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# Planning the *Reconquista* of Venetian Istria: The Treaty of Pazin (July 27, 1278)

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## ABSTRACT

The author analyzes the Treaty of Pazin, signed on July 27, 1278, whereby a military alliance was forged between Count Albert I of Gorizia and the Commune of Koper directed against Venice, with the aim of reconquering the Istrian lands that subjected themselves to the Venetian Commune between 1267 and 1271. First, the background leading up to the signing of this pact is thoroughly illuminated, revealing the evolutionary thread that tied the two contrahents together in their Istrian ventures. Second, the treaty itself is broken down, contextualized, and analyzed from the diplomatic point of view. The paper then turns to the aftermath of the joint actions undertaken by the Gorizian-Capodistriean alliance, showing that the anti-Venetian coalition failed to achieve their primary objective. The paper closes with an *in extenso* critical edition of the Treaty of Pazin and its translation into contemporary English.

**Keywords:** Middle Ages, 13<sup>th</sup> century, Istria, Counts of Gorizia, Commune of Koper, Patriarchate of Aquileia, Venice

## 1. INTRODUCTION

The fate of Istria hung in the balance on that fateful summer day as an eminent group of regional notables gathered in Pazin (Ital. Pisino), bent on forging a new destiny for the wounded margraviate of the Aquileian patriarchs. Led by the indomitable Albert I, the count of Gorizia and the lord of Pazin, the advocate of the churches of Aquileia, Trento, Bressanone and Poreč (Ital. Parenzo), this band of potentates met on June 27, 1278, to discuss a military alliance aimed against their common enemy – the ever-expanding Commune of Venice. For it was the *Serenissima* that originally thwarted the ingenious plan concocted by the very Gorizian count and its faithful ally, the Commune of Koper (Ital. Capodistria, Lat. *Iustinopolis*). The plot was meant to culminate in the elimination of the patriarch of Aquileia, the titular margrave of Istria, from the jurisdictional equation on the Peninsula, opening the doors wide for the blossoming of Albert's and Capodistrian lordship over the entire margraviate. Alas, it was not to be. As Koper's forces attacked Poreč in the summer of 1267, the besieged maritime city cunningly turned to Venice, subjecting itself to the authority of the doge in order to escape Capodistrian dominion. This fateful event officially brought the *Commune Veneciarum* onto the jurisdictional stage of Istria, jumpstarting a rapid expansion of Venetian power to the detriment of the Aquileian patriarchs. By the 1270s, Venice officially held four Istrian communes – Poreč, Umag (Ital. Umago), Novigrad (Ital. Cittanova) and Sveti Lovreč (Ital. San Lorenzo) (De Vergottini 1974: 106–107, 111–116; Puppe 2017: 35–42). For Albert I, the new alliance, this time directed against Venice and not the patriarch, was a means to rectify this unfortunate turn of events. Following their momentous meeting in Pazin, the center of Gorizian lordship in Istria, the company of notables successfully hammered out the terms of the pact and a new coalition was born. Officially put into writing and adorned by the hanging seals of the contrahents, Albert's league against Venice was immortalized in the form of an official deed – the Treaty of Pazin. It is this pivotal document, so far unedited *in extenso*, on which the present paper focuses.

## 2. THE BACKGROUND

To grasp the intricacies of the Treaty of Pazin, the historical trajectory tying together its two principal signees – Count Albert I and the Commune of Koper – requires explication. Beginning with the former, Albert I was an

offspring of House Gorizia, the nobility whose ancestral base of power lay in the Lienz area, County of Lurn in Upper Carinthia, from whence their comital title originally stemmed (Dopsch–Meyer 2002: 296–309).<sup>1</sup> Count Maynard I (appearing in primary sources between 1120 and 1142, Albert I’s great-great-grandfather) inherited the possessions and jurisdictions in the Gorizian area from his mother’s side of the family, the House of Spanheim, who originally owned half of the “village of Gorizia” by way of an imperial donation promulgated by Emperor Otto III in 1001 (Dopsch–Meyer 2002: 337–359; Štih 2013: 16, 19, 30). The other half of Gorizia was owned by the patriarchs of Aquileia, also by way of Otto III’s donation (Štih 1999). When this Maynard I became the steward (Lat. *advocatus*, also translated as “advocate” in English) of the Church of Aquileia (*terminus ante quem* 1125), he managed to round up his jurisdiction in the Gorizian area, forging a nucleus from which a lordship of the Aquileian advocates would eventually rise (FIM: 1125\_MSP; Sgubin 1963: 103–104; Härtel 2002: 3, 46; Štih 2013: 16). Maynard I’s grandson, Engelbert III of Gorizia, married (as his second wife) a rich heiress, Mathilda of Pazin, the daughter of Meinhard of Črnigrad and Šumberk, the advocate of the Bishopric of Poreč (Štih 2013: 57–58 and fn. 22; cf. Jedelhauser 2016: 308–318). From this strategic marriage, the counts of Gorizia acquired the expansive lordship centered around Pazin on the Istrian mainland, originally a secular possession of the bishops of Poreč (although claimed by the patriarchs of Aquileia as well) and, later, the title of the hereditary advocates of the church of Poreč (FIM: 1012\_HA; Dopsch–Meyer 2002: 366–367; Štih 2013: 57–58, 185–186; Jedelhauser 2016: 315–316). When the patriarchs of Aquileia became the margraves of Istria by way of a royal donation promulgated by King Otto IV (January 13, 1209), there were even greater opportunities for the expansion of Gorizian lordship over the Peninsula (Banić 2022a). Albert I, however, would not bask in his family’s inheritance for a considerable portion of his life.

Namely, Albert’s father, Maynard III († 1258) married into the comital house of Tirol, a move that would eventually bring the county of Tirol to

1 Although known in history primarily as “the counts of Gorizia”, they never held Gorizia with comital rights, but as fief, inheritable in both male and female lines, from the Aquileian patriarchs (Von Jaksch 1906: 1–3, n. 1524/3). Their noble title of *comites* thus derives from the family’s ancestral lands in Lurngau region of Upper Carinthia, a title which they never ceased to use, although they changed their primary *locus* of identification from Lurn to Gorizia (and later Tirol). In addition, even though they are regularly titled as “counts of Gorizia” from mid-12th century onwards, the “county of Gorizia” developed *via facti* much later, appearing for the first time in written sources only in 1271 (*Comitatus et dominium Goricie*). Wiessner 1956: doc. 72; Härtel 2002: 35–41, 62–63.

the Gorizians, but one that also emboldened the two matrimonially joined houses to attack the neighboring Spanheims, the dukes of Carinthia, in an effort to expand their territories (Baum 2000: 36; Dopsch *et al.* 1999: 330). In 1252 Maynard III of Gorizia and his brother-in-law Albert III of Tirol led an attack against the Spanheims, assaulting castle Greifenburg in Upper Carinthia. The skirmish that ensued ended in an utter disaster for the attackers who both ended up as prisoners of Philip of Spanheim, the archbishop-elect of Salzburg (Paschini 1918: 39; Baum 2000: 41–42; Dopsch *et al.* 1999: 330, 341). Although the duo managed to buy their freedom for a very high sum, it was necessary that Maynard III's sons – Maynard IV and Albert I – be left as prisoners of the triumphant Spanheimer (Von Jaksch 1906: 425–431, n. 2529; Dopsch *et al.* 1999: 406; Štih 2013: 34–35). Albert I spent the next nine years as hostage, most likely in the castle Hohenwerfen, unable to participate in the administration of his patrimony or enjoy the comforts of his inheritance (Seemüller 1890: 111, l. 8396–8397; Dopsch *et al.* 1999: 458; Štih 2013: 45). When he was finally released in 1261 by the intercession of Gebhard of Felben, Albert I daringly assumed the reigns of Gorizian lordship, ushering in a new era for both his house as well as the Patriarchate of Aquileia (Wattenbach 1851: 796; Baum 2000: 46).

The recently released count of Gorizia inherited the conflict with the patriarchs of Aquileia from his father. Namely, Patriarch Berthold V of House Andechs (r. 1218–1251) was originally a staunch Ghibelline and a supporter of the Hohenstaufens, as his ordained advocates, the counts of Gorizia (Paschini 1919; Paschini 1920; Dissaderi–Casadio 2006). However, following the First Council of Lion (1245), Patriarch Berthold made a startling *revirement*, leaving the pro-imperial party for the Guelphs and giving his support to the unyielding Pope Innocent IV (Cammarosano 1999: 62–63). This staggering change of allegiance put the patriarchs and the advocates of the church of Aquileia on two opposing ends of the political spectrum, engendering fertile soil for the outbreak of war in the ecclesiastical principality. The wars that ravaged Friuli and Istria began in the late 1240s and lasted until 1251, when the two parties signed a lasting truce on January 8 in Cividale and sealed it with a kiss of peace (Joppi 1886: 6–14, n. 25; Paschini 1920: 67–84). Patriarch Berthold died soon thereafter, and the pope, emboldened by the growing power of his party following the death of Emperor Frederick II, took it upon himself to appoint a new head of the church of Aquileia – the fervent Guelph Gregory of Montelongo

(elected 1251, consecrated in 1256, effectively r. 1252–1269; Paschini 1918; Paschini 1921a; Marchetti-Longhi 1965; Tilatti 2006).

