

Marta Cuculić

**COMMUNITY PROBLEMS IN RIJEKA:  
A STUDY ON THE *LIBER CIVILIVM SIVE NOTIFICATIONUM*  
(1437-1453)**

MA Thesis in Medieval Studies

Central European University

Budapest

May 2014

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By

Marta Cuculić

(Croatia)

Thesis submitted to the Department of Medieval Studies,  
Central European University, Budapest, in partial fulfillment of the requirements  
of the Master of Arts degree in Medieval Studies.

Accepted in conformance with the standards of the CEU.

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I, the undersigned, **Marta Cuculić**, candidate for the MA degree in Medieval Studies, declare herewith that the present thesis is exclusively my own work, based on my research and only such external information as properly credited in notes and bibliography. I declare that no unidentified and illegitimate use was made of the work of others, and no part of the thesis infringes on any person's or institution's copyright. I also declare that no part of the thesis has been submitted in this form to any other institution of higher education for an academic degree.

Budapest, 21 May 2014

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Signature

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## 1. Introduction

The medieval period of Rijeka is not well represented in contemporary Croatian historiography. The reasons are a lack of sources and outdated historiography. Most of the work concerning the medieval period of Rijeka is from the beginning of the twentieth century, lacks scientific approach and validity. When conducting research into medieval Rijeka, a historian should, therefore, again base the analysis on the sources that need to be reinterpreted.

The oldest preserved notary book from Rijeka is the *Liber Civilium sive Notificationum* that consists of documents from 1436 to 1461. The first third of the book was transcribed by Silivino Gigante in 1912.<sup>1</sup> Mirko Zjačić transcribed the documents from 1446 to 1461.<sup>2</sup> The documents in the book are mostly regarding trade and business, and it is primarily an account book, but judicial functioning, urban and social structure of the town can also be reconstructed from the book.

In my research I concentrate on the problems within the community, based on the documents from the *Liber Civilium*. The criminal cases and problems within the community of medieval Rijeka have not been studied before, and thus the results presented in this thesis should be a good basis for further research of the topic. The research covers the years of the mandate of James Raunacher, the captain of Rijeka, that is, the period from 1437 to 1453. In overall representing 1493 documents, 140 of them are concerning problems within the community.

The main questions of my research are: What type of criminal cases occurred in fifteenth-century Rijeka? What were the motifs behind crimes? What was the judicial process? What was the social status of victims and perpetrators? To which extent are women and strangers represented in those documents? In order to better understand the judicial process

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<sup>1</sup> Silvino Gigante, "Libri del cancelliere: volume prima, parte prima (1437-1444)," *Monumenti di storia Fiumana* 2 (1912): 1-460.

<sup>2</sup> Mirko Zjačić, "Knjiga riječkog kancelara i notara Antuna de Renno de Mutina (1436-1461)" [The notary book of Antun de Renno de Mutina], *Vjesnik Državnog arhiva u Rijeci* 3 (1955-1956): 9-343.



within the community I will compare the documents with the Statute of Rijeka from 1530.<sup>3</sup>

One problem in the research is the lack of the year 1445. I could not use the documents from this year because they are not complete and Gigante's transcription should be revised once again.

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<sup>3</sup> Zlatko Herkov, ed., *Statut grada Rijeka iz 1530* [The Statute of Rijeka from the year 1530] (Zagreb: Nakladni zavod Hrvatske, 1948).

## 2. Historiography

In the last few decades crime and punishment in the medieval period have been gaining popularity. Many historians have concentrated their research towards this problem, which resulted in publications of immense importance. Karen Jones is the author of *Gender and Petty Crime in Late Medieval England*,<sup>4</sup> providing an insight in the status of women in society and how they were involved in the criminal cases of medieval England. Guido Ruiggero is the author of the books *Violence in the Early Renaissance*<sup>5</sup> and *The Boundaries of Eros: Crime and Sexuality in Renaissance Venice*,<sup>6</sup> therefore his work is important when conducting research on crime in medieval Italy, to be more concrete, Venice.

*Crime in Medieval Europe 1200-1500*<sup>7</sup> by Trevor Dean gives an insight how similar crimes were viewed in the different parts of Europe. He analyzed sources from England, France, Italy, Spain, Germany, Scotland, the Netherlands, Poland and Sweden. His approach was comparative, and the results are general, but very important to understand differences in customs and laws. He analyzed types of crime, judicial procedure, causes of crimes and the social context. His emphasis is on women, revengers, priests and students, since their status within the community differed from the others. Dean's *Crime and Justice in Late Medieval Italy*<sup>8</sup> concentrates on the crimes in this important medieval region. In *The Towns of Italy in the Late Middle Ages*<sup>9</sup> he collected the sources from various Italian towns, thus making the research in this field easier and more approachable for fellow historians.

Crime in medieval Croatia has not attracted much attention of historians compared to other parts of Europe. Dubrovnik and Zadar, the largest and wealthiest cities along the eastern

<sup>4</sup> Karen Jones, *Gender and Petty Crime in Late Medieval England: The Local Courts in Kent, 1460-1560* (Woolbridge-New York: The Boydell Press, 2006).

<sup>5</sup> Guido Ruiggero, *Violence in Early Renaissance Venice* (New York: Rutgers University Press, 1980).

<sup>6</sup> Guido Ruiggero, *The Boundaries of Eros: Crime and Sexuality in Renaissance Venice* (New York-Oxford: Oxford University Press, 1985).

<sup>7</sup> Trevor Dean, *Crime in Medieval Europe 1200-1500* (Harlow: Longman, 2001).

<sup>8</sup> Trevor Dean, *Crime and Justice in Late Medieval Italy* (Cambridge: Cambridge University Press, 2007).

<sup>9</sup> Trevor Dean, *The Towns of Italy in the Late Middle Ages* (Manchester: Manchester University Press, 2000).

Adriatic coast, have had the most attention, both in a general way, as well as regarding crime and community problems. The reason is the large number of sources that have survived from the Middle Ages, and the importance the cities had in the period. Nella Lonza and Zdenka Jameković Romer published a register from 1312 and 1313 in the article “Dubrovacki “Libri de maleficiis” from 1312-131”.<sup>10</sup> The *Libri de maleficiis* contains eighty-seven documents regarding crime in medieval Dubrovnik. The documents are short and describe the act of the crime, testimonies, and convictions (penalties were mostly monetary). The book is further analyzed by Lonza in “In Front of the Duke and his Judges... the Criminal Cases of Dubrovnik from the Beginning of Fourteenth-Century Dubrovnik”.<sup>11</sup> The register is considered a unique source for research into crime and misbehavior in the communes of the east Adriatic coast. Criminal cases in medieval Dubrovnik have also been interpreted by Tatjana Buklijaš,<sup>12</sup> Gordan Ravančić,<sup>13</sup> and Antun Koncul.<sup>14</sup>

The attention of the Croatian historians has lately turned toward medieval Gradec, Zagreb. Marija Filipović presented the social context of crime in Gradec in her MA thesis in the period from 1450 to 1455. Her work describes four categories of crimes: against persons, against property, against the government and against morals. She also analyzed the ratio of strangers and women in the criminal cases.<sup>15</sup> Petra Horvatinović analyzed the role of women

<sup>10</sup> Nella Lonza and Zdenka Jameković Romer, “Dubrovački Liber de Maleficiis iz 1312-1313” [The book of crime from Dubrovnik 1312-1313], *Radovi zavoda za hrvatsku povijest Filozofskog fakulteta Zagreb* 25 (1992): 173-228.

<sup>11</sup> Nella Lonza, “Pred gosparom i njegovim sucima... Dubrovački kazneni postupci s početka 14. Stoljeća” [In front of the duke and his judges...the criminal cases of Dubrovnik from the beginning of the fourteenth century], *Anali zavoda za povijesne znanosti HAZU u Dubrovniku* 30 (1992): 25-54.

<sup>12</sup> Tatjana Buklijaš, “*Per relationem mediocrum* – povijesno medicinska građa u dubrovačkim kaznenim spisima iz 15. Stoljeća” [*Per relationem mediocrum* - the historical material in the judicial documents of Dubrovnik in the fifteenth century], *Anali Dubrovnik* 39 (2001): 49-120.

<sup>13</sup> Gordan Ravančić, *Život u krčmama srednjovjekovnog Dubrovnika* [The life in taverns in medieval Dubrovnik] (Zagreb: Hrvatski institut za povijest, 2001).

<sup>14</sup> Antun Koncul, “Slika zločina u Dubrovniku i njegovoj bližoj okolini” [Crime in Dubrovnik and its district] (MA thesis, University of Zagreb, 2011).

<sup>15</sup> Marija Filipović, “Zločin u kasnom srednjem vijeku. Sudski kriminalni spisi Gradeca 1450-1455” [Crime in the middle ages. Judicial cases of Gradec from 1450 to 1455], *Lucius. Zbornik radova Društva studenata povijesti “Ivan Lucić-Lucius”* (2006): 47-88.

in criminal cases in her MA thesis.<sup>16</sup> The MA thesis of Kristina Judaš, supervised by Zrinka Nikolić Jakus, presents crimes in Gradec in five chapters: in context with the fifteenth-century judicial law, as well as concerning the parties involved in the judicial process and the types of crime that happened in the town.<sup>17</sup>

Women in criminal cases and their role in society is well represented in historiography with works by Marija Karbić, who analyzed the role of women in the economy and their treatment in the judicial process on the territory of medieval Slavonia. Zdenka Janeković Romer analyzed the legal and political position of women in medieval Dubrovnik, while Marija Mogorović Crljenko did the same for the Istrian peninsula.<sup>18</sup> Monika Cvitanović analyzed the social status of women in fifteenth-century Rijeka.<sup>19</sup>

The works of Lujo Margetić, a legal historian, are important for the east Adriatic coast, especially the northern part. He analyzed the Law of Vinodol,<sup>20</sup> concentrating on the development of judicial institutions. He approached the statutes of the towns in the Kvarner Bay in the same manner. His research on the Law of Vinodol is important for comparisons with material from Rijeka. Đorđe Milović explained the legal characteristics of the Law of Vinodol and compared it with the statutes of other towns.<sup>21</sup> Lonza wrote about the judicial process in

<sup>16</sup> Petra Horvatinović, “Žene u sudskim spisima zagrebačkog Gradeca u kasnom srednjem vijeku” [Women in the judicial cases of Gradec in the late medieval period] (MA thesis, University of Zagreb, 2013).

<sup>17</sup> Kristina Judaš, “Nasilni zločini protiv osoba u sudskim spisima zagrebačkog Gradeca u kasnom srednjem vijeku” [Violent crimes against people in the judicial documents of Gradec in the late medieval period] (MA thesis, University of Zagreb, 2013.).

<sup>18</sup> Marija Mogorović Crljenko, “Nepoznati svijet istarskih žena položaj i uloga žena u istarskim komunalnim društvima primjer Novigrada u 15 i 16 stoljeću” [The unknown world of women in Istria the position and role of women in the Istrian communes on the example of Novigrad in the fifteenth and sixteenth century], in *Gradske marginalne skupine u Hrvatskoj kroz srednji vijek i rano moderno doba* (Zagreb: Biblioteka Dies Historiae, 2004): 21-40.

<sup>19</sup> Monika Cvitanović, “Život žena u Rijeci u 15. Stoljeću” [The life of women in fifteenth-century Rijeka] (MA thesis, University of Zagreb, 2013).

<sup>20</sup> Lujo Margetić, “Neki aspekti razvoja organa suđenja u hrvatskim primorskim krajevima u 12 i 13 stoljeću” [Some aspects on the development of the judicial organizations at the Croatian coast in the twelfth and thirteenth century], *Historijski zbornik* 29/ 30 (1993): 715-725.

<sup>21</sup> Đorđe Milović, “Kazneno pravo Vinodolskog zakona iz 1288” [Judicial legal right in the Law of Vinodol from 1288], *Vjesnik Državnog Arhiva u Rijeci* 41/ 42 (2000).

