**Later Middle Ages -- ~1000-~1500 ce/11**

**1231**

*Constitutiones Melfitanae* = *Liber Augustalis* by Frederick II.

Sacralisation of the imperial power against the demands of the popes; reorganisation and centralisation of secular power against feudal and urban autonomies; new class of civil servants; ritual evidence in secular trials is abolished, according to the Lateran Council.

Duplication of the Procuratori di San Marco; the second magistrate is invested with the office of *commissario* whenever there is no nomination in a last will, nor any adult relative able to manage the patrimony.

*Statutum Qualibet* about procedure for faster credit recovery by Venetians in Curia del Forestier.

**1232**

Updated *promissio maleficiorum* by Jacopo Tiepolo

<http://www.arielcaliban.org/PX_maleficiorum_tiepolo.pdf>

**1233, 1236**

Additional statutes on civil matters; additional maritime statutes.

**1234**

*Liber extravagantium = decretales* by pope Gregory IX in five books: *iudex, iudicia, clerus, conubia, crimen* = ecclesiastical courts of law, procedure, clergy, marriages, criminal law. The first two books introduce the Roman-canon procedure, on the model of the ancient Roman *cognitio extra ordinem*: an inquisitorial trial by civil servants aimed at repression (esp. of heresy) rather than finding the truth, with judges strictly bound by rules of procedure and answering to their superiors.

**1237**

*Speculum iudiciale* by Guillaume Durand: a doctrinal analysis of the Roman-canon procedure, widely used in the following centuries as a handbook for its use.

**1240**

Treaty between the Venetians and the Estensi, lords of Ferrara: trade by sea directed to Ferrara will pass through the port of Venice and be subjected to customs duties, in exchange for Venetian protection.

**1242**

*Statutum Novum* = extended recompilation of former statutes in civil matters, in the light of the interpretation given so far by judicial customs.

Drafted by a committee of four, elected by the Major Council, then deliberated by the same and approved by the *placitum*; for the first year of application, as a controlled test, only authentic interpretation will be admitted.

<http://www.arielcaliban.org/PX_statutes_comparison.pdf>

The rules of law are applied judicially in this order: 1) *Statutum Novum* and further additions, 2) analogy (also in criminal matters), 3) customs supported by evidence and reason, 4) equity in the Venetian, not the canonical sense.

<http://www.arielcaliban.org/PX_imagery.pdf>

**1244**

Curia di Petizion instituted to judge in litigation on matters not disciplined by law and thus falling outside the attributions of the other Courts as stated in their capitulars.

The Curia deliberates its sencentes *per justitiam, laudum et arbitrium* = any sentence *(arbitrium)* which receives the majority of the votes *(laudum)* is the just solution *(justitiam)* for the case; the judges are suppletive legislators for new situations.

The capitular of Curia di Petizion is added to *Statutum Novum;* the use of *arbitrium* is going to be extended to other magistrates as a general guideline in order to find equity in dubious cases. There is no violation of constitutional custom: the judges are magistrates holding full *iurisdictio* in their field of action on behalf of the State, in legislative matters as well as judicial and executive.

<http://www.arielcaliban.org/PX_curie.pdf>

**1249**

Institution of Savi all'Eresia for secular repression of the crime of heresy, in order to limit the powers of the Church in this matter.

**~1250**

Europeization, nationalisation and pragmatization of the legal culture of the Universities.

*Magna Glossa* by Accursius to *Corpus iuris civilis* (Justinian's compilation in a medieval transcription with appendixes); *Glossa ordinaria* by Bartholomaeus Brixianus to *Decretum Gratiani* (a private compilation of rules of canon law from different sources up to about 1140).

Alfonso el Sabio king of Castile translates and legificates into Fuero Juzgo the *Liber iudiciorum*, a compilation of Visigothic customs based on Roman Theodosian law, and legificates the national iudicial customs in Fuero Real.

In Venice, glosses are appended to the text of the Statutum Novum. One series makes comparisons with the legal doctrine of the universities, the other to actual application by the Courts.

<http://www.arielcaliban.org/PX_glosse.pdf>

**1289**

Since 1234, the ecclesiastical courts condemn those found guilty of canonical crimes during inquisitorial trials, but do not directly shed blood; instead, they request the secular powers to execute the sentences for them; secular powers are thus called to execute sentences given without their participation in any form

The Comune imposes the Savi all'Eresia as obligatory members of the ecclesiastical courts in trials for heresy, so that no condemnation is possible without the approval of the secular powers and the State is not limited to be a passive executor (secular arm) of ecclesiastical decisions against the citizens, as in the rest of Christianity.

From the personal reference ms. notes, unpublished, compiled in the XVIII century by Giovanni Guidozzi, a secretary and informal counselor for Venetian judges:

*XII. E quando occorresse, che da Giudici ecclesiastici senza l'assistenza [dei Savi all'Eresia] fosse formato alcun Processo, [i Giudici secolari veneziani] l'avranno per nullo, e non lo eseguiranno ovvero permetteranno che sia eseguita cosa alcuna in conseguenza di quello, ma bene concederanno, che si possa formare nuovo Processo con l'assistenza.*

*Così deliberò il Senato li 18 Gennaio 1591 [*m.v. *= 1592] e fece dire al Nunzio Apostolico il dì 8 Giugno 1592, e li 6 Luglio 1599 [*rectius: *1592], e 1592 9 Agosto, e finalmente sotto li 18 Febbraio 1594 [*m.v. *= 1595].*

*E se in un Processo bene incominciato [cioè con la partecipazione dei Savi all'Eresia] foss'atto alcuno particolare senz'assistenza, [i Savi] procureranno che sia cassato (...)*

XII. And should any Process instituted by ecclesiastical Judges without the participation [of the Savi all'Eresia], [the secular Judges] will hold it as null and void, and will not execute it nor allow any act to be executed by that title, but they will allow that a new Process be instituted with participation.

Thus the Senate deliberated on January 18, 1591 [*m.v.* = 1592] and notified to the Apostolical Envoy on June 8, 1592, and on July 6, 1599 [rectius: 1592], and 1592 August 9, and finally on February 18, 1594 [*m.v.* = 1595].

And if in a Process correctly instituted [that is, with participation of the Savi all'Eresia] should any individual act be performed without participation, they [the Savi] will take care that it be declared null and void (...)