It did not take long for enmity to escalate between the pro-papal patriarch and the Ghibelline advocates, the counts of Gorizia. The flames of conflict were fanned by the dispute over Cormòns, a castle that had originally been in the possession of the patriarchs but eventually fell under the jurisdiction of the counts of Gorizia (Degrassi 1996: 41). On November 4, 1257, Patriarch Gregory, by way of his deputy Albert, the bishop of Ceneda (Vittorio Veneto), relinquished the castle to a certain John Longo of Cividale, thus refusing to recognize any Gorizian prerogative in Cormòns (Joppi 1886: 20–21, n. 19). As convincingly argued by Donata Degrassi, Gregory's move must be viewed in the broader context of the patriarch's military expedition against the neighboring Ghibelline champion, Ezzelino da Romano (1256–1258), who was encroaching on Aquileian territories (Degrassi 1996: 42). Count Maynard III, Albert I's father, did not take kindly to such provocation – the war between the patriarch and the advocate commenced soon thereafter (Degrassi 1996: 42, although based solely on Degani 1898). These events mark the beginning of a long dispute between the Aquileian patriarchs and the counts of Gorizia regarding the jurisdictions over Cormòns, a controversy that would engender numerous diplomatic and military actions (Degrassi 1999: 42–51). This apple of discord was inherited by Count Albert I and his older brother, Maynard IV.

The first war between Patriarch Gregory and the Gorizians was halted by the death of Count Maynard III in 1258 (Wiesflecker 1949: 170–171, n. 652). The deceased count's eldest son, Maynard IV, took over the reins of his family's lordship and commenced negotiations with the patriarch regarding this *vexata quaestio* (Sgubin 1964: 128; Degrassi 1999: 43). Following Gregory's victory over the Ghibelline Alberico da Romano, brutally massacred in the town square of San Zennone degli Ezzelini, Count Maynard IV finally succumbed (Holder-Egger 1913: 363–364; Paschini 1921a: 25–26). The peace treaty signed on December 11, 1260, between Count Maynard III and the patriarch sanctioned, among other things, that the castle of Cormòns was to be relinquished to the latter, but only during the life of Patriarch Gregory – following the prelate's death, the possession was to return to the *potestas* of House Gorizia (Joppi 1886: 26–28, n. 33; Degrassi 1999: 43). The peace treaty was anything but a victory for the Aquileian advocates.

Shortly after the signing of this peace, Count Albert I was finally released from his confinement in Hohenwerfen, issuing his first diploma (at least according to the surviving documentation) on August 28, 1261, from Aibling and officially pardoning the church of Salzburg for any harm it might have caused him (Wiesflecker 1949: 182, n. 691; Baum 2000: 48). From this point on, the two brothers had joint rule over their patrimonial territories, both adorning the titles of the counts of Gorizia and Tirol, the advocates of the churches of Aquileia, Bressanone, and Trento (Baum 2000: 112). The first treaty that they jointly signed with the patriarch of Aquileia was the famous Peace of Buzet, sealed on March 20, 1264 (Joppi 1886: 31–35, n. 35; Schmidinger 1954: 128–129; Pizzinini 1974: 187; Banić 2017: 117–118). The document speaks of a “grave war” waged between the patriarch and the two brothers, thus revealing that the 1260 Treaty of Cividale did not usher in an era of peace in the ecclesiastical principality of Aquileia. Among many clauses, the Peace of Buzet obligated both parties to lasting peace, the castle of Cormòns was to remain in the hands of the patriarch, but only *vita durante*, and both parties were to promise each other mutual military support. The peace, however, was not to last.

Following the fateful meeting in Buzet, the counts of Gorizia would sign three additional treaties with Patriarch Gregory over the course of the next three years, a clear sign that these “amicable” relations were extremely fragile, prone to sudden mutations into enmity and followed by violent outbursts of armed conflict. The Treaty of Cormòns, signed on June 5, 1265, confirmed the Peace of Buzet and relegated the issue of the disputed castle to the jointly elected judge arbiters, who were also to evaluate the damages that the parties inflicted upon each other following the 1264 treaty (Joppi 1886: 36–39, n. 37; Degrassi 1999: 43).

The next pact was signed in Cividale, on February 14, 1266, whereby the Peace of Buzet was once again confirmed, but with an important addendum: if the patriarch would engage in battle against the Commune of Motovun (Ital. Montona) in Istria, the counts of Gorizia would aid him and the two parties would share the spoils of war, the town remaining under the *potestas* of the Patriarchate of Aquileia (Joppi 1886: 39–42, n. 38; Pizzinini 1974: 187–188). This is the first document that Count Albert I signed in the name of his brother, showing that the younger brother was acting progressively independently in the region. A year later, on February 8, 1267, the two brothers sketched the division of the family’s patrimony: Maynard IV would receive the County of Tirol, and Albert I the entire County of

Gorizia (including the lands in Upper Carinthia and Friuli) as well as the possessions in Karst and Istria (Wiesflecker 1949: 204–5, n. 771). This division was finally formalized only in 1271 with a solemn deed adorned with the hanging seals of the contrahents, officially splitting the House of Gorizia into the Tirolian (or Maynardian) and Gorizian (or Albertinian) line (Chmel 1849: 117–123, n. 104–105; Baum 2000: 58–59; Štih 2013: 45).

More importantly, the 1266 Treaty of Cividale marks the first mention of “rebels” in Istria, revealing that flames of dissent began to flare in the Margraviate. Based on the surviving primary sources, it can be deduced that a rebellion in Motovun had originally been kindled by Monfiorito of Pula (Ital. Pola), a regional potentate who was included in the Peace of Buzet as a supporter of the counts of Gorizia in Istria (De Franceschi 1905: 57–59). Namely, the Commune of Motovun elected Biaquino of Momjan (Ital. Momiano), a ministerial that was at the time faithful both to the patriarch and to the advocates of the church of Aquileia, as their *podestà* in 1263, and this election was officially confirmed by Patriarch Gregory (ASV, MADP, b. 5, n. 179; Minotto 1870: 27). This election did not sit well with Monfiorito, whose family held possessions in Motovun’s district and who also sought to expand his house’s influence on this strategically valuable hilltop town (De Franceschi 1905: 58, 63, 67; De Vergottini 1974: 106). According to the Treaty of Savičenta (Ital. Sanvincenti), signed between Monfiorito and Patriarch Gregory on July 6, 1264, the former, “who was not in the patriarch’s good graces”, officially promised to “immediately and completely withdraw from Motovun, both himself and his men, and not to provide aid, a council of favors to the people of Motovun, either personally or by way of his men.” (Kandler 1876: 290–292; De Franceschi 1905: 59).<sup>2</sup> Thus ended Monfiorito’s interventions in Motovun. According to De Franceschi, the lord of Pula was not personally behind the 1266 “rebellion” of Motovun but harbored amicable relations with the patriarch following the signing of the Treaty of Savičenta (De Franceschi 1905: 58). This interpretation is further confirmed by the fact that Monfiorito accompanied Gregory’s main official in Istria, Senisio de Bernardis of Padua, who successfully reimposed the authority of the Patriarchate of Aquileia over the Commune of Poreč in April 1266, a city accused of “offending” the patriarch-margrave (ASV, MADP, b. 5, n. 188–189; Minotto 1870: 29). Who then stood behind the

2 “Dominus Monfioritus de Pola, qui non erat in gratia venerabilis patris domini G[regorii] Dei gratia sancte Aquilegensis sedis patriarche et Istrie atque Carniole marchionis [...] iuravit ad sancta Dei evangelia quod [...] incontinenti totaliter et omnino discedet de Montona per se ac gentem suam, nec dabit hominibus Montone per se vel per suos consilium, auxilium vel favorem.”

“rebellion” of Motovun and the “offences” committed against the patriarch in Poreč, both transgressions dating from the tumultuous 1266?

