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Transalpine Conflict Resolution Between Arbitration and Reprisals: the Haidens of Vienna vs. Bologna, 1438–1498

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Abstract

This case study examines the protracted dispute over confiscated property between the prominent merchant Henry Haiden of Vienna and his heirs on the one side and the city of Bologna and one of its citizens, Ercole Fantuzzi, on the other, which unfolded between 1438 and 1498. Thanks to the wealth of as yet unpublished sources stored in the Bologna archives, it is possible to reconstruct the individual phases of the 60-year conflict in considerable detail, to analyse the strategies pursued by the parties involved, and to identify the various legal instruments employed to obtain justice. On a broader level, this paper shows the possibilities and limits of transalpine dispute resolution in the late Middle Ages, which was necessarily conditioned by the interplay between trade and diplomacy, law and politics.

Keywords

conflict – arbitration – reprisals – trade – diplomacy – law – Hungary – Austria – Italy – Vienna – Bologna – the Haidens – late Middle Ages

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In 1438, an Austrian merchant had his possessions confiscated in Bologna. What at first seemed like a relatively commonplace incident eventually developed into a protracted dispute that lasted until the end of the fifteenth century. Moreover, the case became a subject of European politics, involving the Holy Roman Emperor, the Pope, the Queen of Hungary, several Italian powers as well as other actors. The aim of this paper is to reconstruct the course of this intricate dispute, to analyse the strategies and arguments of the parties and, more generally, to show the possibilities and limits of transalpine conflict resolution in the late Middle Ages. The primary impetus for this case study was the extensive corpus of sources preserved in the Bologna archives, which makes it possible to portray the events in relatively great detail.¹

The main character of the story is Henry Haiden of Vienna (documented 1407–1450).² As a wealthy patrician, he was involved in the city government. He owned a house on Fischerstiege near Maria am Gestade church, vineyards outside the city walls, and other properties. Haiden was primarily a merchant, who also conducted long-distance trade in Italy. His career was further advanced by his close ties to the royal court: at the turn of the 1440s he maintained contacts with King Albert II of the Romans, Hungary and Bohemia, and even more so with his wife Queen Elizabeth, daughter of Emperor Sigismund, who even stayed at Haiden's residence during a sojourn in Vienna. All things considered, he accumulated considerable social and economic capital and was founder of the subsequent knightly family known as the Haidens of Guntramsdorf.

Sometime in 1438, Henry Haiden set off for Italy accompanied by several companions or servants. The exact chronological sequence of events is not entirely clear. In mid-March, Venetian sources refer to his considerable debts to “many” local citizens, which were to be collected in Vienna.³ This would suggest that Haiden's Italian journey had taken place in the early months of 1438 and that the first important stop after crossing the Alps was Venice, where the Austrian merchant had run up debts. These unpaid obligations could also have been related to his earlier trading activities. In any case, Haiden originally intended to cross the Apennines and continue south. However, his journey did not go to plan and ended in Bologna.

By that time, the northern Italian city had already undergone a very turbulent and dynamic development, which in many ways resembled the experience of the Tuscan republics.⁴

1 Archivio di Stato di Bologna (hereafter ASBo). For an overview of the material stored in the Bologna archives, see ADY (1934); TAMBA (1978); GIANANTE-TURA et al. (1998). In addition, various old manuscript repertories kept in the Sala di studio were indispensable. I am indebted to the archival staff, especially Armando Antonelli, for their kind assistance during my research stay.

2 A great deal of information on Henry Haiden's life has been gathered by PERGER (1967/1970), pp. 102–106. Most of the sources are registered in various volumes of the abstract edition QGSW, ad indicem.

3 SIMONSFELD (1887), vol. 1, p. 229, no. 416: *Cum multi nostri cives, habere debentes ab Enrico Pagano de Viena magnam summam denariorum [...] vadit pars, quod auctoritate hujus consilii detur licentia dicto Francisco eundi Viam ad exigendum denarios nostrorum civium...* (15 March 1438). See further RI XII, p. 158, no. 614 (15 February 1439); SIMONSFELD (1887), vol. 1, p. 231, no. 420 (25 August 1440). All the evidence is also registered in QGSW I/8, p. 86, nos. 15857 and 15858; II/2, p. 169, no. 2679; cf. PERGER (1967/1970), p. 103.

4 For the history of Bologna in the Middle Ages, see the recent collective volumes edited by CAPTANI (2007), and BLANSHEI (2018), respectively.

At the beginning of the twelfth century, an autonomous, collectively governed commune was established, with the aristocracy playing the leading role. Gradually, a share of power was also claimed by the *Popolo* associated in guilds and societies of arms. Bologna, which formally belonged to the Holy Roman Empire, was ceded to the Pope in 1278 by King Rudolf, together with Romagna.⁵ The relationship between the authority of the pontiff, who was represented by legates as governors, and the local government, whose composition reflected the ever-changing power constellation in the city, was the subject of constant redefinition during the course of the remainder of the Middle Ages.⁶

Civic life was marked by frequent clashes between factions vying for power. Enea Silvio Piccolomini remarked with some bitterness: “Legally, the city is subject to the Church of Rome, but the people are rebellious and given to factions. They know neither how to rule nor how to obey a ruler; they are greedy for plunder and ever ready to shed blood.”⁷ From the end of the fourteenth century, an increasing concentration of power in the hands of the oligarchy can be observed. Of these privileged families, the Bentivoglio accumulated the most influence, and, despite several dramatic episodes, its members gradually earned the status of unofficial rulers of Bologna during the Quattrocento.⁸ Formally, the city was represented by the *Anziani Consoli* and the *Gonfaloniere di Giustizia*; however, the important political decisions were mostly taken by the *Riformatori dello Stato di Libertà*, composed of eminent figures within the current regime. Between 1438 and 1443, Bologna was governed by Niccolò Piccinino, a condottiere in the service of Filippo Maria Visconti, Duke of Milan.⁹

It was during this politically intricate period that Henry Haiden arrived in the city with a small entourage.¹⁰ Upon his arrival, an unpleasant surprise awaited him at the gate (probably the Porta Galliera to the north), as a small amount of treasure valued at 1,200 fl. and three gold pieces worth around 650 fl. were seized by customs officials. Up until this point, the sources are mostly consistent, but there are several versions of the reasons and justification for the confiscation. The accounts of Haiden and the Bologna representatives were different, and, moreover, they did not hesitate to change them as it suited their needs over time. It is therefore difficult, if not impossible, to determine the truth. From the outset, the city government of course maintained that the confiscation was entirely lawful. In its letter to King Albert in 1439, it claimed Haiden had attempted to evade customs: he had probably hidden the gold in order not to have to pay duties. However, the deceit was discovered, and by law not only the gold but also the money he had on him was forfeited to the Bologna Chamber. As Haiden is said to have shown a King’s letter of safe conduct, he was allowed to keep 100 fl. and his horses out

5 Cf. HESSEL (1910), pp. 510–520.

6 Cf. DURANTI (2009), esp. pp. 11–65; DE BENEDICTIS (1995), esp. pp. 86–193.

7 The English translation is taken from MESERVE–SIMONETTA (2003), vol. 1, p. 347. The Latin original is edited *ibid.*, p. 346: *Civitas Ecclesiae Romanae iure subiecta est, verum male parens populum factionibus studet, nec regere novit, nec regentem ferre; rapinae avidus atque in caedes pronus.*

8 For the rise of the Bentivoglio, see ADY (1937).

9 Cf. ALBICINI (1884); LONGHI (1906 and 1907).

10 For the control of foreigners entering Bologna, see SALETTI (2016/2017); SALETTI (2020).

of respect for the ruler's authority. He also allegedly produced some documents proving that he had carried the money to Rome to the general of Santo Spirito in Sassia.¹¹ None of the cited documents have survived. What business Haiden may have had with the head of the hospital order is not clear. Since there was also a branch of this religious institution in Vienna, he may have somehow been involved in its financial transactions.¹²

