

The Laws and Customs of Medieval Croatia and Slavonia

A Guide to the Extant Sources

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Edited by Martyn Rady

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**THE LAWS AND CUSTOMS OF MEDIEVAL CROATIA AND SLAVONIA:
A GUIDE TO THE EXTANT SOURCES**

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EDITED BY MARTYN RADY**

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Introduction

The territory of present-day Croatia was in the Middle Ages divided into several distinct regions. Politically, the most important area was the medieval Kingdom of Dalmatia–Croatia, which stretched from the mountain chains of the Dinaric Alps to the Adriatic Sea. This was an independent kingdom in the early Middle Ages, but was united with Hungary around the beginning of the twelfth century. It retained nonetheless a certain measure of autonomy which was demonstrated in its institutional organization (a governor or ban, a separate diet, counties, and so on) in which the aristocracy and nobility played the leading role. In respect of its social organization, the kingdom had two very different parts: the coastal cities with their communal organization and autonomy; and the hinterland which was divided into counties governed by royal officials or hereditary counts. The coastal part of the kingdom alternated between the rule of the kings of Hungary–Croatia and the rule of Venice, with Venice taking over the region at the beginning of the fifteenth century (with the exception of Dubrovnik). The coastal cities of Dalmatia also included Kotor and Budva, which are now in Montenegro.

The north-western part of present-day Croatia was separately organized as the province of Slavonia. This region may have previously formed a part of the historic Croatian kingdom, but was gradually incorporated into the Hungarian kingdom during the late eleventh century. Slavonia also enjoyed a certain level of autonomy, even though this was politically less pronounced than its Croatian counterpart. It also had certain institutions of its own (ban, diet, counties, and so on) and from the thirteenth century was usually called a *regnum* (realm). What is now the north-eastern part of Croatia and confusingly called today Slavonia (the medieval counties of Požega/Pozsega, Srijem/Szerém and Vukovo/Valkó and a part of the county of Baranja/Baranya) was at that time included in the Kingdom of Hungary and was not formally a part of Slavonia. Medieval Slavonia also included three counties (Dubica, Vrbas/Orbász and Sana/Szana) which are now a part of Bosnia and Herzegovina. The most south-westerly part of present-day Croatia, the Istrian peninsula, was in the Central and Late Middle Ages divided between the Holy Roman Empire and the Republic of Venice.

Legal institutions tended to replicate these political and geographical divisions. The coastal cities of Dalmatia shared similar legal arrangements, characterized by statutes

enacted by the individual communes, although their relative sophistication differed from place to place. The statutes of the more developed communes (such as Zadar, Dubrovnik and Split) were compiled earlier, were fuller and more systematically arranged, and were less shaped by external influences. By contrast, the less developed communes, such as Brač and Hvar, often received their statutes as part of the process whereby Venice sought to reorganize legal institutions in the area that came under its rule. Semi-autonomous rural communes dependent on the neighbouring urban communes also drew up their own statutes, as for instance at Mljet and Lastovo.

The second distinctive group is that of Istria. The Istrian communities also had their own statutes, which are similar in many respects to those of Dalmatia. Since this area did not come in its entirety under Venetian rule, Venetian influences were correspondingly less, especially in the rural communes of Inner Istria.

The third category comprises the statutes and law codes of the mostly rural areas of the medieval Croatian kingdom (although we include Senj here). This legislation was less uniform than those of Dalmatian and Istrian cities, being primarily collections of local customs. These customs were variously influenced by the legal regime prevailing throughout the medieval Croatian kingdom as a whole (as for instance in respect of Novigrad and Poljica) and by local circumstances (as in respect of Vinodol or Vrana). This legislation was less developed than elsewhere, often being put into writing at moments of profound political change. This was most notably the case when they passed under Venetian rule.

The laws and statutes of the Kvarner region demonstrate characteristics of all three groups. The Kvarner region is geographically placed in the middle of the three clusters that we have identified, contained different types of communities (ranging from urban communes to rural settlements), and was subject to different political authorities and different legal influences. Nevertheless, the norms contained in the Kvarner statutes demonstrate sufficiently strong similarities to constitute a distinctive legal group.

Medieval Slavonia is a separate case. There was no regular legislative activity in Slavonia during the Middle Ages, as a result of its predominantly oral legal culture. In its legal arrangements, it was closely connected to Hungary and its legal regime did not differ much from the one prevailing there. Autonomous legal developments may, nonetheless, be detected in respect of its cities and of the brotherhood of the Turopolje nobles. Also, the

Slavonian diet and individual counties made decisions of a legal character, but these were usually only in response to the needs of the moment and never became so embedded in practice as to constitute a body of customary law. The legislative activity of the diet of Slavonia became more visible after 1526 and the coming of the Habsburgs, but is not included in this survey.

Besides the legislation included in this survey should also be mentioned the statutes of ecclesiastical institutions, the *urbaria* of ecclesiastical and secular lordships, and the internal regulations of confraternities and guilds. The communal councils also kept records of their political and legislative decisions, on the basis of which their statutes were compiled or revised in the form of novels.

We omit from this survey the legal text called the Law Book of Ilok/Újlak, even though the city of Ilok is now within the borders of the Republic of Croatia. At the time it was compiled, in the early sixteenth century, Ilok was part of Hungary proper. Moreover, the law book mainly reproduces the so-called 'tavernical law' which was followed in some of the free cities of Hungary, but in respect of Slavonia only in the city of Zagreb. The 'tavernical law' was published by M. G. Kovachich, *Codex Authenticus juris tavernicalis* (Buda, 1803). The full text of the Law Book of Ilok was published as *Statuta civitatis Ilok anno MDXXV*, ed. Rudolf Schmidt (Monumenta historico-juridica Slavorum meridionalium, 12), Zagreb, 1938.

In the survey that follows, each item is discussed as follows. It starts with the date and circumstances of the enactment, continues with a description of its content, and thereafter provides information on the extant manuscripts and editions. To each item is added a selection of relevant literature (if such literature exists). Only literature giving a description of the statute or law is included, not materials discussing individual institutions or procedures adumbrated within the statute or law itself. Also, synthesizing works dealing with particular aspects of medieval law in Croatia, such as the works of Lujo Margetić,¹ and

¹ Lujo Margetić, *Srednjovjekovno hrvatsko pravo. Stvarna prava* (Zagreb & Rijeka: Pravni fakultet Zagreb & Pravni fakultet Rijeka, 1983); Margetić, *Hrvatsko srednjovjekovno obiteljsko i nasljedno pravo* (Zagreb: Narodne

occasional articles treating upon legal developments in one particular area, such as the study of Istrian statutory law by Ivan Beuc,² are omitted. The interested reader is directed to the detailed and comprehensive bibliographies of Ozren Kosanović, 'Prilog bibliografiji objavljenih srednjovjekovnih dalmatinskih statute te pravno-povijesnih studija o njima' [A contribution to the bibliography of published medieval Dalmatian statutes and their legal and historical study], *Arhivski vjesnik*, 53 (2010), 137–63; 'Prilog za bibliografiju objavljenih pravnih izvora (statuta, zakona, urbara i notarskih knjiga) i pravno-povijesnih studija za Istru, Kvarnersko primorje i otoke u srednjem i ranom novom vijeku' [A contribution to the bibliography of the published legal sources (statutes, laws, *urbaria* and notarial books) and legal and historical studies for Istria, the Kvarner littoral and islands in the Middle Ages and Early Modern Age], *Arhivski vjesnik*, 52 (2009), 129–70; 'Prilog bibliografiji srednjovjekovnih pravnih izvora 'uže Hrvatske' (Poljički statut, Novigradski zbornik, Statut Lige kotara ninskog i Vranski zakonik)' [A contribution to the bibliography of the medieval legal sources of Croatia 'proper' (the statute of Poljica, the law code of Novigrad, the statute of the League of the district of Nin and the law code of Vrana)], in press in *Arhivski vjesnik*.

An important work containing information and detailed descriptions of the manuscripts and old editions of legal documents discussed in this survey is by Ivan Strohal, *Statuti primorskih gradova i općina. Bibliografički nacrt* [The statutes of the coastal towns and communities. A bibliographical survey] (Zagreb: JAZU, 1911), which although more than a century old is still of value. For the legal documents of Istria and Kvarner, see also the catalogue *Statuti, urbari, notari Istre, Rijeke, Hrv. primorja i otoka* [Statutes, *urbaria*, notaries of Istria, Rijeka, the Croatian littoral and islands] (Rijeka: Historijski arhiv Rijeka, 1968) (compiled by Danilo Klen).

novine, 1996); Id., *Srednjovjekovno hrvatsko pravo: obvezno pravo* (Zagreb & Rijeka: HAZU, Pravni fakultet Rijeka, Vitagraf & Adamić, 1997).

² Ivan Beuc, 'Osnovi statutarnog prava u Istri' [The foundation of the statutory law in Istria], *Zbornik pravnog fakulteta u Zagrebu*, 12 (1962), no. 3–4, 181–98.

List of frequently used acronyms

AHAZU	Arhiv Hrvatske akademije znanosti i umjetnosti [Archive of Croatian Academy of Sciences and Arts] in Zagreb
AMSI	<i>Atti e Memorie della Società Istriana di Archeologia e Storia Patria</i>
DADu	Državni arhiv u Dubrovniku [the State Archive of Dubrovnik]
DAPa	Državni arhiv u Pazinu [the State Archive of Pazin]
DARi	Državni arhiv u Rijeci [the State Archive of Rijeka]
DAZd	Državni arhiv u Zadru [State Archive of Zadar]
DAZg	Državni arhiv u Zagrebu [the State Archive of Zagreb]
HDA	Hrvatski državni arhiv [Croatian State Archive] in Zagreb
MOL, DF	Magyar Országos Levéltár [The Hungarian State Archive], archival series <i>Diplomatikai fényképgyűjtemény</i> [Photocopy collection of diplomas]
NSK	Nacionalna i sveučilišna knjižnica u Zagrebu [National and University Library of Zagreb]
Zbirka Bogišić	Muzej i zbirka Baltazara Bogišića [Museum and Collection of Baltazar Bogišić] in Cavtat
ZKZd	Znanstvena knjižnica u Zadru [Research Library Zadar]

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1. The Laws of Dalmatia

1.1 The Statute of Korčula

The Statute of Korčula was composed in Latin. It was drawn up some time before 1265, when it was confirmed by the first hereditary count of the island, Marsilio Zorzi, as is stated in the preamble of the so-called older redaction (*Confirmatio et augmentatio statutorum civitatis ac insulae Curzulae, tempore Marsilii Georgii comitis facta*). Thus, together with those of Zadar and Dubrovnik, the statute of Korčula ranks among the oldest statutes published by the Dalmatian cities. It was once thought that the statute was produced in 1214, as is stated in the preamble of the so-called newer redaction (*Liber legum ac statutorum civitatis et insulae Curzulae*), but this date has been rejected by recent scholarship.³ The older redaction consists of two parts, the confirmation of the statute of 1265 (53 chapters) and the additions of 1271 (*Augmentatio statutorum*, 20 chapters). The newer redaction consists of only one part (157 chapters). The first 139 chapters are undated. The chapters from 140 to the end have dates ranging from 1387 to 1428, but they are not arranged in chronological order. There is also a book of novels (*reformationes*) compiled between 1453 and 1455, containing 200 chapters. The novels themselves were passed between 1387 and 1452, but they also are not listed in any chronological order. Most of them were passed after 1420 (the establishment of Venetian rule). In respect of its content, it is noteworthy that the statute deals extensively with criminal matters, as well as including regulations regarding judicial procedures, rules of inheritance, and matters of everyday life (in particular, the provision of victuals, viticulture and animal husbandry on the island). The newer redaction contains more regulations on economic matters than the older, and this feature is even more pronounced in the novels. It is striking that there are almost no regulations regarding the appointment and role of communal officials.

According to Strohal's bibliography, there were two principal manuscripts of the statute, one of the older redaction and one of the newer. The manuscript of the older redaction is kept in the State Archive of Venice, in the archival series *Miscellanea atti diplomatici e private (908–1860)*, b. 5, doc. 187. The location of the manuscript of the new

³ *Korčulanski statut. Statut grada i otoka Korčule iz 1214. godine. Statuta et leges civitatis et insulae Curzulae*, ed. by Antun Cvitanić and Zvonimir Šeparović (Zagreb & Korčula: JAZU, Pravni fakultet u Zagrebu, Pravni fakultet u Splitu & Skupština općine Korčula, 1987), xviii-xix.

redaction is, however, uncertain. It was available to Hanel, who published a critical edition of the text in 1877, at which time it was in the private archive of the Kapor family in Korčula. It is probably still there, but it is not easy to make contact with the owners. In respect of its content, therefore, the closest to the original text of the newer redaction available to researchers is the first printed edition of 1643, which contains besides the newer redaction also novels and a cadastre of estates on the island that belonged to the commune of Korčula. The printed version was published under the title *Liber legum ac statutorum ciuitatis et insulae Curzulae* (Venice: Ex typographia Ducali Pinelliana, 1643). In this edition, there is also a contemporary Italian translation. There are a number of extant exemplars of the 1643 text, including those in the NSK (sign. R II F-8^o-629), ZKZd (R-366), DAZd (I.B.11, I.B.11a), the Biblioteca Marciana in Venice, the Biblioteca Reale in Torino, and elsewhere. There is also a handwritten copy of the first printed edition, which originally belonged to the archive of the Arneri family, but which is now kept in the DADu (*Obiteljski fond Arneri*, section 6, box 233, no. 98).

A critical edition of the statute (both redactions) was published by Jaromir J. Hanel, *Statuta et leges civitatis et insulae Curzulae (1214–1558)*, Monumenta historico-juridica Slavorum meridionalium, 1 (Zagreb: JAZU, 1877). It was reprinted in: *Korčulanski statut. Statut grada i otoka Korčule iz 1214. godine. Statuta et leges civitatis et insulae Curzulae*, eds Antun Cvitanić and Zvonimir Šeparović (Zagreb & Korčula: JAZU, Pravni fakultet u Zagrebu, Pravni fakultet u Splitu & Skupština općine Korčula, 1987), together with a Croatian translation. Hanel's edition was further reprinted under the title *Korčulanski statut. Statut grada i otoka Korčule (1214–1265). Statuta et leges civitatis et insulae Curzulae (1214–1265)*, ed. Antun Cvitanić (Split: Književni krug, 1995), and again in *Statut grada i otoka Korčule. Statuta et leges civitatis et insulae Curzulae*, eds Antun Cvitanić and Miljenko Foretić (Korčula: Grad Korčula, 2002). Besides these modern edition, all of them based on Hanel's, there is also an edition of the older redaction in Joseph v. Hormayr, *Geschichte der gefürsteten Grafschaft Tirol*, part 1, section 2: Urkundenbuch (Tübingen: Cotta, 1808), 448–74.

The statute has also been published in a Russian translation by Vladimir Terent'evič Pašuto (Владимир Терентьевич Пашуто) and Irina Vladimirovna Štal' (Ирина Владимировна Шталь) under the title *Корчула. Корчульский статут как исторический источник изучения общественного и политического строя острова Корчула XIII в.*

(Moscow: Наука, 1976). There is also an on-line edition of this translation <http://www.vostlit.info/Texts/Dokumenty/Kroatien/Kurcola_statut/text1.phtml?id=7063> [accessed 14 April, 2012].

Literature

In addition to the introductory studies given as prefaces to the 1877, 1987, 1995, and 2002 editions as well as to the 1976 Russian translation, and the bibliographic survey of Ivan Strohal (see Introduction), see:

Gustav Wenzel, 'Beiträge zur Quellenkunde der dalmatinischen Rechtsgeschichte im Mittelalter. Studien über den Entwicklungsgang der Rechtsleben auf der Inseln Curzula,' *Archiv für Kunde Österreichischer Geschichts-Quellen*, 4 (1850), 509–81; 7 (1851), 361–422.

Vinko Foretić, *Otok Korčula u srednjem vijeku do g. 1420* [The island of Korčula in the Middle Ages (to 1420)] (Zagreb: JAZU, 1940).

Zbornik radova Znanstvenog skupa Statut grada i otoka Korčule iz 1214. godine održanog 28. i 29. travnja 1988. u Korčuli, Blatu i Veloj Luci [Proceedings of the Conference 'The Statute of the city and the island of Korčula of 1214' held in Korčula, Blato and Vela Luka 28–29 April 1988] (Zagreb: Jugoslavensko viktimološko društvo, 1989).

Gherardo Ortalli, 'Il ruolo degli statuti tra autonomie e dipendenze: Curzola e il dominio veneziano,' *Rivista storica italiana* 98 (1986), fasc. 1 (gennaio), 195–220.

1.2 The Statute of Zadar

The Statute of Zadar is composed in Latin. It was drawn up in the 1260s, as can be discerned from its text and other extant materials, even though the date traditionally given for its composition is 1305 (based on the date of a charter later added to the main text as the last chapter of the fifth book). The text, as it has come down to us, is a version from the fifteenth century. In its internal arrangement, it demonstrates the influence of Venice, under whose authority the city fell in 1409. The original statute was accordingly augmented with articles coming from specialized legal books (*capitularia*) that defined the functions of the different city magistrates (judges of the different *curiae* and *rectores*: that is, the leading persons of the autonomous communal government). These *capitularia* are no longer extant,

but some of their chapters were quoted in fourteenth-century court records and are identical to some chapters of the version of the statute mentioned above.⁴

The statute is highly structured. It is divided into five books, each of which is subdivided into titles and chapters. The first book (28 chapters in six titles) contains a preamble and regulations regarding communal officials, their election and their oaths of office. The second book (137 chapters in 22 titles) deals with communal magistrates and judicial procedure in civil cases. The third book (145 chapters in 31 titles) deals with matters affecting property, including regulations regarding trade, contracts and loans, and inheritance. The fourth book (83 chapters under one title – *De navigiis et navibus*) is entirely dedicated to maritime affairs. The fifth book (37 chapters in 11 titles) deals with matters considered to be detrimental to the legal order, ranging from rebellion against the count to black-marketeering and causing damage. A lengthy chapter (37) is added to the last title, dealing with the payment of ecclesiastical tithes for the maintenance of the cathedral of St. Anastasia. 160 novels have been added to the statute. The first 131 are not dated, while those from 132 to 137 were passed by the city council between 1422 and 1455. All of them were edited as a single text in 1458 and received ducal confirmation (inserted as novel 138). Other novels were added between 1468 and 1564, when the statute was printed in Venice as a legally-binding law, with the approval of the doge and other Venetian authorities. In their content, the novels deal with a wide variety of matters (from regulations concerning how the anniversary of the Venetian entry into Zadar in 1409 should be celebrated, to regulations regarding membership of the city council, everyday affairs, criminal matters and the conduct of pilgrimages). Particularly important is Novel 137, which determined the extent of village autonomy in the district of Zadar (*Forma privilegiorum ligarum comitatus ladre*), passed in 1455.

There is only one manuscript containing the full text of the Statute of Zadar and the first 137 novels, which is kept in the *Knjižnica Male braće* [Library of the Franciscan convent] of Dubrovnik (old sign. 322; new sign. 234).⁵ The hand is fifteenth century. Until the Second World War, there was also a manuscript containing the text of the statute, but without the

⁴ For more details, see: Tomislav Popić, *Zadarski sud Curia maior ciuilium i njegovo djelovanje* [Zadar's *Curia maior ciuilium* and its activity], unpublished PhD thesis, Zagreb: Faculty of Croatian Studies, University of Zagreb, 2011, 102–120.

⁵ Mijo Brlek, *Rukopisi knjižnice Male braće u Dubrovniku* [Manuscripts of the library of the Franciscan convent of Dubrovnik], vol. 1 (Zagreb: JAZU, 1952), 220–230.

novels, which was kept in the library of the Gymnasium in Zadar, but it has disappeared (probably having been taken to Italy). There is good description of the lost manuscript by Vitaliano Brunelli in *Programma dell'I. r. ginnasio superiore in Zara*, 49 (1905–1906), 3–35. According to Brunelli the manuscript was of fourteenth century provenance, but according to his description it is identical to both the Dubrovnik manuscript and the printed version, and thus cannot be older than the first half of the fifteenth century. Besides the extant Dubrovnik manuscript, there are fourteenth-century transcripts of particular chapters of the statute (some of them missing in the 'Venetian' version) within the judicial records of the *Curia maior civilium* in the DAZd.

The statute was published in 1564 in Venice under the title *Statuta Jadertina cum omnibus reformationibus in hunc usque diem factis* (Venice: Apud Dominicum de Farris, 1564). This edition is relatively rare, but there are exemplars in a number of libraries, such as NSK, ZKZd, DAZd, Bibliotheca Marciana in Venice, Biblioteca civica Bertoliana in Vicenza, and the Bodleian Library in Oxford. There is modern edition, *Zadarski statut sa svim reformacijama odnosno novim uredbama donesenima do godine 1563. Statuta ladertina cum omnibus reformationibus usque ad annum MDLXIII factis*, eds Josip Kolanović and Mate Križman (Zadar & Zagreb: Ogranak Matice hrvatske & Hrvatski državni arhiv, 1997). It is based on both the 1564 edition and the Dubrovnik manuscript and also contains a Croatian translation.

Literature

Besides the introductory studies to the 1997 edition and translation, and the bibliographic survey of Ivan Strohal (see Introduction), see the detailed study by Ivan Beuc, 'Statut zadarske komune iz 1305. godine' [The Statute of the Commune of Zadar of 1305], *Vjesnik Državnog arhiva u Rijeci*, 2 (1954), 491–781.

1.3 The Statute of Dubrovnik

The Statute of Dubrovnik is written in Latin. It was, as is stated in the *proemium*, drawn up in 1272. Nevertheless, the oldest extant version is from the middle of the fourteenth century, and some modifications were plainly made to the original text. More extensive changes occurred with the end of Venetian rule over the city in 1358, when regulations referring to

Venetian rule were replaced. In 1432, as a result of the transformation of the commune into a de facto independent republic (under the nominal sovereignty of the king of Hungary–Croatia), the authorities in Dubrovnik ordered an official redaction of the statute. This was completed in 1437. The redaction then became the official statute of Dubrovnik until the fall of the Republic in 1808. Besides the statute, Dubrovnik had also other legislative books containing novels (*Liber omnium reformationum*, 1335–1409/10;⁶ *Liber viridis*, 1410–60;⁷ *Liber croceus*, after 1460)⁸ as well as regulations affecting matters of particular interest (for example, the *Liber statutorum doane* of 1277;⁹ the sixteenth-century *Ordines artis nauticae*;¹⁰ and the *Ordines Stagni*, composed after 1335)¹¹, but they were never treated as a part of the statute even though some of their regulations were included in the 1437 text.

The statute is divided into eight books. The first book (34 chapters) deals with the relationship between the count, the commune and the ecclesiastical authorities. The second book (33 chapters) discusses the oaths of the higher and lower communal officials, ranging from the count to judges and councillors and even to the oarsmen on communal galleys. The third book (61 chapters) is dedicated to civil matters and judicial competence, the fourth (80 chapters) to family and inheritance law, and the fifth (45 chapters) to property matters. The sixth book (68 chapters) is principally given over to the criminal law. The seventh book (67 chapters) deals with maritime law, and it is probable that the original statute of 1272 ended with this book. The eighth book (99 chapters) regulates judicial procedure and is supplemented with various regulations of the most diverse character (the planting of vineyards, relations towards neighbouring regions and Venice, the salaries of the count's deputy /*vicarius*/ and other officials, blood feud, and so on). It seems that this book was added to the statute of 1272 soon after its original codification.

