
The Foreigner and the Ownership Rights in Eastern Adriatic Medieval Communes

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The legal position of foreigners in Eastern Adriatic medieval cities, which in the period from the 12th to 14th centuries organized themselves as communal societies, is a subject that surpasses the existing juridical sources, same as in the case of Italian cities. Limited almost exclusively to city statutes, i.e. codices of urban law, these sources – chronologically determined with regard to their time of composition and conceptually insufficient concerning the fact that they were more or less regulating only some questions regarding the foreigners – reveal only the tip of an iceberg in terms of their legal status. The lack of juridical sources from the pre-statutory period, on the one hand, leaves open the question how the legal position of foreigners was regulated at the time and how it gradually evolved. Partnership and commercial contracts with which the Eastern Adriatic communes sought to regulate, bilaterally, their relations to each other, as well as towards the Western Adriatic communes during the 12th and 13th centuries, reveal that the two fundamental principles on which they were based – the principle of reciprocity and the principle of protecting the property and person of foreigners (merchants) – became and remained the basis of their legal status when codifying urban law. On the other hand, the fact that statutory jurisdiction focused on finding more detailed solutions to those problems, as they seemed increasingly important from the viewpoint of communal interest, is an insufficient source in itself. This insufficiency is best seen in the usually modest number of statutory regulations that directly define the rights and obligations of foreigners, or articulate various prohibitions and limitations. For these reasons, it is possible to offer only an outline of the position of foreigners in Eastern Adriatic communes, which becomes even more incomplete when attention is paid to the specific aspects of their rights, such as, in this case, ownership rights.

During most of the 20th century, the issue of the (legal) position of foreigners in Eastern Adriatic medieval communes was not a subject of major interest for the local historians and legal jurisprudence. Even though the seminal work of Ivan Strohal, *A Legal History of Dalmatian Towns*, the first systematic work on this topic, contains a

separate chapter dedicated to the attitude of Dalmatian towns towards the “extraurban population,” his attention was primarily directed at the measures and procedures with which the Dalmatian towns sought to ensure the reparation of damage that the town itself or its residents might suffer at the hand of the “surrounding population.”¹

Analyzing the privileges that the first Hungarian-Croatian king Coloman granted to Trogir and other Dalmatian cities, Marko Kostrenčić dedicated only a footnote to the differences in the legal status of citizens, residents, and foreigners in his article “Freedoms in Dalmatian towns: The Case of Trogir,”² while Grga Novak, in his *History of Split*, briefly described the situation of foreigners in this central Dalmatian city on the basis of its statute.³

Italian historians Bruno Dudan and Antonio Teja dedicated some more attention to an analysis of the legal status of a special, ethnically defined group of foreigners – the Slavs – but their studies, unfortunately, failed to satisfy the academic standards as being primarily ideologically motivated. The discriminatory attitude of Dalmatian statutory jurisdiction towards the Slavs was thus explained exclusively in terms of Dalmatia’s Italian identity, which was, in their opinion, at first a Roman province and afterwards an Italian one.⁴

Thus, the earliest studies dedicated to this subject appeared only during the last quarter of the 20th century, with Tomislav Raukar’s article “Cives, habitatores, and forenses in Medieval Dalmatian towns.”⁵ While analyzing the question of “openness” and “closeness,” as well as the related ambiguous attitude towards the foreigners, the author concluded that it was, on the one hand, determined by the need of protecting the “production base” of the city and the interest of “attracting the foreigners to the city and integrate them into the commune,”⁶ but on the other hand also by the then prevailing mentality “that considered everything that happened beyond the bound-

¹ Ivan Strohal, *Pravna povijest dalmatinskih gradova* [A legal history of Croatian towns], vol. 1 (Zagreb: JAZU, 1913), 345-375.

² Marko Kostrenčić, “Slobode dalmatinskih gradova po tipu trogirskom” [Freedoms in Dalmatian towns: The case of Trogir], *Rad Jugoslavenske akademije znanosti i umjetnosti* 239 (1930), 95.

³ Grga Novak, *Povijest Splita* [History of Split] (Split: Matica hrvatska, 1958), 263-264.

⁴ Bruno Dudan and Antonio Teja, *L’Italianità della Dalmazia negli ordinamenti e statuti cittadini* (Varese and Milan: Istituto Studi di Politika Internazionale, 1943), 217. See also: Antonio Teja, *La Dalmazia Preveneta – Realtà storica e fantasie jugoslave sulla Dalmazia dei sec. VI.-XV.* (Santa Margherita Ligure, 1949).