The surviving evidence leaves this seminal question shrouded in mystery. Perhaps the local civic elites endeavored to diminish the authority of the central government and attain the maximal level of jurisdictional autonomy for their urban communes (Lenel 1911: 160–161 argued along these lines, subsequently supported by Schmidinger 1954: 154–155). Perhaps, however, there was another force in the background of these “uprisings”, secretly pulling the strings and patiently waiting for an opportune moment to strike a fatal blow to the patriarch-margrave’s authority in the region. Be that as it may, the final treaty in the series of pacts was sealed in Cividale on July 3, 1267 (Chmel 1849: 84–87, n. 78a–78b; Grego 1937: 31–32).<sup>3</sup> As per the 1267 provisional division of the family heirloom, the House of Gorizia was represented solely by Count Albert I who hereby entered into a military alliance with the patriarch directed entirely against the Istrian Commune of Koper. The document reveals that the city of Koper had already engaged the patriarch’s forces in open warfare, although the exact place of the battle remains unknown. Since later chroniclers – Andrea Dandolo, writing between 1344 and 1352 (Marin 2015: 74–77) – speak of the Capodistrian attack on Poreč, it has traditionally been argued that the 1267 war began with Koper’s attack on this maritime city of Istria as the *Commune Iustinopolis* aimed to expand its dominion over the Peninsula (Lenel 1911: 161; Grego 1937: 30; De Vergottini 1974: 106; Semi 1975: 82–83; Puppe 2017: 36; Ivetic 2019: 139–140).<sup>4</sup> Seeing that Poreč indeed subjected itself to Venice in mid-July 1267, the Venetian Great Council formally accepting the city under its dominion on July 27, the traditional interpretation remains plausible (Cessi 1931: 55, n. 46). With the 1267 Alliance of Cividale, the combined forces of the patriarch and the advocate of the Aquileian church were united to repel the Capodistrian invasion and finally quell the flames of dissent in the Margraviate of Istria. It was not to be.

3 Two documents were issued to seal the 1267 Treaty of Cividale, both edited by Chmel (referenced above). Pizzinini (1974: 188) and Semi (1975: 81–82) both err when they date one document to 1266 and the other to 1267 (based on a mistake made by Kandler 1986: 563, n. 341, subsequently taken over by Wiesflecker 1949: 200, n. 755), concluding that Koper waged war in Istria for over a year. Both documents, correctly edited by Chmel, were issued on July 3, 1267.

4 “XV<sup>o</sup> ducis anno, Iustinopolitani, suis terminis non contenti, iurisdictiones Parencii violenter invadunt, et illi, resistere nequientes, duci Venecie, cui ab antiquo tempore fideles et tributarii fuerant, libere se submitunt; et illico Iustinopolitani amoniti ab invassione secedunt, et Iohanes Campulo eis potestas datus est” (Pastorello 1958: 315). Puppe (2017: 36) states that the League was signed two days after the Capodistrian attack on Poreč, but this claim does not enjoy the support of the surviving primary sources.



“The venerable father Gregory, the patriarch of Aquileia, was captured at the break of day, while he was in bed, by the noble man Albert, the count of Gorizia, by Villanova below Rosazzo, and barefoot, he was taken to Gorizia on a donkey, in the year of our Lord 1267, on Tuesday, July 20” – with these words the chronicler and contemporary of these events, Julian of Cavalicco, a canon of the Chapter of Cividale, described the fateful events that forever changed the course of Istrian history (Tambara 1905: 5).<sup>5</sup> The Commune of Koper and Count Albert I of Gorizia forged an alliance of their own, directed against the Guelph patriarch and aiming to culminate in a joint Capodistrian-Gorizian lordship over the entire Margraviate of Istria, with the advocate as the main pillar of authority in the entire ecclesiastical principality. Why did Albert I betray the Aquileian patriarch?

First, there was the prospect of Conradin’s campaign, the progeny of House Hohenstaufen, who was preparing his journey to Italy to be adorned with the imperial crown in Rome and to defeat his enemy in Sicily, Charles I of Anjou (Hampe 1894: 169–174). Albert’s brother, Count Maynard IV (II as count of Tirol), was Conradin’s stepfather, having married Elisabeth of Bavaria in 1259, following the death of King Conrad IV (Baum 2000: 47). Thus, Count Albert I remained loyal to the traditional political trajectory of his house, supporting the Ghibelline forces by “clearing the path” for their untroubled journey through his domain by locking up the local Guelph champion, Patriarch Gregory of Montelongo (Pizzinini 1974: 189–190).

Second, the expansionistic tendencies of the Commune of Koper must be included in the equation. *Civitas Iustinopolis* was at this point in time the largest, richest, and jurisdictionally most advanced commune in Istria, the only one that negotiated its self-governmental prerogatives, not only with the patriarch-margrave, but with Emperor Frederick II as well (Koch 2014: 587–588, n. 905; FIM: 1238\_FBI; Grego 1937; Žitko 1989: 42–50). Unlike Poreč, where the local bishop claimed a lion’s share of the city’s jurisdictions, the bishopric in Koper was young, reinstated in 1177 by Pope Alexander III, poor in temporal jurisdictions and therefore impotent to challenge the commune (Jenko Kovačič 2022a: 77–79, 87–90; Jenko Kovačič 2022b: 143–166, 175–178). Moreover, Koper was the only Istrian *civitas* that dispatched their own citizens as podestàs to other Istrian communes, figures such as Varnerio de Gillaco, Zanino da Marco, and Eppo

5 “Captus fuit venerabilis pater Gregorius, patriarcha Aquilegensis, per nobilem virum Albertum, comitem Goricie, apud Villam Novam sub Rosacio, in aurora dei, dum erat in lecto; et nudipes ductus fuit Goriciam in uno roncino, anno Domini MCCLXVII, die mercurii, XII exeunte iulio.”

Azzone having served as rectors in centers such as Poreč, Motovun, and Piran (Grego 1937: 29)<sup>6</sup>. All of this engendered hegemonic tendencies in the *Commune Iustinopolis*, driving the civic elite of the city to greenlight a move as audacious as openly invading Poreč. If there indeed was someone orchestrating the “rebellion” in Motovun and the “offences” against the patriarch in Poreč, the prime suspect would be the Commune of Koper.<sup>7</sup> The question, however, remains: did Albert I tacitly support Koper even before his attack on the patriarch in July of 1267?

If there was a conspiracy forged by the Gorizians and Capodistrians, one aimed at luring the patriarch into a false sense of security only to capture and imprison him, it remained undocumented in the surviving historical sources. While it is in the realm of possibility that Count Albert I planned the entire attack against the patriarch even before the signing of the 1267 Treaty of Cividale, it could also very well be that the advocate merely saw an opportunity with Koper’s attack on Poreč and decided to join forces with the invaders only after having entered into an alliance with Gregory of Montelongo. Walter Lenel argued that it was the Commune of Koper that first approached the Gorizian count, cunningly swaying the advocate to change his allegiance and betray his ordained protectee (Lenel 1911: 161, subsequently taken over by Grego 1937: 32; Pizzinini 1974: 188; Semi 1975: 83; Žitko 1989: 50). Heinrich Schmidinger built on this interpretation, adding that Count Albert would be easily persuaded to support Koper because he harbored distrust towards Patriarch Gregory, who had met with Ulrich III of Spanheim on July 10, 1267, the Gorizian’s sworn enemy (Schmidinger 1954: 129, based on Schumi 1887: 289–290, n. 374). Be that as it may, this was the first joint undertaking of the Gorizian-Capodistriian alliance, the two principal signees of the 1278 Treaty of Pazin. The neighboring Piran (Ital. Pirano) and Isola (Ital. Izola) soon joined the Capodistriian league and the powerful ministerials of House Duino-Momjan also lent their support to Count Albert I; in Istria, the patriarch could count on the support of House Petrapilosa and Monfiorito of Pula, although the latter seems to have remained neutral (De Vergottini 1974: 107, as read

6 *Ianinus quondam domini Marci de Iustinopoli* was the podestà of Poreč in 1258 and in 1259 (CARLI 1791: 235; ASV, MADP, b. 5, n. 168); Varnerio de Villaco/Gillaco was the podestà of Motovun sometime between 1251 and 1256 (CARLI 1791: 241–242) and Piran in 1252–1253 (BIANCHI 1847: n. 529, 568; DEFRANCESCHI 1924: 118, n. 88); Eppo Azzone was the captain of Piran in 1269–1270 (DEFRANCESCHI 1924: 176–177, n. 129, 178, n. 130, 178–179, n. 131, 184–187, n. 134).

7 Pizzinini argued similarly (1974: 188), taken over by Puppe (2017: 36), who claimed that Koper supported the rebellion in Motovun, although there are no primary sources that would explicitly confirm this.

from Pani 2009: 105–107, n. 9). It was during this fateful clash of the Gorizian and patriarchal forces, in which both Istria and Friuli suffered under the destructive flame of warfare, that the houses Duino-Momjan and Petrapilosa waged their famous blood feud, culminating in the decapitation of the brothers Henry and Carsteman of Petrapilosa on top of their castle (Darovec 2016).

