

AGRARIAN RELATIONS ON THE ISLAND OF MLJET IN THE 19TH CENTURY

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This paper analyses land property relations on the island of Mljet in the 19th century based on information from different sources, especially cadastre, land registry documentation and inheritance documents. In order to elucidate them, this paper gives an overview of land property relations in other parts of Dalmatia at the time, focusing on the island from the 14th century onwards. Special attention is paid to the difference in land property relations between the eastern and the western part of Mljet in the 19th century.¹

Key words: agrarian relations, feudal relations, serfdom-colonate relations, Mljet, Dalmatia, 19th century

Geographical Position and History of the Island of Mljet

Mljet is a remote island, some 15 nautical miles from Dubrovnik. It is the biggest island in Dubrovnik waters in terms of area (approx. 100 km²).² From Cape Goli to Cape Gruj, it is approximately 37 km long as the crow flies and on average just 3 km wide.³

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¹ This study was published in a monograph by Marija Gjurašić, *Razvoj otoka Mljeta u 19. stoljeću. Goveđari i Babino Polje prema katastru Franje I., vol. 1.* (Zagreb – Dubrovnik: The Institute for Historical Sciences of CASA in Dubrovnik, 2018) (hereinafter: *Razvoj otoka Mljeta u 19. stoljeću*). This paper includes new data and is a condensed version of the study.

² For more cf.: M. Gjurašić, *Razvoj otoka Mljeta u 19. stoljeću*, p. 55.

³ Branko Nadilo, "Mljet – prelijepi otok tužne sudbine", *Građevinar* 52 (2000), no. 9, series: *Razvitak hrvatskih otoka*: 551.

The island's southern part is surrounded by the high seas and thus exposed to strong winds making it partly steep and inaccessible. Off its northern shores, the Mljet Channel separates it from the mainland, namely from the Pelješac peninsula. This part is protected from southern winds and thus the island's main ports developed here (Sobra, Polače, Kozarica, Prožura and Okuklje). In terms of its morphological structure, Mljet is a typical, Dinaric karst hilly range consisting of two marginal massifs and a central one. In the central part of the island at the foot of these hills is a longitudinal valley comprising fifty smaller and larger arable fields and sinkholes covered with red soil where olive groves, vineyards, orchards, cultivated fields and pastures prevail. Mljet's western part abounds in forests and features two natural salt lakes (Veliko jezero [Great Lake] and Malo jezero [Small Lake])⁴. In the middle of Veliko jezero, which is 2.5 km long and up to 1 km wide, there is the small island⁵ of St. Mary, named after the Benedictine monastery built on the island in the 12th century.⁶

Mljet has been inhabited since Illyrian and Roman times. Abundant archaeological finds of stone cairns (hillforts and tumuli) spread throughout the island and the ruins of a Roman palace in Polače testify to this. After the Slavic invasion, the island became part of the Neretva principality (*Paganina*). It belonged to the dukes of Zachumlia until 1151 when Great Duke Desa donated the island to the Benedictine monastery of St. Mary of Pulsano (in Apulia).⁷ The Benedictines sent three of their monks to Mljet (Marin, Šimun and Vilim)⁸, who started construction on St. Mary's monastery. There is little information about the relations between the Benedictines and Mljet peasants

⁴ Their area is approximately 169 ha. Cf.: HR – DAST – 152, *The Archives of Maps of Istria and Dalmatia* (abbrev. AMID), box 181, *Operato di comune Govegiari*. Nikola Stražičić, "Otok Mljet", *Dubrovački horizont* 4 (1970): 50.

⁵ (Approximately 1.6 ha) Cf.: Nikola Stražičić, "Otok Mljet: Prilog poznavanju obalne razvedenosti", *Geografski glasnik* 32 (1970): 164; AMID, box 181, *Operato di comune Govegiari*.

⁶ Ivo Dabelić, *Povijest otoka Mljeta od najstarijeg vremena do 15. st.* (Dubrovnik: author's self-publication, 1987), pp. 49-68 (hereinafter: *Povijest otoka Mljeta*).

⁷ Ivan Ostojić, *Katalog benediktinskih samostana* (Split: Leonova Tiskara, 1941), pp. 85-87; Ivan Ostojić, *Benediktinci u Hrvatskoj i ostalim našim krajevima*, II. *Benediktinci u Dalmaciji* (Split: Benediktinski priorat – TKON, 1963-1964), pp. 417-489; Dragan Roller, *Agrarno-proizvodni odnosi na području Dubrovačke Republike od XIII. do XV. stoljeća* (Zagreb, 1955), p. 166 (hereinafter: *Agrarno-proizvodni odnosi*).

⁸ The Pulsanian Order was a relatively small congregation founded by Saint John of Matera (in 1129), and its members were gray or white discalced hermits. The monks were recruited from the lower classes, and lived from their work in the fields, livestock and alms. It is unknown how long the Pulsanians administered the monastery on Mljet and when they became the black Benedictines. I. Ostojić, *Katalog benediktinskih samostana*, pp. 85-87; I. Ostojić, *Benediktinci u Hrvatskoj i ostalim našim krajevima*. II. *Benediktinci u Dalmaciji*, pp. 417-489.

in the first two centuries. Scarce information suggests that the Benedictines as the new feudal lords collected feudal levies from the peasants who were obliged to cultivate all the land belonging to the monastery free of charge, give the monks a fifth of their yield, and perform other tasks in the monastery.⁹ Under the mediation of the Republic of Dubrovnik, their relations gradually changed and in 1345 an agreement was concluded between them and the Benedictines (on September 24 in the Archbishop's Palace in Dubrovnik).¹⁰ At a public gathering held a few days later (probably on the Feast of St. Michael, who was the patron saint of the island) in the village of Babino Polje and presided over by the prior of the monastery, a community of free peasants (*Universitas Meledae*) was constituted and its statute adopted.¹¹

Under the agreement, the monastery kept in its ownership only the land located on the western part of the island (from Cape Mljet to the Crna Klada hill) with all the surrounding islets and reefs, and some vineyards in the villages of Blato and Babino Polje (the Pod Vodicama field). The monks ceded the rest of the land (from the Crna Klada hill to the Gornja Glavica hill) with all its appurtenances to the peasants and the Community (except for some fields in the Oskorušni Dol valley, some other land that had long been in the possession of the peasants from the village of Blato, and the Vladimirović family estate).¹² At the same time, all the peasants were relieved from their former duties and compulsory service. Left without the peasants' free labour on their land, the monks tried to restore the peasants' former work obligation and compulsory service on a number of occasions. They managed to accomplish

⁹ The translation taken over from: Ivo Dabelić, *Arhivska građa za povijest otoka Mljeta – Stariji rodovi i istaknutiji otočani* (Dubrovnik: author's self-publication, 2000) (hereinafter: *Arhivska građa*), pp. 21-24.

¹⁰ In a document dated December 15, 1433, the agreement was referred to as *publicum et autenticum privilegium* (HR – DADU – FOM [*Fond Općine Mljet (Universitas Meledae)*], 74. 9/5-e, *Variae Meledae*, fol. 574; *Diplomatički zbornik Kraljevine Hrvatske, Dalmacije i Slavonije (Codex diplomaticus Regni Croatiae, Dalmatiae et Slavoniae)*, Tadija Smičiklas, ed., Zagreb: CASA, 1913 (hereinafter: *CD*), vol. XI, pp. 232-234).

¹¹ (*Liber de ordinamenti e delle usance della Universitade del comun di Melida*). *Mljetski statut*, pp. 60-61. For more information about the terms *communitas* and *universitas* cf.: Ante Marinović and Ivo Veselić, "Uvod: Lokalna samoupravna vlast na Mljetu (po Statutu) u doba Dubrovačke Komune/Republike", in: *Mljetski statut*, Prepared and translated: Ante Marinović and Ivo Veselić, eds. (hereinafter: "Uvod: Lokalna samoupravna vlast na Mljetu.") (Split – Dubrovnik: Književni krug i Zavičajni klub Mljet, 2002), pp. 19-41; Ante Marinović, "Predgovor", in: *Stonske odredbe*. (Split: Književni krug iz Splita, 2013), pp. 21-28; Ante Cvitančić, *Iz dalmatinske pravne prošlosti* (Split: Književni krug, 2002), pp. 448-451.

¹² All the churches in the eastern part of the island with their pertaining land remained the property of the monastery and the monastery was entitled to appoint a chaplain in each of them (*CD*, vol. XVII: 144-147; *CD*, vol. XI: 232-234; see also: I. Dabelić, *Povijest otoka Mljeta*, pp. 21-24, 54-80).

it quite soon (by 1338 at the latest), which resulted in continuous tensions and revolts on the island even after it came under the authority of the Republic of Dubrovnik in 1410.¹³ That year Mljet legally became part of the Republic of Dubrovnik, which sent their rector of the Three Elaphite islands there.¹⁴ His residence was in Šipan. The rector and his substitute – the vice-rector (a Mljet resident from the village of Babino Polje) together with the island's *šbor* (the people's assembly), the prior of the monastery (who no longer presided over the assembly), island judges and other community servants exercised authority on the island. Since the island had a strategic and economic importance, the function of the rector of Mljet was introduced in 1493. He was elected and installed by the Great Council of the Republic of Dubrovnik. The rector of Mljet resided on Mljet and governed the island in conjunction with other bodies of communal authority. Having its own rector, Mljet became an independent principality (*universitas*) within the Republic of Dubrovnik.¹⁵

Mljet remained its constituent part until its dissolution, when both came under French rule. By a decree of General Auguste Marmont, all the monasteries in the territory of the Republic, including the one on Mljet, were closed. At the time of the closure, four monks lived there, including prior Don Placido Guska (more on him further). The secularised monastery was transferred to the Piarists (*the Scolopi*). Chaplain Don Miho Širun took control over the monastery and administered it for the benefit of the Lyceum. A decree to establish the Lyceum was enacted on the same day as a decree to close the Benedictine monastery. The French left the island as soon as 1813. Upon their departure, a group of twelve residents of Mljet who were dissatisfied with the

¹³ For more cf.: A. Marinović and I. Veselić, "Uvod: Lokalna samoupravna vlast na Mljetu", pp. 25, 38-39; Ivo Dabelić, *Komuna Mljet od 1500. do 1808. godine – Knezovi, kancelari, suci, dvornici, procjenitelji, sudski izvršitelji, odvjetnici, postići, zdravstveni službenici, stražari i drugi službenici* (Dubrovnik: author's self-publication, 2004), pp. 11-24; Josip Lučić, "Pučki zborovi na Mljetu", in: *Zbornik otoka Mljeta I.* (Dubrovnik – Mljet: Dubrovački muzej – Odjel socijalističke revolucije i Mjesno udruženje SUBNOR-a Mljet – Babino Polje, 1989), pp. 183-224; Branimir Gušić, "Kako je Mljet pripao Dubrovačkoj Republici/Wie kam die Insel Mljet unter die ragusanische Republik", in: *Rešetarov zbornik iz dubrovačke prošlosti. Milanu Rešetaru o 70-oj godišnjici života – prijatelji i učenici* (Dubrovnik: Jadran, 1931), pp. 47-54.

¹⁴ The rector of Šipan, Lopud and Koločep (*comite insularum Juppae, Dalafodi et Calamote*). Cf.: Ante Šoljić, Zdravko Šundrica and Ivo Veselić, eds., *Statut grada Dubrovnika sastavljen godine 1272. (Liber statutorum civitatis Ragusii)* (Dubrovnik: Dubrovnik State Archives, 2002), pp. 180-183.

¹⁵ Dependence of the island on *The Republic of St. Blaise* (i.e. "the magnificent and exalted nobles of the Republic of Dubrovnik") and its "serene and merciful lord, (...) King Sigismund, King of the Romans, Hungary and Dalmatia" is emphasised in the Statute (in the decree regulating wine trade on the island enacted on March 28, 1417), Ante Marinović and Ivo Veselić (prepared and translated by), *Mljetski statut* (Split – Dubrovnik: Književni krug i Zavičajni klub Mljet, 2002), pp. 110-113.

new administrator of the monastery (Miho Širun), plundered the monastery and forced the prior to leave the island. A very brief period of British rule ensued (1813-1815) during which Don Placido Guska returned to the island and took control over the monastery. However, under Austrian rule (1815), the Piarists¹⁶ regained control of it and held it until 1855, when it was taken over by the Jesuits from Dubrovnik. The Jesuits administered it until the end of 1868, when it became state property.¹⁷ Mljet, together with the rest of the province, remained under Austro-Hungarian rule until 1918.

Administrative Division and Socio-Economic Situation on Mljet in the 19th Century

Most of the 19th century villages on Mljet were located in the island's interior, whereas only several smaller villages or some individual buildings were located by the sea or the lakes. In local jargon, all the villages were divided into villages *gorú* (upper villages) and villages *dolú* (lower villages). Traditionally, the former referred to eastern villages up to the Blatska Gora hill (Prožura, Okuklje, Vrhmljeće, Maranovići, Korita, Žara, Preč and others), and the latter to western villages (Soline, Pristanište, Babine Kuće, Govedari, Pomena, Polače, Kozarica, Blato, Rope, Babino Polje, Sobra and others).¹⁸ They were connected by a rocky road winding through the island's centre. Cadastral data suggest that it was in a very poor shape, like all the other secondary roads and paths. Under Austrian rule, the island belonged to the political district of Dubrovnik (*Distretto d'estimo*), and the court district of Ston (*Distretto d'imposta*) and was divided into six cadastral municipalities: Babino Polje, Blato, Govedari, Prožura, Maranovići and Korita. The largest municipality

¹⁶ Cf.: M. Gjurašić, *Razvoj otoka Mljeta u 19. stoljeću*, pp. 50-53.

¹⁷ At the beginning of 1869, the Austrian Forestry Administration administered by the Imperial and Royal State Forestry and Demesne Directorate from Gorizia moved into the monastery. Its task was to manage and protect forests and other natural resources on the island. (I. Ostojić, *Katalog benediktinskih samostana*, p. 85; I. Ostojić, *Benediktinci u Hrvatskoj i ostalim našim krajevima*, II, p. 440; Zdravko Šundrica, "O agrarnim odnosima na otoku Mljetu u vrijeme pada Dubrovačke Republike", in: *Tajna kutija dubrovačkog arhiva I.* (hereinafter: "O agrarnim odnosima na otoku Mljetu") (Zagreb – Dubrovnik: Zavod za povijesne znanosti HAZU u Dubrovniku, 2008), pp. 415-416.