⁵ Tomislav Raukar, “Cives, habitatores, forenses u srednjovjekovnim dalmatinskim gradovima” [Cives, habitatores, and forenses in medieval Dalmatian towns], *Historijski zbornik* 29-30 (1976/77), 139-149.

⁶ *Ibid.*, 141.

aries of the city and its district as the foreign world.”⁷ The same topic was dealt with by Raukar in his study on the “Communal Societies in Dalmatia during the 14th century,”⁸ where he analyzed, among others, marginal social groups in these societies, indicating the different attitudes of the communes towards two specific groups of foreigners: those who “fitted into the commune’s development with their economic or social activity” (*forenses*) and were therefore desirable in the society as citizens (*cives*), and a colourful group consisting of “travellers in general (*viatores*), pilgrims, and vagrants, which the cities tried to direct away from their territories, allowing them access only up to their borders.”⁹

Dealing with the subject of marginal groups in Croatian medieval societies, Damir Karbić also explored this topic, defining and classifying the specific groups of marginal and excluded persons, and therefore naturally touched upon the newcomers as one of such groups. Distinguishing between five groups of newcomers (*advenae*) – foreigners, pilgrims, travellers, vagrants, and exiles – he has defined them as a “category of persons who were away from their permanent place of residence, and thus without their own tradition and the corresponding legitimacy in the society where they were currently residing.”¹⁰ The foreigners (*forenses*) were defined in closer detail as “the group that has been staying in a particular communal society for a while, yet has not found permanent residence there.”¹¹ The society found their activity useful and honourable – which was hardly accidental, as these foreigners were mostly merchants, masters, physicians, and communal officials, and their position was largely a matter of their personal choice.

Approximately at the same time, the first studies appeared that were directly dedicated to the subject of the legal position of foreigners in specific Eastern Adriatic communes, beginning with that of Antun Cvitanić, who analyzed the statutory regulations of Korčula in order to make conclusions on the legal position of foreigners in that island commune.¹²

⁷ Ibid., 148.

⁸ Tomislav Raukar, “Komunalna društva u Dalmaciji u XIV st.” [Communal societies in Dalmatia during the 14th century], *Historijski zbornik* 33-34 (1980/81), 139-209.

⁹ Ibid., 192.

¹⁰ Damir Karbić, “Marginalne grupe u hrvatskim srednjovjekovnim društvima od druge polovine XIII. do početka XVI stoljeća” [Marginal groups in Croatian medieval societies from the second half of the 13th to the beginning of the 16th century], *Historijski zbornik* 44 (1991), 51.

¹¹ Ibidem.

¹² Antun Cvitanić, “Pravni položaj stranaca u srednjovjekovnoj korčulanskoj komuni” [Legal position of foreigners in the statutes of Dalmatian communes during the 14th century], *Zbornik Pravnog*

Considering the position of foreigners in Dubrovnik, Zdenka Janeković Römer has arrived to similar conclusions as Raukar, concluding that one of the features of communal societies was the “simultaneity of parochialism or enclosure and some sort of cosmopolitanism, which made it possible for anyone to come to the city, settle down, and go about his business as he pleased.”¹³ In this double attitude towards the foreigners, the communal criteria of categorization were, according to the author, quite clearly “determined by the interests of the commune, as well as various cultural, political, religious, ethnical, and demographic factors”¹⁴ ranging from complete acceptance to utter rejection.

The third study in this line, that of Željko Radić and Ivica Ratković, was dedicated to the position of foreigners in the commune of Split, whereby the authors also viewed it from the perspective of the city’s statutory law.¹⁵

Eventually, this small collection of scholarly works dedicated to our topic should be complemented with my own contribution on the “Legal Position of Foreigners in the Statutes of Dalmatian Communes during the 14th Century,” a survey of the existing literature and the terminology used to describe foreigners in the glossaries of medieval Latinity. Having considered various statutory regulations from the realm of property, obligation, and hereditary law, as well as court trials and material and processual penal law, I have sought to offer a more complete picture of the legal status of foreigners in the Dalmatian communes during the 14th century.¹⁶

The most important and most exhaustive source for studying the position of foreigners in medieval communes are, as stated above, the city statutes as the basis of their legal arrangements. In the Eastern Adriatic, they emerged “already several decades after the appearance of the first city statutes in the Apennine Peninsula.”¹⁷ The earliest mention of such a collection of legal regulations is included in the chronicle

fakulteta u Zagrebu 36 (1986) 5-6, 591-605.

¹³ Zdenka Janeković Römer, “Stranac u srednjovjekovnom Dubrovniku: između prihvaćenosti i odbačenosti” [The foreigner in medieval Dubrovnik: Between acceptance and rejection], *Radovi Zavoda za hrvatsku povijest* 26 (1993), 32.

