*, the same as that of his assistant. If a citizen, inhabitant, resident of the surrounding area, or foreigner (*civis, habitator, districtualis vel forensis*) under the age of twenty, who lived in Trieste and was not banished or confined, entered or left the city in this way and someone helped him, he was fined 100 pounds, or, if he did not have the money, lost his leg (STTS 3, III/68). Similarly, in Izola, a man or woman, local or foreigner, caught making holes in the Izola walls, had their right hand cut off and was banished (STIZ, IV/155).¹⁸

Stipulations restricting the possession and carrying of weapons in the cities also mentioned foreigners. In Trieste, no citizen was allowed to sell weapons to a foreigner (STTS 2, II/110; STTS 3, III/86), nor to lend, transfer or give them a communal crossbow (*ballista*), any weapon, tool or battle tower (*edifitium*) (STTS 1, IV/13; STTS 2, IV/15). However, foreign merchants (*forenses mercatores muxellarii*), who transported food and other goods to Trieste, were allowed to have a knife on their commute. Carrying a knife with a handle and blade longer than half a foot (17.3 centimetres) was prohibited. No priest was allowed to carry a weapon in Trieste, by day or night. The bishop of Trieste was not allowed to have more than four armed men in his retinue – foreigners and not locals or citizens¹⁹ – however, when the bishop walked around the city, all foreigners in his retinue (*de sua familia*) were allowed to bear arms (STTS 1, II/23; STTS 2, II/19). The statutes allowed noble foreigners (*forenses nobiles*) to carry a knife (STTS 1, II/26). They and their companions (*socii*) and servants (*famuli*), foreign merchants and carters (*plaustritores sive caratores*) of wine, salt, wood and other

17 Labin (STLA, I/7) and Motovun (STMO, 63) also prohibited association with enemy foreigners.

18 Climbing over the city walls was also prohibited in Rovinj (STRO, III/12).

19 ... *qui sint forenses et non terigene sive cives* (STTS 1, II/23).

goods, peddlers (*muselarii*) or truckers (*saumarii*), and everyone else who had permission from the captain of Trieste and the judges were allowed to carry weapons (STTS 3, III/27).

Even in Muggia, foreigners were not allowed to carry weapons, unless the foreigner wanted to take the weapon to his lodging (*hospitium*) or to the house of a friend (STMU 1, II/29). In Piran, it was forbidden to lend a weapon to a foreigner either for defence or attack (STPI, 707). If a foreigner came to an inn or the house of a local, the host had to order him to put down the weapon, otherwise he himself was fined (STPI, 262–263).²⁰

Unwanted Business Contacts

The statutes restricted cooperation with foreigners that would harm the locals. In **Trieste**, it was not permitted to give a pledge for a foreigner or for his guarantor without the permission of the authorities, or to associate with someone in giving a pledge (STTS 1, I/100; IV/17; STTS 2, IV/44). The Dominion of Trieste was allowed to pledge for a foreigner, while foreigners and residents of Trieste were not (STTS 2, I/52). A Trieste citizen was not allowed to enter into debt, to provide a guarantee or security for a foreigner or accept donations or promissory notes for him from a Trieste citizen; he had to return the pledge received and pay the damage (STTS 1, I/103, 104; II/162; STTS 2, IV/45, 61). A citizen of Trieste was not allowed to assign or hand over to a foreigner a promissory note against a fellow citizen or one accepted from a foreigner, but he could assign or hand over a promissory note against a foreigner to anyone (STTS 1, I/104; STTS 2, IV/46; STTS 3, II/40). When settling a debt, the property of the main defendant or debtor was first sold at auction, and that of his guarantor only if the debtor was a foreigner (STTS 1, III/8). If a foreigner accepted or withheld something from a Trieste citizen, the podestà, with the judges at his discretion, handed over a record of this to the citizen (STTS 1, I/102; STTS 2, IV/47). In fact, the citizens of Trieste were not allowed to seize a pledge or take retaliatory measures against a foreigner without the consent of the great council, even if the debtor gave them permission to do so. No one was allowed to be given a pledge against someone who delivered grain to Trieste or came to buy wine, unless he was the main debtor (STTS 1, I/98; STTS 2, IV/43 (39)).

In **Muggia**, a citizen was not allowed to borrow money or guarantee for a foreigner without the permission of the Dominion (STMU 1, II/159). If he did, all the movable and immovable property of the foreigner served as security for the guarantor (STMU 2, IV/94 (91)). The podestà or his deputy took care of the detention of the debtor and the compensation of the guarantor – foreigner or local – who would suffer damages due to the guarantee (STMU 1, IV/35). A citizen or inhabitant of Muggia was not allowed to accept a promissory note or representation against a resident (*vicinus*) of Muggia from a foreigner (STMU 1, IV/6; STMU 2, IV/3). A citizen or inhabitant of Muggia was not allowed to exercise coercion over a foreigner or take a pledge against him without the

20 Pula (STPU, IV/23) prohibited both locals and foreigners from keeping weapons in their houses.

permission of the Dominion (STMU 1, II/73). He was not allowed to take a pledge from a foreigner who brought goods to Muggia or came to buy wine; he had to return the received pledge (STMU 1, II/72).

Neither a citizen of Muggia nor a foreigner was allowed to buy off a debt from a conviction, accept a donation or assignment of such a debt, or accept representation and demand money from a conviction (against a citizen of Muggia) (STMU 1, IV/7). According to a later redaction, a local, inhabitant or servant (*famulus*) of a citizen or inhabitant of Muggia was not allowed to buy or accept a debt, representation, donation or assignment of a debt against a citizen or inhabitant of Muggia from a foreigner over the sum of 10 pounds. They were allowed to do so for a lower sum and could also take over representation for a foreigner against the citizens and residents of Muggia; the lawyer for the foreigner was appointed by the municipal lawyers (STMU 2, IV/3).

In 1349, an older stipulation was annulled in Muggia, stating that inhabitants and citizens of Aquileia, the noble lord Andreasius Maurocenus of Venice, the Minorites, Dominicans and any religious brother or anyone else from among the citizens of Muggia, were allowed to appoint a representative for their demands and claims in Muggia against its citizens and inhabitants, so that in their name, in the presence of the Dominion of Muggia, they could claim their tithes, rents and income from their estates and withheld payments (STMU 1, IV/8).

Even in **Koper**, citizens and residents were not allowed to guarantee for foreigners. The statutes explicitly prohibited a citizen of Koper from being a guarantor for a Jew and from accepting money from a Jew on behalf of a foreigner (STKP, I/22). Guaranty for a foreigner without the podestà's approval was also not allowed in **Izola** (STIZ, I/68). It was forbidden to guarantee for a foreigner against a Jew from Izola (STIZ, IV/22, 72). If a citizen or foreigner pledged an object to someone, in the event of a dispute, the owner of the pledge enjoyed trust (STIZ, IV/64). In a lawsuit against an Izola citizen or inhabitant, the citizens of Izola were not allowed to represent a foreigner without the podestà's permission. If an Izola citizen received a donation from a foreigner, he had to swear that he had not received it as a favour in return. This did not apply to Venetians (STIZ, II/72). A vicedomin (*vicedominus*) or notary from Izola was not allowed to be a procurator (attorney) of a citizen or a foreigner (STIZ, III/81); Izola notaries could represent both locals and foreigners, but the vicedomin and notary could not during the term of their service (STIZ, IV/127).

Foreigners who received a salary in Izola paid the podestà's chancellor (*cancelarius*) one pound for the notes. For each mark, the foreigner paid 20 shillings (or one pound, i.e. 1/8 of a mark) at the end of the month and after the conclusion of the business (STIZ, IV/171).

A **Piran** citizen was not allowed to be a representative, guarantor or payer for a foreigner to another person – a foreigner or a citizen – for a debt, a bargain, for another business or service for a sum exceeding 40 shillings (2 pounds). It was also forbidden to accept such a guarantee that was invalid, except for Venetians and supporters of the Doge and Venice (STPI, 430–431). Piran citizens were not allowed to be guarantors or representatives of foreigners for debts exceeding 5 pounds (STPI, 429–430). A foreigner

was forbidden to issue documents, notes or promissory notes against Piran citizens. No one was allowed to buy the debt of a Piran citizen or accept a command or deed of donation for a debt against him. A Piran citizen (*citadinus*), (new) settler (*uicina*) or a non-citizen (*habitor*) who had lived in Piran for more than a year was not allowed to redeem the debt of a Piran citizen or settler from a foreigner (STPI, 433–434). A Piran citizen was not allowed to bring a foreigner to Piran to guarantee or to contact the main creditor regarding old or new tithes (STPI, 552–553).

Without the permission of the podestà, the citizens of Piran were forbidden to accept a pledge against a foreigner. Such pledges had to be agreed upon by a great council convened by the podestà for this purpose. No citizen was allowed to join such a pledger, and the pledge had to be returned. Pledges permitted by the podestà were handed over to the chamberlain. The debtor had eight days to repay the debt, otherwise the pledge was sold at auction in the *Campo* quarter, and the proceeds were used to settle the debt, including costs (STPI, 421–423). If a foreigner sued a Piran citizen over a debt or another matter before the podestà, and a pledge was issued, the Piran debtor had to settle the pledge from his own property; the same applied if the commune or an individual suffered any damage as a result of such pledges (STPI, 421). No one was allowed to lend money against a pledge to a foreigner, slave (*seruus*), trusted servant (*famulus affidatus*) or hired worker (*mercenarius*) of a Piran citizen (STPI, 462–464).²¹

The Piran podestà had its own retinue, in which foreigners also served. Neither a citizen nor a foreigner from the podestà's *familia* was allowed to receive payment or reward from the commune for closing the Piran city gates (STPI, 671/72).

CRIMINAL OFFENCES AND THE TREATMENT OF FOREIGNERS

Trieste

Along with citizens and city dwellers, foreigners are mentioned in the statutes as potential criminals, bullies or delinquents, but also as victims.²² In terms of legal proceedings, the podestà or captain or his deputy (*vicarius*) was responsible

21 The statutes of other Istrian towns also prohibited locals from pledging (*se obligare*) or guaranteeing for foreigners (STNG, IV/29; STBU, 71; STMO, 42; STBZ, 81; STDV, 66), from accepting a pledge from a foreigner (STVO I/13), from accepting or purchasing a promissory note from a foreigner against a local person (STNG, IV/18; STBU, 103; STGR, IV/134; STOP, 85, 115; STMO, 62; STBZ, 110; STPO, II/17; STRO, II/9, 10; STDV, 99; STSL, IV/53; STVO, III/37, 38), or from assigning a debt to a foreigner in order to claim against a local (STUM, II/17).

22 Such stipulations are also in the statutes of other Istrian towns: on the jurisdiction to adjudicate foreigners (STOP, 11; STBZ, 11; STBA, 100); a foreigner was tried in the same way as a local resident would be in the foreigner's place of residence (STUM, II/19; STNG, II/3; STGR, I/6; STPO, II/21; STRO, II/12; STSL, I/10; STDV, 166; STBA, 101; STVO, 40; STPU, II/9); unauthorized coercion against foreigners was prohibited (STBU, 38; STOP, 48, 49; STBZ, 47, 48); attacks with and without weapons are mentioned (STBU, 18, 20; STOP, 22–25, 27; STBZ, 21, 23, 24, 26); bloody injuries and homicides in which, in addition to local residents, foreigners were also involved (STNG, IV/13; STBU, 24, 26; STOP, 31, 32, 34; STBZ, 30, 31, 33).



Fig. 1: Trieste, Cavana Gate and Salt Square in the sixteenth century (Scussa, 1863).

for judging in cases between citizens of Trieste and foreigners. The captain, his deputy and the judge dealt with the crimes of both locals (citizens, (new) settlers, inhabitants, residents of the surrounding area)²³ and foreigners (*forensis*). Twice a week, on Mondays and Fridays, the captain or his deputy personally sat during general court agreements (*placita generalia*). In addition to others, he also dealt with foreigners who did not have a residence in Trieste (STTS 2, III/1; STTS 3, III/1). On holidays such as Sundays, celebrations of the Nativity and resurrection of Jesus, Good Friday, feasts of Saint Mary, the Twelve Apostles, Saint John the Baptist, Saints Justus, Sergius, Servulus, Lacerus and Apollinarus,²⁴ no judgments were made, but it was permitted to hear and judge foreigners who did business in Trieste, but did not reside there (STTS 2, III/14). Citizens and

²³ *Persona civis, vicina, habitatrix, districtualis*.

²⁴ According to a later regulation: on Sundays, Christmas and the two following days, on the feast of the resurrection of Jesus, Corpus Christi, Pentecost and the two following days, on the feasts of Mary and the feasts of the Apostles, Evangelists, the four saints Ambrose, Augustine, Jerome and Gregory, on the feast of Saint John the Baptist, and of the patron saints of Trieste, Justus, Sergius, Servulus, Lazarus and Apollinarus (STTS 3, II/3).

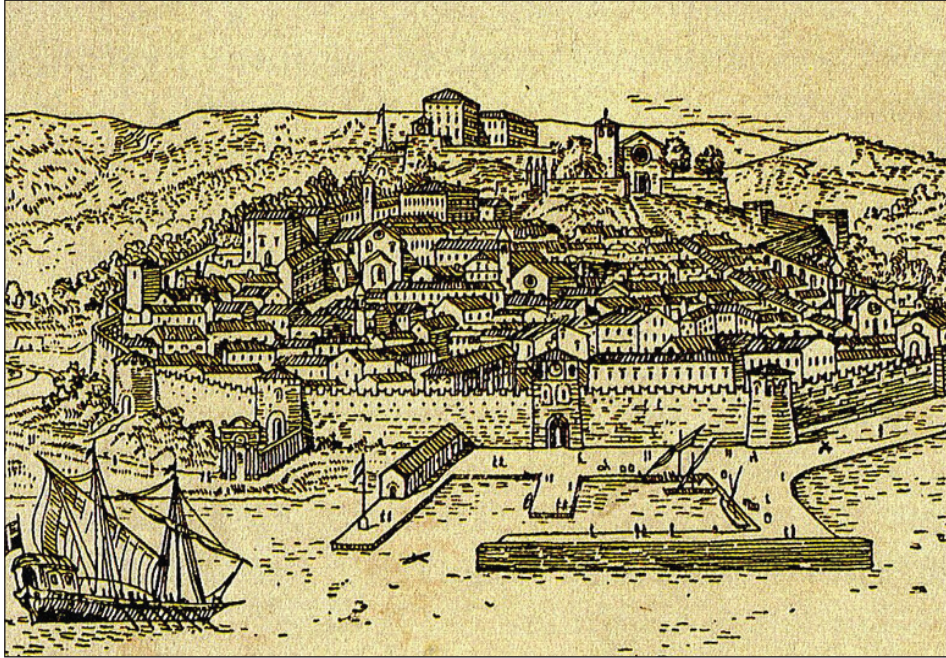


Fig. 2: Remains of medieval walls emerge in Trieste during excavation works in the central Piazza Unità (MYmovies, 2017).

foreigners had lawyers at their disposal in disputes (STTS 1, I/57). However, citizens and residents of neighbouring Muggia did not receive legal assistance in disputes in Trieste, because a citizen of Trieste had been killed in Muggia. In Trieste, the people of Muggia did not receive help and support in disagreements, unless the Dominion saw it fit to send envoys for the good of peace (*ambaxatores pro bono pacis*) (STTS 1, II/160; STTS 2, II/67, 68).

The punishment of crimes committed by a citizen on a foreigner or vice versa in Trieste was decided by the podestà. The determination of the punishment for a crime committed by a foreigner against a citizen or a citizen against a foreigner or a foreigner against a foreigner was within the jurisdiction of the authorities, as long as it did not involve homicide, robbery, theft or loss of limb; in these cases, the provisions of the statutes applied (STTS 1, II/62; STTS 2, II/72). If a Trieste citizen injured a foreigner or vice versa, or a foreigner a foreigner with or without a weapon, during the day or at night, in or outside the city square, the captain or his deputy decided on the punishment. For a foreigner this was milder than for a native, except in the case of homicide, loss or mutilation of a limb, when the statutory stipulation applied. A woman under fifteen years of age who injured a native or foreigner had to be punished milder than other citizens or as a violent (adult) native of Trieste or

a foreigner. Cases of homicide, loss or mutilation of a limb were exempted, where a punishment specified in the statutes was applicable (STTS 3, III/7). If a captain, his deputy or criminal judge injured a foreigner, they were – at the discretion of the judges – punished milder than ordinary citizens (STTS 3, III/12).

If a foreigner went to court in Trieste and the legal customs in their place of residence deviated from the statutes of Trieste, in civil disputes they were tried in the same way as a Trieste citizen would be in the foreigner's place of residence (STTS 3, II/2). The same applied to Trieste citizens in the home town of the defendant foreigner (STTS 3, II/2, additio, 147). The country people (*paysani*) or the inhabitants (*habitatores*) who lived in the Dominion of Trieste were treated by the Trieste authorities in the same way as they treated Trieste citizens (STTS 1, III/55; STTS 2, III/31).

When a foreigner sued a Trieste citizen before the Dominion of Trieste and summoned the debtor twice in person or three times at his home or both, but the summoned person did not appear, the foreigner presented proof of the debt. The captain or the person before whom the case was being heard allowed them to seize the debtor's property up to the amount of the debt within three days (STTS 3, II/12). Disputes arising from contracts between foreigners and between foreigners and Trieste citizens, local inhabitants, residents of the surrounding area (*inter forenses et cives vel habitatores vel districtuales Tergesti*) outside the Trieste district, which could be resolved before the Dominion of Trieste according to the statutes were also dealt with in Trieste. If a foreigner came to Trieste with someone else's property or money, and had a dispute with the owner of this property before the Dominion, the foreigner was put under arrest or had to provide a guarantee, or the property was seized until the end of the dispute. If a foreigner guaranteed a Trieste citizen to a third party, or a Trieste citizen guaranteed a foreigner, and the foreigner made a settlement regarding this guarantee before the Dominion of Trieste, he could no longer sue in court (STTS 3, II/18).