⁶ *Istorijsko-pravni spomenici, I. Dubrovački zakoni i uredbе* [Historical legal monuments 1. The laws and regulations of Dubrovnik], Zbornik za istoriju, jezik i književnost srpskog naroda, sect. III, 6 (Belgrade: SANU, 1936), 1–348.

⁷ *Liber viridis*, ed. Branislav M. Nedeljković, Zbornik za istoriju, jezik i književnost srpskog naroda, sect. III, 23 (Belgrade: SANU, 1984).

⁸ *Liber croceus*, ed. Branislav M. Nedeljković, Zbornik za istoriju, jezik i književnost srpskog naroda, sect. III, 24 (Beograd: SANU, 1997).

⁹ *Knjiga odredaba dubrovačke carinarnice 1277*, ed. Josip Lučić (Dubrovnik: Historijski arhiv u Dubrovniku, 1989).

¹⁰ Bernard Stulli, 'Ordines artis nauticae secundum consuetudinem civitatis Ragusii,' *Anali Historijskog instituta u Dubrovniku*, 1 (1952), 85–131.

¹¹ *Istorijsko-pravni spomenici, I* (see above), 349–383.

The oldest extant manuscript is from the middle of the fourteenth century and is kept in the DADu (archival series *Manuali pratici del Cancelliere: Leggi e Istruzioni*, vol. 9b). The 'official' version of the 1437 redaction, as used in the law courts, is also kept in the DADu in the same series (vol. 9a). There are a number of official copies, particularly from the eighteenth century, which are kept in the DADu, the library of Franciscan convent in Dubrovnik, the Zbirka Bogišić, DAZd (Mss. 41 and 42), AHAZU (sign. I.c.57, I.c.51), the library of the Italian Senate in Rome (Senato della Repubblica, Biblioteca, Statuti Mss. 456), and so on.¹²

Even though the statute of Dubrovnik was often imagined as the constitution of the Republic, it was not published until the twentieth century. Thus, the critical edition, *Liber statutorum civitatis Ragusii compositus anno 1272.*, eds Baltazar Bogišić and Konstantin Jireček, *Monumenta historico-juridica Slavorum Meridionalium*, 9 (Zagreb: JAZU, 1904) is at the same time the *editio princeps*. The 1904 edition is reprinted (together with a Croatian translation and an introductory study by Antun Cvitanić) in *Statut grada Dubrovnika 1272.* [The Statute of the city of Dubrovnik], eds Mate Križman and Josip Kolanović (Dubrovnik: Historijski arhiv Dubrovnik, 1990). A new edition of the statute, based exclusively on the two oldest manuscripts held in the DADu (but also taking into the account the 1904 edition) has been prepared by Ante Šoljić, Zdravko Šundrica and Ivo Veselić (with a new Croatian translation by the editors and an introductory study by Nella Lonza) under the title *Statut grada Dubrovnika sastavljen godine 1272. Liber statutorum civitatis Ragusii compositus anno MCCLXXII* (Dubrovnik: Državni arhiv u Dubrovniku, 2002).

There is also an edition containing Latin text and Spanish translation by Božidar Latković, *Estatuto de Dubrovnik del año 1272* (Buenos Aires: Instituto de Cultura Croata – Studia Croatica, no 142, 2000).

Literature

Besides the introductory studies to the 1904, 1990 and 2002 editions, as well as the bibliographic survey of Ivan Strohal (see Introduction), see:

Jelena Danilović, 'Dubrovački statut i 'consuetudo'' [The statute of Dubrovnik and *consuetudo*], *Anali Pravnog fakulteta u Beogradu*, 23 (1975), no. 1–2, 1–25.

¹² For more details, see: Strohal, *Statuti*, 64–71. Many of the exemplars listed by Strohal were in private possession at the time he was writing, and their subsequent fate is uncertain.

Antun Cvitanić, 'Proemiji statuta naših primorskih komuna – specifičan koncentriran izraz srednjovjekovnog shvaćanja političke vlasti i prava' [The *proemia* of the statutes of Croatian maritime communes and their contribution to the medieval understanding of political power and law], *Zbornik Pravnog fakulteta u Zagrebu*, 17 (1967), no. 3–4, 279–83.

1.4 The Statute of Rab

The Statute of Rab is undated, but its core was, according to the charter evidence, compiled in the late 1260s. It is written in Latin. There is no part specifically dedicated to novels, but some have been inserted instead into the text of the statute. A few of these are precisely dated; others not. The statute is divided into five books. The first (12 chapters) discusses judicial matters (the credibility of witnesses, the constraints imposed upon judges and councillors on account of their blood-relationship to litigants and other parties, and so on). The second book (21 chapters) deals with family matters (testaments, guardianship, the position of women and children). The third book (31 chapters) is concerned with the economy (agriculture, viticulture, seamanship, animal husbandry, and so on). The fourth book (68 chapters) deals with the criminal law. The fifth book (22 chapters) is dedicated to the offices of the city count and his deputies and to the oaths of office sworn by other communal officials (ranging from the judges to the different types of guardsmen).

The statute is extant in numerous manuscripts. The oldest known manuscript is from the fourteenth century and was in the possession of Don G. Gurato, an antiquarian from Rab. It was, however, incomplete and was, moreover, lost after Gurato's death at the end of the nineteenth century. Two manuscripts survive from the sixteenth century, one from 1573, which is apparently kept in the University Library of Padua,¹³ and one from 1597, which was formerly in the archive of the city of Rab and is now in the library of the Franciscan Convent of St. Eufemia in Kampo on Rab. The nineteenth-century transcript of the second of these manuscripts (copied by G. Gurato) is kept in the AHAZU, under the signature II.d.5. There is in the same archive also a seventeenth-century transcript of the first four books, bound together with a transcript of the fifth book taken from another manuscript (sign. II.d.118). A further manuscript (from the late seventeenth or early eighteenth century) is in the library of the DAZd, Ms. 104. There is also a bilingual

¹³ See Strohal, *Statuti*, 42 (based on Manzoni, *Bibliografia degli statuti e leggi dei municipi italiani*, 2, 95).

manuscript from the eighteenth century containing the original Latin text and an Italian translation (books 1–4 with a note on the content of the fifth book), which is kept in the NSK (sign. R 3292). Besides these manuscripts, there are several more eighteenth and nineteenth century manuscripts in the library of the DAZd (Ms. 35), ZKZd (Ms. 792) and in the Zbirka Bogišić, as well as a handwritten copy in the DAZd, Ostavština Šime Ljubića, box 7, fasc. 132. According to Strohal, there was also a nineteenth-century notarized transcript in the Library of the Supreme Court in Vienna.¹⁴

The statute has been edited three times, but there is no properly critical edition. Each edition was based on different manuscripts. The variants are, however, relatively insignificant. The first of the editions was edited by Ugo Inchiostri and Antonio Galzigna on the basis of the manuscript from 1597 with slight references to the DAZd, Rkp. 104 ('Gli statute di Arbe con prefazione e appendice di documenti inediti o dispersi,' *Archeografo Triestino*, 27 [N. S., vol. 23] (1899–1900) 1, 58–100; 2, 355–417). Lujo Margetić has published a bilingual Latin–Italian manuscript from the NSK ('Lo Statuto d'Arbe', *Atti. Centro di ricerche storiche – Rovigno*, 30 (2000), 9–221). Together with Petar Strčić, Lujo Margetić has also published the Latin text on the basis of Kapor manuscript (*Statut rapske komune iz 14. stoljeća* [The statute of the commune of Rab of the fourteenth century], Rab & Rijeka: Grad Rab & Adamić, 2004). This edition also contains a Croatian translation by Margetić.

Literature

Besides the introductory studies of Inchiostri, Galzigna, Margetić and Strčić given in their respective editions of Statute, and the bibliographic survey of Ivan Strohal (see Introduction), see:

Ugo Inchiostri. 'Il comune e gli statute di Arbe fino al secolo XIV,' *Archivio storico per la Dalmazia*, 9 (1930), no. 52, 159–81; no. 53, 235–49; no. 54, 269–77; 10 (1930–1931), no. 55, 343–56; no. 56, 373–91; no. 57, 433–53; no. 58, 483–94; no. 59, 535–46; no. 60, 595–602; 11 (1931), no. 61, 27–40; no. 62, 67–74; no. 63, 143–56; no. 64, 191–202; no. 65, 247–60; 12 (1931–32), no. 67, 343–51; no. 68, 385–93 (repr. in: *Atti e memorie della Società dalmata di storia patria*, 14 (1986), 131–348).

¹⁴ Strohal, *Statuti*, 48.

Lujo Margetić. 'Iz starije rapske pravne povijesti' [The older legal history of Rab], *Rapski zbornik. Zbornik radova sa znanstvenog skupa o otoku Rabu održanog od 25. do 27. listopada 1984. godine* (Zagreb: JAZU & Skupština općine Rab, 1987), 199–211.

Lujo Margetić. *Istra i Kvarner* (Rijeka: Pravni fakultet, 1996).

1.5 The Statute of Šibenik

The Statute of Šibenik was compiled between the late 1260s and 1293, most probably in the late 1280s or at the very beginning of the 1290s. It is written in Latin. It is divided into six books. The first book (53 chapters) deals with communal officers, their oaths and duties, but also with taxes and regulations on selling meat and animals (placed here in connection with the work of the supervisors of measures). The second book (82 chapters) regulates judicial procedure (trials, the appointment of legal guardians and attorneys, confiscations, feuds, and so on). The third book (71 chapters) gives procedures for taking testimony and judicial oaths, the service of notaries, and the period of prescription. The fourth book (90 chapters) deals with matters of property, the fifth (53 chapters) with testaments (including inventories) and matrimonial matters (dowries, remarriage, separation, etc.), and the sixth (133 chapters) with the criminal law. Novels passed between 1379 and 1562 are added as a separate book (295 chapters), the redaction of which began in 1438. In the arrangement of its content, the statute is modelled on the Statute of Zadar, but it is still an original work.

There are four extant manuscripts: 1. Biblioteca Marciana, Venice, sign. Lat. Z CCXVIII (no 1528) (older than 1412); 2. *Ibid.*, sign. Lat. XIV, CCXC (4261) (fragmentary, dating from the beginning of the fifteenth century); 3. ZKZd, Collection of manuscripts (between 1535 and 1561); 4. Gradska knjižnica 'Juraj Šižgorić' [The City Library 'Juraj Šižgorić'] in Šibenik (of sixteenth-century provenance, formerly belonging to Faust Vrančić, the humanist and bishop of Veszprém). There was also a manuscript known as the *Libro rosso* which was in Šibenik in the private property of the Gogala family, but taken to Italy in 1921, where all trace of it has been lost. There is a nineteenth-century manuscript (most probably copied by Baltazar Bogišić) in Zbirka Bogišić, but it is a handwritten copy of the 1608 edition.

The statute was published for the first time in 1608, although in two slightly different variants as there were two separate printings (Venice: *apud Nicolaum Morettum*, 1608) under the title *Volumen statutorum, legum et reformationum civitatis Sibenici*. It was

reprinted (in a facsimile edition) in 1982 in the volume *Knjiga statuta, zakona i reformacija grada Šibenika*, ed. Zlatko Herkov, Povremena izdanja Muzeja grada Šibenika, 9 (Šibenik: Muzej grada Šibenika, 1982) together with a Croatian translation and a study by the editor. There is also partial edition (books 1–3), edited by Ugo Inchiostri under the title ‘Gli statute e le riformazioni di Sebenico con prefazione ed appendice di documenti inediti o disperse’, which was published as an appendix to the journal *Bulletino di archeologia e storia patria*, 16 (1893), i-viii, 1-28; 17 (1894), 29-36; 18 (1895), 37-72; and 19 (1896), 73-108.

There are two eighteenth-century handwritten Italian translations of the statute. One (*Libro degli statute delle leggi e riformazioni di Sebenico*) is kept in the NSK, under the signature R 3293. The other was in the library of the antiquarian, Vincenzo Miagostovich, in Šibenik, but its current location is uncertain.

Literature

Besides the introductory studies of Herkov and Inchiostri in their respective editions of statute, and the bibliographic survey of Ivan Strohal (see Introduction), see:

Frane Dujmović. ‘Postanak i razvoj Šibenika od 1066. do 1409. godine’ [Origin and development of Šibenik from 1066 till 1409], in *Šibenik. Spomen zbornik o 900. obljetnici* [Šibenik. A Festschrift on the occasion of the 900th anniversary], ed. Slavo Grubišić. Šibenik: Muzej grada Šibenika, 1976, 75–120.

Slavo Grubišić. *Šibenik kroz stoljeća* [Šibenik through the centuries], Šibenik: Muzej grada Šibenika, 1974, p. 83.

Ugo Inchiostri. ‘Gli statute de Sebenico e le loro varie compilazione dall’ origine al 1608,’ *Il Nuovo Cronista di Sebenico*, 2 (1894), 48–53.

1.6 The Statute of Split

The Statute of Split dates from 1312 and is written in Latin. Unlike the other Dalmatian statutes, the compiler is explicitly mentioned by name in the *proemium*: Perceval, son of John of Fermo, *peritus in iure canonico et ciuili*, who was at that time the *podestà* (*potestas*) of Split, entrusted with the task of editing the law of the city. By 1312 Split had a long tradition of written law. The first statute (called the *Capitularium*) had been drawn up in 1240 by Gargan de Arscindis of Ancona, at that time the *podestà* of Split. Gargan’s capitulary

is not extant, but some traces of it may be found in the notarial records of Trogir, since it was the model for the statute of Trogir (see below). Its norms were integrated into the 1312 statute of Split, as well as the statutes of Trogir and Skradin. The 1312 statute was supplemented by 31 regulations issued between 1333 and 1367, which were in 1367 edited by the notary of Split, Albertolo Bassanega of Milan in the form of the so-called 'new statutes.' Thereafter, the 1312 statute was called the old statute (*Statutum vetus*). From 1382 to 1385, a special commission of the Split general council also edited a book of novels.

The old statute starts with a Preface (*Prohemium*) and Introduction (*Exordium*). Both of these address the relationship of law to justice and they are followed by six books. The first book (21 chapters) deals with ecclesiastical matters;¹⁵ the second (62 chapters) with communal offices and dignitaries; and the third (129 chapters) with family and inheritance law, property, judicial procedures and other aspects of civil law. The fourth book (127 chapters) is dedicated to the criminal law, and the fifth (46 chapters) to regulations regarding communal organization (such as sanitary measures and those relating to the provision of food and water, and so on), while the sixth (75 chapters) is to a great extent dedicated to maritime law, but also contains other miscellaneous regulations. The new statutes are not divided into books, but arranged in chapters (31). They include amendments to the old statute as well as other regulations that are entirely new. The book of novels (112 chapters) contains various regulations but these are not presented in any chronological or logical order, referring indiscriminately to a broad variety of matters, ranging from the care of lepers to administrative measures.

The statute, both the old and the new along with the novels, is extant in numerous manuscripts. Most, however, are copies of the redaction of the statute made by a seventeenth-century canon of Split, Peter Luposignoli, who was preparing the statute for publication (in vain, as it turned out, notwithstanding the urging of the city council). The most complete manuscript of Luposignoli's redaction (most probably Luposignoli's original) is kept in the Arheološki muzej u Splitu [Archaeological Museum in Split],¹⁶ and there are exemplars in Zagreb (NSK, sign. R 3332), Zadar (DAZd, Ms. 11), Venice (Museo Correr;

¹⁵ The prominent position accorded the Church by the statute was due to the fact that Split was from the tenth century the ecclesiastical metropolis of the Kingdom of Dalmatia–Croatia, on account of which the Church played an important role in the city's political, cultural and social development.

¹⁶ In the same museum, there is another manuscript of the same redaction from the eighteenth century. For further details, see: Arsen Duplančić, *Regesta zapisnika splitskoga velikog vijeća od 1620. do 1755. godine*, Građa i prilozi za povijest Dalmacije, 14 (Split: Državni arhiv u Splitu, 1998.), 74, n. 269.

Biblioteca Marciana, sign. Lat. V, XCIV /2358/), Rome (the library of the Italian Senate, Statuti, Mss. 553), and elsewhere.¹⁷ Among the manuscripts that are older than Luposignoli's redaction, there are two fifteenth-century manuscripts of the Latin original in the AHAZU (sign. I.c.11 and IV.c.60) and an Italian translation from 1395 made by Fr. Michael of Split in the Muzej grada Splita [Museum of the City of Split].¹⁸ All manuscripts contain the old statute and the new statutes. The Latin manuscripts also contain 108 novels, but the Italian translation gives only three.

A critical edition of the statute was published by Jaromir J. Hanel, *Statuta et leges civitatis Spalati*, Monumenta historico-juridica Slavorum meridionalium, 2 (Zagreb: JAZU, 1878). Hanel's edition has been reprinted together with a Croatian translation in: *Statut grada Splita. Splitsko srednjovjekovno pravo. Statuta civitatis Spalati. Ius Spalatense medii aevi*, ed. Antun Cvitanić (Split: Književni krug, 1985) (with a second revised edition in 1987, and a third revised and enlarged edition in 1998). The Italian 1395 version of the statute has been edited by Josip Alačević, 'Statuti di Spalato,' and published as supplements to the journal *Bullettino di archeologia e storia dalmata* with separate pagination: suppl. to vol. 2 (1879), 1–96; vol. 3 (1880), 97–192; vol. 4 (1881), 201–216, 225–332, 241–288; vol. 5 (1882), 289–296, 305–416; vol. 6 (1883), 417–435; vol. 10 (1887), pp. xxi (*prefazione*) and cxxvii (*repertorio generale*). Those parts of the statute which are missing from the Italian translation have been filled in from a manuscript of Luposignoli's Latin redaction. The instalments of Alačević's edition were also published as a separate book in 1887.¹⁹

Literature

Besides the introductory studies to the 1878, 1887, 1985, 1987, and 1998 editions, as well as the bibliographic survey of Ivan Strohal (see Introduction), see:

¹⁷ For more details, see: Strohal, 26–29. There is also a manuscript copy in the DAZd, Ostavština Šime Ljubića, box 7, fasc. 135.

¹⁸ The Italian translation is also extant in a number of seventeenth- and eighteenth-century copies in the library of the Franciscan convent in Dubrovnik (old sign. 325), in the DAZd, in the Museo Correr in Venice, and elsewhere. For more details, see: Strohal, 29–30.

¹⁹ Josip Alačević [Giuseppe Alachevich], *Statuti di Spalato con prefazione e repertorio generale* (Split: no publ., 1878 (*recte* 1887)). For Alačević's edition, see also: Hanja Anić, 'Bibliografija o Splitu u časopisu *Bullettino di archeologia e storia dalmata* / *Vjesnik za arheologiju i povijest dalmatinsku*' [Bibliography on Split in the journal *Bullettino di archeologia e storia dalmata* / *Vjesnik za arheologiju i povijest dalmatinsku*], *Vjesnik za arheologiju i povijest dalmatinsku*, 100 (2007), 228.

Antun Cvitanić, *Pravno uređenje splitske komune po Statutu iz 1312. godine* [The legal system of the commune of Split according to the 1312 Statute] (Split: Muzej grada Splita, 1964).

Cvitanić, 'Proemiji statuta naših primorskih komuna – specifičan koncentriran izraz srednjovjekovnog shvaćanja političke vlasti i prava' [The *proemia* of the statutes of Croatian maritime communes and their contribution to the medieval understanding of political power and law], *Zbornik Pravnog fakulteta u Zagrebu*, 17 (1967), no. 3–4, 279–283.

Cvitanić, 'Doprinos pravnika iz talijanske regije Marche oblikovanju splitskog statutarnog prava' [Contribution of legal experts from the Italian region of the March of Ancona to the shaping of the statutory law of Split], *Godišnjak Pravnog fakulteta u Sarajevu*, 23 (1975), 11–28.

Ivo Babić, 'Mit o podrijetlu u Statutu grada Splita' [The myth of origin in the Statute of the City of Split], *Zbornik radova Pravnog fakulteta u Splitu*, 33 (1996), no. 3–4 (43–44), 241–256.

Mirjana Matijević Sokol, 'Regimen Latinorum Tome Arhiđakona u teoriji i praksi' [Thomas the Archdeacon's *Regimen Latinorum* in theory and practice], in: Mirjana Matijević Sokol and Olga Perić (eds), *Toma Arhiđakon i njegovo doba. Zbornik radova sa znanstvenog skupa održanog 25–27. rujna 2000. godine u Splitu* [Thomas the Archdeacon and his time. Proceedings of the conference held in Split, 22–27 September 2000] (Split: Književni krug, 2004), 159–175.

1.7 The Statute of Trogir

The statute of Trogir is composed in Latin. The extant redaction of the statute of Trogir is dated to 1322: that is, it was codified after the rebellion of the commune against the Counts of Bribir (of the Šubić kindred, who were hereditary counts of the city for more than 50 years) and its submission to Venice. Thus, the statute is very much concerned with limiting comital authority over the commune. It was, however, not the first statute of the city. In the 1280s, there was a law book called the *Capitulare*. It is no longer extant, but there is a charter of 1286 altering the terms of an article in its text concerning the ownership of landed property and buildings by foreigners in Trogir. A decision of the city council of 1291 also survives, ordering the *podestà* and an elected committee to collect and edit all the legal

norms of Trogir, and a decision from 1303 that the communal notary, Siroctus, should be rewarded with 25 pounds for copying the old *capitulum* and creating a fresh one through the addition of new regulations. Siroctus's revised text may be identified with a statute that is no longer extant but which is referred to in 1308. The 1308 statute was apparently divided into at least six books, which were further divided in chapters. It most probably formed the basis of the statute of 1322.

The statute of 1322 is divided into three books. The first book contains 90 chapters, and deals with communal officials (including the count as well as envoys and other lesser officers) and judicial and administrative procedures. The second book (114 chapters), entitled *De maleficiis*, deals with criminal matters. The third book (64 chapters) is mainly concerned with property. The statute itself is followed by two books of novels (88 and 86 chapters respectively). The first book contains novels from 1326 to 1420 (that is, to the beginning of the second period of Venetian rule over the city) and the second gives novels from 1420 to 1537. As may be seen from the above, the statute was well organized, belonging to the group of more developed Dalmatian statutes (such as those of Zadar, Šibenik, Split and Dubrovnik).

There are several manuscripts of the Statute of Trogir. Two of them are from the fifteenth century (in the private libraries of the Slade–Šilović and Vitturi–Michieli families in Trogir) and three from the seventeenth century (in the private library of the Slade–Šilović family in Trogir, in the AHAZU, sign. II.b.182, and in the NSK, sign. R 5724). There is also a fifteenth-century manuscript containing the novels (in the ZKZd, Ms. 140). There was apparently a seventeenth-century manuscript in the library of the Dominican convent of SS. Giovanni e Paolo in Venice (ms. no. 86). There is also a nineteenth-century manuscript, containing both the statute and the novels in the Zbirka Bogišić.