It seems that Haiden attempted to overturn the confiscation decision with the local authorities, but to no avail. In fact, this was not a classic dispute between private individuals, but an official seizure carried out by the city officials, and the merchant was probably not able to litigate in a court such as the *Mercanzia*.¹³ Therefore, he returned home and secured the support of his protector, Queen Elizabeth. Sometime in October or November 1438, she sent letters on behalf of her *familiaris* Haiden to Bologna, demanding the return of the confiscated money, as well as to Florence, Milan, and probably other places, asking for support. The Italian powers complied and addressed their own letters of intercession to Bologna.¹⁴ After the city government refused Elizabeth's request, King Albert also intervened, and his letter was delivered personally by Henry Haiden.¹⁵ This correspondence shows that Haiden and his protectors gave a different account of events. In their version, the money belonged to Queen Elizabeth, who had sent the Viennese merchant to Florence to buy precious cloth for her court.¹⁶

11 ASBo, Comune – Governo, Convenzioni, trattati, obbligazioni (serie cronologica sciolta), busta 15, no. 286, doc. A: *...maiestas vestra potuit videre colorata mendacia ipsius Henrici, per que conatus sit vectigalia nostra fraudare, nam si res ita se habeat, quod serenissima conthoralis vestra [i.e., Queen Elizabeth] dictum Henricum Florencie misisse cum dictis pecuniis et virgulis pro dictis vellutis emendis, uti serenitas vestra testatur, unde fuii, quod dictus Henricus, dum pro recuperatione deperditarum pecuniarium et auri totis viribus et industria fatigabatur, numquam dixerit ipsas pecunias et virgulas esse pretacte conthoralis vestre [...], quinyimo semper affirmavit officialibus nostris pecunias illas et aurum deferre ad generalem sancti Spiritus de Urbe et pro sui dicti affirmatione litteras, que de dicto generali deferebantur, nobis ostendit; ex quo autem serenitatis vestre simplices litteras passus monstravit nobis, centum aureos, quos in marsurbio [sic!] ferebat, et equos, quos ipse et sui socii equitabant, qui secundum ordines nostros perditati erant, et penam fisci, que tantumdem erat, quantum valor rerum, que inciderant in commissum, respectu predictarum litterarum vestre eidem graciose remisimus...* (1439).

12 For the Order of Santo Spirito and its connections within the German lands, see DROSSBACH (2001); DROSSBACH (2007).

13 For this merchant tribunal in Bologna, see LEGNANI (2005); LEGNANI ANNICHINI (2008).

14 Of this correspondence, only Florence's reply to Elizabeth and a letter of intercession from the same Tuscan republic to Bologna have survived: Archivio di Stato di Firenze (hereafter ASFi), Signori, Missive I Cancelleria, reg. 35, fols. 119v–120r (= pp. 240–241) (both 17 November 1438). The existence of the other letters, now lost, can only be inferred from later sources. As to the rest, there is nothing among the drafts of the outgoing correspondence from the Visconti chancery in Milan. Cf. VITTANI (1929), vol. II/2, ad indicem; OSIO (1872), vol. 3, ad indicem.

15 King Albert's letter is again a *deperditum*; a reply from Bologna can be read in ASBo, Comune – Governo, Convenzioni, trattati, obbligazioni (serie cronologica sciolta), b. 15, no. 286, doc. A (1439).

16 The earliest evidence of this narrative is the letter from Florence to Bologna, which adopts Queen Elizabeth's viewpoint, in ASFi, Signori, Missive I Cancelleria, reg. 35, fol. 119v (= p. 240): *Itaque per suas litteras nobis fidem facit, quod ipsa [i.e., Elizabeth] hunc suum familiarem cum pecuniis sue serenitatis mittebat ad civitatem Florentie pro drappis sericis sibi comparandis [...]. considerata auctoritate illius regine et quod ipsa consuevit alias mittere Florentiam ad talia emendum et nunc fidem facit se cum suis pecuniis misisse Henricum Heyden antedictum...* The same story is later repeated in various sources.

There is therefore a question of which version is closest to the truth. Later events lend more weight to Bologna's account: although during the subsequent dispute it is repeatedly stated that the money belonged to Elizabeth, the claims for restitution were put forward by Haiden and his heirs. If the property in question was the Queen's, there was no reason for the merchant to take such an active part in the matter. These inconsistencies may be explained in two ways. The first is that it was Haiden's private fortune, which he wanted to take to Rome for reasons unknown, and when it was confiscated in Bologna, he then invented a story about a mission in Queen's service, for which he also managed to secure her support. In this way he had a better chance of recovering the money, since the confiscation of the possessions of a common merchant was quite different to appropriating the property of the Queen of the Romans, Hungary and Bohemia. The second possibility is that it was indeed Elizabeth's money, and after it was confiscated – perhaps as compensation for the inconvenience he had suffered – Haiden had the Bologna claim ceded to him by the monarch and with her help intended to recover it. This is exactly as the merchant would argue later in 1443.¹⁷ However, the documents concerning the order general of Santo Spirito allegedly produced by Haiden in the confiscation process in 1438 speak against this version, and such a detail seems too specific to have been completely fabricated by the Bologna government. Moreover, if the money had indeed belonged to the Queen, there was no reason for Haiden to initially conceal this information, as it worked in his favour. On the other hand, the role of King Albert, who issued the safe conduct for the merchant, but only intervened in the dispute some time later (the main *spiritus movens* was Elizabeth), remains unknown. Finally, due consideration must be given to the possibility that it was a common human misunderstanding caused by the linguistic and cultural barriers between the actors.

In any case, Elizabeth's intercession and her declaration that the seized money belonged to her significantly changed the situation. Even if the law and city statutes had been correctly applied by the Bologna officials, an exception would usually have to be made in the case of an intervention by a foreign power in order to maintain friendly relations. In other words, politics took precedence over the law. For example, a few decades earlier, a certain Frederick of Bohemia, a servant of King Wenceslas, had been imprisoned in Bologna. At the intercession of the sovereign, the courtier was released and all his goods were recovered, regardless of the fact that Bologna did not belong to the Empire and was not under the King's authority.¹⁸ Thus, when Henry Haiden reappeared in Bologna in the summer of 1439 with letters of intercession from King Albert, the Duke of Milan and Niccolò Piccinino, the city government, while not admitting any wrongdoing, decided to comply and to credit the Austrian merchant the sum of 1,200 fl.

17 ASBo, Comune – Governo, Lettere al Comune, b. 414, fasc. 15, fol. 3v: *...qua de re dicta domina mea regina prenotatam summam florenorum ac omne ius omnemque actionem sibi contra vos eorundem occasione quomodolibet competentis in me transfudit, cessit et legitime resignavit, prout in litteris patentibus desuper confectis continetur, quarum copias hic inclusas poteritis intueri* (17 June 1443). Elizabeth's charter, to which Haiden refers, cannot be traced. However, it is possible that he so interpreted the grant of reprisals from 25 March 1443, on which see below.

18 The incident from 1379 is recounted by the local sixteenth-century chronicler Cherubino Ghirardacci in SOLIMANI (1657), p. 380.

to be collected during the following year from the wine duty revenues. The confiscated gold could not, however, be returned, as the proceeds had in the meantime been divided among its former finders.¹⁹

A compromise agreement that upheld the honour of both sides seemed acceptable. However, by February 1440 Haiden had not received any of the promised money and was instead incomprehensibly asked for a new letter of recommendation from Queen Elizabeth. It is not clear why the Bologna government proceeded in this way. Perhaps it was a delaying tactic or a cautious probing of the situation following the untimely death of King Albert, which had occurred in October 1439. Bologna may have thought that Haiden had lost his most powerful protector and thereby the primary “argument” for the restitution. However, his interests were vigorously taken up by Queen Dowager Elizabeth, who again called on the Bologna government to fulfil its obligation.²⁰

In September 1440, Henry Haiden returned to Bologna and managed to secure a new, even more favourable agreement. The sum of 1,200 fl. was to be paid from the wine duty revenues, as intended the previous year, in monthly instalments of 200 fl. from January until June 1441. In return, Haiden was to issue a receipt. Moreover, the merchant was to recover an indemnity of 350 fl.²¹ It is noteworthy that there are inconsistencies between the two decrees issued in this matter. In the first, the confiscation was justified and the city government’s decision to make restitution was prompted only by influential intercessors and the fact that the money seized belonged to Queen Elizabeth; the subsequent failure to make the payments was attributed to an error of the city treasurer Raffaello Foscarari.²² The second document, which is six days older, claims that the seizure of the property in 1438 was illegal and that Foscarari was responsible.²³ The different versions were perhaps motivated by the fact that the additional compensation of 350 fl. was to be paid not from the duty revenues, but from the estate of Foscarari, *Gonfaloniere*, treasurer and leader of the Piccinino regime, who was assassinated in February 1440.²⁴ Therefore,