If a foreigner killed a Trieste citizen anywhere outside the district of Trieste, the Dominion took action against him or her (STTS 3, III/1). When a citizen or foreigner (*civis sive extraneus*) committed a homicide or criminal offence and provided guarantors, the main culprits were first called to answer before the court, unless they were incapable of settlement, or if they were foreigners (*persone forenses*) (STTS 2, II/106). If a non-citizen (*non civis*) was killed in Trieste or its district, the perpetrator was sentenced to death, unless it was self-defence (STTS 2, II/5). If the killer, man or woman, of a (new) settler, inhabitant or resident of the surrounding area (*vicinus et habitator vel districtualis*) of Trieste, was a foreigner in the city or district of Trieste, they were beheaded (STTS 3, III/6). The statutes from 1421 are more explicit regarding the punishment for a killer: anyone who committed the homicide of a Trieste citizen or foreigner in Trieste or its district would be first tied to a horse's tail and dragged from one city gate to the other (*a porta Cavanae usque ad portam Riburgi*), and then taken to the gallows and hanged (STTS 3, III/18).

In their stipulations on bleeding wounds, the statutes of Trieste also mention vagrants (*ribaldi*) and similar persons, as well as foreigners who would injure a citizen or vice versa. At that time, the podestà could determine a punishment for

a foreigner that was milder than that prescribed for locals, but not in the case of homicide, loss or mutilation of a limb, where a uniform statutory stipulation applied. The culprit, who was unable to pay the imposed penalty, was jailed. If they did not pay within the specified period, they were punished according to the statutes. Foreigners were flogged and branded; if they caused trouble in jail, they were expelled from Trieste to more or less distant foreign lands. One stipulation specifically mentions banishment beyond Muggia and Duino/Devin (STTS 1, II/3). However, the Dominion of Trieste did not take action if a foreigner – a resident of Trieste – injured another foreigner outside Trieste and its district (STTS 1, II/3; STTS 2, II/6). According to a later revision of the statutes, a Trieste resident or foreigner who attacked someone with a weapon or other offensive object in Trieste or its district at their home or property was punished for a misdemeanour and fined. A foreigner who was unable to pay the fine was jailed for six months (STTS 3, III/9).

A foreigner who ‘cunningly’ (under false pretences) committed bigamy (man) in Trieste and married a Trieste citizen was beheaded, while a biandrist (woman) was burned (STTS 1, II/56; STTS 2, II/42). A Trieste native or a foreigner who abducted and forcibly detained someone in Trieste or its district in order to collect a tax (exhort money) from them was to be hanged (STTS 3, III/19). If a foreigner secretly or by force abducted a Trieste woman and took her out of the Trieste district without the permission of her guardian, her relatives could kill him with impunity. However, Trieste citizens were allowed to keep an abducted foreign paid female worker (*mercenaria forensis*) (STTS 2, II/43). Neither Trieste natives nor foreigners were allowed to pimp ‘public mistresses’ (*meretrix*) in Trieste, to run brothels or reside in them (STTS 2, II/100).

In the case of a fight between a foreigner and a citizen and vice versa, or between foreigners, if there was hair pulling, slapping, beating with fists, kicking, an attack with a spear, sickle, sabre, mace, knife, club, wood, lance, iron rod or other iron weapons, the punishment was at the discretion of the podestà, judges or consuls (STTS 1, II/4). For an attack without weapons between local citizens and foreigners, the punishment was determined by the authorities, unless it resulted in death or loss of limb (STTS 1, II/5, 7). If a podestà attacked a foreigner, the punishment was determined by the judges; if one of the judges or consuls attacked him, the punishment was decided by the other judges and consuls (STTS 1, II/8). If foreigners and locals clashed without weapons in front of judges and rectors, they were punished at the discretion of the podestà or rector, and for an attack in front of the podestà, in the great council or in the communal palace, the punishment was doubled (STTS 1, II/12). If a Trieste citizen or inhabitant (*civis vel habitator Tergesti*) insulted a foreigner or vice versa, or a foreigner insulted a foreigner, the foreigner was punished at the discretion of the judge with a reduced punishment (STTS 3, III/31). Even in the case of illegal gambling, the punishment for foreigners and vagrants was lower (STTS 2, II/89).

Muggia

As in Trieste, in Muggia cases between citizens and foreigners (*cives cum forensibus*) were also judged by the podestà and officials, and the punishment for foreigners could be less than statutorily proscribed (STMU 1, II/15). The communal lawyers were responsible for appointing lawyers for foreigners (STMU 2, IV/3). Before the authorities, foreigners were treated according to the law as if they were citizens of Muggia, with the right of retrial before the Muggia Dominion reserved for the citizens of Muggia (STMU 1, IV/34; STMU 2, IV/26 (24)). Disputes between fathers and sons were to be resolved by arbitrators (*iudices arbitri*), who could not be foreigners (STMU 2, V/142).

In Muggia, the fifteen days before and after Christmas, before and after Easter, and before and after Michaelmas (29 September) were obligatory holidays for both movable and immovable court proceedings, except for lawsuits between foreigners (STMU 2, V/30). After a later amendment, the holidays only applied to cases between citizens (STMU 2, V/70).

If a citizen in Muggia killed a foreigner, the penalty was death; if he fled, the commune confiscated his property and banished him forever from Muggia and its district (*a terra et districtu Mugle*). For homicide in the district outside the city, the punishment was determined by the Dominion of Muggia. A foreigner who killed a Muggia citizen was beheaded. The property of those who could not be caught was confiscated; half of it went to the commune, half to the victim's relatives, and the perpetrator was forever banished (STMU 1, II/48). In Muggia, no one was allowed to capture and detain a citizen or inhabitant of Muggia or a foreigner (*civem vel habitatorem terre Mugle seu forenssem*) without the permission of the Dominion, unless they were a thief, robber, criminal, fugitive debtor, slave or hired worker (*fur, latro, malefactor, debitor in fuga, servus proprius, mercenarius*) (STMU 1, II/71).

Anyone who seriously injured someone in Muggia, but did not cause the loss of limb, had to pay a fine and for the victim's treatment and was banished for four months to Trieste or Koper, or further away at their own will (STMU 1, II/42). In the case of lost limbs, the culprit paid a fine to the commune and treatment and compensation to the injured party. They were also banished beyond Koper or Trieste for a year (STMU 1, II/43). A foreigner who mutilated a citizen, resident or foreigner to the extent that he could no longer use the limb, had the same limb amputated or had to pay 1,000 pounds within a month. If a foreigner mutilated a foreigner, he lost the same limb, unless it was established that the injury was caused by the injured party's own fault. The fine was then 15 marks (120 pounds), but if the perpetrator could not pay, they were to pay with their own limb. The punishment for a citizen who injured a foreigner was decided by the podestà and municipal officials (STMU 1, II/44; STMU 2, II/44).

For an attack on a the podestà's deputy, judges or rectors, the perpetrator was banished to Koper, Trieste or further away for a year. A double punishment befell an attacker on a podestà (STMU 1, II/37). A person who intentionally attacked someone, seriously wounded them in the face and blinded them was banished from Muggia beyond Pula and Venice (STMU 1, II/46).

In civil lawsuits of clerics, in Muggia the podestà or his deputy judged clerics in the same way the parish priest would have judged the lay people of Muggia in his parish in an ecclesiastical court, if the community (*conventus*) agreed; if it disagreed, the trial was held in the city palace, as in other cases (STMU 1, IV/34; STMU 2, IV/25 (24)).

Koper

In Koper, too, the podestà judged disputes between citizens and foreigners, between foreigners and citizens and foreigners, with the usual principle that foreigners in Koper were tried in the same way as Koper residents would be in the foreigner's place of origin (STKP, II/60). Koper had six communal lawyers who represented men and women, citizens and foreigners (STKP, III/10).

The fine for a foreigner who did not pay rent or duties was determined by the podestà (STKP, II/35). The captain or podestà also judged testimonies against foreigners regarding debt without an existing promissory note (*carta*) (STKP, II/12).

In Koper, neither a local nor a foreigner was allowed to sell a Christian without the consent of the podestà. A foreign buyer who could not pay the fine would be flogged, branded and banished (STKP, I/16). A forbidden vice that the people of Koper indulged in was gambling. A citizen, foreigner, or mercenary – horseman or footman (*stipendiarius equitum* or *peditum*) who was caught gambling at home or in a tavern had to pay a fine, which also applied to the host and observers of the game (STKP, I/41).

Izola

Fines for insults and assaults in Izola were left to the discretion of the podestà for foreigners and minors, and the same for 'worthless persons' (*viles persone*). The penalty for a citizen was lesser and greater for a foreigner, with Venetians not being considered foreigners (STIZ, I/2).

A foreigner or a native who committed bigamy and married an Izola woman was imprisoned and, at the discretion of the podestà, had to pay a fine of 200 pounds or more; two-thirds of went to the deceived woman (STIZ, I/95).

Piran

In Piran, foreigners were also treated the same way as the people of Piran would be in the foreigners' native cities (STPI, 383–384). The podestà determined punishments and sentences for foreigners, worthless persons (*viles persone*) and minors (STPI, 689), if they insulted each other (STPI, 249), committed an attack without blows or weapons (STPI, 252–253), by throwing wood, stones, spears, iron or lead objects at someone in anger without hitting them (STPI, 253), or if they hit someone with their fists or pulled their hair and caused a bruise without bloodshed (STPI, 253–254). The podestà's jurisdiction



Fig. 3: The Praetorian Palace in Koper (Wikimedia Commons).

also included determining the punishment for foreigners, minors and petty criminals who committed an attack on a Piran citizen with or without a weapon, by beating, slapping and rioting with or without a weapon (STPI, 256), by inflicting a small or large wound on someone (STPI, 254–255). If a foreigner killed a citizen or vice versa, the podestà decided on the punishment; the culprit who was not caught, was forever banished, and his property was auctioned off (STPI, 260). There were four lawyers for citizens and foreigners in the city. They were chosen by the podestà and the judges (STPI, 138–140). Heralds of the Piran commune also made announcements at the request of a foreigner (1384) and received a payment of 6 pennies for each announcement (STPI, 148–150).

The statutes of Piran mention the forbidden entertainment of gambling. No citizen or inhabitant of Piran (*civis vel habitator*) was allowed to gamble with a foreigner in Piran or outside, from the Church of St Christopher towards Piran, or to observe foreigners playing with each other or with a resident of Piran (STPI, 604–607). Citizens and residents of Piran were prohibited from gambling with each other under the penalty of a fine. Foreigners who were not included in the neighbourhood (*facere uicinantiam*) were

not punished for gambling (STPI, 606–607). A foreigner who did not live in Piran was punished only for playing at night (STPI, 609). No one was allowed to gamble at night after the third bell. The amount of the fine for foreigners and underage boys who watched the game was determined by the podestà (STPI, 608).

FOREIGNERS AND URBAN AND RURAL ENVIRONMENT

The statutory stipulations reflected the concern for the environment and the cultivated hinterland. In the territory of **Trieste**, neither a foreigner nor a villager (*persona vilana*) was allowed to cultivate the land without the permission of the judges (STTS 3, III/97). When livestock caused damage to cultivated areas in the Trieste hinterland, its owner had to pay a fine for each animal. If the animals were the property of a foreign merchant, the fine was halved (STTS 3, III/43). Taking (‘stealing’) other people’s crops was permitted to a modest extent: if an honest foreigner, while traveling through the Trieste district, took from another person’s property up to four apples, pears, peaches or similar fruits or a moderate amount of other small fruits or three grapes for his own needs, he was not fined (STTS 3, III/43). If the guards caught foreigners or suspicious persons appropriating other people’s crops, they took a pledge (*pignus*) from them up to the value of half a mark (4 pounds) or brought them before the court (STTS 1, I/87). No foreigner was allowed to come and hunt in the Trieste district without the permission of the Trieste captain and judges (STTS 3, III/75, additio).

The most important crop that flourished in the territory of the cities under discussion was the vine. The statutes of Trieste extensively regulated the wine-growing activity of the people of Trieste within and outside its area. The citizens or residents of Trieste were not allowed to cultivate or have cultivated in a half-crop manner anyone’s land or vineyard outside the district. They were not allowed to buy or accept as collateral or otherwise vineyards outside the Trieste district, nor deliver the wine from these vineyards to Trieste or its district. Likewise, no one was allowed to cultivate the land or forest from the *Gorgis* bridges to the sea, nor below the streams of the areas of *Sancta Sabata* (Sv. Sobota/San Sabba) and *Ysels* (STTS 1, II/131; STTS 2, II/93). A Trieste citizen was not allowed to accept a farm (*mansus*) lease from a foreigner (STTS 2, I/52). The vineyards were supervised by guards – *saltarii*. Those who stole were reported; if they were foreigners or suspicious persons, they had to hand over the pledge, or they were brought to court (STTS 2, I/31). The purity of wine in Trieste was supposed to be guaranteed by the stipulation that neither locals nor foreigners were allowed to adulterate it with the addition of honey from Tribiano (*melle tribiano*), citrus fruits from Rocca (*limine de roço*), or *vitrio spagno* (STTS 2, II/60).

In **Muggia**, no citizen or foreigner, small or tall, male or female, was allowed to cut or carry away dry or green wood from forbidden communal or private (*divisus*) forests (STMU 1, II/93). In the Muggia district beyond the church of St Clement, no citizen, resident or foreigner was allowed to burn pomace (STMU 2, V/69). Foreigners were prohibited from cutting grass on communal or private territory. Those who were not citizens or inhabitants of Muggia or related to one were not allowed to store grass or mow there (STMU 1, II/100).

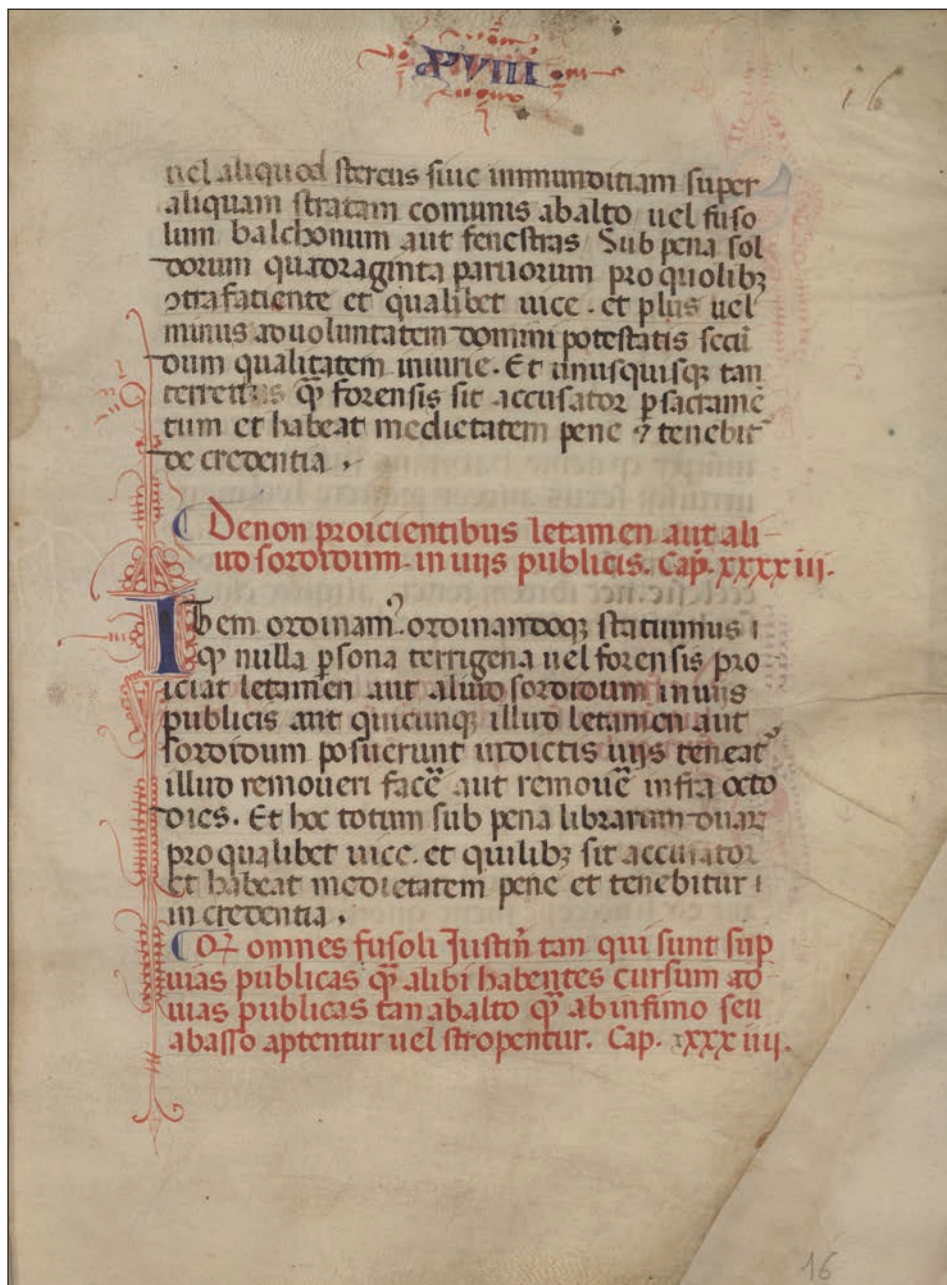


Fig. 4: Prohibition for locals and foreigners to pour sewage onto the streets (STKP, I/43–44, ASVe, AC).

Foreign animals were not allowed to graze on the territory of Muggia, and local shepherds were not allowed to take foreign animals with them (STMU 2, VII/46)²⁵. For animals of foreigners, border residents (*convicini*) from nearby Koper and Trieste and their districts, which grazed on a Muggia communal or private territory, the owner had to pay 20 shillings (1 pound) for each animal, and for sheep and goats, kids and lambs, pigs, rams, billy goats and castrated animals 10 schillings (1/2 pound). Animals that were driven to Muggia to be sold were allowed to graze freely, provided they did not cause damage; if any damage was caused, the owner of the animal had to compensate for it (STMU 1, II /117). The owner of the animal paid for damage caused by animals to the meadows of citizens or foreigners in the eight months between 1 March and 1 November, in the same way as for animals caught in vineyards and cultivated areas (STMU 2, IV/74 (71)).

The statutes of **Koper** mention foreigners in the stipulations that regulated the urban and rural environment. In Koper, locals (*persona terrigena*) and foreigners were not allowed to pour manure or other filth onto a public road, and this had to be cleaned up or removed within eight days (STKP, I/43). Locals and foreigners of both sexes were prohibited from owning and grazing small animals on the *Campo marcio* (STKP, IIII/7). Neither locals nor foreigners were allowed to take away foreign sprigs (*sarmenta*) from vineyards or elsewhere without the owner's permission (STKP, IIII/14). Neither fellow citizens (*concivis*) nor foreigners of either sex were allowed to cut down dry or green fruit trees outside the city except in October: from Michaelmas (29 September) to All Saints' Day (1 November). Only during this period could the podestà allow the uprooting of vines and other fruit trees in vineyards in order to sow grain there (STKP, IIII/20). The people of Muggia, who had vineyards in the Koper region, paid the Koper guards 3 pennies for each hoe (almost 3 ares) of vineyard, while the Koper people paid 4 pennies for vineyards in the Muggia area (STMU 2, V/93).