Unfortunately for Albert's alliance, the invasion of Poreč ended in the defeat of all involved parties as the besieged city subjected itself to Venice, a polity that was powerful enough to easily fend off the invasion and secure peace in its newest Istrian possession. Moreover, having been excommunicated by Pope Clement IV and following the interventions of King Ottokar II of Bohemia and his cousin, Archbishop Vladislaus of Salzburg, Count Albert I succumbed to pressure and released the imprisoned patriarch in late August of 1267 (Chmel 1849: 87–90, n. 79; Tambara 1905: 5–6; Paschini 1921a: 65–66; Brunettin 2004: 300). Although the freed patriarch promised to intercede with the pope and the high clergy on Count Albert I's behalf, so that his excommunication might be lifted, relations between the two parties were destined to sour very soon (Firnhaber 1853: 36–38). On July 3, 1268, the men of Count Albert I ambushed and killed Albert, the bishop of Concordia (Pordenone) and the person of Gregory's utmost confidence (Tambara 1905: 6; Paschini 1921a: 71–72). Again, the exact motives guiding the hands of Albert's minions remain unknown, but this time it was the patriarch who daringly went on the offensive, bent on avenging the death of his heinously slain fellow. The military operations that lasted throughout the summer, including the siege of Gorizia personally led by Gregory of Montelongo, ended without a clear victor (Tambara 1905: 6; Paschini 1921a: 72–74; Pizzinini 1974: 190; Brunettin 2004: 301). In Istria, it was the Capodistriean-Gorizian alliance that profited from the turmoil as the Commune of Buje subjected itself to Koper on August 19, 1268 (Carli 1791: 38–40, n. 18; Grego 1937: 36; Pizzinini 1974: 192; Puppe 2017: 39, fn. 202). The peace treaty between the advocate and the patriarch never materialized – Gregory of Montelongo died on September 8, 1269, leaving the ecclesiastical principality of Aquileia in a state of unseen turmoil (Tambara 1905: 7).

During the long and chaotic *sede vacante* period (1269–1274), the Chapter of Aquileia endeavored to hand the reins of the Patriarchate to the Carinthian Spanheims, first electing Ulrich III as captain general, who died soon thereafter († October 27, 1269), and then his brother, Philip

of Carinthia, first as patriarch and then, as he never received the papal confirmation, as captain general of Friuli (Tambara 1905: 7; Paschini 1921b: 125–132). Count Albert I would wage war against Philip Spanheim in a bid to remove him from the jurisdictional equation of the Patriarchate of Aquileia, the conflict ushering an era of destructive warfare throughout this torn ecclesiastical principality (Tambara 1905: 8; Paschini 1921b: 131–132). In Istria, it was again Venice that emerged as the victor, having accepted the voluntary subjections of Umag (December 29, 1268), Novigrad (March 23, 1270), and Sveti Lovreč (November 21, 1271) – the communities that, like Poreč, sought the protection of a powerful and stable polity amidst the precarious chaos that had engulfed the Aquileian Patriarchate (Cessi 1931: 58, n. 56, 59, n. 58, 61, n. 67; Pastorello 1958: 317, 319; Lenel 1911: 162; Paschini 1921b: 132–135; De Vergottini 1974: 112; Schmidinger 1954: 154–155; Pizzinini 1974: 191, though with inaccurate chronology; Puppe 2017: 40, though erring about Motovun; Ivetic 2019: 140, though with inaccurate chronology and also erring about Motovun).

The *sede vacante* period ended in 1274, with the papal appointment of Raymond della Torre (December 21, 1273), the bishop of Como and the progeny of the Lombard noble family embroiled in the conflict against House Visconti over the lordship of Milan (Tambara 1905: 9; Paschini 1922: 49–50; Demontis 2009: 45). Having arrived in Friuli in the summer of 1274, the new patriarch opened diplomatic negotiations with both Venice and Count Albert I, endeavoring to stabilize his precarious ecclesiastical principality (Tambara 1905: 9–10; Demontis 2009: 47–48). The patriarch achieved some success on both fronts: the treaty with Venice was signed on February 18, 1275, officially ratified by the patriarch two years later (Banić 2022b); with Count Albert I and the Commune of Koper, a truce was signed a couple of days later, on February 25, 1275, leaving in the hands of the elected arbitrators the fate of the contested Cormòns, still the apple of discord between the patriarchs and the advocates (FIM: 1275\_GR; Paschini 1922: 67–68; Degrassi 1996: 46–47). Having pacified the situation in Friuli, a new crisis emerged in Istria as Motovun subjected itself to Venice on March 21, 1276 (Cessi 1931: 66, n. 88; Pastorello 1958: 322; De Vergottini 1974: 115). The patriarch's response was swift – in the very same year the rebellious commune was brought back under the authority of the patriarch and the Venetian podestà expelled from the town (Bianchi 1847: 229–230, n. 557; Paschini 1922: 104–105). The beginning of the patriarch's reign was thus marked with some success.

Sixteenth-century “historian” Jacopo Valvasone stated that Raymond attempted a military expedition against Venice in September of 1276, a *reconquista* of sorts, but that the campaign never took place as Venice promised the restitution of the occupied lands to the incumbent patriarch (Valvasone 1823: 3–4, uncritically taken over by Pizzinini 1974: 192–193). These notices must be judged as products of the authors’ imagination as they are not supported by primary sources. The same must be said of another sixteenth-century author, Marcantonio Nicoletti, who claimed that Raymond forbade the election of Venetian podestàs throughout Istria at the very beginning of his reign, a spark that would ignite the later wars between the Patriarchate and Venice (Nicoletti 1910: 12, 14; uncritically taken over by Demontis 2009: 47, fn. 7). Based on surviving primary sources, it seems that the patriarch was willing to temporarily turn a blind eye on the Venetian occupation of the four communes, *de iure* patriarchal lands in the Margraviate of Istria, in order to concentrate his attention and resources on another battlefield.

Following these initial successes in Friuli and Istria, Raymond della Torre suffered a crushing blow to his lordship as the Commune of Motovun resubjected itself to Venice, an offer that the Venetian Great Council accepted and formally ratified on March 22, 1278 (Cessi 1931: 67, n. 95). This time, however, the patriarch would not respond. Instead of undertaking a *reconquista* of the rebellious and strategically invaluable Istrian community, Patriarch Raymond shifted his focus entirely toward his native Milan and his family’s war against the Visconti. Leaving Friuli for a second time in the spring of 1278, the patriarch journeyed to Lombardy to militarily support his house, staying in Lodi until the end of 1279 (Paschini 1922: 77–83; Demontis 2009: 98–102). Thus, the interpretation that Patriarch Raymond “cracked down” on the Venetian government in Istria at the very beginning of his reign, which in turn catalyzed the evolution of Venice’s communities in Istria from *fideles* to *subiecti*, must be judged as wholly unsubstantiated and, thus, rejected (Pizzinini 1974: 192, based on a wrong reading of Lenel 1911: 163, subsequently taken over by Puppe 2017: 41, where other erroneous facts are reported as well). On the contrary, Raymond endeavored to maintain amicable relations with Venice in order to maintain his focus on the war effort against the Visconti.

Seeing that Raymond’s attention steered more towards Lombardy than Istria, Count Albert I decided to take matters into his own hand and embark

on the *reconquista* of Venetian Istria without the patriarch's aid. This is the evolutionary thread that finally leads to Pazin on the fateful July 27 of 1278.

### 3. THE DOCUMENT

The Treaty of Pazin was originally drawn up in two deeds and authenticated by two public notaries: one was to remain with Count Albert I, the other with the Commune of Koper; one was authenticated by John Hengeldei, the other by Ottolino, both citizens of Koper (appendix 1). John Hengeldei was a *vicedominus* of the Commune of Koper, a public official tasked with authenticating and recording notarial acts for the municipal government (Blancato 2016: 148–149; Darovec 2015). Ottolino of Koper was the official scribe of Count Albert I of Gorizia, a member of his chancellery (Blancato 2016: 456, fn. 224). Both signees appended their respective hanging seals onto the two official documents – in the language of diplomatics, the deed recording the Treaty of Pazin was thus a notarial sealed charter (Germ. *notarielle Siegelurkunden*), a mixed form combining the corroborative strengths of the notary's *completio* with that of the issuer's hanging seal (Härtel 2011: 149; Weilder 2019: 94–97). The same documentary form was used for the 1275 treaty signed between Patriarch Raymond and Count Albert I, also written and authenticated by notary John Hengeldei (FIM: 1275\_GR).