19 ASBo, Comune – Governo, Convenzioni, trattati, obbligazioni (serie cronologica sciolta), b. 15, no. 286, doc. A. The surviving copy of the letter from Bologna to King Albert is dated only to 1439, with no indication of the day or month. It must have been sent in the summer months of this year as implied by the following letter from Elizabeth of 14 February 1440, which refers to a Bologna reply of seven months earlier. The same source indicates that the Italian city also informed the Queen of its decision. The intercession of Visconti and Piccinino as well as the details of the payment method are recounted in the decree from 12 September 1440 *ibid.*, Comune – Governo, Riformagioni e provvigioni (serie miscellanea), b. 318, sub dato (insert in the text of another decree from 6 December 1440).

20 The original letter is stored in ASBo, Comune – Governo, Lettere al Comune, b. 414, fasc. 15, no. 1; a copy *ibid.*, fol. 3r (14 February 1440). For Elizabeth’s fragile position after King Albert’s death, see DVOŘÁKOVÁ (2021), vol. 1, pp. 130ff.

21 The two decrees issued by Jacopo Piccinino as representative of his father and the sixteen *Riformatori* bear the dates of 6th and 12 September 1440 and are inserted in another decree from 6 December 1440: ASBo, Comune – Governo, Riformagioni e provvigioni (serie miscellanea), b. 318, sub dato.

22 ASBo, Comune – Governo, Riformagioni e provvigioni (serie miscellanea), b. 318, sub dato: *...dictumque assignamentum propter defectum quondam Rafaelis de Foscharariis, tunc thesaurarii, [ocu]m non habuisse...*

23 ASBo, Comune – Governo, Riformagioni e provvigioni (serie miscellanea), b. 318, sub dato: *...confiscate fuerunt in camera Bon(oniensi) minus legitime et contra iusticiam, quod totum processit facto et opera ipsius Rafaelis...*

24 See TAMBA (1997).

for the Bologna government it was convenient to lay the responsibility on the murdered official and thus justify the payment.²⁵ The new agreement was also taken to Queen Elizabeth, who at the end of April 1441 had a charter drawn up which upon payment of 1,550 fl. would absolve Bologna of the debt she was owed and at the same time guarantee the security of the city's merchants in her territories. Apparently, the document was to be delivered directly to Bologna by Haiden after the amount had been settled.²⁶

Just when it seemed that the dispute had been successfully resolved in Henry Haiden's favour, a new player called Ercole Fantuzzi entered the scene. The Fantuzzi family belonged to the Bologna oligarchy and actively participated in the city administration.²⁷ In the first half of the fifteenth century, Giovanni in particular played a prominent role, regularly appearing among the *Riformatori*.²⁸ Ercole di Gandolfo also occasionally held public offices, but he was more of a merchant than a politician. He had a house belonging to the chapel (parish) of San Damiano near the monastery of San Domenico. His business interests extended not only to Romagna, but also to Tuscany, Venice, and beyond the Alps.²⁹ During Niccolò Piccinino's government the Fantuzzi prospered: after the assassination of the treasurer Raffaello Foscarari, the communal treasury was reformed in March 1440 and entrusted to representatives of the urban oligarchy, one of whom was Ercole.³⁰

One of the regions where Fantuzzi traded was Hungary, the destination of many Italian and especially Florentine merchants during the reign of King Sigismund.³¹ On a return journey with goods in November 1432, Ercole, his relative Fantuzzo, and their entourage were ambushed near Zagreb.³² The perpetrators were servants of a certain Rother, a *familiaris* of Count (Hermann II) of Celje, Ban of Slavonia (i.e., the representative of the Hungarian King).³³ The two Fantuzzi were taken to a castle belonging to the Archbishop of Salzburg and later to another fortress in the territory of the Austrian

25 For the circumstances of Foscarari's assassination and the accusations against his management of the communal treasury, see ORLANDELLI (1953), pp. 241–263 and 311–314.

26 ASBo, Comune – Governo, Convenzioni, trattati, obbligazioni (serie cronologica sciolta), b. 15, no. 286, doc. B (25 April 1441). This charter also claims that the money belonged to Elizabeth, but it was to be collected by Haiden.

27 Some – although not always verifiable – information is provided in DOLFI (1670), pp. 297–307.

28 Cf. GUIDICINI–GUIDICINI (1876), pp. 32–38; TAMBA (1994).

29 The affiliation to the chapel is stated in the marriage contract with his wife stored in ASBo, Fantuzzi-Ceretoli, b. 104, sub dato (28 August 1439). The same document lists the locations of potential dowry payments – it included Imola, Faenza, Forlì, Florence, Modena, Reggio (Emilia), Parma, Venice, and Pisa.

30 ORLANDELLI (1953), pp. 207ff. The text of the decree is published both in ORLANDELLI (1954), vol. 1, Appendice, pp. 165–177, no. 2, and DURANTI (2009), Sezione documentaria, pp. 265–275, no. 32a (18 March 1440).

31 Cf. FARA (2012); PRAJDA (2018); ARANY (2020), and, more recently, PRAJDA (2023), esp. pp. 125–149.

32 The events are extensively recounted by Ercole Fantuzzi himself in his supplication inserted in the decree of the Bologna government from 6 December 1440: ASBo, Comune – Governo, Riformagioni e provvigioni (serie miscellanea), b. 318, sub dato.

33 For Count Hermann's office, held between 1423 and 1435, see MILJAN (2015), pp. 201–202. Rother can perhaps be identified with Martin Reutcher, later castellan of Hrastovica near Zagreb: MILJAN (2013), pp. 17 and 21 (although he is not documented in this office until 1448).

Dukes. A ransom of 500 fl. was demanded for their release. Appeals to the King and Queen of Hungary,³⁴ the Count of Celje, the City Council of Zagreb, the Dukes of Austria, and the Archbishop of Salzburg were to no avail so the captives had no option but to pay the 500 fl. via trustworthy intermediaries. In addition, a further 250 fl. was paid directly to the jailers. In order to raise the money Fantuzzi had to take out a loan, and to repay it he had to sell his goods at a lower price, so that the total loss incurred was estimated at more than 1,000 fl. Later, in 1439, Ercole suffered further losses upon sending a cargo of precious cloth worth 800 fl. from Florence to an associate in Buda, which was again seized by the Count of Celje's servants near Zagreb. New appeals to the relevant authorities once again came to nought. When Fantuzzi learned of the confiscation case against Haiden and the subsequent decision on restitution from September 1440, he petitioned the Bologna government to grant him the right of reprisals and, consequently, the amount of the sum to be restituted to Haiden (i.e., 1,550 fl.).

The reprisals were an old legal institute used especially in the mercantile environment that allowed for compensation for damage suffered in the territory of a foreign country or city. This meant that a Bolognese merchant who had been robbed in Hungary could be compensated from the property of Hungarian subjects in Bologna. However, such a mechanism naturally threatened to escalate into a sequence of mutual retaliatory measures or even an armed conflict. Confiscations of the enemy subjects' property were, after all, one of various ways of waging war. Therefore, since the thirteenth century, reprisals had become the topic of learned debate among leading jurists and subject to legislative restrictions that gradually curbed this undesirable practice. Consequently, they could only be authorized by specified public institutions and under certain circumstances.³⁵

As in other Italian cities, in Bologna the granting of reprisals was controlled by the government and regulated by the statutes, which considered this instrument as a last resort in obtaining justice. If a Bolognese citizen suffered damage abroad, he was to turn to his city's representatives, who would then make repeated intercessions with the relevant foreign authorities. Only if all such attempts failed could the right of reprisals be granted to the injured party.³⁶ Ercole Fantuzzi was aware of the legislation, explicitly stating in his supplication that not all legal means had been exhausted (*non fuerint servata solemnities iuris*), nor had the wording of the rubric *De represaliis* of the city statutes been observed. As similar cases of Florentines in Hungary reveal, Fantuzzi could have actually

34 At that time, however, Sigismund was in Italy. For more details, see PROSKE (2018).

35 For the legal perspective on reprisals, see FEDELE (2021), pp. 564–589; for the context of the Italian cities, see the recent works by TANZINI (2009); TOGNETTI (2012); MACCIONI (2021).