In the port of **Izola**, no one, either native or foreigner (*persona terriera*, ò, *forestiera*), was allowed to unload hay, nor were butchers to pour blood or other filth into the sea (STIZ, III/74). Neither native nor foreigner was allowed to dig stones from the shores in the Izola district without the express permission of the podestà. The violator paid a fine, and the stones were taken away from him (STIZ, III/62). Animals belonging to foreigners (*forestieri*) were not allowed on Izola territory (STIZ, IV/197). If a foreign ox or cow grazed or caused damage in the Izola district (*distretto de Isola*), the owner had to pay a fine for each animal and compensate the plot owner for the damages (STIZ, III/37).

In **Piran**, citizens, residents or foreigners were not allowed to mow grass in the Strunjan/Strugnano swamp (*palus*) and from Sečovlje/Siccirole towards Piran (STPI, 563). In the Piran area, foreigners were not allowed to cultivate and enjoy the income from *Carso* (the Savudrija/Salvore hinterland) (STPI, 567–568). A citizen or inhabitant of Piran and a subject of the Dominion of Piran (*aliquis subditus dominio Pirani*) was not allowed to sell, give or alienate to any foreigner hay, grass or wood in the Piran district or Dominion to be taken away without the permission of the podestà (and the judges) (STPI, 561–562). A Piran citizen and inhabitant of

25 The seventh book of the Muggia statutes dates from the early sixteenth century (1504–1510).

Sečovlje was not allowed to sell or give permission to a fellow citizen (*concivis*) or resident of Izola to prepare hay or grass, nor to have a company with him in ploughing. He was not allowed to sell hay or grass to a foreigner from Istria unless the buyer had first pledged before the podestà that the hay was for him and that it would not fall into the hands of the people of Izola (STPI, 560–561). Foreigners in the Piran region were not allowed to raise either large or small livestock without the permission of the authorities (*regimen*) (STPI, 566–567). Livestock agreements (*soĝedalia*) (Mihelič, 2015) were prohibited with foreigners, who did not fall under the authority of the Venetian Doge without the podestà's permission, nor with the residents of Buje, Sipar and Kaštinjol/Castagnol (STPI, 697–700).²⁶

FOREIGNERS AND TRADE

General Principles

In economic terms, cities protected their interests; they accepted foreigners when they fitted in conveniently with their economic policy and rejected them when they represented unfavourable competition. In Trieste, they explicitly accepted only those foreigners who were engaged in or skilled in a specific activity (STTS 2, II/94).

Trade, including credit operations, was the dominant economic sector in cities that included foreigners to which the statutes paid great attention. Cities protected their own production of elite crops of wine, oil and salt, which were intended for export and prevented their import, while on the other hand they openly accepted the import of food and other goods that were in short supply in the cities. In this sense, they limited or supported the activity of foreigners. Commercial operations had to be conducted in an orderly manner and according to rules. Disputes that arose between cities under Venetian rule due to seizures of trade goods were resolved by the Venetian Doge.²⁷

26 The statutes of other Istrian cities also mention foreigners in relation to the treatment of the suburban and urban environment. Agricultural activity by locals outside the district was occasionally prohibited, as in Oprtalj (STOP, 80), arbitrary felling in the forest, cutting of fruit trees, vines and carrying away of branches by foreigners (and locals) was not permitted in Umag, Buje, Oprtalj, Motovun, Poreč, Sv. Lovreč, Bale, Labin (STUM, IV/71; STBU, 50; STOP, 62; STMO, 108; STPO, III/26, 44; STSL, IV/21; STBA, 54, 151; STLA, II/19, 20), nor (in Bale) was the burning of vineyards (STBA, 23). Statutes of Umag, Grožnjan, Motovun, Poreč, Rovinj, Dvigrad, Bale, Pula, Labin restricted the access and grazing of foreign livestock, and livestock partnerships with foreigners (STUM, IV/75; STGR, II/101, IV/27; STMO, 168, 171, 261; STPO, III/3, 25, 56; STRO, I/27; STDV, 174; STBA, 80; STPU, III/45; STLA, additions from the fifteenth century, 4, 38). Foreigners were prohibited from polluting the city in Poreč (STPO, III/7), and in Sv. Lovreč they were not allowed to raise pigs (STSL, IV/29).

27 In 1434, the people of Izola bought staves for making wine barrels in the territory of Grožnjan. In Piran they were detained for local needs, as was a shipment of wheat that the people of Izola had transported by sea from the area of *Polesana* and elsewhere to Izola. The Doge intervened; he informed the people of Izola that he had sent a message to Piran that the people of Izola were allowed to transport the grain and wood for staves from Piran to Izola (STIZ, IV/52).

Anyone who bought something from a foreigner in Trieste or its district had to pay for it the same (STTS 2, II/116) or the next day. If they bought on credit, they had to pay within the agreed upon period. A debtor who did not pay a foreigner – whether a citizen, inhabitant, resident of the surrounding area or a foreigner living in the city or district of Trieste – had to stand in the communal palace until he settled the debt. If he did not do this, he was jailed until he paid or came to an agreement with the creditor. The debtor was summoned twice, and then, at the request of the foreigner, his property was seized and sold at auction. However, the authorities did not process foreigners for sales exceeding 50 pounds (STTS 3, II/64). According to a later amendment, citizens, residents of Trieste and foreigners were allowed to sell and lend any goods up to the amount specified in the stipulation (STTS 3, II/64, additio 1432). The punishment of a foreigner who unknowingly bought stolen goods was at the discretion of the Dominion (STTS 1, III/21; STTS 2, III/20). In Piran, when trading and borrowing, both citizens and foreigners had to be paid (STPI, 426). A citizen of Piran could not be banished (*in banno*) for a debt owed by foreigners, but had to pledge to pay a third of the profit to the creditor (STPI, 412–413). Neither citizens nor foreigners were allowed to lend at interest in Piran or its district (STPI, 609–611).

In Trieste, business records were recorded in the vicedominus' books. If a foreigner was indebted in the record, the debt was published. The foreigner, their heirs or representatives had eight days to object; if they did not appear, the promissory note was 'vicedominated', i.e. recorded in the vicedomin register (STTS 3, II/27). The appeal period for reporting violations was ten years, and for foreigners fifteen (STTS 2, III/54), and according to a later revision of the statutes, the claims of domestic and foreign creditors against the citizens of Trieste were no longer valid after fifteen years, unless the creditor initiated a dispute during that time (STTS 3, II/20). In Koper, business matters between the citizens of Koper and foreigners were first recorded in authentic form by a notary. The record was then read out in front of the parties in the vicedominus' office, and entered into a book where the vicedominus recorded the price of the property purchased from the foreigners (STKP, III/17). Foreigners' promissory notes were renewed within a period of twenty years, twice the period applicable to locals (STKP, II/67).

In order to keep foreign merchants under control, in Trieste they had a brick house built behind the communal palace, next to the arches of the city walls, covered with tiles, where Slavic or German merchants (*mercatores sclabi sive thetonici*) and other foreigners who brought food to Trieste could comfortably accommodate themselves with their horses and other animals (STTS 2, IV/37). Nearby, in *staraticum*, where the tax collector used a *sextarius* to weigh and measure flour, wheat, lentils, or other grains, nuts, chestnuts, and the like for the seller and buyer, locals were not allowed to have utensils. Instead, the tax collector kept utensils there: *chabacula*, *urnas*, and *alia vasa* for the use of foreigners (STTS 2, IV/8).

Trading in Food and Other Goods

Anyone who brought grain to **Trieste** had to have it measured by the taxman – the tenant of *staraticum*. Everyone was allowed to buy grain in Trieste, but only bakers and innkeepers were allowed to take it out of Trieste. No bishop's farmer (*rusticus*) or farmer of Trieste citizens or residents was allowed to take grain from the Trieste district to sell to any foreigner, but farmers were allowed to trade grain with each other (STTS 2, IV/8). Outside of Trieste, it was forbidden to buy grain loaded on horses except to innkeepers, who then sold it only to guests. Travelling foreigners could also buy it to feed their horses (STTS 3, II/35).

In Trieste, foreigners were allowed to offer their bread for sale under the old lodge of Trieste, where the statutes expressly forbade female peddlers to sell fruit and the like (STTS 2, I/67). Only official bakeries were allowed to bake bread in the city and mark it. The podestà's companions (*familiares*) together with criers checked at the city gates if the bread brought by foreigners to the city was marked. If it was not, they interrogated the foreigners about who sold them the bread – also with the pillory's help. The seller was fined, unless it was a baker with a license to sell bakery products. Foreigners were allowed to deliver and sell their own bread in Trieste (STTS 2, I/77).

Anyone who wholesaled or retailed dry or salted meat, cheese, oil, wax or honey in shops, in the market or in the harbour in Trieste had to pay a tax of one penny per pound of what was sold. Foreigners had to pay for a sum under 25 pounds. If Germans, Slavs and foreigners (*teothonici*, *sclabi* and *forenses*) delivered cheese (*caseum teotonicum* or *scicum*), dried or salted meat to Trieste by land, they were exempt from paying taxes (STTS 2, IV/7). Due to strained relations, only those from Muggia who had property in the Trieste district were allowed to bring their produce to Trieste (STTS 2, II/68).

Every year on the Feast of Saint Bartholmew the Apostle (24 August) a tax on fish was levied in Trieste, the lease lasting from 7 September. A citizen or resident of Trieste, or a foreigner who sold or had fish sold in the city's fish market or elsewhere in its district had to pay a twelfth for the tax: one penny per shilling of the proceeds, the same for salted or dried fish. The citizens of Trieste who sold fish outside the district, were also obliged to pay the tax (STTS 2, IV/6). Buying fish for a foreigner was not allowed (STTS 2, II/92).

On holidays, everyone was allowed to measure, load and unload wine, oil, salt, grain, flour and other goods for foreign merchants (STTS 3, III/82). It was forbidden to sell or have for sale in Trieste or at the city gates any goods such as: bales of linen, sandals, linen cloth, furs, clay vessels (*panni tellae*, *sotulares*, *linum*, *peliciae*, *vasa terrea*) and the like, before the Church of St Justus rang the Elevation of the Lord (STTS 3, III/82, additio). The buyer of hemp cloth was not allowed to (re-) sell it to a foreigner for fifteen days (STTS 3, II/64, additio 1432). When the cloth was sold, it was measured in the prescribed manner with a marked and stamped ell (*brazolarium*), and foreign merchants were allowed to measure the cloth they sold on the table (*tabula*) and elsewhere, but with a fair measure (STTS 3, III/55).

In Trieste, the purchase of treated wood was taxed. Buyers were not allowed to resell wood to foreigners (STTS 3, II/64). Citizens of Trieste who bought treated wood for export were not obliged to pay the tax, but foreigners who bought wood for themselves or through others on their behalf had to pay the tax (STTS 3, II/64, *additio* 1492). It was also forbidden to sell stones from communal land to foreigners (STTS 2, IV/69).

Trieste blacksmiths, tailors, shoemakers and weavers had to practice their craft conscientiously and were forbidden to neglect tasks for the local townspeople for the benefit of foreigners (STTS 1, I/88, 91, 94; STTS 2, I/53–55, 73). For the exchange of money to foreigners or foreign traders, the Trieste statutes prescribed an exchange rate restriction or prohibition if necessary (STTS 1, II/80; STTS 2, II/48; STTS 3, III/95).

In **Muggia**, every foreigner was allowed to sell their goods without tax (STMU 1, II/184; STMU 2, II/67). Slavs (*sclabi*) were allowed to sell grain, flour, vegetables and lard, which they brought to Muggia (STMU 2, IV/42 (39)). When a foreigner brought their goods to Muggia to sell, neither citizen nor foreigner was allowed to buy any of them within the territory of *Taglada* except in the communal square (STMU 1, II/120; STMU 2, II/27). If a citizen, resident or foreigner brought goods to Muggia for resale, he had to first offer them for sale for one day at the price he paid, unless he obtained the goods by barter (STMU 2, VI/26). When selling or buying, the fruit of foreigners in Muggia had to be measured with a special official *brenta* (STMU 2, VII/89).

If a foreigner in Muggia delivered wheat, other grain or flour to the commune on trust, it collected payment from all who were supposed to pay. If, however, a foreigner delivered wheat, grain or flour on trust to the private citizens of Muggia, the Dominion settled with the foreigner and forced the debtors to pay (STMU 1, II/189). On the other hand, no one from Muggia was allowed to sell wheat, flour, other grain, foodstuffs, and skins of animals slaughtered in the Muggia slaughterhouse to a foreigner without permission (STMU 1, II/76). If a citizen or inhabitant of Muggia bought small cattle, they were not allowed to resell it wholesale or send it from the Muggia district to a foreigner, unless they received an offer significantly better than from the butchers in Muggia: 2 extra shillings per animal (STMU 2, V/96). A citizen, a resident of Muggia, or a foreigner were not allowed to buy in the district of Muggia goats, lambs, hens or goods brought on pack animals, nor to receive suppliers at home or in a shop, unless they first unloaded the cargo in the square, so that it could be seen by buyers. This did not apply to wood delivered on animals and wagons (STMU 2, VI/23).

Fishermen – citizens and foreigners – who fished in the waters of the Muggia district were only allowed to sell their catch in Muggia (STMU 1, II/137). A citizen, a resident of Muggia, or a foreigner who sold fish, especially *menole* had to sell 12 fish for a shilling (a penny per fish) during Lent, without counting the small fish. However, if a local or foreigner brought larger fish to Muggia to sell, he sold a fish weighing one pound for 2 shillings (STMU 2, V/27). Foreign and domestic fishermen who sold fish weighing half a pound or over a pound had to sell the fish at a price of 2 shillings per pound (STMU 2, VI/32).



Fig. 5: The municipal palace in Muggia (Tischbein, 1842).

No one was allowed to deliver foreign tallow or tallow for resale to Muggia (STMU 2, V/120). Neither a citizen nor a foreigner was allowed to sell or give away *arsenicum* or any other type of poison in Muggia without the express permission of the podestà (STMU 2, V/124). The citizens and residents of Muggia, who had pharmacies where they sold oil, cheese, meat, salt and medicines (*speciaria*), pearls (*margaria?*), cloth and the like, were not allowed to buy or have any goods bought from foreigners for resale (STMU 2, VI/21). In terms of prices, the shopkeepers (*stacionarii*) in Muggia followed the neighbouring 'foreign' cities of Koper and Trieste. Cheese, oil, salted meat, pepper, wax and other goods had to be offered at the same price as in the shops in Koper and Trieste. The Dominion ordered an inquiry into prices in the two cities (STMU 1, II/122).

Settlers (*vicinus*) were allowed to break stones in the *Ceredum* forest in Muggia for their own needs. However, they were not allowed to give, sell or otherwise dispose of the stones to a foreigner, unless this was permitted by the (podestà and) great council (STMU 1, II/181; STMU 2, II/65). Regardless of the permission, whoever sold or otherwise gave the stones to a foreigner had to pay to the Muggia commune a tenth of the value (STMU 1, II/182; STMU 2, II/66).

Before the subjugation of Muggia by Venice, shoemakers were not allowed to make or sell or have in their workshop sandals made from Venetian hides from the flanks of animals (*de flanchis*) processed in Venice, Friuli or in *Carentano*. They were not allowed to sole shoes with the said skins, but they could use hides processed in Muggia, Koper or Trieste to make the rest of the shoe (STMU 1, II/142).²⁸

In (Venetian) **Koper**, locals and foreigners were forbidden to transport grain and foodstuffs from the city by land or sea, except to Venice, without the permission of the podestà. The offender also lost the pack animal and the vessel. A farmer was not allowed to carry wood, hay or foodstuffs from the Koper district without the owner's permission (STKP, I/33). Neither a native nor a foreigner, nor anyone for the latter, was allowed to buy wheat, flour, other foodstuffs (*frumentum, farinam, alia uictualia*), nor iron, wood, salted cheese, salted pork (*ferum, lignamen, caseum salitum, carnes salitas porcinas*) in Koper, nor other goods for resale except in communal squares four hours after the goods have been delivered. This applied to goods brought into the city from outside, but not to truckers-peddlers (*musselati*) and other merchants who sold by balance or communal weight (*ad pondus statere sive ad pesam comunis*), who did not have to wait for four hours to pass before selling (STKP, I/34). Grain or legumes (*legumen*) were sold wholesale according to the communal measures, except for truckers-peddlers or other foreigners who brought grain or flour to Koper (STKP, III/34). Local and foreign fishermen who came to Koper to sell fish had to deliver all the fish to the fishmonger only, as soon as they stepped ashore. If the seller could not sell the fish on the same day, he had to cut off the tail of the unsold ones, as a sign that they were not fresh (STKP, III/46).

In Koper, millers were allowed to grind grain for fellow citizens (*concives*) and residents (*habitatores*), but were allowed to grind only one sack (*saccum*) or one load (*soma*, 154 kilograms: Herkov, 1971, 91) for foreigners (STKP, I/5). Millers and the innkeeper near Rižana river were not allowed to sell grain and flour to foreigners (STKP, I/6). On the Feast of Mary's Ascension (15 August), a weekly fair was held at the mouth of Rižana. Order was maintained by 25 horsemen of the podestà's *comestabilis* with around 40 armed footmen *inter ciues et forenses* (STKP, III/51).

In **Izola**, only tax lessees were allowed to retail bread. If a foreigner brought bread to Izola to sell, he was allowed to sell it at the square and pay the 2 shillings tax for each quarter (*quarta*, i.e. 40 pounds) of the sold bread (STIZ, IV/68). Neither locals nor foreigners in Izola were allowed to buy small or large, dead or alive animals for retail sale to citizens and residents, except for butchers and lessees of the butcher's tax (STIZ, IV/91).

In **Piran**, it was not allowed to sell grain from one's own crop or from a livestock partnership to a foreigner without the podestà's permission (STPI, 697). If Piran residents sold prohibited goods to a foreigner to take them out of Piran, they were fined, and the sale was invalid (STPI, 536–537). The officials *iusticiarii* who weighed the flour of foreigners in Piran had to record the weight in their notebooks and make a statement to the foreigners (STPI, 122–129). In Piran, fruit was sold by weight (*ad pondus*), and retail without. Foreigners who brought fruit were allowed to sell it as they wished (STPI, 595).