The first edition of the Statute of Trogir was edited by Jerome Cipico on the basis of the manuscript prepared by John Lučić (Lucius). It was published under the title *Statuta et reformationes civitatis Tragurii, dicata illustrissimo et excellentissimo d. d. Aloysio Pisani, equiti, ac senatori praestantissimo, olim apud christianissimum Galliarum regem Ludovicum XIV. ordinario, nuper ad magnae Britanniae reginam, serenissimae reipublicae Venetae extra ordinem legato* (Venice: Apud Hieronymum Albricium, 1708). It is extant in numerous exemplars in different libraries (NSK, DAZd, ZKZd, Österreichische Nationalbibliothek, Library of Congress, the library of the Italian Senate in Rome, and elsewhere).

The statute was edited by Ivan Strohal, *Statut i reformacije grada Trogira. Statutum et reformationes civitatis Tragurii*, Monumenta historico-juridica Slavorum meridionalium, 10 (Zagreb: JAZU, 1915), on the basis of all manuscripts except the one held in the NSK. Strohal's edition was reprinted in *Statut grada Trogira. Statuta et reformationes civitatis Tragurii*, eds Marin Berket, Antun Cvitanić and Vedran Gligo (Split: Književni krug, 1988), together with a Croatian translation.

Literature

Besides the introductory studies to the 1915 and 1988 editions, as well as the bibliographic survey of Ivan Strohal (see Introduction), see:

Ferdo Čulinović, 'Trogirski statut i rad Ivana Lučića na njemu' [The Statute of Trogir and the work of John Lučić], *Zbornik Historijskog instituta JAZU*, 6 (1969), 11–32.

Antun Cvitanić, 'Srednjovjekovno uređenje Trogira' [The medieval constitution of Trogir], in: Pavao Andreis, *Povijest grada Trogira* [A history of the city of Trogir], vol. 2 (Split: Književni krug, 1977), 129–154.

1.8 The Statute of Skradin

The Statute of Skradin is undated, but was probably compiled in the first quarter of the fourteenth century, when the city was rapidly developing as the seat of the bans of Croatia, Paul I and Mladen II, of the Šubić kindred. The sources for the history of Skradin are, however, scanty, and the first explicit mention of the statute is only from 1378. The content of the statute was apparently modelled on the thirteenth-century statutes of Split and Trogir (now lost) and Zadar and Šibenik. It is written in Latin.

The 143 chapters of the statute are not divided into books. The opening section, which probably contained a *proemium* and the date of the statute as well as the first two chapters, is missing from the only extant manuscript. The content of the statute is not very ordered, although some regulations have been grouped where they touch upon analogous matters. In general, the statute covers a variety of topics from ecclesiastical matters, property and inheritance, criminal law, agriculture and fishing, communal officials and judicial procedures, sanitation, and so on.

There is only one manuscript of the statute and it was apparently written in the fifteenth century. It is kept in the Biblioteca Marciana in Venice under the signature Lat. V, LXXX (2249). There are three nineteenth-century copies of the same manuscript: in the State Archive of Venice (Miscellanea Codici II, reg. 29); in the Zbirka Bogišić; and in the DAZd, Ostavština Šime Ljubića, box 7, fasc. 133 and 134.

The statute was edited by Šime Ljubić in: *Statuta et leges civitatis Buduae, civitatis Scardonaë et civitatis et insulae Lesinae*, Monumenta historico-juridica Slavorum meridionalium, 3 (Zagreb: JAZU, 1882–83), 121–163. A partial Croatian translation of Ljubić's edition by Don Mate Klarić was published by Ivan Babić in *Skradin i njegovo područje u prošlosti* [Skradin and its area in the past] (Skradin: Mjesna zajednica, 1986), 95–112. A new edition of the Latin text of the statute together with a facsimile of the Marciana manuscript and a Croatian translation has been edited by Ante Birin, *Statut grada Skradina. Statuta civitatis Scardonaë* (Zagreb & Skradin: Matica hrvatska Skradin, 2002).

Literature

Besides the introductory studies to the 1882–83 and 2002 editions and Babić's translation, as well as the bibliographic survey of Ivan Strohal (see Introduction), see:

Josip Ante Soldo, 'Skradin pod Venecijom' [Skradin under Venetian rule], *Radovi Zavoda za povijesne znanosti HAZU u Zadru*, 33 (1991), 131–182.

1.9 The Statute of Brač

The Statute of Brač dates from 1305, as is stated in its preamble. Its compilation took place in the context of the reorganization of the commune after the island came under Venetian rule in the 1280s. Similar developments would occur a few years later on Hvar. The statute is written in Latin.

The statute is divided into four books, but they are not well ordered. The first book (29 chapters) begins with the oaths of communal officials, but also deals with property matters and inheritance law. The second book (11 chapters) is muddled and relates matters ranging from family law to regulations regarding the importation of wine, judicial procedures, communal officials and the issuing of the documents. The third book (43 chapters) is mainly dedicated to criminal matters. The fourth book (59 chapters) was added

in 1375: that is, during the period when the commune was (together with Hvar and on occasions Korčula) governed by counts, who were usually admirals of the navy of the kingdom of Hungary–Croatia. It deals mostly with procedural matters, but there are also regulations regarding animal husbandry, social issues, criminal and economic matters. Three books of novels are added to the text, the first of which (87 chapters) is not dated but belongs to the same period as the fourth book of the statute. The second (23 chapters) and third book of novels (18 chapters) belongs to the period when the commune was once again subject to Venetian rule and cover the period from 1423 to 1462 (with a further number of novels added in the sixteenth century). In respect of their content, the novels deal with a variety of issues and there is no particular order (neither chronological nor thematic).

There is no extant manuscript of the statute older than the first printed edition, *Statuta municipalia ac Reformationes Magnificae Communitatis Brachiae clarissimis DD. Hieronymo ac Vicentio Michaeli fratribus dicata* (Udine: Nicolaus Schirattus, 1656). It is extant in a number of exemplars (library of the HAZU, NSK, DAZd, ZKZd, library of the Machiedo family in Hvar, and so on). There are also manuscript copies of this edition in the ZKZd, Ms. 876 and in the DAZd, Ostavština Šime Ljubića, box 7, fasc. 128, 128a, and 129.

The first scholarly edition of the statute was the *Statut i reformacije otoka Brača. Statutum et reformationes insulae Brachiae*, ed. Karlo Kadlec, *Monumenta historico-juridica Slavorum meridionalium*, 11 (Zagreb: JAZU, 1926). Antun Cvitanić published a Croatian translation, *Srednjovjekovni statut bračke komune iz godine 1305*. [The medieval statute of the commune of Brač of 1305] (Supetar: Skupština općine Brač, Savjet za prosvjetu i kulturu, 1968), and then re-edited the Latin text (based on Kadlec's edition) together with a Croatian translation under the title *Brački statut: bračko srednjovjekovno pravo* (Split: Književni krug, 2006).

Literature

Besides the introductions to the 1926 and 2006 editions and to the Croatian translation of 1968, as well as the bibliographic survey of Ivan Strohal (see Introduction), see:

Antun Cerineo, 'Nekoliko riječi o postanku, redakciji i važnosti Statuta i Reformacija otoka Brača' [Comments on the origin, redaction and importance of the Statute and Novels of the island of Brač], *Brački zbornik*, 1 (1940), 90–96.

Antun Cvitanić, *Bračko srednjovjekovno pravo* [The medieval jurisprudence of Brač] (Supetar & Pučišća: Sklad & Brač marketing, 1998).

Cvitanić, 'Karakteristike statutarnog uređenja srednjovjekovne bračke komune' [Characteristics of the statutory system of the medieval commune of Brač], *Zbornik Pravnog fakulteta u Zagrebu*, 12 (1962), no. 3–4, 199–207.

1.10 The Statute of Hvar

The Statute of Hvar was composed in 1331. Its content was apparently modelled on the statute of Brač, which was at that time governed by a common *podestà* (*potestas insularum Pharae et Brachiae*), but it is better ordered. To begin with, the statute consisted of three books, but in 1453 two further books were added. These two books also contain legal material from the fourteenth century and from the first half of the fifteenth century (1347–1420). The statute is written in Latin, with a few chapters in Italian.

The statute is divided into five books, preceded by a *proemium*. The first book (28 chapters) deals with communal offices, commencing with the forms of oath to be taken by the inhabitants and officials. The second book (49 chapters) deals with procedural matters (ch. 1–10 and 42–9), breaches of private property (11–30), and inheritance and family matters (31–41). The third book (42 chapters) is dedicated to the criminal law. The fourth book is not divided into chapters, but rather into unnumbered sections (22), and contains cadastral information for the purposes of tax-farming, details of incomes and lands, the duties of butchers and fishermen, the borders between the constituent settlements of the commune of Hvar, as well as communal roads. The fifth book (52 chapters) deals mostly with economic matters (seamanship, animal husbandry, agriculture), but also with such matters as communal offices and bodies, taxes, and so on.

There are no extant medieval manuscripts of the statute. These were apparently lost in 1571, when the communal chancery was destroyed during an attack by Ottoman pirates. Only a copy of a manuscript by the notary Pompeo Cranco survived the assault, and this was used as the basis of the printed edition of 1643. Cranco's manuscript was subsequently lost, and there is only a copy of it from 1633, which is kept in the private possession of the Machiedo family in Hvar.

The first edition of the statute was published under the title *Statuta Communitatis Lesinae* (Venice: Marco Ginammi, 1643) and it was the official law book of the commune until the fall of the Republic of Venice. It is extant in a number of copies in libraries in Croatia and abroad, such as the NSK (sign. R II F-8^o-560), ZKZd (R-244), Biblioteca Marciana (Venice), Bibliothèque Mazarine (Paris), Bodleian Library (Oxford), and elsewhere. Since there were no manuscripts upon which to rely, the printed account provided the basis for the first scholarly edition, by Šime Ljubić, *Statuta communitatis Lesinae (Pharae)*, *Monumenta historico-juridica Slavorum meridionalium*, 3 (Zagreb: JAZU, 1882–83), 165–232. Ljubić's edition was reprinted in *Hvarski statut. Statuta communitatis Lesinae (Pharae)*, eds Ivo Kasandrić and Antun Cvitanić (Split: Književni krug, 1991), together with a Croatian translation.

Literature

Besides the introductory studies to the 1882–83 and 1991 editions, as well as the bibliographic survey of Ivan Strohal (see Introduction), see:

Ivo Kasandrić, 'Hvarski statut' [The Statute of Hvar], in: Miro A. Mihovilović (ed.), *Otok Hvar* [The Island of Hvar] (Zagreb: Matica hrvatska, 1995), 107–8.

1.11 The Statute of Pag

The Statute of Pag was compiled in 1433 as a part of the legislative activity undertaken at that time by the newly established commune (since 1409) and the Venetian authorities. Clearly, however, the 1433 statute was preceded by other written laws. Prior to 1409, the island was (with the exception of the period 1347–58, when it was independent) a part of the commune of Zadar. Even at that time it enjoyed a certain autonomy (thus similar to Mljet and Lastovo, see below). Fourteenth-century sources mention some written *consuetudines*, which were apparently included in 1341 in a volume of 90 chapters (the so-called *Consuetudines Pagi*). These are no longer extant. For the period of the fourteenth century, we do, however, have regulations passed in 1372 by the authorities of Zadar for use in Pag, several new collections of updated customs (*consuetudines*) and two sets of

instructions (*capitularia*), relating to the count and chamberlain of Pag.²⁰ A compilation of criminal law, based on Venetian legislation, was enacted in 1462 and this was later published together with the statute.

The statute consists of a *proemium* and six books. The first book (25 chapters) deals with communal officials and bodies; the second book (38 chapters) regulates judicial procedure in civil cases, as well as matters relating to emancipation and guardianship. The third book (45 chapters) is concerned with procedure (witnesses, appeals, types of contracts, and so on). The fourth book (69 chapters) is dedicated to property; the fifth (44 chapters) to inheritance and family law; and the sixth (63 chapters) to the criminal law. To the statute are appended eighteen *Additiones*, which are intended to amplify existing regulations, rather than to replace them.

There is no extant manuscript of the statute older than the printed version of 1637. This was published under the title *Statuta communitatis Pagi* (Venice: Typographia Ducalis Pinelliana, 1637). There are relatively few exemplars of this edition. Two of them are in the NSK (R II F-8^o-561), one in the library of the Italian Senate in Rome, and one in the town hall in Pag. Apparently, there was once an exemplar in the library of the chapter of Zadar.²¹ There is also a handwritten copy of the 1637 edition in the ZKZd (Ms. 376).

The only scholarly edition of the statute is *Statut Paške općine. Statuta Communitatis Pagi*, eds Dalibor Čepulo, Nella Lonza, Robert Leljak and Miroslav Granić (Pag & Zagreb: Matica hrvatska Pag & Pravni fakultet Sveučilišta u Zagrebu, 2011). It contains a facsimile edition of the 1637 Latin text with a parallel Croatian translation.

Literature

Besides the introductory studies to the 2011 edition and the bibliographic survey of Ivan Strohal (see Introduction), see:

Mate Suić, *Pag* (Zadar: Općina Pag, 1953).

²⁰ The *consuetudines* of 1372 were published by Miljen Šamšalović: 'Statutarne naredbe za otok Pag 1372.' [The statutory regulations for the island of Pag of 1372], *Zbornik Historijskog zavoda JAZU u Zagrebu*, 8 (1977), 411–428. The capitularies were published by Miroslav Granić: 'Capitulare comitis Pagi,' *Radovi Zavoda za povijesne znanosti HAZU u Zadru*, 36 (1994), 261–281.

²¹ Mate Suić, *Pag* (Zadar: Općina Pag, 1953), 88.

1.12 The Statute of Lastovo

The Statute of Lastovo is an example of the legislative activity of a semi-autonomous rural commune. From the middle of the thirteenth century, Lastovo was subject to the commune of Dubrovnik, from which it received its count, but it nevertheless retained a certain level of autonomy. The statute, as stated in its preamble, was enacted in 1310. At that time it had 30 articles. Its contents were augmented from 1324 onwards, in a process that went on until the eighteenth century, albeit with unequal frequency. There is no separate book of novels, although the largest part of the statute (from article 31 to the end) constitutes novels. By the end of the fifteenth century, there were 99 articles (out of an eventual total of 189).

The full name of the statute is *Libro delli ordinamenti e delle usanze della uniuersitade et dello comun della isola de Lagusta*. It is (with the exception of one article in Latin) written in an Italian vernacular. It is not divided into books and, because of the way it was compiled (by simply adding new regulations), it has no particular structure. The original statute (the first 30 articles) starts with a preamble describing the submission of Lastovo to Dubrovnik and the passing of the statute in 1310, which is followed by regulations dealing mostly with criminal matters (art. 1–11), family matters (art. 12–16), animal husbandry (art. 17–19), and judicial and administrative procedures (art. 20–30). This part of the statute is well organized. The articles that follow cover very different matters, but a strong emphasis is placed on the agrarian economy.

The statute is extant in several manuscripts, but for a number of them the current location is uncertain. The oldest is a fifteenth-century manuscript which is kept in the library of the Italian Senate in Rome (Statuti Mss. 21). The cover page and two other pages of that manuscript were published as illustrations in the 1934 edition of the statute (see below). The whole manuscript is now available on-line.²² A sixteenth-century manuscript (with the additions up to 1653) was once available in the municipal office of Lastovo, but appears to have been subsequently lost.²³ An early sixteenth-century manuscript is kept in the NSK (sign. R 4088).²⁴ There was also a sixteenth- or seventeenth-century exemplar in the court

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<http://notes9.senato.it/C1256DF7003BF35E.nsf/0/42F77E6E0B262F67C125701800550951?OpenDocument> <accessed 27 September, 2012>.

²³ It was still available in 1911 (Strohal, *Statuti*, 95), but apparently lost by 1966. See Cvito Fisković, 'Lastovski spomenici' [The monuments of Lastovo], *Prilozi povijesti umjetnosti u Dalmaciji*, 16 (1966), 96.

²⁴ None of the editions mention this manuscript, but it may be identical with the one formerly belonging to Ivan Kukuljević, described by Radić in the 1901 edition.

library in Vienna, which was used as the basis of the 1849 edition, but its current location is uncertain. It is probably identical to the one now kept in the DADu.²⁵ In the DADu, in the archival series of the Arneri family, there is another late eighteenth- or early nineteenth-century manuscript (*Obiteljski fond Arneri*, section 14, box 252, no. 251). There is also a manuscript from the eighteenth century in the library of the Franciscan convent in Dubrovnik (old sign. 319, new sign. 103).²⁶ Apparently a very similar manuscript, also from the eighteenth century, is now available in the city museum of Korčula.²⁷ A nineteenth-century manuscript was in the archive of the Supreme Court for Dalmatia in Zadar before the First World War.²⁸ A more recent, handwritten copy, the so-called Dundović transcript, is kept in the archive of the parochial office in Lastovo.²⁹

A critical edition of the statute was published by Frano Radić, *Knjiga o uredbama i običajima skupštine i obćine otoka Lastova. Libro delli ordinamenti e delle usanze della uniuersitare et dello comun della isola de Lagusta*, Monumenta historico-juridica Slavorum meridionalium, 8 (Zagreb: JAZU, 1901). It is a fine edition based on most of the then known manuscripts. This edition was reprinted in *Lastovski statut* [The Statute of Lastovo], eds Antun Cvitanić and Josip Lučić (Split: Književni krug, 1994), together with a Croatian translation. Before Radić's edition, there was only the edition of Gustav Wenzel, which was based exclusively on the Vienna manuscript: 'Beiträge zur Quellenkunde der dalmatinischen Rechtsgeschichte im Mittelalter: 2. Der 'Libro de li ordinamenti et dele usanze' der Insel Lagosta; 3. Chronologisch-geordnetes Verzeichniss der Reformationen von Lagosta mit Angabe ihres Inhalts (vom 30. April 1390 bis 1. September 1523),' *Archiv für Kunde Österreichischer Geschichts-Quellen*, 3 (1849), 35–76. The Vienna manuscript provided the basis of the partial edition in *Archivio storico per la Dalmazia* 1 (1926), no. 2, 13–6; no. 3, 25–8; no. 4, 25–8; no. 5, 29–32; no. 6, 41–4; 2 (1926–1927), no. 8, 41–44; no. 10, 45–48; no. 17, 251–4.

²⁵ Fisković, 'Lastovski,' 96.

²⁶ Brlek, *Rukopisi* 1, 103–104.

²⁷ *Lastovski statut*, 135.

²⁸ Strohal, *Statuti*, 94. It is now, most probably, in the DAZd.

²⁹ Fisković, 'Lastovski,' 96.

Literature

Besides the introductory studies to the 1849, 1901 and 1994 editions, as well as the bibliographic survey of Ivan Strohal (see Introduction), see:

Marin Lucianović, 'Lastovo u sklopu Dubrovačke republike' [Lastovo within the Republic of Dubrovnik], *Anali Historijskog instituta JAZU u Dubrovniku* 3 (1954), 253–295.

Ante Marinović, 'Običajno pravo i samouprave u bivšoj Dubrovačkoj Republici i njihovo izučavanje' [Customary law and local autonomies in the former Republic of Dubrovnik and their study], in *Običajno pravo i samouprave na Balkanu i u susednim zemljama* [Customary law and local autonomies in the Balkans and in neighbouring countries], ed. Vasa Čubrilović, *Posebna izdanja Balkanološkog instituta SANU*, 1 (Beograd: SANU, 1974), 91–115.

Antun Cvitanić, 'Lastovski statut i njegova pravno-povijesna i civilizacijska vrijednost' [The Statute of Lastovo and its legal, historical and civilizing contribution], *Zbornik pravnog fakulteta u Splitu*, 33 (1996), no. 3–4 (43–44), 317–329.

Nella Lonza, 'Na marginama rukopisa Lastovskog statuta iz XIV stoljeća' [Notes on the fourteenth-century manuscript of the Statute of Lastovo], *Anali Zavoda za povijesne znanosti Hrvatske akademije znanosti i umjetnosti u Dubrovniku*, 36 (1998), 7–32.

1.13 The Statute of Mljet

The Statute of Mljet is composed in Italian and was enacted in 1345, at which time it had 68 articles. Three further articles were added at the end of the fifteenth century. Supplementary regulations issued by the Dubrovnik authorities and by the *universitade* of Mljet between 1417 and 1556 were subsequently appended to the statute. These were neither numbered nor arranged in chronological sequence.

In its character, the community of Mljet was similar to that of Lastovo (a small agrarian community dependant on the Republic of Dubrovnik). The statute was thus modelled on the statute of Lastovo, which it closely mirrors in respect of the organization of its text, although it is more repetitious and disjointed (for example, criminal matters are dealt with in articles 1–11, 33, 40–41, 43–44, 46 and judicial procedure in articles 20–23, 28–29, 42). Particular attention is placed in both statutes on the agrarian economy, in the case of Mljet with strong emphasis on animal husbandry and viticulture. Unlike Lastovo, the

life of the island was strongly influenced by the presence of extensive ecclesiastical property, the Benedictine abbey of St. Mary.

The oldest manuscript of the statute is from the fifteenth century and has been kept in the DADu since 1995 (it was taken to Vienna in the nineteenth century, where Wenzel found it, and has only recently been returned). In the DADu (archival series *Zakoni i upute. Leggi e istruzioni*, ms. 30, fols 138–160), there is also another manuscript (from the eighteenth century). In the library of the Franciscan Convent in Dubrovnik, there is an eighteenth-century manuscript of the statute (new sign. 951, old sign. 1678). There was additionally a nineteenth-century manuscript (copied by Fr. Sebastijan Franković) in the library of the Supreme Court in Zadar, but its current location is uncertain.

The Italian original of the statute was published by Gustav Wenzel in his article ‘Beiträge zur Quellenkunde der dalmatinischen Rechtsgeschichte im Mittelalter: 1. Der ‘Liber de ordinamenti et dele usanze’ der Insel Meleda,’ *Archiv für Kunde Österreichischer Geschichts-Quellen*, 3 (1849), 9–35. An eighteenth-century Croatian translation, relying on a manuscript that no longer survives, was published by Medo Pucić, ‘Statut oli Zakoni od Universitati Otoka od Mljeta u naški prepisani na način kako je običaj na dan današnji govoriti’ [Statute, that is laws, of the University of the Island of Mljet, copied into the vernacular in the manner in which it is usual to speak today], *Dubrovnik, cviet narodnoga knjižtva*, 3 (1852), 195–218. This text is reprinted in the history of the island of Mljet by Ivo Dabelić (see below),³⁰ and in *Časopis Dubrovnik, cviet narodnog književstva (knjižtva)* [Journal Dubrovnik, a flower of national literature], ed. Srećko Lipovčan, 4 vols. (Zagreb: Erasmus naklada, 2005–2006). A critical edition of the statute was published by Ante Marinović and Ivo Veselić, *Mljetski statut* [The statute of Mljet] (Split & Dubrovnik: Književni krug & Zavičajni klub ‘Mljet,’ 2002).

Literature

Besides the introductory studies to the 1849 and 2002 editions, as well as the bibliographic survey of Ivan Strohal (see Introduction), see:

³⁰ The text of the statute is on pp. 95–106.

Ivo Dabelić, *Povijest otoka Mljeta od najstarijeg vremena do XV. stoljeća* [History of the Island of Mljet from the earliest times to the fifteenth century] (Dubrovnik: no pub., 1987).

Zvonimir Stražičić, 'Statut srednjovjekovne općine otoka Mljeta (Mljetski statut)' [The Statute of the medieval municipality of Mljet], *Zbornik otoka Mljeta*, 1 (Dubrovnik: Dubrovački muzej, Odjel socijalističke revolucije, 1989), 150–166.

