

Prof. Vilma Pezelj, PhD*

LEGAL STATUS OF THE SHIP'S SCRIBE (*SCRIBANUS NAVIS*) IN DALMATIAN STATUTORY LAW

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The paper analyses some questions concerning the legal status of the ship's scribe in Dalmatian statutory law and attempts to determine to what extent Dalmatian statutory law regulates the position of the ship's scribe independently and to what extent there are influences from the surrounding area, in particular from Venetian statutes. The ship's scribe is mentioned in documents prior to the adoption of the statute and in notarial acts of communes the statutes of which the ship's scribe is not explicitly mentioned. Authentic documents used in the maritime manual *Pratichae schrivaneschae* by Julio Balović, printed in Venice in 1693, indicate the important role of the ship's scribe on Venetian merchant and warships. In particular, the position and role of the ship's scribe in the Dubrovnik regulations on national navigation (*Regolamenti della Repubblica di Ragusa per la navigazione nazionale*) are analysed. The legal regulation of the position of the ship's scribe in Dalmatian statutory law, taking into account the specificities of the Dalmatian statutes, shows their connection with the Mediterranean region and the roots of the legal systems of modern European integration.

Key words: *ship's scribe (scribanus navis), Dalmatian statutory law, maritime law*

1. INTRODUCTION¹

Since the 13th century, *scribanus navis* - the ship's scribe has been an important member of the ship's crew and a public law function² the main task of which was to

* Vilma Pezelj, PhD, full professor, Faculty of Law, University of Split, Domovinskog rata 8, 21000 Split. E-mail address: vpezelj@pravst.hr; ORCID ID: <https://orcid.org/0000-0003-0599-5687>.

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² Brajković, V., *Razvoj pomorskog prava na našoj obali*, Pomorski zbornik I, Zagreb, 1962, p. 441.; For more details, see: Ashburner, W., *The Rhodian Sea-law*, edited from the manuscripts by W. Ashburner, Oxford at the Clarendon Press, 1909, p. cxxxvii.

keep the ship's book (*quaternus navis*)³ in which he registered all important facts, contracts for the use of the ship, names of all members of the ship's crew, goods and money on the ship (on the third day after leaving the harbour, the ship's scribe was obliged to give the merchants a copy of the transcript of the goods from his book, in which the beginnings of the subsequent bill of lading⁴ can be read)⁵, all events during the voyage (as some of the statutes provide for the scribe's duty to report to the authorities of the commune anyone who did not obey the captain's orders)⁶ as well as any irregularities authorised and facilitated by the shipowner or the shipmaster⁷ during the voyage, the daily accounts and the ship's treasury (which is considered the beginning of the ship's book). The ship's book, i.e. the scribe's notebook, is mentioned in three chapters of the Statute of Zadar and in two chapters of the Statute of Dubrovnik.⁸

Entries in the ship's book were made ex officio or at the request of the parties involved. The ship's scribe performed all the duties of a public notary (*publicus notarius*) on land. Accordingly, everything that the scribe entered in the ship's

³ We learn about the contents of the ship's book from the oath of the ship's scribe in the Statute of Zadar IV, 19, which states that the scribe is obliged to enter in the ship's book the number and weight of all things loaded on the ship, the name of the owner of the goods, agreements and contracts between merchants and shipowners (of which he would issue a copy to the parties upon request), agreements and contracts between shipowners and sailors, if sailors and shipowners concluded mutual agreements and contracts (e.g. when sailors agree with shipowners on the length of their service), income and expenses (which is derived from the Statute of Zadar IV, 51).

⁴ At the same time, he undertakes "...to present to every merchant and sailor, if they request it, a list of all their rolls or bundles and all their other belongings, if I find them written in my notebook..." within four days.

Zadarski statut sa svim reformacijama odnosno novim uredbama donesenim do godine 1563., (ed. Kolanović, J.; Križman M.), Matica hrvatska Zadar, Hrvatski državni arhiv, Zadar – Zagreb 1997. (hereinafter: the Statute of Zadar)

For more details on the bill of lading, see: Bolanča, D.; Amižić Jelović, P., *Pomorsko pravo*, Pravni fakultet Sveučilišta u Splitu, Split, 2023., p. 339.

⁵ Brajković, V., *Razvoj...*, op. cit. in note 2, p. 441.; Kostrenčić, M, *Pomorsko pravo u statutima primorskih naših gradova i otoka*, Mjesečnik pravničkog društva, No. 10-12/1914., Zagreb, 1914, p. 891; Marinović, A., *Pomorsko-pravni propisi sredovječnog Dubrovačkog Statuta*, Pomorski zbornik 1, Zadar, 1963., p. 436.; Beuc, I., *Statut Zadarske komune iz 1305. g.*, Vjesnik Državnog arhiva u Rijeci, vol. II, Rijeka, 1954., p. 684.; Vidović, R., *Pomorski rječnik*, Split, Logos, 1984., p. 473.

⁶ E.g., the Statute of Dubrovnik, VII, 34. *Statut grada Dubrovnika* (edited and translated by: Šoljić, A.; Šundrica, Z.; Veselić, I., introductory study written by Lonza, N.), Državni arhiv Dubrovnik, Dubrovnik 2002., (hereinafter: the Statute of Dubrovnik)

See: Marinović, *Pomorsko-pravni propisi...*, op. cit. in note. 5, p. 436.

⁷ E.g., if they allowed cargo to be loaded on a ship with one deck – *navis de una cohopena* – in the open air without crates, which is not in accordance with the provision of the Statute of Dubrovnik VII, 9.

For more details about the shipmaster, see: Pezelj, V., *Zapovjednik broda (naucclerius) u dalmatinskom statutarnom pravu*, Zbornik radova Pravnog fakulteta Sveučilišta u Mostaru, no. XVIII.. 2005., pp. 115-136.

⁸ The Statute of Dubrovnik VII, 45, 67. For more details, see: Marinović, A., *Dubrovačko pomorsko pravo*, I part, Split: Književni krug, 1998., p. 217, 221.

The Statute of Zadar IV, 19, 43, 51, pp. 435-437. For more details, see: Mijan, D., *Pomorske odredbe Zadarskog statuta u usporedbi s istim odredbama Venecijanskog, Dubrovačkog i Splitskog statuta*, Radovi Zavoda za povijesne znanosti HAZU u Zadru, no. 46, 2004., p. 121, note 63.

book enjoyed public faith⁹ (*fides publica*), so that the ship's book was regarded as irrefutable evidence. This can be seen most clearly in the provisions of the Statute of Dubrovnik, which expressly states: "*Et est sciendum quod omnis credencia est scribani.*"¹⁰

2. SHIP'S SCRIBE IN NOTARIAL ACTS

The earliest mention of a ship's scribe on the island of Rab is found in a document of 1251 in the dual function of ship's scribe and shipmaster. There is a clear difference between the function of scribe and shipmaster, on the one hand, and the owner of the ship, nobleman Andrea de Cotopann from Rab, on the other.¹¹

Scribes appeared as witnesses in various trials:

- 1 June 1280, Marinus Gymanoi, the scribe of the municipal galley, declares that Marinus de Pricot did not invest any money in the entege and that there is no information about it in the ship's book – quaternus.¹²
- 12 June 1280, Blasius de Berrisina, who was the scribe of Peter de Sclaucio's tarita¹³, declares that he wrote in Apuleia in his quaternus navis that Creste and his brother Jacobus owed Thomidus Zanchino 6 perpers for the voyage to Apulia.¹⁴

The scribes had to enter the total number of goods on board and the names of the owners of the goods in the ship's book, whereupon they received a certificate for the goods received for transport:

- On 6 July 1281, the scribe Baldus entered in the ship's book the loading of 40 bales onto the ship Sanctus Nicholaus, of which 22 belonged to Angelo Muscela de Rauello¹⁵ and 18 bales to Sergio de Persona de Reuello. The same

⁹ For more details see: Kostrenčić, Marko, *Fides publica (javna vera) u pravnoj istoriji Srba i Hrvata do kraja XV veka*, Beograd, 1930.

