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Josip Banič – Sebastiano Blancato, *The Agreement between the Patriarchate of Grado and the Patriarchate of Aquileia Regarding the Metropolitan Jurisdiction over Istrian Bishoprics (24th of July, 1180): New Critical Edition of the Charter* • Jaka Banfi, Jošt Helfenberški (Soteški) (ok. 1388–1458): krvnik Veronike Deseniške? • Aleksander Panjek, Črna leta in rdeče številke Ivana Černeta, župana v Tomaju sredi 18. stoletja: o dolžniško-upniških razmerjih na podeželju • Matic Batič, »Mislimo sicer nemško, čutimo nemško, a nikomur ne bomo zamerili njegovega drugačnega mišljenja«. Nemški goriški list Görzer Wochenblatt in njegova politična usmeritev • Matic Kristan, Anton Sovre med puško in kredo (1906–1929) • Denis Cerkenik, Kozaški korpus v službi nacistov s posebnim ozirom na obdobje delovanja v Operacijski coni Jadransko Primorje (1944–1945) • Goranka Kreačič, Miloš Štibler o sodobnikih: fragmenti iz dnevninskih zapisov

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Razprave

Josip Banić – Sebastiano Blancato

The Agreement between the Patriarchate of Grado and the Patriarchate of Aquileia Regarding the Metropolitan Jurisdiction over Istrian Bishoprics (24th of July, 1180): New Critical Edition of the Charter

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The Agreement between the Patriarchate of Grado and the Patriarchate of Aquileia Regarding the Metropolitan Jurisdiction over Istrian Bishoprics (24th of July, 1180): New Critical Edition of the Charter

Historical Review, Ljubljana, *Zgodovinski časopis*, Ljubljana 77/2023 (167), No. 1–2, pp. 8–37, 43 notes
Language: En. (Sn., En., Sn.)

The paper analyzes, critically edits, and translates a treaty signed between the Patriarchate of Grado and the Patriarchate of Aquileia in 1180 whereby the former relinquished to the latter all the claims over Istrian bishoprics, mainly the metropolitan rights, the patriarchal treasury, and some other possessions in the vicinity of Aquileia, thus ending a dispute that plagued the relations between the two patriarchates for centuries and provoked several armed conflicts. As such, the document presents one of the most important historical sources in the context of medieval Istria and the Patriarchate of Aquileia, but the charter itself was never critically edited according to modern ecdotical standards. The authors aim to change this by critically editing the charter, both the treaty as well as the subsequent papal confirmation, and translating this seminal document into English in an effort to make it more accessible to a wider range of professional and non-professional audiences.

Keywords: the Patriarchate of Aquileia; the patriarchate of Grado; Pope Alexander III; Venice; Istria; 12th century.

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Sporazum med gradeškim in oglejskim patriarhatom o metropolitanski jurisdikciji nad istrskimi škofijami (24. julij 1180): Nova kritična izdaja listine

Članek analizira, kritično objavlja in prevaja pogodbo, podpisano med gradeškim in oglejskim patriarhatom leta 1180, s katero se je prvi odpovedal vsem zahtevam do istrskih škofij, predvsem metropolitanskim pravicam, patriarhalni zakladnici in nekaterim posestvom v bližini Ogleja, s čimer se je končal spor, ki je stoletja obremenjeval odnose med obema patriarhatoma in povzročil več oboroženih spopadov. Dokument predstavlja enega najpomembnejših zgodovinskih virov v kontekstu srednjeveške Istre in oglejskega patriarhata, sama listina pa ni bila nikoli kritično objavljena v skladu s sodobnimi egdotičnimi standardi. Avtorja popravljata to stanje s kritično objavo pogodbe same kot poznejše papeške potrditve, ter njunim prevodom v angleščino, da bi bila dokumenta tako dostopnejša širšemu krogu občinstva.

Ključne besede: Oglejski patriarhat; Gradeški patriarhat; papež Aleksander III; Benetke; Istra; 12. stol.

It was the 24th of July, 1180, when the incumbent patriarch of Grado, Enrico Dandolo – a progeny of the famed Venetian noble house whose offspring included triumphant Doge Enrico Dandolo, the patriarch's nephew – finally reached a mutually acceptable settlement with the representatives of Aquileian Patriarch Ulrich II of Treffen.¹ On this fateful day a definitive treaty was solemnly signed, officially sanctioning the Patriarchate of Grado's renunciation of all the claims over Istrian bishoprics, that is, its metropolitan right, thus ending a conflict that had begun centuries ago, during the distant early medieval era of Lombard and Frankish lordship in Friuli. This seminal document, one that profoundly impacted the subsequent historical trajectory of Venice, the Patriarchate of Aquileia, and, most notably, Istria, has never been critically edited according to the standards of modern ecdothics.² The present contribution aims to change this by critically editing the fateful treaty and translating it into modern English in an effort to make it more accessible to as wide a range of audiences as possible. First, the author briefly outlines the contours of the centuries-long dispute that reached its conclusion with the official promulgation of the 1180 treaty. Second, the textual and archival tradition of the document in question is examined and discussed, showing that the text survives in three main manuscript traditions, all of which are then taken into account in the critical edition. Finally, the author briefly analyzes the contents of the treaty, correcting some long-enduring mistakes regarding the identification of the mentioned toponyms and offering a detailed summary of the document's subject matter.

Grado vs. Aquileia

The centuries-long conflict between the two patriarchates for the metropolitan rights over the bishoprics of Istria is a well-known, thickly described and meticulously analyzed chapter of both Venetian and Friulian historiography.³ It would

¹ On Patriarch Enrico Dandolo, see Cracco, "Dandolo, Enrico,"; Madden, *Enrico Dandolo*, 19–38.

² See e.g., Petrucci, "L'edizione," pp. 69–80; Stipišić, *Pomoćne*, pp. 175–80; Cammarosano, *L'edizione*, pp. 29–54. The same Cammarosano lamented back in 1988 that he was forced to analyze the seminal document based on "mediocre" editions; Cammarosano, "L'alto Medioevo," p. 113 fn. 22.

³ Meyer, *Spaltung*; Lenel, *Venezianisch-Istrianische Studien*, pp. 14–97; Kehr, *Rom und Venedig*, pp. 56–101; Schmidinger, *Patriarch und Landesherr*, pp. 12–16; Rando, *Chiesa di Frontiera*, pp. 73–83; Madden, "Alexander III," pp. 316–37; Štih, "Gradež kot *Aquileia nova*," pp. 354–67.

therefore be redundant to re-narrate it here in detail, but a short overview is needed to contextualize the hereby-edited treaty.

In summary, the seed from which the fateful conflict would eventually spring was planted already in the 6th century when the Lombards descended into Friuli and subjected great parts of the former Roman province of *Venetia et Histria*.⁴ During this invasion, the incumbent patriarch of Aquileia Paul ran from Aquileia and, together with the treasury of his Church, relocated to a safer location – Grado.⁵ The so-called Three Chapters Controversy further divided the ecclesiastical province of Aquileia when, in 607, the newly elected patriarch of Grado Candidian officially accepted the decrees of the Second Ecumenical Council of Constantinople, provoking the remaining schism-supporting clergy to gather behind a newly elected patriarch, John, with his seat in the “old” Aquileia.⁶ When, at the end of the 7th century, the Lombard patriarch of Aquileia finally renounced the schism, the two patriarchates were officially recognized by the Apostolic See: the Byzantine Patriarchate of Grado and the Lombard Patriarchate of Aquileia.⁷ From this moment on the two patriarchs split between themselves the once integral ecclesiastical province of Aquileia: the patriarch of Grado retaining the metropolitan jurisdiction over the Byzantine parts (Venetian duchy and Istria), and the patriarch of Aquileia over the Lombard jurisdictions of the former *Venetia et Histria*.⁸ The entire situation was further complicated by the Frankish conquest of the Lombards (774/76) and the annexation of Byzantine Istria (most probably in 788, *terminus ante quem* 791) when the territory united under one temporal jurisdiction (Charlemagne) remained divided between two metropolitans.⁹

This division would eventually engender numerous disputes, controversies, and ultimately even armed conflicts between the two patriarchs, both of whom pressed claims over Istrian bishoprics as their lawful metropolitans. While the Synod of Mantua of 827 officially recognized the patriarch of Aquileia as the sole metropolitan over Istrian bishoprics, the conflict was far from over as the Venice-backed

⁴ *HL*, book 2, chaps. 7–9, ed. Bethmann–Waitz, pp. 89–91. See also, Krahwinkler, *Friaul*, pp. 29–35; Borri, “Arrivano i barbari,” pp. 224–28.

⁵ *HL*, book 2, chap. 10, ed. Bethmann–Waitz, p. 92; Bratož, *Med Italijo*, 519–20; Štih, “Gradež kot *Aquileia nova*,” 354; Colombi, “Storie di cronache,” pp. 761–807 (the most extensive analysis of the episode based on all the principal primary sources).

⁶ *HL*, book 4, chap. 33, ed. Bethmann–Waitz, pp. 159–60; Cuscito, *Cristianesimo antico*, 304–10; Cammarosano, “Aquileia e Grado,” pp. 129–55; Bratož, *Med Italijo*, p. 563; Fon, “Istrska cerkev”. On Three Chapters Controversy the literature is substantial, see e.g., Cuscito, “Aquileia e Bisanzio”; Sotinel, “The Three Chapters.”

⁷ *Carmen de synodo Ticinensi*, ed. Bethmann, pp. 189–91; Cuscito, *Cristianesimo antico*, pp. 310–12; Krahwinkler, *Friaul*, p. 79; Bratož, *Med Italijo*, p. 567; Štih, “Gradež kot *Aquileia nova*,” p. 355.

⁸ Fedalto, *Aquileia* is a comprehensive monographic treatment on the topic. See also, Rando, *Chiesa*, pp. 13–132; Bratož, *Med Italijo*, pp. 505–67.

⁹ Štih, “Gradež kot *Aquileia nova*,” p. 355. Krahwinkler, *Friaul*, pp. 119–43 for a comprehensive analysis of Charlmagne’s actions in Friuli between 774 and 776; Benussi, *Nel medio evo*, pp. 116–17 for the Frankish annexation of Istria, showing that 788 is indeed the most likely year when it took place.