Krk.<sup>22</sup> Together with Margetić, Petar Strčić analyzed the statutes of Krk and Rab.<sup>23</sup> Zoran Ladić in his work on an account book from Labin presents private legal documents in the source, and through it the social structure of the town.<sup>24</sup> Josip Banić presented the structure of the commune of Buzet in his MA thesis, based on the documents from the notary book of Martin Sotolić, under the supervision of Neven Budak.<sup>25</sup>

Crime and criminal cases from Rijeka in the medieval period have not attracted the attention of historians. The reason might be the lack of sources and the outdated bibliography. Danilo Klen is the editor of *Povijest Rijeke*, a monograph that encompasses the history of the town from the prehistoric era to the end of the twentieth century. The medieval period was more interesting for historians at the beginning of the twentieth century. Silvino Gigante, an Italian historian, and his work, *Storia del commune di Fiume*,<sup>26</sup> lacks a scientific approach. Gigante, just as Giovanni Kobler in *Memorie per la storia della Librunica citta di Fiume*,<sup>27</sup> did not use references to the sources, and lacks validity.

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<sup>22</sup> Nella Lonza, "Kazneni postupak Krčkog (Vrbanskog) statuta iz 1388" [Judicial cases in the statute of Krk from 1388], *Zbornik pravnog fakulteta u Zagrebu* 43 (1993): 715-725.

<sup>23</sup> Petar Strčić and Lujo Margetić, *Statut rapske komune iz 14. stoljeća* [The statute of Rab from the fourteenth century] (Rijeka: Adamić, 2004).

<sup>24</sup> Zoran Ladić, "Labinsko društvo u ranom novom vijeku u zrcalu bilježničkih dokumenata Bartolomeja Gervazija" [Labin society in the notary book by Bartholomew Gervazij], *Historijski zbornik* 61 (2009): 47-70.

<sup>25</sup> Josip Banić, "Buzetska komuna na kraju 15. i početkom 16. stoljeća u zrcalu notarske knjige Martina Sotolića" [Buzet at the end of the fifteenth and the beginning of the sixteenth century in the mirror of the notary book of Martin Sotolić] (MA thesis, University of Zagreb, 2014).

<sup>26</sup> Silvino Gigante, *Storia del commune di Fiume* (Florence: Bemporad&fillio, 1928).

<sup>27</sup> Giovanni Kobler, *Memorie per la storia della Librunica citta di Fiume* (place: Nabu press: 2012).

### 3. History of Rijeka

The city of Rijeka is situated at the top of Kvarner Bay, along the northeastern part of the Adriatic coast, on the left bank of the Rječina River. Across the river is the city of Sušak. Before Sušak became an administrative center in 1877<sup>28</sup> the government of this area was situated on the hill above the river canyon. It was called Trsat in the medieval period and is relevant for the period covered in this research. The cities merged in 1948,<sup>29</sup> when they began to share a common government.

Scholars favor the modern and more contemporary history of Rijeka. One may say that the reasons might be political, but an extended number of sources from the eighteenth century onwards also eases the work for a historian. If one wants to conduct research into medieval Rijeka one will not only find a lack of sources and literature, but also an outdated historiography.

#### 3. 1. From the beginnings until the Devinski family's ownership

Occupation of the Rijeka area dates back to the prehistoric era, seen in archeological finds.<sup>30</sup> A first-century source describes Rijeka as a small Roman harbor (*civitas maritima*), known as Trsat (*Tarsatica*).<sup>31</sup> After 799 the inhabitants decided to move to a hill above the river Rječina, on the other side of the bank. There was a preexisting settlement with strategic functions, however the fort was not inhabited at that time. The name Trsat was taken over to the settlement which started to develop without interference to a maritime city. Scholars have argued about the reasons of migration of the inhabitants,<sup>32</sup> and the date when it had actually happened.<sup>33</sup>

<sup>28</sup> Lujo Margetić and Milan Moguš, *Zakon trsatski* [The Law of Trsat] (Rijeka: Izdavački centar Rijeka, 1991), 23.

<sup>29</sup> Danilo Klen, ed., *Povijest Rijeke* [The History of Rijeka] (Rijeka: Izdavački centar Rijeka, 1988), 405.

<sup>30</sup> Ibid., 35.

<sup>31</sup> Mirko Marković, *Kvarnersko primorje: stanovništvo i naselja* [The Kvarner bay: population and places] (Zagreb: Naklada Jesenski i Turk, 2005), 46.

<sup>32</sup> Margetić and Moguš, *Zakon trsatski*, 13.

<sup>33</sup> Ibid., 14.

In 1281, a particularly important Venetian document, the conclusion of the *Consilium Mayor*, mentions a new Latin version of the town's name, *Flumen Sancti Viti*,<sup>34</sup> for the first time. The discussion on the period between 799 and 1281 is very controversial, because the sources are scarce and mutually conflicting. There are many different possible scenarios discussed, but until new evidence or information arises, none of them can be proven as historical fact.

One version of the story is that the Frankopan family held the town from the ninth century and acquired privileges from King Bela IV in 1260.<sup>35</sup> In 1365, the brothers Ivan and Stjepan Frankopan may have ceded the town to Hugo Devinski.<sup>36</sup> Another explanation is that Rijeka was under the authority of the bishops of Pula from 1028 until 1139, when it was given to the counts Devinski.<sup>37</sup> During this period a short interpolation of Frankopan rule is noted, from 1335 until 1365.<sup>38</sup> Ecclesiastically, Rijeka was always a part of the diocese of Pula for the time relevant in this research, and it stayed like that until 1787.<sup>39</sup>

No written sources have survived until the end of the thirteenth century. The scenarios above are the results of the interpretation by early twentieth-century historians such as Giovanni Kobler, Erazmo Barčić or Silvino Gigante.<sup>40</sup> Their work should be used with great caution and it should be critically revised.

### 3. 2. The Devinski family's ownership

It is probable that the Devinski counts<sup>41</sup> were the legal owners of Rijeka at least from 1365. During that period Rijeka started to develop trade with the hinterland and other maritime

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<sup>34</sup> Klen, *Povijest Rijeke*, 74.

<sup>35</sup> Herkov, *Statut grada Rijeke*, 8.

<sup>36</sup> Ibid., 8.

<sup>37</sup> Ibid., 11.

<sup>38</sup> Klen, *Povijest Rijeke*, 89.

<sup>39</sup> Herkov, *Statut grada Rijeke*, 16.

<sup>40</sup> Ibid., 12-13.

<sup>41</sup> The counts of Devinski are named after Duino Castle near Trieste, their most important land. They were politically attached to the patriarchate of Aquileia. Besides Rijeka, they ruled over Kastav, Veprinac, and Mošćenice as part of their Kvarner lands. For further information, see: Klen, *Povijest Rijeke*, 81.

cities, but still did not surpass the importance of surrounding cities as Krk, Osor or Senj. The counts of Devinski had founded an Augustinian monastery and built the church of Saint Jerome already in 1315,<sup>42</sup> which was important as a manuscript center in the sixteenth century. One external source mentions Rijeka and Kvarner as part of German lands, on the border with Trsat, a Frankopan estate.<sup>43</sup> The lack of sources prevents a satisfactory reconstruction of the town's territory and governmental functions.

Hugo VI, the last count of Devinski, died in 1399 without a male heir. The town and the surrounding area, including the cities of Kastav, Mošćenice, Veprinac and Lovran, were inherited by Rampert Walsee in 1400. The Walsees were one of the most respectable families in the lands of the Habsburg duchy during that period. They also owned lands in Upper Austria and Styria.<sup>44</sup>

### 3. 3. Rijeka under the ownership of the Walsee family

The Walsee family developed an effective administration. Hence and fortunately, there are written sources left from the period of their ownership. Rudolf Walsee made a list of all his lands, their regulations and rights.<sup>45</sup> Rijeka is mentioned as *Stat Sant Veyt*, a shorter version of the German name, *Sant Veyt am Pflaumb*. In the land register it is stated that each householder was obliged to pay to the counts fourteen shillings on the feast of Saint George. Furthermore, under their ownership of the town the *Liber Civilium sive Notificationum*, the notary book of Rijeka, was created.

Šime Ljubić states that the city was ceded to the Frankopan family in 1450, more precisely to Martin Frankopan.<sup>46</sup> In the notary book covering this year I found two documents

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<sup>42</sup>Ibid., 78.

<sup>43</sup> Margetić and Moguš, *Zakon trsatski*, 16.

<sup>44</sup> Klen, *Povijest Rijeke*, 83.

<sup>45</sup> The “*Urbar Kvarnerskog feuda Walsee*” [The land register of the Walsee family and its Kvarner lands; 1390-1405] is kept in the Hungarian State Archives in Budapest. For further information, see: Ibid., 83.

<sup>46</sup> Herkov, *Statut grada Rijeke*, 22.



mentioning the Frankopans. The documents from February 21, 1450,<sup>47</sup> and July 30, 1451,<sup>48</sup> mention James, Martin's brother, but only regarding trade. This does not support Ljubić's interpretation. Mirko Zjačić also strongly opposed this view.<sup>49</sup> I did not find any evidence in line with it and consider Ljubić's reading should be discarded. The Walsee family owned Rijeka without interruption until 1465.

The ownership of the Walsee family is considered to have been a starting point for the serious development of the town. They concentrated on enhancing the administration of the town, economy and further incorporating it in the Adriatic maritime trade routes. After the death of the last Walsee the town and Kvarner lands were inherited by the Habsburg Emperor Frederick III in 1465.<sup>50</sup> Rijeka stayed under Habsburg rule until 1918.

### 3. 4. Urban structure and the administration of Rijeka

In the *Liber Civilium sive Notificationum* Rijeka is mentioned in Latin as *terra Fluminis sancti Viti*. *Terra* indicates a small, fortified town that belonged to feudal owners, that is to the Walsee family,<sup>51</sup> to whom the captain pledged fidelity. Although it was not autonomous it had juridical privileges, given by its feudal master.<sup>52</sup> For example, the town's counselors and captains had to pledge for the conservation of the town's regulations, customs, privileges, and statutes, hence protecting it from the autocracy of the feudal lord.<sup>53</sup> Next to *terra* rarely can be found *communa*, but never *civitas* or *urbs*. However, the inhabitants enjoying the full rights of the town's privileges were called *cives*.

Descriptions of the town's outer appearance are rare. Its oldest image is from the second half of the sixteenth century,<sup>54</sup> almost a hundred years after the period relevant for my research.

<sup>47</sup> Zjačić: "Knjiga riječkog kancelara i notara", 299.

<sup>48</sup> Ibid., 103.

<sup>49</sup> Ibid., 17.

<sup>50</sup> Klen, *Povijest Rijeke*, 90.

<sup>51</sup> Ibid. 78.

<sup>52</sup> Herkov, *Statut grada Rijeke*, 49.

<sup>53</sup> Klen, *Povijest Rijeke*, 92.

<sup>54</sup> The image was made by the prior of the Augustine monastery in Rijeka, Ivan Klobučarić, for Archduke Charles. On the image two towns are depicted: Rijeka, fortified with a wooden construction on the sea shore, with the

However, Danilo Klen holds that this picture, presented in *Figure 1*, can be used as a template for the fifteenth century.<sup>55</sup>



*Figure 2: Rijeka in the sixteenth century*<sup>56</sup>

In the fifteenth century Rijeka was a small coastal town fortified with a wooden wall. The old Roman division of streets, with *cardo* and *decumanus* crossing in the main square (*publica platea*), were still seen in the urban grid of the town. The Slogin tower,<sup>57</sup> the Augustinian monastery with the church of Saint Jerome, the church of Saint Vitus, and the parish church dominated the town's panorama. A *lobia* (*loggia*) was situated on the main square, typical for communes on the Adriatic coast.<sup>58</sup> Klen mentions the loggia as a place of meeting and conducting judicial business,<sup>59</sup> but other places that served this purpose are also mentioned in the *Liber Civilium sive Notificationum*. There is no pattern that indicates why and how the places were chosen. Many places of performing administrative and governmental functions are an indication of not having a town hall. For practical reasons, the merchants'

caption *Stat Veyt*, and Trsat, with the castle on the top of the hill above the Rječina captioned *Schloss Tersat*. The towns are divided by the Rječina river. For further information, see: Ibid., 80-81.

<sup>55</sup> Ibid., 78.

<sup>56</sup> Ibid., 78-79.

<sup>57</sup> Ibid., 78.

<sup>58</sup> Ibid., 78.