¹⁰ Cf. The Statute of Dubrovnik VII, 45: - "(3) *fidem habere* III, 39, 40; VI, 66, 67; VII, 26, 45, 52, 63; VIII, 44, 45, 55, 88" – Statute, Appendix: D. Index nominum et verborum..., s. v.

Bratković, V., Razvoj... op. cit. in note. 2, p. 441; Marinović, *Pomorsko-pravni propisi...*, op. cit. in note. 5, p. 436; Kostrenčić, M., *Pomorsko pravo...* op. c. in note. 5, p. 891; Beuc, I., *Statut Zadarske komune...*, op. cit. in note. 5, p. 681.

Cvitanić, A., *Naše srednjovjekovno pomorsko pravo*, Zbornik radova Pravnog fakulteta u Splitu, Split, 1979, p. 217.

¹¹ The document was published by Smičiklas, T., *Codex diplomaticus Regni Croatiae, Dalmatiae et Slavoniae*, vol. IV, JAZU, Zagreb, 1906, pp. 477-478.

¹² Praecepta rectoris I, f. 79a in: *Spisi dubrovačke kancelarije*, transcribed and edited by Čremošnik, G.; book I, Zapisi notara Tomazina de Savere (1278-1282), Praecepta rectoris I (1278-1280), Debita notariae I (1280-1282), Zagreb, 1951 (hereinafter: Spisi I), no. 260, p. 70.

¹³ The actual and terminological differences between the many known types of Dubrovnik ships are not always clear in the sources. They are discussed in detail in Luetić, J., *Pomorci i jedrenjaci Republike Dubrovačke*, Zagreb, 1984.

¹⁴ Praecepta rectoris I, f. 79b in: Spisi I, op. cit. in note 12, no. 269, p. 72.

¹⁵ Debita notariae I, f. 63a in: Spisi I, op. cit. in note 12, no. 564, p. 174.

*scribe issued a certificate stating that Angelus Muscella de Rauello received 22 bales of cloth in the port of Cotroni on 22 August of the same year.*¹⁶

- *The minutes of the ship's scribe Jacobus were used as evidence in the grain dispute of 14 July 1283, from which it emerges that Robertus de Valentino from Termoli concluded a contract with Jacobus Grapilia de Clugia for the transport of grain and undertook to load 350 bales of grain, of which Jacobus was to receive one-sixth as a transport fee.*¹⁷

In the writings of the notaries of Trogir, the ship's scribe is mentioned in several cases (as *scriptor navis*, i.e. *scrivanus ligni*), but his functions are not described in detail.¹⁸

Sailors had the right to load their goods onto the ship for which they did not pay freight (*paraspodia, portada, miliaro*). The Curia of Trogir asked a certain sailor to prove, citing the regulation, that sailors were not obliged to pay freight for the transport of wood used for the manufacture of barrels if this was not noted by the ship's scribe (in the ship's book).¹⁹

The minutes of the dispute before the Curia of Trogir in 1316 state that Nikolica Krste entered information about certain facts in *libro marciliane* (ship's book).²⁰ In the dispute in question, it was argued that Nikolica made the entry in the ship's book, which otherwise did not correspond to the truth, against his will and upon the instructions of the shipowner, and that he made such a statement immediately before his death. Regardless of what was presented, the court ruled in accordance with the entry in the ship's book.²¹

3. STATUTORY PROVISIONS ON THE SHIP'S SCRIBE

The ship's scribe is mentioned in the Statute of Dubrovnik from 1272, the Statute of Hvar of 1331 and the Statute of Zadar of 1305. In the Statute of Zadar, scribes are mentioned in 9 chapters, in the Statute of Dubrovnik in 12 chapters and in the

¹⁶ Debita notariae I, f. 73a in: Spisi I, op. cit. in note 12, no. 616, p. 193.

¹⁷ Testamenta I, f. 24 in: Spisi dubrovačke kancelarije, transcribed and edited by Lučić, J.; book II, Zapisi notara Tomazina de Savere (1282-1284), Diversa cancellariae I (1282-1284), Testamenta I (1282-1284), Zagreb, 1984. (hereinafter: Spisi II), no. 1336, p. 370.

¹⁸ Berket, M., *Neki pomorskopravni instituti u pravu grada Trogira prije Statuta iz 1322. g.*, ADRIAS Zavoda za znanstveni i umjetnički rad JAZU u Splitu, no. 2/1988., p. 60.

¹⁹ *Trogirski spomenici*, Zapisci kurije grada Trogira from 1310. to 1331., transcribed and edited by Barada, M.; accompanied by extensive registers and notes Berket, M., Književni krug, Split, 1988. (hereinafter: TSP IV), p. 460.

²⁰ *Trogirski spomenici* IV..., op. cit. in note 19, pp. 185-195.

²¹ *Trogirski spomenici*, dio I, zapisci pisarne općine trogirске, vol. II, from 31 I 1274 to 1 IV 1294, copied and edited by Barada, M., JAZU, Zagreb, 1950. (*Monumenta spectantia historiam Slavorum meridionalium*, volumen 45.) (hereinafter: TSP II), p. 111.

Statute of Hvar in 2 chapters.²² Considering the universality of maritime customs and the legal requirement of the statutes of Trogir and Split on the necessity of notarial deeds for contracts above a certain value, it can be argued that a ship's scribe was also present on the vessels of the aforementioned communes.²³

The ship's scribe was usually appointed by the *parun* (shipowner), and there are also known cases in which the ship's scribe was appointed by the commune authority (upon the proposal of the *parun*). The peculiarity of the Statute of Zadar can be seen in the fact that the shipowners were obliged to present the ship's scribes to the admiralty judges²⁴ (otherwise the shipowners and the ship's scribe were penalised)²⁵. The Statute of Zadar stipulates that each ship "*de centum miliaris usque ad ducenta non completa*" had to have a ship's scribe, while ships with a tonnage of more than 200 miliars had to have two scribes to compare and cross-check their entries once a week.²⁶ According to the provisions of the Statute of Dubrovnik, every ship with a carrying capacity of 600 modia was obliged to have a scribe.²⁷ Until the 16th century, a ship's scribe could only be a nobleman.²⁸

²² The Statute of Zadar IV, 2, 15-19, 43, 51, 60 (p. 397, 407-411, 431, 437, 443).

The Statute of Dubrovnik VII, 2, 6, 8, 9, 28, 34, 37, 40, 45, 46, 67. Cf. Marinović, A., *Dubrovačko pomorsko...*, *op. cit.*, in note. 8, p. 205, 207, 208, 212, 214-217, 221; *Hvarski statut*, edited and translated by Cvitanić, A., Književni krug, Split, 1991. (hereinafter: The Statute of Hvar) V, 1, 7.