1.14 The Statute of Kotor

The statute of Kotor originated around 1425, soon after the city came under the rule of Venice in 1420. It was compiled, however, on the basis of older legislation. Most of its chapters are dated, the oldest in 1301 and the most recent in 1425. The chapters are not placed in chronological order, but arranged according to topics. To the statute are attached a number of novels, announced as decrees of the city council, and divided into two groups: the first from the period of the independence of Kotor (*tempore Catherinorum*) 1384–1420 (39 chapters) and the second from the early period of Venetian rule 1421–1444 (52 chapters). It is not clear why these novels were not included in the main body of the statute.

The statute contains 437 chapters, not divided into books. It starts with a discussion of the different communal officers, their elections and oaths, which is followed by chapters on judicial procedure and the jurisdiction of judges, debts and pledges, criminal law, procedures for oath taking and witnessing, the division of property, dowry, inheritance and family law, economic matters including a number of regulations on servants and slaves, regulations on building activities and the organization of space in the city and in the district, buying, selling and renting of property, the composing of notarial acts and the notarial office, credit, trade, tolls and taxes, and the relationship towards rulers, neighbouring communes, dependent communities of the district, the church, and so on.

There are four manuscripts of the statute. There are three fifteenth-century manuscripts: one is kept in the Biblioteca Marciana in Venice, sign. Lat. V, XXXII (2636); another is in the private possession of the Kapor family in Korčula; and the third in the

Zbirka Bogišić in Cavtat.³¹ An eighteenth-century manuscript is in the AHAZU, sign. VIII.131.³²

The statute was published as early as 1616 in Venice under the title *Statuta et leges civitatis Cathari* (Venice: Apud Rubertum Meiettum, 1616). It is extant in a number of exemplars: in the Istorijski arhiv Kotor [the Historical Archive of Kotor], the NSK (sign. R II F-8^o-556 a, b), the DAZd (sign. I.B.15), library of the HAZU in Zagreb (sign. R-615), library of the Filozofski fakultet [the Faculty of Philosophy] in Belgrade, the Bibliothèque national de France in Paris (sign. Tolbiac, F-14730), the Biblioteca civica Attilio Hortis in Trieste, the University of Pennsylvania Library in Philadelphia, and so on. The 1616 edition was reissued on CD-ROM by Jelena Antović, Miloš Milošević and Zorica Čubrović, *The Statute of Kotor and the First Public Notary Book (1326–1335)* (Kotor: Istorijski arhiv Kotor, 1998). The only scholarly edition of the whole statute was published by Jelena Antović, Miloš Milošević and Sima Ćirković, *Statuta civitatis Cathari. Statut grada Kotora*, 2 vols. and a CD (Kotor: Državni arhiv Crne Gore, 2011), containing a facsimile of the 1616 edition (vol. 1) and a translation into Croatian as spoken in Kotor (vol. 2). The CD contains both volumes in PDF format and a searchable transcription of the Latin text. There is also a Russian translation by O. O. Markov (O. O. Марковъ), 'Статутъ города Котора (Опытъ изследованья его истории и источниковъ),' *Записки Русскаго научнаго Института в Белграде* 1 (1930).³³ A small section (40 chapters) of the Venetian Marciana manuscript was published by Stojan Novaković, *Законски споменици српских држава среднјега века* [Legal monuments of the Serbian states in the Middle Ages] (Belgrade: SAN, 1912), 1–16.

Literature

In addition to the introductory studies to the 2011 edition (which is also translated into Italian and English) and to the Russian translation of 1930, as well as to the bibliographic survey of Ivan Strohal (see Introduction), see:

³¹ The Cavtat manuscript differs insofar as its chapters are arranged in three books (151, 149, and 75 chapters respectively). Otherwise, the text is basically the same as in other manuscripts and the 1616 edition.

³² In the NSK, sign. R 4074, there is a manuscript entitled *Statutum civitatis Cathari*, but it does not contain the statute. It contains instead novels enacted by the city councils from the fifteenth to the seventeenth century.

³³ Unfortunately, we were not able to check this edition personally on account of its rarity.

Slavko Mijušković, 'Statuta civitatis Cathari. Poglavlja o predaji Kotora Veneciji' [Statuta civitatis Cathari. Chapters regarding the surrender of Kotor to Venice], *Godišnjak Pomorskog muzeja u Kotoru*, 3 (1955), 7–24.

Ilija Sindik, *Комунално уређење Котора оф друге половине XII до почетка XV столећа* [The communal organization of Kotor from the second half of the twelfth to the beginning of the fifteenth century] (Belgrade: SANU, 1950), 7–13.

Ante Marinović, 'Razvitak vlasti u srednjovjekovnom Kotoru' [Development of government in medieval Kotor], *Historijski zbornik*, 10 (1957), no. 1–4, 83–110.

Nevenka Bogojević-Glušćević, 'Statutarni propisi i pravna praksa u Kotoru u XIV vijeku' [Statutory rules and legal practice in Kotor in the fourteenth century], *Anali Pravnog fakulteta u Beogradu*, 46 (1998), no. 4–6, 429–440 (an Italian translation of the article is published on pp. 410–428).

1.15 The Statute of Budva

The statute of Budva was compiled in the middle of the fourteenth century, when Budva was under the rule of Serbian emperors.³⁴ At that time, it was apparently written in Latin. Nevertheless, it received its present form and was translated into the Italian vernacular after the city came under the rule of Venice in 1442. The interventions in the text of the statute were, however, minor. Most of the statute is not dated, but in the final part of the statute (from chapter 251 on), there are a number of chapters that are dated (covering the period from 1426 to 1469).

The statute contains 295 chapters, which are not divided into books. It starts with chapters discussing the relationship between the commune, its count and rulers, as well as the importance of the statute itself. Like the statute of Kotor, it places considerable importance on building activities and the organization of space in the city and in the district. Much is dedicated to economic matters, as well as to communal offices and judicial procedure, family and inheritance law, criminal matters, damage, taxes, and so on. All in all, the chapters are well ordered and grouped according common topics.

The statute is extant in a number of manuscripts. There are two seventeenth-century manuscripts in the Biblioteca Marciana in Venice, sign. It. II, XXXVII (4837) and It. II, XXXVIII

³⁴ The fact that the ruler is in the statute styled as an Emperor limits the period of its enactment to between 1346 (the crowning of Stephen Dušan) and 1371 (the death of Stephen Uroš).

(5197). Another seventeenth-century manuscript, written by Francis Ivanović in 1653, was before the First World War in the library of the Court of Appeal for Dalmatia in Zadar, but is now lost. There are, however, two extant nineteenth-century transcripts of the Ivanović manuscript: one in the AHAZU, sign. II d 14, and another in the Zbirka Bogišić in Cavtat. An eighteenth-century manuscript is kept in the NSK, R 4077. There is also a nineteenth-century transcript in the DAZd, Ostavština Šime Ljubića, box 7, fasc. 130 and 131.

A critical edition of the statute was published by Šime Ljubić in: *Statuta et leges civitatis Buduae, civitatis Scardoniae et civitatis et insulae Lesinae*, Monumenta historico-juridica Slavorum meridionalium, 3 (Zagreb: JAZU, 1882–3), 1–66.³⁵ A Serbian translation on the basis of Ljubić's edition has been published by Nikola Vučković, Средњовјековни статут Будве [The medieval statute of Budva] (Budva: Skupština opštine Budva & Turistički savez Budva, 1970). It is reprinted together with Ljubić's edition in Nikola Vučković, Miroslav Luketić and Žika Bujuklić, Средњовјековни статут Будве [The medieval statute of Budva] (Budva: Istorijски arhiv, 1988).

Literature

In addition to the introductory studies to the 1882–3 edition and to the Serbian translation of 1970/88, as well as to the bibliographic survey of Ivan Strohal (see Introduction), see:

Žika Bujuklić, *Pravno uređenje srednjovjekovne budvanske komune* [The legal organization of the medieval commune of Budva] (Budva – Nikšić: Istorijски arhiv, 1988).

Lujo Margetić, 'Mr. Žika Bujuklić, *Pravno uređenje srednjovjekovne budvanske komune* [Žika Bujuklić, MJur. and the legal organization of the medieval commune of Budva], *Zbornik Pravnog fakulteta u Zagrebu*, 39 (1989), no. 2, 253–254.

³⁵ A selection of 85 chapters taken from this edition was published by Stojan Novaković, Законски споменици српских држава средњег века [Legal monuments of the Serbian states in the Middle Ages] (Belgrade: SAN, 1912), 45–75.

2. The Laws of Istria

2.1 The Statute of Poreč

The surviving statute of Poreč was enacted in 1363. As stated in the *proemium* of the 1363 statute, its predecessor was lost when the Genoese sacked and burned the city in 1354. It is possible that the original statute was compiled before the city came under Venetian rule in 1267, but this cannot be demonstrated. Following the loss of the old statute, a new one was compiled by a special committee of four noblemen of Poreč.

The statute is written in Latin. It starts with a *Prohemium* describing the circumstances of its compilation, to which three books are added. The first two books appear to be the statute itself, while the third book contains novels. The first book (19 chapters) discusses communal offices (including that of the *podestà*). The second book (106 chapters) begins with a discussion of judicial procedure and goes on to describe property matters, animal husbandry, notarial service, inheritance and family law, norms regulating the work of the communal council, and the control of the public provision of food supplies and of sanitation. The third book (101 chapters) contains novels, the first of which is from 1364. It is not possible to date most of the contents with any precision because after the seventh chapter (dated 11 October 1366), no chronological indicators are provided. At the end of the book are inserted letters of Doge Francesco Foscari from 1433 written in Italian, which provide a possible *terminus ante quem*. The novels cover a variety of topics, from agriculture and animal husbandry to the position of women and damage to woodland. Very little of the statute addresses criminal law.

There is only one manuscript that gives the original Latin version of the statute. It is now kept in the DAPa, in the series *Zbirka statuta* [Collection of statutes] (HR-DAPA-424), no. 8. The manuscript dates from the late fourteenth or early fifteenth century. There are also three eighteenth-century manuscripts giving a seventeenth-century Italian translation: in the Archivio diplomatico in the Biblioteca civica Attilio Hortis, Trieste, sign. ßEE 12; in the Collezione Antonio Fonda Savio, also in Trieste; and in the library of the Museo Correr in Venice.

The statute was first published by Pietro Kandler, *Statuti municipali della città di Parenzo nell' Istria*, *Atti Istriani*, vol. 2 (Trieste: Museo tergestino di antichità, 1846). This

edition derives from the Italian redaction (based on the manuscript of the Archivio diplomatico). A critical edition of the Latin text was published by Mirko Zjačić, 'Statut grada Poreča (*Statutum comunis Parentii*) iz 1363. godine' (The statute of the city of Poreč [*Statutum comunis Parentii*] of 1363). This was republished by Zjačić, along with two other sources for late medieval Istria in the series *Monumenta historico-juridica Slavorum meridionalium*, 13 (Zagreb: JAZU, 1979), 5–203, giving also variants from the Italian redaction in the critical apparatus.

Literature

Besides the brief introductory studies to the 1846 and 1979 editions, as well as the bibliographical survey of Ivan Strohal and *Statuti, urbari, notari* (pp. 30–31) (see Introduction), see:

Ugo Inchiostri. 'Il diritto statutario di Parenzo,' *Atti e Memorie della Società Istriana di Archeologia e Storia Patria* [henceforth: AMSI], 26 (1910), 205–247.

2.2 The Statute of Pula

The existing statute of Pula was compiled in 1499, after the previous one from 1431 had, according to its *proemium*, been stolen by some sailors of the Venetian fleet. The task of reconstructing the statute and of adding new regulations was given to two learned noblemen of Pula, who performed their task on the basis of an older exemplar belonging to an unidentified private owner. Even so, the statute of 1431 was not the first law used in the city, since, according to the *proemium*, one of the purposes of the compilation was to put in order previous legislation. The statute thus also includes earlier decisions of the communal councils (starting from 1367).

The statute is written in Latin and is divided into five books. The first book (39 chapters) deals with communal officials, the relationship of the commune to the church, and the appointment of tutors and curators. The second book (21 chapters) deals with property and debts. The third book (61 chapters) regulates farming and estate management, livestock and taxes. The fourth book (42 chapters) is divided into two parts, which deal respectively with the criminal law and the regulation of economic affairs (ranging from agriculture and animal husbandry to fishing and inn keeping). The fifth book (8

chapters), which is arranged under the title *De extrahordinariis*, contains a number of miscellaneous norms touching upon marriage, the position of the foreigners, the defence of the city, and relations with neighbouring bodies (*vicini contrate*). Appended to the statute are 79 decrees (*partes capte*) of the great council of Pula, dating from 1367 to 1468, which cover very diverse topics (judicial procedure, the composition of notarial documents, matters of provision and sanitation, communal offices and festivities, old cemeteries and graveyards, and so on).

The statute is preserved in its original manuscript of 1499. It was kept in the communal archive of Pula until the Second World War and is now kept in the DAPa, in the series Zbirka statuta, no. 9. There is also a manuscript containing a seventeenth-century Italian translation, which is now kept in the Archivio diplomatico in the Biblioteca civica Attilio Hortis, Trieste, sign. 12 A 1/8.

The first edition of the statute is based on its Italian redaction and was published under the title *Statuti municipali della città di Pola nell' Istria, Atti istriani*, 1 (Trieste: Museo tergestino di antichità, 1843). A critical edition of the Latin text was published by Bernardo Benussi, 'Statuto del Comune di Pola,' *Atti e memorie della Società istriana di archeologia e storia patria*, 27 (1911), 107–499. There is also a new transcription of the Latin text with a facsimile and Croatian translation by Mate Križman, *Statut pulske općine. Statuta Communis Polae* (Pula: Povijesni muzej Istre, 2000).

Literature

Besides the brief introductory studies to the 1843 and 1911 editions, as well as the bibliographical survey of Ivan Strohal and *Statuti, urbani, notari* (p. 32) (see Introduction), see:

Lujo Margetić. 'Statut pulske općine (Statuta Communis Polae). Povijesni muzej Istre, Pula, 2000, ed. M. Križman,' *Croatica Christiana Periodica*, 25 (2001), no. 48, 155–9.

2.3 The Statute of Labin

The statute of Labin was enacted in 1341, during the period when the town was subject to the rule of the Patriarch of Aquileia. After Labin came under Venetian rule in 1420 the

statute was augmented by 38 novels (which are thought to have been enacted before 1450).

The statute was written in Latin. It is divided into two books and is largely concerned with criminal matters. The first book, entitled *De publicis iuditiis* (37 chapters), commences with several chapters regarding the election of the *podestà*, judges, rectors and jurors, but is thereafter dedicated to the criminal law, with an emphasis on major crimes (murder, rape, sodomy, robbery, treason and arson). The second book, entitled *De priuatis delictis* (29 chapters) includes blasphemy, offences against public persons and crimes against property. It also contains a number of other matters, such as the position of foreigners, lesser communal officials, and so on. The novels cover very divergent topics ranging from dowry to communal offices, criminal offences and animal husbandry.

There was an early fifteenth-century manuscript, which was variously kept in the communal archive of Labin and in the private possession of the Scampicchio family of Labin, but which is now lost. The communal archive had a fifteenth-century Italian translation, which, after several changes of ownership, is now kept in the Archivio diplomatico in the Biblioteca civica Attilio Hortis in Trieste, sign. ßEE 13. The Archivio diplomatico also has a nineteenth-century transcript of the Italian redaction (sign. 12 B 1/2) and a nineteenth-century transcript of the novels (12 B 1/3). There is a nineteenth-century copy of the Italian redaction in the Library of the Italian Senate in Rome (sign. Statuti Mss. 323), which may be identified with the manuscript kept before the First World War in the library of the Supreme Court in Vienna. A nineteenth-century transcript exists also in the Zbirka Bogišić in Cavtat.

A scholarly edition of the Scampicchio manuscript was published by Camillo de Franceschi, 'Statuta Communis Albonae,' *Archeografo Triestino*, 32 [ser. 3, vol. 4] (1908), 131–229. The Italian redaction was published by Carlo Buttazoni, *Statuto municipale della città di Albona dell' anno 1341* as a supplement to *Archeografo Triestino*, 5 [N. S., vol. 1] (1870).

Literature

Besides the introductory studies to the 1870 and 1908 editions, as well as the bibliographical survey of Ivan Strohál and *Statuti, urbari, notari* (p. 38) (see Introduction), see:

Nikola Žic. 'Iz latinskog statuta grada Labina u Istri' [From the Latin statute of the town of Labin in Istria], *Mjesečnik pravničkoga društva u Zagrebu*, 65 (1939), 75–84.

2.4 The Statute of Novigrad

The statute of Novigrad dates from 1450, when it was compiled in the Italian vernacular on the basis of previous legal customs. The statute has a *proemium*, in which the relationship between justice, law and order is addressed in rather general terms, but it does not describe the circumstances of its enactment in any detail.

The statute is divided into eight books. The first book (21 chapters) deals with the election and oaths of communal officials, as well as regulations regarding inn keepers, butchers and bakers. The following three books (containing 27, 24, and 36 chapters respectively) deal with judicial procedure and civil law. The fifth book (35 chapters) is dedicated to inheritance law, while the sixth book (38 chapters) discusses the criminal law. The seventh (44) and the eighth (46 chapters) cover a variety of miscellaneous topics (such as fishing, taxes and tolls, damage, public festivities, the use of communal forests and pastures, and so on).

The earliest extant manuscript is from the sixteenth century and is kept in the Biblioteca Marciana in Venice, sign. It. II, XC (4990). There are two eighteenth-century manuscripts. One is in the DAPa, Zbirka statuta, no. 6, and another in the Archivio diplomatico in the Biblioteca civica Attilio Hortis in Trieste, sign. BEE 25. The Archivio diplomatico also has an eighteenth-century manuscript containing only the *proemium* (sign. BAA 2). There is additionally a manuscript in the Biblioteca del Museo Correr in Venice (Ms. MCXCV; old signature: Cicogna 2063).

The statute was first published by Pietro Kandler, 'Statuti municipali della città di Cittanova nell' Istria' as a supplement to the journal *L'Istria*, 6 (1851), 1–216. A new edition was published by Luigi Parentin, 'Statuti di Cittanova,' *Atti e memorie della Società istriana di archeologia e storia patria*, N. S., 14 (1966), 105–220.

Literature

Besides the introductory studies to the 1851 and 1966 editions, see the bibliographical survey of Ivan Strohal and *Statuti, urbari, notari* (pp. 29–30) (see Introduction).

2.5 The Statute of Rovinj

The statute of Rovinj was enacted in 1531, although scholars consider it to contain older materials. It is written in the Italian vernacular.

The statute is divided into three books. The first book (51 chapters) has the title *De officiis* and deals with communal officers and their oaths, taxes and fines, and damage caused by animals. The second book (98 chapters), under the title *Degli giudici civili*, is mostly dedicated to matters of civil law, but also covers public festivities. The third book entitled *De maleficiis* (62 chapters) covers not only a variety of criminal offences, but also the organization of urban and rural militias and the removal of wolves from the territory of Rovinj. Novels enacted before 1593 are added to the statute.

The statute is extant in a great number of manuscripts. The oldest surviving manuscript, probably the original, is kept in the DAPa, Zbirka statuta, no. 10. A sixteenth-century manuscript is available in the Archivio diplomatico in the Biblioteca civica Attilio Hortis in Trieste, sign. ßEE 15, and a sixteenth- or seventeenth-century manuscript in the Biblioteca Marciana, Venice, sign. It. II, CXXIII (4954). The Biblioteca Marciana also has a seventeenth-century manuscript, sign. It. II, CXX (4952). In the Archivio diplomatico in Trieste there are an eighteenth-century manuscript copy (sign. 12 B 1/8) and a fragmentary nineteenth-century manuscript (sign. 12 B 1/7). An eighteenth-century manuscript is in the library of the Italian Senate in Rome, sign. Statuti Mss. 68, which is probably identical to the manuscript which was reported at the end of the nineteenth century as being in the library of the Supreme Court in Vienna. A manuscript, most probably the same as the seventeenth-century manuscript once kept in the communal archive of Rovinj, is now in the Zavičajni muzej grad Rovinja [the Museum of the Town of Rovinj], sign. 1737/1983. There is also a seventeenth-century manuscript in the library of the Archivio di Stato di Trieste (in the series Corte d'appello).³⁶

Despite earlier attempts at publication, the statute was published for the first and only time by Pietro Kandler, 'Statuti municipali di Rovigno,' as a supplement to the journal

³⁶ There were additionally a number of manuscripts in private possession (of the Angelini and Spongia families in Rovinj and of the Grisoni family in Koper), but their present location is not known.

L'Istria, 5 (1850), 1–64; 6 (1851), 65–146. A new edition was prepared by the late Mirko Zjačić in the late 1970s, but remains unpublished (321 typed pp.).³⁷

Literature

Besides the introductory study to the 1851 edition, see the bibliographical survey of Ivan Strohal and *Statuti, urbari, notari* (p. 32) (see Introduction).

2.6 The Statute of Motovun

The first statute of Motovun was compiled in 1300, to which were added a number of novels, dating from 1307 to 1337. A new statute was created in 1507. It incorporated the old statute (82 chapters) and its novels (16) as its first 98 chapters, appending to them new regulations enacted from the second half of the fourteenth century to 1507.

The statute is written in Latin and belongs to the group of statutes enacted by rural communities. The 275 chapters of the 1507 statute are not subdivided into books. The text of first 36 chapters is now lost, but the titles are extant. In its content, the statute is not arranged by topics, but norms of civil and criminal law are mixed together with regulations regarding communal offices and urban and rural militias, agriculture, usury, the exportation of wine and oil, the position of foreigners, and so on.

There is no extant manuscript. The only known manuscript was in the 1890s kept in the communal archive of Motovun, but has since been lost. It was described and edited by Luigi Morteani in his study 'Storia di Montona,' *Archeografo Triestino* 21 [N. S., vol. 17] (1891), fasc. 2, 468–516; 22 [N. S., vol. 18] (1892), fasc. 1, 177–231; fasc. 2, 332–386; 23 [N. S., vol. 19] (1893), fasc. 1, 287–339; fasc. 2, 419–482; 24 [N. S., vol. 20] (1895), fasc. 1, 5–123. The text of the statute was published in the last two instalments, starting on p. 447. Morteani's study was subsequently reprinted as a book.³⁸

Literature

Besides Morteani's study (especially chapter 5 'Lo statuto ed altri ordinamenti pubblici per la città e pel territorio', *Archeografo Triestino*, 22 [N. S., vol. 18] (1892), fasc. 2, 332–349),

³⁷ Darinko Munić, 'Dr. Mirko Zjačić. Život i djelo (1912–1977)' [Dr. M. Zjačić. Life and work (1912–1977)], *Jadranski zbornik* 11 (1979–81), 358.

³⁸ Luigi Morteani, *Storia di Montona* (Trieste: Archeografo Triestino, 1895).

see also a brief note in the bibliographical survey of Ivan Strohal and *Statuti, urbari, notari* (p. 33) (see Introduction).

2.7 The Statute of Dvigrad

The statute of Dvigrad is not dated, but it was in its present form probably compiled at the end of the fourteenth or the very beginning of the fifteenth century. According to the statute itself (ch. 110), there may have been an older version, but its content cannot be ascertained. It belongs to the group of the statutes of the autonomous rural communes that is characteristic of the inner part of Istria.