Patriarchate of Grado simply refused to accept and implement the decrees of the Mantuan synod.¹⁰ The subsequent centuries saw not only both patriarchs procuring privileges from the Roman popes (and in the case of Aquileian patriarchs also from the Roman kings/emperors) in favor of their Church and to the detriment of their opponents, but there was also Patriarch Poppo's military invasion of Grado of 1024 whereby the patriarchal treasury was stolen and taken back to Aquileia.¹¹ Another military invasion of Grado was undertaken by Patriarch Ulrich II of Treffen in the 1160s, this one ending in utter failure for the invading cleric who had to spend some time in the Venetian prison; as a condition of his release, the defeated patriarch had to sign a humiliating treaty obliging the heads of his Church to a yearly tribute of twelve loaves of bread and twelve pigs due to the doge of Venice, a tribute that would remain an integral part of Veneto-Aquileian treaties for centuries to come.¹²

Following the failed attempt at a military invasion of Grado, Patriarch Ulrich II slowly began changing his political standpoints throughout the 1160s, remaining faithful to the emperor, but also becoming more supportive of Pope Alexander III.¹³ By 1169 not only did the Aquileian patriarch manage to be officially recognized as the lawful head of his Church by the Roman pontiff, but he was also made an

¹⁰ *Concilium Mantuanum*, ed. Werminghoff, pp. 583–89; Fedalto, *Aquileia*, pp. 224–26; Krahwinkler, *Friaul*, pp. 172–79; Štih, “Gradež kot *Aquileia nova*,” pp. 356–57; Azzara, “Patriarchi contro,” pp. 287–97.

¹¹ Štih, “Gradež kot *Aquileia nova*,” pp. 357–66. Privileges in favor of Aquileia: *Conradi II. et Iohannis XIX. synodus Romana*, ed. Weiland, pp. 82–84; *Papsturkunden 2*, doc. 578, ed. Zimmermann, pp. 1093–94 (both privileges were issued in 1027); *Conradi II. diplomata*, doc. 205, ed. Bresslau, pp. 277–78 (issued in 1034); Ughelli, *Italia sacra* 5, cols. 62–63 (Pope Innocent II's 1132 privilege), 65–66 (Pope Alexander III's 1177 privilege), the last two papal privileges confirm the metropolitan right over Istrian bishoprics. Privileges in favor of Grado: *Papsturkunden 2*, docs. 561–62, 618, ed. Zimmermann, pp. 1057–63 (Pope John XIX privilege of 1024), 1159–164 (Pope Benedict IX's privilege of 1044) *PL* 143, doc. 82, ed. Migne, col. 727 (Pope Leo IX's 1053 recognition of Grado as *Aquileia nova*); subsequent papal privileges – Ughelli, *Italia sacra* 5, cols. 1120–1121, 1124 (Pope Innocent II's privilege of 1135, Pope Lucius II's privilege of 1144, Pope Hadrian's privilege of 1157, all of them confirming old privileges); Corner, *Ecclesiae Venetae* 3, pp. 73–74 (Pope Alexander III's confirmation privilege of 1161) – are not formulated in direct opposition to the metropolitan rights of the Patriarchate of Aquileia, but they do confirm older privileges, some of them explicitly referencing Pope Leo IX's 1053 privilege; see also Rando, *Una chiesa*, pp. 75–83. For Patriarch Poppo's invasion of 1024: Andrea Dandolo, *Chronica per extensum*, ed. Pastorello, pp. 205–6; *Translatio sanctae Anastasiae*, ed. Wattenbach, pp. 225–26; Paschini, “Il patriarca Poppo,” pp. 93–95; Paschini, “Vicende del Friuli,” pp. 18–21.

¹² *PV* 12, ed. Härtel, pp. 46–51 and 52–55 for primary sources; Marino Sanudo, *Le Vite dei dogi*, ed. Monticolo, pp. 256–59 fn. 1; Paschini, “I patriarchi d'Aquileia,” p. 120. It should be noted that the oldest chronicler who explicitly connects the Aquileian tribute of twelve loaves of bread and twelve pigs to Patriarch Ulrich II's imprisonment in Venice is not Andrea Dandolo, as stated by Härtel (cited above), but the so-called “Chronicler Mark” who penned his account in 1292: “Ceperunt itaque Acquilegenssem patriarcham, ducem Carentani et magnam quantitatem hominum Foroiuliensium et Carentanorum quos conduxerunt Rivoaltum in captivitate. Iuxta hec inter eos concordia facta fuit, propter quod dictus patriarcha annuatim pro tributo duci Venetorum exhibet duodecim panes magnos et duodecim porcos non parvos.”; Zon, “Estratti,” p. 263.

¹³ Paschini, “I patriarchi d'Aquileia,” p. 126, 128–31; Härtel, “Friedrich I.,” pp. 326–30; *PV* 12, ed. Härtel, p. 58; Madden, “Alexander III,” p. 331.

official legate of the Apostolic See.¹⁴ Moreover, the relations between Venice and the incumbent patriarch of Aquileia also drastically improved due to Ulrich II's support of Pope Alexander III.¹⁵ Following Emperor Barbarossa's ignominious defeat at the Battle of Legnano of 1176, the stage was set for a peace treaty between the Empire and the Papacy, a diplomatic endeavor whereby Patriarch Ulrich II, an *amicus communis* of both parties, could play a seminal (and a remunerative) role of a mediator.¹⁶ Indeed, the patriarch of Aquileia was present throughout the ensuing peace negotiations between Emperor Frederick I and Pope Alexander III that were taking place in Venice during the spring and summer of 1177; he was also there, right next to the emperor (to whom he translated the pope's Latin into German vernacular) and with his impressive retinue counting three hundred men (at least according to contemporary Venetian chronicles) when the momentous peace treaty was finally promulgated on the 24th of July.¹⁷

For his diplomatic efforts, Patriarch Ulrich II was aptly rewarded by the emperor and by the pope, both of whom issued solemn privileges in favor of the Church of Aquileia following these fateful events.¹⁸ As Pope Alexander III solemnly confirmed Aquileian patriarch's metropolitan jurisdiction over all Istrian bishoprics, the centuries-long conflict between Grado and Aquileia was, at this point (if not already in 1132 with Pope Innocent II's privilege), effectively over.¹⁹ However, the definitive treaty that would officially and solemnly sanction the end of this historic dispute would only be reached three years later when, again in the presence of Pope Alexander III, Patriarch Enrico of Grado met with the representatives of Patriarch

¹⁴ First time using the title "Dei gratia sancte Aquilegensis ecclesie patriarcha et Apostolice Sedis legatus" in March of 1169: *MDC* 3, doc. 1123, ed. Von Jaksch, pp. 421–22; Paschini, "I patriarchi d'Aquileia," p. 132; Härtel, "Friedrich I.," pp. 311, 329–30.

¹⁵ *PV* 12, ed. Härtel, pp. 58–59 for some examples.

¹⁶ Paschini, "I patriarchi d'Aquileia," pp. 142, 151–56; Härtel, "Friedrich I.," pp. 330–38. On the Battle of Legnano, see Freed, *Frederick Barbarossa*, pp. 389–91.

¹⁷ Romuald of Salerno, *Chronicon*, ed. Garufi, pp. 284–85; *Historia ducum Venetorum*, ed. Berto, p. 54; Andrea Dandolo, *Chronica per extensum*, ed. Pastorello, pp. 262–64. The text of the peace treaty: *Pactum praeivum inter imperatorem et Ecclesiam*, ed. Weiland, pp. 362–65. Madden, "Alexander III," pp. 332–35 offers a detailed account of these events.

¹⁸ *Friderici I. diplomata*, docs. 685, 791, ed. Appelt, pp. 199–200, 354–56; Ughelli, *Italia sacra* 5, cols. 65–66.

¹⁹ "Venerabilis in Christo frater Aquileiensis patriarcha, tibi et per te sancte Aquileiensi ecclesie, cui auctore Deo preesse dignosceris, ad exemplar predecesoris nostri bone memorie Adriani pape, potestatem super sexdecim episcopatus, videlicet Polensem, Tergestinensem, Parentinensem, Petenensem, Emonensem, Concordiensem, Tarvisiensem, Cenetensem, Bellunensem, Feltrensem, Paduanensem, Vicentinensem, Tridentinensem, Mantuanensem, Veronensem, Cumanensem, metropolitico iure concedimus. Item Iustinopolitanam vero ecclesiam, quam tibi et ecclesie tue nichilominus confirmamus, sedem episcopalem de omnium fratrum nostrum consilio instituimus." Ughelli, *Italia sacra* 5, col. 65; *Le carte del capitolo della cattedrale di Verona* 2, doc. 76, ed. Lanza, pp. 140–43. See also, Paschini, *Storia del Friuli*, pp. 279–81; Cammarosano, "L'alto medioevo," pp. 111–12; Härtel, "Friedrich I.," pp. 344–45. For Pope Innocent II's privilege (preserved in original in ACU, Raccolta Pergamene, vol. 1A, doc. 11), confirming the same metropolitan jurisdiction (minus the Bishopric of Koper that did not exist at the time), see Ughelli, *Italia sacra* 5, cols. 62–63; Härtel, "Friedrich I.," p. 338.

Ulrich II in Rome during the Third Lateran Council of 1179.²⁰ The outcome of these negotiations was the 1180 treaty hereby edited, confirming the *status quo* and essentially confirming the decision of the distant Synod of Mantua of 827.²¹ Solemnly promulgated before the pope, nine cardinals, eight invited witnesses from Istria, the Veneto, Cremona and Pisa, and officially attested to by the handwritten signatures of five bishops of the ecclesiastical province of Aquileia, the treaty ceremoniously marked an end of an era, ushering in a new period of Veneto-Aquileian relations.

The 1180 Treaty

The 1180 treaty has thus far been edited only by Fernando Ughelli in the 5th volume of his *Italia sacra* series.²² From there it was taken over by Giuseppe Cappelletti and by Pietro Kandler, but the edition has remained identical.²³ As will be shown, Ughelli based his edition of the treaty on a late-14th-century copy of the treaty that features some erroneous transcriptions and blank spaces. Coupled with Ughelli's liberal use of emendations to "fix" the text, the edition leaves much to be desired.