36 The text of the rubric *De represaliis*, included in the fourteenth-century city statutes, is published in TROMBETTI BUDRIESI (2008), vol. 2, pp. 705–707 (1335), and VENTICELLI (1998–1999), vol. 2, pp. 506–508 (1376), respectively. The older rubric dealt only with cases in which Bolognese citizens suffered damage abroad because of reprisals declared against their city. It was not until 1376 that the analogous procedure was to be applied also to individuals seeking justice for the harm done to them originally. This provision remained valid throughout the first half of the fifteenth century. There is also a preserved copy of the 1376 rubric alone, dated by the hand of a later archivist to 1442 (with a question mark), in ASBo, Comune – Governo, Convenzioni, trattati, obbligazioni (serie cronologica sciolta), b. 15, no. 270. It is possible that the document was drawn up in connection with Ercole Fantuzzi's case in 1440.

appealed to the sovereign, the local court, the consul of the Italian community, the government of Bologna, and the *Mercanzia*.³⁷ However, he argued that he had written to the local authorities (although he had no proof), who were said to favour the robbers, and he further alleged that justice did not prevail beyond the Alps, as the courts were biased against Italians.³⁸ Also of interest is a reference to purported earlier reprisals issued against Hungarian subjects by the papal legate and Archbishop of Tarentaise (Marco Condulmer) to free the imprisoned Bolognese merchants.³⁹ However, this claim could not be verified. In any case, his request fell on fertile ground and on 6 December 1440 Jacopo Piccinino (as representative of his father Niccolò) and the *Riformatori*, among whom Giovanni Fantuzzi was also present, decided to confer the right of reprisals in Ercole's favour and consequently grant him the money that had been promised to Haiden three months earlier.⁴⁰

After Ercole Fantuzzi had received the compensation intended for him, Henry Haiden refused to give up his claim and again appealed to Queen Elizabeth. This time the monarch resorted to declaring reciprocal reprisals. The charter was only issued on 25 March 1442, so it is possible that in the meantime there had been an exchange of un-preserved correspondence between Vienna, Buda and Bologna. In order to justify this serious decision, the Queen specifically mentioned in her charter that the Italian city had been repeatedly urged by her and other rulers to settle the claim and that, despite the promise of restitution, no payment had been forthcoming. She therefore granted Haiden the right to collect the amount due from Bolognese merchants and citizens in the territory under her rule, although without resort to killing, amputating or otherwise seriously harming any persons; all subjects were to cooperate.⁴¹

37 See PRAJDA (2015).

38 Fantuzzi's supplication inserted in the decree from 6 December 1440 in ASBo, Comune – Governo, Riformagioni e provvigioni (serie miscellanea), b. 318, sub dato: *...in dictis partibus iura maxime civilia apud ipsos dominos et rectores non servantur, sed iura voluntaria et non ordinaria servant; et sibi placet una res, eam servant, si autem non placet, nullum ius reperitur, et maxime contra Ytalicos, quos semper dicunt fore proditores, et sic iustum est contra ipsos dominos et rectores eorumque subditos et earum res et bona et coniunctim et divisim et de facto procedere et eis iusticiam ministrare, prout ipsi aliis faciunt...*

39 Fantuzzi's supplication inserted in the decree from 6 December 1440 in ASBo, Comune – Governo, Riformagioni e provvigioni (serie miscellanea), b. 318, sub dato. The same information also appears in a later reply from the Bologna government to King Maximilian *ibid.*, Comune – Governo, Litterarum (registri copialettere), reg. 421, fols. 121v–122r (20 August 1479). Condulmer served as papal governor of Bologna from February 1433 to May 1434; he was Archbishop of Tarentaise from November 1433: OLIVIERI (1982).

40 A simple contemporary copy of the decree is stored in ASBo, Comune – Governo, Riformagioni e provvigioni (serie miscellanea), b. 318, sub dato. For Jacopo, see FERENTE (2015). Already on 19 November 1440, Niccolò Piccinino appointed Cervatto Secco as his new representative in Bologna, but Jacopo remained in the office until at least 7 December of the same year: LONGHI (1906), p. 218, note 3. According to the copy cited, it was Secco and Giovanni Fantuzzi who signed the decree. The involvement of the latter in the affair of his relative Ercole is hardly surprising.

41 A notarial copy is preserved in ASBo, Comune – Governo, Bolle, brevi e diplomi (serie cronologica sciolta), b. 1, sub dato; another authenticated copy *ibid.*, Comune – Governo, Convenzioni, trattati, obbligazioni (serie cronologica sciolta), b. 15, no. 286, doc. C.

Haiden had the charter authenticated by a notary in Basel, but it seems he did not exercise his right.⁴² Instead, he attempted to use it as a means of coercion that would force Bologna to accept the original agreement. Haiden took this restrained approach because he was clearly concerned that he would jeopardise his own trading activities in Italy by confiscating the goods of the Bolognese citizens. In the meantime, his protector Queen Elizabeth had died in December 1442, and the Austrian merchant turned to King Frederick III of the Romans. The sovereign, who acted as guardian of Elizabeth's young son Ladislaus the Posthumous, threatened to confirm the reprisals, but at the same time offered Bologna the opportunity of coming to an agreement with Haiden.⁴³ Apparently, the Habsburg also wanted to avoid using a method that would endanger his subjects in Bologna.

At the same time, a letter from Henry Haiden was delivered, which again called for the payment of 1,550 fl., either at the bank of Francesco Balbi in Venice or Cosimo Medici in Florence.⁴⁴ It is noteworthy that the merchant explicitly stated that Elizabeth had ceded the claim to him by a charter, a copy of which he enclosed. However, this document has not been traced – unless Haiden was referring to Elizabeth's grant of reprisals from March 1442, which, although not formulated as a cession of the Bologna claim *stricto sensu*, its meaning can be understood as such. Once again the question arises of whether the money seized originally belonged to Haiden or to the Queen. However, regardless of the fact, from that time onwards the Austrian merchant (and later his heirs) acted as the sole injured party in the dispute.

The Bologna government was unrepentant and, now guided by Annibale Bentivoglio, defended the granting of reprisals to Ercole Fantuzzi, but proposed to entrust the decision, with his consent, to a court held in a place “common to both sides” of the dispute. This was a formal demonstration of goodwill towards reconciliation, and therefore Frederick III should not have to resort to reprisals which, according to the legal doctrine of the time, were justified only in the case of justice denied.⁴⁵ At the same time, the Bologna government deftly discharged its responsibility by making the possible misconduct of its customs officials a private dispute between Haiden and Fantuzzi. The specific form of the proposed legal proceedings is not specified in the source, but it was clearly intended

42 ASBo, Comune – Governo, Bolle, brevi e diplomi (serie cronologica sciolta), b. 1, sub dato. The charter was authenticated on 20 April 1442 by the notary Martin *de Morkowicz*.

43 The damaged original of Frederick III's letter to Bologna is preserved in ASBo, Comune – Governo, Lettere al Comune, b. 414, no. 49 (233); a copy *ibid.*, fasc. 15, fol. 4r (18 June 1443). For the King's role as Ladislaus's guardian, see PAPAŃIK (2016), pp. 56–105.