<sup>59</sup> Ibid., 78.

houses, market places and shops, warehouses, artisan shops and taverns were also situated in the southern part of the town, which is near the seashore.<sup>60</sup>

Outside the town's wall were areas used by its inhabitants for different purposes. On the south there was a sandbank used for building and repairing boats, as well as for unloading and uploading cargo. The sandbank was mentioned several times in the notary book as place of conducting business, in regard to the inspection of trading goods. Vineyards surrounded the area of the city. On the east bank of the Rječina river mills were situated. The river could be crossed only by boat, transport more than sufficient for conducting local trade business. Altogether, the land around the town was not fertile enough for Rijeka to depend on. Hence Rijeka connected with its hinterland to provide food and products, developing a market from which the locals benefitted as well as foreigners. Rijeka became a place of trade between German lands in the hinterland and the cities at the Adriatic coast.

The Walsee family ruled the town through the appointed captain, in this period James Raunacher. He could be appointed only by the feudal lord. Members of the *consilium* could be only from Rijeka. There was a *major consilium (in pleno et generali consilio consiliariorum dicte Terre Fluminis)*<sup>61</sup> and a *minor consilium (coram consilio)*,<sup>62</sup> which represented the people. In the period of 1436 until 1461 the Major Council was summoned only once, therefore the governing body of the people became the Minor Council.<sup>63</sup> Its functions were regulated in the statute of Rijeka in 1530.<sup>64</sup> Only the most prominent citizens could be elected to the *consilium*, counting sixteen to eighteen people.<sup>65</sup> The function of the counselor was a lifetime affair, often proceeding to a son. Every year, at the feast of Saint Martin, two judges were elected out of the members of the council to conduct the judicial business in the town. One of them was appointed

<sup>60</sup> Marković, *Kvarnersko primorje*, 47.

<sup>61</sup> Zjačić, "Knjiga riječkog kancelara i notara", 14.

<sup>62</sup> Ibid., 211.

<sup>63</sup> Further regarded as: The Council.

<sup>64</sup> Zjačić, "Knjiga riječkog kancelara i notara", 15.

<sup>65</sup> Ibid, 17.

by the captain and had the privilege of conducting the latter's matters, when he was unavailable. Therefore he was named *iudex capetanalis*.<sup>66</sup> The second judge was elected by the members of the council, and was called *iudex populis*. Both judges had the prefix "noble" (*nobiles*) added to their names during their mandate. Their job was to conduct the town's matters, conduct the decisions of the council, supervise the work of the town's administration, and take the oaths of town's functionaries. If necessary, they had the power to assemble councils, with the permission of a captain. The town's functionaries were: a vice-captain (*vicecapitaneus*), town's satnicus (*satnicus*) who maintained peace in the town, a notary (*cancellarius/notarius*), tax collectors (*datarii*), estimators (*aestimatores*), surveyors (*mensaurarii*), field-keepers (*custodes*) and town's messengers (*praecones*). There was also the town council. It was summoned rarely, and was a matter of the whole population.<sup>67</sup>

The captain (*capitaneus*) was appointed by the feudal landlord out of the lower nobility. The Walsee family preferred to take him from Austria. The captain was given the full privileges of a citizen, and the right to live in the captain's castle together with soldiers that served him. He was also given a piece of land, income from the mills, and a small amount of money. After the end of his mandate he continued to live in the city.

### 3. 5. Social context in fifteenth-century Rijeka

The notary book is written in Latin, the official language of the administration. In the fifteenth century Croatian, German, Italian, and Latin were recorded to be in use in Kvarner and Istria. Croatian historians, as Herkov or Margetić, claim that most of the population spoke Croatian and that the language was used in the city for informal purposes. Many words of Slavic origin are used in the notary book, for example *barcha* (a small wooden boat),<sup>68</sup> *schatula* (a small wooden box), *turan* (tower) or *satnicus* (a town's functionary).<sup>69</sup> The intrusion of

<sup>66</sup> Klen, *Povijest Rijeke*, 92.

<sup>67</sup> Zjačić, "Knjiga riječkog kancelara i notara", 15.

<sup>68</sup> Gigante, "Libri del cancelliere", 46.

<sup>69</sup> Ibid., 407.

Slavic words into the Latin language also appears in the Statute of Trsat<sup>70</sup>. Many toponyms are also of Croatian origin, such as Drivenik (*Dreuenico*) or Kozala (*Coxala*).

Italian was used mostly regarding economic affairs, since the trade with the Italian peninsula was the strongest. Three documents in the book are written in Italian. A document added to another one of February 23, 1447 is marked as *copia*. It is a copy of a preexisting document of February 4, 1477. Under the Italian entry a sentence is added in Latin, written by the notary. The sentence indicates that Marco, who gave the original document to the notary, was not the author of the same, since he spoke a different language (...*idem Marco dixit: ego hoc non faciam, ego habeo aliam literam*).<sup>71</sup> The document does not indicate which language Marco spoke. Another document in the book is written in Italian, also marked as *copia*. Ser Donati Marini de Curcula decided to lend money to Adam Antonij de Firmo.<sup>72</sup> It follows a pattern of other loan documents from the book, written in Latin. Both subjects in the document speak Italian, and because of practical reasons decided to conduct the business in their language. I would like to point out that the notary himself was from an Italian speaking environment. The third document concerns trade business, also marked as *copia*, from October 9, 1449. The document was written by Martin, by the order of his father Chirin (*mi, Martin, fiolo de Chirin Spincich srise questo soprascrito de commandamento de mio pare soprascrito*).<sup>73</sup>

The word *ser* is taken from Italian, and it is often repeated in the book. It indicates a noble man, and was most probably used for persons who came from the Italian peninsula. Ser Adam Antonio from Firmo,<sup>74</sup> and Ser Castelino from Pesaro<sup>75</sup> were merchants in Rijeka, and

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<sup>70</sup> Ibid., 264.

<sup>71</sup> Zjačić, “Knjiga riječkog kancelara i notara”, 138.

<sup>72</sup> Ibid., 264.

<sup>73</sup> Ibid., 322.

<sup>74</sup> Mirko Zjačić, “Knjiga riječkog kancelara i notara Antuna de Renno de Mutina (1436-1461)” [The book of Antun de Renno de Mutina], *Vjesnik Državnog arhiva u Rijeci* 4 (1957): 105.

<sup>75</sup> Ibid., 91.

in this manner the prefix *ser* was most probably imported into the town. The prefix was later taken by the town's judges (*ser Mauro Vidonich, ser Iacobus Micolich*).<sup>76</sup> Gudio Depoli claims Rijeka was mostly an Italian speaking community,<sup>77</sup> but Herkov and Croatian historians contradict, as previously mentioned.<sup>78</sup> The theory of major Croatian population in fifteenth century Rijeka is confirmed valid, however the communes of the Italian peninsula influenced the culture and language of the cities on the eastern Adriatic coast,<sup>79</sup> as represented in the case of Rijeka.

The document from August 13, 1451, mentions a *schatula* that contained both Slavic (*duas literas in sclabonico*) and German (*litteras quinque scriptis in teutonico*) text.<sup>80</sup> This is the only direct mention of the German language. However, patronymic research shows that German population was active in the town's community.

The social structure can be reconstructed from the documents. The *Liber Civilium* consists of a large number of private legal documents, conducted in the community among the members of any social status. In the documents the governmental officials, nobility, rich people and priests are represented as well as manufacturers, merchants, paupers and strangers. From the thirteenth century onwards, notaries and recording affairs were not reserved only for the nobility and rich people. This was a result of a higher number of professional notaries in demand of a job. They mostly came from Italy,<sup>81</sup> where the competition was higher, and found work on the East-Adriatic coast, in the communities similar to theirs in political and administrative organization. The fall in prices for a notary affected the demand in their expertise, and made the job more affordable to people of lower status and income. Hence, the

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<sup>76</sup> Ibid., 99.

<sup>77</sup> Ibid., 91.

<sup>78</sup> Ibid., 91.

<sup>79</sup> Neven Budak and Tomislav Raukar, *Hrvatska povijest srednjeg vijeka* [Croatian medieval history] (Zagreb: Školska knjiga, 2006), 414.

<sup>80</sup> Zjačić, "Knjiga riječkog kancelara i notara", 105.

<sup>81</sup> Branka Grbavac, "Notaries in Dalmatia from the Second Half of the Twelfth Century to the End of the Fourteenth Century" (PhD diss., University of Zagreb, 2010).

notary books from the thirteenth century onward provide a vast amount of material for reconstructing the social structure of the community.

In Rijeka the nobility was the highest social structure in the community, the elite (*nobiles cives*). They were full-right citizens of Rijeka, with privileges to be members of the council. *Cives*, were also full-right citizens of the town, but could not be elected in the council. However, some members of the community had higher social status from the others, indicated by a prefix, *domina* or *ser*, attached to their name. In the thirteenth century it was used only for members of the nobility, but by the end of the fifteenth century its meaning spread among prominent members of the community. However, the prefix was never applied to manufacturers, despite their wealth. A similar social structure can be seen in other communities along the eastern Adriatic coast.<sup>82</sup> Other members of the community were *habitatores* and *forenses*.

### Summary

Rijeka was a small fortified town under the rule of the Walsee family in the fifteenth century. They enhanced the administration and economy of the town, strengthening its maritime and land trade routes. The town was known as *terra*, meaning it had a certain amount of autonomy. The autonomy was managed by the work of the council, whose members could only be citizens of the town. Their main goal was to protect Rijeka in the case of feudal autocracy and to make sure the town's laws and customs were implemented. In addition, they had the right to choose the town's functionaries. Judges of the town had to be members of the *Consilium*. The Walsee family chose the captains of the city. They were mostly of German origin, and were given full right privileges of a citizen. Many written sources are left from this period, as the oldest preserved notary book of Rijeka, the study project of this thesis. From the

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<sup>82</sup> Zoran Ladić, "Labinsko društvo u ranom novom vijeku u zrcalu bilježničkih dokumenata bilježnika Bartolomeja Gervazija", 53.

documents of the *Liber Civilium* it is possible to reconstruct the government of the town as well as the urban and social structure.



#### 4. Community problems

The Walsee family enhanced the town's administration. The growing population of the town and the expansion of trade, hence increasing migrations into the town, resulted in the need for writing down the town's affairs. By 1436, the Walsee family appointed Antonio de Francesco de Renno de Mutina, from Mantua, for the notary function in the town. The result of his work is the *Liber Civilium sive Notificationum*, the oldest preserved notary book of Rijeka.

The book was found in the basement of Rijeka's Jesuit college, in 1849.<sup>83</sup> It contains 750 pages, but the first 24 pages are missing. Ten pages were added to the original, with the second one containing the name *Liber Civilium sive Notificationum*. Most probably they were added after 1849. The book is being preserved in the State Archives of Rijeka.<sup>84</sup>

The inserted documents span from the year 1436 until 1461. They are written in Latin language, in Latin cursive scripture with gothic implications.<sup>85</sup> On the margins of the documents there are inscriptions, corrections and drawings made by the notary as well as another person whose name is not mentioned in the documents, thus nothing more is known about the author.<sup>86</sup> Three documents in the book are written in Italian.

I based my research on two transcriptions of the book. I concentrated on the years from 1437 until 1453, the mandate of James Raunacher. For the years 1437 until 1445 I used the transcription by Silvino Gigante from 1912. Silvino Gigante was an Italian historian who published his transcription in two volumes. The second volume covering the year 1445 is not used in this research because it lacks documents and validity for my research question and approach. The lack of documents from year 1445 means that a part of the data is missing from

<sup>83</sup> Zjačić, "Knjiga riječkog kancelara i notara", 6.

<sup>84</sup> Ibid., 5.

<sup>85</sup> The scripture was used in the chancelleries of the Adriatic communes in the fifteenth century. For further information see: Jakov Stipišić, *Pomoćne povijesne znanosti u teoriji i praksi* [Historical ancillary sciences in theory and practice] (Zagreb: Školska knjiga, 1991), 100.

