

# 2021-22 / LESSON 14 / 2021-11-12

## Later Middle Ages -- ~1000-1492 ce/6

### end of the XII century- beginning of the XIII

The principle of participated power is adapted to a representative democracy with reference to the idea of justice as balance of powers.

[http://www.arielcaliban.org/PX\\_distributiva.pdf](http://www.arielcaliban.org/PX_distributiva.pdf)

Institution of *Curie Palatii*: elected magistrates take the place of the *iudices*, relieving the Councils of judicial work.

The earliest are *Curia Proprii* = del Proprio (land controversies and litigation between citizens) and *Curia Forinsecorum* = del Forestier (litigation with or between foreigners), where the capitular states that the first source of rules of law on the case must be *forma pactorum* = the contract between the parties; no sentences of specific performance are given, but only damages are allowed. As we will see, four more Courts follow in the first half of the XIII century.

[http://www.arielcaliban.org/PX\\_curie.pdf](http://www.arielcaliban.org/PX_curie.pdf)

Institution of the earliest elected magistrates, invested with a short-term appointment, bound to their office as a civic duty and with full powers of government over their specific area of attributions:

- *Advocatores Communis* (State attorneys)
- Camerlenghi (treasurers, receiving and paying out State money)
- Procurator of St. Mark (fabricator of the Basilica, custodian of the Treasure (gold and jewel reserve of the State) and also commissar given by the State in case an appointed one or a relative of the last holder of a patrimony are not available)
- *Visdomini da Mar, dei Lombardi, di Ternaria* (collectors of customs duties)
- Justiciars (control over the guilds, about which here below).

The extent and prerogatives of each magistrate is detailed in laws of the Councils, collected in a *capitulare*; the elected magistrates swear to abide by the *capitulare* before entering their functions.

Guilds are formed among practitioners of several arts and crafts; they differ from the guilds in the Comuni of the mainland in that they are not autonomous (self-governing), but they must be sanctioned by laws of the Councils, collected in ledgers called *capitulari*, and they function under the supervision of the magistrates of the Comune.

### 1189-1192

Third crusade.

Around this time Chioggia is known to have a Major Council composed by the principal families and a Minor Council of 12 elected *iudices*.