²³ Cvitanić, A., *Naše srednjovjekovno...* *op. cit.* in note. 10, p. 217.; Cvitanić, A., *Pomorsko pravo srednjovjekovnog Trogira*, Zbornik Pravnog fakulteta u Zagrebu, no. 2-4, Zagreb, 1975, p. 217.

²⁴ A similar provision is found in the Statute of Tiepolo of 15 August 1233, cap. 4: "*De scribano habendo et consulibus presentando*", which stipulates that the captain of the ship is obliged to present the scribe to the consuls and that he swears before them that he will prescribe the goods "*bona fide, sine fraude*" and that he will present the list of goods to the consuls within 8 days of his return to Venice. If the captain does not present the scribe to the consuls, he will be fined 100 libars.

²⁵ The Statute of Zadar, IV, 18. For more details, see: Beuc, *Statut Zadarske komune...*, *op. cit.* in note. 5, p. 685.

²⁶ The Statute of Zadar, IV, 15, 17.

Cf. The Statute of Zeno of 1255, cap. XLI: "*Quod naues et alia ligna de ducentis milliariis et inde supra habere debeant duos scribanos, et per quos ipsi scribani constitui debent*" – The Statute of Tiepolo 1229, cap. 17: "*De scribano habendo*"

See: Beuc, *Statut Zadarske komune...*, *op. cit.* in note. 5, p. 685; Kostrenčić, *Pomorsko pravo...*, *op. cit.* in note. 5, p. 891.

²⁷ The Statute of Dubrovnik, VII, 2. The carrying capacity of a ship that must have a scribe is lower according to the Statute of Dubrovnik than according to the Statute of Zadar: 600 Dubrovnik modes are equal to 25,200 tonnes, while in Zadar one hundred miliar is equal to 47,600 tonnes. According to: Mijan, *Pomorske odredbe Zadarskog statuta...*, *op. cit.*, p. 118, note 46; Marinović, *Dubrovačko pomorsko...*, *op. cit.* in note 8, p. 205; Blagojević, *Pod okriljem Svetog Nikole i Svetog Vlaha*, Beograd: HERAedu – Društvo za kulturni razvoj „Bauo” Petrovac na moru, 2020., p. 434.; Šarac, M.; Pezelj, V.; Crnković, A., *Pomorsko sudovanje u srednjovjekovnim dalmatinskim komunama*, Proceedings of the International Scientific Conference “Challenges and Perspectives of the Development of Legal Systems in the XXI Century”, Faculty of Law, University of Banja Luka, No. 3 (2023), Volume III, Banja Luka, 2023., p. 75.

²⁸ It was not until 1597 that Dubrovnik ships were freed from the obligation to take the nobleman scribe with them on their voyages. For more details, see: Brajković, V., *Étude historique sur le Droit Maritime Privé du Littoral Yougoslave*, (Marseille: Société anonyme du sémaphore de Marseille, 1933), p. 151.; Marinović, A., *Dubrovačko pomorsko...*, *op. cit.* in note. 8, p. 134.; Tadić, J., *Organizacija dubrovačkog pomorstva u XVI. veku*, Istoriski časopis SANU, year. 1, vol. 1-2, Beograd, 1949., pp. 22-24; Tadić, J., *O pomorstvu Dubrovnika u XVI i XVII stoljeću*, *Dubrovačko pomorstvo*, Dubrovnik: Odbor za proslavu 100 godina nautičke škole u Dubrovniku, Dubrovnik, 1952., p. 176.; Marinović, A., *Pomorsko-pravni propisi...*, *op. cit.* in note. 5, p. 436.

The provisions of the Statutes of Dubrovnik and Zadar, which stipulate that the ship's scribe had to take an oath were considered to be one of the means by which the commune controlled maritime navigation.²⁹

3.1. The Statute of Dubrovnik

The statutory provisions stipulate that every ship had to have a ship's scribe whose task was to record all information about the crew and the ship's operation in the ship's book and to monitor the work and behaviour of the crew members.³⁰ The ship's scribe was regarded as a representative of the state authority and had to swear an oath before the Count and the Small Council before embarking on a voyage.³¹

For example, on September 24, 1322, Johannes de Finis was confirmed as scribe on board the ship of Niccholiza de Martinussio in the Small Council, with the customary ringing of bells.³² On September 27, 1322, Niche, the son of Junii de Scocilco, was confirmed as scribe on the ship of Micha de Calamota in the Small Council, with the customary ringing of bells.³³

The ship's records were considered to be authentic and all entries in the ship's book enjoyed public faith³⁴. Under penalty of a fine of 10 perpers, the scribe was obliged to report the misconduct of the participants in the voyage to the Count and his court within 8 days of the end of the voyage.³⁵ The Count's court penalised sailors who were disobedient³⁶ or who wanted to terminate their voyage and return to Dubrovnik with a fine of 10 perpers, and they were obliged to repay the *parun* double the contractually agreed wages.³⁷

²⁹ The Statute of Dubrovnik VII, 67; The Statute of Zadar IV, 19.

In the provision of the Statute of Dubrovnik, where it is stated that he will fulfil his duties "*bona fide, sine fraude et malo ingenio*" Kostrenčić notes the similarity of the text of the oath between the Statutes of Dubrovnik and Zadar.

See: Kostrenčić, *Pomorsko pravo...*, *op. cit.* in note. 5., p. 891.; Brajković, *Étude historique...*, *op. cit.* in note. 28., p. 152.

The Statute of Zeno from 1255 uses the expression: "*bona fide et sine fraude*".

³⁰ For more details, see: Šarac, M., *Razvoj pomorskog prava u Dubrovniku*, master's thesis, Pravni fakultet Univerziteta u Beogradu, 1990., str. 97-98.

³¹ The Statute of Dubrovnik VII, 67.

³² Monumenta Ragusina. Libri Reformationum. Tomus I. Ann. 1306-1347., Zagrabiae 1879., p. 67.

³³ Monumenta Ragusina. Libri Reformationum. Tomus I. Ann. 1306-1347., Zagrabiae 1879., p. 67.

³⁴ The Statute of Dubrovnik VII, 45.

³⁵ The Statute of Dubrovnik VII, 34.

The Statute of Hvar, V, 7 orders the ship's scribe, under penalty of a fine of 10 small libars, to inform the Count or the Count's curia about the disregard of the orders of the ship's officers. See: Cvitanić, A. *Pomorsko pravo u srednjovjekovnom Hvarskom statutu*, in: Antun Cvitanić, *Iz dalmatinska pravne povijesti*, Split: Književni krug, 2002, p. 473, 479-480.

³⁶ Cf. The Statute of Hvar, V, 7, which provides for a penalty of 10 small libars for disobedience by seamen.

³⁷ The Statute of Dubrovnik VII, 12, 4.