<sup>86</sup> Zjačić, "Knjiga riječkog kancelara i notara", 5.

the statistics. For the period from 1446 until 1453 I used the transcription by Mirko Zjačić published in 1957.<sup>87</sup>

There are many differences between the two transcriptions. Paleography had developed in these forty years, both in its approach and norms of publication. At the beginning of his first volume Zjačić pointed out the mistakes made by Gigante.<sup>88</sup> Since in my research I concentrated on the problems within the community I did not approach this question any further, but differences between the two are notable. Gigante used contemporary Italian names for the cities mentioned in the book. For example for Ljubljana he used Lubiana,<sup>89</sup> while Zjačić was more prone to the original Latin names, so he used Labacum.<sup>90</sup>

At the end of the first volume Gigante classified the documents. He divided 704 documents into 19 groups.<sup>91</sup> Zjačić divided them into two main groups, and 14 subgroups.<sup>92</sup> The first group is private legal documents. They are divided into: various private contracts, testimonies, settlements, objections, compromises, contracts electing judges, proxy statements, testaments, convictions by judges and convictions by elected judges. The second main group is public legal documents. They are divided into various legal acts and administrative matters, decisions made by the town's council with significance of Statute canons, various ecclesiastical legal matters.

The emphasis in this research is on the problems within the community. I have concentrated on the testimonies, objections, convictions by judges, convictions by elected judges, legal acts and administrative matters, and the decisions made by the town's council. From them I extracted the documents that presented a problem within the community. There

<sup>87</sup> Mirko Zjačić transcribed the years 1446 until 1463. They are published in *Vjesnik Državnog arhiva u Rijeci* in three volumes. The third volume is not used in this research.

<sup>88</sup> Zjačić, "Knjiga riječkog kancelara i notara", 22-89.

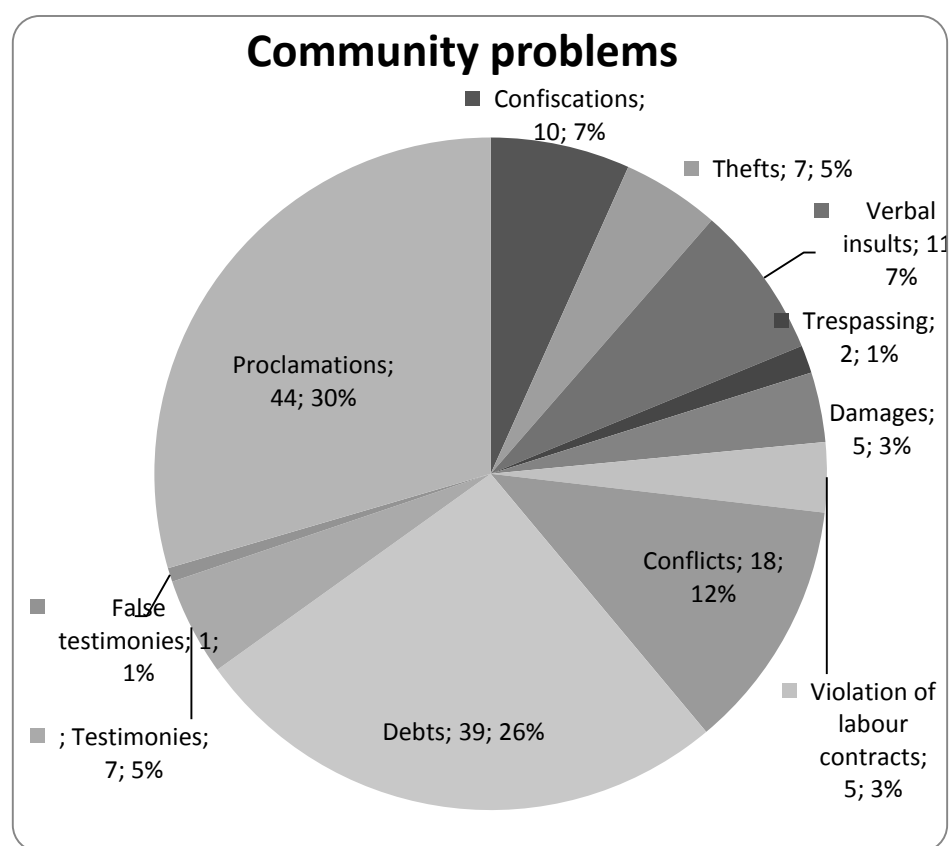
<sup>89</sup> Silvino Gigante, "Libri del cancelliere", 11.

<sup>90</sup> Zjačić, "Knjiga riječkog kancelara i notara", 148.

<sup>91</sup> Ibid., 423-447.

<sup>92</sup> Ibid., 9.

are confiscations (10), thefts (5), verbal insults (11), testimonies (7), a false testimony (1), trespassing (2), conflicts (18), damages (5), violations of labor contracts(5), not respecting the conditions of trade contracts and debts (39), as well as proclamations of the council (37), as represented in *Figure 2*. Most of the offences are a result of trade business and exchange. Since they were considered to be male professions, it is understandable that in most of the documents in the book the offenders were men. It is the same reason why many strangers are mentioned in those documents, as prosecutors, accused or witnesses.



*Figure 2: Problems within the community from 1437 to 1453*

The period of my research is the mandate of James (*Iacobus*) Raunacher, the captain (*capitaneus*) of Rijeka. His surname indicates German origin, and as previously mentioned the Walsees preferred to appoint captains from Austria. In the document from June 10, 1453, Andrea Foramine is mentioned as captain (*genoroso viro domine Andree de Foramine*,

*capitaneo Terre Fluminis*),<sup>93</sup> but in 1460 Raunacher is captain once again. The captain was the head of the town's administration and the representative of the feudal master. Herkov states that the captain was typical in the organization of Croatian municipalities, as it is also mentioned in The Law of Vinodol.<sup>94</sup> He had a deputy, the vice-captain (*vicecapitaneus*). In a document from September 23, 1437, James Misuli is once mentioned as vice-captain (*Iohannes Misuli vicecapitaneus*).<sup>95</sup> In the rest of the documents James's brother, Martin, is identified as vice-captain (*Martinus Raunacher vicecapitaneus*).<sup>96</sup> The two are identified as brothers in the document from January 7, 1449 (*coram generoso viro domino Iacobo Raunacher, capitaneo, presentem ibidem domino Martino, eius fratre*).<sup>97</sup>

#### 4. 1. Debts

Most of the documents in the *Liber Civilium sive Notificationum* are regarding trade, either monetary exchange or business contracts. As it is pointed out in the *Figure 3*, the number of these documents (855) precedes the number of all other documents combined (638).



*Figure 3: Ratio of trade documents versus all other documents in the Liber Civilium*

(1437-1453)

<sup>93</sup> Ibid., 170.

<sup>94</sup> Herkov, *Statut grada Rijeke*, 49.

<sup>95</sup> Gigante, "Libri del cancelliere", 29.

<sup>96</sup> Ibid., 210.

<sup>97</sup> Zjačić, "Knjiga riječkog kancelara i notara", 216.

Two points can be inferred from this fact. First, that the *Liber Civilium sive Notificationum* is primarily an account book, despite the few written proclamations of the council. Second, it shows that Rijeka was an important trade center of the region. Furthermore, trade documents show that business and contracts were made between locals and foreigners, as well as among foreigners themselves, in the presence of the town's court. The documents are a good basis for reconstructing trade routes, as well as trade goods in medieval Rijeka.

Iron was an important good on the market in Rijeka. It came from the town's hinterland, mostly the Slovenian towns and places. It was imported from Ljubljana (*Labaco*), Škofja Loka (*Lach*), Kamnik (*Stayn*) and Gorica, among other places.<sup>98</sup> The iron was either sold or traded for Mediterranean goods, such as oil or figs. From Rijeka it was further exported to Dalmatia, Istria, Italy: Venice, Firmo, Ancona, Fano, Chianti, Recanato, Barleta, Rimini; but also to Barcelona (Spain) and Patras (Greece).

Leather was also an important good. It was imported from Ljubljana and Trogir, but also Germany (*coriorum alamanorum*).<sup>99</sup> From Rijeka it was sold to Senj, Karlobag, Plomin, Gorica, Korčula.

Cotton and fabric were brought in from Venice or Ancona, and sold in Korčula, Knin and cities on the eastern Adriatic coast. The cotton was often marked with a sign *de Esculo* (*bombaij esculani*).<sup>100</sup> There is also a note of fabric from Damask (*panni Damaschini*).<sup>101</sup>

Wood was sold to Guasti, Ancona, Rimini, Venice (Italy), Patras (Greece) and cities on the East Adriatic coast.<sup>102</sup> Timber was the material used in manufacture of ships. The manufacture was in Preluka (*Prelucha*), a place on the sea coast, between Kastav and Rijeka.

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<sup>98</sup> Ibid., 19.

<sup>99</sup> Gigante, "Libri del cancelliere", 288.

<sup>100</sup> Ibid., 122.

<sup>101</sup> Zjačić, "Knjiga riječkog kancelara i notara", 163.

<sup>102</sup> Ibid., 19.

Wooden boats (*charachia*)<sup>103</sup> and oars for galleys (*remos a galia*)<sup>104</sup> were made in the town's shipyard and mostly exported to Venice.<sup>105</sup>

The book mentions the trade of agricultural goods as well, such as oil that was mostly traded for iron. A document from January 3, 1453, is a good example of trading oil and figs for iron from Ospergo (*et hoc pro cabris duodecimo olei et ficubus...promisit in dicta Terra Fluminis tantum ferrum bonum de Ospergo*).<sup>106</sup> Wine came from the East Adriatic coast, but also from Venice, Pesaro and Fano. Also there is mention of grain, flour, meat, fish, grapes, and spices such as pepper and saffron.

Trade was active, as the number of the documents shows. Therefore it is not strange that most problems within the community are regarding payments, debts or not respecting terms and conditions of contracts. In a document from May 22, 1438, Peter Leonard from Petrusano sued Leonard from Kamnik for not having delivered iron until the feast of Saint George.<sup>107</sup> On June 14, 1438, Radoslav protested against Paulo Mortatich for not delivering lambskin from Cres.<sup>108</sup> In a document from July 21, 1438, Nicola Micholich, Adam Anthony de Fermo, and Valentino Iurlinouich sued James Bucij from Chianti to whom they gave iron to sell.<sup>109</sup> In a subsequent document James Bucij claimed that he did not not know about the iron they spoke of.<sup>110</sup> On December 14, 1451, a protest was against Ser Antonio Simonis from Pesaro, who engaged himself to come to Rijeka in order to take an oil delivery. However, he claimed he never confirmed such an agreement, stating that he did not even have a boat for that purpose.<sup>111</sup> In the documents regarding debts and not respecting the terms of contracts the

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<sup>103</sup> Ibid., 101.

<sup>104</sup> Ibid., 101.

<sup>105</sup> Ibid., 101.

<sup>106</sup> Ibid., 153.

<sup>107</sup> Gigante, "Libri del cancelliere", 66.

<sup>108</sup> Ibid., 71.

<sup>109</sup> Ibid., 176-177.

<sup>110</sup> Ibid., 177.

<sup>111</sup> Zjačić, "Knjiga riječkog kancelara i notara", 113.

damages for loss and compensation are agreed between the two parties. Usually the accused had to pay for the loss and the costs of the trial.

When conducting a transaction in natural goods, the value of the goods had to be estimated, so that none of them would be damaged. Various measurements were used. The Statute from 1530 succeeded in regulating them, in order to prevent frauds. The Statute protects foreign merchants, thus incentivizing the trade with foreigners. The agreements upon transactions were secured by the Statute, stating that disbursement should be made in the shortest term possible.<sup>112</sup> If a party would not meet the conditions of the contract, he would be penalized and the aggrieved party would be reimbursed. The dispute would be settled by the elected judges in a shortened process. The same clause is found in the documents from the *Liber Civilum*.<sup>113</sup> However, there is a case regarding a fraud conducted with false ratio of measurements. In the document from October 26, 1440, Ser Castelino de Pensauro came to court against Petro Glauinich and Iurcho de Dreuenico, who used the wrong measure for wine.<sup>114</sup> The Statute states that a person who committed fraud was to pay 40 *soldins* per weight or measure, and had to correct the measure according to the town's regulations. Also he had to pay for the damages to the deprived person, a clause that one finds also in the mentioned document.<sup>115</sup>

The work people performed was usually added to their names. From the vast number of different manufacturing professions it can be inferred that Rijeka was the manufacturing center of the region in the fifteenth century. These occupative names were, to name a few: James the tanner (*Iacobus cerdo*),<sup>116</sup> Vitus the tailor (*Vitus sarctor*),<sup>117</sup> George the carpenter

<sup>112</sup> Herkov, *Statut grada Rijeke*, 70.