28 This stipulation was omitted from the later version of the statutes.

Bread for sale was baked by communal bakers appointed by the podestà and judges. Anyone who brought foreign bread to Piran was allowed to sell it with the permission of the podestà (STPI, 593–594). Innkeepers also baked bread (STPI, 641–643). In the Piran butcher's shop, there were two tables exclusively for foreigners to prepare meat (STPI, 639). Setting deadlines for foreigners regarding bread, meat and other foodstuffs was at the discretion of the podestà (STPI, 402).

The lessees of the fishing waters (*paludes*) had to bring the fish to be sold only in Piran. Foreigners were allowed to fish on the condition that they offered the catch for sale in Piran (STPI, 720–721). Citizens and foreigners who sold fish in Piran, except for fishermen – lessees of fishing waters, had to pay a penny from each shilling of proceeds. If a citizen or inhabitant had a partnership with a foreigner and caught fish for sale, they paid tax regardless of where they sold the fish. Anyone who bought foreign fish in the port or Piran district to resell them paid the tax. No citizen or inhabitant of Piran was allowed to buy foreign fish for resale from the cape Savudrija to Loreto, if they did not pay the tax (STPI, 735–736).

Commune revenues from inns, butchers' shops, salt pans, fishing waters, guesthouses, official measures *urne* and *stari* were awarded annually at an auction to fellow citizens (*concives*) or residents (*habitatores*) of Piran who lived in Piran for more than a year and not to foreigners. The latter, however, were allowed to lease fishing waters, but they had to guarantee that they would bring the fish to Piran and pay the rent (STPI, 645–647).²⁹

29 The participation of foreigners in the trade in food and other goods is also mentioned in the statutes of other Istrian towns. Locals and foreigners were not allowed to use inappropriate measures in Bale (STBA, 68), and in Vodnjan, a bargain between a local and a foreigner was valid if the buyer placed a pledge (STVO, II/26). In Rovinj, selling prohibited items to foreigners was punishable by a fine (STRO, III/25). In Motovun, goods from foreigners were only allowed to be bought at the market (STMO, 64). In Rovinj, goods from foreigners had to wait three days at the market before being sold (STRO, II/87). In Vodnjan, local residents and foreigners were only allowed to buy goods for resale at the market (STVO, II/26). Locals were only allowed to buy grain, wine, cheese, etc., delivered by a foreigner to the port or castle in Labin after eight days had passed (STLA, II/18). In Sv. Lovreč, goods purchased from foreigners were allowed to be resold at the purchase price on the day of purchase (STSL, II/21). Neither a local nor a foreigner was allowed to load grain, wine, cheese, wool, animals and other goods for export in the port of Pula without the permission of the authorities (STPU, III/51). In Sv. Lovreč and in Bale, the export and sale of grain outside the district was prohibited to locals and foreigners (STSL, IV/33; STBA, 43), and in Pula, it was not allowed to accept money for grain from foreigners (STPU, IV/23). In Bale and Pula, livestock delivered by foreigners could only be purchased after three days (STBA, 52; STPU, III/36, IV/23), in Motovun, pigs are mentioned in this regard (STMO, 180). In Pula, foreigners were involved in the delivery of livestock by land and by ship, its unloading, and in the delivery and export of horses (STPU, III/38, III/54, IV/40). In Sv. Lovreč, foreigners were allowed to export fatty ingredients (cheese, hides, *galla*) and animals, but not for slaughter (STSL, II/2, 4). In Umag, foreigners had to sell the meat of animals slaughtered in a butcher's shop (STUM, IV/50). In Motovun and Poreč, foreigners were prohibited from selling animal skins, and they were not allowed to take them out of town (STMO, 79; STPO, II/103), but in Sv. Lovreč, local shoemakers were allowed to buy skins from foreigners and export them (STSL, II/6). Foreigners paid a tax when selling fish in Umag and Poreč (STUM, IV/48; STPO, II/104), in Rovinj, foreign fishermen were taxed the same as locals (STRO, II/35), and in Pula, foreigners were prohibited from trawling in the port (STPU, IV/19). Foreigners bought wood in Novi-grad (STNG, I/13), sold fabrics in Rovinj (STRO, III/29), and the Pula statutes even mention how to proceed when selling a vessel brought in by a foreigner (STPU, III/37).

Trading in Wine and Oil

The outstanding export products, vital to Istria, were wine and olive oil. The cities controlled their production and protected their own interests in doing business with it. Wine and oil from Istrian towns under Venetian rule could be exported via Friuli on payment of a tax to Venice (STIZ, IV/193, 194, 196).³⁰ In 1473, the Doge of Venice ordered that oil should not be exported or transported anywhere other than to Venice; in 1474, he restored the old practice of transport via Friuli on payment of a tax (STIZ, IV/196).

It was forbidden to carry or drive foreign wine and oil to **Trieste**. Residents of Trieste who did not carry out neighbourhood duties (*facere vicinitatem*³¹) and lived in the city were not allowed to bring or have wine brought to Trieste. However, the podestà was allowed to bring wine and other foodstuffs for himself and his family except *raibiola* wine (STTS 1, IV/4, 5). Venetians, monks, clerics and monasteries with vineyards in the Trieste district were allowed to bring wine to the city (STTS 1, IV/5). Despite the strained relations between Trieste and Muggia, the people of Muggia, who had property in the Trieste district, were allowed to bring their produce to Trieste (STTS 2, II/67, 68).

Wine produced in a half-crop manner (*ad medietatem*) outside the Trieste district was not allowed to be delivered to the city. Foreigners were not allowed to deliver wine produced elsewhere without the Dominion's approval. Permission to cellar the wine could only be given to them by the majority of the members of the Dominion (STTS 1, IV/1). Foreign merchants were allowed to deliver to the city and district of Trieste all foreign wine and oil with the intention of taking it away from Trieste; they could unload it anywhere, but not store it in the cellar. Everyone was allowed to bring up to one quarter (*quarta*)³² of *malvasia*, *romania* or *tirum* to Trieste for their own consumption. It was also allowed for a sailor or helmsman (*nauta* or *auriga*), cartman or anyone else, foreigner or not, who came from elsewhere to bring excess foreign wine or oil to Trieste (STTS 3, III/64). A resident of Trieste, a foreigner or a merchant was not allowed to carry wine between the *Magagnade* and *Salburii* bridges. If a resident of Trieste had wine carried there for foreigners, both were punished: the one who had the wine carried and the one who carried it (STTS 3, III/64, additio 1495).

No resident of Trieste was allowed to buy wine for a foreigner outside the city or connect with a foreigner to buy wine elsewhere in order to bring it to Trieste. They were not allowed to buy wine or have a wine partnership from or in the villages of *Copchena* (Košana?), *Bistrica* (Bistrica), *Prosecho* (Prosek/Prosecco), *Sancta Cruce* (Križ/Santa Croce), *Sanctus Primos* (Sveti Primož), *valis Mocho* (Mokovo/Mocco Valley). They were not allowed to buy wine from foreigners that was not in wine cellars in order to deliver it to Trieste (STTS 1, IV/5; STTS 2, II/62). No one who was not from the Mocco Valley was allowed to bring in foreign wine produced outside the

30 Red wine, *zonta* and vinegar from Izola were exported to the Pula region in exchange for grain, cheese, wood, iron products and firewood (STIZ, IV/164, 187).

31 *Vicinitas*: i.e. neighbourhood, citizenship (Niermeyer, 1976, 1096), or *droit de cité*, city law, city rights (Blaise, 1975, 956).

32 A quarter of *urna* (i.e. of 64.7 litres) would measure just over 16 litres (Mihelič, 1989, 25).

diocese and Trieste district and put it in the cellar, and no one was allowed to accept this wine into his house (STTS 1, IV/5). A foreigner who did not live in Trieste or the mentioned villages was not allowed to store wine in the wine cellars of these villages, and the locals of these villages were not allowed to accept foreign wine for storage, with some exceptions: the sons of a Mr Durnich from the Mocco Valley and other farmers of Trieste citizens and foreigners, who had had their own wine cellars in those villages for ten years (STTS 2, II/63). A foreigner who did not permanently live in Trieste was not allowed to buy wine in Trieste during the harvest to store it in a wine cellar and sell it in Trieste (STTS 2, II/64). Anyone who came to live in Trieste and performed duties and activities like other citizens of Trieste was considered a foreigner until he built a house in the *Prelaser* district. However, he was allowed to deliver to Trieste wine from his vineyards in the Trieste district (STTS 2, I/52).

A tax was paid from the wholesale sale of wine, which was called every year in December, and the lease lasted for one year from 10 January. The buyer of wine had to pay the taxman 1 groat per *urna*, and 2 groats if he bought the wine for sale in a tavern. Foreigners who bought wine to take it out of Trieste were exempted from paying the tax. However, if they resold the wine in Trieste, they were obliged to pay a fee. A foreigner from Trieste was not allowed to buy a barrel or barrels of wine for a citizen or inhabitant of Trieste, or to have a share in the purchase of wine (STTS 2, IV/5).

Retail wine sales took place in taverns. Trieste innkeepers had to adhere to officially defined measures. First, they sold foreign wine for fifteen days, and in the following eight days they settled with the owner of the wine and the tax collector (STTS 2, I/40). The *dacium tabernarie* for the retail sale of wine was announced in Trieste in April, the lease lasted for one year from 1 May. Citizens of Trieste, residents or foreigners who retailed or had unsold wine from their own vineyards or other wine sold in a tavern had to pay the taxman 1 groat per *urna* of wine sold, and 2 groats per *urna* if they resold wine. If foreigners did not want to pay this tax, those who sold them the wine had to settle the tax for them (STTS 2, IV/4). The tax for the inn (*officium tabernarie*) was only allowed to be rented by a citizen of Trieste (STTS 1, IV/15). Neither a resident of Trieste nor a foreigner was allowed to pour wine from a barrel into another wine container for anyone (STTS 2, II/113).

Also, no one was allowed to deliver or have foreign wine delivered to **Muggia** to sell it there or store it in a wine cellar. However, if a merchant who had bought wine elsewhere wanted to come to Muggia with a vessel or barge loaded with wine to load additional wine at the port, he was allowed to do so without disembarking the brought wine for sale. Foreigners who had vineyards in the Muggia district could bring grapes and wine to Muggia and load them on a barge or elsewhere. Wine was carried on the roads, but it was not allowed to store it in wine cellars or to sell it in Muggia. The people of Muggia were not allowed to bring, have brought or store in the wine cellars in Muggia the wine of any foreigner. According to statutes from 1420, foreigners were allowed to store wine in wine cellars, but not to sell it either wholesale or retail in Muggia. Locals and foreigners were allowed to bring or have brought to Muggia one *urna* of foreign wine for their own needs, and the podestà was allowed to bring during

his mandate up to three *amphorae*³³ of wine for himself (STMU 1, II/101; STMU 2, II/16, 20). When a citizen or inhabitant of Muggia brought a merchant to his winery to buy wine, no citizen, resident of Muggia, or foreigner was allowed to go there unless the owner of the wine or merchant had invited them (STMU 1, II/170). No one was to bring or order to be brought into Muggia *žonta* (*iuncta*) or other foreign liquors without permission (STMU 2, V/72).

In Muggia, no one who was not a settler (*vicinus*) was allowed to sell or have their wine sold at an inn, unless they lived in Muggia and performed duties like other local people. No citizen and inhabitant of Muggia was allowed to sell wine belonging to a foreigner or to buy wine from a foreigner or from someone on their behalf at an inn (STMU 2, I/20). The innkeeper was not allowed to sell wine before the Low Mass celebrated in Muggia on Sundays and holidays, except to a foreigner or a citizen who was going on a journey from Muggia. Before the service on Good Friday, the inns had to remain closed (STMU 1, II/79).

Locals and foreigners were forbidden to deliver foreign wine or grapes for wine production to **Koper**, except from their own vineyard. Harvesting from one's own vineyard abroad had to be announced and a certificate obtained (STKP, I/31).

When the evening bell fell silent in Koper at night, no one was allowed to stay or enter the inn or keep the inn open and give drink to the citizens of Koper except for the foreigners who lived at inns (STKP, III/29). Whoever was caught gambling at home or in a tavern was fined, whether they were a citizen, a foreigner, or a mercenary horseman or footman. The hosts and observers of the game were also fined (STKP, I/41).

A citizen, inhabitant (*citadin ò habitante*) of **Izola** or a foreigner (*forestiero*) who wanted to take away grapes or wine from his vineyards in Izola and its district had to pay a tax of 6 pennies for every *urna* of wine or for the corresponding amount of grapes. Anyone who brought wine or grapes to Izola and sold them there had to pay the same (STIZ III/109). Locals and foreigners (*persona terigena, forensis*), Christians and Jews were allowed to buy oil in Izola; the minimum price per *urna* was 14 pounds (STIZ, IV/21).

A resident of Izola was not allowed to buy wine wholesale from anyone from Izola with the intention of reselling it to foreign merchants, except at an inn (STIZ, IV/122). It was not allowed to buy foreign wine for retail sale (*ad spinam*) (STIZ, IV/78). Neither a local nor a foreigner was allowed to sell wine at retail in Izola without using the official measure of the *iusticiarii* (STIZ, III/21). An Isola resident, native or foreigner, was not allowed to sell wine at retail at a tavern on credit, except against a pledge (STIZ, II/88). At night when the bell rang for the third time, no citizen or foreigner was allowed to stay or come to the inn for a drink (STIZ, I/60).

In the **Piran** area, it was forbidden to unload more than one *urna* of foreign wine or oil without the permission of the podestà. No citizen or foreigner was allowed to

33 In a later redaction (STMU 2), the amount of wine for the podestà was not specified, but the castellan of Muggia could also bring wine for his own use.

buy wine or oil brought by a foreigner overland (STPI, 618).³⁴ In 1395, it was generally forbidden to unload foreign oil in Piran (STPI, 618–619). Foreign wine had to be declared by the syndics (STPI, 217).

It was not allowed to deliver grapes or olives from foreign districts to Piran, except to the citizens and residents of Piran from their own properties abroad (STPI, 622). Those who had vineyards outside the Piran district were allowed to bring grapes to Piran during the harvest and show them to the podestà or one of the judges. Foreign wine from the surrounding territories and villages, which was supposed to be taken elsewhere, had to be sold and indicated where it came from (STPI, 622–623).

Foreign consumers of Piran wine were welcome in Piran. Some people from Piran fraudulently sold low-quality wine from Gaz in Sečovlje as good wine, thus dissuading traders who came to Piran to buy wine. Therefore, in 1373, a ban was introduced on the sale of wine from a part of Sečovlje from harvest to the Feast of Saint Andrew (30 November). No one was allowed to buy this wine or have it bought for export (STPI, 619–622).

No citizen of Piran was allowed to buy or accept foreign wine for retail sale (*uendere ad spinam*). A native was not allowed to buy foreign wine to sell it himself or order another to sell it (STPI, 614). Even a foreigner was not allowed to retail the wine of foreigners (STPI, 614). However, during the *festum Saluoris*, foreigners were allowed to sell foreign wine upon payment of a tax, and domestic and foreign trade goods could then be sold and bought wholesale and retail (STPI, 571–573).

Innkeepers were allowed to sell wine and bake bread for sale from communal grain in Piran upon payment of tax. No one else was allowed to own an inn in Piran or offer lodging for money (STPI, 641–643). Until 1466, (foreign) merchants and other persons could not settle anywhere else than above the inn. Afterwards, everyone was allowed to provide them with lodging, but had to pay 3 ducats annually to the commune. The innkeepers were allowed to offer lodging in the inn to any foreigner (STPI, 643–644). The guesthouse (*hostaria*) in Sečovlje was rented for two years. The manager provided food and drink to locals and foreigners and maintained two clean beds for the accommodation of travellers (STPI, 572–573).³⁵

34 Permission from the podestà was also required for the export of Piran wine and oil (STPI, 706–707).

35 The prohibition of the delivery of foreign wine to foreigners in a town or its district, except in cases where there was a shortage of domestic wine, is mentioned in STUM, IV/46; STGR, II/87; STMO, 209; STPO, II/58; STRO, I/31; STSL, II/88; STBA, 83; STPU, IV/15a. To load wine at the port of Pula for export, locals and foreigners required necessary permission from the authorities (STPU, III/51). Locals and foreigners were only allowed to sell wine in Motovun at a prescribed price (STMO, 136, 196). In Rovinj, a local or foreigner who brought wine into the town for retail sale had to pay a tax, and a foreigner was only allowed to have an inn with an appropriate guarantee (STRO, I/32). If a foreigner brought wine to the port of Labin, it was only allowed to be purchased after eight days (STLA, II/18). In Poreč, foreigners were allowed to sell *zonta* tax-free on vessels along the coast (STPO, III/50). In Novigrad, foreigners came to buy wine and wood (STNG, I/13), in Rovinj, innkeepers were allowed to serve foreigners wine before High Mass, which was not allowed to locals (STRO, III/2). A foreigner or resident was allowed to export a limited amount of oil from Sv. Lovreč (STSL, II/3), and in Labin, a foreigner or a domestic oil merchant was only allowed to sell oil at an agreed price (STLA, II/21).

Salt Trade

Another extremely important raw material, the production of which was booming in the investigated cities, was salt.³⁶ Statutes regulated both the maintenance of salt pans and the trade in salt, as well as the inter-neighbourly relations of cities regarding the ownership of salt pans and the salt business. Salt smuggling flourished in many places (Darovec, 2001). Salt smugglers sailed to Trieste and elsewhere in Istria in broad daylight with many vessels and loaded them with salt. Those caught smuggling more than 1 *modium* (a good 750 litres (Mihelič, 1989)) of salt on vessels and barges were to be hanged between two pillars, according to the Doge's order (1473). Whoever caught them would receive 100 ducats and a vessel, while the salt would be confiscated by the Dominion at the usual price (STIZ, IV/168).