¹⁴ *Ibid.*, 27.

¹⁵ Željko Radić and Ivica Ratković, “Položaj stranaca u splitskom statutarnom pravu” [The position of foreigners in the statutory law of Split], *Adrias* 12 (2005), 193-230.

¹⁶ Ante Birin, “Pravni položaj stranaca u statutima dalmatinskih općina XIV. st.” [Legal position of foreigners in the statutes of Dalmatian communes during the 14th century], *Zbornik Odsjeka za povijesne znanosti Zavoda za povijesne i društvene znanosti HAZU* 20 (2002), 59-94.

¹⁷ Antun Cvitančić, *Iz dalmatinske pravne povijesti* [From Dalmatian legal history] (Split: Književni krug, 2002), 679.

of Thomas the Archdeacon. Speaking of the activity of Gargano de Arscindis, *potes-tas* of Split (1240), he wrote that the latter ordered the compilation of a capitulary containing all the “good customs which the city had observed since Antiquity. But in it he added many other laws that seemed necessary in public and private deeds.”¹⁸ Regarding the fact that these earliest compilations, the capitularies, which were then revised and enlarged with time, did not contain the oldest known codices of urban law, the statutes of the city of Korčula (1265)¹⁹ and Dubrovnik (1272)²⁰ are the oldest extant ones, while others date mostly to the 14th century, namely those of Zadar and Brač (1305),²¹ Lastovo (1310),²² Split (1312),²³ Trogir (1322)²⁴ Šibenik, Skradin, Rab, and Kotor from the first quarter of the 14th century,²⁵ Hvar (1331),²⁶ Mljet (1345),²⁷ Poreč (1363),²⁸ Pag (1372),²⁹ and Senj (1388).³⁰ There are only a few statutes preserved

¹⁸ Thomae Archidiaconi Spalatensis *Historia Salonitanorum atque Spalatinorum pontificum / History of the Bishops of Salona and Split*, Latin text by Olga Perić, edited, translated, and annotated by Damir Karbić, Mirjana Matijević Sokol, and James Ross Sweeney (Budapest and New York: Central European University Press, 2006), ch. XXXIV, 234-235.

¹⁹ *Korčulanski statut* [Statute of Korčula], ed. and trans. Antun Cvitanić (Split: Književni krug, 1995).

²⁰ *Statut grada Dubrovnika* [Statute of the city of Dubrovnik], ed. and trans. Ante Šoljić, Zdravko Škundrica, and Ivo Veselić, with an introduction by Nella Lonza (Dubrovnik: State Archive, 2002).

²¹ *Zadarski statut* [Statute of Zadar], ed. Josip Kolanović and Mate Križman (Zadar: Matica hrvatska and Croatian State Archive, 1997); *Brački statut* [Statute of Brač], ed. Antun Cvitanić (Split: Književni krug, 2006).

²² *Lastovski statut* [Statute of Lastovo], ed. and trans. Antun Cvitanić (Split: Književni krug, 1994).

²³ *Statut grada Splita* [Statute of the city of Split], ed. Antun Cvitanić (Split: Književni krug, 1998).

²⁴ *Statut grada Trogira* [Statute of the city of Trogir], ed. and trans. Antun Cvitanić, Marin Berket, and Vedran Gligo (Split: Književni krug, 1988).

²⁵ *Knjiga statuta, zakona i reformacija grada Šibenika* [The book of statutes, laws, and revisions of the city of Šibenik] (Šibenik: Municipal Museum of Šibenik, 1982); *Statut grada Skradina* [Statute of the city of Skradin], ed. and trans. Ante Birin (Zagreb and Skradin: Matica hrvatska Skradin, 2002); *Statut rapske komune iz 14. stoljeća* [Statute of the Commune of Rab from the 14th century], ed. Lujo Margetić and Petar Strčić (Rab: City of Rab and Rijeka: “Adamić”, 2004); *Statuta civitatis Cathari* (Venice: Apud Robertum Meietum, 1616).

²⁶ *Hvarski statut* [Statute of Hvar], ed. Antun Cvitanić (Split: Književni krug, 1991).

²⁷ *Mljetski statut* [Statute of Mljet], ed. and trans. Ante Marinović and Ivo Veselić (Split: Književni krug, 2002).

²⁸ Mirko Zjačić, “Statut grada Poreča iz 1363.” [Statute of the city of Poreč from 1363], *Monumenta historico-juridica Slavorum Meridionalium* 13 (1979), 5-203.