Cf. also: Brigitta Mader, "Austrijski projekti o podizanju 'Parka zaštićene prirode Mljet' od 1910. do 1915. godine na prostorima šuma nekadašnje benediktinske opatije", in: *Benediktinci na području Dubrovačke nadbiskupije – Zbornik radova*, Želimir Puljić and Marijan Sivrić, eds. (Dubrovnik: Dubrovačka biskupija, 2010), pp. 370-372.

¹⁸ Tomislav Macan, "Naselja na Mljetu od starine do pred Drugi svjetski rat", in: *Sa staroga Mljeta*, Trpimir Macan, ed. (Zagreb: Naklada Pelag, 2002), p. 9.

and the island's administrative centre was Babino Polje. In terms of ecclesiastical jurisdiction, the villages were divided into two parishes: Babino Polje and Maranovići. The parish of Babino Polje included the cadastral municipalities of Babino Polje, Blato and Govedari, whereas the parish of Maranovići comprised the municipalities of Maranovići, Prožura and Korita. There were no towns on Mljet, however, the centres of the two parishes were the most densely populated. In the cadastral municipality of Babino Polje, there were 465 plots with buildings on them and in the cadastral municipality of Maranovići 177.¹⁹ A slightly smaller number of buildings were registered in the cadastral municipalities of Korita (140), Prožura (83), Blato (70) and Govedari (53),²⁰ which was the youngest settlement on the island founded in 1793 (to be discussed further). According to the description in cadastral records and presentation on cadastral maps, the houses were scattered irregularly across the villages.²¹

The total number of houses was 331, with 221 families living in them and the total number of residents was 1,255. Of these 331 houses, 163 were located in the cadastral municipality of Babino Polje, 38 in Prožura, 45 in Maranovići, 50 in Korita, 19 in Blato and only 16 in Govedari.²² According to cadastral data, almost all the houses were built of mortared stone and covered with roof tiles, partially even with straw.²³ Some of them were built of limestone,²⁴ wood or dry stone. Most of the houses were small, single-storey structures, and only a few of them had an attic or another storey.²⁵ The rural character of the houses was characterised by an outdoor staircase built at the back of the house and a yard. Often, a hearth (*forno*) and sometimes even a cistern (*cisterna*) could be found next to the house. For example, in the cadastral municipality of Babino Polje, there were records of 32 cisterns, often used by several neighbouring houses.²⁶ Barns and storerooms (*magazini*) prevailed among the farm buildings. Cadastral data suggest that most houses were uncomfortable and

¹⁹ AMID, box 3, 38, 181, 263, 338, 506, *Protocollo degli edifizj*.

²⁰ AMID, box 3, 38, 181, 263, 338, 506, *Protocollo degli edifizj*.

²¹ AMID, box 3, *Operato dell'Estimo censuario; Protocollo degli edifizj; Katastarske mape*.

²² AMID, box 3, *Operato dell'Estimo censuario; Protocollo degli edifizj*.

²³ AMID, box 3, *Operato dell'Estimo censuario*.

²⁴ HR – DADU – 30.1, vol. 216 (1793-1794), *Ex libro Diversorum de Foris hujus publicae cancellariae rhacusinae*, fol. 18. The Serf and Colonate Agreement between the Monastery and the Villagers of Govedari of April 8, 1793 (hereinafter: *Ex libro Div de For*, vol. 216, f. 18).

HR – DADU – 162. Kotarski sud Slano (*District Court of Slano*), box 208, file no. 104/1847, *L'Inventario giudiziale con stima di defunta Ellena del fn. Giovanni Obuglien*.

²⁵ AMID, box 3, 263, 338, *Protocollo degli edifizj; Fogli d'inserazione al Protocollo delle particelle degli edifizj*.

²⁶ AMID, box 3, *Protocollo degli edifizj*.

poorly maintained, testifying to the difficult life and universal poverty of the peasants of Mljet.

In the period analysed, the majority of the Mljet population lived on agriculture, animal husbandry, fishing and trade. Peasants who tilled the land prevailed in the social structure, although cadastral records also referred to landowners and artisans (carpenters, blacksmiths). In the 19th century, Mljet had extensive farming, land was tilled with primitive tools, modern agricultural techniques and adequate machinery were not applied. Such a practice resulted in modest crop yields, which did not differ significantly from those in the rest of the district and the province where economic conditions were almost identical.²⁷ Austrian authorities planned to introduce a well regulated agriculture in order to improve farming and address the harshness of conditions and scarcity of karstic soils. To this end, they recommended the improvement of a crop rotation system and the cultivation of more crops (polyculture) instead of the conventional one crop farming (monoculture),²⁸ whose risks and disadvantages were particularly evident at the time of the Wine Clause²⁹ and the phylloxera epidemic.³⁰ Improvement of low productivity and production in Dalmatia's agricultural sector in the 19th century also depended on capital investments and smooth financial transactions.³¹ A new economic order as well as the introduction of the Austrian General Civil Code (ABGB) into

²⁷ AMID, box 3, *Operato dell'Estimo censuario*. Cf.: Stanko Ožanić, *Poljoprivreda Dalmacije u prošlosti: Prilozi za povijest poljoprivrede Dalmacije* (hereinafter: *Poljoprivreda Dalmacije u prošlosti*) (Split: Društvo agronoma NRH – Podružnica Split, 1955), pp. 215-224.

²⁸ Cf.: Nenad Vekarić and Božena Vranješ-Šoljan, "Početak demografske tranzicije u Hrvatskoj.", in: *Početak demografske tranzicije u Hrvatskoj* (Zagreb – Dubrovnik: Zavod za povijesne znanosti HAZU u Dubrovniku, 2009), p. 19.

²⁹ The Wine Clause is a provision in the 1891 trade agreement between Austria-Hungary and Italy allowing Italian wine exports to Austria-Hungary at minimum tariffs. This had a disastrous impact on Dalmatian wine production depriving it from the market of the Austro-Hungarian Empire. For more information cf.: Jasenka Maslek, *Zemlja i ljudi – Vinogradarstvo poluotoka Pelješca u 19. i 20. stoljeću* (Zagreb – Dubrovnik: Zavod za povijesne znanosti HAZU u Dubrovniku, 2016), pp. 104-110.

³⁰ S. Ožanić, *Poljoprivreda Dalmacije u prošlosti*, pp. 223-224; Ivan Lajić, *Stanovništvo dalmatinskih otoka: Povijesne i suvremene značajke depopulacije* (Zagreb: Consilium, Institut za migracije i narodnosti Sveučilišta u Zagrebu – Biblioteka Demografske povijesne studije, 1992), pp. 78-85, 124.

³¹ These transactions were made especially through mortgage offices introduced during French rule. During Austrian rule, mortgage rights were valid before the law provided that they were entered in mortgage registries (*Allgemeines bürgerliches Gesetzbuch für die gesammten Deutschen Erbländer der Oesterreichischen Monarchie* (ABGB) [Austrian General Civil Code]: 116).

Dalmatia's legal area³² were supposed to make it possible. One of the Code's main purposes was to simplify the way of acquisition, disposal and transfer of real estate in order to ensure pecuniary claims of creditors.³³ Prerequisites for safe and smooth real estate transactions, especially after the abolition of the feudal system, were establishing the identity of the real estate owner and the absence of encumbrances or restrictions in the right of real estate disposal. In order to fulfil the prerequisites, the Habsburg Monarchy created a new way of making real estate property rights public, namely a new system of land registry. To that end, all plots of land and buildings throughout the Monarchy were registered, surveyed and classified.

Dalmatia's Survey and the Introduction of Cadastre and Land Registers

The need for official and systematic records and survey of immovable property arose already in the late 18th and the early 19th century throughout Europe.³⁴ The territory of Europe that was marked by numerous technological and industrial revolutions, rapid urbanisation, an intense development of the infrastructure and a great increase of public administrations was at the same time shaken by numerous wars and revolutions. All of this exhausted state budgets of the countries involved, and tax collection was one of the means for their financial recovery. To this end, public and systematic surveys and listings of buildings and plots of land were carried out and their owners and holders were registered throughout Europe. Emperor Charles VI launched the survey of Austrian territories and the creation of topographic maps of the Habsburg Monarchy by establishing the Cadastre of the Duchy of Milan

³² The General Civil Code of Austria (*Allgemeines bürgerliches Gesetzbuch* – ABGB) was published on June 1, 1811 in Vienna, and entered into force in Dalmatia on January 1, 1816. On the islands of Koločep, Lopud, Šipan, Lastovo, Mljet, Korčula and Vis, the Code came into force on October 1, 1816, in Croatia and Slavonia on May 1, 1853 (*Opći austrijanski građanski zakonik, proglašen Patentom od 29. studenog 1852. u Kraljevinama Hrvatskoj i Slavoniji, s naknadnim zakonima i naredbama*).

³³ Cf.: Tatjana Josipović, *Zemljišnoknjižno pravo* (Zagreb: Informator, 2001), pp. 28-29; Stjepan Čosić, "Državna uprava u Dalmaciji i crkveni preustroj 1828. /1830. godine", *Croatica Christiana periodica* 65 (2010), no. 34: 54.

³⁴ Also cf.: Boris Goleč, "Zemljišni katastri 18. in 19. stoletja kot vir za stavbno, gradbeno in urbanistično zgodovino slovenskega ozemlja – 1. del", *Arhivi* 32 (2009), no. 2: 283-338; Boris Goleč, "Zemljišni katastri 18. in 19. stoletja kot vir za stavbno, gradbeno in urbanistično zgodovino slovenskega ozemlja – 2. del", *Arhivi* 33 (2010), no. 2: 339-361.

(from 1718 to 1723).³⁵ Wishing to set up a uniform tax collection system and regulate relations between feudal lords and their serfs, Empress Maria Theresa adopted (in 1748) the so-called urbarial regulations that provided for the registration of all the lands of the lords (*Dominicale*) and of the peasants (*Rustico*) in the Empire (from 1749 to 1759). The Theresian cadastre did not include cartographic material and written records (on economic activity and similar) and therefore differed significantly from subsequent cadastrals created on the basis of topographic and economic survey. Emperor Joseph II continued the project of military mapping and the first systematic topographic survey of the whole Monarchy, which was even named after him. The Josephinian Land Survey included the territory of Croatia and Slavonia at the time, while Istria and Dalmatia, which were then parts of the Republic of Venice, were not included in the Survey. The Survey was conducted from 1764 to 1787 and was considered to be an advanced undertaking of its time. Since it was conducted quickly and without adequate preparations, it did not achieve the expected results. Therefore, the Josephinian Cadastre and the Josephinian tax system introduced in 1785 were soon abolished.³⁶

Drawing lessons from accumulated cadastral information and experience from the Cadastre of Milan, the Theresian and Josephinian Cadastre, Emperor Francis I launched a new, scientifically and methodically thoroughly prepared survey of the entire Monarchy.³⁷ This one included Istria and Dalmatia, which became constituents of the Austrian part of the Monarchy by the Final Act of the Congress of Vienna in 1815. When the cadastral survey was carried out, Istria belonged to the Austrian Littoral and was surveyed from 1817 to 1825, whereas Dalmatia (including Kotor and Dubrovnik), which was considered a separate crown land (Kingdom of Dalmatia) and directly subordinated to Vienna, was surveyed in two phases. The first began in Zadar in 1822 and was completed in 1830, the second began in 1834 and was completed in 1838.³⁸ The area of the Bay of Kotor was surveyed in the period from 1824

³⁵ For more cf.: Marija Gjurašić, "Zemljišna izmjera i ustroj Stablnoga katastra Franje I. u Dalmaciji prema Carevu patentu iz 1817. godine i Katastarskome i mjerničkome napatku iz 1820. godine/Land Survey and the Structuring of the Stable Cadastre in Dalmatia during the reign of Francis I: The Imperial Patent of 1817 and the Cadastral and Surveying Instruction of 1820" (hereinafter: "Zemljišna izmjera i ustroj Stablnoga katastra Franje I. u Dalmaciji.") *Povijesni prilozi* 46 (2014): 288.

³⁶ For more cf.: Ivan Erceg, *Jozefinski katastar grada Rijeke i njegove uže okolice (1785/87)* (Zagreb: Školska knjiga, 1998).

³⁷ For more cf.: M. Gjurašić, "Zemljišna izmjera i ustroj Stablnoga katastra Franje I. u Dalmaciji," pp. 287-358; M. Gjurašić, *Razvoj otoka Mljeta u 19. stoljeću*, pp.15-29.

³⁸ Miroslav Rožman and Ljerka Šimunković, *Carski mjernik i leksikograf/Agrimensore imperiale e lessicografo – Antonio Putti* (Split: Hrvatsko-talijanska kulturna udruga Dante Alighieri Split i Državni arhiv u Splitu, 2003), p. 46.

to 1838.³⁹ In addition to topographic land surveys and making precise military maps, the survey's main purpose was to introduce a uniform, fair and stable system of taxation based on real income (*net income*)⁴⁰, which implied a stable and equal annual tax rate for each individual taxpayer throughout the Monarchy.⁴¹ On the basis of this survey and classification and appraisal of the productive capacity of all cadastral parcels, a new cadastre was created called the Stable Cadastre (Emperor Francis I's Cadastre or Franciscean Cadastre)⁴².

The Cadastral Office for Dalmatia was set up in the central tax office in Zadar, in the Land Commission on Real-Estate Tax where a Cadastral Survey Directorate⁴³ was established in 1828. However, the Land Registry Office for Dalmatia was not established before 1881.⁴⁴ A Provincial Archives of Maps was also set up in Zadar⁴⁵ in 1836 serving as a depository of the copies of all

³⁹ Cadastral and geodetic works in Croatia and Slavonia, which were parts of the Hungarian part of the Monarchy, were launched in 1847 and completed in 1877 (M. Gjurašić, *Razvoj otoka Mljeta u 19. stoljeću*, pp. 15-29)

⁴⁰ "Einführung eines neuen Grundsteuersystems", in: *Sr. k. k. Majestät Franz des Zweyten politische Gesetze und Verordnungen für die oesterreichischen, böhmischen und galizischen Erbländer*, 45. Band (Vienna: K. u. k. Hof- und Staats-Druckerey, 1819), pp. 392-394 (art. no. 4-6, 11).

⁴¹ "Einführung eines neuen Grundsteuersystems", pp. 391-398 (art. no. 17 and 26).

⁴² Cf. also: Irena Benyovsky, *Trogir u katastru Franje I.* (Zagreb – Split: Hrvatski institut za povijest i Državni arhiv u Splitu, 2005); Marino Manin, *Zapadna Istra u katastru Franje I. (1818.-1840.)* (Zagreb: Srednja Europa, 2006); Irena Ipšić, *Orebić u 19. stoljeću prema katastru Franje I.*, vol. 1. (Zagreb – Dubrovnik: Zavod za povijesne znanosti HAZU u Dubrovniku, 2013); M. Gjurašić, *Razvoj otoka Mljeta u 19. stoljeću*, pp. 15-29.