In **Trieste**, the tax of one-sixth (*sexterium*) from the salt pans of Zaule/Žavlje (*de Çaulis*) and *de Gariçulis* was leased every year on 4 April. A citizen and inhabitant of Trieste or a foreigner who owned salt pans in the Trieste district had to pay the lessee a tax of one *starus* (62.4 litres (Mihelič, 1989)) for every six *stari* of salt produced. If they brought salt to Trieste, they were not allowed to unload it without the permission of the taxman or his emissary (STTS 2, IV/10). The people of Trieste with salt pans outside the Trieste district were allowed to bring salt to Trieste. Those who had salt pans in the Muggia district around San Clemente, had to bring salt to Trieste, not to Muggia. If they were obliged to pay a sixth in Muggia, they had to do so (STTS 2, IV/54).

A citizen, resident or foreigner from Trieste, who delivered salt to Trieste by land or sea, had to pay the lessee a tax on the sale of salt of 4 shillings per *modium* (12 *stari*, i.e. approx. 750 litres (Mihelič, 1989)) of salt. Buyers of this salt in Trieste also owed the same sum, except for foreigners who bought salt in Trieste to take it elsewhere on carts, horses or other animals or on their backs (STTS 2, IV/3).

In **Muggia**, the municipality allocated the land for the construction of salt pans to interested parties for a period of up to four years. When these started to produce salt, a *sexterium*, a sixth of the salt production, had to be paid (STMU 1, II/175). One out of eight *modia*, was paid as a tax from the salt yield of foreigners and citizens. Three percent *de calo* went to the 'official of the sixth' (STMU 2, IV/68 (65)). The salt pans of locals and foreigners in Muggia that needed repair were reported to be restored by the owners (STMU 2, IV/70 (67)).

No owners (*patronus*) and workers in the salt pans of San Clemente in the Muggia district, nor the porters who helped carry the salt, were allowed to give, sell, alienate or exchange salt at San Clemente or in the salt pans, nor exchange it for wine or anything else with a citizen, resident or foreigner, if they were not previously offered an adequate guarantee to the Dominion of Muggia that he will deliver all the salt to Muggia (STMU 1, II/158). A citizen or inhabitant of Muggia was not

36 Of the other Istrian towns, only the statutes of Poreč mention foreigners in relation to the delivery of salt: Salt brought by a foreigner was only allowed to be purchased for domestic use, not for resale (STPO, III/46).

allowed to sell salt to a citizen or inhabitant of Trieste or send it there, otherwise the salt and the pack animal would be confiscated, and they would have to pay a fine of 100 pounds (STMU 2, V/145). They were not allowed to receive a share, gift, salary or enter into other agreements with a resident of Trieste or a foreigner regarding the sale of salt, purchase, bargaining, purchase of salt on credit or in any other way. A foreigner was threatened with confiscation of salt and three months in prison (STMU 2, IV/43 (39)). A foreigner, male or female, was not allowed to sell or buy salt either retail or wholesale in Muggia and its district. Foreigners were forbidden to store (*incanipare*) salt, except for subjects of Venice (STMU 2, II/19; STMU 2, IV/87 (84)). The salt of the Trieste owners was not allowed to be taken from Muggia without permission, except by land transport to Trieste for storage. It was allowed to be sold only when it was in the warehouses. The offender lost the salt and paid a fine (STMU 2, IV/42 (39)).

A citizen or a foreigner who exported salt by sea from Muggia had to pay the toll collector (*daciarius mute*) 2 shillings of customs duty for a *status* of salt, except for salt destined for citizens of Grado/Gradež (STMU 2, VI/6). A citizen or inhabitant of Muggia who sold salt to Carniolians (*Crantii*) or other foreigners was not allowed to send them away without a drink, which he did not offer at his home (STMU 2, VI/124).³⁷

Piran struggled with salt smuggling. The penalty for the offense was 100 pounds; it was also possible to confiscate the salt pans and sell them at auction. A citizen or foreigner who was caught had to pay the penalty and spend six months in jail (STPI, 700–705).

RIGHT OF FOREIGNERS TO REAL ESTATE

Cities denied foreigners ownership of real estate in their territory. A **Trieste** citizen was not allowed to donate or alienate property to a foreigner unless the latter had sworn an oath and implemented the Trieste neighbourhood duties (*vicinitas*) within four months with the consent of the great council. Also, in a will or codicil or in any other way upon death, Trieste citizens were not allowed to bequeath their movable property worth more than 25 pounds to relatives who were not Trieste citizens and who did not carry out the neighbourhood duties (*facere vicinitatem*) or who did not want to perform them or did not want permanent residence (*habitatio perpetua*) in Trieste like citizens (STTS 1, II/118; STTS 2, IV/57). Property that someone in the Trieste district had sold or alienated to a foreigner could be re-acquired by a seller's relative within three years for the same price (STTS 1, III/32). A citizen was not allowed to bequeath real estate even to close relatives who were not citizens and not included in the neighbourhood nor lived in Trieste; they had to sort this within four months of the testator's death (STTS 1, II/119). The property of the deceased without a written will belonged to relatives who lived in Trieste and fulfilled communal obligations (*factiones*), but not to foreigners and those who lived elsewhere (STTS 2, III/28). A Trieste citizen was not allowed to

37 The purpose of this stipulation was to increase the revenues of the inns.

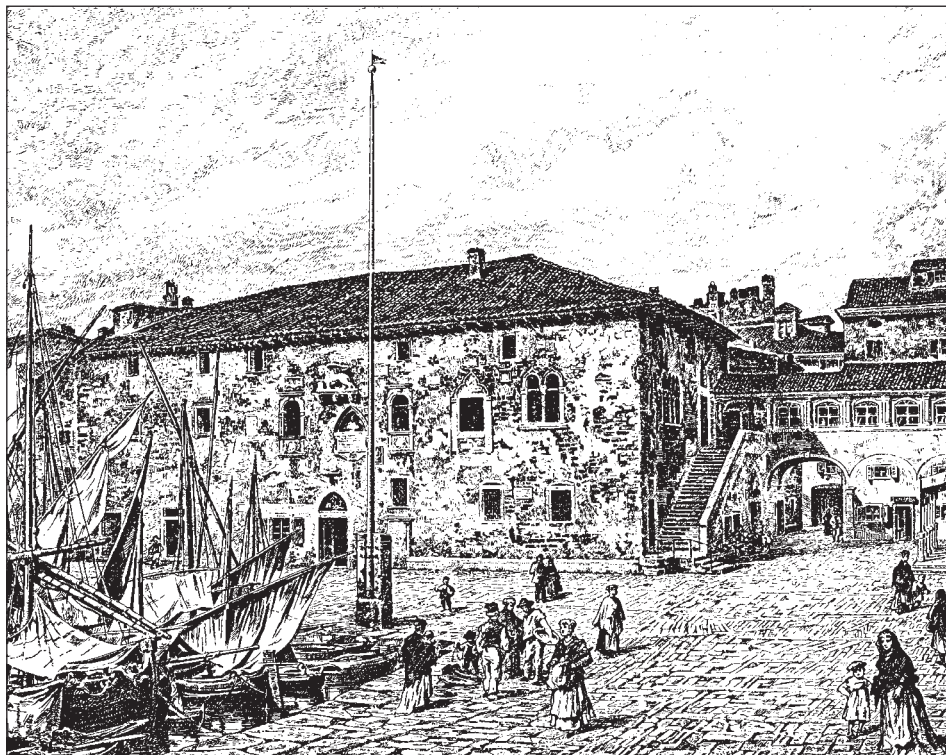


Fig. 6: The municipal palace in Piran (Caprin, 1905, 204–205).

sell, exchange or alienate property in the city or the Trieste district to a foreigner, but he was allowed to have the land cultivated by foreigners. The prohibition did not apply to relatives and to the exchange of property with a foreigner with the consent of the Dominion. Citizens were allowed to exchange property in the city with a foreigner, except in the area from St James Gate along the road to *Puteus maris*, across the city square, along the upper road and across the upper square to the crossroads. A Trieste citizen was not allowed to buy any property for a foreigner and give the foreigner the fruits thereof (STTS 1, II/115, 117; STTS 2, IV/56, 58) or accept it as a pledge (STTS 3, II/39). A Trieste citizen who lived in the countryside (*habitans in terra*) was not allowed to alienate a field, vineyard or house in the Trieste district to a foreigner (*extraneo sive forensi*) except to a relative, or to lease it in a half-crop manner. He was allowed to exchange external (*extrinsecus*) property with a foreigner, if necessary, in which case the foreigner could pay up to 40 pennies to the citizen (STTS 1, II/114).

Whoever received a plot of land from the commune of Trieste to build a salt pan had to provide an appropriate guarantee that they would not alienate the salt pans to a foreigner and that they would maintain them in operation and repair them, and

lease one sixth of the salt production to the commune (STTS 2, IV/52). The owner of a salt pan in the Trieste district was not allowed to sell, alienate or obligate it to a foreigner in any way (STTS 2, IV/53).

Foreigners could not buy property at auction unless they had lived in Trieste for twelve years and performed the same duties as citizens of Trieste (STTS 1, II/115; STTS 2, IV/56). The auctioneer who sold a foreigner's property at auction had to hand over the proceeds to the owner on the same day (STTS 1, I/84). A foreigner who came to live in Trieste and carried out the obligations and activities of a Trieste citizen was considered a foreigner until he built a house in Trieste; he could own vineyards in the district that he cultivated himself or leased in a half-crop manner (STTS 2, I/52).

In the 1421 revision of the statutes, the restrictions on immovable property for foreigners were defined in more detail. A Trieste citizen or foreigner was not allowed to sell, alienate, pledge, give as a dowry, permanently or temporarily lease or cultivate, or bequeath in a will, or alienate in any way, a property or real estate to a foreigner who did not live in Trieste or its district. It was not possible to alienate real estate that a villager or peasant tenant (*vilanus* or *massarius*) of a foreigner who lived in Trieste or its district owned or acquired; this property could be alienated only to Trieste residents who were not allowed to serve a foreigner or be his peasants (*massarii*). Property could be acquired by diocesan local residents and peasants (*districtuales et massarii*). Foreigners were not allowed to inherit real estate either by will or without one. If a Trieste citizen left a property worth more than 25 pounds to a foreigner, the will was valid only if the foreigner came to live in Trieste within four months, was sworn in as a member of the neighbourhood (*iurare vicinantiā*³⁸) or was accepted by the great council as a citizen (*civis*). No one was allowed to acquire property for a foreigner in the name of the pledge, if the foreigner did not live in Trieste or its district. Even a notarial deed to this effect was invalid. However, it was permitted to exchange property on Trieste territory with a foreigner, if the foreigner's property offered in exchange was more valuable by least two marks (16 pounds) (STTS 3, II/38). Property sold by a foreigner in Trieste or its district to a citizen, resident or inhabitant of the surrounding area of Trieste (*civi, habitatori vel districtuali Tergesti*), could not be transferred by the buyer by right of kinship or neighbourliness (*ius propinquitatis vel vicinitatis*) to a recipient who was not a citizen, resident or inhabitant of the surrounding area of Trieste (STTS 3, II/37). A Trieste citizen was allowed to give any real estate in the city or district as a dowry and for pious purposes to a foreigner who lived in the city or district and was a Trieste citizen's *famulus* or *famula* – these could acquire and dispose of the real estate as a master or mistress if they lived in Trieste or its district (STTS 3, II/38).

In Trieste, foreigners were allowed to bequeath movable property to a native or a foreigner of their own free will, either by a notary public record or in their own handwriting (STTS 3, II/47). If someone died without a will, the wife inherited from

38 *Vicinantia*: neighbourhood, city law (Kostrenčič, 1978, 1255); or vicinage, township, village community (Niermeyer, 1976, 1095).

the husband and vice versa. If there was no surviving spouse, the property belonged to the princely authorities (*fisco serenissimi domini ducis Austriae*). When a foreigner died in Trieste without a will and his legitimate heirs appeared and claimed the deceased's property, it was restituted in full (STTS 3, II/52).

If a Trieste man married a foreign woman who was not *de natione Tergesti* and they had no children, he was allowed to bequeath the property he brought into the marriage to whomever he wished (STTS 2, IV/57). A foreign woman who married a Trieste man and had no children was allowed to dispose of her dowry in her will as she wished, but she was not allowed to bequeath her share of the property acquired in marriage to a foreigner. If she had no children, her relatives were allowed to inherit, even if she did not have a written will. Even if she had descendants, she was allowed to dedicate her will for pious purposes (STTS 3, II/38). For marriages concluded in the Karst (*in Carsis*), according to the 'old custom', the property and debts acquired during the marriage were joint, just as in the old Trieste custom. This was testified by foreign witnesses from the Karst or others who knew this custom (STTS 2, III/56).

A Trieste woman citizen was not allowed to marry a foreigner unless he had previously guaranteed to the commune that he and his heirs, like other Trieste citizens, would carry out the neighbourhood duties (*facere vicinitatem*) regarding his and his wife's property and with what they would acquire in marriage (STTS 1, II/54). A Trieste woman who married a foreigner could receive from her patron as a dowry any movable property, as well as real estate outside the Trieste district. However, she was not allowed to own or acquire as a dowry or otherwise real estate in the city worth more than 100 pounds (STTS 1, II/55; STTS 2, II/45 bis); this was doubled in the statutes of 1421 (STTS 3, III/60).

A Trieste citizen was not allowed to bequeath immovable property or its revenues to churches or other places of worship, with the exception of the Trieste brotherhoods. However, everyone was allowed to bequeath their own movable property to churches, clerics, monasteries and other places of worship. A Trieste citizen was not allowed to sell property in Trieste or its district to any priest, unless they had given the commune a guarantee that they would not sell or alienate the property to a foreigner (STTS 2, IV/57, 59).

If someone in Trieste left a residential building in a will or otherwise to the Dominican monastery from Koper or to the brothers of this place, the brothers were allowed to have this house for themselves and for their own comfort, but they were not allowed to alienate it or obligate it to a foreigner (STTS 2, IV/32). The brick, tiled house behind the city palace, intended for the residence of Slavic, German and other foreign merchants who delivered food to the city (STTS 2, IV/37), was put at the disposal of the merchants but remained the property of the commune.

In an interesting connection, foreigners are mentioned in the stipulation that a citizen of Trieste may not grant a fief to a fellow citizen or accept a fief from him except by sale or donation, in which case loyalty (*fidelitas*) does not apply. The exception to this were the fiefs that the citizens of Trieste held from non-citizens or foreign lords: *a*

dominis non civibus or *a dominis forensibus*; these fiefs were allowed to be granted by citizens to citizens (STTS 1, II/127; STTS 2, II/99).

The citizens and residents of Trieste and foreigners who owned real estate in Trieste and its district were obliged to answer to the Dominion of Trieste about this property (STTS 2, III/5). A foreigner could prove the right to real estate against the commune of Trieste or the people of Trieste only if they provided a 'public document' (*publicum instrumentum*) (STTS 3, II/30). If foreigners who owned real estate in Trieste or its district and had to defend themselves or someone else in court regarding this property was obstructed by a citizen, resident of Trieste and its district or a foreigner, the city captain, his deputy or vicar had to decide on the property. Foreigners in Trieste, except in some urgent cases, were not allowed to litigate among themselves before the Trieste authorities (STTS 3, II/4). When a foreigner suffered damage from the burning of a house, fruit, hay, pruned vines or preparing charcoal, the punishment for the perpetrator was determined by the Dominion; if the culprit was unable to compensate the injured foreigner for the damage, they were banished and their property confiscated, but if the culprit was unknown the damage was compensated for by the commune (STTS 1, II/31; STTS 2, II/27).

A citizen or inhabitant of **Muggia** was not allowed to alienate their property to a foreigner without the permission of the great council (STMU 1, II/155), or in a later version of the statutes: without the permission of the podestà or the great council, they were not allowed to sell, give, donate, exchange, alienate, pledge or encumber a vineyard, field or territory within a mile of the Ospo River towards the city (STMU 2, II/45). The appraisers were not allowed to sell or give real estate and property that was sold at auction to a foreigner or someone who would buy it and accept it for a foreigner, but only to the citizens or settlers (*cives aut vicini*) of Muggia (STMU 1, III/45). A foreigner who, without the permission of the Dominion, took possession of the property or territory of a commune or private individual would be fined, and the property would return to the master (STMU 1, II/191). The citizens and inhabitants of Muggia could regain possessions sold to foreigners within 25 years, and the same period was available to a foreigner who had alienated possessions to a foreigner (STMU 2, VII/98). Communal territory in Muggia could not be given or leased to foreigners (STMU 2, VII/82).

Upon the death of a foreigner, fellow settler (*convicinus*) or resident of Muggia in the town and its district without a will and heirs, their property was taken over and used by the commune for five years. If any of the deceased's relatives came forth during these five years, the estate was handed over to them in full; if no one came, after five years half of the property was intended for Masses for the soul of the deceased and half was retained by the commune (STMU III/22; STMU 2, III/21).³⁹ The supplement mentioned that this also applied to newcomers (*advena*) who died outside the Muggia district (STMU 2, V/122).

The citizens of Muggia who lived abroad had to perform works (*opera*) corresponding to their obligatory monetary contribution in Muggia, while foreigners who had

39 Similar provisions are in STBU, 87; STOP, 99; STBZ, 94; STDV, 81; STBA 137; STVO, II/10.

property in its territory had to pay a contribution (*collecta*) and, like the citizens and inhabitants of Muggia, aid the community in the construction of walls, repair of roads or ‘other useful work’ (*utilia facienda*) (STMU 2, VI/57).

According to the statutes’ original stipulations, foreigners with vineyard property in the Muggia district were supposed to pay the commune 2 shillings per 1 *urna* of wine produced, which was later abandoned (STMU 2, VI/2).

Special attention was paid to the salt pans. No one was allowed to alienate, assign as a dowry or inheritance in a will to a foreigner the property in the Muggia district beyond the river or the salt pans or the territory of the salt pans of San Clemente. It was also forbidden to give or pledge the property as a dowry to a person who would marry a foreigner. It was not allowed to bequeath the said property or salt pans by will or codicil either to a foreigner or to a citizen or settler married to a foreigner. The commune reserved the Dominion and ownership of this territory and property. If a citizen or settler of Muggia, who owned salt pans, abandoned the *vicinanzia* of Muggia, the salt pans passed to the commune (STMU 1, II/156; STMU 2, II/46).

The citizens and inhabitants of Muggia and foreigners who owned property or land in the Muggia district had to repair the public and common roads at their own expense, according to the size of their property. For the Imperial road (*via imperiallis*) towards San Clemente they were allowed to take action against those responsible for damage on the road (STMU 2, V/112).

The **Koper** statutes did not deny foreigners ownership of real estate, in fact, they indirectly allowed it. A citizen of Koper who enjoyed a residential or agricultural property of a foreigner within or outside the Koper area for fifteen years, without a foreigner living in or outside Koper disputing this, was deemed to have acquired the real estate (STKP, II/22).