44 ASBo, Comune – Governo, Lettere al Comune, b. 414, fasc. 15, fol. 3v (17 June 1443).

45 ASBo, Comune – Governo, Lettere al Comune, b. 414, fasc. 15, fol. 4v, or *ibid.*, Comune – Governo, Convenzioni, trattati, obbligazioni (serie cronologica sciolta), b. 15, no. 286, doc. D: *...pro veritate tuenda offerimus sublimitati vestre, etiam de consensu dicti civis nostri, quod dictus civis noster stabit iuri cum dictis heredibus non solum hic, sed etiam in quocumque alio loco, qui sit communis utriusque partium predictarum...* (2 August 1443). For the end of the Piccinino regime and the restoration of the Bentivoglio in Bologna, see ADV (1937), pp. 23–30.

to be arbitration, a widespread and flexible method of conflict resolution that promised to save time and expense.⁴⁶

Frederick III was satisfied with this arrangement, and in October 1443 he designated Trento as the place of arbitration, emphasizing its closer geographic proximity to Bologna than to Vienna, and named John of Chomutov, (Anti-)Bishop-Elect of Feltre (and Belluno) and governor of the Trento See, as judge (*iudicem autem cause sive arbitrum, qui rem audiat et determinet*). As a Bohemian, he was considered impartial (*qui natione Bohemus est, nulli parciū suspectus*). The proceeding was to take place on 2 February 1444 in the presence of both parties or their procurators with the respective *compromissa* (*cum plena securitate de stando iuri et iudicato solvendo per se aut legitimum procuratorem compromissurus in dictum electum compareat*); in the absence of Fantuzzi the reprisals in favour of Haiden were to be confirmed.⁴⁷ According to the King's letter, John would apparently act as arbiter, i.e., a judge whose verdict could not be appealed.⁴⁸

However, this approach was doomed to failure. In any arbitration, the key issue was that the parties involved agreed on the person of the judge. In this case, neither the arbiter nor the two litigants were consulted beforehand. Frederick III simply asserted his own will and chose the judge himself, with the intention of forcing his recognition by threatening to confirm the reprisals against Bologna. Although the sovereign praised his impartiality, he failed to mention that John of Chomutov had close ties to the Habsburg court.⁴⁹ Later, Frederick informed the appointee of his intention and ordered him to adjudicate the dispute and enforce the verdict from royal authority. It is striking that while in his previous communication with Bologna the King used language appropriate to arbitration, his commission addressed to John seems rather like the appointment of a delegated judge.⁵⁰ This might have been a deliberate strategy on the part of Frederick III, who apparently needed to persuade Bologna and Fantuzzi to accept the "arbitration", but at the same time intended to impose his own terms on the procedure. Here it is worth noting that the delegation of judges and arbiters via commissions has been identified as a distinctive and important instrument of Frederick's rulership practice.⁵¹

46 There is an extensive bibliography on both international and private arbitration processes. In general, see NOWAK (1999); FEDELE (2021), pp. 531–541; specifically for the Italian environment, see, e.g., KUEHN (1987); MARRELLA–MOZZATO (2001); FORTUNATI (2019). Cf. also other papers on arbitrations collected in this journal's thematic issue.

47 King Frederick III's original letter is preserved in ASBo, Comune – Governo, Lettere al Comune, b. 414, no. 50 (234); copies *ibid.*, fasc. 15, fol. 5r, and *ibid.*, Comune – Governo, Convenzioni, trattati, obbligazioni (serie cronologica sciolta), b. 15, no. 286, doc. E. An edition based on a different copy is published in WOLKAN (1909), vol. I/2, pp. 111–113, no. 62 (26 October 1443).

48 For a closer look at the distinction – often used vaguely in the sources – between an *arbiter* and an *arbitrator* from the viewpoint of contemporary lawyers, see the general literature cited above.

49 VARESCHI (1997), p. 317, refers to John as a "uomo di fiducia degli Asburgo". More information about his ecclesiastical career has been collected in CURZEL (2001), Appendice, pp. 584–586.

50 WOLKAN (1909), vol. I/2, pp. 110–111, no. 60: *...te pro iudice delegimus competenti [...] eapropter tibi committimus et mandamus, quatenus vocatis, qui fuerint evocandi, litem huiusmodi audias et debito fine decidas, faciens quod decreveris auctoritate nostra regia firmiter observari, testes autem, qui se gratia, odio vel timore subtraxerint, auctoritate prefata compellas veritati testimonium perhibere* [post 26 October 1443].

51 See MITSCH (2003); LUGER (2019).

At the same time, it can be imagined that this approach was Henry Haiden's initiative in an attempt to skew the proceedings in his favour.⁵² The influential imperial chancellor Caspar Schlick also appealed to John of Chomutov to intercede on Haiden's behalf.⁵³ It is therefore not difficult to guess the intended outcome of the arbitration.

Naturally, Ercole Fantuzzi refused to participate in the procedure under such terms and rejected both the judge and the venue as "suspicious". Nevertheless, he expressed his willingness to submit to arbitration, but not with Haiden, who he claimed was not involved in the matter, but with Queen Elizabeth's heirs. As for a suitable and neutral venue he suggested Venice or another Italian city where there were sufficient legal experts, apart from Trento. The Bologna government accepted Fantuzzi's arguments and ordered him to appear before the Doge of Venice on the appointed day, 2 February 1444, who would then choose the prospective judge. King Frederick was asked to order Elizabeth's heirs to do likewise.⁵⁴ It cannot be ruled out that the choice fell to Venice, not least because an alliance between the maritime republic, Florence and Bologna had been concluded shortly before and therefore Fantuzzi may have thought that he would receive more favourable treatment there.⁵⁵ Moreover, autonomous Venice belonged neither to the Empire nor to the Papal State, lending the *Serenissima* the appearance of neutrality.⁵⁶

Neither the King nor Henry Haiden seems to have paid any attention to the Bolognese demands, as they insisted on the original form of arbitration. Two weeks before the set date, Haiden had several documents relating to the dispute authenticated in Vienna by Alexander of Masovia, (Anti-)Cardinal, titular Patriarch of Aquileia and Administrator of the Trento Bishopric, which he apparently intended to put forward in evidence.⁵⁷ After that, presumably with this *libellus* and the recommendation from Chancellor Schlick, he travelled to Trento to seek out the judge, John of Chomutov. Of course, this can only be assumed from the circumstantial evidence cited. The Bologna side acted in much the same way, insofar as in accordance with its own decision it sent Ercole Fantuzzi to

52 The initiative of the parties in such cases is generally assumed by MITSCH (2003), pp. 16–19.

53 WOLKAN (1909), vol. I/2, p. 111, no. 61: *Compariturus est coram vobis honorabilis Henricus, civis Viennensis, mihi grata benivolentia junctus [...] rogo ergo et precor, quatenus causam hujusmodi suscipientes Henricum predictum in sua justitia commendatum suscipiatis, celerem sibi expeditionem prebendo, in qua re mihi, qui vobis desidero in omnibus complacere, rem gratam acceptamque plurimum facietis* [post 26 October 1443]. For Schlick, see ELBEL-ZAJIC (2012 and 2013a–b).

54 ASBo, Comune – Governo, Lettere al Comune, b. 414, fasc. 15, fols. 5v–6r, or *ibid.*, Comune – Governo, Convenzioni, trattati, obbligazioni (serie cronologica sciolta), b. 15, no. 286, doc. F: *...mandavimus dicto Herculi, ut in dicto festo Purificationis adsit in dicta civitate Venetiarum et coram illustrissimo principe domino duce Venetiarum se presentet, qui communem iudicem super dicta causa utrique parti ordinet ac statuat, si dicte partes de iudice aliter non fuerint in concordia...* (28 November 1443).

55 [PREDELLI] (1896), vol. IV, p. 280, no. 240 (6 July 1443). See further LONGHI (1907), pp. 276–277.

56 For arbitration processes in Venice, see MARRELLA–MOZZATO (2001).

57 ASBo, Comune – Governo, Convenzioni, trattati, obbligazioni (serie cronologica sciolta), b. 15, no. 286. The authenticated copy, drawn up by notary John of Piotrków (Trybunalski), bears the date of 18 January 1444. For Alexander, a candidate of the Council of Basel with most of his titles remaining only on paper, see STRNAD (1992); VARESCI (1997), pp. 306–319. John of Chomutov acted as his official in Trento, and it may have been for this reason that Haiden turned to the Polish prelate for the authentication of his dossier.