<sup>113</sup> Zjačić, "Knjiga riječkog kancelara i notara", 323.

<sup>114</sup> Gigante, "Libri del cancelliere", 200.

<sup>115</sup> Herkov, *Statut grada Rijeke*, 289.

<sup>116</sup> Zjačić, "Knjiga riječkog kancelara i notara", 191.

<sup>117</sup> Ibid., 153.

(*Georgius carpentarius*),<sup>118</sup> George the skinner (*Georgius piliparius*)<sup>119</sup> or Martin the skinner (*Martinus Coxarich*),<sup>120</sup> Michael the shipmaker (*Michael calafatus*),<sup>121</sup> Martin the goldsmith (*Martinus aurifex*),<sup>122</sup> John the blacksmith (*Iohannes faber*)<sup>123</sup>, Paul the barber (*Paulus Vidotich barberius*),<sup>124</sup> Steven the hatter (*Stefanus capelarius*),<sup>125</sup> Martin the butcher (*Martinus becharius*),<sup>126</sup> Michael the mason (*Michlesius murator*),<sup>127</sup> Oswald the miller (*Osualdus molendinarius*),<sup>128</sup> Martin the innkeeper (*Martinus tabernarius*),<sup>129</sup> Lawrence the sailor (*Laurentij marinarius*),<sup>130</sup> Simon the wood cutter (*Simone seccator*),<sup>131</sup> Antonio the stonecutter (*Antonius lapicida*),<sup>132</sup> Peter the tool maker (*Petrus balistarius*);<sup>133</sup> they were just some of the many persons and manufactures who were active in fifteenth-century Rijeka.

#### 4.2. Contracts and legal representatives

Many people wanted to profit from Rijeka's active trade. However, sometimes they were not able to conduct business in person, therefore, they appointed legal representatives in the city. The legal representative was sometimes a relative, for example a son, as in a document from December 14, 1447 (*et ordinavit Georgium, filium suum, absentem sed tanquam presentem, suum verum et legitimum procuratorem*).<sup>134</sup> Their role was to conduct business on behalf of the other person and resolve any problems that occurred with officials, clerics and other persons, while they were absent (...*exigendum et recuperandum ad quacunque persona*

<sup>118</sup> Ibid., 169.

<sup>119</sup> Ibid., 232.

<sup>120</sup> Ibid., 154.

<sup>121</sup> Ibid., 178.

<sup>122</sup> Ibid., 144.

<sup>123</sup> Ibid., 111.

<sup>124</sup> Ibid., 96.

<sup>125</sup> Ibid., 191.

<sup>126</sup> Gigante, "Libri del cancelliere", 157.

<sup>127</sup> Zjačić, "Knjiga riječkog kancelara i notara", 227.

<sup>128</sup> Ibid., 106.

<sup>129</sup> Ibid., 163.

<sup>130</sup> Ibid., 178.

<sup>131</sup> Gigante, "Libri del cancelliere", 199.

<sup>132</sup> Zjačić, "Knjiga riječkog kancelara i notara", 174.

<sup>133</sup> Ibid., 133.

<sup>134</sup> Ibid., 186.



*quicquid dicto constituti teneatur quacunque ex causa...coram iudices domino et officiali tam ecclesiasticis quam seccularibus...).*<sup>135</sup> In the period from 1437 until 1453 there are 177 documents marked as *procura*.

Contracts and arrangements were connected with trade and business. A document from October 9, 1448, is a good example of such. James and Judge Nicola agreed to conduct trade and decided on the price of oil and its value in iron. They were obligated to reach an agreement (*et adimplendis vna pars alteri ad inuicem obligauit*), which was signed in front of the judges and witnesses.<sup>136</sup>

Contracts regarding labor are also recorded in the book. In the studied period there are thirty-six such documents. The employer promises to give the employee a place to sleep, food, clothes and new shoes. Additionally, the latter could receive monetary compensation. In a document from July 2, 1448, George, son of George Terdecho, agreed to serve Nicola de Candia for three years. The document states, that he was to serve his patron “loyally and well” throughout this period. In return he would be given wine, clothes and shoes (*vitum, vestitum et calceatum*).<sup>137</sup> At the end of his term he would be given twelve ducats for his work (*et in fine termini dare dicto Georgio ducatos duodecim auri pro suo labore*).<sup>138</sup>

Many people from the hinterland came to Rijeka to work in the fields of the district. The fields belonged to noble men, the church or wealthy people. Five documents show that the owners were not always satisfied with the work their employees performed, and protested against them. The priest Marco Radolich (who will be mentioned below) was given two vineyards in Rečica, a district of Rijeka, to work on. However, he did not perform his job as agreed, and the council protested. As a penalty he had to pay hundred golden ducats for each

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<sup>135</sup> Ibid., 186.

<sup>136</sup> Ibid., 208 – 209.

<sup>137</sup> Ibid., 195.

<sup>138</sup> Ibid., 195.

vineyard.<sup>139</sup> In a document from April 13, 1441, the judge Martin protested that Georgio Tonchouich did not work in the vineyard, after having received the money for the work.<sup>140</sup> As in another document from June 28, 1441,<sup>141</sup> the penalty for not working in the vineyard is not stated.

Women are also seen in this type of documents. In a document from May 11, 1451, Peter the shoemaker, with the consent of his wife, Elena, signed a contract sending his daughter, Elisabeth, to work for Ser James, son of the deceased Simon from Ancona.<sup>142</sup> Ser James was obliged to provide her with wine and clothes, but also to marry her when the time was right and give her financial help. Elizabeth's father was a craftsman in the town, as indicated by his occupational name, who probably could not provide enough money to take care of her, and opted for this solution. It is not clear from the document how old Elisabeth was, and for how long she worked for the nobleman from Ancona.

Comparing this document with a document from July 2, 1448,<sup>143</sup> it can be seen that men and women did not have the same legal status. In the Statute of Rijeka it is stated that women of good reputation, above the age of eighteen, are allowed to be witnesses. Their testimony was to be taken in the church closest to their home. On the contrary, if a woman gave testimony outside the church, she would be charged with a penalty of five *librae*.<sup>144</sup> In the studied period of years however, comprising 1493 documents, women are never mentioned as witnesses.

It is clear from the documents that women were subordinate to men. They are mentioned with their personal names to which the name of their father, husband or other close male relative was added. They were identified as daughters, sisters, cousins or wives. Most of the identification in the book was according to their marital status, as wives (*uxores*) or widows.

<sup>139</sup> Gigante, "Libri del cancelliere", 102.

<sup>140</sup> Ibid., 224.

<sup>141</sup> Ibid., 289.

<sup>142</sup> Ibid., 97–98.

<sup>143</sup> See page: 26.

<sup>144</sup> Herkov, *Statut grada Rijeke*, 235.

Widows were more involved in trade, such as Nasta, widow of Judge Donat (*domina Nasta, uxor condam iudicis ser Donati*).<sup>145</sup> It is crucial to mention that she was also a noblewoman, indicated by the term *domina*, an equivalent of *ser*. She probably acquired her noble status through her husband who was a judge and an iron trader. As mentioned, women were also identified as sisters (*domine Marie, sororis sue*), mothers (*nomine Marie, matris sue*) or daughters (*Elisabeth, filiam suam*). Their surnames were derived from their husband's names (*Lucia Martogna, Orsa Alergretoua*) or surnames (*Maria Rigacichieua, Agnes Benchouica*).<sup>146</sup>

In the documents women are mentioned in proxy statements, debits, various buying and selling contracts, assurances, leasing property, documents regarding hiring a maid, testimonies, protestations, testaments and division of assets. There also are land confiscations, dowries, donations, tax collecting and adopting children.<sup>147</sup> In the cases I studied, the ones regarding problems within the community, women are not the dominant actors.

Nineteen women are mentioned concerning problems in the studied period, in twenty-four documents. Twenty-one documents concern land confiscation or disputed inheritance. In two documents women are accused of failing to pay debts; in one document a woman named Lucia is mentioned as a mistress of an abbot, but not prosecuted. In a document from September 22, 1439, Mathew took Jelena overseas without the permission of her husband. Therefore Peter Sirnciach, her husband, protested against Mathew.<sup>148</sup>

The lack of women in the documents is because the role of women was connected with family and household, while a man had a dominant role in the economy and trade. Furthermore, women had less opportunity to find themselves in dangerous situations, in contrast to man who often visited taverns, and also had to defend their honor through violence.<sup>149</sup> In England women

<sup>145</sup> Zjačić, "Knjiga riječkog kancelara i notara", 195.

<sup>146</sup> Monika Cvitanović, "Život žena u Rijeci u 15. stoljeću", 18.

<sup>147</sup> Ibid., 18.

<sup>148</sup> Gigante, "Libri del cancelliere", 133.

<sup>149</sup> Trevor Dean, *Crime in Medieval Europe*, 77.

are recorded as offenders in less than ten percent of documents.<sup>150</sup> In most cases women contested with each other, and they rarely used weapons. Compared to man, women are less represented in criminal cases as offenders, and more often as victims. Most of the violent disputes among women were handled in private, not in court. The documents recorded in the *Liber Civilium* are not sufficient enough to show violence among the women in Rijeka, but are useful for presenting their role in the society.

### 4.3. Theft

In the Statute of Rijeka theft is shown as a major crime in the community. Penalties for the crime of theft range from money penalties to body impairments, according to the value of stolen goods.<sup>151</sup> This type of penalty did not differ from other parts of Europe.<sup>152</sup> In the studied period of years five documents concern theft and two documents not returning borrowed property.

Four documents concern stealing animals. Lazar, son of Ser Bonico Bello from Trieste, with the help of his friends, stole pigs from John Tomicich, who was from Brseč. The pigs were stolen in Preluka, near Rijeka on June 19, 1442. A fine of sixty ducats was charged to Lazar, who was not present at the trial.<sup>153</sup> Pigs were also the subject of theft in documents from December 28, 1443, and January 16, 1444. George, son of the deceased Andrea Sodouich, and Andrea, son of Marco, stole some pigs from the priest Gaspar, and claimed that the captain of Trsat, James Bolfig, made them do it;<sup>154</sup> therefore the judges of Rijeka protested against the captain of Trsat.<sup>155</sup> In the document from May 20, 1443, George Crouac from Ljubljana accused John Chergnel of stealing a horse, however no penalty or resolution is mentioned.<sup>156</sup>

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<sup>150</sup> Ibid., 77.

<sup>151</sup> Herkov. *Statut grada Rijeke*, 271-274.

<sup>152</sup> Irina Metzler, *Social Disability in the Middle Ages: Cultural Consideration of Physical Impairment* (London: Routledge, 2013), 13.

<sup>153</sup> Gigante, "Libri del cancelliere", 272.

<sup>154</sup> Ibid., 331.

<sup>155</sup> Ibid., 338.

<sup>156</sup> Ibid., 309.

In the cases of stealing animals the Statute of Rijeka requires a penalty of 20 *soldins* per stolen animal, if the crime happened during daytime. If the crime happened during the night the penalty is doubled, and the thief is to return all the stolen animals to the owner. If the number of stolen goods exceeded eight, the thief's hand was to be amputated. If the number exceeded ten, he should be hanged.<sup>157</sup> The prescriptions and penalties for theft were strict, but in the documents from the *Liber Civilium* penalties are not mentioned.

In a document from September 29, 1440, oars were stolen from Ser Tonsa. He left them in the *splagia* in Preluka, and did not see who took them. This document does not mention witnesses, the penalty, or the time the theft occurred.<sup>158</sup> In the Statute of Rijeka, which distinguishes animal theft and the theft of maritime goods, it is stated that for the stolen goods under the value of twelve *librae* the testimony of a victim is enough. For goods valued above twelve *librae* the judge determined what type of oath should be given, the person's status, or whether he should appeal for witnesses.<sup>159</sup> Tonsa was a noble man, and it is possible that the judge took his word as a valid testimony.