⁴³ The Directorate comprised an Inspectorate of Cadastral Survey, which was in operation until 1842 when a Cadastral Survey Office was established within the same Directorate (I. Benyovsky, *Trogir u katastru Franje I.*, p. 8).

⁴⁴ Cf. more in: M. Gjurašić, *Razvoj otoka Mljeta u 19. stoljeću*, p. 28. The oldest land register on Mljet is the one of the cadastral municipality of Prožura. It was established in 1889 in the District Court of Dubrovnik. This was followed by land registers of the cadastral municipalities of Govedari (1894), Blato (1901), Babino Polje (1902), Korita (1904) and Maranovići, which is the newest and established in 1906 in the same court. I obtained this information from Ms Nevenka Grošeta Đirlić (in interviews held on May 9 and June 28, 2013), Head of the Land Registry Department of the Municipal Court in Dubrovnik, whom I thank wholeheartedly for providing it.

⁴⁵ Cf. more in: Mirela Slukan-Altić, "Instrukcija za arhivare mapa – Prva arhivistička uputa za specijalizirane arhive", *VIA* 8-10 (2002): 81-103; Mirela Slukan-Altić, "Povijest stabilnog katastra Dalmacije – u povodu 170. obljetnice Arhiva mapa za Dalmaciju (1834-2004)/History of Stable Cadastre of Dalmatia: in the Occasion of the 170th Anniversary of the Map Archives of Dalmatia (1834-2004)", *Građa i prilozi za povijest Dalmacije* 19 (2004): pp. 14, 36. In 1923 and 1924, the complete material of the Austrian cadastre on Dalmatia (except Zadar and Lastovo) was transferred from the Provincial Archives of Maps in Zadar to the Archives of Maps of Dalmatia, which was established within the Financial Directorate in Split. After the Second World War, the Split Archives became part of the Geodetic Administration of

provincial plans and records. The survey of the island of Mljet began the same year (1836). Sketches and preliminary, temporary descriptions of the boundaries of all municipalities and the land register of the cadastral municipality of Maranovići date back to that year. However, land registers of other cadastral municipalities and building registers of all cadastral municipalities on Mljet were introduced in 1837.

The new cadastre and land registers were supposed to record existing property land rights, especially land owners and holders throughout the Monarchy. The Dalmatian economy in the 19th century was characterised by varied agrarian and production relations, which were conditioned by different ways of acquiring land tenure in the Middle Ages, when they were prescribed by various local customary rights and rights arising from the statutes. After the French authorities assumed control, these relations were most often regulated by the French Civil Code (*Code civil*), and after the establishment of Austrian rule by the Austrian General Civil Code. Its enforcement in the Dalmatian legal area precipitated a number of changes, mainly in hereditary and agrarian relations, especially with regard to the regulation of relations of owners, holders and lessees, *fideicomiso* and similar. By enforcing the Austrian Civil Code, customary rights and rights arising from the statutes were officially abolished. Since at the time of the Code's preparation and publication (1811) Dalmatia was not part of the Habsburg Monarchy, various agrarian and production relations that existed in Dalmatian territory were not considered during its drafting. Therefore, judges were free to act at their discretion and judge independently⁴⁶ in those cases that the Code did not define precisely. Land relations in 19th century Dalmatia were complex and there was a number of similar, yet differently regulated serf-colonate relationships inherited from the Middle Ages.⁴⁷ Attempts at their classification aroused a lot of controversy among Croatian scholars, mostly due to a lack of precisely defined terminology and its inconsistent use.⁴⁸ The legal institution of property in

Croatia (1945). The same year, original plans and calculation studies related to triangulation of the cadastral survey were retrieved from Vienna as well as part of the documentation of the first official survey of the Croatian part of Istria from Trieste. Therefore, the Archives were renamed the Archives of Maps of Istria and Dalmatia" (abbrev. *AMID*). On October 1, 1982, this archival material was transferred to the State Archives in Split, where it has remained ever since. (M. Gjurašić, *Razvoj otoka Mljeta u 19. stoljeću*, pp. 28-29).

⁴⁶ ABGB, pp. 31-32.

⁴⁷ Milorad Medini, *O postanku i razvitku kmetskih i težačkih odnošaja u Dalmaciji* (Zadar: Zemaljsko gospodarsko vijeće dalmatinsko, 1920), passim; Lujo Margetić, *Srednjovjekovno hrvatsko pravo – Stvarna prava* (Zagreb – Rijeka – Čakovec: Pravni fakultet Zagreb – Centar za stručno usavršavanje i suradnju s udruženim radom i Pravni fakultet u Rijeci, 1983), pp. 96-98.

⁴⁸ Cf.: M. Medini, *O postanku i razvitku kmetskih i težačkih odnošaja u Dalmaciji*, passim; D. Roller, *Agrarno-proizvodni odnosi*, pp. 8-31, 53-128, 156-159, 218-266, 372 etc.; S. Ožanić,

Dalmatian medieval legal systems was very different.⁴⁹ It was not uncommon that the same agrarian relations were named differently both in literature and in sources, and vice versa, that different relations had identical names, causing many problems in research.⁵⁰

Due to changed economic circumstances in the Middle Ages, the length of using immovable property on somebody else's land resulted in a transformation of the institution of ownership, which no longer had to include all powers arising from the right in rem, but, according to L. Margetić, implied "an unstable set of different powers".⁵¹ Accordingly, the listing of numerous entitlements (such as to have, keep, possess, give, sell, bestow, rent, exchange, alienate and permanently dispose of), which was common in medieval statutes and documents and was frequently part of numerous Mljet contracts of the time,⁵² was not a result of legal incompetence, says Margetić, but of a need for an unambiguous division of legal institutions, particularly in the case of "stratified" and "divided ownership".⁵³

Poljoprivreda Dalmacije u prošlosti, pp. 99-102; Frano Glavina, *Dubrovački gopari i pelješki kmetovi* (Dubrovnik: Državni arhiv u Dubrovniku, 2010), passim; Marko Kalodera, "O kolonatu", in: *Duhovni i svjetovni obzori Blata na Korčuli: Zbornik radova znanstveno-stručnog skupa održanog 26. travnja 1995. godine u Blatu na Korčuli o 200. obljetnici Svete Vincence zaštitnice Blata*, Zvonimir Šeparović, ed. (Zagreb – Blato: Odbor za proslavu 200. obljetnice Svete Vincence, 1995), passim.

⁴⁹ Cf.: Ivan Beuc, "Vlasnički i drugi stvarnopravni odnosi na nekretninama u doba feudalizma u jugoslavenskim zemljama", *Zbornik Pravnog fakulteta u Zagrebu* XXX (1980), no. 1: p. 30; Ivan Beuc, "Statut zadarske komune iz 1305. godine", *Vjesnik Državnog arhiva u Rijeci* 2 (1954): 493-502; L. Margetić, *Srednjovjekovno hrvatsko pravo – Stvarna prava*, pp. 28, 34, 73, 97, 95, 101-103, 164-167.

⁵⁰ In many of my dilemmas, consultations I held with Nella Lonza and Irena Benyovsky Latin were very helpful and I would like to sincerely thank them.

⁵¹ L. Margetić, *Srednjovjekovno hrvatsko pravo – Stvarna prava*, p. 75.

⁵² Cf. also: I. Dabelić, *Arhivska građa*, pp. 18-20, 76.

⁵³ Margetić explains that immovable property could simultaneously be owned by two owners having different entitlements, therefore the *dominium utile* differed from the *dominium directum*. Thus, the distinction between the right of ownership and the right in rem on someone else's property was lost. The rights *dominium directum* could also be encumbered with the rights of superior authorities (*dominium eminensa*) (L. Margetić, *Srednjovjekovno hrvatsko pravo – Stvarna prava*, pp. 75-76; I. Beuc, "Vlasnički i drugi stvarnopravni odnosi na nekretninama u doba feudalizma u jugoslavenskim zemljama", p. 13; Željko Bartulović, "Problem vlasništva nad neobrađenim zemljištem u srednjovjekovnom Vinodolu, Krku i Senju", *Historijski zbornik* 43 (1990): 40.

Manner of Acquiring Land Tenure on the Island of Mljet and Peasants' Obligations to the Benedictine Monastery

To identify and properly interpret land relations as entered in the Mljet cadastral registers in the 19th century, it is necessary to consider broader socio-economic (particularly agrarian) relations on the island and their genesis from the Middle Ages. It should be noted that the way of acquiring land tenure on the island of Mljet differed essentially from other parts of the Republic of Dubrovnik, for example the Pelješac peninsula, the Primorje (Littoral) or the Konavle regions, where the newly acquired land was distributed mainly to the nobility.⁵⁴

The situation on Mljet was different. As previously mentioned, the Benedictines acquired land tenure in the mid-12th century. Thus, the monks became the new *domini terrestres*,⁵⁵ and the peasants their serfs obliged to till and cultivate all the monastery's inheritance for free and give a fifth of their yield to the monastery. These relations lasted until the mid-14th century, when the Benedictines signed an Agreement (1345) with the peasants relieving them of their subservient position, works, duties, services and obligations they had towards

⁵⁴ After acquiring the Pelješac peninsula (1326), the Republic of Dubrovnik divided Stonski Rat (the peninsula proper without Ston) into 300 parts, and each part into four quarters (1200 quarters in total). They were distributed by lot to new owners, mainly nobility. Commoners received only a fraction (approx. 150 quarters). For more information cf.: Josip Lučić, "Najstarija zemljišna knjiga u Hrvatskoj – Dubrovački zemljišnik diobe zemlje u Stonu i Pelješcu iz god. 1336.", *Anali Historijskog instituta JAZU u Dubrovniku* 18 (1980): 57-64; Josip Lučić, "Pelješac od dolaska Slavena do potpadanja pod vlast Dubrovačke republike", in: *Pelješki zbornik 2*, Stjepan Vekarić, ed. (Split: Društvo Pelješčana u Zagrebu; Poljoprivredna zadruga i vinarija Dingač-Potomje; Samoupravne interesne zajednice za kulturu općina Dubrovnik i Korčula, 1980), pp. 5-72. The Dubrovačko Primorje region (the Dubrovnik Littoral, i.e. the territory from Kurila to Ston called *Terre Nove*) acquired in 1399 was divided similarly (290 parts were allocated to nobility, and the rest, divided into 40 quarters, to commoners). For more information cf.: Ana Kaznačić-Hrdalo, "Dioba i ubikacija dijelova Slanskog primorja u doba pripojenja Dubrovniku godine 1399.", *Anali Zavoda za povijesne znanosti istraživačkog centra JAZU u Dubrovniku* 17 (1979): 17-47; D. Roller, *Agrarno-proizvodni odnosi*, pp. 228-234. The way of acquiring and allocating parts of *Astareja* (the Republic's territory outside the city of Dubrovnik from mount Ljuta in front of the town of Cavtat to Kurila in the Rijeka Dubrovačka area) was similar to the abovementioned example. The whole territory was divided into 240 parts, and again, most plots of land were allocated to nobility. For more information cf.: A. Marinović, "Uvod. Lokalna samoupravna vlast na Mljetu.": 8-10. For information about the division of the Konavle region (the area southeast of the city of Dubrovnik), which was similar to these, cf.: Radoslav Grujić, "Kaznačine u Konavlima XVI. veka", in: *Rešetarov zbornik iz dubrovačke prošlosti: Milanu Rešetaru o 70-oj godišnjici života – prijatelji i učenici* (Dubrovnik: Jadran, 1931), pp. 91-98; Niko Kapetanić, "Podjela zemlje u Vitaljini u 15. stoljeću", *Anali Zavoda za povijesne znanosti Hrvatske akademije znanosti i umjetnosti u Dubrovniku* 37 (1999): 9-31.

⁵⁵ FOM, 74. 9/5-e, *Variae Meledae*, fol. 574.

the abbey, provided that the Community paid a communal annual lump sum (*solaria*) of 300 *perpers* (*perperus de Ragusio* – silver coins used in the Republic of Dubrovnik from the 13th to the 19th century) for the land and each house brought them a hen as a “gift”, actually a “mark of honour” (*honorantia*)⁵⁶ on the Feast of Saint Blaise. The total amount of this part of the obligation was thus variable depending on the number of houses, which necessarily varied over the centuries, whereas the lump sum was fixed (*in perpetuum*, i.e. “forever”).⁵⁷ How heavy this levy weighed on individual houses or residents cannot be reliably assessed since it also depended on the current demographic and property (economic) status.⁵⁸ It can be assumed, however, that the transition to rent in money was, at least to some extent, in a mutual interest.

It was in the peasants’ interest since they were relieved of their work duties and other obligations and acquired the right to freely dispose of property, whereas the monastery no longer needed to worry about how to cash the yields they received from the peasants.⁵⁹ However, the Agreement’s negative impacts – the fact that the peasants now had to find a way to get money to meet their financial obligations (which was certainly not easy because commodity-money economy on the island lagged behind at the time) and that the monks were now without free labour force – would result in future disagreements. On many occasions, the monks tried to revive work obligations and corvée for peasants, which succeeded very soon. Notwithstanding the fact that all the peasants, particularly those from the village of Žara,⁶⁰ protested against it, labour rent was, on all appearances, restored as early as the 14th century. References to it can be found in some (subsequently added) provisions of the Statute of Mljet, as well as in decisions of the Council of Mljet and the

⁵⁶ CD, vol. XI, pp. 232-234; Z. Šundrica, “O agrarnim odnosima na otoku Mljetu”, pp. 413-414, 424-432.

⁵⁷ CD, vol. XI, pp. 232-234.

⁵⁸ By comparison, the price of a sheep or a goat in 1344 was around one *perper* and two gro-schen (Zdravko Šundrica, “Stonski rat u 14. stoljeću (1333-1399)”, in: *Tajna kutija dubrovačk-og arhiva I*. (Zagreb-Dubrovnik: Zavod za povijesne znanosti HAZU u Dubrovniku, 2008), p. 392); judges on Mljet received one *perper* and nine *folars* for each lawsuit (*Mljetski statut*, pp. 70-71), the annual salary of the chaplain and the rector of Mljet (1543) was 50 *perpers* each, the annual wages of farmers on Mljet in 1595 increased from 10 to 30 *perpers* (*Mljetski statut*, pp. 120-121; Z. Šundrica, “O agrarnim odnosima na otoku Mljetu”, p. 426; I. Dabelić, *Arhiv-ska građa*, p. 63); a teacher’s annual salary in Dubrovnik was 35 *perpers* (1347), and a priest’s in Trstenica 20 *perpers* (*Libri reformationum*, vol. I, pp. 261-262). I would like to thank Nella Lonza for drawing my attention to this information.