Venice. On the appointed day of the proceedings, 2 February 1444, both parties to the dispute presented themselves in person, but in different places: Haiden was in Trento, while Fantuzzi was in Venice. A week later, the latter had a testimony issued by Doge Francesco Foscari, who apparently had known nothing of the matter until Fantuzzi's arrival, informing the Bologna government that its citizen had waited in vain for Queen Elizabeth's heirs.⁵⁸

Although the attempt at arbitration in Trento and the choosing of an arbiter in Venice both ended in farce, the respective sides could claim that they had formally fulfilled their obligations. From Haiden's point of view, Fantuzzi had failed to appear in court, and therefore he asked to be granted the right of reprisals against Bologna, in accordance with Frederick III's earlier decision, which the monarch duly awarded on 12 May 1444. In his charter, issued in both Latin and German versions, the King rejected Fantuzzi's arguments, which he described as mere excuses and subterfuges (*cavillationes et subterfugia*), and confirmed the reprisals previously granted by Queen Elizabeth and, moreover, extended their geographical validity to the entire Holy Roman Empire. At the same time, he specified the exact course of action: Haiden was to seize any Bolognese property in the Empire or Hungary and then announce this act in the Italian city; if the confiscated estates were not redeemed within six weeks, the new holder was entitled to keep them.⁵⁹ Thus, unlike the earlier charter, Frederick's gave Bologna the possibility of recovering the seized goods.

Although Haiden had both versions of the King's charter authenticated shortly afterwards by the royal *Hofrichter*, Burgrave Michael of Maidburg, he did not make use of its contents.⁶⁰ Again, this was most likely because he feared for his business interests on the other side of the Alps and hoped to compel Bologna to settle the debt with the aid of the document. A suitable opportunity did not arise until five years later, when Sante Benivoglio unofficially ruled the city. A failed coup resulted in the expulsion of the Pepoli

58 ASBo, Comune – Governo, Lettere al Comune, b. 414, fasc. 15, fol. 6v (10 February 1444 [*more veneto* 1443]). That the Doge had not been informed of the dispute earlier is confirmed by the fact that Venice had its own ambassador in Bologna at this time, Pasquale Malipiero, with whom it was in written contact, but the Fantuzzi affair goes unmentioned in the correspondence. See Archivio di Stato di Venezia, Senato, Deliberazioni, Secreti, reg. 16, fols. 59v–60r (31 January 1444 [*more veneto* 1443]).

59 The Latin text of the charter is preserved, among others, in Haus-, Hof- und Staatsarchiv, Wien, Reichsregisterbücher, cod. N, fols. 179r–180r, edited in WOLKAN (1909), vol. I/2, pp. 136–140, no. 85; cf. CHMEL (1838), vol. 1, p. 166, no. 1642. The annexed note in the imperial registers also records the issue of the German version: *Item es ist auch dem obgenanten Heinrichen Hayden gegeben worden ein represal in deutsch in aller form gleich als oben in latin stat nichts verkeret dorynne sub una data et subscriptione ut supra*. The charter is already cited by PERGER (1967/1970), p. 103, but with a misidentification of Bologna.

60 The authenticated copies of both Latin and German charter, one still with the appended but damaged seal of the *Hofgericht*, are stored in ASBo, Comune – Governo, Bolle, brevi e diplomati (serie cronologica sciolta), b. 1, sub dato. The documents were issued in Vienna on 20 May 1444. For the *Hofgericht*'s authentication function, see DIESTELKAMP (2014), pp. 46–52; for Michael of Maidburg, see HEINIG (1997), vol. 1, pp. 99–101; VOGELMANN (2009); the seal used is described and reproduced in BATTENBERG (1979), esp. pp. 58–61, 133–139 and Tables, nos. 35–37.

and the Fantuzzi from Bologna in August 1449. It is not clear whether Ercole himself also experienced exile, but his house was looted by an angry mob.⁶¹

As the fortunes of the Fantuzzi family in Bologna waned, Henry Haiden, who must have learned of the events, made a final attempt to assert his claim. On this occasion he took his case to Pope Nicholas V, to whom Bologna was formally subject. The pontiff granted the request and at the end of February 1450 ordered his new legate, the famous humanist of Greek origin Cardinal Bessarion, to oversee the restitution. The legate, however, was apparently hesitant and after becoming acquainted with the case asked the pope for new instructions, which he received in April. Nicholas V softened his original position and now ordered his representative in Bologna to settle the dispute by means of a just reconciliation if possible (*via concordie rem ipsam [...] componere*). Thus, mediation was to be the preferred option. After Bessarion had failed to resolve the matter amicably, he entrusted its investigation to a commission composed of the *podestà* Amedeo di Castello, his vicar Niccolò Marini and the treasurer Francesco Coppini, all of whom were doctors of law, who came to the unequivocal conclusion that Fantuzzi had enriched himself unjustly. They argued that the right of reprisals granted to him did not extend to the indemnity previously awarded to Haiden. This legal view was accepted by Bessarion and on 21 August 1450 he ordered the commission to compel Fantuzzi to repay the money and restore it to Haiden.⁶² Perhaps the Pope's approval of the forthcoming confiscation of the property belonging to the exiled Pepoli and Fantuzzi also fits into the mosaic of events.⁶³ Henry Haiden thus succeeded in obtaining restitution after 12 years without exercising the right of reprisals, but he had little time to savour his victory and did not, in fact, receive any money. Less than a month after Bessarion's verdict, Haiden died and was buried in the Church of St. Stephen in Vienna.⁶⁴

Henry's heir was Laurence Haiden (documented 1449–1485), who was studying at the University of Vienna at the time of his father's death.⁶⁵ It is not known whether he also dealt with the Bologna claims as part of his takeover of the family estate. Nevertheless, it seems that the affair became dormant for a period. Moreover, when Frederick III visited Bologna twice in 1452 on his way to and from Rome, he clearly had other matters on

61 The dramatic events are recounted, e.g., by Cherubino Ghirardacci in SORBELLI [1915–1932], pp. 130–131; for the fortunes of Giovanni Fantuzzi, who belonged to the leaders of the resistance against Bentivoglio, see also TAMBA (1994).

62 All the information is contained in Bessarion's decree, authenticated copies of which can be found in ASBo, Comune – Governo, Convenzioni, trattati, obbligazioni (serie cronologica sciolta), b. 16, no. 437, and *ibid.*, b. 17, no. 498. The two papal *brevia* from 27 February and 22 April 1450, referred to in the text, could not be found in the relevant place in the Bologna archives, *ibid.*, Comune – Governo, Brevi pontifici, b. 10, nor in the index RG VI/1–2, ad indicem. For Bessarion's time as papal legate in Bologna, see MOHLER (1923), vol. 1, pp. 258–269 (a comprehensive study by Emilio Nasalli Rocca was not available to me); for Coppini, see GALLETTI (1983).

63 ASBo, Comune – Governo, Brevi pontifici, b. 10, no. 42 (7 July 1450).

64 PERGER (1967/1970), p. 105. Based on a manuscript copy of Haiden's lost tombstone, the author determined the date of his death as 19 September 1450.

65 For Laurence, see PERGER (1967/1970), pp. 106–109.

his agenda.⁶⁶ Laurence Haiden had risen to knighthood and had carved out a successful career within the city administration of Vienna, becoming mayor in 1479.⁶⁷ It was only at this point – with the aid of the social capital that the new office entailed – that he decided to press his father’s claims in Italy. He took his case to the aging Emperor Frederick III, who delegated the matter to his son Maximilian. The young Habsburg, then Duke of Burgundy, residing in Bruges, addressed the Bologna government in May 1479 and urged it to settle Haiden’s claims; otherwise, he threatened to confirm his right of reprisals from 1444 in the Netherlands, according to Emperor’s wishes.⁶⁸ Instead of applying the reprisals, therefore, Laurence Haiden took the route of extending them to the newly acquired Habsburg lands. Given the crucial importance of Bruges for European trade, this was a particularly compelling threat.⁶⁹

In its reply to Maximilian, the Bologna government summarized the course of the dispute at length and, consistent with the former position of Ercole Fantuzzi, who was probably by that time dead, considered the matter settled because Henry Haiden had failed to appear in Venice in February 1444. Moreover, the city representatives declared it “absurd and unjust” to make claims after 40 years.⁷⁰ Using the same arguments in a separate letter, the Bolognese attempted to persuade Frederick III to invalidate the earlier reprisals declared against their city.⁷¹ With this the exchange of correspondence seems to have ended – perhaps because Laurence Haiden would soon have other matters to deal with. During the war between Emperor Frederick and King Matthias Corvinus of Hungary, the mayor sided with the latter. In May 1485, with Vienna under siege, Haiden was imprisoned and died sometime in the early part of the following year. The official charge, however, was that he had abused his former office.⁷²

66 Frederick’s stays in Bologna are recounted, among others, by the local chroniclers. See, e.g., SORBELLI [1910–1940], vol. IV, pp. 179–181; ANTONELLI–PEDRINI (2000), pp. 306–307 and 309.