The text of the treaty survives only in later copies, the two principal ones being either coeval to the original or made very shortly thereafter. First, there is an imitative copy of the treaty written on a particularly large piece of parchment that is held in the State Archive in Venice.²⁴ This imitative copy was not known to any editor and remained unedited to this day. Based on paleographical evidence, the fact that the script can be characterized as a transitional form from late Carolingian miniscule (or Praegothisca) into early Gothic, and especially on the nowadays unfamiliar form of the letter -z that "resembles -h with a long stroke at the top of the shaft" (as featured in the word "Zemulis"), the imitative copy is dated to roughly the same age in which the original treaty was written.²⁵ The same script was used in the famous *Tabula Peutingeriana* that is, also based on the paleographical evidence, dated to c. 1200.²⁶ The imitative copy, hereby dubbed B, contains only the text of the treaty and features two lists of witnesses in the eschatocol: the first list featuring only the names of the witnesses next to the word "testis", whereas the second one lists the name of the witnesses next to a sign of the cross, the names given in subjective form with the verb *subscribere* in the first person of perfect indicative active (*et ego N subscripsi*). The two lists of witnesses are physically

²⁰ Tanner, *Decrees* 1, pp. 205–6.

²¹ Lenel, *Venezianisch-Istrische*, p. 97; *PV* 12, ed. Härtel, p. 60.

²² Ughelli, *Italia sacra* 5, cols. 1129–131.

²³ Cappelletti, *Le chiese* 8, pp. 252–56; *CDI*, doc. 166, ed. Kandler, pp. 311–14.

²⁴ ASV, Miscellanea ducali e atti diplomatici, busta 6, filza B, reg. 13. On imitative copies (Germ. *Nachzeichnungen*), defined as copies that do not only aim to reproduce the tenor of the originals, but that "try to imitate in entirety or in part also their graphic characteristics", see Bresslau, *Manuale*, p. 85.

²⁵ Streinmann, "Paleography," p. 80 (quotation). On Praegothisca, see Derolez, *The Palaeography*, pp. 56–71.

²⁶ Streinmann, "Paleography," pp. 83–85.

separated from each other, the second one indented to the right and written below the first one. Sitting uneasily between the two lists of witnesses is a Vivian, “presbiter Gradensis ecclesie” who is featured in the first list, but with the “subscripti” instead of the “testis” added after his name. Since the second list of witnesses features only bishops, the Vivian in question was most likely a mere witness to the act that did not put the handwritten sign of the cross on the document as did his hierarchically more elevated peers. The parchment is unfortunately damaged by moisture, rendering certain parts unreadable. Luckily, these parts can easily be reconstructed from other surviving exemplars.

The second copy is the one inserted in Pope Alexander III’s confirmation of the treaty issued six days after the settlement had been reached, that is, on the 30th of July, 1180. This confirmation survives as a simple copy coeval to the original or made very shortly thereafter and it is held in the Archive of Udinese Chapter in the Diocesan Archive in Udine.²⁷ The script of the copy is the same transitional type employed in B and it even features the same peculiar form of the letter -z as the Venetian imitative copy. This copy was known to Gian Rinaldo Carli who published parts of it in his appendix to *Antichità italiane* and also offered some corrections to Ughelli’s edition.²⁸ This copy was also known to Paschini who erroneously interpreted it as the original.²⁹ Both Carli and Paschini misread the original written “Zemulis” as “Hemulis” due to the already mentioned peculiarity of the letter’s form.³⁰ This exemplar, hereby dubbed C, features later interpolations in the first part concerning papal confirmation, changing phrases such as “nobis et fratribus nobis” (referring to Pope Alexander III) into “felicis recordationis Alexandro predecessori nostro et fratribus eius.” These “emendations” were interpreted by Paul Fridolin Kehr as corrections made by the papal curia as they were preparing to issue a confirmation of the said privilege.³¹ Be that as it may, the exemplar in question features both the papal confirmation and the text of the treaty, but the series of witnesses includes only those from the first list of B and without the aforementioned Vivian. In any case, exemplar C is very similar to B and readable in its entirety, making the lacunae from parchment damage in B easily reconstructable from C. Unlike B, which does not feature either suffixal -ae or -e, C does, however occasionally and irregularly, introduce the suffixal -e in place of the classical diphthong -ae.

Finally, there is a notarial copy made on the 6th of April, 1397, by Aloysius Foscari, a cleric and canon of Chioggia, who copied the original treaty by the mandate of Bishop of Castello Leonardo Dolfino.³² The copy was certified by two other

²⁷ ACU, Raccolta Pergamene, vol. 1A, doc. 17.

²⁸ Carli, *Appendici*, pp. 194–96, subsequently partially taken over in *CDI*, doc. 165, ed. Kandler, p. 310.

²⁹ Paschini, “I patriarchi d’Aquilaia,” p. 175 fn. 3.

³⁰ Carli, *Appendici*, p. 195; Paschini, “I patriarchi d’Aquilaia,” p. 175.

³¹ “Textus in B [referring to the exemplar I dubbed C] correctus est in curia Romana novae privilegii confirmationis recensendae causa.” *IP* 7/1, n. 102, ed. Kehr, p. 40.

³² Notary Aloysius Foscari attested twice to the document’s copy. Here is the first *in extenso* notarial attestation (based on the ms. cited in fn. 34): “In nomine domini nostri Iesu Christi, amen. Anno Eiusdem nativitatis millesimo trecentesimo nonagesimo septimo, inditione quinta,

notaries, Morando of Philip and Angelo of Luca of Gubbio, who found the copy identical to the original, although there were some parts that, as notary Aloysius himself professed in his attestation, could not be read as “*antiquitas temporis*” made them illegible.³³ This 1397 copy, hereby dubbed D, was not found in the State Archive in Venice. What survives, however, are two copies of D: one made by Philip of Rimini of late Frederick, notary and chancellor of Maffeo Girardi, the

die sexto mensis aprilis, Venetiis, in episcopatu Castellano. Hoc exemplum seu transumptum scriptum et exemplatum per me Alouisium Foscari clericum et canonicum Clugiensis ac notarium infrascriptum ex originali et autentico instrumento facto ac publicato manu Iohannis Nicolai Philippi publici notarii subscripti insinuatum fuit in presentia reverendi in Christo patris et domini domini Leonardi Delphino Dei et Apostolice Sedis gratia episcopi Castellani et a me infrascripto notario unacum Morando et Angelo notariis publicis infrascriptis cum dicto originali et autentico instrumento diligenter et fideliter auscultatum collationemque cum ipsis faciens diligentem, idem dominus episcopus reperiens ipsum exemplum seu transumptum cum predicto originali et autentico instrumento in omnibus et per omnia concordare ut ipsi exemplo seu transumpto fides plenaria adhibeatur decetero suam auctoritatem interposuit et decretum, mentione facta de suprascriptis dictionibus quas non posui, eo quod in originali instrumento videri nec legi potui, quas antiquitas temporis delinivit.” The second attestation is appended after the certification of two other notaries who inspected the copy and compared it to the original. See the following footnote.

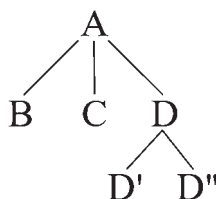
³³ Here are the *in extenso* certifications of the two notaries and the second attestation of notary Aloysius Foscari (based on the ms. cited in fn. 34): “(SN) Et ego Morandus Philippi clericus Cenetensis diocesis publicus apostolica et imperiali auctoritate notarius, quia supradictum transumptum sive copiam instrumenti cum ipso originali et autentico cum infrascriptis Angelo Luce et Ludovico notariis publicis coram supradicto reverendo in Christo patre et domino domino Leonardo episcopo Castellano vidi, legi et auscultavi, collationem cum ipsis faciens diligentem, et repperi ad invicem in omnibus et per omnia concordare, ideo hic manu propria subscripsi et signum meum consuetum apposui rogatus et requisitus in testimonio veritatis omnium premisorum.

(SN) Et ego Angelus quondam Luce de Ugubio clericus Tarvisinus publicus apostolica et imperiali auctoritate notarius suprascriptum exemplum sive transumptum et exemplatum per supra et infrascriptum Ludovicum notarium publicum a suprascripto publico et originali instrumento unacum suprascriptis Ludovico et Morando coram subscripto reverendo patre domino episcopo Castellano cum ipso originali instrumento diligenter et fideliter auscultavi, et quia ipsum transumptum cum dicto originali instrumento repperi in omnibus concordare, ideo de mandato prefati domini episcopi hic cum signo meo solito me subscripsi in testimonio et robur omnium premisorum.

(SN) Ego Aluisius Foscari clericus et canonicus Clugiensis publicus imperiali auctoritate notarius ac iudex ordinarius hoc exemplum seu transumptum a predicto originali et autentico instrumento scripto et publicato manu Iohannis Nicolai Philippi publici notarii suprascripti legaliter sumpsi et exemplavi bona fide et sine fraude, nihil addens vel minuens quod sententiam mutet vel variet intellectum. Postea unacum supradictis Morando et Angelo notariis publicis coram supradicto reverendo patre domino episcopo Castellano cum suprascripto originali et autentico instrumento vidi, legi et fideliter auscultavi collationemque cum ipsis faciens diligentem. Et quia ipsum exemplum seu transumptum cum predicto originali et autentico instrumento inveni in omnibus et per omnia concordare ut eidem exemplo seu transumpto decetero plena fides adhibeatur, de ipsi domini episcopi mandato in testimonium et robur omnium premisorum me subscripsi signumque meum apposui consuetum, sed quia in originali et autentico instrumento alique dictiones ex antiquitate temporis ita delinite erant quod videri nec legi poterant, tantummodo pro ipsis et in eodem loco, prout in ipso repperi, spacia dimisi.”

patriarch of Venice (elected 1466, confirmed 1468, †1492),³⁴ and the second one featured in the codex titled *Catasticum privilegiorum et notabilium Patriarcatus Venetiarum*, made during the reign of Tommaso Donà as the patriarch of Venice (1492–1504), and copied under the subsequently appended title *Exemplum concordii inter patriarchas Aquileiensem et Gradensem*.³⁵ These two copies of D, hereby dubbed D' and D'' respectively, are largely identical. Compared to exemplars B and C, D and its derivatives differ in some important passages. Most notably, instead of “Zemulis”, both D' and D'' have “Cenetensi”, thus erroneously referring to the distant Ceneda instead of correctly to Zëmole by Grado. Compared with existing editions of the treaty, it becomes clear that Ughelli based his edition either on the nowadays lost D or on one (or both) of its subsequent copies. Besides “Cenetensi” being transcribed instead of “Zemulis”, both Ughelli's edition and the derivatives of D feature blank spaces in exactly the same places. The fact that Ughelli introduced many “silent” emendations of his own makes any closer identification of the exemplar he had used impossible to ascertain. What can be deduced, however, is that D was not made on the basis of B because the parts that were illegible to Aloysius Foscari back in 1397 are in B perfectly legible even today.