²⁹ Miljen Šamšalović, “Statutarne naredbe za otok Pag 1372.” [Statutory regulations for the island of Pag from 1372], *Zbornik Historijskog instituta JAZU* 8 (1977), 411-429.

³⁰ Mirko Zjačić, “Statut grada Senja iz 1388.” [Statute of the city of Senj from 1388], *Rad JAZU* 364 (1975), 39-116; Lujo Margetić, “Senjski statut iz 1388.” [Statute of Senj from 1388], *Senjski zbornik* 34 (1985-1987), 5-160.

from the 15th and 16th centuries, such as those of Novigrad (1402),³¹ Pula (1431),³² Budva (1442),³³ Umag (1528),³⁴ and Rijeka (1530).³⁵

While these statutes are precious historical sources, which reflect well the practice of those times – as established by Nella Lonza on the basis of Dubrovnik's archival documents, who emphasized that “the historical sources of Dubrovnik allow us to conclude that the judicial practice indeed implemented the Statute and referred to its regulations”³⁶ – they are at the same time very limited as to their focus. Even though they sought to define all legally relevant social relations and all the legal options at the disposal of various parties, the “broad field of custom law” remained outside of its scope.³⁷

Besides, as the notion of foreigners in statutory legislation largely implied foreign merchants – who were “crucial for the colourful urban world of the late Middle Ages and the Renaissance, both for its economy and for cultural exchange, given the lack of the mass media at the time, their presence testifying of an intense life of intercommunal and international relations”³⁸ – most statutory regulations were dedicated to defining their rights, mostly related to the field of obligation law (ensuring the obligations, cessions, claims, money lending, acquisitions, etc.), material and processual penal law, as well as legal trials. Contrary to that, regulations linked to the domain of property law, particularly those regarding ownership rights, are few and rare, present only in the statutes of some cities (especially Split and Šibenik), while in most cities the question of ownership was not specifically regulated regarding the foreigners, not in a single statutory item.

³¹ Luigi Parentin, “Statuti di Cittanova,” *Atti e memorie della Società Istriana di Archeologia e Storia Patria* 4 (1966), 105-220.

³² *Statuta communis Polae [Statute of the Commune of Pula] (Pula: Povijesni muzej Istre, 2000)*,

³³ Šime Ljubić, “Statuta et leges civitatis Buduae, civitatis Scardonae et civitatis et insulae Lesinae,” *Monumenta historico-juridica Slavorum Meridionalium* 3 (1882/83), 1-66.

³⁴ Bernardo Benussi, “Lo statuto di Umago,” *Atti e memorie della Società Istriana di Archeologia e Storia Patria* 8 (1892) 3-4, 227-313.

³⁵ Zlatko Herkov, *Statut grada Rijeke iz godine 1530*. [Statute of the city of Rijeka from 1530] (Zagreb: Nakladni zavod Hrvatske, 1948); *Statutum terrae Fluminis anno MDXXX = Statut grada Rijeke iz godine 1530. = Statuti concessi al comune di Fiume da Ferdinando I nel MDXXX* (Rijeka: 2001).

³⁶ Nella Lonza, “Dubrovački statut, temeljna sastavnica pravnog poretka i biljeg političkog identiteta” [Statute of Dubrovnik as the foundation of its legal order and a symbol of its political identity], in *Statut grada Dubrovnika 1272.*, ed. Mate Križman and Josip Kolanović (Dubrovnik: Historijski arhiv, 1990), 32.

³⁷ *Ibid.*, 14.

³⁸ Mario Ascheri, “Lo straniero nella legislazione e nella letteratura giuridica del tre-quattrocento: un primo approccio,” *Rivista di storia del diritto italiano* 60 (1987), 180.

When speaking of the statutory regulations in which the Eastern Adriatic communes regulated the question of ownership for foreigners, these mostly concerned ownership over real estate. Even though few in number and sometimes contradictory, which is why caution is needed when making any general conclusions, these regulations tell us that a foreigner could own immobile property in two cases: if he acquired a special permission from the communal body in charge (Major Council as a rule) or if he permanently settled down in the city, thus becoming its resident (*habitor*).