The statute is written in Latin. Its 184 chapters are not subdivided into books, although within the text there has been some attempt to group them by topic. Criminal matters predominate and great attention is given to the organization and functioning of the community and its officers. The statute also discusses such matters as the position of foreigners, control over the Lim channel, the protection of communal ownership over pastures, forests and water supplies, family and inheritance law, and judicial procedures. In its content and disposition, the statute evinces strong similarities to the statutes of Buzet and Oprtalj, while many of its legal norms resemble those of the statute of Vodnjan.

There is a manuscript of the statute dating from the beginning of the fifteenth century, which is most probably the original. It is now kept in the DAPa, Zbirka statuta, no. 4. A manuscript containing a seventeenth-century Italian translation is kept in the library of the Archivio di Stato di Trieste (in the series Corte d'appello, sign. CA 734).

The first edition of the Latin version of the statute was published by Mirko Zjačić, 'Dvigradski statut' [The statute of Dvigrad], *Vjesnik Historijskog arhiva u Rijeci*, 6–7 (1961–2), 233–294. A new edition was published by Jakov Jelinčić and Nella Lonza, *Statuta Communis Duorum Castrorum. Statut Dvigradske općine. Početak 15. stoljeća* [The statute of the commune of Dvigrad. The beginning of the fifteenth century], Kolana od Statuti, 1 (Pazin & Kanfanar: Državni arhiv u Pazinu, 2007). Beside the edition of the Latin text, it contains a facsimile and Croatian translation, and a CD with a facsimile of both the Latin and Italian manuscripts.

Literature

Besides the introductory studies to the 1961–2 and 2007 editions, as well as the bibliographical survey of Ivan Strohal and *Statuti, urbari, notari* (pp. 35–6) (see Introduction), see:

Daniela Juričić. 'Dvigrad – mesto ki ga ni več' [Dvigrad – a place which no longer exists], *Annales – Anali Koprškega primorja in bližnjih pokrajin*, 1 (1991), 103–110.

2.8 The Statute of Buzet

The statute of Buzet was compiled in 1435. Its codification was part of larger legislative initiative conducted by Venetian authorities in the areas recently acquired from the Patriarch of Aquileia. It belongs to the group of statutes of the autonomous rural communes, characteristic of the inner part of Istria.

The statute was written in Latin. Its 140 chapters are not divided into books. In its content it strongly resembles the statute of Dvigrad, upon which it was probably modelled, although there are slight differences in the ordering of its articles.

There is a fifteenth-century manuscript containing the Latin text of the statute. It is bound together with the sixteenth-century manuscript of its Italian redaction, made in 1575. The volume is now kept in the DAPa, Zbirka statuta, no. 3.

The statute was published in its Italian redaction under the title *Statuto, ordini et leggi per il Comune di Pinguento* (s. l. [Venice]: no pub., s. a. [1776]). This edition is very rare, but there are exemplars in the library of the Italian Senate in Rome (which was previously kept in the library of Supreme Court in Vienna), the Biblioteca civica Attilio Hortis in Trieste, and the Bodleian Library in Oxford. The critical edition of the Latin text of the statute was published by Mirko Zjačić, 'Statut Buzetske općine' [The statute of the commune of Buzet], *Vjesnik Historijskog arhiva u Rijeci*, 8–9 (1963–4), 71–137; and in *Vjesnik Historijskog arhiva u Rijeci i Pazinu*, 10 (1964–5), 119–199 (together with Croatian translation). The Italian redaction was published by Giovanni Radossi, 'Lo Statuto del Comune di Pinguento,' *Atti Centro di ricerche storiche – Rovigno*, 9 (1978–9), 7–90.

Literature

Besides the introductory studies to the 1963–5 and 1978–9 editions, as well as the bibliographic survey of Ivan Strohal and *Statuti, urbari, notari* (pp. 36–7) (see Introduction), see:

Vesna Katarinčić Škrlj, 'Buzetski statuti (1435. g. i 1575. g.)' [The statutes of Buzet (1435 and 1575)], *Buzetski zbornik*, 23 (1997), 121–126.

2.9 The Statute of Oprtalj

The statute of Oprtalj belongs to the group of statutes of the autonomous rural communes, characteristic of the inner part of Istria. Its codification was a part of larger legislative initiative conducted by Venetian authorities after the area came under Venetian rule in 1420. It was originally written in Latin, but survives only in an Italian translation from 1533.

Like the statutes of Dvigrad and Buzet, the statute of Oprtalj is not divided into books. There were originally 140 chapters, but chapters 95–97, 106–114, 118–121, and 123–136 are missing. Since the statute of Oprtalj is almost identical to the statute of Buzet, the lost content may be reconstructed. The statute covers a variety of matters (including fines and penalties, theft and arson, norms of civil law, regulations regarding sanitation and the provision of food, status of foreigners, and so on).

There is only one extant manuscript of the statute. It is an eighteenth-century copy of the 1533 translation. It is kept in the Archivio diplomatico in the Biblioteca civica Attilio Hortis, in Trieste, sign. BEE 16.

The statute was published by Giovanni Vesnaver in his study 'Notizie storiche del castello di Portole nell'Istria.'³⁹ The statute itself is published in the chapter 'Statuto municipale di Portole,' *Archeografo Triestino* 15 [N. S., vol. 11] (1885), 131–180. It is a simple transcript of the manuscript, although some commentary has been given in the chapter 'Portole veneta.'⁴⁰

³⁹ Giovanni Vesnaver, 'Notizie storiche del castello di Portole nell'Istria,' *Archeografo Triestino*, 14 [N. S., vol. 10] (1884), fasc. 1–2, 157–95; fasc. 3–4, 231–68; 15 [N. S., vol. 11] (1885), 131–80.

⁴⁰ *Archeografo Triestino*, 14 [N. S., vol. 10] (1884), fasc. 1–2, 171–95, especially 171–3.

Literature

Besides the short note in Vesnaver's article, see the bibliographical survey of Ivan Strohal and *Statuti, urbari, notari* (p. 37).

2.10 The Statute of Vodnjan

The surviving statute of Vodnjan was compiled in 1492. According to its *proemium* there was an older statute, but as this was deemed 'impertinent and corrupted', the *podestà* and council authorized a committee of 23 councillors to reform it, cancelling out some of its provisions and adding new ones. The statute of 1492 was written in Latin, and it was later translated into the Italian vernacular. Only the vernacular version is extant, the Latin manuscript having been lost during the Second World War.⁴¹

The statute is divided into four books. The first book (46 chapters) deals with communal officials, family law, the position of foreigners and hired labourers, sanitation and the provision of food stuffs and other supplies, communal taxes and ecclesiastical matters. The second book (31 chapters) discusses judicial procedure, inheritance law and debts. The third book (41 chapters) considers property, both real estate and flocks, and the fourth (52 chapters) criminal matters. There are no medieval novels, but a number of novels were enacted between 1690 and 1708.⁴²

Eight manuscripts giving the Italian text have survived. The oldest (apparently from 1651) seems now to be the manuscript held in the Biblioteca civica Attilio Hortis, Trieste, sign. ßEE 18.⁴³ There are three more seventeenth-century manuscripts: one in the Biblioteca del Museo Correr in Venice (Rip^o Commissioni, MP. III N-416; old sign. Cicogna no. 1201); the second in the Zavičajni muzej grada Rovinja / Museo Civico della Città di Rovigno; and the third in the DAPa, Zbirka statuta, no. 12.2. In the DAPa, Zbirka statuta there are also an eighteenth-century manuscript (no. 12.1) and a nineteenth-century manuscript (no. 12.3). A manuscript from the end of the eighteenth century is kept in the library of the Archivio di

⁴¹ The original manuscript was kept in the communal archive of Vodnjan. It is described by Hans Folnesics in *Die Illuminierten Handschriften im Österreichischen Küstenlande, in Istrien und der Stadt Triest* (Leipzig: Karl W. Hiersemann, 1917), 51. See also: Antonio Santangelo, *Inventario degli oggetti d'arte d' Italia*, vol. 5: *Provincia di Pola* (Roma: Ministero della educazione nazionale, 1935), 93.

⁴² For more details and text, see Jakov Jelinčić, 'Aggiunte e modifiche allo Statuto di Dignano,' *Atti. Centro di ricerche storiche – Rovigno*, 2 (1971), 5–100.

⁴³ According to Franco Colombo, 'Osservazioni sugli statuti istriani dell' Archivio diplomatico di Trieste e sul progetto per un nuovo 'codice',' *Dometi*, 26 (1993), no. 1–2, 67–72, there is a further seventeenth-century manuscript (sign. ßAA 3) in the Archivio diplomatico in the Biblioteca civica Attilio Hortis, but its existence could not be verified by research conducted by the editors of the statute in 2010 (see below).

Stato di Trieste (in the series Corte d'appello, sign. CA 728). A transcript of the statute from 1856 was kept in the library of the Supreme Court in Vienna and is now in the library of the Italian Senate in Rome (Statuti Mss. 358; Fondo Vienna 78). These manuscripts differ little one from another.

The statute was published for the first time in Giovanni Radossi, 'Introduzione allo Statuto di Dignano,' *Atti. Centro di ricerche storiche – Rovigno*, 1 (1970), 19–154 (on the basis of the Rovinj manuscript). A comprehensive and critical edition was published by Nella Lonza and Jakov Jelinčić, *Vodnjanski statut – Statuta di Dignano MCDXCCII*, Kolana od statute/Collana degli statuti, 2 (Vodnjan & Pazin: Grad Vodnjan & Državni arhiv u Pazinu, 2010). Besides the critical edition of the text (by Jakov Jelinčić with the assistance of Marino Manin) with parallel Croatian translation (by Nella Lonza), there is a facsimile edition of the manuscript from the Biblioteca civica Attilio Hortis (pp. 173–321). The book is accompanied by a CD with facsimile editions of all eight extant manuscripts.

Literature

Besides the introductory studies to the 1970 and 2010 editions,⁴⁴ as well as the bibliographical survey of Ivan Strohal and *Statuti, urbari, notari* (p. 34) (see Introduction), see:

Lujo Margetić, 'Alcune note concernenti lo Statuto di Dignano,' *Atti. Centro di ricerche storiche – Rovigno*, 31 (2001), 363–370.

2.11 The Statute of Umag

As stated in its *proemium*, the statute of Umag was compiled in 1528 by a committee of four noblemen and two commoners on the basis of previous legislation. It received ducal confirmation in the same year and again in 1540. The reason for this second confirmation is not stated and there are no major alterations to the text.

The statute is written in Latin. It belongs to the group of statutes of rural communes. According to the text of the statute itself, it is divided into five books, although the distinction between the fourth and fifth books is unclear from the text. The first book (26 chapters) deals with communal offices and their authorities. The second book (46 chapters)

⁴⁴ Detailed introductory studies by the editors and Miroslav Bertoša in the 2010 edition are given in parallel Croatian and Italian versions.

is dedicated to judicial procedure in civil matters. The third book (51 chapters) is a continuation of the second and discusses the rules of selling and buying real estate, monetary transactions, the period of prescription, inheritance and family law, guardianship, and so on. The fourth and fifth books (84 chapters) are dedicated to the criminal law.

The Latin version of the statute is only extant in one manuscript, which is in the Archivio diplomatico in the Biblioteca civica Attilio Hortis, sign ßEE 19. It appears to be the original. There was also a later transcript in the possession of the de Franceschi family in Umag, but its current location is uncertain. There are a number of eighteenth-century manuscripts giving Italian translations (in the library of the Archivio di Stato di Trieste, in the series Corte d'appello; in the Archivio diplomatico in the Biblioteca civica Attilio Hortis, sign. ßEE 11; in the Pokrajinski arhiv Koper [the Regional Archive of Koper], sign. Gravisì 127/64; and in the library of the Italian Senate in Rome, sign. Statuti Mss. 484).

The Latin text of the statute was published by Bernardo Benussi, 'Lo statuto del comune di Umago,' *Atti e Memorie della Società Istriana di Archeologia e Storia Patria*, 8 (1892), fasc. 3–4, 227–313.

Literature

Besides the introductory study to the 1892 edition, see also the bibliographical survey of Ivan Strohàl and *Statuti, urbari, notari* (pp. 28-9) (see Introduction).

2.12 The Statute of Buje

The statute of Buje was enacted shortly after 1412, when Buje came under the rule of Venice, as part of the process of legal reorganization in the newly-acquired communities. It belongs to the group of statutes of the Istrian rural communities.

The statute was written in Latin. Its 137 chapters are not subdivided into books. After a chapter forbidding blasphemy, it discusses communal officers (starting with the *podestà*) and their authority, different criminal offences (insults, forgery, assaults and rape, theft and causing damage), economic matters, family and inheritance law, judicial procedure, and so on. It appears to be a model statute for later legislation in communities of a similar type (in the first place that of Bale).

The earliest extant manuscript, apparently the original, belongs to the fifteenth century, but is only fragmentary (containing chapters 1–12, 46–84, 101–108, and an index to chapters 72–129). It is kept in the DAPa, Zbirka statuta, no. 2. The first manuscript containing the whole statute is an Italian translation from the sixteenth century and is available in the Archivio diplomatico in the Biblioteca civica Attilio Hortis, sign. 12 A 6/15. The remaining two manuscripts give only the Italian redaction: an eighteenth-century manuscript in the Biblioteca Marciana in Venice, sign. Lat. V, LXIV (2516); and a nineteenth-century manuscript in the Archivio diplomatico (sign. 12 B 1/4).

The Italian redaction of the statute was published by Pietro Kandler, 'Statuti municipali di Buje MCCCCXII, 27 agosto,' *L'Istria*, 5 (1850), no. 38, 265–72; no. 39, 273–9; no. 40, 281–4. A fifteenth-century fragment of the Latin original was published by Mirko Zjačić, 'Sačuvani fragment starog statuta općine Buje iza 1412. godine' [The extant fragment of the old statute of the commune of Buje from after 1412], *Jadranski zbornik*, 7 (1969), 365–416.

Literature

Besides the introductory studies to the 1850 and 1969 editions, see also the bibliographical survey of Ivan Strohal and *Statuti, urbari, notari* (p. 33) (see Introduction).

2.13 The Statute of Bale

The statute of Bale was enacted in 1467. It belongs to the group of statutes of the Istrian rural communities, and its codification was apparently a part of legislative efforts of the Venetian authorities conducted all over the East Adriatic area from the middle to the end of the fifteenth century (see Introduction). In its content, the statute shows strong similarities to that of Buje.

The statute is written in the Italian vernacular. Its 158 chapters are not divided into books. Novels (dating from 1549 to 1602) were later added. Its main concern is the criminal law, listing offences and penalties. Even though the different topics are not formally divided, the chapters are arranged in groups. The statute starts with blasphemy and insults, and continues with a discussion of physical assaults, forgery, sexual delicts, theft, causing damage, smuggling and illegal trade. Regulations follow regarding economic activities,

neglect of public duties, measures of sanitation and provisioning, family law, the payment of communal officials, and so on.

There are two extant manuscripts of the statute. The older, sixteenth-century manuscript, which was formerly kept in the communal archive of Bale, is now kept in the DAPa, Zbirka statuta, no. 1. An early-eighteenth-century, abbreviated copy is kept in the library of the Archivio di Stato di Trieste (in the series Corte d'appello, no. 1840).

The statute was first published by Giancarlo Muciaccia, 'Gli statuti di Valle d'Istria,' *Atti. Centro di ricerche storiche – Rovigno*, 7 (1976–7), 7–112. It contains a transcription of the sixteenth-century manuscript with glosses taken from the eighteenth-century manuscript. A new edition was published by Lujo Margetić, *Statut grada Bala* [The statute of the town of Bale] (Rijeka: Adamić, 2007). It contains transcripts of both manuscripts with a Croatian translation and facsimiles. In the posthumous papers of Mirko Zjačić in the Zavod za povijesne i društvene znanosti HAZU – Rijeka [Institute of Historical and Social Sciences of the CASA – Rijeka], there is an unpublished edition of the statute, containing an introductory study and a transcription of the sixteenth-century manuscript (420 typed pages).⁴⁵

Literature

Besides the introductory studies to the 1976–7 and 2007 editions, and the bibliographical survey of Ivan Strohal and *Statuti, urbani, notari* (p. 35) (see Introduction), see also:

Miroslav Bertoša. 'Valle d'Istria durante dominazione veneziana,' *Atti. Centro di ricerche storiche – Rovigno*, 3 (1972), 57–207 (esp. 105–29; 146, n. 62).

⁴⁵ Munić, 'Dr. Mirko Zjačić,' 358.

3. The Laws of Croatia

3.1 The Statute of Senj

The Statute of Senj is written in Latin. It was enacted in 1388. At that time, the city of Senj belonged to the magnate family of the Counts of Krk (later Frankapani). One of the main aims of the statute was to regulate the city's relationship to the Counts. The statute is related to the statute of Krk (Vrbnik) and to the law code of Vinodol, both of which were also part of the dominion of the Counts of Krk. The statute is relatively short. It is not divided into books, but only into chapters (168). The chapters do not have specific titles, and they discuss a variety of subjects, but its core (chapters 1–68) is relatively well ordered. It commences with a discussion of the rights of the city nobles and citizens (1–17), and continues with regulations regarding the administration of the commune (18–22), property matters (23–6), judicial procedures (27–42) and criminal law (43–68). The rest of the statute (added soon after 1388) covers very different topics, but not in any particular order. In the first third of the fifteenth century, a legally authentic Croatian translation was also made. The statute was in force until 1640, when it was replaced.⁴⁶

There is no extant manuscript of the Latin version. It was kept in the city archive of Senj until the Second World War, when it was lost. The Croatian version is extant in a copy from 1701, which is kept in the AHAZU (sign. I.b.618).

The Latin text of the statute was published by Ivan Mažuranić, 'Statut grada Senja od godine 1388.' [The Statute of the city of Senj from the year 1388], *Arkiv za povjestnicu jugoslavensku*, 3 (1854), 155–69. It was reprinted by Mirko Zjačić, 'Statut grada Senja iz 1388. godine' [The Statute of the city of Senj from the year 1388], *Rad JAZU*, 369 (1975), 39–115. Together with the Latin text, Zjačić also published the old Croatian translation from the AHAZU manuscript. A new edition of the statute has been edited by Lujo Margetić, 'Senjski statut iz 1388.' [The Statute of Senj of 1388], *Senjski zbornik*, 12 (1985–87), 19–100. Together with both the Latin and original Croatian redaction, Margetić also published a modern Croatian translation.

⁴⁶ For more details, see: Strohal, *Statuti*, 108.

Literature:

Besides the introductory studies to the 1854, 1975 and 1985–87 editions, as well as the bibliographic survey of Ivan Strohal (see Introduction), see:

Ferdo Čulinović, 'Statut grada Senja' [The statute of the city of Senj], in: *Spomenica Mauroviću. Prilozi posvećeni Ivanu Mauroviću od prijatelja, drugova i učenika o šezdesetgodišnjici njegova života* (Belgrade: Štamparija Globus, 1934), 117–96;

Nada Klaić, 'Društvena struktura kvarnerske općine u razvijenom srednjem vijeku' [The social structure of a Kvarner community in the High Middle Ages], *Krčki zbornik*, 2 (1971), 111–44.

3.2 The Law Code of Vinodol

The Law Code of Vinodol was enacted in 1288. It is written in Croatian vernacular in Glagolitic. The reason for its codification was the subordination of the region (Vinodol County) to the rule of the Counts of Krk (later Frankapani) in the late 1270s, which obliged reconsideration of the region's internal legal arrangements. Before that time, Vinodol County had been a march containing a number of castles that controlled the border facing the Holy Roman Empire. These castles were manned by families belonging to a special layer of the lesser nobility characteristic of the kingdom of Hungary–Croatia (the so-called 'castle-warriors', Lat. *iobagiones castris*). They are referred to in the law code as *kmeti*. With the coming of the Counts of Krk, the castle-warriors, who had previously been subject to the king, fell under their power of the counts. The law code sought to regulate their relationship, as well as the legal life of the region in general.

The law code was issued in the form of a charter. Its introduction and conclusion briefly describe the circumstances of its enactment, while the central part of the charter contains the text of the law code itself. It is divided into 75 articles and it is not very strictly organized. It treats upon a variety of problems, from ecclesiastical to criminal matters, with a strong emphasis upon judicial procedure. Throughout the text, the main issue is fixing the relationship of the *kmeti* to the count and ecclesiastical authorities, as well as their privileges (in respect of their landed property and social status).

The oldest extant manuscript is kept in the NSK (sign. R 4080). It is from the fifteenth or from the beginning of the sixteenth century and it is written in Glagolitic script. It

originally belonged to the archive of the Chapter of Modruš (a seat of a branch of the Frankapani family) and was donated to the National Museum in 1851, coming to the NSK together with the rest of the library of the museum upon the foundation of the University of Zagreb (1874). There is a late sixteenth- or early seventeenth-century manuscript written in Latin script in the AHAZU (VIII–143). A nineteenth-century transcript of the same manuscript is also kept in the AHAZU (VIII–143a).

Because of its importance for Croatian (and Slavonic in general) legal history and philology, the law code of Vinodol has been published in a great number of critical and semi-critical editions. The first edition was published by Antun Mažuranić under the title 'Zakon vinodolski' [The Law of Vinodol], *Kolo*, 3 (1843), 52–83 (in Latin letters). Mažuranić's edition was reprinted by Hermenegild Jireček in his book *Svod zákonův slovanských* (Prague: F. Tempský, 1880), 389–400. It was also used as the basis for the edition and Russian translation of Osip Maksimovich Bodianski (Осипъ Максимович Бодянский), 'Виннодолскій законъ 1280. года,' *Чтенія имп. общества истори и древностей российскихъ*, 2 (1846), no. 4, 1–42, and Polish translation of Waclaw Aleksander Maciejowski, *Historja prawodawstw słowianskich*, vol. 6 (Warsaw: Privately published, 1858), 334–50. The second edition, again directly from the NSK manuscript, was prepared by Ana Mikhailovna Evreinova under the title *Законъ Винодолскій 1288. года пергаментная рукопись*, 2 vols (Sankt Peterburg: Общества любителей древней письменности, 1878) (with facsimile and transcriptions in Cyrillic and Latin letters). A critical edition was prepared by Vatroslav Jagić, *Законъ Винодолскій, подлинный текстъ съ русскимъ переводомъ, критическими замечаніями и объясненіями* (Sankt Peterburg: Общества любителей древней письменности, 1880) (Cyrillic transcription, and with Russian translation). The next critical edition was by Franjo Rački, 'Zakon vinodolski od godine 1288.,' in *Hrvatski pisani zakoni. Statuta lingua Croatica conscripta*, eds Franjo Rački, Vatroslav Jagić, and Ivan Črnčić, *Monumenta historico-juridica Slavorum meridionalium*, 4 (Zagreb: JAZU, 1890), iii–ix, 3–24 (Cyrillic transcription). Jagić's and Rački's editions were used as a basis for the French translation of Jules Preux, 'La Loi du Vinodol,' *Nouvelle revue historique de droit français et étranger*, 20 (1896), no. 5, 565–612; no. 6, 712–736. New editions in Latin letters were published by Rudolf Strohal, 'Zakon Vinodolski' [The Law of Vinodol], *Mjesečnik pravničkog društva u Zagrebu*, 38 (1912), 240–3, 443–52, 882–8, and Marko Kostrenčić, 'Vinodolski zakon' [The Vinodol Law], *Rad JAZU*, 227 (1923), 110–230. Kostrenčić's article was published

in an abbreviated version in German (including a German translation of the law code) under the title 'Das Gesetz von Vinodol,' *Bulletin international*, 2 (1931), 59–88. In 1952, Miho Barada re-edited the original with a translation into modern Croatian as part of his study *Hrvatski vlasteoski feudalizam* [The Croatian type of feudalism] (Zagreb: JAZU, 1952). This edition was used as a basis for an English translation by Alan Ferguson, published within a thematic issue of *British–Croatian Review* under the title 'The statute of Vinodol from 1288,' ed. Edo Pivčević, *British–Croatian Review* 5 (1978), no. 14. It was reprinted together with the law code of Poljica in *Two Medieval Croatian Statutes*, ed. Edo Pivčević (Bristol: B–C Review, 1978), pp. 30–39. There is also a Spanish translation by Božidar Latković, 'A setecientos años de la creacion de la Ley de Vinodol,' *Studia Croatica. Revista Trimestral de Estudios Políticos y Culturales* 29 (1988), no. 3 (110), 195–222.