⁵⁹ *Mljetski statut*, pp. 100-105.

⁶⁰ This is visible from a document written in 1433 (I. Dabelić, *Arhivska građa*, pp. 24-28).

Senate.⁶¹ Tensions and peasant rebellions on the island continued, even after it came under the authority of the Republic of Dubrovnik (1410).

With regard to the mutual redistribution of the annual lump sum among the islanders, a document from 1367 suggests that the peasants from the village of Žara paid the monastery 60 *perpers*⁶² for the land. One can assume that the inhabitants of other villages paid the rest (240 *perpers*). It is unknown whether the share of the lump sum depended on the number of residents of a particular village or the size of the land tenure, as is whether the annual lump sum changed over time. However, it can be assumed that it remained the same until the island came under Austrian administration (1815) based on a 1814 report by Don Guska and a number of documents from earlier periods explicitly specifying it.⁶³

A document on how the members of the Community within a village shared the newly acquired rights and obligations has not been preserved either.⁶⁴ One can assume that the status quo was respected, in other words that each family retained the land they had cultivated since ancient times. Since at the moment of the foundation of the Community, all the clans of Mljet were not equally represented, it is assumed that they did not have the same amount of land (and probably were not equally burdened by land taxes). The sums of money transferred during purchase and sale transactions are indicators of the wealth of individual islanders. For example, in 1418 Nale Bogojević paid Maruša, Dakoje Bausović's wife, one hundred *perpers* for her property.⁶⁵ The 1345 Agreement itself confirms that there was private property owned by peasants on Mljet even before the Agreement with the monastery

⁶¹ Senate's decisions of 1414, 1433, 1485, 1585, 1595, 1604 and 1614 (*Mljetski statut*, pp. 106-107, 140-143, 154-157; *Acta Cons. Rog*, box 68, fol. 177-178v; *FOM*, 74. 9/5 e, *Varia Meledae*, fol. 567, 574-575; I. Dabelić, *Arhivska građa*, pp. 25-28). Cf.: Z. Šundrica, "O agrarnim odnosima na otoku Mljetu", pp. 424-425.

⁶² The document of October 6, 1367 has not been preserved but it was referred to in a 1500 ruling by rector of Mljet Savin Bobaljević, and in a document dated November 13, 1536. According to I. Dabelić, what is meant under *Žarani* were villagers of Upper Villages, from Žara to Prožura (I. Dabelić, *Povijest otoka Mljeta*, p. 80; I. Dabelić, *Arhivska građa*, p. 20).

⁶³ For example these are documents from 1388, 1414, 1433, 1455, 1457, 1459, 1500, 1547, 1549, 1550, 1555 (*FOM*, 74. 9/5-e, *Variae Meledae*, fol. 574; 74. 1/14, *Diversa Meledae*, 1547-1561, fol. 40; 74. 1/14, *Diversa Meledae*, 1547-1561, fol. 77; 74. 1/14, *Diversa Meledae*, 1547-1561, fol. 92; *CD*, vol. XVII: 144-147; I. Dabelić, *Arhivska građa*, pp. 18-32, 124; *Mljetski statut*, pp. 140-143; *Izvjeshće don Placida Guske*. Cf.: Z. Šundrica, "O agrarnim odnosima na otoku Mljetu", pp. 424-432.

⁶⁴ D. Roller, *Agrarno-proizvodni odnosi*, pp. 170.

⁶⁵ I. Dabelić, *Povijest otoka Mljeta*, p. 86. Art. no. 20 of the Council of Mljet indicates that there were important disparities among the peasants in terms of their income scale in the 18th century showing that some islanders had more than three hundred sheep and goats, others

was concluded since it says that some property in Blato has belonged to the local peasants “since ancient times.”⁶⁶

According to the provisions of the Agreement and the 1345 Statute, the peasants were allowed to freely dispose of real estate, buildings and land (in terms of the right and power to inherit, buy and sell, donate, exchange, share-crop, etc.), for which they did not have to obtain the monastery’s consent, not even to grant it the right of pre-emptive buying.⁶⁷ However, it should be noted that such sales and purchases did not make the peasants *owners* of the respective real estate in the modern sense of the word, because they still had to pay the aforementioned rent in money for the land.⁶⁸ One example of the purchase and sale of the “forever” land that was encumbered to the monastery’s benefit is a 1441 agreement, by which Radoslav Ratković voluntarily sold a plot of land in the village of Babino Polje for 27 *perpers* to brothers Paluško and Antun Grubišić from Žara, who committed to pay the Mljet monastery for it three *groš* per year.⁶⁹ However, there were also peasants who were full owners of their property, exempted from paying the monastery the annual lump sum. This is proven by the 1345 Agreement as well as many purchase agreements in which sellers explicitly declared that the land they were selling was free from any payments to the monastery because it was theirs.⁷⁰

All real estate transactions were carried out in a strictly formal written form before a notary who recorded all of them in the cadastre of Mljet,⁷¹ for which, according to a 1774 price list, he was paid one *perper* to certify the purchase agreement and six *grošić* to enter it in the real estate register.⁷² In this way, the Dubrovnik government had full control over real estate transactions,

only twenty. Art. no. 22 of the Council of Mljet also testifies to a strong social stratification (*Mljetski statut*, pp. 190-195).

⁶⁶ *CD*, vol. XI, pp. 232-234.

⁶⁷ *CD*, vol. XI, pp. 232-234; *Mljetski statut*, passim.

⁶⁸ *Mljetski statut*, pp. 100-105.

⁶⁹ Such agreements were frequent. Cf.: M. Gjurašić, *Razvoj otoka Mljeta u 19. stoljeću*, p. 156 (note 824).

⁷⁰ For examples cf.: M. Gjurašić, *Razvoj otoka Mljeta u 19. stoljeću*, pp. 156-157, 160.

⁷¹ The cadastre of Mljet has not been preserved, but is referred to in numerous sources such as in the purchase agreement of Radovan Graničević (June 18, 1415), Maran Pribojević (September 30, 1431); in Luka Površkov’s donation agreement (February 10, 1432); in Radovan Bogojević’s will (August 16, 1434); and the will of Luka Bogdanić from Blato on Mljet (September 2, 1434), and many other documents (taken over from: I. Dabelić *Arhivska građa za povijest otoka Mljeta*, pp. 34, 53, 62-77, 288-291).

⁷² *Mljetski statut*, pp. 74-75, 211-213.

which also contributed to the legal certainty of the transaction.⁷³ The Statute of Mljet provided that all real estate purchases and sales had to be publicly announced at an auction for eight days, with the seller's relatives having the right of pre-emptive buying and redemption (repurchase).⁷⁴ In this way, efforts were made to safeguard the family property and prevent its disintegration. The Statute of Mljet stipulated that, under the threat of a fine of 100 *persers*, the island's real estate may not be sold or donated to foreigners, but only to its residents.⁷⁵ However, it can be assumed that this provision, if it ever took hold, was applicable just to people who were not subjects of the Republic of Dubrovnik⁷⁶ because immovable property on Mljet was sold to Dubrovnik's patricians and citizens, at least in the 15th century, as evident from many purchase agreements and wills of that time.⁷⁷ A decision of the Small Council of 1498 "reminds," for example, not only the people of Mljet, but also the citizens of Dubrovnik that they are obliged to pay rent in money for their properties on Mljet.⁷⁸ A further provision stipulated that nobody holding cultivated and fertile land on Mljet (whether from Dubrovnik or Mljet) was allowed to pick fruit from their cultivated and fertile land and properties on the island before paying rent in money or offering a reliable deposit⁷⁹ for it, regardless of whether it was payment time or not (payments were usually made on October 1, whereas harvest would begin a few weeks earlier).⁸⁰ On the other hand, the Rector of Mljet was obliged to force the debtors to pay rent in money at the request of the Community.⁸¹ The annual lump sum was also levied on

⁷³ Zvonimir Stražičić, "Statut srednjovjekovne općine Mljeta (Mljetski statut)", in: *Zbornik otoka Mljeta I*, Ivo Dabelić, ed. (Dubrovnik: Dubrovački muzej – Odjel socijalističke revolucije i Mjesni odbora SUBNOR-a Mljet, 1989), pp. 158-159. Compare: Irena Benyovsky Latin, *Srednjovjekovni Trogir – Prostor i društvo* (Zagreb: Hrvatski institut za povijest, 2009), pp. 116-120.

⁷⁴ For more on the duty to publicly announce purchases and sales and the right of pre-emptive buying of family property, cf.: M. Gjurašić, *Razvoj otoka Mljeta u 19. stoljeću*, p. 162.

⁷⁵ *Mljetski statut*, pp. 76-77.

⁷⁶ For more on the restrictions of purchases, sales and donations, cf. provisions of the Statute of Mljet in Articles 12, 24, 25, 30, 32 (*Mljetski statut*, pp. 66-67, 72-75 and 76-79; Z. Stražičić, "Statut srednjovjekovne općine Mljeta (Mljetski statut)", pp. 158-159).

⁷⁷ For examples cf.: M. Gjurašić, *Razvoj otoka Mljeta u 19. stoljeću*, p. 162.

⁷⁸ *Mljetski statut*, pp. 100-105.

⁷⁹ *Mljetski statut*, pp. 100-103.

⁸⁰ Documents dated September 29, 1547 and October 3, 1500 confirm that payments were sometimes made earlier (for example, on the Feast of St. Michael) and sometimes later (*FOM*, 74. 1/14, *Diversa Meledae*, 1547-1561, fol. 40; I. Dabelić, *Arhivska građa*, p. 124).

⁸¹ *Mljetski statut*, pp. 102-103.

uncultivated land, to which the debtor would lose all his rights unless he complied with his obligations in a timely manner.⁸²

In addition to individual or family ownership, some land became collective ownership of all Community members in 1345 and was used for roads, water sources and similar, and especially for common grazing.⁸³ The Statute explicitly provided that all pasture lands were common to all islanders (except when they were part of the patrimony).⁸⁴ A decision the Small Council adopted on July 8, 1494 confirms that the position on the issue changed over time demonstrating that a fee for grazing cattle on Mljet was then paid to the Republic.⁸⁵ In other words, the Community eventually lost control of common pastures. Something similar happened with part of the forest land since many documents of the Chancellery of Mljet, and especially the decisions of the Council of Mljet, make references to state forests owned by the Republic (and called *il bosco di governo* or *il bosco governiale*).⁸⁶ These documents do not clarify whether the *Universitas* of Mljet was forced to cede them to the Republic and whether the Community was in some way compensated for them since the amount of the annual lump sum owed to the monastery, by all accounts, did not decrease.⁸⁷ According to data from the Book of Various Decisions of the Chancellery of Mljet from 1774 to 1782, felling trees in the state forest and grazing in it were treated as most serious crimes.⁸⁸ It should be mentioned that, according to cadastral data, in 1837 approximately 22.26% of the forests in the cadastral municipality of Babino Polje was state owned.⁸⁹ As for the legal status of pastures in this cadastral municipality under the

⁸² *Mljetski statut*, pp. 100-103. Uncultivated lands were also mentioned in numerous agreements such as: *FOM*, 74. 1/2, *Diversa Meledae* (1436-1450): 79 (document dated January 26, 1441); 74. 9/5 e, *Varia Meledae*, 446 (document dated September 30, 1472). In the cadastre of the cadastral municipality of Babino Polje (1837), they were recorded on a total of 72.28 acres of land almost exclusively privately owned (71.68 acres), whereas the rest belonged to the Church or the state (Cf.: *AMID*, box 3, *Protocollo dei terreni*; *Operato dell'Estimo censuario*).

⁸³ For more cf.: M. Gjurašić, *Razvoj otoka Mljeta u 19. stoljeću*, p. 163.

⁸⁴ *Mljetski statut*, pp. 68-71.

⁸⁵ *Mljetski statut*, pp. 98-101.

⁸⁶ *Mljetski statut*, pp. 194-197 (Articles 23-25).

⁸⁷ *Acta Cons. Rog*, box 68, fol. 177v-178v; *FOM*, 74. 9/5 e, *Varia Meledae*, fol. 567, document dated February 21, 1585.

⁸⁸ For these crimes, even capital punishment (*sotto pena di vita*) was prescribed and explicitly referred to in article no. 23, as well as confiscation of all smuggled goods. This research could not establish whether the death penalty for such offence was indeed executed. *Mljetski statut*, pp. 194-195.

⁸⁹ This should be taken as a rough approximation given that the calculation is based on the entries from land registry records, and they differ somewhat from the data presented in the tables from the Cadastral records (*Operat*) (for example, the table *Estratto della rendita censi-*

Austrian administration, approximately 83.26% was entered in the cadastre as private property (of Mljet peasants or Dubrovnik citizens), 2.73% owned by church institutions, and 14.01% were public property in the possession of the state administration.⁹⁰

According to Don Placido Guska's Report (of 1814), in the early 19th century the Community continued collecting from their members their share in the annual lump sum for the lands given to them for cultivation on October 1 each year, as recorded in the monastery book of records (*Libro della Vachetta del Monastero*), and the amount was then handed over to the head of the monastery.⁹¹ Once a year (also on October 1), all the houses were obliged to give money equal to the price of one hen,⁹² which was then, together with the rent in money, carried to the Sotnica building in the village of Babino Polje, and in turn the head of the monastery was obliged to give dinner to the bearers. It is clear that at that time the hen was no longer offered in kind (as specified by the Agreement). As for the rent-in-kind, two Community delegates presented the abbots with a gift of a castrated ram, and a kid as a token of gratitude and obedience of the whole island on January 5 each year (this obligation was imposed subsequently since it was originally not in the Agreement). In turn, the prior offered them refreshments and dinner, and the next day, on Epiphany, breakfast and lunch.⁹³ Shepherds also paid their rent in kind bringing gifts to abbots twice a year in the form of rams and kids, for which they were given a certain quantity of bread and wine and two good lunches in the refectory.⁹⁴ In addition, each house (except those of the judges) had the obligation of labour rent, i.e. to work one week a year on the monastery properties (listed in the *Libro delle terre del Monastero*). The monastery paid everyone a salary of two *grošets* per day, travel expenses (four *grošets* each), and provided food. The meal consisted of one loaf of baked bread weighing 36 ounces (of wheat or mixed wheat, rye and barley), two bowls of broad beans or some other vegeta-

bile del Catasto stabile). Cf.: AMID, box 3, *Protocollo dei terreni di Babbinopeglie 1837. I. - III.; Operato dell'Estimo censuario*.