All of the above leads to the construction of the following *stemma codicum*:



Kehr was, it would seem, either not aware of exemplar hereby dubbed B or he misinterpreted it; his regestum of the 1180 treaty states that it is preserved only as an insert in Pope Alexander III's confirmation, whereas the regestum of that confirmation states that an original of this document exists in “Atti diplomatici” series of the State Archive in Venice.³⁶ The “Atti diplomatici” series is nowadays divided into two, *Miscellanea atti diplomatici e privati* and *Miscellanea ducali e atti diplomatici* – none of the two series features the supposed original of the papal confirmation, but B is indeed featured in the second of the two archival collections. Either Kehr mistook the imitative copy of the 1180 treaty (which does not include the papal confirmation) for the supposed original or he made some other interpretative/scrubal error, but it may safely be stated that the original charters of both the 1180 treaty as well as of the subsequent confirmation issued by Pope

³⁴ ASV, Mensa patriarcale, busta 3, doc. A n. 34. Here is Philip's notarial attestation *in extenso*: “(SN) Ego Philyppus Ariminensis quondam Federici publicus imperiali auctoritate notarius necnon et cancellarius reverendi in Christo patris et domini domini Maphei Girardi miseratione divina patriarche Venetiarum Dalmatieque primatis de mandato eidem transcripsi fideliter suprascriptum transumptum et in fidem me subscripsi signumque meum apposui consuetum.” On Patriarch Girardi, see Del Torre, “Girardi, Maffeo.”

³⁵ ASV, Mensa patriarcale, busta 1, fols. 18v–19v.

³⁶ *IP* 7/1, n. 102, ed. Kehr, p. 40.

Alexander III are found neither in the State Archive in Venice nor in the Archive of Aquileian Chapter.

Subsequent later copies of either the 1180 treaty or the subsequent papal confirmation featured in 18th-century manuscripts penned by Friulian erudites – such as Giusto Fontanini, Giuseppe Bini, and Bernardo Maria de Rubeis – are not taken into consideration in this critical edition.³⁷

The Contents

The treaty is structured in the following way:

- I. The protocol opens with a standard *invocatio verbalis* and *datatio chronica* expressed in the year of Christ's incarnation, the year of the incumbent pope's pontificate, indiction, and the day of the month expressed progressively.
- II. *Dispositio* follows, featuring a total of six sections (as surmised by the editor), the first three detailing the concessions of the patriarch of Grado (hereby progressively marked G1 to G3) and the other three the counter-concessions of the patriarch of Aquileia (hereby progressively marked A1 to A3). The clauses of the disposition are written in subjective style ("I Enrico, the patriarch of Grado... renounce" etc.) and, in order of their appearance, they detail the following:

- G1) In front of ten named witnesses – the Lord Pope and nine cardinal-priests/deacons of Roman churches –, Patriarch of Grado Enrico Dandolo solemnly renounces all the rights that he and his Church pressed over the bishoprics of Istria, renounces the possession of the treasury that Patriarch Poppo stole from Grado, and all the possessions of his Church in Morsano by Belvedere di Aquileia, Aquileia and its territory, Zè mole by Grado and in Marano Lagunare. The new critical edition of the document thus shows that scholars like Cammarosano and Rando have been led astray by Ughelli's "mediocre" edition that had Ceneda (or the area around Ceneda) instead of Zè mole by Grado as one of the territories in which the Church of Grado renounces its jurisdictions and possessions.³⁸ That Zè mole is indeed the correct reading is further corroborated by the privileges of Pope John XIX from 1024 and Pope Benedict IX from 1044 that confirm the possessions of the Church of Grado "in confinio sue iam dicte Gradensis civitatis seu in Mureiano vel Gaiaco, in Zemulis, partim in territorio Aquilegie et in Marino termino".³⁹

³⁷ Kehr identified the manuscripts from Fontanini's, Bini's, De Rubeis', and Count Florio's collections as featuring the copy of the 1180 Pope Alexander III's confirmation. All of these manuscripts date from the 18th century.

³⁸ Cammarosano, "L'alto Medioevo," pp. 113–15; Rando, *Una chiesa*, pp. 191–92.

³⁹ *Papsturkunden* 2, docs. 562 and 618, ed. Zimmermann, pp. 1062 and 1161.

- G2) Repeating the renunciation, Patriarch Enrico adds that he retains for the Church of Grado the following: the right to wine from Koper, the undefined “outposts” (*stationes*), and aptly undefined “other” and “special rights” towards any bishop or cleric or parish priest of Istria. The right to Capodistrian wine stems all the way back from the 10th-century accords (from 932 and 977) between Koper and Venice whereby the Istrian community promised to bestow an annual tribute of one hundred amphorae of wine upon the doge, a tribute that was subsequently handed over by Doge Dominico Silvo (1071–1084) to the Patriarchate of Grado.⁴⁰
- G3) Patriarch Dandolo promises never again to bring up this settled dispute or stir controversies regarding all the renounced, acknowledging the patriarch of Aquileia’s metropolitan jurisdiction over the following: the diocese of Aquileia in its current boundaries and the bishoprics of Como, Mantua, Verona, Vicenza, Padua, Treviso, Trento, Belluno, Feltre, Ceneda, Concordia, Trieste, Koper, Poreč, Pula, Pićan and Novigrad, with the sole exception of the two donated parishes: Latisana and San Fior, and again the aptly undefined “special rights”.
- A1) In exchange for this renunciation, the representatives of Aquileian Patriarch Ulrich II – John the bishop of Vicenza and Romulus the master of the schools of the Church of Aquileia – bestow upon the Church of Grado two parishes in perpetual ownership, Latisana and San Fior, with all the appertaining ecclesiastical jurisdictions, with the sole exception of the three-fourths of the tithes which are reserved for the Church of Aquileia and their retainers. That is, the Church of Grado only gets the so-called *quartese*, the fourth part of the tithes usually reserved for the upkeep of local parishes.⁴¹
- A2) A clause follows that limits the bestowed incomes from these two parishes to the value of seventy pounds of Veronese coins (not counting the incomes from the fines adjudicated in ecclesiastical courts and from the benefices of the local clergy); everything collected above that amount is to be paid to the Church of Aquileia; if the amount of seventy pounds is not collected from the incomes of the two donated parishes, the Church of Aquileia promises to recompense the Church of Grado up to that amount.
- A3) The *dispositio* ends with a clause stating that the parishes with their appertaining ecclesiastical rights are given in exchange for the ceded

⁴⁰ CDI, docs. 70, 81, and 109, ed. Kandler, pp. 155–56, 177–78, and 224–26 (somewhat better editions of the first two documents are *DRSV* 2, docs. 35 and 56, ed. Cessi, pp. 52–55 and 105–8); Andrea Dandolo, *Chronica per extensum*, ed. Pastorello, p. 215; Marino Sanudo, *Le vite dei dogi*, ed. Monticolo, p. 154 fn. 3. The chronicles mention the tribute of two hundred amphorae of wine and based on a decree promulgated by the Venetian Great Council in 1297 that also mentions a tribute of two hundred amphorae (*MC* 3, 23rd of October, 1297, ed. Cessi, p. 430), the original sum was doubled at some point between 1074 and 1297.

⁴¹ Boyd, *Tithes*, pp. 4, 118–21, 132–53.

metropolitan rights over Istrian bishoprics and other ecclesiastical rights, whereas the donated possessions and the incomes from these parishes are given in exchange for the ceded possessions (in Morsano, Aquileia, Zè mole and Marano Lagunare) and the treasury.

III. The *corpus* is closed by the *clausulae finales* and *sanctiones*. The sanctions, all of them temporal and expressed either in monetary fines or in loss of jurisdictions over specific territories, are embedded within the final clauses which are, in turn, *clausulae obligativae*, *praeceptivae*, and *prohibitivae*.⁴² In order of their appearance in the text and marked with either A if referring to the obligations of the patriarch of Aquileia or G if referring to the Church of Grado, they are the following:

A1) First, the patriarch of Aquileia swears to uphold the treaty and legally defend it under the threat of double the value of donated properties. This *clausula obligativa* is unique to the Church of Aquileia and the same obligation is, for some reason, not assumed by the Patriarchate of Grado.

A2/G1) Second, the patriarch of Aquileia promises never to act against this treaty; in case that he does, his fine is defined as the relinquishment of two additional parishes under the same conditions and as much income to the Patriarchate of Grado, namely, San Polo al Tagliamento and Flambro. The same clause obligating the patriarch of Grado follows, who promises never to act against this treaty under the threat of losing the two donated parishes and their return under the spiritual jurisdiction of the Patriarchate of Aquileia. Both of these obligation clauses are further defined so that the fines are to be incurred only following the official warning issued by the injured party and only if within two months of this warning the offending party fails to make proper amends.

A3/G2) Two clauses follow whereby the patriarchs promise that neither they personally nor their respective subjects will in any way molest the subjects and properties of the other party in the ceded territories under the threat of a fine of fifty pounds of Veronese coins. As in the two previous clauses, the penalty is incurred only following the official warning and the period of two months during which the offending party may either make proper amends or excommunicate the offender.