67 PERGER (1967/1970), pp. 108 and 125.

68 ASBo, Comune – Governo, Litterarum (registri copialettere), reg. 421, fol. 120r (23 May 1479). Although Maximilian’s letter refers to Henry Haiden’s claims, this was clearly an omission of the chancery. The supplicant must have been Laurence Haiden. For more on the Duke’s activities in the Netherlands, see WIESFLECKER (1991), pp. 36–65.

69 Cf. STABEL–PUTTEVILS–DUMOLYN et al. (2018).

70 ASBo, Comune – Governo, Litterarum (registri copialettere), reg. 421, fols. 121v–122r; another authenticated copy *ibid.*, Comune – Governo, Convenzioni, trattati, obbligazioni (serie cronologica sciolta), b. 16, no. 437: *His actis cum iuste amplius nullus ea de re conqueri posset existimabamus eam penitus esse sopitam, quia adeo antiqua et vetusta est, maxime cum iam anni fere quadraginta sint exacti, ut absurdum et iniquum videatur, quod de ea sermo amplius fiat...* (20 August 1479).

71 ASBo, Comune – Governo, Litterarum (registri copialettere), reg. 421, fols. 122r–123r (20 August 1479). The wording of the letters sent appears to have been carefully discussed, as several drafts of both documents have survived. See *ibid.*, Comune – Governo, Lettere del Comune, b. 411, no. 36.

72 PERGER (1967/1970), pp. 108–109. The author rejects the opinion that Haiden was executed and contests the traditional view that the mayor’s downfall was due to “political motives”; instead, he ascribes his conviction and Chamberlain Tenk’s execution to their actual mismanagement of city property. At the same time, Perger does not exclude the possibility that Haiden received a pardon from Matthias Corvinus, who took control of Vienna in June 1485. For the historical context, see further CSENDES–OPPL (2001), pp. 171–175.

The final chapter of the dispute was brought to a close by Laurence's son Henry II Haiden (documented 1484–1510), who became a doctor of law and King Maximilian's counsellor and secretary.⁷³ He began to consider the recovery of his claims in Bologna no later than the summer of 1493, when he had the verdict of Cardinal Bessarion from 1450 and the reply of the Bologna government to Maximilian from 1479 authenticated in Vienna by the university's notary and scribe, John Laun of Neustadt am Kulm.⁷⁴ However, he did not present his case until two years later, at the end of September 1495 during his stay in Antwerp. In his letter to Bologna, he gave an extensive account of the dispute from his perspective, including the death of his father during the war in the Austrian lands, which ended his attempts. He naturally kept quiet about Laurence's accusation of embezzlement. Based on the attached documents (undoubtedly the notarial vidimus from 1493), he demanded that Bologna satisfy his claims in good faith, otherwise he would invoke the right of reprisals. He rejected the argument that the claim was time limited and concluded by emphasising that he did not want any court proceedings and demanded payment on the grounds of earlier "imperial decisions".⁷⁵

When the news reached Bologna a month later, it seems to have caused a minor commotion, as the local chronicler Fileno dalla Tuata registered its reception in his work.⁷⁶ Even so, it did not lead to any further developments. In December 1496, the matter was again raised, this time by King Maximilian I, when he was staying in Pavia. He addressed a politely worded letter to the unofficial ruler of Bologna, Giovanni II Bentivoglio, and to the city government. At Haiden's request, he proposed a new way of "amicably settling" the dispute: the decision was to be entrusted to Bentivoglio as arbiter, or rather arbitrator, and the city government was urged to recognize the outcome.⁷⁷ By unilaterally proposing a judge from Bologna and thus seemingly favourable to the opposing party, Haiden was demonstrating good will. With this approach, he may have expected that the result would be some kind of compromise acceptable to both sides. It remains unclear whether the King's wish was eventually fulfilled, but it is likely that no arbitration took place, as the dispute continued.

73 PERGER (1967/1970), pp. 110–113.

74 ASBo, Comune – Governo, Convenzioni, trattati, obbligazioni (serie cronologica sciolta), b. 16, no. 437. The authentication took place on 30 July 1493 in Stephansdom in the presence of several of Maximilian's courtiers and Viennese burghers. The document lacks the usual notarial *signum*.

75 ASBo, Comune – Governo, Lettere al Comune, b. 418, no. 81: *Nec vos iustam habere causam, nec rem ipsam cursu temporis alioque vicio prescribi abolerive vetustate, ut allegatis, potuisse nusquam apparere. Nec iudicium peto, sed imperatorie sentencie multis annis late executionem hereditario iure insecur...* (28 September 1495).

76 FORTUNATO (2005), vol. 1, p. 385. Haiden's letter arrived in Bologna on 29 October 1495.

77 ASBo, Comune – Governo, Lettere al Comune, b. 418, no. 92: *Quapropter tibi, magnifico Ioanni Bentivolo fideli nostro dilecto, harum nostrarum litterarum serie comittimus tueque discretioni ingiungimus hortantes magnopere, ut acceptis illico matureque ponderatis hinc et illinc informationibus summarie et de plano operam impendas, ut abiectis singulis frustatoris exceptionibus et subterfugiis partes amice componas, quicquid enim ipsa in re dictaveris propter tuam summam probitatem, ipse consiliarius noster [i.e., Henry II Haiden] ratum gratumque habiturus est. Requiritur eapropter vos, honorabiles prudentes fideles nobis dilectos, manopere hortantes, ut ipsam compositionem ipsunve arbitrium Ioannis Bentivoli omni studio nostra contemplatione amplecti velit contentando ipsum consiliarium nostrum* (3 December 1496). For Maximilian's stay in Italy, see WIESFLECKER (1991), pp. 98–109; for Bentivoglio and the situation in Bologna, see ADY (1937), pp. 118ff.

In May 1497, Henry Haiden had Bessarion's charter from 1450 authenticated in Vienna by the Vicar General and Official Leonard Wulfing.⁷⁸ In October of the same year, King Maximilian again urged Bologna to satisfy Haiden's demands and threatened further measures if the city did not comply. The terms were to be negotiated in Bologna by his Italian secretary, Niccolò di Cesare.⁷⁹ As King's ambassador, Niccolò visited the city several times in late 1497.⁸⁰ He apparently negotiated a compromise agreement that included the payment of some compensation to Haiden in exchange for the reprisals being lifted. However, in February 1498 Maximilian wrote to Bologna once again, requesting that his courtier be awarded a larger sum, as he was not satisfied with the arrangement.⁸¹

The final agreement was not concluded until the summer of that year. On 11 June 1498, Henry II Haiden, the representatives of the *Riformatori*, Giovan Francesco Aldrovandi, and the Chamber, Alessandro Bottrigari, met on the upper floor of the Bologna Inn of the Lion in the presence of a notary and witnesses. Haiden, under oath on gospels, renounced all claims against Ercole Fantuzzi's heirs and reprisals against Bologna in exchange for 150 fl. The settlement was justified both by Cardinal Bessarion's verdict, which Haiden presented in the authenticated copy from 1497, and the will of Maximilian and Bentivoglio.⁸² It was thus clearly a compromise, and the small amount of compensation, which corresponded to barely one tenth of the original claim worth 1,550 fl., must have been due to the long period of time that had elapsed since the original events.