Oars were often a matter of disputes. In a document from July 25, 1442, Judge Vito, son of the deceased Ser Mathew, protested against John Tomicich from Kastav for not delivering him the oars he had paid for.<sup>160</sup> There are similar documents from March 20, 1446,<sup>161</sup> December 10, 1447,<sup>162</sup> August 17, 1451,<sup>163</sup> and September 16, 1451.<sup>164</sup> A document from August 3, 1442, notes borrowed wine jars that were not returned and the accuser demands that the loss be compensated.<sup>165</sup> In a document from December 13, 1437, a horse was borrowed and not returned. The penalty was to pay eight *parui* per day until the return of the borrowed

<sup>157</sup> Herkov, *Statut grada Rijeke*, 275.

<sup>158</sup> Gigante, "Libri del cancelliere", 193.

<sup>159</sup> Herkov, *Statut grada Rijeke*, 215-216.

<sup>160</sup> Gigante, "Libri del cancelliere", 279.

<sup>161</sup> Zjačić, "Knjiga riječkog kancelara i notara", 101.

<sup>162</sup> Ibid., 185.

<sup>163</sup> Ibid., 106.

<sup>164</sup> Ibid., 107.

<sup>165</sup> Gigante, "Libri del cancelliere", 284.

animal.<sup>166</sup> The documents regarding theft show that minor offences occurred and parties concluded the agreements between themselves.

#### 4.4. Verbal insults

In the studied period there are eleven documents concerning verbal insults. Following a document from December 22, 1437, Archdeacon Marco was offended by a priest. Marco claimed the insult was unjust towards him, as well as other people present at the time. Therefore the penalty should be one thousand *miliaria*, plus expenses.<sup>167</sup>

An interesting document is the one from April 25, 1440, when Judge Paul, son of the deceased Ser Marco protested against Ser Tonsa, son of the deceased Ser Nicole, because the latter had asked Iglino to cast a spell on Paul's wall, in repayment for an oath.<sup>168</sup> The penalty or sentence is not mentioned, but in the Statute of Rijeka the penalty for magic spells is 25 *librae*. If a spell or a potion proved to have been the reason for a person's death, the penalty was death by burning on the stake.<sup>169</sup>

In a document from January 22, 1439, the priest Mateo Lapanich insulted Judge Nicola and his son by saying that they were wicked, infidels, and capable of destroying Rijeka if someone bribed them with a couple of *denarii*.<sup>170</sup> The subsequent document is a testimony of all the judges in Rijeka who claimed that Judge Nicola and his son were honest and good men, and the insult was not just towards them, but also towards the whole council of Rijeka. In a document from January 22, 1449, another priest, Marco Radolich accused the council of bribery and bad governing.<sup>171</sup> In the following document it is stated that he was expelled from Rijeka on the charges that he wanted to start rumors that harm Rijeka, its government and people.<sup>172</sup> He was also to pay a fine of 200 ducats. In the Statute of Rijeka it is stated that one

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<sup>166</sup> Ibid., 36-37.

<sup>167</sup> Ibid., 39.

<sup>168</sup> Ibid., 161.

<sup>169</sup> Herkov, *Statut grada Rijeke*, 288.

<sup>170</sup> Gigante, "Libri del cancelliere", 96.

<sup>171</sup> Zjačić, "Knjiga riječkog kancelara i notara", 225.

<sup>172</sup> Ibid., 226.

could be expelled from the community if a verbal insult towards a captain turned into a physical conflict, with visible signs of blood.<sup>173</sup> The document does not refer to a physical attack. However, Marco Radolich is mentioned in other documents. One of them deals with not working in the vineyard, mentioned above, and another one with his refusal to pay a debt to the priest Vito.<sup>174</sup> In a document from March 31, 1446, he is mentioned with regard to letting his cattle inside the town wall contrary to the laws of Rijeka.<sup>175</sup> He also had an illegitimate child, as will be described later in the chapter. Therefore, I conclude that Marco Radolich was a general problem within the community; after the last excess he was expelled.

Documents from May 12 and May 13, 1449, mention a scandal that occurred in Rijeka. One document starts with the description of several men discussing among themselves who will tell the news to the captain. The news concerned the captain's daughter, who was involved in a scandal, to which they testified. The deceased Antonio, son of the priest Marco Radolich, attended a feast in Rijeka at which he saw the captain's daughter. His face was covered in a veil, contrary to a proclamation published on March 1, 1449,<sup>176</sup> and he tried to kiss the captain's daughter without her permission. The prefix *condam* suggests that he was dead at the time these testimonies are written, which is confirmed in the subsequent documents, from May 12 and May 13. In subsequent documents regarding this subject Iacobus Raunacher appealed to the priest Martin Radolich, who was not in Rijeka at that time because he had been expelled from the community, as mentioned above. If the priest wanted to return to Rijeka he was to respect the following terms: Not to hurt or offend any person in Rijeka, obey the rules of Rijeka, and he was not allowed to create any scandal or speak badly about the death of Antonio de Antonac (*non debeat facere aliquod scandalum in dicta Terra Fluminis nec aliquod malum ponere nec*

<sup>173</sup> Herkov, *Statut grada Rijeke*, 256.

<sup>174</sup> Gigante, "Libri del cancelliere", 24.

<sup>175</sup> Zjačić, "Knjiga riječkog kancelara i notara", 103.

<sup>176</sup> Ibid., 234-235.

*mala verba proferre in causa mortis Antonij dicti Antonac*).<sup>177</sup> In the Statute of Rijeka a proclamation is recorded concerning rapists, men who keep others' women or servants, and men who have two wives.<sup>178</sup> It is said that no person, foreign or domestic, should have violent intercourse with a woman, married or not, or he would be sentenced to death. If he tries to kiss a girl without her permission he was to be charged with a fine of one hundred *librae*. In the documents it is stated that Antonio made signs of kisses towards the girl (*fecit signum occulationis*),<sup>179</sup> nothing more. Although it is not clear how Antonio died, it is insinuated that he faced the death penalty.

The statutes of the cities along the Dalmatian coast made a distinction between the social statuses of women who suffered a verbal insult or were raped.<sup>180</sup> Although the Statute of Rijeka does not mention the social difference, it is possible that the law emphasizing them was active at the time this scandal happened. In this kind of case the woman's integrity was damaged in two ways, physically and morally.<sup>181</sup>

#### 4.5. Strangers

Communities in the Middle Ages were, to some extent, closed local societies. Locals were supported and given full privileges of citizens, while incomers had a different status. In a local community incomers were strangers, not only geographically and culturally, but also had a different social and legal status. Merchants were well acquainted with the status of foreigners, leaving home in search of goods and profit. The status "other" was applied the moment they left home. The status "other" shaped their career, its restrictions and opportunities. Not only did a merchant influence the community where he was present, his work also had consequences

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<sup>177</sup> Ibid., 255.

<sup>178</sup> Herkov, *Statut grada Rijeke*, 285.

<sup>179</sup> Zjačić, "Knjiga riječkog kancelara i notara", 254.

<sup>180</sup> Zrinka Novak, "Neki aspekti pravnog položaja žena u Vinodolskom zakonu, Senjskom i Krčkom statute" [Some aspects of the legal position of women in The Law of Vinodol, The Statute of Senj and The Statute of Krk], *Historijski zbornik* 62 (2009): 324.

<sup>181</sup> Ibid., 319.



on the economy and politics in his homeland.<sup>182</sup> Regarding local varieties of regions and towns, a merchant had to be prepared to adjust to each and every one, therefore he had to be well acquainted with the customs and laws of different places. He often found restrictions on trade and limited freedom. Local governments restricted the interaction with locals and foreigners, particularly the ones of different religion,<sup>183</sup> problems which are also noted in the *Liber Civilium*. For a merchant, the relationship with a community was important. Also, the period of residence in the town made a difference to his legal status: If he was just passing through town, if he visited the town more often; if he was traveling alone or in a group, or if he was resident of the town. A resident could enjoy more freedom than the rest.

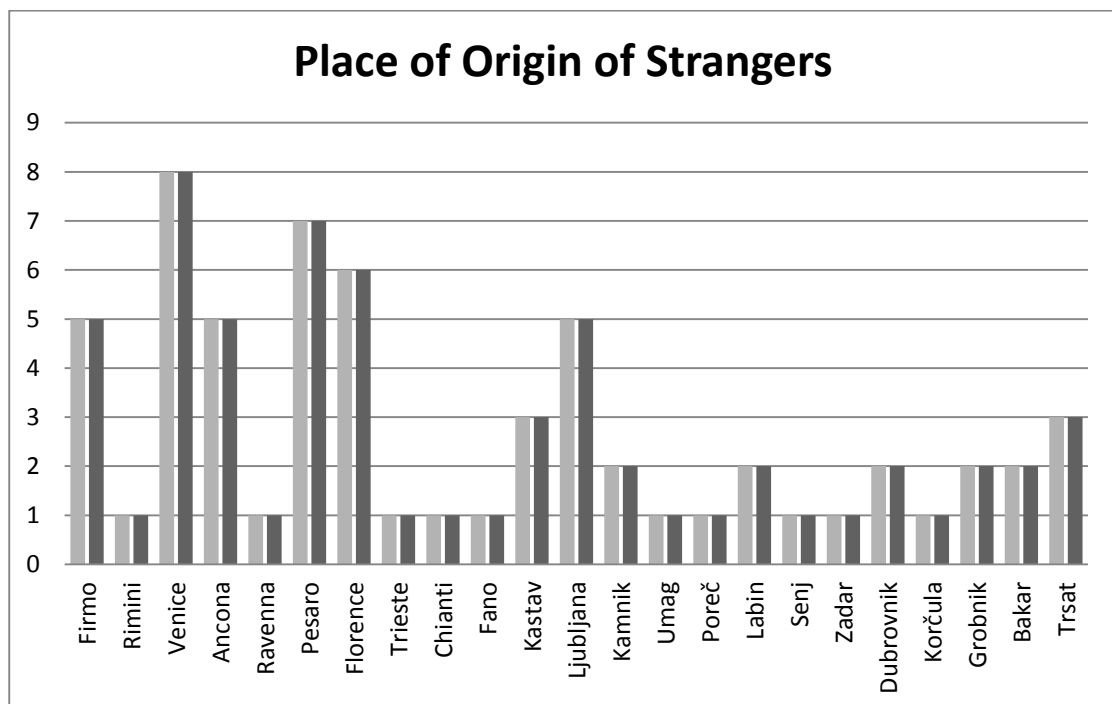


Figure 4: The Origins of Strangers in the Documents Regarding Community Problems (1437-1453)

In Rijeka most of the merchants were from the Adriatic coast, as shown in Figure 4. Most of them were successful in their business and it seems that language was not a barrier.

<sup>182</sup> Kathryn L. Reyerson, "The Merchants of the Mediterranean: Merchants as Strangers," in *The Stranger in Medieval Society*, ed. F. R. P. Akehurst and S.C. Van D'Elden (Minneapolis: University of Minnesota Press, 1997), 1.

<sup>183</sup> Ibid., 5.

Kathryn L. Reyerson states that the merchants from the south of France, Italy, and Spain had some general ability to communicate in the languages of these regions,<sup>184</sup> to which I would add the eastern Adriatic coast. The local notaries had no problem translating the vernacular language into Latin.<sup>185</sup>

The Statute of Rijeka states that merchants from Rijeka should be treated in a city far from home in the same manner in which foreign merchants were treated in Rijeka,<sup>186</sup> thus protecting both foreign merchants and their own. I identified strangers in the documents by their place of origin, often attached to their name, for example *de Labaco* (*Georgius de Labaco*).<sup>187</sup> Zjačić suggested identification by their legal status, attached to their name. *Habitator* is a person living in the city for trade, business or marital reasons. A *habitor* did not enjoy full rights as a citizen (*cives*). Then there were strangers who came to Rijeka on rare occasions (*hospes, forenses* or *advenae*). This way of identification is represented by Tomislav Raukar,<sup>188</sup> and also suggested by Zoran Ladić in his study on the account book of Batolomej Gervazij.<sup>189</sup> I do not oppose this theory, but I have to add that in the *Liber Civilium* the notary was not consistent in this type of legal identification, as I will present in the following examples. Nicola Micolich was a judge in Rijeka, meaning a member of the council. As mentioned above, only citizens of Rijeka could be members of the council. Yet in a document from March 16, 1446, he is mentioned as a resident (*iudice Nicolao Micolich, prefato Adam, ambobus habitatoribus dicte Terre Fluminis*).<sup>190</sup> In a document from October 29, 1446 he is mentioned as a citizen (*presentibus ipso iudice Nicolao, iudice Vito condam ser Matchi, ambobus civibus dicte Terre Fluminis*).<sup>191</sup> The pattern is repeated in the documents from March

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<sup>184</sup> Ibid., 2.