In **Izola**, the communal territory was forbidden to be sold (STIZ, I/71) or leased to foreigners (STIZ, IV/30, 80).⁴⁰ Communal rents were not collected from foreigners outside Izola and its district, but exclusively from those within (STIZ, IV/34). A foreigner could not acquire property through purchase via kinship unless they had first become a citizen of Izola and assumed citizen duties (*angarias terre Insule reales et personales*) (STIZ, IV/95). The property of a foreigner without children, parents, and other relatives was seized by the commune in Izola and inventoried. If, after a while, someone entitled to the inheritance came forth, the podestà returned the property to them (STIZ, II/19). Slavs and Friulians, farmers in the lowlands (*rustici*) and hills (*montanarii*), who settled and cultivated the land in the municipality of Izola were only allowed to transfer ownership to their heirs and successors who lived there permanently, otherwise the land reverted to the commune (STIZ, II/33).

The citizens and residents of Izola were allowed to sell their property to citizens and foreigners who wanted to buy it; those who bought the property had to pay a communal fee, except for the people of Piran (STIZ, II/32). Every Piran resident

40 Foreign animals (1533) were not allowed to be brought into the territory of Izola (STIZ, IV/197), and a poll tax (1490) had to be paid for each foreign animal (STIZ IV, 182).

who lived in Izola and performed their duties was allowed to buy property in Izola and its district (STIZ, III/112). Special rights were granted in 1443 to Mengolinus Iusti, who was allowed to sell his real estate to the people of Piran and Koper in his own name and that of his aunt (STIZ, IV/135).

The Doge's Charter of 1433 stipulated that the people of Piran were not allowed to grow vines on their properties in the Izola district without a sealed certificate (*buletinum*). They could not sell their property unless it was advertised in the Izola square, even if the Piran community was the seller. From 1321, advertising the sale of Izola properties in Piran was not allowed, and vice versa. Every five years, the people of Piran had to submit an inventory of their property in Izola and pay taxes and rents (*dacia et afflictus*) (STIZ, IV/50). The Doge's Charter of 1433 regulated the coexistence of the people of Izola and the people of Piran: the people of Piran did not have to submit individual certificates of ownership, but did this together through the mediation of the Piran podestà. If any of the Piran citizens concealed that they owned property, they would be summoned to Izola to answer charges; if they would not respond, their property could be confiscated. The citizens of Piran who went to their property in Izola were allowed to leave their horses tied up to graze on communal or uncultivated land; the same was allowed to the people from Izola in the Piran territory. Several properties of the citizens of Piran and Izola in the vicinity of each other were free (*liber*) (from obligations), which was decided by both podestàs (STIZ, IV/51).

Neither a citizen of Piran nor any other foreigner was (1395) allowed to cultivate a vineyard in the Izola district without permission and a certificate from the Izola podestà, along with a guarantee and payment for the guards (STIZ, IV/44). The territory of *Valesella* (Valeta) below and above the road from *San Basso* to Izola was to remain uncultivated. The podestà was not allowed to cultivate this terrain and no citizen was allowed to accept this land from a citizen of Piran or another foreigner. However, after due consideration, the podestà could allow cultivation for this territory (STIZ, III/72). The agreement between the Koper and Izola communes was that between 1 April and All Saints' Day, between sowing and harvest, no foreigner or local person was allowed to walk on other people's cultivated areas, causing damage to crops (STIZ, III/113).

Within the borders of **Piran** territory, it was forbidden to sell, give or otherwise alienate any property, nor to lease it to a foreigner or anyone from outside (*forensi siue extraneo*) for a rent or share of the income (*ad partem*), except in marriage agreements or wills. The alienation was invalid unless the inheritor became a member of the neighbourhood (*facere uicinanciam*) of the Piran commune (STPI, 447–448). A citizen or settler (*ciuis uel uicina*) of Piran was not allowed to give money and pledge, sell or otherwise alienate real estate or movable property to a foreigner who would litigate with a citizen or settler of Piran (STPI, 432–433). Foreigners were not allowed to advertise and buy real estate of Piran residents at auction, but they could advertise and buy movable property (STPI, 446–447). A foreigner was not allowed to give as a dowry, inheritance in a will, or otherwise alienate a vineyard in the Piran area from which payments were made to the commune, except on the condition that the owner who alienated the vineyard was legally liable to the commune with his property and guaranteed its income (STPI, 625).

Foreigners were allowed to cultivate communal or private land in Piran only with the permission of the owner, otherwise they had to pay a fine and lost the plots (*laborerium*) (STPI, 556). When foreigners came to work on communal territory, they had to report to the authorities, get registered and provide a guarantee that they would bring the wheat and other grain they had produced to Piran and pay the same fee as Piran citizens. No one who was not from Piran or a partner of Piran citizens was allowed to cultivate the land in the territory of Savudrija (*Carsum*) (STPI, 556). Foreigners often took possession of cottages and real estate in Kaštel/Castelvenere, surroundings of Savudrija or other communal territory under the false pretence of being livestock keepers (*sozzali*), or under the pretext that they were settlers (*vesini*, *uisini*) or citizens of Piran, as which they became owners and cultivators of the land; all of this was forbidden (STPI, 557–560).

No citizen was allowed to bring a foreigner, either with a plough or in a livestock partnership (Mihelič, 2015) or otherwise for work or for a part of the crop (*ad partem*), unless he took the foreigner's plough (*pluina*) on lease (STPI, 557). In Piran, it was not allowed to give, pay or promise more than 10 shillings for service (*opera*) to a foreigner or other worker on the land for hoeing, digging, or crushing clods of soil in the vineyards of Piran. However, vineyard owners were allowed to give foreign workers the usual amounts and food so that they could work at their own expense (STPI, 406–407). Except for reapers, no one was allowed to offer a foreign tiller more than 6 shillings for work in March, and then no more than 7 shillings until the Feast of Saint Peter (29 June) (STPI, 407–408). According to the redaction of the statutes from 1384, no one was allowed to pay a foreign worker more than 7 shillings per day from 1 April to the end of September, more than 5 shillings from 1 October to 1 February, more than 6 shillings plus food costs until 1 April, and no foreign worker was allowed to be paid more than 10 shillings plus food costs per day (STPI, 407–408).

In Piran, no one was allowed to take over a fief that he knew belonged to another citizen of Piran. If a citizen or foreigner who had a fief in the Piran district died without heirs or others to whom the fief would belong by law, no one else was allowed to take possession of this fief (STPI, 553).⁴¹

41 There are few references to foreigners and real estate in the statutes of other Istrian towns. The prohibition of selling real estate to foreigners is contained in the statutes of Motovun, Dvigrad and Labin (STMO, 219; STDV, 143; STLA, 27 (a fifteenth-century amendment)), which describe a territory that may not be alienated to either a native or a foreigner. Foreigners as owners of real estate are mentioned in the statutes of Grožnjan, (STGR, II/92) and Sv. Lovreč (STSL, IV/12), the conditions for the purchase of property by a foreigner are mentioned in the statutes of Pula (STPU, V/6), and real estate owned by foreigners in Umag can be inferred from the provision that foreigners may not sell real estate owned by townspeople at auction and from the prohibition of foreigners appropriating someone else's land (STUM, III/15, 23). If a foreigner bought real estate in Sv. Lovreč, the native could reclaim it within 31 days under the same conditions (STSL, II/37). In Bale, the sale of real estate in the name of a foreigner is mentioned (STBA, 99) and the fraudulent sale of real estate committed by a local or foreigner (STBA, 116). In Oprtalj, a local was not allowed to go to work in the territories of foreigners without permission (STOP, 80). In Motovun, a foreigner was not allowed to lease a village (*villa*) or have a share in it (STMO, 223). In Poreč and Rovinj, land was not allowed to be leased to foreigners without the permission of the podestà (and judges) (STPO, II/37; STRO, I/50), and in Poreč the prohibition is repeated in relation to foreigners from Sv. Lovreč (STPO, III/45).

ACCEPTANCE OF FOREIGNERS INTO CITY COMMUNITY

The cities accepted selected foreigners and allowed them integration on equal footing (Mihelič, 2024, 81–85; Darovec & Mihelič, 2024, 100–106). The older statutes of Trieste and Muggia are particularly instructive regarding the procedure to acquire rights of neighbourhood membership (*vicinancia*), as are the more modest statutes of Koper and Piran, while the statutes of Izola cite a specific example of the acceptance of a newcomer from Muggia as a settler (*vicinus*) of Izola (1396).⁴²

The older redactions of the **Trieste** statutes from the fourteenth century contain a provision on the oath of new settlers to Trieste (STTS 1, I/105; STTS 2, I/52), but not anymore in the redaction and amendments to the statutes after Trieste's transfer to the Habsburgs. The stipulation 'On the form of the oath of the neighbourhood of new settlers to Trieste' (*De forma sacramenti vicinitatis vicinorum Tergesti*) was introduced by the redaction of the statutes from the end of the second decade of the fourteenth century. Whoever would henceforth be accepted as a citizen of Trieste (*in civem tergestinum*) had to swear an oath of the neighbourhood and permanent residence (*iurare vicinitatem et habitationem perpetuam*) in the city of Trieste. He pledged to strive with all his might for the honour and benefit of the city and to obey the orders of the Dominion (*dominium*), as other citizens did. He had to guarantee (*securitatem facere*) according to his financial means that he would adhere to this, and the Dominion was entitled to demand and accept a guarantee from him. The consent of the majority of the members of the great council was required for the admission of a new citizen. No one unfree was admitted to the neighbourhood (*vicinitas*). If someone refused the neighbourhood (*refutare vicinitatem*) of Trieste, all their movable and immovable property in Trieste was seized by the commune if they did not return under the authority of the Dominion of Trieste within fifteen days. Whoever was admitted to the *vicinitas* had to provide guarantees, have a good guarantor and, within three years, build a house covered with bricks or tiles in the *Prelasser* quarter of Trieste on a plot made available to him by the commune. Once he had built the house, he was free from communal obligations (*angaria*) for three years, except for paying the wine tax. However, if he did not finish the house within three years, he paid 25 pounds for each year of the delay. If someone in the *Prelasser* quarter owned the plot that the Dominion needed for someone to build a house on, the Dominion gave the property to the new settler, and the commune paid the previous owner for the plot according to the evaluator's assessment. If the owner of the plot refused to sell, he had to build a house there himself, with its front measuring at least three steps (*passus*) or approximately 5 metres in width. Whoever was

42 The statutes of other Istrian towns (except for Labin) regularly briefly mention the conditions under which foreigners immigrate and become *vicini* (*vicin(us)*, *vixin*, *vizin*). They undertake to stay for a few years, provide guarantees, acquire property; at first they may receive relief, later they must fulfil the usual burdens and obligations of locals (STUM, I/25; STNG, II/27; STBU, 75; STGR, II/83, 101; STOP, 90; STMO, 93, 165; STBZ, 85; STPO, III/14, 19; STRO, I/47, 48; STSL, II/73, 74; STDV, 69, 135–137; STBA, 134, 135; STVO, I/19; STPU, V/2, 5).

accepted as a citizen (*civis*) of Trieste had to have a permanent seat and residence (*continua residentia et habitatio*) in the city, perform duties and pay fees (*angaria et aquaglancia*) like other citizens, otherwise he was not considered a citizen and was excluded from the city neighbourhood (*vicinitas*). A foreigner who lived in Trieste and performed everything in the community like other citizens, but did not swear *vicinitatem et habitacionem continuam* in the city within five years of his arrival, was not considered a citizen; in the next five years he became a citizen if he built a house in the designated quarter of Trieste. If he remained in the city for another three years, he was criminally liable as a citizen, with the exception of paid workers (*mercenarius*). If someone was accepted as a citizen who had made an agreement with foreigners before accepting the neighbourhood duties (*receptio vicinitatis*), neither the community nor the individual in Trieste offered him assistance and approval for a pledge related to that agreement. According to this stipulation, the Dominion no longer pledged for a foreigner to a foreigner or resident of Trieste. All foreigners who came to Trieste to live and stay there were checked by the judges to see if they were suitable for guard and protection duties and for other obligations and activities performed by citizens. Whoever was suitable was obliged to carry out these duties. A foreigner was considered one until he built a house in Trieste in the aforementioned quarter, but was until then allowed to bring wine to Trieste from his vineyards, which he cultivated in the Trieste district and from vineyards that he had there from the people of Trieste in a half-crop manner. Anyone admitted to the neighbourhood of the city of Trieste (*vicinitas civitatis Tergesti*), but subsequently found not to be free, was forbidden to receive advice or assistance from the commune, unless he was considered a foreigner (STTS 1, I/105). Anyone who was both a citizen of Trieste and a citizen (*civis*) of another land or place (*terre vel loci*) was not allowed to hold a job in Trieste or become a member of the great council unless he provided the city with a security of 1,000 pounds to personally and with his property obey all the orders of the Trieste Dominion and would not complain to other Dominion (STTS 1, I/106). Every year, in the eighth days after the Feast of Saint Lawrence (10 August), the judges ensured that all the *vicini* were registered in a special book (STTS 1, II/159).

A similar oath is contained in the 1350 Trieste statutes (STTS 2, I/52). The oaths of both redactions are fairly consistent.⁴³ A later version adds that a peasant (*rusticus*) who belonged to another lordship or was unfree could not become a citizen. No Trieste tenant farmer (*massarius*) was exempt from communal duties, but if he was, he was not allowed to perform any communal service; exceptions were the sick (*infirmus*), communal officials, members of the great council and those under the guardianship of relatives, while the councillors exercised supervision according to the statutes. No child of a Trieste citizen who paid their dues and obligations (*aguaglancias et factiones*) as a citizen could be declared a vagrant or vagabond

43 Citizens of Trieste who are also citizens of another place are discussed in a separate article in the older edition (STTS 1, I/106).

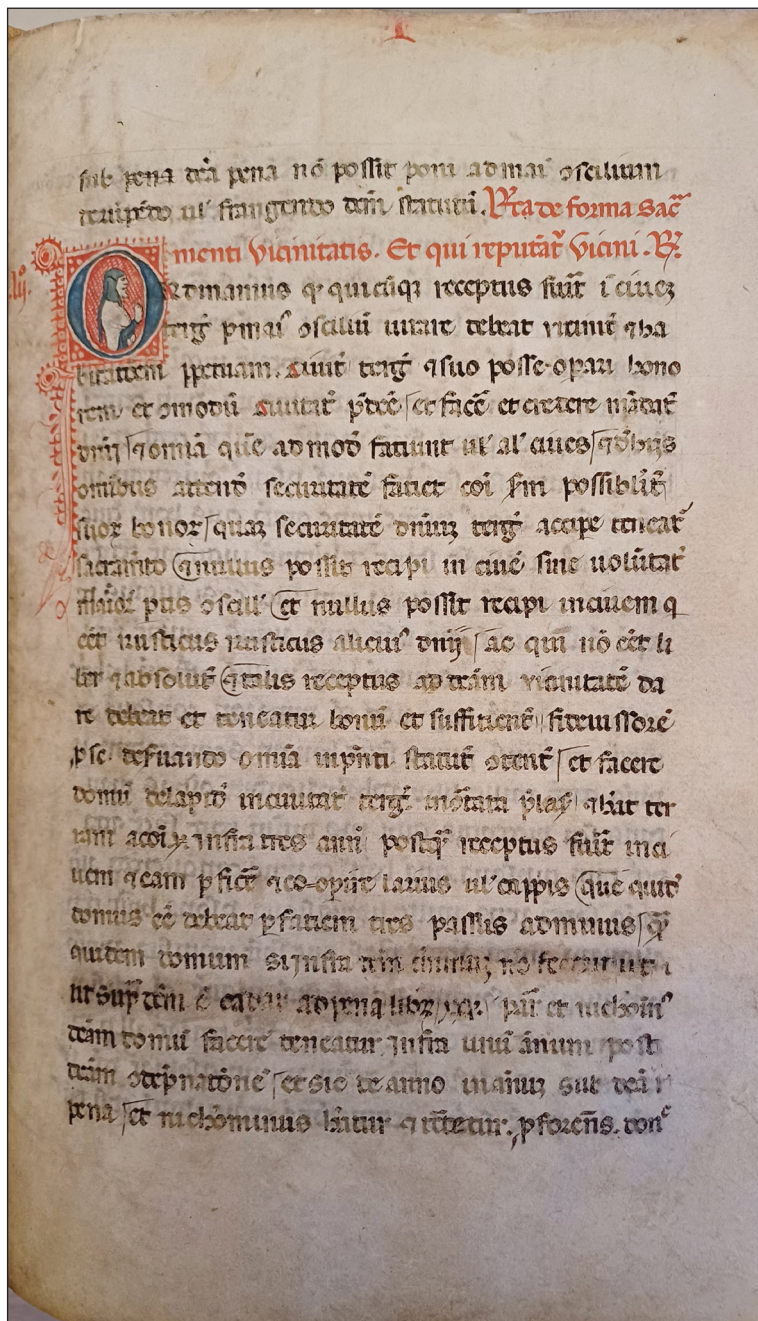


Fig. 7: The Trieste oath for immigrants (STTS 2, I/52, BCT, AD).

(*ribaldus*, *ribalda*). A Trieste citizen was not allowed to accept a farm (*mansus*) as a lease from a foreigner. All Trieste citizens, (new) settlers and inhabitants (*cives*, *vicini* and *habitatores*) were entered in a book, which the judges updated each year and from among whom the night and day guards of Trieste were selected. If any of the citizens of Trieste wanted to build a stone house, covered with bricks and tiles, in the quarters of St Lawrence (*contrata Sancti Laurencii*) or *Chaborio*, the city gave him land and he was free from all obligations for five years (STTS 2, I/52). Upon assuming office, the Trieste podestà and judges or rectors had to read the *capitularium vicinitatis* and take the oath of loyalty of all the citizens and inhabitants of Trieste (STTS 2, I/60).

According to the redaction of the Trieste statutes from 1421, which does not contain the oath itself, everyone was considered a foreigner if they less than ten years ago took the *sacramentum vicinitatis*; were accepted as *vicini* and *habitatores*, entered in the vicedomins' list and fulfilled their common duties; or if they lived in the Trieste district and had not yet paid the wine production tax (*ornaticum*) for a full ten years and fulfilled communal obligations as residents of the surrounding area (*districtuales*). Those who had been accepted as citizens (*civis*) of Trieste and had sworn *vicinitas* were immediately equated with the original citizens (*cives originarii*). If a citizen moved from Trieste and went to live elsewhere in the Trieste district and there handed over contributions (*aguantias*) and performed work (*angaria*), he became a foreigner until he returned to live in the city of Trieste or its district (STTS 3, III/7).