The document survives in only one manuscript tradition, a parchment preserved in the State Archive in Venice, series *Miscellanea atti diplomatici e privati*, busta 6, number 223. The text was unmistakably penned by the hand of notary John Hengeldei and only contains his *completio*.<sup>8</sup> This exemplar, however, features no hanging seals, which were most probably removed from the parchment at some unidentified point in time. The same fate befell the 1275 treaty between Raymond and Albert I which is also preserved in the original but lacking the hanging seals. Notwithstanding the missing seals, the document must be identified as one of the two originals

8 This inference is based on a comparative analysis of the handwriting in this document with that of the 1275 treaty signed between Count Albert I and Patriarch Raymond, written by the same John Hengeldei and preserved in the original in BMV, ms. Lat. XIV, 101 (= 2804), 15, doc. 6, critically edited in FIM: 1275\_GR.

drawn up in Pazin on July 27, 1278, i.e., as the Capodistrian exemplar written and authenticated by the communal notary, *Iohannes Hengeldei*.<sup>9</sup>

According to its inner characteristics, the document combines the features of a notarial deed and a sealed charter. The charter opens with John Hengeldei's notarial sign followed by a trinitarian invocation (*In nomine—Trinitatis, amen*). A short *arenga* follows on the necessity to commit deeds to writing (*Cum inter—in scriptis*), a most common form of preamble (Fichtenau 1957: 131–135). Like the sealed charter, the list of witnesses as well as the *datatio chronica* and *topica* are relegated to the document's closing protocol (Härtel 2011: 36). Unlike the sealed charter, the *dispositio* is written in the objective form, a characteristic of a notarial *instrumentum publicum* (Härtel 2011: 26).

Following a short *publicatio* (*Hinc est igitur quod*), the *dispositio* is sectioned into two main parts, the first detailing the obligations of Count Albert I, the second of the Commune of Koper. First, Count Albert I – “for the honor and standing and the preservation of the Church of Aquileia and the city of Koper and of the entire province of Friuli and Istria” – promises to ally with the Commune of Koper against Venice (*nobilis et—viriliter oponebit*). This promise is made in the name of all of the Gorizian's ministerials, servants, and supporters, a group of regional potentates that included the members of House Duino–Momjan and Henry of Pazin. Moreover, the count promised not to leave Istria in case of a Venetian attack on Koper, and to hastily journey to the Peninsula in case he would be caught “outside of the province of Istria and Friuli” when the attack commenced (*Et si—innimicabiliter oponebit*). The fact that “Istria and Friuli” are mentioned as a single *provincia* is somewhat unique, showing that the lordship coveted by the Capodistrian–Gorizian alliance extended to both regions of the ecclesiastical lordship. Finally, the count promised not to enter into any negotiations with Venice or sign any treaties without the permission and the consent of the Commune of Koper (*Et insuper—Communis Iustinopolitani*).

The very same is promised by the Commune of Koper, represented by four Capodistrian citizens – Zanino de Marco, Emmerly Sabinus, Aureo Polonius and *vicedominus* John Hengeldei, the very scribe who would

9 I thank my dear colleague Sebastiano Blancato for his keen observations regarding this charter. The practice of removing the piece of parchment with the hanging seals was not uncommon: the same fate befell, e.g., the charter originally corroborated by the hanging seal of Aquileian Patriarch Gottfried from 1188 (Härtel 2020: doc. U 29, 61).

compose and authenticate one of the two sealed charters issued that day in Pazin (*Et econverso—Foriulii tantum*). Zanino de Marco stands out among the group, as he was the podestà of Poreč between 1258 and 1259 (see fn. 6). Moreover, the four representatives acted in the name of Koper's podestà, Hartwig (Lat. *Artuicus*) of Castello. This Friulian lord, the progeny of House Castello, was a staunch supporter of the counts of Gorizia, having waged war against Albert's sworn enemy, Philip of Spanheim, in 1270 (Tambara 1905: 8; Paschini 1921b: 131). From this family, the lords of Castello Porpetto in Friuli, stemmed Domnius of Castello, margrave of Istria between 1379 and 1388, and the house would later assume the surname *Frangipane* as they considered themselves *consanguinei* of the counts of Krk (Ital. Veglia), who famously appropriated the family name in 1420s (Frangipane 2007; Špoljarić 2016: 124–142; Banić 2019).

Two final articles follow, obliging both signees. First, all the booty captured in the war ought to be equally shared between the two allies with the exception of goods formerly in the possession of one of the contrahents which must be returned to their former owners (*Et si aliquod—iuribus restituantur*). This meant that Venice, as it assumed control over the subjected communities, also took over some “estates, possessions, and jurisdictions” enjoyed by the citizens of Koper and the counts of Gorizia, although these cannot be more precisely identified.

Second, in case of the *reconquista* of Novigrad, the city ought to be returned to the *potestas* of the lords of Momjan of House Duino, brothers Ulrich and Cono II, the sons of the late Biaquino I, “disgracefully murdered” by Henry and Carstman of Petrapilosa (*Et civitas Emone—sine lite*). According to this article, the late Biaquino I of Momjan was a lord of Novigrad during his lifetime, but the surviving primary sources contradict this statement. Namely, on August 2, 1259, the Commune of Novigrad indeed elected Biaquino I of Momjan and his heirs as their “perpetual podestàs and rectors”, *de facto* sanctioning their lordship over the city (Predelli 1876: 170, n. 4). However, on January 30, 1261, the same Biaquino renounced this lordship and forgave the citizens of Novigrad the “offenses” committed against him during his reign as their podestà (Predelli 1876: 170, n. 5; De Vergottini 1974: 104; De Vergottini 1952: 20; De Franceschi 1938: 85). While the entire episode of the lord of Momjan's lordship over Novigrad remains for the most part shrouded in mystery, Biaquino's rights over the city did not evaporate after 1261. When the Commune of Novigrad presented its subjection to Venice in 1271, fifty-one members of the Venetian Great



Council voted to first hear Cono of Momjan, who was said to have rights there, before voting on the matter; as ninety-seven councilors voted in favor of immediately accepting the subjection, Cono's potential rights were ignored (Cessi 1931: 59, n. 58; De Franceschi 1938: 85–86). The Treaty of Pazin clearly shows that House Momjan, that is, the brothers Cono and Ulrich, still claimed lordship over Novigrad as their family's inheritance, notwithstanding their father's 1261 renouncement.

Final clauses follow – *clausula obligativa*, *renuntiativa*, and *praeceptiva* (*Que omnia—vel exceptione*) – after which comes a *sanctio temporalis*: three thousand marks of silver to be given by the transgressing to the observant party (*sub pena—plenisimam firmitatem*). *Corroboratio* closes the *corpus*, listing the names of the witnesses who swore upon the gospels to uphold the treaty in the name of the respective signees. Thus, Count Albert I swore to uphold the pact together with his ministerial lords Henry of Pazin, Henry of Grdoselo and his nephew Berthold, Dietrich of Momjan, Dietmar of Grotendorf, Otto of Švarcenek, and Folker of Rihemberk, and the four representatives of Koper swore in the name of the Commune of Koper (*Et ad—est expressum*).

The eschatocol features the *datatio topica* (*Actum in Pisino*) followed by *datatio chronica* containing the year according to Christ's incarnation, indiction, and the day of the month according to the Bolognese style (*Anno Domini—exeunte iullio*). A list of invited witnesses follows, naming only four distinguished members of the audience among many (*in presencia—alliorum plurimorum*). The document closes with another *corroboratio*, detailing the appendment of the signees hanging seals (*In cuius—munimine roborari*), followed by John Hengeldei's *completio* (*Ego Iohannes—scripsi et roboravi*). Although the seals appended to this particular act were not preserved, it is known from other surviving charters that Count Albert I used one and the same seal throughout the period between 1271 and 1294, depicting the Gorizian on a horse, clad in armor, holding a spear and a shield adorned with the house's coat of arms (picture 1; Baum 2000: 112). The only preserved seal of the Commune of Koper, however, dates from a later period, 1321, appended to an act issued in Gorizia (Otošec 1988: 226).



**The Reiter Siegel of Count Albert I of Gorizia (Pizzinini 1974: 191).**  
 Legend: S(IGILLVM) ALBERTI COM(ITIS) GOR(ICIE) ET TIROL(IS)  
 AQVIL(EGENSIS) TRID(ENTINI) BRIXIN(ENSIS) ADVOCATI.

#### 4. THE AFTERMATH

Shortly following the signing of the Treaty of Pazin, joint military operations against Venice commenced. Unfortunately, very few primary sources contemporary to these events have survived, the most detailed account of the war remaining the *Chronica extensa* of Doge Andrea Dandolo, written in the middle of the 14th century (Pastorello 1958: 325–326; Lenel 1911: 164–165; De Vergottini 1974: 116–118; Semi 1975: 84–86; Žitko 1989: 52; Puppe 2017: 42–43).

First, the Capodistriean-Gorizian forces waited for an advantageous time to commence their attack as the Commune of Venice was at the time embroiled in no less than three different conflicts. Namely, one battle was being waged against the Adriatic Commune of Ancona, a war that lasted from 1277 to 1281 with the supremacy of the northern Adriatic trade at stake (Leonhard 1992: 126–128; Ivetic 2019: 134–135); the second was fought in distant Crete as the uprising led by the Curtazio family had to be quelled, requiring intermittent military interventions throughout the 1270s (Thiriet 1959: 152; Borsari 1963: 52–53); finally, battles were fought against Omiš (Ital. Almissa) and House Kačić in Dalmatia, culminating in

the Venetian siege of the pirate stronghold (Klaić 1897: 50; Karbić 2004: 13). Thus, when Dandolo stated that the Capodistrians had attacked only after having seen “Venice entangled in many wars”, this is the context that he was alluding to (Pastorello 1958: 325).