In contrast to the sailors who sailed for wages (sailors – charterers), sailors who sailed on a share had to pay a fine of 6 or 20 perpers³⁸ if the ship sailed without a scribe, and share with the *parun* in the compensation for damage caused by missing cargo or damage to transported goods that was not due to the storm.³⁹ For unjustified abandonment of the ship in Dubrovnik (to be determined by the Count and the Count's court), they were fined 10 perpers, and 25 perpers if they did so outside Dubrovnik.⁴⁰ In the event of a dispute over the number of shares that could have arisen between a sailor *ad partem* and the *parun*, the Statute stipulates that the *parun*'s declaration had to be credible.⁴¹ Sailors who had *entege*⁴² on board had to report them to the ship's scribe, otherwise they were fined 25 perpers. In the event of a dispute over enteges, the Statute stipulates that the scribe had to be trusted.⁴³ The eighth book of the Statute of Dubrovnik prescribed a fine of 10 perpers for the scribe of a vessel that brought wine to Dubrovnik.⁴⁴

In 1364, a provision was included in *Liber Viridis* according to which carrying cheese or lard on a voyage without the permission of the Small Council was punishable by a fine of 50 perpers for the ship's scribe.⁴⁵ In 1366, a penalty was prescribed for the scribe of the ship that docked on the islands when sailing out of or into Dubrovnik⁴⁶, and in 1376, a ban was imposed on Dubrovnik merchants for travelling to places where the Church had forbidden them to sail (Saracen places) under threat of a fine of 50 ducats for the scribe of the vessel that would travel to the mentioned places.⁴⁷ *Liber Croceus* (1460 – 1803) mentions the ship's scribe in cap. 24, 95, 184, and chapters 16, 20, 74, 76, 127, and 151.

In 1462, the Great Council decided that all vessels with a capacity of 40 wagons or more had to have a nobleman scribe who was chosen by the shipmaster and confirmed by the Small Council. The scribe was obliged to obey the shipmaster and keep a book intended for merchandise and voyage accounts under oath, which he had to give before the Small Council when he was confirmed for the scribe's

³⁸ The Statute of Dubrovnik VII, 2, 4-5.

³⁹ The Statute of Dubrovnik VII, 6, 2-3.

⁴⁰ Cf. The Statute of Hvar, V, 3, which provides for a fine of 15 small libars for unjustified abandonment of the ship by a crew member (half was paid to the commune). See Cvitanić, *Pomorsko pravo u srednjovjekovnom Hvarskom statutu*, op. cit. in note. 23., p. 479.

⁴¹ The Statute of Dubrovnik VII, 26. Cf. Statute of Hvar, V, 4, 13-15, which provides that in certain situations the *parun*'s affidavit shall be believed, but the Count and the judges shall decide whether to recognise the oath or, in the absence of written evidence, to believe the testimony of witnesses. See: Cvitanić *Pomorsko pravo u srednjovjekovnom Hvarskom statutu*, op. cit. in note. 35, p. 480.

⁴² For more details on entege, see Čepulo, D. *Hrvatska pravna povijest u europskom kontekstu*, Pravni fakultet Sveučilišta u Zagrebu, Zagreb, 2023., p. 120; Blagojević, M., *Pod okriljem Svetog Nikole i Svetog Vlaha*, Beograd: HERAedu – Društvo za kulturni razvoj „Bauo“ Petrovac na moru, 2020., p. 382.

⁴³ The Statute of Dubrovnik VII, 45; VII, 2.

⁴⁴ The Statute of Dubrovnik VIII, 80.

⁴⁵ *Liber Viridis*, cap. 29. from 5 November 1364. For more details, see: Marinović, A., *Dubrovačko pomorsko pravo*, book two, Književni krug, Split, 2005, pp. 100 – 101.

⁴⁶ *Liber omnium reformationum VIII.*; Marinović, *Dubrovačko pomorsko...*, op. cit. in note 8, p. 431.

⁴⁷ *Liber omnium reformationum XVIII.*; Marinović, *Dubrovačko pomorsko...*, op. cit. in note 8, p. 432.

service. The scribe's salary was equivalent to that of a sailor, and a shipmaster who did not take a nobleman scribe with him was fined 25 perpers per voyage. A scribe who stayed in one place and did not want to continue the voyage until the return to Dubrovnik was fined the same amount as a shipmaster who did not take a nobleman scribe. A shipmaster who failed to find a nobleman scribe was obliged to report this to the Small Council, which then found a scribe for him, or, if it did not find him, the shipmaster was allowed to travel without a scribe.⁴⁸

In 1463, a regulation was passed according to which the scribe of a vessel bringing grain was allowed to carry 8 stars for paraspodium (goods for which he did not pay freight), for the sale to the fontego (grain warehouse). The same amount was allowed to the shipmaster, while sailors were allowed 4 stars.⁴⁹

The "Regulation on Ship's Scribes" of 10 April 1480 on folio 74 builds on the provision of *Liber Croceus* on folio 16 from 1462, which stipulates the obligation for ships with a capacity of 40 wagons and more to take a nobleman scribe aged 18 (with the possibility of taking a scribe aged 16 if the shipmaster approves).

The scribe could take or import goods worth 50 ducats (except lard or oil only on return) on departure and on return to Dubrovnik without paying customs duties. If he brought lard (oil), he was exempt from customs duties for only one ducat. If the ship had three rooms, the scribe was entitled to one of them, in which he could store merchandise without paying freight for his own account, not including smuggled goods. Neither the shipmaster nor the sailors were allowed to send scribes to the lifeboats in case of danger, nor to the watch or other services on the ship, while the scribes had to obey the shipmaster in other matters.

The shipmasters were obliged to bring their scribes back to Dubrovnik. They were not allowed to leave the scribes in one place against their will, and the scribes were not allowed to leave the voyage.

The *paraspodium* was reduced so that the scribe and the sailors had the right to take a *paraspodium* of one and a half stars, while a shipmaster was allowed to take three stars on the voyage without paying customs duties. The Regulation was issued on 13 and 14 August 1480.⁵⁰

According to the provisions of *Liber Croceus* from 1481 on folio 76, the owners of merchandise, the shipmaster and the scribe, if they docked in the places under Dubrovnik's jurisdiction, were obliged to inform the customs officers or the Count thereof within 8 days, under the threat of a penalty for the scribe in the form of a three-year ban on holding the office of scribe.⁵¹

The "Regulation on Ship's Scribes" on folio 127 of *Liber Croceus* from 1504 prescribes the obligation of a nobleman scribe for ships of 70 wagons and more.⁵²

⁴⁸ Liber Croceus, charta 16 in: Marinović, *Dubrovačko pomorsko...., op. cit.* in note 45, p. 263.

⁴⁹ Liber Croceus, charta 20 in: Marinović, *Dubrovačko pomorsko...., op. cit.* in note 45, p. 265.

⁵⁰ Liber Croceus, charta 74 in: Marinović, *Dubrovačko pomorsko...., op. cit.* in note 45, p. 271.

⁵¹ Liber Croceus, charta 76 in: Marinović, *Dubrovačko pomorsko...., op. cit.* in note 45, p. 273.

⁵² Liber Croceus, charta 127 in: Marinović, *Dubrovačko pomorsko...., op. cit.* in note 45, p. 277.

Ordo marinaritiae of 1511 and 1535

The flourishing and expansion of Dubrovnik shipping in the 16th century⁵³ required more modern and detailed legal regulations, and, for this purpose, a law entitled *Ordo marinaritiae* was enacted in 1511 and 1535.

The first of these laws, consisting of 14 paragraphs, is included on folio 151 of *Liber Croceus*. It mainly deals with stricter sanctions against disobedient crew members.⁵⁴ It is interesting to note that the first five paragraphs refer to stricter sanctions for seamen who abandon ship or flee. Although the Statute of Dubrovnik in ch. 11 of Book VII provided for a fine of 25 perpers for a runaway crew member, the 1511 Act also introduced a prison sentence of 6 months, the loss of part of the profits and the obligation to compensate for the cost of onboarding a new sailor. In order to prevent unforeseen and unjustified abandonment of the ship, it was stipulated that a sailor or shipmaster could only leave the ship with written authorisation, which he could previously obtain from the authorities, the ship's scribe or the *parun*.⁵⁵

In 1535, the Regulation on the Navy (Shipping) on folio 187 of *Liber Croceus* (Scribe can be a commoner) stipulates that every shipmaster of a ship with a carrying capacity of 100 wagons or more is obliged to take a nobleman scribe and give him the privileges and allowances specified in the regulations, the expenses for food and exemption from any duties he may have in any way. The scribe is obliged to keep the ship's accounts as befits a diligent scribe.