IV. Eschatocol closes with an *actum* line that features a *datatio topica* without any mention of a toponym (*Hoc actum est in presentia pape Alexandri et supradictorum cardinalium et subscriptorum testium*) and repeats the *datatio chronica* with reference to the protocol (*in millesimo et die et indictione supradicta*). Even though no place name is given, it can be safely inferred, based on witnesses, the fact that the clergy gathered in Rome for the Third Lateran Council that took place a year earlier, and based on Pope Alexander III's confirmation issued

⁴² Guyotjeannin *et al.*, *Diplomatique*, 80–83; Stipišić, *Pomoćne*, p. 152.

from Frascati (Tusculum) just six days later, that the treaty was officially signed and sanctioned in Rome. Handwritten signs of the signees follow, proceeded by the above-discussed two lists of witnesses, the first without and the second with the appended handwritten signs. Finally, the notarial attestation of notary John of Nicholas Philip, the secretary (*scriniarius*) of Lord Pope Alexander III closes the eschatocol and ends the text of the treaty.

Even though the 1180 treaty essentially confirmed the status quo with regard to metropolitan rights over Istrian bishoprics – the main bone of contention in the entire controversy –, it still solemnly ended a historical episode that spanned centuries and left an indelible mark in the history of Venice, Friuli, and the Istrian peninsula. From this point on, the influence of the Patriarchate of Aquileia in Istria – uncontested in the ecclesiastical sphere – would steadily rise, reaching its zenith with King Otto IV's donation of the entire Margraviate of Istria to Patriarch Wolfger of Aquileia on the 13th of January, 1209, during the imperial Diet of Augsburg.⁴³ The fateful disputes that ensued during the tumultuous 13th century – between Istrian bishops and communes, between the counts of Gorizia, the patriarchs of Aquileia and Venice – all stemmed from the lordship of Aquileian church over Istria and they decisively impacted the historical trajectory of the entire region. This contribution shed some much-needed light on one primary source of seminal importance in this context, but many more documents relevant to the Istrian Middle Ages still await modern, better critical editions which will, hopefully, engender the interest of scholars worldwide in the study of the medieval history of this unique European region.

⁴³ Banić, "King Otto IV's Donation."

Document 1

Date and Place: 24th of July, 1180, place not specified (Rome).

Regestum: Enrico Dandolo, the incumbent patriarch of Grado, officially renounces all the claims that he and his Church pressed in Istria, the treasury that Patriarch Poppo snatched from Grado, and all the possessions of the Church of Grado in Morsano (by Belvedere di Aquileia), Aquileia, Zèmole by Grado and Marano Lagunare in favor of the Church of Aquileia and the incumbent Patriarch Ulrich II of Treffen; in return, the Church of Aquileia relinquishes the parishes Latisana and San Fior to the Church of Grado together with the quarter of their tithes and the annual income of up to seventy pounds of Veronese coins, and in the case of the agreement not being promptly carried out, the Church of Aquileia promises to further relinquish the parishes San Polo al Tagliamento and Flambro; both parties solemnly promise not to reignite the centennial controversy regarding the metropolitan jurisdiction over Istrian bishoprics.

Sources: B = ASV, Miscellanea ducali e atti diplomatici, busta 6, filza B, reg. 13; imitative copy coeval to the original; C = Udine, Archivio Storico Diocesano, Archivio Capitolare, Raccolta Pergamene, vol. 1/A, doc. 17; insert in Pope Alexander III's confirmation of the agreement issued on the 30th of August, 1180 (a simple copy either coeval to the original or made shortly thereafter); D' = ASV, Mensa Patriarcale, busta 3, doc. A n. 34; a late 15th-century copy made during the reign of Maffeo Gherardi as the patriarch of Venice (1466–1492) by notary Philip of Rimini of late Frederick based on the copy of the original made on the 6th of April, 1397, by notary and canon of Chioggia Aloysius Foscari (= D, a nowadays lost copy); D'' = ASV, Mensa Patriarcale, busta 1, ms. *Catasticum privilegiorum et notabilium Patriarcatus Venetiarum*, fols. 18v–19v; a simple copy of D under the subsequently appended title *Exemplum concordii inter patriarchas Aquileiensem et Gradensem* made during the reign of Tommaso Donato as the patriarch of Venice (1492–1504).

Previous Editions: U = Ughelli, *Italia sacra* 5, cols. 1129–31 (= Cappelletti, *Le chiese d'Italia* 8, pp. 252–56 = CDI, doc. 166, ed. Kandler, pp. 311–14); based on D (and/or on D' / D'') and featuring liberal use of emendations.

Notes on the edition: The following edition is based primarily on B with unreadable passages due to parchment damage reconstructed from C. *Variae lectiones* from B, C, D', D'' and U (= Ughelli's edition) are reported in the critical apparatus. Note that words differing only in suffixal -æ/-ē/-e, in -c/-t or in the doubling of consonants are not reported in the critical apparatus. The editorial principles follow those used in the *Fontes Istrie medievalis* series, explicated in detail on the following link: <https://fontesistrie.eu/editorial> (last access: 4th of August, 2022).

In nomine domini nostri Iesu Christi^a, amen.

Anno Dominice incarnationis M^oC^oLXXX^o, pontificatus vero domini Alexandri pape Tertii^b anno XX^oI^o, indictione XIII, mensis iulii die XXIII^c.

Ego H[enricus]^d Gradensis ecclesie patriarcha hac presenti die – in presentia domini pape^e Alexandri et dominorum^f cardinalium Ubaldi^g videlicet Hostiensis^h episcopiⁱ, Theodini^j Portuensis et sancte Ruphine^k episcopi^l, Iohannis^m tituli sanctorum Iohannis et Pauli presbiteri cardinalis, Bibianiⁿ tituli sancti Stephani in Celio Monte presbiteri cardinalis, Arduini tituli sancte Crucis^o Ierosolimitane^p presbiteri cardinalis, Mathei tituli sancti Marcelli presbiteri cardinalis, Pauli tituli sancte Pudentiane^q presbiteri cardinalis, Gratiani sanctorum Cosme et Damiani diaconi cardinalis, Iohannis sancti Angeli diaconi cardinalis – renuntio omni iuri adquisito et acquirendo^r et omnibus^s actionibus, tam in rem quam in personam, adquisitis et acquirendis^t quod^u et quas habeo nomine meo et Gradensis ecclesie, vel habere possem^v ego vel successores mei in futurum, adversus Öldericum^w Aquilegenssem^x patriarcham et eius ecclesiam super omnibus^y episcopatibus Hystrie^z, et super^{aa} thesauris quos Poppo^{bb} Aquilegensis patriarcha de Gradu asportavit, et super possessionibus quas Gradensis ecclesia habuit in Mursiano^{cc} et in territorio Aquilegie^{dd},

^a *om. C.*

^b *III C.*

^c *XXIV U.*

^d *H. BD' D''; Henricus CU.*

^e *om. U.*

^f *duorum U.*

^g *Hubaldi C.*

^h *Ostiensis U.*

ⁱ *et U.*

^j *Teodini D''.*

^k *Rufine CD'D''U.*

^l *episcoporum U.*

^m *Ioannis et undique Ioannes loco Iohannes D''; Joannis et undique Joannes loco Iohannes U.*

ⁿ *sic BCD'D''; pro Viviani; Viviani U.*

^o *seq. in add. U.*

^p *Hierosolimitane C; Hierusalem U.*

^q *Potentiane D'D''; Potentianae U.*

^r *adquisito et acquirendo] sic et undique sic B; adquisito et acquirendo et undique sic CD'D''U.*

^s *oi cum sign. abbr. BD'; omnibus CU.*

^t *adquisitis et acquirendis] aquisitis et aquirendis U.*

^u *quos D'D''U.*

^v *possum U.*

^w *Ölricum et undique Ölricus C; Uldericum et undique Uldericus U.*

^x *Aquilegiensem et undique Aquilegiensis loco Aquilegensis D''.*

^y *om. U.*

^z *Ystrie et undique Ystria C; Istrie et saepe Istria seu Histria D''; Istriae et undique Istria U.*

^{aa} *sup B; super CU.*

^{bb} *Popo D'D''.*

^{cc} *Marsiano D''.*

^{dd} *Aquilegiensi D''; Aquilejensi U.*

in Zemulis^a et in Mariano et in prefatis episcopatibus^b. Et hanc^c renuntiationem facio vobis domino Iohanni Vicentino^d episcopo et Romulo Aquilegensis ecclesie magistro scholarum^e procuratoribus Ő[dalrici] Aquilegensis patriarche constitutis ad transigendum et paciscendum super controversiis quas ego nomine Gradensis ecclesie movebam coram domino Alexandro papa Tertio^f contra^g Aquilegensem ecclesiam^h et per vos ipsi Ő[Ilderico] Aquilegensi patriarche etⁱ eius ecclesie.

Et cedo vobis procuratoribus et per vos ipsi Ő[Ilderico] Aquilegensi patriarche ac^j eius ecclesie omne ius adquisitum et adquirendum et omnes actiones, tam in rem quam in personam, adquisitas et acquirendas quod^k et quas habeo nomine meo et Gradensis ecclesie vel habere possem ego vel successores mei in futurum in predictis et pro predictis omnibus, servato mihi et ecclesie Gradensi iure vini quod annuatim recipere^l soleo de Capite Hystrie, et salvis stacionibus et aliis, si qua in presentiarum ibidem possideo, et speciali iure, si quod habet ecclesia Gradensis^m, adversusⁿ aliquem episcoporum vel clericorum vel parochianorum Hystrie super aliis rebus, si quas detinent.

Et renuntio vobis procuratoribus et per vos Ő[Ilderico] Aquilegensi patriarche ac eius ecclesie quod nec ego nec mei successores nomine Gradensis ecclesie amplius movebimus controversiam adversus Aquilegensem ecclesiam de metropolitico^o iure super his^p, videlicet^q Aquilegensi diocesi^r, quam^s nunc possidet, et Cumano^t, Mantuano, Veronensi, Vicentino, Paduano, Tervisino^u, Tridentino, Bellunensi, Feltrensi, Cenetensi, Concordiensi, Tergestino, Iustinopolitano, Parentino, Polensi, Petenensi^v et Emonensi episcopatibus, et aliis que^w in presentiarum ipsa Aquilegensis ecclesia possidet, salva datione et compositione duarum plebium, scilicet^x de Latisana^y

^a Cenetensi *D'D''U*.

^b et super thesauris—in prefatis episcopatibus] *add. sup. l. C*.

^c hac *C*.

^d Vincentino *et undique* Vincentinus *loco* Vicentinus *D'D''*.

^e scholarum *ed undique sic U*.

^f III *CD'U*.

^g *om. U*.