⁹⁰ Cf.: AMID, *Protocollo dei terreni di Babbinopeglie 1837. I. - III.*

⁹¹ HR – DADU – 7, *Acta et Diplomata*, 19. stoljeće, 662.1/141. *Izvjeshće don Placida Guske*. Don Placido Guska's Report dated September 2, 1814, addressed to Jero Natalija, the Governor of Three islands and Mljet (hereinafter: *Izvjeshće don Placida Guske*). Cf.: Z. Šundrica, "O agrarnim odnosima na otoku Mljetu", pp. 424-432.

⁹² *Izvjeshće don Placida Guske; Mljetski statut*, pp. 140-143.

⁹³ *Izvjeshće don Placida Guske*.

⁹⁴ The exact number of animals is not specified in the Report. *Izvjeshće don Placida Guske*.

bles, and two large goblets of wine (1.6-1.8 l) each. For every twenty people, a quarter litre of oil was provided to season the soups.⁹⁵

Moreover, labour rent also included a provision whereby the head of the monastery was entitled to choose six shepherds from the entire island once a year (on the Feast of the Assumption). The shepherds were listed in the *Libro dei statuti dei Pastori*,⁹⁶ and their task was to graze cattle from the monastery, together with their own, on the monastery lands for one year against a salary of one *grošet* per day each.⁹⁷ For the lease of the islets located in the ports of Polače and Pomena (*Porti Palazzo e Palme*), which they could lease for their personal needs, the shepherds had to give the monastery 12 kids and a certain quantity of cheese from their animals, as stipulated by the statutes, while at the same time the abbots were obliged to give them one third of the cheese of their animals, as well as one third of the animals born on the monastery's property.⁹⁸ Every week, the shepherds alternately had to sell a ram to the abbots, cut wood for the monastery's needs, look after the animals on the Pomijenta field, monitor the forests (prohibit logging, digging or selling of anything to anyone who does not have the permission from the prior of the monastery), keep watch over all the ports located on the lands reserved for the monastery,⁹⁹ and clean up the whole islet of St. Mary twice a year – on the Feast of the Assumption (August 15) and the Feast of St. Benedict (March 21).¹⁰⁰ Twice a year, each shepherd had to travel to the city of Dubrovnik, as the monastery required and paid, and during the harvest he had to prepare the barrels and harvest the vineyard in Pomijenta, for which the monastery offered them wine and a good meal.¹⁰¹ Young men from all over the island were also obliged to help with the harvest, as well as to meet the other needs of the monastery. For this, they were given half of the food and wine given to

⁹⁵ *Izvješće don Placida Guske*; Z. Šundrica, "O agrarnim odnosima na otoku Mljetu", pp. 428-432.

⁹⁶ Initially, eight shepherds were selected, but in 1595 the number was reduced to six because the monastery had less cattle than before (Z. Šundrica, "O agrarnim odnosima na otoku Mljetu", pp. 428-432; I. Dabelić, *Arhivska građa*, p. 28).

⁹⁷ The villagers of Babino Polje and Blato were also allowed to graze their animals there, but only cows and donkeys, not small livestock (*Izvješće don Placida Guske*).

⁹⁸ *Izvješće don Placida Guske*.

⁹⁹ Every day, at least one shepherd had to keep watch, and at times, depending on the needs of the monastery, two or three or all of them (*Izvješće don Placida Guske*).

¹⁰⁰ *Izvješće don Placida Guske*.

¹⁰¹ *Izvješće don Placida Guske*.

the farmers and workers (*lavoratori*) and a pay of one *grošet* per day each, as recorded in the Senate's books.¹⁰²

On the Feast of St. Michael (September 29), the head of the monastery was entitled to choose six farmers (*rataji*) from all over the island, who were listed in the *Libro dei Rataj*, and had to spend a year working in the service of the monastery. The first week upon their arrival, the farmers would receive a pair of peasant shoes (*opanji*) from the abbots, and from the following day (after their arrival) onwards, they would receive food (like the shepherds), wages (also one *grošet* per day each)¹⁰³ and two bags of grain each, which they were allowed to sow on the monastery land, which in turn would help improve their income.¹⁰⁴ Under a provision of 1604, the same persons could be called again (to serve as the monastery's farmers or shepherds) in five or six years at the earliest,¹⁰⁵ and according to Don Guska's data, who was the monastery's prior in the early 19th century, even in seven years.¹⁰⁶ The 1604 provision clearly indicates that the farmers were allowed to go home occasionally during their one-year service according to an ancient custom, especially during the harvest and sowing seasons, to care for their family and do the field work on their own land. It was provided that they could spend as much time in their homes as they spent working in the service of the abbots during these seasons.¹⁰⁷

If we summarise mutual monetary obligations, according to Don Guska's Report, the circumstances at the beginning of the 19th century were as follows: once a year (on October 1) the Community paid the monastery the annual

¹⁰² "Workers" (*lavoratori*) probably refers to people (adult men) from each house who were required to work for one week a year. For more cf.: M. Gjurašić, *Razvoj otoka Mljeta u 19. stoljeću*, p. 169.

¹⁰³ The decision of October 26, 1595 increased farmers' wages from 10 to 30 *perpers* (or 360 *groš*) per year. The amount was probably the same in the 19th century as well (Z. Šundrica, "O agrarnim odnosima na otoku Mljetu", pp. 426-432; *Izvjeshće don Placida Guske*).

¹⁰⁴ According to Don Guska's Report, the villagers had not taken the mentioned bags of grain for a longer period of time (*Izvjeshće don Placida Guske*; Z. Šundrica, "O agrarnim odnosima na otoku Mljetu", pp. 428-432).

¹⁰⁵ Under a provision from the *Libro delli Diversi* (f. 19) dated November 23, 1604 (*Mljetski statut*, pp. 154-157).

¹⁰⁶ These data also paint a rough picture of the demographic situation on the island. *Izvjeshće don Placida Guske*; Z. Šundrica, "O agrarnim odnosima na otoku Mljetu", pp. 426, 429-432.

¹⁰⁷ (*Mljetski statut*: 154-157; *Izvjeshće don Placida Guske*). The permission for farmers to go home is also mentioned in a 1673 document (*FOM*, 74. 9/5 e, *Varia Meledae*, fol. 568, document dated June 16, 1673). It should be emphasised that in his 1814 Report, Don Guska insists on working these 365 days, and if one of the farmers (alternately) wanted to go home with the prior's permission, he had to leave one worker, who was to the prior's liking. If a farmer did not complete the work of all 365 days in one year, he had to make up for it in the following calendar year (*Izvjeshće don Placida Guske*).

lump sum of 300 *perpers* and the monetary equivalent of one hen per house (e.g., in 1807 there were 165 houses).¹⁰⁸ Every Saturday,¹⁰⁹ the monastery paid the wages to the six shepherds and as many farmers of one *grošet* per day each (or around 30 *perpers* a year each).¹¹⁰ Once a year, it paid an (adult) representative of each house for the compulsory one-week work on the monastery land (two *grošets* a day each). The abbots arranged a similar ratio of mutual obligations in 1793 in the village of Govedari (to be discussed later), where the serfs paid the monastery an annual lump sum (*solaria*) of 60 *grošets* (per labourer), and at the same time the monastery paid them the same amount in wages (60 *grošets* per labourer).¹¹¹ In other words, the peasants were able to earn the amount they had to pay to the monastery as annual rent in money through farming and shepherds' wages¹¹² (making them equal in a way).

Although it is difficult to estimate how heavy a burden these obligations were to the peasants, one can conclude that the situation still significantly deteriorated with respect to the terms of the Agreement, despite the fact that it was much better compared to the period *before* 1345, when *all* the peasants worked for free and did not acquire rights in rem with respect to the land they cultivated. The very fact that they were again forced to work for the monastery (even though only twelve people permanently) restored them to their subordinate position they had already once got rid of and now being imposed on them once again, they must have had more difficulty to cope with it and this was a

¹⁰⁸ Karl Kovač, "Crtice o statistici i o vojničkim ustanovama u republici Dubrovačkoj", *Glasnik Zemaljskog Muzeja Bosne i Hercegovine* 3-4 (1916): 309.

¹⁰⁹ A 1585 decision confirms that the payments were made on Saturdays (*Mljetski statut*, pp. 140-143).

¹¹⁰ It should be noted that, according to A. Marinović and I. Veselić, one *perper* amounts to 12 *groš*, *denars* or *grosci-grossa*, i.e. 120 *folars*, *piçulas*, *grosettās* or *dinarić* (in other words, one *groš* is worth 12 *grošet*) (*Mljetski statut*, p. 217). However, according to M. Kolar-Dimitrijević, one *grošet* is worth as much as one *groš* (Mira Kolar-Dimitrijević, *Povijest novca u Hrvatskoj: od 1527. do 1941. godine* (Zagreb: Hrvatska narodna banka, 2013), pp. 46-47). The same is corroborated by the data found in: Milovan Tatarin, "Novac", in: *Leksikon Marina Držića*, Slobodan P. Novak, Milovan Tatarin, Mirjana Mataija, Leo Rafolt, eds. (Zagreb – Čakovec: Leksikografski zavod Miroslav Krleža i Dom Marina Držića, 2009), pp. 539-542. Cf. also: Robin Harris, *Povijest Dubrovnika* (Zagreb: Golden marketing – Tehnička knjiga, 2006), pp. 173-174.

¹¹¹ *Ex libro Div de For*, vol. 216, f. 18; J. Lučić, "Pučki zborovi na Mljetu", pp. 200-201, 222-223.

¹¹² Although shepherds' and farmers' wages in the eastern part of the island were not paid to the Community, but personally to shepherds and farmers, one should not forget that they performed this job on behalf of the entire Community, and this was not the result of their private agreement, but part of a mutual agreement of the whole Community.

burden they were not willing to carry (despite the wages).¹¹³ It seems that they would have preferred to earn that money in some other way than by imposed work. Don Guska's letter suggests that the abbots cared greatly about their status and emphasises the domination of the monastery over the islanders, who, as he says, were and are the monastery's serfs (*contadini*), which arises from: paying respect (gifts), the obligation of each house to serve the monastery one week a year, and the prior's rights to shepherds, farmers and envoys, who came to bow before him and to acknowledge the abbots as their masters.¹¹⁴

The Serf-Colonate Agreement between the Monastery and the Villagers of Govedari in 1793

As the monastery chronically lacked labour force in the late 18th century, in 1793 the abbots hired three permanent labourers and entered into a "serf and colonate agreement"¹¹⁵ with them (*Contadinen- und Colonen-Verhältniss*).¹¹⁶ Under the agreement, the abbots committed to build a house for each of them (20 cubits long and eight cubits wide).¹¹⁷ In this way, a village developed in the western part of the island, called Govedari (after cattlemen). Under the agreement, the abbots committed to give each of them a plot of land (*zlatica*) for a garden around the house (whose surface area was two *solads*, one *solad* equalled roughly 1,680 m²), for which they had to pay the monastery 60 *groš* a year.¹¹⁸ In addition to the garden, each labourer was given another piece of land for sowing and others for planting the grapevine, olives and other fruits,

¹¹³ One should not forget that, in addition to rent for the land, the peasants were burdened with other levies paid to the Republic of Dubrovnik. More in: M. Gjurašić, *Razvoj otoka Mljetu u 19. stoljeću*, p. 171.

¹¹⁴ *Izvješće don Placida Guske*; Z. Šundrica, "O agrarnim odnosima na otoku Mljetu", pp. 424-432.

¹¹⁵ The co-signatories of the 1793 Agreement were the following abbots of the Mljet Congregation: Benedikt Gled, Bernard Sivrić, Placido Guska and Lujo Grmoljez (with the approval and consent of Nikola N. Pucić and Đono Antun Rastić, Esqs., plenipotentiaries of the abbots mentioned) and labourers Vicko (Stražičić) Basto, Nikola Milić and Petar Milić. Cf.: *Ex libro Div de For*, vol. 216, f. 18.

¹¹⁶ This term was used in the agreements terminating their relationship (*Vergleich/Settlement* July 20, 1889). The transcript of the Settlement of serf Nikola, son of the late Ivan Stražičić, as well as of the two pre-agreements (*Protoko* of May 10, 1889 and *Protoko* of May 11, 1889), was given to me by Mr. Zvonimir Stražičić (Basto), the legal successor of the late Nikola, son of the late Ivan Stražičić Basto, for which I thank him sincerely. I conducted interviews with Mr. Z. Stražičić in September 2011, November 2012 and February 2013 in Govedari on Mljet.

¹¹⁷ *Ex libro Div de For*, vol. 216, f. 18.

¹¹⁸ *Ex libro Div de For*, vol. 216, f. 18.

provided that they could lease the part of the land for growing the grapevine and olives to others, if so wished.¹¹⁹ To make their commitments more bearable, the monks pledged to offer financial aid to each of them. Therefore, the said lands were cultivated for the first time and planted at the expense of the monastery.¹²⁰ According to the interpretation of J. Lučić, in the first three years the labourers were able to cultivate the land and live in their homes without disturbance and obligations.¹²¹ After three years, they were obliged to serve the abbots 60 days a year (provided that their daily wage was paid according to the farmers' custom, i.e. one *groš* per day with the usual meal provided), and to bring them half of the wine, oil and other fruits, as well as to transport as much *losto* as olives to the port.¹²² To this end, the abbots gave them one *groš* for a donkey, while the peasants had to bring to the monastery a quarter of what was sown at their own expense.¹²³

Since the labourers had to contribute half of their harvest, this agreement differed significantly from the agreement that the monastery had with the Community in the eastern part of the island, where the Community did not have to contribute part of its harvest. According to the Agreement, the villagers of Govedari were obliged to bring 20 bags of manure per house to the Pomijenta building each year at their own expense, and to send their sons, who would be paid according to the custom, to help during the grape and olive harvests. They were also obliged to alternately provide meat for the monastery, "according to their week schedule", and to keep watch, as was "customary until then", but were explicitly forbidden to keep more than 100 goats, 30 sheep and 15 large animals, counting only their own (other residents of Mljet had to ask for written permissions), and to keep their boats on the lake without written permissions.¹²⁴ It is clear that land relations in the eastern and the western part of the island were quite different. This is corroborated by data from the tax form for levying house taxes (1846), indicating that in the cadastral municipality of Babino Polje (eastern part of the island) all houses

¹¹⁹ *Ex libro Div de For*, vol. 216, f. 18.