If the shipmaster and the Small Council were unable to find a nobleman scribe, the shipmaster had the right to choose any commoner, subject to a fine of 50 ducats for the shipmaster each time at the discretion of the Council of the Invited (Senate).⁵⁶

3.2. The Statute of Hvar

The Statute of Hvar is modelled on the seventh book of the Statute of Dubrovnik in its maritime provisions and mentions the ship's scribe in the first and the seventh chapter of the fifth book. Provision V,1 of the Statute of Hvar on damage to ships is similar to provision VII, 6 of the Statute of Dubrovnik.

Provision V, 7 of the Statute of Hvar is almost identical to provision VII, 34 of the Statute of Dubrovnik which states that the ship's scribe is obliged to report the misconduct of the participants in navigation to the Count and the Curia within a certain period of time after arrival, otherwise he would pay the fine to the commune himself.

⁵³ Harris, R., *History of Dubrovnik*, Golden Marketing – Reference Book, Zagreb, 2006, p. 163.

⁵⁴ Stulli, B., *Ordines artis nauticae secundum consuetudinem civitatis Ragusii*, Anali Zavoda za povijesne znanosti HAZU u Dubrovniku, no. 1, 1952., pp. 97-100.

⁵⁵ 1511. *Ordo marinaritiae*, charta 151. in: Marinović, A., *Dubrovačko pomorsko pravo*, book two, Književni krug, Split, 2005, p. 282.

⁵⁶ Marinović, *Dubrovačko pomorsko...*, *op. cit.* in note 45, pp. 293-296.

3.3. The Statute of Zadar

The provisions on the ship's scribe in the Statute of Zadar are modelled on Venetian statutes, especially the Statute of Zeno.⁵⁷

In the fourth book of the Statute of Zadar, the scribe is mentioned for the first time in terms of removing the trim of the ship by using metal and machinery in an unprocessed state, which had to be supervised by the captain, the shipmaster and the scribe.⁵⁸

Every ship with a carrying capacity of 100 to 200 miliars was obliged to have a scribe who was controlled by admiralty judges.⁵⁹ His job was to record the number and weight of the goods loaded on the ship and to mark the goods with his mark. The scribe was selected by the shipowners and presented to the admiralty judges for approval.

For example, on August 14, 1385, Zadar resident and shipowner of *Sanctus Grisogonus* Šimun Gnochus from Genoa presented Petar from Zadar whom he had chosen as a scribe on his ship to the judges of *Curiae consulum et maris*, requesting that they examine him based on the provisions of the Statute of Zadar. The judges of *Curiae consulum et maris* questioned Petar and ordered him to perform the ship's scribe's duties properly and diligently.⁶⁰ The scribe had to be from the Zadar area, otherwise the shipowner was obliged to pay a fine of 20 Venetian denarii to the commune, and the scribe 10 soles. The same provision can be found in the Statute of Tiepolo, ch. 17.⁶¹

Scribes outside of the Zadar area had to take an oath that they would fulfil their duties in accordance with the provisions of the Statute of Zadar.⁶² In this case, the shipowner and the *parun* were responsible for the scribes and had the task of examining their knowledge. According to the Statute of Zadar IV, 17, a ship over 200 milliars had to have two scribes who had to be authorised by the maritime judges under penalty of the punishment mentioned in IV, 15. Such a provision can also be found in the Statute of Doge Zeno, ch. 41.⁶³

⁵⁷ For more details, see: Cassandro, G., *La formazione del diritto marittimo Veneziano*, Annali di storia del diritto, XII-XIII, 1968-69, p. 131-159.; Mijan, *Pomorske odredbe Zadarskog statuta... op. cit.* in note. 8, pp. 118-121.

⁵⁸ The Statute of Zadar IV, 2.

⁵⁹ The Statute of Zadar IV, 15.

⁶⁰ According to: Popić, T., *Zadarska Curia consulum et maris i njezini zapisnici iz druge polovice 14. i prve polovice 15. stoljeća*, Povijesni prilozi, 2011, 41, p. 158.

⁶¹ Predelli, R.; Sacerdoti, A.: *Gli statuti marittimi veneziani fino al 1255.*, "Nuovo archivio Veneto", Venezia, 1902, N. S., II, t. IV, p. 132.

⁶² The Statute of Zadar IV, 16. The oath of the scribe is mentioned in the Statute of Zadar IV, 19 (The Statute of Zadar, p. 411). In the Statute of Dubrovnik, the scribe's oath is mentioned in VII, 67 (Marinović, *Dubrovačko pomorsko...*, *op. cit.* in note. 8, p. 221).

⁶³ Predelli, Sacerdoti, *Gli statuti marittimi veneziani...*, *op. cit.* in note 61, p. 134.

The Statute of Zadar mentions the scribe's oath in provision IV, 19, and the same provision is found in the Statute of Doge Tiepolo, ch. 17.⁶⁴ In the oath to the holy Gospels of God, it is stated that the scribe had to perform his service on the ship to the best of his abilities. He was obliged, alone or together with another scribe on the ship, to enter in the notebook everything that had been loaded and weighed on the ship, as well as the names of the merchants whose goods are involved (and to mark them with the owner's merchant's mark). The scribe was obliged to provide each merchant and sailor, upon request, with a list of his belongings in accordance with the aforementioned notes. He had 4 days after unfurling the sails to organise the notebook. Subsequent agreements and contracts made by the merchants on the ship had to be entered in the scribe's notebook, and the scribe had to issue a copy of these to the merchants upon request. The goods that the seamen brought for their own account⁶⁵ also had to be entered in the notebook, as did all agreements and contracts between seamen and shipowners.⁶⁶ The difference between the scribe's oath in the Statute of Dubrovnik is that the carrying capacity of the ship is not mentioned and that the scribe had three days to organise his notebook.⁶⁷

The Statute of Zadar required the presence of a scribe for every ship and every ship transporting goods against payment of shipping dues, and contracts concluded between owners of ships less than 100 milars and merchants had to be notarised or concluded before witnesses.⁶⁸ The Venetian statute of Doge Tiepolo stipulated the same.⁶⁹

The Statute of Zadar obliged the superintendent to ensure that the scribe recorded all income and expenditure in the ship's book in order to prevent disputes.⁷⁰ According to the Statute of Dubrovnik, the scribe had to enter all *enteghe* in the ship's book, and these records were given absolute credence.⁷¹

Labour law provisions in maritime transport can be found in the provision of the Statute of Zadar, which regulated the relationship between shipowners and

⁶⁴ The Statute of Zadar, p. 411; Predelli, Sacerdoti, *Gli statuti marittimi veneziani...*, *op. cit.* in note 61, p. 132-133.

⁶⁵ Paraspodia, miliar is the quantity of goods that seamen are allowed to bring on board a ship at a reduced freight rate. Kostrenčić and Brajković associate the origin of the word with the term "*peculium castrense*". In the Statute of Kotor, the same right is referred to as *portada*, and in Italian sources as *paccotiglia*, *cantarata*, *portata*.