<sup>185</sup> Ibid., 5.

<sup>186</sup> Herkov, *Statut grada Rijeke*, 231.

<sup>187</sup> Zjačić, "Knjiga riječkog notara i kancelara", 108.

<sup>188</sup> Budak and Raukar, *Hrvatska povijest srednjeg vijeka*, 333-334.

<sup>189</sup> Zoran Ladić, "Labinsko društvo u ranom novom vijeku u zrcalu bilježničkih dokumenata bilježnika Bartolomeja Gervazija", 52.

<sup>190</sup> Zjačić, "Knjiga riječkog notara i kancelara", 99.

<sup>191</sup> Ibid., 111.

20, 1447 and April 28, 1447. In contrast is Adam Antonij from Firmo, who is identified as a merchant in a document from March 27, 1447 (*ser Adam Antonij de Firmo...omnibus mercatoribus dicte Terre Fluminis*).<sup>192</sup> He came from Firmo, a town in Italy, as indicated by the addition to his name, and was a resident in Rijeka. He was identified as *habitor* in several documents, like the one from May 16, 1447 (*ser Adam Antonij de Firmo...omnibus habitatoribus dicte Terre Fluminis*).<sup>193</sup> However, in a document from March 29, 1447, he is identified as a citizen of Rijeka (*ser Adam Antonij de Firmo, civis dicte Terre Fluminis*).<sup>194</sup> Although Adam was a *habitor* in Rijeka, he was a respected man in the community. He lent his house on several occasions for the government to use for administrative affairs (*in statione Adam Antonij de Firmo*),<sup>195</sup> and he was a witness in several documents, meaning he was considered to be an honorable and trusted man (*presentibus...Adam Antonij de Firmo, testibus ad hec vocatis et rogatis*).<sup>196</sup> The third interesting case is Chirin Spincich, who is mentioned as a *habitor* in Rijeka (*Chirino Spincich,...omnibus habitatoribus dicte Terre Fluminis*)<sup>197</sup> and citizen of Rijeka (*Chirino Spincich de Castua, civi dicte Terre Fluminis*),<sup>198</sup> but also a citizen of Kastav (...*Chirino Spincich, civibus Castue*).<sup>199</sup> He used his citizenships according to the district where he was conducting business. Rijeka was not a large community and people knew each other. In the notary book names most often repeat, such as Adam Antonij the Firmo, so it is not wrong to conclude that the notary was well acquainted with his customers. He knew Adam Antonij was a *habitor*, and Nicola Micholich was a *cives*, and in order not to repeat himself, or to make his job easier, he wrote on paper what was most suitable in that moment. The notary seems to have mixed the legal statuses of the people with whom he often conducted

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<sup>192</sup> Ibid., 91.

<sup>193</sup> Ibid., 98.

<sup>194</sup> Ibid., 144.

<sup>195</sup> Ibid., 151.

<sup>196</sup> Ibid., 99.

<sup>197</sup> Ibid., 144.

<sup>198</sup> Ibid., 121.

<sup>199</sup> Ibid., 121.

business, but showed regularity regarding people mentioned only ones or on several occasions, such as John Chergnel who came from Austria (*Iohaness Chergel, habitatore civitates Austrie*).<sup>200</sup> The place of origin is often attached to a name.

Migration to Rijeka happened in several directions. The people from the district of Rijeka often came to the town. The attachment to the names indicates that people came from Brgud (*de Borgudo*),<sup>201</sup> Brseč (*de Bresecio*),<sup>202</sup> Cres (*de Cherso*),<sup>203</sup> Lovran (*de Laurana*),<sup>204</sup> Kastav (*de Castua*),<sup>205</sup> and Grobnik (*Grobinico*).<sup>206</sup>

The other direction was from the hinterland and Istira. They came from Ljubljana (*de Labaco*),<sup>207</sup> Škofja Loka (*de Lach*),<sup>208</sup> Labin (*de Albona*),<sup>209</sup> Pula (*de Pola*),<sup>210</sup> Pazin (*de Pissino*).<sup>211</sup> Also there are people from areas as Germany (*Bertoldus de Allemania*).<sup>212</sup>

The third migration was from the Italian peninsula. Firmo (*de Firmo*),<sup>213</sup> Florence (*de Florentia*),<sup>214</sup> Trieste (*de Tergesto*),<sup>215</sup> Chieti (*de Ortona*),<sup>216</sup> Ancona (*de Ancona*),<sup>217</sup> Venice (*de Venetij*),<sup>218</sup> Ravenna (*de Rauenna*),<sup>219</sup> Fano (*de Fano*),<sup>220</sup> Pesaro (*de Pissaro*),<sup>221</sup> Murano (*de Murano*),<sup>222</sup> Rimini (*de Arimino*)<sup>223</sup> show from which places they arrived in Rijeka. Theree

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<sup>200</sup> Ibid., 92.

<sup>201</sup> Ibid., 98.

<sup>202</sup> Ibid., 103.

<sup>203</sup> Ibid., 105.

<sup>204</sup> Ibid., 113.

<sup>205</sup> Ibid., 122.

<sup>206</sup> Ibid., 199.

<sup>207</sup> Ibid., 96.

<sup>208</sup> Ibid., 94.

<sup>209</sup> Ibid., 162.

<sup>210</sup> Ibid., 85.

<sup>211</sup> Ibid., 163.

<sup>212</sup> Ibid., 226.

<sup>213</sup> Ibid., 91.

<sup>214</sup> Ibid., 186.

<sup>215</sup> Ibid., 163.

<sup>216</sup> Ibid., 173.

<sup>217</sup> Ibid., 115.

<sup>218</sup> Ibid., 171.

<sup>219</sup> Ibid., 168.

<sup>220</sup> Ibid., 223.

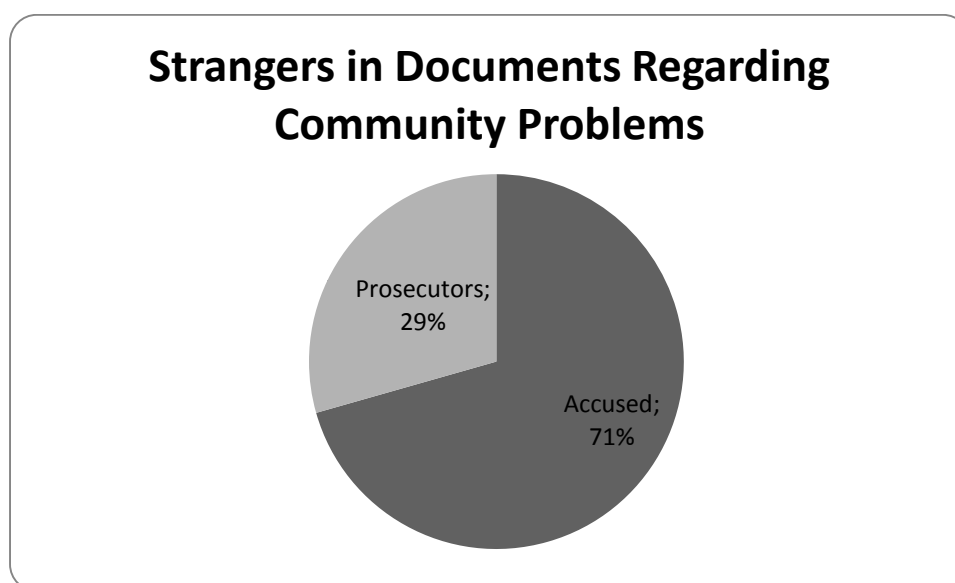
<sup>221</sup> Ibid., 99.

<sup>222</sup> Ibid., 215.

<sup>223</sup> Ibid., 230.

Jews are mentioned to have visited Rijeka. A document from August 14, 1441, mentions Abraham Agnolesi, *habitor* of Pesaro, who agreed to work for Marco.<sup>224</sup> In subsequent documents, Abraham is mentioned together with Joseph Salamonis and Bonaventura Simonis.<sup>225</sup> The third migration was important for trade and manufacture in Rijeka: merchants, manufacturers, artists came from overseas to Rijeka. In the studied documents there is no mention of a woman as a stranger or foreigner. In the cities along the eastern Adriatic coast women are found less as foreigners and strangers.<sup>226</sup>

Strangers are regularly mentioned in the debt documents. Since most of them came to Rijeka to conduct business it is not odd that in this type of documents they are most represented, as mentioned in the previous chapter. However, they are represented in each type of documents, much more often as the accused, as shown in *Figure 5*.



*Figure 5: Judgments towards strangers in the documents regarding community problems (1437-1453)*

<sup>224</sup> Gigante, "Libri del cancelliere", 246.

<sup>225</sup> Ibid., 247.

<sup>226</sup> Zoran Ladić and Goran Budeč, "Stranci u Kotoru u prvoj polovici 14. stoljeća" [Foreigners in Kotor in the first half of the fourteenth century], *Hrvatsko-crnogorski dodiri/ Crnogorsko-hrvatski dodiri: Identitet povijesne i kulturne baštine crnogorskog primorja* (2009): 160.

From the documents it is evident that Rijeka was an important center of trade and economy in the region. Strangers, such as manufacturers and merchants were welcome, since they influenced the economy of the town in a positive manner. However, they did not have the same privileges as citizens or residents. As in other cities along the Adriatic coast, a foreigner could be marginalized.<sup>227</sup> In the Statute of Trsat it is noted that a native person from Trsat had more rights than a stranger regarding property law, civic rights, etc. Documents from the fraternity of Saint George of Trsat in 1579 mention four people from Rijeka. It is unclear whether they became full right citizens of Trsat, or if they had returned to Rijeka. More people from Rijeka are mentioned in the land register of Trsat,<sup>228</sup> and it is clear that they were not considered to be full-right members of the community. The land register of Trsat mentions seven people from Rijeka who owned a house and land, twenty-seven people who owned land, and one person who owned a house in Trsat.<sup>229</sup> Although these sources originate from a few decades past the time studied in this thesis, there is no reason not to believe that this kind of migration was active in the fifteenth century, as well as the one from Trsat to Rijeka, as mentioned in the *Liber Civilium*.

In the *Liber Civilium* there are several proclamations by the government of Rijeka that are directed towards strangers, or include them in some manner. In the documents there are over all fifty-seven proclamations from the council, forty proclaimed during the mandate of James Raunacher. Out of those forty documents eight are concerning strangers.

The most important proclamation was August 19, 1437. Rumpert de Walsee, the feudal lord of Rijeka, proposed Ser Castelino de Pisauero as a member of the council. All sixteen members of the council were present, and jointly objected to the request, based on an old custom (*more solito*).<sup>230</sup> According to the old custom, only citizens of Rijeka could be members

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<sup>227</sup> Margetić and Moguš, *Zakon trsatski*, 50.

<sup>228</sup> Ibid., 50.

<sup>229</sup> Ibid., 45.

<sup>230</sup> Gigante, “Libri del cancelliere”, 20.

of the council. Although the feudal master had a right to suggest the new members, the council decided to accept or not. The document shows that the council of Rijeka had autonomy, and was not completely subject to their master's decisions. Regarding Ser Castelino de Pisauro, the document shows that he was a respected member of the community, in good relation with the Walsee family.

The document from May 8, 1439 forbids to transfer strangers in Rijeka and its district, and to transfer them to other places.<sup>231</sup> In a document from February 23, 1441, forbids for people from Rijeka to go across the river. It does not specifically mention the name of Trsat, on the opposite bank of the river that was under the Frankopani rule, but this was probably what was meant. The reason why citizens of Rijeka were not allowed to go there is also missing.<sup>232</sup> Trsat is mentioned in two more proclamations. People of Rijeka were not allowed to buy meat, grain, vegetables, oil, iron, figs and other products from the place across the river, that is Trsat; in the contrary they will be charged with a penalty of 50 *librae*.<sup>233</sup> A document from December 15, 1447, forbids citizens of Rijeka, free or non-free, as well as foreigners or inhabitants, to go to Trsat to drink alcohol. If the proclamation was violated one was to spend three days in prison, and be charged with a fine of 40 *solidi* (*sub pena standi tribus diebus in carceribus, et soluendi solidos quadragnita*).<sup>234</sup>

A document from November 10, 1448, forbids all people who come from areas infected with the plague to enter Rijeka. The fine was 50 ducats, and one was to be immediately expelled, without mercy.<sup>235</sup> In the fifteenth century the number of epidemics on the eastern Adriatic coast amplified in comparison with the fourteenth century,<sup>236</sup> so the proclamation was necessary in order to prevent more problems.