¹²⁰ *Ex libro Div de For*, vol. 216, f. 18.

¹²¹ J. Lučić, "Pučki zborovi na Mljetu", pp. 200-201, 222-223. J. Lučić translates the term *losto* as "(grape) must". However, it is not excluded that it might be a hybrid word, i.e. an Italianised Croatian word, i.e. the Dubrovnik localism "osto" meaning "vinegar". For more cf.: M. Gjurrašić, *Govedari i Babino Polje prema katastru Franje I.*, vol. 1. (Zagreb – Dubrovnik: HAZU, Zavod za povijesne znanosti u Dubrovniku, 2018), p.173.

¹²² Cf.: *Mljetski statut*, pp. 140-143; *Izvjeshće don Placida Guske*; Z. Šundrica, "O agrarnim odnosima na otoku Mljetu", pp. 428-432.

¹²³ *Ex libro Div de For*, vol. 216, f. 18.

¹²⁴ *Ex libro Div de For*, vol. 216, f. 18; J. Lučić, "Pučki zborovi na Mljetu", pp. 200-201, 222-223.

without exception were registered as *casa libera*, i.e. “free house”,¹²⁵ while it was different in the cadastral municipality of Govedari (western part of the island). All the peasants’ houses there were marked *casa da contadino* (“serf house”), and only the monastery buildings, which at that time were under the jurisdiction of the Lyceum (entered as *Pubblica istruzione*), were registered as *casa libera*.¹²⁶ The tax (house tax), however, was levied without distinction on both sides. The house that was in someone’s full ownership was marked as *casa libera*, unlike the houses inhabited by serfs, who were not their owners but only used the houses that otherwise belonged to the monastery.¹²⁷

Data from the 1837 cadastral building register also indicate different land relations in the eastern and the western part of the island. In the cadastral municipality of Govedari, the *Convento Padri Piaristi*, i.e. the monastery of the Piarist monks (the legal successors of the Benedictines) with their seat in Dubrovnik, was registered as the owner (*proprietario*) of all the plots with buildings.¹²⁸ On the other hand, all the labourers were registered as tenant farmers (*colono*), i.e. users of buildings (houses, barns and other structures).¹²⁹ This was not the case in other Mljet municipalities (eastern part of the island). In the 1837 building register, peasants were registered as owners (*proprietario*) on almost all plots with buildings.¹³⁰ Exceptions can be found on three parcels of land only.¹³¹

¹²⁵ AMID, box 3, *Elenco di tutti gl’ edifizij d’ogni luogo del sunominato Comune dietro i numeri topografici Catastali ed i singoli numeri di Casa, Proprietarj, Abitazioni, e Strutture con una Classificazione degli menzionati edifizj per uso dell’imposto del Catastico*, drawn up on August 5, 1846 for Babino Polje.

¹²⁶ AMID, box 181, *Elenco di tutti gl’ edifizij d’ogni luogo del sunominato Comune dietro i numeri topografici Catastali ed i singoli numeri di Casa, Proprietarj, Abitazioni, e Strutture con una Classificazione degli menzionati edifizj per uso dell’imposto del Catastico*, drawn up on August 5, 1846 for Govedari.

¹²⁷ In the decision on inheritance in the probate proceedings after the death of Vicko, son of the late Nikola Stražičić Basta from Govedari, his house was also called *una casa colonica* (HR – DADU – 162. Kotarski sud Ston (*The District Court of Ston*), box 1, file no. 31/1842, *L’Inventario giudiziale di Defunto Vincenzo qn. Nicolo Strasgicicij Basto*).

¹²⁸ AMID, box 181, *Protocollo degli edifizj*.

¹²⁹ AMID, box 181, *Protocollo degli edifizj*. Cf. data in the cadastre of the cadastral municipality of Stravča in Konavle (AMID, box 124).

¹³⁰ AMID, boxes 3, 38, 263, 338, 506, *Protocollo degli edifizj*.

¹³¹ Those were two barns in Babino Polje (building plots 94 and 210), which were owned by one group of peasants (owners) and were used by other peasants (tenants), and one residential house with a yard and a shop in Korita (building plot 140), whose owner was Tromba Lujo and was used by Frano Petrović (tenant), who would later become its new owner (AMID, box 3, *Protocollo degli edifizj*; box 263, *Protocollo degli edifizj*: 20).

Data from the land register paint a similar picture.¹³² In the cadastre of the cadastral municipality of Goveđari, the Piarist monks from Dubrovnik were registered as the owners on all the plots of land, whereas all the peasants were registered as tenant farmers.¹³³ This was not so in the eastern part of the island. In these municipalities, on numerous parcels, often even on those in the colonate, the peasants had the status of owners.¹³⁴ This means that one peasant (owner) was often in colonate relations with another peasant (tenant farmer). A monastery, the state or a landowner (e.g., a patrician or a wealthy citizen from Dubrovnik), who had a cultivator on their land, was called *proprietario* in the cadastre, just like any peasant whose land was cultivated by another peasant. There was no difference in how these two relationships were recorded. However, although the ones cultivating the land, both in Goveđari and in other municipalities, were recorded as tenant farmers, their status was not the same. Unlike the villagers of Babino Polje and the rest of the island, the villagers of Goveđari were serfs or tenant farmers of the Benedictine monastery, which, admittedly, had no jurisdiction over them, but due to many obligations arising from the agreement (concluded in 1793), the villagers of Goveđari were more subjected to the monastery than tenant farmers in other municipalities were to the owners whose land they cultivated (especially if the owner was a peasant himself). Cadastral forms, however, did not differentiate between them.

Analysis of 19th Century Agrarian Relations in the Eastern Part of Mljet on the Example of the Situation in the Cadastral Municipality of Babino Polje

In terms of rights in rem, the General Civil Code distinguished between three categories of authorised persons, namely between: the holder or possessor, the beneficial owner and the supreme owner.¹³⁵ The ownership could be either complete (absolute) or incomplete (divided). It was complete if a natural or legal person had all the authorisations that make up the content of the right of ownership,¹³⁶ and it was incomplete if a person was only entitled to the essence of one property, while another person possessed a partial right to the essence of the property and an exclusive right to the benefits from that prop-

¹³² *AMID*, boxes 3, 38, 181, 263, 338, 506, *Protocollo dei terreni*.

¹³³ *AMID*, box 181, *Protocollo dei terreni*.

¹³⁴ *AMID*, boxes 3, 38, 263, 338, 506, *Protocollo dei terreni*.

¹³⁵ *ABGB*, pp. 113-130.

¹³⁶ *ABGB*, pp. 113-130.

erty.¹³⁷ The authorised person who was entitled to the essence of the property was called the supreme owner, and the one with the exclusive right to its benefits the beneficial owner.¹³⁸ Given possibly different relationships between the supreme and the beneficial owner, the Austrian Code distinguished between: feudal goods, hereditary leases, and hereditary dues.¹³⁹ The legal possession of immovable property was exclusively acquired by an orderly registration in public registers, the so-called *zemske table* or *gospoštinske knjige*.¹⁴⁰ The right to possession ceased either by its deletion from the land register or by registering it under the name of another person.¹⁴¹ Before the establishment of land registry offices, possessors and owners were registered in the cadastral registers of building and land plots. In the latter, there was a separate section for the entry of the legal status of the property (entitled *Qualità legale del bene*). According to standardised classification in that section, plots could have the status of *Dominicale* (lord's land) or *Rustico* (peasant's land). The lord's lands were marked with "D". Four subtypes of land were distinguished under the peasants' lands:¹⁴² "F" – feud (*Feudo*);¹⁴³ "FC" – fideicomiso (*Fideicomisso*), which means that these plots were not allowed to be sold because they were part of the inalienable family inheritance;¹⁴⁴ "A" – land that could be alienated (*Alienabile senza divisione del dominio utile*); and "C" or "CoE" – lands in the

¹³⁷ ABGB, pp. 113-130.

¹³⁸ Adolfo Rušnov, *Tumač Obćemu austrijskomu građanskomu zakoniku: Knjiga prva: §§ 1-530*, Stjepan Posilović (prepared by), second revised and updated edition (Zagreb: Tisak i naklada knjižare L. Hartmana (Stj. Kugli), 1893), p. 434; ABGB, pp. 113-130.

¹³⁹ ABGB, pp. 129, 350. Cf.: M. Gjurašić, *Razvoj otoka Mljeta u 19. stoljeću*, pp. 142-143.

¹⁴⁰ ABGB, pp. 116, 147. Cf.: M. Gjurašić, *Razvoj otoka Mljeta u 19. stoljeću*, p. 28.

¹⁴¹ ABGB, pp. 126 (§§ 322, 350).

¹⁴² AMID, box 3, *Protocollo dei terreni: passim*. For example, in Lower Austria, three types of land were distinguished within the category of peasants' lands: *Hausgrund*, *Haus-Überland* and *Frei-Überland*. Cf.: Bundesamt für Eich- und Vermessungswesen Wien, *Protocoll der Grundstücke der Gemeinde Wösendorf*, 117 (1831), sig. 12105; *Protocoll der Grundstücke der Gemeinde Dürnstein*; 42 (1831), sig. 12189; *Protocoll der Grundstücke der Gemeinde Ober Arndsorf* 42 (1831), sig. 12189.

¹⁴³ For more on feuds cf.: I. Beuc, "Vlasnički i drugi stvarnopravni odnosi na nekretninama u doba feudalizma u jugoslavenskim zemljama", pp. 13-14.

¹⁴⁴ For more on *fideicomiso* cf.: Mile Boras and Lujo Margetić, *Rimsko pravo*, 2nd edition (Zagreb: Informator, 1986), pp. 185, 198-200 and others. The practice of *fideicomiso* in the Habsburg Monarchy was abolished in 1811. The same year, the French administration abolished it in Dalmatia. However, since this was followed by massive sales of family inheritance (especially of patricians), Governor of Dalmatia, General Baron Tomašić reintroduced this legal institution in 1817 only for the district of Dubrovnik, where it remained in force until the end of the 19th century. He did so to establish good relations with that part of Dubrovnik aristocracy that strongly opposed it (Stjepan Ćosić, *Dubrovnik nakon pada Republike (1808.-1848.)* (Zagreb – Dubrovnik: Zavod za povijesne znanosti HAZU u Dubrovniku, 1999), p. 97;

colonate, i.e. permanent lease or emphyteusis (*Colonia / Colonia permanente o Emfiteusi*).¹⁴⁵ On the land plots where there was a colonate relation (farmer tenant), appropriate abbreviations indicated who was the owner ('pro' – *proprietario*) and who was the tenant farmer ('col' – *colono*). If there were more of either of them on a particular plot, they were all registered.¹⁴⁶

In the 1830s, relations involving serfs and farmers tenants were recorded between the monastery and peasants mainly in the cadastral municipality of Govedari,¹⁴⁷ whereas, as previously mentioned, colonate relations between two peasants prevailed in the cadastral municipality of Babino Polje. On the lands that some Mljet clans managed to keep from old times until 1837, their descendants were registered in the cadastre as owners. Thereby, significant differences with regard to the type and the scope of their rights in rem vis-à-vis the monastery or other landowners, such as church or state institutions, patricians or wealthy commoners, ceased to exist. Colonate relations in the cadastral municipality of Babino Polje were entered with respect to 2,014 out of 10,074 parcels, with 1,881 parcels marked with "C" and 133 parcels with "CoE".¹⁴⁸ The total surface area of land on which, in this municipality, such agrarian relations (lord-tenant) prevailed was 435.79 acres (250.80 ha), accounting for 8.24% of the total municipality area.¹⁴⁹ Analysis of the legal nature of property showed that the largest number of plots (7,610 out of 10,074) in the cadastral municipality of Babino Polje was marked with "A". Only 68 plots were marked with "F", 28 with "D",¹⁵⁰ and the smallest number of them

Ivana Lazarević, *Vlasteoske kuće u gradu Dubrovniku 1817. godine* (Zagreb – Dubrovnik: Zavod za povijesne znanosti HAZU u Dubrovniku, 2014), pp. 246-247).

¹⁴⁵ Cf.: Irena Benyovsky Latin and Danko Zelić, *Knjige nekretnina Dubrovačke općine (13.-18. st.) / Libri domorum et terrenorum communis Ragusii deliberatis ad affectum (saec. XIII-XVIII)*, vol. 1 (Zagreb – Dubrovnik: Zavod za povijesne znanosti HAZU u Dubrovniku, 2007), pp. 26-27; I. Beuc, "Vlasnički i drugi stvarnopravni odnosi na nekretninama u doba feudalizma u jugoslavenskim zemljama", pp. 30-31; M. Boras and L. Margetić, *Rimsko pravo*, p. 239.

¹⁴⁶ AMID, box 3, *Protocollo dei terreni: passim*.

¹⁴⁷ AMID, box 181, *Protocollo degli edifizij; Protocollo dei terreni*.

¹⁴⁸ One should note that on 90 plots marked with "C", the marks "col" and "pro" were missing next to the name (AMID, box 3, *Protocollo dei terreni*).

¹⁴⁹ This was calculated based on the number of plots marked with "col" and "pro" amounting to a total of 2,209 out of 10,074 (including some plots that had not status "C" or "CoE") (AMID, box 3, *Protocollo dei terreni*).

¹⁵⁰ It should be noted that the legal status of part of the monastery properties in the cadastral municipality of Babino Polje, on which the abbots did not have tenant farmers, was marked as *Rustico* ("peasants' land"), whereas this was usually marked as *Dominicale* ("D"). Thus, it can be assumed that these were errors in registration. Similar unclarity can be encountered with regard to some plots that were state property but were registered as *Rustico*, although not a single peasant was recorded on them.

(11) was marked with “FC”. A total of 236 plots had no designation of the legal nature of the property,¹⁵¹ while a double legal status was registered (by mistake or for some other reason)¹⁵² on 104 plots in the following manner: “A” and “C” (58);¹⁵³ “A” and “CoE” (11);¹⁵⁴ “A” and “F” (24);¹⁵⁵ “D” and “A” (6), and “F” and “C” (5).¹⁵⁶ Based on the cadastral data, the structure and classification of agricultural land by type of ownership can be divided into three categories: private, ecclesiastical and public (demesne) property.¹⁵⁷ Cadastral analysis of the cadastral municipality of Babino Polje showed that the largest part of the municipality (71.81%) was privately owned by peasants.¹⁵⁸ Public property under the jurisdiction of the state (district) administration in Dubrovnik, the municipal administration in Babino Polje or the municipal administration in Prožura (a very small part) accounted for approximately a quarter of the municipal area (25.22%).¹⁵⁹ The rest of the municipality was owned by the Church (2.97%).¹⁶⁰

¹⁵¹ In 95 out of 236 cases, it was colonate since there were marks “col” or “pro” next to the names of the entered persons. In the remaining 138 out of 236 cases, there were no such marks with names leading to the assumption that these could only be plots of the types “A”, “F”, “FC” or “D”. Data for three more plots (nos. 8,050, 8,051 and 8,052) are missing because the cadastral sheet was damaged and torn (*AMID*, box 3, *Protocollo dei terreni*).