See: *Pomorsko pravo...*, *op. cit.* in note 5, p. 964; Brajković, *Etude historique...*, *op. cit.* in note 28, p. 160

The Statute of Ancona in Art. 52 speaks of something similar: "*Che li scrivani de la nave scriva el milliario de li marnarj*"

⁶⁶ The same in Tiepolo, ch. 17. Predelli, Sacerdoti, *Gli statuti marittimi veneziani...*, *op. cit.* in note 61, p. 132-133.

⁶⁷ The Statute of Dubrovnik VII, 67. Cf. Marinović, *Dubrovačko pomorsko...*, *op. cit.* in note 8, p. 221.

⁶⁸ The Statute of Zadar IV, 18, 20.

⁶⁹ Predelli, Sacerdoti, *Gli statuti marittimi veneziani...*, *op. cit.* in note 61, p. 132-133.

⁷⁰ The Statute of Zadar IV, 51.

⁷¹ The Statute of Dubrovnik VII, 45. details: Marinović, *Dubrovačko pomorsko...*, *op. cit.* in note 8, p. 146.

sailors. The shipowner was obliged to pay overtime to the sailor with whom he had concluded a contract for a single-shift voyage (to St Andrew's) if the agreed date was exceeded. For this reason, the scribe was obliged to write down the date of the agreement between the sailor and the shipowner.⁷² According to the provisions of the Statute of Zadar VI, 60, the scribe was responsible for the protection of the seaman's health, and he (or shipmaster) was obliged to assess the extent of the seaman's illness. The Statute of Zadar emphasises the private function of the scribe, while his role as the official representative of the commune dominated in Dubrovnik.⁷³

3.4. Provisions on the ship's scribe in mediaeval sources from the surrounding area

The Statute of J. Tiepolo of 1 June 1229 obliged the owner to maintain a scribe⁷⁴ who recorded all goods loaded onto the ship by merchants and sailors in accordance with certain rules. This was the basic task of the ship's scribe, from which the second one follows: to issue a certificate of the goods loaded, a copy of which had to be submitted to the shippers.

The provisions of the Statute of Tiepolo of 15 August 1233, which stipulate the obligation of the owners to present the scribe before the consuls to swear before them "*de legaliter scribendo caricum et merces navis*"⁷⁵, and the provisions of the Statute of 1255, which stipulate that there had to be two scribes on the ship, chosen by the owner⁷⁶, are significant for understanding the provisions of the Statute of Zadar.

The Statute of Ancona assigned important tasks to the scribe: the registration of the goods of sailors and hired workers (c. 15, 29); the drawing up of service contracts (c. 50, 52); the authorisation of scribes to draw up a will on board in certain cases (c. 10, 41, 81), while other Ordinamenti Trani stipulate that every ship's scribe had to be "*giurato del suo comune e de'esser buono e leale*". Other statutes of the Mediterranean region also recognised the function of the ship's scribe with duties already mentioned: *Breve Curiae Maris* di Pisa, Amalfi Board and Statute of Marseilles.⁷⁷

⁷² The Statute of Zadar IV, 43 (p. 431, note 21). For more details on the employment status of seafarers under the Statute of Dubrovnik, see: Šarac, M.; Crnković, A., *Radnopravni položaj članova posade (pomoraca) kroz stoljeća – jedan usporednopravni prikaz*, Proceedings book of the 3rd international scientific conference on maritime law „Modern challenges of marine navigation“ Split, Croatia, 8-9 April 2021 (ISCML Split 2021), pp. 312-324.

⁷³ Mijan, D., *Pomorske odredbe Zadarskog statuta...*, *op. cit.* in note 8, p. 121, 166.

⁷⁴ The Statute of Tiepolo of 1 June 1229, c. 17.

⁷⁵ The Statute of Tiepolo of 15 August 1233, cap. 4.

⁷⁶ The Statute of Zeno of 1255, cap. 41.

⁷⁷ Bonolis, G., *Il diritto marittimo medievale dell'Adriatico*, Pisa, 1921, pp. 200-206.; Ashburner, W., *The Rhodian Sea-law*, edited from the manuscripts by W. Ashburner, Oxford at the Clarendon Press, 1909. p. cxxxvii.

4. PRATICHAE SCHRIVANESCHAE

The sailor and writer Julije Balović (1672-1727)⁷⁸, a descendant of a prominent seafaring family from Perast of Albanian origin, published the maritime manual *Pratichae schrivaneschae* in 1693.⁷⁹ In times of peace, he served as a judge, in times of war as a ship's scribe and captain and took part in many naval battles against pirates and Ottomans.

The ship's scribe's main task was to write down all the goods on board and to present each individual owner of the goods with a list of the goods that had arrived on the ship in his name three days after departure. The importance of the ship's scribe on board is explained by an old sailor's saying: "*On a ship, the captain is God, and the scribe is his prophet*".⁸⁰

In the manual, Balović used copies of authentic documents, so that each individual document bears the name of the place, the date and the names of the signatories.

The manuscript of 1693 begins with an instruction showing how to proceed in the event of the death of a convict,⁸¹ followed by the form of the death certificate of a convict who was buried on the island of Korčula on 21 January 1688.⁸² This is followed by a document dated 25 March 1688 concerning the death of a convict who threw an oar into the sea in the waters of La Spezia.⁸³

⁷⁸ Balović, Julije. Hrvatski biografski leksikon (1983-2023), online edition. Leksikografski zavod Miroslav Krleža, 2024. Accessed on 7.2.2024. <<https://hbl.lzmk.hr/clanak/balovic-julije>>.

⁷⁹ Julije Balović, *Pratichae schrivaneschae*, Venezia, 1693, (edited by Ljerka Šimunković), Split: Državni arhiv u Splitu, 2004.

Two manuscripts have been preserved under this name.

The first manuscript A from 1693 (preserved in the Split University Library) consists of 117 folios and contains various letters that were intended to serve as a model for the daily work of the scribes of Venetian merchant ships and warships when writing various letters (maritime contracts, ship documents, etc.). The manual also contains letters in various scripts (Latin, Greek, Glagolitic, Bosnian and Serbian Cyrillic letters), numbers (Roman, Arabic, Turkish, Greek), various measures used in Venice, values of Venetian money and the names and addresses of individual personalities. Of particular importance in this manuscript is the comparative Italian-Croatian-Greek-Albanian-Turkish dictionary.

The second manuscript (B) from 1695 (kept in the Institute for Scientific Work of HAZU in Split) is very similar to the previous one. It contains copies of the same documents as the previous manuscript, various letters, lists of cargo, crew and weapons, trade contracts, petitions, bonds, consuls' declarations, death declarations, sanitary authorisations, etc. The alphabets of various languages (Croatian, Greek, Assyrian, Turkish, Ethiopian), scripts (Cyrillic, Glagolitic, Gothic and Arabic), Roman and Arabic numerals, etc. are also included.

The documents are written in a kind of Venetian chancery language typical of the 17th century and the territory of the Republic of Venice.

Balović, J., *Pratichae schrivaneschae*, op. cit. in note 79, pp. 53-106.

For more details, see: Luetić, J., Pomorski priručnik Julija Balovića – Peraštanina, Anali Historijskog Instituta u Dubrovniku, 1954, pp. 511-525.

⁸⁰ Balović, J., *Pratichae schrivaneschae*, op. cit. in note 79, p. 16.