^h Aquilegensem ecclesiam] Aquilejensi ecclesias *U*.

ⁱ ac *U*.

^j et *D''U*.

^k quos *U*.

^l habere *C*.

^m ecclesia Gradensis] Gradensis ecclesia *inv. D''*.

ⁿ adversum *U*.

^o metropolitico *D''*.

^p hiis *D''*; iis *U*.

^q ecclesiis *U*.

^r Aquilegensi diocesi] Aquilegensis diocesis *U*.

^s quas *U*.

^t *seq. et add. D'D''*.

^u Tarvisino *C*.

^v Penetensi *D'D''*.

^w quos *U*.

^x silicet *D''*; videlicet *U*.

^y de Latisana] *della Tisana U*.

et de Sancto Floro, salvo etiam spetiali iure, si quod habeo, in possessionibus rerum immobilium adversus ipsum^a vel alios in aliis locis quam^b in predictis locis et rebus^c cessis et renuntiatis^d.

Nos igitur preminati procuratores constituti ad^e transigendum et paciscendum super controversiis quas vos, domine Gradensis patriarcha, nomine Gradensis ecclesie^f movebatis^g contra Aquilegensem ecclesiam pro prefata renuntiatione et cessione omnium predictorum nomine transactionis et^h pactionis vice domini Ő[Iderici] Aquilegensis patriarche eiusque ecclesie damus etⁱ tradimus vobis, domine Henrice, Gradensi patriarche vestreque ecclesie imperpetuum duas plebes, videlicet illam de Latisana^j et alteram de Sancto Floro cum earum capellis omnibus, cum quartesiis et omni parochiali et diocesano iure habito et acquirendo necnon et placito christianitatis, quod est ius sinodandi^k, cum earum libris, parametis et omnibus earum ornamentis, cum^l cimiteriis^m, domibus, prediis et famulis, si quos habent, et cum omni earum honore ac omnibus ipsarum pertinentiis, excepto iure trium partium decimarum illarum plebium et capellarum, quas tres partes Aquilegensi ecclesie in integrum reservamus. Sane, illi qui predictas tres partes decimarum vel aliquid illarum trium partium per Aquilegensemⁿ ecclesiam hodie nomine feudi vel alio titulo^o tenent vel amodo^p tenebunt^q, si in territorio earumdem^r plebium vel capellarum terram laborare inventi fuerint, Aquilegensi ecclesie de tribus partibus decimarum, vobis vero Gradensi patriarche^s in cuius parochia ipsarum agricultura erit de quartisiis^t sive quarta parte decimarum, proprie^u agriculture hoberient^v et respondebunt.

Predictas autem plebes et capellas vobis et ecclesie vestre ita tradimus et damus^w quod vos et vestri successores de redditibus earumdem plebium et capel-

^a adversus ipsum] ad et spatium vacuum D'D''; ad et puncta posuit U.

^b quas U.

^c locis et rebus] rebus et locis inv. D''.

^d cessis et renuntiatis] cessi et renuntiavi U.

^e a B.

^f nomine Gradensis ecclesie] om. U.

^g CD'D''U; movebat B

^h ac U.

ⁱ ac U.

^j de Latisana] de la Tisana U.

^k synodandi CU.

^l add. sup. l. C.

^m seq. cum add. C; cymiteriis D'D''.

ⁿ per Aquilegensem] pro Aquilejensi U.

^o ecclesiam—titulo] spatium vacuum D'D''; om. et puncta posuit U.

^p amodo] modo aliquo D'D''U.

^q tenebant U.

^r earumde ex earum corr. C.

^s Gradensi patriarche] Gradensis patriarcha U.

^t sic BC; quartesiis D'D''U.

^u spatium vacuum D'D''; om. et puncta posuit U.

^v obedient CD'D''U.

^w donamus U.

^x et capellarum] add. sup. l. C.

larum^x singulis annis possitis percipere valens^a LXX^b librarum Veronensis^c monete, deductis eis que presbyteri et clerici in eisdem plebibus et capellis divina^d celebrantes hodie per plebanos nomine beneficii habere videntur. Que utique beneficia per vos et ecclesiam vestram amodo^e tenebunt. Si vero prefate plebes et capelle tantas facultates habere invente fuerint, quod ultra valens^f LXX librarum Veronensium^g et ultra ea que presbyteri^h siveⁱ clerici hodie ibidem per plebanos tenent nomine beneficii aliquid superabundaverit^j, liceat Aquilegensi patriarche illud totum detrahare et Aquilegensi ecclesie reservare. Si autem eedem^k plebes et capelle, exceptis predictis beneficiis^l clericorum, in suis facultatibus et^m redditibus valensⁿ LXX librarum non habent^o, Aquilegensis patriarcha^p usque ad eandem summam in ipsis finibus eisdem plebibus supplebit. Banni qui de^q placito christianitatis vel alio placito spirituali provenire solent in summam predictarum LXX librarum vobis non extimabuntur^r; predictas quidem plebes et earum capellas et alia iura ecclesiastica pro episcopatibus et aliis ecclesiasticis iuribus damus; possessiones autem et redditus earundem plebium et capellarum et reliqua in transactione posita pro prefatis possessionibus et thesauris damus.

Promittimus insuper vobis et vestris successoribus per stipulationem sub pena^s dupli vice Aquilegensis patriarche suprascriptas plebes cum predictis earum redditibus ab omni homine iure defensare.

Promittimus etiam per stipulationem subnixam vobis et vestris successoribus nomine domini Ő[Iderici] Aquilegensis patriarche et eius ecclesie quod nullo in tempore veniet ipse vel eius successores contra^u predictam transactionem, pactionem et dationem per se vel per summissam^v personam. Quod si hanc promissionem non observaverit, ipse vel eius successores nomine pene dare teneantur ecclesie

^a valorem *U*.

^b septuaginta *C* et undique sic loco LXX.

^c ver *cum sign. abbr. BD'*; ven *cum sign. abbr. D''*; Veronensis *C*; vestre *U*.

^d seq. officia add. *D'D''U*.

^e modo *U*.

^f valorem *U*.

^g monete *U*.

^h presbyteri et sic undique *U*.

ⁱ seu *U*.

^j superabundaverit *D'D''U*.

^k dicte *D'D''U*.

^l predictis beneficiis] beneficiis predictis *inv. D'D''U*.

^m etiam *U*.

ⁿ valoris *U*.

^o habeant *D'U*.

^p ecclesia *U*.

^q banni qui de] banna quae *U*; banna quidem *D'D''*.

^r estimabuntur *CD'D''*.

^s sub pena] suppena *B*; sub pena *C*; sub poena *U*.

^t om. *D'D''U*.

^u tempore veniet contra, ipse vel eius successores *inv. U*.

^v submissam *D'D''U* et undique sic.

vestre alias duas plebes, videlicet illam de Sancto Paulo et illam de Fambrio^a, cum simili causa^b et tanto redditu sicut prenominata tradite sunt, nisi commoniti per Gradensem ecclesiam infra duos menses post commonitionem^c satisfecerint, predicta transactione, pactione et datione in sua firmitate imperpetuum^d permanente^e.

Et ego suprascriptus^f Gradensis patriarcha nomine ecclesie mee promitto per stipulationem subnixam vobis predictis procuratoribus et per vos domino Ő[Ilderico] Aquileiensi patriarche et eius ecclesie quod nullo in^g tempore veniam ego vel mei successores^h contraⁱ predictam transactionem, pactionem, renuntiationem^j et cessionem per nos vel per^k summisam personam. Quod si hanc promissionem non observaverimus^l ego et mei successores nomine pene^m aⁿ iure predictarum plebium cadamus et ipsas Aquilegensi ecclesie restituere teneamur, nisi commoniti per Aquilegensem ecclesiam infra duos menses post commonitionem satisfecerimus, prefata transactione, pactione, renuntiatione^o et^p cessione in sua firmitate imperpetuum permanente.

Et insuper nos suprascripti procuratores vice domini Ő[Ilderici] Aquilegensis patriarche promittimus vobis prefato patriarche Gradensi^q et vestris successoribus per stipulationem subnixam nomine pene L libras Veronensium^r, ita quod si aliquis^s de iurisdictione^t Ő[Ilderici] Aquilegensis patriarche et eius ecclesie Gradensem ecclesiam in predictis sibi concessis offenderit, et Aquilegensis patriarcha a Gradensi patriarcha commonitus, si infra duos menses ipse malefactor non satisfecerit, ex tunc, si eum non excommunicaverit aut excommunicatum ante satisfactionem absolverit, supradicta pena L librarum committatur.

Et ego suprascriptus^u Gradensis patriarcha promitto vobis supradictis procuratoribus et per vos ipsi Ő[Ilderico]^v Aquilegensi patriarche et eius ecclesie per

^a Fabio D'D''U.

^b om. et puncta posuit U.

^c commotionem D''.

^d in perpetuum D''U.

^e manente U.

^f supradictus U.

^g om. U.

^h mei successores] successores mei inv. D''.

ⁱ circa D''.

^j renovationem U.

^k om. D'D''U.

^l ex servaverimus corr. C; observavero U.

^m pene C et undique pēna loco pena.

ⁿ ac U.

^o om. U.

^p ac U.

^q prefato patriarche Gradensi] patriarche Gradensi prefato inv. D''.

^r L libras Veronensium] librarum L Veronensis D'D''.

^s aliquid D''.

^t iurisdictione U.

^u supradictus D''.

^v om. U.

stipulationem subnixam nomine pene L libras^a Veronensium, ita quod si aliquis de iurisdictione mea et Gradensis ecclesie Aquilegensis ecclesiam in predictis sibi concessis et renunciatis offenderit, et ego vel mei successores ab Aquilegensi patriarcha commoniti^b, si infra duos menses ipse malefactor non satisfecerit, ex^c tunc, si eum ego vel mei successores^d non excommunicaverimus aut excommunicatum^e ante satisfactionem absolverimus, supradicta pena L librarum^f comittatur.

Hoc^g actum est in presentia domini^h pape Alexandri et supradictorum cardinalium et subscriptorum testium in millesimoⁱ et^j die et indictione supradicta.

Signa (SC SC SC) manuum supradictorum domini, videlicet^k H[enrici] Gradensis patriarche et domini Iohannis Vicentini episcopi et Romuli Aquilegensis^l ecclesie magistri scholarum prefati Aquilegensis patriarche procuratorum, huius carte rogatorum.