In the former case, the statute of Split defined that “for the sake of good and peaceful life in the city of Split and its district (...) none of its citizens, or a foreigner, should dare or venture in any form, be it by fraud or in any other way, to sell, donate, assign, exchange, or in any other way acquire or transfer to another, be it personally or through a third party, any piece of immobile property, that is, a land plot, field, vineyard, house, meadow, mill, or any other estate owned in the city of Split or its district, to a foreigner without the permission of the majority of the Council, under the threat of losing what they have sold or bought.”³⁹ Similarly, the statute of Brač forbade the sale of immobile property in a later revision, implemented between 1415 and 1420, “without the knowledge and permission of the Rector or the majority of the Council,” with the difference that foreigners could not purchase property until it was established that “the islander could not sell the same piece of land to a citizen of Brač for the same price.”⁴⁰

Unlike these statutory regulations, the statute of Šibenik did not at first foresee any option for the foreigners (those who were not citizens of Šibenik) to own real estate in any way. “For the sake of avoiding legal claims and trials with any foreigner that might occur,” the citizens of Šibenik were forbidden to “give away, donate, sell, cede, or assign in a testament any land, vineyard, field, salt plant, mill, or any other property outside the town of Šibenik to a foreigner or stranger, in any way or for whatever reason.”⁴¹ Nevertheless, in case a citizen wanted to cede some of his property to a foreigner “through a legate, in inheritance, or in any other way” (*per legatum, vel per*

³⁹ *Statut grada Splita* (as in n. 23) I, 21. Without a specific permission of the Major Council, nobody was allowed to “transfer to another” – regardless of whether that other was a citizen of Split or a foreigner, a priest or a layman – “any tower or any other house or hut adjacent to the walls of the commune of Split.” *Statut grada Splita* VI, 74. Such a regulation, which was obviously inspired by safety concerns, cannot be found in any other statute of Eastern Adriatic communes.

⁴⁰ *Brački statut* (as in n. 21), Revision, I, 79.

⁴¹ *Knjiga statuta, zakona i reformacija grada Šibenika* (as in n. 25), Revision, IV, 45.

haereditatem vel alio quocumque modo), the statute allowed such property to be sold and the money thus obtained could be given to the foreigner.

The second way in which foreigners could become owners over real estate was by becoming residents (*habitatores*) of the city. The same regulation in the statute of Šibenik defined that all the above-mentioned prohibitions did not apply to those foreigners who were “permanent residents” (*continuus habitatores*) of the city. In 1385, this regulation was revised and in a way aggravated by stating that “no foreigner can come to live in the city of Šibenik or its district, and by the same token no present or future district resident is allowed in any way, be it personally or through a third party, to buy property in the district of Šibenik unless he has first bought or built a house in the city of Šibenik, with the obligation that he should first and foremost apply for a permission to the General Council in case he wants to buy real estate in the district of Šibenik.”⁴²

Unlike the statute of Šibenik, that of Pula did not include such obligation, and therefore any citizen, regardless of whether he was a district resident or a foreigner, who wanted to build or restore a house in the city, first had to apply to its owner to sell it to him “at a fair price” (*iusto pretio*), and it was only if they could not agree about the price that the communal authorities would step in as the third party defining the final price.⁴³ The authorities did not impose any particular conditions to those foreigners who wanted to buy property in the territory of the city of its district, and they were obliged to pay all the taxes and fulfil all the obligations (*collectas et factiones*) that were foreseen for other district residents, “as they were defined in relation to this property with regard to the Commune of Pula.”⁴⁴

In case of the islands of Lastovo and Mljet, the two almost identical regulations in their statutes decreed “that no person from the island” (*che nessuna persona della isola*) should sell “immobile property, be it a land plot, a vineyard, or a house” to anyone who was “not from the island” (*fuori della isola*), that is, the island’s resident, and the seller was not allowed to sell it to anyone else but “his relatives, at the price for which he would sell it to others.”⁴⁵ In 1486, the Lastovo authorities confirmed this regulation, allowing that, as in the above-mentioned case of Šibenik, the property left in inheritance to a foreigner should be sold and that he should obtain the money.⁴⁶ Even

⁴² *Knjiga statuta, zakona i reformacija grada Šibenika* (as in n. 25), Revision, 34.

⁴³ *Statut Pulske općine* (as in n. 32) III, 38.

⁴⁴ *Statut Pulske općine* (as in n. 32) V, 6.

⁴⁵ *Mljetski statut* (as in n. 27), 30; *Lastovski statut* (as in n. 22), 37.

⁴⁶ *Lastovski statut* (as in n. 22), 89.

though the regulations do not mention this explicitly, there is no reason to doubt that the term “islanders” also included foreigners who had permanently settled there.