⁸¹ P. S. foglio 18r in: Balović, J., *Pratichae schrivaneschae*, op. cit. in note 79, p. 53.

⁸² P. S. foglio 19 r in: Balović, J., *Pratichae schrivaneschae*, op. cit. in note 79, p. 54.

⁸³ P. S. foglio 21r in: Balović, J., *Pratichae schrivaneschae*, op. cit. in note 79, p. 54.

The fifth document refers to the instructions given to the captain of the ship on how to proceed when receiving zwieback or other food.⁸⁴

Document 14, dated 5 April 1693, is a statement by Drač agents in which they promised to have the goods loaded onto the *tartana*⁸⁵ of the captain Mato Burović.⁸⁶

Documents 15 and 16 of 20 October 1693 mention the guarantee given by the captain of the ship Vicko Burović to the merchant Sava Vasiljević from Trebinje for the 100 new gold sequins taken with the profit.⁸⁷ The document was signed by the ship's scribe Julije Balović, as the commander was illiterate.

Document 17, dated 1 March 1694, is a contract for the lease of a *tartana* drawn up in Venice, with which Pavle Bontio, on behalf of Stijepo Rolović from Kotor, leased a *tartana* Saint John the Baptist, owned by Mato Burović for the transport of salt from Piran to Kotor, Herceg Novi, Risno and Budva.⁸⁸

Document 20 dated 14 October 1694 shows the method of writing ship bills of lading,⁸⁹ and examples of this can be found in documents 21⁹⁰, 23⁹¹, 24⁹² and 25⁹³.

Document 22 from 27 December 1694 is a confirmation by the captain Mato Burović that the Istrian pilot Frane Gallo was in quarantine with him in the Venetian infirmary.⁹⁴

Document 26 from April 1693 is a receipt in which Pavao Milian from Stoliv declares that he received five ducats from Ivan Bujović to invest in merchandise.⁹⁵

On 17 March 1698, during the Moravian War (1684-1699) in the waters of Bar, captain Vicko Bujović assigned 42 crew members and a company of 55 men on his ship *Sveti Križ* according to their duties on the ship, writing down by name those who were obliged to keep watch, take care of the cannons, and similar. The ship was chosen by a special Doge's letter to protect the Venetian fleet in the waters of Sasena and Capo Ducato.⁹⁶

⁸⁴ P. S. foglio 22v in: Balović, J., *Pratichae shrivaneschae*, op. cit. in note 79, p. 55.

⁸⁵ For more details on tartana as a type of vessel, see: Luetić, J., *Pomorci i jedrenjaci Republike Dubrovačke*, Zagreb, 1984., p. 257-258.

⁸⁶ P. S. foglio 41r in: Balović, J., *Pratichae shrivaneschae*, op. cit. in note 79, p. 64.

⁸⁷ P. S. foglio 43r i 45r. in: Balović, J., *Pratichae shrivaneschae*, op. cit. in note 82, p. 65.

⁸⁸ P. S. foglio 47r in: Balović, J., *Pratichae shrivaneschae*, op. cit. in note 79, p. 66.

⁸⁹ P. S. foglio 53r in: Balović, J., *Pratichae shrivaneschae*, op. cit. in note 79, p. 69.

⁹⁰ P. S. foglio 55r in: Balović, J., *Pratichae shrivaneschae*, op. cit. in note 79, p. 70.

⁹¹ P. S. foglio 59r-60r. in: Balović, J., *Pratichae shrivaneschae*, op. cit. in note 79, p. 71.

⁹² P. S. foglio 61r in: Balović, J., *Pratichae shrivaneschae*, op. cit. in note 79, p. 73.

⁹³ P. S. foglio 63r in: Balović, J., *Pratichae shrivaneschae*, op. cit. in note 79, p. 74.

⁹⁴ P. S. foglio 57r in: Balović, J., *Pratichae shrivaneschae*, op. cit. in note 79, p. 70.

⁹⁵ P. S. foglio 65r in: Balović, J., *Pratichae shrivaneschae*, op. cit. in note 79, p. 74.

⁹⁶ P. S. foglio 73r in: Balović, J., *Pratichae shrivaneschae*, op. cit. in note 79, p. 77.

5. DUBROVNIK RULEBOOK ON NATIONAL NAVIGATION

(Regolamenti della Repubblica di Ragusa per la navigazione nazionale)

In the period from 1745 to 1793 (with amendments until 1802), several legal acts were passed in Dubrovnik in the area of maritime affairs, which are summarised under the common name Dubrovnik Rulebook on National Navigation and first published under the name *Regolamenti della Repubblica di Ragusa per la navigazione nazionale* in 1794.⁹⁷ The adoption of the Rulebook on National Navigation encompassed centuries of systematic development of the Dubrovnik maritime regulations, which had already begun in the 12th and 13th centuries. The Rulebook on National Navigation from the 18th century builds on the most important legal sources from earlier periods, in particular Book VII of the Statute of Dubrovnik of 1272 and the laws and ordinances on maritime affairs (*Ordo marinaritiae*) of 1511 and 1535.⁹⁸

The Rulebook on National Navigation dedicates several provisions to the functions of the ship's scribe, who, similarly to earlier legal provisions⁹⁹ and in accordance with the regulations from the 18th century, is considered a person of public trust and a representative of the state government, which is why it was forbidden to hire a foreign citizen as a scribe on a Dubrovnik ship. Captains and shipowners (*paruns*) of ships that violated Regulation XL were threatened with a one-month prison sentence and a fine of 50 sequins.

A scribe on a ship sailing outside the Adriatic was not allowed to be a relative of the captain, nor was he allowed to have a share in the carats of the ship on which he sailed.¹⁰⁰ The scribe's duties were regulated in more detail in the government regulations of 1750.¹⁰¹ First and foremost, it is about his duties to supervise financial operations, in particular the conclusion of charterparties or contracts of carriage, the control of payments in connection with ship taxes and anchorages, as well as expenses and payments in the Dubrovnik consulates. For this reason, the scribe

⁹⁷ Brajković explains certain similarities between the provisions of the Dubrovnik Edict of 1794 and similar normative acts (Tuscan Edict of 1748, Maria Theresa's political edict of 1774, Neapolitan draft of 1781 and Venetian Code of 1774), which are related to the circumstances and requirements of the time. Unlike the famous French decree of 1681, which codified maritime affairs in a single system, the Dubrovnik decree deals mainly with administrative and political-strategic issues.

Brajković, V., Dubrovački edikt za plovību 1794., *Dubrovačko pomorstvo – in commemoration of one hundred years of the Nautical School in Dubrovnik*, (Dubrovnik: Committee for the celebration of the centenary of the Nautical School in Dubrovnik, 1952), p. 396, 403.

Pravilnik was translated by Luetić, J., in *Grada za pomorsku povijest Dubrovnika*, book 5, Dubrovnik, 1972 and Marinović, *Dubrovačko pomorsko...* book II, *op. cit.* in note 45, p. 472-495.

⁹⁸ For more details, see: Marinović, A., *Dubrovačko pomorsko...* book II, *op. cit.*, in note 45, p. 13-14.

⁹⁹ The Statute of Dubrovnik, VII, 45. Details: Šarac, M., *Razvoj pomorskog prava...*, *op. cit.* in note 30, pp. 173-175.; Šarac, M.; Crnković, A., *Radnopravni položaj...* *op. cit.* in note 72, pp. 322-323.