¹⁵² One should note that data in the column “Property Legal Characteristic” was recorded by putting the sign “the same as above” (i.e. the dashes -II-), instead of writing the appropriate mark. Such a manner of entry could easily lead to error.

¹⁵³ Marks “col” and “pro” next to the entered names confirming that this was colonate were on 33 out of 58 plots (*AMID*, box 3, *Protocollo dei terreni*).

¹⁵⁴ Marks “col” and “pro” next to the entered names were on only 6 out of 11 plots (*AMID*, box 3, *Protocollo dei terreni*).

¹⁵⁵ Marks “col” and “pro” next to the names of its users and owners were on 2 out of 24 plots (*AMID*, box 3, *Protocollo dei terreni*).

¹⁵⁶ Marks “col” and “pro” next to the entered names were on 3 out of 5 plots (*AMID*, box 3, *Protocollo dei terreni*).

¹⁵⁷ *AMID*, boxes 3, 38, 181, 263, 338, 506, *Protocollo dei terreni*.

¹⁵⁸ Approx. 3,799 acres (approx. 2,186.27 ha) (*AMID*, box 3, *Protocollo dei terreni*).

¹⁵⁹ Approx. 1,334 acres (approx. 767.92 ha) (*AMID*, box 3, *Protocollo dei terreni*).

¹⁶⁰ Approx. 157 acres (approx. 90.52 ha). Legal entities were various churches and endowments from Babino Polje, namely Our Lady of Mercy, St. Michael, St. Andrew and St. Blaise. Furthermore, the endowments of St. Clare, the Blessed Virgin Mary of Kaštele and the Dominican monastery, all from Dubrovnik, as well as the Franciscan monastery of Slano and the endowment of St. Cyprian were registered. In the changes recorded between 1837 and 1851, St. Sacrament’s endowment was entered, and in 1881 the endowment of Saints Vincenzo and Peter (*AMID*, box 3, *Protocollo degli edificij; Protocollo dei terreni*).

Based on the analysis of cadastral data, it was estimated that approximately 538 legal entities were registered as owners in the cadastral registers,¹⁶¹ of which 51 were not based in Babino Polje.¹⁶² Approximately 42% of legal entities had exclusively the status of owners on all the plots they were registered on, and the remaining legal entities (approximately 312 of them) were registered sometimes as owners and sometimes as tenant farmers. It should be noted that as many as 62 persons, who were entered as tenant farmers on at least some of the plots, were each other's tenant farmers (both often belonged to the same clan).¹⁶³ This would happen when the land of one peasant was close to the plots of another peasant, and one of them would cultivate the plot of the other and vice versa, although both had a lot of land in their possession.¹⁶⁴ However, it is possible that the geographical location of their plots was not the only factor influencing their mutual relation. There were several places where the same name and surname (with the same house number) were entered on one and the same plot of land both as the tenant farmer and the co-owner (at the same time).¹⁶⁵ If this was one and the same person, this could mean that this person was the land's co-owner (with several other persons) and its (only) cultivator. However, it is also possible that these were two namesakes living in the same house, which was also common on Mljet.

To elucidate property relations, relations of ownership and possession and the situation on Mljet in the 19th century more fully, it would be necessary to thoroughly research previous periods, wherever possible, following real estate transactions and conditions under which they took place over a long period of time. Only then would it be possible to correctly interpret the situation as entered in the cadastre of Francis I. Wills can be a good source of such data. One such example is Jela Obuljen's will of 1847 that makes references to many sales and purchase agreements and division of assets among family members. Based on them, it would be possible to trace how and when the Balanac family, whose heiress she was, became the owner of their inheritance from the 17th to the 19th century.¹⁶⁶ Such analysis would certainly, at least partially, shed more

¹⁶¹ These were persons, companies (*conzorzii*) and institutions whose exact number cannot be determined due to incomplete data and unclarities related to the identity of an individual legal entity. Cf.: M. Gjurašić, *Razvoj otoka Mljeta u 19. stoljeću*, pp. 36-41.

¹⁶² *AMID*, box 3, *Protocollo dei terreni*.

¹⁶³ *AMID*, box 3, *Protocollo dei terreni*.

¹⁶⁴ For example, Vicko Stražičić owned the plot of land no. 1,644 being at the same time the tenant farmer on the surrounding plots (nos. 1,642; 1,643; 1,645; 1,647 and 1,648) (*AMID*, box 3, *Protocollo dei terreni*).

¹⁶⁵ For example, on plots nos. 8,017 and 8,018 (*AMID*, box 3, *Protocollo dei terreni*).

¹⁶⁶ Sales and purchase agreements and division of assets among relatives were mentioned in the third chapter of the will and were also noted in: *FOM – Libro vendite di Meleda del 1636*.

light on the acquisition of property in the earlier periods of Mljet history, before the introduction of the cadastre, and may indirectly reveal some details of 14th century agreements, whose originals have not been preserved.¹⁶⁷

The existence of colonate relations between peasants themselves (very often among relatives) was confirmed by research into the wills from Mljet. They better reveal conditions under which colonate agreements were concluded than cadastral data. They demonstrate that in such relations there was frequently sharecropping, where the owner and the tenant farmer shared the fruits in half,¹⁶⁸ but there were also different kinds of agreements. One such example is the inheritance of Marin, son of the late Petar Palunčić Pulja, making reference to some lands in the colonate where the harvest was divided in half, and some others where 2/3 of the fruit went to the tenant farmer (Đuran), and only 1/3 to the owner (the late Marin, who, let it be mentioned, was Đuran's blood relative). In both cases, the reference is to the same type of land, i.e. vineyards (*capi di vite*).¹⁶⁹ For the sake of comparison, Kalodera writes that in the village of Blato on the island of Korčula the cultivator was obliged to give 3/4 of the grape yield and 1/2 of matured olives to the landowner in exchange for the right to use the land.¹⁷⁰ Consequently, the rights in rem of tenant farmers were protected in the sense that they became owners of all the "improvements" (*poboljšice*) that the owner had to pay them in the event of the termination of the agreement.

f. 66, Libri delle vendite di Meleda del 1684. f. 64, Libro da diversi di Meleda del 1685. f. 80; Libro diversi di Meleda del 1758. f. 113; Libro diversi di Meleda del 1788. in 91. f. 36, and in Atto di divisione fatto l' 11. novembre 1830 (The District Court of Slano, file no. 104/1847, L'Inventario giudiziale con stima di defunta Ellena Obuglien).

¹⁶⁷ The oldest preserved documents from the records of the Chancellery of Mljet date back to 1416.

¹⁶⁸ Cf.: M. Gjurašić, *Razvoj otoka Mljeta u 19. stoljeću*, pp. 160, 181.

¹⁶⁹ *The District Court of Ston*, box 225, file no. 21/1833, *L'Inventario Giudiziale con stima di defunto Puglia Marino q. Pietro da Babbino Pogle di Meleda*.

¹⁷⁰ M. Kalodera, "O kolonatu", pp. 235-241. Such and similar agreements were often made on Mljet as well. An example can be found in a land registry record which shows that two brothers and a sister, Grgur, Petar and Ana, children of the late Petar, from Babino Polje, cultivated someone else's land for an indefinite period of time, from which they were allowed to pick 2/3 of grapes and olives and 3/4 of grain, provided that, in case of the termination of the agreement, they were to be reimbursed with 2/3 of the serfs' *poboljšica* of vineyards (improvements in the vineyard raising its value, in Italian *miglioramento*) and olive groves so that they could leave *težačke razloge* (colonate conditions) to their heirs and that they could cede, sell, share and pledge them with the owner's consent (*Zemljišnik Općine Babino Polje*. Zemljišno-knjižni odjel Općinskog suda Dubrovnik (abbrev.: ZOBP), *Zapisnik od izvida učinjenih za osnivanje zemljišnika* from the land registry file no. "4." of the cadastral municipality of Babino Polje).

Termination of the Serf-Colonate Agreement of the Villagers of Goveđari in 1889

Although serfdom was abolished throughout the Habsburg Monarchy (as well as in Civil Croatia) in 1848, the Patent on its abolition did not apply to Dalmatia where serf-colonate relations remained in force.¹⁷¹ This was partly because at the time a substantial number of deputies in the Dalmatian Parliament were landowners, for whom abolition was not favourable, and they tried (and managed) to postpone it as long as possible. Thirty years had to pass (1878) before the payment of 10 forints and nine days of free labour for the landlord introduced by the 1836 imperial decree as a substitute for personal corvée (90 working days) were revoked for Dubrovnik serfs. According to N. Z. Bjelovučić, the serfs continued to pay 5 forints to the lords for their houses even after 1878.¹⁷² Pursuant to the provisions of the Land Registry Act of February 10, 1881 (no. 15), Austria conducted on-site investigations in all Dalmatian tax municipalities with colonate relations and ascertained their existence in the minutes. Based on these minutes, the rights of cultivators were registered as property rights on the C-list (the so-called Encumbrances) of land registry files.¹⁷³ How difficult it was to eradicate these specific agrarian-production relations in Dalmatian villages is proven by the fact that the final resolution of colonate relations in the Kingdom of Dalmatia (1816-1918) did not happen.¹⁷⁴

In 1872, the villagers of Goveđari filed a lawsuit for termination of the agreement with the monastery and regulation of ownership and possession over real estate against the Habsburg Monarchy, which in the meantime took over the monastery.¹⁷⁵ However, the case, called *Acta Meledana*¹⁷⁶ or *Status Meledanus*,¹⁷⁷ was shelved by the Vienna administration for many years, and

¹⁷¹ The Patent was enacted on September 7, 1848. For attempts to resolve agrarian issues in Dalmatia, cf.: F. Glavina, *Dubrovački gospari i pelješki kmetovi*, pp. 321-360.

¹⁷² N. Z. Bjelovučić, *Pučki Tumač: Knjiga prva agrarnog zakona za Dalmaciju*, pp. 16-19.

¹⁷³ Cf.: ZOBP, *Zapisnik od izvida učinjenih za osnivanje zemljištnika za poreznu općinu Babino Polje*, drawn up in Babino Polje on August 25, 1902 (hereinafter: ZOBP, *Zapisnik od izvida učinjenih za osnivanje zemljištnika*). I received the minutes thanks to the kindness of Mrs. Nevenka Grošeta Đirlić, Head of the Land Registry Department of the Municipal Court in Dubrovnik, whom I sincerely thank.

¹⁷⁴ Cf.: Marijan Maticka, "Razrješenje kolonatskih odnosa u agraru Dalmacije (1945-1948)" *Radovi Zavoda za hrvatsku povijest Filozofskog fakulteta u Zagrebu* 21 (1988), no. 1: 137-144.

¹⁷⁵ Antun Tonko Vojvoda, *Mljet – Odisejev otok* (Zagreb: author's self-publication, 1999), pp. 79, 80-83.

¹⁷⁶ According to a statement by Z. Stražičić.

¹⁷⁷ A. T. Vojvoda, *Mljet – Odisejev otok*, p. 79.

the final agreement was not reached until 1889. Negotiations on the termination and dissolution of serf-colonate relations in Goveđari were conducted in the District Captaincy (*Kreishauptmannschaft*) in Dubrovnik and recorded in the minutes (called *Protoko*). The minutes indicate that the negotiations did not proceed smoothly, which is the reason, according to Z. Stražičić, why the villagers from Mljet had to spend the night in Dubrovnik (the night of May 10 to 11, 1889).¹⁷⁸ The parties that took part in the negotiations were, on the one hand, members of the Forestry Administration and the Imperial and Royal Ministry of Agriculture from Vienna (as legal successors of the Piarist monks registered in the cadastre in 1837, and their successors, the Jesuit monks from Dubrovnik who, as previously mentioned, administered it from the beginning of 1855 to the end of 1868 when it became state property), and on the other hand, farmers from the cadastral municipality of Goveđari (from the villages of Goveđari, Polače, Babine Kuće and Soline).¹⁷⁹ The 1793 agreement was concluded, as already mentioned, by three families from two clans, namely Stražičić (2) and Milić (1). Negotiations on the termination of the agreement (1889) were however conducted by 20 families from nine clans, namely: Stražičić (3), Milić (2), Dabelić (2), Gjivanović (1), Hajdić (3), Matana (3), Nodilo (3), Sršen “Crljenko” (2) and Vojvoda (1).¹⁸⁰ This research has not been able to determine whether all of them were legal successors of the three farmers who had concluded the agreement with the monastery in 1793, or whether the monastery had subsequently concluded further agreements.

Proposals of the Ministry of Agriculture were sent to Mljet the day before (May 9, 1889) by the commissioners of the Ministry, Baron Josef Bubna and Antun Simonelli, while negotiations in the office of the District Captaincy

¹⁷⁸ (*Protoko* of May 10 and 11, 1889) I received the transcript of the *Protoko* from Mr. Z. Stražičić's private archives, for which I sincerely thank him.

¹⁷⁹ The minutes were co-signed by the Commissioner of the I. R. Ministry of Agriculture, Baron Josef Bubna; Commissioner Antun Simonelli; Baron Schilling (Forestry Manager); Dr. Josip Zaffron (attorney from Korčula who represented the interests of the villagers of Goveđari); Rendich (his name and function are not mentioned, author's note) and twenty labourers. These were: Antun Vojvoda, son of the late Nikola, Vicko Sršen “Crljenko”, Petar Milić, son of the late Gjivko, Petar Stražičić, son of the late Ivo “Škembo”, Antun Matana Franov, Nikola Hajdić, son of the late Nikola, Ilija Gjivanović, son of the late Petar, Frano Matana, son of the late Antun, Nikola Hajdić, son of the late Gjivko, Pero Sršen “Crljenko”, son of the late Petar, Petar Milić, son of the late Nikola, Ivan Hajdić, son of the late Petar, Petar Nodilo, son of the late Stjepan, Nikola Grga Matana, Ivo Stražičić Nikolin, Gjuro Dabelić, son of the late Gjuro, Nikola Stražičić, son of the late Ivan, Petar Dabelić, son of the late Gjuro, Jakov Nodilo, son of the late Stjepan and Stjepan Nodilo, son of the late Stjepan (*Protoko* of May 10 and 11, 1889).