Some statutory regulations of other Eastern Adriatic communes reveal that the foreigners could apparently acquire property there, even though the statutes themselves do not mention any specific conditions to be fulfilled prior to the acquisition. In Zadar and its district, the city authorities thus forbade to their citizens to buy or lease “any controversial thing or land that is already subject to a legal trial, investigation, or conflict,” both from foreigners or from other citizens of Zadar,⁴⁷ while a foreigner “who went to live in Pag or had property there”⁴⁸ was obliged to pay all duties paid by the rest of Pag’s citizens. In case of Dubrovnik and Kotor, two identical regulations in their statutes decree that both the citizens and the foreigners who stayed out of the city at the time when some property was sold had two years’ time to launch a legal trial and claim their rights against the buyer of that property.⁴⁹

Similar formulations can be found in the statute of Trogir, which mentions foreigners “who have their oxen in the district of Trogir for purposes of land cultivation or keep them there, or who possess some land,”⁵⁰ as well as in the statute of Korčula, to which a regulation was added early in the 15th century that no foreigner resident on the island can own or use any immobile property there under any circumstances, whereby they were granted a year’s time to sell any property they may already possess and thus get their money out of it.⁵¹ Somewhat later, a new revision defined that “all and individual foreigners not living on the island, who have any immobile property on the island, acquired in any way, for which they once paid all the taxes and there has been no debt related to it since the time of these decisions, and they have not participated in any public works of the Commune of Korčula as it was done by its residents, will be obliged to do so in the future and to pay to the Commune everything they have not paid concerning the regular taxes since these decisions were made until the present day.”⁵²

Concerning all these statutory regulations, one may conclude with some certainty that the ownership rights of foreigners over immobile property in Eastern Adriatic

⁴⁷ *Zadarski statut* (as in n. 21), III, 17.

⁴⁸ *Zadarski statut* (as in n. 21), V, 34.

⁴⁹ *Statut grada Dubrovnika* (as in n. 20), VIII, 72; *Statuta civitatis Cathari* (as in n. 25), 265.

⁵⁰ *Statut grada Trogira* (as in n. 24), II, 94.

⁵¹ *Korčulanski statut* (as in n. 19), Revision, I, 102.

⁵² *Korčulanski statut* (as in n. 19), Revision, I, 194.

communes was largely regulated by common law, rather than by the statutory legislation, and that the basic condition a foreigner had to fulfil was his permanent residence in the city.

Once he acquired ownership rights over a property, a foreigner could, in accordance with the statutory legislation of that particular commune, mostly dispose with it as he pleased. An exception in this regard was the prohibition expressed in the legislation of some Eastern Adriatic communes that did not allow assigning the property in inheritance to those who were not subject to secular authorities (*dominio temporalis*) or to the Church and its institutions, but that regulation applied to the citizens or district residents and to the foreigners alike. The reason for this prohibition has been explicitly stated in the statute of Split, which says that the citizens and residents of Split had by that time, that is, by the mid-15th century, through testaments and donations, “both for pious purposes [that is, involving the Church] and to others who were not subject to communal authority, ceded more than a third of all immobile property in the city district.”⁵³ Regarding the fact that the Church was not subject to the secular authority of the commune and thus paid no taxes for its property, such an austere measure was the only solution for the communal authorities to halt the process of narrowing down its economy base and diminishing its revenues.

The communal authorities of Trogir and Split implemented a similar regulation almost at the same time (1346/47),⁵⁴ and somewhat earlier the same was done in Dubrovnik (and therefore also on the island of Lastovo, modelled upon it), which prohibited their citizens to cede immobile property to the mendicant orders, the Franciscans and the Dominicans.⁵⁵

As for the other communes, including Korčula, even though significantly later (only in 1426), they issued a decree that no landed property should be donated to churches, but that regulation was rather short-lived and abolished already several years later (1430).⁵⁶

⁵³ *Statut grada Splita* (as in n. 23), new statutory regulations, 25. The same purpose was that of the regulation from the statute of Dubrovnik, which prohibited donating immobile property to the mendicant orders. *Statut grada Dubrovnika* (as in n. 20), VIII, 96.

⁵⁴ *Statut grada Trogira* (as in n. 24), Revision, I, 17; *Statut grada Splita* (as in n. 23), new statutory regulations, 25.

⁵⁵ *Statut grada Dubrovnika* (as in n. 20), VIII, 96; *Lastovski statut* (as in n. 22), 54. The statute of Lastovo decreed in such cases that the Rector with his council and “three good and honourable appointees” should sell the property and forward the money in the order “defined by the testamentary.”

⁵⁶ *Korčulanski statut* (as in n. 19), Revision, 15 and 149.