¹⁰⁰ Regolamento LVII

¹⁰¹ Blagojević, *Pod okriljem...*, *op. cit.* note 27, pp. 483-484.

had to be personally present at every contract conclusion. The scribe was obliged to ensure that the ship was supplied with ammunition and necessary equipment.¹⁰²

However, just seven years later, in 1757, a decree was issued in which the scribe was no longer mentioned at all as a person who controlled the conclusion of contracts, as all powers to conclude contracts were transferred to the captain of the ship and the *parun*.¹⁰³ On his return to Dubrovnik, he had to submit the ship's records of all expenses and income earned on the basis of the contracts of carriage or purchase of supplies for the ship¹⁰⁴ to the ship's shareholders and the Maritime Office, as well as all income earned by the ship's captain or the *parun* through investments for the ship's shareholders¹⁰⁵ account. The same regulation required the scribe to take an oath before the Maritime Office, prior to departure, that he would abide by the provisions of the regulation, and after returning to Dubrovnik that the ship's records were authentic and that the standards of the regulation had been met. The captain, the *parun* and the scribe had to complete the voyage and return to Dubrovnik. In the event of incapacity during the voyage, the scribe was allowed to be replaced by the oldest ship's officer or sailor who could write.¹⁰⁶

No one was allowed to prevent the scribe from fulfilling his task, and if the captain or the *parun* did so, the scribe had to protest publicly and without hesitation in front of the deckmaster and sailors and reported them to the shipping office.¹⁰⁷ Although the above-mentioned regulation protected the scribe from the arbitrariness of the captain, the scribe was subordinate to the captain, which was made even clearer by the regulation of 1757, according to which the captain was authorised to issue and sign bills of lading (which at that time acquired the characteristics of collateral) and be responsible for their authenticity.¹⁰⁸ According to the same regulation, only the captain and the *parun* were authorised to conclude the contract.¹⁰⁹

6. CONCLUSION

The ship's scribe was a person under public law whose main task was to keep the ship's book. He fulfilled the tasks of a notary on land and everything he entered in the ship's book enjoyed public trust. Entries in the ship's book were made *ex officio* or at the request of the parties involved.

The ship's scribe is mentioned in the Statutes of Dubrovnik, Hvar and Zadar, and notarial acts also document his existence in other communes. In Dubrovnik, he

¹⁰² Regolamento XIV

¹⁰³ Regolamento XXXIX

¹⁰⁴ On the Shareholders Society, see Čepulo, D., *Hrvatska pravna povijest...*, *op. cit.* in note 42, p. 120.

¹⁰⁵ Regolamento XV

¹⁰⁶ Regolamento XVI

¹⁰⁷ Regolamento XVII

¹⁰⁸ Regolamento XXXIX

¹⁰⁹ For more details, see: Šarac, M.; Pezelj, V.; Crnković, A., *Pomorsko sudovanje...*, *op. cit.* in note 27, p. 86.

was regarded as a representative of the state government, so he had to take an oath before the Count and the Small Council, and until the 16th century, he was obliged to report any inappropriate behaviour on the part of the sailing crew to the state government at the end of the voyage.

Under the influence of Venetian statutes, ships in Zadar with a carrying capacity of more than 200 miliars had two scribes from the Zadar area who had to be brought before admiralty judges. Scribes hired outside of Zadar had to swear that they would fulfil their duties pursuant to the provisions of the Statute of Zadar.

The scribes were obliged to present the ship's book within 4 days of departure according to the Statute of Zadar or 3 days of departure according to the Statute of Dubrovnik. According to the provisions of the Statute of Zadar, the scribe was responsible for (re-) assessing the medical state of seafarers in the event of illness or incapacity for work.

The Statute of J. Tiepolo from 1229 was the first in the Mediterranean region to stipulate that every *parun* had to appoint a scribe who was obliged to provide merchants with an extract from the ship's book at their request, thus regulating the obligation to have a scribe and the need to register the ship's cargo. The statute of 1233 stipulated the *parun*'s obligation to present the scribe to the consuls (rectors). The Statute of R. Zeno from 1255 introduced the obligation to have two scribes on ships that had carrying capacity of more than 200 milliars. Provisions in the statutes of Ancona and Marseille, *Breve Curiae Maris di Pisa*, Amalfi Plate also speak of the importance of the ship's scribe.

Notarial records indicate the existence of the ship's scribe, both in the pre-statutory period and in municipalities the statutes of which do not mention them in their provisions. In the records of the notaries of Trogir, for example, a ship's scribe is mentioned before the adoption of the statute, but functions of the scribe are not mentioned. The notarial records in Dubrovnik show that records from the ships' books were used as evidence in maritime disputes.

Authentic documents from the naval manual *Pratichae schrivaneschae* by Julio Balović from 1693 indicate the broad field of work of ship's scribe on merchant ships and warships: bookkeeping, ship administration, storage and distribution of food, and similar items.

The Dubrovnik Rulebook on National Navigation from the 18th century is based on the most important legal sources from earlier times, especially Book VII of the Dubrovnik Statute of 1272. According to the regulations from the 18th century, the ship's scribe was considered a person of public trust and a representative of the state government, which is why it was forbidden to hire a foreign citizen as a scribe on a Dubrovnik ship. On a ship sailing outside the Adriatic, the scribe could not be a relative of the captain, nor could he have a share in the carats of the ship on which he served. The regulations defined the scribe's powers more precisely, in particular the supervision of financial transactions, which in time became the responsibility of the captain or the *parun*. Before his departure, the scribe swore not only that he would abide by the provisions of the regulation, but also that he would take an oath

on his return to ensure the authenticity of the ship's records, as he, like the *parun* and the captain, was obliged to complete the voyage he had boarded and return to Dubrovnik. The scribe was obliged to report any attempt to obstruct the fulfilment of his duties to the Maritime Office.

Although the regulation of the ship scribe's legal status is aligned with some of the peculiarities of the Dalmatian statutes, it also shows their connection to the Mediterranean region and the roots of the legal systems of modern European integration.

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PRAVNI POLOŽAJ BRODSKOG PISARA (*SCRIBANUS NAVIS*) U DALMATINSKOM STATUTARNOM PRAVU

U radu se analiziraju neka pitanja pravnog položaja broorskog pisara u dalmatinskom statutarnom pravu nastojeći utvrditi u kojoj mjeri dalmatinsko statutarno pravo samostalno regulira položaj broorskog pisara, a u kojoj je mjeri prisutan utjecaj iz okruženja, posebno mletačkih statuta. Broorski pisar spominje se u ispravama prije donošenja statuta i u notarskim zapisima komuna čiji statuti ga ne spominju izričito. Autentični dokumenti korišteni u pomorskom priručniku *Pratichae schrivaneschae* Julija Balovića tiskanom u Venciji 1693. ukazuju na značajnu ulogu broorskoga pisara na mletačkim trgovačkim i ratnim brodovima. Posebno se analizira položaj i uloga broorskog pisara u Dubrovačkom Pravilniku o nacionalnoj plovidbi (*Regolamenti della Repubblica di Ragusa per la navigazione nazionale*). Pravno reguliranje položaja broorskog pisara u dalmatinskom statutarnom pravu, uz uvažavanje specifičnosti dalmatinskih statuta, ukazuje na njihovu povezanost sa mediteranskim prostorom i korijenima pravnih sustava suvremenih europskih integracija.

Ključne riječi: *broorski pisar (scribanus navis), dalmatinsko statutarno pravo, pomorsko pravo*