According to Dandolo, the attacks against Venice proceeded in two directions. Koper assaulted from the sea, blocking the Venetian seaports and capturing the guards; the count of Gorizia waged war on land together with his faithful ministerial, Henry of Pazin, assailing Motovun first and then, failing to reconquer the stronghold, directing his assault toward Sveti Lovreč, a town that the duo successfully subdued. Venice responded swiftly by dispatching two armed contingents: one was led by Marco da Canal and directed towards Koper, the other by Egidio de Turchis who commanded terrestrial forces that embarked in Venetian Poreč. As the war progressed, Venice dispatched Giacomo Tiepolo with two hundred horsemen, naming him the captain of terrestrial forces, and Marco Corner as the captain of the navy. The two Venetian captains achieved marked success as Izola fell to the might of their army, hitting the Capodistrian alliance with a great blow. A siege on Koper followed soon thereafter led by Marino Morosini, the newly appointed captain of land forces, and Marco Corner who attacked the city from the sea, blocking its ports. Besieged from both sides, the Commune of Koper released the Venetian hostages and asked for a parley. For Venice, the military triumph could lead to only one outcome – the city’s subjugation. The representatives of Koper – Papo Deribaldo and John Dediatalmo – were thus sent to Venice where they officially surrendered their city to the Commune of Venice. The Venetian Great Council officially ratified the subjection on February 24, 1279 (Cessi 1931: 69, n. 103). The surrender of Koper was, as Dandolo narrates, confirmed by many of the city’s noblemen as they asked and obtained pardon for their transgressions from the Venetian doge. Still, the city was harshly punished by the victorious forces – walls and towers from St. Martin’s gate to gate Bošedraga were razed and the properties of Zanino da Marco – the former podesta of Poreč and one of the signees of the Treaty of Pazin – were set to flames as the Capodistrian refused to bend the knee to Venice.<sup>10</sup> As Venetian *subiecti*, the Capodistrians received their first delegated Venetian podestà, Ruggiero Morosini, soon thereafter (Pastorello 1958: 325–326)<sup>11</sup>.

<sup>10</sup> For the *portae* of Koper, see Mlacović 2022.

<sup>11</sup> The account of the events given in Pizzinini (1974: 193) is utterly wrong and should be ignored.

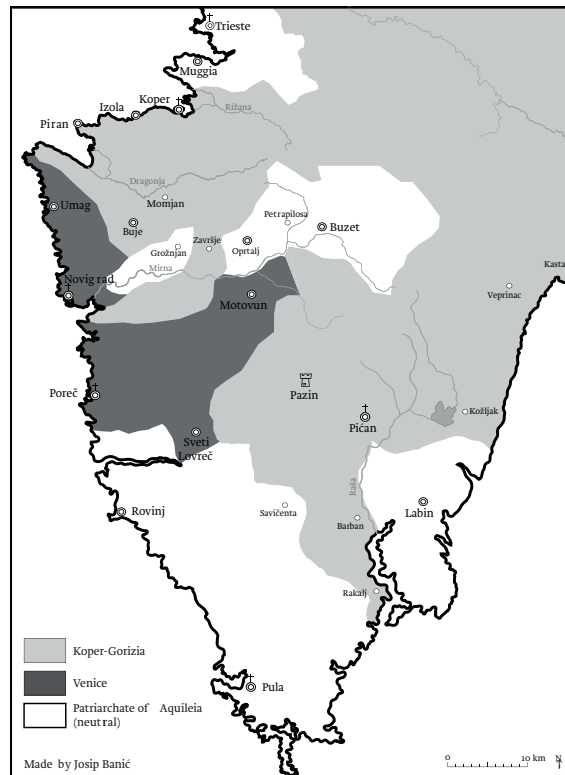
The count of Gorizia did not fare much better. Failing to lift the siege of Koper, the Gorizian was forced to abandon the hopes of the *reconquista*, the only spoil of war remaining being the inland town of Sveti Lovreč. However, “the count of Pazin”, as Dandolo calls him, came to Venice and, seeking reconciliation with the victor, relinquished Sveti Lovreč and received the doge’s pardon. Although the treaty between Count Albert I and Venice does not survive *in extenso*, it was definitely recorded in an official document, as revealed by the regestum of the treaty recorded in 1515 by Wilhelm Putsch. According to the regestum, Venice had occupied Završje (Ital. Piemonte d’Istria) in Istria during the war and in the peace treaty, the two parties promised to relinquish all the occupied territories (Štih 2013: 182, fn. 12 edits the regestum, but according to a later copy of Putsch’s *Repertorium*). The Gorizian thus returned Sveti Lovreč in exchange for Završje, something that Dandolo fails to mention. The date of the treaty between Venice and Count Albert I is difficult to ascertain. Putsch gives only the year 1279 and this fits with the general chronology of the events and Dandolo’s narrative.<sup>12</sup> According to Rudolf Coronini (1753: 325), the treaty was signed on February 11, as per the notes of Martin Bauzer (1595–1668), who possibly consulted the (now lost) charter.<sup>13</sup> If the treaty was indeed signed on February 11, 1279, that would mean that the Gorizian abandoned his allies in their darkest hours, preferring to admit defeat and cowardly bend the knee rather than rushing to the aid of the besieged city. There is another possibility – that the treaty was originally dated *more Veneto* whereby the year begins on March 1. Since Putsch does not record the indiction year, it could very well be that the original treaty was indeed dated February 11, 1279, but *more Veneto*, meaning that it was actually concluded in 1280. This would paint a much different picture of the Gorizian, as an adamant warrior refusing to admit defeat and audaciously persevering in his alliance and the war effort against Venice for another year. Be that as it may, Count Albert I eventually gave up and genuflected in front of the Venetian doge. Thus ended the ambitious undertaking of the alliance forged in Pazin on July 27, 1278 – in utter, ignominious defeat (Pastorello 1958: 326).

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12 It cannot be 1278, as emended by Štih (2013: 182).

13 Pizzinini (1974: 193) states that it was February 2, but his references, most of them completely unrelated to the events, do not corroborate this dating.

The inglorious end of the anti-Venetian alliance formed by the Treaty of Pazin invites a negative historiographical interpretation of the Capodistriani-Gorizian enterprise – a fool’s errand undertaken by foolhardy actors divorced from reality. This interpretation, however, would rest primarily on Dandolo’s retelling of the story arc, a decisively pro-Venetian narrative. Even though the allied forces eventually lost the battle against Venice, their original plan was far from hopeless. Namely, the lion’s share of the Istrian peninsula lay under the combined authority of the league, Koper controlling neighboring Piran, Izola, and Buje while Albert I and his numerous ministerials held the inland part of the Peninsula (Map 1). With Venice embroiled in costly wars on three different fronts, the prospect of the Capodistriani-Gorizian alliance achieving success was indeed high. The surviving primary sources, however, do not allow a more in-depth analysis of the course of war, rendering it impossible to answer the question of why the anti-Venetian alliance eventually failed in its endeavors. One potential explanation would be that the Gorizian was simply unprepared for naval warfare and that the Capodistriani failure to block the ports of Venetian towns in Istria spelled the downfall of the alliance.



Be that as it may, when Patriarch Raymond returned from Lombardy, himself also a defeated party, he was greeted with a disaster – not only was Motovun definitely lost, but Venice even managed to expand its jurisdiction to Izola and Koper, further reducing the dwindling Margraviate of Istria. In October 1280, the doge and the patriarch tried to reach an amicable solution to the *vexata quaestio* as the parties attempted to negotiate a lease of all the Aquileian rights in Istria for a period of twenty-nine years (Banić 2023). The negotiations, however, failed and the patriarch went on to join forces with his advocate, forging another anti-Venetian alliance in Muggia on March 7, 1283, also with the aim of reconquering Venetian Istria (Joppi 1886: 56–62, n. 47). The period that ensued saw the patriarch and the count of Gorizia jointly waging war against Venice on three different occasions (1283–85, 1287–89, 1290–91), but with little success, losing Piran and Rovinj in the process (Brunettin 2004: 306–307). Venice now controlled the entire western coast from Koper to Rovinj, their jurisdictional microregion, cemented by the glorious victory over the Capodistriani-Gorizian alliance, a harsh reality that the patriarch and the advocate were forced to acknowledge. Ironically, the Treaty of Pazin ended up achieving precisely the opposite of what its signees had aimed.

## 4. APPENDIX

### Document 1

Regestum: Count Albert I of Gorizia and the Commune of Koper enter into a military alliance directed against Venice.

Place: Pazin

Date: July 27, 1278.