Petrus Polensis ecclesie episcopus electus testis^m.

Iohannesⁿ Felix domini pape subdiaconus testis.

Magister Presbiter de Meudanbertis^o Cremonensis ecclesie canonicus testis.

Marcus Gradensis ecclesie canonicus et primicerius testis.

Iohannes^p Polensis ecclesie canonicus testis.

Filyppus^q sancti Luce de Venetia plebanus testis.

Magister Robertus Pysanus^r causidicus testis.^s

Vivianus presbiter Gradensis ecclesie subscripsi.

(SC) Ego Gerardus Paduanus episcopus subscripsi.

(SC) Ego Octo Bellunensis episcopus subscripsi.

(SC) Ego Iohannes Vicentinus episcopus subscripsi.

(SC) Ego Conradus Tarvisinus episcopus subscripsi.

(SC) Ego Ionathas Concordiensis episcopus subscripsi.^t

^a librarum *D'D''*.

^b admoniti *U*.

^c et *U*.

^d eum ego vel mei successores] ego vel mei successores eum *inv. D'D''U*.

^e om. *U*.

^f L librarum] *om. D'D''U*.

^g om. *D'D''U*.

^h om. *U*.

ⁱ mense *C*; anno *U*.

^j om. *U*.

^k om. *U*.

^l Equilesensis *U*.

^m electus testis] testis electus *inv. D''U*.

ⁿ Iohannis *C*.

^o *lect. dub. B*; Madalbertus *C*; Meudelbertis *D'*; Meudelbertis *ex Meudelbertis corr. D''*; *om. et puncta posuit U*; *profecto pro Presbitero de Medolago, olim episcopo-electo Cremonensi* (v. Savio, *Gli antichi vescovi* 2/2, pp. 86–87).

^p P. Jo *U*.

^q Philippus *CD''U*; Philyppus *D'*.

^r Pisanus *CD'D''U*.

^s Magister Presbiter—causidicus testis] *add. al. man. in fundo C*.

^t Vivianus presbiter Gradensis—Concordiensis episcopus subscripsi] *om. C*.

Ego Iohannes Nycolay Filippy^a sancte Romane ecclesie scrinarius^b, in presentia domini^c Alexandri pape Tertii^d et supradictorum cardinalium et predictorum testium, rogatus a domino Gradensi^e patriarcha et supradictis domini Aquilegensis procuratoribus scripsi hec.

Document 2

Date and place: 30th of July, 1180, Frascati (Tusculum).

Regestum: Pope Alexander III confirms the afore-edited pact concluded between Enrico Dandolo, the patriarch of Grado, and Ulrich II of Treffen, the patriarch of Aquileia.

Sources: B = Udine, Archivio Storico Diocesano, Archivio Capitolare, Raccolta Pergamene, vol. 1/A, doc. 17; a simple copy either coeval to the original or made shortly thereafter, featuring some later “emendations” and interpolations.

Previous Editions: Gian Rinaldo Carli, *Appendici di documenti spettanti alla parte quarta delle Antichità italiane* (Milan: Imperial monistero di San Giorgio Maggiore, 1791), 194–96; seemingly based on B; Pietro Kandler (ed.), *Codice diplomatico istriano*, 2nd ed. (Trieste: Riva 1986), doc. 165, p. 310, is a partial copy of Carli’s edition published under the erroneous date of 23rd of July, 1180.

Notes on the edition: The following is a diplomatic edition of B with subsequently “emended” passages and additions reported in the critical apparatus. The editorial principles follow those used in the *Fontes Istrie medievalis* series, explicated in detail on the following website: <https://fontesistrie.eu/editorial> (last access: 4th of August, 2022).

Alexander episcopus servus servorum Dei venerabili fratri Ő. Aquileiensi patriarchę Apostolicę Sedis legato salutem et apostolicam benedictionem. Cum^f inter venerabilem fratrem nostrum Heinricum Gradensem patriarcham et procuratores tuos^g super episcopatibus Ystrie, quos patriarcha ipse ad ecclesiam suam spectare iure metropolitico proponebat, super thesauris et possessionibus quondam Gradensis ecclesie coram nobis et fratribus nostris^h fuisset diutius litigatum tandem ad commonitionem nostramⁱ controversia ipsa de assensu partium per transactionem finem

^a Nycolay Filippy] Nycholai Philippi C; Nicolai Philyp[pi D’; Nicolai Philippi D’U.

^b seq. et exp. C.

^c add. sup. l. C.

^d III CU.

^e add. sup. l. C; Gerardo D’D’; Henrico U.

^f seq. olim add. al. man. supra l B.

^g canc. B et al. man. add. bone memorie Ő. predecessoris tui.

^h nobis et fratribus nostris] canc. al. man. et add. supra l. felicitis recordationis Alexandro predecessori nostro et fratribus eius.

ⁱ canc. al. man. et add. supra l. ipsius predecessoris nostri.

accepit; quam utique compositionem per scriniarium nostrum^a iubentibus nobis^b in scriptum redactam de verbo ad verbum expressam ad exemplar quidem^c ut maiorem habeat firmitatem sicut instrumento publico per manum Iohannis Nycholai Philippi scriniarii confecto continetur auctoritate apostolica confirmamus, statuentes nulla privilegia ecclesię tuę seu Gradensis vel alia instrumenta ad suscitandam questionem transactione sopitam aliquid ulterius valitura.

[*seq. doc. 1*]

Nulli ergo omnino hominum liceat hanc paginam nostrę confirmationis infringere vel ei ausu temerario contraire. Si quis autem hoc attemptare presumpserit indignationem omnipotentis Dei et beatorum Petri et Pauli apostolorum Eius se noverit incursurum.

Data Tusculani III kalendas augusti.

Translation of Documents 1 and 2

Note on the translation: The following is a translation into English of the hereby edited document 2 and including the document 1 as inserted and edited in the same appendix. Document 1 is further indented to clearly mark the contents of the two documents in the translations. Gender natural pronouns (singular “they”) are preferred and introduced where necessary.

Alexander, bishop, the servant of servants of God, to the venerable brother Ulrich, the patriarch of Aquileia, the legate of the Apostolic See, greetings and apostolic blessing.

Since there had been a long dispute presented before us and our brethren between our venerable brother Enrico, the patriarch of Grado, and your representatives regarding the bishoprics of Istria, which the said patriarch argued belonged to the metropolitan jurisdiction of his Church, regarding the treasury, and the possessions formerly of the Church of Grado, finally, by our admonition, the very dispute has ended by a settlement consented to by the parties. Which settlement – by our request written down word for word and modelled by our secretary so that it would possess greater legal force as a public charter composed by the hand of Secretary John of Nicholas Philip – we have, of course, confirmed with apostolic authority, stipulating that no privileges of your Church or of Grado or any other charters referring to the issue settled by this treaty will henceforth have any legal force.

^a *canc. al. man. et add. supra l. suum.*

^b *iubentibus nobis] canc. al. man. et add. supra l. iubente predecessore nostro.*

^c *ad exemplar quidem] add. supra. l. B.*

In the name of our Lord Jesus Christ, amen.

In the year of our Lord's incarnation 1180, the 21st year of the pontificate of Lord Pope Alexander III, 13th indiction, 24th day of the month of July.

On this very day, I, Enrico, the patriarch of the Church of Grado – in the presence of lord Pope Alexander and lords cardinals Ubaldo, that is the bishop of Ostia, Theodino the bishop of Porto and St. Ruphina, John, the cardinal priest of the titular Church of St. John and Paul, Vivian, the cardinal priest of the titular Church of St. Stephan on the Celian Hill, Arduin, the cardinal priest of the titular Church of the Holy Cross in Jerusalem, Matthew, the cardinal priest of the titular Church of St. Marcellus, Paul, the cardinal priest of the titular Church of St. Pudentiana, Gratian, the cardinal deacon of St. Cosmas and Damian, John, the cardinal deacon of St. Angel – renounce every right, acquired and to be acquired, and all the actions, both in matters of property rights as in matters of personal rights, acquired and to be acquired, that and which I have in my name and in the name of the Church of Grado, or that I or my successors could have in the future, in opposition to Ulrich, the patriarch of Aquileia, and his Church regarding all the bishoprics of Istria, and regarding the treasury that Poppo, the patriarch of Aquileia, took away from Grado, and regarding all the possessions that the Church of Grado had in Morsano and in the territory of Aquileia, in Zè mole and in Marano Lagunare, and in the aforesaid bishoprics. And this renunciation I offer to you, Lord John, the bishop of Vicenza, and Romulus, the master of the schools of the Church of Aquileia, representatives of Ulrich, the patriarch of Aquileia, appointed to settle and negotiate regarding the disputes that I, in the name of the Church of Grado, have filed against the Church of Aquileia to Lord Pope Alexander III, and through you to the very Ulrich, the patriarch of Aquileia, and to his Church.

And I relinquish to you, the representatives, and through you to the very Ulrich, the patriarch of Aquileia, and to his Church every right, acquired and to be acquired, and all the actions, as in the matter of property rights so in the matter of personal rights, acquired and to be acquired, that I have in my name and in the name of the Church of Grado or that I or my successors could have in the future in the aforesaid and on behalf of everything aforesaid, retaining for myself and for the Church of Grado the right to wine which I customarily receive from Koper every year, and with the exception of outposts and other, if I possess any therein at the present, and special right, if the Church of Grado has any towards any bishop or cleric or parish priest of Istria over other things, if they possess any.