This settlement ended a dispute that had occupied not only three generations of the Haiden family for six decades, but also a number of rulers, high ecclesiastical and secular dignitaries, officials, notaries, merchants, and ordinary burghers, and geographically encompassed a considerable part of Europe stretching from the Netherlands to Hungary and Italy. Although these events did not become part of "big history", they played out against its background.⁸³ What is perhaps most surprising from today's viewpoint is the Haiden family's persistence in pursuing its Italian claims and its members' willingness

78 ASBo, Comune – Governo, Convenzioni, trattati, obbligazioni (serie cronologica sciolta), b. 17, no. 498. The document, sealed by Leonard's seal and signed by notary Frederick Himler, was issued on 8 May 1497.

79 ASBo, Comune – Governo, Lettere al Comune, b. 418, no. 94 (1 October 1497). For Niccolò, see HÖFLECHNER (1972), pp. 38–39, no. 1.25.

80 After 24 November 1497, Niccolò di Cesare was sent to Bologna again, but his task concerned a certain Conrad Hauser: ASBo, Comune – Governo, Lettere al Comune, b. 418, no. 95. On 1 December 1497, he stayed in Brescia: RI XIV/2/2, p. 664, no. 8393; HÖFLECHNER (1972), p. 39, no. 1.25. On 23 December 1497, the Bologna government decided to pay the expenses which the imperial ambassadors Count Andrea d'Arco and Niccolò di Cesare had incurred at the Inn of the Lion (*ad insigne leonis*) on their mission to Rome and for the latter also on the way back (Andrea apparently did not return with him): ASBo, Comune – Governo, Libri partitorum, b. 389, reg. 11, fol. 151v.

81 ASBo, Comune – Governo, Lettere al Comune, b. 418, no. 96 (28 February 1498).

82 Copies of the notarial instrument are preserved in ASBo, Atti dei notai del distretto di Bologna, Francesco Salimbeni (1480–1532), b. 4, sub dato, and *ibid.*, Ufficio del Registro, reg. 89, fols. 38r–39r; an extract from the document *ibid.*, Comune – Governo, Convenzioni, trattati, obbligazioni (serie cronologica sciolta), b. 17, no. 501. For Aldrovandi, among other things Michelangelo Buonarroti's benefactor, see CIAMMITTI (1999); for Bottrigari, see ZAPPERI (1971).

83 Except for the above quoted reference in Fileno dalla Tuata's account related to 1495, the dispute did not penetrate the pages of the numerous Bolognese chronicles. Cf. GUIDICINI (1875); RICCI-BACCHI DELLA LEGA

to devote substantial efforts and resources to this end, even in the face of a very uncertain outcome.⁸⁴ In this respect, it should be noted that, with regard to the “meagre” indemnity awarded in 1498, these efforts did not pay off. Nevertheless, it was not simply a question of money; the duty to preserve the family’s honour, rights and property must also have been taken into consideration.⁸⁵

At the same time, this dispute revealed a variety of conflict resolution options. It involved parties who belonged to different jurisdictions (the Holy Roman Empire/Kingdom of Hungary and the Papal State, respectively), and therefore there was no common superior authority. Another complicating factor was that the litigants changed fluidly between public and private actors: sometimes the claimant’s identity was not clear, be it the Queen of Hungary or Haiden on the one side or Bologna or Fantuzzi on the other. It was evident that the Haidens did not seek justice from the local institutions in Bologna, but sought support in the sovereign courts. The interventions of such protectors were crucial. During the 60 years of the dispute, several mechanisms for its resolution came into play. The basic strategy was to force the opposing side to settle the matter amicably. The arsenal consisted of legal arguments, intercessions by powerful individuals and ultimately threats. The next step was mediation, which sometimes merged with arbitration in the language of the sources. The first attempt at arbitration in 1443–1444 failed because the parties could not agree on the terms, while nothing is known about the second from 1496–1497. The institute of reprisals, mutually decreed several times during the dispute, was considered an extreme solution, but was only applied by Ercole Fantuzzi in 1440. The Haidens, on the other hand, used it only as a means of coercion to compel the opponent to come to an agreement. All involved understood that it was a double-edged weapon that could easily backfire – especially on merchants engaged in long-distance trade.

The use of these mechanisms alternated and overlapped, and the dispute eventually resulted in a compromise settlement. The individual stages and the outcome were largely determined by the political constellation at the given time, which either made it possible or impossible to assert one’s rights. If Ercole Fantuzzi had not enjoyed the favour of the regime in 1440, he would probably not have been granted the right of reprisals. Similarly, the Haidens would have remained empty handed had they not been supported by the authority of the Hungarian Queen and the King of the Romans/Holy Roman Emperor. Sometimes financial claims had to be temporarily shelved, only to be invoked later under more favourable circumstances.⁸⁶ It was this interplay between trade

(1886); FRATI–SORBELLI (1902); SORBELLI [1910–1940], vol. IV; SORBELLI [1912–1929]; SORBELLI [1915–1932]; ANTONELLI–PEDRINI (2000); ANTONELLI–PEDRINI (2001).

84 If in 1440, after two years of the dispute, Henry Haiden was to be awarded 350 fl. as an indemnity for his expenses, one can only guess how much the family must have spent by 1498.

85 In this context, it is possible to refer to similarly protracted disputes over the fees for Emperor Sigismund’s privileges, which were claimed from various Italian powers as late as the 1490s by the heirs of the former imperial chancery members. See SCHMIDT (2023).

86 Analogously for this aspect of handling reprisals, cf. TANZINI (2009), pp. 228–229 and 236–238. Other examples of how old financial claims could be instrumentalised are provided in SCHMIDT (2023).

and diplomacy, law and politics that appears to be a characteristic feature of transalpine conflict resolution within the international merchant community.

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Řešení transalpských konfliktů mezi arbitráží a represáliemi: Haidenové z Vídně vs. Bologna, 1438–1498

V roce 1438 byl v Bologni při celní kontrole zabaven majetek Jindřichu Haidenovi z Vídně. Prominentní rakouský kupec se s přikořím, které v Itálii utrpěl, nesmířil a s podporou římského krále Albrechta II., jeho choti Alžběty i dalších mocností začal energicky usilovat o zadostiučinění. Díky těmto přímluvám se mu nejprve podařilo získat příslib restituce, ale plány vzápětí zhatil bolognský měšťan a kupec Ercole Fantuzzi, jenž si v roce 1440 Haidenem požadované odškodnění nechal vyplatit sám na základě práva represálií jako náhradu za své dřívější oloupení na území Uherského království. Haiden proto roku 1442 získal od královny Alžběty rovněž právo represálií proti Bologni. Další fází sporu z let 1443–1444 představoval pokus o arbitráž, ale strany se nedokázaly dohodnout na místě řízení, ani osobě rozhodčího soudce. Výsledkem bylo nové vyhlášení represálií římským králem Fridrichem III. ve prospěch Haidena roku 1444. Spor pokračoval s různými peripetemi až do roku 1498, kdy díky podpoře krále Maxmiliána I. přijal stejnojmenný vnuk Jindřicha Haidena od bolognské vlády odškodnění, jehož výše ovšem představovala pouhý zlomek původně nárokané částky.

Spor trval celých 60 let a rozrostl se do značných rozměrů: kromě tří generací rakouského rodu Haidenů se do něj v různých fázích a rolích zapojili také tři římsští panovníci, uherská královna, papež a jeho legát, Florentská republika, milánský vévoda, benátský dóže a řada dalších světských i duchovních osob. Průběh a výsledek pře závisel do značné míry na momentální mocenské konstelaci a podpoře vlivných přímluvců, kteří dodávali právním argumentům patřičnou váhu. Zásadním rysem tohoto i dalších konfliktů se tedy jeví propojení obchodu a diplomacie, práva a politiky. Na řadu přitom postupně přišly různé právní instrumenty jako mediace, arbitráž či soudní proces s tím, že hranice mezi jednotlivými formami vedení sporu se někdy jeví jako poměrně nezřetelné. Poslední možnost představovalo právo represálií, které ovšem bylo oběma stranami využíváno s velkou opatrností a sloužilo spíše jako nátlakový prostředek. V širší rovině tak tento dobře dokumentovaný případ ukazuje možnosti a limity řešení „mezinárodních“ sporů v pozdním středověku.



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