In **Muggia**, only a citizen and settler (*civis et vicinus*) of Muggia was allowed to perform paid city service (STMU 2, I/20). A foreigner who did not perform the obligatory communal works and activities (*angarias et fationes*) in Muggia could not be a supervisor – *iusticiarius* (STMU 1, III/48), or he and his associate could not be a *iusticiarius*, shopkeeper, butcher, baker or innkeeper (STMU 2, III/45). After a year or more of residence in Muggia or in the castle (*castrum Mugle*), a foreigner in Muggia had to immediately take over the day and night guard duties, contributions, taxes and other obligations, just like the other settlers (*vicini*) of Muggia. He had to respect the city statutes and was subject to the city's justice. He became an inhabitant (*habitor*) and enjoyed the same rights as the other settlers of Muggia (STMU 1, II/176).

In Muggia, neighbourhood rights (*vicinitas*) were granted in a similar way to Trieste. Anyone wishing to obtain this status had to present himself to the Dominion, where the great council decided on his acceptance as a settler (*vicinus*). He had to swear an oath of the neighbourhood and permanent residence in Muggia (*vicinancia et habitatio perpetualis terre Mugle*) and pledge to always be a loyal and honest citizen of the commune. He also had to provide a guarantee with appropriate property. After acceptance, he was exempt from obligations and fees for three years. For himself and his heirs, he received an acre (*plovina*)⁴⁴

44 1,843 square metres (Mihelič, 2009, 60–61).

of communal land in the territory of Plavje (*Plaule*) as close as possible to the border of the communal territory. However, if he renounced the neighbourhood (*vicinancia*) and moved away, the land would return to the commune. The recipient was not allowed to give, sell, donate, abandon, commit or otherwise alienate the said territory to a foreigner. No one who lived in Muggia for a year and wanted to become its *vicinus* was exempt from paying contributions (*collecta*), guard duty (*guardia*) and other obligations and works (*angarie et factiones*), but had to immediately perform them like other citizens and residents and comply with the statutes of the city.⁴⁵ If a foreigner or someone who was accepted as a new settler of Muggia married a woman from Muggia and lived there, he would immediately (and not only after three years) have to perform guard duties and other activities and pay taxes and obligations like citizens of Muggia, and would be considered a new resident. A female foreigner who married a man from Muggia would become a settler (*vicina*), bound by the obligations under the statutes. If any of the settlers (*vicinus*) moved away from Muggia and did not pay the communal dues and perform the obligations, they would be considered a foreigner until they returned (STMU 1, II/175 a; STMU 2, II/59).

If the Dominion of Muggia issued an order to a settler (*vicinus*) of Muggia who was in judicial proceedings, and they were discovered in Koper, Trieste or their districts, and it was found that they had renounced the right of settlement, they were punished. They had to leave Muggia with all their movable property within eight days (STMU 1, II/115; STMU 2, II/25).

Koper authorities wanted to increase the city's population.⁴⁶ The city encouraged immigration. Anyone who came to live in the city was free from material and personal obligations (*angaria*), and after five years had to register with the podestà's chancellor (*cancelarius domini potestatis et capitanei*). After five years of continuous residence and neighbourhood (*continua residentia et conuicinancia*) like other fellow citizens (*concivis*) of Koper, he forever became a citizen of Koper (*civis Justinopolis*) (STKP, I/29).

In **Izola**, the head of the city – the rector – was not allowed to accept a foreigner as a citizen to the detriment of the Izola commune against the will of the council (STIZ, IV/182). Anyone who came to live in Izola was free from communal obligations for two years (STIZ, II/106). Foreigners who wanted to live in Izola and become settlers (*vicini*) were allowed to receive up to two acres (*pluvina*) of land in the territory

45 A later redaction stipulated that a foreigner who arrived and lived in Muggia and in *castro Mugle* for one year or more had to immediately perform day and night watch duties in Muggia, pay dues, contributions and perform other obligations and activities like other residents of Muggia. He had to comply with the city statutes and was subject to the jurisdiction of Muggia. He thereby became a resident and enjoyed the rights of other settlers (STMU 2, II/60).

46 'Because cities expand with increasing population and the surrounding landscape is cultivated, and in order for the city of Koper to fill with people and renew...' (*Quia ciuitates specialiter per populorum congregationes ampliuntur et regiones ibidem circumstantes ligonisantur et ut ciuitas Justinopolis hominibus repleatur et reparetur...*) (STKP, I/29).

of Čedola (*Celula*), the border area of Izola and Piran towards Kaštelir/Castellier. They were to plant the land with vines, and then for ten years they would not have to pay the commune any rent (*fictus*) from the produce and perform no servitude (*facio*). Every Izola farm tenant (*massarius*) was to perform one service (*opera*) for such a foreigner, or accordingly less if they had a smaller property.⁴⁷ This land was not allowed to be sold, donated, pledged or alienated by anyone except to a citizen or inhabitant of Izola (STIZ, II/105). The statutes of Izola also mention the specific granting of the right of neighbourhood (*vicinancia*) to Sir (*ser*) Iohanes Daniel de Blancholino from Muggia in 1396 (STIZ, IV/p). He asked the podestà of Izola and the judges to accept him as a loyal and legal settler, citizen and inhabitant (*vicinum, civem et habitatorem*) of the Izola commune and to treat him in the same way as other citizens, settlers and residents of Izola. He promised that, like other citizens, he would perform the obligations and activities of the commune to the best of his abilities, as far as necessary. With the consent of the judges, the podestà accepted him as a settler, citizen and inhabitant with the obligation to perform the obligations like other settlers (*vicini*).

Those who did not want to be *vicini* and live in Izola as *cives* had to leave with all their movable property within eight days; they paid taxes in Izola on their immovable property, unless they married outside Izola. They were allowed to return after paying five pounds (STIZ, II/106, 103).

In **Piran**, a foreign man or woman were not allowed to live with their wife or husband on a leased farm (*massaria*) for a whole year, but for a month until the end of the year. This did not apply to Venetian citizens or to foreigners to whom the podestà offered the opportunity to accept the right of neighbourhood (*uisinancia*). If they refused, they had to emigrate. The Piran statutes and amendments to them do not specifically describe the granting of the right of neighbourhood, but the established procedure for its acquisition is hinted at by the phrase that the podestà asked the foreigner if he wanted to join the neighbourhood (*si uult facere uisinanciam*) (STPI, 612).

A testamentary will of real estate intended for a foreigner was invalid in Piran if the recipient of the estate did not carry out neighbourhood duties (*facere uicinanciam comunis Pyrani*) (STPI, 447–48). Piran citizens and residents aged sixteen to sixty who owned property in the Piran area had to register within one month after the groups of ten were formed and enumerated. Foreigners who lived in Piran and did not own property were exempt from this obligation (STPI, 612–13).

CLERGY IN THE STATUTES

The clergy had a special position in the cities. **Trieste** statutes were particularly detailed on this issue, and those of Muggia also mention it in interesting contexts. The statutes of Trieste extended the criminal competences of the city authorities

47 Each tenant had to settle the neighbourhood's obligation (*solvere uicinanciam*) (STIZ, II/104).

to include clerical offenders, while in other cities the criminal procedure against members of the clergy was under the jurisdiction of Church authorities. The reason why Trieste was different lies in the relationship between the city and the diocese. Trieste initially developed under the auspices of the margraves, whose authority was from the tenth century eroded by the influence of the bishops, who acquired the title of counts. In the eleventh and twelfth centuries, the bishops became high Imperial vassals, who had a group of foreign lawyers with them, while the city developed its own self-government. In the power relationship between the bishops and the commune of Trieste, the power of the latter grew, but relations between the two were good in the first decades of the thirteenth century. The diocese's financial situation in the first half of the thirteenth century was poor, almost all its properties were mortgaged, and the bishops ceded numerous rights and sources of income to the city, and also pledged some profitable rights and incomes to the city. The bishop's gastald had city judges with him and had to respect the Trieste statutory law. In the fourteenth century, there were three codifications of the Trieste statutes (1319, 1350, 1365), issued by the commune. They indicate its authority and independence from episcopal rule and assert the dominance of autonomous tendencies in the city (Szombathely, 1930; 1935).

These circumstances are evident in the bishop's use of excommunication or coercion against Trieste citizens: in such a case, the podestà and the judges or rectors were to offer the excommunicated person advice and legal assistance (STTS 1, III/64). A Trieste citizen was not allowed to be a gastald of the bishops in the diocese outside the city, or a representative or their associate for the management of diocesan affairs (STTS 1, II/123). He was not allowed to be present at the archdeacon's proclamation in or outside the church (STTS 1, II/125) or to be a representative of the shrine of either local or foreign nuns (*monacharum cella*) in Trieste (STTS 1, II/124). However, at least one person from each house had to attend and join the processions of the priests of Trieste, when they carried sacred relics (STTS 2, IV/80).

In both older redactions of the statutes, monks and monasteries that had vineyards in the Trieste district were allowed to bring the wine produced in these vineyards to Trieste, which was generally not permitted⁴⁸ (STTS 1, IV/5; STTS 2, II/63), but the bishop's farmers were not allowed to take grain out of the Trieste district to sell to a foreigner (STTS 2, IV/8). Documents in which a cleric was a debtor to a Trieste citizen were automatically considered 'vicedominated', while the usual deadline for the mandatory entry of notarial and communal scribes' records in the book of the vicedomin official was two years (STTS 3, II/27).

The Trieste statutory stipulations on monks and clergy in general reflected a dismissive and suspicious attitude towards clerics. A priest who left the Minorite, Dominican or another religious order within a year of his entry was no longer allowed to live or stay in Trieste or its district, and any podestà or rector could

48 This privilege also applied to the Venetians.

persecute him as an exile (STTS 1, II/40; STTS 2, II/52). Those residing in the Trieste monastery of the Holy Martyrs (*monasterium sanctorum Martirum*), the hospital administrators, the Friars Minor, those living in the churches and chapels of the Trieste district, and the guards were not allowed to offer refuge to those banished from Trieste or to armed persons (STTS 2, II/26). The clerics of Trieste were not allowed to bear arms in the city, except when accompanying the bishop in the city, the exception being four members of the bishop's entourage, the 'family' (*familia*), who had to be foreigners, not natives or citizens (*non terigene sive cives*) (STTS 1, II/23). The stipulation of 1350 adds that the aforementioned four persons entitled to bear arms had to be registered with the Dominion of Trieste (STTS 2, II/19). However, the cellarers of all Trieste brotherhoods – St Justus, St Sergius, St Paul, St Peter, St Nicholas, *Maioris ecclesiae*, of St Lawrence and Mark, St Cross and St Mary *de Mari* – had to have one crossbow ready (STTS 2, IV/50).

The city of Trieste was not in favour of the ecclesiastic accumulation of property. Citizens were allowed to sell property in Trieste or its district to the clergy only with a guarantee that the clergy would not sell or alienate it to a foreigner (STTS 1, II/116; STTS 2, IV/59). The citizens of Trieste were forbidden to bequeath immovable property or its income in favour of churches or places of worship (*loci venerabiles*) except to the religious brotherhoods of Trieste; however, the alienation of movable property in favour of churches, clergy, monasteries and places of worship was permitted (STTS 1, II/119, 120; STTS 2, IV/57, 59). The statutes from 1350 contain an interesting article on houses that testators were allowed to bequeath to the Dominican monastery of Koper. Houses in Trieste bequeathed by citizens or residents of Trieste in a will or otherwise given or donated to the Dominican monastery of Koper or to the brothers (*fratres*) from Koper for residence, were allowed to be kept by the brothers and the monastery for their own use. Still, they were not allowed to alienate them to a foreigner or burden them with obligations towards him. If this were to happen, the house would fall to the commune of Trieste, and the alienation and burdens would be annulled (STTS 2, IV/32). The same statute granted the cellarers and brothers of the Brotherhood of St Paul the right to build a new church in the Cavana district, which would be in accordance with the wishes of the authorities and residents of Trieste (STTS 2, IV/73).

The Dominion of Trieste was prepared to adjudicate in disputes between clerics and laymen, regardless of their position and reputation (STTS 1, II/122). If a cleric started a quarrel with a layman in the city square or nearby, and the layman gave rise to the dispute with words or actions, he had to pay a fine. This was lower if the layman provoked the quarrel outside the square. If the cleric himself provoked violence or insult to a layman, the latter was not punished, except in case of homicide. A priest was not allowed to intervene in a quarrel with a weapon. If he drew his weapon and suffered damage, the one who caused it was not punished, except for homicide (STTS 1, I/11; STTS 2, II/16; STTS 3, III/33). Offenses by laymen against clerics were punished according to the judgment of the captain of Trieste. In any case, when the cleric was beaten by his own fault,

his personal – not ecclesiastical – property served to settle the damage and costs and to provide satisfaction to the injured layman. The layman had to prove to the Dominion beforehand that the cleric was beaten by his own fault (STTS 3, III/33).

The Trieste statutes show particular distrust of the relationship between women and priests. In the provisions regarding wills, the statutes stipulated that a will of a woman written in the presence of priests who were not her relatives was invalid, unless it was written in the presence of two of her adult relatives or (according to another version) two ‘good men’ (*boni viri*) appointed by the Dominion. If a woman specified in her last will that something be spent on a priest or cleric, such inheritance had no legal validity, even if it was intended for pious purposes (STTS 1, III/29; STTS 2, III/55; STTS 3, II/47).

The statutes also describe actual contacts of Trieste women with clerics. If a priest was caught singing a mocking ode to a woman at night in Trieste, her close relative or friend was allowed to personally insult him in any way with impunity, except to kill him. However, if a priest was caught by day or night in the house where the woman lived, or in another house on her property, or if a cleric brought or received a Trieste female citizen or inhabitant of Trieste to his home by day or night, the husband, father, brother, any relative or any friend of that woman was allowed to personally harm the cleric in any way and (according to the statutes from 1421) even kill him without punishment (STTS 1, I/11; STTS 2, II/16; STTS 3, III/33). The statutes of 1421 even contain provisions for acts when a cleric would rape, attempt to rape, defile or intend to defile a Trieste woman. In these cases, the woman’s relatives were allowed to intervene and beat, wound or even kill the consecrated delinquent without punishment (STTS 3, III/33).

The statutes of 1421 (STTS 3, III/62) stipulated that women of Trieste were not allowed to live with priests and defile themselves with them, and that clerics were not allowed to receive or marry local or foreign woman from Trieste. Single women of Trieste – (female) citizens, residents or women from the district (*civis, habitatrix, districtualis*) who did not have a husband – were not allowed to live with priests above the fourth minor order, nor were they allowed to knowingly receive a priest into their house, unless he was a ‘close relative, son or brother’ who was received by the mother or sister. The penalty was the confiscation of all the woman’s property. Half of it went to her closest relatives, the other half to the city; of this part, a third (a sixth of the total property) went to the plaintiff. This penalty would also apply if a woman in Trieste or its district knowingly offered lodging or had a priest as a guest who was not her son or brother, or if she had sexual intercourse with him. A Trieste female citizen or foreigner who was married to a Trieste citizen and had intercourse with or lived with a priest was punished for adultery: she lost all her property in favour of her husband and was banished. If she returned, she would be beaten and branded and banished again. For even greater humiliation and admonition, she would be led around Trieste to the sound of a trumpet and other instruments. However, such a procedure was only foreseen in the case that the wife was reported by her husband; no one else was allowed to accuse a married woman. Any woman was allowed to receive any priest at home if she was

sick, so that he could hear her confession, but one or two of her husband's relatives had to testify that she was really sick in the event of a report. However, if the husband brought, received or had a priest as a guest in the house, no punishment would befall any woman in the house.

The statutes of 1421 also provided for the possibility that a priest could, against the will of her father, mother, husband or other relative, receive or retain the daughter, wife, sister, relative of a Trieste citizen, inhabitant or resident of the district (STTS 3, III/62); if someone personally harmed such a priest with words or actions, even if he killed him, he would not be punished. In these cases, the law tolerated the killing of an indecent cleric in vengeance.

In **Muggia**, the podestà judged equally in a dispute between a cleric and a layman (STMU 2, II/43), while the parish priest of Muggia judged in a lawsuit between a layman and a cleric. If the layman was not satisfied with the verdict, he could appeal to the bishop of Trieste or another person he thought of as appropriate in matters of the law (STMU 1, II/154). In a civil dispute with a foreign layman, the podestà or his vicar, with the consent of the community (*conventus*), judged a cleric or a church person in the same way a parish priest would judge a layman from Muggia in the place of the foreign layman; if the community did not consent, the trial was held in the city palace (STMU 1, IV/34; STMU 2, IV/25 (24)). In 1349, a statutory stipulation was annulled in Muggia that allowed the Minorites, Dominicans or other religious brother or citizen of Muggia to appoint before the Dominion of Muggia a representative against its citizens and inhabitants to claim tithes, rents and income from their estates and withheld payments (STMU 1, IV/8).

A layman was not allowed to accept church property as a pledge from a cleric (STMU 2, II/44). A communal tax (*gravame*) had to be paid from the property that priests in Muggia left to the churches (STMU 2, VII/94). The podestà granted the brotherhoods and representatives of the churches of Muggia, its castle (*castrum*), and district the right to take over testamentary wills as well as rents, incomes, and other things (STMU 2, IV/33 (30)). Executors of wills who did not forward wills for pious purposes to the beneficiaries were punished (STMU 2, V/98).

The brotherhoods were obliged to keep crossbows (*balista*) for the defence of the city: the Brotherhood of St John and Paul had to buy a fourth crossbow, the Brotherhood of All Saints was to acquire a second one, the Brotherhood of St Andrew had two crossbows and was to buy two more, the Brotherhood of St Martin had to buy one crossbow, as was the Brotherhood of St John the Evangelist, the Brotherhood of St Bridget was to buy a second one, the Brotherhoods of St Columbanus and St Thomas had to buy one crossbow each (STMU 1, II/193).