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<sup>231</sup> Ibid., 111.

<sup>232</sup> Ibid., 218.

<sup>233</sup> Zjačić, "Knjiga riječkog notara i kancelara", 17.

<sup>234</sup> Ibid., 187.

<sup>235</sup> Ibid., 211.

<sup>236</sup> Budak and Raukar, *Hrvatska povijest srednjeg vijeka*, 378.

The restrictions were not only for strangers coming to Rijeka, but also for imported goods sold on the market. In order to protect the local agriculture and trade several proclamations were given against goods from other places. The ban on the goods from Trsat was already mentioned. Another restraint was on wine imported from Marchia and other lands across the sea, until the feast of Saint George.<sup>237</sup> It is probable that the government of Rijeka wanted to protect the local wine-growers.

A stranger could be accepted in the community, as seen from five documents from the *Liber Civilium*. A person was accepted when he married a local person, worked for a long time in the community, or pledged an oath. In case of Rijeka Martin the goldsmith,<sup>238</sup> Blase the tanner, son of the deceased Antony,<sup>239</sup> James the hatter,<sup>240</sup> and John the sailor<sup>241</sup> were all accepted in the community because they were popular men, who work hard and were honest. Vorichus was married to a local girl, Maria Zelezenica.<sup>242</sup>

#### 4. 6. Others

There are five documents concerning injuries or damages in the *Liber Civilium*. I will describe two of them. A document from April 27, 1450, indicates that a fight happened in a tavern in Rijeka. Martin the barber was in a dispute with Martin Uuch from Grobnik for medications that were to be paid to Peter from Grobnik, whose arm was broken. The document does not tell how the arm was broken.<sup>243</sup> A document from January 29, 1452 mentions a burnt house that belonged to Lawrence Labutich. However, the cost of the things lost in the fire, as well as the expenses of building a new house, were to be covered by Ambrose Cobotnica from Bakar.<sup>244</sup> Once again, the details are not mentioned. The proclamation of the council from May

<sup>237</sup> Gigante, "Libri del cancelliere", 98.

<sup>238</sup> Ibid., 88.

<sup>239</sup> Ibid., 88.

<sup>240</sup> Ibid., 137.

<sup>241</sup> Ibid., 137.

<sup>242</sup> Ibid., 112.

<sup>243</sup> Zjačić, "Knjiga riječkog kancelara i notara", 310.

<sup>244</sup> Ibid., 119.



26, forbids keeping any kind of flammable material, as wooden pallets or hay, inside the town wall<sup>245</sup> to prevent this type of dangerous situation that might have dreadful consequences for the whole town, whose buildings and fortification were wooden.

The documents also show that priests were active in the community. They are mentioned in verbal offences, debts, and love affairs. One mentioned priest had a son, but who the mother was is not known. In a document from May 8, 1449, it is mentioned that the deceased Abbot Radman, from the fraternity of Saint James in Preluka, gave four *marchae* to his concubine Lucia, money that was now missing from the monastery. The missing *marchae* were the reason for a dispute between a certain Frances and Abbot James. A witness claimed it happened a long time ago, so he did not remember the details very well.<sup>246</sup>

### Summary

Many documents from the *Liber Civilium* concern trade and business. Since trade was considered to be a male profession it is not surprising that in those documents the role of men prevails. Most of the transactions passed peacefully, however in thirty six documents it is seen that some differences and disputes occurred among the parties conducting business. The disputes concerning unpaid debts in money or regarding shipment or delivery are the most common. One document is about fraud committed in measurements. However, the documents show a pattern in only one motif: the parties agreeing on compensation among themselves. The other documents cover not respecting terms of a labor contract, theft, damages, proclamations and verbal insults. Women are mentioned in twenty four documents, concerning testaments, debts and one moral scandal. Strangers were active in the community, although they did not have the same rights as citizens of the town. Despite that, several *habitatores* were respected in the community. They often lent their houses for administrative uses and served as witnesses.

<sup>245</sup> Gigante, "Libri del cancelliere", 364.

<sup>246</sup> Zjačić, "Knjiga riječkog kancelara i notara", 252.

Comparing strangers and locals, it is seen that strangers were more often accused than the contrary.

## 5. Conclusion

The medieval period of Rijeka is often neglected in the city's history. Historiography regarding this period is now outdated and lacks a scientific approach. One of the main problems when studying the medieval period is the lack of sources, therefore, the *Liber Civilium sive Notificationum* is of immense importance when conducting a research into medieval Rijeka.

The *Liber Civilium sive Notificationum* is the oldest preserved notary book of Rijeka, written by the notary from Mantua, Antun de Francesco de Renno. The documents span from 1436 to 1461, and are written in Latin language, with the exception of three documents written in Italian. The letter is Latin cursive, with the implications of Gothic scripture. The first third of the book, the documents from 1437 to 1445, was transcribed by Silvino Gigante in 1912. Mirko Zjačić transcribed the documents from year 1446 to 1461 and published them in 1955. At the beginning of his work Zjačić pointed out the many mistakes in Gigante's work. Both authors made classification of the documents, but in my research I reclined on Zjačić's classification, being more contemporary and elaborate. However, Zjačić classification is more general, dividing the documents according to a legal approach. I used a different systematization, since both my topic and research approach are different, concentrating on the documents that concern problems within the community.

Often occurring documents are the ones regarding trade, business transactions and contracts, making fifty-seven percent of all documents. Most of those transactions were conducted peacefully. However thirty-nine documents show that problems did occur. Some problems are concerning failures to repay debt, which made the creditor turn to the governmental representatives of Rijeka in order to solve the problem. A pattern shows that the problem was in the end solved between the two parties, while the judges and the notary were present to affirm the conclusion. The debtor was obliged to return the money until the appointed day. If he did not meet the deadline, he was to return the double amount. Also, he had to pay

the cost of the notary and the judges. Since the trade documents are over all most represented, it is not strange that most problems within the community are concerning payment and debts. Trade and business were considered to be male professions in this period, therefore most of the people involved in this kind of misbehavior were men.

Theft was considered to be a major problem in the Statute of Rijeka from 1530. Punishments were strict, from monetary compensation to body impairments, according to the value of a stolen good. Also, in the Statute the stealing of animals and of maritime goods had a special clause. Four thefts in the studied period are mentioned: of animals, that is pigs and horses; one theft of oars; two documents regarding things that were not returned to the owners after being borrowed. The difference between the documents and the Statute is in penalties and sentences. As stated, the statute has strict penalties regarding theft, while in the document the penalty is once again agreed between the victim and the accuser, declared in the presence of governmental officials. The documents state only the stolen good, the victim, the accuser, and the penalty. The details about how or when the theft happened are missing.

The documents regarding damages are also missing details that can give a broader perspective on crime in Rijeka. A house was burnt in the town, however another person became obliged to pay for the damaged goods and the erection of a new house. However, the direct accusation is missing, as well as the details how and when was the house burnt.

To a certain extent women are also present. Most of the documents mentioning women concern a testament or confiscation. Confiscations were the result of a suppression against a testament. The suppressors were often the woman's relatives, who claimed the goods actually belonged to them. The confiscation was considered finished after the council of Rijeka confirmed the testament's validity.

Business was often conducted with foreigners, so it is not a surprise they often appear in the documents. Overall their role had a positive significance in the town's economy, despite

that in the studied documents strangers were more often accused than locals. Since strangers were often on the margins of society, and less trusted than fellow locals, it is possible that out of the same reason they were more often accused in Rijeka. The second possible reason is that strangers were not well versed in the customs and laws of Rijeka, therefore the possibility of violating them was easier for them than for locals.

One difference between the studied documents and the other documents in the *Liber Civilium* is to be found in the number of representatives that were present when recording them. In the documents regarding trade and business transfer only two judges and witnesses were present, most often the judges served both purposes. However, in the studied documents of problems almost all members of the council were present, including the captain. For this reason I concluded that those cases did have a special significance in the town's community. However, the documents still lack information of sentences, penalties and details, and most of the names in the documents do repeat themselves.

It is possible that this book is not the only record of the town's affairs. I draw this conclusion from the following: Rijeka had 3 000 inhabitants in the fifteenth century, and towns with such a number of inhabitants on the eastern Adriatic coast had more than one notary.<sup>247</sup> In Dubrovnik more sources regarding the town's affairs have survived, including the *Libri de Malefficies*, the book of crimes. There is a possibility that a similar book existed in Rijeka. Furthermore, in the *Liber Civilium* there are fifty-seven proclamations of the government, while the Statute of Rijeka consists of four volumes. Rijeka's statute is based on the Statute of Trieste, but the declaration of King Ferdinand states that the king reconfirms the statute to the town. He also points out that Rijeka faced problems because the statute was not formed properly. Fifty-seven documents from the *Liber Civilium* are not sufficient to reflect a statute and the

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<sup>247</sup> Branka Grbavac, "The Professional Formation of Public Notaries in Dalmatia from the Second Half of the Twelfth Century to the End of the Fourteenth Century", 2.

deficiency in the documents from the notary book indicates is that there was another book beside the *Liber Civilium* in that period of years.

Comparing the documents from the *Liber Civilium sive Notificationum* with the court cases of Gradec, Dubrovnik, and other Croatian cities, the mention of actual crime in the *Liber Civilium* is relatively small. However, it cannot be concluded from that that Rijeka had a small amount of crime, especially since the population movement and trade were active in this period, and in the Statute of 1530 crimes such as murder, rape, and theft are strictly penalized and condemned. Therefore it is again likely that another record of criminal cases existed in Rijeka, which is not preserved. However, the significance of the *Liber Civilium* should not be minimized; it presents a wide picture of community problems which mainly happened as a result of the active trade in the town.

## 6. Summary

In the fifteenth century Rijeka was under the ownership of the Walsee family. The Walsees enhanced the town's government, administration and judicial organization. More important is that under their rule Rijeka became a town of local significance, with active trade and a strong economy. Since Rijeka and its district did not have enough fertile land to provide for its inhabitants, it developed trade routes with towns from the hinterland. The goods from the hinterland were used by locals, but also transported to the overseas cities. Thus, Rijeka became dependent on its trade routes.

The documents used for this study are recorded in the *Liber Civilium sive Notificationum*, written by a notary from Mantua, Antun de Renno. The documents in the book span from 1436 to 1461, and consist of documents of public-legal and private-legal matters. The book is preserved in the State Archives of Rijeka. It was first transcribed by Silvino Gigante in 1912. Mirko Zjačić transcribed the documents from 1446 to 1461.

In my research I concentrated on the period of the mandate of James Raunacher, captain of Rijeka, that is, from the year 1437 to 1453. The main subject of the thesis are the problems within the community of medieval Rijeka, a topic not yet researched. Overall, in this period there are 1493 documents in the source. Most of them concern trade and business contacts. Among these 1493 documents a relatively small number of documents refer to problems within the community is found, that is 140 documents. Of these 140 documents, thirty-nine recorded a problem that happened within the trade business: of the failure to a pay debt or concerning not respecting the terms of a business contract. Among other documents regarding community problems there are confiscations, thefts, testimonies, a false testimony, verbal insults, trespassings, violations of labor contracts. Women are recorded in twenty-four documents concerning disputes of inheritance or confiscations, except two women who did not pay their debt, one woman who is mentioned as a mistress and the captain's daughter who was involved

in a moral scandal. Strangers were an active part of trade in the community, so it is not a surprise that they are mostly mentioned in documents concerning problems with contracts and trade. The statistic shows more strangers were accused, than being accusers. This result coincides with the general notion of strangers in the Middle Ages, putting them on the margins of society.

The small number, or rather to say, the lack, of criminal cases in Rijeka does not show that it was a peaceful town. After analyzing the documents and comparing them with the Statue of Rijeka from 1530, as well as the statutes from other communes at the eastern Adriatic coast, I conclude that in fifteenth-century Rijeka there must have been more books where town affairs were recorded, which have not survived or still wait to be found.



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