¹⁸⁰ *Protoko* of May 10 and 11, 1889.

in Dubrovnik were led by Baron Schilling.¹⁸¹ He proposed that each farmer should assume *libera proprijetat*, i.e. full ownership of not only the former serf's house and garden, but also of the former serf's land of one *zlatica*, i.e. 400 square fathoms (*hvata*), "free of charge and with no payments whatsoever." Moreover, each farming family was supposed to keep possession of all fireplaces/kitchens (*komini*), mills, cottages, cattle enclosures and storehouses (*magazini*), as well as of a part of the forest where they could collect dry leaves for manure, shrubbery "for critters" (i.e. animals), dry wood for household needs (firewood, construction of houses and barracks, distilling of *rakija* and pinewood splinters needed for lighting when spearfishing at night), and pine bark for greasing fishing nets as well as women's and men's clothing items (coats called *gunj*, trousers, socks, pullovers, etc.).¹⁸² For the fields, for which the farmers had hitherto paid two thirds of tithes, it was proposed that they should pay in advance only one third of it, plus the principal in instalments over 15 years, amounting to 50 florins (*gulden*s) per hectare each (which corresponded to one third of the market price of land on Mljet at the time), regardless of the type of land and crop.¹⁸³ Schilling's proposals, which, in his words, would be "necessary and beneficial to both *Governo* (the Government) and the villagers of *Govjegjari* (Govedari), so that no damage would be done to *governijale proprietati* (government property), and so that the villagers of *Govjegjari* would not only prosper and continue working as thus far, but that there would be room and means for younger families to prosper as well," were made with the remark that it was still unknown whether the Ministry in Vienna would confirm them.¹⁸⁴ The villagers of Govedari responded that they begged "His Excellency the Minister of Agriculture, most humbly, to allow it to be done and executed as proposed by Baron Schilling," and that they were prepared to do everything as far as they were concerned with the sole request that "all fines (*multe*) and forest damage compensations to this day (...) be mercifully pardoned and forgiven."¹⁸⁵

The final agreement was reached two months later in Korčula. At a meeting held on July 20, 1889, a settlement (*Vergleich*) was signed with each farmer

¹⁸¹ The negotiations were conducted bilingually in such a way that attorney Zaffron, who spoke both Croatian and German, interpreted all the proposals to the villagers from Govedari in their mother tongue, while the Minutes were, at their request, kept in 'our language' ("naški") (*Protoko* of May 10 and 11, 1889).

¹⁸² *Protoko* of May 10 and 11, 1889.

¹⁸³ *Protoko* of May 10 and 11, 1889.

¹⁸⁴ *Protoko* of May 10 and 11, 1889.

¹⁸⁵ *Protoko* of May 10 and 11, 1889.

individually.¹⁸⁶ Baron Schilling's proposals were largely accepted and confirmed, and the serf and colonate relations in Goveđari and the old-fashioned *condition*, which, in his words, "cannot (...) be combined with modern times," were unconditionally abolished by the settlement.¹⁸⁷ Thus, all the labourers, and "the sons of their sons", became owners of their old houses with fireplaces (*komini*), barns and enclosures, and they also had the liberty to cultivate a garden and build buildings on the lands that form one whole with the existing facilities.¹⁸⁸ They were also granted free use of all springs and ravines with water (and in exceptional circumstances of the cistern in the monastery, which was used by an official of the Forestry and Demesne Directorate with his family); free passage by boat on both lakes; fishing on lease (for an indefinite period of time) in the areas belonging to the Teaching Foundation (*Nastavna zaklada*) in both lakes (except the part stretching from the line Pristanište (port) – Uljenik to Veliki Most (big bridge), which was left for the use of the forest administration staff).¹⁸⁹ The purchase price for other lands they had cultivated thus far (vineyards, olive groves, orchards and arable land), with the exception of gardens around houses, was agreed on the mentioned 50 florins per hectare. The price had to be paid in 15 equal annual instalments, without interest, to the Teaching Foundation on Mljet, at the Imperial and Royal Customs Office in the village of Babino Polje (due on January 1 every year), with mortgages on all real estate registered as payment guarantees in favour of the Teaching Foundation, in the amount of the purchase prices (the total amount depending on the size of each property).¹⁹⁰

Under the terms of the agreement, the villagers of Goveđari were relieved of all debts arising out of final judgements for overgrazing and damage to forests, while all the other pending lawsuits filed against them for unlawful land clearance and erecting buildings were withdrawn or terminated, without any right to mutual compensation of costs.¹⁹¹ The previously agreed fee for grazing on state-owned pastures (the so-called *paškula*) remained effective and was calculated in proportion to the tariff paid for 145 heads of cattle (as

¹⁸⁶ The settlements were drawn up on the basis of the regulations by the High Imperial and Royal Ministry of Agriculture (dated September 5, 1887, no. 7712/1124). For more cf.: M. Gju-rašić, *Razvoj otoka Mljeta u 19. stoljeću*, p. 177.

¹⁸⁷ *Protoko* of May 10 and 11, 1889; *Vergleich* of July 20, 1889.

¹⁸⁸ *Vergleich* of July 20, 1889.

¹⁸⁹ *Vergleich* of July 20, 1889.

¹⁹⁰ *Vergleich* of July 20, 1889.

¹⁹¹ *Vergleich* of July 20, 1889.

it was approved in 1793), i.e. eleven *oka*¹⁹² (around fourteen kilos) of meat per head of cattle.¹⁹³ According to the data from the Agreement, each labourer's family was allowed to graze free of charge two oxen, three she-asses, twenty sheep and twenty goats (a total of 45 heads of cattle) on the pastures of the Teaching Foundation. A 14-day period was set for the remaining cattle to be removed from the state-owned land.¹⁹⁴ The annual rent (*afitak*) for the use of state-owned barns, cattle enclosures, cottages or caves for livestock sheltering was contracted on 50 *solads*.¹⁹⁵ The serf-colonate relations in Govedari, which had been concluded between peasants and the Benedictine monastery in 1793, ended almost one hundred years later (1889) between the peasants and the Austro-Hungarian state.

Colonate relations on the island of Mljet would continue to be resolved until the mid-20th century and would continue to be mentioned in land registries (such as the land registry of the cadastral municipality of Babino Polje from 1902 to 1955).¹⁹⁶ Although the reference there was "serfs", those were actually colonate relations since the serfs' levies in the form of corvée (*rabota*) or payments were, as previously mentioned, abolished in 1878.¹⁹⁷ The use of obsolete terminology is visible not only in the standardised form of the *Zapisnik od izvida učinjenih za osnivanje zemljistnika* (Minutes of On-Site Investigations Carried Out to Establish the Land Registry) from 1902 and the replies entered by hand by the holders of *kmetska poboljšnica* (serf improvements of land quality and value).¹⁹⁸ Expressions such as *kmet* (serf), *težak* (labourer, tenant farmer), *prava kmetova ili težaka* (rights of serfs and labourers), *kmetske poboljšice*, *težački razlozi* (colonnate relations), *obragjivati zemlju na neustanovljeno vrijeme* (cultivate the land indefinitely), *zemaljski gospodar* (landlord) and sim-

¹⁹² *Oka* is a unit of weight. For more information, cf.: Marija Zaninović-Rumora, "Zadarske i šibenske mjere za težinu kroz stoljeća", *Radovi Zavoda za povijesne znanosti HAZU u Zadru* 40 (1998): 171; Marija Zaninović-Rumora, "Stare mjere u svakodnevlju otoka Ugljana", *Radovi Zavoda za povijesne znanosti HAZU u Zadru* 41 (1999): 25.

¹⁹³ This corresponded to the fee for grazing in Bosnia (per 40 *solads*) (*Vergleich* of July 20, 1889).

¹⁹⁴ *Vergleich* of July 20, 1889.

¹⁹⁵ *Protoko* of July 10 and 11, 1889; *Vergleich* of July 20, 1889; For more information, cf.: M. Gjurašić, *Razvoj otoka Mljeta u 19. st.*, p. 178.

¹⁹⁶ *ZOBP, Zapisnik od izvida učinjenih za osnivanje zemljistnika* from the land registry file no.: "4.", the cadastral municipality of Babino Polje.

¹⁹⁷ Arnold Suppan, "Narodi Habsburške Monarhije: Hrvati", in: *Oblikovanje nacije u građanskoj Hrvatskoj (1835-1918)* (Zagreb: Naprijed, 1999), 134.

¹⁹⁸ *ZOBP, Zapisnik od izvida učinjenih za osnivanje zemljistnika* from the land registry file no.: "4.", the cadastral municipality of Babino Polje.

ilar were also used on the C list (register of encumbrances or burdens).¹⁹⁹ It should be emphasised that the term *polovnik*²⁰⁰ (a tenant farmer who keeps half of the yield) was used although the cultivators' levies were not half but two thirds or three quarters of the fruits, depending on the crops (e.g. vines, olives or cereals) and the cultivation process (sowing or planting). An additional mark was put on the top of the list – *Stari teret* (Old Encumbrance) suggesting those were the encumbrances from past times that required redefining.

According to Arnold Suppan's data, the peasants in the outskirts of Split in the first decade of the 20th century held one third of arable land, on whose greater part there was still colonate relationship.²⁰¹ The severity of the agrarian problems in Dalmatia is best illustrated by the fact that as many as 62,714 claims for the settlement of agrarian relations of a feudal character were lodged during the period.²⁰² Despite many attempts to abolish the labourers' agrarian relations in Dalmatia,²⁰³ *prenosi kmetskih prava* (transfers of serfs' rights) continued to be entered into land registries even half a century later (1941).²⁰⁴ In 1945 and 1946, three acts were adopted (Agrarian Reform and Colonisation Act, Act on the Implementation of the Agrarian Reform and Colonisation in the Territory of Federal Croatia, and Act on the Abolition of Agrarian Relations of Feudal Character in Dalmatia and the Croatian Littoral)²⁰⁵ whereby all obsolete agrarian relations, regardless of their duration, were abolished and the ownership of the colonate land, along with the buildings and trees,

¹⁹⁹ Cf.: M. Kalodera, "O kolonatu", pp. 236-237.

²⁰⁰ *ZOBP, Zapisnik od izvida učinjenih za osnivanje zemljištnika* from the land registry file no.: "4.", the cadastral municipality of Babino Polje.

²⁰¹ A. Suppan, "Narodi Habsburške Monarhije: Hrvati", pp. 138-139.

²⁰² Claims referred to the area of 25,342 hectares of land (owned by 15,272 persons), i.e. to 37,011 families (a total of 170,210 persons) who wanted to replace their status of cultivators (tenants on somebody else's land, sharecroppers and tenant farmers) with the status of land owners (M. Maticka, "Razrješenje kolonatskih odnosa u agraru Dalmacije, 1945.-1948.": 137-144).

²⁰³ This refers primarily to the Act on Abolishing Agrarian Relations in the Province of Dalmatia of October 19, 1930 (accessible at: <https://informatior.hr/zakoni/339866?id=339866>) and the Act of March 6, 1931, when numerous lawsuits were filed throughout Dalmatia to sever the agrarian relations (Trpimir Macan, "Težački odnosi u Neretvi od polovice XIX. st. do konačnog dokuinuća ovih odnosa 1947", *Starine JAZU* 53 (1966): 192; Nikola Zvonimir Bjelovučić, *Pučki Tumač: Knjiga prva Agrarnog zakona za Dalmaciju (Zakon za likvidaciju agrarnih odnosa na području bivše pokrajine Dalmacije sa Pravilnikom)* (Dubrovnik: Komisionalna naklada "Jadran" i Knjižara i štamparija Dubrovnik, 1931), p. 16; Zdenka Šimončić-Bobetko, "Agrarno pitanje u Dalmaciji između dva rata (1918. -1941.)", *Povijesni prilozi* 8 (1989): 107-111.

²⁰⁴ Based on the ruling of the District Court of Ston of July 11, 1941 (O29/40-5) (*ZOBP, Zapisnik od izvida učinjenih za osnivanje zemljištnika* from the land registry file no. "4." of the cadastral municipality of Babino Polje).

²⁰⁵ M. Maticka, "Razrješenje kolonatskih odnosa u agraru Dalmacije, (1945.-1948.):" 138.

was transferred to their cultivators, without compensation to the owner.²⁰⁶ However, the system's inertia resulted in the following: in an examined land registry file of 1949 there was an entry on *upis kmetskih prava* (registration of serfs' rights), whereas *izbris kmetskih prava* (deletion of serfs' rights) was registered in one registered land unit on September 1, 1950. In 1955, *prenos kmetskih prava* (transfer of serfs' rights) was registered in another registered land unit.²⁰⁷ Continued use of colonate-related terminology at a time when feudal and colonate relations had long been officially abolished clearly indicates that these relations obviously still existed at the time.

Conclusion

The issue of agrarian relations, relations of ownership and possession in particular, on the island of Mljet in the 19th century is rather complex and cannot be thoroughly examined without understanding land relationships on the island during the Middle Ages. All the more so since unified forms of cadastral registers which were used to enter the status as found in 1837 did not allow the cadastral officer to make any distinction when entering the data. Research has shown that one needs to distinguish between serf-colonate relations established between the monastery and peasants in the western part of the island from colonate relations in the eastern part of the island. There were relations not only between peasants on the one side and rich landowners from Dubrovnik, the state and the Church on the other side, but most often between peasants themselves (on both sides). The latter relations often existed among members of the same clan, very often being mutual, which means that one peasant could be a tenant farmer of another peasant on some plots of land, whereas the latter was a tenant farmer of the former on other plots of land. The serf-colonate relations at Goveđari were eliminated in the late 19th century, but the colonate relations in the remaining part of the island gradually ended by the mid-20th century. With the opening of the land registry office, property rights were transferred from the cadastre to the land registry, first onto the C-list (register of encumbrances). All these plots of land that were affected by this permanent colonate relation were later registered as full ownership of their cultivators.

²⁰⁶ Z. Šimončić-Bobetko, "Agrarno pitanje u Dalmaciji između dva rata (1918.-1941.):" 137.

²⁰⁷ The transfer was made pursuant to the Decision of the District Court on the Distribution of Inheritance of February 20, 1952 (O 20/52) (*ZOBP, Zapisnik od izvida učinjenih za osnivanje zemljištnika* from the land registry file no.: "4." of the cadastral municipality of Babino Polje).

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Tellers

Nevenka Grošeta Đirlić, Head of the Land Registry Department at the Municipal Court in Dubrovnik (on May 9 and June 28, 2013).

Zvonimir Stražičić (in September 2011, November 2012 and February 2013 in Govedari on Mljet).