And I promise to you, the representatives, and through you to Ulrich, the patriarch of Aquileia, and to his Church, that in the name of the Church of Grado neither I nor my successors will ever again stir up controversies to the detriment of the Church of Aquileia regarding the metropolitan right over these: the diocese of the Church of Aquileia, which he has at present, and the bishoprics of Como, Mantua, Verona, Vicenza, Padua, Treviso, Trento, Belluno, Feltre, Ceneda, Concordia, Trieste, Koper, Poreč, Pula, Pićan and Novigrad, and other that the very Church of Aquileia may have in the present, with the exception of the parishes that were donated and bequeathed, that is Latisana and San Fior, and with the exception of a special right, if I have any, regarding the possessions of immovable properties towards himself or the others in places other than these aforesaid places and over the ceded and renounced property. Accordingly, in exchange for the aforesaid renunciation and the concession of all the aforesaid rights by way of settlement and agreement, we, the aforesaid representatives appointed to settle and negotiate over the disputes that you, lord patriarch of Grado, have raised against the Church of Aquileia in the name of the Church of Grado, give and surrender in place of lord Ulrich, the patriarch of Aquileia, and his Church to you,

Lord Enrico, the patriarch of Grado, and to your Church two parishes in perpetual ownership, that is the one of Latisana and the other of San Fior, together with all their chapels, the quarters [of tithes] and every held and acquired parochial and diocesan right, and also the right to administer justice in ecclesiastical matters (*placitum christianitatis*), that is, the right to hold synods, together with their books, apparel, and their every ornament, with their cemeteries, houses, estates and servants, if they have any, and with their every honor and all of their dependencies, with the exception of the right to the [remaining] three parts of the tithes of these parishes and chapels, as these three parts we in entirety reserve for the Church of Aquileia. Of course, those who today hold or in the future will hold the aforesaid three parts of the tithes or any part of these three parts from the Church of Aquileia as fiefs or by some other title, if they would be caught tilling the land in the territories of the said parishes or chapels, they will submit and be held accountable to the Church of Aquileia regarding the three parts of the tithes; to you, however, the patriarch of Grado, in whose parish they will till their lands, [they will submit and be held accountable] concerning the quarter, that is, the fourth part of the tithe from their own agricultural produce.

We bequeath and give the aforesaid parishes and chapels to you and to your Church, so that you and your successors may be able to collect a seventy pounds of Veronese coins worth a year from the incomes of the same parishes and chapels, not counting that what nowadays the priests and the clergy celebrating Mass in the same parishes and chapels seem to receive from their parish priests as benefices, which benefices they will certainly preserve in the future under you and your Church. If, however, the said parishes and chapels are found to have so much means that they produce in excess a value above seventy pounds of Veronese coins and above that what the priests and the clergy nowadays hold there as benefices from their parish priests, may the patriarch of Aquileia deduct this entire excess and reserve it for his Church. If, however, these parishes and chapels, except the benefices of the aforesaid clergy, do not produce the income value of seventy pounds from their own resources, the Church of Aquileia will recompense the very parishes in these territories up to that sum. The incomes from fines customarily adjudicated in ecclesiastical courts or in other spiritual courts will not be included in the aforesaid sum of seventy pounds.

We bequeath the aforesaid parishes and their chapels and other ecclesiastical rights for the bishoprics and other ecclesiastical rights; for the aforesaid possessions and the treasury, however, we bequeath possessions and the incomes of these parishes and chapels and the rest included in this settlement.

Moreover, in the name of the patriarch of Aquileia we swear to you and to your successors, supported by the promise and under the threat of a fine of double the offered value, to justly defend the aforementioned parishes with their aforementioned incomes from every person.

Also, supported by the promise we swear in the name of Lord Ulrich, the patriarch of Aquileia, and his Church to you and your successors that never shall he himself or his successors act against the aforesaid settlement, pact, and bestowal, either personally or through a subjected person. In case that he will not observe this agreement, either he himself or his successors ought to give as a fine to your Church two other parishes, that is, the one of San Polo al Tagliamento and the one of Flambro, with similar conditions and as much income, just as the aforementioned [parishes] have been bequeathed, unless they make amends within two months of them being warned by the Church of Grado, [and] the aforesaid settlement, pact, and bestowal remaining firm in perpetuity.

And in the name of my Church, I, the above-written patriarch of Grado, supported

by the promise swear to you, the aforesaid representatives, and through you to Lord Ulrich, the patriarch of Aquileia, and his Church, that never shall I or my successors act against the aforesaid settlement, pact, renunciation and concession, either personally or through a subjected person. In case that we will not observe this agreement, I or my successors ought to lose the rights over the aforesaid parishes and return them to the very Church of Aquileia as a fine, unless we make amends within two months of us being warned by the Church of Aquileia, [and] the aforesaid settlement, pact, renunciation and concession remaining firm in perpetuity.

And moreover, in the name of Lord Ulrich, the patriarch of Aquileia, we, the afore-written representatives, supported by the promise and under the threat of a fine of fifty pounds of Veronese coins swear to you, the aforesaid patriarch of Grado, and to your successors, that if anyone subjected to the jurisdiction of Ulrich, the patriarch of Aquileia, and to his Church would offend the Church of Grado in the aforesaid conceded [territories], and if the patriarch of Aquileia is warned by the patriarch of Grado and if within two months of this warning the offender does not make amends, then the aforementioned fine of fifty pounds is incurred, unless the offender is excommunicated or absolved of excommunication after they had made amends.

And I, the afore-written patriarch of Grado, supported by the promise and under the threat of a fine of fifty pounds of Veronese coins swear to you, the aforementioned representatives, and through you to the very Ulrich, the patriarch of Aquileia, and to his Church, that if anyone subjected to the jurisdiction of the Church of Grado would offend the Church of Aquileia in the renounced and conceded [territories], and if either I or my successors were admonished by the patriarch of Aquileia and if within two months of this admonishment the very offender does not make amends, then the aforementioned fine of fifty pounds is incurred, unless either I or my successors excommunicate the offender or absolve them from excommunication after they had made amends.

This was done in the presence of Pope Alexander and the above-written cardinals and the below-written witnesses in the above-written year and the day and the indiction. Handwritten signs (SC SC SC) of the above-written lords who asked for this charter [to be written], that is, Enrico, the patriarch of Grado, and Lord John, the bishop of Vicenza, and Romulus, the master of the schools of the Church of Aquileia, the aforementioned representatives of the patriarch of Aquileia.

Peter, the bishop-elect of the Church of Pula, witness.

John Felix, the subdeacon of lord the pope, witness.

Master Presbiter de Medolago, a canon of the Church of Cremona, witness.

Mark, a canon and primicerius of the Church of Grado, witness.

John, a canon of the Church of Pula, witness.

Philip, the parish priest of Santa Luca of Venice, witness.

Master Robert, the advocate of Pisa, witness.

[I,] Vivian, a priest of the Church of Grado, signed.

(SC) I, Gerard, the bishop of Padua, signed.

(SC) I, Otto, the bishop of Belluno, signed.

(SC) I, John, the bishop of Vicenza, signed.

(SC) I, Conrad, the bishop of Treviso, signed.

(SC) I, Jonathan, the bishop of Concordia, signed.

I, John of Nicholas Philip, the secretary of the holy Roman Church, asked by the patriarch of Grado and by the above-mentioned lords Aquileian representatives, wrote this in the presence of Lord Pope Alexander III and the above-mentioned cardinals and the aforesaid witnesses.

Let no man, therefore, be in any way permitted to infringe upon this our charter of confirmation, or to act against it by reckless audacity.

But if anyone presumes to attempt this, they should know that they will incur the indignation of Almighty God and His blessed apostles Peter and Paul.

Given in Frascati (Tusculum) on the 30th of July.

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POVZETEK

Sporazum med gradeškim in oglejskim patriarhatom o metropolitanski jurisdikciji nad istrskimi škofijami (24. julij 1180): Nova kritična izdaja listine

Josip Banić – Sebastiano Blancato

Ena ključnih epizod v zgodovini srednjeveške severnojadranske regije je bil usodni spor med dvema patriarhalnima sedežema, Oglejem in Gradežem, glede metropolitanske jurisdikcije nad petimi istrskimi škofijami - Trstom, Novigradom, Porečem, Puljem in Pićanom. Spor je nastal zaradi zgodnj srednjeveške razdelitve nekdanje celovite oglejske cerkvene province, ki se je raztezala na območju nekdanje Desete regije Italije *Venetia et Histria*. Do razdelitve je prišlo po prihodu Langobardov v Italijo in sporu o Treh poglavjih v šestem in sedmem stoletju. Spor, ki je trajal več stoletij in je sprožil celo več oboroženih spopadov, se je uradno končal šele julija 1180, ko je oglejski patriarh Ulrik II. v prisotnosti in na zahtevo papeža Aleksandra III. Podpisal z gradeškim patriarhom Enricom Dandolom dokončno pogodbo. Šele takrat se je gradeški patriarhat uradno odrekel vsem zahtevam do istrskih škofij, s čimer se je končal pomemben spor, kar je napovedalo začetek novega obdobja beneško-oglejskih odnosov.

Pogodbo iz leta 1180 je doslej objavil le Ferdinando Ughelli v petem zvezku svoje znamenite serije *Italia sacra*, ki je bila prvič objavljena sredi 17. stoletja. Vse naslednje izdaje – Coletijeva v drugi izdaji Ughellijeve zbirke *Italia sacra*, Cappellettijeva v *Le chiese d'Italia* in Kandlerjeva v *Codice diplomatico istriano* – so le prepisale Ughellijevo izdajo. Čeprav so se znanstveniki zavedali, da je obstoječa izdaja še vedno zelo pomanjkljiva, saj je bil Ughelli znan po tem, da je besedila virov pogosto emendiral, ni bila objavljena nobena nova kritična izdaja, ki bi temeljila na sodobnih ekdotičnih načelih. Avtorja sta želela s pričujočim prispevkom to spremeniti.

Članek tako prinaša kritično objavo pogodbe med patriarhoma iz leta 1180 in papeževo potrditev, izdano šest dni pozneje. Na podlagi arhivskih raziskav v beneških in furlanskih arhivih avtorja ugotavljata, da je besedilo pogodbe ohranjeno le v poznejših prepisih, med katerimi obstajajo tri glavna izročila: prvo je prepis, ki posnema izvirnik in mu je tudi sočasen ali pa je bil narejen kmalu zatem (hrani ga Državni arhiv v Benetkah), drugo izročilo je prepis potrditve papeža Aleksandra III., ki je bil sočasen izvirniku ali pa je bil narejen kmalu zatem (hrani ga Arhiv videmskega kapitlja), tretje izročilo pa je notarski prepis izvirnika iz leta 1397, od katerega sta ohranjena le dva poznejša prepisa (oba hrani Državni arhiv v Benetkah). Na podlagi teh rokopisov je pogodba ponovno analizirana, kritično objavljena in prevedena v angleščino.

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