A new critical edition of the law code of Vinodol was edited by Lujo Margetić in his book, *Iz vinodolske prošlosti. Pravni izvori i rasprave* [From the past of Vinodol: Legal sources and studies] (Rijeka & Zagreb: Liburnija & Školska knjiga, 1980), 111–48 (together with a translation into modern Croatian and facsimile). This edition of the law code was subsequently reprinted several times, in combination with translations into modern Croatian and other languages (Italian, German, French, English), sometimes with facsimile and sometimes without.⁴⁷ A new critical edition was published from a philological perspective by Josip Bratulić, *Vinodolski zakon 1288. Kritički tekst, tumačenje, rječnik* [The law code of Vinodol of 1288: A critical text, explanation and glossary] (Zagreb: Globus, Nacionalna i sveučilišna biblioteka & JAZU, Pravni fakultet, 1988) (with facsimile).

⁴⁷ *Vinodolski zakon 1288–1988* (Novi Vinodolski: Mjesni odbor za obilježavanje 700. obljetnice Vinodolskog zakona etc, 1987) (with a German translation by Lujo Margetić and Tomislav Kurpis, and an Italian translation by Lujo Margetić, and a facsimile); *Vinodolski zakon* (Rijeka etc: Pravni fakultet Zagreb etc, 1989) (with an English translation by John Kraljić, a German translation by Tomislav Kurpis, an Italian translation by Anelise Margetić, and a French translation by Tamara Pirjavec and Jules Preux); *Vinodolski zakon* (Rijeka: Adamić & Vitagraf, 1998) (with an Italian translation by Anelise Margetić; a German translation by Tomislav Kurpis, and an English translation by John Peter Kraljić; reprinted together with a facsimile by the publishing houses Adamić of Rijeka and Nakladni zavod Globus of Zagreb in 2008). An edition (containing a transcription of the original with a translation into modern Croatian and a facsimile of the NSK manuscript) was included in Lujo Margetić, *Srednjovjekovni zakoni i opći akti na Kvarneru* [Medieval laws and general acts in Kvarner], vol. 3: *Grobnik, Bakar, Hreljin, Grižane, Bribir, Vinodol* (Rijeka: Adamić & Zavod za kaznene znanosti Mošćenice Pravnog fakulteta u Rijeci, 2007), 217–319, 421–439. There is also a more popular edition based on Margetić's text: *Vinodolski zakon*, ed. Jadranko Crnić (Zagreb: Narodne novine, 1995) (with an English translation by John Kraljić, Dunja Vićan, and Neven Cirkveni, and a German translation by Tomislav Kurpis and Christine Dumbović–Reiser).

In addition to these scholarly editions, the law code of Vinodol has been published in a number of textbooks by various faculties of law.⁴⁸

Literature

In addition to the introductory studies given in most of the scholarly editions (particularly 1880, 1890, 1923), the 1978 English and 1988 Spanish translation, and the studies of Barada (1952) and Margetić (1980), and the bibliographic survey of Ivan Strohal (see Introduction), see:

Nada Klaić, 'Što su kmetovi Vinodolskog zakona?' [Who are the *kmeti* of the law code of Vinodol?], *Radovi Filozofskog fakulteta Sveučilišta u Zagrebu, Odjel za povijest*, 4 (1962), 25–50.

Klaić, 'Društvena struktura kvarnerske općine u razvijenom srednjem vijeku' [The social structure of the Kvarner communities in the High Middle Ages], *Krčki zbornik*, 2 (1971), 111–44.

Maurizio Levak, 'Podrijetlo i uloga kmetâ u vinodolskom društvu XIII. stoljeća' [The origin and role of the *kmeti* in the thirteenth-century society of Vinodol], *Zbornik Odjeka za povijesne znanosti Zavoda za povijesne i društvene znanosti HAZU*, 19 (2001), 35–81.

3.3 The Law Code of Poljica

The Law Code of Poljica dates from 1440. Its preamble, however, states that it derives from an older law, a claim that has been heavily debated by scholars. In its content, it is basically the customary law of the Kingdom of Croatia–Dalmatia, written down when the county of Poljica was negotiating its submission to the Republic of Venice in 1444. At that time, the code consisted of only a few introductory sections. The process of adding new regulations started in 1475 and lasted until the seventeenth century (1655). Legislation subsequently enacted by the county assembly (1662–1725), was subsequently incorporated in the form of appendices. The content of the code shares certain features with the customary law of the Kingdom of Hungary, as described in Werbőczy's *Tripartitum*. The code is written in Croatian (čakavian dialect), in Cyrillic letters. It is not organized into books, but simply divided into

⁴⁸ See, for example: *Zakoni starog i srednjeg vijeka* [The laws of the Antiquity and the Middle Ages], ed. Stojan Jasić (Belgrade: no pub., 1968); *Vinodolski zakon 1288. g. Studijski materijal i tekst* [The law code of Vinodol of 1288. Study materials and text], ed. Anto Milušić (Osijek: Pravni fakultet Sveučilišta J. J. Strossmayera, 1998).

articles of different length (some of them subdivided into paragraphs). Several articles are usually thematically unified under common titles, but this scheme is not pursued with any sophistication. The first part of the law code deals with the composition of the county magistracies and regulates judicial procedure (art. 1–22). There follow several regulations connected to the Ottoman threat (added between 1475 and 1482). In 1482 a description of the borders of Poljica was included. After art. 30, added in 1485, the code demonstrates greater coherence. Starting with ecclesiastical matters, it discusses by topic criminal offences, inheritance law and property matters (particularly noble property and land held in common), procedure in litigation, and trade (especially livestock). Despite its confused content, the code gives invaluable insights into a variety of subjects, ranging from the damage done by straying cattle to homosexuality and magic.

The Law Code of Poljica is extant in many manuscripts. The oldest manuscript belongs to the end of the fifteenth or the very beginning of the sixteenth century. It is kept in the AHAZU (sign. I.c.65). In the same archive, there are several other manuscripts. The first of these (sign. II.b.153) dates from the end of the seventeenth or the beginning of the eighteenth century, another four from the eighteenth century (sign. III.b.27; sign. III.a.53 dated in 1738; sign. I.b.99 dated to the end of the eighteenth century; sign. IV.a.100 dated to 1800), and one from the nineteenth century (sign. III.d.105/II), which was copied by Ivan Kukuljević from the late eighteenth century version). In the AHAZU there is also a transcript in Latin script from 1785 (sign. III.d.105/I).⁴⁹ There is also a Cyrillic manuscript dating from 1665 in NSK (R 5253) and a Cyrillic manuscript from 1696 in the DAZd (Ms. 103).

Because of its importance for Croatian legal history, the Law Code of Poljica has been published in many scholarly editions. It was published for the first time by Matija Mesić in 1859 (*Poljički štatut*, *Arkiv za povjestnicu jugoslavensku*, 5 (1859), 225–318). Mesić's edition, which was originally in Cyrillic, was transcribed in the Latin alphabet by Hermenegild Jireček in his book *Svod zákonův slovanských* (Prague: F. Tempský, 1880), 401–436. Vatroslav Jagić improved upon Mesić in his edition of 1890, which is still considered the leading edition: 'Статут Пољички,' in *Hrvatski pisani zakoni. Statuta lingua Croatica conscripta*, ed. Franjo Rački, Vatroslav Jagić, and Ivan Črnčić, *Monumenta historico-juridica Slavorum meridionalium*, 4 (Zagreb: JAZU, 1890), ix–xl, 25–141. Both of these editions were

⁴⁹ For detailed description of all the AHAZU manuscripts, see Vladimir Mošin, *Ćirilski rukopisi Jugoslavenske akademije* 1 (Zagreb: JAZU, 1955), 39–47 (nos. 15–22).

based on the oldest manuscript from AHAZU, but they also took into consideration other manuscript versions. Both render the text of the code in Cyrillic. There are also two editions in Latin letters: the first by Alfons Pavich v. Pfauenthal and Mate Tentor, in *Glasnik Zemaljskog muzeja u Bosni i Hercegovini* 20 (1908), 213–50; reprinted in: Stipe Kaštelan, *Povijesni ulomci iz bivše slobodne općine–republike Poljica* (Split: no pub., 1940), 141–79; and the second by Zvonimir Junković, ‘Izvorni tekst i prijevod Poljičkoga statute’, *Poljički zbornik*, 1 (1968), 32–115; reprinted in Miroslav Pera, *Poljički statut* (Split: Književni krug, 1988), 413–531. Junković’s edition also contains a translation of the original into modern Croatian.

The Law Code of Poljica has been translated into German, Russian, English and Spanish. A German translation was edited by Alfons Pavich v. Pfauenthal, Tomo Matić and Milan Rešetar, ‘Statut der Poljica,’ *Wissenschaftliche Mitteilungen aus Bosnien und der Hercegovina*, 12 (1912), 324–403. A Russian translation was made by Boris Dmitrievich Grekov (Борис Дмитриевич Греков) in 1951 in *Полица. Опыт изучения общественных отношений в Полице XV—XVII вв.* (Moscow: Академия наук СССР, 1951), 211–307 (with parallel original text in Cyrillic letters). The same book has been translated into German by Joachim Mueller, Fairy von Lilienfeld and Erich Donnert under the title *Die altkroatische Republik Poljica. Studien zur Geschichte der gesellschaftlichen Verhältnisse der Poljica vom 15. bis 17. Jahrhundert* (Berlin: Akademie Verlag, 1961), 181–279 (with parallel original text in Cyrillic letters). An English translation by Alan Ferguson was published in 1978, together with the study of Edo Pivčević, ‘The Statute of Poljica,’ *British–Croatian Review* 4 (1977), no. 11–12, 1–45. It was reprinted together with the law code of Poljica in *Two Medieval Croatian Statutes*, ed. Edo Pivčević (Bristol: B–C Review, 1978, pp. 18–43). A Spanish translation was made by Božidar Latković, *Estatuto de Poljica. Codificación Medieval del Principado Croata de Poljica* (Buenos Aires: Instituto Croata Latinoamericano de Cultura & Studia Croatica, 1995).

Literature:

Besides the introductory studies to the editions and translations, and the bibliographic survey of Ivan Strohal (see Introduction), see:

Đuro Ljubić, 'Lige i posobe u starom hrvatskom pravu i njihov odnos prema Poljičkom statute' [*Ligae and posobe in old Croatian law and their relationship to the Statute of Poljica*], *Rad JAZU*, 240 (1931), 1–104.

Ante Laušić, *Postanak i razvitak Poljičke kneževine (do kraja XV. stoljeća)* [Origin and development of the County of Poljica (until the end of the 15th century)] (Split: Splitski književni krug, 1991).

Damir Karbić, 'Hrvatski plemićki rod i običajno pravo' [The Croatian noble kindred and customary law], *Zbornik Odsjeka za povijesne znanosti ZPDZ HAZU*, 16 (1998), 73–117. This is a slightly amended version of his MA Thesis, *The Croatian Noble Kindred*, Department of Medieval Studies, Central European University, Budapest (1994).

Ante Nazor, 'Granica između Splita i Poljica i splitsko-poljički sukobi u XIV. i XV. stoljeću (Dio prvi – Izdvajanje Poljica u zasebnu jedinicu i pitanje pripadnosti Primorja tijekom srednjeg vijeka)' [The Border Between Split and Poljica and the Conflict between Split and Poljica in the Fourteenth and Fifteenth Centuries (First Part – The formation of Poljica as a separate territorial unit and the question of to whom Primorje belonged during the Middle Ages)], *Zbornik Odsjeka za povijesne znanosti ZPDZ HAZU*, 20 (2002), 29–57 (especially 42–4 for the dating of the law code).

Damir Karbić, 'Hungarian and Croatian Customary Law: Some Contrasts and Comparisons,' in: Martyn Rady (ed.), *Custom and Law in Central Europe* (Cambridge: Centre for European Legal Studies, Faculty of Law, 2003), 37–45.

3.4 The Law Code of Novigrad

The Law Code of Novigrad is traditionally held to originate in 1551, which is the date given in the text of an extant Italian transcript made in the Chancellery of Zadar. Recent research has, however, convincingly argued that the law code itself was enacted by the nobility of the district of Novigrad in 1452 and 1454, following the imposition of Venetian rule in 1409. Its codification was, thus, part of a larger legal activity that aimed to organize the laws and customs of those parts of Croatia and Dalmatia that had recently come under Venetian control (see also: Poljica, Zadar, Vrana).

According to its preamble, the law code contains the customary law which was used in the area between Nin and Knin: that is, in the counties of Knin and Ostrovica in the

central part of the Kingdom of Croatia. In its content, it shows strong similarities to the law code of Poljica. It has 46 articles. They are grouped in clusters dealing with a number of topics: inheritance and family law, economic life including agriculture, viticulture, hunting, and apiculture, procedural matters, and (more briefly) the criminal law.

The text of the law code is extant in a transcript formerly in the possession of the seventeenth-century historian, John Lučić (Lucius), which is now kept in the Kaptolski arhiv u Splitu [the Archive of the Chapter of Split], Ostavština Ivana Lučića, fasc. 528, Ser. B, fol. 138–43. A modern handwritten copy of the transcript by Miho Barada, Don Mato Hailo and Ivan Bego, made in the late 1940s and early 1950s, is kept in the AHAZU, Ostavština Ivana Lučića, vol. 30, 79–94. Another seventeenth-century manuscript is available in the ZKZd, sign. Ms. 177 (Miscellanea dalmata), vol. XIII, no. 1, while a late-seventeenth- or early-eighteenth-century manuscript is kept in the DAZd, Ostavština Šime Ljubića [*Nachlass* of Šime Ljubić], box 2, no. 36 (formerly belonging to the State Archive of Venice).⁵⁰ There is also a late eighteenth-century manuscript in the library of the Franciscan convent of Dubrovnik (old sign. 946). A nineteenth-century transcript was in the library of the Garagnin–Fanfogna family in Trogir, but its present location is not known (it is most probably in either the Hrvatski državni arhiv [Croatian State Archive] in Zagreb (henceforth: HDA) or the Országos Széchényi Könyvtár [National Széchényi Library] in Budapest, where most of the former Garagnin–Fanfogna library is now kept).

The law code of Novigrad was published for the first time in a booklet commemorating the wedding of Gajo Bulat in 1863. Only a few exemplars were published on that occasion, so it is now a great rarity (the only example is in the ZKZd, Misc. D 3140).⁵¹ The code was subsequently published in a work intended for wider circulation by Lajos Thallóczy, ‘Hrvatsko običajno pravo od god. 1551. i 1553.’ [The Croatian customary law of 1551 and 1553], *Glasnik Zemaljskog muzeja Bosne i Hercegovine*, 18 (1906), 17–36. Thallóczy published only a part of the Italian original (from the Garagnin–Fanfogna transcript), but brought a Croatian translation of the whole text. A German version of this article (including a German translation of the text) was published under the title ‘Das

⁵⁰ The provenance of the manuscript is noted by Baltazar Bogišić, ‘Spomenik narodnoga običajnoga prava iz XVI vijeka’ [A monument of national customary law of the sixteenth century], *Rad JAZU*, 1 (1867), 229.

⁵¹ This curious work was published under the title *Na piru Gajtana nauč. Bulata sa gospodičnom Katom Bašom dne 4. veljače 1863. u Zadru* [On the wedding feast of the learned Gajtan Bulat with Miss Kata Baša on 4 February 1863 in Zadar] (Zadar: Anich, 1863). See Bogišić, ‘Spomenik’, 229; Barada, *Starohrvatska seoska zajednica* 152, especially n. 13.

kroatische Gewohnheitsrecht vom Jahre 1551 und 1553' in *Wissenschaftliche Mitteilungen aus Bosnien und der Hercegovina*, 11 (1909), 294-309. A critical edition of the law-code made by Miho Barada in his book *Starohrvatska seoska zajednica* [The old Croatian village community] (Zagreb: JAZU, 1957), 149–177.

Literature:

Besides the introductory studies to the editions of Thallóczy and Barada, and the bibliographic survey of Ivan Strohal (see Introduction), see:

Damir Karbić, 'Hrvatski plemićki rod i običajno pravo' [The Croatian noble kindred and customary law], *Zbornik Odsjeka za povijesne znanosti ZPDZ HAZU*, 16 (1998), 73–117 (see back).

Nikola Jakšić, 'Nastanak Novigradskog zbornika hrvatskog običajnog prava' [The making of the Novigrad collection of Croatian customary law], in: Jakšić, *Hrvatski srednjovjekovni krajobrazi* [Croatian medieval landscapes] (Split: Muzej hrvatskih arheoloških spomenika, 2000), 170–80.

Damir Karbić, 'Hungarian and Croatian Customary Law: Some Contrasts and Comparisons,' in: Martyn Rady (ed.), *Custom and Law in Central Europe* (Cambridge: Centar for European Legal Studies, Faculty of Law, 2003), 37–45.

Mladen Ančić, 'Vrijeme i okolnosti postanka Novigradskog zbornika' [Date and circumstances of the creation of the Novigrad collection], *Povijesni prilozi*, 22 (2003), no. 25, 133–61.

3.5 The Law Code of Vrana

The Law Code of Vrana was enacted in 1454 by the Venetian authorities in Zadar as a part of their legislative activity aimed at reforming the legal system in Dalmatia. It contains the customary law of the district of Vrana, which was the area formerly belonging to the Priory of Vrana (the nominal seat of the Knights Hospitallers of Hungary) that had come under Venetian rule as a result of the dynastic conflict between Sigismund of Luxembourg and Ladislav of Naples. King Ladislav took it from the Hospitallers, who had supported King Sigismund, in 1403 and ceded it in 1409 to the Venetians, together with Zadar and his rights to the whole of Dalmatia. Venice did not restore the district to the Hospitallers, but turned it

into a fief which was then apportioned to a group of *feudatarii*. These were in origin a heterogeneous group of lesser noblemen (Croatian, Hungarian and Italian) who administered the castle of Vrana in exchange for the revenues of district. The law code regulates the relationship between the *feudatarii*, Venice and the population of the district.

The law code is published in the form of a charter issued by the count and the captain of Zadar, and written by the count's chancellor. The formal part of the charter is in Latin, in which are inserted regulations submitted to the authorities in Zadar by the judge and other representatives of Vrana. The norms (38 articles) are written in the Italian vernacular. The law code is sensibly arranged with a particular emphasis on agricultural and economic matters, regulating the rights of the tenants towards the *feudatarii* and the representatives of the Venetian authorities in Zadar (castellans, tax collectors, *contettabili*). It also discusses procedural matters in respect of the administration of justice and the jurisdictions of officers.

The earliest manuscript is almost contemporary to the original codification (it is dated between September 1464 and March 1465), but is partial (only containing articles 29–38). It is kept in the DAZd in the archival series Općina Zadar. Knez Zadra [The Commune of Zadar. The Count of Zadar], in the volume entitled *Registro delle ducali dirette ai Conti e Capitanei di Zara. Atti dei Capitanei di Zara e Ducali dirette agli stessi, 1430–1500*, fol. 97–97v. Unfortunately, folios 95–96v containing the rest of the text are missing from that manuscript.⁵² The text of the whole law code survives only in a transcript, formerly in the possession of John Lučić (Lucius), in the Kaptolski arhiv u Splitu [the Archive of the Chapter of Split], Ostavština Ivana Lučića, fasc. 528, Ser. B, fol. 144–147. A modern handwritten transcript of the manuscript by Miho Barada, Don Mato Hailo and Ivan Bego is kept in the AHAZU, Ostavština Ivana Lucića, vol. 30, 94–104.

The law code of Vrana was published by Maren M. Freidenberg on the basis of a previously prepared transcript by the late Ivan Grgić (apparently relying on the Split manuscript). It was published in Freidenberg's article 'Vranski zakonik. Novi spomenik hrvatskog običajnog prava' [The law code of Vrana. A new monument of Croatian customary law], *Radovi Instituta JAZU u Zadru*, 18 (1971), 323–41. A critical edition on the basis of both the Split and Zadar manuscripts (also taking into the account the Grgić–Freidenberg edition)

⁵² This manuscript was found by Tomislav Raukar, who made an analysis of it and compared it with Grgić and Freidenberg's edition (see below).

was edited by Stjepan Antoljak, 'Vransko običajno pravo' [The customary law of Vrana], *Radovi Filozofskog fakulteta u Zadru*, 18: *Razdio društvenih znanosti*, 8 (1979), 167–220; reprinted in Stjepan Antoljak, *Hrvati u prošlosti* (Split: Književni krug, 1992), 773–822.

Literature

In addition to the articles by Freidenberg and Antoljak, see:

Tomislav Raukar, 'Marginalia uz novootkriveni 'Vranski zakonik' iz godine 1454' [Marginal notes to the newly-discovered Law Code of Vrana of 1454], *Historijski zbornik*, 25–6 (1972–3), 369–75.

Damir Karbić, 'Hungarian and Croatian Customary Law: Some Contrasts and Comparisons,' in: Martyn Rady (ed.), *Custom and Law in Central Europe* (Cambridge: Centre for European Legal Studies, Faculty of Law, 2003), 37–45.

3.6 The Statute of the League of the district of Nin

According to its preamble, the Statute of the League of the district of Nin was enacted in 1305 and was renewed by the provisor-general of Dalmatia, Marchiolo Michiel, in 1474. It seems, however, that the extant version dates from the first half of the sixteenth century, since the preamble mentions three wars against the Ottomans (most probably those of 1423–30, 1463–79, 1499–1503).⁵³ The statute regulates the legal customs of the league (old Croatian *liga*), that is an alliance of the autonomous village communities in the district of Nin, and was enacted by an assembly of village judges.

The statute survives only in a version composed in the Croatian vernacular. It starts with a preamble providing a short fictitious history of the League, whose origin it dates to 1103 and follows its development up to the third Veneto–Ottoman war. It contains 80 articles. In its contents, it is primarily concerned with criminal matters, specifying penalties for each trespass (ranging from rape to different categories of theft).

⁵³ It is uncertain whether the first of these wars should be considered the war of 1423–30 or of 1463–79. The first of these did not directly endanger the district of Nin, as King Sigismund's defence system in Croatia was still functioning, but the war was felt in the Dalmatian cities (including Nin), because they supplied troops and ships. The second war was more devastating. If the 1463–79 war is considered to be the first of the three, the third war would be that of 1537–40, which brought the Ottomans directly to the borders of Nin. In this case, however, we would expect the statute to be more urgent in its tone. Moreover, it is likely that it would also refer to the war of the League of the Cambrai (1508–16), which is not the case.