Source: ASV, MADP, b. 6, n. 223; one of the two originals, made by the notary John Hengeldei for the Commune of Koper; originally with two hanging seals that have subsequently been removed together with the piece of parchment to which they were affixed (= A).

Previous Editions: n/a, Minotto (1894: 79–80) published something between an *in extracto* and an *in regesto* edition.

Notes on transcription: The editorial principles follow those appropriated in the *Fontes Istrie medievalis* series, available online at <https://fontesistrie.eu/editorial> (last access: May 20, 2023). The scribe's language features many irregularities compared to classical Latin, mainly the irregular doubling of consonants (*nobillis*, *Aquillensis*, *innimicos*, etc., but *tera*, *guera*, etc.), the addition of -c following an -s and an -s following an -x (*requiscitus*, *exspensas*, etc.), and the modification of sibilant -ti into -ci (*tocius*, *presencium*, etc.); these irregularities, common in medieval varieties of Latin (Mantello-Rigg 1996: 79–80), are not reported in the critical apparatus. The influx of the Venetian *volgare* is also noticeable (*con* instead of *cum*). The notary regularly conjugates the verb *oppōnō*, *oppōnere*, *opposuī*, *oppositum* (3) erroneously in the indicative future active (*oponebit* instead of *opponet*, *opponebunt* instead of *opponent*).

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(SN) In nomine sancte et individue Trinitatis, amen.

Cum inter aliquos aliqua pertractantur, dignum et consetaneum<sup>14</sup> rationi esse videtur ut ad memoriam presencium et futurorum manu plibica<sup>15</sup> reducantur in scriptis.

Hinc est igitur quod nobillis et potens vir dominus Albertus comes Goricie, Tirollensis necnon Aquillensis<sup>16</sup>, Tridentinensis ac Brixinensis ecclesiarum advocatus, ad honorem et statum et conservacionem Aquillensis ecclesie et civitatis Iustinopolis ac tocius provincie Foriulii<sup>17</sup> et Istrie, cum obligatione omnium suorum bonorum presencium et futurorum ad penam infrascriptam, de pura et bona voluntate laudavit, promisit et se obligavit astare cum toto suo posse pro se et omnibus suis ministerialibus, servitoribus et coadiutoribus Comuni Iustinopolitano contra Commune Veneciarum et contra omnes coadiutores et fautores predicti Communis Veneciarum, ita tamen quod, quandocumque neccesse fuerit et Comuni Iustinopolitano videbatur ad contrarium Communis Veneciarum ad omnes suas exspensas et contra omnes coadiutores et fautores Communis Veneciarum tanquam

<sup>14</sup> sic A: *pro* consectaneum.

<sup>15</sup> sic A: *pro* publica.

<sup>16</sup> sic A et *undique* sic: *pro* Aquilegensis.

<sup>17</sup> sic A: *pro* Foriulii.

suos contra inimicos<sup>18</sup> ad eorum dampna bonorum et personarum se viriliter opponet<sup>19</sup>.

Et si accideret quod Commune Veneciarum, tam pro communi quam pro diviso aut per aliquos suos coadiutores aut fautores dicti Communis Veneciarum, Commune Iustinopolitanum vel loca predicti Communis invaderet de guerra manifesta, tunc dominus comes predictus de terra Istrie exire non debeat absque voluntate et consilio Communis Iustinopolitani.

Et si aliqua guerra oriretur inter predicta communia vel eorum coadiutorum vel fautorum, existente predicto domino comite extra provinciam Istrie et Foriulii, tunc dictus dominus comes in propria persona cum toto suo posse, quandocumque requisitus fuerit per Commune Iustinopolitanum, quam cicius esse poterit in subsidium et auxilium predictae civitatis Iustinopolitane venire teneatur et contra dictum Commune Veneciarum, ut dictum est supra, se inimicabiliter opponet.

Et insuper promisit idem dominus comes et se obligavit quod nullum pactum, concordium<sup>20</sup> sive treguam aut pacem cum Commune Veneciarum neque cum fautoribus et coadiutoribus suis faciet nec tractabit absque verbo et voluntate predicti Communis Iustinopolitani.

Et e converso, quod nobiles viri domini Çaninus domini Marci, Almericus Sabinus, Aureus Polonius et Iohannes Hengeldei vicedominus sindici et procuratores Communis Iustinopolitani, sicut patet publico instrumento manu Rantulfi notarii et cancellarii Communis Iustinopolitani, et auctores domini Artuici de Castello potestatis Iustinopolis et Minoris et Maioris Consilii et totius Communis Iustinopolitani promiserunt et se obligaverunt<sup>21</sup> pro dicto Commune quod dictum Commune Iustinopolitanum cum toto suo posse astabit predicto domino comiti et hominibus suis contra Commune Veneciarum et contra omnes coadiutores et fautores predicti Communis Veneciarum, videlicet qui ad contrarium domini comitis predicti et Communis Iustinopolitani vel eorum fautorum se opponerent<sup>22</sup>, ita quod, si propter dictum Commune Veneciarum, tam

18 tanquam suos contra inimicos] sic A: pro tanquam contra suos inimicos.

19 sic A et saepe sic: pro opponet.

20 sic A: pro concordiam.

21 seq. et se obligaverunt ex errore iter A.

22 sic A: pro opponet.



pro communi quam pro diviso seu per coadiutores vel fautores predicti Communis Veneciarum aliqua dampna, iniuria vel molestia illata essent predicto domini comiti vel suis servitoribus, coadiutoribus et fautoribus, seu de aliqua guerra manifesta dictum dominum comitem vel gentem suam invaderent adversarii supradicti, tunc civitas Iustinopolitana cum toto suo posse in auxilio et subsidio dicti domini comitis ad eius omnes expensas quam cicius esse poterit ire teneatur et contra dictum Commune Veneciarum tamquam contra suos inimicos predicta civitas se inimicabiliter opponet.

Iterum promiserunt predicti procuratores et syndici pro dicto Commune Iustinopolitano nullum pactum, concordiam, treguam sive pacem componere nec tractare cum predicto Commune Veneciarum vel con<sup>23</sup> coadiutoribus et fautoribus dicti Communis Veneciarum absque verbo et voluntate predicti domini comitis. Et hoc auxilium esse debeat in Istria et Foriulii tantum.

Et si aliquod lucrum factum fuerit vel adquisitum de civitate, castro, villa<sup>24</sup> vel aliis locis per predictum dominum comitem vel per dictum Commune Iustinopolitanum aut per coadiutores vel fautores eorum, esse debeat commune inter dictum dominum comitem et Commune Iustinopolitanum, exceptis bonis dicti domini comitis, ministerialium et hominum suorum et concivium Iustinopolitanum, quod primo in eorum tenentis, possessionibus et iuribus restituantur.

Et civitas Emone, si adquisita fuerit, Oderico de Mimigliano et fratri suo restituatur in suo iure, sicut genitor eorum habuit et tenuit dum diem clausit extremum, salvo iure civium civitatis Iustinopolis in omnibus eorum possessionibus et rebus quod eis dari etiam restitui debeant sine lite.

Que omnia et singula que superius scripta sunt memoratus dominus comes et memorati syndici et procuratores pro predicto Commune Iustinopolitano promiserunt et se obligaverunt – renunciantes omni exceptioni et omni legum auxilio eis pro predictis factionibus – bona fide, sine fraude rata et firma habere et non convenire aliqua occasione vel exceptione, sub pena trium milliarum marcharum argenti pars parti componendarum, videlicet

23 sic A: *pro cum*.

24 civitate, castro, villa] sic A: *pro civitatibus, castris, villis*.

pars contrafaciens parti hec compositio observanti et pena soluta omnia que superius dicta sunt obtineant plenissimam firmitatem.

Et ad maiorem firmitatem predictus dominus comes, domini Henricus de Pisino, Henricus de Gerdasella et Pertoldus nepos eius, Diatricus de Mimiglano, Dethemarius Grotondorfer, Oto de Svarcenech et Wolcherius de Rifinbergo pro parte predicti domini comitis et predicti sindici et procuratores super animam tocius Communis Iustinopolis predicti a sancta Dei evangelia iuraverunt attendere et observare bona fide, sine fraude, ut superius est expresum.

Actum in Pisino, anno Domini millesimo ducentismo septuagesimo octavo, indictione sexta, die quinto exeunte iullio, in presencia dominorum Conradi de Ungersipach, Wolrici plebani de Unst, Henrici plebani de Premaridorfer, Pertoldi scribe predicti domini comitis et alliorum plurimorum.

In cuius rei firmitatem dominus comes sepe dictus et Commune Iustinopolitana instrumenta duo sub uno tenore confecta per Iohannem Hengeldei et Otolinum notarios cum eorum sigillis pendentibus fecerunt munimine roborari.

Ego Iohannes Hengeldei et incliti G[re]G[orii] marchionis notarius his omnibus interfui, rogatus a partibus hoc privilegium scribere, scripssi et roboravi.