Contrary to these examples, the commune of Pula allowed the donation, testament legation, and selling of immobile property to ecclesiastical institutions, but under the condition “that the property in question should remain under obligation to the Commune of Pula regarding any material duties, both those that have already been imposed and those that the Rector may impose in the future.”⁵⁷

Besides this qualification, the statutory legislation of Eastern Adriatic communes offer only one additional example of limiting ownership rights over immobile property, which referred exclusively to foreigners and their right of acquiring real estate and disposing of it. It is the statute of Split, which states that those foreigners who have acquired citizenship and who have received any property from the authorities could not give it away, and also that nobody could “buy or lease it, or transfer it to his name on account of any legal title or in any other way.”⁵⁸ On the other hand, on the nearby island of Brač, foreigners could at first, contrary to the situation in Poreč, acquire no communal land at all, not even with the permission of the Rector or the Council (as was the case with privately owned land), and it was only later, with the revision of 1432, that this right was granted to them, under the condition that they applied for a permission with the communal bodies in charge.⁵⁹

Besides limiting the ownership rights of foreigners over immobile property, statutory legislation also limited their right of freely disposing with certain goods – more precisely, with those types of produce on which the very existence of Eastern Adriatic communal societies depended (such as corn) or which formed the base of communal economy (such as wine) – with the purpose of “economically regulating the transactions that involved these goods.”⁶⁰

Speaking about corn, the most important staple food that Eastern Adriatic communes could not produce in quantities sufficient to satisfy their needs, almost all statutes contain regulations that strictly controlled trade with this produce by encouraging import or limiting export. Trade with corn (as well as other grains such as wheat, barley, spelt, millet, etc.) was thus not allowed without a special permission of the communal body in charge, which was mostly the city’s governor (rector or

⁵⁷ *Statut Pulske općine* (as in n. 32), I, 32.

⁵⁸ *Statut grada Splita* (as in n. 23), VI, 3.

⁵⁹ *Brački statut* (as in n. 21), Revision, I, 77; Revision, II, 5. What should be noted by all means is that the latter regulation did not refer, among other things, “to those places that were previously donated or given by testament to those foreigners.” *Brački statut*, Revision, II, 5.

⁶⁰ Antun Cvitanić, “Stvarno pravo splitskog statuta iz 1312. godine” [Property law in the Statute of Split from 1312], in idem, *Iz dalmatinske pravne povijesti* (as in n. 17), 129.

count).⁶¹ To be sure, these limitations did not refer to foreigners alone, and they were not always explicitly mentioned in the statutory regulations dealing with corn trade; instead, they were valid for all the citizens and residents of the Eastern Adriatic communes alike. There were some communes, such as Hvar, which went so far as to force the foreigners, or rather anyone “who by his own will comes to the district of Hvar with corn on his ship” to sell it to the commune “at a reasonable price.”⁶²

Unlike corn trade, in which the communal authorities sought to prevent or limit the export of corn by means of legal regulations, in case of wine trade – which was the main export produce of the Eastern Adriatic communes – the aim was rather to prevent its import, which was in some communes allowed only in cases of illness (Split)⁶³ or if there was a “special need of it” (Hvar),⁶⁴ or in case of scarcity (Korčula, Budva).⁶⁵ There were only a few cities (such as Senj) where trade with foreign wine (in small quantities) was allowed at least through a short period of time, for example from the feast day of St Michael (September 29) until the New Year.⁶⁶

Even though similar limitations are encountered in case of other goods – such as cheese or wood on the island of Korčula⁶⁷ – they are not attested in most statutes and thus mirror the economic specificities of individual Eastern Adriatic communes.

⁶¹ *Statut grada Splita* (as in n. 23), V, 20 and 34; *Korčulanski statut* (as in n. 19), older redactions, 44; *Brački statut* (as in n. 21), III, 6; *Statut Pulske općine* (as in n. 32), III, 55; *Statut rapske komune iz 14. stoljeća* (as in n. 25), IV, 8. On corn trade, see the following regulations: “Lo statuto di Umago” (as in n. 34), IV, 47; “Statut grada Poreča iz 1363” (as in n. 28), II, 90; *Statut Pulske općine*, III, 55; *Statut rapske komune iz 14. stoljeća*, IV, 8 and 25; *Statut grada Splita*, V, 30; V, 33; *Statut grada Trogira* (as in n. 24), II, 93; II, 98; Revision, I, 63; *Knjiga statuta, zakona i reformacija grada Šibenika* (as in n. 25), Revision, 86; *Brački statut*, III, 6; *Hvarski statut* (as in n. 26), III, 8; V, 19; V, 44; *Korčulanski statut*, older redactions, 44; newer redactions, 50, 77; 80, Revision, 121, 138, 195; *Lastovski statut* (as in n. 22), 140; *Statut grada Dubrovnika* (as in n. 20), VI, 31; *Statuta civitatis Cathari* (as in n. 25), 334-336; “Statuta et leges civitatis Buduae” (as in n. 33), 59-61 and 274.