The statutes of Muggia also dealt with the education of religious teachers (*scholasticus*): Anyone who went abroad to study anything except grammar received 12 ducats per year, but if he did not complete his studies, he had to return double the granted amount (STMU 2, V/26 (25)). Citizens were encouraged to send their sons especially to Padua (STMU 2, VI/56), and before they would go, three wise men (*intelligentes*) had to check if they were suitable and deserving of such support (STMU 2, VI/75). The

amended 1475 stipulation on students stated that the commune gave 8 gold *scudi* to anyone who wanted to go to Venice to learn the art of writing; whoever wanted to go to Padua or Venice received support for three years. They had to live decently and attend lessons. Those who studied other sciences than grammar in Padua or Venice were also supported, but their knowledge of grammar was checked before they left Muggia (STMU 2, VI/88). At the beginning of the sixteenth century, the commune temporarily suspended scholarships due to the poor financial situation (STMU 2, VII/47b (1)). In fact, no citizen of Muggia was allowed to join the *colegio di Pontecorbo* in Padua unless he proposed it first and obtained approval from Muggia (STMU 2, VII/81).

The podestà and captain of **Koper** was responsible for choosing two good men as church procurators, after consultation with the bishop. Their mandate lasted three years, and they were confirmed each year by the great council of Koper. They had to present their accounts to the bishop and podestà annually. The bishop was allowed to choose a priest who was the third procurator. The procurators reviewed the legacies in favour of the diocese once a month in the vicedomins' office (STKP, III/5).

The statutes of Koper forbade religious brothers, monks or other clerics of any religion or condition from entering any nunnery in the Venetian territory, neither by ship nor by land (Margetić, 1993, 191).⁴⁹

49 The statutes of other Istrian towns mention clerics and religious institutions in a wide variety of contexts. They define their judicial treatment (STOP, 133; STPO, II/22, 23; STRO, II/13; STBA, 102; STPU, II/108), and pay attention to their property. In Motovun, the churchmen of the Church of St Stephen had access to testamentary wills (STMO, 151), and the transactions regarding the property of the brotherhoods were under supervision (STMO, 156), as well as in Sv. Lovreč (STSL, II/70), while in Poreč the communal chancellor was not allowed to check the transactions of the bishop's office (STPO, III/81). In Dvigrad, the property of churches was not allowed to be alienated without the permission of the authorities (STDV, 166). In Poreč, a monk or friar could not inherit from his parents nor was he allowed to write a will (STPO, 76, 75). In Bale, the main church received taxes, and the churchman and gastald were obliged to give accounts of business; the churchman was not allowed to hand over livestock to the partnership (*socida*) without the permission of the podestà and judges (STBA, 74–77). In Pula, a churchman was appointed for the construction of the main church, and the repair of churches was supervised by two selected councillors and a commissioner appointed by the bishop from among the members of the cathedral church (STPU, 30, 31). Property in Pula was allowed to be alienated to church individuals or communities only together with obligations to the commune, and the alienation of church property required the permission of the authorities (STPU, 32, 33). The *vicini* of the city districts also took care of the repair of churches (STPU, V3). In Poreč, clerics were not allowed to deliver foreign wine, but the Franciscans were allowed to bring wine from alms without tax (STPO, II/58; III/47). Similarly, some church personnel were exempt from taxes on the export of wine and oil from alms in Motovun (STMO, 195). Sometimes the selection, position and competences of church personnel are mentioned: in Motovun the position of churchman and the appointment of a new parish priest (STMO, 178, 239), in Poreč, the prior of the hospital of St Mary was chosen in a large council (STPO, III/66), in Sv. Lovreč, the churchmen of the main church were among the sixteen chosen to interpret the statutes (STSL, II/64). In Poreč, clerics could not be lawyers or legal representatives, they were not allowed to write a document against a citizen or resident of Poreč, they were not allowed to be commissioners of wills (STPO, II/24, 60, 80). In Rovinj, however, a priest who was a public notary was allowed to write a document or will, although under the watchful eye of secular authorities (STRO, II/86). In Poreč, clerics are mentioned in the prohibition of walking around at night without a fire or light (STPO, III/36).

JEWS IN THE STATUTES

Although Jews were very important as money lenders for the commercial and monetary transactions of cities with a shortage of cash (Peršič, 1999), they are mentioned in the statutes quite briefly, mostly in later versions of the statutes and in supplements.

In **Trieste**, Jews who came to the city had to wear a yellow O sign on their chests, as in Venice, Padua and elsewhere. The penalty for disobeying this stipulation was 10 pounds, but it was not enforced on the first day of a Jew's arrival in the city. The families of the Trieste moneylenders Michael, Urso and Jacob did not wear the sign. The approved interest on a loan was 4 *bagatini* per pound (240 brigantini each) per month (20 percent per annum) (STTS 3, III/94, 94 R.ca). During the Holy Week and on holidays, the courts were not available to Jews (STTS 3, II/3, additio 1460).

The statutes of Muggia, Izola and Piran also included a Jewish oath before the court that was almost identical in content, the Muggia version was Italian, the Izola and Piran Latin. In **Muggia**, a Jew swore by the 'true God, by the God of Abraham, Isaac and Jacob, by the God who created heaven and earth, by the holy law that God gave to the Jewish ancestors on Mount Sinai in the hands of Moses on two stone tablets, written with the finger of God, and by the Ark of the Covenant,' that he would speak the truth about everything he knew and about which he would be interrogated, otherwise he would suffer the most severe punishments (STMU 2, VI/101 (63)). Jewish books written in Hebrew were not trusted in Muggia, except for bankers' books. A Jew who did business with a Christian had to record this in Latin in the presence of at least one witness (STMU 2, VII/767). Jews were not allowed to participate in carnival dancing, which was associated with the Catholic faith (STMU 2, VII/59).

A Jew or Jewess who wanted to lend at interest and have a *bancum* in **Koper** had to register with the podestà's office. Jews lent at interest and accepted pledges. They did not have to wear the O or any other sign. Butchers gave them meat and allowed them to slaughter animals according to their own regulations. They did not lend money on Saturdays and their holidays (STKP, II/76). A Koper resident was not allowed to be a guarantor for a Jew or accept money from a Jew on behalf of a foreigner (STKP, I/22). According to the Doge's decree, Jews were not allowed to buy real estate in territories under Venetian rule. The acquired real estate had to be sold within two years, otherwise the owner would lose it. For freeing the pledge from Jews, the podestà's chancellor received 3 pennies per pound, 2 of which went to the herald, and a judge had to be present at the decision (STKP, III/7).

In **Izola**, Jews were allowed to lend money at interest in accordance with contracts (STIZ, IV/14). When Jews sold the pledge of debtors, they had to store the excess purchase price in the grain warehouse *fonticus*, whereof a chancellor kept account (STIZ, IV/175). Izola residents were forbidden to guarantee a foreigner against a Jew living in Izola (STIZ, IV/22, 72). The Jewish oath before the court was added to the Izola statutes in 1487 (STIZ, IV/180).

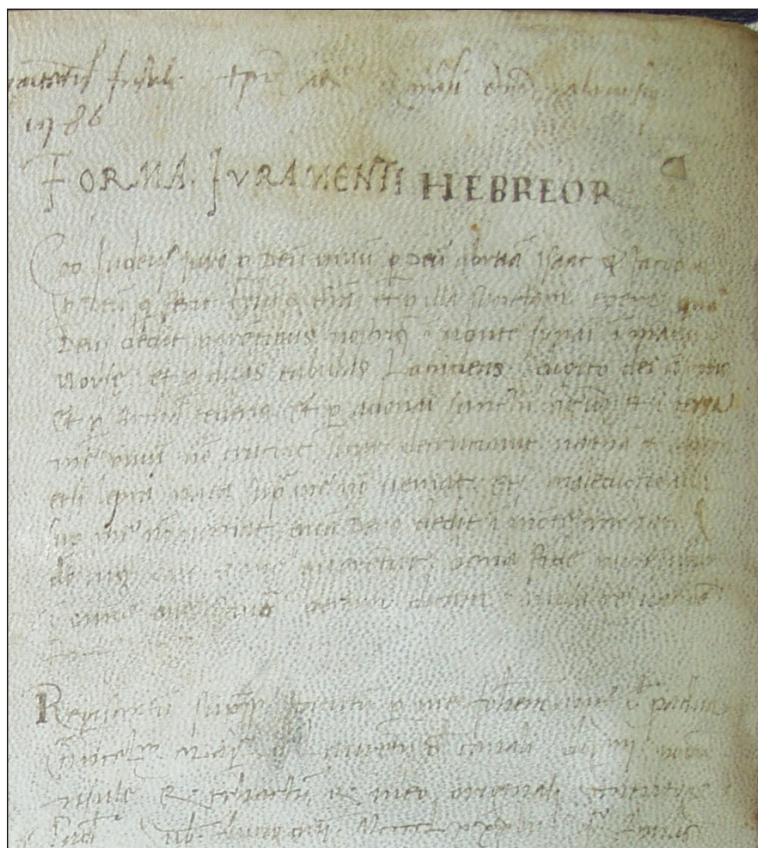


Fig. 8: The 1487 Jewish oath from Izola (HR-DARI, STIZ, IV/180).

The Piran statutes contain a provision that neither citizens nor foreigners may lend at interest in **Piran** or its district (STPI, 609–611), and this activity was carried out by Jews. The Jewish oath in the Piran court was subsequently added to the Piran statutes (STPI, 748–749). Jews lent against a pledge, which was sold at auction in the event of the debtor's insolvency. In 1488, the Piran pretor, Mr Andreas Paradisus, judged on behalf of the Venetian authorities in a dispute between the city herald Nicolaus Marzanesi and the Piran moneylender Samuel Hebreus over the fee demanded by the heralds, which Samuel objected to. According to the ruling, for a herald's sale of a pledge up to a value of 30 shillings, the herald received 6 pennies, 1 shilling (12 pennies) for a value of 30 to 40 shillings, and 2 shillings for a value over 40 shillings. If the pledge was not sold, he received half the payment. The chancellor received 3 pennies per pound of proceeds for the notes for a pledge sold at auction, and half this sum for his work if the pledges remained unsold (STPI, 769–771).

CONCLUSION

In Mediterranean cities and towns, statutes were formed as legal acts of urban autonomy from the end of the twelfth century. Their provisions affected the areas of urban administration, economy, public life and order, criminal law, family law, etc. They maintained order in everyday life with their regulations and punishments for offenders. Trieste, Muggia, Koper, Izola and Piran (as well as other Istrian towns) also laid down their own statutes following the example of other Mediterranean cities. Many stipulations of their statutes concerned foreigners, which primarily included all non-natives. Not only newcomers from more distant destinations, but also residents of nearby cities had the status of foreigners in this sense in their mutual relations. Within the settlement, the statutes also treated as foreign and special: Jews, the clergy, the helpless, sick, vagrants, etc.

Foreigners are mentioned in the statutes in various contexts – if we highlight all or most of them, a fairly comprehensive and versatile picture of all aspects of life in the city emerges. In their attitude towards foreigners or non-natives, the cities were distrustful both in terms of the possible physical danger they posed and in terms of economic protectionism. However, they did not completely reject foreigners in advance, but rather accepted foreign newcomers into their midst in accordance with their own interests and granted them the status of (new) settlers or citizens (*vicini, cives*).

The statutes restricted the connections of locals with foreigners. A fellow citizen had to always come first for local citizens, ahead of relatives and friends who were not locals. A citizen was not allowed to join or associate with a foreigner whom he knew was an opponent of one of his fellow citizens. Statutory stipulations sought to prevent risky cooperation with foreigners that could harm locals, and they prohibited pledges, sureties and legal representation for foreigners. Foreigners are mentioned in the statutes, along with citizens and city inhabitants, as potential offenders, violent people and criminals, but also as victims. The mayor and officials adjudicated in legal proceedings involving foreigners.

Statutory stipulations reflected concern for the urban environment and cultivated hinterland, its use having been restricted for foreigners. In economic terms, cities protected their interests; they accepted foreigners when they were beneficial for their economic policy and rejected them when they presented unfavourable competition. The key economic sector in cities that included foreigners was trade, to which the statutes paid great attention. Cities were protective in the regulation and control of their own production of elite export goods of wine, oil, and salt, preventing their import. On the other hand, they openly accepted the import of food and other goods, which were in short supply in the cities. In this sense, they limited or supported the activities of foreign merchants. Cities denied foreigners ownership of their territory and real estate. Natives were not allowed to alienate, sell, pledge, give as a dowry, inheritance in a will, or lease or give them to be cultivated by non-natives.

The cities accepted select foreigners and enabled them to integrate into their environment on equal footing. The new settlers and townspeople are mentioned in the statutes in numerous connections, from which it is clear that they acquired the rights and obligations of the locals. Regarding the procedure and rules for acquiring settlement rights, the statutes of Trieste and Muggia, which contain an oath of the neighbourhood and permanent residence in the city (*vicinancia et habitatio perpetualis*), are particularly instructive among those examined.

Among the statutes examined, those of Trieste in particular focus on relations with the clergy. The criminal competences of the city authorities were also extended to include offenders from among the clergy. The statutes of Muggia mention the procedure for disputes between laymen and the clergy, while the statutes of the other three investigated cities do not mention the judicial hearing of the clergy, which was probably under the jurisdiction of Church authorities.

Although Jews were very important as money lenders for the commercial and monetary transactions of cities with a shortage of cash, they are mentioned in the statutes quite briefly, especially in later redactions and supplements. The statutes of Muggia, Izola and Piran also included an oath taken by Jews before the court, by which they undertook to confess and testify according to the truth and to the best of their knowledge.

TUJCI V STATUTIH MEST TRST, MILJE, KOPER, IZOLA IN PIRAN: OD VISOKEGA SREDNJEGA DO ZGODNJEGA NOVEGA VEKA

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POVZETEK

V mediteranskih mestih so se od konca 12. stoletja oblikovali statuti kot pravni akti mestne avtonomije. S svojimi določili so posegali na področje mestne uprave, gospodarstva, javnega življenja in reda, kazenskega, družinskega prava itd. S predpisi in kaznimi za kršitelje so vzdrževali red v vsakdanji življenjski praksi. Svoje statute so po zgledu mediteranskih imela tudi mesta Trst, Milje, Koper, Izola in Piran (kot tudi druga istrska mesta). Številna določila njihovih statutow zadevajo tujce, med katere so sodili prvenstveno vsi nedomačini. Ne le prišleki iz bolj oddaljenih destinacij, ampak tudi prebivalci bližnjih mest, so imeli v tem smislu v medsebojnem razmerju status tujcev. Znotraj naselbine pa so statuti kot tuje in posebne obravnavali tudi v mestih živeče Jude in nekatere družbene skupine, npr. klerike ter nemočne, bolne, klateže ipd.

Tujci se v statutih omenjajo v različnih zvezah – če izpostavimo vse oz. večino od njih, se izriše dokaj celovita in vsestranska podoba vseh plasti življenja v mestu. V odnosu do tujcev – nedomačinov – so bila mesta nezaupljiva tako v pogledu možne fizične nevarnosti, ki so jo predstavljali, kot glede gospodarskega protekcionizma. Niso pa tujcev vnaprej povsem odklanjala, ampak so tuje doseljence v skladu z lastnimi interesi sprejemala v svojo sredino in jim podeljevala status (novih) naseljencev ali meščanov (*vicini, cives*).

Statuti so povezave domačinov s tujci omejevali. Sokrajan je moral biti domačim meščanom vselej na prvem mestu, tudi pred sorodniki in prijatelji, ki niso bili domačini. Meščan se ni smel pridružiti ali povezati s tujcem, za katerega je vedel, da je nasprotnik kakega njegovega sokrajana. Statutarni odloki so skušali preprečiti tvegano sodelovanje s tujci, ki bi privedlo do oškodovanja domačinov, prepovedovali so zastave, poročstva in zastopstva za tujce. Tujci se v statutih obenem z meščani in prebivalci mest omenjajo kot možni prestopniki, nasilneži in kriminalci, a tudi kot žrtve. V pravnih obravnavah za zadeve, v katere so bili vpleteni tujci, je razsojal mestni glavar z uradniki.

Statutarni odloki so odražali skrb za mestno okolje in kultivirano zaledje, katerega koriščenje je bilo za tujce omejeno. V gospodarskem pogledu so mesta varovala svoje koristi; tujce so sprejemala, kadar so se prikladno vklapljali v njihovo gospodarsko politiko, in odklanjala, kadar so zanja pomenili neugodno konkurenco. Ključna gospodarska panoga v mestih, ki je vključevala tujce, je bila trgovina, ki so ji statuti namenjali veliko pozornost. Mesta so protekcionistično varovala in nadzirala lastno proizvodnjo elitnih kultur vina, olja in soli, ki so jih namenjala izvozu in preprečevala njihov uvoz, po drugi strani pa so odprtih rok

sprejemala uvoz prehranskih in drugih dobrin, ki jih je v mestih primanjkovalo. V tem smislu so omejevala ali podpirala dejavnost tujih trgovcev. Mesta so tujcem odrekala lastništvo svojega ozemlja in nepremičnin. Teh ni bilo dovoljeno odtujiti, prodati, obvezati, dati kot doto, zapustiti v oporoki ali oddati v zakup ali v obdelavo nedomačinom.

Izbrane tujce so mesta sprejela in jim omogočila enakopravno vključitev v svojo sredino. Novi naseljenci in meščani se v statutih omenjajo v številnih povezavah, iz katerih je razvidno, da so pridobili pravice in obveznosti domačinov. Glede postopka in pravil pri pridobitvi naseljenjskih pravic so med pregledanimi zlasti povedni tržaški in miljski statuti, ki vsebujejo prisego mestne soseske in stalnega bivanja v mestu (vicinancia et habitatio perpetualis).

Med pregledanimi statuti se zlasti tržaški statuti podrobno posvečajo odnosom s kleriki. Kazenskopravne kompetence mestne oblasti so širili tudi nad prestopnike iz vrst duhovščine. Miljski statuti omenjajo postopek v sporih med laiki in kleriki, medtem ko statuti ostalih treh obravnavanih mest sodne obravnave duhovščine ne omenjajo – verjetno je bila v pristojnosti cerkvenih instanc.

Čeprav so bili za blagovno-denarno poslovanje mest, kjer je primanjkovalo gotovine, Judje kot posojevalci denarja zelo pomembni, so v statutih omenjeni dokaj lapidarno, predvsem v kasnejših redakcijah statutow in v dodatkih k njim. Miljski, izolski in piranski statuti so vključevali tudi prisego Judov pred sodiščem, s katero so se zavezali, da bodo izpovedali in pričali po resnici in svojem vedenju.

Ključne besede: srednjeveški mestni statuti, tujci, duhovščina, Judje, doseljenci, vicini

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