No medieval manuscript survives. There is an eighteenth-century manuscript under the title *Libar od kaštiga i pokaranja za pomanjkanja* [The volume of penalties and penances for offences], which was copied by Archdeacon Ivan Vlatković of Nin and kept in the private possession of the Vlatković family in Novigrad. This manuscript was edited by Petar Karlić, 'Statut Lige kotare ninskoga' [The statute of the league of the district of Nin], *Vjesnik Hrvatskoga arheološkoga društva*, N. S., 12 (1912), 287–98. The text (without an introductory study) was re-edited under the same title in *Mjesečnik pravničkoga društva u Zagrebu*, 39 (1913), no. 4, 394–402. The manuscript is now kept in the AHAZU, sign. VIII.170.

Literature:

In addition to the Karlić's study of 1912, see:

Ivan Strohal, 'Opet jedan hrvatskim jezikom pisani statut' [Once more, a new statute in the Croatian vernacular], *Mjesečnik pravničkog društva u Zagrebu*, 39 (1913), 278–82, 347–52.

Karel Kadlec, 'Karlić, Petar, Statut Lige kotare ninskoga', *Mjesečnik pravničkoga društva u Zagrebu*, 39 (1913), no. 8–9, 833–7 [a translation from the Czech; the review was originally published in *Sbornik věd právních a státních*, 13 (1912-3), no. 3–4, 457–62].

Đuro Ljubić, 'Lige i posobe u starom hrvatskom pravu i njihov odnos prema Poljičkom statute' [*Ligae* and *posobe* in old Croatian law and their relationship to the Statute of Poljica], *Rad JAZU*, 240 (1931), 1–104.

Petar Karlić, 'Otkriće 'Statuta Lige kotare ninskoga' i kritika o njem' [The discovery of 'the Statute of the League of the district of Nin' and its criticism], *Mjesečnik. Glasilo pravničkog društva*, 61 (1935), 449–54.

Ivan Esih, 'Kako je pronađen statut Lige Kotara ninskog' [How the statute of the League of the district of Nin was discovered], *Hrvatsko kolo*, 5 (1952), no. 6, 382–4.

3.7 The Law for the Croatian Vlachs of the County of Cetina

The Law for the Croatian Vlachs of the county of Cetina was enacted by Count Hans (Anž) Frankapan in 1436, when he inherited the county of Cetina from his adoptive father, Count John Nelipić. It was contained in his letter of privilege given to the Vlachs, who were transhumant shepherds, making up at that time a large proportion of the population of

Cetina. They were in origin remnants of the pre-Slavonic population of the Balkans, apparently brought to Cetina by the Šubići at the beginning of the fourteenth century, by which time they had already been heavily slavized. By confession, they were Catholics, in contrast to the majority of the Vlachs in the Balkans, who were Orthodox. They had military obligations towards the lords of Cetina and were considered freemen, although they were not deemed nobles.

The letter of privilege is written in vernacular Croatian in Cyrillic script and contains 28 unnumbered articles. In its content, it regulates the relationship between the Vlach population and other inhabitants of the county of Cetina (defined as Croats), as well as their relationship towards the count and his officials. It also regulates the position of the leader of the Vlachs (воивода), and also procedural matters in respect of legal disputes. The letter contains additional material relating to economic matters (animal husbandry, trade).

The original charter survives in the archive of the Franciscan convent on Trsat in Rijeka. There is also a seventeenth-century transcript in Latin letters in the same archive.

The law was published for the first time by Vatroslav Jagić in *Archiv für slavische Philologie*, 14 (1887), 156 (on the basis of the transcript in Latin letters). A Latin transcription of the Cyrillic original was published by Radoslav Lopašić in his book *Bihać i bihaćka krajina* [Bihać and the *Krajina* of Bihać]⁵⁴ (Zagreb: Matica hrvatska, 1890), 296–8. The critical edition in Cyrillic letters was published by Lopašić in *Hrvatski urbari. Urbaria lingua Croatica conscripta*, Monumenta historico-juridica Slavorum meridionalium, 5 (Zagreb: JAZU, 1894), 1–12.

Literature

Besides the introductory study to the 1894 edition, see:

Nada Klaić, *Povijest Hrvata u razvijenom srednjem vijeku* [History of Croats in the High Middle Ages] (Zagreb: Školska knjiga, 1976), 607–10.

⁵⁴ The area of Bihać in the Ottoman period frontier zone (*serhat*) facing the Habsburg military frontier. Since the majority of population spoke a Slavonic language (Croatian), this territory was called *krajina*, which name it retains.

4. The Laws of the Kvarner Region

4.1 The Law Code of Kastav

The law code of Kastav is traditionally ascribed to 1400, since this is the year given in its title in all manuscript versions. The date corresponds with the time when Kastav came under the rule of the Counts of Walsee. Although still disputed in the scholarly literature, it was probably shortly after this event that the core of the statute was compiled. Nevertheless, the main part of the statute (57 chapters) received its final form only after Kastav came under the rule of Habsburgs in 1465. After that period, the statute was further augmented by the addition of new chapters from 1546 to 1598 (chapters 58 to 66).

The law code is written in the Croatian vernacular. At that time, it was most probably written in Glagolitic, but this cannot be firmly established as it is extant only in transcripts composed in the Latin script. It belongs to the group of statutes of rural communities on the border area of the Habsburg territories facing Venetian Istria. Its 66 chapters are not divided into books. In the organization of its content it resembles the law code of Veprinac. It starts with regulations defining the relationship of Kastav towards the agents of its lords. There follow regulations on judicial procedures and criminal law, and on matters of civil law and public order. Almost a half of the law code is dedicated to communal officials and to the relationship of Kastav to the neighbouring communities of Veprinac and Mošćenice. The code retains an urbarial character, with many chapters regulating the taxes and various duties owed respectively to the lords and to the community. At the end of the statute are added in chronological order some sixteenth- and seventeenth-century novels of varying content.

The original manuscript does not survive. The oldest extant manuscript belongs to the end of the seventeenth or the beginning of the eighteenth century. It is kept in the HDA, archival series *Isusovački samostan Rijeka* [the Jesuit convent of Rijeka] (sign. HR-HDA-663), fasc. 20. A mid-nineteenth-century transcript by Mijat Sabljarić of a copy made in 1759 by Gianbatista Tomičić, the chancellor of the captaincy of Kastav, is kept in the AHAZU (sign. II b 137). It also contains novels for the period up to 1652. A manuscript containing a German translation of 1569 was kept in the Arhiv Republike Slovenije [the Archive of the Republic of Slovenia] in Ljubljana, but cannot now be located. There is another German translation from

the beginning of the eighteenth century, which is now kept in the HDA, Isusovački samostan Rijeka, fasc. 20. There is also a seventeenth- or eighteenth-century manuscript containing an Italian translation in the same collection. An Italian translation from 1706 is extant in two nineteenth-century manuscripts, both kept in the AHAZU (sign. I d 152 and II b 132). The original manuscript of the 1706 translation was reported in the nineteenth century in an archive in Graz, but is now apparently lost.

The law code was published for the first time by Matko Laginja, 'Kastavski ustav /1400-1661/' [The constitution of Kastav], *Pravo*, 1 (1873–4), no. 4, 120–6, no. 5, 156–60, no. 6, 188–92, no. 7, 218–24, no. 8, 251–6, no. 9, 281–8, no. 10, 295–302 and 315–7, no. 11, 334–40; reprinted in: *Zbornik Kastavštine*, 8 (2000), 25–92. It was edited on the basis of Sabljari's transcription, as was the case with two subsequent editions. The first of these is by Mikhail Flegontovič Vladimirskij-Budanov (Михаиль Флегонтовичъ Владимірскій-Будановъ) in his article 'Неизданные законы югозападныхъ Славянъ,' *Журнал министерства народнаго просвѣщенія* s. n. (1881), no. 213, 124–138; the second by Franjo Rački, 'Statut kastavski' [The statute of Kastav], in *Hrvatski pisani zakoni. Statuta lingua Croatica conscripta*, eds Franjo Rački, Vatroslav Jagić, and Ivan Črnčić, *Monumenta historico-juridica Slavorum meridionalium*, 4 (Zagreb: JAZU, 1890), lxxi–lxxviii, 179–207. Rački's edition is considered to be the first critical one. The German translation of 1569 from the Ljubljana manuscript was published by Josip Žontar in his article 'Kastavščina in njeni statuti do konca 16. stoletja' [The Kastav area and its statutes until the end of the sixteenth century], *Zbornik znanstvenih razprav Juridične fakultete v Ljubljani*, 21 (1946), 153–219; reprinted in: *Zbornik Kastavštine*, 8 (2000), 155–223, while the eighteenth-century German translation from the HDA manuscript was published by Lujo Margetić, 'Kastavski zakon na njemačkom jeziku (XVIII. stoljeće)' [The law of Kastav in the German vernacular (the eighteenth century)], *Vjesnik Povijesnog arhiva u Rijeci*, 35–6 (1993–4), 21–41; reprinted in: *Zbornik Kastavštine*, 8 (2000), 259–81. The Italian translation of 1706 was published by Anneliese Margetić, 'Lo statuto di Castua in italiano (1706),' *Atti. Centro di ricerche storiche – Rovigno*, 17 (1986–7), 239–259; reprinted in: *Zbornik Kastavštine*, 8 (2000), 235–57. The most recent critical edition of the Croatian text is published on the basis of the HDA manuscript by Lujo Margetić. 'Zakon grada Kastva iz 1400.' [The law of the town of Kastav of 1400], *Radovi Zavoda za povijesne znanosti HAZU u Zadru*, 36 (1994), 283–308; reprinted in: *Zbornik Kastavštine* 8 (2000), 283–310. It was further reprinted in the most comprehensive

edition containing, besides the critical edition of the Croatian text on the basis of the HDA manuscript, the German translation of the HDA manuscript and the Italian translation from the AHAZU, sign. I d 152, as well as facsimiles of the three HDA manuscripts and AHAZU, sign. I d 152, in Lujo Margetić, *Srednjovjekovni zakoni i opći akti na Kvarneru* [Medieval laws and general acts in Kvarner], vol. 2: *Veprinac, Kastav, Trsat* (Rijeka: Adamić & Zavod za kaznene znanosti Mošćenice Pravnog fakulteta u Rijeci, 2007), 43–155, 223–310.

Literature

In addition to the introductory studies given in 1874, 1881,⁵⁵ 1890, 1946, 1986–7, 1993–4, 1994/2007 editions,⁵⁶ and the bibliographic survey of Ivan Strohal and *Statuti, urbari, notari* (pp. 41–2) (see Introduction), see:

Mihail Niketić Jasinski. 'Kada i na koji način je bio sastavljen kastavski statut?' [When and how was the statute of Kastav compiled?], *Zbornik znanstvenih razprav Juridične fakultete v Ljubljani*, 3 (1923–4), 119–37; reprinted in: *Zbornik Kastavštine*, 8 (2000), 133–53.

Jasinski. 'Prehod od ustnega običajnega prava k pisanemu zakonu' [The transition from oral customary law to written law], *Zbornik znanstvenih razprav juridičnog fakulteta univerziteta v Ljubljani* 4 (1924–5), 1–18.

Jasinski. 'Iz istorije Kastavskog statuta' [From the history of the statute of Kastav], *Zbornik znanstvenih razprav Juridične fakultete v Ljubljani*, 6 (1928), 52–72.

Oleg Mandić. 'O prvom izdanju Kastavskog zakona' [On the first edition of the law of Kastav], *Historijski zbornik*, 9 (1956), no. 1–4, 151–7; reprinted in: *Zbornik Kastavštine*, 8 (2000), 225–33.

Darinko Munić. 'Prilog dataciji Kastavskog statuta' [A contribution to the dating of the statute of Kastav], *Problemi sjevernog Jadrana*, 5 (1985), 171–95.

⁵⁵ Vladimirkij-Budanov's study (without the edition of the law code) was published in a Croatian translation under the title 'Zakonik grada Kastve i zakon občine Veprinske' [The law code of the town of Kastav and law of the community of Veprinac], *Mjesečnik Pravničkoga društva u Zagrebu*, 8 (1882), 118–23, 146–51, 181–7, 201–10, 237–44.

⁵⁶ In Margetić, *Srednjovjekovni zakoni*. Besides the introductory studies in Croatian (pp. 43–54 and 85–95), there is also a study in Italian (pp. 117–23).

4.2 The Law Code of Veprinac

The law code of Veprinac was compiled in 1507 by a body of elders of the town. According to its preamble, it contains the customary law which was valid in the area before the territory was ceded to the Habsburgs in 1465. The code belongs to a rural community on the border region of the Habsburg territories facing Venetian Istria and its compilation took place as a part of the legal reorganization of the area after it came under Habsburg rule. Thus, it shows great similarities to the law code of Kastav.

The law code is written in vernacular Croatian in Glagolitic script. It is short and contains only 46 brief and unnumbered articles. It starts by defining the relationship of the captain of Rijeka, as the representative of the ruler, with the community of Veprinac, and continues with a discussion of criminal law and damages, taxes and communal officers, procedural matters, finishing with the rights of foreigners in Veprinac and the relationship of Veprinac to the neighbouring town of Kastav.

The law code is extant in an early-sixteenth-century Glagolitic manuscript, which is kept in the AHAZU (sign. II d 123). There is also under the same signature a mid-nineteenth-century transcript in Latin script written by Jakov Volčić. Another transcript in Latin script, made by Canon Anton Cora in the 1730s as a part of *Liber communitatis Veprinatii*, is now kept in the DARi, archival series Statuti općina [Communal statutes].

The first edition of the law code was made on the basis of Volčić transcript by Mikhail Flegontovič Vladimirskij-Budanov (Михаиль Флегонтовичъ Владимірскій-Будановъ) in his article 'Неизданные законы югозападныхъ Славянъ,' *Журнал министерства народнаго просвѣщенія*, s. n. (1881), no. 213, 124–138. The text of the law code was rendered in Latin script. A new edition on the basis of the Glagolitic manuscript and Volčić's transcript was published by Franjo Rački, 'Statut veprinački' [The statute of Veprinac], in *Hrvatski pisani zakoni. Statuta lingua Croatica conscripta*, eds Franjo Rački, Vatroslav Jagić, and Ivan Črnčić, *Monumenta historico-juridica Slavorum meridionalium*, 4 (Zagreb: JAZU, 1890), lxxi–lxxviii, 211–6 (Cyrillic transcription). An improved edition in Latin script was edited by Rudolf Strohal, 'Statut Veprinački (Novo ispravljeno izdanje sa uvodom i tumačem' [The statute of Veprinac (New corrected edition with an introduction and explanation)], *Mjesečnik Pravničkoga društva u Zagrebu*, 36 (1910), 899–910, and again by Mihail Niketič Jasinski, 'Zakoni grada Veprinca (Statut

veprinački' [The laws of the town of Veprinac (The statute of Veprinac)], *Zbornik znanstvenih rasprav Juridične fakultete u Ljubljani*, 5 (1925–6), 248–95. The eighteenth-century Cora transcript (with cross-references to the Glagolitic manuscript) was published by Oleg Mandić in his article 'Osnove pravnog uređenja veprinačke općine u XVIII. stoljeću' [Foundations of the legal system of the community of Veprinac in the eighteenth century], *Rad JAZU*, 306 (1955), 75–120 (the edition of the law code itself is given on 108–14). A new critical edition on the basis of all three manuscripts was published by Lujo Margetić, 'Veprinački zakon iz 1507' [The law code of Veprinac of 1507], *Radovi Zavoda za povijesne znanosti HAZU u Zadru*, 37 (1995), 341–367; reprinted in Lujo Margetić, *Veprinački sudski zapisnici XVI. i XVII. stoljeća (Volčićev prijepis)* [The sixteenth- and seventeenth-century court records of Veprinac (the Volčić transcript)], *Liburnijske teme*, 12 (Opatija: Katedra čakavskog sabora Opatija, 1997), 143–56; and again (this time with a facsimile of the Glagolitic manuscript) in Lujo Margetić, *Srednjovjekovni zakoni i opći akti na Kvarneru* [Medieval laws and general acts in Kvarner], vol. 2: *Veprinac, Kastav, Trsat* (Rijeka: Adamić & Zavod za kaznene znanosti Mošćenice Pravnog fakulteta u Rijeci, 2007), 7–40, 217–22. A new edition of the law code, prepared by a philologist and based on the Glagolitic manuscript and both transcripts, containing, besides the transcription in Latin script, a facsimile and translation into modern Croatian, has been published by Boris Kuzmić, *Veprinački zakon 1507–2007* (Veprinac: Matica hrvatska ogranak Opatija, 2007).

Literature

In addition to the introductory studies given in 1881,⁵⁷ 1890, 1910, 1925–6, 1955, 1995/1997/2007 and 2007 editions, and the bibliographic survey of Ivan Strohal and *Statuti, urbari, notari* (p. 41) (see Introduction), see:

Rudolf Strohal, 'Sudovanje u Veprincu u 16. vijeku' [Courts in Veprinac in the sixteenth century], *Mjesečnik Pravničkoga društva u Zagrebu*, 36 (1910), 1037–40, 1076–87.

Mihail Niketič Jasinski. 'Prehod od ustnega običajnega prava k pisanemu zakonu' [The transition from oral customary law to written law], *Zbornik znanstvenih razprav juridičkog fakulteta univerziteta v Ljubljani*, 4 (1924–5), 1–18.

⁵⁷ Vladimirkij-Budanov's study (without the text of the law code) was published in a Croatian translation under the title 'Zakonik grada Kastve i zakon općine Veprinske' [The law code of the town of Kastav and law of the community of Veprinac], *Mjesečnik Pravničkoga društva u Zagrebu*, 8 (1882), 118–23, 146–51, 181–7, 201–10, 237–44.

Ivan Ivančić. 'Tri statuta pisana hrvatskim jezikom u Istri. Statuti sredovječnih gradova Istre: Kastva, Veprinca i Mošćenica. Nekoliko podataka o tim statutima i naučnim studijama o njima' [Three statutes written in the Croatian vernacular in Istria. The statutes of medieval towns of Istria: Kastav, Veprinac and Mošćenice. Some data on these statutes and their scholarly study], *Jadranski zbornik*, 6 (1966), 483–6.

Darinko Munić. 'Statuti/zakoni kvarnerskih srednjovjekovnih komuna hrvatskim jezikom zapisani' [Statutes/laws of medieval Kvarner communes written in the Croatian vernacular], *Sveti Vid – Zbornik*, 4 (1999), 53–68.

Boris Kuzmić. 'Jezik Veprinačkog zakona (1507)' [The language of the law of Veprinac], *Fluminensia*, 13 (2001), no. 1–2, 1–24.

Miroslav Bertoša. 'Kulturno-antropološke i povijesne postavke jednoga pravnog vrela. Zakon kaštela Veprinac iz 1507' [Cultural, anthropological, and historical foundations of a legal source. The law code of the town of Veprinac of 1507], in Kuzmić, *Veprinački zakon*, 47–59.

4.3 The Statute of Rijeka

The statute of Rijeka was compiled in 1527 and confirmed by King Ferdinand I in 1530. The business of codification was motivated by the return of the city to Habsburg rule after the brief occupation of the Venetians in 1508–9. It was compiled on the basis of previous legislation, using as a model the statute of Trieste. Its codification belongs to the wider process of legal reorganization following the Habsburg take-over of the area from the Counts of Walsee.

The statute is divided into four books. There is no *proemium*; instead the text gives the decree of King Ferdinand confirming the statute. The first book (19 chapters) discusses communal offices from the city captain to councillors and lesser officials, as well as the farming of taxes. The second book (54 chapters) deals with matters of civil law, judicial procedure, family and inheritance law, while the third (55 chapters) is dedicated to criminal matters. The fourth book (21 chapters) called the *Liber quartus seu quarta collatio extraordinariorum* discusses a variety of topics (sanitation, prostitution, damage to vineyards, provision of the city with food, the importation and exportation of goods, control of measures and weights, and so on).

A sixteenth-century manuscript, most probably the original, is kept in the DARi, Statuti općina [Municipal statutes]. Another sixteenth-century manuscript is kept in the NSK (sign. R 3303). In the same library, there is also a seventeenth- or eighteenth-century manuscript (sign. R 3337)⁵⁸ and a nineteenth-century manuscript containing an Italian translation (sign. R 3336). In the AHAZU, sign. I d 13, there is another nineteenth-century manuscript containing the Latin text. A seventeenth-century manuscript giving an Italian translation and a nineteenth-century manuscript, containing both the Latin text and an Italian translation of the first and the third books, are kept in the DARi, Statuti općina. A seventeenth-century manuscript containing an Italian translation is kept in the library of the Italian Senate in Rome (sign. Statuti, Mss. 508).

The first edition of the statute was an Italian translation by Vincenzo Tomsich (Vinko Tomšić) in his book *Notizie storiche sulla città di Fiume* (Rijeka: no pub., 1886), but it was only partial, containing the first and a part of the second book (chapters 1–26).⁵⁹ The first edition of the whole text in Italian translation was published by Giovanni Kobler in *Memorie per la storia della liburnica città di Fiume*, 2 (Rijeka: Municipio, 1896), 124–235. The first edition of the original Latin text (with a parallel translation into Italian) was published by Silvino Gigante. *Statuti concessi al comune di Fiume di Ferdinando I nel MDXXX*, Monumenti di storia fiumana, 1 (Rijeka: Deputazione di storia patria, 1910). A critical edition containing the Latin text and a Croatian translation was published by Zlatko Herkov, *Statut grada Rijeke iz godine 1530*. [The statute of Rijeka of 1530] (Zagreb: Nakladni zavod Hrvatske, 1948). Recently, Herkov's edition augmented with Gigante's Italian translation was reprinted under the title *Statutum terrae Fluminis anno MDXXX* (Rijeka: ICR, 2001). An Italian translation of the third book of the statute, as given in the nineteenth-century DARi manuscript, is published by Lujo and Anelise Margetić in 'Il libro terzo (il diritto penale) di un'inedita versione italiana dello Statuto di Fiume,' *Atti. Centro di ricerche storiche – Rovigno*, 26 (1996), 207–42.

⁵⁸ It may be identical with a manuscript which was in the late 1940s reported to be in the Državni arhiv u Zagrebu [The State Archive of Zagreb].

⁵⁹ Tomsich did not identify the manuscript on which he relied, but it may be identical with the Rome manuscript which was previously in the possession of the de Leopardis family in Rijeka.

Literature

In addition to the introductory studies given in 1886, 1896, 1910, 1948, 1996 and 2001 editions,⁶⁰ and the bibliographic survey of Ivan Strohal and *Statuti, urbari, notari* (pp. 43–5) (see Introduction), see:

Marko Kostrenčić. 'Dr. Zlatko Herkov, Statut grada Rijeke iz godine 1530. Nakladni zavod Hrvatske, Zagreb 1948, str. 609,' *Historijski zbornik*, 2 (1949), no. 1–4, 312–314 (a review of Herkov's edition).

Đorđe Milović. 'Statutum terrae fluminis,' *Istorijски zapisi*, 1 (1953), 237–241.