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## 5. TRANSLATION OF DOCUMENT 1 INTO ENGLISH

In the name of the holy and undivided Trinity, amen.

When people deliberate on a matter, it seems appropriate and reasonable that it be put into writing by public notaries so that those in the present and in the future may remember it.

So it is too that the noble and powerful man, lord Albert, the count of Gorizia, the advocate of the churches of Tirol and also of Aquileia, of Trento and of Bressanone – for the honor and standing and the preservation of the Church of Aquileia and the city of Koper and of the entire province of Friuli and Istria, under obligation of all his goods, present and future, with respect to the underwritten fine – promised, and bound himself in honest and good faith – in his own name and in the name of his ministerials, servants, and aides – to assist the Commune of Koper with all his forces against the Commune of Venice and against all the aides and supporters of the said Commune of Venice, so that whensoever it might be necessary, or deemed necessary by the Commune of Koper, he would vigorously fight at his own expense against the Commune of Venice and against the aides and supporters of the Commune of Venice as against his enemies, to the detriment of their possessions and their people.

And if it would happen that the Commune of Venice, whether acting collectively or individually or by way of some of its aides or the supporters of the Commune of Venice, would invade the Commune of Koper or the places of the aforesaid Commune in open warfare, then the aforesaid lord count ought not leave the land of Istria without the permission and council of the Commune of Koper.

And if any warfare should break out between the aforesaid communes or between their aides or supporters with the aforesaid lord count outside of the province of Istria and Friuli, then the said lord count, whensoever required by the Commune of Koper, ought to come personally and with all his force to the aid and subsidy of the aforesaid city of Koper as fast as possible and belligerently oppose the said Commune of Venice, as it was said above.

And, moreover, the very lord count promised and bound himself that he would neither sign any pact, treaty or truce or peace with the Commune of Venice or with its supporters and aides nor enter into negotiations with them without the permission and consent of the aforesaid Commune of Koper.

And vice versa, the noble men, lords Çanino of lord Mark, Emmery Sabinus, Aureo Polonius and *vicedominus* John Hengeldei, representatives and deputies of the Commune of Koper – as stated in the public document written by notary Rantulf, the chancellor of the Commune of Koper – and

agents of lord Hartwig of Castello, the podestà of Koper, of the Minor and Major councils and of the entire Commune of Koper, promised and obligated themselves, in the name of the said Commune, that the Commune of Koper would aid the aforesaid lord count and his men with all its forces against the Commune of Venice and against all the aides and supporters of the aforesaid Commune of Venice, that is, those who would oppose the aforesaid lord count and the Commune of Koper or their supporters, so that, if due to the said Commune of Venice, whether acting collectively or individually, or due to the aides or supporters of the aforesaid Commune of Venice, any damage, harm, or trouble be caused to the aforesaid lord count or to his servants, aides, and supporters, or if the aforesaid enemies would invade in open warfare the said lord count or his men, then the city of Koper ought to come to the aid and subsidy of the said lord count with all its forces and at its own expense as soon as possible, and the aforesaid city ought to belligerently oppose the said Commune of Venice, as against its enemies.

Also, the aforesaid deputies and representatives promised in the name of the said Commune of Koper that they would neither sign nor discuss any pact, treaty or truce or peace with the aforesaid Commune of Venice or with its aides and supporters without the permission and consent of the aforesaid lord count. And this help ought to be given only in Istria and Friuli.

And if any bounty would be reaped or acquired from the cities, forts, villages or other places by the aforesaid lord count or by the said Commune of Koper or by their aides or supporters, it ought to be shared between the said lord count and the Commune of Koper, with the exception of the goods of the said lord count, his ministerials and men, and the goods of the citizens of Koper, who should first be restituted their estates, possessions and jurisdictions.

And if the city of Novigrad should be acquired, it ought to be given back to Ulrich of Momjan and his brother, to their jurisdiction, just as their father had had and held until the day of his death, without any prejudice to the citizens of the city of Koper, who ought to be given, that is, restituted all of their possessions and goods without legal process.

The said lord count and the said representatives and the deputies of the aforesaid Commune of Koper promised and obligated themselves in good faith and without subterfuge – renouncing every exception and every legal aid offered them on behalf of the aforesaid factions – to have all of this and

every single thing that was written above as approved and confirmed, and not to complain against it on any occasion or for any exception under the fine of three thousand marks of silver to be given by one party to the other, that is, by the party acting against it to the party observing it. And with the penalty paid, may all that was said above maintain the fullest legal validity.

And to ensure greater legal validity, the aforesaid lord count, the lords Henry of Pazin, Henry of Grdoselo and his nephew Berthold, Dietrich of Momjan, Dietmar of Grotendorf, Otto of Švarcenek, and Folker of Rihemberk on behalf of the aforesaid lord count and the aforesaid ambassadors and deputies on the behalf of the soul of the entire aforesaid Commune of Koper, swore on the holy gospels of God to uphold and observe it in good faith and without subterfuge, as it was expressed above.

Done in Pazin, in the year of our Lord one thousand two hundred and seventy-eight, the sixth indiction, the 27th day of July, in the presence of lords Conrad of Vogrsko, Ulrich, the parish priest of Hundsdorf, Henry, the parish priest of Premersdorf, Berthold the scribe of the aforesaid lord count and many other.

For the validity of this affair the aforesaid lord count and the Commune of Koper fortified the two deeds of one and the same content made by notaries John Hengeldei and Ottolino with their hanging seals.

I, John Hengeldei and the notary of the illustrious Margrave Gregory, participated in all of this, asked by the parties to write this privilege, I wrote it and validated it.

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## SUMMARY

### **Planning the Reconquista of Venetian Istria: The Treaty of Pazin (July 27, 1278)**

The author critically edits, translates into English, and analyzes the Treaty of Pazin, a pact signed between Count Albert I of Gorizia and the Commune of Koper on July 27, 1278. The signees forged a military alliance directed against Venice, with the aim of reconquering the Istrian lands that had subjected themselves to the Venetian Commune between 1267 and 1271, that is, Poreč, Umag, Novigrad and Sveti Lovreč. First, the background leading up to the signing of this treaty is thoroughly illuminated, revealing the evolutionary thread that tied the two contrahents together in their Istrian ventures. Thus, the alliance formed in Pazin in 1278 was but a continuation of the joint efforts of the Gorizian and the Capodistrian commune, the duo's first undertaking being the war against Patriarch Gregory fought in 1267 and 1268–1269. Second, the treaty itself is broken down, contextualized, and analyzed from the diplomatic point of view. It is shown that the document in question is a notarial sealed charter and that the surviving manuscript is one of the two originals issued in Pazin, that is, the Capodistrian exemplar. The paper then turns to the aftermath of the joint actions undertaken by the Gorizian-Capodistrian alliance, showing that the anti-Venetian coalition failed to achieve their primary objective, even though their initial prospects for achieving their goals had been high.

The paper closes with an *in extenso* critical edition of the Treaty of Pazin and its translation into contemporary English.

## SAŽETAK

### Planiranje reconquiste mletačke Istre: Pazinski ugovor (27. srpnja 1278.)

Autor kritički priređuje, prevodi na engleski i analizira Pazinski ugovor, pakt sklopljen 27. srpnja 1278. godine između grofa Alberta I. Goričkog i koparske komune. Potpisnici su sklopili vojni savez usmjeren protiv Venecije, s ciljem ponovnoga osvajanja istarskih gradova koji su se bili predali mletačkoj komuni između 1267. i 1271. godine, odnosno Poreča, Umaga, Novigrada i Svetog Lovreča. Prvo se temeljito rasvjetljava pozadina koja je dovela do potpisivanja ovoga ugovora, otkrivajući evolucijsku nit koja je povezala dva kontrahenta u njihovim istarskim pothvatima. Tako se zaključuje da je savez sklopljen u Pazinu 1278. bio samo nastavak suradnje Goričkog i koparske komune, a prvi podvig ovoga dvojca bio je rat protiv patrijarha Grgura vođen 1267. i 1268. – 1269. godine. Nakon toga nastavlja se s raščlambom ugovora koji je kontekstualiziran i podvrgnut diplomatskoj analizi. Na taj se način pokazuje da je riječ o notarskoj pečatnoj listini te da je sačuvani rukopis jedan od dva originala izdana u Pazinu, odnosno koparski primjerak. Rad se potom osvrće na posljedice zajedničkih podviga goričko-koparskoga saveza, pokazujući da protumletačka koalicija nije uspjela ostvariti svoju primarnu svrhu, iako su početni izgledi za realizaciju tih ciljeva bili veliki. Rad završava *in extenso* kritičkim izdanjem Pazinskoga ugovora i njegovim prijevodom na suvremeni engleski jezik.

**Ključne riječi:** Srednji vijek, XIII. stoljeće, Istra, grofovi Gorički, koparska komuna, Akvilejski patrijarhat, Venecija