⁶² *Hvarski statut* (as in n. 26), V, 19.

⁶³ *Statut grada Splita* (as in n. 23), IV, 112.

⁶⁴ *Hvarski statut* (as in n. 26), II, 42.

⁶⁵ *Korčulanski statut* (as in n. 19), newer redactions, 105; “Statuta et leges civitatis Buduae” (as in n. 33), 226. Cf. *Statut grada Splita* (as in n. 23), IV, 112. On wine trade in general, see the following regulations: “Lo statuto di Umago” (as in n. 34), IV, 44-46; “Statut grada Poreča iz 1363” (as in n. 28), II, 58; *Statut Pulske općine* (as in n. 32), IV, 15a; *Statut grada Splita*, IV, 112 and 113; *Statut grada Trogira* (as in n. 24), II, 47; Revision, I, 54 and 68; *Knjiga statuta, zakona i reformacija grada Šibenika* (as in n. 25), Revision, 5; *Brački statut* (as in n. 21), II, 6; *Hvarski statut* (as in n. 26), II, 42, V, 43; *Korčulanski statut*, older redactions, 19; newer redactions, 105 i 107; *Lastovski statut* (as in n. 22), 102; *Mljetski statut* (as in n. 27), II, 6; Revision, I, 47 and 48; *Statuta civitatis Cathari* (as in n. 25), 337-338 and 346; “Statuta et leges civitatis Buduae” (as in n. 33), 62 and 245.

⁶⁶ “Statut grada Senja iz 1388.” (as in n. 30), 110.

⁶⁷ *Korčulanski statut* (as in n. 19), Revision, 38; newer redactions, 110.

On the basis of this analysis of statutory regulations defining ownership rights for foreigners, it may be said that it is hardly possible to make any definite conclusions regarding the legal position of foreigners and the issue of ownership; it is possible, however, to indicate certain tendencies. Taking also into account the different dating of individual Eastern Adriatic statutes, which in some case span over a century, it becomes clear that the greatest obstacle in this sense is the fact that the statutory legislations, as mentioned above, primarily regulated those segments of social relations that mattered most in terms of communal interests. As one of those segments was trade, which attracted numerous foreign merchants to the Eastern Adriatic communes – situated at the intersection of trade routes connecting Europe to the Orient and Western Adriatic to the Balkans – it is hardly accidental that the significant number of statutory regulations defining the legal status of foreigners directly or indirectly dealt with that particular group. Other aspects of the legal position of foreigners, such as the issue of ownership rights, which is the subject of this study, received far less attention in the statutory regulations, as it apparently belonged to the realm of common law.⁶⁸ It is probably for this reason that the ownership rights of foreigners were rarely dealt with in statutory regulations: primarily in the statutes of Split and Šibenik, which defined the conditions under which a foreigner could acquire immobile property in the city or its district. Regarding the similarities in social and political factors that influenced the (legal) attitude towards foreigners, it may be presumed that these conditions – such as a permission of the communal body in charge or residence in the city – were also the usual practice in other Eastern Adriatic communes. The reason why the communal authorities sought to limit the ownership rights of foreigners in this way can be inferred from the abovementioned statutory regulations of Split and Šibenik, which speak of the “good and peaceful life in the city of Split and its district”⁶⁹ and of “avoiding legal claims and trials with any foreigner that might occur.”⁷⁰ The actual background of these measures, however, can be inferred from a regulation in the statute of Split that belongs to the area of processual law, and which foresees sanctions for trials that the citizens unjustly launched against foreigners, imposing indemnity lest “the commune and the citizens of Split should suffer some damage

⁶⁸ That is supported by the fact that in some cities, where statutes did not directly regulate the issue of property rights of foreigners, they could obviously possess real estate. Cf. *Zadarski statut* (as in n. 21), III, 17; *Statut grada Trogira* (as in n. 24), II, 94; *Statut grada Dubrovnika* (as in n. 20), VIII, 72; *Statuta civitatis Cathari* (as in n. 25), 265.

⁶⁹ *Statut grada Splita* (as in n. 23), I, 21.

⁷⁰ *Knjiga statuta, zakona i reformacija grada Šibenika* (as in n. 25), IV, 45.

from reprisals demanded by that foreigner.”⁷¹ In this context, one may conclude that the Eastern Adriatic communes did not limit ownership rights of foreigners because of their “parochialism” that consciously “closed the city gate” against the foreigners, but primarily in order to forestall and prevent possible conflicts related to property rights between the citizens and the foreigners, as these could eventually escalate so as to damage the community as a whole.

⁷¹ *Statut grada Splita* (as in n. 23), III, 48.