Lujo Margetić. 'Napomene uz prijepis Riječkoga statuta i njegov prijevod na talijanski jezik iz sredine XIX. stoljeća' [Remarks on the transcription of the statute of Rijeka and its translation into Italian from the middle of the nineteenth century], *Zbornik Pravnog fakulteta u Rijeci*, 18 (1997), no. 2, 291–7.

Anamari Petranović. 'Uz obljetnicu riječkog statuta' [On the anniversary of the statute of Rijeka], *Sveti Vid – Zbornik*, 6 (2001), 35–42.

4.4 The Statute of Cres and Osor

The Statute of Cres and Osor was enacted in 1441. It was decreed by a committee of nobles and commoners representing all the settlements (Cres, Osor, Lubenice, Beli), which at that time made up the commune, on the basis of previous legislation, and was confirmed by Doge Francesco Foscari. It was apparently not the first statute of the commune, since a previous statute is mentioned in 1333, in the context of the alteration of some of its clauses.⁶¹ The content of this older statute is not otherwise known.

The statute is written in the Italian vernacular and divided into four books (293 chapters in total). The first book (chapters 1–46) discusses judicial procedures, fines, debts, dowry and dower, and the division of goods among relatives. The second book (chapters 47–157) deals with the oaths of communal officials, inheritance law and property rights, legal guardianship, and some measures regarding the sale of meat and wine. The third book

⁶⁰ The 2001 edition reprints Herkov's introductory study and adds a further study by Anamari Petranović.

⁶¹ Giuseppe Vassilich, 'Da dedizione a dedizione. Appunti storico-critici sulle isole del Quarnero (sec. XII-XV),' *Archeografo Triestino*, 19 [N. S., vol. 15] (1889), 459–60. The statute is mentioned again in 1392, when the commune received the privilege of its acting count, John Saracen. For more details, see: Silvio Mitis, 'Un privilegio inedito concesso nel 1392 ai comuni dell'isola di Cherso-Ossero,' *Atti e memorie della Società istriana di archeologia e storia patria*, 39 (1927), no. 1, 83–88.

(chapters 158–232) is dedicated to measures regarding animal husbandry, damages, the use and abuse of communal lands, and also some norms in regard to family law. The fourth book (233–93) deals with the criminal law, starting with blasphemy and a variety of lesser (such as dropping refuse into the sea and urinating near churches) before considering greater crimes (violence, murder and rape).

There is only one manuscript of the statute. It dates from 1441, and was until the beginning of the 1920s in the private possession of the Petris family in Cres.⁶² It was formerly considered lost, but is now known to be in the library of Italian Senate in Rome (sign. Statuti MSS. 91). The whole manuscript is now available on-line.⁶³

There is no scholarly edition of the statute, but there is an older version published for use in the courts and administration: *Statuto di Cherso et Oszero* (Venice: Gio. Antonio Giuliani, 1640). Besides the statute itself, this version includes decrees of Venetian doges and other higher authorities starting from 1409, as well as some novels enacted by the communal council. These additions are published in the 1640 edition under the separate (and unusual) title of *Statuto vecchio di Cherso e Oszero*. The 1640 edition survives in a number of examples: in the NSK (sign. R II F-4^o-44), the library of the Italian Senate in Rome (sign. Statuti 248), the Biblioteca civica Attilio Hortis in Trieste, the Biblioteca Marciana in Venice, the Российская государственная библиотека in Moscow, and so on. There is also a nineteenth-century transcription of this edition in the Zbirka Bogišić.

Literature

In addition to the bibliographic survey of Ivan Strohal and *Statuti, urbari, notari* (pp. 47–8) (see Introduction), see:

Silvio Mitis. 'Lo statuto di Cherso ed Oszero,' *Archeografo Triestino*, 37 [ser. 3, vol. 9], (1921) 325–66; 38 [ser. 3, vol. 10] (1923), 41–167.

Ivan Beuc. 'Osorska komuna u pravnopovijesnom svijetlu' [The commune of Osor in the light of legal history], *Vjesnik Državnog arhiva u Rijeci*, 1 (1953), 5–161.

⁶² Stefano Petris, 'Lo statuto dell'isola di Cherso ed Oszero,' *Programma dell'I. R. Ginnasio Superiore di Capodistria* (1889–90), 13. In this article, Petris gave a description of the manuscript and of the content of the statute.

⁶³ <http://notes9.senato.it/_C1256DF7003BF35E.nsf/0/FEB191C0CCF10B02C12570180047E588?OpenDocument> [accessed 10 June 2012].

4.5 The Statutes of Krk

The title of the statute of Krk applies to two different law books: the statute of 1388 written in the Croatian vernacular in Glagolitic script; and the statute dating from the beginning of the sixteenth century, which is written in Latin.

a) The Statute of Krk of 1388

The statute of 1388 was enacted by the Counts Stephen and Hans (Anž) of Krk (later Frankapani), who, according to its preamble, summoned a body consisting of *vicecomites*, (*pod'knežini*) of the island settlements and a number of 'good men' (*dobri muži*), who together compiled the statute. The statute was enacted at the same time as that of Senj and shows great similarities to it in respect of the legal remedies that it proposes. To the statute were later added novels, starting from 1411, some of them dated and some not, as well as some pieces of older communal legislation (1362–82). The statute was apparently revised by the Venetian authorities after 1480 when Venice took the island from the Frankapani.

The statute is not divided into books. It has 29 chapters, which almost all (25) deal with the criminal law. The remainder of the chapters regulate the rights of the counts towards the community and the church, as well as the overlapping judicial jurisdictions of the individual settlements in respect of criminal matters. Most probably it is not the whole statute, but only a fragment of it. The chapters are of very different length, but longer ones tend to predominate, particularly those adumbrating judicial procedures and penalties. The shorter ones are usually grouped after the longer ones and discuss cognate matters. The novels are not listed in any particular order and cover a variety of subjects, some of general importance for the island as a whole and some only for Vrbnik (one of the settlements, in which this redaction was in use; hence, the statute is sometimes called the statute of Vrbnik). The statute as a whole, at least in the present form, lays great emphasis on animal husbandry and agriculture.

There is only one manuscript of the statute, written in Glagolitic text, most probably dating from the early sixteenth century. It is written in several hands. It is now kept in the NSK (sign. R 4003).

The statute was published for the first time by Ivan Kukuljević Sakcinski, 'Statut otoka Krka' [The statute of the island of Krk], *Arkiv za pověstnicu jugoslavensku*, 2 (1852), 277–307

(in Latin transcription). It was published again by Anna Mikhailovna Evreinova, *Статутъ острова Кърка 1388* (Sankt Peterburg: Общества любителей древней письменности, 1888) in Cyrillic and Latin letters with a facsimile of several pages. A critical edition was published by Franjo Rački and Ivan Črnčić, 'Statut vrbanski a donekle i svega krčkoga otoka' [The statute of Vrbnik and to a certain extent of the whole island of Krk], in *Hrvatski pisani zakoni. Statuta lingua Croatica conscripta*, eds Franjo Rački, Vatroslav Jagić, and Ivan Črnčić, *Monumenta historico-juridica Slavorum meridionalium*, 4 (Zagreb: JAZU, 1890), xl–lxxi, 143–77 (in Cyrillic transcription). Two new editions of the statute were published in 1988. The first was edited by Stjepan Štefić and Šime Jurić, *Vrbnički statut: 1388–1988* [The statute of Vrbnik 1388–1988] (Rijeka: Partizanska knjiga, 1988), and the second by Lujo Margetić and Petar Strčić, 'Krčki (vrbanški) statut iz 1388.' [The statute of Krk (Vrbnik) of 1388], *Krčki zbornik*, 10 (1988), 173 pp. The edition of Margetić and Strčić contains besides its transcription into Latin letters a translation into modern Croatian and facsimiles. It is reprinted in *Krčki zbornik*, 62 (2008), 173 pp.

Literature

In addition to the introductory studies given in 1852, 1888, 1890, 1988 and 1988/2008 editions, see the bibliographic survey of Ivan Strohal and *Statuti, urbani, notari* (p. 47) (see Introduction).

b) The statute from the beginning of the sixteenth century

The later statute of Krk was compiled as part of the legal reorganization conducted by the Venetian authorities after Venice took direct control of the island from the Frankapani in 1480. It is not dated but it is usually referred to by scholars as the statute of 1512 (based on the date of certain inserted documents).

The statute is divided into three books. The first book (84 chapters) starts with a discussion of the nature and definition of justice and law. It is mostly concerned with judicial procedures, defining court officials and their jurisdiction, the manner of conducting suits in law, procedures for presenting evidence, pledges, and so on. It also deals with ecclesiastical liberties and the provision of food and sanitation, as well as the manner of composing notarial deeds. The second book (113 chapters) is dedicated to communal offices, their rights and duties, taxes and the control of prices and measures, damages, the criminal law,

dowry and dower, family and inheritance law, and legal guardianship. These chapters are not, however, listed in any strict order, but are intertwined. The third book (83 chapters) is dedicated to economic matters (from agriculture and animal husbandry to seamanship). Individual chapters regarding the criminal law are inserted at various points throughout the text. The statute is written in a superficially learned style.

As far as may be established, there are only two known extant manuscripts. One belongs to the NSK (sign. R 3291). It is of sixteenth- or seventeenth century provenance. Another is a nineteenth-century transcript of an older manuscript by Ivan Crnčić, which is kept in the AHAZU, sign. II.b.130. Before the First World War, there were also a sixteenth-century manuscript in the communal archive of Krk, and an eighteenth-century manuscript in the library of the Court for Appeal for Dalmatia in Zadar. Both are rendered in Latin. There was also an eighteenth-century manuscript giving an Italian translation that was previously reported to be in the library of the Supreme Court in Vienna.

The statute was published by Giuseppe Vassilich, 'Statuto della città di Vegla,' *Atti e memorie della Società istriana di archeologia e storia patria* 1 (1885), no. 1–2, 51–128, no. 3–4, 205–302, 2 (1886), no. 1–2, 3–79. This edition is based on the Krk manuscript. There is also an edition by Aldo Lusardi and Enrico Besta, *Statuta Veglae*, *Corpus Statutorum Italicorum*, 22 (Milano: Giuffrè, 1945).

Literature

In addition to the introductory studies of the 1885–6 and 1945 editions, see the bibliographic survey of Ivan Strohal and *Statuti, urbari, notari* (p. 48) (see Introduction).

5. The Laws of Slavonia

5.1 The Golden Bull of Zagreb of 1242

The Golden Bull of Zagreb is one of the privileges issued by King Béla IV to urban settlements in Slavonia and Hungary, by which the king granted them the status of free royal cities, endowing them with rights of self-government (election of the magistrate, judicial autonomy), of the collective payment of taxes, of freedom of movement and of free testamentary disposition. Such privileges were issued from the early thirteenth century, but became more frequent after the devastation caused by the Tatar invasion in 1241–42, being part of the royal effort to rebuild the country. In the case of Zagreb, the privilege was more extensive and, in addition to the aforementioned rights, it also contained a number of norms which were, as is stated in the privilege, compiled by the burghers (*hospites*) and brought to the king for confirmation. The original privilege was issued in Virovitica on 16 November 1242 and reiterated with slight modifications in 1266. It remained the legal basis for Zagreb's autonomy until the mid-nineteenth century.

The norms inserted in the Golden Bull deal primarily with criminal matters and judicial procedures, but there are also some regulations defining the relationship of the city and its burghers towards other political entities within the kingdom of Hungary, economic matters and inheritance law. These norms are not divided into particular chapters, but they are itemized within the charter.

The charter is extant in the original which belongs to the DAZg, but is in fact kept in the HDA. There is a copy in the MOL, DF, sign. DF 255405, which is available on-line.⁶⁴ The original of the 1266 charter is kept in the AHAZU, sign. D-2-22, with a photocopy in the MOL, DF 230184.⁶⁵

The Golden Bull was published for the first time by Balthasar Adam Krčelić in his book *De Regnis Dalmatiae, Croatiae, Sclavoniae notitiae praeliminares* (Zagreb: Typis Antonii Jandera, s. d. [1771]), 124. It was subsequently published in a great number of source collections, among which should be singled out Ivan Krstitelj Tkalčić, *Povjestni*

⁶⁴ <<http://mol.arcanum.hu/dldf/opt/a110505htm?v=pdf&q=JELZ%3D%28255405%29&s=DAT&m=0&a=rec>> [accessed 14 June 2012].

⁶⁵ <<http://mol.arcanum.hu/dldf/opt/a110505htm?v=pdf&q=JELZ%3D%28230184%29&s=DAT&m=0&a=rec>> [accessed 14 June 2012].

spomenici slob. kralj. grada Zagreba. Monumenta historica liberae regiae civitatis Zagrabiae, 1 (Zagreb: Grad Zagreb, 1889), doc. 18, 15–18, and Tadija Smičiklas, *Codex diplomaticus regni Croatiae, Dalmatiae et Slavoniae. Diplomatički zbornik kraljevine Hrvatske, Dalmacije i Slavonije* 4 (Zagreb: JAZU, 1906), doc. 155, 172–6.⁶⁶ The first critical study of the Golden Bull with a new edition of the original text was made by Zlatko Tanodi, 'Zagrebačka Zlatna bula' [The Golden Bull of Zagreb], *Vjesnik Hrvatskog državnog arhiva*, 11 (1945), 1–42. A Croatian translation with a commentary was published by Nada Klaić, *Izvori za hrvatsku povijest do 1526. godine* [Sources for Croatian history to 1526] (Zagreb: Školska knjiga, 1972), 140–2. A new edition giving the Latin text, a facsimile and translations into Croatian and Spanish was made by Božidar Latković, *La Bula aurea de 1242: Gradec – origen medieval de Zagreb. Zlatna Bula iz 1242: Gradec – srednjovjekovno porijeklo Zagreba* (Zagreb, Mošćenice & Rijeka: HAZU, Zavod za kaznene znanosti Mošćenice Pravnog fakulteta u Rijeci & Adamić, 2005).

Literature

Besides the introductory study to Tkalčić's source collection and the edition of 2005,⁶⁷ see:

Fedor Breitenfeld. *Zagreb – kraljevski i slobodni grad na brdu Grech, pravno-povijesna studija* [Zagreb – royal and free city on the hill of Grech, a legal and historical study] (Zagreb: no pub., 1935).

Nada Klaić. *Zagreb u srednjem vijeku* [Zagreb in the Middle Ages] (Zagreb: Sveučilišna naklada Liber, 1982), especially 73–85 (with an edition of the Latin text and Croatian translation).

Magdalena Apostolova Maršavelski. *Iz pravne prošlosti Zagreba (13.–16. stoljeće)* [From the legal past of Zagreb (thirteenth to sixteenth century)] (Zagreb: Školska knjiga, 1998).

Lujo Margetić. 'Neka pitanja u svezi sa Zlatnom bulom Bele IV. (1242.)' [Some issues regarding the Golden Bull of Béla IV (1242)], in eds Ivan Kampuš, Lujo Margetić and Franjo Šanjek, *Zagrebački Gradec 1242.–1850.* [Gradec of Zagreb 1242–1850] (Zagreb: Grad Zagreb, 1994), 103–107.

⁶⁶ For a list of publications, see Imre Szentpétery, *Az Árpád-házi királyok okleveleinek kritikai jegyzéke / Regesta regum stirpis Arpadianae critico-diplomatica* 1 (Budapest: MTA, 1923–30), nos 723 and 1493.

⁶⁷ All studies in this edition were given in Croatian and Spanish.

Lujo Margetić. 'Uzori i izvori Zlatne bule za zagrebački Gradec' [Models and sources of the Golden Bull of Gradec of Zagreb], *Croatica Christiana periodica*, 24 (2000), no. 46, 10–20.

5.2 The Privilege of Nova Ves

The privilege of Nova Ves was granted by the Chapter of Zagreb to its newly-founded market town on 9 September 1344. The charter was apparently composed by Archdeacon John of Gorica. The privileges of Nova Ves are more developed than the majority of other privileges granted to market towns and contain more legal material.

In its content, the privilege of Nova Ves regulates the relationship of the market town towards the chapter and the internal affairs of the community (including the election of officials). Its content is mostly devoted to procedural matters and criminal law, but there are also norms regarding inheritance law and the allotment of plots for house-building. The privileges are not divided into numbered chapters, but only itemized.

The original charter containing the privileges is kept in the DAZg. There is a copy in the MOL, DF 255430, which is accessible on-line.⁶⁸ The privileges are included in the compendium of legal rights and duties known as the 'statute' of the Chapter of Zagreb, the original of which is kept in the Nadbiskupski i kaptolski arhiv [Archdiocesan and Chapter Archive] in Zagreb. There is a seventeenth- or eighteenth-century copy in the AHZU, sign. II.c.48.

The privileges were published for the first time by Ivan Krstitelj Tkalčić, *Povjestni spomenici zagrebačke biskupije. Monumenta historica episcopatus Zagrabiensis*, vol. 2: *Statuta capituli Zagrabiensis saec. XIV.* (Zagreb: no pub., 1874), Part 4, cap. 27, 145–7, and again in *Povjestni spomenici slob. kralj. grada Zagreba. Monumenta historica liberae regiae civitatis Zagrabiae*, vol. 1 (Zagreb: Grad Zagreb, 1889), doc. 196, 172–4. A further edition is given in Tadija Smičiklas, *Codex diplomaticus regni Croatiae, Dalmatiae et Slavoniae. Diplomatički zbornik kraljevine Hrvatske, Dalmacije i Slavonije*, 11 (Zagreb: JAZU, 1913), doc. 114, 152–4. A Croatian translation with a commentary was published by Nada Klaić, *Izvori za hrvatsku povijest do 1526. godine* [Sources of Croatian history to 1526] (Zagreb: Školska knjiga, 1972), 197–9.

⁶⁸ <<http://mol.arcanum.hu/dldf/opt/a110505htm?v=pdf&q=JELZ%3D%28255430%29&s=DAT&m=0&a=rec>> [accessed 14 June 2012].

Literature

Besides the introductory study of the 1889 Tkalčić's edition, see:

Nada Klaić, *Zagreb u srednjem vijeku* [Zagreb in the Middle Ages] (Zagreb: Sveučilišna naklada Liber, 1982), 437–41 (with an edition of the Latin text and Croatian translation).

Lujo Margetić and Magdalena Apostolova Maršavelski, *Hrvatsko srednjovjekovno pravo. Vrela s komentarom* [Croatian medieval jurisprudence. Sources with a commentary] (Zagreb: Narodne novine, 1999²), 125–7.

5.3 The Renewal of Brotherhood of the noblemen of Turopolje (The Statute of Turopolje)

The renewal of brotherhood of the lesser noblemen of Turopolje was concluded on 15 February 1560. It was issued by the Chapter of Zagreb in its capacity as a place of authentication, in the form of private charter issued on behalf of the representatives of the noble community of Turopolje (*universitas nobilium Campi Zagrabiensis*). The renewal of brotherhood is explained in the preamble as a consequence of aristocratic encroachment on the liberties of the noble community.

Besides the renewal itself, the charter contains a number of norms regulating the relationship between members of the noble community, their obligations towards the community as a whole, and the election of officials, their jurisdiction and the procedures to be followed in suits brought before them. Criminal matters, family and inheritance law are also briefly discussed. The charter was considered to be the foundation of the legal life of this noble community until the nineteenth century.

The original charter is now kept in the HDA in the archival series *Povlaštena plemenita općina Turopolje* [The privileged noble community of Turopolje] (HR-HDA-49). There is also the original entry in the register of the place of authentication in the Nadbiskupski i kaptolski arhiv in Zagreb, *Acta loci credibilis, Protocollum* 1, p. 205.

The only edition of the renewal is published by Emilij Laszowski, *Povjesni spomenici plem. općine Turopolja nekoć 'Zagrebačko polje' zvane. Monumenta historica nob. communitatis Turopolje olim 'Campus Zagrabiensis' dictae*, 3 (Zagreb: Plemenita općina Turopolja, 1906), 439–45.

Literature:

Šandor Bresztyenszky. *Pravno-povjestni podatci o Turopolju* [Juridical and historical information on Turopolje] (Zagreb: no pub., 1892).

Emilij Laszowski. *Povijest plem. općine Turopolja nekoć 'Zagrebačko polje' zvane* [A history of the noble community of Turopolje, formerly called the *Campus Zagrabiensis*], 1 (Zagreb: Plemenita općina Turopolja, 1910), 79–85. (reprinted: Velika Gorica: Plemenita općina turopoljska & Galerija Kordić, 1995).

Lujo Margetić and Magdalena Apostolova Maršavelski. *Hrvatsko srednjovjekovno pravo. Vrela s komentarom* [Croatian medieval jurisprudence. Sources with a commentary] (Zagreb: Narodne novine, 1999²), 282–5 (with a partial Croatian translation).

5.4 The Decisions of the Diet of the Kingdom of Slavonia of 19 April 1273

The diet of the Kingdom of Slavonia (*congregacio regni tocius Sclauonie generalis*) of 1273 was held in Zagreb and was presided over by Ban Matthew Csák at a moment when royal authority was temporarily weakened on account of the minority of King Ladislas IV. The diet was held by the noblemen and castle warriors of Slavonia and passed a number of decisions which were then issued in a charter by the ban.

The decisions deal with a number of topics including judicial procedure in both criminal and civil cases, inheritance and family law, the relationship of the Slavonian nobility to the ruler, ban and their officials, as well as the payment of taxes. The emphasis of the charter is on maintaining just and proper procedures in courts. It is generally regarded as one of the most important legal documents of medieval Slavonia.

The charter is not extant in its original form, but in an authenticated copy given by the Chapter of Čazma on 17 October 1350. It is kept in the HDA, series *Povlastice Kraljevina* [The privileges of the Kingdoms] (HR-HDA-2-1), no. 3. There is together with that charter an eighteenth-century transcript. A copy is in the MOL, DF 268067, and is available on-line.⁶⁹ In the MOL, series *Diplomatikai levéltár* [Archive of charters], sign. DL 36250, there is an

⁶⁹ <<http://mol.arcanum.hu/dldf/opt/a110505htm?v=pdf&q=JELZ%3D%28268067%29&s=DAT&m=0&a=rec>> [accessed 15 June 2012].

authenticated copy by the Chapter of Zagreb of 1832 containing the text of the charter of 17 October 1350. It is also available on-line.⁷⁰

The charter was published for the first time by Balthasar Adam Krčelić in *De Regnis Dalmatiae, Croatiae, Slavoniae notitiae praeliminares* (Zagreb: Typis Antonii Jandera, s. d. [1771]), 201–2. The first modern edition was published by Ivan Kukuljević Sakcinski, *Iura Regni Croatiae, Dalmatiae et Slavoniae 2: Articuli et constitutiones diaetarum seu generalium congregationum Regni Croatiae, Dalmatiae et Slavoniae* (Zagreb: no pub., 1862), 3–5. It was edited several more times, the standard edition being that of Tadija Smičiklas, *Codex diplomaticus regni Croatiae, Dalmatiae et Slavoniae. Diplomatički zbornik kraljevine Hrvatske, Dalmacije i Slavonije*, 6 (Zagreb: JAZU, 1908), doc. 26, 25–8. A Croatian translation was published by Nada Klaić, *Izvori za hrvatsku povijest do 1526. godine* [Sources of Croatian history to 1526] (Zagreb: Školska knjiga, 1972), 152–6.

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⁷⁰ <<http://mol.arcanum.hu/dldf/opt/a110505htm?v=pdf&q=JELZ%3D%2836250%29&s=DAT&m=0&a=rec>> [accessed 15 June 2012].